



KEVIN KAMENETZ
County Executive

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

December 3, 2014

Rhonda and Raymond Zaquem
295 S. Stuart Street
Baltimore, Maryland 21221

RE: Petition for Variance
Property: 295 S. Stuart Street
Case No. 2015-0029-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 the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

IN RE: PETITION FOR VARIANCE

(295 S. Stuart Street)

15th Election District

7th Council District

Rhonda & Raymond Zaquen

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0029-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §432A.1.C, to permit two (2) parking spaces to be located in the front yard in lieu of the required side or rear yards, at least 10 ft. removed from the side property line, for an assisted living facility. 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.

Rhonda and Raymond Zaquen appeared in support of the requests. There were no protestants or interested citizens in attendance at the hearing. The Petition was advertised and posted as required by the B.C.Z.R. Substantive Zoning Advisory Committee (ZAC) comments were received from the Department of Planning (DOP) dated August 27, 2014 and Department of Environmental Protection and Sustainability (DEPS) dated October 14, 2014. DEPS noted Petitioners must comply with the Critical Area regulations, while DOP suggested several conditions for inclusion in the final Order. Although the correspondence was not so captioned, the DOP's ZAC comment shall be considered the "compatibility finding" required by B.C.Z.R. § 432A.1.D.

ORDER RECEIVED FOR FILING

Date

By

12/3/14

Sen

The subject property is approximately 0.1406 acres and is zoned DR 5.5. The property is improved with a single family dwelling constructed in 2006. Petitioners would like to operate an Assisted Living Facility (ALF) at the property, but require variance relief with regard to the parking requirements.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioners have met this test. The property is irregularly shaped and is therefore unique. If the B.C.Z.R. were strictly interpreted, Petitioners would suffer a practical difficulty, given they would be unable to operate the assisted living facility at the site. I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of County and/or community opposition. In addition, conditions will be imposed below to ensure that the ALF use does not have a detrimental impact upon the community.

THEREFORE, IT IS ORDERED, this 3rd day of December, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §432A.1.C, to permit two (2) parking spaces to be located in the front yard in lieu of the required side or rear yards, at least 10 ft. removed from the side property line, for an assisted living facility, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

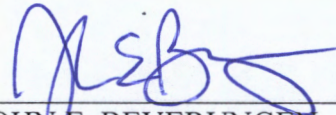
1. Petitioners may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order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

Date 12/3/14
By Den

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

2. Petitioners must comply with the ZAC comment submitted by the DOP, which is attached hereto and incorporated herein.
3. The approval granted herein pertains only to the parking requirements for an ALF. Petitioners must obtain from the Department of Permits, Approvals and Inspections a use permit for the operation of the ALF, and must also obtain all permits and licenses required by the State of Maryland for the operation of such a facility.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date

12/3/14

By

sln

91

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards
Permits, Approvals and Inspections

DATE: August 22, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 295 S. Stuart St.

INFORMATION:

RECEIVED

Item Number: 15-029

AUG 27 2014

Petitioner: Rhonda and Raymond Zaquen

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan and has no objection to the requested zoning relief subject to the following comments:

1. The gravel drive shown on the applicant's location drawing is paved to provide a durable and dustless surface for parking as required by Section 409.8.A.2 of the BCZR. The drive pavement shall extend to the street pavement.
2. After paving the driveway, remove any excess gravel.
3. Unless a license is obtained for the unlicensed motor vehicle parked in the front yard, remove it from premises.
4. No signs that identify the property as an Assisted Living Facility will be erected on the premises.
5. Neither the property nor South Stuart Street shall be used to park or store unlicensed or inoperative motor vehicles.
6. The exterior of the existing dwelling shall not be altered.

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

Prepared by: _____
AVA/LM

ORDER RECEIVED FOR FILING

Date 12/31/14

By Den



CBCA

ADMINISTRATIVE ZONING PETITION

FLOOD

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

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

*Address 295 S. Stuart St Baltimore MD 21221

Currently zoned DR 5.5

Deed Reference /

10 Digit Tax Account # 2200009342

Owner(s) Printed Name(s) RHONDA ZAQUEN

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE 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 in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

- ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 432A.1.C.1 & 2; BCZR, TO PERMIT TWO PARKING SPACE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED SIDE OR REAR YARDS, AT LEAST 10FT. REMOVED FROM THE SIDE PROPERTY LINE, FOR AN ASSISTED LIVING FACILITY.

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

- ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

*Owner(s)/Petitioner(s):

RHONDA ZAQUEN, RAYMONDO M. ZAQUE

Name #1 - Type or Print

Name #2 - Type or Print

Rhonda Zaquen

Meir

Signature #1

Signature #2

295 S. Stuart St Baltimore MD

Mailing Address

City

State

21221

443-563-7349

rhonda24@yahoo

Zip Code

Telephone #

Email Address

ORDER RECEIVED FOR FILING

Date 12/3/14

Attorney for Owner(s)/Petitioner(s): Den

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Name - Type or Print

Signature SAME

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2015-0029-A

Filing Date 8/6/14

Estimated Posting Date 8/17/14

Reviewer JCM/K

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 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: 295 S. Stuart St. Baltimore, MD 21221
Print or Type Address of property City State Zip Code

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

I am requesting a variance because any attempts to have a parking pad on either side of my house would be imposing on each of my neighbors properties. Also there is no driveway that leads up to my backyard.

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

Rhonda Zaguen
Signature of Owner (Affiant)

Rhonda Zaguen
Name- Print or Type

Meir Zaguen
Signature of Owner (Affiant)

Raymondo Meir Zaguen
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 4th day of August, 2014, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Rhonda Zaguen and Raymondo M. Zaguen

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Lorraine B. Matthews
Notary Public

My Commission

Lorraine B. Matthews
NOTARY PUBLIC
Expires Baltimore City, Maryland
My Commission Expires 05/16/2017

EXHIBIT "A"

BEGINNING AT a point on the east line of South Stuart Street (a 50 foot right-of-way), said point of begin S. 27 degrees 07' 31" E a distance of 85.00 feet from the intersection of said South Stuart Street with Virginia Avenue (a 50 foot right-of-way), thence, N. 62 degrees 52' 29" E., leaving the said South Stuart Street east line and proceeding a distance of 75.00 feet to a point for corner; thence, N. 27 degrees 07' 31" W., a distance of 25.00 feet to a point for corner; thence N. 62 degrees 52' 29" E, a distance of 25.00 feet to a point for corner; thence S. 27 degrees 07' 31" E, a distance of 80.00 feet to a point for corner; thence S. 62 degrees 52' 29" W., a distance of 100 feet to a point on the said South Stuart Street east line, a point for corner; thence N. 27 degrees 07' 31" W., along the said South Stuart Street east line a distance of 55.00 feet to the point of beginning and containing 6,125.00 square feet of land or 0.1406 acre of land.

FILE NUMBER: 49399WHMS

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

No. **112363**

Date: **8/6/14**

PAID RECEIPT

BUSINESS ACTUAL TIME
8/08/2014 8/06/2014 10:09:25

REC: NSDI MAIL LRAS LJR
RECEIPT # 531000 7/31/2014
CR NO. 112363

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				175.00

Recpt Tot \$175.00
\$.00 CK \$180.00 CA
\$5.00- CG
Baltimore County, Maryland

Total: **175.00**

Rec From: **RHONDA ZAQUEN**

For: **2015-0029A = 75.00**
ALF = 100.00

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

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: ~~200~~ 2015-0029-A
Petitioner: Rhonda Eaquen
Address or Location: 295 S. Stuart St Baltimore, MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: SAME

Telephone Number: 443-563-7349

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0029 -A Address 295 S. STUART ST.

Contact Person: J. MERREY / G.H. Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/6/14 Posting Date: 8/17/14 Closing Date: 9/1/14

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. **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 2015- 0029 -A Address 295 S. STUART ST.

Petitioner's Name RHONDA ZAQUEN Telephone 443-563-7349

Posting Date: 8/17/14 Closing Date: 9/1/14

Wording for Sign: TO PERMIT TWO PARKING SPACES FOR AN
ASSISTED LIVING FACILITY TO BE LOCATED IN THE FRONT
YARD within the 10' feet setback required side or
rear yards, at least 10 feet removed from the side property
line, for an Assisted Living Facility.

Revised 7/18/14

CERTIFICATE OF POSTING

CASE NO: 2015-0089-A

PETITIONER/DEVELOPER
RHONDA ZAQUIEN

DATE OF HEARING/CLOSING:
SEPTEMBER 5, 2014

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE**

ATTENTION:

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT** _____

295 S. STUART ST

THIS SIGN(S) WERE POSTED ON August 21, 2014
(MONTH, DAY, YEAR)

SINCERELY, Martin Ogle 8/21/14
SIGNATURE OF SIGN POSTER AND DATE:

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



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2015-0029-A

TO PERMIT TWO PARKING SPACES FOR AN ASSISTED
LIVING FACILITY TO BE LOCATED IN THE FRONT
YARD IN LIEU OF THE REQUIRED SIDE OR REAR
YARDS

PUBLIC HEARING ?

PURSUANT TO SECTION 28-127(b)(1) BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC
HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED
IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON
FRIDAY, SEPTEMBER 5, 2014
ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT LOCATED
AT 111 W. CHESAPEAKE AVE. TOWSON MD. 21204
TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST OTHER THAN THE DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

W. J. Smith 8/21/14

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 27, 2014 Issue - Jeffersonian

Please forward billing to:
Rhonda Zaquen
295 S. Stuart Street
Baltimore, MD 21221

443-563-7349

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: 2015-0029-A

295 S. Stuart Street

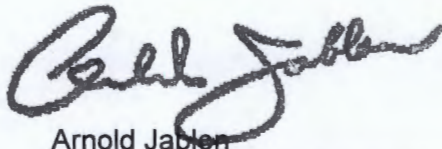
E/s Stuart Street, 140 ft. south of South Stuart Street and Virginia Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Rhonda & Raymond Zaquen

Variance to permit two parking spaces to be located in the front yard in lieu of the required side or rear yards, at least 10 ft. removed from the side property line, for an assisted living facility.

Hearing: Friday, October 17, 2014 at 11:00 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.



KEVIN KAMENETZ
County Executive

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

September 15, 2014

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: 2015-0029-A

295 S. Stuart Street

E/s Stuart Street, 140 ft. south of South Stuart Street and Virginia Avenue

15th Election District – 7th Councilmanic District

Legal Owners: Rhonda & Raymond Zaquen

Variance to permit two parking spaces to be located in the front yard in lieu of the required side or rear yards, at least 10 ft. removed from the side property line, for an assisted living facility.

Hearing: Friday, October 17, 2014 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Zaquen, 295 S. Stuart St., Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SAT., SEPTEMBER 27, 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.



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

September 25, 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 September 25, 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: #2015-0029-A

295 S. Stuart Street

E/s Stuart Street, 140 ft. south of South Stuart Street and Virginia Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s): Rhonda & Raymond Zaquen

Variance to permit two parking spaces to be located in the front yard in lieu of the required side or rear yards, at least 10 ft. removed from the side property line, for an assisted living facility.

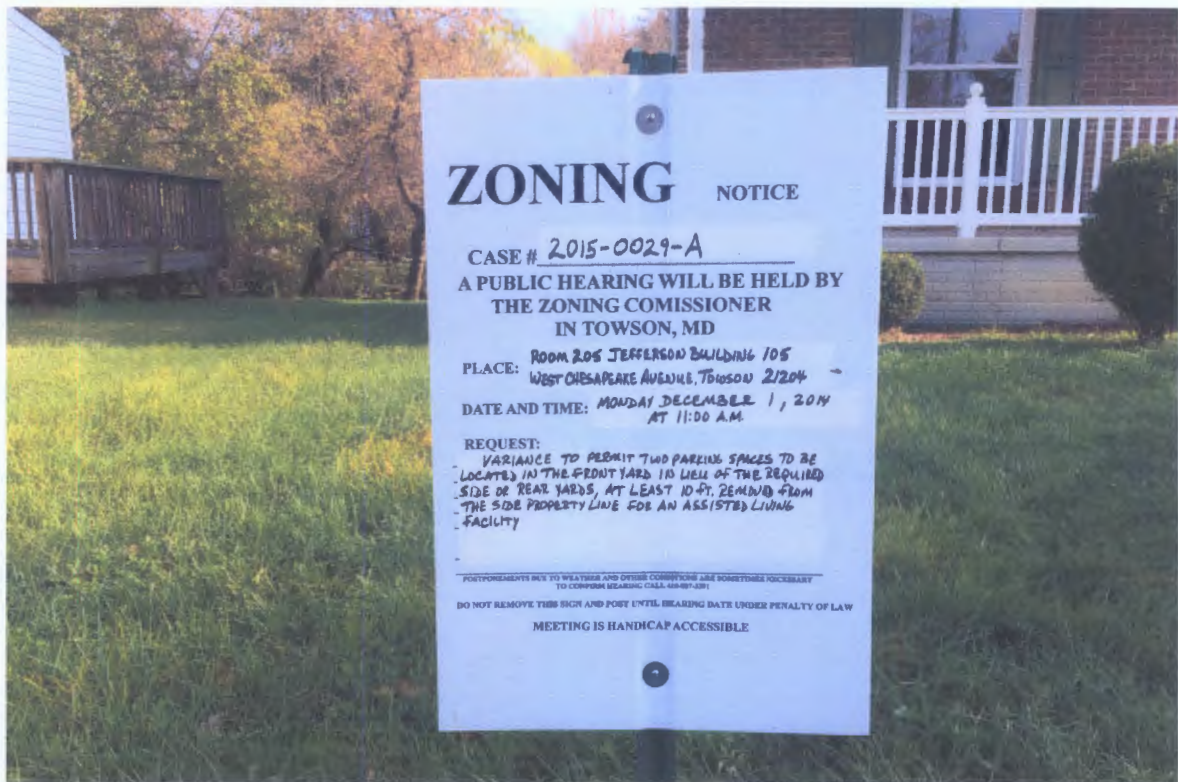
Hearing: Friday, October 17, 2014 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

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.
9/398 September 25

994992



ZONING

NOTICE

CASE # 2015-0029-A

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

PLACE: ROOM 205 JEFFERSON BUILDING 105
WEST CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY DECEMBER 1, 2014
AT 11:00 A.M.

REQUEST:

VARIANCE TO PERMIT TWO PARKING SPACES TO BE
LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED
SIDE OR REAR YARDS, AT LEAST 10 FT. REMAINING FROM
THE SIDE PROPERTY LINE FOR AN ASSISTED LIVING
FACILITY

POSTPONEMENTS DUE TO WEATHER AND OTHER CIRCUMSTANCES ARE SOMETIMES NECESSARY
TO CONSIDER REARRANGING CALL 410-987-1381

DO NOT REMOVE THIS SIGN AND POST UNTIL HEARING DATE UNDER PENALTY OF LAW

MEETING IS HANDICAP ACCESSIBLE

yealms 11/11/14

CERTIFICATE OF POSTING

CASE NO: 2015-0029-A

PETITIONER/DEVELOPER
RONDA ZAGUEN

DATE OF HEARING/CLOSING:

12/1/14

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE**

ATTENTION:

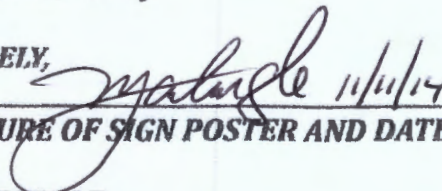
LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT**

295 SOUTH STUART STREET

THIS SIGN(S) WERE POSTED ON November 11, 2014
(MONTH, DAY, YEAR)

SINCERELY,

 11/11/14
SIGNATURE OF SIGN POSTER AND DATE:

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



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

November 13, 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 November 11, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

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Case: # 2015-0029-A

295 S. Stuart Street

E/s Stuart Street, 140 ft. south of South Stuart Street and Virginia Avenue

15th Election District - 7th Councilmanic District

Legal Owner(s) Rhonda & Raymond Zaquen

Variance: to permit two parking spaces to be located in the front yard in lieu of the required side or rear yards, at least 10 ft. removed from the side property line, for an assisted living facility.

Hearing: Monday, December 1, 2014 at 11:00 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 11/711 November 11

2822744



KEVIN KAMENETZ
County Executive

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

October 30, 2014

NEW 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: 2015-0029-A

295 S. Stuart Street

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15th Election District – 7th Councilmanic District

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Variance to permit two parking spaces to be located in the front yard in lieu of the required side or rear yards, at least 10 ft. removed from the side property line, for an assisted living facility.

Hearing: Monday, December 1, 2014 at 11:00 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: Mr. & Mrs. Zaquen, 295 S. Stuart St., Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 11, 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, November 11, 2014 Issue - Jeffersonian

Please forward billing to:
Rhonda Zaquen
295 S. Stuart Street
Baltimore, MD 21221

443-563-7349

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:

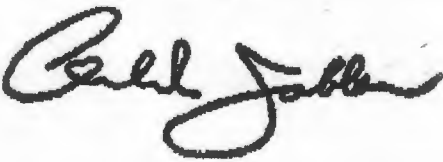
CASE NUMBER: 2015-0029-A

443-563-7349

295 S. Stuart Street
E/s Stuart Street, 140 ft. south of South Stuart Street and Virginia Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Rhonda & Raymond Zaquen

Variance to permit two parking spaces to be located in the front yard in lieu of the required side or rear yards, at least 10 ft. removed from the side property line, for an assisted living facility.

Hearing: Monday, December 1, 2014 at 11:00 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.

M E M O R A N D U M

TO: Kristen Lewis
Office of Zoning Review

FROM: Sherry Nuffer, Legal Assistant
Office of Administrative Hearings

DATE: October 21, 2014

SUBJECT: Case Nos. 2015-0029-A – 295 S. Stuart St.
Hearing: October 17, 2014

As you are aware, the above-referenced case was scheduled to come before Judge Beverungen on Friday October 17, 2014 at 11:00 AM, in Room 205 of the Jefferson Building. It was brought to our attention that the sign posting requirement was not fulfilled.

This matter is now being returned to you for rescheduling and processing. Thanks.

c: File

MEMORANDUM

DATE: January 5, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0029-A – Appeal Period Expired

The appeal period for the above-referenced case expired on January 2, 2015. 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

CASE NO. 2015-0029-A

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

NO Obj
w/Comment

8/15

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

C

11/14

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

FIRE DEPARTMENT

8/27

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

C-NO Obj

8/13

STATE HIGHWAY ADMINISTRATION

NO Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 11/11

SIGN POSTING Date: 11/11 by Ogle

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 2200009342			
Owner Information					
Owner Name:		RAMSOONDAR RHONDA ZAQUEN RAYMONDO MEIR		Use:	RESIDENTIAL
Mailing Address:		295 S STUART ST BALTIMORE MD 21221-4922		Principal Residence:	YES
				Deed Reference:	/32431/ 00477
Location & Structure Information					
Premises Address:		295 S STUART ST BALTIMORE 21221-4922		Legal Description:	PT LT 32-33 .1406 A 295 S STUART ST ESSEX
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0097	0002	0371		0000	E
					W
					32
					2015
					Plat No:
					Plat Ref:
					0009/0074
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
2006		2,168 SF		326 SF	
				Property Land Area	
				6,125 SF	
				County Use	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2012	07/01/2014	07/01/2015
Land:		61,100	61,100		
Improvements		133,200	133,200		
Total:		194,300	194,300	194,300	
Preferential Land:		0			
Transfer Information					
Seller: RAMSOONDAR RHONDA		Date: 08/17/2012		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /32431/ 00477		Deed2:	
Seller: LOPEZ ALBA		Date: 03/15/2012		Price: \$170,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /31822/ 00086		Deed2:	
Seller: 814 GLEN ALLEN LLC		Date: 01/09/2007		Price: \$347,500	
Type: ARMS LENGTH IMPROVED		Deed1: /26041/ 00035		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2014	07/01/2015	
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: Approved 07/19/2012					

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **15** Account Number: **2200009342**

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 Wait. Loading... Please Wait.
-->

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

NOV 25 2014



OFFICE OF ADMINISTRATIVE HEARINGS

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: October 14, 2014

SUBJECT: DEPS Comment for Zoning Item # 2015-0029-A
Address 295 S. Stuart Street
(Zaquen Property)

Zoning Advisory Committee Meeting of August 11, 2014.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. The applicant is requesting to permit two parking spaces in the front yard for an assisted living facility. It is not waterfront. The applicant must address the 10% pollutant reduction requirement for any new impervious surface within the IDA. If the 10% pollutant reduction requirement is met, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The lot is developed with an existing dwelling, is not waterfront and there are no habitat protection areas on site. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the

fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The lot is not waterfront and there are no habitat protection areas on site. If the 10% pollutant reduction requirement is met, the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review (EIR)*

Case No.:

2015-0029-A

Exhibit Sheet

Petitioner/Developer

Protestants

DW
1-5-15

Aln
12/3/14

No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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

ADDRESS 295 S. Stuart St. 21221 OWNER(S) NAME(S) Rhonda Zaquen

SUBDIVISION NAME _____ LOT # 32 BLOCK # W SECTION # E

PLAT BOOK # 000009 FOLIO # 0477 10 DIGIT TAX # 2200009342 DEED REF. # 1

See attached



PLAN DRAWN BY Rhonda Zaquen DATE 8/3/14 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP

N



MAP IS NOT TO SCALE

ZONING MAP# 097A1

SITE ZONED DR 5.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE 0.1406

OR SQUARE FEET 6,125

HISTORIC? no

IN CBCA? Yes

IN FLOOD PLAIN? Yes

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? _____

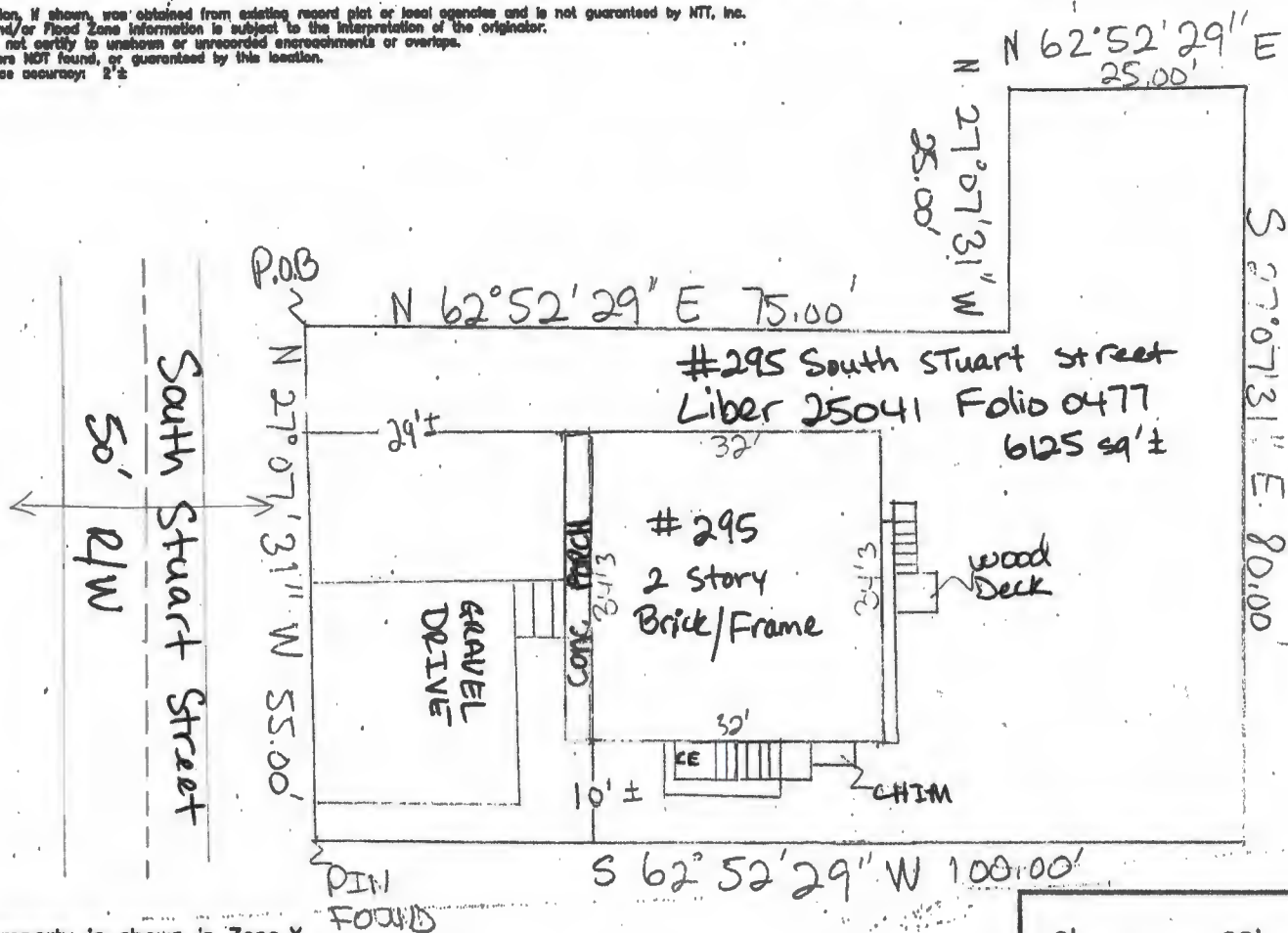
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

No

VIOLATION CASE INFO:

NOTES:

- 1) B.R.L. information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
- 2) Building line and/or Flood Zone information is subject to the interpretation of the originator.
- 3) NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps.
- 4) Property markers NOT found, or guaranteed by this location.
- 5) Salsback distance accuracy: 2'±



Subject property is shown in Zone X on the FIRM Map of Baltimore County, Maryland on Community Panel Number 240010 0440 F, effective SEPTEMBER 26, 2008

This is to certify that I have surveyed the property shown hereon, being known as #295 SOUTH STUART STREET

and recorded among the land records of Baltimore County, Maryland in LIBER 25041, folio 35 for the purpose of locating the improvements thereon.

- * This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.
- * This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.
- * This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



J. Carl Hudgins PLS #96

LOCATION DRAWING
295 SOUTH STUART STREET
15th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

NTT Associates, Inc.
16205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410)442-2031
Fax: (410)442-1315
Website: www.nttsurveyors.com

Scale: 1"= 20'
Date: 12/22/11
Field By: DBM
Drawn By: DBM
Drawing # 49399WHMS

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment8-15DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)No objection w/ Comment

DEPS Missing
(if not received, date e-mail sent 9-3)

FIRE DEPARTMENT

8-27PLANNING
(if not received, date e-mail sent _____)C - No objection8-13

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING Date: 8-21-14 by OglePEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 2200009342			
Owner Information					
Owner Name:		RAMSOONDAR RHONDA ZAQUEN RAYMONDO MEIR		Use:	RESIDENTIAL
Mailing Address:		295 S STUART ST BALTIMORE MD 21221-4922		Principal Residence:	YES
				Deed Reference:	/32431/ 00477
Location & Structure Information					
Premises Address:		295 S STUART ST BALTIMORE 21221-4922		Legal Description:	PT LT 32-33 .1406 A 295 S STUART ST ESSEX
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0097	0002	0371		0000	E
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	0009/0074
W	32	2015			
Special Tax Areas:			Town:		
			NONE		
Ad Valorem:					
Tax Class:					
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
2006	2,168 SF	326 SF	6,125 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2012	As of 07/01/2014	As of 07/01/2015
Land:		61,100	61,100		
Improvements		133,200	133,200		
Total:		194,300	194,300	194,300	
Preferential Land:		0			
Transfer Information					
Seller:		Date:		Price:	
RAMSOONDAR RHONDA		08/17/2012		\$0	
Type:		Deed1:		Deed2:	
NON-ARMS LENGTH OTHER		/32431/ 00477			
Seller:		Date:		Price:	
LOPEZ ALBA		03/15/2012		\$170,000	
Type:		Deed1:		Deed2:	
NON-ARMS LENGTH OTHER		/31822/ 00086			
Seller:		Date:		Price:	
814 GLEN ALLEN LLC		01/09/2007		\$347,500	
Type:		Deed1:		Deed2:	
ARMS LENGTH IMPROVED		/25041/ 00036			
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2014		07/01/2015	
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: Approved 07/19/2012					

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty/\)](http://sdat.resiusa.org/RealProperty/)District: **15** Account Number: **2200009342**

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[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)☒ Loading... Please

Loading... Please Wait.

→

Debra Wiley - 2015-029-A

AV

Asst.
Living
Facility

From: Rebecca Wheatley
To: Wiley, Debra
Date: 8/13/2014 11:57 AM
Subject: 2015-029-A
Attachments: Scanned From People's Council Copier

Reg. Formal
Demand

Debbie

Attached is a copy of the petition regarding the assisted living facility.

Thanks.
Rebecca

Per Rebecca,
Pete doesn't
want to reg.
formal demand
but wanted to
bring to our
attention
...



(BCA) ADMINISTRATIVE ZONING PETITION FLOOD

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at

*Address 295 S. Stuart St Baltimore, MD 21221 Currently zoned DR 5.5
 Deed Reference 1 10 Digit Tax Account # 2200009342
 Owner(s) Printed Name(s) RHONDA ZAQUEN

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE 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 in Baltimore County and which is described in the plan/plot attached hereto and made a part hereof, hereby petition for an:

- ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 432A.1.C.1 & 2; BCZR, TO PERMIT TWO PARKING SPACE TO BE LOCATED IN THE FRONT YARD IN LIEU OF THE REQUIRED SIDE OR REAR YARDS, AT LEAST 10 FT. REMOVED FROM THE SIDE PROPERTY LINE, FOR AN ASSISTED LIVING FACILITY.
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (Indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

*Owner(s)/Petitioner(s):

RHONDA ZAQUEN, RAYMONDO M. ZAQUEN
 Name #1 - Type or Print Name #2 - Type or Print

Rhonda Zaquen, Meir
 Signature #1 Signature #2

295 S. Stuart St Baltimore MD
 Mailing Address City State

21221 443-563-7349 rhonda24@yahoo
 Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name - Type or Print

Signature

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 been formally demanded and/or found to be required, It is ordered by the Office of Administrative Hearings for Baltimore County, this 8 day of August that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2015-0029-A Filing Date 8/6/14 Estimated Posting Date 8/17/14 Reviewer JCM/gh

9/1

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Carl Richards
Permits, Approvals and Inspections

DATE: August 22, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 295 S. Stuart St.

INFORMATION:

RECEIVED

Item Number: 15-029

AUG 27 2014

Petitioner: Rhonda and Raymond Zaquen

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan and has no objection to the requested zoning relief subject to the following comments:

1. The gravel drive shown on the applicant's location drawing is paved to provide a durable and dustless surface for parking as required by Section 409.8.A.2 of the BCZR. The drive pavement shall extend to the street pavement.
2. After paving the driveway, remove any excess gravel.
3. Unless a license is obtained for the unlicensed motor vehicle parked in the front yard, remove it from premises.
4. No signs that identify the property as an Assisted Living Facility will be erected on the premises.
5. Neither the property nor South Stuart Street shall be used to park or store unlicensed or inoperative motor vehicles.
6. The exterior of the existing dwelling shall not be altered.

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

Prepared by: _____
AVA/LM



KEVIN KAMENETZ
County Executive

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

September 2, 2014

Rhonda & Raymond Zaquen
295 S Stuart Street
Baltimore MD 21221

RE: Case Number: 2015-0029 A, Address: 295 S Stuart Street

Dear Mr. & Ms. Zaquen:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 6, 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: 8/13/14

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

RE: Baltimore County
Item No 2015-0029-A
Administrative Variance
Rhonda & Raymond M. Zaques
295 S. Stuart Street

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. 2015-0029-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 blue ink, appearing to read 'Steven D. Foster', is written over the typed name.

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For August 18, 2014
Item No. 2015-0029

DATE: August 15, 2014

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment.

We have no objection to granting the requested variance; however, the driveway should be narrowed to be 10' wide at the street with the two parking spaces being as close to the house as possible. The driveway and parking spaces should be made durable and dustless (paved).

* * * * *

DAK:CEN
cc:file

8/28/14
WCA



BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Carl Richards
Permits, Approvals and Inspections

DATE: August 22, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 295 S. Stuart St.

INFORMATION:

Item Number: 15-029

Petitioner: Rhonda and Raymond Zaquen

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioner's request and accompanying site plan and has no objection to the requested zoning relief subject to the following comments:

1. The gravel drive shown on the applicant's location drawing is paved to provide a durable and dustless surface for parking as required by Section 409.8.A.2 of the BCZR. The drive pavement shall extend to the street pavement.
2. After paving the driveway, remove any excess gravel.
3. Unless a license is obtained for the unlicensed motor vehicle parked in the front yard, remove it from premises.
4. No signs that identify the property as an Assisted Living Facility will be erected on the premises.
5. Neither the property nor South Stuart Street shall be used to park or store unlicensed or inoperative motor vehicles.
6. The exterior of the existing dwelling shall not be altered.

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

Prepared by:
AVA/LM

A handwritten signature in black ink, consisting of a stylized 'A' and 'L' with a long horizontal stroke extending to the right.

Debra Wiley - ZAC Comment - 2015-0029-A

From: Debra Wiley
To: Livingston, Jeffrey; Lykens, David
Date: 9/3/2014 10:55 AM
Subject: ZAC Comment - 2015-0029-A

Good Morning,

OAH has just received the above-referenced Administrative Variance that closed on 9/1 and it appears it is in the CBCA. As required, we need a comment from DEPS. I have included below a case description for your convenience. Please submit ASAP.

Thanks.

CASE NUMBER: 2015-0029-A

295 S. STUART ST.

Location: That property located on the E/S of S. Stuart Street, 140 ft. S of the centerline of S. Stuart Street and Virginia Avenue

15th Election District, 7th Council District

Legal owners: Rhonda & Raymond M. Zaquen

ADMINISTRATIVE VARIANCE To permit two parking spaces to be located in the front yard in lieu of the required side or rear yards, at least 10 ft. removed from the side property line, for an assisted living facility.

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

From: Jeffrey Livingston
To: dwiley@baltimorecountymd.gov
Date: 9/3/2014 10:55 AM
Subject: Re: ZAC Comment - 2015-0029-A (out of office)

I am currently out of the office. Please contact Dave Lykens at dlykens@baltimorecountymd.gov if you need assistance prior to my return. Thank you.

>>> Debra Wiley 09/03/14 10:55 >>>

Good Morning,

OAH has just received the above-referenced Administrative Variance that closed on 9/1 and it appears it is in the CBCA. As required, we need a comment from DEPS. I have included below a case description for your convenience. Please submit ASAP.

Thanks.

CASE NUMBER: 2015-0029-A

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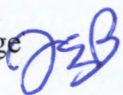
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BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: September 3, 2014

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

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

RE: Petition for Administrative Variance – 09-01/14 Closing Date
Case No. 2015-0029-A – 295 S. Stuart St.

After a review of the above-captioned case file, I am requesting that this case be set in for a public hearing.

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.

c: Office of People's Counsel

Debra Wiley - Formal Demand - Admin. Var. - Case No. 2015-0029-A - (Assisted Living Facility)

From: Debra Wiley
To: Lewis, Kristen; Wisnom, June
Date: 9/3/2014 1:26 PM
Subject: Formal Demand - Admin. Var. - Case No. 2015-0029-A - (Assisted Living Facility)
Attachments: 20140903125733301.pdf

Hi,

Please see attached in reference to the above. The file has been placed in the pick-up box.

Thanks in advance.

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> 9/3/2014 12:57 PM >>>
This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 09.03.2014 12:57:33 (-0400)
Queries to: officeofhearings@baltimorecountymd.gov

BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

OCT 14 2014



OFFICE OF ADMINISTRATIVE HEARINGS

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: October 14, 2014

SUBJECT: DEPS Comment for Zoning Item # 2015-0029-A
Address 295 S. Stuart Street
(Zaquen Property)

Zoning Advisory Committee Meeting of August 11, 2014.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. The applicant is requesting to permit two parking spaces in the front yard for an assisted living facility. It is not waterfront. The applicant must address the 10% pollutant reduction requirement for any new impervious surface within the IDA. If the 10% pollutant reduction requirement is met, the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

The lot is developed with an existing dwelling, is not waterfront and there are no habitat protection areas on site. Therefore, fish, plant, and wildlife habitat in the Chesapeake Bay will be conserved.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the

fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

The lot is not waterfront and there are no habitat protection areas on site. If the 10% pollutant reduction requirement is met, the relief requested will be consistent with established land-use policies.

Reviewer: *Regina Esslinger – Environmental Impact Review (EIR)*

Sherry Nuffer - 2015-0029-A

From: Sherry Nuffer
To: rhonda24r@yahoo.com
Date: 10/14/2014 2:24 PM
Subject: 2015-0029-A
CC: Lewis, Kristen

Ms. Zaquen,

Due to the insufficient sign posting (confirmed with Mr. Ogle) of your property I am advising that your hearing scheduled for Friday October 17, 2014 @ 11AM will be postponed and removed from our hearing docket. Therefore the file will be returned to the Office of Zoning Review and will await further contact by you.

Thank you,

Sherry

Sherry Nuffer
Legal Assistant
Office of Administrative Hearings
105 W. Chesapeake Avenue
Room 103
Towson, Maryland 21204
410-887-3868
Fax: 410-877-3468

Message Id: 543D6A7B.D93 : 210 : 21833
Subject: 2015-0029-A
Created By: snuffer@baltimorecountymd.gov
Scheduled Date:
Creation Date: 10/14/2014 2:24 PM
From: Sherry Nuffer

Recipients:

Recipient	Action	Date & Time	Comment
 COB_PO.COB_DOM	Delivered	10/14/2014 2:25 PM	
CC: Kristen Lewis (klewis@baltimorecountymd.gov)			
 yahoo.com	Transferred	10/14/2014 2:25 PM	
To: rhonda24r@yahoo.com (rhonda24r@yahoo.com)			

Post Offices

Post Office	Delivered	Route
COB_PO.COB_DOM	10/14/2014 2:25 PM	baltimorecountymd.gov
yahoo.com		yahoo.com

Files

File	Size	Date & Time
MESSAGE	1525	10/14/2014 2:24 PM
TEXT.htm	1480	10/14/2014 2:24 PM

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: 543D323B.NCH_DOM.NCH_PO.100.1696736.1.363D.1
Common Record Id: 543D323B.NCH_DOM.NCH_PO.200.20000D2.1.32A4A.1

Message Id: 543695F8.5F0 : 210 : 21833
Subject: 2015-0029-A
Created By: snuffer@baltimorecountymd.gov
Scheduled Date:
Creation Date: 10/9/2014 10:04 AM
From: Sherry Nuffer

Recipients:

Recipient	Action	Date & Time	Comment
 NCH_PO.NCH_DOM	Delivered	10/9/2014 10:04 AM	
To: Jeffrey Livingston (jlivingston@baltimorecountymd.gov)			

Post Offices

Post Office	Delivered	Route
NCH_PO.NCH_DOM	10/9/2014 10:04 AM	baltimorecountymd.gov

Files

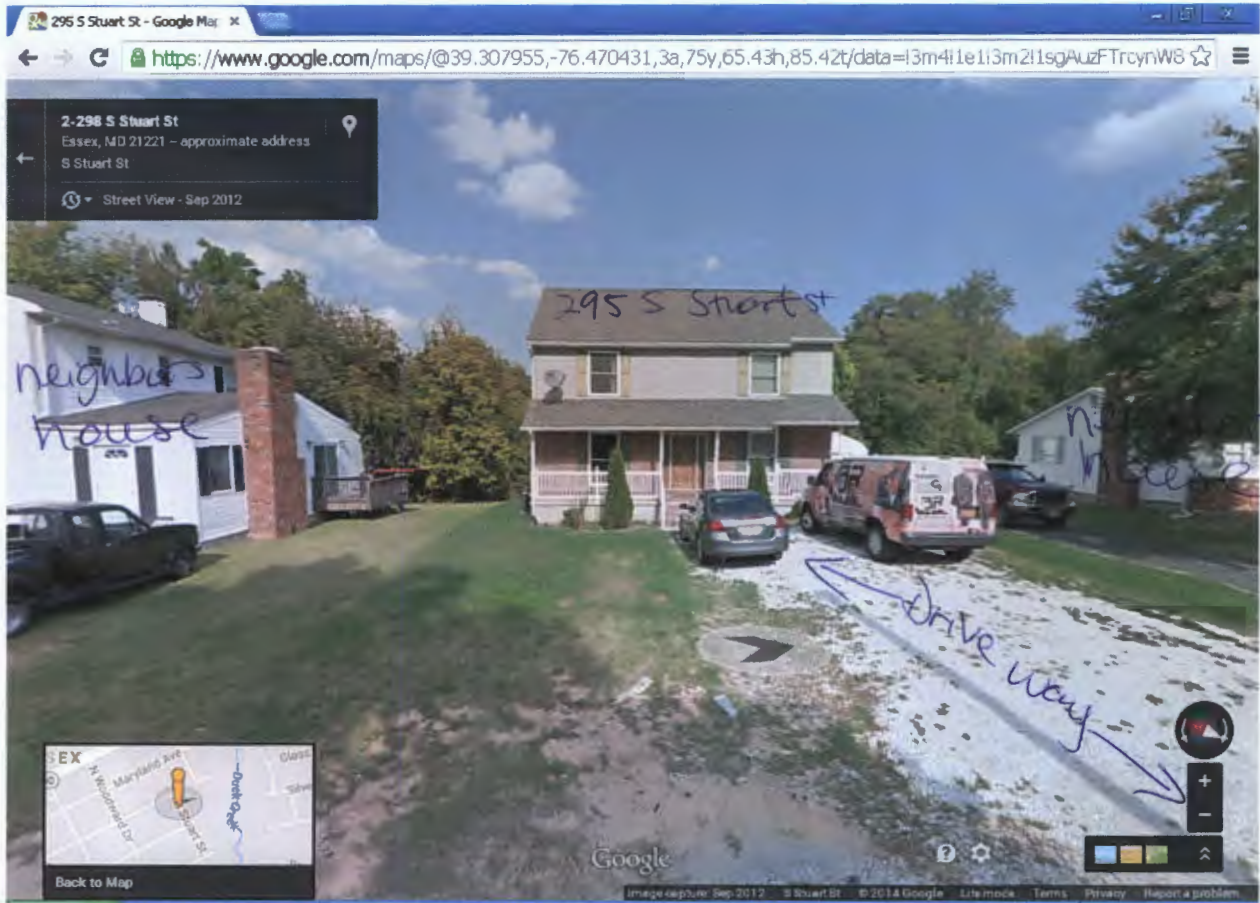
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Options

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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: 54365DB8.NCH_DOM.NCH_PO.100.1696736.1.35EB.1
Common Record Id: 54365DB8.NCH_DOM.NCH_PO.200.20000D2.1.327F2.1



Front view of the left side of the house.



Front view of the right
side of the house.

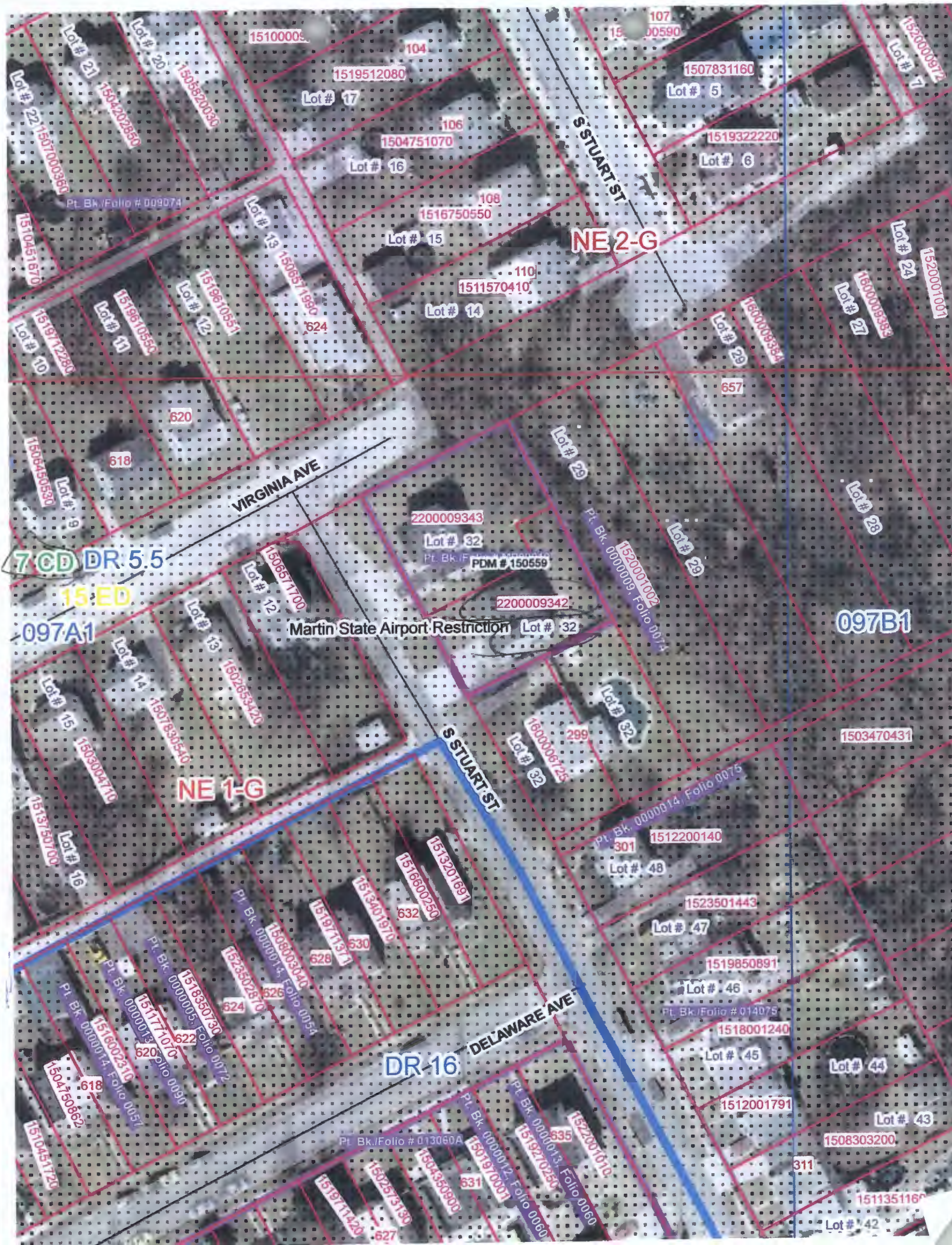


Back of the house
Side view.



Neighbors
Fence

↑
side view from the back
the house.



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

ADDRESS 295 S. Stuart St. 21221 OWNER(S) NAME(S) Rhonda Zaquen

SUBDIVISION NAME _____ LOT # 32 BLOCK # W SECTION # E

PLAT BOOK # 000009 FOLIO # 0477 10 DIGIT TAX # 2200009342 DEED REF. # 1

SEE ATTACHED



PLAN DRAWN BY Rhonda Zaquen DATE 8/3/14 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP

N



MAP IS NOT TO SCALE

ZONING MAP# 097A1

SITE ZONED DR S.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE 0.1406

OR SQUARE FEET 6,125

HISTORIC? no

IN CBCA? Yes

IN FLOOD PLAIN? Yes

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? _____

IF SO GIVE CASE NUMBER

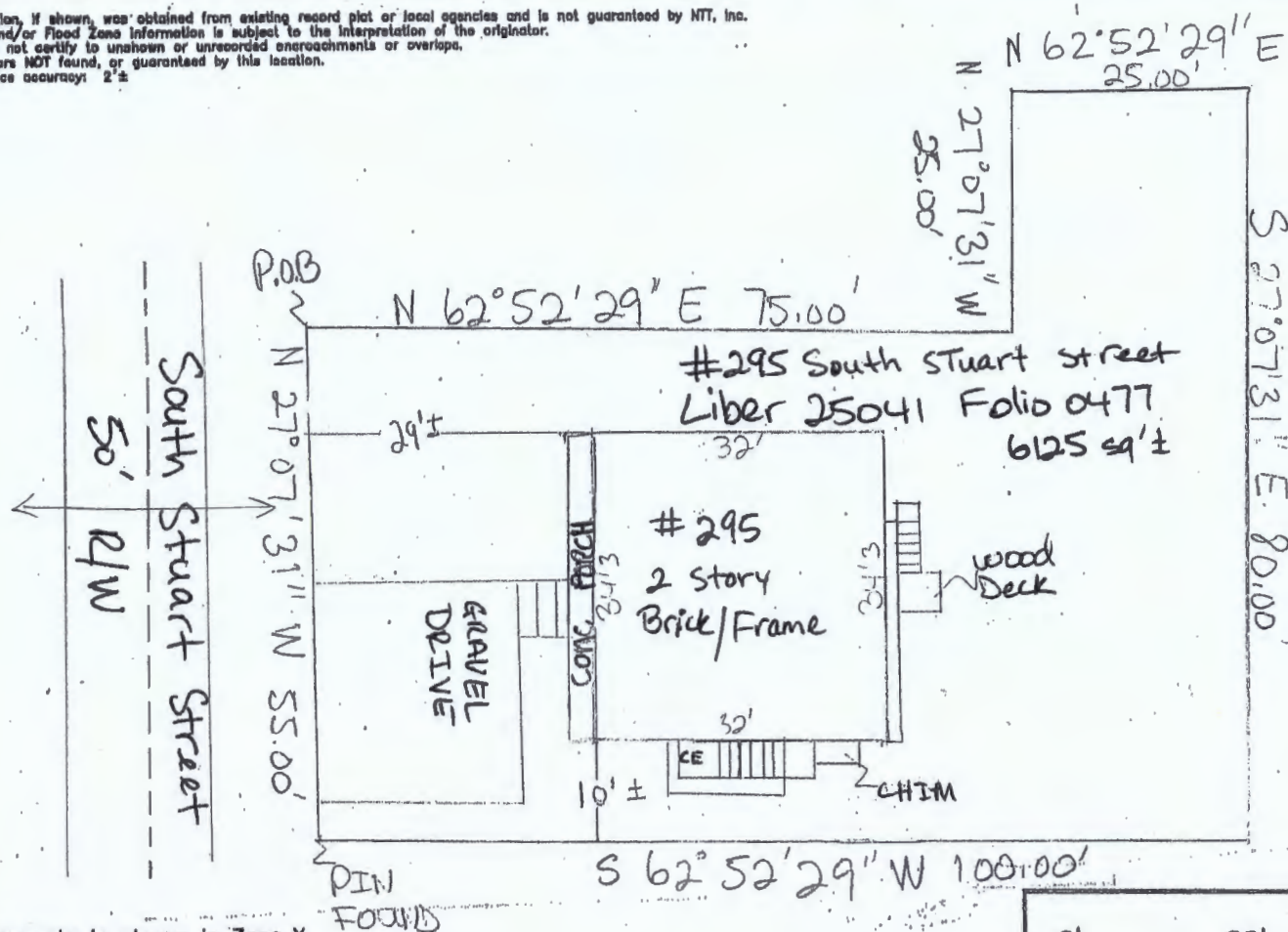
AND ORDER RESULT BELOW

No

VIOLATION CASE INFO:

NOTES:

- 1) B.R.L. information, if shown, was obtained from existing record plot or local agencies and is not guaranteed by NTT, Inc.
- 2) Building line and/or Flood Zone information is subject to the interpretation of the originator.
- 3) NTT, Inc. does not certify to unknown or unrecorded encroachments or overlaps.
- 4) Property markers NOT found, or guaranteed by this location.
- 5) Setback distance accuracy: 2'±



Subject property is shown in Zone X on the FIRM Map of Baltimore County, Maryland on Community Panel Number 240010 0440 F, effective SEPTEMBER 26, 2008

This is to certify that I have surveyed the property shown hereon, being known as #295 SOUTH STUART STREET

and recorded among the land records of Baltimore County, Maryland in LIBER 25041, folio 35 for the purpose of locating the improvements thereon.

- * This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes.
- * This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.
- * This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



J. Carl Hudgins PLS #96



LOCATION DRAWING
295 SOUTH STUART STREET
15th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

NTT Associates, Inc.
16205 Old Frederick Rd.
Mt. Airy, Maryland 21771
Phone: (410) 442-2031
Fax: (410) 442-1315
Website: www.nttsurveyors.com

Scale: 1" = 20'
Date: 12/22/11
Field By: DBM
Drawn By: DBM
Drawing # 49399WHMS