JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

December 28, 2022

Mr. Robert Alvis – alvisrob@gmail.com
Ms. Fiona Chuo
2808 5th Street
Sparrows Point, MD 21219

RECEIVED
DEC 28 2022
BALTIMORE COUNTY
BOARD OF APPEALS

RE: **APPEAL TO BOARD OF APPEALS**
Petition for Variance
Case No. 2022-0217-A
Property: 2808 5th Street

Dear Mr. Alvis and Ms. Chuo

Please be advised that an appeal of the above-referenced case was filed in this Office on December 28, 2022. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlm
Attachment
c: *See Next Page -*

Board of Appeals
People's Counsel
PAI – Code Enforcement – paienforce@baltimorecountymd.gov

APPEAL

Petition for Variance
Robert Alvis and Fiona Chuo
Case No.: 2022-0217-A
2808 5th Street, Sparrow Point, MD
15th Election District, 7th Council District

Petition for Variance – September 16, 2022

Zoning Description of Property – 1 sheet

Notice of Zoning Hearing (Webex) – October 17, 2022

Certification of Publication – (Daily Record) – October 21, 2022

Certification of Posting by David Billingsley – October 20, 2022 and November 5, 2022

Entry of Appearance by People's Counsel – September 27, 2022

Attendance Report – 3 pages

Zoning Advisory Committee Comments:
Bureau of Development Plans Review – 10/3/22
Dept. of Planning- 10/5/22

Petitioner's Exhibits
Exhibit 1 -Site Plan
Exhibit 2 – Deed filed 9/13/2022
Exhibit 3 A – N – Photo's Street view
Exhibit 4 – Letters of Support

Miscellaneous: - Email, SDAT, Code Violation, Prior Order

Cover Letter and Administrative Law Judge Murphy's Opinion and Order – November 28, 2022 – DENIED –

Notice of Appeal – Received on December 28, 2022 from Petitioners – Check number# 1938 in the amount of $300.00

Cash Receipt No: 203985

Contents of File delivered to the Board of Appeals on 12/28/22

Donna Mignon

From: Administrative Hearings <administrativehearings@baltimorecountymd.gov>
Sent: Monday, November 28, 2022 9:27 AM
To: alvisrob@gmail.com
Cc: Debra Wiley; PAI Enforce; County Council; Henry Ayakwah; PAI Zoning; Peoples Counsel; Peter Max Zimmerman; Rebecca Wheatley; Vishnubhai K Desai
Subject: Case No: 2022-0217-A 2808 5th Street
Attachments: 2022-0217-A.pdf

Good Morning,

Please find attached ALJ Murphy's Opinion and Order in reference to the above matter.

Have a great and safe day.

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

Donna Mignon

From: Alvis, Bobby [US] (MS) <Robert.Alvis@ngc.com>
Sent: Monday, November 7, 2022 6:54 PM
To: Administrative Hearings
Cc: fiona_chuo@yahoo.com; alvisrob@gmail.com
Subject: Case No: 2022-0217-A 2808 5th Street - Alvis exhibits
Attachments: 2808 5th St Fence Affidavits - neighbors.pdf; Fence Photos.pptx

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

Please find attached supporting exhibits for Case No: 2022-0217-A 2808 5th Street. These exhibits were also included in the physical packet turned in at the variance application.

Please reach out to me if there are any questions.

BOBBY ALVIS | Equipment Engineering Manager
Northrop Grumman Corporation | Mission Systems
Advanced Technology Center | 1212 Winterson Rd, MS 3D18, Linthicum, MD 21090
O: 410-993-2283 | C: 443-628-1411 | Robert.Alvis@ngc.com

NORTHROP GRUMMAN

To Whom it may concern,

Regarding CASE NUMBER CC2211532 of Baltimore County Codes and Regulations.

I, Richard Stryjewski, the owner of 9026 Hinton Ave, Sparrows Point, MD 21909 and residing at this address on this date the of September 2022, am writing this affidavit in support of the fence built on 2808 5th St, Sparrows Point. I face no obstruction nor discomfort with the fence's height. I also do not contest that the fence along Hinton Ave in any way obstructs or restricts a motorist's view in any way. All county signage is on the street side of the setback or clearly visible above the 42-inch section. I do not recommend the owners of 2808 5th St remove or lower the fence height and as a result I do not contest to the presence of the fence on 2808 5th St.

Respectfully,

Richard Stryjewski

Dated:

6. NO HISTORIC STR... UNDERGROUND STORAGE TANK...

1. Fence is setback 2.5ft. off ... along Hinton Ave.

UNCONTESTED FENCE WAIVER AFFIDAVIT

To Whom it may concern,

Regarding CASE NUMBER CC2211532 of Baltimore County Codes and Regulations.

I, Thomas D'Alleva, the owner of 9015 Hinton Ave, Sparrows Point, MD 21909 and residing at this address on this date the 9th of September 2022, am writing this affidavit in support of the fence built on 2808 5th St, Sparrows Point. A section of the 6ft fence built on 2808 5th St property line is beyond my property's front building line, which the owners of 2808 5th st were recently issued a code enforcement correction notice pursuant to. My home is a 3-story building and is windowless on the ground floor/basement in the direct line of sight of the fence on the relevant side. As a result, I face no obstruction nor discomfort with the fence's height. I prefer the fence as I have noticed it prevents trucks/vehicles from driving into my property. I also do not contest that the fence along Hinton Ave in any way obstructs or restricts a motorist's view in any way. All county signage is on the street side of the setback or clearly visible above the 42-inch section. I do not recommend the owners of 2808 5th St remove or lower the fence height and as a result I do not contest to the presence of the fence on 2808 5th st being past my front building line, as the most affected party in this matter besides the owners of 2808 5th st.

