

IN THE MATTER OF:
DAVID AND ROSLYN GOLDEN-PETITIONERS
7112 PHEASANT CROSS DRIVE

3RD ELECTION DISTRICT
2ND COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF BALTIMORE COUNTY
* CASE NO.: 04-169-A

* * * * *

ORDER OF DISMISSAL

This matter having come before this Board on appeal dated January 29, 2004 from a decision of the Zoning Commissioner dated January 7, 2004, wherein the Petition for Variance to permit fence height of 60" in lieu of the allowed 42" for a fence adjoining a neighbor's front yard was granted.

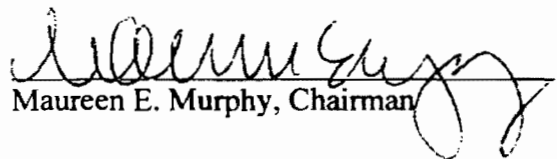
WHEREAS, the Board has been reviewing its docket with reference to inactive cases with the intent to dismiss and close as many of these cases as possible;

WHEREAS, the subject matter has been held on the Board's docket since July 29, 2004, and no further action having occurred in this matter;

WHEREAS, the Board sent a letter requesting the status of this matter and having received a reply letter dated May 26, 2009 from Deborah C. Dopkin, Esquire on behalf of Petitioners, indicating that the appellants moved away and are no longer interested in the property.

IT IS THEREFORE ORDERED, this 30th day of June, 2009 by the Board of Appeals for Baltimore County that the above-referenced appeal in Case No.: 04-169-A, be and is hereby **DISMISSED FOR LACK OF PROSECUTION**.

**COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY**


Maureen E. Murphy, Chairman

04-169-A

5/20/09 Status letter to Ms. Dopkin. Follow up 6/15/09

DEBORAH C. DOPKIN, P.A.
ATTORNEY AT LAW
409 WASHINGTON AVENUE, SUITE 1000
TOWSON, MARYLAND 21204
TELEPHONE 410-821-0200
FACSIMILE 410-823-8509
e-mail ddropkin@dopkinlaw.com

DEBORAH C. DOPKIN

May 26, 2009

Ms. Theresa R. Shelton
Administrator
County Board of Appeals
of Baltimore County
Jefferson Building
Second Floor, Suite 203
Towson, Maryland 21204

RE: Open Cases

Dear Theresa:

Congratulations on your return to the Board! Fortunately for my clients, I have had no appeals before the Board since you have been back.

Though I am sure you have written opposing counsel in each of the following cases, here is my understanding of the current status of each:

Case No. 93-41-A, 13021 Beaver Dam Road - I believe this matter can be dismissed. My client no longer lives in close proximity to the subject property and has no further interest in it.

Ms. Theresa R. Shelton
Administrator
County Board of Appeals
of Baltimore County
May 26, 2009
Page 2

Case No. 04-169-A, 7112 Pheasant Cross Drive - My understanding is that the appellants, who lived next door, moved away from the property and no longer have an interest in it, and accordingly the case should be dismissed.

I hope this information is helpful to you. In each case, I have not heard from the client in years and am certain that none of them wants to pursue the proceedings.

I look forward to seeing you.

Very truly yours,


Deborah C. Dopkin

DCD/kmc

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County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

May 21, 2009

Deborah C. Dopkin, Esquire
409 Washington Avenue
Suite 1000
Towson, MD 21204

Re: David and Roslyn Golden
7112 Pheasant Cross Drive
Case No.: 04-169-A

Dear Ms. Dopkin:

In January 2009 I returned to the Board of Appeals in the capacity of Administrator. I am currently in the process of reviewing all the files which still remain open on the docket. The majority of the files were located in a postponement file cabinet and have been sitting for many years.

<

Case No. 04-169-A

In the matter of: David and Roslyn Golden – Legal Owners
7112 Pheasant Cross Drive

VAR – To permit fence height of 60" (5') in lieu of the allowed 42"
for a fence adjoining a neighbor's front yard.

1/07/04 - Z.C.'s decision in which requested variance relief was
GRANTED.

5/17/04 – Notice of Assignment sent to following; case assigned for Thursday, July 29, 2004 at 10:00 a.m.:

Dorothy S. Chung, MD, PhD
and Allen S. Mandir MD, PhD
Roslyn Golden and David Golden MD
Deborah C. Dopkin, Esquire
Brian Kish /Abbey Fence Company
Office of People's Counsel
Pat Keller, Planning Director
Lawrence E. Schmidt, Zoning Commissioner
James H. Thompson, Code Enforcement [**Enforcement Case #03-4981**]
Timothy M. Kotroco, Director /PDM

7/29/04 – Board convened for hearing (Wescott, Mohler, Crizer); prior to going on the record, Counsel for
Petitioners, D. Dopkin, indicated that Petitioners were withdrawing the Petition in this matter. She will
provide written request for withdrawal and dismissal. Order will then be issued.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

May 17, 2004

NOTICE OF ASSIGNMENT

CASE #: 04-169-A

IN THE MATTER OF: **DAVID AND ROSLYN GOLDEN** - Legal Owners
/ Petitioners 7112 Pheasant Cross Drive
3rd Election District; 2nd Councilmanic District

1/07/04 – Order of Z.C. in which requested variance relief (fence height)
was GRANTED subject to restriction.

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-169-A

DAVID AND ROSLYN GOLDEN

7112 PHEASANT CROSS DRIVE

3RD ELECTION DISTRICT

APPEALED: 1/29/2004

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

*******COMPLETE AND RETURN BELOW INFORMATION*******

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-

APPEAL

Petition for Variance Appeal
7112 Pheasant Cross Drive
3rd Election District – 2nd Councilmanic District
David and Roslyn Golden- Legal Owner
Case No.: 04-169-A

- ✓ Petition for Special Hearing (October 3, 2003)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (December 11, 2003)
- ✓ Certification of Publication (The Jeffersonian issue November 25, 2003)
- ✓ Certificate of Posting (November 25, 2003 posted by Garland Moore)
- ✓ Entry of Appearance by People's Counsel (October 21, 2003)
- ✓ Petitioner(s) Sign-In Sheet
One Sheet
- ✓ Protestant(s) Sign-In Sheet
None
- ✓ Citizen(s) Sign-In Sheet
One

applicant

DAVID GOLDEN
ROSLYN GOLDEN
7112 PHEASANT CROSS DRIVE
BALTIMORE, MD 21204

BRIAN KISH
4113 AQUARIUM PL
BALTIMORE, MD 21215

*person to be
contact*

DORTHY CHUNG MD
ALLEN MANDIR MD
7202 VERBENA ROAD
BALTIMORE, MD 21209

appellemts

DEBORAH C DOPKIN ESQUIRE
409 WASHINGTON AVENUE
SUITE 1000
TOWSON MD 21204

represents appellemts

**Department of Permits and
Development Management**

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



Baltimore County

January 29, 2004

Dorothy Chung, M.D., Ph.D.
Allen Mandir, M.D., Ph.D.
7202 Verbena Road
Baltimore, MD 21209

Timothy Kotroco, Esquire
Director, Department of Permits and
Development Management
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: **Appeal of Petition for Variance Decision**
7112 Pheasant Cross Drive
Case No: 04-169-A, January 7, 2004
Petitioners: David and Zozzie Golden

Dear Mr. Kotroco:

Our property immediately adjoins 7112 Pheasant Cross Drive, the subject of the above captioned petition for variance, which was granted by Zoning Commissioner Lawrence E. Schmidt on January 7, 2004. This letter is to request an appeal before the County Board of Appeals of this decision. Accompanying this letter is any requisite fees related to this request (\$225 for the appeal plus \$75 signage fee)

Thank you very much for your attention to this matter.

Sincerely,

IN RE: PETITION FOR VARIANCE
N/S Pheasant Cross Drive, 43' W of the c/l
Verbena Road
(7112 Pheasant Cross Drive)
3rd Election District
2nd Council District

David Golden, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 04-169-A

*

* * * * *

Approximately 3 years ago, Dr. & Mrs. Golden had constructed an in-ground swimming pool to the rear of their dwelling. Appropriate safety codes require that a fence be installed to enclose the pool to prevent children or others from trespassing onto the property and presenting a safety hazard. Thus, the Petitioners contracted with Abbey Fence Company to install the subject fence, which is 5 feet tall. Both the Petitioners and the Protestants submitted numerous photographs at the hearing which show that the fence is an attractive board-on-board structure featuring a lattice border across the top. Testimony and evidence offered indicated that the fence itself is 42 inches high and that the lattice border adds an additional 18 inches to the overall height.

Mrs. Golden and Mr. Kish offered testimony in support of the fence. Collectively, they indicated that this property is unique given its corner location and the configuration of the property. Additionally, it was noted that the rear yard of the property is narrow and features a slight grade. Based on these factors, they believe that the fence is appropriate and should remain where located and at its current height. Photographs were also submitted at the hearing which were persuasive to a finding that the fence does not block the view of pedestrian

Based upon all of the testimony and evidence presented, I am persuaded that variance relief should be granted. The unique factors and special circumstances that exist here are caused by the corner location of the lot, as well as its configuration and grade. In my judgment, retention of the fence as it presently exists is appropriate. The fact that the fence has existed at this location for nearly three years without prior complaint is persuasive. For all of these reasons, variance relief should be granted.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be approved.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of January 2004 that the Petition for Variance seeking relief from Section 427.B (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence height of 5 feet in lieu of the maximum allowed 42 inches for a fence adjoining a neighbor's front yard, in accordance with Petitioner's Exhibit 1, be and is hereby

CERTIFICATE OF POSTING

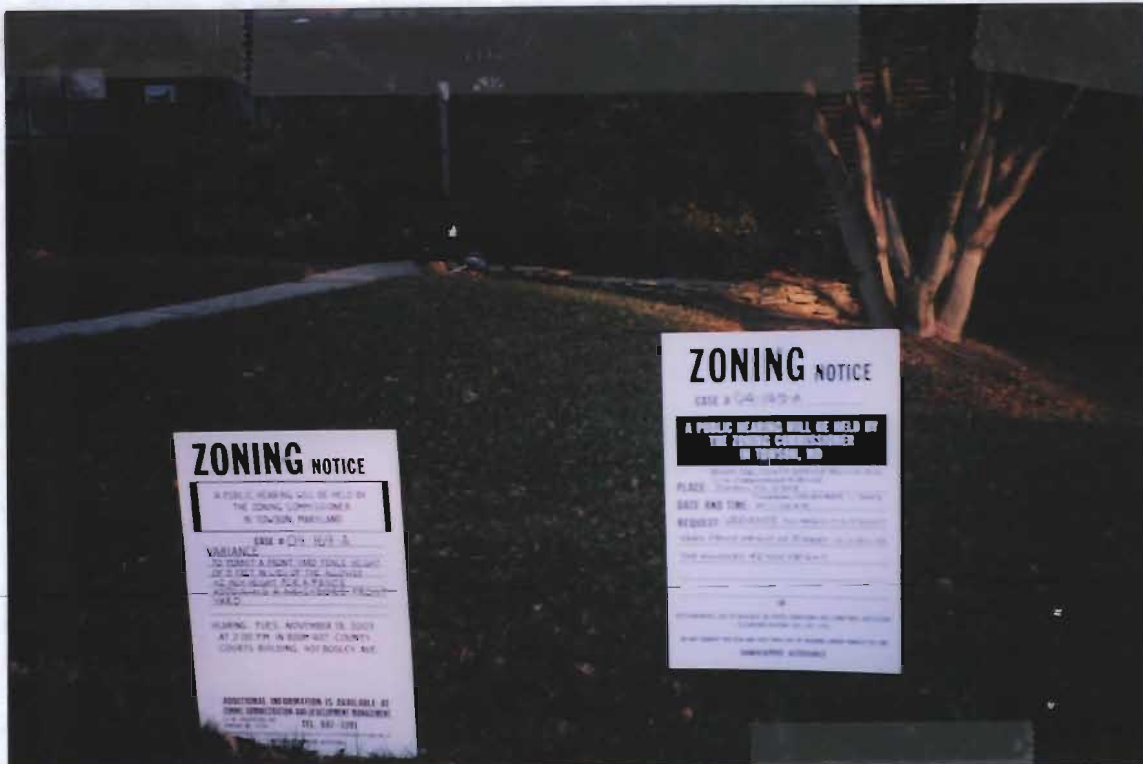
RE: Case No.: 04-169-A

Petitioner/Developer: DAVID & ROSLYN GOLDEN

Date of Hearing/ Closing: DEC. 11, 2003

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

Attention: BECKY HART



ZONING NOTICE

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MARYLAND

CASE # 04-169-A

MEMO TO FILE
BALTIMORE COUNTY MEMORANDUM

1. Sign was initially posted by Garland Moore. John Alexander added some additional words, which made the sign incorrect.
2. Dave Duvall made a new sign and gave it to county employee, Gary Freund, to repost. He removed Mr. Moore's sign in order to put up the corrected sign.
3. Mr. Moore objected to our removal of his sign. He is reluctant to come and get the sign. The issue is still unresolved.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: October 17, 2003

RECEIVED

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

OCT 17 2003

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

SIGNED: ROBERT W. BOWLING

SUBJECT:

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 03-4981

7112 Pheasant Cross Drive

ZONING CASE: 04-169-A
7112 PHEASANT CROSS DR

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: October 8, 2003

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 04-169-A
Legal Owner/Petitioner: David Golden
Property Address: 7112 Pheasant Cross Drive
Location Description: N/side of Pheasant Cross Drive

VIOLATION INFORMATION: Case No.: 03-4981

Please be advised that the aforementioned petition is the subject of an active violation case.
When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:



Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620
Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT COR



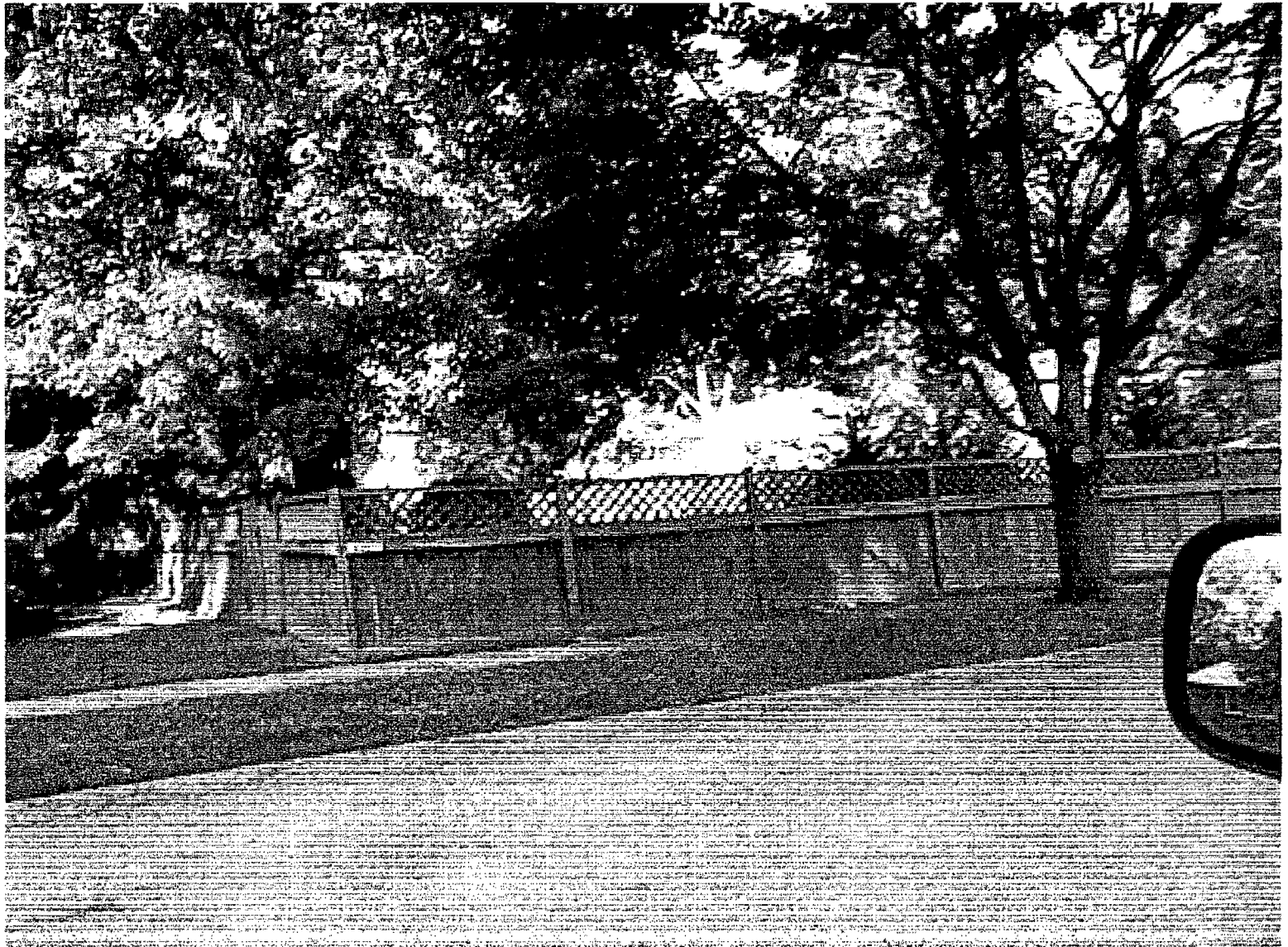
Department of Permits and
Development Management

Code Inspections and Enforcement

County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement: 410-887-3351

Plumbing Inspection: 410-887-3620



03-4981

9-11-03

7112 PHEASANT CROSS DR.

JS

CODE ENFORCEMENT REPORT 00-7244

DATE: 6/27/03 INTAKE BY: JC CASE #: 034981 INSPEC: 13

COMPLAINT
LOCATION:

7112 Pheasant Cross Dr

ZIP CODE: 21209 DIST:

COMPLAINANT
NAME:

</



INTERPAGE™ NETWORK SERVICES INC.

Phone: +1 (617) 696 8000 • Fax: +1 (617) 850 0420 • www.interpage.net

Fax Cover Sheet

Date: Wed Oct 15 12:05:16</

Re: Illegal Fence
7112 Pheasant Cross Dr
Case Number 04-169-A

Dear Zoning Commissioner:

This letter is to protest the application for a zoning variance for a fence already built at 7112 Pheasant Cross, now with a posted sign requesting an "Administrative Variance". I am surprised that such a request can be made since we had compl

We do not think a variance is appropriate

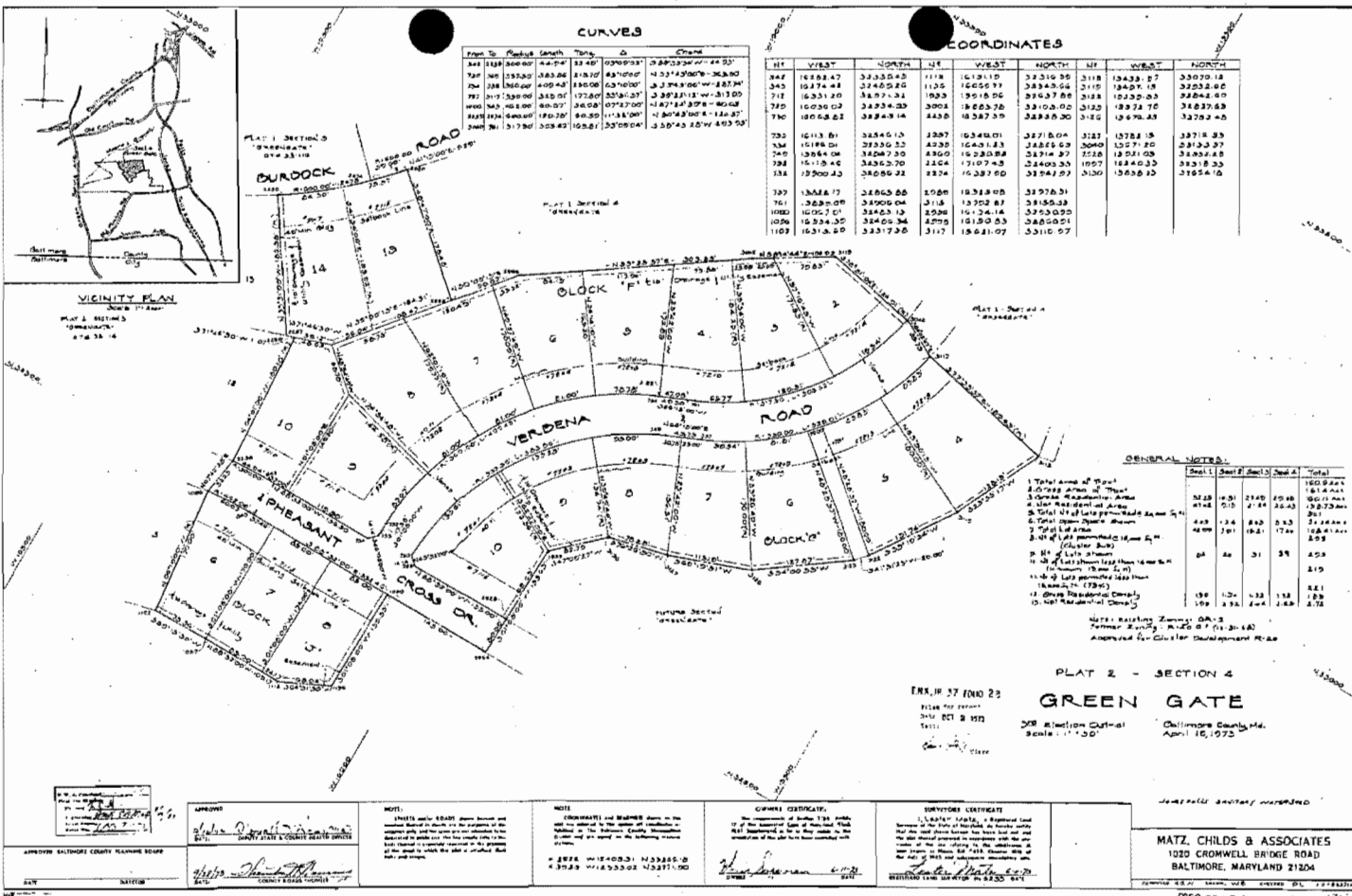
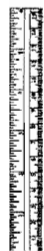
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 7112 PHASANT CROSS DR. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME SUMMIT CHASE

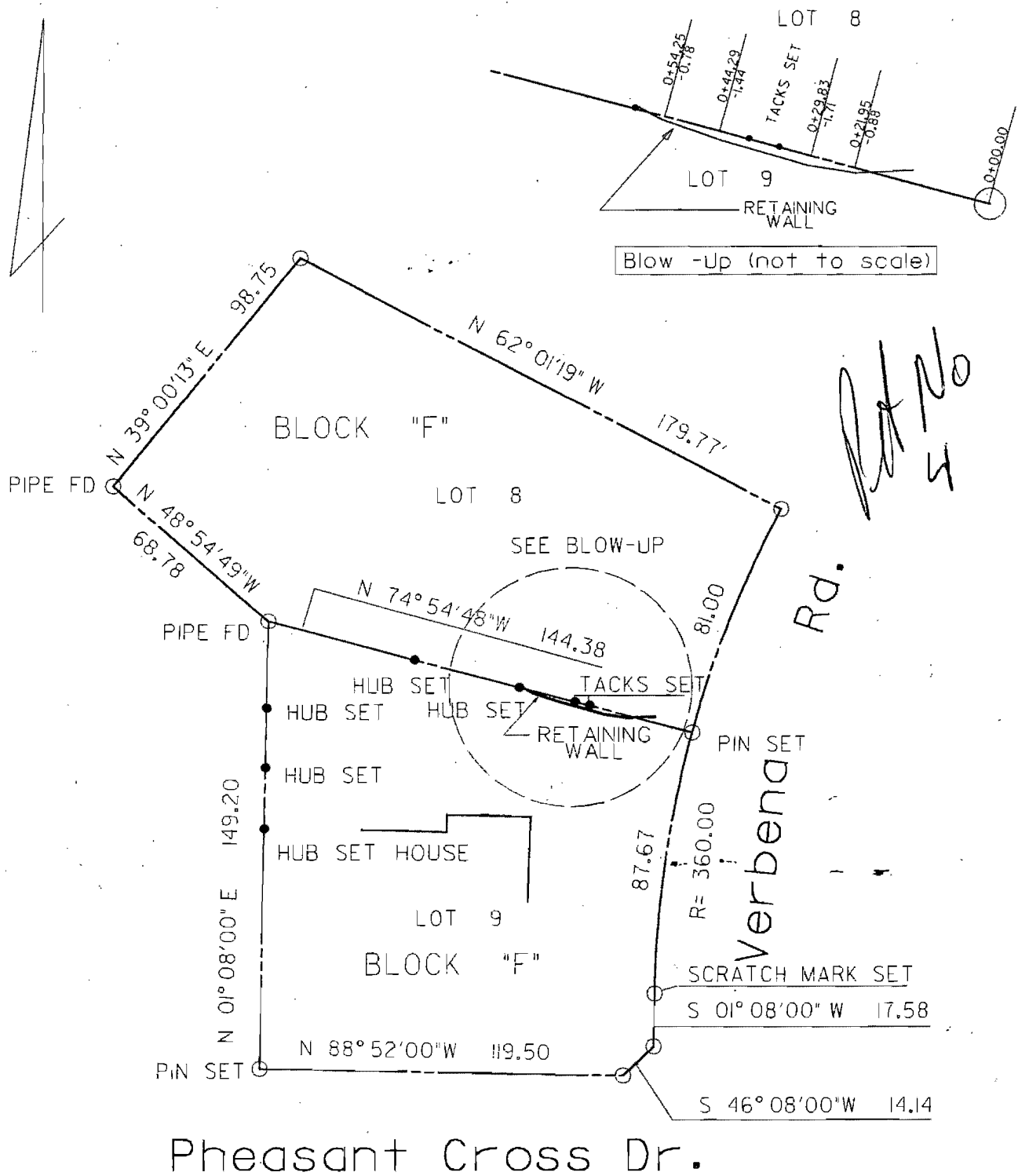
PLAT BOOK # 37-28 FOLIO # LOT # 9 SECTION # 4

OWNER DAVID &



CURVES

From To	Radius	Length	Turn	Chord
344	1188	340.00	44.54°	334.93
345	118			





ABBEY

7204

ZONING DESCRIPTION FOR: 7112 Pheasant Cross Drive

Beginning at a point on the north side of Pheasant Cross Drive which is 50 ft. wide at a distance of 43 ft. west of the centerline of the nearest improved intersecting street Verbeena Road which is of varying width. Being Lot #9, Block F, Section #4 in the subdivision of Summit Chase as recorded in the Baltimore County Plat Book #37-2B, containing 17,550 square feet. Also known as 7112 Pheasant Cross Drive and located in the Third Election District, Second Councilmanic District.

04-169-A

CORRECTED 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: #04-169-A

7112 Pheasant Cross Drive

N/side of Pheasant Cross Drive, 43 feet west of center-line of Verbeena Road

3rd Election District - 2nd Councilmanic District

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 33683

DATE 2/25/04

ACCOUNT 001-606 6150

AMOUNT \$300.00

RECEIVED

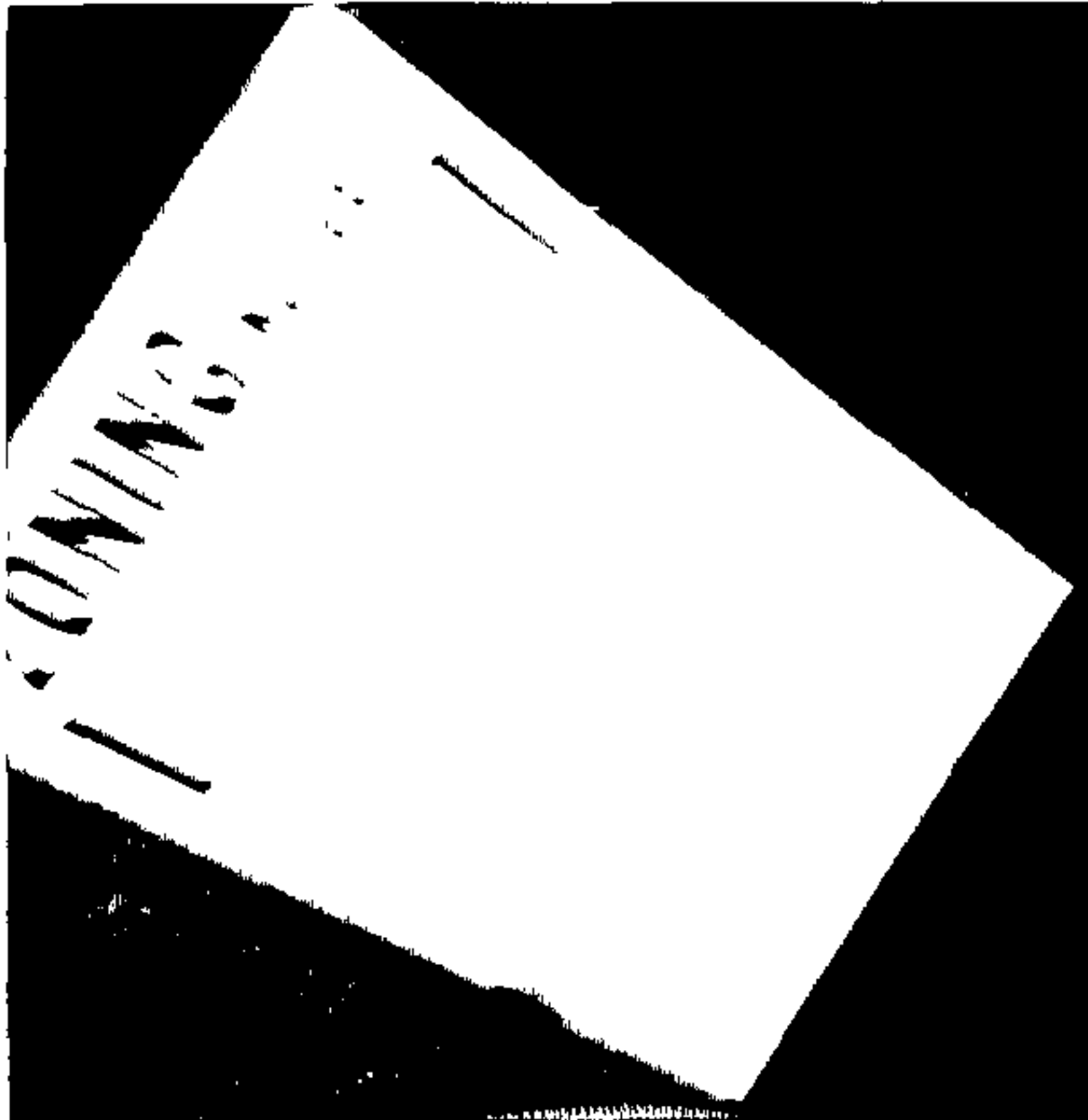
CERTIFICATE OF POSTING

Date: 11/3/03

RE: Case Number 04-169-A
Petitioner: _____
Date of Hearing: _____

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7112 PHEASANT CROSS
DR

The sign(s) were posted on 11/3/03
(Month, Day, Year)



CERTIFICATE OF POSTING

RE: Case No.: 04-169-A

Petitioner/Developer: DAVID & ROSLYN GOLDEN

Date of Hearing/ Closing: NOV. 18, 2003

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

Attention: BECKY HART</

CERTIFICATE OF POSTING

RE: Case No.: 04-169-A

Petitioner/Developer: DAVID & ZOZZIE GOLDEN

Date of Hearing/ Closing: OCT. 27, 2003

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

ZONING NOTICE
ADMINISTRATIVE
VARIANCE

CASE # 04-169-1

Public Hearing Notice: The City of Chicago is holding a public hearing on the proposed administrative variance for the above case. The hearing will be held on the date and at the location specified below. Any person who wishes to object to the proposed variance must appear at the hearing and state their objections. The City will consider all objections and make a final decision on the variance.

PUBLIC HEARING ?

PROPOSED ACTION: The

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 4, 2003 Issue - Jeffersonian

Please forward billing to:

Abby-Pritz Pence
4113 Aquarium Place
Baltimore, MD 21215
Attn: Brian Kish

410-358-7575 x114

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 Tow

