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 13107 E. Greenbank Road, Baltimore, MD 21220 Currently zoned DR 5.5

Deed Reference 19393 / 00481 10 Digit Tax Account # 1 5 0 1 3 5 0 0 1 0

Owner(s) Printed Name(s) William and Rose Marie Alcarese

(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)

BCZR 427.1, to erect a residential occupancy fence in the rear and side yard of a lot which adjoins the front yard of another lot, with a fence height of 6 feet in lieu of the maximum allowed 42 inches (3.5 feet).

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):

William Alcarese / Rose Marie Alcarese

Name #1 – Type or Print / Name # 2 – Type or Print

Signature #1 / Signature # 2

13107 E. Greenbank Road, Baltimore, MD

Mailing Address / City / State

21220 / 410-598-9863 / ralcarese@crlmlaw.com

Zip Code / Telephone # / Email Address

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

William F. Alcarese, Jr., Esquire

Name- Type or Print

Signature

1301 York Rd., Suite 200, Lutherville, MD

Mailing Address / City / State

21093 / 410-299-8605 / bill@lawwfa.com

Zip Code / Telephone # / Email Address

Representative to be contacted:

William F. Alcarese, Jr., Esquire

Name – Type or Print

Signature

1301 York Rd., Suite 200, Lutherville, MD

Mailing Address / City / State

21093 / 410-299-8605 / bill@lawwfa.com

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 2020-0048-A Filing Date 2/14/2020 Estimated Posting Date 2/23/2020 Reviewer JNP

Rev 5/5/2016

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: 13107 E. Greenbank Road — Baltimore — MD — 21220

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 Affidavit in Support of Administrative Variance incorporated herein and attached hereto as Exhibit 1.

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

Signature of Owner (Affiant)

William F. Alcarese

Name- Print or Type

Signature of Owner (Affiant)

ROSE MARIE ALCARESE

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 13th day of February, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: William Alcarese and Rose Marie Alcarese

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

AS WITNESS my hand and Notaries Seal

Notary Public

7/11/2020

My Commission Expires

KATHLEEN DIANNE COMPOSTO
Notary Public
State of Maryland
Carroll County
My commission exp. 7/11/2020

REV. 5/5/2016

Affidavit in Support of Administrative Variance

1. **Subject Property:** 13107 E. Greenbank Road
   Baltimore, Maryland 21220
   Owners: William & Rose Marie Alcarese

2. **Adjacent Property #1:** 13109 E. Greenbank Road
   Baltimore, Maryland 21220
   Owner: Debra McClelland

3. **Adjacent Property #2:** Unknown address, undeveloped land owned by the State of Maryland

4. **Basis for Request for Administrative Variance:**

These properties are waterfront properties in Chase, Maryland.

The Owners of the Subject Property ("Petitioners") request a variance to erect a six (6) foot, wooden privacy fence along the boundary line from the Petitioners' existing privacy fence (which ends at the front of the house on the Adjacent Property #1) to the front of the Petitioners' house. Thus, this fence would be located in the front yard of the Adjacent Property #1 ("Neighbor") which is not allowed pursuant to BCZR 427.1.

The practical difficulties and hardships relate to the location of the Neighbor's house on her property, the Neighbor's failure to properly maintain her property and the Petitioners' desire to add privacy in order to reduce the confrontation and frustration caused by the Neighbor as explained in further detail below. There will be minimal impact to the Neighbor if the variance is granted. Furthermore, the variance would not adversely affect the health, safety and/or general welfare of the public. Accordingly, there is good cause to grant this variance request.

EXHIBIT
1

In 1999, the Neighbor was granted a variance from the typical setback regulations to build her house. Therefore, the front of Neighbor's house sits back significantly from the front of the Petitioners' house.

In 2016, the Petitioners' received a permit to erect a six (6) foot privacy fence from the front of Neighbor's house to the street for privacy to alleviate the same problems explained herein below. Unfortunately, not all of the problems were alleviated due to the limitations of the location of the fence and, as such, the Petitioners desire to extend the fence along the property line.

The Petitioners are seeking more privacy and to avoid further frustration and confrontation with Neighbor, which is initiated by the Neighbor. First, the Neighbor does not properly maintain her property, it is unkempt and it is an eye-sore. Second, instead of cutting grass on her property along the existing property line, she has used some sort of grass/weed killer that has actually killed the grass on the Petitioners' lawn too. Third, the Neighbor has an annoying dog that barks at the sight of people and she does not adequately pick up the dog's feces. Further, the times that she does pick up the dog's feces, she puts it in a bucket and leaves the bucket against her fence near the property line exacerbating the unpleasant odor that can be smelled by the Petitioners.[1]

But, these issues will likely be eliminated if a privacy fence is erected – no longer will the Petitioners have to see the unsightly conditions on the Neighbor's property, it is expected that the Neighbor's continued use of weed/grass killer will not carry over to Petitioners' property killing their grass and no longer will the dog see Petitioners and others on Petitioners' property causing it to bark.

[1] Pictures supporting these contentions are included herewith.

Naturally, from the Neighbor's perspective, the downside of the privacy fence would be that her view will be obstructed. However, that is not a justifiable basis in this situation. Presently, there is approximately twenty-two (22) feet of open space along the property line from the existing privacy fence to the rear corner of Petitioners' house. This is a view of the Petitioners' driveway. On the other side of the Petitioner's driveway, the other adjacent lot is undeveloped land owned by the State of Maryland. There is phragmites that is approximately eight (8) to ten (10) foot high. As such, the view looking from Neighbor's property towards Petitioners' property through this opening is already obstructed beyond the Petitioners' property. Then, aside from that opening, the Petitioners' house blocks any further view where the privacy fence would be erected along the property line. As such, any challenge that the fence will unreasonably obstruct the Neighbor's view is unjustified.[2]

The length of the requested six (6) foot privacy fence is seventy (70) feet total - twenty two feet (22) feet from the existing fence to the corner of the rear of Petitioners' house, plus forty eight (48) feet from the rear of Petitioners' house to the front of Petitioners' house.

Petitioners have attempted on two (2) separate occasions to plant privacy landscaping from the existing fence towards the front of their house; however, because the soil is so wet and does not adequately drain, the desired privacy landscaping will not grow in that area. First, approximately in 2016 after the first privacy fence was installed, the Petitioners hired a professional landscaper and planted arborvitae (commonly referred to as green giant evergreen trees). Despite reasonable efforts and ongoing

[2] Pictures showing the view, or lack thereof, from the Neighbor's property towards the Petitioners' property are included herewith.

communications with the landscaper, the arborvitae died and were removed because it was determined the soil was too wet for them to thrive and grow. Then, in 2018, the Petitioners planted prague viburnum. Again, these shrubs died because the soil was too wet. So, for nearly four (4) years, Petitioners sought alternatives by planting privacy landscaping; however, those efforts have been unsuccessful.

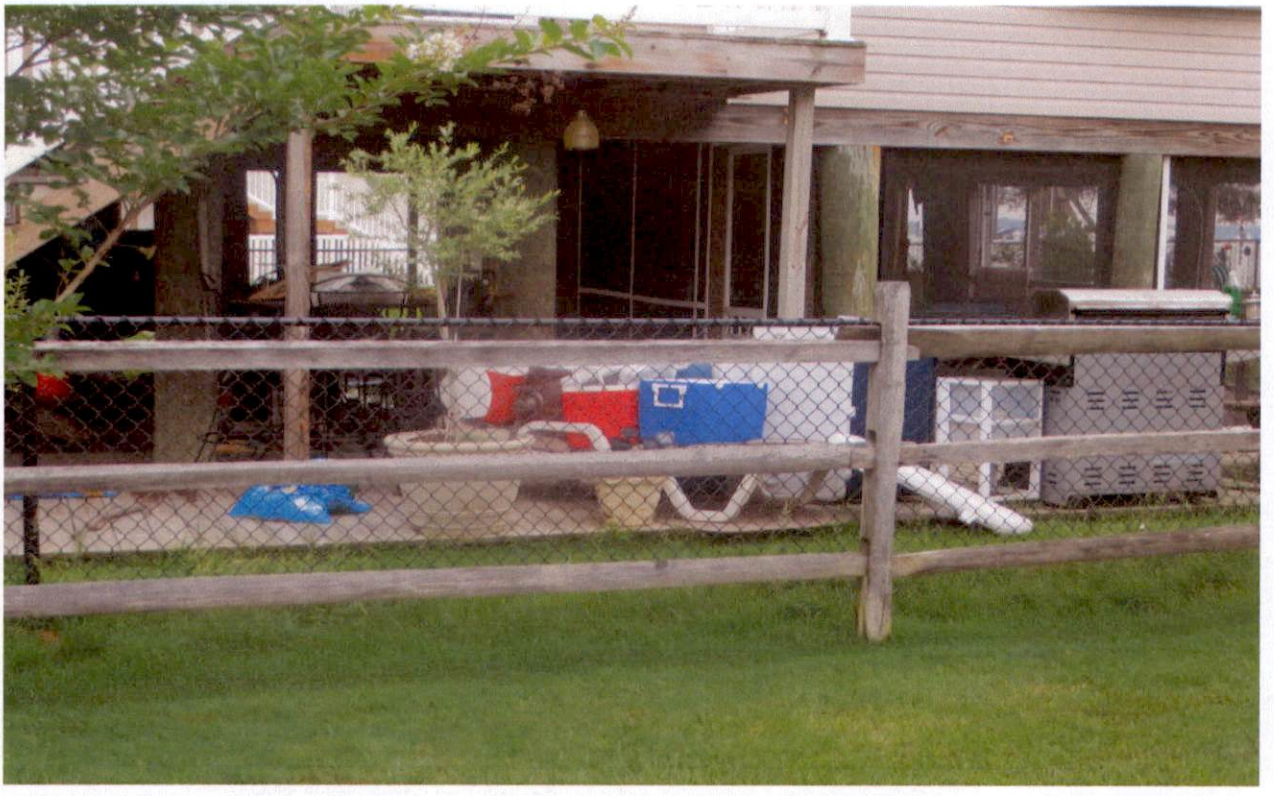
In closing, the practical difficulties and hardships that exist relate to Neighbor's failure to adequately maintain her property and the Petitioners' reasonable, yet unsuccessful, efforts to remedy the situation that are within their control. Accordingly, the only reasonable solution to afford the Petitioners' relief from the ongoing issues caused by the Neighbor would be to grant the variance. Further, there would not be any adverse affect to the health, safety and/or general welfare of the public if the variance is granted. Petitioners' respectfully request this variance to enhance their privacy and enjoyment of their own property and maintain their property value.

[Pictures referenced above with brief descriptions are on the following pages.]

View from Petitioners' property to the Neighbor's property showing the corner of existing six (6) foot privacy fence (left) and the corner of the rear of Petitioners' house (right). The distance along the property line from the existing fence to the corner of the house is approximately twenty-two (22) feet.

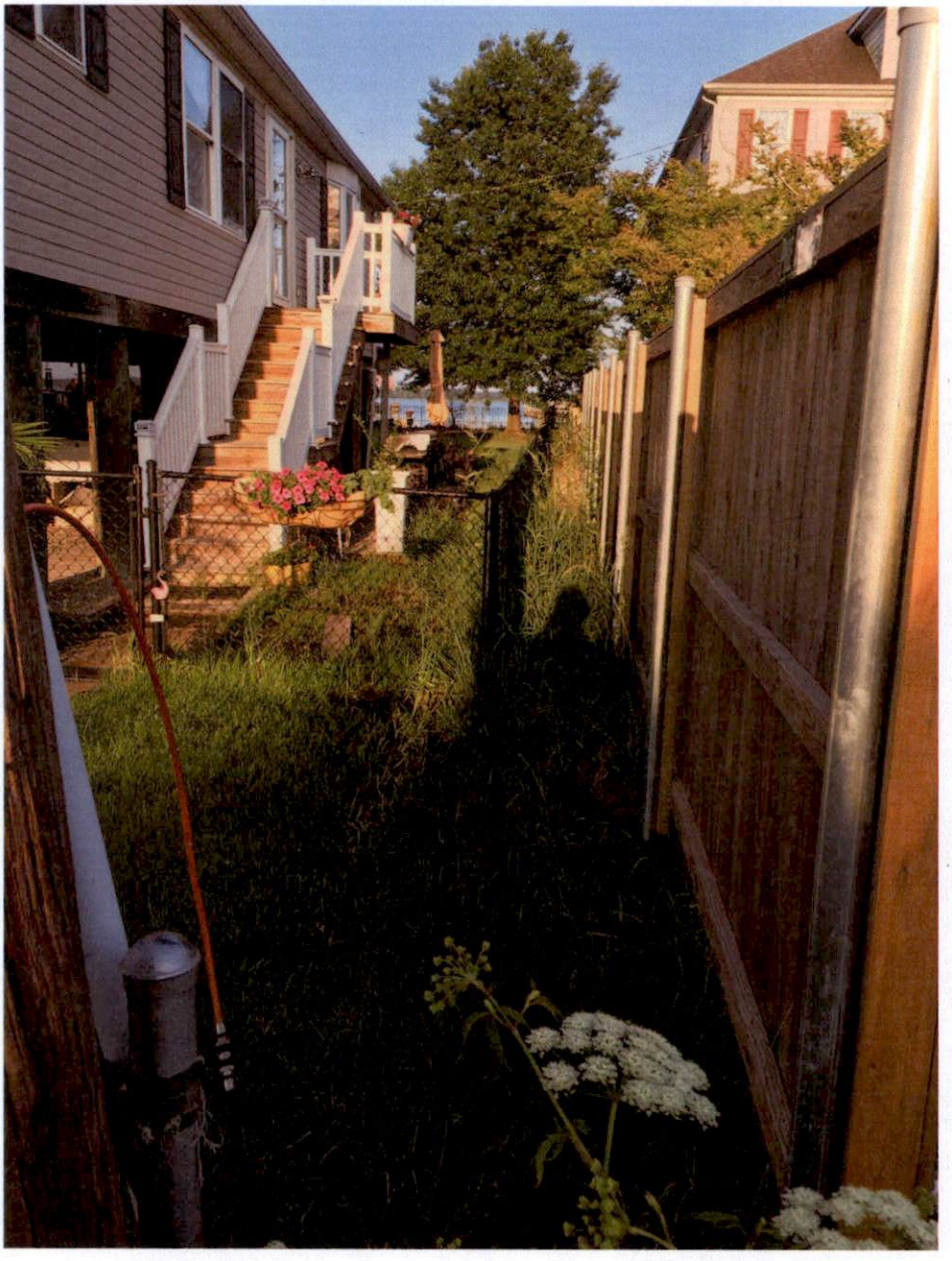
Pictures taken from 13111 E. Greenbank Road (property on the other side of the Neighbor's property) looking towards the Petitioners' property showing the lack of view and already obstructed view from the Neighbor's property looking towards the Petitioners' property. The requested location of the privacy fence is from the existing privacy fence (righthand side of upper picture) to the corner of the front of the Petitioners' house (lower picture).

Pictures of the Neighbor's property that is not properly maintained and is unkempt.



