IN RE: PETITION FOR ADMIN. VARIANCE

S side of Gateswood Road; 270 feet W of the c/l of Knollton Road 8th Election District 3rd Councilmanic District (219 Gateswood Road)

Ethan C. Adler and Eyleen Reina Ramirez *Petitioners*

- * BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2012-0203-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Ethan C. Adler and Eyleen Reina Ramirez. 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 rear of the property with a rear yard setback of 34 feet in lieu of the required 40 feet rear yard setback. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on March 11, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits 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 Administrative Law Judge, the

ORDER RECEIVED FOR FILING

Date 4-3-18

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 Petitioners.

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 Administrative Law Judge for Baltimore County, this ______ day of April, 2012 that the Variance request from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an addition in the rear of the property with a rear yard setback of 34 feet in lieu of the required 40 feet rear yard setback, be and is hereby GRANTED, subject to the following:

The Petitioners may apply for their building permit and be granted same upon receipt of this
Order; however, Petitioners are hereby made aware that proceeding at this time is at their
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 Petitioners would 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.

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date

2



KEVIN KAMENETZ County Executive

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

April 3, 2012

ETHAN C. ADLER AND EYLEEN REINA RAMIREZ 219 GATESWOOD ROAD LUTHERVILLE MD 21093

> Re: Petition for Administrative Variance Case No. 2012-0203-A Property: 219 Gateswood Road

Dear Mr. and Mrs. Ramirez:

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 with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

TIMOTHY M. KOTROCO

lethy lotroco

Administrative Law Judge

for Baltimore County

TMK:pz

Enclosure

ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 219 Gates word Rd which is presently zoned D22 Deed Reference 30929/143 10 Digit Tax Account # 0805 000 900 Property Owner(s) Printed Name(s) Ethan Adler / Eyleen Reina-Ramirez (SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized. 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 ADMINISTRATIVE VARIANCE from section(s) 1802.3.C. , TO PERMIT AN ADDITION IN THE REAR OF THE PROPERTY WITH A REAR SETBACK OF 34 FEET IN LIEU OF THE REQUIRES 40 FEET of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building) of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), 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. Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s). Contract Purchaser/Lessee: Legal Owners: Ethan Adler, Eyleen Reina-Rumire & Name #1 - Type or Print Name #2 - Type or Print Name- Type or Print Signature #1 Signature # 2 Signature Mailing Address 443-220-6760, ethancadleral hotmail.4 Zip Code Telephone # **Email Address** Attorney for Petitioner: Representative to be contacted: Jelf. Ethan ORDER RECEIVED FOR FILING Name- Type or Print Signature Gateswood Mailing Address Date 443-220-6760 ethancoder@hotmail.com Zip Code Telephone + Email Address Telephone # **Email Address** A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, of Baltimore County, 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. Administrative Law Judge of Baltimore County CASE NUMBER 20/2-0203-A Filing Date 2,28 Estimated Posting Date 1/1/2 Reviewer

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 219 Gatesw Print or Type Address of property	000 2d L	otherville-Timonium	21093 Zip Code
	Oity	State	
Based upon personal knowledge, the Administrative Variance at the above	e following are the fact address. (Clearly st	cts which I/we base the requ tate <u>practical difficulty or I</u>	nest for an <u>nardship</u> here)
as the hoose is a busement or a sit the other side of as it would block patio area and it	hon mainly rancher are exampled level the house access to would cauce yard angle of yard angle of hot horses sense.	per office 1 stored does not have building an would not be the driveway an existing sumpacted by the es off to a person on one side the other si	age space we a addition of practical from the wheal to be under the de where
		Eyler Perro	
Signature of Affiant		Signature of Affiant	
Ethan Adler Name-Print or Type		Eyleen Peina-I	2amirez
	to be completed by a N	Notary Public of the State of Ma	
STATE OF MARYLAND, COUNTY O	F BALTIMORE, to	wit:	
HEREBY CERTIFY, this 27 th and for the County aforesaid, personally a	day of <u>February</u> , _	2012 , before me a Notar	y of Maryland, in
Ethan adler and Eylee	n Reina - Rau	uie z	
the Affiant(s) herein, personally known or	satisfactorily identified	to me as such Affiant(s) (Prin	t name(s) here)
AS WITNESS my hand and Notaries Sea	have Jalanas	Saudian NANCY TALARICA	
	Notary Public	NOTARY HARFORD	The second secon

My Commission Expires

My Commission Expires 4-7-20/5

The Zoning Hearing Property Description

Zoning property description for 219 Gateswood Rd.

A. Beginning at a point on the next side of Gateswood Rd which is 50 ft wide at the distance of 270 ft 6000 of the centerline of the nearest improved intersecting street Knollton Rd which is 50 ft wide.

B. Being Lot 13, Block "M", Section # 2, in the subdivision of Dulaney Forest as recorded in Baltimore County Plat Book # G.L.B. 21, Folio # 37, containing 20, 590 sq. ft.. Located in the 8th Election District and $3^{\rm rd}$ Council District.

6

OFFICE	24 24 47	GET AN	IARYLA' D FINAN RECEIPT			No. Date:	7364 2/	28/1	2	PAID PECEIPT AUGINESS ACTUA AC	UKON
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MEMORANDUM

DATE:

May 7, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0203-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 3, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File

Office of Administrative Hearings

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

ADMINISTRATIVE VARIANCE INFORMATION STILLT AND DATES
Case Number 2012- 0203 -A Address 219 GATESWOOD RD
Contact Person: ARON TSUI / JASON SCIDECMAN Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: $\frac{\partial^{-}\partial 8^{-1}\partial}{\partial 1}$ Posting Date: $\frac{3-11-1\partial}{1}$ Closing Date: $\frac{3-36-1\partial}{1}$
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.
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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2012- 003 -A Address 219 GA765 WOOD DR.
Petitioner's Name ETHAN ADLER Telephone 443-220-6760
Posting Date: 3-11-12 Closing Date: 3-26-12
Wording for Sign: To Permit AN ADDITION IN THE REAR OF THE PROPERTY
WITH A REAR SETBACK OF 34 FT. IN AWAY LIEU OF THE REQUIRED 40, FT.



LUNING NOTICE

CASE # 2012-0003-A

TO PERMIT AN ADDITION IN THE

PEAR OF THE PROPERTY WITH A

REAR SETBACK OF 34 FEET IN LIEU

REAR SETBACK OF 34 FEET IN LIEU OF THE REQUIRED 40 FEET

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY COSE

AN ELIGIBLE INDIVIDUAL OR GROUP HAY
AN ELIGIBLE INDIVIDUAL OR GROUP HAY
AN ELIGIBLE INDIVIDUAL OR GROUP HAY
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
THE PROPOSED VARIANCE, PROVIDED THE RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

SERVE P.M. ON

RECEIVED IN THE ZOHING HETEW SUREAU BEFORE

5:00 P.M. ON

5:00 P.M. ON

6:00 P.M. ON



CERTIFICATE OF POSTING

Date: 3-11-12

RE: Case Number: 2012-0203-A Petitioner/Developer: Ethan Adler Date of Hearing/Closing: 3-26-12 This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 219 Getescorod? 3-1(-12 (Month, Day, Year) The signs(s) were posted on J. LAWRENCE PILSON (Printed Name of Sign Poster) ATTACH PHOTGRAPH 1015 Old Barn Road (Street Address of Sign Poster) Parkton, MD 21120 (City, State, Zip Code of Sign Poster) 410-343-1443 (Telephone Number of Sign Poster)



KEVIN KAMENETZ County Executive

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

March 27, 2012

Ethan Adler & Eyleen Reina-Rumirez 219 Gateswood Road Lutherville, MD 21093

RE: Case Number: 2012-0203A, Address: 219 Gateswood Road, 21093

Dear Mr. Adler & Ms. Reina-Rumirez:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 28, 2012. 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

e: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: March 08, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kernedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 19, 2012

Item Nos. 2012-198,199,200, 201,202,203,205

And 206

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-03192012-NO COMMENTS.doc

State Highway
Administration

Maryland Department of Transportation

Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Beverley K. Swaim-Staley, Secretary Melinda B. Peters, Administrator

Date: 3-5-12

RE:

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

Baltimore County
Item No 2012-0203-A
Administrative Variance
Ethan Adher & Eyleen Reina Romirez
219 Gates wood Road.

Dear Ms. Lewis:

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. $2 \circ 12 - 0203 - 4$.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief

Access Management Division

SDF/raz

Case No.: 2012-0203-A

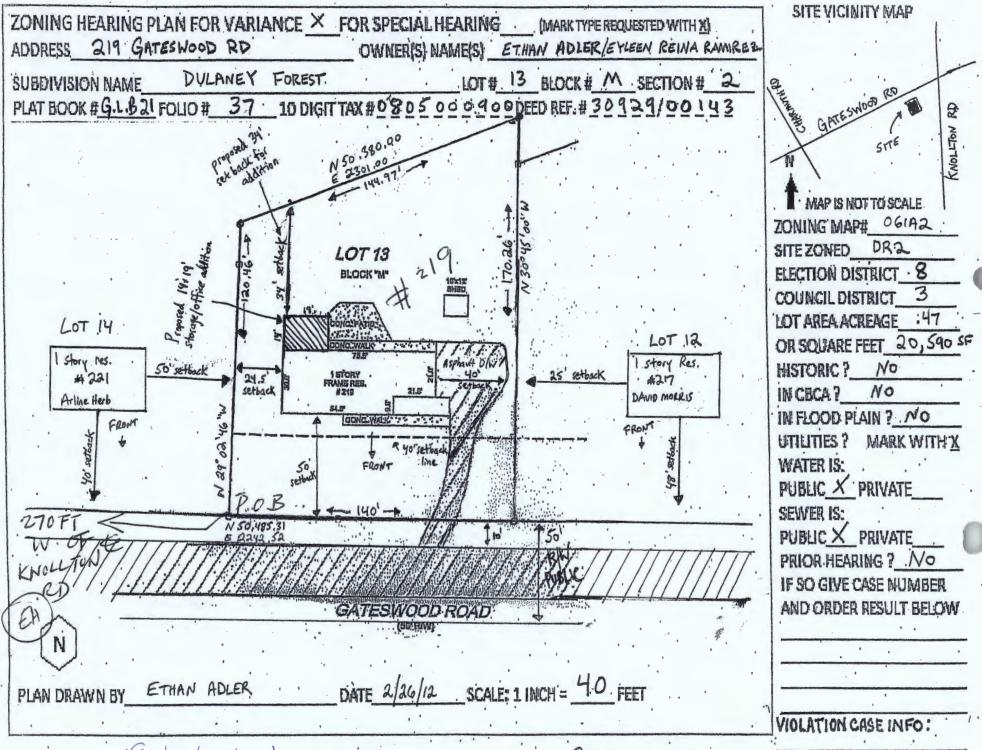
Exhibit Sheet

Petitioner/Developer

4/3/12

Protestant

No. 1		
	Site Plan	
No. 2	• 1.5	
No. 3		
No. 4		
No. 5	•	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



2012-0203-A.

ATITE STORTIN

CASE NO. 2012- 203-A

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
3-8	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	hc
	DEPS (if not received, date e-mail sent)	· · · · · · · · · · · · · · · · · · ·
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
3-5	STATE HIGHWAY ADMINISTRATION	NC
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	•
ZONING VIOLATION	ON (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	ERTISEMENT Date:	:
SIGN POSTING	Date: 3-11	by Pelson
PEOPLE'S COUNSI	EL APPEARANCE Yes No DEL COMMENT LETTER Yes No DEL	
Comments, if any: _		
		*

Maryland Department of Assessments and Taxation Real Property Data Search (vw4.2A) BALTIMORE COUNTY

Exempt Class:

2012-0203-A

Go Back View Map New Search GroundRent Redemption GroundRent Registration

					Owner Info	mation		-			
Owner Name: ADLER ETH RAMIREZ E			HAN C EYLEEN REINA	W EEN DEDIA			Jse:		RESIDENTIAL YES		
Mailing Address:		219 GATESWOOD RD LUTHERVILLE TIMONIUM MD 21093-5244				Principal Residence Deed Reference:		1) /30929/ 00143			
				Locat	ion & Structu	re Information	1				
Premises					Le	gal Descripti	on				
219 GATE 0-0000	SWOOD F	AD.				9 GATESWOO					
Map	<u>Grid</u>	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area		Plat No:	
0061	0007	0262		0000	2	М	13	2		Plat Ref:	0021 0037
Special T	ax Areas		Town Ad Valorem Tax Class	NONE				4			
Primary Structure Built 1958		Enclosed Area 1,893 SF	<u>n</u>	Property 20,590 SF	Land A	Area	<u>C</u>	ounty Use			
Stories	Basem NO	ent	Type STANDARD U	Exterior NIT FRAME							
					Value Infor	mation					
			Base Value	Value	Phase-in As	sessments					
				As Of 01/01/2011	As Of 07/01/2011	As Of 07/01/20	12				
Land			183,640	134,100	0,701/2011	07/01/20					
Improve	ments:		173,400	128,900							
Total:			357,040	263,000	287,200	263,000					
Preferen	tial Land	<u>:</u>	0			0					
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County						202 20					
County State						000		0.00			





2012-0203-A





2012-0203-A

Debra Wiley - ZAC Comments - Distribution Mtg. of 3/5/12

From: Debra Wiley

To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...

Date: 3/5/2012 10:50 AM

Subject: ZAC Comments - Distribution Mtg. of 3/5/12

Good Morning,

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.

2012-0198-A (4315 Notchcliff Rd.)

Administrative Variance - Closing Date: 3/19/12

2012-0199-A (5309 Forge Rd.)

No hearing date assigned as of 3/5/12

2012-0200-A (8624 Wise Ave.)

Administrative Variance - Closing Date: 3/19/12

2012-0201-A (8112 Anita Rd.)

No hearing date assigned as of 3/5/12

2012-0202-A (755 Seawall Rd.) - CRITICAL AREA

Administrative Variance - Closing Date: 3/26/12

2012-0203-A (219 Gateswood Rd.)

Administrative Variance - Closing Date: 3/26/12

2012-0204-A (8257 Bull Neck Rd.) - CRITICAL AREA & FLOODPLAIN

Administrative Variance - Closing Date: 3/26/12

2012-0205-A (2315 Martin Dr. (Lot 136) - CRITICAL AREA & FLOODPLAIN

No hearing date assigned as of 3/5/12

2012-0206-A (8808 Harkate Way)

Administrative Variance - Closing Date: 3/26/12

Thanks.

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



Case Number: 2012-0202-A

Primary Use: Residential

Reviewer: AT

Type: ADMINISTRATIVE VARIANCE
Legal Owner: Dwain & Eleanor Wolf

Contract Purchaser:

Critical Area: YES Flood Plain: NO

Historic: NO

Election Dist: 15th

Councilmanic Dist: 6th

Property Address: 755

755 Seawall Rd

Location: NE of Seawall Road, 560 ft NW of the centerline Mansfield Road

Existing Zoning: DR 10.5

Area: 2,070Sq ft

Proposed Zoning: ADMINISTRATIVE VARIANCE to permit an addition in the rear of the existing dwelling with a rear setback

of 38 feet in lileu of the required 50 ft

Attorney:

Prior Zoning Cases:

Violation Cases:

Miscellaneous:

Concurrent Cases:

Closing Date:

3/26/2012

Case Number: 2012-0203-A

Primary Use: Residential

Reviewer: AT

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Ethan Adler & Eyleen Reina-Rumirez

Contract Purchaser:

Critical Area: NO F

Flood Plain: NO

Historic: NO

Election Dist: 8th

Councilmanic Dist: 3rd

Property Address: 219 Gateswood Rd

Location: S/S of Gateswood Rd, 270 ft. W of centerline of Knollton Road

Existing Zoning: DR 2

Area: 20,590 sq ft

Proposed Zoning: ADMINISTRATIVE VARIANCE to permit an addition in the rear of the property with a rear setback of 34 ft

in lieu of the required 40 ft.

Attorney:

Prior Zoning Cases:

Violation Cases:

Concurrent Cases:

Closing Date:

3/26/2012

Miscellaneous:



