

MEMORANDUM

DATE: May 3, 2021
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0305-A – Appeal Period Expired

The appeal period for the above-referenced cases expired on April 28, 2021. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(5526 W North Avenue)

1st Election District

1st Council District

5526 W. North Avenue

Lance Ruffin, Legal Owner

Petitioner

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* CASE NO. 2020-0305-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Variance filed by Lance Ruffin (the "Petitioner") for property located at 5526 W. North Avenue, Woodlawn. The Petitioner is requesting variance relief from Baltimore County Zoning Regulations ("BCZR"): (1) §303.1 to permit a proposed dwelling with a front yard setback of 26 ft. in lieu of the required 28.85 ft. minimum setback, which is the average of the front yards of the dwellings within 200 ft.; (2) §301.1 to permit a front yard open projection with a proposed setback of 18 ft. in lieu of the required 21.64 ft. minimum setback which is of 25% of the front yard setback or $(28.85 - 7.21) = 21.64$ ft.; and (3) §1B02.3.B to permit a proposed dwelling with a rear yard setback of 23 ft. in lieu of the required 30 ft. minimum rear yard setback.

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. Lance Ruffin appeared at the hearing. There were no Protestants or interested persons in attendance. Zoning Advisory Committee ("ZAC") comments were received from the Department of Planning ("DOP") and the Department of Environmental Protection and Sustainability ("DEPS") and those agencies do not oppose the relief.

The Property consists of Lots 1-4 of the Windsor Terrace subdivision (Plat: 06/180),

ORDER RECEIVED FOR FILING

Date

By

3/29/21
J. Ruffin



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

March 29, 2021

Lance Ruffin – devonlance724@gmail.com

RE: Petition for Variance
Case No. 2020-0305-A
Property: 5526 West North Avenue

Dear Mr. Ruffin:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in cursive script that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Managing Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

ORDER RECEIVED FOR FILING

Date

3/29/21

By

A handwritten signature in cursive script that reads "D. Mignone".

measuring 0.194 +/- acres (8,449 sq. ft.) and is zoned density residential (DR 5.5). In accordance with a site plan prepared by Little & Associates, it is a vacant corner Property bounded by West North Avenue on the south and Park Place on the west. (Pet. Ex. 1). The Property boundaries are asymmetrical. (Id.). The area is residential. Mr. Ruffin, who is a disabled veteran, plans to construct a one-story, 1,440 sf single family home with a front porch facing West North Avenue and a side porch facing Park Place. (Id.). He explained that he uses a cane and a walker to walk and is anticipating future need for wheelchair access. Mr. Ruffin provided photographs of the single family homes along West North Avenue including the adjacent home at 5524 West North Avenue, as well as the views from the Property toward the surrounding homes. (Pet. Ex. 2). The front setback for each of those homes varies.

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).

The Property is unique within the meaning of the law due to its irregular shape, the fact that it is comprised of 4 undersized lots, and is bound by 2 streets. (Pet. Ex. 1). In order to build a 1,440 sf single family home with a front porch, Petitioner needs the requested front and rear yard setbacks as well as the setback for the front porch. I find that the Petitioner would suffer a practical difficulty and unreasonable hardship if the proposed setbacks were not granted because he would not be able to construct a single story home to accommodate his disability. I also find that the requested variance is within the strict harmony with the spirit and intent of the BCZR and can be granted without injury to the health, safety or general welfare, particularly in light of the lack of

opposition.

THEREFORE, IT IS ORDERED, this 29th day of **March 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from Baltimore County Zoning Regulations ("BCZR"):

(1) §303.1 to permit a proposed dwelling with a front yard setback of 26 ft. in lieu of the required 28.85 ft. minimum setback, which is the average of the front yards of the dwellings within 200 ft. be, and it is hereby **GRANTED**;

(2) §301.1 to permit a front yard open projection with a proposed setback of 18 ft. in lieu of the required 21.64 ft. minimum setback which is of 25% of the front yard setback or $(28.85 - 7.21) = 21.64$ ft. be, and it is hereby **GRANTED**; and

(3) §1B02.3.B to permit a proposed dwelling with a rear yard setback of 23 ft. in lieu of the required 30 ft. minimum rear yard setback be, and it 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 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, Petitioner would be required to return the subject property to its original condition.

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

Maureen E. Murphy

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm

ORDER RECEIVED FOR FILING

Date

3/29/21

By

D. Mignon



PE TITION 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 5526 W. North Ave which is presently zoned DR 55
 Deed References: 43176/00253 10 Digit Tax Account # 0107471490 - LOTS 1, 2, 3
 Property Owner(s) Printed Name(s) LANCE Ruffin 0107470280 LOT 4

(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) (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)

A Hardship.

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):

LANCE Ruffin

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

Lance Ruffin
 Signature #1 Signature #2

5342 GIST AVE BALTO, MD
 Mailing Address City State

21215 / 443-3177297
 Zip Code Telephone # Email Address

DEVON LANCE 724@gmail.com
 Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2020-0305-A Filing Date 12/21/2020 Do Not Schedule Dates: _____ Reviewer RJ

ATTACHMENT TO PETITION

I request a variance that would allow me to build a house with a rear setback of 23 feet and a front setback of 24 feet respectively from the property line. This would allow me almost equal distance from the property lines on all four sides.

I, am a 100% disabled veteran, I purchased this property to build a one story house with room for a walkway completely around it to move about in a wheel chair or using a walker. The house I chose (pictures) I believe fits in the neighborhood and will not look out of place with the requested setbacks. I also chose this house because of its open floor plan and low cost to modify for handicap or disabled.

Thanks for your consideration

2020-0305-A

Petition Case Number 2020-0305-A

Lots 1, 2, and 3 with Tax parcel no. 01-07-471490; and

Lot 4 with Tax parcel no. 01-07-470280; Proposed address of 5526 W. North Avenue

Variance from:

1. **Section 303.1** - to permit a proposed dwelling with a front yard setback of 26 ft. in lieu of the required 28.85 ft. minimum setback, which is the average of the front yards of the dwellings within 200 ft.; and
2. **Section 301.1** - to permit a front yard open projection with a proposed setback of 18 ft. in lieu of the required 21.64 ft. minimum setback which is of 25% of the front yard setback or $(28.85 - 7.21) = 21.64$ ft.;
3. **Section 1B02.3.B** to permit a proposed dwelling with a rear yard setback of 23 ft. in lieu of the required 30 ft. minimum rear yard setback.

2020-0305-A

Zoning Property Description for : 5526 W . North Avenue,
Windsor Terrace Baltimore, MD 21207

Beginning at a point on the North East corner of West North Avenue and Park Place . West North Ave being which is 35 feet wide and Park Place being 45 wide.

Being Lots # 1,2,3 and 4 in Block 4 , Section# 1/4 in the subdivision of Windsor Terrace as recorded in the Baltimore County Plat Book# WPC 6, Folio#180 containing 8,449 square feet of lot. Located in the 1st Election District and 1st Council District.

Lance Ruffin



2020-0305-A

Re-CERTIFICATION OF POSTING

RE: Case No. 2020-0305-A
Petitioner: Lance Ruffin
Hearing Date: 3/15/21

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously, on the property, located at _____

5526 West North Avenue – West North Avenue frontage 1 of 2)

5526 West North Avenue – Park Place frontage (2 of 2)

on 2/23/2021 and re-photographed on 3/10/21

Sincerely,

Richard E. Hoffman (signed) 3/10/21

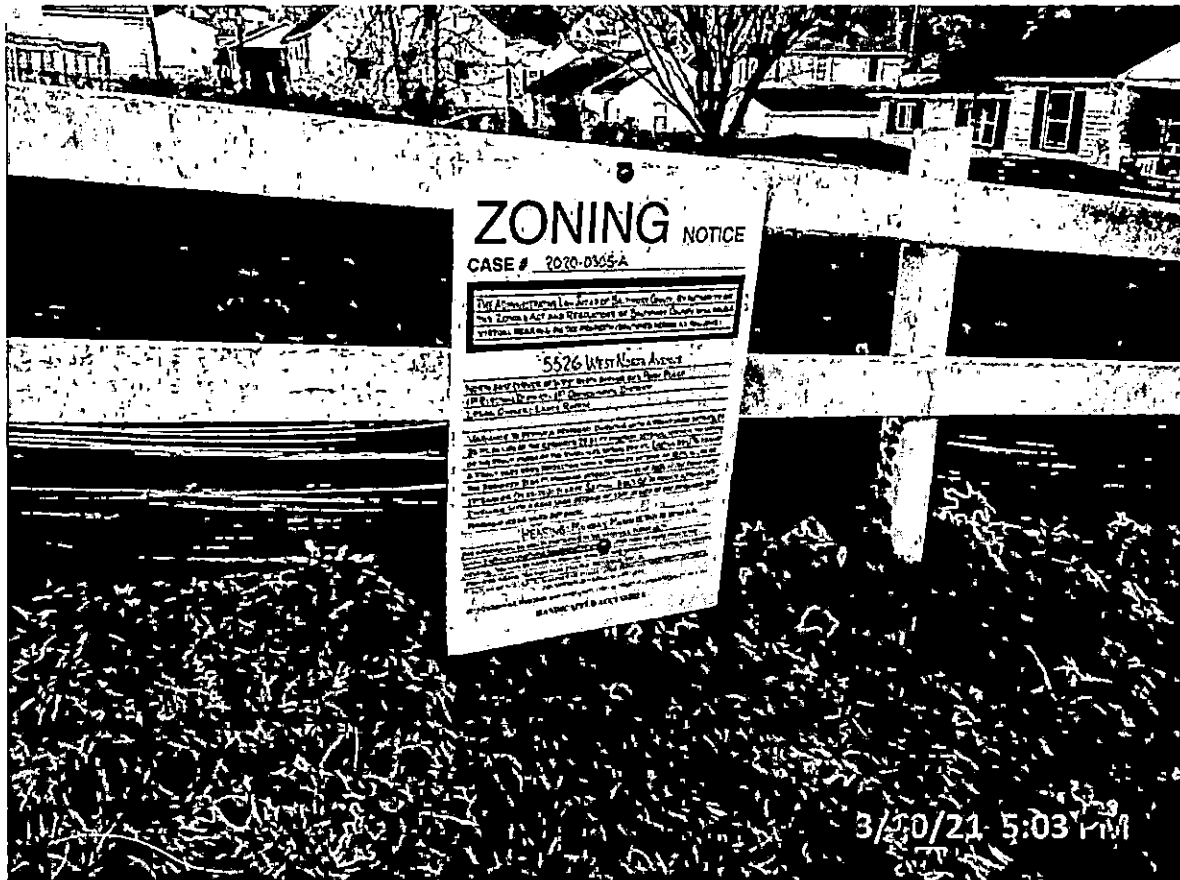
904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Re-Certification of Posting

Case No 2020-0305-A



5526 West North Avenue – W. North Avenue frontage-(1 of 2)

Richard E. Hoffman (signed) 3/10/21

Richard E. Hoffman

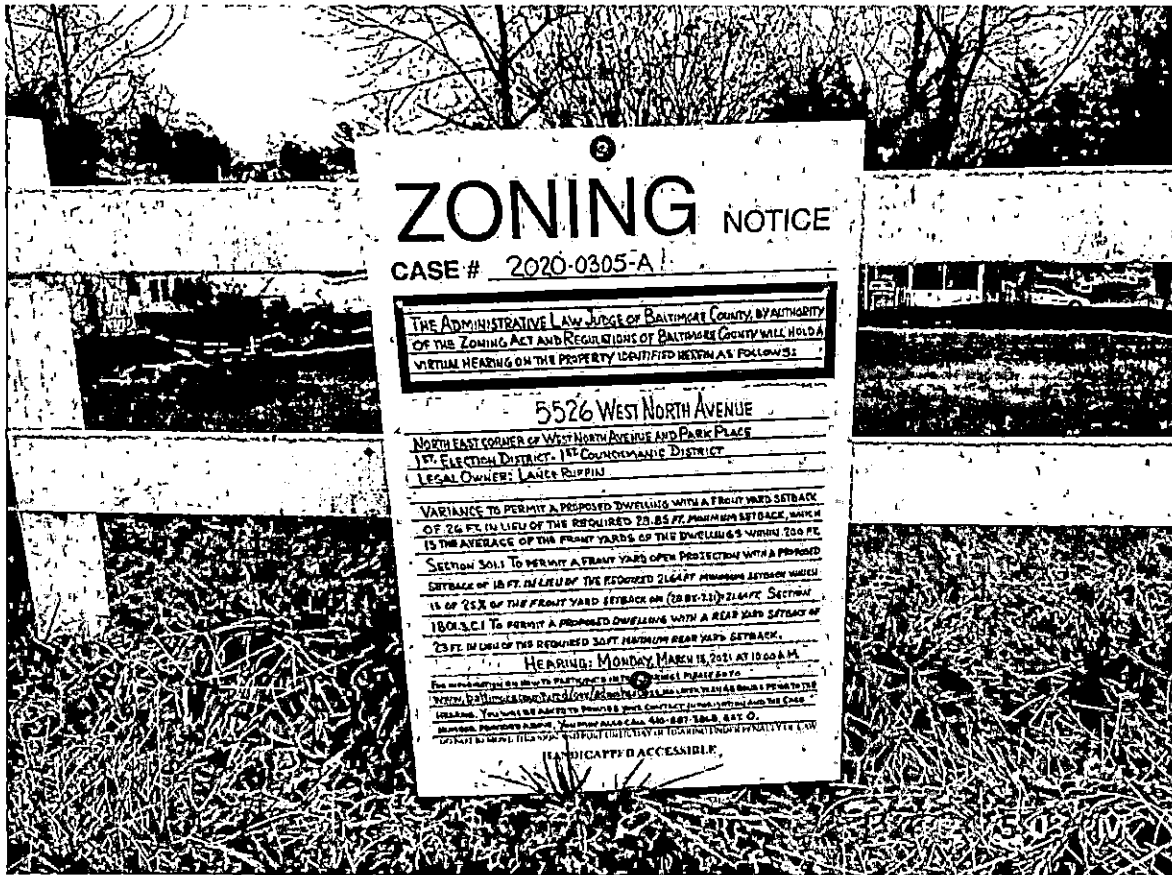
904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Re-Certification of Posting

Case No 2020-0305-A



5526 West North Avenue (Park Place frontage-2 of 2)

Richard E. Hoffman (signed) 3/10/21

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Re-CERTIFICATION OF POSTING

RE: Case No. 2020-0305-A

Petitioner: Lance Ruffin

Hearing Date: 3/15/21

Baltimore County Department of
Permits, Approvals and Inspections
Room 111, County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign(s)
were posted conspicuously on the property located at _____

