

M E M O R A N D U M

DATE: September 6, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0004-A – Appeal Period Expired

The appeal period for the above-referenced case expired on September 5, 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 ADMIN. VARIANCE
(2313 Estate Avenue)
15th Election District
7th Council District
Paul & Margherita Virgintino
Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2018-0004-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Paul and Margherita Virgintino ("Petitioners"). The Petitioners are requesting Variance relief from §§ 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed rear deck (open projection) with a rear yard setback of 11.3 ft. in lieu of the required 22.5 ft. and to amend the Final Development Plan (FDP) for Headland Estates for Lot No. 11 only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse ZAC comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 16, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in

ORDER RECEIVED FOR FILING

Date 8-4-17

By kw

the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 4th day of **August, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B02.3.C.1 and 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed rear deck (open projection) with a rear yard setback of 11.3 ft. in lieu of the required 22.5 ft. and to amend the Final Development Plan (FDP) for Headland Estates for Lot No. 11 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their 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 be responsible for returning, said property to its original condition.

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

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 8-4-17

By dlw



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 2313 Estate Ave. Currently zoned DRS.S
 Deed Reference 38103 / 00489 10 Digit Tax Account # 25000LLS13
 Owner(s) Printed Name(s) Paul Margherita Virginio

(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)

- construct 12'x30' Deck to rear of house
See Attached

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):

Name #1 - Type or Print Paul Virginio Name #2 - Type or Print Margherita Virginio
 Signature #1 [Signature] Signature #2 [Signature]
 Mailing Address 2313 Estate Ave City Baltimore State MD

Zip Code 21219 Telephone # 443-677-1130 Email Address p.virginio@baltimorecountymd.gov
443-562-8553 Virginio Brothers, Inc.

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 Max Cimpella
 Signature [Signature]
 Mailing Address 2716 6th St City Baltimore State MD
 Zip Code 21219 Telephone # 443-677-1130 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.

BY _____

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0004-A Filing Date 7/5/17 Estimated Posting Date 7/16/17 Reviewer gh

Affidavit in Support of 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: 2313 Estate Ave Balti Md 21219
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)

THE ORIGINAL PLANS FOR THE NEW HOUSE INCLUDED A DECK. AT THE TIME OF CONSTRUCTION, MONEY WAS AN ISSUE AND THE DECK WAS NOT INCLUDED. THE HOUSE WAS HOWEVER BUILT AS INTENDED TO INCLUDE A SLIDING DOOR OFF THE REAR TO ALLOW ACCESS TO A FUTURE BUILT DECK. WE HAVE YOUNG CHILDREN AND WOULD USE THE DECK AS AN OUTDOOR PLAY AREA WHERE THEY CAN SAFELY BE CONTAINED AND ALLOW US TO SEE THEM FROM INSIDE THE HOUSE THROUGH THE SLIDING DOOR AND REAR FACING 60" WINDOWS. THE SHAPE OF THE LOT, WITH A CURVING RADIUS AROUND THE SIDE YARD LIMITS OUR USABLE OUTDOOR SPACE AND THE DECK WOULD ALLOW US A SPACE FOR OUTDOOR LIVING. THE ORIENTATION OF THE HOUSE ON THE LOT PROVIDES NO PRIVACY IN THE SIDE YARD FROM THE 5 NEIGHBORS FRONT VIEW FROM THEIR HOMES.

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

Signature of Owner (Affiant)

Name- Print or Type

PAUL V. VIRGINTINO

Signature of Owner (Affiant)

Name- Print or Type

Margherita Virgintino
Margherita Virgintino

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 19 day of June, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Paul V. Virgintino and Margherita Virgintino

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

AS WITNESS my hand and Notaries Seal

Notary Public

My Commission Expires

Rhonda L. Shaffer
3/25/2020

2018-0004-A

Variance from sections: 1B02.3.C.1& 301.1 of the BCZR:

1. To permit a proposed rear deck (open projection) with a rear yard setback of 11.3 feet in lieu of the required 22.5 feet, and to amend the Final Development Plan for Headland Estates for lot#11.

ZONING PROPERTY DESCRIPTION FOR 2313 ESTATE AVE

Beginning at a point on the west side of Estate Ave which is 40' wide at a distance of approximately 180' east of the centerline Headland Blvd which is 25' wide. The subject property is identified being Lot # 11, in the subdivision known as Headland Estate in Baltimore County Plat Book # 79, folio # 431, containing 6,838 square feet of area. The lot is located in election district # 15 in the # 7th council district. There is a two story single family dwelling on the lot which has a foot print of 1,152 square feet.

2018-0204-A

CERTIFICATE OF POSTING

2018-0004-A

RE: Case No.: _____

Petitioner/Developer: _____

Paul & Margarerita Virgintino

July 31, 2017

Date of Hearing/Closing: _____

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

Attn: Kristen Lewis:

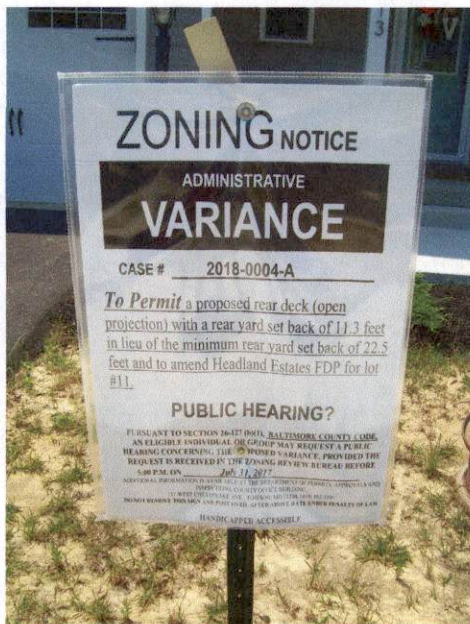
Ladies and Gentlemen:

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

2313 Estate Avenue

July 16, 2017

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,



July 16, 2017

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0004 -A Address 2313 Estate Ave 21219
Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/5/17 Posting Date: 7/16/17 Closing Date: 7/31/17

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 2017- 0004 -A Address 2313 Estate Ave 21219
Petitioner's Name Paul & Margherita Virgintino Telephone 443-562-8553
Posting Date: 7/16/17 Closing Date: 7/31/17
Wording for Sign: To Permit a proposed rear deck (open projection)
with a rear yard set back of 11.3 feet in lieu
of the minimum rear yard set back of 22.5 feet.
and to amend Headland Estates FDP for lot # 11.

Revised 7/9/15

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

NO 154800

Date: 7/5/17

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	000		1015				150.00

Total: 150.00

Rec From: Mat Carpella

For: 2018-0004-A / FID Amendment
2313 Estate Ave

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME IN
7/07/2017 7/05/2017 15:46:57 2
REG 0502 WALKIN JEE
>>RECEIPT # 014740 7/05/2017 OFL
Dept 5 528 ZONING VERIFICATION
CR NO. 154800

Recpt Tot \$150.00
\$0.00 CK \$200.00 CA
\$50.00- CG
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

August 1, 2017

Paul & Margherita Virgintino
2313 Estate Avenue
Baltimore MD 21219

RE: Case Number: 2018-0004-A, Address: 2313 Estate Avenue

Dear Mr. & Ms. Virgintino:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 5, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Matt Ciarpella, 2716 6th Street, Baltimore MD 21219

7-31

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: July 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0004-A
Address 2313 Estate Avenue
(Virgintino Property)

Zoning Advisory Committee Meeting of **July 24, 2017.**

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

Reviewer: Steve Ford

Date: 7-19-2017

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: August 9, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0004-A
Address 11101 Greenspring Avenue
(Fiorello Property)

Zoning Advisory Committee Meeting of **July 23, 2018.**

 X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

 X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code). Staff suggest that the requirements may be satisfied via the execution and submission of a Single Lot Declaration of Intent, in accordance with Section 33-6-103(b)(10) of the Code.

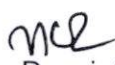
Reviewer: Michael S. Kulis
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals

DATE: August 10, 2018

FROM: 
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 23, 2018
Item No. 2018-0345-SPHA, 2019-0001-A, 0002-SPHA, 0003-A, 0004-A,
0005-SPHA, 0008-A, 0009-A and 0010-A

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

*

*

*

*

*

VKD: cen
cc: file

Date: 7/17/17

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. 2018-0004-A

*Administrative Variance
Paul & Margherita Virgentino
2313 Estate 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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

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: July 19, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0004-A
Address 2313 Estate Avenue
(Virgintino Property)

Zoning Advisory Committee Meeting of **July 24, 2017.**

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

Reviewer: Steve Ford

Date: 7-19-2017

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
<u>7-19</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>7-17</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>7-16-17</u> by <u>Black</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: * Missing photos - Gary to locate 8/2Rec'd 8-2 from Gary

2018-0004-A





2018-0004-A

Real Property Data Search (w3)

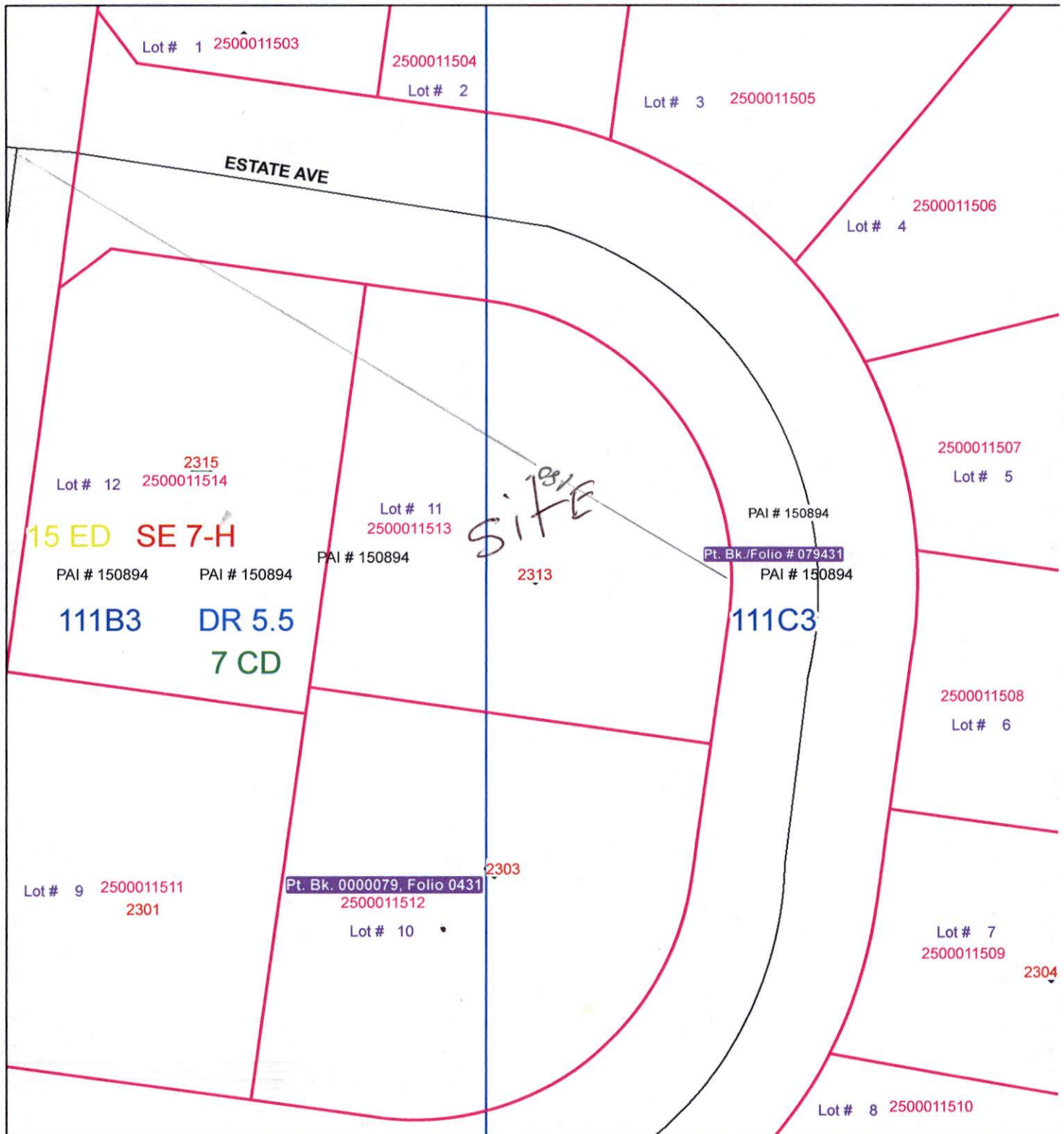
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 2500011513			
Owner Information					
Owner Name:	VIRGINTINO PAUL VIRGINTINO MARGHERITA		Use:	RESIDENTIAL YES	
Mailing Address:	2313 ESTATE AVENUE BALTIMORE MD 21219-		Principal Residence:		
			Deed Reference:	/38103/ 00489	
Location & Structure Information					
Premises Address:		2313 ESTATE AVE BALTIMORE MD 21219-		Legal Description:	0.157 AC 2313 ESTATE AVE SS HEADLAND ESTATES
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0111	0016	0267		9431	
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	
	11	2015		0079/ 0431	
Special Tax Areas:			Town:	NONE	
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
2016	1,924 SF		6,838 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	2 full/ 1 half	2 Attached
Last Major Renovation					
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2015	As of 07/01/2016	As of 07/01/2017	
Land:	72,800	72,800			
Improvements	183,500	195,300			
Total:	256,300	268,100	264,167	268,100	
Preferential Land:	0			0	
Transfer Information					
Seller: CARPENTRY UNLIMITED HOMES LLC		Date: 10/06/2016		Price: \$327,300	
Type: ARMS LENGTH IMPROVED		Deed1: /38103/ 00489		Deed2:	
Seller:		Date:		Price: \$0	
Type:		Deed1: //		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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: Application received					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application		Date:			

2018-0004-A



2313 Estate Avenue



Publication Date: 6/2/2017



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



0 5 10 20 30 40
Feet

1 inch = 30 feet

2018-0004-A