IN RE: PETITION FOR ADMIN. VARIANCE

SE side of Maryland Avenue; 126 feet S of Woodward Drive 15th Election District 7th Councilmanic District (519 Maryland Avenue)

Dalimchand Megnauth

Petitioner

- * BEFORE THE
- * OFFICE OF
- * ADMINISTRATIVE HEARINGS
- * FOR BALTIMORE COUNTY
- * Case No. 2012-0245-A

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Dalimchand Megnauth. The variance request is from Section 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard setback of 25 feet in lieu of the required 31 feet front yard average setback for an addition. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1.

OPINION AND ORDER

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 22, 2012, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits 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

Date 4810

information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this _____ day of June, 2012 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Section 303.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a front yard setback of 25 feet in lieu of the required 31 feet front yard average setback for an addition, be and is hereby GRANTED.

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

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

2

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS/pz

ORDER P	RECEIVED FOR FILING
Date	Le-8-10
D	W)



KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 8, 2012

DALIMCHAND MEGNAUTH 519 MARYLAND AVENUE BALTIMORE MD 21221

RE: Petition For Administrative Variance

Case No. 2012-0245-A

Property: 519 Maryland Avenue

Dear Mr. Megnauth:

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.

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:pz

Enclosure

CASE NUMBER 2012-0245-A

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: which is presently zoned 10 Digit Tax Account # 150645/080 Deed Reference 15044/00559 Property Owner(s) Printed Name(s) Dalimich and meanauth (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) 303.1 BCZR: To permit a 25ft front yard set back in lieu of the required 31 ft front yard average set of the zoning regulations of Baltimore County, to the zoning law of Baltimore 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 Name-Type or Print Signature Signature #1 Mailing Address City State Zip Code Zip Code Telephone # Email Address Email Address Representative to be contacted: Attorney for Petitioner: ORDER RECEIVED FOR FILING Name - Type or Print Name- Type or Print Signature Signature Mailing Address Mailing Address City State Zip Code 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

Filing Date 4

Rev 10/12/11

Estimated Posting Date 4 12

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: 519 Mar	yland pre	Balt		md	2/221
Print or Type Addre	ss of property	City		State	Zip Code
Based upon personal k Administrative Variance					
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Signature of Affiant Dalinic hand Name- Print or Type	Negrauth	_		e of Affiant	
	2.00 - 00 - 09				
ine followir	ng information is to	be completed by	a Notary Pu	DIIC OF THE STATE	of Maryland
STATE OF MARYLAN				JE ADA GEN	GROEB MESE
I HEREBY CERTIFY, t and for the County afores	his <u>20</u> day said, personally app	of March	, 2012	, before me a	Notary of Maryland, in
Dalinchar the Affiant(s) herein, pers	a Meano	uth			V3
the Affiant(s) herein, pers	sonally known or sa	tisfactorily identif	ied to me a	s such Affiant(s	(Print name(s) here)
AS WITNESS my hand a		Hours Hotary Public	L Who	le .	
	_				
	IV.	ly Commission E	xpires	LAUREL W Notary Public	HITE -Maryland

Baltimore County

My Commission Expires May 17, 2015 REV. 10/12/11

ZONING PROPERTY DESCRIPTION FOR 519 Maryland Ave.

Beginning at a point on the <u>Southeast</u> side of <u>Maryland Ave</u> on which property fronts. Which is <u>50 feet of right-of-way width</u> wide at the distance of <u>126± feet Southwest</u> of the centerline of the nearest improved intersecting street <u>Sward or</u> which is <u>50 feet of the right-of-way width</u> wide.

Being Lot #22, Block 2B, Section #A in the subdivision of Essex as recorded in Baltimore County Plat Book #005, Folio 076 containing 7250 Square feet. Located in the 15 Election District and 7 Council District.

OFFICE	E OF BUE	GET AN	MARYLANI D FINANC RECEIPT	E		No. Date	83 4/2	M15	PAID RECEIVE MEINESS ALDAS LINE DIN A/09/2012 4/45/5/12 10/09/404
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BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Numb	per 2012- 024	5 -A	Address 51	9 Mar	yland Ave	
Contact Per	rson: Gar	ry Huck	Name	Pho	one Number: 410-8	87-3391
Filing Date	: 4/9/12	Post	ting Date: 4/2	2/12	Closing Date: 5/	7/12
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comr order within whet	missioner. He ma r that the matter bo n 10 davs of the	ay: (a) grant the set in for a pur closing date in seen granted	ne requested reli ablic hearing. Yo if all County ag	ef; (b) deny u will receiv encies' com	ne zoning or deputy the requested relie e written notification nments are received c hearing. The orde	ef; or (c) , usually d, as to
(whe comr chan poste	ether due to a ne missioner), notifica aged giving notice	ighbor's formal ation will be fo of the hearing o	I request or by prwarded to you date, time and lo	order of the The sign cation. As a	must go to a public e zoning or deputy n on the property i when the sign was o d sign must be forw	zoning must be originally
	*	(Deta	ach Along Dotted Line)		. '	· .
Petitioner:	This Part of the	Form is for the	Sign Poster Or	nly		
	USE TH	E ADMINISTRA	ATIVE VARIANC	E SIGN FO	RMAT	
Case Numb	per 2012- 02-45	A Addı	ress <u>519</u>	Mary	land Ave.	
Petitioner's	Name Dalim	chand N	Negnouth	Telep	hone 443-865	-2653
Posting Da	ite: 422	12.	Closing	g Date:	5/7/12	
Wording for	r Sign: <u>To Permi</u>	a 25f	?t front se	t-back	in leu of	
31-4	it front yo	rd avera	igo set ba	ck		
1						

Revised 7/06/11

CERTIFICATE OF POSTING

	DE C. N	2012-0245-A
	RE: Case No.:	
	Petitioner/Developer:	
	Ddim	chand Megnautl
	D. C. CIV.	May 7, 2012
	Date of Hearing/Closing: _	
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204		
Attn: Kristen Lewis:		
Ladies and Gentlemen:		
This letter is to certify under the penalties posted conspicuously on the property loca		
519 Maryland Ave		
The size(s) were rested on	April 22, 2012	
The sign(s) were posted on	(Month, Day, Year)	
	Sincerely,	
The state of the s	Mil	April 22, 2012
ZONING MOTIES	(Signature of Sign Poster)	(Date)
VARIANCE VARIANCE	SSG Robert Bla	nck
CASE #2012-02 45-A TO PRIMITA 25 IT FRONT SETRICK IN LINU	(Print Name)
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	(410) 282-794	0
	(Telephone Num	hor)

MEMORANDUM

DATE:

July 10, 2012

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2012-0245-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 9, 2012. There being no appeal filed, the subject file is ready for return to the Zøning Review Office and is placed in the 'pick up box.'

c: /Case File

Office of Administrative Hearings

Case No.: 2012-0245-A

Exhibit Sheet

LAMOR BROOK

Petitioner/Developer

Protestant

6/8/12 B

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

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
4-26	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	nc
	DEPS (if not received, date e-mail sent)	· · · · · · · · · · · · · · · · · · ·
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
4-19	STATE HIGHWAY ADMINISTRATION	. NC
	TRAFFIC ENGINEERING	· · ·
	COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER AD	VERTISEMENT Date:	
SIGN POSTING	Date: $4-3$	by
	SEL APPEARANCE Yes No D	
Comments, if any:		



Maryland Department of Assessments and Taxation Real Property Data Search (vw4.2A) BALTIMORE COUNTY Go Back
<u>View Map</u>
New Scarch
GroundRent Redemption
GroundRent Registration

Account	Identifier	:	I	District - 15 Accou	int Number	- 1506451080					
					Owner Info	rmation					
Owner Name: MEGNAUTH DALIMCHAND Mailing Address: 519 MARYLAND AVE BALTIMORE MD 21221-6708					Use: Principal Residence: Deed Reference:					RESIDENTIAL YES 1)/15044/00559 2)	
				Locat	tion & Structu	re Information	1				
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Seller: Type:			WILLIAM GTH OTHER			Date: Deed1:	10/02/20 /14726/		Price: Deed2:	\$61,691	
Seller: Type:		GERAR RMS LEN	D J GTH OTHER			Date: Deed1:	09/21/19		Price: Deed2:	\$75,000	
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KEVIN KAMENETZ County Executive

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

June 5, 2012

Dalimchand Megnauth 519 Maryland Avenue Baltimore MD 21219

RE: Case Number: 2012-0245-A, Address: 519 Maryland Avenue, 21221

Dear Mr. Megnauth:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 9, 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 Ribal &

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: April 26, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 30, 2012

Item Nos. 2012-0208, 0241, 0242, 0243, 0244, 0245, 0246, 0247, 0248,

0249, 0250 And 0252.

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-04302012-NO COMMENTS.doc

SSIA
StateHighway
Administration
Maryland Department of Transportation

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

Date: 4-19-12

RE:

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

Baltimore County
Item No 2012-0245-A.
Administrative Variance
Dalimchand Megnauth
519 Maryland Lyenne

Beverley K. Swaim-Staley, Secretary

Melinda B. Peters, Administrator

Dear Ms. Lewis:

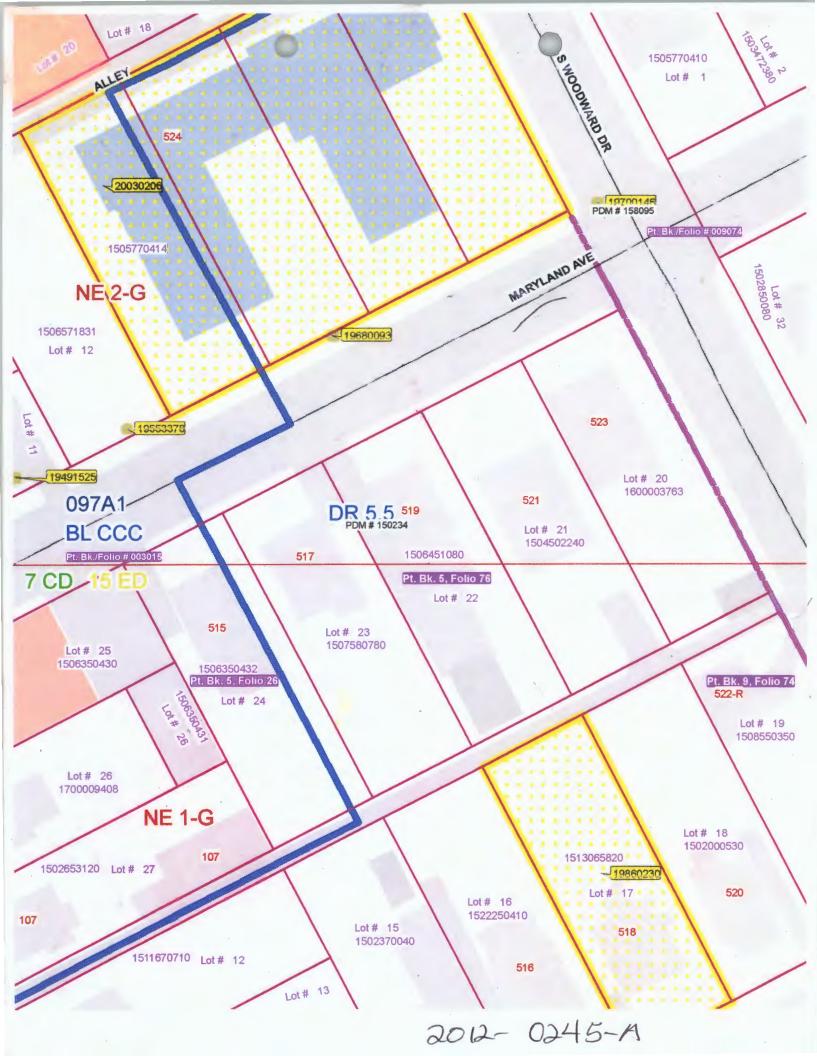
Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012-0245-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,

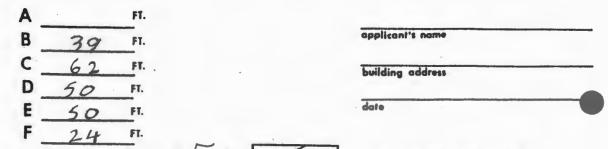
Steven D. Foster, Chief
Access Management Division

SDF/raz



SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED Reference - Section 303. 1 Baltimore County Zoning Regulations

303.1 -In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.



