

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Stoneleigh Road, 25 feet E
of the c/l of Marlborough Road
9th Election District
5th Councilmanic District
(701 Stoneleigh Road)

Thomas E. and Carol I. Allen
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **Case No. 2012-0159-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, Thomas E. and Carol I. Allen. The variance request is from Section 427.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a residential occupancy fence with a height of 6 feet in lieu of permitted 3.5 feet height in a location which adjoins the front yard of an adjoining residence. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

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 January 21, 2012, 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

ORDER RECEIVED FOR FILING

Date 2-14-12

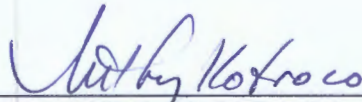
information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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 14th day of February, 2012 that a Variance from Section 427.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit a residential occupancy fence with a height of 6 feet in lieu of permitted 3.5 feet height in a location which adjoins the front yard of an adjoining, 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.

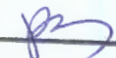
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK/pz

ORDER RECEIVED FOR FILING

Date 2-14-12

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

February 14, 2012

THOMAS E. AND CAROL I. ALLEN
701 STONELEIGH ROAD
BALTIMORE MD 21212

Re: Petition for Administrative Variance
Case No. 2012-0159-A
Property: 701 Stoneleigh Road

Dear Mr. and Mrs. Allen:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file with the Department of Permits, Approvals and Inspections an appeal within thirty (30) days from 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, appearing to read "Timothy Kotroco".

TIMOTHY M. KOTROCO
Administrative Law Judge
for Baltimore County

TMK:pz

Enclosure

c: R. Steven Bowers, 7 Haymarket Court, Baltimore MD 21236



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 Law of Baltimore County for the property located at:

Address 701 STONELEIGH ROAD which is presently zoned OR5.5

Deed Reference 05026100177 10 Digit Tax Account # 0901352430

Property Owner(s) Printed Name(s) THOMAS E & CAROL I ALLEN

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

Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

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

1. **X** **ADMINISTRATIVE VARIANCE** from section(s)

427.1 of the BCZR to permit a residential occupancy fence with a height of 6 feet in lieu of permitted 3.5 foot height in a location which adjoins the front yard of an adjoining residence.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Sections 32-4-107(b), 32-4-223.(8), and Section 32-4- 416(a)(2): (indicate type of work in this space 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, or we, agree to pay expenses of above petition(s), 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.

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:

THOMAS E. ALLEN, CAROL I ALLEN

Name #1 – Type or Print

Name #2 – Type or Print

Thomas E. Allen

Carol I. Allen

Signature #1

Signature #2

701 STONELEIGH ROAD BART MD

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

R. STEVEN BOWERS

Name – Type or Print

R. Steven Bowers

Signature

7 HAYMARKET CRT BART MD

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having formally demanded and/or found to be required, it is ordered by the Office of Administrative Law, 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.

Administrative Law Judge of Baltimore County

CASE NUMBER 2012-0159-A Filing Date 1/9/12 Estimated Posting Date 1/1 Reviewer DT

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: 701 STONELEIGH ROAD BALTIMORE MD 21212
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

We are on a corner lot. The fence would offer some privacy
for what is our back yard area

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

Thomas E. Allen
Signature of Affiant

THOMAS E. ALLEN
Name- Print or Type

Carol J. Allen
Signature of Affiant

CAROL J. ALLEN
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 5th day of January, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Thomas E. and Carol J. Allen
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)

AS WITNESS my hand and Notaries Seal

Kathleen May Williams
Notary Public

May 12, 2013
My Commission Expires

KATHLEEN MAY WILLIAMS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 12, 2013

ZONING PROPERTY DESCRIPTION FOR: 701 STONELEIGH ROAD

BEGINNING AT A POINT ON THE SOUTH SIDE OF STONELEIGH ROAD WHICH IS 50 FEET WIDE AT THE DISTANCE OF 25 FEET EAST OF THE CENTERLINE OF MARLBOROUGH ROAD WHICH IS 50 FEET WIDE. PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF MARLBOROUGH ROAD.

BEING LOT #: 29, BLOCK #: 9, IN THE SUBDIVISION OF STONELEIGH AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #: 0007, FOLIO #: 0087 CONTAINING 9125 SQUARE FEET. LOCATED IN THE 9TH ELECTION DISTRICT AND 5TH COUNCIL DISTRICT.

2012-0159-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 01/23/2012

Case Number: 2012-0159-A

Petitioner / Developer: STEVE BOWERS of LONG FENCE CO.

Date of Hearing (Closing): FEBRUARY 6, 2012

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:
701 STONELEIGH ROAD

The sign(s) were posted on: **JANUARY 21, 2012**



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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 2012- 0159 -AAddress 701 STONELEIGH RD.Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1/9/12Posting Date: 1/22/12Closing Date: 2/6/12

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.
2. **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.
3. **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- 0159 -AAddress 701 STONELEIGH RD.Petitioner's Name ALLENTelephone 443-768-7001Posting Date: 1/9/12 1/22/12Closing Date: 1/22/12 2/6/12Wording for Sign: To Permit A RESIDENTIAL OCCUPANCY FENCE WITH A HEIGHTOF 6-FEET IN LIEU OF THE PERMITTED 42-INCHES (3.5 FEET) IN ALOCATION WHICH ADJOINS THE FRONT YARD OF AN ADJOININGRESIDENCE.

Revised 7/06/11

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

No. **77262**Date: 1/9/12**PAID RECEIPT**

BUSINESS ACTUAL TIME DGR
 1/10/2012 1/09/2012 09:53:09 5
 W03 WALKIN REGS LRB
 >> RECEIPT # 569411 1/09/2012 DELN
 Dept 5 528 ZONING VERIFICATION
 CR NO. 077262

Recpt Tot \$75.00
 \$75.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75. ⁰⁰

Total: 75.⁰⁰

Rec

From: R. STEVEN BOWERS

For:

2012-0159-A701 STONELEIGH RD.D THOMPSON**DISTRIBUTION**

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

GOLD - ACCOUNTING

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

January 30, 2012

Thomas & Carol Allen
701 Stoneleigh Road
Baltimore MD 21212

RE: Case Number 2012-0159-A, 701 Stoneleigh Road

Dear Mr. & Mrs. Allen:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 9, 2012. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:mcn

Enclosures

c: People's Counsel
R. Steven Bowers, 7 Haymarket Court, Baltimore MD 21236

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 1-18-12

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

RE: Baltimore County
Item No. 2012-0159-A
Administrative Variance
Thomas & Carol Allen
701 Stoneleigh Road.

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. 2012-0159-A.

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,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/rz

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

MEMORANDUM

DATE: March 16, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0159-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 15, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: **Case File**
Office of Administrative Hearings

MEMORANDUM

DATE: February 22, 2012

TO: Carl Richards, Supervisor
Baltimore County Zoning Review Office

FROM: Timothy M. Kotroco, Administrative Law Judge
Office of Administrative Hearings

SUBJECT: Petition for Administrative Variance
Case No. 2012-0159-A
Property: 701 Stoneleigh Road
Return of Comments Received after Order Issued

A review of the record in this file indicates that the Order granting approval of the administrative variance request was issued on February 14, 2012. Accordingly, the record in this case was closed on that date.

Rose Campbell delivered to our Office this morning a letter from the Petitioner (dated February 16, 2012, but not date stamped by your office) transmitting comments from his neighbor, Timothy Weihs. Mr. Weihs' letter is dated February 6, 2012. These letters were therefore received after the record was closed.

Accordingly, as no further evidence or documentation can be submitted after the record has been closed, and I am returning these letters to the Zoning Review Office.

Patricia Zook - Re: Case 2012-0159-A - comment needed

From: Dennis Kennedy
To: Zook, Patricia
Date: 2/9/2012 10:46 AM
Subject: Re: Case 2012-0159-A - comment needed
CC: Lewis, Kristen; Richards, Carl

Patti:
We had no comment on Item 2012-0159-A.
Dennis Kennedy

>>> Patricia Zook 2/8/2012 11:05 AM >>>
Hello Dennis -

The case file for this administrative variance request is missing a comment from your office. If you don't have a comment, just reply to this e-mail and I'll place it in the file.

As always, thanks for your help.

Patti Zook
Baltimore County
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson MD 21204
410-887-3868
pzook@baltimorecountymd.gov



CONFIDENTIALITY NOTICE: The information contained in this ELECTRONIC MAIL transmission is legally privileged and confidential. It may also be subject to the attorney-client privilege or be privileged work product or proprietary information. This information is intended for the exclusive use of the addressee(s). If you are not the intended recipient, you are hereby notified that any use, disclosure, dissemination, distribution (other than to the addressee(s)), copying or taking of any action because of this information is strictly prohibited.

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:**District - 09 Account Number - 0901352430****Owner Information**

Owner Name: ALLEN THOMAS E
ALLEN CAROL I
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 701 STONELEIGH RD
BALTIMORE MD 21212-1648
Deed Reference: 1) /05026/ 00177
2)

Location & Structure Information

Premises Address
701 STONELEIGH RD
0-0000
Legal Description
LT 29,30,31
STONELEIGH

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0080	0002	0130		0000		9	29	2	Plat Ref: 0007/0087

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1926	3,222 SF	9,375 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	182,340	182,300		
Improvements:	296,670	203,600		
Total:	479,010	385,900	385,900	385,900
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
KIEFFNER MINNIE H	08/18/1969	\$51,500
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/05026/ 00177	
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00
Tax Exempt:			
Exempt Class:			
	Special Tax Recapture:		



Case No.: 2012-0159-A

Exhibit Sheet

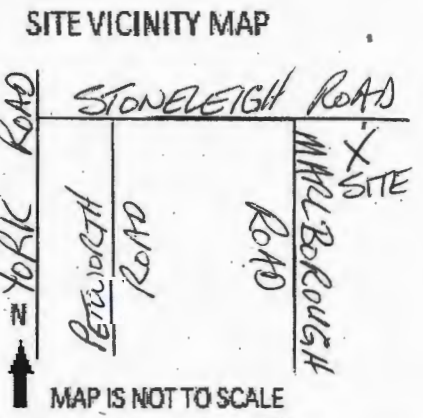
SA 3-16-12
DW 3-15-12

Petitioner/Developer

Protestant

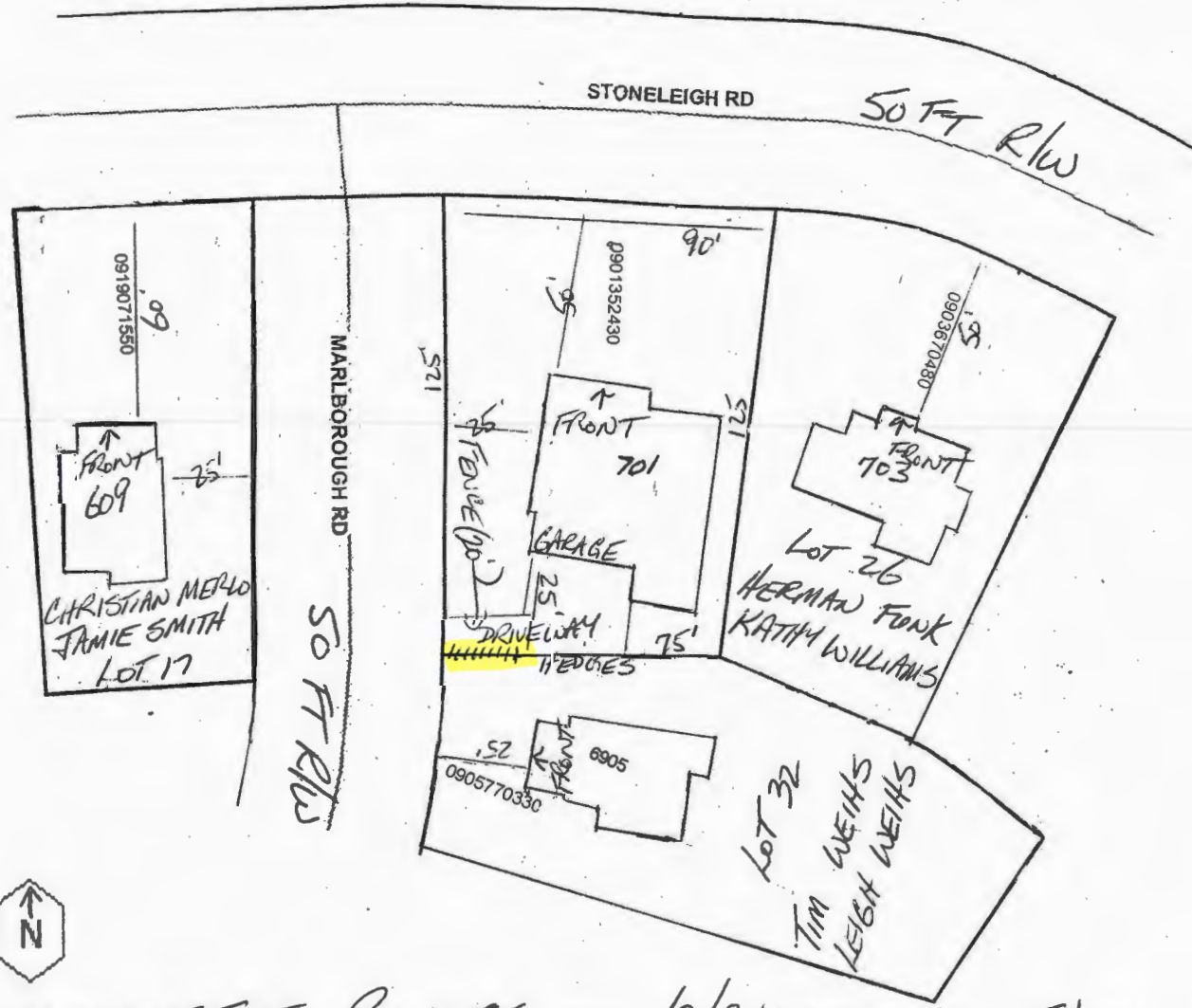
No. 1	Site plan	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 701 STONELEIGH ROAD OWNER(S) NAME(S) THOMAS & CAROL I ALLEN
 SUBDIVISION NAME STONELEIGH LOT # 29 BLOCK # 9 SECTION # —
 PLAT BOOK # 0007 FOLIO # 0087 10 DIGIT TAX # 0901352430 DEED REF. # 12213100632



ZONING MAP# 0080
 SITE ZONED DRS.5
 ELECTION DISTRICT 09
 COUNCIL DISTRICT 05
 LOT AREA ACREAGE _____
 OR SQUARE FEET 9125
 HISTORIC? NO
 IN CBCA? NO
 IN FLOOD PLAIN? NO
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:



PLAN DRAWN BY STEVE BOWERS DATE 1/8/2012 SCALE: 1 INCH = 50' FEET

Petitioners' Exhibit #1

2012-0159-A