IN THE MATTER OF:

DAVID AND ROSLYN GOLDEN-PETITIONERS
7112 PHEASANT CROSS DRIVE

3<sup>RD</sup> ELECTION DISTRICT 2<sup>ND</sup> 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.

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 ddopkin@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 icr 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.

Case No. 98-109-A, Towson Unitarian Universalist Church - This matter was appealed to Circuit Court and then to the Court of Special Appeals. In each case, the decision of the Board was affirmed. I believe opposing counsel, Mr. Lanzi, will confirm this information.

Case Nos. CBA-00-115 & CBA-00-121, 6516 N. Charles Street - My recollection is that this matter was settled and that opposing counsel was to send me a document memorializing the settlement. I have never received any documentation and believed the matter should be dismissed.

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,

Døborah C. Dopkin

DCD/kmc

C:\docs\KMC\KMC\DCD\Letters 2009\shelton theresa 05 26 09.wpd



# 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.

Please be advised that the last activity that I have noted in this file is that on July 29, 2004 the Board convened for a hearing and the Petitioner's indicated that they were going to be withdrawing the Petition.

To date, the Board of Appeals has not been contacted with regards to re-scheduling this matter, nor has a Petition to Withdrawal the Appeal/Petition been received. This matter is still pending before the Board. Please contact this office upon receipt of this letter to discuss this matter; or in the alternative, provide the documentation required to bring to a close this appeal.

Thank you for your time and assistance. I remain,

Very truly yours,

Theresa R. Shelton Administrator

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 3<sup>rd</sup> Election District; 2<sup>nd</sup> Councilmanic District

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

**ASSIGNED FOR:** 

THURSDAY, JULY 29, 2004 at 10:00 a.m.

NOTICE:

This appeal is an evidentiary hearing; therefore, parties should consider the

advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix C, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco Administrator

c:

Appellants /Protestants

: Dorothy S. Chung, MD, PhD

and Allen S. Mandir MD, PhD

: Roslyn Golden and David Golden MD

Petitioners

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

## APPEAL SIGN POSTING REQUEST

2609

CASE NO.: 04-169-A

DAVID AND ROSLYN GOLDEN

7112 PHEASANT CROSS DRIVE

3<sup>RD</sup> 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.: 04-169-A

Petitioner/Developer:

DAVID AND ROSLYN GOLDEN

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

# 7112 PHEASANT CROSS DRIVE

The sign was posted on 3/26	, 2004
By: Hay heard	<u>.                                    </u>
(Signature of Sign Poster)  GARY FREUND	
(Printed Name)	

## **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)
- **V**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
- ✓Zoning Advisory Committee Comments 11-12-03



BALTIMORE COUNTY BOARD OF APPEALS

### Petitioners' Exhibits:

- ✓ Plat to Accompany Petition for Special Hearing (2 copies)
- ✓2. Record Plat Book 37 Folio 28 Green Gate
- ✓A. Photo of Property
- ✓B. Photo of Property
- **V**3.A-H Photo of Photos of Property
- 4. Survey Lot 8 and Lot 9 Block "F" Plat of "Greengate" 37/28
- √5. Photo of Fence
- ✓. Non-objective list of citizens 8/6/03 (2 pages)
- Miscellaneous (Not Marked as Exhibits):
- Letter Dated December 12, 2003 from Dorothy S. Chung and Allen Mandir
- ✓ Faxed Letter from Deborah C. Dopkin October 31, 2003
- ✓ Memo To File
- ✓ Anonymous Fax Concerned Neighbor
- ✓ Additional Photos
- Violation Case 03-4981
- ✓Site Plan
- ✓ Deputy Zoning Commissioner's/Zoning Commissioner's Order (Granted January 7, 2004)
- Notice of Appeal received on January 29, 2004 from Dorothy S. Chung and Allen S. Mandir
  - c: David and Roslyn Golden 7112 Pheasant Cross Drive Baltimore MD 21208 James H. Thompson, Code Enforcement (Enforcement Case No. 03-4981) Brian Kish 4113 Aquirium Place Baltimore MD 21215 Lawrence E. Schmidt, Zoning Commissioner for Baltimore County People's Counsel of Baltimore County, MS #2010 Timothy Kotroco, Director of PDM Deborah C. Dopkin, P.A. 409 Washington Avenue Suite 1000 Towson MD 21204

Sent 2/25/04 rjc

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

BRIAN KISH
4113 AQUARIUM PL
BALTIMORE, MD 21215

PURSON to be
LONTONTO

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

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

## 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

February 25, 2004

Dr. David Golden Mrs. Roslyn Golden 7112 Pheasant Cross Drive Baltimore, MD 21208

Dear Dr. & Mrs.Golden:

RE: Case 04-169-A, 7112 Pheasant Cross Drive



BALTIMORE COUNTY BOARD OF APPEALS

Please be advised that an appeal of the above-referenced case was filed in this office on January 29, 2004. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely

Timothy Kotroco Director

KT:rjc

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
James H. Thompson, Code Enforcement (Enforcement Case No. 03-4981)
Brian Kish, Abbey Fence Company
4113 Aquarium Place, Baltimore MD 21215
Deborah C. Dopkin, P.A.
409 Washington Avenue, Towson, MD 21204
Dorothy Chung, M. D. Ph.D. and Allen Mandir M.D. Ph.D.
7202 Verbena Road, Baltimore, MD 21209

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,

Dorothy S. Chung and Allen S. Mandir

RECEIVED

JAN 2 9 2004

Per. X979

ORDER REGEIVED FOR FILING
Date //////

IN RE: PETITION FOR VARIANCE

N/S Pheasant Cross Drive, 43' W of the c/l

Verbena Road

(7112 Pheasant Cross Drive)

3<sup>rd</sup> Election District

2<sup>nd</sup> Council District

David Golden, et ux Petitioners \* BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* Case No. 04-169-A

\*

\* \* \* \* \* \* \* \*

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, David and Roslyn Golden. As the result of an anonymous complaint registered with the Code Enforcement Division of the Department of Permits and Development Management (DPDM) relative to a fence on the property, the Petitioners were advised to file the instant Petition to legitimize the structure. Thus, the Petitioners seek 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. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Dr. David Golden, and his wife, Roslyn Golden, property owners, Brian Kish, a representative of Abbey Fence Company, the installers of the fence, and Deborah C. Dopkin, Esquire, attorney for the Petitioners. Appearing in opposition to the request were Allen Mandir and his wife, Dorothy Chung, adjacent property owners.

Testimony and evidence offered revealed that the subject property is a corner lot with frontage on both Pheasant Cross Drive and Verbena Road in the Pikesville community of Summit Chase. The property contains a gross area of 17,550 sq.ft., more or less, zoned D.R.2 and is improved with a single-family dwelling in which the Petitioners have resided for the past 14 years.

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 or vehicular traffic. Despite the assertions of the Protestants to the contrary, it is clear from the photographs that the fence is set back a sufficient distance from the sidewalk and right-of-way for Verbena Road so as to not interfere with sight distance.

Mr. Mandir, the adjacent property owner, also offered testimony. He and his wife reside to the rear of the subject property and object to the subject fence. Their objections were summarized in a letter that was received on the day after the hearing. Although their letter speaks for itself, they raised concerns about potential safety hazards, aesthetics of the fence, potential detrimental impacts on property values, etc. I have considered these concerns carefully and find them without merit. The fence is an attractive structure and as noted above, does not block sight distance. It is also interesting to note that the Protestants have constructed a fence in their yard, a portion of which is located immediately adjacent to the subject fence. In my view, the subject fence is not inconsistent with that structure.

Date Militer Charles Continued Conti

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 \_\_\_\_\_\_ 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 GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

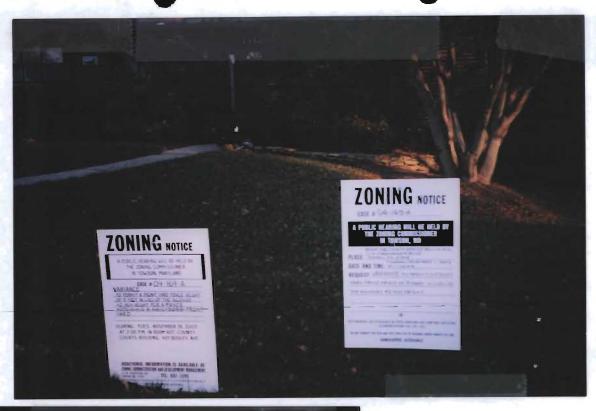
Zoning Commissioner for Baltimore County

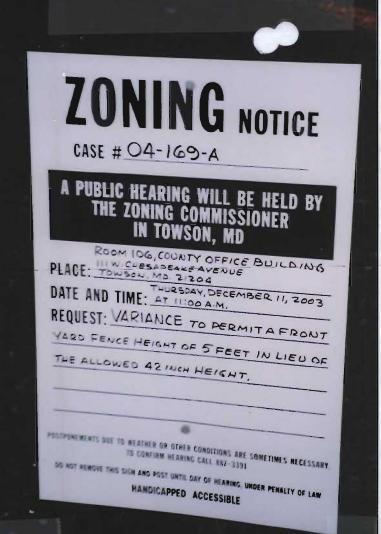
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## CERTIFICATE OF POSTING

	Petitioner/Developer: DAVID & LOSLYK GOLD
	Date of Hearing/Closing: DEC. 11, 7003
Baltimore County Department of Permits and Development Management County Office Building, Room 111	
111 West Chesapeake Avenue Towson, MD 21204	
Marie Marie NADE	
Attention: BECKY HART	
Ladies and Gentlemen: This letter is to certif	y under the penalties of perjury that the necessary sign(s) required by
law were posted conspicuously on the proper	rty located at #7112 PHEASANT CROSS DRIVE
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The sign(s) were posted on	75 -7003
The sign(s) were posted on	(Month, Day, Year)
	Sincerely,
	Barland D. Moore
	(Signature of Sign Poster and Date)
	GARLAND E. MOORE (Printed Name)
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•	BAUTIMORE, MD. 21227
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RE: Case No.: 04) - 169-







- 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 1 7 2003

ZONING COMMISSIONER

**SUBJECT:** 

Zoning Advisory Petition(s): Case 04-169

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:

**Section Chief:** 

AFK/LL

### 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

SIGNED: POSERT W. BOWLING

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For October 20, 2003

Item No. 169

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

The fence cannot interfere with the line of sight for traffic.

RWB:CEN:jrb

cc: File

# 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 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:

Dorothy Chung 7202 Verbena Road Baltimore, MD 21209

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Code Enforcement Report
Baltimore County Correction Notice
Baltimore County Citaton
Photos (2)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Latoshia Rumsey-Scott in Room 113 in order that the appropriate action may be taken relative to the violation case.

### RSW/Irs

c: Jason Seidelman, Code Enforcement



Baltimore County
Department of Permits and
Development Management



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

Code Enforcement: Building Inspection: 410-887-3351

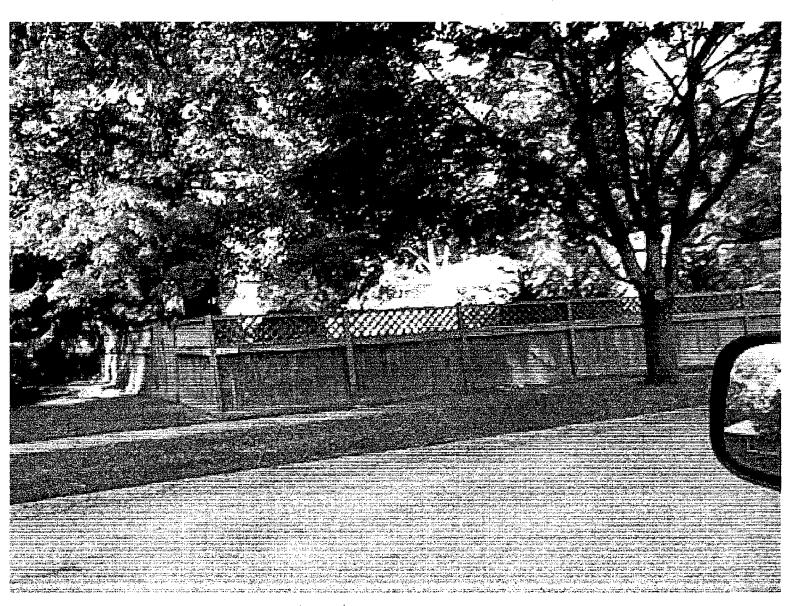
Plumbing Inspection: Electrical Inspection: 410-887-3620 410-887-3960

### BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case	Ng 8/	Property No.	9	860	PR 5.5
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AGENCY



03-4981

9-11-03 7112 PHEASANT CROSS DR.



	C DE ENFORCEMENT REPORT 00 - 7244
DATE: 6/2	7, 3 INTAKE BY: JC CASE #: 03-4981 INSPEC: 13
COMPLAINT LOCATION:	7/12 Pheasant Cross Dr
	ZIP CODE: 21209 DIST:
COMPLAINANT NAME:	Anon Call PHONE #: (H) (W)
ADDRESS:	ZĮP CODE:
PROBLEM:	Illegal Fence Location and
	height. Fence does not meet
	regulations + setbacks.
IS THIS A RENT IF YES, IS THIS OWNER/TENANT INFORMATION:	SECTION 8? YES NO
· · · · · · · · · · · · · · · · · · ·	
TAX ACCOUNT #:	16-00012860 zoning:
INSPECTION:	7/2/02 100000 100000000000000000000000000
	1/3/03 195000 NOTICE SEE COMPOTER MOTES
*** <u>**</u>	
	2003. 6. 30



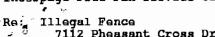
Phone: +1 (617) 595 8000 • Fax:+1 (517) 850 0420 • www.interpage.net

## Fax Cover Sheet

Date:	Wed Oct 15 12:05:16	
Pages:	2 including this cover page	
То:	Zoning Commissioner	,
From:	Interpage Free Fax Account	
Re:		

Interpage Network Services Inc. provides fax and telecommunication services for carriers, Web-hosting firms, businesses and individuals. It is not in any way responsible for the content of this fax.

For information on Interpage and Interpage's E-Mail/Web to Fax, Broadcast Fax, Fax Mailbox, and other fax applications, please call (617) 696-8000 or visit us on the Web at http://www.interpage.net.



7112 Pheasant Cross Dr Case Number 04-169-A

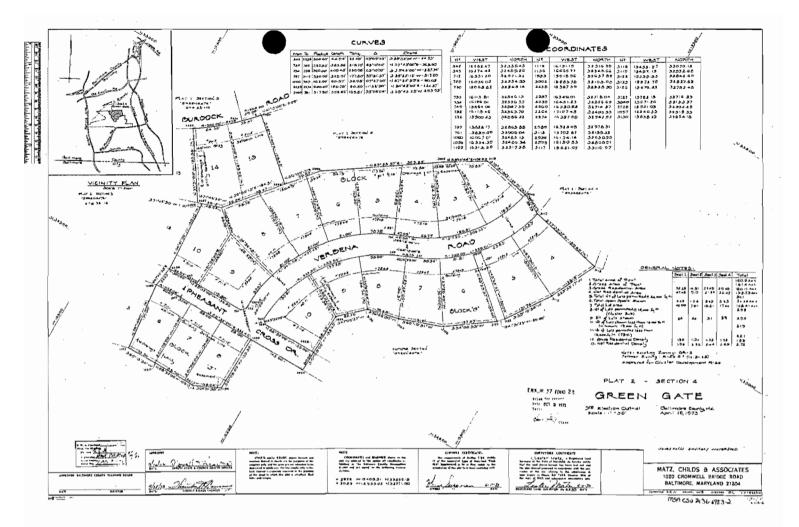
Dear Zoning Commisioner:

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 surprise sed that such a request can be made since we had compl

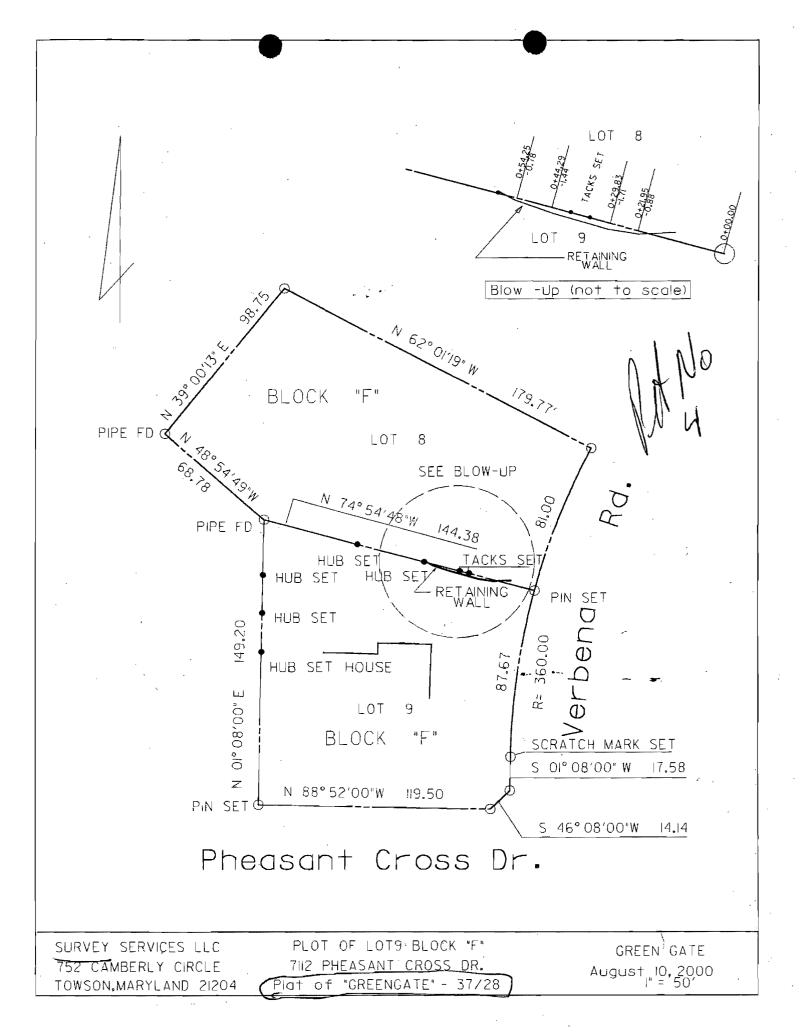
We do not think a variance is appropriate and having to attend a hearing is difficult for som e of us who have troubles getting to a hearing. So we would like you to deny this request for a v ariance given after the fact the fence was built and h

Thank you, A concerned and upset neighbor within 1000 ft of 7112 Pheasant Cross Drive

No address or Mame Fared copy of Zonery hearing letter To the for number



Jet 102











\* 15'-17' OF DRIVEWAY TO STREET (NOTE: BUSH OBSCURS &' OP FENCE AT CORNBR.)



\* NEIGHBORS YARD/ House SITS 3'-4' ABOVE FINISHED GRADE OF FENCE YARIS

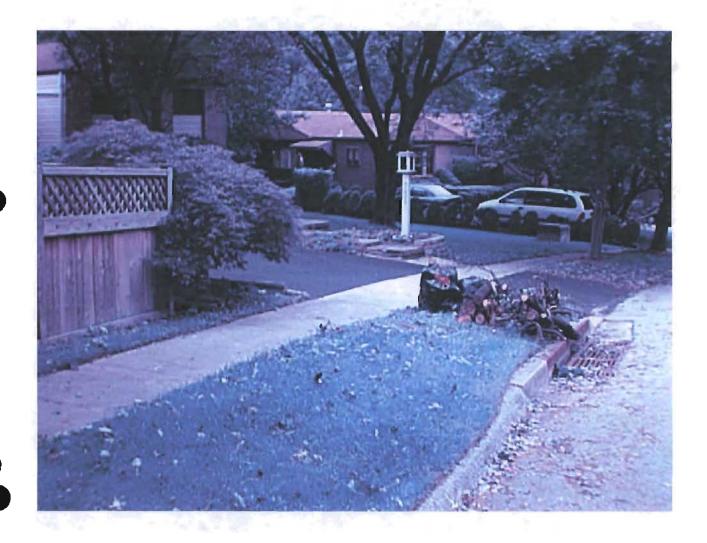


\* 42" HIGH FENCE WI LATTICE ACCENT

TOTAL HEIGHT = 58"



Page 1 of 1 & S PHEASANT CROSS DR. È VERBERNA





REV 9/15/98

### Petition for Variance

## to the Zoning Commissioner of Baltimore County for the property located at 11/2 PHEASANT CROSS DR. which is presently zoned D. R. - Z.

	The property works and the second sec
hereof, hereby petition for a Variance from Section(s)	and Development Management. The undersigned, legal owner(s) cribed in the description and plat attached hereto and made a part of Common Account Accou
or practical difficulty) (.) FENCE ENCLOSES AN IN 2) THE PENCE DOES NOT CREATE A PROBLET. 3.) THE AFFECTED NEIGHBORS HAVE NO PROBLET ACTUAL PENCE HEIGHT IS 42" WITH Property is to be posted and advertised as prescribed by the zon	BM FOR TRAPPIC OR IMPEDE ANYONES VIBW.  LEM AND OR ARE IN PAVOR OF THE PENCE.  H 18" OF OPBN LATTICE. (SEE PETITION OF THE PRINCE.  Ining regulations.  Posting etc. and further agree to and are to be bounded by the regime.
I/We do perjury, that I/we is the subject of this Petitore Contract Purchaser/Lessee:	to solemnly declare and affirm, under the penalties of re are the legal owner(s) of the property which ition.  Legal Owner(s):
Name - Type or Print	Name - Type or Print  Clan  Clan
Address Telephone No.	Signature  ROSWAN POLDEN  Name - Type or Print  X Rosum Jolden
City State Zip Code  Attorney For Petitioner:	Signature  TI12 PHBASANT GROSS DR # 484-6166  Address Telephone No.  21209
Name - Type or Print Signature	Representative to be Contacted:  BRAN KISH
Address Telephone No.	Name 413 AGUARIUM PL. #358-7575 X Address Telephone No. 114 BALTIMORE MD 21215
City State Zip Code  Case No. Of 169 - 1	City State Zip Code  OFFICE USE ONLY  ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING \_\_\_\_\_ Date 〇一〇ろ・〇ろ

#### **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.

C4-169-A

#### CORRECTED NOTICE OF ZOMING 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

Legal Owner(s): David and Roslyn Golden
Variance: to permit a front yard fence height of 5 feet in
lieu of the allowed 42 inch height.
Hearing(s): Thursday, December 11, 2003 at 11:06 a.m.
in Room 106, County Office Building, 111 W. Chesapeake 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 concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 11/803 Nov. 25

C638586

#### CERTIFICATE OF PUBLICATION

1125,2003
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $11 25 $ ,2003.
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News
J. Wilkings-

LEGAL ADVERTISING

RECEIVED FROM: FOR: MISCELL OFFICE OF BUDGET & BALTIMORE COUN ANEOUS RECEIPT TY, MARYLAND FINANCE AMOUNT ACCOUNT\_ No. 33683

**MISINLSS** 00.00.00 CK \$300.00 \$0.00.00 \$300.00 Record Tol \$300,00 CK 04 WALKIN DIO DIO 14 257725 2/25/2004 5 528 ZIMING VERTFICATION 0.53685 2725/2004 14:30:57 JM1 S N.170 .2 **₹** 

CASHIER'S VALIDATION

DISTRIBUTION WHITE - CASHIER

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AGENCY

YELLOW - CUSTOMER

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#### **CERTIFICATE OF POSTING**

		Date: 11/3/63
RE:	Case Number <u>04-169-A</u> Petitioner:  Date of Hearing:	
were	This is to certify under the penalties of perjury posted conspicuously on the property located at DR	
	The sign(s) were posted on	了 (Month, Day, Year)
		(Signature of Sign Poster)
		Gary Freund (Printed Name of Sign Poster)
		Balto. Co. Code Enforcement (Street Address of Sign Poster)
		Towson, MD 21204 (City, State, Zip Code of Sign Poster)

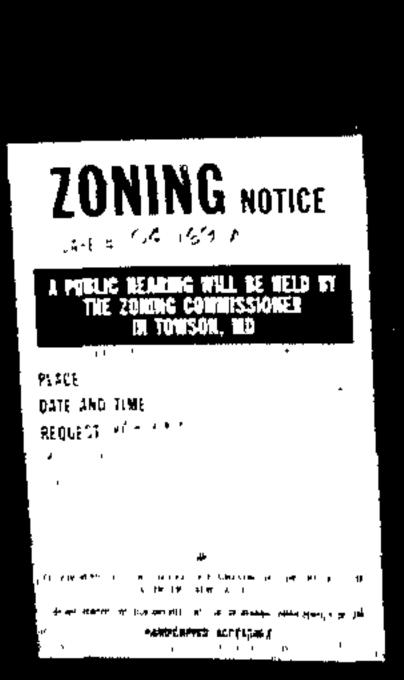
#### CERTIFICATE OF POSTING.

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	-
Attention: BECKY HART	
Ladies and Gentlemen: This letter is to certify under the penalties of perjury that the necessary sign(s) requi	ired by
law were posted conspicuously on the property located at #7112 PHEASANT (2055	DRIVE
†	<del></del>
The sign(s) were posted on OCT-28, ZOOS (Month, Day, Year)	<b>-</b> •
Sincerely,  Sincerely,  Signature of Sign Poster and Date)  CIARLAND E. MOORE (Printed Name)  3225 RYERSON CIRC (Address)  DAUTIMORE, MD. 212 (City, State, Zip Code)  C410) 242-4263 (Telephone Number)	

RE: Case No.: 04-169-A

Petitioner/Developer: DAYID & ROSLYN GOLDEN

Date of Hearing/ Closing: NOV, 18, 2003



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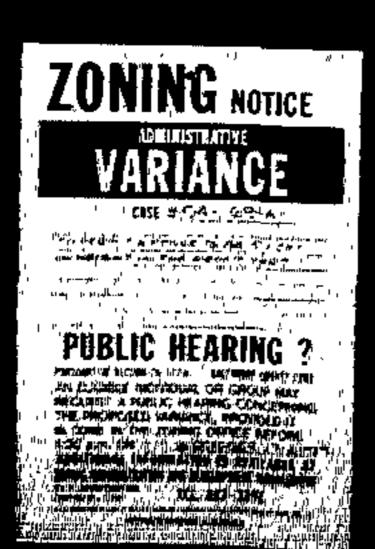
THE REPORT OF THE PROPERTY OF

the second of th

#### CERTIFICATE OF POSTING

	Petitioner/Developer: Davide Zozzie Golder
*•	Date of Hearing/Closing: Oct. 27, 2003
altimore County Department of ermits and Development Management ounty Office Building, Room 111 11 West Chesapeake Avenue owson, MD 21204	
ttention: BECKY HART	•
adies and Gentlemen: This letter is to certify under th	ne penalties of perjury that the necessary sign(s) required by
w were posted conspicuously on the property located	1 at #7112 PHEASAUT CROSS DRIVE
he sign(s) were posted on Oct. 9, 26 (Mo	onth, Day, Year)
	Sincerely,  Signature of Sign Poster and Date)
	GARLANDE, Moore (Printed Name)
•	3225 RYERSON CIRCLES (Address) BAUTIMORE, MD. 21227
	(City, State, Zip Code)  (C4(0) 242-4263  (Telephone Number)

RE: Case No.: 04 - 160 - A



RECEIVED

OCT 1 0 2003

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT

### DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: + 84 - 165 - A
Petitioner: DAVID & ZOZZIE CPOLDEN
Address or Location: 7112 PHBASANT CROSS BR.
BALTO, MD 21209
PLEASE FORWARD ADVERTISING BILL TO:
Name: ABBBY-FRITZ FENCE
Address: 413 AQUARIUM PL.
BALTO, MB 21215
MTTN! BRIAN KISH
Telephone Number: # (418) 358-7575 x 114

Revised 2/20/98 - SCJ

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 Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 04-169-A

7112 Pheasant Cross Drive

N/side of Pheasant Cross Drive, 43 feet west of centerline of Verbeena Road

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: David and Roslyn Golden

Variance to permit a front yard fence height of 5 feet in lieu of the allowed 42 inch height.

Hearings:

Tuesday, November 18, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

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

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 15, 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:

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Hearings:

Tuesday, November 18, 2003 at 2:00 p.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Timothy Kotroco Director

TK:rlh

C: Mr. and Mrs. David Golden, 7112 Pheasant Cross Drive, Baltimore 21208 Brian Kish, 4113 Aquarium Place, Baltimore 21215 Jim Thompson, Code Enforcement Dorothy Chung, 7202 Verbeena Road, Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, NOVEMBER 3, 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, November 25, 2003 Issue - Jeffersonian

Please forward billing to:

Abby-Pritz Pence 4113 Aquarium Place Baltimore, MD 21215

410-358-7575 x114

Attn: Brian Kish

#### **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 NUMBER: 04-169-A

7112 Pheasant Cross Drive

N/side of Pheasant Cross Drive, 43 feet west of centerline of Verbeena Road 3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: David and Roslyn Golden

Variance to permit a front yard fence height of 5 feet in lieu of the allowed 42 inch height.

Hearings: Thursday, December 11, 2003, at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

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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

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 15, 2003

#### **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 NUMBER: 04-169-A

7112 Pheasant Cross Drive

N/side of Pheasant Cross Drive, 43 feet west of centerline of Verbeena Road 3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owner: David and Roslyn Golden

Variance to permit a front yard fence height of 5 feet in lieu of the allowed 42 inch height.

Hearings:

Thursday, December 11, 2003, at 11:00 a.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

Timothy Kotroco

Director

TK:klm

C: Mr. and Mrs. David Golden, 7112 Pheasant Cross Drive, Baltimore 21208 Brian Kish, 4113 Aquarium Place, Baltimore 21215 Jim Thompson, Code Enforcement Dorothy Chung, 7202 Verbeena Road, Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, NOVEMBER 26, 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.



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

#### 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

December 5, 2003

David Golden Roslyn Golden 7112 Pheasant Cross Drive Baltimore, MD 21208

Dear Mr. and Mrs. Golden:

RE: Case Number: 04-169-A, 7112 Pheasant Cross Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 3, 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

all.

WCR:klm

Enclosures

c: People's Counsel Brian Kish, 4113 Aquarium Place, Baltimore 21215



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



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Rebert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.14.03

RE:

Baltimore County

Item No. 16 9

JRA

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

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.

1

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



County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

OCI 5 1 XXIS ctober 16, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 14, 2003

Item No.:

151-169

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applied le and required to be corrected or incorporated into the final plans for the property.

The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZIC. Fire Marshal's Offic PHONE 887-4881 MS-1102F

cc: File

#### velopment 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

February 25, 2004

Dr. David Golden Mrs. Roslyn Golden 7112 Pheasant Cross Drive Baltimore, MD 21208

Dear Dr. & Mrs.Golden:

RE: Case 04-169-A, 7112 Pheasant Cross Drive

Please be advised that an appeal of the above-referenced case was filed in this office on January 29, 2004. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely, Who co

Timothy Kotroco Director

KT:rjc

c: Lawrence E. Schmidt, Zoning Commissioner Timothy Kotroco, Director of PDM People's Counsel

James H. Thompson, Code Enforcement (Enforcement Case No. 03-4981)

Brian Kish, Abbey Fence Company

4113 Aquarium Place, Baltimore MD 21215

Deborah C. Dopkin, P.A.

409 Washington Avenue, Towson, MD 21204

Dorothy Chung, M. D. Ph.D. and Allen Mandir M.D. Ph.D.

7202 Verbena Road, Baltimore, MD 21209

#### **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

**Zoning Advisory Committee Comments** 

#### Petitioners' Exhibits:

- 1. Plat to Accompany Petition for Special Hearing (2 copies)
- 2. Record Plat Book 37 Folio 28 Green Gate
- 1A. Photo of Property
- 2B. Photo of Property
- 3.A-H Photo of Photos of Property
- 4. Survey Lot 8 and Lot 9 Block "F" Plat of "Greengate" 37/28
- 5. Photo of Fence
- 7. Non-objective list of citizens 8/6/03 (2 pages)

Miscellaneous (Not Marked as Exhibits):

Letter Dated December 12, 2003 from Dorothy S. Chung and Allen Mandir Faxed Letter from Deborah C. Dopkin October 31, 2003

Memo To File

Anonymous Fax Concerned Neighbor

Additional Photos

Violation Case 03-4981

Site Plan

Deputy Zoning Commissioner's/Zoning Commissioner's Order (Granted January 7, 2004)

Notice of Appeal received on January 29, 2004 from Dorothy S. Chung and Allen S. Mandir

c: David and Roslyn Golden 7112 Pheasant Cross Drive Baltimore MD 21208
James H. Thompson, Code Enforcement (Enforcement Case No. 03-4981)
Brian Kish 4113 Aquirium Place Baltimore MD 21215
Lawrence E. Schmidt, Zoning Commissioner for Baltimore County
People's Counsel of Baltimore County, MS #2010
Timothy Kotroco, Director of PDM
Deborah C. Dopkin, P.A. 409 Washington Avenue Suite 1000 Towson MD 21204

Sent 2/25/04 rjc

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:

Dorothy Chung 7202 Verbena Road Baltimore, MD 21209

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Code Enforcement Report Baltimore County Correction Notice Baltimore County Citaton Photos (2)

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Latoshia Rumsey-Scott in Room 113 in order that the appropriate action may be taken relative to the violation case.

#### RSW/lrs

c: Jason Seidelman, Code Enforcement

RE: PETITION FOR VARIANCE \* BEFORE THE
7112 Pheasant Cross Drive; N/side Pheasant
Cross Drive, 43' W c/line Verbeena Road \* ZONING COMMISSIONER
3<sup>rd</sup> Election & 2<sup>nd</sup> Councilmanic Districts
Legal Owner(s): David & Roselyn Gorden \* FOR
Petitioner(s)

\* BALTIMORE COUNTY

\* \* \* \* \* \* \* \*

#### **ENTRY OF APPEARANCE**

\*

04-169-A

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 OCT 21 2003

Per.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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 May of October, 2003, a copy of the foregoing Entry of Appearance was mailed to, Brian Kish, 4113 Aquarium Place, Baltimore, MD 21215, Representative for Petitioner(s).

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

RECEIVED 1911

Re: Case number O4-169-A; 7112 Pheasant Cross Road, Baltimore, MD 21202 1 2 2003

We are a concerned neighbor directly affected by the above proposal to grant wariance, for a 5 feet high fence adjoining our front yard (they are on a corner property). We would like to voice our strong opposition to this proposal due to concerns for safety and potential adverse effect on property values and resale.

