

M E M O R A N D U M

DATE: July 29, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0033-A- Appeal Period Expired

The appeal period for the above-referenced case expired on July 27, 2020. 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.'

/dlm

cc: Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(2000 Oak Drive)
1st Election District
1st Council District
Gonzalez Eliseo,
Legal Owner
Rolando Morales,
Contract Purchaser
Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2020-0033-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by on behalf of Gonzalez Eliseo, legal owner of the subject property, and Rolando Morales, contract purchaser, (“Petitioners”). Petitioners are requesting variance relief from §§ 1B02.3.C.1 and 104.3 of the Baltimore County Zoning Regulations (“BCZR”) to permit an extension/addition of a non-conforming residential structure which will have a 17 ft. 6 in. setback in lieu of the required 25 ft. side setback for a corner lot. A site plan was marked as Petitioners’ Exhibit 1.

Beverly Eisenberg, AIA, appeared in support of the petition. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A ZAC comment was received from the Department of Planning (“DOP”) dated March 5, 2020, indicating it had no objection to the request but suggested conditions relating to the Baltimore County Rental Housing registration. The property is currently being used as a residential rental; however, the Plan does not indicate the number of rental units. Between 2005 and 2019, the property has had numerous code violation cases marked as closed, no violation or in compliance by the Division of Code Enforcement.

The site is approximately 17,200 sq. ft. in size and zoned DR 5.5.

ORDER RECEIVED FOR FILING

Date 6/25/2020

By D. Mignone

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

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

Ms. Eisenberg explained that the existing structure, which was built in 1942 – prior to the BCZR- has non-conforming setbacks, as do the other homes in the immediate vicinity. The property is therefore unique. The Petitioner, Mr. Morales, testified that he has three children and needs to build this proposed addition in order to adequately house his family. The setbacks for the proposed addition will be the same as those of the existing structure. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to build this proposed addition. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition. The DOP was concerned that the proper residential rental license be obtained for this property. However, Mr. Morales testified that although he is currently leasing the residence he has an option to purchase the property which is contingent on obtaining the subject variance. Once this sale is consummated this will be his family's primary residence. Accordingly, the DOP's concerns are moot.

THEREFORE, IT IS ORDERED, this 25th day of **June, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from Baltimore County Zoning Regulations pursuant to §§ 1B02.3.C.1 and 104.3 of the Baltimore County Zoning Regulations ("BCZR") to permit an extension/addition of a non-conforming residential structure which will

ORDER RECEIVED FOR FILING

Date 6/25/2020

By D. Mignon

have a 17 ft. 6 in. setback in lieu of the required 25 ft. side setback for a corner lot, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw

ORDER RECEIVED FOR FILING

Date

6/25/2020

By

D. Mignone



PETITION FOR ZONING HEARING (S)

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

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2000 OAK DR which is presently zoned DR 5.5
 Deed References: 34036/00497 10 Digit Tax Account # 0107150280
 Property Owner(s) Printed Name(s) GONZALEZ ELISEO

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for
3. ☒ a **Variance** from Section(s)

SEE ATTACHED :

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

ROLANDO MORALES

Name- Type or Print

Signature

2000 OAK DR. BA MD

Mailing Address

21207, 410259-2900

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

rolando morales@gmail.com

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

GONZALEZ ELISEO

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6743 WINDSOR MILL RD BA MD

Mailing Address

City

State

21207, 443-7078384, N/A

Zip Code

Telephone #

Email Address

Representative to be contacted:

BEVERLY EISENBERG, AIA

Name- Type or Print

Signature

Mailing Address

City

State

1432 E BALTIMORE ST BA MD

Zip Code

Telephone #

Email Address

CASE NUMBER 2020-0033-A Filing Date 2/6/2020 Do Not Schedule Dates: _____ Reviewer JF

**2000 Oak Drive
Baltimore, MD 21207
DR 5.5 Zone**

Variance from Section

1B02.3.C.1 AND

**104.3 TO PERMIT EXTENSION / ADDITION OF A NON-
CONFORMING RESIDENTIAL STRUCTURE WHICH WILL HAVE A
17'-6" SETBACK IN LIEU OF THE REQUIRED 25' SIDE SETBACK
FOR A CORNER LOT.**

**2000 Oak Drive
Baltimore, MD 21207**

ZONING PROPERTY DESCRIPTION

Beginning at a point on the NW corner of the property fronting on Clifton Avenue (with a 40' ROW and 20' to the centerline) extending at a distance of 100' to the NE corner of Lot #31; extending towards SE 20'; extending towards SW 40'; extending SE 100' towards Oak Drive. (with a 40' ROW and 20' to the centerline); extending SW 60' towards Clifton Avenue; extending NW 120' to beginning point.

SUBDIVISION LOT

Being Lot # 31, Block 3, Lot 31, Section # 104.3
in the subdivision of Windsor Terrace
as recorded in the Baltimore County Plat Book # 0006 Folio # 0180
Containing 7200 s.f. (4-20x100 lots).
Located in the 44B Legislative District, Congressional District 7 and
Councilman District 1.

Lot #31 of the subdivision Comprises 2 Tax Records:
Tax # 0107150280 60'x100' fronting Oak Drive
Tax # 0107150281 20'x100' fronting Clifton Avenue

6-25
10 AM

Debra Wiley

From: Linda Okeefe <luckylinda1954@yahoo.com>
Sent: Monday, June 22, 2020 11:47 PM
To: Administrative Hearings
Cc: Debra Wiley
Subject: Certifications
Attachments: Oak Dr. 2nd Cert. .jpeg; Oak Dr. Photos.docx; Belair Rd. 2nd Cert. .jpeg; Belair Rd. Photos #1.docx; Belair Rd. Photos #2.docx; Belair Rd. Photos #3.docx

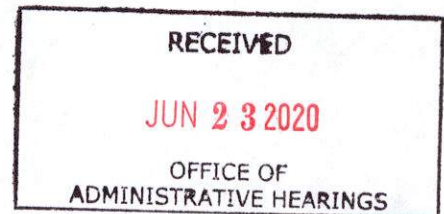
CAUTION: This message from luckylinda1954@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

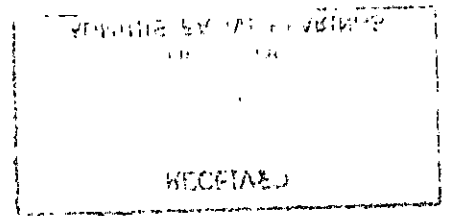
Hi Donna,

I am attaching the second Certifications for Case # 2020-0033-A @ 2000 Oak Drive along with photos and Case # 2020-0037-SPHA @ 8667 Belair Road along with their photos for your records. You are doing a Great Job Donna and Debra.
Thank you,

Linda

Linda O'Keefe
523 Penny Lane
Hunt Valley MD 21030
Phone # 410-666-5366
Cell# 443-604-6431
Fax# 410-666-0929
luckylinda1954@yahoo.com





SECOND CERTIFICATE OF POSTING

ATTENTION: DONNA MIGNON

DATE: 6/22/2020

Case Number: 2020-0033-A

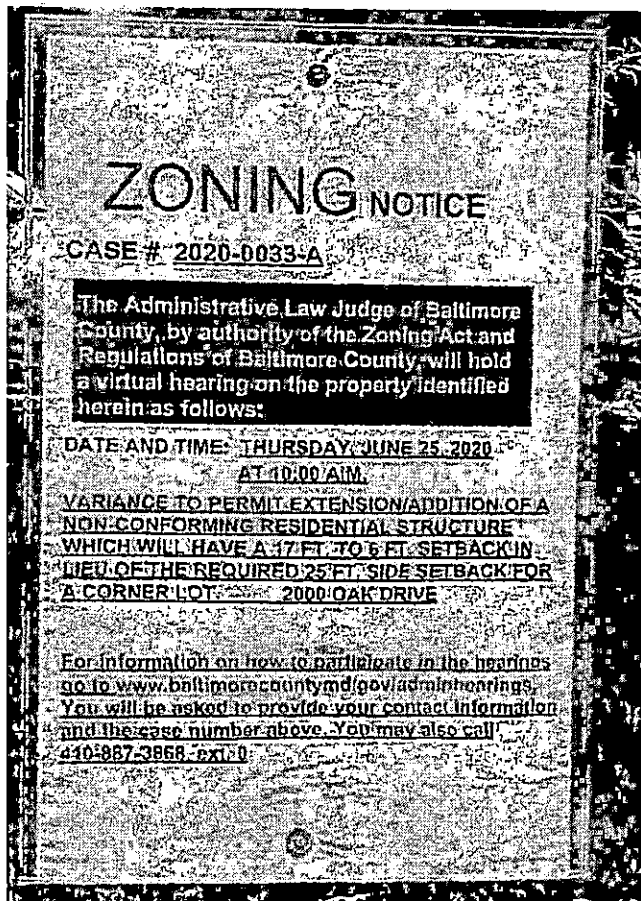
Petitioner / Developer: GONZALEZ ELISEO ~ ROLANDO MORALES ~
BEVERLY EISENBERG

Date of Hearing: JUNE 25, 2020

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
2000 OAK DRIVE

The sign(s) were posted on: JUNE 5, 2020

The sign(s) were re-photographed on: JUNE 22, 2020



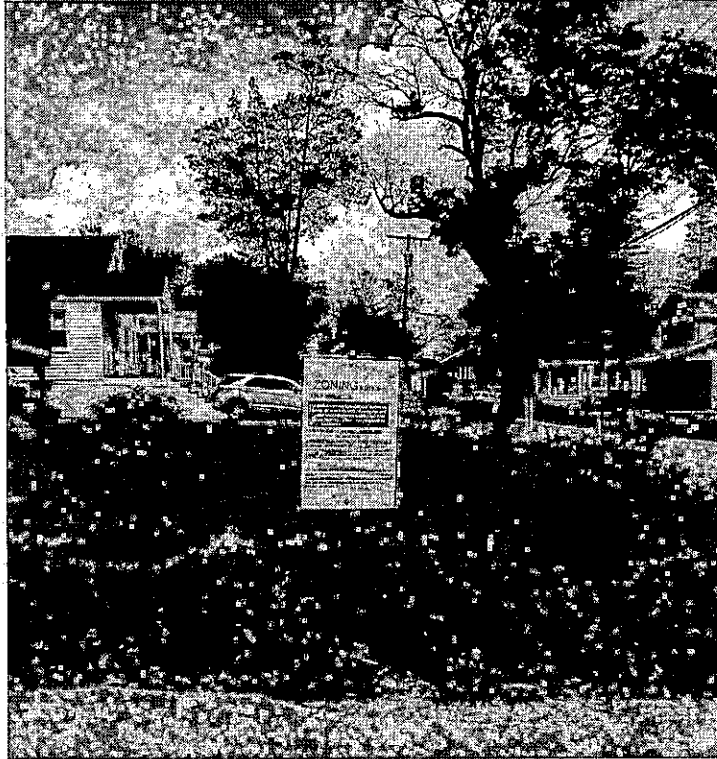
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

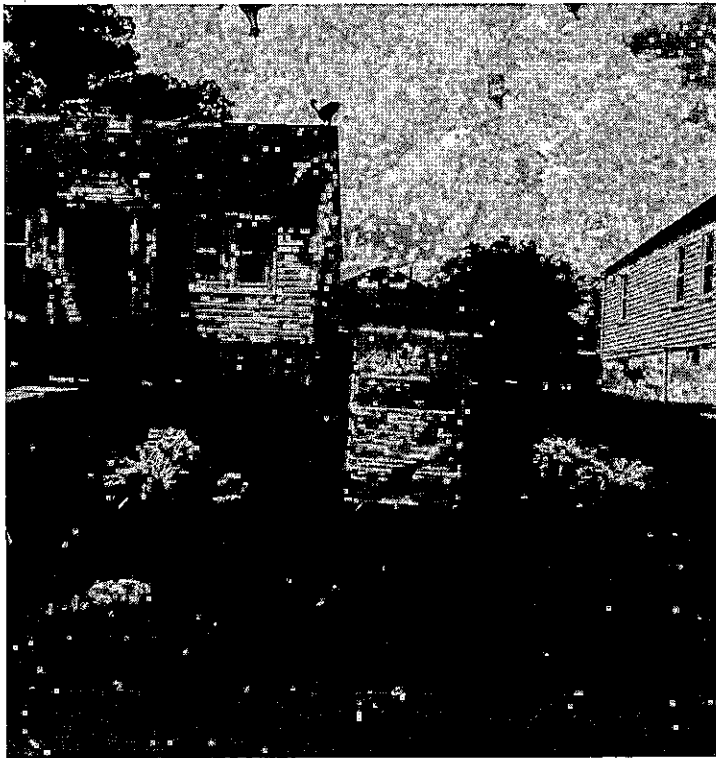
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



Background Photo 1st Sign @ 2000 Oak Drive ~ 6/22/2020



Background Photo 2nd Sign @ 2000 Oak Drive ~ 6/22/2020

CASE # 2020-0033-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 6/5/2020

Case Number: 2020-0033-A

Petitioner / Developer: GONZALEZ ELISEO ~ ROLANDO MORALES~
BEVERLY EISENBERG

Date of Hearing: JUNE 25, 2020

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
2000 OAK DRIVE

The sign(s) were posted on: JUNE 5, 2020

ZONING NOTICE

CASE # 2020-0033-A

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

DATE AND TIME: THURSDAY, JUNE 25, 2020
AT 10:00 A.M.

VARIANCE TO PERMIT EXTENSION/ADDITION OF A
NON-CONFORMING RESIDENTIAL STRUCTURE
WHICH WILL HAVE A 17 FT. TO 6 FT. SETBACK IN
LIEU OF THE REQUIRED 25 FT. SIDE SETBACK FOR
A CORNER LOT. 2000 OAK DRIVE

For information on how to participate in the hearings
go to www.baltimorecountymd.gov/adminhearings.
You will be asked to provide your contact information
and the case number above. You may also call
410-887-3868 ext. 0

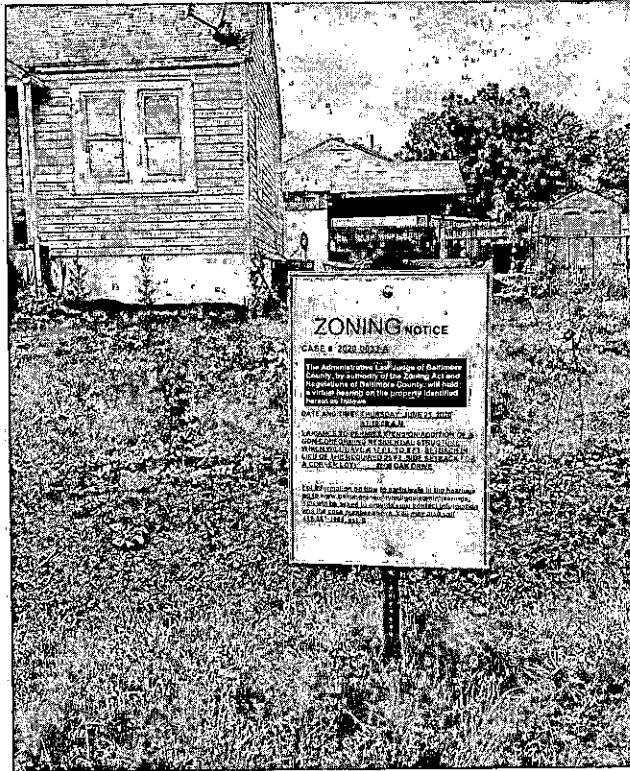
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

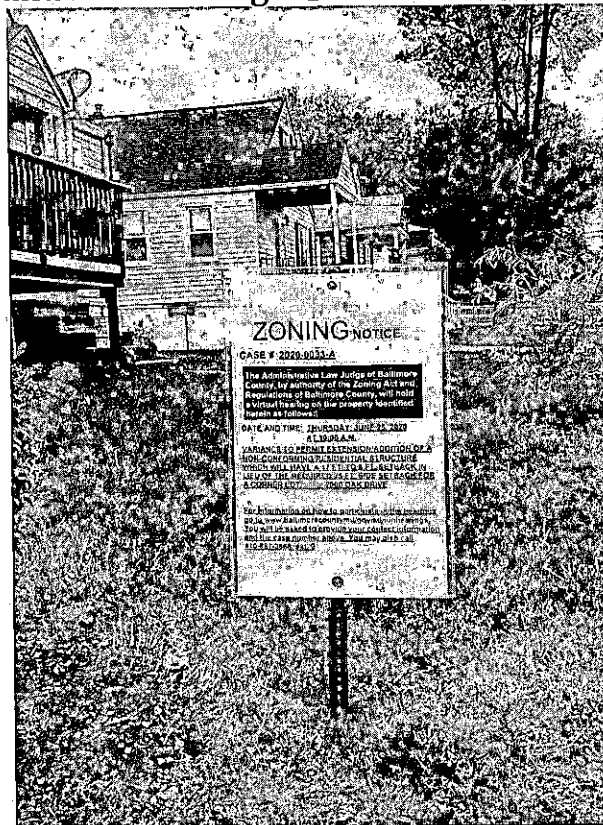
523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



Background Photo 1st Sign @ 2000 Oak Drive ~ 6/5/2020



Background Photo 2nd Sign @ 2000 Oak Drive ~ 6/5/2020

CASE # 2020-0033-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/7/2020

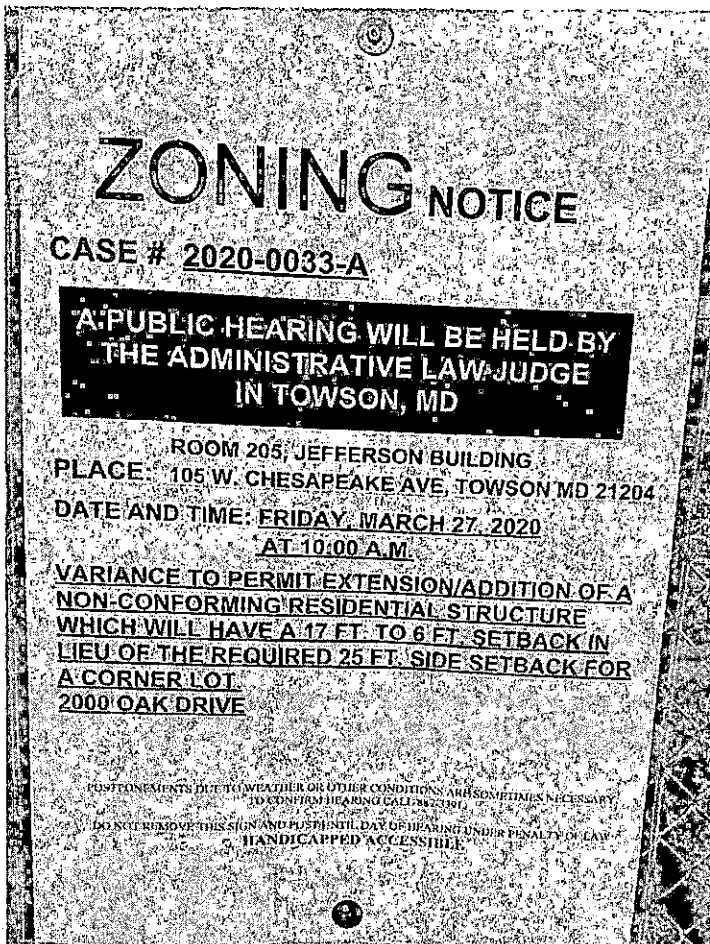
Case Number: 2020-0033-A

Petitioner / Developer: GONZALEZ ELISEO ~ ROLANDO MORALES ~
BEVERLY EISENBERG

Date of Hearing: MARCH 27, 2020

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
2000 OAK DRIVE

The sign(s) were posted on: MARCH 7, 2020



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, MD 21030
(City, State, Zip of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)



JOHN A. OLSZEWSKI, JR.
County Executive

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

June 4, 2020

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2020-0033-A

2000 Oak Drive

N/west corner of Clifton Avenue and Oak Drive

1st Election District – 1st Councilmanic District

Legal Owners: Gonzalez Eliseo

Contract Purchaser/Lessee: Rolando Morales

Variance to permit extension/addition of a non-conforming residential structure which will have a 17 ft. to 6 ft. setback in lieu of the required 25 ft. side setback for a corner lot.

Hearing: Thursday, June 25, 2020 at 10:00 a.m. in Room 205

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Gonzalez Eliseo, 6743 Windsor Mill Road, Baltimore 21207
Rolando Morales, 2000 Oak Drive, Baltimore 21207
Beverly Eisenberg, 1432 E. Baltimore Street, Baltimore 21231

NOTE: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JUNE 5, 2020.

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Page 1 of 1

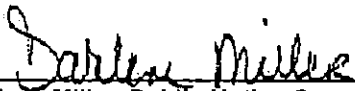
PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/6/2020

Order #: 11857702
Case #: 2020-0033-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0033-A



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2020-0033-A

2000 Oak Drive

N/west corner of Clifton Avenue and Oak Drive

1st Election District - 1st Councilmanic District

Legal Owners: Gonzalez Eliseo

Contract Purchaser/Lessee: Itolando Morales

Variance to permit extension/addition of a non-conforming residential structure which will have a 17 ft. to 6 ft. setback in lieu of the required 25 ft. side setback for a corner lot.

Hearing: Friday, March 27, 2020 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE FOR SPECIAL ACCOMMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

mh8

X-100-2105-7E 10/1/77 2

100-3911

1. 1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364	2365	2366	2367	2368	2369	2370	2371	2372	2373	2374	2375	2376	2377	2378	2379	2380	2381	2382	2383	2384	2385	2386	2387	2388	2389	2390	2391	2392	2393	2394	2395	2396	2397	23
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JOHN A. OLSZEWSKI, JR.
County Executive

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

February 20, 2020

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2020-0033-A

2000 Oak Drive

N/west corner of Clifton Avenue and Oak Drive

1st Election District – 1st Councilmanic District

Legal Owners: Gonzalez Eliseo

Contract Purchaser/Lessee: Rolando Morales

Variance to permit extension/addition of a non-conforming residential structure which will have a 17 ft. to 6 ft. setback in lieu of the required 25 ft. side setback for a corner lot.

Hearing: Friday, March 27, 2020 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Gonzalez Eliseo, 6743 Windsor Mill Road, Baltimore 21207
Rolando Morales, 2000 Oak Drive, Baltimore 21207
Beverly Eisenberg, 1432 E. Baltimore Street, Baltimore 21231

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MARCH 7, 2020.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Friday, March 6, 2020 – Issue

Please forward billing to:
Rolando Morales
2000 Oak Drive
Baltimore, MD 21207

410-259-2000

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2020-0033-A

2000 Oak Drive

N/west corner of Clifton Avenue and Oak Drive

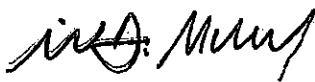
1st Election District – 1st Councilmanic District

Legal Owners: Gonzalez Eliseo

Contract Purchaser/Lessee: Rolando Morales

Variance to permit extension/addition of a non-conforming residential structure which will have a 17 ft. to 6 ft. setback in lieu of the required 25 ft. side setback for a corner lot.

Hearing: Friday, March 27, 2020 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: THE DAILY RECORD
Friday, March 6, 2020 – Issue

Please forward billing to:
Rolando Morales
2000 Oak Drive
Baltimore, MD 21207

410-259-2000

NOTICE OF ZONING HEARING

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

CASE NUMBER: 2020-0033-A

2000 Oak Drive

N/west corner of Clifton Avenue and Oak Drive

1st Election District – 1st Councilmanic District

Legal Owners: Gonzalez Eliseo

Contract Purchaser/Lessee: Rolando Morales

Variance to permit extension/addition of a non-conforming residential structure which will have a 17 ft. to 6 ft. setback in lieu of the required 25 ft. side setback for a corner lot.

Hearing: Friday, March 27, 2020 at 10:00 a.m. in Room 205, Jefferson Building,
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Michael Mallinoff
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR VARIANCE
2000 Oak Drive; NW corner of Clifton
Avenue & Oak Drive
1st Election & 1st Councilmanic Districts
Legal Owner(s): Gonzalez Eliseo
Contract Purchaser(s): Rolando Morales
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2020-033-A

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

FEB 14 2020

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of February, 2020, a copy of the foregoing Entry of Appearance was mailed to Beverly Eisenberg, AIA, 1432 E. Baltimore Street, Baltimore, Maryland 21231, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2020-0033-A

Property Address: 2000 OAK DRIVE BA MD 21207

Property Description: _____

Legal Owners (Petitioners): ELISEO GONZALEZ

Contract Purchaser/Lessee: ROLANDO MORALES

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROLANDO MORALES

Company/Firm (if applicable): _____

Address: 2000 OAK DR BA, MD.
BA MD 21207.

Telephone Number: 410-259-2900

Revised 7/9/2015



100

D

THE

OF

AND

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THE

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

No. **195429**

PAYEE RECEIPT

Date: **2/6/2020**

BUSINESS ACTUAL TIME DAY
 2/07/2020 2/06/2020 09:35:24 2

Rev Sub
 Source/ Rev/

REG-MS02 WALKIN NSJ
 RECEIPT# 011153 2/06/2020 0111

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount	15
001	806	0005		4159				75.00	15

Total: **75.00**

Rec From: **Rolanda Martinez**

For: **2020 OAK DR**
Hearing, Case # 2020-0033-A

**CASHIER'S
 VALIDATION**

DISTRIBUTION

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



JOHN A. OLSZEWSKI, JR.
County Executive

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

June 15, 2020

Rolando Morales,
2000 Oak Drive
Baltimore MD 21207

RE: Case Number: 2020-0033-A, 2000 Oak Drive

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 February 06, 2020. 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 the words "Very truly yours,".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

Date: 2/12/20

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. 2020-0033-A

Variance
Gonzalez Eliseo
2000 Oak Drive

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@mdot.maryland.gov).

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 MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 3/5/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-033

INFORMATION:

Property Address: 2000 Oak Drive
Petitioner: Gonzalez Eliseo
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance under Section 1B02.3.C.1 and Section 104.3 of the Baltimore County Zoning Regulations (BCZR) to permit the extension/addition of a non-conforming residential structure which will have a 17'6" setback in lieu of the required 25 foot side setback for a corner lot.

A site visit was conducted on February 20, 2020. The subject property is zoned DR 5.5 and is located at the corner of Oak Drive and Clifton Avenue, in the Woodlawn area. The site is improved with a one-story single-family dwelling built in 1942. The applicant is proposing to extend the existing dwelling by adding an addition at the rear of the structure. The plan accompanying the zoning hearing petition shows the addition would remain within the existing, non-conforming side yard setbacks of the original home.

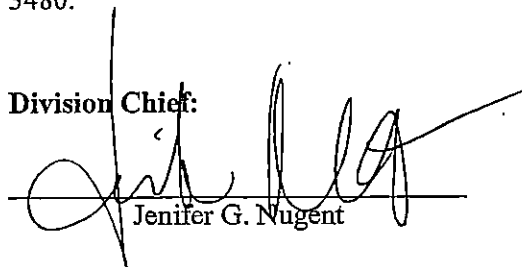
The property is currently being used as a residential rental however; the plan does not indicate the number of rental units. Between 2005 and 2019, the property has had numerous code violation cases (case # CRH1902980, CC1607072, CC1505070, CC99CO0052910, CC99CO0031448, CC99CO0020651, CC99CO0014829) marked as closed, no violation or in compliance by Code Enforcement.

The Department of Planning has no objection granting the request conditioned upon the following:

- The applicant must demonstrate to the satisfaction of the administrative law judge that the applicant is registered through the Baltimore County rental housing registration.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Division Chief:



Jennifer G. Nugent

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Michael Millanoff, Director
Department of Permits, Approvals

FROM: *FFC for VKD*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 10, 2020
Item No. 2020-0033-A, 0034-A & 0035-A

DATE: 03/10/2020

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

*

*

*

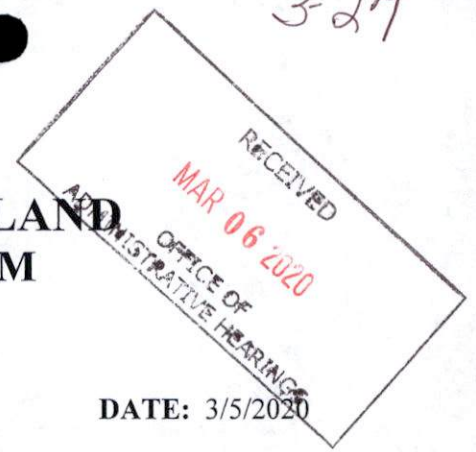
*

*

VKD: cen
cc: file

327

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM



TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 3/5/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-033

INFORMATION:

Property Address: 2000 Oak Drive
Petitioner: Gonzalez Eliseo
Zoning: DR 5.5
Requested Action: Variance

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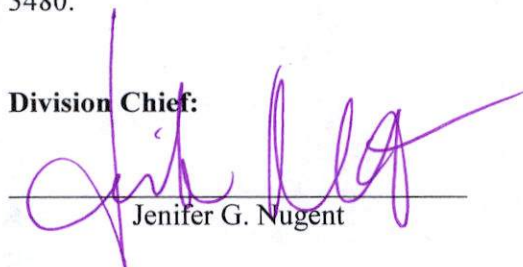
The property is currently being used as a residential rental however; the plan does not indicate the number of rental units. Between 2005 and 2019, the property has had numerous code violation cases (case # CRH1902980, CC1607072, CC1505070, CC99CO0052910, CC99CO0031448, CC99CO0020651, CC99CO0014829) marked as closed, no violation or in compliance by Code Enforcement.

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For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Division Chief:


Jenifer G. Nugent

Date: 3/5/2020
Subject: ZAC # 20-033
Page 2

CPG/JGN/kma/

c: Ngone Seye Diop
Beverly Eisenberg, AIA
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: February 18, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0033-A
Address 2000 Oka Drive
(Eliseo Property)

Zoning Advisory Committee Meeting of **February 17, 2020.**

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

Reviewer: Steve Ford

ZAC AGENDA

6/25 10 AM

Case Number: 2020-0032-A **Reviewer:** Gary Hucik
Existing Use: INSTITUTIONAL **Proposed Use:** INSTITUTIONAL
Type: VARIANCE
Legal Owner: Clyde Slacum
Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 2301 WALNUT AVE

Location: South side of Walnut Ave North West 580 to the center line of Hollins Ferry Road.

Existing Zoning: ML-IM **Area:** 38,244 SQ FT

Proposed Zoning:

VARIANCE:

Per section 255.2 and 243.1 to allow a front setback of 53' in lieu of the required 75'. Per section 255.2 and 243.2 to allow a side yard setback of 3' in lieu of the required 50'. Per section 255.2 and 243.3 to allow a rear yard setback of 4' in lieu of the required 50'.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Case Number: 2020-0033-A **Reviewer:** Jun Fernando
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Gonzalez Eliseo
Contract Purchaser: Rolando Morales

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

Property Address: 2000 OKA DR

Location: NW corner of Clifton Ave and Oak Drive.

Existing Zoning: DR 5.5 **Area:** 17,200 SQ FT

Proposed Zoning:

VARIANCE:

1B02.3.C.1 and 104.3 To permit extension/ addition of a non-conforming residential structure which will have a 17'-6' setback in lieu of the required 25' side setback for a corner lot.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

3-27-2020
10AM

Sherry Nuffer

From: Sherry Nuffer
Sent: Tuesday, March 17, 2020 10:08 AM
To: 'eisas@me.com'
Subject: Hearing Date 3-27-2020 2020-0033-A

Mrs. Eisenberg,

Please be advised that a voice mail was left for you this morning regarding hearings before our office. I left a message for you to contact our office.

Due to the coronavirus, we will not be conducting public hearings during the month of March. Therefore, Case No. 2020-0033-A scheduled for Friday, March 27, 2020 @ 10:00 AM has been postponed; this information is reflected on the County's website. For your reference, please see the following link:
<https://www.baltimorecountymd.gov/Agencies/adminhearings/index.html>

We would kindly ask if you could notify all interested parties of this postponement, and this will be rescheduled as soon as possible. Please feel free to contact our office if you have any questions and/or concerns and thanks for your patience during this time.

Sherry Nuffer
Legal Assistant
Baltimore County Office of Administrative Hearings
410-887-3868

left a V.m for Mrs. Eisenberg
on 3-17-2020 @ 9:33AM



PETITION FOR ZONING HEARING(S)

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

To the Office of Administrative Law of Baltimore County for the property located at:

Address 2000 OAK DR which is presently zoned PR 5.5
 Deed References: 34036/00497 10 Digit Tax Account # 0107150280
 Property Owner(s) Printed Name(s) GONZALEZ ELISEO

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

SEE ATTACHED :

2020-0033-A

3-27-2020

10AM

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

ROLANDO MORALES

Name- Type or Print

Signature

2000 OAK DR BA MD

Mailing Address City State

21207, 4102592000

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

GONZALEZ ELISEO

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

6743 WINDSOR MILL RD BA MD

Mailing Address City State

21207, 443-7078384, N/A

Zip Code Telephone # Email Address

Representative to be contacted:

BEVERLY EISENBERG, AIA

Name- Type or Print

Signature

1402 E BALTIMORE ST BA MD

Mailing Address City State

21231, 4109165358 elisaseo@me.com

Zip Code Telephone # Email Address

CASE NUMBER 2020-0033-A Filing Date 2/16/2020 Do Not Schedule Dates: _____ Reviewer JE

REV. 10/4/11

3-17-20 9:33AM left V.M
 to C.O.O. no home



PETITION FOR ZONING HEARING(S)

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

To the Office of Administrative Law of Baltimore County for the property located at:

Address 3925 LUMO CIRCLE which is presently zoned DRS.5
Deed References: 24381/00196 10 Digit Tax Account # 1800004721
Property Owner(s) Printed Name(s) PAMELA WRENCH, WILBERT WRENCH

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

BCZR: 432A.1.A.3, 432A.1.C.1, 432A.1.C.2 → To permit an Assisted Living Facility (ALF-I) within 1000 feet of an existing ALF-I, and to allow parking in the front driveway in lieu of the required parking in the side or rear, at least 10 feet from the property line.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

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

Legal Owner(s) Affirmation: I / we do so solemnly declare and affirm, under the penalties of perjury, that I / We are the legal owner(s) of the property which is the subject of this / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Pamela Wrench, Wilbert Wrench

Name #1 - Type or Print

Name #2 - Type or Print

Pamela Wrench, Wilbert Wrench

Signature #1

Signature #2

3925 LUMO CIR. RANDALLSTOWN, MD.

Mailing Address

City

State

21133 (443) 742-6235, pamwrench@

Zip Code

Telephone #

Email Address

VERIZON.NET

Representative to be contacted:

Pamela Wrench

Name - Type or Print

Pamela Wrench

Signature

3925 LUMO CIR. RANDALLSTOWN, MD.

Mailing Address

City

State

21133 443 742-6235, pamwrench@

Zip Code

Telephone #

Email Address

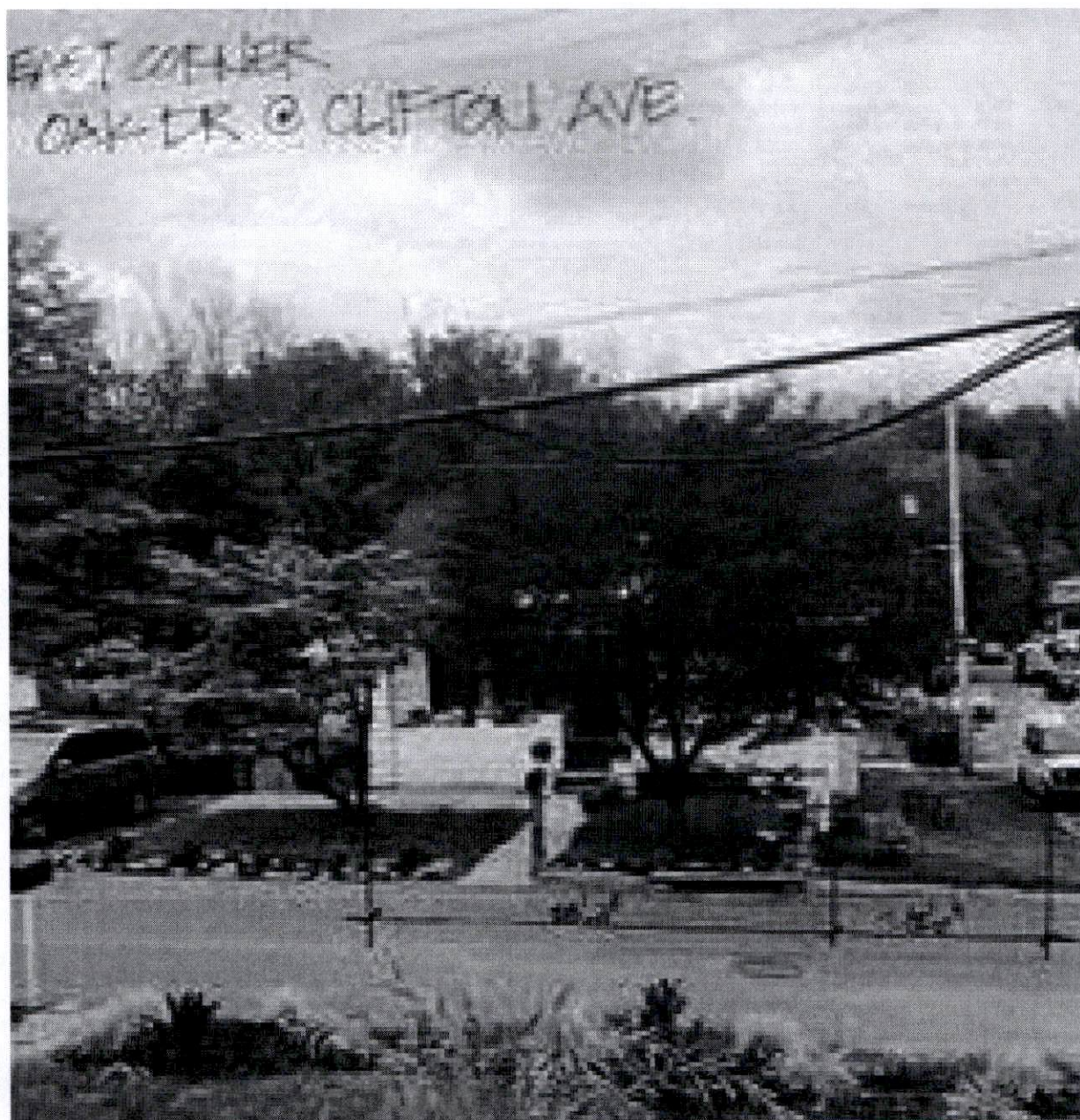
VERIZON.NET

CASE NUMBER 2070-0036-A Filing Date 2/7/20 Do Not Schedule Dates: _____ Reviewer JS

Real Property Data Search

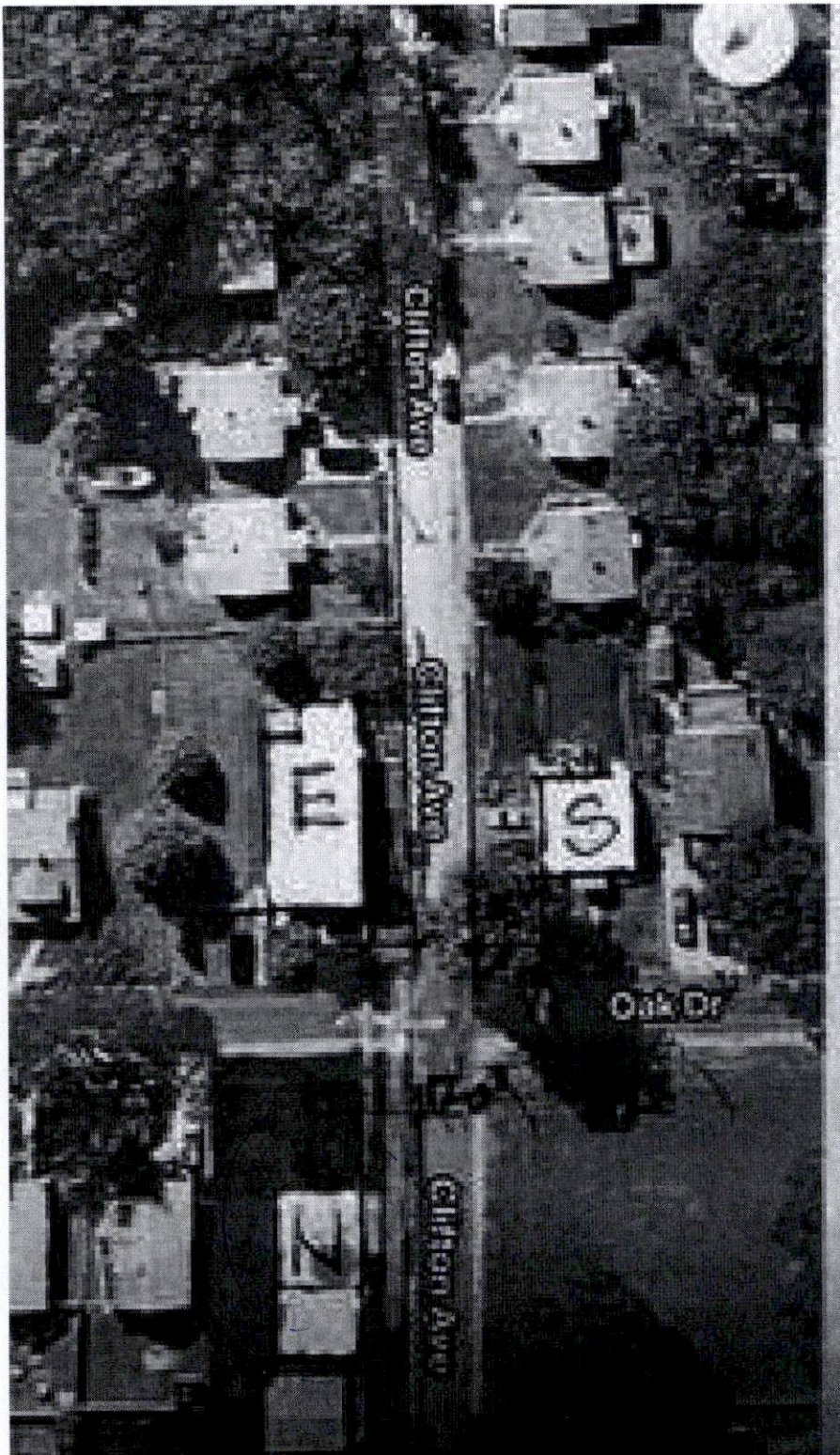
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 01 Account Number - 0107150280		
Owner Information		
Owner Name:	GONZALEZ ELISEO	Use: RESIDENTIAL
Mailing Address:	6743 WINDSOR MILL RD BALTIMORE MD 21207-4333	Principal Residence: NO Deed Reference: /34036/ 00497
Location & Structure Information		
Premises Address:	2000 OAK DR 0-0000	Legal Description: LTS 31-34 2000 OAK DR WINDSOR TERRACE
Map:	Grid:	Parcel:
0095	0004	0246
Neighborhood:	Subdivision:	Section:
1030042.04	0000	3
Block:	Lot:	Assessment Year:
31	2019	
Plat No:		Plat Ref:
		0006/ 0180
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1942	728 SF	200 SF
Property Land Area	County Use	
6,000 SF	04	
Stories	Basement	Type
1 1/2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	3	1 full
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of
		01/01/2019
Land:	62,000	62,000
Improvements	49,200	61,800
Total:	111,200	123,800
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2019
		As of
		07/01/2020
		115,400
		119,600
Transfer Information		
Seller: GETZENDANNER THOMAS LEROY,3RD	Date: 12/19/2000	Price: \$55,000
Type: ARMS LENGTH MULTIPLE	Deed1: /34036/ 00497	Deed2:
Seller: GETZENDANNER LEROY	Date: 02/20/1998	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /12677/ 00237	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
		0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		



PETITIONER'S

EXHIBIT NO. 3



PETITIONER' S

EXHIBIT NO. 2

Donna Mignon

From: Beverly Eisenberg <beveisenberg@gmail.com>
Sent: Thursday, June 18, 2020 1:28 PM
To: Donna Mignon
Cc: Rolando
Subject: EXHIBITS ATTACHED Re: 2000 Oak Drive Case No: 2020 0033 A - Hearing date: June 25, 2020 10:00
Attachments: Exhibit 1 Oak @ Clifton; 652020 Zoning Sign Posting; Exhibit 2 Photo of House Across Street Showing Side Setback

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

Good Afternoon Donna,

As promised, attached is the

- A. Certification of the 2nd sign posting
- B. Exhibit 1: Aerial Photo of the NW corner of Clifton Avenue and Oak Drive.
- C. Exhibit 2: Photo of Side Setback of Property across the street at corner.



Thank you.
Stay well and safe !

Beverly Eisenberg
eisas llc

On Jun 17, 2020, at 3:35 PM, Donna Mignon <dmignon@baltimorecountymd.gov> wrote:

Dear Ms. Eisenberg:

Per our telephone conversation of today, please email any exhibits you wish to present at the hearing to this email.

Also, we will also need the of the certification of the 2nd sign posting as well.
Thank you.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

COVID-19

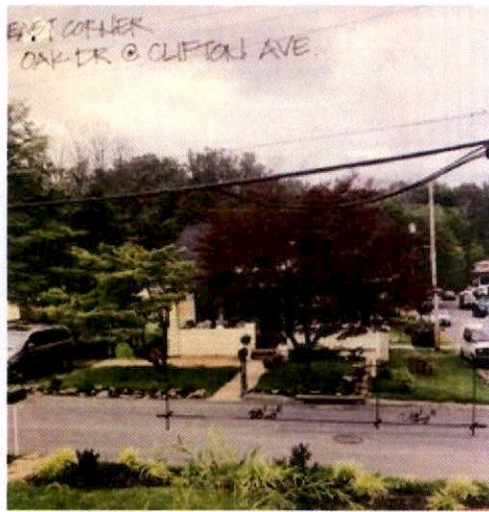
Stay Home • Wash Your Hands
Avoid Touching Your Face
Disinfect Surfaces Frequently

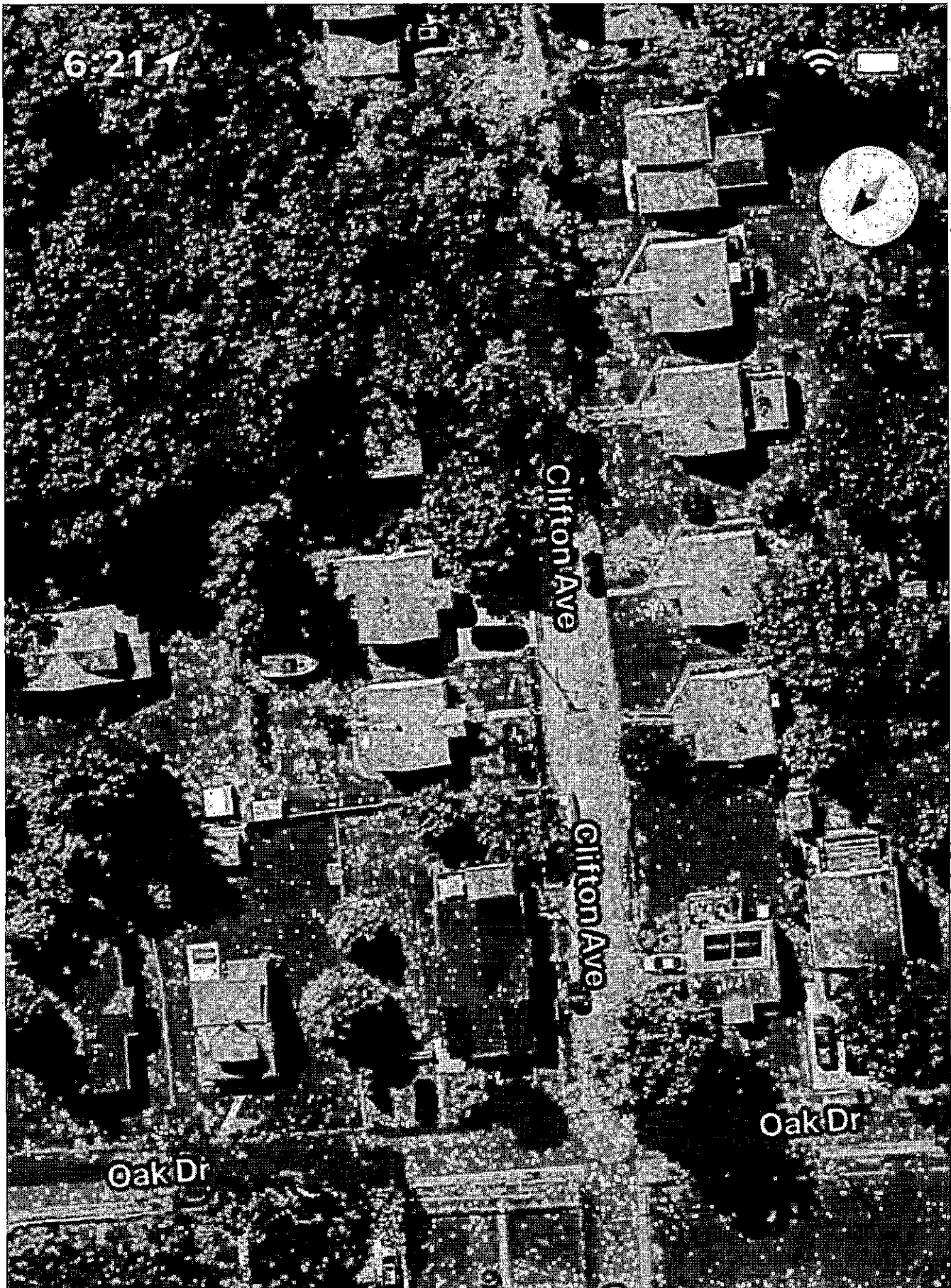
STOP THE SPREAD • FLATTEN THE CURVE

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov







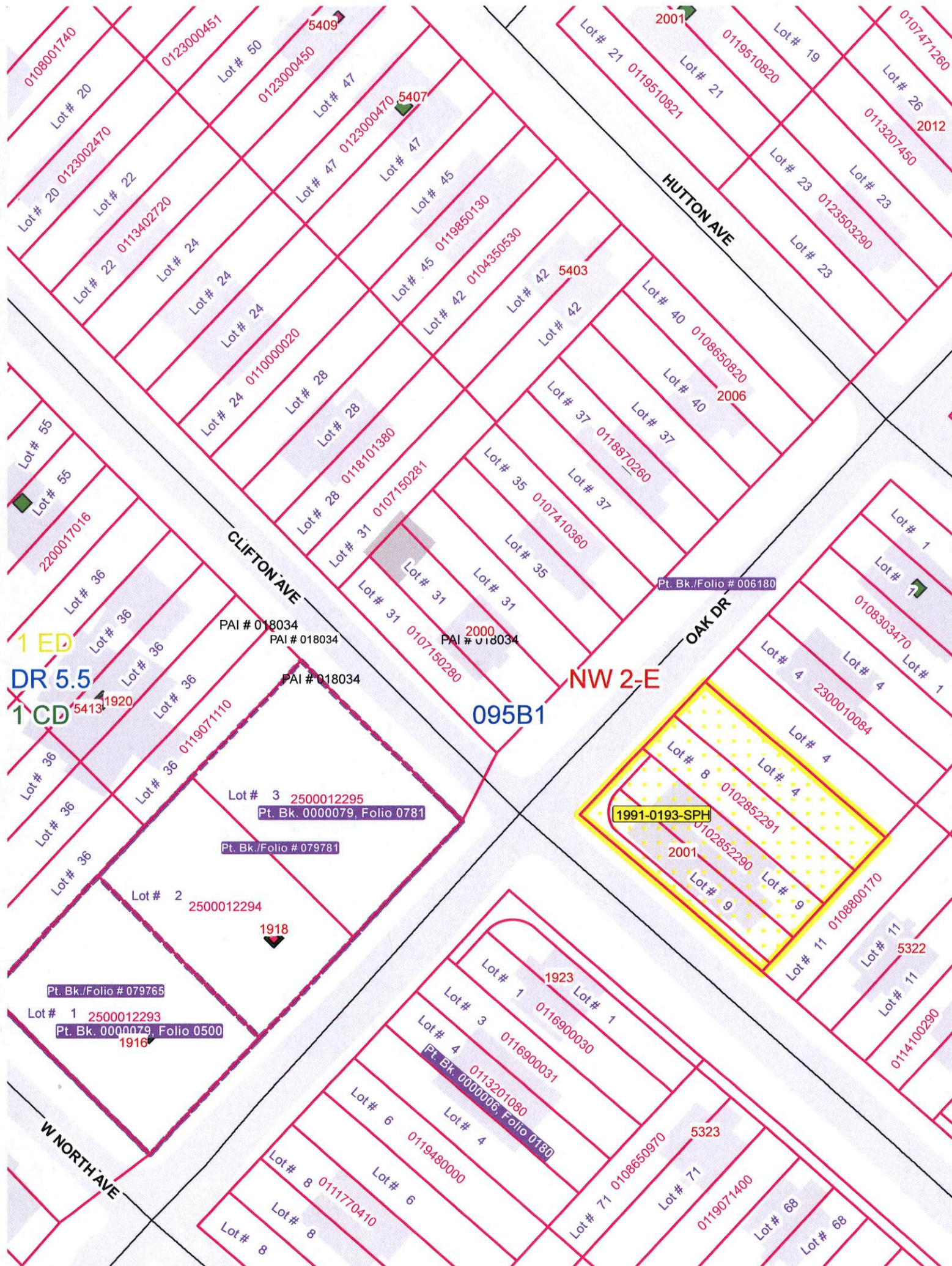


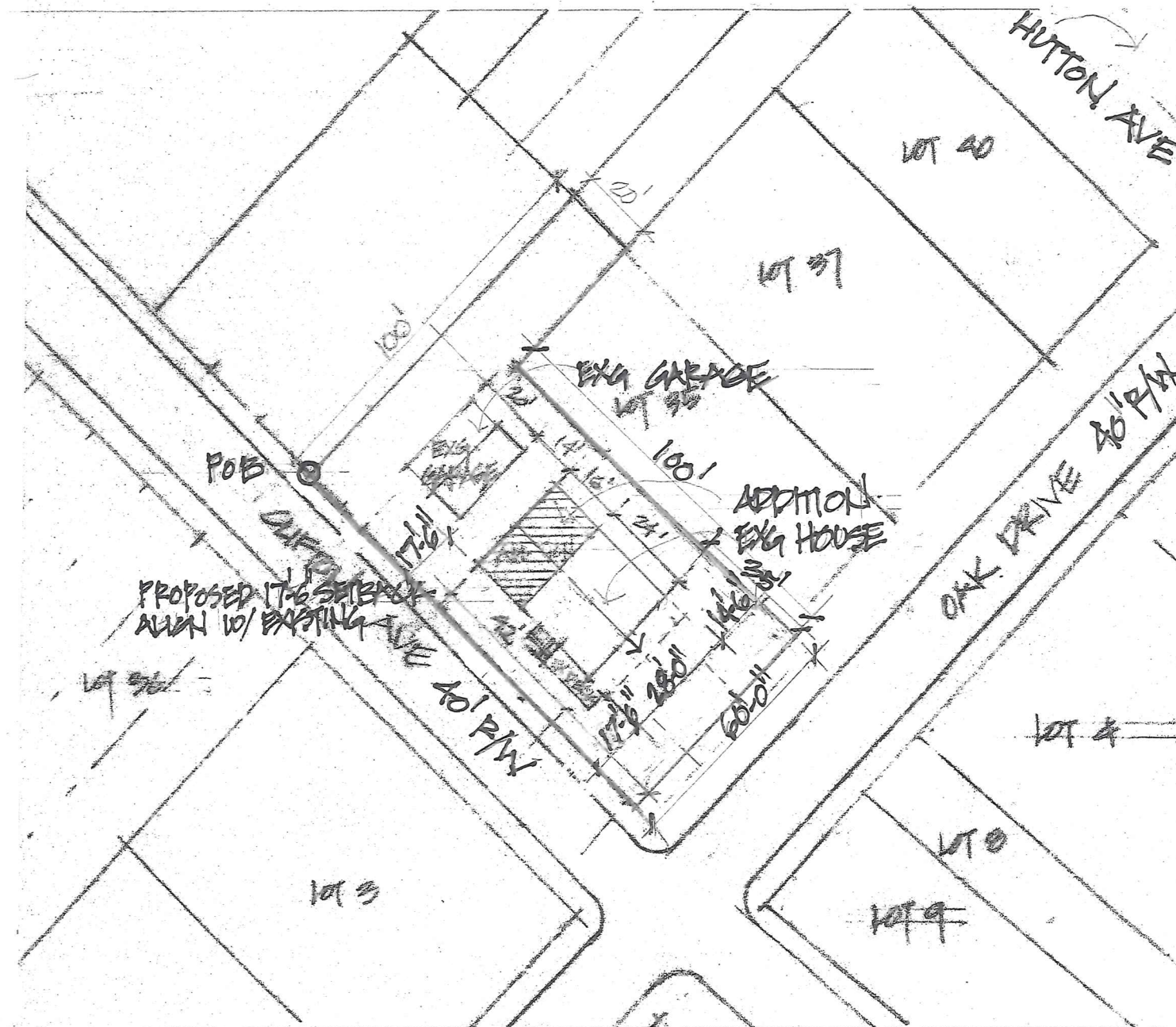
EXHIBIT NO.

PLAT BOOK # 0006 FOLIO # 0180 10 DIGIT TAX # 0107150280 DEED REF. # 34036/00497
0107150281

A hand-drawn sketch map on lined paper. It shows two intersecting roads: 'LIFTED LANE' running diagonally from the bottom-left to the top-right, and 'HUTTON LANE' running diagonally from the top-left to the bottom-right. A third road, 'OAK DRIVE', branches off from the intersection towards the bottom-left. A shaded rectangular area is marked on 'LIFTED LANE', just north of the intersection with 'HUTTON LANE'.

AND ORDER RESULT BELOW

VIOLATION CASE INFO:



PLAN DRAWN BY B EISENBERG DATE 2/1/2020 SCALE: 1 INCH = 40 FEET

Map 95
PID: 0004
EXCEL: 246