

IN RE: PETITION FOR VARIANCE

S side of Eastern Avenue; 99 feet
E of 47th Street centerline
12th Election District
7th Council District
(7105 Eastern Avenue)

Frawing Galan
Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2012-0059-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by the legal owner of the property, Frawing Galan. The Petitioner is requesting Variance relief under Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a covered open deck addition and stairs to same with front and side setbacks of 1.5 feet and 2.5 feet in lieu of the required 9 feet (front average setback) and 7.5 feet, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the variance request was Petitioner Frawing Galan and Bernadette Moskunas with Site Rite Surveying, Inc., the professional land surveyor who prepared the site plan and is assisting the Petitioner through the permitting process. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

This matter came to the Office of Administrative Hearings as a result of an anonymous complaint registered with the Code Enforcement Division of the Department of Permits, Approvals and Inspections¹. A Code Inspections and Enforcement Correction Notice was issued to Petitioner July 14, 2011, for failure to obtain required building permits and inspections. It was

¹ Case No: CO-0096012

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10-6-11

Date

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By

later determined the citation was issued to the former owners of the property rather than Petitioner. Even so, Petitioner filed the instant variance request to bring the property into compliance.

Testimony and evidence revealed that the subject property is 4,921 square feet in area, and is approximately 27' wide, being comprised of a 25' wide lot (Lot 603) and 12' of Lot 602. The property appears on a plat of Harbor View, recorded nearly 100 years ago.

The Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief. The file contains no letters of opposition or protest and the Petitioner submitted letters from his adjoining neighbors who are supportive of his request.

The Petitioner testified he was aware that he needed some sort of permit or approval from Baltimore County, but allowed his contractor to convince him it would be permissible to complete the work only on weekends. I appreciate his candor, and believe his intentions are to improve the property, which is a laudable goal.

The Petitioner indicated that some years ago an open porch on the front of the house was enclosed by former owners. The Petitioner's mother desired an open porch on the front of the property, and he would be unable to construct the additions without variance relief from the otherwise applicable front and side yard setbacks.

Considering all of the testimony and evidence presented, I am persuaded to grant the requested variance relief. I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The lot is extremely narrow, and to construct a porch of sufficient size requires variance relief.

I further find that the granting of the relief as set forth herein can be accomplished without injury to the public health, safety, and general welfare. The porch appears to be an attractive addition to the home, and will not in any way cause injury or harm to the

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Date

By

neighborhood. Therefore, in all manner and form, I find that the variance can be granted in accordance with the requirements of Section 307 of the B.C.Z.R. as articulated in *Cromwell v. Ward*, 102 Md. App. 691 (1995).

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

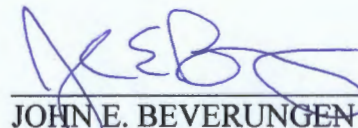
THEREFORE, IT IS ORDERED, this 6 day of October, 2011 by this Administrative Law Judge that Petitioner's Variance request from Sections 1B02.3.C.1 and 301.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a covered open deck addition and stairs to same with front and side setbacks of 1.5 feet and 2.5 feet in lieu of the required 9 feet (front average setback) and 7.5 feet, respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. The Petitioner may apply for her building permit and may be granted same upon receipt of this Order, however the Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the thirty (30) day appellate process from this Order has expired. If for whatever reason, this Order is reversed, the Petitioner will be required to return and be responsible for returning said property to its original condition.

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

this Order.


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date

10-6-11

By

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KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

October 6, 2011

Frawing Galan
7105 Eastern Avenue
Baltimore, Maryland 21224

RE: **PETITION FOR VARIANCE**
S side of Eastern Avenue; 99 feet E of 47th Street centerline
12th Election District- 7th Council District
(7105 Eastern Avenue)
Frawing Galan - *Petitioner*
CASE NO. 2012-0059-A

Dear Mr. Galan:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Bernadette Moskunus, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101,
Towson, MD 21286
Code Enforcement Division, Department of Permits, Approvals and Inspections

Viol. Case # CO 6012

ORIGINAL KEEP IN FILE



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at 7105 Eastern Avenue
which is presently zoned D.R. 5.5

Deed Reference: 300541417 Tax Account # 1220030321

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) 1802.3.C.1 AND 301.1:

TO PERMIT A ~~RECOVERED~~ ^{ADDITION} AND ^{AND SIDE} ~~OPEN DECK~~ ^{FRONT} STAIRS TO SAME WITH ^{SETBACKS} OF 1 1/2 FT. AND 2 1/2 FT. IN LIEU OF THE REQUIRED 9 FT. (FRONT AVERAGE SETBACK) AND 7 1/2 FT. RESPECTIVELY.

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

To be presented at hearing

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 Date

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print Frawing Galan Frawing Galan

Signature

Name - Type or Print

Signature

7105 Eastern Avenue 443-277-7068

Address Telephone No.

Baltimore, MD 21224

City State Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road, Room 101 410-828-9060

Address Telephone No.

Towson MD 21286

City State Zip Code

Office Use Only

Estimated Length of Hearing 1HR
Unavailable For Hearing

Reviewed by VL Date 8/30/11

Case No. 2012-0059-A

**ZONING DESCRIPTION
#7105 EASTERN AVENUE**

0059

BEGINNING at a point on the south side of Eastern Avenue, Maryland Route No. 150, which is 180 feet wide at the distance of 99 feet northeast of the centerline of 47th Street, which is 50 feet wide.

Being all of Lot No. 603 and the western 12 feet of Lot No. 602 in the subdivision of "Harbor View" as recorded in Baltimore County Plat Book No. 5, folio No. 80, containing 4,921 S.F. Located in the 12th Election District, 7th Councilmanic District.



Michael V. Moskunas
Registration No. 21175

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

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **73659**

Date: **8/30/11**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
CD1	806	0000		6150					75.00

Total: **75.00**

Rec From: **GHLAN**

For: **RES VAIR 7105 EASTERN AVE.**

2012-0059-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DATE
8/30/2011 8/30/2011 11:36:53 4
REC WSD1 WALKIN JCAR JTC
>>RECEIPT # 489687 8/30/2011 0012
Dept 5 550 MISCELLANEOUS - BN
CR 073659
Recpt Tot 175.00
175.00 CR 1.00 CR
Baltimore County, Maryland

**CASHIER'S
VALIDATION**

**NOTICE OF ZONING
HEARING**

The Administrative Law Judges 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: # 2012-0059-A

7105 Eastern Avenue
S/s Eastern Avenue, 99 feet
east of 47th Street center-
line

12th Election District
7th Councilmanic District
Legal Owner(s): Frawing
Galan

Variance: to permit a covered open deck addition and stairs to same with front and side setbacks of 1 ½ feet and 2 ½ feet in lieu of the required 9 feet (front average setback) and 7 ½ feet respectively.

Hearing: Thursday, October 6, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 09/667 Sept 20 286409

CERTIFICATE OF PUBLICATION

9/22/, 2011

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 9/20/, 2011.

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

S. Wilkins

LEGAL ADVERTISING

CERTIFICATE OF POSTING
CERTIFICATE OF POSTING

RE: CASE NO: 2012-0059-A

PETITIONER/DEVELOPER _____

FRANING GAN / SITE RITE SURVEYING

DATE OF HEARING/CLOSING: _____

10/6/11

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 7105 EASTERN AVENUE

THIS SIGN(S) WERE POSTED ON September 21, 2011
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 9/21/11
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2012-0059-A

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

ROOM 205 JEFFERSON BUILDING 105

PLACE: WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: THURSDAY OCTOBER 6, 2011
AT 10:00 A.M.

REQUEST: VARIANCE - TO PERMIT A COVERED OPEN
DECK ADDITION AND STRIPS TO SAME WITH
FRONT AND SIDE SETBACKS OF 1 1/2 FEET AND 2 1/2 FEET
IN LIEU OF THE REQUIRED 9 FEET (FRONT AVERAGE STRIPS)
AND 7 1/2 FEET RESPECTIVELY

POSTPONEMENTS DUE TO UNWEATHER OR OTHER COMING ARE SOLEMNLY SET NECESSARY.
TO CANCEL HEARING CALL 410-887-1234

TO NOT RESUME THE SIGN AND PERMIT, DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

09/21/2011

Myland 9/21/11

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 20, 2011 Issue - Jeffersonian

Please forward billing to:
Frawning Galan
7105 Eastern Avenue
Baltimore, MD 21224

443-277-7068

NOTICE OF ZONING HEARING

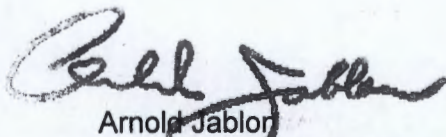
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0059-A

7105 Eastern Avenue
S/s Eastern Avenue, 99 feet east of 47th Street centerline
12th Election District – 7th Councilmanic District
Legal Owners: Frawning Galan

Variance to permit a covered open deck addition and stairs to same with front and side setbacks of 1 ½ feet and 2 ½ feet in lieu of the required 9 feet (front average setback) and 7 ½ feet respectively.

Hearing: Thursday, October 6, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 12, 2011

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0059-A

7105 Eastern Avenue

S/s Eastern Avenue, 99 feet east of 47th Street centerline

12th Election District – 7th Councilmanic District

Legal Owners: Frawing Galan

Variance to permit a covered open deck addition and stairs to same with front and side setbacks of 1 ½ feet and 2 ½ feet in lieu of the required 9 feet (front average setback) and 7 ½ feet respectively.

Hearing: Thursday, October 6, 2011 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Frawing Galan, 7105 Eastern Avenue, Baltimore 21244
Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., SEPTEMBER 21, 2011.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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: 2012- 0059- A
Petitioner: Frawing Galan
Address or Location: 7105 Eastern Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Frawing Galan
Address: 7105 Eastern Avenue
Baltimore, MD 21224
Telephone Number: 443- 277- 7068



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 26, 2011

Mr. Frawing Galan
7105 Eastern Avenue
Baltimore, MD 21224

RE: Case Number 2012-0059 A, 7105 Eastern Avenue

Dear Mr. Galan,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 30, 2011. 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.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

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

10/4 10am 205

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: September 15, 2011

SUBJECT: DEPS Comment for Zoning Item # 12-059-A
Address 7105 Eastern Avenue
(Galan Property)

Zoning Advisory Committee Meeting of September 6, 2011.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston; Development Coordination*

