IN THE MATTER OF BLAKE A. HAAG, ET UX FOR A ZONING VARIANCE ON PROPERTY TED ON THE MORTHWEST CORNER OF SEND COURT AND PORDCREST ROAD 14th ELECTION DISTRICT

COUNTY BOARD OF APPEALS

BALTIMORE COURTY CASE NO. 88-332-A

OPINION

This matter comes before the Board as an appeal from the decision of the Zoning Commissioner dated May 13, 1988, which granted the Petitioner's request for variance from Section 427 of the Baltimore County Zoning Regulations (B.C.7.9.)

Testimony was received by the Board from the Petitioners/ Property Owners, Mr. and Mrs. Blake A. Hsag. The Board slso heard from the neighboring Protestants, Mr. and Mrs, Frank Fama, and a real estate appraiser /broker who appeared on their brhalf, Brenda Friesen. Mr. and Mrs. Hamg both testified that they purchased the subject property on which sits a single-family dwelling house on May 20, 1983. The house was purchased new and had been the model and display home for the development known as Greenview Park. Protestants' Exhibit No. 1 discloses that the Petitioners' home sits on the northwest corner of Days End Court and Fordcrest hoad. The house fronts Days End Court with a mide yard bordering Fordcrest Road. The rear property line adjoins the Protestants' property. Further review of the plat reveals that the Protestants' property is located north of the Petitioners' residence on the southwest corner of Fordcrest Road and Morning Court. The Protestants settled on their property approximately one month after the Petitioners, on June 30, 1983. The Protestants testified that at the time immediately prior to the construction of their home they were given an election as to the direction which their home would face. They

tern most part of the Patitioners' property. The fence then parallels Fordcrest Road to the east of Patitioners property. The fence is built two inches from Protestants' front vard property line.

On September 30, 1987, Petitioners were notified by Zoning Enforcement that the fence they constructed was in violation of Section 427 of the Baltimore County Zoning Regulations. Section 427 prescribes the following:

(A) A residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another on which aresidence has been built, except in accordance

(B) The fence height shall be limited as hen the distance between the fence and the joining front yard property line is 0' - 1 e maximum allowable fence height is 42"].

A copy of the soning correction notice is attached as Exhibit A

On May 13, 1988, Petitioners petitioned the Denuty Soning Commissioner of Baltimore County for a zoning variance pursuant to Section 307 of the Beltimore County Soning Regulations. Section 307 prescribes the following:

The Soning commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall not seem to grant vertices for the power to grant vertices for the logical vertices for the power of the county in cases where strict compliance with the Soning Regulations for Baltimore County usual result in practical difficulty or unreasonable hardbigs. In Yurthersore, any such vertices shall be madebly in Yurthersore, any such vertices shall be withing the strict of the stric be granted only if in strict harmony with the spirit and intent of said beight, area. . . . such manner as to grant relief without

Case No. 88-332-A Blake A. Hang, et ux

elected for the house to front Fordcrest Road as opposed to Morning Court. Thus, the Petitioners' home bears the address 2 Days End Court while the Protestants' is known as 6814 Fordcrest Road. Additionally, as the result of this election, the Petitioners' rear yard adjoins both the front and side yards of the

Further testimony elicited that the construction on the fence was completed by the summer of 1987 and that the fence presently sits 2 inches off the Fama/Heag property line, and was constructed under a permit issued by Baltimore County. Section 427(A) of the B.C.Z.R. provides that "a residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another on which a residence has been built, except in accordance with the provisions of this section." The section later provides that for a fence located within 10 feet of the property line, the maximum height allowed is 42 inches. However, under the provisions of the BOCA Code, section 515.1, residential occupancy fences in side and rear yards are permitted to a height of 6 feet subject to the B.C.Z.R. Thus, the issue presented before the Board in this case is more complicated. Particularly, that portion of the fence beginning on the westernmost portion of the rear yard and continuing to a point adjacent to the front of the Fama residence is permitted, under regulation, to remain at 6 feet. It is only for the approximate 25-foot distance from a point across from the front of the Fama residence (front yard) to the eastern property line that the height is restricted to the 42-inch maximum. Further, that entire stretch of fence on the eastern property line of the Hang property bordering Fordcrest Road is permitted under the BOCA regulations to have a height up to 6 feet

The Protestants' primary concern in opposing this fence centers around their claim that its construction blocks their view to the south. How ever, a denial of the requested variance would not alleviate these concerns in

substantial injury to public health, safety, and peneral welfare. They shall have no power to

The Deputy Zoning Commissioners found in favor of Petitioners and granted the soning variance stating that "it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted." See p. 3 Findings of Fact and Conclusions of Law. A copy of the Deputy Soning Commissioner's decision is attached as Exhibit B.

For the reason discussed below, Protestants appeal from the decision of the Deputy Zoning Commissioner of Beltimore County. II. PETITIONERS FENCE VIOLATES SECTION 427 OF THE BALTIMORE COUNTY ZONTING BEGILLATTOWN

It is well established in Maryland that the State government may delegate to local government the power to enact local laws relating to soning and planning. Turf Valley Assoc, v. Soning Board, 262 Md. 632, 278 A.2d 574 (1971). In Baltimore County. the local legislative body enacted Section 427 which restricts the height of a residential fence to forty-two inches when the distance between the fence and the adjaining front yard property line is 0 feet to 10 feet. In the proceedings at bar, Petitioners seek a special exception from the height restrictions after they have already erected the fence.

Exceptions to soming regulations are granted sparingly and only under exceptional circumstances. Marino v. City of Baltimore, 215 Rd. 206, 137 A.2d 198 (1957). Accordingly, a

Blake A. Haag, et ux that only the rear property line portion of the fence adjacent to the Fama's front yard as described above is subject to the variance. To deny the variance would result only in an uneven line of fence across the Haag rear property line with a resumntion of the 6-foot height as the ferce continues to the south. Thus, the effect on sight distance from the Fana property would remain. Additionally, to deny this variance would clearly result in practical difficulty and unreasonable hardship to the Petitioner as that term is defined in Section 307 of the B.C.Z.R. Specifically, it would result in a fence line totally out of character with the existing fences already in the neighborhood. For all of the

ORDER

greated and will so order.

___, 1988 by the It is therefore this 23rd day of November County Board of Appeals of Baltimore County ORDERED that the requested variance to permit a fence 72 inches high at a distance of 2 inches between the fence and the adjacent front yard in lieu of the permitted height of 42 inches in accordance with Petitioner's Exhibit No. 1 be and the same is hereby GRANTED.

aforegoing reasons, the Board is of the opinion that this variance should be

Any appeal from this decision must be made in accordance with Rules Rel through Rel3 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPRALS OF BALTIMORE COUNT

William T. Hackett, Chairma me cont Lawrence E. Schmidt

IN THE MATTER OF PETITION FOR ZONING VARIANCE H/W CORNER BEFORE THE COUNTY DAYS END COURT AND BOARD OF APPEALS FORDCREST ROAD OF BALTIMORE COUNTY 14TH ELECTION DISTRICT CASE NO. 88-332-A SER COUNCILMANIC DISTRICT MR. & MRS. FRANK FAMA ("PROTESTANTS")

> MEMORANDUM IN SUPPORT OF PROTESTANTS' APPEAL FROM THE GRANT OF THE

I. INTRODUCTION

Petitioners reside on a corner lot located at the intersection of Days End Court and Fordcrest Road, on property known as 2 Days End Court. Protestants reside on the adjoining lot to the north of Petitioners lot, on property known as 6814 Fordcrest Road. Each property is improved with a single family dwelling that fronts the respective public streets. The rear yard of the Petitioners' property abuts the side and front yards of Protestants' property.

PETITION FOR ZONING VARIANCE

In June, 1987, Petitioners constructed a seventy-two inch fence that extends along the property line to the rear of Petitioners' dwelling. The corner of the fence is located in the

special exception will never be granted to gratify merconvenience. Glesson v. Keswick Improvement Ass'n, 197 Md. 46. 78 A.2d 164 (1951). There must be a showing of urgent necessity Pan Construction Co., v. City of Baltimore, 233 Md. 372, 196 A.2d 879 (1964), and hardship peculiar to particular property not common to other property in the surrounding neighborhood. City of Baltimore v. Polakoff, 233 Md. 1, 194 A.2d 819 (1963).

In Maryland, one attacking a soning regulation bears a heavy burden of overcoming a presumption that the legislative action was in the interest of health, safety, morels and general welfers. Bockville Fuel and Feed Co. v. Board of Appeals, 257, Md. 183, 262 A.2d 499 (1970); Burns v. Heyor of Beltimore, 251 Md. 554, 248 A.2d 103 (1968). When an applicant seeks a variance or special exception on the basis of practical difficulties or ssary hardships he has the burden of showing a substantial need which would justify the exception. Pen Construction Co. v. City of Baltimore, 233 Hd. 372, 196 A.2d 879 (1964). In this case, Petitioners have not presented any evidence which could support their soning petition and therefore have failed to meet their burden

In these preceedings, Petitioners attempt to place the cart before the horse. It is not disputed that Petitioners erected their fence in clear violation of the Baltimore County Zoning Regulations restricting the fence height to forty-two inches. Now Petitioners come before this Board and content that requiring strict compliance "with the soning regulations would result in

practical difficulty and unreasonable hardship for [them] and [their] family." See p. 1 Findings of Fact and Conclusions of Law. Petitioners argument must fail because the difficulty and hardship relied upon were self-inflicted.

In Salisbury Board of Zoning v. Bounds, 240 Md. 547, 214 A.2d 810 (1965), an owner of an apartment building, through an inadvertent error in the measurement of his lot size, converted a building for use as a four family dwelling. The applicable ordinance permitted three units, but not four. The Court of Appeals of Maryland denied the variance holding that:

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Petitioners also argue that strict compliance with the applicable zoning regulations would cause practical difficulty and undue hardship because they "had invested a considerable amount of time and money in constructing the fence." See p.1 Findings of Fact and Conclusion of Law. Again, Petitioners argument must fail because the argument is purely financial in

IN THE MATTER OF BLAKE A. HAAG, ET UX OR A ZONING VARIANCE ON PROPERTY LOCATED ON THE NORTHWEST CORNER OF : DAYS END COURT AND FORDCREST ROAD 14th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY CASE NO. 88-332-A

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Testimony was received by the Board from the Petitioners/ Property Owners, Mr. and Mrs. Blake A. Haag. The Board also heard from the neighboring Protestants, Mr. and Mrs. Frank Fama, and a real estate appraiser /broker who appeared on their behalf, Brenda Friesen. Mr. and Mrs. Haag both testified that they purchased the subject property on which sits a single-family dwelling house on May 20, 1983. The house was purchased new and had been the model and display home for the development known as Greenview Park. Protestants' Exhibit No. 1 discloses that the Petitioners' home sits on the northwest corner of Days End Court and Fordcrest Road. The house fronts Days End Court with a side yard bordering Fordcrest Road. The rear property line adjoins the Protestants' property. Further review of the plat reveals that the Protestants' property is located north of the Petitioners' residence on the southwest corner of Fordcrest Road and Morning Court. The Protestants settled on their property approximately one month after the Petitioners, on June 30, 1983. The Protestants testified that at the time immediately prior to the construction of their home they were given an election as to the direction which their home would face. They

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A copy of the zoning correction notice is attached as Exhibit A.

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On May 13, 1988, Petitioners petitioned the Deputy Zoning Commissioner of Baltimore County for a zoning variance pursuant to Section 307 of the Baltimore County Zoning Regulations.

> The Zoning commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, ... only in cases where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship ... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, ... and only in such manner as to grant relief without

Case No. 88-332-A Blake A. Haag, et ux

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COUNTY ZONING REGULATIONS.

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Case No. 88-332-A Blake A. Haag, et ux

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ORDER

It is therefore this 23rd day of November, 1988 by the County Board of Appeals of Baltimore County ORDERED that the requested variance to permit a fence 72 inches high at a distance of 2 inches between the fence and the adjacent front yard in lieu of the permitted height of 42 inches in accordance with Petitioner's Exhibit No. 1 be and the same is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure. COUNTY BOARD OF APPEALS

OF BALTIMORE COUNTY

IN THE MATTER OF PETITION FOR ZCNING VARIANCE N/W CORNER DAYS END COURT AND FORDCREST ROAD 14TH ELECTION DISTRICT * 6th COUNCILMANIC DISTRICT MR. & MRS. FRANK FAMA

* * * * * * * * * * * MEMORANDUM IN SUPPORT OF PROIESTANTS' APPEAL FROM THE GRANT OF THE PETITION FOR ZONING VARIANCE

BEFORE THE COUNTY

BOARD OF AFPEALS

OF BALTIMORE COUNTY

CASE NO. 88-332-A

I. <u>INTRODUCTION</u>

("PROTESTANTS")

Petitioners reside on a corner lot located at the intersection of Days End Court and Fordcrest Road, on property known as 2 Days End Court. Protestants reside on the adjoining lot to the north of Petitioners lot, on property known as 6814 Fordcrest Road. Each property is improved with a single family dwelling that fronts the respective public streets. The rear yard of the Petitioners' property abuts the side and front yards of Protestants' property.

In June, 1987, Petitioners constructed a seventy-two inch fence that extends along the property line to the rear of Petitioners' dwelling. The corner of the fence is located in the

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burden of overcoming a presumption that the legislative action was in the interest of health, safety, morals and general welfare. Rockville Fuel ard Feed Co. v. Board of Appeals, 257, Md. 183, 262 A.2d 499 (1970); Burns v. Mayor of Baltimore, 251 Md. 554, 248 A.2d 103 (1968). When an applicant seeks a variance or special exception on the basis of practical difficulties or unnecessary hardships he has the burden of showing a substantial need which would justify the exception. Pem Construction Co. v. City of Baltimore, 233 Md. 372, 196 A.2d 879 (1964). In this case, Petitioners have not presented any evidence which could support their zoning petition and therefore have failed to meet

In these preceedings, Petitioners attempt to place the cart before the horse. It is not disputed that Petitioners erected their fence in clear violation of the Baltimore County Zoning Regulations restricting the fence height to forty-two inches. Now Petitioners come before this Board and content that requiring strict compliance "with the zoning regulations would result in

practical difficulty and unreasonable hardship for [them] and [their] family." See p. 1 Findings of Fact and Conclusions of Law. Petitioners argument must fail because the difficulty and hardship relied upon were self-inflicted.

In Salisbury Board of Zoning v. Bounds, 240 Md. 547, 214 A.2d 810 (1965), an owner of an apartment building, through an inadvertent error in the measurement of his lot size, converted a building for use as a four family dwelling. The applicable ordinance permitted three units, but not four. The Court of Appeals of Maryland denied the variance holding that:

The Construction of the fourth apartment and the resultant hardship could have been avoided if the appellees had used proper diligence in ascertaining what the density requirements were for a four apartment dwelling within the district in which this property is located, and then made accurate measurements to see if this particular property met the square footage requirements. The hardship here relied on was entirely selfcreated and the Board properly refused to allow it to be used as a fulcrum to lift, by way of a variance, the valid limitations imposed by the Salisbury Zoning Code. (emphasis added).

See also Randolph Hills, Inc. v. Montgomery County Council, 264 Md. 78, 285 A.2d 620 (1972); Wilson v. Mayor of Elkton, 35 Md App 417, 371 A.2d 443 (1977).

Petitioners also argue that strict compliance with the applicable zoning regulations would cause practical difficulty and undue hardship because they "had invested a considerable amount of time and money in constructing the fence." See p.1 Findings of Fact and Conclusion of Law. Again, Petitioners argument must fail because the argument is purely financial in

convenience. Gleason v. Keswick Improvement Ass'n, 197 Md. 46, 78 A.2d 164 (1951). There must be a showing of urgent necessity Pem Construction Co., v. City of Baltimore, 233 Md. 372, 196 A.2d common to other property in the surrounding neighborhood. City of Baltimore v. Polakoff, 233 Md. 1, 194 A.2d 810 (1963).

In Maryland, one attacking a zoning regulation bears a heavy their burden.

nature. Essentially, Petitioners contend it would be too expensive to comply with the zoning regulations.

The Court of Appeals of Maryland has consistently held that the more mustaining of financial hardship is not a sufficient basis on which to grant a soming variance. Deibl v. County Board of Appeals of Beltimore County, 258 Rd. 157, 265 A.2d 327 (1970); Burns v. Hayor of Baltimors, 251 Md. 554, 248 A.2d 103 (1968); Salisbury Board of Soning V. Bounds 240 Md. 547, 214 A.2d 210 (1965); <u>Faster v. Navor of Beltimore</u> 195 Md. 395, 73 A.2d 491 (1950). In the present case, Petitioner cannot justify relaxation of the maming regulations on the theory that it would cost too such to comply with those regulations.

Petitioner also contends that the fence was constructed for "safety reasons and that the height was necessary to protect his young child and provide privacy." See p. 1 Findings of Fact and Conclusion of Law. These reasons are obviously not unique to Petitioners property and are common to a residential neighborhood such as that in which Patitioner lives. Pen Construction Co. V. City of Beltimore. Petitioners offer no evidence why their situation is different from any other family with small children in the surrounding community.

Petitioners also argue that because "adjoining fences were 6 feet high, they would also by permitted to have a 6-foot fence." See p. 3 Findings of Fact and Conclusions of Law. Significantly, the adjoining fences to which Petitioners refer are located where rear yards abut other rear yards. In this case, Petitioners' six

testants' front yard in violation of Section 427. Horover, as was held in Bark Shessing Center Y. MARTE Co., 216 Md. 271, 139 A.26 643 (1956), it is not prepar to consider the existence of surrounding ill-advised or illegal soming variances as grounds for granting additional variances; if that were not so, one variation would mustain if it did not compal others, and thus the general regulation would be mullified. Bee also Easter V. May or Reltimore, 195 Md. 395, 73 A.24 491 (1950) ..

Petitioners liberal construction of Section 307 would pe soning exceptions for reasons that are not substantial and urgent; therefore, having the tendency to discriminate and destroy the usefulness of the ordinance. Because Petitioners have not offered any evidence of urgency or exceptional need they have failed to meet their burden. Accordingly, Protestants respectfully request that the decision of the Deputy Soning Commissioner be reversed.

le, Jarrell & Cyach s for Protestants

PETITION FOR ZONING VARIANCE PETITION FOR ZURING NB/Corner Days End Court and Fordcrest Road (2 Days End Court) 14th Election District 6th Councilmanic District

MR. CLERKS

REFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 88-332-A

Blake A. Haag, et ux

Will you be king enough to enter the appearance of Alan H. Stocksgale

and Stocksdale, Jarrell & Cvach as attorneys for Francesco C. Fama and Carol A. Fama, Protestants in the above-raptioned case scheduled for a hearing before the County Board of Appeals of Baltimore County on November 1, 19d8.

> Alan H. Stocksdale Aion H. Stocksdale Stocksdale, Jarrell & Cvach 6717 Harford Road Baltimore, MD 21234 254-6877

I HEREBY CERTIFY that a copy of the aforegoing Notice of Appearance was this 6th day of October. 1988 meiled to Blake A. Haag and Norma J. Haag. his wife, at 2 Days End Court, Baltimore, Maryland 21237; Peoples Counsel of Baltimore County, Room 223, Old Courthouse, Towson, Maryland 21204; P. David Fields, J. Robert Haines. Ann Nastarowicz and James Dyer, Baltimore County Office of Planning and Zoning, Towson, Maryland 21204

Alan H. Stocksdale

1300 it. 18/10

STOCKSDALE, JARRELL & CVACH ---

BALTIMORE, MARYLAND 21234

Miss June Holmen, Secretary County Board of Appeals of Baltimore County Room 315, County Office Building Towson, Maryland 21204

Dear Miss Holmens

Enclosed Merewith please find a request to your Board for the purpose of entering my appearance on behalf of Mr. and Mrs. Francesco C. Fama in the zoning matter, Case No. 88-332-A scheduled for a hearing before your Board on November 1, 1988.

Very truly yours.

Har V Hackerich Alan H. Stocksdale

AHStrus

Enc.

CC: Blake A. Haag and wife Peoples Cousel of Beltimore County P. David Fields J. Robert Haines

IN RE: PETITION FOR ZONING VAR:ANCE W/corner Days End Court and 2 Days End Court) láth Riection District Blake A. Haag, et un

DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 88-312-1

. FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a fence 72 inches high at a distance of 2 inches between the fence and the adjacent front ward in lieu of the permitted height of 42 inches, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Mr. & Mrs. Frank Fana, adjoining property owners, appeared as Protestants.

Testimony indicated that the subject property, known as 2 Days End Court, is on a corner lot located at the intersection of Days End Court and Fordcrest Road. The subject property is improved with a single family dwelling. Mr. Hasg testified that he applied for and was issued a permit to construct the 72-inch high fence in June 1987. A copy of the nermit was introduced as Petitioner's Exhibit 2. Mr. Hang further testified that he was not informed that of the permit did not mean the fence and its placement oning to insure the height and distance from the property line was appropriate. fr. Haag testified that the fence was constructed for safety reasons and that the height was necessary to protect his young child and provide privacy. He further testified that he had invested a considerable amount of time and money in constructing the fence and that to require strict compliance with the moning regulations would result in practical difficulty and unreasonable hardship for him and his family.

The Petitioner introduced photographs evidencing that the fence is the same size and height of an adjoining property owner's fence on Days End Court. Further, the Petitioner introduced three letters of support from surrounding property owners indicating that they had no objection to the Petitioner's fence.

The Protestants testified that they were opposed to the granting of any variance. Mr. Fama tentified that the height of the fence only permits a view of the top half of their home when proceeding up Fordcrest Rold from Days End Court and that they cannot see oncoming traffic when backing out of their driveway until they reach the curb. The Protestants introduced three pictures depicting the fence in relationship to their home.

The Petitioner armued that prior to buying their property and prior to the Protestants constructing their home on the adjacent property. the Petitioners were advised that the Protestant's house would be facing Fordcrest Road in such a manner that the two houses would be back to back. However, the Protestants' home faces Fordcrest Road and their front and side yards abut the Peti-

The Petitioners seek relief from Section 427, pursuant to Section 307 of Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning egulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area riance, the Petitioner must meet the following:

- whether strict compliance with requirement would unrea sonably prevent the use of the property for a permitte purpose or render conformace unnecessarily burdensome;
- whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a leaser relaxation than that applied for would give substantial relikf; and

whether relief can be granted in such fashion that tapirit of the ordinance will be observed and public safety and welfare secured.

. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was granted, such proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and

In an effort to speed up the permit process, the County no longer requires that certain fence permits be reviewed by Zoning. When the Petitioners applied for their permit, they were not advised to check with Zoning prior to natructing their fence and there were no signs posted advising individuals to ack with Zoning. The Petitioners assumed that since numerous adjoining fences ere 6 feet high, they would also be permitted to have a 6-foot high fence. The fference is that the adjoining 6-foot fences are located where the homes' rear

A review of the pictures submitted by the Protestants indicates that mile the Petitioners' fence does block a view of the bottom half of the Protesants' home when approaching from Days End Court, there is clear visibility to the street from the Protestants' driveway prior to exiting onto the street. The height and placement of the Petitioners' fence does not interfere with the testants' access to their property.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, it appears the requested variance should be granted.

IF IS ORDERED by the Deputy Zoning Commissioner for Bultimore County this /3th day of May, 1988 that a fence 72 inches high at a distance of 2 inches between the fence and the adjacent front yard in limit of the maximum permitted height of 42 inches, in accordance with Petitioner's Exhibit 1, be aped, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner is merely made source that proceeding at this time is a bin one returned; and time as the special ship appellate process from this Order has expired. If, for whatever reason, this Order in revenue, the Petitions would be required to return, and be responsible for return-ing, and property to its orticism's condition.

2) The Patitioners shall comply with all other County requisitions. Including, but now limited to, including that the limited the side of the county of the patient Perferent head in not in a County right of-way. If the freech is found to be within a County right of-way, it shall be moved within thirty (30) days of the date of this Order.

an MALLOW ANN M. MASTAROWICZ Deputy Zoning Commiss of Baltimore County

nature. Essentially, Petitioners contend it would be too expensive to comply with the zoning regulations.

The Court of Appeals of Maryland has consistently held that the mere sustaining of financial hardship is not a sufficient basis on which to grant a zoning variance. Daihl v. County Board of Appeals of Baltimore County, 258 Md. 157, 265 A.2d 227 (1970); Burns v. Mayor of Baltimore, 251 Md. 554, 248 A.2d 103 (1968); Salisbury Board of Zoning v. Bounds 240 Md. 547, 214 A.2d 810 (1965); Easter v. Mayor of Baltimore 195 Md. 395, 73 A.2d 491 (1950). In the present case, Petitioner cannot justify relaxation of the zoning regulations on the theory that it would cost too much to comply with those regulations.

Petitioner also contends that the fence was constructed for "safety reasons and that the height was necessary to protect his young child and provide privacy." See p. 1 Findings of Fact and Conclusion of Law. These reasons are obviously not unique to Petitioners property and are common to a residential neighborhood such as that in which Petitioner lives. Pem Construction Co. v. City of Baltimore. Petitioners offer no evidence why their situation is different from any other family with small children in the surrounding community.

Petitioners also argue that because "adjoining fences were 6 feet high, they would also be permitted to have a 6-foot fence." See p. 3 Findings of Fact and Conclusions of Law. Significantly, the adjoining fences to which Petitioners refer are located where rear yards abut other rear yards. In this case, Petitioners' six

foot fence abuts Protestants' front yard in violation of Section 427. Moreover, as was held in Park Shopping Center v. Lexington Park Theatre Co., 216 Md. 271, 139 A.2d 843 (1958), it is not proper to consider the existence of surrounding ill-advised or illegal zoning variances as grounds for granting additional variances; if that were not so, one variation would sullain if it did not compel others, and thus the general regulation would be nullified. See also Easter V. May or Baltimore, 195 Md. 395, 73 A.2d 491 (1950)..

Petitioners liberal construction of Section 307 would permit zoning exceptions for reasons that are not substantial and urgent; therefore, having the tendency to discriminate and destroy the usefulness of the ordinance. Because Petitioners have not offered any evidence of urgency or exceptional need they have failed to meet their burden. Accordingly, Protestants respectfully request that the decision of the Deputy Zoning Commissioner be reversed.

> Alan H. Stocksdale Stocksdale, Jarrell & Cvach Attorneys for Protestants

BETORE THE PETITION FOR ZONING VARIANCE NW/corner Days End Court and COUNTY EGARD OF APPEALS Fordcrest Road (2 Days End Court) OF BALTIMORE COUNTY 14th Election District 6th Councilmanic District Case No. 88-332-A

MR. CLERK:

Petitioners

Blake A. Haag, et ux

Will you be kind enough to enter the appearance of Alan H. Stocksdale and Stocksdale, Jarrell & Cvach as attorneys for Francesco C. Fama and Carol A. Fama, Protestants in the above-captioned case scheduled for a hearing before the County Board of Appeals of Baltimore County on November 1, 1982.

> Stocksdale, Jarrell & Cvach 6717 Harford Road Baltimore, MD 21234

I HEREBY CERTIFY that a copy of the aforegoing Notice of Appearance was this 6th day of October, 1988 mailed to Blake A. Haag and Norma J. Haag. his wife, at 2 Days End Court, Baltimore, Maryland 21237; Peoples Counsel of Baltimore County, Room 223, Old Courthouse, Towson, Maryland 21204; P. David Fields, J. Robert Haines, Ann Nastarowicz and James Dyer, Baltimore County Office of Planning and Zoning, Towson, Maryland 21204

H. AAAC B. CTCCASTALE ALAM HI STS WESALE PORERT LISTSSHEELE CHADGO O ABBELL JB

STOCKSDALE, JARRELL & GVACH F 2 * HARLES ALL BOOKS BALTIMORE MARKING 2 2 244

PAUL O CVACH

Mitas June Holmen, Scorenary County Board of Appeals of Salthorn Courty Room 315. County Office Building Towson, Maryland 21204

Dear Miss Holmen:

AHS:rws

Enc.

Enclosed herewith please find a requist to your board for the purpose of entering my appearance on behalf of Mr. and Mrc. Francesco S. Fama in the zoning matter. Case No. 88-332-A scheduled for a hearing before your Board on November 1, 1988.

Very truly yours.

Alam H. Otocksdale

CC: Blake A. Haag and wife Peoples Cousel of Baltimore County P. David Fields J. Robert Haines Ann Nastarowicz James Dyer

IN PA: PETILING BOW COMING MARIANCE * SW commen Davo End Obunt and Ennathert Foad lato blactico Listoico 9 th Councilmanic District

Blake A. Haag, et ux -

Retitioners

CIPPUT INTEG CONTROLOGICS OF BALLIMOPE COUNTY - Cade Mol BR-332-A

* * * * * * * * * * FINDINGS OF FACT AND CONGRESSIONS OF LAN

The letitioners herein request a variance to permit a fence 72 inches righ at a distance of 2 inches between the fence and the aslacent front yard in lies of the permitted beignt of 40 inches, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Me. & Mrs. Frank Fame, adjoin--inf (nogerby owners, appeared to instendants.)

Testimony indicated that the subject property, known as 2 Lays End Court, it is a comen to be ever stone interrection of Eagl End Court and Findings - 4. The dual of tringery is improved with a dinale family dwalling. Mr. If i=1 . The trial construct from and was included provident construct the $^{\circ}$ =inin then denote in Cure 1967. $^{\circ}$ A copy of the permit was introduced as Reti- $^{\circ}$ discenso Exhibit R. Mr. Hash funther testified that he was not intermed that tre included in the premit all not med the fence and its placement men all bunty regulations. He indicated he was not adviced that he result beeck with chief to incure the reight and distance from the property line was appropriate. Mr. Haag testified that the fellow was constructed for safety reacond and that the leight was necessary to protect his young child and provide privacy. He funther testified that he has invested a considerable amount of time and money. in stantaucting the feace and that to require others compliance with the poning regulations, would result in practical difficulty and unreasonable hardship, for

The Petitioner introduced photographs evidencing that the fence is the same size and height of an adjoining property owner's fence on Lays End Court. Further, the Petitioner introduced three letters of support from surrounding property owners indicating that they had no objection to the Petitioner's fence.

The Protestants testified that they were opposed to the granting of any

variance. Mr. Fama testified that the height of the fence only permits a view of the top half of their nome when proceeding up Fordorest Poad from Dayo End . . Court and that they cannot bee oncoming traffic when backing out of their driveway until they reach the curp. The Protestants introduced three pictures depict+ \cdot ing the fence in relationship to their nome.

The Petitioner argued that prior to obying their property and prior to the Protestants constructing their none on the adjacent property, the Petitioners were advised that the Protectant's couse would be facing Fordcrest Foad in ->{ tento! Form faced Forderest Poed and their front and dide yards abut the Peti-[| tissenst rear yand.]

The Petitioners seek relief from Section 427, purcuant to Section 307 of the Baltimore County Zoning Regulations (P.C.Z.R.).

. An larea variance may be granted where othict application of the lizoning. regulations would cause practical difficulty to the Petitioner and his property. <u>Milean V. Doley</u>, 270 Md. 208 (1973). To prove practical difficulty for an area 💍 🔏 🎥 variance, the Petitioner must meet the following:

> -1) whether strict compliance with requirement would unreaschably prevent the upe of the property for a permitted purpose on Lender conformance unnecessarily burdersome:

2 whether the grant would do pubstantial injustice to applicant as well as other property owners in the district or whether a leader relaxation than that applied for would give outotantial relief; and

3. Whether relief can be granted in such faction that the apinit of the ordinance will be observed and public cafeby and welfare occured.

Anderson v. Bd. of Appeald, Town of Checapeake Beach, 22 Md. App. 28 (1974). It is clear from the testimony that if the variance was granted, buch

use as proposed would not be contrary to the opinit of the BOZP and would not result in substantial detriment to the public good.

After due condideration of the teptimony and evidence precented, lit is clear that a practical difficulty or unreadchable hardonly would redult if the variance was not granted. It has been established that the requirement from which the Petitioners seek relief would unouly reptrict the upe of the land due to the opecial conditions unique to this particular partol. In addition, the variance requested will not be detrimental to the public health, cafety, and

In an effort to opend up the permit process, the County no longer $m_{ au}$ quires that certain fence permits be reviewed by Soning. When the Petitionens estiled for their termit, they were not adviced to check with Coming selon to , constructing their lence and there were no simple pusted equision industruess to check with Ioning. The Petitioners accumed that bince tumerous edjoining feachb were fifeet sign, they would also be permitted to have a fafout sign feath. The wifference in that the edjoining ℓ -foot fances are invaring where the computation σ Tyango at it other homes' near years.

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Functions to the adventionment, continuity the important explanation etaing on this Retition held, sand for the resident risks above. It expeaks the $\kappa_{t^{*+}}$ questes variante should be granted.

THEREFORM, JT IO CRORRED by the Lanuta is the committee accommittee of the best maps. Soundy this $73^{M_{
m Cay}}$ or May, 1988 that a femority incred righter a surface of . 2 inches between the fence and the adjacent finish cand in lieu of the maximum. -parmitted beignt of 4% inches, in accordance with Fatur. Hence Exclude , we by $ilde{-}$ proved, and as such, the Retition for Schling terración to correct Derivit, $\sim z_{\pi}$ ject, nowever, to the following restrictions:

> The Petitioner ID reservicase swar it at the residences. this time is at his can hish while sure time as the arrive : lable appellate process from this leave has extinel. If, tonwhatever readen, this feder is reverse, the Petitioner would be required to return, that he known with ϵ to kerturn ϵ ling, bald property to its crunical condition.

(2) The Potitioners skall ramply with all other brints have: - Wathorn, Thousains, but not limited to, incomes that the uplace of the feace faring Rondorest Road in Kut in a Courty origot=of=way. This top the his follows to the sate of a following oriant-ri-way, como roco ra may o worker trombo colored the setting the company of

IN RE: PETITION FOR ZONING VARIANCE
NW/corner Days End Court and
Fordcrest Road
(2 Days End Court)
14th Election District
6th Councilmanic District

Blake A. Haag, et ux Petitioners BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 88-332-A

* * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a fence 72 inches high at a distance of 2 inches between the fence and the adjacent front yard in lieu of the permitted height of 42 inches, as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared and testified. Mr. & Mrs. Frank Fama, adjoining property owners, appeared as Protestants.

Testimony indicated that the subject property, known as 2 Days End Court, is on a corner lot located at the intersection of Days End Court and Fordcrest Road. The subject property is improved with a single family dwelling. Haag testified that he applied for and was issued a permit to construct the 72-inch high fence in June 1987. A copy of the permit was introduced as Peti-Mr. Haag further testified that he was not informed that tioner's Exhibit 2. the issuance of the permit did not mean the fence and its placement met all He indicated he was not advised that he should check with County regulations. Zoning to insure the height and distance from the property line was appropriate. Haag testified that the fence was constructed for safety reasons and that the height was necessary to protect his young child and provide privacy. He further testified that he had invested a considerable amount of time and money in constructing the fence and that to require strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for him and his family.

The Petitioner introduced photographs evidencing that the fence is the same size and height of an adjoining property owner's fence on Days End Court. Further, the Petitioner introduced three letters of support from surrounding property owners indicating that they had no objection to the Petitioner's fence.

The Protestants testified that they were opposed to the granting of any variance. Mr. Fama testified that the height of the fence only permits a view of the top half of their home when proceeding up Fordcrest Road from Days End Court and that they cannot see oncoming traffic when backing out of their driveway until they reach the curb. The Protestants introduced three pictures depicting the fence in relationship to their home.

The Petitioner argued that prior to buying their property and prior to the Protestants constructing their home on the adjacent property, the Petitioners were advised that the Protestant's house would be facing Fordcrest Road in such a manner that the two houses would be back to back. However, the Protestants' home faces Fordcrest Road and their front and side yards abut the Petitioners' rear yard.

The Petitioners seek relief from Section 427, pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property.

McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance was granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variance was not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

In an effort to speed up the permit process, the County no longer requires that certain fence permits be reviewed by Zoning. When the Petitioners applied for their permit, they were not advised to check with Zoning prior to constructing their fence and there were no signs posted advising individuals to check with Zoning. The Petitioners assumed that since numerous adjoining fences were 6 feet high, they would also be permitted to have a 6-foot high fence. The difference is that the adjoining 6-foot fences are located where the homes' rear yards abut other homes' rear yards.

A review of the pictures submitted by the Protestants indicates that while the Petitioners' fence does block a view of the bottom half of the Protestants' home when approaching from Days End Court, there is clear visibility to the street from the Protestants' driveway prior to exiting onto the street. The height and placement of the Petitioners' fence does not interfere with the Protestants' access to their property.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons given above, it appears the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 34 day of May, 1988 that a fence 72 inches high at a distance of 2 inches between the fence and the adjacent front yard in lieu of the maximum permitted height of 42 inches, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) The Petitioners shall comply with all other County regulations, including, but not limited to, insuring that the side of the fence facing Fordcrest Road is not in a County right-of-way. If the fence is found to be within a County right-of-way, it shall be moved within thirty (30) days of the date of this Order.

ANN M. NASTAROWICZ

Deputy Zoning Commissioner

M Nasta aux

of Baltimore County

AMN:bjs

PETITION FOR ZONING VALLANCE The undersigned, legal owner(s) of the property situate in Baltimere County and which is described in the description and plat attached hereto and made a part hereof, hereby potition for a Variance from Section 427. to parmit. a. fance. 72 inches high at a distance. of 2 lockes between the feace and the edjacent front yard in liam. of the permitted 42 inches.

of the Posses Regulation of Deliners County, to the Zonnes Lee of Robinson County; for the following reason: (Indices beauthy or present submerly)

1. Hardship of Inceling Line | 1. Hardship of Line | 1. Ha

It would create a transcorrection of the control in question.
 The reduction of the section of fence in question, would result in loss of privacy, in that it would permit the complainant to see inside our backyard, which has a remaining 6 Prot fence.

Property is to be posted and advertised as prescribed by Zoning Regulations.

or we, agree to pay expenses of shows Variance advertising, posting, etc., upon filing of this
petition, and further agree to and are to be bound by the noting regulations and restrictions of
Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

| is a | under the penalties of perjury,
are the legal owner(s) of the
which is the subject of this Peti | |
|---|---|---|
| Contract Purchaser: | Legal Owner(s): | 1/19 |
| | Blake A. Heag | |
| (Type or Print Name) | (Type or Print Name) | 0 |
| Signature | Signature | 12 |
| Address | (Type or Print Name) | N 15.92 |
| City and State | Bignature M. L. | |
| Attorney for Petitioner: | 2 Days End Ct. H: 86 | 1-0100 X-421
6-5936 |
| (Type or Print Name) | Rosedale, MD 21237 | Phone No. |
| Signature | City and State | |
| Address | Name, address and phone number of legs
tract purchaser or representative to be | contacted |
| | Blake A. Hasg | |
| City and Stone | Roselale, MD 21237 | H: 361-0100
H: 366-5936 |
| Attorney's Telephone No.: | Address | Phone No. |
| required by the Zoning Law of Baltimore Count out Baltimore County, that property be posted, a Commissioner of Baltimore County in Room | e subject matter of this petition be a | day dvertised, as tion through- e the Zoning n, Baltimore |
| County, on theday of . | C. 1-11 | |
| | 1 | |
| | Zoning Commissioner of Buiti | more county. |

Beginning on the West side of Forderest Road, 50 Feet wide, at the distance of 25 feet North of the center line of Days End Court. Soing Lot 41, Slock λ , in the subdivision of Greenview Park. Flat book E.H.K. Jr. No. 45, Folio 71. Also known as 2 Days End Court in the 14th Election District.

97- 332-1 129/8 Muleur Down Cot & Tendered Ro Blake 1. Hear alst Alle Line of the and six the hand - Jos Ri Millery

May 13, 1988

Hr. & Hrs. Blate &. Heng 2 Days End Court Bultimore, Heryland 21237

A 14

Zoning Office.

In reguards to the letter we received on Came No. 88-332-A we would like to appeal. This case was heard on February 17, 1988. The hearing was held by Ann Mantarovice, Deputy Zoning Consissioner of Balto. Co. The goning variance was granted for petitioners Blake A. Haag. We would like to show why this decision is unjust to us, the protestiants. Employed to a check for appeal and posting. please respond as soon as possible.

> Mr. and Mrs. Frank Fena 6814 Forierest Road Paltimore, Maryland 21237 Phone: 866-8913

■ 52771 **№** 52771 FRANK FEMA - GUY TORNERST ROT

PETITION FOR VARIANCE NW Corner Days End Ct. 6 Forderest Rd., 16th District

. REPORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

BLAKE A. HAAG, et ux,

: Case No. 88-332-A JAN 13 1988

. ENTRY OF APPEARANCE

ZONING OFFICE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Motices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or

> phyllia lete Anglinas Phyllis Cole Friedman People's Counsel for Baltimore County

Max Las Lite Peter Mex Zismerman Deprity People's Counsel Roon 223, Court Rouse Torson, Maryland 21204 494-2188

I REREBY CERTIFY that on this 12th day of January, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Blake A. Hasg, 2 Days End Ct., Rosedale, MD 21237, Petitioners.

Peter Nax Zinnerman

Hay 13, 1986

Permits & Licenses

2 Days End Court 14th Election Dist Property Ossers: Case No. 86-332-4

Enclosed please find a copy of the Order Lessed in the above-captioned case. Personnt to a revise of the Song Enforcement file in this nature, it is no conservational power files a monocorrect that the sales of the fence rating Processing Song Control of the Co

If this is found to be true and the matter is not corrected, please feel free to contact Jesse Thompson, Supervisor of the Zoning Enforcement Division on Ret. 3351 for essatished.

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CERTIFICATE OF PUBLICATION

TOWSON, MD. Jan. 28 19.58 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Jan 28 1099

THE JEFFERSONIAN,

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 100 of the County Office Building, located at 111 %, Chesapeake Avenue in Towson, Maryland as fullness:

Come numbers 88-58-4 No/Cor Pays Tad Court and Porderest Road (2 Days End Goert) Leth Election Heartet - 6th Councilmanic District Potteowers Slake A. Dasg, et us PATTLYTHE MUNICIPAL PROMEMENT 17, 1988 at 9100 a.m.

Variance to permit a fence 72 inches high at a distance of 2 inches between the fence and the adjacent front yard in lieu of the permitted 42 inches.

In the event that this Petition is grunted, a building permit may be issued within the thirty (30) day appeal peried. The Zoning Commissioner will, however, entertain any commissioner will however, entertain the commission of the issuance of said permit during this period for good any request for a stay of the issuance of said permit during this period for good to this office by the date

BALTIMORE COUNTY, MARYLAND SYNUE OF PHILADE - REVENUE OWNERS WINCELLANGUE CASH RECEIPT

41780

8 8725********

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 427 to permit a fence 72 inches high at a distance of 2 inches between the fence and the adjacent front yard in lieuof the permitted 42 inches.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1. Hardship of losing time, effort and money, involved in constructing a 6 foot high fence, which we did in good faith, since we obtained a permit (No. 2256-97) on 6/5/37 to do so.

2. It would create a financial burden to reduce the section of fence

3. The reduction of the section of fence in question, would result in loss of privacy, in that it would permit the complainant to see inside our backyard, which has a remaining 5 Foot fence.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

| sa.timore County adopted parents | I We do solemnly declare under the penalties of perjury, | |
|--|--|-----------------------------|
| | are the legal owner(s) of the
which is the subject of this Peti | hroberry |
| Sontract Purchaser: | Legal Owner(s): | 1/13/2 |
| • | Blake A. Harj | |
| (Type or Print Name) | (Type or Print Name) | |
| · · · · · · · · · · · · · · · · · · · | Blass a Hang | |
| Signature | Signature | 11.7 |
| | Norma J. Haag | |
| Address | (Type or Print Name) | N 15,920 |
| | <u></u> | £-53,575 |
| City and State | Signature | |
| Attorney for Petitioner | W: 56
2 Days End Ct. H: 36 | 1-0100 K-421
6-5936 |
| (Type or Print Name) | Address | Phone No. |
| • | Rosedale, MD 21237 | |
| Signature | City and State | |
| | Name, address and phone number of leg
tract purchaser or representative to be | al owner, con-
contacted |
| Address | | |
| | Blake A. Haag | 561 0100 |
| City and State | 2 ^{Nagu} ys End St.
Roselale, MD 21237 | W: 561-0100
H: 366-5936 |
| Attorney's Telephone No.: | Address | Phone No. |
| ORDERED By The Zoning Commissioner of | | |
| of, 19, that the required by the Zoning Law of Baltimore Countries to the Ported | and that the public hearing be had before | re the Zoning |

Zoning Commissioner of Baltimore County.

Joseph M. Kolam Asst. Bldgs. Engineer - Permits & Licenses

Ann M. Nastarowicz Deputy Zoning Commissioner

> 2 Days End Court 14th Election District Property Owners: Er. & Ers. Blake A. Haag Cane No. 88-332-A

Enclosed please find a copy of the Order insued in the above-captioned to a review of the Zoning Enforcement file in this matter, it is ing your office was concerned that the side of the fence facing my under be located in a County right-of-way. Forderes

May 13, 1988

is found to be true and the matter is not corrected, please feel free to contact James Thompson, Supervisor of the Zoning Enforcement Division on Ext. 3351 for assistance.

All:bjs

cc: James Thompson

File

Zoning Description

Beginning on the West side of Fordcrest Road, 50 Feet wide, at the distance of 25 feet North of the center line of Days End Court. Being Lot 41, Block A, in the subdivision of Greenview Park. Plac book E.H.K. Jr. No. 45, Folio 71. Also known as 2 Days End Court in the 14th Election District.

CERTIFICATE OF POSTING WING DEPARTMENT OF BALTIMORE COUNTY Location of Signs: 100 mg 100

In regularis to the letter we received on the $0.00\,\mathrm{e^{-7}\,cm^{-2}}$ we would like to appeal. This came was heart in Jethuary 17, 1900. The hearing was held by the characterist, Deputy Joning Dinetorioses ef Balto. So. The zoning varionce was granted for peciticycle Blake A. Haag. We would like to this why this decision is unjust to us, the protestiants. Inclosed it a check for appeal and postion. please respond as soon as iposible.

> Mr. and Drs. Frank Pana 681% Foriorest Road Jaltimore, Maryland 21237 Thome: 868-8913

--- ARYLAND BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

May 13, 1988

Mr. & Mrs. Blake A. Haag 2 Days End Court Baltimore, Maryland 21237

RE: Petition for Zoning Variance NW/corner Days End Court and Fordcrest Road 14th Election District; 6th Councilmanic District Case No. 88-332-A

Dear Mr. & Mrs. Haag:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been Granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN M. NASTAROWICZ Deputy Zoning Commissioner of Baltimore County

AMN:bjs Enclosures

cc: Mr. & Mrs. Frank Fama 6814 Fordcrest Road, Baltimore, Md. 21237

People's Counsel

RE: PETITION FOR VARIANCE NW Corner Days End Ct. & Fordcrest Rd., 14th District BLAKE A. HAAG, et ux,

Petitioners

VALIDATION OR SIGNATURE OF CASHIER

: BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY : Case No. 88-332-A

ENTRY OF APPEARANCE

::::::

ZONING OFFICE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllis Cole Friedman People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 12th day of January, 1983, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Blake A. Haag, 2 Days End Ct., Rosedale, MD 21237, Petitioners.

thy 13, 1009 Asst. Bldgs. Engineer - Permits & Licenres

Ann M. Nastarowicz Deputy Zoning Cormissioner

2 Days End Court 14th Election District Property Owners: Mr. & Mrs. Blake A. Hand Case No. 88-332-A

Enclosed please find a copy of the Order issued in the above-captioned case. Pursuant to a review of the Zoning Enforcement file in this matter, it is my understanding your office was concerned that the side of the fence facing Forderest might be located in a County right-of-way.

If this is found to be true and the matter is not corrected, please feel free to contact James Thompson, Supervisor of the Zoning Enforcement Division on Ext. 3351 for assistance.

AMM:bjs

cc: James Thompson File

more County
more County
hearing on the property identified
below in Room 106 of the County
Office Building, located at 111 W.
Chesapeake Avenue in Towson,
Maryland as follows:
Case number: 88-332-A
NW-Cor. Days End Court and Fordcrest Road (2 Days End Court)
14th Election District — 6th Councilmanic District
Petitioners: Blake A. Haag, et ux
DATE-TIME: Friday, February 17,
1988 at 9:00 a.m.

1988 at 9:00 a.m. FOR SNOW DATE CALL 494-3391

*FOR SNOW DATE CALL VARIANCE to permit a fence 72 inches high at a distance of 2 inches between the fence and the adjacent front yard in lieu of the permitted 42

inches.

In the event that this Petition is

in the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearings.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan. 28, 19 43 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson. Baltimore County, Md., appearing on Jan. 28, 1955

THE JEFFERSONIAN,

---- ware grante willing 494-3353 J. Robert Haines

Zoning Commissioner

J. ROBERT HAINES Zoning Commissioner of Baltimore County

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 83-346-A MV/Cor Days End Court and Porderest Road (2 Days End Court) 14th Election Pistrict - 6th Councilmanic Matrict Petitoners: Blake A. Fasc, et ux
DATE/TIME: WEDNESDAY, FEBRUARY 17, 1935 at 9:00 a.d.

Variance to permit a fence 72 inches high at a distance of 2 inches between the force and the edjacent front yard in linu of the permitted 42 Inches.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good

No. 41780

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

DATE_____ACCDUNT____

| | AMOUNT_\$ | |
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| | | |

96163 EEQP SCHEST HOAD DESCRIPTION S LECTION AVENUE NATE END 7.78 7.78 1968 at

BALTIMORE COUNTY OFFICE OF PLANNING & SONING

County Office Building 111 W. Chesepeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this day of ______, 19gr.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLOG.

Purcos of Fire Prevention

Project Planning

Duilding Depart

Board of Educatio

Soning Admi

Industrial .

Mr. Blake A. Hang 2 Days End Court Recedale, Maryland 21237

NE: Item No. 163 - Case No. 88-332-A Petitioner: Blake A. Hang, et ux Petition for Zoning Variance

Breen of Department of Traffic Engine

The Zoning Flans Advisory Committee has reviewed the plans substi-ted with the above-referenced petition. The following comments are not introduced to indicate the appropriateness of the soning plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations at the weightlitty of the requested soning.

February 10, 1988

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your potition. If smiller comment from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the bearing file. This petition man accepted for filing on the date of the enclosed filing centrices and a hearing demokales according to

anes E. Defer /KKB MMES E. DYER Chairman Zoning Plans Advisory Committee

JEDekkb Enclosures

December 2. 1987

6.7

Mr. J. Robert Maines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Maines:

The Bureau of Traffic Engineering has no comments for items numbers 159, 160, 161, 162 163, 165, 166, and 167.

Very truly yours,

Author S. Flanigan
Traffic Engineer Associate II

MSFtab

BEGINAL

ZONING OFFICE

4.6.7

Zoning Agende: Meeting of 11/10/87

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments balow marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are remained and shall be located at intervals or __feet along an approved road in occordance with Baltimore County Standards as published by the Unjarthwith of Abblic North.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____

DCCEDS the maximum allowed by the Fire Department.

- The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- The buildings and structures existing or proposed on the site shell comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to Occupancy.
- () 6. Site plans are approved, as drawn.

POVIDERA LA LA CONTROL TO COMMENTA At this tire.

POVIDERA LA LA CONTROL TO COMMENTA AT THE POWER THE POWER TO NEEDED TO COMMENTA AT THE POWER THE

BALTIMORE COUNTY, MARYLAND

Mr. J. Robert Maines To Joning Commissioner

There are no comprehensive planning factors requiring comment on this

cc: Me. Shirley M. Hess, Legal Assistant, People's Counsel

BALTIMORE COUNTY, MARYLAND

P. David Fields Director of Planning and Zoning

There are no comprehensive planning factors requiring comment on this patition.

January 14, 1968

Ho. Shirley M. Moso, Legal Assistant, People's Counsel

JAN 19 1983 ZONING OFFICE STOCKSDALE, JARRELL & CVACH 6717 HARFORD ROAD

October 5, 1988

Miss June Holmen, Secretary County Board of Appeals of Baltimore County Room 315, County Office Building Towson, Maryland 21204

Enclosed herewith please find a request to your Board for the purpose of entering my appearance on behalf of Mr. and Mrs. Francesco C. Fans in the zonling matter, Case No. 88-332-Alischeduled for a hearing before your Board on November 1, 1988.

Very truly yours.

Pota M. Hackard Alan H. Stocksdale

AHS: rus

Enc.

PETITION FOR ZONING VARIANCE

PETITION FOR ZONING VARIANCE NW/corner Days End Court and Fordcrest Road (2 Days End Court) 14th Election District 6th Councilmanic District

Blake A. Haag, et ux Petitioners

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 88-332-A

Will you be kind enough to enter the appearance of Alan H. Stocksgale and Stocksdale, Jarrell & Cvach as attorneys for Francesco C. Fama and Carol

A. Fame, Protestants in the above-captioned case scheduled for a hearing before the County Board of Appeals of Baltimore County on November 1, 1988.

Alan H. Stocksdale Stocksdale, Jarrell & Cvach 6717 Harford Road Baltimore, MD 21234 254-6877

I HEREBY CERTIFY that a copy of the aforegoing Notice of Appearance was this 6th day of October, 1988 mailed to Blake A. Haag and Norma J. Haag. his wife, at 2 Days End Court, Baltimore, Maryland 21237: Peoples Counsel of Baltimore County, Room 223, Old Courthouse, Towson, Maryland 21204; P. David Fields, J. Robert Haines, Ann Wastarowicz and James Dyer, Baltimore County Office of Planning and Zoning, Towson, Haryland 21204

Aten H. Stocksdate

89-332-A

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Received by: James E. Dyer
Chairman, Zoning Flans
Advisory Committee Petitioner Blake A. Haag, et ux

Petitioner's Attorney

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 W. Chosapeake Ave. Towson, Maryland 2120

Mr. Blake A. Haag

Bureau of Engineering Department of Bureau of Fire Prevention

Health Department Project Planning Building Department Board of Education Zoning Administration Industrial Deselopment

Traffic Engineering

State Poads Commiss

February 10, 1988

2 Days End Court Rosedale, Maryland 21237 RE: Item No. 163 - Case No. 88-332-A

Petitioner: Blake A. Haag, et ux Petition for Zoning Variance

2000 (1000 · 10

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Zoning Plans Advisory Committee

Enclosures

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554

RTIFICATE

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UBLIC

CITA

UE

December 2, 1987

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items numbers 159, 160, 161, 162, 163, 165, 166, and 167.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

There are no comprehensive planning factors requiring comment on this

cc: Ms. Shirley M. Hess, Legal Ansistanc, People's Counsel

Mr. J. Robert Haines

P. David Fields

FROM Director of Planning and Zoning

SUBJECT_88-332-A, 88-318-A, 88-319-A

Zoning Petition Nos. 88-310-A, 88-312-A,

TO Zoning Commissioner

petition.

PDF:JGH:dme

Very truly yours, marked S. Fluing -Michael S. Flanigan Traffic Engineer Associate II

Dennis F. Rasmussen County Executive

MSF:sb

ZONING OFFICE

January 14, 1988

Baltimore County Fire Department Towson, Maryland 21204-2586 *191-1500*

November 24, 1987 Paul H. Reincke Chief

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen Re: Property Owner: Blake A. Haag, et ux

Location: NW/c Days End Ct. and Fordcrest Rd.

Zoning Agenda: Meeting of 11/10/87 Item No.: 163 Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

(x) 7. The Fire Prevention Bureau has no comments at this time.

Kelly 11-35-57 Approved: Fire Prevention Bureau Special Inspection Division

STOCKSDALE, JARRELL & CVACH 6717 HARFORD ROAD BALTIMORE, MARYLAND 21234

HOWARD B. STOCKSDALE ALAN H. STOCKSDALE ROBERT L. STOCKSCALE LINWOOD O. JARRELL, JR. PAUL R CVACH

AREA CODE 301

October 5, 1988

Miss June Holmen, Secretary County Board of Appeals of Baltimore County Room 315, County Office Building Towson, Maryland 21204

Dear Miss Holmen:

Enclosed herewith please find a request to your Board for the purpose of entering my appearance on behalf of Mr. and Mrs. Francesco C. Fama in the zoning matter, Case No. 88-332-A scheduled for a hearing before your Board on November 1, 1988.

> Very truly yours, Black Stukelet Alan H. Stocksdale

AH5:rws Enc.

CC: Blake A. Haag and wife Peoples Cousel of Baltimore County P. David Fields J. Robert Haines

Ann Nastarowicz

James Dyer 🗸

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Zoning Petition Nos. 88-310-A, 88-312-A.

SUBJECT_88-332-A, 88-318-A, 88-319-A

Mr. J. Robert Haines TO Zening Cormissioner January 14, 1968 P. David Fields FROM Director of Planning and Zoning

There are no comprehensive planning factors requiring comment on this

PDF:JGH:dme

CPS-nng

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

PETITION FOR ZONING VARIANCE NW/corner Days End Court and Fordcrest Road (2 Days End Court) 14th Election District 6th Councilmanic District Blake A. Haag, et ux

BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY Case No. 88-332-A

MR. CLERK:

Petitioners

Will you be kind enough to enter the appearance of Alam H. Stocksdale and Stocksdale, Jarrell & Cyach as attorneys for Francesco C. Fama and Carol # A. Fama, Protestants in the above-captioned case scheduled for a hearing before the County Board of Appeals of Baltimore County on November 1, 1988.

> Stocksdaie, Jarrell & Cvach 6717 Harford Road Baltimore, MD 21234 254-6877

I HEREBY CERTIFY that a copy of the aforegoing Notice of Appearance was this 6th day of October, 1988 mailed to Blake A. Haag and Norma J. Haag. his wife, at 2 Days End Court, Baltimore, Maryland 21237: Peoples Counsel of Baltimore County, Room 223, Old Courthouse, Towson, Maryland 21204; P. David Fields, J. Robert Haines, Ann Nastarowicz and James Dyer, Baltimore County Office of Planning and Zoning, Towson, Maryland 21204

Petition for Zoning Variance NM/Corner Deys End Court and Fordcrest Hoad} (2 Days End Court) 14th Election District - 6th Councilmanic District BLANK A. HAMO, FT UK - Petitioners Case No. 88-332-A

Petition for Zoning Variance

Description of Property

Cortificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1.) Copy of Plat for Zoning Variance
"Greenview Park"

2.) Copy of Permit for fence

3.) Four 3" x 5" photographs of fence location

4., 5., 6 6.) Letters from neighbors stating approval of fence in neighborhood

Protostant's Exhibits: 1.) Three 1" x 5" photographs of fence location

Deput, Zoning Commissioner's Order dated May 13, 1988

Notice of 'ppeal received June 7, 1988

Counsel for Fames, Protestants

Blake A. Hang, et ux, Petitioners 2 Days End Ct. Rosedele, Md. 21237

Mir. & Mrs. Frank Fame, Protestants 6814 Fordcrest Road Beltimore, Maryland 21237

People's Counsel of Heltimore County Survey, 304, County Office Bldg., Touson, Md. 21204

set Motification: P. David Fields, Director of Flanning & Zoning James Howell, Office of Flanning & Zoning J. Mobert Haines, Zoning Gunnissioner Ann H. Heatarowicz, Deputy Zoning Commissioner James E. Oper, Zoning Dapaverisor Docket Clerk

I Briget Shipes

July 21, 1986

6:53

Bultimore County Board of App Old Courthouse, Room #205 Tosson, Maryland 21204

RE: Putition for Zoning Variance MM/corner Days End Court and Pordcrest Road (2 Days End Court) 14th Election District, 6th Councilments District MARE A. MANG, ET UK - Putitioners Case No. 68-32-A

Please be advised that an appeal of the above-referenced case was filed in this office on June 7, 1980 by Rr. and Rrs. Frank Fams, Protestants. All materials relative to the case are being forwarded harwith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines J. ROBERT HAINES Zoning Commissioner

cc: Hr. & Hrs. Frank Fame 6814 Forderest Road Baltimore, Maryland 21237

People's Counsel of Baltimore County Rm. 223, Old Courthouse, Towson, Md. 21204

8/18/88 - Following notified of hear. set for Tues. Nov. 1, 1988, at 10 a.m.:

Slake Heag, et ux Mr. and Mrs. T. Fana People's Counsel David Fields Accounty, J. Dyer, Doc. Clerk

J. Robert Haines

July 21, 1988

Baltimore County Board of Appeals Old Courthouse, Room #205 Towson, Maryland 21204

RE: Petition for Zoning Verlance MM/corner Days End Court and Fordcreat Road (2 Days End Court) 14th Election District, 6th Councilmenic District BLANS A. MAMO, ST UK - Petitioners Case No. 08-313-A

Please be advised that an appeal of the above-referenced case was filed in this office on June 7, 1988 by Nr. and Nrs. Prank Pama, Protestants. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours, J. Robert Haines

J. ROBERT HAINES Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Frank Fama 6814 Fordcrest Road Beltimore, Maryland 21237

People's Counsel of Baltimore County Rm. 223, Old Courthouse, Towson, Nd. 21204

PSTITICHER(S) EXHIBIT ()





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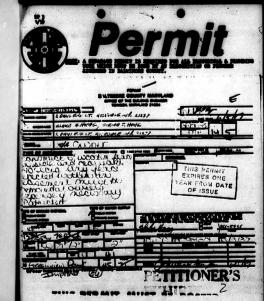
June 5, 1982

would like to aspeal. This come was heart on Pebruary 17. 1988. to un, the exotoglizate, believed to a check for appeal and postlar,

> tor, and fire. Frank Frank 6014 Septement Boad isltimore, Saryland 21237 Thomas 056-8913

> > RECEIVED ZONING OFFICE e Redaly

Seod. 7-21-88 C.S.A. 9





APPEAL

Petition for Zoning Variance
NW/Corner Days End Court and Fordcrest Road)
(2 Days End Court)
14th Election District - 6th Councilmanic District
BLAKE A. HAAG, ET UX - Petitioners
Case No. 88+332-A

Petition for Zoning Variance
Description of Property
Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments
Director of Planning & Zoning Comments

Petitioner's Exhibits: 1.) Copy of Plat for Zoning Variance "Greenview Park"

2.) Copy of Permit for fence

3.) Four 3" x 5" photographs of fence location4., 5., & 6.) Letters from neighbors stating

approval of fence in neighborhood

Protestar's Exhibits: 1.) Three 3" x 5" photographs of fence location

Advisory to a conservation the state of the species of the species of the second species of

The decree of the property of

of the state difference of the state of a major was particles.

Deput; Zoning Commissioner's Order dated May 13, 1988

Notice of Appeal received June 7, 1988

Petition for Zoning Variance Case No.: 88-332-A Page 2

Alan d. Stocksdale, Esq. Stocksdale, Jarrell & Cvach 6717 Harford Rd. (21234)

Counse, for Famas, Protestants

Blake A. Haag, et ux, Petitioners 2 Days End Ct. Rosedale, Md. 21237

Mr. & Mrs. Frank Fama, Protestants 6814 Fordcrest Road Baltimore, Maryland 21237

People's Counsel of Raltimore County But Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
James Hoswell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Pyer, Zoning Supervisor
Docket Clerk

Chrisis Trees

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

July 21, 1988

Dennis F. Rasmussen

Baltimore County Board of Appeals
Old Courthouse, Room #205
Towson, Maryland 21204

RE: Petition for Zoning Varlance
NW/corner Days End Court and Fordcrest Road
(2 Days End Court)
14th Election District, 6th Councilmanic District
BLAKE A. HAAG, ET UX - Petitioners
Case No. 88-332-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on June 7, 1988 by Mr. and Mrs. Frank Fama, Protestants. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Frank Fama 6814 Fordcrest Road Baltimore, Maryland 21237

> People's Counsel of Baltimore County Rm. 223, Old Courthouse, Towson, Md. 21204

File

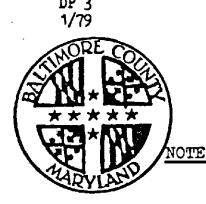
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BECEIVED ZONING OFFICE

God. 4-21-88 CSA. 9



A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER

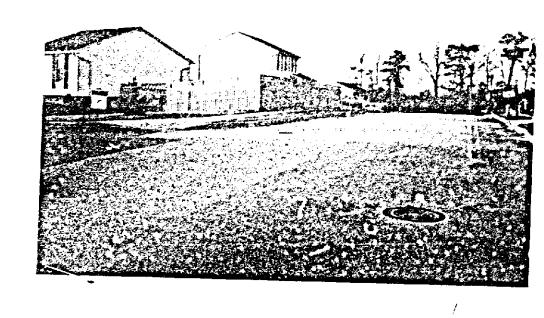
PERMIT

B \LTIMORE COUNTY MARYLAND

LICENSED IN BALTIMORE COUNTY.

OFFICE OF THE BUILDING ENGINEER TOWSON, MARYLAND 21204 2 DAYS END CT. KOSTUMOE MIN. 21237 . OWNERS NAME BLAKE M. HITCHE, W. RMH - HITCH MAILING ADDRESS OF OWNER & DWYS F. D. CT. HO. FIRST 111, 2127 DESCRIBE PROPOSED WORK | I AND 2 FAM CODE | BOCA CODE ESTIMATED COST OF MATERIAL & LABOR MATERIAL TOWNER TO BE FOR TOWNER. conson out oxille SAR STON DATE ONDER IN OUT OF CHASSING DAME OF A TYPE OF WATER SUPPLY YPE OF SEWAGE DISPOSAL PUBLIC SYSTEM PRIVATE SYSTEM Green-Inspector White-Permit, Canary-Assessments

PETITIONER(S) EXHIBIT ()





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Flake Haam, et wx

Mr. and Mro. F. Fama

People's Councel

Lavid Fields (1977) (1978)

Pobt. Haines, A. Nastanowicz, J. Dyen. Icc. Clena

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353

J. Robert Haines

July 21, 1988



Baltimore County Board of Appeals

Towson, Maryland 21204

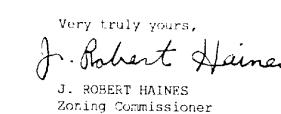
RE: Petition for Zoning Variance
 NW/corner Days End Court and Fordcrest Road
 (2 Days End Court)
 14th Election District, 6th Councilmanic District
 BLAKE A. HAAG, ET UX - Petitioners
 Case No. 88-332-A

Dear Board:

Old Courthouse, Room #205

Please be advised that an appeal of the above-referenced case was filed in this office on June 7, 1988 by Mr. and Mrs. Frank Fama, Protestants. All materials relative to the case are being forwarded herewith.

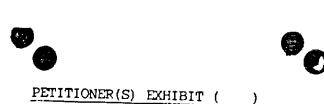
Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

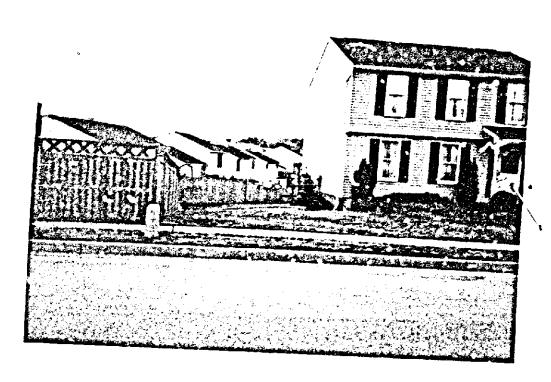


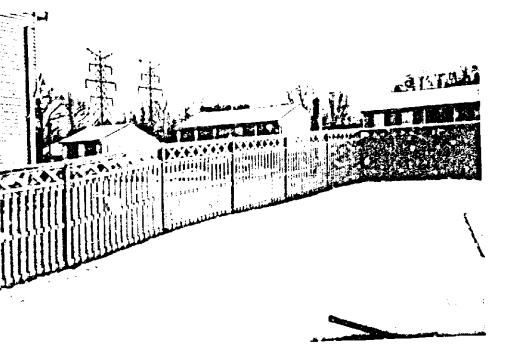
JRH:cer
Enclosures

cc: Mr. & Mrs. Frank Fama 6814 Fordcrest Road Baltimore, Maryland 21237

People's Counsel of Baltimore County Rm. 223, Old Courthouse, Towson, Md. 21204 File







TO TANING COMMISSIONER

FROM: Me & Hes Aus Nowar

DOTE: FEARUARY 16 . 199

SUBSTICT: CASE Number 98-232-A

WE FEEL THAT THE FENCE IN NO WAY TAKES AWAY FROM THE ATBACTIVENESS OR THE VALLE OF ANY PROPERTY IN THE DEVELOPMENT.

> Mr. + Mes. Rul Hourt I DAYS END COURT BALTIMORE, MARYLAND MIRET

> > TITIONER'S THE WEST

> > > July 27, 1900

Place - suight

We are writing concerning the feate created on the property End Court. Our house, located at 6613 Personant Bood, faces the side of 2 Mayo End Court making the feace visible from our front yard. The feece, in our epinion, enhances the property in secretion and does not create a deager or hazard in any way. No do not object to the fonce and fool it does not decrease the value of presention in the area.

> Sincerely see Chair the man 4415 Farderest Book Baltimore, No. 21237

TITIONER'S HIDY

Mr. and Mrs. Blabe A. Hong 2 Baye Red Court Baltimore, Maryland 21277

Door Mr. and Mrs. Hears

these first, and first. Beauty. This office recently resolved an impulsy from Commontance William 2. Strong relation to the problems which yet an exchange the common of t

It is my further understanding that Jumph II. Maken, tenishase hildings Ingianer for Nemits and Licenson, again elicitates hildings Ingianer for Nemits and Licenson, again elicitates that Research and the Control of the Control of

In compliance with our recent conversations, I did contact the Bultimore Cas and Electric Company concerning the stockade fence located in the two foot pertion of the Bultimore County street right of any between the sidemait and the bouse.

I called Cartin Remarks at 662-9004 sho is a field supervisor for the Battaner Cas and Electric Company the in turn referred on to Nr. Ten Ritchell Is the Battaner can ad Electric Boolean Reportment at 290-1115, sho in turn referred on to Fred Regishapet in the Contempr Minister Department of the Battaners Cas and Electric Company at 297-1157.

whites the second secon

I tailed to Al Swithe from the Highway Reportment and he has incussed the matter with Game Haff, but Al advised on that he has socied no definite manuse consecuing whether or not the Camaty of Low the fonce to runnin in its right of way.

I did call Gone at 1306 but he was not emported to return to his office until sometime this afternoon.

a out + Rek

OFFICE OF LAW

Interestina Occamendano TO: Goil Ferrell DATE: June 5. 1966

DALTINORS COUNTY, MARYLAND

2-16-84

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PETITIONER'S

Zowing Commissiones

& sime ir may ducase,

Ou . 10 - 332 0

Petition for Zoning Varience 2 Days End Court Hr. & Hrs. Blabe A. Heeg - Petitioners Case No. 88-312-A

Persuant to our telephone conversation yesterday on the above-captioned matter, exclosed pivese find copies of the following:

Order dated Hey 13, 1988 to Joseph H. Holan Letter dated Hey 13, 1988 to Joseph H. Holan Letter dated Hey 24, 1988 from Blake A. Hose Letter dated Jame H. 1988 to Hr. & Hrs. Heag

Yory truly yours,

ANN N. HAPPARCHICS Deputy Zoning Commissioner for Reltimore County







J. Robert Habon

June 6, 1986

6:5

Mr. 5 Mrs. Blake A. Hasq 2 Days End Court Baltimore, Maryland 21237

PE: PETITION FOR HOUSING VARIANCE IN/Corner Days End Court and Forderest Boad leth Election District; 6th Councilments District Case No. 88-332-A

no response to your letter dated May 14, 1982 on the show-captioned matter, please be advised that this office util permit you as additional starty (60) days; in which to comply with matriction No. 2 as set forth in the Order dated May 13, 1986. Accordingly, compliance or a request for additional time must be attained prior to Angust 11, 1988.

Deputy Soning Commis



May 74, 1988

Hs. Apa H. Mastarowicz Deputy Zoning Comissioner Battimore County Zoning Commissioner Diffice of Planning & Zoning



Re! Petition for Zoning Variable.
NW / corner Days End Louet and Forderest Road
14th Election District: 6th Connectionair District
Case Mo. 88-32-0

Door Mr. Harlasouter:

In response ty your letter of Pay 13, 1998 and our subsequent telephone conversation or Pay 30, 1988, I am uniting requirements. This restriction orders be removed of the section of fence facing foreigned Pands which is approximately too feet inside the County rephilatory.

The entire section of towns a question is resting as the fibble same fact a fiber in a question of the fibble same fact a fiber in the control of the control of the control of the fiber in the f

Those contacted PGAT to discuss the removal of the section of ence is question, in order to prevent absence discage to their power lace, as well as discuss the solvent discage for those who will participate in the removal of the loses. Not how advised as a representative will contact to be just 2, 4900.

t am also in the process of contacting the appropriate County officials to discuss our problem as complying with the County's restriction to our vortaces. We are seeking the usage of the County right of way because of our unique and damperous

It would be greatly appreciated if you would grant an extension to the deadline of June 13, 1978 to remove the section of fears fracting fordered Road.

all a Ken Diake A. Hodg

PROTESTANT(S) SIGN-IN SHEET

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TO ZONING COMMISSIONER

FROM: MR & MRS. PAUL NOWAK

DATE: FEBRUARY 16, 1988

SUBJECT: CASE NUMBER 88-332-A

WE FEEL THAT THE FENCE IN NO WAY TAKES AWAY FROM THE ATTRACTIVENESS OR THE VALUE OF ANY PROPERTY IN THE DEVELOPMENT.

> Mr. & Who. Poul Kouch 1 DAYS END COURT BALTIMORE, MARY LAND 21237

February 16, 1988

To Whom it may concern:

We are writing concerning the fence erected on the property of 2 Days End Court. Our house, located at 6813 Fordcrest Road, faces the side of 2 Days End Court making the fence visible from our front yard. The fence, in our opinion, enhances the property in question and does not create a danger or hazard in any way. We do not object to the fence and feel it does not Jecrease the value of properties in the area.

> Sincerely,
> Rul Heeler fatucia theber 6813 Fordcrest Road Baltimore, Md. 21237

BALTIMORE COUNTY, MARYLAND

DATE: June 29, 1988

July 27, 1988

Mr. and Mrs. Blake A. Haaq 2 Days End Court Baltimore, Maryland 21237

Baltimore County Office of Law

494-4420

Arnold Jabian County Attorney

Towson, Maryland 21204

Re: Zoning Variance for the Northwest Corner

Dennis F. Rasmussen

of Days End Court and Fordcrest Road Dear Mr. and Mrs. Haaq:

This office recently received an inquiry from Councilman William R. Evans relative to the problems which you are experiencing with a fence erected on your property. It is my understanding that although the Deputy Zoning Commissioner, Ann M. Nastarowicz, granted your Petition for a Variance for the fence, it was subject to certain conditions. Specifically, her Order of May 13, 1988, required that you "comply with all other County regulations, including, but not limited to, insuring that the side of the fence facing fordcrest Road is not in a County right-of-way." I have been advised by Albert R. Bethke of the Bureau of Highways that the side of the fence facing Fordcrest Road is located in a County right-of-way and that the Director of Public Works, Gene L. Neff, has ordered that it be removed. This is consistent with departmental policy that all right-of-ways be maintained free and clear.

It is my further understanding that Joseph M. Nolan, Assistant Buildings Engineer for Permits and Licenses, spoke with the Gas & Electric Company relative to this problem. Although BG&E was amenable to allowing the fence to remain over its primary feeder line and on or adjacent to the underground wiring installed for street lighting, it was contingent upon certain conditions. I have enclosed a copy of the correspondence relative to this matter for your information.

I am sorry that the County is mable to act favorably upon your request. If you have any questions about this matter, rlease do not hesitate to contact me.

Sincerely yours,

Nancy C. West Assistant County Attorney

cc: The Honorable William R. Evans Joseph M. Nolan, Asst. Buildings Engineer Albert R. Bethke, Bureau of Highways Ann M. Nastarowicz, Deputy Zoning Commiss

INTER-OFFICE CORRESPONDENCE

TO: Nancy West

FROM: Joseph M. Nolan

SUBJECT: 2 Days End Court

In compliance with our recent conversations, I did contact the Baltimore Gas and Electric Company concerning the stockade fence located in the two foot portion of the Baltimore County street right of way hetween the sidewalk and the house.

I called Charlie Menecke at 682-9004 who is a field supervisor for the Baltimore Gas and Electric Company who in turn referred me to Mr. Tom Mitchell in the Baltimore Gas and Electric Design Department at 291-3115, who in turn referred me to Fred Englehaupt in the Customer Relations Department of the Baltimore Gas and Electric Company at 291-3157.

Mr. Englehaupt had reviewed the problem and has decided that the Baltimore Gas and Electric Company will allow the fence to remain over its primary feeder line and on or adjacent to the underground wiring installed for street lighting under certain conditions which are: Any damage caused by the construction to the Gas and Electric Company wires will be repaired at the expense of the homeowner at any time this damage is discovered and; if the Gas and Electric Company finds it necessary to repair or replace the line, the Gas and Electric Company will remove the fence but it will be up to the homeowner to replace it in an appropriate position. The homeowner will also be granted an option to pay for the relocation of the underground wiring which would be very expensive because the relocation would include the removal and the replacement of the concrete sidewalk.

I talked to Al Bethke from the Highway Department and he has discussed the matter with Gene Meff, but Al advised me that be has received no definite answer concerning whether or nut the County will allow the fence to remain in its right of way.

I did call Gene at 3306 but he was not expected to return to his office until sometime this afternoon.

Goral to Make ca: correspondence

OFFICE OF LAW

Zoning CommissioNER

Case # 88-332 A

TO WHOM IT MAY CONCERD, WE FEEL THE FENCE RECENTLY LEO AT & DAY'S END CT. (THE HARD EXCE) IN NO WAY IS UNATRACTIVE TO NEIGHDORHOOD. WE SEE NO REDSON THE FENCE TO BE ALTERED IN ANY

SINCEREUS HRY MRS MICHAEL J. NACCIERI JR. 4 DAYS END CT. BALTC, MO 21237

Michael J. Maglini Jr.
May C naglini
TITIONER

BALTIMORE COUNTY, MARYLAND Inter-Office Correspondence

TO: Gail Farrell DATE: June 8, 1988 Councilman Evans' Office

FROM: Ann! Nastarowicz Deputy Zoning Commissioner SUBJECT: Petition for Zoning Variance

2 Days End Court Mr. & Mrs. Blake A. Haaq - Petitioners Case No. 88-332-A

Pursuant to our telephone conversation yesterday on the abovecaptioned matter, enclosed please find copies of the following: 1) Order dated May 13, 1988

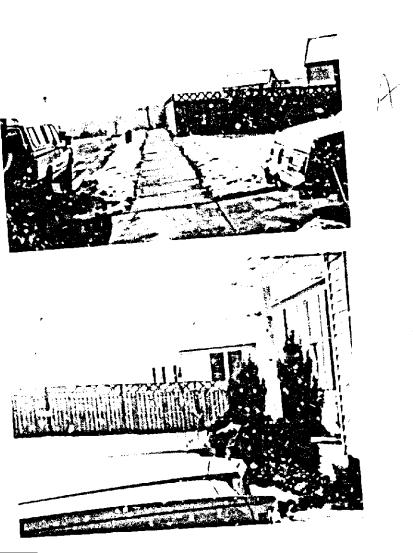
2) Letter dated May 13, 1988 to Joseph M. Nolan

3) Letter dated May 24, 1988 from Blake A. Haag 4) Letter dated June 8, 1988 to Mr. & Mrs. Haag After you have had an opportunity to review the enclosures, please do not hesitate to contact me if you have any further questions. Very traly yours,

> ANN M. NASTAROWICZ for Baltimore County

Deputy Zoning Commissioner

PROTESTANT(S) EXHIBIT (



Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 494-3353 J. Robert Haines

June 8, 1988

ANN M. NASTAROWICZ

for Baltimore County

Deputy Zoning Commissioner

Dennis F. Rasmussen

Mrs. Blake A. Haag 2 Days End Court Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE NW/corner Days End Court and Fordcrest Road 14th Election District; 6th Commoilmanic District Case No. 88-332-A ∩ear Mr. & Mrs. Haag:

In response to your letter dated May 24, 1988 on the above-captioned matter, please be advised that this office will permit you an additional sixty (60) days in which to comply with Restriction No. 2 as set forth in the Order dated May 13, 1988. Accordingly, compliance or a request for additional time must be attained prior to August 11, 1988. If you have any further questions on the subject, please do not

hesitate to contact me. Very truly yours,

ec: Councilman Evans' Office Attn: Gail Farrell £a.e File

THE A. & NORMA J. HAAG 2 DAYS END COURT BALTIMORE, HD 21237

Ms. Ann M. Nastarouicz Deputy Zoning Comissioner Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204

Case No. 88-332-A



Ro: Petition for Zoning Variance NW / corner bays End Court and Forderest Road 14th Election District) Sth Councilmanic District

May 24, 1988

Dear Ms. Nastarovicz:

In response to your letter of hay 13, 1988 and our subsequent telephone conversation of May 20, 1988, I am writing to request an extension of time to the 2nd restriction in the County's Order. This restriction orders the removal of the section of fence facing Forderest Road, which is approximately two feet inside the County right-of-way.

The entire section of feace in quantion is resting on the Baltimore Gas & Electric Company's power lines. The error in the placement of this section of fence are a from an incorrect assumption of our property line. In addition, prior to the erection of the fence, Mins Utility incorportly verified (herewere no power or telephone likes in our backerd. We have since determined that mine poles, embedded is I feet of concrete, and resting on BC&E power lines. Three lines were damaged and repaired by BG&E in July and August of 1987. There has been no damage or repairs since that time.

I have contacted RGSE to discuss the removal of the section of fence in question, in order to provent anymore dymage to their power lines, as well as discuss the imperent danger to those who will participate in the removal of the fence. 368E has advised me a representative will contact me by June 3, 1983.

T am also in the process of contacting the appropriate County officials to discuss our problem in complying with the County's restriction to our variance. We are secking the usage of the County right-of-way because of our unique and dangerous predicament.

It would be greatly appreciated if you would grant as extension to the deadline of June 13, 1988 to remove the section of fence facing Forderest Road.

> Very truly sours, Blace 4. Hang Blake A. Haaq

| | PROTESTANT (S | S) S'GN-IN SHEET |
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