

M E M O R A N D U M

DATE: June 26, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0288-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 25, 2018. 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 *
(3020 Virginia Avenue)
13th Election District *
1st Council District *
Cesar H. Urgiles Rodriguez *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2018-0288-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Cesar H. Urgiles Rodriguez. The Petitioner is requesting Variance relief from § 301.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a proposed open projection (deck) with a setback of 0 ft. in lieu of the minimum required 7.5 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. A ZAC comment was received from the Department of Public Works ("DPW"), dated May 2, 2018, indicating it does not support granting the proposed deck because it will be located above an existing 71-inch x 47-inch bituminous coated corrugated metal pipe arch or in its easement. In light of the DPW comment (attached hereto), the petition must be denied.

THEREFORE, IT IS ORDERED, this 24th day of **May, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 301.1 of the BCZR, to permit a proposed open projection (deck) with a setback of 0 ft. in lieu of the minimum required 7.5 ft., be and is hereby DENIED.

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

ORDER RECEIVED FOR FILING

JEB:dlw

Date 5-24-18

By pw


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

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

ATTN: Kristen Lewis
MS 1105

FROM: Steven A. Walsh, Director *SAW*
Department of Public Works

DATE: May 2, 2018

SUBJECT: Case No: 2018-0288-A
3020 Virginia Avenue, Baltimore, Maryland 21227-3760

This is an Administrative Variance to permit a proposed open projection (deck) with a setback of 0 feet in lieu of the minimum required 7.5 feet.

The Department of Public Works does not support the approval of the special hearing or variance because the proposed deck will be located above of an existing 71-inch x 47-inch bituminous coated corrugated metal pipe arch or in its easement.

A riverine flood plain is on the property by way of an existing 71-inch x 47-inch bituminous coated corrugated metal pipe based on Baltimore County Drawing Number 1979-0458. Based on Baltimore County record drawings the drainage area to the existing system is about 43 acres.

Based on Baltimore County Code Sections 32-4-414 and the Bureau of Development Plans Review Policy manual, a flood plain is described as having a drainage area of 30 acres or greater; development is not allowed in a riverine flood plain per these documents.

If there are further questions please contact Terry Curtis at 410-887-3117 or tcurtis@baltimorecountymd.gov.

SAW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Peter M. Zimmerman, People's Council

ORDER RECEIVED FOR FILING

Date 5-24-18

By SAW



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 3020 VIRGINIA AVE HALETHORPE MD 21227 Currently zoned DRS.5
 Deed Reference 23662 / 124878 10 Digit Tax Account # 2500005825
 Owner(s) Printed Name(s) CESAR URGILES

(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:

- X ADMINISTRATIVE VARIANCE from Section(s) 301.1, BC2R to permit a proposed open projection (deck) with a setback of 0 feet in lieu of the minimum required 7.5 feet.

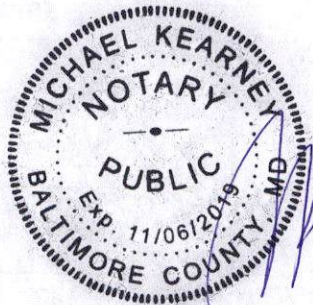
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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



Owner(s)/Petitioner(s):

CESAR URGILES

Name #1 – Type or Print

Name #2 – Type or Print

Signature #1

Signature #2

3020 VIRGINIA AVE - HALETHORPE MD

Mailing Address

City

State

21227

4107946805

urgiles88cesar@gmail.com

Zip Code

Telephone #

Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name – Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 5-24-18 day of May, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0288-A Filing Date 4.24.2018 Estimated Posting Date 5.6.18 Reviewer JNP

Rev 5/5/2016

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: 3020 VIRGINIA AVE HALETHORPE MD 21227
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 HOUSE DOESN'T COUNT WITH REAR DOOR, OR CHANCE TO BUILD ONE.
BECAUSE THE DESIGN OF THE HOUSE, IT HAS A AWY THAT ENDS ON THE
TWO BEDROOMS CLOSET, ON THE BACK OF THE HOUSE. THEN ON THE FRONT
RIGHT IT'S THE LEAVING ROOM MAKING NOT OPTIONAL.

MY ONLY OPTION IT'S TO OPEN A DOOR FROM THE KITCHEN TO THE DECK
AS THE MUST COMMON WAY TO DO.

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

Signature of Owner (Affiant)

CESAR URGIES
Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

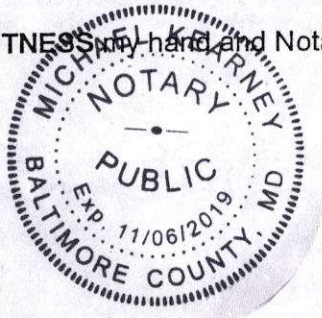
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of April, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Cesar Urgies

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

AS WITNESSED by me and Notaries Seal



Notary Public

My Commission Expires 11/06/19

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

Address: 3020 VIRGINIA AVE HALETHORPE MD 21227
Print or Type Address of property City State Zip Code

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BECAUSE THE DESIGN OF THE HOUSE, IT HAS A ALLY THAT ENDS ON THE
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MY ONLY OPTION IT'S TO OPEN A DOOR FROM THE KITCHEN TO THE DECK.
AS THE MOST COMMON WAY TO DO.

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

Signature of Owner (Affiant)

CESAR URGIES
Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of April, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

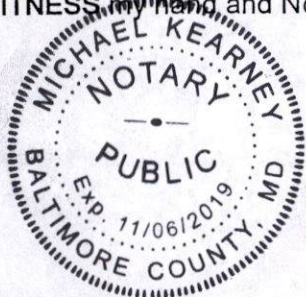
Print name(s) here:

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





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 3020 VIRGINIA AVE HALETHORPE MD 21227 Currently zoned DR 5.5
 Deed Reference 23662 / 124878 10 Digit Tax Account # 2500005825
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(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) 301.1, BCZR, to permit a proposed open projection (deck) with a setback of 0 feet in lieu of the minimum required 7.5 feet.

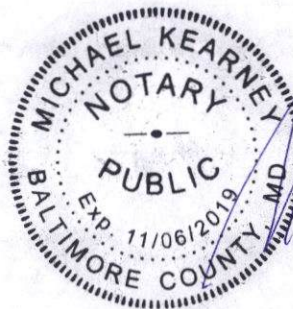
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. _____ ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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



Owner(s)/Petitioner(s):

CESAR URGILES
 Name #1 – Type or Print Name #2 – Type or Print
[Signature]
 Signature #1 Signature #2
3020 VIRGINIA AVE - HALETHORPE MD
 Mailing Address City State
21227 / 4107946805 / urgiles88cesar@gmail.com
 Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print
 Signature
 Mailing Address City State
 Zip Code Telephone # Email Address

Representative to be contacted:

Name – Type or Print
 Signature
 Mailing Address City State
 Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0288-A Filing Date 4/24/2018 Estimated Posting Date 5/6/18 Reviewer JNP

ZONING PROPERTY DESCRIPTION FOR- 3020 Virginia Ave

*Beginning at point on the (north/^{east}~~west~~) side of (3020 Virginia Ave), which is (50 feet) wide at a distance of (⁸³~~52~~ feet north/~~west~~) of the centerline of the nearest improved intersecting street (~~3020 Virginia Ave~~) which is (50 feet) wide.
(Baltimore St)

OPTION 2 (Subdivision Lot – lot is part of record plat):

Being lot # (95,96,67), Block (D), ~~Section # (1)~~, in the subdivision of Baltimore Highlands as recorded in Baltimore County Plat Book # (2), Folio # (379), containing (9375 SF) Located in the (13th) Election District and 1st Council District..

2018-0288-A

CERTIFICATE OF POSTING

CASE NO. 2018-0288-A

PETITIONER/DEVELOPER

CESAR URGILES

DATE OF HEARING/CLOSING

5/21/18

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

ATTENTION :

LADIES AND GENTLEMAN :

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

3020 VIRGINIA AVENUE

SIGN #1

THIS SIGN(S) POSTED ON

May 6, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 5/6/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE
9912 MAIDBROOK ROAD
PARKVILLE, MD. 21234
443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2018-0288-A
TO PERMIT A PROPOSED OPEN PROTECTION (DECK) WITH A
SETBACK OF 0 FEET IN LIEU OF THE MINIMUM REQUIRED
7.5 FEET

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MONDAY, MAY, 21 2018
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. UNDER PENALTY OF LAW.
MEETING IS HANDICAP ACCESSIBLE

SIGN #1
LEFT SIDE
OF
PROPERTY

myanmar 8/6/18

CERTIFICATE OF POSTING

CASE NO. 2018-0288-A

PETITIONER/DEVELOPER

CESAR URGILES

DATE OF HEARING/CLOSING

5/21/18

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

LADIES AND GENTLEMAN :

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

3020 VIRGINIA AVENUE

SIGN #2

THIS SIGN(S) POSTED ON

May 6, 2018

(MONTH, DAY, YEAR)

SINCERELY,

 5/6/18

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE# 2018-0288-A

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4:30 p.m. ON MONDAY, MAY 21, 2018

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204

TEL. 410-887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE. UNDER PENALTY OF LAW.

MEETING IS HANDICAP ACCESSIBLE

SIGN #2
RIGHT SIDE
OF
PROPERTY

W. J. M. 5/6/18

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0288 -A Address 3020 Virginia Avenue
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 4/24/2018 Posting Date: 5/6/18 Closing Date: 5/21/18

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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 2018- 0288 -A Address 3020 Virginia Avenue
Petitioner's Name Cesar Ungiles Telephone 410-794-6805
Posting Date: 5/6/2018 Closing Date: 5/21/2018
Wording for Sign: To Permit a proposed open projection (deck) with a setback of
0 feet in lieu of the minimum required 7.5 feet.

Revised 6/30/2018



KEVIN KAMENETZ
County Executive

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

May 22, 2018

Cesar Urgiles
3020 Virginia Avenue
Halethorpe MD 21227

RE: Case Number: 2018-0288 A, Address: 3020 Virginia Avenue

Dear Mr. Urgiles:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 24, 2018. 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.", is written over a circular stamp that contains the text "BALTIMORE COUNTY" and "MARYLAND".

W. Carl Richards, Jr.
Supervisor, Zoning Review

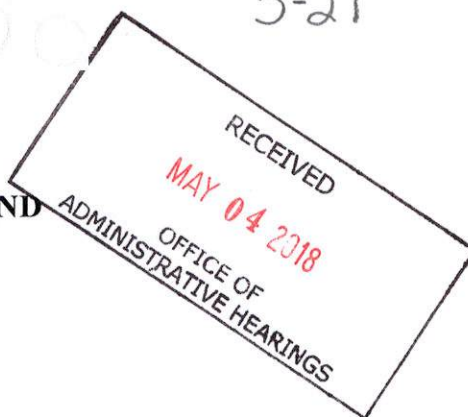
WCR: jaw

Enclosures

c: People's Counsel

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 4, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0288-A
Address 3020 Virginia Avenue
(Urgiles Property)

Zoning Advisory Committee Meeting of **May 7, 2018**.

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

Reviewer: Steve Ford

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 07, 2018
Item No: 2018-0288-A

DATE: June 4, 2018

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

The Department of Public Works does not support the approval of the special hearing or variance because the proposed deck will be located above a 71-inch x 47-inch bituminous coated corrugated metal pipe arch or in its easement.

A riverine flood plain is on the property by way of an existing 71-inch x 47 inch bituminous coated corrugated metal pipe based on Baltimore County Drawing Number 1979-0458. Based on Baltimore County record drawing the drainage area to the existing system is 43 acres.

* * * * *

VKD: cen
cc: file



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 4/30/18

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

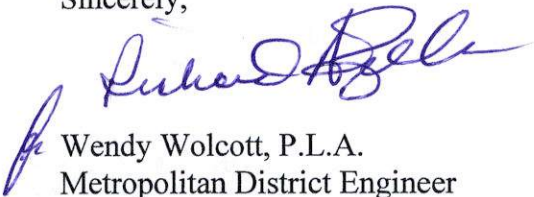
Dear Ms. Lewis:

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. 2018-0288-A

Administrative Variance
Cesar Urgiles
3020 Virginia 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: May 4, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0288-A
Address 3020 Virginia Avenue
(Urgiles Property)

Zoning Advisory Committee Meeting of **May 7, 2018**.

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

Reviewer: Steve Ford

**BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE**

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

ATTN: Kristen Lewis
MS 1105

FROM: Steven A. Walsh, Director *SAW*
Department of Public Works

DATE: May 2, 2018

SUBJECT: Case No: 2018-0288-A
3020 Virginia Avenue, Baltimore, Maryland 21227-3760

This is an Administrative Variance to permit a proposed open projection (deck) with a setback of 0 feet in lieu of the minimum required 7.5 feet.

The Department of Public Works does not support the approval of the special hearing or variance because the proposed deck will be located above of an existing 71-inch x 47-inch bituminous coated corrugated metal pipe arch or in its easement.

A riverine flood plain is on the property by way of an existing 71-inch x 47-inch bituminous coated corrugated metal pipe based on Baltimore County Drawing Number 1979-0458. Based on Baltimore County record drawings the drainage area to the existing system is about 43 acres.

Based on Baltimore County Code Sections 32-4-414 and the Bureau of Development Plans Review Policy manual, a flood plain is described as having a drainage area of 30 acres or greater; development is not allowed in a riverine flood plain per these documents.

If there are further questions please contact Terry Curtis at 410-887-3117 or tcurtis@baltimorecountymd.gov.

SAW/TWC/s

CC: Vishnubhai K. Desai, Chief, Development Plans Review and Building Plan Review
Peter M. Zimmerman, People's Council

AV 5/21

CASE NO. 2018- 0288-A

C H E C K L I S T

<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>5-4</u>	DEPS (if not received, date e-mail sent _____)	<u>NX</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>4-30</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
<u>5-2</u>	TRAFFIC ENGINEERING <u>DPW</u> →	<u>Does Not Support</u>
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: <u>5-6-18</u>	by <u>Ogle</u>
SIGN POSTING (2 nd)	Date: <u>5-6-18</u>	by <u>Ogle</u>
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 13 Account Number - 2500005825			
Owner Information					
Owner Name:	RODRIGUEZ CESAR H URGILES		Use:	RESIDENTIAL	
Mailing Address:	3020 VIRGINIA AVE BALTIMORE MD 21227-3760		Principal Residence:	YES	
			Deed Reference:	/30103/ 00481	
Location & Structure Information					
Premises Address:		3020 VIRGINIA AVE 0-0000		Legal Description:	LTS 95-97 3020 VIRGINIA AVE NS 1 BALTIMORE HIGHLANDS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0109	0011	0362		0000	95 2016 0002/0379
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area		Property Land Area
2009	1,108 SF				9,375 SF
		County Use	04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Split Foyer	YES	SPLIT FOYER	SIDING	1 full/ 1 half	
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2016	07/01/2017	07/01/2018
Land:		65,300	65,300		
Improvements		112,600	122,700		
Total:		177,900	188,000	184,633	188,000
Preferential Land:		0			0
Transfer Information					
Seller: KIRCHNER FRED E		Date: 11/09/2010		Price: \$229,000	
Type: ARMS LENGTH IMPROVED		Deed1: /30103/ 00481		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: Approved 03/07/2012					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

ZAC AGENDA

Case Number: 2018-0288-A **Reviewer:** Jeffrey Perlow

Existing Use: RESIDENTIAL **Proposed Use:**

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Cesar Urgiles

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 13 **Council Dist:** 1

Property Address: 3020 VIRGINIA AVE

Location: NE/S of Virginia Avenue, 237 ft. NW of Baltimore Street

Existing Zoning: DR 5.5

Area: 9375 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

To permit a proposed open projection (deck) with a setback of 0 ft. in lieu of the minimum required 7.5 ft.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 05/21/2018

Miscellaneous Notes:

Case Number: 2018-0289-SPH **Reviewer:** Gary Hucik

Existing Use: COMMERCIAL **Proposed Use:**

Type: SPECIAL HEARING

Legal Owner: Lorraine-Windsor LLC, Walter S & Deborah Ann Tegeler

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 1 **Council Dist:** 1

Property Address: 5800-5806 WINDSOR MILL RD

Location: N corner of Windsor Mill Road, E of Streamway Court

Existing Zoning: DR 5.5. BL

Area: 1.018 ACRES +/-

Proposed Zoning:

SPECIAL HEARING:

To find a legal non-conforming use for 5800-5806 Windsor Mill Road, Baltimore MD 21207 per BCZR 104 generally and S104.1 for a cemetery monument works, display and sales since 1897.

Attorney: Michael P Tanczyn, 9 Old Boxwood Lane, Lutherville MD 21093

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: CC1714779

Closing Date:

Miscellaneous Notes:



HERE IT SHOWS MY HOUSE ON THE RIGHT & MY NEIGHBOUR HOUSE
ON THE LEFT, THE PICTURE WAS TAKEN FROM THE FRONT YARD

2018-0288-A

NEIGHBOUR'S HOUSE
ON THE LEFT -



IT SHOWS MY HOUSE ON THE RIGHT. & MY NEIGHBOUR HOUSE
ON THE LEFT. THE PICTURE WAS TAKEN FROM THE BACK YARD

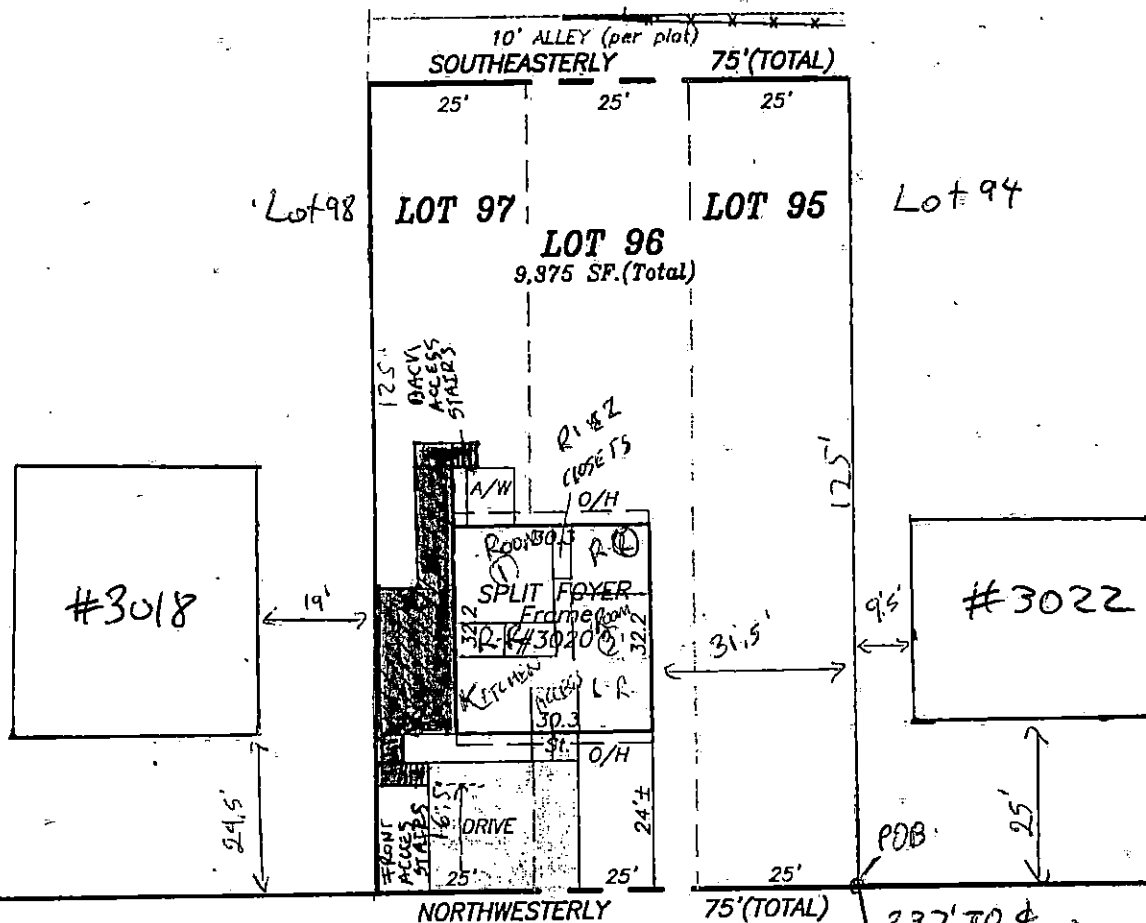
2018-0288-A

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

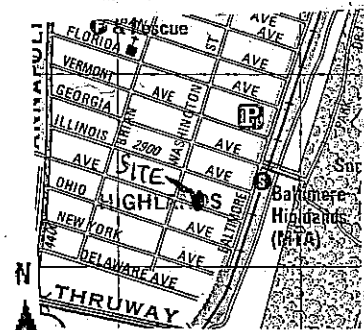
ADDRESS 3020 VIRGINIA AVE OWNER(S) NAME(S) CESAR URGILES

SUBDIVISION NAME BALTIMORE HIGHLANDS LOT # 95, 96, 97 BLOCK # D SECTION # _____

PLAT BOOK # 2 FOLIO # 379 10 DIGIT TAX # 2500005825 DEED REF. # 23662/24878



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 109C2

SITE ZONED DR 5.5

ELECTION DISTRICT 13TH

COUNCIL DISTRICT 1ST

LOT AREA ACREAGE _____

OR SQUARE FEET 9375

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH ☒

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

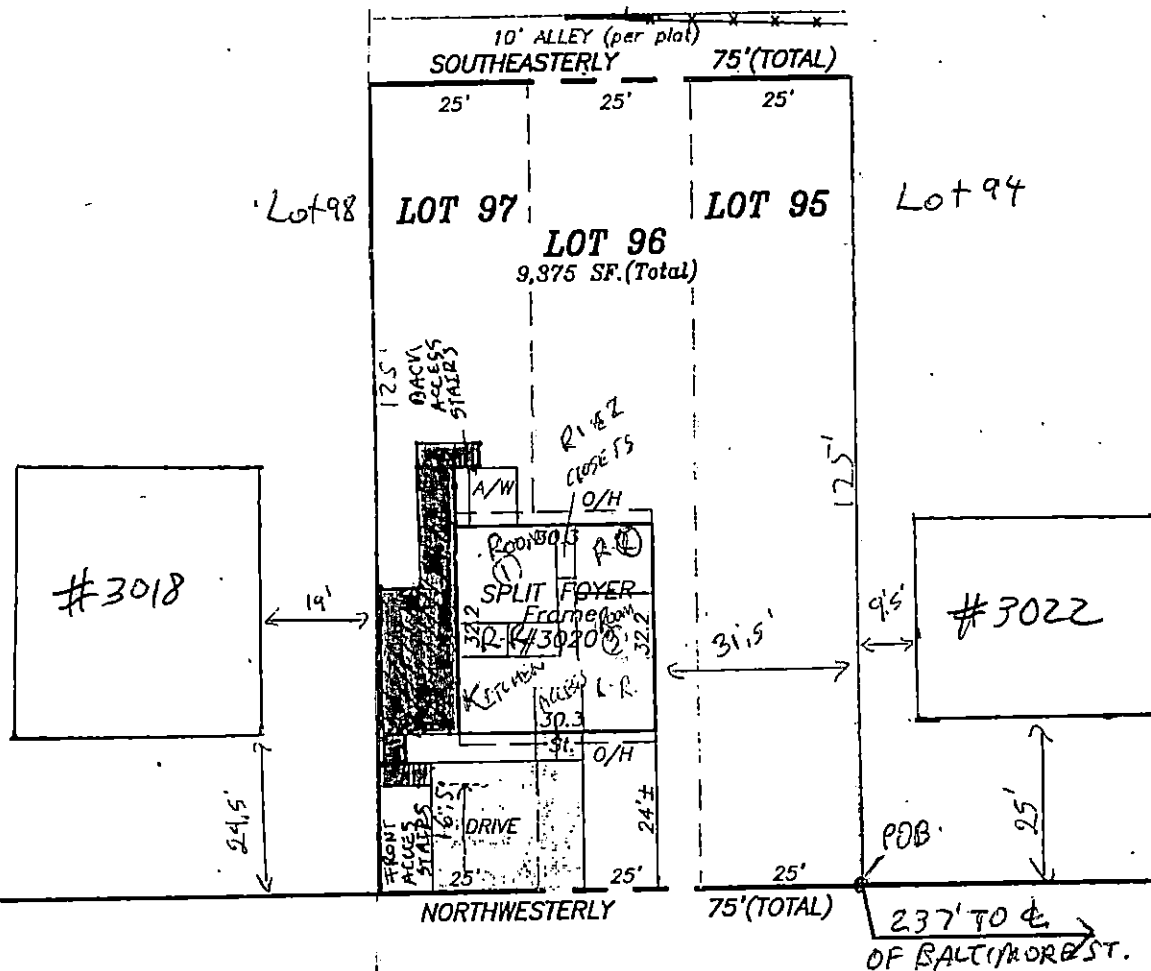
2018-0288-A

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

ADDRESS 3020 VIRGINIA AVE OWNER(S) NAME(S) CESAR URGILES

SUBDIVISION NAME BALTIMORE HIGHLANDS LOT # 97 BLOCK # D SECTION # _____

PLAT BOOK # 2 FOLIO # 379 10 DIGIT TAX # 2500005825 DEED REF. # 23662/24878



VIRGINIA AVENUE
(50' R/W)

PLAN DRAWN BY CESAR URGILES DATE 4-23-18 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP # 109C2

SITE ZONED DR 5.5

ELECTION DISTRICT 13TH

COUNCIL DISTRICT 1ST

LOT AREA ACREAGE _____

OR SQUARE FEET 9375

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2018-0288-A

Enter Property Address Here



Publication Date: 3/26/2018



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

2018-0288-A

