



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

August 20, 2024

Flemming and Lauren Madsen – [lmadsen279@gmail.com](mailto:lmadsen279@gmail.com)  
24 Glenberry Court  
Phoenix, MD 21131

RE: Petition for Administrative Variance  
Case No. 2024-0180-A  
Property: 24 Glenberry 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 black ink that reads "Maureen E. Murphy". The signature is written in a cursive style.

MAUREEN E. MURPHY  
Chief Administrative Law Judge  
for Baltimore County

MEM:dlw  
Enclosure

c: Curtis L. Fidler – [cfidler@lothorian.com](mailto:cfidler@lothorian.com)

|                                            |   |                             |
|--------------------------------------------|---|-----------------------------|
| <b>IN RE: PETITION FOR ADMIN. VARIANCE</b> | * | BEFORE THE                  |
| <b>(24 Glenberry Court)</b>                |   |                             |
| 10 <sup>th</sup> Election District         | * | OFFICE OF ADMINISTRATIVE    |
| 3 <sup>rd</sup> Council District           |   |                             |
| Flemming & Laura Madsen                    | * | HEARINGS FOR                |
| <b>Petitioners</b>                         | * | BALTIMORE COUNTY            |
|                                            | * | <b>CASE NO. 2024-0180-A</b> |

\* \* \* \* \*

### **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, Flemming and Laura Madsen (“Petitioners”) for the property located at 24 Glenberry Court, Phoenix (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §103.1, §103.3, §1A03.4 and §1B02.3.B (Section 400.1 of 1987 Zoning Regulations), to permit a partial side yard replacement of a swimming pool (accessory structure) in lieu of the required rear yard placement (Vested under RC4 Regulations).

The Property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence (the “Site Plan”). (Pet. Ex. 1). Street view photographs of the property was provided. (Pet. Ex. 2A-2H).

A Zoning Advisory Committee (“ZAC”) comment was received from the Department of Environmental Protection and Sustainability “DEPS”), dated August 8, 2024, indicating the following:

“Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).



Additional Comments:

The pool may not be constructed within the 100-foot buffer off the Use-IIP stream that runs along the northwest property line. The pool is not proposed within the buffer.

This property has already complied with Forest Conservation Law through the filing of a Single Lot Declaration of Intent approved by Environmental Impact Review July 1, 2024. “

A Zoning Advisory Committee (“ZAC”) comment was also received from Department of Public Works and Transportation (“DPWT”)/Development Plans Review (“DPR”) which agencies did not oppose the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on August 4, 2024, 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 affidavit as required by Baltimore County Code (“BCC”), §32-3-303. 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, 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 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.

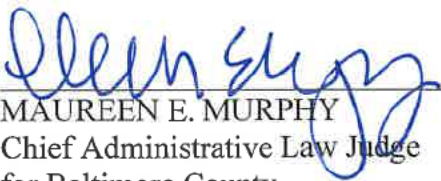
THEREFORE, IT IS ORDERED, this 20th day of **August, 2024**, by the Administrative Law Judge for Baltimore County Zoning Regulations (“BCZR”), §103.1, §103.3, §1A03.4 and §1B02.3.B (Section 400.1 of 1987 Zoning Regulations), to permit a partial side yard replacement

of a swimming pool (accessory structure) in lieu of the required rear yard placement (Vested under RC4 Regulations), be and is hereby **GRANTED**.

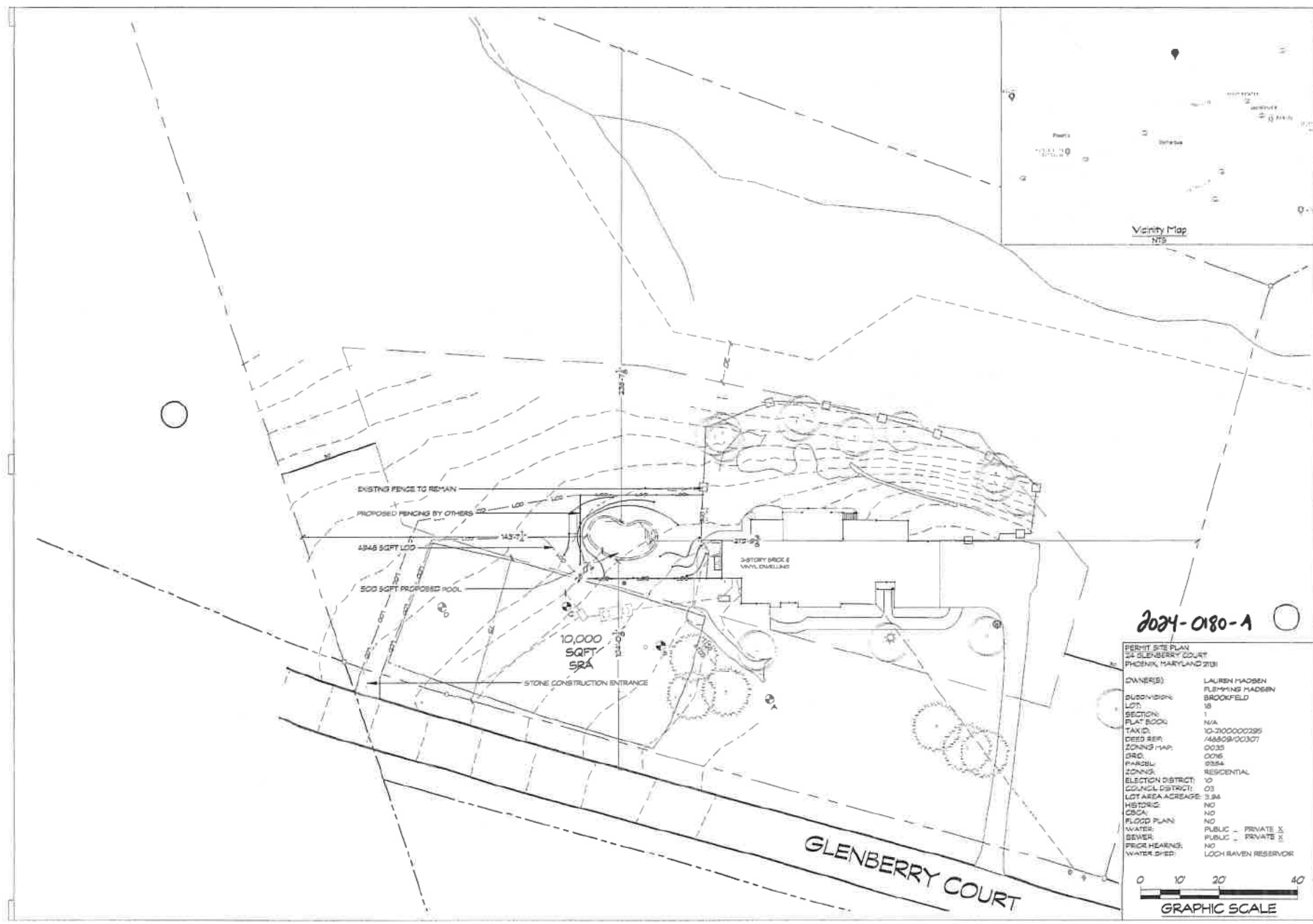
The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is 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, Petitioner would be required to return the subject property to its original condition.
2. The Site Plan, (Pet. Ex. 1) a copy of which is attached hereto, is incorporated herein.
3. Petitioners and all subsequent owners shall comply with the DEPS ZAC comment which is attached hereto and incorporated herein.

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



2024-0180-1

PERMIT SITE PLAN  
24 GLENBERRY COURT  
PHOENIX, MARYLAND 21131

|                   |                      |
|-------------------|----------------------|
| OWNER(S)          | LAUREN MADSEN        |
| SUBDIVISION       | FLUORINOL MADSEN     |
| LOT               | BRACKFIELD           |
| SECTION           | 18                   |
| PLAT BOOK         | 1                    |
| TAX ID            | N/A                  |
| DEED REF          | 10-2000000295        |
| ZONING MAP        | 148809/00307         |
| ORC               | 0035                 |
| PARCEL            | 0016                 |
| ZONING            | 035A                 |
| ELECTION DISTRICT | RESIDENTIAL          |
| COUNCIL DISTRICT  | 10                   |
| LOT AREA ACRES    | 03                   |
| HISTORIC          | 3.94                 |
| CBCA              | NO                   |
| FLOOD PLAIN       | NO                   |
| WATER             | NO                   |
| SEWER             | PUBLIC - PRIVATE X   |
| PRIOR HEARING     | PUBLIC - PRIVATE X   |
| WATER SHED        | NO                   |
|                   | LOCH RAVEN RESERVOIR |



**Lothorian**  
OUR PASSION IS POOLS

www.lothorianspools.com

**MADSEN RESIDENCE**  
24 Glenberry Ct,  
Phoenix, MD 21131

Permit Site Plan  
REVISIONS  
DATE: 6.25.2024  
1"=20'

**L-00**

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge  
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: August 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0180-A  
Address: 24 GLENBERRY CT  
Legal Owner: Flemming & Laura Madsen

Zoning Advisory Committee Meeting of August 5, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

**Additional Comments:**

The pool may not be constructed within the 100-foot buffer off the Use-IIIP stream that runs along the northwest property line. The pool is not proposed within the buffer. This property has already complied with Forest Conservation Law through the filing of a Single Lot Declaration of Intent approved by Environmental Impact Review July 1, 2024.

Reviewer: Libby Errickson, Environmental Impact Review



**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 24 Glenberry Court, Phoenix, Maryland 21131 Currently Zoned RC6 (VESTED RC4)  
Deed Reference /48809/00307 / 10 Digit Tax Account # 2100000295  
Owner(s) Printed Name(s) Flemming & Lauren Madsen

(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)

BCZR: Sections 103.1; 103.3; 1A00.4; 1B02.3.B, (Section 400.1 of 1987 Zoning Regulations) → To permit partial side yard placement of a swimming pool in lieu of the required rear yard placement (Vested under RC4 Regulations).

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):**

|                         |                               |                          |  |
|-------------------------|-------------------------------|--------------------------|--|
| Flemming Madsen         |                               | Lauren Madsen            |  |
| Name #1 – Type or Print |                               | Name # 2 – Type or Print |  |
|                         |                               |                          |  |
| Signature #1            |                               | Signature # 2            |  |
| 24 Glenberry Court      | Phoenix                       | Maryland                 |  |
| Mailing Address         | City                          | State                    |  |
| 21131                   | 443-465-6639                  | Lmadsen279@gmail.com     |  |
| Zip Code                | Telephone #'s (Cell and Home) | Email Address            |  |

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

N/A

Name - Type or Print

N/A

Signature

N/A

|                 |             |               |
|-----------------|-------------|---------------|
| Mailing Address | City        | State         |
| N/A             | N/A         | N/A           |
| Zip Code        | Telephone # | Email Address |

**Representative to be Contacted:**

Curtis L. Fidler

Name - Type or Print

Signature

|                          |              |                       |
|--------------------------|--------------|-----------------------|
| 13536 Jarrettsville Pike | Phoenix      | Maryland              |
| Mailing Address          | City         | State                 |
| 21131                    | 443-281-8449 | cfidler@lothorian.com |
| 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 2024-0180-4 Filing Date 7, 24, 24 Estimated Posting Date 8, 4, 24 Reviewer JS

**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: 24 Glenberry Court Phoenix Maryland 21131  
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)

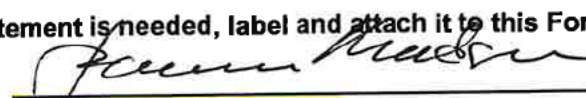
— Zoning variance is being requested due to the inground pool being placed in the side yard. The property is  
— zoned RC-6 (see comments below from Jeff Perlow) and initially the pool was approved by zoning for side  
— yard placement. During the resubmit per GWM/Sediment Control requests, I was informed that a variance was  
— now required. The right side of the and the rear of the property are constrained by grade issues. Also, the right  
— side of the property in close to the adjoining property and we cannot accommodate the pool per clients request  
— in that location. In addition, the rear of the property also contains a forest buffer and a 100 year flood plain. The  
— side yard is the most reasonable and appropriate place to build the pool.

— Mr. Fidler,  
— Zoning Approval was resulted in error. While the current RC 6 zone does permit swimming pools in the side  
— yard, this property was vested under the 1990 zoning regulations when the property was zoned RC 4. The 1990  
— vested RC 4 zoning regulations required a variance to place a swimming pool in the side yard, therefore a  
— petition for Administrative Variance must be filed by the permit applicant. The link below is to the Administrative  
— Variance process and how to apply for it.

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

  
Signature of Owner (Affiant)

Flemming Madsen  
Name - Print or Type

  
Signature of Owner (Affiant)

Lauren Madsen  
Name - Print or Type

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

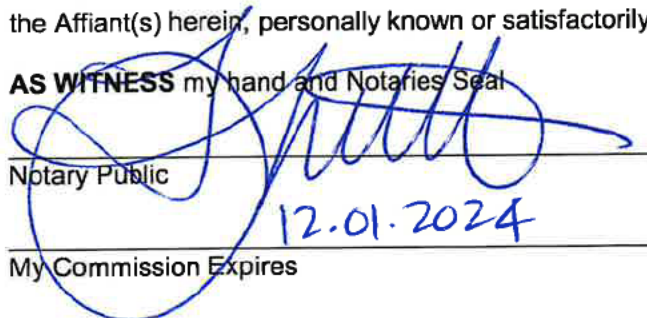
**STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:**

I HEREBY CERTIFY, this 12 day of July, 2024, before me a Notary of Maryland, in  
and for the County aforesaid, personally appeared:

Print name(s) here: Terri Smith

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

**AS WITNESS** my hand and Notaries Seal

  
Notary Public

12.01.2024  
My Commission Expires





July 11, 2024

Flemming & Lauren Madsen Residence  
24 Glenberry Court  
Phoenix, Maryland 21131  
Permit Numbers: R24-03390  
RG24-02926

# ZONING PROPERTY DESCRIPTION FOR 24 Glenberry Court, Phoenix, Maryland 21131

Beginning at point on the Southeast side of Glenberry Court which is 25' wide.  
Thence the following courses and distances: S52°11'05"W at 346.00', S72°02'19"E at  
434.00', S56°40'01"W at 646.36', S37°38'55"E at 310.00' back to the point of beginning  
as recorded in Deed Liber /48809/00307, Folio \_\_\_, containing 3.94 acres. Located in  
10 Election District and 03 Council District.

Being Lot # 18, Block \_\_, Section # 1 in the subdivision of Brookfield as recorded in  
Baltimore County Plat Book #0057 Folio #0015, containing 3.944 acres. Located in  
Election District # 10 and Council District #03.

  
Curtis Fidler  
Lothorian Pools  
13536 Jarrettsville Pike  
Phoenix, Maryland 21131  
Phone: 443-281-8449  
Email: cfidler@lothorian.com

7/11/24  
Date

2024-0180-A

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

No. 231830

Date: 7/24/24

| 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: LOTHORIAN, LLC

For: 2024-0180-4

24 GLENBERRY CT / MADSEN

JSS 24-0677

DISTRIBUTION

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

CASHIER'S  
VALIDATION

Lothorian LLC  
13536 Jarrettsville Pike  
Phoenix, MD 21131

First National Bank of Pennsylvania  
4140 E. State Street  
Hermitage, PA 16148  
60-1809/433

31091  
CHECKSAFE

7/11/2024

PAY TO THE ORDER OF Baltimore County, MD

\$ \*\*75.00

Seventy-Five and 00/100 \*\*\*\*\* DOLLARS

Baltimore County, MD

MEMO

Variance filing fee - Madsen residence

AUTHORIZED SIGNATURE



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

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number: 2024 - 0180 -A Address 24 GLENBERRY COURT

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

Filing Date: 7/24/24 Posting Date: 8/4/24 Closing Date: 8/19/24

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

- 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.
- 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.
- 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.
- 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: 2024 - 0180 -A Address 24 GLENBERRY COURT

Petitioner's Name: MADSEN Telephone (Cell) CURTIS FIALER  
443-281-8449

Posting Date: 8/4/24 Closing Date: 8/19/24

Wording for Sign: To Permit \_\_\_\_\_

To permit partial side yard placement of a swimming pool in lieu of the  
required rear yard placement.

Revised 1/2022

**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: 2024-0180-A  
Property Address: 24 GLENBERRY COURT  
Legal Owners (Petitioners): FLEMMING + LAUREN MADSEN  
Contract Purchaser/Lessee: \_\_\_\_\_

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): CUATIS FIDLER/LOTHORIAN  
Address: 13536 JARRETSVILLE PIKE  
PHOENIX, MD 21131  
\_\_\_\_\_  
Telephone Number: 443-281-8449

\* 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



**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 24 Glenberry Court, Phoenix, Maryland 21131 Currently Zoned RC6 (vested RC4)  
Deed Reference /48809/00307 / 10 Digit Tax Account # 2100000295  
Owner(s) Printed Name(s) Flemming & Lauren Madsen

(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. X **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR: Sections 103.1; 103.3; 1A00.4; 1B02.3.B, (Section 400.1 of 1987 Zoning Regulations) → To permit partial side yard placement of a swimming pool in lieu of the required rear yard placement (Vested under RC4 Regulations).

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):**

|                         |                               |                         |  |
|-------------------------|-------------------------------|-------------------------|--|
| Flemming Madsen         |                               | Lauren Madsen           |  |
| Name #1 – Type or Print |                               | Name #2 – Type or Print |  |
|                         |                               |                         |  |
| Signature #1            |                               | Signature #2            |  |
| 24 Glenberry Court      | Phoenix                       | Maryland                |  |
| Mailing Address         | City                          | State                   |  |
| 21131                   | 443-465-6639                  | Lmadsen279@gmail.com    |  |
| Zip Code                | Telephone #'s (Cell and Home) | Email Address           |  |

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

N/A

Name - Type or Print

N/A

Signature

N/A

|                 |             |               |
|-----------------|-------------|---------------|
| Mailing Address | City        | State         |
| N/A             | N/A         | N/A           |
| Zip Code        | Telephone # | Email Address |

**Representative to be Contacted:**

Curtis L. Fidler

Name - Type or Print

Signature

|                          |              |                       |
|--------------------------|--------------|-----------------------|
| 13536 Jarrettsville Pike | Phoenix      | Maryland              |
| Mailing Address          | City         | State                 |
| 21131                    | 443-281-8449 | cfidler@lothorian.com |
| 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 2024-0180-A Filing Date 7, 24, 24 Estimated Posting Date 8, 4, 24 Reviewer JS

**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: 24 Glenberry Court Phoenix Maryland 21131  
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)

— Zoning variance is being requested due to the inground pool being placed in the side yard. The property is  
— zoned RC-6 (see comments below from Jeff Perlow) and initially the pool was approved by zoning for side  
— yard placement. During the resubmit per GWM/Sediment Control requests, I was informed that a variance was  
— now required. The right side of the and the rear of the property are constrained by grade issues. Also, the right  
— side of the property in close to the adjoining property and we cannot accommodate the pool per clients request  
— in that location. In addition, the rear of the property also contains a forest buffer and a 100 year flood plain. The  
— side yard is the most reasonable and appropriate place to build the pool.

— Mr. Fidler,  
— Zoning Approval was resulted in error. While the current RC 6 zone does permit swimming pools in the side  
— yard, this property was vested under the 1990 zoning regulations when the property was zoned RC 4. The 1990  
— vested RC 4 zoning regulations required a variance to place a swimming pool in the side yard, therefore a  
— petition for Administrative Variance must be filed by the permit applicant. The link below is to the Administrative  
— Variance process and how to apply for it.

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

Flemming Madsen  
Signature of Owner (Affiant)

Flemming Madsen

Name - Print or Type

Lauren Madsen  
Signature of Owner (Affiant)

Lauren Madsen

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 12 day of July, 2024, before me a Notary of Maryland, in  
and for the County aforesaid, personally appeared:

Print name(s) here: Terri Smith

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

12.01.2024  
My Commission Expires





Lothorian  
OUR PASSION IS POOLS

July 11, 2024

Flemming & Lauren Madsen Residence  
24 Glenberry Court  
Phoenix, Maryland 21131  
Permit Numbers: R24-03390  
RG24-02926

ZONING PROPERTY DESCRIPTION FOR 24 Glenberry Court, Phoenix, Maryland 21131

Beginning at point on the Southeast side of Glenberry Court which is 25' wide.  
Thence the following courses and distances: S52°11'05"W at 346.00', S72°02'19"E at  
434.00', S56°40'01"W at 646.36', S37°38'55"E at 310.00' back to the point of beginning  
as recorded in Deed Liber /48809/00307, Folio \_\_\_, containing 3.94 acres. Located in  
10 Election District and 03 Council District.

Being Lot # 18, Block \_\_, Section # 1 in the subdivision of Brookfield as recorded in  
Baltimore County Plat Book #0057 Folio #0015, containing 3.944 acres. Located in  
Election District # 10 and Council District #03.

  
Curtis Fidler  
Lothorian Pools  
13536 Jarrettsville Pike  
Phoenix, Maryland 21131  
Phone: 443-281-8449  
Email: cfidler@lothorian.com

7/11/24  
Date

2024-0180-A

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

**TO:** Peter Gutwald, Director  
Department of Permits, Approvals

**DATE:** July 30, 2024

**FROM:** Vishnu Desai, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
Case 2024-0180-A

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

**DPR:** No comment.

**DPW-T:** No exception taken.

**Landscaping:** No comment.

**Recreations & Parks:** No comment LOS & No Greenways affected.



# CERTIFICATION OF POSTING

RE: Case No. 2024-0180- A

Petitioner: Madsen

Closing Date: 8/19/24

Baltimore County Department of  
Permits, Approvals and Inspections  
Room 111, County Office Building  
111 W. Chesapeake Ave.  
Towson, Md. 21204

This letter is to confirm, under penalties of perjury, that the necessary sign  
was posted conspicuously on the property located at \_\_\_\_\_

24 Glenberry Court – Front of property (1 of 2)

24 Glenberry Court – Close up of sign wording (2 of 2)

on 8/4/24

Sincerely,

Richard E. Hoffman (signed) 8/4/24

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

## BALTIMORE COUNTY, MARYLAND

### Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge  
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and  
Sustainability (EPS) - Development Coordination

DATE: August 8, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0180-A  
Address: 24 GLENBERRY CT  
Legal Owner: Flemming & Laura Madsen

Zoning Advisory Committee Meeting of August 5, 2024.

X The Department of Environmental Protection and Sustainability offers the following comments on the above-referenced zoning item:

- X Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- X Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

#### Additional Comments:

The pool may not be constructed within the 100-foot buffer off the Use-IIIP stream that runs along the northwest property line. The pool is not proposed within the buffer. This property has already complied with Forest Conservation Law through the filing of a Single Lot Declaration of Intent approved by Environmental Impact Review July 1, 2024.

Reviewer: Libby Errickson, Environmental Impact Review

## Real Property Data Search ( )

Search Result for BALTIMORE COUNTY

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

Special Tax Recapture: None

Account Identifier: District - 10 Account Number - 2100000205

**Owner Information**

Owner Name: MADSEN FLEMMING Use: RESIDENTIAL  
 MADSEN LAUREN Principal Residence: YES  
 Mailing Address: 24 GLENBERRY CT Deed Reference: /48809/ 00307  
 PHOENIX MD 21131-

**Location & Structure Information**

Premises Address: 24 GLENBERRY CT Legal Description: 3.944 AC  
 PHOENIX 21131-0000 24 GLENBERRY CT NWS  
 BROOKFIELD

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No: 2  
 0035 0016 0354 10020028.04 0000 1 18 2023 Plat Ref: 0057/ 0015

Town: None

Primary Structure Built Above Grade Living Area Finished Basement Area Property Land Area County Use  
 1989 4,465 SF 620 SF 3.9400 AC 04

StoriesBasementType ExteriorQualityFull/Half BathGarage Last Notice of Major Improvements  
 1 1/2 YES STANDARD UNITBRICK/ 6 4 full/ 2 half 1 Attached  
 FRAME

**Value Information**

|                    | Base Value | Value      | Phase-in Assessments |            |
|--------------------|------------|------------|----------------------|------------|
|                    |            | As of      | As of                | As of      |
|                    |            | 01/01/2023 | 07/01/2023           | 07/01/2024 |
| Land:              | 256,200    | 252,300    |                      |            |
| Improvements       | 585,600    | 651,100    |                      |            |
| Total:             | 841,800    | 903,400    | 862,333              | 882,867    |
| Preferential Land: | 0          | 0          |                      |            |

**Transfer Information**

|                               |                      |                    |
|-------------------------------|----------------------|--------------------|
| Seller: MOORE RICHARD BALDWIN | Date: 02/27/2024     | Price: \$1,225,000 |
| Type: NON-ARMS LENGTH OTHER   | Deed1: /48809/ 00307 | Deed2:             |
| Seller: BANK OF AMERICA NA    | Date: 01/17/2019     | Price: \$0         |
| Type: NON-ARMS LENGTH OTHER   | Deed1: /41066/ 00384 | Deed2:             |
| Seller: MARSHALL JEFFREY H    | Date: 09/26/2002     | Price: \$739,900   |
| Type: NON-ARMS LENGTH OTHER   | Deed1: /16870/ 00519 | 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  | 0.00 0.00  |

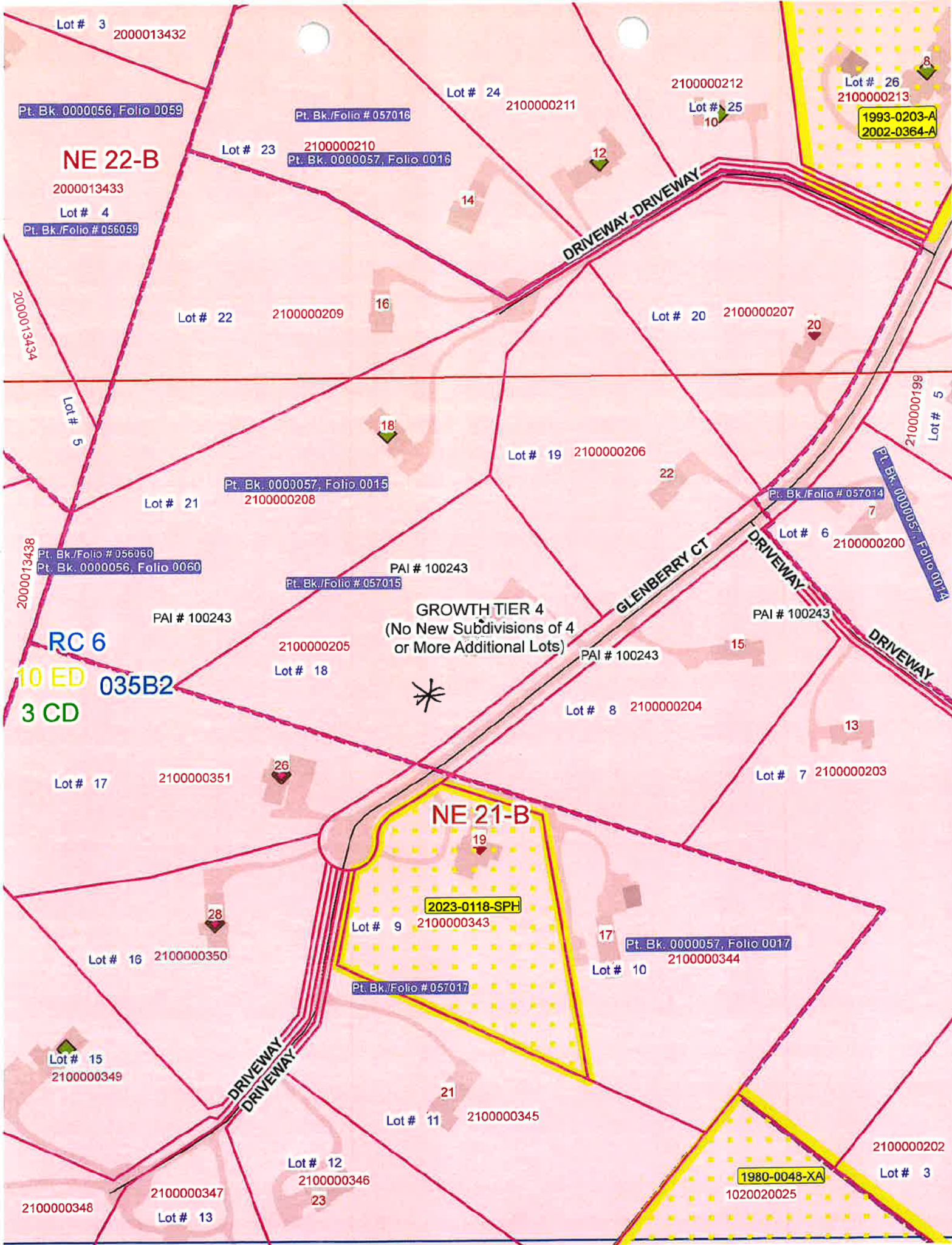
Special Tax Recapture: None

**Homestead Application Information**

Homestead Application Status: Denied 09/05/2023

**Homeowners' Tax Credit Application Information**

Homeowners' Tax Credit Application Status: No Application Date:



Lot # 3  
2000013432

Pt. Bk. 0000056, Folio 0059

NE 22-B

2000013433

Lot # 4

Pt. Bk./Folio # 056059

Lot # 24

2100000211

2100000212

Lot # 25  
10

Lot # 26  
2100000213

1993-0203-A  
2002-0364-A

Lot # 23

2100000210

Pt. Bk. 0000057, Folio 0016

14

12

Lot # 22

2100000209

16

Lot # 20

2100000207

20

Lot # 21

Pt. Bk. 0000057, Folio 0015  
2100000208

Lot # 19

2100000206

22

Pt. Bk./Folio # 057014

Lot # 6

2100000200

Pt. Bk./Folio # 056060

Pt. Bk. 0000056, Folio 0060

PAI # 100243

Pt. Bk./Folio # 057015

PAI # 100243

GROWTH TIER 4  
(No New Subdivisions of 4  
or More Additional Lots)

PAI # 100243

PAI # 100243

2100000205

Lot # 18

Lot # 8

2100000204

15

13

Lot # 7

2100000203

Lot # 17

2100000351

26

NE 21-B

19

2023-0118-SPH

Lot # 9

2100000343

Pt. Bk. 0000057, Folio 0017

2100000344

Lot # 10

Pt. Bk./Folio # 057017

Lot # 16

2100000350

28

Lot # 15

2100000349

Lot # 11

2100000345

21

Lot # 12

2100000346

23

2100000347

Lot # 13

2100000348

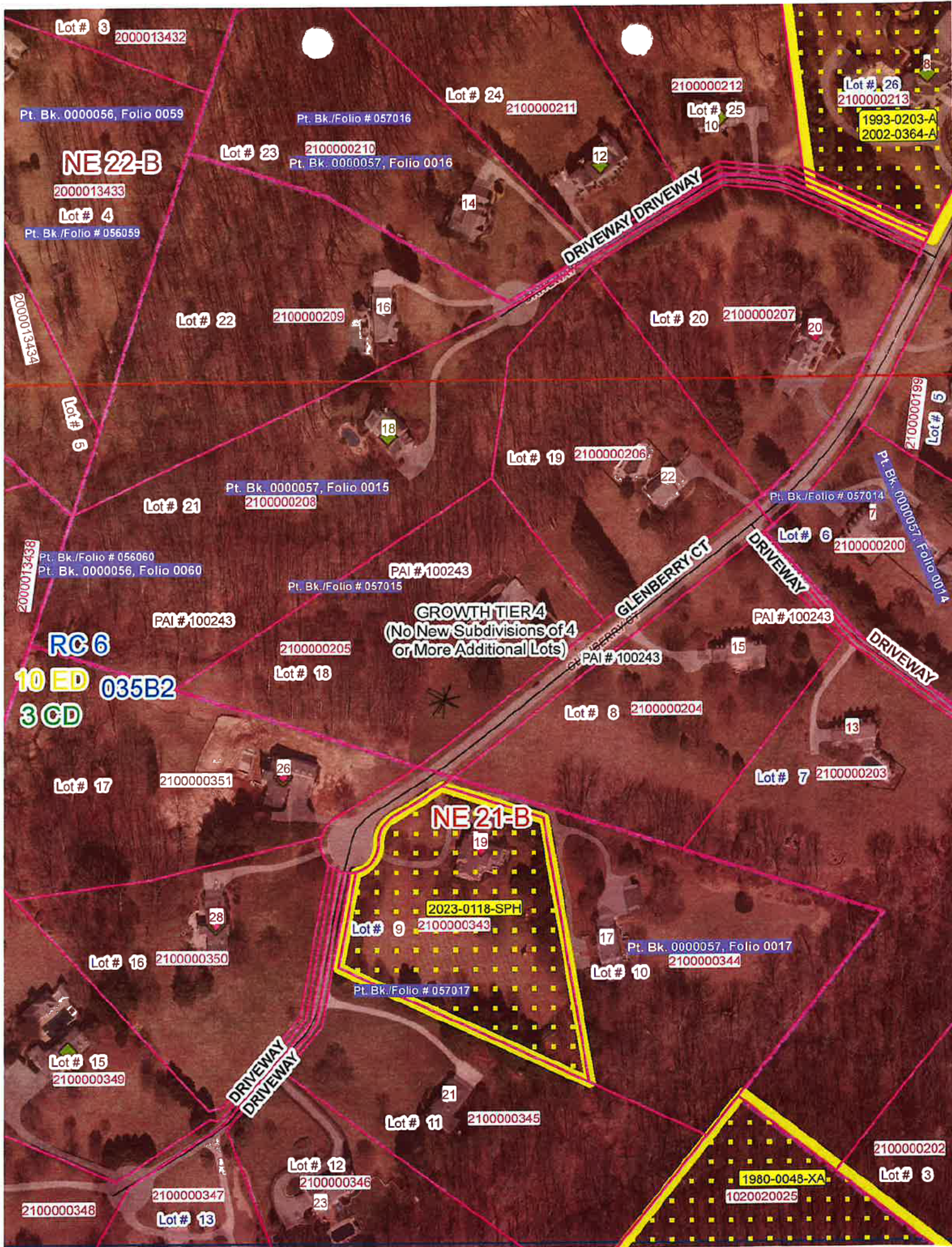
2100000202

Lot # 3

1980-0048-XA

1020020025









VIEW NORTH FROM POOL





VIEW SOUTHWEST FROM POOL





VIEW SOUTH FROM POOL





VIEW EAST FROM POOL





VIEW NORTH FROM POOL





VIEW SOUTH FROM POOL





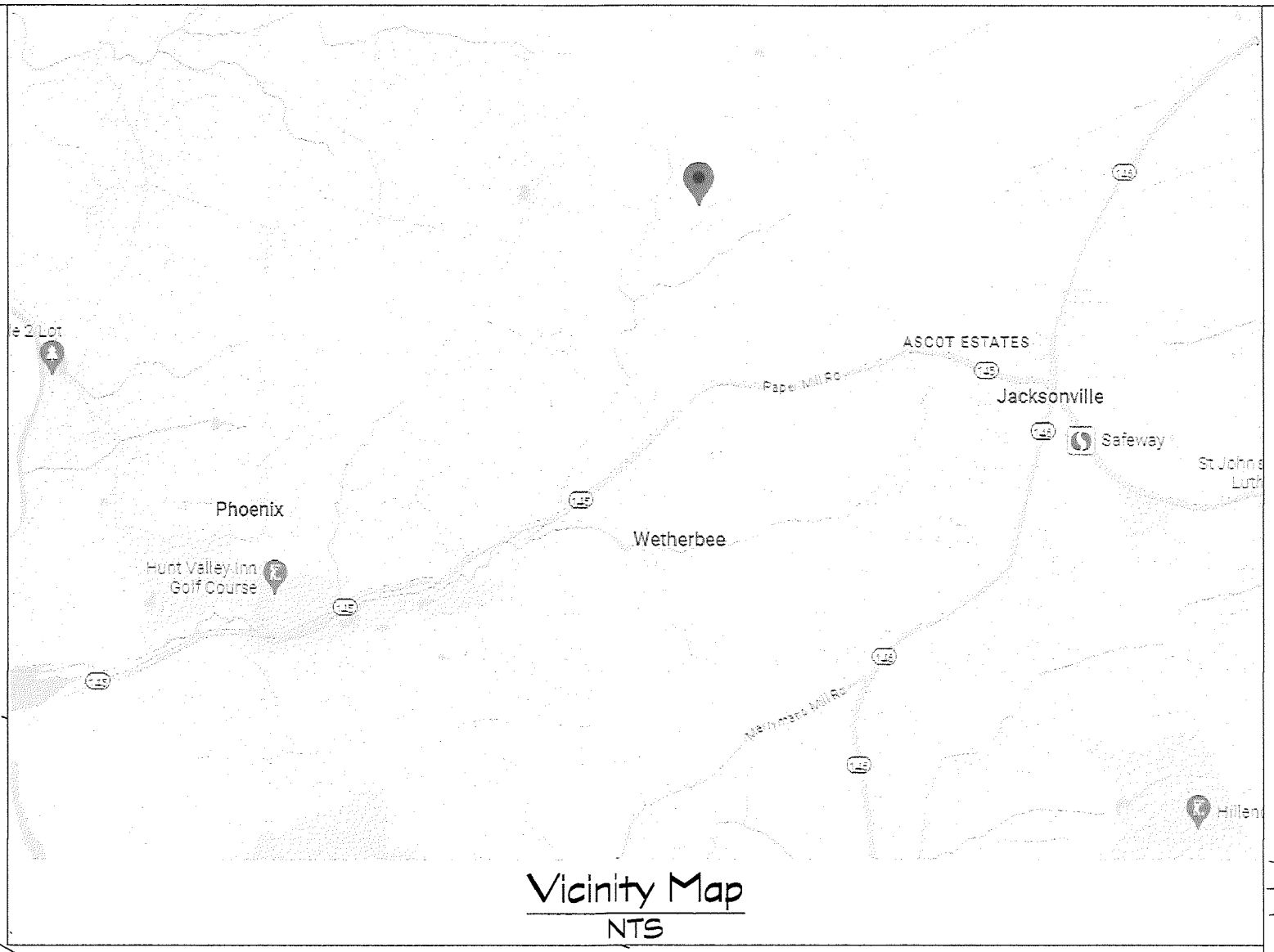
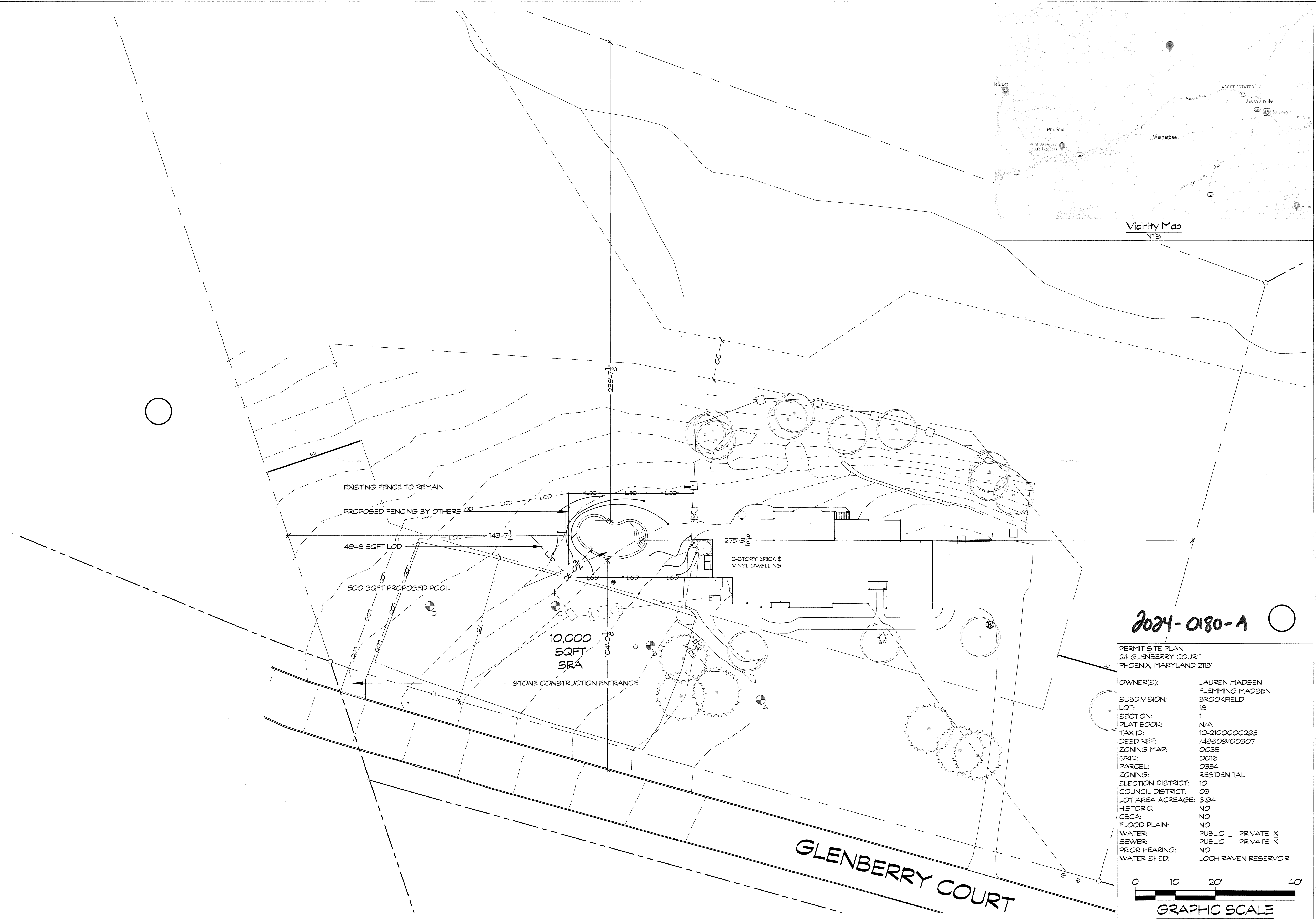
VIEW NORTHWEST FROM POOL





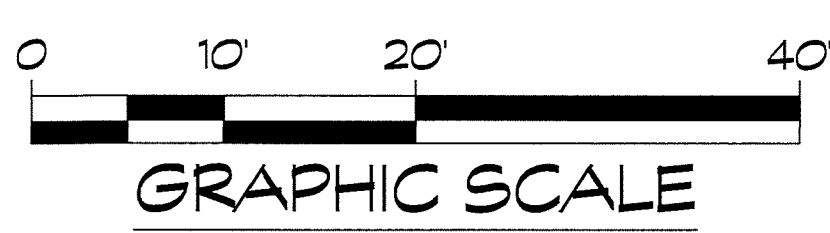
VIEW EAST FROM POOL





2024-0180-A

|                                                                   |                                  |
|-------------------------------------------------------------------|----------------------------------|
| PERMIT SITE PLAN<br>24 GLENBERRY COURT<br>PHOENIX, MARYLAND 21131 |                                  |
| OWNER(S):                                                         | LAUREN MADSEN<br>FLEMMING MADSEN |
| SUBDIVISION:                                                      | BROOKFIELD                       |
| LOT:                                                              | 18                               |
| SECTION:                                                          | 1                                |
| PLAT BOOK:                                                        | N/A                              |
| TAX ID:                                                           | 10-2100000295                    |
| DEED REF:                                                         | 148809/00307                     |
| ZONING MAP:                                                       | 0035                             |
| GRID:                                                             | 0016                             |
| PARCEL:                                                           | 0354                             |
| ZONING:                                                           | RESIDENTIAL                      |
| ELECTION DISTRICT:                                                | 10                               |
| COUNCIL DISTRICT:                                                 | 03                               |
| LOT AREA ACREAGE:                                                 | 3.94                             |
| HISTORIC:                                                         | NO                               |
| CBCA:                                                             | NO                               |
| FLOOD PLAIN:                                                      | NO                               |
| WATER:                                                            | PUBLIC _ PRIVATE X               |
| SEWER:                                                            | PUBLIC _ PRIVATE X               |
| PRIOR HEARING:                                                    | NO                               |
| WATER SHED:                                                       | LOCH RAVEN RESERVOIR             |



Professional Certification  
I certify that these documents were prepared and/or checked by me or under my direct supervision and I am a duly licensed professional engineer in the State of Maryland.

These drawings, as instruments of service, are the property of Lothorian Pools and are to be used only for the project and site identified in the title block. Any reproduction without appropriate consent is prohibited.

www.lothorianpools.com

**MADSEN RESIDENCE**  
**24 Glenberry Ct,**  
**Phoenix, MD 21131**

Permit Site Plan  
REVISIONS:  
DATE:  
6.25.2024  
1"=20'

L-00