



JOHN A. OLSZEWSKI, JR.
County Executive

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

August 18, 2023

John Mavri – protosfarseer@gmail.com
2725 North Point Boulevard
Dundalk, MD 21222

RE: Petition for Variance & Building Code Waiver
Case No. 2023-0116-ABCW
Property: 2725 North Point Boulevard

Dear Mr. Marvi:

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 black ink that reads "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dln
Enclosure

c: Davin Van Eyken - davin.vaneyken@diversifiedlaw.com
Anna P. Fotiou- anna_fotiou@yahoo.com
Chris Marvis - chrismavris@icloud.com

**IN RE: PETITION FOR VARIANCE
& FENCE WAIVER
(2725 North Point Boulevard)
12th Election District
7th Council District
Estate of Paraskevi Mavris**

Petitioner

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BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2023-0116-ABCW

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance and Building Code Waiver filed by the legal owner, the Estate of Paraskevi Mavris, and John Mavris as contract purchaser (“Petitioners”) for the property located at 2725 North Point Road, Dundalk (the “Property”). Petitioners are requesting a Variance from Baltimore County Zoning Regulations (“BCZR”), §427.1.B, to permit an 8 ft high fence to be placed on the property line that adjoins the front yard of a neighbor in lieu of the maximum permitted height of 42 inches (3.5 ft.). Petitioners also seek a Building Code Waiver pursuant to Baltimore County Building Code (“BCBC”) §122.1 and §121.4, to permit a rear yard fence with a height of 8 ft. on the property line in lieu of the maximum permitted 6 ft height on the property line.

Zoning Advisory Committee (“ZAC”) comments were received from Department of Environmental Protection and Sustainability (“DEPS”) and Development of Planning (“DOP”) which agencies did not oppose the requested relief.

A public WebEx hearing was conducted virtually in lieu of an in-person hearing. The Petition was properly advertised and posted. John N. Mavri appeared for the Petitioners along with his sister, Anna Fotiou. Davin Van Eyken, Esquire represented the Petitioners. A boundary survey was prepared and sealed by JNM Engineering, LLC and served as the site plan here (the

“Site Plan”). (Pet. Ex. 1). There were no Protestants or interested citizens present at the hearing.

The Property consists of two (2) parcels both identified as Lot 1 on the Plat of Gray Manor as follows: (1) a 9,180 sf is corner lot which is improved with a 1,188 sf, 1-story single family dwelling built in 1947, addressed as 2725 North Point Rd. and which fronts on North Point Rd. (“2725 North Point Rd.”); and (2) a 4,000 sf unimproved parcel located immediately to the rear of 2725 North Point Rd. (the “unimproved parcel”). 2725 North Point Rd. is zoned Business, Local with a Commercial, Community Core overlay (BL-CCC). The unimproved parcel is split-zoned BL-CCC and Density Residential (DR 5.5).

Mr. Mavri explained that through the distribution of the Estate of his mother, Paraskevi Mavri, he is the legal owner of both parcels and that deeds have been/will be recorded in Land Records of Baltimore County reflecting his ownership interest. SDAT records still reflect that his grandmother, Anna Mavris, is the legal owner of the unimproved parcel but he indicated that this information is outdated. Mr. Mavri stated that he has lived at 2725 North Point Rd. for 5 years and previous to that, he resided in the adjoining home at 2727 North Point Rd. for 35 years.

Due to a contentious history of encounters and incidents with the owners of 4 Oakwood Rd., Mr. Mavri desires to construct an 8 ft. tall fence along the southern property line of the unimproved parcel. Attorneys for both property owners have written letters regarding alleged property rights. (Pet. Exs. 5, 6). This fence would effectively separate the Property from 4 Oakwood Rd., thereby reducing the incidents. The home at 4 Oakwood Rd. faces Oakwood Rd. and therefore the proposed 8 ft. fence would be constructed along the front and side yards of that property. Mr. Mavri stated that the Site Plan shows that the concrete porch of 4 Oakwood Rd. has been constructed over the boundary line of his Property. (Pet. Ex. 4). Historical aerial photographs were submitted showing the construction of the concrete porch. (Pet. Ex. 6). Code Enforcement

actions have been filed by the respective owners. (Pet. Ex. 8, 9).

DECISION

Under BCZR, §307.1, and Maryland common law, in order to be entitled to variance relief the Petitioner must satisfy a two-step legal analysis, 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 is what necessitates the requested variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

As shown on the Site Plan, I find that 2725 North Point Rd. and the unimproved parcel are unique in both their size and shape, different from the shape and size of the adjoining properties. Additionally, the orientation of the home at 4 Oakwood Rd. facing Oakwood Rd. is an additional unique feature for the Property in that it is a practical restriction limiting the height of the fence on the Property along the front and side yard. *Cromwell* at 710. These physical characteristics cause a practical difficulty and unreasonable hardship in constructing an 8 ft. tall fence which is needed between these properties due to the history of incidents between the owners. There was no evidence provided that an 8 ft. tall fence would prohibit drivers at 4 Oakwood Rd. from exiting their property. 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 lack of opposition from anyone at the hearing.

To be clear, this Opinion and Order is not deciding the extent of the boundary lines or whether the concrete porch is over the boundary line or not; OAH does not have jurisdiction to decide boundary line disputes.

With regard to the request for a Building Code waiver under §122.1 and §121.4, a waiver of BCBC can be requested under Part 122.4 from the "Building Official or Designee." The BCBC,

Part 105 defines "Building Official" as the "Building Engineer or his designee":

Part 105 building official. The term "Building Official" shall mean the Building Engineer of Baltimore County or his designee. The Building Engineer's duties are described in section 3-2-1104 of the Baltimore County Code, 2003, as amended. The Building Engineer shall have those powers as the Building Official deems necessary in the interest of public health, safety and the general welfare to interpret and implement the provisions of this code so as to secure compliance, including any additional requirements because of local climatic or other conditions. Such interpretations and requirements shall not waive working stresses, fire resistant requirements set forth in this code, or accepted standards of engineering practice involving public safety.

The BCC provides for a Building Engineer as follows:

§ 3-2-1104. - BUILDING ENGINEER.

(a) *Established.* There is a Building Engineer in the Department of Permits, Approvals and Inspections who shall be under the direction and supervision of the Director.

(b) *Qualifications.*

* * * *

(c) The Building Engineer shall:

(1) Supervise the erection, construction, repair, alteration, remodeling, removal, and demolition of all buildings and structures, or parts of buildings and structures in the county;

(2) Deliver to the Supervisor of Assessments of the County or another assessing official designated by the county a copy of each application for a building permit;

(3) Cooperate fully with the zoning authorities of the county; and

(4) Supervise, execute, and enforce compliance with all rules and regulations of the county adopted under the authority of Article 35, Title 2, Subtitle 2 of the Code.

(d) *Inspectors.*

* * * *

(e) *Statutory construction.* When used in the Code, laws, rules, regulations, or policies either adopted by the County Council or in the Code of Baltimore County Regulations, the term "building engineer" means the building engineer or a designee as determined by the Director.

Conversely, the OAH is an independent agency under BCC, §3-2-1203 and only has the authority to hear cases delegated to OAH under Subtitle 12 and in Article 32 of the Code. Accordingly, OAH does not have jurisdiction to decide a waiver of the BCBC and that request will be denied for lack of jurisdiction.

THEREFORE, IT IS ORDERED, this 18th day of **August, 2023**, by the Administrative Law Judge for Baltimore County, that the Petitioners' request for a Variance from Baltimore County Zoning Regulations ("BCZR"), §427.1.B, to permit an 8 ft. high fence placed on the property line that adjoins the front yard of a neighbor in lieu of the maximum permitted height of 42 inches (3.5 ft.) be, and it is hereby, **GRANTED**; and it is,

FURTHER ORDERED, that the Petitioners' request for a Building Code Waiver pursuant to Baltimore County Building Code ("BCBC") §122.1 and §121.4, to permit a rear yard fence with a height of 8 ft. on the property line in lieu of the maximum permitted 6 ft. height on the property line, be, and it is hereby, **DISMISSED FOR LACK OF JURISDICTION**.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/22/2023

FROM: Steve Lafferty
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 2023-0116-ABCW

INFORMATION:

Property Address: 2725 North Point Road
Petitioner: Estate of Paraskevi Mavris, c/o John N. Mavri
Zoning: BL CCC
Requested Action: Variance

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

Variance and Building Code Waiver -

1. From Section 427.1.B of the Baltimore County Zoning Regulations (BCZR) to permit an 8 foot tall fence placed on the property line that adjoins the front yard of a neighboring property in lieu of the maximum height of 42 inches (3.5 feet); and
2. From Section 133.1 and 121.4 of the BCZR to permit a rear yard fence of 8 feet in height on the property line in lieu of the maximum permitted 6 feet in height on the property line.

The subject site is two parcels – one of approximately 9,180 square feet and one of approximately 4,000 square feet – in the Dundalk area. It is currently improved with a single family detached dwelling and a chain link fence. The dwelling fronts North Point Road. 4 Oakwood Road is located south of the property and is improved with a single family detached dwelling, concrete porch and deck, and a one-story building. The dwelling at 4 Oakwood Road fronts Oakwood Road. Because of the orientation of both dwellings, the dwellings are a front to side orientation, and the rear yard of 2725 North Point Road is adjacent to the side and front yards of 4 Oakwood Road.

The subject site is within the boundaries of the Greater Dundalk-Edgemere Community Conservation Plan, the Eastern Baltimore County Revitalization Strategy, and the Eastern Baltimore County Pedestrian and Bicycle Access Plan. The Greater Dundalk-Edgemere Community Conservation Plan outlines strengths, weaknesses, and recommendations for properties within the plan area boundary. Some of the recommendations include encouraging home ownership and strengthening Code Enforcement (page 36-37).

Included in the petition package was a sealed site plan for 2725 North Point Road and 4 Oakwood Road, performed by JNM Engineering, LLC on April 6th, 2022. The site plan shows the concrete porch and wood deck at 4 Oakwood Road are over the property line and encroaching on 2725 North Point Road.

In reviewing past Code Enforcement complaints for 2725 North Point Road and 4 Oakwood Road, the Department of Planning found the following Code Complaint against the subject property:

☐	Date	Case Number	Case Type	Description	Address	Status	Action	Short Notes
☐	03/21/2023	CC2302364	Constituent Complaint	Description: Neighbor residing at 2725 North Point Road has constructed a 6 foot privacy fence that violates the County set-back code. Neighbor has also destroyed part of my deck and property during the construction of the fence. Neighbor has been using both a chainsaw and a blow torch to destroy parts of my existing deck. Please investigate this issue. OneView Id: 162141 Device Type: HTML5 Device Model: BaltimoreCountyMd	2725 NORTH POINT RD, DUNDALK MD 21222	Monitor		162141

Per Baltimore County's Accela Citizen Access, the case is on a Monitor status with Code Enforcement.

In reviewing permits for the subject site, the Department of Planning found Permit R23-02737 for the removal of an existing fence and the constriction of 47 linear feet of a 6 foot tall vinyl fence along the rear property boundary. The permit appears to have all required County approvals, but had not been issued as of the date of these comments.

Per the petition, the property owner wishes to construct an 8 foot tall fence along the rear property line of 2725 North Point Road. The proposed fence will be adjacent to the side and front yards of the property at 4 Oakwood Road. The Department of Planning has no objections to the requested Variance and Building Code Waiver. While the Department of Planning understands that a portion of the proposed fence will be in the front yard of 4 Oakwood Road, this is due to the front to side orientation.

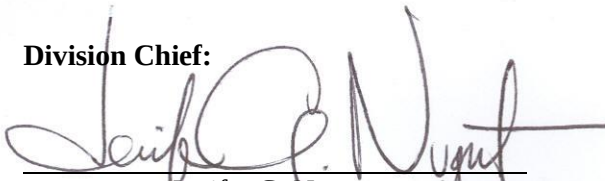
For further information concerning the matters stated herein, please contact Taylor Bensley at 410-887-3482.

Prepared by:



Krystle Patchak

Division Chief:



Jenifer G. Nugent

SL/JGN/KP

c: John Mavri
Michael Thomas, Community Planner
David Birkenthal, Community Planner
Ngone Seye Diop, Community Planning Division Chief
Jeff Perlow, Zoning Review

Kristen Lewis, Zoning Review
Office of 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: June 8, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0116-A
Address: 2725 NORTH POINT RD
Legal Owner: Estate of Paraskevi Mavris

Zoning Advisory Committee Meeting of June 12, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

ZONING NOTICE

CASE # 2023-0116-ABCW

A PUBLIC HEARING WILL BE HELD BY
ADMINISTRATIVE LAW JUDGE
IN TOWSON, MD

PLACE: FOR INFO. ON HOW TO PARTICIPATE IN THE HEARINGS GO
TO WWW.BALTIMORECOUNTY.MD/EOV/ADMINHEARINGS NO LATER THAN
48 HRS PRIOR TO HEARING. YOU MAY ALSO CALL 410-386-5310.

DATE AND TIME: WEDNESDAY AUGUST 2, 2023 11AM

REQUEST: VARIANCE AND BUILDING CODE WAIVER FROM SECTIONS
427.1.B, ECZR TO PERMIT AN 8-FT. HIGH FENCE PLACED ON THE
PROPERTY LINE THAT ADJOINS THE FRONT YARD OF A NEIGHBOR IN LIEU
OF THE MAXIMUM PERMITTED HEIGHT OF 42 INCHES (3.5 FT) AND SECTION
122.1 AND 121.4 OF THE BALTIMORE COUNTY BUILDING CODE TO PERMIT A
REAR YARD FENCE WITH A HEIGHT OF 8 FT. ON THE PROPERTY LINE
IN LIEU OF THE MAXIMUM PERMITTED 6 FT. HEIGHT
ON THE PROPERTY LINE

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING, CALL 410-387-3391.
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE

CERTIFICATE OF POSTING

Date: 7-12-23

RE: Case Number: 2023-D116-ABCW

Petitioner/Developer: Mavis

Date of Hearing/Closing: 8-2-23 11 AM

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 2725 North Point Rd

The sign(s) were posted on 7-12-23
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#)

[View GroundRent Redemption](#)

[View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 12 Account Number - 1203001075

Owner Information

Owner Name: MAVRI JOHN NICHOLAS Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2727 OLD NORTH POINT RD Deed Reference: /39133/ 00176
BALTIMORE MD 21222-1608

Location & Structure Information

Premises Address: 2725 OLD NORTH POINT RD Legal Description: PT LT 1,2,3
BALTIMORE 21222-1608 GRAY MANOR

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0103 0006 0438 12020030.04 0000 J 0 1 2021 Plat Ref: 0008/ 0060

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
1947 1,188 SF 9,180 SF 04

StoriesBasementType Exterior QualityFull/Half BathGarageLast Notice of Major Improvements
1 YES STANDARD UNITSTUCCO/3 1 full

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of 07/01/2022 As of 07/01/2023	
Land:	50,200	50,200		
Improvements	94,600	108,800		
Total:	144,800	159,000	154,267	159,000
Preferential Land:	0	0		

Transfer Information

Seller: MAVRIS ANNA	Date: 06/24/2017	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /39133/ 00176	Deed2:
Seller: BODDICE DELIGHT	Date: 08/01/1983	Price: \$60,000
Type: ARMS LENGTH IMPROVED	Deed1: /06565/ 00149	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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: Approved 06/11/2012

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2025-0116-ABCW

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

[View Map](#) [View GroundRent Redemption](#) [View GroundRent Registration](#)

Special Tax Recapture: None

Account Identifier: District - 12 Account Number - 2500002405

Owner Information

Owner Name: MAVRIS ANNA Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 2727 OLD NORTH POINT RD Deed Reference: /25473/ 00579
BALTIMORE MD 21222-1608

Location & Structure Information

Premises Address: OAKWOOD RD Legal Description: .092AC PTLTS1-3
0-0000 SES OAKWOOD RD
GRAY MANOR

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0103 0006 0438 12020030.04 0000 J 1 2021 Plat Ref: 0008/ 0060

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use
4,000 SF 04

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

Value Information

	Base Value	Value	Phase-In Assessments	
		As of	As of	As of
		01/01/2021	07/01/2022	07/01/2023
Land:	4,000	4,000		
Improvements	0	0		
Total:	4,000	4,000	4,000	4,000
Preferential Land:	0	0		

Transfer Information

Seller: MAVRIS ANNA	Date: 04/10/2007	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /25473/ 00579	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	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:

2023-0116-ABCW



2023-0116-ABCW



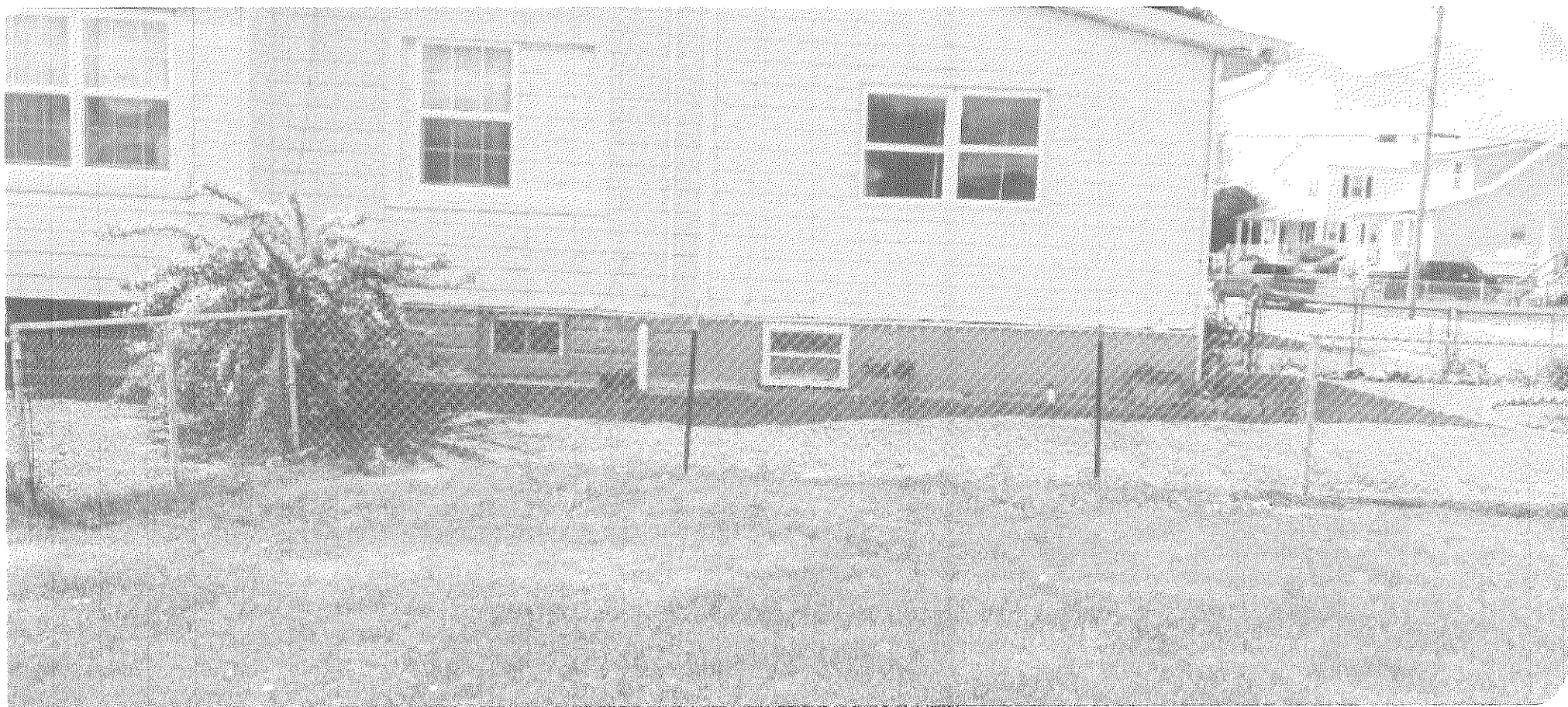
2023-0116-ABCW



2023-0116-APW



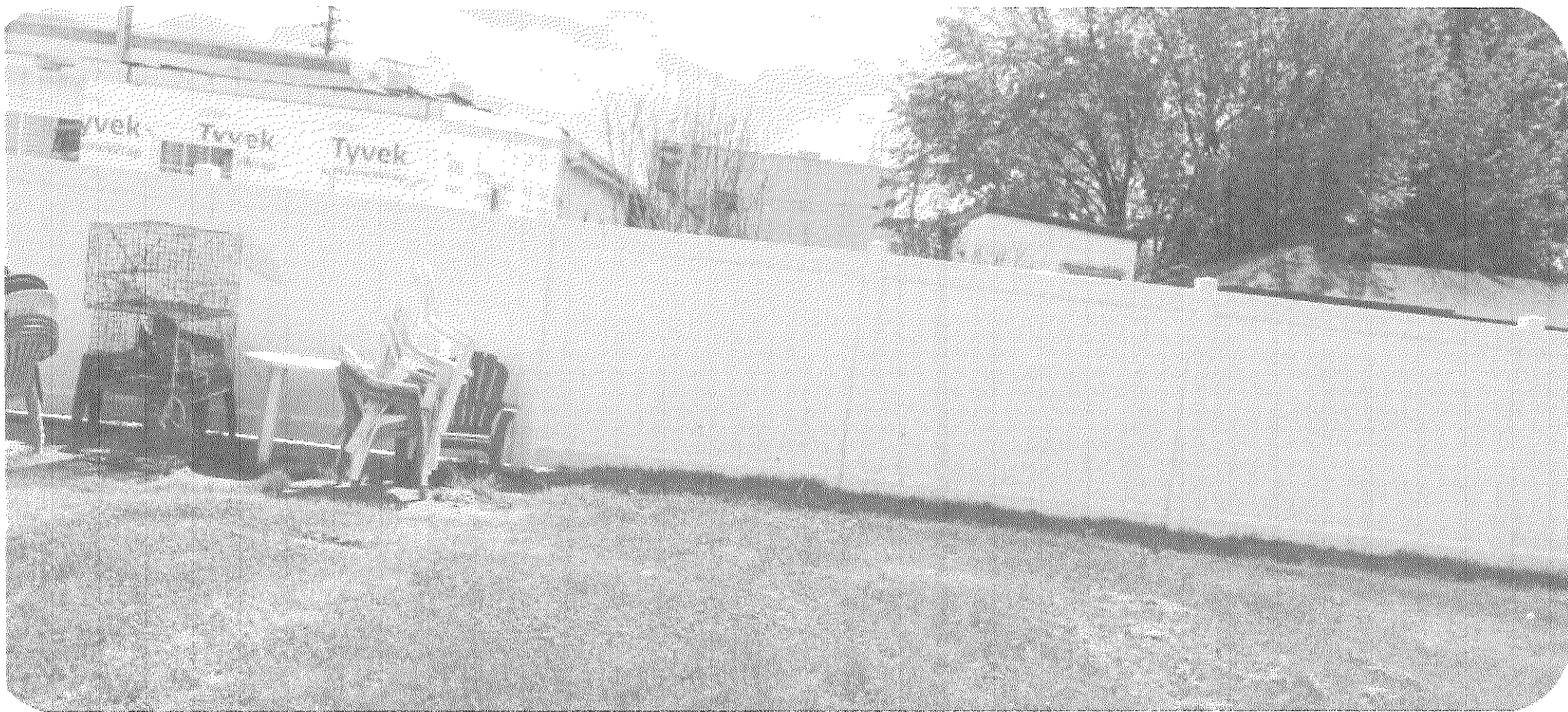
2023 - 0116 - ABCW



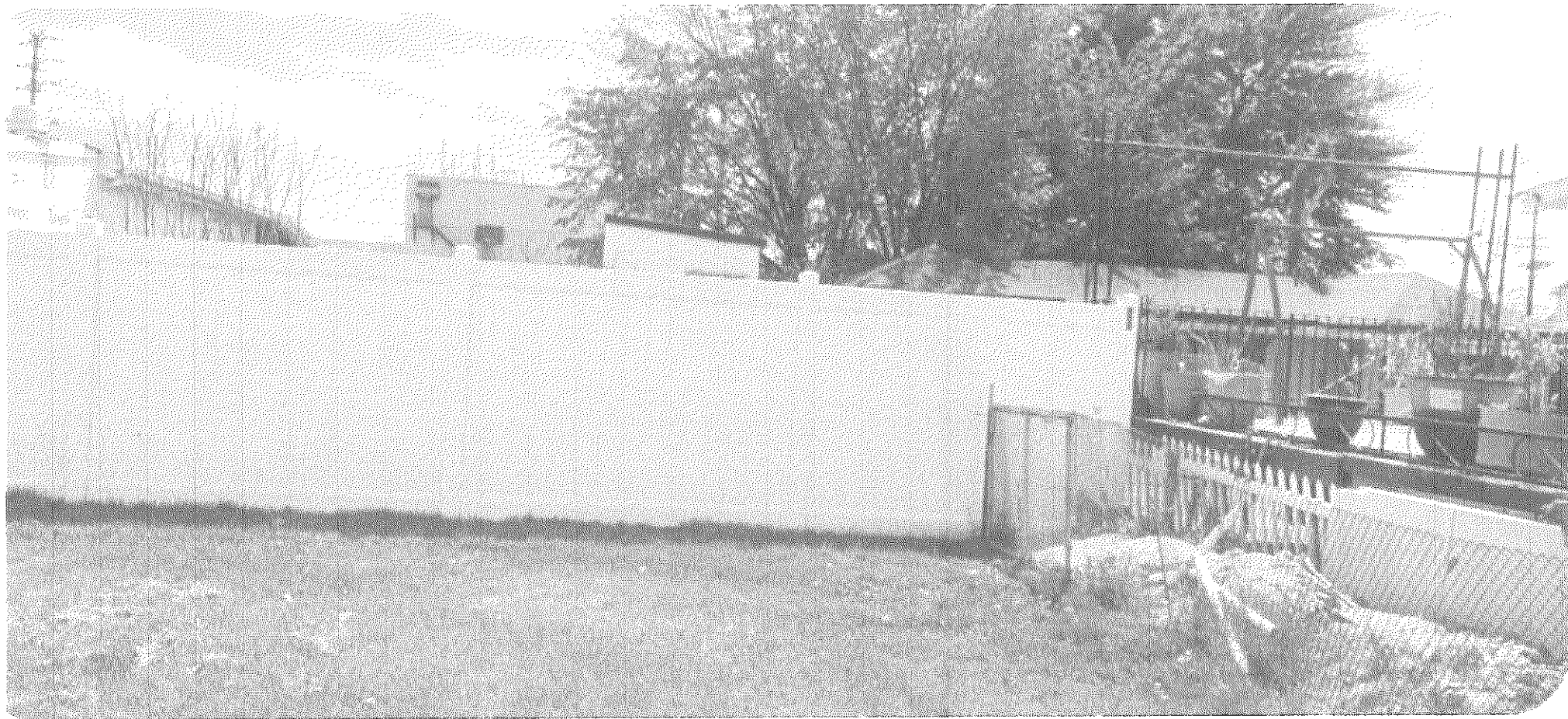
2023-0116-ABCW



2023-0116-ABCW



2623-0116-ABCW



2023-0116-ABCW



2023-0116-ABCW



2023-0116-ABCW

Baltimore County - My Neighborhood

