

6/28/04

IN RE: PETITION FOR VARIANCE
E/S of Selwin Court, 132' S
centerline of Camrose Court
14th Election District
6th Councilmanic District
(8201 Selwin Court)

Anna & Michael Kobus
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-109-A

* * * * *

ORDER ON MOTION TO CLARIFY REVISED ORDER

WHEREAS, this matter originally came before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Anne and Michael Kobus. The variance relief was requested from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an above ground swimming pool in the side yard in lieu of the required rear yard. After public hearings held on this matter (October 25, 2003 & December 9, 2003), the variance request was granted by Order dated December 18, 2003 subject to three conditions relating to landscaping/vegetative screening. On January 16, 2004, the Petitioners' neighbors, Mr. & Mrs. LaVoie, filed a Motion for Reconsideration which was accepted by this office after correspondence by the parties. On March 31, 2004, this Commission clarified its prior order regarding screening between the Kobus and LaVoie properties in the area of the Kobus pool.

WHEREAS, on April 26, 2004, Mr. and Mrs LaVoie filed a Motion to Clarify Revised Order; and

WHEREAS, in response to the Motion for Reconsideration of the Revised Order, this Office received a letter from Mr. & Mrs. Kobus responding to Motion to Clarify Revised Order on April 19, 2004. A meeting was held with Mr. & Mrs. Kobus, Mr. & Mrs. LaVoie, Avery Harden, Landscape Architect for Baltimore County and the undersigned Deputy Zoning

ORDER RECEIVED FOR FILING

Date

By

6/28/04
R. J. J. J.

Commissioner on June 17, 2004 to review various options, screening designs and property considerations. Subsequently, Mr. & Mrs. LaVoie declined to have any plantings on their property (one of the options) as shown by their letter dated June 21, 2004.

Findings of Fact and Conclusions of Law

In the Order on Motion for Reconsideration, I ordered that the screening between the Kobus pool and LaVoie property line be accomplished wholly on the Kobus property in accord with the first option noted by Avery Harden, Baltimore County Landscape Architect, in his January 21, 2004 memorandum. While this was not the best technical option to accomplish the screening, the better design (option three) would erect the screening partially on the LaVoie's property. This was truly an imposition that could only be accomplished if the LaVoie's gave their consent.

The LaVoie's Motion to Clarify Revised Order asked, in pertinent part, to clarify details of option three. Of particular concern was whether the screening would be professionally done. At the June 17th meeting, Mr. Kobus indicated that he wanted to purchase/install the plantings himself. Mr. Harden pointed out that the third option was designed professionally by him personally and he committed to inspect the finished product to be sure all followed his design. However, he believed that Mr. Kobus could install the plantings which otherwise would greatly increase cost to Mr. & Mrs. Kobus. However, after due consideration, the LaVoie's decided not to allow option three on their property.

Consequently, I can only deny the LaVoie's Motion to Clarify Revised Order. By this decision, my Order of March 31, 2004 continues in force requiring Mr. & Mrs. Kobus to install screening on their property according to option one, as shown in Mr. Harden's letter dated January 21, 2004.

ORDER RECEIVED FOR FILING
6/28/04
R. J. JAMES

THEREFORE, IT IS ORDERED, this 28 day of June, 2004, by the Deputy Zoning Commissioner for Baltimore County, that Protestants' Motion to Clarify Revised Order, be and is hereby DENIED.

All provisions of the December 18, 2003 Order and this Commissioner's Order of March 31, 2004 herein shall continue with full force and effect; and

Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 6/28/04
By [Signature]

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

June 28, 2004

Mr. & Mrs. Dennis R. LaVoie
8200 Selwin Court
Baltimore, Maryland 21237

Re: Order on Motion to Clarify Revised Order
Case No. 04-109-A
Property: 8201 Selwin Court

Dear Mr. & Mrs. LaVoie:

Enclosed please find the decision rendered in the above-captioned case. The Motion to Clarify Revised Order has been denied.

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 black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mr. & Mrs. Michael Kobus
8201 Selwin Court
Baltimore, Maryland 21237

Avery Harden, Landscape Architect
for Baltimore County, Maryland

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



3/2/04
IN RE: PETITION FOR VARIANCE
E/S of Selwin Court, 132' S
centerline of Camrose Court
14th Election District
6th Councilmanic District
(8201 Selwin Court)

Anna & Michael Kobus
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-109-A

* * * * *

ORDER ON MOTION TO CLARIFY OR FOR RECONSIDERATION

WHEREAS, this matter came before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Anne & Michael Kobus. The variance relief was requested from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an above ground swimming pool in the side yard in lieu of the required rear yard. After public hearings held on this matter (October 25, 2003 & December 9, 2003), the variance request was granted by Order dated December 18, 2003 subject to three conditions relating to landscaping/vegetative screening.

WHEREAS, on January 16, 2004, the Petitioners' neighbors, Mr. & Mrs. LaVoie, filed a Motion for Reconsideration which was accepted by this office after correspondence by the parties; and

WHEREAS, in response to the Motion for Reconsideration, the following correspondence has been received by this office:

- | | | |
|----|---|---------|
| A. | Motion for Reconsideration filed by Mr. & Mrs. LaVoie to DZC Order | 1/16/04 |
| B. | Letter to Mr. & Mrs. Kobus re: motion for reconsideration | 1/21/04 |
| C. | Inter-office correspondence from Avery Harden, Landscape Architect
re: 3 potential buffer design scenarios | 1/21/04 |
| D. | Letter to Mr. & Mrs. LaVoie re: Avery Harden's recommendations w/
copies to Mr. & Mrs. Kobus & A. Harden | 1/27/04 |
| E. | Letter from Mr. & Mrs. Kobus responding to motion for reconsideration
filed by Mr. & Mrs. LaVoie | 2/1/04 |
| F. | Fax from Ed Quinn, community assoc. president | 2/4/04 |
| G. | Letter from Mr. & Mrs. LaVoie to DZC Murphy in response to his letter
of 1/16/04 | 2/6/04 |

3/3/04
R. Quinn

- H. Letter from Mr. & Mrs. LaVoie to DZC Murphy re: Kobus' response letter to their motion for reconsideration 2/26/04
- I. Letter from Mr. & Mrs. Kobus re: clarification of screening for front of their pool 2/28/04
- J. Letter from Mr. & Mrs. Kobus re: letter from Mr. & Mrs. LaVoie 3/14/04
- K. Fax to DZC Murphy from Mr. & Mrs. LaVoie re: location of Kobus pool too close to their property line in order to maximize sun exposure, etc. 3/22/04

Applicable Law

Appendix G, Rule 4 K

K. **Motion for reconsideration.** A party may file a motion for reconsideration of an order issued by the Zoning Commissioner. Such a motion must be made in writing, within 30 days of the date of the original order. The motion must state, with specificity, the grounds and reasons for the request. The filing of a motion for reconsideration shall stay all further proceedings in the matter, including the time limits/deadlines for the filing of an appeal. The Zoning Commissioner shall rule on the motion within 30 days from the date which the motion is accepted for filing. A ruling by the Zoning Commissioner on the motion for reconsideration shall be considered the final decision in accordance with Section 26-209 or 26-132 of the Baltimore County Code. At his discretion, the Zoning Commissioner may convene a hearing to receive testimony and/or argument on the motion. Each party shall be limited to that which is the subject matter of the motion.

Findings of Fact and Conclusions of Law

The LaVoie's request for reconsideration is clouded by the survey results of JMT Engineers which is in conflict with Petitioners' Exhibit No. 1. The JMT drawing shows that the Kobus' surround is only 1.88 feet from the common property boundary while the Kobus sketch shows 4 ft. available. Again, the JMT drawing shows the pool itself is 5 ft. from the common boundary while the Kobus sketch gives 6 ft. for this dimension. This is important because any vegetative screening would have to be planted between the common boundary and the surround/pool. Both sketches were submitted to Avery Harden, the County's Landscape Architect, who quite reasonably proposed different screening schemes depending on which sketch one believes. So this issue has to be resolved.

I have no legal power (no jurisdiction) to determine the legal boundaries between properties. That is the exclusive jurisdiction of the Circuit Court for Baltimore County. I do have the power to resolve disputes of fact which affect zoning decisions and that I will attempt to do. To start, I note

that both sketches are hearsay evidence in which the author of these documents has not been subject to examination. Also, I note that this is a new subdivision and, therefore, the meets and bounds description of the subdivision lots should not be at all difficult to determine unlike some boundaries which have ancient points of description.

When I attempt to resolve such disputes I first look for those things on which they agree. Both have approximately the same distance from the pool edge to the property line. One gives 5 ft. while the other gives 6 ft. So there is little dispute here. I will assume the Kobus figure for the sake of what follows. The Kobus sketch shows 4 ft. to the property line or said another way there is approximately 2 ft. between the edge of the pool and the inside edge of the surround. There is then 4 ft. between the inside edge of the surround and the property line according to the Petitioners. This space was found to be sufficient by Mr. Harden, to erect an opaque fence and reasonable plantings. Please note the LaVoie's have not given permission to erect better screening on their property and I have no jurisdiction or inclination to impose this burden on them.

Therefore, I will clarify my December 18, 2003 Order such that the first option given in Avery Harden's memo dated January 21, 2004, a copy of which is attached hereto and made a part hereof, be implemented. The vegetative screening and opaque fence described therein shall be erected by the Petitioners on their property at their expense. However, the reference point to start construction shall not be the property line, which is in dispute but the outside edge of the pool. Using the Kobus figures, the Petitioners are allowed 2 ft. between the outside edge of the pool and the inside of the surround. The fence and plantings shall be contained within the outside edge of the surround and a distance of 5 ft. from the edge of the pool. By doing so, neither fence nor plantings will be placed upon the LaVoie property according to both the JMT drawing and the Kobus' drawing. This means that instead of 4 ft. in which to erect the fence and plantings as

reviewed by Mr. Harden, there will be only 3 ft. for the fence and plantings. However, Mr. Harden indicates his first option will work sufficiently with a minimum of 3 ft.

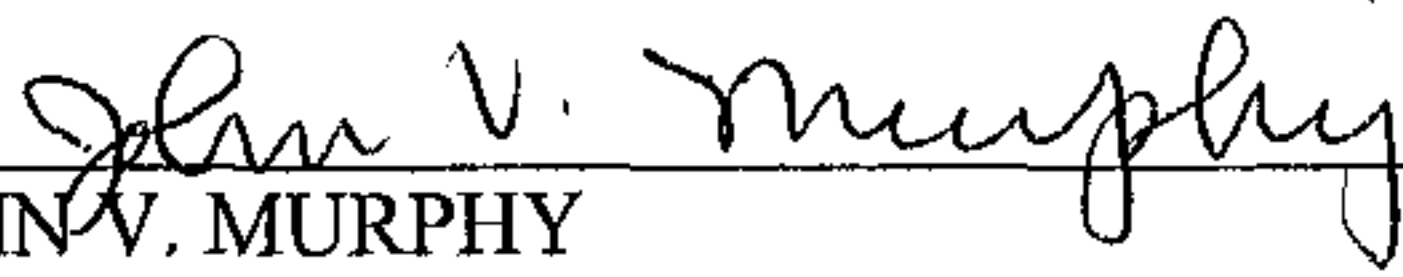
I realize that by ordering the above, if the Kobus dimensions are not correct, the Petitioners may well find that they have to reconstruct a substantial part of their surround to provide adequate room for the screening and fence. This could mean having the retaining wall rebuilt along a chord, which guarantees at least 3 ft. of earth in which to do the plantings and erect the fence. If the Kobus' figures are correct, there should be no expense to them other than the cost of the fence and plantings.

THEREFORE, IT IS ORDERED, this 31 day of March, 2004, by the Deputy Zoning Commissioner for Baltimore County, that Protestants' Motion for Reconsideration, be and is hereby DENIED. All provisions of the December 18, 2003 Order not clarified herein shall continue with full force and effect; and

IT IS FURTHER ORDERED, that this Commissioner's Order of December 18, 2003 is clarified such that the Petitioners shall erect a vegetative and fence screening as described as the first option in Avery Harden's January 21, 2004 memo attached hereto as follows:

1. The fence to be installed and the plantings shall be made at Petitioners' expense and on the Petitioners' property in a strip of land which shall be a minimum of 3 ft. wide which is located 2 ft. from the outside edge of the Petitioners' pool at the point on the pool nearest the boundary between the Petitioners' and LaVoie properties.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 3/31/04
By R. Johnson

IN RE: PETITION FOR VARIANCE : BEFORE THE
E/S of Selwin Court,
132'S centerline of Camrose Court : DEPUTY ZONING COMMISSIONER
14th Election District
6th Councilmanic District : OF BALTIMORE COUNTY
(8201 Selwin Court)
: Case No. 04-109-A
Anna & Michael Kobus,
Petitioners :

**MOTION TO CLARIFY ORDER OR IN THE
ALTERNATIVE MOTION FOR RECONSIDERATION**

Opponents, Debra LaVoie and Dennis LaVoie, hereby file this Motion to Clarify the Order or, in the Alternative, Motion for Reconsideration of the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law issued on December 18, 2003.

The grounds for this motion as are as follows:

1. Attached as Exhibit 1 to this Motion is a survey, prepared by JMT Engineers of the distance between the pool and surround and the property line of 8200 Selwin Court. This information has been provided to Mr. Avery Harden, Landscape Designer for Baltimore County. Mr. Harden has indicated that he has received a survey drawing from the Petitioners which is in conflict with the professional drawing submitted.
2. Avery Harden has reviewed the landscape plan submitted by the Petitioners and has determined that there is not sufficient space to place the landscaping, according to the LaVoie's survey.
3. Mr. Harden also stated it is not possible to effectively screen the pool with landscaping.

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JAN 16 2004

ZONING COMMISSIONER

4. Mr. Harden has also stated it is his belief that the County will not enforce the Commissioner's Order and require that the pool be relocated to allow the plantings on the Kobus' property.

5. Because of the confusion surrounding the correct resolution or implementation of this Order, this Motion is being filed for clarification or, in the alternative, reconsideration.

6. The Findings of Fact and Conclusions of Law must be revised so that the parties clearly understand the time frame in which the vegetative screening must be planted, the form it should take, and who decides that sufficient distance is provided between the property line to allow such vegetative screening.

WHEREFORE, the LaVoies respectfully request that:

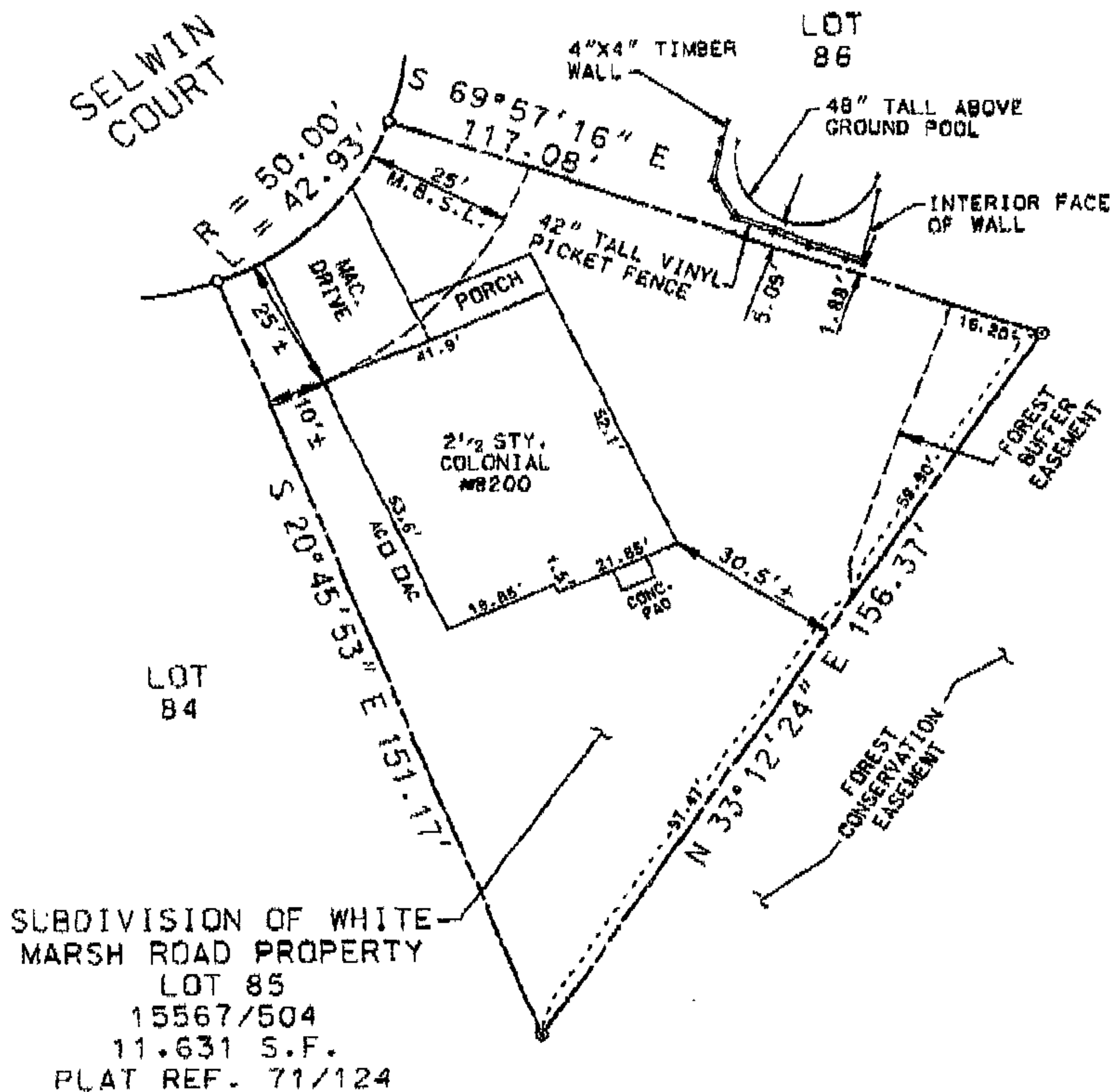
- A. This Motion be docketed as received on January 16, 2004;
- B. That this Motion be granted and the matter be reconsidered or the Order be clarified.

Respectfully submitted,


Dennis & Debra LaVoie
8200 Selwin Court
Baltimore, Maryland 21237

JMT JOHNSON, MCDONALD & THOMPSON
ENGINEERS & ARCHITECTS
72 LEXINGTON DRIVE, BALTIMORE, MARYLAND 21202-0949

PLAT DATUM 71/124



SUBDIVISION OF WHITE
MARSH ROAD PROPERTY
LOT 85
15567/504
11,631 S.F.
PLAT REF. 71/124

NOTE:
THIS PROPERTY DOES NOT LIE IN A FLOOD
HAZARD ZONE.

LOCATION DRAWING

8200 SELWIN COURT
ELECTION DISTRICT NO. 14
BALTIMORE COUNTY, MARYLAND
LOT 85 SECTION 1 PLAT 2 OF
SUBDIVISION OF WHITE MARSH ROAD PROPERTY
SCALE: 1" = 30' DATE: 01/16/04

12/18/03

IN RE: PETITION FOR VARIANCE
E/S of Selwin Court, 132' S
centerline of Camrose Court
14th Election District
6th Councilmanic District
(8201 Selwin Court)

Anna & Michael Kobus
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-109-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, Anna and Michael Kobus. The Petitioners are requesting variance relief for property located at 8201 Selwin Court, in the eastern area of Baltimore County. Variance relief is requested from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an above ground swimming pool in the side yard in lieu of the required rear yard.

The property was posted with Notice of Hearing on September 30, 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 30, 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.

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Date 12/18/03

By [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: ZAC comments were received from the Office of Planning dated October 15, 2003 requesting the variance be denied, a copy of which is attached hereto and made a part hereof. These comments were received on the day of but after the hearing. As a result, the Petitioners were notified of the comment and selected to have the case reconvened on December 9, 2003.

Interested Persons

Appearing at the October 15, 2003 hearing on behalf of the variance request were Anna and Michael Kobus the Petitioners. At the December 9, 2003 hearing, Denise Kellner and Alec Karnezis appeared for the Petitioners. Debbie and Dennis LaVoie and Cheryl Atkas appeared in opposition to the variance request on both hearing days. Finally, David Pinning, Office of Planning and Errol Ecker, Department of Permits and Development Management testified on December 9, 2003. 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 is improved by a single-family dwelling and the above ground swimming pool, which is the subject of this variance request. The Petitioners constructed the pool without a permit and were issued a stop work order by the County. By way of background, the property is in a new subdivision that has had a series of complaints lodged by the homeowners against the builder relating to various problems. The homeowners want the builder to complete the subdivision and correct the problems they found once they began living in their

ORDER RECEIVED FOR FILING

Date 12/18/03

By [Signature]

homes. Among the problems was the fact that the subject lot and the adjacent LaVoie lot were subject to water coming onto their properties from the surrounding area that did not drain off properly.

The Petitioner wanted to erect an above ground swimming pool for his family. There was a dispute as to whether he tried to obtain a permit, and whether the County misled him in that regard. In any case, he constructed the pool in the side yard near the LaVoie property line. Had he constructed the pool in the rear yard a variance would not have been required. The Petitioner testified that he considered erecting the pool in the rear yard but that the area is subject to flooding. In support of this contention, he submitted several photographs of the rear yard during heavy precipitation (Petitioner's Exhibit No. 2A (summer rain) & Petitioner's Exhibit Nos. 2B-2F (construction of the surround for the pool and the yard after a snowstorm). Silt runoff from the neighborhood is shown by brown coloration. Also see Petitioner's Exhibit No. 3 - Photographs. Based upon his personal analysis of the flooding conditions of the rear yard, the Petitioner constructed the pool in the side yard nearest the LaVoie residence. See Petitioner's Exhibit No. 2C, which shows the proximity to the LaVoie home and the central issue in this case. According to the plat, Petitioner's Exhibit No. 1, the pool itself is 6 ft. from the LaVoie property line and the surround is 4 ft. from the line. This plat also shows the pool 13 ft. from the Petitioner's home. The Petitioners contend that the pool and safety fence are barely visible from the public street due to the sloping topography of the property at that location. The Petitioners also contend that the LaVoie's were asked for permission prior to erecting the pool and they gave their permission. The permission issue was hotly contested by the LaVoie's.

The LaVoie's contend that they never agreed to placing the pool in the side yard near their property line, and that the Petitioner could have and should have located the pool in the Petitioners' rear yard like all the other pools in the neighborhood. They emphasize that the Petitioners had no

permit, and even though they told him he needed a permit, the Petitioner rushed ahead without proper authorization. They further contend that the Petitioner also failed to get homeowner association permission to build the pool in the side yard. Finally, they see the pool from their home and they are convinced its presence will lessen the value of their home. See Protestant's photographs of the pool from the LaVoie home.

As mentioned above, the case was continued to allow the Petitioners to reply to the comment from the Planning Office which first recommended that the swimming pool be removed and secondly that the pool be screened from the neighbor's home and the street. In support of the Office of Planning's position, David Pinning, Area Planner, testified that he had been to the site several times. In his opinion, there was no reason why the Petitioners could not locate the pool in their rear yard. In fact, he testified that he disagreed with the "fall back" position the Office of Planning had taken on screening. He was adamant that the pool should be removed.

On cross-examination, Mr. Pinning admitted that he was unaware of any water problem in the rear yard of the Petitioners' property, nor was he aware that a forest buffer easement existed in the rear yard approximately 35 feet from the Petitioners' home. He was not aware of the forest buffer because the builder had "feathered" the slope of the land in the buffer area to encourage water to flow toward the drain. Consequently, it was not apparent where the buildable area of the rear yard ended. Still skeptical, Mr. Pinning opined that even considering the above, professional drawings to confirm the actual buildable area should be required of the Petitioners before allowing the variance.

Errol Ecker, Supervisor of County Building Inspections, testified that he was also familiar with the site, found that the Petitioners had failed to get a permit, and had issued a stop work order to the Petitioners which required removing the swimming pool. However, after speaking to the Petitioners and reviewing photographs of the drainage problem, he disagreed with the order to

remove the pool. He testified that there was no reasonable place in the rear yard to locate the pool that would not interfere with the drainage of this property and a large portion of the subdivision. He further opined that the County had recently relaxed its regulations for the number of drains a developer must provide which perhaps could have captured water that was causing the Petitioners such problem. However, under newer regulations the County had opted for more water going back into the ground and less drain inlets. A consequence of this change is as now seen in the Petitioners' rear yard where slow gradual drainage is the order of the day. Again, Mr. Ecker noted that the Petitioners could not under any circumstances invade the forest buffer area to erect the pool in the rear yard.

Both the Petitioners and the protestants reiterated their strongly held opposite opinions in regard to the location of the present above ground swimming pool, the likelihood that the Petitioners will build an in ground pool, and the reason the present swimming pool is located in the side yard. In regard to the last point, the protestants contend that the pool is located near their property line to maximize the sun exposure at that location. Alec Karnezis, a neighbor and officer of the Maple Ridge Community Association, spoke as an individual and not for the association. He testified that he had personally observed the flood of water in the Petitioners' rear yard during a thunderstorm, that he did not believe a permit was required for this type of pool and generally favored granting the variance. Denise Kellner, a nearby property owner, testified that she also was aware of water problems in the Petitioners' rear yard, that the pool is not visible from the public road and the pool the Petitioners built was well done compared to all the other pools in the neighborhood.

Findings of fact and conclusions of law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, I find that there is a demonstrated water

DATE 12/15/13
BY R. J. JAMES

drainage problem in the Petitioners' rear yard and that a pool located there would interfere with the drainage not only from this property but also from the community at large. I further find that the forest buffer, which apparently is not at all evident, is only 35 ft. away from the Petitioners' home severely restricting the location of any pool in the rear yard. I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. There simply is no other place than the side yard to locate the pool.

Much more problematic is the requirement that such variance shall be granted only if in strict harmony with the spirit and intent of said regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. The impact on the LaVoie residence is obvious. The LaVoie's reasonably do not want to look upon the pool, which is so close to their home. What is particularly troublesome is the fact that the Petitioners located the swimming pool within a few feet of the property line and 13 ft. from their own home. If the Petitioners were considerate of their neighbors, they surely would have located the pool closer to their own home. As the protestant's claim, perhaps the Petitioners were more concerned about locating the swimming pool in the sunshine than their neighbors' feelings. The only way to ameliorate the impact on the LaVoie's is either to move the pool toward the Petitioners' home (but not into the rear yard), or to screen the pool with an evergreen barrier. This latter is made difficult because of the very narrow area left by the Petitioners between the surround and the property line limits. The only screening that can take place is probably one row of trees. One thing is certain. The LaVoie's should not have to use their land to locate screening material. Secondly, no privacy fence will do the job of screening the pool from the protestant's home and particularly their deck.

While I have seriously considered granting the variance to allow the pool in the side yard, but requiring the Petitioners to move the pool toward their home, on balance I find that proper screening along the LaVoie property line should be sufficient to reduce the impact on the

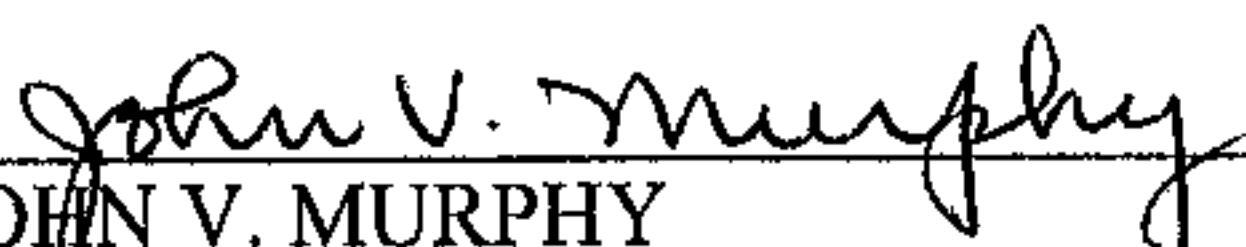
protestant's property. Fortunately, the County has a landscape architect that can hopefully direct an effective planting of such material and spacing so that the impact on the LaVoie's will be minimized.

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 with conditions as set forth below.

THEREFORE, IT IS ORDERED, this 18 day of December, 2003, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the B.C.Z.R., to permit an above ground swimming pool in the side yard in lieu of the required rear yard, be and is hereby GRANTED subject to the following conditions:

1. The Petitioners shall prepare and submit a landscape plan to the County, at their expense, which incorporates evergreen vegetative components to effectively screen their pool from the property line they share with the LaVoie's.
2. The landscape plan shall be submitted to Avery Harden, Landscape Architect for Baltimore County, within 30 days of the date of this Order. The Petitioners shall follow his direction in this regard.
3. That if effective vegetative screening is impractical, the Petitioners shall move the pool and surround toward the Petitioners' home in the side yard until sufficient distance is provided to allow an effective vegetative screening.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING

Date

12/18/03



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

December ¹⁸~~17~~, 2003

Mr. & Mrs. Michael Kobus
8201 Selwin Court
Baltimore, Maryland 21237

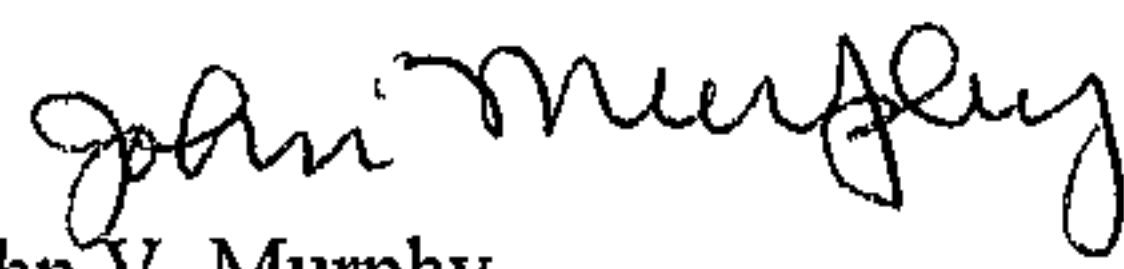
Re: Petition for Variance
Case No. 04-109-A
Property: 8201 Selwin Court

Dear Mr. & Mrs. Kobus:

Enclosed please find the decision rendered in the above-captioned case. The Petition for variance has been approved 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 & 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,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure



Copies to:

Denise Kellner
8202 Selwin Court
Baltimore, MD 21237

Alec Karnezis
8221 Selwin Court
Baltimore, MD 21237

Debbie & Dennis LaVoie
8200 Selwin Court
Baltimore, MD 21237

Cheryl Atkas
2227 Siena Way
Woodstock, MD 21163



VIOLATION

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 8201 Selwin Ct
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)

400.1, BLZR TO PERMIT AN
ABOVE GROUND POOL IN THE SIDE YARD IN LIEU
OF THE REQUIRED REAR

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

To be presented at hearing

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. 04-109A

RECEIVED FOR FILING
DATE 9/11/98

Legal Owner(s):

Michael Kobus
Name - Type or Print

Michael Holm
Signature

Anna Kobus
Name - Type or Print

Anna Kobus
Signature

8201 Selwin Ct 410-882-5163
Address Telephone No.

Ba Ho Ma 21237
City State Zip Code

Representative to be Contacted:

same
Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By JCM Date 8-29-03

Zoning Description for 8201 Selwin Ct., Balto., Md., 21237

Beginning at a point on the east side of Selwin Ct., which is 50 ft. wide at the distance of 132 ft. south of the center line of the nearest improved intersecting street, Camrose Ct., which is 50 ft. wide. Being Lot # 86, Section 1, Plat 2 in the subdivision Maple Ridge, as recorded in Balto. Co. Plat Book # 71, Folio #124, containing 12,632 square feet of acres. Also known as 8201 Selwin Ct. and located in the 14 election district, 6 Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **28123**

DATE 8-29-03 ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: M. K. BUS 8201 SELVIN

FOR: UAD.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

DATE RECEIPT
PAID RECEIPT

BUSINESS	ACTUAL	TIME	DEPT
8/29/2003	8/29/2003	14:20:47	5
REG 1505 WALKIN CHAR CLH			
>> RECEIPT # 324101 8/29/2003 OFLN			
Dept 5 528 ZONING VERIFICATION			
CR NO. 028123			

Recpt Tot \$65.00
.00 OK 65.00 CA
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: #04-109-A
8201 Selwin Court
E/side of Selwin Court, 132
feet south of centerline of
Camrose Court
14th Election District
6th Councilmanic District
Legal Owner(s): Michael and
Anna Kobus

Variance: to permit an
above ground pool in the
side yard in lieu of in the
side yard in the lieu of the
required rear.

**Hearing: Wednesday, Oc-
tober 15, 2003 at 9:00
a.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.

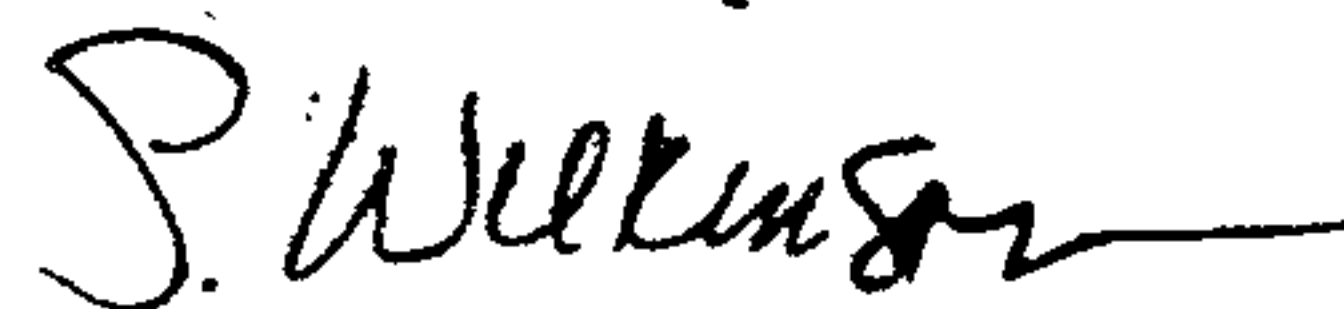
JT/9/823 Sept. 30 C629090

CERTIFICATE OF PUBLICATION

10/11, 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 9/30, 2003.

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



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 04-109-A

Petitioner/Developer: _____

Mr. & Mrs. MICHAEL KOBUS

Date of Hearing/Closing: 10/15/03

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

Attention: Ms. BECKY HART

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 _____

8201 SELWIN CT.

The sign(s) were posted on 9/30/03
(Month, Day, Year)

CASE # 04-109-A

Sincerely,

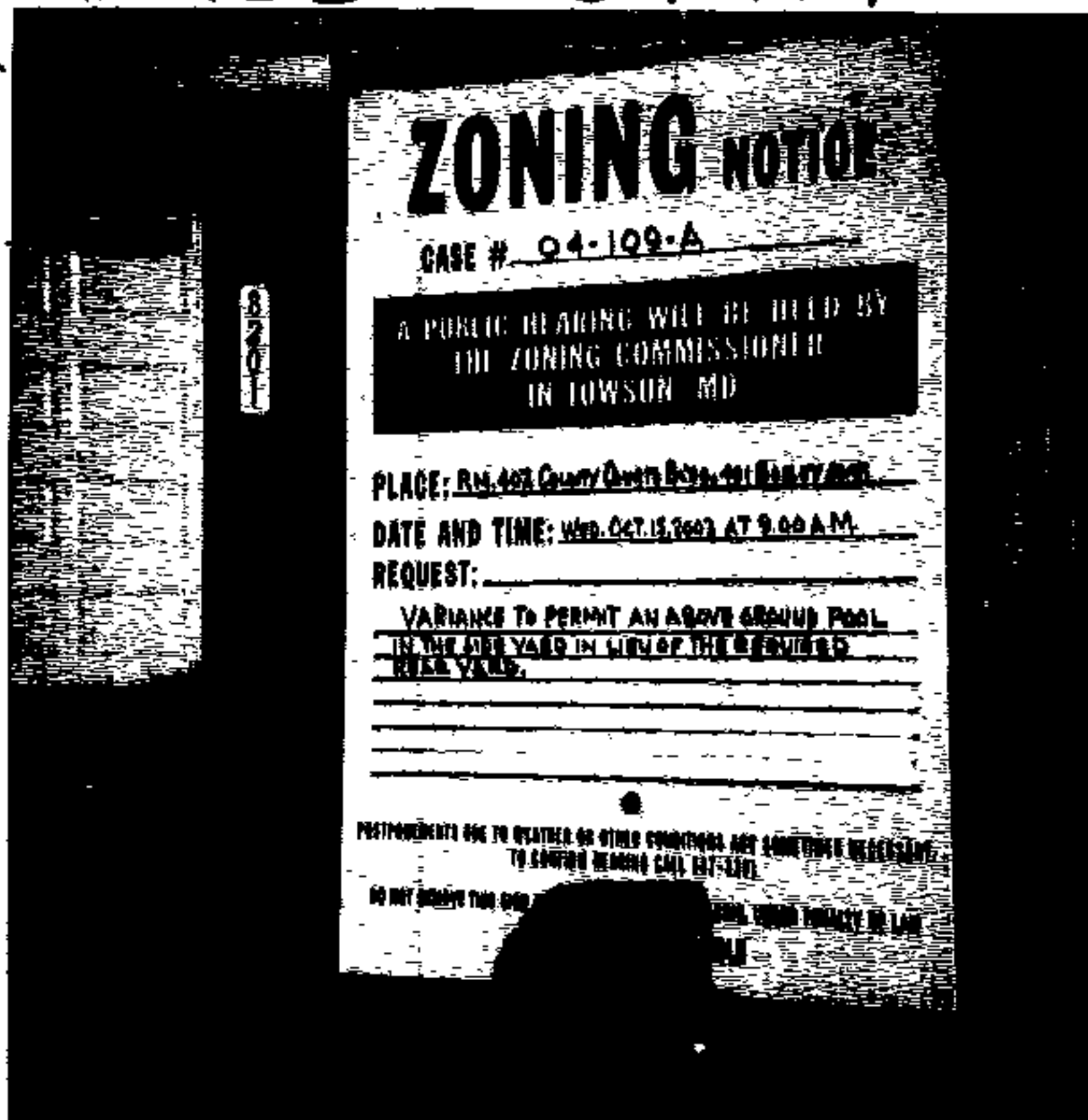
Richard E. Hoffman 9/30/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



8201 SELWIN CT.

POSTED 9/30/03

Richard E. Hoffman 9/30/03



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

September 9, 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: 04-109-A

8201 Selwin Court

E/side of Selwin Court, 132 feet south of centerline of Camrose Court

14th Election District – 6th Councilmanic District

Legal Owner: Michael and Anna Kobus

Variance to permit an above ground pool in the side yard in lieu of in the side yard in the lieu of the required rear.

Hearings: Wednesday, October 15, 2003 at 9:00 a.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:rlh

C: Mr. and Mr. Michael Kobus, 8201 Selwin Court, Baltimore 21237

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, OCTOBER 1, 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
Tuesday, September 30, 2003 Issue - Jeffersonian

Please forward billing to:
Mr. and Mrs. Michael Kobus
8201 Selwin Court
Baltimore, MD 21237

NOTICE OF ZONING HEARING

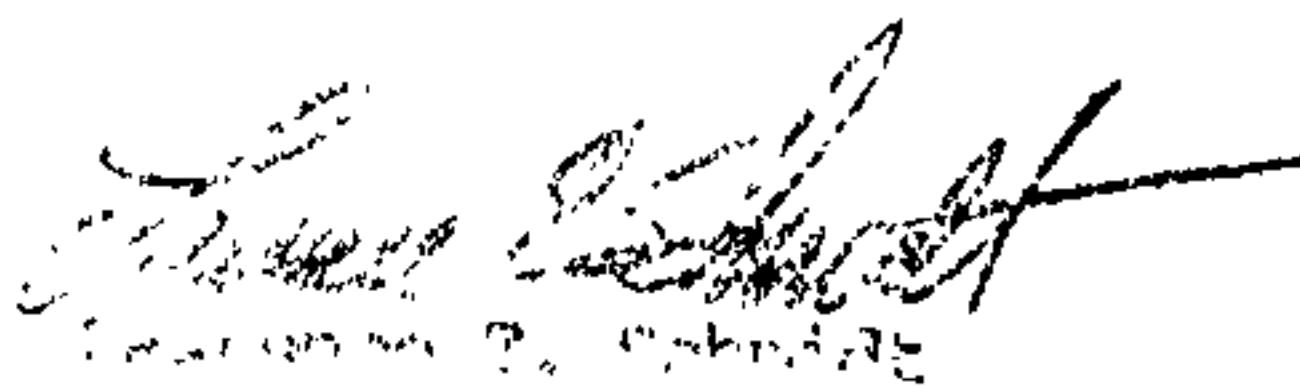
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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- 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: 109
Petitioner: Anna + Michael Kobus
Address or Location: 8201 Selwin Ct.

PLEASE FORWARD ADVERTISING BILL TO:

Name: _____
Address: Same

Telephone Number: 410-882-5163

**Department of Permits and
Development Management**

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



Baltimore County

James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director

October 10, 2003

Michael Kobus
Anna Kobus
8201 Selwin Court
Baltimore, MD 21237

Dear Mr. and Mrs. Kobus:

RE: Case Number: 04-109-A, 8201 Selwin Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 29, 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." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel





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

September 11, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 8, 2003

Item No.: 098¹⁰⁹ - 111

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

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



Printed with Soybean Ink
on Recycled Paper

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



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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 9.10.03

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

RE: Baltimore County
Item No. 1079 (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,

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

gm
10/15

TO: Tim Kotroco

FROM: R. Bruce Seeley *RBs/TBT*

DATE: October 17, 2003

Zoning Petitions

Zoning Advisory Committee Meeting of September 8, 2003

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

04-98,99,103,108,109

RECEIVED

OCT 20 2003

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 15, 2003

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

SUBJECT: 8201 Selwin Court

INFORMATION:

Item Number: 04-109

Petitioner: Michael Kobus

Zoning: DR 3.5

Requested Action: Petition for a variance to permit an above ground pool in the side yard instead of the required rear yard.

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not support the variance to place a pool in the side yard as opposed to the rear yard of the property. If the pool is placed in the side yard, it should be located behind the front plane of the residence and fenced/landscaped with an opaque screen so that no portion of the pool or its associated components will be seen from the public right of way.

Section Chief:



AFK/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 26, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For September 15, 2003
Item Nos. 099, 101, 102, 103, 104,
106, 107, 108, and 109

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

RWB:CEN:jrb

cc: File

RECEIVED

JAN 23 2004

INTER-OFFICE COMMUNICATION

BALTIMORE COUNTY GOVERNMENT

ZONING COMMISSIONER

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

TO: John V. Murphy,
Deputy Zoning Commissioner For Baltimore County

FROM: Avery Harden, ^{EMA} County Landscape Architect

SUBJECT: Case NO. 04-109-A

DATE: January 21, 2004

This is a response to the conditions of your subject order directing this office to manage a landscape buffer resolution to the issues of the subject case. The technical violation – as I understand it – is that the pool is located 5-feet forward in the side yard from the rear house foundation. This office is also indirectly directed by the order that if we conclude it is not possible to provide a landscape buffer in the designated space, to state so. It is always possible to do a buffer in a limited space, but the effectiveness of a buffer is minimized by a limited space.

One response is to install a 6-foot tall opaque fence along the shared property line and then run the fence perpendicular to the house. This will enclose the pool from the protestant's ground-level view. The petitioner states that there is sufficient space to install the fence along the property line and then install a row of narrow, tall-growing evergreen plants. The plants (Emerald Green Arborvitae) would be 6-foot in height at installation and be spaced 4-foot apart, center-to-center. This would take 7 plants to accomplish this. A different, bigger growing, less compact evergreen tree could be used to buffer on the front side where there is more space. This could be 3, 7-foot tall Norway spruces. Based on measurements from the petitioner, this would be an appropriate response to the order. The 6-foot opaque fence would provide immediate screening and the plants would provide eventual taller, vegetative screening.

The above proposal would not work based on the protestant's measurements, though one could technically still meet the letter of the order working with the protestant's measurements. The key wording of the order directs using "evergreen vegetative components." This could be accomplished in a very narrow space by

ORDER RECEIVED FOR FILING

Date

3/31/04

By

[Signature]

installing a wire-fabric fence and cultivating an evergreen vine on the fence to provide the "vegetative" opaqueness directed by the order.

But, if the pool is to remain, neither of the above suggestions is the best design for the situation. What is needed is the ability to install large growing evergreen trees that will not only provide a buffer for the pool from the ground plane view, but also eventually provide some buffering from the upstairs windows looking down on the pool. Even without the pool issue, it is normal for neighbors to buffer the views between their decks and back yards. Forcing a buffer into a narrow space precludes the ability to use the right plant materials to provide the best buffer for all views. The protestant can get a better buffer if they permit the appropriate trees to be located in the appropriate locations, primarily on the protestant's property.

I have essentially described three potential buffer design scenarios. We can pursue getting a formally drawn plan when it is clear which design approach we are to take.

ORDER RECEIVED FOR FILING
Date 3/31/04
By [Signature]

RE: PETITION FOR VARIANCE
8201 Selwin Court; E/side of Selwin Ct,
132' S of C/line of Camrose Court
14th Election & 6th Councilmanic Districts
Legal Owner(s): Michael & Anna Kobus
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 04-109-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
SEP 16 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 16th day of September, 2003, a copy of the foregoing Entry of Appearance was mailed to, Michael & Anna Kobus, 8201 Selwin Court, Baltimore, MD 21237, Petitioner(s).

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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

November 4, 2003

Mr. & Mrs. Michael Kobus
8201 Selwin Court
Baltimore, Maryland 21237

Re: Petition for Variance
Case No. 04-109-A
Property: 8201 Selwin Court

Dear Mr. & Mrs. Kobus:

This letter will confirm that the above-captioned case has been scheduled for an additional hearing to be held on Tuesday, December 9, 2003 at 10:00 A.M. in Room 106 of the County Office Building. By copy of this letter, all parties present at the original hearing will be notified. Therefore, it will not be necessary to re-post or re-advertise the property.

In the meantime, should you have any questions, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj

c: Debbie & Dennis LaVoie
8200 Selwin Court
Baltimore, MD 21237

Cheryl Atkas
2227 Siena Way
Woodstock, MD 21163

Lynn Lanham
Office of Planning

Becky Hart
Permits & Development Mgmt.

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



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 22, 2003

Mr. & Mrs. Michael Kobus
8201 Selwin Court
Baltimore, Maryland 21237

Re: Petition for Variance
Case No. 04-109-A
Property: 8201 Selwin Court

Dear Mr. & Mrs. Kobus:

You will recall that I gave you copies of the Zoning Advisory Committee (ZAC) comments at the hearing held on October 15, 2003. The attached comment was not in the package, because it was received after the hearing. In fairness to you, I wanted to send this to you for your review.

As you can see, the Office of Planning is opposed to the location of a pool in the side yard of your property. They indicate that if the pool is located in the side yard that it be located behind the front plane of the residence and fence/landscaped so that no portion will be seen from the public right-of-way. You did not have a chance to respond to these comments at the hearing and consequently, I am writing to you now to give you an opportunity to do so.

In the event you have no response, I will simply decide the case on the record before me. In the alternative, you could write to me with your response and I will consider your letter and the attached comment when making my decision. Finally, you could ask for another hearing to tell me in person your response. In this last situation, I will ask the Planning Office representative to come to the hearing also and have them tell me in person why they oppose the variance.

Please let me know how you wish to proceed by sending me an informal written note to that effect. In the meantime, if you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj

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



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

File

May 7, 2004

Mr. & Mrs. Michael Kobus
8201 Selwin Court
Baltimore, Maryland 21237

Re: Motion to Clarify Revised Order
Case No. 04-109-A
Property: 8201 Selwin Court

Dear Mr. & Mrs. Kobus:

For your information, enclosed herewith please find a Motion to Clarify Revised Order received from Mr. & Mrs. LaVoie in connection with the above-captioned case.

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. Dennis R. LaVoie
8200 Selwin Court
Baltimore, Maryland 21237

Avery Harden, Landscape Architect
for Baltimore County, Maryland

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



*Received
10/26/03*

To: John V. Murphy, Deputy Zoning Commisioner
Fax # 410-887-3468

From: Anna and Michael Kobus
8201 Selwin Ct.
Balto., Md 21237
(410) 882-5163

I am writing this in response to your letter to us dated October 22, 2003 in which you related information in an interoffice correspondence from Arnold F. "Pat" Keller III. , related to our petition for variance case # 04-109-A, property 8201 Selwin Ct. As per your offer, we would like to meet with you in person to discuss our petition. Please let us know when you will be available.

Ed Quinn

FAX 410-887-3468

To: jvmurphy@co.ba.md.us
 Subject: FW: 8201 Selwin Ct., Baltimore, MD. 21237

Please see the e-mail below to Mr. Avery Harden (County Landscape Architect) for background regarding Case# 04-109-A. During our subsequent phone conversation, Avery suggested I contact you as president of the community association with some questions and comments on the above case, especially in light of the pending appeal.

As you know, both opposing parties in this case seem to be adamant about their positions and appear to hear or interpret the situation as it best suits them (as most people you see probably do). Avery was very helpful in verbally explaining his suggestions and alternatives that were given to you in writing and noted that it should be up to you if it could be released to us. I would be very grateful if I could get a copy and share it with the Board so we can accurately and intelligently address the situation (we have chosen to delay any final action until you have finalized your case). Avery said he offered a number of suggestions and did not set the conditions quite as stringent or suggest a single plan as stated to us in a letter from the Kobus' asking for the board's approval to erect the additional fence (in addition to the vegetative screening noted in your earlier decision) and pool. The difficulty in selecting one plan appears to be related to the property line, the willingness of the neighbors to compromise and his opinion of what layout is best in the long run. We want to be as flexible as possible to satisfy both parties to the extent possible and settle the pool matter once and for all. However, we are concerned that precedence not be set unnecessarily for unauthorized fence heights/styles unless clearly an exception to the rule and directly affected parties agree.

Avery noted that the use of Norway pines properly placed between the properties and (if I heard him right) extending onto LaVoie's property at Kobus' expense would provide the best screening in the long run, especially from the LaVoie's window and deck. (It will be very difficult to screen anything in the small area between pool and property line given the close proximity of houses and the height of the homes. However, the LaVoie's stated earlier they did not wish to have any of the screening on their property that required maintenance on their part (which should be minimal for the pines). In the board's opinion, the use of a 6-foot privacy fence for only a part (or all) of the side yard would seem awkward and unsightly without screening on both sides (or at least on LaVoie's side), as well as an unnecessary expense if it does not properly screen the pool anyway. Given the alternatives, some softening of the LaVoie's position might be of benefit to them, especially if you do not require the pool be moved and they not like the tall fence as proposed.

While the Board has not approved such a fence that is contrary to its covenants and any exception granted to date, it would consider such a plan only if approved by you AND the LaVoie's agreed to the inclusion of such a privacy fence. However, our preferred alternative agrees with your earlier decision that appeared to limit the screen to vegetation only with the existing picket fence on either side of the screening. Unfortunately, is this even possible if the property line is now in question? I understand the LaVoie's state they have had a survey done on their boundaries and found the pool/surround to be less than 2 feet from the line. Conversely, the Kobus' state they have measured the property themselves and disagree with the recent survey and stick to the earlier distance reported. Do you review certified drawings and/or testimony from professional surveyors if provided by the homeowners? Does it influence your decision of what final plan will be accepted and/or whether the pool will need to be moved? Will it determine whether a high privacy fence is required as well as or in lieu of vegetation?

The Board would like to be kept informed by you or your staff if at all possible in order to keep an already unpleasant situation from getting worse. We are willing to help in any way we can. To this end, I left a message with my phone number and would appreciate the opportunity to speak directly with you (410-260-7277 work and 410-668-6180 home after 6:30 pm). Please understand that I (and the board) have no interest in this situation other than trying to find an amicable (or at least tolerable) solution that benefits these two neighbors and the rest of our community.

Thank you in advance and I look forward to talking with you. (P.S. I will send this under jvmurphy and fax it to the office to ensure delivery as soon as possible)

-----Original Message-----

From: Ed Quinn
 Sent: Sunday, February 01, 2004 1:48 PM
 To: 'aharden@co.ba.md.us'
 Cc: Alec Karnezis (E-mail); Bobby Flaury (E-mail); Joanne Wieber (E-mail)
 Subject: 8201 Selwin Ct., Baltimore, MD. 21237

As president of Maple Ridge Community Association's board, I am in need of your assistance regarding a zoning case for the above property. It is my understanding that you have approved the owners' (Mike and Ann Kobus) plans to screen its above-ground pool which included both the evergreen barrier suggested by the Deputy Commissioner's findings in a

*Copies of
 pertinent
 correspondence
 re: 04-109-A were
 copied & sent to
 Mr. Quinn 2/9/04
 RJ*

*Edward B Quinn
 Maple Ridge Community Association
 25 Broadbridge Rd
 B. m 21237*

8200 Selwin Court
Baltimore, Maryland 21237
February 26, 2004

RECEIVED

MAR 1 2004

John V. Murphy
Deputy Zoning Commissioner
Baltimore County
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204

ZONING COMMISSIONER

Re: Motion for Reconsideration
on Petition for Variance
Case No. 04-109-A
Property: 8201 Selwin Court

Dear Commissioner Murphy:

We received on February 25, 2004, a copy of Mr. & Mrs. Michael Kobus' letter dated February 1, 2004 which, purportedly constitutes their response to our Motion for Reconsideration filed in the above-captioned case. We write to respond to some of the points made in that letter.

To clarify the facts, an independent survey of the property line shared with the Kobus' was done by JMT Engineering and the drawing was attached as Exhibit 1 to our Motion. The figure of 1.88 ft. on the drawing indicates the distance from the property line to the fence they have installed around a portion of the pool. That fence is part of the pool and the surround you referenced in your Order for purposes of determining the space available for screening. Our surveyor stands by the survey distance to the fence. If the Kobus' have an issue with the drawing submitted, we believe that the burden is on them to submit a counter drawing, which, to our knowledge they have failed to do.

In response to the Kobus' comment about our "misstating" Mr. Avery Harden's recommendations, in his inter-office communication to you dated January 21, 2004, he clearly states that the Kobus' proposal **would not work** based on the independent survey measurements that we have submitted. To our knowledge, the Kobus' have not offered any independent survey of their own to dispute these measurements.

The Kobus' feel that to screen their pool effectively from our property line, all they need to do is to plant a row of trees. In previous conversations with Mr. Harden, he has indicated to us that he feels that a row of trees will not provide sufficient screening. He has suggested planting a group of staggering trees mostly on our property, a hedge being planted, and an opaque fence being installed in lieu of the vinyl fence.

Michael and Anna Kobus
8201 Selwin Ct.
Baltimore, Maryland 21237

RECEIVED

MAR 16 2004

John V. Murphy
Suite 405, County Courts Building
401 Bosley Ave.
Towson, Maryland 21204

ZONING COMMISSIONER

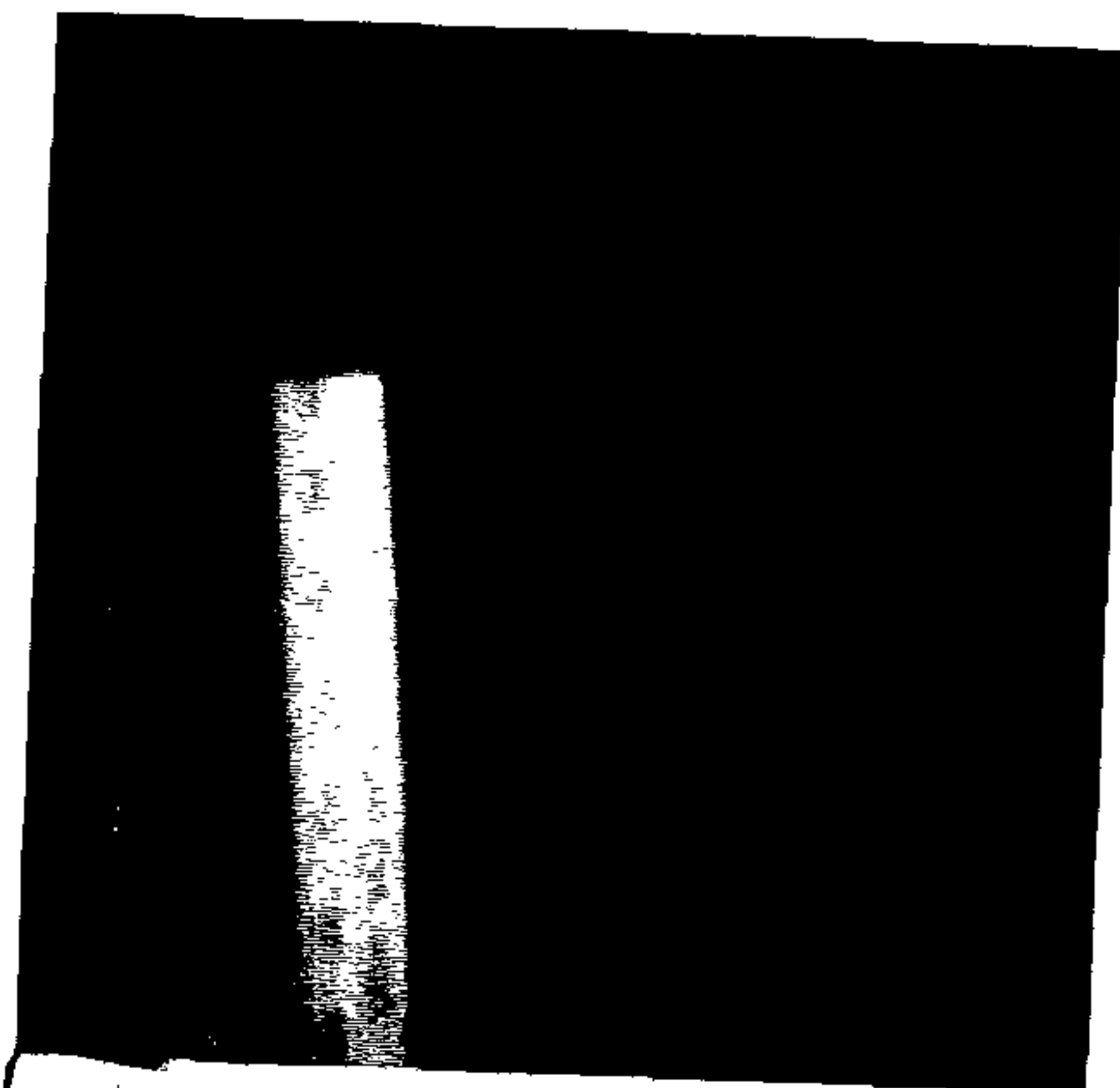
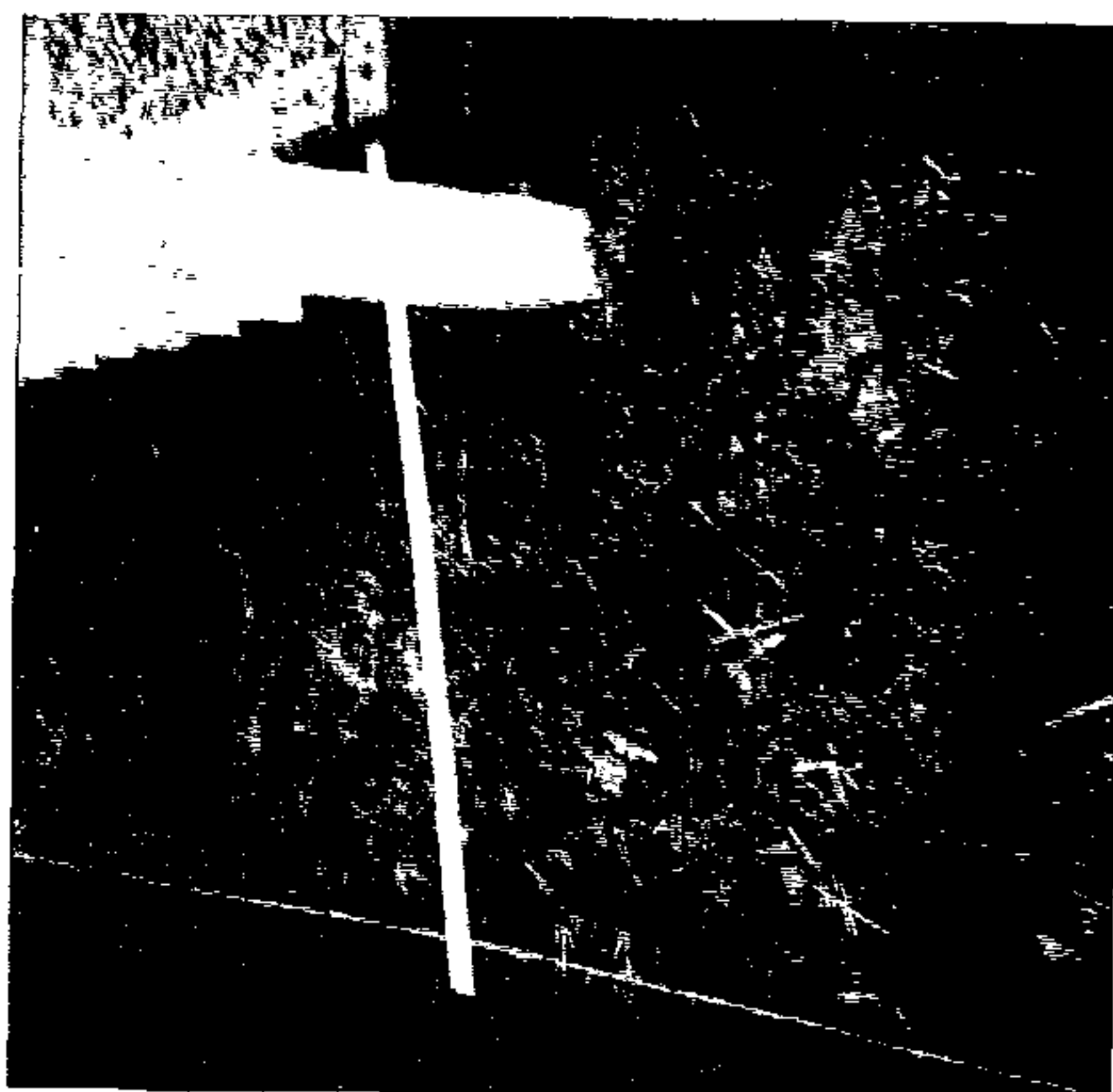
March 14, 2004

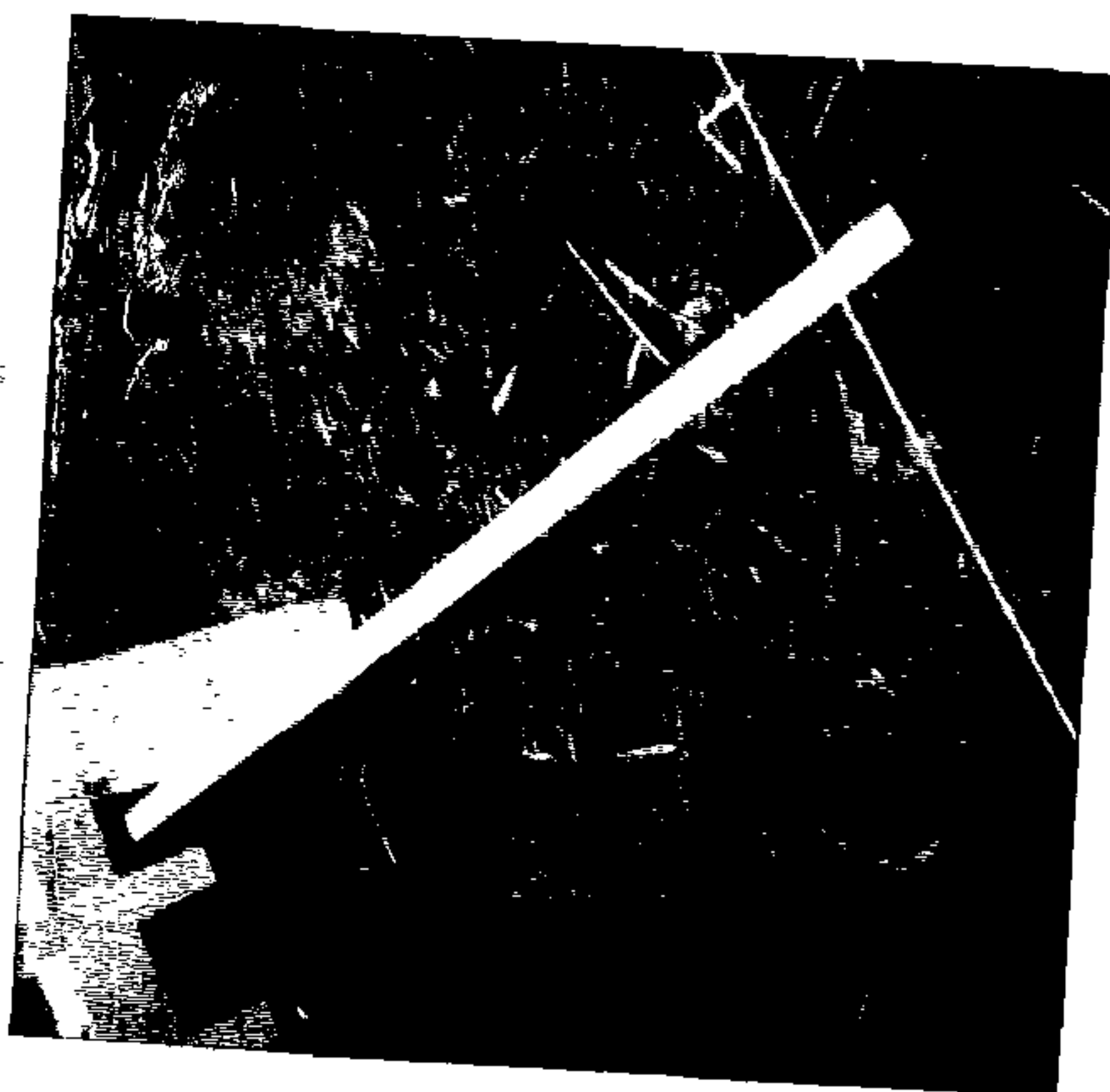
Dear Judge Murphy,

I am writing this letter to you in response to the letter from Debbie and Dennis LeVoie. Please view the enclosed pictures. You will see a standard yardstick showing the distance of 34 inches at the narrowest part of the area between the retaining wall and the property line.

Thank you,

Michael Kobus





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

June 10, 2004

Mr. & Mrs. Michael Kobus
8201 Selwin Court
Baltimore, Maryland 21237

Mr. & Mrs. Dennis R. LaVoie
8200 Selwin Court
Baltimore, Maryland 21237

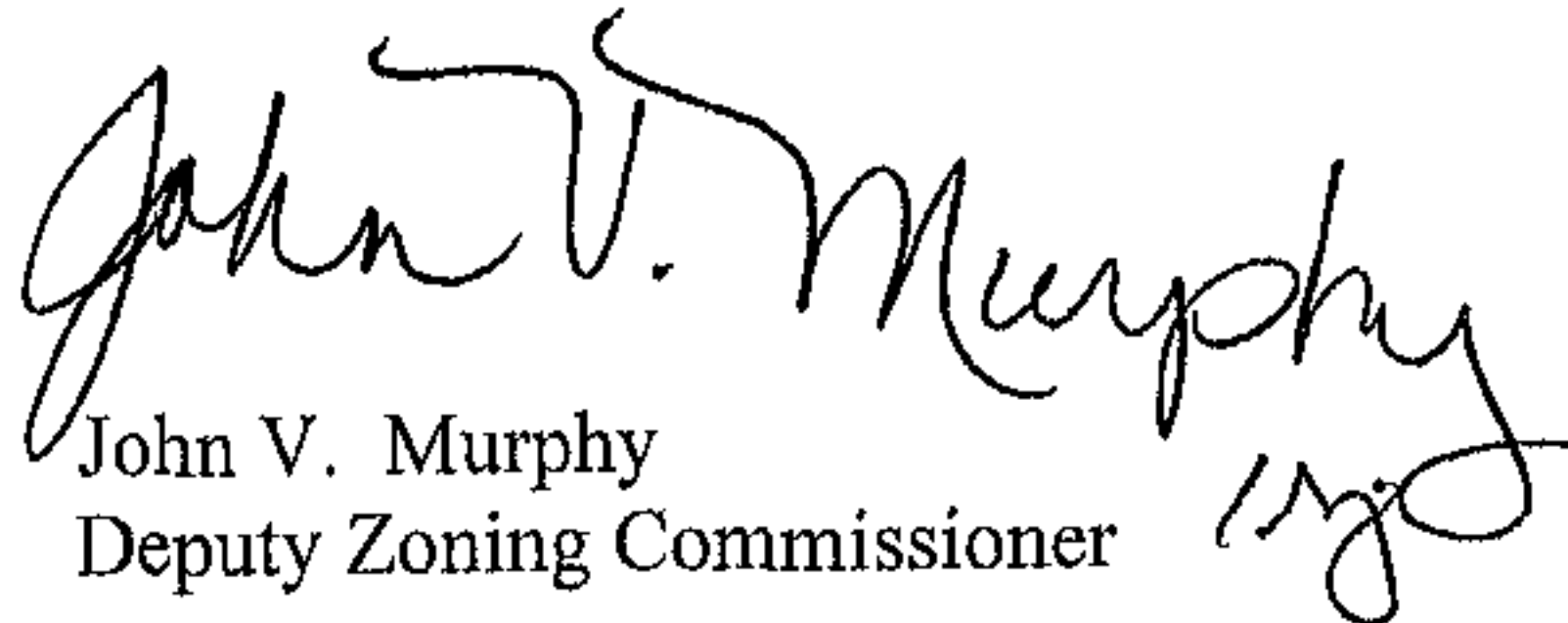
Re: Petition for Variance
Case No. 04-109-A
Property: 8201 Selwin Court

Dear Mr. & Mrs. Kobus and Mr. & Mrs. LaVoie:

I have scheduled an informal meeting in my office to discuss the above-captioned matter on Thursday, June 17, 2004 at 2:00 p.m. Mr. Avery Harden will also be attending the meeting. At that time, it is hoped that we can resolve any issues concerning the vegetative screening between your properties relating to the Kobus' swimming pool.

Should you have any questions or require any additional information, please feel free to contact my office at 410-887-3868.

Very truly yours,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Avery Harden, Landscape Architect
for Baltimore County, Maryland

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



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

May 27, 2004

Mr. & Mrs. Dennis R. LaVoie
8200 Selwin Court
Baltimore, Maryland 21237

Re: Response to Motion to Clarify Revised Order
Case No. 04-109-A
Property: 8201 Selwin Court

Dear Mr. & Mrs. LaVoie:

For your information, enclosed herewith please find a response to your Motion to Clarify Revised Order received from Mr. & Mrs. Kobus in connection with the above-captioned case.

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Mr. & Mrs. Michael Kobus
8201 Selwin Court
Baltimore, Maryland 21237

Avery Harden, Landscape Architect
for Baltimore County, Maryland

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



RECEIVED

Michael and Anna Kobus
8201 Selwin Ct.
Baltimore, Maryland 21237

MAY 19 2004

John V. Murphy
Suite 405, County Courts Building
401 Bosley Ave.
Towson, Maryland 21204

ZONING COMMISSIONER

May 17, 2004

Dear Judge Murphy,

We have received a copy of the LaVoies motion to clarify the revised order. The Le Voies have stated that they would refuse to permit us, the petitioners, on their property for the installation of any plantings. Therefore we would like to continue with our original plan, in which a 5-6 foot vinyl privacy fence would be installed on the property line with approximately seven 6 ft. emerald green trees between the pool's retaining wall and the privacy fence. Installation of the privacy fence would insure that the LeVoie's property would never be touched, as requested by them in their motion. The fence would be extended far enough so that the pool would not be visible from the LaVoies front porch. I have spoken with Mr. Avery many times about screening the front of the pool from public view. As very little of the pool can be seen from the sidewalk, Mr. Avery agreed that several bushes planted across the front would sufficiently block the view. Trees in the front would not be desired, as the back of the pool is surrounded by woods and with the trees on the side, any additional trees would block all of the sun making the water temperature very cold. Mr. Avery agreed that the bushes would be a good solution, blocking the pool from view yet enabling us to still benefit from the evening sun. We plan to complete the work ourselves. We have done all of our home improvements ourselves and have received many compliments, including those from Mr. Harden and Mr. Eker who have seen the pool and the deck, built by us. Mr. Harden has stated several times on the phone that this work appeared to be very professionally done. Once again, thank you for your kind consideration in this matter.

Sincerely,

Michael & Anna Kobus

BY FACSIMILE TO:
410-887-3468

8200 Selwin Court
Baltimore, Maryland 21237
March 22, 2004

John V. Murphy
Deputy Zoning Commissioner
Baltimore County
County Courts Building, Suite 405
401 Bosley Avenue
Towson, Maryland 21204

Re: Motion for Reconsideration
on Petition for Variance
Case No. 04-109-A
Property: 8201 Selwin Court

Dear Commissioner Murphy:

Thank you for forwarding a copy of the letter dated February 28, 2004 you received from Mr. Kobus. As you well know, the dispute pending before you involves the Kobus' request for a zoning variance to allow them to maintain the in-ground swimming pool that they built in violation of county zoning laws, which includes a surround base for this pool, along with a white vinyl picket fence which is only 1.88 ft. from our property line at its narrowest point.

The letter from Mr. Kobus dated February 28 highlights the real issue in this case. They ignored the zoning ordinances and built their pool too close to our property line so that they would maximize their exposure to the sun. The only "fix", if there is one for the current location of this pool, is appropriate, properly sized and positioned landscape screening, to effectively block our view of the pool, along with its visibility from the front sidewalk of the cul-de-sac. It appears now, as it did to us months and months ago, their main concern for the location of the pool, is the sun exposure. In previous correspondence with you, they indicated, "we will proceed with any screening plans necessary to keep our pool" yet now, from our perspective, they are attempting to retract that statement. Reducing the size and height of the landscaping materials appears to be the issue with the Kobuses now so not to block the sun exposure on the pool.

Thank you for your attention to this matter.

Very truly yours,

Mr. & Mrs. Dennis LaVoie
Mr. & Mrs. Dennis LaVoie

11/17/04 Meeting Kolbus / ha Voie
Agreement

Option 3 (Modified) as shown by
attached sketch

replace the existing picket fence
with privacy fence to end of
retaining wall.

~~privacy fence extend 10 feet
to rear beyond farther edge of pool~~

see exhibit A

Response
by
Monday

BY FACSIMILE TO:
410-887-3468

8200 Selwin Court
Baltimore, Maryland 21237
June 21, 2004

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Petition for Variance
Case No. 04-109-A
Property: 8201 Selwin Court

Dear Commissioner Murphy:

We write in response to our meeting held in your office on June 17, 2004. After reviewing all the options presented at the meeting and discussions with family members, we decline to accept any plantings on our property, 8200 Selwin Court, in order to screen the pool in question.

It is our understanding that the Order on Motion to Clarify or for Reconsideration dated March 31, 2004 stands. We appreciate all of your efforts in attempting to resolve this matter.

Very truly yours,

Mr. & Mrs. Dennis LaVoie

Mr. & Mrs. Dennis LaVoie

RECEIVED

JUN 21 2004

ZONING COMMISSIONER

Case Number

10 | 15 | 03

PLEASE PRINT LEGIBLY

PROTESTANT'S SIGN-IN SHEET

[illegible]

CASE NAME _____
CASE NUMBER 04-109-A
DATE 12/9/03

CASE NAME _____
CASE NUMBER 04-109-A
DATE 12/9/03

[illegible]

CASE NAME _____
CASE NUMBER 84-109-A
DATE 12/9/03

[illegible]

CASE NAME 8201 Selwin Ct.
CASE NUMBER 04-109-A
DATE 10/15/03

CASE NAME 8201 Selwin Ct.
CASE NUMBER 04-109-A
DATE 10/15/03

[illegible]



2000 COMPREHENSIVE ZONING MAP
ADOPTED by
THE BALTIMORE COUNTY COUNCIL
OCTOBER 10, 2000
87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

NE 8-G

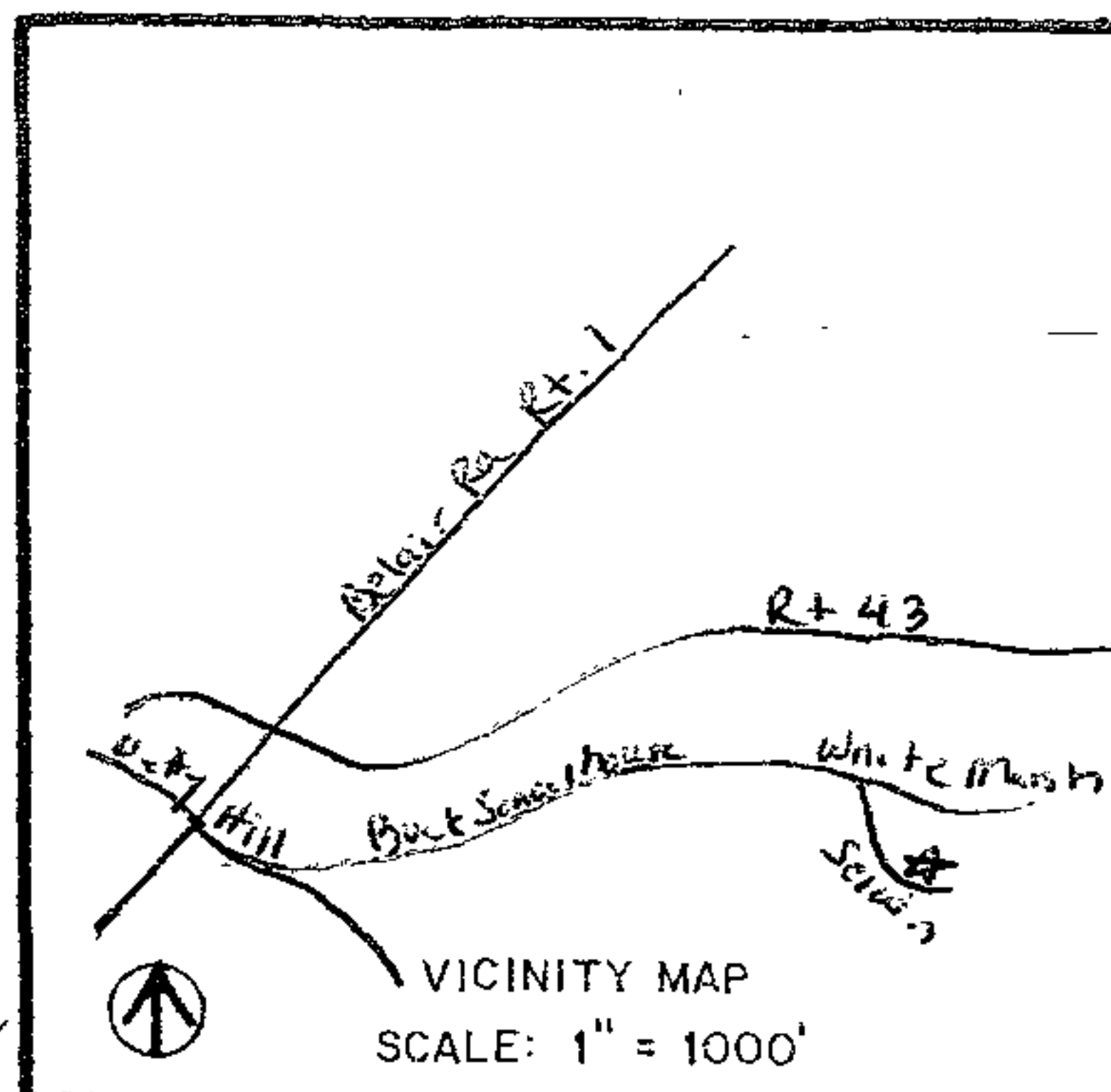
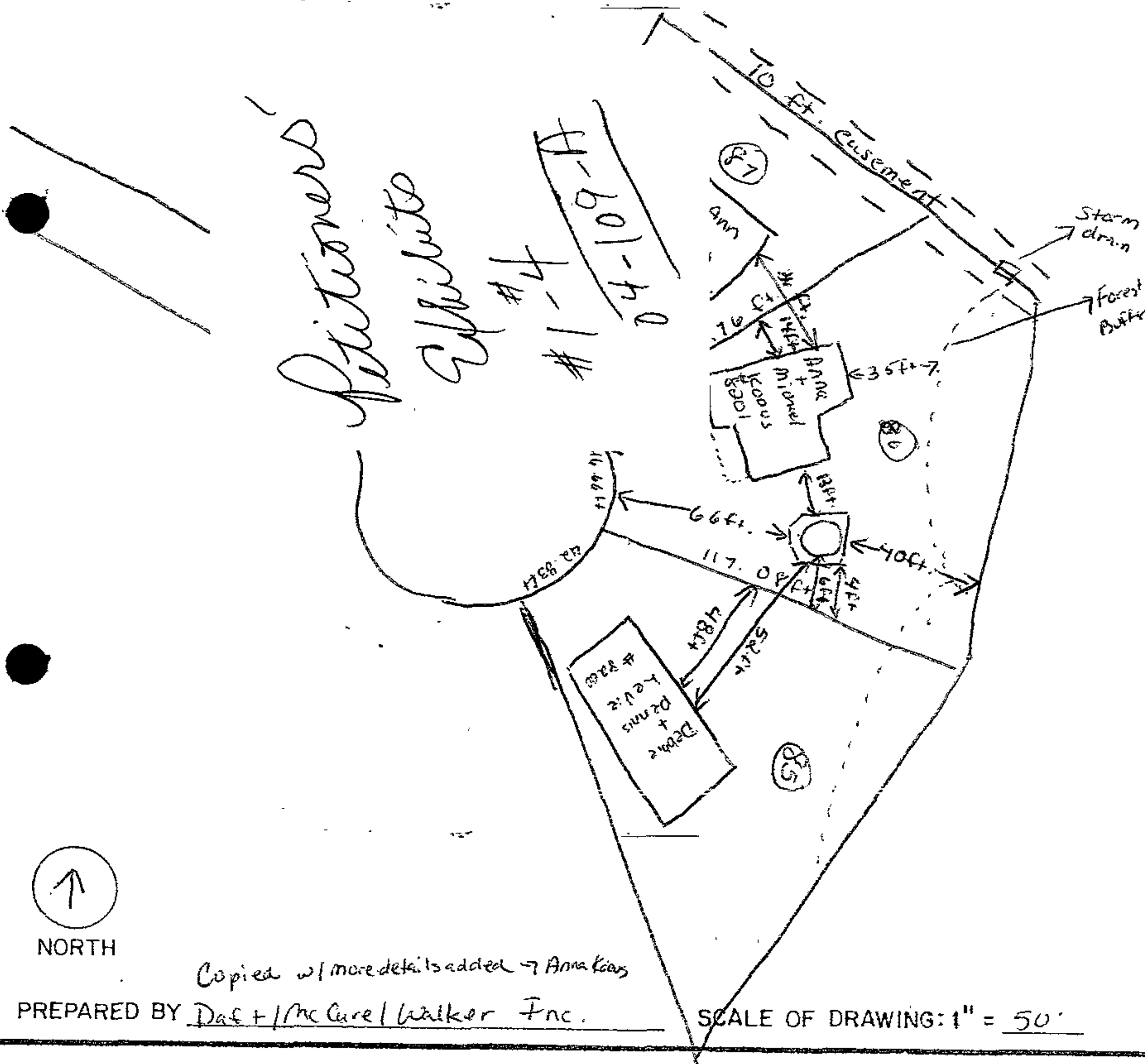
Scale: 1" = 200'

BALTI
OFFICE OF F

51

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

OWNER Anna & Michael Kobus



ELECTION DISTRICT 14
COUNCILMANIC DISTRICT 6
1"=200' SCALE MAP # NE 8-G
ZONING D.R.-S.5

LOT SIZE 12,632
ACREAGE SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

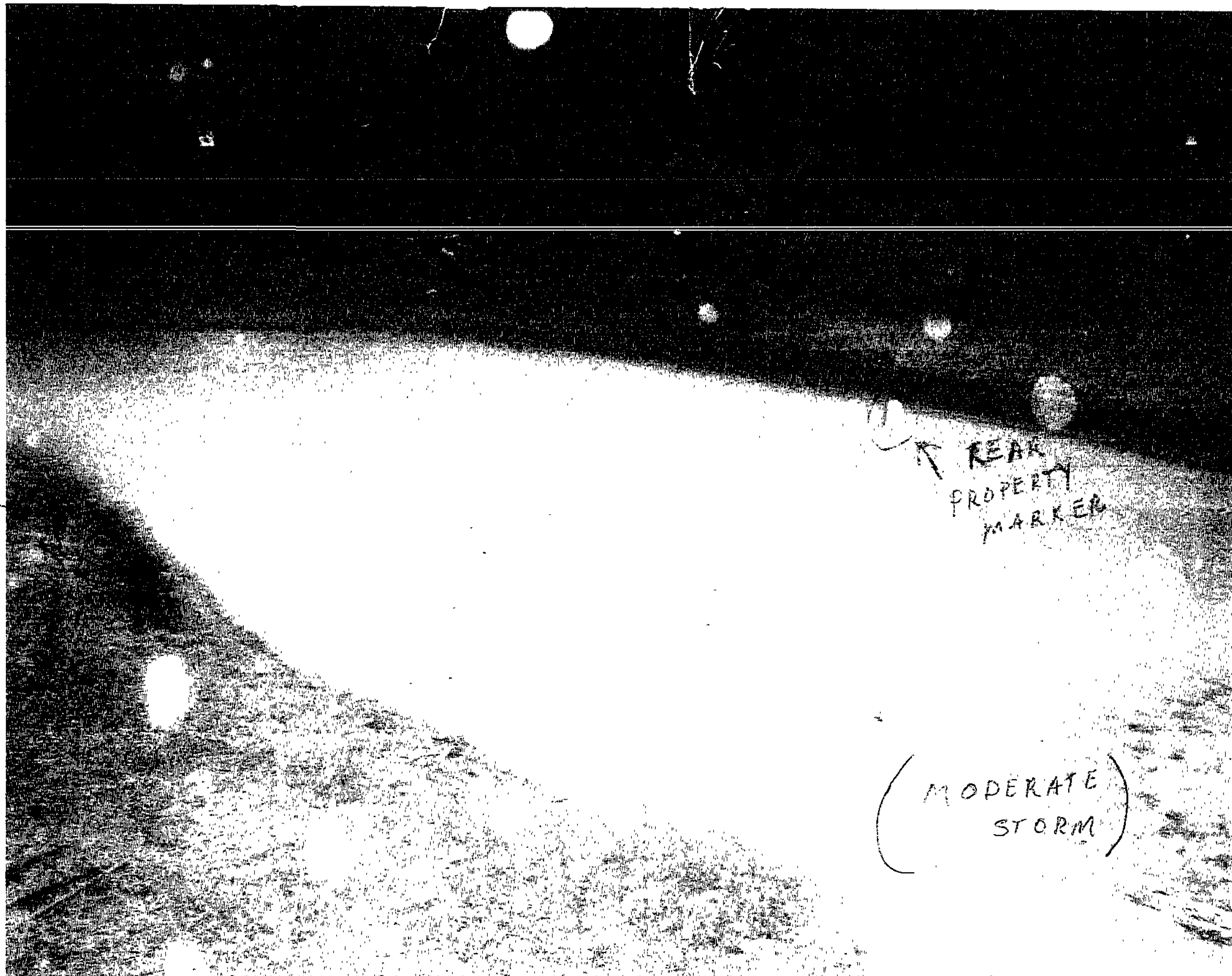
	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒
PRIOR ZONING HEARING		

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

SAM 1109

14

(A)



REAR
PROPERTY
MARKER

(MODERATE
STORM)

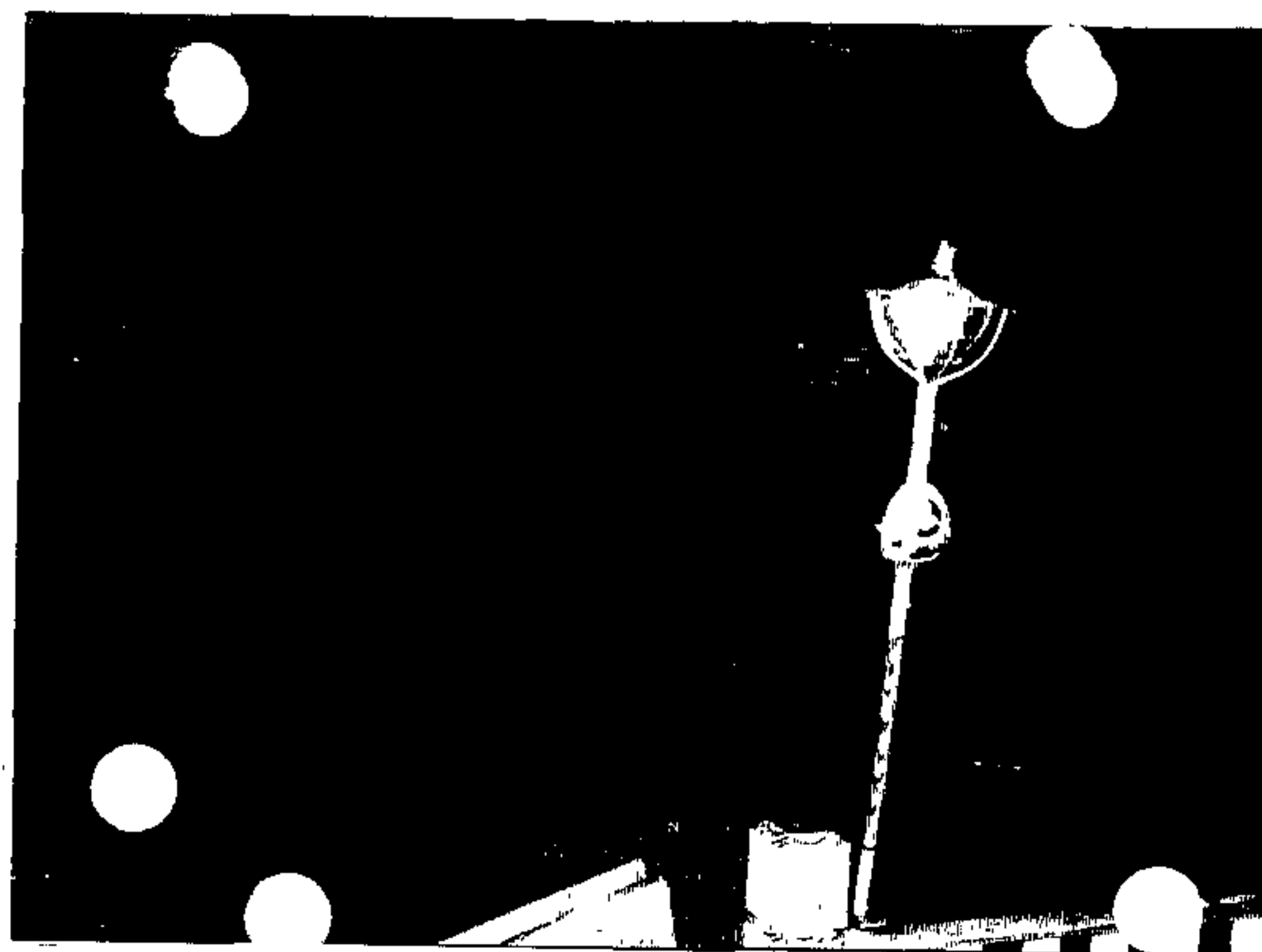
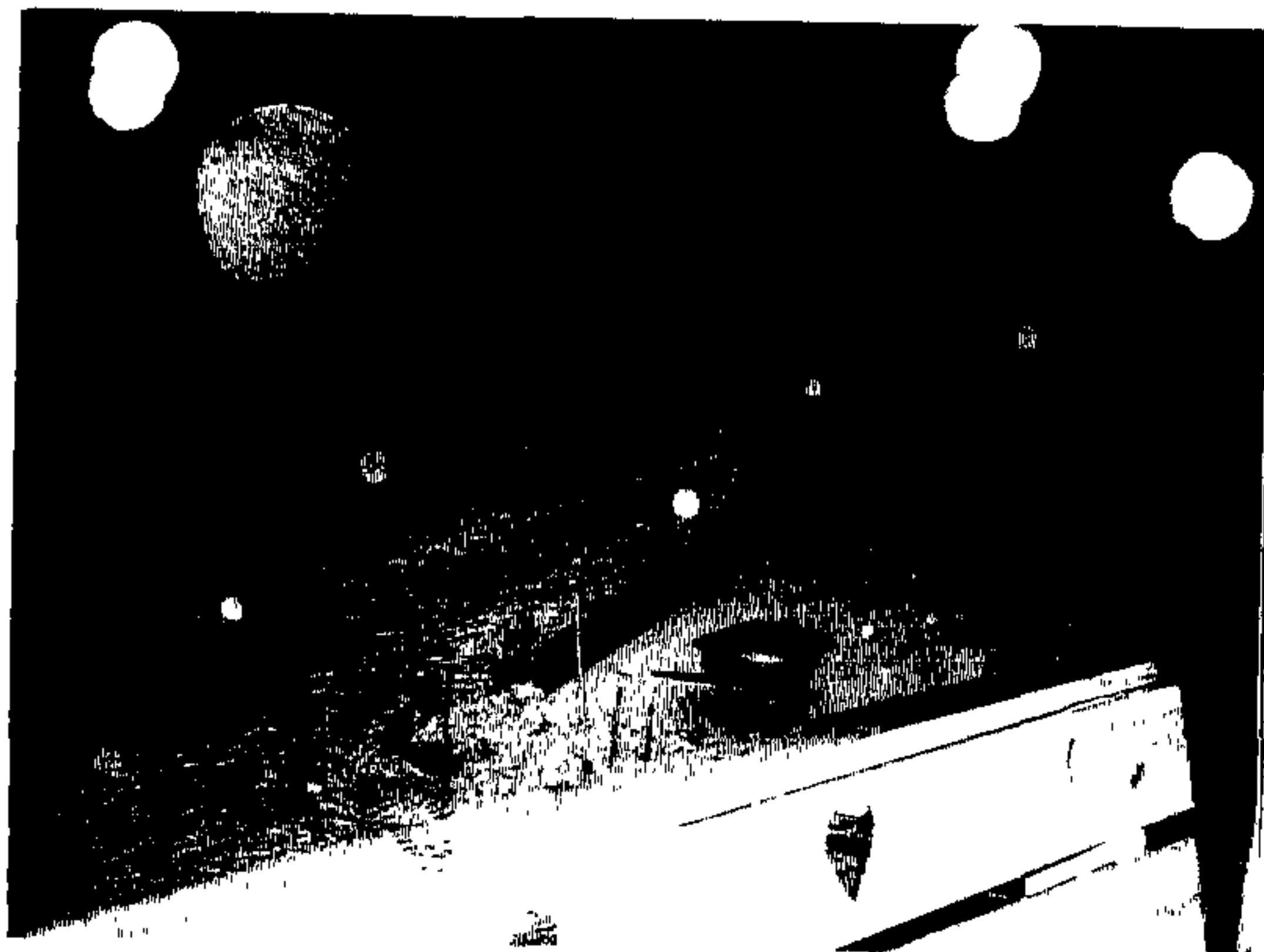
17-11-71

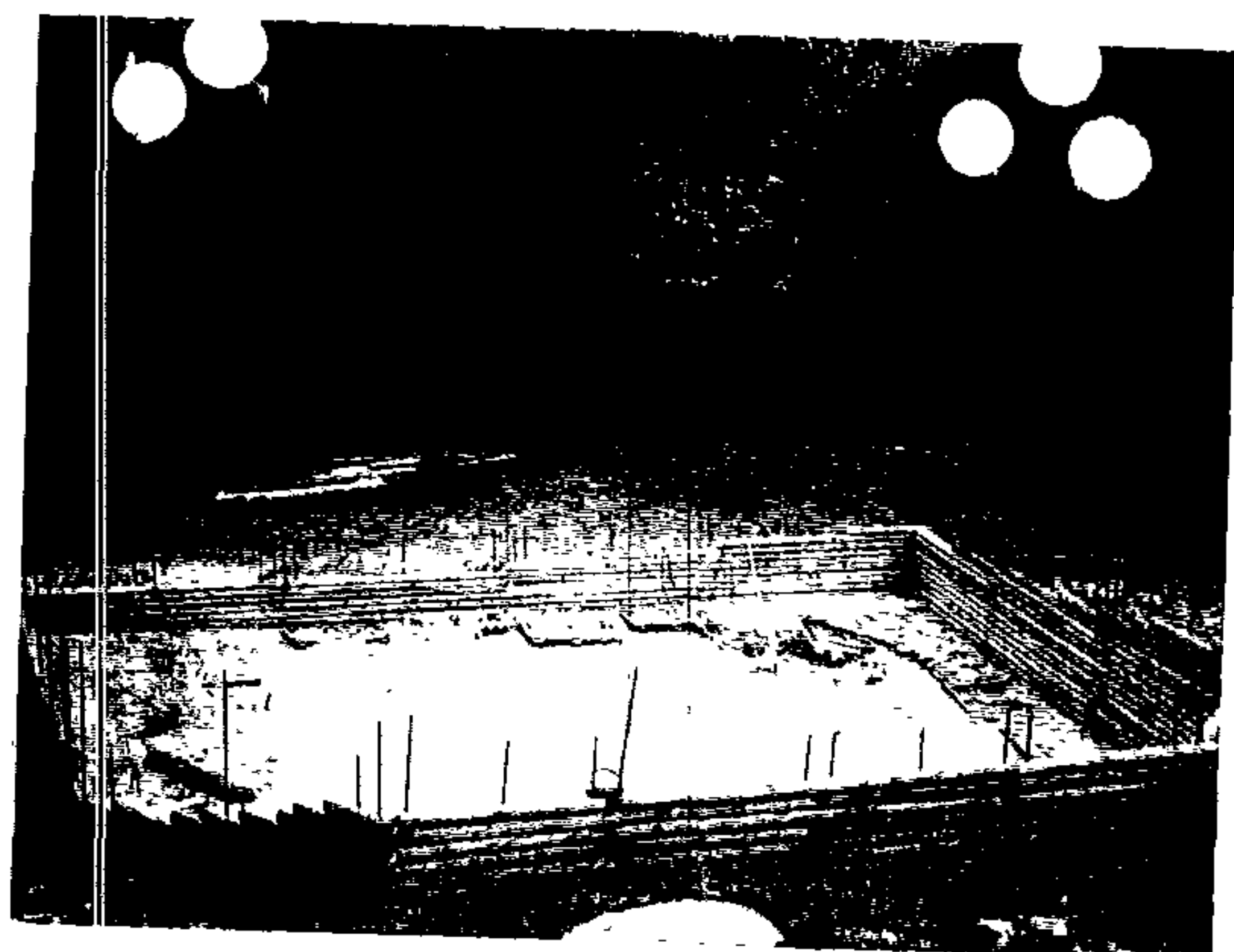
PICTURE

A

Pot. Ex. 2A-2F

Pot # 2



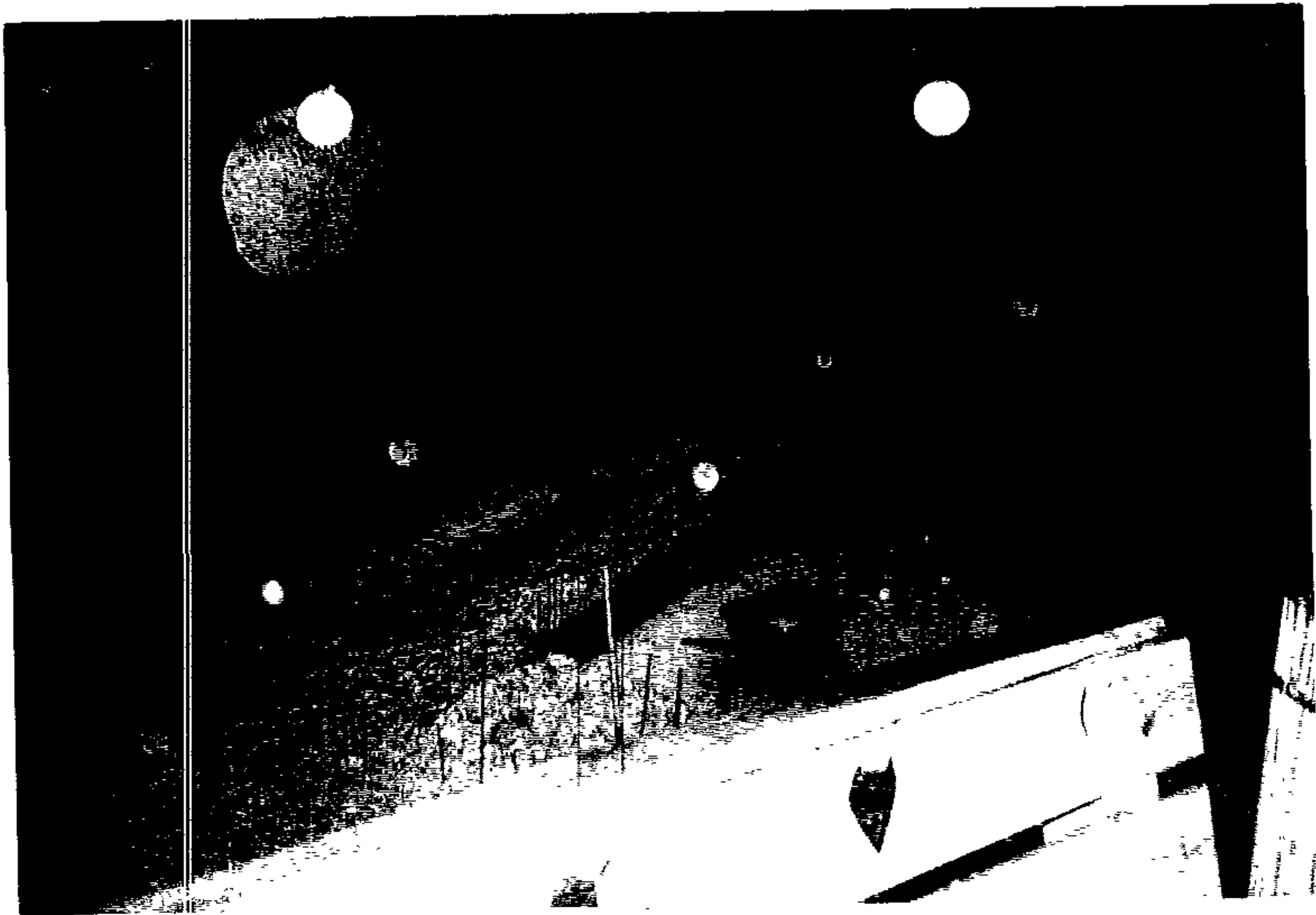


Ref Ex 3A-36







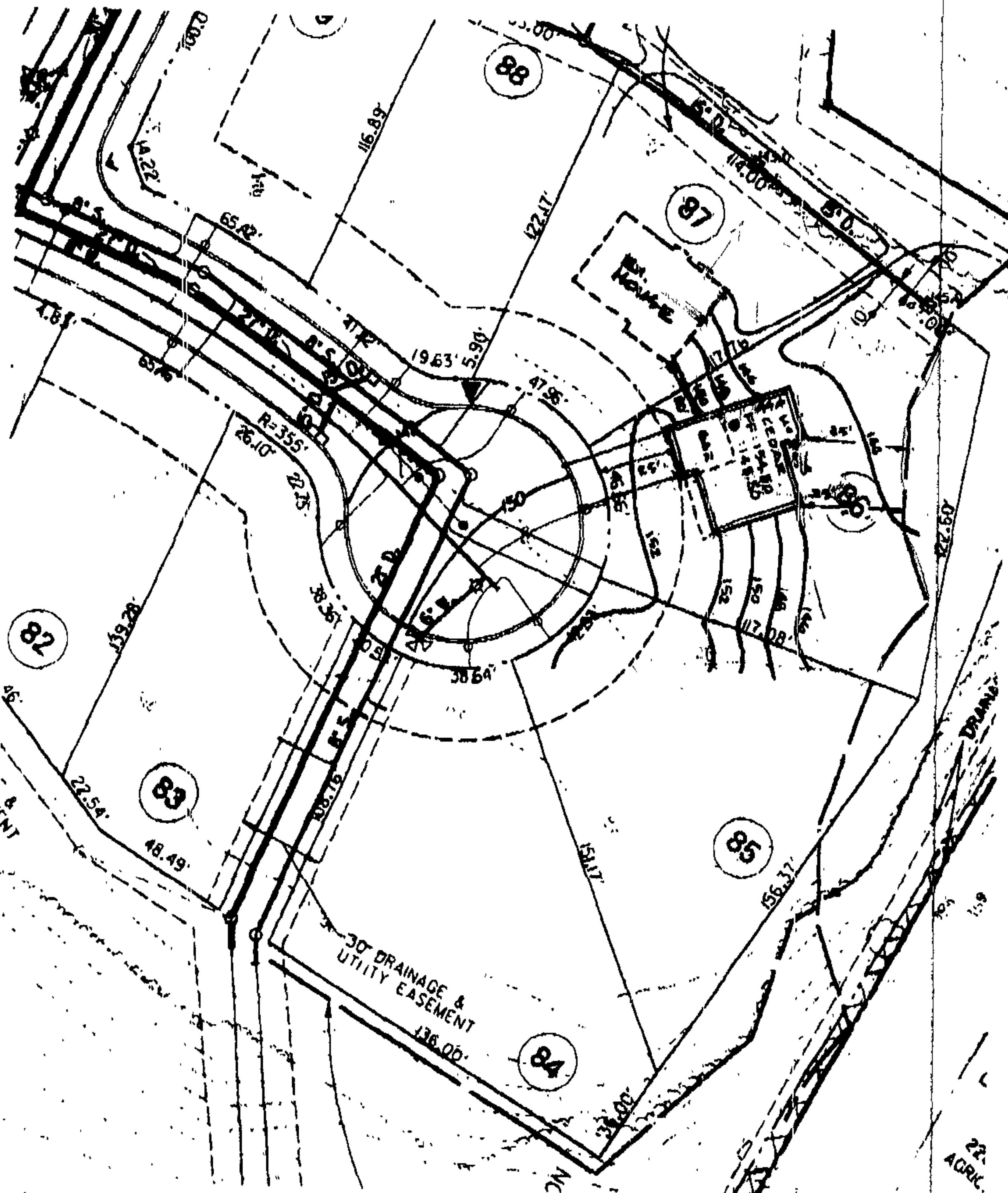


PET #4

DK 5/2/01

M.K. 5/2/01

TOTAL P.03



**MAPLE RIDGE
WHITE MARSH ROAD
PROPERTY**

PLAT S.M. 71-124 MODEL: CEDAR
ELECTION DISTRICT 14
BALTIMORE COUNTY, MARYLAND
4/30/01 SCALE: 1" = 50'
JOB #90047.J

8021 SELWINCT.

LOT 86, SECTION 1, PLAT 2.250 AC. +/-

DMW

Daft · McCune · Walker, Inc.

300 West Pennsylvania Avenue
Timonium, Maryland 21208
410 301 3110

A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &

DAFT-McCUNE-WALKER

MAY-01-2001 16:58

4106540795

05/01/2001 17:04

MARK BUILDING CO

PAGE 02/02

410 296 4705 P.03/03

SELWIN COURT

BUFFER BETWEEN LOTS 85 & 86

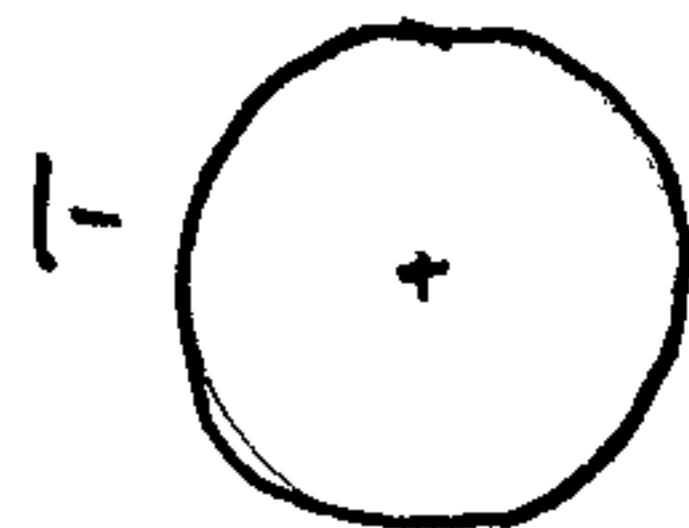
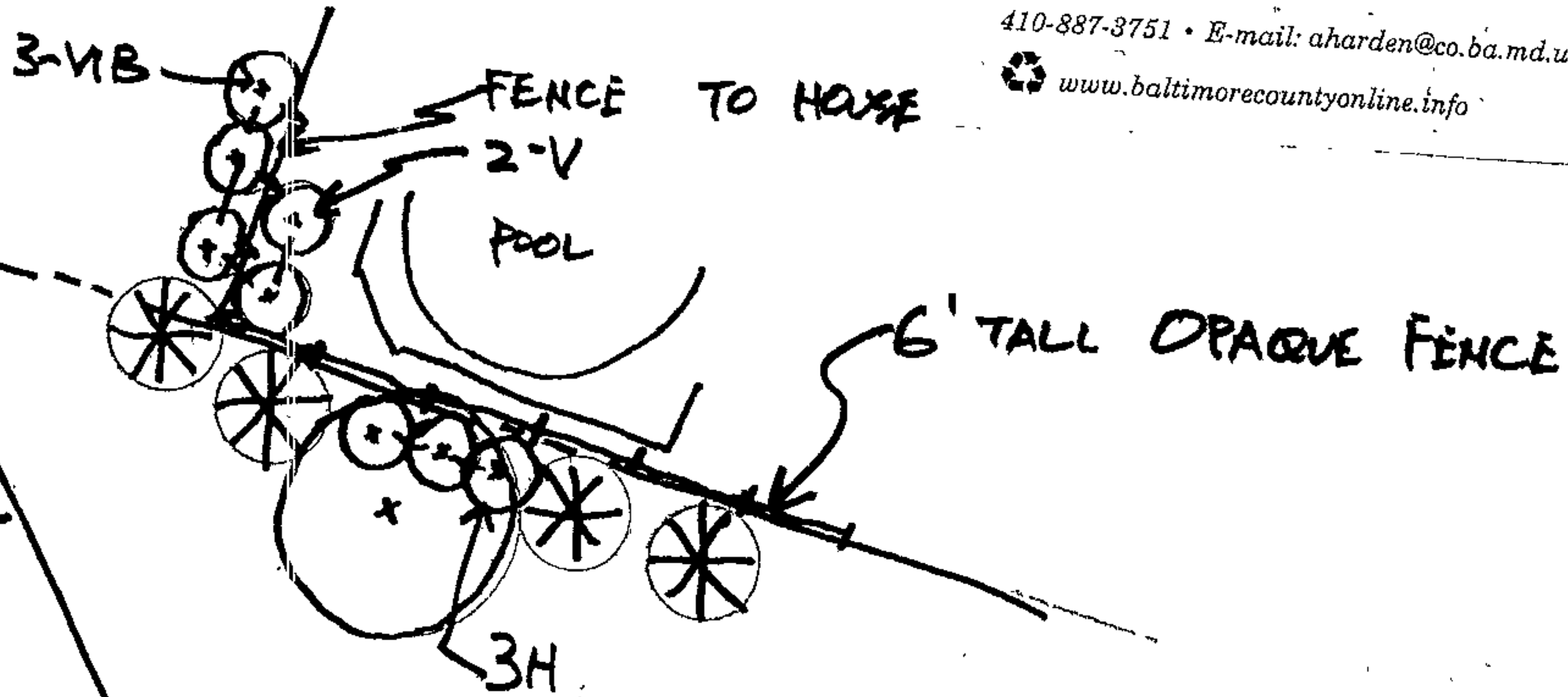
EXHIBIT

A

E. Avery Harden, ASLA
County Landscape Architect
Development Plans Review

Baltimore County
Department of Permits and
Development Management
County Office Building
111 W. Chesapeake Avenue, Room 207
Towson, Maryland 21204

410-887-3751 • E-mail: aharden@co.ba.md.us
www.baltimorecountyonline.info



1- CARPINUS BETULUS 'FASTIGIATA'-
SIZE 2 1/2" CALIPER



4- PICEA ABIES - NORWAY SPRUCE
SIZE- 8'

3- VIB



VIBURNUM PRAGENENSE SIZE #7

3 H



ILEX 'FOSERI' SIZE #15

2 V

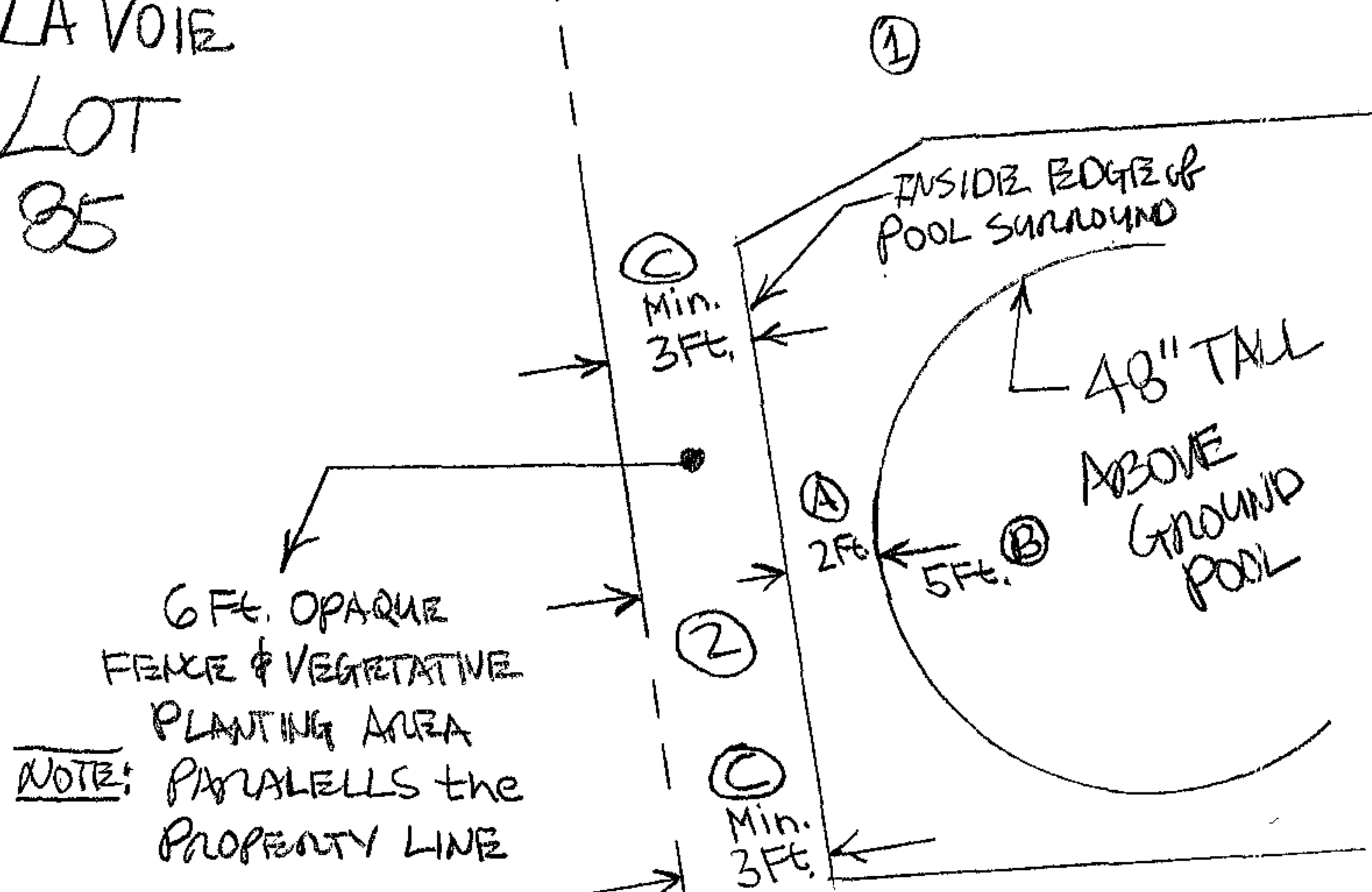


VIBURNUM CARLCEPHALUM SIZE-24"

SELWIN
COURT

LA VOIE
LOT
85

KOBUS
LOT 86



6 FT. OPAQUE
FENCE & VEGETATIVE
PLANTING AREA
NOTE: PARALLELS the
PROPERTY LINE

① at least three (3) - 7 ft tall
NORWAY SPRUCES to be planted to block
front view of the pool plus the
6 ft Opaque Fence perpendicular to
the shared property line.

② Emerald Green Arborvitae plants (6 ft tall)
to be installed at 4-foot apart, center-to-
center and would take a minimum of seven
(7) plants.

③ NARROWEST POINT
OF OUTSIDE EDGE of POOL
TO PROPERTY LINE
(MINIMUM of 5 ft)

4/15/04

DRAWN BY: DENNIS LA VOIE

NOT TO SCALE

maintenance and replacement of Utilities and upon, over and under the front and rear five feet of each Lot, and over a strip five feet wide adjoining each portion of the side Lot lines of each Lot not covered by a common building foundation for Dwellings (all such five foot strips being collectively referred to as "Surface Drainage Areas") for the installation and maintenance of surface drains.

6.2. **Interference with Easement Areas.** No Structure, planting or other material shall be placed or permitted to remain within any Public Easement Area or Surface Drainage Area which may damage or interfere with the installation, use, maintenance or replacement of Utilities, or which may change the direction or flow of drainage channels in any Public Easement Area or Surface Drainage Area or which may obstruct or retard the flow of water through drainage channels in any Public Easement Area or Surface Drainage Area.

6.3. **Maintenance of Public Easement Areas.** The Public Easement Areas and the Surface Drainage Areas within each Lot and all improvements therein shall be maintained continuously by the Owner of the Lot and the Public Easement Areas within the Common Area, Forest Conservation Area, Forest Buffer Area and Storm Water Management Area and all improvements therein shall be maintained continuously by the Association or the Declarant, as the case may be, so long as each retains title to such areas, except for those improvements whose maintenance is the responsibility of a governmental body or agency or a public or quasi-public authority or utility company.

6.4. **Conveyance of Easements.** No conveyance by the Declarant of any Lot or any other portion of the Property, or any interest therein, shall be deemed to be, or construed as, a conveyance or release of the easements hereby reserved, or any of them, even though the conveyance purports to convey the Lot or other portion of the Property in fee simple, or by other language purports to convey the Declarant's entire interest therein, but such effect shall only arise if the conveyance or release specifically recites that it is intended to be the intention of the Declarant to thereby convey or release such easements.

6.5. **Reservation of Road Dedication Areas.** The designation of Road Dedication Areas as shown on the Record Plat is for the purpose of description only and not dedication, and the rights of the Declarant in the Road Dedication Areas are specifically reserved, and the Declarant hereby reserves to itself, its successors and assigns, the right to grade, regrade and improve the Road Dedication Areas as the same may be located on the Record Plat, including the creation or extension of slopes, banks or excavation in connection therewith and in the construction of and installation of drainage structures therein.

6.6. **Dedication to Public Use.** The Declarant reserves to itself, its successors and assigns, the right to dedicate all of the Common Area, Forest Conservation Area, Forest Buffer Area and Storm Water Management Area, Public Easement Areas, Road Dedication Areas and Storm Water Management Area to public use.

Q no #3

Case# 04-109-A heard back in December as well as a 6-foot high, white vinyl, privacy fence.

Since such a fence style/height is not approved by the association's current by-laws nor has an exception for a privacy fence style been granted to date, the board needs to be sure you did in fact include this design in your approved plan when it reviews the owners' request. In addition, since the owner plans to have this fence face the protestants' property without vegetative screening on that side, could this undermine the "soft screening" effect that the Deputy Commissioner may have been trying to attain (and what the MRCA board tries to ensure)? Has he been given an opportunity to review and comment on this plan given the addition of a fence not mentioned in his findings? Have the Protestants been advised and or will they be afforded the opportunity to review and comment? Is there an official document showing your approved design or comments that is available to us?

It is my understanding that this has been a very combative process between these two neighbors for quite some time. The Board was only recently turned over to the community and it has postponed any approval of the project (despite its premature construction) until the zoning variance was complete. The Board found the Deputy Commissioner's findings and recommendations to be quite fair but is now faced with the dilemma of considering an unapproved fence not mentioned in the report. We want to do the right thing and resolve the situation as best we can. However, we also want to be as fair as we can to these two neighbors and the rest of the community.

Can you please call me as soon as possible so we can clear up this matter and I can brief the Board? My home phone is 410-668-6180, but I think the best for you will be work (410-260-7277) since I am not home until after 6pm most nights. My home fax is 410-668-8695 and work fax is below. My home address is 25 Broadbridge Rd. Baltimore, Md. 21237. Thank you very much in advance for any assistance you can provide.

Ed Quinn
Dept of Budget & Management
45 Calvert Street
Annapolis, MD 21401-1907

410-260-7277 Voice
410-974-5634 Fax