RECEIVED

SEP 15 2011

OFFICE OF ADMINISTRATIVE HEARINGS

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: September 8, 2011

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

SUBJECT: Zoning Advisory Committee Meeting
For September 19, 2011
Item Nos. 2012-052, 053, 054, 055, 056, 057, 058
And 059

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09192011 -NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8-31-11

Ms. Kristen Matthews,
Baltimore County Department of
Permits, Approvals & Inspections
County Office Building, Room 109
Towson, Maryland 21204

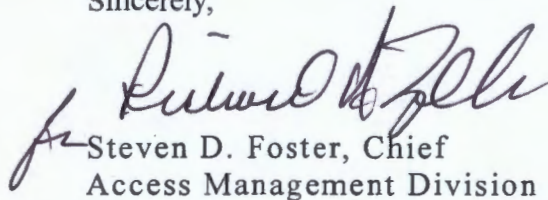
RE: Baltimore County
Item No. 2012-0059-A
Variance
Frowning Galen
7105 Eastern Avenue

Dear Ms. Matthews:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 8-31-11. A field inspection and internal review reveals that an entrance onto MD150 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Variance, Case Number 2012-0059.

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

RE: PETITION FOR VARIANCE
7105 Eastern Avenue; E/S Eastern Avenue,
99' E of 47th Street centerline
12th Election & 7th Councilmanic Districts
Legal Owner(s): Frawing Galan
Petitioner(s)

* BEFORE THE
* ADMINISTRATIVE LAW
* JUDGE FOR
* BALTIMORE COUNTY
* 2012-059-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

SEP - 6 2011

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of September, 2011, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E. Joppa Road, Room 101, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2012-0059-A

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: September 8, 2011

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2012-0059-A
Legal Owner/Petitioner: Galan Frawing
Contract Purchaser: N/A
Property Address: 7105 Eastern Avenue
Location Description: S/S Eastern Avenue; 99 feet East of 47th Street centerline

VIIOLATION INFORMATION: Case No. CO0096012
Defendants: Galan Frawing

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

NAME	ADDRESS
Lewis Mayer	111 W. Chesapeake Avenue

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

- | | |
|-------------------------------------|---|
| ☒ | 1. Complaint letter/memo/email/fax (if applicable) |
| ☒ | 2. Complaint Intake Form/Code Enforcement Officer's report and notes |
| ☒ | 3. State Tax Assessment printout |
| ☐ | 4. State Tax Parcel Map (if applicable) |
| ☐ | 5. MVA Registration printout (if applicable) |
| ☐ | 6. Deed (if applicable) |
| ☐ | 7. Lease-Residential or Commercial (if applicable) |
| ☒ | 8. Photographs including dates taken |
| ☒ | 9. Correction Notice/Code Violation Notice |
| ☒ | 10. Citation and Proof of Service (if applicable) |
| ☐ | 11. Certified Mail Receipt (if applicable) |
| ☐ | 12. Final Order of the Code Official/Hearing Officer (if applicable) |
| ☐ | 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable) |
| ☒ | 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable). |

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/rw
C: Code Enforcement Officer

CODE ENFORCEMENT REPORT

DATE: 6/14/11 INTAKE BY: GB CASE #: C00096012 INSPEC: _____

COMPLAINT LOCATION: 7105 EASTERN AVE PA0256876

ZIP CODE: _____ DIST: 15

COMPLAINANT NAME: ANONY PHONE #: (H) _____ (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: PORCH BEING BUILT NO PERMITS

IS THIS A RENTAL UNIT? YES _____ NO _____
IF YES, IS THIS SECTION 8? YES _____ NO _____

OWNER/TENANT INFORMATION: GALAN FRAWLEY 443-277-7068

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: 6/15/11 - Visited Site. Observed A New Porch Being Built On The Front And Side Of House. Issued A Stop Work Order To Obtain A Permit And Required Inspections. Posted On Site And Took Photos.

COMPLAINANT IS ANONYMOUS E-MAIL RLC 6/29/11 Jam. / J.W.

REINSPECTION: 6/30/11 - Owner Applying For Variance RLC 7/14/11 Jam. / J.W.
7/14/11 - No Response From Owner. No Appointment Set To Make Variance Application. Issued Civil Citation To Owner. Set Hearing Date For 8/16/11 RLC 8/15/11 Jam. / J.W.

REINSPECTION: - 8/16/11 - Hearing Held No Decision Rendered. Citation Issued In Error. Incorrect Owner listed in Tax Record. Owner Working On Variance RLC 8/29/11 Jam. / J.W.

8/30/11 - Variance Application Accepted. Case No 2914-0059A
REINSPECTION: RLC 9/15/11 For Variance Hearing Date. Jam. / J.W.

