

KEVIN KAMENETZ County Executive

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

December 20, 2013

Kenneth R. Belton 30 Clematis Court Owings Mills, Maryland 21117

RE:

Petition for Administrative Variance

Case No. 2014-0121-A Property: 30 Clematis Court

Dear Mr. Belton:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

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

IN RE: PETITION FOR ADMIN. VARIANCE

(30 Clematis Court)

2nd Election District

4th Councilmanic District

Kenneth R. Belton

Petitioner

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0121-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 owner of the subject property, Kenneth R. The variance request is from Section 427.1.B.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a 6 ft. high fence to be located in the rear yard of a lot which adjoins the front yard of the adjacent residence in lieu of the permitted 42 in. high fence. The subject property and requested relief are more particularly described on Petitioner's 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 Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on November 29, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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	12-20-13	
By	100	

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 Petitioner.

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 <u>20th</u> day of December, 2013, that a Variance from Section 427.1.B.1 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a 6 ft. high fence to be located in the rear yard of a lot which adjoins the front yard of the adjacent residence in lieu of the permitted 42 in. high fence, be and is hereby GRANTED, subject to the following:

The relief granted herein shall be subject to the following:

1. Petitioner may apply for his appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, 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:dlw

12-20-13	
1905	2

ORDER RECEIVED FOR EILING

ADM ISTRATIVE ZONING PETION

CASE NUMBER 2014-0121-

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 30 CLEMATIS which is presently zoned 10 Digit Tax Account # 22000 Deed Reference 15992 Property Owner(s) Printed Name(s) (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 ADMINISTRATIVE VARIANCE from section(s) see attached of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, 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: Legal Owners: Name #2 - Type or Print Name-Type or Print Signature # 2 Signature City State Mailing Address Zip Code Telephone # Email Address **Email Address** ER RECEIVED FOR FILING Representative to be contacted: Attorney for Petitioner: Name-Type or Print Signatur AD Mailing Address 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, 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

Filing Date 14/18/13 Estimated Posting Date 12/0/13

Affidavit in Support (Administrative Varianc€) (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: 30 CLEMATIS CA	ET BALT	MD	21117
Print or Type Address of property	City	State	Zip Code
Based upon personal knowledge, the f Administrative Variance at the above a	following are the facts address. (Clearly state	which I/we base to practical diffic	the request for an ulty or hardship here)
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(If additional space for the petition requ	est or the above stateme	ent is needed, label	and attach it to this Form)
Signature of Affiant Kay Sell	Si	gnature of Affiant	* Vision
KENNETH RAY BELTO.	N		
Name- Print or Type	N	ame- Print or Type	
The following information is t	to be completed by a Not	ary Public of the St	ate of Maryland
STATE OF MARYLAND, COUNTY OF	F BALTIMORE, to wit	t:	
I HEREBY CERTIFY, this 2 days and for the County aforesaid, personally a	lay of November, 2	013, before m	e a Notary of Maryland, in
the Affiant(s) herein, personally known or	satisfactorily identified to	o me as such Affiar	nt(s) (Print name(s) here)
		200	
AS WITNESS my hand and Notaries Seal	Notary Public	Mandaia	- ELPH W. MAND
	My Commission Expire	12/16	NOTARY PUBLIC P
	IVIY COMMISSION EXPIRE	3	101

427.1.B.1 to permit a six-foot high fence be located in the rear yard of a lot which adjoins the front yard of the adjacent residence in lieu of the permitted 42 inches high fence.

ZONING DESCRIPTION

Zoning Description For 30 Clematis Court

Beginning at a point on the East side of Clematis Court, which is 50 feet wide at the distance of 2,000 ft. east of the centerline of the nearest improved intersecting street Daylily Drive which is 50 ft. wide. Being Lot # 97 in the subdivision of Lyonswood South as recorded in Baltimore County Plat Book #0071, Folio# 0029, containing 11,186 square feet and located in the 2nd Election District, 4th Councilmanic District.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: 2014-0121-A
Petitioner: STEVE BOWERS
Address or Location: 30 CLEMATIS COURT
PLEASE FORWARD ADVERTISING BILL TO: Name: STEVE BOWERS Address: 1 HAY MARKET ORT BALTIMORE MD 31336
Telephone Number: (418) 727. 9843

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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/01/2013

Case Number: 2014-0121

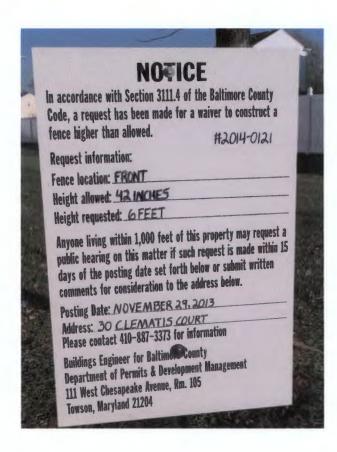
Petitioner / Developer: KENNETH BELTON~STEVE BOWERS of

LONG FENCE COMPANY

Date of Hearing (Closing): DECEMBER 16, 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: 30 CLEMATIS COURT

The sign(s) were posted on: NOVEMBER 29, 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)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 12/01/2013

Case Number: 2014-0121-A

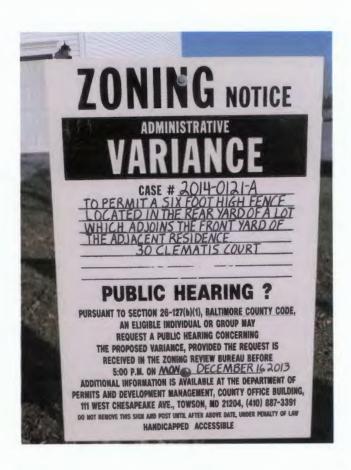
Petitioner / Developer: KENNETH BELTON~STEVE BOWERS of

LONG FENCE COMPANY

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The sign(s) were posted on: NOVEMBER 29, 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)

MEMORANDUM

DATE:

January 27, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0121-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 21, 2014. 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

CASE NO. 2014- 0\2 \- A

CHECKLIST

Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
11-29	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
	DEPS (if not received, date e-mail sent)	•
	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
11-27	STATE HIGHWAY ADMINISTRATION	No esjection
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATI	ION (Case No.	
PRIOR ZONING	(Case No.	
NEWSPAPER ADV	VERTISEMENT Date:	
SIGN POSTING	Date: 11-29-13	by O'Keepe
PEOPLE'S COUNS	SEL APPEARANCE Yes No	
PEOPLE'S COUNS	SEL COMMENT LETTER Yes No	
Comments, if any:		



Application for Administrative Waiver Of Building Code Fence Height Limitations

Per Building Code Section 3111.0

Instructions: Fill out this form and submit to the Buildings Engineer's Office, 111 West Chesapeake Avenue, Towson 21204. Include a location plan, and documentation of sign erection (provided by the sign poster). If no public hearing is requested prior to the 15 day posting period, a waiver decision will be made based on all evidence submitted.

•				NOT a
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	BALTIMORE MI	D 21117		Calar
Owner	KENNETH RAY	BELTON		(a)
Owner Address	30 CLEMATIS CO	DURT		gb = -
	BACTIMORE MI	0 21117		المنظم مي
Corner Lot? Yes	Fence located in	Telephone (44.	3)932:0757 ar Yard	X
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ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number 2014- 6121 -A Address 30 dematis ct.						
Conta	Planner, Please Print Your Name Phone Number: 410-887-3391						
Filing	Date: 11/18/13 Posting Date: 12/01/13 Closing Date: 12/14/13						
Any o	contact made with this office regarding the status of the administrative variance should be gh 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)						
Petiti	oner: This Part of the Form is for the Sign Poster Only						
	USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT						
Case	Number 2014- 0121 -A Address 30 Clematis Ct.						
Petiti	oner's Name Kenneth Belton Telephone 443-932-8757						
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BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 29, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For December 2, 2013

Item No. 2014- 0120, 0121, 0122, 0123, 0124 and 0125

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

DAK:CEN Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC12022013 -.doc



KEVIN KAMENETZ County Executive

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

December 17, 2013

Kenneth R. Belton 30 Clematis Court Baltimore MD 21117

RE: Case Number: 2014-0121 A, Address: 30 Clematis Court

Dear Mr. Belton:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on November 12, 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,

U. Carl Richal &

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: 11/27/13

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

RE: **Baltimore County**

Item No 2014-0121-A
Administrative Viviance
Kenneth R. Belton
30 Clematis Court.

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. 2014-0121-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/ Development Manager

Access Management Division

SDF/raz

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

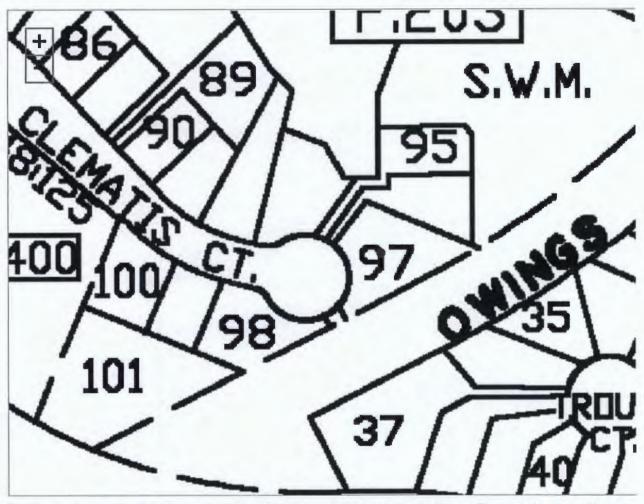
Search Help

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New Search

Baltimore County

District: 02 Account Number: 2200011143



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.



X Loading... Please Wait. Loading... Please Wait.

300 CLEMATIS COURT



FRONTAL VIEW OF AREA FOR ADMINISTRATIVE VARIANCE



REAR VIEW OF AREA FOR ADMINISTRATIVE VARIANCE

Hola

30 CLEMATIS COURT



FRONTAL VIEW OF 30,28, AND 26 CLEMATIS COURT



AREA OF PREPOSED FENCE WAIVER COMING DOWN ARONG FAR SIDE OF DRIVEWAY AND FOLLOWING SIDEEWALK #0121

30 CLEMATIS COURT



ARDA OF PROPOSED FENCE WAIVER FOLLOWING SIDEWARK & ORIVEWAY



SIDE VIEW OF AMEN OF PROPOSED FENCE WAIVER FOLLOWING SIDEWALK

Hala

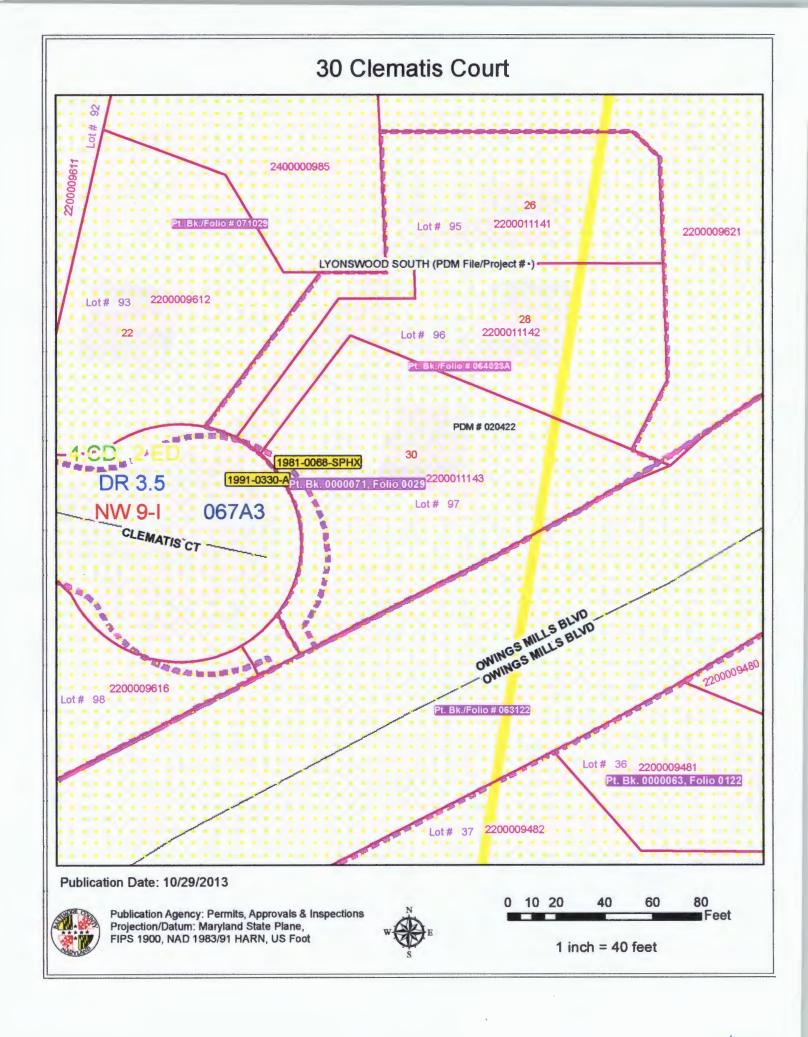
30 ELEMATIS CORT



FRONTAL VIEW OF SIDE YARD FOR ADMINISTRATIVE WAIVER



RECENT FENCE WAINER AT



	ZONING HEARING PLAN FOR VARIANCE FOR SPECIAL HEARING (MARK TYPE REQUESTED WITH X)	SHE VICINITY MAP
	ADDRESS 30 CLEMATIS COURT OWNER(S) NAME(S) KENNETH RAY BELTON	\(\sigma_1\)
		S TATE WAT VA
	SUBDIVISION NAME LYONSWOOD SOUTH LOT# 97 BLOCK# SECTION# Z	3 CLEMATIS LACT XX
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