

IN RE: PETITION FOR VARIANCE
E/S of Loganview Drive, 15 ft. N
centerline of Court Way
12th Election District
7th Councilmanic District
(3436 Court Way)

Thomas & Christina Saddler
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-054-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Thomas and Christina Saddler. The Petitioners are requesting variance relief for property located at 3436 Court Way, in the Dundalk area of Baltimore County. Variance relief is requested from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a fence with a 6 ft. height that adjoins the front yard of another lot in lieu of the required maximum height of 42 inches.

The property was posted with Notice of Hearing on September 13, 2003, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on September 11, 2003 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances.

10/2/03
R. J. [Signature]

Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance request were Christina and Thomas Saddler, Petitioners. Protestants appearing were Nettie and Carl Jones. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, is located at the corner and of Court Way and Logan View Drive. As a corner lot, the Petitioners testified they are greatly concerned for their young children's safety and their own lack of privacy. They consequently asked for and received a permit from the County to build a 72 inch tall privacy fence. In reliance on the permit, the Petitioners erected the fence in a location shown on Petitioner's Exhibit No. 1.

The problem occurs with the height of the fence from the fact that the neighbors, Mr. and Mrs. Jones, have their two-story home on Logan View Drive which was built set back about 8 ft. from the western side of the Saddler home. See Exhibit No. 1. Or said another way, the Saddler home projects beyond the line of homes on Logan View Drive by 8 ft. Thus, once the fence was erected, the Jones' could not see beyond the fence to the south along Logan View Drive. The Jones' request that the fence be lowered to 42 inches for the fence which lies in the front of their home and which they feel is the proper height for this corner lot.

Adding substantially to the problem of cutting off the Jones' line of sight, is the fact that the Jones home is only 4.9 ft. from the Saddler/Jones property line in the front and 3 ft. in the rear. Thus, the Jones' home does not meet the setback requirements of DR5.5 zoning for the area. Apparently, these homes were built before the zoning regulations took affect. This line of sight cutoff problem is crudely shown on Petitioner's Exhibit No. 2. The Jones' are not complaining about seeing from their front windows, but rather from their first floor side windows.

The Saddlers worry about their two small children playing in the back yard without the larger fence. They also note that they bought the home with a pool in the back yard and also worry about neighborhood children coming to use the pool when not invited. They feel the taller fence will better discourage such activity.

Finding of Fact and Conclusions of Law

Section 427 B of the B.C.Z.R. specifies that the maximum height of a fence in the rear or side yard of a lot which adjoins the front yard of another lot on which a residence is built may not be more than 42 inches in height if the fence is within 10 ft. of the front yard property line. Section 427 C specifically allows variances from the height limitations. Section 427 D specifies that the height limitation of Section 427 B does not apply to a fence required by Section 20 -5 of the County Code to protect a swimming pool from small children. Section 20-5 requires that an owner with a swimming pool erect a fence around the pool not less than 48 inch high.

Thus, it appears to me that the 42 inch limitation does not apply in this case, given the clear exception to the general rule for swimming pools. Having said that, the question is whether or not to require the Saddlers to reduce the fence to 48 inches. I do not know whether this height would remove the problem for the Jones, but I suspect not. In any case, I note that the county Code does not specify a maximum height for swimming pools but rather sets a minimum. This says to me that the County would be happy with even higher fences in this situation so as to provide even better

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

October 1, 2003

Mr. & Mrs. Thomas Saddler
3436 Court Way
Baltimore, Maryland 21222

Re: Petition for Variance
Case No. 04-054-A
Property: 3436 Court Way

Dear Mr. & Mrs. Saddler:

Enclosed please find the decision rendered in the above-captioned case. The petition for 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 that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mr. & Mrs. Carl S. Jones
3463 Loganview Drive
Baltimore, MD 21222

Visit the County's Website at www.baltimorecountyonline.info





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 3436 Court Way
which is presently zoned DR 55

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 BC2R

TO PERMIT A FENCE WITH A 6' HEIGHT IN THAT ADJOINS THE FRONT YARD OF ANOTHER LOT IN LIEU OF THE REQUIRED MAXIMUM HEIGHT OF 42'.

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

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 _____

Case No. 04-054-A

REV 9/15/98

Legal Owner(s):

Name - Type or Print _____

Signature _____

Name - Type or Print _____

Signature _____

Address _____

City _____

State _____

Zip Code _____

Representative to be Contacted:

Name _____

Address _____

City _____

State _____

Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By JRF Date 8/4/03

EXAMPLE 3 -- Zoning Description

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - **DO NOT USE THIS FORM FOR "FILL-IN THE BLANK"**. Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 3436 Court way
(address)

Beginning at a point on the East side of
(north, south, east or west)

Loganview Drive which is 50'
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 15' North of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Court way
(name of street)

which is 50' wide. *Being Lot # 19
(number of feet of right-of-way width)

Block 6, Section # in the subdivision of Dundalk
(name of subdivision)

as recorded in Baltimore County Plat Book # 14, Folio # 113.

containing 5,674 sq ft. Also known as 3436 Court way
(square feet or acres) (property address)

and located in the 12 Election District, 7 Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber __, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

054

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 27404

DATE 8/4/03 ACCOUNT 001-006-6150
AMOUNT \$ ~~55~~ 65.00

RECEIVED FROM: Thomas Sandler
3436 Court Way ITEM # 054
FOR: Variance Taken by: JRF

Case # 04-054-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME DEW
8/04/2003 8/04/2003 10:21:08 3
REG 0303 WALKIN LPET LMP
>> RECEIPT # 264595 8/04/2003 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 027404

Receipt Tot \$65.00
.00 CR 70.00 CR
5.00-06

Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #04-054-A
3436 Court Way
E/side of Loganview Drive,
18 feet north of the center-
line of Court Way
12th Election District
7th Councilmanic District
Legal Owner(s): Christina and
Thomas Saddler

Variance: to permit a fence with a 6 foot height that adjoins the front yard of another lot in lieu of the required maximum height of 42 inches.

Hearing: Monday, Sep-
tember 29, 2003 at 2:00
p.m. in Room 407, County
Courts Building, 401 Bos-
ley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zoning
Review Office at (410) 887-
3391.

9/236 Se11 C625640

CERTIFICATE OF PUBLICATION

9/11/, 2003

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 9/11/, 2003.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-054-A

Petitioner/Developer: CHRISTINA ✓

THOMAS SADDLER

Date of Hearing/Closing: 7/27/03

**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: _____

3436 COURT WAY

The sign(s) were posted on

9/13/03
(Month, Day, Year)

Sincerely,


(Signature of Sign Poster)

9/13/63
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

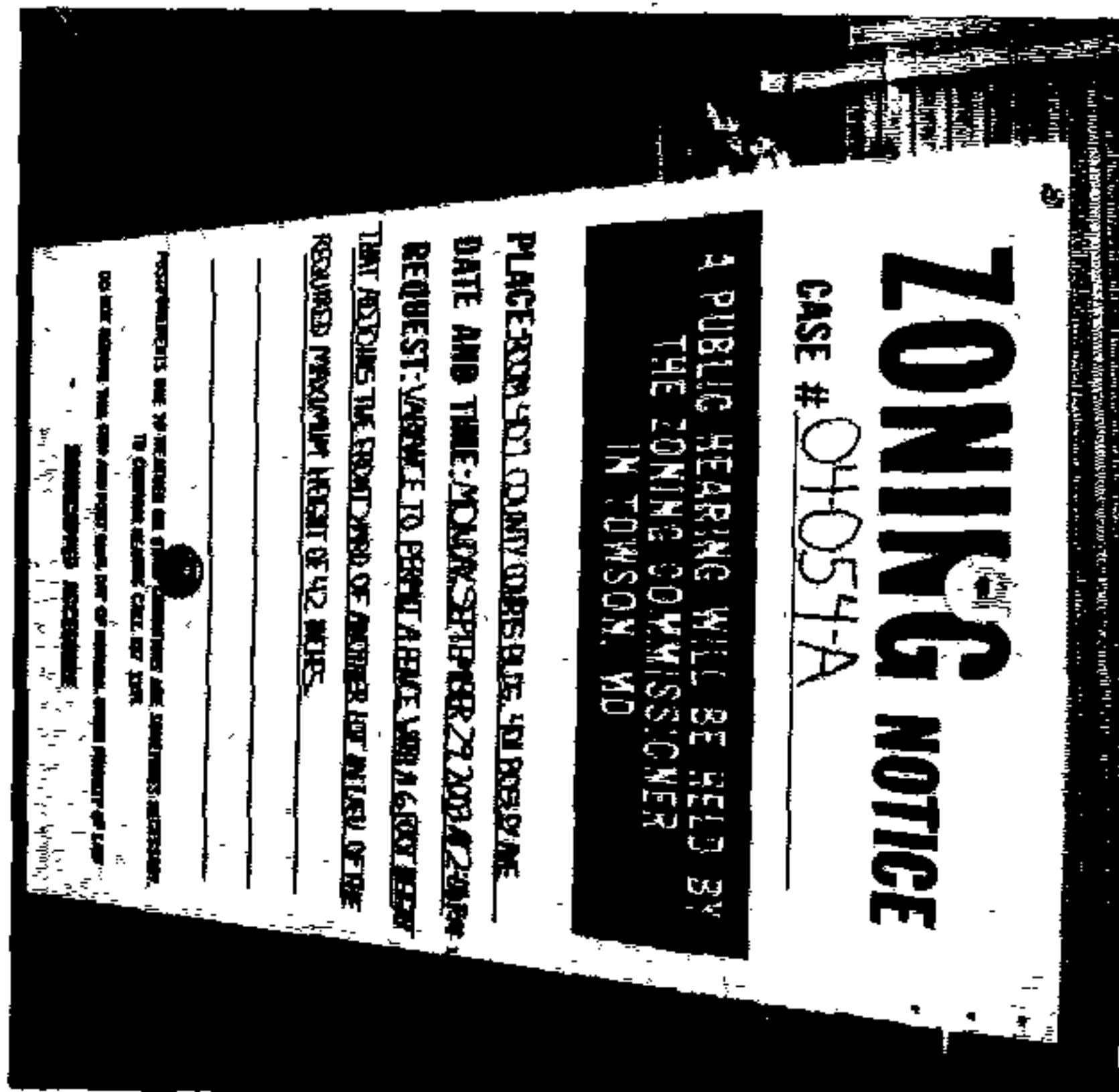
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 20, 2003

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-054-A

3436 Court Way

E/side of Loganview Drive, 18 feet north of the centerline of Court Way

12th Election District – 7th Councilmanic District

Legal Owners: Christina and Thomas Saddler

Variance to permit a fence with a 6 foot height that adjoins the front yard of another lot in lieu of the required maximum height of 42 inches.

Hearings: Monday, September 29, 2003, at 2:00 p.m., in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Christina and Thomas Saddler, 3436 Court Way, Baltimore 21222
Code Enforcement

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, SEPTEMBER 13, 2003.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY
Thursday, September 11, 2003 Issue - Jeffersonian

Please forward billing to:

Thomas & Christina Saddler
3436 Court Way
Baltimore, MD 21222

410-284-1128

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-054-A

3436 Court Way

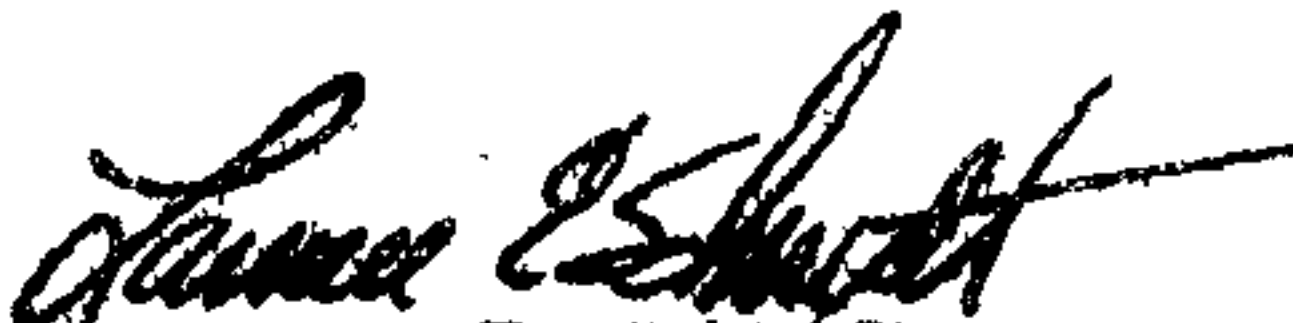
E/side of Loganview Drive, 18 feet north of the centerline of Court Way

12th Election District – 7th Councilmanic District

Legal Owners: Christina and Thomas Saddler

Variance to permit a fence with a 6 foot height that adjoins the front yard of another lot in lieu of the required maximum height of 42 inches.

Hearings: Monday, September 29, 2003, at 2:00 p.m., in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

**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: 04-054-A

Petitioner: Thomas & Christina Saddler

Address or Location: 3436 Court Way

PLEASE FORWARD ADVERTISING BILL TO:

Name: Thomas & Christina Saddler

Address: 3436 Court Way
Balto Md. 21222

Telephone Number: 410-284-1128



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 26, 2003

Christina Saddler
Thomas Saddler
3426 Court Way
Baltimore, MD 21222

Dear Mr. and Mrs. Saddler:

RE: Case Number: 04-054-A, 3436 Court Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 4, 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:klm

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



Printed with Soybean Ink
on Recycled Paper

County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

August 13, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: August 11, 2003

Item No.: 4-48-SPHA 4-49-SPH 4-50-A 4-51-A 4-52-SPHA 4-53-SPHA
4-54-A 4-55-A 4-56-A 4-57-A 4-58-A 4-59-A 4-60-A 4-61-A 4-62-a
04-43-SPH 03-0545-X

Dear Ms. Hart:

Pursuant to your request, the referenced properties 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.

6. 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, *Administrator*

Date: 8.13.03

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

RE: Baltimore County
Item No. 054 JZF

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,


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

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

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

9/29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 11, 2003

RECEIVED

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

SEP 15 2003

ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): Case 04-039, 04-054, and 04-055
Administrative Variance

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:

Hyman L. Liskin

AFK/LL:MAC

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 25, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For August 18, 2003
Item Nos. 048, 049, 050, 051, 053,
 054, 055, 056, 057, 058, 059, 060,
061, and 062

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE
3436 Court Way; E/side Loganview Drive, *
18' N c/line of Court Way * ZONING COMMISSIONER
12th Election & 7th Councilmanic Districts
Legal Owner(s): Christine & Thomas Saddler* FOR
Petitioner(s) * BALTIMORE COUNTY
* 04-054-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

RECEIVED

AUG 19 2003

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of August, 2003, a copy of the foregoing Entry of Appearance was mailed to, Christina & Thomas Saddler, 3436 Court Way, Baltimore, MD 21222, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME _____
CASE NUMBER 04-DS4-A
DATE 9/29/03

NAME

CITY, STATE, ZIP

E-MAIL

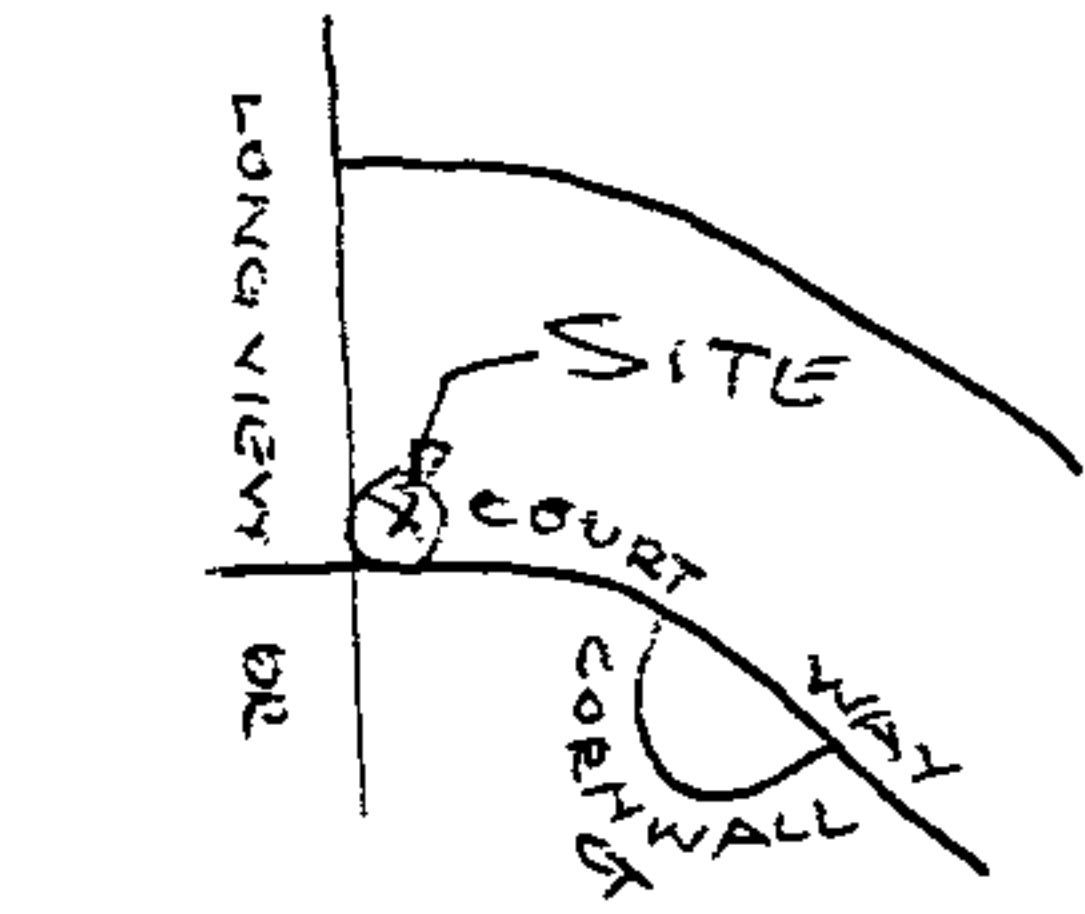
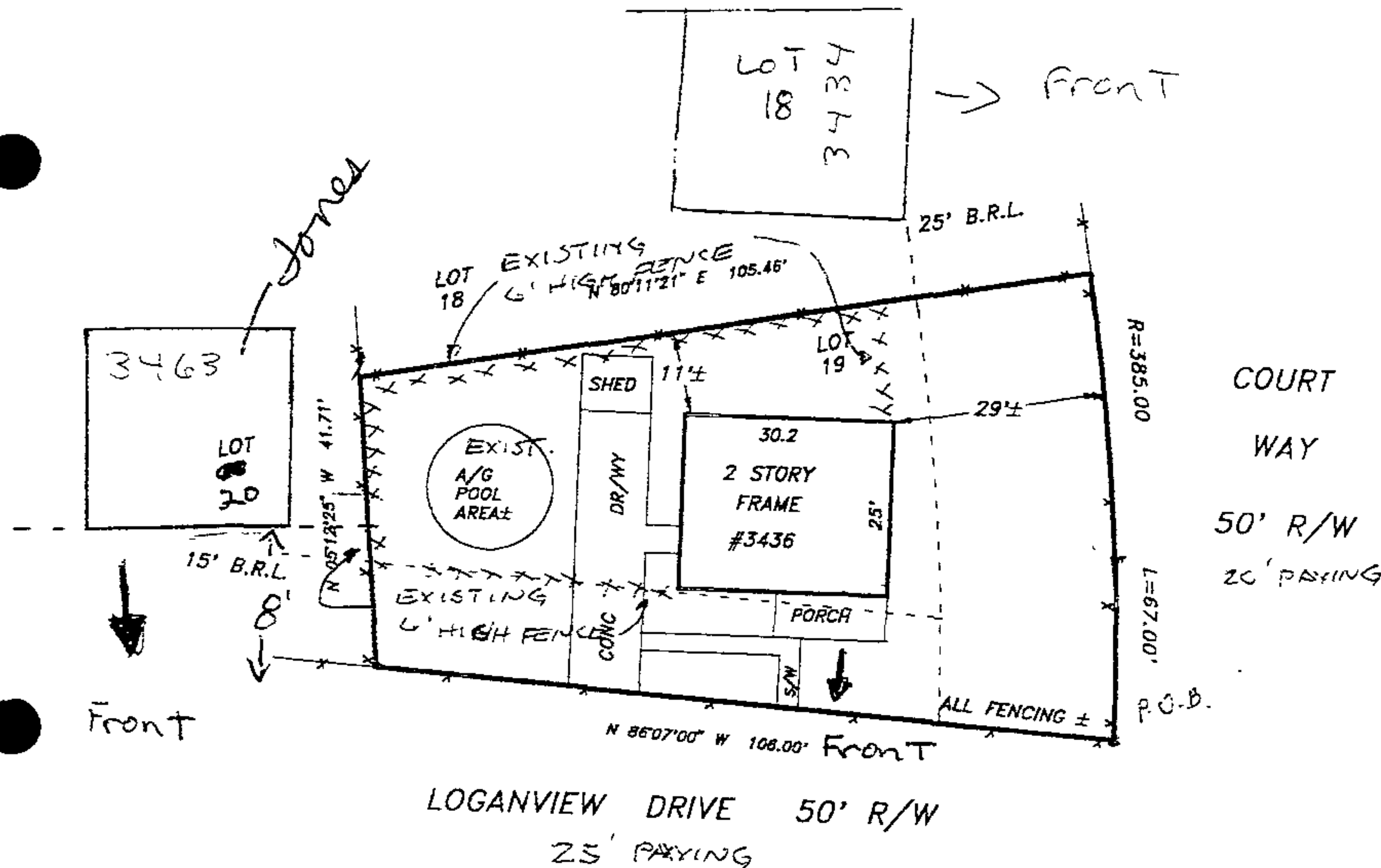
Christina Thomas Sobler 3436 Cove Way Balto. Md. 21222

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 3436 Court Way
 SUBDIVISION NAME Dundalk

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

PLAT BOOK # 14 FOLIO # 113 LOT # 19 SECTION # 6 Block # 6
 OWNER Thomas + Christina Saddler



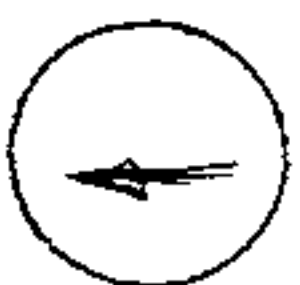
VICINITY MAP
 SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 12
 COUNCILMANIC DISTRICT 7
 1" = 200' SCALE MAP # SESE
 ZONING DR55
 LOT SIZE 56.70 SQ. FT.
 ACREAGE 1.29
 PUBLIC ☒ PRIVATE ☐
 SEWER ☒ WATER ☒
 CHESAPEAKE BAY CRITICAL AREA YES ☒ NO ☐
 100 YEAR FLOOD PLAIN ☐ ☒
 HISTORIC PROPERTY/BUILDING ☐ ☒
 PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY JR# ITEM # 054 CASE # Pet #1



NORTH

PREPARED BY T.J.S.

SCALE OF DRAWING: 1" = 30'



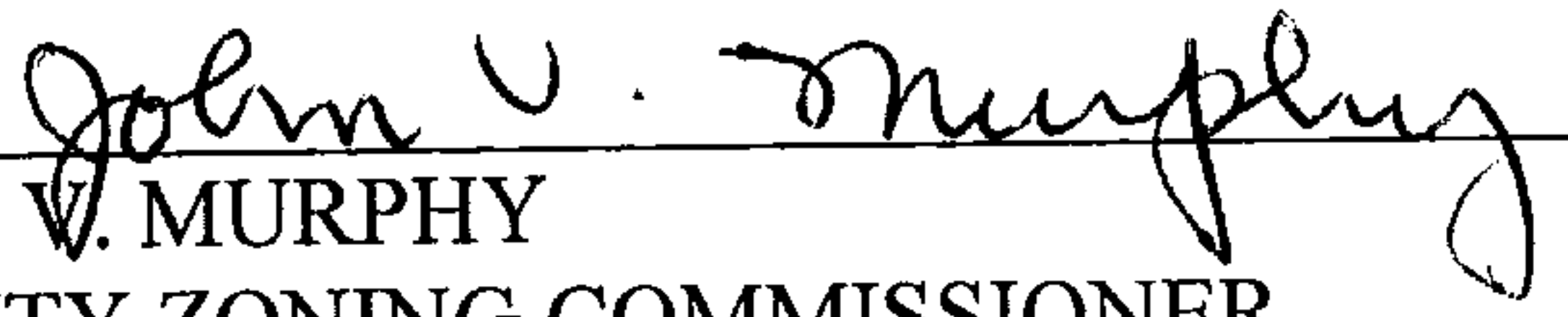
SE5E

protection for neighboring children. I am not at all offended by a 72 inch fence for this purpose and so will grant the variance. I am especially persuaded by the fact that the Saddler's went to the County and asked what the right thing to do was under the circumstance, and in reliance on the County permit erected the fence. This so different from the situation we often see where someone was caught without a permit and then asks for a variance.

I find that special circumstances or conditions exist that are peculiar to the land or structure, which is the subject of the variance request, and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations was requested. . Furthermore, this variance can be granted in strict harmony with the spirit and intent of said regulations, and only in a manner so as to grant relief without injury to the public health, safety and general welfare. I am sympathetic to the Jones' loss of view from their first floor windows, but in the overall view of the welfare of the citizens I think the variance is justified.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' variance request should be granted.

THEREFORE, IT IS ORDERED, this 2nd day of October, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 427 of the B.C.Z.R., to permit a fence with a 6 ft. height that adjoins the front yard of another lot in lieu of the required maximum height of 42 inches, be and it is hereby GRANTED.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

10/2/03
JVM:raj

Revised 4/17/00