7105 Eastern Ave

DATE: 09/07/2011

STANDARD ASSESSMENT INQUIRY (1)

TIME: 13:52:56

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
12 20 030321	12	3-0	04-00	H	NO		08/17/11

HERNANDEZ VINCENTE D

DESC-1.. LT 603 PT LT 602

GERMAN LAURA I

DESC-2.. HARBOR VIEW

7105 EASTERN AVE

PREMISE. 07105 EASTERN

AVE

00000-0000

BALTIMORE

MD 21224-3105 FORMER OWNER: HICKS BRUCE WAYNE

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	59,500	60,920		FCV	ASSESS	ASSESS
IMPV:	93,870	108,960	TOTAL..	169,880	169,880	164,377
TOTL:	153,370	169,880	PREF...	0	0	0
PREF:	0	0	CURT...	169,880	169,880	164,376
CURT:	153,370	169,880	EXEMPT.		0	0
DATE:	08/08	08/08				

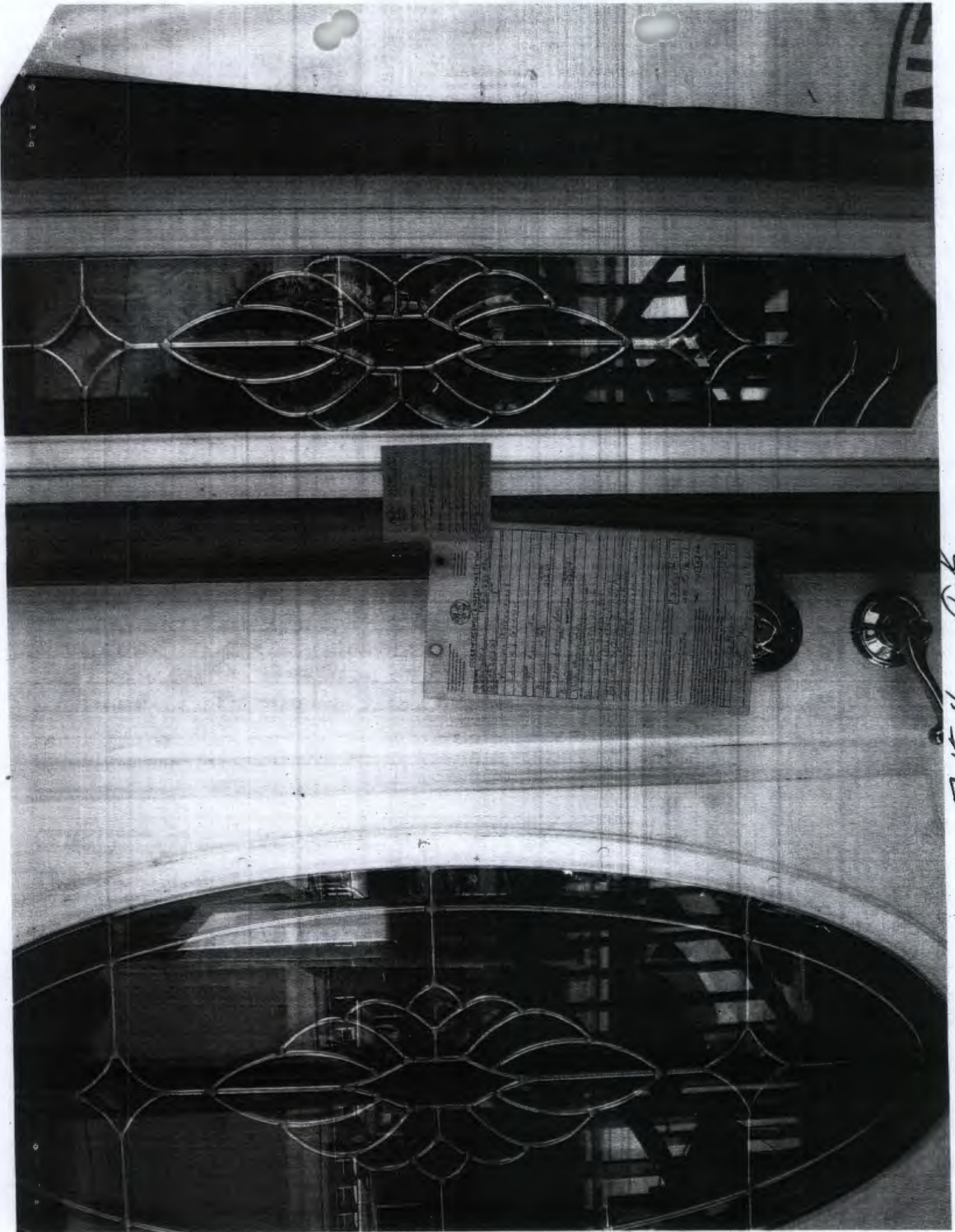
---- TAXABLE BASIS ---- FM DATE

ASSESS: 169,880

ASSESS: 164,377

ASSESS: 0

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



7.15.11 D.K.

Permits and Development Management
Code Inspections and Enforcement
County Office Building, Rm. 213
111 West Chesapeake Ave.
Towson, Maryland 21204



Code Enforcement 410-887-3351
Building Inspection 410-887-3953
Electrical Inspection 410-887-3960
Plumbing Inspection 410-887-3620

CODE ENFORCEMENT & INSPECTION CITATION

CASE NUMBER C00096012		FACILITY ID FA0256876
PROPERTY TAX ID 1220030321		ZONE
NAME(S): VINCENTE D. HERNANDEZ LAURA I. GERMAN		
MAILING ADDRESS: 7105 EASTERN AVE		
CITY BALTIMORE	STATE MD	ZIP CODE 21224
VIOLATION ADDRESS: 7105 EASTERN AVE.		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE 21224
VIOLATION DATES: 6/15/11 through 7/14/11		

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

- **BALTIMORE COUNTY CODE 2003 ARTICLE 35**
SUBTITLE 3 - SECT 35-2-301, 304
- **COUNTY COUNTY BILL 47-10, PART 115.1**
FAILURE TO OBTAIN BUILDING PERMIT
FOR PORCH ON FRONT AND SIDE OF HOUSE
FAILURE TO OBTAIN REQUIRED INSPECTIONS

Pursuant to the Baltimore County Code, as a result of the violation(s) cited herein a civil penalty has been assessed in the amount indicated.

\$ **2000.00**

A hearing has been pre-scheduled in room 106,
111 W. Chesapeake Ave, Towson, Maryland, 21204.

DATE: **8/16/11**

If unable to appear on the designated date, the violator may request in writing to the Code Official or the Director within fifteen days from the date of this citation for a rescheduled hearing. If you require the assistance of an interpreter because you do not understand or speak the language in which the proceedings are being conducted you must ask for an interpreter within 72 hours of the court date.

TIME: 9:00 **A.M.** P.M.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: **Lew Mayer**

INSPECTOR SIGNATURE: **Lewis Mayer** Date: **8/14/11**

G.K. 7.15.11



10/6 10am 104

Debra Wiley - ZAC Comments - Distribution Meeting of September 6 2011

From: Debra Wiley
To: Murray, Curtis; Lykens, David; Kennedy, Dennis; Muddiman, Don; Livingsto...
Date: 9/4/2011 2:30 PM
Subject: ZAC Comments - Distribution Meeting of September 6 2011

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

Thanks and feel free to contact me should you have any questions or concerns.

2012-0052-A - 2857 Louisiana Avenue
(Administrative Variance - Closing Date: 9/19/11)

2012-0053-SPHX - 2430--2444 Broad Avenue

2012-0054-A - 4401 Norfen Road
(Administrative Variance - Closing Date: 9/19/11)

2012-0055-A - 3501 Glenwood Road
(Administrative Variance - Closing Date: 9/19/11)

2012-0056-A -203 Saint Marys Road

2012-0057-SPHX - 4401 North Point Road

2012-0058-SPHA - 2127 York Road

2012-0059-A - 7105 Eastern Avenue

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

[Go Back](#)
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[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 12 Account Number - 1220030321

Owner Information

Owner Name: GALAN FRAWING **Use:** RESIDENTIAL
Mailing Address: 7105 EASTERN AVE **Principal Residence:** YES
BALTIMORE MD 21224-3105 **Deed Reference:** 1) /30854/ 00417
2)

Location & Structure Information

Premises Address **Legal Description**
7105 EASTERN AVE LT 603 PT LT 602
0-0000 7105 EASTERN AVE SS
HARBOR VIEW

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0096	0021	0168		0000			603	3	Plat Ref: 0005/0080

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1927	1,423 SF	4,921 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2011	07/01/2012
Land	60,900	60,900		
Improvements:	108,900	108,900		
Total:	169,800	169,800	169,800	
Preferential Land:	0			

Transfer Information

Seller:	Date:	Price:
DEUTSCHE BANK NATIONAL TRUST COMPANY, TRUSTEE	06/01/2011	\$49,900
Type: NON-ARMS LENGTH OTHER	Deed1: /30854/ 00417	Deed2:
Seller: HERNANDEZ VINCENTE D	Date: 06/01/2011	Price: \$161,500
Type: ARMS LENGTH IMPROVED	Deed1: /30854/ 00405	Deed2:
Seller: HICKS BRUCE WAYNE	Date: 01/20/2006	Price: \$194,900
Type: ARMS LENGTH IMPROVED	Deed1: /23257/ 00158	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt: **Special Tax Recapture:**
Exempt Class:

10/3/11

Dear administrator law judges of Baltimore County:

This letter is to inform Baltimore County zoning that I am in agreement with the variance, to permit a covered open deck addition and stairs to same with front and side setbacks of $1\frac{1}{2}$ feet and $2\frac{1}{2}$ feet in lieu of the required 9 feet (front average setback) and $7\frac{1}{2}$ feet respectively. We understand this is in reference to case # 2012-0059-A for property 7105 Eastern Ave. Baltimore, Md 21224.

Sincerely,

Property owner name

Mary K Schuster

Property address

7107 Eastern ave Baltimore MD 21224

Property owner signature of agreement

Mary K Schuster
410-949-2269

10/3/11

Dear administrator law judges of Baltimore County:

This letter is to inform Baltimore County zoning that I am in agreement with the variance, to permit a covered open deck addition and stairs to same with front and side setbacks of $1\frac{1}{2}$ feet and $2\frac{1}{2}$ feet in lieu of the required 9 feet (front average setback) and $7\frac{1}{2}$ feet respectively. We understand this is in reference to case # 2012-0059-A for property 7105 Eastern Ave. Baltimore, Md 21224.

Sincerely,

Property owner name

Christina Lamb

Property address

7103 Eastern ave Baltimore MD 21224

Property owner signature of agreement

Christina Lamb

DR 10.5

EASTERN AVENUE
POB. 99' NE OF E
OF 47TH STREET

7111

7109

7107

7105

7103

DR 6.5

096B3

W. 47TH STREET

1999-0515-A
1994-0076-A

500

501

47 Feet



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 8/25/2011



CASE NAME 7105 Eastern Avenue
CASE NUMBER 2012-0059-A
DATE 10/6/2011

[illegible]

JB 10/6
10 AM

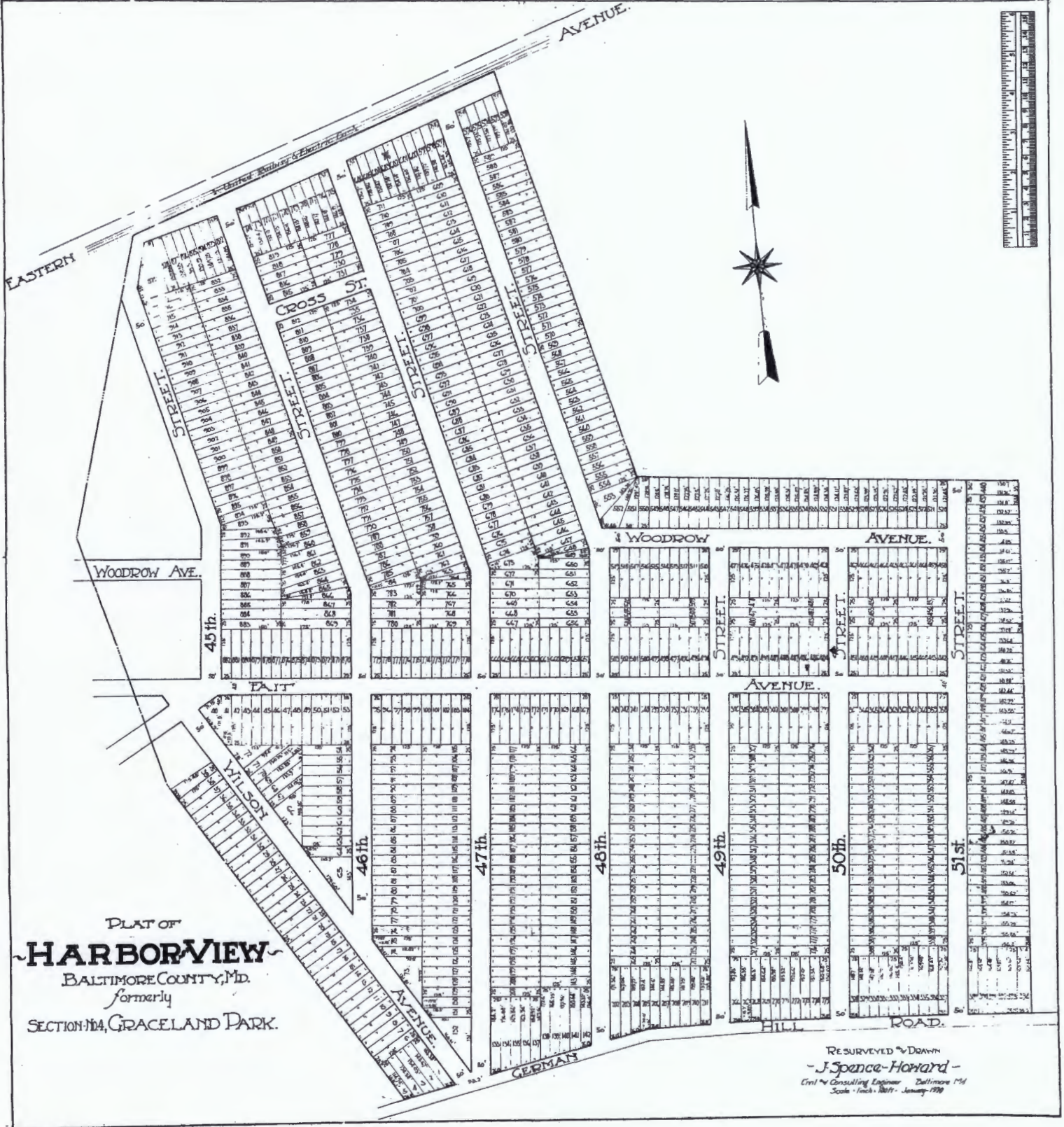
Case No.: 2012-0059-A

Exhibit Sheet

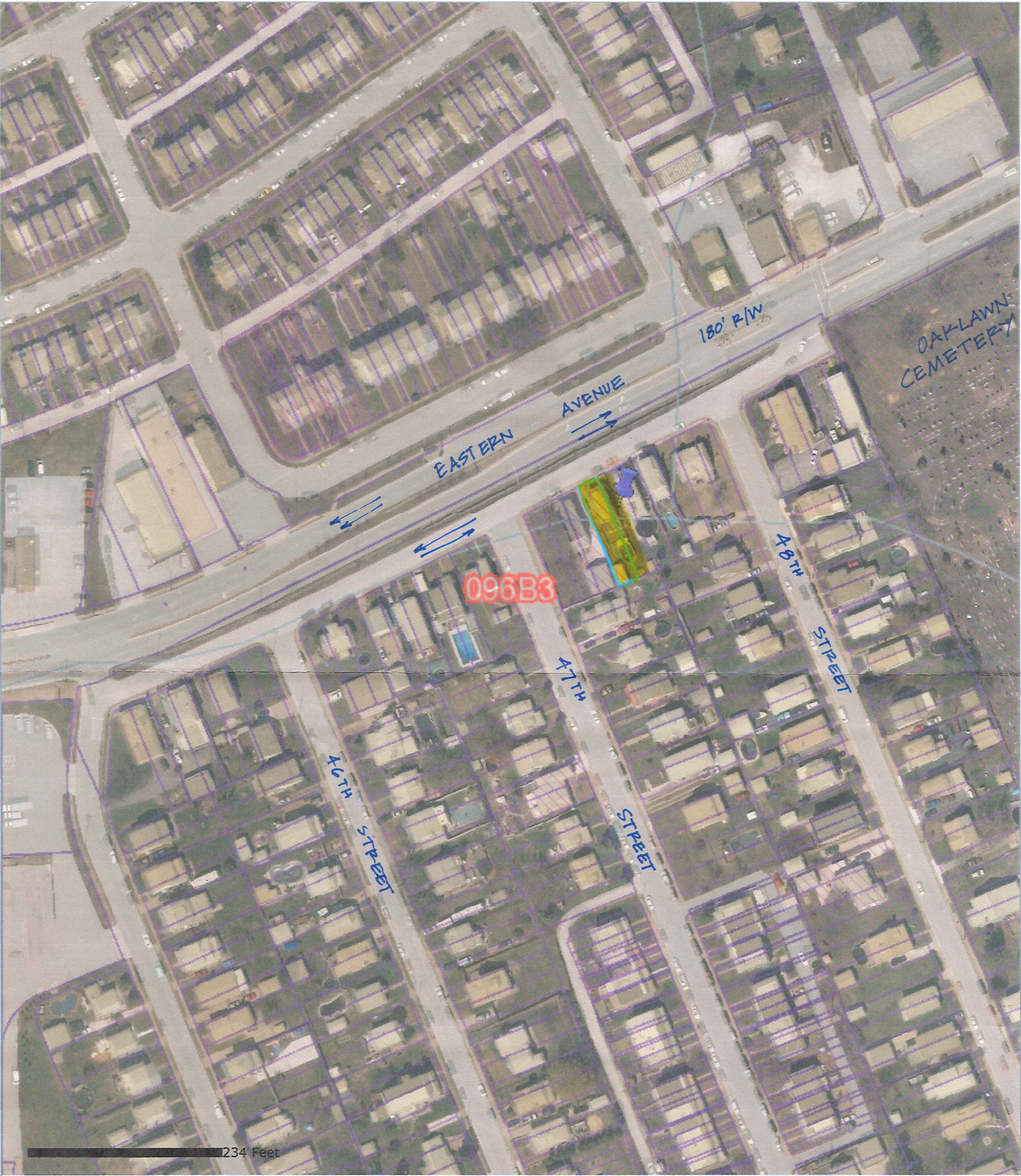
Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	Plat of "Harbor View"	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



P_sⁱ #2



Environmental Map

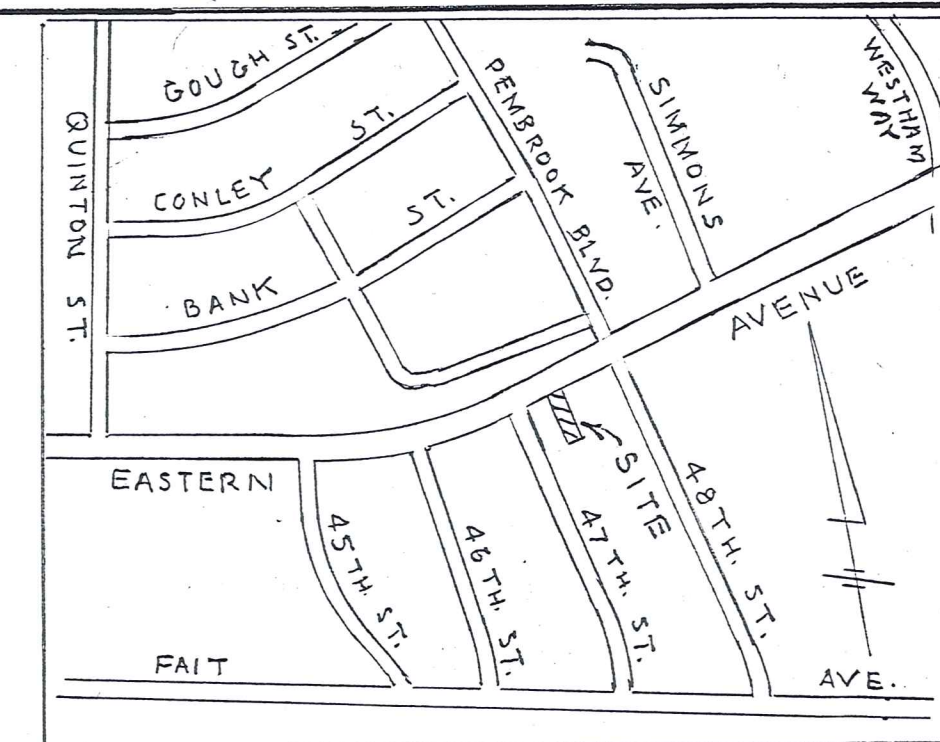
Created By
Baltimore County
My Neighborhood



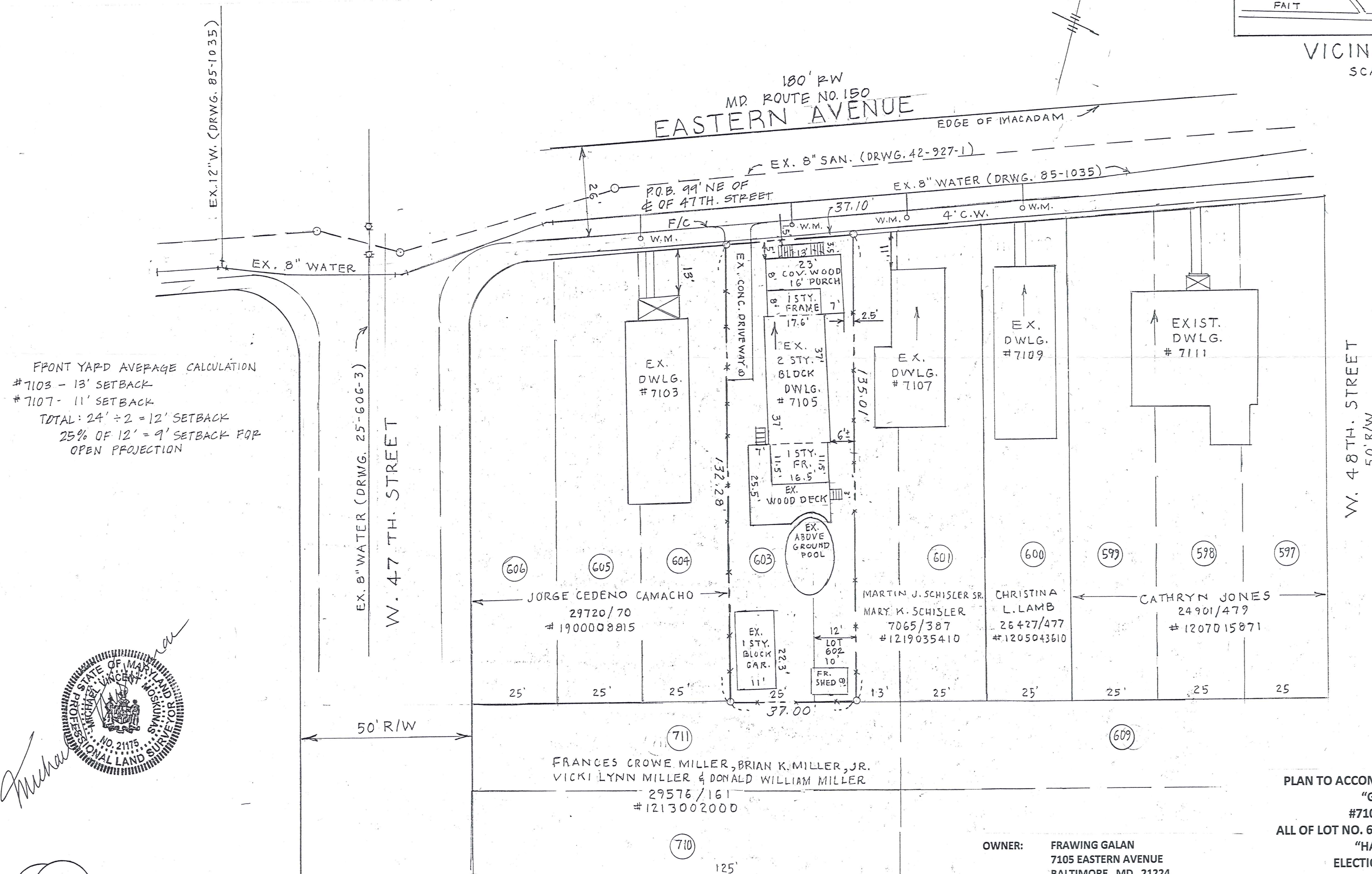
This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

GENERAL NOTES

1. Zoning Map 096B3
2. Zoning: D.R.5.5
3. Lot Area: 4,921 S.F. or 0.113 Ac +/-
4. Existing Use: Single Family Dwelling
Proposed Use: Single Family Dwelling with Porch
5. This property is not located in a 100 Year Flood Plain
6. This property is not located in a Historic District
7. This property is not located in The Chesapeake Bay Critical Area
8. This property is serviced by public water
9. There are no prior zoning hearings
10. There was a violation notice served on this property dated 6/15/2011 and 7/14/2011
Violation Case Info: C00096012 (Porch constructed without a Building Permit)



VICINITY MAP
SCALE: 1"=500'



FRONT YARD AVERAGE CALCULATION
#7103 - 13' SETBACK
#7107 - 11' SETBACK
TOTAL: 24' ÷ 2 = 12' SETBACK
25% OF 12' = 9' SETBACK FOR
OPEN PROJECTION



2012-0059-A

PLAN TO ACCOMPANY PETITION FOR VARIANCE
"GALAN PROPERTY"
#7105 EASTERN AVENUE
ALL OF LOT NO. 603, WESTERN 12' OF LOT NO. 602
"HARBOR VIEW" 5/80
ELECTION DISTRICT NO. 17 7C
BALTIMORE COUNTY, MD
SCALE: 1" = 20'
AUGUST 30, 2011
JOB NO. 10005

OWNER: FRAWING GALAN
7105 EASTERN AVENUE
BALTIMORE MD 21224
443-277-7068
TAX MAP: 96 GRID: 21 PARCEL: 168
TAX ACCT. NO. 1220030321
DEED REF.: 30854/417

Pet. 1