

MEMORANDUM

DATE: July 21, 2016
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2016-0277-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 20, 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 ADMIN. VARIANCE & *

ADMINISTRATIVE WAIVER (Fence) *

(1807 Charmuth Garth) *

8th Election District *

3rd Council District *

Reginald E. and Merry E. Johnson *

Petitioners *

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2016-0277-A &

Waiver (Fence) No. 16-014-W

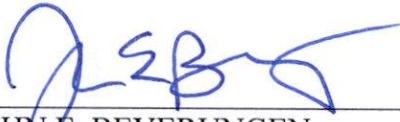
* * * * *

AMENDED ORDER

By Order dated June 9, 2016, Petitioners were granted variance relief permitting construction of 4 linear ft. of 8 ft. high fence in the side yard of an existing dwelling with a 0 ft. setback that adjoins the front yard of a neighboring dwelling in lieu of a 42 in. high fence within a 10 ft. setback. Thereafter, due to no receipt of sign posting for the waiver request, the undersigned discovered he had overlooked a request for waiver under the Building Code, which was filed at the same time as the petition for variance. The fence waiver request seeks the same relief as in the zoning petition; i.e., an 8 ft. high fence in lieu of the permitted 42 in. high fence.

WHEREFORE, IT IS ORDERED, this 20th day of **June, 2016**, by the Administrative Law Judge for Baltimore County, that the Order dated June 9, 2016, be and is hereby AMENDED to reflect that a fence waiver under Building Code Part 122 is GRANTED. All other terms and conditions of the original Order shall remain in full force and effect.

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 6-20-16

By [Signature]



KEVIN KAMENETZ
County Executive

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

June 9, 2016

Reginald E. and Merry E. Johnson
1807 Charmuth Garth
Lutherville, MD 21093

RE: Petition for Administrative Variance
Case No. 2016-0277-A
Property: 1807 Charmuth Garth

Dear Petitioners:

Enclosed please find a copy of the Order 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

IN RE: PETITION FOR ADMIN. VARIANCE *
(1807 Charmuth Garth)
8th Election District *
3rd Council District *
Reginald E. and Merry E. Johnson *
Petitioners *

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2016-0277-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Reginald E. and Merry E. Johnson ("Petitioners"). The Petitioners are requesting Variance relief from §§ 1B01.1 and 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 4 linear ft. of 8 ft. high fence in the side yard of an existing dwelling with a 0 ft. setback that adjoins the front yard of a neighboring dwelling in lieu of a 42 in. high fence within a 10 ft. setback. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' 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. However, it is to be noted that a letter of support was received from Frank and Jane Dolley, whose mother lives next door to the Petitioners.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 22, 2016, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 6-9-16

By ISW

The Petitioners have 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 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 Petitioners.

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

THEREFORE, IT IS ORDERED, this 9th day of **June, 2016**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §§ 1B01.1 and 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit 4 linear ft. of 8 ft. high fence in the side yard of an existing dwelling with a 0 ft. setback that adjoins the front yard of a neighboring dwelling in lieu of a 42 in. high fence within a 10 ft. setback, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

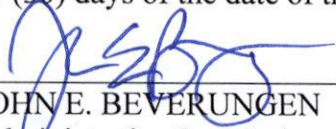
- The Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date 6-9-16

By [Signature]

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 6-9-16

By DLW



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 1807 Charmuth Gorth, Lutherville, MD 21093 Currently zoned DR-35
 Deed Reference 09948 / 1324 10 Digit Tax Account # 08 23078050
 Owner(s) Printed Name(s) Reginald E. Johnson, Merry E. Johnson

(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:

1. X ADMINISTRATIVE VARIANCE from Section(s)

1B01.1; 427

To permit 4 linear feet of 8 foot high fence in the side yard of an existing dwelling with a 0 setback that is in the front yard of a neighboring dwelling in lieu of a 42inch high fence within a 10 foot setback.

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):

Reginald E. Johnson / Merry E. Johnson
 Name #1 – Type or Print Name #2 – Type or Print
Reginald E. Johnson / Merry E. Johnson
 Signature #1 Signature #2
1807 Charmuth Gorth, Lutherville, MD
 Mailing Address City State
21093 / 410-746-1814 / pej4124@msn.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 _____ day of _____, 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 2016-0277-A Filing Date 5/10/2016 Estimated Posting Date 5/22/16 Reviewer W

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: 1807 Charmouth Garth Lutherville MD 21093
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)

See attached

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

Reginald E. Johnson
Signature of Owner (Affiant)

Reginald E. Johnson
Name- Print or Type

Merry E. Johnson
Signature of Owner (Affiant)

Merry E. Johnson
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 5th day of May, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Merry & Reginald Johnson

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
Sept. 8, 2016
My Commission Expires

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at 1807 Charmuth Garth, Lutherville, Maryland 21093.

Beginning in November 2013, we have had property line/boundary issues with the residents residing at 1805 Charmuth Garth. In July 2014 (Permit No. B850679) we built an 8 ft. wood privacy fence along the rear property line due to the owners ignoring the property line and violating our personal boundaries. In August 2014 (Permit No. B853178) we built a 6 ft. privacy fence along the side yard, again in relating to the property line and violating our personal boundaries. In July 2015, the residents at 1805 put three separate cameras up, two above the fence line, one at the eve of the side of their house (pictures available) and one on the front porch facing our property (pictures available). While digging out for the blizzard in January 2016, there was a confrontation between residents at 1805 and us when the female resident stated that "I watch you from work everyday". By placing an 8 ft. fence on our side yard, it will block out the camera on the front corner of their house and give us privacy from them on our front porch. We obtained an attorney and have been unable to resolve the matter concerning the cameras. We were able to obtain a Cease and Desist order for the harassment. Due to the on-going matters with the cameras we are in need of a variance and waiver to help revolve this issue.

2016-0277-A



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 1807 Charmoth Garth, Lutherville, MD Currently zoned DR-3.5
Deed Reference 299481324 10 Digit Tax Account # 0823078050
Owner(s) Printed Name(s) Reginald E. Johnson, Merry E. Johnson

(SELECT THE HEARING(S) BY MARKING ☒ 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:

1. ☒ ADMINISTRATIVE VARIANCE from Section(s)

1B01.1; 427

To permit 4 linear feet of 8 foot high fence in the side yard of an existing dwelling with a 0 setback that is in the front yard of a neighboring dwelling in lieu of a 42inch high fence within a 10 foot setback.

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):

Reginald Johnson Merry Johnson
Name #1 – Type or Print Name #2 – Type or Print
Reginald E. Johnson Merry E. Johnson
Signature #1 Signature #2
1807 Charmoth Garth, Lutherville, MD
Mailing Address City State
21093 410-746-1814 pej4124@msn.com
Zip Code Telephone # Email Address

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

Name- Type or Print
Signature
Mailing Address Date 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 _____ day of _____ 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 2016-0277-A Filing Date 5/10/2016 Estimated Posting Date 5/22/16 Reviewer W

Affidavit in Support 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: 1807 Charmuth Garth Lutherville MD 21093
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)

See attached

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

Reginald E Johnson
Signature of Owner (Affiant)

Reginald E Johnson
Name- Print or Type

Merry E. Johnson
Signature of Owner (Affiant)

Merry E. Johnson
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 5th day of May, 2016, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Merry & Reginald Johnson

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

Sept. 8, 2016
My Commission Expires

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at 1807 Charmuth Garth, Lutherville, Maryland 21093.

Beginning in November 2013, we have had property line/boundary issues with the residents residing at 1805 Charmuth Garth. In July 2014 (Permit No. B850679) we built an 8 ft. wood privacy fence along the rear property line due to the owners ignoring the property line and violating our personal boundaries. In August 2014 (Permit No. B853178) we built a 6 ft. privacy fence along the side yard, again in relating to the property line and violating our personal boundaries. In July 2015, the residents at 1805 put three separate cameras up, two above the fence line, one at the eve of the side of their house (pictures available) and one on the front porch facing our property (pictures available). While digging out for the blizzard in January 2016, there was a confrontation between residents at 1805 and us when the female resident stated that "I watch you from work everyday". By placing an 8 ft. fence on our side yard, it will block out the camera on the front corner of their house and give us privacy from them on our front porch. We obtained an attorney and have been unable to resolve the matter concerning the cameras. We were able to obtain a Cease and Desist order for the harassment. Due to the on-going matters with the cameras we are in need of a variance and waiver to help revolve this issue.

2016-0277-A

ZONING PROPERTY DESCRIPTION FOR 1807 CHARMUTH GARTH

Beginning at point on the east side of Charmuth Garth which is 60 ft. wide at the distance of 130± ft. southeast of the centerline of the nearest improved intersecting street Charmuth Road which is 60 ft. wide.

Being Lot #B, Section #3 in the subdivision of Havenwood as recorded in Baltimore County Plat Book 21, Folio 38, containing .260 acres or 10,836 sq.ft. Located in the 8th Election District and 3rd Council District.

ZONING PROPERTY DESCRIPTION FOR 1807 CHARMUTH GARTH

Beginning at point on the east side of Charmuth Garth which is 60 ft. wide at the distance of 130± ft. southeast of the centerline of the nearest improved intersecting street Charmuth Road which is 60 ft. wide.

Being Lot #B, Section #3 in the subdivision of Havenwood as recorded in Baltimore County Plat Book 21, Folio 38, containing .260 acres or 10,836 sq.ft. Located in the 8th Election District and 3rd Council District.

CERTIFICATE OF POSTING

*fence
waiver
posting
Rec'd
6-20-16*

ATTENTION: JUNE WISNOM

DATE: 5/22/2016

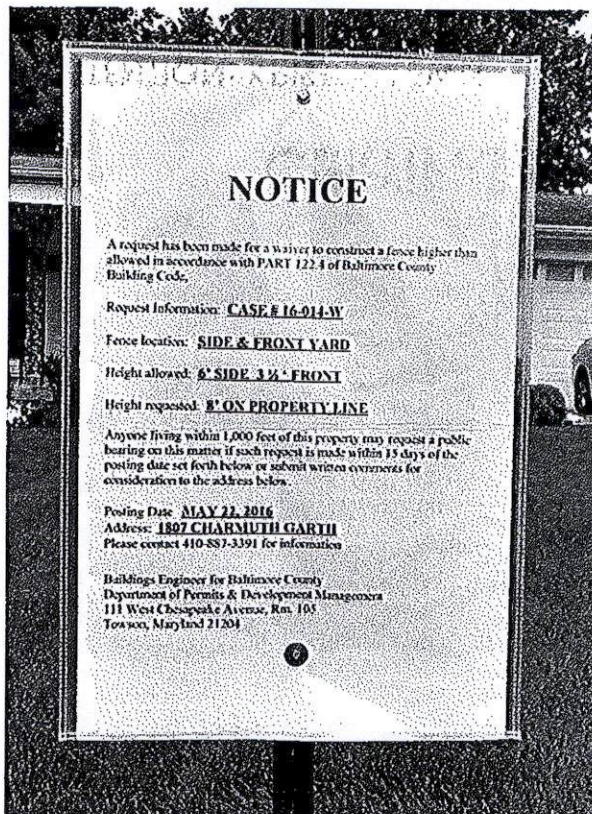
Waiver Number: 16-014W

Petitioner / Developer: REGINALD & MERRY JOHNSON

Date of Hearing (Closing): JUNE 6, 2016

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:
1807 CHARMUTH GARTH

The sign(s) were posted on: MAY 22, 2016



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)

RECEIVED

JUN 20 2016

OFFICE OF ADMINISTRATIVE HEARINGS

Debra Wiley

From: June Wisnom
Sent: Monday, June 20, 2016 1:16 PM
To: Debra Wiley
Subject: FW: Message from "cpr111"
Attachments: 201606201319.pdf

-----Original Message-----

From: cpr111@baltimorecountymd.gov [mailto:cpr111@baltimorecountymd.gov]
Sent: Monday, June 20, 2016 1:20 PM
To: June Wisnom <jwisnom@baltimorecountymd.gov>
Subject: Message from "cpr111"

This E-mail was sent from "cpr111" (Aficio MP 4002).

Scan Date: 06.20.2016 13:19:53 (-0400)
Queries to: cpr111@baltimorecountymd.gov

RECEIVED

JUN 20 2016

OFFICE OF ADMINISTRATIVE HEARINGS

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 5/22/2016

Case Number: 2016-0277-A

Petitioner / Developer: REGINALD & MERRY JOHNSON

Date of Hearing (Closing): JUNE 6, 2016

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:
1807 CHARMUTH GARTH

The sign(s) were posted on: MAY 22, 2016



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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2016- 0277 -A Address 1807 Charmuth Gorth
Contact Person: LEONARD WASILOWSKI Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 5/10/16 Posting Date: 5/22/16 Closing Date: 6/6/16

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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 2016- 0277 -A Address 1807 Charmuth Gorth
Petitioner's Name Reginald + Merry Johnson Telephone 410-746-1814
Posting Date: 5/22/16 Closing Date: 6/6/16

Wording for Sign: To permit 4 linear feet of 8 foot high fence in the side yard of an existing dwelling with a 0
setback that is in the front yard of a neighboring dwelling in lieu of a 42inch high fence within a
10 foot setback.

Revised 7/9/15

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

No. **139246**

Date: **5/10/16**

PAID RECEIPT

BUSINESS - ACTUAL TIME DEM
 5/11/2016 5/10/2016 09:58:39 1
 REFUGEE WALKER LEAS LIR
 RECEIPT # 352250 5/10/2016 OPLR
 Ref 5 520 ISSUING VERIFICATION
 CF NO. 139246
 Receipt Tot 75.00
 75.00 0 1.00 06
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec From: **Johnson**
 For: **1807 Charneth Garth**
2016-0277-A

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 7, 2016

Reginald E & Merry E Johnson
1807 Charmuth Garth
Lutherville MD 21093

RE: Case Number: 2016-0277 A, Address: 1807 Charmuth Garth

Dear Mr. & Ms. Johnson:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on May 10, 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

6-6-16
CLOSING

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED

MAY 18 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 18, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0277-A
Address 1807 Charmuth Garth
(Johnson Property)

Zoning Advisory Committee Meeting of May 23, 2016.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 05-18-2016

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor



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

Date: 5/16/16

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. 2016-0277-A.

*Administrative Variance
Reginald E. & Merry E. Johnson
1807 Charmuth Gate*

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 'Richard Zeller'.

Wendy Wolcott, PLA
Acting Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired or Speech 1-800-735-2258 Statewide Toll-Free

Street Address: 320 West Warren Road * Hunt Valley, Maryland 21030 * Phone 410-229-2300 or 1-866-998-0367 * Fax 410-527-4690

www.roads.maryland.gov

TO WCR

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: May 20, 2016

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

SUBJECT: Zoning Advisory Committee Meeting
For May 20, 2016
Item No. 2016-0178, 0273, 0274, 0275, 0276, 0277, 0278, 0280 and
0281

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\ZAC05232016.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

DATE: May 18, 2016

SUBJECT: DEPS Comment for Zoning Item # 2016-0277-A
Address 1807 Charmuth Garth
(Johnson Property)

Zoning Advisory Committee Meeting of May 23, 2016.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 05-18-2016

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>5-20</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>5-18</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>5-16</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>14 - 021-W</u> <u>fence waiver req.</u> <u>rec'd posting</u> <u>6/20</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>5-22-16</u> by <u>O'Keefe</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

4/5/2014

To Whom It May Concern,

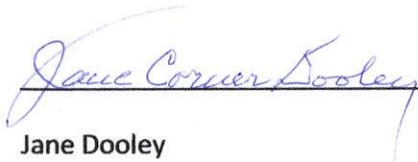
Mr. Reggie Johnson of 1807 Charmuth Garth is the next door neighbor of my mother, Jane Dooley of 111 Charmuth Road. He is as kind, pleasant and helpful a neighbor as anyone could hope to have. Reggie routinely delivers my mother's paper to her back door, shovels and salts the sidewalk to her car and has offered to help her with anything she needs.

Although I live only two blocks away, it is comforting to know that if I can't get to her house for something she may need or she were to have an emergency, I can call on Reggie knowing he will help. Should you need to speak to me or my mother personally, I can be reached at (410) 960-0148. My mother's number is (410) 252-4268. We would both welcome the opportunity to speak on behalf of his character.

Sincerely,

A handwritten signature in black ink that reads "F. Frank Dooley". The signature is written in a cursive style with a horizontal line underneath.

Frank Dooley

A handwritten signature in blue ink that reads "Jane Corner Dooley". The signature is written in a cursive style with a horizontal line underneath.

Jane Dooley

2016-0277-A

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 - 08 Account Number - 0804050610			
Owner Information					
Owner Name:	DOOLEY JANE C		Use:	RESIDENTIAL	
Mailing Address:	111 CHARMUTH RD LUTH-TIMONIUM MD 21093-5256		Principal Residence:	YES	
			Deed Reference:	/02996/ 00169	
Location & Structure Information					
Premises Address:		111 CHARMUTH RD 0-0000		Legal Description: SE COR CHARMUTH GART HAVENWOOD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0061	0007	0281		0000	3 F 14 2014 0021/0038
Special Tax Areas:			Town: Ad Valorem: Tax Class:		
			NONE		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1956	1,260 SF	390 SF	10,317 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
1	YES	STANDARD UNIT	FRAME	1 full/ 1 half	
Value Information					
	Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015		As of 07/01/2016
Land:	131,800	131,800			
Improvements	108,800	93,500			
Total:	240,600	225,300	225,300		225,300
Preferential Land:	0				0
Transfer Information					
Seller: REUTER CORPORATI ON		Date: 08/22/1956		Price: \$15,500	
Type: ARMS LENGTH IMPROVED		Deed1: /02996/ 00169		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		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:	HOMEOWNERS TAX CREDIT				
Homestead Application Information					
Homestead Application Status: Approved 06/13/2008					

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 - 08 Account Number - 0823078050			
Owner Information					
Owner Name:		JOHNSON REGINALD E JOHNSON MERRY E		Use: RESIDENTIAL Principal Residence: YES	
Mailing Address:		1807 CHARMUTH GARTH LUTH-TIMONIUM MD 21093-		Deed Reference: /29948/ 00324	
Location & Structure Information					
Premises Address:		1807 CHARMUTH GARTH LUTH-TIMONIUM 21093- 5207		Legal Description: 1807 CHARMUTH GARTH HAVENWOOD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0061	0007	0281		0000	3
Block:	Lot:	Assessment Year:	Plat No:	Plat Ref:	0021/0038
F	13	2014			
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
1957	1,260 SF	960 SF	10,836 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
1	YES	STANDARD UNIT	SIDING	2 full	1 Attached
Value Information					
		Base Value	Value As of 01/01/2014	Phase-in Assessments As of 07/01/2015 As of 07/01/2016	
Land:		131,900	131,900		
Improvements		136,800	121,600		
Total:		268,700	253,500	253,500	253,500
Preferential Land:		0			0
Transfer Information					
Seller: POTTER SARA H		Date: 10/01/2010		Price: \$268,000	
Type: ARMS LENGTH IMPROVED		Deed1: /29948/ 00324		Deed2:	
Seller: MYERS JOHN P,JR		Date: 01/24/1996		Price: \$152,000	
Type: ARMS LENGTH IMPROVED		Deed1: /11398/ 00724		Deed2:	
Seller: SMITH N HOWARD		Date: 10/27/1976		Price: \$60,900	
Type: ARMS LENGTH IMPROVED		Deed1: /05690/ 00246		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 03/13/2012					



APPLICATION FOR FENCE PERMIT
BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS
111 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204

Permit No. _____

Receipt No. _____

Fee Paid _____

Make checks payable to Baltimore County, Maryland --- PERMIT FEES ARE NON-REFUNDABLE

Tax Account # 0823078050 Zone DR 3.5

Type or print in ink:

Work Site Address 1807 Charmuth Garth

Election District 8

Owner's Name Ronald E. & Merry E. Johnson

Phone No. 410-627-2838

Mailing Address 1807 Charmuth Garth

Owner's Agent _____

Phone No. _____

COMPLETE SKETCH BELOW OR ATTACH A PLAN THAT CLEARLY SHOWS:

Property line dimensions, easements, existing buildings, road names, and location of alleys.

Proposed fence, total length 38', height 8' - 30' / 6' - 8', and type Wood

Property line setbacks: front at 30', sides 0, and 0, and rear 0 / C

Property use Residential

Rear/Side yard abuts adjoining front yard: Yes ☐ No ☒

Corner Lot: Yes ☐ No ☒

Historic District: Yes ☐ No ☒

SITE PLAN

FENCE REGULATIONS

Permit required for fences over 42 inches high (measured vertical to ground, even if fence is placed on top of wall). Fences erected within easement must be removed at owner's expense, if required.

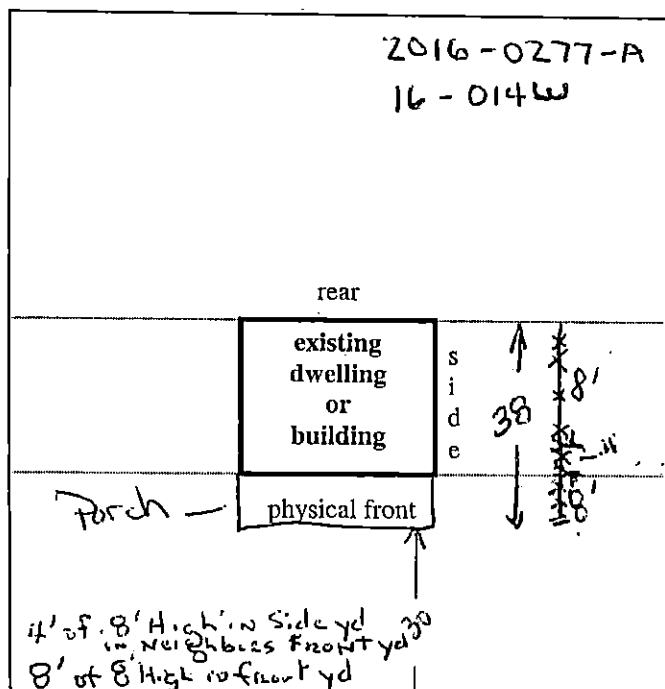
Building Code, Part 122:

122.1 - Residential Fences -- Maximum height of 42 inches in front yard as determined by BCZR and 6 feet in side and rear yards at the property line. Maximum height of 10 feet in side and rear yards, provided set back 2 feet for vertical foot over 6 feet.

122.2 - Commercial Fences -- Maximum height of 12 feet. Building's Engineer may approve higher fence for dangerous, hazardous, or athletic field. Electric and barbed wire fences are only permitted for the retention of livestock and when not a safety hazard to the public. No pointed projections less than 4 feet high. Barbed wire retarding material may be on top of fence that is at least 6 feet, 9 inches high.

Zoning Code (BCZR) (access easements cannot be fenced)

102.5 - Corner Lot -- No fence or other obstruction to vision is permitted higher than 3 feet within 25 feet of a corner





Baltimore County Department of
Permits, Approvals and Inspections
Zoning Review Office

111 West Chesapeake Avenue, Room 111
Towson, MD 21204
410-887-3391
FAX 410-887-3048

**FORMAT FOR NOTICE OF FILING OF APPLICATION
FOR FENCE HEIGHT WAIVER**

The sign to be posted must be obtained from any of the county's list of approved sign posters. The sign will be the standard 24" x 36" size used for zoning variances, and will contain the following language:

NOTICE		16-014-W
A request has been made for a waiver to construct a fence higher than allowed in accordance with PART 122.4 of the Baltimore County Building Code.		
Fence location:	<u>Side & Front Yard</u>	
Height allowed:	<u>6' side 3 1/2' front</u>	
Height requested:	<u>8' on property line</u>	
Anyone living within 1,000 feet of this property may request a public hearing on this matter if such request is made within 15 days of the posting date set forth below or submit written comments for consideration to the address below.		
Posting Date:	_____	
Address:	_____	
Please call 410-887-3391 for more information or contact the: Zoning Review Office Department of Permits, Approvals and Inspections 111 West Chesapeake Avenue, Rm. 111 Towson, MD 21204		



Application for Administrative Waiver Of Building Code Fence Height Limitations

Instructions: Fill out the information below above the signature line, sign & date. Prepare and submit a **Site Plan** (see requirements on the back of this page) and **Certification of Posting** (provided by the sign poster) to the Zoning Review Office, Room 111, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204. Note that if no public hearing is requested, the waive decision will be based on evidence presented along with County maintained information about the site.

Property Address 1807 Charmuth Garth
Lutherville, MD 21093
Owner Reginald & Merry Johnson
Owner Address 1807 Charmuth Garth
Lutherville, MD 21093

Corner Lot? Yes ☒ No ☐ Fence located in Front ☒ Side ☐ Rear Yard

Fence Height Allowed by Building Code 6' raise existing 6' fence to 8' in height
Fence Height Requested 8' (Attach fence location drawing.)

Basis for Request:

extend 6' fence additional 8' long
Neighbor on left hand side of property line
has placed camera to watch us. See
on their porch
attached picture - last confrontation, neighbor
stated she watches us from work.

Applicant's Signature Reginald E. Johnson Date: 4/29/2016

(County Use Only)

Waiver

Number 16-014-W

Date Property Posted _____

Input/comments/protests received within 15 days? Yes/No

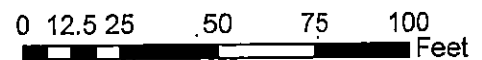
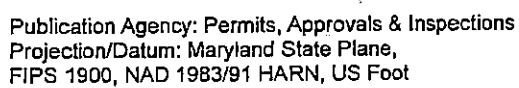
Has Hearing been requested? Yes/No

(If Yes, attach record of Hearing)

Final Disposition:

Buildings Engineer _____ Date _____

2016-0277-A
14-021-W



1 inch = 50 feet

TO Whom May Concern:

Regarding case # 2016-0277 A

as long as Resident of 1807 doesn't stretch the fence and not extend more section, we are fine.

we are agree to let him make 6 feet to 8 feet, on a existing fence. NO more extension to the existing fence.

Other Than That we will have objection to Baltimore County Zoning department. due to All his false Allegations.

Department of Permits and Development
TO whom may concern

14-021-W

2016-0277-A

6-16-14

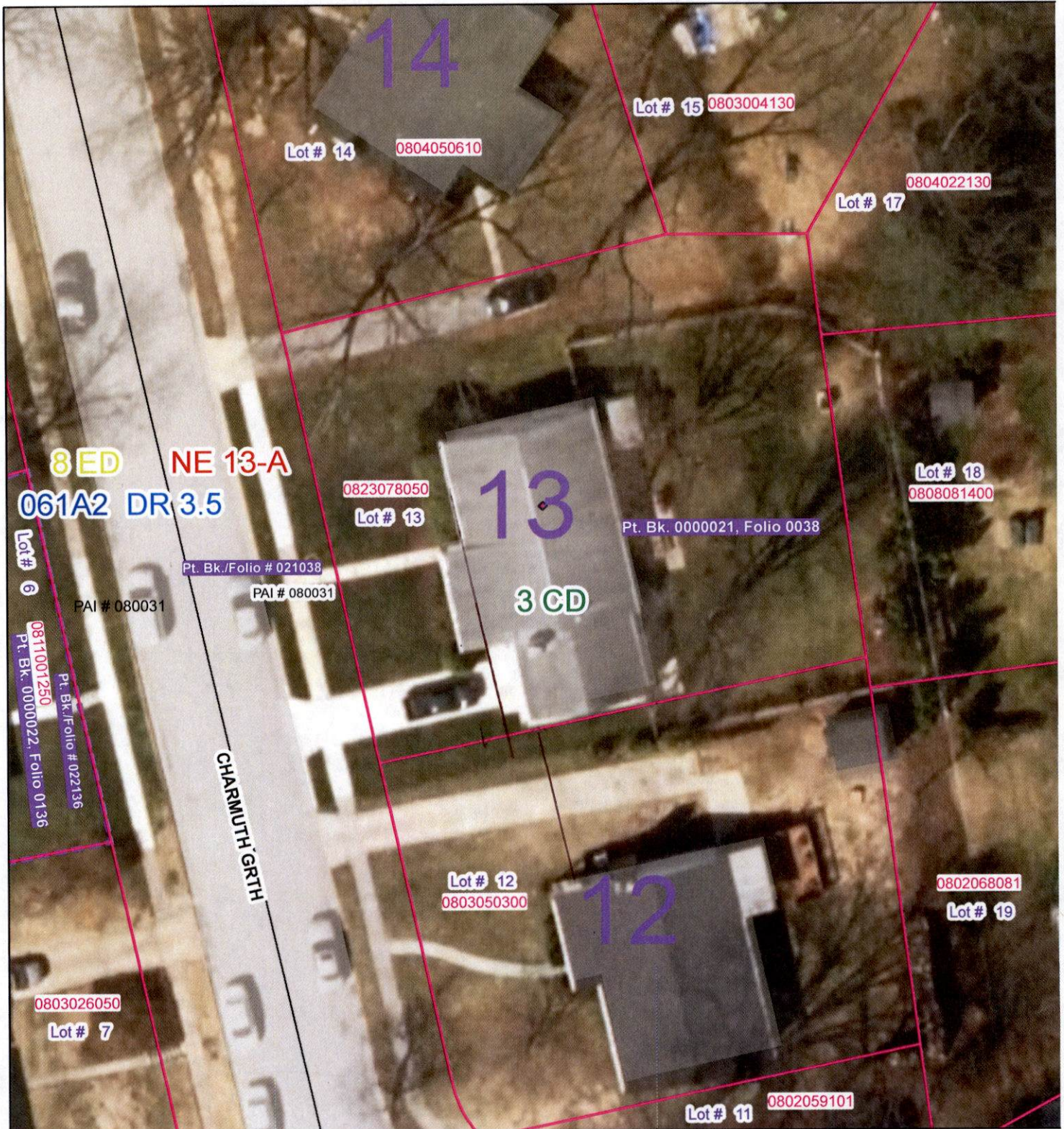
we are (NADER TAJFAR & Sayeh Eftekhari)
Resident of 1805 Charmuth Garth.

we have noticed The post in our neighbor yard
(1807 Charmuth Garth) and The post case # 14-021-W
The neighbor has Requested higher fence for
8 feet and allowed fence for county is 6 feet.
we Dont have problem with 8 feet but Their
Allegation is NOT True. They have been harrassing
us Since we bought The property, we actually
want them To extend The side fence
until Rear yard. So we will be safe from
Their harrassment.

Sincerely yours
1805 Charmuth Garth Residents.


 Sayeh

1807 Charnuth Garth 13-014-W 2016-0277-A



Publication Date: 4/29/2016



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



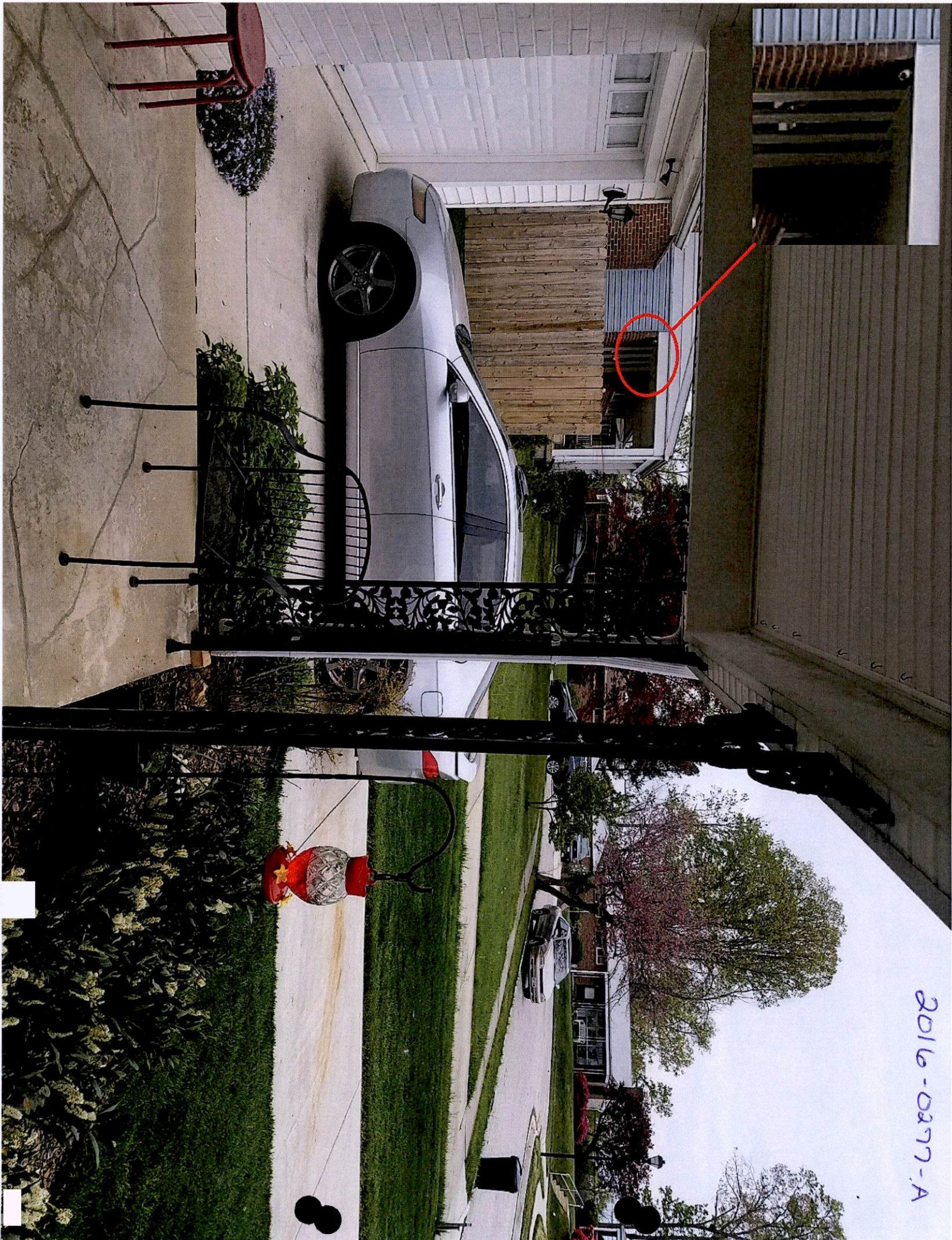


2016-0277-A



2016-0877-A

2016-0277-A



2016-0277-A





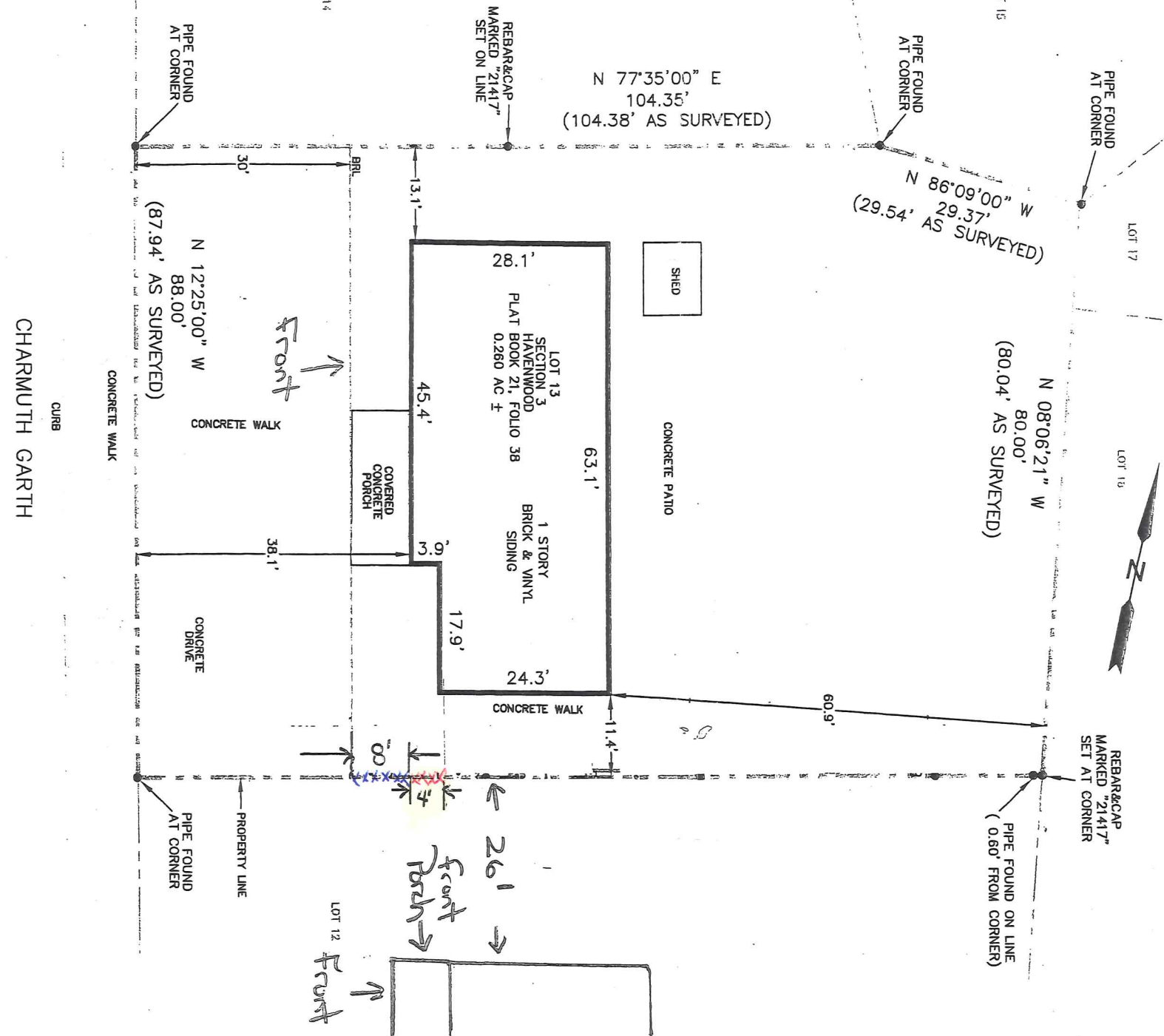
2016-03-17-A

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

ADDRESS 1807 Charmuth Garth OWNER(S) NAME(S) Reginald E. & Merry E. Johnson

SUBDIVISION NAME Havenwood LOT # 13 BLOCK # _____ SECTION # 3

PLAT BOOK # 21 FOLIO # 38 10 DIGIT TAX # 0823078050 DEED REF. # 29948/324

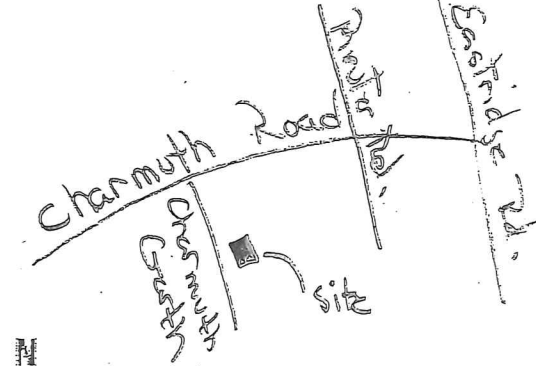


PLAN DRAWN BY Rich Harrity
Harrity Land Surveying

DATE 5/4/2016 SCALE: 1 INCH = 20 FEET

2016-0277-A

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP # 061A2

SITE ZONED DR-3.5

ELECTION DISTRICT 8

COUNCIL DISTRICT 3CD

LOT AREA ACREAGE .260

OR SQUARE FEET 10,836

HISTORIC? No

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW

14-021W

Waiver 8' fence on

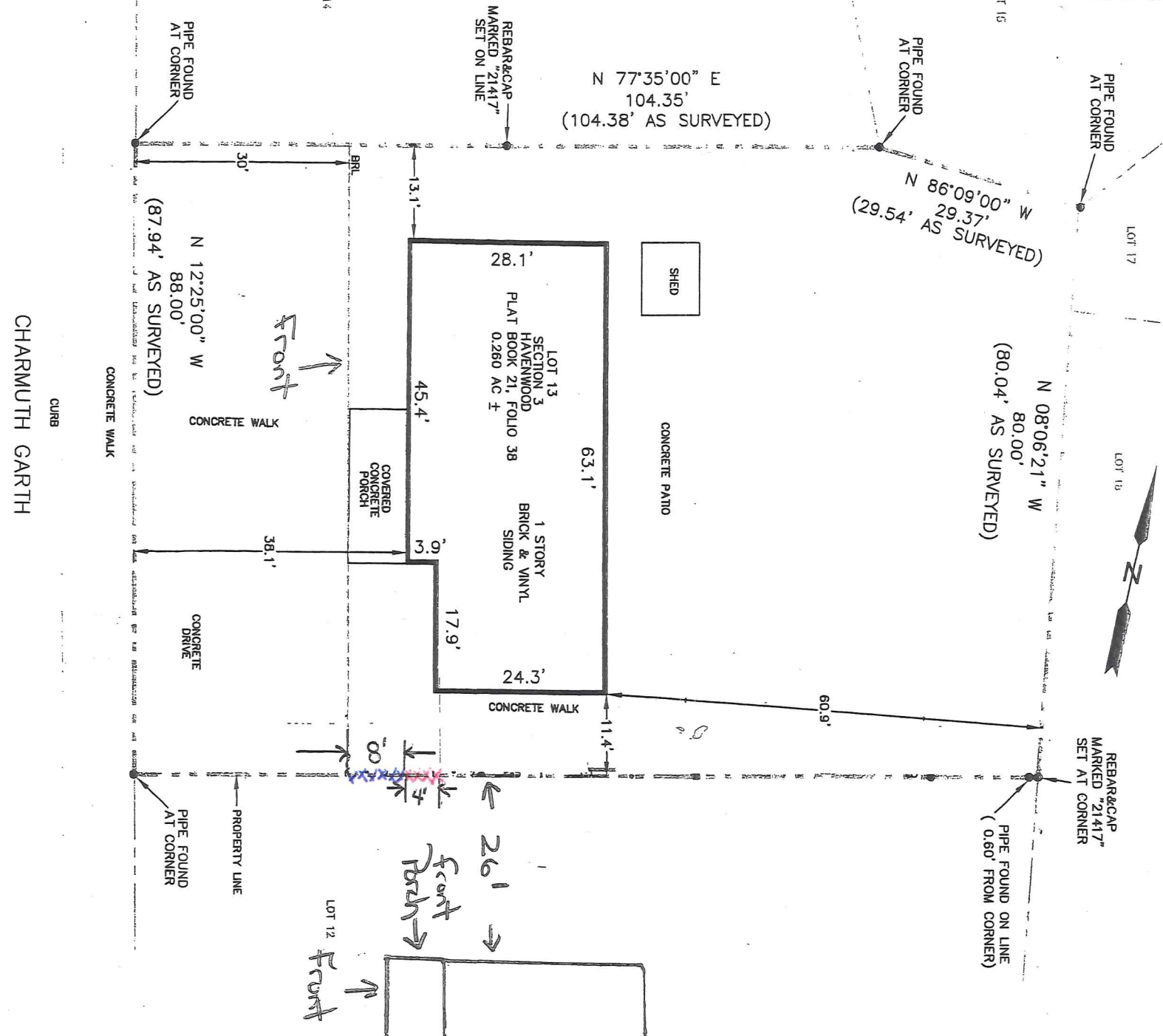
property line in rear

yard

VIOLATION CASE INFO:

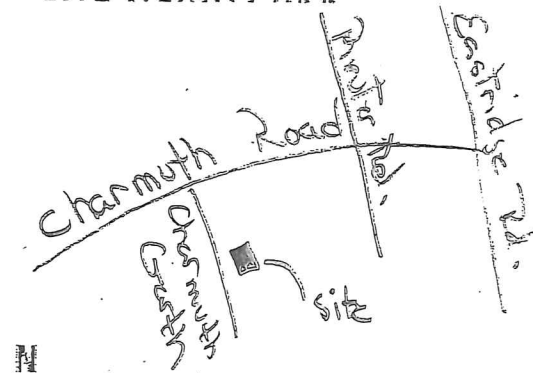
Pet. Exh. 1

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
 ADDRESS 1807 Charmuth Garth OWNER(S) NAME(S) Reginald E. & Merry E. Johnson
 SUBDIVISION NAME Havenwood LOT # 13 BLOCK # _____ SECTION # 3
 PLAT BOOK # 21 FOLIO # 38 10 DIGIT TAX # 0823078050 DEED REF. # 25548/324



PLAN DRAWN BY Rich Harrity DATE 5/4/2016 SCALE: 1 INCH = 20 FEET
Harrity Land Surveying

SITE VICINITY MAP



N



MAP IS NOT TO SCALE

ZONING MAP # 061A2

SITE ZONED DR-3.5

ELECTION DISTRICT 8

COUNCIL DISTRICT 3CD

LOT AREA ACREAGE .260

OR SQUARE FEET 10,836

HISTORIC? No

IN CBCA? No

IN FLOOD PLAIN? No

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

14-021W

Waiver 8' fence on

property line in rear

yard

VIOLATION CASE INFO: