IN RE: PETITION FOR VARIANCE (621 George Avenue) 15th Election District 7th Councilman District Gloria J. Fair-Pineda

Petitioner

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0136-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Gloria J. Fair-Pineda, the legal owner of the subject property. The Petitioner is requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling to be built on a lot with a 50 ft. width in lieu of the required 55 ft. 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 requests was Gloria J. Fair-Pineda. 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 interested citizens in attendance, and the file does not contain any letters of protest or opposition.

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

Testimony and evidence revealed that the subject property is 7,500 square feet and is zoned DR 5.5. The property is vacant, although Petitioner indicated she may construct a dwelling on the lot, and realized she would need variance relief to do so.

ORDER RECEIVED FOR FILING

Based upon the testimony and evidence presented, I will grant the request for variance relief. 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).

Petitioners have met this test. The property is part of a subdivision known as "Landa's Subdivision," which was created in 1920, long before the adoption of the B.C.Z.R. The Petitioner testified that she grew up on an adjoining street, and she stated that all of the lots in the neighborhood are 50' wide, and that this property is one of the last vacant lots in the subdivision. Thus, the property is unique.

If the B.C.Z.R. were strictly enforced, the Petitioner would indeed suffer a practical difficulty and/or hardship, since she would be unable to construct a dwelling on the lot. 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 demonstrated by the lack of opposition from County reviewing agencies.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 14th day of February, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 1B02.3.C.1. of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed dwelling to be built on a lot with a 50 ft. width in lieu of the required 55 ft, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioner may apply for its appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, 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.

JOHN E BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date

By



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

February 14, 2013

Gloria J. Fair-Pineda 2706 Holly Beach Road Baltimore, Maryland 21221

RE:

Petition for Variance

Case No.: 2013-0136-A

Property: 621 George Avenue

Dear Mrs. Fair-Pineda:

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,

JOHNE BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:sln Enclosure



LANGE B. P.C.	R ZONING HEARIN (S)
	ent of Permits, Approvals and Inspections
	of Baltimore County for the property located at:
Address 62/ (SACC IV	which is presently zoned DR 5.5 2 10 Digit Tax Account # 1 5 0 6 0 0 0 2 2 0
Property Owner(s) Printed Name(s)	RIA J. FAIR PINZOA
	PRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)
	Baltimore County and which is described in the description de a part hereof, hereby petition for:
 a Special Hearing under Section 500.7 of the Zoni or not the Zoning Commissioner should approve 	ing Regulations of Baltimore County, to determine whether
2 a Special Exception under the Zoning Regulations	s of Baltimore County to use the herein described property for
3. a Variance from Section(s) /802.3.6./	BLZR. TO PERMIT A PROPOSED DWELLIAN-
TO BE BUILT ON A LOT U	LITH A 50 ft. WIDTH IN LIEU OF THE
REQUIRED 55ft.	BLZE, TO PERMIT A PROPOSED DWELLING
	zoning law of Baltimore County, for the following reasons: or indicate below "TO BE PRESENTED AT HEARING". If
you need additional space, you may add an attachme	
	The sale of the sa
Property is to be posted and advertised as prescribed by the zoning regul	ations.
I, or we, agree to pay expenses of above petition(s), advertising, posting, and restrictions of Baltimore County adopted pursuant to the zoning law for	or Baltimore County.
Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, ur which is the subject of this / these Petition(s).	nder the penalties of perjury, that I / We are the legal owner(s) of the property
	Legal Owners (Petitioners):
Contract Purchaser/Lessee: Name- Type or Print NED FOR FILING	
EOR	CHORIA J. PINEDO
Name- Type or Print Signature Mailing Address City State	Name #1 Type or Print Name #2 Type or Print
aece III	selle X Jan Mede
Signature	Signature #1 Signature #2
Mellin Address	2706 HOLLY SEPER (CD BOLTO MO
Mailing Address City State	Mailing Address City State
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
BY	
Attorney for Petitioner:	Representative to be contacted:
	Same
Name- Type or Print	Name – Type or Print
Signature	Signature
Mailing Address City State	Mailing Address City State
7-0-1	
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address

CASE NUMBER 2013-6136-A Filing Date 12/12/12 Do Not Schedule Dates:

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE SOUTHEAST SIDE OF GEORGE AVENUE, WHICH HAS A 50 FOOT RIGHT OF WAY, AT A DISTANCE OF 275 FEET SOUTHWEST AT THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET, MYRTH AVENUE, WHICH HAS A 50 FOOT RIGHT OF WAY.

BEING LOT #35 IN THE SUBDIVISION OF LANDA'S SUBDIVISION AS RECORDED IN BALTIMORE COUNTY, PLAT BOOK #5, FOLIO #52, CONTAINING 7500 SQUARE FEET. LOCATED IN THE 15^{TH} ELECTION DISTRICT AND 7^{TH} COUNCILMANIC DISTRICT.

OFFIC	E OF BUI	DGET AN	MARYLAN D FINANC I RECEIPT	Ε		No.		2750		PAID RECEIPT	
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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: # 2013-0136-A

Case: # 2013-0136-A
621 George Avenue, 275 ft. SW of centerline
of Myrth Avenue, 275 ft. SW of centerline
of Myrth Avenue
15th Election District - 7th Councilmanic District
Legal Owner(s): Gloria Pineda
Variance: topermit a proposed dwelling to be built on a lot
with a 50 ft. width in lieu of the required 55 ft.
Hearing: Wednesday, February 13, 2013 at 2:30 p.m. In
Room 205, Uefferson Building, 105 West Chesapeake
Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONSFOR 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.

1/272 Jan. 24 900041



501 N. Calvert Street, Baltimore, MD 21278

January 24, 2013

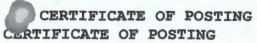
THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on January 24, 2013.

×	The Jeffersonian
	Arbutus Times
	Catonsville Times
	Towson Times
	Owings Mills Times
	NE Booster/Reporter
	North County News

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

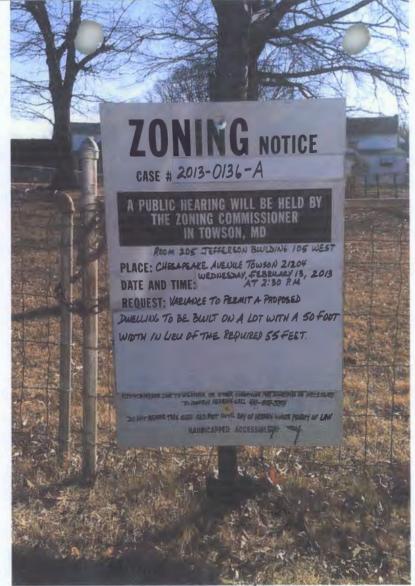
Sugar Wilkinson





	RE: CASE NO: 2013-0136-A
	PETITIONER/DEVELOPER
	GLORIA PINEDA
	DATE OF HEARING/CLOSING:
	2/13/13
BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVENUE	
ATTENTION:	
ADIES AND GENTLEMEN:	
THIS LETTER IS TO CERITFY UNDER THE NECESSARY SIGN(S) REQUIRED BY LAW WE PROPERTY AT	
	•
THIS SIGN(S) WERE POSTED ON (MO	MURICIPATION (NEAR)
	SINCERELY, SIGNATURE OF SIGN POSTER AND DATE

MARTIN OGLE (SIGN POSTER) 60 CHELMSFORD COURT BALTIMORE, MD 21220 (ADDRESS) PHONE NUMBER: 443-629-3411



malugh 1/23/13

TO: PATUXENT PUBLISHING COMPANY

Thursday, January 24, 2013 Issue - Jeffersonian

Please forward billing to:

Gloria Pineda 2706 Holly Beach Road Baltimore, MD 21221 410-245-9131

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: 2013-0136-A

621 George Avenue SE/s George Avenue, 275 ft. SW of centerline of Myrth Avenue 15th Election District – 7th Councilmanic District Legal Owners: Gloria Pineda

Variance to permit a proposed dwelling to be built on a lot with a 50 ft. width in lieu of the required 55 ft.

Hearing: Wednesday, February 13, 2013 at 2:30 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

January 8, 2013

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

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: 2013-0136-A

621 George Avenue

SE/s George Avenue, 275 ft. SW of centerline of Myrth Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Gloria Pineda

Variance to permit a proposed dwelling to be built on a lot with a 50 ft. width in lieu of the required 55 ft.

Hearing: Wednesday, February 13, 2013 at 2:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Arnold Jablon

Director

AJ:kl

C: Gloria Pineda, 2706 Holly Beach Rd., Baltimore 21221

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., JANUARY 24, 2013.

- (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.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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.

Item Number or Case	e Number:,	2013-	0136	OA	
Petitioner:	LORIA :	J. PINE	DA		
Address or Location:	621 GEOR	RUE AVE			<u> </u>
PLEASE FORWARD	DRIA PI	NEDA	01	Palm	MJ.21221
Address: 270	6 10/14	DEACH	Fol,	D46-10.	Marciell
Telephone Number:	419	1-245	-913		



KEVIN KAMENETZ County Executive

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

February 12, 2013

Gloria Pineda 2706 Holly Beach Road Baltimore MD 21221

RE: Case Number: 2013-0136 A, Address: 621 George Avenue

Dear Ms. Pineda:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on December 12, 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.

W. Call Ribble

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor Darrell B. Mobley, Acting Secretary Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-17-12

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

RE: **Baltimore County**

Item No 2013-0136-A Variance Gloria Pineda 621 George 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. 2013-0136-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

DATE: December 20, 2012

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kenfledy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 31, 2012

Item Nos. 2013-0134, 0135, 0136, 0137 and 0138.

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

DAK:CEN Cc: file

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon

DATE: January 2, 2013

Deputy Administrative Officer and

Director of Permits, Approvals and Inspections

FROM:

Andrea Van Arsdale

Director, Department of Planning

SUBJECT:

621 George Avenue

INFORMATION:

Item Number:

13-136

Petitioner:

Gloria J. Pineda

Zoning:

DR 5.5

Requested Action:

Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning has determined that the petitioner does not own sufficient adjoining land to conform to the minimum width and area requirements and therefore does meet the standards stated in Section 304.1.C of the BCZR. Furthermore, there appears to be several existing undersized lots in the neighborhood. As such, this department does not oppose the petitioner's request.

If the petitioner's request is granted, the following conditions shall apply to the proposed dwelling:

- 1. Submit building elevations to this department for review and approval prior to the issuance any building permits. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 2. Provide landscaping along the public road, if consistent with the existing streetscape.

For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:

Division Chief:

AVA/LL: CM

RECEIVED

JAN 0 3 2013

RE: PETITION FOR VARIANCE
621 George Avenue; SE/S George Avenue,
275' SW c/line Myrth Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Gloria Pineda
Petitioner(s)

- * BEFORE THE OFFICE
- * OF ADMINSTRATIVE
- * HEARINGS FOR
- * BALTIMORE COUNTY
- * 2013-136-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 Zummerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED

DEC 2 0 2012

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 20th day of December, 2012, a copy of the foregoing Entry of Appearance was mailed to Gloria Pineda, 2706 Holly Beach Road, Baltimore, MD 21221, Petitioner(s).

Peter Max Zummerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

MEMORANDUM

DATE:

March 19, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2013-0136-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 18, 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

Maryland Department of Assessments and Taxation Real Property Data Search (vw2.2A) BALTIMORE COUNTY Go Back
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New Search
GroundRent
Redemption
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Registration

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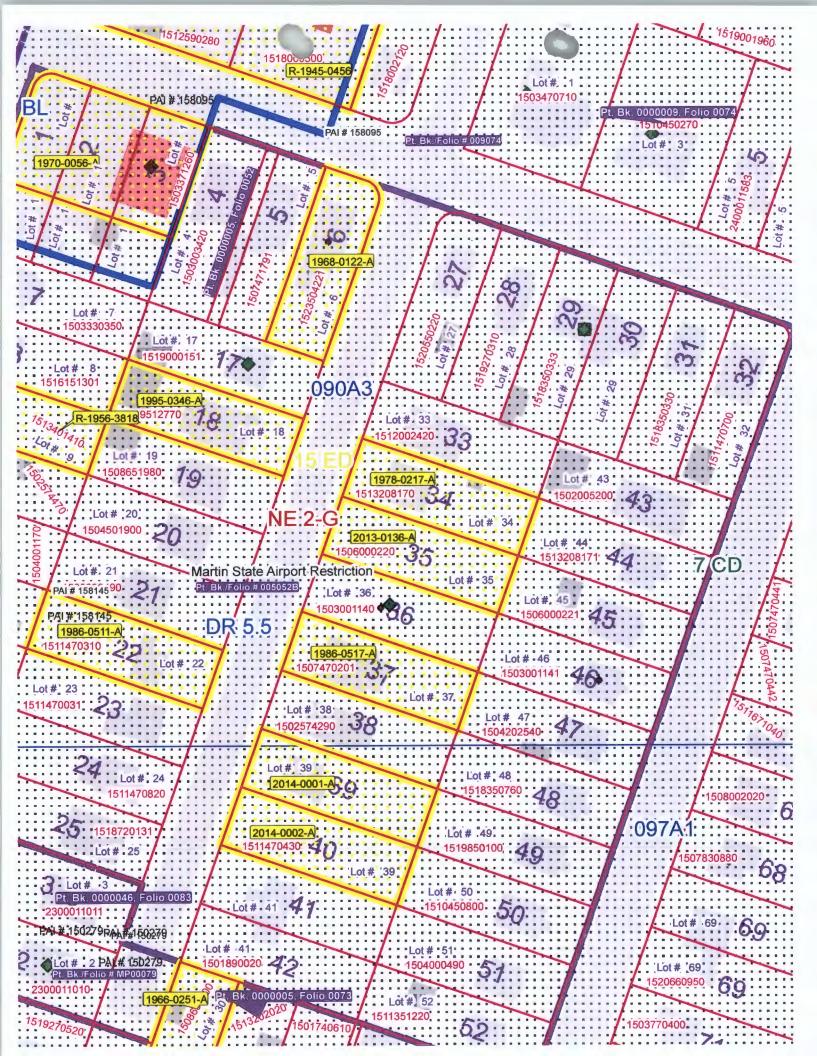
Case No.: 2013 - 0136-A

Exhibit Sheet

Petitioner/Developer

Protestant

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



ZONING HEARING PLAN FO ADDRESS 621 GEORGE	OR VARIANCE X I	OR SPECIAL HEARING OWNER(S) NAME(S)	(MARK TYPE REQUESTED	wпн <u>х</u>)	UPPERLANDING STATE
SUBDIVISION NAME LQN PLAT BOOK #_5 FOLIO	da's Subdivis	ION LOT# 35			WOLFE ST GERRIES
Rivisting Lot 33	623) Existing Lot*34 50'	Reorge Ave.	Vacant Lot 36	Lotist	T MAP IS NOT TO SCALE ZONING MAP# O O A SITE ZONED DR 5.5 ELECTION DISTRICT 15 COUNCIL DISTRICT 7 LOT AREA ACREAGE OR SQUARE FEET 7500 HISTORIC? NO IN CBCA? NO IN FLOOD PLAIN? NO UTILITIES? MARK WITH X WATER IS: PUBLIC X PRIVATE SEWER IS: PUBLIC X PRIVATE PRIOR HEARING? NO IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW
PLAN DRAWN BY	D	ATESCALE: 1	INCH = <u>30</u> FEET		VIOLATION CASE INFO:

Ex.1