IN RE: PETITION FOR VARIANCE

NE side Riverside Drive, 197.5 feet

NW of c/l Cedar Avenue

15<sup>th</sup> Election District

7<sup>th</sup> Councilmanic District

(323 Riverside Drive)

Lazaro and Sandra Rivera Petitioners \* BEFORE THE

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

CASE NO. 07-326-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 owners of the subject property, Lazaro and Sandra Rivera. The Petitioners are requesting variance relief for property located at 323 Riverside Drive. The variance request is from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence within 10 feet of the adjoining front yard property line with a height of 72 inches in lieu of the permitted 42 inches.

The property was posted with Notice of Hearing on February 23, 2007 for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief and time and date of the public hearing. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on February 22, 2007 to notify any interested persons of the scheduled hearing date and relief requested.

#### Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted

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as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

#### Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Bureau of Development Plans Review dated February 8, 2007 which contains restrictions. ZAC comments were received from the Department of Environmental Protection and Resource Management dated March 7, 2007 which contains restrictions. Copies of these documents are incorporated herein and made a part hereof the file.

#### Interested Persons

Appearing at the hearing on behalf of the variance request were Lazaro and Sandra Rivera, Petitioners as well as Bernadette Moskunas, with Site Rite Surveying, Inc., who prepared the site plan. There were no protestants or citizens at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

#### Code Enforcement Comments

5-180

This matter is currently the subject of an active violation case (Case No. 07-326-A) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that the Petitioner constructed a 6 foot high fence without obtaining the required permit, and constructed said 6 foot high fence in the front yard.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has

been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

#### Testimony and Evidence

STRON STR

The subject property contains 39,878 +/- square feet square feet or 0.915 acres +/- zoned DR 5.5 and is improved by the Petitioner's existing frame and form stone split level home. Ms. Moskunas indicated that the Petitioners' property had been vacant for many years and that it was used as a means of going between streets by residents and other persons. The Petitioners then built their home but found that this foot traffic continued. The Petitioners have small children who play in the yard and became concerned that this foot traffic might pose a danger to them. As a result the Petitioners spoke to their neighbors on either side who had no objection to building a 72 inch fence around the Petitioners' property. The Petitioners constructed the fence themselves without a permit being unaware such was needed. They opined that a 42 inch high fence would not provide the sufficient safety for their children given the history of the property in the neighborhood.

The fence has three components as shown in Petitioner's exhibit 1 and photographs in exhibit 3. There is an ornate steel fence approximately 57 inches high along Riverside Drive beginning at the property line of 321 Riverside Drive. Next is a very grand metal gate which the Petitioners open to park their vehicles next to their home. Finally there is a 72 inch chain link

fence around the remaining periphery of the property. Consequently 25 feet of chain link fence, steel fence and gate all exceed 42 inches in height and are in the front yard of 321 Riverside Drive in violation of the regulations. Similarly 91 feet of chain link fence, the gate and steel fence are in the front yard of 327 Riverside Drive in violation of the regulations.

As discussed at the hearing the reason for this regulation is to protect the occupants of 321 and 327 from having their sight distance restricted when exiting onto Riverside Drive. This could be a serious safety issue. However Ms. Moskunas points out that there is at least 10 feet between the paved surface of the road and the property line as shown in Exhibit 4 which allows residents of these homes to see traffic on the road before pulling out of their driveways. In addition the chain link fence and to some degree the ornate fence and gate do not block anyone's view of the road.

In regard to the ZAC comments from both the Bureau of Development Plans Review and DEPRM, there is swale which transects the rear and side yard of the property as shown in Exhibit 2, the redline Plat to Accompany. The Bureau of Development Plans Review indicated in its February 8, 2007 comment that the plan should be modified to delineate the flood plain and show how the fence will allow water to flow at high tide. Ms. Moskunas indicated that there is no flood plain to delineate on the property as shown on the FEMA flood plain map, exhibit 5. In addition the chain link fence allows water in the swale to flow through freely.

Nevertheless on March 22, 2007 Ms. Moskunas presented The Bureau with a revised plan which was accepted as Petitioners exhibit 6 showing contours of the property and photographs of the fence. On May 18 2007 apparently after further discussion between the Bureau and the Petitioner, the representative of the Bureau sent an e-mail dated May 1, 2007 which acknowledged the fence does not block low flow and requesting a condition the Petitioner must keep the fence clean so water may pass through easily.

S-18-00

#### Findings of Fact and Conclusions of Law

I find that special circumstances or conditions exist on the property that are peculiar to the land or structure which is the subject of the variance request. The property had been used by residents and others to travel from street to street for many years prior to the Petitioners' purchase. They sense a danger to their children if this travel would continue and so I find the property unique from a zoning standpoint.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The Petitioners could only erect a 42 inch high fence which they indicate is impractical to protect their children.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The ornate steel fence and grand gate remind one of a Spanish hacienda. There seems to be more than enough room for the neighbors to see down Riverside Drive for on coming traffic. Neither neighbor seems to object to the existing fence or gate.

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 Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this \_\_\_\_\_ day of May, 2007 by this Deputy

Zoning Commissioner, that the Petitioner's variance request from Section 427.B of the Baltimore

County Zoning Regulations (B.C.Z.R.) to permit a fence within 10 feet of the adjoining front yard property line with a height of 72 inches in lieu of the permitted 42 inches as shown on Petitioner's exhibit 6 is hereby GRANTED subject to the following conditions:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired.

If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004 and other Sections of the Baltimore County Code).

3. Petitioner must keep the fence clean so tidal water may pass through easily.

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:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III Zoning Commissioner

May 18, 2007

LAZARO AND SANDRA RIVERA 323 RIVERSIDE DRIVE BALTIMORE MD 21221

Re: Petition for Variance
Case No. 07-326-A
Property: 323 Riverside Drive

Dear Mr. and Mrs. Rivera:

Enclosed please find the decision rendered in the above-captioned case.

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:pz

Enclosure

c: Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson MD 21286



# Petition for Variance

### to the Zoning Commissioner of Baltimore County

for the property located at 323 Riverside Drive which is presently zoned D.R. 5.5

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 Variance from Section(s) 407B, 802ER

TO PERMIT A FENCE WITHIN 10-FEET OF THE ADJOINING FRONT VARD PROPERTY LINE WITH A HEIGHT OF 12-INCHES IN LIEU OF THE PERMITTED 42-INCHES.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

see attached

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, 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.

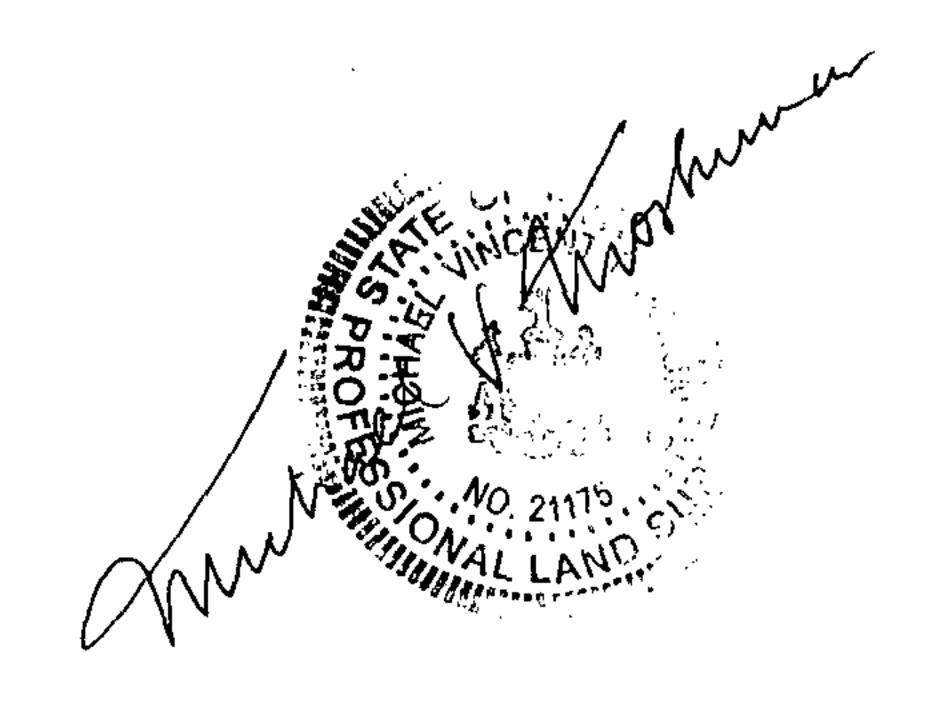
Contract Purchaser	<u>Lessee:</u>		Legal Owner(s):
•			Lazaro Rivera
Name - Type or Print		<del></del>	Name - Type or Print
Signature ,	<del></del>		Signature Curana da
			Sandra Rivera
Address		Telephone No.	Name - Type of Print
City	State	Zip Code	Signature
Attorney For Petition	ner:	•	323 Riverside Drive 410574-5203
			Address Bathwors MD 21221-6829
Name - Type or Print	<del></del>	<u> </u>	City State Zip Code
	<del></del>		Representative to be Contacted:
Signature			Site Rite Surveying Inc.
Company			200 E. Juppa Ruad Rulo1 410828 9060
Address	<del></del>	Telephone No.	Address Telephone No.
			lowson, MD 21286
City	State	Zip Code	City State Zip Code
•			OFFICE USE ONLY
~ NT ~	0.01.0		ESTIMATED LENGTH OF HEARING
Case NoO	326-A	Parisonal Bu	UNAVAILABLE FOR HEARING
REV 9/15/98	5-18-01	Reviewed By	Date Date

#### REASON TO ACCOMPANY VARIANCE PETITION

These lots are a matter of record as shown on a plat dated 1930. The owners, Mr. and Mrs. Rivera, returned from Mexico the first week of January and had received a correction notice Case No. 06-10234 dated December 20, 2006. This notice is for the construction of a fence/gate with the height ranging from 4'-9" to 6' along the front property line. Mr. Rivera, having sufficient construction knowledge, constructed the fence himself unaware that he needed to apply for a permit. In an attempt to correct the height violation, said owners are applying for a variance. In addition, a waiver is being requested to obtain permission for the existing fence/gate to remain.

#### **ZONING DESCRIPTION** #323 RIVERSIDE DRIVE

BEGINNING at a point on the northeast side of Riverside Drive which is 50 feet wide at the distance of 197.5 feet northwest of the centerline of Cedar Avenue which is 50 feet wide. Being Lots 23, 24, and 25, Block 2I, in the subdivision of Essex as recorded in the Baltimore County Plat Book #9, Folio #74, containing 39,878 square feet, more or less. Also known as #323 Riverside Drive and located in the 15<sup>th</sup> Election District, 7<sup>th</sup> Councilmanic District.



Michael V. Moskunas Reg. No. 21175

Site Rite Surveying, Inc. 200 E. Joppa Road Suite 101 Towson MD 21286 (410) 828-9060

file: 323 Riverside Dr.doc\proposals

#### 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: #07-326-A 323 Riverside Drive N/east side of Riverside Drive, 197.5 feet n/west of centerline of Cedar Avenue 15th Election District 7th Councilmanic District Legal Owner(s): Lazaro & . Sandra Rivera Variance: to permit a fence

Variance: to permit a fence within 10 feet of the adjoining front yard property line with a height of 72 inches in fleu of the permitted 42 inches.

Hearing: Monday, March 12, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III 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.

2/373 Feb. 22 125741

#### CERTIFICATE OF PUBLICATION

2/22,2007
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
$\frac{22}{22}$ ,2007.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

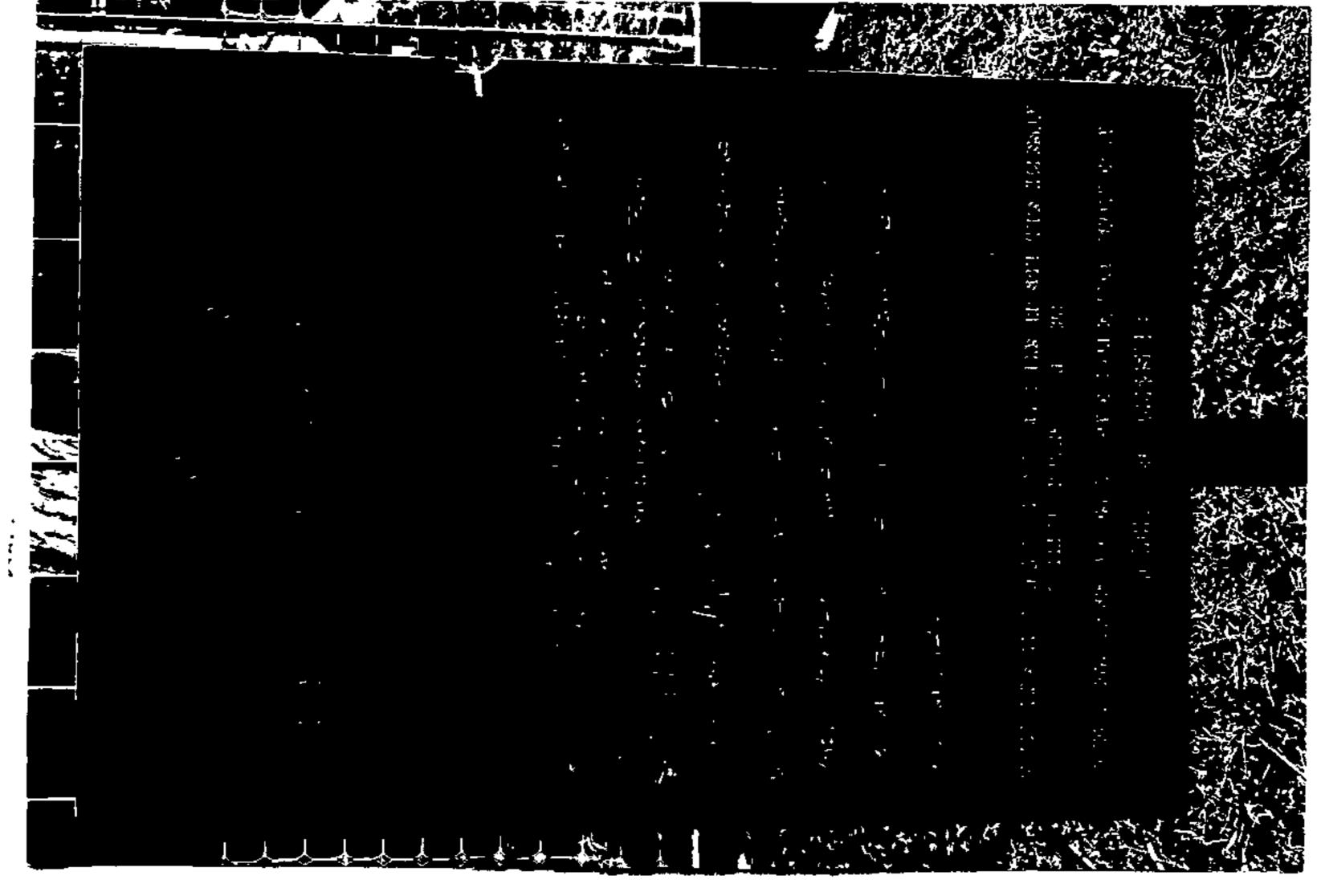
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT	WLAND No. 23015
DATE 1 19 07	ACCOUNT COLOCOLO 150
	AMOUNT \$ (05 to
PROM: LAZARO RWEZA	NEZA
FOR ITEM # 926	07-326-1
223 RWERSIDE	E DR. D. THOMPSON.
DISTRIBUTION WHITE - CASHIER PINK - AGENCY	YELLOW - CUSTOMER

至. H 883 \*\*\* 5 22, 4 i, without 50 (1) (1) \$4. .Q. AME TO STANTS:

CASHIER'S VALIDATION

#### CERTIFICATE OF POSTING

and the second	St.	RE: Case No.: 07-326-A
-	·	Petitioner/Developer: RIVERA
		Date of Hearing/Closing: MAR 12, 2007
Permits and Developments and Developments and Development County Office Build 11 West Chesapes Fowson, MD 2120	opment Management Iding, Room 111 ake Avenue	
Attention: Christe	n Matthews	
Ladies and Gentler	men: This letter is to certify under the	penalties of perjury that the necessary sign(s)
•	TE 323 RIVER	SIDE DRIVE
The sign(s) were p	osted on FEB, 23	3, 2007 (Month, Day, Year)
		Sincerely,  Sincerely,  October (Signature of Sign Poster and Date)
- <del>-</del>	·	CARLAGEDE, MOORE (Printed Name)
		3225 RYGIZSONI CIRCLE (Address)
		BALTIMORE, MD, 21227 (City, State, Zip Code)
		(Telephone Number)







JAMES T. SMITH, JR. County Executive

February 9, 2007
TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

#### **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: 07-326-A

323 Riverside Drive

N/east side of Riverside Drive, 197.5 feet n/west of centerline of Cedar Avenue

15th Election District - 7th Councilmanic District

Legal Owners: Lazaro & Sandra Rivera

Variance to permit a fence within 10 feet of the adjoining front yard property line with a height of 72 inches in lieu of the permitted 42 inches.

Hearing: Monday, March 12, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Lazaro & Sandra Rivera, 323 Riverside Drive, Baltimore 21221-6829 Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 24, 2007.
  - (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

Thursday, February 22, 2007 Issue - Jeffersonian

Please forward billing to:

Lazaro & Sandra Rivera 323 Riverside Drive Baltimore, MD 21221 410-574-5203

#### 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: 07-326-A

323 Riverside Drive

N/east side of Riverside Drive, 197.5 feet n/west of centerline of Cedar Avenue

15<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owners: Lazaro & Sandra Rivera

Variance to permit a fence within 10 feet of the adjoining front yard property line with a height of 72 inches in lieu of the permitted 42 inches.

Hearing: Monday, March 12, 2007 at 9:00 a.m. in Room 407, County Courts Building,

401/Bosley Ayenue, Towson 21204

WILLIAM J. WISEMAN III

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 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.

Item Number	or Case Number: 07-306-A	
Petitioner:	Lazaro and Sandra Rivera	
Address or Lo	ocation: 323 Riverside Drive	
PLEASE FOR	WARD ADVERTISING BILL TO:	
	RWARD ADVERTISING BILL TO: Lazaro and Sandia Rivara	
Name:	Lazaro and Sandra Rivera	
	_	



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

March 5, 2007

Lazaro Rivera Sandra Rivera 323 Riverside Drive Baltimore, MD 21221-6829

Dear Mr. and Mrs. Rivera:

RE: Case Number: 07-326-A, 323 Riverside Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 19, 2007.

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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

**Enclosures** 

c: People's Counsel Site Rite Surveying, Inc. 200 E. Joppa Road, Room 101 Towson 21286

#### Fire Department

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



#### **Baltimore County**

James T. Smith, Jr., County Executive John J. Hohman, Chief

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

Febuary 5, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: January 29, 2007

326

Item Number: 314 and 322 through 333

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

RE: PETITION FOR VARIANCE
323 Riverside Drive; NE/S Riverside Dr,
197.5' NW c/line of Cedar Avenue
15<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts
Legal Owner(s): Lazaro & Sandra Rivera
Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- \* BALTIMORE COUNTY
- \* 07-326-A

#### 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/

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 2nd day of February, 2007, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286, Representative for Petitioner(s).

RECEIVED

FEB 0 2 2007

1 29 U 2 2007

Per.

HOO MOX MONTENAN

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: February 8, 2007

Department of Permits & Development

Management

DW

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For February 5, 2007 Item No. 07-326

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The plan does not correctly show that there is tidal flood plain in a channel that transects the site from north to south between the house on this property and the house at #327 Riverside Drive. Revise the plan to show contours and delineate the flood plain. Then show how the fence will be constructed to avoid blocking or obstructing the water during high tides.

DAK:CEN:clw cc: File

ZAC-ITEM NO 07-326-02052007.doc

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director

**DATE:** May 1, 2007

Department of Permits & Development Management

FROM:

Dennis A. Kennedy

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee

Item No. 07-326-A REVISED AGAIN

The petitioner has submitted photographs that indicate that the fence does not block the low flow and if it does when higher flows occur the flooding will most likely be on the petitioner's property. I now have no objection to granting the variance; however, please put a condition in the order that the petitioner must keep the fence clean so that water may pass through easily.

DAK

cc: file

5M 3-12-07

#### BALTIMORE COUNTY, MARYLAND

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



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1	U	•			

Timothy M. Kotroco

FROM:

Dave Lykens, DEPRM - Development Coordination

DATE:

March 7, 2007

SUBJECT:

Zoning Item # 07-326-A

Address

323 Riverside Drive

(Rivera Property)

Zoning Advisory Committee Meeting of January 29, 2007

The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and

#### Additional Comments:

The fence should not block drainage to Back River. (see attached photo)

other Sections, of the Baltimore County Code).

Reviewer:

T. Krispin

Date: 3/7/07

### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

DATE: February 12, 2007

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-326- Variance

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 Amy Mantay in the Office of Planning at 410-887-3480.

Prepared By

**Division Chief:** 

CM/LL



Martin O'Malley, Governor
Anthony Brown, Lt. Governor

Neil J. Pedersen, Administrator

John D. Porcari, Secretary Designate

Maryland Department of Transportation

Date: FEBRUARY 1, 2007

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 7-326-A

323 RIVERSIDE DRIVE

RIVERA PROPERTY

VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-326-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

A Steven D. Foster, Chief

Engineering Access Permits

Division

SDF/MB



March 22, 2007

200 E. Joppa Road Shell Building, Suite 101 Towson, MD 21286

tel. 410.828.9060 fax. 410.828.9066

www.siteritesurveying.com

Mr. John V. Murphy Deputy Zoning Commissioner Baltimore County Courts Bldg. 401 Bosley Avenue, Suite 405 Towson MD 21204

Re:

Case No. 07-326-A

323 Riverside Drive

Dear Mr. Murphy:

This letter is a follow-up to the Comments made by the Department of Plans Review (DPR) as discussed on March 12<sup>th</sup>. A revised plan has been enclosed along with a letter of transmittal to DPR for your information.

Hopefully, this review by DPR will be completed in a timely fashion in order to expedite your decision in this case.

Best regards,
Bunade Hel Mahmun

Bernadette L. Moskunas

Vice President

BLM/tm Enclosure

Cc: Mr. and Mrs. Rivera

File: Murphy-323 Riverside Dr.doc\blm

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director Department of Permits & Development Management **DATE:** March 21, 2007

FROM:

Dennis A. Kennedy

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Item No. 07-326-A REVISED

The petitioner has submitted a revised plan that shows the channel cutting across the property. The petitioner must still show how the fence will be constructed to avoid blocking or obstructing the water during high tides or lesser flow events.

DAK

cc: file

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director Department of Permits & Development Management **DATE:** May 1, 2007

FROM:

Dennis A. Kennedy

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee

Item No. 07-326-A REVISED AGAIN

The petitioner has submitted photographs that indicate that the fence does not block the low flow and if it does when higher flows occur the flooding will most likely be on the petitioner's property. I now have no objection to granting the variance; however, please put a condition in the order that the petitioner must keep the fence clean so that water may pass though easily.

DAK

cc: file

# DIVISION OF CODE INSPECTIONS AND ENFORCEMENT VIOLATION CASE DOCUMENTS

**VIOLATION CASE: 06-10234** 

323 Riverside Drive

ZONING CASE: 07-326-A 323 RIVERSIDE DRIVE

DATE:

February 13, 2007

TO:

W. Carl Richards, Jr.

Zoning Review Supervisor

FROM:

Rick Wisnom, Hearing Officer

Division of Code Inspections & Enforcement

SUBJECT:

Item No.: 326

Legal Owner/Petitioner: Lazaro and Sandra Rivera

Contract Purchaser:

Property Address: 323 Riverside Drive

Location Description: Northeast side of Riverside Drive, 197.5 feet northwest of

centerline Cedar Avenue

VIOLATION INFORMATION:

Case No.: 06-10234

Defendants: Lazaro and Sandra Rivera

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form State Tax Assessment printout Correction Notice/Code Violation Notice Citation ,

Other: <u>letter</u>

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

#### RSW/

c: Clarence Raynor

CODE ENFORCEMENT RE	PCTMF
DATE: 12 / 19,06 INTAKE BY: WELL CASE #: 0	G-10234 INSPEC: 15
COMPLAINT 323 RIVESIDE DR	·
	ZIP CODE: 2121 DIST:
COMPLAINANT ROSE W./SON PHONE #: (H)	410-687-4558 (W)
ADDRESS:	ZIP CODE:
PROBLEM: 6 Fence w/out pumit 6 Fence in Front yarr	<u></u>
IS THIS A RENTAL UNIT?  IF YES, IS THIS SECTION 8?  OWNER/TENANT  OWNER/TENANT  A RAPO  SANRA  RIVERA	Same
TAX ACCOUNT #: 15-13-751321	ZONING:
INSPECTION:	
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REINSPECTION:	
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DATE: 12/19/2006

TANDARD ASSESSMENT INQUIRY

TIME: 09:48:53

PROPERTY NO. DIST GROUP CLASS OCC. HISTORIC

DEL LOAD DATE

15 13 751321

15 3-0 . 04-00

H

10/03/06

RIVERA LAZARO

DESC-1.. IMPS.915AC LTS 23,24,25

RIVERA SANDRA

DESC-2. ESSEX

NO

323 RIVERSIDE DR

PREMISE. 00323

RIVERSIDE

DR

00000-0000

BALTIMORE

MD 21221-6829 FORMER OWNER: GERBES JOSEPH B

----- FCV ---- PHASED IN PROPOSED PRIOR CURR CURR PRIOR 70,210 LAND: 40,210 FCV ASSESS ASSESS 68,690 94,040 TOTAL.. IMPV: 145,800 145,800 127,350 TOTL: 108,900 PREF... 164,250 CURT... 145,800 145,800 PREF: 127,350 CURT: 108,900 164,250 EXEMPT.

DATE: 09/02 08/05

---- TAXABLE BASIS ---- FM DATE

ASSESS: 145,800 08/19/06

ASSESS: 127,350

ASSESS:

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Permits and Development Management Code inspections and Enforcement County Office 'ling, Rm, 213 111 West Cb ie Ave Towson, Mary. 21204



410-887-3351 Code Enforcement **Building Inspection** 410-887-3953 410-887-3960 'cal Inspection 410-887-3620 ng Inspection 410-887-3896 Si, ... Fences

#### CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER	PROPERTY TAX ID		DATE ISSUED
OC-10234.	151375	1321	12 / 20 /06
NAME(S): LAZATO	I Rive	1A	
5'Andra	Rive	PriA	
MAILING ADDRESS			7.
CITY	STATE	ZIPC	ODE
BAILO	mo		21221
VIOLATION ADDRESS	SAme		
CITY	STATE	Z.IP C	ODE
BALTIMORE	MARYI		
DID UNLAWFULLY	VIOLATE THE FOLLO	WING BALTIMORE CO	DUNTY LAWS:
ESIDENTIAL ZONE CLASSIFIC	ATION	NON-RI	ESIDENTIAL CLASSIFICATION
	DR5.5 D DR10.5 G D		
RC2(1A01) DRC4(1A03) DRC3(1A02) DRC5(1A04) D	, ,	C6(1A07)	(240) DML (253) DMH (256)
OTHER:		•	HER:
BAL	IMORE COUNTY ZO	NING REGULATIO	NS (B.C.Z.R.)
UTHORITY TO ENFORCE SON	NG REGULATIONS: 32-3	-102; 32-3-602; 32-3-603	; 32-4-114
101; 102.1: Definitions; general 1801.1: DR Zones-use regulation		3 415A: License/ remo	ve untagged recreation vehicle
1B01.1: DR Zones-use regulation 428: License/Remove all untage			arked recreation vehicle mai vehicle per property
damaged/ disabled motor vehicle	e(s)	410: Iflegal Class	Il trucking facility
1801.1D: Remove open dump/ july 431: Remove commercial vehicle			ery structure placement. Illegal kennel. Limit 3 dogs
101; 102.1: Remove contractors	equip. storage yard	102.5: Residential si	ite line violation /obstruction
101; 102.1; ZCPM: Cease service 402: Illegal conversion of dwelling	• -	<ul> <li>408B; lllegal roomi</li> <li>BCC: 32-3-102; 500</li> </ul>	•
101; 102.1; ZCPM: Hegal home			nercial site plan and/or zoning order
	BALTIMORE CO	UNTY CODE (B.C.)	<u> </u>
13-7-112: Cense all nuisance ac			building/ fence/ sign permit
13-7-115: County to abate nuls:	ince & lien costs	18-2-601: Remove	all obseruction(s) il street, alley, roz
13-7-310: Remove all trash & d 13-7-312: Remove accumulation	• • •		ove bird seed / other food for ru(s n of development plan/ site plan
13-7-312: Remove accumulation 13-7-201(2): Cease stagnant poor	•	• •	5: Remove/ Repair unsafe
12-3-106: Remove animal feces	daily		nd secure all openings to premise
35-5-208(a)(c): Seal exterior ope 13-4-201(b)(d): Store garbage it		-	: 13-7-403: Cut & remove all tall eeds to three (3) inches in height
		ED HOUSING (B.C.	C)
35-5-302(a)(1): Unsanitary con-	<del></del>	,	itore all garbage in trash cans
35-5-302(a)(3): Cease		. 🗈 35-5-302(b)(1): I	Repair exterior structure
35-5-302(b)(1)(2): Repair decor		•	Repair exterior extentions
35-5-302(b)(1)(4): Repair chim 35-5-302(b)(1)(6): Repair defec	-	□ 35-5-302(b)(1)(5): F	Repair metal/wood surfaces Repair defective fence
•		PROPERTY (B.C.C)	
35-2-464(a)(1)(i): Remove haza	ardous or unsafe condition		Repair ext, walls / vertical members
35-2-404(a)(1)(lii): Repair roof			Repair exterior chimney
35-2-404(a)(1)(v): Repair ext. p 35-2-404(a)(1)(vii): Repair exter	laster or masonry ior construction (see below)		Waterproof walls/ roof /foundations Remove trash, rubbish, & debris
35-2-404(a)(1)(3): Repair /remo	eve defective exterior sign(s	35-2-404(a)(4)(i)(ii)	: Board & secure. Material to match
OTHER VIOLATIONS OR REMAI	oke.		building color of structure
JIHEK VIOLATIONS OK KEMAI	A		
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NOTICE BOOTER AND ASSESSED	n		
NOTICE POSTED AND MAILE			_13
OTENTIAL FINE: "> \$200 [] \$			
OMPLIANCE DATE:/	J , 0 / IN	SPECTOR NAME:	Kaynor
<u></u> _			PRINT NAME (Rev 9/05)

**AGENCY** 

		County Office Br
	Department of Permits and	9.9.4997
TO THE STATE OF TH	Development Management	Towson, MD 21204
		10W3OH, MID 21204
Code Enforce		Plumbing Inspection: 410-88
Building Inspe	ection: 410-887-3953	
BALTIM	ORE COUNTY LINIEORN	I CODE ENFORCEMENT CITATIO
- S	RVE ON RESIDENT AGENT, CORPORAT	E OFFICER, OWNER, TENANT, AS APPLICABLE
Citation/Case	No. Property No.	
C6-102	1 (	Zoning:
Name(s):		
	LAZARO - RIVETA	
	SAndra Rivers	
Addmin		
Address:	353 - Siverzie	
Violation	(2.00, 3)	<u> 21221</u>
Location:	A CONTRACT OF THE PARTY OF THE	
	JAne	
Violation [	7-7-7-2	
Dates:	12-20-06 the	41-31-07
BALTIM	ORE COUNTY FORMALLY CHARGE	THAT THE ABOVE NAMED PERSON(S) DID
UNLAWP	ILLY VIOLATE THE FOLLOWING B	ALTIMORE COUNTY LAWS OR REGULATIONS:
BCIR'	101-1021-1001-1	BCC 35-2-20
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tence	in the front y	
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Not	exceed. \$ 42 in.	in hieaht
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Pursuant to Sections been assessed	ion 1-8, <u>Baltimore County Code</u> , as a result of the violation cited b	civil penalty
Not Pursuant to Sec	ion 1-8, <u>Baltimore County Code</u> , as a result of the violation cited b	civil penalty
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January 11, 2007

200 E. Joppa Road Shell Building, Suite 101 Towson, MD 21286

tel. 410.828.9060 fax. 410.828.9066

www.siteritesurveying.com

Permits & Development Management Code Inspection and Enforcement Mr. Chip Raynor, Inspector

County Office Building, Room 213

Towson MD 21204

Re: Case No. 06-10234 #323 Riverside Drive

Dear Mr. Raynor:

This letter is to advise you that this firm has been contracted by Mr. and Mrs. Rivera, owners of said property, to prepare a Zoning Variance Application. The filing date with Zoning is January 31<sup>st</sup> at 9:00 am. I will forward all information to your attention upon completion.

If you should have any questions pertaining to the above, please do not hesitate to call.

Best regards,

Bernadette L. Moskunas

Vice President

cc: Mr. and Mrs. Rivera

Vjm/atm

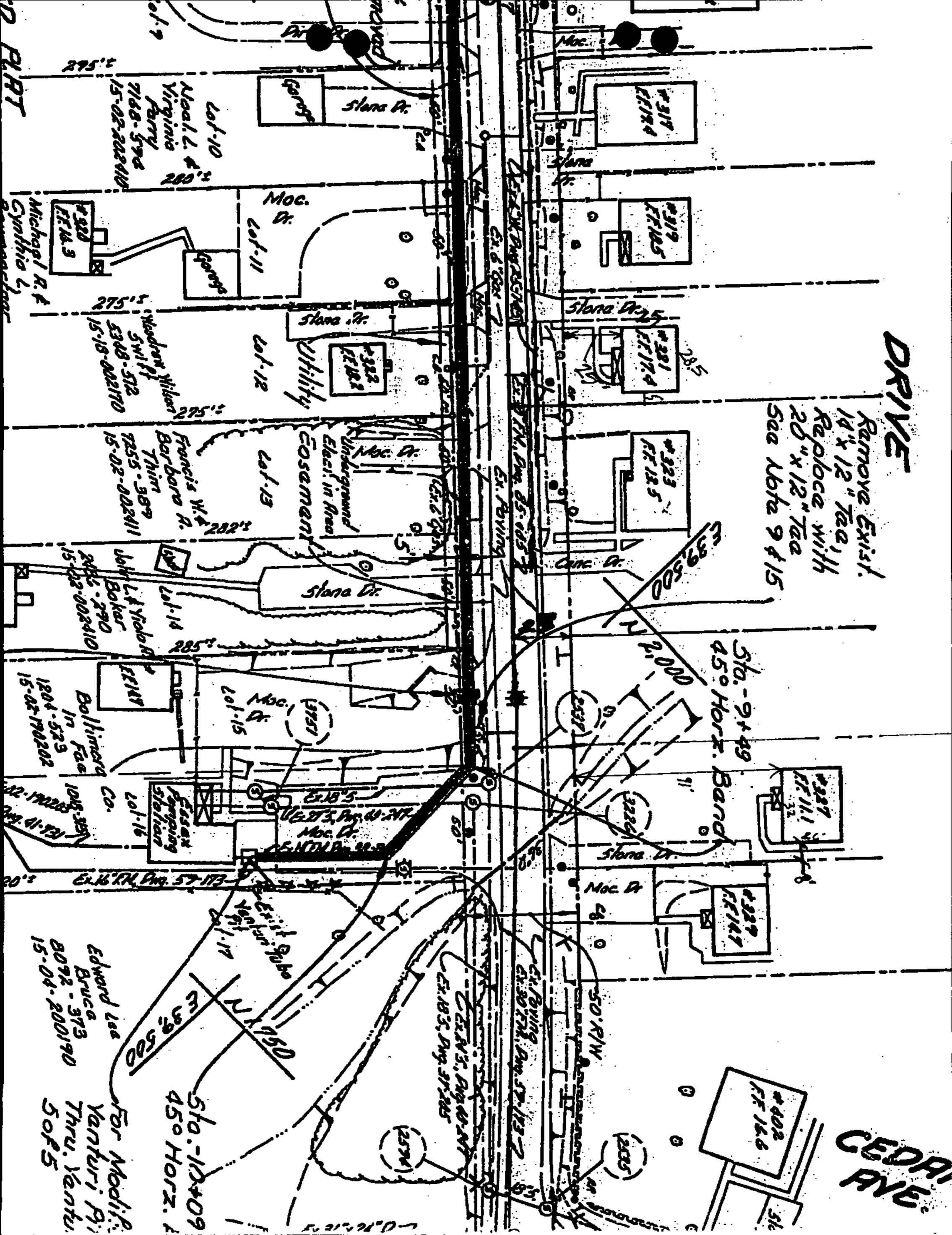
File: 323 Riverside Dr.doc\blm

PLEASE PRINT CLEARLY

CASE NAME 323 RIVUNGLE Dr. CASE NUMBER 07-326-A.
DATE 3/12/07

PETITIONER'S SIGN-IN SHEET

E- MAIL					
DWISON, MD 21206  Baltimore MD 21221					
200 E. JOPPA Rd. Room 101 323 Riverside Dr					
SIFE RIFE SMWMING Me. Sandra Bivera)					

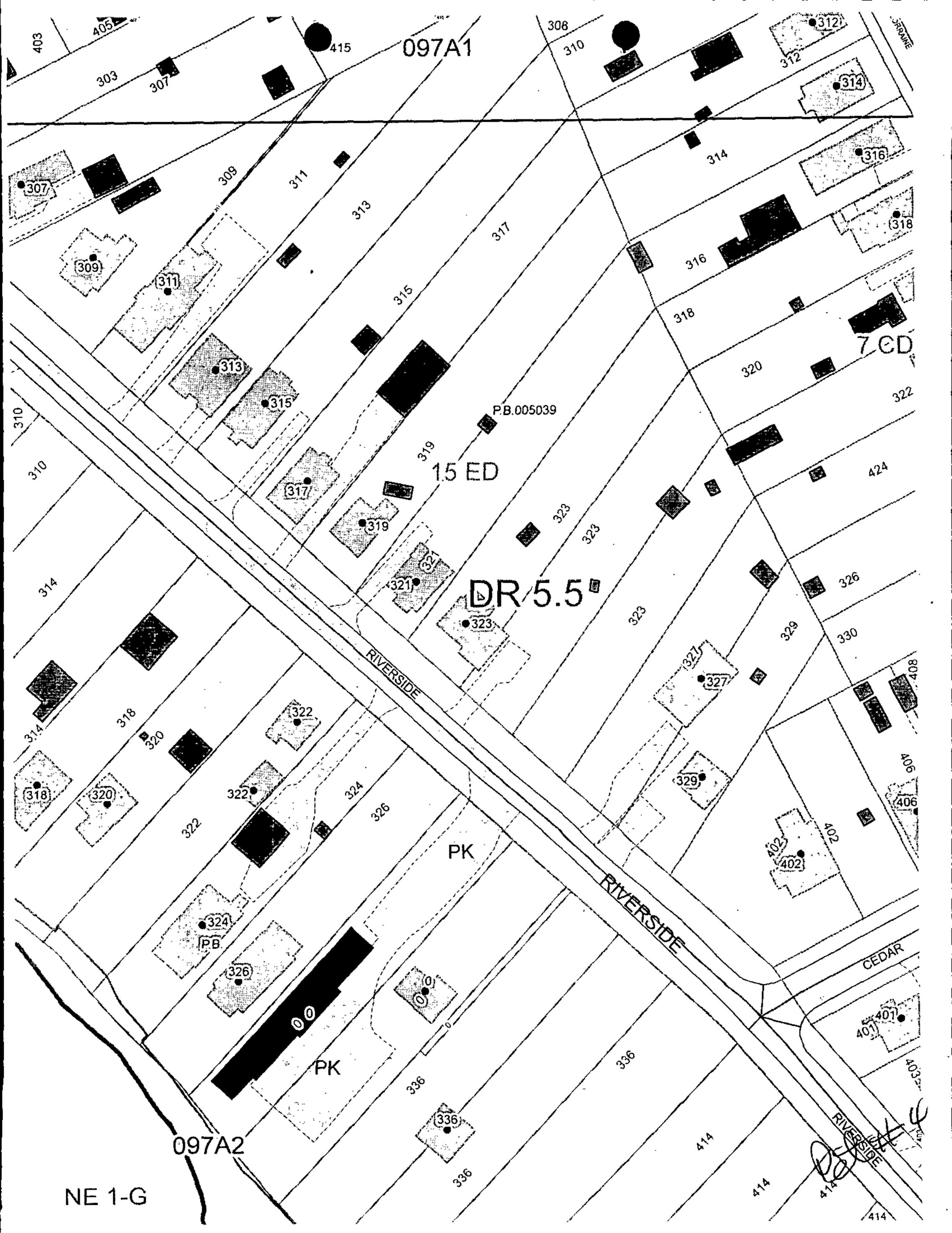


bils of Air Ralaosa Yolva and Yoult, Saa Sheat 5 of 5 ctor shall make all parmonent repairs in driveway poving, one ch side of tranch and leveling CR-6 base and then placing 2 of yous concrete band SN, 90 days ofter temporary poving was ctor sholl Tampororily Broca Exist Yolva prior to the Ramoval. It. 14"x 12" Taa @ 5to. -9+39 = of saction of tranch sholl be opened which con be backfilled obilized in one day. tails of Harizantal Yalve and Yoult, See Balto. Co Datail W-17 st. 14" Force Main shall be excavated and removed from Station to the Exist. Yenturi Tube Pit, and Replaced with the New 20" F.M. removal of Ex. 14" F.M. to be included in the Unit Price Bid for 20" F.M. Pipa. dification with in Vanturi Tuba Pit, saa Typ. Saction Thru. Vanturi it, shaat 5 of 5 , Drowing 90-0046 nds shall be Buttrassed in Accordance with Boltimore County Datails 5 and W.b. Tast Prassura to be 150 P.S.I. . Cost for all Buffrassas ng any Equipment, Labor and Matarial is to be included in the Unit Bid for 20" Force Main Pipe. ramoving Exist. 14"x 12" Taa and the Furnishing & installing 20x 12" Tae ng all Modification to Exist. Yoult, and temporarily Bracing Exist Yolve and any Equipment, Labor and Materials are included in the Unit Price Bid for 20" Force Main Pipe. na Polas to be relocated and for braced. (By Others) ity Sarvica Connactions (woter, Sawar, Gos atc.) to be Mointoined Times. ca to pa Placad as directed by the Engineer in the field. The intent of this that Silt Fence be used Downgrade of all Disturbed Area out side of Pamoving o Portion of the Exist. Force Moin, Plug Open End of Force Moin

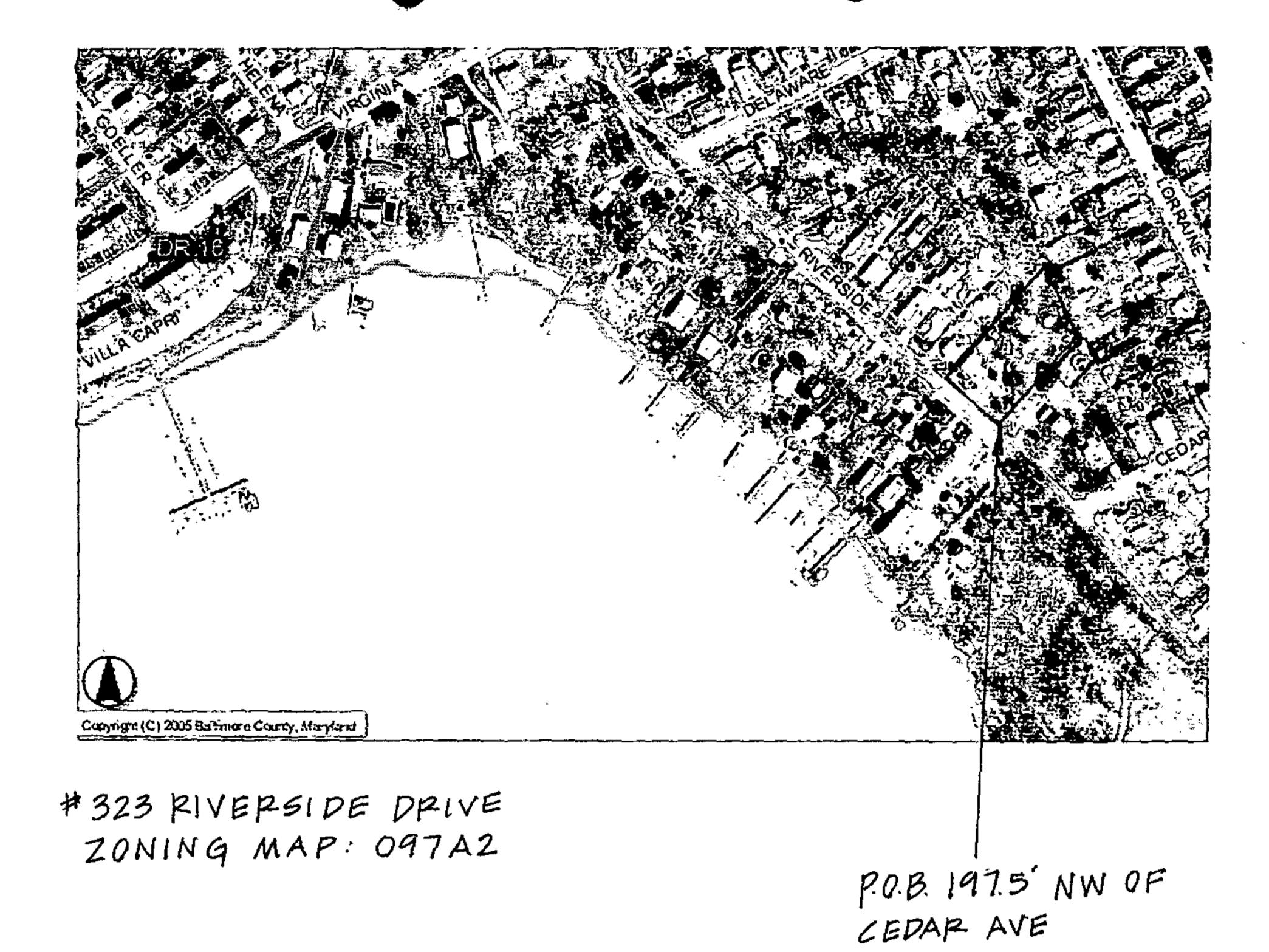
O of Concrete. Cost for this Work, including all Labor,

of, Equipment etc. to be included in the Unit Price Bid for JOB ORDER NO. / -/7-35 ce Main Pipe. MENT OF PUBLIC WORKS BUREAU OF ENGINEERING of S DWG. NO. DRUE MAIN REPLACEMENT a Driva, 900' North-Wastarly from Escax Pump Stetion EL DISTRICT NO. 15, C-5





ArcIMS Viewer Page 1 of 1



http://bamapsl.co.ba.md.us/zoning/MapFrame.htm

## LETTER OF TRANSMITTAL

Site Rite Surveying, Inc.

DIRECT CORRESPONDENCE TO:

Site Rite Surveying, Inc., SENT BY: DMANUTELL. MOSKUMAS

Shell Building, Room 101 200 East Joppa Road Towson, Maryland 21286 410-828-9060 Fox 410-828-9066

D 5	EC'	<u> </u>	ĮĮ.	W <u>1</u> 2007	
胍	APR	1	8	2007	

			Fax 410-828-9066	, BY:		
TO: D	PR		DATE:	4/18/07	<u></u>	
·			SUBJE	CT. RIVEVA Prop	ent	
<del></del>				507-326-A		
ATTENT	ION:	ennis Kennedy	OUR F	ILE: 948]		
WE ARE		EWITH ER SEPERATE COVER,	[A]	MESSENGER U.S. MAIL (	) THE FOLLOWING:	
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with the neighboring property and the existing autra						
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TRANS	MITTED	AS INDICATED BELOW:				
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Q PER	YOUR REG	UEST		D - DWG(S)		
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		<u>+</u>	PLEASE RESUBMIT -	DWG(s)		
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REMAR	RKS: <u>Su</u>	King approval for	The above ref	wand case	<u></u>	
	LEASE S	GN AND RETURN ONE CO	PY OF THIS TRANSMIT	AL AS A RECEIPT		
	ULY YOU! Surveying.		RECEIVED E	Y:		

DATE:

## BALTIMORE COUNTY, MARYLAND

## INTEROFFICE CORRESPONDENCE

TO:

Timothy Kotroco, Director

**DATE:** March 21, 2007

Department of Permits & Development Management

FROM:

Bureau of Development Plans Review SIGNED. Donnis A. Kennedy

SUBJECT:

Zoning Advisory Committee

Item No. 07-326-A REVISED

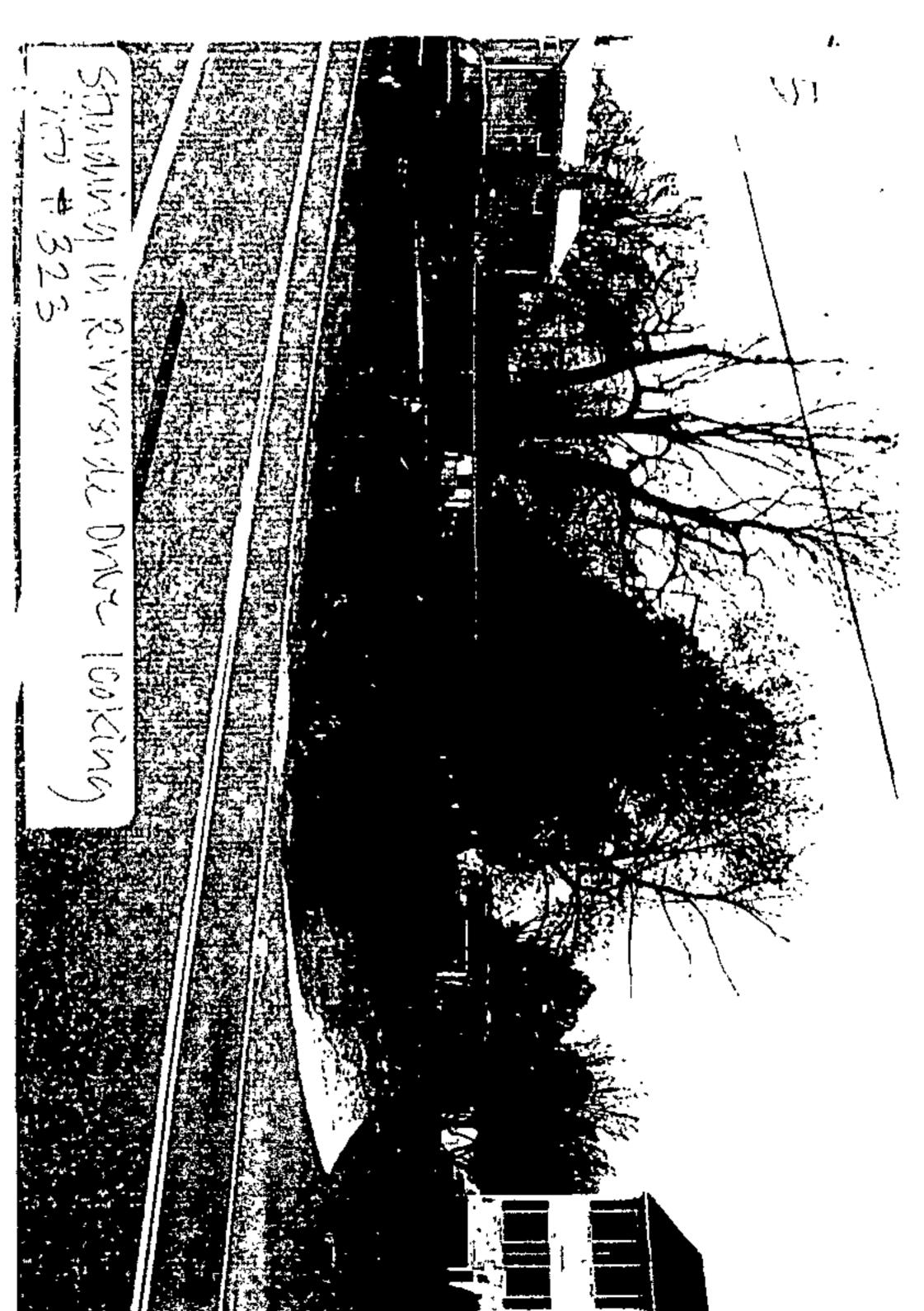
The petitioner has submitted a revised plan that shows the channel cutting across the property. The petitioner must still show how the fence will be constructed to avoid blocking or obstructing the water during high tides or lesser flow events.

DAK



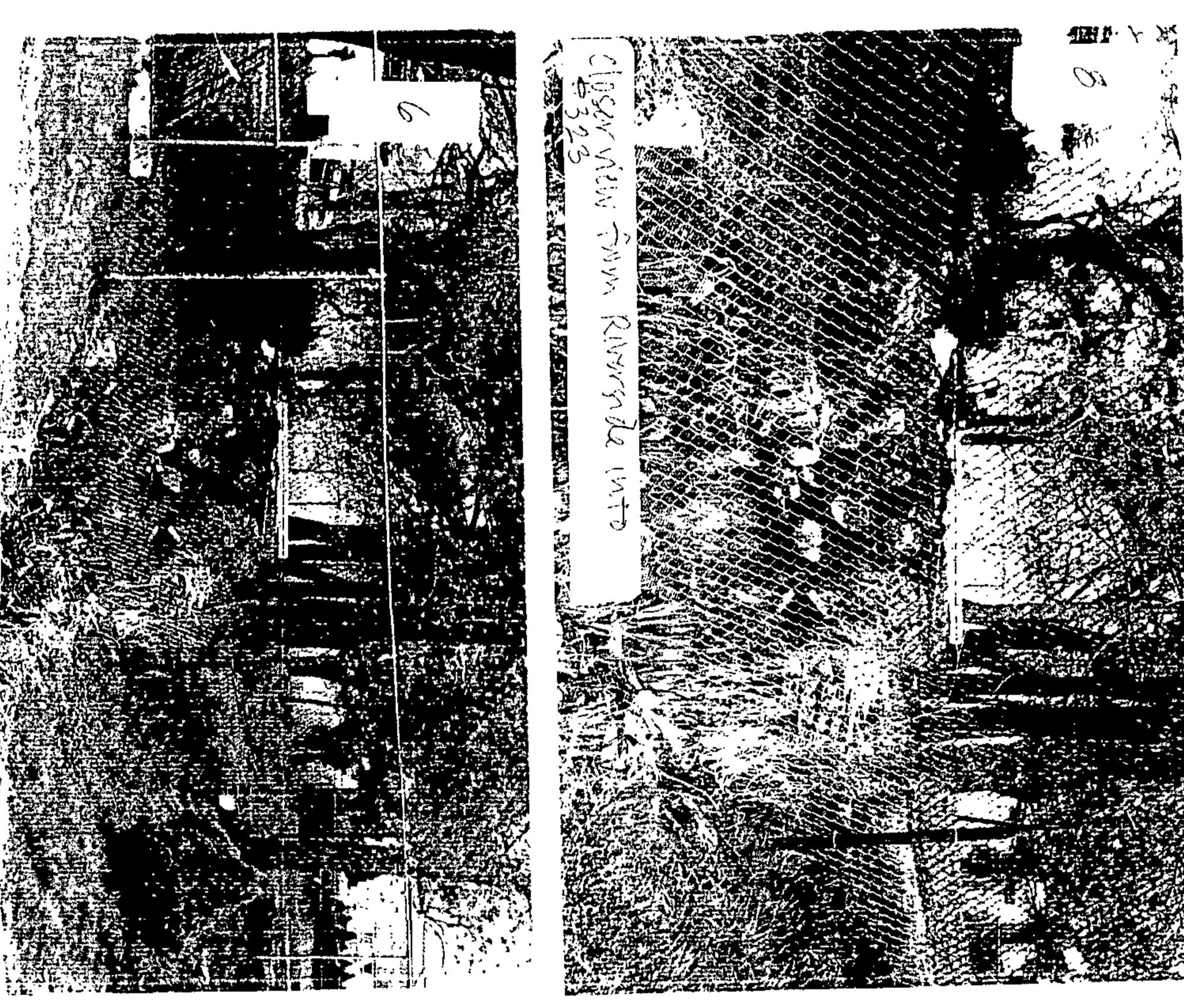


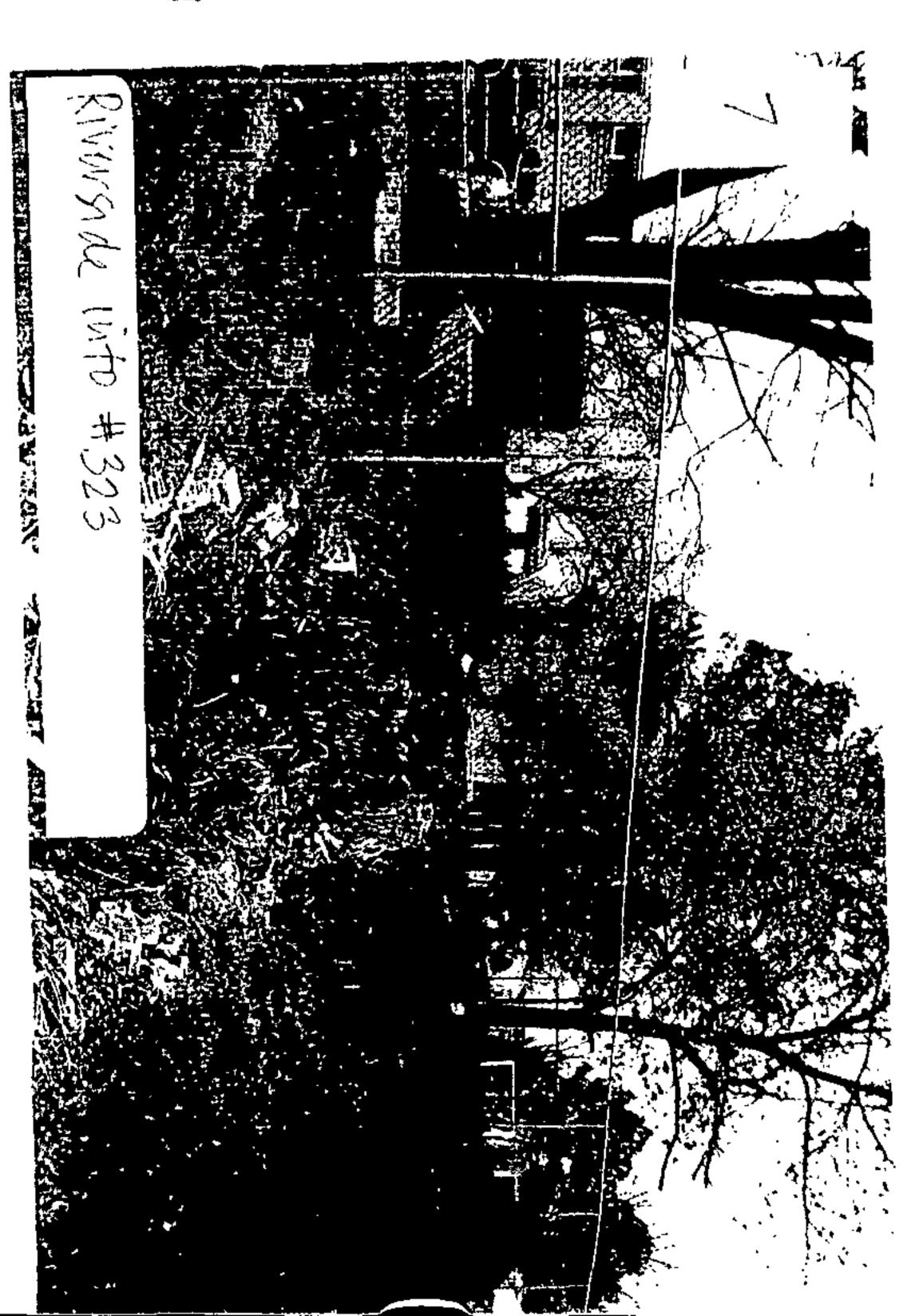




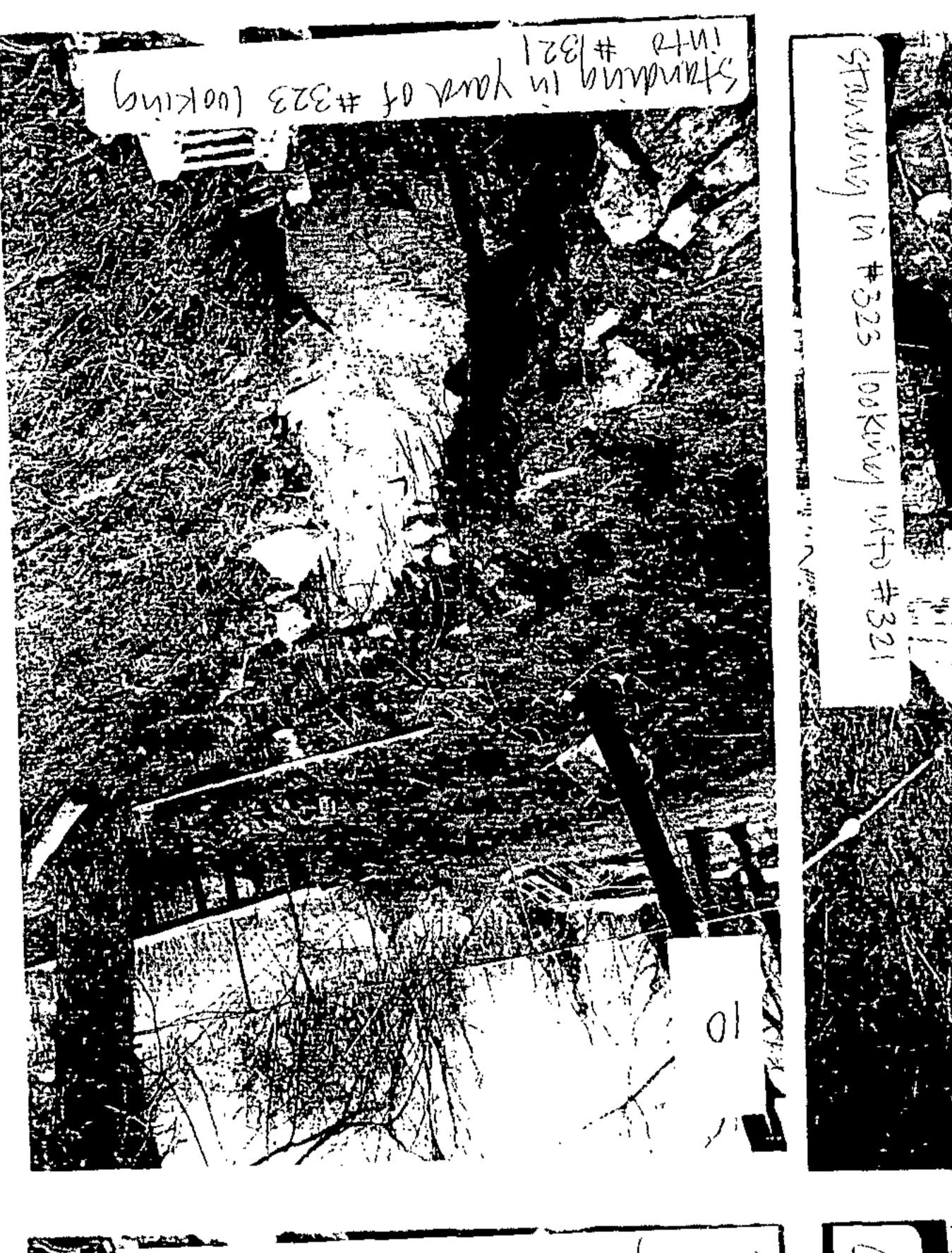


CHINAL TOWN PRINT



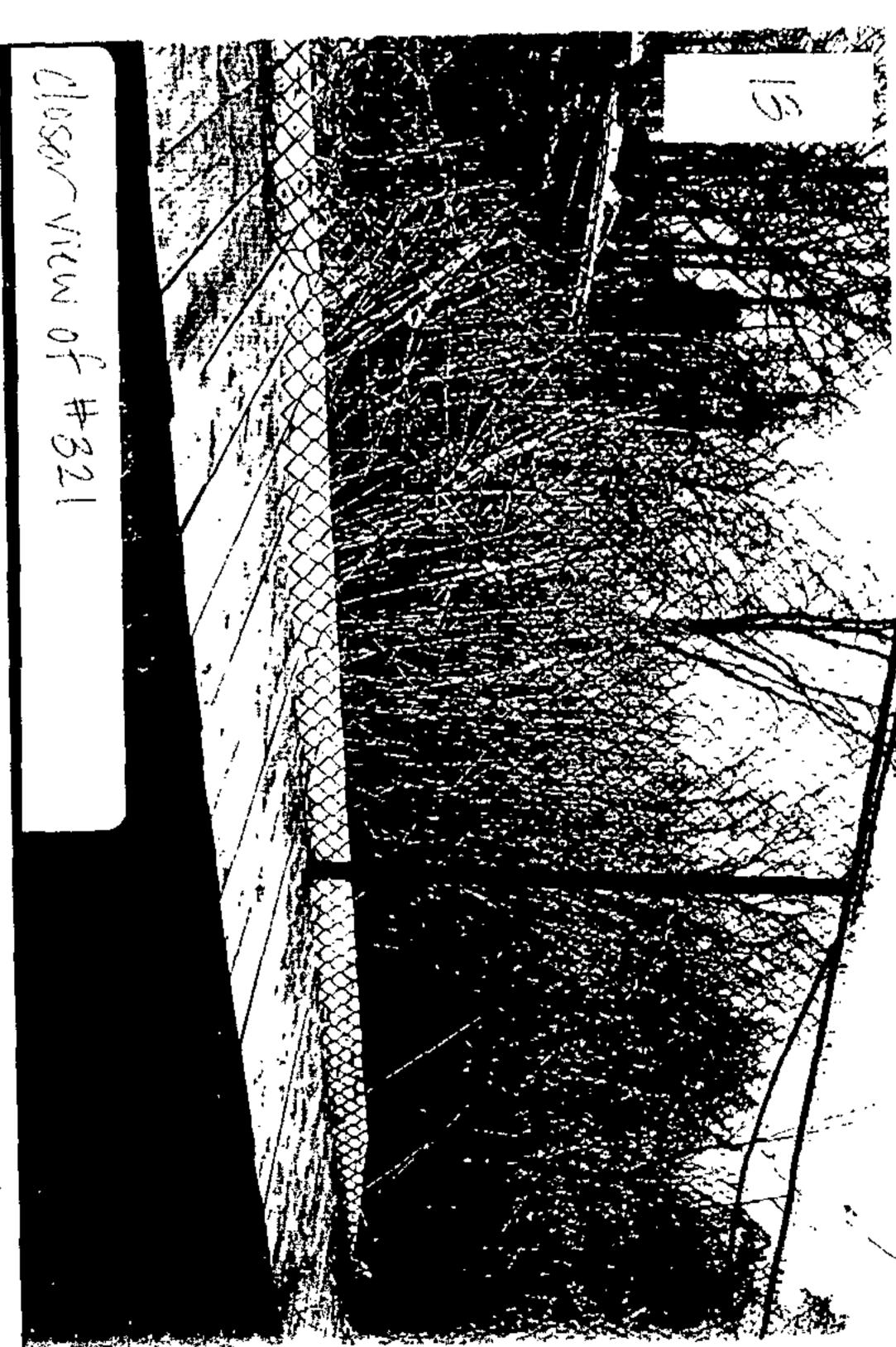


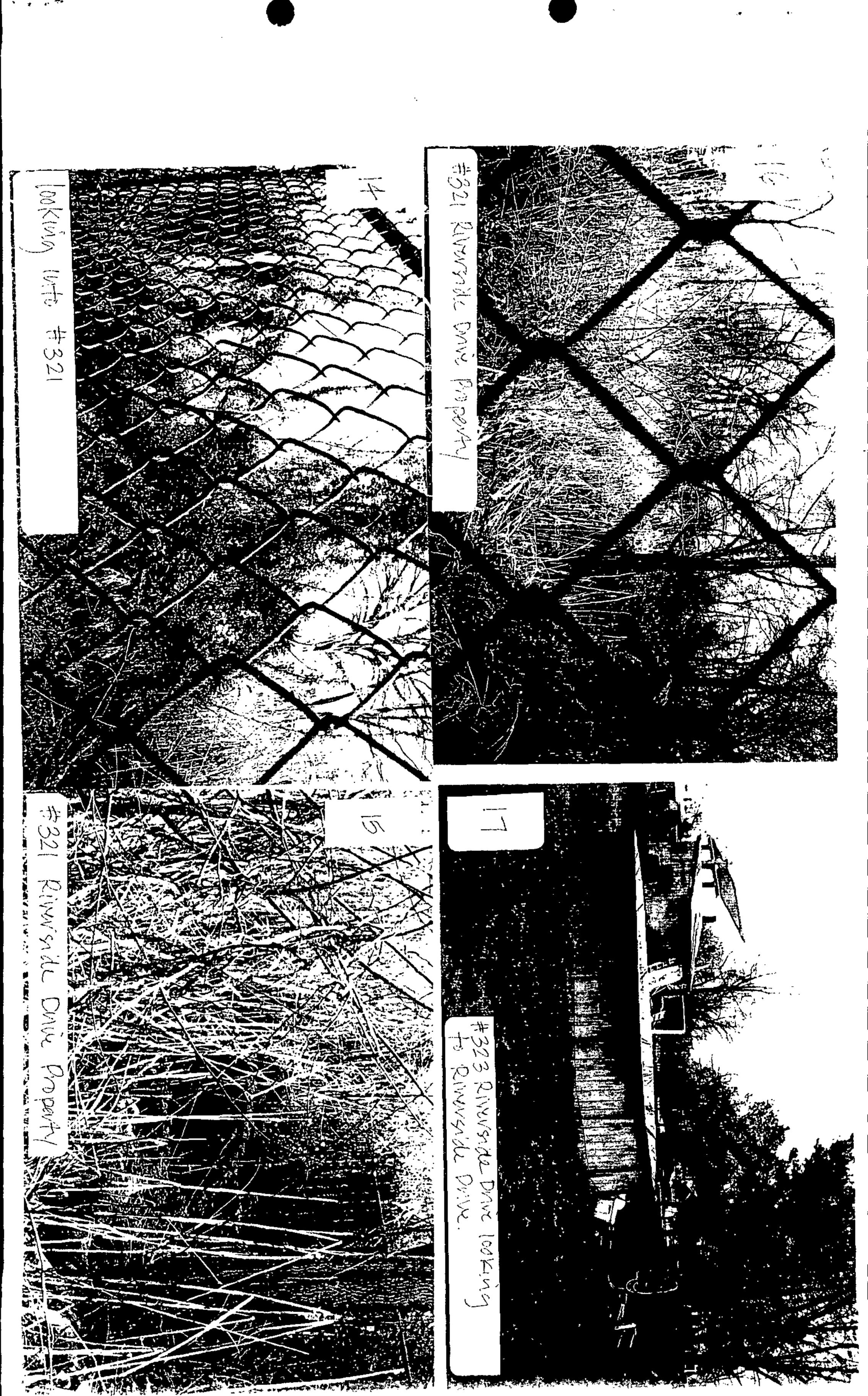
















BALTIMORE COUNTY

Zoning Commissioner's Office 401 Bosley Avenue, Suite 405 County Courts Building Towson, Maryland, 21204

Return Service Requested





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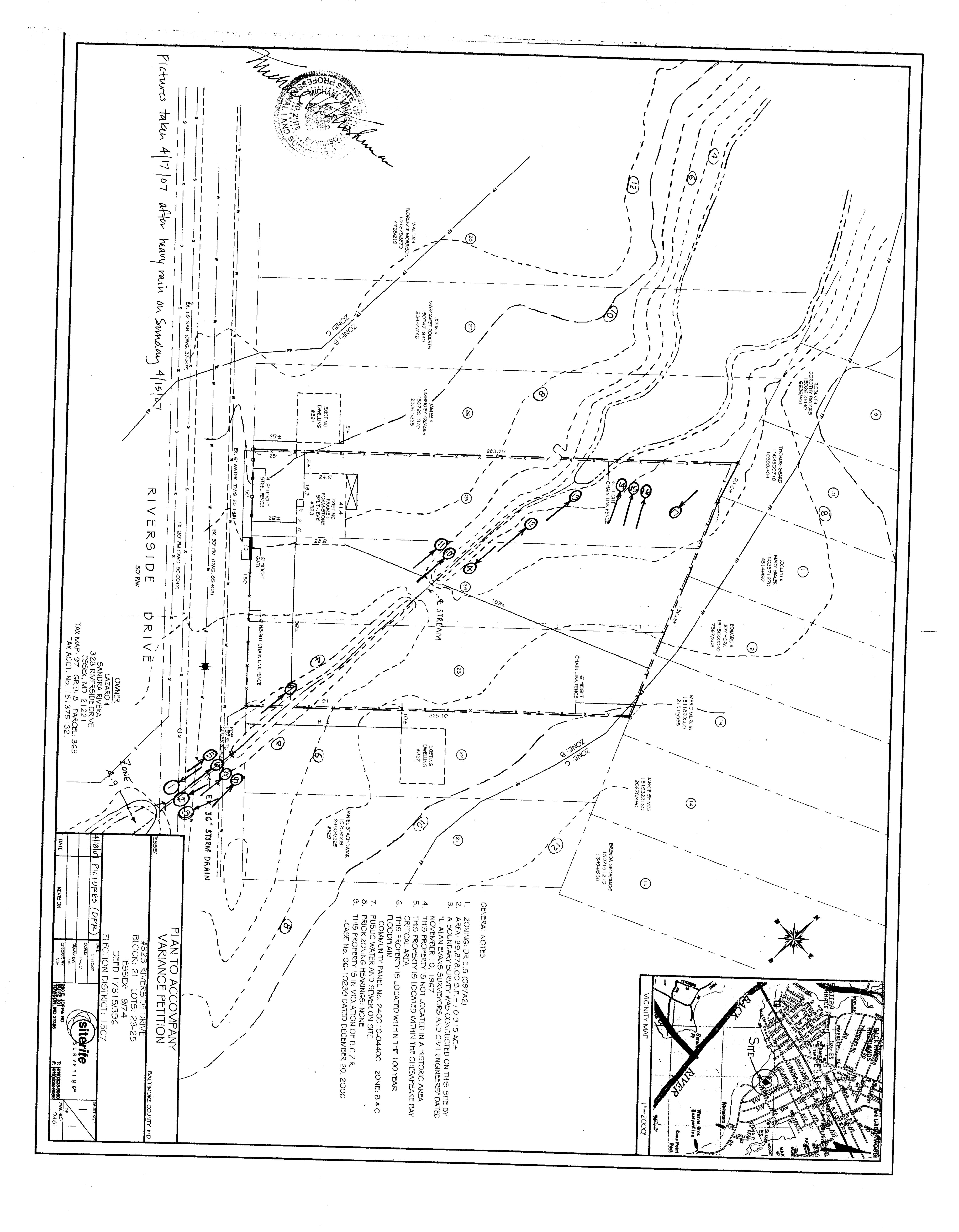


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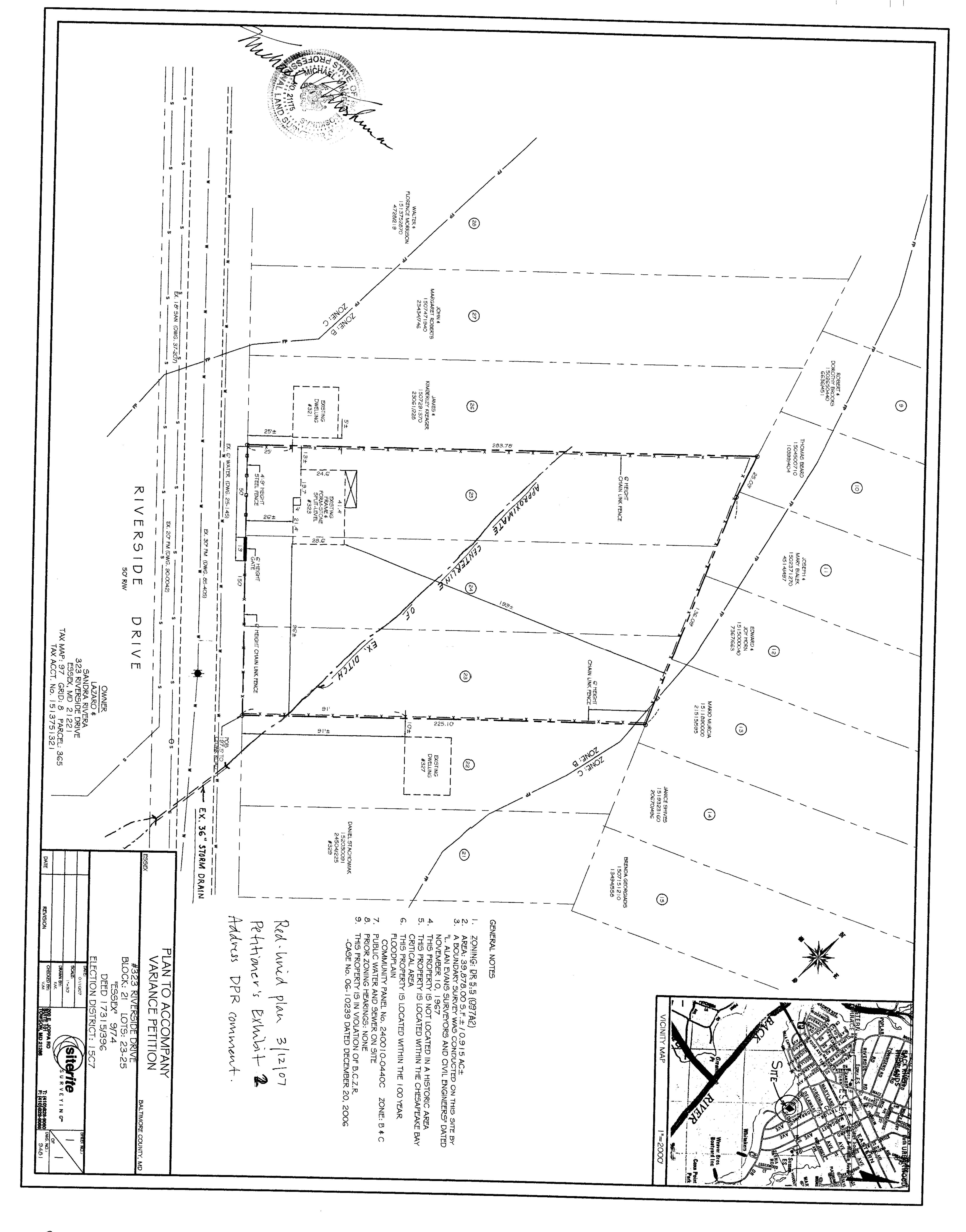
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07-326-A

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