

IN THE MATTER OF  
THE APPLICATION OF  
BLAKE A. HAAG, ET UX  
FOR A ZONING VARIANCE ON PROPERTY  
LOCATED ON THE NORTHWEST CORNER OF  
DAYS END COURT AND FORDCREST ROAD  
(2 DAYS END COURT)  
BALTIMORE COUNTY  
14TH ELECTION DISTRICT  
6th CONGRESSIONAL DISTRICT  
CASE NO. 89-332-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.Z.R.).

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 agent/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 southeast 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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Blake A. Haag, et ux

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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 Protestants.

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/Haag 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 Haag 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. However, a denial of the requested variance would not alleviate these concerns in

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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 resumption of the 6-foot height as the fence continues to the south. Thus, the effect on sight distance from the Fama property would remain. Additionally, to deny this variance would clearly result in practical difficulty and unreasonable hardship to the Petitioners 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 foregoing reasons, the Board is of the opinion that this variance should be granted and will so order.

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

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

William T. Hackett, Chairman

Lawrence E. Schmidt

Henry W. Lewis

IN THE MATTER OF  
PETITION FOR ZONING  
VARIANCE N/W CORNER  
DAYS END COURT AND  
FORDCREST ROAD  
14TH ELECTION DISTRICT  
6th CONGRESSIONAL  
DISTRICT  
MR. & MRS. FRANK FAMA  
("PROTESTANTS")

BEFORE THE COUNTY  
BOARD OF APPEALS  
OF BALTIMORE COUNTY  
CASE NO. 88-332-A

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

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.

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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northeastern most part of the Petitioners' property. The fence then parallels Fordcrest Road to the east of Petitioners' property. The fence is built two inches from Protestants' front yard 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 a residence has been built, except in accordance with the provisions of this section.

(B) The fence height shall be limited as follows:  
(When the distance between the fence and the adjoining front yard property line is 0' - 10', the maximum allowable fence height is 42").

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

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. Section 307 prescribes the following:

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 variances 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

substantial injury to public health, safety, and general welfare. They shall have no power to grant any other variances.

The Deputy Zoning Commissioners found in favor of Petitioners and granted the zoning 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 Zoning Commissioner's decision is attached as Exhibit B.

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

It is well established in Maryland that the state government may delegate to local government the power to enact local laws relating to zoning and planning. *Purf Valley Assoc. v. Zoning Board*, 262 Md. 432, 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 adjoining 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 zoning regulations are granted sparingly and only under exceptional circumstances. *Harlow v. City of Baltimore*, 215 Md. 206, 137 A.2d 198 (1957). Accordingly, a

special exception will never be granted to gratify mere convenience. *Glasgow v. Rawick Improvement Ass'n*, 197 Md. 46, 78 A.2d 164 (1951). There must be a showing of urgent necessity. *Fam 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 zoning regulation bears a heavy burden of overcoming a presumption that the legislative action was in the interest of health, safety, morals and general welfare. *Rockville Fuel and 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. *Fam 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 their burden.

In these proceedings, 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 contend 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 *Galesbury 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 appellants had used proper diligence in ascertaining what the density requirements were for a four apartment dwelling within the district for a four apartment building 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 self-created and the Board properly refused to allow variance. The valid limitations imposed by the Baltimore Zoning Code. (emphasis added).

See also *Randolph Mills, Inc. v. Montgomery County Council*, 264 Md. 78, 285 A.2d 620 (1972); *Wilson v. Mayor of Elton*, 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

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OPINION

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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/Haag 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 Haag property bordering Fordcrest Road is permitted under the BOCA regulations to have a height up to 6 feet.

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northeastern most part of the Petitioners' property. The fence then parallels Fordcrest Road to the east of Petitioners' property. The fence is built two inches from Protestants' front yard 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:

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(B) The fence height shall be limited as follows:  
1. The distance between the fence and the adjoining front yard property line is 0' - 10', maximum allowable fence height is 42".

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

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. Section 307 prescribes the following:

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

substantial injury to public health, safety, and general welfare. They shall have no power to grant any other variances.

The Deputy Zoning Commissioners found in favor of Petitioners and granted the zoning 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 Zoning Commissioner's decision is attached as Exhibit B.

For the reason discussed below, Protestants appeal from the decision of the Deputy Zoning Commissioner of Baltimore County.

II. PETITIONERS FENCE VIOLATES SECTION 427 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

It is well established in Maryland that the State government may delegate to local government the power to enact local laws relating to zoning and planning. Turf Valley Assoc. v. Zoning 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 adjoining 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 zoning regulations are granted sparingly and only under exceptional circumstances. Marino v. City of Baltimore, 215 Md. 206, 137 A.2d 198 (1957). Accordingly, a

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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 resumption of the 6-foot height as the fence continues to the south. Thus, the effect on sight distance from the Fama 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 foregoing reasons, the Board is of the opinion that this variance should be granted and will so order.

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

William T. Hackett  
William T. Hackett, Chairman

Lawrence E. Schmidt

Henry H. Lewis

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In these proceedings, 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

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14TH ELECTION DISTRICT  
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MR. & MRS. FRANK FAMA  
("PROTESTANTS")

BEFORE THE COUNTY  
BOARD OF APPEALS  
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CASE NO. 88-332-A

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

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

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 self-created 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

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. Dahl v. County Board of Appeals of Baltimore County, 258 Md. 157, 268 A.2d 327 (1970); Burns v. Mayor of Baltimore, 251 Md. 554, 248 A.2d 103 (1968); Baltimore Board of Sanitation v. Rounds 240 Md. 547, 214 A.2d 810 (1965); Estabro 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. See 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 Towne Co., 216 Md. 373, 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 sustain if it did not compel others, and thus the general regulation would be nullified. See also Estabro v. Mayor of 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. Stockdale*  
ALAN H. STOCKDALE  
Stockdale, Jarrell & Cvach  
Attorneys for Protestants

PETITION FOR ZONING VARIANCE : BEFORE THE  
McKormer Days End Court and : COUNTY BOARD OF APPEALS  
Fordcrest Road : OF BALTIMORE COUNTY  
(2 Days End Court) :  
14th Election District : Case No. 88-332-A  
6th Councilmanic District :  
Blake A. Haag, et ux :  
Petitioners :

MR. CLERK:

Will you be kind enough to enter the appearance of Alan H. Stockdale and Stockdale, 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, 1988.

ALAN H. STOCKDALE  
Stockdale, Jarrell & Cvach  
6717 Harford Road  
Baltimore, MD 21234  
254-6877

I HEREBY CERTIFY that a copy of the foregoing Notice of Appearance was this 6th day of October, 1988 mailed to Blake A. Haag and Nora J. Haag, his wife, at 2 Days End Court, Baltimore, Maryland 21273; Peoples Counsel of Baltimore County, Room 223, 010 Courthouse, Towson, Maryland 21204; P. David Fields, J. Robert Holmes, Ann Nastarowicz and James Dyer, Baltimore County Office of Planning and Zoning, Towson, Maryland 21204

*Alan H. Stockdale*  
ALAN H. STOCKDALE

STOCKDALE, JARRELL & CVACH

HOWARD B. STOCKDALE  
ALAN H. STOCKDALE  
ROBERT J. JARRELL  
LAWRENCE J. CVACH  
6717 HARFORD ROAD  
BALTIMORE, MARYLAND 21234

October 5, 1988

Miss Jane Holmes, Secretary  
County Board of Appeals of Baltimore County  
Room 315, County Office Building  
Towson, Maryland 21204

Dear Miss Holmes:

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,

*Alan H. Stockdale*  
Alan H. Stockdale

AMHSW

Enc.

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

IN RE: PETITION FOR ZONING VARIANCE : BEFORE THE  
McKormer Days End Court and : DEPUTY ZONING COMMISSIONER  
Fordcrest Road : OF BALTIMORE COUNTY  
(2 Days End Court) :  
14th Election District : Case No. 88-332-A  
6th Councilmanic District :  
Blake A. Haag, et ux :  
Petitioners :

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.

Mr. 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 Petitioner's Exhibit 2. Mr. Haag further testified that he was not informed that the issuance of the permit did not mean the fence and its placement met all County regulations. He indicated he was not advised that he should check with Zoning to insure the height and distance from the property line was appropriate. Mr. 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 Protestants' 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. Wiley v. Wiley, 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 unreasonably prevent the use of the property for a permitted purpose or render compliance 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 BCR 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 indicated 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 into 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 15th 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 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.
- 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.

AMHSW

*Ann Nastarowicz*  
ANN NASTAROWICZ  
Deputy Zoning Commissioner  
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. Dahl 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. Pen 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 sustain if it did not compel others, and thus the general regulation would be nullified. See also Easter v. Mayor of 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*  
Alan H. Stocksdale  
Stocksdale, Jarrell & Cvach  
Attorneys for Protestants

PETITION FOR ZONING VARIANCE : BEFORE THE  
w/corner Days End Court and : COUNTY BOARD OF APPEALS  
Fordcrest Road : OF BALTIMORE COUNTY  
(2 Days End Court) :  
14th Election District : Case No. 88-332-A  
6th Councilmanic District :  
Blake A. Haag, et ux :  
Petitioners :

MR. CLERK:  
Will you be kind enough to enter the appearance of Alan H. Stocksdale and Stockdale, 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, 1988.

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

I HEREBY CERTIFY that a copy of the foregoing 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 Hasterowicz and James Dyer, Baltimore County Office of Planning and Zoning, Towson, Maryland 21204

*Alan H. Stocksdale*  
Alan H. Stocksdale

*Received 10/11/88  
11:55  
J.R.H.*

STOCKSDALE, JARRELL & CVACH  
ATTORNEYS AT LAW  
BALTIMORE, MARYLAND

Miss Catherine Williams, Secretary  
County Board of Appeals of Baltimore County  
Room 315, County Office Building  
Towson, Maryland 21204

Dear Miss Williams:

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,*  
*Alan H. Stocksdale*

AHS:sws  
Enc.

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

IN RE: PETITION FOR ZONING VARIANCE \*  
w/corner Days End Court and \*  
Fordcrest Road \*  
(2 Days End Court) \*  
14th Election District \*  
6th Councilmanic District \*  
Blake A. Haag, et ux \*  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a fence 6' in height at a distance of 3' between the fence and the adjacent front yard. It is noted that the permitted height of 4' is shown, as more particularly described in Petitioners' Exhibit 1.

The Petitioners appeared and testified. Mr. & Mrs. Frank Fama, owners of the property herein, appeared in person.

Testimony indicated that the subject property, known as 2 Days End Court, is an 11' x 100' lot situated in the neighborhood of Days End Court and Fordcrest Road. The lot is presently occupied by a single family dwelling, the 2' x 100' lot of which the subject property is a portion. The subject property was purchased by the Petitioners in June 1987. A copy of the permit was introduced as Petitioners' Exhibit 2. Mr. Haag further testified that he and Mrs. Fama had been advised by the Deputy Zoning Commissioner that the proposed fence was not permitted under all zoning regulations. He indicated he was not advised that he could seek a variance to insure the relief and distance from the property line was appropriate. Mr. 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 their compliance with the zoning regulation would result in practical difficulty and unreasonable hardship for him and his family.

The Petitioners introduced photographs evidencing that the fence in the same size and height of an adjoining property owners fence at Days End Court. Further, the Petitioners introduced three letters of support from adjoining property owners indicating that they had no objection to the Petitioners' 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 face when proceeding up Fordcrest Road from Days End Court and that they cannot see incoming 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 Petitioners 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 Protestants' house would be facing Fordcrest Road. In such a manner that the two houses would be back to back. However, the Protestants' home faced Fordcrest Road and their front and side yards with the Petitioners' own yard.

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

It is noted that a variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioners and his property. Moore v. Mayor, 283 Md. 216 (1978). To prove practical difficulty for an area variance, the Petitioners must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose in better conformance (unusually burdensome);
- 2) whether the hardship is a substantial relation 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

ORDER RECEIVED FOR FILING  
Date *10/11/88*

1) whether relief can be granted in such fashion that the rights of the public will be preserved and public safety and welfare assured.

Reference to list of Appeals, Town of Greenhouse Beach, 49 Md. App. 28 (1978).

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 ZOP 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 usually 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 of Loudoun required that certain fence permits be reviewed by itself. When the Petitioners applied for their permit, they were not advised to seek a permit from the Commission. Their fence was taken down on other dates and then replaced on the same site. The Petitioners argued that since they had a permit from the County, they would also be permitted to have a 6-foot fence. The difference is that the subject fence is located where the fence of the adjacent property is not.

A review of the pictures submitted by the Petitioners indicates that while the Petitioners' fence was back a view of the entire roof of the Protestants' home was unobstructed from the subject property. The Petitioners' fence was 6 feet high and the Protestants' fence was 4 feet high. The Petitioners argued that if they were not permitted to have a 6-foot fence, they would have to have a 4-foot fence. The difference is that the subject fence is located where the fence of the adjacent property is not.

The Board is advised to grant relief.

ORDER RECEIVED FOR FILING  
Date *10/11/88*

Pursuant to the advertisement, notice to the public to hold a public hearing on the proposed zoning variance, and for the reasons stated herein, it is the Board's decision that the requested variance should be granted.

Therefore, it is the Board's decision that the variance requested by the County Board of Appeals of Baltimore County, Case No. 88-332-A, should be granted. The Board's decision is based on the fact that the variance requested is a variance from the zoning regulation which would not be detrimental to the public health, safety, and general welfare, and no other variance is required to be granted.

The Petitioners in their petition have stated that they are seeking relief from the zoning regulation which would allow them to have a 6-foot fence at a distance of 3' from the property line. The Board is advised that the Petitioners' fence was 6 feet high and the Protestants' fence was 4 feet high. The Board is advised to grant relief.

The Board is advised to grant relief.

ORDER RECEIVED FOR FILING  
Date *10/11/88*

ORDER RECEIVED FOR FILING  
Date *10/11/88*

ORDER RECEIVED FOR FILING  
Date *10/11/88*

IN RE: PETITION FOR ZONING VARIANCE	*	BEFORE THE
NW/corner Days End Court and	*	DEPUTY ZONING COMMISSIONER
Fordcrest Road	*	
(2 Days End Court)	*	OF BALTIMORE COUNTY
14th Election District	*	
6th Councilmanic District	*	Case No. 88-332-A
Blake A. Haag, et ux	*	
Petitioners	*	

\* \* \* \* \*

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. Mr. 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 Petitioner's Exhibit 2. Mr. Haag further testified that he was not informed that the issuance of the permit did not mean the fence and its placement met all County regulations. He indicated he was not advised that he should check with Zoning to insure the height and distance from the property line was appropriate. Mr. 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:

- 1) 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.

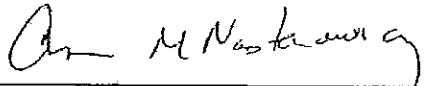
A review of the pictures submitted by the Protestants indicates that while the Petitioners' fence does block a view of the bottom half of the Protestants' home when approaching from Days End Court, there is clear visibility to the street from the Protestants' driveway prior to exiting onto the street. 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 13th 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.

AMN:bjs

  
ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
of Baltimore County





**PETITION FOR ZONING VARIANCE**

103

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  
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 lieu of 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 6/5/97 to do so.
  2. It would create a financial burden to reduce the section of fence in question.
  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 6 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.

I do solemnly declare and affirm under the penalties of perjury, that we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: Blake A. Haag  
Legal Owner(s): Blake A. Haag  
Signature: Norma J. Haag  
Address: 2 Days End Ct., Rose Dale, MD 21237  
City and State: Rose Dale, MD 21237  
Attorney for Petitioner: 2 Days End Ct., Rose Dale, MD 21237  
Signature: Blake A. Haag  
Address: 2 Days End Ct., Rose Dale, MD 21237  
City and State: Rose Dale, MD 21237  
Attorney's Telephone No.: 561-0100

ORDERED By the Zoning Commissioner of Baltimore County, this 19th day of November, 1987, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of February, 1988, at 9 o'clock A.M.

(over)

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. Plat book E.H.K. Jr. No. 45, Folio 71. Also known as 2 Days End Court in the 14th Election District.

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 14th  
Posted for: 1987  
Location of property: NW corner Days End Court and Fordcrest Rd  
Location of Sign: 2 Days End Ct  
Remarks: 30' on the way to Parkburg, Baltimore  
Posted by: [Signature]  
Number of Signs: 1

Zoning Office:  
In remarks to the letter received on 1/12/88, we would like to appeal. This case was heard on December 17th, 1987. The hearing was held by the Commissioner, Deputy Commissioner of Baltimore Co. The zoning variance was granted for petitioners Blake A. Haag. We would like to know why this decision is subject to us, the protestants. We would like to check the appeal and petition please respond as soon as possible.

Mr. and Mrs. Frank Fama  
6814 Fordcrest Road  
Baltimore, Maryland 21208  
Phone: 494-2188

MARYLAND No. 52771  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 1/28/88 AMOUNT: \$  
RECEIVED FROM: [Signature]  
FOR: [Signature]

Joseph M. Nolan  
Asst. Bldgs. Engineer - Permits & Licenses  
Ann M. Natarowicz  
Deputy Zoning Commissioner  
2 Days End Court  
14th Election District  
Property Owners: Mr. & Mrs. Blake A. Haag  
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 Fordcrest 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.

cc: James Thompson  
File

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. Jan 28, 1988  
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, 1988

**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: 88-332-A  
Site: 2 Days End Court and Fordcrest Road  
Date: Friday, February 17, 1988 at 9:00 a.m.  
FOR SNOOZE DIAL: CALL 494-3353  
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 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 such permit during the appeal period for good cause shown. Such request must be in writing and presented to this office by the date of the hearing above or presented at the hearing.

THE JEFFERSONIAN,  
Publisher

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

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 above-captioned 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, 1988, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Blake A. Haag, 2 Days End Ct., Rose Dale, MD 21237, Petitioners.

Peter Max Zimmerman

May 13, 1988

Joseph M. Nolan  
Asst. Bldgs. Engineer - Permits & Licenses  
Ann M. Natarowicz  
Deputy Zoning Commissioner  
2 Days End Court  
14th Election District  
Property Owners: Mr. & Mrs. Blake A. Haag  
Case No. 88-332-A

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

cc: Mr. & Mrs. Frank Fama  
6814 Fordcrest Road, Baltimore, Md. 21237  
People's Counsel  
File

Enclosures

**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: 88-332-A  
Site: 2 Days End Court and Fordcrest Road  
Date: Friday, February 17, 1988 at 9:00 a.m.  
FOR SNOOZE DIAL: CALL 494-3353  
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.

BALTIMORE COUNTY, MARYLAND No. 41780  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: \_\_\_\_\_ ACCOUNT: \_\_\_\_\_  
AMOUNT: \$ \_\_\_\_\_  
RECEIVED FROM: \_\_\_\_\_  
FOR: \_\_\_\_\_

VALIDATION OR SIGNATURE OF CASHIER

Published in Baltimore County, Maryland once a week for a year.  
Successive weeks before the 1st, 8th, 15th, 22nd, 29th, and 30th days of each month.  
This is to say the same was inserted in the issues of 1/28/88, 2/5/88, 2/12/88, 2/19/88, 2/26/88, 3/5/88, 3/12/88, 3/19/88, 3/26/88, 4/2/88, 4/9/88, 4/16/88, 4/23/88, 4/30/88, 5/7/88, 5/14/88, 5/21/88, 5/28/88, 6/4/88, 6/11/88, 6/18/88, 6/25/88, 7/2/88, 7/9/88, 7/16/88, 7/23/88, 7/30/88, 8/6/88, 8/13/88, 8/20/88, 8/27/88, 9/3/88, 9/10/88, 9/17/88, 9/24/88, 10/1/88, 10/8/88, 10/15/88, 10/22/88, 10/29/88, 11/5/88, 11/12/88, 11/19/88, 11/26/88, 12/3/88, 12/10/88, 12/17/88, 12/24/88, 12/31/88.  
By: Dennis F. Rasmussen  
per publisher  
The Avenue Inc.

**CERTIFICATE OF PUBLICATION**

**THE AVENUE NEWS**

Published in The Avenue News a weekly newspaper  
 published by The Avenue News, Inc. at Baltimore, Maryland.  
 The Baltimore County, Maryland news with a circulation of 2,000 copies per week.  
 Published on the 22nd day of June, 1988.  
 The Baltimore County, Maryland news with a circulation of 2,000 copies per week.  
 Published on the 22nd day of June, 1988.  
 The Baltimore County, Maryland news with a circulation of 2,000 copies per week.  
 Published on the 22nd day of June, 1988.

**The Avenue News, Inc.**  
 1000 North Avenue  
 Baltimore, Maryland 21204

Baltimore County  
 Department of Public Works  
 Bureau of Traffic Engineering  
 County Building, Suite 305  
 Towson, Maryland 21286  
 410-582-2222

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, 164, and 167.

Very truly yours,  
*Michael S. Fiantoni*  
 Michael S. Fiantoni  
 Traffic Engineer Associate II

MSFish

**RECEIVED**  
 DEC 23 1987  
 ZONING OFFICE

Baltimore County  
 Fire Department  
 Town, Maryland 21286-8888  
 410-582-2222

Paul A. Mahler November 24, 1987

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

Re: Property Owner: Blake A. Haag, et ux  
 Location: MM/ Days End Ct. and Fordcrest Rd.  
 Item No. 163 Zoning Agenda: Meeting of 11/10/87

Dear Mr. Haines:

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 of \_\_\_\_\_ 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.
7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved: *John F. O'Neill*  
 John F. O'Neill  
 Fire Prevention Bureau  
 Special Inspection Division

REVISION: *Call for more info*

7/31

**BALTIMORE COUNTY, MARYLAND**  
 INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
 Zoning Commissioner

Mr. F. David Fields  
 Director of Planning and Zoning

Date: January 14, 1988

Zoning Petition Nos. 88-310-A, 88-312-A,  
 88-322-A, 88-318-A, 88-319-A

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

*F. David Fields*  
 F. David Fields  
 Director

FOR JCH:mas

cc: Mr. Shirley H. Hess, Legal Assistant, People's Counsel  
 File

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
 County Office Building  
 111 W. Chesapeake Avenue  
 Towson, Maryland 21204

Your petition has been received and accepted for filing this  
 day of \_\_\_\_\_, 1988.

*J. Robert Haines*  
 J. ROBERT HAINES  
 ZONING COMMISSIONER

Received by: *Shirley H. Hess*  
 Shirley H. Hess, Legal Assistant, People's Counsel

Petitioner: *Blake A. Haag, et ux*  
 Petitioner's Attorney

**BALTIMORE COUNTY, MARYLAND**  
 INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
 Zoning Commissioner

Mr. F. David Fields  
 Director of Planning and Zoning

Zoning Petition Nos. 88-310-A, 88-312-A,  
 88-322-A, 88-318-A, 88-319-A

Date: January 14, 1988

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

*F. David Fields*  
 F. David Fields  
 Director

FOR JCH:mas

cc: Mr. Shirley H. Hess, Legal Assistant, People's Counsel  
 File

**RECEIVED**  
 JAN 10 1988  
 ZONING OFFICE

STOCKSDALE, JARRELL & CVACH  
 6717 HANFORD ROAD  
 BALTIMORE, MARYLAND 21284  
 Telephone Area Code 410 254-6877

File

HOWARD & STOCKSDALE  
 ALAN H. STOCKSDALE  
 ROBERT J. JARRELL, JR.  
 LAWRENCE O. CVACH

6717 HANFORD ROAD  
 BALTIMORE, MARYLAND 21284

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,  
*Alan H. Stocksdale*  
 Alan H. Stocksdale

MS:WRS  
 Enc.

cc: Blake A. Haag and wife  
 Peoples Counsel of Baltimore County  
 F. David Fields  
 J. Robert Haines  
 Ann Hasterowicz  
 James Dyer

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

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

MR. CLERK:

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, 1988.

*Alan H. Stocksdale*  
 Alan H. Stocksdale  
 Stocksdale, Jarrell & Cvach  
 6717 Hanford Road  
 Baltimore, MD 21284  
 254-6877

I HEREBY CERTIFY that a copy of the foregoing 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 21204; Peoples Counsel of Baltimore County, Room 223, Old Courthouse, Towson, Maryland 21204; J. Robert Haines, Ann Hasterowicz and James Dyer, Baltimore County Office of Planning and Zoning, Towson, Maryland 21204

*Alan H. Stocksdale*  
 Alan H. Stocksdale

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

February 10, 1988

County Office Bldg.  
 111 W. Chesapeake Ave.  
 Towson, Maryland 21204

MEMBER  
 Bureau of Zoning  
 Department of Public Engineering  
 State Road Commission  
 Fire Protection  
 Health Department  
 Project Planning  
 Building Department  
 Board of Education  
 Police Administration  
 Industrial Development

Mr. Blake A. Haag  
 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

Dear Mr. Haag:

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 any 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, my 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.

Very truly yours,  
*James E. Dyer, Jr.*  
 JAMES E. DYER, JR.  
 Chairman  
 Zoning Plans Advisory Committee

JED:shh  
 Enclosures

**CERTIFICATE OF PUBLICATION**  
Office of  
**THE AVENUE NEWS**

THIS IS TO CERTIFY, that the annexed advertisement of \_\_\_\_\_ published in Baltimore County, Maryland once a week for \_\_\_\_\_ successive week(s) before the \_\_\_\_\_ day of \_\_\_\_\_, 1988, that it is so, the same was inserted in the issues of \_\_\_\_\_, 1988.

The Avenue Inc. per publisher

Eastern Blvd.  
No. MD 21221  
Jan 29 1988

THIS IS TO CERTIFY, that the annexed advertisement of \_\_\_\_\_ published in Baltimore County, Maryland once a week for \_\_\_\_\_ successive week(s) before the \_\_\_\_\_ day of \_\_\_\_\_, 1988, that it is so, the same was inserted in the issues of \_\_\_\_\_, 1988.

THE AVENUE NEWS  
1000 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21286  
PUBLISHED WEEKLY  
DISTRIBUTION DISTRICT  
NO. 5 LINES AT \$44.27

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21284  
484-4504

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.

Very truly yours,  
*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF:ab

RECEIVED  
DEC 23 1987  
ZONING OFFICE

Baltimore County  
Fire Department  
Towson, Maryland 21204-2386  
484-4500

November 24, 1987

Paul H. Reinke  
Chief

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

Re: Property Owner: Blake A. Haag, et ux  
Location: NW/c Days End Ct. and Fordcrest Rd.  
Item No.: 163 Zoning Agenda: Meeting of 11/10/87

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the contours 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 of \_\_\_\_\_ 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.

REVIEWER: *John F. O'Neill* Noted and Approved: *John F. O'Neill*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/s/

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner

Date: January 11, 1988

P. David Fields  
FROM: Director of Planning and Zoning

Zoning Petition Nos. 88-310-A, 88-312-A,  
SUBJECT: 88-332-A, 88-318-A, 88-319-A

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

*P. David Fields per J. H. Howell*  
P. David Fields  
Director

PDF:JGH:dme

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

88-332-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this  
19th day of November, 1987.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received by: *James E. Dyer*  
Chairman, Zoning Plans  
Advisory Committee

Petitioner: Blake A. Haag, et ux  
Petitioner's  
Attorney

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines  
TO: Zoning Commissioner

Date: January 14, 1988

P. David Fields  
FROM: Director of Planning and Zoning

Zoning Petition Nos. 88-310-A, 88-312-A,  
SUBJECT: 88-332-A, 88-318-A, 88-319-A

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

*P. David Fields per J. H. Howell*  
P. David Fields  
Director

PDF:JGH:dme

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

RECEIVED  
JAN 19 1988  
ZONING OFFICE

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

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,  
*Alan H. Stocksdale*  
Alan H. Stocksdale

AHS:rws

Enc.

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

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

MR. CLERK:

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, 1988.

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

I HEREBY CERTIFY that a copy of the foregoing 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.

*Alan H. Stocksdale*  
Alan H. Stocksdale

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 10, 1988

COUNTY OFFICE BLDG.  
111 W. CHESAPEAKE AVE.  
TOWSON, MARYLAND 21204

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Comm. Sec.  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Bureau of Education  
County Administration  
Industrial Development

Mr. Blake A. Haag  
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

Dear Mr. Haag:

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.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:kbb

Enclosures

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. HANG, 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 location

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

Protestant's Exhibits: 1.) Three 24 x 5" photographs of fence location

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

Notice of Appeal received June 7, 1988

1111

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

Alm N. Stockdale, Esq.
Stockdale, Jervell & Crach
6717 Harford Rd. (21234)

Council for Fama, Protestants

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

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

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21284

Request Notification: P. David Fields, Director of Planning & Zoning
James Howell, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann W. Mastarowicz, Deputy Zoning Commissioner
James S. Dyer, Zoning Supervisor
Docket Clerk

David Fields

Baltimore County
Zoning Commission
Office of Planning & Zoning
Room 304, County Office Bldg.
Towson, Md.

J. Robert Haines
Zoning Commissioner

July 21, 1988



Baltimore County Board of Appeals
Old Courthouse, Room 8205
Towson, Maryland 21284

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. HANG, 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.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:ccr

Enclosures

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

People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Md. 21284

File

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

Blake Hang, et ux
Mr. and Mrs. F. Fama
People's Counsel
David Fields
Robt. Haines, A. Mastarowicz, J. Dyer, Doc. Clerk

Baltimore County
Zoning Commission
Office of Planning & Zoning
Towson, Maryland 21284
68-303

J. Robert Haines
Zoning Commissioner

July 21, 1988



Baltimore County Board of Appeals
Old Courthouse, Room 8205
Towson, Maryland 21284

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. HANG, ET UX - Petitioners
Case No. 88-332-A

Dear Board:

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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:ccr

Enclosures

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

People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Md. 21284

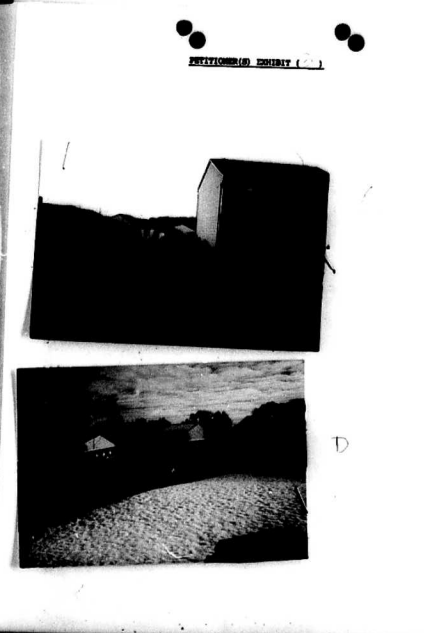
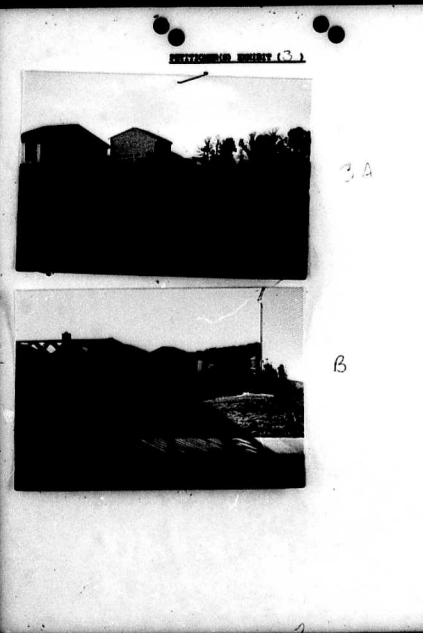
File

Section 17-101
In accordance to the letter on appeal on case No. 88-332-A
he would like to appeal. This case was heard on February 17, 1988.
The hearing was held by Ann Mastarowicz, Deputy Zoning Commissioner
of Baltimore. The zoning violation was granted the petitioners
Blake A. Hang, he would like to show the violation in subject
to my the protestants, ordered to be a check the appeal and parties.
Please respond as soon as possible.

RECEIVED ZONING OFFICE
JUL 21 1988
C. Kelly

Send 7-21-88
C.S.A. J

Permit form with handwritten notes and stamps. Includes 'PETITIONER'S' stamp and 'THIS PERMIT EXPIRES ONE YEAR FROM DATE OF ISSUE'.



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 location

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

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

Deputy Zoning Commissioner's Order dated May 13, 1988

Notice of Appeal received June 7, 1988

APPEAL

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

Alan H. Stockdale, Esq.
Stockdale, Jarrell & Couch
6717 Harford Rd. (21234)

Counsel for Famas, Protestants

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

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

People's Counsel of Baltimore County
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. Fyer, Zoning Supervisor
Docket Clerk

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 21, 1988

Baltimore County Board of Appeals
Old Courthouse, Room #205
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

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Very truly yours,

J. Robert Haines
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



Dennis F. Hammison
County Executive

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

July 21, 1988

Baltimore County Board of Appeals
Old Courthouse, Room #205
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

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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
Baltimore, Maryland 21237

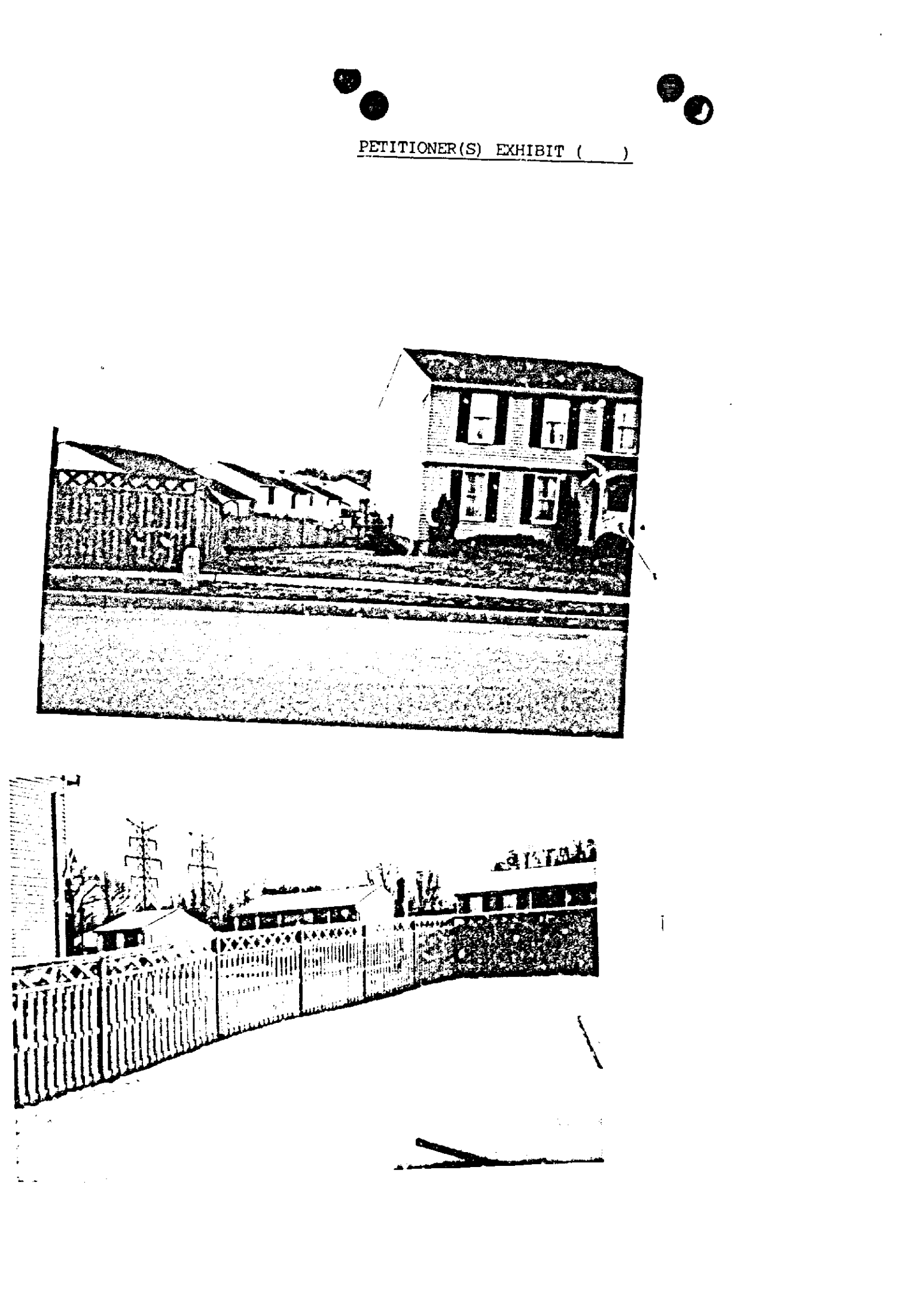
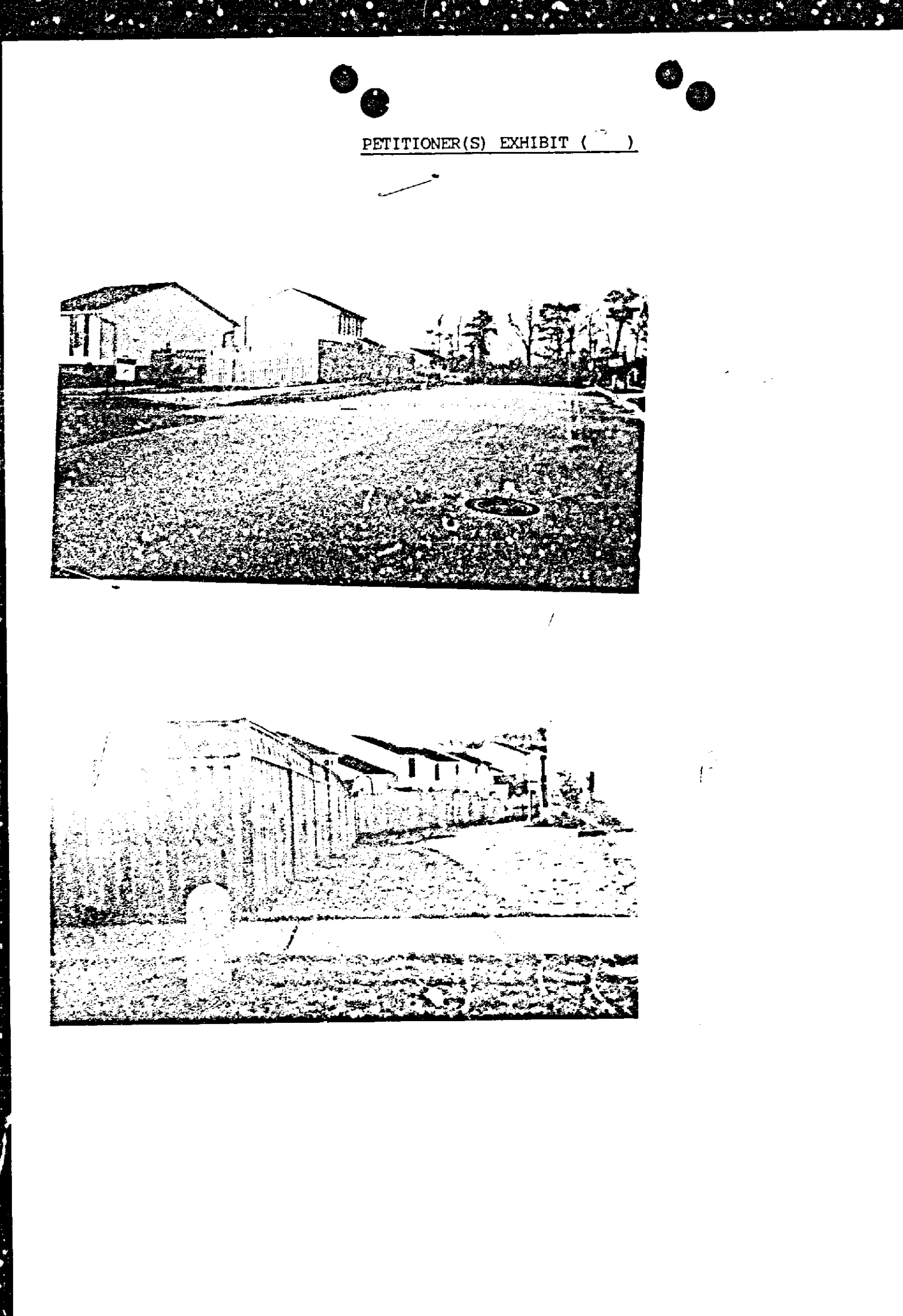
People's Counsel of Baltimore County
Rm. 223, Old Courthouse, Towson, Md. 21204

File



Dennis F. Hammison
County Executive

Permit form from Baltimore County Maryland, Office of the Building Engineer. Includes fields for building address, owner name, date issued, and type of improvement. A note states: 'A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER LICENSED IN BALTIMORE COUNTY.'



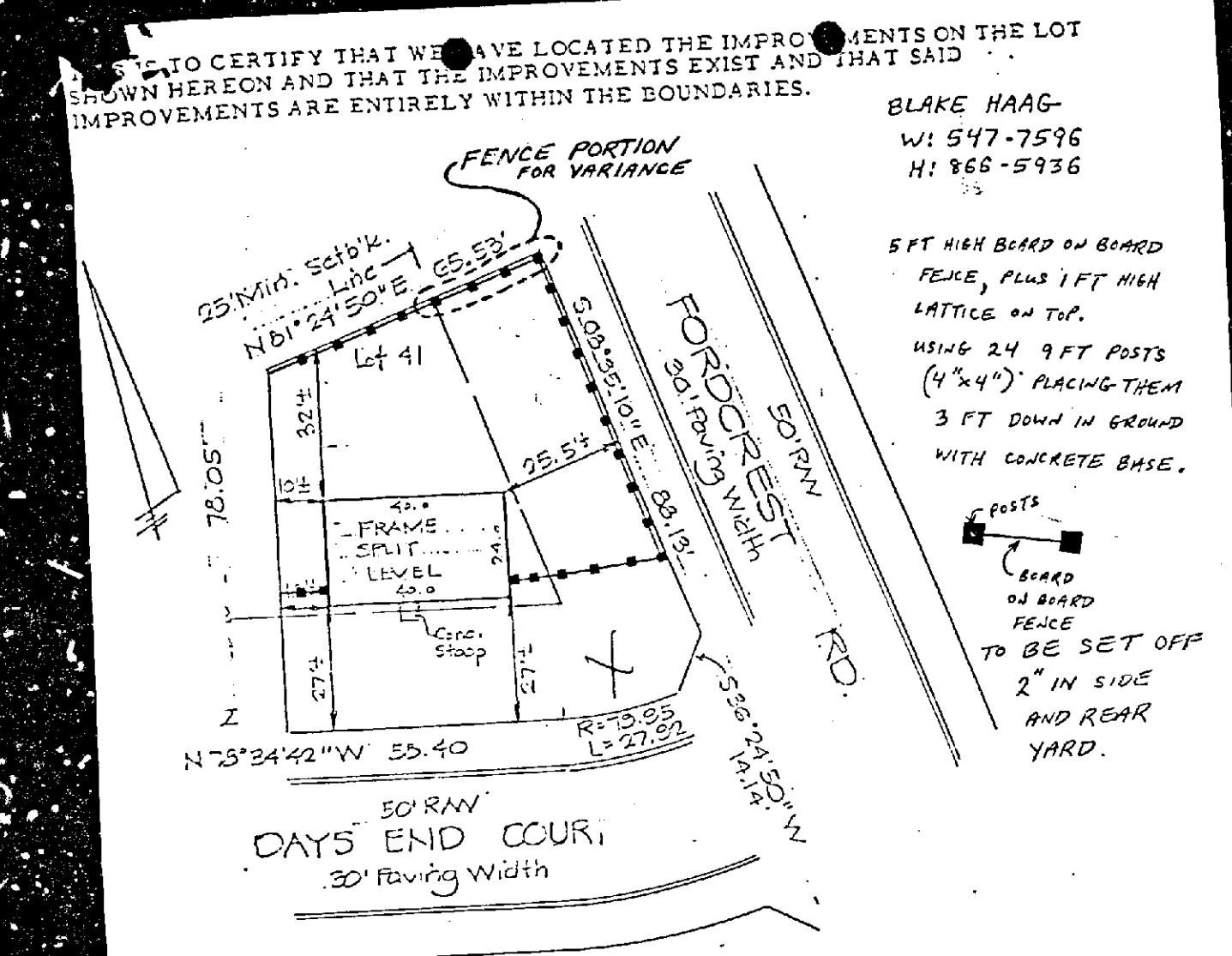
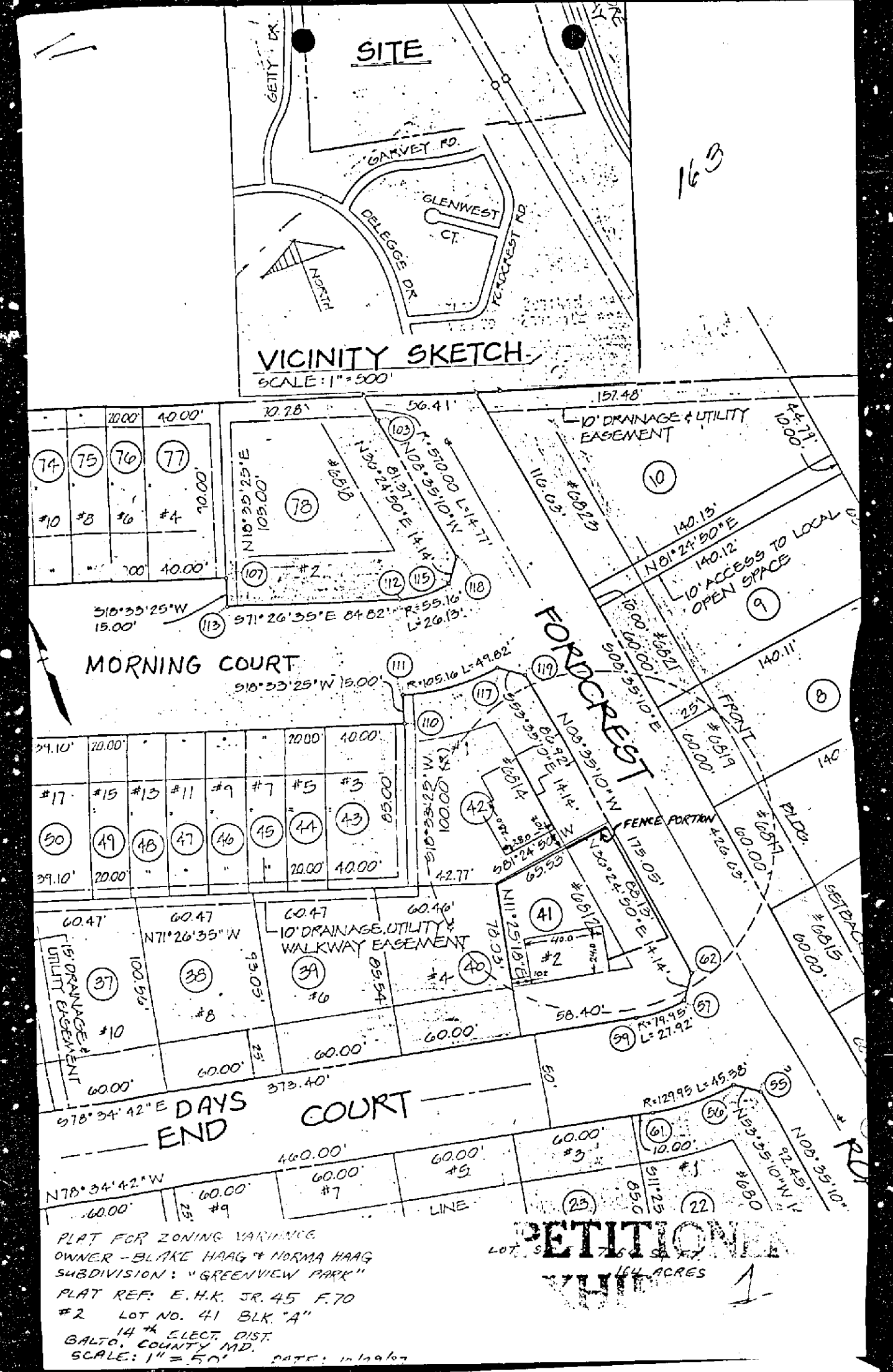
Handwritten notes on a separate sheet of paper, including 'To County', 'Permit', and 'Case No.'.







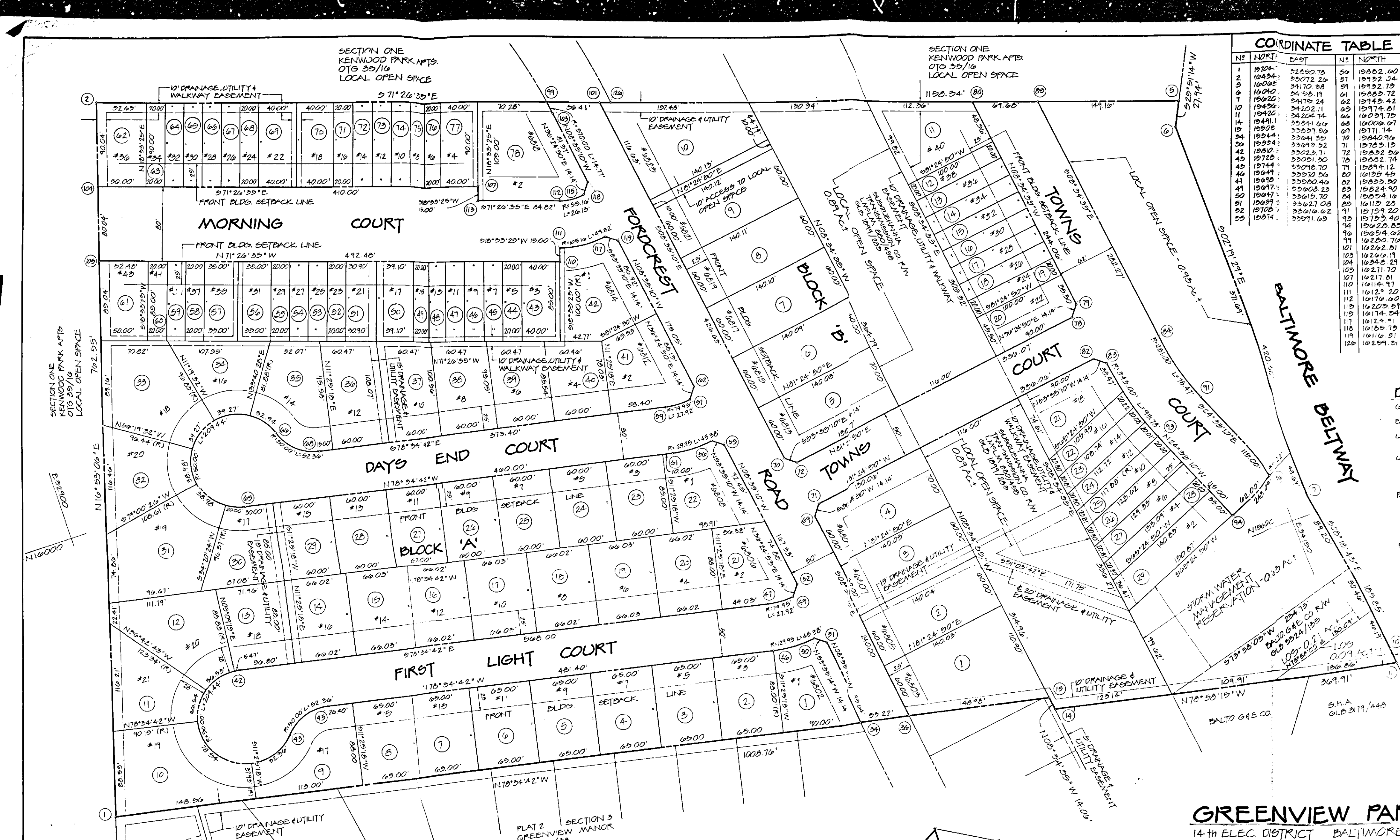




Benchmark Land Services  
1007 W. Padonia Rd. 2B  
Timonium, MD 21093  
phone 561-0082

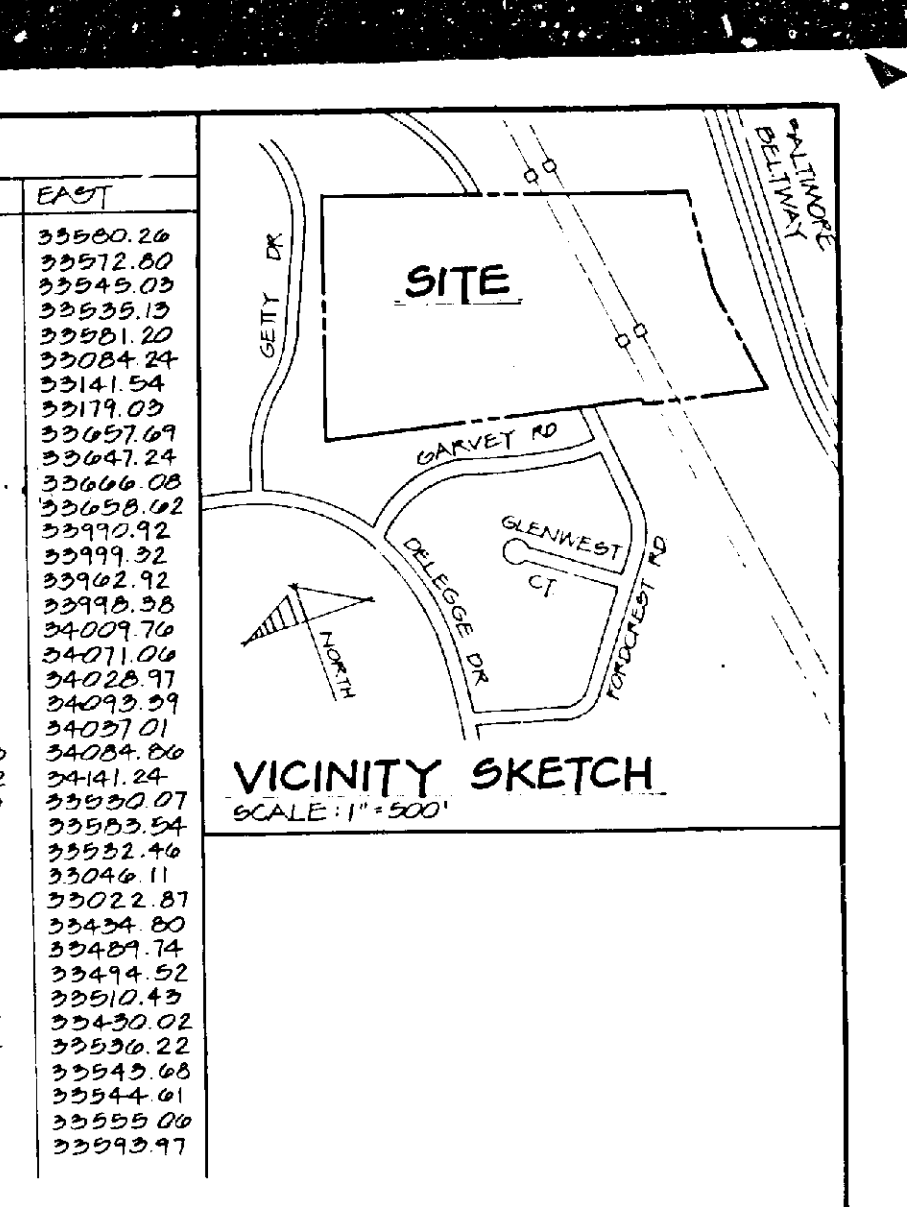
NOTE: THIS PLAN CANNOT BE USED TO ESTABLISH PROPERTY LINES OR PROPERTY CORNERS

CERTIFICATION  
SUBDIVISION: GREENVIEW PARK  
PLAT REF: E.H.K. 28, 45, 70  
#2 LOT NO. 41 BLK. 'A'  
14th ELEC. DIST.  
BALTIMORE COUNTY, MD.  
SCALE: 1" = 30'  
DATE: 3/10/83



**COORDINATE TABLE**

NO.	NORTH	EAST	NO.	NORTH	EAST
1	19484	22592.75	50	15682.60	35600.26
2	19484	22592.75	51	15682.60	35600.26
3	19484	22592.75	52	15682.60	35600.26
4	19484	22592.75	53	15682.60	35600.26
5	19484	22592.75	54	15682.60	35600.26
6	19484	22592.75	55	15682.60	35600.26
7	19484	22592.75	56	15682.60	35600.26
8	19484	22592.75	57	15682.60	35600.26
9	19484	22592.75	58	15682.60	35600.26
10	19484	22592.75	59	15682.60	35600.26
11	19484	22592.75	60	15682.60	35600.26
12	19484	22592.75	61	15682.60	35600.26
13	19484	22592.75	62	15682.60	35600.26
14	19484	22592.75	63	15682.60	35600.26
15	19484	22592.75	64	15682.60	35600.26
16	19484	22592.75	65	15682.60	35600.26
17	19484	22592.75	66	15682.60	35600.26
18	19484	22592.75	67	15682.60	35600.26
19	19484	22592.75	68	15682.60	35600.26
20	19484	22592.75	69	15682.60	35600.26
21	19484	22592.75	70	15682.60	35600.26
22	19484	22592.75	71	15682.60	35600.26
23	19484	22592.75	72	15682.60	35600.26
24	19484	22592.75	73	15682.60	35600.26
25	19484	22592.75	74	15682.60	35600.26
26	19484	22592.75	75	15682.60	35600.26
27	19484	22592.75	76	15682.60	35600.26
28	19484	22592.75	77	15682.60	35600.26
29	19484	22592.75	78	15682.60	35600.26
30	19484	22592.75	79	15682.60	35600.26
31	19484	22592.75	80	15682.60	35600.26
32	19484	22592.75	81	15682.60	35600.26
33	19484	22592.75	82	15682.60	35600.26
34	19484	22592.75	83	15682.60	35600.26
35	19484	22592.75	84	15682.60	35600.26
36	19484	22592.75	85	15682.60	35600.26
37	19484	22592.75	86	15682.60	35600.26
38	19484	22592.75	87	15682.60	35600.26
39	19484	22592.75	88	15682.60	35600.26
40	19484	22592.75	89	15682.60	35600.26
41	19484	22592.75	90	15682.60	35600.26
42	19484	22592.75	91	15682.60	35600.26
43	19484	22592.75	92	15682.60	35600.26
44	19484	22592.75	93	15682.60	35600.26
45	19484	22592.75	94	15682.60	35600.26
46	19484	22592.75	95	15682.60	35600.26
47	19484	22592.75	96	15682.60	35600.26
48	19484	22592.75	97	15682.60	35600.26
49	19484	22592.75	98	15682.60	35600.26
50	19484	22592.75	99	15682.60	35600.26
51	19484	22592.75	100	15682.60	35600.26
52	19484	22592.75	101	15682.60	35600.26
53	19484	22592.75	102	15682.60	35600.26
54	19484	22592.75	103	15682.60	35600.26
55	19484	22592.75	104	15682.60	35600.26
56	19484	22592.75	105	15682.60	35600.26
57	19484	22592.75	106	15682.60	35600.26
58	19484	22592.75	107	15682.60	35600.26
59	19484	22592.75	108	15682.60	35600.26
60	19484	22592.75	109	15682.60	35600.26
61	19484	22592.75	110	15682.60	35600.26
62	19484	22592.75	111	15682.60	35600.26
63	19484	22592.75	112	15682.60	35600.26
64	19484	22592.75	113	15682.60	35600.26
65	19484	22592.75	114	15682.60	35600.26
66	19484	22592.75	115	15682.60	35600.26
67	19484	22592.75	116	15682.60	35600.26
68	19484	22592.75	117	15682.60	35600.26
69	19484	22592.75	118	15682.60	35600.26
70	19484	22592.75	119	15682.60	35600.26
71	19484	22592.75	120	15682.60	35600.26
72	19484	22592.75	121	15682.60	35600.26
73	19484	22592.75	122	15682.60	35600.26



**DENSITY CALCULATIONS:**

GROSS ACREAGE	19.78 AC.
EXISTING ZONING	OR 5.5
UNITS ALLOWED (19.78 x 2.5)	100.79 DW UNITS
UNITS PROPOSED	52
TOTAL UNITS	107 DW UNITS
PARKING REQUIRED (1.75 SP/LOT)	92.15
TOTAL PARKING PROVIDED	120
LOCAL OPEN SPACE REQUIRED (6% OF 19.78 AC)	1.19 AC
LOCAL OPEN SPACE PROVIDED	3.02 AC

**CURVE DATA**

PK	TO	Δ	R	L	T	CHORD
40	40	20°00'20"	129.99'	45.50'	22.92'	126°34'56"W 49.19'
45	45	60°00'00"	50.00'	52.20'	20.07'	51°29'15"W 50.00'
49	49	20°00'20"	129.99'	209.44'	20.07'	116°36'42"W 99.00'
54	54	20°00'20"	129.99'	71.95'	21.92'	50°03'56"E 27.76'
59	59	20°00'20"	129.99'	49.55'	22.72'	126°34'56"W 49.19'
64	64	20°00'20"	129.99'	209.44'	20.07'	116°36'42"W 99.00'
69	69	20°00'20"	129.99'	52.20'	20.07'	51°29'15"W 50.00'
74	74	20°00'20"	129.99'	71.95'	21.92'	50°03'56"E 27.76'
79	79	20°00'20"	129.99'	49.55'	22.72'	126°34'56"W 49.19'
84	84	20°00'20"	129.99'	209.44'	20.07'	116°36'42"W 99.00'
89	89	20°00'20"	129.99'	52.20'	20.07'	51°29'15"W 50.00'
94	94	20°00'20"	129.99'	71.95'	21.92'	50°03'56"E 27.76'
99	99	20°00'20"	129.99'	49.55'	22.72'	126°34'56"W 49.19'
104	104	20°00'20"	129.99'	209.44'	20.07'	116°36'42"W 99.00'
109	109	20°00'20"	129.99'	52.20'	20.07'	51°29'15"W 50.00'
114	114	20°00'20"	129.99'	71.95'	21.92'	50°03'56"E 27.76'
119	119	20°00'20"	129.99'	49.55'	22.72'	126°34'56"W 49.19'
124	124	20°00'20"	129.99'	209.44'	20.07'	116°36'42"W 99.00'
129	129	20°00'20"	129.99'	52.20'	20.07'	51°29'15"W 50.00'
134	134	20°00'20"	129.99'	71.95'	21.92'	50°03'56"E 27.76'
139	139	20°00'20"	129.99'	49.55'	22.72'	126°34'56"W 49.19'
144	144	20°00'20"	129.99'	209.44'	20.07'	116°36'42"W 99.00'
149	149	20°00'20"	129.99'	52.20'	20.07'	51°29'15"W 50.00'
154	154	20°00'20"	129.99'	71.95'	21.92'	50°03'56"E 27.76'
159	159	20°00'20"	129.99'	49.55'	22.72'	126°34'56"W 49.19'
164	164	20°00'20"	129.99'	209.44'	20.07'	116°36'42"W 99.00'
169	169	20°00'20"	129.99'	52.20'	20.07'	51°29'15"W 50.00'
174	174	20°00'20"	129.99'	71.95'	21.92'	50°03'56"E 27.76'
179	179	20°00'20"	129.99'	49.55'	22.72'	126°34'56"W 49.19'
184	184	20°00'20"	129.99'	209.44'	20.07'	116°36'42"W 99.00'
189	189	20°00'20"	129.99'	52.20'	20.07'	51°29'15"W 50.00'
194	194	20°00'20"	129.99'	71.95'	21.92'	50°03'56"E 27.76'
199	199	20°00'20"	129.99'	49.55'	22.72'	126°34'56"W 49.19'

P.W.A. COMPLETED  
FINAL PLAN CHECKED:  
PLANNING  
ENGINEERING  
SURVEYOR'S NAME:  
HOUSE NOS.

**NOTE:** STREETS AND/OR ROADS SHOWN HEREON AND MENTION THEREOF IN DEEDS ARE FOR PURPOSES OF DESCRIPTION ONLY AND THE SAME ARE NOT INTENDED TO BE DEDICATED TO PUBLIC USE. THE FEE SIMPLE TITLE TO THE BEDS THEREOF IS EXPRESSLY RESERVED IN THE GRANTORS OF THE DEED TO WHICH THIS PLAN IS ATTACHED THEIR HEIRS AND ASSIGNS.

**NOTE:** COORDINATES AND BEARINGS SHOWN ON THIS PLAN ARE REFERRED TO THE SYSTEM OF COORDINATES ESTABLISHED IN THE BALTIMORE COUNTY METROPOLITAN DISTRICT AND ARE BASED ON THE FOLLOWING TRAVERSE STATIONS:  
#7897 N 150°07' 24 E 32934.03  
#7898 N 114°21' 42 E 32436.55

**NOTE:** HIGHWAY AND HIGHWAY WIDENING, SLOPE DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST.

**OWNER'S CERTIFICATE**  
THE REQUIREMENTS OF SECTION 72-B ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND (BLACK 1947 SUPPLEMENT) AS FAR AS THEY RELATE TO THE PREPARATION OF THIS PLAN HAVE BEEN COMPLIED WITH.

**APPROVED:** [Signature] DIRECTOR  
**APPROVED:** [Signature] COUNTY ROADS ENGINEER  
**APPROVED:** [Signature] DEPUTY STATE & COUNTY HEALTH OFFICER

**SURVEYOR'S CERTIFICATE**  
I, W. MAISENHOLDER, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THE LAND SHOWN HEREON HAS BEEN LAID OUT AND THE PLAN THEREOF PREPARED IN COMPLIANCE WITH SECTION 72-A TO 72-E INCLUSIVE, OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND, 1959 EDITION, AS ENACTED OR AMENDED BY ACTS OF 1945 AND 1947 AND SUBSEQUENT ACTS, IF ANY, AMENDATORY THEREOF.

**NOTE:** HIGHWAY AND HIGHWAY WIDENING, SLOPE DRAINAGE AND UTILITY EASEMENTS SHOWN HEREON ARE RESERVED UNTO THE DEVELOPER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND. THE DEVELOPER, HIS PERSONAL REPRESENTATIVES AND ASSIGNS SHALL CONVEY SAID AREAS BY DEED TO BALTIMORE COUNTY, MARYLAND AT NO COST.

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**DEVELOPER**  
FRANK SCARFIELD  
650 HOLABROOK AVE  
BALTIMORE, MD. 21222

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Wilder  
Baltimore County, MD  
Scale: 1" = 30'  
Date: 3/10/83