



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

January 31, 2024

Jeffrey and Rachel DeSanto
jeff.desanto@gmail.com / rachelpdesanto@gmail.com
660 Regester Avenue
Baltimore, MD 21212

RE: Petition for Administrative Variance
Case No. 2024-0011-A
Property: 660 Regester Avenue

Dear Mr. and Mrs. DeSanto:

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 blue ink, appearing to be "DJB", is written over a blue circular stamp.

DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB:dlw
Enclosure

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(660 Regester Avenue)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Jeffrey & Rachel DeSanto	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2024-0011-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, Jeffrey and Rachel DeSanto (“Petitioners”) for the property located at 660 Regester Avenue, Baltimore (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Section 1B02.3.C.1 to approve a dwelling addition with a side yard setback of 4 ft. in lieu of the required side yard setback of 10 ft. The Property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence (the “Site Plan”). (Pet. Ex. 1). Street view photographs were marked and accepted into evidence. (Pet. Ex. 2A-2F). There were no adverse Zoning Advisory Committee (“ZAC”) comments submitted by any of the County reviewing agencies. However, it is to be noted that a letter of support was received from an adjacent neighbor (Derek Sweet, 658 Regester Ave.) indicating that he has no objections of Petitioners’ zoning request.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on January 13, 2024, 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 Section 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 that comply with the requirements of BCZR, Section 307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners. I also find that the requested relief is within the spirit and intent of the BCZR, particularly in light of the lack of opposition.

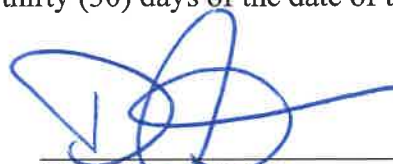
Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested Variance will be granted.

THEREFORE, IT IS ORDERED, this 31st day of **January, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the BCZR, Section 1B02.3.C.1, to approve a dwelling addition with a side yard setback of 4 ft. in lieu of the required side yard setback of 10 ft., be and it 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.

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



DEREK J. BAUMGARDNER
Administrative Law Judge
for Baltimore County

DJB: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 660 Regester Ave Baltimore, MD 21212 Currently Zoned DR 5.5
Deed Reference 42271 / 00473 10 Digit Tax Account # 0 9 0 2 0 0 7 2 0 0
Owner(s) Printed Name(s) Jeffrey DeSanto & Rachel DeSanto

(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.C.1 to approve a dwelling addition with a side yard setback of 4' in lieu of required side yard setback of 10'.

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>Jeffrey DeSanto</u>	<u>Rachel DeSanto</u>
Name #1 – Type or Print	Name # 2 – Type or Print
<u>[Signature]</u>	<u>[Signature]</u>
Signature #1	Signature # 2
<u>660 Regester Ave</u>	<u>Baltimore, MD</u>
Mailing Address	City State
<u>21212</u>	<u>jeff.desanto@gmail.com / rachelpd Santo@gmail.com</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:

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
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 2024-0011-A Filing Date 1/8/24 Estimated Posting Date 1/14/24 Reviewer SL

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: 660 Regester Ave Baltimore, MD 21212
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)

We purchased this home in 2019 before growing our family. Since then, we have both taken remote jobs and we had our first child, a baby boy named Wesley in July of 2023. Currently, Rachel uses one of the bedrooms upstairs for an office and Jeff uses the basement. Our dream is to create an office on the first floor so that the third bedroom upstairs can become a playroom for our son and the nanny (and hopefully one day his own bedroom when we continue to expand our family by having another child). We are also so excited by the idea of having a powder room on the first level as it is quite difficult for our elderly parents to go up and down the stairs when they visit. It will also be an added bonus once our little boy transitions to potty-training in the next couple of years.

The structure we are requesting to renovate is pre-existing. We are not requesting to extend it towards our neighbor but merely convert the existing structure into usable finished space. Please see attached, a letter from our kind neighbor, Derek, who we have spoken to and who has expressed that he is agreeable to the work. Thank you so much for your consideration!
- Rachel & Jeffrey DeSanto

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

<u></u>	<u></u>
Signature of Owner (Affiant)	Signature of Owner (Affiant)
<u>Jeffrey DeSanto</u>	<u>Rachel DeSanto</u>
Name - Print or Type	Name - Print or Type

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

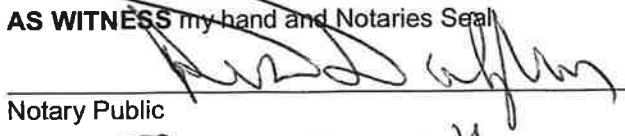
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of January, 2024, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Jeffrey DeSanto, Rachel DeSanto

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

AS WITNESS my hand and Notaries Seal


Notary Public
7-2-2024
My Commission Expires



Part A

Zoning Property Description for: 660 Register Ave

* Beginning at a point on the North Side of Register Ave which is $\pm 1-30$ feet wide at the distance of $\pm 1-186$ feet West of the center line of the nearest improved intersecting Street Edgewood Road which is $\pm 1-20$ feet wide.

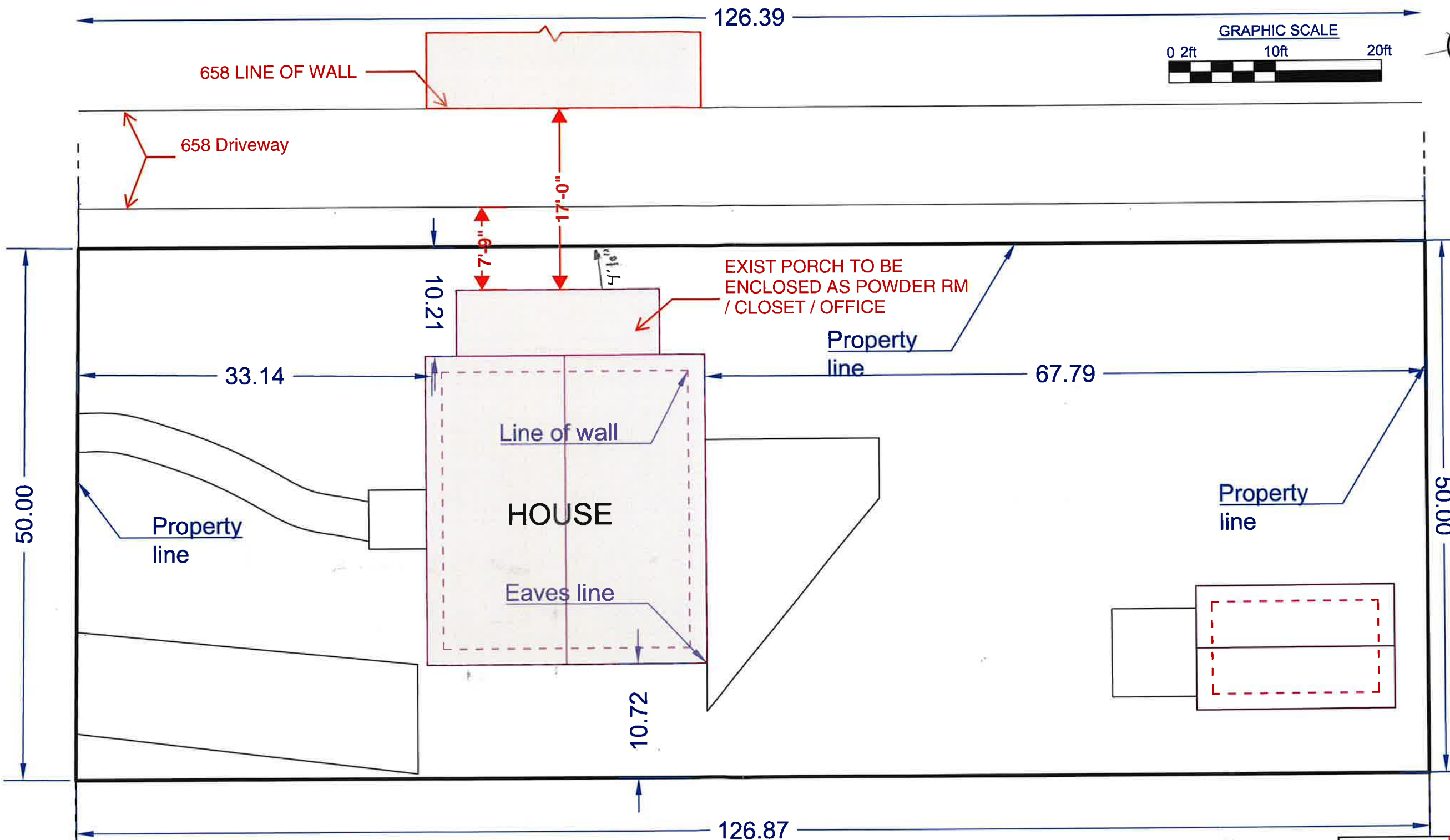
Part B:

Option 2: (Subdivision Lot - lot is part of record plat):

Being Lot # 45, Block 12, Section # in Subdivision of 0000 recorded in Baltimore County Plat Book # 0007, Folio # 0007 containing 6,250 square feet lot. Located in the 9 Election District and 6 Council district.



Regester Ave

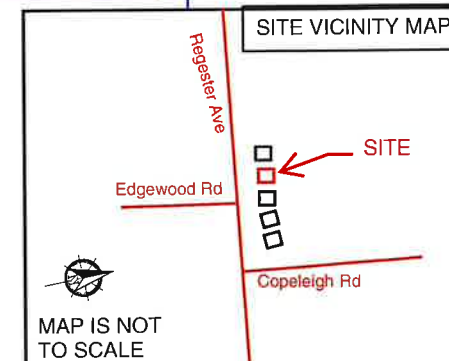


Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)
 Address 660 Regester Ave, Baltimore, MD 21212 Owners(s) Name(s) Rachel & Jeffrey DeSanto
 Subdivision Name 0000 Lot # 45 Block # 12 Section # N/A
 Plat Book # 0007/0087 Folio # _____ 10 Digit Tax # 0 9 0 2 0 0 7 2 0 0 Deed Reference# 4 2 2 7 1 / 0 0 4 7 3
 Zoning Map # 080A1 Election District 9 Lot Area Acreage _____ Historic (Yes or No) No
 Zoning DR 5.5 Council District 6 Lot Square Footage 6,250 CBCA (Yes or No) No

Flood Plain (Yes or No) No
 Utilities – Mark with (X)
 Water is:
 Public X Private _____
 Sewer is:
 Public X Private _____

Prior Hearing (Yes or No) No
 If (Yes) list Case Number(s)
 and order result(s) below:

Violation Case Number(s)



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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024-0011 -A Address 660 Regester Avenue

Contact Person: Shaun Crawford Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/8/24 Posting Date: 1/14/24 Closing Date: 1/29/24

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

- 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.
- 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.
- 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.
- 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: 2024-0011 -A Address 660 Regester Avenue

Petitioner's Name: Jeffrey & Rachel DeSanto Telephone (Cell) 570-351-2058

Posting Date: January 14, 2024 Closing Date: January 29, 2024

Wording for Sign: To Permit
a dwelling addition with a side yard setback of 4' in lieu of required side yard setback of 10'.

January 4, 2024

To Whom It May Concern:

I, Derek Sweet, living at 658 Regester Ave and the neighbor of Rachel & Jeffrey DeSanto, living at 660 Regester Ave, fully support Mr. and Mrs. DeSanto converting their existing side porch into finished space. I have no objections to this work being completed and am completely supportive of this work for their growing family. Please contact me if you need any other information from me. Thank you for your time and consideration in approving the variance for Rachel & Jeffrey DeSanto.

Home Phone: (410) 377-5697

Signed: Derek Sweet Date: 1-4-2024



903670770
Lot # 58
812

0919510510
Lot # 55
814

0907001660
Lot # 53
816

0905740170
Lot # 51
818

0902200660
Lot # 49
820

0901351650
Lot # 47
822

2015-0088-A
Lot # 45
824

0914400170
Lot # 43
826

0906100220
Lot # 41
828

0906203250
Lot # 38
830

0906203250
Lot # 38
830

0908001000
Lot # 17
817

0920000490
Lot # 19
819

0919390511
Lot # 21
821

0913201000
Lot # 23
823

2018-0233-A
Lot # 25
825

0902007980
Lot # 27
827

0903850091
Lot # 29
829

0913858270
Lot # 31
831

0913553900
Lot # 33
833

0922450432
Lot # 35
835

0922450432
Lot # 35
835

0903471450
Lot # 35
835

9 ED
Lot # 55
850

090820310
Lot # 53
852

0903000530
Lot # 51
854

09171150390
Lot # 49
856

0916550030
Lot # 47
858

0919910760
Lot # 45
860

0902007200
Lot # 43
862

0908301490
Lot # 41
864

0908300830
Lot # 38
866

0911154650
Lot # 36
868

0911154650
Lot # 36
868

0923154020
Lot # 34
870

2009-0009-A
Lot # 29
629

0901330030
Lot # 31
631

0915000010
Lot # 33
633

0904503240
Lot # 35
635

0919330330
Lot # 37
637

0916602330
Lot # 39
639

0919580600
Lot # 41
641

0913857830
Lot # 1
701

0905880450
Lot # 3
703

0918352450
Lot # 5
705

0911000210
Lot # 7
707

0902654720
Lot # 9
709

0902851030
Lot # 49
630

0902651050
Lot # 47
632

0912201540
Lot # 45
634

0902570730
Lot # 43
636

0914005550
Lot # 41
638

0901331640
Lot # 39
640

2010-0195-A
Lot # 37
700

0903471281
Lot # 35
702

0918472440
Lot # 33
704

0908656200
Lot # 31
706

0926750040
Lot # 29
708

0902200541
Lot # 27
710

DR 5.5
NE 8-A 080A1

6 CD

Pt. Bk. 0000008, Folio 0085

COPELEIGH RD

REGESTER AVE

EDGEWOOD RD

MURDOCK RD

2014-0011-A

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier:

District - 09 Account Number - 0902007200

Owner Information

Owner Name:

DESANTO JEFFREY JEROME
DESANTO RACHEL PEICHERT
660 REGESTER AVE
BALTIMORE MD 21212

Use:

RESIDENTIAL

Principal Residence:

YES

Mailing Address:

Deed Reference:

/42271/ 00473

Location & Structure Information

Premises Address:

660 REGESTER AVE
BALTIMORE 21212-

Legal Description:

LT 45,46
660 REGESTER AVE NS
STONELEIGH

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0080	0002	0130	9090097.04	0000		12	45	2023	
									Plat Ref: 0007/ 0087

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1937	1,344 SF	264 SF	6,250 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	BRICK	5	1 full	1 Detached	

Value Information

	Base Value	Value	Phase-In Assessments	
		As of	As of	As of
		01/01/2023	07/01/2023	07/01/2024
Land:	94,700	99,700		
Improvements	208,400	261,400		
Total:	303,100	361,100	322,433	341,767
Preferential Land:	0	0		

Transfer Information

Seller: AUSTIN JOHN W

Date: 12/27/2019

Price: \$422,500

Type: ARMS LENGTH IMPROVED

Deed1: /42271/ 00473

Deed2:

Seller: ODENDHAL MARY R

Date: 12/19/2016

Price: \$275,000

Type: ARMS LENGTH IMPROVED

Deed1: /38407/ 00416

Deed2:

Seller: ODENDHAL THOMAS F

Date: 11/05/1993

Price: \$0

Type: NON-ARMS LENGTH OTHER

Deed1: /10124/ 00510

Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
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:

2024-0011-A

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

No. 229495

Date: 1/5/24

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept	Obj	BS Acct	Amount
001	806	000		6150					875

Total: 875

Rec From: Jeffrey J Desanto Rachel Desanto

For: Variance
 660 Register Ave
 2024-0011-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

SL

JEFFREY J DESANTO 12-15
RACHEL PEICHERT DESANTO
 660 REGISTER AVE
 BALTIMORE, MD 21212-1917

452
 7-163/520 MD
 5181

1-4-2023
 Date

Pay to the Order of Baltimore County \$ 75.00
Seventy five 00 Dollars

BANK OF AMERICA

ACH R/T 052001633

For Administrative Variance Rachel P. Desanto NP

⑆052001633⑆ 446035724656⑆0452

Photo Safe Deposit®
 Details on back



view from inside
porch towards

Regester Ave



view  from inside porch

to war  s back yard



front of house + side

porch which is behind
bushes

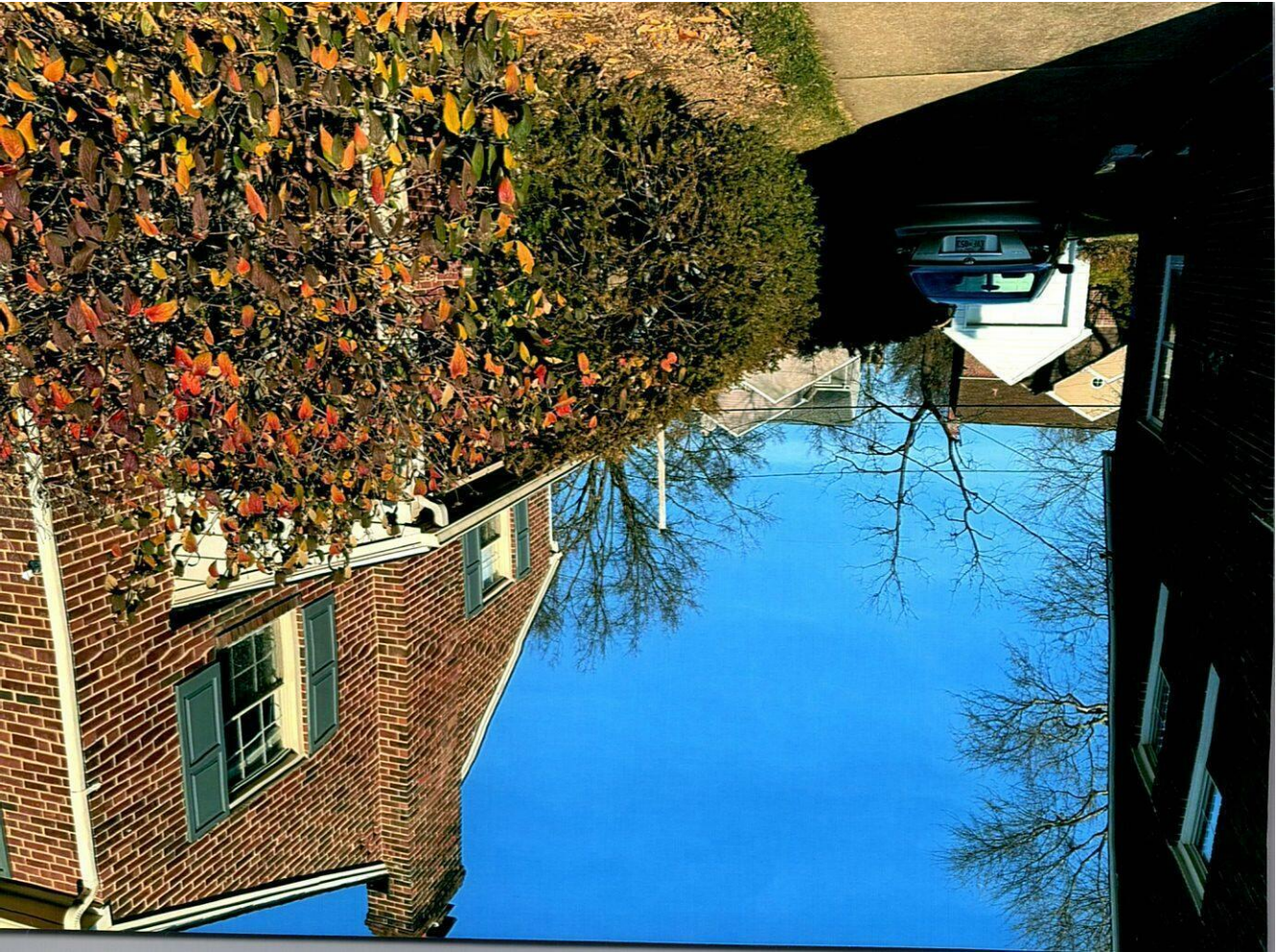


back yard

side with
fence



Side porch from
neighbor's driveway



Side porch + neighbor's
driveaway/home. Side porch
footprint will not change or
get closer to his property

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

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

DATE: January 25, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0011-A
Address: 660 REGESTER AVE
Legal Owner: Jeffrey & Rachel DeSanto

Zoning Advisory Committee Meeting of January 26, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

ZAC AGENDA

Case Number: 2024-0011-A **Reviewer:** Shaun Crawford
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: Jeffrey & Rachel DeSanto
Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 9 **Council Dist:** 6

Property Address: 660 REGESTER AVE

Location: Northside of Regester Ave., west of Edgewood Rd.

Existing Zoning: DR 5.5

Area: 6,250 SQ. FT.

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

BCZR, Section 1B02.3.C.1 to approve a dwelling addition with a side yard setback of 4 ft. in lieu of the required side yard setback of 10 ft.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 01/29/2024

No Greenways
affected.

Landscape: N/C.

Miscellaneous Notes:

*Landscaping - NC
Per S. Parks - NC - No Greenway Affected*

The Department of Public Works and Transportation (DPWT) Bureau of Engineering and Construction offers the following comments following the review of the ZAC Agenda for the distribution meeting of January 19, 2024 and comments due January 26, 2024:

2024-0011-A, 660 Regester Ave.: **No Exception taken**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 1/13/2024

Case Number: 2024-0011-A

Petitioner / Developer: JEFFREY & RACHEL DeSANTO

Date of Closing: JANUARY 29, 2024

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:
660 REGESTER AVENUE

The sign(s) were posted on: JANUARY 13, 2024



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 @ 660 Regester Avenue ~ 1/13/2023
CASE # 2024-0011-A