IN RE: PETITION FOR ADMIN. VARIANCE

(1317 Fuselage Avenue)

15th Election District 6th Council District Salvador Sanchez Petitioner **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

* BALTIMORE COUNTY

CASE NO. 2015-0243-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, Salvador Sanchez. The Petitioner is requesting Variance relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard addition with a rear set back of 13 ft. and a side set back of 6 ft. in lieu of the required 15 ft. and 7 ft., respectively. 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 June 21, 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 welfare of the public and should therefore be granted. In the opinion of the Administrative Law ORDER RECEIVED FOR FILING

Date	7-8-15	
Ву	(W)	

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.

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>8th</u> day of **July**, **2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard addition with a rear set back of 13 ft. and a side set back of 6 ft. in lieu of the required 15 ft. and 7 ft., respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 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.

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	7-8-15	2
Bv		



ADI STRATIVE ZONING PERSON

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE OPECIAL 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: Currently zoned D R 5-5

10 Digit Tax Account # 1 5 0 2 6 5 1 6 Address 1317 Fusela 6e Ave Deed Reference 24 607 10021 Sanchez Owner(s) Printed Name(s) Salva dor (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) BCZR: 1B01.2.C.1.b → To permit a rear yard addition with a rear set back of 13 feet and a side set back of 6 feet in lieu of the required 15 feet and 7 feet, respectively. 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): Name #2 - Type or Print Signature #1 Signature # 2 Timore, M 1317 - Fusek Attorney for Owner(s)/Petitioner(s): Representative to be contacted: ORDER RECEIVED FOR FILING Name- Type or Print Name - Type or Print Signature Signature State Mailing Address Mailing Addre State Zip Code Email Address Zip Code Email Address Telephone # A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore that the subject matter of this petition be set for a public hearing, advertised, and re-posted as County, this day of required by the zoning regulations of Baltimore County. Administrative Law Judge for Baltimore County Estimated Posting Date

Affidavit in Support 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: 1317 Fuselage Ave B	altimore mD	21220
Print or Type Address of property	City State	Zip Code
Based upon personal knowledge, the following a Administrative Variance at the above address. (C		
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and Despettly need Repairs	,	
(If additional space for the petition request or the all	oove statement is needed, label and attach	it to this Form)
Signature of Owner (Affiant)	Signature of Owner (Affiant)	
Salvador Sanchez	• •	
Name- Print or Type	Name- Print or Type	
The following information is to be completed	ted by a Notary Public of the State of Mary	land
STATE OF MARYLAND, COUNTY OF BALTIMO	DRE, to wit:	
I HEREBY CERTIFY, this day of and for the County aforesaid, personally appeared:		of Maryland, in
Print name(s) here: Salvador San	cher	1
the Affiant(s) herein, personally known or satisfactorily	identified to me as such Affiant(s).	.)
AS WITNESS my hand and Notaries Seal		V

JENNIFER M. ASTASAUSKAS

Notary Public
Baltimore County
Maryland
My Commission Expires Aug. 11, 2018

My Commission Expires

REV. 5/8/2014

Property Description 1317 Fuselage Avenue

Beginning at a point on the north side of Fuselage Ave (60' wide) which is 285 feet west of the centerline of the intersection with Right Wing Drive (50' wide).

Being lot # 91, Section # 1 in the subdivision of Aero Acres as recorded in the Baltimore County Plat Book # 13, Folio # 134 containing 5000 square feet. Located in the 15th Election District and 6th Council District.

2015-0243-4

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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: 2015-0243-4
Petitioner: SAWASOR SANCHEZ
Address or Location: 1317 FUSEWIGE AVE
PLEASE FORWARD ADVERTISING BILL TO:
Name: SALVABOR SANCHEZ
Address: 1317 FUSELAGE AVE
ESSEX, MD 21270
Telephone Number: 443-993-2835

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0743 -A Address 1317 FUNELAGE AVE.
Contact Person: JASON SEIDEMAN Phone Number: 410-887-3391 Planner, Please Print Your Name Posting Date: 6 21 15 Closing Date: 76 15
Planner, Please Print Your Name
Filing Date: 5 5 15 Posting Date: 6 21 15 Closing Date: 76 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.
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- 0743 -A Address 1317 FUSELAGE AVE
Petitioner's Name SANCMGZ Telephone 443-998-35
Posting Date: 6 2115 Closing Date: 7615
Wording for Sign: To Permit A REAR YARD ADDITION WITH A REAR SET BACK
OF 13 FEET AND A SIDE SET BACK OF 6 FEET IN LIEU OF THE
REQUIRED 15 FEET AND 7 FEET, RESPECTIVELY.
Revised 7/18/14



	RE: Case No.:	2015-0243-A
	Petitioner/Developer:	
		Sanchez
	Date of Hearing/Closing:	July 6, 2015
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 Attn: Kristen Lewis: Ladies and Gentlemen: This letter is to certify under the penalties of posted conspicuously on the property locate		uired by law were
1317 Fuselage Ave		
	June 21, 2015	e =
The sign(s) were posted on	(Month, Day, Year)	
m traction	Sincerely,	June 21, 2015
ZONING NOTICE	(Signature of Sign Poster) SSG Robert Blace	(Date)
ADMINISTRATIVE VARIANCE	(Print Name)	
CASE # 2015-0243-A To Permit a rear yard addition with a	1508 Leslie Road	1
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HARDIC APPER AS CHARGES	(410) 282-7940	
	(Telephone Number	er)

MEMORANDUM

TO:

Kristen Lewis

Office of Zoning Review

FROM:

Debbie Wiley

Office of Administrative Hearings

DATE:

June 9, 2015

SUBJECT:

Case Nos. 2015-0243-A - 1317 Fuselage Ave.

Administrative Variance - Closing Date: June 1, 2015

I spoke to the Petitioner (Salvador Sanchez) this morning, and he's indicated 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:

August 10, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0243-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 7, 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- 0243-A	(
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Baltimore County

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

District: 15 Account Number: 1502651600



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/)

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BALTIMORE COUNTY, MARYLAND

RECEIVED

Inter-Office Correspondence

MAY 2 9 2015

OFFICE OF ADMINISTRATIVE HEARINGS



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

Jeff Livingston, Department of Environmental Protection and

Sustainability (EPS) - Development Coordination

DATE:

May 29, 2015

SUBJECT:

DEPS Comment for Zoning Item

2015-0243-A

Address

1317 Fuselage Avenue

(Sanchez Property)

Zoning Advisory Committee Meeting of May 11, 2015.

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

Reviewer: Jeff Livingston

Jeff Livingston – Development Coordination



KEVIN KAMENETZ County Executive

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

June 2, 2015

Salvador Sanchez 1317 Fuselage Avenue Baltimore MD 21220

RE: Case Number: 2015-0243 A, Address: 1317 Fuselage Avenue

Dear Mr. Sanchez:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 5, 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,

U. Cal Ribal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Inc losures

c: People's Counsel

Larry Hogan, Governor Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary

Date: 5/14/15

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

RE: Baltimore County

Item No 2015-0243-A-Administrative Varione Salvador Souchez

Salvador Souchez 1317 Friselage Avenue

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 -0243-4

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,

Brian Romanowski, Chief Access Management Division

BR/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: May 13, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For May 18, 2015

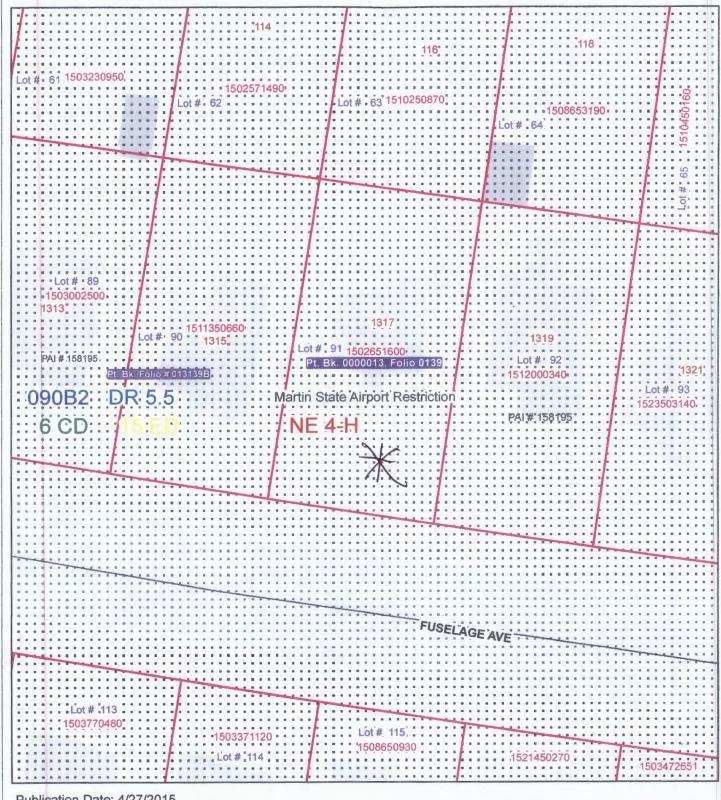
Item No. 2015-0241, 0242 and 0243

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

DAK:CEN cc:file

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1317 Fuselage Avenue



Publication Date: 4/27/2015

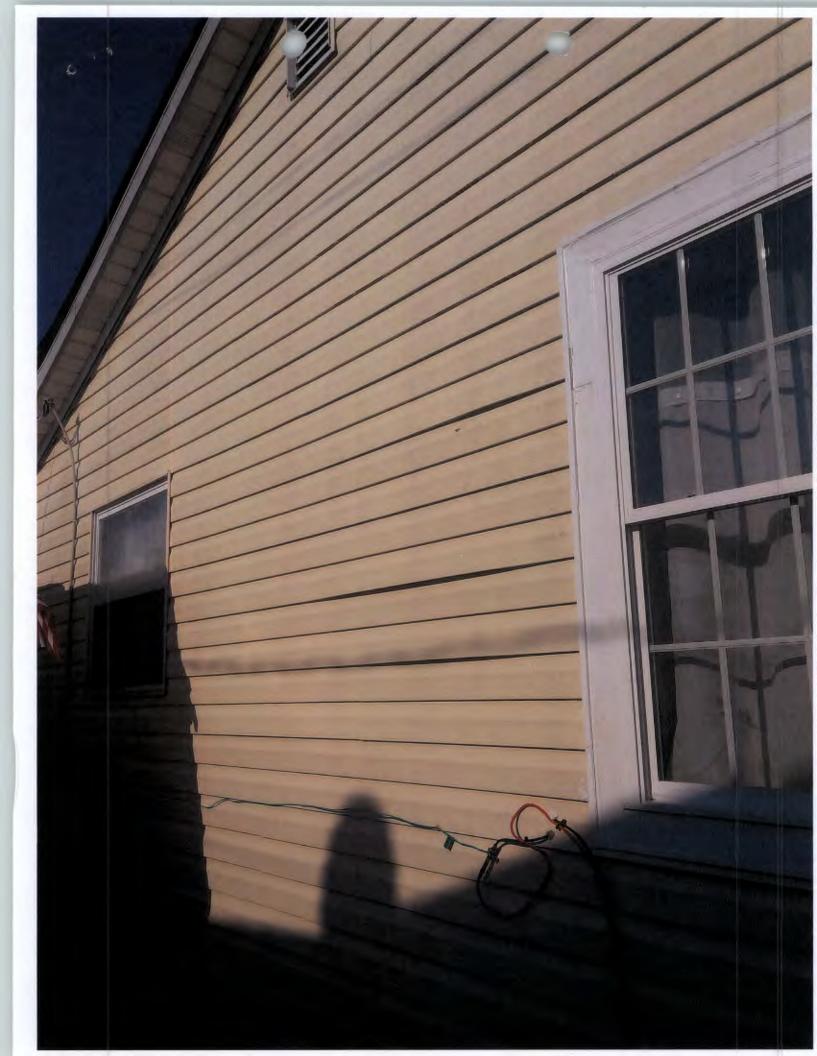


Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot



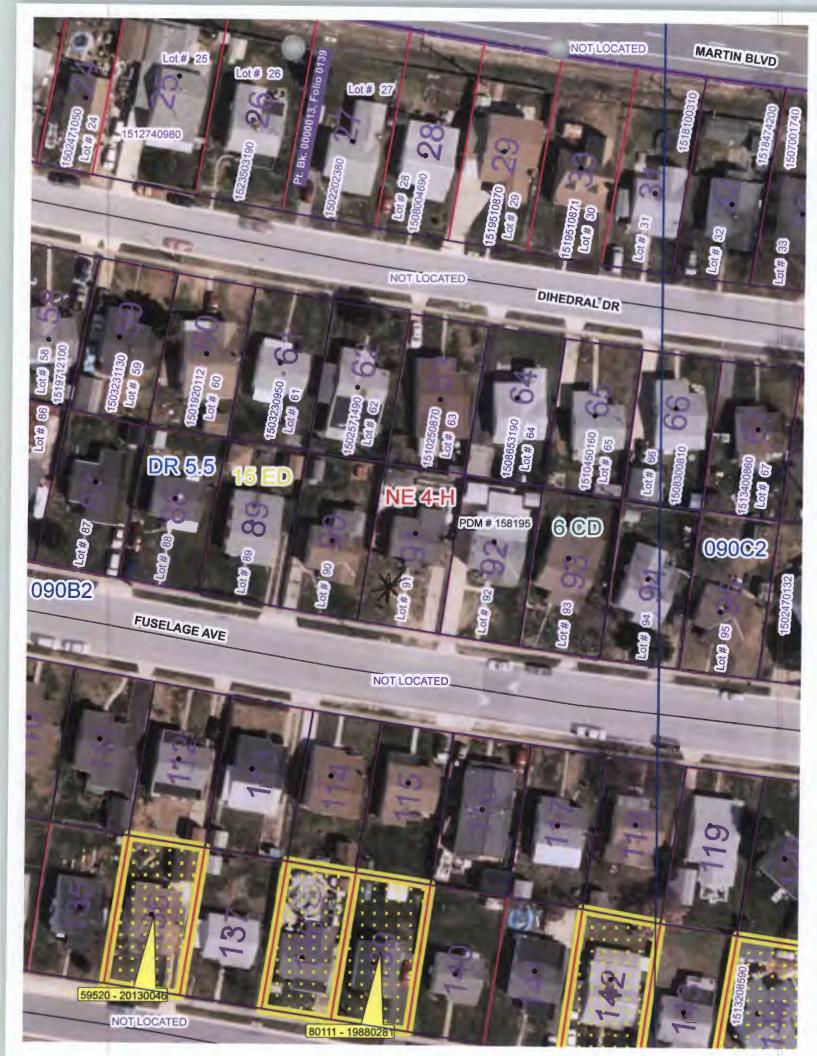


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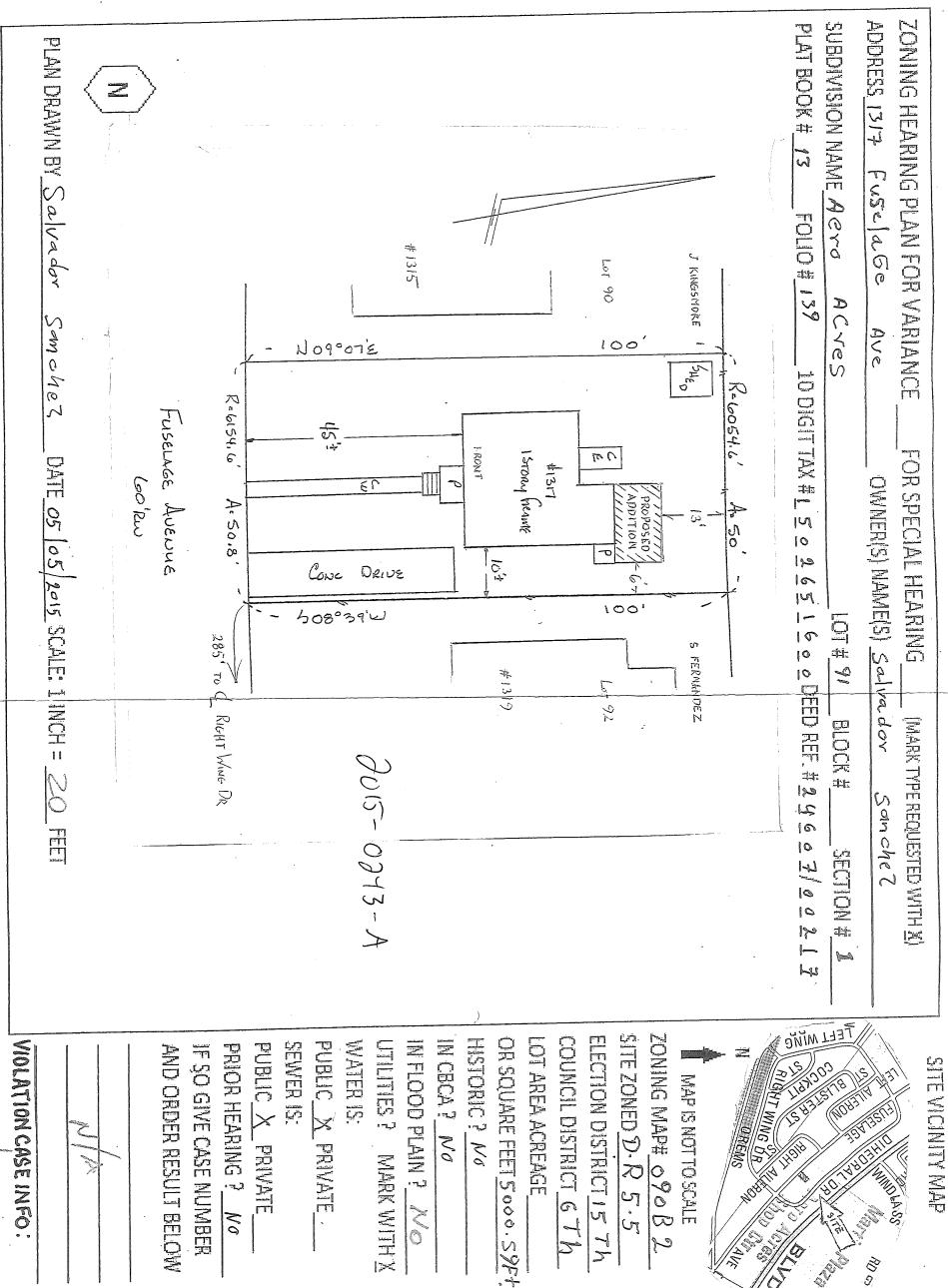


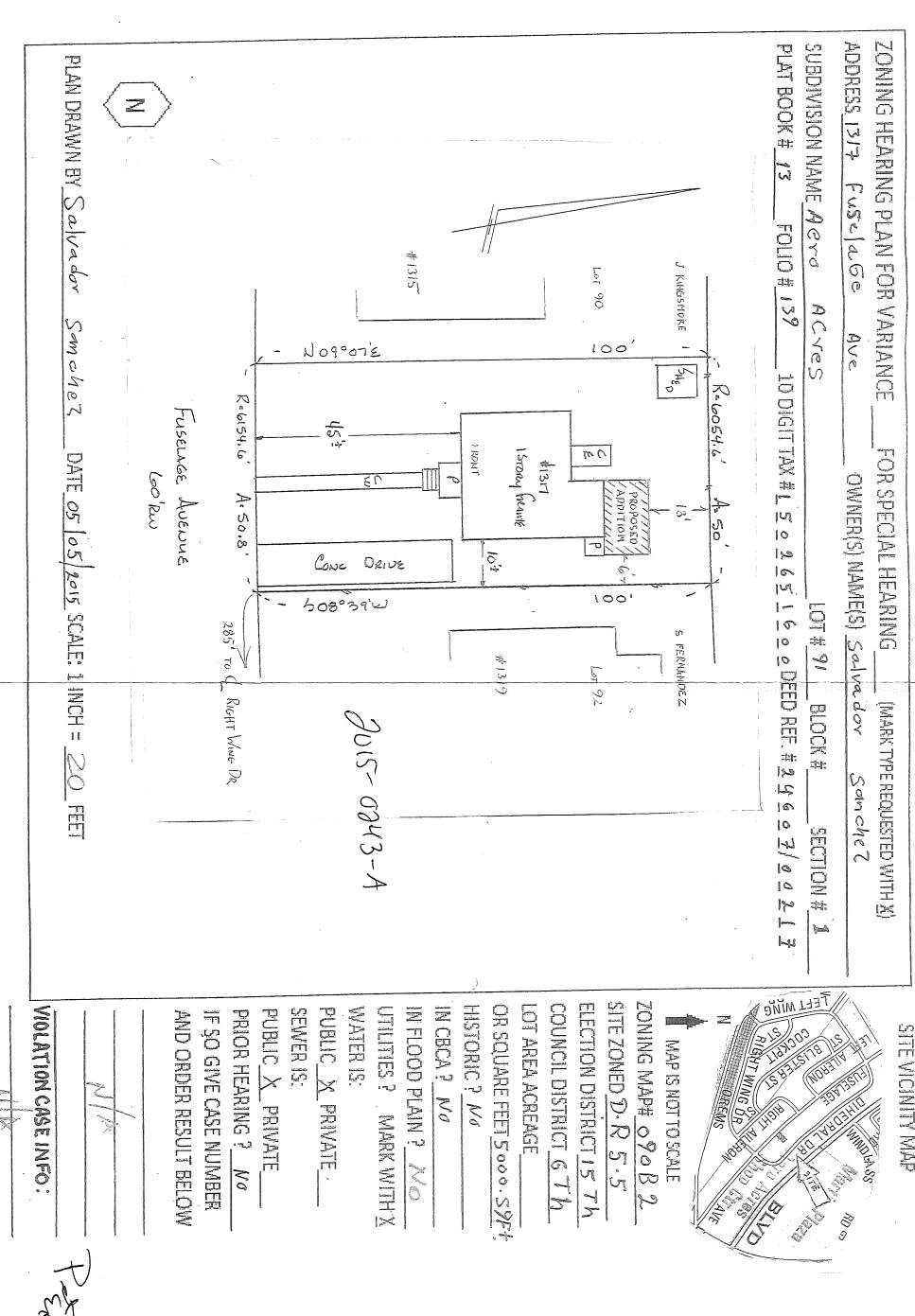






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