

MEMORANDUM

DATE: November 1, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0018-SPH - Appeal Period Expired

The appeal period for the above-referenced case expired on October 31, 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

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(1312 Burleigh Road)

Edgardo and Felisa Quiogue

Petitioners

*

*

*

*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0018-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed by Edgardo and Felisa Quiogue, legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to determine whether or not the Administrative Law Judge should approve a Use Permit for a Class A Group Child Care Center for a maximum of 12 children. In addition, a Petition for Variance was filed from § 424.1.B of the B.C.Z.R., to permit an existing 168 linear foot fence with a height of 6' and a setback of 6", in lieu of the required 20' property line setbacks. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Felisa M. Quiogue and Anna Quiogue Hernandez. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no Protestants in attendance, and the file does not contain any letters of protest or opposition.

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

ORDER RECEIVED FOR FILING

Date 10-1-12

By 193

The subject property is 7,840 square feet and is zoned DR 5.5. The Petitioners have owned and lived in the home for approximately nine (9) years, and Mrs. Quiogue has operated a child day care facility (with State licensure for up to eight [8] children) for the past seven (7) years. She now would like to expand to accommodate up to 12 children, which requires zoning relief.

The first issue concerns the "use permit" required for a Group Child Care Center, Class A, which allows an owner to provide care for not more than 12 children. Under the B.C.Z.R, the primary test used to determine whether such use is appropriate is whether the proposed operation would be detrimental to the "health, safety or general welfare of the surrounding community." B.C.Z.R. § 424.4.A.6.c. In this case, the available evidence suggests the answer to this inquiry is "definitely not." The Petitioner has operated such a business for over seven (7) years at the site, and many of her neighbors have children that attend the facility. Mrs. Quiogue indicated her neighbors are very supportive of her request. Neither of the Petitioners' adjoining neighbors operates a child day care center.

Based on the evidence presented, I also find that the variance can be granted in such a manner as to meet the requirements of Section 307 of the B.C.Z.R., as established in *Cromwell v. Ward*, 102 Md. App. 691 (1995). I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Indeed, the fence is an existing site condition, and the variance will allow it to remain. I also find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship, given that Petitioners would essentially lose the use of their rear yard if the 20' setback requirements were enforced. 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,

ORDER RECEIVED FOR FILING

Date 10-1-12

2

By ew

safety, and general welfare. This is demonstrated by the absence of opposition from the community and County reviewing agencies.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioners' Special Hearing and Variance requests should be granted.

THEREFORE, IT IS ORDERED this 1st day of October, 2012, by this Administrative Law Judge, that Petitioners' request for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to determine whether or not the Administrative Law Judge should approve a Use Permit for a Class A Group Child Care Center for a maximum of 12 children, be and is hereby GRANTED.

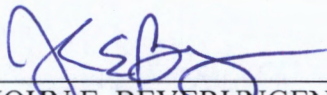
IT IS FURTHER ORDERED that Petitioners' Variance request from § 424.1.B of the B.C.Z.R., to permit an existing 168 linear foot fence with a height of 6' and a setback of 6", in lieu of the required 20' property line setbacks, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits 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, 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.

JEB/dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 10-1-12

By bw



KEVIN KAMENETZ
County Executive

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

October 1, 2012

Edgardo Quiogue
Felisa Quiogue
1312 Burleigh Road
Lutherville, Maryland 21093

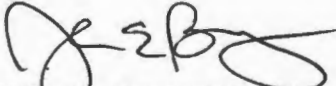
RE: Petitions for Special Hearing and Variance
Case No.: 2013-0018-SPHA
Property: 1312 Burleigh Road

Dear Mr. and Mrs. Quiogue:

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:dlw
Enclosure

c: Anna Quiogue Hernandez, 104 Belmore Avenue, Lutherville, MD 21093



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 1312 BURLINGHAM RD. LUTHERVILLE, MD 21093 which is presently zoned DR 5.5
Deed References: 20677 / 0004 10 Digit Tax Account # 0903473260
Property Owner(s) Printed Name(s) EDGARDO QUIROGUE, FELISA QUIROGUE

(SELECT THE HEARING(S) BY MARKING **X** 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 use permit for a class A Group Child Care center for a maximum of 12 children

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

3. ☒ **a Variance** from Section(s) 424.1.B to permit an existing 168 Linear foot fence with a height of 6 feet with a set back of 6 inches in lieu of the require 20 feet property line setbacks.
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

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

EDGARDO QUIROGUE / FELISA QUIROGUE
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

1312 BURLINGHAM RD. LUTHERVILLE MD
Mailing Address City State

21093 / 410-825-7633 / ED-QUIROGUE@YAHOO.COM
Zip Code Telephone # Email Address

Representative to be contacted:

ANNA QUIROGUE HERNANDEZ
Name - Type or Print

Signature

104 BELMORE RD. LUTHERVILLE MD
Mailing Address City State

21093 / 443-962-5434 / ANNA@YAHOO.COM
Zip Code Telephone # Email Address

CASE NUMBER 2013-0018-SP44 Filing Date 7/27/12

Do Not Schedule Dates: Reviewer GH/JS



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 1312 BURLEIGH ROAD, LUTHERVILLE MD 21093 which is presently zoned DR 5.5
Deed References: 20677/0064 10 Digit Tax Account # 0903473260
Property Owner(s) Printed Name(s) EDGARDO QUIOGUE, FELISA QUIOGUE

(SELECT THE HEARING(S) BY MARKING **X** 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 use permit for a Class A Group Child Care Center for a maximum of 12 children.
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s) 424.1. B to permit an existing fence 168 linear foot fence with a height of 6 feet with a set back of 6 inches in lieu of the required 20 feet property line set backs, 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

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

EDGARDO B. QUIOGUE / FELISA M. QUIOGUE
Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

1312 BURLEIGH RD. LUTHERVILLE MD
Mailing Address City State

21093 / 410-825-7633 / ED_QUI951@YAHOO.COM
Zip Code Telephone # Email Address

Representative to be contacted:

ANNA QUIOGUE HERNANDEZ
Name - Type or Print

Signature

104 BELMORE RD. LUTHERVILLE MD
Mailing Address City State

21093 / 443-962-5434 / BANANS1@YAHOO.COM
Zip Code Telephone # Email Address

CASE NUMBER 2013-0018-SP4A Filing Date 7/27/12 Do Not Schedule Dates: Reviewer GH/JS



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 1312 BURLEIGH RD., LUTHERVILLE, MD 21093 which is presently zoned DR 5.5
Deed References: 20677 / 0064 10 Digit Tax Account # 0903473260
Property Owner(s) Printed Name(s) EDUARDO QUIOGUE, FELISA QUIOGUE

(SELECT THE HEARING(S) BY MARKING **X** 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 use permit for a class A Group Child Care center for a maximum of 12 children

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

3. ☒ **a Variance** from Section(s) 424.1.B to permit an existing 168 linear foot fence with a height of 6 feet with a set back of 6 inches in lieu of the required 20 feet, property line set backs
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

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

EDUARDO QUIOGUE / FELISA QUIOGUE
Name #1 - Type or Print Name #2 - Type or Print

[Signature] / [Signature]
Signature #1 Signature #2

1312 BURLEIGH RD. LUTHERVILLE MD
Mailing Address City State

21093 / 410-825-7633 / ED-QUI951@YAHO.COM
Zip Code Telephone # Email Address

Representative to be contacted:

ANNA QUIOGUE HERNANDEZ
Name - Type or Print

[Signature]
Signature

104 BELMORE RD. LUTHERVILLE MD
Mailing Address City State

21093 / 443-962-5434 / BANANSA1@YAHO.COM
Zip Code Telephone # Email Address

CASE NUMBER 2013-0018-SP4A

Filing Date 7/27/12

Do Not Schedule Dates: _____

Reviewer GH/JS

ZONING PROPERTY DESCRIPTION

PART A:

ZONING PROPERTY DESCRIPTION FOR 1312 BURLEIGH ROAD, LUTHERVILLE, MD 21093

Beginning at a point on the west side of Burleigh Road, which is 50 feet of right-of-way width wide at the distance of 510 feet (+/-) north of the centerline of the nearest improved intersecting street Hedgewood Road which is 50 feet of right of way width wide.

PART B:

OPTION B (Subdivision Lot – lot is part of record plat):

Being Lot #22, Section #2 in the subdivision of Orchards Hills as recorded in Baltimore County Plat Book #21, Folio #31, containing .18 Acres in lot. Located in the 9th Election District and 3rd Council District.

2013-0018-SPHA

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/neighborhood 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: 2013-0018 SPHA

Petitioner: Felisa Quiogue

Address or Location: 1312 Burleigh RD 21093

PLEASE FORWARD ADVERTISING BILL TO:

Name: Anna Quiogue

Address: 1312 Burleigh RD
Lutherville MD 21093

Telephone Number: 443-962-5434

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

No. **87111**
 Date: **7-27-12**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 7/27/2012 7/27/2012 07:44:55 2
 REP USE WILL REP JEE
 RECEIPT # 78111 7/27/2012 07:44
 REP 5 200 DOWNS VALIDATION
 NO. 087111
 Receipted \$150.00
 \$150.00 12 4.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						\$ 150.00

Total: **\$ 150.00**

Rec From: **HERNANDEZ / QUIROGA**
 For: **2013-0018-SPHA**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No 2013-0018-SPH

Petitioner/Developer ANNA
HERNADEZ

Date Of Hearing/Closing: 10/1/12

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1312 BURLING RD

This sign(s) were posted on September 10, 2012
Month, Day, Year
Sincerely,

Martin Ogle 9/10/12
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2013-0018-SPH

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

ROOM 205 JEFFERSON BUILDING 105 WEST

PLACE: CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, OCTOBER 1, 2012
AT 10:00 A.M.

REQUEST: SPECIAL HEARING FOR A USE PERMIT FOR A
CLASS A GROUP CHILD CARE CENTER FOR
A MAXIMUM OF 12 CHILDREN. VARIANCE TO PERMIT AN
EXISTING 168 LINBAE FOOT FENCE WITH A HEIGHT OF
6 FEET WITH A SETBACK OF 6 INCHES IN LIEU OF THE
REQUIRED 20 FOOT PROPERTY LINE SETBACKS

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 827-3301

DO NOT REMOVE THIS SIGN AND POST WITHIN DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

W. J. [Signature]
9/10/12

TO: PATUXENT PUBLISHING COMPANY
Tuesday, September 11, 2012 Issue - Jeffersonian

Please forward billing to:
Anna Quiogue
1312 Burleigh Road
Lutherville, MD 210693

443-962-5434

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0018-SPH

1312 Burleigh Road

W/s Burleigh Road, (50 ft. right-of-way), 150 ft. n/of centerline with Hedgewood Road

9th Election District – 3rd Councilmanic District

Legal Owners: Edgardo & Felisa Quiogue

Special Hearing for a use permit for a Class A Group Child Care Center for a maximum of 12 children. Variance to permit an existing 168 linear foot fence with a height of 6 feet with a setback of 6 inches in lieu of the required 20 feet property line setbacks.

Hearing: Monday, October 1, 2012 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

August 22, 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: 2013-0018-SPH

1312 Burleigh Road

W/s Burleigh Road, (50 ft. right-of-way), 150 ft. n/of centerline with Hedgewood Road

9th Election District – 3rd Councilmanic District

Legal Owners: Edgardo & Felisa Quiogue

Special Hearing for a use permit for a Class A Group Child Care Center for a maximum of 12 children. Variance to permit an existing 168 linear foot fence with a height of 6 feet with a setback of 6 inches in lieu of the required 20 feet property line setbacks.

Hearing: Monday, October 1, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Quiogue, 1312 Burleigh Road, Lutherville 21093
Anna Hernandez, 104 Belmore Road, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 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.**

10/1
10am

Debra Wiley - ZAC Comments - Distribution Mtg. of 8/6

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 8/14/2012 12:05 PM
Subject: ZAC Comments - Distribution Mtg. of 8/6

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.

2013-0018-SPH - 1312 Burkeigh Rd.

No hearing in data base as of 8/14

2013-0019-A - 3601 Buckingham Rd.

Administrative Variance - Closing Date: 8/27

2013-0020-A - 8243 Longpoint Road

No hearing in data base as of 8/14

2013-0021-A - 12519 Falls Rd.

Administrative Variance - Closing Date: 8/27

2013-0023-A - 20-22 W. Timonium Rd.

No hearing in data base as of 8/14

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



KEVIN KAMENETZ
County Executive

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

September 26, 2012

Edward & Felisa Quiogue
1312 Burleigh Road
Lutherville MD 21093

RE: Case Number: 2013-0018 SPH, Address: 1312 Burleigh Road

Dear Mr. & Ms. Quiogue:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 27, 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Anna Quiogue Hernandez, 104 Belmore Road, Lutherville MD 21093

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



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

Date: 8-6-12

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

RE: Baltimore County
Item No 2013-0018-SPH
Special Hearing Variance
Edgardo & Felisa Quiroga
1312 Burleigh 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. 2013-0018-SPH

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 dark ink, appearing to read 'Steven D. Foster', is written over a horizontal line.

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

DATE: August 09, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For August 20, 2012
Item Nos. 2013-0018, 0019, 0020, 0021 and 0023.

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-08202012-NO COMMENTS.doc

NOTICE OF ZONING HEARING

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Case: #2013-0018-SPH

1312 Burleigh Road
W/s Burleigh Road, (50 ft. right-of-way), 150 ft. n/of
centerline with Hedgewood Road
9th Election District - 3rd Councilmanic District
Legal Owner(s): Edgardo & Felisa Quiogue

Special Hearing for a use permit for a Class A Group Child Care Center for a maximum of 12 children. **Variance** to permit an existing 168 linear foot fence with a height of 6 feet with a setback of 6 inches in lieu of the required 20 feet property line setbacks.

Hearing: Monday, October 1, 2012 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 09/637 September 11

873740



501 N. Calvert Street, Baltimore, MD 21278

September 13, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, the publication appearing on September 13, 2012.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
1312 Burleigh Road; W/S Burleigh Road,	*	OF ADMINISTRATIVE
150' N of c/line of Hedgwood Road		
9 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Edgardo & Felisa Quiogue	*	BALTIMORE COUNTY
Petitioner(s)		
	*	2013-018-SPHA

* * * * *

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.

RECEIVED

AUG 15 2012

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of August, 2012, a copy of the foregoing Entry of Appearance was mailed to Anna Quiogue Hernandez, 104 Belmore Road, Lutherville, MD 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

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

Account Identifier:

District - 09 Account Number - 0903473260

Owner Information

Owner Name: QUIOGUE EDGARDO
QUIOGUE FELISA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 1312 BURLEIGH RD
LUTHERVILLE TIMONIUM MD 21093-5530
Deed Reference: 1) /20677/ 00064
2)

Location & Structure Information**Premises Address**1312 BURLEIGH RD
0-0000**Legal Description**1312 BURLEIGH RD
ORCHARD HILLS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0060	0024	0590		0000	2	4	22	2	Plat Ref:	0021/ 0031

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1956	1,651 SF	7,920 SF	04

Stories	Basement	Type	Exterior
2.000000	NO	SPLIT LEVEL	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	97,920	97,900		
Improvements:	191,600	143,500		
Total:	289,520	241,400	241,400	241,400
Preferential Land:	0		0	

Transfer Information

Seller:	Date:	Price:
MORENO RUFINA M	09/13/2004	\$262,500
Type: ARMS LENGTH IMPROVED	Deed1: /20677/ 00064	Deed2:
WEI LING	06/30/2003	\$205,000
Type: ARMS LENGTH IMPROVED	Deed1: /18309/ 00154	Deed2:
HASH DUANE C	01/23/1996	\$120,000
Type: NON-ARMS LENGTH OTHER	Deed1: /11396/ 00383	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:
Exempt Class: **Special Tax Recapture:** NONE

Homestead Application Information

Homestead Application Status: Approved 10/30/2008



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

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District - 09 Account Number - 0903473260



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2011.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml

10/1 10am

CASE NO. 2013- 0018-SPH

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8-9</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>Nc</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>8-6</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>9-13-12</u> <u>The Jeffersonian</u>	
SIGN POSTING	Date: <u>9-10-12</u> by <u>Ogle (2 days)</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: * Please see 1st. paperwork, including photos.

CASE NAME Burling Rd.
CASE NUMBER 2013-18-SFH
DATE 10-1-2012

[illegible]

Case No.:

2013-0018-SPH

JB 10/1
10AM

Exhibit Sheet

Petitioner/Developer

Protestants

10-1-12 SW

No. 1	Site Plan	
No. 2	Exhibit w/ Photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING USE PERMIT PLAN FOR CLASS "A" CHILD CARE CENTER

Located at

1312 BURLEIGH ROAD, LUTHERVILLE, MD 21093

9th Election District and 3rd Council District

Property Address: 1312 Burleigh Road, Lutherville, MD 21093
Property Owner: Edgardo Quiogue and Felisa Quiogue
Map Reference: 27 A-3
Census Tract: 4902-0720
Neighborhood boundaries: The property's neighborhood is bordered by Seminary Avenue to the North, York Road to the East, Joppa Road to the South, and Bellona Avenue to the West.
Zoning DR: 5.5
Contact Number: 443-962-5434

Lot Size: .18 Acres or 7,840.8 sq.ft.
Shape: Rectangular
Driveway Surface: Concrete
Electricity: Above Ground
Street Lights: YES
No of Stories: 4 Levels
Type: Detached
Design: Split Level
Room Count: 4 Bedrooms, 3 Bathrooms
Dwelling Area: 1,744 sqft.
Stoop: YES
Deck: YES
Age: Built 1956
Condition: Good
Parking: 2 spaces for employees who also live in the premises already (all parking uses shown in map)
Existing Garage: N/A
Exterior Enlargements in the past 5 years: NONE

Existing Floor Areas (sq/ft)

1st Floor – 608 sqft.

2nd Floor – 546 sqft.

3rd Floor – 608 sqft.

4th Floor – 252 sqft.

Deck – 224 sqft.

(Basement – 546)

Total – 2,238 sqft. (check basement plan and add to total sqft.)

PETITIONER' S

EXHIBIT NO.

2

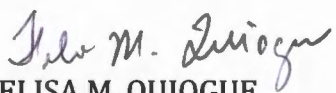
2013-0018-SPHA



REFER TO DIAGRAM A: SITE PLAN

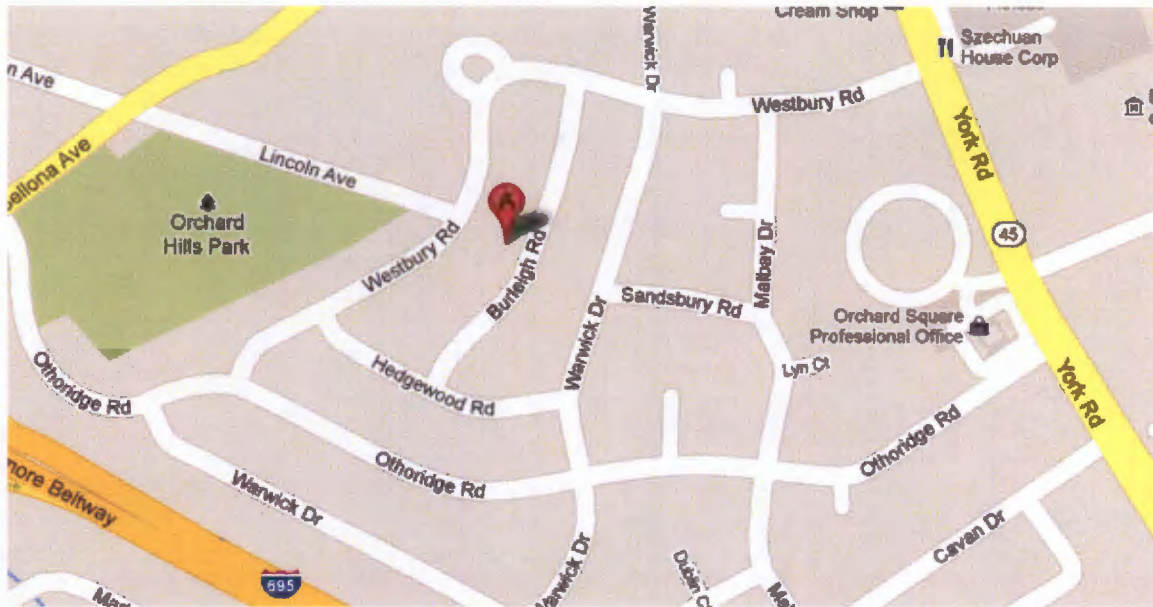
REFER TO DIAGRAM B: VICINITY MAP

THE UNDER SIGNED ARE RESPONSIBLE FOR THE ACCURACY OF THE
INFORMATION ON THIS PLAN (OWNERS)


FELISA M. QUIOGUE

2013-0018-SPHA

DIAGRAM B: VICINITY MAP



RED: THIS IS THE VICITY MAP OF THE SITE

**1312 Burleigh Road,
Lutherville, MD 21093**

NOTE: There are 2 items being processed for this request: (1) Application for Child Care Center (Class A) and (2) Petition to be relieved from fence setback requirements, filing for variance

- This Site is in a single detached home. Zoned 5.5.
- There are no existing daycares adjacent to the home.

2013-0018 SP4A

HEARING PLAN

Zoning Hearing Plan Variance X

Address: 1312 Burleigh Road, Lutherville, MD 21093 Owners: Edgardo and Felisa Quiogue

Subdivision Name: Orchard Hills Plat Lot: 22 Block: Section: 2

Plat Book #: 21 Folio #: 31 10 Digit Tax ID: 0903473260

Deed Ref: 20677/0064

