IN RE: PETITION FOR ADMIN. VARIANCE (409 Woodbine Avenue)

9<sup>th</sup> Election District 5<sup>th</sup> Council District

Vincent M. and Monica E. Guida

Petitioners

**BEFORE THE** 

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2014-0261-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, Vincent M. and Monica E. Guida ("Petitioners"). The Petitioners are requesting Variance relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side setback of 8 ft. in lieu of the required 15 ft. and a sum of side yards of 18 ft. in lieu of the required 25 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 June 13, 2014, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (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

welfare of the public and should therefore be granted.  ORDER RECEIVED FOR FILING	In the opinion of the Administrative Law
Date	

Ву\_\_\_\_

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 <u>8<sup>th</sup></u> day of July, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side setback of 8 ft. in lieu of the required 15 ft. and a sum of side yards of 18 ft. in lieu of the required 25 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

2

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

July 8, 2014

Vincent M. Guida, Jr. Monica E. Guida 409 Woodbine Avenue Towson, Maryland 21204

RE: Petition for Administrative Variance

Case No. 2014-0261-A

Property: 409 Woodbine Avenue

Dear Mr. and Mrs. Guida:

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,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

### ADMINITRATIVE ZONING PET

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

Address 409 Woodbine Ave.  Deed Reference 27842 / 60134	10 Digit Tax Account # 09 1 3 2 0 6 4 1 0
Owner(s) Printed Name(s) Vincent M. 6 4	ida Jr. + Monica E. Builda
(SELECT THE HEARING(S) BY MARKING X AT THE APPR	COPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	e in Baltimore County and which is described in the plan/nlatran:
1. ADMINISTRATIVE VARIANCE from Section(s)	1802.3. C. 1; BCZR, TO PERMIT A SIDE
SETBACK OF 8ft. IN LIEU OF T YARDS OF 18ft. IN LIEU OF THE	THE REQUIRED 15ft- AND A SUM-of-Si
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to appr County Code: (indicate type of work in this space: i.e., to re	rove a waiver pursuant to Section 32-4-107(b) of the Baltimore aze, alter or construct addition to building)
of the Baltimore County Code, to the development law of B Property is to be posted and advertised as prescribed by the zoning regul // we agree to pay expenses of above petition(s), advertising, posting, etc Baltimore County adopted pursuant to the zoning law for Baltimore Count	ations and further agree to be bound by the zoning regulations and restrictions of
	Owner(s)/Petitioner(s):
	Name #1 - Type or Print  Name #2 - Type or Print  Signature #1  Signature #2  And  Name #2 - Type or Print
	Hailing Address City State  21204, 410 823 1950, guida@booie-je Zip Code Telephone # Email Address
Name-Type or Print  Signature  ORDER  State	Representative to be contacted:  Vincent Guidy  Email Address
Name- Type or Print	Name - Type or Print
Signature ORDER N	409 Woodbine Ave. Towson Mb
Mailing Address City State	Mailing Address City State 21204, 410823 1950 guida & booie-jen
Zip Code By Telephone # Email Address	Zip Code Telephone # Email Address
	be required, it is ordered by the Office of Administrative Hearings for Baltimore at matter of this petition be set for a public hearing, advertised, and re-posted as
Admin	istrative Law Judge for Baltimore County
CASE NUMBER 2014-0261 A Filing Date 614	2014 Estimated Posting Date/ Reviewer JCM_

## Affidavit in Support Iministrative Varian (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 409 ( Dood bing A	ve Towson	MD	21204
Print or Type Address of property	City	State	Zip Code
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area of land between	our property bour	ndary + t	he neighbors property
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Strict conformance was			
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oval, branting the retief	usuld NOT cause gu	betouteal in	justine to neighorg be
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(If additional space for the petition required by course at least 15 and the living space would be	of ordinance will be object or the above statement. 1-16 feet of space would	is needed, labe	Public Scattly and welter Il and attach it to this Form) reforement the inhouse for
and the living space would be	e properly constructed w		2. Share hom
Signature of Owner (Affiant)	Signa	ature of Owner (	/ - / 0 0 0 0
Vincent M. Guida Jr.			
Name- Print or Type	Name	Monica E e- Print or Type	Guan.
The following information is	to be completed by a Notary	Public of the S	State of Maryland
STATE OF MARYLAND, COUNTY O	F BALTIMORE, to wit:	·EVer	
OTATE OF MARKED MED, GOORT I'V		4	
I HEREBY CERTIFY, this 3 rd		1/4 , before r	me a Notary of Maryland, in
and for the County aforesaid, personally a	appeared:(/		
Print name(s) here: Victort M. Exide To and M	orice E. Guida	123	A SAMMA
the Affiant(s) herein, personally known or	satisfactorily identified to m	e as such Affia	ant(s).
AS WITNESS my hand and Notaries Sea	Clean m. 1	Plan	NOTARY BIBUC 9
	Notary Public	-	The state of the s
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	My Commission Expires		.,,,,,,

# FOR 409 WOOBINE AVENUE

THAT PROPERTY LOCATED ON THE NORTHWEST SIDE OF WOODBINE AVENUE, 286 FEET NORTHEAST FROM THE CENTERLINE OF BARRANCO COURT. CONTAINING AND LOCATED IN THE 9<sup>TH</sup> ELECTION DISTRICT, 5<sup>TH</sup> COUNCILMANIC DISTRICT.

# 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. <u>For those petitions which require a public hearing</u>, 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: 2014-0261-A
Petitioner. VINCENT GUIDP, JR.
Address or Location: 409 WOODBINE AUR, TOWSON, Md. 21204
PLEASE FORWARD ADVERTISING BILL TO:
Name:
Address:
Telephone Number: 410-823-1950

OFFICE	E OF BU	DGET AN	MARYLAN D FINANC I RECEIPT	E		No.	-1	12222		PAID RECEIPT
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#### **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN LEWIS** 

**DATE:** 6/15/2014

Case Number: 2014-0261-A

Petitioner / Developer: VINCENT GUIDA

Date of Hearing (Closing): JUNE 30, 2014

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:

**409 WOODBINE AVENUE** 

The sign(s) were posted on: JUNE 13, 2014



Linda O Keefe (Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366 (Telephone Number of Sign Poster)

#### MEMORANDUM

DATE: August 8, 2014

TO: Zoning Review Office

FROM: Office of Administrative Hearings

RE: Case No. 2014-0261-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 7, 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



#### CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
7-14	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	No
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
<u> </u>	PLANNING (if not received, date e-mail sent)	
6-9	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLAT	ION (Case No	
PRIOR ZONING	(Case No.	)
NEWSPAPER AD	VERTISEMENT Date:	
SIGN POSTING	Date: 6-13-14	by O'Keefe
PEOPLE'S COUNS	SEL APPEARANCE Yes No	
PEOPLE'S COUN	SEL COMMENT LETTER Yes No	
Comments, if any:		

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0261 -A Address 409 WOODBINE Ave.					
Contact Person:    MERE   Planner, Please Print Your Name   Phone Number: 410-887-3391					
Filing Date: 6/4/14 Posting Date: 6/15/14 Closing Date: 6/30/14					
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.					
1. <a href="POSTING/COST">POSTING/COST</a> : The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.					
2. <u>DEADLINE:</u> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.					
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.					
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.					
(Detach Along Dotted Line)					
Petitioner: This Part of the Form is for the Sign Poster Only					
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT					
Case Number 201 0261 -A Address 409 Woodbine Aue.					
Petitioner's Name Vincent Guida Telephone 410-823-1950					
Posting Date: 6/15/14 Closing Date: 6/36/14					
Wording for Sign: To Permit A SIDEYARD SETBACK OF 8 FT IN LIEU					
of the REQUIRED 15 ft. AND SUM of SUE YARD of 18ft. IN LIEU of The REQUIRED 25ft.					



KEVIN KAMENETZ County Executive ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

July 2, 2014

Vincent M. JR. & Monica E. Guida 409 Woodbine Avenue Towson MD 21204

RE: Case Number: 2014-0261 A, Address: 409 Woodbine Avenue

Dear Mr. & Ms. Guida:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 4, 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,

U. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

Maryland Department of Transportation

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

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

Date: 6/9/14

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

RE: **Baltimore County** Item No 2014-0261-A.
Administrative Variouse
Vincent M. Ir. & Monica E. Guida
409 Wood bina Arence

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. 2014-0261-1

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

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

**DATE:** July 16, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For June 16, 2014

Item No. 2014-0233, 0258, 0259, 0260, 0261, 0262 and 0263

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

DAK:CEN cc:file



Search Result for BALTIMORE COUNTY

Search Help

View Map	View GroundRent						tion		
Account Identifier:	Account Nu	mber - 0913	206410						
		Owner	Informatio	n					
Owner Name:	GUIDA VINC						RESIDENTIAL		
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Special Tax Areas:			Tax Class						
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Preferential Land:	0						0		
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Seller: GUIDA VINCE	NT M,JR	Date: 03/2					Price: \$0		
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Seller: HOWARD ROI			Date: 05/23/2008			Price: \$455,000			
Type: ARMS LENGTH			7027/ 00233	3			Deed2:		
Seller: MAYNARD PA		Date: 12/0					Price: \$175,000		
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**Baltimore County** 

New Search (http://sdat.resiusa.org/RealProperty)

District: 09 Account Number: 0913206410



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 <a href="http://www.plats.net">www.plats.net</a> (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 <a href="https://www.mdp.state.md.us/OurProducts/OurProducts.shtml">www.mdp.state.md.us/OurProducts/OurProducts.shtml</a>). (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



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

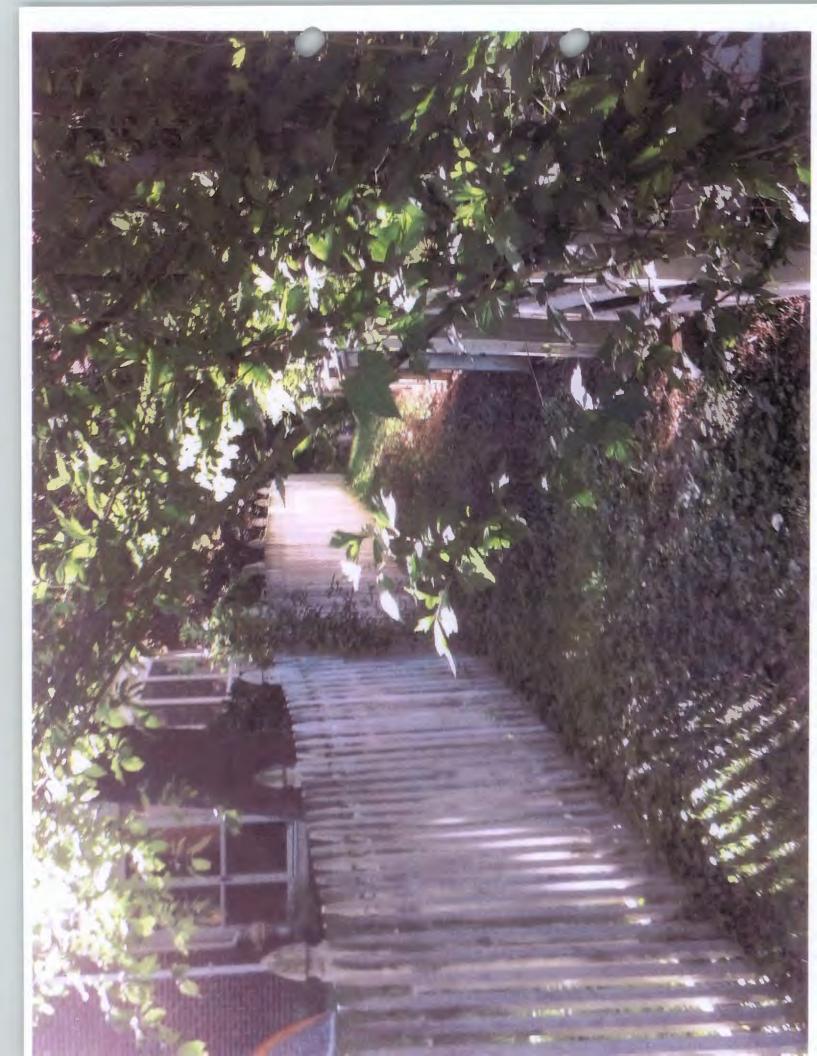
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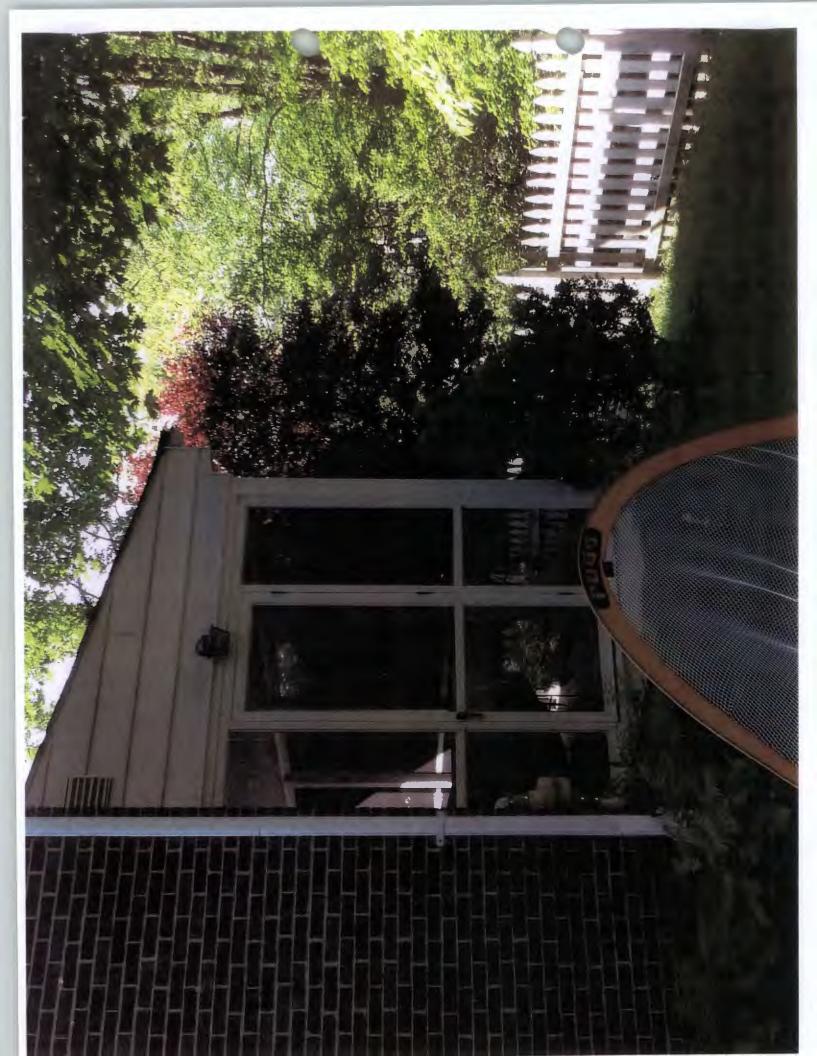
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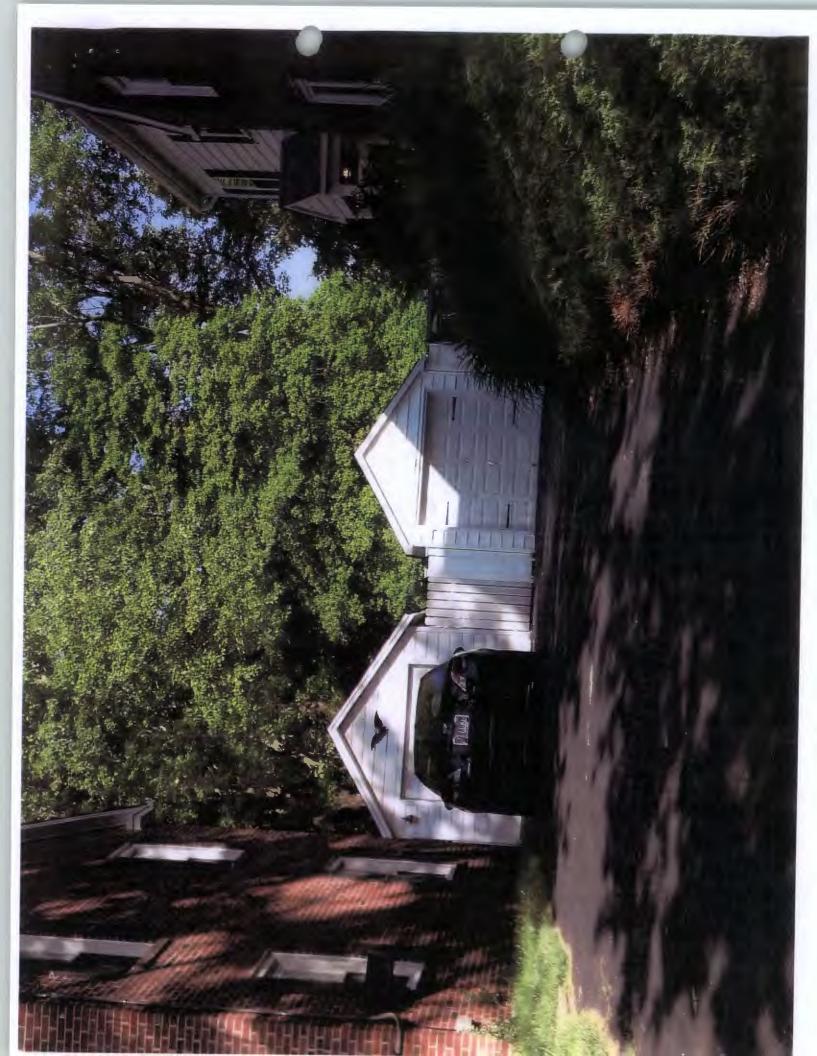


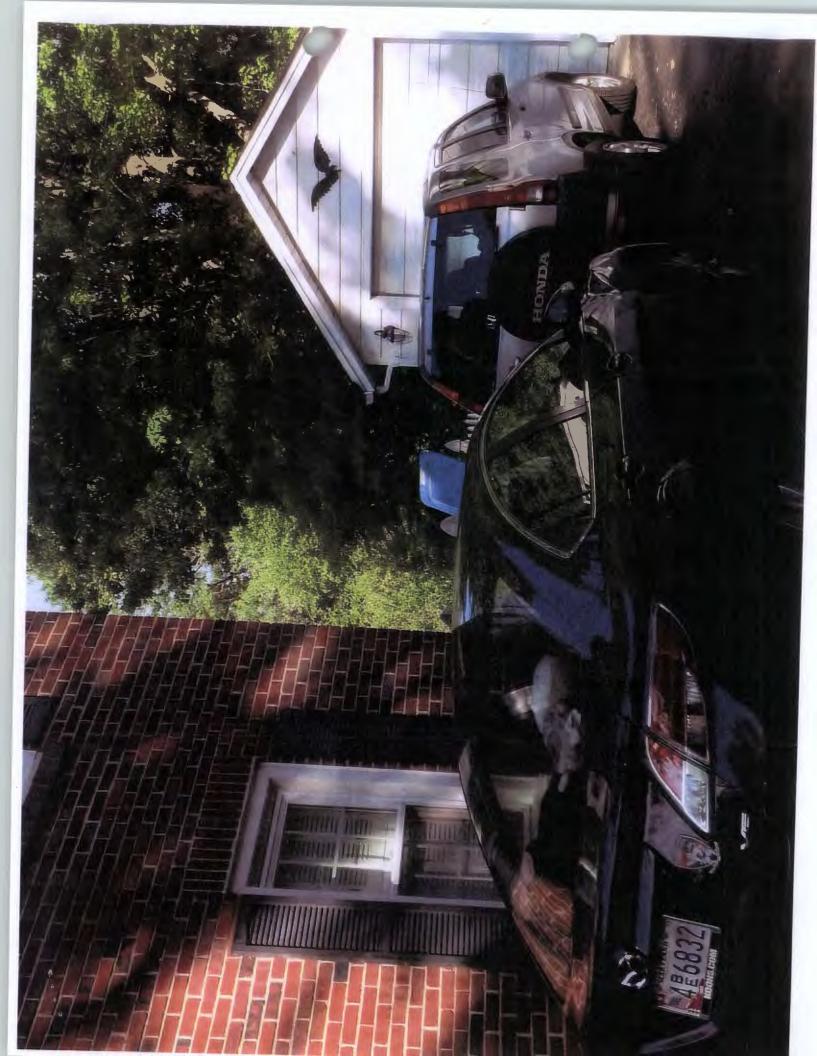


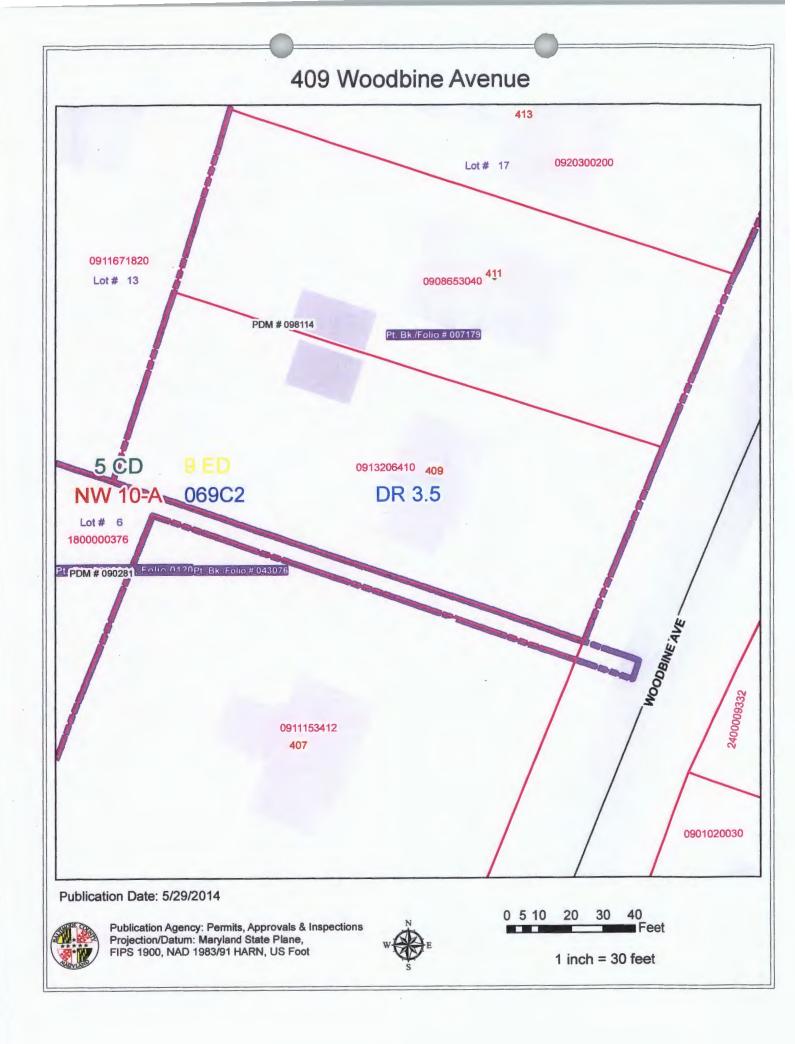


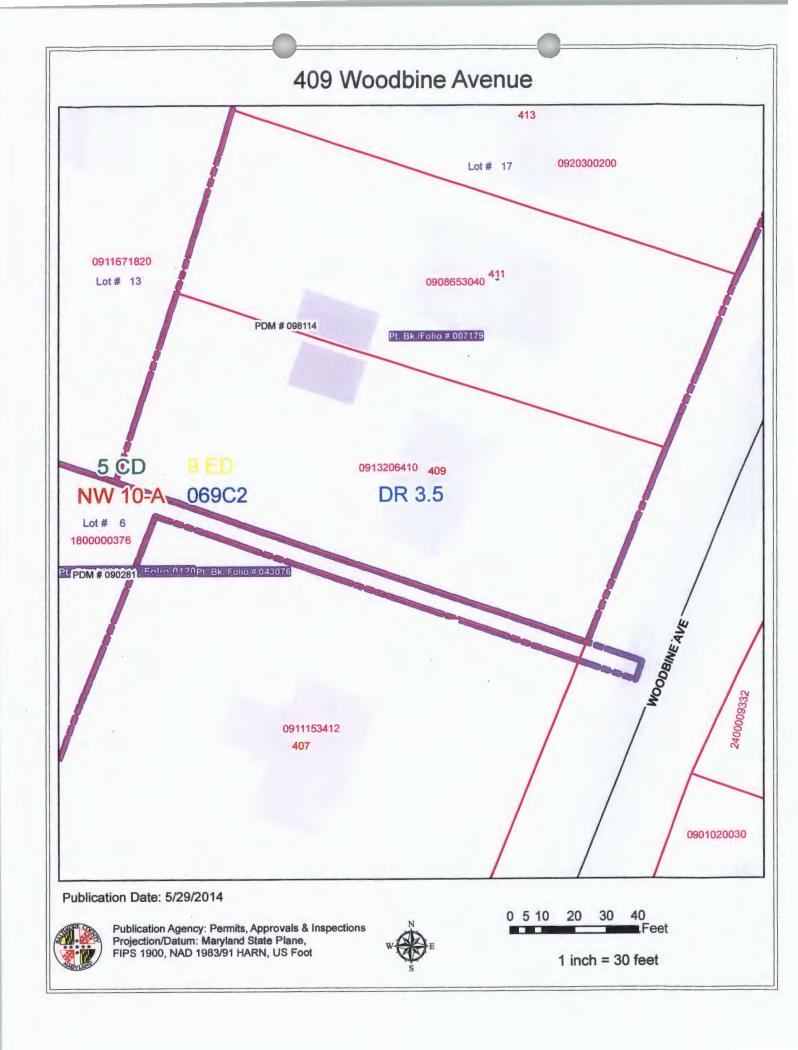


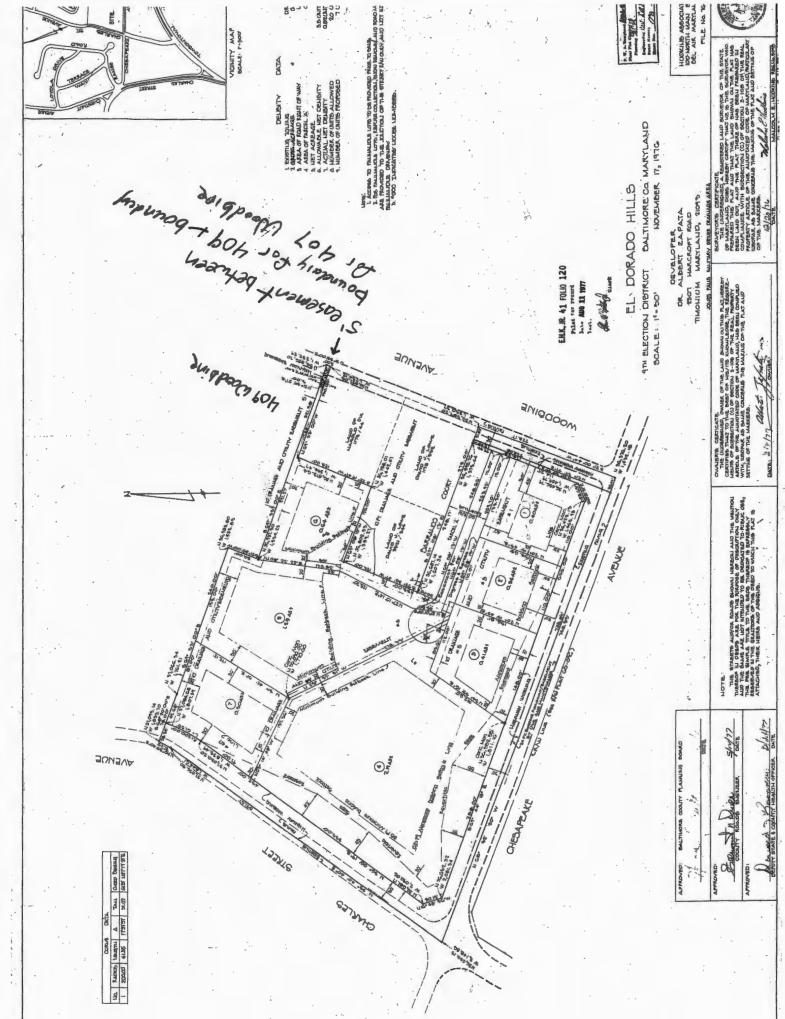


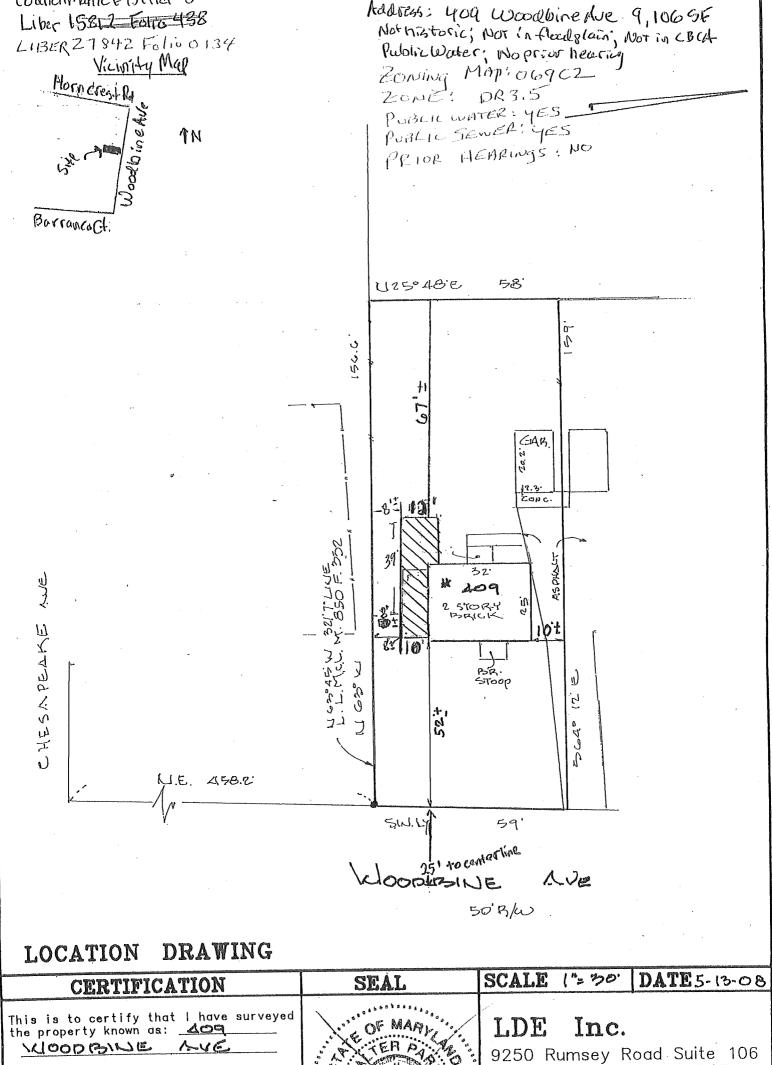












#### Columbia, Maryland The information shown has been established by current acceptable survey procedures and from available record information. This drawing is to be used for Title Transfer Financing, or (410) 715—1070 (Balt.) (301) 596—3424 (Wash) (410) 715—9540 (Fax) Refinancing Only and IS NOT to be used for the Establishment of Property Lines, Location

21045/

