

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

December 14, 2023

Nicolas Moore & Ashley Leighton – <u>nick.r.moore43@gmail.com</u> 1 Putting Way Reisterstown, MD 21136

RE: Petition for Administrative Variance

Case No. 2023-0242-A Property: 1 Putting Way

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, Mauren E. Murphy

MAUREEN E. MURPHY

Chief Administrative Law Judge

for Baltimore County

MEM:dlw Enclosure

c: Rick Richardson – rick@richardsonengineering.net

IN RE: PETITION FOR ADMIN. VARIANCE \* BEFORE THE

(1 Putting Way)

4<sup>th</sup> Election District \* OFFICE OF ADMINISTRATIVE

4<sup>th</sup> Council District

Nicholas Moore & Ashley Leighton \* HEARINGS FOR

Petitioners \* BALTIMORE COUNTY

\* CASE NO. 2023-0242-A

\* \* \* \* \* \* \* \*

### **OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners Nicholas Moore and Ashley Leighton ("Petitioners") of the property located at 1 Putting Way, Reisterstown (the "Property"). Petitioners are requesting Variance relief pursuant to Baltimore County Zoning Regulations ("BZCR"), §427.1.B, to permit a 6 ft. tall fence exceeding 42 inches in height on a corner lot in the front yard of an adjacent property. The Property and requested relief are more fully depicted on the site plan (the "Site Plan") which was marked and accepted into evidence as Petitioners' Exhibit 1. Street view photographs were also provided showing the position of the dwellings at issue and area where the fence is proposed to be located. (Pet. Exs. 2A-2C). The photographs show mature vegetation between the Property and 6401 Deer Park Rd. which screens the proposed fence. Given the distance of the home at 6401 Deer Park Rd. from the proposed fence equaling 88 ft., it does not appear that there will be any problem with line of sight along Deer Park Rd. There were no adverse Zoning Advisory Committee ("ZAC") comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on November 26, 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 Section 32-3-303 of the 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 Site Plan, architectural renderings, photographs, and affidavit submitted provide sufficient facts that comply with the requirements of BCZR, §307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 <u>14th</u> day of December, 2023, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("BZCR"), §427.1.B, to permit a 6 ft. tall fence exceeding 42 inches in height on a corner lot in the front yard of an adjacent property, be and is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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.

MAUREEN E. MURPHY

Chief Administrative Law Judge

Mauren E. Hurphy

for Baltimore County

MEM:dlw

MK 33-love

# **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 Law of Baltimore County for the property located at:

Address 1 Putting Way (aka 6407 Deer Park Rd) which is presently zoned RC-4

_	rence 48098/4	137		10 Digit			70000919	96
(SELECT TH	· ´ IE HEARING(S) BY	MARKING X AT 1	THE APPROF	PRIATE SELE	CTION(S)	AND ADDIN	IG THE PET Form be o	TITION REQUEST) completed / notarized
The undersigned	legal owner(s) o plat at	of the property s ttached hereto a	situate in Ba and made	altimore Co a part here	ounty and of, hereby	which is petition	for o	in the description and
1. X ADMINISTI				A and 42	7.1.B. <b>X</b> to	permit a	fence exc	eeding 42" in height
of the zoning regula	tions of Baltimo	re County, to th	ne zoning la	aw of Baltir	nore Cou	nty		
2 <b>ADMINISTF</b> Section 32-4- 416(a								7(b), 32-4-223.(8), ai Iding)
restrictions of Baltimore	and advertised as p penses of above pe County adopted pur ation: I / we do so so	rescribed by the zo tition(s), advertising suant to the zoning	ning regulation g, posting, etc law for Baltin	ns. . and further a nore County.	agree to and	are to be b		he zoning regulations and l owner(s) of the property v
Contract Purchase	er/Lessee:			Legal Ov	vners:			
Name- Type or Print			*	Nicholas Name #1-		nt	Name #	E. Leighton 2 – Type or Print
Signature			L	Signature / 1 Putting	g Way	Reist	Signatu erstown	ire # 2 MD
Mailing Address	City	6	State	Mailing Add	dress /		City / nick.r.m	State noore43@gmail.com
Zip Code Tele Attorney for Petitie	ephone# oner:	Email Address	-	Zip Code Represe	ntative to		acted:	Email Address Richardson
Name- Type or Print				Name - Ty	1 - /	uhl	())	T. Corner assert
Signature				Signature 7 Dene	ison Stree	et Tir	monjum	MD
Mailing Address	City		State	Mailing Ad			City	State
Zip Code Tele	ephone#	Email Address		21093 Zip Code		60-1502 elephone #		k@richardsonengineering. Email Address
A PUBLIC HEARING hearing day of regulations of Baltimore		that the subje	ect matter of	uired, it is o this petition b	rdered by the set for a p	ne Office of public hearing	Administrati ng, advertise	ve Law, of Baltimore Coun d, as required by the zonin
	8		Administr	ative Law Jud	lge of Baltin	nore County		
CASE NUMBER	1023-0242	Filing	Date 11 17	1700	Estimated F	osting Dat	e 11/26	23 Reviewer m

Closing

14/23

Rev 10/12/11

# Affidavit in Support of Administrative Variance

Address: 1 Putting Way, ake 6407 Deer Park Rd

My commission expires Phruavia

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Rejeteretown

MD

21136

Print or Type Address of property City	State Zip Code
Based upon personal knowledge, the following are the Administrative Variance at the above address. (Clea	
The proposed fence is located on a large corner lot. It is in our	rear yard since our house faces Putting Lane and the other
house faces toward Deer Park Road. The fence is set back from	m Deer Park Road 35' from the right of way. The adjacent
house is 88' away from the property line and the fence extends	30' in front of the front of the house. The majority of the
fence is behind vegetation that is planted along that property lin	e. Limiting the fence to being behind the front yard of the
adjacent property will create a hardship since it will severely lim	it the area of our rear yard that can be fenced.
(If additional space for the petition request or the above	statement is needed, label and attach it to this Form)
11/1	0000
Signature of Affiant	Signature of Affiant
Nicholas R. Moore	Ashley E. Leighton
Name- Print or Type	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:
HEREBY CERTIFY, this 20th day of Octoberation day appeared	ec, 2023, before me a Notary of Maryland, in
Nicholas R Moore + Ashley F	Leighton
the Affiant(s) herein, personally known or satisfactorily ide	ntified to me as such Affiant(s) (Print name(s) nere)
AS WITNESS my hand and Notaries Seal	ntified to me as such Affiant(s) (Print name(s) here)
ty/Gounty of Baltimore Notary Public Tebruary	22 2025 NOTARY
ubscribed and sworn to before me s 20th day of October , 2023  My Commission	n Expires = : ••• = : =
Wicholas Monre & Ashley Leighton	PUBLIC SEEV. 10/12



## ZONING PROPERTY DESCRIPTION FOR 1 PUTTING WAY (AKA 6407 DEER PARK ROAD) 4<sup>th</sup> ELECTION DISTRICT 4<sup>th</sup> COUNCILMANIC DISTRICT BALTIMORE COUNTY, MARYLAND

Located on the Northeast side of the intersection of Deer Park Road and Putting Way. Being known as Lot #8 as shown on the plat of The Pines which is recorded among the land records of Baltimore County in plat book E. H. K., Jr. No. 39, Folio 139.

Containing a net area of 46,407 square feet or 1.07 acres +/-.



PROFESSIONAL CERTIFICATION;
I HEREBY CERTIFY THAT THESE DOCUMENTS WERE
PREPARED OR APPROVED BY ME, AND THAT I AM A DULY
LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF
THE STATE OF MARYLAND, LICENSE NUMBER 16597,
EXPIRATION DATE: 08-15-2025

# 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 - 6742 - A
Property Address: 1 Pc++ing Way (aka 6407 Deer Park Road
Case Number: 2023-6242-A  Property Address: 1 Petting Way (aka 6407 Deer Park Roal  Legal Owners (Petitioners): Nicholas R. Moore & Ashley E. Leighton
Contract Purchaser/Lessee: ///A
PLEASE FORWARD ADVERTISING BILL TO:  Name: Company/Firm (if applicable): Richardson Engineerum, LLC c/o Rick Michardson  Address: Timonium, MD
Telephone Number:410 - 560 - 1502

<sup>\*</sup>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.

OFFICE	BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET AND FINANCE MISCELLANEOUS CASH RECEIPT Rev				No. 228978  Date: 11/16/2023  Sub				
Fund	Dept	Unit	Sub Unit	Source/ Obj	Rev/ Sub Obi	Dept Obj	BS Acct	Amount	
COL	806	0000	Gub Offic	6150	000 Obj	Dept Obj	5071001	\$ 75.	
001	500	0000		0,50				3,	
				l		Total:	(	75.	
Rec		0	1 2		•		21 21 42		
From:	From: Pluharlson Engineering LLC								
For:  Alministrative Zoning Variance  1 Petting way (aka 6467 Deer Park Roal)  Zoning Case No. 2023-0242-A									
For: Alministrative Coning Variance									
1 Petting way (aka 6467 Deer Park Hoal)									
Jonin, Case No. 2023 - 0242-A									
<i>J</i>									
3									
DISTRIBU		D0.04	ENOV.	VELLOW:	OLIOTOR IS	Б	COLD 40	COLINITING	
WHITE -	CASHIER	PINK - AG	ENCY SE PRES		CUSTOME !!!	К	GOLD - AC	CCOUNTING	

CASHIER'S VALIDATION

mon

### **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: December 7, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0242-A

Address: 1 PUTTING WAY

Legal Owner: Nicholas Moore, Ashley Leighton

Zoning Advisory Committee Meeting of December 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

# **CERTIFICATE OF POSTING**

2023-0242-A

	RE: Case No.:
	Petitioner/Developer:
	Nicholas R. Moore & Ashley E., Leighton
	December 11, 2023  Date of Hearing/Closing:
Baltimore County Department of Permits, Approvals and Inspections County Office Building, Room 111 111 West Chesapeake Avenue Fowson, Maryland 21204 Attn: Jeff Perlow:	
Ladies and Gentlemen: This letter is to certify under the penal posted conspicuously on the property l	Ities of perjury that the necessary sign(s) required by law were located at:
1 Putting Way SIC	
The sign(s) were posted on	November 26, 2023
ric sign(s) were posted on	(Month, Day, Year)



# BALTIMORE COUNTY DEPARTMENT OF RERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW OFFICE:

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES					
2 - 18 1/2 Markey 6467 Dear Park Roal)					
Come Number 2023 = 0242 A Addres 1 Putting Way (aka 6467 Deer Park Foal)					
Contact Person: M. f. h					
Filing Date: 11/17/2023 Posting Date: 11/26/2023 Closing Date: 12/11/2023					
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 partitioner/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 zeroing notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.					
Z. DEADLINE: The closing date is the deadline for a neighbor foccupant 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.					
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 most go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative law lodge), 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 aftered sign must be forwarded to this chine.					
Petitioner: This Part of the Form is for the Sign Poster Only perad. None potter Une					
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT					
Case Number 7073 20242 A Address 1 Petting Way (aka 6407 Deer Park Road)  Nicholas R. Moore 2  Petitioner's Name: Ashley E. Leighton Telephone (Cell) 410-560-1502 (Richardson)					
Petitioner's Name: Ashley E. Leighton Telephone Cell 410-560-1502 (Richardsing)					
Posting Date: 11/26/2023 Closing Date: 12/11/202>					
Wording for Sign: To Permit a 6-foot tall fonce in live of					
42 inches in height in the portion of the rear yail					
that aljoins the front week of another on which					
a residence has been built.					

Revised 1/2022

## **BALTIMORE COUNTY, MARYLAND**

### INTEROFFICE CORRESPONDENCE

TO:

Peter Gutwald, Director

DATE: December 12, 2023

Department of Permits, Approvals

FROM:

Vishnu Desai, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For December 12, 2023 Item No. 2023-0242-A

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

DPW&T: N/C.

DPR: N/C

Landscape: N/C

Rec & Parks: N/C & No Greenways affected

### 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 - 1700009196

**Owner Information** 

Owner Name:

MOORE NICHOLAS ROBERT LEIGHTON ASHLEY ELISABETH Principal Residence: YES

Use:

RESIDENTIAL

1 PUTTING WAY

Deed Reference:

/48098/ 00437

Malling Address:

REISTERSTOWN MD 21136-

Location & Structure Information

Premises Address:

6407 DEER PARK RD

Legal Description:

6407 DEER PARK RD

THE PINES

REISTERSTOWN 21136-

AKA 1 PUTTING WAY

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:

0057 0007 0403 4020019.04

0000

8 2022

Plat Ref: 0039/ 0139

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use

2022

3,864 SF

900 SF

StoriesBasementType

ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements

STANDARD UNITSIDING/5 YES

2 full/ 1 half 2 Attached

### Value Information

	Base Value	Value	alue Phase-in Assessments		
		As of 01/01/2022	As of 07/01/2023	As of 07/01/2024	
Land:	105,300	105,300			
Improvements	517,700	607,700			
Total:	623,000	713,000	683,000	713,000	
Preferential Land:	0	0			

#### **Transfer Information**

Seller: RYDER STEPHEN Type: ARMS LENGTH IMPROVED	Date: 06/01/2023 Deed1: /48098/ 00437 Date: 12/01/2020 Deed1: /43710/ 00248		
Seller: MIMS DARRELL Type: ARMS LENGTH VACANT			
Seller: WOLFE HARRY B Type: ARMS LENGTH VACANT	Date: 11/03/1995 Deed1: /11286/ 00480		

Price: \$1,100,000 Deed2:

Price: \$129,000 Deed2:

Price: \$25,000 Deed2:

#### **Exemption Information**

Partial Exempt Assessments: Class County:

07/01/2023 0.00

07/01/2024

000 State: 000 Municipal:

0.00|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

000

Date:

2023-0242-A



View from Deer Park Road at 6401 driveway toward house at 6407. Fence to run on other side of hedgerow shown,



Front view of 6401 Deer Park Road. Garage that faces the rear of 1 Putting Way (6407 Deer Park Road)



View from Putting Way to front of house. Fence to be extended behind house into overgrown area to the right side of this picture toward Deer Park Road



