

IN RE: PETITION FOR ADMIN. VARIANCE *
(8400 Summit Avenue)

2nd Election District *

4th Councilmanic District *

Laverne Kennedy-Suggs *

Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2013-0112-A

* * * * *

ORDER AND OPINION

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owner of the subject property, Laverne Kennedy-Suggs, for property located at 8400 Summit Avenue. The variance request is from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

- (1) Section 102.5- To permit the increase in height of 6 ft. to an existing sign/fence situated at the corner of two streets and a triangular area with a distance of 15 ft. from the point of intersection in lieu of the maximum allowed 3 ft. that maintains a triangular area with 25 ft. from the point of intersection.
- (2) Section 1A04.4.D.3- To permit an existing fence with a setback of 3 ft. along a public right-of-way in lieu of the required 50 ft.
- (3) Section 427.1.B.1- To permit modifications and additions to an existing fence to have a height of 6 ft., adjoins a public road, and located in the rear property that adjoins a front property in lieu of the maximum allowed 42 in., not adjoining a public road, and situated no closer than 10 ft., respectively.
- (4) To amend the Final Development Plan to The Preserve at Brice Run, Lot 13 only.
- (5) Waiver-Building Code, Section 122- To permit a fence in the front yard of a single family dwelling 6 ft. high in lieu of the maximum allowed 42 inches.

The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1.

This matter was originally filed as an Administrative Variance, with a closing date of December 10, 2012. On November 29, 2012, The Preserve at Brice Run HOA requested a formal

ORDER RECEIVED FOR FILING

Date 3-5-13

By Den

hearing on this matter. The hearing was subsequently scheduled for Thursday, January 4, 2013 at 1:30 PM in Room 205 of the Jefferson Building, 105 West Chesapeake Avenue, Towson.

There were no substantive adverse ZAC comments submitted from any of the County reviewing agencies.

Appearing at the public hearing in support for this case was LaVerne Suggs and Steve Bowers, from the Long Fence Company. Lin Taylor, on behalf of the HOA, attended the hearing and opposed the petition.

Testimony and evidence revealed that the subject property is 1 acre and is zoned RC 5. The property is situated at the corner of Windsor Mill Road and Summit Avenue. The Petitioner's son is a well known sports figure, and would like to construct a fence circling the property so that onlookers and autograph seekers will not disturb the family and children.

Based upon the testimony and evidence presented, I will grant the request for variance relief, although not the exact same relief as sought in the petition. Specifically, with respect to that portion of the proposed fence along Summit Avenue and Windsor Mill Road, the Petitioner must not disturb or dismantle the existing 5' aluminum fence and stone pillars, which were erected and are owned by the HOA. The 6' fence must be constructed on the Petitioner's property to the inside of the 10' wide fence and easement area conveyed to the HOA.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty of hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

The Petitioner has met this test. The property is of irregular dimensions and is situated along a busy roadway, which makes it unique. The Petitioner would experience a practical difficulty if the regulations were strictly enforced, since she would be unable to install the privacy

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Date

3-5-13

By

Den

fencing to protect her family. The Petitioner testified that on several occasions she has looked out her window and discovered people trespassing on her property, presumably to obtain an autograph or speak with her son.

I do not believe the grant of relief would be detrimental to the health, safety and welfare of the community. I am not unmindful of the concerns expressed by Mr. Taylor that he (and others) bought a home in this attractive community because they liked the "openness" and expansive views. But the Petitioner's home is the most visible (and therefore vulnerable) in the community, and the reality is that the other homes further back into the community are more insulated and protected from both curious onlookers and trespassers.

Mr. Taylor also submitted a set of covenants concerning the Preserve at Brice Run Homeowners Association. The witness indicated the document prohibited the type of fence proposed by Petitioner, and that prior approval of the HOA's Architectural Review Committee was required in any event. As I explained at the hearing, Maryland law prohibits a hearing officer in a zoning case from considering and interpreting such covenant agreements, which represents a contract between the HOA and the lot owners in the community. Blakehurst v. Baltimore County, 146 Md. App. 509, 521 (2002).

Pursuant to the advertisement, posting of the property, and public hearing on this petition, and after considering the testimony and evidence, I find that Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 5th day of March, 2013, that a Variance from the Baltimore County Zoning Regulations ("B.C.Z.R."), as follows:

- (1) Section 102.5- to permit the construction on Petitioner's property (to the inside of the 10' wide HOA fence and easement area) of a fence 6' in height, situated at the corner of two streets and a triangular area with a distance of 15 ft from the intersection

ORDER RECEIVED FOR FILING

Date

3-5-13

By

slu

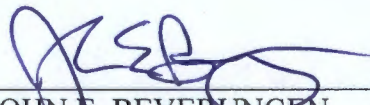
in lieu of the maximum allowed 3 ft. that maintains a triangular area with 25 ft. from the point of intersection.

