

M E M O R A N D U M

DATE: April 21, 2021
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2020-0226-A – Appeal Period Expired

The appeal period for the above-referenced cases expired on April 8, 2021. 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

(13029 Fork Road)

11th Election District

3rd Council District

Robert & Concetta DiMarino

Legal Owners/Petitioners

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BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS OF

BALTIMORE COUNTY

CASE NO. 2020-0266-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by Petitioners Robert and Concetta DiMarino (the “Petitioners”) for property located at 13029 Fork Road (the “Property”). The Petitioners are requesting variance relief from Baltimore County Zoning Regulations (“BCZR”) §§427.1.B.1 and B.2 to permit an existing residential occupancy fence to remain in the side yard that adjoins a neighboring front yard which exceeds 42 inches in height (8 ft.) with a setback of 0 ft. in lieu of the required setback of 10 ft., and from BCZR, §1A04.4.D3 for a fence which is located within 50 ft. of a public right of way.

Due to the COVID-19 pandemic, a public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. The Petitioners appeared, *pro se*, at the hearing. There were several neighbors in attendance as addressed herein. Zoning Advisory Committee (“ZAC”) comments were received from the Department of Planning (“DOP”) who opposed the setback variance of 0 ft. in lieu of 10 ft.

The Property is approximately 1.02 acres, is zoned RC5 and is part of the Baldwin Estates Community. Mr. DiMarino explained that he and his wife purchased the Property in October, 2013. The southern property line borders on farmland which is owned by the Pippin family. Mr. Marino testified that there were 15 dead ash trees and white pines which required removal. After

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Date 3-9-21

By bw

the trees were removed along the southern boundary, the Petitioners erected an 8 ft. privacy fence within 10 ft. of the front yard of property owned by Harry Pippin. (Pet. Ex. 2). The fence is also within 50 ft of Fork Rd. The Petitioners testified that they were not aware of regulations regarding the fence height or setbacks and had hired a contractor to install it. A Code Enforcement complaint was filed resulting in this case. The Petitioners also installed a paved driveway which runs along that fence line for access between the house and Fork Rd. (Pet. Ex. 8A, 8B). The Petitioners contend that they need the privacy fence to block the view of the area beyond their southern boundary line which is not maintained.

Jessica and Dennis Cashman, 6403 Baldwin Gate Rd., share the western boundary of the Property with the Petitioners. The Cashmans also had to remove 12 dead white pine trees from their property. The Cashmans do not object to the Petitioners' fence and remarked that it helps to block the view of properties to the south which are not maintained in the same way as the properties in Baldwin Estates Community. They mentioned that the Petitioners have spent a lot of money to maintain their Property.

Barbara Doud, 6406 Baldwin Gate Rd. has resided in her home for 14 years. Ms. Doud testified that when she pulled her car up to the stop sign on Baldwin Gate Rd. and Fork Rd., the fence does not block her view to the south down Fork Rd. Cheryl Overend, 6409 Baldwin Gate Rd. testified that the Petitioners have improved their Property since moving in and the fence is an asset to the neighborhood. She too had problems with trees on her property which had to be cut down.

Ross Carmen, 13105 Sanfield Rd. testified that the Petitioners' fence increases the site line down Fork Rd. because it separates Baldwin Estates from properties to the south. Tom Baker, 13101 Fork Rd. moved into the neighborhood in 2015. Mr. Baker testified that the fence lends

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By [Signature]

'definition' to the neighborhood because it is the furthest southern property in Baldwin Estates Community before heading south on Fork Rd. He stated that the fence is an improvement over the 21 dead trees which were there. Additionally, he testified that there are no visibility issues created for drivers.

Judy Plowman, 13105 Fork Rd. testified in opposition to the fence. She stated that she has lived in her home for 50 years. While she agreed that the Petitioners have maintained their Property, she noted that the fence is a clear violation of the setback and height regulations and that, granting the relief here would cause a dangerous precedent in the neighborhood. She understands that other neighbors will seek to install the same fences and that they are out of character in a rural setting. Ms. Plowman added that the Petitioners' driveway was installed after the privacy fence was erected.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate 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).

The Property is unique because it sits on a corner lot bounded on the west by Fork Rd. and on the north by Baldwin Gate Rd. It is peculiar and unlike other properties within the subdivision because it acts as the boundary line between Baldwin Estates Community and the other properties to the south which consist of various residential properties and farmland. As the Petitioners testified here, peculiar circumstances exist in that the ash and white pines trees previously served as the boundary/natural screen of properties located to the south. When those trees had to be removed for safety reasons, there was no longer a screen or buffer between the newer Baldwin

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By lpw

Gates Community and the southern parcels.

Given its unique location at the end of the Baldwin Gates Community, if the Property were required to comply with BCZR, §§427.1 and 1A04.4D.3, the Petitioners would suffer a practical difficulty and unreasonable hardship in no longer having separation between their Property and properties to the south. Additionally, the Petitioners would be required to move the fence within the 10 ft. setback which would eliminate the use of their side yard. Reducing the fence height here to 42 inches would negate the purpose of defining the Baldwin Gates Community. Moreover, the paved driveway would have to be removed and/or relocated to install the fence within the setback.

I find that given the peculiarity of the Property and the practical difficulty, the variance can be granted within the spirit and intent of the height and area fence regulations and in a manner without injury to the public health, safety and general welfare, particularly given the testimony in support of the variance by adjacent neighbors. Specifically, there was no testimony that the fence blocks the view of drivers pulling out from Baldwin Gate Rd. onto Fork Rd. which is an inherent purpose behind the 50 ft. setback from a public road under BCZR, §1A04.4D.3. I appreciate the testimony of Ms. Plowman who is concerned about other property owners seeking to obtain variances for fences. However, the law governing variances requires specific factors of uniqueness and practical difficulty to be found in each case before a variance can be granted. Each property owner is required to meet that test. It was only due to the peculiar circumstances here that the Property was found to be unique.

THEREFORE, IT IS ORDERED, this 9th day of **March 2021**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to §§ BCZR 427.1.B.1 and 2 to permit an existing residential occupancy fence to remain in the side yard that adjoins a neighboring front which exceeds 42 in. in height with a setback of 0 ft. in lieu of the required

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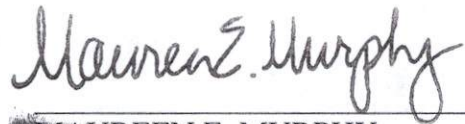
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By low

setback of 10 ft., and from BCZR, §1A04.4.D3 for a fence which is located within 50 ft. of a public right of way is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

- Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM/dlm

ORDER RECEIVED FOR FILING

Date 3-9-21

5

By [Signature]

Debra Wiley

From: Debra Wiley
Sent: Tuesday, March 9, 2021 8:08 AM
To: 'robbydimar@aol.com'
Cc: 'jessicacashmyer@comcast.net'; 'bdoud@jhmi.edu'; 'cloverend@yahoo.com'; 'jrosscarmen@gmail.com'; 'japlowman22@gmail.com'; Peoples Counsel; County Council; Henry Ayakwah; Jenifer G. Nugent; Vishnubhai K Desai; Jeffery Livingston; Donna Mignon
Subject: Decision - Case No. 2020-0266-A - 13029 Fork Road - DiMarino
Attachments: 20210309080821716.pdf

Good Morning,

Please find attached ALJ Murphy's decision regarding the above referenced matter.

Have a great and safe day.

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

From: adminhearingscpr@baltimorecountymd.gov <adminhearingscpr@baltimorecountymd.gov>
Sent: Tuesday, March 9, 2021 8:08 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Message from "RNP002673F6C9D3"

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

Scan Date: 03.09.2021 08:08:21 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov



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 13029 Fork Rd., Baldwin, MD 21013 which is presently zoned RCS
 Deed References: 34407100428 10 Digit Tax Account # 1600002318
 Property Owner(s) Printed Name(s) Robert and Concetta DiMarino

(SELECT THE HEARING(S) BY MARKING ☒ 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

2. ☐ a **Special Exception** under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a **Variance** from Section(s)

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)

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:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Robert DiMarino Jr. Concetta DiMarino
 Name #1 - Type or Print Name #2 - Type or Print

Robert DiMarino Jr. Concetta DiMarino
 Signature #1 Signature #2

13029 Fork Rd. Baldwin MD
 Mailing Address City State

21013 410-303-4468 Robbydmar@aol.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Robert DiMarino Jr.
 Name - Type or Print

Robert DiMarino Jr.
 Signature

13029 Fork Rd. Baldwin MD
 Mailing Address City State

21013 410-303-4468 Robbydmar@aol.com
 Zip Code Telephone # Email Address

CASE NUMBER 2070-0266-A Filing Date 10/29/20

Do Not Schedule Dates: _____

Reviewer JS

Relief Request

13209 Fork Road

BCZR: 427.1.B.1&2 → To permit an existing residential occupancy fence to remain in the side yard that adjoins a neighboring front which exceeds 42 inches in height with a setback of 0 feet in lieu of the required setback of 10 feet.

Baltimore County Building Code: 122.1 → To permit an existing residential occupancy fence to remain in the side yard at a height of 8 feet with a setback of 0 feet in lieu of the minimum required setback of 4 feet, and to permit said fence to remain in the front yard at a height greater than 42 inches.

2020-0266-A

Robert DiMarino
Concetta DiMarino
13029 Fork Road
Baldwin, MD 21013

Zoning Property Description

Zoning Property Description for 13029 Ford Road, Baldwin, MD 21013

PART A

Property Description, Lot #1 Baldwin Estates

Beginning at a three-quarter inch iron pipe on the southwest corner of the property located on the eastward side of Fork Road at a distance of thirty-nine feet east-northeastward of the Fork Road centerline and at a distance of two hundred twenty eight feet south-southeastward from the centerline of the nearest intersecting street which is Baldwin Gate Road, the property situate in Baltimore County, State of Maryland, extends northeastward to include 44,431 square feet or 1.02 acres, being known and designated as Lot No. 1 in Block B as laid down and shown on the Plat of Baldwin Estates, recorded among the Plat Records of Baltimore County in Plat Book O.T.G. No. 34, Folio 82. The improvements thereon being known as 13029 Fork Road. Tax ID# 11-16-00-002318 which has an address of **13029 Fork Road, Baldwin, MD 21013.**

Part B

Beginning Lot #1, Block B, Section # N/A in the subdivision of Baldwin Estates as recorded in Baltimore County Plat Book #34, Folio # 0051, containing 1.02 acres. Located in the 11 Election District and 3 Council District.

2020-0266-A

CERTIFICATE OF POSTING

Date: 01/24/2021

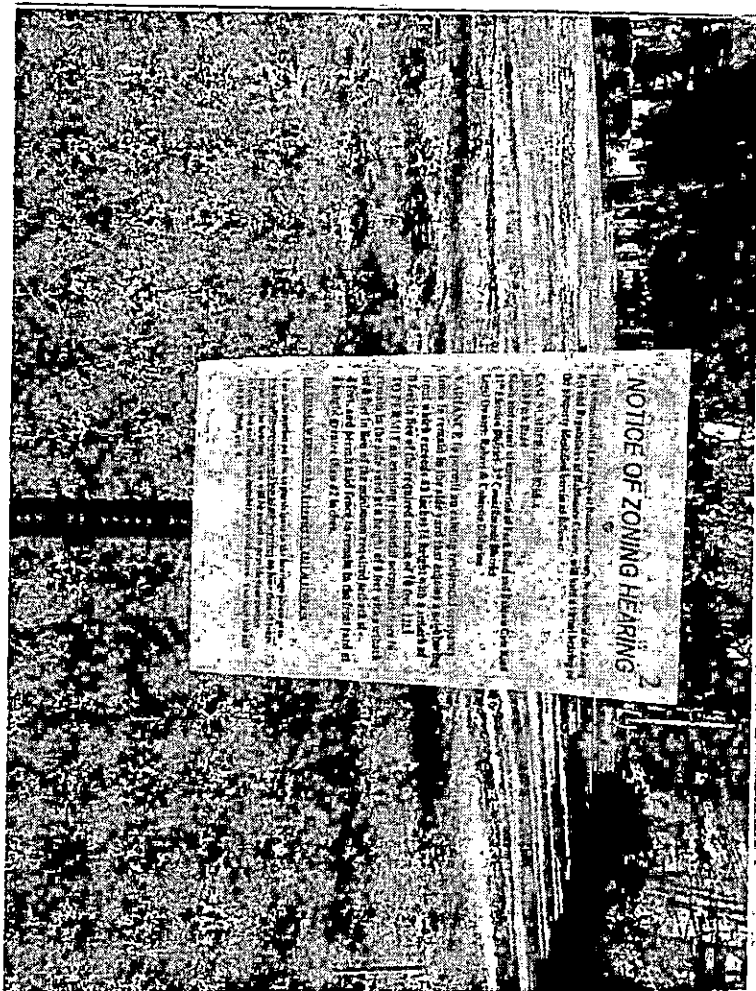
Zoning Hearing

RE: Project Name: _____
Case Number /PAI Number: 2020-0266-A
Petitioner/Developer: Robert & Concetta Di Marino
Date of Hearing/Closing: February 17, 2021 @ 11:00 a.m.

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 13029 Fork Rd.
Baldwin, MD. 21013

The sign(s) were posted on 01/24/2021

(Month, Day, Year)



John M. Altmeyer
(Signature of Sign Poster)

John M. Altmeyer
(Printed Name of Sign Poster)

21722 Orwig Rd.
(Street Address of Sign Poster)

Freeland, MD. 21053
(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

SIGN FACING BALDWIN GATE RD

test

CERTIFICATE OF POSTING

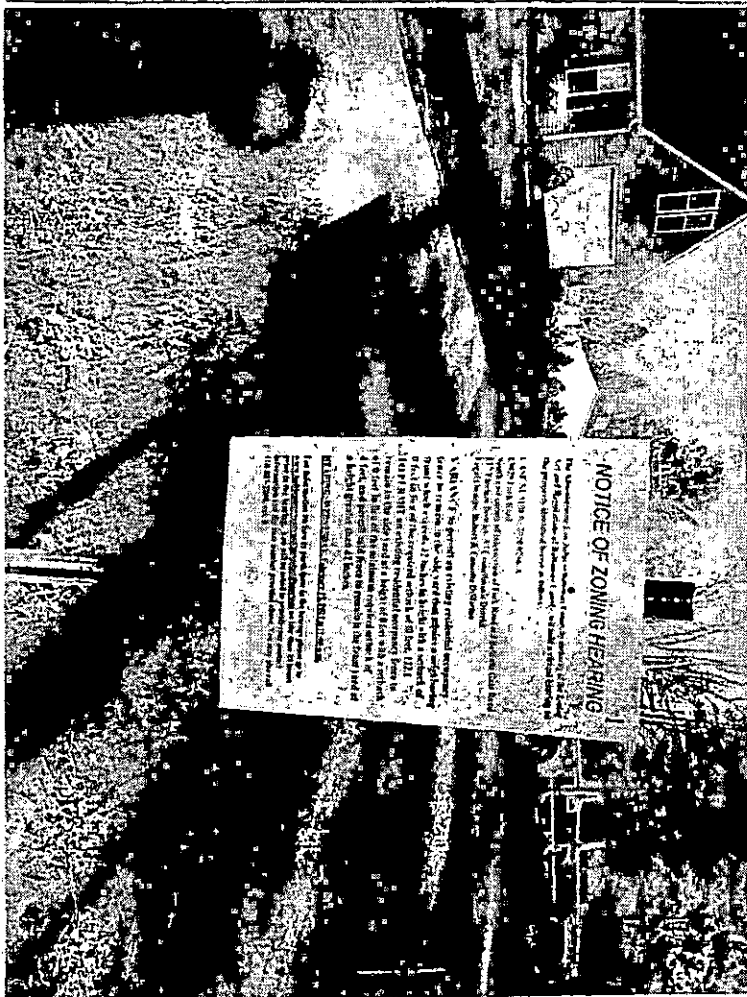
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test

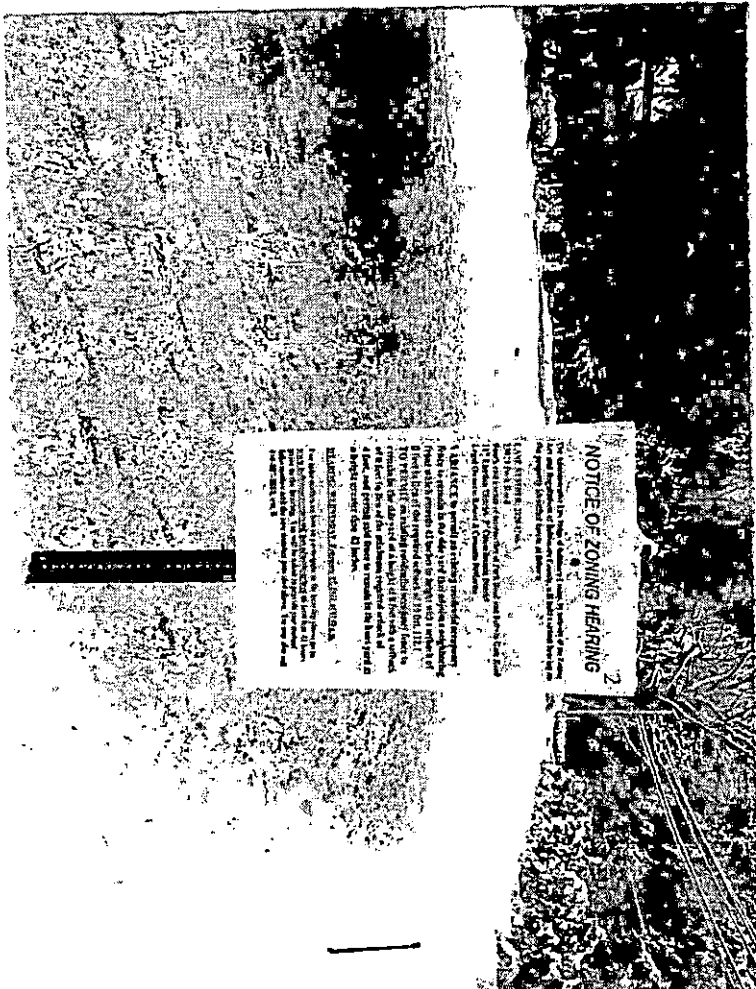
CERTIFICATE OF POSTING

Date: 02/11/2021

RE: Project Name: Zoning Hearing
Case Number /PAI Number: 2020-0266-A
Petitioner/Developer: Robert & Concetta Di Marino
Date of Hearing/Closing: February 17, 2021 @ 11:00 a.m.