Respectfully,

Dated: 9-9-22

UNCONTESTED FENCE WAIVER AFFIDAVIT

To Whom it may concern,

Regarding CASE NUMBER CC2211532 of Baltimore County Codes and Regulations.

I, Charles Wolinski, the owner of 2809 5th St., Sparrows Point, MD 21909 and residing at this address on this date the of September 2022, am writing this affidavit in support of the fence built on 2808 5th St, Sparrows Point. I face no obstruction nor discomfort with the fence's height. I also do not contest that the fence along Hinton Ave in any way obstructs or restricts a motorist's view in any way. All county signage is on the street side of the setback or clearly visible above the 42-inch section. I do not recommend the owners of 2808 5th St remove or lower the fence height and as a result I do not contest to the presence of the fence on 2808 5th St.

Respectfully,

Charles Wolinski CMW Properties, LLC

Dated: 9-18-2022

To Whom it may concern,

Regarding CASE NUMBER CC2211532 of Baltimore County Codes and Regulations.

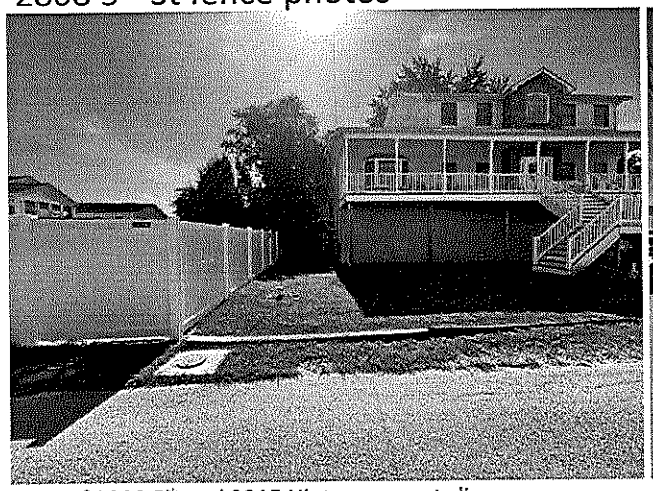
I, Richard Stryjewski, the owner of 9026 Hinton Ave, Sparrows Point, MD 21909 and residing at this address on this date the of September 2022, am writing this affidavit in support of the fence built on 2808 5th St, Sparrows Point. I face no obstruction nor discomfort with the fence's height. I also do not contest that the fence along Hinton Ave in any way obstructs or restricts a motorist's view in any way. All county signage is on the street side of the setback or clearly visible above the 42-inch section. I do not recommend the owners of 2808 5th St remove or lower the fence height and as a result I do not contest to the presence of the fence on 2808 5th St.

Respectfully,

Richard Stryjewski

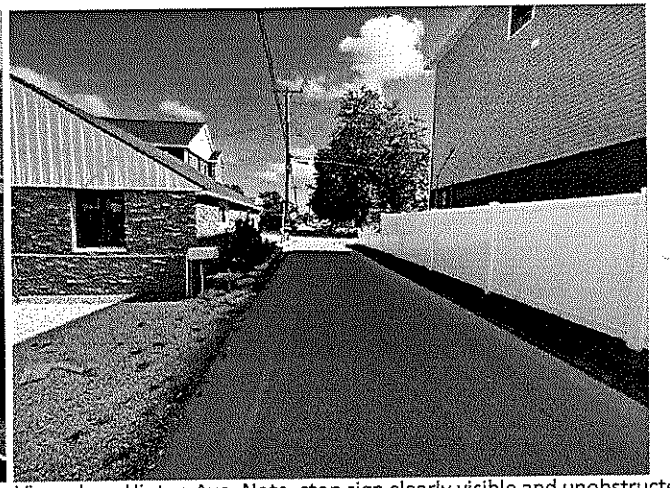
Dated:

2808 5th St fence photos

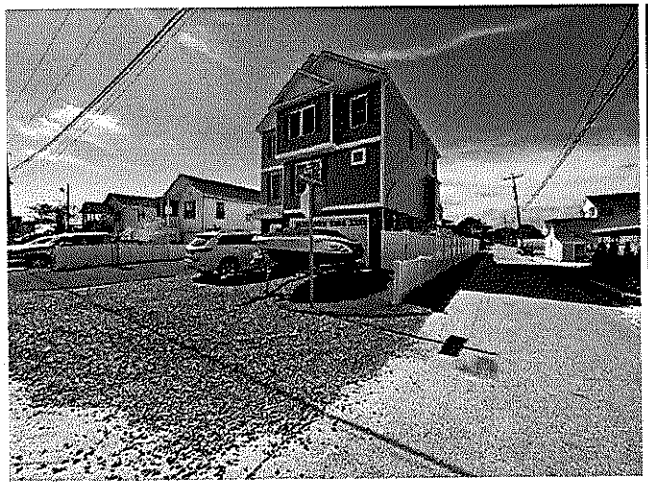


View of 2808 5th and 9015 Hinton property line

View down Hinton Ave



View along Hinton Ave. Note, stop sign clearly visible and unobstructed



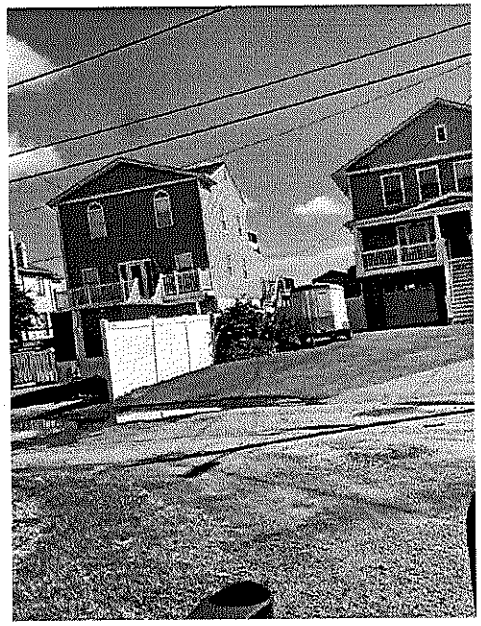
View from corner of 5th and Hinton ave

View down Hinton Ave showing view around corner unobstructed

Front left of 2808 5th st

Examples within Swan Point showing fences which violate "front face" rule. Geo locations can be provided upon request

Ex 1. Fence is 6ft along Hinton ave

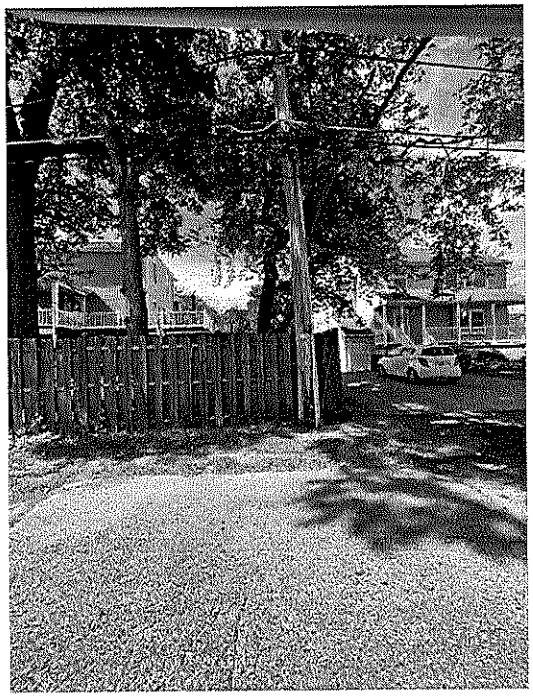


Ex 2. Fence is 6ft well beyond front face of neighbor property

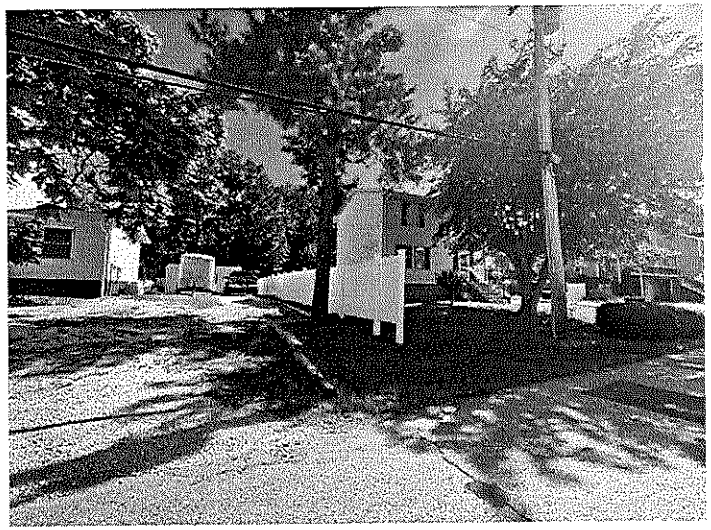
Ex 3. Nearly identical setup to 2808 5th st. This property is also a corner lot and the image clearly shows a 6ft fence beyond the front face of neighboring property

Examples within Swan Point showing fences which violate "front face" rule. Geo locations can be provided upon request

Ex 4. Corner lot with fence >42in in height all the way to the street edge



Ex 5. Fence does not obey the front face property line rule



Ex 6. 6ft privacy fence extends beyond the front face of the neighboring propety

Examples within Swan Point showing fences which violate "front face" rule. Geo locations can be provided upon request

Ex 7. 6ft privacy fence extending all the way to the road

Ex 8. 6ft privacy fence extending all the way to the road

11-10 10Am

Donna Mignon

From: David Billingsley <dwb0209@yahoo.com>
Sent: Saturday, November 5, 2022 8:11 AM
To: Administrative Hearings
Cc: Robert Alvis
Subject: 2808 5TH STREET CASE # 2022-0217-A
Attachments: Scan_1062.pdf

CAUTION: This message from dwb0209@yahoo.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Posting Recertifications attached
Thanks

Dave Billingsley
Central Drafting and Design
410-679-8719 OFFICE
410-458-1401 CELL

CERTIFICATE OF POSTING

RECERTIFY
11/5/22

Date: OCTOBER 20, 2022

RE: Project Name: 2808 5TH STREET #1

Case Number /PAI Number: 2022-0217-A

Petitioner/Developer: ALVIS

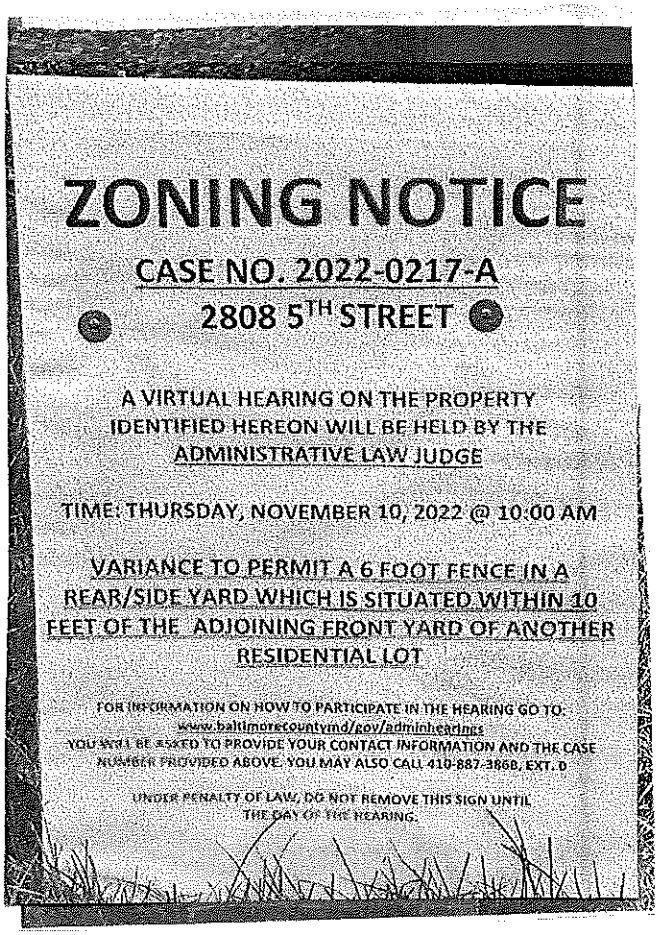
Date of Hearing/Closing: NOVEMBER 10, 2022

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 2808 5TH STREET

RECERTIFY 11/5/22

The sign(s) were posted on OCTOBER 20, 2022
(Month, Day, Year)

David Billingsley
David Billingsley
(Signature of Sign Poster)



DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

RECERTIFY
11/5/22

Date: OCTOBER 20, 2022

RE: Project Name: 2808 5TH STREET #2

Case Number /PAI Number: 2022-0217-A

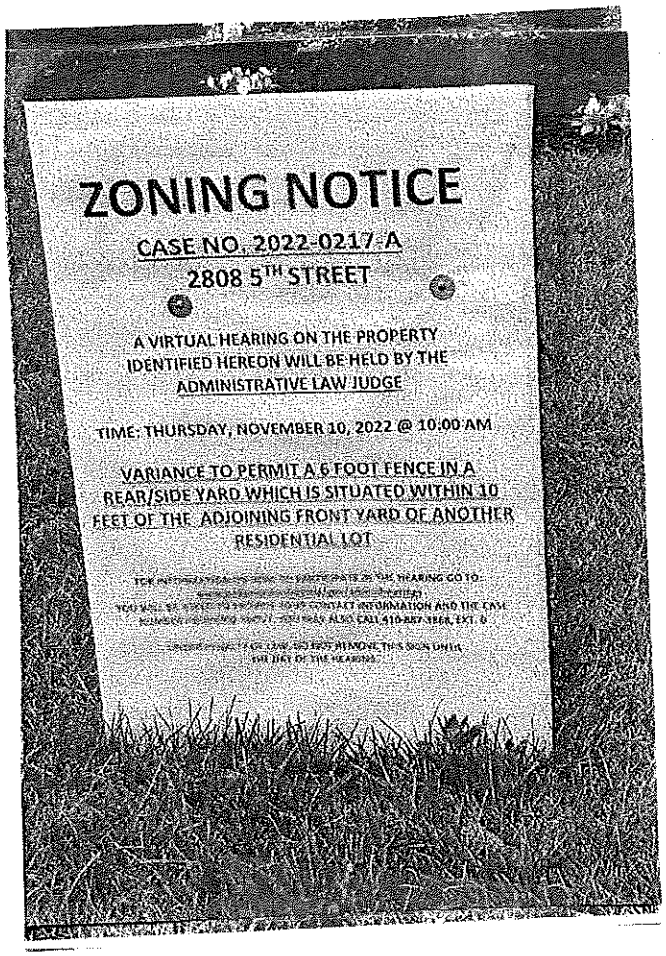
Petitioner/Developer: ALVIS

Date of Hearing/Closing: NOVEMBER 10, 2022

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 2808 5TH STREET

RECERTIFY 11/5/22

The sign(s) were posted on OCTOBER 20, 2022
(Month, Day, Year)



David Billingsley
David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

11/11

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

Order #: 12166372
Case #: 2022-0217-A
Description:

NOTICE OF ZONING HEARING - CASE NUMBER: 2022-0217-A

PUBLISHER'S AFFIDAVIT

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

10/21/2022

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a virtual hearing on the property identified herein as follows:

CASE NUMBER: 2022-0217-A
2808 5th Street
Southern corner of intersection of Hinton Avenue and 5th Street
15th Election District - 7th Councilmanic District
Legal Owners: Robert Alvis, Fiorna Cluio

Variance to permit a 6 foot fence in rear side yard which is situated within 10 feet of the adjoining front yard of another residential lot.

Hearing: Thursday, November 10, 2022 at 10:00 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

o21

JOHN A. OLSZEWSKI, JR.
County Executive

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

October 17, 2022

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: 2022-0217-A
2808 5th Street
Southern corner of intersection of Hinton Avenue and 5th Street
15th Election District – 7th Councilmanic District
Legal Owners: Robert Alvis, Fionna Chuo

Variance to permit a 6 foot fence in rear side yard which is situated within 10 feet of the adjoining front yard of another residential lot.

Hearing: Thursday, November 10, 2022 at 10:00 a.m.

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Pete Gutwald
Director

PW/kl

C: Robert Alvis, Fiona Chuo, 2808 5th Street, Sparrows Point 21219

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRI., OCT. 21, 2022.**

CERTIFICATE OF POSTING

RECEIVED OCT 20 2022

Date: OCTOBER 20, 2022

RE: Project Name: 2808 5TH STREET #1

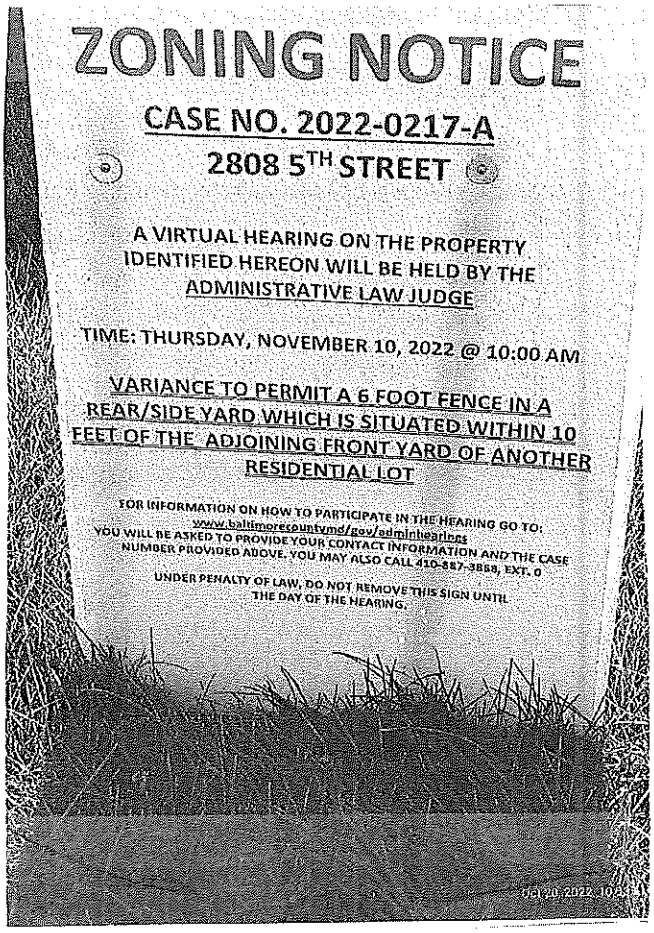
Case Number /PAI Number: 2022-0217-A

Petitioner/Developer: ALVIS

Date of Hearing/Closing: NOVEMBER 10, 2022

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 2808 5TH STREET

The sign(s) were posted on OCTOBER 20, 2022
(Month, Day, Year)



David B Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

RECEIVED OCT 20 2022

CERTIFICATE OF POSTING

Date: OCTOBER 20, 2022

RE: Project Name: 2808 5TH STREET #2

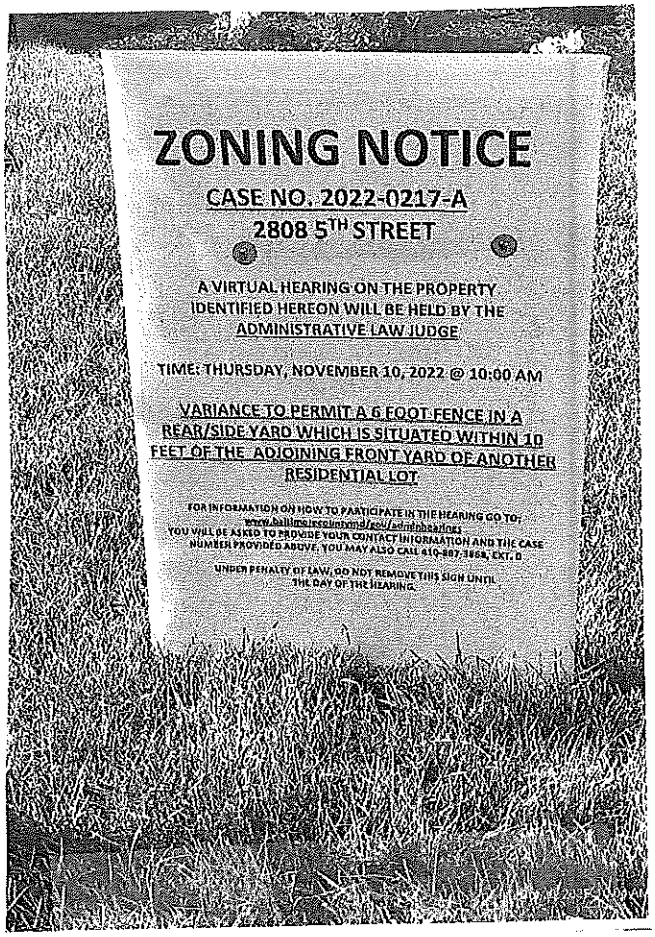
Case Number /PAI Number: 2022-0217-A

Petitioner/Developer: ALVIS

Date of Hearing/Closing: NOVEMBER 10, 2022

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 2808 5TH STREET

The sign(s) were posted on OCTOBER 20, 2022
(Month, Day, Year)



David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)

RECEIVED OCT 07 2022

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

JOHN A. OLSZEWSKI, JR.
County Executive

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

TO: C. Pete Gutwald
Director, Department of Permits, Approvals and Inspections

DATE: 10/5/2022

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: **ZONING ADVISORY COMMITTEE COMMENTS**
Case Number: 22-217-A

INFORMATION:
Property Address: 2808 5th Street
Petitioner: Robert Alvis
Zoning: DR 5.5
Requested Action: Variance

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

Variance

1. From BCZR 427.1 to permit a 6ft. fence in rear side yard which is situated within 10 ft. of the adjoining front yard of the property line.

The subject site is a corner lot located at 5th Street and Hinton Avenue. The lot area is approximately 7,500 sf (or 0.127 acre), and is currently occupied by a single family detached dwelling. This house was constructed based on variance relief granted through a previous zoning case, 2008-200-A. Variance relief included:

(1) To permit a side street setback of 10 feet in lieu of the required 25 feet for a new dwelling;
(2) To permit a lot width of 50 feet in lieu of the required 55 feet; and
(3) To permit an interior side yard setback of seven feet in lieu of the required 7.5 feet and a side street setback of seven feet in lieu of the required 18.75 feet for an open deck.

Eight conditions were imposed for variance relief, one of which (Condition 3) notes that "Petitioner shall provide landscaping along the public road (Hinton Avenue) as approved by the Office of Planning."

The petitioner was contacted on September 30, 2022 and clarified the request at this time is for fence height. The petitioner explained they recently relocated to the area and bought the house. A fence company was hired to install the fence in question and they were unaware of any conditions for construction of the house and unaware a permit was needed for the fence which is the reason for the code violation (case no. CC2211532).

The Department was advised that several affidavits from neighbors whom they talked to were included in the application, of which the Planning Department did not receive. These include the owners of four adjacent properties: 2809 5th Street, 9026 Hinton Ave, 9022 Hinton Ave, and 9015 Hinton Ave. The petitioner subsequently sent photos of fences with similar heights in the neighborhood that they took.

Zoning Review | County Office Building
111 West Chesapeake Avenue, Room 124 | Towson, Maryland 21204 | Phone 410-887-3391 | Fax 410-887-3048
www.baltimorecountymd.gov
Printed on recycled paper containing 30 percent post-consumer material

JOHN A. OLSZEWSKI, JR.
County Executive

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

The site visit was conducted on October 3rd, 2022 to verify the condition of the fence in question. The fence is installed in the front portion of the property with a height of 3.5 feet. There is no safety concern for drivers turning to Hinton Avenue from 5th Street or vice versa.

The Department of Planning realizes there is a previous condition about landscaping along Hinton Avenue that has not been completed. Requesting the petitioner to remove the fence in question could impact their financial situation significantly at this time.

The Department of Planning would like to defer to the Administrative Law Judge to make the final determination with one condition:

1. On the plan, Note 3 should be corrected since there is zoning case history (ZAC# 2008-200-A) and a code violation (case no. CC2211532).

For further information concerning the matters stated herein, please contact Te-Sheng Huang at 410-887-3480.

Prepared by:

Krystle Patchak

Division Chief:

Jenifer G. Nugent

SL/JGN/KP/

c: Te-Sheng Huang
Robert Alvis
Office of Administrative Hearings
People's Counsel for Baltimore County

S:\planning\dev rev\zac\zacs 2022\due 10-04\2022-0217-a emery due 10-04\shell\2022-217.docx

RECEIVED OCT 04 2022

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: October 3, 2022

EFC for VKD

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 03, 2022
Item No. 2022-0217-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

There is existing 8-inch sewer in a 10-foot Drainage & Utility easement along the property line adjacent to Hinton Road (See Sewer Dwg.1975-0549). Proposed fence shall be set at least 1-foot away from the existing 10-foot Drainage & Utility easement.

Additionally no proposed physical structures (deck and/or house) shall extend into or be adjacent to the Drainage & Utility easement as shown on the site plan; all structures should be located a minimum of 1-foot away from the easement.

* * * * *

VKD: cen
cc: file

RECEIVED SEP 27 2022

RE: PETITION FOR VARIANCE 2808 5th Street; Southern corner of intersection of Hinton Avenue & 5th Street 15th Election & 7th Councilmanic Districts Legal Owner(s): Robert Alvis & Fiona Chuo Petitioner(s)	* * * * * *	BEFORE THE OFFICE OF ADMINSTRATIVE HEARINGS FOR BALTIMORE COUNTY 2022-217-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio/rmw
CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Suite 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of September, 2022, a copy of the foregoing Entry of Appearance was mailed to Robert Alivis & Fiona Chuo, 2808 5th Street, Sparrows Point, Maryland 21219, AlvisRob@gmail.com , Petitioner(s).

Peter Max Zimmerman/rmw
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: THE DAILY RECORD
Friday, October 21, 2022 - Issue

Please forward billing to:
Robert Alvis
2808 5th Street
Sparrows Point, MD 21219

616-648-5672

NOTICE OF ZONING HEARING

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CASE NUMBER: 2022-0217-A
2808 5th Street
Southern corner of intersection of Hinton Avenue and 5th Street
15th Election District – 7th Councilmanic District
Legal Owners: Robert Alvis, Fionna Chuo

Variance to permit a 6 foot fence in rear side yard which is situated within 10 feet of the adjoining front yard of another residential lot.

Hearing: Thursday, November 10, 2022 at 10:00 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/ neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.*

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Case Number: 2022-0217-A

Property Address: 2808 5th Street

Legal Owners (Petitioners): Robert Alvis + Fong Chu

Contract Purchaser/Lessee:

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): Robert Alvis

Address:

Telephone Number: 616-648-5672

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a $250.00 rescheduling fee may be required after two failed advertisings and/or postings.

ZAC AGENDA

RECEIVED
SEP 23 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

Case Number: 2022-0217-A **Reviewer:** Shaun Crawford
Existing Use: RESIDENTIAL **Proposed Use:** RESIDENTIAL
Type: VARIANCE
Legal Owner: Robert Alvis and Fiona Chuo
Contract Purchaser: No Contract Purchaser was set.

Critical Area: Yes **Flood Plain:** Yes **Historic:** No **Election Dist:** 15 **Council Dist:** 7

Property Address: 2808 5TH ST
Location: Property located beginning at the Southern corner of intersection of Hinton Ave. and 5th St.

Existing Zoning: DR 5.5 **Area:** 7,500 SQ FT.
Proposed Zoning:
VARIANCE:
BCZR 427.1: To permit a 6 foot fence in rear and side yard which is situated within 10 feet of the adjoining front yard of another residential lot.
Attorney: Not Available
Prior Zoning Cases: 2008-0200-A
Concurrent Cases: None
Violation Cases: cc2211532
Closing Date:

Miscellaneous Notes:

PETITION FOR ZONING HEARING(S)

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 2808 5th St Sparrows Point MD Currently Zoned DR5.5

Deed Reference 44602 / 0345 10 Digit Tax Account # 1508801840

Owner(s) Printed Name(s) Robert Alvis + Fiona Chuo

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

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.____ **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. X **a Variance** from Section(s)

BCZR 427.1 to permit a 6 ft. fence in rear side yard which is situated within 10 ft. of the adjoining front yard of the property line

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)**

RECEIVED SEP 23 2022 OFFICE OF ADMINISTRATIVE HEARINGS

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.
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

Legal Owners (Petitioners):

Robert Alvis / Fiona Chuo

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

Signature #1 / Signature # 2

2808 5th St Sparrows Point MD

Mailing Address City State

21219 / 616 648 5672 / alvisrob@gmail.com

Zip Code Telephone #'s (Cell and Home) Email Address

Attorney for Petitioner:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Same as above

Name – Type or Print

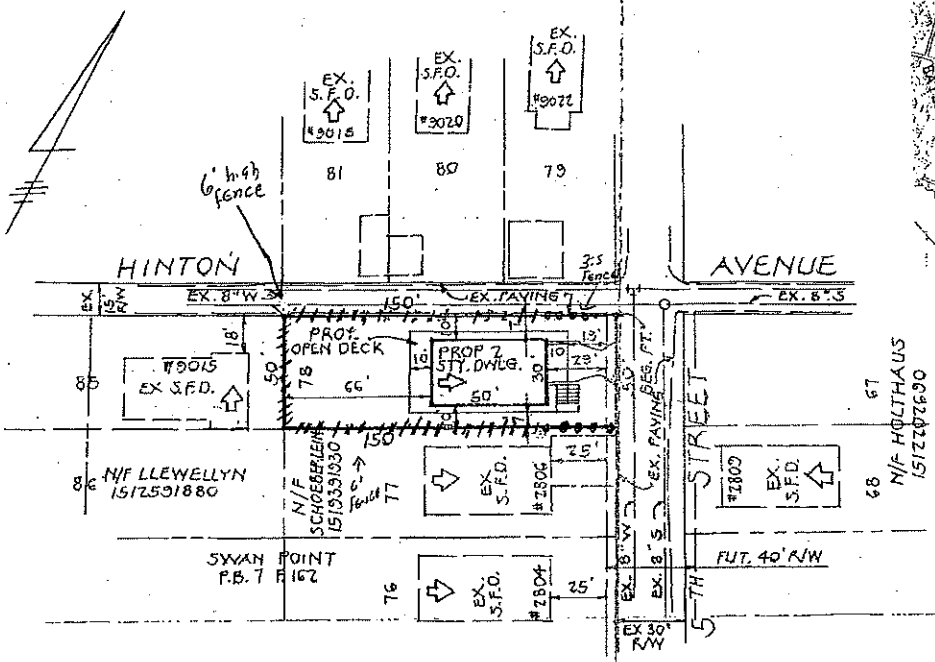
Signature

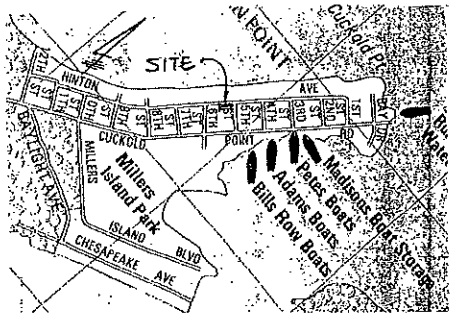
Mailing Address City State

Zip Code Telephone # Email Address

Case Number 2022-0217-A Filing Date 9/16/22 Do Not Schedule Dates ____ Reviewer SL

Revised 7/2022





VICINITY MAP
SCALE 1" = 1000'

NOTES

1. ZONING.....DR 5.5 (MAP NO. 112B2)
2. AREA.....7,500 S.F. = 0.172 ACRE
3. NO PREVIOUS ZONING HISTORY OR VIOLATIONS KNOWN
4. SITE IS LOCATED IN CBCA AND FLOOD ZONE A9.
5. PUBLIC WATER AND SEWER IS EXISTING
6. NO HISTORIC STRUCTURES, ARCHEOLOGICAL SITES OR UNDERGROUND STORAGE TANKS EXIST
7. Fence is setback 2.5 ft. off property line along Hinton Ave.

OWNER
MARK FABISZAK
5012 E. EAGER STREET
BALTO., MD. 21205
DEED REF.: L18919 L.715
PROP. NO. 1508801840

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

2022-0217-A

Scale 1" = 40'

JOHN A. OLSZEWSKI, JR.
County Executive

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

Note To File:

September 16, 2022

RE: Case No. 2022-0217-A
Fence Variance
2808 5th Street
Robert Alvis & Fiona Chuo (owners)

To the Administrative Law Judge:

This letter serves to clarify matters regarding ownership of 2808 5th Street. The petitioners recently purchased the home from CMW Properties LLC, and the Maryland Department of Assessments and Taxation has yet to update this change. I have attached a copy of deed confirming the sales to Robert Alvis and Fiona Chuo, on July 29, 2022.

Thank you for your time and consideration in this matter.

Shaun Crawford

Planner
Zoning Review

Dulaney Title & Escrow, LLC
File No. 22-PZ-046
Tax ID # 15-1508801840

This Deed, made this 29th day of July, 2022, by and between **CMW Properties, LLC**, a Maryland Limited Liability Company, GRANTOR, and **Robert Alvis** and **Fiona Chuo**, GRANTEES.

Witnesseth –

That in consideration of the sum of Six Hundred Twenty-Nine Thousand Three Hundred and 00/100 Dollars ($629,300.00), the receipt of which is hereby acknowledged, the said Grantor does hereby grant and convey to the said Grantees, as joint tenants unto the survivor of them, their heirs and assigns, in fee simple, all that lot of ground situate in the County of Baltimore, State of Maryland and described as follows, that is to say:

All that lot of ground situate in the County of Baltimore State of Maryland and described as follows, that is to say:

Being known and designated as Lot No. 78, on the Plat of Swan Point, which Plat is recorded among the Plat Records of Baltimore County in Plat Book No. 7, folio 162.

For Informational Purposes Only: The improvements thereon being known as 2808 5th Street, Sparrows Point, MD 21219. Tax ID/Parcel No. 15-1508801840

BEING the same property which, by Deed dated February 26, 2021, and recorded among the Land Records of the County of Baltimore, State of Maryland, in Liber No. 44602, folio 345, was granted and conveyed by PLP III, LLC unto CMW Properties, LLC.

Together with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

To Have and To Hold the said tract of ground and premises above described and mentioned, and hereby intended to be conveyed, together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Robert Alvis and Fiona Chuo, as joint tenants unto the survivor of them, their heirs and assigns, in fee simple.

And the Grantor hereby covenants that it has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that it will warrant Specially the property hereby granted; and that it will execute such further assurances of the same as may be requisite.

CERTIFIED TRUE COPY

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** - 1508801840

Owner Information

Owner Name:	CMW PROPERTIES LLC	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	9019 COCKOLD POINT RD SPARROWS POINT MD 21219-	**Deed Reference:**	/44602/ 00345

Location & Structure Information

Premises Address:	2808 5TH ST BALTIMORE 21219-	**Legal Description:**	2808 5TH ST SWS SWAN POINT

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0112	0015	0004	15140131.04	0000			78	2021	**Plat Ref:** 0007/ 0162

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
			7,500 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
			/				

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	140,500	140,500		
Improvements	0	0		
Total:	140,500	140,500	140,500	140,500
Preferential Land:	0	0		

Transfer Information

Seller: PLP III LLC	**Date:** 05/03/2021	**Price:** $140,000
Type: ARMS LENGTH VACANT	**Deed1:** /44602/ 00345	**Deed2:**
Seller: FABISZAK MARK	**Date:** 03/04/2009	**Price:** $150,000
Type: ARMS LENGTH VACANT	**Deed1:** /27734/ 00093	**Deed2:**
Seller: SCHILPP MARGARET M	**Date:** 10/07/2003	**Price:** $0
Type: NON-ARMS LENGTH OTHER	**Deed1:** /18919/ 00715	**Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	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:**

2022-0217-A
2023

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 - 1508801840

Owner Information

Owner Name:	ALVIS ROBERT CHUO FIONA	**Use:** **Principal Residence:**	RESIDENTIAL YES
Mailing Address:	2808 5TH STREET SPARROWS POINT MD 21219-	**Deed Reference:**	/47338/ 00032

Location & Structure Information

Premises Address:	2808 5TH ST SPARROWS POINT 21219-	**Legal Description:**	2808 5TH ST SWS SWAN POINT

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0112	0015	0004	15140131.04	0000			78	2021	Plat Ref: 0007/ 0162

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2022	2,544 SF		7,500 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	SIDING/	4	3 full/ 1 half	1 Attached	

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of 07/01/2022	As of 07/01/2023
Land:	140,500	140,500		
Improvements	323,700	373,300		
Total:	464,200	513,800	497,267	513,800
Preferential Land:	0	0		

Transfer Information

Seller: CMW PROPERTIES LLC **Type:** ARMS LENGTH IMPROVED	**Date:** 09/13/2022 **Deed1:** /47338/ 00032	**Price:** $629,300 **Deed2:**
Seller: PLP III LLC **Type:** ARMS LENGTH VACANT	**Date:** 05/03/2021 **Deed1:** /44602/ 00345	**Price:** $140,000 **Deed2:**
Seller: FABISZAK MARK **Type:** ARMS LENGTH VACANT	**Date:** 03/04/2009 **Deed1:** /27734/ 00093	**Price:** $150,000 **Deed2:**

Exemption Information

Partial Exempt Assessments:	**Class**	07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00|0.00	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:**