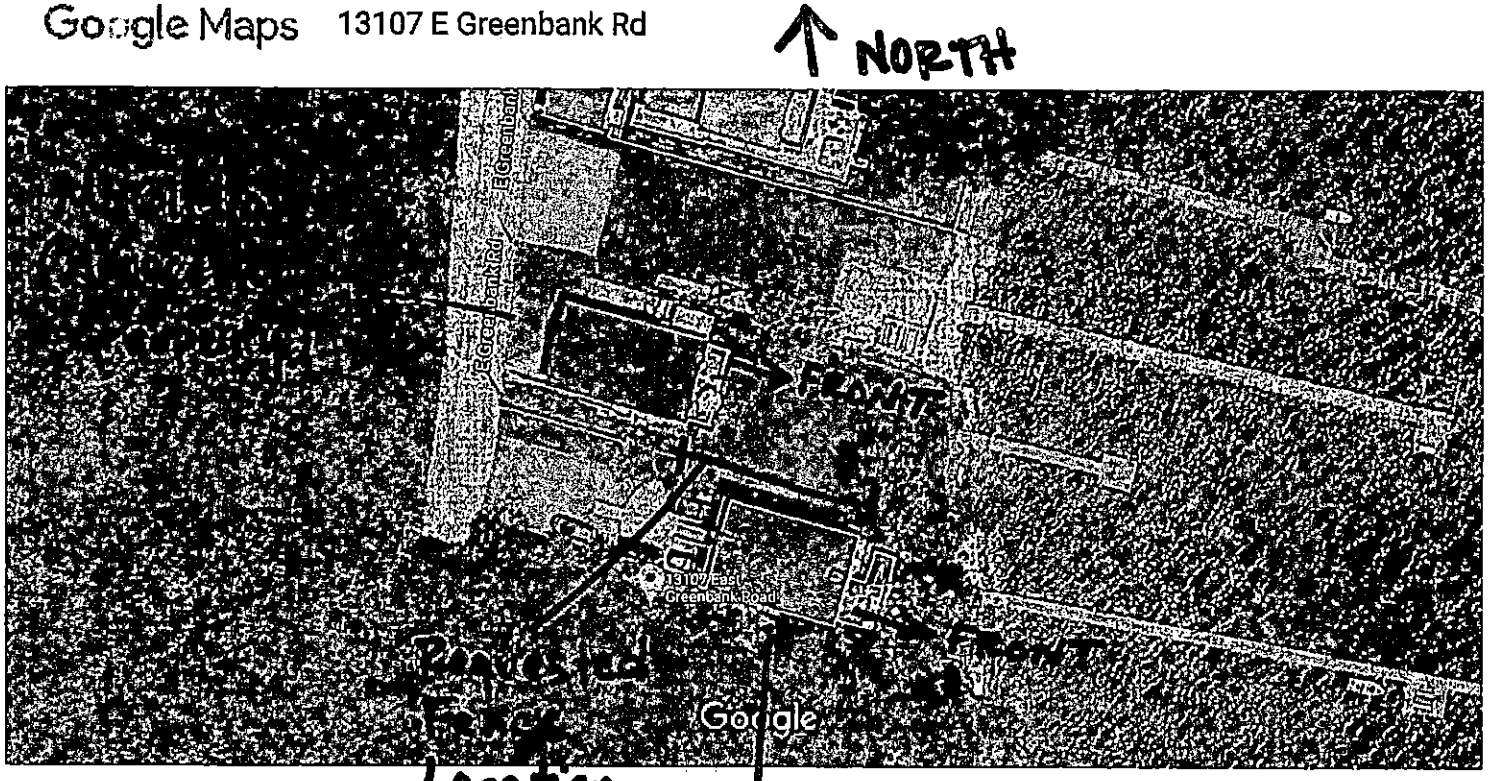
Pictures of the Neighbor leaving her shovel and bucket of dog feces along her chain link fence near the property line on separate occasions. The split rail fence is on the Petitioner's property along the property line.

Pictures of the Neighbor's use of grass/weed killer that has killed the grass on the Petitioners' property, followed by a picture of the overgrown grass on the Neighbor's property that she kills using the weed/grass killer. The split rail fence is on Petitioner's property along the property line. The black chain link fence is on Neighbor's property set back approximately two (2) feet from the property line. The property between the split rail fence and chain link fence is the Neighbor's property for which she is responsible to maintain.



Aerial map with details:

Google Maps 13107 E Greenbank Rd



Map data ©2020 , Map data ©2020 20 ft

Property Description

Part A – Zoning Property Description for 13107 E. Greenbank Road

Beginning at a point N 12° 28' E side of E. Greenbank Road which is 30 feet right of way. The lot is approximately 11,900 square feet (50.87' feet wide by 212'+/- along one property line and 265'+/- along the other property line). The property is zoned DR 5.5.

Part B, Option 2 – Subdivision Lot

Being known and designated as Lot No. 70, Section A, in Oliver Beach, in the Fifteenth Election District of Baltimore County, Maryland, as more fully shown on the Plat of Oliver Beach, said plat being recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9, folio 97.

2020-0048-A

A...INISTRATIVE ZONING PE...ION

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Deed Reference 19393 / 00481 10 Digit Tax Account # 1 5 0 1 3 5 0 0 1 0

Owner(s) Printed Name(s) William and Rose Marie Alcarese

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

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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*)

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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):

William Alcarese / Rose Marie Alcarese

Name #1 – Type or Print / Name #2 – Type or Print

Signature #1 / Signature # 2

13107 E. Greenbank Road, Baltimore, MD

Mailing Address / City / State

21220 / 410-598-9863 / ralcarese@crlmlaw.com

Zip Code / Telephone # / Email Address

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

William F. Alcarese, Jr., Esquire

Name- Type or Print

Signature

1301 York Rd., Suite 200, Lutherville, MD

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CASE NUMBER 2020-0048-A Filing Date 2/14/2020 Estimated Posting Date 2/23/2020 Reviewer JNP

Rev 5/5/2016

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Address: 13107 E. Greenbank Road — Baltimore — MD — 21220

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 Affidavit in Support of Administrative Variance incorporated herein and attached hereto as Exhibit 1.

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

Signature of Owner (Affiant)

William F. Alcarese

Name- Print or Type

Signature of Owner (Affiant)

ROSEMARIE ALCARESE

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 13th day of February, 2020, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: William Alcarese and Rose Marie Alcarese

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

AS WITNESS my hand and Notaries Seal

Notary Public

7/11/2020

My Commission Expires

KATHLEEN DIANNE COMPOSTO
Notary Public
State of Maryland
Carroll County
My commission exp. 7/11/2020

REV. 5/5/2016

Affidavit in Support of Administrative Variance

1. **Subject Property:** 13107 E. Greenbank Road
   Baltimore, Maryland 21220
   Owners: William & Rose Marie Alcarese

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   Owner: Debra McClelland

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4. **Basis for Request for Administrative Variance:**

These properties are waterfront properties in Chase, Maryland.

The Owners of the Subject Property ("Petitioners") request a variance to erect a six (6) foot, wooden privacy fence along the boundary line from the Petitioners' existing privacy fence (which ends at the front of the house on the Adjacent Property #1) to the front of the Petitioners' house. Thus, this fence would be located in the front yard of the Adjacent Property #1 ("Neighbor") which is not allowed pursuant to BCZR 427.1.

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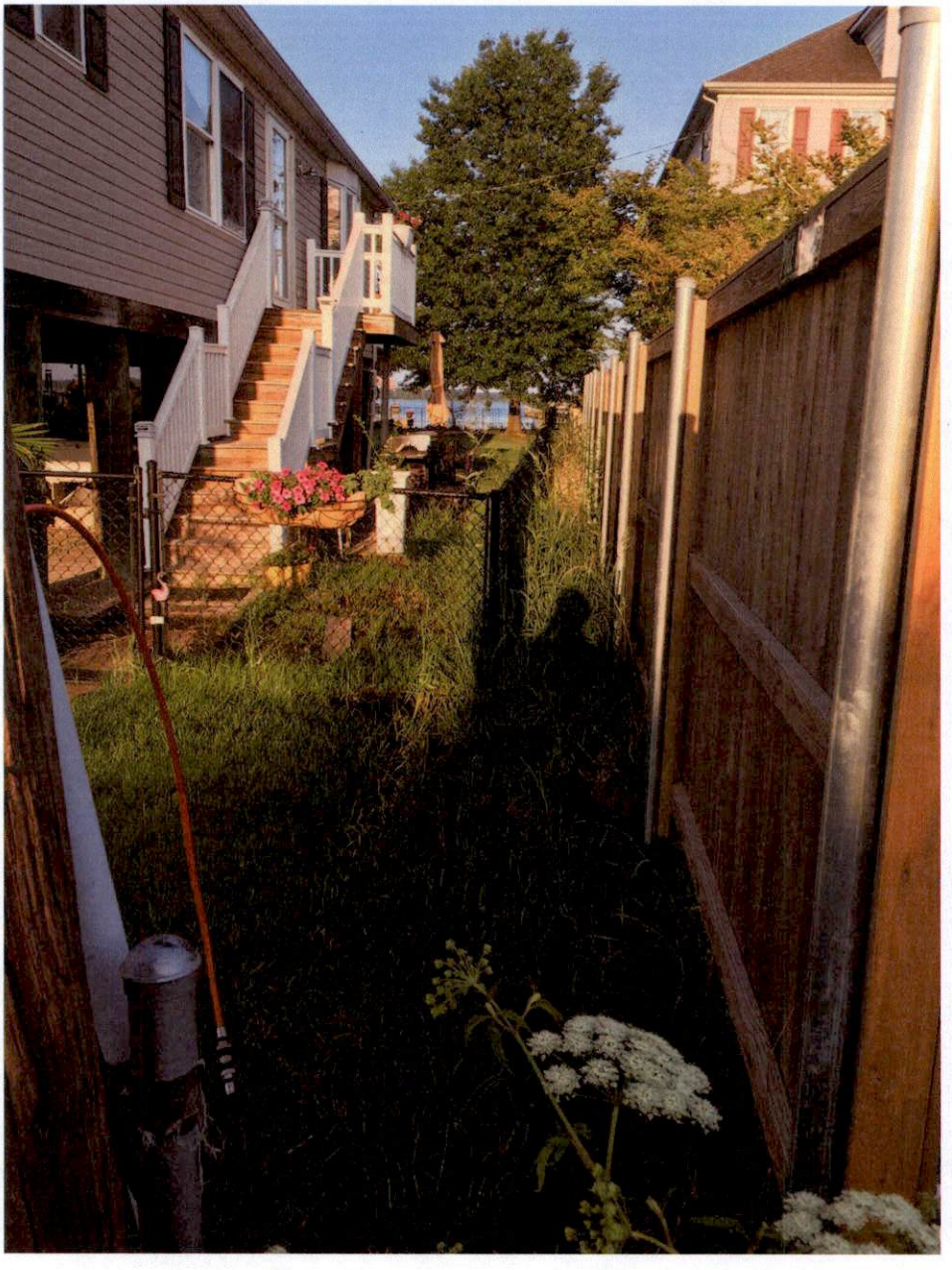
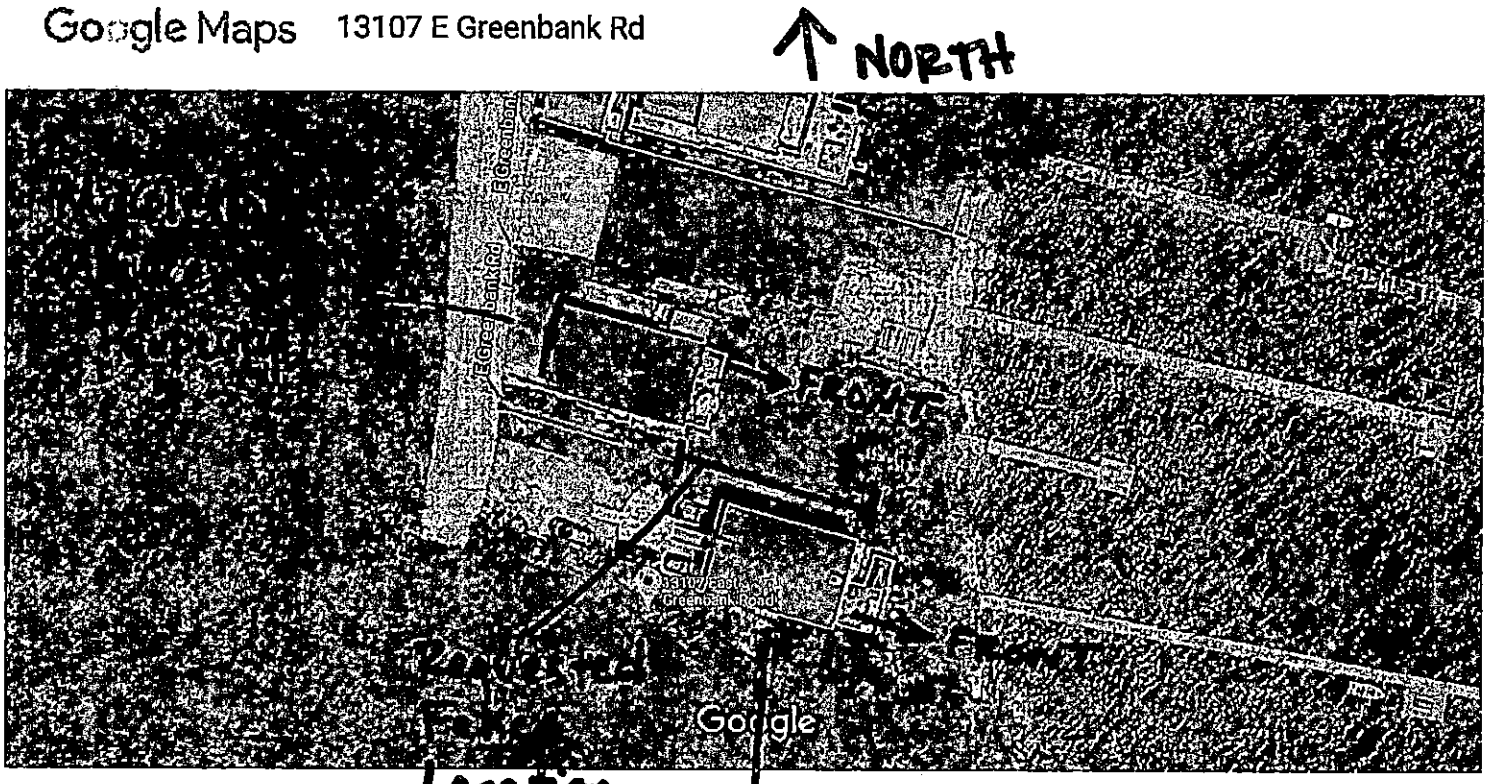


Aerial map with details:

Google Maps 13107 E Greenbank Rd



Map data ©2020, Map data ©2020 20 ft

Location + Boundary Line

Alcarese (Subject Property)

Property Description

Part A – Zoning Property Description for 13107 E. Greenbank Road

Beginning at a point N 12° 28' E side of E. Greenbank Road which is 30 feet right of way. The lot is approximately 11,900 square feet (50.87' feet wide by 212'+/- along one property line and 265'+/- along the other property line). The property is zoned DR 5.5.

Part B, Option 2 – Subdivision Lot

Being known and designated as Lot No. 70, Section A, in Oliver Beach, in the Fifteenth Election District of Baltimore County, Maryland, as more fully shown on the Plat of Oliver Beach, said plat being recorded among the Land Records of Baltimore County in Plat Book W.H.M. No. 9, folio 97.

2020-0048-A

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

No. 195443

Date: 2/14/2020

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: Alcarese

For: Adm Variance - 1310 E. Greenbank Road
2020-0048-A (Alcarese)

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

PAID RECEIPT

ACTUAL	TIME	DRW
2/14/2020	10:48:06	5

REG 0605 ALKIN LRB
>>RECEIPT # 057270 2/14/2020 OFLH
28 ZONING VERIFICATION
195443
Rec'd Tot $ 75.00
75.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11868159
Case #: 2020-0048-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0048-A

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:

3/20/2020

Darlene Miller

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: 2020-0048-A
13107 E. Greenbank Road
E/side of Greenbank Road, 990 ft. south of Chesapeake Road
15th Election District - 6th Councilmanic District
Legal Owners: William & Rose Marie Alcarese

Variance to erect a residential occupancy fence in the rear and side yard of a lot which adjoins the front yard of another lot with a fence height of 6 ft. in lieu of the maximum allowed 42 inches (3.5 ft.).

Hearing: Friday, April 10, 2020 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.

mh20

CERTIFICATE OF POSTING

March 20, 2020 (amended _____)

Re:
Zoning Case No. 2020-0048-A
Legal Owner: William & Rose Marie Alcarese
Hearing date: April 10, 2020

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Jenae Johnson

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **13107 E. Greenbank Road.**

The signs were posted on **March 18, 2020.**

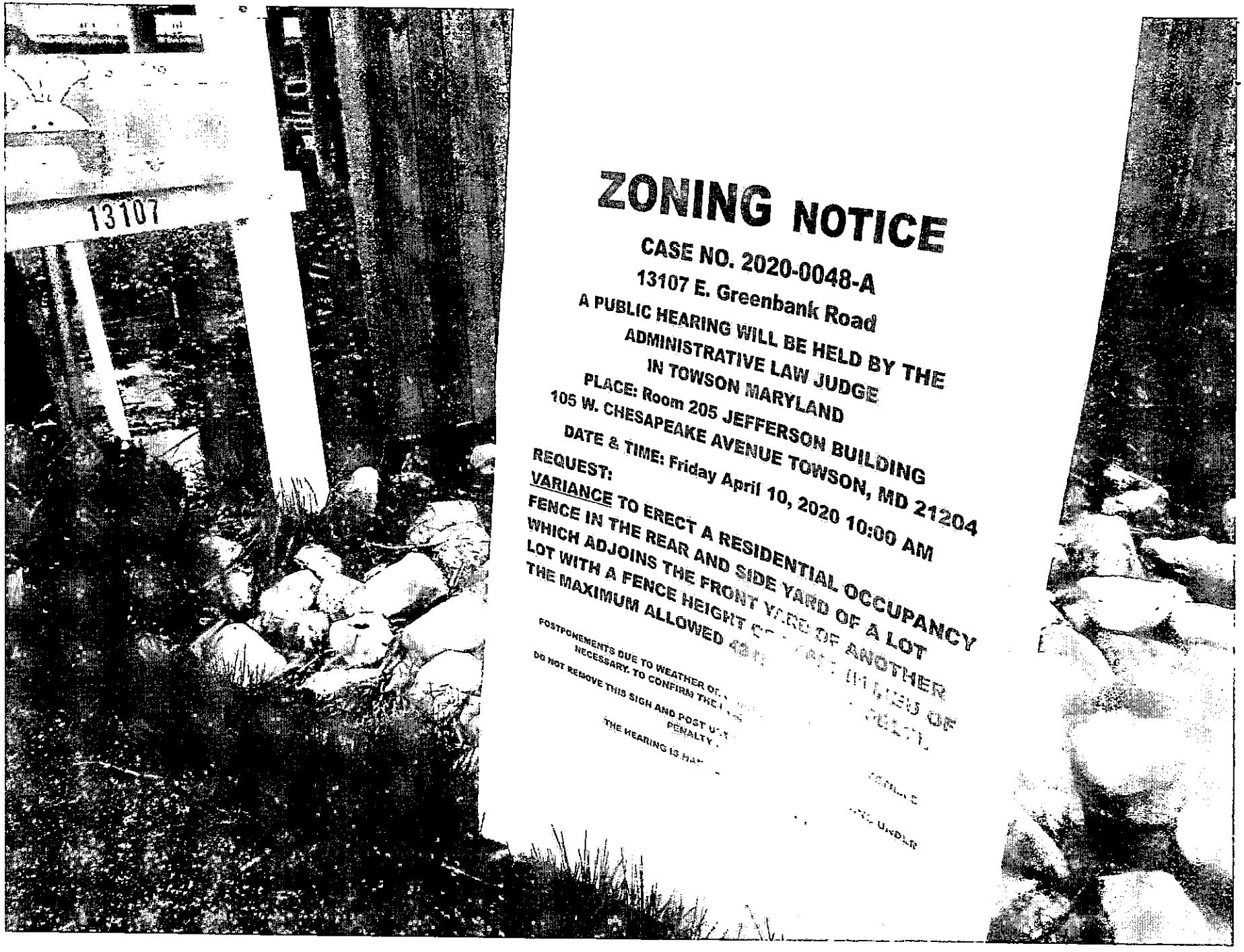
The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com


13107
ZONING NOTICE
CASE NO. 2020-0048-A
13107 E. Greenbank Road
A PUBLIC HEARING WILL BE HELD BY THE
ADMINISTRATIVE LAW JUDGE
IN TOWSON MARYLAND
PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204
DATE & TIME: Friday April 10, 2020 10:00 AM
REQUEST:
VARIANCE TO ERECT A RESIDENTIAL OCCUPANCY
FENCE IN THE REAR AND SIDE YARD OF A LOT
WHICH ADJOINS THE FRONT YARD OF ANOTHER
LOT WITH A FENCE HEIGHT OF
THE MAXIMUM ALLOWED
POSTPONEMENTS DUE TO WEATHER
NECESSARY, TO CONFIRM THE
DO NOT REMOVE THIS SIGN AND POST
PENALTY
THE HEARING IS

ZONING NOTICE

CASE NO. 2020-0048-A

13107 E. Greenbank Road

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

PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Friday April 10, 2020 10:00 AM

REQUEST:
VARIANCE TO ERECT A RESIDENTIAL OCCUPANCY FENCE IN THE REAR AND SIDE YARD OF A LOT WHICH ADJOINS THE FRONT YARD OF ANOTHER LOT WITH A FENCE HEIGHT OF 6 FEET IN LIEU OF THE MAXIMUM ALLOWED 42 INCHES (3.5 FEET).

POSTPONEMENTS DUE TO WEATHER OR OTHER CO[illegible] SOMETIMES NECESSARY. TO CONFIRM THE HEARING CA[illegible]

DO NOT REMOVE THIS SIGN AND POST UNTIL THE [illegible] PENALTY OF LAW.

THE HEARING IS HANDICAPPED [illegible]

JOHN A. OLSZEWSKI, JR.
County Executive

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

March 09, 2020

William F. Akcarese,
1301 York Road Suite 200
Lutherville MD 21093

RE: Case Number: 2020-0048-A, 13107 E. 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 February 14, 2020. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Gregory Slater
Acting Secretary

Tim Smith, P.E.
Acting Administrator

Date: 2/26/20

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. 2020-0048-A
Administrative Variance
William & Rose Marie Alcarese
13107 E. 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@mdot.maryland.gov).

Sincerely,

Richard A. Zeller

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

WW/RAZ

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: March 6, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0048-A
Address 13107 E. Greenbank Road
(Alcarese Property)

Zoning Advisory Committee Meeting of **March 2, 2020**.

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

Reviewer: Regina Esslinger

C:\Users\jnjohnson\AppData\Local\Microsoft\Windows\Temporary Internet Files\Content.Outlook\H1PAGF4X\ZAC 20-0048-A-EIR 13107 E. Greenbank Road.doc

FORMAL DEMAND FOR HEARING

CASE NUMBER: 2020-0048-A

Address: 13107 E. Greenbank Rd.

Petitioner(s): Debra McClelland

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Debra McClelland
Name - Type or Print

(✓) *Legal Owner* *OR* ( ) *Resident* *of*

13109 E. Greenbank Rd.
Address

Middle River MD 21220
City State Zip Code

202-834-6889
Telephone Number

which is located approximately ADJACENT *feet from the property, which is the subject of the above petition,* ***do hereby formally demand that a public hearing be set in this matter.***

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

D. C. McClelland 02/28/2020
Signature Date

zipsclassy skip@yahoo.com
Signature Date

Revised 9/18/98 - wcr/scj

PAID
AJ

JOHN A. OLSZEWSKI, JR.
County Executive.

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

March 4, 2020

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: 2020-0048-A
13107 E. Greenbank Road
E/side of Greenbank Road, 990 ft. south of Chesapeake Road
15th Election District – 6th Councilmanic District
Legal Owners: William & Rose Marie Alcarese

Variance to erect a residential occupancy fence in the rear and side yard of a lot which adjoins the front yard of another lot with a fence height of 6 ft. in lieu of the maximum allowed 42 inches (3.5 ft.).

Hearing: Friday, April 10, 2020 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff
Director

MM:kl

C: William Alacarese, Jr., 1301 York Road, Ste. 200, Lutherville 21093
Mr. & Mrs. Alcarese, 13107 E. Greenbank Road, Baltimore 21220

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, MARCH 20, 2020.**
(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
Friday, March 20, 2020 – Issue

Please forward billing to:
William Alcarese, Jr., Esq. 410-299-8605
1301 York Road, Ste. 200
Lutherville, MD 21093

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:

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Hearing: Friday, April 10, 2020 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.

CERTIFICATE OF POSTING

February 24, 2020 (amended _____)

Re:
Zoning Case No. 2020-0048-A
Legal Owner: William & Rose Marie Alcarese
Closing date: March 9, 2020

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Jenae Johnson

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **13107 E. Greenbank Road.**

The signs were posted on **March 21, 2020.**

The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2020-0048-A

13107 E. Greenbank Road

REQUEST: TO ERECT A RESIDENTIAL OCCUPANCY FENCE IN THE REAR AND SIDE YARD OF A LOT WHICH ADJOINS THE FRONT YARD OF ANOTHER LOT, WITH A FENCE HEIGHT OF 6 FEET IN LIEU OF THE MAXIMUM ALLOWED 42 INCHES (3.5 FEET).

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 IT IS DONE IN THE ZONING OFFICE BEFORE MARCH 9, 2020.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT [illegible] W. CHESAPEAKE AVENUE TOWSON, MD 21204 410-[illegible]

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2020-0048-A

13107 E. Greenbank Road

REQUEST: TO ERECT A RESIDENTIAL OCCUPANCY FENCE IN THE REAR AND SIDE YARD OF A LOT WHICH ADJOINS THE FRONT YARD OF ANOTHER LOT, WITH A FENCE HEIGHT OF 6 FEET IN LIEU OF THE MAXIMUM ALLOWED 42 INCHES (3.5 FEET).

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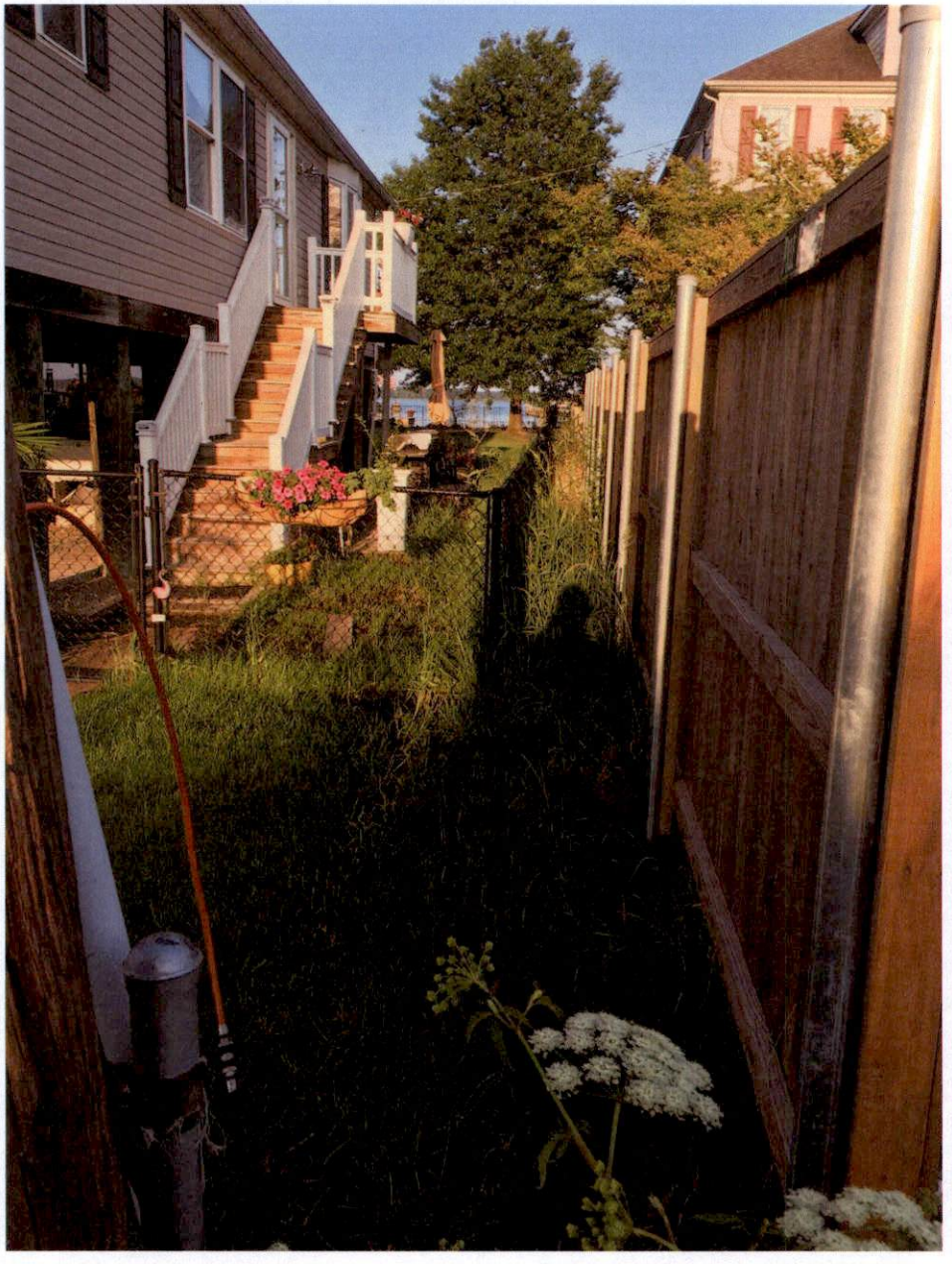
ADDITIONAL INFORMATION IS AVAILABLE AT ZO[illegible]
ADMINISTRATION AND DEVELOPMENT MANAGE[illegible]
CHESAPEAKE AVENUE TOWSON, MD 21204 410 8[illegible]

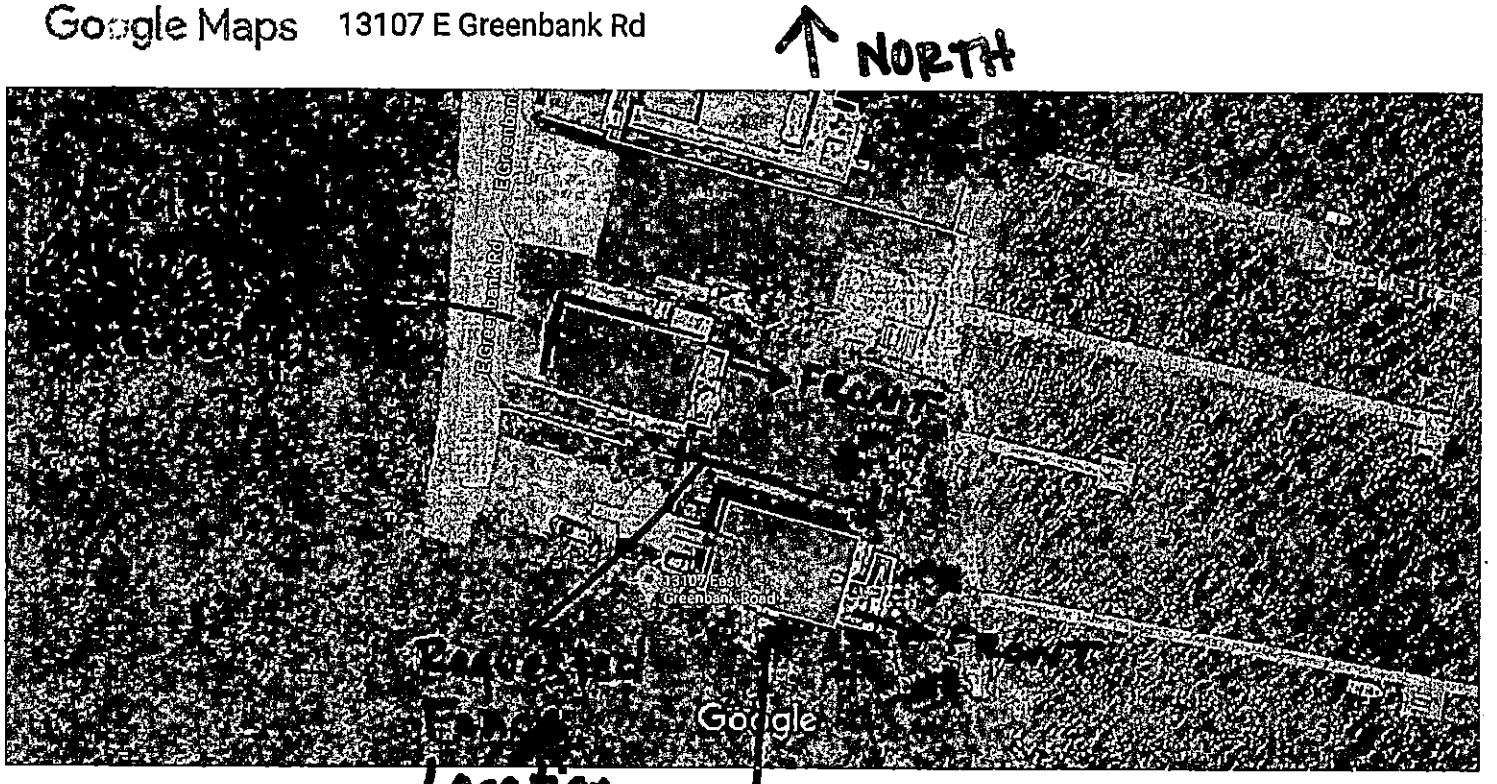
Pictures of the Neighbor leaving her shovel and bucket of dog feces along her chain link fence near the property line on separate occasions. The split rail fence is on the Petitioner's property along the property line.

Pictures of the Neighbor's use of grass/weed killer that has killed the grass on the Petitioners' property, followed by a picture of the overgrown grass on the Neighbor's property that she kills using the weed/grass killer. The split rail fence is on Petitioner's property along the property line. The black chain link fence is on Neighbor's property set back approximately two (2) feet from the property line. The property between the split rail fence and chain link fence is the Neighbor's property for which she is responsible to maintain.



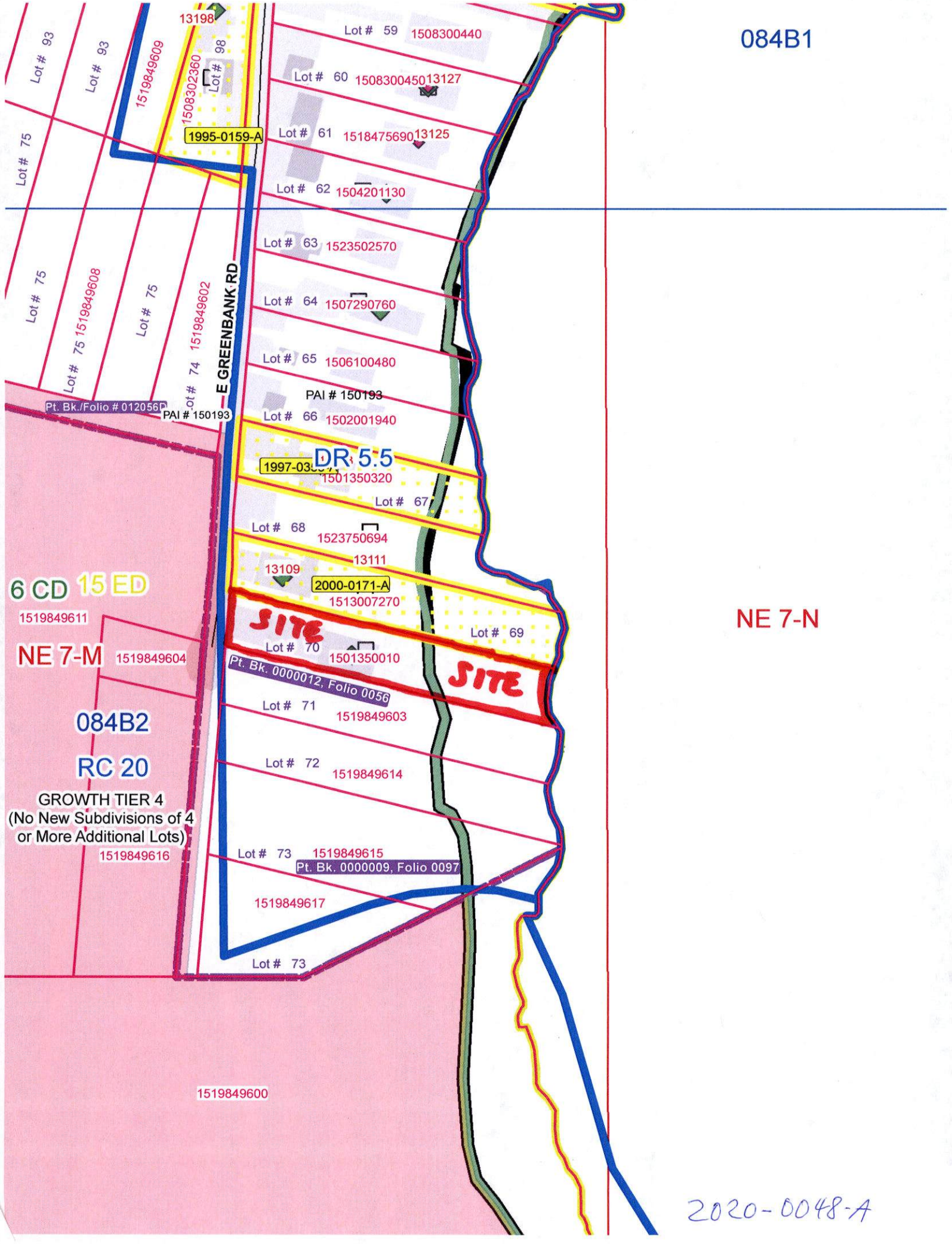
Aerial map with details:

Google Maps 13107 E Greenbank Rd



Map data ©2020 , Map data ©2020 20 ft

Pictures of the Neighbor's property that is not properly maintained and is unkempt.


084B1
NE 7-N
Lot # 59 1508300440
Lot # 60 1508300450 13127
Lot # 61 1518475690 13125
Lot # 62 1504201130
Lot # 63 1523502570
Lot # 64 1507290760
Lot # 65 1506100480
PAI # 150193
Lot # 66 1502001940
DR 5.5
1997-03
1501350320
Lot # 67
Lot # 68
1523750694
13111
13109
2000-0171-A
1513007270
SITE
Lot # 69
Lot # 70
1501350010
SITE
Pt. Bk. 0000012, Folio 0056
Lot # 71
1519849603
Lot # 72
1519849614
Lot # 73
1519849615
Pt. Bk. 0000009, Folio 0097
1519849617
Lot # 73
1519849600
E GREENBANK RD
13198
Lot # 98
1508302360
1519849609
1995-0159-A
Lot # 93
Lot # 93
Lot # 75
Lot # 75
1519849608
Lot # 75
Lot # 75
1519849602
Lot # 74
Pt. Bk./Folio # 012056
PAI # 150193
6 CD
15 ED
1519849611
NE 7-M
1519849604
084B2
RC 20
GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
1519849616

2020-0048-A

BALTIMORE COUNTY PARTMENT OF PERMITS, APPR ALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0048 -A Address 13107 E. Greenbank Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 2/14/2020 **Posting Date:** 2/23/2020 **Closing Date:** 3/9/2020

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 2020- 0048 - A Address: 13107 E. Greenbank Road

Petitioner's Name: William & Rose Marie Alcarese Telephone: 410-598-9863

Posting Date: 2/23/2020 **Closing Date:** 3/9/2020

Wording for Sign:

To erect a residential occupancy fence in the rear and side yard of a lot which adjoins the front yard of another lot, with a fence height of 6 feet in lieu of the maximum allowed 42 inches (3.5 feet).

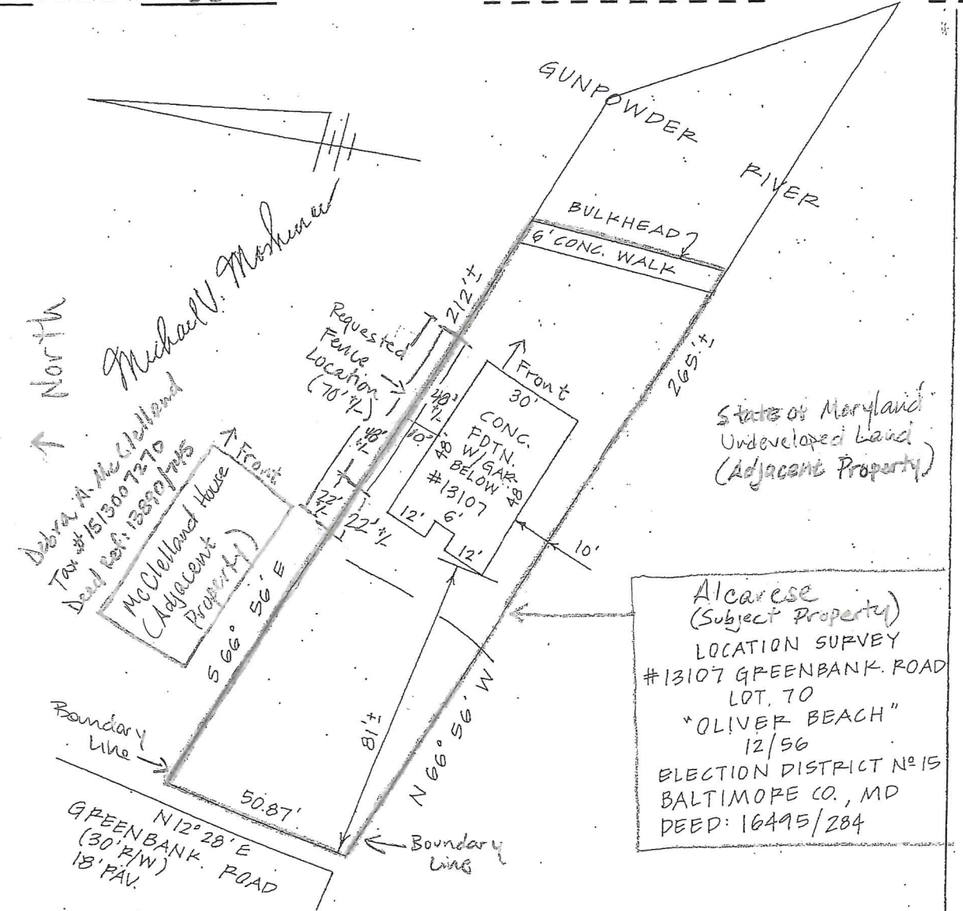
BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

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

ADDRESS 13107 E. Greenbank Road OWNER(S) NAME(S) William + Rose Marie Alcarese

SUBDIVISION NAME Oliver Beach LOT # 70 BLOCK # ____ SECTION # A

PLAT BOOK # 12 FOLIO # 56 10 DIGIT TAX # 1 5 0 1 3 5 0 0 1 0 DEED REF. # 1 9 3 9 3 / 0 0 4 8 1



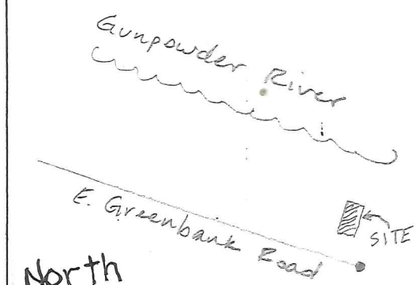
8873

Site Rite Surveying, Inc.
200 E. Joppa Road
Shell Building, Room 101
Towson, MD 21286
(410)828-9060

DRAWN BY	CHECKED BY	SURVEYED BY	SCALE	DATE
BLM	VJM	MVM	1" = 30'	MARCH 31, 2004

PLAN DRAWN BY William F. Alcarese, Jr DATE 2/12/2020 SCALE: 1 INCH = 30 FEET
from Surveyor's Sketch

SITE VICINITY MAP



North ←

MAP IS NOT TO SCALE

ZONING MAP# 84

SITE ZONED DR 5.5

ELECTION DISTRICT 15th

COUNCIL DISTRICT 6th

LOT AREA ACREAGE ____

OR SQUARE FEET 11,900

HISTORIC ? No

IN CBCA ? Yes

IN FLOOD PLAIN ? Yes

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: None

2020-0048-A