REQUIRED FRONT

SEIBACK

(averaged)

NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft.

D.R. 3.5- 55 ft.

D.R.5.5- 50 ft.

D.R. 3.5 and D.R. 5.5 respectively.

200

SUBJECT PROPERTY

VACANT

Add Reg'd selbook

Center line of street paying

Continued to the street paying and th

Reference

2012-0245. A

ZONING HEARING PLAN FOR VARIANCE _ X FOR SPECIAL HEARING (MA	RK TYPE REQUESTED WITH X) SITE VICINITY MAP	
ADDRESS 519 MARYLAND AVE OWNER(S) NAME(S) DALIMCHAN		
	OCK#_2B_SECTION#_A	
PLAT BOOK # 005 FOLIO # 76 10 DIGIT TAX #1506451080 DEED R	EF.#15044100559 maryland Ave	18
	The same of the sa	7967
P.O.B.	125	LANGE EXHIBIT
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PROPOSED WERDONT 8X13' WITH	MAP IS NOT TO SCALE	
N FROM CIOSET	ZONING MAP# 097A1	
PORCH	SITE ZONED DR 5.5	
FRONT 517 EXISTING FRONT	ELECTION DISTRICT 15	TH
12' 12'6" 2 STORY HOUSE 12'6" 525	COUNCIL DISTRICT -	
LOT 22.	LOT AREA ACREAGE	
€—25	OR SQUARE FEET 7, 2.	50
	HISTORIC? NO	
	IN CBCA? NO	
± =	IN FLOOD PLAIN? NO	
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	62 FT - Z = 3/FT SEWER IS:	
	REQURESTED 25 FT DOION UEADING 3	<u>. </u>
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	AND ORDER RESULT BELI	
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PLAN DRAWN BY DALIMCHAND MEGNAUTH DATE 3-20-12 SCALE: 1 INCH =		
	2012-0245-A VIOLATION CASE INFO:	
	NI/	

ZONING HEARING PLAN FOR VARIANCE _ X FOR SPECIAL HEARING SITE VICINITY MAP (MARK TYPE REQUESTED WITH X) ADDRESS 519 MARYLAND AVE OWNER(S) NAME(S) DALIMCHAND MEGNAUTH SUBDIVISION NAME ESSEX LOT# 22 BLOCK# 2B SECTION# A 10 DIGIT TAX # 1 5 0 6 4 5 1 0 8 0 DEED REF. # 1 5 0 4 4 / 0 0 5 5 9 PLAT BOOK # 005 FOLIO# 76 Maryland Ave P.O.B. 125 W of S. WOODWARD DR. MARYLAND AVE 50' RW PROPOSED 8×13 MAP IS NOT TO SCALE FRONT ZONING MAP#_097A1 PORCH SITE ZONED DR 5.5 FRONT ELECTION DISTRICT 15 TH EXISTING 517 FRONT 2 STORY HOUSE COUNCIL DISTRICT 7 TH 525 LOT 23 LOT 22 -LOT AREA ACREAGE LOT21 OR SQUARE FEET 7.250 HISTORIC? NO IN CBCA? IN FLOOD PLAIN? NO UTILITIES? MARK WITH X CAR PORT WATER IS: FRONT AVGRAGING SEE PRIOR PERMITE PUBLIC × PRIVATE 37 FT + 25 = 62 FT SEWER IS: 62 FT - 2 = 31 FT PUBLIC_X_PRIVATE_ REQURESTED 25 FT PRIOR HEARING? NONE GARAGE IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW None PLAN DRAWN BY DALIMCHAND MEGNAUTH DATE 3-20-/2 SCALE: 1 INCH = 15 FEET 2012-0245-A VIOLATION CASE INFO: