



JOHN A. OLSZEWSKI, JR.
County Executive

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

May 30, 2023

Matthew and Chelsea B. Riggin – matthew.j.riggin@gmail.com
2503 Deer Meadow Court
Reisterstown, MD 21136

RE: Petition for Variance
Case No. 2023-0075-A
Property: 2503 Deer Meadow Court

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in dark ink that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm
Enclosure

c: R. Steven Bowers – mrdecksmd@hotmail.com
Chelsea Riggin – cbriggin15@gmail.com
Matthew Riggin – matthew.j.riggin@morganstanley.com
Grace Jackson – grace.jackson@hog@gmail.com
Jay Delmont – jdelmont@frecomt.com
Bureau of Code Enforcement – paienforce@baltimorecountymd.gov

**IN RE: PETITION FOR VARIANCE
(2503 Deer Meadow Court)**

2nd Election District
2nd Council District
Matthew & Chelsea Riggin
Legal Owners

Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2023-0075-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for Baltimore County for consideration of a Petition for Variance filed by the legal owners of the subject property, Matthew and Chelsea Riggin (“Petitioners”) for the property known as 2503 Deer Meadow Court, Reisterstown (the “Property”). The Petitioners are requesting Variance relief pursuant to the Baltimore County Zoning Regulations (“BCZR”), §427.1 to approve a 4 ft. fence in the side and rear side yard which is situated within 10 ft., of the adjoining front yard of another residential lot.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. Petitioners appeared at the hearing *pro se*. Jason Delmont, 2505 Deer Meadow Court, appeared and testified. R. Steven Bowers, representative of Long Fence also testified. There were no other neighbors, Protestants or interested citizens who appeared at the hearing.

A Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”) and the Department of Environmental Protection and Sustainability (“DEPS”), which neither objected to the relief.

This Case was filed as a result of a Code Violation (Case No. CC2211786) for erecting a fence without a permit and in violation of BCZR, §427.1. The Petitioners constructed a 4 ft. fence in the side and rear yards of the Property which adjoins the front yard of 2505 Deer Meadow Court. The fence was constructed at height of 4 ft. for a pool which is planned for the rear yard. A site plan of the Property was provided (the "Site Plan") showing the areas where the fence is located within 10 ft. of the front yard of 2505 Deer Meadow Court.

The Property is irregularly shaped consisting of 1.155 acres +/- and is improved with a 2-story dwelling which fronts on Deer Meadow Court. The Property is zoned Resource Conservation – Rural, Residential (RC5). Along the western boundary line is a driveway which extends to 2505 Deer Meadow Court. Due to the Code Violation, the Petitioners and Mr. Delmont met and agreed to a resolution. As shown on the Site Plan which will be attached and incorporated into the Order, the Parties agreed that the Petitioners will remove fence panels highlighted in orange on the Site Plan and erect a new fence as highlighted in blue. The fence highlighted in pink will remain and is in need of Variance relief. The Petitioners emphasized that they will suffer a hardship and practical difficulty if the 6, 12 ft. trees in the rear yard have to be removed, if the fence in the rear of the Property must be relocated.

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 due to its irregular shape. I find that the Petitioners would suffer a practical difficulty and unreasonable hardship if the proposed 4 ft. high rear yard fence as shown

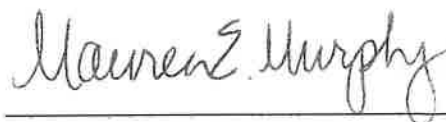
in pink on the Site Plan cannot remain for the pool which is planned for the rear yard. I also find that the requested Variance relief can be granted in strict harmony with the spirit and intent of the BCZR and without injury to the health, safety or general welfare, particularly in light of the agreement with Mr. Delmont.

THEREFORE, IT IS ORDERED, this 30th day of **May, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance pursuant to BCZR §427.1 to approve a 4 ft. fence in the side and rear side yard which is situated within 10 ft., of the adjoining front yard of another residential lot be, and it is hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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.
2. The Site Plan (Pet. Ex. 2) is attached hereto and incorporated herein in its entirety. Within 30 days, or at a later date as mutually agreed to between the Petitioners and Mr. Delmont, the Petitioners shall remove the fence highlighted in orange and erect a new fence as shown by a blue line. The fence highlighted in pink shall remain.

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



MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm



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 2503 DEER MEADOW COURT Currently Zoned RC5
Deed Reference 46150, 00164 10 Digit Tax Account # 24-00-007043
Owner(s) Printed Name(s) MATTHEW J & CHELSEA B RIGGIN

(SELECT THE HEARING(S) BY MARKING ☒ 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. ☒ a Variance from Section(s) 42A BCZR 42A
RESIDENTIAL FENCE IN SIDE OR REAR YARD WHICH ADDITIONS RESIDENTIAL FRONT YARD MAY NOT EXCEED 42 INCHES IF SITUATED WITHIN 10 FEET OF ADJOINING PROPERTY LINE, WITH THE EXCEPTION OF 48 INCH POOL FENCE.
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)

SEE ATTACHED

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 _____

Attorney for Petitioner:

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

Legal Owners (Petitioners):

MATTHEW J RIGGIN, CHELSEA B RIGGIN
Name #1 - Type or Print _____ Name #2 - Type or Print _____
Signature #1 _____ Signature #2 _____
2503 DEER MEADOW COURT BALT MD
Mailing Address _____ City _____ State _____
21136, 410-279-6222, MATTHEW.J.RIGGIN@GMAIL.COM
Zip Code _____ Telephone #'s (Cell and Home) _____ Email Address _____

Representative to be contacted:

R. STEVEN BOWERS
Name - Type or Print _____
Signature _____
7 HAYMARKET CRT BALT MD
Mailing Address _____ City _____ State _____
21236, 410-227-9843, MRBOWERSMD@HOTMAIL.COM
Zip Code _____ Telephone # _____ Email Address _____

Case Number 2023-0075-A Filing Date 4/5/23 Do Not Schedule Dates _____ Reviewer SC

Attachment for 2503 Deer Meadow Court

Our rear neighbors and our neighborhood Homeowner's Association approved the current 4-foot-high aluminum fence along the rear property line. We relied on such approval when installing landscaping along the rear property line also. The landscaping included multiple 12 foot trees, so it was not an insignificant expense. If the fence was moved in 10 feet, the landscaping would then need to be re-designed by our landscape architect and then moved by a landscape company which would be a huge expense.

Further, if the fence is moved in 10 feet, there will be no room for the planned swimming pool to fit in our yard due to the limited usable space dictated by the septic field and the reserve septic field. Our landscaping plans were drawn around the pool. Our timeline for the installation of the pool is in the next few years and we will be installing hardscaping at the same time. We need to have the fence issues finalized before we can proceed with the pool/hardscaping plans.

As explained above, if the fence needs to be moved in 10 feet from the rear line in order to maintain the 4-foot height requirement for a pool, then we would be unable to install a pool on our property and our entire landscape plan would need to be reworked.

An agreement has already been reached with the neighbors at 2505 Deer Meadow Court to remove the existing fence on the right side of the house totally to improve their view from their front porch. We are doing this voluntarily because we would have the option to simply lower the height of the existing fence to 42 inches or move the fence in 10 feet, which would still be an eyesore for our neighbors.

If the fence variance is not approved, then we would need to move the existing fence in 10 feet or replace the existing fence in the current location with a 42-inch-high fence. Either option will be expensive.

It seems wasteful and senseless to replace a fence with the same style fence only 6 inches shorter.

We want to be good neighbors and also be able to enjoy our home and property,

Thank you for your attention to this matter.

Matthew and Chelsea Riffin

ZONING PROPERTY DESCRIPTION FOR: 2503 DEER MEADOW COURT

BEGINNING AT A POINT ON THE EAST SIDE OF DEER MEADOW COURT WHICH IS 15 FEET WIDE AT A DISTANCE OF 290 FEET WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING ROAD, DOVER ROAD, WHICH IS 15 FEET WIDE.

BEING KNOWN AND DESIGNATED AS LOT # 02 AS SHOWN ON A PLAT ENTITLED "NANCY LEE FARMS II", WHICH PLAT IS RECORDED AMONG THE LANDS RECORDS OF BALTIMORE COUNTY MARYLAND IN PLAT BOOK 0077, FOLIO #: 0030, CONTAINING 1.155 ACRES. LOCATED IN THE 4th ELECTION DISTRICT AND THE 2nd COUNCIL DISTRICT.

BEING THAT PROPERTY WHICH, BY DEED DATED SEPTEMBER 16, 2020, AND RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN LIBER 43574 AT FOLIO 55, WAS GRANTED AND CONVEYED BY NLF DOVER BUSINESS TRUST, A MARYLAND BUSINESS TRUST, UNTO CBI HOMES LLC, A MARYLAND LIMITED LIABILITY COMPANY.

**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: 2023-0075-A
Property Address: 2503 DEER MEADOW COURT
Legal Owners (Petitioners): MATTHEW AND CHELSEA RIGGIN
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): STEVE BOWERS
Address: 7 HAYMARKET CRT
BALT MD 21236

Telephone Number: 410-227-9843

*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.

Revised 3/2022

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2023
Item No. 2023-0075-A

DATE: April 26, 2023

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

DPW&T Response

The proposed fence along the property lines of 2501 Deer Meadow Court and 12830 Dover Road must be moved a minimum of 5 feet from the property lines and outside of the existing 5' Drainage and Utility easements shown on Record Plat 77/30. The plan submitted must be revised to show all easements shown on the record plat.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2023
Item No. 2023-0080-A

DATE: April 26, 2023

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

DPW&T Response:

The entire property is within the Tidal Special Flood Hazard Area Zone AE (BFE=8.5) per panel FIRM 2400100445F dated 9/26/08. Must comply with Flood Plain Ordinance, See County Bill 40-15 (the latest edition of the Baltimore county Code) and Bill 42-15, and Section 32-4-414 of Article 32, Title 4 of the Baltimore County Code, 2003, as amended. Existing Dwelling is located to the seaward side of the LiMWA as shown on FIRM 2400100445G dated 5/5/14 as amended by LOMR 19-03-1117P effective 7/29/2019 and LOMR 19-03-1183P effective 12/31/19.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EFL for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2023
Item No. 2023-0081-XA

DATE: April 26, 2023

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

If Special Exception and Zoning Relief is granted, a Landscape plan is required, per the requirements of the Landscape Manual. A Lighting Plan is also required.

DPW&T Response:

DPW&T recommends that the special hearing or waiver be denied, since development in a riverine flood plain is prohibited, per the codes stated in the application. The existing house is in the riverine flood plain, per Flood Insurance rate Map 2400100245F dated 8/2/11.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 26, 2023

FROM: Vishnu Desai, Supervisor
EFC for VKD
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 24, 2023
Item No. 2023-0079-A, 0082-A & 0083-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals
EPC for VKD
FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review
SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2023
Item No. 2023-0070-SPH

DATE: April 25, 2023

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

DPW&T Response:

The proposed 30' x 60' utility shed is located in a tidal Zone AE special hazard area per FEMA FIRM 2400100465F dated 9/26/08. The proposed utility shed is 1800 square feet. Baltimore County Building Code dated 2015 Part 124.3 (3) prohibits accessory structures greater than 900 square feet. The Administrative Variance must be denied unless the structure size is reduced.

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM: Vishnu Desai, Supervisor
EPL for VKD
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2023
Item No. 2023-0076-A

DATE: April 25, 2023

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

Prior to building permit application, the petitioner shall contact the Office of DPW&T, to determine the Flood Protection Elevation so that the floor elevation can be set

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: April 25, 2023

FROM: Vishnu Desai, Supervisor
EFC for VKD
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2023
Item No. 2023-0071-A, 0073-A, 0074-A, 0077-A & 0078-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have no comments.

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VKD: cen
cc: file

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 04 Account Number - 2400007043

Owner Information

Owner Name: RIGGIN MATTHEW J Use: RESIDENTIAL
RIGGIN CHELSEA B Principal Residence: YES
Mailing Address: 2503 DEER MEADOW CT Deed Reference: /46150/ 00164
REISTERSTOWN MD 21136-5693

Location & Structure Information

Premises Address: 2503 DEER MEADOW CT Legal Description: 1.155 AC
REISTERSTOWN MD 21136-5693 2503 DEER MEADOW CT SS
NANCY LEE FARMS II

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0050 0001 0005 4050043.04 0000 2 2022 Plat Ref: 0077/ 0030

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
2021	3,920 SF	925 SF	1.1600 AC	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT SIDING/5	4 full/ 2 half	2 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2022	07/01/2022	07/01/2023
Land:	243,800	243,800		
Improvements	515,100	610,000		
Total:	758,900	853,800	790,533	822,167
Preferential Land:	0	0		

Transfer Information

Seller: CBI HOMES LLC	Date: 01/06/2022	Price: \$1,175,000
Type: ARMS LENGTH IMPROVED	Deed1: /46150/ 00164	Deed2:
Seller: CBI HOMES LLC	Date: 01/06/2022	Price: \$270,000
Type: ARMS LENGTH IMPROVED	Deed1: /46150/ 00155	Deed2:
Seller: NLF DOVER BUSINESS TRUST	Date: 11/02/2020	Price: \$270,000
Type: ARMS LENGTH VACANT	Deed1: /43574/ 00055	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:

2023-0075-A

2503 DEER MEADOW COURT



DRIVEWAY FOR 2505 AND
2507 ON THE RIGHT



RIGHT SIDE AND REAR LINE FENCE
IN FRONT OF 2505

2503 DEER MEADOW COURT

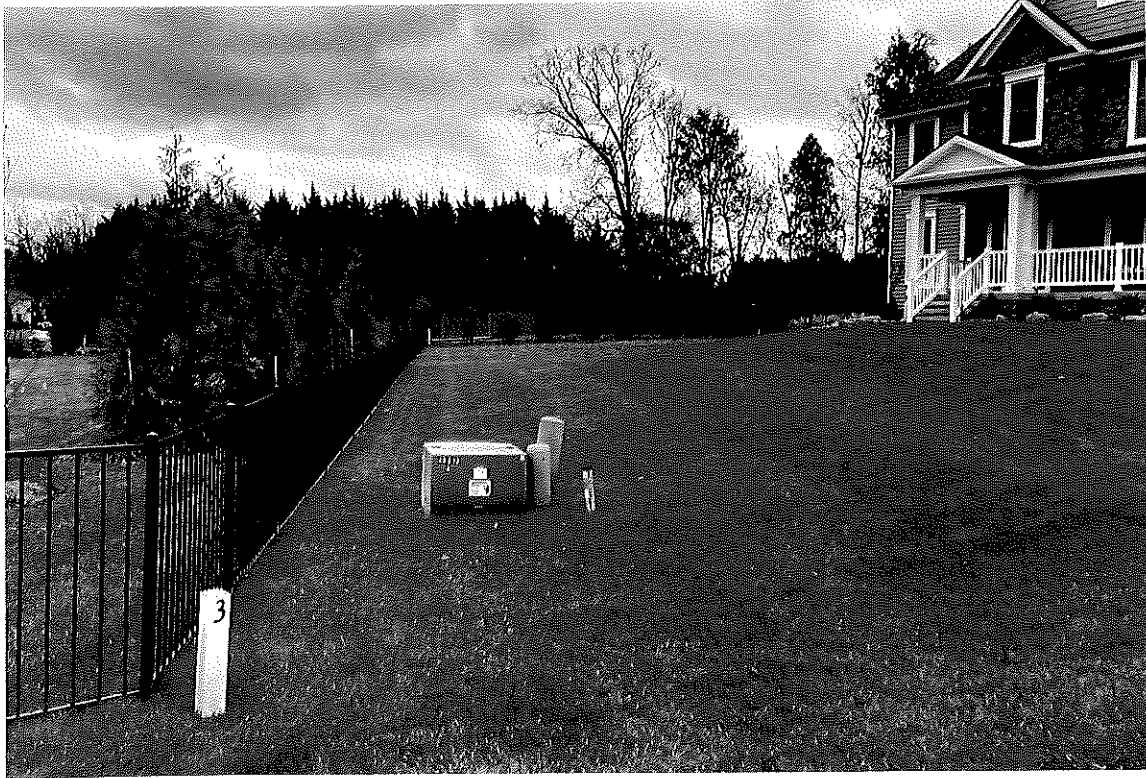


RIGHT SIDE W/ 2505 IN THE REAR



RIGHT SIDE W/ 2505 IN THE REAR
WITH DRIVEWAY FOR 2505

2503 DEER MEADOW COURT



REAR FENCE LINE AND LANDSCAPING
INSIDE THE FENCE



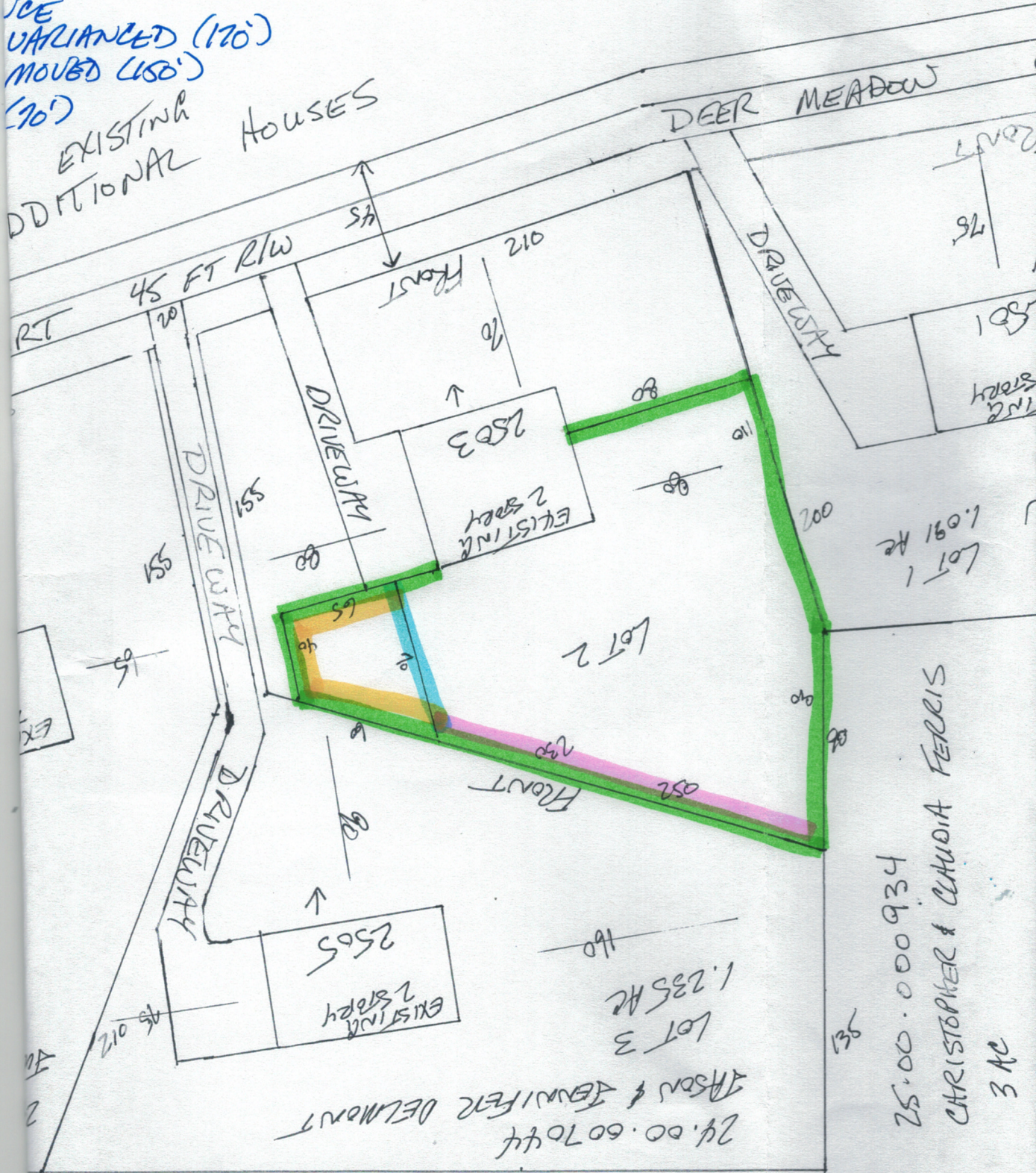
SIDE AND REAR FENCE LINE AND
LANDSCAPING INSIDE THE FENCE

04-3002

X for Special Hearing _____ Mark Type Requested with (X)
TOW COURT Owners(s) Name(s) MATTHEW & CHELSEA RICE
DEER FARMS II Lot # 2 Block # _____ Section # _____
10 Digit Tax # 2400007043 Deed Reference# 4615010

ICE
VARIANCED (170')
MOVED (150')
(70')

EXISTING
ADDITIONAL HOUSES



24.00.607044
JASON & JENNIFER DELMONTE

25.00.000934
CHRISTOPHER & CAUDIA FERRIS
3 AC

E BOWERS

Date 3/30/2023 Scale: 1 inch = 60

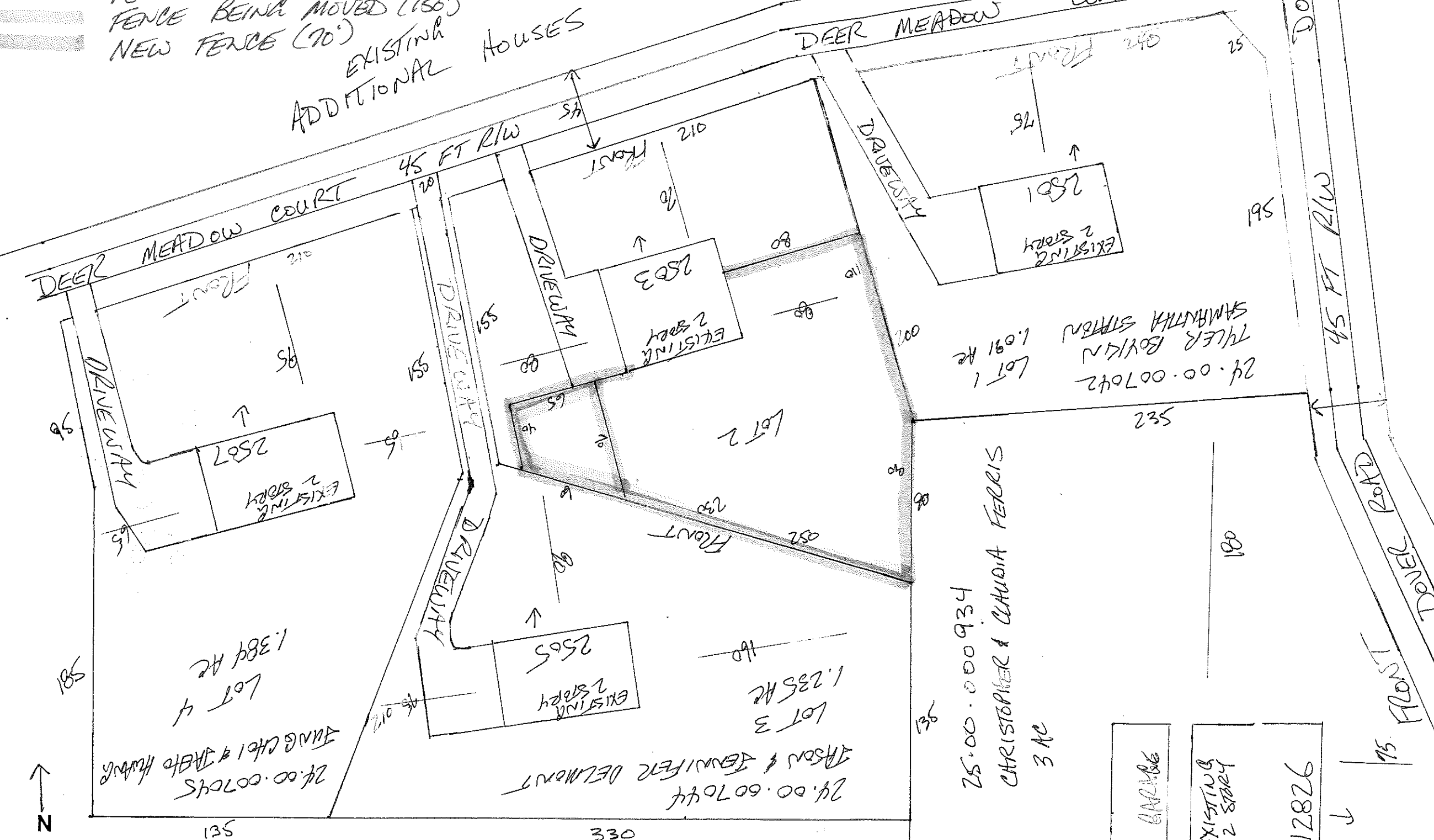
Zoning Hearing Plan for Variance X for Special Hearing _____ Mark Type Requested with (X)

Address 2503 DEER MEADOW COURT Owners(s) Name(s) MATTHEW & CHELSEA RIGGIN

Subdivision Name NANCY LEE FARMS II Lot # 2 Block # _____ Section # _____

Plat Book # 0077 Folio # 0030 10 Digit Tax # 2400007043 Deed Reference# 46150100164

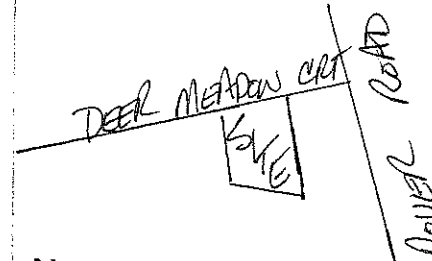
EXISTING FENCE
FENCE BEING VARIANCED (170')
FENCE BEING MOVED (150')
NEW FENCE (70')



Plan Drawn By STEVE BOWERS

Date 3/30/2023 Scale: 1 inch = 60 Feet

Site Vicinity Map



MAP IS NOT TO SCALE

Zoning Map # 0050

Zoning RES

Election District 4

Council District 2

Lot Area Acreage 1.155

Lot Square Footage 50312

Historic (Yes or No) NO

CBCA (Yes or No) NO

Flood Plain (Yes or No) NO

Utilities - Mark with (X)

Water is:

Public _____ Private X

Sewer is:

Public _____ Private X

Prior Hearing (Yes or No) NO

If (Yes) list Case Number(s)

and order result(s) below:
