

M E M O R A N D U M

DATE: September 6, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0303-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 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

IN RE: PETITION FOR VARIANCE

(603 Shirley Manor Road)

4th Election District

2nd Council District

Noe Isidro Hernandez Reyes

Legal Owner

Petitioner

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0303-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 Noe Isidro Hernandez Reyes, owner of the subject property ("Petitioner"). Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1B02.3.B to permit an addition to the principal dwelling with a side yard setback of 9 ft. and a combination of side setbacks of 20 ft. in lieu of the required 10 ft. and 25 ft., respectively. A site plan was marked as Petitioner's Exhibit 1.

Owner Noe Isidro Hernandez Reyes, appeared in support of the Petition. Several neighbors opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. There were no substantive Zoning Advisory Committee (ZAC) comments received from any of the County agencies.

The subject property is approximately 8,418 square feet and zoned DR 3.5. The property is improved with a single-family dwelling, purchased last year by Petitioner. At present, Petitioner has begun construction of an addition to the dwelling, and was informed that building permits and zoning relief are required to complete the project.

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

ORDER RECEIVED FOR FILING

Date

8-3-16

By

Sen

- variance relief; and
(2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

Petitioner has not met this test. There was no evidence presented which would establish the property is unique, and from a review of the photos in the file it appears the lot and dwelling are similar to others in the neighborhood.

THEREFORE, IT IS ORDERED, this 3rd day of August, 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.") §1B02.3.B to permit an addition to the principal dwelling with a side yard setback of 9 ft. and a combination of side setbacks of 20 ft. in lieu of the required 10 ft. and 25 ft., respectively, be and is hereby DENIED.

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 8-3-16

By sln



PETITION FOR ZONING HEARING(S)

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

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

Address 603 SHIRLEY MANOR RD, 21136 which is presently zoned DR-3.5
Deed References: 36613/00312 10 Digit Tax Account # 0423017560
Property Owner(s) Printed Name(s) NOE I. R. HERNANDEZ

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

I need more room for growing family in this small house and floor addition is to be an extension of my kitchen and a dining room. The side of my house is the logical place to extend the kitchen.

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Noe Isidro Hernandez Reyes
Name #1 - Type or Print Name #2 - Type or Print

[Signature]
Signature #1 Signature #2

603 Shirley Manor Rd, Reisterstown, MD
Mailing Address City State

21136 443-802-3277 do.willy74@hotmail.com
Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2016-0303-A Filing Date 5/31/16 Do Not Schedule Dates: Reviewer BK

REV. 10/4/11

1B02.3.B to permit a partially completed addition to the principal dwelling with a side yard setback of 9 ft. and a combination of side setbacks of 20 ft. in lieu of the required 10 ft. and 25 ft., respectively.

Zoning Description for 603 Shirley Manor Road

BEGINNING AT A POINT ON THE EAST SIDE OF SHIRLEY MANOR ROAD, 123 FEET SOUTH OF THE CENTERLINE OF CHARTLEY ROAD. BEING LOT 23, BLOCK S AS IN THE SUBDIVISION OF "CHARTLEY, PLAT 12" AS RECORDED IN THE BALTIMORE COUNTY PLAT BOOK 29 FOLIO 16 DEED REFERENCE 36613/000212. LOCATED IN THE 4TH ELECTION DISTRICT AND 2ND COUNCILMANIC DISTRICT.

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

No.

139288

Date:

5/31/16

PAID RECEIPT

BUSINESS ACTUAL TIME LAW
 6/02/2016 5/31/2016 11:39:05 3

BY 0503 WALKIN CAM
 > RECEIPT # 679272 5/31/2016 OFLH

Dpt 5 528 ZONING VERIFICATION
 CA NO. 139288

Recpt Tot \$75.00
 \$75.00 CK \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	536	0003		6150				\$ 75.00

Total: **\$ 75.00**

Rec

From:

Hernandez

For:

Various

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



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 4303814

Sold To:

Noe Isidro Hernandez Reyes - CU00548402
603 Shirley Manor Rd
Reisterstown, MD 21136-2318

Bill To:

Noe Isidro Hernandez Reyes - CU00548402
603 Shirley Manor Rd
Reisterstown, MD 21136-2318

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

Jul 12, 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: # 2016-0303-A
603 Shirley Manor Road
E/s Shirley Manor Road, 123 ft. s/of Chartley Road
4th Election District - 2nd Councilmanic District
Legal Owner(s) Noe isidro Hernandez Reyes

Variance: to permit a partially completed addition to the principal dwelling with a side yard setback of 9 ft. and a combination of side setbacks of 20 ft. in lieu of the required 10 ft. and 25 ft. respectively.

Hearing: Monday, August 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.

JT 7/662 July 12 4303814

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/12/2016

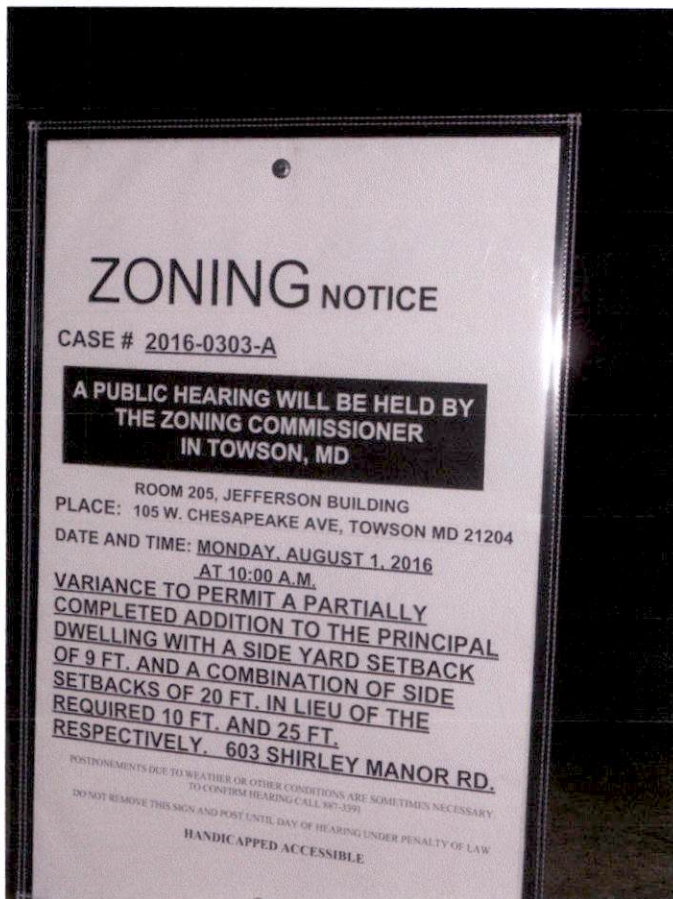
Case Number: 2016-0303-A

Petitioner / Developer: NOE ISIDRO HERNANDEZ REYES

Date of Hearing (Closing): AUGUST 1, 2016

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:
603 SHIRLEY MANOR ROAD

The sign(s) were posted on: JULY 12, 2016



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

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

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



KEVIN KAMENETZ
County Executive
June 28, 2016

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

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4th Election District – 2nd Councilmanic District
Legal Owners: Noe Isidro Hernandez Reyes

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105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Noe Isidro Hernandez Reyes, 603 Shirley Manor Road, Reisterstown 21136

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, July 12, 2016 Issue - Jeffersonian

Please forward billing to:

Noe Isidro Hernandez Reyes
603 Shirley Manor Road
Reisterstown, MD 21136

443-802-3227

NOTICE OF ZONING HEARING

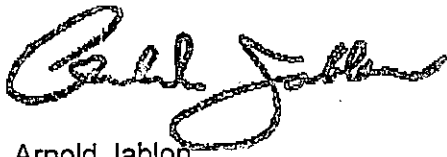
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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
603 Shirley Manor Road; E/S Shirley Manor *
Road, 123' S of c/line of Chartley Road * OF ADMINISTRATIVE
4th Election & 2nd Councilmanic Districts *
Legal Owner(s): Noe Isidro Hernandez Reyes * HEARINGS FOR
Petitioner(s) *
* BALTIMORE COUNTY
*
* 2016-303-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.

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

RECEIVED

JUN 14 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 2016, a copy of the foregoing Entry of Appearance was mailed to Noe Isidro Henandez Reyes, 603 Shirley Manor Road, Reisterstown, Maryland 21136, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/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 legal owner/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:

Case Number: 2016-0303-A

Property Address: 603 SHIRLEY MANOR RD 21136

Property Description: Single Family Dwelling REGISTERED MD

Legal Owners (Petitioners): NOE I. R. HERNANDEZ

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____

Company/Firm (if applicable): _____

Address: _____

Telephone Number: 443-802-3227

Revised 5/20/2014



KEVIN KAMENETZ
County Executive

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

July 27, 2016

Noe Isidro Hernandez Reyes
603 Shirley Manor Road
Reisterstown MD 21136

RE: Case Number: 2016-0303 A, Address: 603 Shirley Manor Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 31, 2016. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

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



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

Date: 6/13/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0303-A

Variance

Noe Isidro Hernandez Reyes
603 Shirley Menor Road

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 'Richard Zeller'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

8-1-16
10 Am

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

RECEIVED

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-303

JUL 06 2016

OFFICE OF ADMINISTRATIVE HEARINGS

INFORMATION:

Property Address: 603 Shirley Manor Road
Petitioner: Noe Isidro Hernandez Reyes
Zoning: DR 3.5
Requested Action: Variance

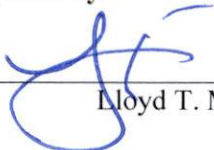
The Department of Planning has reviewed the petition for a variance to allow a principal dwelling with addition to have a side yard setback of 9 feet and a combination of side setbacks of 20 feet in lieu of the required 10 feet and 25 feet, respectively.

A site visit was conducted on June 20, 2016. The subject property is the subject of Case no. CB-1600212.

The Department has no objection to granting the petitioned zoning relief. The Department recommends the project be finished in colors and materials that are similar to the existing structure.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski
Noe Isidro Hernandez Reyes
Office of the Administrative Hearings
People's Counsel for Baltimore County

8-1-16
10 Am

RECEIVED

JUN 22 2016

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

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: June 22, 2016

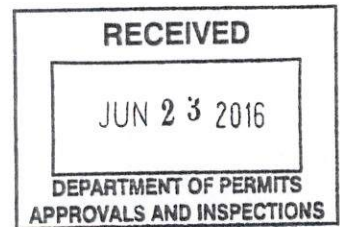
SUBJECT: EPS Comment for Zoning Item # 2016-0303-A
Address 603 Shirley Manor Road
(Reyes Property)

Zoning Advisory Committee Meeting of **June 13, 2016.**

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

Reviewer: Steve Ford Date: 06-22-2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE



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

DATE: June 15, 2016

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

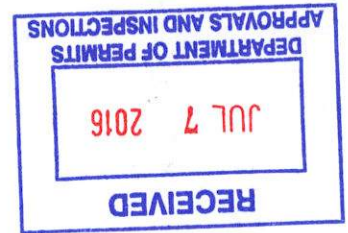
SUBJECT: Zoning Advisory Committee Meeting
For June 13, 2016
Item No. 2016-0283, 0284, 0298, 0300, 0301, 0302, 0303, 0304, 0306,
0309 and 0310

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\ZAC06132016.doc

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM**



TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: June 29, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-303

INFORMATION:

Property Address: 603 Shirley Manor Road
Petitioner: Noe Isidro Hernandez Reyes
Zoning: DR 3.5
Requested Action: Variance

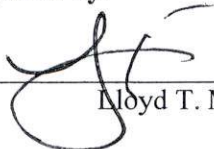
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A site visit was conducted on June 20, 2016. The subject property is the subject of Case no. CB-1600212.

The Department has no objection to granting the petitioned zoning relief. The Department recommends the project be finished in colors and materials that are similar to the existing structure.

For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Bill Skibinski
Noe Isidro Hernandez Reyes
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



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: June 22, 2016

SUBJECT: EPS Comment for Zoning Item # 2016-0303-A
Address 603 Shirley Manor Road
(Reyes Property)

Zoning Advisory Committee Meeting of **June 13, 2016.**

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

Reviewer: Steve Ford Date: 06-22-2016

Case No.:

2016-0303-A

DS
9-6-16

8-3-16
sen

Exhibit Sheet

Petitioner/Developer

Protestant

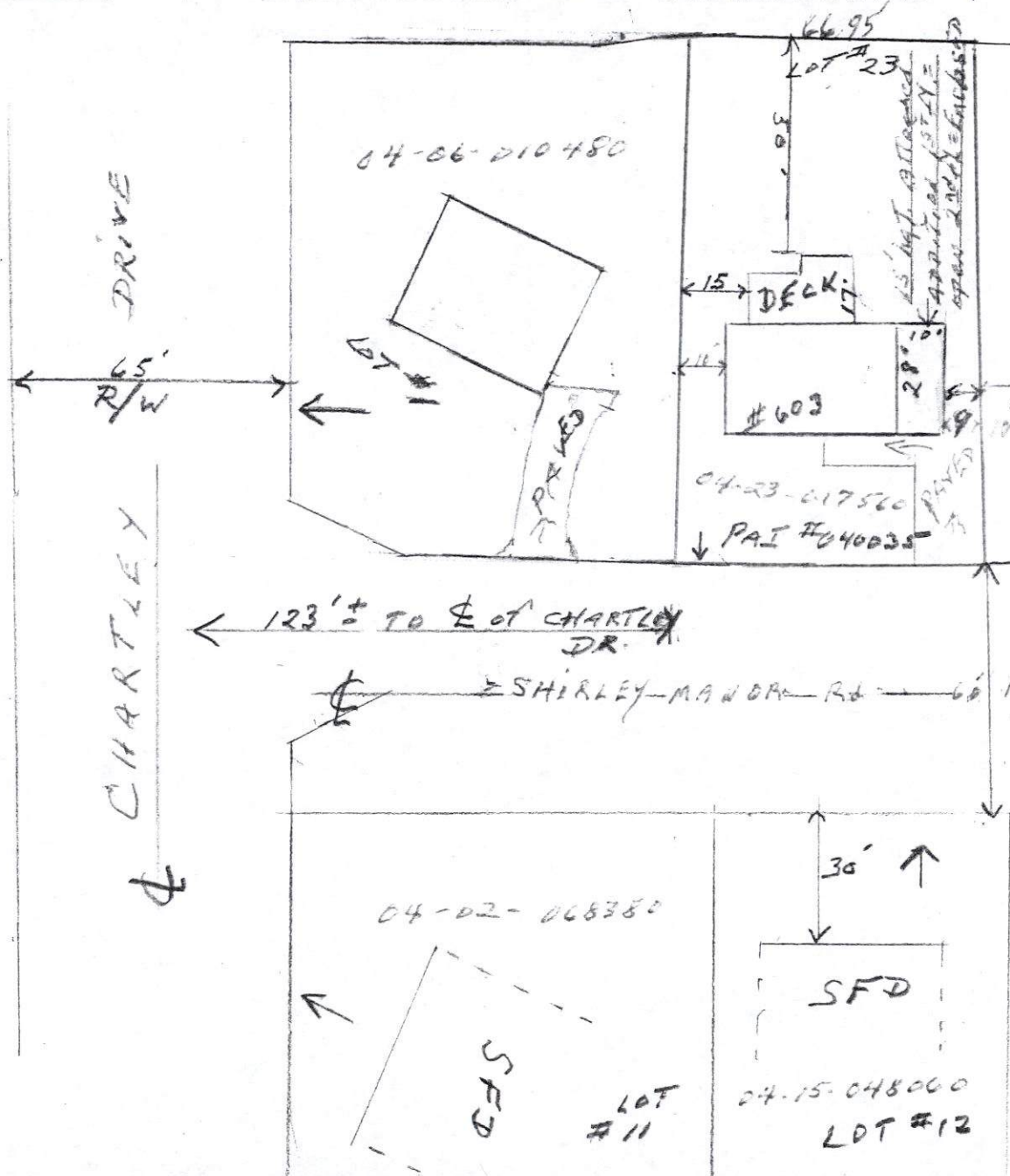
No. 1	site plan	letter Chartley H.O.A.
No. 2		Petition objecting to variance
No. 3		photos of site
No. 4		letter Mary Molinaro
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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

ADDRESS 603 SHIRLEY MANOR RD. OWNER(S) NAME(S) NOE I. R. HERNANDEZ

SUBDIVISION NAME CHARTLEY PLAT 12 LOT # 23 BLOCK # S SECTION # -

PLAT BOOK # 29 FOLIO # 16 10 DIGIT TAX # 0423 017560 DEED REF. # 36613/00212



Pet. Ex. 1

DRAWN BY: [Signature] 5-23-16

Chartley Homeowners Association, Inc.

P.O. Box 408
Reisterstown, MD 21136-0408

Baltimore County Department of Planning
Re: Zoning Variance Request for 603 Shirley Manor Road (Case # 2016-0303-A)
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

01-August-2016

To Whom It May Concern,

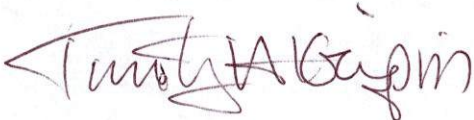
As the President of the Chartley Homeowners Association, I am writing to express our opposition to the zoning variance request at 603 Shirley Manor Road. We have three major reasons for our opposition.

First, we oppose the variance request due to the fact that the structure has been built on one of the two smallest properties in our community. The other smallest property is located directly adjacent to the structure. As such, we are concerned that the structure will impede the reasonable use of and access to both properties. In addition, the near proximity of the structure to the adjacent property infringes on the privacy of the adjacent property, and thus may have a significant, negative effect on the value of that home.

Secondly, the garage portion of the structure is much larger than similar additions throughout Chartley. Simply put, it is out of place with the modest homes and additions that are sprinkled throughout our community. We are concerned that the structure will not only have a negative impact on the value of the homes near the residence, but also on homes through the immediate area.

Lastly, in addition to starting this structure without a permit the homeowner, Mr. Reyes, has built other significant structures on and made other improvements to his property without permits. If this variance is approved, we are concerned that other residents will see the opportunity to by-pass the permitting process by using a similar tactic – build first, request later. It is our sincere desire to support our homeowners' right and desire to improve their property, but insist that they must show respect for the permitting process. Without this balance, residents in our community will have few options to address and correct these types of problems in the future.

With sincere gratitude for your consideration,



Timothy H. Krispin

President

Chartley Homeowners Association, Inc

Prot-
EX-1

PETITION OBJECTING TO THE

VARIANCE FOR 603 Shirley Manor Road (Case # 2016-0303-A)

We the residents of the Chartley Community in Reisterstown, Maryland, request the variance(s) for 603 Shirley Manor Road be denied by the Baltimore County Zoning Board. Our reasons for opposition include the following:

1. Given how quickly the structure (as it stands) was raised, and given that it was raised without a permit and corresponding building plan review, we have serious doubts about the structure's compliance with building code and requirements, and overall safety.
2. The home owner has repeatedly made changes to property that require a permit – including a fence, deck, and the installation of rear sliding doors, but has not complied with the permit process in any case.
3. The structure's location is so close to the adjacent property at 605 Shirley Manor Road as to have a serious impact on the use and value of that property.
4. Given that the property is the 2nd smallest in the immediate area, and given that the proposed structure/addition is not consistent with architectural design of similar homes in the community, it will likely have a negative impact on the property values of the homes in the immediate vicinity.

Name: Aaron Sass
Address: 605 Shirley Manor Rd
Signature: Aaron Sass

Name: Adriana Sass
Address: 605 Shirley Manor Rd
Signature: [Signature]

Name: Susan Sooklal
Address: 201 Chartley Dr Reisterstown
Signature: Susan Sooklal

Name: Kennedy Sooklal
Address: 201 Chartley Drive, Reist.
Signature: KENNEDY SOOKLAL

Prot.
EX-2

Name: Rattana Yane Pheng
Address: 839 Chabalee Road
Signature: Rattana Yane Pheng

Name: JAMES
Address: 604 Stacy Mann Rd Reston MD
Signature: [Signature]

Name: RUTHAN O'CONNOR
Address: 200 Cherry Dr.
Signature: Ruthan O'connor

Name: OSEY MASS/ROT
Address: 702 Charter Dr.
Signature: [Signature]

Name: MARLON T. ROWLAND
Address: 605 Zool Ct
Signature: Marlon T Rowland

Name: James Rowland
Address: 605 Zell Ct
Signature: James H. Rowland

Name: Rhonda Gullins
Address: 204 Charter Dr Reston MD 20136
Signature: Rhonda Gullins

Name: Elmer Jenkins

Address: 204 Chartley Dr

Signature: Elmer Jenkins

Name: Alisha Jenkins

Address: 204 Chartley Drive

Signature: Alisha Jenkins

Name: Joe Gghem

Address: 236 Chartley

Signature: Joe Gghem

Name: Mary Molinaro

Address: 215 Chartley Drive

Signature: Mary Molinaro

Name: Hannah Schwartzbeck

Address: 704 Shirley Manor Rd

Signature: Hannah Schwartzbeck

Name: CAROL EBEKT

Address: 706 SHIRLEY MANOR Rd

Signature: Carol Eekt

Name: Natashe Luginiski

Address: 109 Brunle Rd

Signature: Natashe Luginiski

Name: Tina Asher
Address: 107 Brunck Rd. Reisterstown, MD 21136.
Signature: Tina Asher

Name: EARL ASHER
Address: 107 BRUNCK RD REISTERSTOWN MD 21136
Signature: Earl Asher

Name: Debra Kessler
Address: 102 Brunck Rd. Reisterstown MD, 21136
Signature: Debra Kessler

Name: Richard A. MASSIOT
Address: 202 Chartley Dr.
Signature: Richard A. Massiot

Name: Alyssa Sooklal
Address: 201 Chartley Drive
Signature: Alyssa Sooklal

Name: JAMES ROBERTS
Address: 205 Chartley Drive
Signature: James Roberts

Name: Jen Roberts
Address: 205 Chartley Drive
Signature: Jennifer Roberts

Name: Kevin Overfeld

Address: 207 Chartley Dr. Reisterstown Md

Signature: [Signature]

Name: Samantha Salisbury

Address: 208 Chartley Dr. Reisterstown, Md,

Signature: [Signature]

Name: Susan Donnelly

Address: 223 Chartley Dr Reisterstown, Md

Signature: Susan M Donnelly

Name: Truth Ann Francis (Truth Ann Francis)

Address: 214 Walgrove Road Reisterstown, Md. 21136

Signature: Truth Ann Francis

Name: James Francis

Address: 214 Walgrove Road, Reisterstown, Md

Signature: James Francis

Name: ~~Elaine Bai~~ ELAINE BAI

Address: 117 Chartley Dr. Reisterstown MD. 21136

Signature: Elaine Bai

Name: Stephanie Case

Address: 238 Walgrove Rd., Reisterstown, MD 21136

Signature: [Signature]

Name: Robert Borden
Address: 204 Walgrove Rd.
Signature: R. Borden

Name: Lynn Greenwood
Address: 603 Walnut St. 21136
Signature: Lynn Greenwood

Name: Patricia Feltz
Address: 602 Zell Ct 21136
Signature: Patricia Feltz

Name: Jonna McClary
Address: 206 Walgrove Rd. 21136
Signature: Jonna McClary

Name: Rick Taylor
Address: 221 Christie Drive
Signature: Rick Taylor 21136

Name: Jeffrey W. Lang Sr.
Address: 208 Walgrove Rd. 21136
Signature: Jeffrey W. Lang Sr.

Name: Darlene Lang
Address: 208 Walgrove Rd 21136
Signature: Darlene M. Lang

Name: Elisabeth Lily Sooklal

Address: 201 Chartley Dr. Reisterstown, MD 21136

Signature: Elisabeth Sooklal

Name: JOAN LONG

Address: 105 CHARTLEY DRIVE

Signature: REISTERSTOWN, MD. - 21136

Joan P. Long

Name: JOE POROY

Address: 105 CHARTLEY DR.

Signature: REISTERSTOWN, MD. 21136

Joseph Poroy Jr.

Name: Judy Zengfure

Address: 101 Chartley Dr.

Signature: Judy Zengfure

Name: The Blaw run

Address: 607 Shirley Manor Rd

Signature: Blaw run

Name: Jennifer Gabriel

Address: 1006 Shirley Manor Reis. 21136

Signature: Jennifer Gabriel

Name: Frank Gabriel

Address: 1006 Shirley Manor Road 21136

Signature: Frank M. Gabriel



Prot.
#3



Mary Molinaro
215 Chartley Drive
Reisterstown, MD 21136
410-526-5704
410-908-0724 (cell)

July 31, 2016

Administrative Law Judge
Jefferson Building
105 W. Chesapeake Avenue, Room 205
Towson, MD 21204

RE: Case Number 2016-0303-A

I am writing regarding the request for a variance by the owner of 603 Shirley Manor Road. He is asking for a "variance to permit a partially completed addition to the principal dwelling with a side yard setback of 9 ft. and a combination of side setbacks of 20 ft. in lieu of the required 10ft. and 25ft." The way this request is written leads you to believe that we are only discussing one foot. However, the way the house was originally built the 10 ft. setback is in fact on the other side of the house which means that the driveway side should have a 15' setback. The fact that there will only be 9' on the driveway side of the house means that it is **6' too small** on this side of the house.



This addition was built without submitting designs and getting a permit which would have surely been denied. Once he was told to stop building because he didn't get a permit, the owner then proceeded to build a deck and break out a wall on the back of the house to put in a sliding glass door both of which would have required a permit. Reference the highlighted items on the list of items that require a permit on the last page found on the Baltimore County website.

As can be seen, the roof line doesn't match the style of the house; so, it is architecturally inconsistent with the rest of the "bi-level" or "split level" homes throughout the Chartley Community.

For these reasons, I request that you deny the variance and require the homeowner to remove the addition on the side of the house.

Sincerely,

Mary Molinaro

Prot.
#4

Baltimore County - Building Permit Requirements

Building Permits are required for the following:

- Accessory structures (sheds, garages, gazebos, etc.) over 120 square feet
- All accessory structures located in Flood Zone A or located in historic districts
- Garages and carports attached to single family dwellings
- Above ground swimming pools over 250 square feet with water depth of 24 inches or more
- All in-ground pools: a 48 inch safety barrier with self latching, self closing gates is required
- Retaining walls over 36 inches: engineered drawings are required for over 48 inches
- Fences over 42 inches in height
- Decks greater than 16 inches above the lowest grade and exceeds 120 square feet
- Wood stoves, pellet stoves, and fireplaces
- Additions and structural modifications to existing dwellings
- Enclosing of open porches and decks
- Basement excavations
- Change of use of structure
- Razing permits
- Grading over 5,000 square feet
- Alterations to historic houses

Downspouts are to be discharged at a distance of not less than eight feet from any property line measured along the path of flow.

Two layers of shingles can be put on a roof (a permit is not required).

Windows and doors may be replaced without a building permit, provided no structural changes to the frame are required.

If you have further questions or would like more information in regards to whether a permit is required for your project, call Building Inspections at 410-887-3953  410-887-3953

DATE 8-1-2016

Joel Isidro Hernandez-Reyes 603 Shirley Manor Rd 21134 MD

CASE NAME

CASE NUMBER

DATE _____

2016-0303

8-1-2016

CITIZEN'S SIGN - IN SHEET

NAME _____

ADDRESS

CITY, STATE, ZIP

E - MAIL

[illegible]

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment6/15DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)N/C6/22DEPS
(if not received, date e-mail sent _____)N/C

FIRE DEPARTMENT

6/29PLANNING
(if not received, date e-mail sent _____)no obj
w/conditions6/13/16

STATE HIGHWAY ADMINISTRATION

no Objection

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

7/28/16

ADJACENT PROPERTY OWNERS

Opposition
Ltrs

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

7/12/16

SIGN POSTING

Date:

7/12/16

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

Real Property Data Search (w3)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 0423017560			
Owner Information					
Owner Name:	REYES NOE ISIDRO HERNANDEZ		Use:	RESIDENTIAL	
Mailing Address:	603 SHIRLEY MANOR RD REISTERSTOWN MD 21136-2318		Principal Residence:	YES	
			Deed Reference:	/37646/ 00214	
Location & Structure Information					
Premises Address:	603 SHIRLEY MANOR RD REISTERSTOWN 21136-2318		Legal Description:	603 SHIRLEY MANOR RD CHARTLEY	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0048	0018	0464		0000	
					Block:
					S
					Lot:
					23
					Assessment Year:
					2016
					Plat No:
					12
					Plat Ref:
					0029/0016
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area		Finished Basement Area		Property Land Area
1962	1,120 SF		700 SF		8,418 SF
					County Use
					04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
Split Foyer	YES	SPLIT FOYER	ASBESTOS SHINGLE	3 full	Last Major Renovation
Value Information					
	Base Value		Value As of 01/01/2016		Phase-in Assessments As of 07/01/2015
Land:	51,600		51,600		As of 07/01/2016
Improvements	146,500		165,300		
Total:	198,100		216,900		198,100
Preferential Land:	0				204,367
					0
Transfer Information					
Seller: REYES NOE ISIDORO HERNANDEZ		Date: 06/16/2016		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /37646/ 00214		Deed2:	
Seller: KABONGO MAKASA M		Date: 09/02/2015		Price: \$235,000	
Type: NON-ARMS LENGTH OTHER		Deed1: /36613/ 00212		Deed2:	
Seller: LAUGHLIN JOSEPH D		Date: 06/20/2003		Price: \$176,000	
Type: ARMS LENGTH IMPROVED		Deed1: /18238/ 00259		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					

Baltimore County

[New Search \(http://sdat.dat.maryland.gov/RealProperty\)](http://sdat.dat.maryland.gov/RealProperty)District: **04** Account Number: **0423017560**

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>).

RECEIVED

JUL 28 2016

Baltimore County Zoning Office
RE: Case 2016-0303-A

July 25, 2016

OFFICE OF ADMINISTRATIVE HEARINGS

This letter is to inform you of my concerns of Invading of Privacy of my home. I live at 602 Zell Court, Reisterstown Md. 21136. I moved here in 2001 into a neighborhood I felt was quiet, peaceful and with some degree of privacy. My back yard is right behind 603 Shirley Manor RD; our yard is divided by a four-foot privacy wooden fence. I have for the last 15 years enjoyed spending time in my back yard, at times in my pool with a good feeling of privacy. Being able to open my slider door and letting the sun shine in, knowing I had the privacy that I enjoyed.

A few weeks ago my neighbors at 603 Shirley Manor Rd. Started building a second story deck on the back of his home, facing my yard and my back sliding door. At the time of the building there were no signs in his front yard stating he had a permit to do the building. Along with this concern there is also no way of getting off the deck he built, no steps leading down into his yard. The only way would be to go back through the house. Now if something were to happen in the house while they were on the deck and they had to vacate they would have no way of getting off the deck without going back into the home. Which I find is very unsafe way to have a deck. Also looks like wires from utility poles are very close to his deck. Another safety factor.

Along with the safety factors, I've lost a great deal of my privacy I have enjoyed for so long. Now once I open my curtains on my slider, when they are on their deck they are able to see right into my dining room which leaves me feeling invaded, unable to do as I please without concerns of who's now able to see everything I'm doing in my own home. Along with being unable to sit on my ground level deck, or spend time in my pool and not feel like I am being watched. This is so unacceptable and has taking away the comfort I once felt in my home. Living alone no longer feeling safe.

As far as I know this is the only house in this area that has a second floor deck and wondering how this was allow. Changing the structures of the neighborhood. Before the starting of the deck he has also started building another second story extension on his home on the side of the house but was unable to finish because he had no permit for that addition onto his home. But yet he was able to build the deck and the other construction on the side of his house he started is left incomplete.

Asking for this to be looked into for I feel this has not gone through proper channels, building codes and safety is a big concern. **And the loss of my privacy, I no longer have in the comfort of my own home.**

Patricia Folks
602 Zell Ct.
Reisterstown Md. 21136

Phone #410-790-1623
Email ~ Misty-34@hotmail.com



RECEIVED

July 25, 2016

JUL 28 2016

Baltimore County Zoning Office
111 West Chesapeake Avenue
Room 111
Towson, MD 21204

OFFICE OF ADMINISTRATIVE HEARINGS

RE: Case # 2016-0303-A to be heard at Public Hearing Monday, August 1, 2016, 10:00 AM

Baltimore County Zoning Members,

We are the residents of 201 Chartley Drive which we have lived at since 1996. We are writing as residents of Chartley Drive to express our views regarding the variance requested for 603 Shirley Manor Road under Case # 2016-0303-A. 603 Shirley Manor is a 5-bedroom split foyer single-family home with approximately 8,420 ft² in total lot area. The request is to exceed the permitted building length. At this time, we are unsure of the purpose of the construction of this structure. We write this letter to state our strong opposition to the variant structures that have been built and are in the process of being built, specifically addressing the structure located on the right side of the house, on the side of 605 Shirley Manor.

As homeowners directly adjacent to the property in question, we have several objections to this variance request. We are concerned about the financial implications of this structure, and how it would impact our home value, as well as home value within the neighborhood. The additional structure to 603 Shirley Manor is very different from the architectural design of our house, as well as the other houses of similar original design. 603 Shirley Manor and its adjacent neighbor (605 Shirley Manor) are two of the smallest lots in the neighborhood. This additional structure could potentially negatively impact the home value of 605 Shirley Manor, as well as our home value (201 Chartley Drive).

We are also concerned about the distance between the houses on either side of 603 Shirley Manor. The structure is extremely close to 605 Shirley Manor; we are concerned for that neighbor's privacy and comfort. Also, the structure is in violation with zoning laws, since the distance is less than 10 ft away from 605 Shirley Manor. It is very possible that the total distance from each house (201 Chartley and 605 Shirley Manor) is less than 25 ft, which is also a violation.

Furthermore, it is concerning that the homeowner of 603 Shirley Manor has put up this structure extremely quickly, and without a permit. He has made additional changes to the property, including a deck to the back of the house, sliding rear doors, and a fence, and we are concerned that he has not complied with the permit process for any of these structures. If he has not, it sets a negative precedence in the neighborhood. Likewise, we are concerned about the soundness of the structures, given how quickly they were put up.

Moreover, the structure is an eyesore. We do not think it adds aesthetic value to the neighborhood, especially on Shirley Manor Road. We are unsure of the purpose of this structure, but it does not seem necessary to the property.

Thank you for considering our objections in your ruling,


Susan Sooklal

Kennedy and Susani Sooklal
201 Chartley Drive
Reisterstown, MD 21136

603 Shirley Manor Road



Publication Date: 5/11/2016



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



0 12.525 50 75 100 Feet

1 inch = 50 feet

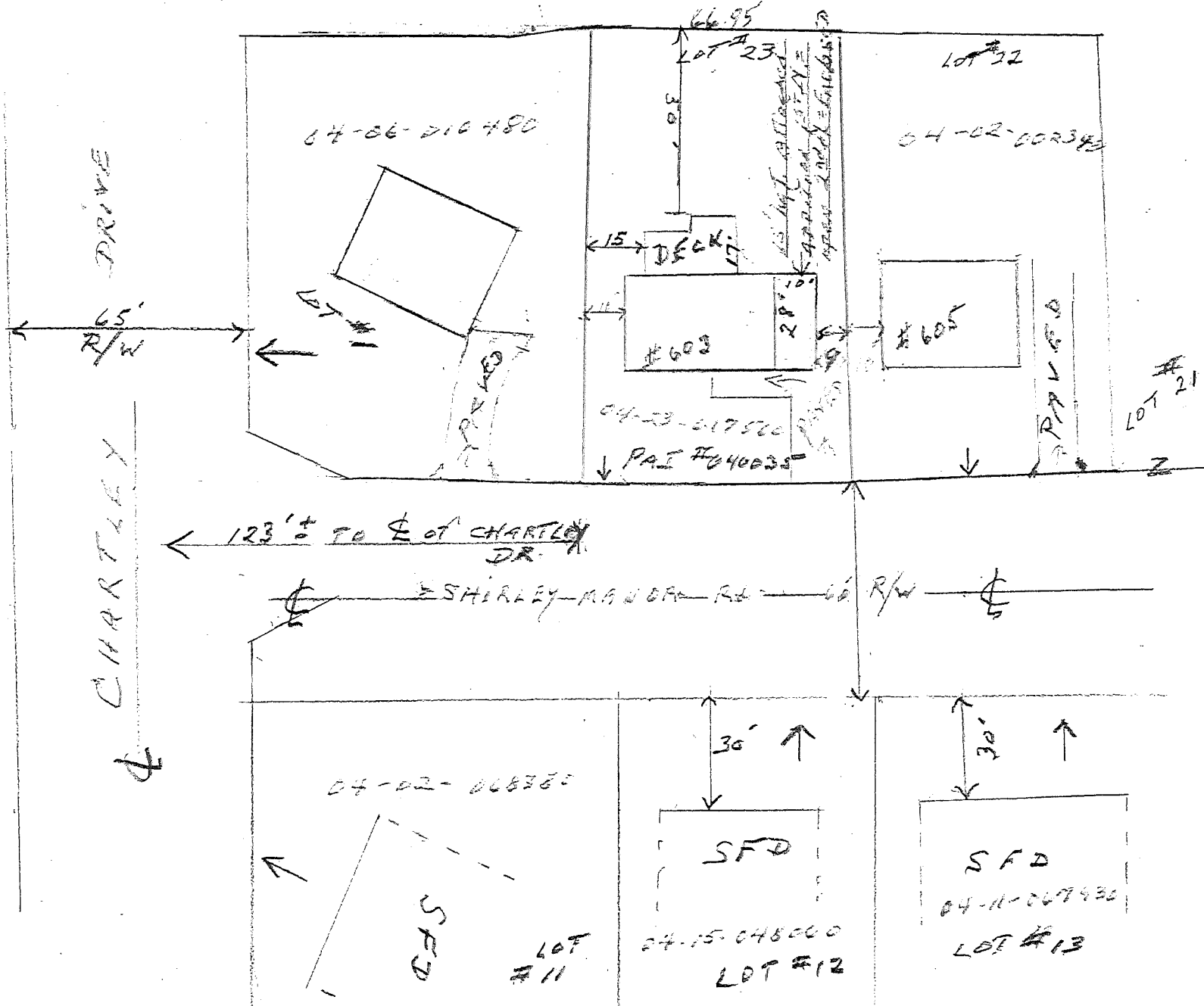
HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING - (MARK TYPE REQUESTED WITH X)

603 SHIRLEY MANOR RD.

OWNER(S) NAME(S) NCE I. R. HERNANDEZ

SECTION NAME CHARTLEY PLAT 12 LOT # 23 BLOCK # 5 SECTION # -

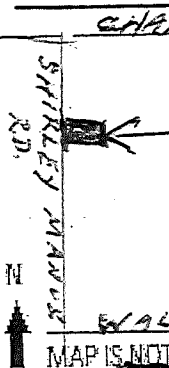
BOOK # 29 FOLIO # 16 10 DIGIT TAX # 0423 017560 DEED REF. # 36613100212



DRAWN BY: Robert R. 5-23-16

SCALE: 1" = 40'

SITE VICINITY



ZONING MAP#

SITE ZONED

ELECTION DIST

COUNCIL DIST

LOT AREA AC

OR SQUARE F

HISTORIC?

IN CBCA?

IN FLOOD PL

UTILITIES?

WATER IS:

PUBLIC X

SEWER IS:

PUBLIC X

PRIOR HEAR

IF SO GIVE C

AND ORDER

VIOLATION C

LB - 10

#2016-0