

Legal Owner/Petitioner

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

Case No: 2020-0265-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Roberto Aguilera, legal owner (“Petitioner”), of the property located at 8109 Walnut Avenue, Rosedale (the “Property”). Petitioner is requesting variance relief from Baltimore County Zoning Regulations (“BCZR”) §1B02.3.C.1 to permit a proposed addition with a rear yard side setback of 12.4 ft. in lieu of the required 30 ft.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Roberto Aguilera appeared in support of the Petition. Neighboring property owner Glenn Werner, 519 Patuxent Avenue, Rosedale, MD 21237 was also in attendance.

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Environmental Protection and Sustainability (“DEPS”) which indicates that the subject property is located within the Chesapeake Bay Critical Area (“CBCA”). A ZAC comment was also received from the Department of Planning (“DOP”) which did not oppose the requested relief.

The Property measures 6,816 sq. ft. +/- and is zoned in Density Residential (DR 5.5). As reflected in the photographs provided by the Petitioner, the single family home, which is vacant, in disrepair and is structurally unsound. Various additions and porches were built onto the home by previous owners which jut out in a haphazard manner, rendering the interior space closed in

ORDER RECEIVED FOR FILING

Date _____

By

and unusable. In short, the Petitioner is proposing to even-out and make square, as well as to make the roof lines even for the two (2) proposed replacement additions as shown on the site plan (the "Site Plan"). (Pet. Ex. 7). The small addition on the front of the home will measure 10 ft., 3 in by 2 ft. (*Id.*). The addition on the side and rear yard will measure 15 ft., 9 in by 18 ft., 2 ½ in. (*Id.*). Importantly, Mr. Aguilera testified that, as reflected on the Site Plan, the outermost north eastern walls of the house will remain the same such that, when each of the additions are complete, the outermost walls will remain in line with the existing outermost walls of the home. Accordingly, the existing setbacks will not change.

Again, the proposed replacement additions will make the home square. The existing carport on the north eastern side will remain. It will also be necessary to raise up the roof on both of those additions to make the new roof lines even the existing roof. Proposed floor plans were also provided along with elevations showing the finished product. (Pet. Ex. 11). It is clear from the photographs that the existing side/rear addition lacks a proper foundation as the corners of that side rear porch are resting on unsupported masonry cylinders.

Due to the proximity of an existing stream, one-half of the Property is located with the CBCA. The rear replacement addition is located in a Limited Development Area. (Pet. Ex. 8). Mr. Aguilera testified that all information required by DEPS, and specifically EIR, required to determine lot coverage and afforestation requirements has been provided to those agencies.

Glenn Werner was present during the hearing and had the opportunity to review the Petitioner's exhibits. Mr. Werner's backyard meets side/rear yard of the Property. Mr. Werner expressed his understanding of the proposed additions. He agreed that replacing the unsound structures on the home and making those replacement additions even and square, without extending the additions beyond the existing outer north eastern wall of the home, will be an

improvement to the neighborhood. Both Mr. Aguilera and Mr. Werner agreed that the home is an eye-sore in a neighborhood consisting of well-maintained, attractive single family homes.

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).

At issue in this case is the 12 ft., 4 in setback on the eastern corner of the rear addition to the Property line which currently exists. Of note, the proposed rear replacement addition is not extending beyond the existing side and rear building lines. Additionally, the front addition is not extending beyond the existing front outer wall. Accordingly, there is minimal-to-no change to the rear/side setback lines. I find the Property is unique due to its small size. The home is also peculiar because there have been various structures added onto the home by previous owners without compliance with Building Code.

Due to the unique features of the Property, I find that the Petitioner will suffer a practical difficulty if the variance is not granted because the home cannot be improved to meet Building Codes and will remain structurally unsafe. The proposal here is to replace the existing side/rear addition along the same outermost exterior building lines so there is no additional encroachment here of the side or rear setback lines. As it currently exists the side/rear setback is currently 12 ft., 4 in and will remain the same after the home is made square.

I find the variance here can be granted within the strict harmony of the spirit and intent of the DR 5.5 area regulations. I also find that the relief can be granted without injury to the public, health, safety and general welfare and indeed, particularly in light of Mr. Werner's support for the

ORDER RECEIVED FOR FILING
Date 4/15/21
By J. M. Wanan

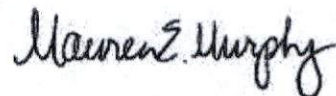
Petition. Thus, the variance relief here will protect the community from a vacant, unsafe structure.

THEREFORE, IT IS ORDERED, this 15th day of **April, 2021** by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from BCZR, §1B02.3.C.1 to permit an addition with a rear yard side setback of 12.4 ft. in lieu of the required 30 ft. of the Baltimore County Zoning Regulations ("BCZR") is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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 its 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.
2. Petitioner must comply with the DEPS ZAC comment, a copy of which is attached hereto and make a part thereof.

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



MAUREEN E. MURPHY
Administrative Law Judge
For Baltimore County

MEM/dlm

ORDER RECEIVED FOR FILING

Date

4/15/21

By

J. Magnan



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 8109 Walnut ave, Rosedale, Maryland 21237 which is presently zoned DR5.5
 Deed References: 42692 / 00441 10 Digit Tax Account # 1501131120
 Property Owner(s) Printed Name(s) Roberto Aguilera

(SELECT THE HEARING(S) BY MARKING **X** 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. **X** a Variance from Section(s)

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)

The intended desire is to square off the existing corner's of the existing house. All setbacks are existing on the site and will not encroach upon interior sides of the property other than the existing. The present dwelling is made up of a couple additions that happened over time. The desire is to combine and improve the living conditions of the dwelling with current standards that provide healthy, safe and comfort for family life today. Requiring petitioner to meet the current zoning requirements would impose an unnecessary burden to the petitioner in providing a quality of life being enjoyed through newer dwelling arrangements is proposed.

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):

Roberto Aguilera
 Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

3824 E Joppa Rd, Nottingham, MD
 Mailing Address City State

21236 443-915-7231 Ricotopman@yahoo.com

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature SAVE

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2020-0265A Filing Date 10/30/20 Do Not Schedule Dates: Reviewer gr

2020-0265-A

Variance from section: 1B02.3.C.1, To permit a proposed addition with a rear yard side setback of 12.4 feet in lieu of the required 30 feet.

ZONING PROPERTY DESCRIPTION FOR 8109 WALNUT AVENUE

Beginning at a point on the east side of Maple Avenue, which is 29 feet wide at a distance of 18 feet north of the centerline of the nearest improved intersecting street, Severn Avenue, which is 20 feet wide.

Being Lot 7, Block 6, Section #0, in the subdivision of Chesaco Park as recorded in Baltimore County Plat Book 0003, Folio 0111, containing 6816 square feet.
Located in the 15 Election District and 7 Council District.



Re-Photographed 1st Sign @ 8109 Walnut Ave. ~ 3/30/2021



Re-Photographed 2nd Sign @ 8109 Walnut Ave. ~ 3/30/2021

CASE # 2020-0265-A

The Daily Record
 200 St. Paul Place, Suite 2480
 Baltimore, Maryland 21202
 (410) 521-1500
 www.thedailyrecord.com

JOHN A. OLSZEWSKI, JR.
 County Executive

PUBLISHER'S AFFIDAVIT

Order #: C. PETE GUTWALD, AICP, Director
 Case #: 1978073, Department of Permits,
 2020-0265-A Approvals & Inspections
 Description:

NOTICE OF ZONING HEARING - Case Number: 2020-0265-A

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:

3/12/2021

Darlene Miller

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 virtual hearing on the property identified herein as follows:

Case Number: 2020-0265-A

8109 Walnut Avenue

East side corner of Maple Avenue and Seven Avenue

15th Election District - 7th Councilmanic District

Legal Owners: Roberto Aguilera

Variance to permit a proposed addition with a rear yard side setbacks of 12.4 ft. in lieu of the required 30 ft.

Hearing: Friday, April 2, 2021 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County

mh12

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 3/13/2021

Case Number: 2020-0265-A

Petitioner / Developer: ROBERTO AQUILERA

Date of Hearing: APRIL 2, 2021

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:
8109 WALNUT AVENUE

The sign(s) were posted on: MARCH 13, 2021

ZONING NOTICE

CASE # 2020-0265-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: FRIDAY, APRIL 2, 2021
AT 11:00 A.M.

VARIANCE TO PERMIT A PROPOSED ADDITION WITH A REAR YARD SIDE SETBACKS OF 12.4 FT. IN LIEU OF THE REQUIRED 30 FT. 8109 WALNUT AVENUE

For information on how to participate in the hearings please go to:
www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to hearing. 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)

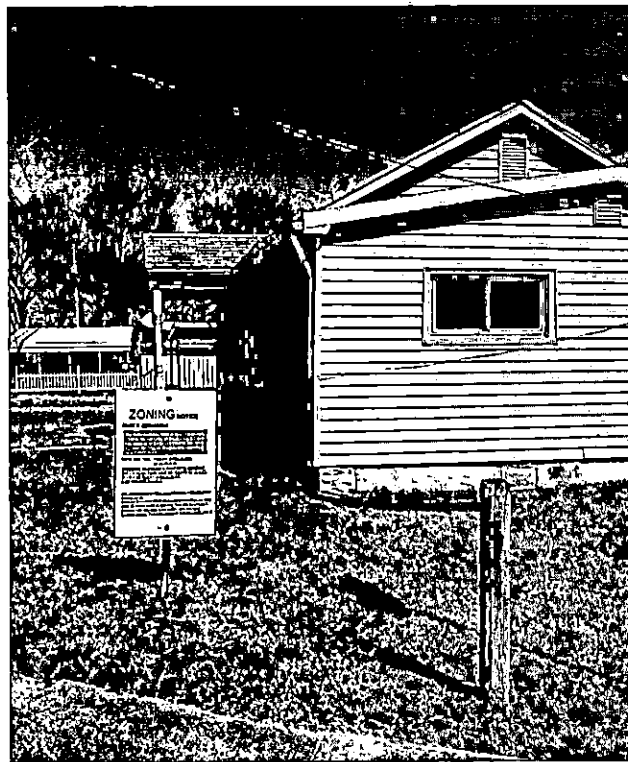
523 Penny Lane
(Street Address of Sign Poster)

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

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



Background Photo 1st Sign @ 8109 Walnut Ave. ~ 3/13/2021



Background Photo 2nd Sign @ 8109 Walnut Avenue ~ 3/13/2021
CASE # 2020-0265-A

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11978075
Case #: 2020-0265-A
Description:

NOTICE OF ZONING HEARING - Case Number: 2020-0265-A

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:

3/12/2021



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County**NOTICE OF ZONING HEARING**

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Case Number: 2020-0265-A

8109 Walnut Avenue

East side corner of Maple Avenue and Seven Avenue

15th Election District - 7th Councilmanic District

Legal Owners: Roberto Aguilera

Variance to permit a proposed addition with a rear yard side setbacks of 12.4 ft. in lieu of the required 30 ft.

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Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County

mh12

The Daily Record

200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11953993
Case #: 2020-0265-A
Description:

NOTICE OF ZONING HEARING - Case Number: 2020-0265-A

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:

1/28/2021



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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0265-A
8109 Walnut Avenue
East side corner of Maple Avenue and Seven Avenue
15th Election District - 7th Councilmanic District
Legal Owners: Roberto Aguilera

Variance to permit a proposed addition with a rear yard side setbacks of 12.4 ft. in lieu of the required 30 ft.

Hearing: Wednesday, February 17, 2021 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County

ja28

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11953993
 Case #: 2020-0265-A
 Description:

NOTICE OF ZONING HEARING - Case Number: 2020-0265-A

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:

1/28/2021



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

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Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County

ja28



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

January 20, 2021

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: 2020-0265-A

8109 Walnut Avenue
East side corner of Maple Avenue and Seven Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Roberto Aguilera

Variance to permit a proposed addition with a rear yard side setbacks of 12.4 ft. in lieu of the required 30 ft.

Hearing: Wednesday, February 17, 2021 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director

PG:kl

C: Roberto Aguilera, 3824 E. Joppa Road, Nottingham 21236

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, JANUARY 28, 2021.

TO: THE DAILY RECORD
Thursday, January 28, 2021 - Issue

Please forward billing to:
Roberto Aguilera
3824 E. Joppa Road
Nottingham, MD 21236

443-621-5451

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: 2020-0265-A
8109 Walnut Avenue
East side corner of Maple Avenue and Seven Avenue
15th Election District – 7th Councilmanic District
Legal Owners: Roberto Aguilera

Variance to permit a proposed addition with a rear yard side setbacks of 12.4 ft. in lieu of the required 30 ft.

Hearing: Wednesday, February 17, 2021 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director of Permits, Approvals and Inspections 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: 2020-0265-A

Property Address: 8109 WALNUT AVENUE, BALTIMORE, MD 21237

Property Description: SINGLE FAMILY DWELLING - CORNER LOT.

Legal Owners (Petitioners): ROBERTO AGUILERA

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERTO AGUILERA

Company/Firm (if applicable): _____

Address: 3824 E JOPPA RD NOTTINGHAM MARYLAND 21236

Telephone Number: 443-621-5451

Revised 7/9/2015



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

March 23, 2021

Roberto Aguilera,
3824 E. Joppa Road
Nottingham MD 21236

RE: Case Number: 2020-0265-A, 8109 Walnut 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 October 30, 2021. This letter is not an approval, but only a NOTIFICATION.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "Jeffrey Perlow". To the right of the signature is a black rectangular stamp.

Jeff Perlow
Acting Supervisor
Department of Zoning

PCG

Enclosures

CC: People's Counsel

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: November 30, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0265-A
Address 8109 Walnut Avenue
(Aguilera Property)

Zoning Advisory Committee Meeting of November 16, 2020.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

Approximately one-half of the subject property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. According to the plan, the entire property comprises an area of approximately 6,816 square feet (sf). The petitioner is requesting to permit a proposed addition with a rear yard side setback of 12.4 feet in lieu of the required 30 feet. Part of the area of the proposed activities is within the Critical Area. In order to minimize impacts on water quality, a building permit application has been reviewed for this project. The plan with this petition is not to scale, does not quantify the lot coverage within the Critical Area and does not show the Critical Area boundary extending through the approximate center of the property. The building permit application with the same plan for the 2 additions has been received and reviewed by the Environmental Impact Review (EIR) Section of this Department and was placed on hold pending the submittal of a revised plan so more specific comments pertaining to the permit can be provided by EIR to the permit's applicant. The LDA regulations also require a minimum afforestation of 15% for the portion of the property within the Critical Area. By allowing the request by the petitioner, impacts on water quality will be minimized when the above requirements are addressed and met.

2. Conserve fish, wildlife, and plant habitat; and

The property is not within or adjacent to wetlands or buffers, however, the current development proposal for the property will be reviewed for the application of the Critical Area LDA requirements, which, if approved, will improve buffer functions, and conserve fish, wildlife and plant habitat in nearby Back River and the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The items requested by the petitioner will be consistent with established land use policies, provided that the applicants meet any Critical Area, LDA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 12/22/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-265

INFORMATION:

Property Address: 8109 Walnut Avenue
Petitioner: Robert Aguilera
Zoning: DR 5.5
Requested Action: Variance

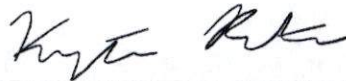
The Department of Planning has reviewed the petition for a variance from Section 1B02.3.C.1. to permit a proposed addition with a rear yard side setback of 12.4 feet in lieu of the required 30 feet.

A site visit was conducted on 12/2/2020. The site consists of an existing residential structure located on a corner lot in the Chesaco Park community in Rosedale. The application indicates that an addition is to be built onto the existing house and extend into the backyard. Currently the area that abuts the back yard is undeveloped and wooded. This condition is not uncommon in the Chesaco Park community where lot sizes vary and the original small dwellings are obsolete and are being updated for current family sizes.

The Department of Planning has no objection to the variance request.

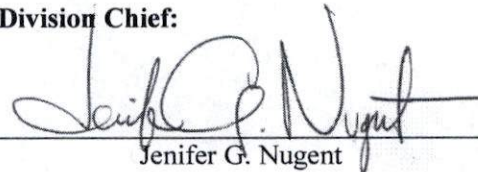
For further information concerning the matters stated herein, please contact Laurie Hay at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/KP/

c: Laurie Hay, Eastern Sector Planner
Roberto Aguilera
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: November 30, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0265-A
Address 8109 Walnut Avenue
(Aguilera Property)

Zoning Advisory Committee Meeting of **November 16, 2020.**

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

- 1. Occupied by a structure, parking area, driveway, walkway, or roadway; or*
- 2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material*

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

Approximately one-half of the subject property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. According to the plan, the entire property comprises an area of approximately 6,816 square feet (sf). The petitioner is requesting to permit a proposed addition with a rear yard side setback of 12.4 feet in lieu of the required 30 feet. Part of the area of the proposed activities is within the Critical Area. In order to minimize impacts on water quality, a building permit application has been reviewed for this project. The plan with this petition is not to scale, does not quantify the lot coverage within the Critical Area and does not show the Critical Area boundary extending through the approximate center of the property. The building permit application with the same plan for the 2 additions has been received and reviewed by the Environmental Impact Review (EIR) Section of this Department and was placed on hold pending the submittal of a revised plan so more specific comments pertaining to the permit can be provided by EIR to the permit's applicant. The LDA regulations also require a minimum afforestation of 15% for the portion of the property within the Critical Area. By allowing the request by the petitioner, impacts on water quality will be minimized when the above requirements are addressed and met.

2. Conserve fish, wildlife, and plant habitat; and

The property is not within or adjacent to wetlands or buffers, however, the current development proposal for the property will be reviewed for the application of the Critical Area LDA requirements, which, if approved, will improve buffer functions, and conserve fish, wildlife and plant habitat in nearby Back River and the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The items requested by the petitioner will be consistent with established land use policies, provided that the applicants meet any Critical Area, LDA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review



INTERNATIONAL MONEY ORDER

75-1618
919

10/26/2020

To Validate: Touch the stop sign,
then watch it fade and reappear10866883287
MONEY ORDERMONEY ORDER NUMBER
R108668832877PAY TO THE
ORDER OF:/
PAGAR A LA
ORDEN DE:

Baltimore County

IMPORTANT - SEE BACK BEFORE CASHING

Roberto R. Aguilera MP

PURCHASER, SIGNER FOR DRAWER / COMPRADOR FIRMA DEL LIBRADOR
PURCHASER, BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDEADDRESS:/
DIRECCION: 3824 F. JOSEPA Rd.Payable Through
CITY OF BALTIMORE
Baltimore City, MDISSUED/DRAWER:
MONEYGRAM PAYMENT SYSTEM INC
71236

PAY EXACTLY

\$75.00

SEVENTY-FIVE ***
DOLLARS 00 CENTS

14361016918169

1321100300125287

⑆091916187⑆1086 68832877⑈ 90

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

No. 201285

Date: 10/27/2020

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	800	0000		6150					75

Total: 75

Rec From: Roberto Aguilera

For: 8109 Walnut Ave

2020-0265-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

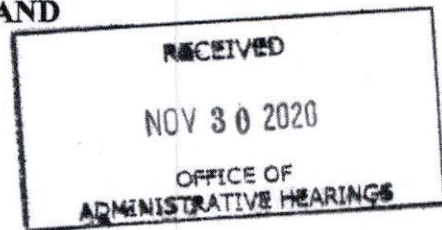
GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

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: November 30, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0265-A
Address 8109 Walnut Avenue
(Aguilera Property)

Zoning Advisory Committee Meeting of November 16, 2020.

The subject property is located within the Chesapeake Bay Critical Area. According to BCZR Section 500.14, no decision shall be rendered on any petition for special exception, zoning variance, or zoning special hearing for a property within the Critical Area until the Department of Environmental Protection and Sustainability (EPS) has provided written recommendations describing how the proposed request would:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within a Limited Development Area (LDA), and is subject to Critical Area lot coverage requirements. Critical Area lot coverage differs from BCZR lot coverage and is defined in Natural Resources Article §8-1802(a)(17), as follows:

(17) (i) "Lot coverage" means that percentage of total lot or parcel that is:

1. Occupied by a structure, parking area, driveway, walkway, or roadway; or
2. Covered with gravel, stone, shell impermeable decking, a paver, permeable pavement, or any manmade material

(ii) "Lot coverage" includes the ground area covered or occupied by a stairway or impermeable deck.

Date

By

4/15/21

DMignon

(iii) "Lot coverage" does not include:

1. A fence or wall that is less than 1 foot in width that has not been constructed with a footer;
2. A walkway in the buffer or expanded buffer, including a stairway, that provides direct access to a community or private pier;
3. A wood mulch pathway; or
4. A deck with gaps to allow the water to pass freely.

Approximately one-half of the subject property is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. According to the plan, the entire property comprises an area of approximately 6,816 square feet (sf). The petitioner is requesting to permit a proposed addition with a rear yard side setback of 12.4 feet in lieu of the required 30 feet. Part of the area of the proposed activities is within the Critical Area. In order to minimize impacts on water quality, a building permit application has been reviewed for this project. The plan with this petition is not to scale, does not quantify the lot coverage within the Critical Area and does not show the Critical Area boundary extending through the approximate center of the property. The building permit application with the same plan for the 2 additions has been received and reviewed by the Environmental Impact Review (EIR) Section of this Department and was placed on hold pending the submittal of a revised plan so more specific comments pertaining to the permit can be provided by EIR to the permit's applicant. The LDA regulations also require a minimum afforestation of 15% for the portion of the property within the Critical Area. By allowing the request by the petitioner, impacts on water quality will be minimized when the above requirements are addressed and met.

2. Conserve fish, wildlife, and plant habitat; and

The property is not within or adjacent to wetlands or buffers, however, the current development proposal for the property will be reviewed for the application of the Critical Area LDA requirements, which, if approved, will improve buffer functions, and conserve fish, wildlife and plant habitat in nearby Back River and the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts.

The items requested by the petitioner will be consistent with established land use policies, provided that the applicants meet any Critical Area, LDA requirements applicable to the proposal. The request, if granted, will minimize environmental impacts.

Reviewer: Thomas Panzarella:
Environmental Impact Review

Date 5/15/12

By [Signature]

CASE NO. 2020-0265A

CHECKLIST

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

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 _____)

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION

(Case No. _____)

PRIOR ZONING

(Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

3/12/21

SIGN POSTING (1st)

Date:

3/13/21

by

LO'Keefe

SIGN POSTING (2nd)

Date:

3/30/21

by

""

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Deb Wiley (Alternate Host)	dwiley@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Roberto Aguilera	ricotopman@yahoo.com	1-	New York Time	English	U.S.

Donna Mignon

From: Donna Mignon
Sent: Monday, March 22, 2021 2:23 PM
To: 'Roberto Aguilera'
Subject: Case No: 2020-0265-A 8109 Walnut Avenue

Good Afternoon,

As you are aware, a virtual Webex hearing has been scheduled for April 2, 2021. You should have received an invitation in an email which invited you to this hearing.

Please note that all electronic hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov. Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

If you have any questions or concerns, please feel free to contact our office.
Thank you so much

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

Donna Mignon

From: Kristen L Lewis
Sent: Monday, March 8, 2021 1:20 PM
To: Debra Wiley; Donna Mignon
Subject: Webex 2020-0265-A

Good afternoon,

Below is another case needing a webex created. Thank you,

Case 2020-0265-A
8109 Walnut Avenue
Owner: Roberto Aguilera – ricotopman@yahoo.com
4/2/21 at 11:00 a.m.

Kristen Lewis-Coles
PAI – Zoning Review
410-887-3391

Donna Mignon

From: Kristen L Lewis
Sent: Monday, March 8, 2021 1:20 PM
To: Debra Wiley; Donna Mignon
Subject: Webex 2020-0265-A

Good afternoon,

Below is another case needing a webex created. Thank you,

Case 2020-0265-A
8109 Walnut Avenue
Owner: Roberto Aguilera – ricotopman@yahoo.com
4/2/21 at 11:00 a.m.

Kristen Lewis-Coles
PAL – Zoning Review
410-887-3391

Donna Mignon

Subject: Web seminar scheduled: Zoning Hearing - Case No: 2020-0265-A -8109 Walnut Avenue - Roberto Aguilera
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ef7c32d2a14ee638a7682df2534d8cfd3>
Start: Fri 4/2/2021 11:00 AM
End: Fri 4/2/2021 12:00 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: webex

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

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)
Event number (access code): 160 874 8857

Friday, April 2, 2021 11:00 am, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ef7c32d2a14ee638a7682df2534d>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e594f987689563ca085a77c7adc6>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1608748857@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 567583

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=ebf8f47c4a76c44edb6ccf69366fc6a87>

Need help? Go to <https://help.webex.com>

Donna Mignon

From: Donna Mignon
Sent: Monday, March 8, 2021 2:41 PM
To: Kristen L Lewis; Debra Wiley
Subject: Link - RE: Webex 2020-0265-A

Event Information

Event: Zoning Hearing - Case No: 2020-0265-A -8109 Walnut Avenue - Roberto Agui
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTI>
Date and time: Friday, April 2, 2021 11:00 am
Eastern Daylight Time (New York, GMT-04:00)
Duration: 1 hour
Description: Zoning Hearing
Case No: 2020-0265-A
8109 Walnut Avenue
Owner: Roberto Aguilera
Event number: 160 874 8857
Event password: 1234
Host key: 362239
Alternate Host: Deb Wiley, Maureen Murphy, Paul Mayhew
Panelist Info:
Panelist password:
Panelist numeric password: 567583
Video Address: 1608748857@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 160 874 8857
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panelists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected

Registration Information

Registration ID required: No
Password required: No

Password:

Approval required: No

Custom registration form: No

After registration, go to URL:

From: Kristen L Lewis <klewis@baltimorecountymd.gov>

Sent: Monday, March 8, 2021 1:20 PM

To: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>

Subject: Webex 2020-0265-A

Good afternoon,

Below is another case needing a webex created. Thank you,

Case 2020-0265-A

8109 Walnut Avenue

Owner: Roberto Aguilera -- ricotopman@yahoo.com

4/2/21 at 11:00 a.m.

Kristen Lewis-Colts

PAI – Zoning Review

410-887-3391

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: Kristen Lewis, Office of Zoning Review
Department of Permits, Approvals & Inspections (PAI)

DATE: February 10, 2021

FROM: Office of Administrative Hearings

RE: **Case No. 2020-0265-A 8109 Walnut Avenue**
(Hearing Date: 2/17/2021 @ 10 AM)

Please reschedule this case as the Petitioner did not have this posted in time for the hearing.

2/17/21
CASE NO. 2020-0265-A

CH
✓
✓ 1tr
✓ order

Department

Comment

11/160

Comment
no obj.

12/22

Comment
no obj.

ZONING VIOLATION (Case No. 2023-00000)

PRIOR ZONING (Case No. 19-041)

NEWSPAPER ADVERTISEMENT Date: 11/28/21

SIGN POSTING (1st) Date: _____ by _____

SIGN POSTING (2nd)

Date: _____ by _____

Yes ☐ No ☒

Yes ☐ No ☒

Comments, if any: _____

Debra Wiley

From: Debra Wiley
Sent: Wednesday, February 10, 2021 4:13 PM
To: Donna Mignon; Maureen E. Murphy; Paul Mayhew
Cc: Kristen L Lewis
Subject: Change to Calendar

Please be advised that Case No. 2020-0265-A scheduled for Wed., Feb. 17th at 10 AM has been cancelled as the sign posting requirement was not fulfilled.

The file will be delivered to Kristen in Zoning for her to reschedule.

Please mark your calendars accordingly.

Donna Mignon

From: Donna Mignon
Sent: Wednesday, February 10, 2021 4:10 PM
To: 'Roberto Aguilera'
Cc: Kristen L Lewis
Subject: RE: Case No: 2020-0265-A - 8109 Walnut Avenue

Good Afternoon Mr. Aguilera,
I am sorry you are having difficulty with the process.

By copy of this email to Kristen Lewis, the scheduler, I am asking that she reach out to you in order to have this rescheduled and she will explain the process to have your property posted.

If you wish to reach out to Kristen, please contact her at 410-887-3391.

Have a good day.

From: Roberto Aguilera <ricotopman@yahoo.com>
Sent: Wednesday, February 10, 2021 3:54 PM
To: Donna Mignon <dmignon@baltimorecountymd.gov>
Subject: Re: Case No: 2020-0265-A - 8109 Walnut Avenue

CAUTION: This message from ricotopman@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 mrs donna im so frustraded because i just realize the email i was getting from zonning with the listing of the sign companys never got to me , the one for news paper is been done forest i know because the company contact me and i paid for their services on the time they call me but i didnt get any call from sign company soooo i just call zonning and they goin to send it again tomorrow so for what the man said, i need to have the sign post it and wait for so many days and the hearing will be re schedule is well....as a matter of facts i didnt received any email with the invitation for the virtual webex hearing , dont have a clue whats going on to be honest....im new at this , im totally lost on my first experience!!!

On Monday, February 8, 2021, 03:30:05 PM EST; Donna Mignon <dmignon@baltimorecountymd.gov> wrote:

Good Afternoon,

As you are aware, a virtual webex hearing has been scheduled for February 17, 2021 at 10:00 a.m. You should have received an invitation in an email that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov Exhibits must be

separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

Please note our office will be closed on Monday, February 15, 2021.

If you have any questions or concerns, please feel free to contact our office.

Thank you so much.

Donna Mignon, Legal Assistant

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

Donna Mignon, Legal Assistant

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868



Practice social distancing and
wear a mask in public places.

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Donna Mignon

From: Roberto Aguilera <ricotopman@yahoo.com>
Sent: Wednesday, February 10, 2021 3:54 PM
To: Donna Mignon
Subject: Re: Case No: 2020-0265-A - 8109 Walnut Avenue

CAUTION: This message from ricotopman@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.

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Thank you so much.

Donna Mignon, Legal Assistant

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868

Donna Mignon, Legal Assistant

Baltimore County Office of Administrative Hearings

105 West Chesapeake Avenue, Suite 103

Towson, Maryland 21204

410-887-3868



Practice social distancing and
wear a mask in public places.

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Donna Mignon

From: Donna Mignon
Sent: Monday, February 8, 2021 3:30 PM
To: 'ricotopman@yahoo.com'
Subject: FW: Case No: 2020-0265-A - 8109 Walnut Avenue

Good Afternoon,

As you are aware, a virtual webex hearing has been scheduled for February 17, 2021 at 10:00 a.m. You should have received an invitation in an email that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov. Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

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Thank you so much.

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

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

Donna Mignon

From: Kristen L Lewis
Sent: Wednesday, January 20, 2021 12:10 PM
To: Debra Wiley; Donna Mignon
Subject: Webex 2020-0265-A

Good afternoon ladies,

Below is the information needed for another webex link.

Case number 2020-0265-A
8109 Walnut Avenue
Legal Owner: Roberto Aguilera ~ Ricotopman@yahoo.com
2/17/21 at 10 a.m.
No other parties listed

Thank you,

Kristen Lewis-Coles
PAL – Zoning Review
410-887-3391

Donna Mignon

Subject: Web seminar scheduled: Zoning Hearing- Case No: 2020-0265-A- 8109 Walnut Avenue
- Roberto Aguilera

Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e4fe8d2259505923ed2d13933f549347b>

Start: Wed 2/17/2021 10:00 AM

End: Wed 2/17/2021 11:00 AM

Show Time As: Tentative

Recurrence: (none)

Organizer: webex

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

When it's time, start the Webex event here.

Host: Donna Mignon (dmignon@baltimorecountymd.gov)

Event number (access code): 180 109 7830

Wednesday, February 17, 2021 10:00 am, Eastern Standard Time (New York, GMT-05:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e4fe8d2259505923ed2d13933f54>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ee2bf6f2e31baf831ad7c69d7f8a>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1801097830@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 951091

If you are a host, click here to view host information:

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=ed47304651c5c8c52ef3cf5efcdb49d9b>

Need help? Go to <https://help.webex.com>

Donna Mignon

From: Donna Mignon
Sent: Wednesday, January 20, 2021 12:16 PM
To: Kristen L Lewis; Debra Wiley
Subject: Link -RE: Webex 2020-0265-A

Top of Form

Event Information

Event: Zoning Hearing- Case No: 2020-0265-A- 8109 Walnut Avenue - Roberto Aguilera
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTIC>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTIC>
Date and time: Wednesday, February 17, 2021 10:00 am
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No: 2020-0265-A
Address: 8109 Walnut Avenue
Owner: Roberto Aguilera
Event number: 180 109 7830
Event password: 1234
Host key: 146367
Alternate Host: Deb Wiley, Henry Ayakwah
Panelist Info:
Panelist password:
Panelist numeric password: 951091
Video Address: 1801097830@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 180 109 7830
Maximum number of registrants: 10000
Destination address after event:
Host image:
Attendee list available for viewing by: Host, presenter and panelists only
Event material: None
Post-event survey: No
Email configured: Pending, Approved, Rejected

Registration Information

Registration ID required: No
Password required: No
Password:
Approval required: No

Custom registration form:

No

After registration, go to URL:

Bottom of Form

Top of Form

Bottom of Form

From: Kristen L Lewis <klewis@baltimorecountymd.gov>

Sent: Wednesday, January 20, 2021 12:10 PM

To: Debra Wiley <dwiley@baltimorecountymd.gov>; Donna Mignon <dmignon@baltimorecountymd.gov>

Subject: Webex 2020-0265-A

Good afternoon ladies,

Below is the information needed for another webex link.

Case number 2020-0265-A

8109 Walnut Avenue

Legal Owner: Roberto Aguilera – Ricotopman@yahoo.com

2/17/21 at 10 a.m.

No other parties listed

Thank you,

Kristen Lewis-Coles

PAI – Zoning Review

410-887-3391

ZAC AGENDA

Case Number: 2020-0265-A **Reviewer:** Gary Hucik
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Roberto Aguilera
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 8109 WALNUT AVE
Location: East side corner of Maple Ave of Seven Ave.

Existing Zoning: DR 5.5 **Area:** 6,816 SQ FT

Proposed Zoning:

VARIANCE:

1B02.3.C.1 To permit a proposed addition with a rear yard side setback of 12.4 feet in lieu of the required 30 feet.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 15 Account Number - 1501131120		
Owner Information		
Owner Name:	AGUILERA ROBERTO R	Use: RESIDENTIAL
Mailing Address:	3824 E JOPPA RD NOTTINGHAM MD 21236-	Principal Residence: NO Deed Reference: /42692/ 00441
Location & Structure Information		
Premises Address:	8109 WALNUT AVE BALTIMORE 21237-3120	Legal Description: LTS 711-712 PT LT 710 8109 WALNUT AVE CHESACO PARK
Map:	Grid:	Parcel:
0096	0006	0177
Neighborhood:	Subdivision:	Section:
15060057.04	0000	6
Block:	Lot:	Assessment Year:
711	2021	Plat No: C
Plat Ref: 0003/ 0111		
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1939	999 SF	6,816 SF
Property Land Area	County Use	
04		
Stories	Basement	Type
1	NO	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	3	2 full
Garage	Last Notice of Major Improvements	
1 Carport		
Value Information		
Base Value	Value	Phase-in Assessments
	As of	As of
	01/01/2021	07/01/2020
Land:	61,800	61,800
Improvements	55,600	67,300
Total:	117,400	129,100
Preferential Land:	0	0
		117,400
		121,300
Transfer Information		
Seller: SECRETARY OF HOUSING AND URBAN DEVELOPMENT	Date: 04/13/2020	Price: \$100,000
Type: NON-ARMS LENGTH OTHER	Deed1: /42692/ 00441	Deed2:
Seller: NATIONSTAR MORTGAGE LLC	Date: 12/04/2019	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /42190/ 00190	Deed2:
Seller: SCAGGS TIMOTHY	Date: 05/02/2019	Price: \$102,212
Type: NON-ARMS LENGTH OTHER	Deed1: /41372/ 00466	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	07/01/2020
State:	000	0.00
Municipal:	000	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:

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

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Block:	Lot:	Assessment Year:
6	711	2021
Plat No:	C	
Plat Ref:	0003/ 0111	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1939	999 SF	
Property Land Area	County Use	
6,816 SF	04	
Stories	Basement	Type
1	NO	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	3	2 full
Garage	Last Notice of Major Improvements	
1 Carport		
Value Information		
	Base Value	Value
		As of 01/01/2018
Land:	61,800	61,800
Improvements	55,600	55,600
Total:	117,400	117,400
Preferential Land:	0	
Phase-in Assessments		
	As of 07/01/2020	As of 07/01/2021
Transfer Information		
Seller: SECRETARY OF HOUSING AND URBAN DEVELOPMENT	Date: 04/13/2020	Price: \$100,000
Type: NON-ARMS LENGTH OTHER	Deed1: /42692/ 00441	Deed2:
Seller: NATIONSTAR MORTGAGE LLC	Date: 12/04/2019	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /42190/ 00190	Deed2:
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Type: NON-ARMS LENGTH OTHER	Deed1: /41372/ 00466	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		

Case No.: 2020-265-A 8109 Walnut Ave
Nosedale

Exhibit Sheet

Petitioner/~~Developer~~

Protestants

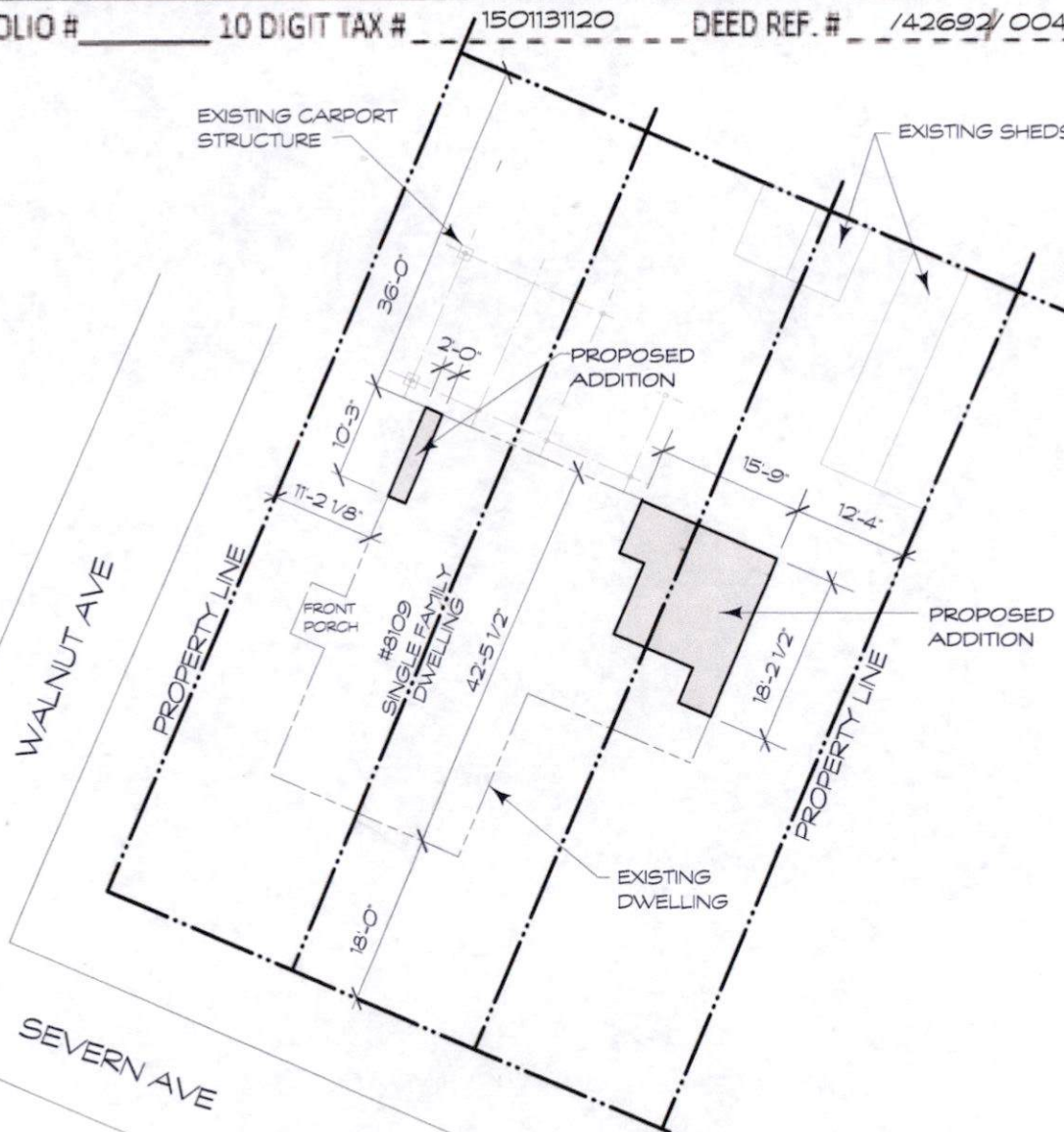
No. 1	Photo Front House	
No. 2	Photo Side House	
No. 3	Photo Rear/Side	
No. 4	Photo Side Porch	
No. 5	Photo Rear Porch	4/27 DM.
No. 6	Photo Front/Carport	
No. 7	Site Plan	
No. 8	LDA Plan	
No. 9	Side Porch Photo	
No. 10	Photo Interior	
No. 11	Architect Drawings/Specs	
No. 12		

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

ADDRESS 8109 WALNUT AVENUE OWNER(S) NAME(S) ROBERTO AGUILERA

SUBDIVISION NAME CHESACO PARK LOT # 711 BLOCK # 6 SECTION # _____

PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 1501131120 DEED REF. # 142692/00441



PLAN DRAWN BY

STEVE ANNIS

DATE

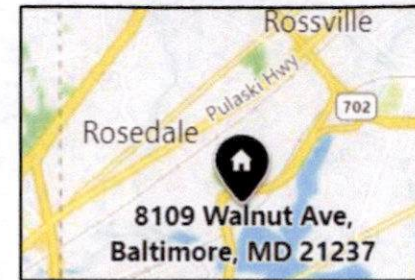
10/19/20

SCALE: 1 INCH =

20

FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 096C1

SITE ZONED DR5.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE _____

OR SQUARE FEET 6816 SF

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

N/A

VIOLATION CASE INFO:

N/A

2020-0265-A

Ref Ex. 7

2020-0265-A

Ref Ex 1



2020-0265-A

Pt Ex: 2



Def Ex 3
7020-0265-10



Ref: 4
2020-02-5-A





Per Ex: 5
2020-0265-A

7070-0265

Page 6

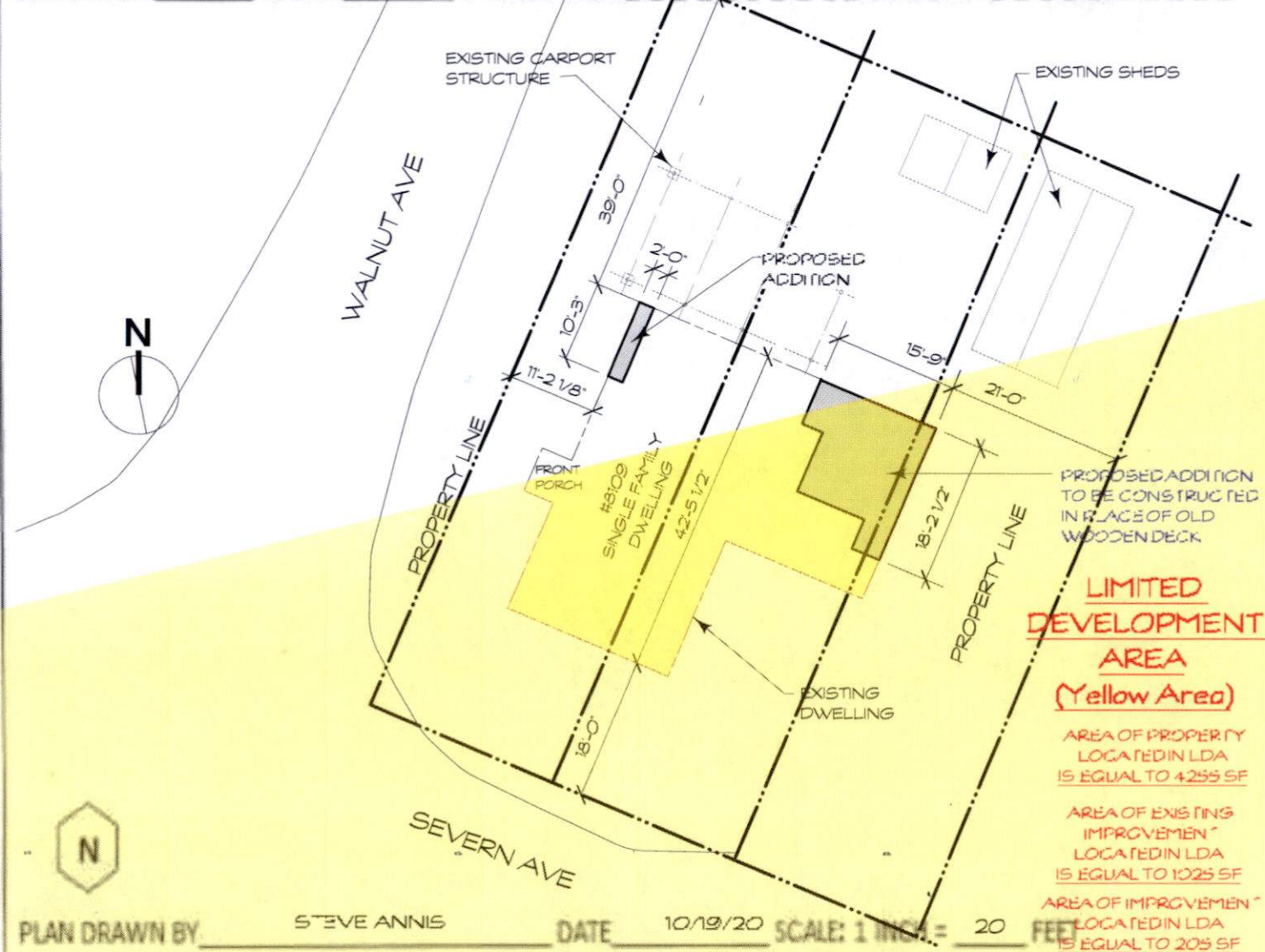


ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

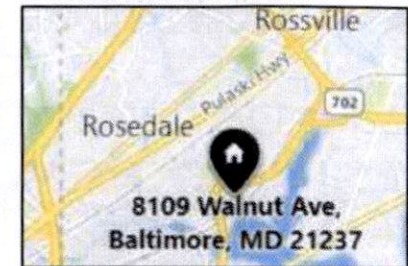
ADDRESS 8109 WALNUT AVENUE OWNER(S) NAME(S) ROBERTO AGLERA

SUBDIVISION NAME CHESACO PARK LOT # 711 BLOCK # 6 SECTION # _____

PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 150113120 DEED REF. # 142692/00441



SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# _____

SITE ZONED DR5.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE _____

OR SQUARE FEET 6816 SF

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SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

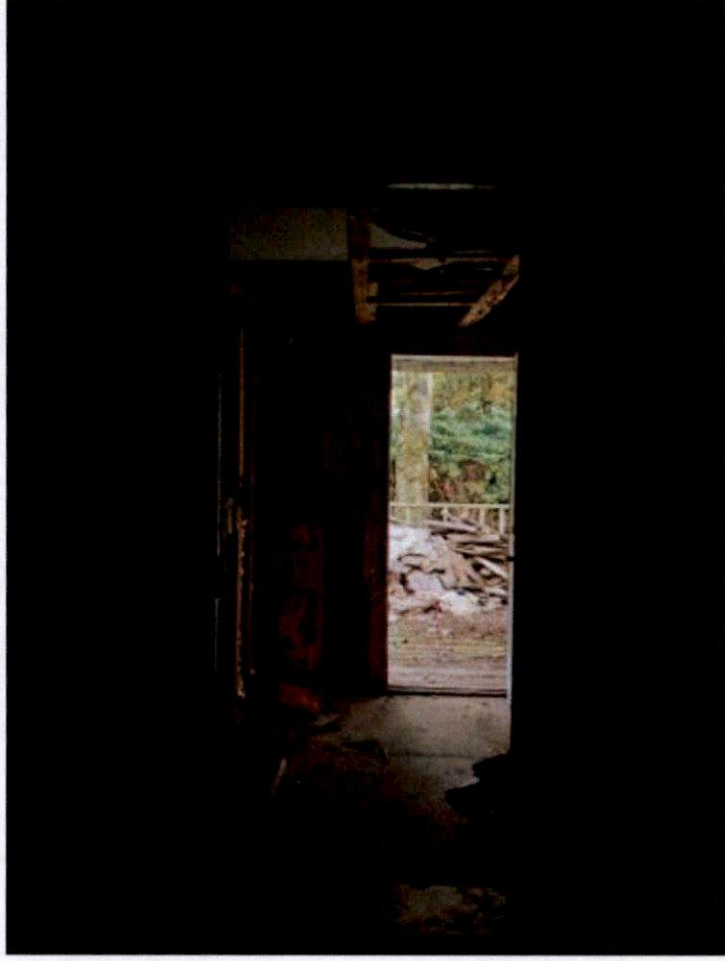
2020-0265-A

Pet Exr 8



Pet Ex. 9

2020-0265-A



Ref Ex 10

2020-0205-A

[illegible]

NOTE: NOT ALL ABBREVIATIONS USED

CLIENT
ROBERTO AGUILERA
8109 WALNUT AVENUE
BALTIMORE, MD
21237

DESIGN FIRM
JENKENS GROUP, LLC

Planning and Design / Residential - Commercial

213 WESTSHIRE ROAD
BALTIMORE, MARYLAND
21229

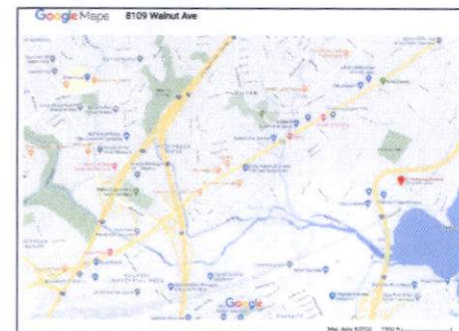
443-500-9758



SYMBOL KEY



----- EXISTING PORTION OF BLDG
 _____ NEW PORTION OF BLDG
 ----- EXISTING TO BE REMOVED



VICINITY MAP



8109 WALNUT AVENUE
TAX # 184013120
TAX MAP 0086
PAGE# 077
ZONING DR5.5
COUNCILMANIC DISTRICT 7
WATERSHED NAME - BACK RIVER

BUILDING CODE & ZONING DATA

RC-205 & NFPA101 2015	EXISTING SPACE	PROPOSED SPACE	PROPOSED TOTAL
BUILDING GROUP CLASSIFICATION (BC 2015)	R-3	R-3	R-3
CONSTRUCTION TYPE (BC 2015)	5B	5B	5B
NUMBER STORES ABOVE GRADE	1	1	1
SMOKE DETECTORS	NO	YES	YES
FIRE ALARM SYSTEM	NO	NO	NO
RESIDENTIAL SPRINKLER & MONITOR	NO	NO	NO
FLOOR AREA (SQ. FT.) - DWELLING	145 SF	227 SF	1372 SF
PROPERTY ZONING	OES-5	OES-5	OES-5

APPLICABLE CODES

BUILDING CODE 2015 INTERNATIONAL RESIDENTIAL CODE (IRC)
LIFE SAFETY 2015 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 101
WATER SUPPLY 2015 INTERNATIONAL WATER SUPPLY BUILDING CODE (IWSBC)
ENERGY 2015 INTERNATIONAL ENERGY CONSERVATION CODE (IECC)
GREEN DESIGN 2015 INTERNATIONAL GREEN CONSTRUCTION CODE (IGCC)
MECHANICAL 2015 INTERNATIONAL MECHANICAL CODE
ELECTRICAL 2015 INTERNATIONAL ELECTRICAL CODE
PLUMBING 2015 INTERNATIONAL PLUMBING CODE



EXISTING FRONT VIEW

8109 WALNUT AVENUE
BALTIMORE, MARYLAND
21237

GENERAL NOTES:

- 1) ALL WORK SHALL BE DONE IN A WORKMANLIKE MANNER AND IN CONFORMANCE WITH MANUFACTURER'S INSTALLATION AND MAINTENANCE REQUIREMENTS.
- 2) ALL WORK TO BE DONE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL LAWS, ORDINANCES AND CODES.
- 3) ALL UNIFORMITIES OR UNUSUAL CONDITIONS TO BE NOTIFIABLE TO THE ARCHITECT PRIOR TO COMMENCEMENT OF WORK.
- 4) CONTRACTOR IS FULLY RESPONSIBLE FOR COORDINATION OF ALL BUILDING TRADES AND NECESSARY INSPECTIONS THROUGHOUT THE DURATION OF THIS PROJECT.
- 5) THE CONTRACTOR IS SPECIFICALLY RESPONSIBLE FOR ALL MEANS AND METHODS OF CONSTRUCTION.
- 6) AT THE COMPLETION OF CONSTRUCTION, CONTRACTOR TO CLEAR ALL AREAS OF ALL DEBRIS, DIRT, DUST AND EXCESS MATERIALS.
- 7) CONTRACTOR TO "WALKTHROUGH" REVIEW THESE PLANS, VISIT THE SITE, VERIFY ALL DIMENSIONS AND NOTIFY THE DESIGNER OF ANY DISCREPANCIES.
- 8) CONTRACTOR TO BE RESPONSIBLE FOR ALL MATERIALS AS SHOWN ON THE DRAWINGS - UNLESS OTHERWISE SPECIFIED.
- 9) ALL INTERIOR DIMENSIONS ARE TO FACE OF STUDIOS, UNLESS OTHERWISE NOTED AND SPECIFIED.
- 10) ALL EXTERIOR DIMENSIONS ARE TO FACE OF STUDIOS, UNLESS OTHERWISE NOTED AND SPECIFIED.
- 11) INTERIOR FINISHES SHALL HAVE A FLAME SPREAD RATING AND MAXIMUM SMOKE DEVELOPMENT INDEX AS SPECIFIED.
- 12) CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS DURING THE COURSE OF CONSTRUCTION TO THE SATISFACTION OF THE AUTHORITIES HAVING JURISDICTION.
- 13) PROVIDE PROTECTION FOR ALL EXISTING UTILITIES AND STRUCTURES FOR UTILITIES, DRAIN, HANDBATHS, GROUND BASINS, CATCHWAYS, PILLBOXES, ETC.
- 14) PROVIDE PROTECTION FOR ALL EXISTING AND ADJACENT BUILDINGS AND PLACES OF PENETRATION FOR LATEST CODE.
- 15) PROVIDE PROTECTION FOR ALL EXISTING UTILITIES AND STRUCTURES.
- 16) ALL FINISHES- FLOOR, WALL, CEILING, PAINTS, HANDWORK, VINYL, CARPET, TILE, ETC. TO BE COORDINATED WITH THE CLIENT - UNLESS OTHERWISE NOTED.
- 17) CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, OUTSIDE REQUIREMENT OF EXISTING WALLS, CLIENT IS TO CONSULT WITH CAD, ENGINEER AND ARCHITECT FOR ALL NECESSARY PERMITS.

DRAWING LIST

<u>DWG. #</u>	<u>SHEET #</u>	<u>DWG. TITLE</u>
	1 OF 5	COVER SHEET W/ SITE PLAN
A-1.05	2 OF 5	FLOOR PLAN - EXIST & PROPOSED
A-2.01	3 OF 5	EXTERIOR ELEVATIONS
A-3.01	4 OF 5	FLOOR & ROOF FRAMING PLANS
A-4.01	5 OF 5	GROSS SECTION, DETAILS & NOTES

PERMIT SET

DATE: 7/2/20
BY: SGA

PROJECT LOCATION:
8109 WALNUT AVENUE
BALTIMORE, MD. 21237



08 DEC 1991 0000Z

Pr Ex: 1



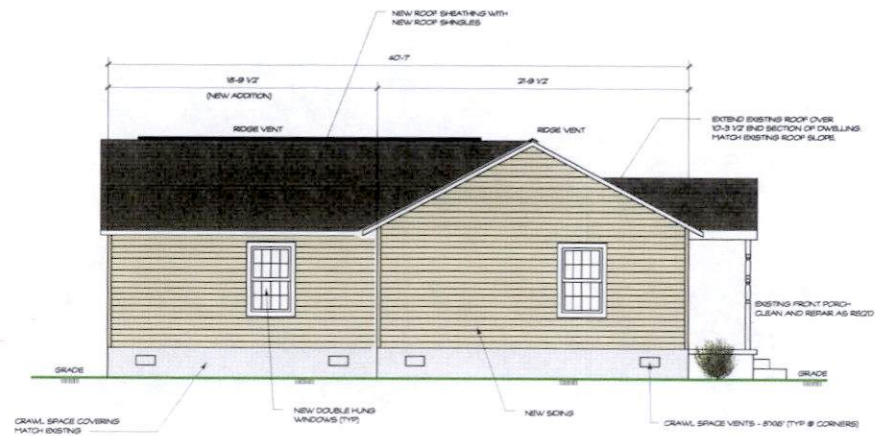
FRONT ELEVATION
SCALE 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE 1/4" = 1'-0"



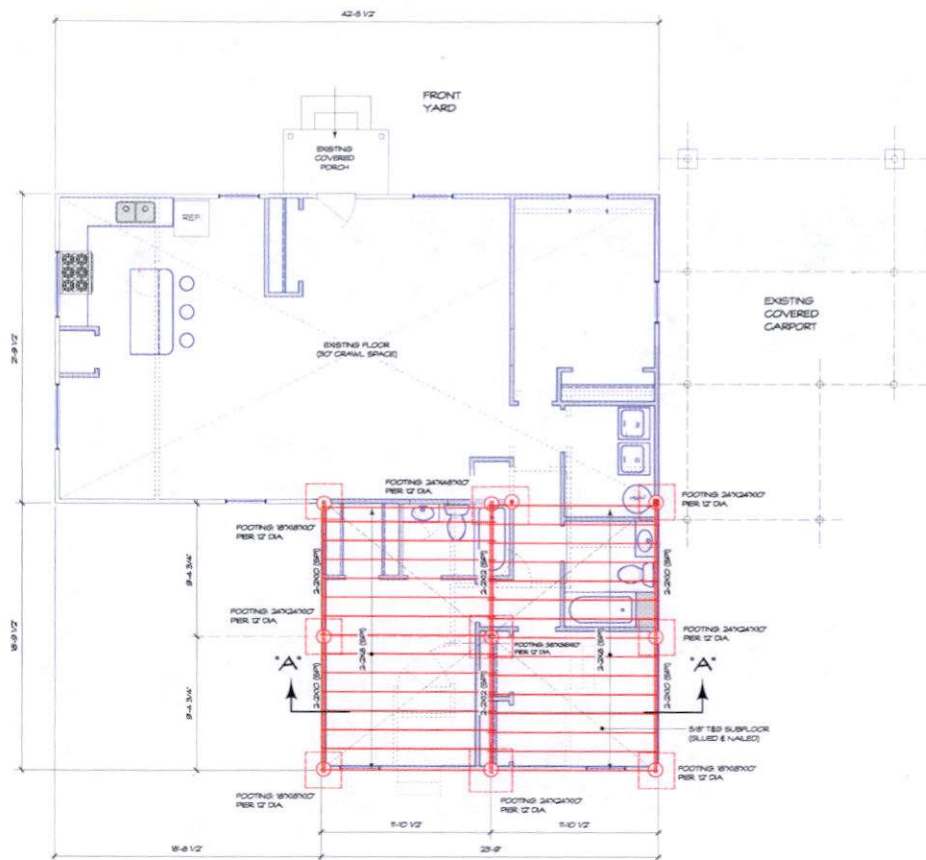
REAR ELEVATION
SCALE 1/4" = 1'-0"



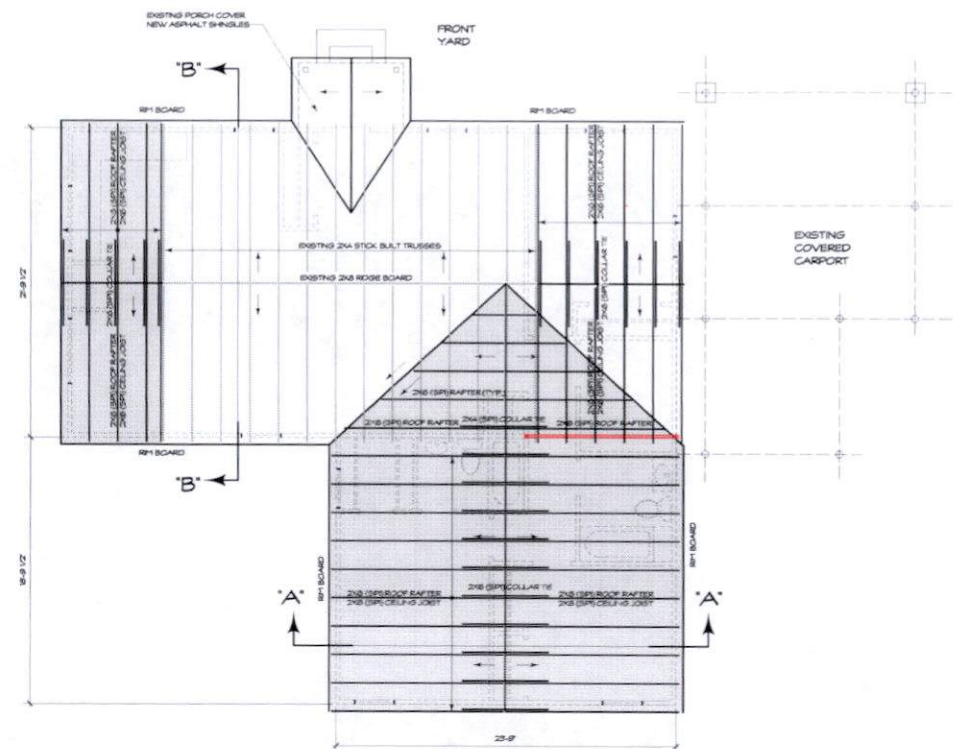
LEFT SIDE ELEVATION
SCALE 1/4" = 1'-0"



PROPOSED ELEVATIONS			
PROFESSIONAL SEAL	ROBERTO AGUILERA 8109 WALNUT AVENUE BALTIMORE, MD 21237	REVISIONS	
 JENKENS GROUP, LLC 213 WESTSHORE ROAD BALTIMORE, MARYLAND 21209 (443) 500-8798 jenkinsgroup@gmail.com	JOB NO.	1920-258	
	DWG. NO.	A-2	
	SHT. NO.	3 OF 3	
	DATE	6-30-20	



EXISTING FLOOR PLAN
WITH ADDITION AND ALTERATIONS
SCALE: 1/4" = 1'-0"



EXISTING ROOF PLAN
WITH ADDITION AND ALTERATIONS
SCALE: 1/4" = 1'-0"

PERMIT SET
DATE: 7/2/20
BY: SSA

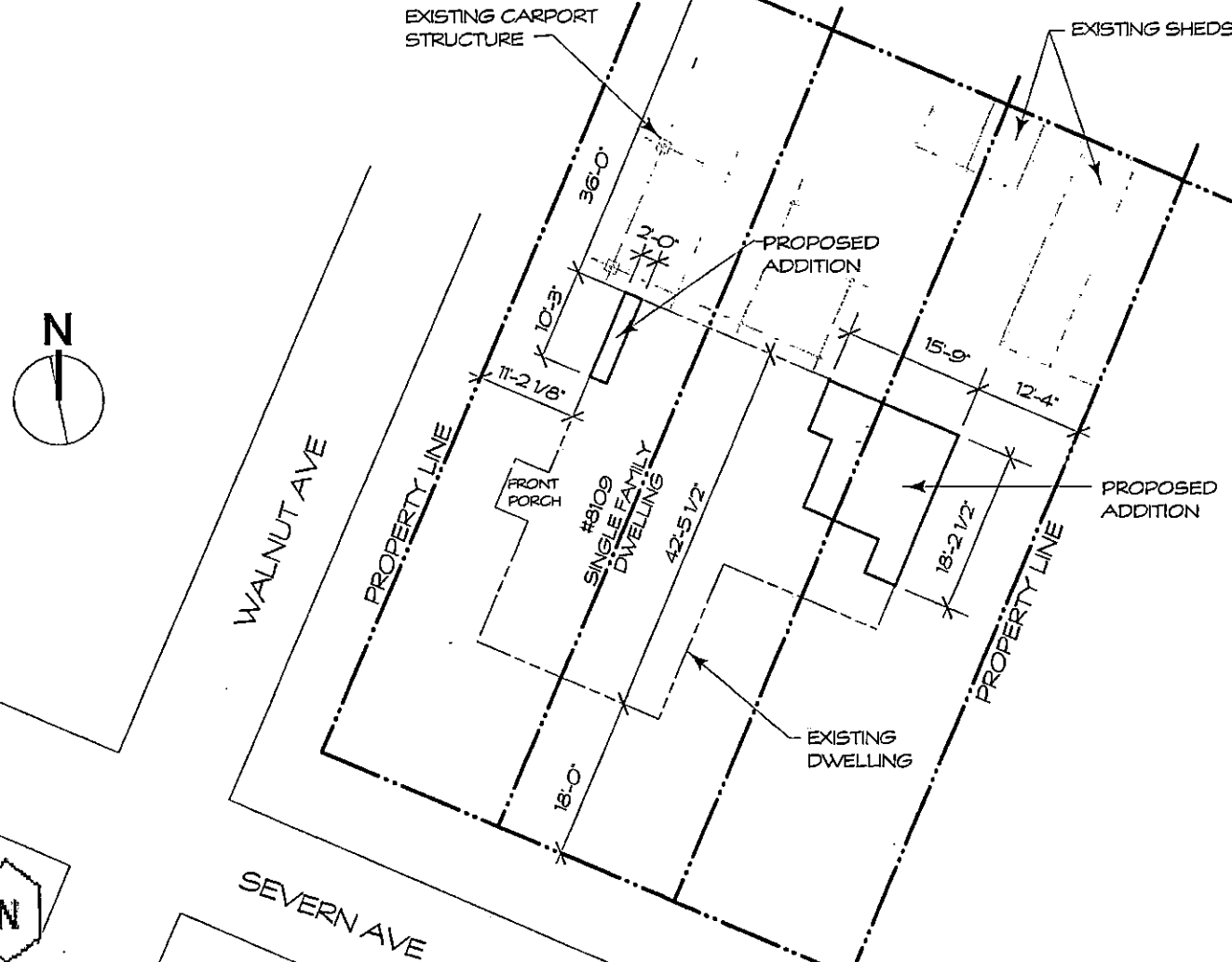
FLOOR AND ROOF FRAMING PLANS			
PROFESSIONAL SEAL	ROBERTO AGUILERA 8109 WALNUT AVENUE BALTIMORE, MD 21237	REVISIONS	
JENKENS GROUP, LLC		JOB NO.	1920-268
213 WESTSHIRE ROAD		DWG. NO.	A-3-D
BALTIMORE, MARYLAND 21209		SHT. NO.	4 OF 5
(410) 500-9798		DATE	6-30-20
jenkensgroup@gmail.com			

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

ADDRESS 8109 WALNUT AVENUE OWNER(S) NAME(S) ROBERTO AGUILERA

SUBDIVISION NAME CHESACO PARK LOT # 711 BLOCK # 6 SECTION # _____

PLAT BOOK # _____ FOLIO # _____ 10 DIGIT TAX # 1501131120 DEED REF. # 142692/00441

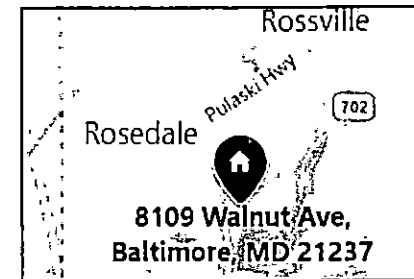


PLAN DRAWN BY

STEVE ANNIS

DATE 10/19/20 SCALE: 1 INCH = 20 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 096C1

SITE ZONED DR5.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 7

LOT AREA ACREAGE _____

OR SQUARE FEET 6816 SF

HISTORIC? NO

IN CBQA? NO

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:

2020-0265-A

N/A

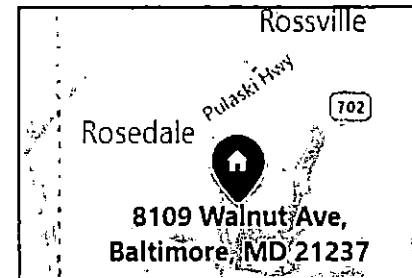
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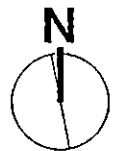
PUBLIC x PRIVATE _____

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IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

VIOLATION CASE INFO:

N/A



PLAN DRAWN BY

STEVE ANNIS

DATE

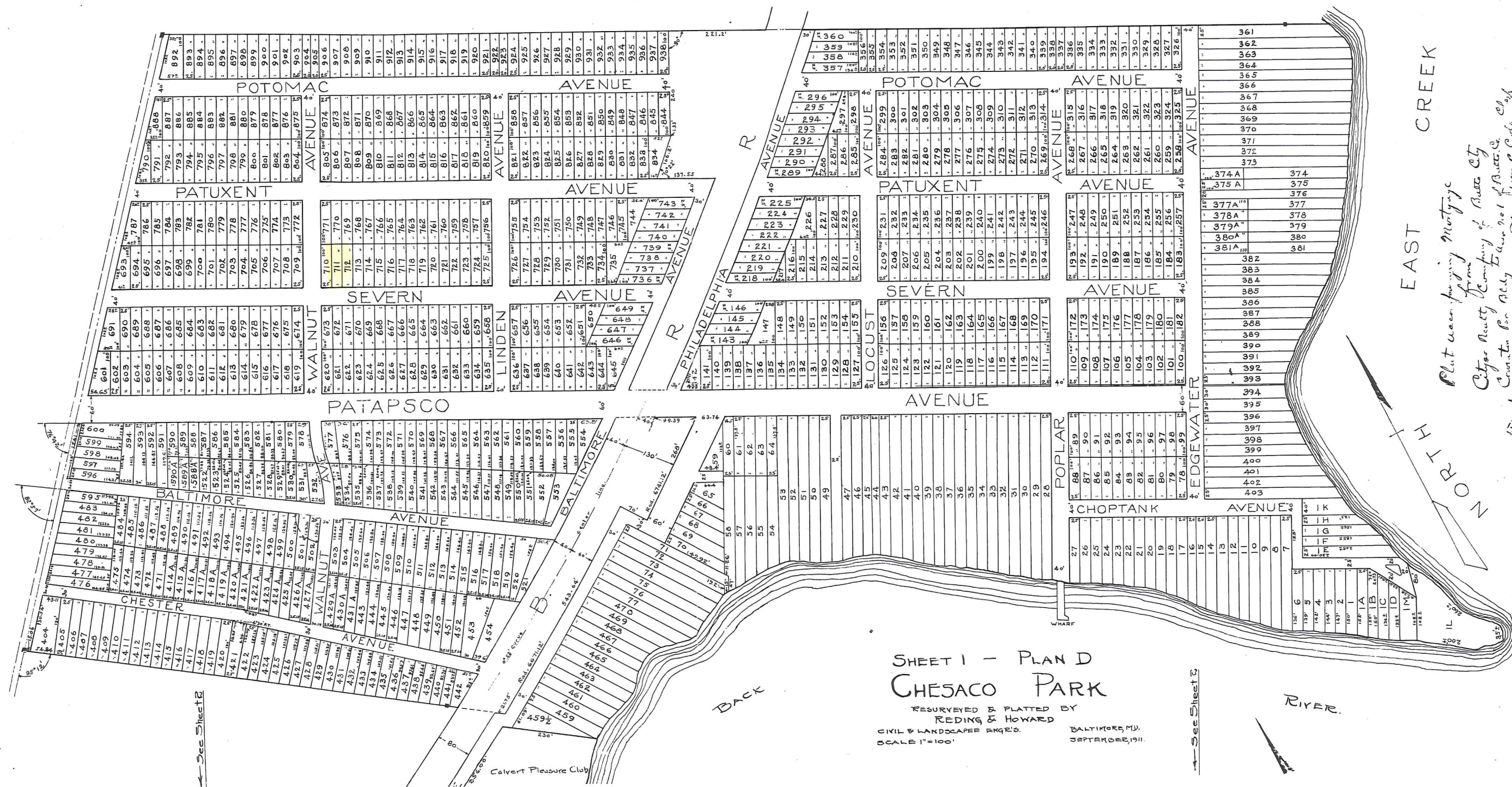
10/19/20

SCALE: 1 INCH =

20

FEET

2020-0265-A



Plat was joining Mortgage
City Realty Company of Butler City
Creston Per Kelly Finance Co of Butler City
Wm C. Colvin Clerk
Wm C. Colvin Clerk