

IN RE: PETITION FOR ADMIN. VARIANCE *
(6208 Marglenn Avenue)
14th Election District *
6th Council District *
Ellen Blonder *
Petitioner *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2015-0262-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owner of the property, Ellen Blonder. The Petitioner is requesting Variance relief from § 427.1.B.1 and 2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed 6 ft. high, in lieu of the allowed 42 in. high, residential occupancy fence to be erected in the rear yard of an existing dwelling which adjoins the front yard of another dwelling. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 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 31, 2015, 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 (B.C.C.). 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

ORDER RECEIVED FOR FILING

Date 6-18-15

By [Signature]

Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the 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.

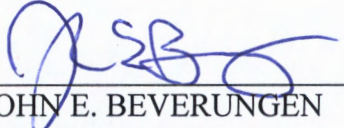
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 18th day of **June, 2015**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 427.1.B.1 and 2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed 6 ft. high, in lieu of the allowed 42 in. high, residential occupancy fence to be erected in the rear yard of an existing dwelling which adjoins the front yard of another dwelling, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- The Petitioner may apply for her appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, 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 6-18-15

By bw



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 Hearings for Baltimore County for the property located at:

Address 6208 Marglenn Ave Balt, MD 21206 Currently zoned DR5.5
 Deed Reference 35894 100373 10 Digit Tax Account # 1413024675
 Owner(s) Printed Name(s) Ellen Blonder

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE 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 in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

- ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 427.1.B.1 & 2 of BCZR to permit a proposed 6 feet high, in lieu of the allowed 42 " high, residential occupancy fence to be erected in the rear yard of an existing dwelling which adjoins the front yard of another dwelling.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Ellen Blonder
 Name #1 – Type or Print Name #2 – Type or Print
Ellen Blonder
 Signature #1 Signature #2
6208 Marglenn Ave Balt, MD
 Mailing Address City State
21206, 443 846 4270 elnblonder@yahoo.com
 Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print
 Signature
 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 been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 5 day of May that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2015-0262-A Filing Date 5/20/15 Estimated Posting Date 5/31/15 Reviewer AT

~6/15/15

Rev 5/8/2014

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury 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: 6808 Marglenn Ave Baltimore MD 21206
Print or Type Address of property City State Zip Code

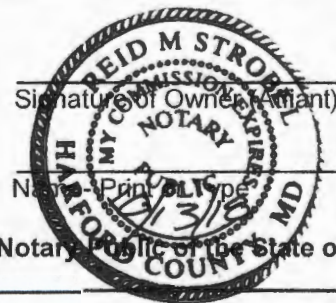
Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

My request for an Administrative Variance is based upon my wish to construct a fence higher than 42" along our property line adjacent to the neighboring property. The neighboring property is located on Lot 38 owned by Mark and Ethel Sargent and the fence we plan to erect will be 6 feet tall and be approximately 30 feet long, adjacent to their front yard.

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

Ellen Blonder Ellen Blonder
Signature of Owner (Affiant)

Ellen Blonder
Name- Print or Type



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

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18 day of May, 2015, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Ellen Blonder

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

10/13/18
My Commission Expires

ZONING HEARING PROPERTY DESCRIPTION

Zoning Property Description for 6208 Marglenn Ave Baltimore MD 21206

Beginning at a point on the west side of Marglenn Ave, which is 50 feet wide at the distance of 77 feet southwest of the centerline of the nearest improved intersecting street, Forest View Ave, which is 50 feet wide.

CB Being Lot #37 in the subdivision of Belmar as recorded in Baltimore County Plat Book #17, Folio #46 containing 5,831 square feet. Located in the 14th Election District and 6th Council District.

2015-0262-A

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

No. **125429**
 Date: **5/20/15**

PAID RECEIPT

BUSINESS ACTION TIME
 5/22/2015 5/20/2015 11:29:34
 REC MSD: WALKIN LRA5 LTR
 RECEIPT # 582882 5/20/2015
 5 528 ZONING VERIFICATION
 125429
 Rept Tot \$75.00
 \$75.00 CR \$1.00 CA
 Baltimore County, Maryland

Rev. Sub
 Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	206	0000		6150				\$75.00

Total: **\$75.00**

Rec From: **ELLEN BLONDER**
 For: **6208 MARGLENN AVE**
2015-0262-A

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0262 -A Address 6208 Marglenn Avenue

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/20/2015 Posting Date: 5/31/15 Closing Date: 6/15/15

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 2015- 0262 -A Address 6208 Marglenn Avenue

Petitioner's Name Ellen Blonder Telephone 443-846-4270

Posting Date: 5/31/15 Closing Date: 6/15/15

Wording for Sign: To Permit a proposed 6 feet high,
in lieu of the allowed 42" high, residential occupancy fence to
be erected in the rear yard of an existing dwelling which
adjoins the front yard of another dwelling.

Revised 7/18/14

CERTIFICATE OF POSTING

Date: 5-31-15

RE: Case Number: 2015-0262

Petitioner/Developer: Ellen Blonder

Date of Hearing/Closing: 6-15-15

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 6208 Margless Ave

The signs(s) were posted on 5-31-15
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2015-0262-A
TO PERMIT A PROPOSED 8 FEET HIGH
IN LIEU OF THE ALLOWED 42' TALL RESIDENTIAL
OCCUPANCY FENCE TO BE ERECTED IN THE REAR YARD
OF AN EXISTING DWELLING WHICH ADJACES ITS
FRONT YARD OF ANOTHER DWELLING

PUBLIC HEARING ?

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

REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE

5:00 P.M. ON 6/15/15

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

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

HANDICAPPED ACCESSIBLE

MEMORANDUM

DATE: July 21, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0262-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 20, 2015. 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. 2015- 0262-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-29</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>5-27</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>5-31-15</u> by <u>Pison</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

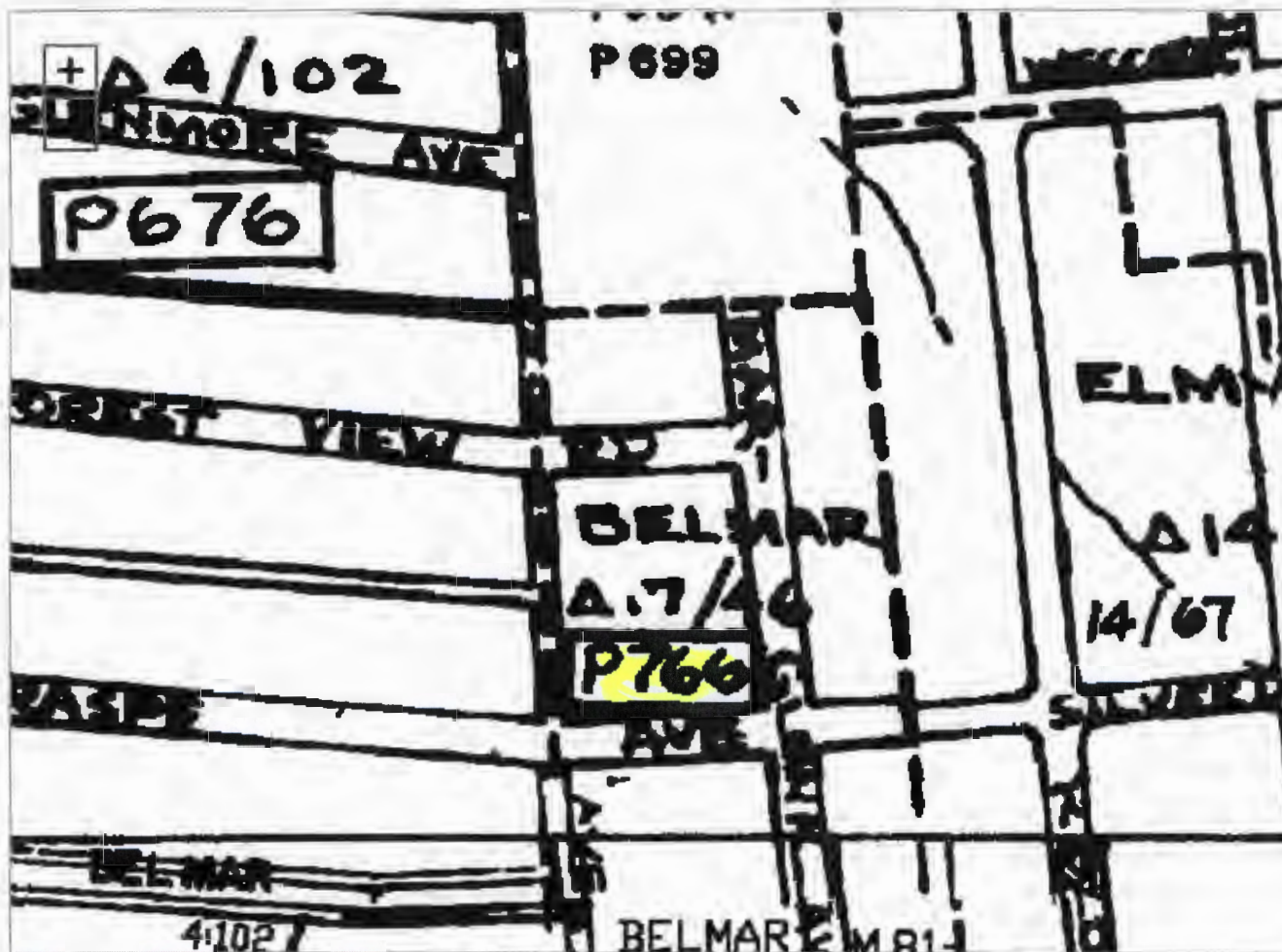
Real Property Data Search (w4)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 14 Account Number - 1413024675			
Owner Information					
Owner Name:		BLONDER ELLEN		Use: RESIDENTIAL	
Mailing Address:		6208 MARGLENN AVE BALTIMORE MD 21206-2035		Principal Residence: YES Deed Reference: /35894/ 00373	
Location & Structure Information					
Premises Address:		6208 MARGLENN AVE BALTIMORE 21206-2035		Legal Description: 6208 MARGLENN AV BELMAR	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0081	0021	0766		0000	37 2015 0017/0046
Special Tax Areas:			Town: NONE Ad Valorem: Tax Class:		
Primary Structure Built		Above Grade Enclosed Area		Finished Basement Area	
1953		1,192 SF		5,831 SF	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2	YES	STANDARD UNIT	1/2 BRICK FRAME	1 full	
Value Information					
		Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2014 As of 07/01/2015	
Land:		60,800	60,800		
Improvements		114,600	95,900		
Total:		175,400	156,700	175,400	156,700
Preferential Land:		0			0
Transfer Information					
Seller: BARNES MATTHEW J		Date: 03/02/2015		Price: \$190,000	
Type: ARMS LENGTH IMPROVED		Deed1: /35894/ 00373		Deed2:	
Seller: MURPHY COLLEEN G		Date: 11/22/2005		Price: \$210,000	
Type: ARMS LENGTH IMPROVED		Deed1: /22943/ 00531		Deed2:	
Seller: MAYNARD GEORGE WILLIAM		Date: 07/25/1997		Price: \$101,000	
Type: ARMS LENGTH IMPROVED		Deed1: /12297/ 00105		Deed2:	
Exemption Information					
Partial Exempt Assessments:		Class	07/01/2014	07/01/2015	
County:		000	0.00		
State:		000	0.00		
Municipal:		000	0.00 0.00	0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved and reinstated. 06/12/2015					

Baltimore County

[New Search \(http://sdat.resiusa.org/RealProperty\)](http://sdat.resiusa.org/RealProperty)District: **14** Account Number: **1413024675**

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>).

[\(http://imsweb05.mdp.state.md.us/website/mosp/\)](http://imsweb05.mdp.state.md.us/website/mosp/)☒ Loading... Please

Loading... Please Wait.

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BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

DATE: May 29, 2015

SUBJECT: Zoning Advisory Committee Meeting
For June 1, 2015
Item No. 2015-0250, 0257, 0258, 0260, 0261 and 0262

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\ZAC06012015.doc



KEVIN KAMENETZ
County Executive

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

June 16, 2015

Ellen Blonder
6208 Marglenn Avenue
Baltimore MD 21206

RE: Case Number: 2015-0262 A, Address: 6208 Marglenn Avenue

Dear Ms. Blonder:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 20, 2015. 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel

Larry Hogan, Governor
Boyd Rutherford, Lt. Governor



Pete K. Rahn, Secretary

Date: 5/27/15

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

RE: Baltimore County
Item No. 2015-0262-A
Administrative Variance
Ellen Blonder
6208 Marglenn 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. 2015-0262-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in dark ink, appearing to read "Brian Romanowski".
for Brian Romanowski, Chief
Access Management Division

BR/raz

4603 VIEW AVE
FOREST

VARIANCE REQUESTED FOR THE

PROPOSED 30 LF ±

6 FT H. PRIVACY FENCE



2015-0262-A

6208 MARGLENN AVE

73

4603

FOREST VIEW
AVE
FRONT YARD

VARIANCE REQUESTED
FOR THIS SECTION OF

PROPOSED 30 LF -
6 FT H. FENCE

2015-0262-A

#4603
FOREST VIEW
AVE.

REAR YARD

OF 6208 MARGLENN
AVE

2015-0262-A



6208 Marglenn Avenue



Publication Date: 5/18/2015



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40 Feet

1 inch = 30 feet

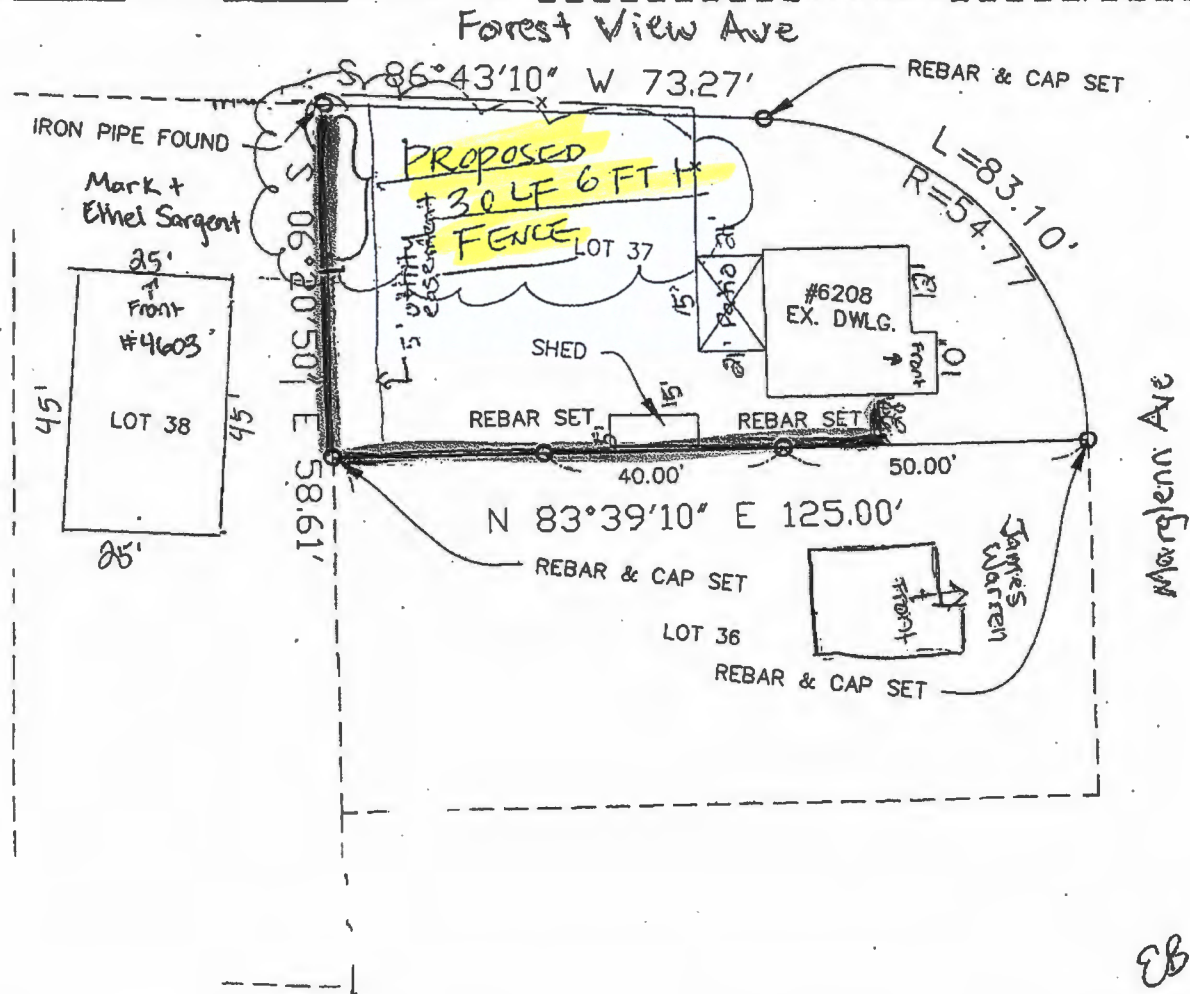
2015-0262-A

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

ADDRESS 6208 Marglenn Ave OWNER(S) NAME(S) Ellen Blonder

SUBDIVISION NAME Belmar LOT # 37 BLOCK # _____ SECTION # _____

PLAT BOOK # 17 FOLIO # 46 10 DIGIT TAX # 1413024675 DEED REF. # 35894/00373



PLAN DRAWN BY Ellen Blonder

DATE 5/12/15 SCALE: 1 INCH = 30 FEET

proposed
150'
6 ft high
fence

SITE VICINITY MAP

Glenmore
Forest View
Site
Raspe

N
Springwood
MAP IS NOT TO SCALE

ZONING MAP # 08183

SITE ZONED DR 5.5

ELECTION DISTRICT 14th

COUNCIL DISTRICT 6th

LOT AREA ACREAGE 0.134

OR SQUARE FEET 5831 sq ft

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE _____

SEWER IS:

PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

NO

VIOLATION CASE INFO:

NO

2015-0262-A

Per. Ech. 1