

M E M O R A N D U M

DATE: May 5, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0136-A- Appeal Period Expired

The appeal period for the above-referenced case expired on May 2, 2016. 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



KEVIN KAMENETZ
County Executive

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

April 4, 2016

Heather Wirth
Samuel Bogucki
18916 York Road
Parkton, Maryland 21120

RE: Petition for Variance
Case No. 2016-0136-A
Property: 404 & 406 E. Pennsylvania Avenue

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 County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the 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:sln
Enclosure

IN RE: PETITION FOR VARIANCE
(404/406 E. Pennsylvania Avenue)

9th Election District

5th Council District

Heather Wirth & Samuel Bogucki

Legal Owners

Petitioners

*

*

*

*

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0136-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 Heather Wirth & Samuel Bogucki, legal owners of the subject property ("Petitioners"). Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed open projection (deck) to have a rear yard setback of 23 feet in lieu of the allowed 37.5 feet. A site plan was marked as Petitioners' Exhibit 1.

Heather Wirth and Samuel Bogucki appeared in support of the Petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the B.C.Z.R. No substantive Zoning Advisory Committee (ZAC) comments were received.

The subject property is approximately 4,845 square feet and is zoned DR 10.5. The property is improved with a dwelling that was determined in Case No. 2013-0141-SPH to be a lawful nonconforming "multi-family" (semi-detached) structure. It contains two separate living units.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical

ORDER RECEIVED FOR FILING
Date 4/4/16

By Den

difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

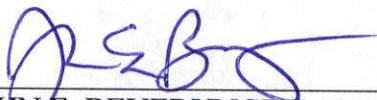
Petitioners have met this test. The property is unique given the presence of the nonconforming structure, which was built in 1903. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed open projection (deck). Finally, 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 Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 4th day of April, **2016**, 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.") to permit a proposed open projection (deck) to have a rear yard setback of 23 feet in lieu of the allowed 37.5 feet, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners 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/sln

ORDER RECEIVED FOR FILING

Date

4/4/16

By

sln



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 404/406 E. Pennsylvania Avenue Currently zoned DR 10.5
 Deed Reference 33670100068 10 Digit Tax Account # 09 02955410 ✓
 Owner(s) Printed Name(s) Heather Wirth, Stephen Bogucki, Samuel Bogucki

(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:

1. X ADMINISTRATIVE VARIANCE from Section(s)

Sections 1B02.3.C.1 and 301.1.A – to permit a proposed open projection (deck) to have a rear yard setback of 23 feet in lieu of the allowed 37½ feet.

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

2. _____ 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):

Heather Wirth , Samuel Bogucki
 Name #1 – Type or Print Name #2 – Type or Print

Heather Wirth , Samuel Bogucki
 Signature #1 Signature #2

18916 York Road Parkton MD
 Mailing Address City State

21120 , 4102925835 , heatherwirth
 Zip Code Telephone # Email Address @comcast.net

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 Date City State

Zip Code By 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 2016-0136-A Filing Date 11/30/15 Estimated Posting Date 12/23/15 Reviewer RJD

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: 404/406 E. Pennsylvania Avenue Towson MD 21286
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)

See attached

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

Heather Wirth
Signature of Owner (Affiant)

Heather Wirth
Name- Print or Type

Samuel Bogucki
Signature of Owner (Affiant)

Samuel Bogucki
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 23rd day of Nov, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Heather Wirth and Samuel Bogucki

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

AS WITNESS, my hand and Notaries Seal



Pamela Almon
Notary Public
6/29/18
My Commission Expires

Attachment for Administrative Zoning Petition
404/406 E. Pennsylvania Avenue, Towson MD 21286

This is a request to be relieved of the 50' rear set back requirement on a property located in a DR10.5 zone. The subject residence was built in 1903 as a two family dwelling on one lot. The structure is unusual in this regard. To your Petitioner's knowledge, there are no similar structures in the immediate neighborhood.

Nothing about the structure conforms to current regulations for DR10.5. The rear yard is only 35' deep. Petitioner desires to erect an open wood deck on the rear of the residence to allow egress for the kitchen doors of both dwellings. Deck to be of roughly minimum size to be practically useful for egress and for allowing enjoyment of the backyard, which is somewhat sloped, for outdoor recreation, grilling and dining. The proposed deck will be approximately 27' from the rear property line instead of the required 50' (see photo #1).

At this time, there is a practical difficulty in the use of the property in that there is no egress from the kitchen doors, which are several feet higher than grade and effectively stranded (see photo #2). Currently there is egress only from the front doors of the dwelling and from a door from an unfinished basement in Unit #406. There is no easy access to the backyard.

The requested relief will not cause injury to the public health, safety, or general welfare (see photo #3 & #4) and in fact will increase the safety and utility of the subject property.

Item #0138

ZONING PROPERTY DESCRIPTION FOR 404 & 406 E. Pennsylvania Avenue, Towson, MD 21286

Beginning at a point on the south side of Pennsylvania Avenue (40" R/W), 119 feet more or less east of the centerline of Fairmount Avenue.

Thence binding on the south side of Pennsylvania Avenue,

- (1) South 72 degrees 00 minutes 00 seconds East 50.0 feet, thence leaving Pennsylvania Avenue,**
- (2) South 20 degrees 00 minutes 00 seconds West 97.0 feet, thence,**
- (3) North 72 degrees 00 minutes 00 seconds West 50.0 feet, thence,**
- (4) North 20 degrees 00 minutes 00 seconds East 97.0 feet, to the place of beginning.**

As recorded in Deed Liber 33670, folio 00068, containing 4845 sq. ft. Located in the 9th Election District and 5th Council District.

Item #0136

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: December 29, 2015

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 – 12/28/15 Closing Date
Case No. 2016-0136-A – 404/406 E. Pennsylvania Avenue

After a review of the above-captioned case file as well as prior Case No. 2013-0141-SPH, I am requesting that this case be set in for a public hearing. In addition, per SDAT, Petitioners are listed at 404-406 E. Pennsylvania Avenue as well as 18916 York Road as both their principal residences.

Baltimore County Code (B.C.C.) § 32-3-303(a)(1), states in pertinent part:

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

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

Thank you for your attention and cooperation in this matter.

c: Office of People's Counsel
 Robert D. Duvall, Office of Zoning Review

Return
to:
1/8
Samuel Bogucki
404-406 East Pennsylvania Ave
Towson, MD 21286

0033670 068

Lakeside Title Company
File No. MD5925
Tax ID # 09-02-955410

This Deed, made this 01st day of May, 2013, by and between Luz Elena Ampudia-Kordell and Elizabeth F. Kordell, GRANTOR(S), and Heather L. Wirth, Stephen A. Bogucki and Samuel B. Bogucki, GRANTEE(S).

- Witnesseth -

That for and in consideration of the sum of Two Hundred Nineteen Thousand Dollars and No Cents (\$219,000.00), the receipt whereof is hereby acknowledged, the said Grantor(s) do grant and convey to the said Heather L. Wirth and Stephen A. Bogucki and Samuel B. Bogucki, as joint tenants unto the survivor of them, their heirs and assigns in fee simple, all that lot of ground situate in the State of Maryland, County of Baltimore and described as follows, that is to say:

BEGINNING FOR THE SAME on the south side of Pennsylvania Avenue at the distance of 75 feet reversed on the third or North 72deg. West 150 line of that parcel of land firstly described which by Deed dated November 18, 1940 and recorded among the Land Records of Baltimore County in Liber No. CWB Jr. No. 1134, folio 279, etc. was conveyed by Marian D. Davis, single to Pauline Johnson, Emma C. Johnson and Richard H. Johnson, as joint tenants and not as tenants in common, running thence binding on said line reversely and on the south side of Pennsylvania Avenue South 72deg. East 75 feet to the westernmost side of an alley there situate ten feet wide; running thence binding on the westernmost side of said alley, ten feet wide with the use in common with others entitled thereto, South 20deg. West 97 feet; running thence reversely binding on the first or South 72deg. East 150 feet line of the aforesaid land North 72deg. West 75 feet to a point South 72deg. East 75 feet for the beginning on said line running thence for a line of division parallel with the east side of Fairmont Avenue North 20deg. East 97 feet to the place of beginning, containing 0.167 of an acre of land, more or less.

SAVING AND EXCEPTING therefrom however all that lot or parcel of ground which by Deed dated March 2, 1968 and recorded among the Land Records of Baltimore County in Liber OTG No. 4853, folio 635, was granted and conveyed by Catherine Johnson Byer, widow, unto Calvin J. Davenport and Dorothy M. Davenport, his wife.

BEING that property, which by Special Warranty Deed dated June 9, 2000, and recorded among the Land Records of Baltimore County in Liber 14532, folio 202, was granted and conveyed by W. Donald Hooper, Sr. by Charles Joseph

Lakeside Title Company

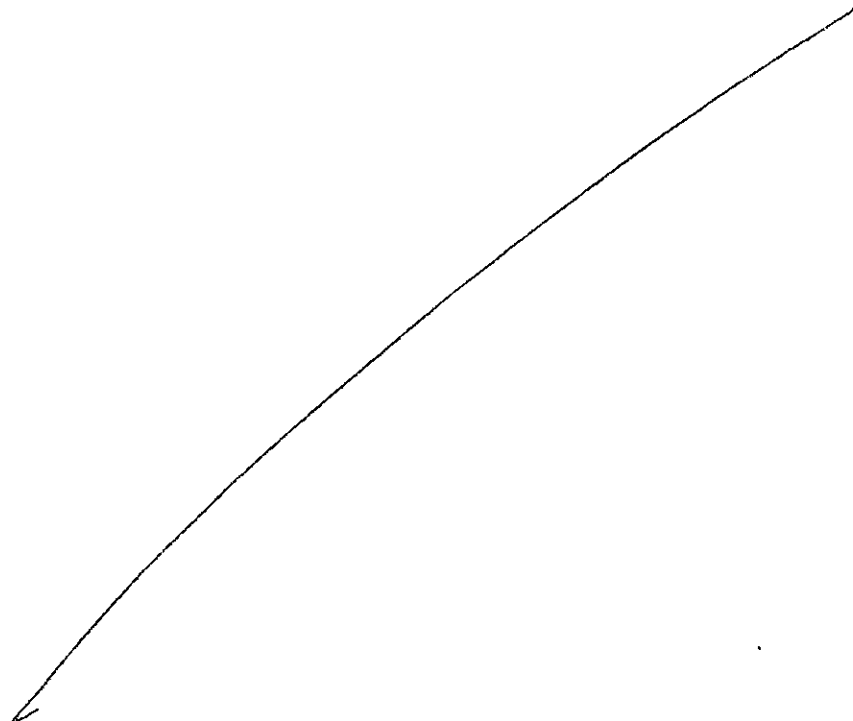
File No. MD5925

Tax ID # 09-02-955410

LoBianco, his attorney-in-fact and David S. Gans, Jr., unto Luz Elena Ampudia-Kordell and Elizabeth F. Kordell.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Heather L. Wirth and Stephen A. Bogucki and Samuel B. Bogucki as joint tenants unto the survivor of them, their heirs and assigns in fee simple.



Lakeside Title Company

File No. MD5925

Tax ID # 09-02-955410

And the Grantor(s) hereby covenant(s) that he/she/they have not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that he/she/they will warrant specially the property hereby granted; and that he/she/they will execute such further assurances of the same as may be requisite.

As Witness the hand(s) and seal(s) of said Grantor(s), the day and year first above written.

Witness

Luz Elena Ampudia-Kordell (SEAL)
Luz Elena Ampudia-Kordell

Elizabeth F. Kordell (SEAL)
Elizabeth F. Kordell

State of Maryland, County of Baltimore

I hereby certify that on this 04 day of May, 2013, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Luz Elena Ampudia-Kordell and Elizabeth F. Kordell, the Grantor(s) herein, known to me (or satisfactorily proven) to be the person(s) whose name(s) are subscribed to the within instrument, and acknowledged the same for the purposes therein contained, and further acknowledged the foregoing Deed to be their act, and in my presence signed and sealed the same, giving oath under penalties of perjury that the consideration recited herein is correct.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

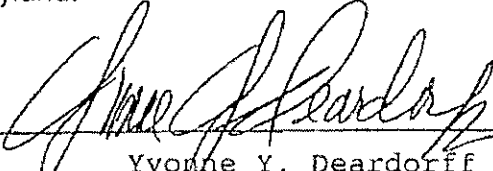
MARTIN V. WILLIAMS, JR.
NOTARY PUBLIC
HOWARD COUNTY
STATE OF MARYLAND
My commission expires 1/30/2015

[Signature]
Notary Public
My commission expires 01/30/2015

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an Attorney duly admitted to practice before the Court of Appeals of Maryland.

See Attached Signature
Attorney

THIS IS TO CERTIFY that the within Deed was prepared by, or under the supervision of the undersigned, an attorney duly admitted to practice before the Court of Appeals of Maryland.



Attorney Yvonne Y. Deardorff

**AFFIDAVIT OF GRANTEE AS
FIRST-TIME MARYLAND HOME BUYER**

The undersigned each state under oath and penalties of perjury that the following is true to the best of the knowledge, information, and belief of each individual:

1. Each of the undersigned is a Grantee of residentially improved real property located at 404-406 East Pennsylvania Avenue, Towson, MD 21286, and being more particularly described as Metes and Bounds
Baltimore County, Tax Id. No. 09-02-955410].

2. Each of the undersigned is a first-time Maryland home buyer (defined as an individual who has never owned in the state residential real property that has been the individual's principal place of residence) who will occupy the property as Grantee's principal residence.

Samuel Bogucki
Samuel Bogucki, Grantee

The undersigned each state under oath and penalties of perjury that the following is true to the best of the knowledge, information, and belief of each individual:

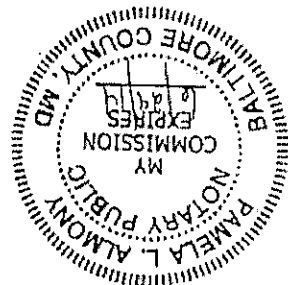
1. Each of the undersigned is a Grantee of residentially improved real property located at 404-406 East Pennsylvania Avenue, Towson, MD 21286, and being more particularly described as Metes and Bounds, Tax ID Number 09-02-955410, Baltimore, MD.

2. Each of the undersigned is a co-maker or guarantor of the purchase money mortgage or purchase money deed of trust as defined in §12-108(i) of the Tax Property Article on the property who will not occupy the property as Grantee's principal residence.

Heather L. Wirth
Heather L. Wirth Grantor/Co-Maker

Stephen A. Bogucki
Stephen A. Bogucki Grantor/Co-Maker

The above oath or affirmation was given under the penalties of perjury before me, a Notary Public in and for the State of Maryland, County of Baltimore, this 10th day of May, 2013



Pamela L. Almony
Notary Public

My Commission Expires: 6/29/14

OMB No. 1545-0008 Department of the Treasury - Internal Revenue Service

d Control number	1 Wages, tips, other compensation	2 Federal income tax withheld
	1638.27	
This information is being furnished to the Internal Revenue Service. If you are required to file a tax return, a negligence penalty or other sanction may be imposed on you if this income is taxable and you fail to report it.	3 Social security wages	4 Social security tax withheld
	1289.99	
	5 Medicare wages and tips	6 Medicare tax withheld
	301.69	

c Employer's name, address, and ZIP code
NAI SATURN EASTERN LLC
P O BOX 52131
PHOENIX, AZ 85072-2131

OMB No. 1545-0008 Department of the Treasury - Internal Revenue Service

d Control number	1 Wages, tips, other compensation	2 Federal income tax withheld
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NAI SATURN EASTERN LLC
P O BOX 52131
PHOENIX, AZ 85072-2131

7 Social security tips	8 Allocated tips	12a See instructions for box 12
10 Dependent care benefits	11 Nonqualified plans	12b
12c	12d	12e
b Employer identification number (EIN) 36-4793024		a Employee's social security number -9883
13 Statutory employee	Retirement plan	14 Other
☐	☐	☐

e/f Employee's name, address, and ZIP code

SAMUEL BURNS BOGUCKI
404 E PENNSYLVANIA AVE
TOWSON, MD 21286-5408

7 Social security tips	8 Allocated tips	12a
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e/f Employee's name, address, and ZIP code

SAMUEL BURNS BOGUCKI
404 E PENNSYLVANIA AVE
TOWSON, MD 21286-5408

Form **W-2** Import Code: FGR4C3ZM

15 State	Employer's state ID number	16 State wages, tips, etc.
MD	364793024	1638.27
17 State income tax		18 Local wages, tips, etc.
1091.55		
19 Local income tax		20 Locality name

Wage and Tax Statement
2015

Copy C - For EMPLOYEE'S RECORDS (See Notice to Employee on the back of Copy 2.)

Form **W-2** Import Code: FGR4C3ZM

15 State	Employer's state ID number	16 State wages, tips, etc.
MD	364793024	1638.27
17 State income tax		18 Local wages, tips, etc.
1091.55		
19 Local income tax		20 Locality name

Wage and Tax Statement
2015

Copy 2 - To Be Filed With Employee's State, City, or Local Income Tax Return.

OMB No. 1545-0008 Department of the Treasury - Internal Revenue Service

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This information is being furnished to the Internal Revenue Service	3 Social security wages	4 Social security tax withheld
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PHOENIX, AZ 85072-2131

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c Employer's name, address, and ZIP code
NAI SATURN EASTERN LLC
P O BOX 52131
PHOENIX, AZ 85072-2131

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b Employer identification number (EIN) 36-4793024		a Employee's social security number 214-31-9883
13 Statutory employee	Retirement plan	14 Other
☐	☐	☐

e/f Employee's name, address, and ZIP code

SAMUEL BURNS BOGUCKI
404 E PENNSYLVANIA AVE
TOWSON, MD 21286-5408

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☐	☐	☐

e/f Employee's name, address, and ZIP code

SAMUEL BURNS BOGUCKI
404 E PENNSYLVANIA AVE
TOWSON, MD 21286-5408

Form **W-2** Import Code: FGR4C3ZM

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Wage and Tax Statement
2015

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17 State income tax		18 Local wages, tips, etc.
1091.55		
19 Local income tax		20 Locality name

Wage and Tax Statement
2015

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

December 09, 2015

Re:
Zoning Case No. 2016-0136-A
Petitioner: Heather Wirth
Date of Closing: December 28, 2015

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

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 located at **404 & 406 Pennsylvania Avenue**.

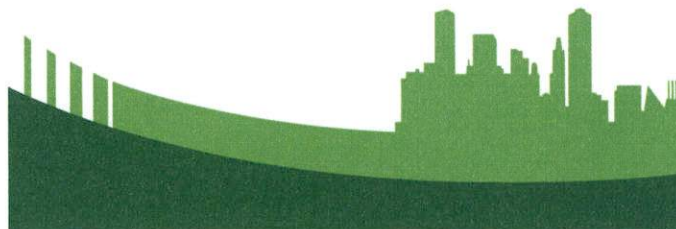
The sign was posted on **December 09, 2015**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2016-0136-A

404 - 406 East Pennsylvania Avenue

REQUEST: TO PERMIT A PROPOSED OPEN PROJECTION (DECK) TO HAVE A REAR YARD SETBACK OF 23 FEET IN LIEU OF THE MAXIMUM ALLOWED 37 1/2 FEET.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(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 DECEMBER 28, 2015.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W. CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3391



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0136 -A Address 404 + 406 E Pennsylvania Ave

Contact Person: David Duwall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/30/15 Posting Date: 12/13/15 Closing Date: 12/28/15

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 2016- 0136 -A Address 404-406 E Pennsylvania Ave

Petitioner's Name Heather Wirth Telephone 410 292 5835

Posting Date: 12/13/15 Closing Date: 12/28/15

Wording for Sign: To Permit a proposed open projection (dock) to have
a rear yard setback of 23 feet in lieu of the maximum
allowed 37 1/2 feet

Revised 7/21/15

IN RE: PETITION FOR SPECIAL HEARING *
(404 E. and 406 E. Pennsylvania Ave.) *
9th Election District *
5th Councilmanic District **
Luz Elena Ampudia-Kordell & *
Elizabeth Kordell *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2013-0141-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Hearing filed by J. Neil Lanzi, Esquire, on behalf of Luz Elena Ampudia-Kordell and Elizabeth Kordell, legal owners. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7, 104.1 and 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- (1) To allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing:
 - (a) A lot width of 50 ft. in lieu of the required 80 ft.;
 - (b) A lot area of 4,845 sq. ft. in lieu of the required 8,050 sq. ft.;
 - (c) A minimum side yard of 8 ft. in lieu of the required 15 ft. (interior lot); and
 - (d) A minimum sum of side yards of 20 ft. in lieu of the required 30 ft. (interior lot).
- (2) To allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing:
 - (a) A lot area of 4,845 sq. ft. in lieu of the required 6,000 sq. ft., and
 - (b) A minimum side yard of 8 ft. in lieu of the required 10 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.

Appearing at the public hearing held for this case were Sadie and Richard Goldring, Andrew Kulp, Anthony and Luz E. Ampudia-Kordell, Heather Wirth and Thomas J. Hoff, J. Neil Lanzi, Esquire appeared and represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no interested citizens in attendance in opposition to Petitioners request and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file; particularly that of the Department of Planning as follows:

"The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a non-conforming use provided, only two units are allowed. This condition shall be made part of any relief granted. Additionally, the Department of Planning does not oppose the requested variances for lot area, lot width and side yard setbacks.

Lastly, it has been confirmed via the community, that the site has been used as a semi-detached (multi-family) dwelling for many years."

Testimony and evidence revealed that the subject property is 5,845 sq. ft. and is zoned DR 10.5.

Counsel for Petitioners proffered the testimony of Thomas J. Huff, a certified landscape Architect, who has previously testified in approximately 40 to 50 cases concerning landscape and zoning matters. Mr. Huff was accepted as an expert in landscape architecture and zoning.

The witness has been to and is familiar with the subject site. He would introduce the Plat to Accompany the Petition for a Special Hearing (Petitioners Exhibit #1) and photographs of the site (Petitioners Exhibit #2). It is his testimony that the subject property is a multi-family location containing two residences; based upon his investigation, has been so used since 1943.

Mr. Huff then addressed himself to the issues contained in § 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), specifically that the Special Hearing request would not be

detrimental to the health, safety or general welfare of the locality involved, as this residence has existed without any difficulties since 1943; that it does not tend to create congestion in roads, streets or alleys therein, as it has not done so since its inception; that it does not create a potential hazard from fire, panic or other danger, since no additional construction will be made or any other such issues created; it would not tend to overcrowd land and cause undue concentration of population, since the two family residence will continue to be used as such if the Special Hearing is granted; that it would not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements, as there is no change in the use of the property at the present time than that which will be carried on if the Special Hearing is granted; that it will not interfere with adequate light and air, as the structure again will be unchanged from that which already exists; that it will not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations, for the same reason; that it will not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations, as no new construction or creation of impermeable surface will result from the granting of this Special Hearing; and will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains, as this property is located in a DR zone and not in an RC zone.

The witness would have concluded his testimony by rendering his expert opinion that the subject property is a non-conforming use, existing and being used as such, without interruption, since prior to the imposition of Baltimore County Zoning Regulations.

Andrew Kulp would have testified that he is a licensed architect in Maryland, employed by Curry Architect and that he had received his degree in architecture from Auburn University. His

C.V. was admitted as Petitioners Exhibit #3 and he was accepted as an expert in architecture. Counsel proffered on his behalf that the witness would testify that he has been to the subject property, both inside and out. Based on the original construction techniques and details utilized in that construction, he rendered his expert opinion that the subject structure was originally designed and constructed to be a two family residence. The printout regarding the subject structure, noting that the property was built in 1903, was admitted into evidence as Petitioners Exhibit #4.

Counsel then proffered the testimony of Tony Kordell, the husband of the Petitioner. He would testify that they purchased the subject site in 2002, at which time it had two separate family residences. It has remained so up to the present time and is being sold to the Contract Purchaser who will continue to use it as such.

An Affidavit dated November 27, 2012 (Petitioners Exhibit #5) was submitted on behalf of Sadie Goldring, stating that she was born and has lived in the immediate area of the subject property since that time, and is familiar with the subject property. She states therein that at least since 1953 the subject site has been used continuously and without interruption as two distinct family dwellings, up to and including the present time. An Affidavit dated November 27, 2012 (Petitioners Exhibit #6) was submitted on behalf of Richard Goldring, setting out that he is familiar with the subject property and has lived in the immediate area since 1940; and that the subject site has been used continuously and without interruption as two distinct family dwellings, up to and including the present time. A final Affidavit dated February 18, 2013 (Petitioners Exhibit #7) was submitted on behalf of Adelaide C. Bentley, who has lived in the immediate area of the subject property all of her life. She is familiar with the subject structure and states therein that since 1953 the subject site has been used continuously and without interruption as two distinct family dwellings, up to and including the present time.

Upon the conclusion of counsel's proffer on behalf of the Petitioners, each witness for whom a proffer was presented was sworn and each individually adopted the proffer made on their behalf.

Based on the uncontroverted testimony and documents presented, I am convinced that the subject property was originally constructed to contain two separate family residences; and has been utilized as such continuously and uninterruptedly since its construction (and by Affidavit at least since 1953). Further, I am convinced by Mr. Hoff's expert testimony that the Petitioners request satisfies the requirements of Baltimore County Zoning Regulations § 502.1.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing request should be GRANTED.

THEREFORE, IT IS ORDERED, this 27th day of February, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve:

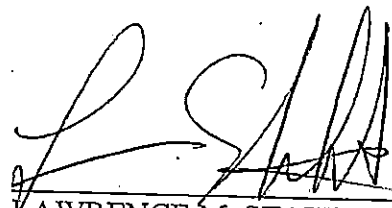
- (1) To allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing:
 - (a) A lot width of 50 ft. in lieu of the required 80 ft.;
 - (b) A lot area of 4,845 sq. ft. in lieu of the required 8,050 sq. ft.;
 - (c) A minimum side yard of 8' in lieu of the required 15' (interior lot); and
 - (d) A minimum sum of side yards of 20' in lieu of the required 30' (interior lot).
- (2) To allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing:
 - (a) A lot area of 4,845 sq. ft. in lieu of the required 6,000 sq. ft., and
 - (b) A minimum side yard of 8 ft. in lieu of the required 10 ft.

, be and is hereby **GRANTED**.

The relief granted herein shall be subject to and expressly conditioned upon 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, Petitioners would be required to return, and to be responsible for returning, said property to its original condition.
2. The granting of this Special Hearing confirms the non-conforming use and permits its continued use for two residential units only.

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


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS: sln

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0136 -A Address 404 + 406 E Pennsylvania Ave

Contact Person: David Duval Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/30/15 Posting Date: 12/13/15 Closing Date: 12/28/15

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

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2016- 0136 -A Address 404-406 E Pennsylvania Ave

Petitioner's Name Heather Wirth Telephone 410 292 5835

Posting Date: 12/13/15 Closing Date: 12/28/15

Wording for Sign: To Permit a proposed open projection (deck) to have
a rear yard setback of 23 feet in lieu of the maximum
allowed 37 1/2 feet

Revised 7/21/15

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/neighbor 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: 2016-0136-A

Petitioner: Heather Wirth

Address or Location: 404 + 406 E. Pennsylvania Avenue Towson MD 21286

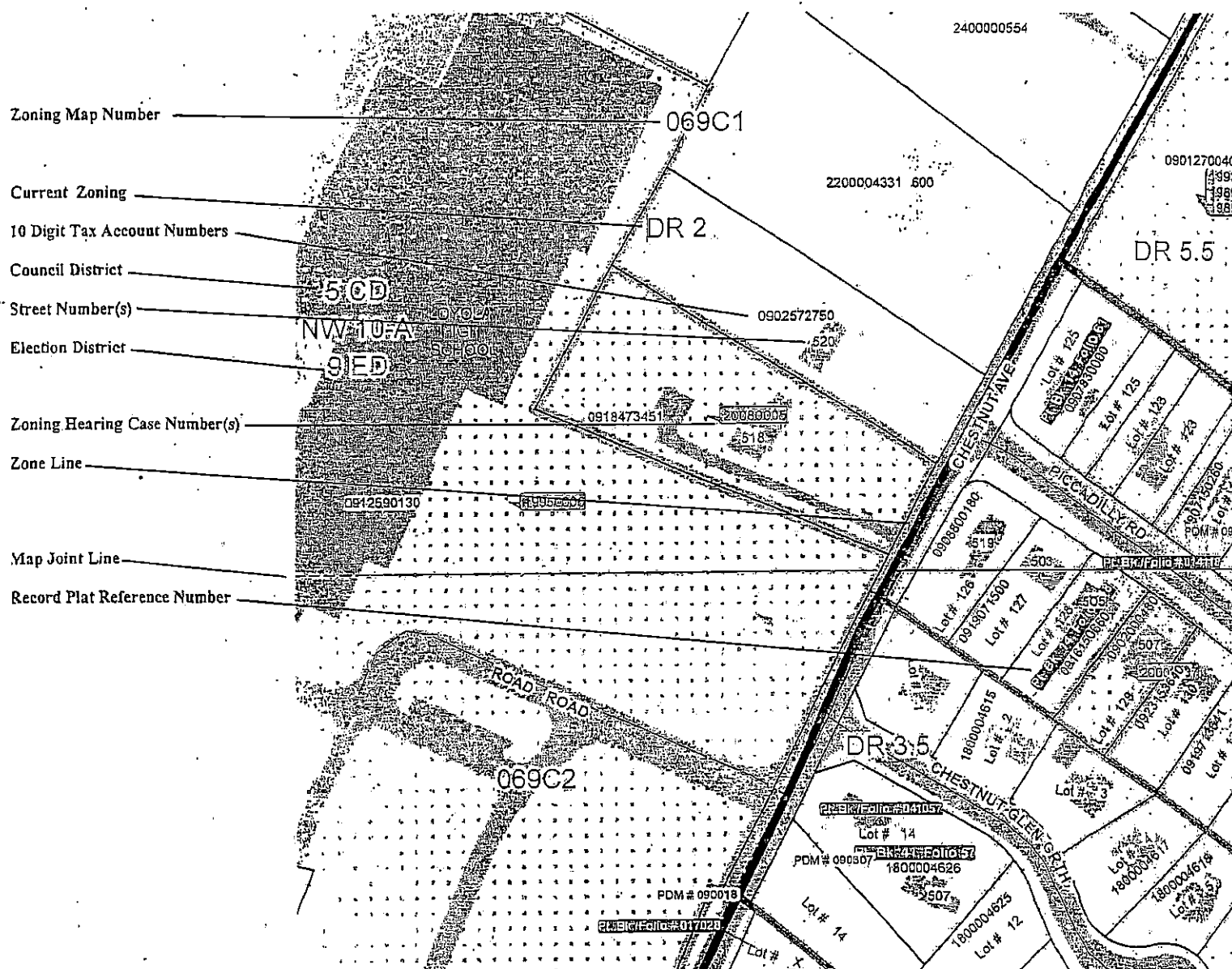
PLEASE FORWARD ADVERTISING BILL TO:

Name: Heather Wirth

Address: 18916 York Road
Parkton MD 21120

Telephone Number: 410-292-5835

AVAILABLE FROM THE ZONING REVIEW COUNTER
THE COLOR COPY OF THIS MAP IS REQUIRED FOR PETITION FILING
THIS BLACK AND WHITE EXAMPLE IS KEYED TO THE MAP INFORMATION
OUTLINE THE HEARING SITE CLEARLY ON THIS MAP



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

No. **132582**

Date: **Nov 30 2015**

PAID RECEIPT

BUSINESS ACTUAL TIME IN

12/01/2015 11/30/2015 11:25:53 4

REC'D WALKIN KSHI K16

>> RECEIPT # 488940 11/30/2015 OFLN

Dep't 5 528 ZONING VERIFICATION

NO. 132582

Recpt Tot \$75.00

\$75.00 CK \$75.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150			1	1575

Total: **1575**

Rec From: **-1 - 4/1/14**

For: **Zoning hearing - case # 2016-0136-A**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

December 29, 2015

Heather Wirth
Stephen Bogucki
18916 York Road
Parkton MD 21120

RE: Case Number: 2016-0136 A, Address: 404/406 E Pennsylvania Avenue

Dear Ms. Wirth and Mr. Bogucki:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 30, 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." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

12/28

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

DEC 09 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: December 9, 2015

SUBJECT: DEPS Comment for Zoning Item # 2016-0136
Address 404 & 406 Pennsylvania Avenue
(Bogucki Property)

Zoning Advisory Committee Meeting of December 7, 2015.

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

Reviewer: Steve Ford

Date: 12-9-2015

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 12/7/15

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

RE: Baltimore County

Item No. 2016-0136A

Administrative Variance

*Heather Wirth & Samuel Bogucki
404 & 406 Pennsylvania Avenue E.*

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. 2016-0136A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in black ink, appearing to read "David W. Peake".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/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: 320 West Warren Road • Hunt Valley, Maryland 21030 • Phone 410-229-2300 or 1-866-998-0367 • Fax 301-527-4690

www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: December 29, 2015

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 – 12/28/15 Closing Date
Case No. 2016-0136-A – 404/406 E. Pennsylvania Avenue



After a review of the above-captioned case file as well as prior Case No. 2013-0141-SPH, I am requesting that this case be set in for a public hearing. In addition, per SDAT, Petitioners are listed at 404-406 E. Pennsylvania Avenue as well as 18916 York Road as both their principal residences.

Baltimore County Code (B.C.C.) § 32-3-303(a)(1), states in pertinent part:

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

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

Thank you for your attention and cooperation in this matter.

c: Office of People's Counsel
Robert D. Duvall, Office of Zoning Review

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For December 14, 2015
Item No. 2016-0134, 0135, and 0136

DATE: December 9, 2015

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC12142015.doc

4/1
10 AM
Del copy
12/28
AV

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: December 29, 2015

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 – 12/28/15 Closing Date
Case No. 2016-0136-A – 404/406 E. Pennsylvania Avenue

[Handwritten signature: JEB]

After a review of the above-captioned case file as well as prior Case No. 2013-0141-SPH, I am requesting that this case be set in for a public hearing. In addition, per SDAT, Petitioners are listed at 404-406 E. Pennsylvania Avenue as well as 18916 York Road as both their principal residences.

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

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

Thank you for your attention and cooperation in this matter.

c: Office of People's Counsel
Robert D. Duvall, Office of Zoning Review



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4019134

Sold To:

Heather Werth - CU00523966
18916 York Rd
Parkton, MD 21120-9201

Bill To:

Heather Werth - CU00523966
18916 York Rd
Parkton, MD 21120-9201

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Mar 10, 2016

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising

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: # 2016-0136-A

404/406 E. Pennsylvania Avenue
S/s E. Pennsylvania Avenue, 119 ft. E/of centerline of Fairmount Avenue
9th Election District - 5th Councilmanic District
Legal Owner(s) Heather Wirth & Samuel Bogucki

Variance: to permit a proposed open projection (deck) to have a rear yard setback of 23 feet in lieu of the allowed 37 1/2 feet.

Hearing: Friday, April 1, 2016 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

3/084 March 10 4019134



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3964337

Sold To:

Heather Wirth - CU00519708
18916 York Rd
Parkton, MD 21120-9201

Bill To:

Heather Wirth - CU00519708
18916 York Rd
Parkton, MD 21120-9201

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Feb 16, 2016

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: # 2016-0136-A
404/406 E. Pennsylvania Avenue
S/s E. Pennsylvania Avenue, 119 ft. E/of centerline of Fairmount Avenue
9th Election District - 5th Councilmanic District
Legal Owner(s) Heather Wirth & Samuel Bogucki

Variance: to permit a proposed open projection (deck) to have a rear yard setback of 23 feet in lieu of the allowed 37 1/2 feet.

Hearing: Monday, March 7, 2016 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 2/734 Feb. 16 3964337

The Baltimore Sun Media Group

By S. Wilkinson
Legal Advertising



KEVIN KAMENETZ
County Executive

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

February 19, 2016

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: 2016-0136-A

404/406 E. Pennsylvania Avenue

S/s E. Pennsylvania Avenue, 119 ft. E/of centerline of Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Heather Wirth & Samuel Bogucki

Variance to permit a proposed open projection (deck) to have a rear yard setback of 23 feet in lieu of the allowed 37 ½ feet.

Hearing: Friday, April 1, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Heather Wirth, Samuel Bogucki, 18916 York Road, Parkton 21120

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 12, 2016**
- (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.

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

March 18, 2016

Re:
Zoning Case No. 2016-0136-A
Petitioner: Heather Wirth & Samuel Bogucki
Hearing date: April 1, 2016

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

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 located at **404/406 E. Pennsylvania Avenue**.

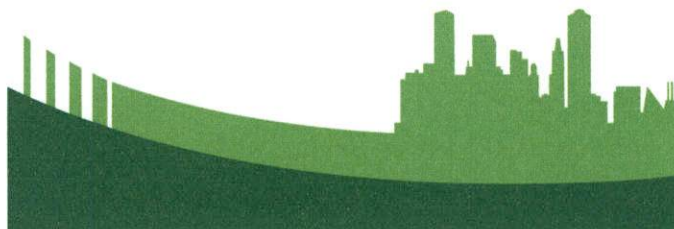
The sign was posted on **March 10, 2016**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2016-0136-A

404/406 E. Pennsylvania Avenue

A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Friday April 1, 2016 10:00 AM
REQUEST:

Variance to permit a proposed open projection
(deck) to have a rear yard setback of 23 feet in
lieu of the allowed 37 1/2 feet.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THE HEARING IS HANDICAPPED ACCESSIBLE



TO: PATUXENT PUBLISHING COMPANY
Thursday, March 10, 2016 Issue - Jeffersonian

Please forward billing to:
Heather Wirth
18916 York Road
Parkton, MD 21120

410-292-5835

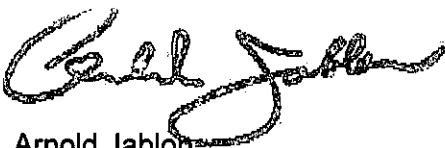
NOTICE OF ZONING HEARING

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: 2016-0136-A
404/406 E. Pennsylvania Avenue
S/s E. Pennsylvania Avenue, 119 ft. E/of centerline of Fairmount Avenue
9th Election District – 5th Councilmanic District
Legal Owners: Heather Wirth & Samuel Bogucki

Variance to permit a proposed open projection (deck) to have a rear yard setback of 23 feet in lieu of the allowed 37 ½ feet.

Hearing: Friday, April 1, 2016 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, February 16, 2016 Issue - Jeffersonian

Please forward billing to:
Heather Wirth
18916 York Road
Parkton, MD 21120

410-292-5835

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: 2016-0136-A

404/406 E. Pennsylvania Avenue

S/s E. Pennsylvania Avenue, 119 ft. E/of centerline of Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Heather Wirth & Samuel Bogucki

Variance to permit a proposed open projection (deck) to have a rear yard setback of 23 feet in lieu of the allowed 37 ½ feet.

Hearing: Monday, March 7, 2016 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

January 12, 2016

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: 2016-0136-A

404/406 E. Pennsylvania Avenue

S/s E. Pennsylvania Avenue, 119 ft. E/of centerline of Fairmount Avenue

9th Election District – 5th Councilmanic District

Legal Owners: Heather Wirth & Samuel Bogucki

Variance to permit a proposed open projection (deck) to have a rear yard setback of 23 feet in lieu of the allowed 37 ½ feet.

Hearing: Monday, March 7, 2016 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", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Heather Wirth, Samuel Bogucki, 18916 York Road, Parkton 21120

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, FEBRUARY 16, 2016**
- (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.

RE: PETITION FOR ADMINSTRATIVE * BEFORE THE OFFICE
VARIANCE *
404 & 406 E. Pennsylvania Avenue * OF ADMINSTRATIVE
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Heather Wirth * HEARINGS FOR
& Samuel Bogucki *
Petitioner(s) * BALTIMORE COUNTY
* 2016-136-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JAN 08 2016

[Signature]

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of January, 2016, a copy of the foregoing Entry of Appearance was mailed to Heather Wirth & Samuel Bogucki, 18916 York Road, Parkton, Maryland 21120, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: December 29, 2015

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 – 12/28/15 Closing Date
Case No. 2016-0136-A – 404/406 E. Pennsylvania Avenue



After a review of the above-captioned case file as well as prior Case No. 2013-0141-SPH, I am requesting that this case be set in for a public hearing. In addition, per SDAT, Petitioners are listed at 404-406 E. Pennsylvania Avenue as well as 18916 York Road as both their principal residences.

Baltimore County Code (B.C.C.) § 32-3-303(a)(1), states in pertinent part:

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

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

Thank you for your attention and cooperation in this matter.

c: Office of People's Counsel
Robert D. Duvall, Office of Zoning Review

file

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12-9</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>12-9</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>12-9</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2013-041-SPH</u>)	<u>12-27-13</u> <u>Granted w/</u> <u>cond.</u>
NEWSPAPER ADVERTISEMENT	Date: _____	<u>Larry</u>
SIGN POSTING	Date: <u>12-9-15</u>	by <u>Doak</u> <u>Stoll</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

404 + 406 E. Pennsylvania Ave

Photo #1



photo showing rear of property, location of proposed open deck.
(photo taken from BGE property to the east, looking west.)

Item #0136

404+406 E. Pennsylvania Ave

Photo #2

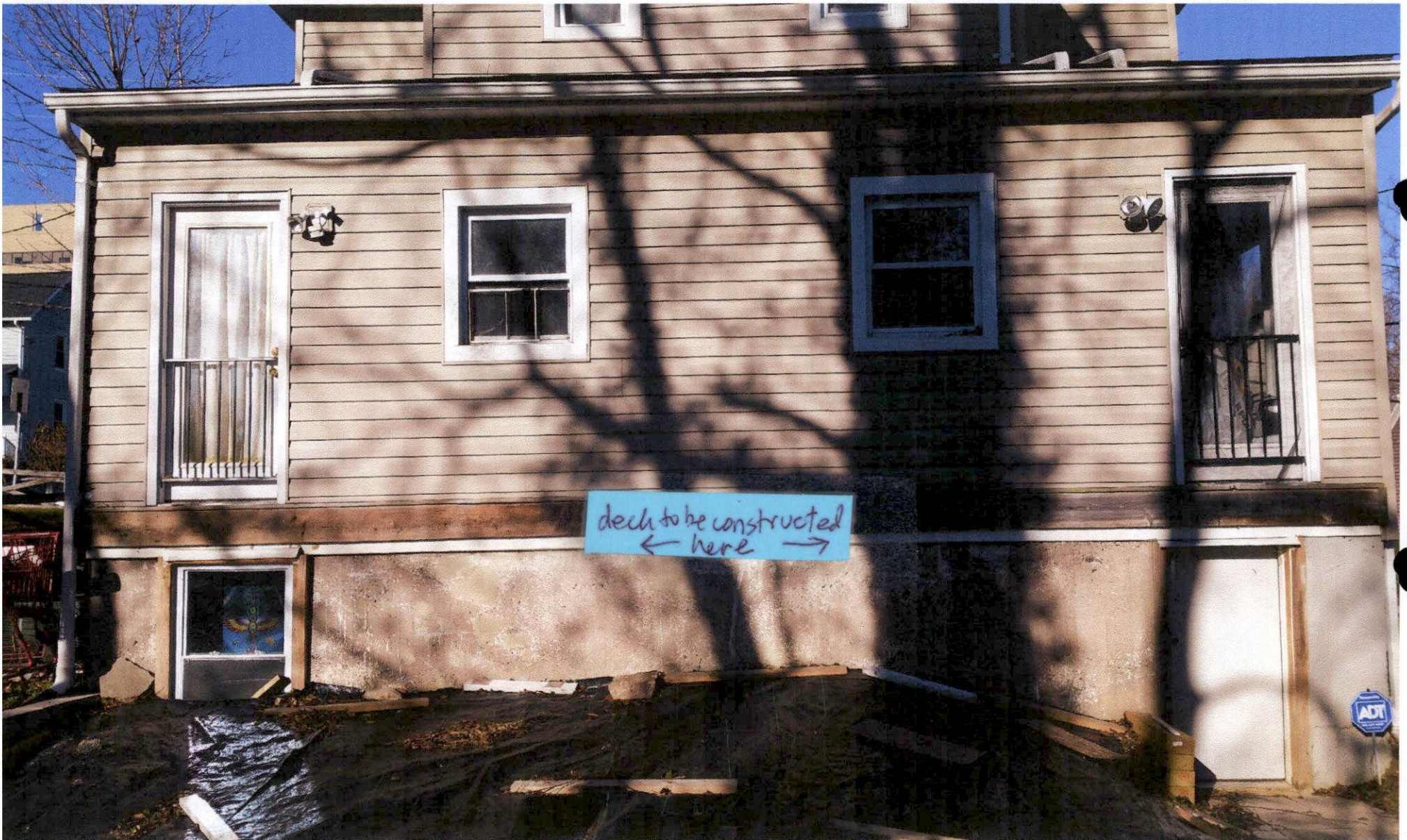


photo showing rear of structure, two kitchen doors

Item #0136

404 + 406 E. Pennsylvania Ave

Photo # 3



photo taken from rear yard of subject property looking northwest toward
the property of Calvin Davenport, as shown on hearing plan
Item #0136

404 & 406 E. Pennsylvania Ave

Photo # 4



photo taken from rear yard of subject property looking northeast toward the property owned by BGE, as shown on the hearing plan

Item #0136

Final Order ✓ 2-22-13

IN RE: PETITION FOR SPECIAL HEARING *
(404 E. and 406 E. Pennsylvania Ave.) *
9th Election District *
5th Councilmanic District *
Luz Elena Ampudia-Kordell & *
Elizabeth Kordell *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY

CASE NO. 2013-0141-SPH

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Special Hearing filed by J. Neil Lanzi, Esquire, on behalf of Luz Elena Ampudia-Kordell and Elizabeth Kordell, legal owners. The Petitioners are requesting Special Hearing relief pursuant to Section 500.7, 104.1 and 402.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- (1) To allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing:
 - (a) A lot width of 50 ft. in lieu of the required 80 ft.;
 - (b) A lot area of 4,845 sq. ft. in lieu of the required 8,050 sq. ft.;
 - (c) A minimum side yard of 8 ft. in lieu of the required 15 ft. (interior lot); and
 - (d) A minimum sum of side yards of 20 ft. in lieu of the required 30 ft. (interior lot).
- (2) To allow the continuation of the non-conforming multi-family (semi-detached dwelling) use of the subject property containing:
 - (a) A lot area of 4,845 sq. ft. in lieu of the required 6,000 sq. ft., and
 - (b) A minimum side yard of 8 ft. in lieu of the required 10 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.

Appearing at the public hearing held for this case were Sadie and Richard Goldring, Andrew Kulp, Anthony and Luz E. Ampudia-Kordell, Heather Wirth and Thomas J. Hoff, J. Neil Lanzi, Esquire appeared and represented the Petitioners. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations. There were no interested citizens in attendance in opposition to Petitioners request and the file does not contain any letters of protest or opposition.

The Zoning Advisory Committee (ZAC) comments were received and made a part of the file; particularly that of the Department of Planning as follows:

"The Department of Planning has reviewed the petitioner's request and accompanying site plan. The Department of Planning does not oppose the petitioner's request for a non-conforming use provided, only two units are allowed. This condition shall be made part of any relief granted. Additionally, the Department of Planning does not oppose the requested variances for lot area, lot width and side yard setbacks.

Lastly, it has been confirmed via the community, that the site has been used as a semi-detached (multi-family) dwelling for many years."

Testimony and evidence revealed that the subject property is 5,845 sq. ft. and is zoned DR 10.5.

Counsel for Petitioners proffered the testimony of Thomas J. Huff, a certified landscape Architect, who has previously testified in approximately 40 to 50 cases concerning landscape and zoning matters. Mr. Huff was accepted as an expert in landscape architecture and zoning.

The witness has been to and is familiar with the subject site. He would introduce the Plat to Accompany the Petition for a Special Hearing (Petitioners Exhibit #1) and photographs of the site (Petitioners Exhibit #2). It is his testimony that the subject property is a multi-family location containing two residences; based upon his investigation, has been so used since 1943.

Mr. Huff then addressed himself to the issues contained in § 502.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), specifically that the Special Hearing request would not be

detrimental to the health, safety or general welfare of the locality involved, as this residence has existed without any difficulties since 1943; that it does not tend to create congestion in roads, streets or alleys therein, as it has not done so since its inception; that it does not create a potential hazard from fire, panic or other danger, since no additional construction will be made or any other such issues created; it would not tend to overcrowd land and cause undue concentration of population, since the two family residence will continue to be used as such if the Special Hearing is granted; that it would not interfere with adequate provisions for schools, parks, water, sewerage, transportation or other public requirements, conveniences or improvements, as there is no change in the use of the property at the present time than that which will be carried on if the Special Hearing is granted; that it will not interfere with adequate light and air, as the structure again will be unchanged from that which already exists; that it will not be inconsistent with the purposes of the property's zoning classification nor in any other way inconsistent with the spirit and intent of these Zoning Regulations, for the same reason; that it will not be inconsistent with the impermeable surface and vegetative retention provisions of these Zoning Regulations, as no new construction or creation of impermeable surface will result from the granting of this Special Hearing; and will not be detrimental to the environmental and natural resources of the site and vicinity including forests, streams, wetlands, aquifers and floodplains, as this property is located in a DR zone and not in an RC zone.

The witness would have concluded his testimony by rendering his expert opinion that the subject property is a non-conforming use, existing and being used as such, without interruption, since prior to the imposition of Baltimore County Zoning Regulations.

Andrew Kulp would have testified that he is a licensed architect in Maryland, employed by Curry Architect and that he had received his degree in architecture from Auburn University. His

C.V. was admitted as Petitioners Exhibit #3 and he was accepted as an expert in architecture. Counsel proffered on his behalf that the witness would testify that he has been to the subject property, both inside and out. Based on the original construction techniques and details utilized in that construction, he rendered his expert opinion that the subject structure was originally designed and constructed to be a two family residence. The printout regarding the subject structure, noting that the property was built in 1903, was admitted into evidence as Petitioners Exhibit #4.

Counsel then proffered the testimony of Tony Kordell, the husband of the Petitioner. He would testify that they purchased the subject site in 2002, at which time it had two separate family residences. It has remained so up to the present time and is being sold to the Contract Purchaser who will continue to use it as such.

An Affidavit dated November 27, 2012 (Petitioners Exhibit #5) was submitted on behalf of Sadie Goldring, stating that she was born and has lived in the immediate area of the subject property since that time, and is familiar with the subject property. She states therein that at least since 1953 the subject site has been used continuously and without interruption as two distinct family dwellings, up to and including the present time. An Affidavit dated November 27, 2012 (Petitioners Exhibit #6) was submitted on behalf of Richard Goldring, setting out that he is familiar with the subject property and has lived in the immediate area since 1940; and that the subject site has been used continuously and without interruption as two distinct family dwellings, up to and including the present time. A final Affidavit dated February 18, 2013 (Petitioners Exhibit #7) was submitted on behalf of Adelaide C. Bentley, who has lived in the immediate area of the subject property all of her life. She is familiar with the subject structure and states therein that since 1953 the subject site has been used continuously and without interruption as two distinct family dwellings, up to and including the present time.

Upon the conclusion of counsel's proffer on behalf of the Petitioners, each witness for whom a proffer was presented was sworn and each individually adopted the proffer made on their behalf.

Based on the uncontroverted testimony and documents presented, I am convinced that the subject property was originally constructed to contain two separate family residences; and has been utilized as such continuously and uninterruptedly since its construction (and by Affidavit at least since 1953). Further, I am convinced by Mr. Hoff's expert testimony that the Petitioners request satisfies the requirements of Baltimore County Zoning Regulations § 502.1.

Pursuant to the advertisement, posting of the property, and public hearing, and after considering the testimony and evidence offered, I find that Petitioner's Special Hearing request should be GRANTED.

THEREFORE, IT IS ORDERED, this 27th day of February, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Special Hearing pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve:

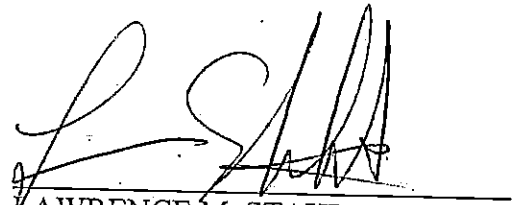
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 - (b) A lot area of 4,845 sq. ft. in lieu of the required 8,050 sq. ft.;
 - (c) A minimum side yard of 8' in lieu of the required 15' (interior lot); and
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 - (a) A lot area of 4,845 sq. ft. in lieu of the required 6,000 sq. ft., and
 - (b) A minimum side yard of 8 ft. in lieu of the required 10 ft.

, be and is hereby **GRANTED**.

The relief granted herein shall be subject to and expressly conditioned upon 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, Petitioners would be required to return, and to be responsible for returning, said property to its original condition.
2. The granting of this Special Hearing confirms the non-conforming use and permits its continued use for two residential units only.

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


LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS: sln

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 - 09 Account Number - 0902955410			
Owner Information					
Owner Name:	WIRTH HEATHER L BOGUCKI STEPHEN A		Use:	RESIDENTIAL	
Mailing Address:	404 E PENNSYLVANIA AVE BALTIMORE MD 21286-5408		Principal Residence:	YES	
			Deed Reference:	/33670/ 00068	
Location & Structure Information					
Premises Address:		404 E PENNSYLVANIA AVE BALTIMORE 21286-5408		Legal Description: & 406 E PENNSYLVANIA SS 110 FT E OF FAIRMOUNT AV	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
070A	0012	0132		0000	
Assessment Year:				Plat No:	
2014				Plat Ref:	
Special Tax Areas:			Town:		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built		Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
1903		1,736 SF		4,850 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	SIDING	3 full/ 1 half	
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2014	07/01/2015	07/01/2016
Land:		83,500	70,900		
Improvements		78,500	57,800		
Total:		162,000	128,700	128,700	128,700
Preferential Land:		0			0
Transfer Information					
Seller:		Date:		Price:	
AMPUDIA-KORDELL LUZ ELENA		05/28/2013		\$219,000	
Type:		Deed1:		Deed2:	
NON-ARMS LENGTH OTHER		/33670/ 00068			
Seller:		Date:		Price:	
HOOPER W DONALD SR		06/16/2000		\$75,000	
Type:		Deed1:		Deed2:	
ARMS LENGTH IMPROVED		/14532/ 00202			
Seller:		Date:		Price:	
JOHNSON ALICE MACK		08/14/1995		\$45,000	
Type:		Deed1:		Deed2:	
NON-ARMS LENGTH OTHER		/11164/ 00489			
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
County:	000			0.00	
State:	000			0.00	
Municipal:	000			0.00 0.00	0.00 0.00
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 07/03/2014					

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

[illegible]

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>).

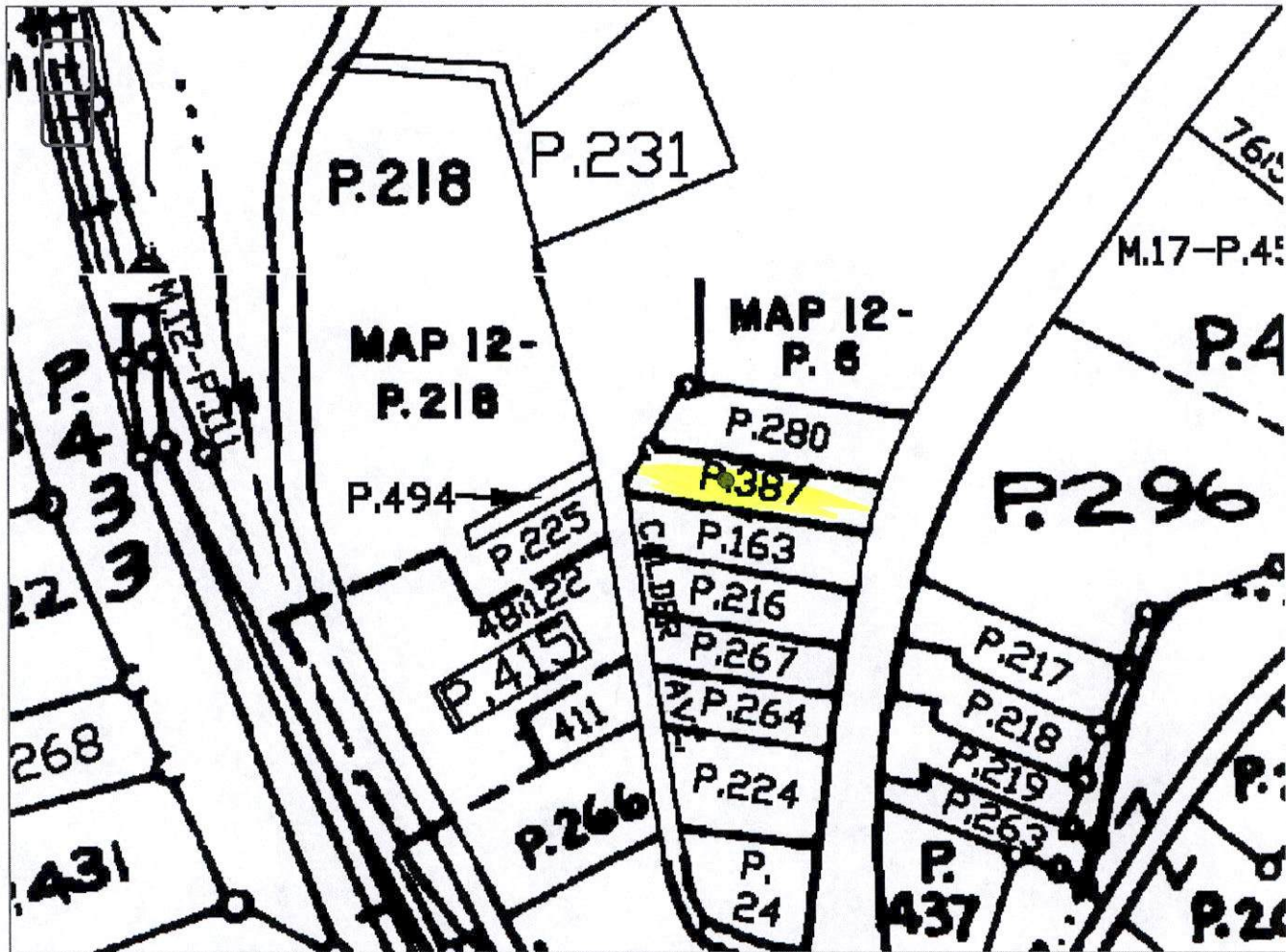
Real Property Data Search (w1)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 07 Account Number - 0705061502			
Owner Information					
Owner Name:		BOGUCKI STEPHEN A WIRTH MARY HEATHER LEE		Use: Principal Residence: RESIDENTIAL YES	
Mailing Address:		18916 YORK RD PARKTON MD 21120-9201		Deed Reference: /36043/ 00333	
Location & Structure Information					
Premises Address:		18916 YORK RD PARKTON 21120-9201		Legal Description: .4875 AC WS YORK RD 500FT N OF CALDER AV	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0017	0002	0387		0000	
Assessment Year:		Plat No: Plat Ref:			
2014					
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1887	2,250 SF		21,235 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	NO	STANDARD UNIT	FRAME	2 full	
Value Information					
Base Value		Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land: 76,300		69,100			
Improvements 122,300		126,500			
Total: 198,600		195,600	195,600	195,600	
Preferential Land: 0				0	
Transfer Information					
Seller: BOGUCKI STEPHEN A		Date: 04/13/2015	Price: \$0		
Type: NON-ARMS LENGTH OTHER		Deed1: /36043/ 00333	Deed2:		
Seller: RILEY CYNTHIA E		Date: 05/01/1990	Price: \$140,000		
Type: ARMS LENGTH IMPROVED		Deed1: /08467/ 00301	Deed2:		
Seller:		Date:	Price:		
Type:		Deed1:	Deed2:		
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015	07/01/2016		
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00	0.00 0.00		
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 07/05/2008					

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)District: **07** Account Number: **0705061502**

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.

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>).

Samuel Bogucki
404 E. Pennsylvania Avenue
Towson, MD 21286
410-292-1731

4-1-16 5/7 @ 11 AM
10 AM was
RECEIVED

FEB 05 2016

OFFICE OF ADMINISTRATIVE HEARINGS

Stephen Bogucki & Heather Wirth
18916 York Road
Parkton, MD 21120
410-292-5835

February 3, 2016

Honorable John E. Beverungen
Administrative Law Judge/Office of Administrative Hearings
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

RE: Case No. 2016-0136-A, 404/406 E. Pennsylvania Avenue

Dear Judge Beverungen:

We are writing in response to your request for a public hearing in the above captioned case. To recap, we requested an administrative variance for the purpose of building an open wood deck on the rear of the property. The proposed deck will result in a rear yard setback of 23 feet in lieu of the required 37 1/2 feet and will have no appreciable impact on adjoining properties.

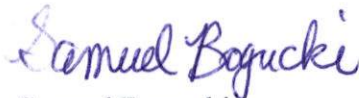
This house, which dates to 1903, is non-conforming in that it was built as a multi-family dwelling on what is now a smaller than allowable lot. A 2013 zoning matter, undertaken as a condition of our mortgage lender, resulted in an order for permitted continued multifamily use.

Your concern is whether the property is owner occupied. Please understand that the property has been jointly owned by the three of us (parents and child) since we purchased it in May 2013 (please see deed attached). The property has been the continuous principal residence of our son, Samuel Bogucki, since August 2012, first as a tenant of the prior owner, and then as a joint owner beginning May 2013 (please see attached copy of tax reporting document mailed to Samuel Bogucki). Note that while the property has two street numbers (404 & 406), it is in fact one house, characterized in zoning parlance as a multi-family dwelling, on a single lot. It is my understanding that two street numbers were assigned by the post office many years ago as a convenience to prior residents. The property is not a duplex.

In light of the above we respectfully request that you reconsider your request for a public hearing, as well as the requirement that we post notice of the hearing on the property before 2-16-2016. We make this request particularly in light of the fact that no citizen has requested a hearing, and that we have already borne the burden of the \$125 fee for posting the property for the administrative variance.

We thank you in advance for your kind consideration of our request. If you have questions or need more information please feel free to contact any of us at the telephone numbers above.

Respectfully,



Samuel Bogucki



Stephen Bogucki



Heather Wirth



Carl Richards Jr

To: L W
2 Fers \$ - 1 k Han
1/15/16 uan

From: Brandi Dean <bdean@asmcorporate.com>
Sent: Friday, January 15, 2016 9:47 AM
To: Carl Richards Jr
Subject: Internet Inquiry
Attachments: Property Card 01-0104350371.pdf; Property Card 01-2500000714.pdf

Good morning, I need to get the zoning information for the property located at 5657 Baltimore National Pike please.
I have attached the property cards for your viewing.

+ 808 Insleside Ave

Brandi Dean

American Surveying and Mapping, Inc.
3191 Maguire Blvd. Suite 200
Orlando, FL 32803
P: (407) 426-7979
F: (407) 436-9741

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 - 01 Account Number - 0104350371			
Owner Information					
Owner Name:		P & A FORTANG INC		Use:	COMMERCIAL
Mailing Address:		PO BOX 457		Principal Residence:	NO
		LAWRENCE NY 11559-		Deed Reference:	/36918/ 00294
Location & Structure Information					
Premises Address:		808 INGLESIDE AVE BALTIMORE 21208-		Legal Description:	.391AC LT 1 & RD BED 808 INGLESIDE AVE CHRYSLER PLACE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0095	0020	0064		0000	1 2015 0008/0073
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
				17,014 SF	06
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		255,200	255,200		
Improvements		0	0		
Total:		255,200	255,200	255,200	255,200
Preferential Land:		0			0
Transfer Information					
Seller: SELLORS MARGARET C TRUSTEE		Date: 11/25/2015		Price: \$255,200	
Type: ARMS LENGTH VACANT		Deed1: /36918/ 00294		Deed2:	
Seller: SELLORS JAMES H		Date: 02/02/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /27602/ 00716		Deed2:	
Seller: SELLORS JAMES H		Date: 08/17/2006		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /24324/ 00477		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2015	07/01/2016	
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00	0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: No Application					

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 - 01 Account Number - 2500000714			
Owner Information					
Owner Name:	P & A FORTGANG INC		Use:	COMMERCIAL	
Mailing Address:	C/O WALGREEN CO/TAX DEPT P O BOX 1159 DEERFIELD IL 60015-		Principal Residence:	NO	
			Deed Reference:	/24324/ 00477	
Location & Structure Information					
Premises Address:		5657 BALTO NATL PIKE 0-0000		Legal Description:	1.88AC LTS 2-5,18 & PT LTS 6-7,16,17&ADJ LND CHRYSLER PLACE
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0095	0020	0304		0000	2 2015 0008/0073
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area	Property Land Area	County Use
2005	14622			82,033 SF	06
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
		RETAIL STORE			
Value Information					
	Base Value	Value As of	Phase-in Assessments		
		01/01/2015	As of	As of	
			07/01/2015	07/01/2016	
Land:	1,109,000	1,109,000			
Improvements	1,541,200	1,632,900			
Total:	2,650,200	2,741,900	2,680,767	2,711,333	
Preferential Land:	0			0	
Transfer Information					
Seller: PACE-INGLESIDE LLC		Date: 08/17/2006		Price: \$8,473,060	
Type: ARMS LENGTH IMPROVED		Deed1: /24324/ 00477		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2015		07/01/2016	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

Samuel Bogucki
404 E. Pennsylvania Avenue
Towson, MD 21286
410-292-1731

Stephen Bogucki & Heather Wirth
18916 York Road
Parkton, MD 21120
410-292-5835

February 11, 2016

Arnold Jablon
Director
Dept. of Permits, Approval and Inspections
111 W. Chesapeake Avenue
Room 105
Towson, MD 21204

VIA TELEFACSIMILE
410-8873048

RE: Case No. 2016-0136-A, 404/406 E. Pennsylvania Avenue
Hearing Date: March 7, 2016, 11 am

Dear Mr. Jablon:

We are writing to request a postponement of the hearing scheduled in the above captioned case.

Last week we sent correspondence to Judge Beverungen that we believe will allow him to render a decision in this case without a hearing, which would preclude the need for posting the property a second time. However, Judge Beverungen has been on vacation all this week and will not return next week in time to review our correspondence before the deadline for posting. We respectfully request that the hearing be postponed in order to allow Judge Beverungen sufficient opportunity to review our correspondence.

We thank you in advance for your kind consideration of our request. If you have questions or need more information please feel free to contact any of us at the telephone numbers above.

Respectfully,


Samuel Bogucki


Stephen Bogucki


Heather Wirth

CASE NAME Heather With, Samuel Boguch
 CASE NUMBER 2016-0136 A
 DATE 4-1-2016

[illegible]

PLEASE PRINT CLEARLY

CASE NAME Wirth / Bogucki
CASE NUMBER 2016-0136 A
DATE 4/1/16

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12-9</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>N/C</u>
<u>12-9</u>	DEPS (if not received, date e-mail sent _____)	<u>N/C</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>12-7</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>2013-0141-SPH</u>)	
NEWSPAPER ADVERTISEMENT	Date: <u>3-10-16</u>	
SIGN POSTING	Date: <u>3-10-16</u> by <u>DOAK</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: <u>letter date 2-3-16 from</u> <u>Petitioners w/ deed attached</u>		

Real Property Data Search (w3)

Guide to searching the database

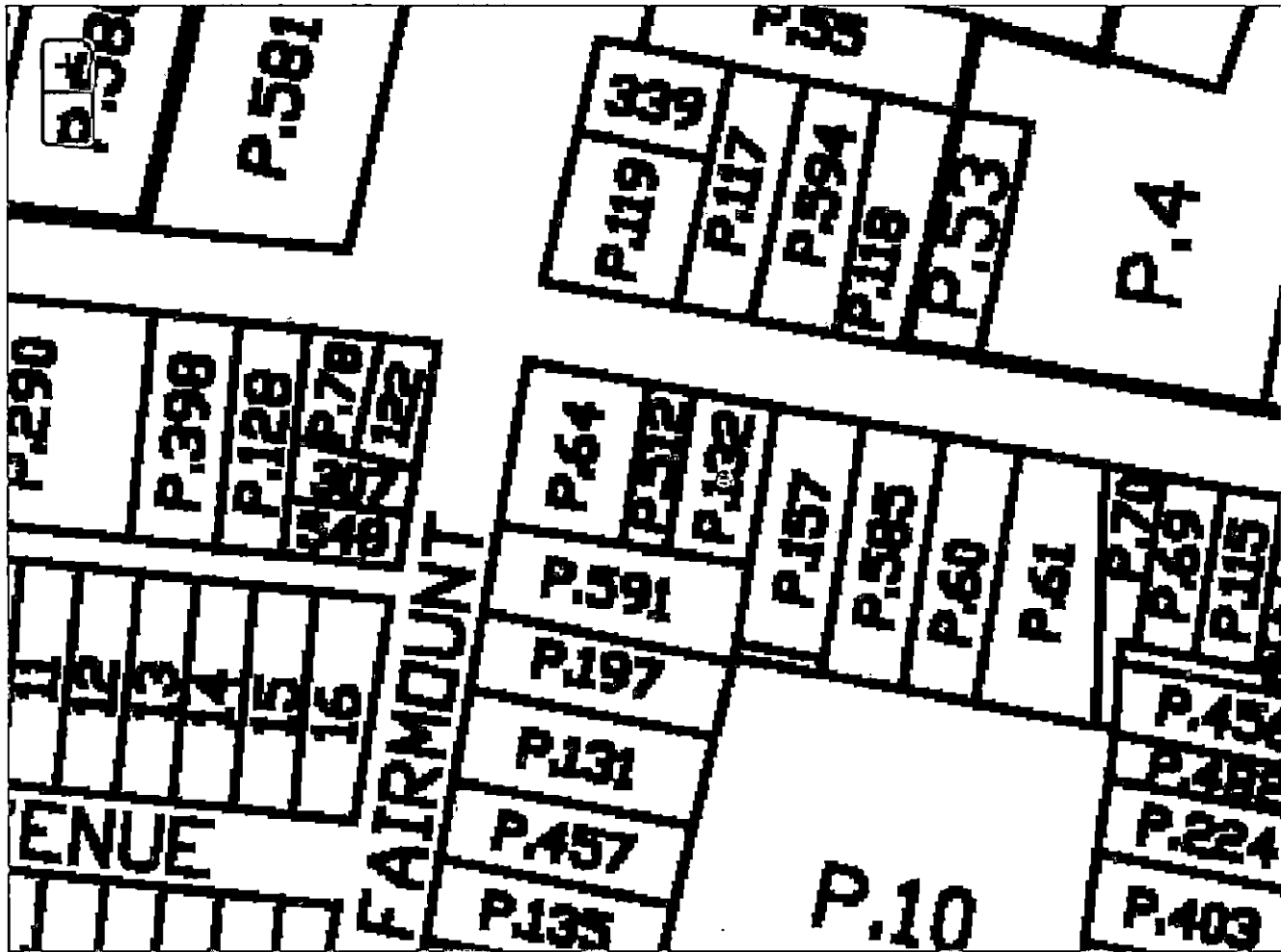
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 09 Account Number - 0902955410							
Owner Information									
Owner Name:		WIRTH HEATHER L BOGUCKI STEPHEN A				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		404 E PENNSYLVANIA AVE BALTIMORE MD 21286-5408				Deed Reference:		/33670/ 00068	
Location & Structure Information									
Premises Address:		404 E PENNSYLVANIA AVE BALTIMORE 21286-5408				Legal Description:		& 406 E PENNSYLVANI A SS 110 FT E OF FAIRMOUNT AV	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No: Plat Ref:
070A	0012	0132		0000				2014	
Special Tax Areas:				Town: Ad Valorem: Tax Class:		NONE			
Primary Structure Built 1903		Above Grade Enclosed Area 1,736 SF		Finished Basement Area		Property Land Area 4,850 SF		County Use 04	
Stories 2	Basement YES	Type STANDARD UNIT	Exterior SIDING	Full/Half Bath 3 full/ 1 half	Garage	Last Major Renovation			
Value Information									
			Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015				
					As of 07/01/2016				
Land:			83,500	70,900					
Improvements			78,500	57,800					
Total:			162,000	128,700	128,700		128,700		
Preferential Land:			0				0		
Transfer Information									
Seller: AMPUDIA-KORDELL LUZ ELENA Type: NON-ARMS LENGTH OTHER				Date: 05/28/2013 Deed1: /33670/ 00068			Price: \$219,000 Deed2:		
Seller: HOOPER W DONALD SR Type: ARMS LENGTH IMPROVED				Date: 06/16/2000 Deed1: /14532/ 00202			Price: \$75,000 Deed2:		
Seller: JOHNSON ALICE MACK Type: NON-ARMS LENGTH OTHER				Date: 08/14/1995 Deed1: /11164/ 00489			Price: \$45,000 Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2015			07/01/2016		
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00			0.00 0.00		
Tax Exempt:		Special Tax Recapture:							
Exempt Class:		NONE							
Homestead Application Information									
Homestead Application Status: Approved 07/03/2014									

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 09 Account Number: 0902955410



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.

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>).

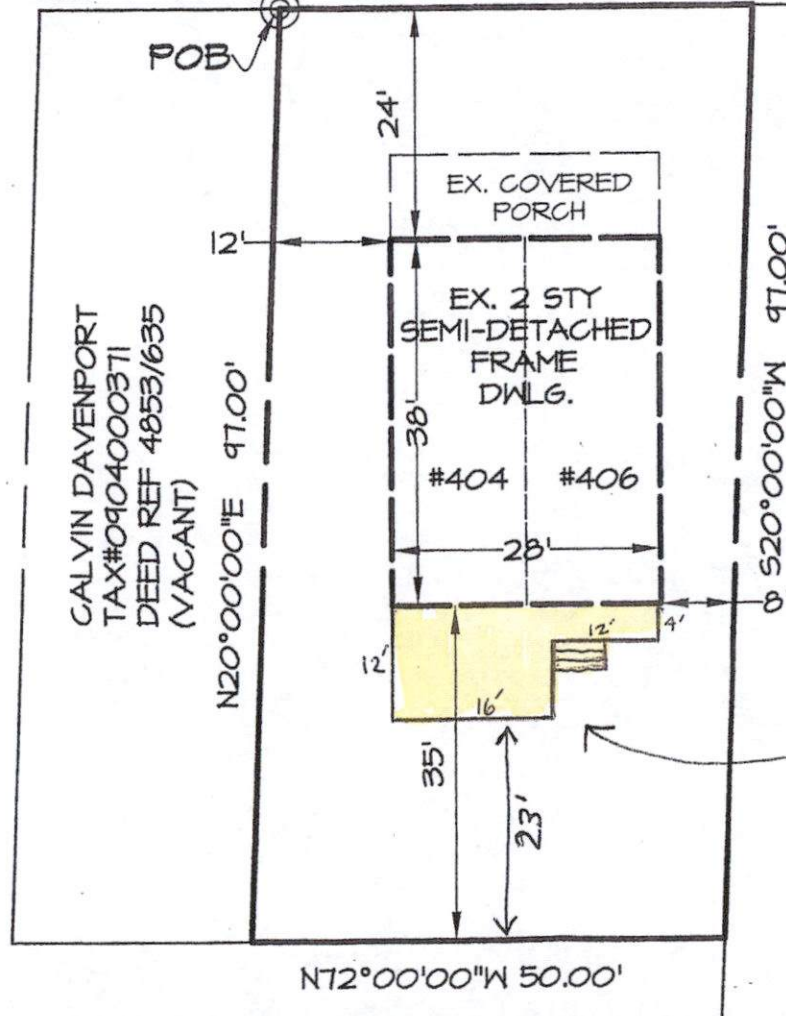
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 404 + 406 E. Pennsylvania Ave OWNER(S) NAME(S) Heather Wirth, Stephen + Samuel Bogvick

SUBDIVISION NAME N/A LOT # - BLOCK # - SECTION # -

PLAT BOOK # N/A FOLIO # N/A 10 DIGIT TAX # 09 02955410 DEED REF. # 33670100068

119' +/- to C/L of Fairmount Ave. 512°00'00"E 50.00' E. Pennsylvania Ave

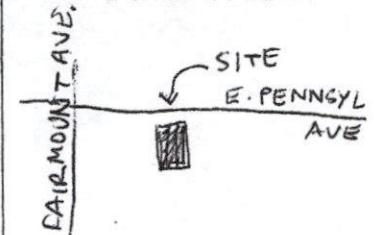


BALTIMORE GAS & ELECTRIC
408 PENNSYLVANIA AVE
TAX#0902003260
DEED REF 3781/301
(VACANT)

proposed deck

PLAN DRAWN BY Petitioner Heather Wirth DATE 11-24-15 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 070B

SITE ZONED DR 10.5

ELECTION DISTRICT 9th

COUNCIL DISTRICT 5th

LOT AREA ACREAGE _____

OR SQUARE FEET 4845

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

Case# 2013-0141-SPH

Approval for continuing

non-conforming use

VIOLATION CASE INFO:

No Pet. Exh.

1

#2016-0136-A

RJD

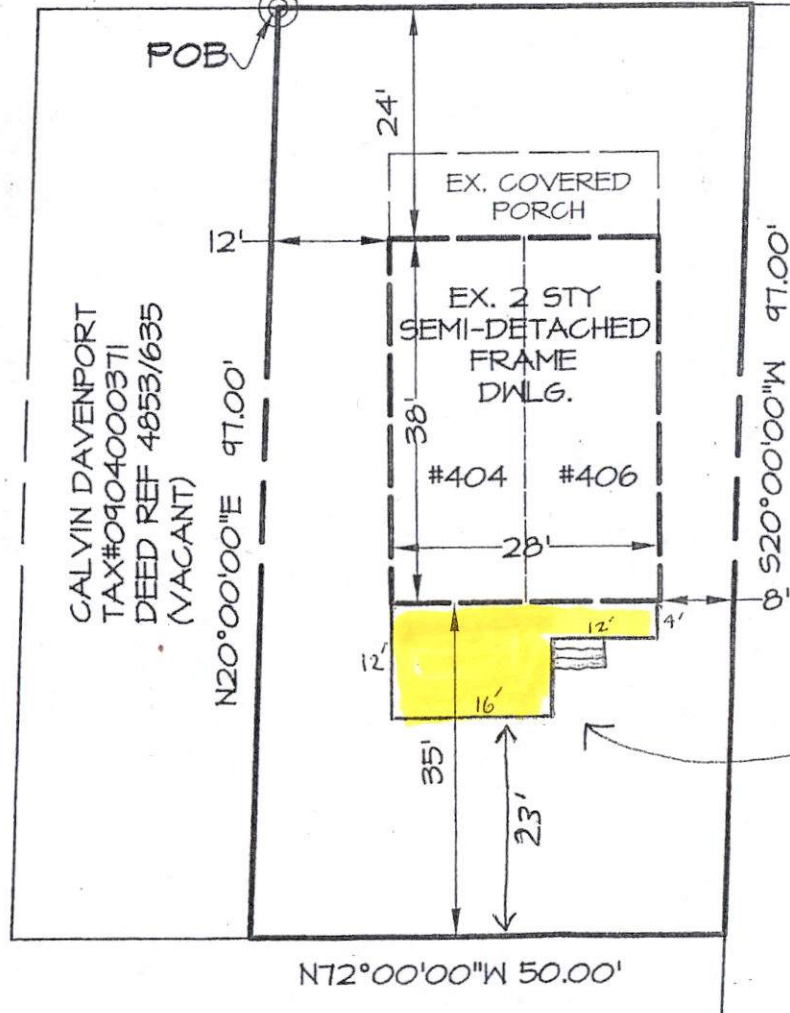
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 404 + 406 E. Pennsylvania Ave OWNER(S) NAME(S) Heather Wirth, Stephen + Samuel Bogvick

SUBDIVISION NAME N/A LOT # - BLOCK # - SECTION # -

PLAT BOOK # N/A FOLIO # N/A 10 DIGIT TAX # 09 02955410 DEED REF. # 33670100068

119' +/- to C/L of Fairmount Ave S72°00'00"E 50.00' E. Pennsylvania Ave

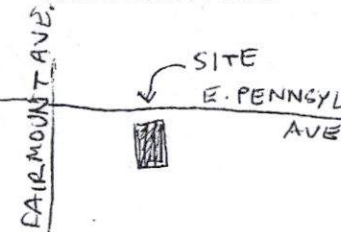


BALTIMORE GAS & ELECTRIC
408 PENNSYLVANIA AVE
TAX#0902003260
DEED REF 3781/301
(VACANT)

proposed deck

PLAN DRAWN BY Petitioner Heather Wirth DATE 11-24-15 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 0703

SITE ZONED DR 10.5

ELECTION DISTRICT 9th

COUNCIL DISTRICT 5th

LOT AREA ACREAGE _____

OR SQUARE FEET 4845

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH _____

WATER IS: _____

PUBLIC X PRIVATE _____

SEWER IS: _____

PUBLIC X PRIVATE _____

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER _____

AND ORDER RESULT BELOW _____

Case # 2013-0141-SPH

Approval for continuing _____

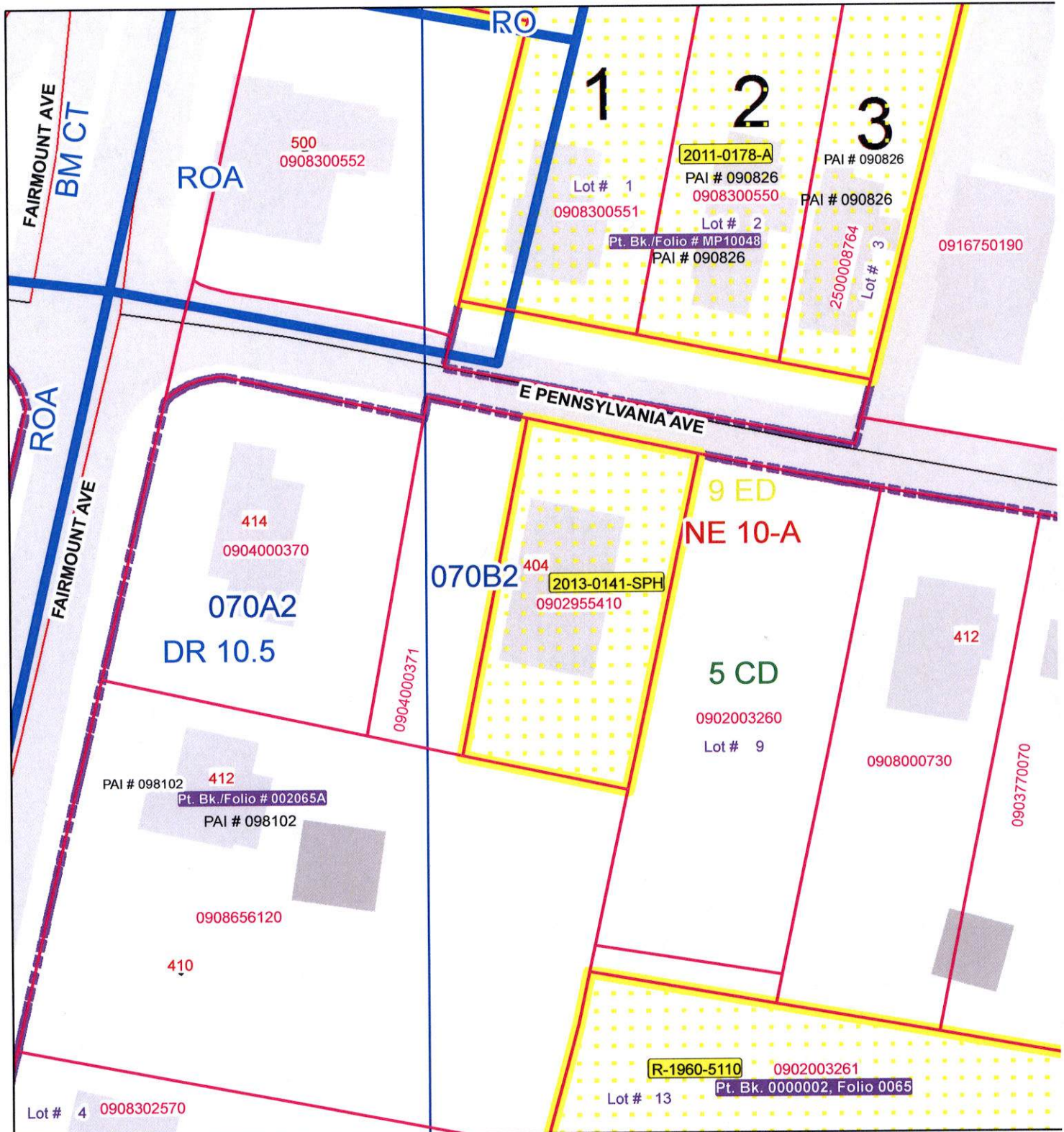
non-conforming use _____

VIOLATION CASE INFO: _____

#2016-0136-A

R.D.D.

404 East Pennsylvania Avenue



Publication Date: 11/30/2015



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



0 10 20 40 60 80 Feet

1 inch = 40 feet

Item # 0136