

IN RE: PETITION FOR VARIANCE
(1915 Oak Dr.)
1st Election District
4th Councilmanic District
Noel Gonzalez & Nora Pina Rico
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2014-0221-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Variance filed by the legal owners of the property, Noel Gonzalez and Nora Pina Rico, for property located at 1915 Oak Drive. The Petitioners are requesting Variance relief from Sections 1B02.3.C.1 and 1B02.3.C.2.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed deck with side yard setback of 7.5 ft. in lieu of the required 25 ft. on an existing house with a double front.

This matter was originally filed as an Administrative Variance, with a closing date of May 26, 2014. On June 9, 2014, Administrative Law Judge John Beverungen requested a formal hearing on this matter. The hearing was subsequently scheduled for Monday, July 28, 2014 at 10:00 AM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. There were no substantive Zoning Advisory Committee (ZAC) comments received. Appearing at the public hearing in support for this case was Noel Gonzalez and Nora Pina Rico, legal owners. There were no Protestants in attendance, and the file does not contain any letters of opposition.

ORDER RECEIVED FOR FILING

Date

7/29/14

By

Sen

The subject property is approximately 4500 square feet and is zoned DR 5.5. The property is improved with a modest single family dwelling which is situated on a corner lot, at the intersection of North Avenue & Oak Drive. Petitioners would like to construct an open deck (19' x 13') off of the rear of their home, but require variance relief to do so.

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

The Petitioners have met this test. The small lot is at the intersection of two public roads and is therefore unique. The Petitioners would experience a practical difficulty if the regulations were strictly interpreted, since they would be unable to construct the deck. The grant of relief would not be injurious in any way to the community.

THEREFORE, IT IS ORDERED, this 29th day of July, 2014 by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Sections 1B02.3.C.1 and 1B02.3.C.2.c of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed deck with side yard setback of 7.5 ft. in lieu of the required 25 ft. on an existing house with a double front, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for 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.

ORDER RECEIVED FOR FILING

Date 7/29/14

By den

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:slm

ORDER RECEIVED FOR FILING

Date

7/29/14

By

slm

KEVIN KAMENETZ
County Executive



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

July 29, 2014

Noel Gonzalez
Nora Pina Rico
1915 Oak Dr.
Baltimore, Maryland 21207

RE: Petition for Variance
Property: 1915 Oak Dr.
Case No. 2014-0221-A

Dear Petitioners:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
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 Gonzalez + 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) 1802.3.C.1 BC2R and section 1802.3.C.2.0 ZCPM. To permit a propose deck with a side yard set back of 7.5 feet in lieu of the required 25 feet on an existing house with a double front.

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:

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

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 _____ day of _____ 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 2014-0221-A Filing Date 4/29/14 Estimated Posting Date 5/1/14 Reviewer G. L.

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 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)

We face a hardship in acquiring a permit for an open wood constructed deck. Based on the fact that our house was built earlier before there were any regulations regarding side setbacks. Our house is located on a corner next to the street which requires a larger side setback or to keep it as it is. But we would like to build a 13x19 ft deck on the rear which would take up about 4ft or less from the side setback. Leaving the new setbacks to be about 7ft or more. The deck will have steps which we would like to located on the side of the house. The steps would be about 4ft or less wide and about 10ft long. So the new side setback would be about 7ft or more. Leaving enough space to go through. But as now, it is not approved because of the setback regulations for older houses. So we would like to have a variance done in order to be approved.

(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

NORA PINARICO
Signature of Affiant

NOEL GONZALES
Name- Print or Type

NORA PINARICO
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 28th day of April, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Noel Gonzalez and Nora Pinarico
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

My Commission Expires 5/30/15

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.

2014-0021-A

Item #0037

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

No. **109882**
 Date: **4/29/14**

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	800	0000		6150				75.00

Total: **75.00**

Rec From: **Noel Gonzalez**
 For: **Administrative Variance**
2014-0001-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
 4/29/2014 4/29/2014 09:12:52 I
 RE: REGD WALKIN LRA5 LJR
 RECEIPT # 307792 4/29/2014 OFLN
 Dept 5 529 ZONING VERIFICATION
 L# 10. 109882
 Recpt tot 75.00
 1.00 CK 100.00 CA
 125.00- CG
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

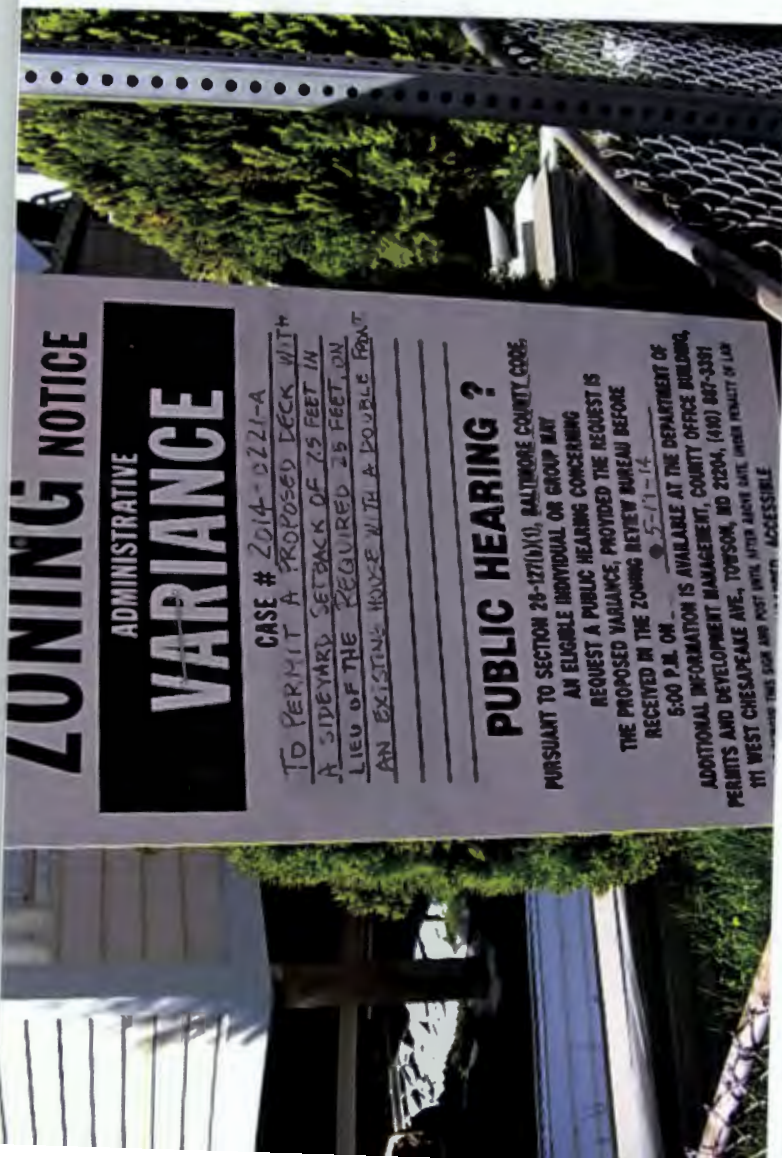
Date: 5-11-14

RE: Case Number: 2014-0221-A

Petitioner/Developer: Noel Gonzalez

Date of Hearing/Closing: 5-19-14

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



5-11-14

(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)

CERTIFICATE OF POSTING

Date: 7-8-14

RE: Case Number: 2014-0221-A

Petitioner/Developer: Noel Gonzalez

Date of Hearing/Closing: 7-28-14 10AM

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 Drive

8-14

(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)

CASE # 2014-0221-A

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

JEFFERSON BLDG, TOWSON 21204
PLACE: 105 W. CHESAPEAKE AVE., ROOM 205

DATE AND TIME: Mon. July 28, 2014 10AM

REQUEST: VARIANCE TO PERMIT A PRO-

POSED DECK WITH A SIDE YARD SETBACK

OF 7.5 FT. IN LIEU OF THE REQUIRED 25 FT.

ON AN EXISTING HOUSE WITH A DOUBLE

FRONT

POSTERS MUST BE TO REMAIN ON OTHER CONDITIONS AND TO CONTAIN THE FOLLOWING INFORMATION



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

July 10, 2014

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 July 8, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

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: #2014-0221-A

1915 Oak Drive

SE/s Oak Drive and SW/s West North Avenue
1st Election District - 4th Councilmanic District

Legal Owner(s): Noel Gonzales & Nora Pina Rico

Variance: to permit a proposed deck with a side yard setback of 7.5 ft. in lieu of the required 25 ft. on an existing house with a double front.

Hearing: Monday, July 28, 2014 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 7/665 July 8 985913



KEVIN KAMENETZ
County Executive
June 25, 2014

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: 2014-0221-A

1915 Oak Drive
SE/s Oak Drive and SW/s West North Avenue
1st Election District – 4th Councilmanic District
Legal Owners: Noel Gonzalez & Nora Pina Rico

Variance to permit a proposed deck with a side yard setback of 7.5 ft. in lieu of the required 25 ft. on an existing house with a double front.

Hearing: Monday, July 28, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Noel Gonzalez, Nora Pina Rico, 1915 Oak Drive, Baltimore 21207

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 8, 2014.**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 8, 2014 Issue - Jeffersonian

Please forward billing to:
Noel Gonzalez
1915 Oak Drive
Baltimore 21207

443-200-2815

NOTICE OF ZONING HEARING

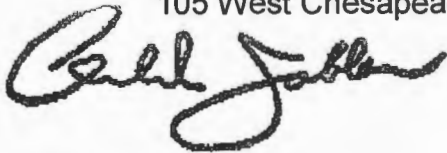
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2014-0221-A

1915 Oak Drive
SE/s Oak Drive and SW/s West North Avenue
1st Election District – 4th Councilmanic District
Legal Owners: Noel Gonzalez & Nora Pina Rico

Variance to permit a proposed deck with a side yard setback of 7.5 ft. in lieu of the required 25 ft. on an existing house with a double front.

Hearing: Monday, July 28, 2014 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.

MEMORANDUM

DATE: September 2, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0221-A – Appeal Period Expired

The appeal period for the above-referenced case expired on August 28, 2014. 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.'

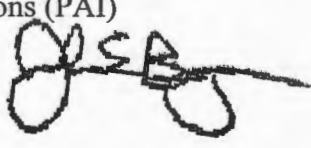
c: ✓ Case File
Office of Administrative Hearings

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: June 9, 2014

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

FROM: John Beverungen, Administrative Law Judge
Office of Administrative Hearings 

RE: Petition for Administrative Variance – 05/26/14 Closing Date
Case No. 2014-0221-A – 1915 Oak Drive, 21207 (Formal Demand)

Please find attached correspondence regarding concerns about the Petitioners' State of Maryland Department of Assessments and Taxation (SDAT) records.

After receipt of the Petitioners' response, Mr. Hucik's request, and a review of the above-captioned case file, as well as prior Case No. 2014-0037-A, I am requesting that this case be set in for a public hearing. Baltimore County Code (B.C.C.) § 32-3-303(a)(1), states in pertinent part:

“ ... the Zoning Commissioner may grant variances from area and height regulations **without a public hearing if the variance petition involves an owner-occupied lot** zoned residential” (Emphasis Added)

Our office is returning the file to you for further processing such as notifying the Petitioners, posting and advertising of the hearing notices.

Thank you for your attention and cooperation in this matter.

JEB:dlw
Attachment

c: Office of People's Counsel
W. Carl Richards, Jr., Supervisor, Zoning Review Office, PAI

RE: PETITION FOR ADMINSTRATIVE	*	BEFORE THE OFFICE
VARIANCE		
1915 Oak Drive; SE/S Oak Drive, &	*	OF ADMINSTRATIVE
SW/S of West North Avenue		
1 st Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Noel Gonzalez & Nora Rico		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2014-221-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.

RECEIVED

JUN 16 2014

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 16th day of June, 2014, a copy of the foregoing Entry of Appearance was mailed to Noel Gonazalez & Nora Rina Rico, 1915 Oak Drive, Baltimore Maryland 21207, Petitioner(s).

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

CASE NO. 2014-

0221-A

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

5/5

DEVELOPMENT PLANS REVIEW

(if not received, date e-mail sent _____)

N/C

DEPS

(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING

(if not received, date e-mail sent _____)

5/5

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. 2014-0037-A 9-24-13 JB)

NEWSPAPER ADVERTISEMENT

Date:

7/8/14

SIGN POSTING

Date:

7/8/14

by

Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment5-5DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)NCDEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)5-5

STATE HIGHWAY ADMINISTRATION

No objections

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 2014-0037-A 9-24-13 JB)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 5-11-14 by PisonPEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

NO
2014
comments
per sherry
5/27

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0221 -A Address 1915 Oak Dr 21207

Contact Person: Gary Huak Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/29/14 Posting Date: 5/11/14 Closing Date: 5/19/14

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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- 0221 -A Address 1915 Oak Dr 21207

Petitioner's Name Noel Gonzalez Telephone 443-200-2815

Posting Date: 5/11/14 Closing Date: ~~5/19/14~~ 5/26/14

Wording for Sign: To Permit a proposed deck with a side yard set back
of 7.5 feet in lieu of the required 25 feet, on an
existing house with a double front.

Revised 7/06/11



KEVIN KAMENETZ
County Executive

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

May 27, 2014

Noel Gonzalez
Nora Pina Rico
1915 Oak Drive
Baltimore MD 21207

RE: Case Number: 2014-0221 A, Address: 1915 Oak Drive

Dear Ms. Gonzalez & 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 April 29, 2014. 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: 5/5/14

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

RE: Baltimore County
Item No 2014-0221-A
Administrative Variance
Noel Gonzalez & 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. 2014-0221-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,

A handwritten signature in dark ink, appearing to read "Steven D. Foster".
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

Debra Wiley - Formal Demand - Case No. 2014-0221-A (Closing Date: 5/26/14) 1915 Oak Dr., 21207

From: Debra Wiley
To: Lewis, Kristen
Date: 6/9/2014 11:23 AM
Subject: Formal Demand - Case No. 2014-0221-A (Closing Date: 5/26/14) 1915 Oak Dr., 21207
CC: Hucik, Gary; Wisnom, June
Attachments: 20140609110116282.pdf

Good Morning Kristen,

Please find attached an inter-office memo from John Beverungen regarding a formal demand request. It appears that the SDAT records are reflecting that this is not the Petitioners' principal residence. In addition, Gary Hucik has made an attempt to obtain clarification of same but to no avail.

In any event, our office is returning the file to you for further processing and scheduling of a public hearing.

Let me know if you require anything further. 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

>>> <officeofhearings@baltimorecountymd.gov> 6/9/2014 11:01 AM >>>
This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 06.09.2014 11:01:16 (-0400)
Queries to: officeofhearings@baltimorecountymd.gov

Debra Wiley - Re: Admin. Var. - Case No. 2014-0221-A

From: nora Rico <norapina123@gmail.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 6/2/2014 3:06 PM
Subject: Re: Admin. Var. - Case No. 2014-0221-A

Good afternoon,

Well I really don't know why the records keeping showing that this not our principle residence because it is. We have lived here for 3 years . I have proof that we have been living here for years now. And, actually when we went to get the paper work for the permit ,they asked about the same thing and about a case that was open that dealt with renting problem. Which was all false and we were ask to bring prove of residence. So we did and the case was close. But it seems as if it always shows that this not our principle residence. But we are living here, so I don't know what is the problem in the records.

On Fri, May 30, 2014 at 2:24 PM, Debra Wiley <dwiley@baltimorecountymd.gov> wrote:

Good Afternoon,

The Office of Administrative Hearings (OAH) is in the process of reviewing your request for an administrative variance. In doing so, we again 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.

As you may recall, in September, 2013, our office contacted you for the same reason in Case No. 2014-0037-A and you were required to sign an Affidavit indicating that you, in fact, live in this home as your primary residence. Your September, 2013 email response also indicated that you moved to this address about 2 years ago.

It has now been 3 years and the State records are still not reflecting this to be your principal residence. Unless you are able in an e-mail response to explain this discrepancy, a public hearing will be required in this case.

Thanks in advance for your cooperation.

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

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Debra Wiley - Re: 201400221-A

AV

2014-0221-A

5/26 closing date

From: Debra Wiley
To: Gary Hucik
Date: 6/3/2014 4:49 PM
Subject: Re: 201400221-A

Hi Gary,

Thanks for the update. I will not be in the office tomorrow but if you receive anything, just email or fax to me.

Thanks again for your efforts; it is appreciated.

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

>>> Gary Hucik 06/03/14 3:47 PM >>>
Hello Debra,

I have contacted a member of the household and requested a copy of there license to show this property to be there principle residence. The person I spoke with was not Noel so ask to have Noel call me back, I made several calls before anyone answered . Hopefully all can be resolved by tomorrow.

AV

5/26

Deb Sp. to Gary 6/3

He'll contact Pet.

+ get copy of driv. lic.

Debra Wiley - Re: 201400221-A

AV 251-0221-A

5/26 closing date

From: Debra Wiley
To: Gary Hucik
Date: 6/3/2014 4:49 PM
Subject: Re: 201400221-A

Hi Gary,

Thanks for the update. I will not be in the office tomorrow but if you receive anything, just email or fax to me.

Thanks again for your efforts; it is appreciated.

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

6/9 Deb spoke to Gary.
He has not heard
back from anyone.

>>> Gary Hucik 06/03/14 3:47 PM >>>

Hello Debra,

I have contacted a member of the household and requested a copy of there license to show this property to be there principle residence. The person I spoke with was not Noel so ask to have Noel call me back, I made several calls before anyone answered . Hopefully all can be resolved by tomorrow.

AV
5/26
Deb Sp. to Gary 6/3
He'll contact Pet.
+ get copy of driv. lic.

Message Id: 538E34EC.41D : 38 : 53259
Subject: Re: 201400221-A
Created By: dwiley@baltimorecountymd.gov
Scheduled Date:
Creation Date: 6/3/2014 4:49 PM
From: Debra Wiley

Recipients:

Recipient	Action	Date & Time	Comment
 COB_PO.COB_DOM	Delivered	6/3/2014 4:49 PM	
To: Gary Hudik (ghudik@baltimorecountymd.gov)	Read	6/4/2014 8:26 AM	

Post Offices

Post Office	Delivered	Route
COB_PO.COB_DOM	6/3/2014 4:49 PM	baltimorecountymd.gov

Files

File	Size	Date & Time
MESSAGE	736	6/3/2014 4:49 PM
Text.htm	1344	

Options

Auto Delete: No
Concealed Subject: No
Expiration Date: None
Notify Recipients: Yes
Priority: Standard
Reply requested by None
Security: Standard
To Be Delivered: Immediate

Record Id

Record Id: 538DFCAC.NCH_DOM.NCH_PO.100.1687076.1.1C345.1
Common Record Id: 538DFCAC.NCH_DOM.NCH_PO.200.2000026.1.4D07E.1

Debra Wiley - Re: Admin. Var. - Case No. 2014-0221-A

From: nora Rico <norapina123@gmail.com>
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Date: 6/2/2014 3:06 PM
Subject: Re: Admin. Var. - Case No. 2014-0221-A

Good afternoon,

Well I really don't know why the records keeping showing that this not our principle residence because it is. We have lived here for 3 years . I have proof that we have been living here for years now. And, actually when we went to get the paper work for the permit ,they asked about the same thing and about a case that was open that dealt with renting problem. Which was all false and we were ask to bring prove of residence. So we did and the case was close. But it seems as if it always shows that this not our principle residence. But we are living here, so I don't know what is the problem in the records.

On Fri, May 30, 2014 at 2:24 PM, Debra Wiley <dwiley@baltimorecountymd.gov> wrote:

Good Afternoon,

The Office of Administrative Hearings (OAH) is in the process of reviewing your request for an administrative variance. In doing so, we again 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.

As you may recall, in September, 2013, our office contacted you for the same reason in Case No. 2014-0037-A and you were required to sign an Affidavit indicating that you, in fact, live in this home as your primary residence. Your September, 2013 email response also indicated that you moved to this address about 2 years ago.

It has now been 3 years and the State records are still not reflecting this to be your principal residence. Unless you are able in an e-mail response to explain this discrepancy, a public hearing will be required in this case.

Thanks in advance for your cooperation.

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

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: May 5, 2014

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

SUBJECT: Zoning Advisory Committee Meeting
For May 19, 2014
Item No. 2014-0221, 0222, 0223 and 0224

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

DAK
cc: file

Real Property Data Search (w3)

[Search Help](#)Your feedback is important to us. [Please take our short survey.](#)

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	Use: RESIDENTIAL
	PINARICO NORA	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:
		Block: 11
		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	
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
Phase-in Assessments		As of
		07/01/2013
		As of
		07/01/2014
Land:		
Improvements		
Total:		
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:	07/01/2014
Exempt Class:	NONE	0.00 0.00
Homestead Application Information		
Homestead Application Status: No Application		

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty/\)](http://sdat.resiusa.org/RealProperty/)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 (<http://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 (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

→

Case No.: 2014-0221-A

Exhibit Sheet

9-2-14

Sen
7/29/14

Petitioner/Developer

Protestant

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

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

ADDRESS 1915 OAK Drive OWNER(S) NAME(S) Noel Gonzalez + Nora Pim Rico

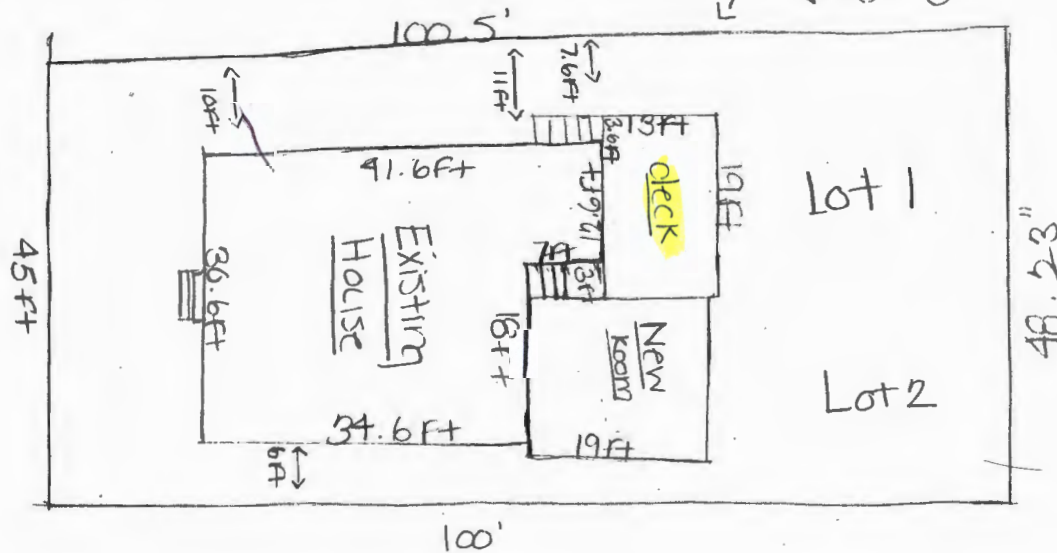
SUBDIVISION NAME Windsor Terrace LOT # 1+2 BLOCK # 11 SECTION # N/A

PLAT BOOK # 6 FOLIO # 180 10 DIGIT TAX # 0112390580 DEED REF. # 23098100633

W. NORTH Ave (40' R/W)

Open wood constructed deck

OAK Drive (40' R/W)



PETITIONER'S

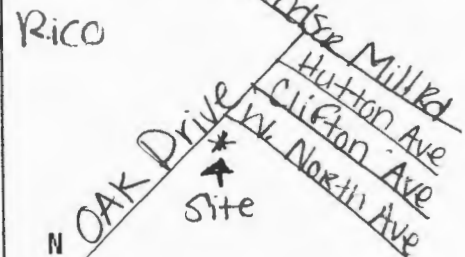
EXHIBIT NO. 1



PLAN DRAWN BY Noel Gonzalez DATE 4/28/14 SCALE: 1 INCH = 20 FEET

2014-0221-A

SITE VICINITY MAP



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 ☒

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2014-0037-A

VIOLATION CASE INFO:



PETITIONER'S

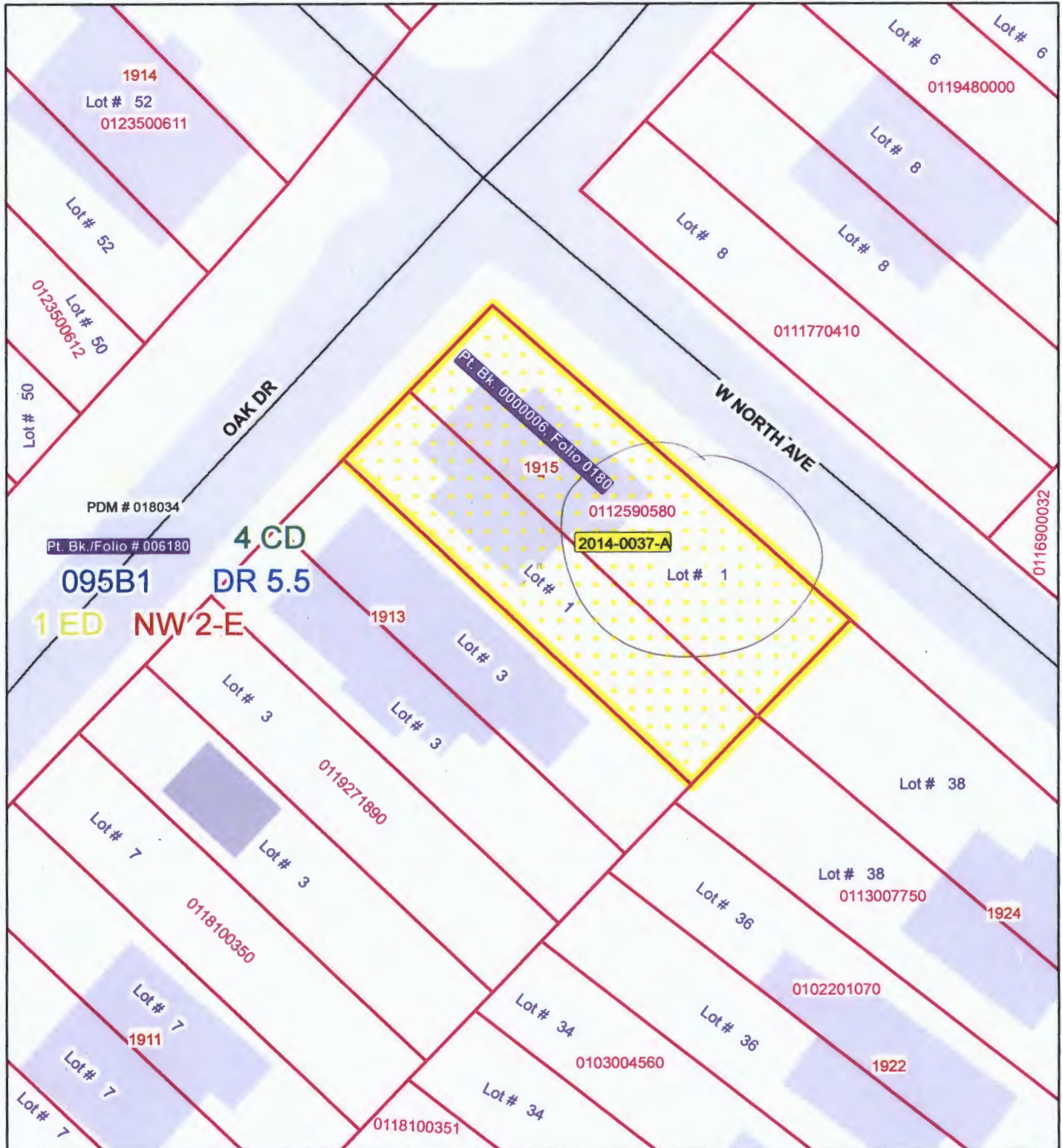
EXHIBIT NO. 2







1915 Oak Road



Publication Date: 4/21/2014



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

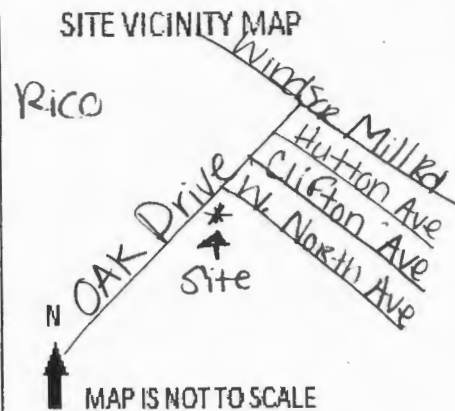


0 5 10 20 30 40 Feet

1 inch = 30 feet

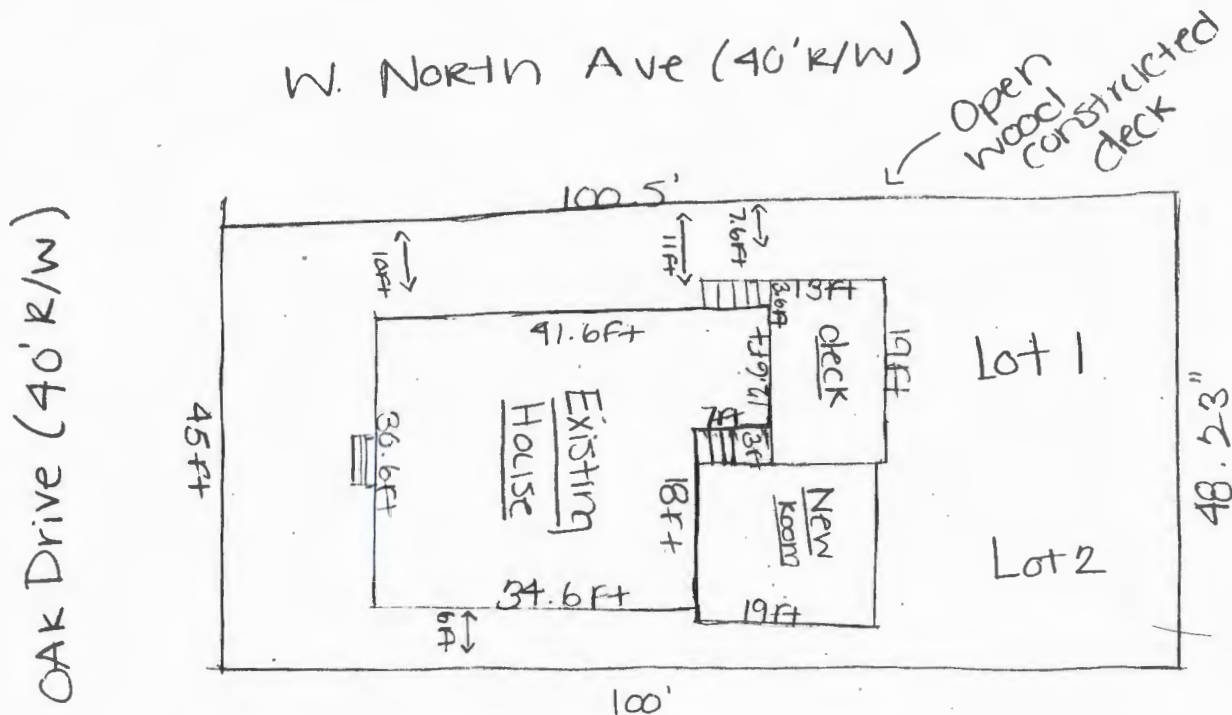
2014 - 0221-A

PLAT BOOK # 6 FOLIO # 100 10 DIGIT TAX # 0212390580 DEED REF. # 23098100633



ZONING MAP# 095.B1
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 X PRIVATE _____
SEWER IS:
PUBLIC X PRIVATE _____
PRIOR HEARING ? No
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
2014-0037-A

VIOLATION CASE INFO:



PLAN DRAWN BY Noel Gonzalez DATE 4/28/14 SCALE: 1 INCH = 20 FEET

2014-0221-A