

MEMORANDUM

DATE: October 3, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0303-A – Appeal Period Expired

The appeal period for the above-referenced case expired on October 2, 2017. 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

(9614 Oak Summit Avenue)

11th Election District

5th Council District

Editha S. Bardoguillo

Legal Owner

Petitioner

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2017-0303-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed on behalf of Editha S. Bardoguillo, the legal owner of the subject property ("Petitioner"). Petitioner is requesting variance relief from § 415.3 C (1) of the Baltimore County Zoning Regulations ("B.C.Z.R") as follows: (1) to allow a utility trailer to be parked in the front half of the lot in lieu of the required rear half of the lot; (2) to approve a setback of 12 ft. from the front property line for a utility trailer in lieu of the required 25 ft. setback from the property line; and (3) to permit an existing garage located in the front yard. A site plan was marked as Petitioner's Exhibit 1.

Mark Scherer (Petitioner's husband) 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. A substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP). That agency did not oppose the request concerning the garage but opposed the variance request related to the utility trailer.

The site is approximately 26,136 square feet in size and zoned DR 5.5. The property is improved with a single family dwelling constructed in 1956, and a detached garage which appears to be of the same vintage.

ORDER RECEIVED FOR FILING

Date

By

9/11/17

sen

The petition filed in this case contains a two-page attachment wherein Petitioner provides justification for the requests. Mr. Scherer elaborated on those points at the hearing, and presented photos of the property and utility trailer in question.

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 difficulty or hardship.

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

The subject property has irregular dimensions (Petitioner describes it as “long and slender”) and is accessed via a 200± ft. driveway shared with two other dwellings. As such the property is unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be required to raze or relocate the garage. In addition, to store the trailer in compliance with the Regulations she would need to remove fencing and create additional impervious surface (i.e., a driveway).

Finally, I find that the variances 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. Petitioner’s home is located over 200 ± ft. from the public road, and the garage and trailer are visible only to the two other owners sharing this driveway. While the trailer is by no means attractive, it at the same time is not an eyesore, and I do not believe granting the variance would have a detrimental impact upon the neighborhood.

I do not disagree with the DOP’s assessment that Petitioner has ample room in the rear yard to store the trailer. But as Mr. Scherer described, to do so would require Petitioner to remove one or more sections of fencing and three newly planted trees. The rear yard is entirely lawn/grass,

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Date 9/1/17

By Sen

and to store the trailer Petitioner would need to create a driveway or parking pad, either of which would result in additional impervious coverage on the site. The trailer is now stored on a large asphalt apron in front of the existing garage, and I agree with Mr. Scherer this is not an unreasonable location for the trailer. Indeed, accessory buildings are required to be in the rear yard (and are customarily located there) and if that were the case here the trailer could be properly stored in front of the garage.

THEREFORE, IT IS ORDERED, this 1st day of **September, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 415.3 C (1) of the Baltimore County Zoning Regulations ("B.C.Z.R) as follows: (1) to allow a utility trailer to be parked in the front half of the lot in lieu of the required rear half of the lot; (2) to approve a setback of 12 ft. from the front property line for a utility trailer in lieu of the required 25 ft. setback from the property line; and (3) to permit an existing garage located in the front yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.
2. No long term (i.e., more than ten days) storage of equipment, tools or materials on the trailer shall be permitted.
3. The variance granted herein shall be personal to Petitioner, and shall not "run with the land."
4. The variance granted herein shall permit storage in the front half of the lot only the white utility trailer owned at the present time by Petitioner and/or her husband. Should that trailer be sold, become inoperable, or is salvaged, the relief granted herein shall automatically terminate.

ORDER RECEIVED FOR FILING

Date 9/11/17

By Sen

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



JOHNE. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 9/11/17

By sln



PETITION FOR ZONING HEARING(S)

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

To the Office of Administrative Law of Baltimore County for the property located at:
 Address 9614 Oak Summit Ave which is presently zoned DR 5.5
 Deed References: 3730 8100 335 10 Digit Tax Account # 1112059801
 Property Owner(s) Printed Name(s) Editha S Bardoguillo

(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)

See Attached

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):

Editha S Bardoguillo

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Mark Scherer (husband)

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2017-0303-A Filing Date 5/11/2017 Do Not Schedule Dates: before 8/14/17 Reviewer M

Variance

- 1. To allow a utility trailer to be parked in the front half of the lot in lieu of the required rear half of the lot. BCZR Section: 415.3(C)(1).**
- 2. To approve a setback of 12feet from the front property line for a utility trailer in lieu of the required 25feet setback from the property line per BCZR Section: 415.3.(C)(1).**
- 3. To permit an existing garage located in the front yard. BCZR Section: 400.3.**

Reasons for Variance Application

(listed in order of importance to me)

1. Due to the long slender nature of the property, and the narrow 200 foot driveway, getting the 6x12 trailer backed up into the Green shaded area would be very hard each time I wanted to use the trailer. I would be required to start my backup out on Oak Summit, and backup the 200 foot driveway and over grass with a slight turn and into a Code Compliant position. That's hard and cumbersome for even an experienced truck driver, and I am not a truck driver.
2. Additionally limiting space to maneuver the trailer into any position other than it's current spot are my neighbors (2) illegally parked cars in the common ingress/egress area directly after the turn from the main driveway from Oak Summit (shaded black in plat which is in the Deeded Common Driveway Agreement), the same neighbor who filed this code violation. I believe the neighbor has 5 cars but has not provided space on his property to accommodate those 5 cars. I had a full survey from Brian Dietz, and he interpreted the Deed to clearly mean you can't park in the Common Ingress/Egress Area. These cars make impossible to pull the trailer into the property and maneuver into any position other than my Asphalted areas. Again I state I am required to backup from the street (Oak Summit) and back the trailer all the way up the ~ 200 foot driveway. He told me when I moved there in June of 2016 that I would need to go to court to have the Deed interpreted and get an order for no parking in that area. Sadly he is correct. The county enforces codes but not simple Deed mandates, so I would have to spend \$ 3,000 to \$ 10,000 just to use my property as Deeded. Smart neighbor.
3. The Orange line leading from the house to the older garage is an attractive 15 year old white PVC fence, which would have to be removed to allow for a code compliant driveway.
4. The yellow shaded areas consists of Asphalt which appears to be very old. There is no driveway or Asphalt leading to the the green shaded areas which would conform to code. An estimate of 70 feet of new Asphalt would be needed. The cost certainly would fall into the range of \$ 5,000 to \$ 20,000 dollars, which I don't have, and don't anticipate the ability to save that much.

2017-0303-A

5. Since my current asphalted trailer parking positions are 250 feet from Oak Summit Ave, it doesn't infringe on traffic or affect neighbors space to park.
6. The current areas to park the trailer are in no way visually restrictive for my neighbors to see their yards etc. In other words, it's hard to believe anyone would call it an eye sore.
7. (2) small, but nice trees would have to be cut down to access code compliant parking spot. These trees are Blue on the plot.

0303-A

Zoning Property Description For 9614 Oak Summit Ave

Beginning at a point on the West side of Oak Summit Ave, 30 feet wide, at a distance of 577 feet North of the Centerline of the nearest improved road, Joppa Road, which is 54 feet wide.

Being Lot 1, in the Minor Subdivision of the Chase Property as recorded in Baltimore County, Maryland, Plat Book # 7, Folio # 84, containing .6615 acre. Located in the 11th Election District, and the 5th Councilman District.

2017-0303-A



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 5116468

Sold To:

Editha Bardoquillo - CU00610342
9614 Oak Summit Ave
Parkville, MD 21234-1824

Bill To:

Editha Bardoquillo - CU00610342
9614 Oak Summit Ave
Parkville, MD 21234-1824

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

Aug 10, 2017

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: # 2017-0303-A

9614 Oak Summit Avenue
W/s Oak Summit Avenue, north of Joppa Road
11th Election District - 5th Councilmanic District
Legal Owner(s) Editha Bardoquillo

Variance: to allow a utility trailer to be parked in the front half of the lot in lieu of the required rear half of the lot. To approve a setback of 13 ft. from the front property line for a utility trailer in lieu of the required 25 ft. setback from the property line. To permit an existing garage located in the front yard.

Hearing: Wednesday, August 30, 2017 at 1:30 p.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.

8/044 August 10

5116468

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2017-0303-A

PETITIONER/DEVELOPER
EDITHA BARDOQUILLO
MARK SCHELER

DATE OF HEARING/CLOSING:
8/30/17

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

ATTENTION:

LADIES AND GENTLEMEN:

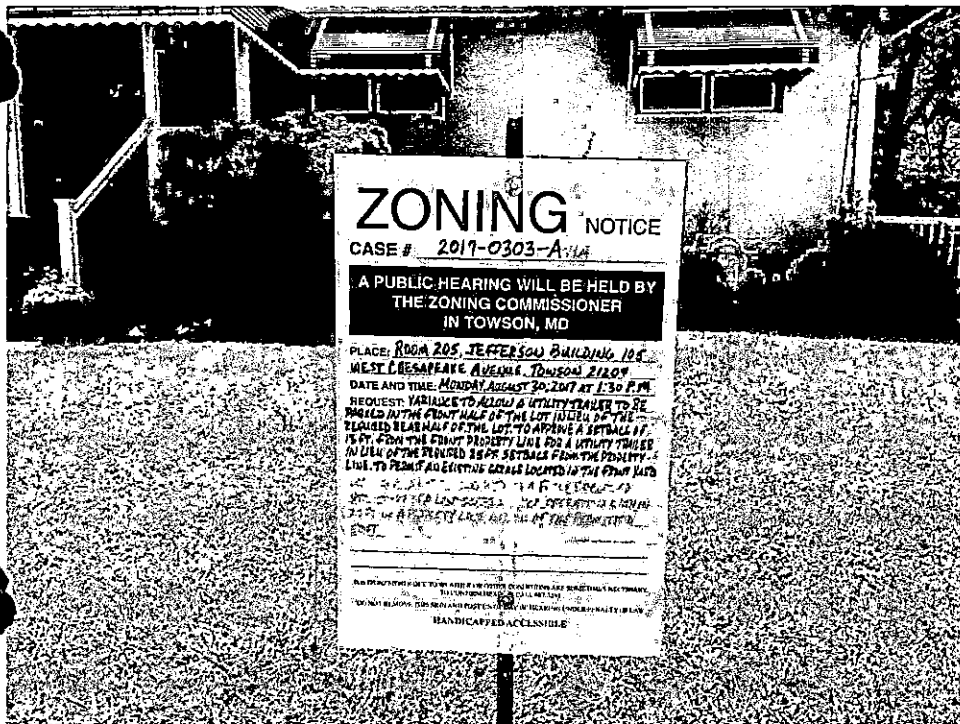
THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE
PROPERTY AT _____

9614 OAK SUMMIT AVE

THIS SIGN(S) WERE POSTED ON August 9, 2017
(MONTH, DAY, YEAR)

SINCERELY,
[Signature]
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
9912 MAIDBROOK RD
PARKVILLE, MD 21234
(ADDRESS)
PHONE NUMBER: 443-629-3411



mgardner 8/9/17

TO: PATUXENT PUBLISHING COMPANY
Thursday, August 10, 2017 Issue - Jeffersonian

Please forward billing to:
Editha Bardoquillo
9614 Oak Summit Avenue
Parkville, MD 21234

443-531-9009

CORRECTED NOTICE OF ZONING HEARING

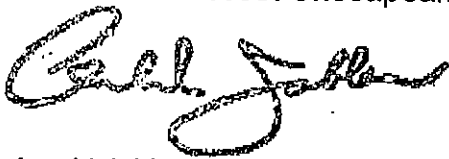
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0303-A

9614 Oak Summit Avenue
W/s Oak Summit Avenue, north of Joppa Road
11th Election District – 5th Councilmanic District
Legal Owners: Editha Bardoquillo

Variance to allow a utility trailer to be parked in the front half of the lot in lieu of the required rear half of the lot. To approve a setback of 13 ft. from the front property line for a utility trailer in lieu of the required 25 ft. setback from the property line. To permit an existing garage located in the front yard.

Hearing: Wednesday, August 30, 2017 at 1:30 p.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
Thursday, July 27, 2017 Issue - Jeffersonian

Please forward billing to:
Editha Bardoquillo
9614 Oak Summit Avenue
Parkville, MD 21234

443-531-9009

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: 2017-0303-A

9614 Oak Summit Avenue
W/s Oak Summit Avenue, north of Joppa Road
11th Election District – 5th Councilmanic District
Legal Owners: Editha Bardoquillo

Variance to allow a utility trailer to be parked in the front half of the lot in lieu of the required rear half of the lot. To approve a setback of 13 ft. from the front property line for a utility trailer in lieu of the required 25 ft. setback from the property line. To permit an existing garage located in the front yard.

Hearing: Thursday, August 17, 2017 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.



KEVIN KAMENETZ
County Executive

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

July 21, 2017

NEW 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: 2017-0303-A

9614 Oak Summit Avenue
W/s Oak Summit Avenue, north of Joppa Road
11th Election District – 5th Councilmanic District
Legal Owners: Editha Bardoquillo

Variance to allow a utility trailer to be parked in the front half of the lot in lieu of the required rear half of the lot. To approve a setback of 13 ft. from the front property line for a utility trailer in lieu of the required 25 ft. setback from the property line. To permit an existing garage located in the front yard.

Hearing: Monday, August 30, 2017 at 1:30 p.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: Mark Scherer, Editha Bardoquillo, 9614 Oak Summit Avenue, Parkville 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, AUGUST 10, 2017.**
- (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.



KEVIN KAMENETZ
County Executive

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

June 29, 2017

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: 2017-0303-A

9614 Oak Summit Avenue

W/s Oak Summit Avenue, north of Joppa Road

11th Election District – 5th Councilmanic District

Legal Owners: Editha Bardoquillo

Variance to allow a utility trailer to be parked in the front half of the lot in lieu of the required rear half of the lot. To approve a setback of 13 ft. from the front property line for a utility trailer in lieu of the required 25 ft. setback from the property line. To permit an existing garage located in the front yard.

Hearing: Thursday, August 17, 2017 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: Mark Scherer, Editha Bardoquillo, 9614 Oak Summit Avenue, Parkville 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 28, 2017.**
- (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 VARIANCE * BEFORE THE OFFICE
9614 Oak Summit Avenue; W/S Oak Summit *
Avenue, 577' N of c/line Joppa Road * OF ADMINISTRATIVE
11th Election & 5th Councilmanic Districts *
Legal Owner(s): Editha S. Bardogullo * HEARINGS FOR
Petitioner(s) * BALTIMORE COUNTY
* 2017-303-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.

RECEIVED

MAY 16 2017

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 16th day of May, 2017, a copy of the foregoing Entry of Appearance was mailed to Mark Scherer, 9614 Oak Summit Avenue, Parkville, Maryland 21234, Representative for 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 twenty (20) 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: 2017-0303-A
Property Address: 9614 Oak Summit Avenue
Property Description: _____

Legal Owners (Petitioners): _____
Contract Purchaser/Lessee: Editha S. Bardoguillo

PLEASE FORWARD ADVERTISING BILL TO:

Name: Editha S. Bardoguillo
Company/Firm (if applicable): _____
Address: 9614 Oak Summit Ave
Parkville MD 21234
yatmoo@gmail.com
Telephone Number: 443-531-9009

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

NO 153064

Date: 5/11/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6130				75.00

Total: 75.00.

Rec

From:

For: 9614 Oak Summit Ave

2017-0303-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
5/11/2017 5/11/2017 10:03:49 2
REG W302 WALKIN JEE
>>RECEIPT # 009237 5/11/2017 OFLH
Dept 5 528 ZONING VERIFICATION
CR NO. 153054
Recpt Tot \$75.00
\$75.00 CR \$0.00 CA
Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

August 24, 2017

Editha S Bardoquillo
9614 Oak Summit Avenue
Parkville MD 21234

RE: Case Number: 2017-0303 A, Address: 9614 Oak Summit Avenue

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 11, 2017. 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
Mark Scherer, 9614 Oak Summit Avenue, Parkville MD 21234



Date: 5/15/17

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. 2017-0303-A

Variance
Edithe S. Bordoguillo
9614 Oak Summit Avenue.

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,

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

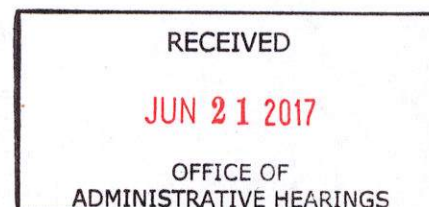
INTER-OFFICE MEMORANDUM

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

DATE: 6/15/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-303



INFORMATION:

Property Address: 9614 Oak Summit Avenue
Petitioner: Editha S. Bardoquillo
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow a utility trailer to be parked in the front half of the lot with a setback of 12 feet from the property line in lieu of the required rear half of the lot and a 25 foot property line setback and also to permit an existing accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

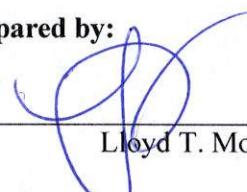
A site visit was conducted on May 25, 2017. The subject site is within the Carney-Cub Hill- Parkville Area Community Plan, adopted into the Master Plan in May 2010. The property is the subject of current violation notice #CC1703633.

The Department does not object to granting the petitioned zoning relief as it applies to the accessory structure.

The Department does not support granting the petitioned zoning relief pertaining to the utility trailer. The Department finds the condition requiring variance relief to be self-imposed. The rear half of the lot is of sufficient space to accommodate the trailer while providing the require property line setbacks. The Department recommends that wherever the ultimate location of the trailer, there shall not be any long term storage of equipment or materials upon said trailer.

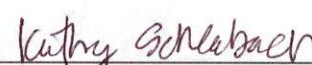
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Mark Scherer
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 17 2017

OFFICE OF
ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0303-A
Address 9614 Oak Summit Avenue
(Bardoguillo Property)

Zoning Advisory Committee Meeting of **May 22, 2017**

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

Reviewer: Steve Ford

Date: 5-17-2017

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 31, 2017

FROM: *MCD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 22, 2017
Item No. 2017-0291, 0292, 0294, 0296, 0299, 0300, 0301 and 0303

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

VKD:CEN

cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC05222017.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/15/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-303

INFORMATION:

Property Address: 9614 Oak Summit Avenue
Petitioner: Editha S. Bardoquillo
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance to allow a utility trailer to be parked in the front half of the lot with a setback of 12 feet from the property line in lieu of the required rear half of the lot and a 25 foot property line setback and also to permit an existing accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

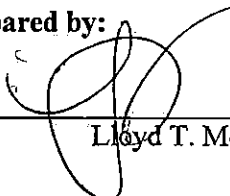
A site visit was conducted on May 25, 2017. The subject site is within the Carney-Cub Hill- Parkville Area Community Plan, adopted into the Master Plan in May 2010. The property is the subject of current violation notice #CC1703633.

The Department does not object to granting the petitioned zoning relief as it applies to the accessory structure.

The Department does not support granting the petitioned zoning relief pertaining to the utility trailer. The Department finds the condition requiring variance relief to be self-imposed. The rear half of the lot is of sufficient space to accommodate the trailer while providing the require property line setbacks. The Department recommends that wherever the ultimate location of the trailer, there shall not be any long term storage of equipment or materials upon said trailer.

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

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Laurie Hay
Mark Scherer
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: May 17, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0303-A
Address 9614 Oak Summit Avenue
(Bardoguillo Property)

Zoning Advisory Committee Meeting of May 22, 2017

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

Reviewer: Steve Ford Date: 5-17-2017

CASE NO. 2017- 0303-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5/31/17</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>no comment</u>
<u>5/17/17</u>	DEPS (if not received, date e-mail sent _____)	<u>no comment</u>
_____	FIRE DEPARTMENT	_____
<u>6/21/17</u>	PLANNING (if not received, date e-mail sent _____)	<u>Comment</u>
<u>5/15/17</u>	STATE HIGHWAY ADMINISTRATION	<u>no obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
<u>8/11/17</u>	ADJACENT PROPERTY OWNERS	<u>David Cunningham</u>
ZONING VIOLATION	(Case No. <u>CC1703633</u>)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>8/10/17</u>	
SIGN POSTING	Date: <u>8/9/17</u> by <u>Agile</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

June Wisnom

From: David Cunningham <2davecunningham@gmail.com>
Sent: Friday, August 11, 2017 12:43 PM
To: June Wisnom
Subject: Variance Parking Exception 20170303-A

Mrs Wisnom,

My name is David Cunningham.
I live at 9614a Oak Summit Avenue.
Parkville, Maryland 21234.

I am in opposition to the parking variance/ exception 2017-0303-A.
I will be out of town on the August 30th for the hearing. Please put my opposition into the record for the hearing review.
I have live at this address for the past 17 years.
Mrs Brardquillo and her family moved in to the property in 2016 with this trailer.

Parking of this utility trailer in front of lot is an eyesore and decreases my property value and any future sale.
The trailer in front of the house is impeding my quite use and enjoyment of my property.

This trailer increases the parking problem on the pan handle lot.
Mrs, Bardquillo has 5 vehicles plus the trailer.
They often park in the front yard because of lack of parking space.

Mrs. Bardquillo's lot of 26,136 square feet is large enough to accommodate the trailer and meet the zoning regulation. Locating the trailer in the back yard will be and inconvenience but not an undue hardship.
There is no other parking exceptions within the other properties attached or near by properties.

Mr. Mark Scherer, Mrs. Bardquillo husband has bullied me in the past to allow this trailer.
I would prefer to be anonymous fearing retaliation from Mr. Scherer and future altercation.
If this is not possible, then go ahead and use my name and statement.
Attached is my cell number if you would like to speak with me with any questions. 410-206-5268

Thank you
David Cunningham.

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 11 Account Number - 1112059801							
Owner Information									
Owner Name:		BARDOQUILLO EDITHA S				Use:		RESIDENTIAL	
Mailing Address:		9614 OAK SUMMIT AVE BALTIMORE MD 21234-1824				Principal Residence:		YES	
						Deed Reference:		/37308/ 00335	
Location & Structure Information									
Premises Address:		9614 OAK SUMMIT AVE BALTIMORE 21234-				Legal Description:		26136 SF 9614 OAK SUMMIT AVE OAK SUMMIT	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0071	0016	0531		0000				2018	Plat Ref:
Special Tax Areas:				Town:		NONE			
				Ad Valorem:					
				Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1956		2,022 SF		800 SF		26,136 SF		04	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
1	YES	STANDARD UNIT		BRICK	3 full/ 1 half	1 Detached			
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2015		07/01/2017		07/01/2018	
Land:		81,700		81,700					
Improvements		142,800		142,800					
Total:		224,500		224,500		224,500			
Preferential Land:		0							
Transfer Information									
Seller: CUNNINGHAM MARY F				Date: 03/23/2016		Price: \$324,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /37308/ 00335		Deed2:			
Seller: CUNNINGHAM MARY F				Date: 09/23/2004		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /20730/ 00659		Deed2:			
Seller: CHASE FRANK P				Date: 08/11/1995		Price: \$185,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /11162/ 00280		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00		0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					

9614 Oak Summit Avenue 2J17-0303-A



Publication Date: 5/11/2017



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

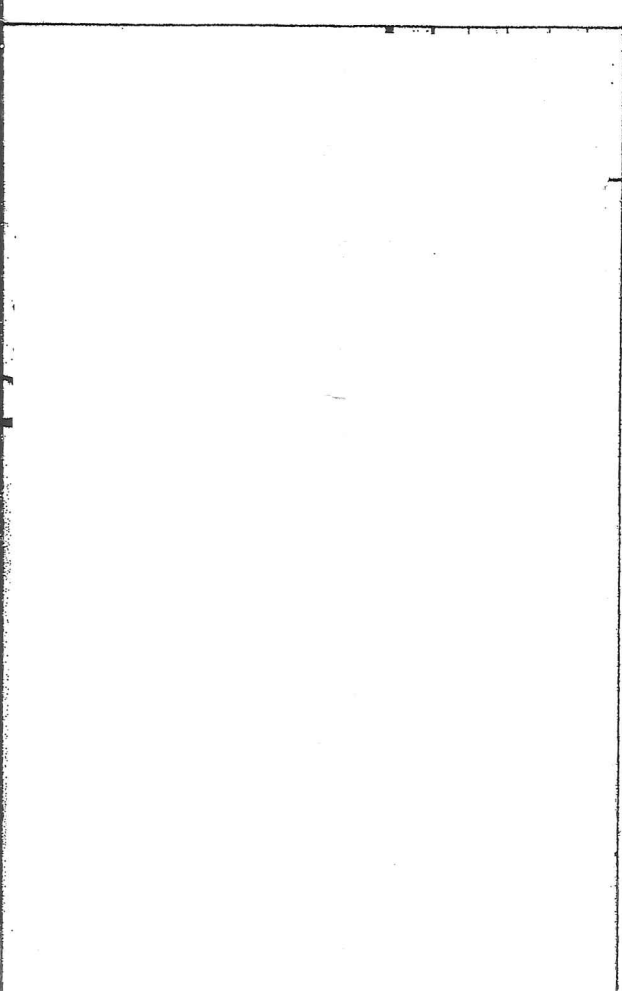
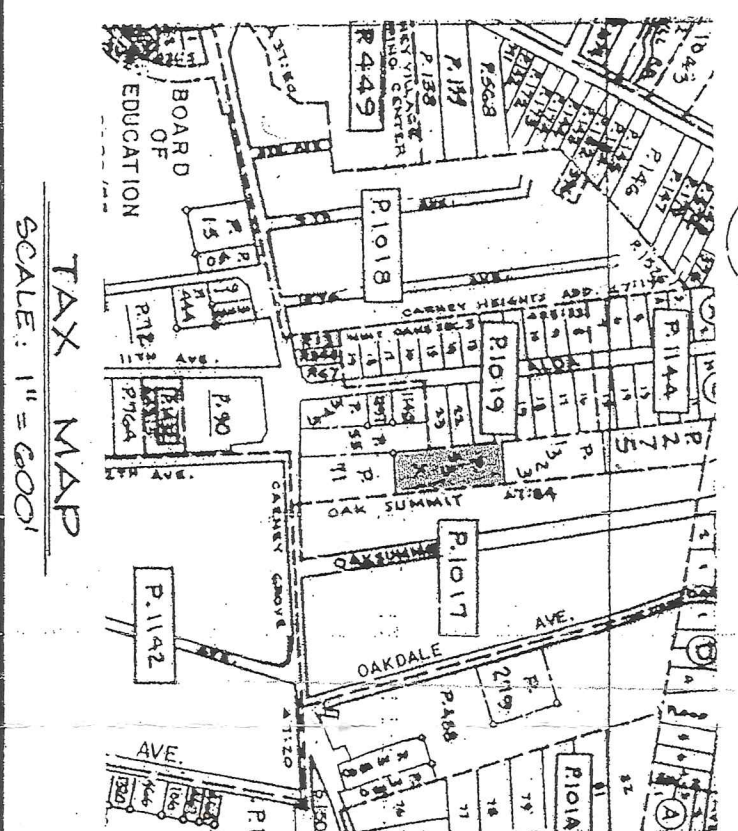
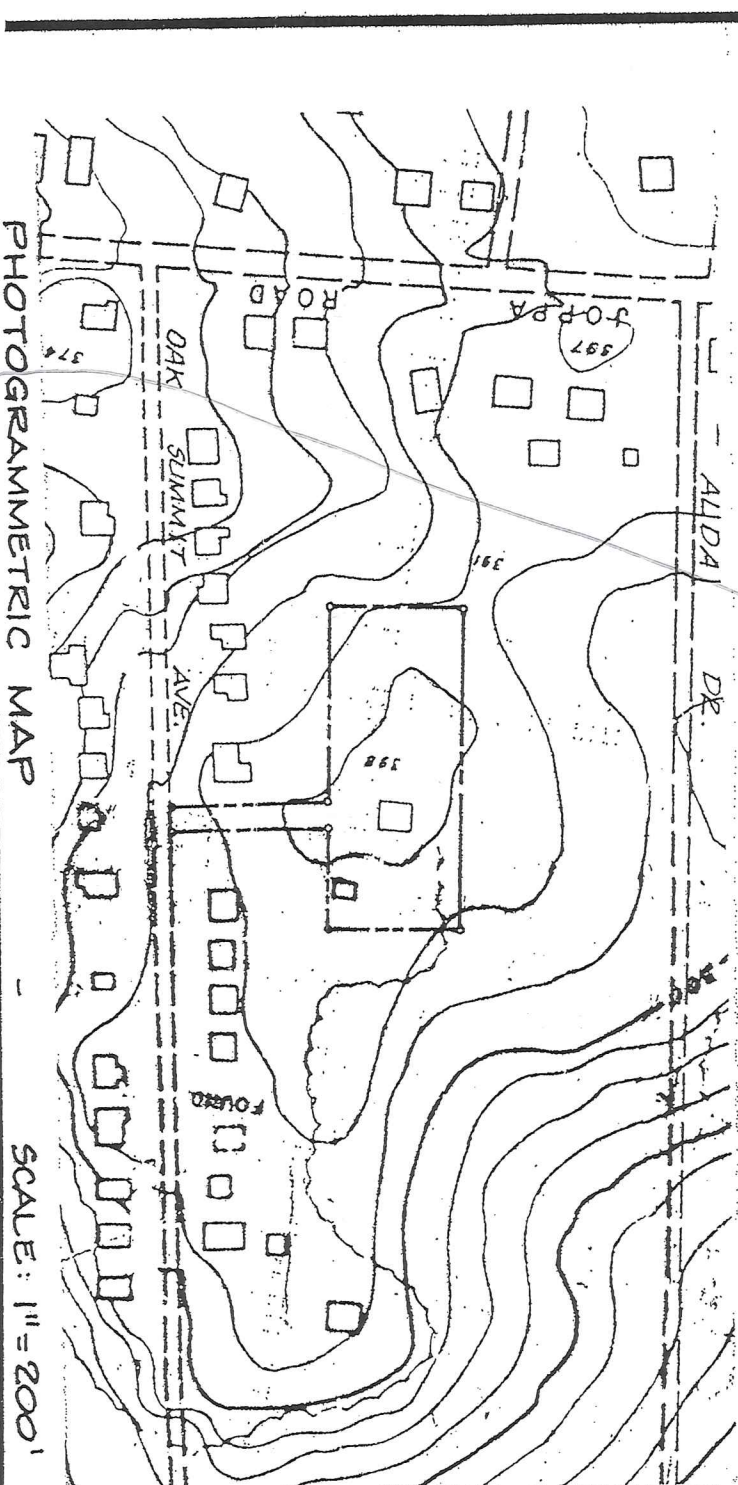
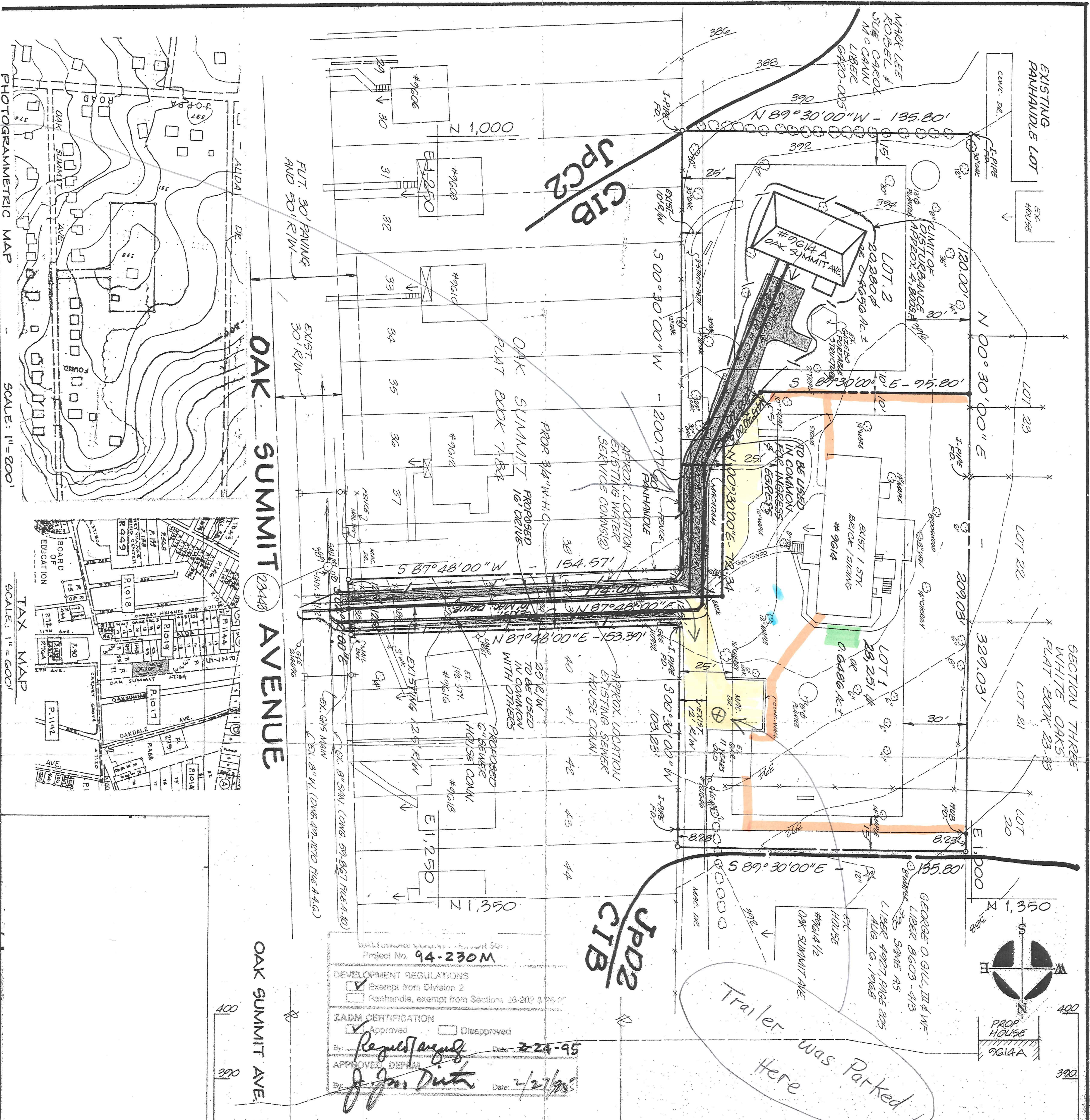


0 12.525 50 75 100 Feet

1 inch = 50 feet

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 9614 Oak Summit Ave OWNER(S) NAME(S) Editha Bardoguillo
SUBDIVISION NAME Minor Subdivision Chase Property LOT # 1 BLOCK # SECTION #
PLAT BOOK # 7 FOLIO # 84 10 DIGIT TAX # 1112059801 DEED REF # 37308100335

Ex. 1

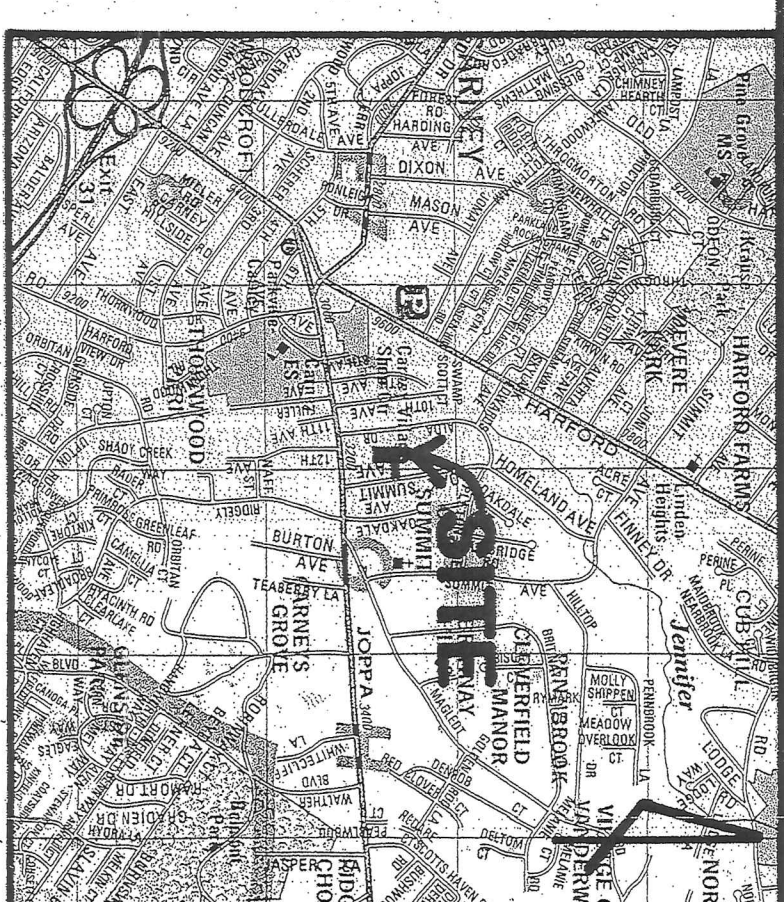


OAK SUMMIT AVENUE 23443

OAK SUMMIT AVE.

Project No. 94-230-M
DEVELOPMENT REGULATIONS
☒ Exempt from Division 2
Panhandle, exempt from Sections 43.202 & 46.07
ZADM CERTIFICATION
☒ Approved ☐ Disapproved
By: *Regina...* Date: 2-24-95
APPROVED DEPT. *J. J. D...* Date: 2/27/95

VICINITY MAP
SCALE: 1"=2,000



ZONING MAP#
SITE ZONED DR 5.5
ELECTION DISTRICT 11
COUNCIL DISTRICT 5
LOT AREA/ACREAGE .6615
OR SQUARE FEET 26,136 sq feet
HISTORIC? No
IN CECA? No
IN FLOOD PLAN? No
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE
SEWER IS:
PUBLIC X PRIVATE
PRIOR HEARING? N/A
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:
Improperly parked utility vehicle
Case No. CL1703633

2017-0303-A
94-230-M
MINOR SUBDIVISION
CHASE PROPERTY
9614 OAK SUMMIT AVENUE
ELEVENTH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=30'
DATE: NOV. 28, 1994
MSR SSA 1234-9214 94114 1-

2 illegally parked cars in the ingress/egress area

Legend
yellow = Asphalt
green = code compliant trailer parking spot (currently grass + behind PVC fence)
orange = PVC fence
blue = 2 small trees, one of which is 25 years old