

IN RE: PETITION FOR ADMIN. VARIANCE

W side of Old Harford Road; NW corner
of Wycliffe Road and Old Harford Road
9th Election District
5th Councilmanic District
(7410 Old Harford Road)

Allan R. and Karen A. Swenson
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* Case No. 2012-0081-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings as a Petition for Administrative Variance filed by the legal owners of the subject property, Allan R. and Karen A. Swenson for property located at 7410 Old Harford Road. The variance request is from Section 427 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 6 foot residential fence with a 0 foot setback in the rear yard of a single family dwelling that adjoins the front yard of another residence in lieu of the required 42 inch high fence or a 10 foot setback for a fence over 42 inches. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The photographs show that there is an existing chain link fence in the rear yard and the side yards. The neighbors' sides of the fence are heavily landscaped. None of the neighbors expressed any concern with the taller fence or the location of the fence.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on October 2, 2011, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 10-24-11

By SMA

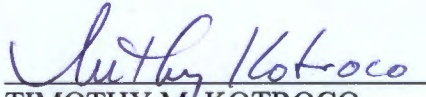
The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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 24th day of October, 2011 that a Variance from Section 427 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a 6 foot residential fence with a 0 foot setback in the rear yard of a single family dwelling that adjoins the front yard of another residence in lieu of the required 42 inch high fence or a 10 foot setback for a fence over 42 inches, 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

ORDER RECEIVED FOR FILING

Date 10-24-11

By SMA



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property
located at 7410 OLD HARFORD ROAD BALT 21234
which is presently zoned DR 5.5

Deed Reference: 022811349 Tax Account # 0907470240

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) 427

To permit a 6' high residential fence with a zero foot setback in the rear yard of a single family dwelling that adjoins the front yard of another residence in lieu of the required 42" high fence or a 10' setback for a fence over 42".

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.

I/We do 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 Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

ALLAN SWENSON

Name - Type or Print

Allen Swenson

Signature

KAREN SWENSON

Name - Type or Print

Karen Swenson

Signature

7410 OLD HARFORD RD (443) 527-9146

Address

Telephone No.

BALTIMORE

MD

21234

City

State

Zip Code

Representative to be Contacted:

STEVE BOWERS

Name

7 HAYMARKET CRT (410) 227-9843

Address

Telephone No.

BALTIMORE

MD

21236

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

Case No. 2012-0081-A

Reviewed By [Signature]

Date 9/19/11

Estimated Posting Date 10/2/11

ORDER RECEIVED FOR FILING

PRM476-09

Date 10-24-11

By SMA

Rev 3/09

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 7410 OLD HARTFORD ROAD
Address number Road or Street name

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)

WE own two dogs and often foster a third from the Lab Rescue. Since the third dog is only with us temporarily there is no opportunity to train the dog not to bark at neighbors or even jump over our now existing shorter fence.

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.

Karen Swenson
Signature

Karen Swenson
Name- print or type

Alan Swenson
Signature

ALLAN SWENSON
Name- print or type

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

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

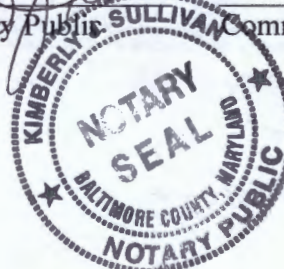
I HEREBY CERTIFY, this 15 day of Sept, 11, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): Karen Swenson and Allan Swenson
the Affiant(s) herein, personally known, or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Kimberly Sullivan 09/09/2013
Name of Notary Public Commission expires

PLACE SEAL HERE:



Zoning Description for : 7410 Old Harford Road

Beginning at a point on the west side of Old Harford Road which is 25 feet wide at the distance of 12.5 feet north of the centerline of Wycliffe Road which is 25 feet wide. The property is located at the ~~northeast~~^{west} corner of Wycliffe Road.

Being lots nos. 11 and 12 in the subdivision of Harford Park as recorded in Baltimore County Plat Book 5 folio 62 containing 5940 square feet. Located in the 9th Election District and 5th Council District.

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 10/03/2011

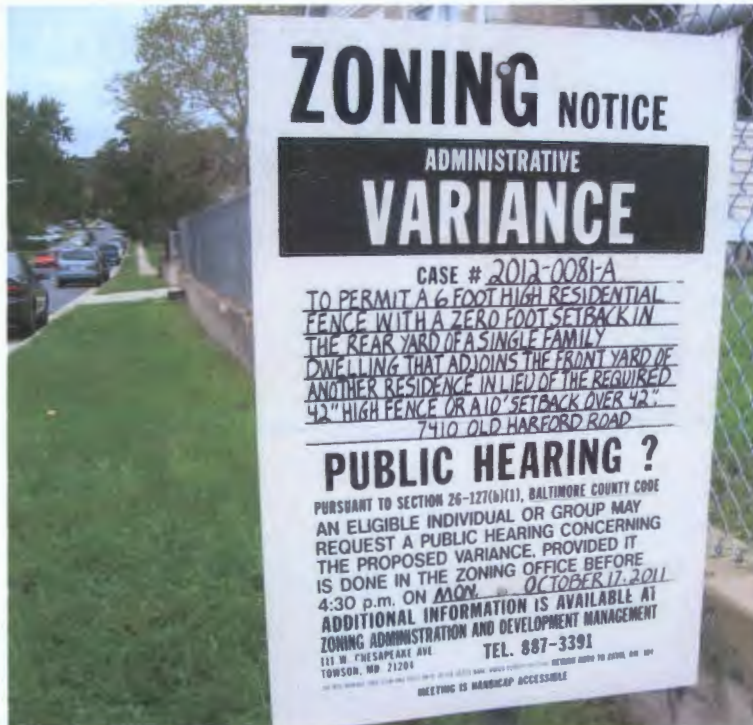
Case Number: 2012-0081-A

Petitioner / Developer: ALLAN & KAREN SWENSON~
STEVE BOWERS of LONG FENCE CO.

Date of Hearing (Closing): OCTOBER 17, 2011

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:
7410 OLD HARFORD ROAD

The sign(s) were posted on: OCTOBER 2, 2011



Linda O'Keefe
(Signature of Sign Poster)

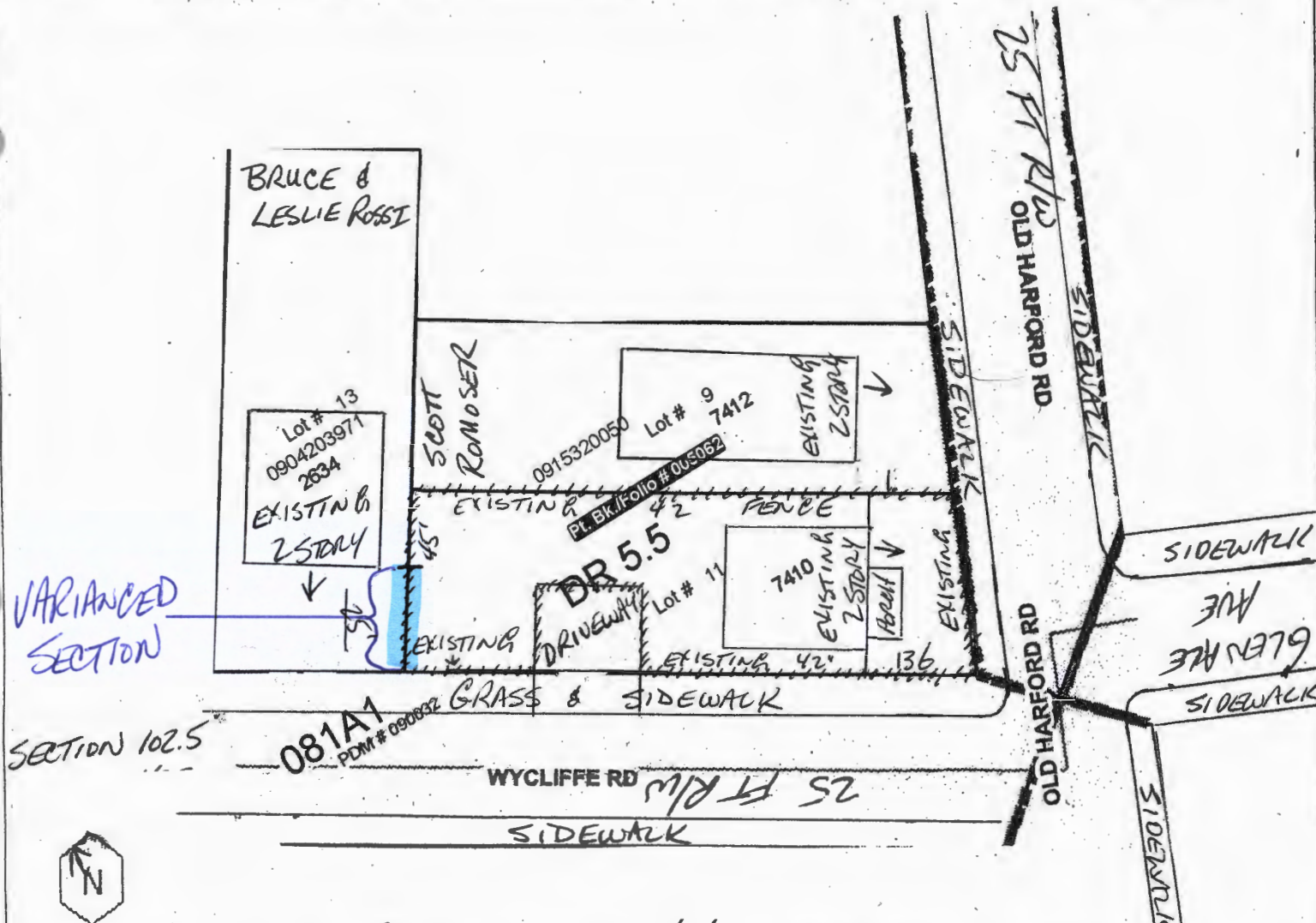
Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

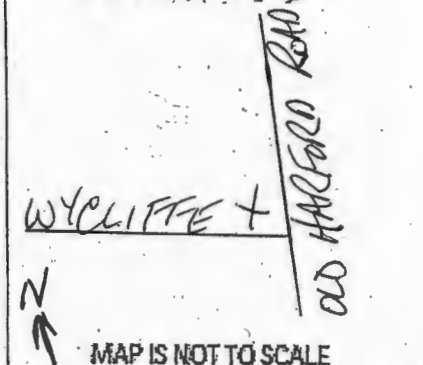
Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ZONING HEARING PLAN FOR VARIANCE ☒ FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 7410 OLD HARFORD ROAD OWNER(S) NAME(S) ALLAN & KAREN SWENSON
SUBDIVISION NAME HARFORD PARK LOT # 11, 12 BLOCK # _____ SECTION # _____
PLAT BOOK # 0005 FOLIO # 0062 10 DIGIT TAX # 0907410140 DEED REF. # 0778100349



SITE VICINITY MAP



ZONING MAP# 081A1
SITE ZONED DR 5.5
ELECTION DISTRICT 09
COUNCIL DISTRICT 05
LOT AREA ACREAGE _____
OR SQUARE FEET 5940
HISTORIC? NO
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC ☒ PRIVATE _____
SEWER IS:
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
CASE NO. 2012-0081-A

VIOLATION CASE INFO: