

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Paterwal Court, 42 ft. N
centerline of Bond Avenue
4th Election District
3rd Councilmanic District
(1 Paterwal Court)

Walter T. Dunick
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-147-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Walter T. Dunick. The variance request is for property located at 1 Paterwal Court in the Reisterstown area of Baltimore County. The variance request is from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed residential occupancy fence (in the rear yard of a residential lot which adjoins the front yard of another residential lot) with a fence height of 72 inches (6 ft.) in lieu of the maximum allowed fence height of 42, 48 and 60 inches, respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

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

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts

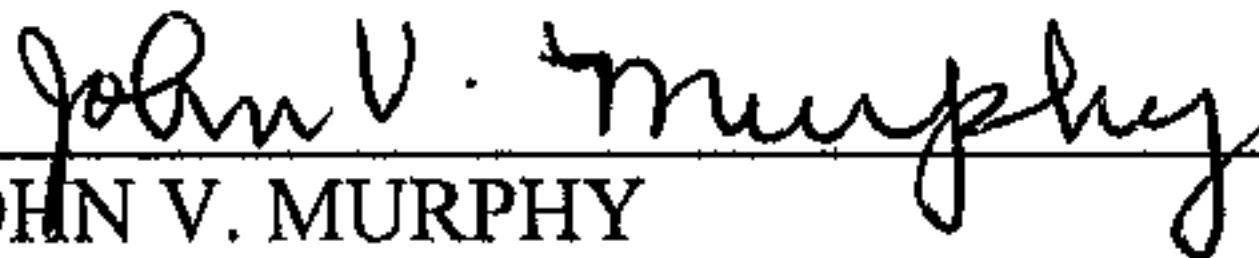
04-147-A
10/29/03
R. Johnson

that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 21 day of October, 2003, that a variance from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed residential occupancy fence (in the rear yard of a residential lot which adjoins the front yard of another residential lot) with a fence height of 72 inches (6 ft.) in lieu of the maximum allowed fence height of 42, 48 and 60 inches, respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

09027
10/29/03
R. Jensen

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 ²⁹27, 2003

Mr. Walter T. Dunick
1 Paterwal Court
Reisterstown, Maryland 21136

Re: Petition for Administrative Variance
Case No. 04-147-A
Property: 1 Paterwal Court

Dear Mr. Dunick:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

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

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1 PATERWAL COURT

which is presently zoned DR 2 (Formerly DR 2 & DR 3.5)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

427, BC2R, to permit a proposed residential occupancy fence (in the rear yard of a residential lot which adjoins the front yard of another residential lot) with a fence height of 72 inches (6 feet) in lieu of the maximum allowed fence height of 42, 48 and 60 inches, respectively.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Walter T. Dunick

Name - Type or Print

Walter T. Dunick

Signature

Name - Type or Print

Signature

1 Paterwal Court (410) 526-5048

Address

Telephone No.

Reisterstown

MD

21136

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 10/24/03 day of October, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO.

04-147-A

Reviewed By JNP

Date

9/24/03

Estimated Posting Date

10/6/03

REV 10/25/01

Affidavit in Support of Administrative Variance

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

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

Address 1 Paterwal Court
City Reisterstown State MD Zip Code 21136

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

Section 427 creates an unreasonable hardship and practical difficulty not common to other properties in the area as my lot is a corner lot which has a moderate portion of its backyard adjoining the front yard of the property facing on Bond Avenue. This condition is not present in other lots in the surrounding community.

I am in need of a 6' fence because I have 2 large dogs who would be a danger to escape if the fence was less than 6' and the yard area for these dogs would be insufficient if the area requested by this variance were not included.

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

Walter T. Junior
Signature

Signature

Walter T. Dunick
Name - Type or Print

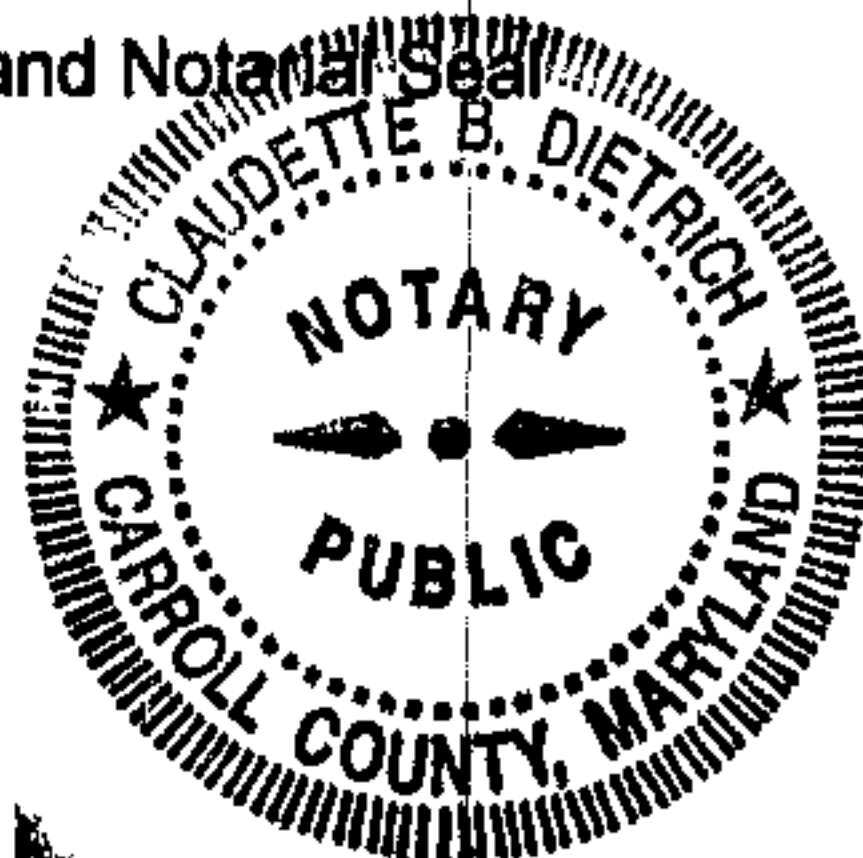
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of September, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notary Seal



Claudette B. Dietrich
Notary Public

My Commission Expires 11-1-06

Affidavit in Support of Administrative Variance

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City Reisterstown, MD State MD Zip Code 21136

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I am in need of a 6' fence because I have 2 large dogs who would be a danger to escape if the fence was less than 6' and the yard area for these dogs would be insufficient if the area requested by this variance were not included.

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

Signature Walter T. Dunick
Name - Type or Print Walter T. Dunick

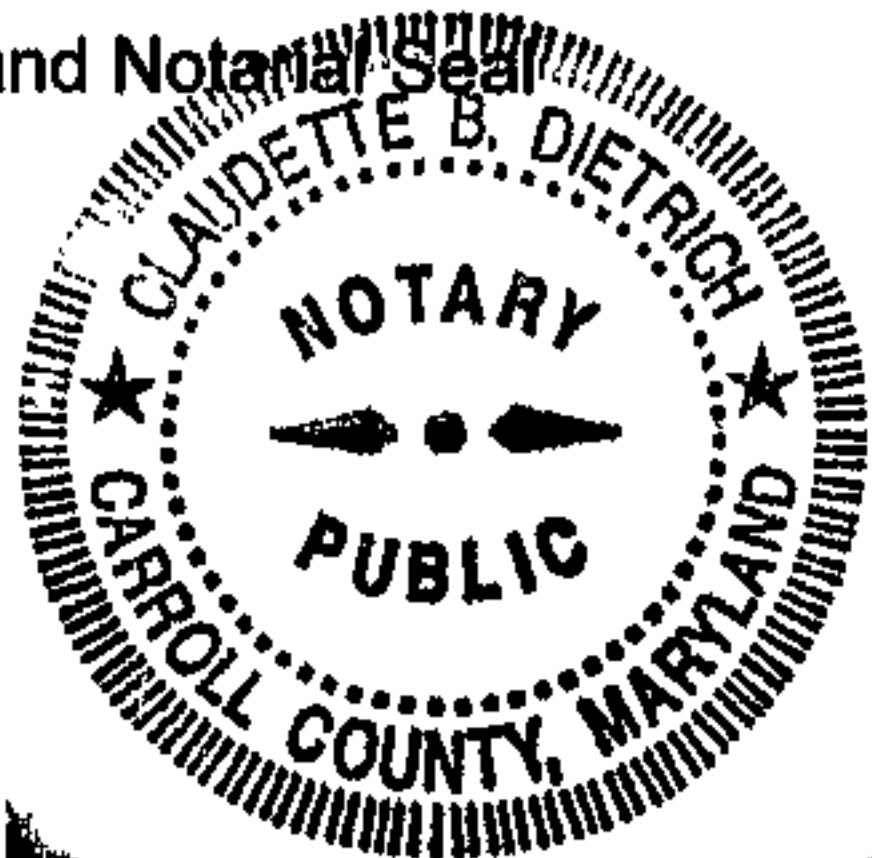
Signature _____
Name - Type or Print _____

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of September, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notary Seal



Signature Claudette B. Dietrich
Notary Public

My Commission Expires 11-1-06



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1 PATERWAL COURT

which is presently zoned DR 2 (Formerly DR 2 & DR 3.5)

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

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

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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

A Public Hearing having been formally demanded and/or found to be required, It is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Walter T. Dunick

Name - Type or Print

Walter T. Dunick

Signature

Name - Type or Print

Signature

1 Paterwal Court (410) 526-5048

Address

Telephone No.

Reisterstown

MD

21136

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

CASE NO.

04-147-A

REV 10/25/01

Zoning Commissioner of Baltimore County

Reviewed By

JNP

Date

9/24/03

Estimated Posting Date

10/6/03

ZONING DESCRIPTION FOR 1 Paterwal Court.

Beginning at a point on the east side of Paterwal Court which is 50 feet wide at the distance of 42 feet north of the centerline of the nearest improved intersecting street Bond Avenue which is 60 feet wide. Being Lot # 44 in the subdivision of Brendon Village as recorded in Baltimore County Plat Book # 45, Folio # 38 containing 13,203 square feet. Also known as 1 Paterwal Court and located in the 4th Election District, 3rd Councilmanic District.

04-147-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 29391

DATE 9/24/03

ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED Walter D. Smith

FOR Adm. Var. (i lateral court)

09-147-A

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

9/25/2003 9/26/2003 13:54:17

RECEIPT # 291094 9/24/2003 JEN JEE

RECEIPT # 291094 9/24/2003 JEN JEE

Receipt Tot \$65.00

100.00 13

25.00 05

CASHIER'S VALIDATION

Certificate Of Posting

RE: Case NO.: 04-147-A

Petitioner/Developer: _____

WALTER DUNICK

Date of Hearing/Closing: 10/21/03

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

Attention:

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
at 1 PATERWAL COURT

This sign(s) were posted on 10/6/03
Month, Day, Year)

Sincerely,

Martin Ogle
(Signature of Sign Poster and Date)

MARTIN OGLE

(Printed Name)

5016 CASTLESTONE DR

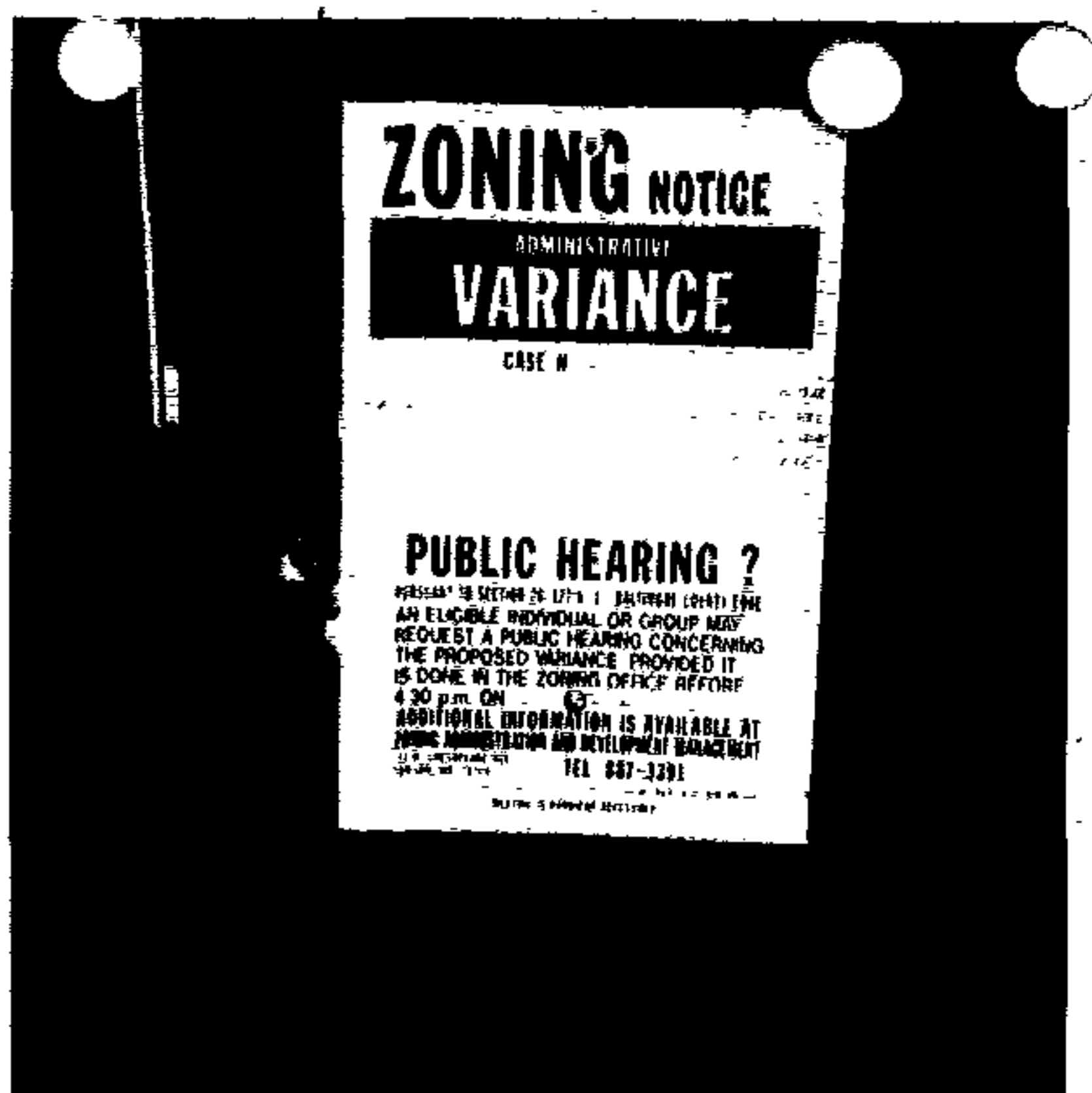
(Address)

BALTO. MD 21237

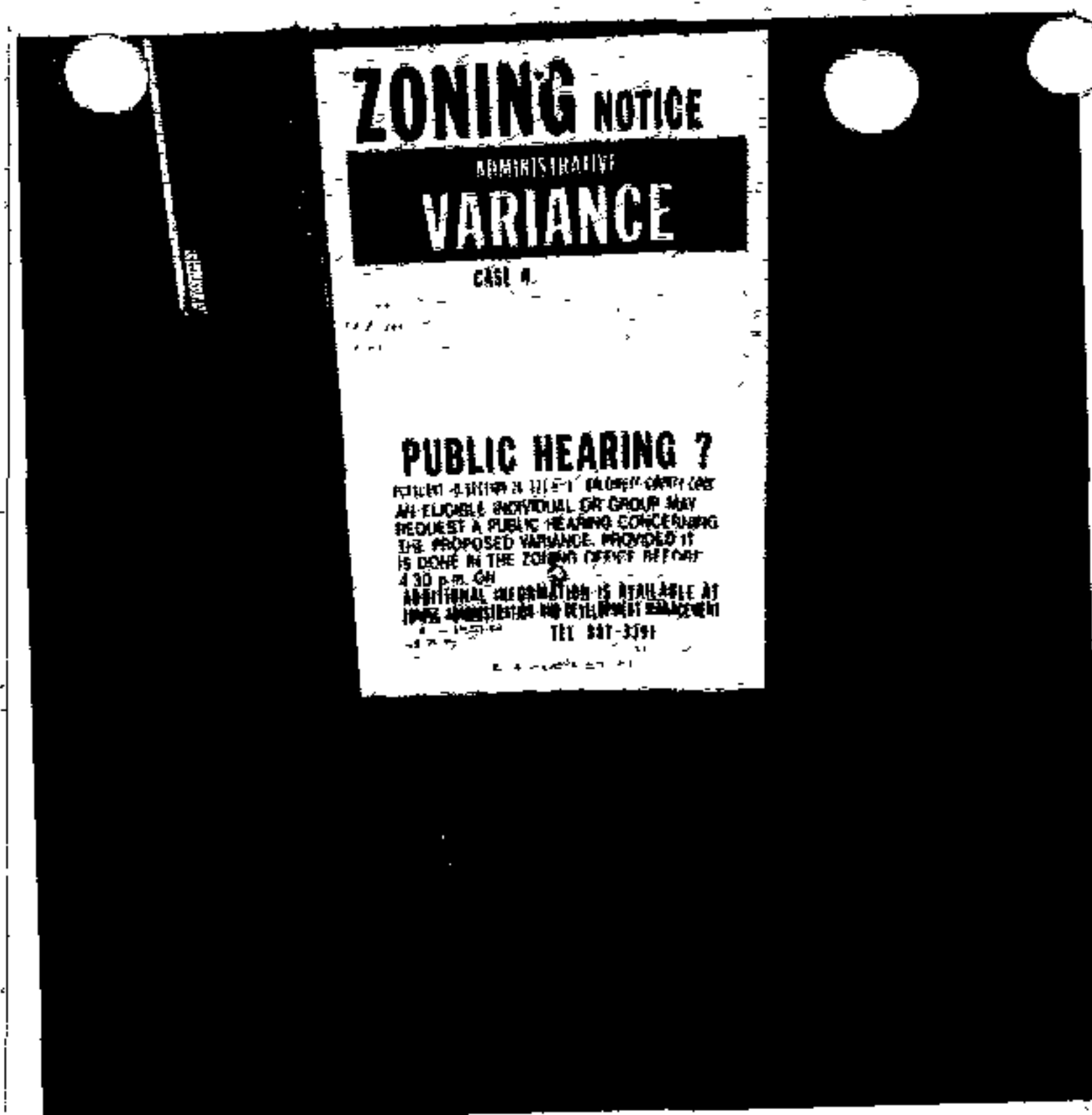
(City, State, Zip Code)

410-933-9470

(Telephone Number)



Martin Ogle 04-147A
10/6/03



7: Justin Ogle 04-147-A
10/6/02

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ~~03~~ ⁰⁴ 147 -A Address 1 Paterwal Court
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner Please Print Your Name
Filing Date: 9/24/03 Posting Date: 10/6/03 Closing Date: 10/21/03

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

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

Don't Sign Here

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ~~03~~ ⁰⁴ 147 -A Address 1 Paterwal Court
Petitioner's Name Walter T. Dunick Telephone 410-526-5048
Posting Date: 10/6/03 Closing Date: 10/21/03
Bording for Sign: To Permit a proposed residential occupancy fence (in the rear yard of a residential lot which adjoins the front yard of another residential lot) with a fence height of 72 inches (6 feet) in lieu of the maximum allowed fence height of 42, 48 and 60 inches, respectively.

**Department of Permits and
Development Management**

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



Baltimore County

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

October 20, 2003

Walter T. Dunick
1 Paterwal Court
Baltimore, Maryland 21136

RE: Case Number 04-147-A 1 Paterwal Court

Dear Mr. Dunick:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 6, 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

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

October 7, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 7, 2003

Item No.: 130 - 141, 143, 144, 147 - 150

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 12, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For October 13, 2003
Item No. 147

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The proposed fence cannot interfere with the lines of sight.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 20, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case 04-139, 04-147, and 04-149
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:

Lynn L. Latham

AFK/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.7.03

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

RE: Baltimore County
Item No. 197 JHP

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.

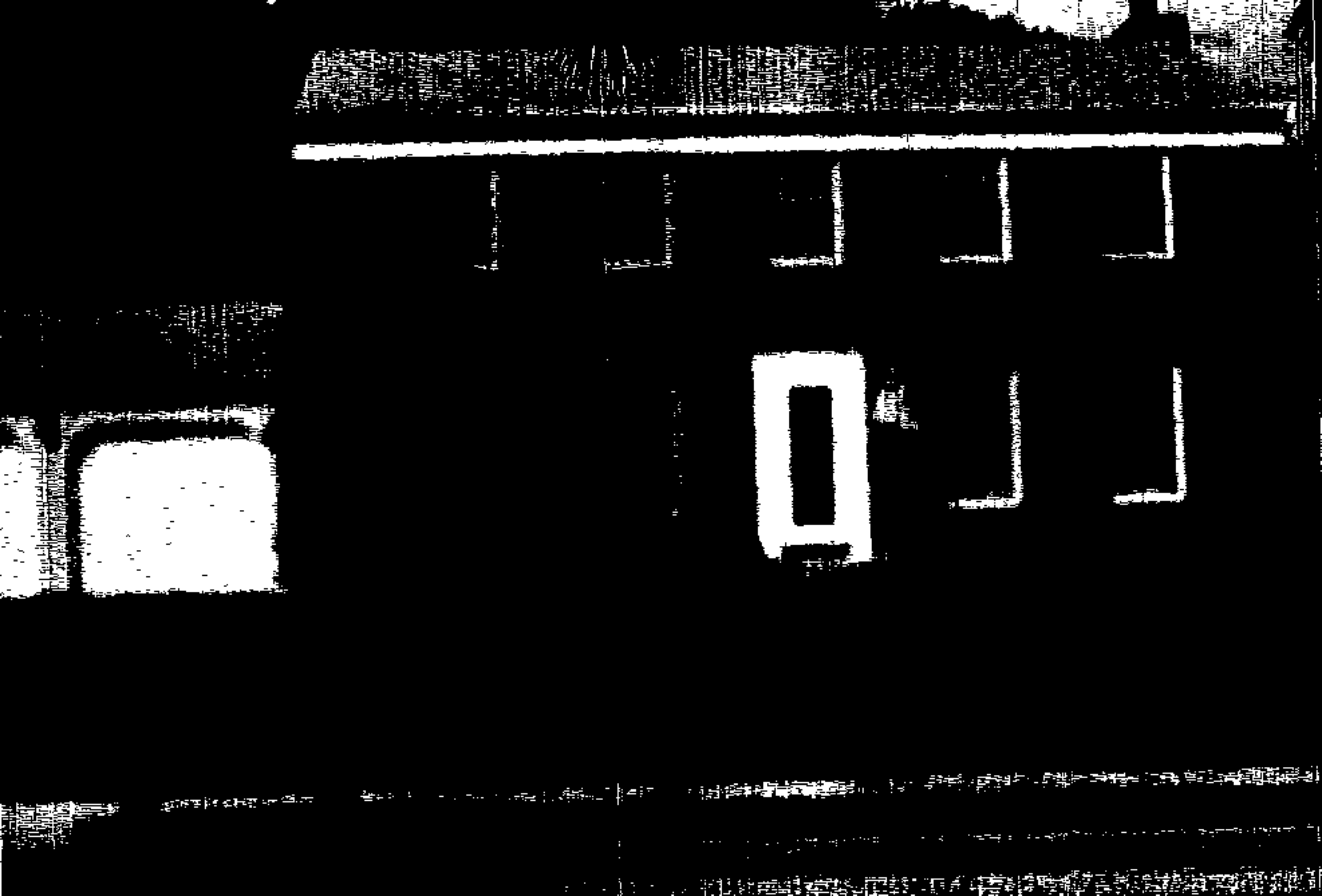
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

K 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



Walter T. Dunick
Subject Property.

1. Paterwal Court
(FRONT of House)



Walter T. Durwick. (subject property)

1 Paterwal Court

Bond Avenue side yard.



Paul CORNBLAT & Abbie Hinkle

624 Bond Avenue.

Adjacent property to east



Paul CORNBLAT & Abbie Itinkle

624 Bond Avenue

Adjacent Property to East



Property Line Between

1 Paternal Court

(Subject Property)

AND. Adjacent Property

624 Bond Avenue



Walter T. Dornick (subject property)
7 Paternal Court
Back yard.

[illegible]



Ralph & Susan Markus
3 Paterwal Court
Adjacent Property.



Side view of Property line
between 1 Paternal Court
(Subject Property)

And 3 Paternal Court
(Adjacent Property)

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

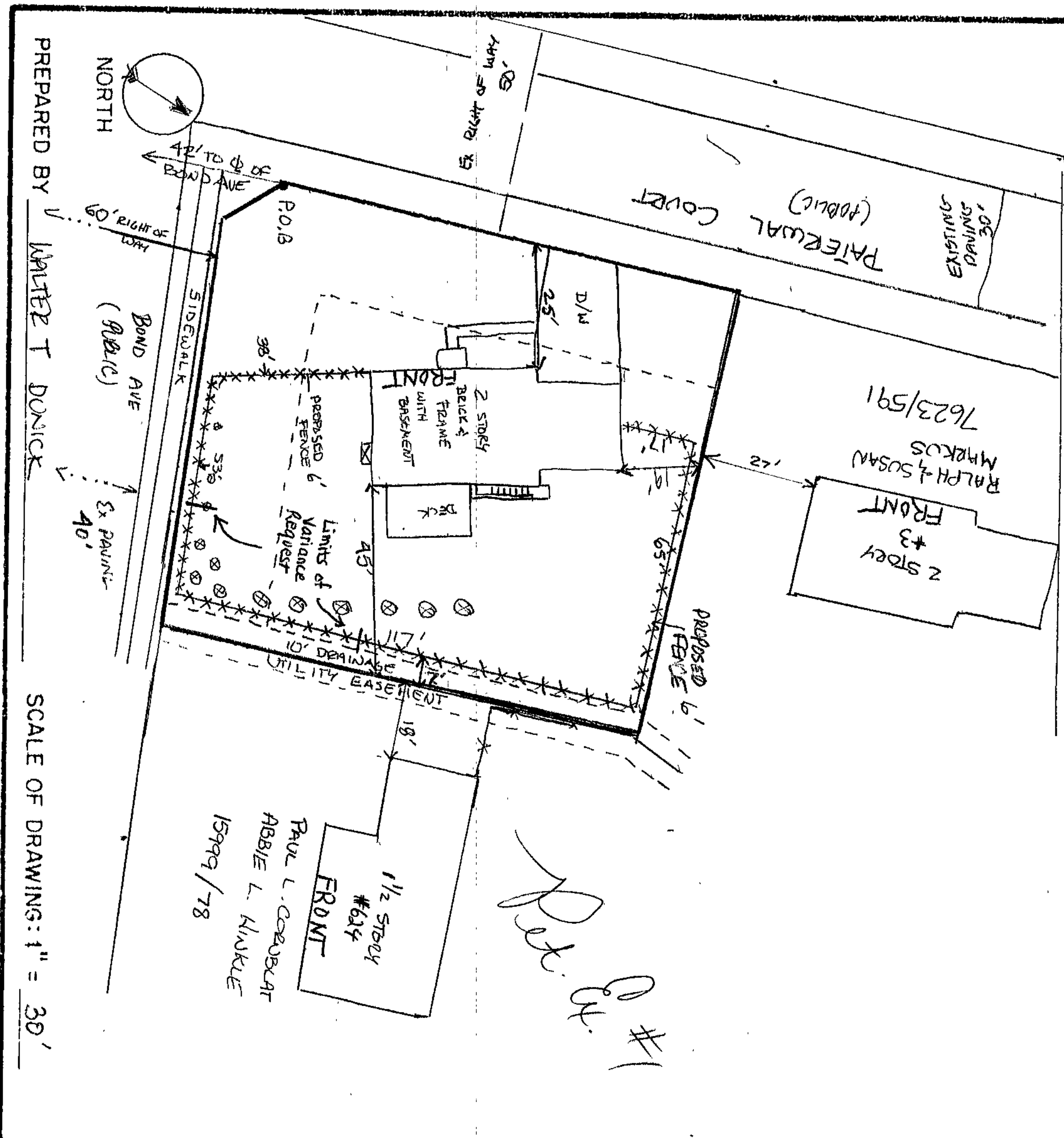
PROPERTY ADDRESS 1 PATERWAL COURT

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

SUBDIVISION NAME BRENDON VILLAGE

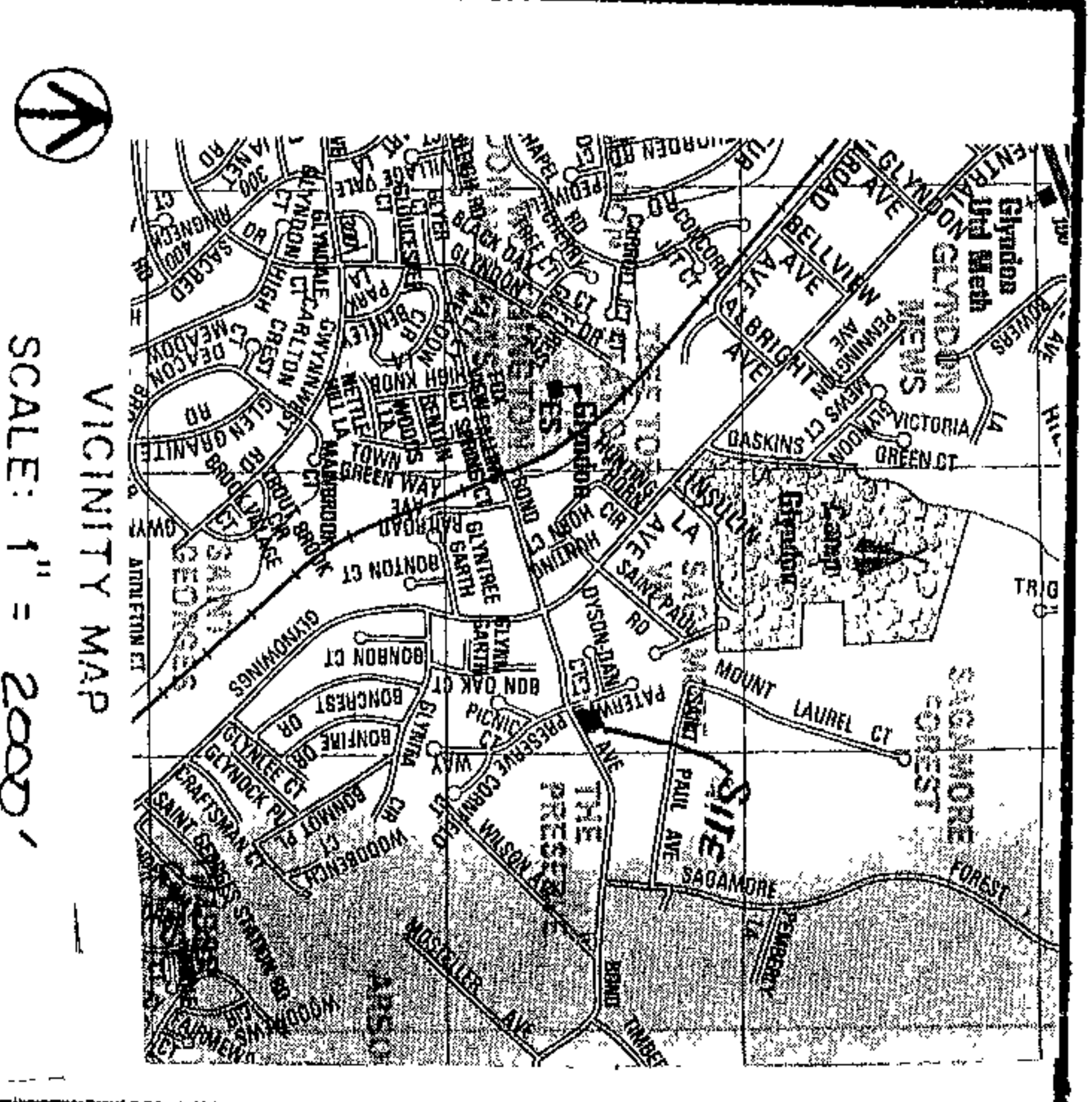
PLAT BOOK # 45 FOLIO # 38 LOT # 44 SECTION #

OWNER WALTER T DUNICK



PREPARED BY WALTER T DUNICK

SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # NW-16-I

ZONING D.R. 2 (Formerly Split Zoned DR2 & DR3.5)

LOT SIZE .303 ACREAGE 13,203 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY
REVIEWED BY JWP ITEM # 147 CASE # 104-147-A