

OHN A. OLSZEWSKI, JR. County Executive

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

October 24, 2024

Erick G. Avala Osorio – <u>cainhernandez556@gmail.com</u> 6 Lincoln Avenue
Catonsville, MD 21228

RE:

Petition for Administrative Variance

Case No. 2024-0216-A Property: 6 Lincoln Avenue

Dear Petitioner:

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,

ANDREW M. BELT Administrative Law Judge for Baltimore County

AMB:dlw Enclosure

c: Rick Richardson - rick@richardsonengineering.net

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE

(6 Lincoln Avenue)

1st Election District * OFFICE OF ADMINISTRATIVE

1st Council District
Erick G. Avala Osorio * HEARINGS FOR

* BALTIMORE COUNTY

Petitioner * CASE NO. 2024-0216-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") as a Petition for Administrative Variance filed by the legal owner of the property, Erick G. Avala Osorio ("Petitioner"), for the property located at 6 Lincoln Avenue, Catonsville (the "Property"). The Petitioner is requesting Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Section 1B02.3.C.1, to permit a side yard setback of 2.5 ft. and a rear setback of 2.5 ft. in lieu of the 10 ft. and 30 ft. setbacks required. The Property is more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1. Street view photographs of the Property were provided. (Pet. Exs. 2A-2E). There were no adverse Zoning Advisory Committee ("ZAC") comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the Property having been posted on October 6, 2024 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavit 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 Section 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 <u>24th</u> day of October, 2024, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations ("BCZR"), Section 1B02.3.C.1, to permit a side yard setback of 2.5 ft. and a rear setback of 2.5 ft. in lieu of the 10 ft. and 30 ft. setbacks required, be and it is hereby GRANTED.

The relief granted herein shall be subject to the following:

• Petitioner may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioner is 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, Petitioner 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.

ANDREW M. BELT Administrative Law Judge

for Baltimore County

AMB:dlw

24-0808 JK

ADMINISTRATIVE ZONING PETITION

To be filed with the Department of	- OR - ADMINISTRATIVE SPECIAL HEARING of Permits, Approvals and Inspections
	Itimore County for the property located at: Currently Zoned DR-5.5
Address 6 Lincoln Avenue Deed Reference 39046/ 132	10 Digit Tax Account # 0119510731
Owner(s) Printed Name(s) Erick G. Ayala Osorio	To Digit Tax Account # OTTSSTO751
(SELECT THE HEARING(S) BY MARKING X AT THE AF	PPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) It on the reverse of this Petition Form be completed / notarized.
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restrictions of Baltimore County adopted pursuant to the zoning law for Ba	ations. etc. and further agree to and are to be bounded by the zoning regulations and
Name- Type or Print	Name #1 Type or Print Name #2 – Type or Print
Signature	Signature #1 Signature # 2
	6 Lincoln Avenue Baltimore MD
Mailing Address City State	Mailing Address City State
	21228 / 443-636-1778 / cainhernandez556@gmail.com
Zip Code Telephone # Email Address Attorney for Petitioner:	Zip Code Telephone # Email Address Representative to be contacted:
	Richardson Engineering, LLC Rick Richardson
Name- Type or Print	Name Type or Print
Signature	Signature
Mailing Address City State	7 Deneison Street Timoniúm MD Mailing Address City State
1	21093 / 410-560-1502 / rick@richardsonengineering.net
Zip Code Telephone # Email Address	Zip Code Telephone # Email Address
	required, it is ordered by the Office of Administrative Law, of Baltimore County, of this petition be set for a public hearing, advertised, as required by the zoning

Administrative Law Judge of Baltimore County

CASE NUMBER 2024-02 (6-A

Filing Date 9,27,2024 Estimated Posting Date 10,6,2024 Reviewer JK

Clasing Date 10/21/2024Rev 10/12/11

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 to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address:	_6 Lincoln Avenue	Baltimore	MD	21228
	Print or Type Address of property	City	State	Zip Code
Based up	on personal knowledge, the	following are the fac-	ts which I/we base th	ne request for an
Administr	ative Variance at the above	address. (Clearly sta	ate <u>practical difficu</u>	Ity or hardship here)
The garage	location is set by the location of the	ne existing house on the	property. The property	is unique in that it is
surrounded	by commercial properties. The pro-	roperty is bordered on the	e north by commercial pr	operty that obtained a
variance to	be closer to the property line on the	neir side and is the rear o	f a convenience store.	he property on the rear
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(If addi	tional space for the petition req	uest or the above stater	ment is needed, label a	nd attach it to this Form)
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∕Signature o			Signature of Amant	
	Ayala Osorio		ALA	
Name- Prin	it or Type		Name- Print or Type	
	The following information is	to be completed by a N	lotary Public of the Sta	te of Maryland
STATE C	F MARYLAND, COUNTY C	F BALTIMORE, to v	vit:	
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		day of June,	, before me	a Notary of Maryland, in
and for the	e County aforesaid, personally a	appeared		
ERICK	TYPALA OSURI	.0		
	(s) herein, personally known or	satisfactorily identified	to me as such Affiant	(s) (Print name(s) here)
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AS WITNE	ESS my hand and Notaries Sea	- Aller	ABISOLA OLANIPER	(UN
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Notary Public

Prince George's County, Maryland

My Commission Expires 9/27/2027



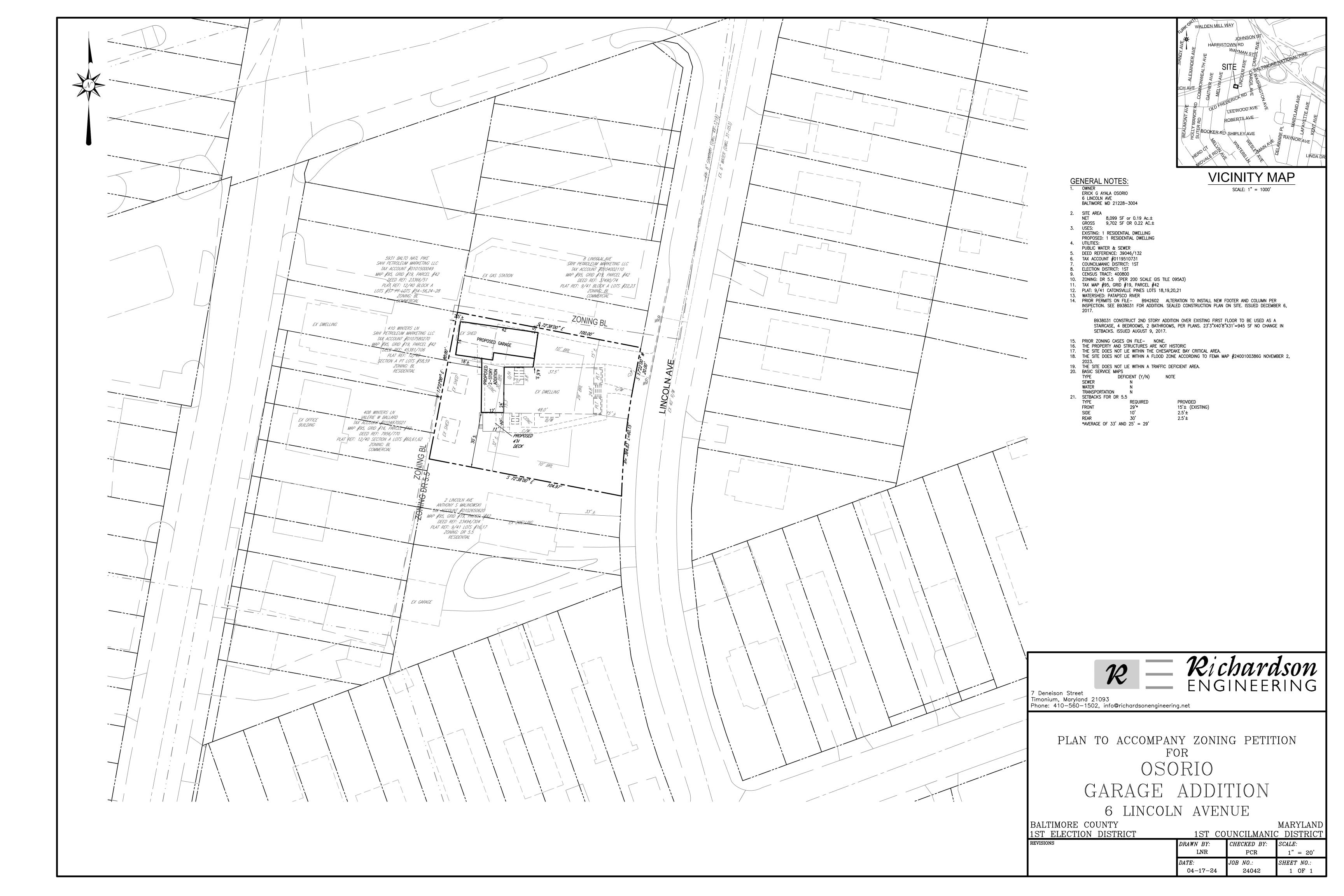
ZONING PROPERTY DESCRIPTION FOR 6 LINCOLN AVENUE 1st ELECTION DISTRICT 1st COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Located on Lots #18, 19, 20, and 21 in Block A, as shown on the plat of Catonsville Pines, which is recorded among the land records of Baltimore County in plat book W.P.C. No. 9, Folio 41, said lots having a total on Lincoln Avenue of eighty feet with an even rectangular depth of 101 feet more or less.

Containing a net area of 8,099 square feet or 0.19 acres +/-.



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 NUMBER 16597,
EXPIRATION DATE: 08-15-2021



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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case N	ımber:	2024	_ 0216	-A	Address	6 Lincoli	n Ave				
Contac	t Person	: Jesse	A STATE OF THE PARTY OF THE PAR	er, Pleas	se Print You	r Name			Phone N	lumber:	410-887-3391
Filing D	ate: _9	/27/24				10/6/20)24	Clo	osing Date	: 10/21	./2024
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			Erick Osorio					Telepho	one (Cell) _	4436361	778
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ERICK	TYPALA OSURI	.0		
	(s) herein, personally known or	satisfactorily identified	to me as such Affiant	(s) (Print name(s) here)
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		Nata - Dublis	NOTARY PUBLIC	A-wdond-

Notary Public

Prince George's County, Maryland

My Commission Expires 9/27/2027



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LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2021

CERTIFICATE OF POSTING

	2024-0216-A RE: Case No.:
	NE. Case No
	Petitioner/Developer:
	Erick Osorio
	October 21, 2024 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
Attn: Jeff Perlow:	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perposted conspicuously on the property located at: 6 Lincoln Avenue	ury that the necessary sign(s) required by law were
	ctober 6, 2024
The sign(s) were posted on(M	Ionth, Day, Year)



Sincerely,

October 6, 2024

(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

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: October 22, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0216-A

Address: 6 LINCOLN AVENUE Legal Owner: Erick Ayala Osorio

Zoning Advisory Committee Meeting of October 16, 2024.

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

Additional Comments:

Reviewer: Earl D. Wrenn

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director DATE: October 9, 2024

Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

Case 2024-0216-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.

Real Property Data Search () Search Result for BALTIMORE COUNTY

View Map

View GroundRent Redemption

View GroundRent Registration

Special Tax Recapture: None

Account Identifier:

District - 01 Account Number - 0119510731

Owner Information

Owner Name:

OSORIO ERICK G AYALA

Use:

RESIDENTIAL

Principal Residence: YES

Mailing Address:

6 LINCOLN AVE

Deed Reference:

/39046/ 00132

BALTIMORE MD 21228-3004

Location & Structure Information

Premises Address:

6 LINCOLN AVE

Legal Description:

LT 20-21

BALTIMORE 21228-3004

6 LINCOLN AVE

CATONSVILLE PINES

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

0095 0019 0042 1050082.04

0000

20 2025

Plat Ref: 0009/0041

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

1934

1,842 SF

4.000 SF

04

StoriesBasementType

ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements

YES 2

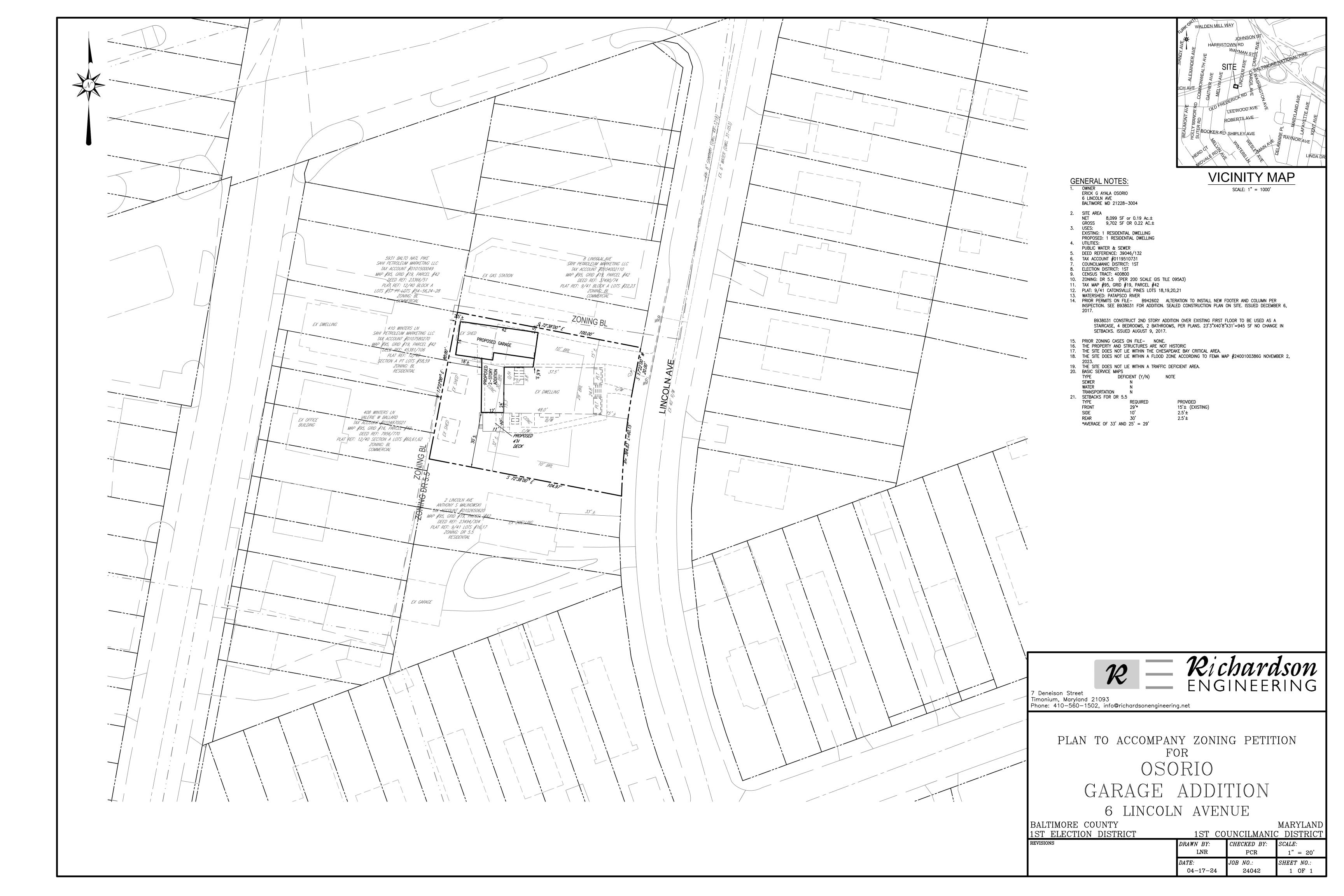
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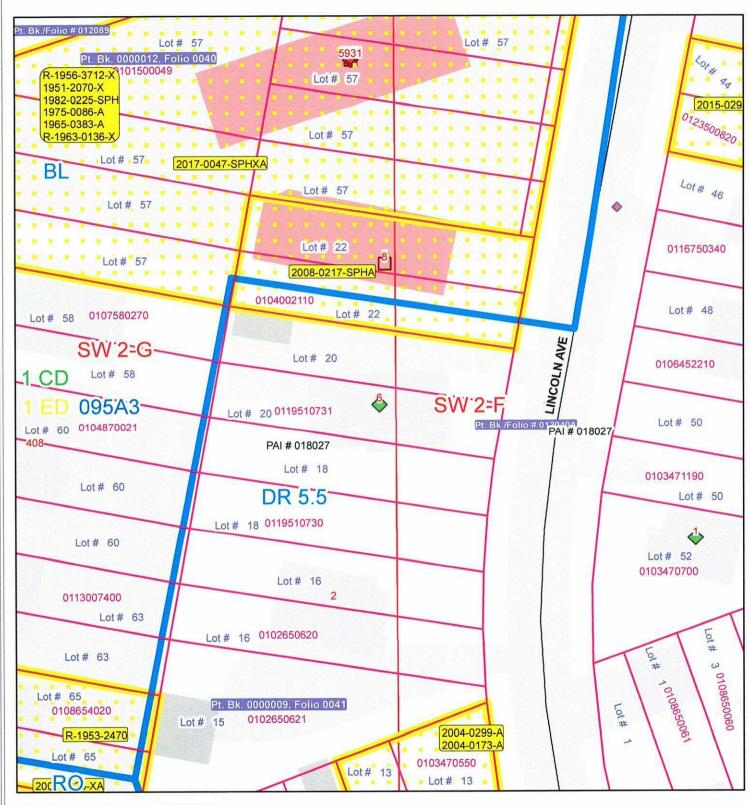
1 Detached

