



KEVIN KAMENETZ
County Executive

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

March 2, 2015

Jose A Pina, Jr.
316 Bowleys Quarters Road
Baltimore, Maryland 21220

RE: Petition for Administrative Variance
Case No. 2015-0157-A
Property: 316 Bowleys Quarters Road

Dear Mr. Pina:

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", with a long horizontal line extending to the right.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE *

(316 Bowleys Quarters Road)

15th Election District *

6th Council District *

Jose A. Pina, Jr. *

Petitioner *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0157-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Jose A. Pina, Jr. The Petitioner is requesting Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) To permit a proposed accessory building (2-story garage) to be located in the side yard in lieu of the required in the third of the lot farthest removed from any street in a corner lot; and (2) To permit the proposed accessory structure to be 19 ft. in height in lieu of the maximum allowed of 15 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on February 8, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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

ORDER RECEIVED FOR FILING

Date 3-2-15

By [Signature]

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Although the Department of Planning did not make any recommendations related to the detached accessory building (2-story garage) height and usage, I will impose conditions that the garage not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, and not be used for commercial purposes.

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 2nd day of **March, 2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: (1) To permit a proposed accessory building (2-story garage) to be located in the side yard in lieu of the required in the third of the lot farthest removed from any street in a corner lot; and (2) To permit the proposed accessory structure to be 19 ft. in height in lieu of the maximum allowed of 15 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

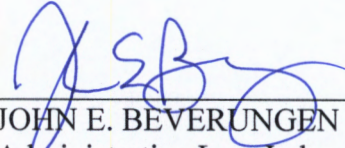
1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at his own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. The Petitioner or subsequent owners shall not convert the subject garage into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

3. The garage shall not be used for commercial purposes.
ORDER RECEIVED FOR FILING

Date 3-2-15 2

By [Signature]

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 3-2-15

By 



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 Hearings for Baltimore County for the property located at:

Address 316 Bowleys Quarters Rd. Baltimore, MD 21220 Currently zoned _____
 Deed Reference _____ 10 Digit Tax Account # 1505610080
 Owner(s) Printed Name(s) Jose Pina

(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:

- X** **ADMINISTRATIVE VARIANCE** from Section(s) 400.1 to permit a proposed accessory building (2-story garage) to be located in the side yard in lieu of the required in the third of the lot farthest removed from any street in a corner lot; and from Section 400.3 to permit the proposed accessory structure to be 19 feet in height in lieu of the maximum allowed of 15 feet.
 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):

Jose Pina

Name #1 - Type or Print

Name #2 - Type or Print

Jose Pina

Signature #1

Signature #2

316 Bowleys Quarters Rd. Baltimore, MD

Mailing Address

City

State

21220

410-967-6477

JPina63@comcast.net

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:

Jose Pina

Name- Type or Print

Jose Pina

Signature

316 Bowleys Quarters Rd.

Mailing Address

City

State

21220

410-967-6477

JPina63@comcast.net

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 01/26 day of 2015, 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 2015-0157-A

Filing Date 01/26/2015

Estimated Posting Date 2/8/15

Reviewer AT

2/23/15

Rev 5/8/2014

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE 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: 316 Bowleys Quarters Rd Baltimore MD 21220
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'm requesting permission to have a two story garage on my property located at 316 Bowleys Quarters Rd Baltimore, MD 21220. My reason is lack of space. I have several vehicles to include a tractor and a lot of tools. Having a second floor over the garage would allow me to store many of these items. We also had to store some of my Mother-in-Law's personal items in my basement due to her being sick. A height of 19' worked best so I could walk upright AND would be a space saver.

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

Jose Pina
Signature of Owner (Affiant)
Jose Pina
Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

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

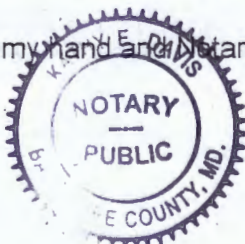
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of January 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

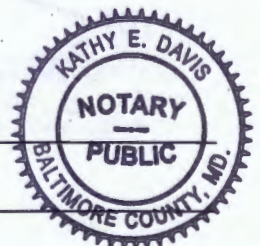
Print name(s) here: Jose Pina

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

AS WITNESS my hand and Notaries Seal



Kathy E. Davis
Notary Public
04.02.2016
My Commission Expires



Zoning property description for 316 Bowleys Quarters Road

Beginning at a point on the south west side of Bowleys Quarters Rd which is wide at the distance of 20 feet 11 feet north east of the centerline of the nearest improved intersecting street Edwards lane whic is 22 feet wide (ie: west corner of intersection.

Subdivision Lot

Being Lot #13, parcel 85 in the subdivision of Edwards Property as recorded in Baltimore County Plat Book #8, Folio #50, containing 1.77 acres. Located in the 15th Election District and 6th Council District.

**CASHIER'S
VALIDATION**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0157 -A Address 316 BOWLEYS QUARTERS RD
Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 01/26/2015 Posting Date: 02/08/15 Closing Date: 02/23/15

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- 0157 -A Address 316 BOWLEYS QUARTERS ROAD
Petitioner's Name JOSE PINA Telephone 410-967-6477
Posting Date: 02/08/15 Closing Date: 02/23/15
Wording for Sign: TO PERMIT A PROPOSED 2-STORY DETACHED GARAGE BUILDING TO BE LOCATED IN THE SIDE YARD WITH 19 FEET IN HEIGHT, IN LIEU OF THE REQUIRED IN THE REAR YARD AND THE MAXIMUM HEIGHT OF 15 FEET.

Revised 7/18/14

M E M O R A N D U M

DATE: April 2, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0157-A – Appeal Period Expired

The appeal period for the above-referenced case expired on April 1, 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

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>2-2</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>2-8-15</u>	by: <u>Black</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 15 Account Number - 1505610080		
Owner Information		
Owner Name:	PINA JOSE A JR ROHR-PINA VICTORIA L	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	316 BOWLEYS QUARTERS RD BALTIMORE MD 21220-	Deed Reference: /31512/ 00231
Location & Structure Information		
Premises Address:	316 BOWLEYS QUARTERS RD BALTIMORE 21220-0000	Legal Description: PT LT 13 EDWARDS LN EDWARDS PLAT
Map:	Grid:	Parcel:
0091	0009	0085
Sub District:	Subdivision:	Section:
	0000	
Block:	Lot:	Assessment Year:
		2015
Plat No:	Plat Ref:	0008/0050
Special Tax Areas:	Town:	NONE
Ad Valorem:	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
2009	1,828 SF	
Property Land Area	County Use	
1.7700 AC	04	
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	2 full/ 1 half	1 Attached
Last Major Renovation		
Value Information		
Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2014
Land: 139,700	139,700	
Improvements: 168,000	209,300	
Total: 307,700	349,000	307,700
Preferential Land: 0		321,467
		0
Transfer Information		
Seller: GREAT OAK HOMES INC	Date: 12/19/2011	Price: \$320,000
Type: ARMS LENGTH IMPROVED	Deed1: /31512/ 00231	Deed2:
Seller: LAHR HAROLD J	Date: 08/07/2007	Price: \$120,000
Type: ARMS LENGTH VACANT	Deed1: /26009/ 00195	Deed2:
Seller: WOODCREST BUILDERS INC	Date: 04/01/2005	Price: \$175,000
Type: ARMS LENGTH VACANT	Deed1: /21644/ 00636	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2014
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 02/24/2012		

1. This screen allows you to search the Real Property database and display property records.
2. Click [here](#) for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

2015-0157-A

Zoning Dept.

Property - Jose Pina 316 Bowleys Quarters Rd.
410-967-6477

Case # - 2015-0157-A

Fax - 410-887-3468

RECEIVED

FEB 26 2015

OFFICE OF ADMINISTRATIVE HEARINGS



Rear of 316 Bowleys Quarters Rd

6'3" space between
Garage and property line

Property line



2015-0157-A

Rear of 316 Bowleys Quarters Rd

6'3" space between
Garage and property line

Property line



2015-0157-A



KEVIN KAMENETZ
County Executive

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

February 23, 2015

Jose Pina
316 Bowleys Quarters Road
Baltimore MD 21220

RE: Case Number: 2015-0157 A, Address: 316 Bowleys Quarters Road

Dear Mr. Pina:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 26, 2015. 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: jaw

Enclosures

c: People's Counsel

Lawrence J. Hogan, Jr., Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Acting Secretary
Melinda B. Peters, Administrator

Date: 2/2/15

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

RE: Baltimore County
Item No. 2015-0157-A
Administrative Variance
Jose Pina
316 Bowley Quarters Road.

Dear Ms. Lewis:

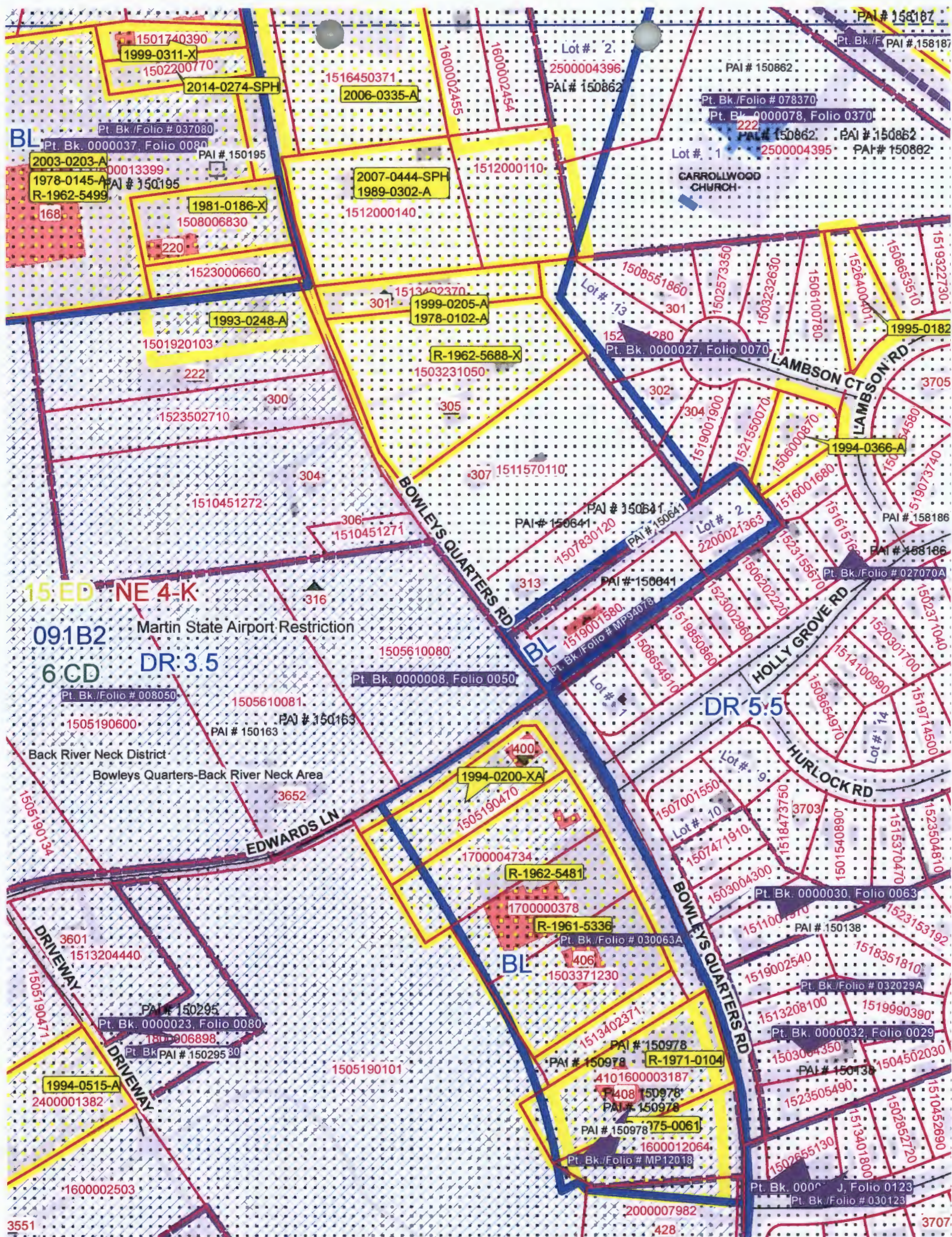
Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2015-0157-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz



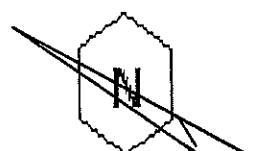
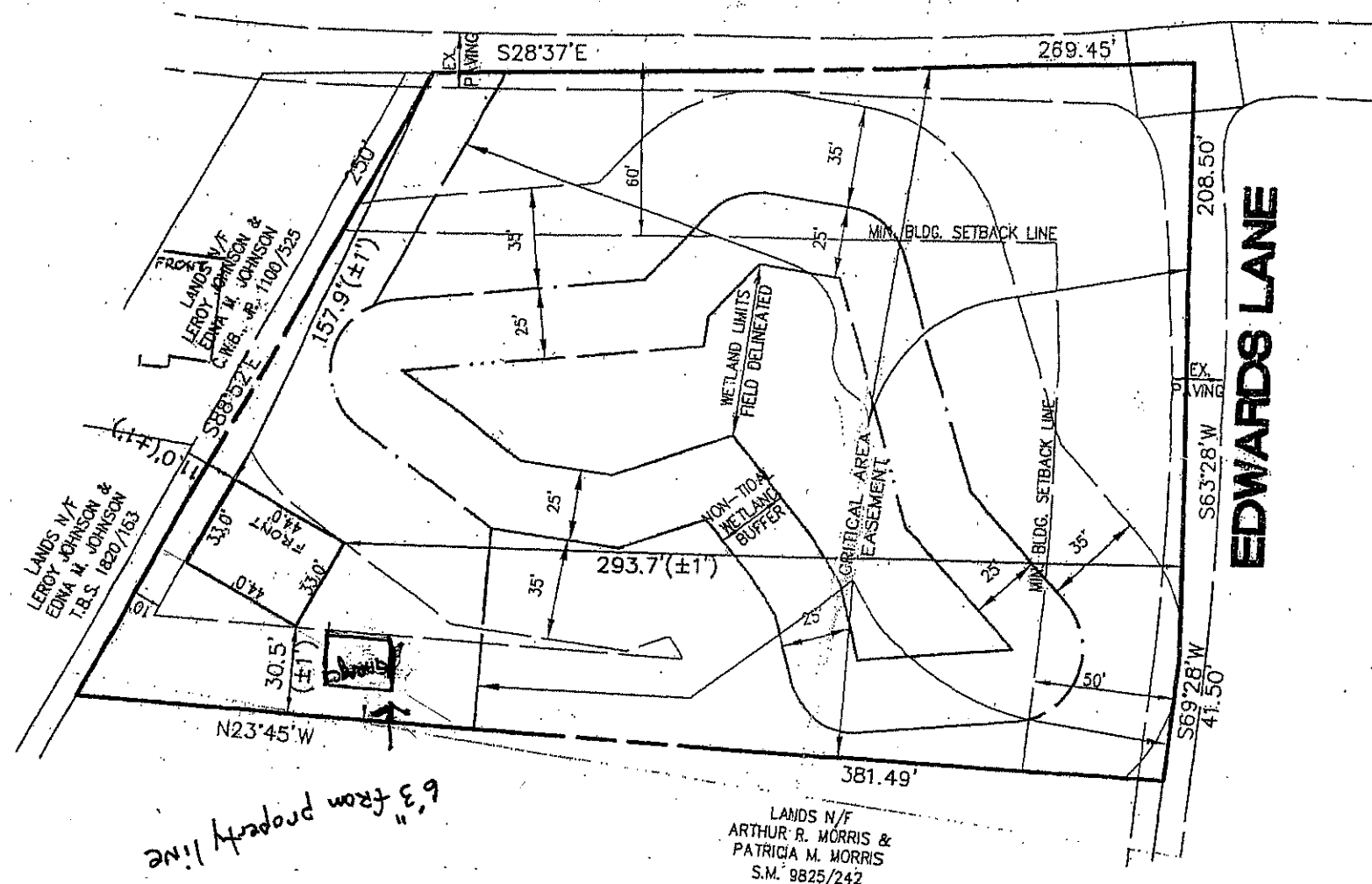
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)

ADDRESS 316 BOWLEYS QUARTERS RD OWNER(S) NAME(S) Jose Pina

SUBDIVISION NAME Edward Plat LOT# — BLOCK# — SECTION# —

PLAT BOOK # 0008 FOLIO # 50 10 DIGIT TAX # 1505610080 DEED REF. # 31512/00231

BOWLEY'S QUARTERS ROAD

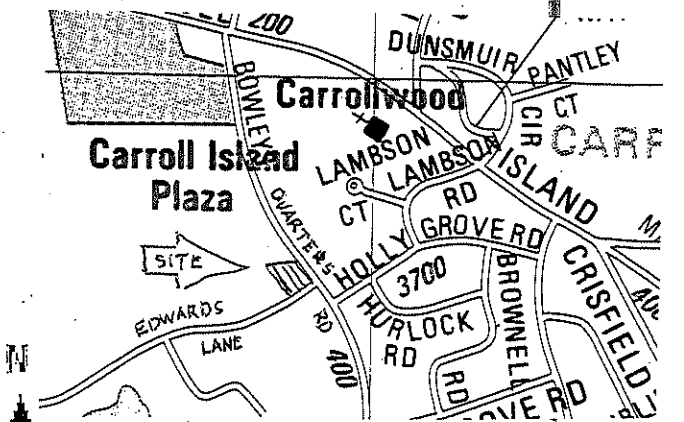


PLAN DRAWN BY _____

DATE _____

SCALE: 1 INCH = 60 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 09182

SITE ZONED DR 3.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE 1.77 ac

OR SQUARE FEET _____

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? _____

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

NO

VIOLATION CASE INFO:

NO

2015-0157-A

Pet-
each
1