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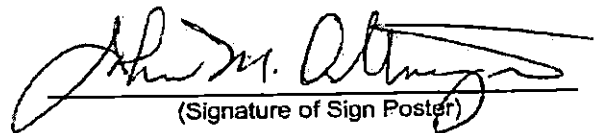
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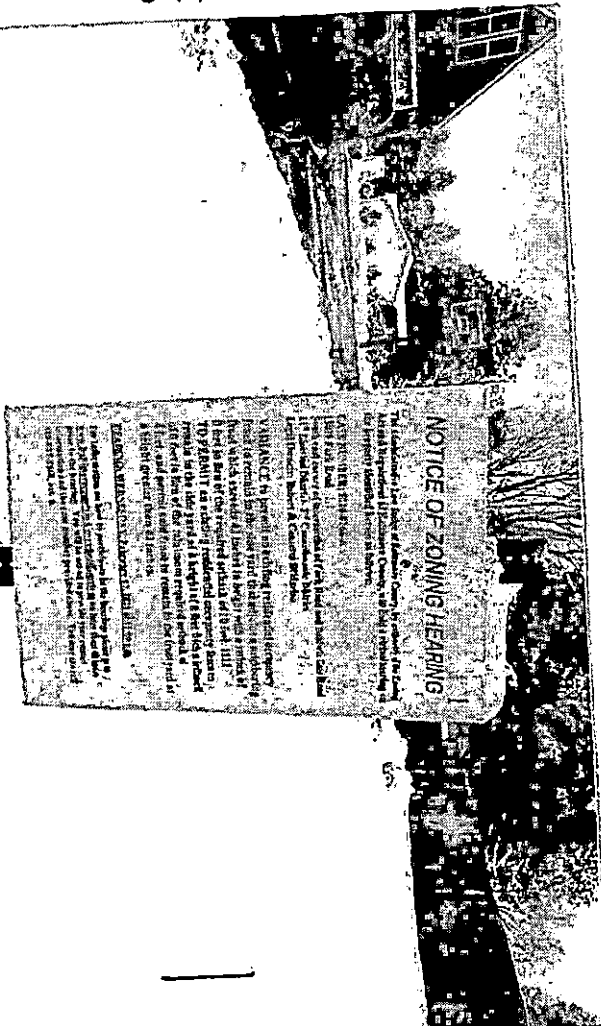
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SIGN FACING FORK RD.



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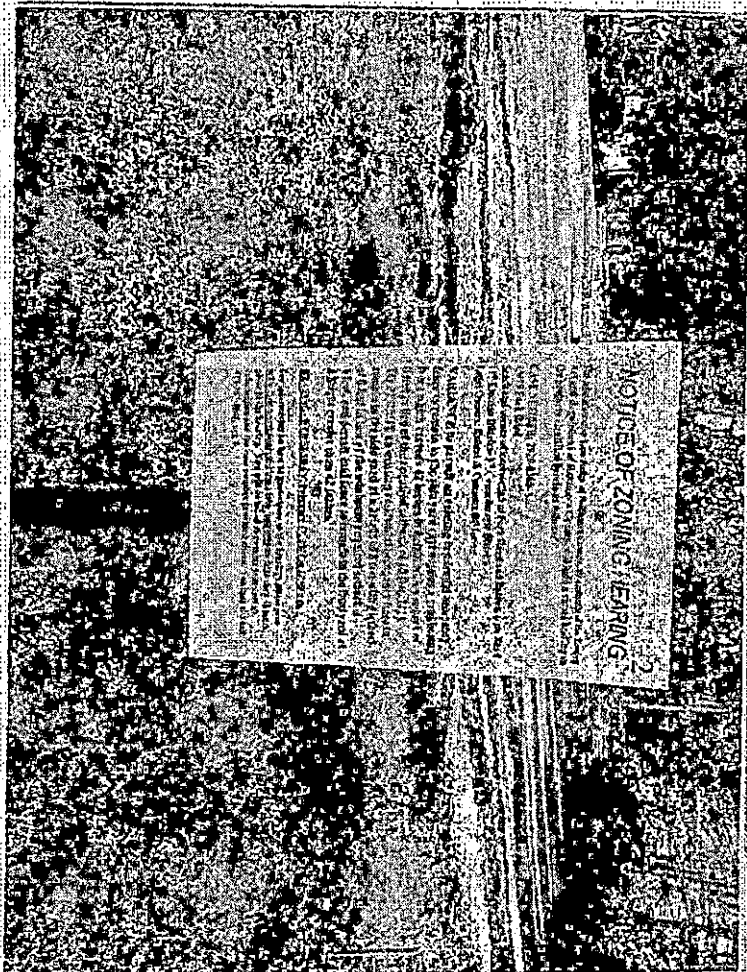
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(City, State, Zip Code of Sign Poster)

410-382-6580
(Telephone Number of Sign Poster)

SIGN FACING BALDWIN GATE RD

1591

11/11

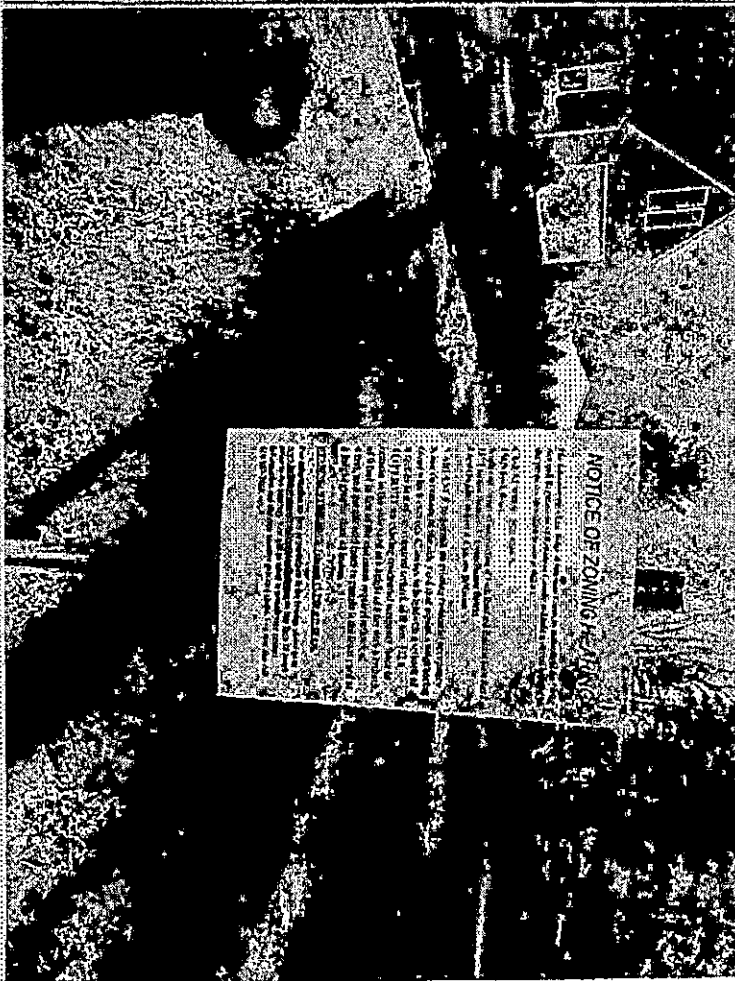
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Sign Facing Fork Rd.

1591

11/11

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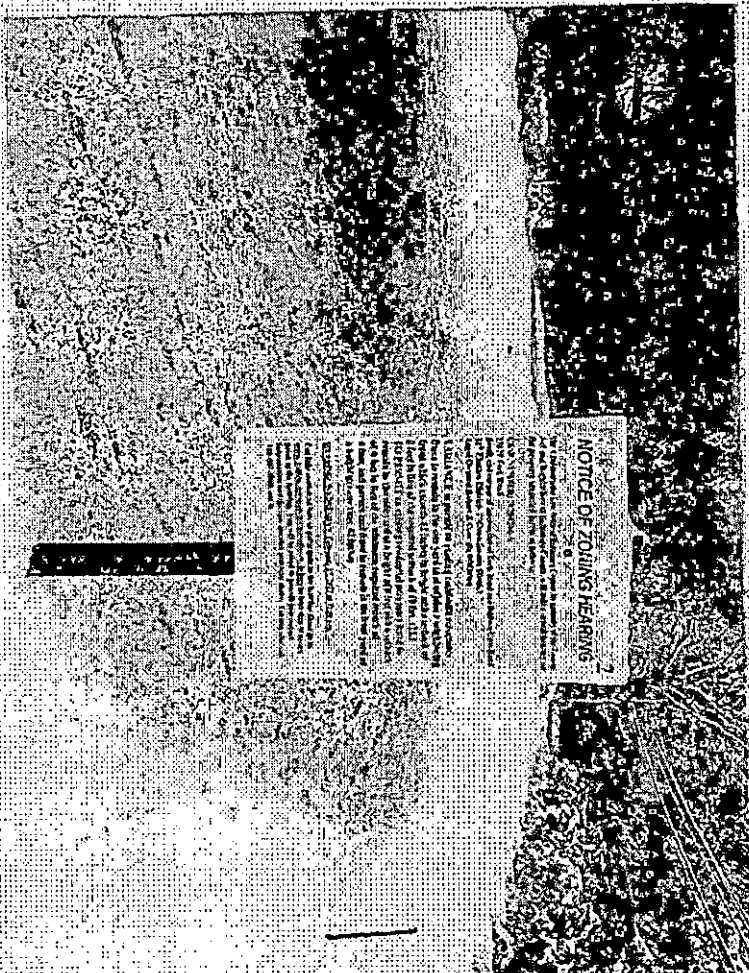
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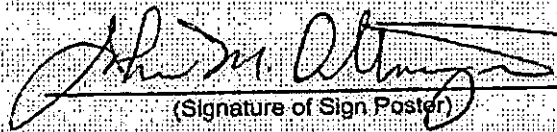
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(Telephone Number of Sign Poster)

Sign Facing Fork Rd.

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

PUBLISHER'S AFFIDAVIT

Order #: 11954163
 Case #: 2020-0266-A
 Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0266-A

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:

1/28/2021



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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0266-A

13029 Fork Road

South east corner of intersection of Fork Road and Baldwin Gate Road

11th Election District - 3rd Councilmanic District

Legal Owners: Robert & Concetta DiMarino

Variance to permit an existing residential occupancy fence to remain in the side yard that adjoins a neighboring front which exceeds 42 inches in height with a setback of 0 feet in lieu of the required setback of 10 feet. 122.1 To permit an existing residential occupancy fence to remain in the side yard at a height of 8 feet with a setback of 0 feet in lieu of the minimum required setback of 4 feet, and to permit said fence to remain in the front yard at a height greater than 42 inches.

Hearing Wednesday, February 17, 2021 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
 Director of Permits, Approvals and Inspections for Baltimore County

ja28

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

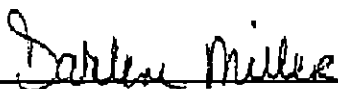
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Pete Gutwald,

Director of Permits, Approvals and Inspections for Baltimore County

ja28



JOHN A. OLSZEWSKI, JR.
County Executive

C. PETE GUTWALD, AICP, *Director*
Department of Permits,
Approvals & Inspections

January 20, 2021

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Pete Gutwald
Director

PW/kl

C: Mr. & Mrs. DiMarino, 13029 Fork Road, Baldwin 21013

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURS., JANUARY 28, 2021

TO: THE DAILY RECORD
Thursday, January 28, 2021 - Issue

Please forward billing to:
Concetta DiMarino
13029 Fork Road
Baldwin, MD 21013

410-382-2798

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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0266-A

13029 Fork Road

South east corner of intersection of Fork Road and Baldwin Gate Road

11th Election District – 3rd Councilmanic District

Legal Owners: Robert & Concetta DiMarino

Variance to permit an existing residential occupancy fence to remain in the side yard that adjoins a neighboring front which exceeds 42 inches in height with a setback of 0 feet in lieu of the required setback of 10 feet. 122.1 To permit an existing residential occupancy fence to remain in the side yard at a height of 8 feet with a setback of 0 feet in lieu of the minimum required setback of 4 feet, and to permit said fence to remain in the front yard at a height greater than 42 inches.

Hearing: Wednesday, February 17, 2021 at 11:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-887-3868, ext. 0.

Pete Gutwald
Director of Permits, Approvals and Inspections for Baltimore County

**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/neighbor 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: 2020-0266-A
Property Address: 13029 Fork Road Baldwin, MD 21013
Property Description: Residential - Single - Lot 1 - Baldwin Estate.
Legal Owners (Petitioners): Robert + Concetta DiMarino
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Concetta DiMarino
Company/Firm (if applicable): _____
Address: 13029 Fork Rd Baldwin MD 21013

Telephone Number: 410-382-2798

Rdbydinar@aol.com.

Revised 7/9/2015

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 11/16/2020

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-266



INFORMATION:

Property Address: 13029 Fork Road
Petitioner: Robert & Concetta DiMarino
Zoning: RC 5
Requested Action: Variance

The Department of Planning has reviewed the petition for the following Variances:

- 1) To permit an existing residential occupancy fence to remain in the side yard that adjoins a neighboring front which exceeds 42 inches in height with a setback of 0 feet in lieu of the required setback of 10 feet per BCZR 427.1.B.1 & 2.
- 2) To permit an existing residential occupancy fence to remain in the side yard at a height of 8 feet with a setback of 0 feet in lieu of the minimum required setback of 4 feet, and to permit said fence to remain in the front yard at a height greater than 42 inches, per Section 122.1 Baltimore County Building Code.

A site visit was conducted on November 12, 2020. The property is located on the corner of Fork Road and Baldwin Gate Road. The property is at the entrance of Baldwin Estates, and is predominantly surrounded by rural residential development and some agricultural uses. No particular hardship was noted on the application for the need for the requested relief.

After reviewing the request, the following issues have been noted:

There does not appear to be a justification for a 0 foot side yard setback. There appeared to be adequate space on the Petitioners' property to allow the required setback. The 0 foot setback poses an issue that there is no space for the Petitioners to maintain the side of the fence that is not facing their property.

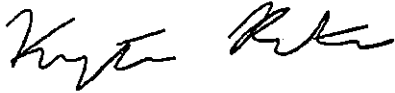
- BCZR §1A04.4.D3 states that fences may not be located closer than 50 feet to a public right-of-way, the Petitioners should consult with Zoning to determine if a Variance or other relief may be needed.

Given the issues noted above, the Department of Planning **does not support** the requested Variance for a 0 foot setback.

Date: 11/13/2020
Subject: ZAC # 20-266
Page 2

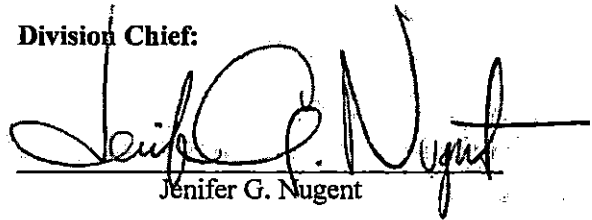
For further information concerning the matters stated herein, please contact Megan Benjamin at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

CPG/JGN/KP/

c: Megan Benjamin
Robert DiMarino Jr.
Office of the Administrative Hearings
People's Counsel for Baltimore County

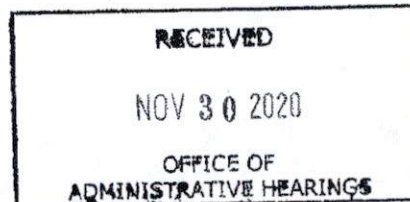
BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 20-266

DATE: 11/16/2020



INFORMATION:

Property Address: 13029 Fork Road
Petitioner: Robert & Concetta DiMarino
Zoning: RC 5
Requested Action: Variance

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- 1) To permit an existing residential occupancy fence to remain in the side yard that adjoins a neighboring front which exceeds 42 inches in height with a setback of 0 feet in lieu of the required setback of 10 feet per BCZR 427.1.B.1 & 2.
- 2) To permit an existing residential occupancy fence to remain in the side yard at a height of 8 feet with a setback of 0 feet in lieu of the minimum required setback of 4 feet, and to permit said fence to remain in the front yard at a height greater than 42 inches, per Section 122.1 Baltimore County Building Code.

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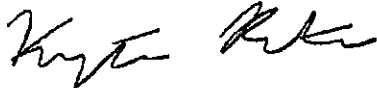
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Date: 11/13/2020
Subject: ZAC # 20-266
Page 2

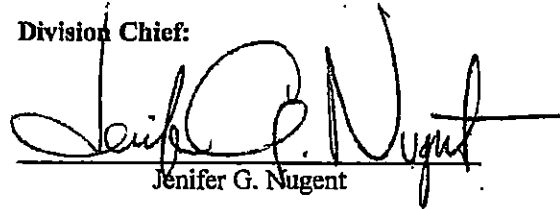
For further information concerning the matters stated herein, please contact Megan Benjamin at 410-887-3480.

Prepared by:



Krystle Patchak

Division Chief:



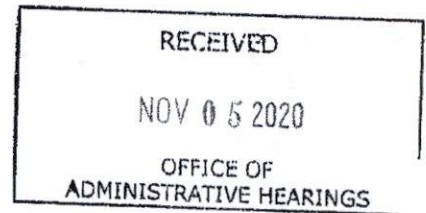
Jennifer G. Nugent

CPG/JGN/KP/

c: Megan Benjamin
Robert DiMarino Jr.
Office of the Administrative Hearings
People's Counsel for Baltimore County

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: November 5, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0266-A
Address 13029 Fork Road
(DiMarino Property)

Zoning Advisory Committee Meeting of **November 9, 2020.**

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

Reviewer: Steve Ford

PETITIONER'S

EXHIBIT NO.

4

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Gregory Slater
Secretary
Tim Smith, P.E.
Administrator

November 10, 2020

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

RECEIVED
NOV 10 2020
OFFICE OF
ADMINISTRATIVE HEARINGS

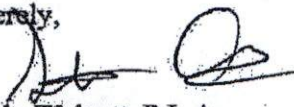
Dear Ms. Lewis:

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. 2020-0266-A

Robert & Concetta DiMarino
13029 Fork Rd.

Should you have any questions regarding this matter, please contact Mr. Steven Autry at 410-229-23352 or toll free (in Maryland only) 1-800-735-2258 extension (x2335), or by email at (sautry@mdot.maryland.gov).

Sincerely,


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

WW/RAZ

PETITIONER'S

EXHIBIT NO. 5

2-17-21
11 Am

Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Thursday, February 11, 2021 7:58 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Jessica
Last Name	Cashmyer
Email	Jessicacashmyer@comcast.net
Phone	4102991222
Address	6403 Baldwin Gate Rd
City	Baldwin
State	Maryland
ZIP Code	21013
Case Number	2020-0266
Scheduled Hearing Date	02/17/21

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

Panelists to Invite

Name	Email address	Phone number	Language	Time Zone	Locale
☐ <u>Donna Mignon</u> (Alternate Host)	dmignon@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Henry Ayakwah</u> (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Barbara Doud</u>	bdoud@jhmi.edu	1-	English	New York Time	U.S.
☐ <u>Cheryl Overend</u>	cloverend@yahoo.com	1-	English	New York Time	U.S.
☐ <u>Judy Plowman</u>	japlowman22@gmail.com	1-	English	New York Time	U.S.
☐ <u>Paul Mayhew</u>	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Robert & Concetta DiMarino</u>	robbydimar@aol.com	1-	English	New York Time	U.S.
☒ <u>Jessica Cashmyer</u>	jessicacashmyer@comcast.net	1-	English	New York Time	U.S.

