



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

March 8, 2024

George Kotsaris & Patrizia Nastos – GeorgeKotsaris@gmail.com
3120 Sparrows Point Road
Sparrows Point, MD 21219

RE: Petition for Administrative Variance
Case No. 2023-0235-ABCW
Property: 3120 Sparrows Point 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 handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

**IN RE: PETITION FOR VARIANCE
& FENCE WAIVER**

(3120 Sparrows Point Road)
2nd Election District
7th Council District
George Kotsaris, Patrizia Nastos

Petitioners

* BEFORE THE
* OFFICE OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2023-0235-ABCW**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Variance filed by the legal owners, George Kotsaris and Patrizia Nastos (“Petitioners”) for the property located at 3120 Sparrows Point Road, Sparrows Point (the “Property”). The Petitioners filed a Petition for Variance from the Baltimore County Zoning Regulations (“BCZR”), §102.5 and §427, to permit a fence height of 4.0 ft. in the owners’ front yard on the corner of the lot intersecting two streets in lieu of the maximum permitted 3.0 ft., and to permit a fence height of 4.0 ft. in owners side yard that adjoins the neighbor's front yards in lieu of the maximum permitted 3.5 ft. (42 inches).

Petitioners also filed for Building Code Waiver (“BCW”) from Baltimore County Building Code (“BCC”), Parts 122.1 and 122.4 to permit a fence height of 4.0 ft. in the owners’ front yard in lieu of the maximum permitted 3.5 ft. (42 inches) in the owners’ front yard. The Property is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners’ Exhibit 1. An aerial photograph from My Neighborhood of the Property obtained by Office of Zoning Review (“OZR”) was contained in the file. A Zoning Advisory Committee (“ZAC”) comment from Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”) which is contained in the file.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 21, 2024, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners filed an Affidavit which alleges that they want the 4 ft. tall fence in front and side yards of their Property in lieu of the required 3 ft. and 3.5 ft. tall fence permitted to prevent school children from walking through their yard.

OAH does not have jurisdiction to decide a waiver of the BCBC Building Code Waiver.

With regard to the request for a Baltimore County Building Code ("BCBC") waiver under §122.1 and §122.4, OAH does not have jurisdiction to decide a waiver of the BCBC. However, a waiver 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 dismissed for lack of jurisdiction.

Variance.

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.

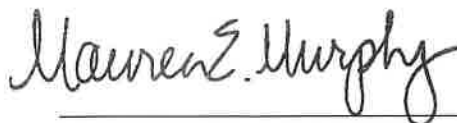
Cromwell v. Ward, 102 Md. App. 691 (1995).

First, the Property is a corner lot similar to other corner lots in the neighborhood. There has been no evidence presented by Affidavit, photographs, or documentation of the Property's uniqueness as required under *Cromwell*. Second, there has been no evidence presented as to any practical difficulty suffered by the Petitioners or the Property if the Variance for a 4.0 ft. fence is denied. Specifically, Petitioners do not need a taller fence than one that is already legally permitted to keep people from entering their yard because a 3.0 ft. and 3.5 ft. fences serve the same purpose. The requested relief is not consistent with BCZR, §102.5 which prohibits a fence taller than 3 ft. on a corner lot from obstructing site lines. Accordingly, the Petition for Variance will be denied.

THEREFORE, IT IS ORDERED, this 8th day of **March, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the Baltimore County Zoning Regulations ("BCZR"), §102.5 and §427, to permit a fence height of 4.0 ft. in the owners' front yard on the corner of the lot intersecting two streets in lieu of the maximum permitted 3.0 ft., and to permit a fence height of 4.0 ft. in owners side yard that adjoins the neighbor's front yards in lieu of the maximum permitted 3.5 ft. (42 inches) be, and they are each hereby, **DENIED**.

IT IS FURTHER ORDERED that the Building Code Waiver from the Baltimore County Building Code ("BCBC") Parts 122.1 and 122.4 to permit a front yard fence with a height of 4 ft. in the owner's front yard in lieu of the maximum permitted 3.5 ft. in the owners' front yard, 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
Chief Administrative Law Judge for
Baltimore County

MEM: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 3120 SPARROWS POINT RD MD 21219 Currently Zoned DR 5.5
Deed Reference 43434 / 244 10 Digit Tax Account # 2500000088
Owner(s) Printed Name(s) George Kotsaris Patrizia Nastos

(SELECT THE HEARING(S) BY MARKING X 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)
☒ **ADMINISTRATIVE Building Code Waiver**
SEE ATTACHED

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):

George Kotsaris / Patrizia Nastos
Name #1 – Type or Print Name #2 – Type or Print
[Signature] / [Signature]
Signature #1 Signature #2
3120 SPARROWS POINT Road SparrowPoint MD
Mailing Address City State
21219 / 302-519-9030 / George.Kotsaris@gmail.com
Zip Code Telephone #'s (Cell and Home) Email Address

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

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

Representative to be Contacted:

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 2023-0235-ABSW Filing Date 11/6/2023 Estimated Posting Date 12/24/23 Reviewer R

Closing 11/8/24 Revised 8/2022

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

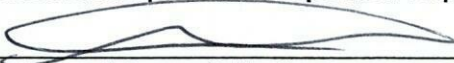
The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in 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: 3120 SPARROWS POINT RD SPARROW POINT MARYLAND 21219
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)**

wants privacy in my home and yard. As I live on a corner
lot all the school children and others in the neighborhood
cut the corner of my yard and also walk through my
yard. We relish my privacy to be able to sit on my patio and
enjoy my little piece of paradise.

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


Signature of Owner (Affiant)

George Kotsaris
Name - Print or Type


Signature of Owner (Affiant)

Patrizia Nastos
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 27 day of July, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: George Kotsaris And Patrizia Nastos

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

AS WITNESS my hand and Notaries Seal


Notary Public

4/29/2025
My Commission Expires

2023-0235-ABCW

___Administrative Building code Waiver from parts: 122.1 Pursuant to parts 122.4 of the Baltimore County building to permit a fence height of 4.0 feet in the owner's front yard in lieu of the maximum permitted 3.5 feet (42") in the owners front yard.

___Administrative Variance for section: 102.5 and 427 of the Baltimore County Zoning regulations to permit a fence height of 4.0 feet in the owners front yard on the corner of the lot intersecting two streets in lieu of the maximum permitted 3.0 feet and to permit a fence height of 4.0 feet in owner's side yard that adjoins the neighbor's front yards in lieu of the maximum permitted 3.5 feet (42")

2023-0235-ABCW

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023 -0235 -A^{BCW} Address 3120 Sparrows Point Road

Contact Person: Tyler Cox Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/6/23 Posting Date: 12/24/23 Closing Date: 1/8/24

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 -0235 -A^{BCW} Address 3120 Sparrows Point Road

Petitioner's Name: _____ Telephone (Cell) _____

Posting Date: _____ Closing Date: _____

Wording for Sign: To Permit _____

___ Administrative Building code Waiver from parts: 122.1 Pursuant to parts 122.4 of the Baltimore
County building to permit a fence height of 4.0 feet in the owner's front yard in lieu of the maximum
permitted 3.5 feet (42") in the owners front yard. ___

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

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Planner, Please Print Your Name

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**Baltimore County Department of
Permits, Approvals and Inspections**

Zoning Review Office
111 West Chesapeake Avenue, Room 124
Towson, MD 21204
410-887-3391

**FORMAT FOR NOTICE OF FILING OF APPLICATION
FOR FENCE HEIGHT WAIVER**

The sign to be posted must be obtained from any of the county's list of approved sign posters. The sign will be the standard 24" x 36" size used for zoning variances, and will contain the following language:

UA-2023-0010-FW
Fence Waiver Number

NOTICE

A request has been made for a waiver to construct a fence higher than allowed in accordance with PART 122.4 of the Baltimore County Building Code.

Fence location: 3120 Sparrows Point Rd, Sparrows Point, MD 21219
Height allowed: 42 inches
Height requested: Road side 48 inches yard sides facing neighbors 6 feet

Anyone living within 1,000 feet of this property may request a public hearing on this matter if such request is made within 15 days of the posting date set forth below or submit written comments for consideration to the address below.

Posting Date: _____

Address: _____

2023-0235 ABW



**Baltimore County Department of
Permits, Approvals and Inspections**

Zoning Review Office
111 West Chesapeake Avenue, Room 124
Towson, MD 21204
410-887-3391

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Posting Date: _____

Address: _____

2023-0235-ABW

ZONING NOTICE

ADMINISTRATIVE VARIANCE

TO PERMIT: CASE # 2023-0235 - ABCW

ADMINISTRATIVE BUILDING CODE WAIVER FROM PARTS 122.1 PURSUANT
TO PARTS 122.4 OF THE BALTIMORE
COUNTY BUILDING REGULATIONS TO PERMIT A FENCE HEIGHT OF 4.0 FEET IN
THE OWNERS FRONT YARD IN LIEU OF THE MAXIMUM PERMITTED 2.5 FEET (42") IN
THE OWNERS FRONT YARD

ADMINISTRATIVE VARIANCE FOR SECTION 102.5 AND 427 OF THE BALTIMORE COUNTY
ZONING REGULATIONS TO PERMIT A FENCE HEIGHT OF 4.0 FEET IN THE OWNERS FRONT
YARD ON THE CORNER OF THE LOT INTERSECTING TWO STREETS IN LIEU OF THE
MAXIMUM PERMITTED 3.0 FEET AND TO PERMIT A FENCE HEIGHT OF 4.0 FEET IN
THE OWNER'S SIDEYARD THAT ADJOINS THE NEIGHBOR'S FRONT YARD IN LIEU OF THE
MINIMUM PERMITTED 2.5 FEET (42")

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
4:30 P.M. ON 2/5/24

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3204
DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE

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: January 2, 2024

SUBJECT: DEPS Comment for Zoning Item # 2023-0235-ABCW
Address: 3120 Sparrows Point Rd
Legal Owner: George Kotsaris, Patrizia Nastos

Zoning Advisory Committee Meeting of December 19, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

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 December 19, 2023
Item No. 2023-0235-ABCW

DATE: December 19, 2023

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

DPW&T: The property is within the Tidal Special Flood Hazard Area Zone AE (BFE=7.7) per panel FIRM 2400100555F 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. The LiMWA is not on the property.

DPR: N/C

Landscape: N/C

Rec & Parks: N/C & No Greenways affected

VKD: JK
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 - 15 Account Number - 2500000088

Owner Information

Owner Name: KOTSARIS GEORGE **Use:** RESIDENTIAL
 NASTOS PATRIZIA **Principal Residence:** YES
Mailing Address: 3120 SPARROWS POINT RD **Deed Reference:** /43434/ 00244
 SPARROWS POINT MD 21219-

Location & Structure Information

Premises Address: 3120 SPARROWS POINT RD **Legal Description:** 0.203 AC LOTS 1,2
 SPARROWS POINT 21219- 3120 SPARROWS PT RD NWS
 LYNCH POINT

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
 0111 0005 0141 15130116.04 0000 1 2024 Plat Ref: 0078/ 0110

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1957	1,768 SF		8,810 SF	04

Stories	Basement Type	Exterior Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
1	NO	STANDARD UNIT	SIDING/ 3	1 full	

Value Information

	Base Value	Value As of 01/01/2021	Phase-in Assessments As of 07/01/2023	As of 07/01/2024
Land:	74,200	74,200		
Improvements	182,200	182,200		
Total:	256,400	256,400	256,400	
Preferential Land:	0			

Transfer Information

Seller: DODGE INVESTMENT GROUP LLC	Date: 10/08/2020	Price: \$292,500
Type: ARMS LENGTH IMPROVED	Deed1: /43434/ 00244	Deed2:
Seller: THE BANK OF NEW YORK MELLON TRUSTEE	Date: 02/25/2020	Price: \$134,000
Type: NON-ARMS LENGTH OTHER	Deed1: /42501/ 00388	Deed2:
Seller: RUTH MARK	Date: 03/26/2019	Price: \$175,000
Type: NON-ARMS LENGTH OTHER	Deed1: /41254/ 00344	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2023	07/01/2024
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: None

Homestead Application Information

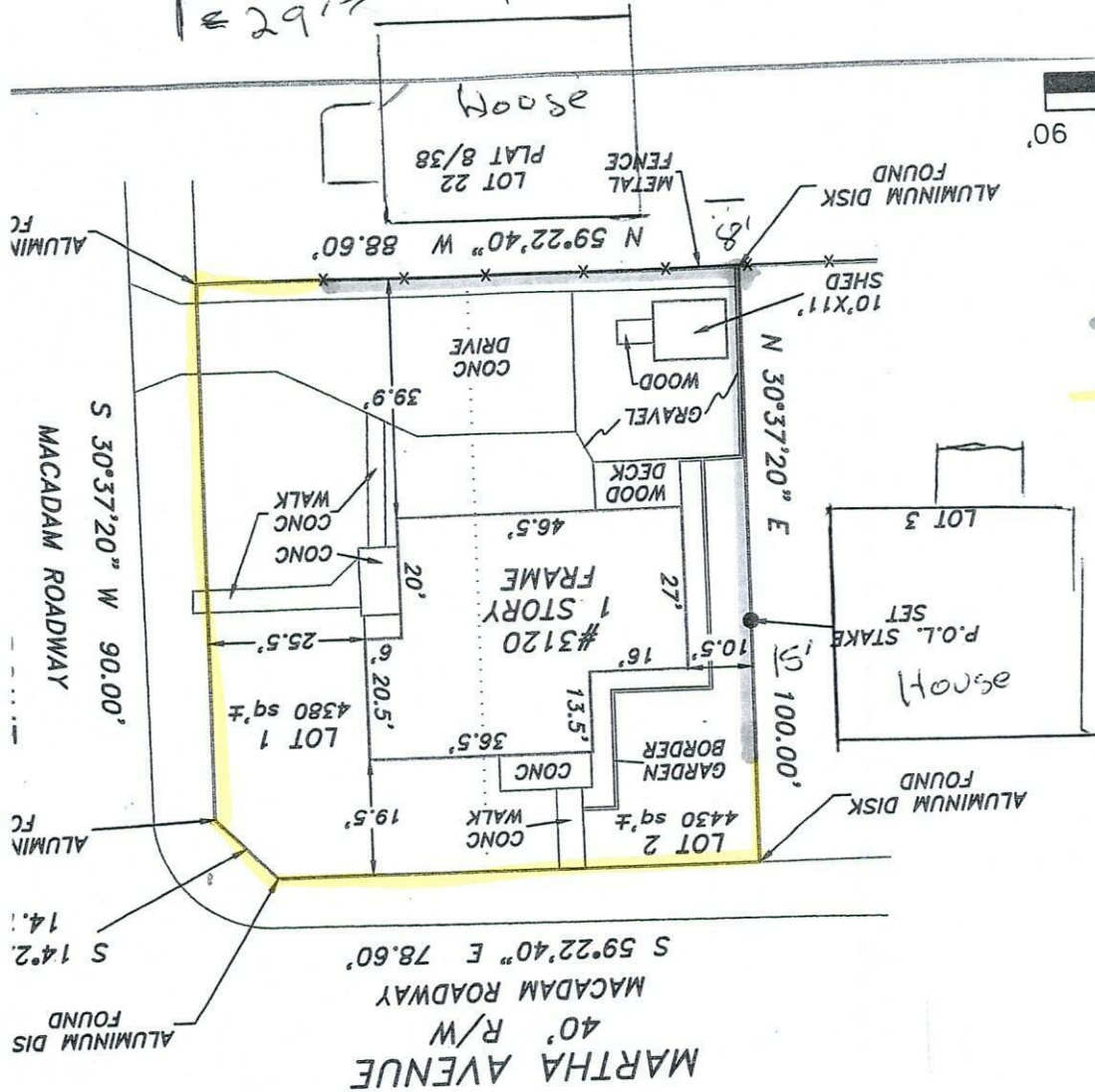
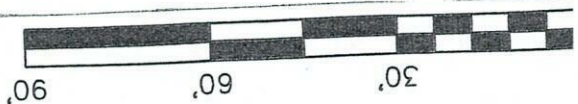
Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

2023-0235-ABCW

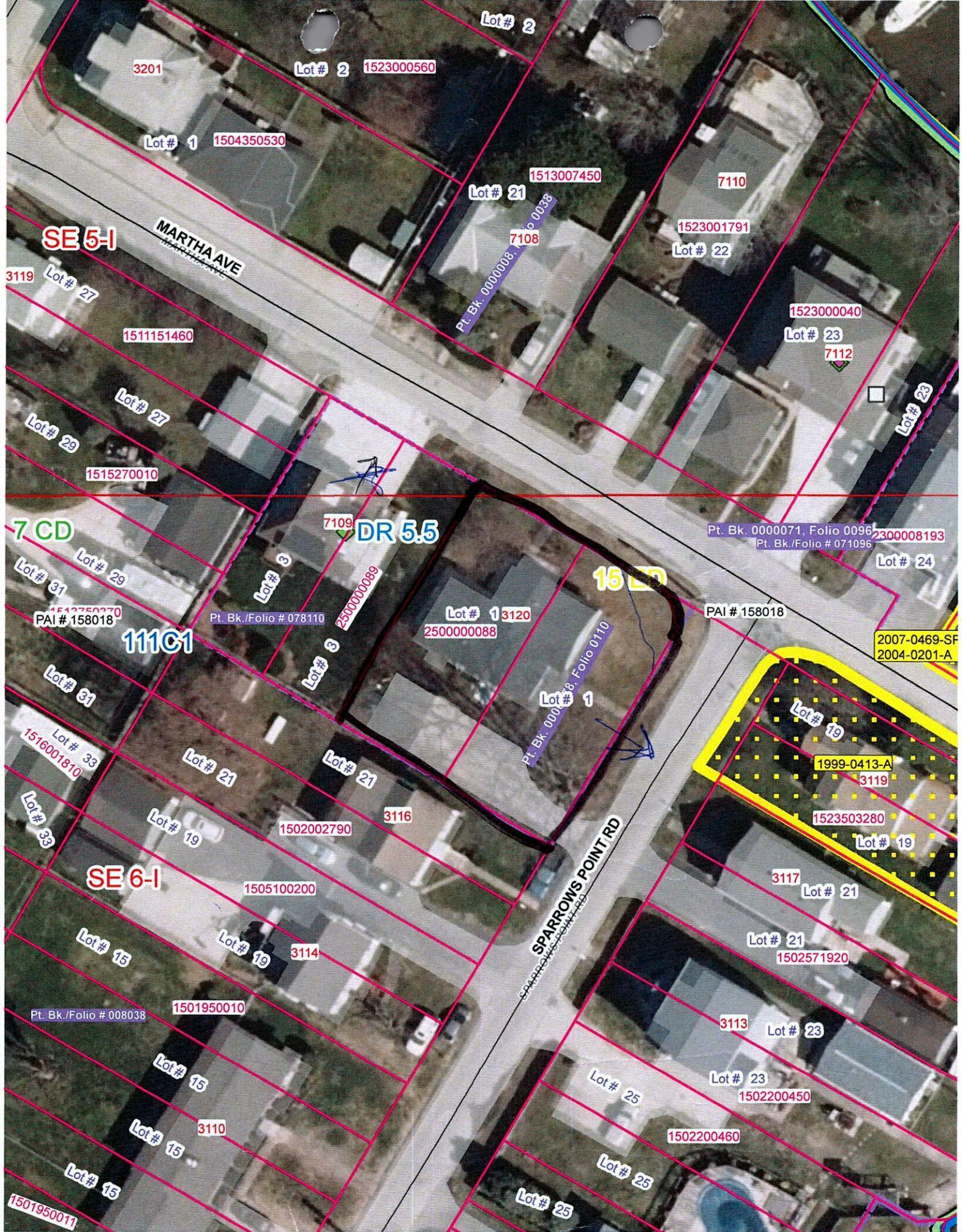
1 ← 29' → 1
43' →



6' Fence
9' Fence

29'
23'

2023-0235-ABLU



2023-0235-ABCW