- (2) Section 1A04.4.D.3- to permit the construction on Petitioner's property (to the inside of the 10' wide HOA fence and easement area) of a fence with a setback of 3 ft. along a public right-of-way in lieu of the required 50 ft.
- (3) Section 427.1.B.1- to permit the construction on Petitioner's property (to the inside of the 10' wide HOA fence and easement area) a fence to have a height of 6 ft., adjoining a public road, and located in the rear property that adjoins a front property in lieu of the maximum allowed 42 in., not adjoining a public road, and situated no closer than 10 ft., respectively.
- (4) To amend the Final Development Plan for The Preserve at Brice Run, Lot 13 only, in accordance with the terms of their Order,

be and is hereby GRANTED, subject to the following:

- The Petitioner may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 3-5-13
By slh



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 5, 2013

LaVerne Suggs
8400 Summit Avenue
Baltimore, Maryland 21244

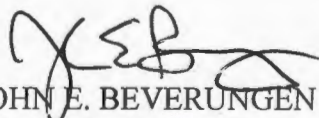
RE: Petition for Variance
Case No.: 2013-0112-A
Property: 8400 Summit Avenue

Dear Mrs. Suggs:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Steve Bowers, 7 Haymarket Court, Baltimore, Maryland 21236
Lin Taylor, 8409 Summit Avenue, Baltimore, Maryland 21244



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 8400 SUMMIT AVE which is presently zoned RC5

Deed Reference 21554 / 00518 10 Digit Tax Account # 24 000 1233 1

Property Owner(s) Printed Name(s) LAVERNE D. KENNEDY - SUGGS

(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) and Waiver

see attached

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:

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Name- Type or Print

Signature

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 2013-0112-A

Filing Date 11/14/12

Estimated Posting Date 11/25/12

Reviewer RDD

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: 8400 SUMMIT AVE BALT MD 21244
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)

SEE ATTACHED

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

Laverne Kennedy Suggs
Signature of Affiant

Signature of Affiant

LAVERNE KENNEDY SUGGS
Name- Print or Type

Name- Print or Type

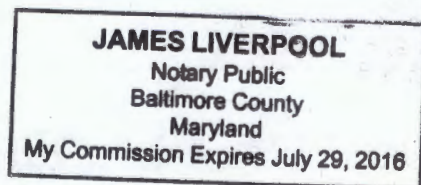
The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of October, 2012, before me a Notary of Maryland, in and for the County aforesaid, personally appeared

Laverne Kennedy Suggs
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



J. Liverpool
Notary Public

July 29, 2016
My Commission Expires

Administrative Variance from:

Section 102.5 – to permit the increase in height of 6 feet to an existing sign/fence situated at the corner of two streets and a triangular area with a distance of 15 feet from the point of intersection in lieu of the maximum allowed 3 feet that maintains a triangular area with 25 feet from the point of intersection.

Section 1A04.4.D.3 – to permit an existing fence with a setback of 3 feet along a public right-of-way in lieu of the required 50 feet.

Sections 427.1.B.1 and 427.1.B.2 – to permit modifications and additions to an existing fence to have a height of 6 feet, adjoins a public road, and located in the rear property that adjoins a front property in lieu of the maximum allowed 42 inches, not adjoin a public road, and situated no closer than 10 feet, respectively.

And to amend the Final Development Plan to The Preserve at Brice Run, lot 13 only.

Waiver – Building Code, Section 122 – to permit a fence in the front yard of a single family dwelling 6 feet high in lieu of the maximum allowed 42 inches.

Item #0112

Administrative Variance and Waiver Request for 8400 Summit Ave

This Administrative Variance and Waiver for 8400 Summit Ave, Baltimore, MD 21244, are being requested in order to allow the homeowner to encircle the perimeter of the property with a six foot high aluminum fence which has the appearance of an ornamental iron fence. This fence will also have an electronic driveway gate. This is a very stylish and beautiful fence.

This fence is necessary in order to provide the homeowner and her son and his family with privacy from the public. The homeowner's son is a prominent member of the Baltimore Ravens' football team and as such, his family has encountered numerous people who are brazen enough to trespass onto the property and walk right up to the house. The player has small children and a wife whom he would like to be able to protect and shield from the public, especially when he is traveling with the team. The fence will be very stylish and will be in concert with the type of fence that is along the front and side of the property now, only higher.

