

IN RE: PETITION FOR ADMIN. VARIANCE

NE corner of Virginia Avenue and

Eugene Avenue

15th Election District

7th Councilmanic District

(114 Virginia Avenue)

Jose Napoleon Escobar

Petitioner

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

FOR BALTIMORE COUNTY

*

*

CASE NO. 07-568-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Jose Napoleon Escobar. The variance request is for property located at 114 Virginia Avenue. The variance request is from Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side street right-of-way setback of 19 feet in lieu of the required 25 feet and to amend the 5th Amended Development Plan of Villa Capri for Lot 1 only. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1. The Petitioner wishes to construct a 16'1" x 31'8" 2-story addition. The existing house is 1,170 square feet in size with three bedrooms. The proposed additional 1,000 square feet (500 square feet on each floor) will provide the family with adequate living space, including a family room, an expanded dining room and a half-bath on the first floor, and a fourth bedroom and second bath on the second floor.

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 Department of Environmental Protection and Resource Management dated August 23, 2007. The comments

ORDER RECEIVED FOR FILING

824.07

p3

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. This property is within the Intensely Developed Area (IDA) of the CBCA. Any development must comply with IDA regulations and DEPRM approval.

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

ORDER RECEIVED FOR FILING
8-24-07
By 



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 24, 2007

JOSE NAPOLEON ESCOBAR
114 VIRGINIA AVENUE
BALTIMORE MD 21221

Re: Petition for Administrative Variance
Case No. 07-568-A
Property: 114 Virginia Avenue

Dear Mr. Escobar:

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

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

Very truly yours,

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

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Julie Tice, 15 East Ostend Street, Baltimore MD 21230

BCA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 114 Virginia Ave
which is presently zoned DR 16

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) 1 B01.2.C.1.c BCZR

To permit an addition with a side street right-of-way setback of 19' in lieu of the required 25'. And to amend the 5th Amended Development Plan of Villa Capri for lot #1 only 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):

x Jose Napoleon Escobar
Name - Type or Print

x [Signature]
Signature

x Ivyonne E. Escobar
Name - Type or Print

x [Signature]
Signature

x 114 Virginia Ave. 410-780-904
Address Telephone No.

x Baltimore MD 21221
City State Zip Code

Representative to be Contacted:

Julie Tice
Name

15 E. Ostend St 410.547.7
Address Telephone No.

Baltimore MD 21230
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. 07-568-A

Reviewed By JF Date 6-19-07

REV 10/25/01

Estimated Posting Date 7-1-07

JOHN RECEIVED FOR FILING

8.24.07

PO

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 114 Virginia Avenue
Address Baltimore MD 21221
City State Zip Code

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):

The existing house is 1170 square feet, with 3 bedrooms.
The proposed additional 1000 square feet (500 sf per floor) will provide this family of four with adequate living space, including a family room, expanded dining room and half-bath on the 1st floor, as well as a 4th bedroom & 2nd bath on the second floor, which will help accomodate out-of-town guests.
The addition at the side of the existing structure will minimize the disruption during construction.

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.

Jose N. Escobar
Signature

Jose Napoleon Escobar
Name - Type or Print

Ivonne G. Escobar
Signature

Ivonne G. Escobar
Name - Type or Print

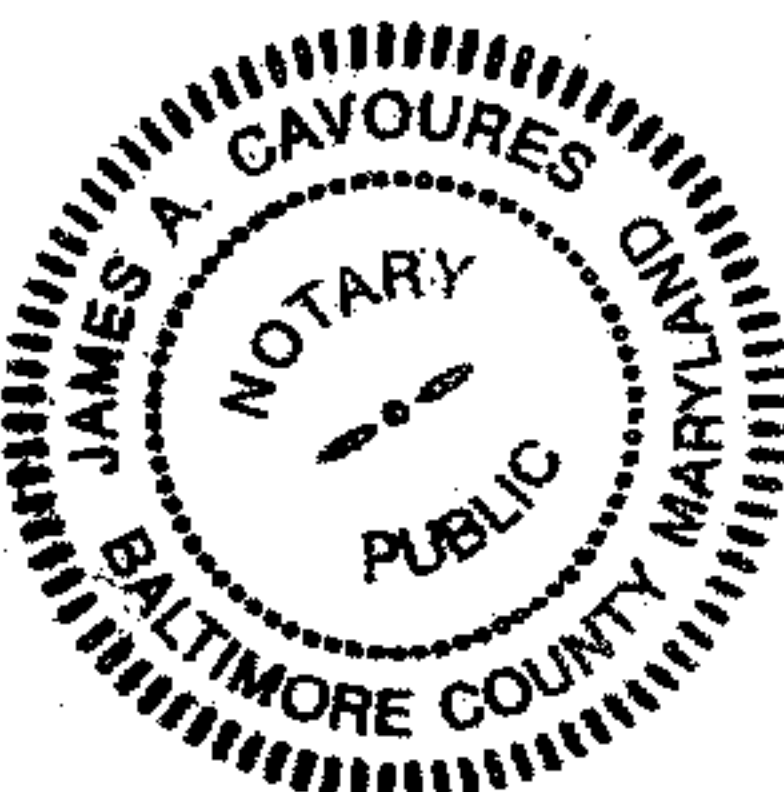
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of MAY, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

REV 10/25/0



James A. Cavoires
Notary Public

My Commission Expires 9/1/07

ZONING DESCRIPTION FOR 114 VIRGINIA AVENUE

Beginning at a point on the north side of Virginia Avenue which is 60 feet wide at the distance of 25 feet east of the centerline of the nearest improved intersecting street, Eugene Avenue, which is 50 feet wide. Being Lot # 1, Section #1 in the subdivision of Villa Capri as recorded in Baltimore County Plat Book # 38, Folio # 106, containing 4830 square feet or 0.11 acres. Also known as 114 Virginia Avenue and located in the 15th Election District, 7th Councilmanic District.

568

CERTIFICATE OF POSTING

RE: Case No.: 07-568-A

Petitioner/Developer: _____

JOSE & IVONNE ESCOBAR

Date of Hearing/Closing: 7/16/07

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

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

114 MAPLE AVE ESSEX MD 21221

The sign(s) were posted on 6/29/07
(Month/Day/Year)

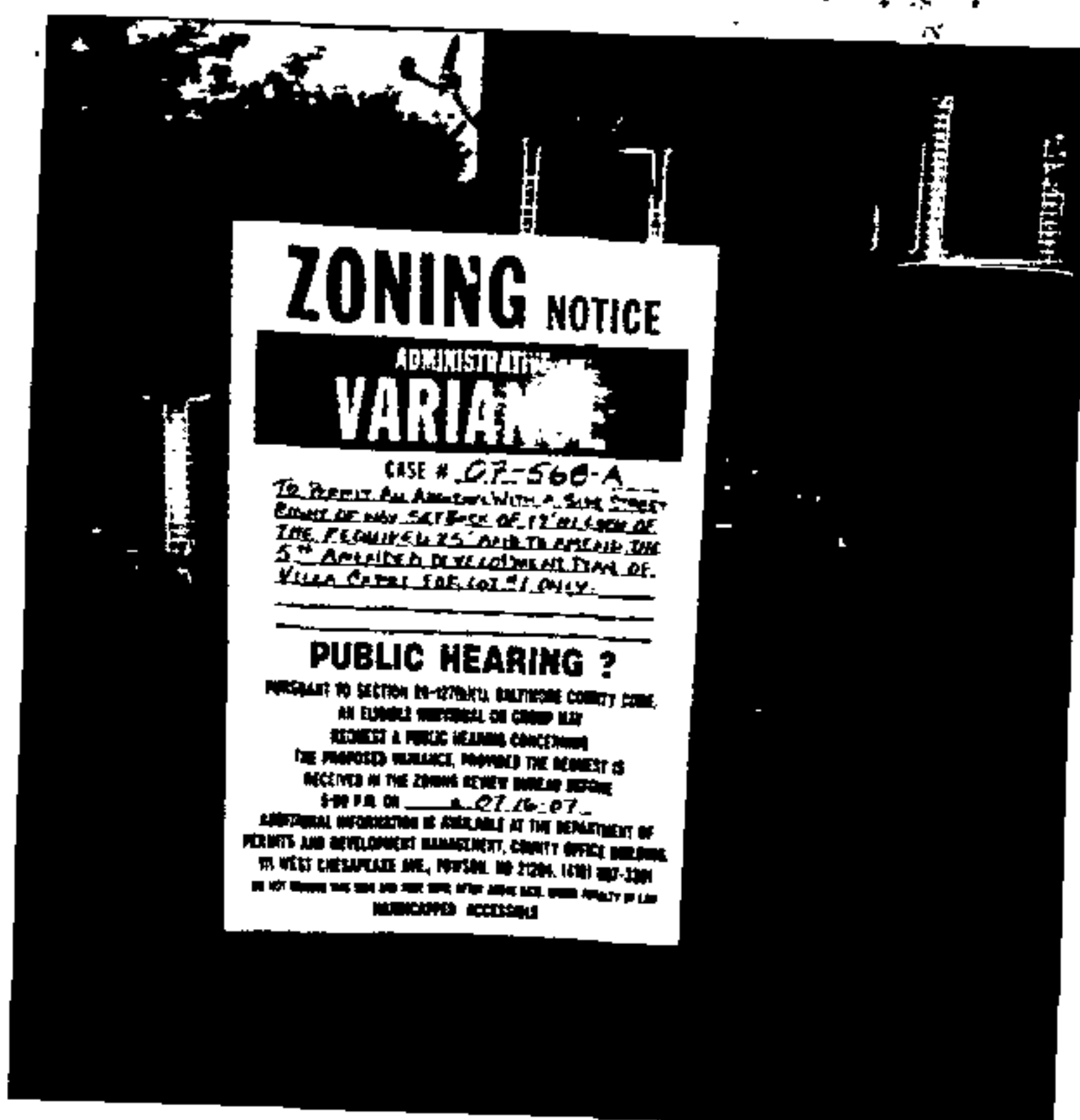
Sincerely,

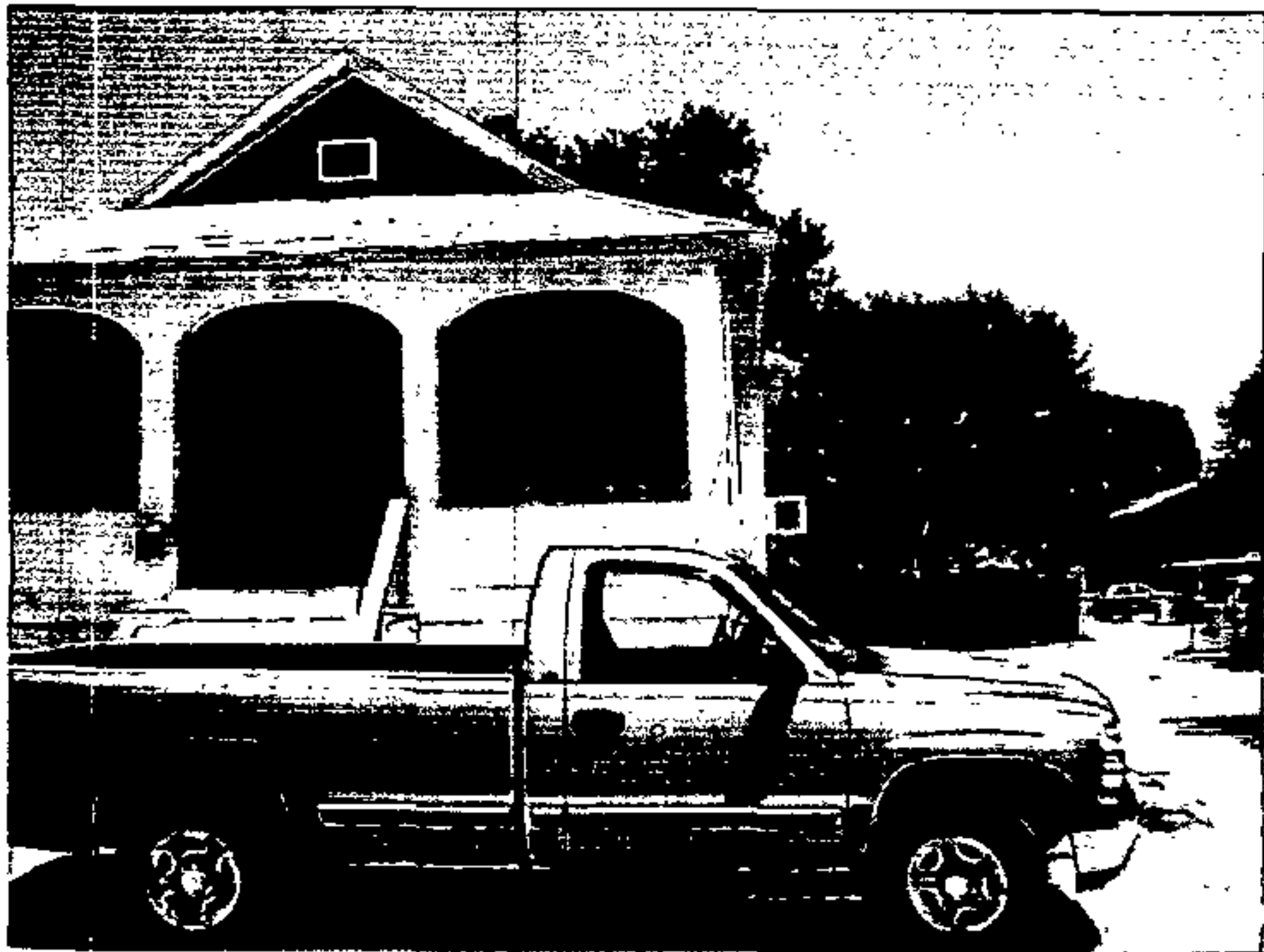
Bledar
(Signature of Sign Poster/Date)

BILL LEDDON
(Printed Name)

SHANNON-BAUM SIGNS INC.
105 COMPETITIVE GOALS DR.
ELDERSBURG, MD. 21784

410-781-4000





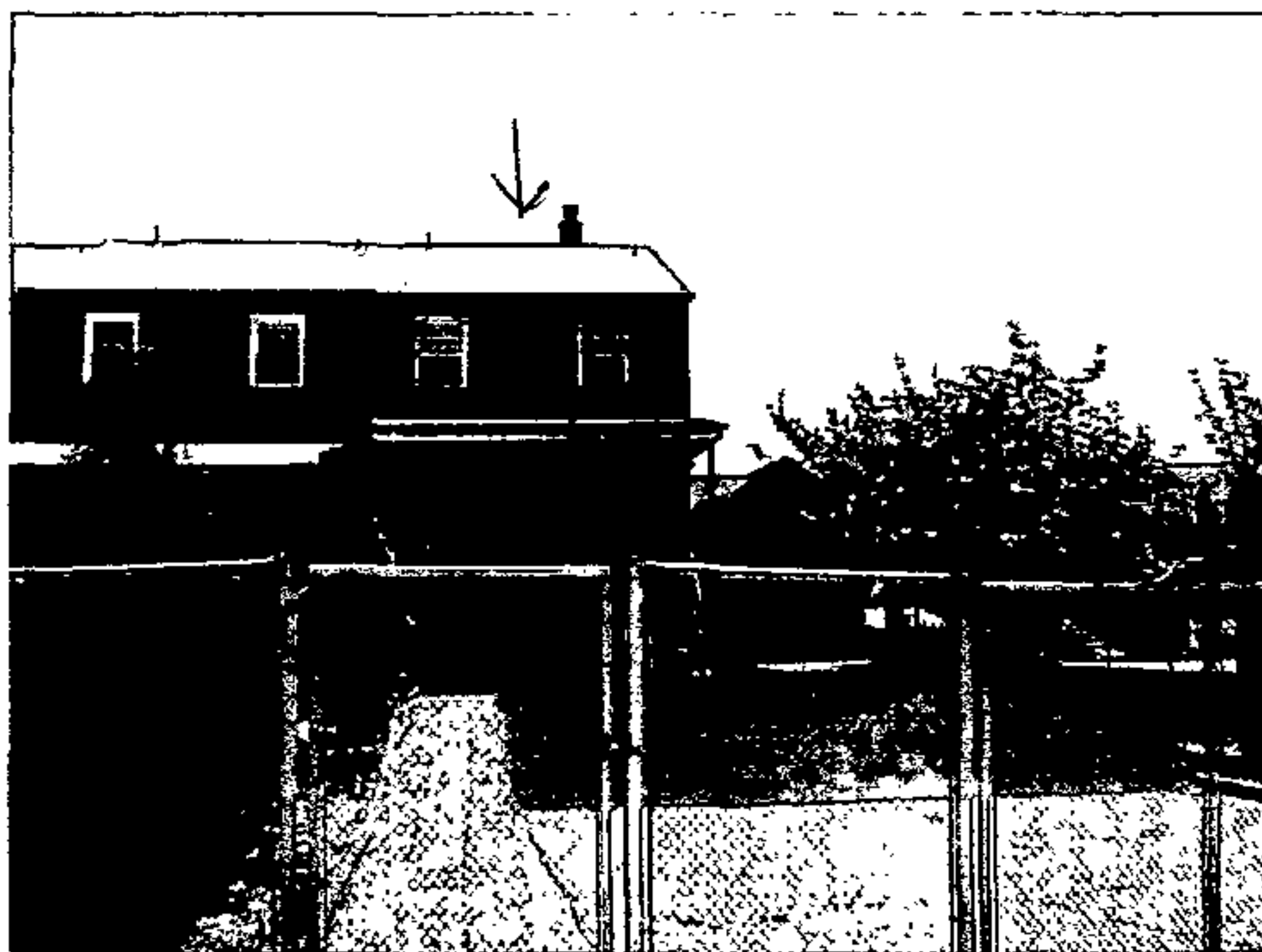
REAR ALLEY



FRONT



EUGENE AVE



REAR

508

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 568 -A

Address 114 VIRGINIA AVE

Contact Person: JUN FERNANDO

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6-19-07

Posting Date: 7-1-07

Closing Date: 7-16-07

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 07- 568 -A

Address 114 VIRGINIA AVE

Petitioner's Name Jose & Ivonne Escobar

Telephone 410-780-9045

Posting Date: 7-1-07

Closing Date: 7-16-07

Wording for Sign: To Permit an addition with a side street right-of-way
setback of 19' in lieu of the required 25'. And to amend the
SB Amended Development Plan of Villa Capri for lot # 1 only.

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: 07-568-A

Petitioner: José & Ivonne Escobar

Address or Location: 114 Virginia Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Julie Tice

Address: 15 E. Ostend St

Baltimore, MD 21230

Telephone Number: 410.547.7467

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 29268

DATE 6-17-07

ACCOUNT 001-006-6150

AMOUNT \$ 115.00

RECEIVED FROM:

JULIE TICE

FOR:

Admin. Support Item # 588
114 Virginia Ave

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

DATE 6/19/2007 TIME 14:55:55
REF NO. 1611111111111111
>> RECEIPT # 576941 6/19/2007 OFLN
REF # 528 ZORING VERIFICATION
CH NO. 082249

Receipt Tot \$115.00
\$115.00 OK \$115.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION



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

July 16, 2007

Jose Napoleon Escobar
Ivonne G. Escobar
114 Virginia Avenue
Baltimore, MD 21221

Dear Mr. and Mrs. Escobar:

RE: Case Number: 07-568-A, 114 Virginia Avenue

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 19, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Julie Tice 15 E. Ostend Street Baltimore 21230

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
AUG 23 2007

BY:

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWL
DATE: August 23, 2007
SUBJECT: Zoning Item # 07-568-A
Address 114 Virginia Avenue
Escobar property

Zoning Advisory Committee Meeting of June 25, 2007

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 other Sections, of the Baltimore County Code).

Additional Comments:

This property is within the Intensely Developed Area (IDA) of the CBCA. Any development must comply with IDA regulations and DEPRM approval.

Reviewer: Kevin Brittingham

Date: 7/23/07

Patricia Zook - Case 07-568-A (administrative variance - closed 7-16-07)

From: Patricia Zook
To: Livingston, Jeffrey
Date: 8/7/2007 9:41 AM
Subject: Case 07-568-A (administrative variance - closed 7-16-07)

Jeff -

The Petitioners are calling and asking when they can receive their Order....however we don't have DEPRM comments. This case closed on July 16.

Thanks.

Hi Jeff -

We need comments from DEPRM as the property is located in the CBCA.

Thanks.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

Patricia Zook - Case 07-568-A (administrative variance - closed 7-16-07)

From: Patricia Zook
To: Livingston, Jeffrey
Date: 7/23/2007 3:21 PM
Subject: Case 07-568-A (administrative variance - closed 7-16-07)

Hi Jeff -

We need comments from DEPRM as the property is located in the CBCA.

Thanks.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
410-887-3868
pzook@baltimorecountymd.gov

AV
7/16

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 5, 2007

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

RECEIVED
JUL 11 2007

SUBJECT: Zoning Advisory Petition(s): Case(s) 07-568- Variance

Admin. BY:

The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:

Curtis P. Murray

Division Chief:

