

IN RE: PETITION FOR VARIANCE
S/S White Hall Road, 600' E of
the c/l of Weisburg Road
(1431 White Hall Road)
7th Election District
3rd Councilmanic District

Ruth A. DeSoto
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-197-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1431 White Hall Road, located in White Hall in northern Baltimore County. The Petition was filed by the owner of the property Ruth A. Desoto, in response to a zoning violation notice she received from Baltimore County concerning an existing fence on her property. The Petitioner seeks relief from Section 427 A-B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing fence on the rear and side property lines of the subject property and adjoining the front yard of an adjacent property to be 72 inches in height in lieu of the maximum permitted 42 inches. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 'A.

Appearing at the hearing on behalf of the Petition were Ruth A. DeSoto, property owner, Lawrence F. Haislip, Esquire, attorney for the Petitioner, and Dan Naumann, a representative of the Long Fence Company. Appearing as a Protestant in the matter was Brian Mozelack, adjoining property owner.

Testimony and evidence offered revealed that the subject property consists of 5.5648 acres, more or less, zoned R.C. 4 and is improved with a single family dwelling which has been the Petitioner's residence since

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Date 1/24/95
By [Signature]

MICROFILMED

1983. Ms. DeSoto testified that the property has been in her family for 50 years and was inherited by her in the 1980's. She testified that at the time of her acquisition, there were two houses on the property. In 1986, she subdivided the property to create two separate lots, each with its own dwelling. The house in which she presently resides is depicted on the site plan as Lot 1. Lot 2 and its dwelling were sold to Mr. Mozelack, the Protestant in this matter, in January 1994.

The testimony was clear that Ms. DeSoto and Mr. Mozelack have resided on their respective properties in an un-neighborly fashion since Mr. Mozelack's purchase of his property. Testimony indicated that soon after Mr. Mozelack moved to his property, there quickly erupted a dispute between he and Ms. DeSoto concerning the location of the boundary line between the two properties. Ms. DeSoto then hired a Surveyor to determine the exact location of the property line, after which she hired the Long Fence Company to erect the subject 6-foot high privacy fence along the property line. The relationship between Ms. DeSoto and Mr. Mozelack continued to deteriorate when Mr. Mozelack believed that the Petitioner was about to fence the driveway easement that provides access to his property from White Hall Road. As a result of his concerns, Mr. Mozelack called Baltimore County after which an inspection of the property was made and a stop work order was issued. After further investigation of the matter, it became evident that the location of the fence does not impede access to Mr. Mozelack's property.

Further testimony revealed that these two parties are currently involved in litigation in the Circuit Court for Baltimore County as to the existence of the right-of-way easement which leads to Mr. Mozelack's property across Ms. DeSoto's property. However, the matter pending before the

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Date 12/1/95
By [Signature]

MICROFILMED

Circuit Court should not detract from the battle that exists before this Deputy Zoning Commissioner.

These two neighbors are before me in a dispute over the height of an existing privacy fence between the two properties. Testimony revealed that Ms. DeSoto expended approximately \$8700 to have this fence erected along her property line. On behalf of the Long Fence Company, Mr. Naumann testified that there was never any intention to block the driveway easement provided to Mr. Mozelack. He testified that a building permit was obtained from Baltimore County for the construction of this fence, and that, in his opinion the fence is permitted as of right. However, Mr. Mozelack argues that this privacy fence exists in his front yard, and therefore, the height of the fence is restricted to 42 inches in lieu of its present 72-inches. Mr. Mozelack testified that the fence actually sits atop a berm that exists between the two properties and that, in essence, the fence appears to be approximately 10 feet tall when looking from his property.

On the issue as to what is the front of his home, Mr. Mozelack submitted as Protestant's Exhibit 2 a floor plan of his property which shows two entrances into the front of his home. The floor plan shows that these entrances lead into the living room and dining room of Mr. Mozelack's home which are what he characterizes to be the front of his property. When looking at the site plan, this would appear to be the south side of the property. However, Counsel for Ms. DeSoto argued that the north side of the Protestant's home is actually the front of his property and as such, the fence is legal. Should I find that the south side of Mr. Mozelack's home is the front, then the variance is necessary to legitimize the fence.

Based on the testimony and evidence offered by Mr. Mozelack as well as the subdivision plat submitted by Ms. DeSoto wherein the south

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Date 1/24/85
By [Signature]

[Handwritten notes]

side of the Mozelack home is identified as the front, I find that the south side of the Mozelack home is the front of his home and as such, the variance is necessary.

Having made this determination, it is now necessary to rule upon the variance relief requested. By virtue of my determination as to what characterizes the front of the Mozelack home, it appears that most of the privacy fence is not visible to the Mozelack home. That is, much of the privacy fence runs away from the sight line afforded the Mozelack home. Therefore, only a small portion of the fence is visible from Mr. Mozelack's home. Furthermore, it is clear from the testimony, and was made apparent to the Petitioner and the Protestant, that a fence is permitted to be constructed along the common property line. At issue, however, is whether the fence can be 72 inches high or 42 inches high. Therefore, the Petitioner and the Protestant are basically fighting over the top 2 and 1/2 feet of this fence.

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.

ORDER RECEIVED FOR FILING

Date

By

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

After due consideration of the testimony and evidence presented, it appears the relief requested should be granted. It has been established that special circumstances or conditions exist that are peculiar to the structure which is the subject of this request and that strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioner, and should therefore be granted.

Given the poor relationship between Ms. DeSoto and Mr. Mozelack, it is the opinion of this Deputy Zoning Commissioner that the fence at its present height is a benefit to the two parties. Due to the allegations raised at the hearing before me, including the cursing at one another, the alleged rock throwing, pushing, and other instances of violence and harassment that have occurred between the two parties, I believe that the less they see of one another, the better off they will be and the height of the existing fence will contribute to that end. It is not the policy of the Zoning Commissioner's Office to involve itself in neighborhood disputes such as this. However, it is my belief that the fence will enable the Petitioner and the Protestant to mind their own business and not involve themselves in one another's affairs. Therefore, the "great wall of White Hall", as Mr. Mozelack termed it, shall be permitted to remain in its present state.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of January, 1995 that the Petition for

ORDER RECEIVED FOR FILING
Date 1/24/95
By [Signature]

Variance seeking relief from Section 427 A-B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing fence on the rear and side property lines of the subject property adjoining the front yard of an adjacent property to be 72 inches in height in lieu of the maximum permitted 42 inches, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner is hereby made aware that a 30-day appeal period runs from the date of this Order. If, for whatever reason, an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Timothy Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
12/19/95
BY *[Signature]*

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 24, 1995

Lawrence F. Haislip, Esquire
Miles & Stockbridge
600 Washington Avenue
Towson, Maryland 21204

RE: PETITION FOR VARIANCE
S/S White Hall Road, 600' E of the c/l of Weisburg Road
(1431 White Hall Road)
7th Election District - 3rd Councilmanic District
Ruth A. DeSoto - Petitioner
Case No. 95-197-A

Dear Mr. Haislip:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Ruth A. DeSoto
1431 White Hall Road, White Hall, Md. 21161

Mr. Brian Mozelack
1433 White Hall Road, White Hall, Md. 21161

Mr. Dan Naumann
Long Fence Company, P.O. Box 72310, Baltimore, Md. 21237

People's Counsel; File





Petition for Variance

95-197-A

to the Zoning Commissioner of Baltimore County

for the property located at 1431 White Hall Road

which is presently zoned R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s)

Section 427 A-B restricting the height of the fence erected on the property line on the rear and side of the subject property and adjoining the front yard of an adjacent property to 42" and allowing said fence to be 72" in height.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Practical difficulty, unreasonable hardship and for such reasons as to be set forth at the public hearing.

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

Contract Purchaser/Lessee:

N/A
(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

Lawrence F. Haislip, Esq.
(Type or Print Name)

Signature

Miles & Stockbridge
600 Washington Avenue 410-821-6565
Address Phone No.

Towson, Maryland 21204
City State Zipcode

Legal Owner(s):

Ruth A. DeSoto

(Type or Print Name)

Signature

(Type or Print Name)

Signature

1431 White Hall Road 410-357-4408
Address Phone No.

White Hall, MD 21161

City State Zipcode
Name, Address and phone number of representative to be contacted.

Lawrence F. Haislip, Esq.
Name
Miles & Stockbridge
600 Washington Ave., Towson, MD 21204
Address Phone No.
410-821-6565

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____
unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____
REVIEWED BY: R.T. DATE 11-30-94

ITEM # 191

ORDER RECEIVED FOR FILING

Date



Printed with Soybean Ink on Recycled Paper



95-197-A

DESCRIPTION FOR 1431 WHITE HALL ROAD.

ALL that lot or parcel of ground described for the fourth part in that Deed from Ruth A. DeSoto, et al., Personal Representatives of the Estate of Richard R. Cameron, to Ruth A. DeSoto, dated October 18, 1982, and recorded among the land records of Baltimore County, Maryland, at Liber 6445, folio 179; saving and excepting therefrom all that lot or parcel of ground described in that deed from Ruth A. DeSoto to Peter C. Swarr and Ann E. Marrero-Swarr dated October 10, 1988, and recorded among the land records of Baltimore County, Maryland, at Liber 8000, folio 355.

Containing 5.56468 acres, more or less; the improvements thereon being known as 1431 White Hall Road.

ITEM #191

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

93-197-A

District 7th Date of Posting 12/16/04

Posted for: Varlones

Petitioner: Ruth P. Soto

Location of property: 1421 White Hall Rd, s/p

Location of Signs: Facing road way on property being zoned

Remarks: No poles used

Posted by [Signature] Date of return: 12/22/04

Number of Signs: 1



[Faint stamp or signature]

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-197-A
(Item 191)
1431 White Hall Road
S/S White Hall Road,
600' +/- E of W Wiseburg
Road
7th Election District
3rd Councilmanic
Legal Owner(s):
Ruth A. DeSoto
Hearing: Thursday,
January 12, 1995 at 9:00
a.m. in Rm. 118, Old
Courthouse.

Variance from the 42 inch height restriction regarding the fence erected on the property line on the rear and side of the subject property and adjoining the front yard of an adjacent property and allowing said fence to be 72 inches in height.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Call 887-3363.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

12/155 December 15.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 12/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/15, 1994.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

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Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt

95-197-A

Account: R-001-6150

Number 191

R.T.

Date 11-30-94

RUTH DESOTO Y
 1431 WHITE HALL RD Y

010 - VARIANCE — \$ 50⁰⁰
 080 - SIGN — \$ 35⁰⁰

TOTAL — \$ 85⁰⁰

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03A03#0167MIC:IRC
 BA CON#47AM11-30-94

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 191

Petitioner: Ruth A. DeSoto

Location: 1431 White Hall Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Lawrence F. Haislip, Esquire

ADDRESS: Miles And Stockbridge, P.C.,

600 Washington Avenue Towson Maryland 21204

PHONE NUMBER: 823 8234

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
December 15, 1994 Issue - Jeffersonian

Please forward billing to:

Lawrence A. Haislip, Esq.
Miles and Stockbridge, P.C.
600 Washington Avenue
Towson, Maryland 21204
410-823-8234

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-197-A (Item 191)
1431 White Hall Road
S/S White Hall Road, 600'+/- E of c/l Wiseburg Road
7th Election District - 3rd Councilmanic
Legal Owner(s): Ruth A. DeSoto
HEARING: THURSDAY, JANUARY 12, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance from the 42 inch height restriction regarding the fence erected on the property line on the rear and side of the subject property and adjoining the front yard of an adjacent property property and allowing said fence to be 72 inches in height.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 22, 1994

Lawrence F. Haislip, Esquire
600 Washington Avenue
Towson, Maryland 21204

RE: Item No: 191
Case No.: 95-197-A
Petitioner: Ruth A. DeSoto

Dear Mr. Haislip:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on November 30, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i. e. zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

12/22/94

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 12/15/94

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: see below

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items: (C)

Item #'s:

Agenda -

Mtg. of 11/28/94

Items # 178, 179, 180, 183, 184, 185

Mtg. of 12/5/94

Items 188 and 189

Mtg. of 12/12/94

Items (191), 192, 194, 195, 198

LS:sp

LETTY2/DEPRM/TXTSBP

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: December 13, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 190, 191, 192, 195, 196, 198

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Klein

JL



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

12-7-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: \$ 191 (RT)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/08/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RECEIVED

DEC 9 1994

ZADM

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF DEC. 12, 1994

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

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

9. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 190, 191, 192, 193, 194, 195, 196 AND 198.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Haislip 12/12/95 *12/14/94* *5999-94*
AS

RE: PETITION FOR VARIANCE * BEFORE THE
1431 White Hall Road, S/S White Hall * ZONING COMMISSIONER
Rd, 600'+/- E of c/l Wiseburg Rd * OF BALTIMORE COUNTY
7th Election Dist., 3rd Councilmanic *
Ruth A. DeSoto * CASE NO. 95-197-A
Petitioner *
* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 1994, a copy of the foregoing Entry of Appearance was mailed to Lawrence F. Haislip, Esquire, Miles & Stockbridge, 600 Washington Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

*Please file -
Thank you.*

RECEIVED
DEC 14 1994
ZADM

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Zoning Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

ZONING VIOLATION CORRECTION NOTICE

October 24, 1994

Ms. Ruth A. Desoto
1431 White Hall Road
White Hall, Maryland 21161-9701

Re: Case No. C-95-655
Location: 1431 White Hall Road
7th Election District

Dear Ms. Desoto:

An inspection of your property, zoned R.C.4, has been made and it has been found that an apparent violation exists. According to Sections 101; 102.1; and 1A03.3A of the Baltimore County Zoning Regulations, the correction(s) listed below is/are required:

A fence may only be 42" in height which is erected in the rear and side yard of your home, since it adjoins the front yard of 1433 White Hall Road. Either shorten this portion of fencing or apply for a zoning variance.

The above-noted correction should be completed by November 10, 1994, or a citation may be issued to you imposing monetary fines of \$200 per day, per violation (Section 26-121, Baltimore County Code).

It is hoped that through your cooperation the alleged violation(s) will be resolved without the need for district court action.

If further clarification is necessary as to this matter, please contact the inspector indicated below at 887-3351.

INSPECTOR: DONNA THOMPSON

DT/hek

c: File

ITEM# 191

MICROFILMED

LAW OFFICES

MILES & STOCKBRIDGE

A PROFESSIONAL CORPORATION

600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-3965

TELEPHONE 410-821-6565

FAX 410-823-8123

11850 RANDOM HILLS ROAD
FAIRFAX, VA 22030-7429

80 WEST PATRICK STREET
FREDERICK, MD 21701-6903

22 WEST JEFFERSON STREET
ROCKVILLE, MD 20850-4286

1450 G STREET, N.W.
WASHINGTON, D.C. 20005-2001

10 LIGHT STREET
BALTIMORE, MD 21202-1467

800 ACADEMY STREET
CAMBRIDGE, MD 21613-1865

101 BAY STREET
EASTON, MD 21601-2718

November 22, 1994

LAWRENCE F. HAISLIP
410-823-8234

VIA HAND DELIVERY

Mr. Regulo Tanguilig
Baltimore County Zoning Administration
& Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. C-95-655; 1431 White Hall Road

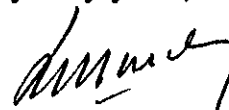
Dear Mr. Tanguilig:

Following our meeting this morning I have made requested revisions to Mrs. DeSoto's Petition for Variance, and I am transmitting to you under this cover the revised Petition, as follows:

1. Three copies of Petition, signed.
2. Copy of Violation notice, as requested
3. Posting Requirements procedures letter
4. Three copies of legal description of subject property
5. Twelve copies of revised plat to accompany petition
6. Enlarged plat of subject property
7. 200' scale plat showing subject property
8. Check drawn payable in the amount of \$85.00 filing fee

Please acknowledge your receipt and docketing of the enclosures in your usual manner, and advise regarding posting of property and hearing date.

Very truly yours,



Lawrence F. Haislip

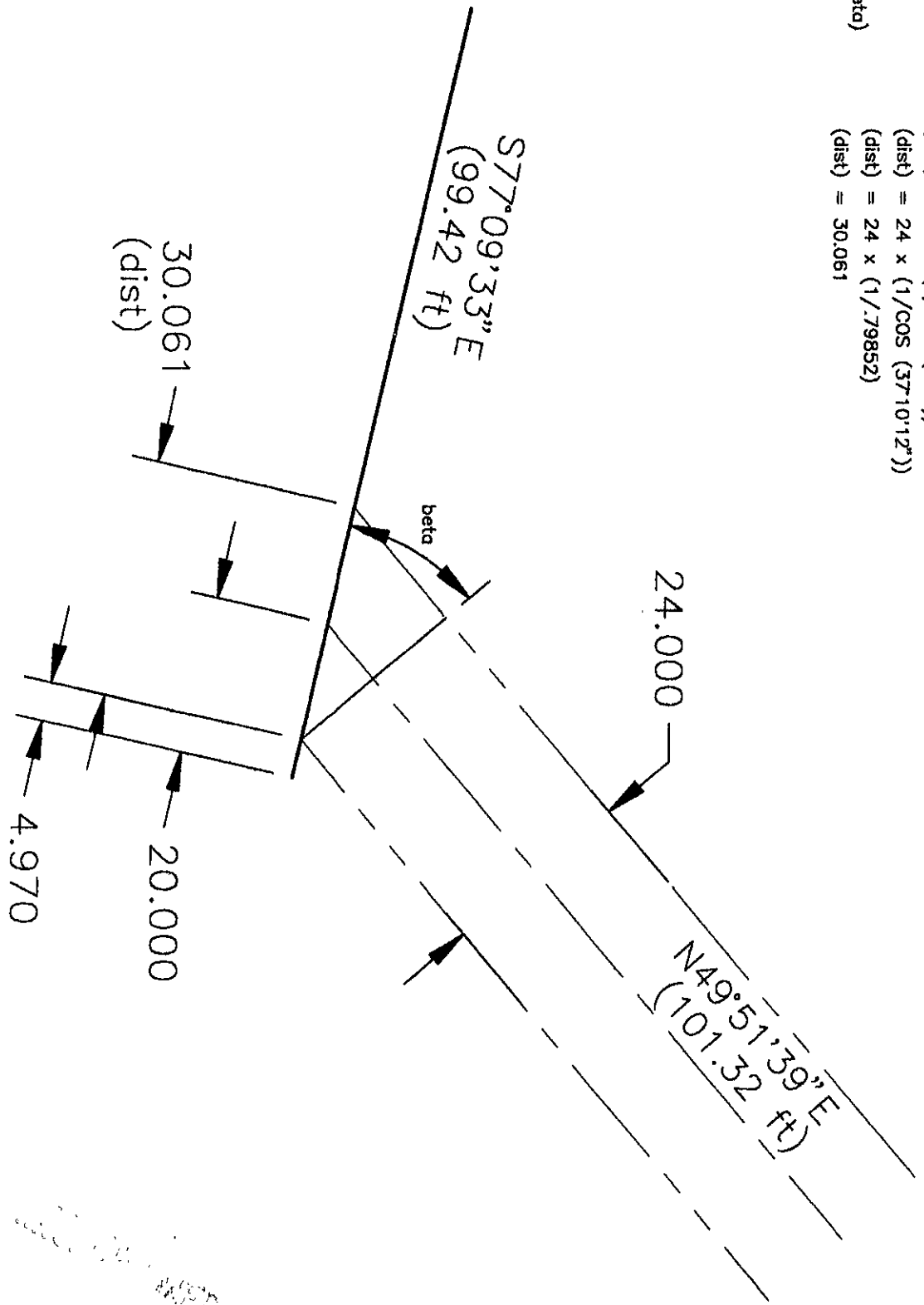
Enclosures

cc (w/encl): Ms. Ruth A. DeSoto
cc (w/o encl.): Jeffrey P. Reilly, Esq.

ITEM # 191

$$\begin{array}{r}
 S77^{\circ}09'33''E \\
 + N49^{\circ}51'39''E \\
 - N90^{\circ} \\
 \hline
 37^{\circ}01'12'' = (\text{beta})
 \end{array}$$

$$\begin{array}{l}
 (\text{dist}) = 24 \times (1/\cos(\text{beta})) \\
 (\text{dist}) = 24 \times (1/\cos(37^{\circ}01'12'')) \\
 (\text{dist}) = 24 \times (1/.79852) \\
 (\text{dist}) = 30.061
 \end{array}$$



SCALE 1" = 20'

BRW
9-15-94

EXHIBIT "B"

Legal Description - Lot No. 2

Ruth A. DeSoto
Election District No. 7
Baltimore County - Maryland

Deed Reference: Liber 6445, Folio 179

BEGINNING for a corner at a steel pin at lands of Floyd F. Russell, said steel pin being at the beginning of the fourth described line (SOUTH 30 DEGREES, 28 MINUTES, WEST, 79.31 FEET) of the reference deed; then with said line and the outline of said reference deed the six following lines, by lands of Floyd F. Russell (1) SOUTH 29 DEGREES, 21 MINUTES, 34 SECONDS WEST, 79.31 FEET to an iron pipe; then by lands of Joseph F. Pusloskie (2) SOUTH 79 DEGREES, 37 MINUTES, 21 SECONDS WEST, 787.64 FEET to an iron pipe on the northeast side of Hillside Avenue, an unimproved 30 foot wide right-of-way; then running with the northeastern side of said Hillside Avenue (3) NORTH 33 DEGREES, 39 MINUTES, 46 SECONDS WEST, 220.12 FEET to a metal fence post; then by lands of William A. Orange, Sr. (4) NORTH 68 DEGREES, 58 MINUTES, 42 SECONDS EAST, 413.63 FEET to an iron pipe; then by the three following lines of division (5) SOUTH 77 DEGREES, 09 MINUTES, 48 SECONDS EAST, 99.42 FEET to a steel pin; then (6) SOUTH 28 DEGREES, 33 MINUTES, 47 SECONDS EAST, 125.52 FEET to a utility pole; then (7) NORTH 88 DEGREES, 17 MINUTES, 09 SECONDS EAST, 392.77 FEET to a steel pin, the place of beginning, containing 3.5182 ACRES, being the western portion of the lands of reference deed.

Together with the use of an access road having a total right-of-way width of 24 feet through other lands of Ruth A. DeSoto and allowing joint use by both parties involved - the centerline description as follows:

BEGINNING for a point in the fifth described line in the above description and a distance of 20 feet from the end thereof; then leaving Lot No. 2 as described above (1) NORTH 49 DEGREES, 51 MINUTES, 39 SECONDS EAST, 101.32 FEET to a point; then (2) NORTH 36 DEGREES, 16 MINUTES, 52 SECONDS EAST, 64.29 FEET to a point; then (3) NORTH 39 DEGREES, 05 MINUTES, 31 SECONDS EAST, 137.64 FEET to a point; then (4) NORTH 20 DEGREES, 24 MINUTES, 05 SECONDS EAST, 28.03 FEET to a point; then (5) NORTH 36 DEGREES, 31 MINUTES, 10 SECONDS WEST, 27.54 FEET to a point; then (6) NORTH 61 DEGREES, 12 MINUTES, 22 SECONDS WEST, 39.08 FEET to a point; then (7) NORTH 47 DEGREES, 26 MINUTES, 56 SECONDS WEST, 25.06 FEET to a point; then (8) NORTH 36 DEGREES, 38 MINUTES, 46 SECONDS WEST, 17.56 FEET to a point on the southern edge of

Pennsylvania and Maryland Registration

WEISBURG ROAD

CENTRAL AVENUE (24')

ROBERT L. BART, JR.
5947/215

STEWART RUSSELL
7152/735

WILLIAM A. ORANGE, SR.
5784/788

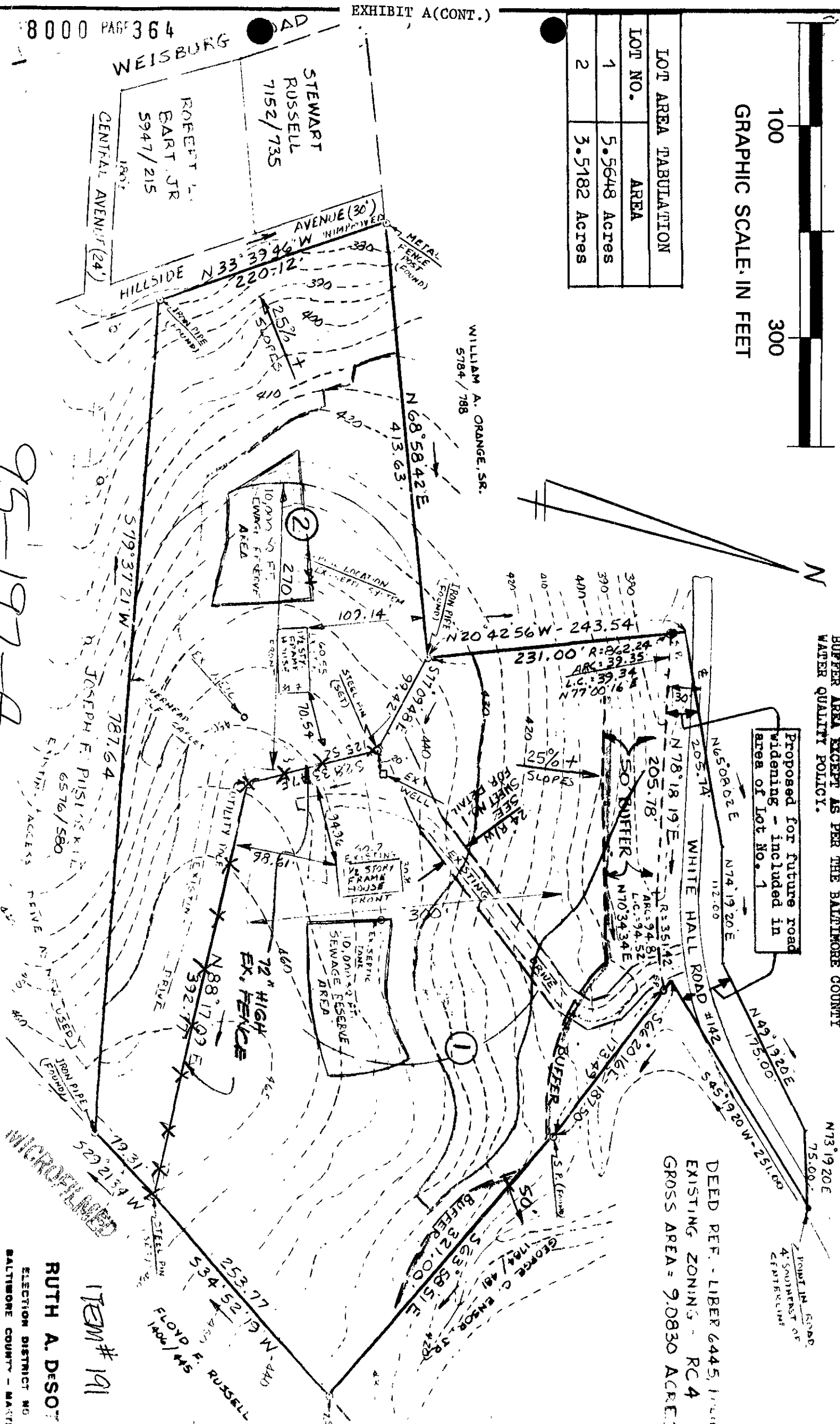
LOT AREA TABULATION	
LOT NO.	AREA
1	5.5648 Acres
2	3.5182 Acres

GRAPHIC SCALE IN FEET

100 300 400

NOTE: NO CLEARING, GRADING OR DISTURBANCE IN THE 50 FOOT BUFFER AREA EXCEPT AS PER THE BALTIMORE COUNTY WATER QUALITY POLICY.

95-197-A



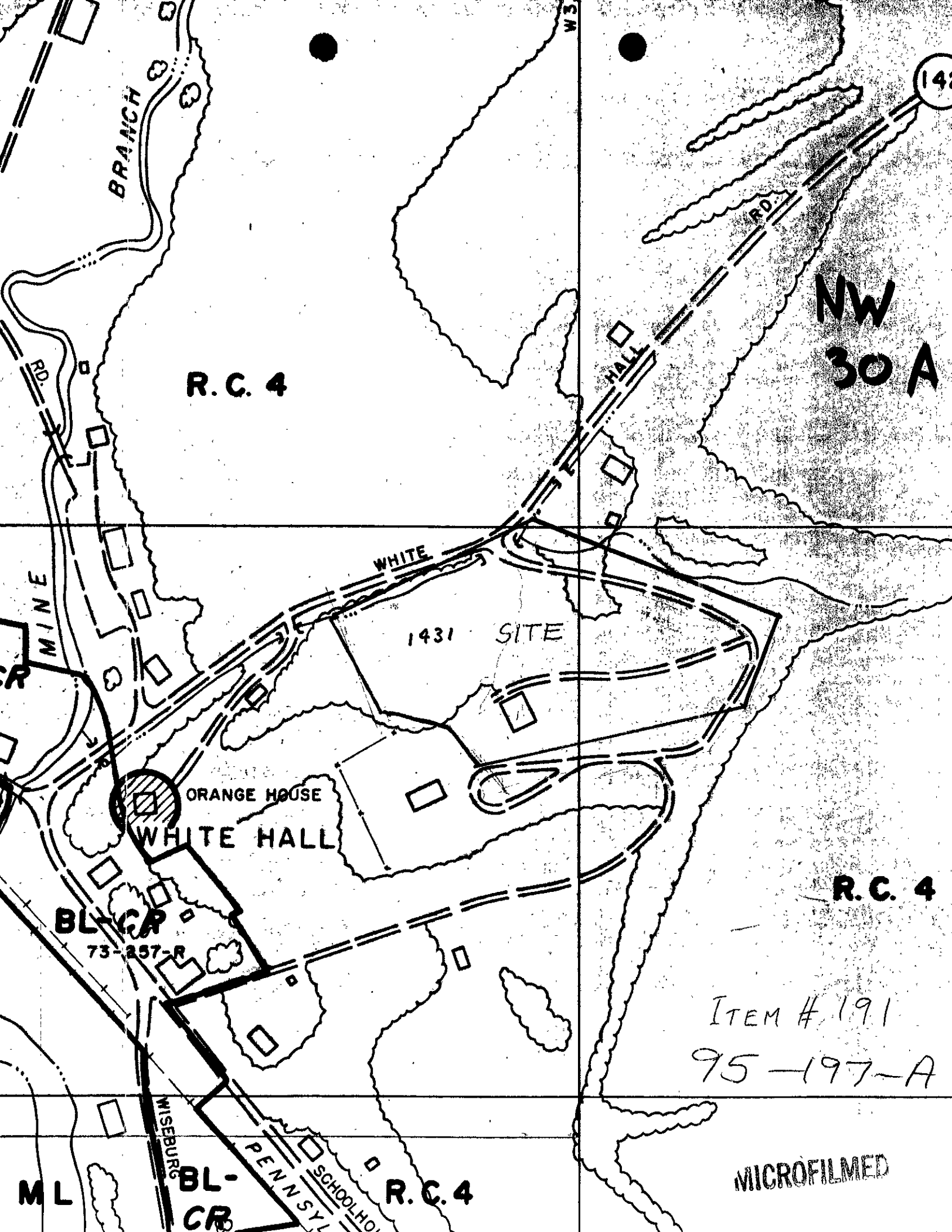
DEED REF. - LIBER 6445, 1000
EXISTING ZONING - RC 4
GROSS AREA = 9.0830 ACRES

POINT IN ROAD
4' SOUTHWEST OF
CENTERLINE

ITEM # 191

RUTH A. DESOTO

ELECTION DISTRICT NO. 7
BALTIMORE COUNTY - MARYLAND



R.C. 4

NW 30 A

143

1431 SITE

ORANGE HOUSE

WHITE HALL

BL-CR

73-257-R

R.C. 4

ITEM # 191

95-197-A

MICROFILMED

WISBURG

PENN SYL

SCHOLHO

BL-CR

R.C. 4

ML

MINE

BRANCH

WHITE

HALL

RD

RD

SW

(410) 682-5380

LONG FENCE

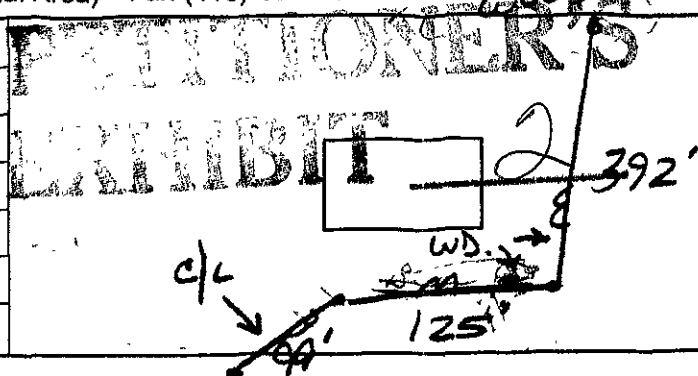
Order No. 8/2/94
Date

P.O. Box 72310 • 9825 Philadelphia Road
Baltimore, Maryland 21237

1-800-296-3362 (Outside Local Area) • Fax (410) 391-3449

MHIC # 9615-03

NAME: RUTH DESOTO
 STREET: 1431 WHITE HALL RD CO.
 CITY: WHITE HALL MD. ST. ZIP CODE: 21161
 JOB NAME:
 JOB ADDRESS:
 HM PH: 357 4408 WK PH. MR. MS. 823 6717



We propose to furnish and install:

INSTALL 517' OF 6" H. BOARD AND BATTEN CARBORAN PINE FENCING WITH (3) 2" x 4" x 8' RUNNERS PER SECTION. ALL POSTS 4" x 4" x 9' SET IN CONCRETE. ALL POSTS WILL HAVE ALUMINUM POST CAPS. FENCE WILL HAVE CARBOARD AT TOP.

ALSO 99' OF 6" GAUGE CHAIN LINK LINK WITH COIL WIRE TOP. ALL POSTS 2" ROUND SET IN CONCRETE.

LONGS WILL REMOVE 60' OF EXISTING FENCE + CLEAR THAT LINE. TO BE CHECK BY DAN.

PERMIT BY LONGS

We hereby propose to furnish labor and materials — complete in accordance with the above specifications, for the net cash sum of: (\$ 8700.00) Eight Thousand Seven Hundred dollars (\$ 2900.00) deposit with order, net cash balance of (\$ 5800.00) due on date of installation. PLEASE PAY OUR FOREMAN

The work will be performed in compliance with industry standards and is warranted against defects in materials and workmanship for one year. This contract embodies the entire understanding between the parties. The contractor makes no warranties or representations in connection therewith. Estimate good for 30 days. Any alterations from the above specifications or estimated quantities resulting in additional costs is extra to the contract. Determination of property lines is the owner's responsibility except when a survey is purchased through Long Fence Company. Long Fence will call the Miss Utility service prior to starting the work to identify underground conflicts. Long Fence is not responsible and will be held harmless for damages to other unmarked buried service lines and obstructions and for unavoidable disturbances adjacent to the work. All materials shall remain the property of Long Fence Company until the contract is paid in full. A finance charge of 1 1/2 percent per month will be assessed on past due balance. If balance is not paid upon completion, purchaser agrees to all costs of collection including court costs and reasonable attorney's fees. All Home Improvement Contractors and Subcontractors must be licensed by the Home Improvement Commission. Inquiries about a contractor should be transmitted to the Home Improvement Commission. Telephone (301) 333-6310. Our workers are fully covered by Workman's Compensation insurance. We are an Equal Opportunity Employer. Treated lumber is to comply with the grading rules of S.P.I.B. Gate framing lumber is cedar.

LONG FENCE COMPANY, Inc. by Don Krumann License No. 39199

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Accepted: _____ Signature Ruth Desoto Seal
 Date 8/2/94 Signature _____ Seal

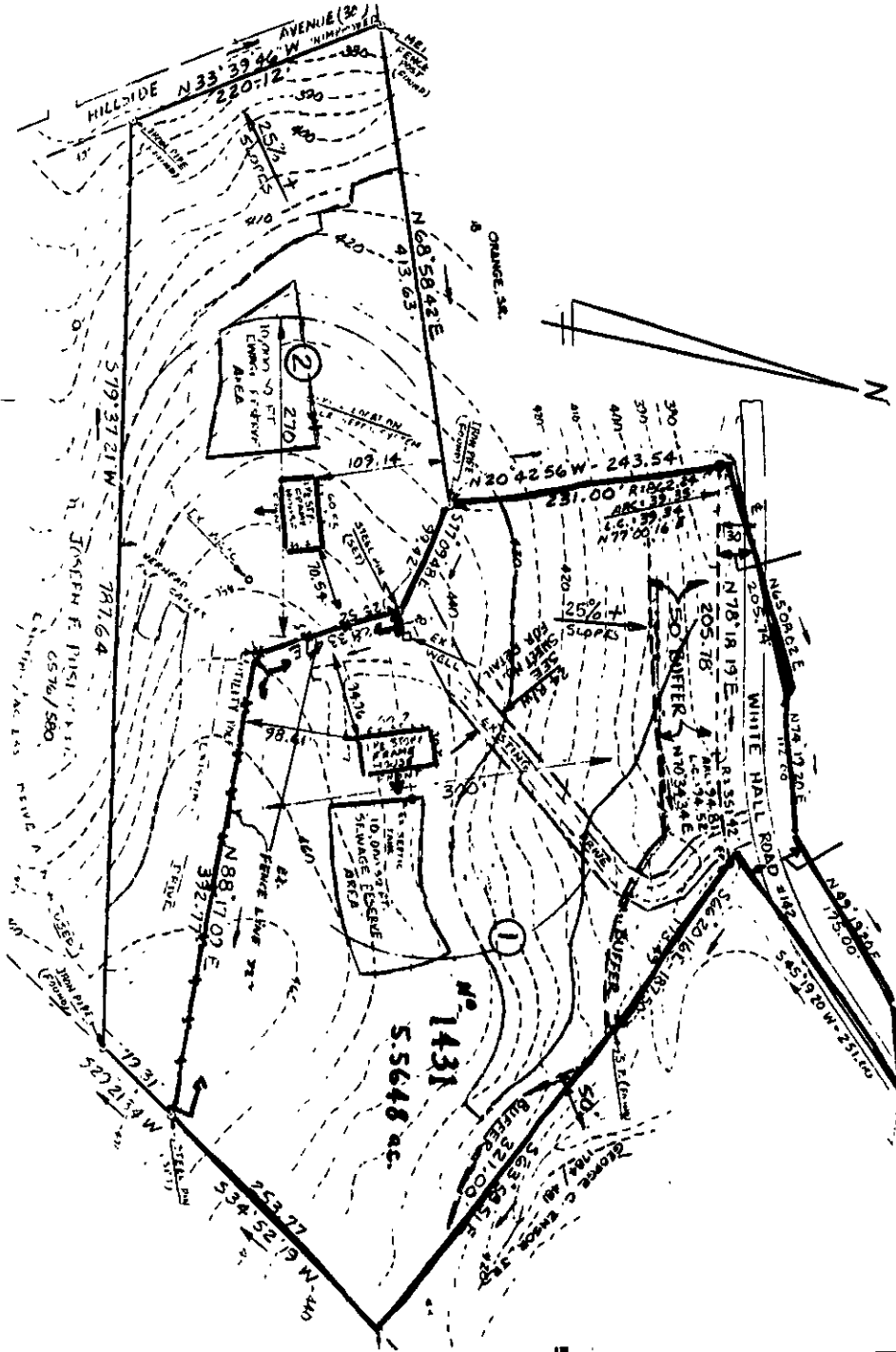
Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1431 White Hall Road

see pages 5 & 6 of the CHECKLIST for additional required information

95-197-A

PETITIONER'S EXHIBIT 3



vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 7th
 Councilmanic District: 3rd
 1"-200" scale map: NW30A
 Zoning: R.C. 4
 Lot size: 5.5648 acreage square feet

SEWER:
 WATER:

Cheapeake Bay Critical Area:
 Prior Zoning Hearings:

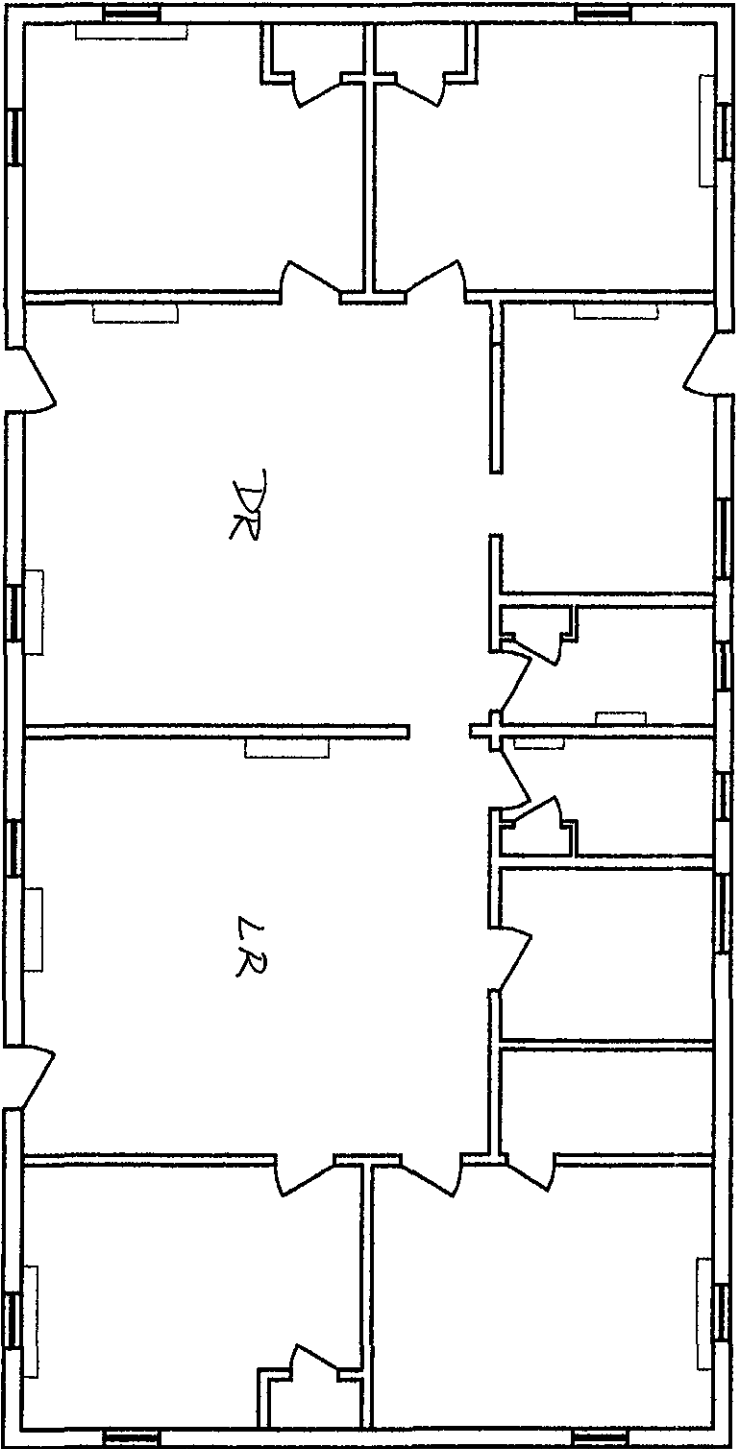
89-42-A (9/1/88)

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

R.T. 191

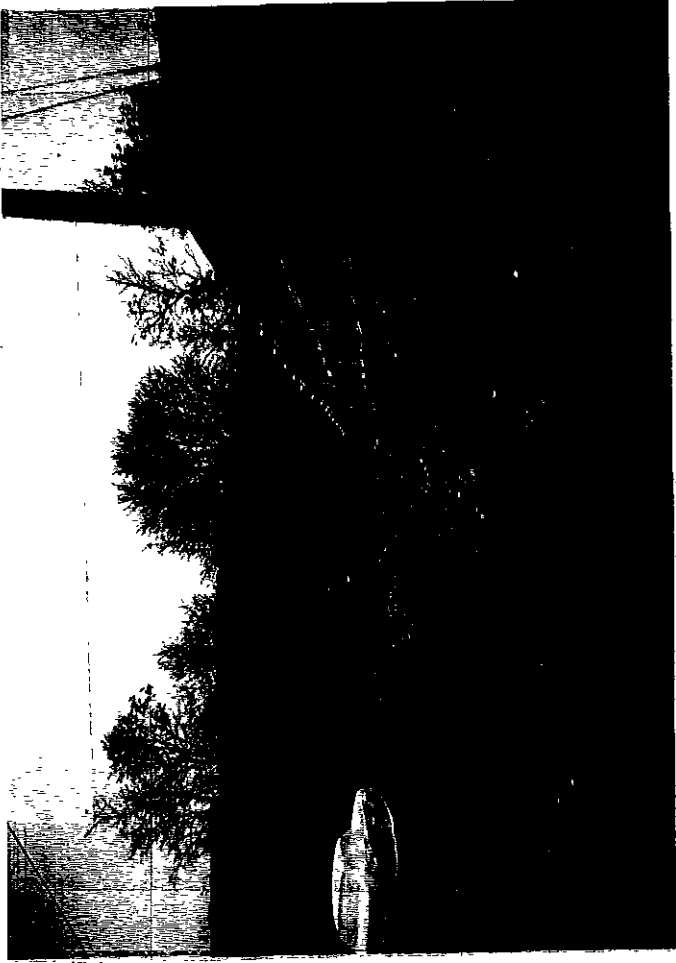
MICROFILMED



**PROTESTANTS
EXHIBIT NO. 2**

MICROFILMED

PETITIONER'S EXHIBIT # 1A



PETITIONER'S
EXHIBIT #1A



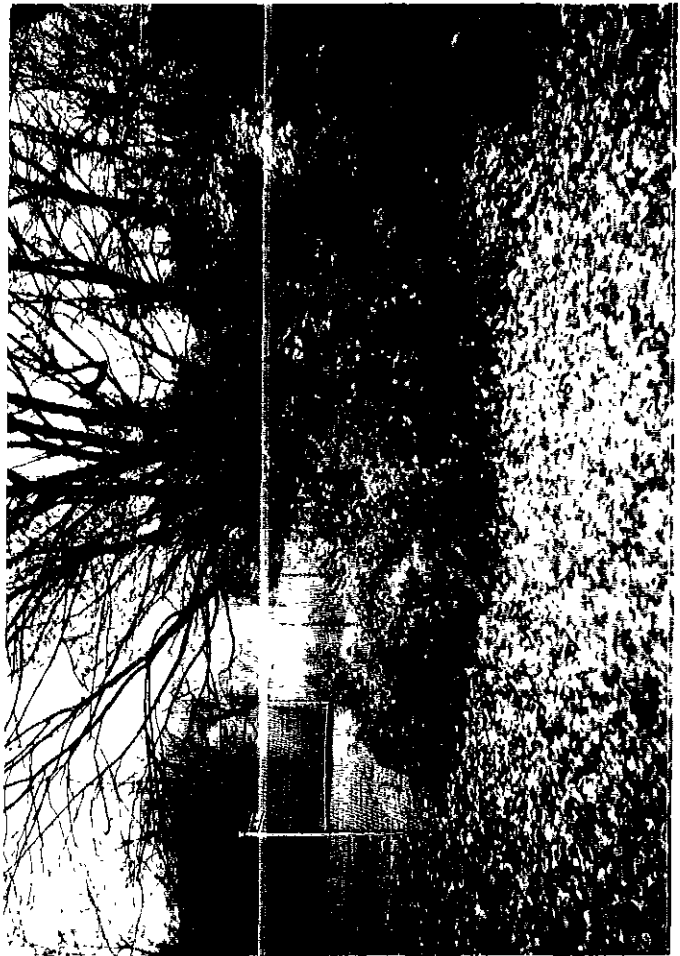
PETITIONER'S EXHIBIT # 1A



PETITIONER'S
EXHIBIT # 1B



PETITIONER'S EXHIBIT # 13



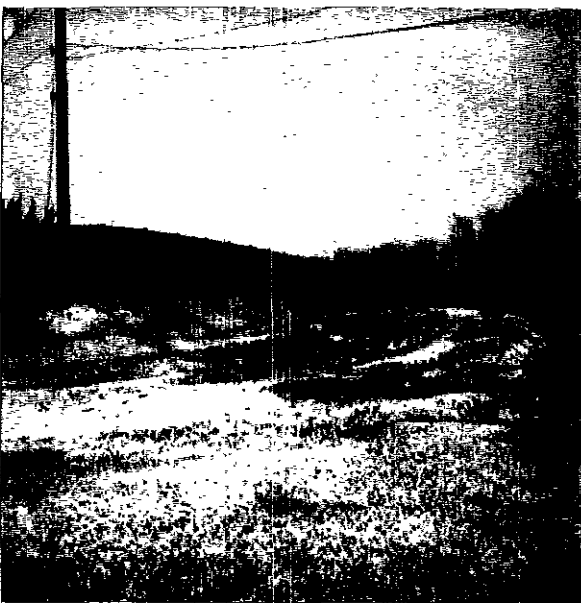
PROTESTANT'S EXHIBIT # 1A - D



PROTESTANT'S
EXHIBIT NO. 1A



1B



1C



1D

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 19, 1994
Zoning Administration and Development Management

FROM: *Rwb* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for December 19, 1994
Items 190, 191, 192, 195, and 196

The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

IN RE: PETITION FOR VARIANCE * BEFORE THE
 S/S White Hall Road, 600' E of * DEPUTY ZONING COMMISSIONER
 the c/1 of Weisburg Road (1431 White Hall Road) * OF BALTIMORE COUNTY
 7th Election District * Case No. 95-197-A
 3rd Councilmanic District
 Ruth A. DeSoto
 Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 1431 White Hall Road, located in White Hall in northern Baltimore County. The Petition was filed by the owner of the property Ruth A. DeSoto, in response to a zoning violation notice she received from Baltimore County concerning an existing fence on her property. The Petitioner seeks relief from Section 427 A-B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing fence on the rear and side property lines of the subject property and adjoining the front yard of an adjacent property to be 72 inches in height in lieu of the maximum permitted 42 inches. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit "A".

Appearing at the hearing on behalf of the Petition were Ruth A. DeSoto, property owner, Lawrence F. Haislip, Esquire, attorney for the Petitioner, and Dan Naumann, a representative of the Long Fence Company. Appearing as a Protestant in the matter was Brian Mozelack, adjoining property owner.

Testimony and evidence offered revealed that the subject property consists of 5.548 acres, more or less, zoned R.C. 4 and is improved with a single family dwelling which has been the Petitioner's residence since

1983. Ms. DeSoto testified that the property has been in her family for 50 years and was inherited by her in the 1980's. She testified that at the time of her acquisition, there were two houses on the property. In 1986, she subdivided the property to create two separate lots, each with its own dwelling. The house in which she presently resides is depicted on the site plan as Lot 1. Lot 2 and its dwelling were sold to Mr. Mozelack, the Protestant in this matter, in January 1994.

The testimony was clear that Ms. DeSoto and Mr. Mozelack have resided on their respective properties in an un-neighborly fashion since Mr. Mozelack's purchase of his property. Testimony indicated that soon after Mr. Mozelack moved to his property, there quickly erupted a dispute between he and Ms. DeSoto concerning the location of the boundary line between the two properties. Ms. DeSoto then hired a Surveyor to determine the exact location of the property line, after which she hired the Long Fence Company to erect the subject 6-foot high privacy fence along the property line. The relationship between Ms. DeSoto and Mr. Mozelack continued to deteriorate when Mr. Mozelack believed that the Petitioner was about to fence the driveway easement that provides access to his property from White Hall Road. As a result of his concerns, Mr. Mozelack called Baltimore County after which an inspection of the property was made and a stop work order was issued. After further investigation of the matter, it became evident that the location of the fence does not impede access to Mr. Mozelack's property.

Further testimony revealed that these two parties are currently involved in litigation in the Circuit Court for Baltimore County as to the existence of the right-of-way easement which leads to Mr. Mozelack's property across Ms. DeSoto's property. However, the matter pending before the

Circuit Court should not detract from the battle that exists before this Deputy Zoning Commissioner.

These two neighbors are before me in a dispute over the height of an existing privacy fence between the two properties. Testimony revealed that Ms. DeSoto expended approximately \$8700 to have this fence erected along her property line. On behalf of the Long Fence Company, Mr. Naumann testified that there was never any intention to block the driveway easement provided to Mr. Mozelack. He testified that a building permit was obtained from Baltimore County for the construction of this fence, and that, in his opinion the fence is permitted as of right. However, Mr. Mozelack argues that this privacy fence exists in his front yard, and therefore, the height of the fence is restricted to 42 inches in lieu of its present 72-inches. Mr. Mozelack testified that the fence actually sits atop a berm that exists between the two properties and that, in essence, the fence appears to be approximately 10 feet tall when looking from his property.

On the issue as to what is the front of his home, Mr. Mozelack submitted as Protestant's Exhibit 2 a floor plan of his property which shows two entrances into the front of his home. The floor plan shows that these entrances lead into the living room and dining room of Mr. Mozelack's home which are what he characterizes to be the front of his property. When looking at the site plan, this would appear to be the south side of the property. However, Counsel for Ms. DeSoto argued that the north side of the Protestant's home is actually the front of his property and as such, the fence is legal. Should I find that the south side of Mr. Mozelack's home is the front, then the variance is necessary to legitimize the fence.

Based on the testimony and evidence offered by Mr. Mozelack as well as the subdivision plot submitted by Ms. DeSoto wherein the south

side of the Mozelack home is identified as the front, I find that the south side of the Mozelack home is the front of his home and as such, the variance is necessary.

Having made this determination, it is now necessary to rule upon the variance relief requested. By virtue of my determination as to what characterizes the front of the Mozelack home, it appears that most of the privacy fence is not visible to the Mozelack home. That is, much of the privacy fence runs away from the sight line afforded the Mozelack home. Therefore, only a small portion of the fence is visible from Mr. Mozelack's home. Furthermore, it is clear from the testimony, and was made apparent to the Petitioner and the Protestant, that a fence is permitted to be constructed along the common property line. At issue, however, is whether the fence can be 72 inches high or 42 inches high. Therefore, the Petitioner and the Protestant are basically fighting over the top 2 and 1/2 feet of this fence.

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.

ORDER RECEIVED FOR FILING
 Date 1/24/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 1/24/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 1/24/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 1/24/95
 By [Signature]

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

After due consideration of the testimony and evidence presented, it appears the relief requested should be granted. It has been established that special circumstances or conditions exist that are peculiar to the structure which is the subject of this request and that strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for the Petitioner, and should therefore be granted.

Given the poor relationship between Ms. DeSoto and Mr. Mozelack, it is the opinion of this Deputy Zoning Commissioner that the fence at its present height is a benefit to the two parties. Due to the allegations raised at the hearing before me, including the cursing at one another, the alleged rock throwing, pushing, and other instances of violence and harassment that have occurred between the two parties, I believe that the less they see of one another, the better off they will be and the height of the existing fence will contribute to that end. It is not the policy of the Zoning Commissioner's Office to involve itself in neighborhood disputes such as this. However, it is my belief that the fence will enable the Petitioner and the Protestant to mind their own business and not involve themselves in one another's affairs. Therefore, the "great wall of White Hall", as Mr. Mozelack termed it, shall be permitted to remain in its present state.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 24th day of January, 1995 that the Petition for

Variance seeking relief from Section 427 A-B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing fence on the rear and side property lines of the subject property adjoining the front yard of an adjacent property to be 72 inches in height in lieu of the maximum permitted 42 inches, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner is hereby made aware that a 30-day appeal period runs from the date of this Order. If, for whatever reason, an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

Timothy M. Kotroco
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

THK:bjs

ORDER RECEIVED FOR FILING
 Date 1/24/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 1/24/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 1/24/95
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 1/24/95
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning



Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

January 24, 1995

Lawrence F. Haislip, Esquire
 Miles & Stockbridge
 600 Washington Avenue
 Towson, Maryland 21204

RE: PETITION FOR VARIANCE
 S/S White Hall Road, 600' E of the c/1 of Weisburg Road
 (1431 White Hall Road)
 7th Election District - 3rd Councilmanic District
 Ruth A. DeSoto - Petitioner
 Case No. 95-197-A

Dear Mr. Haislip:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,
Timothy M. Kotroco
 TIMOTHY M. KOTROCO
 Deputy Zoning Commissioner
 for Baltimore County

THK:bjs

cc: Ms. Ruth A. DeSoto
 1431 White Hall Road, White Hall, Md. 21161

Mr. Brian Mozelack
 1433 White Hall Road, White Hall, Md. 21161

Mr. Dan Naumann
 Long Fence Company, P.O. Box 72310, Baltimore, Md. 21237

People's Counsel; File

Petition for Variance
 to the Zoning Commissioner of Baltimore County
 for the property located at 1431 White Hall Road
 which is presently zoned R.C.4

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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(s) Section 427 A-B restricting the height of the fence erected on the property line on the rear and side of the subject property and adjoining the front yard of an adjacent property to 42" and allowing said fence to be 72" in height.

Practical difficulty, unreasonable hardship and for such reasons as to be set forth at the public hearing.

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.

Contact Purchaser/Lessee: N/A
 Legal Owner: Ruth A. DeSoto
 Signature: [Signature]
 City: Towson, State: Maryland, Zipcode: 21204
 Address: 1431 White Hall Road 410-357-4408
 City: White Hall, MD 21161
 Name, Address and phone number of representative to be contacted: Miles & Stockbridge, 600 Washington Avenue, Towson, MD 21204, 410-821-6565
 Signature: [Signature]
 City: Towson, Maryland, State: Maryland, Zipcode: 21204
 Address: 600 Washington Avenue, Towson, MD 21204, 410-821-6565
 OFFICE USE ONLY
 ESTIMATED LENGTH OF HEARING: []
 Date: 1/24/95
 REVENUED BY: [Signature] DATE: 1/30/95
 ITEM # 191

95-197-A

DESCRIPTION FOR 1431 WHITE HALL ROAD.

ALL that lot or parcel of ground described for the fourth part in that Deed from Ruth A. DeSoto, et al., Personal Representatives of the Estate of Richard R. Cameron, to Ruth A. DeSoto, dated October 18, 1982, and recorded among the land records of Baltimore County, Maryland, at Liber 6445, folio 179; saving and excepting therefrom all that lot or parcel of ground described in that deed from Ruth A. DeSoto to Peter C. Swarr and Ann E. Marrero-Swarr dated October 10, 1988, and recorded among the land records of Baltimore County, Maryland, at Liber 8000, folio 355.

Containing 5.56468 acres, more or less; the improvements thereon being known as 1431 White Hall Road.

ITEM #191

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 7th Date of Posting: 12/16/94
Posted for: Variances
Petitioner: Ruth A. DeSoto
Location of property: 1431 White Hall Rd., sp
Location of Signs: Facing road way on property being zoned
Remarks: No Release
Posted by: [Signature] Date of return: 1/22/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 1215, 1994
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 1215, 1994.

THE JEFFERSONIAN,
A. Henikson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission 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, 111 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case: 95-197-A (Item 191)
1431 White Hall Road
S/S White Hall Road, 600' +/- E of c/1 Misenburg Road
7th Election District
3rd Councilmanic Legal Consultant
Ruth A. DeSoto
Hearing: Thursday, January 12, 1995 at 9:00 a.m. in Room 118, Old Courthouse
Variance from the 42 inch height restriction regarding the fence erected on the property line on the rear and side of the subject property and adjoining the front yard of an adjacent property and allowing said fence to be 72 inches in height.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible for special accommodations. Please call 887-3353.
(2) For information concerning the hearing, please call 887-3391.
12/15/94 December 15, 1994

receipt
95-197-A
Account # 0016150
Number 111
1215
Date: 12-30-94
RUTH DESOTO
1431 WHITE HALL RD
C/O - VARIANCE - \$ 500
C/O - SIGN - \$ 350
TOTAL - \$ 850
Please Make Checks Payable To: Baltimore County
887-3391
405.00
Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.
This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

- PAYMENT WILL BE MADE AS FOLLOWS:
- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper. NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 191
Petitioner: Ruth A. DeSoto
Location: 1431 White Hall Road
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Lawrence F. Haislip, Esquire
ADDRESS: Miles And Stockbridge, P.C.,
600 Washington Avenue Towson Maryland 21204
PHONE NUMBER: 823 8234
A3:ggg
(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
December 15, 1994 Issue - Jeffersonian
Please forward billing to:
Lawrence A. Haislip, Esq.
Miles and Stockbridge, P.C.
600 Washington Avenue
Towson, Maryland 21204
410-823-8234

NOTICE OF HEARING

The Zoning Commission 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, 111 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case NUMBER: 95-197-A (Item 191)
1431 White Hall Road
S/S White Hall Road, 600' +/- E of c/1 Misenburg Road
7th Election District - 3rd Councilmanic Legal Consultant
Hearing: THURSDAY, JANUARY 12, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance from the 42 inch height restriction regarding the fence erected on the property line on the rear and side of the subject property and adjoining the front yard of an adjacent property property and allowing said fence to be 72 inches in height.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
DECEMBER 8, 1994
NOTICE OF HEARING

The Zoning Commission 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, 111 West Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-197-A (Item 191)
1431 White Hall Road
S/S White Hall Road, 600' +/- E of c/1 Misenburg Road
7th Election District - 3rd Councilmanic Legal Consultant (s): Ruth A. DeSoto
HEARING: THURSDAY, JANUARY 12, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Variance from the 42 inch height restriction regarding the fence erected on the property line on the rear and side of the subject property and adjoining the front yard of an adjacent property property and allowing said fence to be 72 inches in height.

Arnold Jablon
Arnold Jablon
Director

cc: Ruth A. DeSoto
Lawrence F. Haislip, Esq.
M/H Brian Noselack
Dan Wassman

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353
December 22, 1994

Lawrence F. Haislip, Esquire
600 Washington Avenue
Towson, Maryland 21204
RE: Item No: 191
Case No.: 95-197-A
Petitioner: Ruth A. DeSoto

Dear Mr. Haislip:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on November 30, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i. e. zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Dec. 19, 1994
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section
RE: Zoning Advisory Committee Meeting
for December 19, 1994
Items 190, 191, 192, 195, and 196

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM DATE: 12/15/94
FROM: DEPRM Development Coordination
SUBJECT: Zoning Advisory Committee
Agenda: see below

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: Agenda -
mtg. of 11/28/94
Items # 178, 179, 180, 183, 184, 185

mtg. of 12/5/94
Items 188 and 189

mtg. of 12/12/94
Items (191), 192, 194, 195, 198

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE


TO: Arnold Jablon, Director
Zoning Administration and
Development Management DATE: December 13, 1994
FROM: Pat Keller, Director
Office of Planning and Zoning
SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 190, 191, 192, 195, 196, 198
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Sam L. Klein

JL

NC190/PZONE/TXTJWL

 Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. § 191 (RT)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 12/08/94

Arnold Jablon
Director
Zoning Administration and
Development Management
County Office Building
Towson, MD 21204
MAIL STOP-1108

RE: Property Owner: BEE BELOM

LOCATION: DISTRIBUTION MEETING OF DEC. 12, 1994

Item No.: BEE BELOM Zoning Agency:

Content:

Pursuant to your request, the referenced property has been surveyed and the data for the same is being prepared and required to be corrected or incorporated into the final plans for the property.

2. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 190, 191, 192, 193, 194, 195, 196 AND 198.

REVIEWER: LT. ROBERT P. BAUERMAN
Fire Marshal Office, PHONE 887-4881, MD-1106F

File

Print on Recycled Paper

RECEIVED
DEC 9 1994
ZADM

RE: PETITION FOR VARIANCE
1431 White Hall Road, S/S White Hall
Rd, 600 +/- E of c/1 Wiseburg Rd
7th Election Dist., 3rd Councilmanic
Ruth A. DeSoto
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-197-A

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of December, 1994, a copy of the foregoing Entry of Appearance was mailed to Lawrence F. Haislip, Esquire, Miles & Stockbridge, 600 Washington Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

RECEIVED
DEC 14 1994
ZADM

Please
file.
Thank you.

 Zoning
Enforcement
Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

ZONING VIOLATION CORRECTION NOTICE

October 24, 1994

Ms. Ruth A. Desoto
1431 White Hall Road
White Hall, Maryland 21161-9701

Re: Case No. C-95-655
Location: 1431 White Hall Road
7th Election District

Dear Ms. Desoto:

An inspection of your property, zoned R.C.4, has been made and it has been found that an apparent violation exists. According to Sections 101; 102.1; and 100.3.3A of the Baltimore County Zoning Regulations, the correction(s) listed below is/are required:

A fence may only be 42" in height which is erected in the rear and side yard of your home, since it adjoins the front yard of 1433 White Hall Road. Either shorten this portion of fencing or apply for a zoning variance.

The above-noted correction should be completed by November 10, 1994, or a citation may be issued to you imposing monetary fines of \$200 per day, per violation (Section 26-121, Baltimore County Code).

It is hoped that through your cooperation the alleged violation(s) will be resolved without the need for district court action.

If further clarification is necessary as to this matter, please contact the inspector indicated below at 887-3351.

INSPECTOR: DONNA THOMPSON

DT/hek

c: File

ITEM# 191

 Zoning
Enforcement
Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner DATE: December 2, 1994
FROM: James H. Thompson - DT
Zoning Enforcement Supervisor

SUBJECT: ITEM NO.: 191
PETITIONER: Mrs. Ruth A. DeSoto

VIOLATION CASE NO.: C-95-655

LOCATION OF VIOLATION: 1431 White Hall Road
White Hall, Maryland 21161-9701
7th Election District

DEFENDANTS: Mrs. Ruth A. DeSoto
1431 White Hall Road
White Hall, Maryland 21161-9701

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME	ADDRESS
Lawrence F. Haislip, Esquire Miles & Stockbridge	600 Washington Avenue Towson, Maryland 21204-3965
Mr. and Mrs. Brian Mozelack	1433 White Hall Road White Hall, Maryland 21161
Mr. Dan Naumann Long Fence Company	P.O. Box 72310 Baltimore, Maryland 21237

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/DT/hek

LAW OFFICES
MILES & STOCKBRIDGE
A PROFESSIONAL CORPORATION
600 WASHINGTON AVENUE
TOWSON, MARYLAND 21204-3965
TELEPHONE 410-881-6566
FAX 410-883-8128

10 LIGHT STREET
BALTIMORE, MD 21208-1487
410-882-8804

11000 RANDOLPH HILLS ROAD
FAIRFAX VA 22030-7449

90 WEST PATRICK STREET
FREDERICK, MD 21701-6900

90 WEST JEFFERSON STREET
ROCKVILLE, MD 20850-4886

1450 G STREET N.W.
WASHINGTON, D.C. 20005-8001

November 22, 1994

VIA HAND DELIVERY

Mr. Regulo Tanguilig
Baltimore County Zoning Administration
& Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case No. C-95-655; 1431 White Hall Road

Dear Mr. Tanguilig:

Following our meeting this morning I have made requested revisions to Mrs. DeSoto's Petition for Variance, and I am transmitting to you under this cover the revised Petition, as follows:

1. Three copies of Petition, signed.
2. Copy of Violation notice, as requested
3. Posting Requirements procedures letter
4. Three copies of legal description of subject property
5. Twelve copies of revised plat to accompany petition
6. Enlarged plat of subject property
7. 200' scale plat showing subject property
8. Check drawn payable in the amount of \$85.00 filing fee

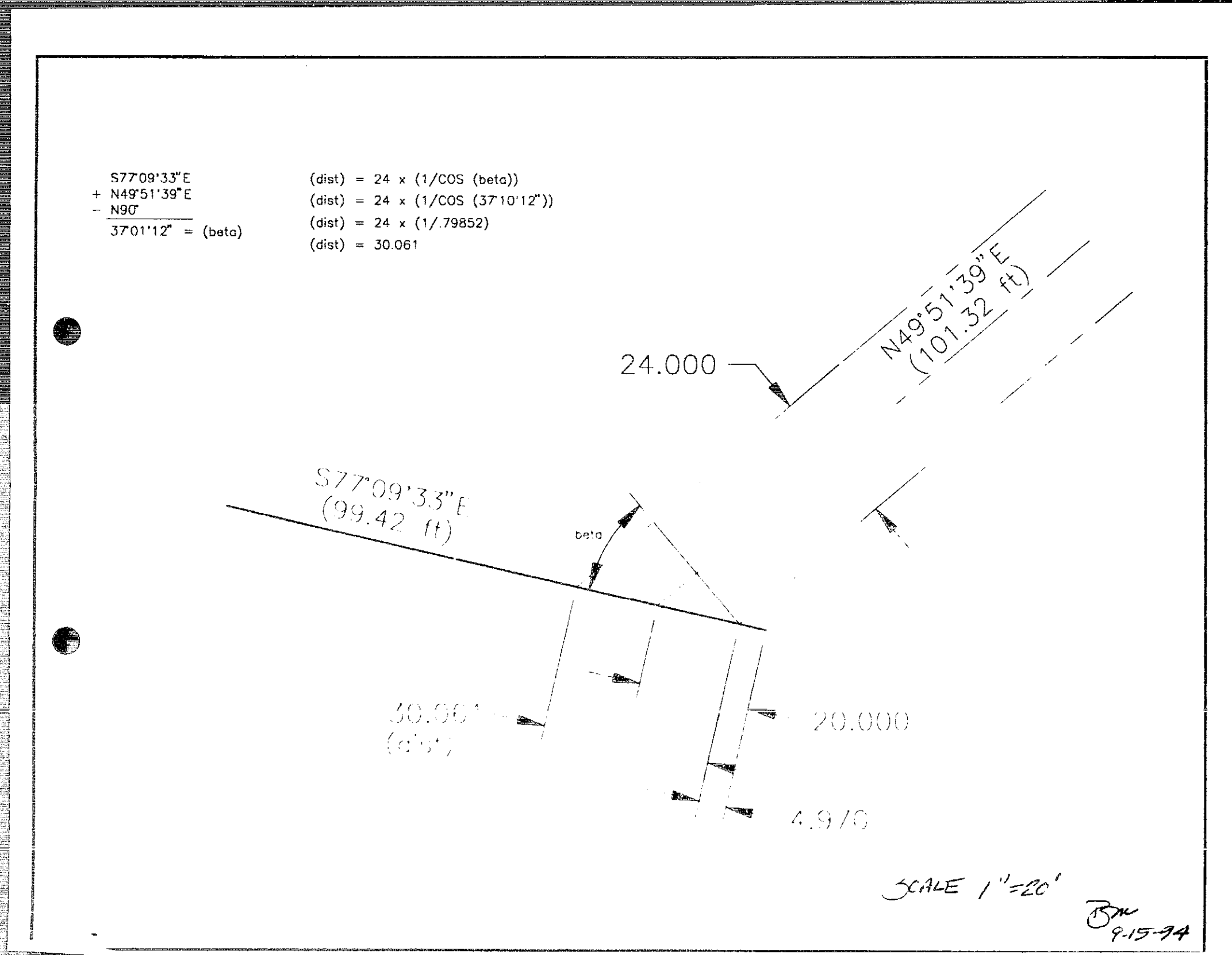
Please acknowledge your receipt and docketing of the enclosures in your usual manner, and advise regarding posting of property and hearing date.

Very truly yours,

Lawrence F. Haislip
Lawrence F. Haislip

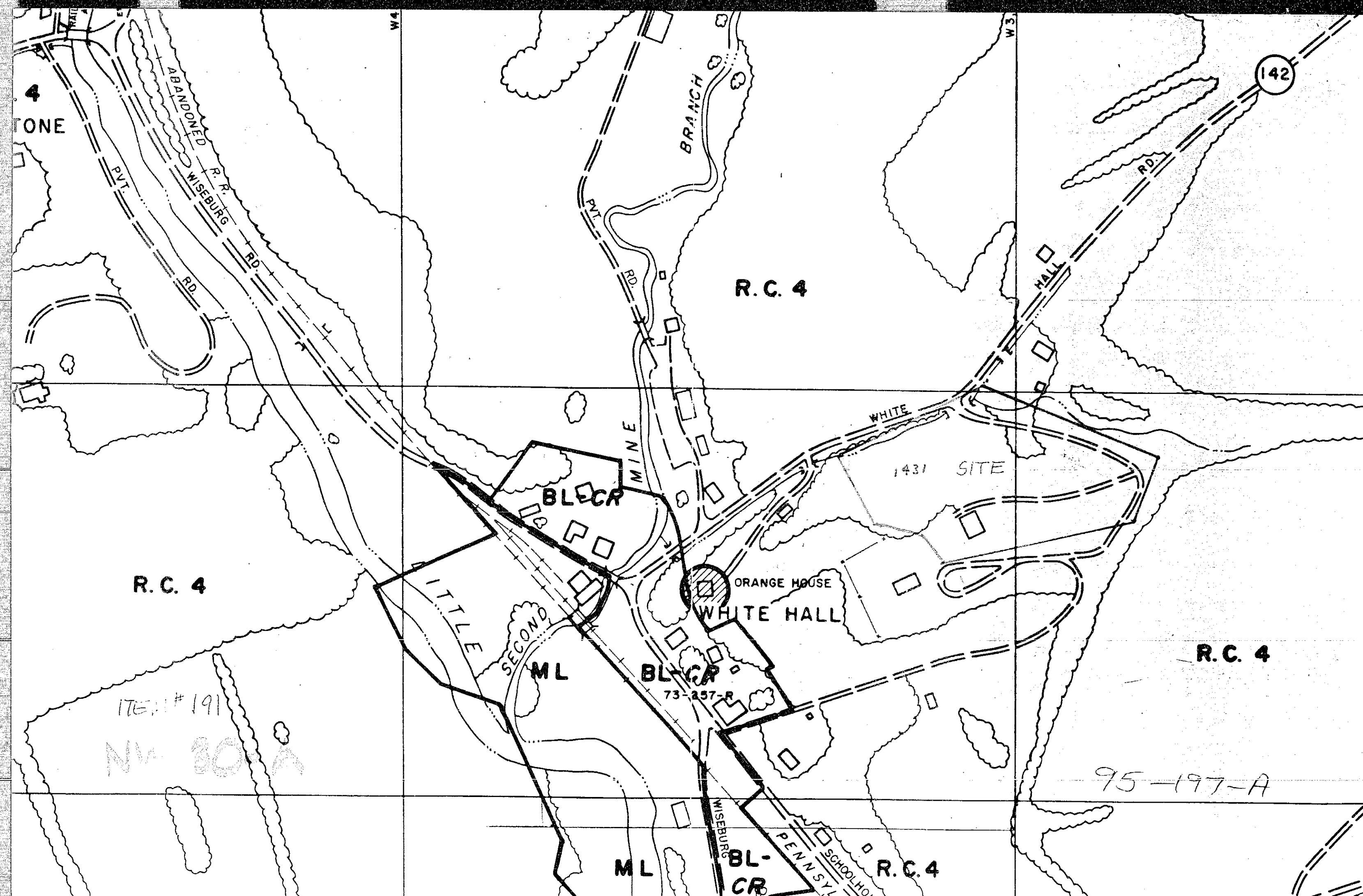
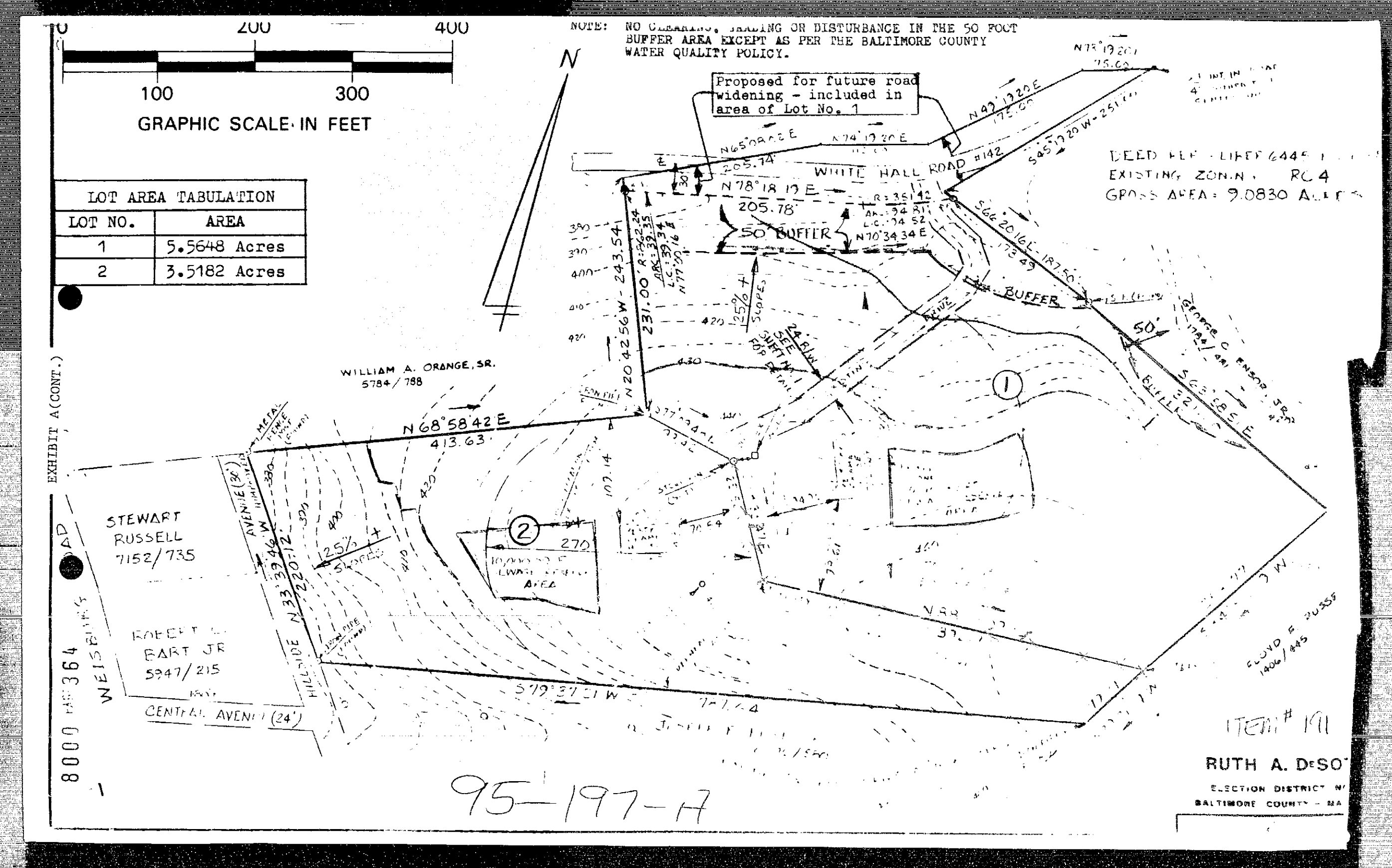
Enclosures
cc (w/encl): Ms. Ruth A. DeSoto
cc (w/o encl.): Jeffrey P. Reilly, Esq.

ITEM# 191



DEED REFERENCE - Liber 6445, Folio 179
 Ruth A. DeSoto
 Election District No. 7
 Baltimore County - Maryland
 Deed Reference: Liber 6445, Folio 179
 BEGINNING for a corner at a steel pin at lands of Floyd F. Russell, said steel pin being at the beginning of the fourth described line (SOUTH 30 DEGREES, 28 MINUTES, WEST, 79.31 FEET) of the reference deed; then with said line and the outline of said reference deed the six following lines, by lands of Floyd F. Russell (1) SOUTH 39 DEGREES, 21 MINUTES, 34 SECONDS WEST, 79.31 FEET to an iron pipe; then by lands of Joseph F. Puslowick (2) SOUTH 79 DEGREES, 37 MINUTES, 21 SECONDS WEST, 187.64 FEET to an iron pipe on the northeast side of Hillside Avenue, an unimproved 30 foot wide right-of-way; then running with the northeastern side of said Hillside Avenue (3) NORTH 33 DEGREES, 39 MINUTES, 46 SECONDS WEST, 220.12 FEET to a metal fence post; then by lands of William A. Orange, Sr. (4) NORTH 68 DEGREES, 58 MINUTES, 42 SECONDS EAST, 413.63 FEET to an iron pipe; then by the three following lines of division (5) SOUTH 77 DEGREES, 09 MINUTES, 48 SECONDS EAST, 99.42 FEET to a steel pin; then (6) SOUTH 28 DEGREES, 33 MINUTES, 17 SECONDS EAST, 125.52 FEET to a utility pole; then (7) NORTH 88 DEGREES, 17 MINUTES, 09 SECONDS EAST, 392.77 FEET to a steel pin, the place of beginning, containing 3.5182 ACRES, being the western portion of the lands of reference deed.
 Together with the use of an access road having a total right-of-way width of 24 feet through other lands of Ruth A. DeSoto and allowing joint use by both parties involved - the centerline description as follows:
 BEGINNING for a point in the fifth described line in the above description and a distance of 20 feet from the end thereof; then leaving Lot No. 2 as described above (1) NORTH 49 DEGREES, 51 MINUTES, 39 SECONDS EAST, 101.32 FEET to a point; then (2) NORTH 36 DEGREES, 16 MINUTES, 52 SECONDS EAST, 64.29 FEET to a point; then (3) NORTH 39 DEGREES, 05 MINUTES, 31 SECONDS EAST, 137.64 FEET to a point; then (4) NORTH 20 DEGREES, 24 MINUTES, 05 SECONDS EAST, 28.03 FEET to a point; then (5) NORTH 36 DEGREES, 31 MINUTES, 10 SECONDS WEST, 27.34 FEET to a point; then (6) NORTH 61 DEGREES, 12 MINUTES, 22 SECONDS WEST, 39.08 FEET to a point; then (7) NORTH 47 DEGREES, 26 MINUTES, 56 SECONDS WEST, 25.06 FEET to a point; then (8) NORTH 36 DEGREES, 38 MINUTES, 46 SECONDS WEST, 17.56 FEET to a point on the southern edge of

Pennsylvania and Maryland Registration



(410) 682-5380 LONG FENCE Order No. 12/94
 Date 12/94
 P.O. Box 72310 • 9825 Philadelphia Road
 Baltimore, Maryland 21237
 1-800-296-3362 (Outside Local Area) • Fax (410) 391-3449

NAME Ruth Desoto
 STREET 1431 White Hall Rd
 CITY White Hall Md
 JOB NAME White Hall Md
 JOB ADDRESS
 PH # 357 4408 FAX # 823 6717

INSTALL 517' OF 6" ROUNDED AND BATTEN CORRUGATED PINE FENCING WITH (3) 2" X 4" POSTS PER SECTION. ALL POSTS 4" X 4" SET IN CONCRETE. ALL POSTS WILL HAVE RIVET LUMEN 165" HIG. FENCES WILL HAVE LAPBOARDS AT TOP.

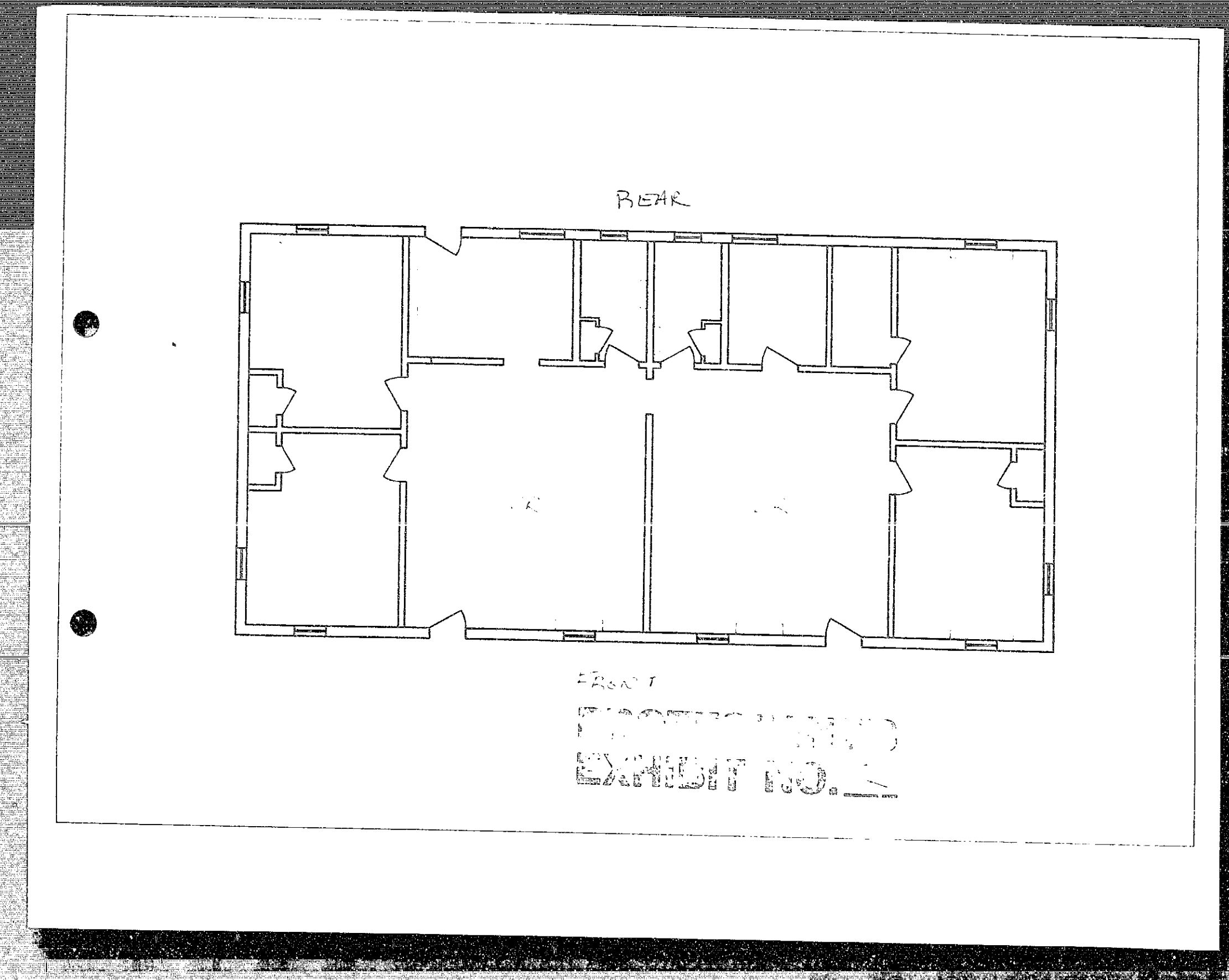
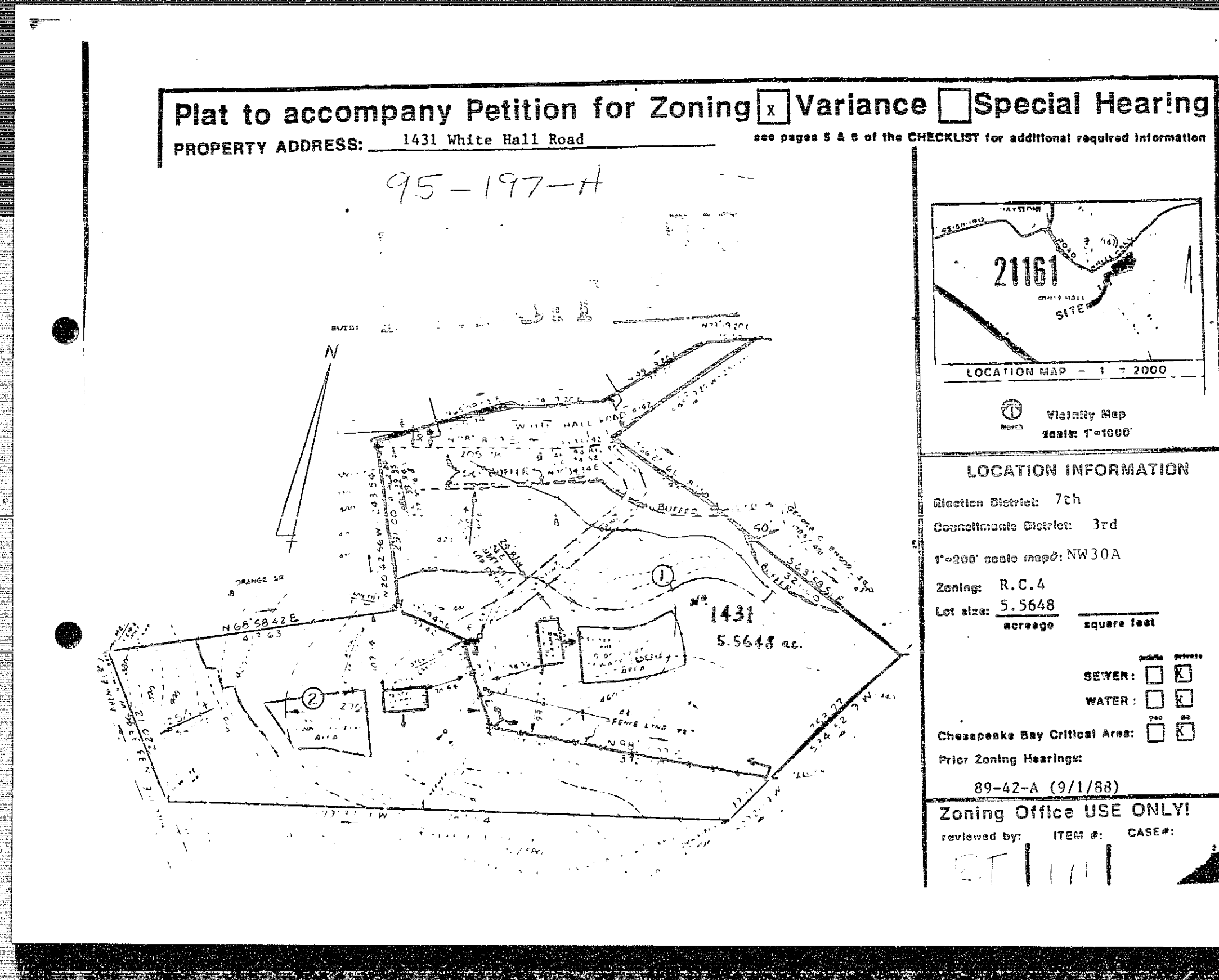
ALSO 99' OF 6" ROUNDED CORRUGATED LINK WITH COIL WIRE TOP. ALL POSTS 2" ROUNDED SET IN CONCRETE.

LONGS WILL BE 60' EXISTING FENCE + CLEAR THAT LINE TO BE CHECK BY DAN BEHRE BY LAWS

We hereby authorize to furnish all materials and labor in accordance with the above specifications to the best of our ability for the sum of \$8700.00 Eight thousand Seven Hundred dollars. \$2900.00 Thereby making the total amount of \$5800.00 in case of installation. PLEASE PAY OUR FOREMAN

LONG FENCE COMPANY, Inc. by Don Neumann License No. 39199

Acceptance of Proposal
 I have read the above specifications and conditions and hereby accept. You are authorized to do the work as specified.
 Accepted: [Signature] Seal
 Date 12 Signature [Signature] Seal



*Photographs
 Exhibit 11-12
 (4 photos)
 Case 95-197-H*

