

IN RE: PETITION FOR ADMIN. VARIANCE *
(9619 Hickory Hurst Drive)
11th Election District *
5th Councilmanic District *
Rosallio and Rhea Baccay *
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2014-0055-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County as a Petition for Administrative Variance filed by the legal owners of the subject property, Rosallio and Rhea Baccay. The variance request is from Section 427.1.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed 6 ft. fence to be erected in the rear yard which adjoins the neighbor's front yard in lieu of the required maximum height of 42 in. 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. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 6, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the

ORDER RECEIVED FOR FILING

Date 10-7-13

By lsu

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 7th day of October, 2013, that a Variance from Section 427.1.B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed 6 ft. fence to be erected in the rear yard which adjoins the neighbor's front yard in lieu of the required maximum height of 42 in., be and is hereby GRANTED, subject to the following:

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits 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, 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.



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 10-7-13

By laj



KEVIN KAMENETZ
County Executive

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

October 7, 2013

R. Steven Bowers
7 Haymarket Court
Baltimore, Maryland 21236

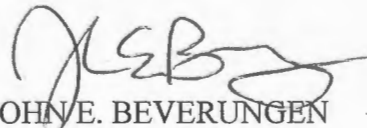
RE: **PETITION FOR ADMINISTRATIVE VARIANCE**
(9619 Hickory Hurst Drive)
Case No. 2014-0055-A

Dear Mr. Bowers:

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.

Very truly yours,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: Rosallio and Rhea Baccay, 9619 Hickory Hurst Drive, 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 9619 Hickory Hurst Drive which is presently zoned DR 5.5

Deed Reference 33261 100436 10 Digit Tax Account # 1800 002864

Property Owner(s) Printed Name(s) ROSALIO & RHEA BACCAY

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ ADMINISTRATIVE VARIANCE from section(s) 429.1.B.1 BCZR TO PERMIT A PROPOSED 6FT FENCE TO BE ERECTED IN THE REAR YARD WHICH ADJOINS THE NEIGHBOR'S FRONT YARD IN LIEU OF THE REQUIRED MAXIMUM HEIGHT OF 42 IN.
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 2014-0055-A

Filing Date 8/30/13

Estimated Posting Date 9/8/13

Reviewer G.H

August 23, 2013

To Whom It May Concern:

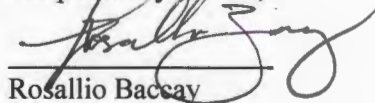
We, Rosallio and Rhea Baccay, are requesting for an Administrative Variance at 9619 Hickoryhurst Drive Nottingham, MD 21236 due to the following reasons:

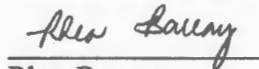
1. Our two children ages 3 and 8 grew up in an apartment at address 2009 Bear Ridge Road, Apt 102 Baltimore, MD 21222. This is a two bedroom apartment located at the 2nd floor of the building. For 8 years, we do not have our own personal outdoor space where our children can do what most children loves to do, play in the yard. As parents, we aspire to provide the things that would help our children grow and attain their utmost potential. We believe that by addressing their needs through fence installation, we can provide our children a secure and safe environment that would support their growth and developmental needs.
2. There was an incident that occurred around June or July 2013 when the Baltimore Police Officer came to the house adjacent to us. The house is unoccupied and children of various ages were playing in that area. Some of the children, even teenagers, passed through our backyard to go to the main street of Hickoryhurst Drive. Having a fenced-in backyard will provide us a sense of peace, security and privacy that every homeowners would dream of.

We hope that through this request for Administrative Variance, our children will achieve their fullest potential by being active, playful and be able to live in an environment that will enhance their curiosity, knowledge and love of nature.

Thank you very much for your attention.

Respectfully Yours,


Rosallio Baccay


Rhea Baccay

ZONING PROPERTY DESCRIPTION FOR: 9619 HICKORYHURST DRIVE

BEGINNING AT THE INTERSECTION POINT OF HICKORYHURST DRIVE WHICH IS 40 FEET WIDE AND STONEWAY PLACE WHICH IS 25 FEET WIDE AT THE DISTANCE OF 35 FEET SOUTHWEST.

BEING LOT #: 19, BLOCK #: G, SECTION #: 1, IN THE SUBDIVISION OF OAKHURST AS RECORDED IN BALTIMORE COUNTY PLAT BOOK #: 0042, FOLIO #: 0008 CONTAINING 8,530 SQUARE FEET. LOCATED IN THE 11TH ELECTION DISTRICT AND 5TH COUNCIL DISTRICT.

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

No. **102582**

Date: **8/30/13**

PAID RECEIPT

BUSINESS ACTUAL TIME DEPT
 8/30/2013 8/30/2013 09:14:44 2

REC 4502 WALKIN JEVA JEE
 >>RECEIPT # 843581 8/30/2013 OFLN

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		0150				75.00

Dept 5 528 BONDING CERTIFICATION
 CR NO. 102582

Recpt Tot 175.00
 175.00 CR 1.00 CR
 Baltimore County, Maryland

Total: **75.00**

Rec From: **R. Steven Bowers**

For: **Administrative Variances**
2014-0055-A

**CASHIER'S
 VALIDATION**

DISTRIBUTION

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

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 09/08/2013

Case Number: 2014-0055-A

Petitioner / Developer STEVE BOWER

Date of Hearing (Closing): SEPTEMBER 23, 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:
9619 HICKORY HURST DRIVE

The sign(s) were posted on: SEPTEMBER 6, 2013



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)

M E M O R A N D U M

DATE: November 7, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0055-A - Appeal Period Expired

The appeal period for the above-referenced case expired on November 6, 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

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>9-13</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
_____	DEPS (if not received, date e-mail sent _____)	_____
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>9-12</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>9-6-13</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: 10/1 call Mr. Bowers when ready (410) 227-9843.
10/7 11:21 Am - Advise Mr. Bowers ready for plug - he'll
do so on 10/8 pm

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2014- 0055 -A Address 9619 Hickory Hurst Dr.
Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 8/30/13 Posting Date: 9/8/13 Closing Date: 9/23/13

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 2014- 0055 -A Address 9619 Hickory Hurst Dr.
Petitioner's Name Steve Bower Telephone 410-227-9843
Posting Date: 9/8/13 Closing Date: 9/23/13
Wording for Sign: To Permit a proposed 6 foot fence to be erected in
the rear yard which adjoins the neighbors front yard. in
lieu of the required maximum height of 42 inches

Revised 7/25/13



KEVIN KAMENETZ
County Executive

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

September 24, 2013

Rosallio & Rhea Baccay
9619 Hickory Hurst Drive
Baltimore MD 21236

RE: Case Number: 2013-0055 A, Address: 9619 Hickory Hurst Drive

Dear Mr. & Ms. Baccay:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on August 30, 2013. 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 fluid and cursive.

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 9-12-13

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

RE: Baltimore County
Item No. 2014-0055-A
Administrative Variance
Rosallio & Rhea Baccay
9619 Hickoryhurst Drive.

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. 2014-0055-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
Development Manager
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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: September 13, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For September 16, 2013
Item No. 2014-0047, 0048, 0049, 0050, 0051, 0052, 0054, 0055, 0056,
0057, 0058 and 0059

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

DAK:CEN
Cc: file

Real Property Data Search (w1)

[Search Help](#)

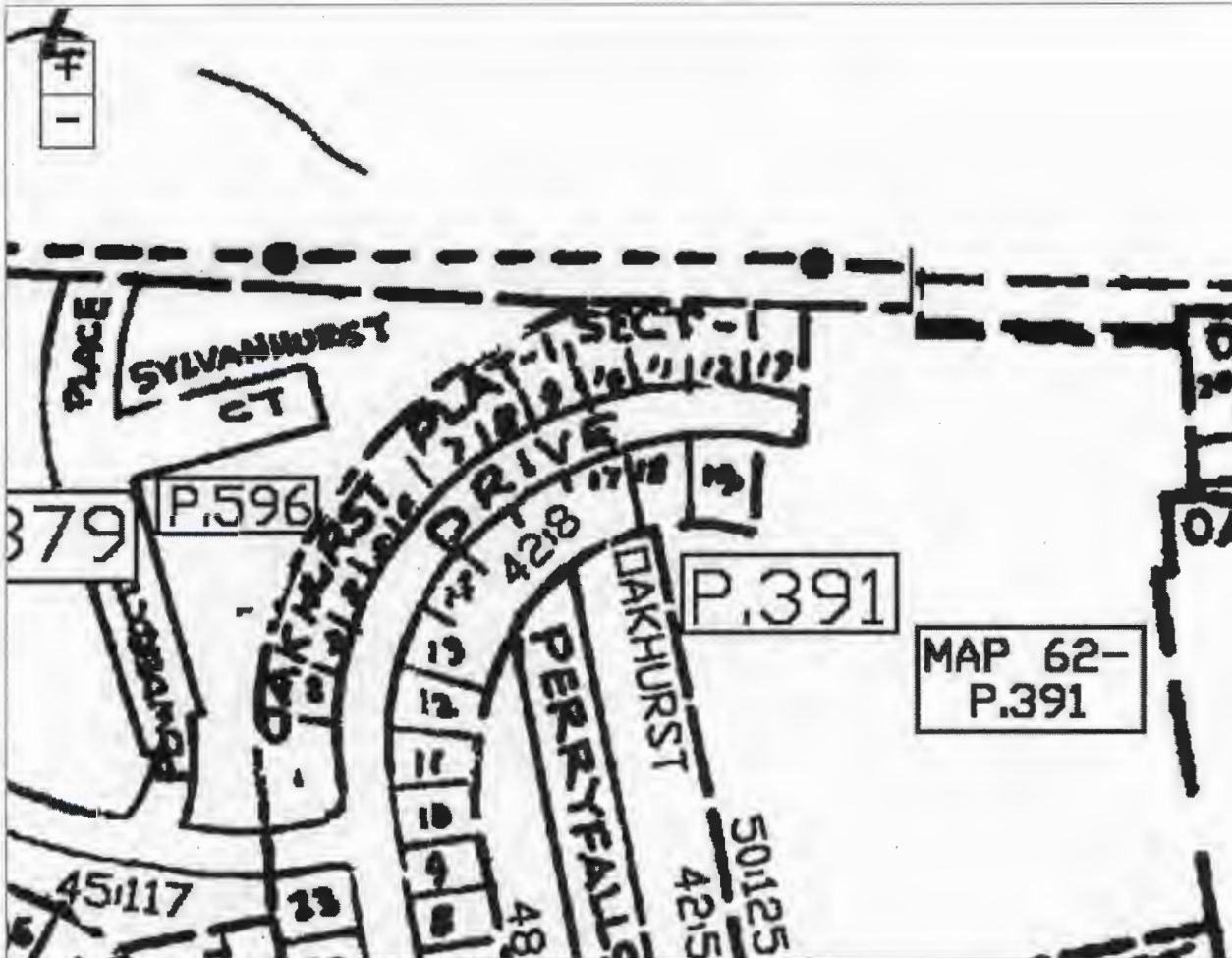
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Account Identifier: District - 11 Account Number - 1800002864		
Owner Information		
Owner Name:	BACCAY ROSALLIO BACCAY RHEA	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	9619 HICKORYHURST DR BALTIMORE MD 21236-	Deed Reference: 1) /33261/ 00436 2)
Location & Structure Information		
Premises Address:	9619 HICKORYHURST DR BALTIMORE 21236-	Legal Description: OAKHURST
Map: 0062	Grid: 0024	Parcel: 0270
Sub District:	Subdivision: 0000	Section: 1
Block: G	Lot: 19	Assessment Year: 2012
Plat No: 1	Plat Ref: 0042/ 0008	
Special Tax Areas:	Town: NONE	Ad Valorem:
	Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area
1979	1,798 SF	8,530 SF
County Use		04
Stories	Basement	Type
2.000000	YES	STANDARD UNIT
Exterior	Full/Half Bath	Garage
SIDING	2 full/ 1 half	1 Attached
Last Major Renovation		
Value Information		
	Base Value	Value
		As of
		01/01/2012
Land:	106,500	106,500
Improvements	199,400	132,900
Total:	305,900	239,400
Preferential Land:	0	239,400
		0
		07/01/2013
		07/01/2014
Transfer Information		
Seller: MILBURN BRIAN J	Date: 03/05/2013	Price: \$270,000
Type: ARMS LENGTH IMPROVED	Deed1: /33261/ 00436	Deed2:
Seller: RYLAND GROUP INC	Date: 09/17/1979	Price: \$83,585
Type: ARMS LENGTH IMPROVED	Deed1: /06076/ 00582	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	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: No Application		

Baltimore County

[New Search](#)

District: 11 Account Number: 1800002864



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.

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml.



☒ Loading... Please Wait. Loading... Please Wait.

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9619 HICKORY HURST DRIVE
FRONT VIEW



9619 HICKORY HURST DRIVE
STREET SIDE VIEW



9619 HICKORY HURST DRIVE
BACK YARD (AREA OF VARIANCE)



9619 HICKORY HURST DRIVE
BACKYARD (AREA OF VARIANCE)



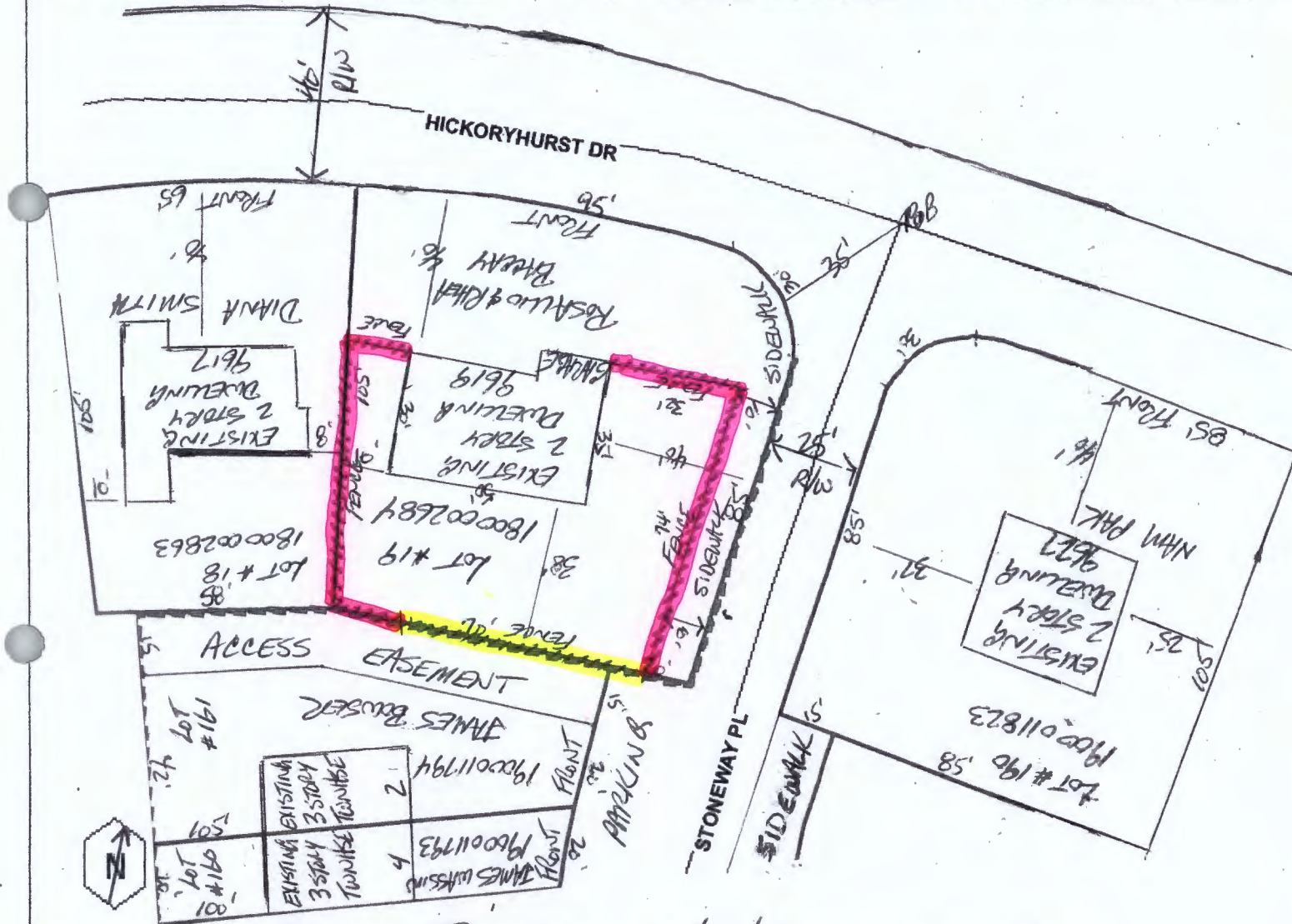
9619 HICKORY HURST DRIVE
WALKWAY EASEMENT

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 9619 HICKORYHURST DRIVE OWNER(S) NAME(S) ROSALIND & RHEA BARCAY

SUBDIVISION NAME OKHURST LOT # 19 BLOCK # 6 SECTION # 1

PLAT BOOK # 0042 FOLIO # 0008 10 DIGIT TAX # 1800002864 DEED REF. # 33261100436



PLAN DRAWN BY STEVE BOWERS DATE 8/28/13 SCALE: 1 INCH = 40 FEET

SITE VICINITY MAP

HICKORYHURST DRIVE

SITE X
STONEWAY PLACE

N



MAP IS NOT TO SCALE

ZONING MAP# 0062

SITE ZONED DRS.5

ELECTION DISTRICT 11

COUNCIL DISTRICT 5

LOT AREA ACREAGE _____

OR SQUARE FEET 8530

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:

PROPOSED FENCE
FENCE BEING VARIANCED (66 FEET)

Part - Exh. 1





1800003740

71

73

1800003738 75

1900011792

6

1900011793

4

1900011794

2

0011791

8

STONEMEN PL

33 2281100061

1900011823 9627

9615 1800002862

9617 1800002863

9619 1800002864

HICKORYHURST DR

1800002844 9622

1800002845 9624

1900011773 9626

8196 2482000081

9620 1800002843