IN RE: PETITION FOR ADMIN. VARIANCE (10913 Park Heights Avenue)

(10913 Park Heights Avenue 3rd Election District 2nd Councilmanic District

Rohini Ralby Petitioner **BEFORE THE**

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2014-0242-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, Rohini Ralby. The variance request is from Sections 427.1.B.1 and B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a 6 ft. high residential fence to be erected in the rear yard of a lot which adjoins the front yard of another existing dwelling. 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 May 24, 2014, 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	6-13-14	
By	0	

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 13th day of June, 2014, that a Variance from Sections 427.1.B.1 and B.2 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a 6 ft. high residential fence to be erected in the rear yard of a lot which adjoins the front yard of another existing dwelling, 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

ORDER	RECEIVED FOR FILING
Date	6-13-14
Bv	(9.5)

KEVIN KAMENETZ County Executive

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

June 13, 2014

Rohini Ralby 10913 Park Heights Avenue Owings Mills, Maryland 21117

RE: Petition for Administrative Variance

Case No. 2014-0242-A

Property: 10913 Park Heights Avenue

Dear Mr. Ralby:

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: William David Soud, 10913 Park Heights Avenue, Owings Mills, MD 21117

ADMICSTRATIVE ZONING PET JON

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING
To be filed with the Department of Permits, Approvals and Inspections

Address 10913 PARK HEIGHTS AVENUE	ings for Baltimore County for the property located Currently zoned KC 5
Deed Reference 16843 / 00444	10 Digit Tax Account # 2 2 0 0 0 1 0 2 6 4
Owner(s) Printed Name(s) KOHINI RALBY	
(SELECT THE HEARING(S) BY MARKING X AT THE APPR	OPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)
For Administrative Variances, the Affidavit on the	reverse of this Petition form must be completed and notarized.
The undersigned, who own and occupy the property situate attached hereto and made a part hereof, hereby petition for	e in Baltimore County and which is described in the plan/plat ran:
1. ADMINISTRATIVE VARIANCE from Section(s)	
Section 427.1.B.1 & B.2 of BCZR to permi	it a six(6) feet high residential fence to be erected in the
rear yard of a lot, which adjoins the front	yard of another existing dwelling.
of the zoning regulations of Baltimore County, to the zoning	law of Baltimore County.
2 ADMINISTRATIVE SPECIAL HEARING to appr	rove a waiver pursuant to Section 32-4-107(b) of the Baltimor
County Code: (indicate type of work in this space: i.e., to ra	
the state of the same of the s	THE THE PARTY OF T
- v 194	to the control of the transfer of
of the Baltimore County Code, to the development law of B Property is to be posted and advertised as prescribed by the zoning regulative agree to pay expenses of above petition(s), advertising, posting, etc. Baltimore County adopted pursuant to the zoning law for Baltimore County	ations and further agree to be bound by the zoning regulations and restrictions of
	21117 , 410-654-0617 , ROHINIE PRACTICE FOR U
	Zip Code Telephone # Email Address
Attorney for Owner(s)/Petitioner(s): Name-Type or Print Signature ORDER RECEIVED FOR FILING State	Representative to be contacted:
Name Time or Brief	Name Type or Print
Name-Type of Fint	A Type of Pilit
Signature OFF RED	Signature
ORUE	10913 PARK HEIGHTS AVE OWINGS MILLS MD
Mailing Address City State	Mailing Address City State
Dair	21117 , 410-454-0617 / DAVIDSOUDEGMAIL.COM
Zip Code By Telephone # Email Address	Zip Code Telephone # Email Address
County, thisday of,that the subject required by the zoning regulations of Baltimore County.	be required, it is ordered by the Office of Administrative Hearings for Baltimo at matter of this petition be set for a public hearing, advertised, and re-posted as
2014-0242-A 5.16	istrative Law Judge for Baltimore County 5/25/14

Rev 03/18/2014

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 and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 10913 PARK HEIGHTS AVE	OWINGS	MILLS	MD	21117
Print or Type Address of property	City		State	Zip Code
Based upon personal knowledge, the fol Administrative Variance at the above add				
WE WOULD LIKE TO ERECT A SI	-FOOT PLANK	FENCE AL	ONG THE	EDGE OF THE
STATED PROPERTY WHERE THE P				
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(If additional space for the petition reques	t or the above st	atement is ne	eded, label a	nd attach it to this Form)
Kuh- Fully	F.			
Signature of Owner (Affiant)		Signature	of Owner (Affi	ant)
Robini Ralby	1			
Name- Print or Type	B + 3+	Name- Pri	nt or Type	
The following information is to	be completed by	a Notary Pub	lic of the Sta	te of Maryland
				- AIN-
STATE OF MARYLAND, COUNTY OF	BALTIMORE,	to wit:		2, 100
I HEREBY CERTIFY, this 1496 day and for the County aforesaid, personally app	of May	, 2014	_, before me	a Notary of Maryland, in
Print name(s) here: Rohini Ralby	Detail Suite			- V6
the Affiant(s) herein, personally known or sa	tisfactorily identi	ified to me as	such Affiant	(s).
AS WITNESS my hand and Notaries Seal	Lorami	n all		
	otary Public	9-11-2014	1	
. N	ly Commission F	Expires		

Property Description 10913 Park Heights Avenue Owings Mills, MD 21117

Beginning at point on the east side of Park Heights Avenue, which is 80 feet wide, at a distance of 230 feet side of the centerline of the nearest improved intersecting street, Melisa Court, which is 50 feet wide.

Being lot#1, Section 1 in the Final Subdivision Plat of a Re-subdivision of Lot one Rainbow Park, as recorded in Baltimore County Plat Book # 63, Folio# 149, containing 1.03 acres, located in the 3rd Election District and 2nd Council District.

			RECEIPT	Rev	Sub	No. Date:	-	096514	PUSINESS ACTUME TIME: 1/16/2014 3/16/2014 09:53:13
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CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/25/2014

Case Number: 2014-0242-A

Petitioner / Developer: DAVID SOUD & ROHINI RALEY

Date of Hearing (Closing): JUNE 9, 2014

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:

10913 PARK HEIGHTS AVENUE

The sign(s) were posted on: MAY 24, 2014



Linda O'Keife
(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:

July 18, 2014

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0242-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 14, 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

CHECKLIST

Comment Received	Department	Support/Oppose/ Conditions/ Comments/ No Comment
(0-2	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NC
	DEPS (if not received, date e-mail sent)	
	FIRE DEPARTMENT	
- ty	PLANNING (if not received, date e-mail sent)	
6-2	STATE HIGHWAY ADMINISTRATION	No agrection
	TRAFFIC ENGINEERING	·
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATIO	N (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER ADVE	RTISEMENT Date:	
IGN POSTING	Date: 5-24-14	by O'Keefe
EOPLE'S COUNSEI	L APPEARANCE Yes No C	
omments, if any:		
		ACCOUNT OF THE PARTY OF THE PAR

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES
Case Number 2014- 0242 -A Address 10913 PARK HEIGHTS AVE ,
Contact Person: AARON TSUI Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: 5/16/14 Posting Date: 5/25/14 Closing Date: 6/9/14
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. <u>DEADLINE:</u> 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.
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- 0242 -A Address 10913 PARK HEIGHTS AVE
Petitioner's Name ROHINI RALBY Telephone
Posting Date: 5/25/14 Closing Date: 6/9/14
Wording for Sign: To Permit A SIX (6) FEET HIGH RESIDENTIAL
FENCE TO BE ERECTED IN THE REAR YARD OF A LOT
WHICH ADJOINS THE FRINT YARD OF ANOTHER EXISTING
titellist 6

Revised 7/06/11



KEVIN KAMENETZ County Executive

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

June 10, 2014

Rohini Ralby 10913 Park Heights Avenue Owings Mills MD 21117

RE: Case Number: 2014-0242 A, Address: 10913 Park Heights Avenue

Dear Mr. Ralby:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 16, 2014. 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. Cal Richal D

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
William David Soud, 10913 Park Heights Avenue, Owings Mills MD 21117

Maryland Department of Transportation

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

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

Date: 6/2/14

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

RE:

Baltimore County
Item No. 2014-0247-A

Administrative Variance Robini Ralby 10913 Perk Heights Avenue MD129

Dear Ms. Lewis:

We have reviewed the site plan to accompany petition for variance on the subject of the above captioned, which was received on 5/28/14 A field inspection and internal review reveals that an entrance onto MD129 consistent with current State Highway Administration guidelines is not required. Therefore, SHA has no objection to approval for Viviance Case Number 2014-0242-1

Should you have any questions regarding this matter feel free to contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may email him at (rzeller@sha.state.md.us). Thank you for your attention.

Development Manager

Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: June 2, 2014

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 2, 2014

Item Nos. 2014-0240, 0241, 0242, 0243, 0244, 0246,0247, 0248

and 0249

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\ZAC-06022014-NO COMMENTS.doc

Real Property Data Search (w2)

Search Help

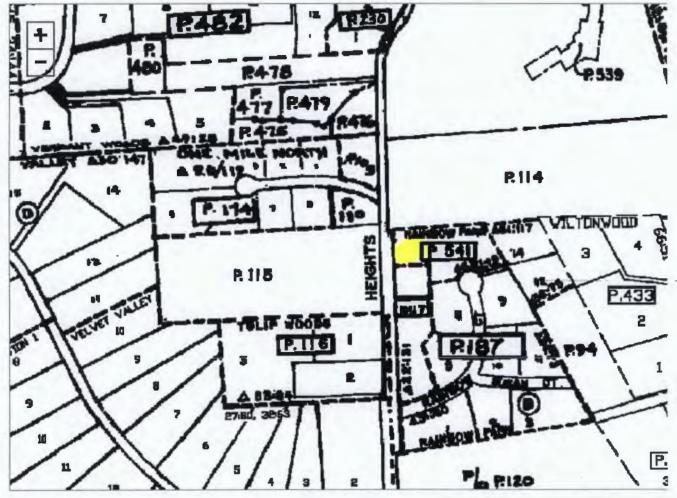
Your feedback is important to us. Please take our short survey.

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Baltimore County

New Search (http://sdat.resiusa.org/RealProperty)

District: 03 Account Number: 2200010264



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 (http://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) (http://www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

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