

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S side Ridgeway Avenue, 150 feet +/- W		
of the c/l of Glenwood Avenue	*	DEPUTY ZONING
14 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(4715 Ridgeway Avenue)		
	*	FOR BALTIMORE COUNTY
Jamie Q. Octaviano		
<i>Petitioner</i>	*	Case No. 07-513-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Jamie Q. Octaviano. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition in the front and rear with a front yard setback of 20 feet in lieu of the required 25 feet and side yard setback of 8 feet in lieu of the required 10 feet, respectively.

On June 20, 2007, former Deputy Zoning Commissioner John V. Murphy requested that this matter be set in for a public hearing, stemming from a written request from an adjacent neighbor, Vernon P. Shue, who opposed the variance relief. The property was posted with Notice of the Public Hearing on July 9, 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 for the public hearing was published in *The Jeffersonian* newspaper on July 10, 2007. The hearing was subsequently scheduled for Wednesday, July 25, 2007 at 10:00 am in Room 407 of the County Courts Building, 401 Bosley Avenue, Towson, MD.

Appearing at the requisite public hearing in support of the requested relief was Petitioner Jamie Q. Octaviano. Appearing as interested citizens opposed to the requested relief were Vernon P. Shue of 4717 Ridgeway Avenue and Charles J. Hyland of 4713 Ridgeway Avenue.

Testimony and evidence offered at the hearing revealed that the subject property contains 6,750 square feet zoned D.R.5.5 and is improved by a single-family dwelling. The original Petition filed indicates that Petitioner desires to construct an addition to the dwelling and is in need of variance relief from front yard and side yard setback requirements. However, during the hearing, Petitioner presented a new site plan for the subject property, which was marked and accepted into evidence as Petitioner's Exhibit 1. That site plan appears to show a front yard setback from the front of the home to the edge of Ridgeway Avenue at 39 feet. It also appears to show a side yard setback on the north side at 10 feet, and a side yard setback on the south side at seven feet. Petitioner indicated that the original site plan, which was marked and accepted into evidence as Petitioner's Exhibit 2, was not accurate, but that the new site plan, prepared more recently by Petitioner, contains the correct measurements of the setbacks. As a result, Petitioner stated that he did not believe a front yard setback variance was needed, and that only one side yard setback variance was required. The justification Petitioner offered in support of the variance for the proposed addition was his desire to move other family members into the home, and the need for additional space in order to do so.

I also heard from Protestants -- Mr. Shue, as well as the other adjacent neighbor, Mr. Hyland, both of who voiced opposition to Petitioner's variance requests, on the original as well as the new site plans. These neighbors also voiced strong concerns over the accumulation of trash and debris in the back and on one side of the property, as well as the excess storage of

building materials. These concerns were illustrated by photographs marked and accepted into evidence as Protestants Exhibit 1A – 1M.

Due to the discrepancy in Petitioner's plans, as well as the fact that posting and publishing of the property was based on the original Petition, I indicated that I would not make a decision on this matter until the Petition was properly revised. In order to give Petitioner the opportunity to revise the Petition, I sent a letter to Petitioner dated July 31, 2007, copied to the Protestants, indicating that this matter would be kept open for further hearing, to be re-scheduled upon notification from the Department of Permits and Development Management. In addition, I directed Petitioner to proceed to the Department of Permits and Development Management, Zoning Review Office within thirty (30) days from the date of the letter, and to make an appointment with Mr. June Fernando at (410) 887-3391 in order to request a revision of the Petition for Administrative Variance based on the new site plan, and to discuss any necessary variance requests, including any applicable setback requirements or average front yard depth requirements. I also indicated in my letter that if Petitioner did not proceed to revise his Petition within the aforementioned thirty (30) days, I would issue an Order dismissing the Petition.

It has come to my attention that Petitioner has not made any attempts to revise his Petition as indicated above. In addition, it is noteworthy that any variance request which proposes to build in the front yard, as in the instant matter, is cause for very careful scrutiny. These structures can change the visual aesthetics and character of the neighborhood. Homes are required in D.R.5.5 zones to be set back the average distance of the other homes on the street so that the view of the houses from the street is uniform. Petitioner has not attempted to resolve the discrepancy between his original Petition and site plan, and the different site plan he presented at the hearing.

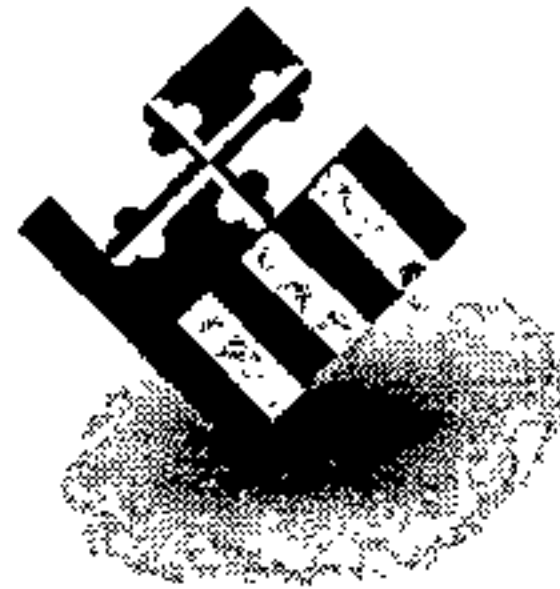
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering all of the testimony and evidence offered, I find that Petitioner's variance request should be dismissed.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 19th day of September, 2007, that the Petition for Administrative Variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit an addition in the front and rear with a front yard setback of 20 feet in lieu of the required 25 feet and side yard setback of 8 feet in lieu of the required 10 feet, respectively, be and is hereby DISMISSED without prejudice.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 19, 2007

JAIME Q. OCTAVIANO
4715 RIDGEWAY AVENUE
BALTIMORE, MD 21206

RE: Petition for Administrative Variance
Order to Dismiss
Case No. 07-513-A

Dear Mr. Octaviano:

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Th. H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

c: Vernon P. Shue, 4717 Ridgeway Avenue, Baltimore MD 21206
Charles J. Hyland, 4713 Ridgeway Avenue, Baltimore MD 21206
June Fernando, Baltimore County Zoning Review Office
Kristen Matthews, Baltimore County Permits and Development Management



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

July 31, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

JAIME Q. OCTAVIANO
4715 RIDGEWAY AVENUE
BALTIMORE, MD 21206

RE: Petition for Administrative Variance
Case No. 07-513-A
Hearing Date: July 25, 2007

Dear Mr. Octaviano:

As you are aware, your Petition for Administrative Variance was filed on or about May 10, 2007. In your Petition, you requested variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit an addition to your dwelling with a front yard setback of 20 feet in lieu of the required 25 feet, and side yard setbacks in the amount of eight feet in lieu of the required 10 feet. Accompanying your Petition was a site plan which reflected your variance requests.

Pursuant to the Baltimore County Code, the matter was set in for a hearing as a result of the written request of your neighbor at 4717 Ridgeway Avenue, Mr. Vernon P. Shue. On July 25, 2007, a hearing was held before me to consider whether your variance requests should be approved. During the hearing, you presented a new site plan to your property, which was marked and accepted into evidence as Petitioner's Exhibit 1. That site plan appeared to show a front yard setback from the front of your home to the edge of Ridgeway Avenue at 39 feet. It also appeared to show a side yard setback on the north side at 10 feet, and a side yard setback on the south side at seven feet.

You indicated that the original site plan, which was marked and accepted into evidence as Petitioner's Exhibit 2, was not accurate, but that the new site plan you prepared contained the correct measurements of your setbacks. As a result, you stated that you did not believe a front yard setback variance was needed, and that only one side yard setback variance was required. I also heard from protestants -- Mr. Shue, as well as the other adjacent neighbor at 4713 Ridgeway Avenue, Mr. Charles Hyland, who both voiced opposition to your variance requests, on the original and the new site plans. These neighbors also voiced strong concerns over the accumulation of trash and debris in the back and on one side of your property, as well as the

Jaime Q. Octaviano
July 26, 2007
Page 2

excess storage of building materials. These concerns were illustrated by photographs marked and accepted into evidence as Protestants Exhibit 1A - 1M.

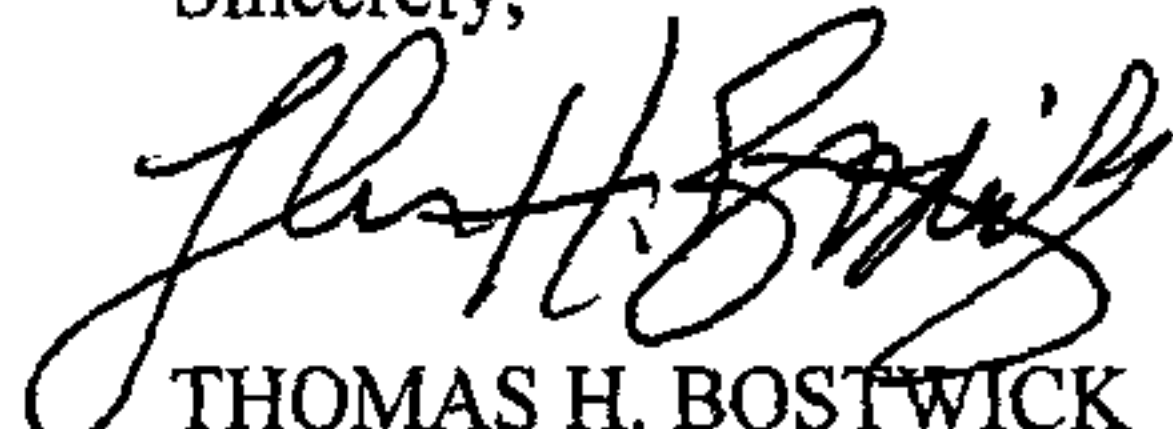
Due to the discrepancy in your plans, as well as the fact the posting and publishing of the property was based on the original Petition, I indicated that I would not make a decision on this matter until your Petition was properly revised.

Therefore, I am keeping this matter open for further hearing, to be re-scheduled with me upon notification from the Department of Permits and Development Management. In addition, I am directing that within thirty (30) days from the date of this letter, you proceed to the Department of Permits and Development Management, Zoning Review Office. You are to make an appointment with Mr. June Fernando at (410) 887-3391 in order to request a revision of your Petition for Administrative Variance based on your new site plan, and to discuss any necessary variance requests, including any applicable setback requirements or average front yard depth requirements. It is recommended that you hire a licensed surveyor to prepare the site plan in order to ensure the accuracy of the measurements of your property line, the setbacks, and your proposed addition. You will also be required to have notice of your revised variance requests and the new hearing date posted and published in accordance with the Baltimore County Code. If you do not proceed to revise your Petition within the next thirty (30) days, I will then issue an Order dismissing your Petition.

Upon the filing of your revised Petition, and the posting and publishing of the property, the matter will be rescheduled before me and I will consider any additional evidence in the case, and will render a decision on your variance requests shortly thereafter. By copy of this letter, I am also notifying all interested parties of the status of this matter.

Please be advised that you are not to apply for any building permits until this matter is decided and any applicable time for appeal has run.

Sincerely,


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

cc: Vernon P. Shue, 4717 Ridgeway Avenue, Baltimore MD 21206
Charles J. Hyland, 4713 Ridgeway Avenue, Baltimore MD 21206
June Fernando, Baltimore County Zoning Review Office
Kristen Matthews, Baltimore County Permits and Development Management



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4715 RIDGEWAY AVE
which is presently zoned DR 3.5

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) 1B02.3.C.1 BC2R

TO PERMIT AN ADDITION IN THE FRONT AND REAR W/
A FRONT YARD SETBACK OF 20' IN LIEU OF THE REQUIRED
25' AND SIDE YARD SETBACK OF 8' IN LIEU OF
THE REQUIRED 10', RESPECTIVELY.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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/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):

Name - Type or Print

Signature

Name - Type or Print

Signature

4715 RIDGEWAY AVE
Address

4108180990
Telephone No.

BALTIMORE
City

MD
State

21206
Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-513-A

Reviewed By JF Date 5-10-07

REV 10/25/01

Estimated Posting Date 5-20-07

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 4715 RIDGEWAY AVE
City BALTIMORE State MD Zip Code 21206

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

MY REQUEST FOR A VARIANCE IS TO CONSTRUCT AN ADDITION TO THE FRONT & REAR OF MY HOUSE, IN ORDER TO ACCOMMODATE MY FAMILY WHO WILL BE MOVING OVER FROM THE PHILIPPINES AS WELL AS TO STOP A WATER PROBLEM IN MY BASEMENT.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 15th day of JANUARY, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jaime R. Octaviano
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4715 RIDGEWAY AVE
which is presently zoned DR 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) 1B02.3.C.1 BCZR

To permit an additions in the front and rear with a front yard setback of 20' in lieu of the required 25' and side yard setbacks of 8' in lieu of the required 10', respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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/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):

Name - Type or Print

Signature

Name - Type or Print

Signature

4715 RIDGEWAY AVE 410 812 0990
Address Telephone No.

BALTIMORE MD 21206
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-513

Reviewed By JF Date 5-10-07

REV 10/25/01

Estimated Posting Date 5-20-07

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

Address 4715 RIDGEWAY AVE
City BALTIMORE State MD Zip Code 21204

MY REQUEST FOR A VARIANCE IS TO CONSTRUCT
AN ADDITION TO THE FRONT & REAR OF MY HOUSE
IN ORDER TO ACCOMMODATE MY FAMILY WHO WILL
BE MOVING OVER FROM THE PHILIPPINES AS WELL AS
TO STOP A WATER PROBLEM IN MY BASEMENT

Signature _____
Name - Type or Print JAIME Q. OCTAVIANO

Signature _____

Name - Type or Print _____

I HEREBY CERTIFY, this 15th day of January, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).


 Notary Public
 My Commission Expires 10-1-2008



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 4715 RIDGEWAY AVE
which is presently zoned DR 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) 1302.3.C.1 BCZR

TO PERMIT AN ADDITION IN THE FRONT AND REAR WITH
A FRONT YARD SETBACK OF 20' IN LIEU OF THE REQUIRED
25' AND SIDE YARD SETBACK OF 8' IN LIEU OF THE REQUIRED
10' RESPECTIVELY

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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/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):

Name - Type or Print

Signature

Name - Type or Print

Signature

4715 RIDGEWAY AVE

Address

410 878 0990

Telephone No.

BALTIMORE

City

MD

State

21206

Zip Code

Representative to be Contacted:

Name

Address

City

Telephone No.

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 07-513-A

Reviewed By JF Date 5-10-07

REV 10/25/01

Estimated Posting Date 5-20-07

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

4715 KILLEBURN AVE
Address
BALTIMORE MD 21206
City State Zip Code

MY REQUEST FOR A VARIANCE IS TO CONSTRUCT AN ADDITION TO THE FRONT & REAR OF MY HOUSE, IN ORDER TO ACCOMMODATE MY FAMILY WHO WILL BE MOVING OVER FROM THE PHILIPPINES AS WELL AS TO STOP A WATER PROBLEM IN MY BASEMENT

Signature 

JAIME Q. OCTAVIANO

Name - Type or Print

Signature _____

Name - Type or Print _____

I HEREBY CERTIFY, this 15th day of January, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jaime Q. DeSaviano
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

Notary Public

My Commission Expires

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 4715 RIDGEWAY AVE
(address)

Beginning at a point on the S side of
(north South east or ~~west~~)

RIDGEWAY which is 40
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 150 ±
(number of feet) (north S W of the
(north South east or West)

centerline of the nearest improved intersecting street GLENWOOD
(name of street)

which is 40 wide. *Being Lot # 43 & 44
(number of feet of right-of-way width)

Block F, Section # in the subdivision of KENWOOD
(name of subdivision)

as recorded in Baltimore County Plat Book # 4, Folio # 36

containing 67.50 Also known as 4715 RIDGEWAY AVE.
(square feet or acres) (property address)

and located in the 14 Election District, 6 Councilmanic District.

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: #07-513-A

4715 Ridgeway Avenue

S/Side of Ridgeway Avenue at the distance of 150 feet

+/- west of centerline of Glenwood Avenue

14th Election District-6th Councilmanic District

Legal Owner(s): Jaime Octaviano

Variance: to permit an addition in the front and rear with a front yard setback of 20 feet in lieu of the required 25 feet and side yard setback of 8 feet in lieu of the required 10 feet, respectively.

Hearing: Wednesday, July 25, 2007 at 10:00 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. JT 7/6/03 July 10 141373

CERTIFICATE OF PUBLICATION

7/12/2007

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 7/10/2007.

- ☒ 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**

No. 27995

DATE 5-10-07 ACCOUNT 001-0000-0150

AMOUNT \$ 65.00

RECEIVED FROM: JAIME OCTAVIANO
4715 RIDGEWAY AVE
ANN. VMD
FOR: ITEM # 513

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME DES
5/10/2007 5/10/2007 11:50:48
REQ 0001 WALKIN DRUG HR
>>RECEIPT # 27995 5/10/2007 OFLN
Dept 5 528 EDWARDS VERIFICATION
CR NO. 027995

Receipt Tot \$65.00
\$65.00 12 \$6.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-513-A

Petitioner/Developer: JAME OCTAVIANO

Date Of Hearing/Closing: 6/18/07

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

Attention:

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
at 4715 RIDGEWAY AVE

This sign(s) were posted on June 2, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 6/2/07
(Signature of sign Poster and Date)

Martin Ogle

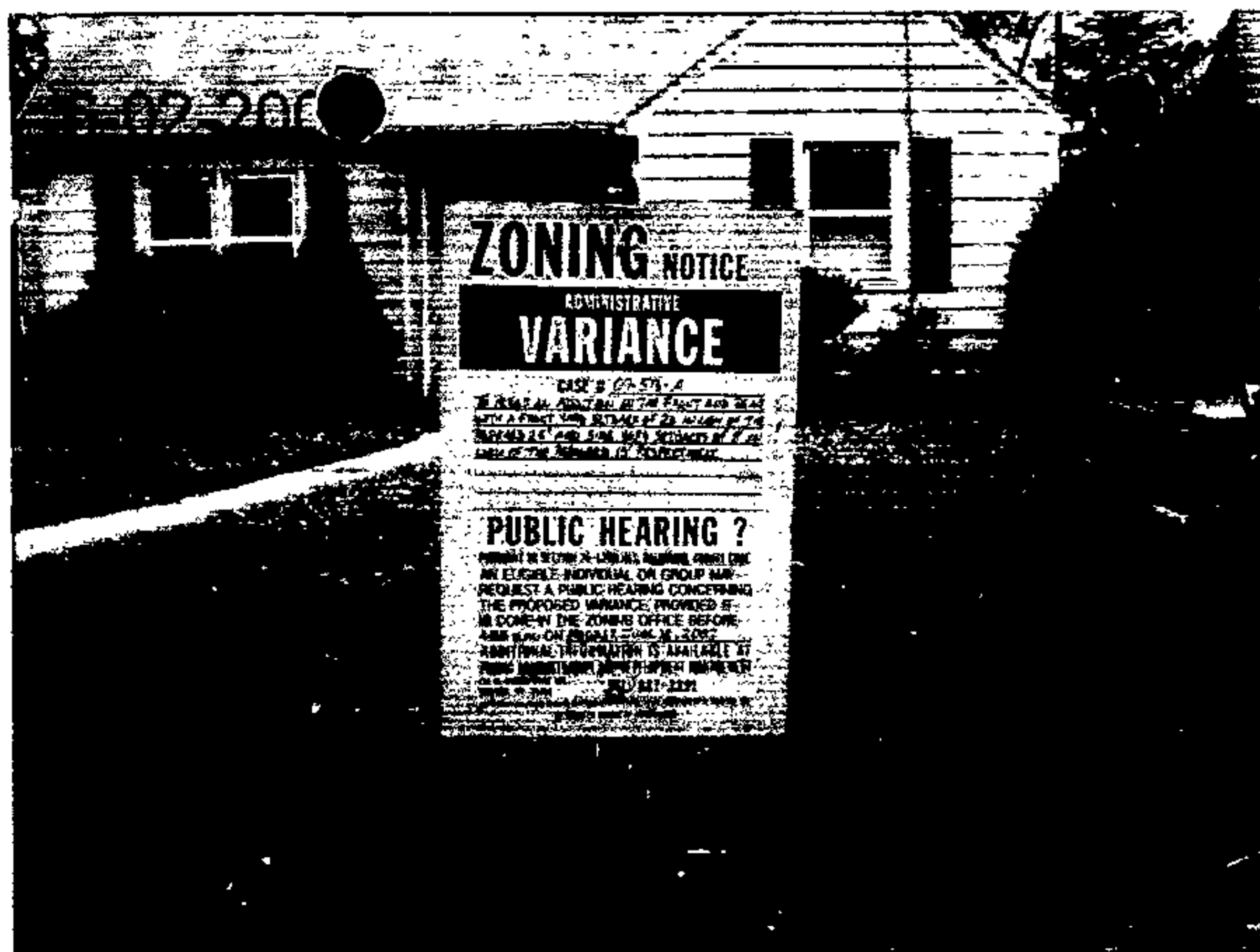
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



Myrtle St





BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 25, 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: 07-513-A

4715 Ridgeway Avenue

S/side of Ridgeway Avenue at the distance of 150 feet +/- west of centerline of Glenwood Avenue

14th Election District – 6th Councilmanic District

Legal Owners: Jaime Octaviano

Variance to permit an addition in the front and rear with a front yard setback of 20 feet in lieu of the required 25 feet and side yard setback of 8 feet in lieu of the required 10 feet, respectively.

Hearing: Wednesday, July 25, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in cursive.

Timothy Kotroco
Director

Posted
7-9-07
JRA
1 photo.

TK:klm

C: Jaime Octaviano, 4715 Ridgeway Avenue, Baltimore 21206
Vernon Shue, 4717 Ridgeway Avenue, Baltimore 21206

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 10, 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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

June 25, 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: 07-513-A

4715 Ridgeway Avenue

S/side of Ridgeway Avenue at the distance of 150 feet +/- west of centerline of Glenwood Avenue

14th Election District – 6th Councilmanic District

Legal Owners: Jaime Octaviano

Variance to permit an addition in the front and rear with a front yard setback of 20 feet in lieu of the required 25 feet and side yard setback of 8 feet in lieu of the required 10 feet, respectively.

Hearing: Wednesday, July 25, 2007 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

Handwritten signature of Timothy Kotroco in black ink.

Timothy Kotroco
Director

TK:klm

C: Jaime Octaviano, 4715 Ridgeway Avenue, Baltimore 21206
Vernon Shue, 4717 Ridgeway Avenue, Baltimore 21206

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 10, 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
Tuesday, July 10, 2007 Issue - Jeffersonian

Please forward billing to:

Debbie Kendall-Sipple
Permits and Development Management
111 West Chesapeake Avenue, Room 100
Towson, MD 21204

410-887-3353

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: 07-513-A

4715 Ridgeway Avenue

S/side of Ridgeway Avenue at the distance of 150 feet +/- west of centerline of Glenwood Avenue

14th Election District – 6th Councilmanic District

Legal Owners: Jaime Octaviano

Variance to permit an addition in the front and rear with a front yard setback of 20 feet in lieu of the required 25 feet and side yard setback of 8 feet in lieu of the required 10 feet, respectively.

Hearing: Wednesday, July 25, 2007 at 10:00 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 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.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 513 -A

Address 4715 RIDGEWAY AVE

Contact Person: JUN FERNANDO

Phone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: ²⁴5-18-07

Posting Date: ⁶⁻³⁻⁰⁷5-20-07

Closing Date: ⁶⁻¹⁸⁻⁰⁷6-4-07

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁷513 -A

Address 4715 RIDGEWAY AVE

Petitioner's Name JAIME OCTAVIANO

Telephone 410-818-0990

Posting Date: ⁶⁻³⁻⁰⁷5-20-07

Closing Date: ⁶⁻¹⁸⁻⁰⁷6-4-07

Wording for Sign: To Permit an additions in the front and rear with a front yard setback of 20' in lieu of the required 25' and side yard setbacks of 8' in lieu of the required 10', respectively.

WCR - Revised 6/25/04

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: 07-513-A

Petitioner: JAIME OCTAVIANO

Address or Location: 4715 RIDGEWAY AVE BAL. MD 21206

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAIME OCTAVIANO

Address: 4715 RIDGEWAY AVE. BAL. MD 21206

Telephone Number: 410 818 0990



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
June 25, 2007 *Development Management*

Jamie Octaviano
4715 Ridgeway Avenue
Baltimore, MD 21206

Dear Mr. Octaviano:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 07-513-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing at the request of the deputy zoning commissioner

The hearing has been scheduled, and the notice indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information, which will be done by this office at no charge.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian also, at no charge to you.

If you need any further explanation or additional information, please feel free to contact Jun Fernando at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Vernon Shue, 4717 Ridgeway Avenue, Baltimore 21206

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S side Ridgeway Avenue, 150 feet +/- W		
of the c/l of Glenwood Avenue	*	DEPUTY ZONING
14 th Election District		
6 th Councilmanic District	*	COMMISSIONER
(4715 Ridgeway Avenue)		
	*	FOR BALTIMORE COUNTY
Jamie Q. Octaviano		
<i>Petitioner</i>	*	Case No. 07-513-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owner of the subject property, Jamie Q. Octaviano. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition in the front and rear with a front yard setback of 20 feet in lieu of the required 25 feet and side yard setback of 8 feet in lieu of the required 10 feet, respectively.

On June 20, 2007, former Deputy Zoning Commissioner John V. Murphy requested that this matter be set in for a public hearing, stemming from a written request from an adjacent neighbor, Vernon P. Shue, who opposed the variance relief. The property was posted with Notice of the Public Hearing on July 9, 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 for the public hearing was published in *The Jeffersonian* newspaper on July 10, 2007. The hearing was subsequently scheduled for Wednesday, July 25, 2007 at 10:00 am in Room 407 of the County Courts Building, 401 Bosley Avenue, Towson, MD.

Appearing at the requisite public hearing in support of the requested relief was Petitioner Jamie Q. Octaviano. Appearing as interested citizens opposed to the requested relief were Vernon P. Shue of 4717 Ridgeway Avenue and Charles J. Hyland of 4713 Ridgeway Avenue.

Testimony and evidence offered at the hearing revealed that the subject property contains 6,750 square feet zoned D.R.5.5 and is improved by a single-family dwelling. The original Petition filed indicates that Petitioner desires to construct an addition to the dwelling and is in need of variance relief from front yard and side yard setback requirements. However, during the hearing, Petitioner presented a new site plan for the subject property, which was marked and accepted into evidence as Petitioner's Exhibit 1. That site plan appears to show a front yard setback from the front of the home to the edge of Ridgeway Avenue at 39 feet. It also appears to show a side yard setback on the north side at 10 feet, and a side yard setback on the south side at seven feet. Petitioner indicated that the original site plan, which was marked and accepted into evidence as Petitioner's Exhibit 2, was not accurate, but that the new site plan, prepared more recently by Petitioner, contains the correct measurements of the setbacks. As a result, Petitioner stated that he did not believe a front yard setback variance was needed, and that only one side yard setback variance was required. The justification Petitioner offered in support of the variance for the proposed addition was his desire to move other family members into the home, and the need for additional space in order to do so.

I also heard from Protestants -- Mr. Shue, as well as the other adjacent neighbor, Mr. Hyland, both of who voiced opposition to Petitioner's variance requests, on the original as well as the new site plans. These neighbors also voiced strong concerns over the accumulation of trash and debris in the back and on one side of the property, as well as the excess storage of

building materials. These concerns were illustrated by photographs marked and accepted into evidence as Protestants Exhibit 1A – 1M.

Due to the discrepancy in Petitioner's plans, as well as the fact that posting and publishing of the property was based on the original Petition, I indicated that I would not make a decision on this matter until the Petition was properly revised. In order to give Petitioner the opportunity to revise the Petition, I sent a letter to Petitioner dated July 31, 2007, copied to the Protestants, indicating that this matter would be kept open for further hearing, to be re-scheduled upon notification from the Department of Permits and Development Management. In addition, I directed Petitioner to proceed to the Department of Permits and Development Management, Zoning Review Office within thirty (30) days from the date of the letter, and to make an appointment with Mr. June Fernando at (410) 887-3391 in order to request a revision of the Petition for Administrative Variance based on the new site plan, and to discuss any necessary variance requests, including any applicable setback requirements or average front yard depth requirements. I also indicated in my letter that if Petitioner did not proceed to revise his Petition within the aforementioned thirty (30) days, I would issue an Order dismissing the Petition.

It has come to my attention that Petitioner has not made any attempts to revise his Petition as indicated above. In addition, it is noteworthy that any variance request which proposes to build in the front yard, as in the instant matter, is cause for very careful scrutiny. These structures can change the visual aesthetics and character of the neighborhood. Homes are required in D.R.5.5 zones to be set back the average distance of the other homes on the street so that the view of the houses from the street is uniform. Petitioner has not attempted to resolve the discrepancy between his original Petition and site plan, and the different site plan he presented at the hearing.

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

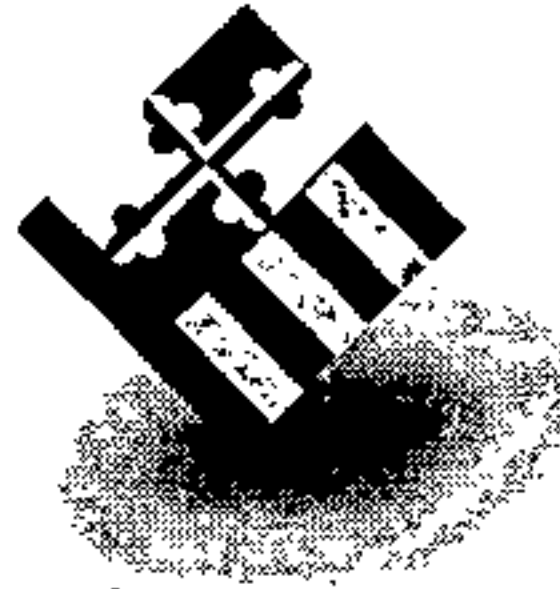
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 19th day of September, 2007, that the Petition for Administrative Variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit an addition in the front and rear with a front yard setback of 20 feet in lieu of the required 25 feet and side yard setback of 8 feet in lieu of the required 10 feet, respectively, be and is hereby DISMISSED without prejudice.

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



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

September 19, 2007

JAIME Q. OCTAVIANO
4715 RIDGEWAY AVENUE
BALTIMORE, MD 21206

RE: Petition for Administrative Variance
Order to Dismiss
Case No. 07-513-A

Dear Mr. Octaviano:

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.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

c: Vernon P. Shue, 4717 Ridgeway Avenue, Baltimore MD 21206
Charles J. Hyland, 4713 Ridgeway Avenue, Baltimore MD 21206
June Fernando, Baltimore County Zoning Review Office
Kristen Matthews, Baltimore County Permits and Development Management,

Zoning Administration & Development Management
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Sir

My name is Vernon P. Shue and I reside at 4717 Ridgeway Ave. 21206. I am the owner of this property.

I am against the request for variances by Mr. Jaime Octaviano at 4715 Ridgeway Ave. 21206 - case 07-513-A

Since Mr. Octaviano took possession of this property he seems to be using 4715 as a storage area for building materials and old debris

Mr. Octaviano seems to live at this address but I have never seen any furniture come to this house. I feel that this property is being used as a commercial enterprise.

The house at 4715 is only approx. only 8 ft from the property line on my side now.

The zoning inspector found numerous violations on his visit on 6/2-07 to the property.

I am greatly alarmed at what might happen if these variances are granted.

so again I am stating that I am against Mrs. Octaviano's request.

I have polled neighbors about this matter and they all stated they are against any building extensions in the front of this property.

When I built my house 35 years ago I kept it in line with other houses in the neighborhood and I think things should remain the same.

Please deny the request for variances at 4715 Ridgeway Ave.

Vernon P. Shue
4717 Ridgeway Ave
Belle Mead, 21206
410-665-8180

BALTIMORE COUNTY
INTER-OFFICE MEMORANDUM

Date: June 20, 2007

To: Kristen Matthews

From: Patti Zook, Legal Secretary to 
John Murphy, Deputy Zoning Commissioner

Re: Case No. 07-513-A (administrative variance)
4715 Ridgeway Avenue

After a review of the above-captioned case file, Jack Murphy has requested that this case be set in for a public hearing. We are returning the file to you for further processing, i.e., notifying the petitioner, posting of hearing notices, etc. Per Jack, the County is to post and advertise the hearing.

Thank you for your attention and cooperation in this matter.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 6, 2007

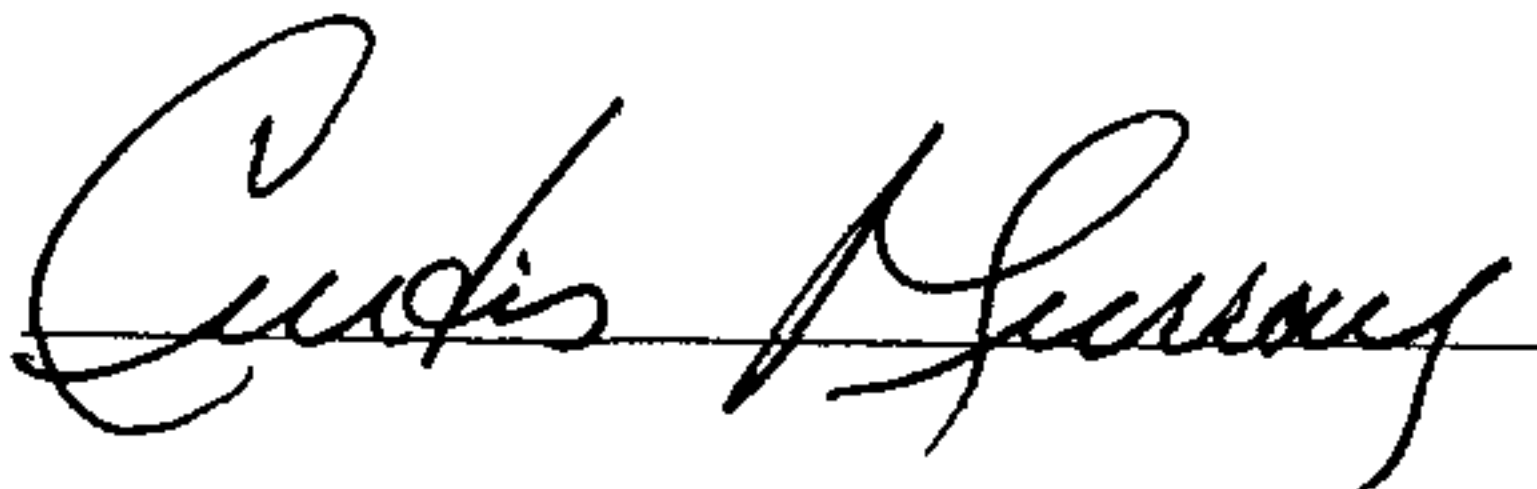
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-513- Administrative Variance

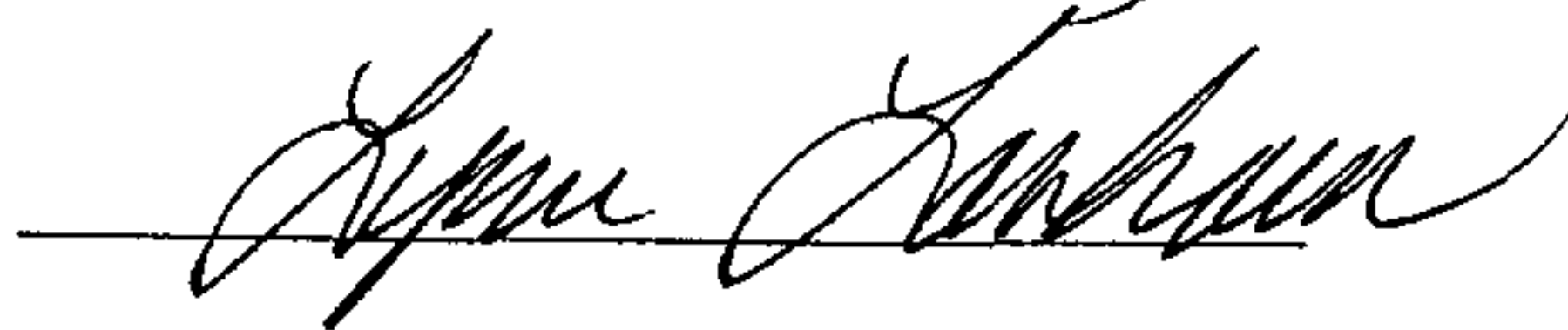
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

Zoning Administration & Development Management
111 W. Chesapeake Ave.
Towson, Md. 21204

Dear Sir

My name is Vernon P. Shue and I reside at 4717 Ridgeway Ave. 21206. I am the owner of this property.

I am against the request for variances by Mr. Jaime Octaviano at 4715 Ridgeway Ave. 21206 - case 07-513-A

Since Mr. Octaviano took possession of this property he seems to be using 4715 as a storage area for building materials and old debris.

Mr. Octaviano seems to live at this address but I have never seen any furniture come to this house. I feel that this property is being used as a commercial enterprise.

The house at 4715 is only approx. only 8 ft from the property line on my side now.

The zoning inspector found numerous violations on his visit on 6/12-07 to the property.

I am greatly alarmed at what might happen if these variances are granted.

so again I am stating that I am against
Mrs. Octaviano's request.

I have polled neighbors about this
matter and they all stated they are against
any building extensions in the front of
this property.

When I built my house 55 years
ago I kept it in line with other houses
in the neighborhood and I think things
should remain the same.

Please deny the request for
variances at 4715 Ridgeway Ave.

Vernon P. Shue

4717 Ridgeway Ave

Balto Md. 21206

410-665-8180

Case No: 07-7566Address: 04715 RIDGEWAY AVE 21206Insp Area: 014 Dist: 000 Date Rcv: 6/11/2007 Grp: ENF Intk: LMHInspec: SCOTT Inspec2: Date Inspec: 7/12/2007Close: 0/00/0000 Activity: Delete: Problem: HOUSE BEING USED AS A WAREHOUSE

MAP 36

-F2CL Name: SHUE VERNONCL Address: 04717 RIDGEWAY AVEBALTIMORE MD 21206CL Home Phone: 410-665-8180 CL Work Phone: Tax Acct. 1426040350Owner: JAIME OCTOAVIANO

Enter=Continue

F12=Cancel

Case No: 07-7566

Notes: ***6/12/07, ZONING NOTICE SIGN POSTED IN FRONT OF PROPERTY. ZONING
HEARING SCHEUDLED FOR 6/18/07. REAR OF PROERTY IS FULL OF WHAT APPEARS TO BE
BLDG MATERAIL, SINK, ALSO BAGS OF TRASH. NOTICE ISSUED AND POSTED ON PROPERTY.
P/U 7/12/07. COMPLAINANT UPDATED. LRS/MK***

Enter=Continue

F12=Cancel



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

June 4, 2007

Jaime Q. Octaviano
4715 Ridgeway Avenue
Baltimore, MD 21206

Dear Jaime Octaviano:

RE: Case Number: 07-513-A, 4715 Ridgeway Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 10, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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 that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

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

May 24, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 21, 2007

5
Item Number: 512 through 529 and 522 and 523

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

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





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

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MAY 22, 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. 7-513-A
4715 RIDGEWAY AVENUE
OCTAVIANO PROPERTY
ADMINISTRATIVE 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. 7-513A.

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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 24, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 28, 2007
Item Nos. 07-500, 512, 513, 514, 515,
516, 517, 519, 520, 522, 523, 524, 525

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-05242007.doc

DATE JULY 25, 2007

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Vernon P. Shue	4717 Ridgeway Ave.	Baltimore Md 21206	
Charles J. Hyland	4713 Ridgeway Ave	BALT (21206)	

CASE NAME _____
CASE NUMBER _____
DATE _____

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

NAME OCTAVIANO

4715 RIDGEWAY AVE

BAL. MD 21206

TEL 410 818 0990



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 4715 RIDGEWAY AVE

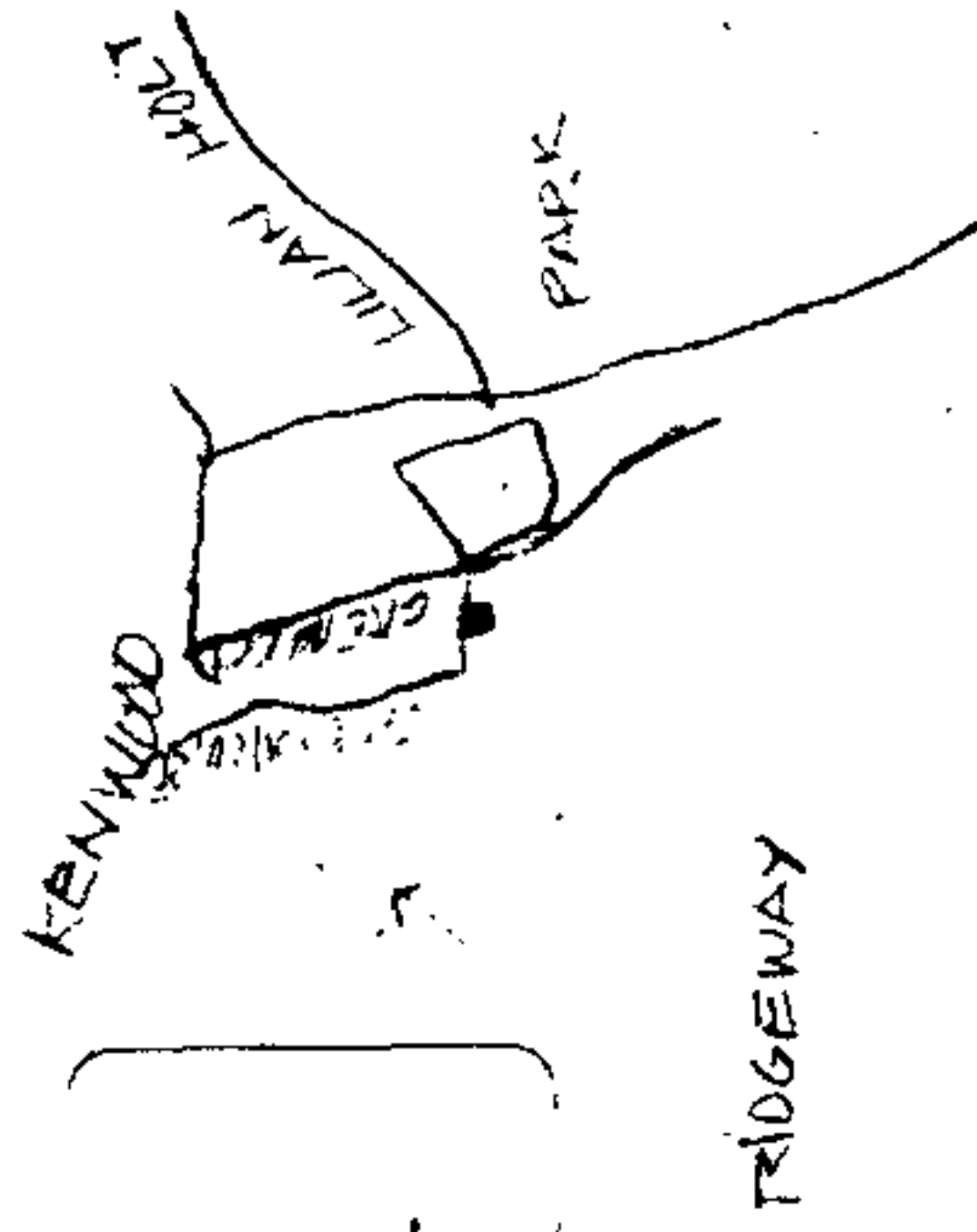
SUBDIVISION NAME KENWOOD SUB

PLAT BOOK # 4 FOLIO # 36 LOT # 44 SECTION # 4

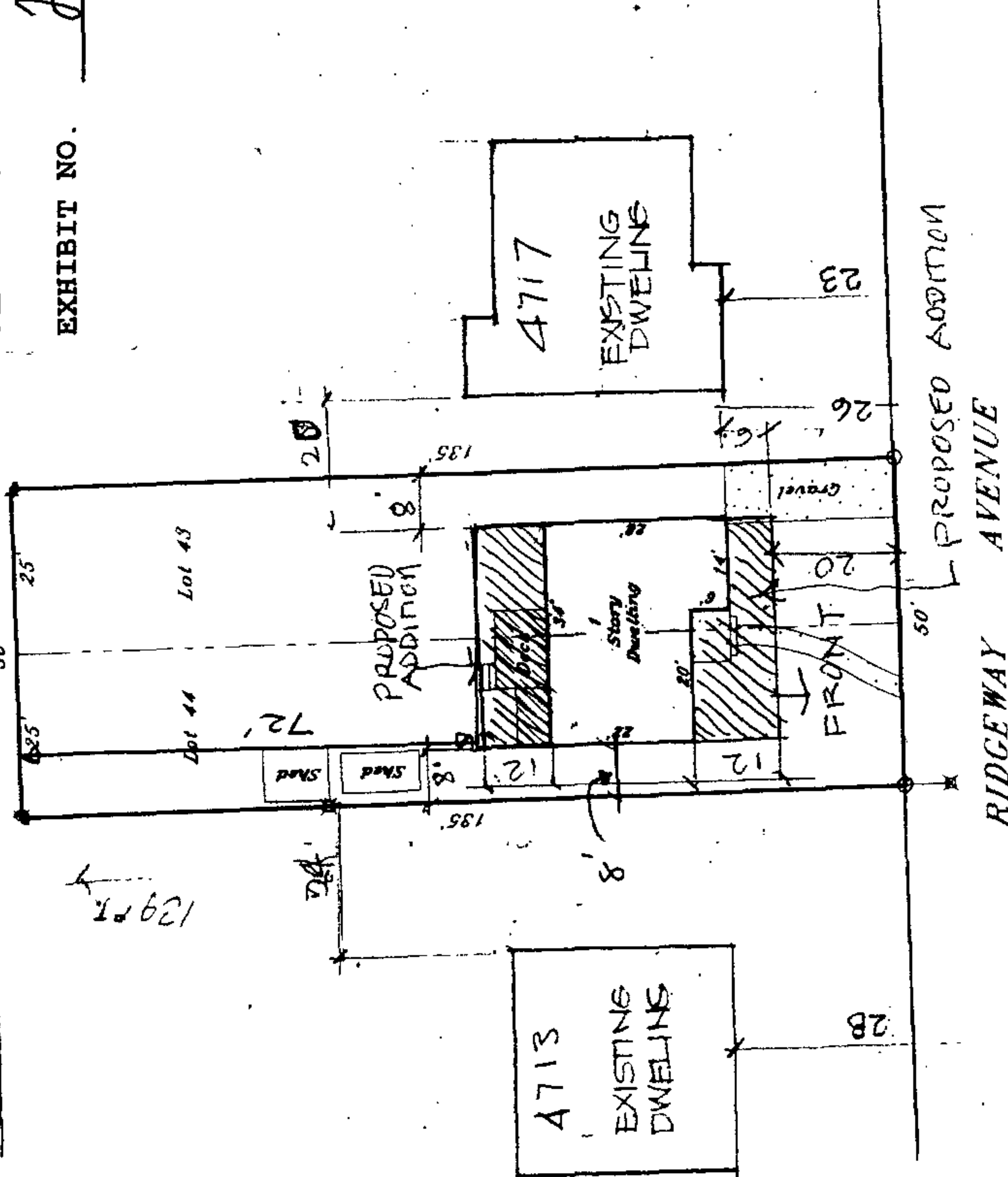
OWNER JANIE OCTAYANO

PETITIONER'S

EXHIBIT NO. 7



VICINITY MAP
SCALE 1" = 1000'



NORTH

SCALE OF DRAWING: 1" = 30'

PREPARED BY JD

LOCATION INFORMATION

ELECTION DISTRICT 14

COUNCILMANIC DISTRICT 6

1" = 200' SCALE MAP # 081B3

ZONING DR 5.5

LOT SIZE 6750 SQ. FT.

ACREAGE

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

YES ☐ NO ☒

CHESAPEAKE BAY
CRITICAL AREA

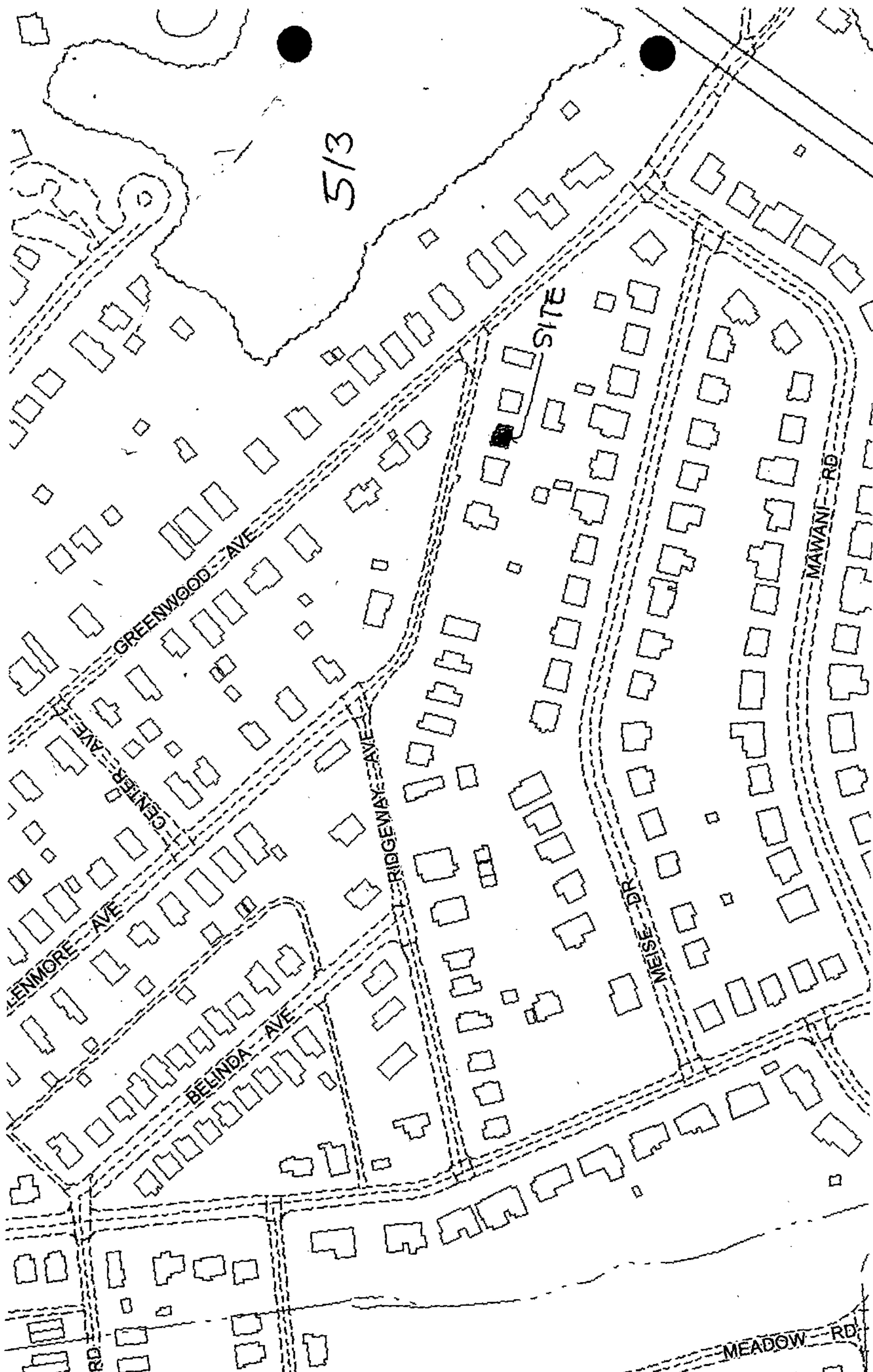
100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/
BUILDING

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

5F | 513 | 107-513-A



5/3

SITE

LENMORE AVE

CENTER AVE

GREENWOOD AVE

BELINDA AVE

RIDGEWAY AVE

MEISE DR

MAWANI RD

MEADOW RD

4702

4704

4704

0

0

06

4711

RIDGEWAY

02-1

5/3

NE 5-E

4713

DR 5.5

•4715

081B3

6 CD

P.B.004036

4717

14 ED

4713

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4715

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P.B.020131

4724

4722

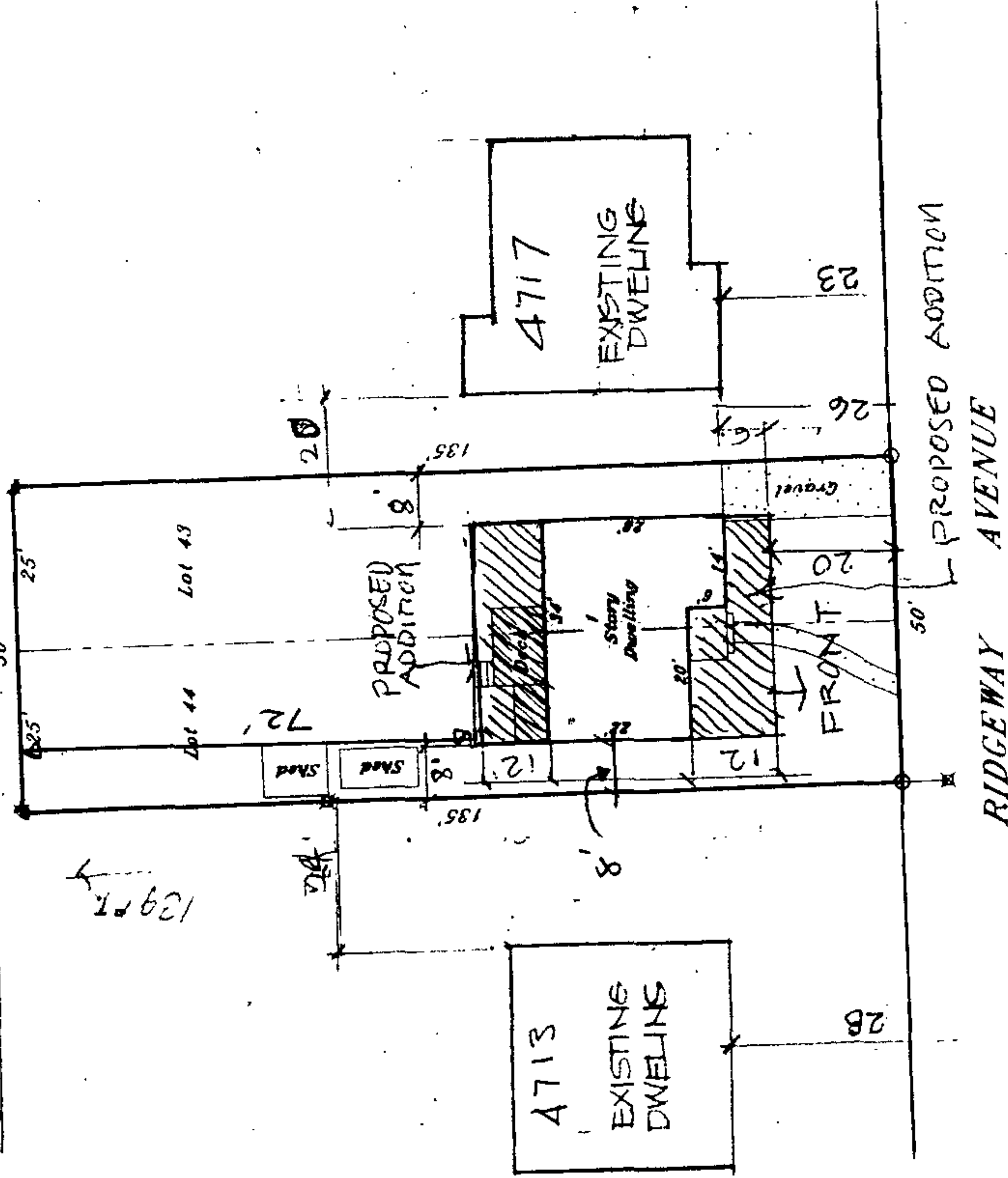
BI AT TO ACCOMPANY

PROPERTY ADDRESS 4715 RIDGEWAY AVE

KEN WOOD SUB

FOLIO # 36 LOT # 44 SECTION # 436

JAMIE OCTAVIANO



NORTH

9

SCALE OF DRAWING: 1" = 30'

101 EW
RIDGEWAY AVE
201 PAXING

107-513-A

山
之
中

WESPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

STORIC PROPERTY/ BUILDING

山
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中

LOT SIZE 6750 SQ FT.

PRIVATE

☒☒

27

WESPEAKE BAY
CRITICAL AREA

100 YEAR FLOOD PLAIN

STORIC PROPERTY/ BUILDING

山
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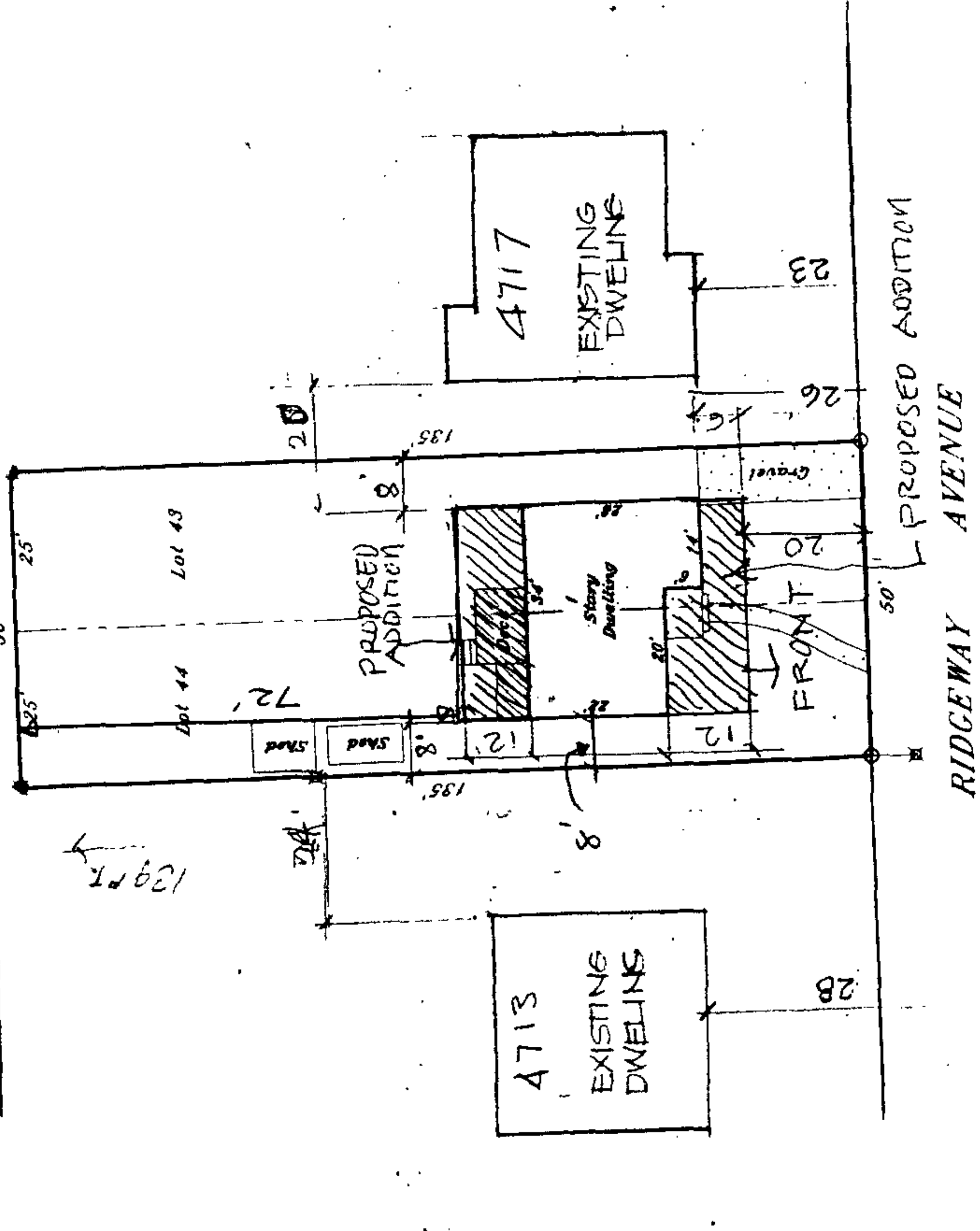
ONLY CASE #

107-513-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 4715 RIDGEWAY AVE
 SUBDIVISION NAME KENWOOD SUB 43d
 PLAT BOOK # 4 FOLIO # 36 LOT # 44 SECTION # 1
 OWNER JAMIE OCTAVIANO

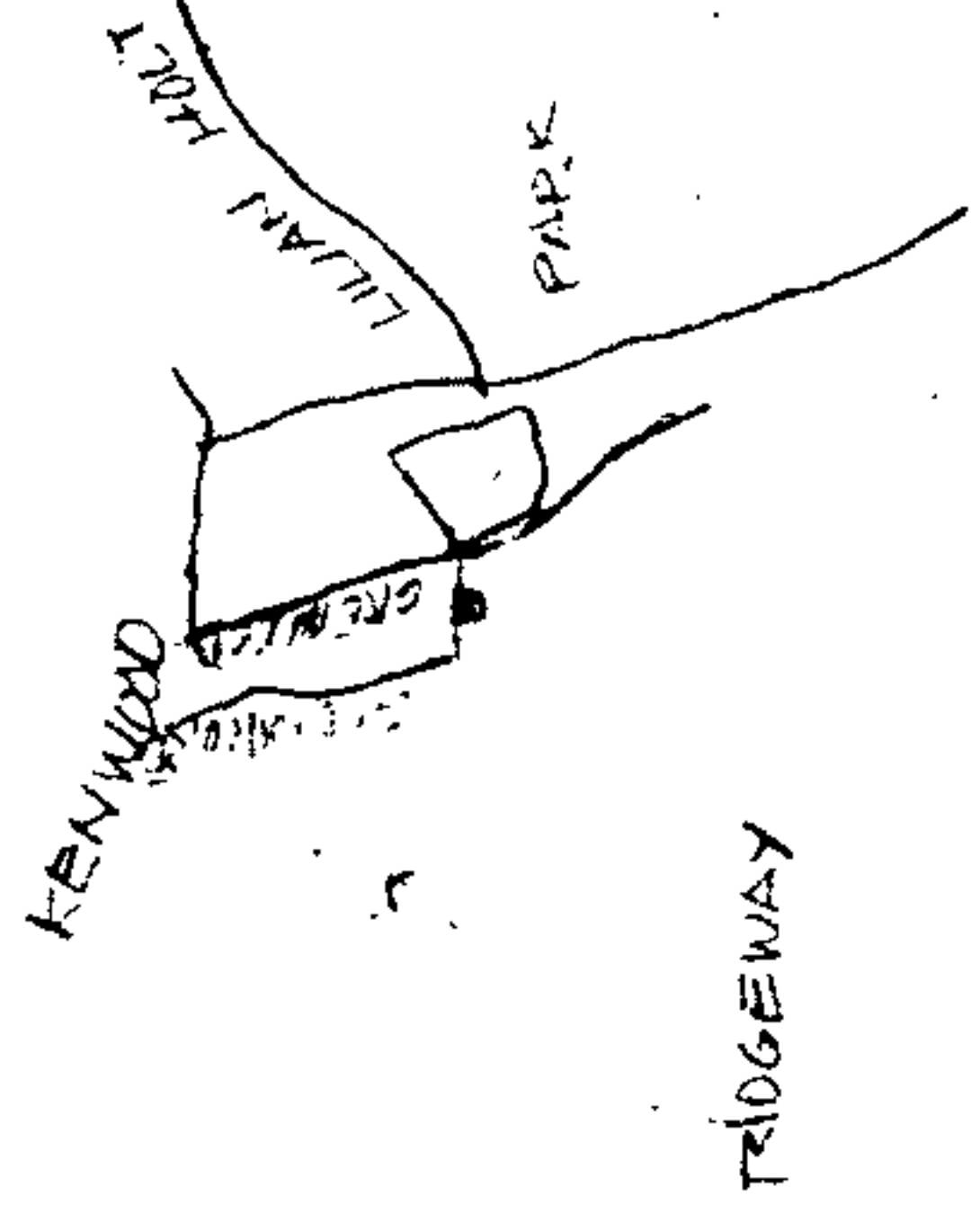


NORTH

SCALE OF DRAWING: 1" = 30'

PREPARED BY

RIDGEWAY AVE
 20' PAVING
 40' E.W.



VICINITY MAP

SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 14
 COUNCILMANIC DISTRICT 6
 1" = 200' SCALE MAP # 081B3
 ZONING DR 5.5
 LOT SIZE 6750 SQ. FT.
 ACRES 155 SQUARE FEET
 SEWER ☒ PUBLIC ☐ PRIVATE
 WATER ☒ ☐
 CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒
 100 YEAR FLOOD PLAIN YES ☐ NO ☒
 HISTORIC PROPERTY / BUILDING YES ☐ NO ☒
 PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
 REVIEWED BY 5F ITEM # 1513 CASE # 107-513-A



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

July 31, 2007

WILLIAM J. WISEMAN III
Zoning Commissioner

JAIME Q. OCTAVIANO
4715 RIDGEWAY AVENUE
BALTIMORE, MD 21206

RE: Petition for Administrative Variance
Case No. 07-513-A
Hearing Date: July 25, 2007

Dear Mr. Octaviano:

As you are aware, your Petition for Administrative Variance was filed on or about May 10, 2007. In your Petition, you requested variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations to permit an addition to your dwelling with a front yard setback of 20 feet in lieu of the required 25 feet, and side yard setbacks in the amount of eight feet in lieu of the required 10 feet. Accompanying your Petition was a site plan which reflected your variance requests.

Pursuant to the Baltimore County Code, the matter was set in for a hearing as a result of the written request of your neighbor at 4717 Ridgeway Avenue, Mr. Vernon P. Shue. On July 25, 2007, a hearing was held before me to consider whether your variance requests should be approved. During the hearing, you presented a new site plan to your property, which was marked and accepted into evidence as Petitioner's Exhibit 1. That site plan appeared to show a front yard setback from the front of your home to the edge of Ridgeway Avenue at 39 feet. It also appeared to show a side yard setback on the north side at 10 feet, and a side yard setback on the south side at seven feet.

You indicated that the original site plan, which was marked and accepted into evidence as Petitioner's Exhibit 2, was not accurate, but that the new site plan you prepared contained the correct measurements of your setbacks. As a result, you stated that you did not believe a front yard setback variance was needed, and that only one side yard setback variance was required. I also heard from protestants -- Mr. Shue, as well as the other adjacent neighbor at 4713 Ridgeway Avenue, Mr. Charles Hyland, who both voiced opposition to your variance requests, on the original and the new site plans. These neighbors also voiced strong concerns over the accumulation of trash and debris in the back and on one side of your property, as well as the

Jaime Q. Octaviano
July 26, 2007
Page 2

excess storage of building materials. These concerns were illustrated by photographs marked and accepted into evidence as Protestants Exhibit 1A - 1M.

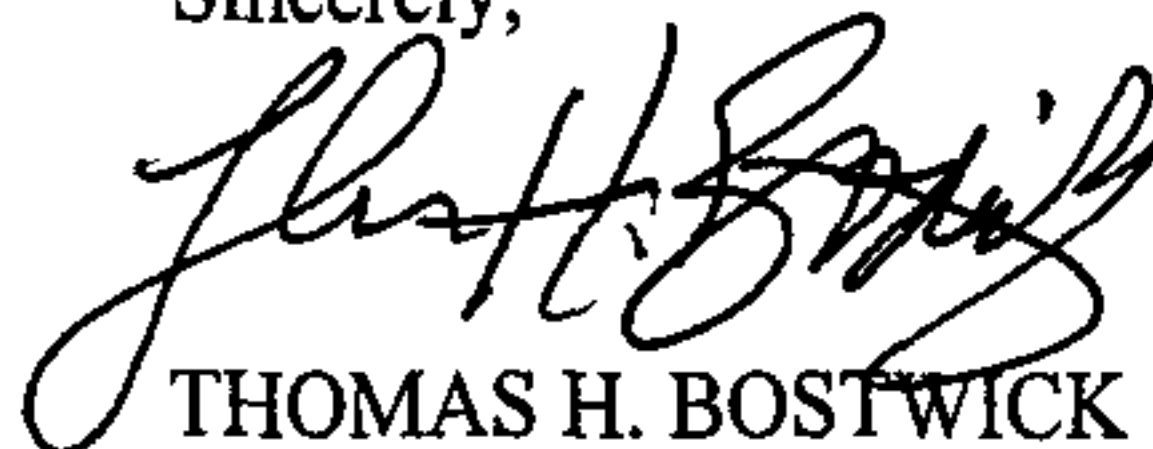
Due to the discrepancy in your plans, as well as the fact the posting and publishing of the property was based on the original Petition, I indicated that I would not make a decision on this matter until your Petition was properly revised.

Therefore, I am keeping this matter open for further hearing, to be re-scheduled with me upon notification from the Department of Permits and Development Management. In addition, I am directing that within thirty (30) days from the date of this letter, you proceed to the Department of Permits and Development Management, Zoning Review Office. You are to make an appointment with Mr. June Fernando at (410) 887-3391 in order to request a revision of your Petition for Administrative Variance based on your new site plan, and to discuss any necessary variance requests, including any applicable setback requirements or average front yard depth requirements. It is recommended that you hire a licensed surveyor to prepare the site plan in order to ensure the accuracy of the measurements of your property line, the setbacks, and your proposed addition. You will also be required to have notice of your revised variance requests and the new hearing date posted and published in accordance with the Baltimore County Code. If you do not proceed to revise your Petition within the next thirty (30) days, I will then issue an Order dismissing your Petition.

Upon the filing of your revised Petition, and the posting and publishing of the property, the matter will be rescheduled before me and I will consider any additional evidence in the case, and will render a decision on your variance requests shortly thereafter. By copy of this letter, I am also notifying all interested parties of the status of this matter.

Please be advised that you are not to apply for any building permits until this matter is decided and any applicable time for appeal has run.

Sincerely,



THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

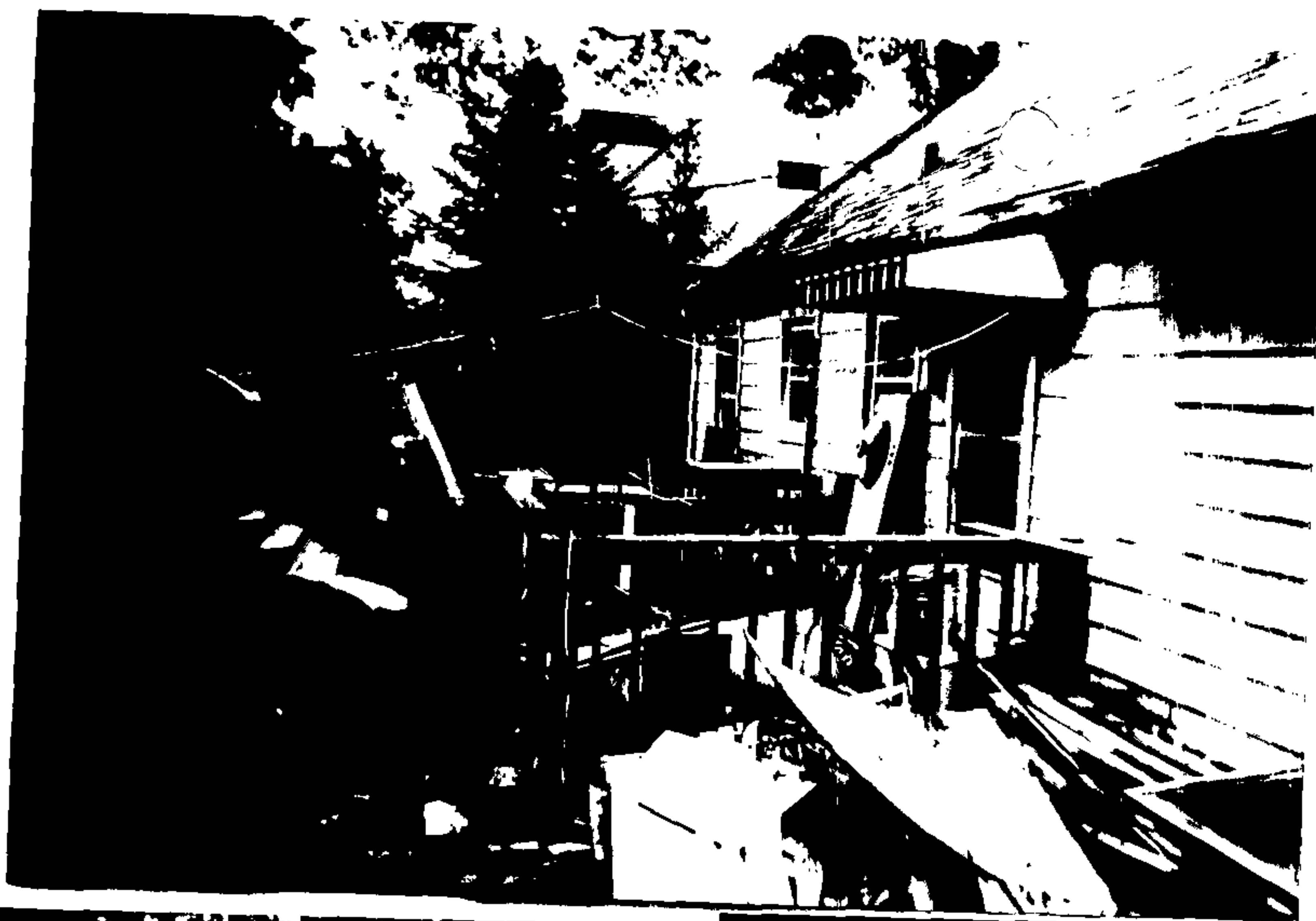
THB:pz

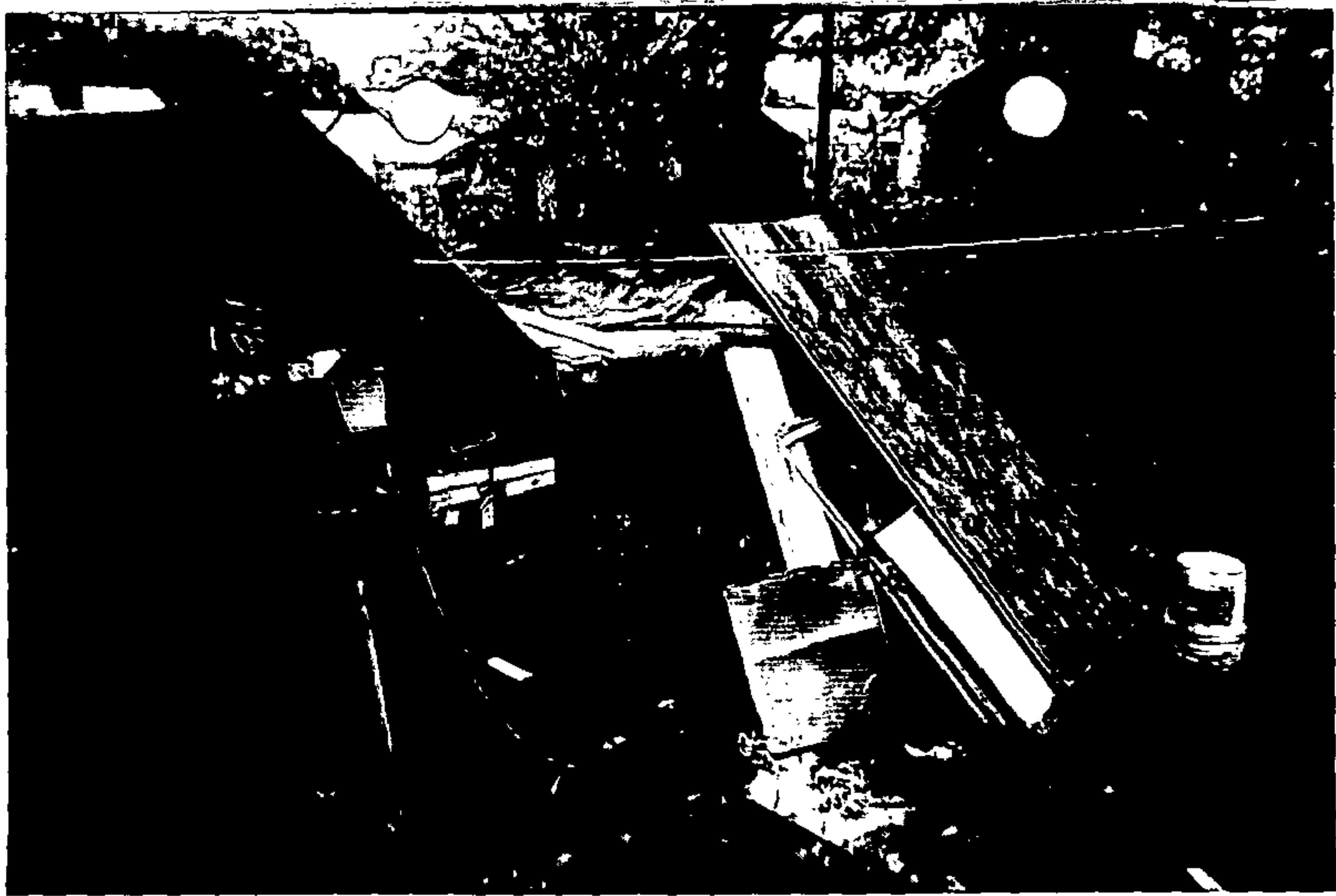
cc: Vernon P. Shue, 4717 Ridgeway Avenue, Baltimore MD 21206
Charles J. Hyland, 4713 Ridgeway Avenue, Baltimore MD 21206
June Fernando, Baltimore County Zoning Review Office
Kristen Matthews, Baltimore County Permits and Development Management











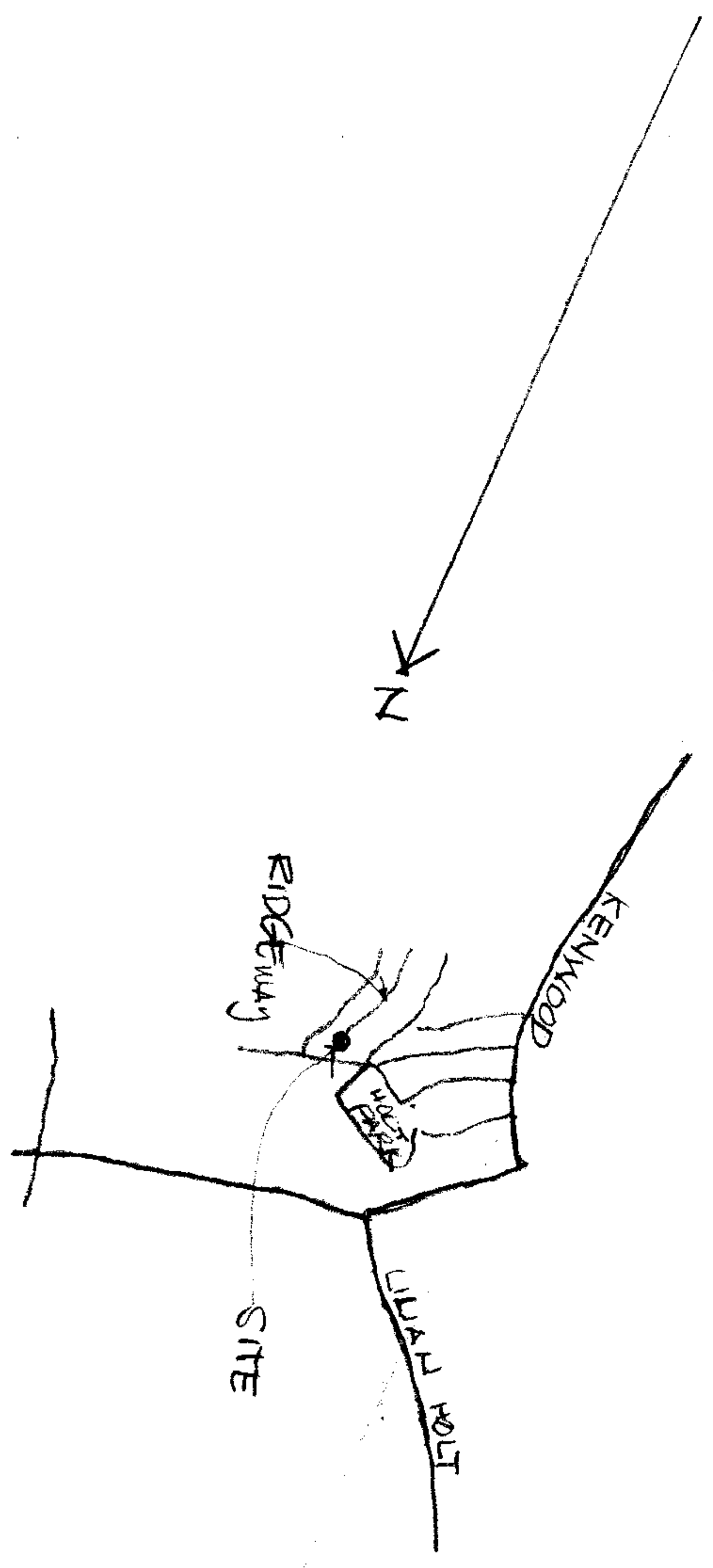




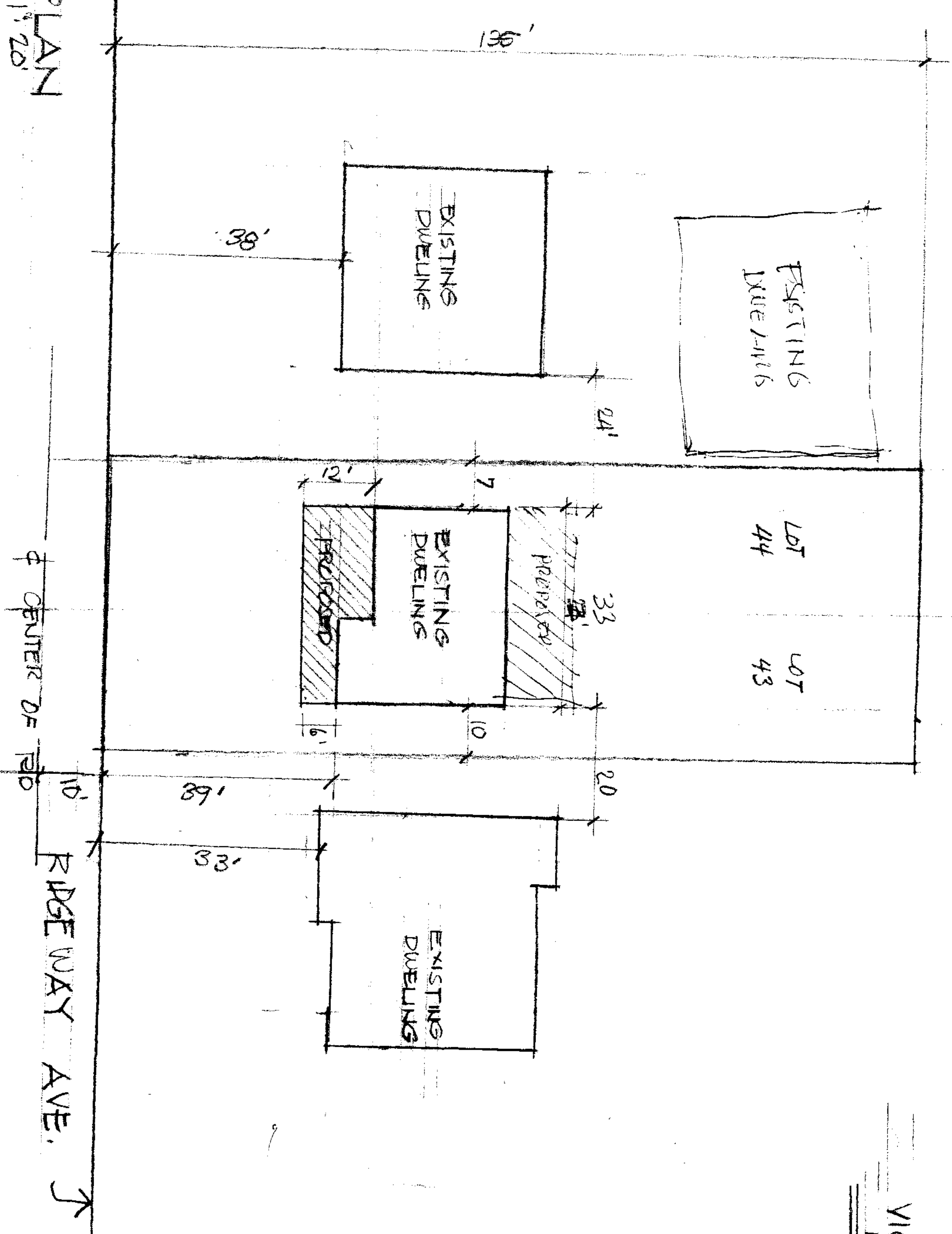
1A-M



4-12-01



VICINITY MAP
1" = 1000 FT.



PLAT PLAN
SCALE 1" = 20'

OWNER: JAMIE OTAYIAN
LOCATION: 4715 RIDGEWAY AVE
BAL MD 21206

PETITIONER'S

EXHIBIT NO.