New Panelist

Full name: (required)

Email address: (required)

Country/Region: Number (with area/city code):

Phone number: 1

Time Zone: New York (Eastern Standard Time, GMT-05:00) ▼

Language: English ▼

Locale: U.S. ▼

☐ Add new panelist in my address book

☐ Invite as alternate host

2-17-21
11 AM

Debra Wiley

From: webmaster@baltimorecountymd.gov
Sent: Thursday, February 11, 2021 11:23 AM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Judy
Last Name	Plowman
Email	japlowman22@gmail.com
Phone	410-592-6748
Address	13105 Fork Road
City	Baldwin
State	Maryland
ZIP Code	21013
Case Number	2020-0266-A
Scheduled Hearing Date	2/17/21

Edit Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

[Select Contacts...](#)[Import Contacts...](#)

Panelists to Invite

Name	Email address	Phone number	Language	Time Zone	Locale
☐ <u>Donna Mignon</u> (Alternate Host)	dmignon@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Henry Ayakwah</u> (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Barbara Doud</u>	bdoud@jhmi.edu	1-	English	New York Time	U.S.
☐ <u>Cheryl Overend</u>	cloverend@yahoo.com	1-	English	New York Time	U.S.
☐ <u>Paul Mayhew</u>	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐ <u>Robert & Concetta DiMarino</u>	robbydimar@aol.com	1-	English	New York Time	U.S.
☒ <u>Judy Plowman</u>	japlowman22@gmail.com	1-	English	New York Time	U.S.

[Invite](#)[Select All](#)[Clear All](#)[Delete](#)[Cancel](#)

New Panelist

Full name: (required)Email address: (required)Phone number:
Country/Region Number (with area/city code)Time Zone: New York (Eastern Standard Time, GMT-05:00) ▼Language: English ▼Locale: U.S. ▼☐ Add new panelist in my address book☐ Invite as alternate host[Add to Invitation List](#)

Donna Mignon

invited
2/16/21

From: webmaster@baltimorecountymd.gov
Sent: Friday, February 12, 2021 6:03 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Ross
Last Name	Carmen
Email	jrosscarmen@gmail.com
Phone	4437394593
Address	13105 Sanfield Rd
City	Baldwin
State	Maryland
ZIP Code	21013
Case Number	2020-0266-A
Scheduled Hearing Date	2-17-21

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Barbara Doud	bdoud@jhmi.edu	1-	New York Time	English	U.S.
Cheryl Overend	cloverend@yahoo.com	1-	New York Time	English	U.S.
Jessica Cashmyer	jessicacashmyer@comcast.net	1-	New York Time	English	U.S.
Judy Plowman	japlowman22@gmail.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Robert & Concetta DiMarino	robbydimar@aol.com	1-	New York Time	English	U.S.
Ross Carman	jrosscarmen@gmail.com	1-	New York Time	English	U.S.

OK

Judges Mayhew and Murphy,

I would like to go on record as being totally opposed to granting the variance requested by the residents of

13029 Fork Road. They apparently erected an 8 ft. fence ON the property line without due diligence as to their

unlicensed contractor, permitting process (no permit) and zoning regulations. Their lack of due diligence is NOT a reason neighbors should have to look at an 8 ft. fence which is both an eyesore and impairs the left hand traffic view at the corner of Baldwin Gate Road, the subject property's side road.

I have lived in this rural community for 50 years and I live here for a reason-- the protections and ambiance afforded

to residents who choose to live in the country as opposed to an urban area. I am very concerned that granting an

a variance in this case would set a bad precedent.

Thanks for your attention to this case.

Judy Plowman

13105 Fork Rd

Baldwin, Maryland 21013

Panelist List

Name	Email address	Phone number	Time Zone	Language	Locale
Donna Mignon (Alternate Host)	dmignon@baltimorecountymd.gov	1-	New York Time	English	U.S.
Henry Ayakwah (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	New York Time	English	U.S.
Maureen Murphy (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	New York Time	English	U.S.
Barbara Doud	bdoud@jhmi.edu	1-	New York Time	English	U.S.
Cheryl Overend	cloverend@yahoo.com	1-	New York Time	English	U.S.
Paul Mayhew	pmayhew@baltimorecountymd.gov	1-	New York Time	English	U.S.
Robert & Concetta DiMarino	robbydimar@aol.com	1-	New York Time	English	U.S.

2/17/21 @ 11:00

CASE NO. 2020-

02100-A

CHECKLIST

✓ Itr
✓ Order

Comment
Received

Department

Support/Oppose/
Conditions/
Comments/
No Comment

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

11/9

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

N/C

FIRE DEPARTMENT

11/16

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

Oppose
See
Comment
Noddy

11/10

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 1/28/21

SIGN POSTING (1st) Date: _____

by J. Altmeppen

SIGN POSTING (2nd) Date: _____

by _____

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

Donna Mignon

From: Donna Mignon
Sent: Monday, February 8, 2021 3:34 PM
To: 'robbydimar@aol.com'
Subject: Case No: 2020-0266-A 13029 Fork Road -

Good Afternoon,

As you are aware, a virtual webex hearing has been scheduled for February 17, 2021 at 11:00 a.m. You should have received an invitation in an email that invited you to this hearing.

Please note that all hearing exhibits—documents, site plans, photographs or evidence of any kind—must be submitted in PDF format at **least two business days** in advance of the hearing to the Office of Administrative Hearings at administrativehearings@baltimorecountymd.gov. Exhibits must be separately numbered and submitted, an exhibit list with the Case Number, an exhibit number and a brief description for each exhibit.

Please note our office will be closed on Monday, February 15, 2021.

If you have any questions or concerns, please feel free to contact our office.
Thank you so much.

Donna Mignon, Legal Assistant
Baltimore County Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204
410-887-3868

Donna Mignon

From: Kristen L Lewis
Sent: Wednesday, January 20, 2021 3:23 PM
To: Debra Wiley; Donna Mignon
Subject: webex 2020-0266-A

Good afternoon ladies,

Below is another hearing needing a webex. Thanks as always,

Case Number 2020-0266-A
13029 Fork Road
Legal Owners: Robert & Concetta DiMarino Robbydimar@aol.com
1/17/21 at 11:00 a.m.

Kristen Lewis-Coles
PAL – Zoning Review
410-887-3391

Donna Mignon

From: Debra Wiley
Sent: Wednesday, January 20, 2021 3:32 PM
To: Kristen L Lewis
Cc: Donna Mignon
Subject: Link - 2020-0266-A - 2/17 @ 11 AM

Event Information

Event: Zoning Hearing - Case No. 2020-0266-A - 13029 Ford Rd. - Robert & Concetta DiMarino
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ee2188>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e48305>
Date and time: Wednesday, February 17, 2021 11:00 am
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No. 2020-0266-A
13029 Ford Road
Robert and Concetta DiMarino
Event number: 180 483 1421
Event password: 1234
Host key: 529670
Alternate Host: Donna Mignon, Henry Ayakwah, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 310833
Video Address: 1804831421@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 180 483 1421

Donna Mignon

Subject: Invitation to Web seminar: Zoning Hearing - Case No. 2020-0266-A - 13029 Ford Rd. - Robert & Concetta DiMarino
Location: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=eabf7572e69b0a1297a75ac8ea49d6b12>
Start: Wed 2/17/2021 11:00 AM
End: Wed 2/17/2021 12:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: Debra Wiley

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

You are an alternate host for this Web seminar.

Host: Debra Wiley (dwiley@baltimorecountymd.gov)
Event number: 180 483 1421
Event password: 1234

Wednesday, February 17, 2021 11:00 am, Eastern Standard Time (New York, GMT-05:00)

Start event

Join the audio conference only
+1-415-655-0001 US Toll
Global call-in numbers

Join from a video system or application
Dial 1804831421@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Panelist numeric password: 310833

Need help? Go to <https://help.webex.com>

ZAC AGENDA

Case Number: 2020-0266-A **Reviewer:** Jason Seidelman

Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL

Type: VARIANCE

Legal Owner: Robert & Concetta DiMarino

Contract Purchaser: No Contract Purchaser was set.

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 11 **Council Dist:** 3

Property Address: 13029 FORK RD

Location: South East Corner of intersection of Fork Road (75') and Baldwin Gate Road (50').

Existing Zoning: RC 5

Area: 1.02 AC

Proposed Zoning:

VARIANCE:

BCZR 427.1.B.1&2 To permit an existing residential occupancy fence to remain in the side yard that adjoins a neighboring front which exceeds 42 inches in height with a setback of 0 feet in lieu of the required setback of 10 feet.

122.1 To permit an existing residential occupancy fence to remain in the side yard at a height of 8 feet with a setback of 0 feet in lieu of the minimum required setback of 4 feet, and to permit said fence to remain in the front yard at a height greater than 42 inches.

Attorney: Not Available

Prior Zoning Cases: None

Concurrent Cases: None

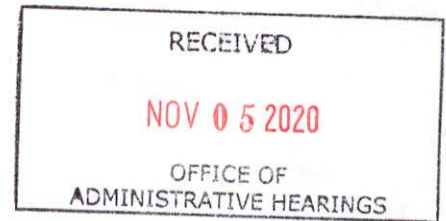
Violation Cases: CC2008941

Closing Date:

Miscellaneous Notes:

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: November 5, 2020

SUBJECT: DEPS Comment for Zoning Item # 2020-0266-A
Address 13029 Fork Road
(DiMarino Property)

Zoning Advisory Committee Meeting of **November 9, 2020**.

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
Gregory Slater
Secretary
Tim Smith, P.E.
Administrator

RECEIVED

NOV 10 2020

OFFICE OF
ADMINISTRATIVE HEARINGS

November 10, 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. 2020-0266-A

Robert & Concetta DiMarino
13029 Fork Rd.

Should you have any questions regarding this matter, please contact Mr. Steven Autry at 410-229-23352 or toll free (in Maryland only) 1-800-735-2258 extension (x2335), or by email at (sautry@mdot.maryland.gov).

Sincerely,


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

WW/RAZ

Debra Wiley

2-17-21
11 AM
2020-0266-A

From: Debra Wiley
Sent: Wednesday, January 20, 2021 3:32 PM
To: Kristen L Lewis
Cc: Donna Mignon
Subject: Link - 2020-0266-A - 2/17 @ 11 AM

Event Information

Event: Zoning Hearing - Case No. 2020-0266-A - 13029 Ford Rd. - Robert & Concetta DiMarino
Type: Listed Event
Event address for attendees: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=ee2188>
Event address for panelists: <https://baltimorecountymd.webex.com/baltimorecountymd/onstage/g.php?MTID=e48305>
Date and time: Wednesday, February 17, 2021 11:00 am
Eastern Standard Time (New York, GMT-05:00)
Duration: 1 hour
Description: Zoning Hearing
Case No. 2020-0266-A
13029 Ford Road
Robert and Concetta DiMarino
Event number: 180 483 1421
Event password: 1234
Host key: 529670
Alternate Host: Donna Mignon, Henry Ayakwah, Maureen Murphy
Panelist Info:
Panelist password:
Panelist numeric password: 310833
Video Address: 1804831421@baltimorecountymd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: US Toll
+1-415-655-0001
[Show all global call-in numbers](#)
Access code: 180 483 1421

Create Panelist Invitation List

You can select contacts from an existing address book, import a Comma or Tab Delimited file (file contains non-ASCII characters, use a Unicode file delimited either by commas or tabs) or add new contacts. Note that the number of invitation emails cannot exceed 10000.

[Select Contacts...](#)[Import Contacts...](#)

Panelists to Invite

	Name	Email address	Phone number	Language	Time Zone	Locale
☐	<u>Donna Mignon</u> (Alternate Host)	dmignon@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Paul Mayhew</u>	pmayhew@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Maureen Murphy</u> (Alternate Host)	mmurphy@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Henry Ayakwah</u> (Alternate Host)	hayakwah@baltimorecountymd.gov	1-	English	New York Time	U.S.
☐	<u>Robert & Concetta DiMarino</u>	robbydimar@aol.com	1-	English	New York Time	U.S.

[Invite](#)[Select All](#)[Clear All](#)[Delete](#)[Cancel](#)

New Panelist

Full name: (required)Email address: (required)Phone number:
Country/Region Number (with area/city code)Time Zone: New York (Eastern Standard Time, GMT-05:00) ▼Language: English ▼Locale: U.S. ▼☐ Add new panelist in my address book☐ Invite as alternate host[Add to Invitation List](#)

Debra Wiley

From: Kristen L Lewis
Sent: Wednesday, January 20, 2021 3:23 PM
To: Debra Wiley; Donna Mignon
Subject: webex 2020-0266-A

Good afternoon ladies,

Below is another hearing needing a webex. Thanks as always,

Case Number 2020-0266-A
13029 Fork Road
Legal Owners: Robert & Concetta DiMarino Robbydimar@aol.com
1/17/21 at 11:00 a.m.

Kristen Lewis-Colts
PFI – Zoning Review
410-887-3391

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier: District - 11 Account Number - 1600002318		
Owner Information		
Owner Name:	DIMARINO ROBERT L JR DIMARINO CONCETTA M	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	13029 FORK RD BALDWIN MD 21013-	Deed Reference: /34407/ 00428
Location & Structure Information		
Premises Address:	13029 FORK RD BALDWIN 21013-0000	Legal Description: 13029 FORK RD BALDWIN ESTATES
Map: 0045	Grid: 0022	Parcel: 0200
Neighborhood: 11080069.04	Subdivision: 0000	Section: B
Block: 1	Lot: 2021	Assessment Year: 0034/ 0082
Plat No: 0034/ 0082		
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
1973	2,736 SF	800 SF
Property Land Area	County Use	
1.0200 AC	04	
Stories	Basement	Type
2	YES	STANDARD UNIT
Exterior	Quality	Full/Half Bath
FRAME/ 4	2 full/ 1 half	1 Attached
Last Notice of Major Improvements		
Value Information		
	Base Value	Value
		As of 01/01/2021
Land:	120,200	120,200
Improvements	311,200	330,400
Total:	431,400	450,600
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2020
		As of 07/01/2021
		431,400
		437,800
Transfer Information		
Seller: ANDERS JAMES	Date: 11/06/2013	Price: \$460,000
Type: ARMS LENGTH IMPROVED	Deed1: /34407/ 00428	Deed2:
Seller: HOMESALES INC	Date: 04/04/2012	Price: \$210,000
Type: NON-ARMS LENGTH OTHER	Deed1: /31901/ 00134	Deed2:
Seller: HARMEL LAWRENCE R	Date: 08/16/2010	Price: \$295,500
Type: ARMS LENGTH IMPROVED	Deed1: /29774/ 00131	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2020
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 12/27/2013		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

Donna Mignon

From: webmaster@baltimorecountymd.gov
Sent: Tuesday, February 9, 2021 2:22 PM
To: Administrative Hearings
Subject: Request to Testify

Results of Form Submission

Request to Testify

Label	Value
First Name	Barbra
Last Name	Doud
Email	bdoud@jhmi.edu
Phone	410 218 9937
Address	6406 Baldwin Gate Rd
City	Baldwin
State	Maryland
ZIP Code	21013
Case Number	2020-0266
Scheduled Hearing Date	02/17/21



Department of Permits, Approvals & Inspections Complaint Report

Record Id: CC2008941

<u>Record ID</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Received Date</u>	<u>Status</u>	<u>Compliance Date</u>	<u>Hearing Date</u>
CC2008941	Pierson Clark	07/29/2020	07/29/2020	In Compliance	09/17/2020	

Complaint Description: 12 ft fence NO PERMIT

<u>Property</u>	<u>Owner</u>	<u>Complainant</u>
13029 FORK RD BALDWIN, MD 21013-9343 Tax Id: 1600002318	DIMARINO ROBERT L JR DIMARINO CONCETTA M 13029 FORK RD BALDWIN, MD 21013	ANONYMOUS

Inspection Details

<u>Inspector</u>	<u>Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>	<u>Complied On</u>
Pierson Clark	08/25/2020	Initial Inspection	Correction Notice Issued	Correction Notice Issued	
Pierson Clark	09/18/2020	Re-Inspection	Monitor	Monitor	
Pierson Clark	10/26/2020	Re-Inspection	In Compliance	In Compliance	10/26/2020

Lien Information - No Lien

Comments Detail

8/25/2020: Fence put up with no permit. Correction notice issued compliance date September 25, 2020
8/25/2020: Teen fence permit for fence over 42 inches on property
9/18/2020: Owner in process of getting variance and permit for fence. Extension granted
10/26/2020: Permit acquired case closed

B974405



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 13029 Fork Rd., Baldwin, MD 21013 which is presently zoned RC5
 Deed References: 34407100428 10 Digit Tax Account # 1600002318
 Property Owner(s) Printed Name(s) Robert and Concetta DiMarino

(SELECT THE HEARING(S) BY MARKING ☒ 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

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

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)

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 bound 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:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Attorney for Petitioner:

Name- Type or Print _____
 Signature _____
 Mailing Address _____ City _____ State _____
 Zip Code _____ Telephone # _____ Email Address _____

Legal Owners (Petitioners):

Robert DiMarino Jr. Concetta DiMarino
 Name #1 - Type or Print Name #2 - Type or Print
Robert L. DiMarino Jr. Concetta DiMarino
 Signature #1 Signature #2
13029 Fork Rd. Baldwin MD
 Mailing Address City State
21013 410-303-4468 Robbdi@comcast.com
 Zip Code Telephone # Email Address

Representative to be contacted:

Robert DiMarino Jr.
 Name - Type or Print
Robert L. DiMarino Jr.
 Signature
13029 Fork Rd. Baldwin MD
 Mailing Address City State
21013 410-303-4468 Robbdi@comcast.com
 Zip Code Telephone # Email Address

CASE NUMBER 2070-0266-A Filing Date 10/29/20 Do Not Schedule Dates: _____ Reviewer JS

REV. 10/4/11

PETITIONER'S

EXHIBIT NO. 1

Relief Request

13209 Fork Road

BCZR: 427.1.B.1&2 → To permit an existing residential occupancy fence to remain in the side yard that adjoins a neighboring front which exceeds 42 inches in height with a setback of 0 feet in lieu of the required setback of 10 feet.

Baltimore County Building Code: 122.1 → To permit an existing residential occupancy fence to remain in the side yard at a height of 8 feet with a setback of 0 feet in lieu of the minimum required setback of 4 feet, and to permit said fence to remain in the front yard at a height greater than 42 inches.

2020-0266-A

The Daily Record

200 St. Paul Place Suite 2480

Baltimore, Maryland 21202

1 (443) 524-8100

www.thedailyrecord.com

Page 1 of 1

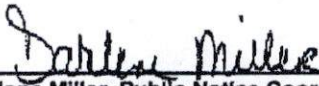
PUBLISHER'S AFFIDAVIT

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:

1/28/2021

Order #: 11954163
Case #: 2020-0266-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2020-0266-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 virtual hearing on the property identified herein as follows:

CASE NUMBER: 2020-0266-A

13029 Fork Road

South east corner of intersection of Fork Road and Baldwin Gate Road

11th Election District - 3rd Councilmanic District

Legal Owners: Robert & Concetta DiMarino

Variance to permit an existing residential occupancy fence to remain in the side yard that adjoins a neighboring front which exceeds 42 inches in height with a setback of 0 feet in lieu of the required setback of 10 feet. 122.1 To permit an existing residential occupancy fence to remain in the side yard at a height of 8 feet with a setback of 0 feet in lieu of the minimum required setback of 4 feet, and to permit said fence to remain in the front yard at a height greater than 42 inches.

Hearing: Wednesday, February 17, 2021 at 1:00 a.m.

For information on how to participate in the hearings please go to www.baltimorecountymd.gov/adminhearings no later than 48 hours prior to the hearing. You will be asked to provide your contact information and the case number provided above. You may also call 410-387-3898, ext. 0.

Pete Gutwald

Director of Permits, Approvals and Inspections for Baltimore County

ja28

PETITIONER'S

EXHIBIT NO.

60



13103

1600002306

6406

Lot # 5

1600002292

Lot # 8

1600002295

Lot # 7

6402

1600002294

Pt. Bk. 0000034, Folio 0082

Lot # 6

1600002293

PAI # 110210

13101

Pt. Bk. / Folio # 034082

PAI # 110210

RC 5

BALDWIN GATE RD

Lot # 13

1600002320

6405

13100

Lot # 2

1600002319

6403

Lot # 1

1600002318

300

045B3

GROWTH TIER 4

(No New Subdivisions of 4
or More Additional Lots)

2300010177

11 NE 17-H

Pt. Bk. / Folio # 043051

Lot # 1

13021 1600003609

Pt. Bk. 0000043, Folio 0051

PAI # 110853 / Folio # MP99091

PAI # 110853

PAI # 110853

PAI # 110853

PAI # 110315

PAI # 110315

PAI # 110315

Lot # 1

2500004467

Pt. Bk. / Folio # MP07112

RC 2

Lot # 2

2500004468

FORK RD

FORK RD

Lot # 1

2300010176

RC 5 1118051900

PETITIONER'S

EXHIBIT NO.

7

13103

1600002306

6406

Lot # 5 1600002292

Lot # 8 1600002295

Lot # 7 6402 1600002294
Pl. Bk. 0000034, Folio 0082

Lot # 6 1600002293
PAI # 110210 13101
Pl. Bk./Folio # 034082
PAI # 110210

RC 5

BALDWIN GATE RD

Lot # 3 1600002320

6405

Lot # 2 1600002319

6403

Lot # 1 1600002318

3 CD
045B3

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)
2300010177

NE 17-H

Pl. Bk./Folio # 043051
Lot # 1 13021 1600003609
Pl. Bk. 0000043, Folio 0051

PAI # 110853 Pl. Bk./Folio # MP99031
PAI # 110853
PAI # 110853 PAI # 110853

PAI # 110315 15

PAI # 110315

PAI # 110315

Lot # 1 2500004467

Pl. Bk./Folio # MP07412

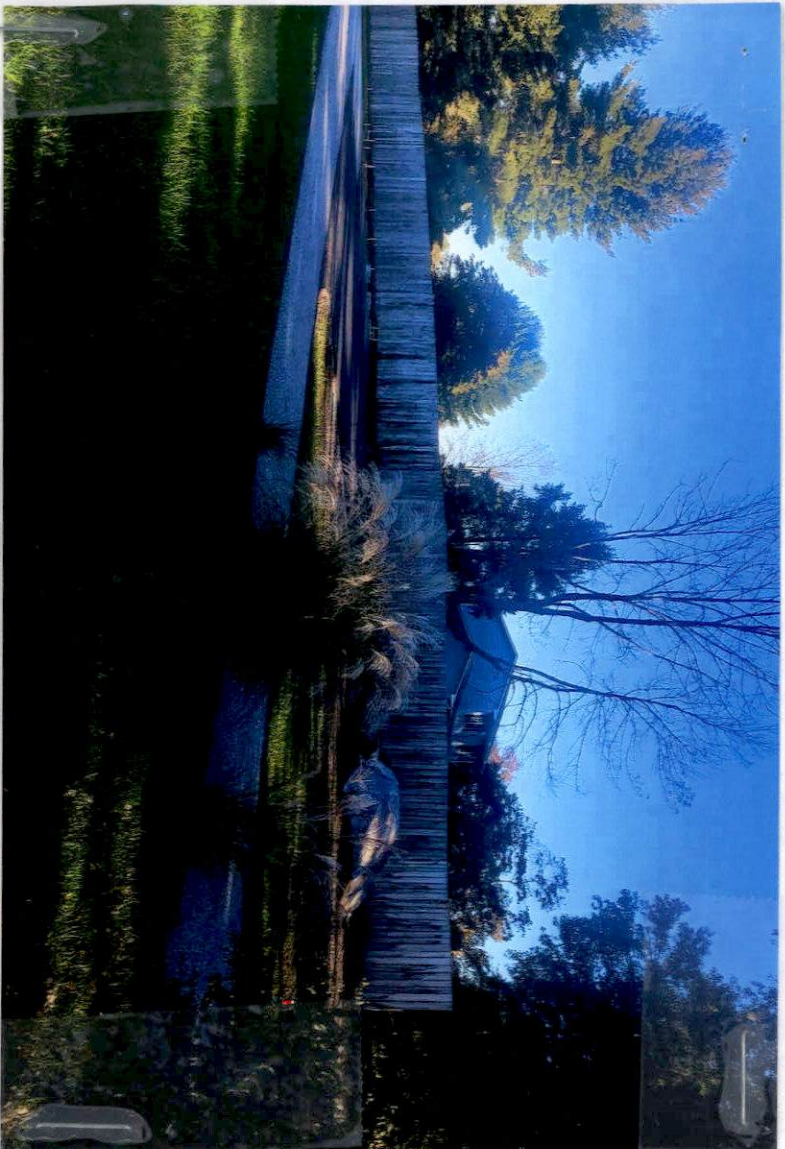
RC 2

Lot # 2 2500004468

Lot # 1 2300010176

FORK RD

RC 5 1118051900



- 8ft fence on the property line with neighbor to the SE of our property
- Owner of the blue house is Horn Pippin @ 13009 Fort Rd.

Proposed changes: allowing 8ft fence to remain.



- 8ft fence on our property line with visible neighbor's house to the SE.
- Part of our garage and driveway / parking pad visible.
- moving the fence in would interfere with driveway and parking pad as well as closing too much of our land.

2020-0266-A

Peter 8a

874 fence on the
property with
neighbor to the
SE of our property
- corner of the
old house is
about 100 ft. from
the road.

Proposed changes: allowing 8 ft. fence
to remain.

874 fence on
our property
line with
neighbor to the
SE of our
house to the
SE of our
house and
driveway fence
has been

to the fence
in which
intersection with
our driveway and
about 100 ft. from
well as showing
the north of our
land.



-8ft fence on
our property
with our
house @
13029 Fork
Rd.

Proposed Changes: allowing 8 ft fence
to remain.



-8ft fence
on our property
with visible
neighbor
behind us
sitting East.
Owner of white
house is
Dennis Cashmyer
@ 6403 Baldwin
Gate Rd.

2020-0266-A

Pet Ex: 8b

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13103

1600002306

6406

Lot # 5

1600002292

Lot # 8

1600002295

Lot # 7

6402

1600002294

Pt. Bk. 0000034, Folio 0082

Lot # 6

1600002293

PAI # 110210

13101

Pt. Bk./Folio # 034082

PAI # 110210

RC 5

BALDWIN GATE RD

Lot # 3

1600002320

6405

Lot # 2

1600002319

6403

13100

Lot # 1

1600002318

3 CD

045B3

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

2300010177

11 ED NE 17-H

Pt. Bk./Folio # 043051

Lot # 1

13021

1800003609

Pt. Bk. 0000043, Folio 0051

Pt. Bk./Folio # MP99091

PAI # 110853

PAI # 110853

PAI # 110853

PAI # 110853

PAI # 110315

PAI # 110315

PAI # 110315

Pt. Bk./Folio # MP07112

Lot # 1

2500004467

RC 2

FORK RD

Lot # 2

2500004468

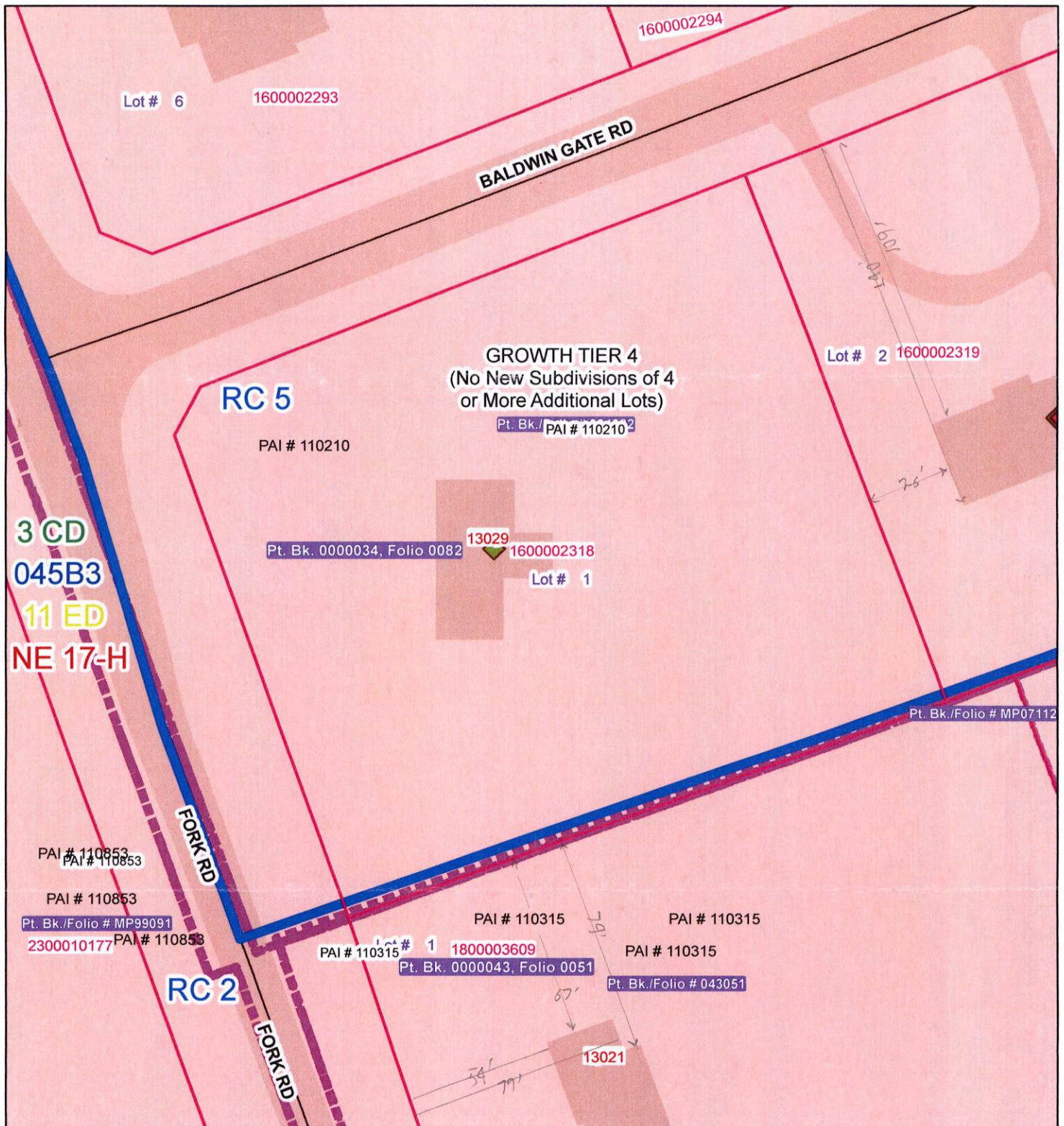
Lot # 1

2300010176

FORK RD

RC 5

1118051900



Publication Date: 9/17/2020



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

2020-0266-A

13103
Lot # 5 1600002292

1600002306

6406

Lot # 8 1600002295

Lot # 7 6402 1600002294
Pt. Bk. 0000034, Folio 0082

Lot # 6 1600002293
PAI # 110210 13101
Pt. Bk./Folio # 034082
PAI # 110210

RC 5

BALDWIN GATE RD

Lot # 3 1600002320
6405

Lot # 2 1600002319
6403

Lot # 1 1600002318

3 CD
045B3

GROWTH TIER 4
(No New Subdivisions of 4
or More Additional Lots)

2300010177

11 ED NE 17-H

Pt. Bk./Folio # 043051
Lot # 1 13021 1800003609
Pt. Bk. 0000043, Folio 0051

Pt. Bk./Folio # MP99091
PAI # 110853
PAI # 110853
PAI # 110853 PAI # 110853

RC 2

PAI # 110315
PAI # 110315

PAI # 110315
Pt. Bk./Folio # MP07112

Lot # 1 2500004467

Lot # 2 2500004468

Lot # 1 2300010176

FORK RD

FORK RD

RC 5 1118051900

TIME: 10:22:47 AUTOMATED PERMIT TRACKING SYSTEM LAST UPDATE 10/03/2020
DATE: 10/26/2020 APPROVALS DETAIL SCREEN PER 09:08:04

PERMIT #: B974405 CONTROL #: F

AGENCY	DATE	CODE	COMMENTS
-----	-----	-----	-----
CODE ENF			
PUB SER	09/12/2020	01	RBH
ZONING	09/14/2020	10	AD VARIANCE/GH
PERMITS			RBH/PD CK#1355

01 THRU 09 INDICATES AN "APPROVAL" ** 10 THRU 99 INDICATES A "DISAPPROVAL"

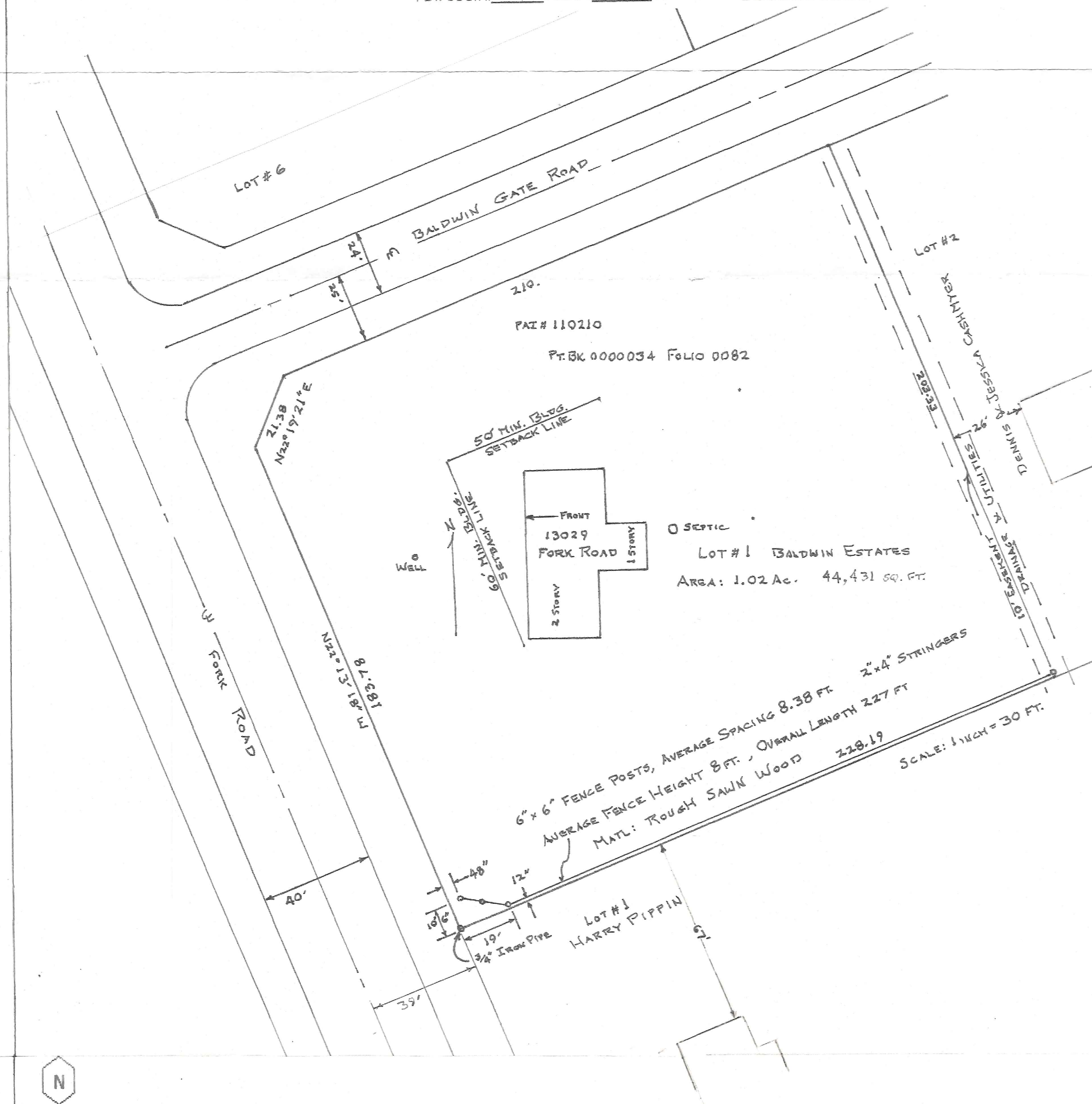
ENTER - GENERAL PERMIT PF4 - ISSUE PERMIT
PF3 - INSPECTIONS PF8 - GENERAL SCREEN W/NEXT PERMIT CLEAR - MENU

SITE VICINITY MAP

ADDRESS 13029 FORK ROAD OWNER(S) NAME(S) ROBERT & CONCETTA DEMARINO

SUBDIVISION NAME BALDWIN ESTATES LOT # 1 BLOCK # 13 SECTION # N/A

PLAT BOOK # 34 FOLIO # 82 10 DIGIT TAX # 1609003212 DEED REF. # 34407/00428



MAP IS NOT TO SCALE

ZONING MAP# 45

SITE ZONED RC5 RC2

ELECTION DISTRICT 11

COUNCIL DISTRICT 3

LOT AREA ACREAGE 1.02 AC

OR SQUARE FEET -

HISTORIC ? No

IN CBCA ? No

IN FLOOD PLAIN ? No

UTILITIES ? MARK WITH X

WATER IS:

PUBLIC PRIVATE X

SEWER IS:

PUBLIC PRIVATE X

PRIOR HEARING ? No

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

VIOLATION CASE INFO:
#CC2008941 - 12 FT.
FENCE - NO PERMIT

PLAN DRAWN BY Brian F. Riggs DATE 10/15/2020 SCALE: 1 INCH = 30 FEET

020-0266-A