IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Eunice Court, 105' W
centerline of Honeygo Ridge Court
11th Election District
5th Councilmanic District
(11412 Eunice Court)

Marquita C. & Michael A. Gunn Petitioners

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-212-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Marquita C. and Michael A. Gunn. The variance request is for property located at 11412 Eunice Court in the White Marsh area of Baltimore County. The variance request is from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a fence in a rear yard adjoining a neighboring front yard to have a 6 ft. height in lieu of the permitted 42 inches in height. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Heldelle Hemman Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 2nd day of December, 2002, that a variance from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a fence in a rear yard adjoining a neighboring front yard to have a 6 ft. height in lieu of the permitted 42 inches in height, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

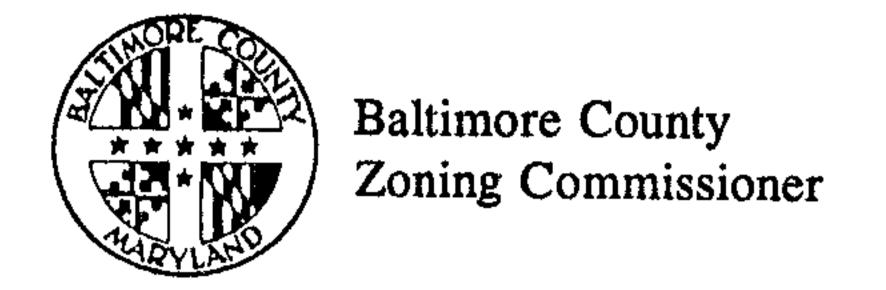
TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

December 2, 2002

Mr. & Mrs. Michael Anthony Gunn 11412 Eunice Court White Marsh, Maryland 21162

> Re: Petition for Administrative Variance Case No. 03-212-A Property: 11412 Eunice Court

Dear Mr. & Mrs. Gunn:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

Muthy llotro co

TMK:raj Enclosure



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	114/2 Eunice	Court			
which is presently zoned DR 3, 5					

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and 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) 4/27 BCZR To Pervni + A

FENCE IN A REAR YARD ADJOINING A NEIGHBORING FROW TO HAVE A GFT. HEIGHT IN LIEU OF THE PERMITTED

42 INCHES HEIGHT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Name - Type or Print Type or Print Signature Signature Caroline Address Telephone No. Name - Type or Print City State Zip Code Sighature: Attorney For Petitioner: Address Telephone No. Name - Type or Print Zip Code Representative to be Contacted: Signature Company Name Address Telephone No Address Telephone No Çıty State Zip Code City State Zip Code Roblic Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, _ day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County **Reviewed By Date**

Estimated Posting Date

Affidavit in Support of Administrative Variance

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

Address

That the Affiant(s) does/do presently reside at

City	wte Moursh	Mary bycl State	21162 Zip (Code
That based upon personal knowledge, the following a Variance at the above address (indicate hardship or pr	ractical difficulty):			
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being visible from ou Come over to them	and we	Would like	to previ	ent
that.				
That the Affiant(s) acknowledge(s) that if a formal or advertising fee and may be required to provide addition	demand is filed, Affia nal information.	nt(s) will be required to	pay a reposting	and
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STATE OF MARYLAND, COUNTY OF BALTIMORE,		. * *		· ·
HEREBY CERTIFY, this 20 day of 0 for the County aforesaid, personall	y appeared	<u>202</u> , before me, a No	tary Public of the S	State
he Affiant(s) herein, personally known or satisfactorily	dentified to me as su	ch Affiant(s).		
AS WITNESS my hand and Notarial Seal	اندر	_		
	Notary Public	J. Wall	<u></u>	
	My Commission Ex	pires 4/1/03		
REV 10/25/01				

DUING PESCRIPTION. 11412 EUNICE COURT.

BEGINNING ON THE NORTH SIDE OF EUNICE CT. A 50 FT. RIGHT OF WAY AT A DISTANCE OF 105 FT. WEST OF THE CENTER LINE OF HONEYGO RIDGE CT. A 50 FT. RIGHT OF WAY BEING LOT #58 AS RECERDED IN PLAT BOOK 73 FOLIO 16 SECTION ONE OF HONEYGO RIDGE,

KM

11

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Petitioner/Developer: MICHAEL + MARQUITA GUNN Date of Hearing/Closing: 11/20/02 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204 Attention: Ms. Gwendolyn Stephens Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 11412 EUNICE CT The sign(s) were posted on (Month, Day, Year) Sincerely, (Signature of Sign Poster and Date) **ADMINISTRATIVI** SSG ROBERT BLACK (Printed Name) 1508 Lealie Rd (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

RE: Case No.: 03-2/2-A

RECEIVED

NOV 1 2 2002

DEPERMENT MANAGER THE

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW (APP 1000 CRS 6157)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Numb	er 03-	212	-A	Address_	11412	. EUNICE	CT.	·····
Contact Per	son: _	Joj+N	, Please Print Your N			Phone Numb	er: 410-88	7-3391
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a forr	nai red	quest for a p	ublic hearing.	Please u	nderstand	or owner withing that even if the closing date.	nere is no	t to file formal
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Revised 2/20/98 - SCJ



CASE NO. (13-212-17)

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	11412	Turice	Court	
		tly zoned		3,5

This Petition shall be filed with the Department of Permits and 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) 427 BCZR TO PERMIT A

FENCE IN A REAR YARD ADVOINING A NEIGHBORING FRONT YARD TO

HAVE A 6FT, HEIGHT IN LIEU OF THE PERMITTED 42 INCHES HEIGHT.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. i, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			I/We do solemnly dependency that I/we are is the subject of this	leclare and affirm, under the real the legal owner(s) of the second seco	e penalties of property which
Contract Purchaser/L	Lessee:		Legal Owner(s	<u>):</u>	
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			Name - Type or Print	Da Fland Il	unn
Signature			Signature	Caroline Gui	и.
Address		Telephone No.	Name - Type or Print		<u> </u>
City	State	Zip Code	Signature /	- caroano M	ann.
Attorney For Petition	er:		11412 Fun Address	ice Court (4/4	5) 529-074/5 Telephone No
Name - Type or Print			City La Ma	ish, Marylond State	2-/1 6 2 Zip Code
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Public Hearing having bee	n formally deman	ded and/or found to be	required, it is ordered by	the Zoning Commissioner of	Baltimore County,
egulations of Baltimore County	and that the prope	erty be reposted.	ns bennou be set for a bub	lic hearing, advertised, as req	uired by the zoning
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			Zoning Com	missioner of Baltimore County	V

Reviewed By

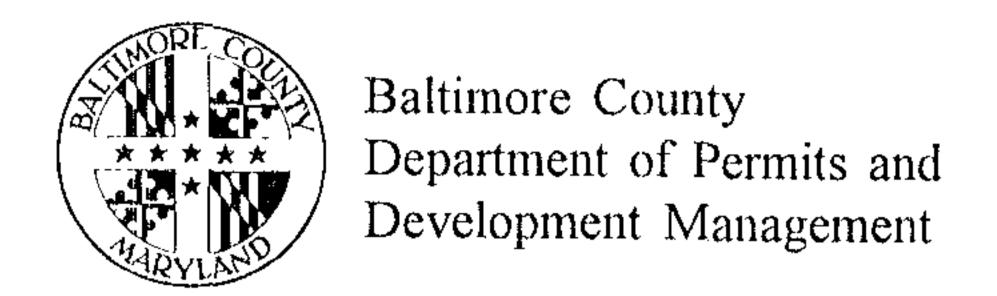
Estimated Posting Date

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at	11-112 Eunice Court
	Address Address Address State Address Addres
Variance at the above address (indicate hardshi	wing are the facts upon which I/we base the request for an Administrative ip or practical difficulty):
privacy fence for a small chaldren wi The 31/2' Feet in h does not provide the does not provide the Road being visible Could come over	sting for a 6' feet in height our rear yard, so that our three Il have some where safe to play. eight, which we are limited too, at Especially with Rte. 7/ Philadelp at Especially with Rte. 7/ Philadelp e from our rear yard, some one to them and we would like to
advertising fee and may be required to provide a	ormal demand is filed, Affiant(s) will be required to pay a reposting and additional information.
Signature Margoita CR Guny Name - Type or Print	Signature Michael A. Gund Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTING I HEREBY CERTIFY, this 20 day of 20 day of 20 day of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfa	Hology 2002, before me, a Notary Public of the State rsonally appeared Sum
AS WITNESS my hand and Notarial Seal	Lorette J. Wall
7	Nótary Public // My Commission Expires <u></u> イ/ <i>し</i> 3.

REV 10/25/01



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

November 25, 2002

Michael A. Gunn Marguita C. Gunn 11412 Eunice Court White Marsh, MD 21162

Dear Mr. and Gunn:

RE: Case Number: 03-212-A, 11412 Eunice Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 31, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

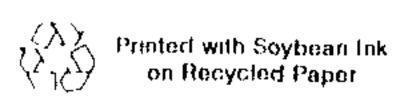
W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:rlh

Enclosures

c People's Counsel





Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor

John D. Porcari Secretary

Parker F Williams
Administrator

Date: 11.20.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 212

JL

Dear. Mr Zahner:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha state md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

My telephone number is



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

Department of Permits and Development Management (PDM) County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

November 20, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.: ZAC Dist. Meeting of 11/18/2002

Dear Mr. Zahner:

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.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

203-209, 211-227

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office

PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: November 26, 2002

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

27

SUBJECT:

11412 Eunice Court

INFORMATION:

Item Number:

03-212

Petitioner:

Michael Gunn

Zoning:

DR 3.5

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit a 6-foot high fence in the rear yard in lieu of the maximum permitted height of 42 inches.

Prepared by:

Section Chief:

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: December 9, 2002

TO:

Arnold Jablon, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For November 25, 2002

Item Nos. 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, and 227

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN jrb

ce: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RESTGT

DATE: <u>12/19/02</u>

SUBJECT: Zoning Item 213

Address <u>11412 Eunice Court</u>

Zoning Advisory Committee Meeting of 11/18/02

Ground Water Management

A building permit shall not be issued until public sewer is available.

Reviewer: Sue Farinetti Date: 12/10/02



Parris N. Glendening Governor Kathleen Kennedy Townsend L.t. Governor Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

November 21, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue, Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, November 25, 2002 re: case numbers 03-2103-A, 03-204-SPHXA, 03-205-A, 03-206-A, 03-207-SPH, 03-208-A, 03-209-A, 03-210-SPHA, 03-211-A, 03-212-A, 03-213-A, 03-227-XA

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 11/20/02. The information has been submitted to Mike Nortrup.

Thank you for your cooperation in this process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

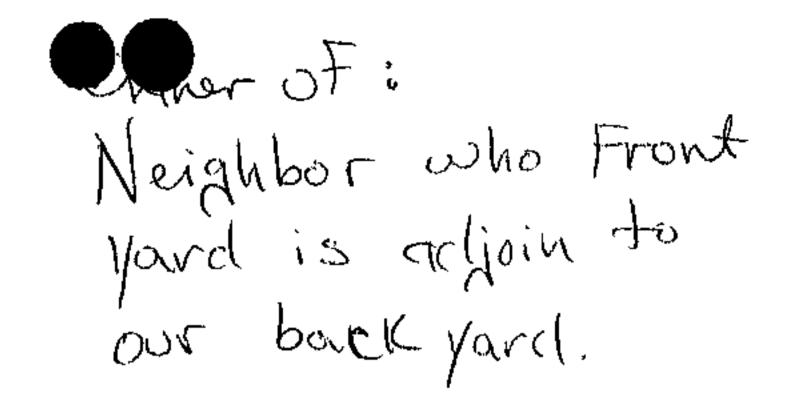
Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

October 3, 2002



Baltimore County
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Dear Sir or Madam:

Michael and Marquita Gunn of 11412 Eunice Court, who are my neighbors, have expressed to me their desire to have a rear yard 6 in height fence for a safe place for their three children to play in. I realize that their back yard faces the front of my house, and I have no problems with them getting a fence. I have no objection to them getting 2 ½ feet more in height than the fence regulations has established for a rear yard which adjoins a residential front yard.

Sincerely,

Resident's Name:

Resident's Address and Phone Number:



Michael and Marquita Gunn 11412 Euncie Court White Marsh, Maryland 21162 (410) 529-0744

October 3, 2002

Baltimore County
Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, MD 21204

Dear Sir or Madam:

On Wednesday, October 2, 2002, I acquire a fence permit from your office. Upon receiving the permit, I was made aware that the 6" in height fence, which we had contracted a fencing company to put up in our rear yard, would have to be cut down to 3 ½" (42 inches). Our back yard faces the front of our neighbor's house that creates a height limitation. Today, Thursday morning, a Baltimore County Code Enforcement Inspectors was taking pictures of our back yards and a fence that was recently put up. I inquired about how I could get permission to have a 6" in height fence rather than a 3½" in height fence. I was informed that I could have my neighbor give me something in writing stating I have their consent for the fence and bring it to your Department. I have attached a couple of my neighbors consent letter, as well as, a copy of my Home Owner's Association Application which our neighbors on both sides of our house has no objections to us getting a fence. I am hoping that you could please allow this additional support in allowing us to have a 6" in height fence.

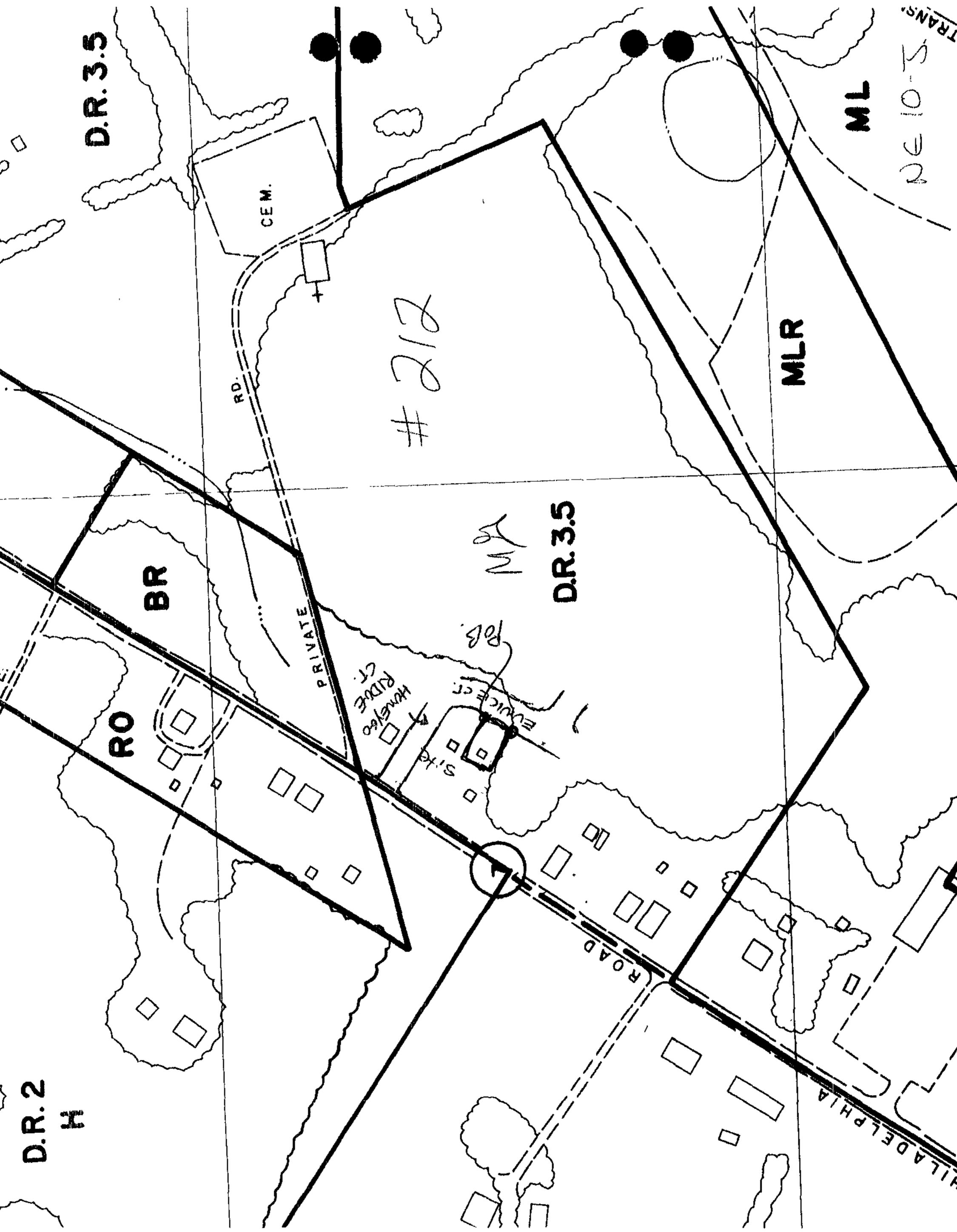
Thank you for your time and your assistance.

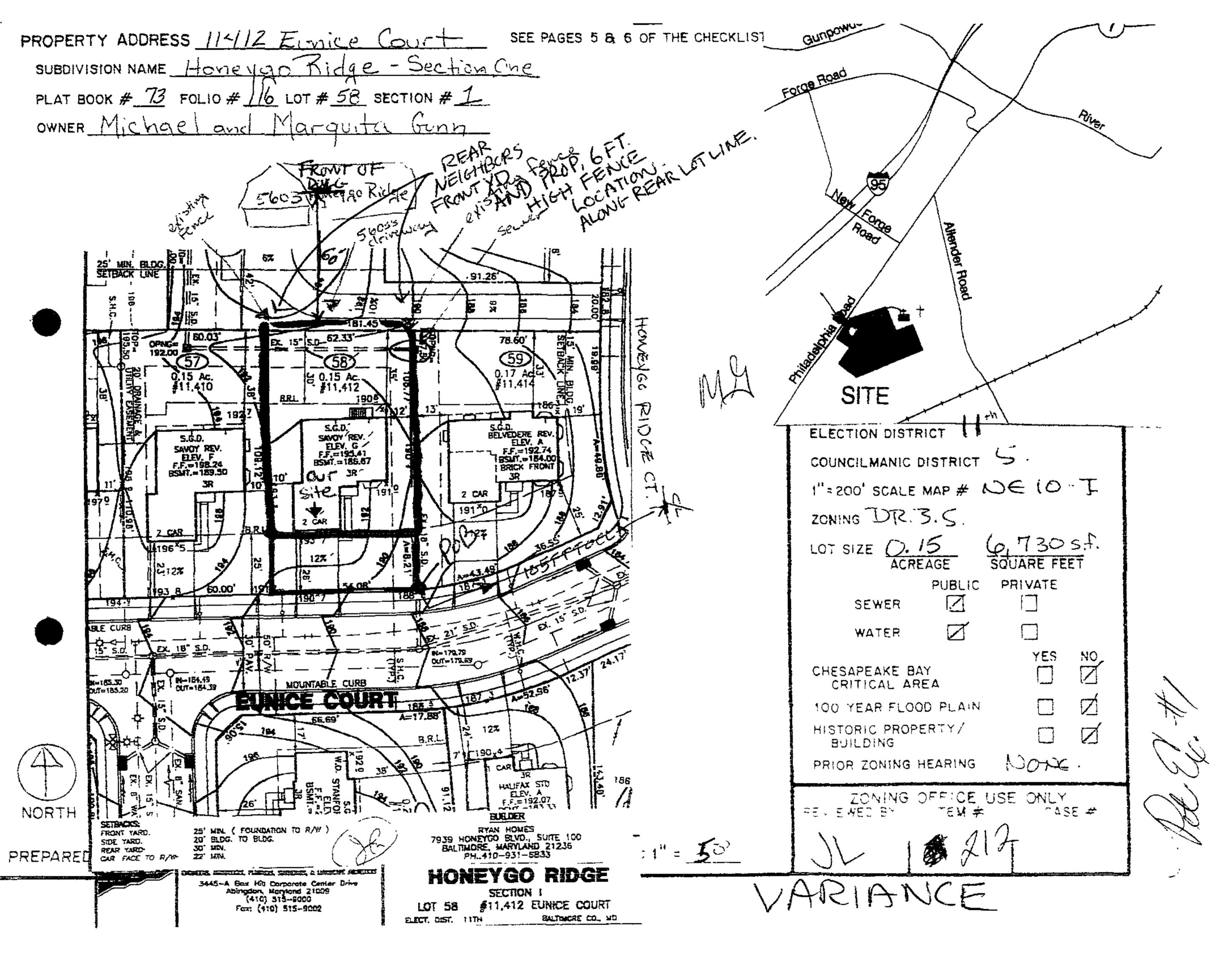
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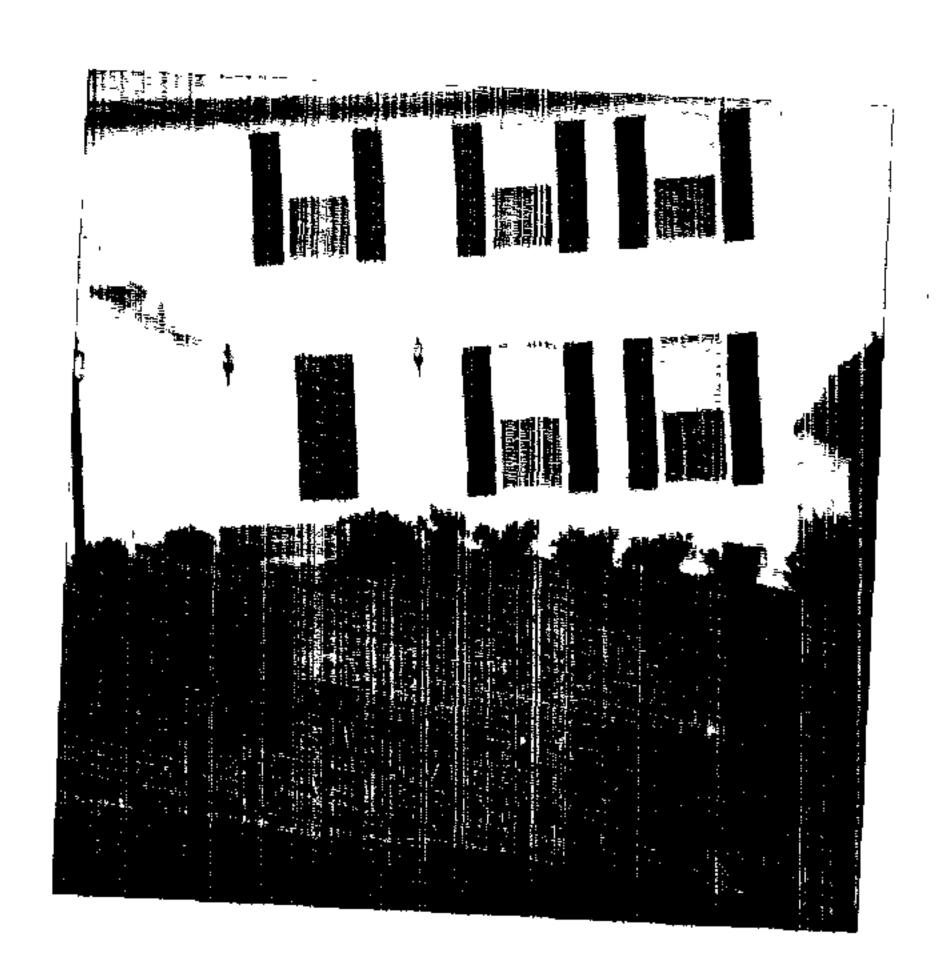
Sincerely,

Michael and Marquita Gunn

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