

MEMORANDUM

DATE: July 9, 2020
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0098-A – Appeal Period Expired

The appeal period for the above-referenced cases expired on June 28, 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 ADMIN. VARIANCE

(3512 Autumn Drive)

3rd Election District

2nd Council District

David and Talia Michelsohn

Petitioners

*

BEFORE THE

*

OFFICE OF ADMINISTRATIVE

*

HEARINGS FOR

*

BALTIMORE COUNTY

*

CASE NO. 2020-0098-A

* * * * *

AMENDED OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, David and Talia Michelsohn (“Petitioners”). The Petitioners are requesting Variance relief from §427 of the Baltimore County Zoning Regulations (“BCZR”) to permit a 6 foot high fence in the side yard which adjoins a residential front yard located on the property line in lieu of the required 10 foot setback from adjoining property line. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received by any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 16, 2020, 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 5-29-2020

By DS

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 BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

After the entry of the original Order in this case the Petitioner, David Michelsohn, requested via e-mail for a modification of the variance to allow the fence to extend an additional 10 feet toward Stevenson Road. I believe that this minor modification is within the spirit and intent of the original Variance request and the original Order in this case and will not adversely affect the public health, safety and welfare.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 29th day of **May, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §427 of the Baltimore County Zoning Regulations ("BCZR") to permit a 6 foot high fence in the side yard which adjoins a residential front yard located on the property line in lieu of the required 10 foot setback from adjoining property line, and is hereby GRANTED.

AND IT IS FURTHER ORDERED, that the Petitioners request that the Petition be modified to allow the fence line to extend an additional 10 feet toward Stevenson Lane than was depicted on the site plan, is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

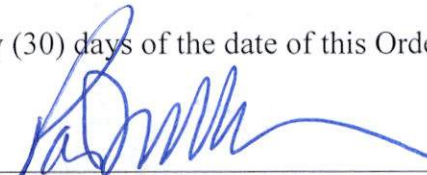
ORDER RECEIVED FOR FILING

Date 5-29-2020

By [Signature]

- The Petitioners shall submit an Amended site plan at the time they apply for permits showing the aforementioned changes.

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

ORDER RECEIVED FOR FILING

Date 5-29-2020

By EW

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(3512 Autumn Drive) *
3rd Election District * OFFICE OF ADMINISTRATIVE
2nd Council District * HEARINGS FOR
David and Talia Michelsohn * BALTIMORE COUNTY
Petitioners *
* CASE NO. 2020-0098-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, David and Talia Michelsohn (“Petitioners”). The Petitioners are requesting Variance relief from §427 of the Baltimore County Zoning Regulations (“BCZR”) to permit a 6 foot high fence in the side yard which adjoins a residential front yard located on the property line in lieu of the required 10 foot setback from adjoining property line. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

The Zoning Advisory Committee (“ZAC”) comments were received and are made part of the record of this case. There were no adverse ZAC comments received by any of the County reviewing agencies.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 16, 2020, 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 5/7/2020
By Sen

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 BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

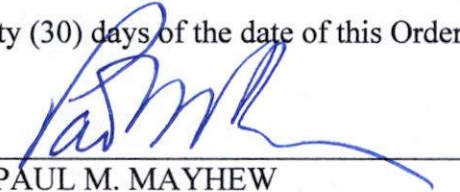
Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 7th day of **May, 2020**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from §427 of the Baltimore County Zoning Regulations ("BCZR") to permit a 6 foot high fence in the side yard which adjoins a residential front yard located on the property line in lieu of the required 10 foot setback from adjoining property line, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

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

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:sln

ORDER RECEIVED FOR FILING

Date

5/7/2020

By

sen



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 3512 Autumn Drive Currently zoned DRD
 Deed Reference 42495 / 00070 10 Digit Tax Account # 0312022135
 Owner(s) Printed Name(s) David R Michelsch, Talia J Michelsch

(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. ☒ ADMINISTRATIVE VARIANCE from Section(s)

Code, Part 122: sec. 122.1

SEE Attached

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.

ORDER RECEIVED FOR FILING
 Date 5/7/2020
 By sen

Owner(s)/Petitioner(s):

David R Michelsch, Talia J. Michelsch
 Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
 Signature #1 Signature #2

3512 Autumn Dr Baltimore MD
 Mailing Address City State

21208 / 443-756-8657 / david.michelsch@gmail.com
 Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

David R Michelsch
 Name - Type or Print

[Signature]
 Signature

3512 Autumn Drive Baltimore MD
 Mailing Address City State

21208 / 443-756-8657 / david.michelsch@gmail.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 2020-0098-A Filing Date 4/10/19 Estimated Posting Date 4/19/20 Reviewer gh

Rev 5/5/2018

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: 3512 Autumn Drive Baltimore MD 21208
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)

The property owner at 3512 AUTUMN DRIVE is seeking a variance/waiver/petition to the Baltimore County Building Code, Part 122: sec. 122.1 to allow a 6' tall fence in the side and partial front yard of a neighboring dwelling.

The neighboring property is on a higher elevation than the affected property and as such has a full view of the rear yard of the property located at 3512 Autumn Drive. This elevation decreases the privacy for the owners of 3512 Autumn Drive and they are seeking this approval to help alleviate that decreased privacy.

There is currently a natural barrier of trees lining the affected shared property line (as seen on the GIS and aerial view printouts included with this package), but during the fall and winter months there is no foliage to act as a natural privacy barrier.

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

Signature of Owner (Affiant)

David Raphael Michelsohn
Name- Print or Type

Signature of Owner (Affiant)

Talia J. Michelsohn
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 8th day of April, 2022 before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: David Raphael Michelsohn

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

AS WITNESSES My Hand and Notaries Seal



Elisha Ashman
Notary Public
4/16/22
My Commission Expires

2020-0098-A

Administrative Variance from section: 427 (BCZR): To permit a 6 foot high fence in the side yard which adjoins a residential front yard located on the property line in lieu of the required 10 foot setback from adjoining property line.

3512 AUTUMN DRIVE

The property owner at 3512 AUTUMN DRIVE is seeking a variance/waiver/petition to the Baltimore County Building Code, Part 122: sec. 122.1 to allow a 6' tall fence in the side and partial front yard of a neighboring dwelling.

The neighboring property is on a higher elevation than the affected property and as such has a full view of the rear yard of the property located at 3512 Autumn Drive. This elevation decreases the privacy for the owners of 3512 Autumn Drive and they are seeking this approval to help alleviate that decreased privacy.

There is currently a natural barrier of trees lining the affected shared property line (as seen on the GIS and aerial view printouts included with this package), but during the fall and winter months there is no foliage to act as a natural privacy barrier.

2020-0098-A

PART B, OPTION 2) (Subdivision Lot – lot is part of record plat):

Being Lot #(7), Block (N/A), Section #(C) in the subdivision of (LONG MEADOW ESTATES) as recorded in Baltimore County Plat Book #(0017), Folio #(0078), containing (20,720 square feet). Located in the (03rd) Election District and (N/A) Council District.

2020-0098.A

PART A)

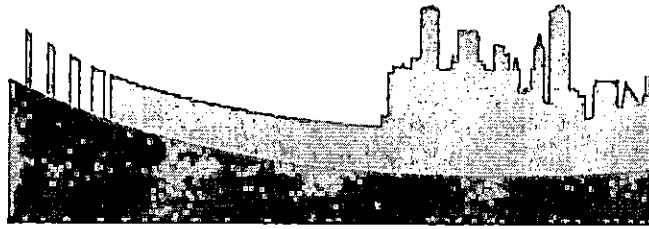
ZONING PROPERTY DESCRIPTION FOR 3512 AUTUMN DRIVE

*Beginning at a point on the NORTH side of AUTUMN DRIVE which is 60 feet wide at a distance of 80 feet EAST of the centerline of the nearest improved intersecting street STEVENSON ROAD which is 40 feet wide.



JOSH SIMPSON, AGENT FOR CONTRACTOR
permits@fencedeckconnect.com
410-969-4444

2020-0098-A



CERTIFICATE OF POSTING

April 17, 2020 (amended _____)

Re:

Zoning Case No. 2020-0098-A

Legal Owner: David R. Michelsohn

Closing date: May, 4, 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 **3512 Autumn Drive**.

The signs were posted on **April 16, 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. 2020-0098-A

3512 Autumn Drive

**REQUEST: TO PERMIT A 6 FEET HIGH FENCE
IN THE SIDE YARD WHICH ADJOINS A
RESIDENTIAL FRONT YARD LOCATED ON THE
PROPERTY LINE IN LIEU OF THE REQUIRED 10
FEET SETBACK FROM THE ADJOINING
PROPERTY LINE.**

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 MAY 04, 2020.**

**ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT 111 W.
CHESAPEAKE AVENUE TOWSON, MD 21204 410-887-3351**

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE NO. 2020-0098-A

3512 Autumn Drive

**REQUEST: TO PERMIT A 6 FEET HIGH FENCE
IN THE SIDE YARD WHICH ADJOINS A
RESIDENTIAL FRONT YARD LOCATED ON THE
PROPERTY LINE IN LIEU OF THE REQUIRED 10
FEET SETBACK FROM THE ADJOINING
PROPERTY LINE.**

PUBLIC HEARING?

**SUBJECT 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 MAY 04, 2020.**

**ADDITIONAL INFORMATION IS AVAILABLE AT ZONING
ADMINISTRATION AND DEVELOPMENT MANAGEMENT, 11
CHESAPEAKE AVENUE TOWSON, MD 21204 410-326-2222**

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2020- 0098 -A Address 3512 Autumn Dr
Contact Person: GARY HUCK Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 4/10/20 Posting Date: 4/19/20 Closing Date: 5/4/20

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 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written 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 Administrative Law Judge), 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- 0098 -A Address 3512 Autumn Dr
Petitioner's Name David R Michelsohn Telephone 443-756-8657
Posting Date: 4/19/20 Closing Date: 5/4/20
Wording for Sign: To Permit a 6 foot high fence in the side yard
which adjoins a residential front yard located on the
property line in lieu of the required 10 foot setback
from adjoining property line.

Revised 2/20/2020

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: April 28, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0098-A
Address 3512 Autumn Drive
(Michelsohn Property)

Zoning Advisory Committee Meeting of **April 20, 2020**.

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

Reviewer: Steve Ford

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: April 28, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0098-A
Address 3512 Autumn Drive
(Michelson Property)

Zoning Advisory Committee Meeting of **April 20, 2020**.

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

Reviewer: Steve Ford

Election District: 3

PDM # :

Zoning District(s): DR 2

Elevation Range: 522ft - 526ft

Instructions: Begin review process with Zoning Review, Room 111.

Growth Tier 1: Served by public sewer and inside URDL

InFill Lot Review

Verify Water Service Size.

New Homes
Internal Alts.
Add / Ext. Alts.
Access, Struct.
Open Decks
Piers/Pilings
Grading/SW
Tanks
Ret.Walls/Bulk
Razing
Elec. & Plumb
High Rise Apts.

Agency
Acknowledgment

Initial & Date

OK To File

~~72200~~

2020-0098-A

Real Property Data Search (w4)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 03 Account Number - 0312022175		
Owner Information		
Owner Name:	MICHELSON DAVID RAPHAEL MICHELSON TALIA JEAN	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	3512 AUTUMN DR BALTIMORE MD 21208-3013	Deed Reference: /42495/ 00080
Location & Structure Information		
Premises Address:	3512 AUTUMN DR BALTIMORE 21208-3013	Legal Description: 3512 AUTUMN DR LONG MEADOW ESTATES
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:	0068 0021 0120 3030038.04 0000 C 7 2020	Plat Ref: 0017/0078
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1952	2,661 SF	Property Land Area 20,720 SF
County Use	04	
Stories	Basement	Type
1 1/2	NO	STANDARD UNIT
Exterior	Quality	Full/Half Bath
BRICK/	5	4 full
Garage	Last Notice of Major Improvements	
1 Attached		
Value Information		
	Base Value	Value
		As of 01/01/2020
Land:	115,100	115,100
Improvements	209,000	251,400
Total:	324,100	366,500
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2019
		As of 07/01/2020
		324,100
		338,233
Transfer Information		
Seller: HERLANDS NANNETTE	Date: 02/24/2020	Price: \$329,700
Type: ARMS LENGTH IMPROVED	Deed1: /42495/ 00080	Deed2:
Seller: WISE SANDER L WISE MERLE B	Date: 08/01/2014	Price: \$377,000
Type: ARMS LENGTH IMPROVED	Deed1: /35219/ 00327	Deed2:
Seller: WISE SANDER L	Date: 10/13/2006	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /24612/ 00270	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

Debra Wiley

From: Debra Wiley
Sent: Monday, June 1, 2020 10:34 AM
To: 'David Michelsohn'
Subject: AMENDED OPINION AND ORDER - Case No. 2020-0098-A
Attachments: 20200601102621783.pdf

Good Morning Mr. Michelsohn,

Please find attached ALJ Mayhew's decision in the above-referenced matter.

Be safe and have a great day !

Debra Wiley, Legal Administrative Secretary Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

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

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Monday, June 1, 2020 10:26 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

This E-mail was sent from "RNP002673F6C9D3" (MP 3055).

Scan Date: 06.01.2020 10:26:21 (-0400)
Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

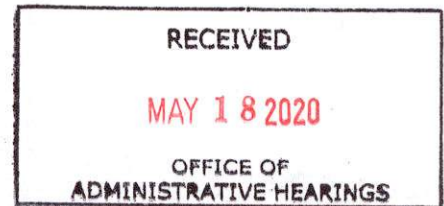
From: Administrative Hearings
Sent: Monday, May 18, 2020 11:31 AM
To: david.michelsohn@gmail.com
Subject: RE: Case# 2020-0098-A: Motion for Reconsideration

Mr. Michelsohn,

This is to acknowledge receipt of your Motion for Reconsideration, which will be given to ALJ Mayhew.

Thank you.

Debra Wiley, Legal Administrative Secretary
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868



From: david.michelsohn@gmail.com <david.michelsohn@gmail.com>
Sent: Monday, May 18, 2020 11:28 AM
To: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Subject: Case# 2020-0098-A: Motion for Reconsideration

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

Good Morning, Judge Mayhew,

I am requesting a reconsideration of the Order for Case No. 2020-0098-A.

I would like to amend the current fence plans to extend the north-eastern side of the fence that runs parallel to Stevenson Road an additional 10 feet toward the road. This change would leave 18 feet between the back of the curb and the fence line rather than 28 feet as originally requested.

Pertaining to the variance, if I was to submit a new variance the wording on the posted signs would be identical to the wording on the original signs (included below), as the setback from the neighboring property, not the distance toward the street, is being requested for variance. The only difference in a new variance package would be the site plan.

Sign posting language: "Request: To permit a 6 feet high fence in the side yard which adjoins a residential front yard located on the property line in lieu of the required 10 feet setback from the adjoining property line."

Please let me know if there is any other information you would like, and I will deliver it promptly.

Thank you for your consideration.

David Michelsohn





CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
_____	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	_____
4/28/20	DEPS (if not received, date e-mail sent _____)	N/C
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
_____	STATE HIGHWAY ADMINISTRATION	_____
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING (1 st)	Date: 4/16/2020 by Dora K.	
SIGN POSTING (2 nd)	Date: _____ by _____	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____



JOHN A. OLSZEWSKI, JR.
County Executive

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

May 05, 2020

David R Michelsohn,
3512 Autumn Drive
Baltimore MD 21208

RE: Case Number: 2020-0098-A, 3512 Autumn Drive

To Whom It May Concern:

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

A handwritten signature in black ink, appearing to read "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel

4-10-20
10am
(PP)

Formal Request 319 AV

CASE NO. 2020- 0048-A

C H E C K L I S T

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

Floodplain

DEVELOPMENT PLANS REVIEW

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

3-6

DEPS *Chen* ✓

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

NC

FIRE DEPARTMENT

PLANNING

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

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: _____

SIGN POSTING (1st) Date: _____ by _____

SIGN POSTING (2nd) Date: _____ by _____

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 15 Account Number - 1501350010		
Owner Information		
Owner Name:	ALCARESE WILLIAM FRANCIS ALCARESE ROSE MARIE	Use: RESIDENTIAL Principal Residence: YES ✓
Mailing Address:	13107 E GREENBANK RD BALTIMORE MD 21220-1107	Deed Reference: /19393/ 00481
Location & Structure Information		
Premises Address:	13107 GREENBANK RD 0-0000 Waterfront	Legal Description: OLIVER BEACH
Map:	Grid:	Parcel:
0084	0002	0040
Neighborhood:	Subdivision:	Section:
15020011.04	0000	A
Block:	Lot:	Assessment Year:
	70	2018
Plat No:	Plat Ref: 0012/ 0056	
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
2004	2,808 SF	Property Land Area
		11,900 SF
County Use	34	
Stories	Basement	Type
2	NO	STANDARD UNIT
Exterior	Quality	Full/Half Bath
SIDING/	4	2 full/ 1 half
Garage	Last Notice of Major Improvements	
Value Information		
	Base Value	Value
		As of
		01/01/2018
		Phase-in Assessments
		As of
		07/01/2019
		As of
		07/01/2020
Land:	181,800	181,800
Improvements	258,900	294,600
Total:	440,700	476,400
Preferential Land:	0	0
Transfer Information		
Seller: ALCARESE WILLIAM FRANCIS	Date: 01/06/2004	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /19393/ 00481	Deed2:
Seller: ALCARESE ANDREW A	Date: 06/11/2002	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /16495/ 00284	Deed2:
Seller: ALCARESE DANIELA J	Date: 04/02/1980	Price: \$32,000
Type: ARMS LENGTH IMPROVED	Deed1: /06937/ 00734	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2019
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 04/05/2011		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

ZAC AGENDA

Case Number: 2020-0048-A **Reviewer:** Jeffrey Perlow
Existng Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: ADMINISTRATIVE VARIANCE
Legal Owner: William and Rose Marie Alcarese
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 6

Property Address: 13107 E. GREENBANK RD
Location: East side of E. Greenbank Road, 990' S. of Chesapeake Road.

Existing Zoning: DR 5.5 **Area:** 11,900 SQ FT

Proposed Zoning:

ADMINISTRATIVE VARIANCE:

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).

Attorney: William F. Alcarese

Prior Zoning Cases: None

Concurrent Cases: None

Violation Cases: None

Closing Date: 03/09/2020

Miscellaneous Notes:



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 ☒ AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ☒ ADMINISTRATIVE VARIANCE from Section(s)

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

William Alcarese
Signature #1

Rose Marie Alcarese
Signature #2

13107 E. Greenbank Road, Baltimore, MD

Mailing Address City State

21220, 410-598-9863, ralcarese@crimlaw.com

Zip Code Telephone # Email Address

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

William F. Alcarese, Jr., Esquire

Name- Type or Print

William F. Alcarese, Jr.

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

William F. Alcarese, Jr.

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 21st day of February, 2020 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 5/5/2018

4-10-20

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

Date: May 12, 2020

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. **2020-0098-A**

Variance

David Michelsohn & Talia Michelshon
3512 Autumn Drive

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,

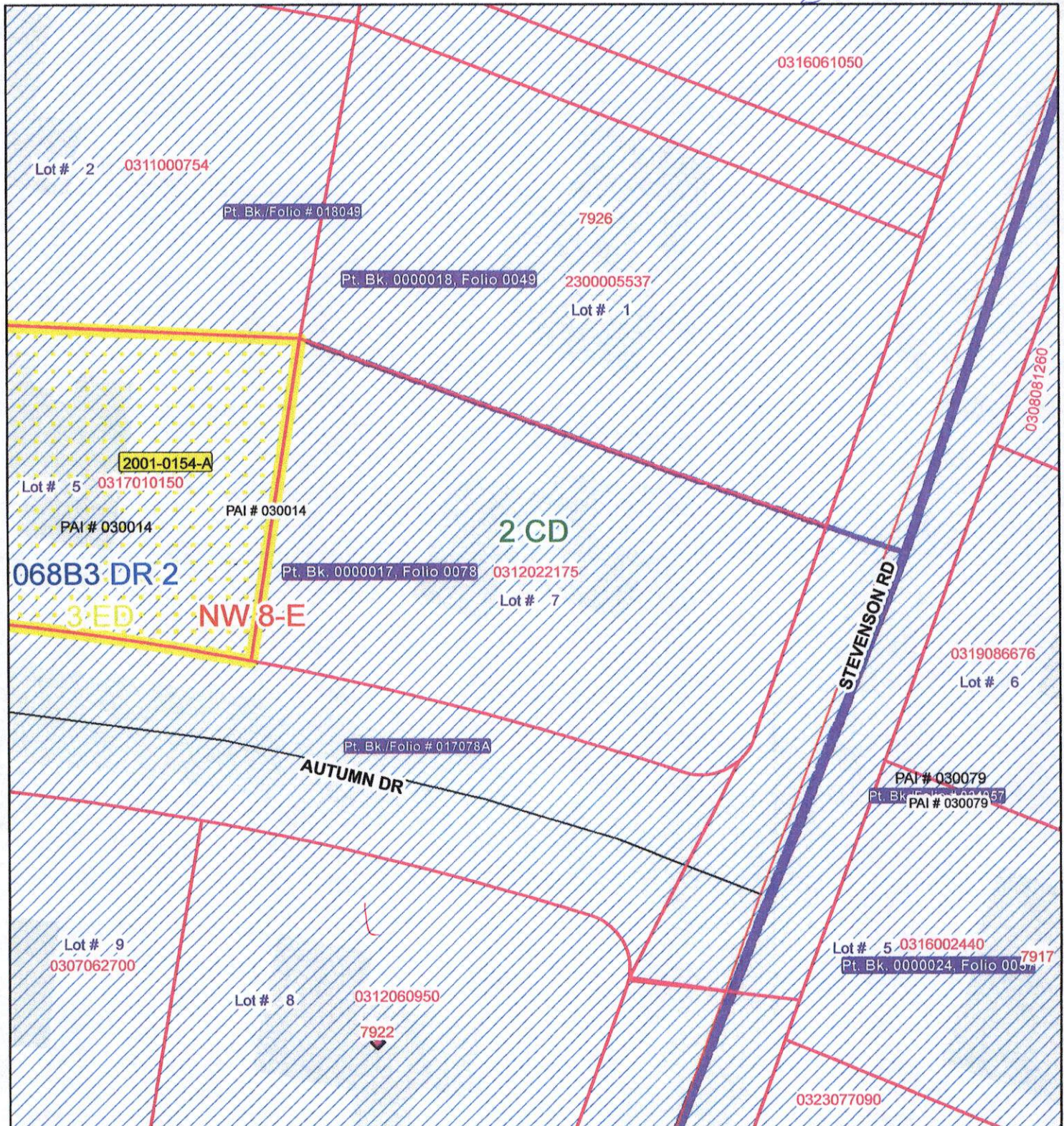


For Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Enter Property Address Here

2020-0098-A



Publication Date: 3/18/2020



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



0 12.525 50 75 100 Feet

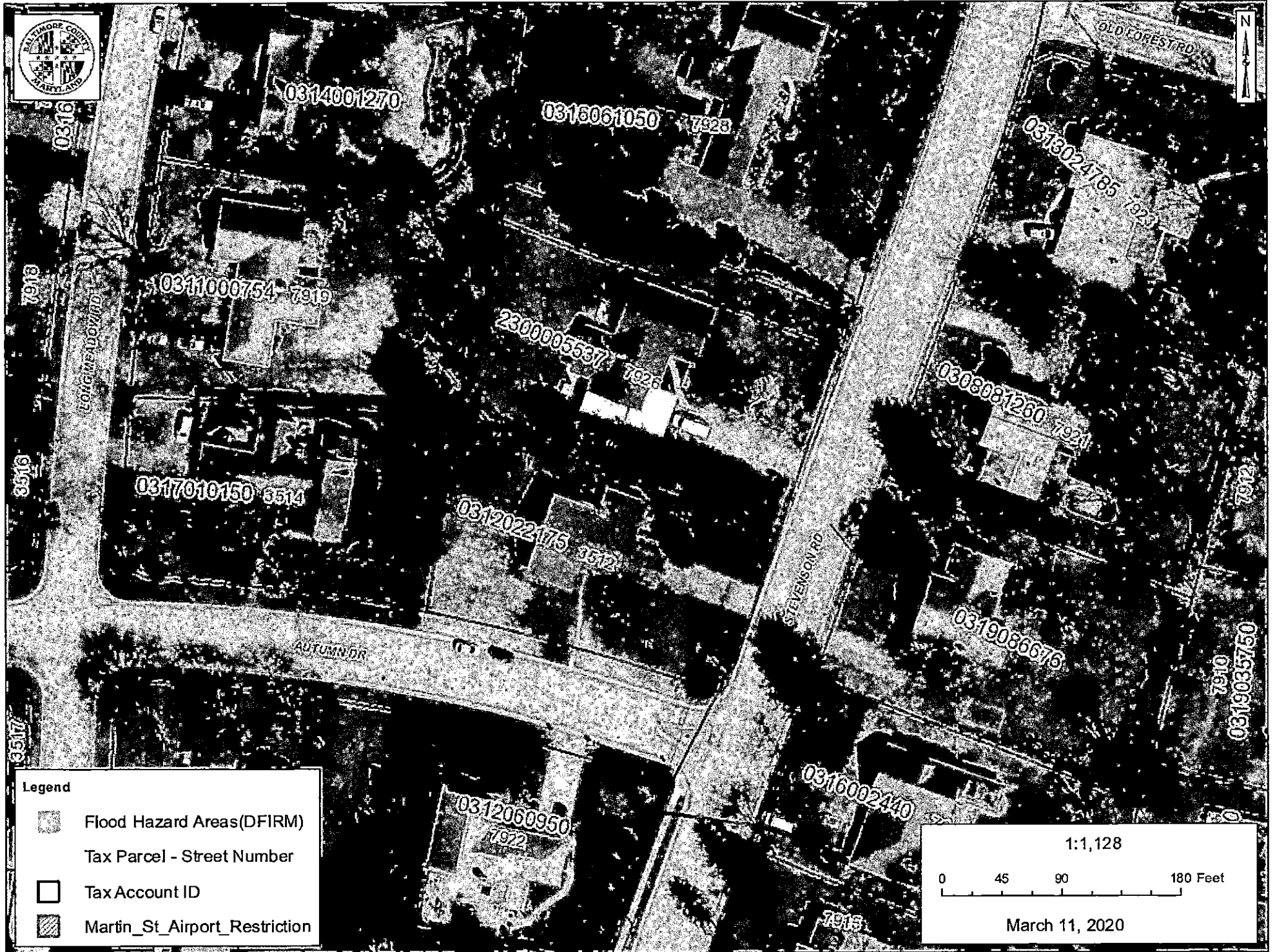
1 inch = 50 feet

2020-0098-A

2020-0098-B

Baltimore County - Permit Review

2020-0098-A



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

ADDRESS 3512 Autumn Dr OWNER(S) NAME(S) David & Tavia Michelson

SUBDIVISION NAME Long Meadow Estates LOT # 7 BLOCK # _____ SECTION # C

PLAT BOOK # 17 FOLIO # 78 10 DIGIT TAX # 031202217 DEED REF. # 42495100080



MAP IS NOT TO SCALE

ZONING MAP# 06823

SITE ZONED DR 2

ELECTION DISTRICT 3

COUNCIL DISTRICT _____

LOT AREA ACREAGE _____

OR SQUARE FEET 20,720

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH _____

WATER IS: _____

PUBLIC ☒ PRIVATE _____

SEWER IS: _____

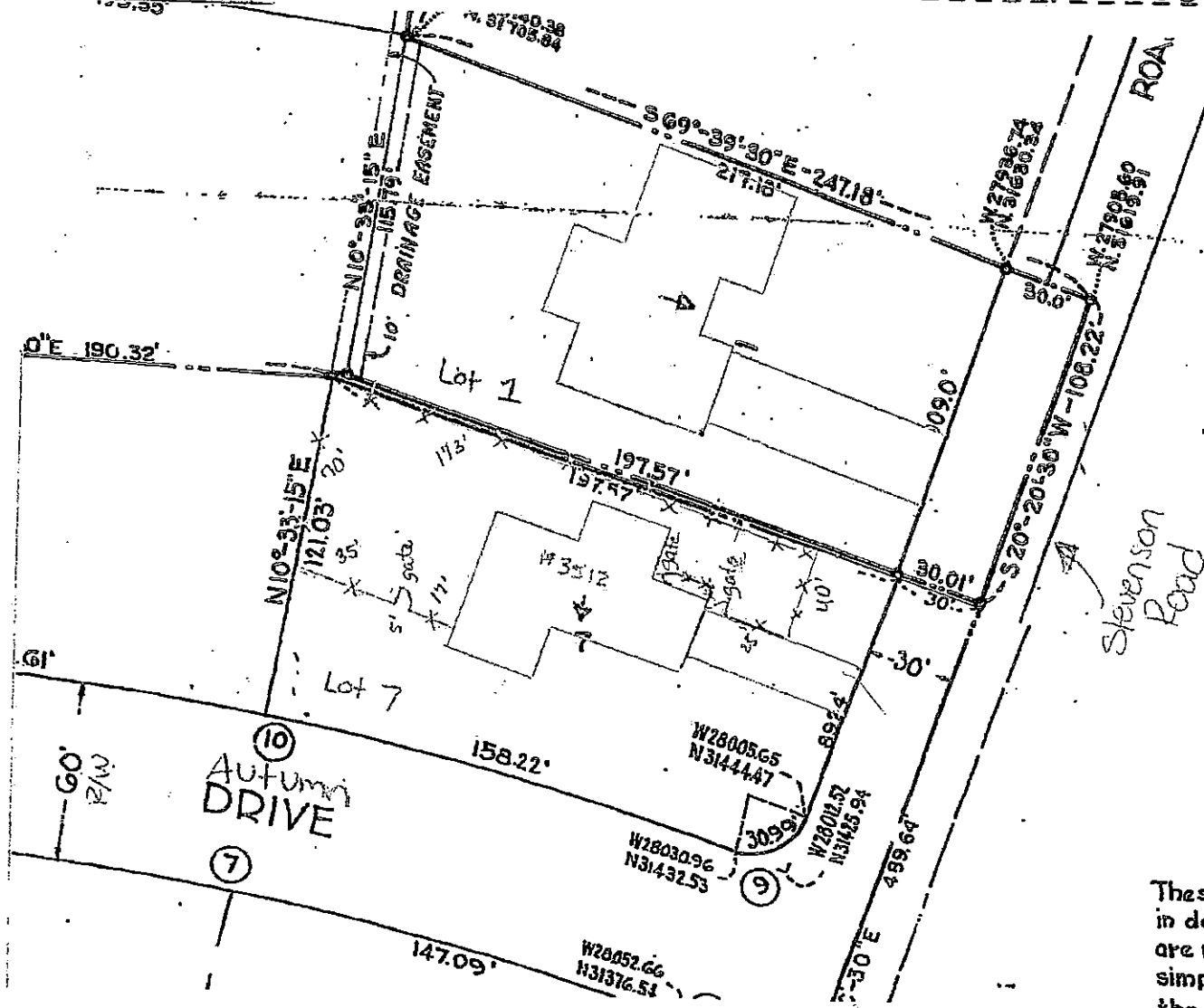
PUBLIC ☒ PRIVATE _____

PRIOR HEARING? NO

IF SO GIVE CASE NUMBER _____

AND ORDER RESULT BELOW _____

VIOLATION CASE INFO: _____



PLAN DRAWN BY Josh Simpson

DATE 3/11/2020 SCALE: 1 INCH = 60 FEET

Agent for Contractor

Ref. Exhibit 1