5526 West North Avenue – West North Avenue frontage 1 of 3)

5526 West North Avenue – Park Place frontage (2 of 3)

5526 West North Avenue – Close-up of sign wording (3 OF 3)

on 2/23/2021

Sincerely,

Richard E. Hoffman (signed) 2/28/21

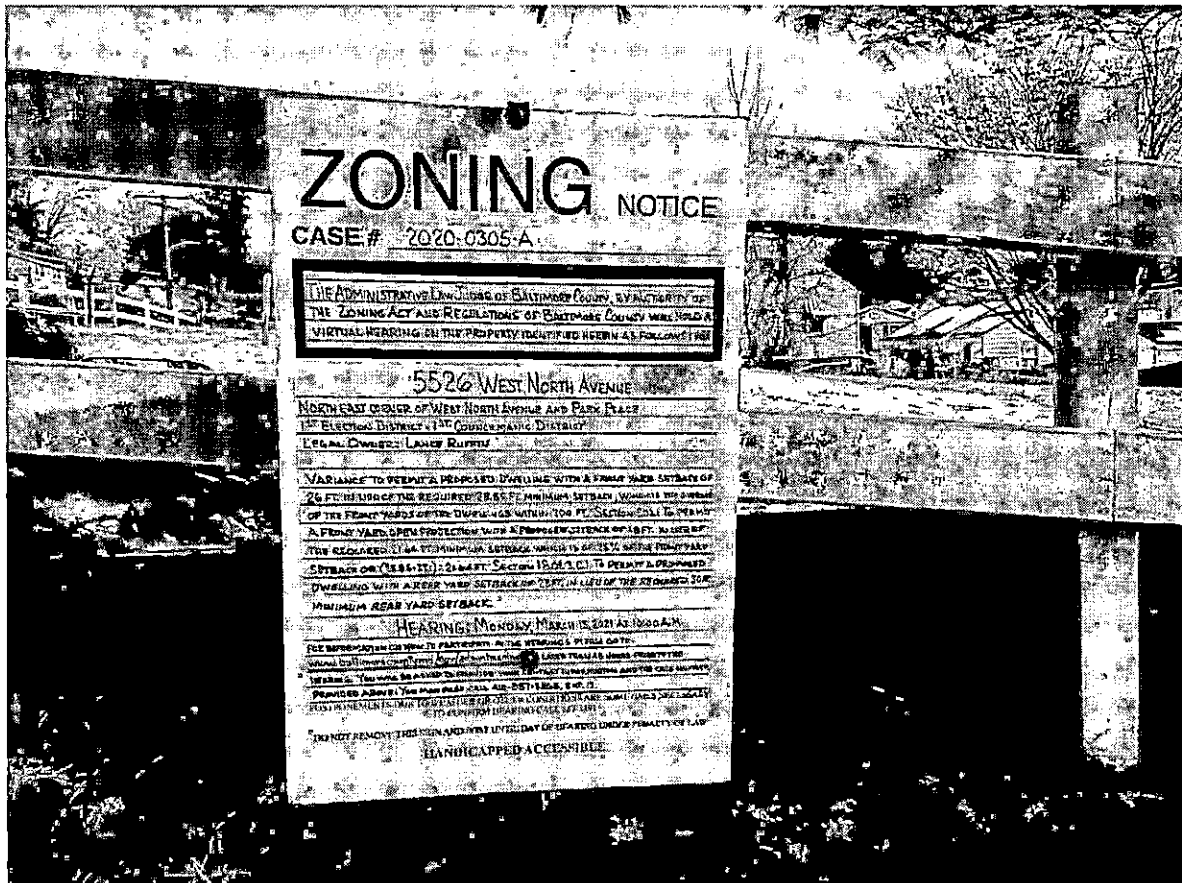
904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

Re-Certification of Posting

Case No 2020-0305-A



5526 West North Avenue (North Avenue frontage – 1 of 3)

Richard E. Hoffman (signed) 2/23/21

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Re-Certification of Posting

Case No 2020-0305-A



5526 West North Avenue (Park Place frontage-2 of 3)

Richard E. Hoffman (signed) 2/23/21

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Re-Certification of Posting

Case No 2020-0305-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:

5526 WEST NORTH AVENUE

NORTH EAST CORNER OF WEST NORTH AVENUE AND PARK PLACE
1ST ELECTION DISTRICT - 1ST COUNCILMANIC DISTRICT
LEGAL OWNER: LANCE RUFFIN

VARIANCE TO PERMIT A PROPOSED DWELLING WITH A FRONT YARD SETBACK OF 26 FT. IN LIEU OF THE REQUIRED 28.85 FT. MINIMUM SETBACK WHICH IS THE AVERAGE OF THE FRONT YARDS OF THE DWELLINGS WITHIN 200 FT. SECTION 3011 TO PERMIT A FRONT YARD OPEN PROJECTION WITH A PROPOSED SETBACK OF 18 FT. IN LIEU OF THE REQUIRED 21.64 FT. MINIMUM SETBACK WHICH IS OF 25% OF THE FRONT YARD SETBACK OR $(28.85 \times .75) = 21.64$ FT. SECTION 13013(C)(1) TO PERMIT A PROPOSED DWELLING WITH A REAR YARD SETBACK OF 23 FT. IN LIEU OF THE REQUIRED 30 FT. MINIMUM REAR YARD SETBACK.

HEARING: MONDAY, MARCH 15, 2021 AT 10:00 A.M.

FOR INFORMATION ON HOW TO PARTICIPATE IN THE HEARINGS PLEASE GO TO www.baltimorecountymd.gov/admin/hearing 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 410-587-3868, EXT. 0.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF \$250 PER DAY.

2/23/21

5526 West North Avenue (Close up of wording – 3 of 3)

Richard E. Hoffman (signed) 2/23/21

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

RE: PETITION FOR VARIANCE
5526 W. North Avenue; NE corner of West
North Avenue & Park Place – Lots 1-4
1st Election & 1st Councilmanic Districts
Legal Owner(s): Lance Ruffin
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2020-305-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 12th day of January, 2021, a copy of the foregoing Entry of Appearance was emailed to Lance Ruffin, 5342 Gist Avenue, Baltimore, Maryland 21215, DevonLance724@gmail.com, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11969332
 Case #: 2020-0305-A
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0305-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:

2/23/2021



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: 2020-0305-A

5526 West North Avenue

North east corner of West North Avenue and Park Place

1st Election District - 1st Councilmanic District

Legal Owner: Lance Ruffin

Variance to permit a proposed dwelling with a front yard setback of 25 ft. in lieu of the required 28.85 ft. minimum setback, which is the average of the front yards of the dwellings within 200 ft. Section 301.1 To permit a front yard open projection with a proposed setback of 18 ft. in lieu of the required 21.64 ft. minimum setback which is of 25% of the front yard setback or (28.85-7.21)=21.64 ft. Section 1B01.3.C.1 To permit a proposed dwelling with a rear yard setback of 23 ft. in lieu of the required 30 ft. minimum rear yard setback.

Hearing: Monday, March 15, 2021 at 10:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/admin/hearings 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 410-887-3668, ext. 0.

Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County

23

**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: 2020-0305-A

Property Address: 5526 W. NORTH AVE 21207

Property Description: NORTH EAST CORNER PARK PLACE AND W. NORTH AVE
LOTS 1-4

Legal Owners (Petitioners): LANCE RUFFIN

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: LANCE RUFFIN

Company/Firm (if applicable): _____

Address: 5342 GIST AVE
BH/TO MD 21215

Telephone Number: 443 317-7297



JOHN A. OLSZEWSKI, JR.
County Executive

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

March 1, 2021

Lance Ruffin,
5342 Gist Ave
Baltimore MD 21215

RE: Case Number: 2020-0305-A, 5526 W. North 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 December 21, 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 that reads "Jeffrey Perlow". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

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: January 28, 2021

SUBJECT: DEPS Comment for Zoning Item # 2020-0305-A
Address 5526 West North Avenue
(Ruffin Property)

Zoning Advisory Committee Meeting of **January 11, 2021**.

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Secretary
Tim Smith, P.E.
Administrator

January 29, 2021

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

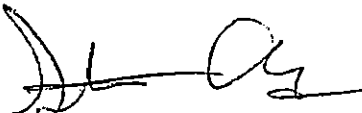
Dear Ms. Lewis:

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. 2020-0305-A

Lance Ruffin
5526 W. North Ave.

Should you have any questions regarding this matter, please contact Mr. Steven Autry at 410-229-2335, or toll free (in Maryland only) at 1-800-735-2258 (x2335), or via email at sautry@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

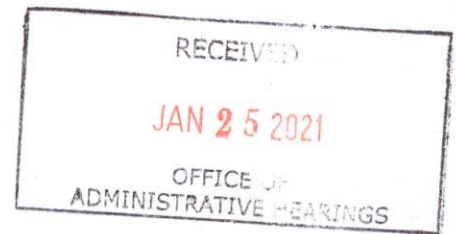
INTER-OFFICE MEMORANDUM

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 1/22/2021

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-305



INFORMATION:

Property Address: 5526 W. North Ave
Petitioners: Lance Ruffin
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the request for Variances under Sections:

- 303.1 to permit a proposed dwelling with a front yard setback of 26 feet in lieu of the required 28.85 feet minimum setback, which is the average of the front yards of the dwellings within 200 feet;
- 301.1 to permit a front yard open projection with a proposed setback of 18 feet in lieu of the required 21.64 feet minimum setback which is of 25% of the front yard setback
- 1B02.3.B to permit a proposed dwelling with a rear yard setback of 23 feet in lieu of the required 30 feet minimum rear yard setback.

The site is located in the Woodlawn area. The property is zoned DR 5.5 and has a net area of 0.194 acres. The property is currently vacant. The applicant is proposing a 1,440 SF, one story dwelling. The petitioner stated he is a 100% disabled veteran and has purchased the property to build a one story house with room for a walkway to move around in a wheelchair or a walker.

The Department of Planning has no objection granting the zoning petition request.

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

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

c: Ngone Seye Diop
Lance Ruffin
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

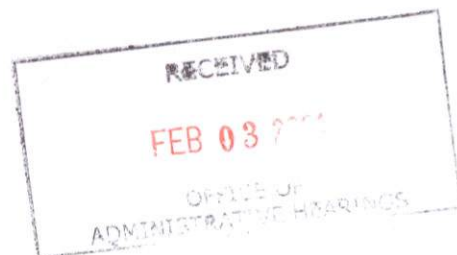
DATE: January 28, 2021

SUBJECT: DEPS Comment for Zoning Item # 2020-0305-A
Address 5526 West North Avenue
(Ruffin Property)

Zoning Advisory Committee Meeting of **January 11, 2021**.

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

Reviewer: Steve Ford



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: 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: March 29, 2021

SUBJECT: DEPS Comment for Zoning Item # 2021-0023-A
Address 3903 Glenhurst Road
(Elliott Property)

Zoning Advisory Committee Meeting of April 5, 2021.

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:

ORDER RECEIVED FOR FILING

Date: 3/29/21

By: J. Mignon

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.

The subject site, if it is confirmed as a separate lot, comprises 6,173 square feet (sf), and is located within a Limited Development Area (LDA) of the Chesapeake Bay Critical Area. The LDA regulations impose lot coverage limits of 2,043 sf for a lot this size (6,173 sf), with mitigation required for lot coverage between 25% (1,543) and 2,043. The petitioner is requesting to allow a 9 foot and 6 foot side yard setback in lieu of the required 10 foot side yard setback, and to allow a lot width of 50 feet in lieu of the required 55 feet. In order to minimize impacts on water quality, any building permit and/or development plan will be reviewed for compliance with the LDA lot coverage limits. In addition, the LDA regulations require minimum afforestation of 15%, equating to approximately 2 trees for a property this size. By allowing the items requested by the petitioner, impacts on water quality will be avoided.

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

Any 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.

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 LDA requirements applicable to the proposal, should a development plan or permit application be submitted. The request, if granted, will avoid environmental impacts.

Reviewer: Thomas Panzarella;
Environmental Impact Review, 410-887-3980, 3/15/21

ORDER RECEIVED FOR FILING

Date

By

Donna Mignon

From: RICHARD HOFFMAN <dick_e@comcast.net>
Sent: Thursday, March 11, 2021 11:56 PM
To: Donna Mignon
Cc: Jenae Johnson
Subject: Sign Re-Certification Case No. 2020-0305-A / 5526 West North Avenue
Attachments: Re-Cert. of posting - 5526 W. North Ave.-cert. (2).docx; Re-Certification of Posting-5526 W. North Ave.-1.docx; Re-Certification of Posting-5526 W. North Ave.-2.docx

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This message from dick_e@comcast.net 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,

Attached are the Re-Certification photo's for the subject Case Number.

Thanks,
dickh

CASE NO. 2020-

0305-A

CHECKLISTComment
ReceivedDepartmentSupport/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:

2/23/21

SIGN POSTING (1st)

Date:

2/23/21

by

R. Hoffman

SIGN POSTING (2nd)

Date:

by

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any

Could not pull SDAT

Donna Mignon

From: Clarence <devonlance724@gmail.com>
Sent: Tuesday, March 9, 2021 9:41 PM
To: Donna Mignon
Subject: Re: Case No: 2020-0305-A 5526 W. North Avenue - Hearing -

CAUTION: This message from devonlance724@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.

Received, thank you.

On Tue, Mar 9, 2021, 12:15 PM Donna Mignon <dmignon@baltimorecountymd.gov> wrote:

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for March 15, 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. **Thank you.**

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



Practice social distancing and
wear a mask in public places.

CONNECT WITH BALTIMORE COUNTY



www.baltimorecountymd.gov

Donna Mignon

From: Donna Mignon
Sent: Tuesday, March 9, 2021 12:16 PM
To: 'devonlance724@gmail.com'
Subject: Case No: 2020-0305-A 5526 W. North Avenue - Hearing -

Good Morning:

As you are aware, a virtual Webex hearing has been scheduled for March 15, 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. **Thank you.**

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

3-15-21
10 AM

Debra Wiley

From: Kristen L Lewis
Sent: Tuesday, February 16, 2021 11:41 AM
To: Donna Mignon; Debra Wiley
Subject: Webex 2020-0305-A

Good morning,

Below is the information for a new webex. Thanks,

Case 2020-0305-A
5526 West North Avenue
Owner: Lance Ruffin – devonlance724@gmail.com
3/15/21 at 10:00 a.m.

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

Create Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

[Select Contacts...](#)[Import Contacts...](#)

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☒	<u>Donna Mignon</u> (Alternate Host)	dmignon@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒	<u>Paul Mayhew</u>	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒	<u>Henry Ayakwah</u> (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒	<u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☒	<u>Lance Ruffin</u>	devonlance724@gmail.com	1-	English	New York Time	U.S.

[Invite](#)[Select All](#)[Clear All](#)[Delete](#)[Cancel](#)

New Panelist

Full name: (required)Email address: (required)Phone number: Country/Region Number (with area/city code)Time Zone: New York (Eastern Standard Time, GMT-05:00) ▼Language: English ▼Locale: U.S. ▼☐ Add new panelist in my address book☐ Invite as alternate host[Add to Invitation List](#)

Debra Wiley

From: Debra Wiley
Sent: Tuesday, February 16, 2021 11:48 AM
To: Kristen L Lewis
Cc: Donna Mignon
Subject: Link - 2020-0305-A

Event Information

Event: Zoning Hearing - Case No. 2020-0305-A - 5526 West North Avenue - Lance Ruffin
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=efe312>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eba4c!>
Date and time: Monday, March 15, 2021 10:00 am
Eastern Daylight Time (New York, GMT-04:00)
Duration: 1 hour
Description: Zoning Hearing
Case No. 2020-0305-A
5526 West North Avenue
Lance Ruffin
Event number: 180 191 9641
Event password: 1234
Host key: 737488
Alternate Host: Donna Mignon, Henry Ayakwah, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 772520
Video Address: 1801919641@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: 180 191 9641

Debra Wiley

Subject: Web seminar scheduled: Zoning Hearing - Case No. 2020-0305-A - 5526 West North Avenue - Lance Ruffin
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e655ea2fc925fbb2773eefe771938e063>
Start: Mon 3/15/2021 10:00 AM
End: Mon 3/15/2021 11:00 AM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: webex

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

Host: Debra Wiley (dwiley@baltimorecountymd.gov)

Event number (access code): 180 191 9641

Monday, March 15, 2021 10:00 am, Eastern Daylight Time (New York, GMT-04:00)

Event address for attendees:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e655ea2fc925fbb2773eefe771938e063>

Event address for panelists:

<https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e56837068a6d27ff6445c89cee338a063>

Start event

Audio conference information

+1-415-655-0001 US Toll

Global call-in numbers

Join from a video system or application

Dial 1801919641@baltimorecountymd.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Panelist numeric password: 772520

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

<https://baltimorecountymd.webex.com/baltimorecountymd/j.php?MTID=e4e933fffe9d2d1107d677d51717e6ee1>

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

ZAC AGENDA

Case Number: 2020-0305-A **Reviewer:** Rosalie Johnson

Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: VARIANCE

Legal Owner: Lance Ruffin

Contract Purchaser: No Contract Purchaser was set.

