

M E M O R A N D U M

DATE: January 9, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0480-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 8, 2020. 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.'

/dlw

c:  Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(7049 Greenbank Road)

15th Election District

6th Council District

Donald and Karen Lombardi

Legal Owners

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2019-0480-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County as a Petition for Variance filed by Donald and Karen Lombardi, legal owners of the subject property (“Petitioners”). Petitioners are requesting variance relief from Section 427.1 of the Baltimore County Zoning Regulations (“BCZR”) and Building Code 122.1: (1) to permit a 6 ft. high residential fence which adjoins the neighboring front yard in lieu of the required 10 ft. setback of the adjoining property line; and (2) to permit a 6 ft. residential fence located in the front yard in lieu of the maximum height of 42 inches. A site plan was marked as Petitioners’ Exhibit 1.

Donald and Karen Lombardi appeared in support of the petition. Jennifer R. Busse, Esq. represented Petitioners. The next door neighbor, Matt Rookard attended the hearing and voiced his opposition to the requested relief. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”).

The site is approximately 22,995 sq. ft. in size and is zoned DR 5.5. Mr. Lombardi testified that he wants to build the 6 foot high fence in question in order to shield his view of Mr. Rookard’s adjoining property, and to limit interactions with Mr. Rookard as much as possible due to a series of confrontations they have had. Lombardi submitted a series of photos of the

street and these two properties, which were admitted as Petitioners' Exhibit 2. In addition to describing past confrontations with Mr. Rookard, Mr. Lombardi testified that Mr. Rookard often has parties in the front yard and that he does not like the appearance of a gazebo in Mr. Rookard's yard, and those are additional reasons that he wants to build the 6 foot fence. Ms. Busse asked to amend the Petition because the Lombardis now wish to build the 6 foot fence only up to the front of their house, as opposed to all the way to their front property line, as depicted on the Site Plan. This amendment was allowed.

Mr. Rookard testified that some of the photos in Petitioners' Exhibit 2, that show the property in a state of disrepair and neglect, are from when he first purchased the property a couple years ago. He testified that he has gone to great effort and expense to clean the property up and make various improvements. He pointed out that the other photos in this Exhibit demonstrate that the property is no longer in such disrepair. Mr. Rookard stated that he opposes the construction of a 6 foot high fence adjacent to his house because it would feel claustrophobic and would obstruct his view. He pointed out that because of the angle of Greenbank Road the front of his house is situated behind the Lombardi home relative to the street, and therefore a 6 foot fence would be particularly obstructive. Rookard testified that the street has a rural feel and that one of the reasons he bought his house was because of the mature trees in the neighborhood and its proximity to the water. He believes the requested 6 foot high fence in the front yard would not be in keeping with the feel of the neighborhood. Finally, Mr. Rookard stated that he has strictly complied with all County zoning restrictions, including when he constructed his fence, and that he feels that the Lombardis should be required to do the same.

The general rule is that variances are not favored because "citizens [of a given county or municipality] are entitled to strict enforcement of the existing zoning regulations." *Salisbury Bd.*

Of Zoning Appeals v. Bounds, 240 Md. 547, 555-56 (1965). Indeed, the very essence of zoning is “to preserve various types of neighborhoods, be they residential, commercial or historical. *Mueller v. People’s Counsel for Baltimore County*, 177 Md. App. 43, 68 (2007). Therefore, under BCZR Sec. 307, and Maryland common law, in order to be entitled to variance relief the Petitioners must satisfy a two-step legal analysis, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and it is that uniqueness or peculiarity that necessitates the requested 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). In addition, even if these factors are met, under BCZR Sec. 307 the requested variance relief must conform to the spirit and intent of the BCZR and may not be injurious to the public health, safety, and welfare.

The lot in question is long and narrow and the street it faces, Greenbank Road, cuts at an angle across the front property line. As such the property is arguably unique. The hardship described by the Petitioner is that they have an acrimonious relationship with their next door neighbor and therefore want to build this taller fence along the entire side of their property up to the front of their house in order to minimize interactions with their neighbors. In closing, Ms. Busse suggested that “good fences make good neighbors.” While this may at times be true, I do not believe that the evidence in this case supports a finding of hardship. If evidence of a neighbor dispute were sufficient to establish hardship justifying variance relief then variances could be granted in a myriad of scenarios. However, as noted above, variances are not favored because they permit what is prohibited by ordinance. And in this case, even if the two *Cromwell* factors were met I do not believe that this proposed 6 foot fence in the front yard would be in keeping with the rural feel of the neighborhood, and therefore would not be in harmony with the spirit and intent of

the BCZR.

In sum, the only variance relief requested, and the only relief that will be denied, is the Petitioners' request to erect a 6 foot fence in lieu of the permitted 42 inch fence adjacent to their neighbor's front yard. A 6 foot fence is permitted by right from the Petitioners' rear property line up to the point that it adjoins their neighbors' front yard, and from that point forward a 42 inch fence is permitted.

THEREFORE, IT IS ORDERED, this 9th day of **December, 2019**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Section 427.1 of the Baltimore County Zoning Regulations ("BCZR") and Building Code 122.1: (1) to permit a 6 ft. high residential fence which adjoins the neighboring front yard, and zero setback in lieu of the required 10 ft. setback from the adjoining property line, be and is hereby DENIED.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



PAUL M. MAYHEW
Managing Administrative Law Judge
For Baltimore County

PMM:slh



PETITION FOR ZONING HEARING(S)

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 7049 Greenbank Road

which is presently zoned DR 5.5

Deed References: 17501/00291

10 Digit Tax Account # 1506201111

Property Owner(s) Printed Name(s) Donald & Karen Lombardi

(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

PLEASE SEE ATTACHED

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)

PLEASE SEE ATTACHED

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)

REASONS 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:

N/A

Name – Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Jennifer R. Busse, Esquire

Name- Type or Print

Signature

Whiteford, Taylor & Preston

1 W. Pennsylvania Ave., Ste. 300, Towson MD

Mailing Address

City

State

21204 410-832-2077 jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

Name #1 – Type or Print

Name #2 – Type or Print

Donald Lombardi

Karen Lombardi

Signature #1

Signature #2

7049 Greenbank Road, Baltimore,

MD

Mailing Address

City

State

21220 410-335-7213 dtea935v@aol.com

Zip Code

Telephone #

Email Address

Representative to be contacted:

Jennifer R. Busse, Esquire

Name – Type or Print

Signature

1 W. Pennsylvania Ave., Ste. 300, Towson

MD

Mailing Address

City

State

21204 410-832-2077 jbusse@wtplaw.com

Zip Code

Telephone #

Email Address

CASE NUMBER 209-0480-A Filing Date 9/27/19

Do Not Schedule Dates: _____ Reviewer gh

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2019-0480-A

Variance For: section 427.1 of the BCZR & Building Code 122.1: To permit a 6 foot high residential fence which adjoins the neighboring front yard in lieu of required 10 foot set back of the adjoining property line, and to permit a 6 foot residential fence located in the front yard in lieu of the maximum height of 42 inches.