We do not feel that a variance should be granted in this case for the following reasons:

- 1. Importantly, we are concerned that this fence is a safety liability due to its location directly adjacent to our driveway, sidewalk, and public road, endangering pedestrian and vehicular traffic alike. According to the Baltimore County Code, a residential fence in a side or rear yard (their fence) which adjoins a residential front yard (our yard) cannot exceed 3 and a half feet in height.
- 2. Furthermore, for safety purposes, a fence or other obstruction to vision is not permitted higher than 3 feet within 15 feet of a corner of a street and an alley. This situation is similar as it is a 5 foot fence directly adjacent to the corner of the street/sidewalk and our driveway. Who would be responsible for the increased liability if the fence is permitted to remain against county codes?
- 3. Ever since the fence was built, we have received numerous negative comments about the attractiveness of the fence. We recall distinctly some neighbors walking their dogs soon after the fence was built complaining to us about the appearance of the fence. More recently, the previous owners of our house paid us a visit and their first comment, without prompting, was how unattractive the fence is, particularly that it encroaches on the front yard. This fence is unattractive and degrades property values due to its unduly height and location.
- 4. We fear that we may suffer personal liability loss (see 1 above) or financial loss when trying to sell our house in the future, as potential buyers may also find the fence unattractive or recognize it as the safety liability it is.
- 5. This fence was possibly built knowingly in violation of county codes both in its height and in its proximity to the street as well as to the adjacent property, given that it had been built by a licensed contractor in Baltimore County (Abbey Fence Company). We had been unaware that this fence was built against county codes and felt that since it was built by a reputable company that it must have been in compliance. If it hadn't been for a concerned neighbor that initiated a complaint against this neighbor, we might have never known.

6. The fence in question is surrounding a pool. However, the pool is located well behind our front foundation line, and a required 4 foot high pool fence could be easily be accommodated within current Baltimore County code.

Dorothy Chung/and Allen Mandir 7202 Verbena Road

Baltimore, MD 21209

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NOV -3 2003

ZONING COMMISSIONER

DEBORAH C DOPKIN

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 ddopkin@dopkinlaw.com

October 31, 2003

VIA FACSIMILE TRANSMISSION AND FIRST CLASS MAIL

Mr. Lawrence E. Schmidt Zoning Commissioner for Baltimore County County Courts Building 401 Bosley Avenue, Suite 405 Towson, Maryland 21204

RE: 7112 Pheasant Cross Drive Case No. 04-169-A

Dear Commissioner Schmidt:

This office represents Dr. and Mrs. David Golden with respect to an administrative variance application to permit the continuance of an existing fence at their property.

The hearing has been scheduled for November 18, 2003 at 2:00 p.m. I am writing to request that this matter be rescheduled until December 11, 2003 at 11:00 a.m. Dr. Golden sees patients on Tuesdays and those appointments are sometimes scheduled far in advance. He has asked if it is possible to reschedule the hearing as requested, it will avoid inconveniencing patients who have appointments on November 18<sup>th</sup>.

I appreciate your consideration of this matter.

Very truly yours,

Deborah C. Dopkin

DCD/kmc

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#### 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 ddopkin@dopkinlaw.com

DEBORAH C DOPKIN

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DCD/kmc

CC: Dr. and Mrs. David Golden
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PLEASE PRINT CLEARLY

CASE NAME OF 7/12 PRESONT CASE NUMBER 04-169 DATE DEC 11, 2003

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# PETITIONER'S SIGN-IN SHEET

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## CITIZEN'S SIGN-IN SHEET

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CITY, STATE, ZIP	Baltimore, MD 21209									
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NAME	Dchuag									

August 6, 2003.

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The following listed neighbors who reside within 1000 feet of the property at 7112 Pheasant Cross Drive do not object to the height or length or placement of the fence on said property.

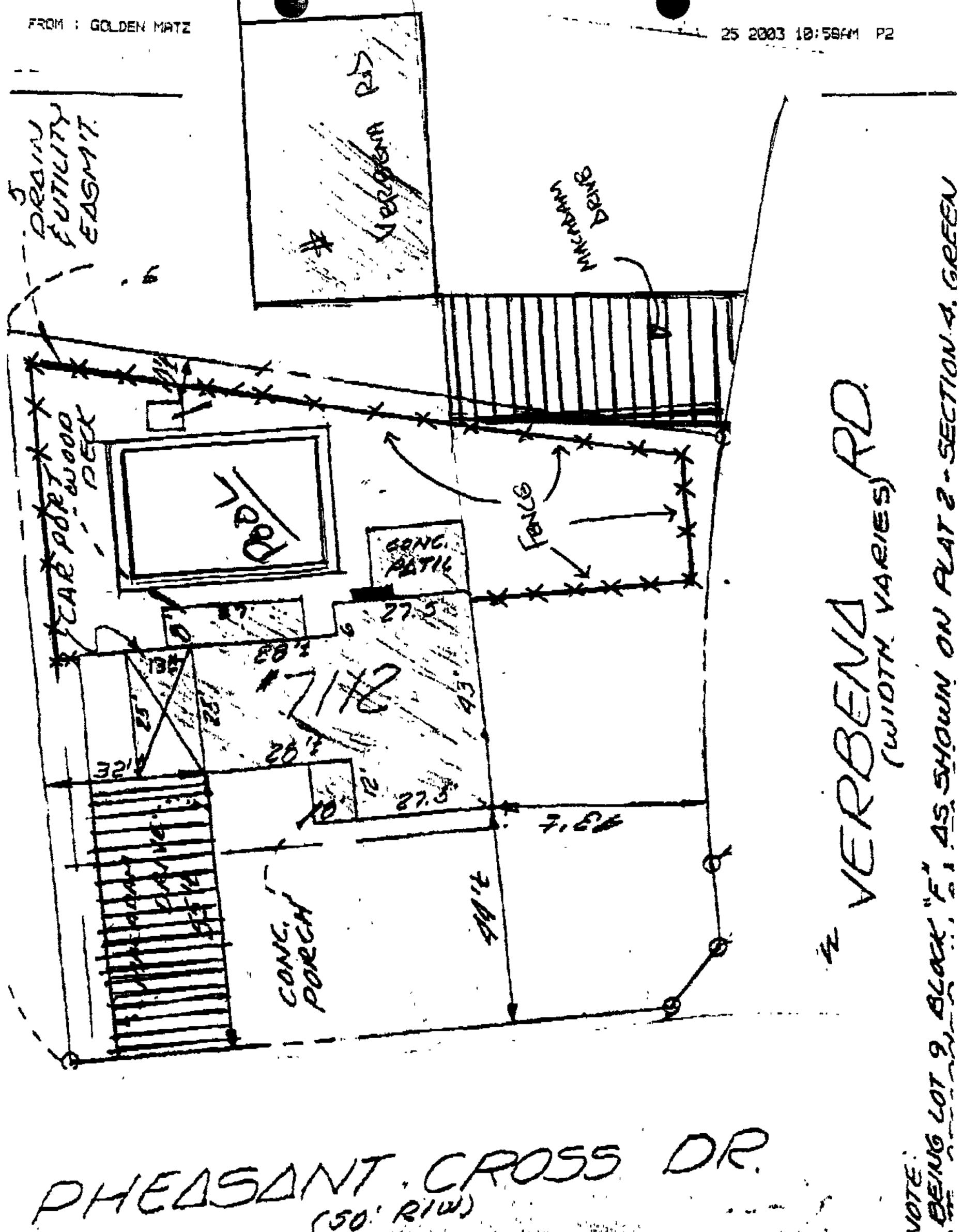
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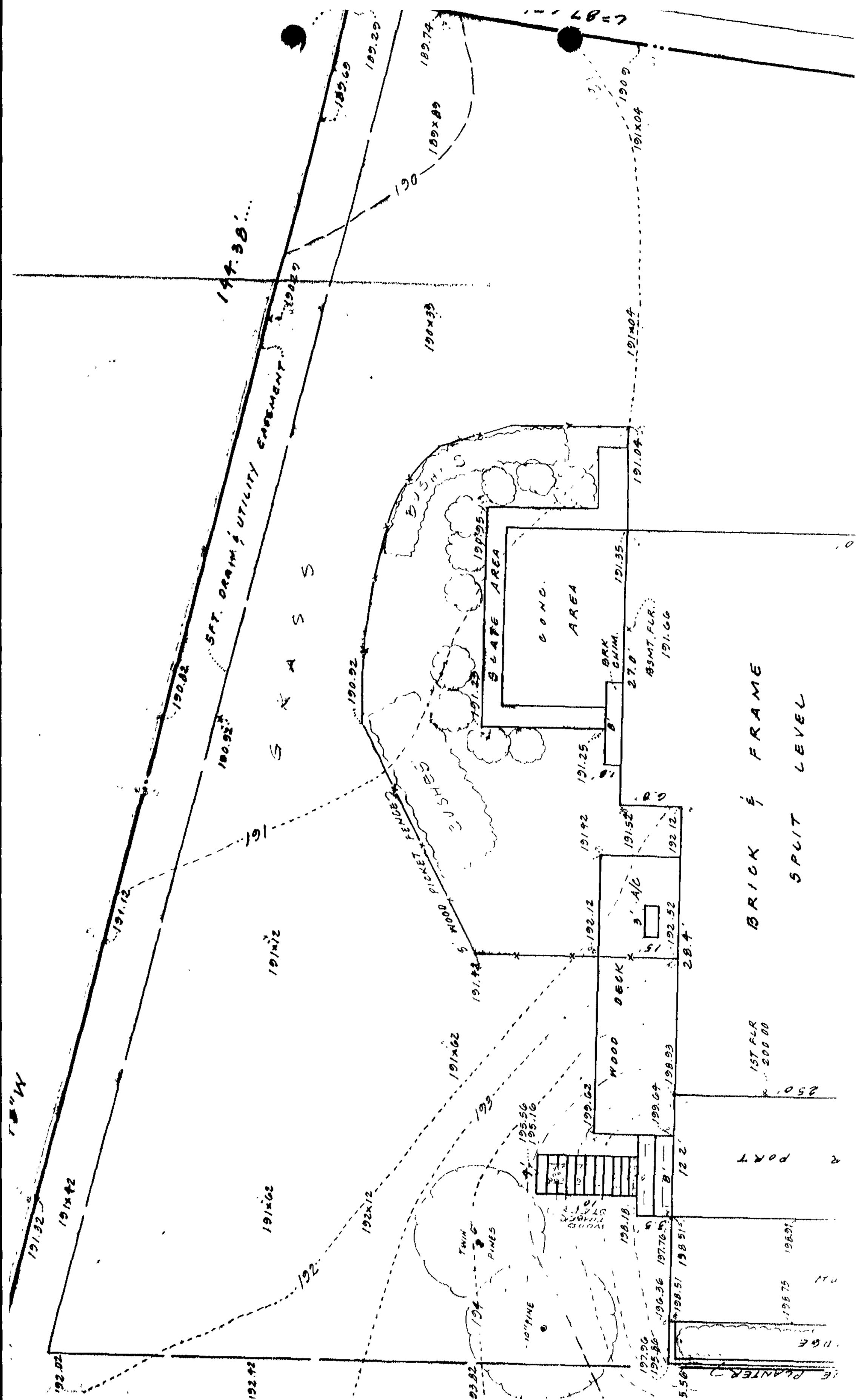
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	1205 VerbenaRd	^

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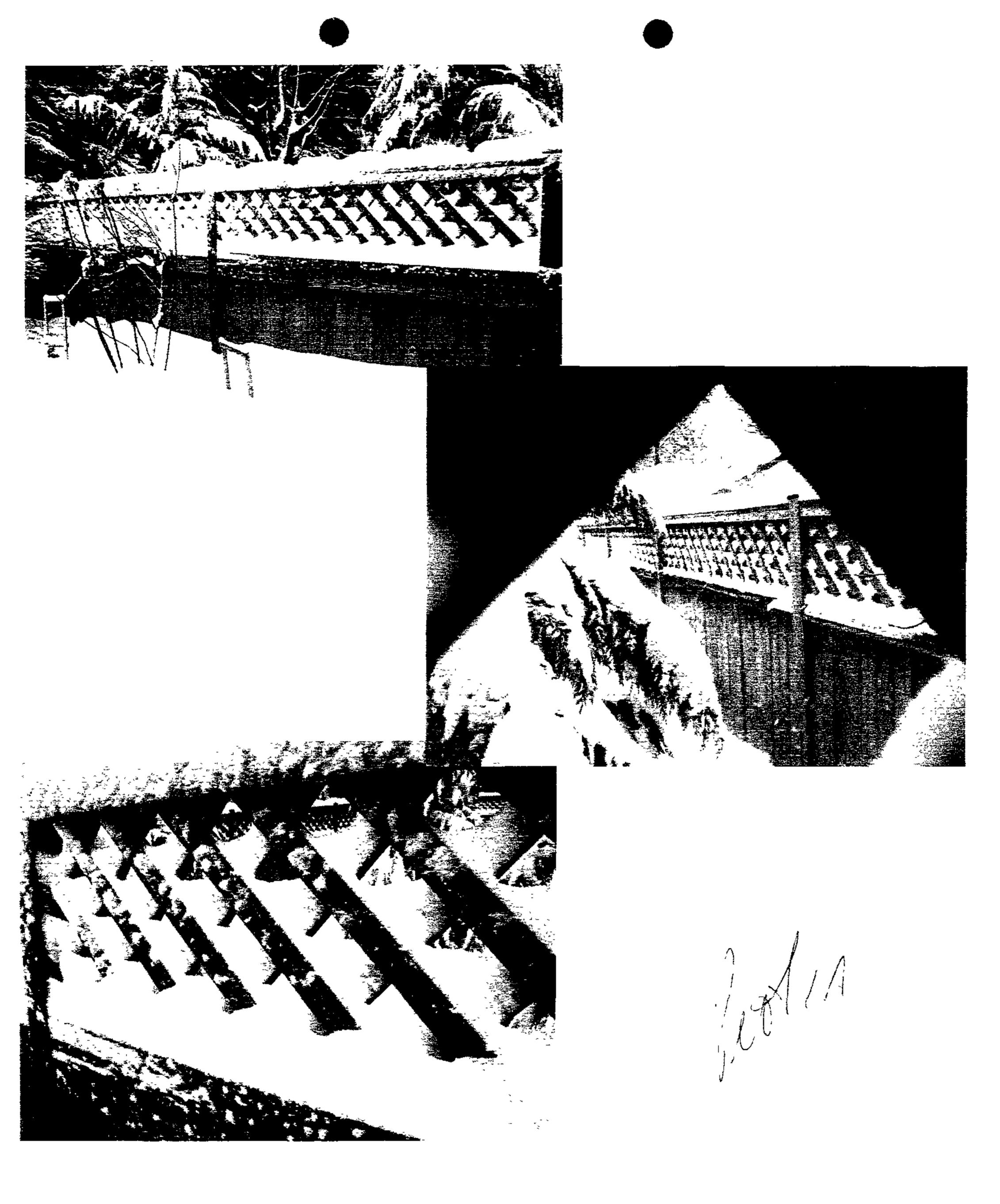


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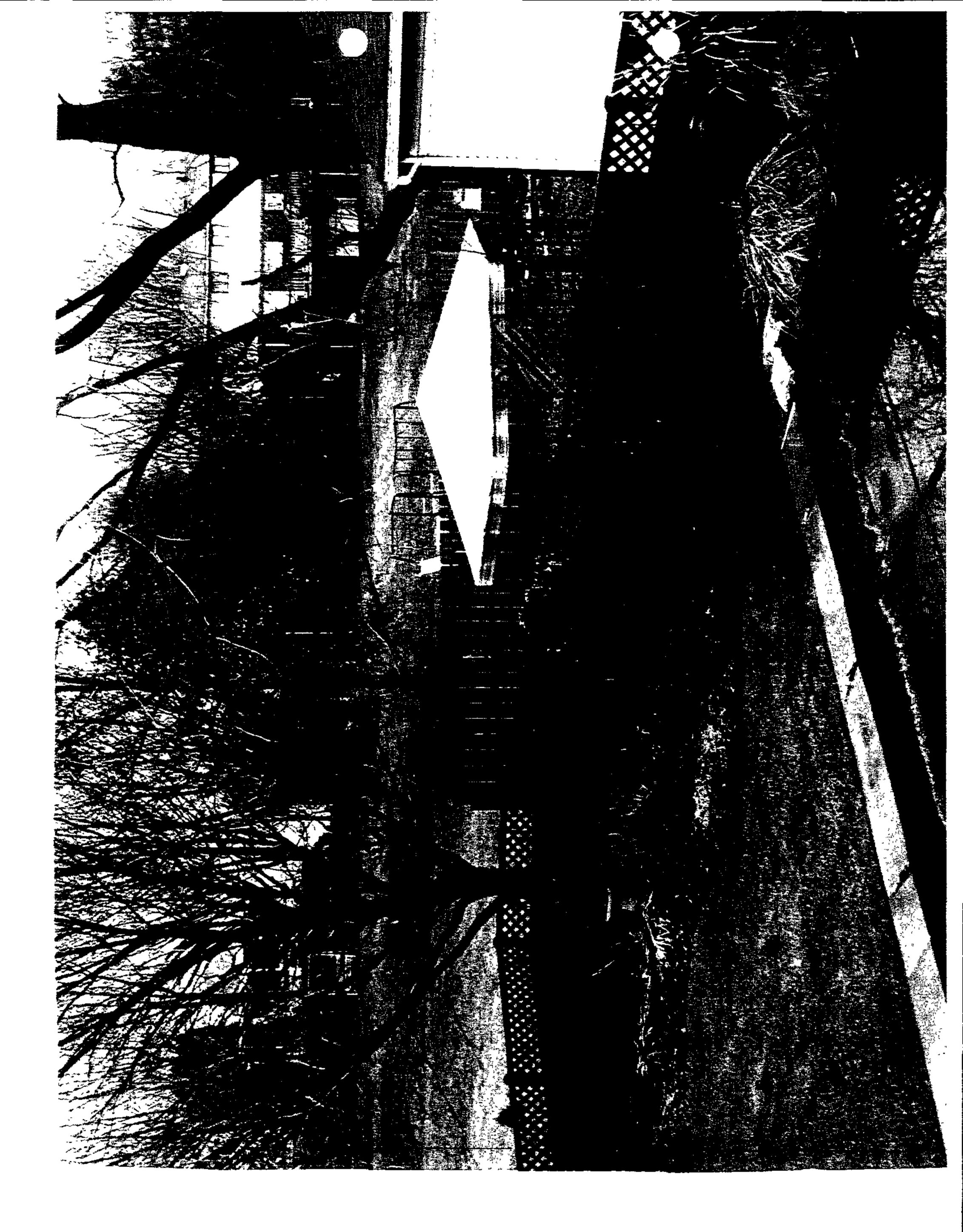


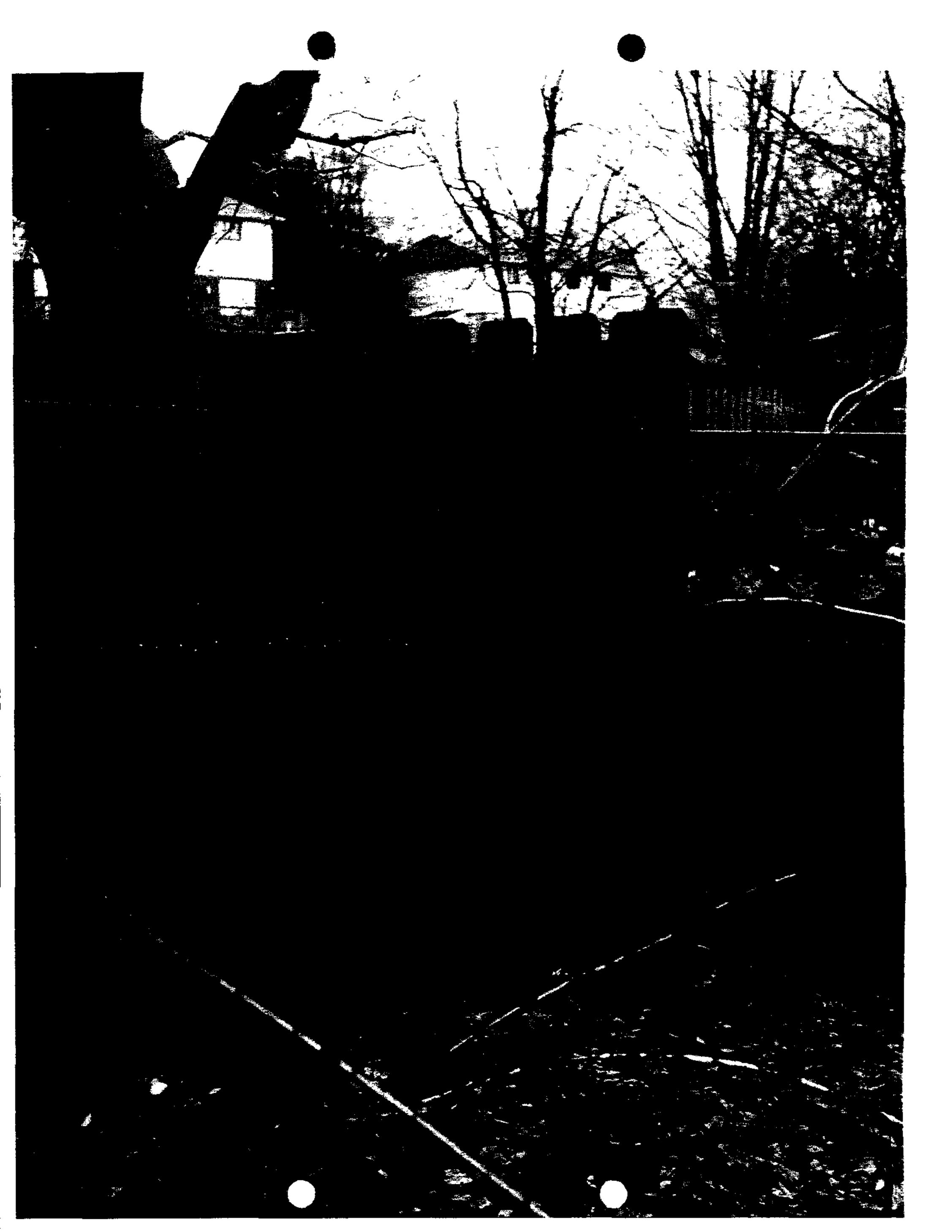






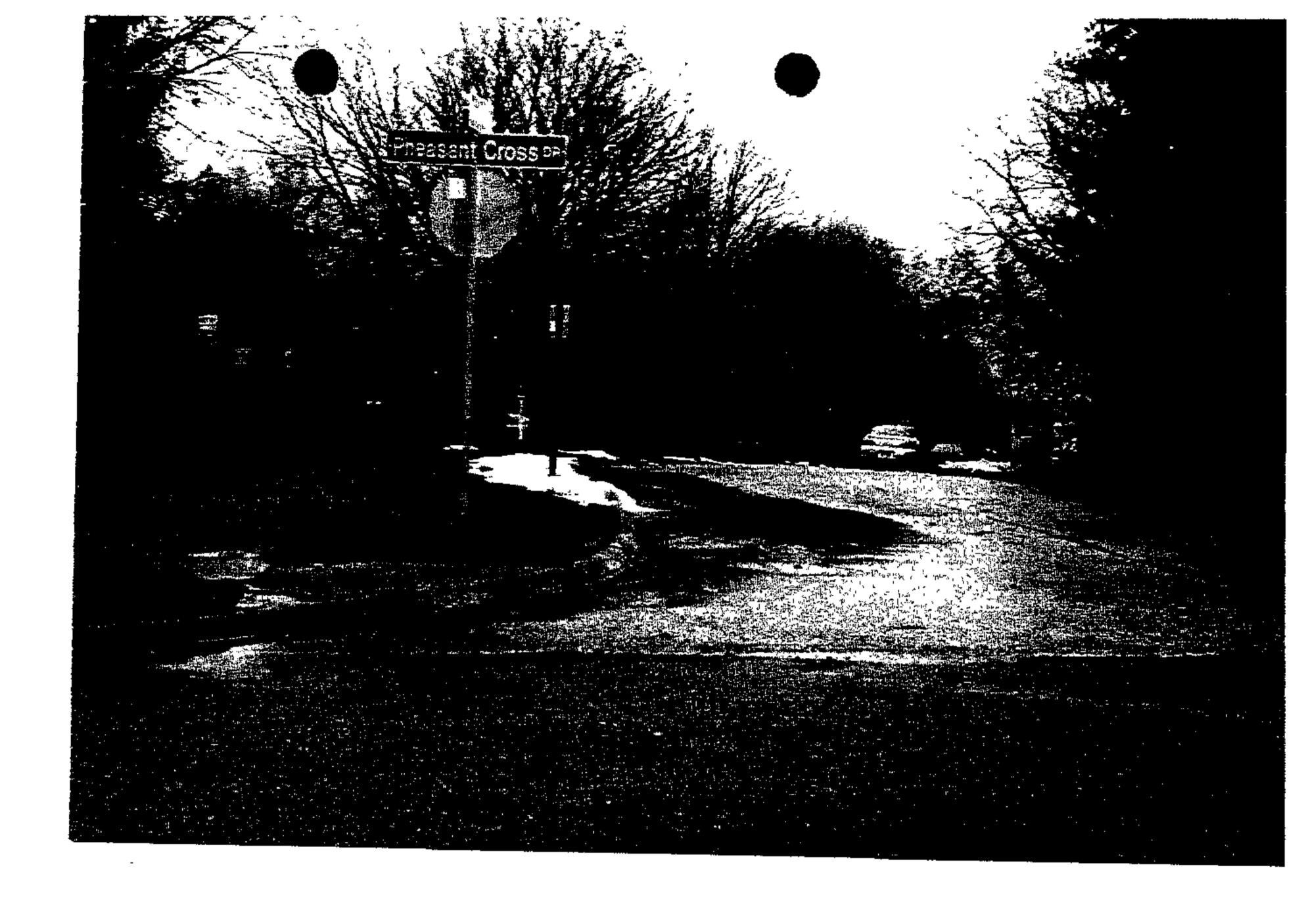






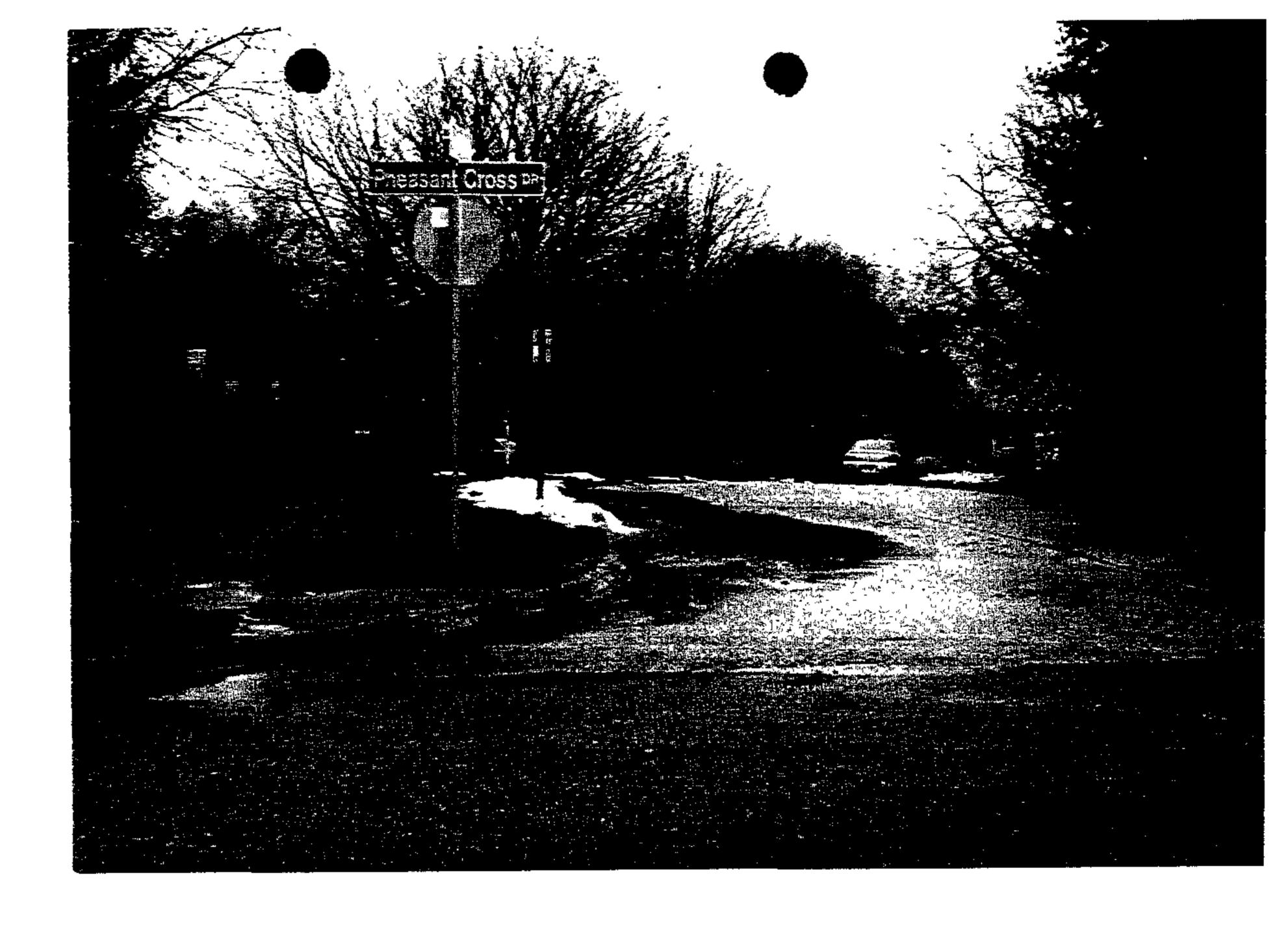






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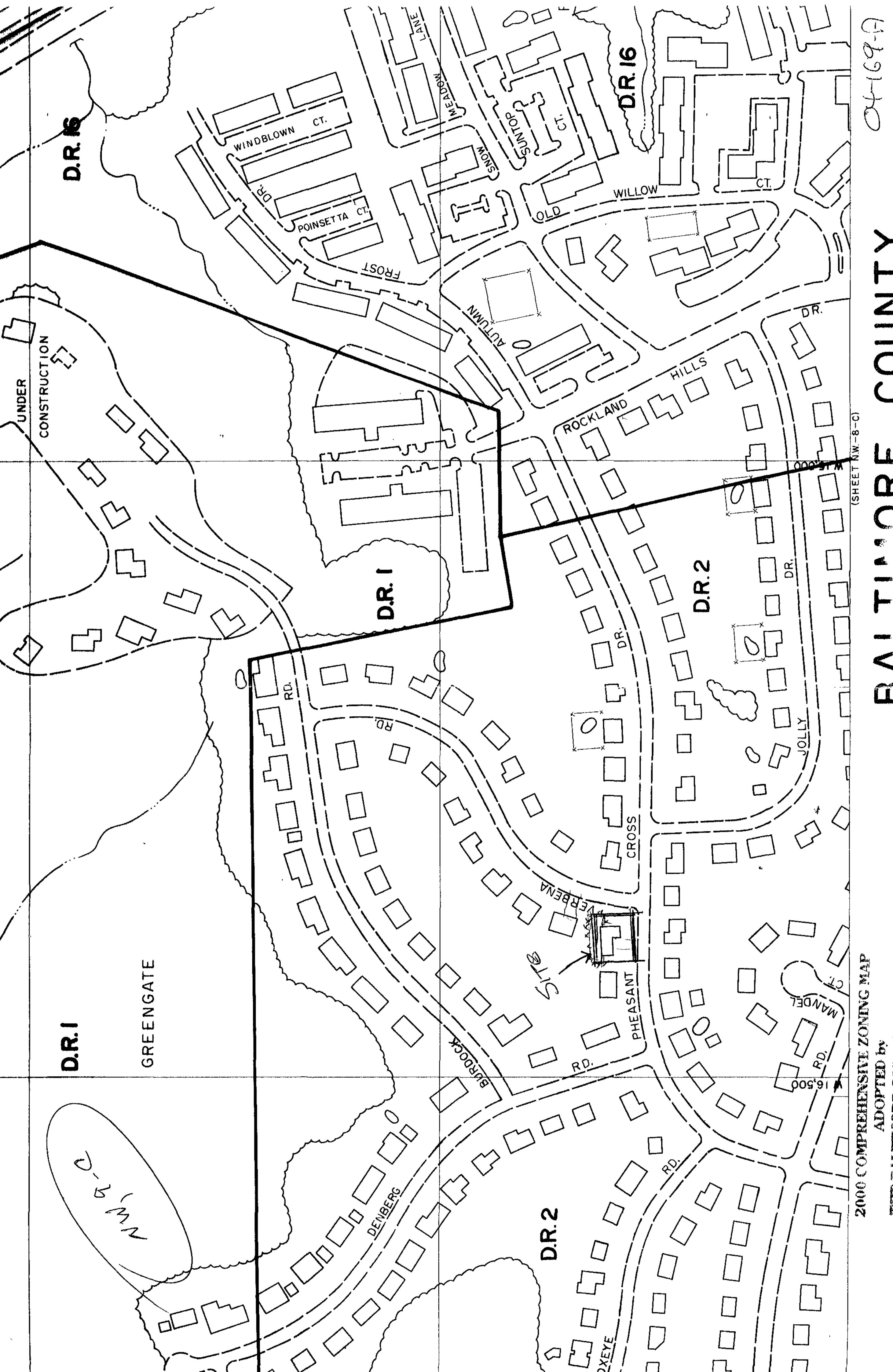


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DEBORAH C. DOPKIN, P.A. 1000 MERCANTILE - TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204-4513

## FAX TRANSMISSION LEAD SHEET

## NOTICE

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October 31, 2003 DATE:

Lawrence E. Schmidt NAME:

Zoning Commissioner COMPANY:

for Baltimore County

BAKER and BAKER

(410) 887 - 3468FAX:

7112 Pheasant Cross Drive RE:

Deborah C. Dopkin, Esquire SENDER:

1000 Mercantile - Towson Building

409 Washington Avenue Towson, Maryland 21204

Please contact (410) 821-0200 should you experience any

problem with this transmission.

Fax Number: (410) 823-8509

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