

M E M O R A N D U M

DATE: August 19, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0369-A - Appeal Period Expired

The appeal period for the above-referenced case expired on August 14, 2019. 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.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(4340 Penn Avenue)		
11 th Election District	*	OFFICE OF ADMINISTRATIVE
5 th Council District		
Jason E. Clark & Sanya M. Rusticelli	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2019-0369-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 owners of the property, Jason E. Clark and Sanya M. Rusticelli ("Petitioners"). The Petitioners are requesting Variance relief pursuant to § 400.1 of the Baltimore County Zoning Regulations ("BCZR"), to permit a replacement accessory building (shed) in the side yard in lieu of the required rear yard 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 received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 23, 2018, 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 § 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 7-15-19

By DW

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 Petitioners.

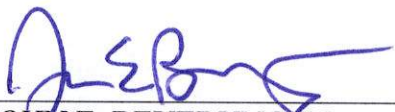
Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 15th day of **July, 2019**, 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 replacement accessory building (shed) in the side yard in lieu of the required rear yard only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their 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, Petitioners 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 7-15-19

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 4340 Penn Ave Balto. MD 21236 Currently zoned DR 3.5
 Deed Reference 37350 100428 10 Digit Tax Account # 1103003320
 Owner(s) Printed Name(s) JASON CLARK / Sanya Rusticelli

(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:

- ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 400.1, BCZR, to permit a replacement accessory building (shed) in the side yard in lieu of the required rear yard only.

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):

JASON CLARK / Sanya Rusticelli
 Name #1 – Type or Print Name #2 – Type or Print

[Signature] [Signature]
 Signature #1 Signature #2

4340 Penn Ave. Balto. MD
 Mailing Address City State

21236 / 301.661.5814 /
 Zip Code Telephone # Email Address

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

N/A
 Name- Type or Print

[Signature]
 Signature

[Address]
 Mailing Address City State

[Zip] [Phone] [Email]
 Zip Code Telephone # Email Address

Representative to be contacted:

Rebecca LAMARE
 Name – Type or Print

[Signature]
 Signature

928 Jackson Blvd Bel Air. MD
 Mailing Address City State

21014 / 443.619.0802 / emily.kend@icloud.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.

By [Signature]

Administrative Law Judge for Baltimore County

CASE NUMBER 2019-0369-A Filing Date 6/14/2019 Estimated Posting Date 6/23/2019 Reviewer JNP

Affidavit in Support of Administrative Variance

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

why is it there unique

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: 4340 Penn Ave Balto. MD 21236-1728
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)

Due to the accessibility and grade of the back yard it is not feasible to place a shed behind the house. The cost of Regrading the back yard to accomodate the shed is excessive, An Existing shed is currently in the location in which I am applying for the variance. It was there when I purchased the house.

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

[Signature]
Signature of Owner (Affiant)
Jason Clark
Name- Print or Type

[Signature]
Signature of Owner (Affiant)
Sanya Rusticelli
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 21 day of May, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Jason Clark and Sanya Clark aka Sanya Rusticelli

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

AS WITNESS my hand and Seal



[Signature]
Notary Public My Commission Expires January 6, 2020
My Commission Expires

Affidavit in Support of Administrative Variance

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

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

X [Signature]
Signature of Owner (Affiant)
Jason Clark
Name- Print or Type

X [Signature]
Signature of Owner (Affiant)
Sanya Rusticelli
Name- Print or Type

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

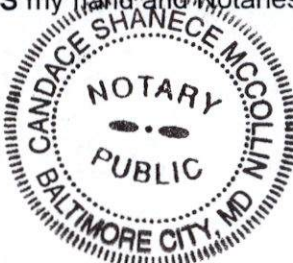
Y STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21 day of May, 2019, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Jason Clark and Sanya Clark aka Sanya Rusticelli

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

AS WITNESS my hand and Notaries Seal



[Signature]
Notary Public

My Commission Expires January 6, 2020

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 4340 Penn Ave Balto. MD 21236 Currently zoned DR 3.5
 Deed Reference 37350 / 00408 10 Digit Tax Account # 1103003320
 Owner(s) Printed Name(s) TASON CLARK / Sanya Rusticelli

(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:

- ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 400.1 BCZR, to permit a Replacement Accessory building (shed) in the side yard in lieu of the required rear yard only.

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):

Tason Clark / Sanya Rusticelli
 Name #1 – Type or Print Name #2 – Type or Print

[Signature] [Signature]
 Signature #1 Signature #2

4340 Penn Ave Balto. MD
 Mailing Address City State

21236 / 301-461-5814
 Zip Code Telephone # Email Address

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

N/A
 Name- Type or Print

[Signature]
 Signature

[Signature]
 Mailing Address City State

[Signature]
 Zip Code Telephone # Email Address

Representative to be contacted:

Rebecca LAMARR
 Name – Type or Print

[Signature]
 Signature

928 Jackson Blvd Bel Air MD
 Mailing Address City State

21014 / 443-619-0807 emily.kendall@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 15 day of June, 2019 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 2019-0369-A Filing Date 6/14/2019 Estimated Posting Date 6/23/2019 Reviewer JNP

ZONING PROPERTY DESCRIPTION FOR 4340 Penn Ave. Baltimore, MD 21236.

Beginning at a point on the North side of Penn Avenue which is 15.1 feet wide at a distance of 112 feet ~~East~~ ^{WEST} of the centerline of the nearest improved intersecting street, Horne Avenue which is 15.1 feet wide

Being Lot #8, Block B, Section #n/a in the subdivision of Sharondale as recorded in Baltimore County Plat Book #24, Folio #3, containing 13,137SF. Located in the 11th Election District and the 5th Council District.

2019-0369-A

(AV) 7-8-19

Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Sunday, July 7, 2019 3:39 PM
To: Administrative Hearings
Subject: 2019-0369-A

CAUTION: This message from mert1114@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

2nd set of certificates

CERTIFICATE OF POSTING

CASE NO. 2019-0369-A
PETITIONER/DEVELOPER
JASON CLARK
SAURA ZUSTICELLI
DATE OF HEARING/CLOSING
July 8, 2019

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) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT
4340 PENN AVENUE SIGN # 1

THIS SIGN(S) POSTED ON June 23, 2019 July 4, 2019
(MONTH, DAY, YEAR)

SINCERELY,
Marty Ogle 6/23/19
SIGNATURE OF SIGN POSTER

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



Marty Ogle 7/6/19

→
over

CERTIFICATE OF POSTING

CASE NO. 2019-0369-A

PETITIONER/DEVELOPER

TASON CLARK

SAUL R. STICHEL

DATE OF HEARING/CLOSING

July 8, 2019

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT

COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION:

LADIES AND GENTLEMAN:

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NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

4340 PENN AVENUE

SIGN # 2

THIS SIGN(S) POSTED ON

June 23, 2019

(MONTH, DAY, YEAR)

July 6, 2019

SINCERELY

Martin Ogle 6/23/19

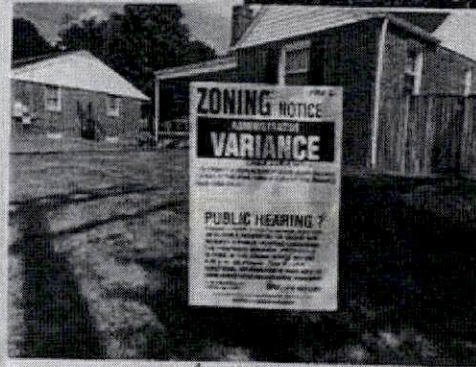
SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411



posted 7/6/19

Sent from my iPhone

CERTIFICATE OF POSTIN

CASE NO. 2019-0369-A

PETITIONER/DEVELOPER

JASON CLARK

SAUYA RUSTICELLI

DATE OF HEARING/CLOSING

July 8, 2019

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

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4340 PENN AVENUE

SIGN #2

THIS SIGN(S) POSTED ON June 23, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 6/23/19
SIGNATURE OF SIGN POSTER

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

CERTIFICATE OF POSTING

CASE NO. 2019-0369-A

PETITIONER/DEVELOPER

JASON CLARK

SAUYA RUSTICELLI

DATE OF HEARING/CLOSING

July 8, 2019

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

ATTENTION :

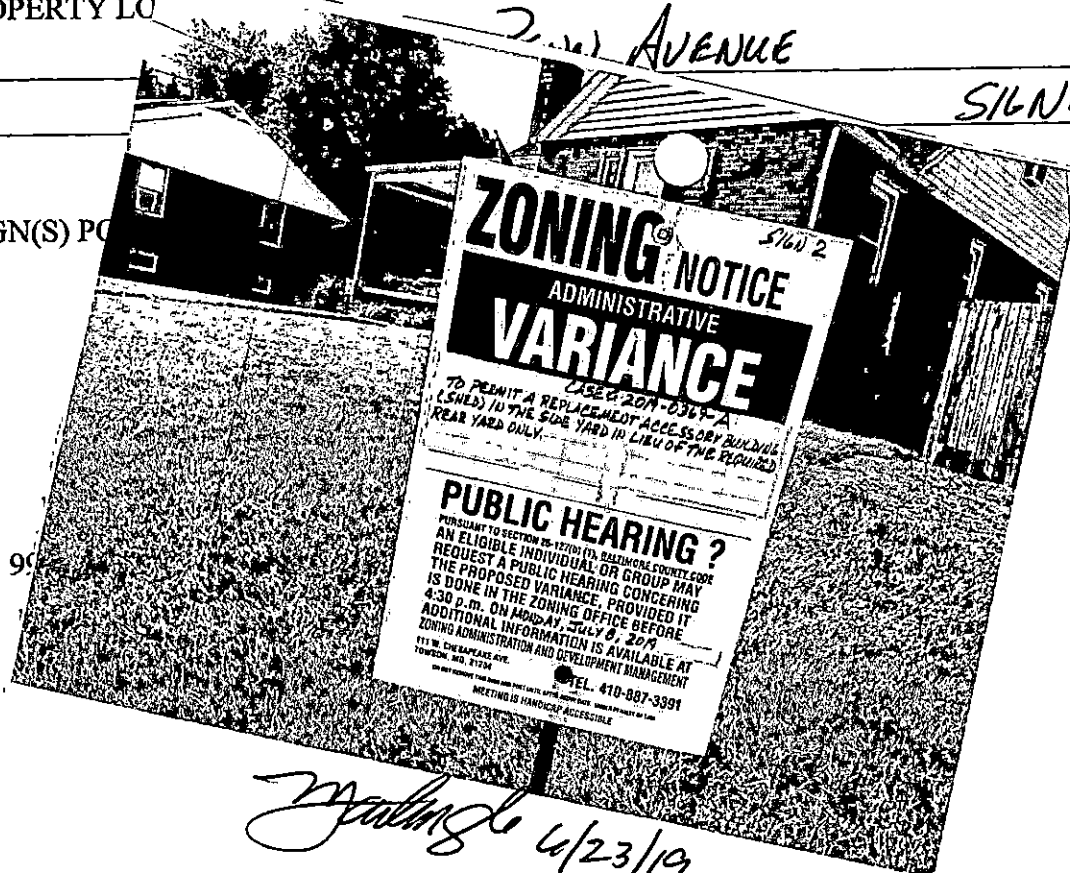
LADIES AND GENTLEMAN :

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

2.00 AVENUE

SIGN # 1

THIS SIGN(S) POSTED AT



Handwritten signature 6/23/19

SIGN 1

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE# 2019-0364-A

TO PERMIT A REPLACEMENT ACCESSORY BUILDING
(SHED) IN THE SIDE YARD IN LIEU OF THE REQUIRED
REAR YARD DULY.

PUBLIC HEARING ?

PURSUANT TO SECTION 20-122(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, JULY 8, 2019

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

311 W. CHESAPEAKE AVE.
TOWSON, MD 21204

TEL. 410-887-3391

ALL MEETINGS SHALL BE OPEN TO THE PUBLIC AND ACCESSIBLE TO ALL.

MEETING IS HANDICAP ACCESSIBLE

making 6/23/19

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0369 -A Address 4340 Penn Avenue

Contact Person: Jeffrey Perlow (jperlow@baltimorecountymd.gov) Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/14/2019 Posting Date: 6/23/2019 Closing Date: 7/8/2019

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 2019- 0369 -A Address 4340 Penn Avenue

Petitioner's Name Jason Clark/Sanya Rusticelli Telephone 301-661-5814

Posting Date: 6/23/2019 Closing Date: 7/8/2019

Wording for Sign: To Permit a replacement accessory building (shed) in the side yard in lieu of the required rear yard only.

Revised 6/30/2019

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

No. **183874**

Date: 6/14/2019

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
6/17/2019 6/14/2019 10:35:42 3

REG WSD3 WALKIN CAM
>>RECEIPT # 011015 6/14/2019 OFLN

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount	Dent
001	806	0000		6150					75.00	183874

Dent 5 528 ZONING VERIFICATION
Recpt Tot \$ 75.00
75.00 CK .00 CA
Baltimore County, Maryland

Total: 75.00

Rec From: Rebecca Lamar

For: Adm. Variance - 4340 Penn Avenue
2019-0369-A (Clark/Rusticelli)

DISTRIBUTION

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

**CASHIER'S
VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

July 8, 2019

Rebecca Lamarr
928 Jackson Blvd
Bel Air MD 21014

RE: Case Number: 2019-0369-A, 4340 Penn Ave

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 14, 2019. 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, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Jason Clark & Sanya Rustcelli 4340 Penn Ave Baltimore MD 21236

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

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

Date: 6/19/19

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

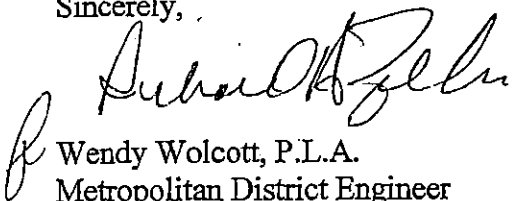
Dear Ms. Lewis:

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. 2019-0369-A.

*Administrative Variance
Fulton Clark, Sonya Rusticelli
4340 Penn 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,

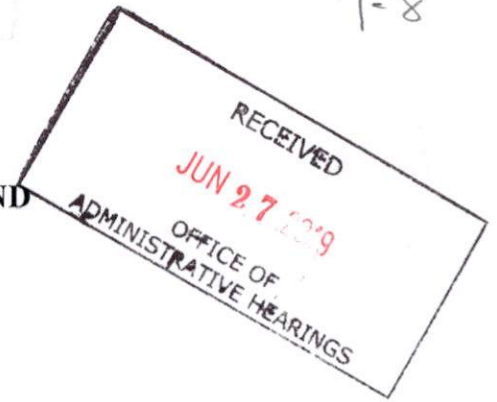


Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

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: June 27, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0369-A
Address 4340 Penn Avenue
(Clark & Rusticelli Property)

Zoning Advisory Committee Meeting of **June 24, 2019**.

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

Reviewer: Steve Ford

CASE NO. 2019- 0369-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>6-27</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>6-19</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 (1 st)	Date: <u>6-23-19</u>	by <u>Ogle</u>
SIGN POSTING (2 nd)	Date: <u>7-16-19</u>	by <u>"</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	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Account Identifier:		District - 11 Account Number - 1103003320			
Owner Information					
Owner Name:		CLARK JASON E RUSTICELLI SANYA M		Use: Principal Residence: RESIDENTIAL YES	
Mailing Address:		4340 PENN AVE BALTIMORE MD 21236-1728		Deed Reference: /37350/ 00408	
Location & Structure Information					
Premises Address:		4340 PENN AVE 0-0000		Legal Description: SHARONDALE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0072	0009	0964		0000	
					Block:
					B
					Lot:
					8
					Assessment Year:
					2018
					Plat No:
					0024/
					Plat Ref:
					0034
Special Tax Areas:		Town:		NONE	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area	
1961		1,546 SF		300 SF	
				Property Land Area	
				13,137 SF	
				County Use	
				04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1 1/2	YES	STANDARD UNIT	BRICK	2 full/ 1 half	Last Major Renovation
Value Information					
		Base Value		Value	
				As of	
				01/01/2018	
Land:		93,200		93,200	
Improvements		154,500		206,800	
Total:		247,700		300,000	
Preferential Land:		0		265,133	
				282,567	
				0	
Phase-in Assessments					
				As of	
				07/01/2018	
				As of	
				07/01/2019	
Transfer Information					
Seller: MILLER GLENN E		Date: 04/04/2016		Price: \$313,000	
Type: ARMS LENGTH IMPROVED		Deed1: /37350/ 00408		Deed2:	
Seller: BASEL CHARLES HENRY		Date: 03/21/1984		Price: \$76,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06683/ 00070		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class		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:

ZAC AGENDA

Case Number: 2019-0369-A

Reviewer: Jeffrey Perlow

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Jason Clark, Sanya Rusticelli

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 5

Property Address: 4340 PENN AVE

Location: North side of Penn Avenue, 112 ft. west of Horne Avenue

Existing Zoning: DR-3.5

Area: 13,137 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

to permit a replacement accessory building (shed) in the side yard in lieu of the required rear yard only.

Attorney: Not Available

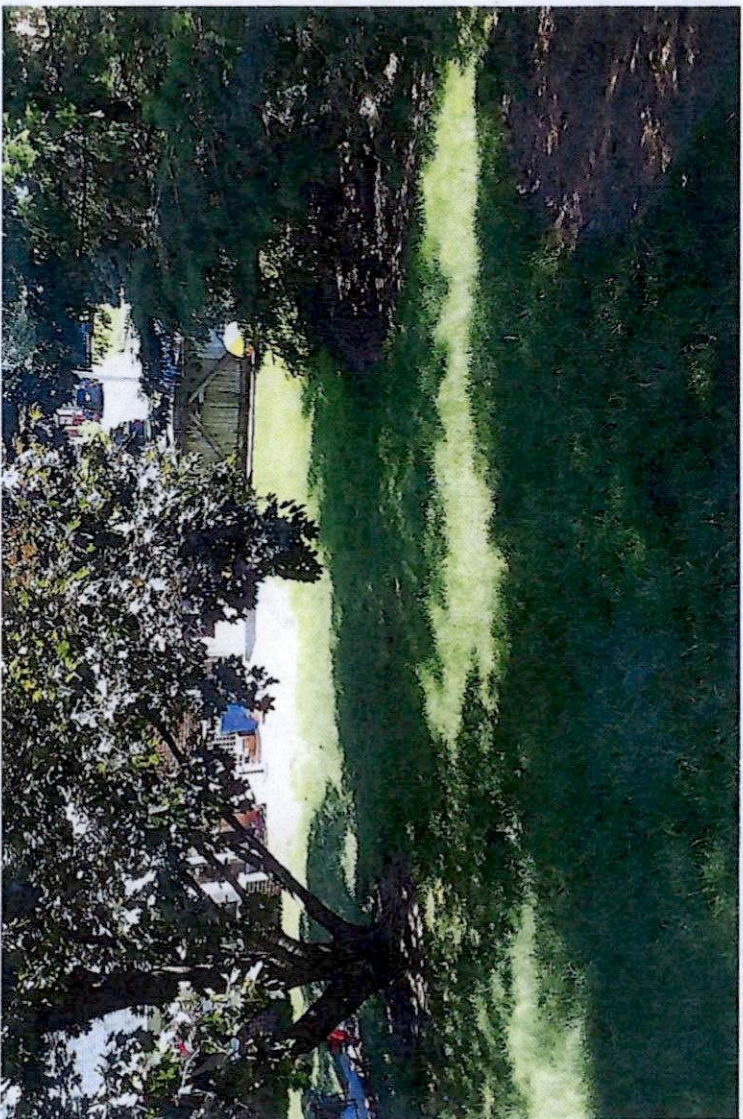
Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

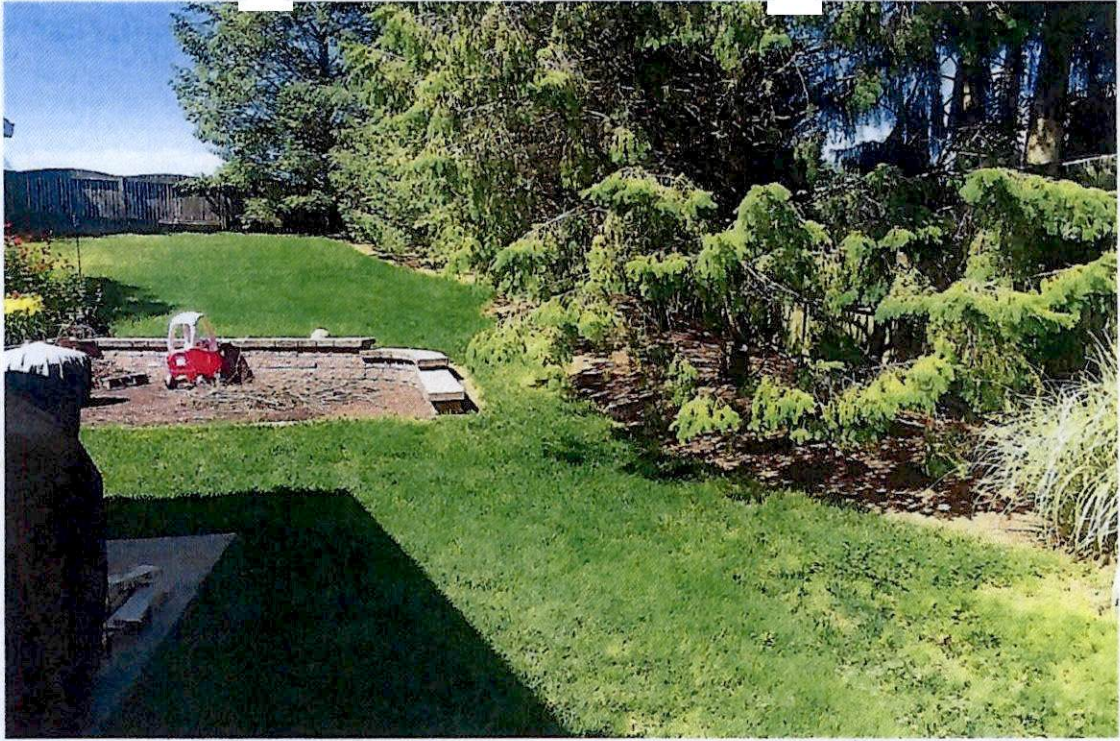
Closing Date: 07/08/2019

Miscellaneous Notes:



Tras

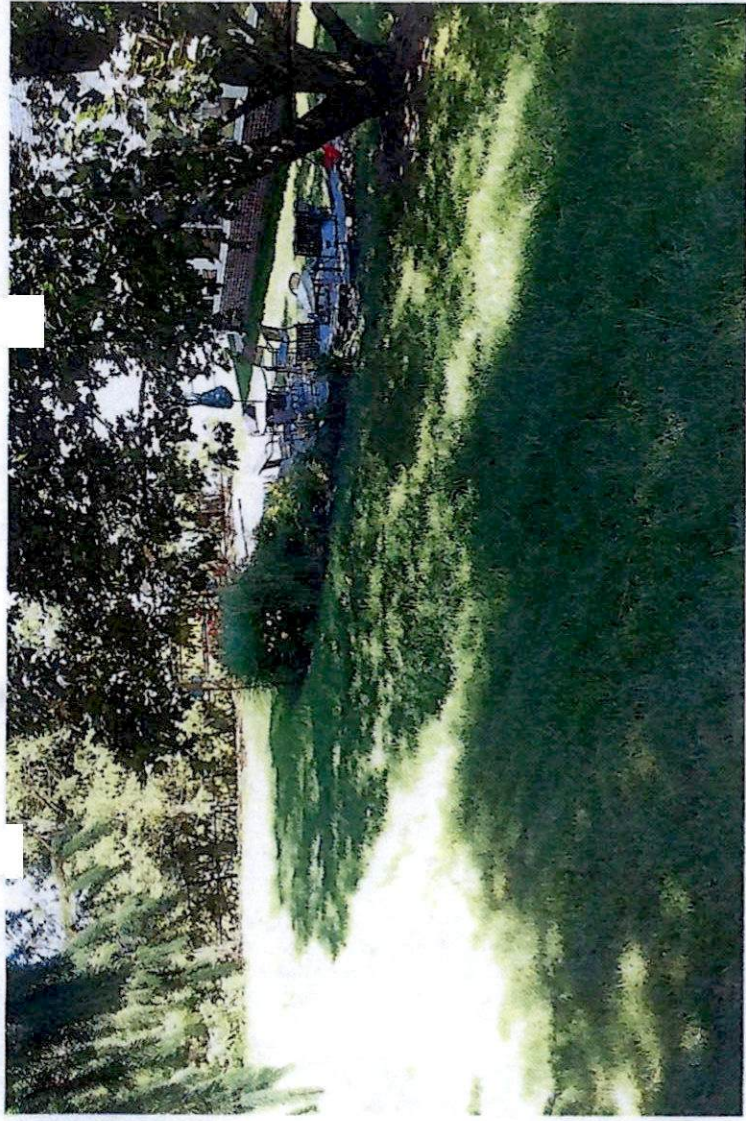




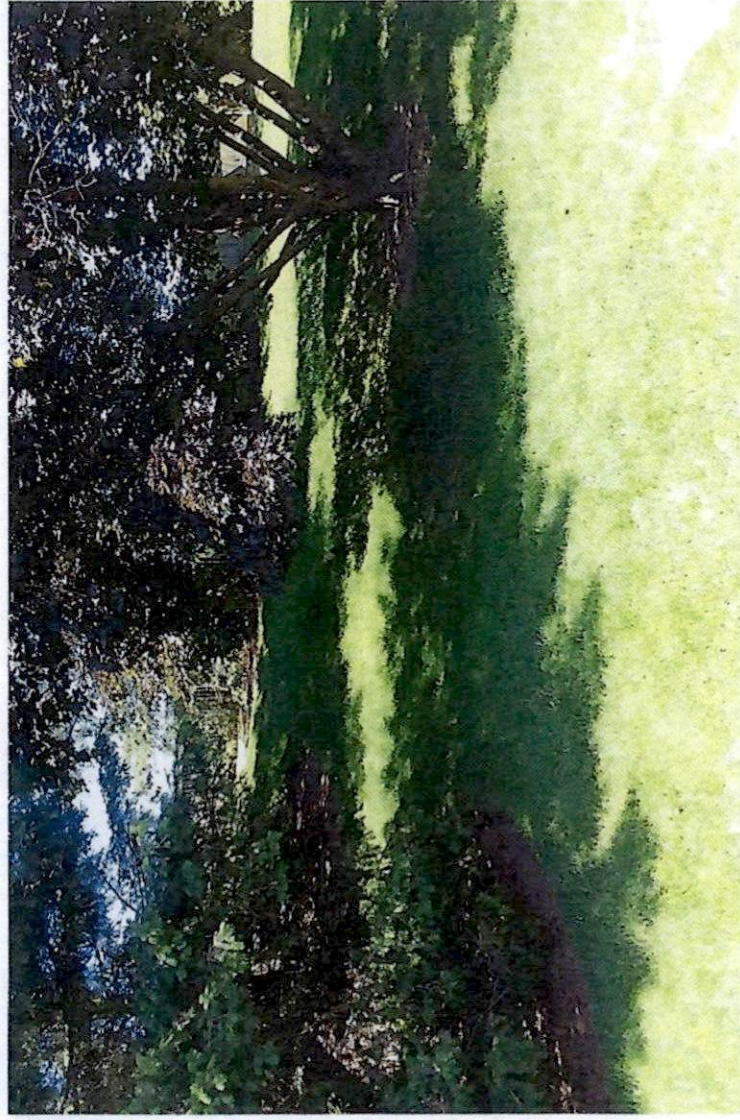
Right side showing slope



Another angle of the slope
looking into back yard

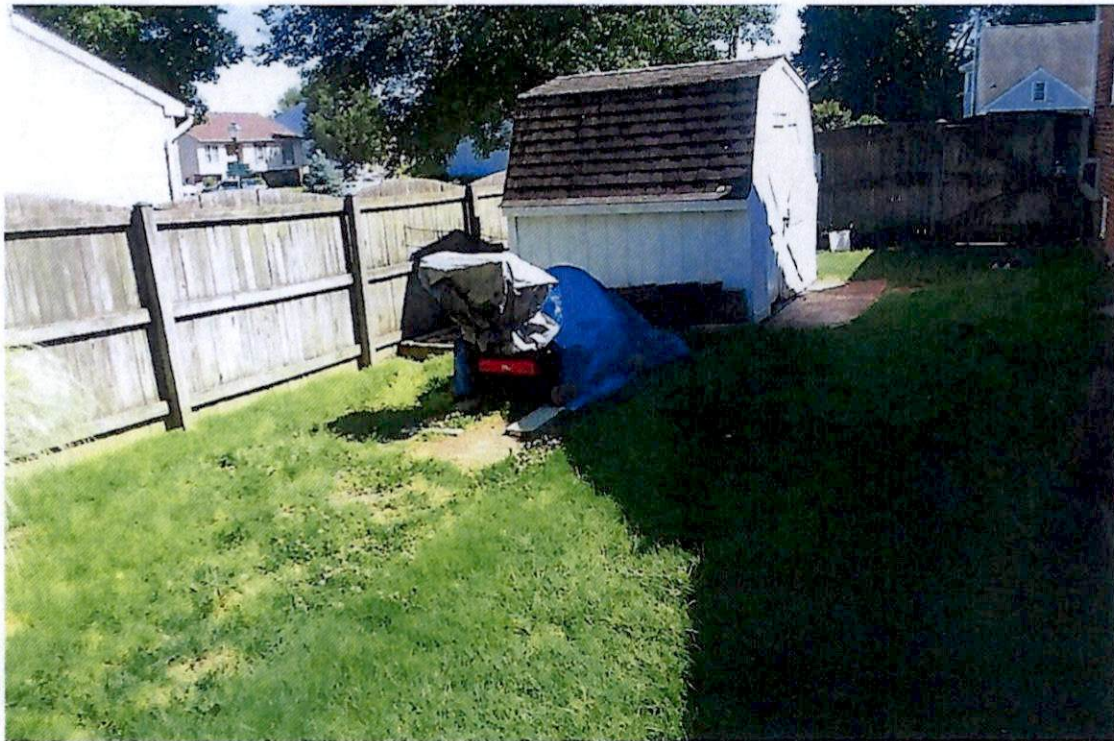


Distance from
patio to house

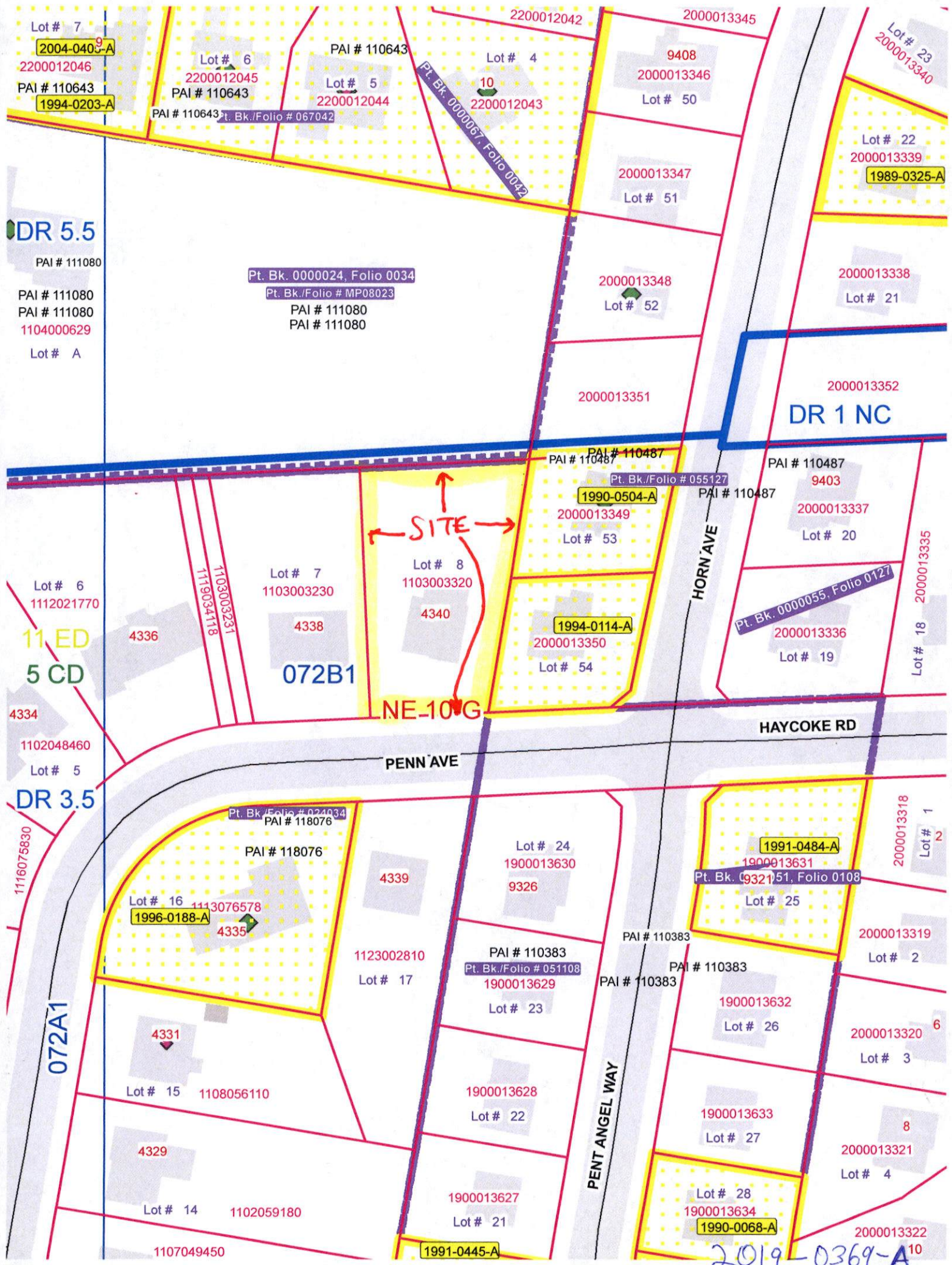


Left side with same slope
Trees help with water so I don't
want to remove them.





existing shed / location of
Replacement shed

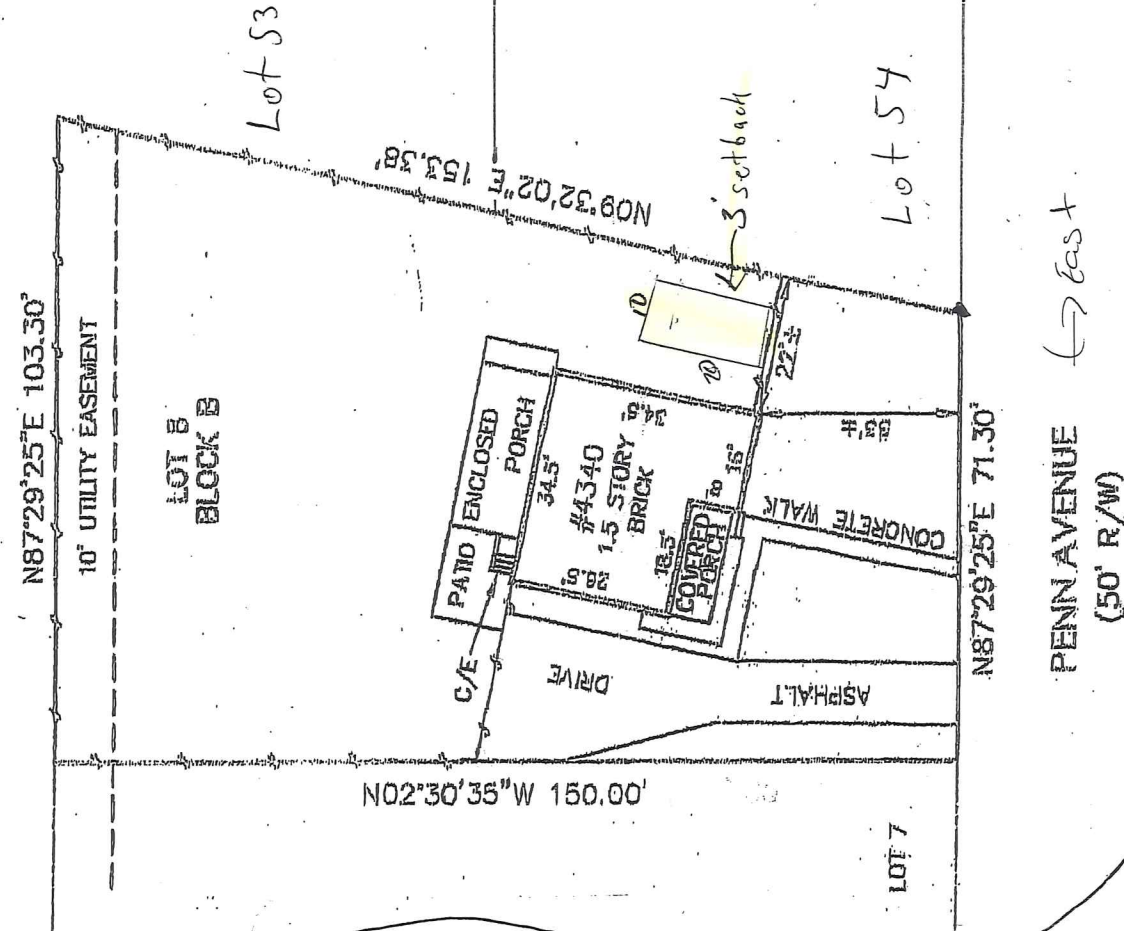


ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 4340 Penn Ave OWNER(S) NAME(S) Clark, Jason & Rusticelli, Sanya

SUBDIVISION NAME Sharondale LOT # 8 BLOCK # B SECTION # —

PLAT BOOK # 24 FOLIO # 34 10 DIGIT TAX # 1103003320 DEED REF. # 0024-10034-



LOCATION DRAWING OF
4340 PENN AVENUE

LOT 8 BLOCK B
PLAT OF SHARONDALE
PLAT BOOK G.L.B. 24, FOLIO 34
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' MARCH 9, 2016

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 0072

SITE ZONED DR 3.5

ELECTION DISTRICT 11

COUNCIL DISTRICT 5

LOT AREA ACREAGE —

OR SQUARE FEET 13,137.5F

HISTORIC? no

IN CBCA? —

IN FLOOD PLAIN? no

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE —

SEWER IS:

PUBLIC X PRIVATE —

PRIOR HEARING? no

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

none

—

—

—

VIOLATION CASE INFO:

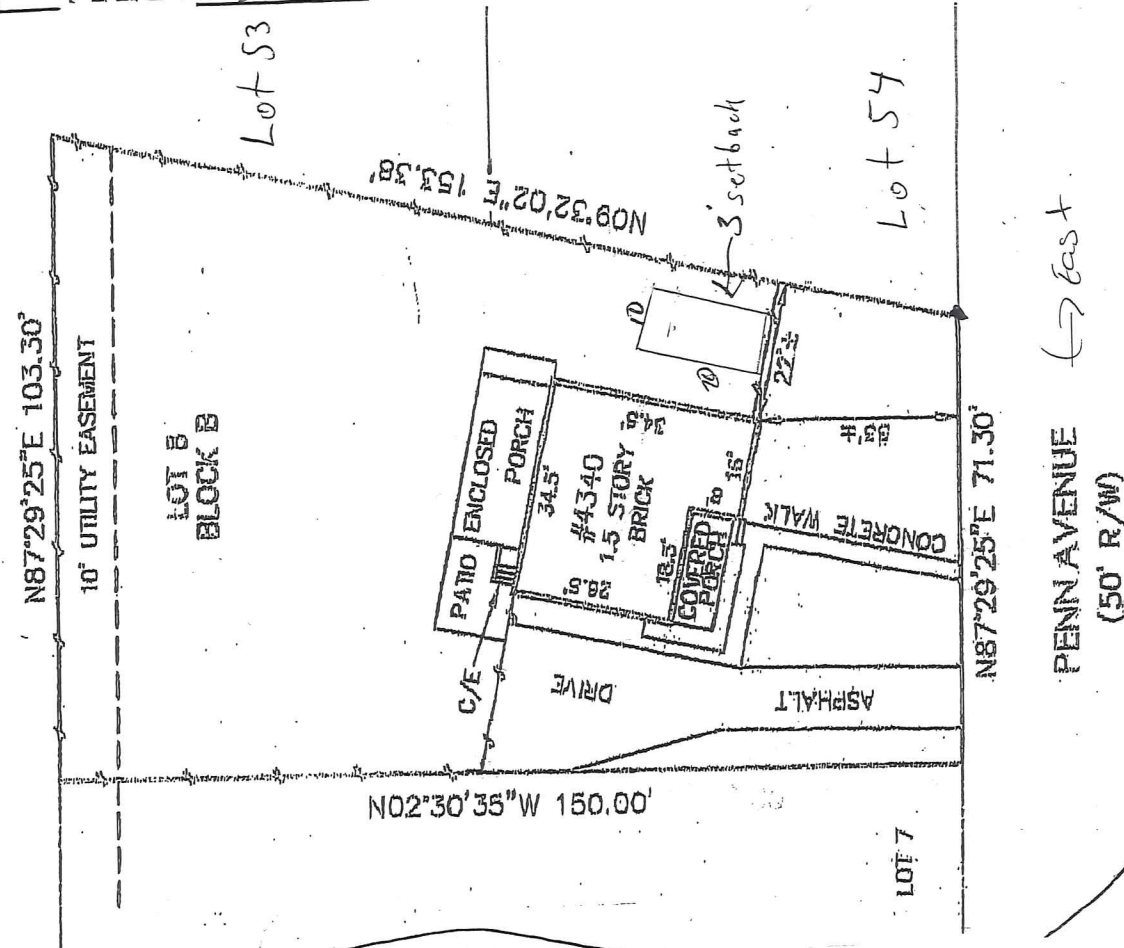
none

—

PLAN DRAWN BY Rebecca Lamarr DATE 5/1/19 SCALE: 1 INCH = 30 FEET

Pet. Exh. 1
2019-0369-A

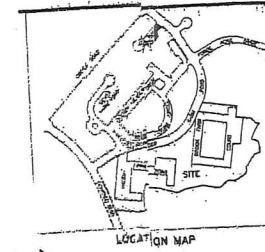
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 41340 Penn Ave OWNER(S) NAME(S) CLARK, Jason & Rusticelli, Sonya
SUBDIVISION NAME Sharondale LOT # 8 BLOCK # B SECTION # —
PLAT BOOK # 24 FOLIO # 34 10 DIGIT TAX # 1103003320 DEED REF. # 0024-10034-



LOCATION DRAWING OF
4340 PENN AVENUE

LOT 8 BLOCK B
"PLAT OF SHARONDALE"
PLAT BOOK G.L.B. 24, FOLIO 34
BALTIMORE COUNTY, MARYLAND
SCALE: 1" = 30' MARCH 9, 2016

120995
SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP# 0072
SITE ZONED DR 3.5
ELECTION DISTRICT 11
COUNCIL DISTRICT 5
LOT AREA ACREAGE —
OR SQUARE FEET 13,137 SF
HISTORIC? no
IN CBCA? —
IN FLOOD PLAIN? no
UTILITIES? MARK WITH X
WATER IS:
PUBLIC X PRIVATE —
SEWER IS:
PUBLIC X PRIVATE —
PRIOR HEARING? no
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

PLAN DRAWN BY Rebecca Lamarr DATE 5/1/19 SCALE: 1 INCH = 30 FEET

2019-0369-A