Beginning at a point on the south east side of Greenbank Road with a right of way width of 50 feet at a distance of 138 feet to the nearest improved intersecting street Miles Road with a right of way of 50 feet. Being lot #95, block section B in the subdivision of Oliver Beach in Baltimore County Plat Book 0014, Folio 0037, containing 22,995 square Feet lot. Located in the 15th Election District and 6th Councilman District.

2019-0480-A

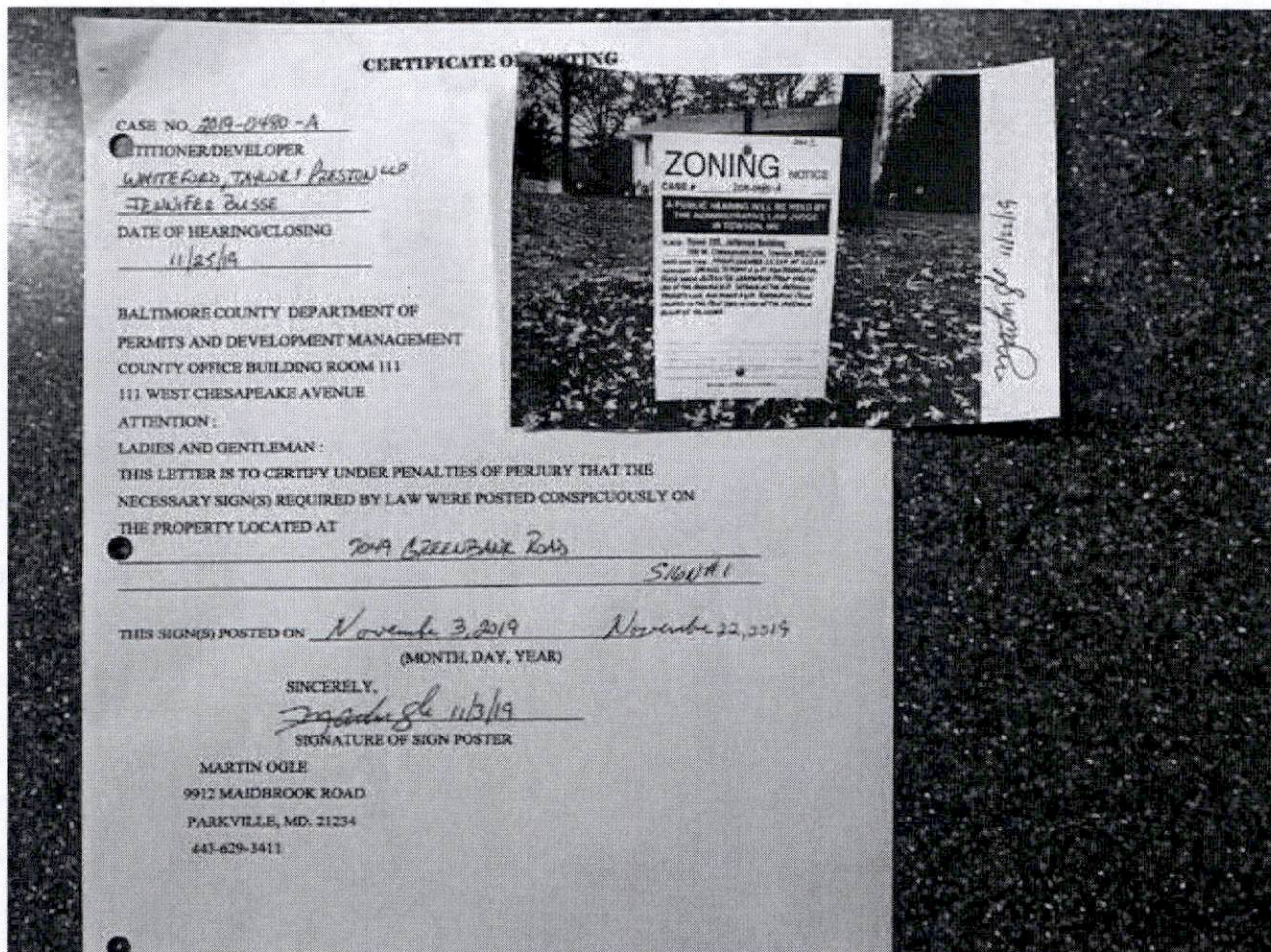
Debra Wiley

From: Marty Ogle <mert1114@aol.com>
Sent: Friday, November 22, 2019 5:00 PM
To: Administrative Hearings
Subject: 2019-0480-A



CAUTION: This message from mert1114@aol.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

2nd set of certificates



CERTIFICATE OF POSTING

CASE NO. 2014-0001-A

OWNER/DEVELOPER

Wentworth, David J. (Pastor)

DATE OF HEARING CLOSING

11/25/14

BAKINGHOUSE 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 PENALTIES OF PERJURY THAT THE
NECESSARY SIGNS REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

2014 Chesapeake Road

SRH102

THIS SIGN(S) POSTED ON

November 3, 2014

November 27, 2014

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogble

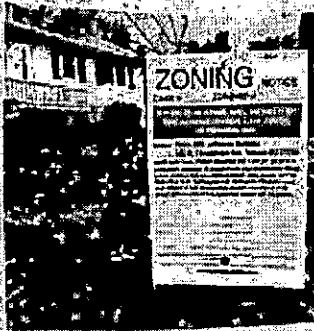
SIGNATURE OF SIGN POSTER

MARTIN OGBLE

9912 MAIDENBROOK ROAD

PARKVILLE, MD. 21234

410-629-1411



The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Order #: 11808265
 Case #: 2019-0480-A
 Description:

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

11/5/2019

NOTICE OF ZONING HEARING - CASE NUMBER: 2019-0480-A



Darlene Miller, Public Notice Coordinator
 (Representative Signature)

Baltimore County

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: 2019-0480-A

7049 Greenbank Road

S/east side of Greenbank Road, n/West of Mile Road

15th Election District - 6th Councilmanic District

Legal Owners: Donald & Karen Lombardi

Variance to permit a 6 ft. high residential fence which adjoins the neighboring front yard in lieu of the required 10 ft. setback of the adjoining property line, and permit a 6 ft. residential fence located in the front yard in lieu of the maximum height of 42 inches.

Hearing: Monday, November 25, 2019 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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 410-887-3808.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3301.

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CERTIFICATE OF POSTING

CASE NO. 2019-0480-A

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR & PRESTON LLP

JENNIFER BUSSE

DATE OF HEARING/CLOSING

11/25/19

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111

111 WEST CHESAPEAKE AVENUE

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

7049 GREENBANK ROAD

SIGN #2

THIS SIGN(S) POSTED ON November 3, 2019
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 11/3/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

SIGN 2

ZONING NOTICE

CASE # 2019-0480-A

**A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD**

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204

DATE AND TIME: MONDAY, NOVEMBER 25, 2019 AT 10:00 A.M.

REQUEST: VARIANCE TO PERMIT A 6 FT HIGH RESIDENTIAL FENCE
WHICH ADJOINS THE NEIGHBORING FRONT YARD IN LIEU OF THE
REQUIRED 10 FT SETBACK OF THE ADJOINING PROPERTY LINE,
AND PERMIT A 6 FT RESIDENTIAL FENCE LOCATED IN THE
FRONT YARD IN LIEU OF THE MAXIMUM HEIGHT OF 42 INCHES.

NOTICE: DISCREPANCIES DUE TO WEATHER OR OTHER CONDITIONS ARE, SOMETIME NECESSARY
RECONSTRUCTION OF THE SIGN SHALL BE REQUIRED
DRAWN AS SHOWN THIS SIGN AND BOLD LETTERS MAY BE HEARD UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

November 3, 2019 *my father glc*

CERTIFICATE OF POSTING

CASE NO. 2019-0480-A

PETITIONER/DEVELOPER

WHITEFORD, TAYLOR & PRESTON LLP
JENNIFER BUSSE

DATE OF HEARING/CLOSING

11/25/19

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

ATTENTION :

LADIES AND GENTLEMAN :

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

7049 GREENBANK ROAD

SIGN #1

THIS SIGN(S) POSTED ON

November 3, 2019

(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 11/3/19

SIGNATURE OF SIGN POSTER

MARTIN OGLE

9912 MAIDBROOK ROAD

PARKVILLE, MD. 21234

443-629-3411

3160 2

ZONING NOTICE

CASE # 2019-0480-A

A PUBLIC HEARING WILL BE HELD BY
THE ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: Room 205, Jefferson Building
105 W. Chesapeake Ave, Towson MD 21204
DATE AND TIME: MONDAY, NOVEMBER 25, 2019 AT 10:00 AM
REQUEST: VARIANCE TO PERMIT A 6 FT. HIGH RESIDENTIAL
FENCE WHICH ADJOINS THE NEIGHBORING FRONT YARD IN
LIEU OF THE REQUIRED 10 FT. SETBACK IN THE ADJOINING
PROPERTY LINE, AND PERMIT A 6 FT. RESIDENTIAL FENCE
LOCATED IN THE FRONT YARD IN LIEU OF THE MAXIMUM
HEIGHT OF 42 INCHES.

FOR MORE INFORMATION, TO WHATEVER OFFICE CONSIDERS APPROPRIATE, PLEASE CONTACT THE
TOWSON ZONING DEPARTMENT AT 410-281-1234.

DO NOT REMOVE THIS SIGN AND POST IT ON THE DAY OF HEARING UNDER PENALTY OF LAW.

HANDICAPPED ACCESSIBLE

November 3, 2019 *ryan m gl*

RE: PETITION FOR VARIANCE
7049 Greenbank Road; SE/S of Greenabank
Road, NW 138' to c/line of Mile Road
15th Election & 6th Councilmanic Districts
Legal Owner(s): Donald & Karen Lombardi
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2019-480-A

* * * * *

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.

RECEIVED

OCT 09 2019

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of October, 2019, a copy of the foregoing Entry of Appearance was mailed to Jennifer Busse, Esquire, 1 W. Pennsylvania Avenue, Suite 300, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

October 23, 2019

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: 2019-0480-A

7049 Greenbank Road

S/east side of Greenbank Road, n/west of Mile Road

15th Election District – 6th Councilmanic District

Legal Owners: Donald & Karen Lombardi

Variance to permit a 6 ft. high residential fence which adjoins the neighboring front yard in lieu of the required 10 ft. setback of the adjoining property line, and permit a 6 ft. residential fence located in the front yard in lieu of the maximum height of 42 inches.

Hearing: Monday, November 25, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Jennifer Busse, 1 W. Pennsylvania Avenue, Ste. 300, Towson 21204
Mr. & Mrs. Lombardi, 7049 Greenbank Road, Baltimore 21220

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 5, 2019**
- (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: THE DAILY RECORD
Tuesday, November 5, 2019 - Issue

Please forward billing to:

Jennifer Busse
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste.300
Towson, MD 21204

410-832-2077

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: 2019-0480-A

7049 Greenbank Road
S/east side of Greenbank Road, n/west of Mile Road
15th Election District – 6th Councilmanic District
Legal Owners: Donald & Karen Lombardi

Variance to permit a 6 ft. high residential fence which adjoins the neighboring front yard in lieu of the required 10 ft. setback of the adjoining property line, and permit a 6 ft. residential fence located in the front yard in lieu of the maximum height of 42 inches.

Hearing: Monday, November 25, 2019 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

**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 twenty (20) 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: 2019-0480-A
Property Address: 7049 Greenbank Rd
Property Description: _____
Legal Owners (Petitioners): Don and Karen Lombardi
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: Jennifer Busse, Esq.
Company/Firm (if applicable): WTP
Address: 1 W Pennsylvania Ave.
Suite 300
Towson MD 21204
Telephone Number: 410 832 2077



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

November 19, 2019

Jennifer Busse,
Whiteford, Taylor & Preston
1 W. Pennsylvania Avenue, Ste. 300
Towson, MD 21204

RE: Case Number: 2019-0480-A, 7049 Greenbank 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 September 27, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Donald & Karen Lombardi, 7049 Greenbank Road, Baltimore 21220

11-25-19

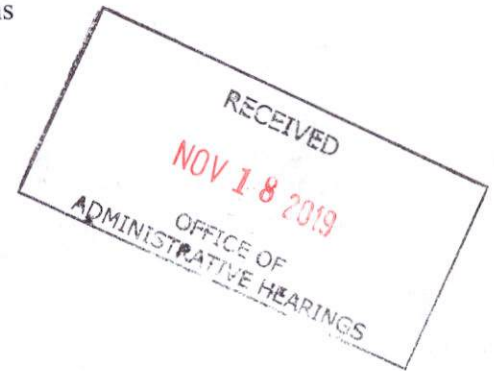
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 11/15/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-480



INFORMATION:

Property Address: 7049 Greenbank Road
Petitioner: Donald Lombardi, Karen Lombardi
Zoning: DR 5.5
Requested Action: Variance

The Department of Planning has reviewed the petition for a variance for Section 427.1 of Baltimore County Zoning Regulations (BCZR) and Building Code 122.1: to permit a 6 foot high residential fence which adjoins the neighboring front yard in lieu of required 10 foot set back to the adjoining property line, and to permit a 6 foot residential fence located in the front yard in lieu of the maximum height of 42 inches.

A site visit was conducted on November 13, 2019. This residential property is in an area of residential development along the Baltimore County shoreline. The lots are small and the houses are close together. The area has ample vegetation and the development is more rural in appearance in the varied character of the homes and lots. Driving along Greenbank Road within several blocks of the site, there is no other fence in the front yard similar to this request. Most of the fences that do exist appear to be 42 inches in height and are either chain link or post and rail including that of the neighboring property at 7051. However, the neighboring property does have a taller fence in the rear yard.

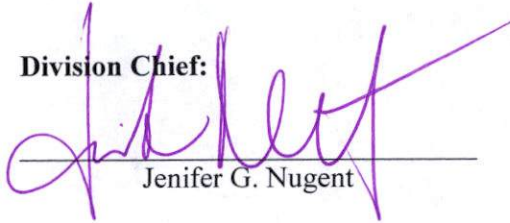
The Baltimore County Council adopted the Eastern Baltimore County Revitalization Strategy on July 1, 1996. This Strategy characterizes the site as being in a low-density neighborhood that is oriented towards the water and retains "special rural community character."

The Department of Planning supports a variance for the 10-foot setback along the property line because of the constraints of the small lot and the shape of the lot, however, the Department does not typically support a zero foot setback so that the fence can be maintained. The Department does not support a 6-foot fence extending into the front of the lot as that would be out of character of the area. The department does not oppose a 6-foot fence beginning to the rear of the house extending to the rear property line.

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

Date: 11/15/2019
Subject: ZAC # 19-480
Page 2

Division Chief:


Jenifer G. Nugent

CPG/JGN/LTM/

c: Wally Lippincott
James Hermann, R.L.A., Department of Permits, Approvals and Inspections
Jennifer R. Busse, Esquire
Office of the Administrative Hearings
People's Counsel for Baltimore County

11-25-19

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: October 11, 2019

SUBJECT: DEPS Comment for Zoning Item # 2019-0480-A
Address 7049 Greenbank Road
(Lombardi Property)

Zoning Advisory Committee Meeting of **October 4, 2019**.

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

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 10/7/19

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

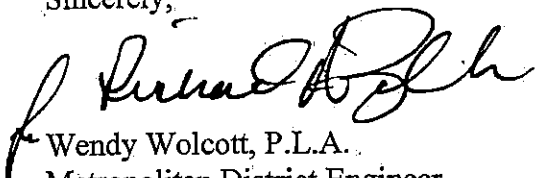
Dear Ms. Lewis:

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. 2019-0480-A

*Variance
Donald & Karen Lombardi
7049 Greenbank 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).

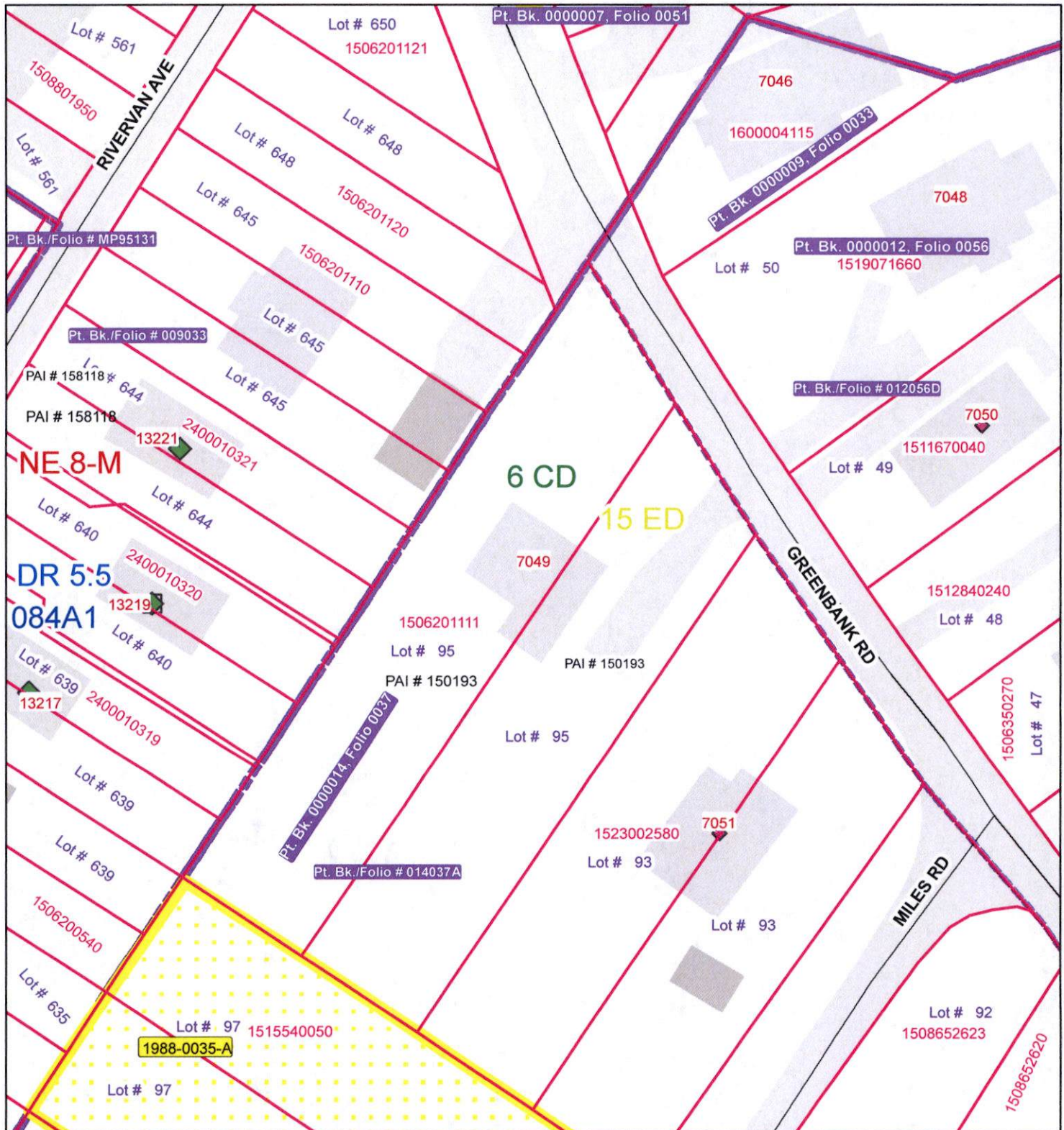
Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Enter Property Address Here



Publication Date: 9/26/2019



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



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

2019-0480-A

The Real Property Database Search is experiencing technical difficulties. We are working as quickly as possible to restore services. We apologize for any inconvenience this is causing.

Search Result for BALTIMORE COUNTY

View Map			View GroundRent Redemption				View GroundRent Registration			
Tax Exempt: None			Special Tax Recapture: None							
Exempt Class: None										
Account Identifier:			District - 15 Account Number - 1506201111							
Owner Information										
Owner Name:			LOMBARDI DON C JR LOMBARDI KAREN				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:			7049 GREENBANK RD BALTIMORE MD 21220-1110				Deed Reference:		/17501/ 00291	
Location & Structure Information										
Premises Address:			7049 GREENBANK RD 0-0000				Legal Description:		LT 95,96 OLIVER BEACH	
Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0084	0001	0042	15020011.04	0000	B		95	2018	Plat Ref:	0014/ 0037
Special Tax Areas: None						Town:		None		
						Ad Valorem:		None		
						Tax Class:		None		
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1973		1,364 SF				22,995 SF		04		
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements			
1	YES	STANDARD UNIT	SIDING/	3	1 full	1 Detached				
Value Information										
			Base Value	Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2019		07/01/2020		
Land:			89,700	89,700						
Improvements			99,600	108,600						
Total:			189,300	198,300		195,300		198,300		
Preferential Land:			0					0		
Transfer Information										
Seller: FICKUS ROBERT J,3RD				Date: 02/05/2003			Price: \$199,900			
Type: ARMS LENGTH IMPROVED				Deed1: /17501/ 00291			Deed2:			
Seller: FICKUS ROBERT J,JR				Date: 12/17/1987			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /07750/ 00248			Deed2:			
Seller:				Date:			Price:			
Type:				Deed1:			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2019		07/01/2020				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt: None			Special Tax Recapture: None							
Exempt Class: None										
Homestead Application Information										

Homestead Application Status: Approved 01/13/2009

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application**Date:**

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

CASE NAME 2019-480-A
CASE NUMBER _____
DATE 11/25/19

[illegible]

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent)10/11 DEPS
(if not received, date e-mail sent)NO Comment FIRE DEPARTMENT
 PLANNING
(if not received, date e-mail sent)11/15Comment STATE HIGHWAY ADMINISTRATION10/7NO Objection TRAFFIC ENGINEERING COMMUNITY ASSOCIATION ADJACENT PROPERTY OWNERS ZONING VIOLATION (Case No.) PRIOR ZONING (Case No.) NEWSPAPER ADVERTISEMENT Date: 11/5/19 SIGN POSTING (1st) Date: 11/3/19 by Ogle SIGN POSTING (2nd) Date: 11-22-19 by "PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐Comments, if any:



PETITIONER' S

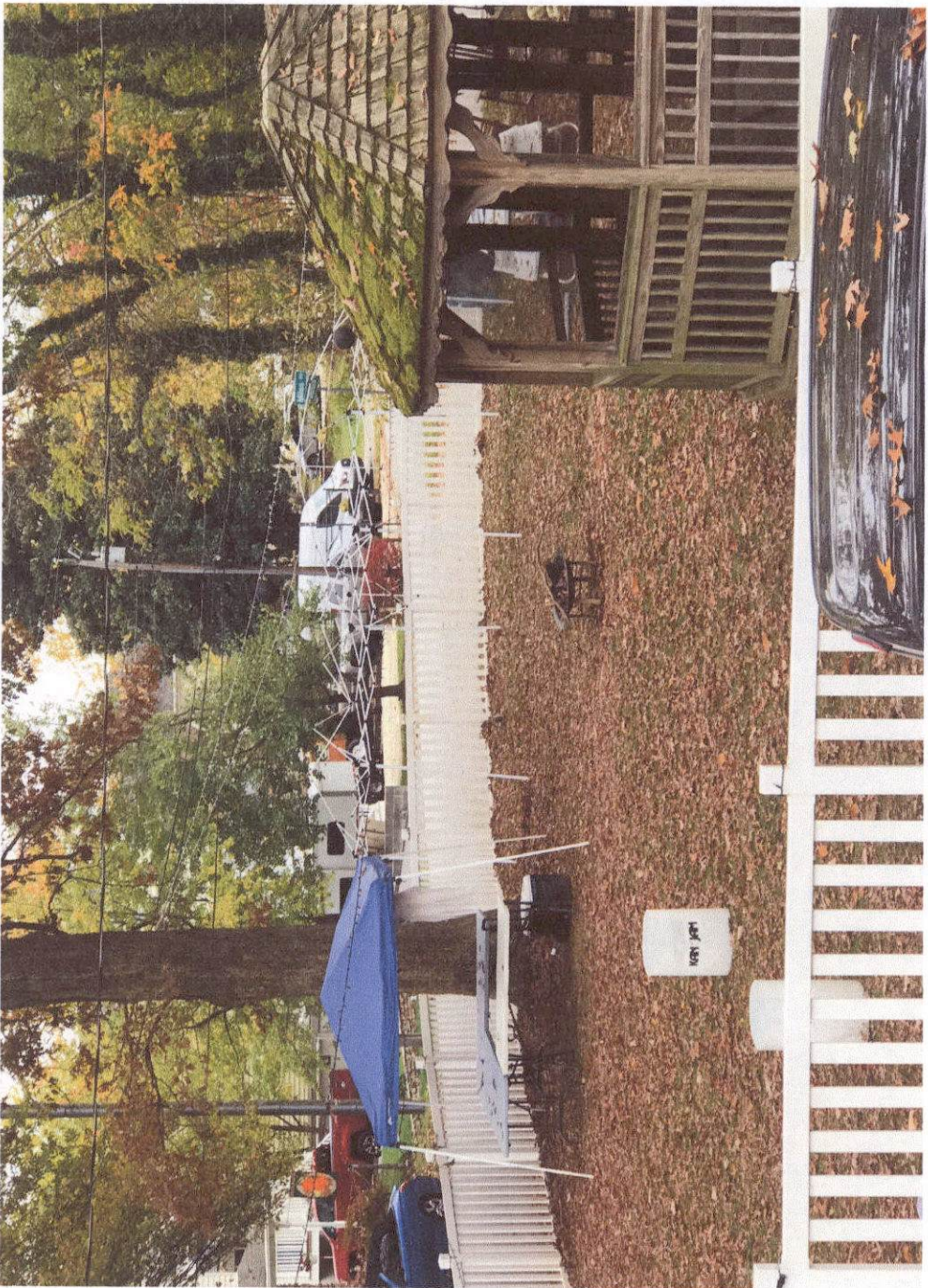
EXHIBIT NO. _____

2



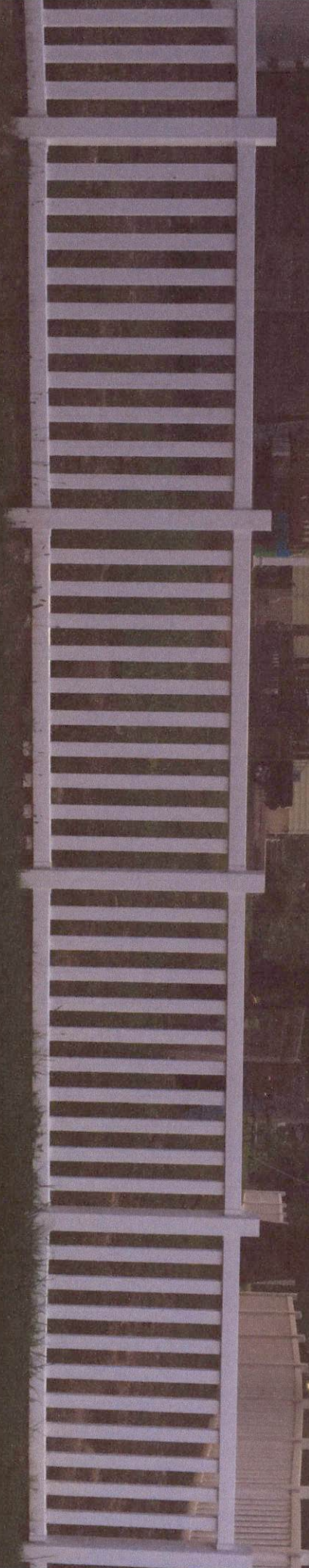
Caterpillar







Water side



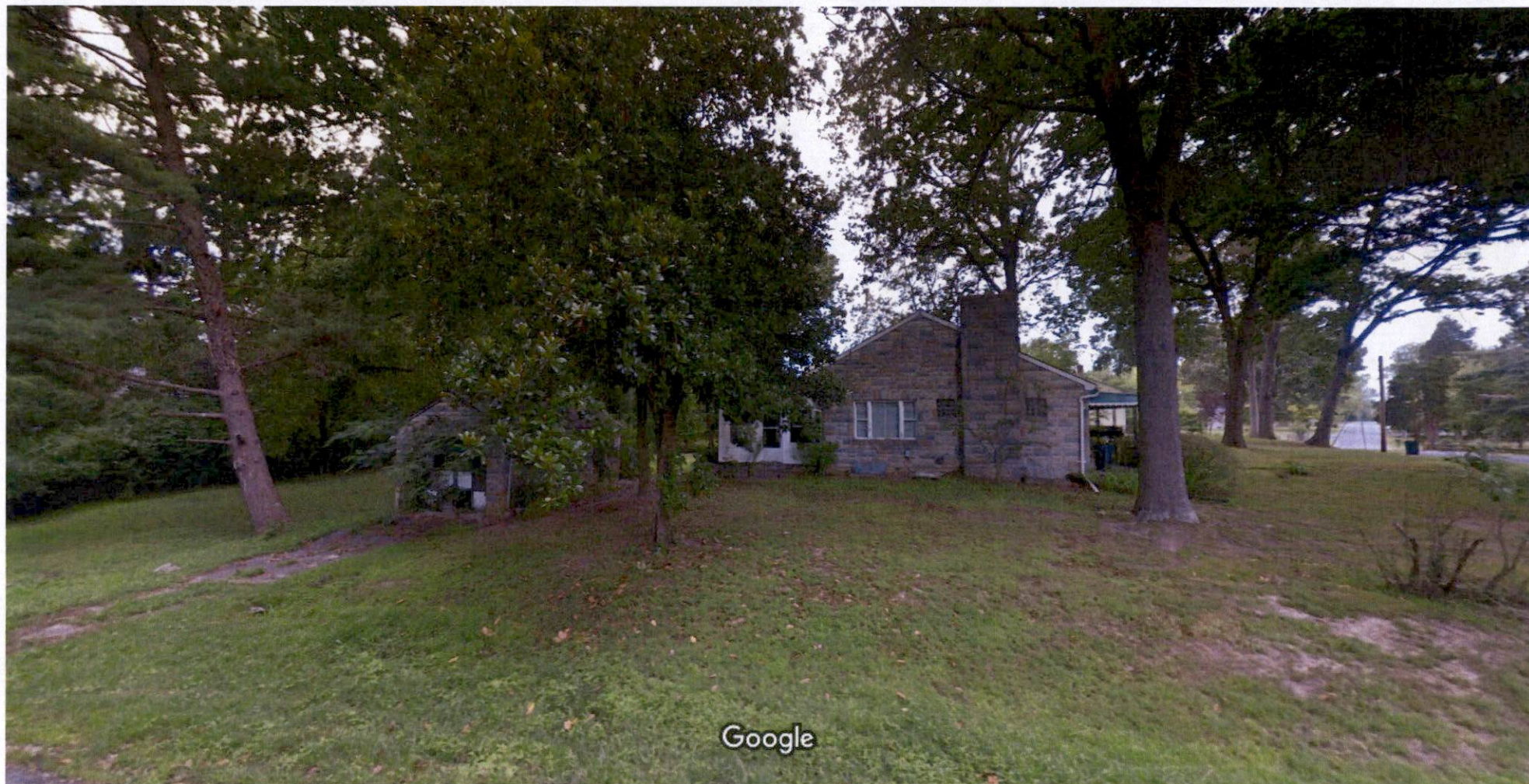


Image capture: Jul 2016 © 2019 Google

Middle River, Maryland



Street View - Jul 2016



PROTESTANT' S

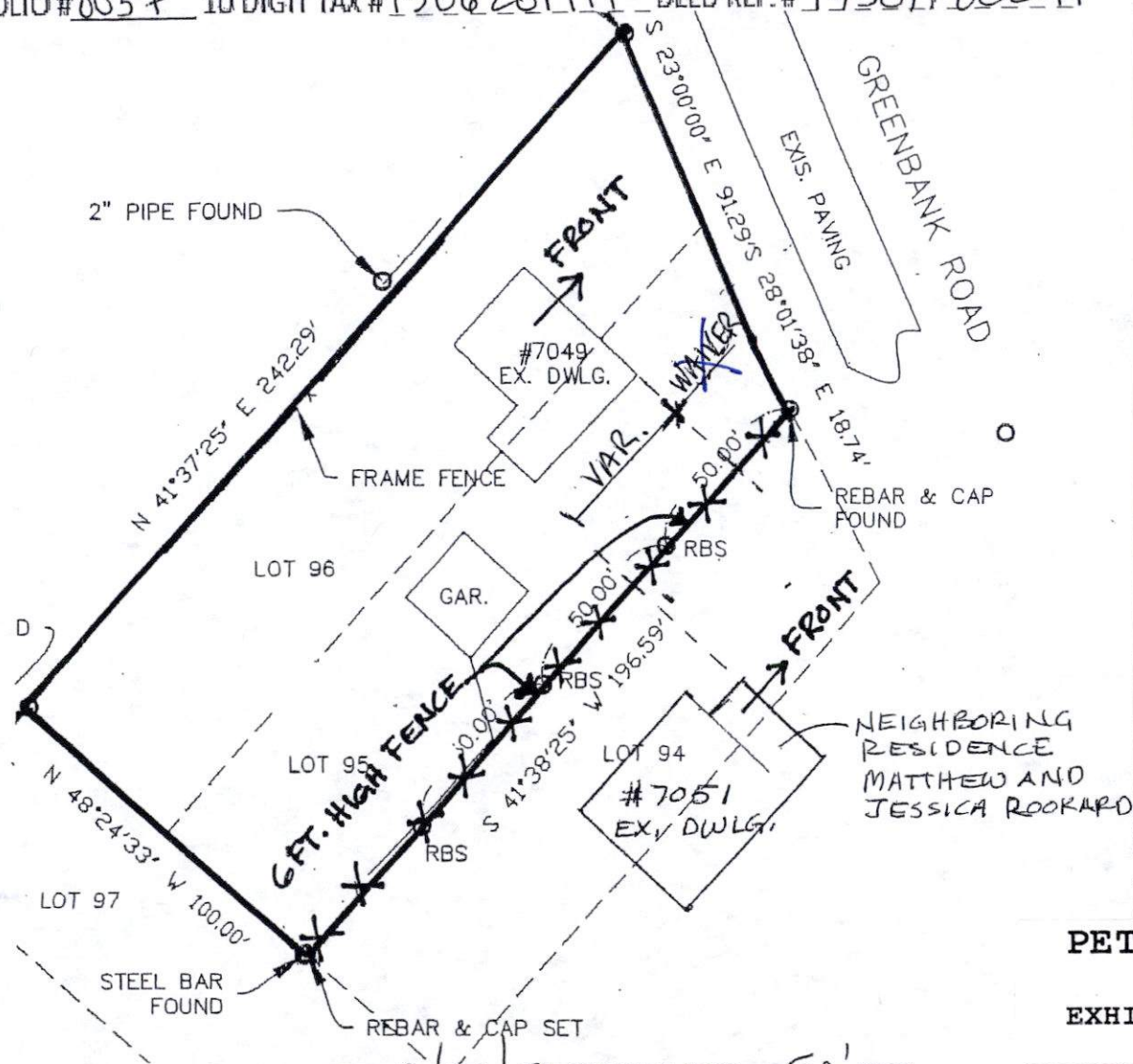
EXHIBIT NO. 1

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

ADDRESS 7049 Greenbank Rd OWNER(S) NAME(S) Don and Karen Lombardi

SUBDIVISION NAME Oliver Beach LOT # 95, 96 BLOCK # SECTION # B

PLAT BOOK # 0014 FOLIO # 0037 10 DIGIT TAX # 1506201111 DEED REF. # 17501/00291

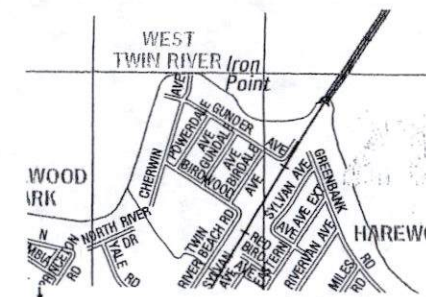


PLAN DRAWN BY _____

DATE 9/26/19 SCALE: 1 INCH = 50' FEET

2019-0480-A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 084A1
SITE ZONED DR 5.5
ELECTION DISTRICT 15
COUNCIL DISTRICT 6
LOT AREA ACREAGE _____
OR SQUARE FEET 22,995
HISTORIC? NO
IN CBCA? Yes
IN FLOOD PLAIN? Yes
UTILITIES? MARK WITH X
WATER IS: _____
PUBLIC ☒ PRIVATE _____
SEWER IS: _____
PUBLIC _____ PRIVATE _____
PRIOR HEARING? NO
IF SO GIVE CASE NUMBER _____
AND ORDER RESULT BELOW _____

PETITIONER'S

EXHIBIT NO. 1

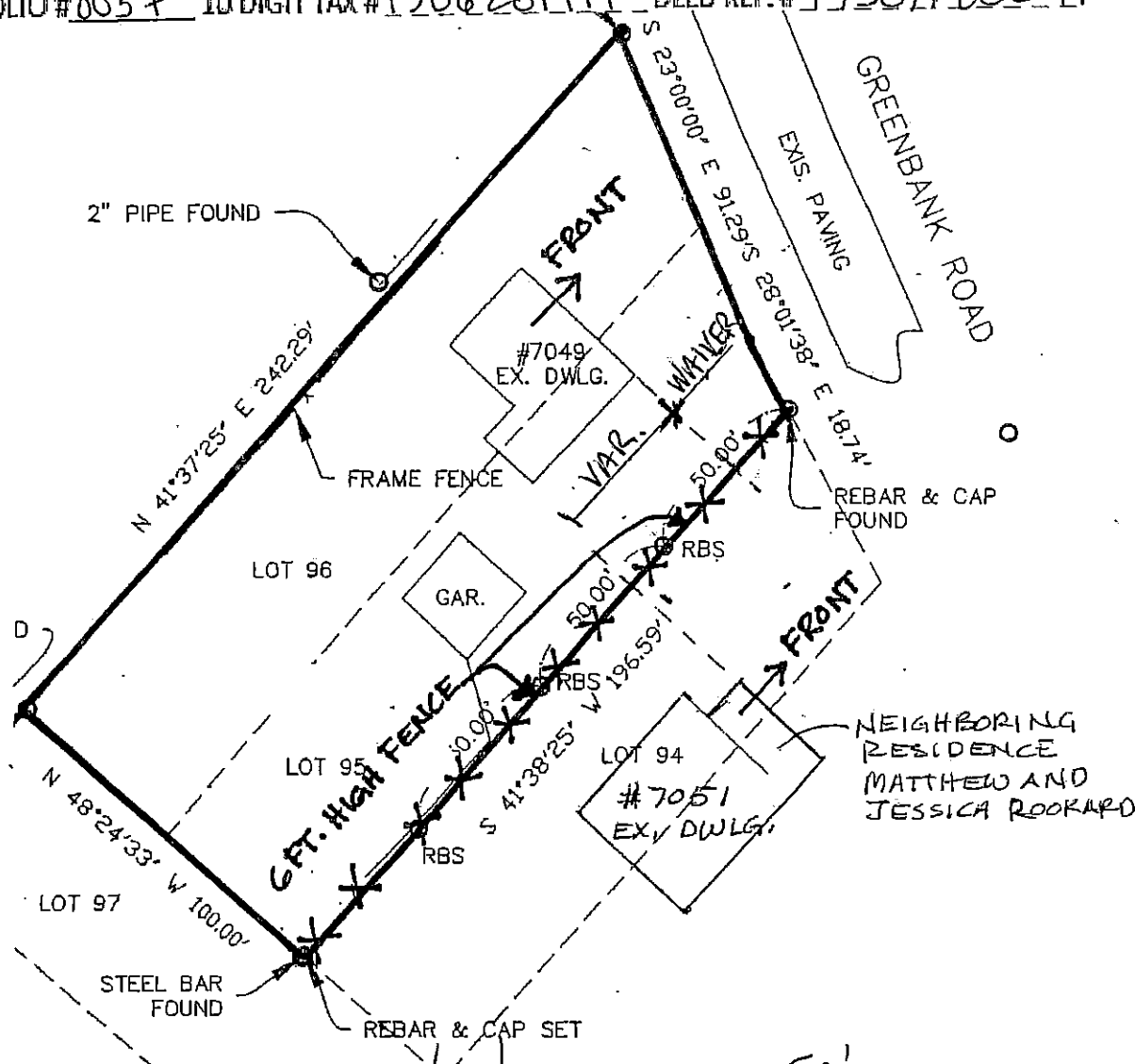
VIOLATION CASE INFO:

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

ADDRESS 7049 Greenbank Rd OWNER(S) NAME(S) Don and Karen Lombardi

SUBDIVISION NAME Oliver Beach LOT # 95, 96 BLOCK # SECTION # B

PLAT BOOK # 0014 FOLIO # 0037 10 DIGIT TAX # 1506201111 DEED REF. # 17501100291

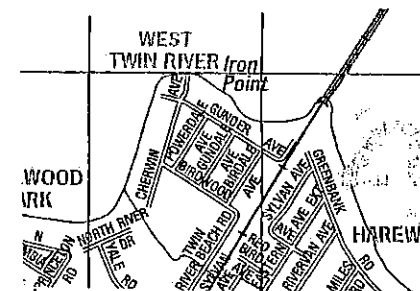


PLAN DRAWN BY

DATE 9/26/19 SCALE: 1 INCH = 50' FEET

2019-0480-A

SITE VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 084A1

SITE ZONED DL 5.5

ELECTION DISTRICT 15

COUNCIL DISTRICT 6

LOT AREA ACREAGE

OR SQUARE FEET 22,995

HISTORIC? NO

IN CBCA? Yes

IN FLOOD PLAIN? Yes

UTILITIES? MARK WITH X

WATER IS:

PUBLIC ☒ PRIVATE

SEWER IS:

PUBLIC PRIVATE

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW