

IN RE: PETITION FOR ADMIN. VARIANCE
NE/Corner Cedar Road and
Upperlanding Road
15th Election District
7th Councilmanic District
(615 Cedar Road)

Kimberly L. & Lloyd H. Gill
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 03-520-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, Kimberly L. and Lloyd H. Gill. The variance request is for property located at 615 Cedar Road in the Essex area of Baltimore County. The variance request is from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 6 ft. fence adjoining the front yard of an adjacent property in lieu of the permitted 3 ½ ft. 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.

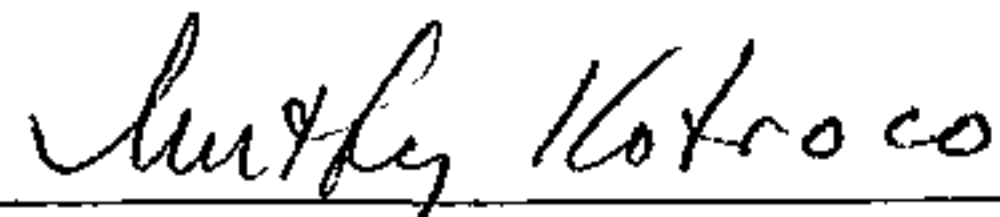
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public 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.

6/2/03
R. J. [Signature]

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 June, 2003, that a variance from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 6 ft. fence adjoining the front yard of an adjacent property in lieu of the permitted 3 ½ ft., 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

6/2/03
R. Johnson



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 2, 2003

Mr. & Mrs. Lloyd H. Gill
615 Cedar Road
Baltimore, Maryland 21221

Re: Petition for Administrative Variance
Case No. 03-520-A
Property: 615 Cedar Road

Dear Mr. & Mrs. Gill:

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,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 615 Cedar Road
which is presently zoned PR 5.5

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, BC22, to permit a

5 ft. fence adjoining the front yard of an adjacent property in lieu of the permitted 3 1/2 ft.

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 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:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

State

Telephone No.

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 6/26/03 day of June, 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

CASE NO. 03-520A

Reviewed By JCM

Date 5-2-03

Estimated Posting Date

5-11-03

REV 10/25/01

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 615 Cedar Road
Address
Baltimore MD 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

We have a pool in the yard and are installing a (5' + 1') vinyl, lattice-top, privacy fence primarily for safety, and to keep kids from easily entering yard + pool. Our neighbor (296 Upperlanding) is removing his front yard fence which would expose our yard and pool even more so. A 5' + 1' privacy fence would help minimize intruders and children from uninvitingly coming into yard or using the pool. This fence will also meet safety requirements for building codes and Baltimore County codes for pools.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Lloyd H. Gill
Signature
Lloyd H. Gill
Name - Type or Print

Kimberly L. Gill
Signature
Kimberly L. Gill
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of MAY, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lloyd H. Gill Kimberly L. Gill
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

James A. Cawson
Notary Public

My Commission Expires 9/1/03

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.

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City State Zip Code

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Lloyd H. Gill
Signature
Lloyd H. Gill
Name - Type or Print

Kimberly L. Gill
Signature
Kimberly L. Gill
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2 day of MAY, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Lloyd H. Gill Kimberly L. Gill
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

James A. Cavener
Notary Public

My Commission Expires 9/1/03



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 615 CEDAR Rd.

which is presently zoned OR 5.5

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; BC22; TO PERMIT A

6 ft. fence adjoining the front yard of an adjacent property in lieu of the permitted 3 1/2 ft.

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 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:

Name - Type or Print

Signature

Address

Telephone No

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Lloyd H. Gill

Name - Type or Print

Lloyd H. Gill

Signature

Kimberly L. Gill

Name - Type or Print

Kimberly L. Gill

Signature

(w) 410-614-5046

615 Cedar Road

(h) 410-780-3673

Address

Telephone No.

Baltimore

MD

21221

City

State

Zip Code

Representative to be Contacted:

Same

Name

Address

Telephone No

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 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

CASE NO. 03-520A

Reviewed By JCM Date 5-2-03

Estimated Posting Date 5-11-03

615 Cedar Road
Balitmore, MD 21221

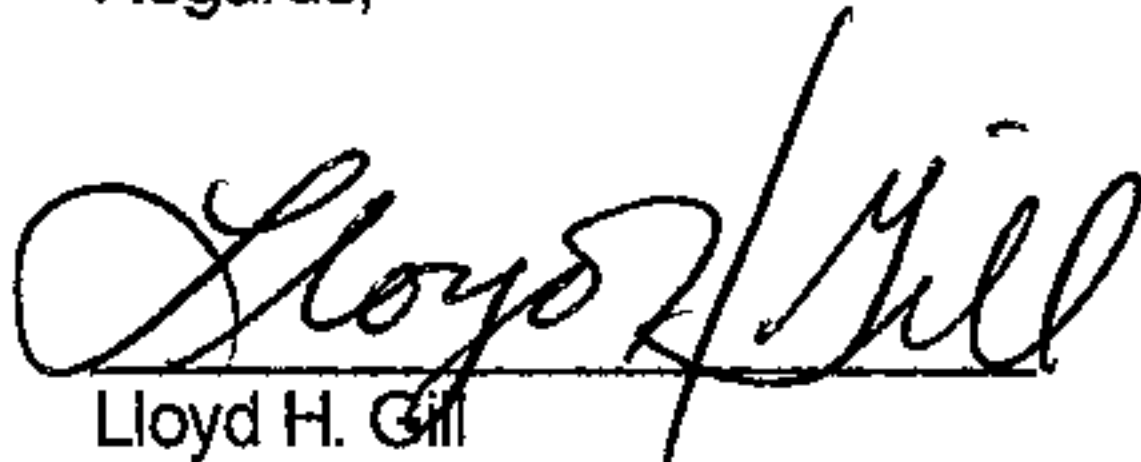
May 2, 2003

To Whom It May Concern:

I've discussed our fence plans with our neighbors, Arley and Betty Eichhorn, whose front yard adjoins our back yard. There is about a 25 foot section of their front yard that our fence would be part of. Our neighbors are very willing to allow this fence installation to take place, even though it is higher than the allowed height for fences in a front yard. The proposed fence that would adjoin their front yard is a white vinyl with lattice top, that is considered 5 + 1 (5' privacy + 1' lattice top). Our neighbors also plan to remove their existing fence, and with safety in mind, due to our having a pool in the yard and kids in the neighborhood, we very much would like to install this fence, not only to protect our resources, but to maintain a measure of safety. Below is a signature of our neighbor indicating their approval of moving forward with the fence installation.

Thank you for your consideration.

Regards,



Lloyd H. Gill
615 Cedar Road
410-780-3673



Arley Eichhorn
296 Upperlanding Road
410-391-7117

520

BALTIMORE COUNTY, MARYLAND

OFFICE OF BUDGET & FINANCE

MISCELLANEOUS RECEIPT

No. 2300

03-520-A

DATE

11-13

ACCOUNT

100-100-100

AMOUNT

\$

65.00

RECEIVED
FROM:

C. Gull

115 (copy 1-2)

FOR:

AD V. AR.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-520-A

Petitioner/Developer: LLOYD

GILL

Date of Hearing/Closing: 5/26/03

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Becky Hart {(410) 887-3394}

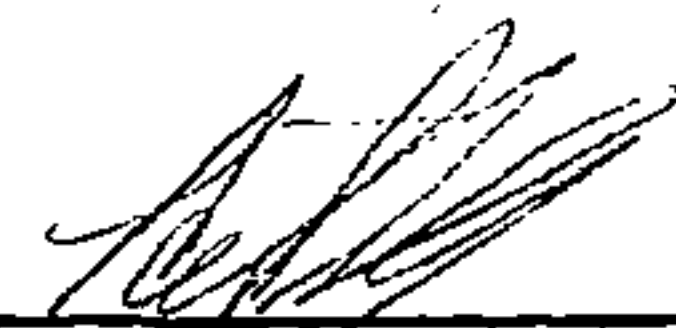
Ladies and Gentlemen:

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: _____

615 CEDAR RD

The sign(s) were posted on 5/10/03
(Month, Day, Year)

Sincerely,



(Signature of Sign Poster)

5/10/03
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

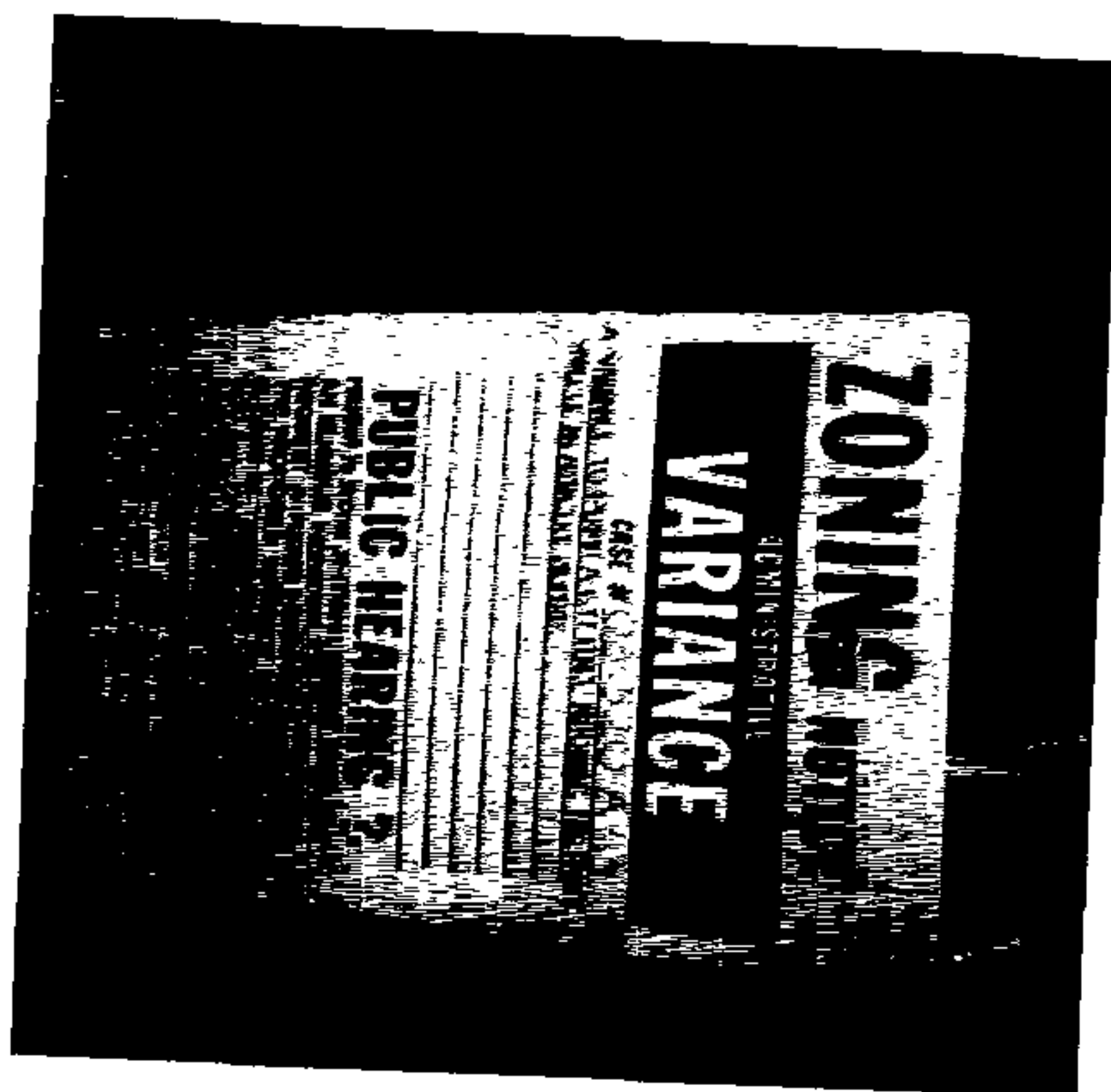
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the 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.

For Newspaper Advertising:

Item Number or Case Number: 520
Petitioner: Lloyd Gill
Address or Location: 615 Cedar Rd., BALTO., Md. 21221

PLEASE FORWARD ADVERTISING BILL TO.

Name: _____
Address: Same.

Telephone Number: 410-780-3673

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 520 -A Address 615 CEDAR Rd.

Contact Person: J. Henry Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 5-2-03 Posting Date: 5-11-03 Closing Date: 5-26-03

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

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date
- ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office

DATE: 5/2/03

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 520 -A Address 615 CEDAR Rd.
Petitioner's Name LLOYD GILL Telephone 410-780-3673
Posting Date: 5-11-03 Closing Date: 5-26-03
Reasoning for Sign A VARIANCE
To Permit A 6ft FENCE ADJOINING THE FRONT
YARD OF AN ADJACENT PROPERTY.

Lloyd Gill



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 23, 2003

Lloyd Gill
Kimberly Gill
615 Cedar Road
Baltimore, MD 21221

Dear Mr. and Mrs. Gill:

RE: Case Number: 03-520-A, 615 Cedar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 2, 2003.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:

Enclosures

c: People's Counsel

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

May 12, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 12, 2003

Item No.: 512, 514-516, 518-526, 528-531

Dear Ms. Hart:

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.

LIEUTENANT JIM MEZICK
Fire Marshal's Office
PHONE 887-4881
MS-1102F

cc: File

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Acting Administrator*

Date: 5.9.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 520 JCM

Dear Ms. Hart:

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/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: May 29, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 03-541 and 03-520
Administrative Variance

RECEIVED

MAY 29 2003

ZONING COMMISSIONER

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Arnold F. Keller, III

AFK/LL:MAC

AN
5/26

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: May 23, 2002

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For May 19, 2003
Item Nos. 512, 514, 515, 516, 517, 518,
520, 521, 522, 524, 525, 526, 527,
528, 529, 530, and 531

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

RWB:CEN:jrb

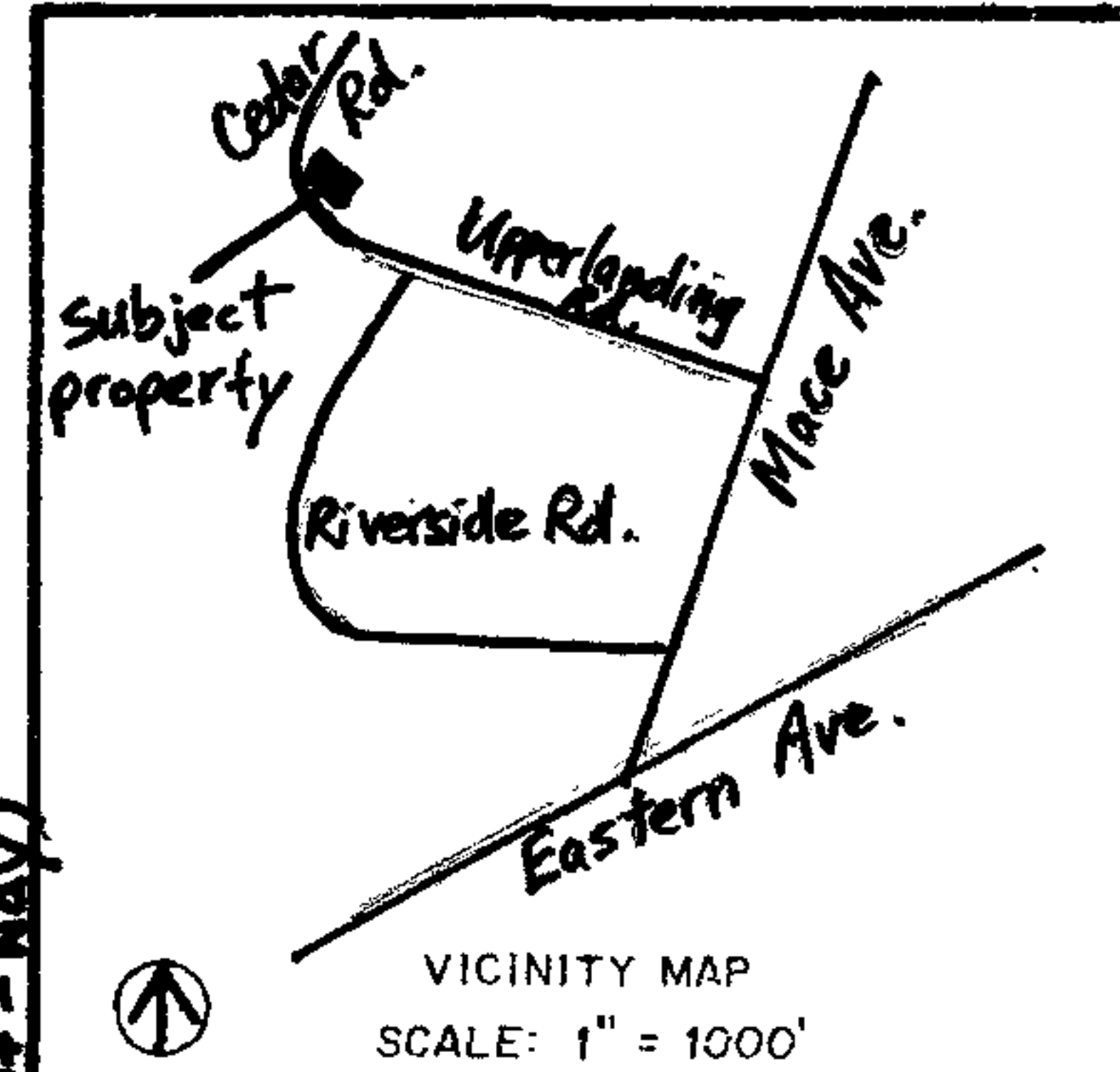
cc: File

-15-

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

(parts of LOTS 54 + 55)

OWNER Lloyd & Kimberly Gill



ELECTION DISTRICT **15**
COUNCILMANIC DISTRICT **7**
1" = 200' SCALE MAP # **NE2G**
ZONING **DR5.5**
LOT SIZE **0.23** **10,000**
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING	NONE 98-351 1571	

ZONING OFFICE USE ONLY
 REVIEWED BY ITEM # CASE #

SCALE OF DRAWING: 1" = 30'

gcm | 520

Det. Ex. #1

E37,500

ROAD

CEDAR

SITE

OBERLE

UPPERLANDING

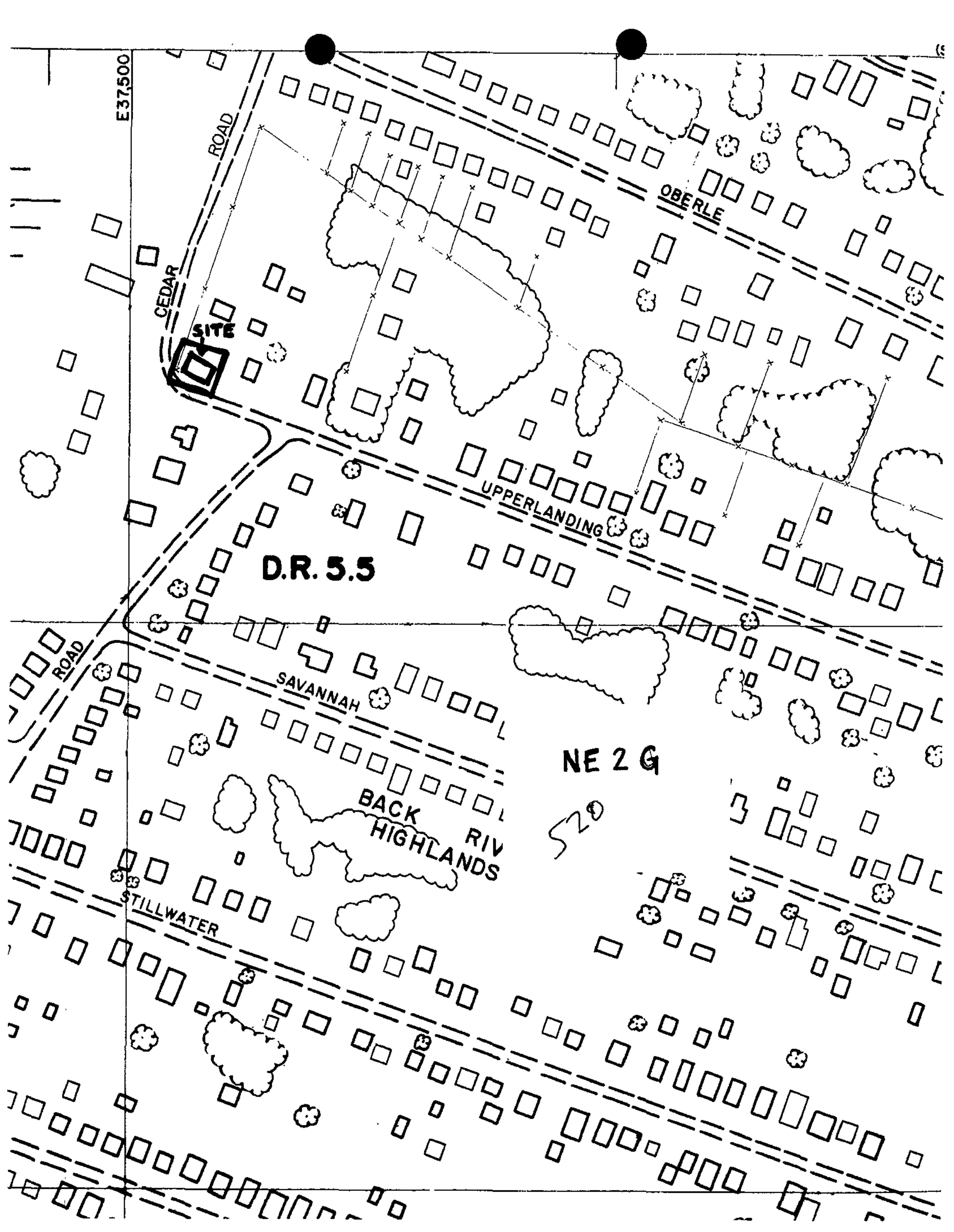
D.R. 5.5

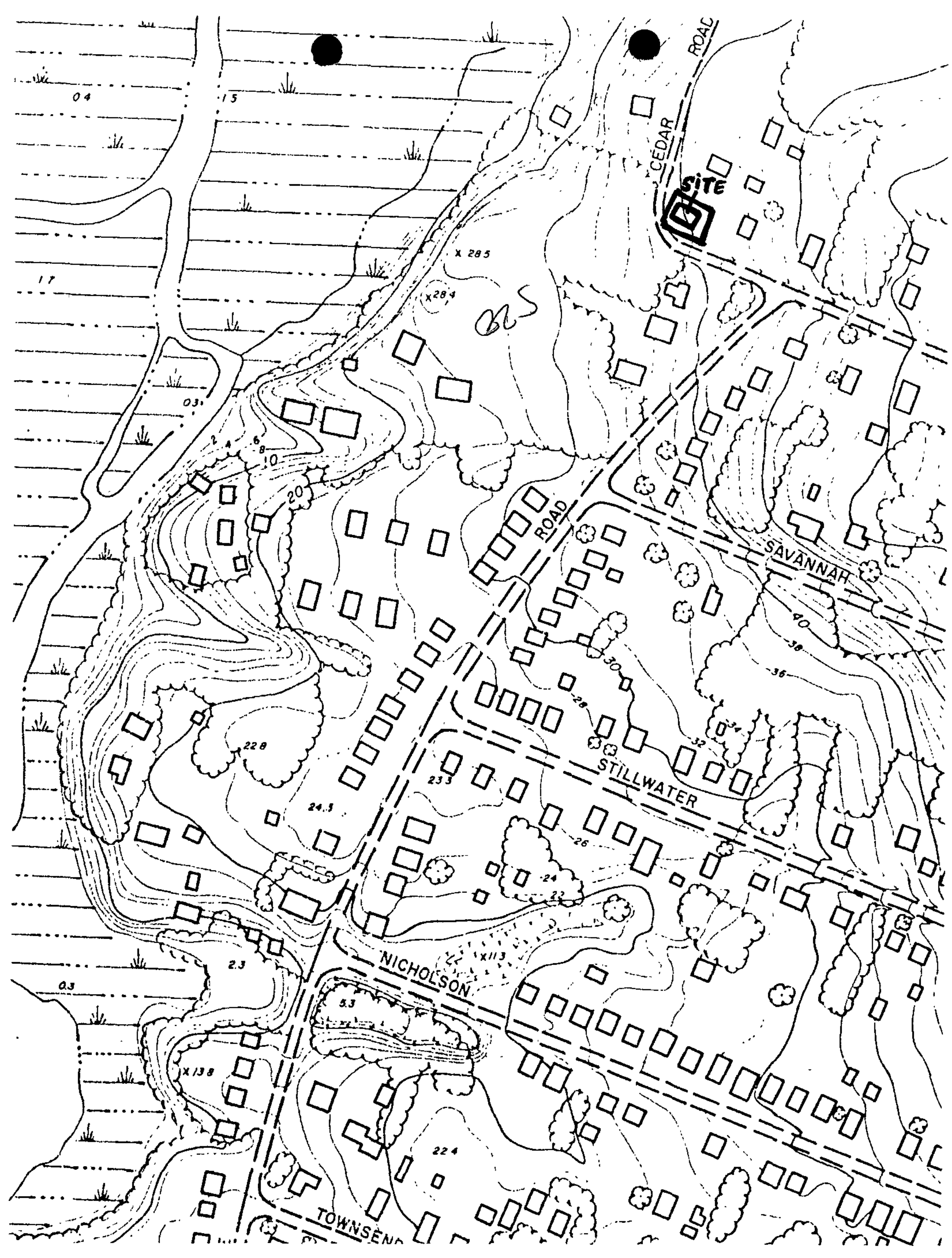
SAVANNAH

BACK RIV
HIGHLANDS

NE 2 G

STILLWATER







The yellow house is 615 Cedar showing home, garage,
old fence, pool and part of neighbor's yard at
296 Upperlanding Rd.



This brick house shows neighbor at
296 Upperlanding Rd, old fence and removal
of neighbors front fence.

