



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 14, 2023

Leon Fredy Enrique Villeda – villedafredy669@gmail.com
Villeda Luisa Estebana Lemus
1817 Walnut Avenue
Dundalk, MD 21222

RE: Petition for Administrative Variance
Case No. 2023-0148-A
Property: 1817 Walnut Avenue

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 cursive script, reading "Paul M. Mayhew".

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Praful Patel – prafulp@arenco-llc.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(1817 Walnut Avenue)		
12 th Election District	*	OFFICE OF ADMINISTRATIVE
7 th Council District		
Leon & Luisa Villeda	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0148-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners, Leon and Luisa Villeda (“Petitioners”), for property located at 1817 Walnut Avenue, Dundalk. The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”) §§ 101.1 and 400.1: To permit a combination of accessory buildings (shed, garage and detached carports) with a combined larger footprint than the dwelling, an accessory building (proposed detached carport) partially located in the side yard in lieu of the rear, and a 1 foot 3 inch side setback in lieu of 2.5 ft. for accessory buildings (proposed detached carport and existing garage). The subject property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments contained in the case.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on July 12, 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 affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general 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 to satisfy the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would cause practical difficulty and/or unreasonable hardship for the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed and existing accessory buildings (shed and garage) height and usage, I will impose conditions that the proposed and existing accessory buildings (shed and garage) shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

THEREFORE, IT IS ORDERED, this 14th day of **August, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (“BCZR”) §§ 101.1 and 400.1: To permit a combination of accessory buildings (shed, garage and detached carports) with a combined larger footprint than the dwelling, an accessory building (proposed detached carport) partially located in the side yard in lieu of the rear, and a 1 foot 3 inch side setback in lieu of 2.5 ft. for accessory buildings (proposed detached carport and existing garage), be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- 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.

- Petitioners or subsequent owners shall not convert the proposed and existing accessory buildings (shed and garage) into a dwelling unit or apartment. The proposed and existing accessory buildings (shed and garage) shall not contain any sleeping quarters, living area, or kitchen or bathroom facilities.
- The proposed and existing accessory buildings (shed and garage) shall not be used for commercial purposes.

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



PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM/dlw

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0148 -A Address 1817 Walnut Avenue

Contact Person: Mitch Kellman Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 7/5/2023 Posting Date: 7/16/2023 Closing Date: 7/31/2023

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 - 0148 -A Address 1817 Walnut Avenue

Petitioner's Name: Leon Fredy Enrique Villalobos
Villalobos Luisa Esteban Lemus Telephone (Cell) _____

Posting Date: 7/16/2023 Closing Date: 7/31/2023

Wording for Sign: To Permit see attached

Revised 1/2022

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: July 21, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0148-A
Address: 1817 WALNUT AVE
Legal Owner: Leon & Luisa Villeda

Zoning Advisory Committee Meeting of July 17, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

CERTIFICATE OF POSTING

Date: 7-12-23

RE: Case Number: 2023-0148-A

Petitioner/Developer: Villeda

Date of Hearing/Closing: 7-31-23

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 1817 Walnut Ave

The signs(s) were posted on 7-12-23

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

ATTACH PHOTOGRAPH

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2023-0148-A

SECTION 101.1 AND 400.1 BCZR TO PERMIT

A COMBINATION OF ACCESSORY BUILDINGS (SHED, GARAGE AND
CARPORT) WITH A COMBINED LARGER FOOTPRINT THAN THE DWELLING,
AN ACCESSORY BUILDING (PROPOSED CARPORT) PARTIALLY LOCATED IN THE
SIDE YARD IN LIEU OF THE REAR, AND A 1-FOOT 3-INCH SIDE SETBACK
IN LIEU OF 2.5 FEET FOR ACCESSORY BUILDINGS (PROPOSED CARPORT AND
EXISTING GARAGE).

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

4:30 P.M. ON 7/31/23

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS, APPROVALS AND INSPECTIONS, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

Zoning Relief

Section 101.1 and 400.1, BCZR to permit a combination of accessory buildings (shed, garage, and carports) with a combined larger footprint than the dwelling, an accessory building (proposed carport) partially located in the side yard in lieu of the rear, and a 1-foot 3-inch side setback in lieu of 2.5 feet for accessory buildings (proposed carport and existing garage).

**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: 2023-0148-A
Property Address: 1817 Walnut Avenue
Legal Owners (Petitioners): Leon Fredy Enrique Villeda
Villeda Luis Esteban Lemus
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Arengo LLC
Address: c/o Pratul Patel
12430 Hill Crest
Fulton MD 20759
Telephone Number: 240-418-1389

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 12 Account Number - 1202085065

Owner Information

Owner Name: LEON FREDY ENRIQUE VILLEDA Use: RESIDENTIAL
VILLEDA LUIS ESTEBANA LEMUS Principal Residence: YES
Mailing Address: 1817 WALNUT AVE Deed Reference: /46319/ 00061
DUNDALK MD 21222-1211

Location & Structure Information

Premises Address: 1817 WALNUT AVE Legal Description: 1817 WALNUT AVE
DUNDALK MD 21222-1211 HOLABIRD PK

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0103 0003 0011 12010012.04 0000 52 2021 Plat Ref: 0012/ 0035

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1942	1,146 SF	370 SF	6,250 SF	04

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

Value Information

	Base Value	Value	Phase-In Assessments	
		As of	As of	As of
		01/01/2021	07/01/2022	07/01/2023
Land:	61,200	61,200		
Improvements	102,100	129,800		
Total:	163,300	191,000	181,767	191,000
Preferential Land:	0	0		

Transfer Information

Seller: LEON FREDY ENRIQUE VILLEDA	Date: 02/01/2022	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /46319/ 00061	Deed2:
Seller: MUNOZ-SANCHEZ MACARIO	Date: 02/01/2022	Price: \$265,000
Type: ARMS LENGTH IMPROVED	Deed1: /46319/ 00039	Deed2:
Seller: MUNOZ-SANCHEZ MACARIO	Date: 10/26/2005	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /22800/ 00458	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:

2022-0148-A









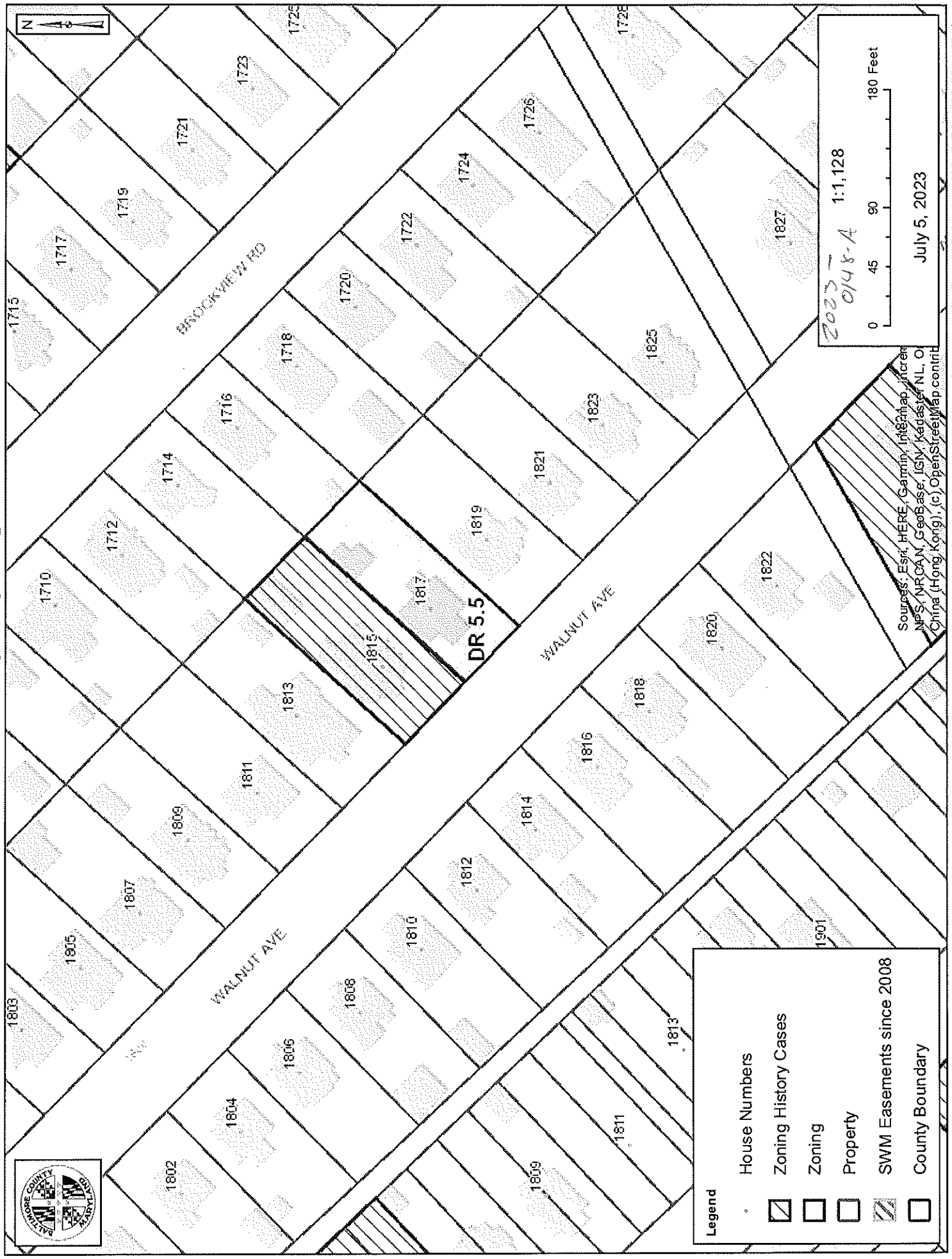
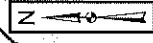
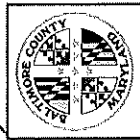


Paving & Waterproofing
DRIVEWAYS - WALKWAYS -
FIREPITS - RETAINING WALL - C
CONCRETE WORK - DECKS -
INTERIOR - EXTERIOR PAINTING
CRAWLSPACE
FRENCH DRAINAGE
FOUNDATION
WINDOW REPAIR
(443) 824-3946 / (443)
villedafredy669@gmail.com





Baltimore County - My Neighborhood



Legend

- House Numbers
- Zoning History Cases
- Zoning
- Property
- SWM Easements since 2008
- County Boundary

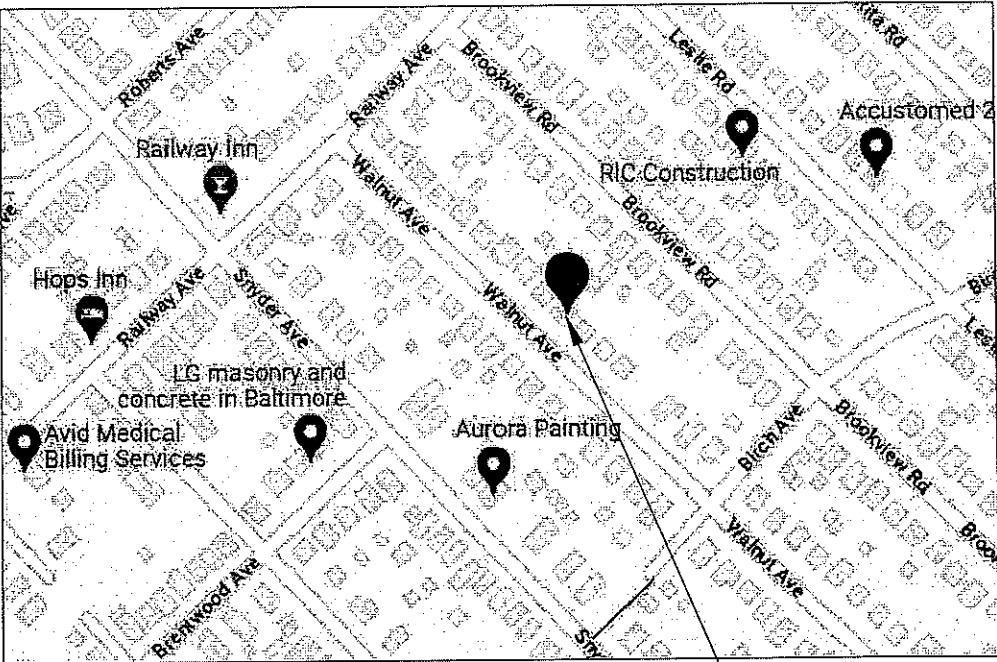
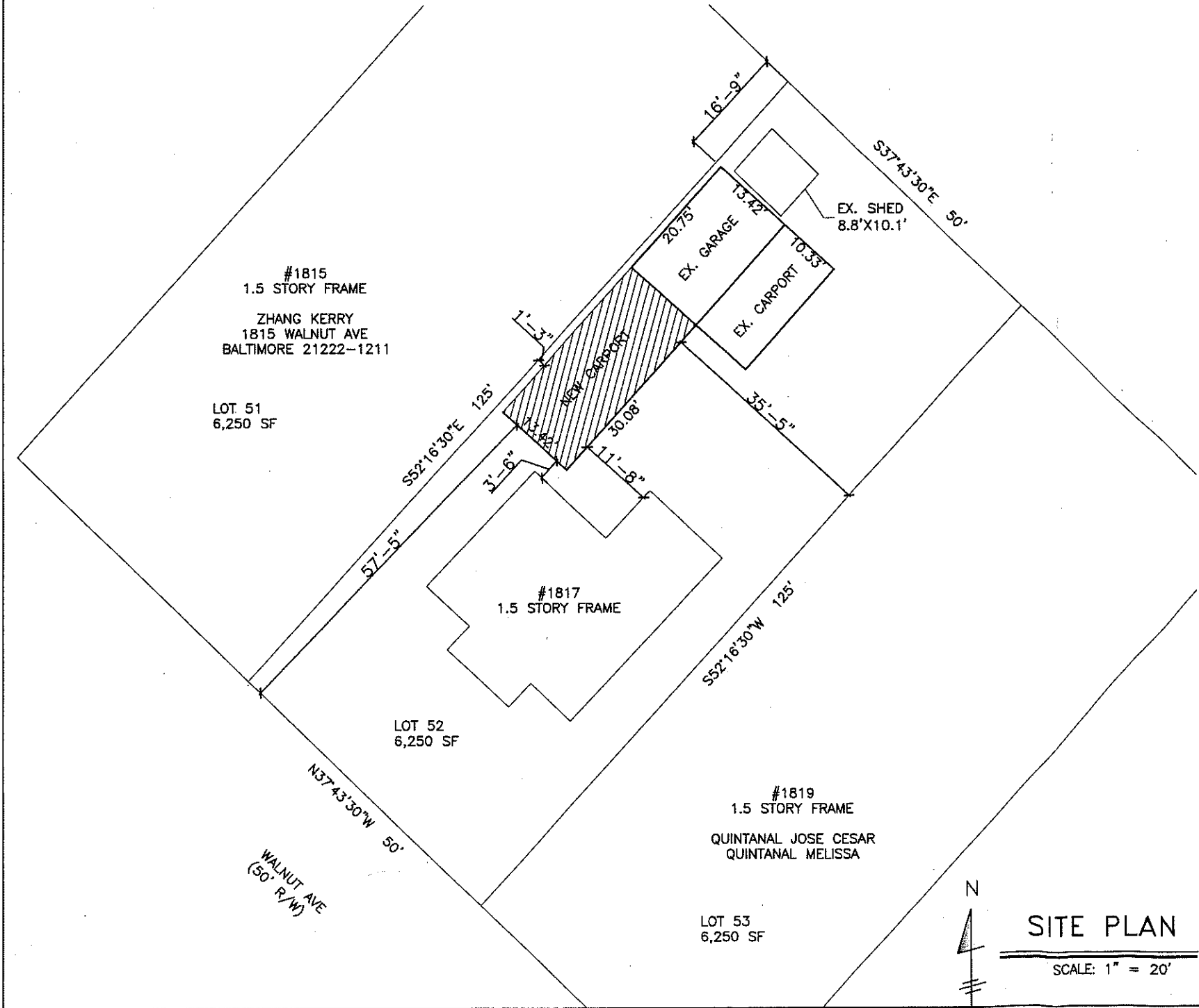
2023-0148-A 1:1,128

0 45 90 180 Feet

July 5, 2023

Sources: Esri, HERE, Garmin, Intermap, iNtels, NPS, NRCAN, GeoBase, IGN, Kadaster NL, OpenStreetMap contributors, Swatch, China (Hong Kong), (c) OpenStreetMap contributors, Baltimore County Government, Harford County Government, VITA, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USFSA, USGS, EPA, USFSA

ZONING HEARING PLAN FOR VARIANCE _X_ FOR SPECIAL HEARING _____
ADDRESS: 1817 WALNUT AVE, DUNDALK, MD 21222 OWNERS NAME: LEON FREDDY VILLEDA
SUBDIVISION NAME: HOLABIRD PARK LOT# 52 BLOCK # SECTION #
PLAT REF # 0012/0035 PARCEL 0011 DEED REF 46319/00061 10 DIGIT TAX NO: 1202085065



KEY PLAN
NOT TO SCALE

LOT CALCULATIONS	
STRUCTURE SETBACKS	
FRONT	- 57.42'
REAR	- 16.75'
LEFT SIDE	- 1.25'
RIGHT SIDE	- 35.42'
HEIGHT	- 11.42'

OWNER:
LEON FREDY ENRIQUE VILLEDA
VILLEDA LUIS ESTEBANA LEMUS

1817 WALNUT AVE
DUNDALK MD 21222-1211



ZONING MAP #	
SITE ZONED	DR 5.5
ELECTION DISTRICT	12
COUNCIL DISTRICT	7
LOT AREA	6,250 SF
HISTORIC :	<u>NO</u>
IN CBCA	<u>NO</u>
IN FLOOD PLAIN	<u>NO</u>
UTILITIES	
WATER	
PUBLIC	<u>X</u> PRIVATE _____
SEWER	
PUBLIC	<u>X</u> PRIVATE _____
PRIOR HEARING	<u>NO</u>

PROFESSIONAL CERTIFICATION
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 23081 EXPIRATION DATE: 04/24/2025

1817 WALNUT AVE DUNDALK, MD 21222 CARPORT ADDITION		C1
SITE PLAN-ADDITION		
ARENCO, LLC ARCHITECTURAL ENGINEERING CONSULTANTS 12430 HILL CREST FULTON, MD 20759		

SCALE 1" = 20'	WORK REQUEST # R23-016	SHEET 1 OF 1	DRAWING NO. R23-016-01
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2023-0148-A

FILE DATE:
FILE NAME: