

M E M O R A N D U M

DATE: July 18, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0257-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 15, 2016. 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

IN RE: PETITION FOR VARIANCE
(2247 Redthorn Road)
15th Election District
6th Council District
Samuel Shafer & Christopher Collazo
Legal Owners

Petitioners

*
*
*
*
*

BEFORE THE OFFICE
OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY

CASE NO. 2016-0257-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of Samuel Shafer and Christopher Collazo, legal owners of the subject property ("Petitioners"). Petitioners request variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §427 to permit an existing residential fence that is 6 ft. high within the 15 ft. triangle bounded on 2 sides by a street and alley in lieu of the permitted 3 ft. high fence within the triangle. A site plan was marked as Petitioners' Exhibit 1.

Christopher Collazo appeared in support of the Petition. The Petition was advertised and posted as required by the B.C.Z.R. No Protestants or interested citizens attended the hearing. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP).

The subject property is approximately 3,395 square feet and is zoned DR 10.5. The property is improved with an end-of-group townhouse purchased last year by Petitioners. The Petitioners obtained from Baltimore County a permit to construct the fence in question (Permit No. B905189). The permit was issued on February 26, 2016 and the fence was constructed by Lowe's shortly thereafter. Petitioners then received a code enforcement notice of violation based on an anonymous complaint, and were instructed to obtain a variance.

ORDER RECEIVED FOR FILING

Date

6-15-16

By

sen

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioners have met this test. The subject property adjoins a public street and an alley, and is subject to particular requirements concerning residential fences. As such the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be required to remove the fence. 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. Several neighbors submitted letters (Ex. 3) of support specifically noting they use the alley for ingress and egress and that sight distance and/or visibility is not obscured by the fence.

In its ZAC comment the DOP suggested that B.C.Z.R. §102.5 (rather than §427) is the applicable regulation. I concur, even though Section 427 is entitled "Fences." The fact that provisions concerning fences are contained within multiple sections of the B.C.Z.R., as well as the Building Code, makes this a confusing patchwork of regulations. As such, even if variance relief was not granted, I believe Petitioners constructed the fence in good faith reliance upon the issuance of the permit and that the county should be equitably estopped from challenging the permit's validity in these circumstances. Permanent Financial Corp. v. Montgomery County, 308 Md. 239 (1986).

THEREFORE, IT IS ORDERED, this 15th day of **June, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore

ORDER RECEIVED FORT LIND

Date

6-15-16

By

sln

County Zoning Regulations ("B.C.Z.R) §102.5 to permit an existing residential fence that is 6 ft. high within the 15 ft. triangle bounded on 2 sides by a street and alley in lieu of the permitted 3 ft. high fence within the triangle, 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/sln

ORDER RECEIVED FOR FILING

Date 6-15-16

By sln



PETITION FOR ZONING HEARING(S)

FLOOD

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 2247 Redthorn Rd MIDDLE RIVER MD 21220 which is presently zoned _____
 Deed References: 35818:0054 10 Digit Tax Account # 1512002080
 Property Owner(s) Printed Name(s) SAMUEL SHAFER CHRISTOPHER COLIAZO

(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)
 BCZR: 1B01.1; 427 -> To permit an existing residential fence that is 6 feet high within the 15 ft. triangle bounded on 2 sides by a street and alley in lieu of the permitted 3 ft high fence within the triangle.

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 _____

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 (Petitioners):

SAMUEL SHAFER , CHRISTOPHER COLIAZO

Name #1 - Type or Print _____ Name #2 - Type or Print _____

Signature #1 _____ Signature #2 _____

2247 Redthorn Rd MIDDLE RIVER MD
 Mailing Address _____ City _____ State _____

21220 413-600-0588 SSHAFER01@gmail.com
 Zip Code _____ Telephone # _____ Email Address _____

Representative to be contacted:

Name - Type or Print SAME

Signature _____

Mailing Address _____ City _____ State _____

Zip Code _____ Telephone # _____ Email Address _____

CASE NUMBER 2016-0257-A Filing Date 4/22/16 Do Not Schedule Dates: MAY 20 Reviewer JS

**ZONING DESCRIPTION
FOR
2247 REDTHORN RD
MIDDLE RIVER, MD
21220**

Beginning at a point on the north-west side of Redthorn RD which is 60ft wide at a distance of 45ft west of the centerline of the nearest improved intersecting street Darkhead RD which is 60ft wide.

Being Lot # 23, Block 16, section # 5 in the subdivision of Hawthorne as recorded in Baltimore County Plat Book # 19, Folio # 141, containing 3395 SQ FT. Located in the 15th Election District and 6th Council District.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 4196423

Sold To:

Samuel Shafer - CU00539302
2247 Redthorn Rd
Middle River, MD 21220-4830

Bill To:

Samuel Shafer - CU00539302
2247 Redthorn Rd
Middle River, MD 21220-4830

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 24, 2016

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

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: # 2016-0257-A
2247 Redthorn Road
SW corner of intersection of Redthorn Road and Darkhead Road
15th Election District - 6th Councilmanic District
Legal Owner(s) Samuel Shafer & Christopher Collazo

Variance: to permit an existing residential fence that is 6 ft. high within the 156 ft. triangle bounded on 2 sides by a street and alley in lieu of the permitted 3 ft. high fence within the triangle.

Hearing: Monday, June 13, 2016 at 11:00 a.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.

JT 5/786 May 24 4196423

CERTIFICATE OF POSTING

CERTIFICATE OF POSTING

CASE NO: 2016-0257-A

PETITIONER/DEVELOPER

SAMUEL SHAFER

CHRISTOPHER COLLAZO

DATE OF HEARING/CLOSING:

6/13/16

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT _____

2247 REDTHORN RD

THIS SIGN(S) WERE POSTED ON _____
(MONTH, DAY, YEAR)

MAY 24, 2016

SINCERELY,

Martin Ogle 5/24/16

SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE
(SIGN POSTER)
60 CHELMSFORD COURT
BALTIMORE, MD 21220
(ADDRESS)
PHONE NUMBER: 443-629-3411

ZONING NOTICE

CASE # 2016-0257-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: ROOM 205, JEFFERSON BUILDING 105 WEST
CHESAPEAKE AVENUE, TOWSON 21204

DATE AND TIME: MONDAY, JUNE 13, 2016 AT 11:00 A.M.