Please consider our request and thank you for your time and consideration of this matter.

Item #0112

ZONING PROPERTY DESCRIPTION FOR: 8400 SUMMIT AVE

BEGINNING AT A POINT ON THE EAST SIDE OF ~~WINDSOR MILL ROAD~~ WHICH IS 45 FEET WIDE AT THE DISTANCE OF 22.50 FEET NORTH OF THE CENTERLINE OF ~~SUMMIT AVE~~ WHICH IS 45 FEET WIDE. PROPERTY IS LOCATED AT THE NORTHEAST CORNER OF SUMMIT AVE.

Summit Ave

Windsor Mill Rd

BEING LOT #: 13, IN THE SUBDIVISION OF THE PRESERVE AT BRICE RUN AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #: 0078, FOLIO #: 0001 CONTAINING 1.0091 ACRES. LOCATED IN THE 2ND ELECTION DISTRICT AND 4TH COUNCIL DISTRICT.

Item #0112

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

No. **90130**

Date: **11/14/12**

PAID RECEIPT

BUSINESS ACTION TIME 11/15/2012 11/14/2012 14:45:50 2

RED 0005 WALKIN DEL DAY
 >>RECEIPT # 644471 11/14/2012 OFLA

Fund	Dept	Unit	Sub Unit	Rev Source/	Sub Rev/	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150						5150

Total: **5150**

Rec From:

For: **zoning hearing / amendment**
case # 2013-0112-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #2013-0112-A

8400 Summit Avenue

E/s of Summit Avenue, 22.5 ft. N/of Windsor Mill Road

-2nd Election District - 4th Councilmanic District

Legal Owner(s): Laverne Kennedy-Suggs

Variance: to permit the increase in height of 6 feet to an existing sign/fence situated at the corner of two streets and a triangular area with a distance of 15 feet from the point of intersection in lieu of the maximum allowed 3 feet that maintains a triangular area with 25 ft. from the point of intersection; to permit an existing fence with a setback of 3 ft. along a public right-of-way in lieu of the required 50 ft.; to permit modifications and additions to an existing fence to have a height of 6 ft. adjoins a public road, and located in the rear property and situated no closer than 10 ft., respectively. To amend the Final Development Plan to the Preserve at Brice Run, lot 13 only, Waiver-Building Code, Section 122 to permit a fence in the front yard of a single family dwelling 6 ft. high in lieu of the maximum allowed 42 inches.
Hearing: Thursday, January 3, 2013 at 1:30 p.m. In Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

12/095 December 13

893075



501 N. Calvert Street, Baltimore, MD 21278

December 13, 2012

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on December 13, 2012.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/13/2012

Case Number: 2013-0112-A

Petitioner / Developer: LAVERNE KENNEDY-SUGGS~STEVE BOWERS

Date of Hearing (Closing): JANUARY 3, 2013

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:
8400 SUMMIT AVENUE

The sign(s) were posted on: DECEMBER 13, 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)



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2013-0112-A

Address: 8400 Summit Ave. Windsor Mill, MD 21244

Petitioner(s): Laverne Kennedy-Suggs

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We The Preserve At Brice Run HOA
Name - Type or Print

☒ Legal Owner OR () Resident of

8409 Summit Avenue
Address

Windsor Mill, MD 21244
City State Zip Code

(240) 319-9108
Telephone Number

which is located approximately 400 feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

A Taylor - President 11/29/12
Signature Date

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/17/2012

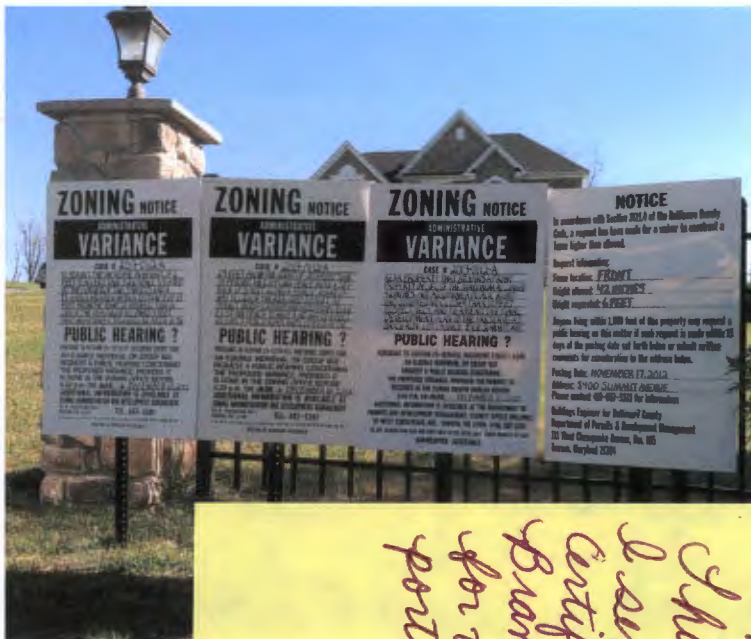
Case Number: 2013-0112-A

Petitioner / Developer: L K SUGGS~STEVE BOWERS of LONG FENCE COMPANY

Date of Hearing (Closing): DECEMBER 10, 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:
8400 SUMMIT AVENUE

The sign(s) were posted on: NOVEMBER 17, 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)

*Hi Kristen,
I sent a separate
certification to Donald
Brand-Building Engineer
for the fence waiver
portion.
Thanks!
Linda*

Sign #1



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2013-0112-A

TO PERMIT THE INCREASE IN HEIGHT OF 6
FEET TO AN EXISTING SIGN/FENCE SITUATED
AT THE CORNER OF TWO STREETS AND A
TRIANGULAR AREA WITH A DISTANCE OF 15
FEET FROM THE POINT OF INTERSECTION IN
LIEU OF THE MAXIMUM ALLOWED 3 FEET
THAT MAINTAINS A TRIANGULAR AREA WITH

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MON. DECEMBER 10, 2012
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CROSSPARKS AVE.
FARMERS, MD. 21034
TEL 887-3391

HOUSING IS HANDICAP ACCESSIBLE

Sign #2



ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2013-0112-A

25 FEET FROM THE POINT OF INTERSECTION
TO PERMIT AN EXISTING FENCE WITH A SET-
BACK OF 3 FEET ALONG A PUBLIC RIGHT-OF-
WAY IN LIEU OF THE REQUIRED 50 FEET. TO
PERMIT MODIFICATIONS AND ADDITIONS TO AN
EXISTING FENCE TO HAVE A HEIGHT OF 6 FEET.
ADJOINS A PUBLIC ROAD, AND LOCATED IN THE

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 p.m. ON MON. DECEMBER 10, 2012
ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD. 21204
TEL. 887-3391

MEETING IS HANDICAP ACCESSIBLE

Sign # 3



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE # 2013-0112-A

REAR PROPERTY THAT ADJOINS A FRONT
PROPERTY IN LIEU OF THE MAXIMUM ALLOWED
42 INCHES, NOT ADJOINING A PUBLIC ROAD,
AND SITUATED NO CLOSER THAN 10 FEET
RESPECTIVELY, AND TO AMEND THE FINAL
DEVELOPMENT PLAN TO THE PRESERVE AT
BRICE RUN, LOT 13 ONLY, 8400 SUMMIT AVE.

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY

REQUEST A PUBLIC HEARING CONCERNING

THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS

RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

5:00 P.M. ON MON. • DECEMBER 10, 2012

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

Sign # 4



NOTICE

In accordance with Section 3111.4 of the Baltimore County Code, a request has been made for a waiver to construct a fence higher than allowed.

Request information:

Fence location: FRONT

Height allowed: 42 INCHES

Height requested: 6 FEET

Anyone living within 1,000 feet of this property may request a public hearing on this matter if such request is made within 15 days of the posting date set forth below or submit written comments for consideration to the address below.

Posting Date: NOVEMBER 17, 2012

Address: 8400 SUMMIT AVENUE

Please contact 410-887-3373 for information

Buildings Engineer for Baltimore County
Department of Permits & Development Management
111 West Chesapeake Avenue, Rm. 105
Towson, Maryland 21204



KEVIN KAMENETZ
County Executive
December 5, 2012

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

NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2013-0112-A

8400 Summit Avenue
E/s of Summit Avenue, 22.5 ft. N/of Windsor Mill Road
2nd Election District – 4th Councilmanic District
Legal Owners: Laverne Kennedy-Suggs

Variance to permit the increase in height of 6 feet to an existing sign/fence situated at the corner of two streets and a triangular area with a distance of 15 feet from the point of intersection in lieu of the maximum allowed 3 feet that maintains a triangular area with 25 ft. from the point of intersection; to permit an existing fence with a setback of 3 ft. along a public right-of-way in lieu of the required 50 ft.; to permit modifications and additions to an existing fence to have a height of 6 ft. adjoins a public road, and located in the rear property and situated no closer than 10 ft., respectively. To amend the Final Development Plan to the Preserve at Brice Run, lot 13 only. Waiver-Building Code, Section 122 to permit a fence in the front yard of a single family dwelling 6 ft. high in lieu of the maximum allowed 42 inches.

Hearing: Thursday, January 3, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Arnold Jablon
Director

AJ:kl

C: Laverne Kennedy-Suggs, 8400 Summit Avenue, Baltimore 21244
R. Steven Bowers, 7 Haymarket Court, Baltimore 21236
The Preserve @ Brice Run, 8409 Summit Avenue, Baltimore 21244

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, DECEMBER 14, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 13, 2012 Issue - Jeffersonian

Please forward billing to:
Steve Bowers
7 Haymarket Court
Baltimore, MD 21236

410-27-9843

NOTICE OF ZONING HEARING

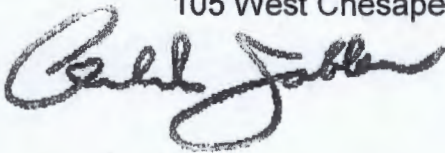
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Hearing: Thursday, January 3, 2012 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2013- 0112 -A Address 8400 Summit Ave
Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/14/12 Posting Date: 11/25/12 Closing Date: 12/10/12

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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 2013- 0112 -A Address 8400 Summit Ave
Petitioner's Name L K. Suggs Telephone 443 580 0486
Posting Date: 11/25/12 Closing Date: 12/10/12
Wording for Sign: To Permit

see attached

Revised 7/06/11

Administrative Variance from:

Section 102.5 – to permit the increase in height of 6 feet to an existing sign/fence situated at the corner of two streets and a triangular area with a distance of 15 feet from the point of intersection in lieu of the maximum allowed 3 feet that maintains a triangular area with 25 feet from the point of intersection.

Section 1A04.4.D.3 – to permit an existing fence with a setback of 3 feet along a public right-of-way in lieu of the required 50 feet.

Sections 427.1.B.1 and 427.1.B.2 – to permit modifications and additions to an existing fence to have a height of 6 feet, adjoins a public road, and located in the rear property that adjoins a front property in lieu of the maximum allowed 42 inches, not adjoin a public road, and situated no closer than 10 feet, respectively.

And to amend the Final Development Plan to The Preserve at Brice Run, lot 13 only.

Waiver – Building Code, Section 122 – to permit a fence in the front yard of a single family dwelling 6 feet high in lieu of the maximum allowed 42 inches.

Item #0112

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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: 2013-0112-A
Petitioner: L.K. SUGGS
Address or Location: 8400 SUMMIT AVE

PLEASE FORWARD ADVERTISING BILL TO:

Name: STEVE BOWERS
Address: 17 HAMMILL CRT
BALT MD 21236
Telephone Number: (410) 227-9843



KEVIN KAMENETZ
County Executive

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

December 28, 2012

Laverne Kennedy-Suggs
8400 Summit Avenue
Baltimore MD 21244

RE: Case Number: 2013-0112 A, Address: 8400 Summit Avenue, 21244

Dear Ms. Kennedy-Suggs:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 14, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

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

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



Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 11-19-12

Ms. Kristen Lewis
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

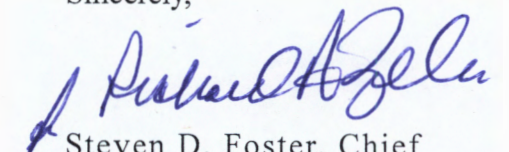
RE: Baltimore County
Item No 2013-0112-A
Administrative Variance
Laverne Kennedy-Suggs
8400 Summit Avenue

Dear Ms. Lewis:

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. 2013-0112-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).

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

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

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

FROM: ^{DAK} Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For December 3, 2012
Item Nos. 2010-0295, 2013-0107, 0108,
0109, 0110, 0111 and 0112

DATE: November 21, 2012

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

DAK:CEN
cc: File

MEMORANDUM

DATE: April 8, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0112-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 4, 2013. 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

**Administrative Hearings - Zoning Hearing Case #2013-0112-A RE: 8400 Summit Avenue,
Windsor Mill, MD 21244**

From: "Lin Taylor" <lintaylor@clear.net>
To: <administrativehearings@baltimorecountymd.gov>
Date: 2/19/2013 1:04 AM
Subject: Zoning Hearing Case #2013-0112-A RE: 8400 Summit Avenue, Windsor Mill, MD 21244
CC: "'Lin Taylor'" <lintaylor@clear.net>
Attachments: Amended Declaration 24299-281.pdf

The Honorable Judge John Veverungen
Administrative Judge
C/O Debbie Wiley
Baltimore County Zoning
Towson, Maryland

Dear Judge Veverungen:

Attached is a copy of the recorded site plan and other pertinent documents relating to the matter of the fence and sign easement on the Suggs property. You had requested a copy of this document during the hearing. Mr. Steve Bowers, representing the Suggs' Property, stated under oath that no such document existed. Since the case is still open, The Preserve at Brice Run would like to respectfully request that the attached document, which was properly recorded, be entered as an exhibit to Case #2013-0112-A. Your kind consideration is appreciated.

Sincerely,

Linwood R. Taylor
President
The Preserve At Brice Run HOA

cc: The Preserve At Brice Run Executive Board

THE PRESERVE AT BRICE RUN HOMEOWNERS ASSOCIATION, INC.
FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS

THIS FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Amendment"), is made this 26th day of July, 2006, by EITEMILLER, LLC, a Maryland limited liability company ("Declarant").

WITNESSETH:

WHEREAS, Declarant made, executed and caused to be recorded a Declaration of Covenants, Conditions and Restrictions (the "Declaration") dated the 31st day of January, 2006, recorded among the Land Records ("Land Records") of Baltimore County in Liber 23485, folio 351 et seq.;

WHEREAS, Declarant owns a portion of that certain land subject to the Declaration (the "Land"), which is located in the Second (2nd) Election District of Baltimore County, Maryland (the "County"), as shown on the plat entitled, "THE PRESERVE AT BRICE RUN (A.K.A EITEMILLER PROPERTY)", and recorded among the Land Records of the County (the "Land Records"), in Plat Book No. S.M. 78, page 001 et. seq. (the "Plat");

WHEREAS, pursuant to Article 11.9 of the Declaration, the Declarant shall have the absolute unilateral right, power and authority to amend, modify, revise or change any of the terms or provisions of the Declaration during the Development Period;

WHEREAS, the Development Period has not expired as of the date hereof; and

WHEREAS, the Declarant desires to amend the Declaration, as more particularly described below.

NOW, THEREFORE, the Declarant hereby declares the Declaration of Covenants, Conditions and Restrictions be amended as follows:

1. Article 1.3 of the Declaration is deleted, and replaced with the following:

"1.3 "Common Areas" shall mean and refer to those areas of land, intended to be devoted to the common use and enjoyment of the Record Owners of the Lots, including, but not limited to, any other real property or other facilities which the Association owns and/or in which the Association acquires a right of use for the benefit of the Association and its members, including without limitation, the areas depicted on the Plat as "HOA Area 0.0129 Ac. +/- & Fire Suppression Easement" and the areas shown as "10' Wide Private Sign Easement" and "10' WIDE H.O.A. FENCE & MAINTENANCE EASEMENT" as shown on Exhibit "A", attached hereto as well as water storage tanks, the perimeter fence and any stone piers surrounding the area depicted on the Plat as "STORM WATER MANAGMENT RESERVATION 1.1755 AC



Application for Administrative Waiver Of Building Code Fence Height Limitations

Instructions: Fill out the information below above the signature line, sign & date. Prepare and submit a **Site Plan** (see requirements on the back of this page) and **Certification of Posting** (provided by the sign poster) to the Building Engineer, Room 105, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204. Note that if no public hearing is requested, the waive decision will be based on evidence presented along with County maintained information about the site.

Property Address 8400 SUMMIT AVE
BALT MD 21244

Owner LAVERNE D KENNEDY-SUGGS

Owner Address 8400 SUMMIT AVE
BALT MD 21244

Corner Lot? ☒ Yes ☐ No

Fence located in ☒ Front ☐ Side ☐ Rear Yard

Fence Height Allowed by Building Code 42"
Fence Height Requested 6' (Attach fence location drawing.)

Basis for Request:

SEE ATTACHED

Applicant's Signature

[Signature]

Date:

11/7/2012

(County Use Only)

Waiver Number _____

Date Property Posted _____

Input/comments/protests received within 15 days?

Yes/No

Has Hearing been requested?

Yes/No

(If Yes, attach record of Hearing)

Final Disposition:

Buildings Engineer _____

Date _____

Administrative Variance and Waiver Request for 8400 Summit Ave

This Administrative Variance and Waiver for 8400 Summit Ave, Baltimore, MD 21244, are being requested in order to allow the homeowner to encircle the perimeter of the property with a six foot high aluminum fence which has the appearance of an ornamental iron fence. This fence will also have an electronic driveway gate. This is a very stylish and beautiful fence.

This fence is necessary in order to provide the homeowner and her son and his family with privacy from the public. The homeowner's son is a prominent member of the Baltimore Ravens' football team and as such, his family has encountered numerous people who are brazen enough to trespass onto the property and walk right up to the house. The player has small children and a wife whom he would like to be able to protect and shield from the public, especially when he is traveling with the team. The fence will be very stylish and will be in concert with the type of fence that is along the front and side of the property now, only higher.

Please consider our request and thank you for your time and consideration of this matter.

Item #0112

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 02 Account Number - 2400012331

Owner Information

Owner Name: KENNEDY-SUGGS LAVERNE D **Use:** RESIDENTIAL
Principal Residence: YES
Mailing Address: 8400 SUMMIT AVE
BALTIMORE MD 21244-1170 **Deed Reference:** 1) /27554/ 00518
2)

Location & Structure Information

Premises Address 8400 SUMMIT AVE
BALTIMORE 21244-1170 **Legal Description** 1.0091 AC
8400 SUMMIT AVE ES
PRESERVE AT BRICE RUN

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0077	0020	1162		0000			13	1		0078/0001

Special Tax Areas **Town** NONE
Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
2007	4,170 SF	1.0100 AC	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2013	07/01/2012	07/01/2013
Land	172,100	129,100		
Improvements:	481,300	443,100		
Total:	653,400	572,200	653,400	572,200
Preferential Land:	0			0

Transfer Information

Seller: HARVARD HOMES LLC	Date: 01/12/2009	Price: \$843,000
Type: ARMS LENGTH IMPROVED	Deed 1: /27554/ 00518	Deed 2:
Seller: EITEMILLER LLC	Date: 11/13/2006	Price: \$300,000
Type: ARMS LENGTH IMPROVED	Deed 1: /24746/ 00721	Deed 2:
Seller:	Date:	Price:
Type:	Deed 1:	Deed 2:

Exemption Information

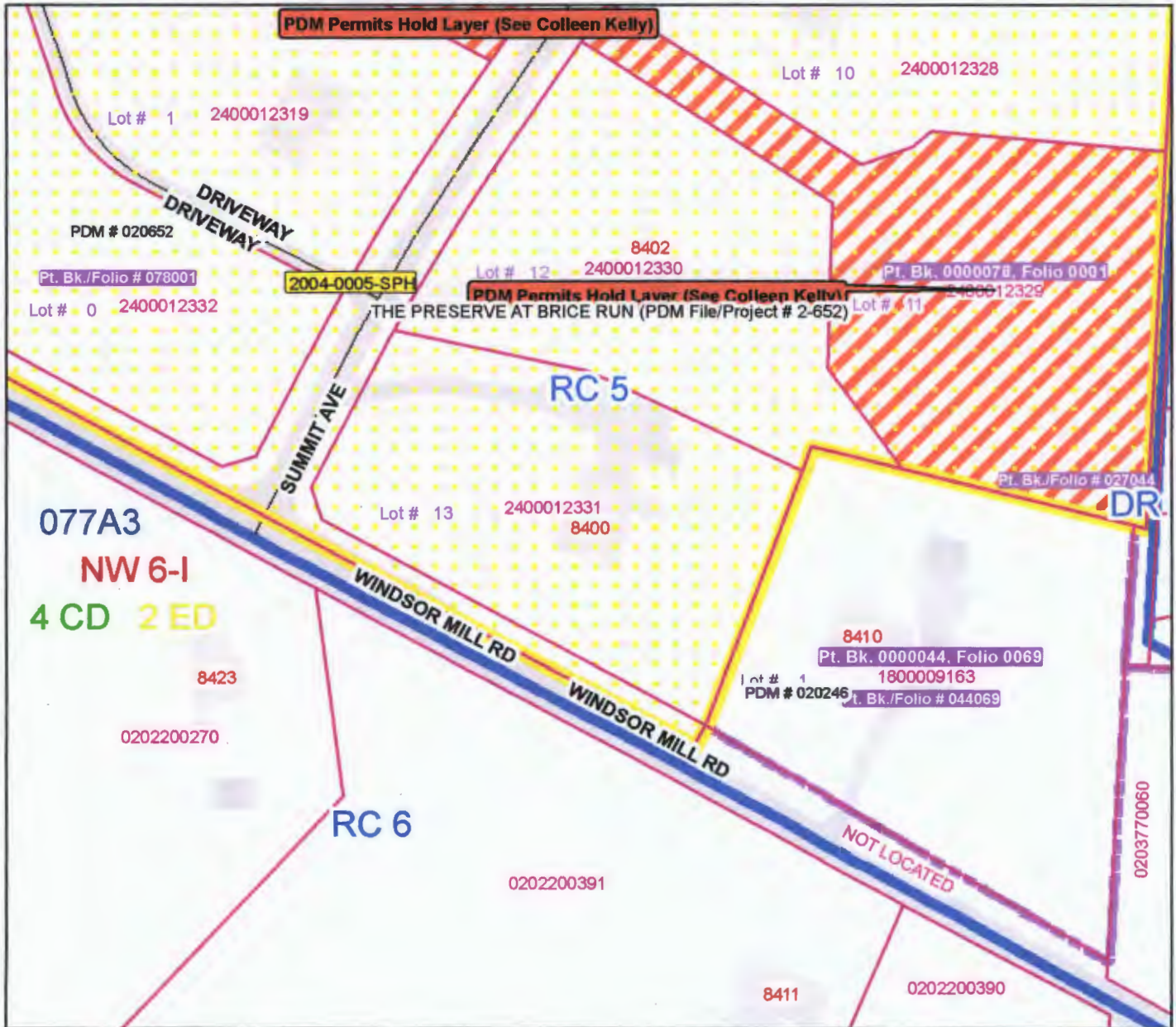
Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:** NONE
Exempt Class:

Homestead Application Information

Homestead Application Status: No Application

8400 Summit Avenue



Publication Date: November 08, 2012
 Publication Agency: Department of Permits & Development Management
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 100 200 Feet

1 inch = 100 feet

Item #0112



Item #0112

CASE NAME Suggs
CASE NUMBER 2013-112A
DATE 1-3-2013

[illegible]

CASE NAME Suggs
CASE NUMBER 2013-112A
DATE 1-3-2013

NAME _____

CITY, STATE, ZIP

E - MAIL

[illegible]



VACANT LOT AT 8402 SUMMIT AVE



FRONT & DRIVEWAY ON SUMMIT AVE.
INCLUDING EXISTING PILLARS & FENCING

Item #
6112



DRIVEWAY ENTRANCE OF SUMMIT AVE



FRONT ALONG SUMMIT SHOWING
EXISTING FENCE & PILLARS

Item #
0112



CORNER OF SUMMIT & WINDSOR MILL



Item #
0112

DEVELOPMENT SIGN @ CORNER ON
PROPERTY @ 8400 SUMMIT AVE



CORNER OF SUMMIT AND WINDSOR
MILL ROAD



Item #

0112

DEVELOPMENT SIGN ON PROPERTY
@ 8400 SUMMIT



SIGN @ CORNER AND EXISTING
FENCING ALONG WINDSOR MILL ROAD



Item #
0112

EXISTING FENCING ALONG WINDSOR MILL
ROAD & HOUSE IN REAR @ 8410 WINDSOR MILL



EXISTING FENCE STYLE



Item #
0112

HEIGHT OF MASONARY DEVELOPMENT
SIGN COMPARED TO 5 FOOT HIGH FENCE

Case No.:

2013-0112-A

Exhibit Sheet

DW
A-13

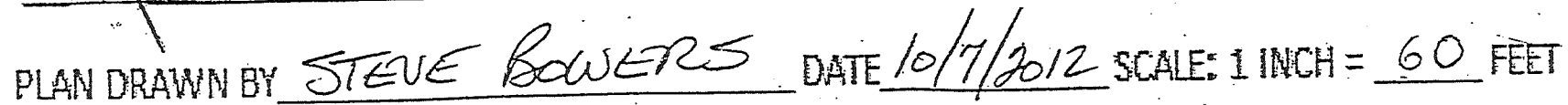
35-13
Dun

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 ☒ FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)
ADDRESS 8400 SUMMIT AVE OWNER(S) NAME(S) LAVERNE D KENNEDY-SUBGS
SUBDIVISION NAME PRESERVE AT BRICE RUN LOT # 13 BLOCK # SECTION #
PLAT BOOK # 0078 FOLIO # 0001 10 DIGIT TAX # 240001233 DEED REF. # 27554100518



2013-0112-A 

A hand-drawn map showing the intersection of Summit Ave and Windsor Mill Road. Summit Ave is a vertical line on the left, and Windsor Mill Road is a horizontal line at the bottom. A small cross marks the intersection point.

MAP IS NOT TO SCALE
ZONING MAP# 077A3
SITE ZONED RC5
ELECTION DISTRICT 2ND
COUNCIL DISTRICT 4TH
LOT AREA ACREAGE 1.0091
OR SQUARE FEET _____
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: