

MEMORANDUM

DATE: August 28, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0369-~~SP~~HA – Appeal Period Expired

The appeal period for the above-referenced case expired on August 27, 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	*	BEFORE THE
(901 Emerson Avenue)		
7 th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Pedro Aponte	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0369-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owner of the property, Pedro Aponte (“Petitioner”). The Petitioner is requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations (“BCZR”), to permit a proposed accessory structure (shed) located in the side yard in lieu of the required rear yard. 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. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 5, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

ORDER RECEIVED FOR FILING

Date 7-27-18

By [Signature]

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 § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 27th day of **July, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a proposed accessory structure (shed) located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Administrative Special Hearing seeking to abandon an existing Special Exception for a community care center, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- 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 his 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.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 7-27-18

By [Signature]



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 901 EMERSON AVE Currently zoned DR S.5
Deed Reference 39357 / 0058 10 Digit Tax Account # 0823050804
Owner(s) Printed Name(s) Pedro Aponte & Michele Hackshaw

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ ADMINISTRATIVE VARIANCE from Section(s) 4001 BCCR: To permit a proposed accessory structure (shed) located in the side yard in lieu of the required rear yard.

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

2. ☒ ADMINISTRATIVE SPECIAL HEARING to abandon an existing special exception for a community care center.

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):

Pedro Aponte
Name #1 – Type or Print Name #2 – Type or Print

Signature #1 Signature #2
901 EMERSON AVE Lutherville MD
Mailing Address City State
21093 4434215960 pedroaponte@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:

Pedro Aponte
Name – Type or Print
Signature
901 EMERSON AVE Lutherville MD
Mailing Address City State
21093 4434215960 pedroaponte@gmail.com
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 17 day of July, 2018 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 2018-0369-SPH Filing Date 6/29/18 Estimated Posting Date 7/8/18 Reviewer gh

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: 901 EMERSON AVE Cotterville MD 21093
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

SEE ATTACHMENT

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

Signature of Owner (Affiant)

Pedro Aponte
Name- Print or Type

Signature of Owner (Affiant)

Michele Hackshaw
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 28th day of June, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

Pedro Aponte and Michele Hackshaw

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

Jeanine Murphy-Bourgeois
Sept. 15, 2019

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: 901 EMERSON AVE Lutherville MD 21093
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

SEE ATTACHMENT.

(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

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 28th day of June, 2018, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

Pedro Aponte and Michele Hackshaw
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 901 EMERSON AVENUE Currently zoned DR S.S
 Deed Reference 39357 / 0058 10 Digit Tax Account # 0823050804
 Owner(s) Printed Name(s) Pedro AponTE & Michele Harkshaw

(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) 400.1 BCZR; To permit a proposed accessory structure located in the side yard in lieu of the required rear yard.
 of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **X** **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):

Pedro AponTE /
 Name #1 – Type or Print Name #2 – Type or Print

901 EMERSON AVE Lutherville MD
 Mailing Address City State
21093 , 4434215960 , pedroaponte@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:

Pedro AponTE /
 Name – Type or Print
 Signature
901 EMERSON AVE Lutherville MD
 Mailing Address City State
21093 , 4434215960 , pedroaponte@gmail.com
 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 2018-0369-SPHA Filing Date 6/29/18 Estimated Posting Date 7.8.18 Reviewer gh

2018-0369-SPHA

Zoning Property Description For:

901 Emerson Ave Being at a point on the west side of Emerson which is 40 feet wide at a distance of 20 feet to the north centerline of Talbot Ave which is 40 feet wide.

Being lots 21, 22 and 23 in the subdivision of Talbot Manor as recorded in Baltimore County Plat Book # 13, Folio # 70 containing 21,000 SF of lot. Located in the 8th Election District and 3rd Councilman District.

Sherry Nuffer

From: Marty Ogle <mert1114@aol.com>
Sent: Thursday, July 19, 2018 8:24 PM
To: Administrative Hearings
Subject: 901 Emerson ave.
Attachments: IMG_0650.jpg; ATT00001.txt; IMG_0649.jpg; ATT00002.txt

2nd set of certificates

CERTIFICATE OF POSTING

CASE NO. 2018-03A-SP1A

ATTORNEY/DEVELOPER

Peter Aponte

Michael Harkins

DATE OF HEARING/CLOSING

7/23/18

ALTMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

11 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMAN:

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

901 Emerson Ave

(THIS SIGN(S) POSTED ON

(MONTH, DAY, YEAR)

July 5, 2018

July 12, 2018

SINCERELY,

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBOROUGH ROAD
PARKVILLE, MD, 21234

443-629-3411



posted 7/12/18 5/16/18 #1

CERTIFICATE OF POSTING

CASE NO. 2018-DVA-5714

PETITIONER/DEVELOPER

Fred Acosta

Michael Hesse

DATE OF HEARING/CLOSING

7/23/18

BALTIMORE COUNTY DEPARTMENT OF

PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

11 WEST CHESAPEAKE AVENUE

ATTENTION:

ADRES AND GENTLEMAN

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE

NECESSARY SIGNS) ERECTED BY LAW WERE POSTED CONSPICUOUSLY ON

THE PROPERTY LOCATED AT

901 Edgewood Ave

5000 #2

THIS SIGN(S) POSTED ON

July 5, 2018

July 19, 2018

(MONTH, DAY, YEAR)

SINCERELY,

Michael Hesse

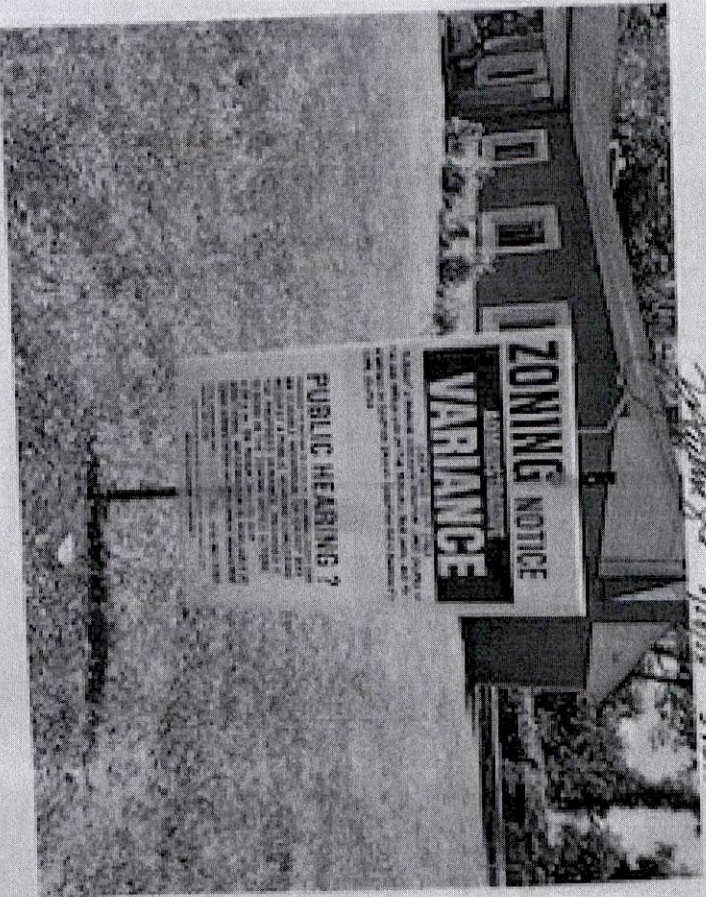
SIGNATURE OF SIGN POSTER

MARTIN COLE

9912 MAIDBROOK ROAD

PARKVILLE, MD, 21234

410-629-3411



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

No. **171696**

Date: **6/29/18**

PAID RECEIPT

BUSINESS ACTUAL TIME
 6/29/2018 6/29/2018 11:16:51
 WSO1 - MARKIN, LJR
 RECEIPT # 792403 6/29/2018 OFLN
 15 528 ZONING VERIFICATION
 NO. 171696
 Receipt Tot \$150.00
 \$150.00 CR \$1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Obj	Sub-Obj	Dept	Obj	BS Acct	Amount	Dep
001	800	0000		6150					150	CR

Total: **150**

Rec From: **Pedro Aponte**

For: **2018-0369-SPHA**
901 Emerson Ave

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

CASE NO. 2018-0369-SPHA

PETITIONER/DEVELOPER

PEDRO APOITE

MICHELLE HACKSHAW

DATE OF HEARING/CLOSING

7/23/18

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

901 EMERSON AVE

SIGN #2

THIS SIGN(S) POSTED ON

July 5, 2018
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 7/5/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

RTIFICATE OF POSTING

CASE NO. 2018-0369-SPHA

PETITIONER/DEVELOPER

PEDRO APOITE

MICHAEL HACKSHAW

DATE OF HEARING/CLOSING

7/23/18

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

901 EMERSON AVE

SIGN # 1

THIS SIGN(S) POSTED ON

July 5, 2018
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 7/5/18
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0369 SPHA Address 901 Emerson Ave

Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/29/18 Posting Date: 7/8/18 Closing Date: 7/23/18

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- 0369 SPHA Address 901 Emerson Ave

Petitioner's Name Pedro Aponte/Michele Hackshaw Telephone 443-421-5960

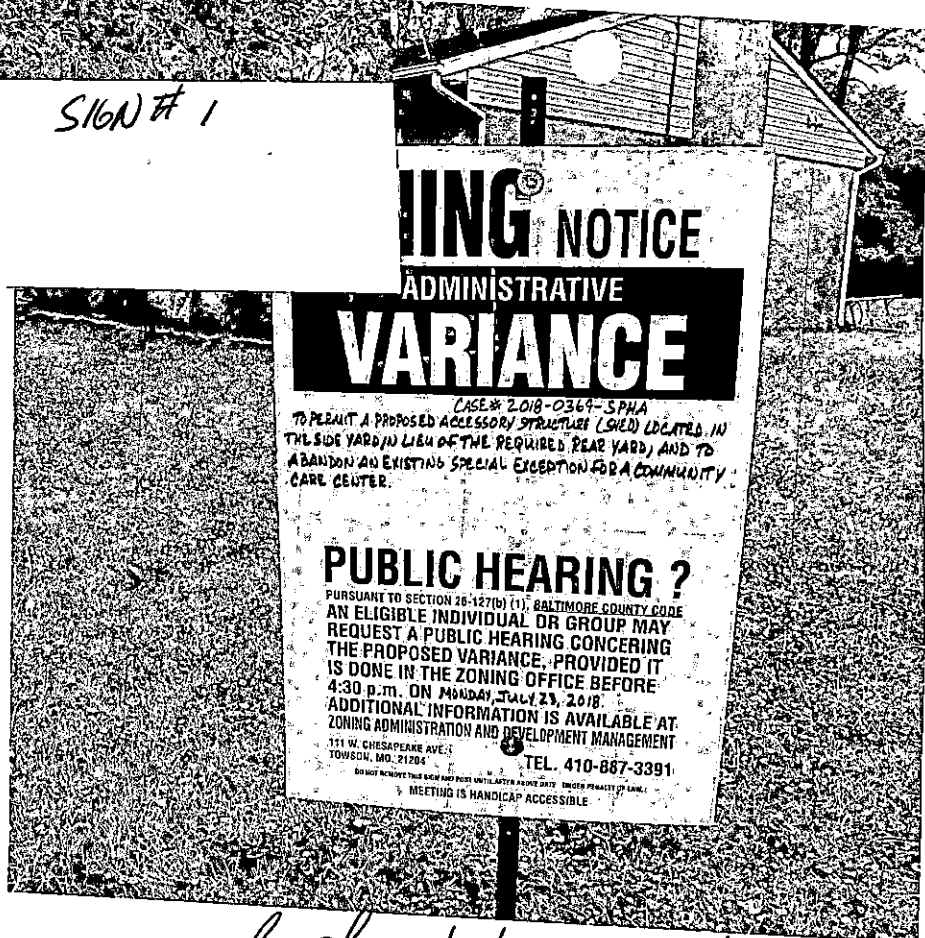
Posting Date: 7/8/18 Closing Date: 7/23/18

Wording for Sign: To Permit a proposed accessory structure (shed)
located in the side yard in lieu of the required
rear yard, and to abandon an existing special
exception for a community care center

Revised 6/30/2018



myattm86 7/5/18 SIGN # 1



myattm86 7/5/18 SIGN # 2

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 7/5/18

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

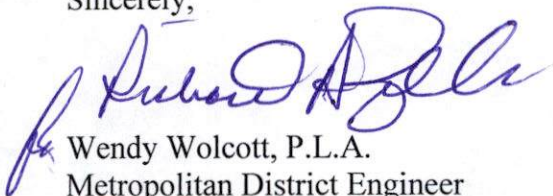
Dear Ms. Lewis:

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. 2018-0369-A

*Administrative Special Hearing
Administrative Variance
Pedro Aponte
901 Emerson 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

RE: PETITION FOR ADMINISTRATIVE SPECIAL	*	BEFORE THE OFFICE
HEARING & ADMINISTATIVE VARIANCE	*	
901 Emerson Avenue; W corner of Emerson	*	OF ADMINSTRATIVE
Avenue & Talbot Avenue	*	
7 th Election & 3 rd Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Pedro Aponte	*	
Petitioner(s)	*	BALTIMORE COUNTY
	*	2018-369-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

JUL 05 2018

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 5th day of July, 2018, a copy of the foregoing Entry of Appearance was mailed to Pedro Aponte, 901 Emerson Avenue, Lutherville, Maryland 21093, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



DONALD I. MOHLER III
County Executive

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

July 17, 2018

Pedro Aponte
901 Emerson Road
Lutherville-Timonium, MD 21093

Re: Petition for Administrative Variance
Case No. 2018-0369-A
Property: 901 Emerson Road

Dear Mr. Aponte:

I am writing in regard to the above captioned matter, wherein an administrative variance has been requested. The Baltimore County Code ("BCC") requires that a property be **owner occupied** in order to qualify for administrative variance relief. State records in this case show the property is not your principal residence. As such, a public hearing is usually required in this scenario.

We're unable to process your request as an administrative variance unless you **sign the attached Affidavit with notary seal**, attesting to the fact that this is your primary residence, no other person or entity has an interest in the operation and/or affairs of 901 Emerson Road, and that you reside at this address year round. Otherwise, a public hearing would be necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over a horizontal line.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Attachment

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE OFFICE OF
7 th Election District		
3 rd Councilmanic District	*	ADMINISTRATIVE HEARINGS
(901 Emerson Road)		
	*	FOR
Pedro Aponte		
<i>Petitioner</i>	*	BALTIMORE COUNTY
	*	Case No. 2018-0369-A

* * * * *

AFFIDAVIT

I, Pedro Aponte, am over the age of 18 and have personal knowledge of and are competent to testify to the following:

1. The residence at 901 Emerson Road, 21093 is owned by Pedro Aponte. No other person or entity has an interest in the operation and/or affairs of 901 Emerson Road, 21093.
2. I reside year round and actually occupy the property known as 901 Emerson Road, 21093, and consider this to be my principal residence.

I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

Date

Pedro Aponte

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 08 Account Number - 0823050804			
Owner Information					
Owner Name:		CREATIVE REMODELING INC SANCHEZ TREJO JAVIER		Use:	RESIDENTIAL
Mailing Address:		7510 STREAM CROSSING RD BALTIMORE MD 21209-		Principal Residence:	NO
				Deed Reference:	/39357/ 00058
Location & Structure Information					
Premises Address:		901 EMERSON AVE LUTHERVILLE TIMONIUM 21093-		Legal Description:	LT 21,22,23 TALBOTT MANOR
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No:
0060	0017	0568		0000	X 21 2017 Plat 0013/ Ref: 0070
Special Tax Areas:		Town: NONE			
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			21,000 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of 01/01/2017	As of 07/01/2017	As of 07/01/2018
Land:		100,000	100,000		
Improvements		0	0		
Total:		100,000	100,000	100,000	100,000
Preferential Land:		0			0
Transfer Information					
Seller: CREATIVE REMODELING INC		Date: 09/06/2017		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /39357/ 00058		Deed2:	
Seller: BARAGHI PARVIZ		Date: 11/16/2016		Price: \$129,900	
Type: ARMS LENGTH MULTIPLE		Deed1: /38274/ 00366		Deed2:	
Seller: ZBA PROPERTIES LLC		Date: 04/30/2015		Price: \$120,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /36117/ 00356		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: No Application					
Homeowners' Tax Credit Application Information					

Homeowners' Tax Credit Application Status: No Application

Date:

START
MONKEY
PETITION FOR SPECIAL PERMIT

1300

1300-S

Prior
Zoning
1948-
1300-
X

IN THE MATTER OF

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For A Special Permit

To The Zoning Commissioner of Baltimore

Andre V. Carrigan Legal Owner
County Club Park Improvement Assn. Inc. Contract
Leopold Bridge, President Purchaser

hereby petition for a Special Permit, under the Zoning Regulations and Restrictions passed by the County Commissioners of Baltimore County, agreeable to Chapter 877 of the Acts of the General Assembly of Maryland of 1943, for a certain permit and use, as provided under said Regulations and Act, as follows:

A Special Permit to use the land (and improvements now or be erected thereon) hereinafter described for a Community Center for use of Association, Girl Scouts, Teen-Agers and various civic activities.

County Club Park Improvement Association, Inc.

Leopold Bridge, Inc.
Contract Purchaser

706 Morris Avenue
Address
Lutherville, Md.

Andre V. Carrigan
Legal Owner

Tomson Eitz, Lutherville
Address

10/4/48
1 PM

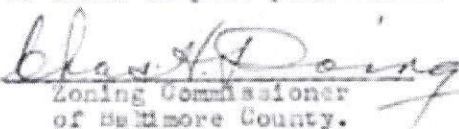
2018-0369-SPHHA

ORDERED by the Zoning Commissioner of Baltimore County this 15th day of September, 1948, that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 4th day of October, 1948 at 1:00 o'clock P.m.

Zoning Commissioner
of Baltimore County

Upon hearing on petition for special permit to use the property described therein for Community Center and it appearing that by reason of location, the said petition should be granted, therefore:

It is this 13th day of October, 1948, ORDERED by the Zoning Commissioner of Baltimore County, that the aforesaid petition for special permit be and the same is hereby granted, subject, to the condition that the setback of any buildings or structures to be erected thereon shall conform with the setback of any dwellings in the residential area, and, also subject, to the provision for parking as shown on plot plan filed.

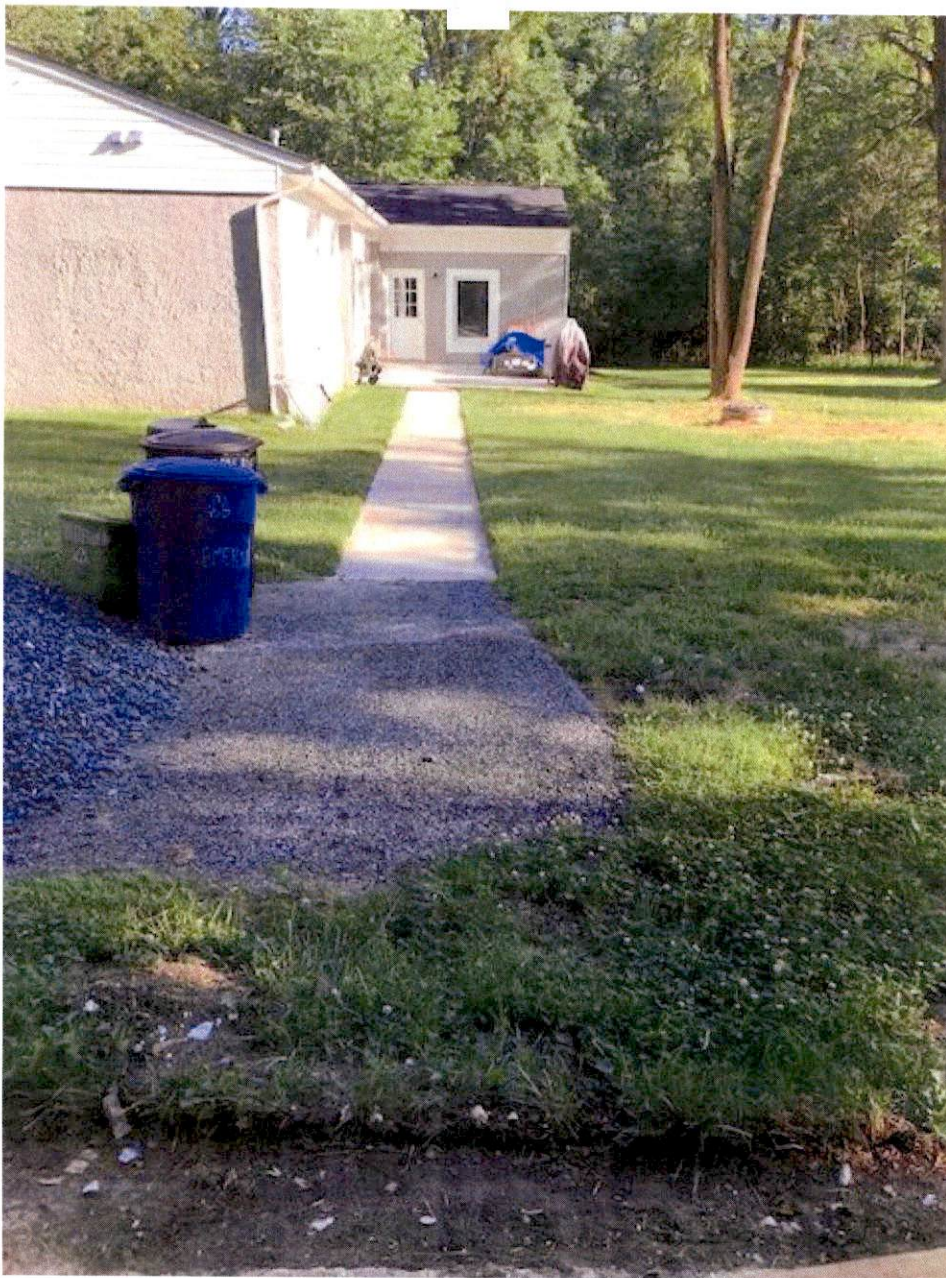

Zoning Commissioner
of Baltimore County.

2018-0369-SPAA



Proposed shed
Area

901 EMERSON AVE



WALK PATH TO THE
HOUSE FROM PROPOSED
SHED AREA

901 EMERSON AVE



Area to be preserved if Petition is granted

901 EMERSON AVE



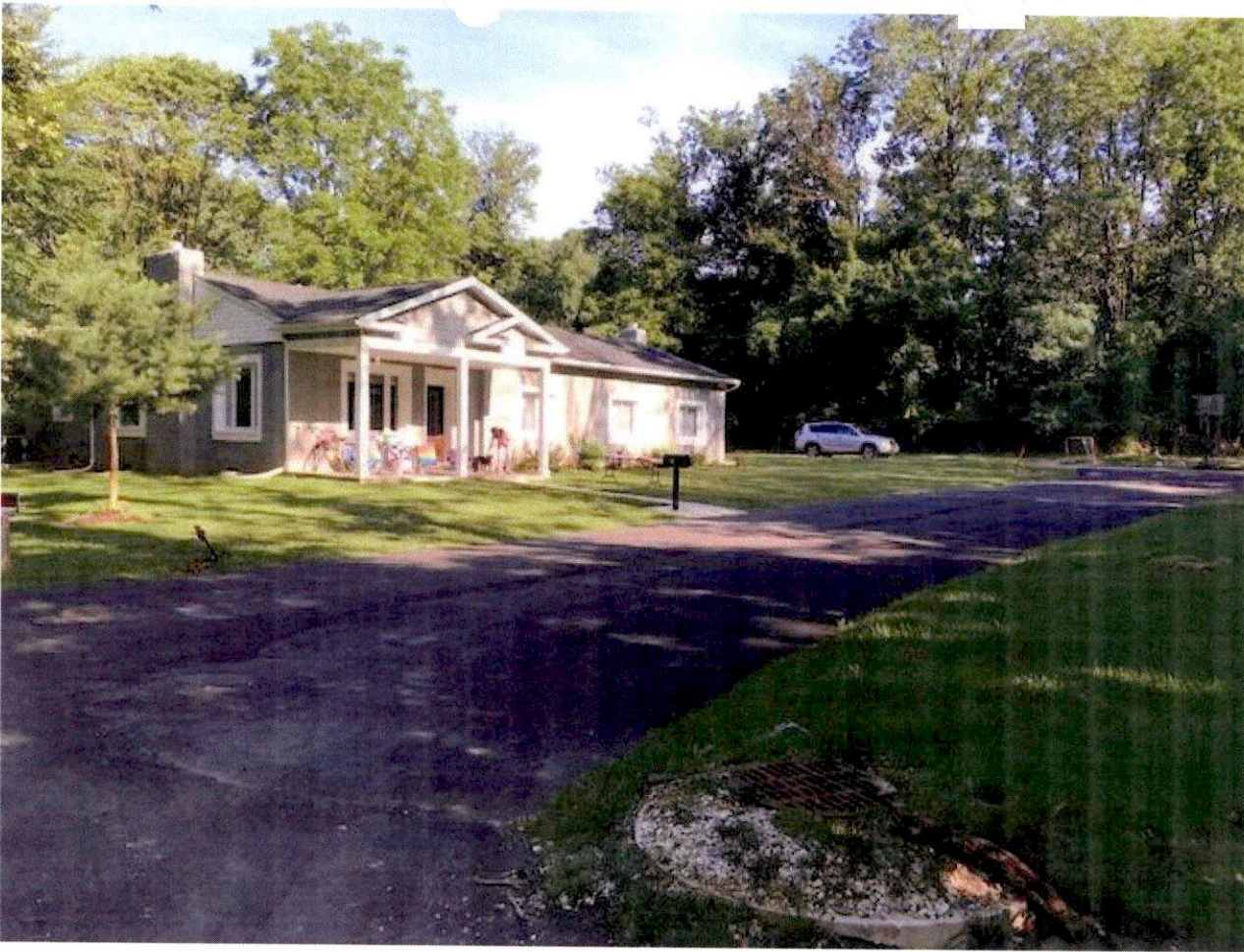
Northeast view of
lot from shed area

901 EMERSON AVE



Area to be preserved if petition is granted

901 EMERSON AVE



House view from south east side on EMERSON AVE & TALBOT AVE
No view of shed area

901 EMERSON AVE



Shed Area From Northeast View ON EMERSON AVE

901 EMERSON AVE



Proposed shed area prep.

901 EMERSON AVE



Proposed shed area from north view

901 EMERSON AVE



Back view of house & shed area from northwest side of lot.

901 EMERSON AVE

Search Result for BALTIMORE COUNTY

7/5/2018

Homeowners' Tax Credit Application Status: No Application

Date:

ZAC AGENDA

Case Number: 2018-0369-A

Reviewer: Gary Hucik

Existng Use: RESIDENTIAL **Proposed Use:**

Type: ADMINISTRATIVE SPECIAL HEARING, ADMINISTRATIVE VARIANCE

Legal Owner: Pedro Aponte

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 7 **Council Dist:** 3

Property Address: 901 Emerson AVENUE

Location: W corner of Emerson Avenue and Talbot Avenue

Existing Zoning: DR 5.5

Area: 21,000 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE SPECIAL HEARING:

To abandon an existing Special Exception for a Community Care Center

ADMINISTRATIVE VARIANCE:

To permit a proposed accessory structure (shed) located in the side yard in lieu of the required rear yard.

Attorney: Not Available

Prior Zoning Cases: 1948-1300

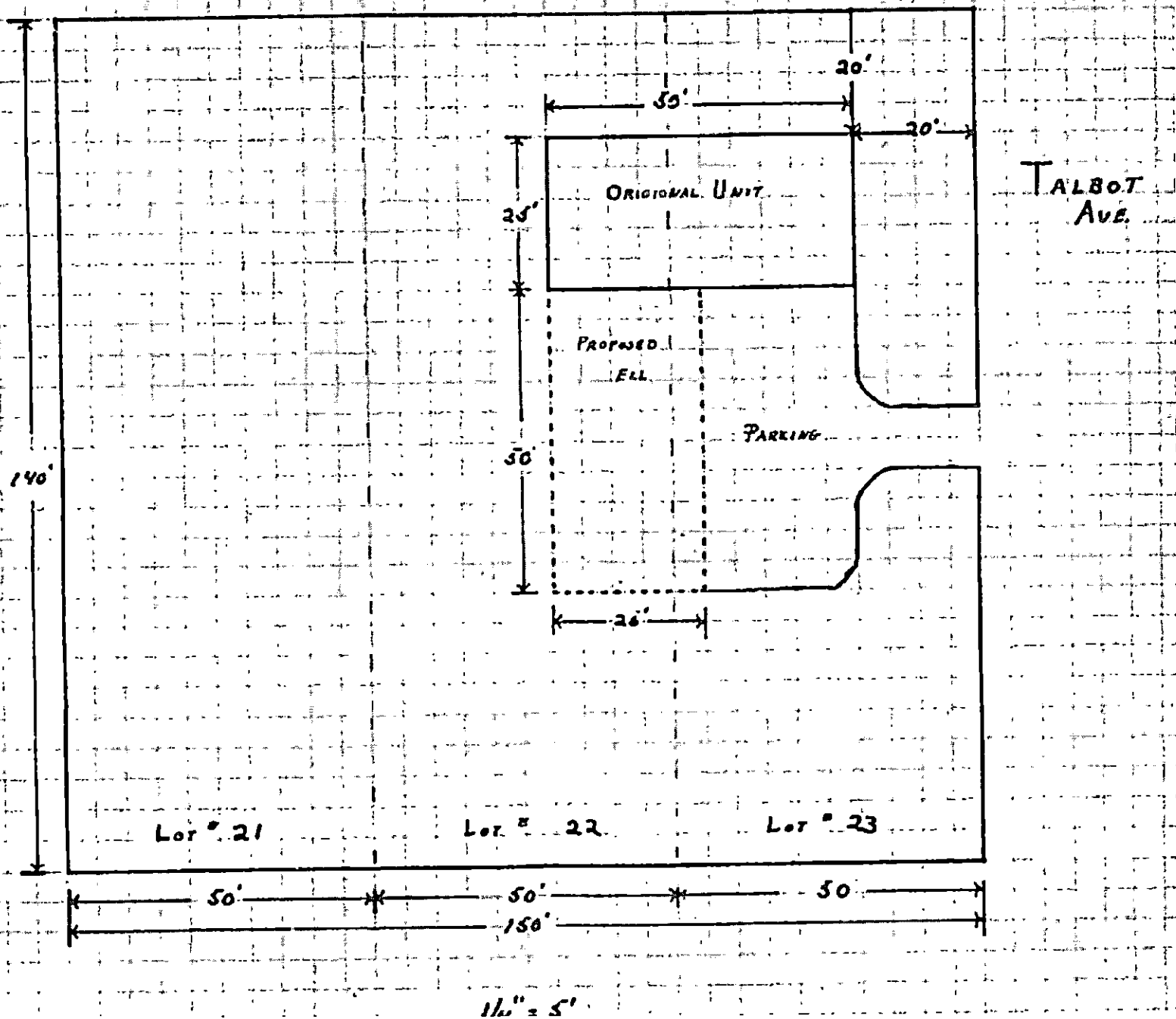
Concurrent Cases: None

Violation Cases: None

Closing Date: 07/23/2018

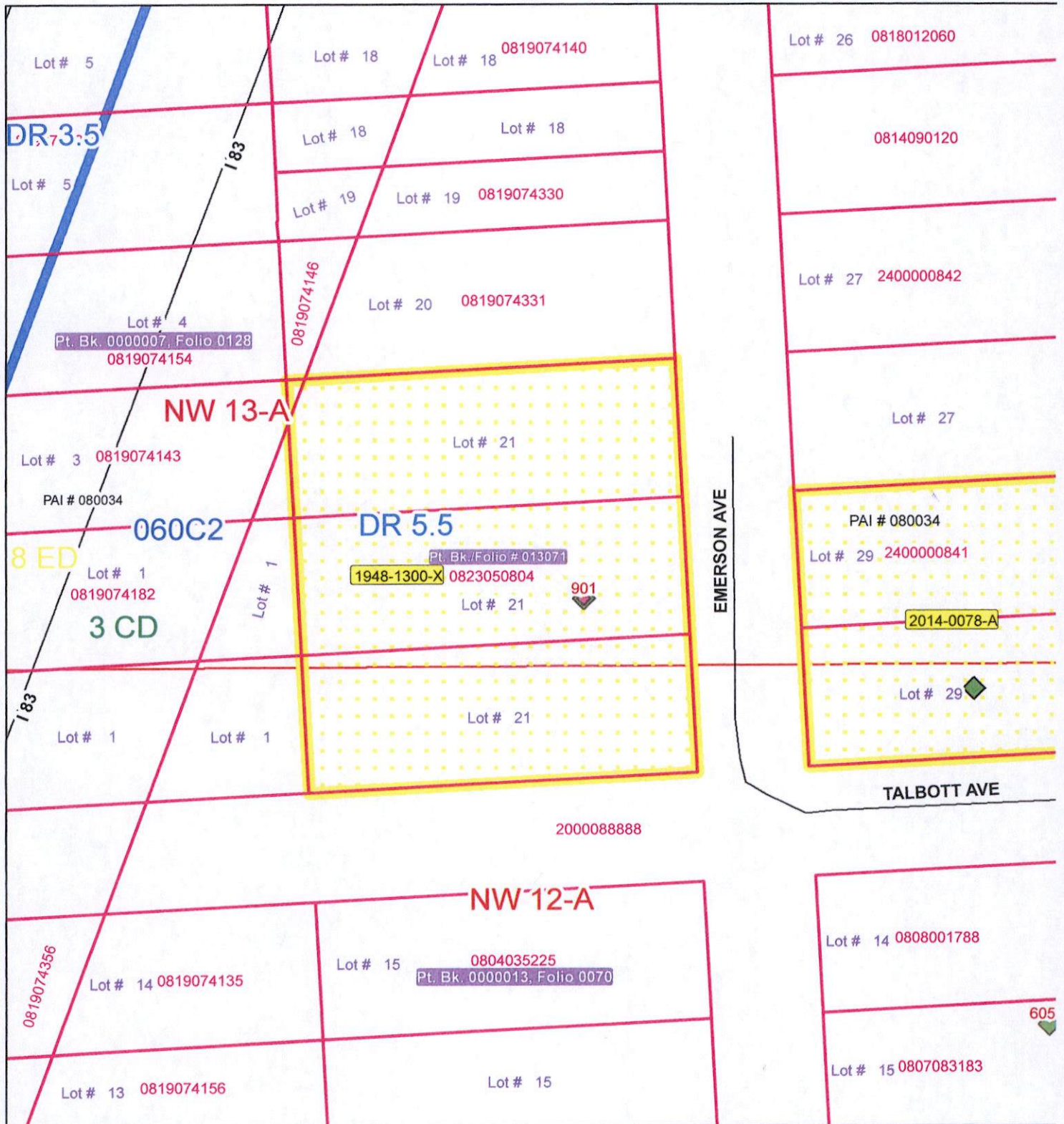
Miscellaneous Notes:

EMERSON AVENUE



2018-0369-SPHA

901 Emerson Ave



Publication Date: 6/15/2018



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



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

2018-0369-SPHA

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 _____)	_____
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
7-6	STATE HIGHWAY ADMINISTRATION	No object
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. 1948-1300-x)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: 7-5-18 by Black

SIGN POSTING (2nd) Date: " by "

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						
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Account Identifier:		District - 08 Account Number - 0823050804								
Owner Information										
Owner Name:		HACKSAW MICHELE APONTE PEDRO		Use:	RESIDENTIAL					
Mailing Address:		901 EMERSON AVE LUTHERVILLE-TIMONIUM MD 21093-		Principal Residence:	NO					
				Deed Reference:	/40443/ 00223					
Location & Structure Information										
Premises Address:		901 EMERSON AVE LUTHERVILLE-TIMONIUM 21093-		Legal Description:	LT 21,22,23 TALBOTT MANOR					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:
0060	0017	0568		0000	X		21	2017		0013/0070
Special Tax Areas:			Town:			NONE				
			Ad Valorem:							
			Tax Class:							
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
						21,000 SF		04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
Land:		100,000		100,000		100,000		100,000		
Improvements		0		0						
Total:		100,000		100,000						
Preferential Land:		0						0		
Transfer Information										
Seller: CREATIVE REMODELING INC		Date: 06/29/2018		Price: \$365,000						
Type: ARMS LENGTH MULTIPLE		Deed1: /40443/ 00223		Deed2:						
Seller: CREATIVE REMODELING INC		Date: 09/06/2017		Price: \$0						
Type: NON-ARMS LENGTH OTHER		Deed1: /39357/ 00058		Deed2:						
Seller: BARAGHI PARVIZ		Date: 11/16/2016		Price: \$129,900						
Type: ARMS LENGTH MULTIPLE		Deed1: /38274/ 00366		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: No Application										

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application**Date:**

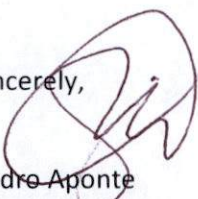
The current petition for a variance is to utilize a 12x12 concrete bed that is not completely located at the back of my property as required by the Baltimore County Zoning Regulations. The intention is to use this 12x12 leveled area, which was built and conditioned prior the purchase of the property and that currently have no use or purpose, to place a 12x 16 shed. Permits for this shed were requested, but were approved for the placement in different location of the premise. This petition for a variance is to maximize the existing conditioned area for storage and eventually training space, without affecting or reducing the existing backyard space intended for outdoor recreational purposes.

My property is the only dwelling located on Emerson Avenue. As the aerial pictures and the prints from Baltimore County's GIS mapping tool attached to this petition testify, about 75% of my property is surrounded by State-owned land, which to the best of my knowledge are restricted for construction. The other 25% of my property, on the eastern side of Emerson Avenue, is surrounded by three vacant lots. The closest improved areas surrounding my property are 905 Morris Avenue, which is located at more than 300ft straight line through a forest area, and 605 Talbot Avenue, located at more than 330ft from the desired location subject to this petition. A unique characteristic of my property in comparison to any other dwelling in the neighborhood resides in the fact that it is potentially the only house lacking indoor storage area since it does not have a basement or usable attic space.

The strict compliance of the Baltimore County Zoning Regulations would result in both practical difficulty and hardship to our family by causing under-utilization of existing structures (including the existing walk path from the back of the house connecting to the desired area, and the existing 12x12 under-utilized concrete bed), minimization of usable land intended for my family's outdoor recreational activities, increment of unanticipated costs to be derived for the conditioning of a different area for the placement of the shed (including labor and material for the construction of another bed for a shed, additional walk path, increasing costs for eventual electric connection), and reduction of productivity of the land.

Based on the above facts, I believe my petition satisfies the required test steps set forth in *Cromwell v. Ward*, 100 Md. App. 691 (1995); therefore, I respectfully request your approval for this petition for a variance.

Sincerely,



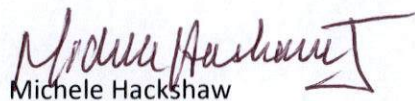
Pedro Aponte

901 Emerson Avenue

Lutherville, MD 21093

Email: pedroaponte@gmail.com

Phone #: (443) 421 5960



Michele Hackshaw

901 Emerson Avenue

Lutherville, MD 21093

Email: michelehackshaw1975@yahoo.com

Phone #: (443) 421 5959







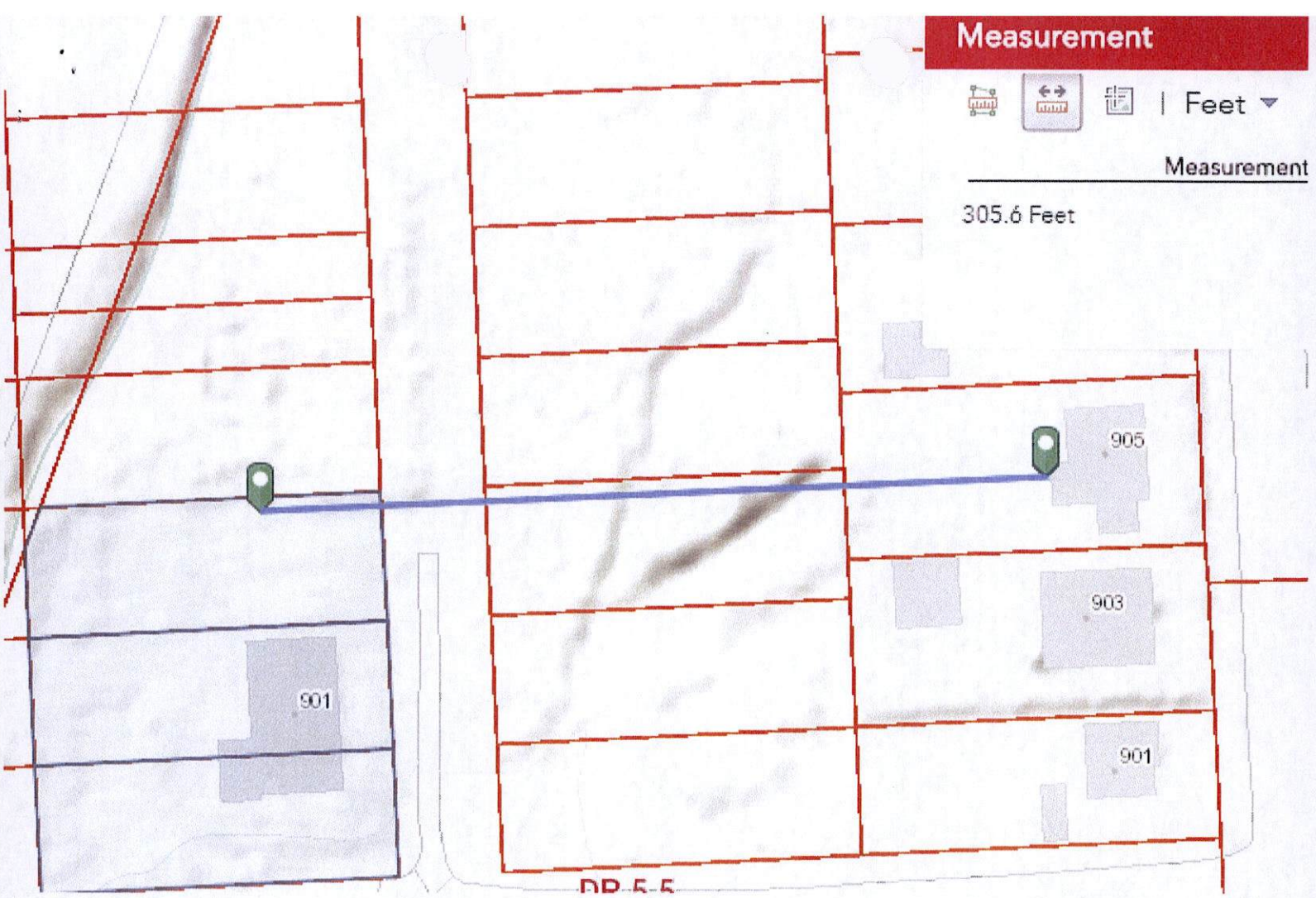
Measurement



Feet ▾

Measurement

305.6 Feet



DP 5-5

Measurement



| Feet ▾

Measureme

354.6 Feet

901

901

605

DR 5.5

IN RE: PETITION FOR ADMIN. VARIANCE *

7th Election District

3rd Councilmanic District *

(901 Emerson Road) *

AVENUE

Pedro Aponte *

Petitioner *

BEFORE THE OFFICE OF

ADMINISTRATIVE HEARINGS

FOR

BALTIMORE COUNTY

Case No. 2018-0369-A

* * * * *

AFFIDAVIT

I, Pedro Aponte, am over the age of 18 and have personal knowledge of and are competent to testify to the following:

1. The residence at 901 Emerson Road, 21093 is owned by Pedro Aponte. No other person or entity has an interest in the operation and/or affairs of 901 Emerson Road, 21093.
2. I reside year round and actually occupy the property known as 901 Emerson Road, 21093, and consider this to be my principal residence.

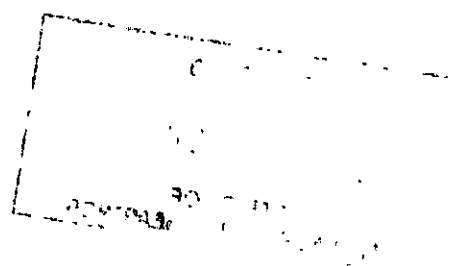
I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the foregoing paper are true.

7/20/2018
Date


Pedro Aponte

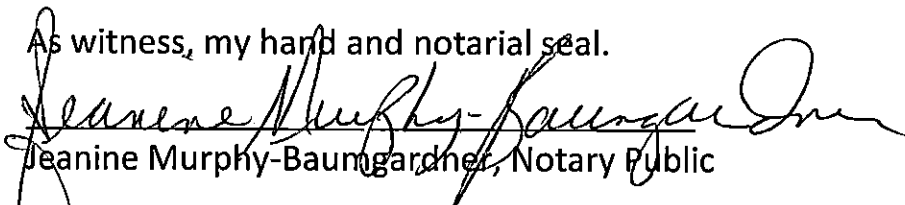


ⓧ Please see last page for explanation



STATE OF MARYLAND, COUNTY OF Howard to wit: I hereby certify that on the 23rd day of July, 2018, before me, the subscriber, a notary public of the State of Maryland, in and for State of Maryland, Howard County, personally appeared before me, Pedro Aponte and made the affirmation in due form of law that the matters and facts set forth in the **Affidavit for Petition for Administrative Variance** is true.

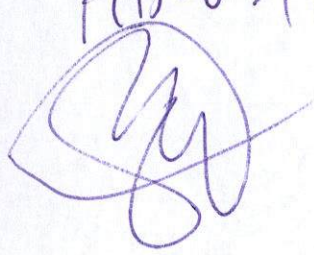
As witness, my hand and notarial seal.


Jeanine Murphy-Baumgardner, Notary Public

My Commission expires: September 15, 2019



IT TOOK SDAT 1 RETURN 45 DAYS + update their
Records. we closed the purchase of our property on JUNE 1, 2018.
This property is an owner-occupied dwelling, but application for
Homestead tax credit was just received last week, and
it has been mailed back to them, so their files will
be updated with the principal residence status shortly.

Rono Ayon Jr.


7/23/18

 **MARYLAND**
Driver's License

DL 

 2700F72F0

Customer Identifier
A-153-680-044-164

Family name
APONTE

Given names
PEDRO ALEJANDRO

Address
**901 EMERSON AVE
LUTHERVILLE MD 21093**

Date of birth	Sex	Height	Weight	Date of exp
03/03/1972	M	5'-06"	155	03/03/2025
Restrictions	Classifications	Endorsements	Date of issue	
B	C		06/23/2018	

♥ ORGAN DONOR



MARYLAND USA

Driver's License

DL



2700F7577



Michele Hackshaw

Customer identifier

H-200-603-003-020

Family name

HACKSHAW

Given names

MICHELE

Address

**901 EMERSON AVE
LUTHERVILLE MD 21093**

Date of birth

01/06/1975

Sex

F

Height

5'-05"

Weight

130

Date of exp

01/06/2025

Restrictions

B

Classifications

C

Endorsements

Date of issue

06/28/2018

♥ **ORGAN DONOR**



DONALD I. MOHLER III
County Executive

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

July 17, 2018

Pedro Aponte
901 Emerson Road
Lutherville-Timonium, MD 21093

Re: Petition for Administrative Variance
Case No. 2018-0369-A
Property: 901 Emerson Road

Dear Mr. Aponte:

I am writing in regard to the above captioned matter, wherein an administrative variance has been requested. The Baltimore County Code ("BCC") requires that a property be **owner occupied** in order to qualify for administrative variance relief. State records in this case show the property is not your principal residence. As such, a public hearing is usually required in this scenario.

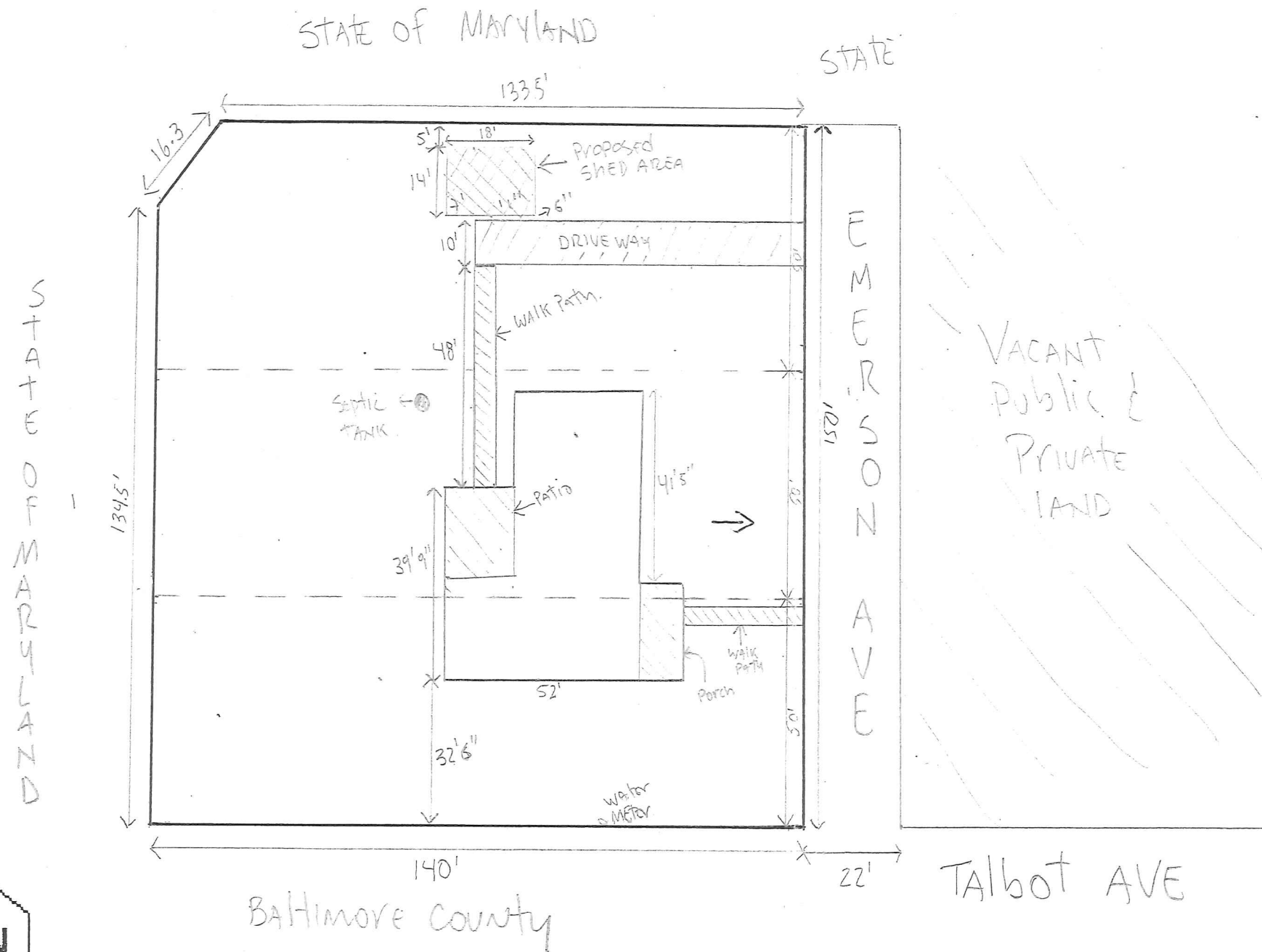
We're unable to process your request as an administrative variance unless you **sign the attached Affidavit with notary seal**, attesting to the fact that this is your primary residence, no other person or entity has an interest in the operation and/or affairs of 901 Emerson Road, and that you reside at this address year round. Otherwise, a public hearing would be necessary.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Attachment

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 901 EMERSON AVE OWNER(S) NAME(S) Pedro Aponfe & Michele Hackshaw
 SUBDIVISION NAME Talbot Manor LOT# 21, 22, 23 BLOCK # _____ SECTION # X
 PLAT BOOK # 13 FOLIO # 70 10 DIGIT TAX # 0823050804 DEED REF. # 39357/00058



PLAN DRAWN BY Pedro Aponfe DATE 6/28/18 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP

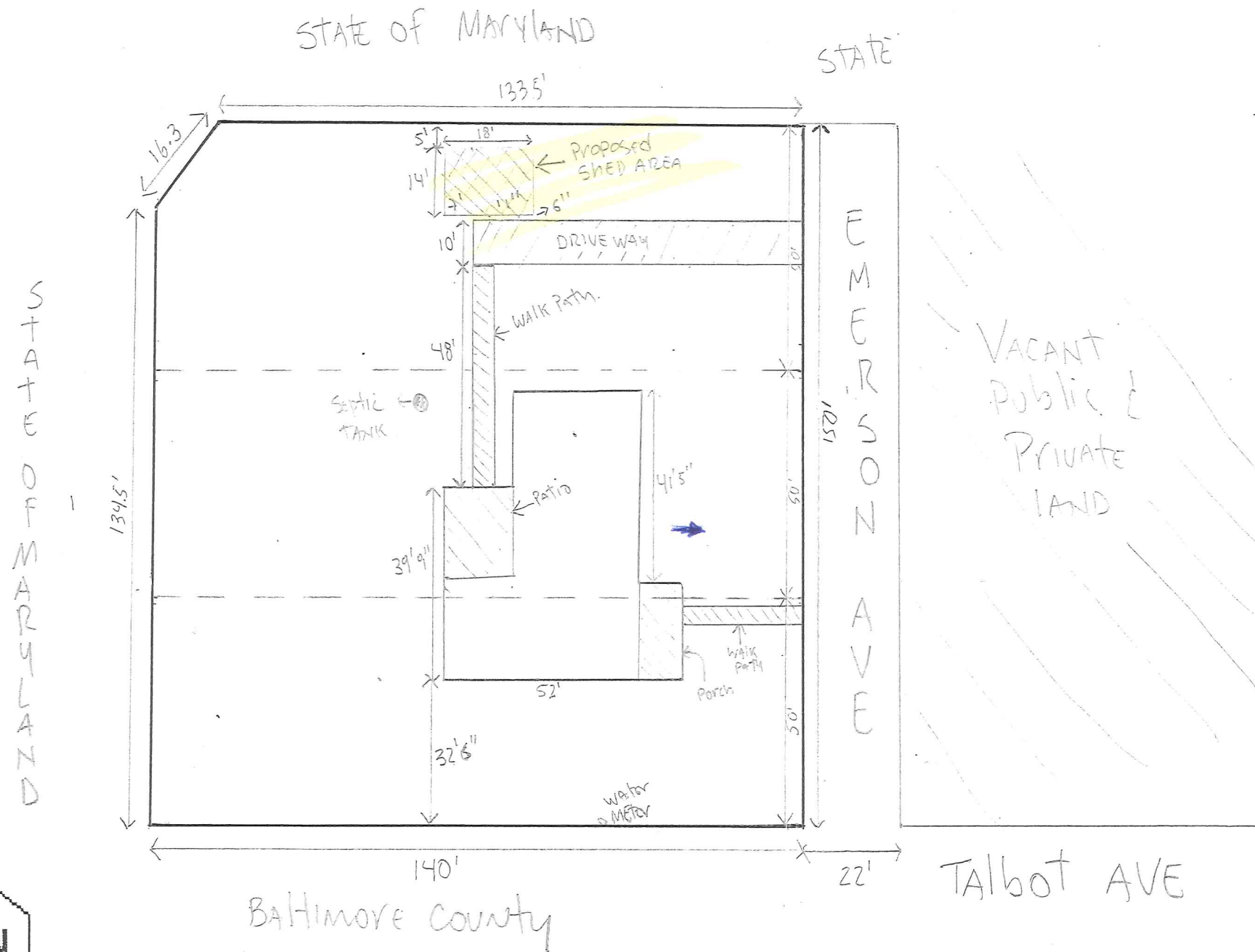


MAP IS NOT TO SCALE
 ZONING MAP# 060C2
 SITE ZONED DR 5.5
 ELECTION DISTRICT 8th
 COUNCIL DISTRICT 3rd
 LOT AREA ACREAGE 0.48
 OR SQUARE FEET 21,000
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC _____ PRIVATE X
 PRIOR HEARING? No
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2018-0369-SPHA

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 901 EMERSON AVE OWNER(S) NAME(S) Pedro Aponhe & Michele Hackshaw
 SUBDIVISION NAME Talbot Manor LOT# 21, 22, 23 BLOCK# _____ SECTION# X
 PLAT BOOK# 13 FOLIO# 70 10 DIGIT TAX# 0823050804 DEED REF.# 39357/00058



PLAN DRAWN BY Pedro Aponhe DATE 6/28/18 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



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 ZONING MAP# 060C2
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 OR SQUARE FEET 21,000
 HISTORIC? NO
 IN CBCA? No
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC _____ PRIVATE X
 PRIOR HEARING? No
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2018-0364-SPHA

Pet. For. 1