REQUEST:

VARIANCE TO PERMIT AN EXISTING RESIDENTIAL FENCE THAT IS 6
FT. HIGH WITHIN THE 166' TRIANGLE BOUNDED ON 2 SIDES BY
A STREET AND ALLEY IN LIEU OF THE PERMITTED 3 FT. HIGH
FENCE WITHIN THE TRIANGLE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING, CALL 800-3391

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

HANDICAPPED ACCESSIBLE

martin gl 5/24/16

ZONING NOTICE

CASE # 2016-01-01

**PLANNING AND
ZONING COMMISSION**
NOTICE OF HEARING WILL BE HELD BY

THE PLANNING AND ZONING COMMISSION
ON THE 15TH DAY OF MAY, 2016, AT 7:00 PM
IN THE BOARD ROOM OF THE PLANNING AND ZONING COMMISSION
100 WEST 10TH AVENUE, SUITE 100, DENVER, CO 80202
TO HEAR THE PUBLIC COMMENTS ON THE PROPOSED
ZONING MAP AMENDMENT TO REZONE THE
PROPERTY LOCATED AT 100 WEST 10TH AVENUE, SUITE 100, DENVER, CO 80202
FROM THE EXISTING ZONING OF R-1 (RESIDENTIAL SINGLE-FAMILY) TO R-2 (RESIDENTIAL TWO-FAMILY).
THE PROPOSED ZONING MAP AMENDMENT IS AVAILABLE FOR PUBLIC REVIEW AT THE PLANNING AND ZONING COMMISSION OFFICE, 100 WEST 10TH AVENUE, SUITE 100, DENVER, CO 80202, DURING THE HOURS OF 9:00 AM TO 5:00 PM, MONDAY THROUGH FRIDAY.

100 WEST 10TH AVENUE, SUITE 100, DENVER, CO 80202



KEVIN KAMENETZ
County Executive

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

May 5, 2016

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: 2016-0257-A

2247 Redthorn Road

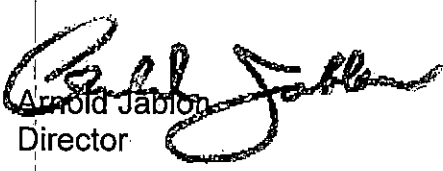
SW corner of intersection of Redthorn Road and Darkhead Road

15th Election District – 6th Councilmanic District

Legal Owners: Samuel Shafer & Christopher Collazo

Variance to permit an existing residential fence that is 6 ft. high within the 156 ft. triangle bounded on 2 sides by a street and alley in lieu of the permitted 3 ft. high fence within the triangle.

Hearing: Monday, June 13, 2016 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Samuel Shafer, Christopher Collazo, 2247 Redthorn Road, Middle River 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 24, 2016**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 24, 2016 Issue - Jeffersonian

Please forward billing to:
Samuel Shafer
2247 Redthorn Road
Middle River, MD 21220

443-600-0588

NOTICE OF ZONING HEARING

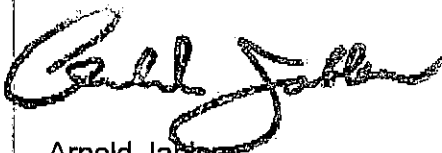
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2016-0257-A

2247 Redthorn Road
SW corner of intersection of Redthorn Road and Darkhead Road
15th Election District -- 6th Councilmanic District
Legal Owners: Samuel Shafer & Christopher Collazo

Variance to permit an existing residential fence that is 6 ft. high within the 156 ft. triangle bounded on 2 sides by a street and alley in lieu of the permitted 3 ft. high fence within the triangle.

Hearing: Monday, June 13, 2016 at 11:00 a.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.

RE: PETITION FOR VARIANCE	*	BEFORE THE OFFICE
2247 Redthorn Road; SW corner intersection	*	OF ADMINISTRATIVE
with Redthorn & Darkhead Roads	*	HEARINGS FOR
15 th Election & 6 th Councilmanic Districts	*	BALTIMORE COUNTY
Legal Owner(s): Samuel Shafer &	*	2016-257-A
Christopher Collazo		
Petitioner(s)		

* * * * *

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

APR 29 2016

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of April, 2016, a copy of the foregoing Entry of Appearance was mailed to Samuel Shafer & Christopher Collazo, 2247 Redthorn Road, Middle River, Maryland 21220, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (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 legal owner/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 legal owner/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:

Case Number: 2016-0257-A
Property Address: 2247 Redthorn Rd
Property Description: _____
Legal Owners (Petitioners): SAMUEL SHAFER & Christopher Collazo
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAMUEL SHAFER
Company/Firm (if applicable): _____
Address: 2247 Redthorn Rd
Middle River MD 21220
Telephone Number: 443-600-0588

Revised 5/20/2014

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

No. **134743**

Date: **4/21/16**

PAID RECEIPT

BUSINESS ACTUAL TIME
 4/25/2016 4/25/2016 11:07:30

RE 1501 WALTON LMS LTR
 RECEIPT # 09727 4/22/2016
 5 523 JOURNAL VERIFICATION
 NO. 134743

Receipt Tot 177.00
 \$75.00 OK 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	1000		650				\$ 75.00

Total: **\$ 75.00**

Rec From: **2016-0757-A**

For: **SHAFFER/KULLAZO**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

June 8, 2016

Samuel Shafer
Christopher Collazo
2247 Redthorn Road
Middle River MD 21220

RE: Case Number: 2016-0257 A, Address: 2247 Redthorn Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 22, 2016. 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, reading "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 K. Rutherford, Lt. Governor



Pete K. Rahn, Secretary
Gregory C. Johnson, P.E., Administrator

Date: 4/27/16

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2016-0257-A

Variance
Samuel Shafer & Christopher Collazo
2247 Redthorn Road.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "David W. Peake".

David W. Peake
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

DWP/RAZ

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: May 11, 2016

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-257

RECEIVED

MAY 12 2016

INFORMATION:

Property Address: 2247 Redthorn Road
Petitioner: Samuel Shafer, Christopher Collazo
Zoning: DR 10.5
Requested Action: Variance

OFFICE OF ADMINISTRATIVE HEARINGS

The Department of Planning has reviewed the petition for variance to permit an existing residential fence that is 6 feet high within the 15 ft. triangle bounded on 2 sides by a street and alley in lieu of the permitted maximum 3 ft. high fence within said triangle.

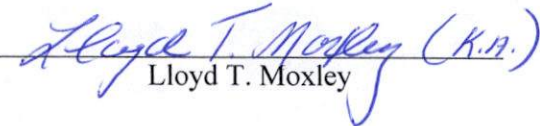
A site visit was conducted on May 4, 2016.

The Department has no objection to granting the petitioned zoning relief.

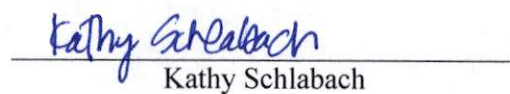
- The Department recommends that the BCZR sections cited on the submitted petition for variance may not be adequate to the relief being sought. The Administrative Law Judge may wish to consider the case within the context of BCZR Section 102.5.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Samuel Shafer, Christopher Collazo
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

6-13
RECEIVED

MAY 06 2016



OFFICE OF ADMINISTRATIVE HEARINGS

TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: May 6, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0257-A
2247 Redthorn Road
(Shafer & Collazo Property)

Zoning Advisory Committee Meeting of May 2, 2016.

EPS has reviewed the subject zoning petition for compliance with the goals of the State-mandated Critical Area Law listed in the Baltimore County Zoning Regulations, Section 500.14. Based upon this review, we offer the following comments:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;

The subject property is located within an Intensely Developed Area (IDA) and is subject to Critical Area requirements. It is not waterfront. The applicant is proposing to construct 6' high residential fence in lieu of the permitted 3' high residential fence. There will be no additional impervious surface added with the additional fence height and there are no buffer impacts. Therefore the relief requested by the applicant will result in minimal adverse impacts to water quality.

2. Conserve fish, plant, and wildlife habitat;

This property is not waterfront and no forest or trees will be removed. The Critical Area impacts are negligible and habitat will not be impacted, so therefore this variance can help conserve fish, plant, and wildlife habitat in the Chesapeake Bay.

3. Be consistent with established land use policies for development in the Chesapeake Bay Critical Area, which accommodate growth and also address the

fact that, even if pollution is controlled, the number, movement and activities of persons in that area can create adverse environmental impacts;

As submitted, this request is consistent with Critical Area requirements, and therefore the relief requested will be consistent with established land-use policies.

Reviewer: Regina Esslinger

Date: May 6, 2016

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 2, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For April 25, 2016
Item No. 2016-0242, 0249, 0250, 0251, 0253, 0254, 0257 and 0258

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\ZAC05022016.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

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BALTIMORE COUNTY, MARYLAND

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FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 16-257

INFORMATION:

Property Address: 2247 Redthorn Road
Petitioner: Samuel Shafer, Christopher Collazo
Zoning: DR 10.5
Requested Action: Variance

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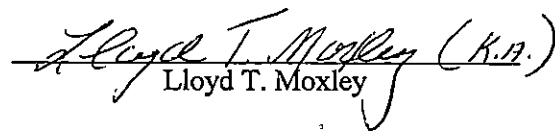
A site visit was conducted on May 4, 2016.

The Department has no objection to granting the petitioned zoning relief.

- The Department recommends that the BCZR sections cited on the submitted petition for variance may not be adequate to the relief being sought. The Administrative Law Judge may wish to consider the case within the context of BCZR Section 102.5.

For further information concerning the matters stated herein, please contact Krystle Patchak at 410-887-3480.

Prepared by:


Lloyd T. Moxley

Division Chief:


Kathy Schlabach

AVA/KS/LTM/ka

c: Krystle Patchak
Samuel Shafer, Christopher Collazo
Office of the Administrative Hearings
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER 2016-0257-A

DATE June-13, 2016

PETITIONER'S SIGN-IN SHEET

[illegible]

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

5/2

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

5/6

DEPS
(if not received, date e-mail sent _____)

C

FIRE DEPARTMENT

5/11

PLANNING
(if not received, date e-mail sent _____)

no obj w/ comment

4/27

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/24/16

SIGN POSTING

Date:

5/24/16

by

ogle

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search (w2)

Guide to searching the database

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 15 Account Number - 1512002080							
Owner Information									
Owner Name:		SHAHER SAMUEL W JR COLLAZO CHRISTOPHER				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		2247 REDTHORN RD BALTIMORE MD 21220-				Deed Reference:		/35818/ 00054	
Location & Structure Information									
Premises Address:		2247 REDTHORN RD BALTIMORE 21220-4830				Legal Description:		2247 REDTHORN RD HAWTHORNE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0090	0024	0684		0000	5	16	23	2015	Plat Ref: 0019/0141
Special Tax Areas:					Town: Ad Valorem: Tax Class:		NONE		
Primary Structure Built 1956			Above Grade Enclosed Area 1,152 SF		Finished Basement Area 250 SF		Property Land Area 3,395 SF		County Use 04
Stories 2	Basement YES	Type END UNIT	Exterior BRICK	Full/Half Bath 1 full		Garage	Last Major Renovation		
Value Information									
			Base Value		Value As of 01/01/2015		Phase-in Assessments As of 07/01/2015 As of 07/01/2016		
Land:			55,000		55,000				
Improvements			71,400		75,800				
Total:			126,400		130,800		127,867		129,333
Preferential Land:			0						0
Transfer Information									
Seller: FEDERAL NATIONAL MORTGAGE ASSOCIATION				Date: 02/04/2015			Price: \$103,000		
Type: ARMS LENGTH IMPROVED				Deed1: /35818/ 00054			Deed2:		
Seller: RESCH PHILIP E				Date: 08/20/2014			Price: \$214,565		
Type: NON-ARMS LENGTH OTHER				Deed1: /35279/ 00385			Deed2:		
Seller: RESCH PHILIP E				Date: 10/19/2004			Price: \$103,500		
Type: NON-ARMS LENGTH OTHER				Deed1: /21201/ 00620			Deed2:		
Exemption Information									
Partial Exempt Assessments:			Class		07/01/2015		07/01/2016		
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 04/28/2016									

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

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>).

May 20, 2016

To Whom it May Concern,

My name is Charles Crigger and I am a neighbor of Sam Shafer. I have lived here with my wife and child for 24 years. Since Sam has moved in, he has improved his yard. It is no longer an eye sore. The privacy fence is beautiful as well as the landscaping. There use to be an old huge shed in the corner of the yard and the yard itself was a mess.

This fence is not blocking any view of the road. I go in and out of the alley and there is no problem. Even when the huge shed was there it did not block the view of the road and it was taller than the fence.

This fence is actually an improvement, not only for his yard, but for the neighborhood as well. It is a long overdue welcomed face-lift.

Sincerely,

Charles Crigger
2238 Coralthorn Road
Middle River, MD 21220

Petitioners No. 3

June 8, 2016

To Whom It May Concern

Re: Fence on property located at 2247 Redthorn Road

My wife and I have resided at 345 Dark Head Road, which is across the street from the aforementioned property since the early 1970's. This property had been in disarray for years ~~with a broken worn out~~ fence, and horrible landscaping. Since the new owners Chris & Sam have lived there they have done wonders with improving the appearance of the property. They have really shown "Pride in Ownership" with how they have redone the landscaping and installed this new beautiful fence right where the old broken down one once was. This fence by no means looks bad nor does it cause any traffic or safety concerns. If all of our neighbors properties looked half as nice as Chris & Sam's property we would be very pleased. The fence is a very nice addition and we whole heartedly want for it to remain.

Sincerely,

Jim & Joyce Sears

345 Dark Head Road

Baltimore, MD 21220

June 8, 2016

To Whom It May Concern

Re: Fence on property located at 2247 Redthorn Road

I have lived in this neighborhood all of my life and I have never seen the property at 2247 Redthorn Road look as good as in the last several months since Chris & Sam have lived there and have been doing dramatic improvements. The fence is a beautiful addition to the property and I do not see where it causes any dangers such as traffic or safety in any way. This fence is a drastic improvement from the old worn out broken chain link one that used to sit in it's place. I think that the new fence makes not only their property but the whole area look great and it would be a mistake to make them remove it. It is nice to finally see people moving in making improvements and caring about their property instead of seeing the ones that only destroy theirs and never mow their lawns.

Sincerely,

Melissa Atwell

2207 Coralthorn Road,

Baltimore, MD 21220

443-421-0544

June 8, 2016

To Whom It May Concern

Re: Fence on property located at 2247 Redthorn Road

I grew up across the street from the above mentioned property, matter of fact I used to play in the yard with the old owners' kids. I remember over the years telling my mother that it was such a shame that ~~this property was let go and looked awful. Then one day I noticed new owners had purchased the property, (Chris & Sam), and let me tell you, they have turned the appearance of this property around 110%. The old broken fence which was a hazard with the sharp pieces all over it, the nasty looking grass, etc. is now gone replaced with beautiful new landscaping as well as a beautiful new & safe fence. I travel these roads and alleys daily and I can tell you that this fence does not in any way cause any traffic or safety issues. I think that this fence really makes the neighborhood look a million times better and Chris & Sam should not be forced to remove it. I wish that everyone in this neighborhood would take as much care & pride with their property as Chris & Sam do with theirs.~~

Sincerely,

Cindy Singleton

362 Grovethorn Road

Baltimore, MD 21220

410-292-7247

Case No.:

2016-0257-A

Exhibit Sheet

103
7-18-16

Sen

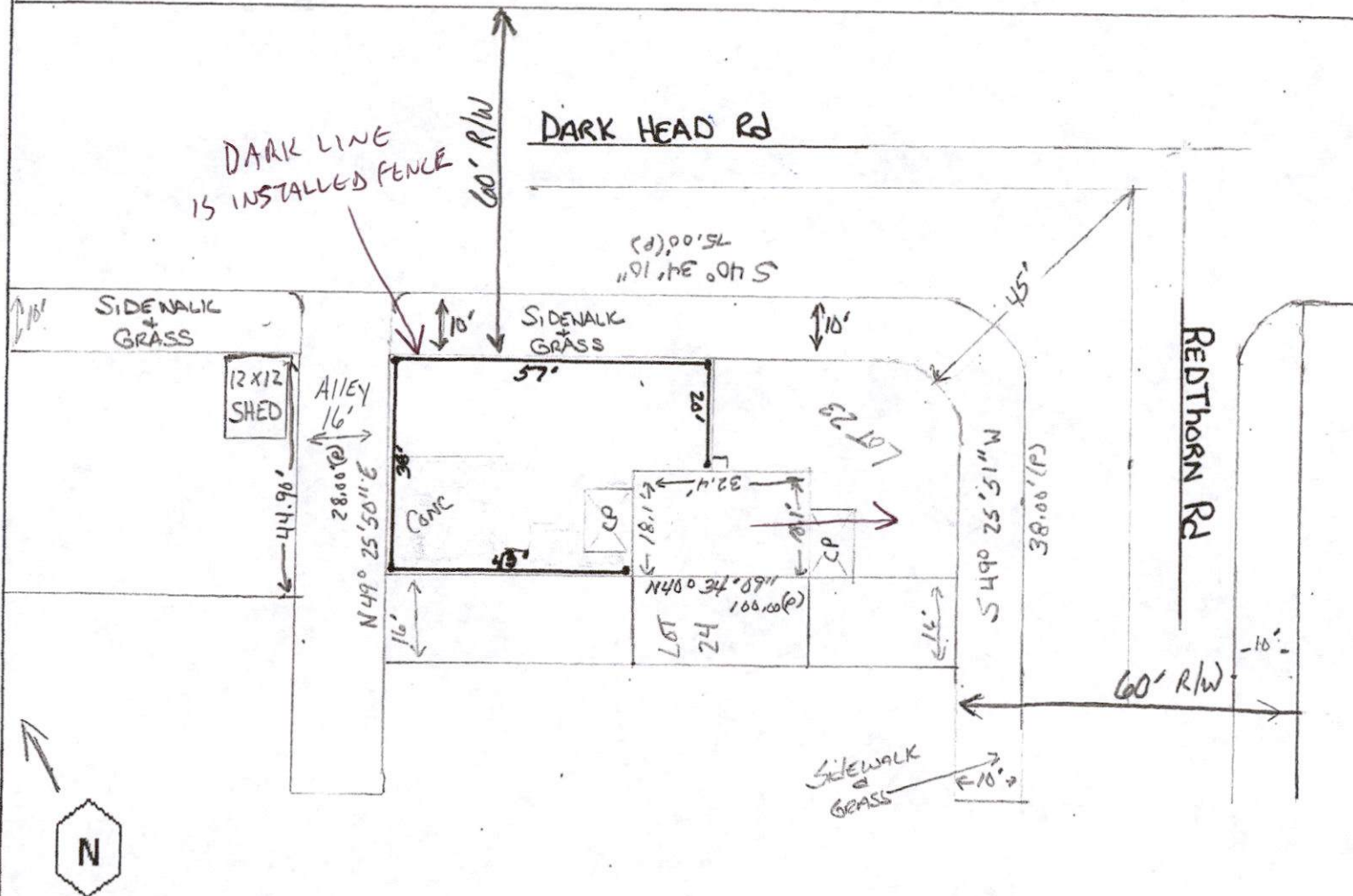
6-15-16

Petitioner/Developer

Protestant

No. 1	site plan	
No. 2	photos	
No. 3	letters of support	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 2247 Redthorn Rd OWNER(S) NAME(S) SAMUEL SHAFER / Christopher Collazo
 SUBDIVISION NAME HAWTHORN LOT # 23 BLOCK # 16 SECTION # 5
 PLAT BOOK # 19 FOLIO # 141 10 DIGIT TAX # 151 200 2080 DEED REF. # 35818 1 0054



PLAN DRAWN BY HOME OWNER

DATE 4-14-16 SCALE: 1 INCH = 30' FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE
 ZONING MAP# 090C3
 SITE ZONED D1210.5
 ELECTION DISTRICT 15
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE _____
 OR SQUARE FEET 3395
 HISTORIC? N
 IN CBCA? Yes
 IN FLOOD PLAIN? N
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? _____
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2016-0257-4

Petitioners No. 1



Permits, Approvals, and Inspections
 Code Inspections & Enforcement
 County Office Building, Rm. 213
 111 West Chesapeake Ave
 Towson, Maryland 21204
www.baltimorecountymd.gov/Agencies/permits/



Code Enforcement 410-887-3351
 Electrical Inspection 410-887-3960
 Plumbing Inspection 410-887-3620
 Building Inspection 410-887-3953

CODE ENFORCEMENT CORRECTION NOTICE

SHAHER SAMUEL W JR COLLAZO CHRISTOPHER
 2247 REDTHORN RD
 BALTIMORE, MD 21220

CASE NUMBER CC1601472	PROP.TAX ID 1512002080
VIOLATION ADDRESS 2247 REDTHORN RD MIDDLE RIVER, MD 21220-4830	

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY CODES AND/OR REGULATIONS:

County Codes/Regulations	Inspector's Comments
B.C.Z.R 102.5: Residential site line violation /obstruction	fence cannot be over 3 feet in height in 15 foot x 15 foot corner zone adjacent to street and alley

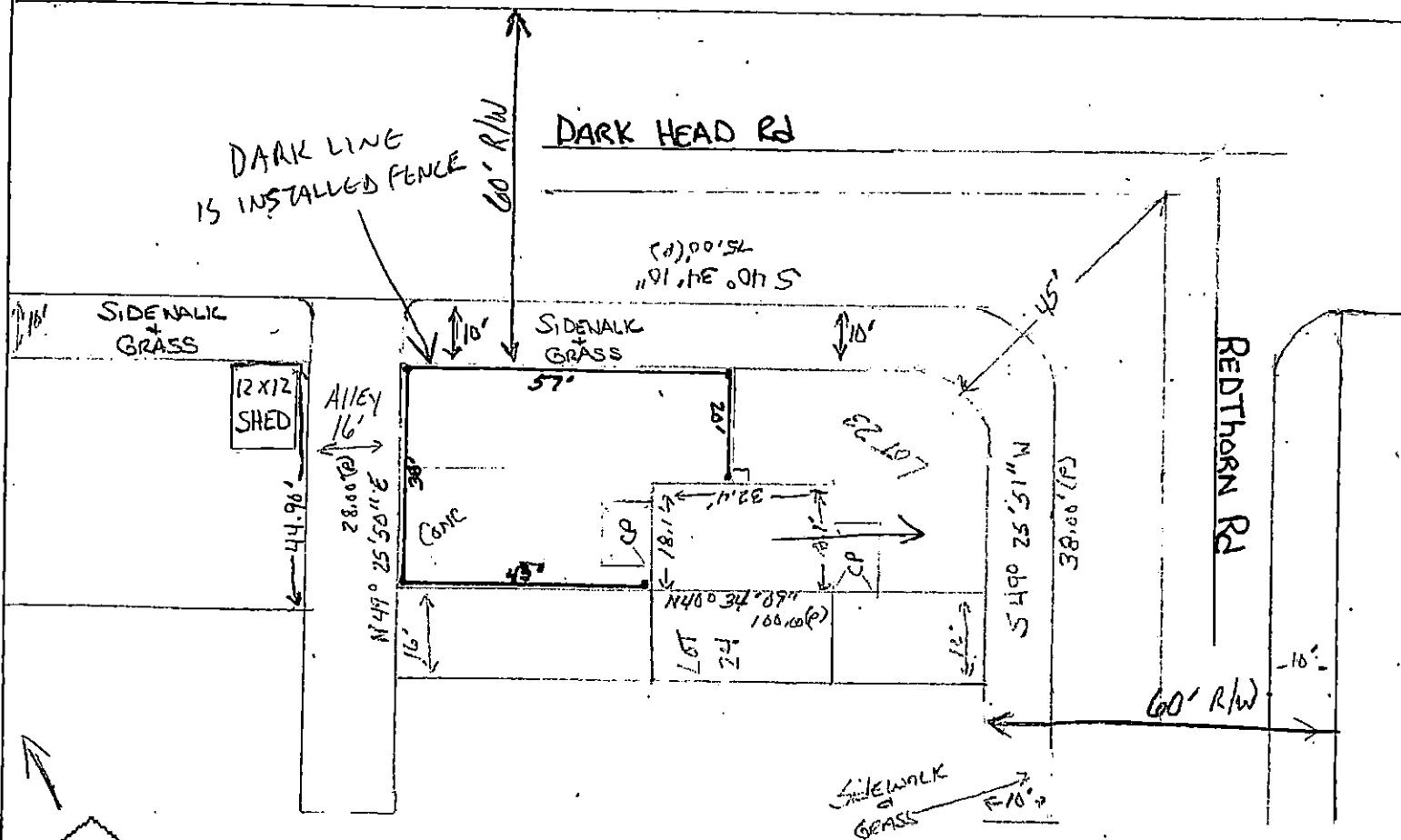
Failure to comply with this correction notice, may result in a **\$200.00** fine/penalty per day, per violation pursuant to BCC: 1-2-217; 32-3-602 and/or the County sending a contractor to correct the violation(s) at your expense. Call the inspector for more information and details.

COMPLIANCE DATE: 03/27/2016	INSPECTOR NAME: Joshua Homan
	ISSUED DATE: 03/11/2016

IMPORTANT INFORMATION TO THE PERSON'S CHARGED

- It is important that you read this document carefully, as it charges you with the commission of a crime.
- If you fail to correct the violations noted by the date dictated, a citation may be issued, and a trial scheduled at which you may be penalized by a fine, imprisonment, or both.
- If the County is required to bring your property into compliance, all costs and fines shall become a lien and shall be collectible in the manner provided for collection of real estate taxes; or may be collected in the same manner as any civil money judgment or debt collected.
- A lawyer can give important assistance to you:
 - on how to correct the violation(s) in order to avoid trial or
 - at trial, if you failed to correct the violation(s) noted. Assistance may be provided to determine whether there are any defenses to the charges against you or any circumstances helpful to you that should be brought to the trial. A lawyer can help you by developing and presenting information, which could effect how you correct the violation(s).
- A conviction for each violation will subject you to potential fines of \$200, \$500, \$1000 per day per violation, depending on the violation, or 90 days in jail, or both Baltimore County Code section 1-2-217 and 32-3-602.
- It is your responsibility to obtain any required permit(s) to correct the cited violation(s). All repairs must be in accordance with applicable laws, Code of Baltimore County Regulations, and standards.
- Upon correction of these violation(s), contact the inspector for re-inspection. If you have any questions contact the inspector promptly.

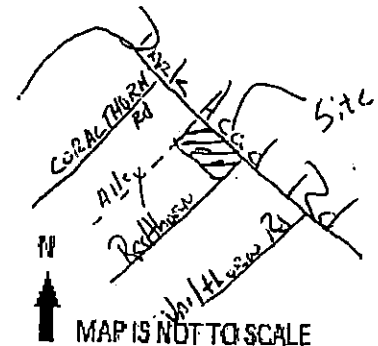
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 ADDRESS 2247 Redthorn Rd OWNER(S) NAME(S) SAMUEL SHAFER / Christopher Collazo
 SUBDIVISION NAME HAWTHORN LOT # 23 BLOCK # 16 SECTION # 5
 PLAT BOOK # 19 FOLIO # 141 10 DIGIT TAX # 151 200 2080 DEED REF. # 35818 10054



PLAN DRAWN BY HOME OWNER

DATE 4-14-16 SCALE: 1 INCH = 30' FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 090C3

SITE ZONED D1210.5

ELECTION DISTRICT 1

COUNCIL DISTRICT 6

LOT AREA ACREAGE _____

OR SQUARE FEET 3395

HISTORIC? N

IN CBQA? Yes

IN FLOOD PLAIN? N

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? _____

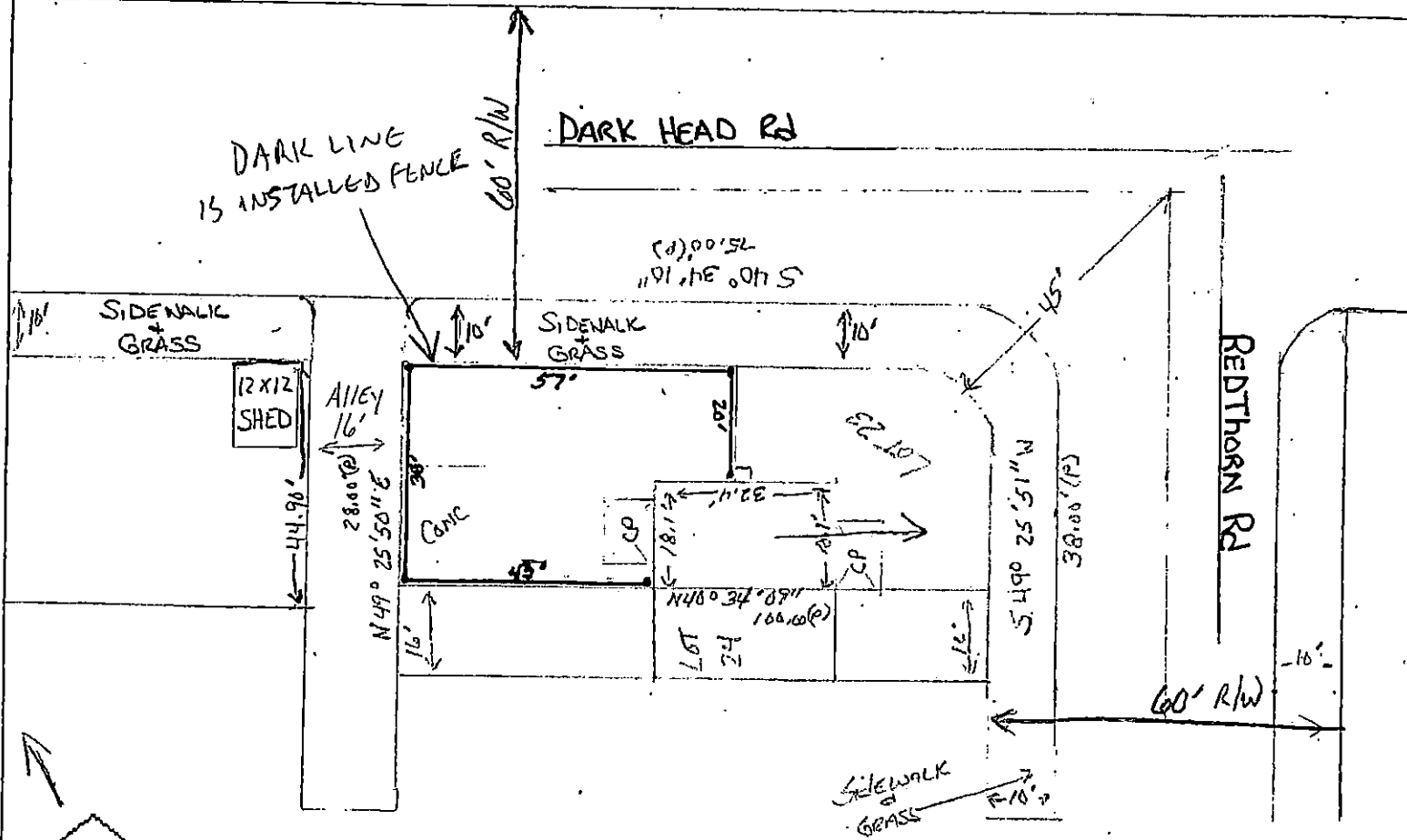
IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2016-0257-4

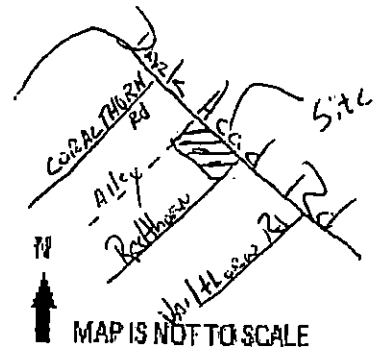
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PLAN DRAWN BY HOME OWNER

DATE 4-14-16 SCALE: 1 INCH = 30' FEET

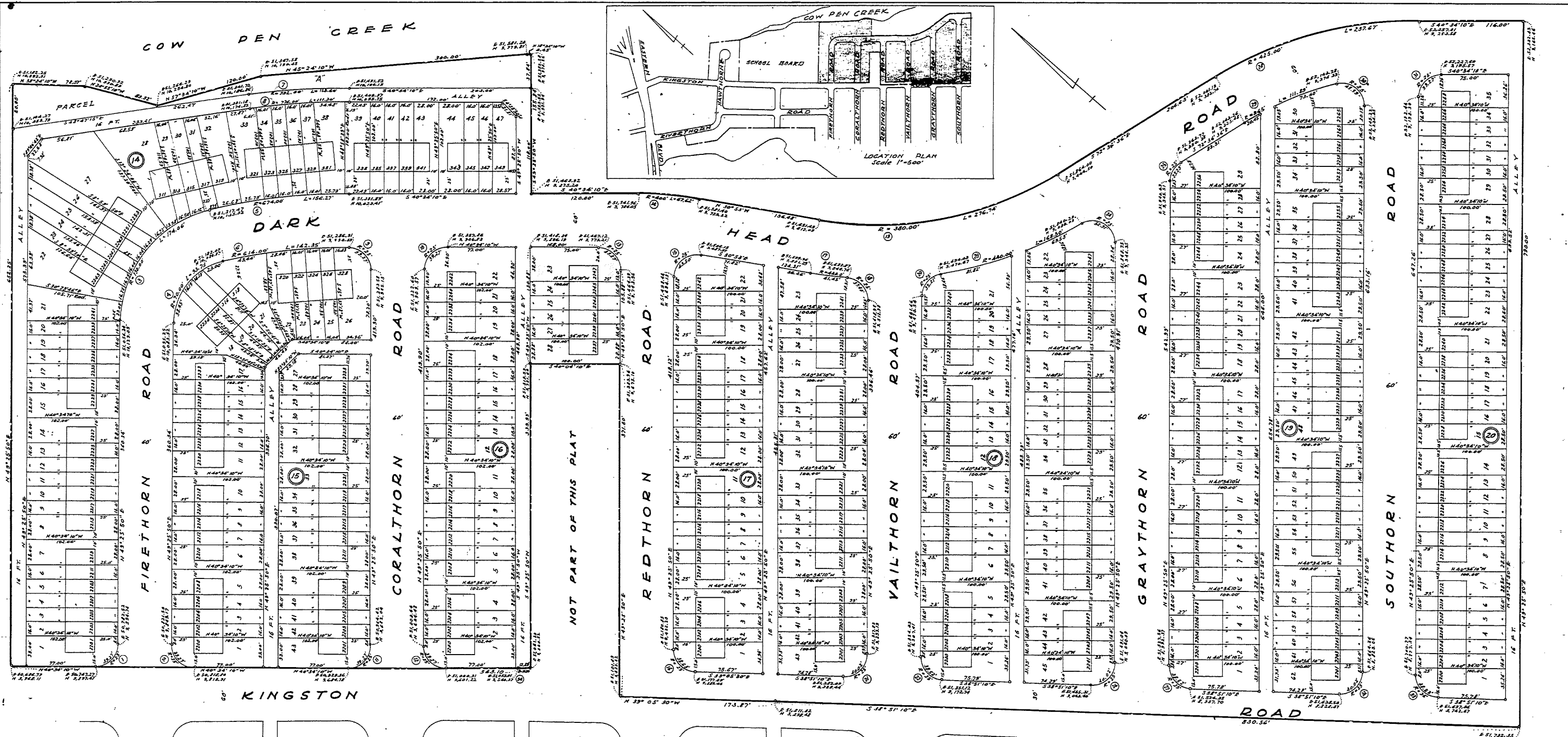
SITE VICINITY MAP



ZONING MAP# 090C3
 SITE ZONED D1210.5
 ELECTION DISTRICT 1
 COUNCIL DISTRICT 6
 LOT AREA ACREAGE _____
 OR SQUARE FEET 3395
 HISTORIC? N
 IN CBCA? Yes
 IN FLOOD PLAIN? N
 UTILITIES? MARK WITH X
 WATER IS:
 PUBLIC X PRIVATE _____
 SEWER IS:
 PUBLIC X PRIVATE _____
 PRIOR HEARING? _____
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:

2016-0257-4



NOTE:
The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use. The fee simple title to the beds thereof is expressly reserved in the Grants of the deed to which this plat is attached, their heirs and assigns.

OWNERS CERTIFICATE:
Certification is hereby made that all the requirements of the Annotated Code of Maryland Chapter or Acts of 1945 have been complied with on this plat.

CERTIFICATION:
Certification is hereby made that this plat was computed by G.W. Stephens Jr. & Associates and that it meets the requirements of Section 72B Article 17 of the Annotated Code of Maryland 1947 Supplement.

Approved as to alignment and location of Streets

Robert G. Jones March 19, 1954
Road Engineer, Baltimore Co., Md.

Approved by Baltimore County Planning Commission

Frederick H. Dier Feb. 26, 1954
Director

NOTE:
Coordinates are related to traverse of Baltimore County Metropolitan District.

G.L.B. No. 19 Folio 141

FILED FOR RECORD WITH
FROM
TO
MAR 18 1954

Borgis L. Rynd
Clerk

BLOCKS 14 THRU 20
SECTION FIVE

HAWTHORNE

15th ELEC. DIST. — BALTO. CO., MD.

HAWTHORNE INC. — DEVELOPERS
EASTERN AVE & HAWTHORNE RD., BALTO. CO., MD.

SCALE: 1 IN. = 50 FT.

JANUARY 11, 1954



CURVE DATA					CURVE DATA				
No	Radius	Δ	Arc	Tan Chord	L.C.B.	No	Radius	Δ	Arc
1	25.00	90°00'00"	35.27	25.00	35.27	16	25.00	30°00'00"	35.27
2	25.00	90°00'00"	35.27	25.00	35.27	17	25.00	30°00'00"	35.27
3	130.00	76°42'54"	74.08	102.82	161.35	18	25.00	30°00'00"	35.27
4	76.00	76°42'54"	59.28	59.28	59.28	19	25.00	30°00'00"	35.27
5	274.00	13°17'02"	156.27	78.41	155.32	20	25.00	30°00'00"	35.27
6	614.00	13°17'02"	142.35	70.56	142.84	21	25.00	30°00'00"	35.27
7	738.00	8°15'05"	112.62	54.28	112.50	22	25.00	30°00'00"	35.27
8	776.00	8°15'05"	111.80	53.75	111.20	23	25.00	30°00'00"	35.27
9	25.00	90°00'00"	35.27	25.00	35.27	24	25.00	30°00'00"	35.27
10	25.00	90°00'00"	35.27	25.00	35.27	25	25.00	30°00'00"	35.27
11	25.00	90°00'00"	35.27	25.00	35.27	26	25.00	30°00'00"	35.27
12	25.00	90°00'00"	35.27	25.00	35.27	27	25.00	30°00'00"	35.27
13	25.00	90°00'00"	35.27	25.00	35.27	28	25.00	30°00'00"	35.27
14	400.00	34°41'10"	67.62	33.27	67.54	29	25.00	30°00'00"	35.27
15	25.00	33°41'10"	43.50	23.62	43.21	30	25.00	30°00'00"	35.27
16	25.00	33°41'10"	43.50	23.62	43.21	31	25.00	30°00'00"	35.27
17	440.00	5°25'51"	41.45	24.74	41.43	32	25.00	30°00'00"	35.27
18	25.00	25°42'41"	57.40	22.20	56.01	33	25.00	30°00'00"	35.27
19	330.00	41°45'36"	27.67	14.88	27.65	34	25.00	30°00'00"	35.27
20	25.00	26°47'26"	35.27	21.24	35.27	35	25.00	30°00'00"	35.27
21	25.00	31°43'00"	46.07	25.76	45.88	36	1036.00	0°45'02"	12.88
22	25.00	28°17'00"	35.27	24.26	34.82				