



JOHN A. OLSZEWSKI, JR.
County Executive

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

July 11, 2023

Michael Payne
Marlene Payne
4709 Belle Forte Road
Baltimore, MD 21208

RE: Petition for Administrative Variance
Case No. 2023-0128-A
Property: 4709 Belle Forte Road

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 blue ink signature of Paul M. Mayhew, written in a cursive style.

PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw
Enclosure

c: Michelle Clancy – michelle@appliedandapproved.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(4709 Belle Forte Road)		
2 nd Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Michael & Marlene Payne	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2023-0128-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, Michael and Marlene Payne (“Petitioners”) for the property located at 4709 Belle Forte Road, Baltimore. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”) § 1B02.3.C.1: To permit a rear yard open projection deck with a rear setback of 20 feet in lieu of the required 22.5 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on June 16, 2023 and July 1, 2023, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (“BCC”). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general

welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the BCZR. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

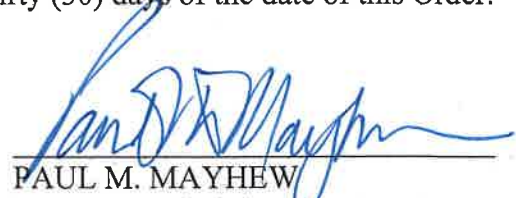
Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 11th day of **July, 2022**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from BCZR § 1B02.3.C.1: To permit a rear yard open projection deck with a rear setback of 20 feet in lieu of the required 22.5 feet, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

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

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


PAUL M. MAYHEW
Managing Administrative Law Judge
for Baltimore County

PMM:dlw



ADMINISTRATIVE ZONING PETITION FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections
To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 4709 Belle Forte Rd Baltimore MD 21208 Currently Zoned DR 3.5
Deed Reference 06097 / 00144 10 Digit Tax Account # 0208651870
Owner(s) Printed Name(s) MARLENE AND MICHAEL PAYNE

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

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

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

1. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

1B02.3.C.1. → To permit a rear yard deck with a rear setback of 20 feet in lieu of the required 22.5 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.
I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Marlene Payne / Michael Payne
Name #1 – Type or Print Name #2 – Type or Print
X Marlene Payne / X Michael Payne
Signature #1 Signature #2
4709 Belle Forte Road Baltimore MD.
Mailing Address City State
21208 / 410-655-0340 /
Zip Code Telephone #'s (Cell and Home) Email Address

Representative to be Contacted:

Michelle Clancy
Name - Type or Print
Michelle Clancy
Signature
PO Box 310 Lisbon MD
Mailing Address City State
21765 / 443-40-7514 / michelle@AppliedAndApproved.com
Zip Code Telephone # Email Address

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

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for

Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

Case Number 2023-0128-4 Filing Date 6/8/23 Estimated Posting Date 6/18/23 Reviewer JS

Revised 8/2022

Affidavit in Support of Administrative Variance
(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 4709 Belle Forte Road Baltimore MD 21208
Print or Type Address of Property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an **Administrative Variance** at the above address. (Clearly state practical difficulty or hardship here)

WE ARE REQUESTING A VARIANCE TO THE REQUIRED 22.5' REAR SETBACK TO ALLOW A 12'x14'
OPEN DECK ON THE REAR OF AN EXISTING SINGLE FAMILY DWELLING. THE PROPOSED DECK IS REPLACING AN
OLD, EXISTING DECK BUT WE ARE UNSURE IF THAT DECK WAS DONE WITH A PERMIT AS IT WAS FROM A PRIOR
OWNER. THE PROPOSED DECK WILL RESULT IN A 20' REAR SETBACK, THUS WE NEED A 2.5' VARIANCE. THE
LOT DOES HAVE A VERY PECULIAR SHAPE. IT IS A CORNER LOT, AND THE PROPERTY LINE ALONG BELLE FORTÉ
COURT HAS A SIGNIFICANT JOG. THE ODD SHAPE CLEARLY AFFECTED THE PLACEMENT OF THE DWELLING. DENYING THE
VARIANCE CREATES A HARDSHIP AS IT WOULD NOT AFFORD US THE SAME USE OF OUR REAR YARD THAT
NEARLY EVERY OTHER RESIDENT IN OUR NEIGHBORHOOD CAN ENJOY. WE PROPOSED A VERY MODEST SIDE
DECK IN ORDER TO KEEP THE VARIANCE REQUEST AS MINOR AS POSSIBLE, AND TO REPLACE WHAT IS CURRENTLY
THERE IN KIND. AS AN OPEN DECK, WE FEEL THIS REQUEST WILL NOT HAVE ANY ADVERSE IMPACTS
IN ANY WAY.

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

X *Marlene Payne*
Signature of Owner (Affiant)

X *Michael Payne*
Signature of Owner (Affiant)

Marlene Payne
Name - Print or Type

Michael Payne
Name - Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of MAY, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

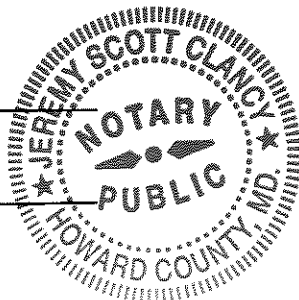
Print name(s) here: Marlene and Michael Payne

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

December 27th, 2024
My Commission Expires



ZONING PROPERTY DESCRIPTION FOR
4709 BELLE FORTE ROAD, BALTIMORE MD 21208

Beginning at a point on the south side of Belle Forte Road which is 40 feet wide at the distance of 310 feet east of the centerline of the nearest improved intersecting street, Bonnie Brae Drive, which is 40' wide.

Being Lot #8, Block E, Section 3, in the subdivision of Belle Farm Estates as recorded in Baltimore County Plat Book 0026, Folio 0123, containing 11,165 square feet. Located in the 2nd Election District and 2nd Councilmanic District.

2023-0128-A

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 - 0128 - A Address 4709 BELLE FORT ROAD

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 6/8/23 Posting Date: 6/18/23 Closing Date: 7/3/23

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2023 - 0128 - A Address 4709 BELLE FORT ROAD

Petitioner's Name: MARLENE + MICHAEL PAYNE Telephone (Cell) MICHELLE CLANCY (REP.)

Posting Date: 6/18/23 Closing Date: 7/3/23 443-610-7514

Wording for Sign: To Permit _____

_____ To permit a rear yard deck with a rear setback of 20 feet in lieu of the required 22.5 feet. _____

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 219993

Date: 6/1/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 75.00

Total: \$ 75.00

Rec From: CLANCY / PAYNE

For: VARIANCE

CASE # TBD

2023-0128-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

Applied & Approved Permits LLC

PO BOX 310
Lisbon MD 21765
443-610-7514

8796

65-330/550

PAY TO THE ORDER OF Baltimore County

DATE 6/1/23

\$ 75.00

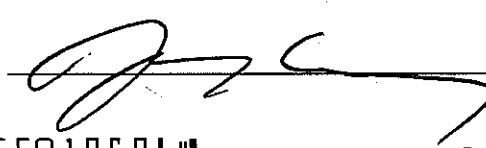
Seventy five dollars 00/100

DOLLARS

TRUIST 

BB&T is now Truist

FOR DF - Payne VARIANCE



⑈00008796⑈ ⑆055003308⑆0005155018684⑈



Details on back

Security Features

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0108-SPHA

DATE: June 21, 2023

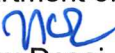
The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

As part of the proposed improvement the County request a 10-foot highway widening along the property frontage (Gorsuch Mill Rd.)

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0124-A

DATE: June 21, 2023

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

DPW&T Comments:

The proposed deck, sunroom, landing and steps are to be constructed within an existing Baltimore City easement for an emergency underground water tunnel. Permission must be obtained from Baltimore City for development within the easement. If Baltimore City approves of the development, DPWT has no exception to the approval of the administrative variance. No Building permits may be granted until Baltimore City approval.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0125-A

DATE: June 21, 2023

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

Landscape: If zoning relief is granted a Landscape Plan is required per the requirements of the Landscape Manual. A Lighting Plan is also required.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: June 21, 2023

FROM:  Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 20, 2023
Item No. 2023-0123-A, 2023-0126-A, 2023-0127-SPHA, 2023-0128-A, 2023-0129-A, 2023-0130-SPHA, and 2023-0131-A

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

VKD: JK
cc: file

CERTIFICATE OF POSTING

CASE NO. 2023-0128-A

PETITIONER/DEVELOPER

Marlene & Michael Payne

DATE OF HEARING/CLOSING

July 3, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

4709 Belle Forte Road

Sign 1



THE SIGN(S) POSTED ON June 16, 2023
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

CERTIFICATE OF POSTING

CASE NO. 2023-0128-A

PETITIONER/DEVELOPER

Marlene & Michael Payne

DATE OF HEARING/CLOSING

July 3, 2023

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING ROOM 111
111 WEST CHESAPEAKE AVENUE
ATTENTION:

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER PENALTIES OF PERJURY THAT THE
NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON
THE PROPERTY LOCATED AT

4709 Belle Forte Road

Sign 2



THE SIGN(S) POSTED ON June 16, 2023
(MONTH, DAY, YEAR)

SINCERLEY,

MARTIN OGLE

MARTIN OGLE

9912 MAIDBROOK RD.

PARKVILLE, MD 21234

443-629-3411

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 16, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0128-A
Address: 4709 BELLE FORTE RD
Legal Owner: Michael & Marlene Payne

Zoning Advisory Committee Meeting of June 20, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration	
Special Tax Recapture: None			
Account Identifier: District - 02 Account Number - 0208651870			
Owner Information			
Owner Name:	PAYNE MICHAEL PAYNE MARLENE	Use: RESIDENTIAL Principal Residence: YES	
Mailing Address:	4709 BELLE FORTE RD BALTIMORE MD 21208	Deed Reference: /06097/ 00144	
Location & Structure Information			
Premises Address:	4709 BELLE FORTE RD BALTIMORE 21208-	Legal Description: NE COR BELLE FORTE C BELLE FARM ESTATES	
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 2			
0077 0011 0715 2040056.04 0000 3 E 8 2022 Plat Ref: 0026/ 0123			
Town: None			
Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use			
1962 1,221 SF 610 SF 11,165 SF 04			
Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements			
1 YES STANDARD UNITS SIDING/3 1 full/ 1 half			
Value Information			
	Base Value	Value	Phase-in Assessments
		As of	As of
		01/01/2022	07/01/2022
			07/01/2023
Land:	74,200	74,200	
Improvements	108,000	142,700	
Total:	182,200	216,900	193,767
Preferential Land:	0	0	205,333
Transfer Information			
Seller:	DUTTON ADELE W	Date:	11/02/1979
Type:	ARMS LENGTH IMPROVED	Deed1:	/06097/ 00144
		Price:	\$52,000
		Deed2:	
Seller:		Date:	
Type:		Deed1:	
		Price:	
		Deed2:	
Seller:		Date:	
Type:		Deed1:	
		Price:	
		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 08/14/2012			
Homeowners' Tax Credit Application Information			
Homeowners' Tax Credit Application Status: No Application Date:			

**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: 2023-0128-A
Property Address: 4709 BELLE FORTE ROAD
Legal Owners (Petitioners): MARLENE & MICHAEL PAYNE
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): MICHELLE CLAWY
Address: P.O. Box 310
LISBON, MD 21765

Telephone Number: 443-610-7514

*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



Looking Right ↑



Looking out ↑



Looking Left ←

2023-0128-A



existing deck to be replaced



2023-0128-A

Pt. Bk. 0000029, Folio 0061

Pt. Bk. 0000025, Folio 0035
0202201310

Pt. Bk. 0000026, Folio 0034
0213201580

Pt. Bk./Folio # 026034A

Pt. Bk./Folio # 026035

Pt. Bk. 0000025, Folio 0122
0218471500

1977-0092-A

Pt. Bk./Folio # 026122

2022-0235-A

Pt. Bk./Folio # 026123

Pt. Bk. 0000026, Folio 0128

Pt. Bk./Folio # 025096

1960-4877-A