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

Property Address: 5526 W NORTH AVE

Location: North East corner of West North Ave and Park Place, Lots 1-4.

Existing Zoning: DR 5.5

Area: 8,449 SQ FT

Proposed Zoning:

VARIANCE:

Section 303.1, 1B01.3.C.1 To permit a proposed dwelling with a front yard setback of 26 ft. in lieu of the required 28.85 ft. minimum setback, which is the average of the front yards of the dwellings within 200 ft.

Section 301.1 To permit a front yard open projection with a proposed setback of 18 ft. in lieu of the required 21.64 ft minimum setback which is of 25% of the front yard setback or $(28.85 - 7.21) = 21.64$ ft.

Section 1B01.3.C.1 To permit a proposed dwelling with a rear yard setback of 23 ft. in lieu of the required 30 ft. minimum rear yard setback.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date:

Miscellaneous Notes:

Donna Mignon

From: RICHARD HOFFMAN <dick_e@comcast.net>
Sent: Tuesday, March 2, 2021 2:39 PM
To: Donna Mignon
Cc: Jenae Johnson
Subject: Sign Posting Certification Case # 2020-0305 / 5526 West North Avenue
Attachments: Re-Cert. of posting - 5526 W. North Ave.-cert.docx; Certification of Posting-5526 W. North Ave.-1.docx; Certification of Posting-5526 W. North Ave.-2.docx; Certification of Posting-5526 W. North Ave.-3.docx

CAUTION: This message from dick_e@comcast.net 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,

Attached is the sign posting certification and photo's for the subject case#.

Thanks,
dickh

Case No.: 2020-305-A Lance Ruffin

Exhibit Sheet

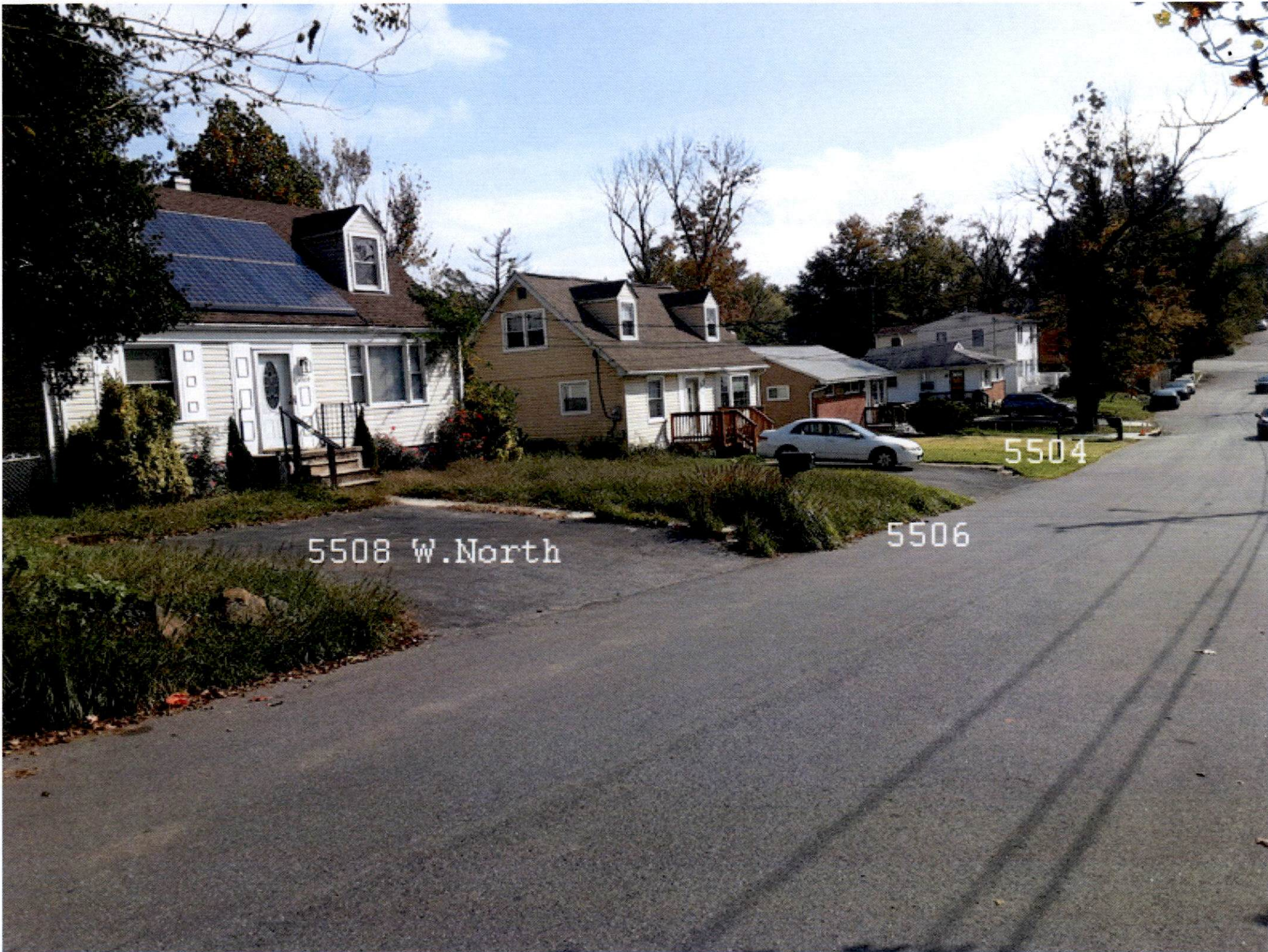
Petitioner/~~Developer~~

~~Protestants~~

DD
5-3-21

No. 1	Site Plan	
No. 2	5 Photos Neighborhood	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

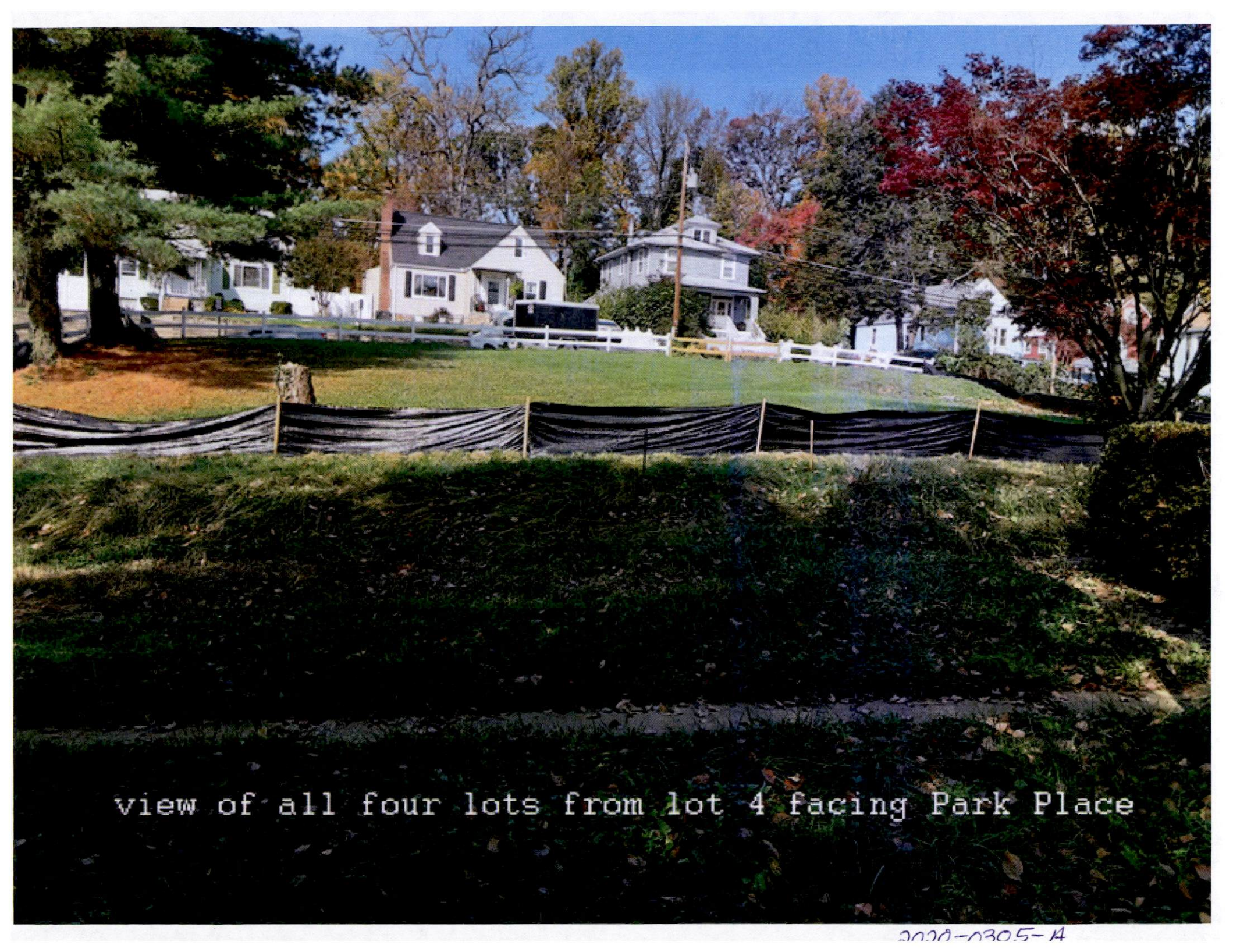
4/1/21
Dm



5508 W. North

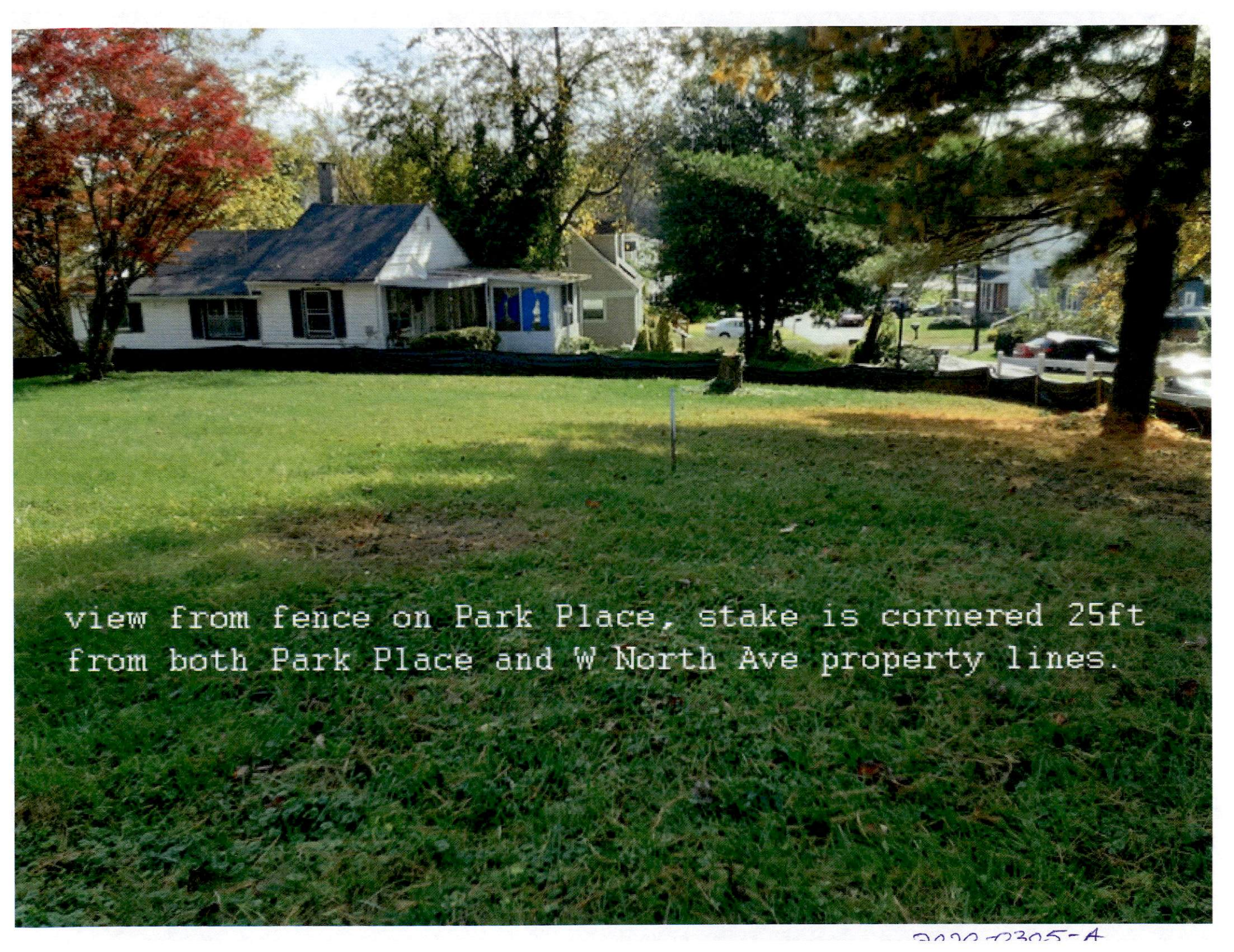
5506

5504



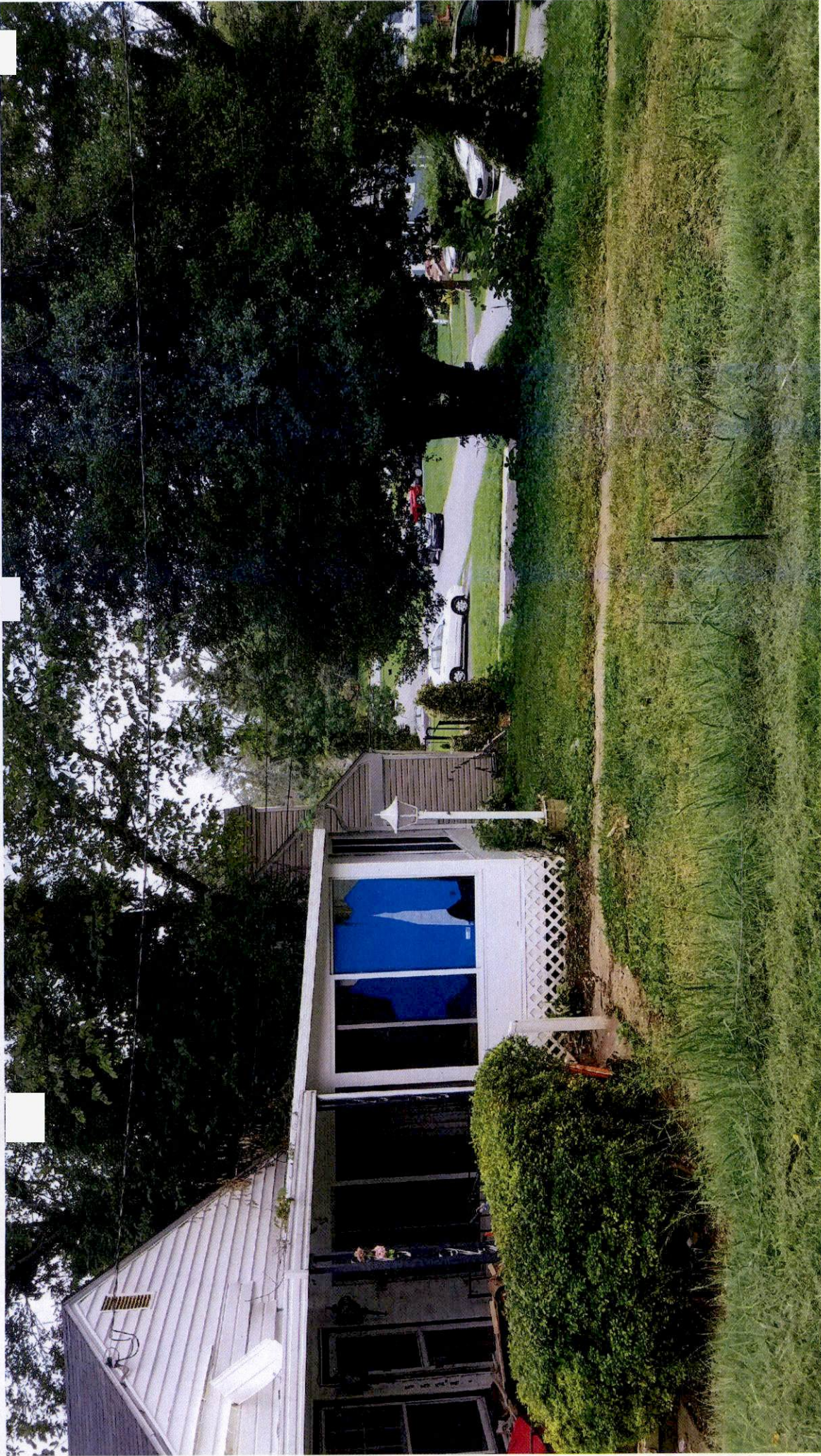
view of all four lots from lot 4 facing Park Place

2020-0305-A



view from fence on Park Place, stake is cornered 25ft
from both Park Place and W North Ave property lines.

0000-0305-A



ADJACENT PROPERTY
#5524

2020-0305-A



ADJACENT PROPERTY
#5524

2020-0305-A



Pt. Bk. 0000005, Folio 0064

1990-0349-SPHA
2004-0154-SPH

1976-0002
1989-0347

1999-0143-X

2017-0081-A

2000-0307-X

Pt. Bk./Folio # 005064

PAI # 018034

PAI # 018034.3034

PAI # 018034

Pt. Bk./Folio # 006180

2006-0189-A

2002-0082-SPHA

1985-0274-A

PAI # 010034

Pt. Bk./Folio # 017080C

PAI # 010034

R-1955-3597
R-1952-2210-X
R-1954-2831
R-1950-1870-X

R-1978-0186-X

Real Property Data Search (w2)

Search Result for BALTIMORE COUNTY

Lots 1, 2, 3

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 01 Account Number - 0107471490	
Owner Information		
Owner Name:	RUFFIN LANCE	Use: RESIDENTIAL
Mailing Address:	5342 GIST AVE BALTIMORE MD 21215-	Principal Residence: NO
		Deed Reference: /43176/ 00253
Location & Structure Information		
Premises Address:	W NORTH AVE BALTIMORE 21207-	Legal Description: LT 1,2,3 NE COR PARK PLACE WINDSOR TERRACE
Map:	Grid:	Parcel:
Neighborhood:	Subdivision:	Section:
Block:	Lot:	Assessment Year:
0095	0004	0246
1030042.04	0000	4
	1	2019
		Plat No:
		Plat Ref:
		0006/ 0180
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
	6,400 SF	County Use
		04
Stories	Basement	Type
		Exterior
		Quality
		Full/Half Bath
		Garage
		Last Notice of Major Improvements
Value Information		
	Base Value	Value
		As of
		01/01/2019
Land:	47,100	57,100
Improvements	0	0
Total:	47,100	57,100
Preferential Land:	0	0
		Phase-in Assessments
		As of
		07/01/2020
		As of
		07/01/2021
		53,767
		57,100
		0
Transfer Information		
Seller: KFI PROPERTIES 3 LLC	Date: 07/30/2020	Price: \$59,000
Type: ARMS LENGTH MULTIPLE	Deed1: /43176/ 00253	Deed2:
Seller: BOWEN CLARICE C	Date: 10/11/2018	Price: \$20,000
Type: ARMS LENGTH MULTIPLE	Deed1: /40770/ 00270	Deed2:
Seller: VALENTINE CLARENCE B	Date: 05/14/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /29473/ 00440	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
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:		

2020-0305-A

5524 W NORTH AVE

Tax Account Number

Owner Name

Premise Address

Tax Map

Parcel

Real Property Report

StreetView

PermitReview

0107470280

RUFFIN LANCE

5524 W NORTH AVE

0095

0246

More infoClick for StreetViewPermit Review Tool URL

Lot 4

ZONING INFORMATION

Zoning

DR 5.5

SCHOOL DISTRICTS

Elementary School District

Middle School District

High School District

Edmondson Heights ESSouthwest AcademyWoodlawn HS

CIVIC - GOVERNMENT

Police Precinct

Councilmanic District

Congressional District

Legislative District

Election District

Voting Precinct

Woodlawn1744B101-001

ECONOMIC

Commercial Revitalization District

Enterprise Zone

Economic Park Center Name

Economic Park Center Type

No Feature Found

No Feature Found

No Feature Found

No Feature Found

ENVIRONMENTAL

Watershed Name

River Basin Name

Subshed Name

Soil Name

Gwynns Falls

Patapsco River

Dead Run

Legore-Montalto-Urban Land complex, 8 to 15 percent

HISTORIC

National Register Historic District

Baltimore County Historic District

Landmark Name

MIHP Number

No Feature Found

No Feature Found

No Feature Found

No Feature Found

LAND MANAGEMENT

URDL Land Type

Growth Tier Description

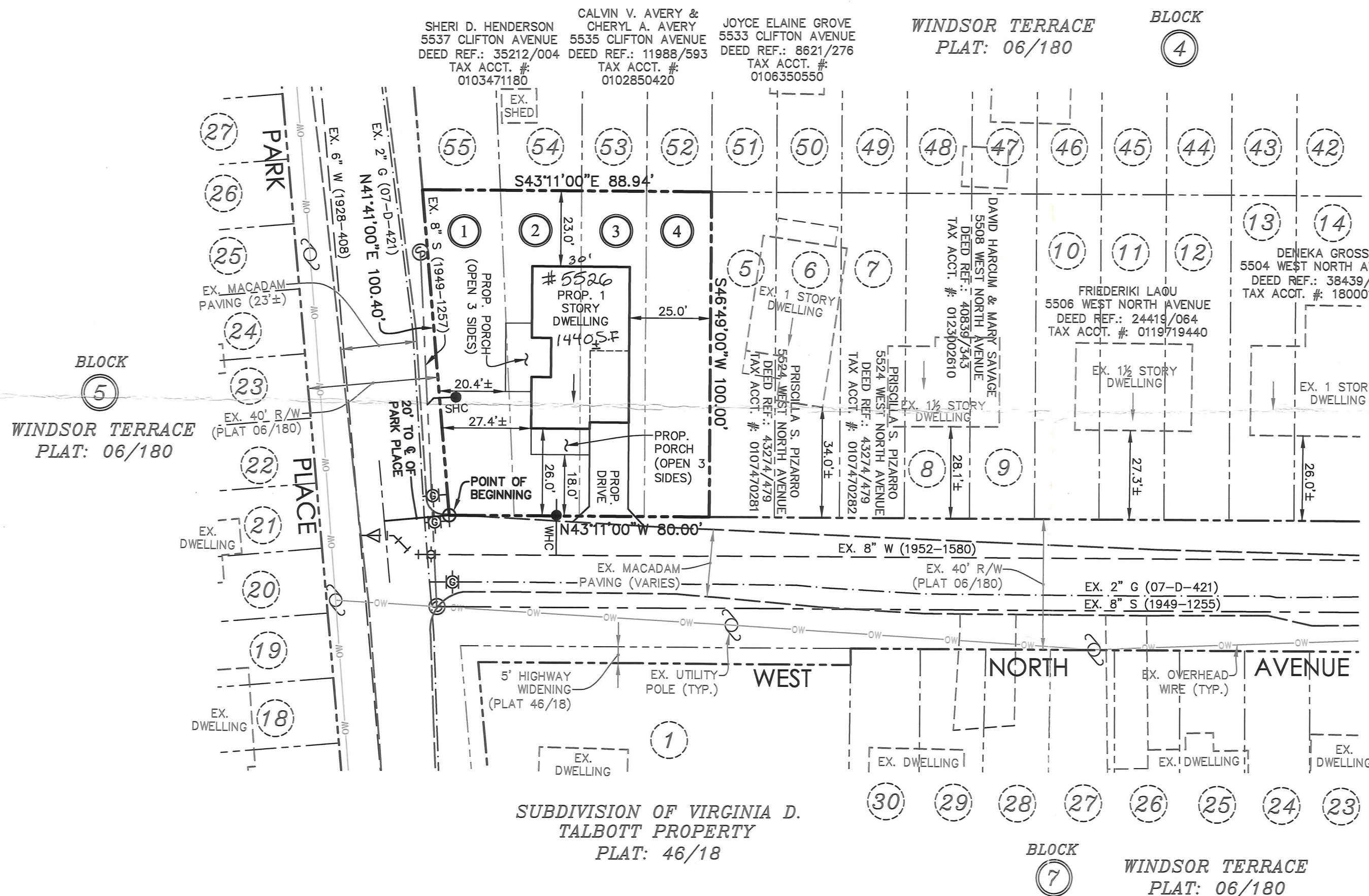
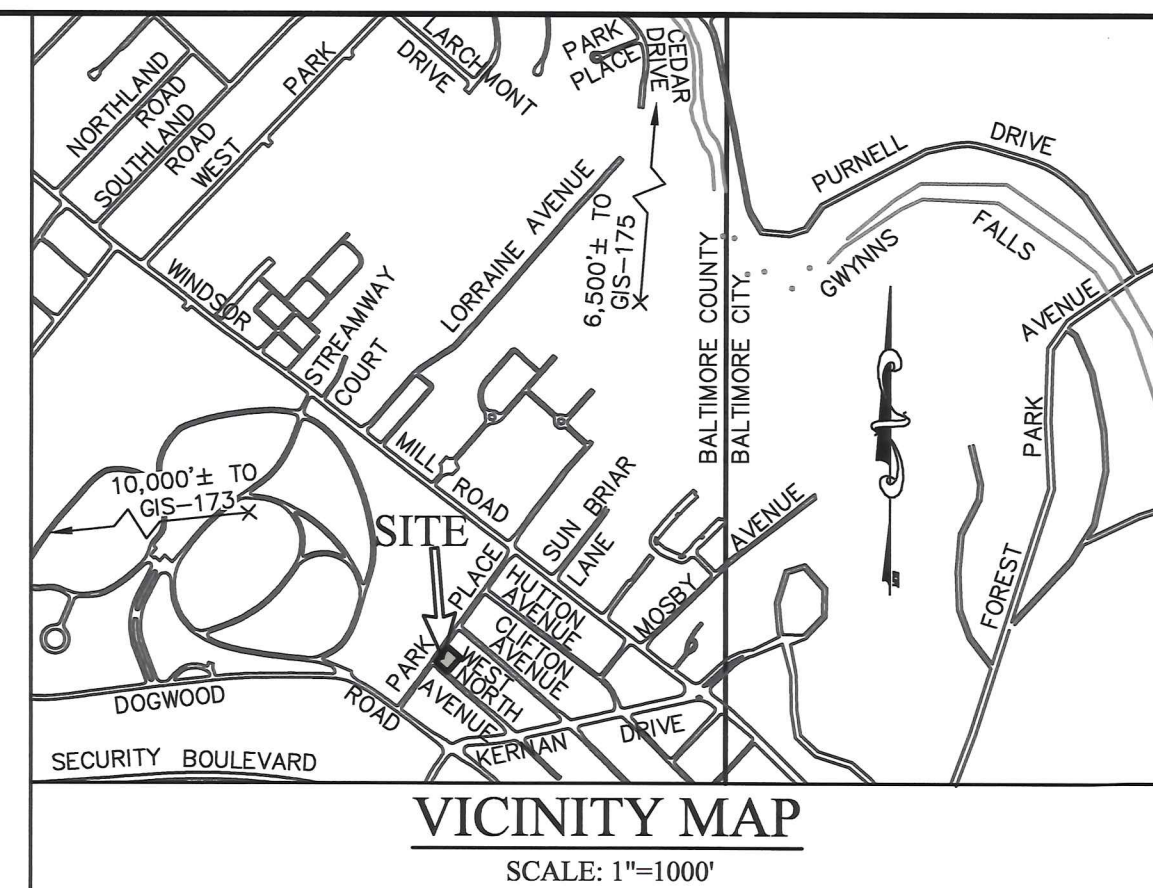
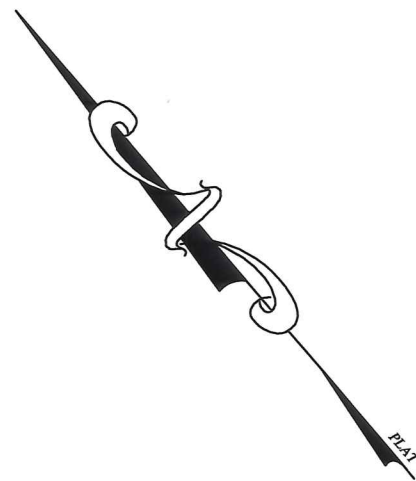
Urban

Served by public sewer and inside URDL

ZONING CASE HISTORY

Zoning History Case Number

No Feature Found



SITE DATA

1. NET TRACT AREA: 8,447 SF (0.194 AC.±)
2. SITE IS ZONED DR 5.5; 200 SCALE MAP 095B1
3. OWNER: LANCE RUFFIN
5342 GIST AVENUE
BALTIMORE, MD 21215
4. TAX ACCT. #S: 0107471490 & 0107470280
5. DEED: 43176/253
6. PLAT: 6/180 LOTS: 1, 2, 3, 4
7. TAX MAP NO.: 95 GRID: 4 PARCEL: 246
8. ELECTION DISTRICT: 1 COUNCILMANIC DISTRICT: 1
9. NO FLOODPLAIN EXISTS ON THIS PROPERTY.
10. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
11. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
12. THIS SITE HAS NO ACTIVE ZONING VIOLATIONS.
13. CURRENT USE: VACANT
14. PROPOSED USE: RESIDENTIAL

PRIOR ZONING HISTORY

CASE # 1972-0173-A
GRANTED FEBRUARY 15, 1972

PETITION FOR VARIANCE TO PERMIT A SIDE YARD SETBACK FOR A CORNER LOT OF TWENTY-TWO (22') FEET FROM THE PROPERTY LINE AND FORTY-TWO (42') FEET FROM THE CENTERLINE OF THE STREET INSTEAD OF THE REQUIRED TWENTY-FIVE (25') FEET AND FIFTY (50') FEET, RESPECTIVELY.

NOTE

EXISTING UTILITIES HAVE BEEN LOCATED FROM THE BEST AVAILABLE INFORMATION AND ARE APPROXIMATE ONLY. CONTRACTOR SHALL VERIFY THE EXISTENCE, SIZE, TYPE, DEPTH AND LOCATION OF ALL UTILITIES TO HIS OWN SATISFACTION PRIOR TO STARTING ANY WORK. ANY DISCREPANCIES OR CONFLICTS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO BEGINNING WORK.



LITTLE & ASSOCIATES
ENGINEERS~~LAND PLANNERS~~SURVEYORS
10710 GILROY ROAD
HUNT VALLEY, MARYLAND 21031
PHONE: (443) 705-5020 FAX: (443) 589-2401
LITTLE & ASSOCIATES IS A DIVISION OF CENTURY ENGINEERING, INC.

2020-0305-A

PLAN TO ACCOMPANY ZONING VARIANCE #5526 WEST NORTH AVENUE

DISTRICT 1c1
SCALE: 1"=30'

BALTIMORE COUNTY, MD
DECEMBER 10, 2020
REV. DECEMBER 17, 2020