



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

August 28, 2024

Nino Delossantos – evifacquisitions@gmail.com; ndelossantos@gmail.com
Matthew Ruiz – ruiz.matt@gmail.com
1905 Scottish Isle Court
Abington, MD 21009

RE: Petition for Variance
Case No. 2024-0154-A
Property: 799 Platinum 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 black ink that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

c: buildingtreasures@hotmail.com
garrison@jhmi.edu
rjm1980dgc@yahoo.com
bmmcarty1190@yahoo.com
jsandlin@picorpbalt.com

IN RE: PETITION FOR VARIANCE	*	BEFORE THE
(799 Platinum Avenue)		
7th Election District	*	OFFICE OF ADMINISTRATIVE
3 rd Council District		
Nino Delossantos and Matthew Ruiz	*	HEARINGS OF
<i>Legal Owners</i>		
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0154-A
* * * * *		

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Nino Delossantos and Matthew Ruiz (“Petitioners”) for property located at 799 Platinum Avenue, Essex (the “Property”). The Petitioners are requesting Variance relief from Baltimore County Zoning Regulations (“BCZR”), §402.1.A, to allow the converted dwelling (two families) to have a 19 ft. side street setback in lieu of the required 25 ft. side setback.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing on August 21, 2024. The Petition was properly advertised and posted. The Petitioners appeared at the hearing, *pro se*, in support of the Petition along with Robert Mercado, licensed architect, who prepared a site plan (the “Site Plan”). (Pet. Ex. 1). There were several neighboring property owners who testified in opposition to the requested relief at the hearing; namely: Lori Garrison, and her daughter Breanna McCarty, 793 Platinum Ave.; Brian Haden, 803 Platinum Ave.; and Joan Sandlin, 705 Platinum Ave. Protestant Lori Garrison also provided a 6-page Petition containing the signatures of 93 neighboring property owners who are opposed to the use of the Property as two-family dwelling units. (Prot. Ex. 1).

Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”), Department of Environmental Protection Sustainability (“DEPS”), and

Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”) which agencies did not oppose the requested relief.

The Property consists of two (2) lots (Lot 65 and 66) which were created on the Plat of Glassco filed in the Land Records of Baltimore County on May 28, 1924 (Plat Book 7, folio 115). The Lots are rectangular in shape, forming the corner of Platinum Ave. and Cherry Ave. Together the Lots measure 13,775 sf +/-, and are improved with a single-family dwelling constructed in 1952, as well as a detached garage and a shed. The Property is split-zoned Density Residential - DR 5.5 and DR16. Platinum Avenue is a dead-end Court which has single-family homes fronting on the water that flows into Back River. My Neighborhood Map confirms that apartment complexes are adjacent to the Property.

Petitioners purchased the Property in September of 2023 for the purpose of renting it to more than one (1) family. After purchasing it, Petitioners proceeded to convert the single-family home into two-family units by installing a second kitchen - without the required permits. At the hearing, Protestants - who knew the family which previously owned the Property - described the recent second unit as the family room addition, constructed by the prior owners, which had an interior door connecting it to the original home. Based on their personal knowledge, Protestants testified that, prior to the Petitioners’ conversion of the single-family home, there was no kitchen in the family room. Petitioners admitted at the hearing that they had added the second kitchen without permits and had also constructed a new exterior door adjacent to the driveway, for access into the second unit. Additionally, Petitioners began renting out the home as two-dwelling units without having obtained the required Rental Housing Licenses.

In addition to constructing a second unit, the Petitioners installed a fence separating the rear of the single-family home from the existing detached garage. Admittedly, they did so for the

purpose of renting out the garage to a third tenant for the operation of a commercial automotive service garage and associated parking lot. Petitioners also covered the area between the detached garage and newly installed fence with gravel for the garage tenant to use as a parking lot. Petitioners allegedly did not know that a service garage was not permitted in a residential zone.

On May 3, 2024, a Code Enforcement Case (CC2404715) was issued in the amount of \$2,000.00 for the following violations:

- (1) BCZR, §1B01.1, ZCPM: Cease service garage activities
- (2) BCZR, §1B01.1D – Remove open dump/junk yard
- (3) BCZR, §408B – Non permitted rooming/boarding house
- (4) BCZR, §428 – Cease all outside storage of unlicensed and/or inoperative motor vehicles

A Code Enforcement Hearing was held on May 15, 2004 wherein it was adjudicated that the evidence supported the violations, and a civil penalty in the amount of \$1,000.00 was imposed of which \$700.00 was suspended, with a fine in the amount of \$300.00 immediately due and owing. Photographs of the service garage activities included many unlicensed and/or inoperative vehicles parked on the gravel area around the garage. Photographs in the Code Enforcement file showed three (3) mailboxes installed at the Property. The Order imposed a compliance date of May 31, 2024. (See File).

