IN RE: PETITION FOR ADMIN. VARIANCE

SE/Corner of Norfen Road and Virginia Avenue 13th Election District 1st Councilmanic District

(4401 Norfen Road)

Barbara L. Mahoney and Rosemary B. Fabian Petitioners

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2012-0054-A

ORDER AND OPINION

This matter comes before this Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Barbara L. Mahoney and Rosemary B. Fabian for property located at 4401 Norfen Road. The variance request is from Section 102.5 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a privacy fence with a height of 6 feet within the 15 foot triangle bounded by a street and alley in lieu of the permitted 3 feet height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners have stated that they wish to construct a privacy fence with a height of 6 feet. Photographs submitted with the Petition show that the proposed fencing will allow continuance of an existing fence to the back corner and alley of their backyard which will be aesthetically pleasing and consistent. The fence will provide safety and security for the Petitioners' vehicles and property. The most affected property owner did not express any objection to the variance request. The subject property is 3,952 square feet, zoned D.R.10.5 and is located in the Friendship Gardens subdivision of Baltimore County.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no comments received from any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 4, 2011, 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. 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 B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. 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 Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 26 day of September, 2011 that a Variance pursuant to Section 102.5 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a privacy fence with a height of 6 feet within the 15 foot triangle bounded by a street and alley in lieu of the permitted 3 feet height, be and is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit 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, the 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.

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:dlw

ORDER RECEIVED FOR FILING
Date
O-26-11



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL

Managing Administrative Law Judge

JOHN E. BEVERUNGEN

TIMOTHY M. KOTROCO

Administrative Law Judges

September 26, 2011

Barbara L. Mahoney Rosemary B. Fabian 4401 Norfen Road Baltimore, Maryland 21227

RE: PETITION FOR ADMIN. VARIANCE

SE/Corner of Norfen Road and Virginia Avenue 13th Election District - 1st Councilmanic District (4401 Norfen Road)
Barbara L. Mahoney and Rosemary B. Fabian - *Petitioners* Case No. 2012-0054-A

Dear Ms. Mahoney and Ms. Fabian:

Enclosed please find a copy of the decision rendered in the above-captioned matter

In the event any party finds the decision rendered is unfavorable, any party 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO Administrative Law Judge for Baltimore County

TMK:dlw Enclosure

Petition for Administrative Variance



FRM476_09

to the Zoning Commissioner of Baltimore County for the property located at 4901 NORFEN RD.

which is presently zoned D.R. 105

Deed Reference: 21039/315 Tax Account # 130600330_

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

Rev 3/09

is the subject of this Petition.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 102.5 (BCZR)

TO PERMIT A PRIVACY FENCE WITH A HEIGHT OF 6-FEET WITHIN THE 15-FOOT TRIANGLE BOUNDED BY A STREET AND ALLEY IN LIEU OF THE PERMITTED 3-FEET.

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, or we, agree to pay expenses of above Administrative Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Contract Purchaser/Les	see:		Legal Owner(s):		-
			BARDA	RA MAHOM	IFV
Name - Type or Print			Name - Type		,
Signature			Signature	Files	1
Address		Telephone No.	Name Type or Print	1 1 1	an
City	State	Zip Code	Signature	y Javan	
Attorney For Petitioner:			4401 N	ORFEN RD	. 443-883-03
*			BACTIMON	20 Manuland	Telephone No.
Name - Type or Print	EILING	3	City	State	. Zip Code
Name - Type or Print Signature Con ORDER RECEIVED	Re The second		Representative t	o de Contacted:	
Addressate		Telephone No.	Address		Telephone No.
City By	State	Zip Code	City	State	Zip Code
A Public Hearing having been fo this day of regulations of Baltimore County an	tt	nat the subject matter of	equired, It is ordered by the Z this petition be set for a public	oning Commissioner of Bal c hearing, advertised, as rec	timore County, quired by the zoning
_ 1			Zoning Comm	issioner of Baltimore Count	W
			Zorang Comit	isalone of ballinore Cours	; .
Case No. 2012-00	054-A	Rev	riewed By D.T.	Date 8 35	
				1 1	

Estimated Posting Date

Affidavit in Support of Administrative Variance The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that 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 Affiant(s) does/do presently own and reside at 4401 NorFen and that this address is the subject of this variance request as required by law. That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate the hardship or practical difficulty; attach an additional sheet if needed) REASONS. FOR CARS to be INSIDE FENCE. People are Always RUNNING ACLOSS the LOOW TRACK ALSO. SECURITY REASONS That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this <u>25</u> day of <u>2011</u>, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): <u>Bar hara Mahanly</u> <u>Rosemary Fabian</u> the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Name of Notary Public

Commission expires

PLACE SEAL HERE:

Zoning Property Description For 4401 Norfen RD

8-24-2011

Beginning at a point on eastside of Norfen RD which is 60ft. wide at the distance of 70ft. south of the center line of the nearest improved intersecting street Virginia Ave which is 60ft. wide. Being lot#157 Block A section #2 in the subdivision of Friendship Gardens in Baltimore County Plat book #22 Folio #21 containing 3,952 ft. Located in the 13th Election District and 1st Council District.

OFFICE	OF BUD	GET AND	IARYLAN D FINANC RECEIPT	E		No.	7367	35/11		PAID REVERTI MEINER DE AND METEROLIE DE COME	11:40 40	(15)
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CERTIFICATE OF POSTING

	RE: Case No.:
	Petitioner/Developer:
	Barbara Mahoney & Rosemary Fabian
	September 19, 2011 Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204	
Attn: Kristen Lewis:	
Ladies and Gentlemen:	
	of perjury that the necessary sign(s) required by law were ed at:
1401 Norfen Road	
	September 4, 2011
The sign(s) were posted on	
	Sincerely,
	September 4, 2011
	(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 Yuminer)



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2012- 005H -A Address 4401 NORFEN RD.
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Filing Date: 8 25 11 Posting Date: 9 4 11 Closing Date: 9 9 11
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 (on the reverse side of this form) 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 an 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 zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification, usually within 10 days of the closing date if all County agencies' comments are received, as to whether the petition has been granted, denied, or will go to public hearing. The 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 zoning or deputy zoning commissioner), 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.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 2012- 0054 -A Address 4401 NORFEN RD.
Petitioner's Name MAHONEY FABIAN Telephone 443-883-0375
Posting Date: 9 4 11 Closing Date: 9 19 11
Wording for Sign: To Permit A PRNACY FENCE WITH A HEIGHT OF 6-FEET
WITHIN THE 15-FOOT TRANGLE BOUNDED BY A STREET AND ALLEY
IN LIEU OF THE PERMITTED 3-FEET.

Revised 7/06/11

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the 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:
Item Number or Case Number: 2012-0054-A
Petitioner: MAHONEY FABIAN
Address or Location: H401 NORFEN RD.
PLEASE FORWARD ADVERTISING BILL TO:
Name: MS. BARBARA MAHONEY
Address: 4401 NORFEN RO.
BALTO MP 21227
Telephone Number: <u>H43-883-0375</u>



KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

September 14, 2011

Barbara Mahoney Rosemary Fabian 4401 Norfen Road Baltimore, MD 21227

RE: Case Number 2012-0054-A, 4401 Norfen Road

Dear Mr. Stenson,

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 25, 2011. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

v. Care Not

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: September 8, 2011

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For September 19, 2011

Item Nos. 2012-052, 053, 054, 055,056,057,058

And 059

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

DAK:CEN cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-09192011 -NO COMMENTS.doc



Inter-Office Correspondence



TO:

Hon. Lawrence M. Stahl; Managing Administrative Law Judge

Office of Administrative Hearings

FROM:

David Lykens, Department of Environmental Protection and Sustainability

(DEPS) - Development Coordination

DATE:

September 15, 2011

SUBJECT:

DEPS Comment for Zoning Item

12-054-A

Address

4401 Norfen Road

(Mahoney/Fabian Property)

Zoning Advisory Committee Meeting of September 6, 2011.

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

Reviewer: Jeff Livingston; Development Coordination

RECEIVED

SEP 1 5 2011

OFFICE OF ADMINISTRATIVE HEARINGS



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor

Beverley K. Swaim-Staley. Secretary Darrell B. Mobley, Acting Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Add the

Date: 8-31-11

Ms. Kristen Matthews Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 109 Towson, Maryland 21204

RE: **Baltimore County**

Item No. 2012-0054-A Administrative Variance Borbara Mahoney & Rosemany Fabian 4401 Norten Rd.

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2012.-0054-4

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us). Thank you for your cooperation.

Sincerely,

Access Management Division

SDF/rz

in ANDTHE.

Maryland Department of Assessments and Taxation Real Property Data Search (vw5.1A) BALTIMORE COUNTY Go Back
View Map
New Search
GroundRent
Redemption
GroundRent
Registration

				Owner Infor	mation					
Owner Name: MAHONEY BARBARA L FABIAN ROSEMARY B Mailing Address: 4401 NORFEN RD BALTIMORE MD 21227-4810				<u>Use:</u> Principal Residence:			RESIDENTIAL YES			
			Deed Reference:				1) /27039/ 00315 2)			
			Locati	on & Structur	e Information	1				
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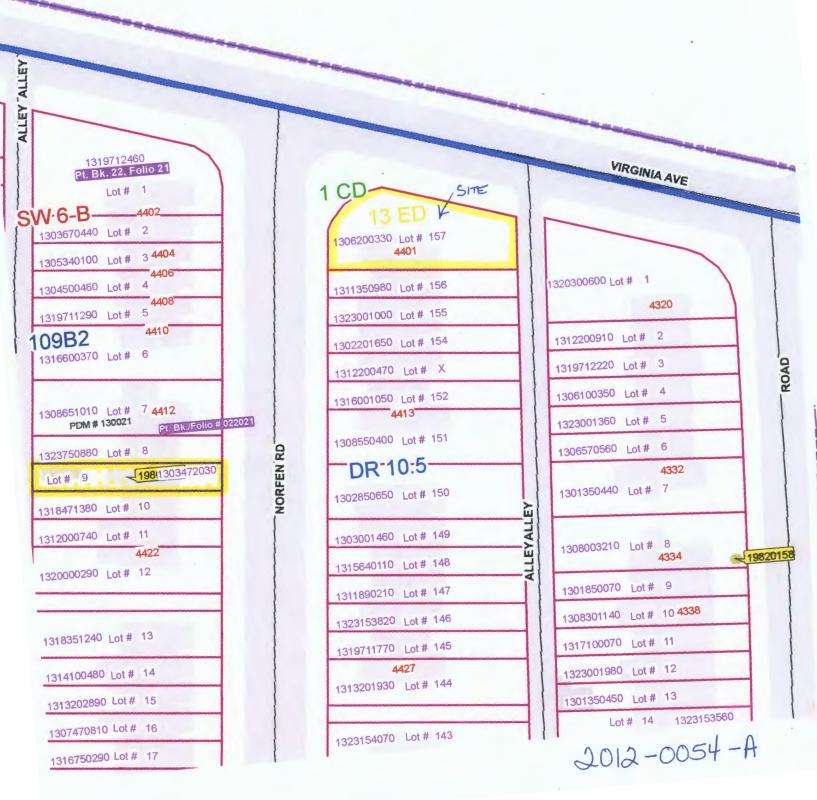




2012-0054-A

1302570198

DR 5.5



ZONING HEADING DUAN FOR VARIANCE V. FOR CRECIAL HEADING. (MARK TYPE PROUESTER MITTURE)	SITE VICINITY MAP
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	788
ADDRESS 4401 NORFEN RD. OWNER(S) NAME(S) BARBARA MAHONEY + ROSEMARY FABIR	
SUBDIVISION NAME FRIENDSHIP GARDENS LOT # 157 BLOCK # A SECTION # 2	01 4402 VIRGINIA AVE
PLAT BOOK # 22 FOLIO # 21 10 DIGIT TAX # 1306200320 DEED REF. #27039/00515	3 4406 4403 4407 4404 4407 4404
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	4430 4431 4420 4415 4332
3	MAP IS NOT TO SCALE
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-015 9	ELECTION DISTRICT 13
	COUNCIL DISTRICTi
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	IN FLOOD PLAIN ?
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