

IN RE: PETITION FOR VARIANCE

N/side of Kahn Drive, 266' E of
c/line of Woodside Road
3rd Election District
2nd Council District
(604 Kahn Drive)

Silvia Pinto
Petitioner

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2012-0226-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by Silvia Pinto. The Petitioner is requesting Variance relief from Sections 303.1, 1B02.3 (1957), and 1B02.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side setback of 3' for an existing (attached) carport in lieu of the required 6'. 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 Silvia Pinto. There were no Protestants or other interested parties in attendance. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R., and the file does not contain any letters of opposition or protest.

This matter is currently the subject of a violation case (Case No. CO-0107087) before the Office of Administrative Hearings, and a copy of the Code Enforcement file was made a part of the zoning hearing file. It should be noted that the fact that a code violation is issued is generally not considered in a zoning case. Zoning enforcement is conducted by the Department of Permits, Approvals, and Inspections, which has the authority to issue Correction Notices and Citations and to impose fines and other penalties for violation of law. On the other hand, the role of the Administrative Law Judge in this matter is to decide the discreet legal issue of whether the

ORDER RECEIVED FOR FILING

Date

4-27-12

pm

Petitioner is entitled to the requested zoning relief.

Testimony and evidence revealed that the subject property is 7,280 square feet and zoned DR 5.5 (vested R6). The property is located in Pikesville and is improved with a single family dwelling. The Petitioner's husband constructed the carport in early March, 2012, so that the family would have space to store a jet-ski and other valuables, as well as have an outdoor seating area sheltered from the elements. The Petitioner testified that she and her husband were unaware that a permit was required to construct the carport. She also indicated she was unaware of the 6' setback requirement, and believed it was permissible to construct the carport anywhere within the stockade wood fence (See Exhibit 2) separating her home from her neighbor at 602 Kahn Drive. Finally, Petitioner testified that she has a good relationship with both adjoining neighbors, and that they both supported her variance request.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Based upon the testimony and evidence presented, I am persuaded to grant the request for 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. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship upon Petitioner.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

Petitioner has met this test.

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Date 4-27-18

By pm

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty and/or hardship. Indeed, Petitioner would be required to tear down a portion of the carport, which would be expensive and time-consuming.

Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the lack of community opposition, as well as the absence of comments by County reviewing agencies.

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

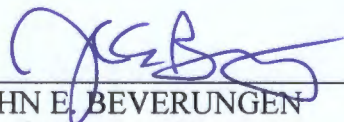
THEREFORE, IT IS ORDERED, this 27 day of April, 2012, by this Administrative Law Judge that Petitioner's Variance request from Sections 303.1, 1B02.3 (1957), and 1B02.3.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side setback of 3' for an existing (attached) carport in lieu of the required 6', be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. The Petitioner may apply for a 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 his 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.

JEB:pz


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 4-27-12

By pm



KEVIN KAMENETZ
County Executive

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

April 27, 2012

SILVIA PINTO
604 KAHN DRIVE
BALTIMORE MD 21208

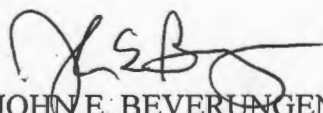
RE: Petition for Variance
Case No.: 2012-0226-A
Property: 604 Kahn Drive

Dear Mrs. Pinto:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

Enclosure

c: James Garland, Code Inspector, Division of Code Inspections & Enforcement, PAI



PETITION FOR ZONING HEARING(S)

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 604 Kahn Dr, Balto MD 21208 which is presently zoned DR5.5 vested R-6
Deed References: 18167/179 10 Digit Tax Account # 0306039900
Property Owner(s) Printed Name(s) Silvia Pinto

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s) 303.1; BCZR, 1B02.3; (BCZR 1957) and 1B02.3.A BCZR
To permit a side setback for an existing attached carport with a side setback of 3ft in lieu of the required 6ft

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Date

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2012-0226-A Filing Date 3/21/12

Do Not Schedule Dates:

Reviewer GA/JM

ZONING PROPERTY DESCRIPTION FOR 604 Kahn Drive

*Beginning at a point on the (north side of 604 Kahn Drive which is 60 feet of right-of-way width) wide at distance of 266+/- east of the center line of the nearest improved intersecting street Woodside Rd which is 50ft wide.

Being Lot #13 section #10 The subdivision of Williamsburg as recorded in Baltimore County Plat Book #24 Folio #58 containing (number of total square feet 7,280 located in the 3 Election District and 2 Council District.

2012-0226-A

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0226-A

Petitioner: Silvia Pinto

Address or Location: 604 Kahn Dr. Baltimore, MD 21208

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Address: _____

Telephone Number: 443-739-1515

Revised 2/17/11 DT

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

No. 80040
Date: 3/22/10

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				60 75

Total: ~~60~~ 75.00

Rec From:

604 Karm Dr

For:

Variance 2012-0226-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME
3/21/2012 3/21/2012 09:21:22

REC NO. 615904 WALKIN UDOL AND

RECEIPT N 615904 3/21/2012

Dept 5 526 ZONING VERIFICATION

CR NO. 000040

Recpt Tot \$75.00

\$75.00 CR \$1.00

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: # 2012-0226-A
604 Kahn Drive
N/s of Kahn Drive, 266 feet
east of centerline of Wood-
side Road
3rd Election District
2nd Councilmanic District
Legal Owner(s): Silvia Pinto
Variance: to permit a side
setback for an existing at-
tached carport with a side
setback of 3 feet in lieu of
the required 6 feet.
Hearing: Thursday, April
26, 2012 at 1:30 p.m. in
Room 205, Jefferson
Building, 105 West Ches-
apeake Avenue, Towson
21204.

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

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

JT 04/650 April 10 301418

CERTIFICATE OF PUBLICATION

4/12/, 2012

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 4/10/, 2012.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

Date: 4/11/12

RE: Case Number: 2012-0226-A

Petitioner/Developer: Silvia Pato

Date of Hearing/Closing: Thurs 4/26/12 1:30 PM

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 604 Kahn Dr

The signs(s) were posted on 4/11/12
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

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)

ZONING NOTICE

CASE # 2012-0226-A

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

PLACE: JEFFERSON BLDG, ROOM 205
105 W. CHESAPEAKE AVE. TOWSON, MD 21204

DATE AND TIME: THURS. APR. 26, 2012 1:30 PM

REQUEST: VARIANCE TO PERMIT A

SIDE SETBACK FOR AN EXISTING

ATTACHED GARAGE WITH A SIDE SET-

BACK OF 3 FEET IN LIEU OF THE RE-

QUIRED 6 FEET

POSTPONEMENTS DUE TO WEATHER OR OTHER CAUSES
DO NOT REMOVE THIS NOTICE TO CONFIRM HEARING

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 10, 2012 Issue - Jeffersonian

Please forward billing to:
Silvia Pinto
604 Kahn Drive
Baltimore, MD 21208

443-739-1515

NOTICE OF ZONING HEARING

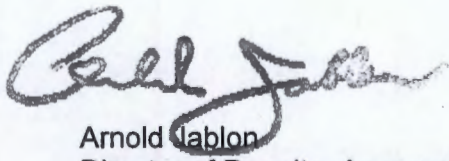
The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0226-A

604 Kahn Drive
N/s of Kahn Drive, 266 feet east of centerline of Woodside Road
3rd Election District, 2nd Councilmanic District
Legal Owner: Silvia Pinto

Variance to permit a side setback for an existing attached carport with a side setback of 3 feet in lieu of the required 6 feet.

Hearing: Thursday, April 26, 2012 at 1:30 p.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

April 2, 2012

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: 2012-0226-A

604 Kahn Drive

N/s of Kahn Drive, 266 feet east of centerline of Woodside Road

3rd Election District, 2nd Councilmanic District

Legal Owner: Silvia Pinto

Variance to permit a side setback for an existing attached carport with a side setback of 3 feet in lieu of the required 6 feet.

Hearing: Thursday, April 26, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Silvia Pinto, 604 Kahn Drive, Baltimore 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WED., APRIL 11, 2012.**
- (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.



KEVIN KAMENETZ
County Executive

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

April 17, 2012

Silvia Pinto
604 Kahn Drive
Baltimore, MD 21208

RE: Case Number: 2012-0226A, Address: 604 Kahn Drive, 21208.

Dear Mr. & Ms. Warner:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 21, 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 3-27-12

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

RE: Baltimore County
Item No 2012-0226-A
Variance
Silvia Pinto
604 Kahn Drive

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. 2012-0226-A

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,

A handwritten signature in blue ink, appearing to read "Richard Zeller".
Steven D. Foster, Chief
Access Management Division

SDF/raz

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2012
Item Nos. 2012-222,224,225,226,227
And 228

DATE: March 30, 2012

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-04092012-NO COMMENTS.doc

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: April 2, 2012

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

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

SUBJECT: Item No.: 2012-0226-A
Legal Owner/Petitioner: Silvia Pinto
Contract Purchaser: N/A
Property Address: 604 Kahn Drive
Location Description: N/S of Kahn Dr., 266 ft East of centerline Woodside Rd.

VIIOLATION INFORMATION: Case No. CO0107087/FA0221951
Defendants: Silvia Pinto

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

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

ZAC GENDA

Case Number: 2012-0226-A

Primary Use: Residential

Reviewer: GH/JM

Type: VARIANCE

Legal Owner: Silvia Pinto

Contract Purchaser:

Critical Area: NO Flood Plain: NO Historic: NO Election Dist: 3rd Councilmanic Dist: 2nd

Property Address: 604 Kahn Dr

Location: N/S of Kahn Dr, 266 ft East of centerline Woodside Rd.

Existing Zoning: DR 5.5

Area: 7,280 sq. ft.

Proposed Zoning: VARIANCE to permit a side setback for an existing attached carport with a side setback of 3 ft. in lieu of the required 6 ft.

Attorney:

Prior Zoning Cases:

Violation Cases:

Miscellaneous:

Concurrent Cases:

Closing Date:

Case Number: 2012-0227-A

Primary Use: Residential

Reviewer: GH/JP

Type: VARIANCE

Legal Owner: John & Maleena Kantorski

Contract Purchaser:

Critical Area: NO Flood Plain: NO Historic: NO Election Dist: 11th Councilmanic Dist: 5th

Property Address: 5516 Maudes Way

Location: W/S of Maudes Way

Existing Zoning: DR 2 H

Area: 17,424 sq ft

Proposed Zoning: VARIANCE to permit an outdoor child care play space with an open aluminum rail fence as close as 2 ft. setback from the property line in lieu of the required solid wood stockade/panel fence with a 20 ft. setback from the property line.

Attorney:

Prior Zoning Cases:

Violation Cases:

Miscellaneous:

Concurrent Cases:

Closing Date:



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:
Complaint Record ID: CO0107087

Record ID CO0107087	AS/400 Case	Assigned To Jim Garland	Assigned Date 03/05/2012	Scheduled Time	Received By Glenn Berry	Received Date 03/05/2012	Status Open - Normal	Hearing Date	ADC Grid 25F13
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Complaint Description: BUILDING BEING CONSTRUCTED. NO PERMITS.

Facility:

FA0221951
PDM 0306059900
604 KAHN DR
PIKESVILLE, MD 21208

Owner:

PORTILLO SILVIA PINTO
604 KAHN DR
BALTIMORE MD 21208

Complainant:

ANONYMOUS E-MAIL

Daily Activity Details

Serial Number	Inspector	Activity Date	Service	Result	Action
0136368	Jim Garland	03/06/2012	INITIAL INSPECTION	NOT IN COMPLIANCE	CORRECTION NOTICE ISSUED

Inspector Notes: 3/6/12 ON SITE INSPECTION ISSUED CORR. NOTICE TO OBTAIN PERMIT FOR ATTACHED CARPORT APPROX. 16' X 30' IN REAR YARD. STRUCTURE APPEARS TO BE TOO CLOSE TO PROPERTY LINE. ANONYMOUS E-MAIL COMPLAINT.

3/7/12 HOME OWNER MADE APPLICATION FOR PERMIT. VARIANCE REQUIRED. WILL RE-SUBMIT A.S.A.P. ANONYMOUS COMPLAINANT. P/U 4/9/12

Violation Details

Violation Record ID: IV0069338	Comply By: 04/09/2012	Compiled On:	Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC		Violation Description: IBC Violation	
Correction Text:			
Violation Text:			
Violation Comment:			

Comment Details

Type	Date	Comments
	03/07/2012	3/7/12--PERMIT BEING APPLIED, OK TO PROCEED, REFER TO G21 FOR FURTHER SIGNATURES--JC

Information - None

4/2/12 Application For Variance Filed - Copy's to ZAC For Hearing -
R/c 5/11/12 *[Signature]*

CODE ENFORCEMENT REPORT

FA022195

DATE: 3.5.12 INTAKE BY: GB CASE #: 00107087 INSPEC:

COMPLAINT LOCATION: 604 KAHN DR

ZIP CODE: DIST: 3

COMPLAINANT NAME: AGENT EMAIL PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: BUILDING BEING CONSTRUCTED
NO PERMITS

IS THIS A RENTAL UNIT? YES ☐ NO ☐
IF YES, IS THIS SECTION 8? YES ☐ NO ☐
OWNER/TENANT INFORMATION:

TAX ACCOUNT #: ZONING:

INSPECTION:

3/6/12 on site Insp. issued Corr. notice to obtain permit for attached CARPORT approx 16'x30' in REAR YARD

REINSPECTION: structure appears to be to close to property line - Anonymous Complainant

3/7/12 Home Owner made application for

REINSPECTION: permit - Variance required - will resubmit A.S.A.P.
Anonymous Complainant R/C 4/9/12

REINSPECTION: Owner - Silvia 443-739-1515

Glenn Berry - Addition to house being built

From: [REDACTED]
To: <gberry@baltimorecountymd.gov>
Date: 3/5/2012 8:55 AM
Subject: Addition to house being built

please investigate 604 Kahn DR, 21208 building violating county limits of property lines.

WANTS TO BT ALKY.



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

OFFICE HOURS: 7:30 am - 3:30 pm
Building Inspection: 410-887-3953
Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. 0107087	Property No. 0306059900	Zoning: R-1
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Name(s): SILVIA PINTO PORTILLO

Address: 604 KAHN DR.

Violation Location: 604 KAHN DR. 21208

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Building Code
2010 Part 112 Building Permits
Baltimore County Code 2003
SEC. 35-2-203 Enforcement Authority
SEC. 35-2-301 Building Permit Required
to construct approx 36' x 16'
carport structure in rear yard.
SEC. 35-2-304 Penalty for action
without a permit can be subject
to 1,000.00 fee-
site plan with required setbacks
to structure must be submitted
with Application

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: <u>3/16/12</u>	DATE ISSUED: <u>3/6/12</u>
------------------------------	----------------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: JAMES GARLAND

INSPECTOR: [Signature]

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE:	DATE ISSUED:
---------------	--------------

INSPECTOR:

RA1001B

DATE: 04/02/2012 STANDARD ASSESSMENT INQUIRY (1)

TIME: 09:20:43

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
03 06 059900	03	2-0	04-00	H	NO		02/16/12

PORTILLO SILVIA PINTO

604 KAHN DR

DESC-1..

DESC-2.. WILLIAMSBURG

PREMISE. 00604 KAHN

DR

00000-0000

BALTIMORE MD 21208-5824 FORMER OWNER: PORTILLO SILVIA PINTO

FCV			PHASED IN		
PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND: 76,030	67,700		FCV	ASSESS	ASSESS
IMPV: 163,950	122,500	TOTAL..	190,200	190,200	190,200
TOTL: 239,980	190,200	PREF...	0	0	0
PREF: 0	0	CURT...	190,200	190,200	190,200
CURT: 239,980	190,200	EXEMPT.		0	0
DATE: 09/10	09/10				

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

ASSESS: 190,200

ASSESS: 190,200

ASSESS: 0

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

MA + a

01/001

DATE: 04/02/2012

STANDARD ASSESSMENT INQUIRY (2)

TIME: 09:20:54

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
03 06 059900	03	2-0	04-00	H	NO		02/16/12
LOT....	13	BOOK....		MAP.....	0078	LOT WIDTH.....	65.00
BLOCK..		FOLIO...		GRID....	0014	LOT DEPTH.....	.00
SECTION..	10			PARCEL..	0557	LAND AREA..	7280.000 S
PLAT..						YEAR BUILT.....	59

-----TRANSFER DATA-----

NUMBER..... 258787
DATE..... 06/10/03
PURCHASE PRICE..... 0
GROUND RENT..... 0
DEED REF LIBER..... 18167
DEED REF FOLIO..... 0179
CONVEYED IND..... 4
TOT-PART TRAN IND.....
GRANTOR ACCT NO.. - -

-----EXEMPT DATA-----

STATUS.....
CLASS CODE.....
STATE EXEMPT CODE..... 000
COUNTY EXEMPT CODE..... 000
CURR STATE EX ASMT.... 0
PRIOR STATE EX ASMT... 0
CURR COUNTY EX ASMT... 0
PRIOR COUNTY EX ASMT.. 0

CRITICAL NEW CONST CARD

-----STRUCTURE-----

AREAS CODE	YEAR	NO	CODE	SQ. FEET
		02727		1800

ENTER-INQUIRY3 PA1-PRINT PF2-INQUIRY1 PF4-MENU PF5-QUIT PF7-CROSS REF

DATE: 04/02/2012

STANDARD ASSESSMENT INQUIRY (3)

TIME: 09:21:02

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
03 06 059900	03	2-0	04-00	H	NO		02/16/12

-----STATE-----

GEO CODE N/A LAND-USE

REC CREATE DATE.. 02/16/12

81

NO

R

DELETE CODE..... M

DATE DELETED.....

LAST FM DATE.....

LAST FM TYPE.....

PREV FM DATE.....

PREV FM TYPE.....

----- COUNTY -----

LAST LOAD DATE... 02/16/12

PRIOR LOAD DATE.. 01/11/12

STATE TAXABLE ASSESS

ASSESS: 190,200

ASSESS: 190,200

ASSESS: 0

ENTER-INQUIRY1 PA1-PRINT PF2-INQUIRY2 PF4-MENU PF5-QUIT PF7-CROSS REF

RE: PETITION FOR VARIANCE
604 Kahn Drive; N/S Kahn Drive, 266' E
of c/line Woodside Road
3rd Election & 2nd Councilmanic Districts
Legal Owner(s): Silvia Pinto
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-226-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

APR 02 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Silvia Pinto, 604 Kahn Drive, Baltimore, MD 21208, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County





JB 4/26
1:30 PM, 205

Debra Wiley - ZAC Comments - Distribution Mtg. of 3/26/12

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/27/2012 9:57 AM
Subject: ZAC Comments - Distribution Mtg. of 3/26/12

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.

2012-0222-A - 1518 Kirkwood Road
 No hearing date in data base as of today

2012-0223-SPHA - 3520 Glenwood Road - **CRITICAL AREA & FLOODPLAIN**
 No hearing date in data base as of today

2012-0224-A - 11823 Manor Road
 Administrative Variance - Closing Date: 4/16/12

2012-0225-A - 7015 Sollers Point Road
 No hearing date in data base as of today

2012-0226-A - 604 Kahn Drive
 No hearing date in data base as of today

2012-0227-A - 5516 Maudes Way
 No hearing date in data base as of today

2012-0228-A - 112 Ridge Field Road
 Administrative Variance - Closing Date: 4/16/12

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

M E M O R A N D U M

DATE: June 4, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0226-A - Appeal Period Expired

The appeal period for the above-referenced case expired on May 29, 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

JB 4-26-12
Shante 4-27-12

CASE NAME 604 Kahn Dr.
CASE NUMBER 2012-226-A
DATE 4-26-12

[illegible]

Case No.: 2012-226-A

Exhibit Sheet

4/27/12 PZ

Petitioner/Developer

Protestant

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

20120326-A

EX 2



2012-0226-A



2012-0226-A



Case No.: 2012-0226-A

Exhibit Sheet

Petitioner/Developer

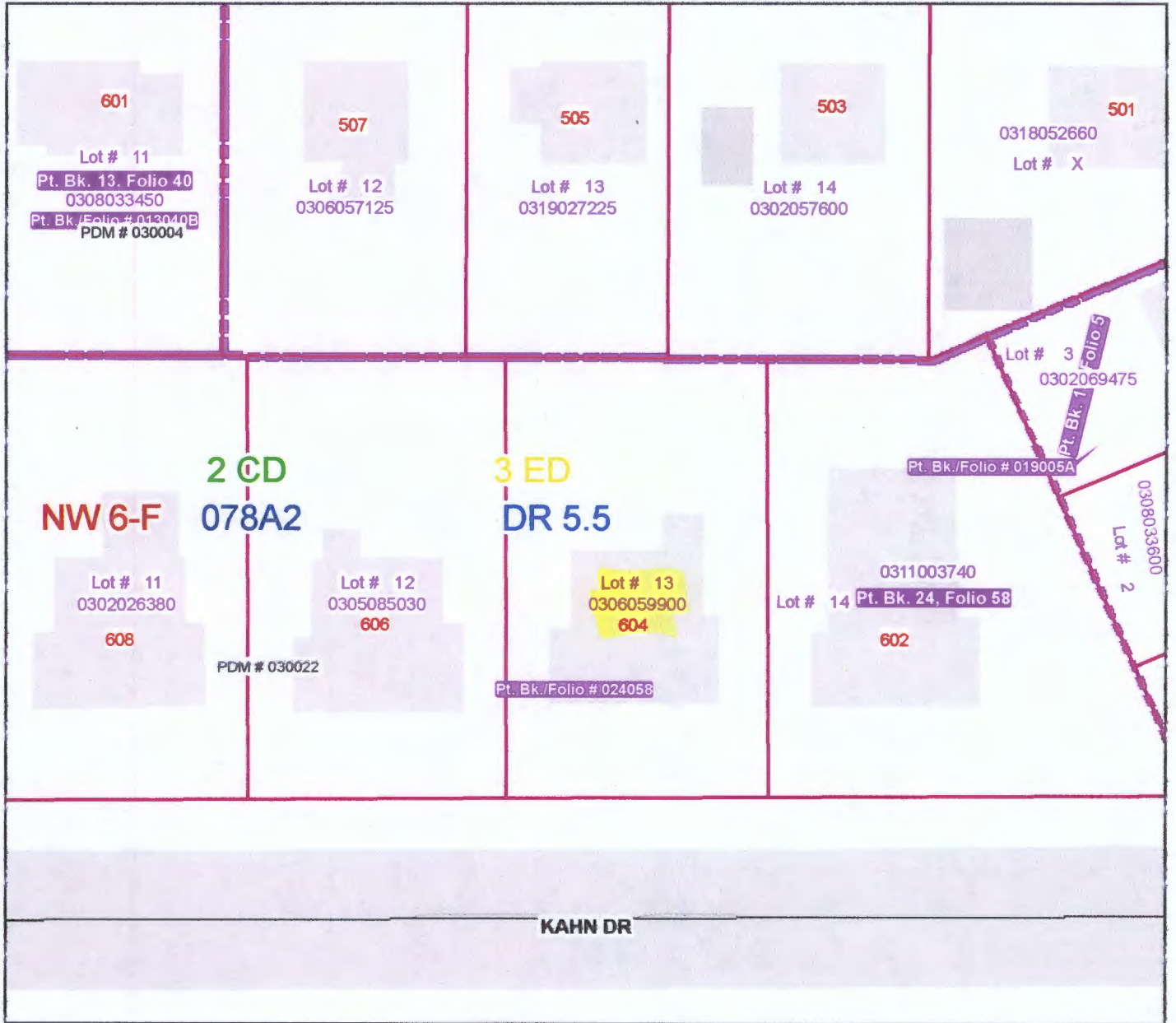
Protestant

6/4/12
R

6-4-12
R

No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

604 Kahn Drive



Publication Date: March 15, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



1 inch = 40 feet

2012-0226-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

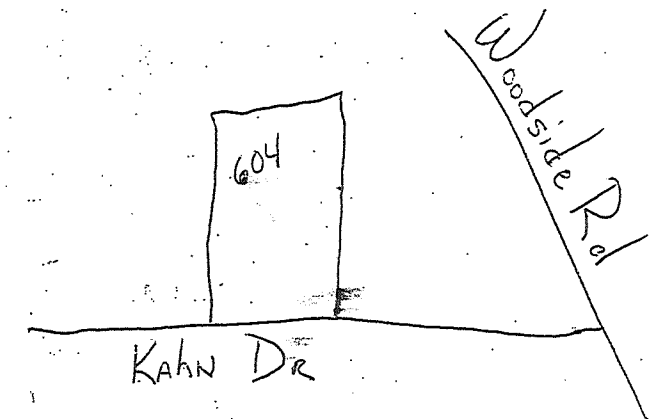
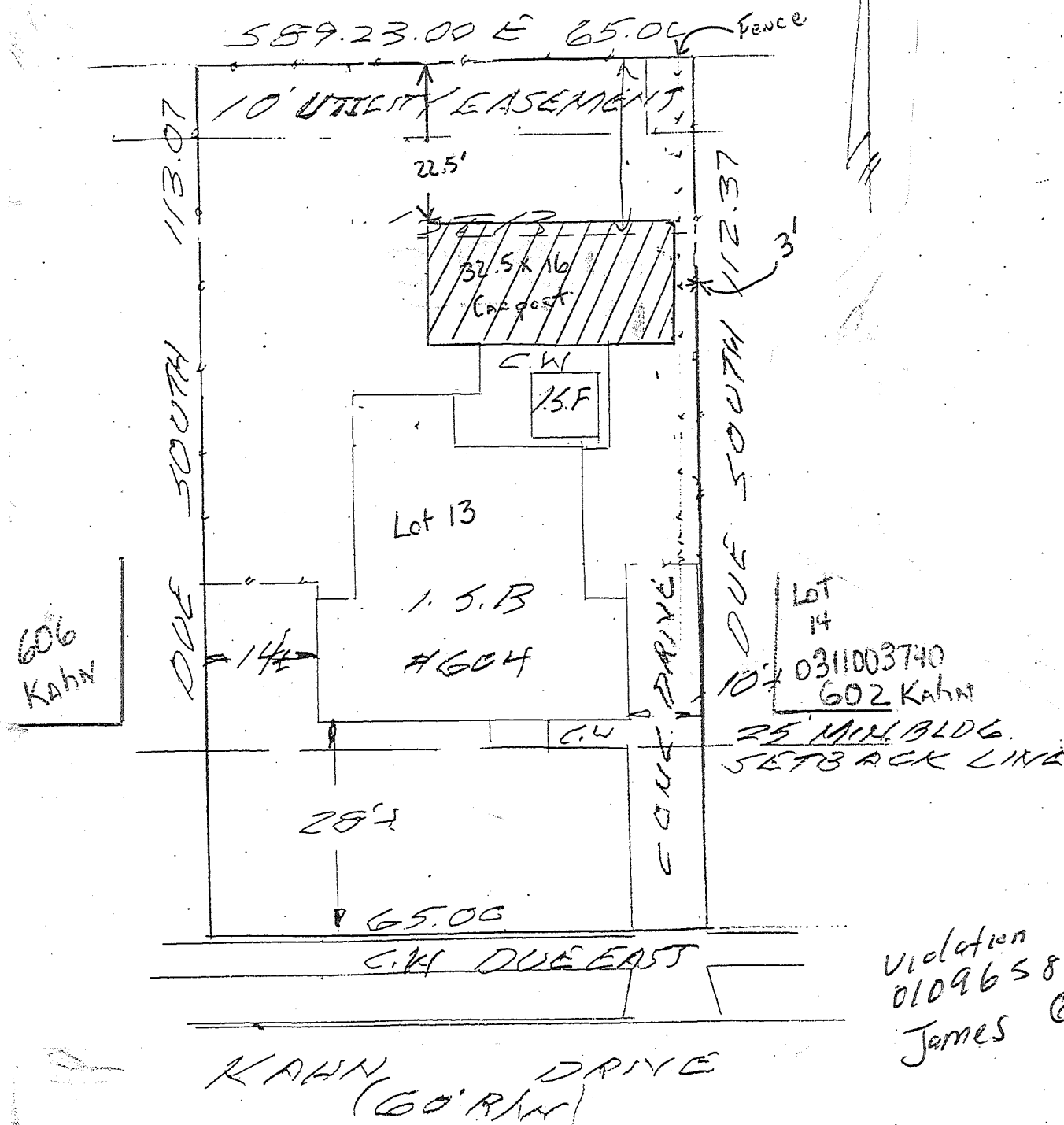
PROPERTY ADDRESS: 604 Kahn Drive

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Williamsburg

plat book# 24, folio# 58, lot# 13, section# 10

OWNER: Silvia Pinto



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 3

Councilmanic District: 2

1"=200' scale map#: 078A2

Zoning: DR5.5 Verified R-6

Lot size: 7,280 SF
acreage square feet

SEWER: ☒ public ☐ private

WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE#: _____



North
date: 3/15/12
prepared by: _____

Scale of Drawing: 1"= 20'

Violation Case
01096587
James Garland

2012-0026-A

Pet # 1