



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 6, 2023

Nicolas Zamudio & Leticia Gracia
28 Runway Court
Baltimore, MD 21220

RE: Petition for Administrative Variance
Case No. 2023-0122-A
Property: 28 Runway Court

Dear Petitioners:

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 black ink that reads "Maureen E. Murphy".

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: Steve Annis – jenkensgroup@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(28 Runway Court)		
15 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Nicolas Zamudio & Letcia Garcia	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0122-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Nicolas Zamudio and Leticia Garcia (“Petitioners”) for the property located at 28 Runway Court, Baltimore (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1B02.3. B (R6) to permit an existing dwelling and proposed addition on a corner lot with a side street setback of 20 ft., in lieu of the required 25 ft., and to permit a rear setback of 20 ft., in lieu of the required 30 ft. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioners’ Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2F). There were no adverse Zoning Advisory Committee (“ZAC”) comments contained in the case file from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on June 10, 2023 and June 22, 2023 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioners have filed the supporting affidavit as required by Baltimore County Code (“BCC”), §32-3-303.

The street view photographs show that the rear yard is already improved with a concrete patio where the proposed addition will be constructed. I find that the Property is unique in that the positioning of this house on this corner lot. Based upon the information available, there is no

evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of BCZR, §307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, this 6th day of **July, 2023**, by the Administrative Law Judge for Baltimore County Zoning Regulations (“BCZR”), §1B02.3. B (R6) to permit an existing dwelling and proposed addition on a corner lot with a side street setback of 20 ft., in lieu of the required 25 ft., and to permit a rear setback of 20 ft., in lieu of the required 30 ft., and it is, hereby **GRANTED**; and,

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said 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
Administrative Law Judge
for Baltimore County

MEM:dlw



ADMINISTRATIVE ZONING PETITION
FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 28 RUNWAY COURT BALTIMORE, MD 21220 Currently Zoned DR5.5 (old RCG)
Deed Reference 38059 / 00094 10 Digit Tax Account # 15-1519270760
Owner(s) Printed Name(s) NICOLAS ZAMUDIO & LETICIA GRACIA

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR 1B02.3.B (R6) To permit an existing dwelling and a proposed addition on a corner lot with a side street setback of 20 ft in lieu of the required 25 ft and to permit a rear setback of 20 ft in lieu of the required 30 ft
of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

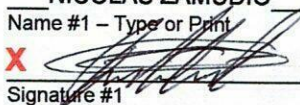
2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

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

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

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

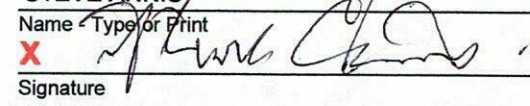
Owner(s)/Petitioner(s):

<u>NICOLAS ZAMUDIO</u> / <u>LETICIA GRACIA</u>	
Name #1 – Type or Print	Name #2 – Type or Print
<u>X</u> 	<u>X</u> <u>Leticia Garcia</u>
Signature #1	Signature #2
<u>28 RUNWAY COURT</u>	<u>BALTIMORE, MD</u>
Mailing Address	City State
<u>21220</u> / <u>443-956-3792</u>	
Zip Code	Telephone #'s (Cell and Home)
	Email Address

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

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Representative to be Contacted:

<u>STEVE ANNIS</u>		
Name - Type or Print		
<u>X</u> 		
Signature		
<u>101 W 23RD STREET</u>	<u>BALTIMORE</u>	<u>MD</u>
Mailing Address	City	State
<u>21218</u> / <u>443-500-9758</u>	<u>jenkensgroup@gmail.com</u>	
Zip Code	Telephone #	Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number 2023-0122-A Filing Date 6 / 1 / 2023 Estimated Posting Date 6 / 11 / 2023 Reviewer CP

Affidavit in Support of Administrative Variance
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: <u>28 RUNWAY COURT</u>	<u>BALTIMORE</u>	<u>MARYLAND</u>	<u>21220</u>
Print or Type Address of Property	City	State	Zip Code

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

— VARIANCE WOULD PROVIDE RESIDENTIAL EXPANSION FOR ADJUSTING EXISTING KITCHEN SIZE, —
— LIVING SPACE AREA AND OTHER SOCIAL/PRIVATE SPACE FOR IMPROVED QUALITY OF FAMILY LIFE —
— ORIGINALLY INTENDED TO WITHIN CURRENT LIVING/SPACE STANDARDS. FAMILY DYNAMICS AND —
— CULTURE IMPROVEMENTS PLACE A BURDEN ON THE ORIGINAL SIZE AND LAYOUT OF EXISTING —
— DWELLING INCLUDING PROPERTY VALUE. DESIRED IMPROVEMENTS WOULD BE RESTRICTED —
— UNDER CURRENT COMPLIANCE TO: —

1.) 20 FEET REAR SETBACK FOR HOUSE IN LIEU OF 30 FEET.

IT IS THEREFORE OUR PETITION FOR RELIEF OF ZONING REGULATION SETBACK FOR THIS DR5.5
ZONING WITHIN A PREDOMINATELY DESIRED AND GROWING COMMUNITY OF THE COUNTY.

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

X *Nicolas Zamudio*
Signature of Owner (Affiant)

NICOLAS ZAMUDIO
Name - Print or Type

X *Leticia Garcia*
Signature of Owner (Affiant)

LETICIA GARCIA
Name - Print or Type

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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of April, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Nicolas Zamudio, Leticia Garcia

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

AS WITNESS my hand and Notaries Seal

Jannet D. Becker
Notary Public

02/26/2026
My Commission Expires

JANNET D. BECKER
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 26, 2026

2023-0122 - A

ZONING PETITION PROPERTY DESCRIPTION

28 RUNWAY COURTNG BTHE LAND RECORDS
BALTIMORE, MARYLAND 21220

BEGINNING AT A POINT ON THE NORTH SIDE OF RUNWAY COURT WHICH IS 60' WIDE AT THE
DISTANCE OF 30' WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET
VENTURI ROAD WHICH IS 60' WIDE.

BEING LOT 351 OF SECTION 1 OF THE VICTORY VILLA SUBDIVISION AS SHOWN ON THE
SUBDIVISION PLAT FILLED AMONG THE LAND RECORDS OF THE COUNTY OF BALTIMORE,
STATE OF MARYLAND IN PLAT BOOK 22, FOLIOS 97 THROUGH 116, CONTAINING 5864 SF.
LOCATED IN THE 15 ELECTION DISTRICT AND 6 COUNCIL DISTRICT.

2023-0122-A

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0122 -A Address 28 Runway Court

Contact Person: Christine Frank Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5-30-2023 Posting Date: 6-11-2023 Closing Date: 6-26-2023

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2023 - 0122 -A Address 28 Runway Court

Petitioner's Name: Nicolas Zamudio & Leticia Garcia Telephone (Cell) 443-956-3292

Posting Date: 6-11-2023 Closing Date: 6-26-2023

Wording for Sign: To Permit an existing dwelling and a proposed addition on a corner lot with a side street setback of 20 ft in lieu of the required 25 ft and to permit a rear setback of 20 ft in lieu of the required 30 ft

Revised 1/2022

CERTIFICATE OF POSTING

CASE NO. 2023-0122-A

PETITIONER/DEVELOPER

Nicolas Zamudio

Letisia Garcia

DATE OF HEARING/CLOSING

June 26, 2023

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

LADIES AND GENTLEMEN:

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

28 Runway Court

Sign 1



THE SIGN(S) POSTED ON June 10, 2023
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

Handwritten signature of Martin Ogle in black ink.

CERTIFICATE OF POSTING

CASE NO. 2023-0122-A

PETITIONER/DEVELOPER

Nicolas Zamudio

Letisia Garcia

DATE OF HEARING/CLOSING

June 26, 2023

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

LADIES AND GENTLEMEN:

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

28 Runway Court

Sign 2



THE SIGN(S) POSTED ON June 10, 2023
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

Handwritten signature of Martin Ogle in black ink.

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: June 8, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0122-A
Address: 28 RUNWAY CT
Legal Owner: Nicolas Zamudio and Leticia Gracia

Zoning Advisory Committee Meeting of June 12, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn



Lot # 356
1513008030

Pt. Bk. 0000022, Folio 0103

Pt. Bk./Folio # 022103

Lot # 355
1518300120

Lot # 354
1518351970

Pt. Bk./Folio # 022104

Lot # 353
1516600881

Lot # 352
1988-0223-A
1519321170
Pt. Bk. 0000022, Folio 0104

1522000552

Lot # 348

Lot # 349
1501130320
Pt. Bk. 0000022, Folio 0106

Pt. Bk./Folio # 022106

PA # 15000232

Lot # 350
1519713620

6 CD
090B1 DR 6.5
15 ED NE 4-H

Martin State Airport Restriction

Lot # 351
1519270760

Middle River Community Plan (2007)

RUNWAY CT

1987-0463-A

Pt. Bk. 0000022, Folio 0097
Lot # 292
1518100450

Pt. Bk./Folio # 022107

Lot # 328
1518350170
Pt. Bk. 0000022, Folio 0107

Lot # 327
1516601104

Lot # 285
1523502080

2023-0122-A

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1519270760

Owner Information

Owner Name: ZAMUDIO DE JESUS NICOLAS Use: RESIDENTIAL
GARCIA FLORES LETICIA Principal Residence: YES

Mailing Address: 28 RUNWAY CT Deed Reference: /38059/ 00094
BALTIMORE MD 21220-3521

Location & Structure Information

Premises Address: 28 RUNWAY CT Legal Description: 28 RUNWAY CT
BALTIMORE 21220-3521 VICTORY VILLA

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: I
0090 0010 0577 15040031.04 0000 1 351 2021 Plat Ref: 0022/ 0107

Town: None

Primary Structure	Built Above Grade	Living Area	Finished Basement Area	Property Land Area	County Use
1942	696 SF	250 SF	5,684 SF	04	

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	YES	STANDARD UNITS	SIDING/3	2 full	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2022	07/01/2023
Land:	53,600	53,600		
Improvements	85,800	104,000		
Total:	139,400	157,600	151,533	157,600
Preferential Land:	0	0		

Transfer Information

Seller: BRANCH BANKING AND TRUST CO	Date: 09/26/2016	Price: \$65,109
Type: NON-ARMS LENGTH OTHER	Deed1: /38059/ 00094	Deed2:
Seller: ULRICH WILLIAM 3RD	Date: 04/19/2016	Price: \$98,900
Type: NON-ARMS LENGTH OTHER	Deed1: /37408/ 00298	Deed2:
Seller: SEIGLE ROBERT J	Date: 04/09/2002	Price: \$94,500
Type: ARMS LENGTH IMPROVED	Deed1: /16296/ 00321	Deed2:

Exemption Information

Partial Exempt Assessments: Class	07/01/2022	07/01/2023
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:

2023-0122-A



2023-0122-A



2023-0122-A



FRT YARD - RIGHT SIDE
28 RUNWAY CT



RIGHT SIDE
28 RUNWAY CT

2023-0122-A



2023-0122-A

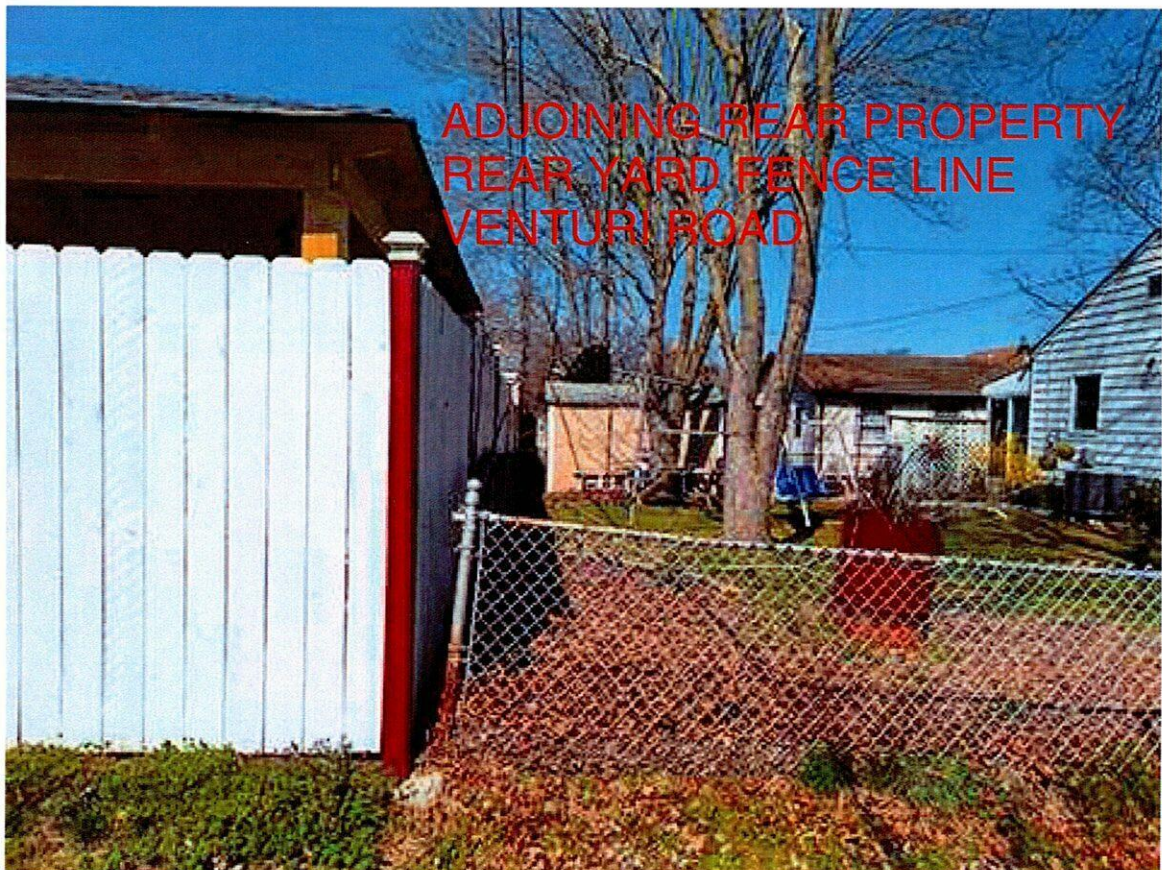


2023-0122-A



RUNWAY CT

FRONT YARD
VENTURI ROAD VIEW
28 RUNWAY CT



ADJOINING REAR PROPERTY
REAR YARD FENCE LINE
VENTURI ROAD

2023-022-A

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

No. **220057**

Date: 5/5/2023

PAID RECEIPT

BUSINESS ACTUAL TIME
 5/05/2023 5/05/2023 12:25:31

REC TRUL WALKIN CAR
 RECEIPT # 041634 5/05/2023
 528 ZONING VERIFICATION
 CR NO. 220057

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
201	000	000		000				75.00

Dept Tot \$ 75.00
 75.00 OT
 Baltimore County, Maryland

Total: 75.00

Rec

From: 24 RINWAL, CT

For: Variance

2023-0122-A

DR 5.5
(BID 220057)

**CASHIER'S
 VALIDATION**

DISTRIBUTION

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

SC

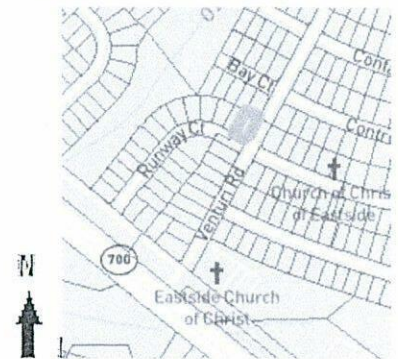
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 28 RUNWAY CT BALTO. MD 21220 OWNER(S) NAME(S) NICOLAS ZAMUDIO & LETICIA GRACIA

SUBDIVISION NAME VICTORY VILLA LOT # 351 BLOCK # _____ SECTION # 1

PLAT BOOK # 22 FOLIO # 97-116 10 DIGIT TAX # 15-1519270760 DEED REF. # 68059 / 00094

SITE VICINITY MAP



ZONING MAP# 090 B1
SITE ZONED DR5.5 (Ord R16)
ELECTION DISTRICT 15
COUNCIL DISTRICT 6
LOT AREA ACREAGE 0.130
OR SQUARE FEET 5684 SF
HISTORIC ? NO
IN CBCA ? 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:

20230122-A



PROPOSED
2ND STORY
OVER EX.
1ST FLOOR
29'X25'
(725 SF)

PROPOSED
ONE STORY
ADDITION TO
EX. 1ST FLR
20'X29' (450 SF)

EX. SHED

EX. OPN
COOKOUT
SPACE -
COVERED

CONCRETE
COVERED
PORCH

N-15366.71
E-44405.01

N-15360.69
E-44384.67

PLAN DRAWN BY SGA

DATE 3/16/23 SCALE: 1 INCH = 40 FEET