Value Information

Value Phone in Assessments Raca Value



6 Lincoln Ave

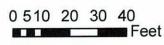


Publication Date: 9/27/2024



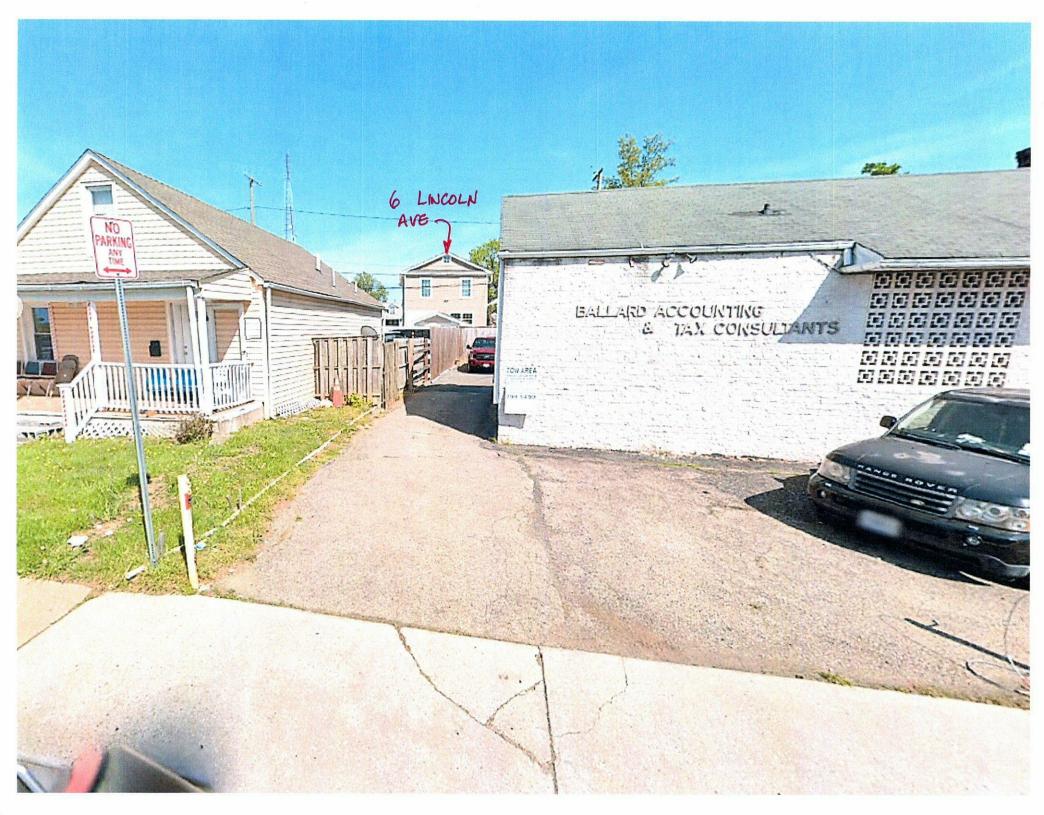
Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot





1 inch = 33.755173 feet







SOUTH SIDE OF LOT



