

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(7801 Bluegrass Road)		
14 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Kathleen M. Smith	*	HEARINGS FOR
Petitioner		
	*	BALTIMORE COUNTY
	*	CASE NO. 2017-0193-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, Kathleen M. Smith ("Petitioner"). The Petitioner is requesting Variance relief from § 427.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed fence to be erected in the rear yard of a lot which adjoins the front yard of another residence with a height of 6 ft. in lieu of the maximum height of 42 in. 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 February 5, 2017, 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

ORDER RECEIVED FOR FILING

Date 2-23-17

By [Signature]

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 Petitioner.

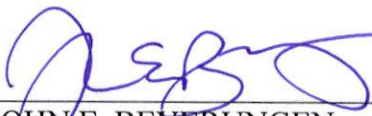
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 23rd day of **February, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from § 427.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed fence to be erected in the rear yard of a lot which adjoins the front yard of another residence with a height of 6 ft. in lieu of the maximum height of 42 in., 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 2-23-17

By kw



KEVIN KAMENETZ
County Executive

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

February 23, 2017

Kathleen M. Smith
7801 Bluegrass Road
Baltimore, MD 21237

RE: Petition for Administrative Variance
Case No. 2017-0193-A
Property: 7801 Bluegrass Road

Dear Ms. Smith:

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



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 7801 Bluegrass Rd Rosedale MD 21237 Currently zoned DR 5.5
 Deed Reference 37271 / 00292 10 Digit Tax Account # 1419053030
 Owner(s) Printed Name(s) Kathleen Smith

(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)

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

2. 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):

Kathleen Smith
 Name #1 – Type or Print Name #2 – Type or Print

Kathleen Smith
 Signature #1 Signature #2

7801 Bluegrass Rd Rosedale Md
 Mailing Address City State

21237, 717-873-1894, Ksmith528@gmail
 Zip Code Telephone # Email Address

OR 443-861-9321 Day Until 4pm

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

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 25 day of July, 2017 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 2017-0193-A Filing Date 1/25/17 Estimated Posting Date 2/5/17 Reviewer gh

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: 7801 Bluegrass Rd Rosedale MD 21237
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)

I am requesting an administrative Variance at the above
address for the safety and containment of my dog. Also
for a privacy factor.

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

Kathleen Smith
Signature of Owner (Affiant)

Kathleen Smith
Name- Print or Type

Signature of Owner (Affiant)

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 24 day of January, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Kathleen Smith

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

AS WITNESS my hand and Notaries Seal

ZACHARY ROLFES
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 22, 2020

Zachary Rolfes
Notary Public
01-22-2020
My Commission Expires

2017-0193-A

Administrative Variance: Sections 427.B.1 of the BCZR

To permit a proposed fence to be erected in the rear yard of a lot which adjoins the front yard of another residence with a height of 6 feet in lieu of the maximum height of 42 inches.

Zoning property description for 7801 Bluegrass Rd Rosedale, Md 21237.

Beginning at a point on the West side of Bluegrass Rd which is ~~86.23~~⁵⁰ feet wide at a distance of 21.21 feet West of the centerline of the nearest improved intersecting street Hamiltowne Circle which is ~~114.03~~^{50'} feet wide.

Being Lot #18, Block I, as shown on Plat 3 in the subdivision of Hamiltowne as recorded in Baltimore County Plat Book #30, Folio #50, containing 10,368 Square Feet. Located in the 14th election district and 6th Council District.

2017-0193-A

№ 148631

Date:

1/25/17

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRM
1/25/2017	1/25/2017	08:57:36	3

REG WS03 WALKIN CAM
 >>RECEIPT # 713549 1/25/2017 GFLN

Dept 5 528 ZONING VERIFICATION
CR NO. 142631

Recpt Tot \$75.00
 \$75.00 CK \$.00 CA
 Baltimore County, Maryland

Total:

15.5

Rec
From: Kathleen Smith

For: 7301 Blue 1953 Rd

CSP # 2-17 2193-A

DISTRIBUTION

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

**CASHIER'S
VALIDATION**

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 2017-0193-A

TO PERMIT A PROPOSED FENCE TO BE
ERECTED IN THE REAR YARD OF A LOT
WHICH ADJOINS THE FRONT YARD OF ANOTHER
RESIDENCE WITH A HEIGHT OF 6 FEET IN LIEU
OF THE MAXIMUM HEIGHT OF 42 INCHES

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 2/20/17

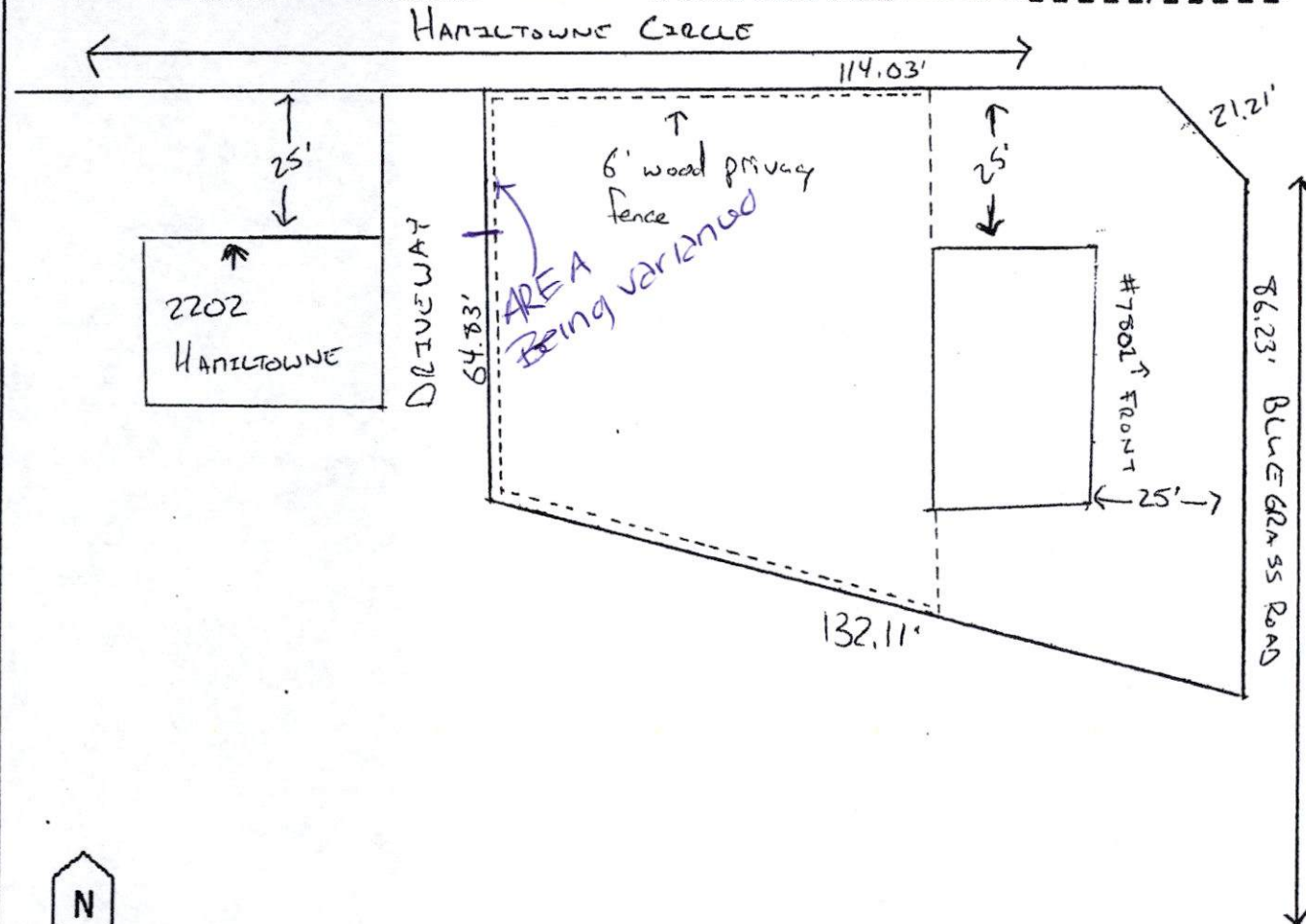
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
MANAGEMENT-COUNTY OFFICE BUILDING

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

ADDRESS 7801 Bluegrass Rd OWNER(S) NAME(S) Kathleen Smith

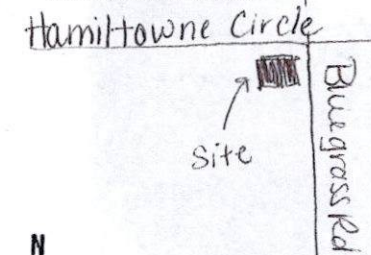
SUBDIVISION NAME Hamiltowne Plat No. 3 LOT # 18 BLOCK # I SECTION # _____

PLAT BOOK # 30 FOLIO # 50 10 DIGIT TAX # 1419053030 DEED REF. # 37271/00292



PLAN DRAWN BY STEVEN NELUS DATE 01/16/17 SCALE: 1 INCH = 30 FEET

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 089B3

SITE ZONED DR 5.5

ELECTION DISTRICT 14

COUNCIL DISTRICT 6

LOT AREA ACREAGE _____

OR SQUARE FEET 10,368

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

VIOLATION CASE INFO:

CERTIFICATE OF POSTING

Date: 2-5-17

RE: Case Number: 2017-0193-A

Petitioner/Developer: Kathleen Smith

Date of Hearing/Closing: 2-20-17

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 2801 Bluegrass Rd

The sign(s) were posted on 2-5-17
(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)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0193 -A Address 7801 Bluegrass Rd

Contact Person: Gary Hucik Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/25/17 Posting Date: 2/5/17 Closing Date: 2/20/17

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 2017- 0193 -A Address 7801 Bluegrass Rd 21237

Petitioner's Name Kathleen Smith Telephone 443-861-9321

Posting Date: 2/5/17 Closing Date: 2/20/17

Wording for Sign: To Permit a proposed fence to be erected in the rear yard of a lot which adjoins the front yard of another residence with a height of 6 feet in lieu of the maximum height of 42 inches

Revised 7/6/16



KEVIN KAMENETZ
County Executive

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

February 22, 2017

Kathleen Smith
7801 Bluegrass Road
Rosedale MD 21237

RE: Case Number: 2017-0193 A, Address: 7801 Bluegrass Road

Dear Ms. Smith:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 25, 2017. 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." The signature is stylized with a large, looped "R" and a trailing flourish.

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: 2-2-17

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.

2017-0193A
Administrative Variance
Kathleen Smith
7801 Bluegrass 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 'Richard A. Zeller'.

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

WW/RAZ

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: January 31, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0193-A
Address 7801 Bluegrass Road
(Smith Property)

Zoning Advisory Committee Meeting of February 6, 2017

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

Reviewer: Steve Ford

Date: 1-31-2017

RECEIVED

FEB 7 2017

DEPARTMENT OF PERMITS
APPROVALS AND INSPECTIONS

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

SUBJECT: Zoning Advisory Committee Meeting
For February 3, 2017
Item No. 2017-0192 and 0193

DATE: February 3, 2017

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

DAK:CEN

cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC02062017.doc

M E M O R A N D U M

DATE: March 28, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0193- A – Appeal Period Expired

The appeal period for the above-referenced case expired on March 27, 2017. 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.'

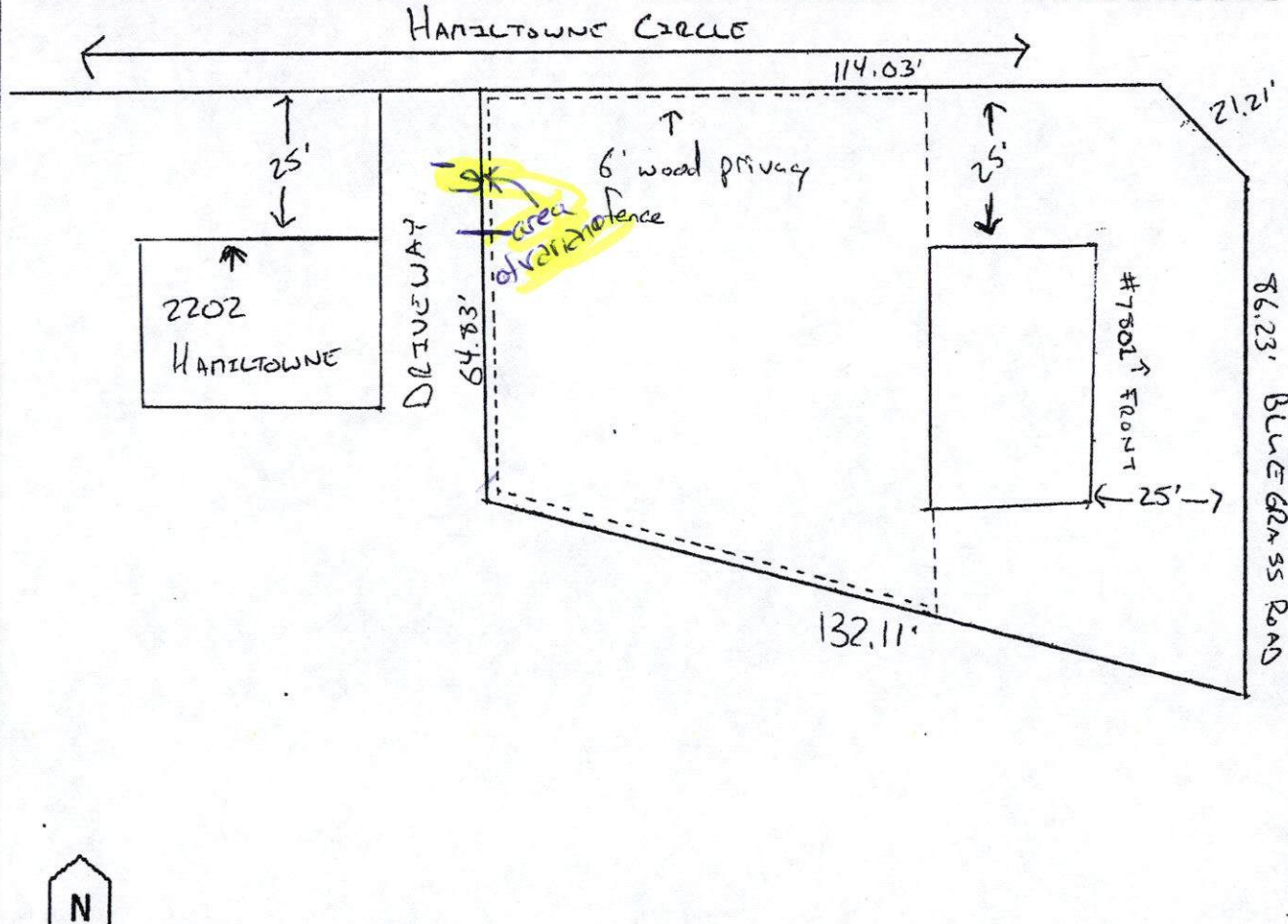
c: ✓ Case File
Office of Administrative Hearings

[Real Property Data Search](#) [Guide to searching the database](#)
[Search Result for BALTIMORE COUNTY](#)

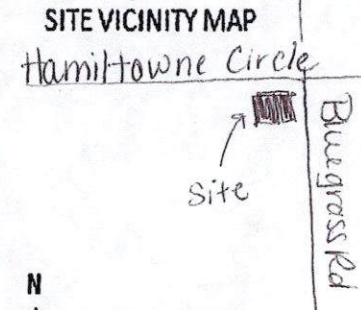
View Map			View GroundRent Redemption				View GroundRent Registration			
Account Identifier:			District - 14 Account Number - 1419053030							
Owner Information										
Owner Name:			SMITH KATHLEEN M				Use:		RESIDENTIAL	
Mailing Address:			7801 BLUEGRASS RD BALTIMORE MD MD 21237-0000				Principal Residence:		YES	
							Deed Reference:		/37271/ 00292	
Location & Structure Information										
Premises Address:			7801 BLUEGRASS RD BALTIMORE 21237-				Legal Description:		SE COR HAMILTOWNE CI HAMILTOWNE	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	3
0089	0021	0687		0000		I	18	2015	Plat Ref:	0030/0050
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built			Above Grade Enclosed Area		Finished Basement Area		Property Land Area		County Use	
1965			1,099 SF		715 SF		10,368 SF		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
Split Foyer	YES	SPLIT FOYER	BRICK	2 full						
Value Information										
			Base Value		Value		Phase-in Assessments			
					As of		As of		As of	
					01/01/2015		07/01/2016		07/01/2017	
Land:			82,800		82,800					
Improvements			130,900		109,200					
Total:			213,700		192,000		192,000		192,000	
Preferential Land:			0						0	
Transfer Information										
Seller: THIVIERGE PATRICIA H				Date: 03/10/2016				Price: \$200,000		
Type: ARMS LENGTH IMPROVED				Deed1: /37271/ 00292				Deed2:		
Seller: SMITH DOROTHY F				Date: 05/31/2012				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /32132/ 00319				Deed2:		
Seller: SMITH BERNARD C				Date: 01/28/1992				Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /09040/ 00519				Deed2:		
Exemption Information										
Partial Exempt Assessments:			Class		07/01/2016		07/01/2017			
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 04/12/2016										



ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 7801 Bluegrass Rd OWNER(S) NAME(S) Kathleen Smith
SUBDIVISION NAME Hamiltowne Plat No. 3 LOT # 18 BLOCK # I SECTION # _____
PLAT BOOK # 30 FOLIO # 50 10 DIGIT TAX # 1419053030 DEED REF. # 37271/00292



PLAN DRAWN BY STEVEN NELUS DATE 01/16/17 SCALE: 1 INCH = 30 FEET



N
MAP IS NOT TO SCALE
ZONING MAP # 089B3
SITE ZONED DR 5.5
ELECTION DISTRICT 14
COUNCIL DISTRICT 6
LOT AREA ACREAGE _____
OR SQUARE FEET 10,368
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

VIOLATION CASE INFO:

2017-0193-A

Pet. Exp. 1



2017-0193-A

A-EP10-T125



Fence over 42 inches

2017-0193-A

A-EPHO-710S

ends. 2500
4500
2000
1000

1

1

