IN RE: PETITION FOR ADMIN. VARIANCE

1<sup>st</sup> Election District

1st Councilmanic District

(1306 Hubner Avenue)

Enrique A. and Nicole K. Sanchez

Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0119-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Enrique A. and Nicole K. Sanchez, for property located at 1306 Hubner Avenue. The variance request is from Sections 1B02.3.C.1, 303.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a side yard setback of 9' in lieu of the required 10' for a proposed porch enclosure, and to permit an existing accessory structure with a 0' side yard setback and a 2' rear yard setback in lieu of the required 2.5', respectively. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 19, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to 
ORDER INTERMEDIATE VARIABLE Variance would adversely affect the health, safety or general welfare of

Date		-		
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2-19-13

the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 19<sup>th</sup> day of February, 2013 that a Variance from Sections 1B02.3.C.1, 303.1 and 400.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a side yard setback of 9' in lieu of the required 10' for a proposed porch enclosure, and to permit an existing accessory structure with a 0' side yard setback and a 2' rear yard setback in lieu of the required 2.5', respectively, be and is hereby GRANTED, subject to the following:

The 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, the Petitioners would be required to return,
and be responsible for returning, said property to its original condition.

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

I AWRENCÉ M. STAHL Managing Administrative Law Judge

for Baltimore County

OHDER REC	EIVED FOR FILING	
	5-19-13	2
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KEVIN KAMENETZ County Executive LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 19, 2013

Enrique A. Sanchez Nicole K. Sanchez 1306 Hubner Avenue Baltimore, Maryland 21228

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(1306 Hubner Avenue) Case No. 2013-0119-A

Dear Mr. and Mrs. Sanchez:

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.

Very truly yours,

AWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

c: Gary M. Henry, 106 S. Morerick Avenue, Catonsville, MD 21228

### ADM TRATIVE ZONING PET N

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

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

Address 1306 Hubner Ave Cutons ville MD 21228 which is presently zoned Deed Reference 27219 / 0596 10 Digit Tax Account # 0 1 1 9 1 1 6 3 0 0 Property Owner(s) Printed Name(s)

(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

DMINISTRATIVE VARIANCE from section(s) 1802.3. C. 1:303.1, 400.1 To permit a side you'd I feet in lieu of the required to seet for a proposed porchenclosure. accessory structure with a 0 Sect sade yard set back in lieu of the required 2/2 Let respective County, to the zoning law of Baltimore County. Let rear yard set back in Tien of the required zoning regulations of Baltimore County, to the zoning law of Baltimore County

ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County. Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County. Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s). Contract Purchaser/Lessee: Legal Owners: Name-Type or Print Signature Mailing Address City State

Name- Type or PriDER RECEIVED FOR PRIDER FOR PRIDER FOR PRIDER FOR Telephone # Representative to be contacted:

Signature Mailing Address City State Mailing Address Zip Code 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

## Affidavit in Support of ministrative 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: 1306 Hybrer Ave Catansville and 21238
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)

We are petitioning the BCZ A for a variance to enclose an existing covered porch and construct a full bathroom addition to meet the needs of our growing family. Since we purchased the property our family has expanded to three adults and four children. We currently have only three bedrooms and one full bathroom and it has become increasingly difficult to live with the space and bathroom count we currently have. Our proposed renovations will exceed the current set back rules by 3 feet. Our lot size is unusually narrow for the area and do not meet current building codes as the subdivision is over 70 years old. We have lived in the Catonsville area all our lives and have family and stable employment in this local community. We feel our proposed renovations create no disturbance or nuisance to the neighbors considering we are enclosing an existing porch which is (visually) enclosed with a heavy lattice material currently. Furthermore, our bathroom addition will be placed to the rear of our dwelling in the same location as an existing deck and adjoining an existing bump out portion of our house which is original to the building.

(If additional space for the petition re	uest or the above statement is needed, label and attach it to this Form)							
Signature of Affiant	Signature of Affiant							
Enrique A. Sanchez Name Print or Type	hicole K. Sanchez							
	Name- Print or Type  The following information is to be completed by a Notary Public of the State of Maryland							
STATE OF MARYLAND, COUNTY	OF BALTIMORE, to wit:							
I HEREBY CERTIFY, this 2 day of october, 201), before me a Notary of Maryland, in and for the County aforesaid, personally appeared								
Enrique A Sanchez and								
the Affiant(s) herein, personally known	or satisfactorily identified to me as such Affiant(s) (Print name(s) here)							
AS WITNESS my hand and Notaries S	seal NUM							
RICHARD T. WALTERMYER, JR.  Notary Public  Anne Arundel County	Notary Public  Alala  My Commission Expires							

My Commission Expires Feb. 2, 2016

Zoning property description for 1306 Hubner Ave Catonsville, MD 21228.

Beginning at the point on the North side of Hubner Avenue which is 40 feet wide at the distance of 205 feet east of the centerline of the nearest improved intersecting street Beechwood Avenue which is 40 feet wide.

Being lot # 35,36, Block 4, Section in the subdivision of Oak Crest as recorded in Baltimore County Plat Book #7, Folio #158, containing 6,250 square feet. Located in the 1<sup>st</sup> Election District and 1<sup>st</sup> Council District.

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## **Certificate of Posting**

Department of Permits, Approval, and Inspections Baltimore County 111 W. Chesapeake Avenue Room 111 Towson, MD 21204

Date:

Jan. 19, 2013

**Attention:** 

Zoning Office, Ms. Kristen Lewis

Re:

**Case Number:** 

2013-0119-A

Petitioner/Developer:

Gary Henry

Date of Hearing/Closing:

Feb. 4, 2013

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: 1306 Hubner Avenue

The sign(s) were posted on: Jan. 19, 2013

William D. Gulick, Ir

2944 Edgewood Avenue Baltimore, MD 21234

(410) 530-6293



## ADMINISTRATIVE VARIANCE INFORMATION SHL

AND DATES

Case Number 2013- 0119 -A Address 1306 Hubner Ave.
Contact Person: Phone Number: 410-887-3391  Rlanner, Please Print Your Name
Filing Date: 11/19/12 Posting Date: 12/2/12 Closing Date: 12/17/1
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <a href="POSTING/COST">POSTING/COST</a> : The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2013 0119 -A Address 1306 Hubber Ave. 21228
Petitioner's Name Enrique Sanchez Telephone 410-744-3980
Posting Date: 12/2/12 Closing Date: 12/17/12
Wording for Sign: To Permit a side yard set back of 9 feet in lieu of
the required 10 feet for a proposed purch enclosure, and to
allow a front word set back of 36 feet in hew of the required 40 feet
To permit an existing accessor with O feet side ward set back and a 2-feet rear yard set back in Lieu of the required
2/2 Leet respectively.  BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

## ZONING REVIEW

### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	2013 Jumber 2012	0119	-A	Address	1306	Hubner	Ave	
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Case Number 2012-0119 -A Address 1306 Hubner Aue								
Petitioner's Name Gary Henry Telephone 410-788-1223								
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Wording for Sign: To Permit a Side yard set back of 9 feet in lieu of the								
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Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-6-12

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

RE: **Baltimore County** 

Item No 2013-0119-A

Administrative Variance Enrique A. à Hicole K. Souchez 1306 Hubner Avenue.

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. 2013-0119-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

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits, Approvals

DATE: December 5, 2012

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For December 17, 2012

Item Nos. 2013-0103, 0116, 0119, 0122 and 0123.

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

DAK:CEN Cc: file

#### MEMORANDUM

DATE:

March 26, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0119-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 21, 2013. 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

#### MEMORANDUM

TO:

Kristen Lewis

Office of Zoning Review

FROM:

Debbie Wiley I de Ween

Office of Administrative Hearings

DATE:

January 7, 2013

SUBJECT:

Petition for Administrative Variance – Closing: 12/18/12

Case No. 2013-0119-A - 1306 Hubner Ave.

As you may be aware, the above-referenced case had a closing date of December 18, 2012. Unfortunately, the sign posting requirement was not fulfilled and the Petitioners' representative, Gary M. Henry, was left a voice mail twice to no avail.

On January 7, 2013, OAH learned (thru June Fisher) that Bill Gulick, the sign poster, had advised there was a mistake on his end with the property being properly posted.

In any event, we are returning the file to you for further processing, i.e., obtaining new closing date, etc.

ÆB:dlw

c: File

June Fisher, Office of Zoning Review



### Debra Wiley - 2013-0119-A

From:

Debra Wiley

To:

Fisher, June; Lewis, Kristen

Date:

12/26/2012 3:48 PM

Subject:

2013-0119-A

Hi,

I have left a voice mail msg. in reference to the file missing proof of sign posting, however have not received a response from Petitioner or their representative.

Have either of you received the certification from the sign poster? This Administrative Variance closed on 12/17.

Thanks.

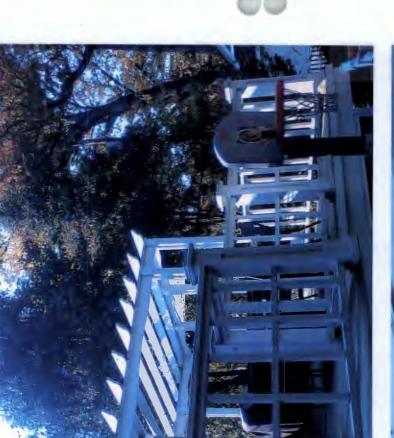
**Debbie Wiley** Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov

Rep. Contractor Contra



Maryland Department of Assessments and Taxation Real Property Data Search (vw6.2A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent Redemption
GroundRent Registration

Accoun	t Identifier	:		District - 01 Acco	unt Number	- 0119716300						
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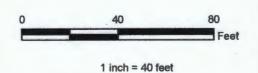


#### 1306 Hubner Avenue 0107150930 0106100230 101\* OTRODO 160 # 160 P 1307 Con 14 030545510 0 \* 107 lor# 77 10 ONTORSOLAD 6 Onishoos 0119712550 20 9 Lot# ONTHOOOD 6 Lot# lor of 10x # 33 Ld# 1302 Tor# 10x \* 33 oronanoso 3 0106450880 1304 ONISTIGADO Lot# Pt. Bk./Folio # 007158C [A# 35 DR 5.5 LA\* PDM # 01804 **SW 2-G** 100C1 0107150510 HUENER AVE Lot # 11 Lot# Lot# 0108006210 LOCH 0113855780 EF BY WOODS FOR A SON Lot# 9 Lot# 0107580980 1305 0119580490 0118102040 Lot # 7



Publication Date: 9/7/2012
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot





ZONING HEARING PLAN FOR VARIANCE	FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 1306 Hubner Aue	FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)  OWNER(S) NAME(S) Enclave + Nicole Souchez
SUBDIVISION NAME Oak Crest	LOT # 35, 36 BLOCK # 4 SECTION #
	GIT TAX # 0 1 1 9 1 1 6 3 Q DEED REF. # 27279/0596
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Neighbor 1 86'	1
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J	Porch & 30 Enclastre Front set back
	501
[N] Hu	bner Ave 40 ft R/w
PLAN DRAWN BY Gary Henry	DATE 10/8/12 SCALE: 1 INCH = 30 FEET
	2013-0119-A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 180C1 SITE ZONED DR5.5

ELECTION DISTRICT ISTED

COUNCIL DISTRICT 154

LOT AREA ACREAGE 625054

OR SQUARE FEET 6250.5A

HISTORIC? NO

IN CBCA ? No

IN FLOOD PLAIN"? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC Y PRIVATE

SEWER IS:

PUBLIC X PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

DIEX II

VIOLATION CASE INFO:

NI