John L. Latham

CM/LL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: July 5, 2007

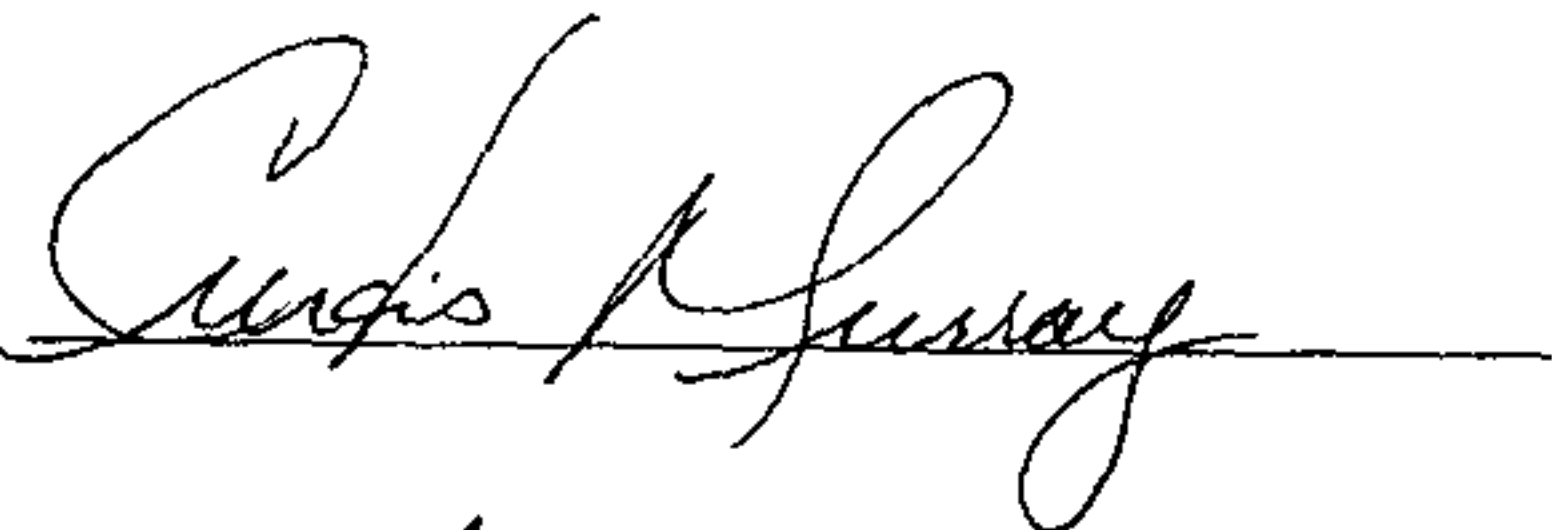
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 07-568- Variance**

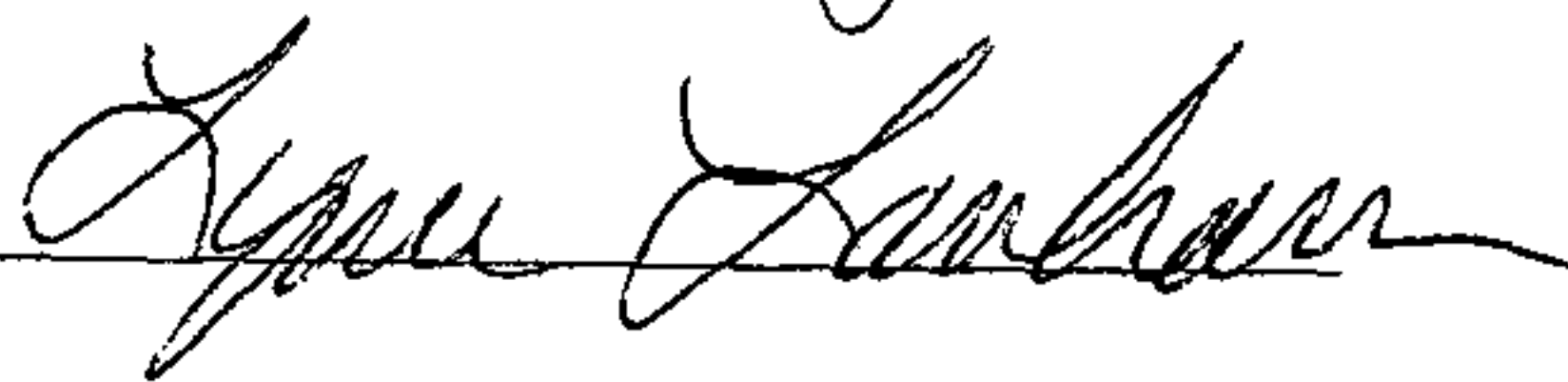
The Office of Planning has reviewed the above referenced case(s) and does not oppose the petitioner's request.

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: June 27, 2007

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 2, 2007
Item Nos. 07-521, 555, 557, 558, 559, 560,
561, 562, 563, 564, 565, 566, 567, 568, 569,
570, 571, and 572

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-06272007.doc



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: JUNE 26, 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. 7-568-A
114 VIRGINIA AVENUE
ESCORBAR 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. 7-568-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,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

July 3, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 25, 2007

568

Item Number: 555 through 572

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



Printed on Recycled Paper

PLAT TO ACCOMPANY PETITION FOR ZONING

☒ VARIANCE

☐ SPECIAL HEARING

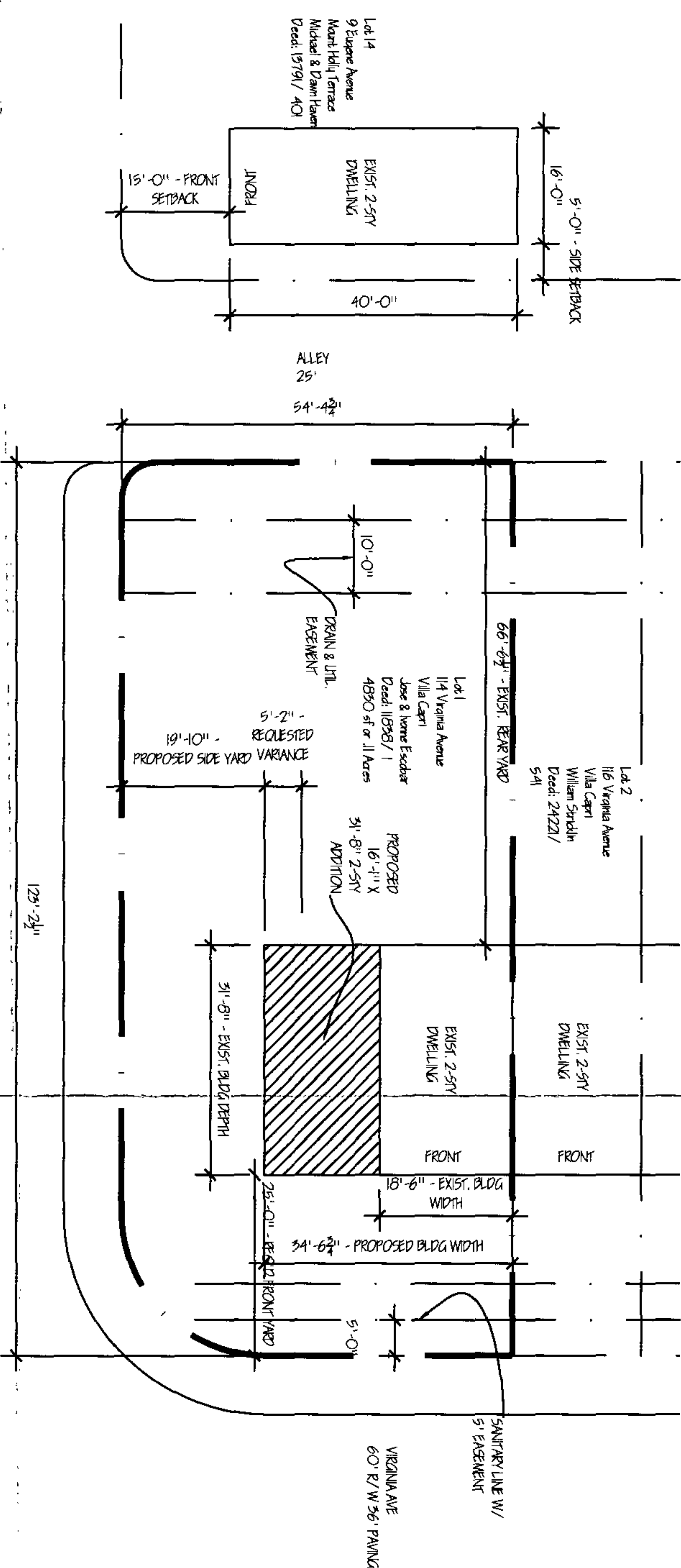
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 114 VIRGINIA AVENUE

SUBDIVISION NAME VILLA CAPRI

PLAT BOOK # 38 FOLIO # 106 LOT # 1 SECTION # 1

OWNER JOSE & IVONNE ESCOBAR



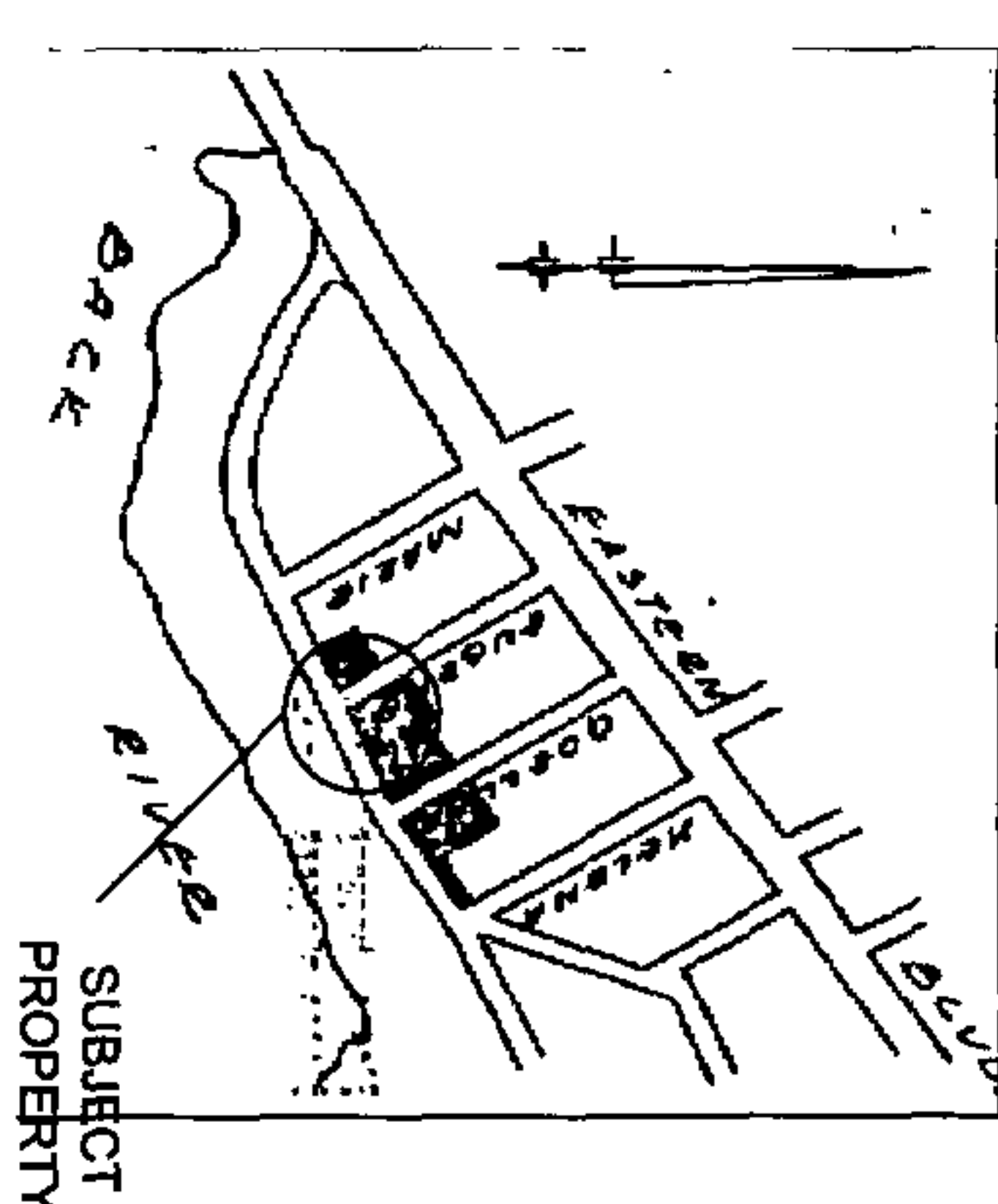
NORTH

PREPARED BY JDT

SCALE OF DRAWINGS: 1" = 20'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 15
COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # NE 1-6
ZONING DR-14

LOT SIZE 0.11 ACREAGE 4830 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

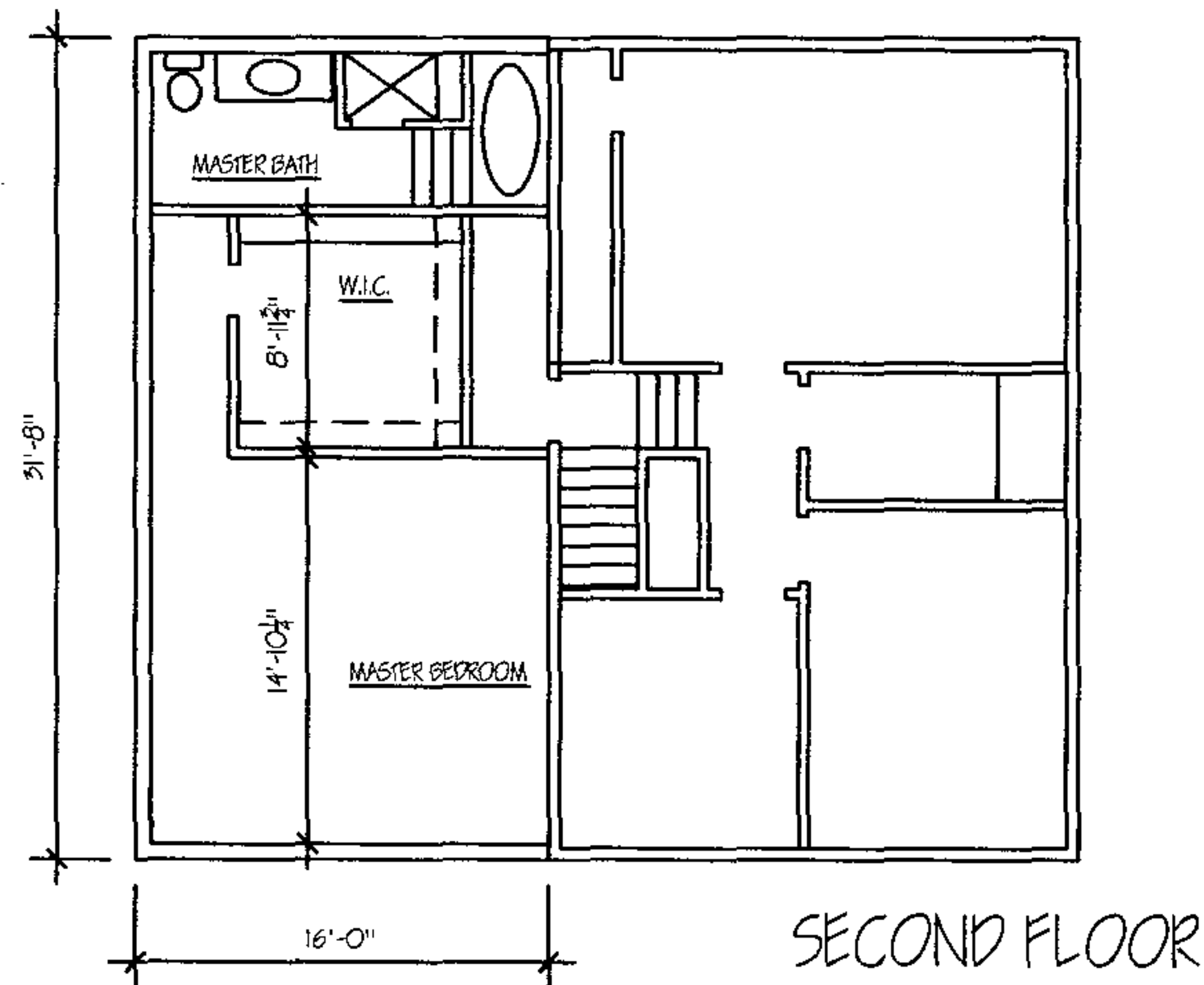
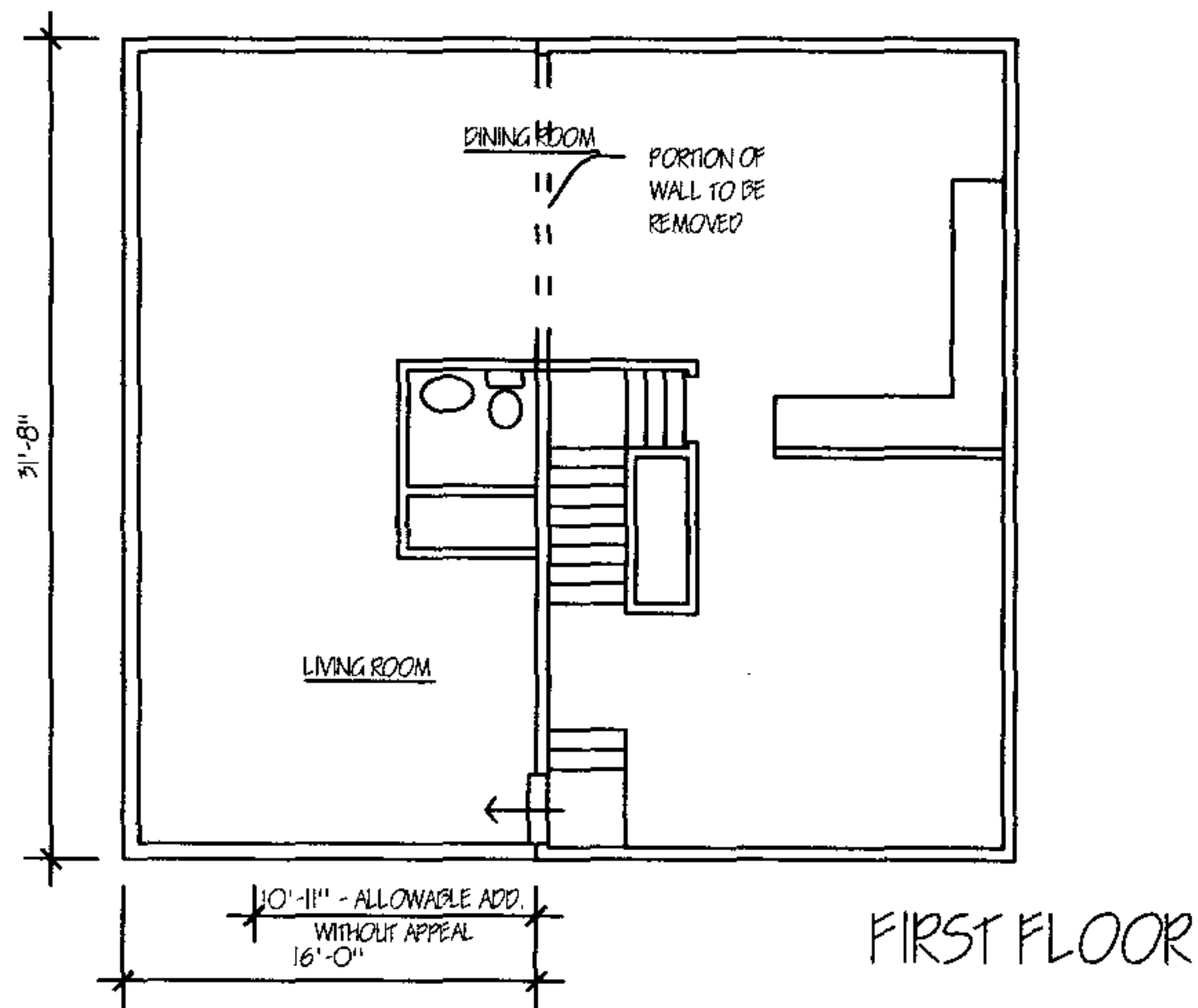
YES NO

CHESAPEAKE BAY CRITICAL AREA ☒ ☐
100 YEAR FLOOD PLAIN ☐ ☒
HISTORIC PROPERTY/BUILDING ☐ ☒
PRIOR ZONING HEARING None

REVIEWED BY ZONING OFFICE USE ONLY
ITEM # CASE #

54

548



FIRST & SECOND FLOOR PLANS

SCALE: 3/32" = 1'-0"

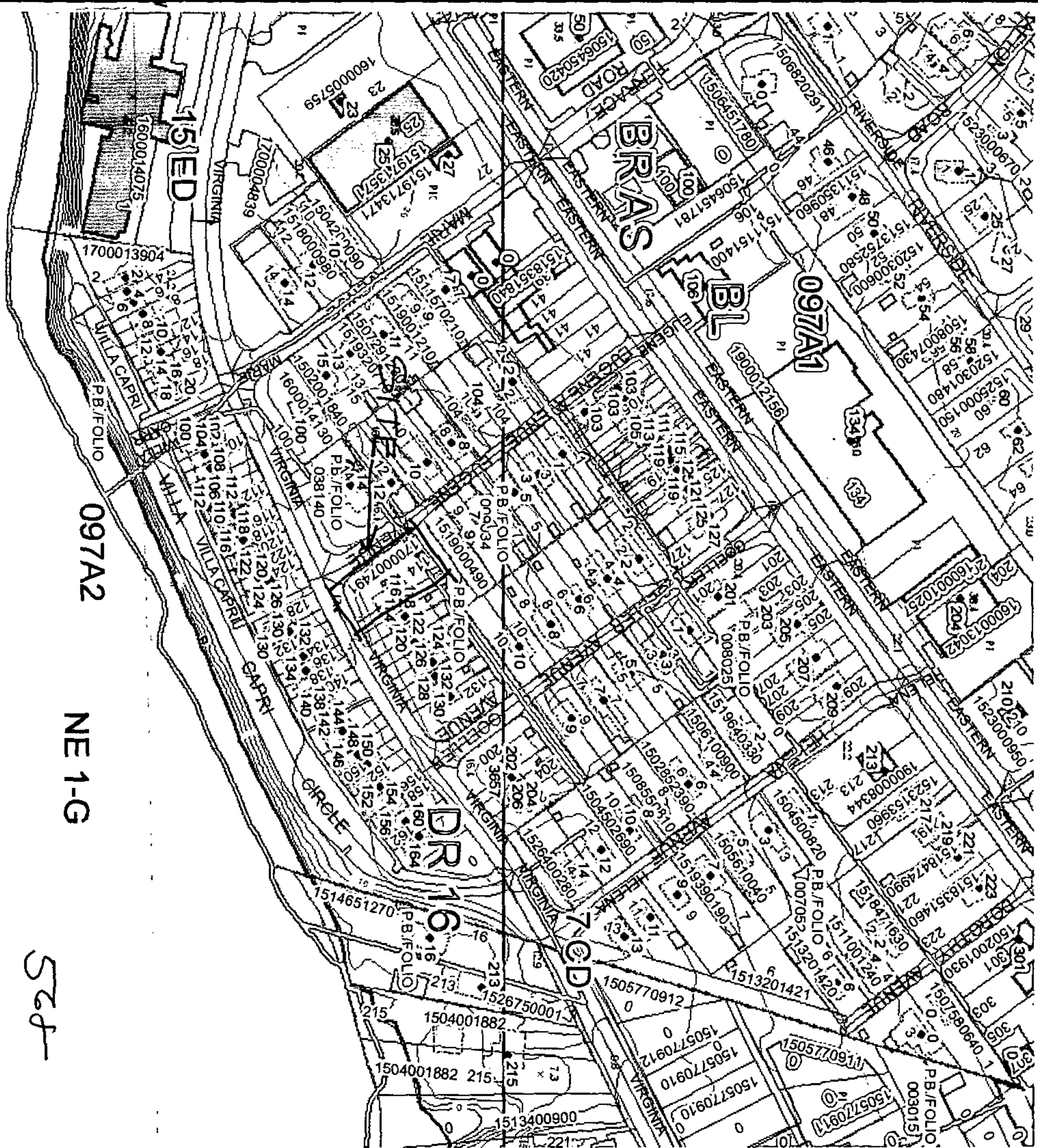
114 Virginia Ave., Baltimore, MD 21221
for Ivonne & José Escobar

Julie D. Tice, AIA

Architecture * Planning * LEED Consulting

15 East Ostend Street, Baltimore, Maryland 21230

A.I.I.I.



PLAT TO ACCOMPANY PETITION FOR ZONING

☒ VARIANCE

☐ SPECIAL HEARING

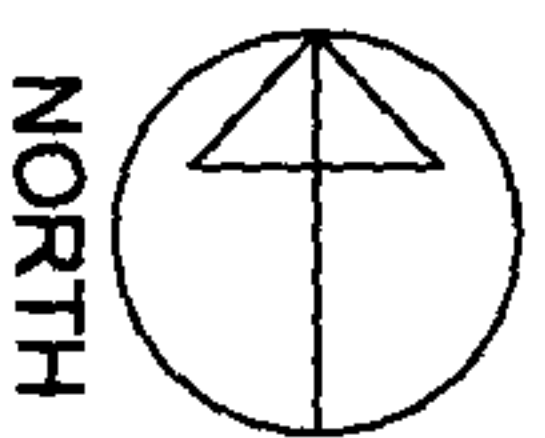
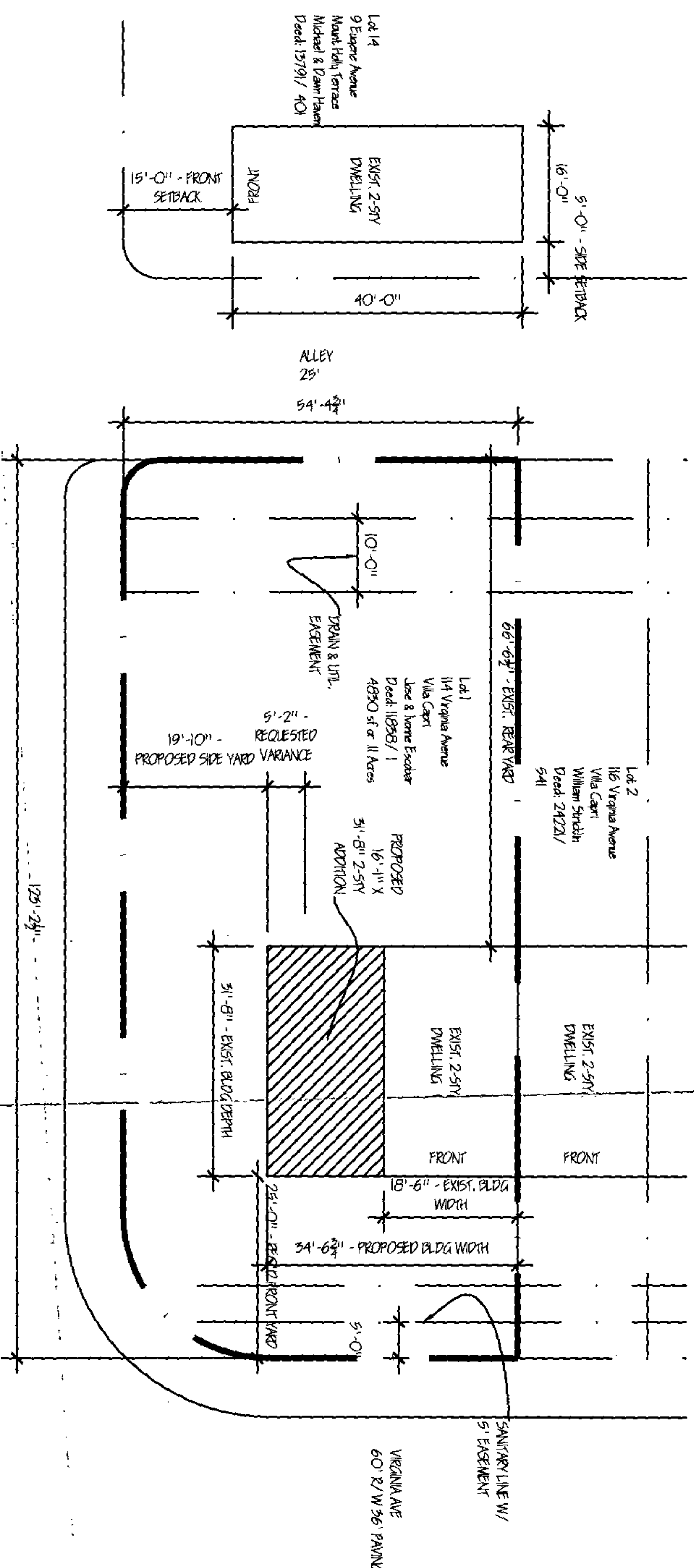
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PROPERTY ADDRESS 114 VIRGINIA AVENUE

SUBDIVISION NAME VILLA CAPRI

PLAT BOOK # 38 FOLIO # 106 LOT # 1 SECTION # 1

OWNER JOSE & IVONNE ESCOBAR



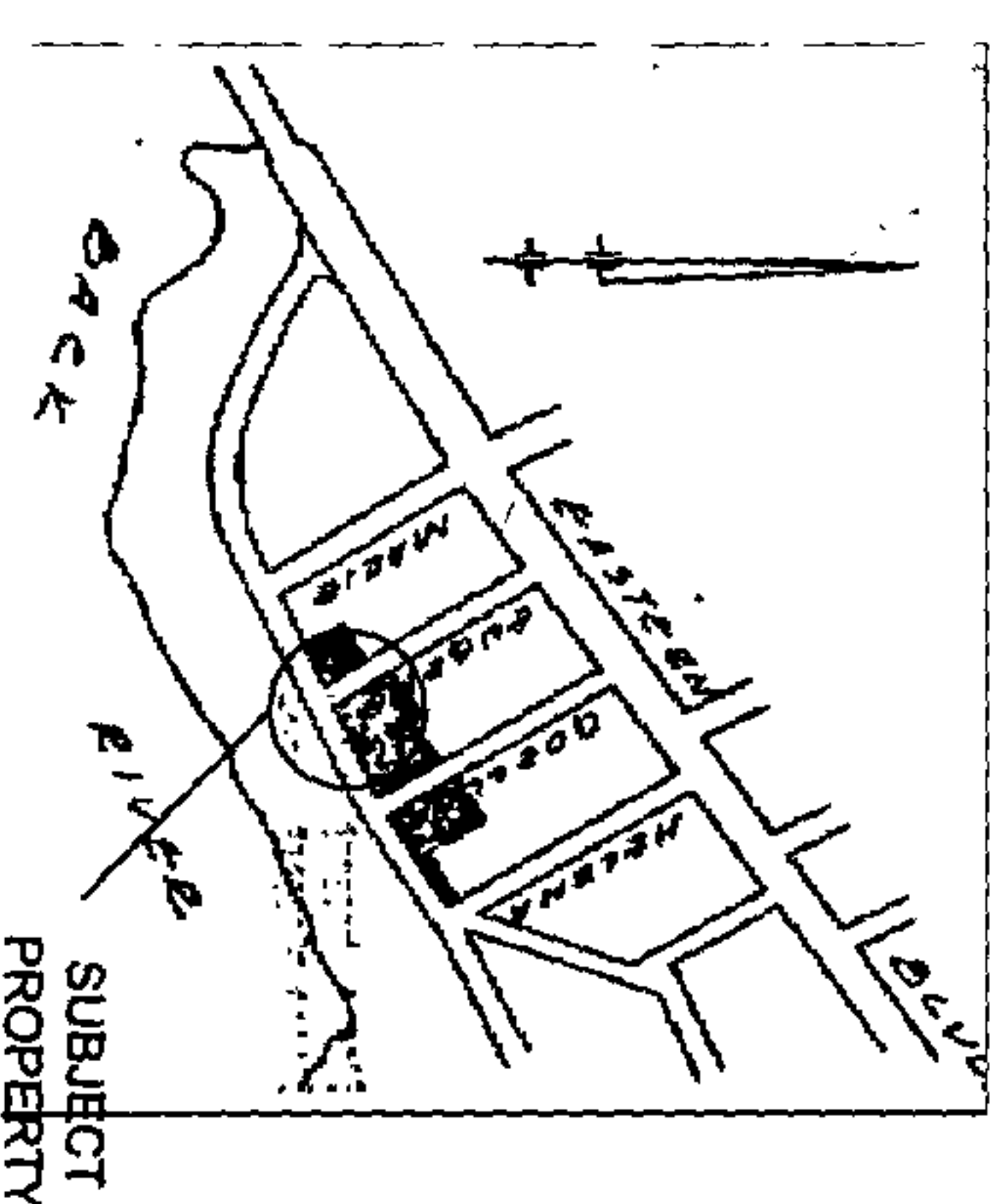
NORTH

PREPARED BY JDT

SCALE OF DRAWINGS: 1" = 20'



VICINITY MAP
SCALE: 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # NE-1-G

ZONING DR-110

LOT SIZE 0.11 ACRES 4830 SQUARE FEET

SEWER PUBLIC

PRIVATE

WATER

YES

NO

CHESAPEAKE BAY CRITICAL AREA

100 YEAR FLOOD PLAIN

HISTORIC PROPERTY/BUILDING

PRIOR ZONING HEARING

REVIEWED BY ZONING OFFICE USE ONLY

ITEM #

CASE #

54

568

indicate that development of the property must comply with the Chesapeake Bay Critical Area Regulations. The property is within the Intensely Development Area of the CBCA.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 29, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 24th day of August, 2007, that a variance from Section 1B01.2.C.1.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a side street right-of-way setback of 19 feet in lieu of the required 25 feet and to amend the 5th Amended Development Plan of Villa Capri for Lot 1 only be and is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING
8.24.07
PO

CBCA



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 114 Virginia Ave
which is presently zoned DR 16

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) 1B01.2.C.1.c BCZR

To permit an addition with a side street right-of-way setback of 19' in lieu of the required 25'. And to amend the 5th Amended Development Plan of Villa Capri for lot #1 only.

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):

x Jose Napoleon Escobar
Name - Type or Print

Signature

x Ivonne E. Escobar
Name - Type or Print

Signature

x 114 Virginia Ave. 410-780-9045
Address Telephone No.

x Baltimore MD 21221
City State Zip Code

Representative to be Contacted:

Julie Tice
Name

15 E. Ostend St 410.547.7467
Address Telephone No.

Baltimore MD 21230
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.

07-568-A

Reviewed By

JF

Date

6-19-07

REV 10/25/01

Estimated Posting Date

7-1-07

8.24.07

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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 114 Virginia Avenue
Address
Baltimore MD 21221
City State Zip Code

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):

The existing house is 1170 square feet, with 3 bedrooms.
The proposed additional 1000 square feet (500 sf per floor) will provide this family of four with adequate living space, including a family room, expanded dining room and half-bath on the 1st floor, as well as a 4th bedroom & 2nd bath on the second floor, which will help accomodate out-of-town guests.
The addition at the side of the existing structure will minimize the disruption during construction.

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.

Jose N. Escobar
Signature

Jose Napoleon Escobar
Name - Type or Print

Ivonne G. Escobar
Signature

Ivonne G. Escobar
Name - Type or Print

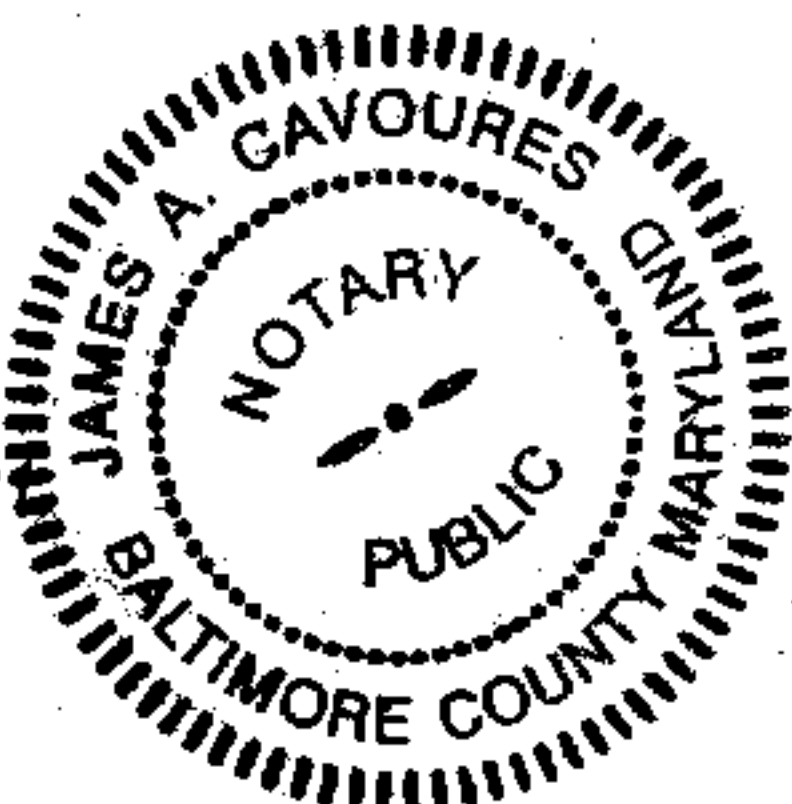
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of MAY, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

REV 10/25/0



James A. Cavoires
Notary Public

My Commission Expires 9/11/07