



KEVIN KAMENETZ
County Executive

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

January 29, 2013

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue
#600
Towson, Maryland 21204

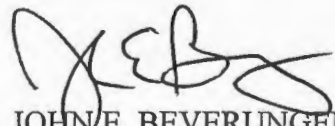
RE: **Motion for Reconsideration**
Case No.: 2013-0126-A
Property: 503 E. Seminary Avenue

Dear Mr. Borgerding:

I am in receipt of your Motion for Reconsideration, filed on January 28, 2013. You have requested that the January 17, 2013 Order in the above case be revised to include the grant of relief for an administrative fence height waiver. Though informal in nature, this correspondence shall serve as a clarification of the earlier Order, which shall be amended to include the grant of relief for a fence height waiver, permitting a fence 8' in height in lieu of the 42" permitted under the Baltimore County Zoning Regulations (B.C.Z.R.).

All other aspects of the January 17, 2013 Order shall remain in full force and effect.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh

IN RE: PETITION FOR VARIANCE
(503 E. Seminary Avenue)
7th Election District
3rd Councilmanic District
Daniel Nace & Cynthia Neumann
Petitioners

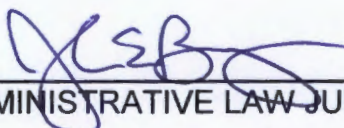
* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* Case No.: 2013-0126-A
* * * * *

* * * * *

ORDER

Upon review of the Motion for Reconsideration it is this 29 day of
January, 2013, hereby

ORDERED that the Fence Height Waiver, pursuant to PART 122.4 of the Baltimore
County Building Code, be **GRANTED** in the above-captioned matter.



ADMINISTRATIVE LAW JUDGE

ORDER RECEIVED FOR FILING

Date 1/29/13

By sen



KEVIN KAMENETZ
County Executive

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

January 17, 2013

Francis X. Borgerding, Jr., Esquire
409 Washington Avenue
#600
Towson, Maryland 21204

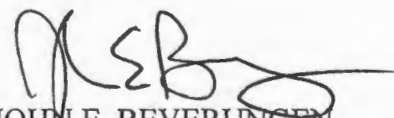
RE: Petition for Variance
Case No.: 2010-0126-A
Property: 503 E. Seminary Avenue

Dear Mr. Borgerding:

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: Daniel Nace and Cynthia Neumann, 503 E. Seminary Avenue, Towson, Maryland 21286
Amy Sweeney, 501 E. Seminary Avenue, Towson, Maryland 21286

IN RE: PETITION FOR VARIANCE
(503 E. Seminary Avenue)
7th Election District
3rd Councilman District
Daniel Nace & Cynthia Neumann
Petitioners

*
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*
*

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2013-0126-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Francis X. Borgerding, Jr, Esquire on behalf of Daniel Nace and Cynthia Neumann, the legal owners of the subject property. The Petitioners are requesting Variance relief from Section 427.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an 8 ft. fence in the side and rear property that is in the front yard of a neighboring property with a 0 ft. setback in lieu of the permitted 10 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Daniel Nace and Cynthia Neumann. Francis X. Borgerding, Jr., Esquire appeared as counsel and represented the Petitioners, and Amy Sweeney, the next door neighbor, was also in attendance. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

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

ORDER RECEIVED FOR FILING

Date 1-17-13

By Den

Testimony and evidence revealed that the subject property is 3.27 acres and is zoned DR1. The Petitioners purchased the home several months ago, and the prior owner had improved the property with a variety of attractive and rare plants, flowers and landscaping. To repel the many deer from the Loch Raven Reservoir, which is adjacent to Petitioners home, the prior owner installed a mesh "deer fence." The fence has stood for over 12 years without complaint, except that soon after the Petitioners moved into the home, a neighbor lodged a complaint with the County that a permit and/or variance relief was never obtained when the fence was first erected.

Based upon the testimony and evidence presented, I will grant the request for variance relief. 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 or hardship.

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

Petitioners have met this test. The Petitioners are contending with long existing site conditions, which render the property unique from a zoning perspective. In addition, the subject property is quite large and of irregular dimensions, which also make it unique.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty and/or hardship, since they would be required to dismantle a fence that has stood for over 12 years. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the letter of support from Petitioners' closest neighbor (Exhibit 2) and the lack of negative comments from Baltimore County reviewing agencies.

ORDER RECEIVED FOR FILING

Date 1-17-2013

By Sen

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 17th day of January, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 427. B.2. of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an 8 ft. fence in the side and rear property that is in the front yard of a neighboring property with a 0 ft. setback in lieu of the permitted 10 ft, be and is hereby GRANTED.

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 1-17-13

By slh



PETITION FOR ZONING HEARING(S)

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 503 E. Seminary Ave., Towson, MD 21286 which is presently zoned DR1
 Deed References: 32423/00076 10 Digit Tax Account # 0903771150/2000013033
 Property Owner(s) Printed Name(s) Daniel Nace and Cynthia Neumann

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

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a **Special Hearing** under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. **X** a **Variance** from Section(s) 427B.2

TO PERMIT AN 8' FENCE IN THE SIDE + REAR PROPERTY THAT IS IN THE FRONT YARD OF A NEIGHBORING PROPERTY WITH A 0' SETBACK IN LIEU OF THE PERMITTED 10'

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING

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 _____
 Date 1-17-13
 Mailing Address _____ City _____ State _____
 By ADN
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Francis X. Borgerding, Jr.
 Name- Type or Print _____
 Signature _____
409 Washington Ave., #600, Towson, MD
 Mailing Address _____ City _____ State _____
21204 / 410-296-6820 / borgerdinglaw@aol.com
 Zip Code _____ Telephone # _____ Email Address aol.com

Legal Owners (Petitioners):

Daniel Nace / Cynthia Neumann
 Name #1 - Type or Print _____ Name #2 - Type or Print _____
 Signature #1 [Signature] / Signature #2 [Signature]
503 E. Seminary Ave., Towson, MD 21286
 Mailing Address _____ City _____ State _____
21286 / 410-716-2633 /
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Francis X. Borgerding, Jr.
 Name - Type or Print _____
 Signature _____
409 Washington Ave., #600, Towson, MD
 Mailing Address _____ City _____ State _____
21204 / 410-296-6820 / borgerdinglaw@aol.com
 Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2013-0126-A Filing Date 11/30/12 Do Not Schedule Dates: _____ Reviewer JS

PROPERTY DESCRIPTION:

503 E. SEMINARY AVENUE

Beginning at a point on the South-East side of East Seminary Avenue which is 20' wide at the distance of 210' North-East of the centerline of the intersection with Dulaney Valley Road which is 75' wide.

2013-0126-A

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/neighbor 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: 2013-0126-A
Petitioner: DANIEL NACE / CYNTHIA NEUMANN
Address or Location: 503 E. SEMINARY AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: DANIEL NACE
Address: 503 E. SEMINARY AVE
TOWSON, MD 21286
Telephone Number: 410-716-2633

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

No. **90142**

Date: **11/30/12**

PAID RECEIPT

BUSINESS ACTUAL TIME WFM
 11/30/2012 11/30/2012 11:17:45 2

REC MSG2 MAIL JEN HEE

RECEIPT # 803937 11/30/2012 DEPT

Dept 5 528 IDCARD VERIFICATION

CR NO. 090142

Receipt Tot \$75.00

\$75.00 CR 4.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0006		6150				\$ 75.00

Total: **\$ 75.00**

Rec From: **NACE**

For: **2013-0126-A**

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Bruce E. Doak Consulting, LLC

3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

CERTIFICATE OF POSTING

December 26, 2012

Re:

Case Number: 2013- 0126-A

Petitioner / Developer: Daniel Nace & Cynthia Neumann

Date of Hearing: January 16, 2013

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 503 E. Seminary Avenue

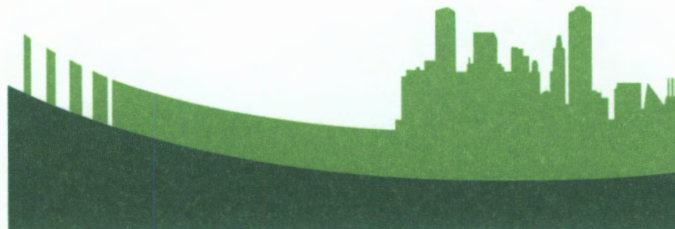
The sign(s) were posted on **December 26, 2012**.

Sincerely,



Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

ZONING NOTICE

CASE NO. 2013-0126-A

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE IN
TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE&TIME: MONDAY January 16, 2013 2:30 PM

**REQUEST: VARIANCE TO PERMIT AN 8 FT. FENCE
IN THE SIDE AND REAR PROPERTY THAT IS IN THE
FRONT YARD OF A NEIGHBORING PROPERTY WITH
A 0 FT. SETBACK IN LIEU OF THE PERMITTED 10 FT.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE

ZONING NOTICE

CASE NO. 2013-0126-A

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE IN
TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MD 21204**

DATE/TIME: MONDAY January 18, 2013 2:30 PM

**REQUEST: VARIANCE TO PERMIT AN 8 FT. FENCE
IN THE SIDE AND REAR PROPERTY THAT IS IN THE
FRONT YARD OF A NEIGHBORING PROPERTY WITH
A 0 FT. SETBACK IN LIEU OF THE PERMITTED 10 FT.**

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETHING
NECESSARY, TO CONSIDER THE HEARING CALL 410-687-3361.

DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.

THIS HEARING IS HANDICAPPED ACCESSIBLE

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: # 2013-0126-A

503 E. Seminary Avenue
SE/s Seminary Avenue, 210 ft. NE of centerline of
intersection with Dulaney Valley Road
3rd Election District - 9th Councilmanic District
Legal Owner(s): Daniel Nace & Cynthia Neumann

Variance: to permit an 8 ft. fence in the side and rear property that is in the front yard of a neighboring property with a 0 ft. setback in lieu of the permitted 10 ft.

Hearing: Wednesday, January 16, 2013 at 2:30 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.



501 N. Calvert Street, Baltimore, MD 21278

December 27, 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 27, 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

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 27, 2012 Issue - Jeffersonian

Please forward billing to:
Daniel Nace
503 E. Seminary Avenue
Towson, MD 21286

410-716-2633

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2013-0126-A

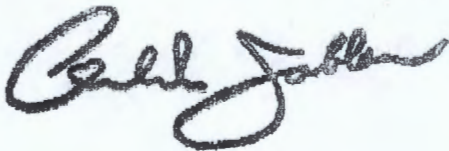
503 E. Seminary Avenue

SE/s Seminary Avenue, 210 ft. NE of centerline of intersection with Dulaney Valley Road
3rd Election District – 9th Councilmanic District

Legal Owners: Daniel Nace & Cynthia Neumann

Variance to permit an 8 ft. fence in the side and rear property that is in the front yard of a neighboring property with a 0 ft. setback in lieu of the permitted 10 ft.

Hearing: Wednesday, January 16, 2013 at 2:30 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.



KEVIN KAMENETZ
County Executive

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

December 18, 2012

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: 2013-0126-A

503 E. Seminary Avenue

SE/s Seminary Avenue, 210 ft. NE of centerline of intersection with Dulaney Valley Road
3rd Election District – 9th Councilmanic District

Legal Owners: Daniel Nace & Cynthia Neumann

Variance to permit an 8 ft. fence in the side and rear property that is in the front yard of a neighboring property with a 0 ft. setback in lieu of the permitted 10 ft.

Hearing: Wednesday, January 16, 2013 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Francis Borgerding, Jr., 409 Washington Avenue, #600, Towson 21204
Daniel Nace, Cynthia Neumann, 503 E. Seminary Avenue, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 27, 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.



KEVIN KAMENETZ
County Executive

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

January 9, 2013

Daniel Nace & Cynthia Neumann
503 E. Seminary Avenue
Towson MD 21286

RE: Case Number: 2013-0126 A, Address: 503 E. Seminary Avenue

Dear Mr. Nace & Ms. Neumann:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 30, 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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Francis X. Borgerding, Jr., Esquire, 409 Washington Avenue, #600, Towson MD 21204

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 12-13-12

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

RE: Baltimore County
Item No 2013-0126-A
Variance
Daniel Nace & Cynthia
Neumann
503 E. Seminary 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. 2013-0126-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,

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

DATE: December 17, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For December 24, 2012
Item Nos. 2013-0124, 0125, 0126, 0128, 0129, 0130 and 0131.

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

DAK:CEN
Cc: file



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 503 E. Seminary Avenue

Towson, MD 21286

Owner Daniel Nace

Owner Address 503 E. Seminary Avenue

Towson, MD 21286

Corner Lot? Yes/No

Fence located in Front Side Rear Yard

Fence Height Allowed by Building Code 42"

Fence Height Requested 96" (Attach fence location drawing.)

Basis for Request:

Deer fence is needed at existing height to protect extensive landscaping and rare plants on property that the deer would consume if the fence were lower and the deer had access to the property.

Applicant's Signature [Signature]

Date: 11/28/2012

(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 _____



**Baltimore County Department of
Permits and Development Management
Building Engineer's Office
111 West Chesapeake Avenue
Towson, MD 21204
410-887-3373
FAX 410-887-2824**

**FORMAT FOR NOTICE OF FILING OF APPLICATION
FOR FENCE HEIGHT WAIVER**

The sign to be posted must be obtained from any of the county's list of approved sign posters. The sign will be the standard 24" x 36" size used for zoning variances, and will contain the following language:

NOTICE

A request has been made for a waiver to construct a fence higher than allowed in accordance with PART 122.4 of the Baltimore County Building Code.

Fence location: Front, side and rear

Height allowed: 42"

Height requested: 96"

Any one 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: _____

Address: 503 E. Seminary Ave., Towson, MD 21286

Please contact 410-887-3373 for information

Building Engineer for Baltimore County
Department of Permits and Development Management
111 West Chesapeake Avenue, Rm. 105
Towson, MD 21204

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
503 E Seminary Avenue; SE/S Seminary Ave, *
210' NE c/line inter w/ Dulaney Valley Rd * OF ADMINISTRATIVE
3rd Election & 9th Councilmanic Districts HEARINGS FOR
Legal Owners: Daniel Nace & Cynthia Neumann*
Petitioner(s) * BALTIMORE COUNTY
* 2013-126-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

DEC 14 2012

.....

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 2012, a copy of the foregoing Entry of Appearance was mailed to Francis Borgerding, Esquire, 409 Washington Avenue, Suite 600, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

JB 1-14-13
FRANCIS X. BORGERDING, JR.

Attorney at Law

MERCANTILE BUILDING - SUITE 600

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(410) 296-6820

FAX (410) 296-6884

RECEIVED

JAN 28 2013

January 24, 2013

OFFICE OF ADMINISTRATIVE HEARINGS

Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204

RE: Petition for Variance
Case No.: 2013-0126-A

Dear Sir/Madam:

Enclosed herewith for filing please find the Motion for Reconsideration with proposed Order with regard to the above-captioned matter. Thank you.

Very truly yours,

Francis X. Borgerding, Jr.
FRANCIS X. BORGERDING, JR.

FXBJr:bjk
Enclosure

IN RE: PETITION FOR VARIANCE
(503 E. Seminary Avenue)
7th Election District
3rd Councilmanic District
Daniel Nace & Cynthia Neumann
Petitioners

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* Case No.: 2013-0126-A

* * * * *

MOTION FOR RECONSIDERATION

Petitioners, Daniel Nace & Cynthia Neumann, by and through their attorney, Francis X. Borgerding, Jr., herein request, pursuant to Appendix G(K) of the Baltimore County Zoning Regulations (BCZR), reconsideration of the Opinion and Order of the Administrative Law Judge (ALJ) in the above-captioned case dated January 17, 2013 and say:

1. The ALJ entered into an Opinion and Order in the above-captioned case on January 17, 2013 granting Petitioners a variance from Section 427.B.2 of the BCZR to permit an eight foot fence in the side and rear yard that is in the front of a neighboring property with a zero foot setback in lieu of the permitted ten foot setback.

2. When Petitioners filed the above-referenced Petition with the Baltimore County Department of Permits and Development Management, Petitioners' attorney was told by the Zoning Inspector, Jeff Radcliffe, that the Petitioners needed the variance that was granted in this matter and in addition a waiver to instruct a fence higher than allowed in accordance with PART 122.4 of the Baltimore County Building Code.

3. When the Baltimore County Department of Permits and Development Management intook the Petition for Variance, they also intook an Application for Fence Height Waiver, pursuant to PART 122.4 of the Baltimore County Building Code.

4. At the hearing of this matter undersigned does not recall this matter being discussed and further the Opinion and Order dated January 17, 2013 does not mention the request for Application for Fence Height Waiver and said relief was not granted pursuant to the Opinion and Order.

5. Petitioners herein file this Motion for Reconsideration to ask the ALJ to grant the Fence Height Waiver, pursuant to PART 122.4 of the Baltimore County Building Code, as the Baltimore County Department of Permits and Development Management intook the Waiver Request but it was not discussed nor granted, pursuant to the hearing that was held in this matter nor in the Opinion and Order dated January 17, 2013.

WHEREFORE, Petitioners, Daniel Nace & Cynthia Neumann, herein request that the Fence Height Waiver, pursuant to PART 122.4 of the Baltimore County Building Code, be **GRANTED** in the above-captioned matter.



FRANCIS X. BORGERDING, JR.
409 Washington Avenue, Suite 600
Towson, Maryland 21204
410-296-6820
ATTORNEY FOR PETITIONERS

MEMORANDUM

DATE: March 4, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0126-A - Appeal Period Expired

The appeal period for the above-referenced case expired on February 28, 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

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
BALTIMORE COUNTY

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[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 09 Account Number - 0903771150

Owner Information

Owner Name:	NEUMANN CYNTHIA M NACE DANIEL F	Use:	RESIDENTIAL
Mailing Address:	503 E SEMINARY AVE BALTIMORE MD 21286-1353	Principal Residence:	YES
		Deed Reference:	1) /32423/ 00076 2)

Location & Structure Information

Premises Address	Legal Description
503 E SEMINARY AVE 0-0000	PT LT 10 2.249 AC 503 E SEMINARY AVE HAMPTON

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	1
0061	0015	0303		0000			10	2	Plat Ref:	0009/ 0109

Special Tax Areas

Town	NONE
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	2,841 SF	2.2500 AC	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
Land	250,870	250,800		
Improvements:	383,220	299,000		
Total:	634,090	549,800	549,800	549,800
Preferential Land:	0			0

Transfer Information

Seller:	WIKE RICHARD C	Date:	08/16/2012	Price:	\$605,000
Type:	ARMS LENGTH MULTIPLE	Deed1:	/32423/ 00076	Deed2:	
Seller:	CULLY DAVID P	Date:	11/04/1998	Price:	\$417,000
Type:	ARMS LENGTH MULTIPLE	Deed1:	/13266/ 00080	Deed2:	
Seller:	LOMBARDO VITO W	Date:	11/29/1982	Price:	\$212,500
Type:		Deed1:	/06459/ 00336	Deed2:	

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:
Exempt Class:	NONE

Homestead Application Information

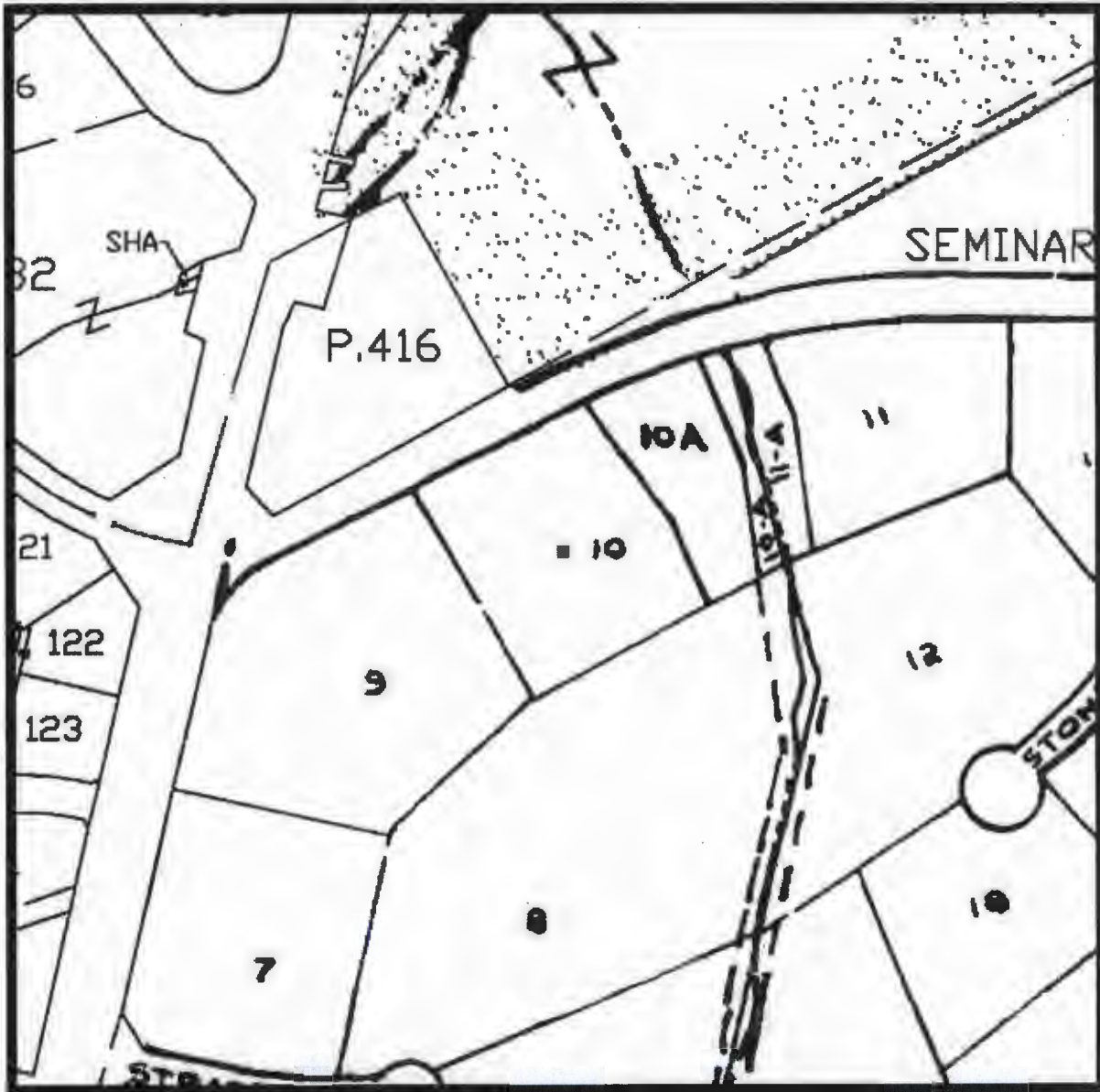
Homestead Application Status: Approved 11/13/2012



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Taxation
BALTIMORE COUNTY
Real Property Data Search**

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District - 09 Account Number - 0903771150



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Maryland Department of Assessments and Taxation
Real Property Data Search (vw2.2A)
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[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 09 Account Number - 2000013033

Owner Information

Owner Name: NEUMANN CYNTHIA M
NACE DANIEL F
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 503 E SEMINARY AVE
BALTIMORE MD 21286-1353
Deed Reference: 1) /32423/ 00076
2)

Location & Structure Information

Premises Address Legal Description
503A SEMINARY AVE 1.029 AC
0-0000

HAMPTON

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0061	0015	0303		0000			10A	2	Plat Ref: 0056/0024

Special Tax Areas Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		1.0200 AC	04

Stories Basement Type Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2012	07/01/2013
<u>Land</u>	10,200	10,200		
<u>Improvements:</u>	0	0		
<u>Total:</u>	10,200	10,200	10,200	10,200
<u>Preferential Land:</u>	0			0

Transfer Information

<u>Seller:</u> WIKE RICHARD C	<u>Date:</u> 08/16/2012	<u>Price:</u> \$605,000
<u>Type:</u> ARMS LENGTH MULTIPLE	<u>Deed1:</u> /32423/ 00076	<u>Deed2:</u>
<u>Seller:</u> CULLY DAVID P	<u>Date:</u> 11/04/1998	<u>Price:</u> \$417,000
<u>Type:</u> ARMS LENGTH MULTIPLE	<u>Deed1:</u> /13266/ 00080	<u>Deed2:</u>
<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>

Exemption Information

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

Tax Exempt: Special Tax Recapture:
Exempt Class: NONE

Homestead Application Information

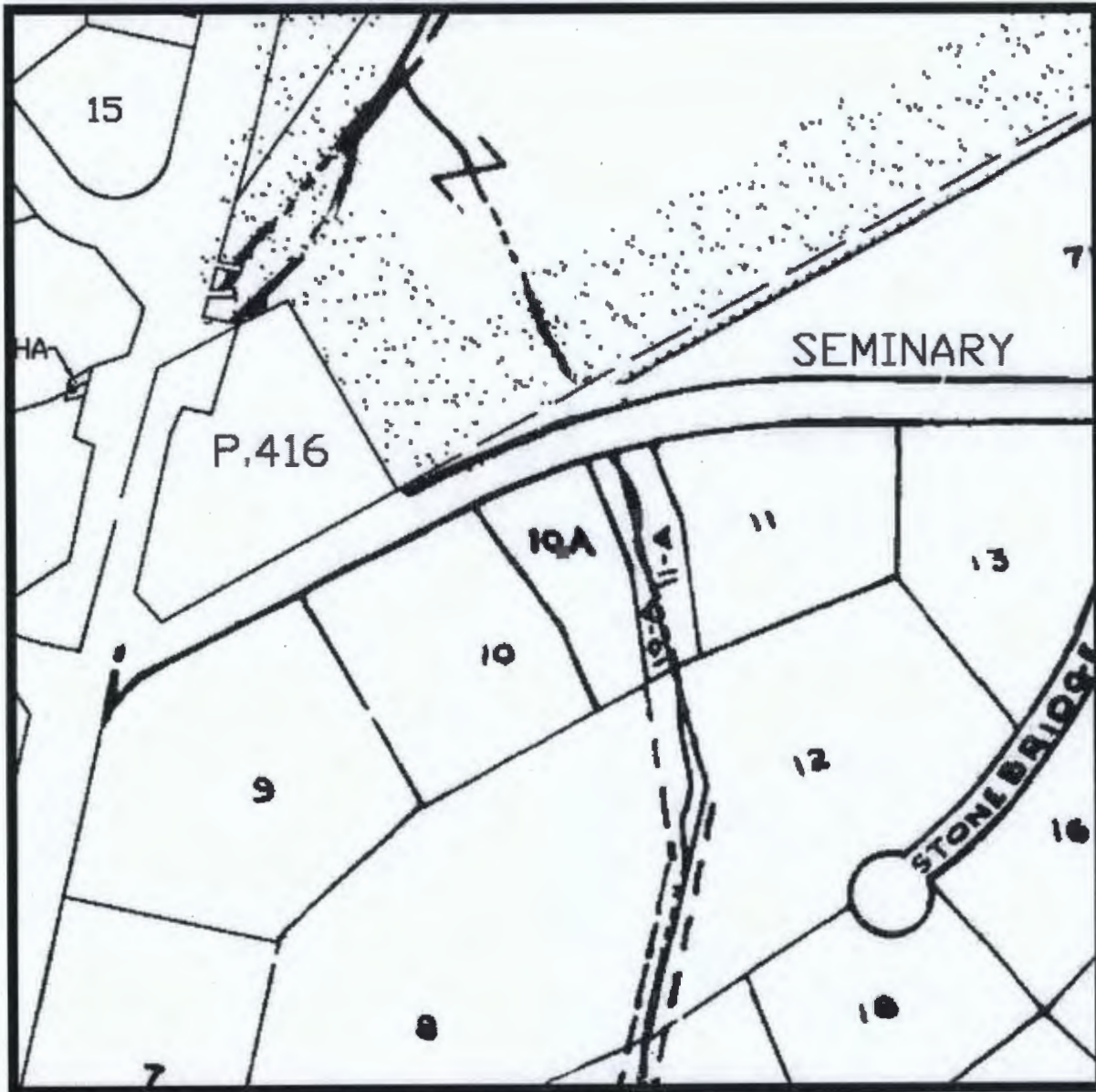
Homestead Application Status: No Application



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BALTIMORE COUNTY
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District - 09 Account Number - 2000013033



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If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

CASE NAME 503 Seminary
CASE NUMBER 2013-126-A
DATE 1-16-2013

CASE NAME 503 Seminary
CASE NUMBER 2013-126-A
DATE 1-16-2013

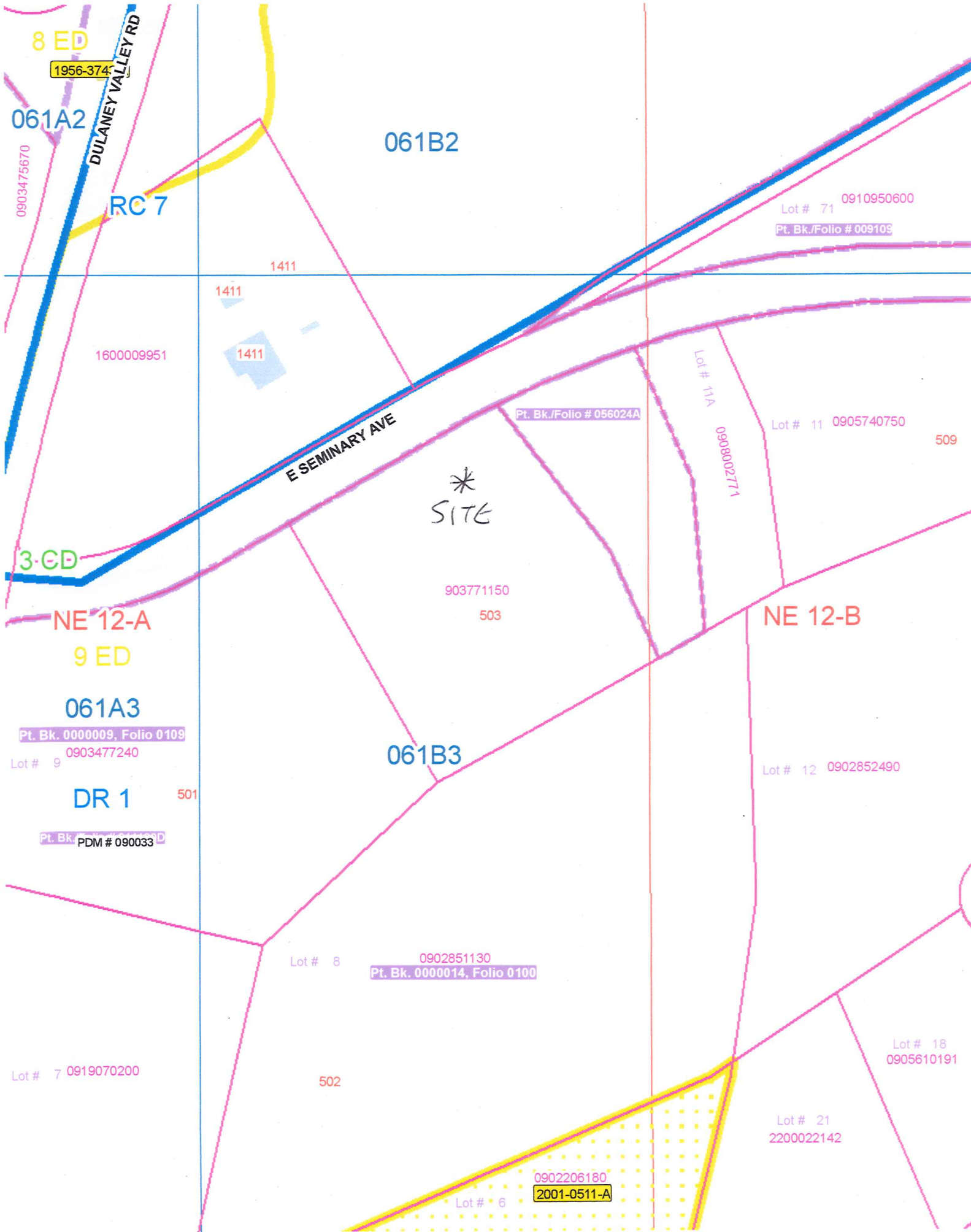
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CASE NO. 2013- 0126-A

CHECKLIST

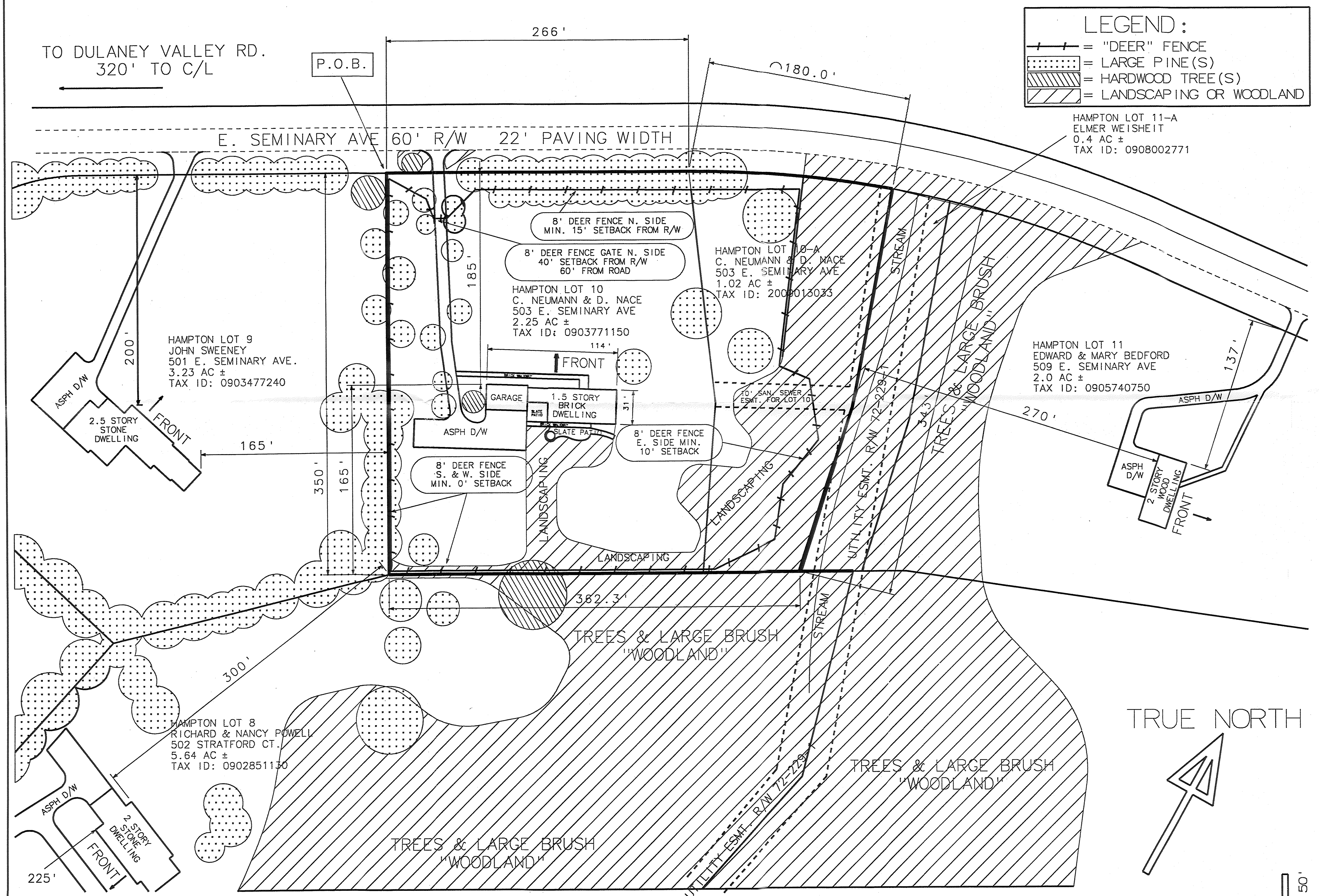
<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>12/17/12</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NO/C</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>12/13/12</u>	STATE HIGHWAY ADMINISTRATION	<u>NO Obj</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>12/27/12</u>	
SIGN POSTING	Date: <u>12/26/12</u> by <u>DOAK</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



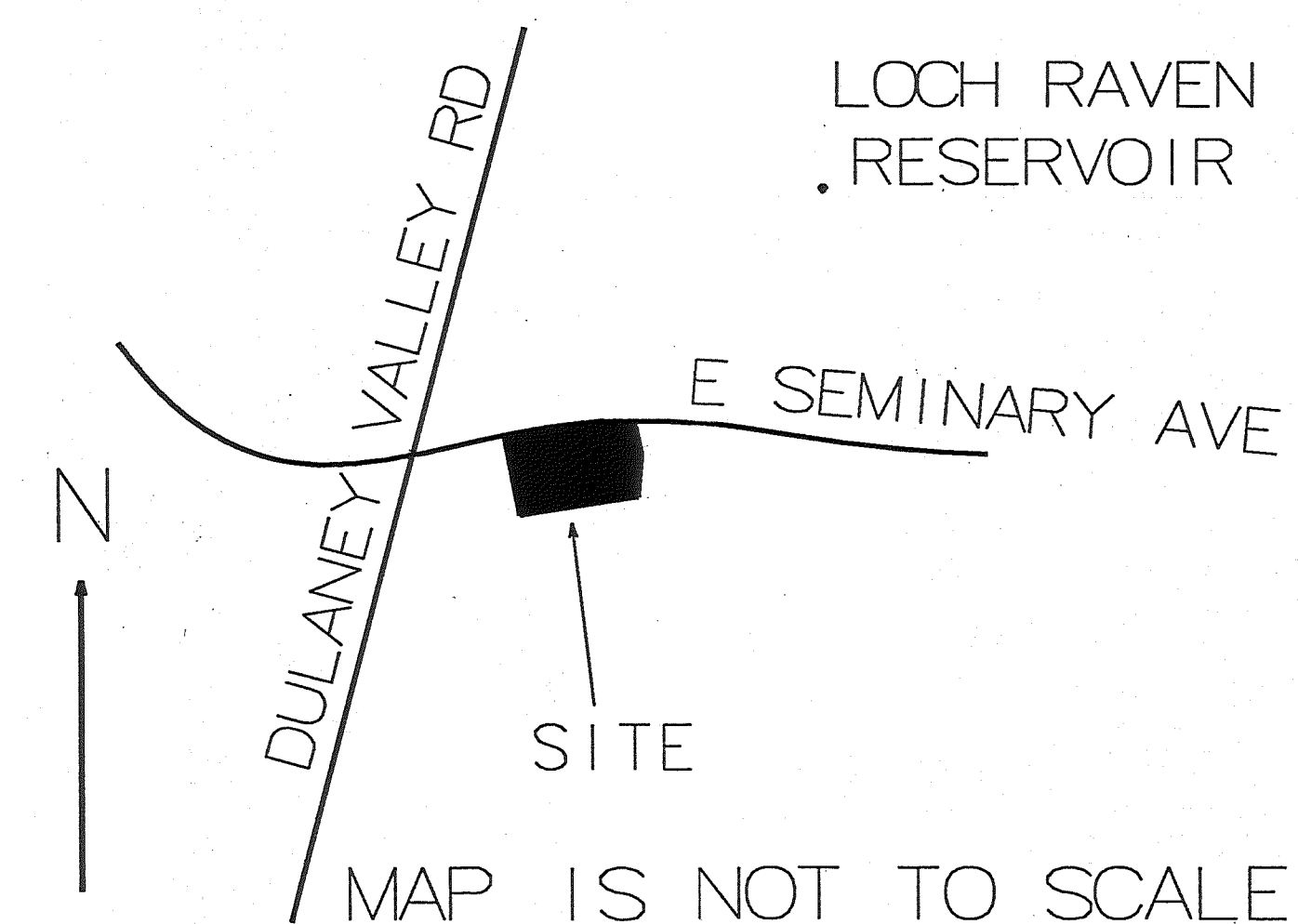
2013-0126-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING (MARK REQUESTED WITH X)
ADDRESS 503 E SEMINARY AVE OWNERS(S) NAME(S) CYNTHIA NEUMANN & DANIEL NACE
SUBDIVISION NAME HAMPTON LOT # 10 & 10A BLOCK # N/A SECTION # N/A
PLAT BOOK # 56 FOLIO # 24 10 DIGIT TAX # 0903771150 & 2000013033 DEED REF. # 32423/00076



PLAN DRAWN BY DANIEL NACE DATE 11/25/2012 SCALE: 1 INCH = 50 FEET

SITE VICINITY MAP



ZONING MAP# 061B3
SITE ZONED DR1
ELECTION DISTRICT 9TH
COUNCIL DISTRICT 3RD
LOT AREA ACREAGE 3.27
OR SQUARE FEET 142,441
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:
CORRECTION NOTICE CASE
NO. 115678
INSPECT. JEFF RADCLIFFE

1-16-2013

Case No.: 2013-126A

Exhibit Sheet

1-17-2013

Sen

DW 3-1-13.

Petitioner/Developer

Protestant

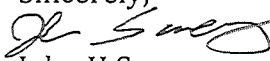
No. 1	Site Plan	
No. 2	Letter from Neighbor	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

1/16/13
Baltimore County Court
Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

To The Court of Baltimore County,

I apologize for not being able to attend the hearing in person and make the court aware that I have absolutely no objection whatsoever to the fence of Dan Nace and Cynthia Neumann and it's location. Dan and Cindy are terrific neighbors and a credit to the Hampton community. The fence poses no problems and it is my hope that the court will allow it to remain 100% in tact where it stands today. I would be happy to answer any questions the court may have and can be available by phone at 410-599-5834.

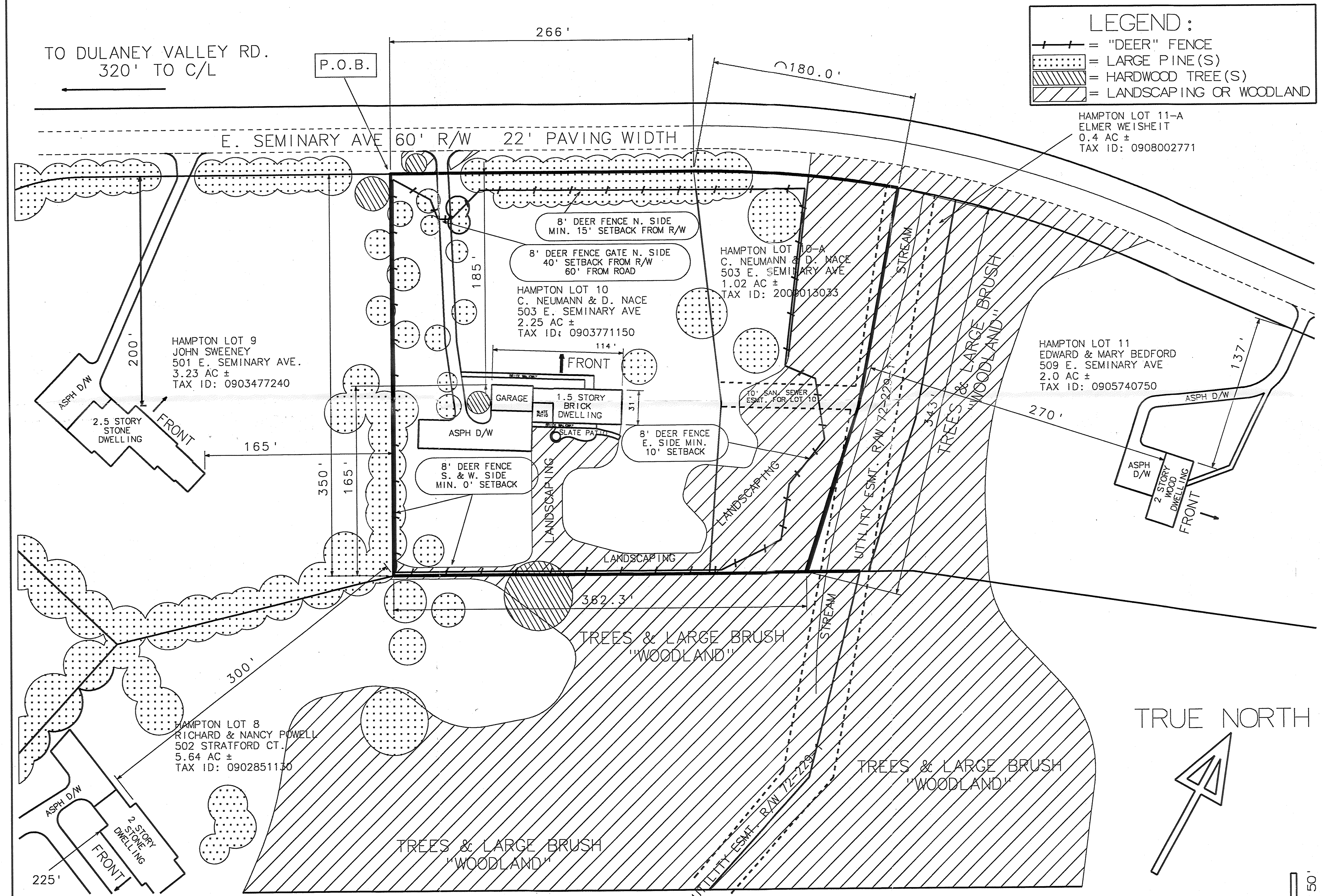
Sincerely,



John H Sweeney
501 East Seminary Avenue
Hampton, Maryland 21286

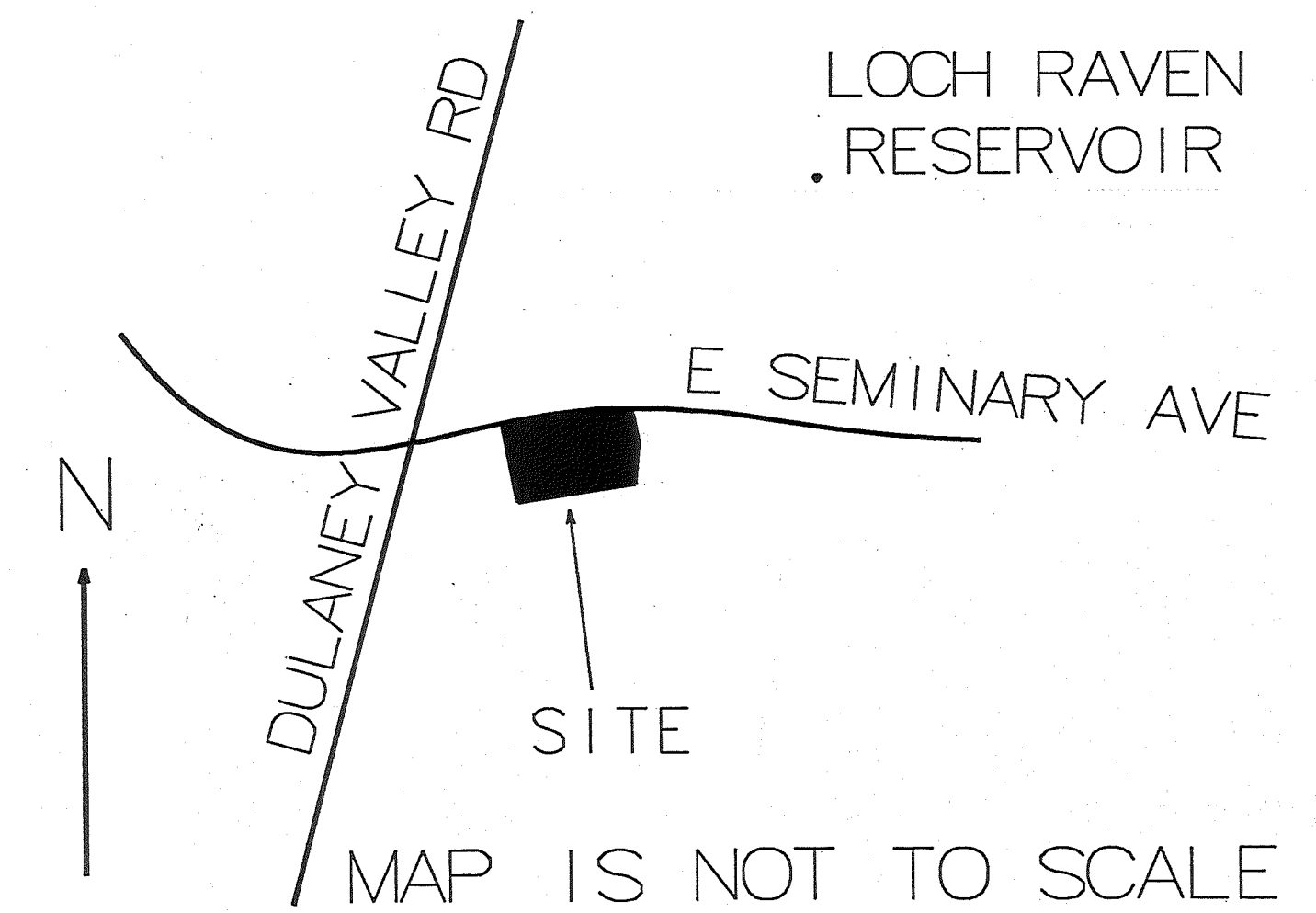
Pg #2

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING____ (MARK REQUESTED WITH X)
 ADDRESS 503 E SEMINARY AVE OWNERS(S) NAME(S) CYNTHIA NEUMANN & DANIEL NACE
 SUBDIVISION NAME HAMPTON LOT # 10 & 10A BLOCK # N/A SECTION # N/A
 PLAT BOOK # 56 FOLIO # 24 10 DIGIT TAX # 0903771150 & 2000013033 DEED REF. # 32423/00076



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 IN CBCA NO
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 UTILITIES? MARK WITH X
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 SEWER IS: PUBLIC X PRIVATE _____
 PRIOR HEARING? NO
 IF SO GIVE CASE NUMBER AND ORDER RESULT BELOW:

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 INSPECT. JEFF RADCLIFFE