

M E M O R A N D U M

DATE: October 28, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0037-A - Appeal Period Expired

The appeal period for the above-referenced case expired on October 24, 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

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1915 Oak Drive)		
1 st Election District	*	OFFICE OF ADMINISTRATIVE
4 th Council District		
Noel Gonzales and Nora Pina Rico	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2014-0037-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Noel Gonzales and Nora Pina Rico. The Petitioners are requesting Variance relief from § 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a front yard setback of 14.66 ft. in lieu of the required front yard average of 40 ft. 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.

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.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 25, 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 § 32-3-303 of the Baltimore County Code (B.C.C.). 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

ORDER RECEIVED FOR FILING

Date 9-24-13

By [Signature]

welfare of 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.

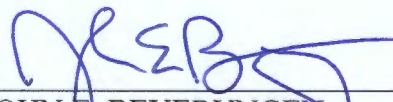
THEREFORE, IT IS ORDERED, this 24th day of September, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from § 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition with a front yard setback of 14.66 ft. in lieu of the required front yard average of 40 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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, 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
ORDER RECEIVED FOR FILING

Date 9-24-13 2

By law



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 24, 2013

Noel Gonzales
Nora Pina Rico
1915 Oak Drive
Baltimore, Maryland 21207

RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
(1915 Oak Drive)
Case No. 2014-0037-A

Dear Mr. Gonzales and Ms. Rico:

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,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure



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:

Address 1915 OAK DR

which is presently zoned DR 5.5

Deed Reference 23098/00633

10 Digit Tax Account # 0112590580

Property Owner(s) Printed Name(s) Noel Gonzales, Nora Pina Rico

(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

1. ☒ **ADMINISTRATIVE VARIANCE** from section(s)

Section 303.1 - to permit a proposed addition with a front yard setback of 14.66 feet in lieu of the required front yard average of 40 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **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:

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:

Noel Gonzales / Nora Pina Rico

Name #1 - Type or Print

Name #2 - Type or Print

NOEL GONZALES

NORA PINA RICO

Signature #1

Signature #2

1915 OAK DR Baltimore MD

Mailing Address City State

21207 / 443-200-2815 / Norapina123@gmail.com

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

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, this 8 day of August, 2013 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

CASE NUMBER 2014-0037-A Filing Date 8/14/13 Estimated Posting Date 8/25/13 Reviewer RDJ

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE VARIANCE 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: 1915 OAK dr Baltimore MD 21207
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 practical difficulty or hardship here)

The house is too small right now and we need 1 more
bedroom so by adding the living room at the front,
we will have one more left so the old living room will be
a bedroom allowing us to have 3 bedrooms and
giving us more space for our family.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

NOEL GONZALES
Signature of Affiant

Noel Gonzalez
Name- Print or Type

NORA PINA RICO
Signature of Affiant

Nora Pina Rico
Name- Print or Type

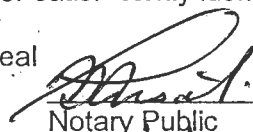
The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of August, 2013, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Noel Gonzalez and Nora Pina Rico
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 Seal


Notary Public

08/16/2016
My Commission Expires

IN RE: PETITION FOR ADMIN. VARIANCE *
(1915 Oak Drive)
1st Election District *
4th Council District *

Noel Gonzales and Nora Pina Rico
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR
BALTIMORE COUNTY
Case No. 2014-0037-A

* * * * *

AFFIDAVIT

We, Noel Gonzales and Nora Pina Rico, are over the age of 18 and have personal knowledge of and are competent to testify to the following:

1. The residence at 1915 Oak Drive is owned by Noel Gonzales and Nora Pina Rico. No other person or entity has an interest in the operation and/or affairs of 1915 Oak Drive.
2. We, Noel Gonzales and Nora Pina Rico, reside year round and actually occupy property known as 1915 Oak Drive, and we consider this to be our principal residence.

We solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

NORA PINARICO

NOEL GONZALES

Noel Gonzales
Nora Pina Rico

RECEIVED

SEP 20 2013

OFFICE OF ADMINISTRATIVE HEARINGS

DESCRIPTION FOR 1915 OAK DRIVE

Beginning at a point on the southeast side of Oak Drive, which has a 40-foot right of way, at a distance of 20 feet southwest of the centerline of the nearest improved intersecting street West North Avenue, which also has a 40-foot right of way (ie: the southeast and southwest sides of the intersection.)

Being lots 1 and 2, Block #11, in the subdivision of Windsor Terrace as recorded in Baltimore County Plat Book #6, Folio #180, containing 4500 square feet. Located in the 1st Election District, 4th Councilmanic District.

Item #0037

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2014-0037-A
Petitioner: Noel Gonzalez + Nora Pina Rico
Address or Location: 1915 OAK dr Baltimore MD 21207

PLEASE FORWARD ADVERTISING BILL TO:

Name: Noel Gonzalez + Nora Pina Rico
Address: 1915 OAK dr Baltimore MD 21207

Telephone Number: 443-200-2815

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

No. **101536**

Date: **8/11/13**

PAID RECEIPT

BUSINESS MTHL TIME DAY

8/15/2013 8/14/2013 10:21:45 2

REC 0802 WALKIN JENN JEL

>> RECEIPT # 840014 8/14/2013 OFLH

Dept 5 520 ZONING VERIFICATION

CP NO. 101536

Recpt tot \$75.00

\$1.00 CH \$80.00 CR

\$5.00- CR

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
0001	806	0000		6150				\$75.00

Total: **\$75.00**

Rec From:
 For: **zoning hearing case 2014-0037-A**

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

Date: 8-25-13

RE: Case Number: 2014-0037-A

Petitioner/Developer: Noel Gonzalez

Date of Hearing/Closing: 9/9/13

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 1915 Oak Dr

ZONING NOTICE ADMINISTRATIVE VARIANCE

CASE # 2014-0037-A
TO PERMIT A PROPOSED ADDITION
WITH A FRONT YARD SETBACK OF 14.6
FEET IN LIEU OF THE REQUIRED FRONT
YARD AVERAGE OF 40.8 FEET.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(h)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 10/1/13.

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3091
PARKING THIS SIGN AND POST OFFER, UNDER PENALTY OF LAW
ACCESSIBLE

8-25-13

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>8-21</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>8-21</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>8-20</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: _____	
SIGN POSTING	Date: <u>8-25-13</u> by <u>Pison</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: Per SDAT, not owner occupied. 9-11 Email sent to Pat. asking for clarification. 9-12 Rec'd response 9-13 Pat. mailed Affidavit to sign

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0037 -A Address 1915 Oak Dr

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8-14-13 Posting Date: 8-25-13 Closing Date: 9-9-13

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. **POSTING/COST:** 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. **DEADLINE:** 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.
3. **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 2014- 0037 -A Address 1915 Oak Dr

Petitioner's Name N Gonzalez + N Rice Telephone 443-200-2815

Posting Date: Aug 25, 2013 Closing Date: Sept 9, 2013

Wording for Sign: To Permit a proposed addition with a front yard setback of
14.66 feet in lieu of the required front yard average of 40 feet

Revised 7/25/13



KEVIN KAMENETZ
County Executive

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

September 10, 2013

Noel Gonzales & Nora Pina Rico
1915 Oak Drive
Baltimore MD 21207

RE: Case Number: 2014-0037 A, Address: 1915 Oak Drive

Dear Mr. Gonzales & Ms. Rico:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 14, 2013. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 8-20-13

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

RE: Baltimore County
Item No 2014-0037-A
Administrative Variance
Noel Gonzales & Nora Pina-Rico
1915 Oak Drive

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2014-0037-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/
Development Manager
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

I, Noel Gonzalez of 1915 Oak Dr would like to request and inform you that I'm making an addition to my home and wanted to ask for your approval.

Signature: Pat Fuller
Address: 1913 Oak Drive 21207

Signature: Kelli Hume
Address: 1917 Oak Drive

Signature: Rebel Hull
Address: 1917 Oak Drive

Signature: WAYNE McFarland
Address: 3320 West North Ave

Signature: CARROLL Perrin
Address: 5318 West North Ave

Signature: Charles Fitzgerald
Address: 1914 OAK DRIVE

Signature: Ronch Rozzell
Address: ~~1000~~ 1924 Valley Rd

Signature: Margaret Swain
Address: 54156 Linton Ave.

Item #0037

Administrative Hearings - Administrative Variance Case No. 2014-0037-A (1915 Oak Dr., 21207)

From: Administrative Hearings
To: Norapina123@gmail.com
Date: 9/11/2013 1:04 PM
Subject: Administrative Variance Case No. 2014-0037-A (1915 Oak Dr., 21207)

Good Afternoon,

The Baltimore County Office of Administrative Hearings (OAH) is in the process of reviewing your request for an administrative variance. In doing so, it was noticed that State records show that this is not your principal residence. The zoning regulations permit administrative variances to be filed only with respect to owner-occupied dwellings.

Can you please respond to this email and indicate whether you, in fact, live in this home as your primary residence. If so, an Affidavit reflecting your signature(s) will be required confirming same.

Please respond to this email by Wed., Sept. 18th. If OAH does not hear back from you, we will issue an Opinion and Order based on the information in the file.

Thanks in advance for your cooperation.

Administrative Hearings - Re: Administrative Variance Case No. 2014-0037-A (1915 Oak Dr., 21207)

From: nora Rico <norapina123@gmail.com>
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Date: 9/12/2013 4:02 PM
Subject: Re: Administrative Variance Case No. 2014-0037-A (1915 Oak Dr., 21207)

My current address of 1915 oak drive is my primary address, since I moved here about 2 years ago. So could I get more information on what would be my next procedure to prove this. Thank you.

On Wed, Sep 11, 2013 at 12:04 PM, Administrative Hearings
<administrativehearings@baltimorecountymd.gov> wrote:

Good Afternoon,

The Baltimore County Office of Administrative Hearings (OAH) is in the process of reviewing your request for an administrative variance. In doing so, it was noticed that State records show that this is not your principal residence. The zoning regulations permit administrative variances to be filed only with respect to owner-occupied dwellings.

Can you please respond to this email and indicate whether you, in fact, live in this home as your primary residence. If so, an Affidavit reflecting your signature(s) will be required confirming same.

Please respond to this email by Wed., Sept. 18th. If OAH does not hear back from you, we will issue an Opinion and Order based on the information in the file.

Thanks in advance for your cooperation.

CONNECT WITH BALTIMORE COUNTY

www.baltimorecountymd.gov



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

September 13, 2013

Noel Gonzales
Nora Pina Rico
1915 Oak Drive
Baltimore, Maryland 21207

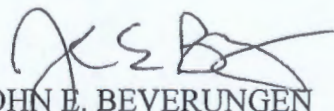
RE: Petition for Administrative Variance
Case No. 2014-0037-A
Property: 1915 Oak Drive

Dear Mr. Gonzales and Ms. Rico:

I am in receipt of your email dated September 12, 2013 regarding the above. It appears this office, in reliance upon certain Maryland Department of Assessments and Taxation (SDAT) records, determined that the dwelling is not your principal residence. Having reviewed your e-mail response, I believe this matter can proceed as an administrative variance, provided you sign and return to this Office the enclosed Affidavit.

Should you have further questions or concerns, please feel free to contact me.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County.

JEB:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE *

(1915 Oak Drive)

1st Election District *

4th Council District *

Noel Gonzales and Nora Pina Rico

Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2014-0037-A

* * * * *

AFFIDAVIT

We, Noel Gonzales and Nora Pina Rico, are over the age of 18 and have personal knowledge of and are competent to testify to the following:

1. The residence at 1915 Oak Drive is owned by Noel Gonzales and Nora Pina Rico. No other person or entity has an interest in the operation and/or affairs of 1915 Oak Drive.
2. We, Noel Gonzales and Nora Pina Rico, reside year round and actually occupy property known as 1915 Oak Drive, and we consider this to be our principal residence.

We solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Noel Gonzales
Nora Pina Rico

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: August 21, 2013

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 26, 2013
Item Nos. 2014- 0031, 0032,0033,0034,0037 and 0038.

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: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: David Lykens, Department of Environmental Protection and Sustainability
(DEPS) - Development Coordination

DATE: August 21, 2013

SUBJECT: DEPS Comment for Zoning Item # 2014-0037-A
Address 1915 Oak Drive
(Gonzales/ Rico Property)

Zoning Advisory Committee Meeting of August 19, 2013.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: *Jeff Livingston – Development Coordination*

RECEIVED

AUG 21 2013

OFFICE OF ADMINISTRATIVE HEARINGS

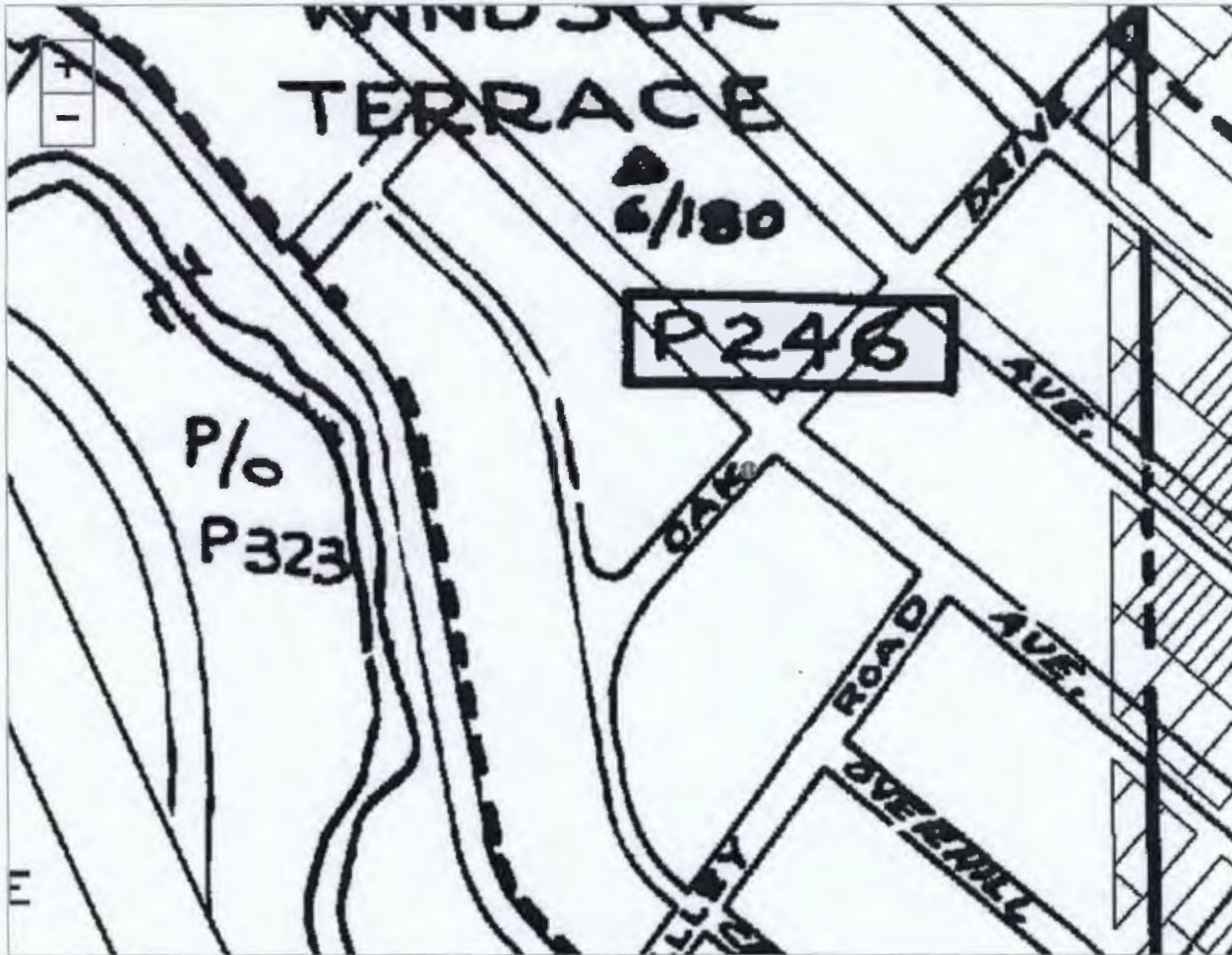
Real Property Data Search (w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier:	District - 01 Account Number - 0112590580	
Owner Information		
Owner Name:	GONZALES NOEL PINARICO NORA	Use: RESIDENTIAL Principal Residence: NO
Mailing Address:	1915 OAK DR BALTIMORE MD 21207-5971	Deed Reference: 1) /23098/ 00633 2)
Location & Structure Information		
Premises Address:	1915 OAK DR 0-0000	Legal Description: LTS 1,2 1915 OAK DR WINDSOR TERRACE
Map: 0095	Grid: 0004	Parcel: 0246
Sub District:	Subdivision: 0000	Section: 11
Block: 1	Lot: 1	Assessment Year: 2013
Plat No:		Plat Ref: 0006/ 0180
Special Tax Areas:		Town: NONE
		Ad Valorem:
		Tax Class:
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1926	804 SF	4,500 SF
Property Land Area	County Use	
4,500 SF	04	
Stories	Basement	Type
1.000000	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
ASBESTOS SHINGLE	1 full	
Last Major Renovation		
Value Information		
	Base Value	Value
		As of 01/01/2013
Land:	80,500	60,500
Improvements	39,800	35,000
Total:	120,300	95,500
Preferential Land:	0	0
Transfer Information		
Seller: LONGLEY JACQUELINE M	Date: 12/20/2005	Price: \$75,000
Type: NON-ARMS LENGTH OTHER	Deed1: /23098/ 00633	Deed2:
Seller: LONGLEY GEORGE L	Date: 06/04/2003	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /18122/ 00292	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

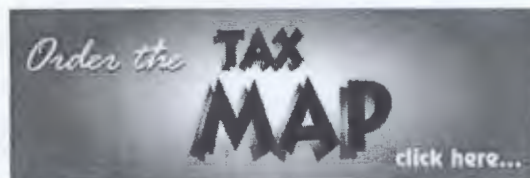
[New Search](#)District: **01** Account Number: **0112590580**

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.



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#2014-0037-A



#2014-0037-A



#2014-003



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.

A	45	FT.
B	43	FT.
C	45	FT.
D	29	FT.
E	54	FT.
F	29	FT.

$$\text{TOTAL } (245) \div (6) = 40.83$$

of dwellings

**REQUIRED FRONT
SETBACK
(averaged)**

Noel Gonzales

applicant's name

1915 OAK DR Baltimore

building address MD 21207

8.18.13

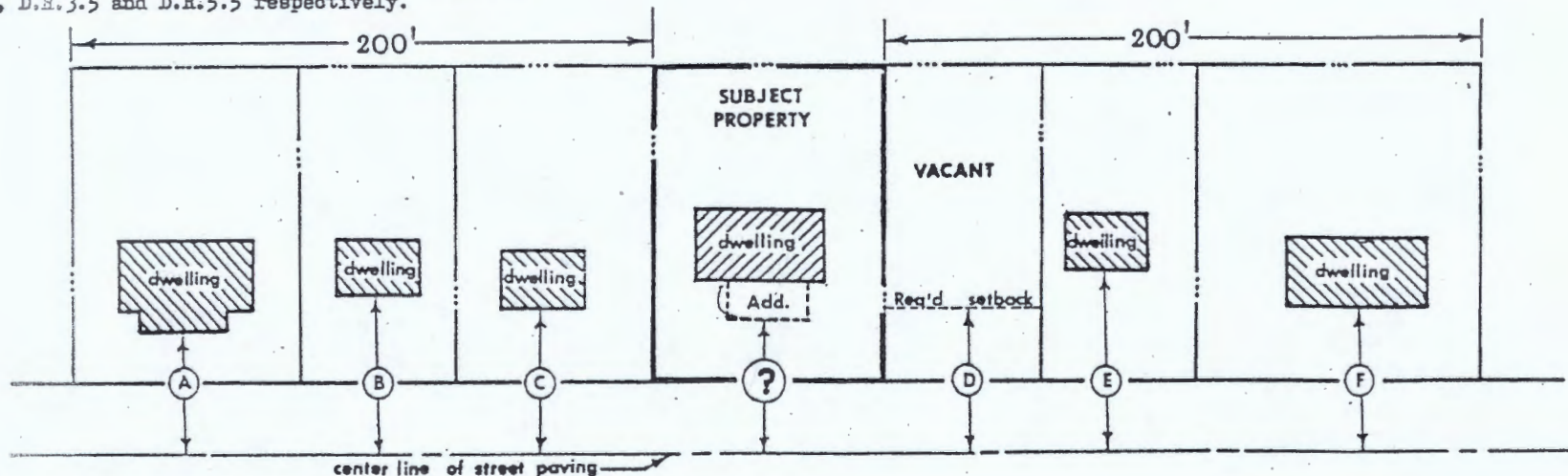
date

NORMAL REQUIRED SETBACKS

D.R.2 - 65 ft.

D.R.3.5- 55 ft.

D.R.5.5- 50 ft.



Iter #0037

1915 Oak Drive



Publication Date: 8/5/2013



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



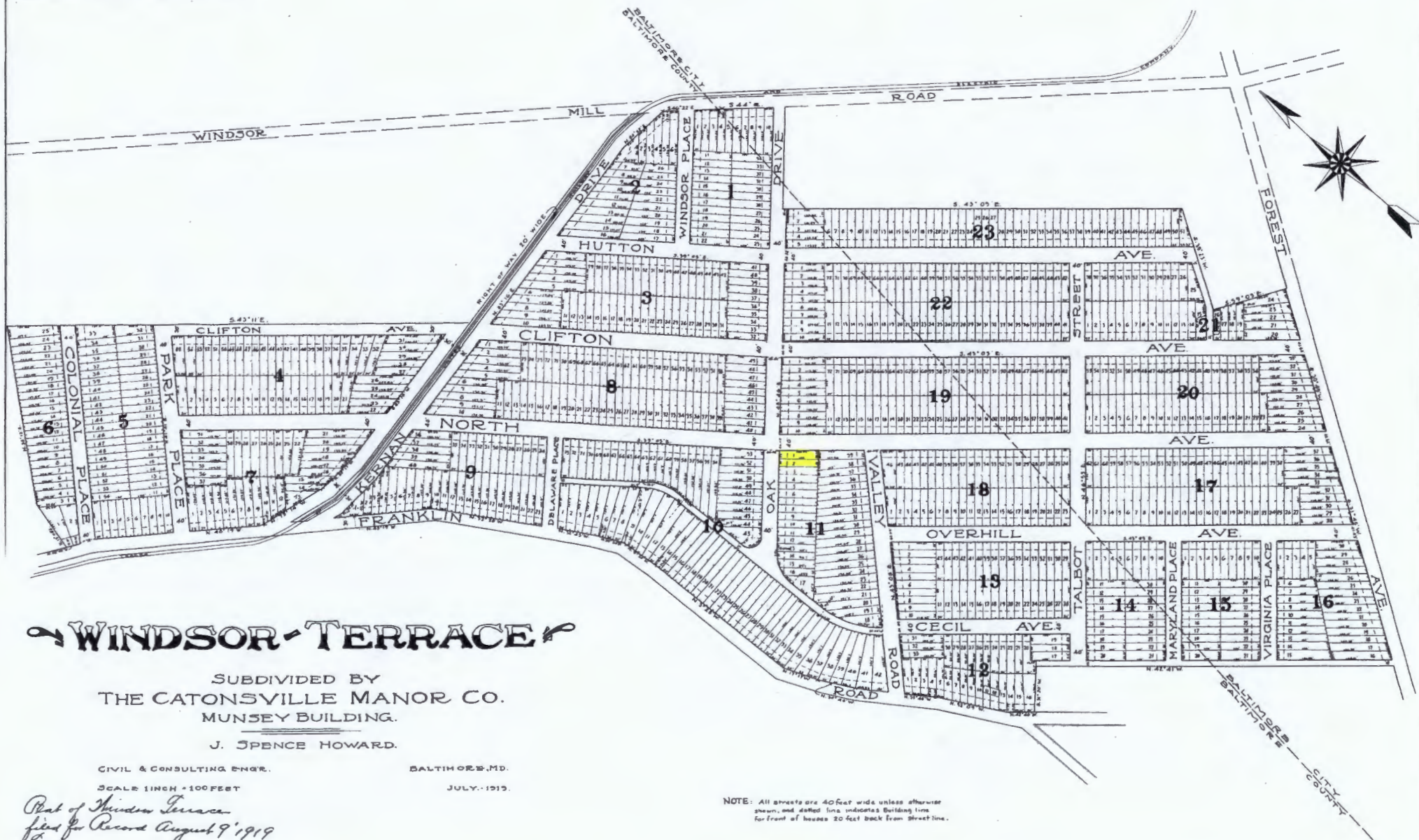
A scale bar labeled "Feet" with markings at 0, 5, 10, 20, 30, and 40. The bar is divided into segments: 0-5 is black, 5-10 is white, 10-20 is black, 20-30 is white, and 30-40 is black.

1 inch = 30 feet

Item #0037



W.P.C. No 6-180



WINDSOR TERRACE

SUBDIVIDED BY
THE CATONSVILLE MANOR CO.
MUNSEY BUILDING.

J. SPENCE HOWARD.

CIVIL & CONSULTING ENGR.

BALTIMORE, MD.

SCALE 1 INCH = 100 FEET

JULY, 1915.

Plat of Windsor Terrace
first for Record August 9, 1919
Test.

William P. Cole Clerk

NOTE: All streets are 40 feet wide unless otherwise shown, and dotted line indicates building line for front of houses 20 feet back from street line.

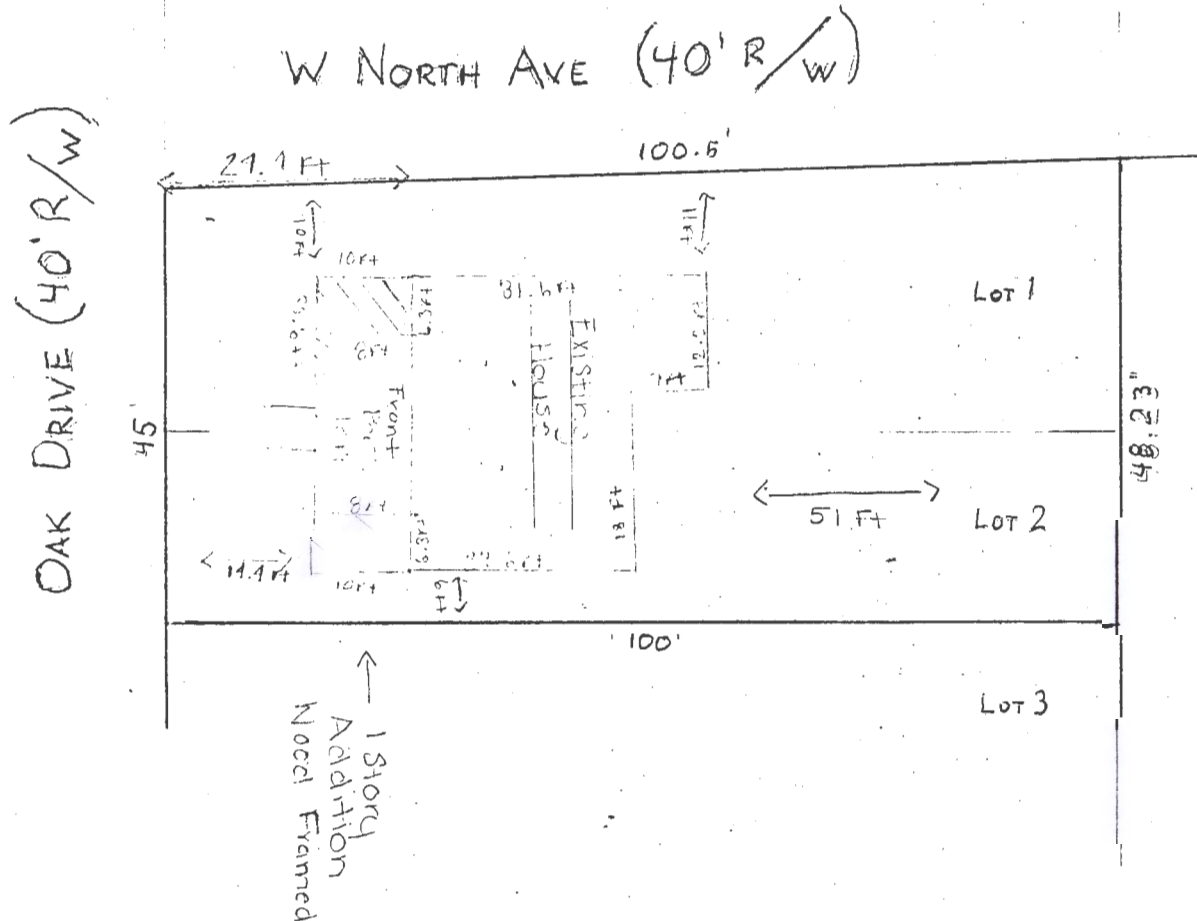
Item #0037

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 1915 OAK Dr OWNER(S) NAME(S) Noel Gonzales, Nora Rico

SUBDIVISION NAME Windsor Terrace LOT # 1+2 BLOCK # 11 SECTION # N/A

PLAT BOOK # 6 FOLIO # 180 10 DIGIT TAX # 0112590580 DEED REF. # 23098/00633



PLAN DRAWN BY _____

DATE 8-13-13 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP

Rico



MAP IS NOT TO SCALE

ZONING MAP # 095B1

SITE ZONED DR 5.5

ELECTION DISTRICT 1

COUNCIL DISTRICT 4

LOT AREA ACREAGE _____

OR SQUARE FEET 4500

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

#2014-0037-A

Rico