On May 22, 2024, a Correction Notice was issued in a second Code Enforcement Case (CC2405111) for the following violations with a compliance date of June 22, 2024:

- (1) BCC, §13-4-201(b)(d): Store garbage in contained w/tight lids;
- (2) BCC, §13-7-310(a): Remove all trash & debris from property (including junk located behind garage);
- (3) BCC, §13-7-312: Remove accumulations of debris, materials, etc.;
- (4) BCC, §13-7-401, §13-7-402, §13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height;
- (5) BCZR, §1B01.1, ZCPM: Cease service garage activities;

(6) BCZR, §402: Illegal conversion of dwelling (home split into apartments; cease illegal conversion of dwelling, remove apartment mailboxes).

In the instant zoning hearing, Petitioners provided photographs showing that: (1) all service garage activities have ceased; (2) all vehicles associated with the service garage have been removed; (3) all trash and debris has been removed; and (4) that only one (1) mailbox remains at the Property. (Pet. Ex. 2C). Petitioners testified that they still desire to retain two (2) dwelling units in the home as tenants are currently occupying those units. Although it was undisputed that there is no prohibition against parking vehicles along Platinum Ave., Petitioners indicated that they would also be willing to install a gate in the existing fence which separates the garage from the home in order for the tenants in the home to park in the garage, or in the rear yard, rather than along the street. Tenants could also park in the driveway which is accessed from Platinum Ave.

While the Protestants acknowledge that the Petitioners have the right to rent the single-family home on the Property to tenants, Protestants are collectively opposed to having more than one (1) dwelling unit in the existing home. As previously mentioned above, a Petition signed by 93 property owners and/or residents opposing the requested Variance relief. (Prot. Ex. 1). The Protestants stated that the neighborhood consists of single-family homes owned and occupied by the same families for generations and that two-family dwelling units are not compatible. Testimony from the Protestants and Google Maps confirmed that there are ten (10) apartment buildings in this neighborhood and that one (1) of those is within 500 yards of the Property. (Prot. Ex. 1). Additionally, the Protestants are collectively concerned that occupants of the home will park vehicles along Platinum Ave., which does not have sidewalks. (Prot. Ex. 1). They are concerned that school children will have to walk on Platinum Ave. to get to the bus stop on the corner of Platinum Ave. and Cherry Ave.

VARIANCE

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 Variance relief sought in this Case is for a side yard setback of 19 ft. in lieu of the required 25 ft. for a corner lot as required under BCZR, §402.1 because the Property is sought to be converted from a single-family home to a two-family dwelling. Petitioners contend that the Property is unique under *Cromwell* because it consists of 2 lots on the corner where the existing home spans the interior Property lines. In viewing My Neighborhood GIS Map, while there are two (2) other similarly shaped and sized corner lots at the intersection of Platinum Ave. and S. Marlyn Ave., with homes spanning the interior lot lines, arguably the instant Property is different from those corner lots due to the placement of the home closer to the intersection of Platinum Ave. and Cherry Ave. As such, I find that the Petitioners have satisfied the uniqueness factor for *Cromwell*.

In regard the second requirement of practical difficulty, the reduced side yard setback requested here is entirely due to the Petitioners' illegal conversion of the single-family home, and desire to continue to rent out two (2) dwelling units. Thus, the alleged practical difficulty is self-imposed. Petitioners admitted that they could make reasonable use of their property by renting it as a single-family home which would not need any Variance relief. The law is clear that self-inflicted hardship cannot form the basis for a claim of practical difficulty. Speaking for the Court in *Cromwell, supra*, Judge Cathell noted:

Were we to hold that self-inflicted hardships in and of themselves justified variances, we would, effectively, not only generate a plethora of such hardships but we would also emasculate zoning ordinances. Zoning would become meaningless. We hold that practical difficulty or unnecessary hardship for zoning variance purposes cannot generally be self-inflicted.

Cromwell, at 722. The Supreme Court of Maryland in *Richard Roeser Profl Builder, Inc. v. Anne Arundel County*, 368 Md. 294, 317, 793 A.2d 545 (2002) explained that the "typical type of self-created hardship [is] ... an act of commission by the owner[.]"

Given that this is an investment property, and the singular reason for requesting this Variance relief is solely to have two-dwelling units, any alleged hardship is purely financial. Economic loss alone does not necessarily satisfy the "practical difficulties" test, because, as the Appellate Courts have previously observed, "[e]very person requesting a variance can indicate some economic loss." *Cromwell* at 715 (quoting *Xanthos v. Bd. of Adjustment*, 685 P.2d 1032, 1036-37 (Utah 1984)). Indeed, to grant an application for a Variance any time economic loss is asserted, "would make a mockery of the zoning program." *Cromwell* at 715. While financial concerns are not entirely irrelevant, the pertinent inquiry with respect to economic loss is whether "it is impossible to secure a reasonable return from, or to make a reasonable use of such property." *Marino v. City of Baltimore*, 215 Md. 206, 218, 137 A.2d 198 (1957); *Salisbury Bd. Of Zoning Appeals v. Bounds*, 240 Md. 547, 555, 214 A.2d 810 (Md. 1965); *Montgomery County v. Rotwein*, 169 Md. App. 716, 906 A.2d 959 (Md. App. 2006). As applied here, Petitioners can make reasonable use of the Property by renting it as one (1) dwelling unit. As a practical matter, the "second unit" is no more than one (1) room, which was constructed only as a family room. Accordingly, I find that the Petitioners have failed to satisfy the practical difficulty/unreasonable hardship factor here.

I further find that, based on the Protestants' collective testimony as property owners in this neighborhood, granting the Variance relief would not be within the strict harmony or within the spirit and intent of the BCZR, and that granting the Variance relief would actually be injurious to public health, safety, and general welfare of those properties. It is undisputed that the neighborhood is comprised of single-family homes, not two-family dwellings. As Protestants point out, and as My Neighborhood Map reflects, there are numerous apartment buildings in the surrounding area. Immediately adjacent to this Property is a village of 2-story brick apartment buildings.

On this point, while dwellings are permitted by right in all DR Zones under BCZR, §1B01.1, those dwellings are subject to BCZR, §402 (under which relief is sought here):

§ 1B01.1. - General use regulations in D.R. Zones.

A. Uses permitted as of right. The following uses only are permitted as of right in D.R. Zones of all classifications, subject to the restrictions hereinafter prescribed.

1. Dwellings as provided herein and as provided in Section 430 and **subject to Section 402:**

a. In all D.R. Zones: single-family detached, semidetached or duplex dwellings.

* * * *

c. In D.R.5.5 Zones, subject to findings of compatibility by the hearing officer: group houses and multifamily buildings.

* * * *

While the bulk regulations chart in BCZR, §402.1 still refers to both "duplex dwellings" and "semi-detached dwellings", BCZR, §402.1 explains that both terms were deleted from BCZR, §101.1 by Bill No. 100-1970. In DR 5.5 zones, 'group houses' and 'multifamily buildings' are permitted by right as defined in BCZR, §101.1 as follows:

GROUP HOUSE — A group of not less than three attached dwelling units which have been constructed together in a lateral row surrounded by yard space, each dwelling unit separated from another by a party wall. Group houses include townhouse apartment buildings, group-house apartment buildings, back-to-back group houses and other groups of at least three attached dwellings. A group house does not include a duplex or semidetached dwelling. A single-family group house refers to any one dwelling within the attached group.

GROUP HOUSE, BACK-TO-BACK — A group house which is attached to two or more other dwelling units by a side and rear party wall.

MULTIFAMILY BUILDING — A structure containing three or more apartments. A multifamily building includes garden and other apartment buildings.

However, the single-family home in this Case does not meet any of the above definitions.

Conversely, the adjacent apartment village of 2-story brick buildings meets one (1) or more of those definitions.

It should also be noted in the Zoning Commissioner's Policy Manual (2023 Ed.) ("ZCPM"), Section RM-16 refers to BCZR, §402, and provides instances where more than one (1) kitchen is permitted within a single family dwelling:

RM-16 Multiple Kitchens within One Dwelling Reference Sections 402 and 500 of the BCZR

More than one kitchen may be permitted within a single-family dwelling provided that the builder, owner, or applicant has clearly demonstrated that the additional kitchen is not for another living unit or apartment. Examples of dwellings with multiple kitchens that may not generate an additional living unit are:

1. large single-family dwellings that contain a second kitchen or kitchenette for convenience purposes (i.e., kitchen on lower level within a recreation room)
2. a single-family dwelling occupied by a family with a certain religious arrangement. Dwellings with more than one kitchen that appear as a multi-family dwelling

may be subject to Section 402 of the Baltimore County Zoning Regulations. Upon building permit application or final zoning approval, each review will be treated on a case-by case basis.

Moreover, ZCPM, RM-19 also instructs that approval of a two-family dwelling would have to be sought as a non-conforming use in a Petition for Special Hearing:

RM-19 Residential Nonconforming Uses Reference Sections 104 and 500.7 of the BCZR

Nonconforming residential uses, such as two-family dwellings, may be approved by a special hearing petition, which is a public hearing. The burden is upon the property owner to establish a two-family dwelling prior to 1955 and a three (or more)-family dwelling prior to 1945. All nonconforming uses may not cease operation or use for more than one year.

The term ‘two-family dwelling’ is defined in BCZR, §101.1 as follows:

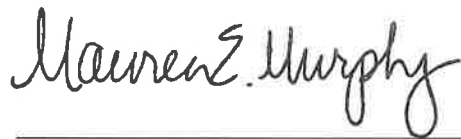
DWELLING, TWO-FAMILY — A two-family house containing two dwelling units each of which is totally separated from the other with an unpierced ceiling and floor extending from exterior wall to exterior wall or by an unpierced wall extending from ground to roof.

It also appears that ZCPM, RM-19 is consistent with BCZR, §402.1 as originally enacted in BCZR, 1955 when DR 5.5 zone was previously known as ‘R6 Zone.’ The R6 Zone previously controlled both one-family and two-family residences. Indeed, two-family dwellings as defined in BCZR, §101.1, were permitted by right in the R6 zone as set forth in BCZR, §209.2. (See BCZR, 1955, R.6 Zone, Section 209). Unfortunately, under the ZCPM, RM-19, the use of the Property here as a two-family dwelling, could never qualify as a non-conforming use because the current use only began after the Petitioners’ purchase in 2023.

Thus, for all the above reasons, the Petition for Variance must be denied.

THEREFORE, IT IS ORDERED, this 28th day of **August 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR, §402.1.A, to allow the converted dwelling (two families) to have a 19 ft. side street setback in lieu of the required 25 ft. side setback, be, and it is hereby, **DENIED**.

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

A handwritten signature in black ink, reading "Maureen E. Murphy". The signature is written in a cursive style with a horizontal line underneath it.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM/dlm



PETITION FOR ZONING HEARING(S)

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 799 Platinum Ave. Essex, MD 21221 Currently Zoned DR 5.5
Deed Reference 48424/00494 10 Digit Tax Account # 1900005082
Owner(s) Printed Name(s) Nino Delossantos, Matthew Ruiz

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

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. 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. ✓ a **Variance** from Section(s)
See attachment

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)

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.

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):

Nino Delossantos Matthew Ruiz
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
1905 Scottish isle ct. Abingdon, MD
Mailing Address _____ City _____ State _____
21009 443-799-0100 Evifacquisitions@gmail.com
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

Nino Delossantos
Name - Type or Print _____
Signature _____
1905 Scottish isle ct. Abingdon, MD
Mailing Address _____ City _____ State _____
21009 443-799-0100 Evifacquisitions@gmail.com
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2024-0154-A Filing Date 6 / 18 / 24 Do Not Schedule Dates _____ Reviewer JK

Petition Attachment

To request a variance from Section 402.1.A to allow the converted dwelling to have a 19 foot side street setback in lieu of the required 25 foot side setback.

ZONING PROPERTY DESCRIPTION FOR 799 Platinum Ave

Part A

Beginning at a point on the South side of Platinum Ave on which property fronts which is 15 feet wide at the distance of 40 feet South West of the centerline of the nearest improved intersecting street Cherry Street which is 15 feet wide.

Part B

Being known and designated as Lot Nos. 65 and 66, as shown on the Plat entitled, "GLASSCO", which said Plat is recorded among the Land Records of Baltimore County In Plat Book W.P.C. No. 7, folio 115. The improvements thereon being known as No. 799 Platinum Avenue, Baltimore, MD 21221. Saving and excepting therefrom a strip of land of irregular dimensions for the widening of Platinum Avenue and Cherry Avenue for highway purposes which by Deed dated June 20, 1956 and recorded among the Land Records of Baltimore County in Uber G.L.B. No. 2996, folio 486 was granted and conveyed by Benjamin C. Pickens and Bessie C. Pickens, wife, to County Commissioners of Baltimore County.

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 15 Account Number - 1900005082

Owner Information

Owner Name:	RUIZ MATTHEW DELOSSANTOS NINO	Use:	RESIDENTIAL
Mailing Address:	1905 SCOTTISH ISLE CT ABINGDON MD 21009-	Principal Residence:	NO
		Deed Reference:	/48424/ 00494

Location & Structure Information

Premises Address:	799 PLATINUM AVE BALTIMORE 21221-5006	Legal Description:	PT LT 65 & 66 799 PLATINUM AV GLASSCO
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Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0097	0003	0368	15100094.04	0000			65	2024	0007/ 0115

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1952	1,812 SF	400 SF	13,775 SF	04

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

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2024	07/01/2023	07/01/2024
Land:	63,600	68,300		
Improvements	174,700	240,600		
Total:	238,300	308,900	238,300	261,833
Preferential Land:	0	0		

Transfer Information

Seller: RAMIREZ CARLOS R	Date: 09/28/2023	Price: \$228,000
Type: ARMS LENGTH IMPROVED	Deed1: /48424/ 00494	Deed2:
Seller: KIZINA GLENN A	Date: 05/11/1999	Price: \$134,000
Type: ARMS LENGTH IMPROVED	Deed1: /13738/ 00001	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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:



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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):

Nino Delossantos Matthew Ruiz
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
1905 Scottish isle ct. Abingdon, MD
Mailing Address _____ City _____ State _____
21009 443-799-0100 Evifacquisitions@gmail.com
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

Nino Delossantos
Name - Type or Print _____
Signature _____
1905 Scottish isle ct. Abingdon, MD
Mailing Address _____ City _____ State _____
21009 443-799-0100 Evifacquisitions@gmail.com
Zip Code _____ Telephone # _____ Email Address _____

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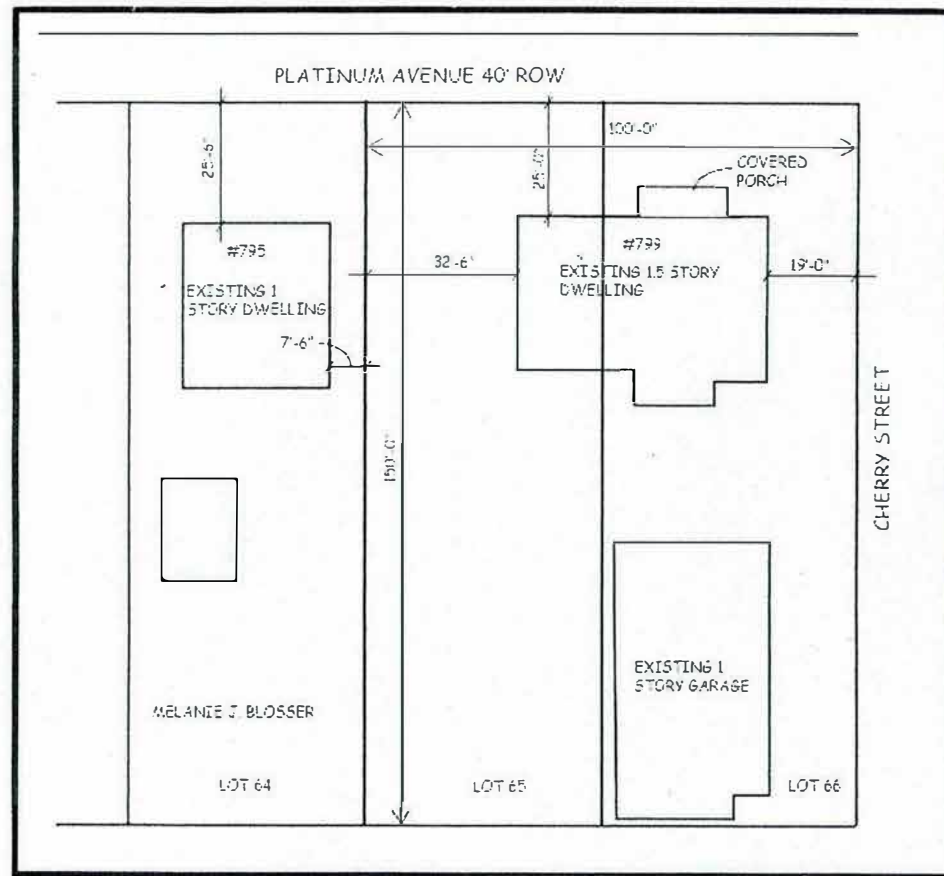
Part A

Beginning at a point on the South side of Platinum Ave on which property fronts which is 15 feet wide at the distance of 40 feet South West of the centerline of the nearest improved intersecting street Cherry Street which is 15 feet wide.

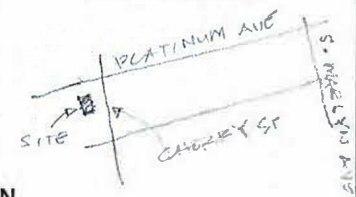
Part B

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Zoning Hearing Plan for Variance ☒ for Special Hearing _____ Mark Type Requested with (X)
Address 799 PLATINUM AVENUE Owners(s) Name(s) MATTHEW RUIZ, NINA DELGADO
Subdivision Name CLARK CO Lot # 65/66 Block # _____ Section # _____
Plat Book # 0001 Folio # 0115 10 Digit Tax # 1514650140 Deed Reference# 48424100494



Site Vicinity Map



MAP IS NOT TO SCALE

Zoning Map # _____

Zoning DR 5.5 / OE 10

Election District 15

Council District 7

Lot Area Acreage .316

Lot Square Footage 13,775

Historic (Yes or No) NO

CBCA (Yes or No) NO

Flood Plain (Yes or No) NO

Utilities – Mark with (X)

Water is:

Public ☒ Private _____

Sewer is:

Public ☒ Private _____

Prior Hearing (Yes or No) _____

If (Yes) list Case Number(s)

and order result(s) below:

Violation Case Number(s)

CC 2405 111

N

Plan Drawn By ROBERT MERCADO Date 6/14/2024 Scale: 1 inch = 40 Feet

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 (DEPS) - Development Coordination

DATE: July 15, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0154-A
Address: 799 PLATINUM AVE
Legal Owner: Nina Delossantos, Matthew Ruiz

Zoning Advisory Committee Meeting of July 8, 2024.

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 (DEPS) has provided written recommendations describing how the proposed request would adhere to the following requirements:

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;

This property is located within an Intensely Developed Area (IDA) in the Chesapeake Bay Critical Area (CBCA) and any development, or addition of impervious surfaces must comply with the 10% pollutant reduction requirements. Compliance with these requirements can minimize adverse impacts on water quality.

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

The zoning request will not result in any impacts to forest, streams, wetlands, or Critical Area buffers. By meeting the 10% pollutant reduction requirements for any future addition of impervious surfaces, watershed impacts can be better managed, and this can aid in the conservation of fish, wildlife, and plant habitat in the area.

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 zoning relief requested will be consistent with established land-use policies provided that the applicants meet all Critical Area requirements for any proposed development.

Reviewer : Paul Dennis, Environmental Impact Review

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 7/24/2024

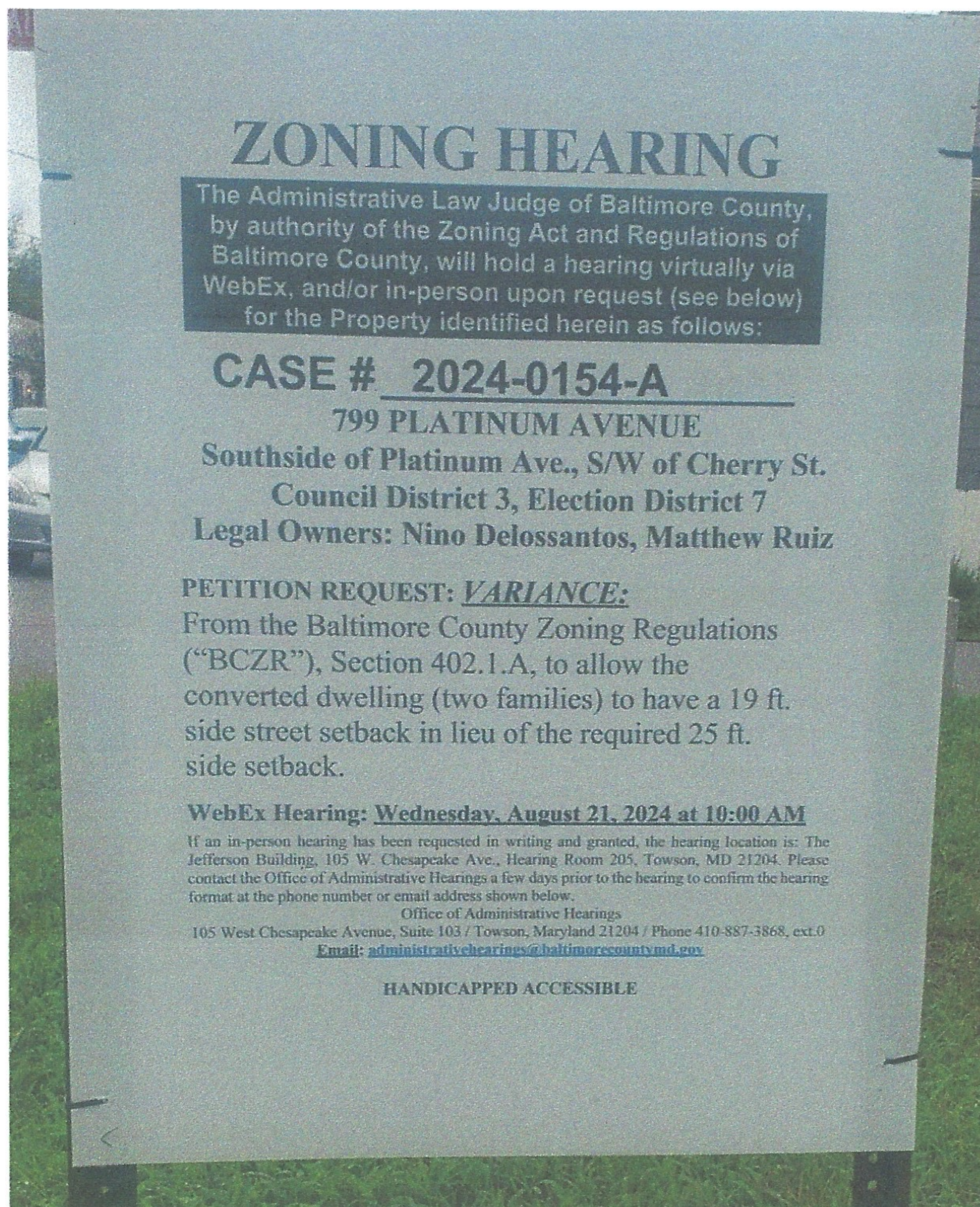
Case Number: 2024-0154-A

Petitioner / Developer: NINO DELOSSANTOS ~ MATTHEW RUIZ

Date of Hearing: AUGUST 21, 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:
799 PLATINUM AVENUE

The sign(s) were posted on: JULY 24, 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)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: July 3, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0154-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No Exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 7/10/2024

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

INFORMATION: Case Number: 2024-0154-A
Property Address: 799 Platinum Avenue
Petitioner: Nino Delossantos, Matthew Ruiz
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for the following:

Variance - From Section 402.1.A of the Baltimore County Zoning Regulations to allow the converted dwelling to have a 19 foot side street setback in lieu of the required 25 foot side setback.

The subject site consists of two lots of record with a combined total of 13,775 square feet in the Essex area. The site is improved with a two-story single-family dwelling that has been converted to a duplex with two rental units. To the rear of the property is an existing three car garage.

There are multiple past Code Complaints which have been closed and two actives as of May 2024. The main concerns appear to be nuisance complaints citing trash, rodents, tall grass, auto parts stacked in the back yard and an unlicensed car repair business being run out of the three-car garage. The two open code complaints, CC2405111 and VP2400227, appear to be for the same "Business from residential car repair from residence" according to a search of Citizen's Access Code Complaints.

Per a phone conversation on July 9th with the Property Owner and Applicant, all previous code complaints have been brought into compliance, and the open code complaints regarding the car repair business from the garage are being resolved through Code Enforcement. The owner reassured Planning that the garage is now used for residential storage only and that no car repair business will operate in the future.

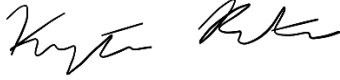
The Department of Planning recommends approval of the requested variance with the following conditions:

1. The accessory building (detached garage) shall not be used for commercial purposes or converted to a dwelling unit.
2. All open code enforcement complaints on 799 Platinum Avenue must be closed and brought into compliance.
3. The applicant should ensure that the duplex is assigned two individual addresses by the local Post Office or through a permit application with Baltimore County's Permit Office as required and to allow for proper postal and emergency services to each unit.

4. The rental units shall be registered with Baltimore County.

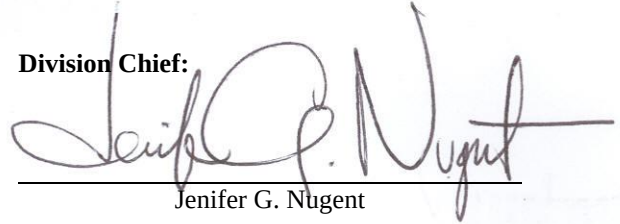
For further information concerning the matters stated herein, please contact Shawn Frankton at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:

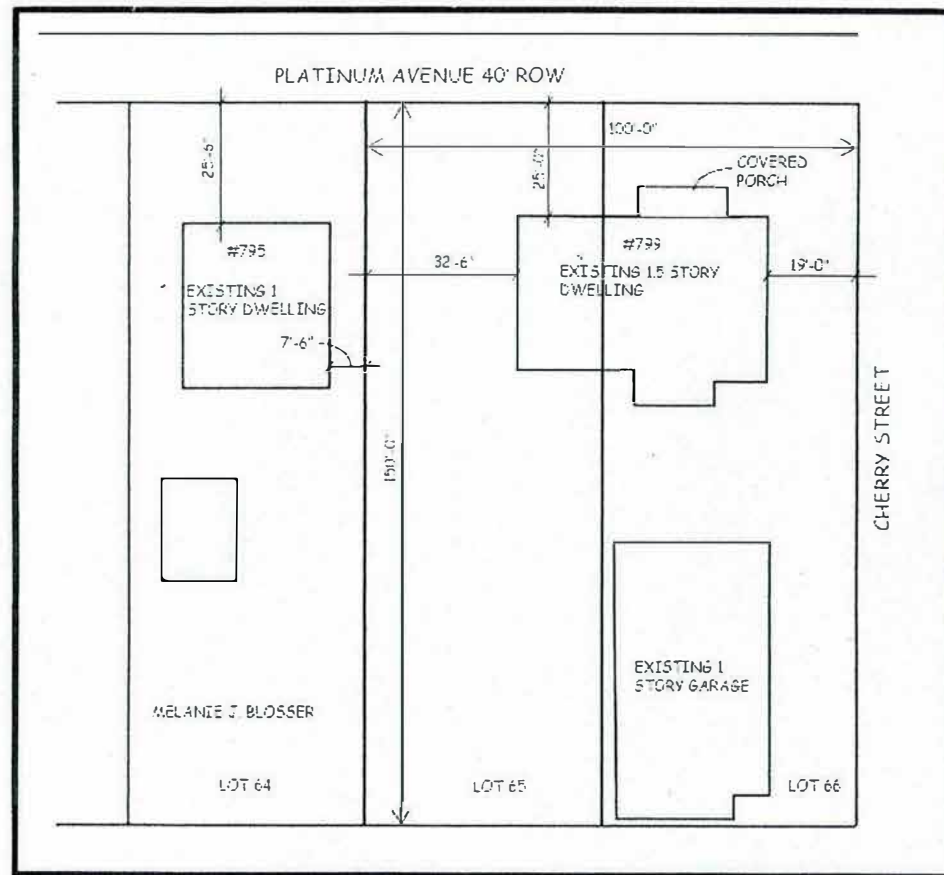


Jenifer G. Nugent

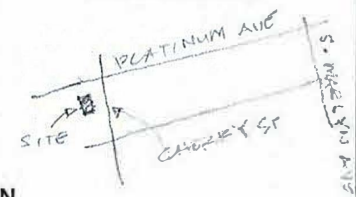
SL/JGN/KP

c: Nino Delossantos
David Birkenthal, Community Planner
Jeff Perlow, Zoning Review
Kristen Lewis, Zoning Review
Office of Administrative Hearings
People's Counsel for Baltimore County

Zoning Hearing Plan for Variance ☒ for Special Hearing _____ Mark Type Requested with (X)
 Address 799 PLATINUM AVENUE Owners(s) Name(s) MATTHEW RUIZ, NINA DELGADO
 Subdivision Name CLARK CO Lot # 65/66 Block # _____ Section # _____
 Plat Book # 0001 Folio # 0115 10 Digit Tax # 1514650140 Deed Reference # 48424100494



Site Vicinity Map



MAP IS NOT TO SCALE

Zoning Map # _____
 Zoning DR 5.5 / OE 10
 Election District 15
 Council District 7
 Lot Area Acreage .316
 Lot Square Footage 13,775
 Historic (Yes or No) NO
 CBCA (Yes or No) NO
 Flood Plain (Yes or No) NO
 Utilities – Mark with (X)
 Water is:
 Public ☒ Private _____
 Sewer is:
 Public ☒ Private _____
 Prior Hearing (Yes or No) _____
 If (Yes) list Case Number(s)
 and order result(s) below:

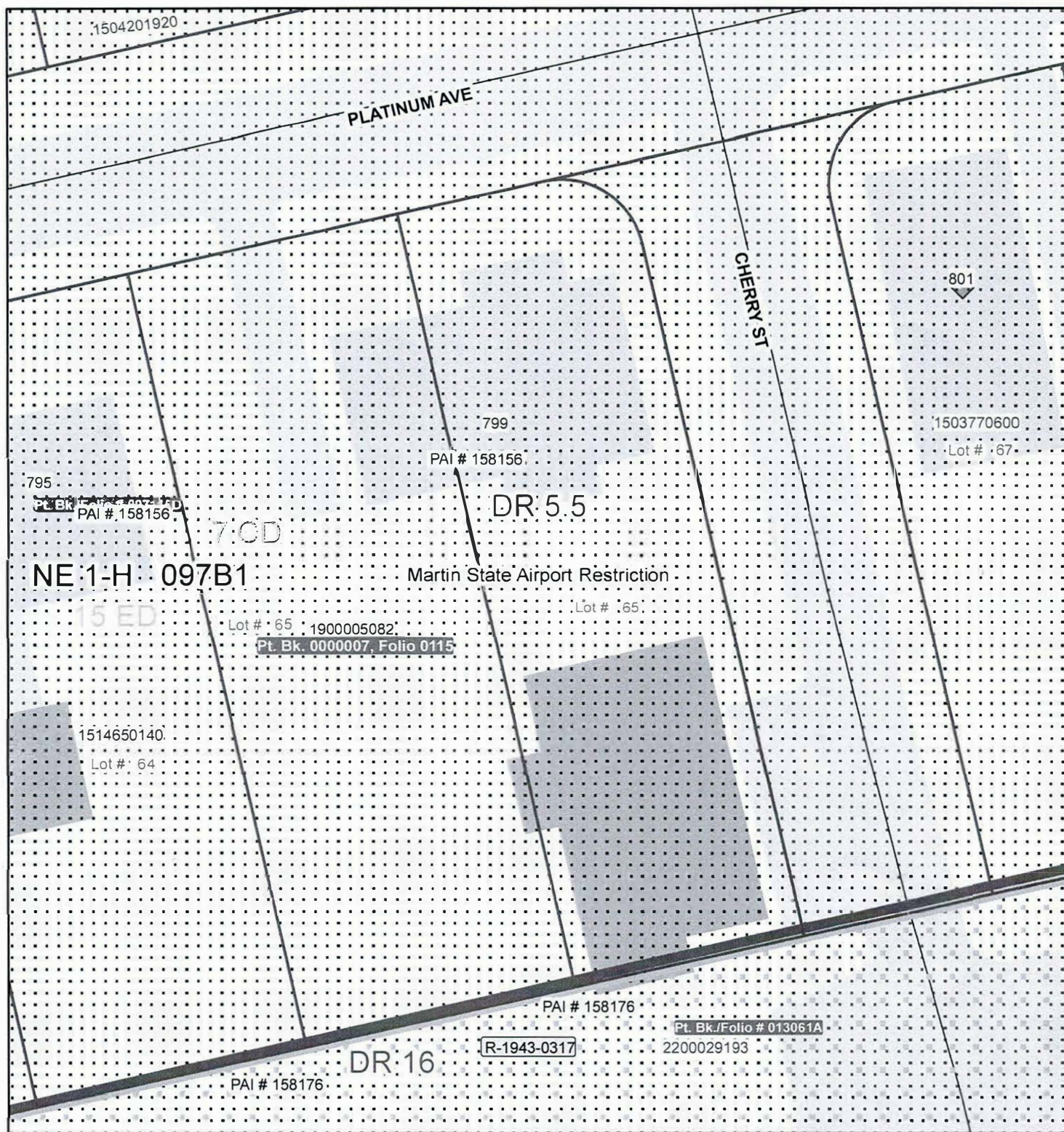
Violation Case Number(s)

CC 2405 111

N

Plan Drawn By ROBERT MERCADO Date 6/14/2024 Scale: 1 inch = 40 Feet

799 Platinum Avenue



Publication Date: 6/13/2024



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 25.341042 feet