

IN RE: PETITION FOR VARIANCE  
E/S Quentin Avenue, S of Joppa Road /  
(8543 Quentin Avenue)  
9<sup>th</sup> Election District  
5<sup>th</sup> Council District

Keith M. Light, et ux  
Petitioners

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 05-055-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, Keith M. Light, and his wife, Jean M. Light. The Petitioners request a variance from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6-foot high fence adjacent to the front yard of an adjoining property in lieu of the maximum permitted height of 3.5 feet. 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, and a series of photographs submitted at the hearing.

Appearing at the requisite public hearing in support of the request were Keith and Jean Light, property owners, and Connie Strauss Danna, Esquire, attorney for the Petitioners. Appearing as interested citizens were Robert and Kitty Hanson, adjacent neighbors. There were no other interested persons present.

The subject property under consideration is an irregular shaped parcel located on the east side of Quentin Avenue, just south of Joppa Road near Oakleigh Elementary School in Parkville. The property is an irregular shaped parcel in that it is approximately 102 feet wide at the front building line, however, tapers to a rear yard width of 75 feet and is approximately 175 feet deep. The property contains a gross area of 0.377 acres (16,426 sq.ft.) more or less, zoned D.R. 10.5 and is improved with a single-family dwelling. Mr. & Mrs. Light indicated that they have owned and resided on the property for the past 4 years. Apparently, shortly after erecting an

ORDER RECEIVED FOR FILING  
Date 9/30/04  
By [Signature]



aboveground swimming pool in their rear yard, the Petitioners erected a 6-foot high privacy fence which encircles the entire rear yard area. It is this fence which is the subject of the Petition.

Testimony and evidence presented revealed that the subject property was created as the result of a minor subdivision of a larger parcel to the rear of the subject property. That subdivision was approved prior to the Petitioner's acquisition of the subject property and has created a somewhat unique circumstance that drives the need for variance relief. That is, although the subject property has direct access and fronts Quentin Avenue, there is a driveway that immediately adjoins the south side of the property. This driveway is located on a 25-foot right-of-way and is approximately 16 feet wide and leads to the property from which it was originally subdivided and the dwelling known as 8539 Quentin Avenue. Mr. & Mrs. Kenneth Mundy now own that dwelling and access to the house is by way of that driveway. On the other side of the Mundy house is another structure which is owned by the Baltimore Area Retarded Citizens and is used for clients of that organization. That building has frontage on Quentin Avenue. Mr. & Mrs. Hanson actually reside north of the subject property at 8605 Quentin Avenue.

In any event, the subject of the Petition relates to a 6-foot high privacy fence that encircles the Petitioners' rear yard. Apparently, the fence was constructed for safety and privacy considerations shortly after the Petitioners erected an aboveground swimming pool in their rear yard. Photographs of the pool and fence were submitted at the hearing and are contained within the case file. The Petitioners cite several reasons in support of their request. First, they believe that the fence provides safety and prevents neighboring children from entering their rear yard unsupervised and being drawn by the attractive nuisance of the swimming pool. Additionally, the Petitioners are aware of the fact that Baltimore County requires fencing around any pool and notes that a 3.5 foot fence would be permitted as of height. The additional 2.5-foot height, in their judgment, should be approved.

Mr. & Mrs. Hanson appeared in opposition to the request. They first voiced concern that the fence may block visibility for traffic that utilizes the private driveway. Clearly, however, this is not an issue for the Hanson's in that they do not have legal access to that driveway. Rather,



as noted above, that driveway serves the Mundy house. Although it was indicated that Mr. & Mrs. Mundy are now separated, Ms. Mundy apparently does not object to the fence and does not oppose the Petitioners' request for relief. In fact, Mr. & Mrs. Mundy submitted a jointly signed affidavit indicating they have no objections to the fence. Moreover, I am not persuaded in reviewing the photographs that the fence blocks visibility in any manner. There appears to be sufficient clearance for a prudent driver to observe children or others who may be on the driveway.

Secondly, the Protestants oppose the request fearing a domino effect in the neighborhood. However, as the undersigned stated at the hearing, each case must be judged in accordance with the circumstances which impact that specific matter, only.

Upon due consideration of all of the testimony and evidence presented, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioners have met the requirements of Section 307 of the B.C.Z.R. The uniqueness associated with this property is two-fold. First, the unusual configuration and shape of the lot caused by the taper of the property towards the rear. Secondly, the property is unique given its location immediately adjacent to the extended driveway that leads to the Mundy house to the rear. This is unusual for this neighborhood and there is no evidence that there are other situations in the community where a private driveway extends between two houses to serve a house to the rear.

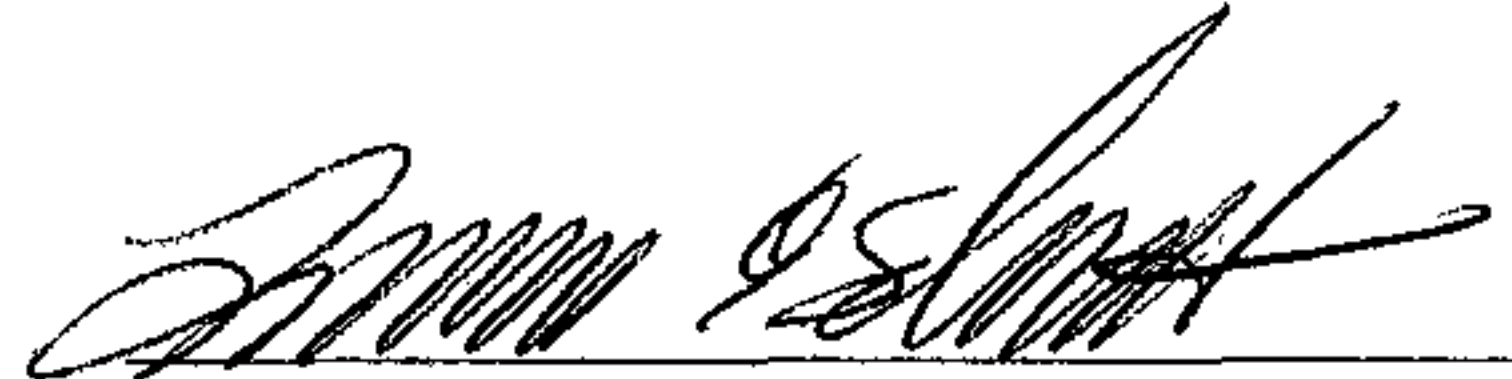
Also, I find the Petitioners' reasons in support of their request to be legitimate. A 6-foot high fence appears appropriate for this property, given the pool in the rear yard and the need to insure that children are not drawn to the swimming pool. Photographs of the fence show that the structure, although apparently built without benefit of a permit, is attractive. Finally, I find that there is no detrimental impact upon any adjacent properties. Mr. & Mrs. Hanson are not detrimentally impacted by the fence, in that it is somewhat buffered from their property by the large detached garage in their rear yard. The individuals who might most object, (Mr. & Mrs. Mundy) have indicated their support of the request as noted above.

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 should be granted.



THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31<sup>st</sup> day of September 2004 that the Petition for Variance seeking relief from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6-foot high fence adjacent to the front yard of an adjoining property in lieu of the maximum permitted 3.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners shall obtain a building permit for the fence and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that any appeal of this decision may be rendered within thirty (30) days of the date hereof. 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

LES:bjs

ORDER RECEIVED FOR FILING  
Date 9/30/04  
By [Signature]



IN THE MATTER OF  
THE APPLICATION OF  
KEITH M. LIGHT - LEGAL OWNER /  
PETITIONER FOR VARIANCE ON PROPERTY  
LOCATED ON THE E/S QUENTIN AVENUE,  
S OF JOPPA ROAD (8543 QUENTIN AVENUE)

9<sup>TH</sup> ELECTION DISTRICT  
5<sup>TH</sup> COUNCILMANIC DISTRICT

\* BEFORE THE  
\* COUNTY BOARD OF APPEALS  
\* OF  
\* BALTIMORE COUNTY  
\* CASE NO. 05-055-A

\* \* \* \* \*

### OPINION

This matter comes before the Baltimore County Board of Appeals on an appeal filed by Mr. and Mrs. Robert Hanson from a decision of the Zoning Commissioner dated September 30, 2004 in which Petitioner's requested variance relief was granted with restrictions.

Petitioners, Keith M. and Jean M. Light, filed a Petition for Variance from § 427 of the *Baltimore County Zoning Regulations* (BCZR) for a six (6) foot fence in lieu of the maximum permitted 3.5-foot height on property located at 8543 Quentin Avenue. Connie Straus Danna, Esquire, represented the Petitioners. Mr. and Mr. Robert Hanson, Appellants /Protestants, were represented by Arnold Politzer, Esquire.

### Testimony

Mr. Keith Light testified that he was requesting a variance for a solid wood fence, 6 feet in height, to protect his property from anyone viewing or trespassing onto his property. There is a school located across the street from his property, and he constructed a solid fence to block the view of his pool, thus eliminating any temptation for children to enter his property.

Mr. Light stated that his property is located on a panhandle which he feels makes his property unique due to its location and irregular shape and the fact that his backyard fronts another property due to the way the adjoining properties were subdivided and developed.

On cross-examination Mr. Light admitted that he was unaware of the need to seek a variance for the fence height when he erected the fence after purchase of a pool. He stated that



he discussed the fence issue with Mrs. Hanson, and she did not object to its construction. He also felt that there were other fences in the area the same height.

Mrs. Hanson, the Protestant, advised that she objected to the height of the fence for the following reasons.

1. She felt the height of the fence might block the view of oncoming traffic when exiting the private driveway.

2. She also felt to allow this variance would set a precedent for the area, thus creating a negative impact on the area.

3. She did not wish to have a fence of this size in her front yard.

She further stated that the property was not unique, as there were other subdivided properties in the area similar to Mr. Light's property. She felt the fence was an encroachment to her property.

### **Discussion**

The Board deliberated this request for a variance on June 8, 2005. The variance request is two-pronged, the first being uniqueness based on *Cromwell v Ward*, 102 Md.App. 691, 651 A.2d 424 (1995) and *North v St. Mary's County*, 99 Md.App. 512, 638 A.2d 1175 (1994). The uniqueness imposed is not by use but by the property and factors of surrounding properties that change the reality for the property in question. The factors that create uniqueness are not of the making of the Petitioner who owns the property; it is determined by the usage and configuration of the property. In this case the Petitioners did not create the driveway that was imposed on them along with the shape of the property. It is felt that the requirement for uniqueness has been met. It is the opinion of the Board that there are no similar lots in the neighborhood, as there was no evidence or testimony to prove this point.



The second prong for granting the requested variance is that of practical difficulty. The regular use being put to the property is in some way made more difficult than would normally be the case due to circumstances not of the Petitioners' making. Under normal circumstances the use of a pool and construction of a fence is permitted as a matter of right. Because of the configuration of the properties around the Petitioners' property, it puts the Petitioners' property on the wrong side of the adjoining property, specifically making the rear of the Petitioners' property facing the front of the neighboring property.

The intent of the zoning regulations is to prevent the construction of a fence in someone's front yard. However, no regulation covers all circumstances. Section 427 of the BCZR states as follows:

A. A residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another on which a residence has been built, except in accordance with the provisions of this section.

B. The fence height shall be limited as follows:

|                                 | <b>Distance Between Fence and Front Yard Property Line</b> |                 |                 |                 |
|---------------------------------|------------------------------------------------------------|-----------------|-----------------|-----------------|
|                                 | 0 - 10<br>Feet                                             | 10 - 20<br>Feet | 20 - 30<br>Feet | Over 30<br>Feet |
| <b>Maximum<br/>fence height</b> | 42 inches                                                  | 48 inches       | 60 inches       | No limit        |

C. **Any person may request a variance from the requirements of Subsection B.**  
[Emphasis Added.]

The statute itself states that anyone may request a variance. The framers of the statute apparently realized that there would be problems with this regulation and variances would be necessary.

The Board addressed the concerns of the Protestant such as the visibility. In reviewing the photographs and testimony as submitted, this Board finds, as did the Zoning Commissioner



below, that there "appears to be sufficient clearance for a prudent driver to observe children or others who may be on the driveway." In addition, Mr. and Mrs. Mundy, the individuals most likely impacted by the requested fence, have indicated their support of this request. This Board also finds that there is no detrimental impact to any adjacent properties. More specifically, Mr. and Mrs. Hanson are not detrimentally impacted by the fence since the large detached garage in their rear yard offers a buffer to the fence's impact on their property.

It is, therefore, the unanimous decision of the Board to grant the variance relief as requested by the Petitioners.

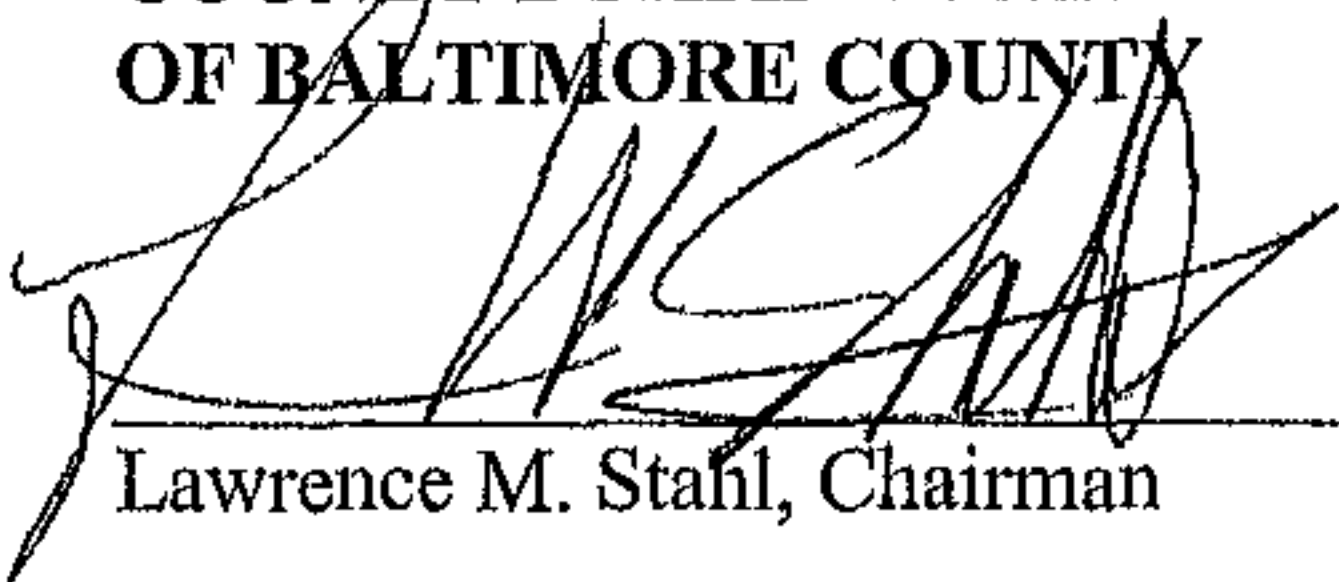
**ORDER**

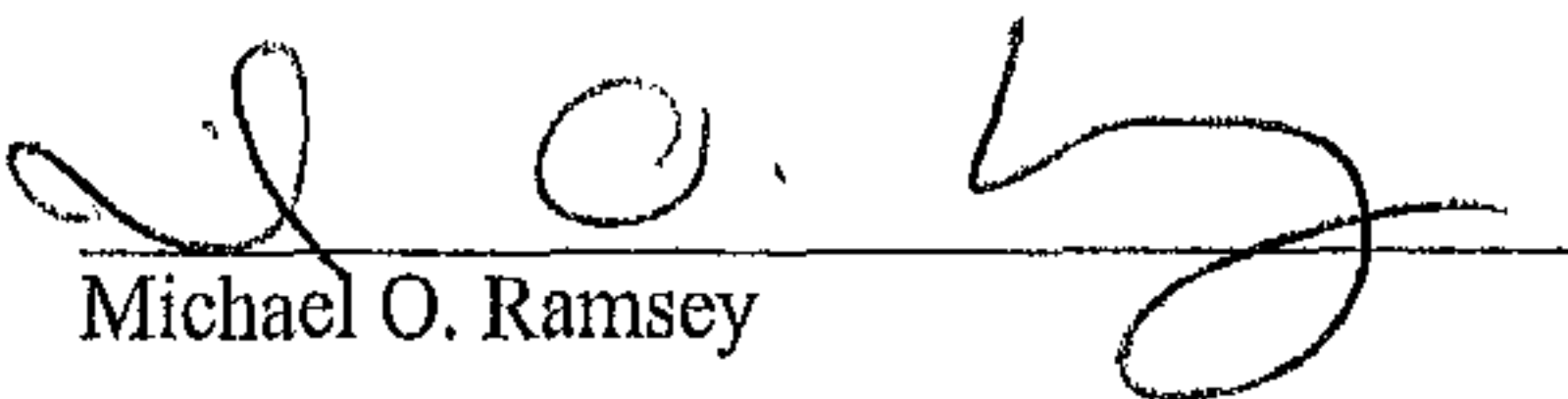
**THEREFORE, IT IS THIS** 8<sup>th</sup> day of July, 2005 by the County Board of Appeals of Baltimore County

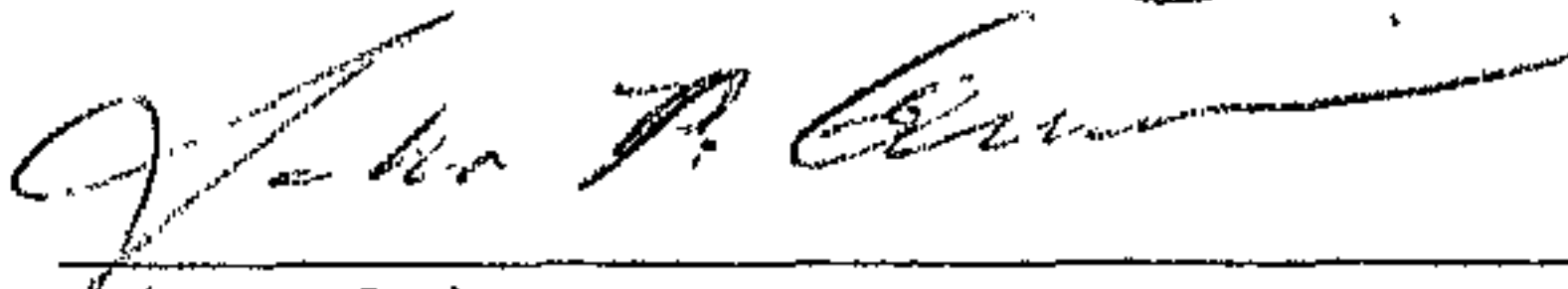
**ORDERED** that Petitioners' request variance relief to permit a six (6) foot fence in lieu of the maximum permitted 3.5-foot height on property located at 8543 Quentin Avenue be and the same is hereby **GRANTED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY**

  
Lawrence M. Stahl, Chairman

  
Michael O. Ramsey

  
John P. Quinn





County Board of Appeals of Baltimore County

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

July 8, 2005

M. Arnold Politzer, Esquire  
40 W. Chesapeake Avenue  
Suite 204  
Towson, MD 21204

RE: *In the Matter of: Keith M. Light, et ux -*  
Legal Owners /Petitioners Case No. 05-055-A

Dear Mr. Politzer:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, with a photocopy provided to this office concurrent with filing in Circuit Court. **Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

*Kathleen C. Bianco*  
Kathleen C. Bianco  
Administrator *LF*

Enclosure

c: Mr. and Mrs. Robert Hanson  
Connie Strauss Danna, Esquire  
Keith M. and Jean M. Light  
Mr. and Mrs. Kenneth Mundy  
Charmie Flora  
Office of People's Counsel  
William J. Wiseman III /Zoning Commissioner  
Pat Keller, Planning Director  
Timothy M. Kotroco, Director /PDM







# Petition for Variance

to the **Zoning Commissioner of Baltimore County**

for the property located at 8543 Quentin Ave  
which is presently zoned DR 10.5

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 6 FOOT

High FENCE ADJACENT TO THE FRONT YARD OF AN  
ADJOINING HOUSE IN LIEU OF THE PERMITTED 3.5 ft  
High

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

Safety issues, to protect neighborhood  
children from possible injury or death as a result  
of drowning in pool or falling on play equipment.  
See photos.

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.

Constant monitoring of yard would be undue hardship.

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.

State Zip Code

Case No. 05-055A

## Legal Owner(s):

Keith M Light

Name - Type or Print

✓ Keith M. Light

Signature

Jean M Light

Name - Type or Print

✓ Jean M Light

Signature

8543 Quentin Avenue

Address

Baltimore, MD 21234

City

State

Telephone No.

Zip Code

## Representative to be Contacted:

Connie S. Danna 410 256 4400

Name

Classic Title Company

Address

Baltimore, MD 21236

City

State

Telephone No.

Zip Code

## OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

Date 7-28-08

ORDER RECEIVED FOR FILING  
DATE 7/30/08  
BY [Signature]



# EXHIBIT "A"

File Number: 001266

## MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,  
AND LANDSCAPE ARCHITECTS



LOT 2  
Description of  
0.377 Acre Parcel  
in the 9<sup>th</sup> Election District  
of Baltimore County, Maryland

BEGINNING for the same at an iron pin found in the remains of a concrete monument on the east side of Quentin Avenue, 50' wide, at a point at the end of the fourth or South 73°07' 50" West, 325.00 foot line of a deed dated April 10, 1977, from William A. Weber and Mary Weber, his wife, to the Arundel Woods Construction Company, Inc. and being recorded among the Land Records of Baltimore County, Maryland in Liber 5084, Folio 549, thence from the POINT OF BEGINNING, so fixed, binding reversely on part of the said fourth line, with bearings referred to the Maryland Coordinate System Nad '83/91.

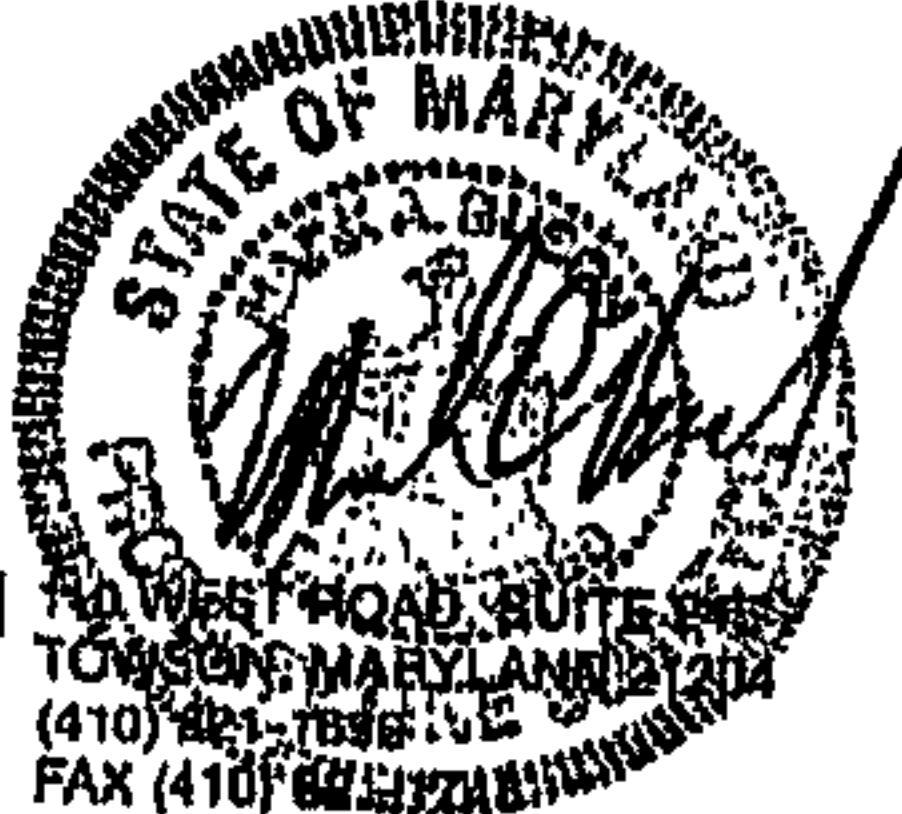
1. North 73°02' 42" East, 175.00 feet, thence leaving the said fourth line and running for new lines of division through the land described in the aforesaid deed the following three courses and distances viz:
2. South 17°14' 51" East, 75.00 feet,
3. South 59°00' 39" West, 112.88 feet,
4. South 72°45' 09" West, 65.35 feet, to intersect the aforesaid east side of Quentin Avenue, thence binding thereon.
5. North 17°14' 51" West, 102.71 feet to the POINT OF BEGINNING.

Containing 16426 square feet or 0.377 Acres of land more or less.

Being a portion of the property conveyed by William A. Weber and Mary Weber, his wife, to Arundel Woods Construction Company, Inc., dated April 10, 1977 and recorded among the Land Record of Baltimore County, Maryland in Liber 5084, Folio 549.

Being Lot 2 as shown on a plat entitled "Minor Subdivision Plat of #8535 Quentin Avenue" recorded among the Land Records of Baltimore County, Maryland in the Book of Minor Subdivisions and Greenways, Liber 1, Folio 192.

GP:mak/s/l 1085/0.377acres/030600



☐ 139 N. MAIN STREET, SUITE 200  
BEL AIR, MARYLAND 21014  
(410) 879-1890 (410) 836-7680  
FAX (410) 879-1820

☒ 40 WEST HOAD, SUITE 200  
TOWSON, MARYLAND 21204  
(410) 421-7886  
FAX (410) 421-7886

☐ 8080 JUNCTION DRIVE, SUITE 9  
ANNAPOLIS JUNCTION, MARYLAND 20701  
(410) 792-8782 (301) 776-1890  
FAX (410) 792-7885



**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: #05-055-A  
8543 Quentin Avenue  
E/side of Quentin Avenue  
opposite Trenleigh Road  
9th Election District  
5th Councilmanic District  
Legal Owner(s): Keith M. &  
Jean M. Light

**Variance:** to permit a 6-foot high fence adjacent to the front yard of an adjoining house in lieu of the allowed 3.5 feet high.

**Hearing:** Wednesday,  
September 22, 2004 at  
10:00 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/9/636 Sept 7 20597

## CERTIFICATE OF PUBLICATION

9/9, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published  
in the following weekly newspaper published in Baltimore County, Md.,  
once in each of 1 successive weeks, the first publication appearing  
on 9/7, 2004.

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

*J. Wilkins*

LEGAL ADVERTISING



BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

055

No. 39364

DATE

7-25-04

ACCOUNT

001-016-6150

AMOUNT

\$ 65.00

RECEIVED FROM:

K. Light

8543

FOR:

UAE

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME

7/29/2004 7/29/2004 14:20:59

REG NO. 001-016-6150

RECEIVED & VERIFIED 7/29/2004

Dept. 5 - ISS. DIVISION VERIFICATION

CR. NO. 007164

Receipt for

\$65.00

7/25/04

2.00

Baltimore County, Maryland

CASHIER'S VALIDATION



# CERTIFICATE OF POSTING

RE: Case No.: 05-055-A

Petitioner/Developer: KEITH M.

J. JEAN M. LIGHT

Date of Hearing/Closing: SEPT 22, 2004

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: \_\_\_\_\_

8543 QUENTIN AVE

The sign(s) were posted on \_\_\_\_\_

SEPT 7, 2004  
(Month, Day, Year)

Sincerely,

Robert Black 9/8/04  
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

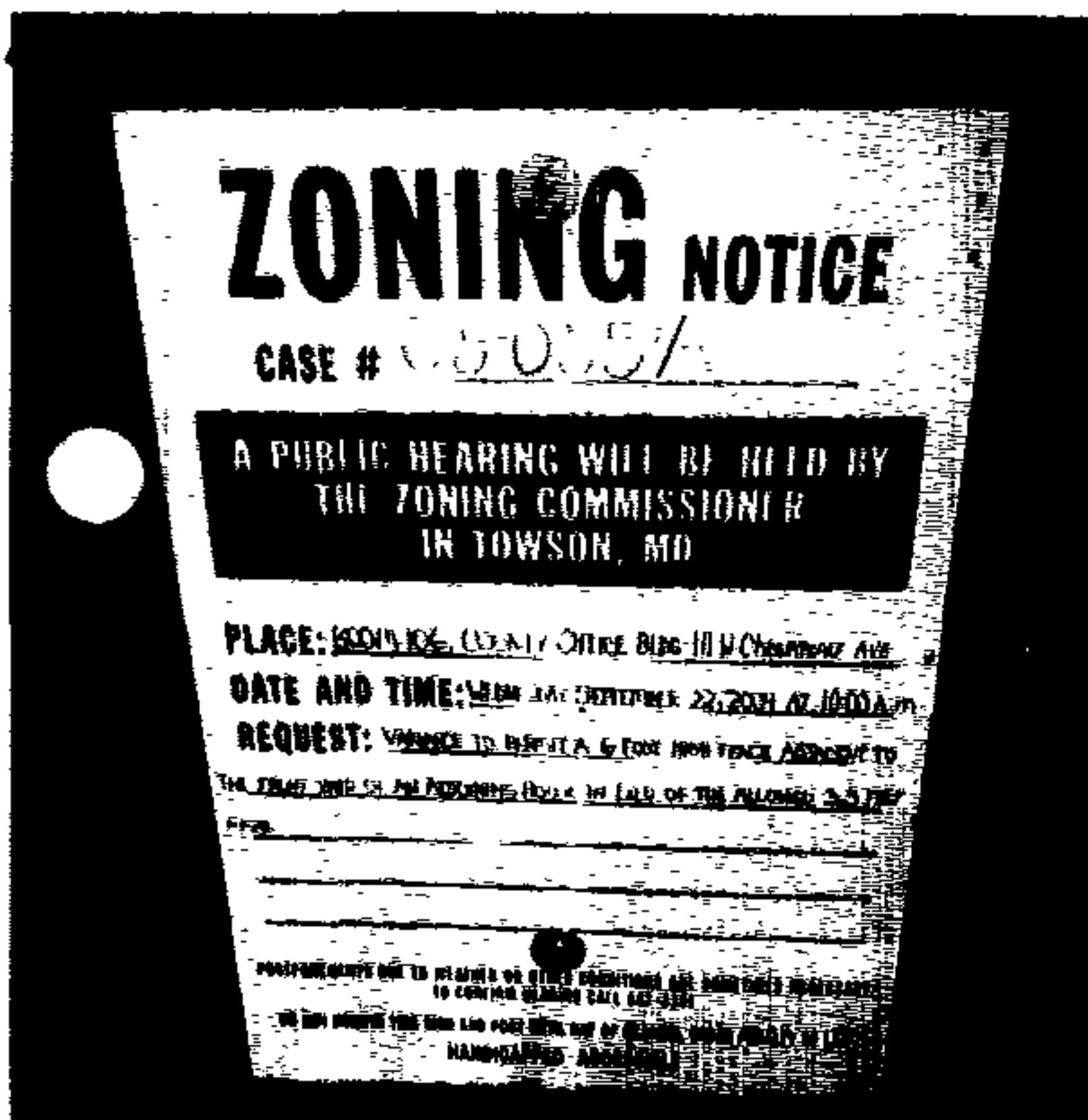
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





**APPEAL SIGN POSTING REQUEST**

CASE NO.: 05-055-A

KEITH AND JEAN LIGHT-- LEGAL OWNER

8543 QUENTIN AVENUE

9<sup>TH</sup> ELECTION DISTRICT

APPEALED: 10/12/2004

*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.: 05-055-A

Petitioner/Developer:

KEITH AND JEAN LIGHT -- LEGAL OWNER

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

**8543 QUENTIN AVENUE - 21234**

---

The sign was posted on 11/29/4, 2004

By:

  
(Signature of Sign Poster)

Chen, J  
(Printed Name)



**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*

August 5, 2004

**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: 05-055-A**

8543 Quentin Avenue  
E/side of Quentin Avenue opposite Trenleigh Road  
9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Legal Owners: Keith M. & Jean M. Light

Variance to permit a 6-foot high fence adjacent to the front yard of an adjoining house in lieu of the allowed 3.5 feet high.

Hearing: Wednesday, September 22, 2004 at 10:00 a.m. in Room 106, County Office Building,  
111 W. Chesapeake Avenue

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Keith & Jean Light, 8543 Quentin Avenue, Baltimore 21234

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 7, 2004.**
- (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.



# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

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#### For Newspaper Advertising:

Item Number or Case Number 055

Petitioner Jean & Keith Light

Address or Location 8543 Quentin Avenue Balto MD 21234

PLEASE FORWARD ADVERTISING BILL TO

Name \_\_\_\_\_

Address Same

Telephone Number \* 410-668-6907



**APPEAL SIGN POSTING REQUEST**

CASE NO.: 05-055-A

KEITH AND JEAN LIGHT- LEGAL OWNER

8543 QUENTIN AVENUE

9<sup>TH</sup> ELECTION DISTRICT

APPEALED: 10/12/2004

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

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



## Zoning Commissioner

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



## Baltimore County

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

October 1, 2004

Connie Strauss Danna, Esquire  
9528 Belair Road  
Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE  
E/S Quentin Avenue, S of Joppa Road  
**(8543 Quentin Avenue)**  
9<sup>th</sup> Election District – 5<sup>th</sup> Council District  
Keith M. Light, et ux - Petitioners  
Case No. 05-055-A

Dear Ms. Danna:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Keith M. Light  
8543 Quentin Avenue, Baltimore, Md. 21234  
Mr. & Mrs. Robert Hanson, 8605 Quentin Avenue, Baltimore, Md. 21234  
Mr. & Mrs. Kenneth Mundy, 8539 Quentin Avenue, Baltimore, Md. 21234  
People's Counsel; Case File





# 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**

February 11, 2005

## **NOTICE OF ASSIGNMENT**

**CASE #: 05-055-A**

**IN THE MATTER OF: KEITH M. LIGHT -**  
**Legal Owner /Petitioner 8543 Quentin Avenue**  
**9<sup>th</sup> Election District; 5<sup>th</sup> Councilmanic District**

9/30/04 – Z.C.'s Order in which requested variance relief was GRANTED.

**ASSIGNED FOR:**

**WEDNESDAY, MAY 4, 2005 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 B, 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. Blanco**  
**Administrator**

c: Appellants /Protestants : Mr. and Mrs. Robert Hanson

Legal Owners /Petitioners : Keith M. and Jean M. Light

Mr. and Mrs. Kenneth Mundy  
Connie Donna  
Charmie Flora

Office of People's Counsel  
William J. Wiseman III /Zoning Commissioner  
Pat Keller, Planning Director  
Timothy M. Kotroco, Director /PDM







# County Board of Appeals of Baltimore County

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

May 5, 2005

## NOTICE OF DELIBERATION

### IN THE MATTER OF:

**KEITH M. LIGHT, ET UX – Legal Owner /Petitioner**  
**Case No. 05-055-A**

Having heard this matter on 5/04/05, public deliberation has been scheduled for the following date /time:

**DATE AND TIME : WEDNESDAY, JUNE 8, 2005 at 9:30 a.m.**

**LOCATION : Hearing Room 48, Basement, Old Courthouse**

**NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.**

**Kathleen C. Bianco**  
**Administrator**

---

c: Counsel for Appellants /Protestants : M. Arnold Politzer, Esquire  
Appellants /Protestants : Mr. and Mrs. Robert Hanson

Counsel for Legal Owners /Petitioners : Donnie Strauss Dana, Esquire  
Legal Owners /Petitioners : Keith M. and Jean M. Light

Mr. and Mrs. Kenneth Mundy  
Charmie Flora

Office of People's Counsel  
William J. Wiseman III /Zoning Commissioner  
Pat Keller, Planning Director  
Timothy M. Kotroco, Director /PDM

**FYI: 2-4-6**





**Department of Permits &  
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*

September 14, 2004

Keith M. Light  
Jean M. Light  
8543 Quentin Avenue  
Baltimore, Maryland 21234

Dear Mr. and Mrs. Light:

RE: Case Number: 05-055-A, 8543 Quentin Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 28, 2004.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel  
Connie S. Danna Classic Title Company Baltimore 21236

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



LS  
9/22

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** August 11, 2004

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

**SUBJECT:** Zoning Advisory Petition(s): Case(s) 5-055

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

Division Chief:

Jeff Magher

MAC/LL

CEIVE

AUG 13 2004

ZONING COMMISS



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr JD

DATE: September 3, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 9, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-050

04-052

04-053

04-054

04-055

04-056

04-057

04-058

04-059

04-060

Reviewers: Sue Farinetti, Dave Lykens



BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco  
FROM: John D. Oltman, Jr  
DATE: September 3, 2004  
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 9, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-050  
04-052 ✓ AV  
04-053 ✓ AV  
04-054 ✓ AV  
04-055 ✓ LS (9/22)  
04-056 ✓ LS (9/23)  
04-057 ✓ LS (9/23)  
04-058 ✓ LS (9/23)  
04-060 ✓ AV

Reviewers: Sue Farinetti, Dave Lykens





**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

August 5, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 9, 2004

Item No.: 050, 052-060

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

LIEUTENANT JIM MEZICK  
Fire Marshal's Office  
PHONE 887-4881  
MS-1102F

cc: File

Come visit the County's Website at [www.co.ba.md.us](http://www.co.ba.md.us)





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

**State Highway**  
Administration

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

Maryland Department of Transportation

Date: 8.6.04

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

RE: Baltimore County  
Item No. 0755 JCM

Dear Ms. Matthews:

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,

Steven D. Foster, Acting Chief  
Engineering Access Permits Division

My telephone number/toll-free number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • [www.marylandroads.com](http://www.marylandroads.com)



**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** August 27, 2004

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

*RWB/cab*

**SUBJECT:** Zoning Advisory Committee Meeting  
For August 16, 2004  
Item Nos. 050, 052, 053, 054, 055,  
and 060

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

RWB:CEN:jrb

cc: File



IN THE MATTER OF  
KEITH M. LIGHT  
LEGAL OWNER/ PETITIONER  
8543 Quentin Ave  
9<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
Plaintiff,

\* BOARD OF ZONING APPEALS  
\*  
\*  
\* FOR BALTIMORE COUNTY  
\*  
\*  
\*  
\* CASE NO: 05-055-A  
\*  
\*

\*\*\*\*\*

### **ENTRY OF APPEARANCE**

Please enter the appearance of counsel M. Arnold Politzer for interested parties, Robert and Kitty Hansen. Notice and copies of any proceedings in this matter and all findings of the Board should be sent to M. Arnold Politzer, Attorney at Law, 40 W. Chesapeake Ave, Suite 204, Towson, Md. 21204 on behalf of said interested parties.

  
M. Arnold Politzer  
Attorney at Law  
40 W. Chesapeake Ave  
Suite 204  
Towson, Maryland 21204  
(410) 494-8433

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of May, 2005, a copy of the foregoing Entry of Appearance was hand delivered to Peter Max Zimmerman Esquire and/or Carole S. Demillio Esquire, Counsel and Deputy People's Counsel for Baltimore County; and Connie Dana Strauss Esquire, Attorney for Petitioner.

  
M. Arnold Politzer



RE: PETITION FOR VARIANCE \* BEFORE THE  
8543 Quentin Avenue; E/side Quentin Avenue, \* ZONING COMMISSIONER  
opposite Trenleigh Road \*  
9<sup>th</sup> Election & 5<sup>th</sup> Councilmanic Districts \*  
Legal Owner(s): Keith M & Jean M Light \* FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 05-055-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

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

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 9<sup>th</sup> day of August, 2004, a copy of the foregoing Entry of Appearance was mailed to, Keith & Jean Light, 8543 Quentin Avenue, Baltimore, MD 21234, Petitioner(s).

**RECEIVED**

AUG 09 2004

Per.....

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County



**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

November 3, 2004

Keith M. Light  
Jean M. Light  
8543 Quentin Avenue  
Baltimore, MD 21234

Dear Mr. and Mrs. Light:

RE: Case: 05-055-A, 8543 Quentin Avenue

Please be advised that an appeal of the above-referenced case was filed in this office on October 12, 2004 by Mr. and Mrs. Hanson. 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,

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

Timothy Kotroco  
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner  
Timothy Kotroco, Director of PDM  
People's Counsel  
Connie Danna, 9528 Belair Road, Baltimore 21236  
Mr. & Mrs. Robert Hanson, 8605 Quentin Avenue, Baltimore 21234  
Mr. & Mrs. Kenneth Mundy, 8539 Quentin Avenue, Baltimore 21234



APPEAL

Petition for Variance  
8543 Quentin Avenue  
E/S Quentin Avenue, S of Joppa Road  
9<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District  
Keith M. Light - Petitioners

Case No.: 05-055-A

Petition for Variance (July 28, 2004) ✓

Zoning Description of Property ✓

Notice of Zoning Hearing (August 5, 2004) ✓

Hearing Held (September 22, 2004)

Certification of Publication (The Jeffersonian - September 7, 2004) ✓

Certificate of Posting (September 7, 2004) by SSG Robert Black ✓

Entry of Appearance by People's Counsel (August 9, 2004) ✓

Petitioner(s) Sign-In Sheet – One Sheet ✓

Protestant(s) Sign-In Sheet – None

Citizen(s) Sign-In Sheet – One Sheet ✓

Zoning Advisory Committee Comments ✓

Petitioners' Exhibit

- ✓1. Plat to accompany Petition for Zoning Variance
- ✓2. Site Plan
- ✓3. Affidavit in Support of Variance

Protestants' Exhibits:

- ✓1. ✓ Petition of Opposing Neighbors

*No Protestants # 1*

Miscellaneous (Not Marked as Exhibit)

- ✓1. 14 Photographs
- ✓2. Deed and Declaration of Easement

✓ Zoning Commissioner's Order (GRANTED – September 30, 2004)

\* Notice of Appeal received on October 12, 2004 from Mr. and Mrs. Hanson

- c: People's Counsel of Baltimore County, MS #2010  
Zoning Commissioner/Deputy Zoning Commissioner  
Timothy Kotroco, Director of PDM  
Mr. & Mrs. Keith Light, 8543 Quentin Avenue, Baltimore 21234  
Connie Danna, 9528 Belair Road, Baltimore 21236  
\* Mr. & Mrs. Robert Hanson, 8605 Quentin Avenue, Baltimore 21234  
Mr. & Mrs. Kenneth Mundy, 8539 Quentin Avenue, Baltimore 21234

KEITH M LIGHT  
JEAN M. LIGHT  
8543 QUENTIN AVENUE  
BALTIMORE, MD 21234  
APPLICANTS

m

\* MR AND MRS ROBERT HANSON  
8605 QUENTIN AVENUE  
BALTIMORE, MD 21234  
APPELLANTS

Added to file 12/10/04  
CHARMIE FLORA  
8596 QUENTIN AVENUE  
BALTIMORE, MD 21234

CONNIE DANNA  
9528 BELAIR ROAD  
BALTIMORE, MD 21236  
PERSON TO BE CONTACTED

\* M. Arnold Politzer, Esquire  
40 W. Chesapeake Avenue  
Suite 204  
Towson, MD 21204  
*Counsel for Hanson*  
410-494-8433



Case No. 05-055-A

In the Matter of: Keith M. Light - Petitioners

VAR – To permit a 6' high fence adjacent to the front yard of an adjoining property ilo maximum permitted height of 3.5'.

9/30/04 -- Z.C.'s Order in which requested variance relief was GRANTED.

---

12/10/04 – Letter from Charmie Flora – to be included in file for notice of hearing, copy of Opinion/Order; file so noted this date with address as follows:

Charmie Flora  
8596 Quentin Avenue  
Baltimore, MD 21234

---

2/11/05 -Notice of Assignment sent to following; assigned for hearing on Wednesday, May 4, 2005 at 10 a.m.:

Mr. and Mrs. Robert Hanson  
Keith M. and Jean M. Light  
Mr. and Mrs. Kenneth Mundy  
Connie Donna  
Charmie Flora  
Office of People's Counsel  
William J. Wiseman III /Zoning Commissioner  
Pat Keller, Planning Director  
Timothy M. Kotroco, Director /PDM

---

5/04/05 – Board convened for hearing (Stahl, Ramsey, Quinn); concluded hearing this date; deliberation tentatively scheduled for 6/08/05; upon confirmation of panel members, notice to be sent. M. Arnold Politzer, Esquire, entered appearance at hearing on behalf of Protestants; reflecting Connie Strauss Dana, Esquire, on behalf of Petitioners.

- Notice of Deliberation sent to parties; deliberation assigned for Wednesday, June 8, 2005 at 9:30 a.m.

---

6/08/05 – Board convened for deliberation (Stahl, Ramsey, Quinn); unanimous decision of the Board that Petitioners have met burden of statute and that Petition for Variance is GRANTED; written Opinion and Order to be issued; appellate period to run from date of written Order. (6)

---



**BOARD OF APPEALS OF BALTIMORE COUNTY**  
**MINUTES OF DELIBERATION**

**IN THE MATTER OF:** Keith M. Light, et ux  
Case No. 05-055-A

**DATE** : Wednesday, June 08, 2005

**BOARD /PANEL** : Lawrence M. Stahl (LMS)  
Michael O. Ramsey (MOR)  
John P. Quinn (JPQ)

**RECORDED BY** : Kathleen C Bianco /Administrator

**PURPOSE:** To deliberate Case No. 05-055-A /administrative variance for fence height - to permit a 6' high fence adjacent to the front yard of an adjoining property ilo maximum permitted height of 3.5'; said relief granted by the Zoning Commissioner by Order dated 9/30/04.

▪ Variance request – two prongs:

✓ Uniqueness based on *Cromwell v. Ward* and *North v. St. Mary's County*

- ⊗ Uniqueness imposed not by use but by the property and factors of surrounding properties that change the reality for the property in question
- ⊗ If uniqueness is met, then would move on to practical difficulty
- ⊗ Factors that create uniqueness are not of the making of the Petitioner who owns the property; determined the usage and configuration of the property
- ⊗ Driveway configuration – imposed upon them
- ⊗ Shape of the property – imposed upon them – not something they did

- ✓ Compared to all other lots – no similar lot in the neighborhood
- ✓ No testimony that there were other similar lots; no evidence presented to that effect
- ✓ Property is unique
- ✓ Lot is unique
- ✓ Conditions are unique

▪ Practical Difficulty

- ✓ Regular /appropriate use being put to the property is in some way made more difficult than would normally be the case due to circumstances not of Petitioner's making
- ✓ Variance is therefore needed to allow proper use to be realized.
- ✓ Fence at 3.5' is of right
- ✓ Pool is of right
- ✓ Under normal circumstances, a pool of right and fence of right – 6' fence - could be erected
- ✓ But because of configuration of the properties around them, because of lay of the land and circumstances not of Petitioners' making, this puts the wrong side of their property together with another's property

- ⊗ Intent of zoning regulations is to prevent fence in someone's front yard
- ⊗ All regulations do not blanket all issues
- ⊗ Fence statute (§ 427 BCZR) specifically says you can vary it
- ⊗ Framers of the statute realized there would be problems with this statute and that variances would be necessary
- ⊗ Individual in whose front yard this fence would be located does not object – believes this would be a good thing; that it is a benefit to them



- Real question: is there practical difficulty that is visited upon the Lights not doing something that would be allowable for them if circumstances were not present, which they did not create, preventing them from using their property – something caused by this unique factor imposed upon them
  - ✓ Answer reached by panel – yes
  - ✓ Had it not been for the subdivided configuration, they would not be facing the wrong part of someone else's lot
  - ✓ Practical difficulty of the unique situation imposed upon them by the configuration not of their making adversely affects something they would otherwise be able to do.
- Addressed concerns of Protestants – including school, visibility of driveway
- Also addressed issue of maintenance of fence, which is a possible future issue but not part of the specific requirements called for in the statute
- Limited to: is it unique; if so, is there practical difficulty
- Same, consistent standard must be applied, even when looking at concerns of real life
- The requirements of the variance statute have been met by Petitioners

♦ **Final decision:**

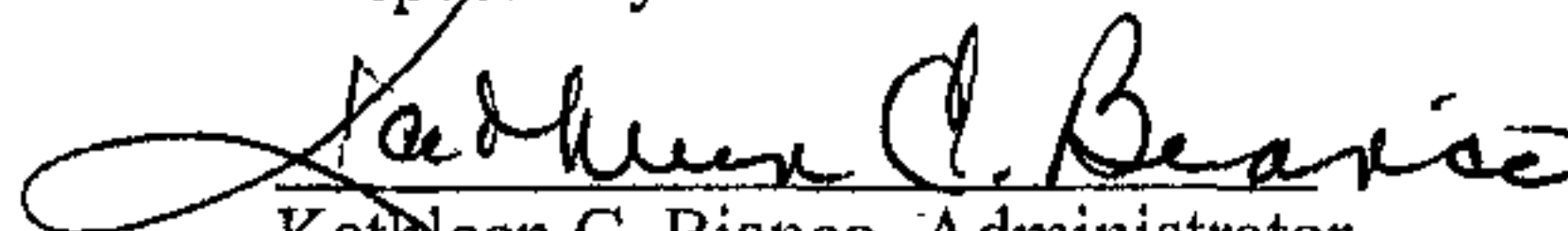
Unanimous decision of the Board – variance relief as requested by Petitioners in this matter is **GRANTED**; meets the requirements of the statute and the test set out in *Cromwell v. Ward* and zoning regulations; meets the spirit and intent of the regulations.

Petition for Variance is GRANTED as indicated above; written Opinion and Order to be issued as outlined above; appellate period to run from date of written Order and not today's date.

---

NOTE: These minutes, which will become part of the case file, are intended only to indicate for the record that a public deliberation took place this date regarding this zoning case. The Board's final decision and the facts and findings thereto will be set out in the written Opinion] and Order to be issued by this Board.

Respectfully submitted

  
Kathleen C. Bianco, Administrator  
County Board of Appeals



December 9, 2004

Board of Appeals  
Room 49 Old Court House  
Towson, MD 21204

Re: 05-055A

Dear Sir/Madame:

Could you please keep me informed of the zoning appeal on the above issue.

Thank you for your time and consideration.

Very truly yours,

*Charmie Flora*

Charmie Flora  
8596 Quentin Avenue  
Baltimore, MD 21234

**RECEIVED**

DEC 10 2004

BALTIMORE COUNTY  
BOARD OF APPEALS

RECEIVED  
POST - APPEAL

*Added to file  
12/10/04*



10/12/84

To Director of PSN - Case # 05 055-055-A

I would like to Appeal the Decision of  
the above case number. I am directly impacted  
by this decision.

Thank You.  
Mr & Mrs ~~Arthur~~ Hanson

8605 Quenton Ave  
Baltimore Md 21234

RECEIVED

Per. *KLP*



AFTER RECORDING PLEASE RETURN TO:

Thomas P. Dore, Esquire  
Covahey & Boozer, P.A.  
606 Baltimore Ave., Suite #302  
Towson, Md. 21204

DEED AND DECLARATION OF EASEMENT  
AND DRIVEWAY MAINTENANCE AGREEMENT

THIS DEED AND DECLARATION, Made this 22<sup>nd</sup> day of June, 2000 by J. WILLIAM RUPPERT, III (hereinafter referred to as "Declarant").

WHEREAS, Declarant is the owner of all that real property described as Lots 1 and 3 as shown on the Minor Subdivision Plat of 8535 Quentin Avenue which said Plat is recorded among the Plat Records of Baltimore County in S.M. No. 1 at page 192 and pursuant to a deed dated April 3, 2000 and recorded among the Land Records of Baltimore County in Liber No. 14407 at folio 407; and

WHEREAS, Declarant wishes to establish the rights and obligations of the owners of Lots 1 and 3 with respect to the use, maintenance and care of a twenty foot (20') common driveway which shall serve Lots 1 and 3.

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, including the mutual covenants and obligations herein contained, Declarant does hereby declare as follows:

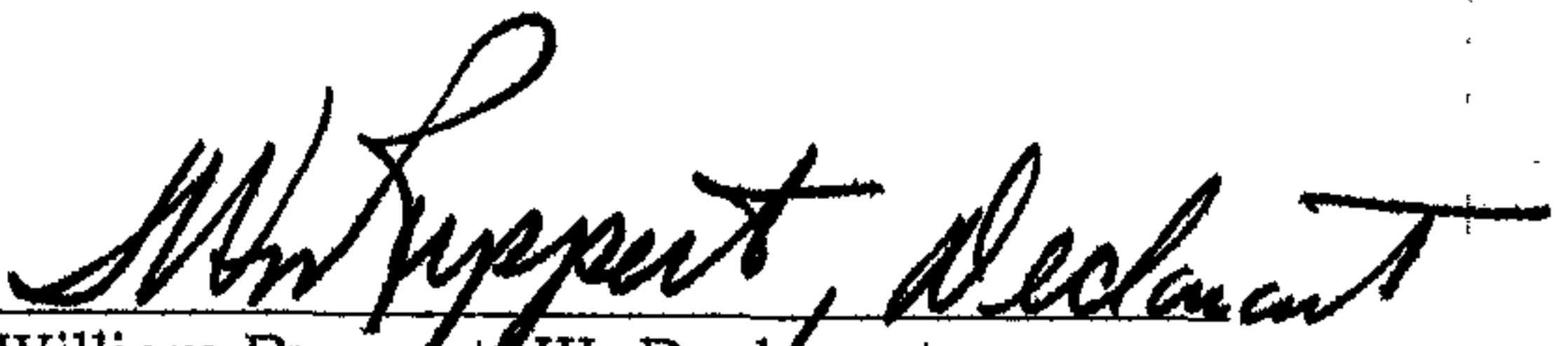


1. Lots 1 and 3 as described and shown on the Plat attached hereto and incorporated herein by way of reference shall have the right to the use in and to a twenty foot (20') driveway for ingress and egress to and from the aforesaid lots.

2. Declarant further establishes that the cost and maintenance of said driveway shall be shared equally between the owners of Lots 1 and 3 as shown the Plat attached hereto.

3. Declarant further establishes that when the owners of Lots 1 and 3 determine that the driveway is in need of maintenance and/or repair, said owners shall contribute their equal one-half (1/2) share of the cost of said maintenance and/or repair. Should either of the lot owners fail to tender such payment within thirty (30) days of the date of notice of the cost of said maintenance and/or repair, then such amounts due and owing shall bear interest at the rate of Ten Percent (10%) per annum.

4. Declarant hereby declares and states that it is the intent of Declarant that these obligations shall run with and bind Lots 1 and 3 as described aforesaid.

  
J. William Ruppert, III, Declarant



STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY that on this 22<sup>nd</sup> day of June, 2000, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared J. William Ruppert, III, Declarant, and he acknowledged that he executed the foregoing Deed and Declaration of Easement for the purposes therein contained.

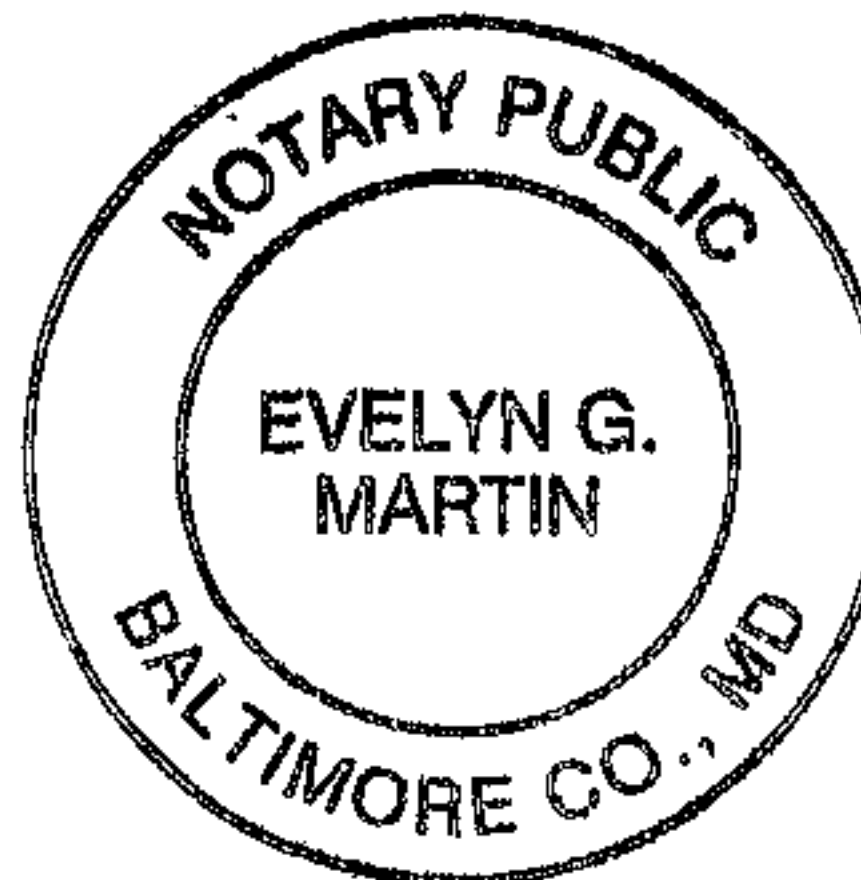
AS WITNESS my hand and Notarial Seal.

Evelyn G. Martin  
Notary Public

My Commission Expires:

2/1/03

eyb000410



My Comm. Exps.  
Feb. 1, 2003



1:25000



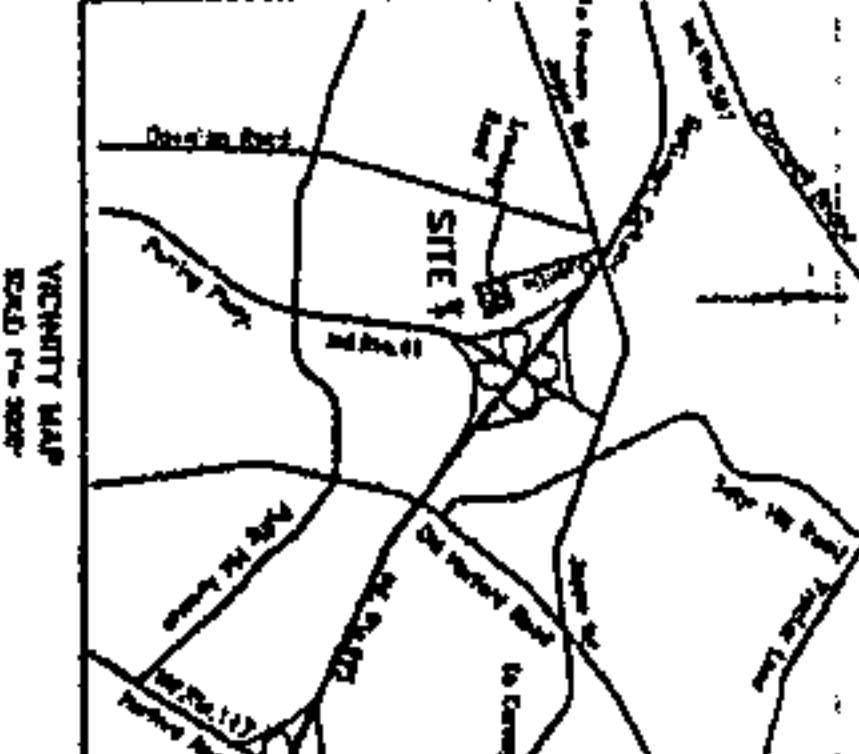
FOREST BUTTER  
EASTMENT  
0.281 Acres

| Station | Distance |
|---------|----------|
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| 1+01    | 0.01     |
| 1+02    | 0.02     |
| 1+03    | 0.03     |
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| 1+25    | 0.25     |
| 1+26    | 0.26     |
| 1+27    | 0.27     |
| 1+28    | 0.28     |
| 1+29    | 0.29     |
| 1+30    | 0.30     |
| 1+31    | 0.31     |
| 1+32    | 0.32     |
| 1+33    | 0.33     |
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| 1+40    | 0.40     |
| 1+41    | 0.41     |
| 1+42    | 0.42     |
| 1+43    | 0.43     |
| 1+44    | 0.44     |
| 1+45    | 0.45     |
| 1+46    | 0.46     |
| 1+47    | 0.47     |
| 1+48    | 0.48     |
| 1+49    | 0.49     |
| 1+50    | 0.50     |

BALTIMORE COUNTY  
FOREST CONSERVATION  
EASTMENT  
0.281 Acres

| Station | Distance |
|---------|----------|
| 1+00    | 0.00     |
| 1+01    | 0.01     |
| 1+02    | 0.02     |
| 1+03    | 0.03     |
| 1+04    | 0.04     |
| 1+05    | 0.05     |
| 1+06    | 0.06     |
| 1+07    | 0.07     |
| 1+08    | 0.08     |
| 1+09    | 0.09     |
| 1+10    | 0.10     |
| 1+11    | 0.11     |
| 1+12    | 0.12     |
| 1+13    | 0.13     |
| 1+14    | 0.14     |
| 1+15    | 0.15     |
| 1+16    | 0.16     |
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| 1+49    | 0.49     |
| 1+50    | 0.50     |

SM1-192



SUBDIVISION PLAN  
SECTION 1102  
BALTIMORE COUNTY  
JULY 21, 1992

TRENLEIGH ROAD  
80' RIGHT OF WAY  
NEW 55'-0" ROAD  
TO BE OPENED  
TO TRAFFIC

SETBACK CLAUSE  
(100' 0" MIN.)

| Lot | Area  | Owner         | Remarks              |
|-----|-------|---------------|----------------------|
| 1   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 2   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 3   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 4   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 5   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 6   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 7   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 8   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 9   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 10  | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 11  | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 12  | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
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| 50  | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |

QUEENIN AVENUE  
100' 0" MIN. SETBACK

FOREST BUTTER  
COUNTY COMMISSIONERS  
OF BALTIMORE COUNTY  
DATE: 08/19/1992

COUNTY COMMISSIONERS  
OF BALTIMORE COUNTY  
DATE: 08/19/1992

STANDARD NON-CONFORMANCE NOTE

PROTECTIVE COVENANTS NOTE

SPIN NOTES

ADDITIONAL NOTES

TOTAL PARTITIONED: 0.281 ACRES

| Lot | Area  | Owner         | Remarks              |
|-----|-------|---------------|----------------------|
| 1   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
| 2   | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |
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| 50  | 0.177 | FOREST BUTTER | 100' 0" MIN. SETBACK |

SOLE UNDATION NOTE

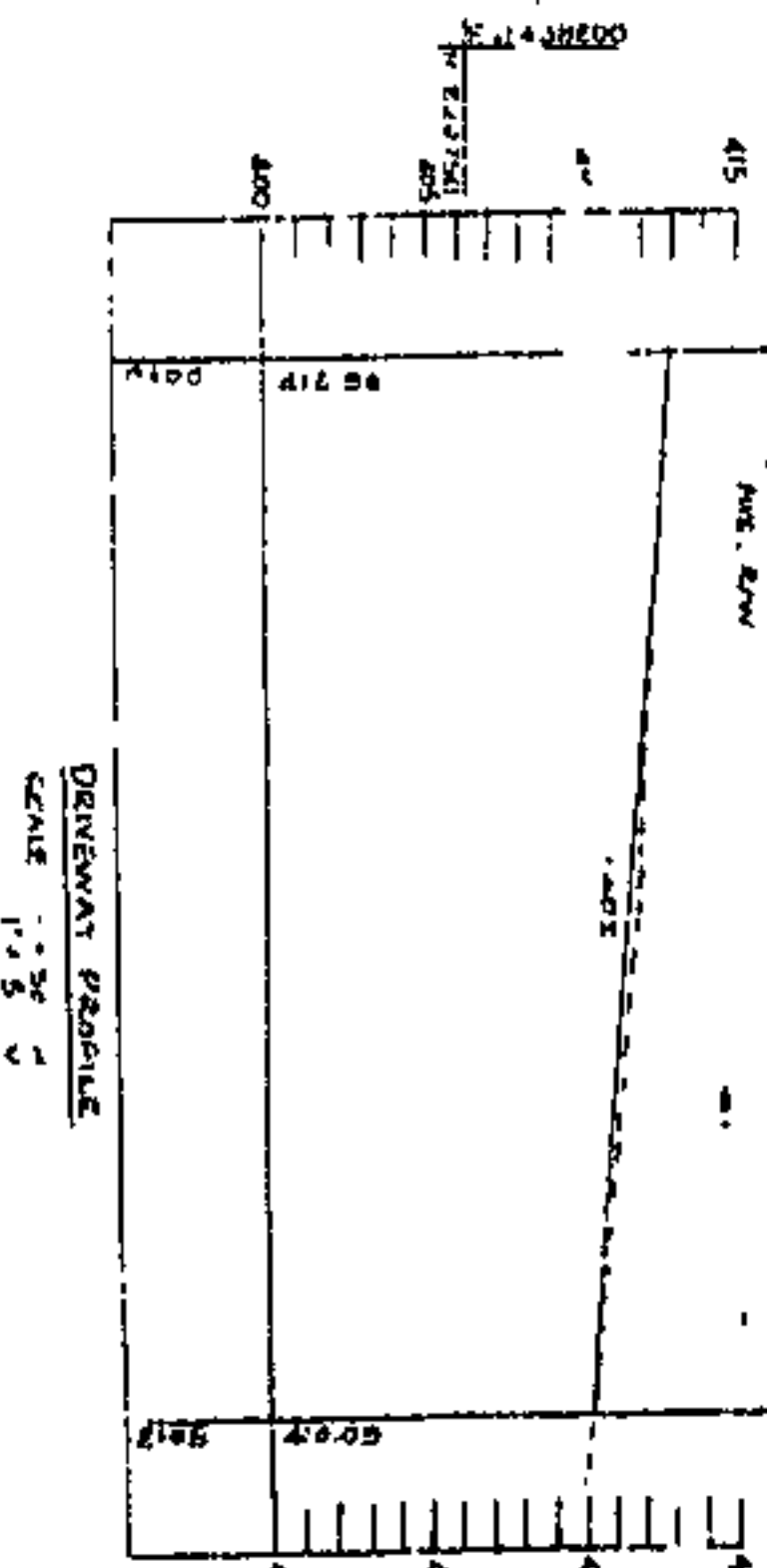
DISCLAIMER

BOLD BLACKNESS

UTILITY NOTES

DEVELOPMENT PROFILE

SCALE: 1" = 5' 0"



**MORRIS & RITCHIE ASSOCIATES, INC.**  
110 West Bond, Suite 205  
Baltimore, Maryland 21201  
Tel: (410) 521-1500  
Fax: (410) 521-1700

**MAJOR SUBDIVISION PLAN**  
OF  
**#8535 QUEENIN AVENUE**  
4th COMMERCIAL DISTRICT  
BALTIMORE COUNTY, MD

**DATE** 7-25-92  
**REVISIONS** 1. 7-25-92  
2. 7-25-92  
3. 7-25-92  
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50. 7-25-92

PROFESSIONAL CERTIFICATION



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**Section 427, Fences [Bill No. 111-1986; See Section 509, BOCA Code]**

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A. A residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another on which a residence has been built, except in accordance with the provisions of this section.

B. The fence height shall be limited as follows:

|                         | <b>Distance Between Fence and Front Yard Property Line</b> |                         |                         |                         |
|-------------------------|------------------------------------------------------------|-------------------------|-------------------------|-------------------------|
|                         | <b>0 - 10<br/>Feet</b>                                     | <b>10 - 20<br/>Feet</b> | <b>20 - 30<br/>Feet</b> | <b>Over 30<br/>Feet</b> |
| Maximum<br>fence height | 42 inches                                                  | 48 inches               | 60 inches               | No limit                |

C. Any person may request a variance from the requirements of Subsection B.

D. Applicability.

1. This section does not apply to a fence required by § 13-6-101 of the Baltimore County Code to be constructed in order to screen a swimming pool. This section shall apply prospectively only and shall not affect nor apply to the maintenance, repair or replacement of a fence erected prior to the effective date of this enactment. [Bill No. 137-2004]
2. This section does not apply if the residences on the adjoining lots are more than 200 feet apart.



DATE 9/22/04

Belfrage, MO 21234



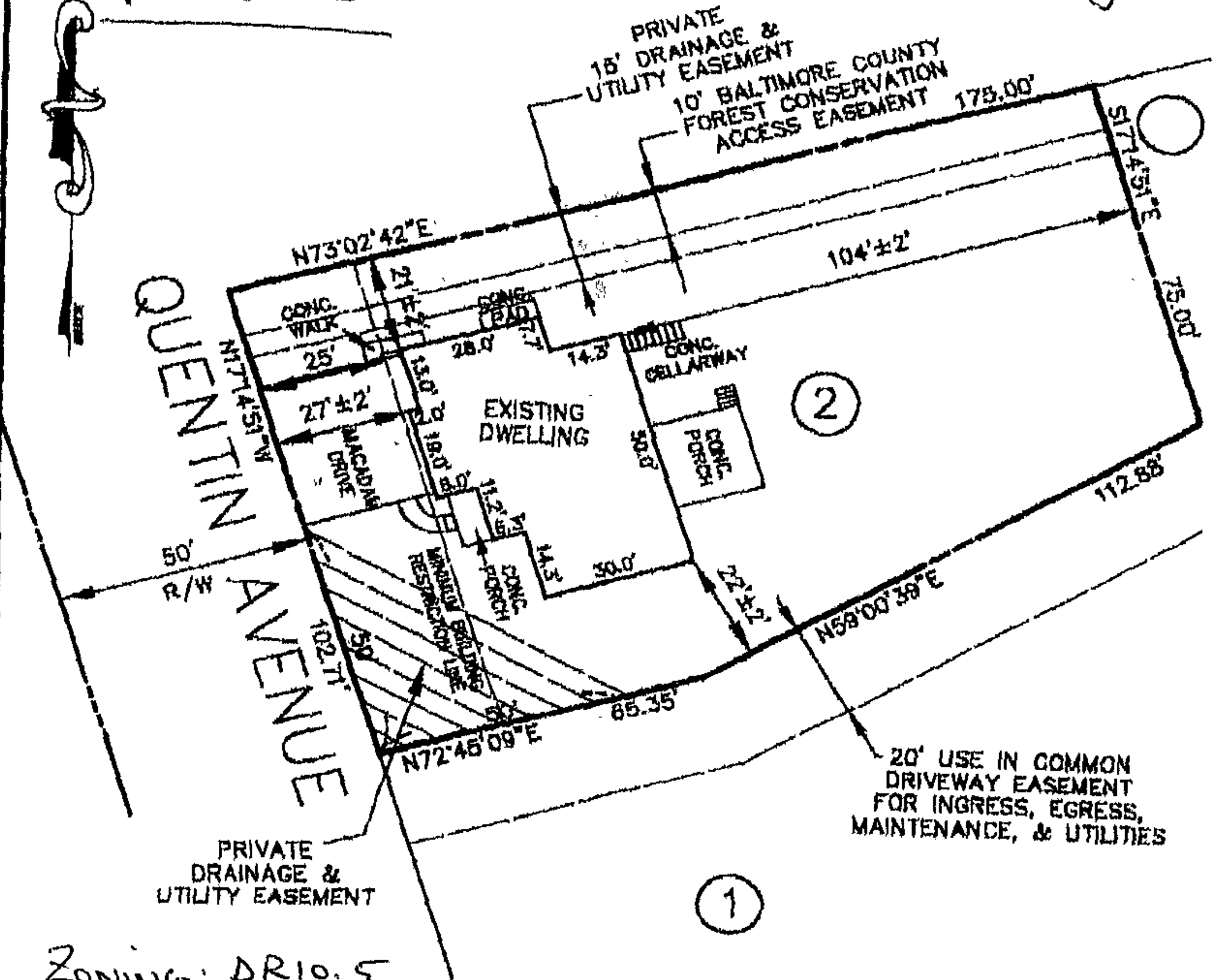
9/22/04

E-MAIL

Baltimore Md 2/23/34



# Plat to accompany Petition for zoning Variance



ZONING: DR10.5  
 MAPS: NE 9C & D  
 ED: 9TH  
 CD: 5TH

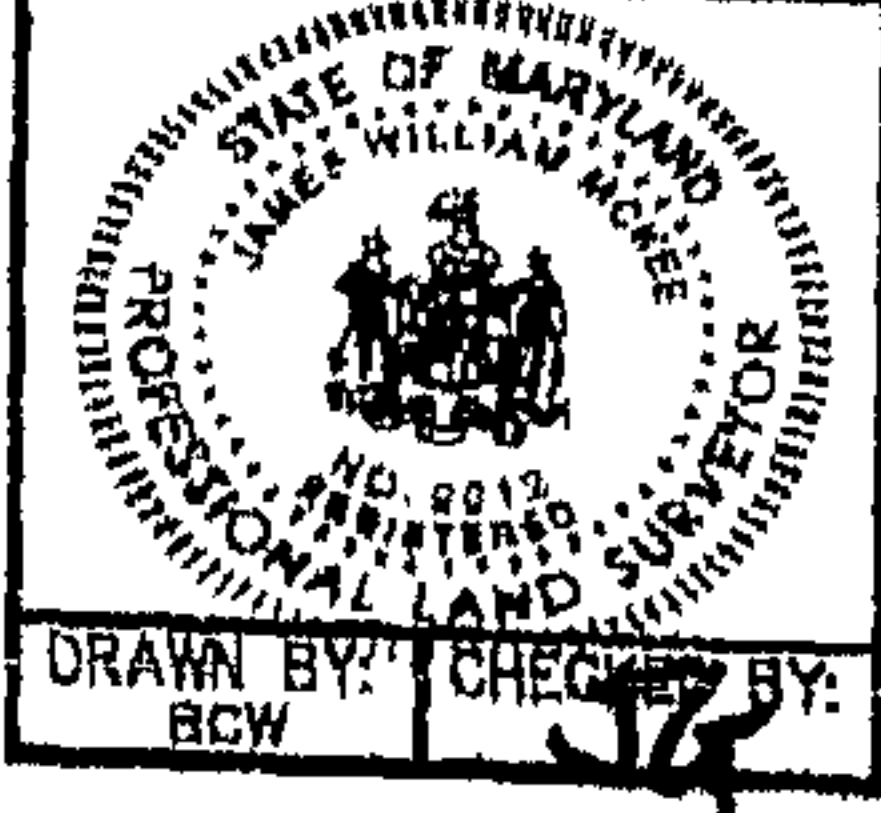
Owners: Keith M. + Jean  
 M. Light

Deed Ref # 14627/336  
 LOT 2

MINOR SUBDIVISION PLAT OF  
 8535 QUENTIN AVENUE  
 GREENWAY PLAT BOOK SM 1/192  
 9TH ELECTION DISTRICT BALTIMORE COUNTY, MD  
 \*THIS IS A FINAL LOCATION DRAWING.

1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
2. THE PLAT IS OF BENEFIT TO A DONOR ONLY INsofar AS IT IS REQUIRED BY A LENDER OR A TITLE INSURANCE COMPANY OR ITS AGENT IN CONNECTION WITH CONTEMPLATED TRANSFER OF FINANCIAL OR INSURANCE.
3. THE PLAT IS NOT TO BE RELIED UPON FOR THE ESTABLISHMENT OR LOCATION OF FENCES, GARAGES, BUILDINGS, OR OTHER EXISTING OR FUTURE IMPROVEMENTS.
4. THE PLAT DOES NOT PROVIDE FOR THE ACCURATE IDENTIFICATION OF PROPERTY BOUNDARY LINES, BUT SUCH IDENTIFICATION MAY NOT BE REQUIRED FOR THE TRANSFER OF TITLE OR SECURING FINANCIAL OR INSURANCE.

JAMES W. MCKEE  
 MARYLAND REG No. 8012  
 DATE 10/24/01



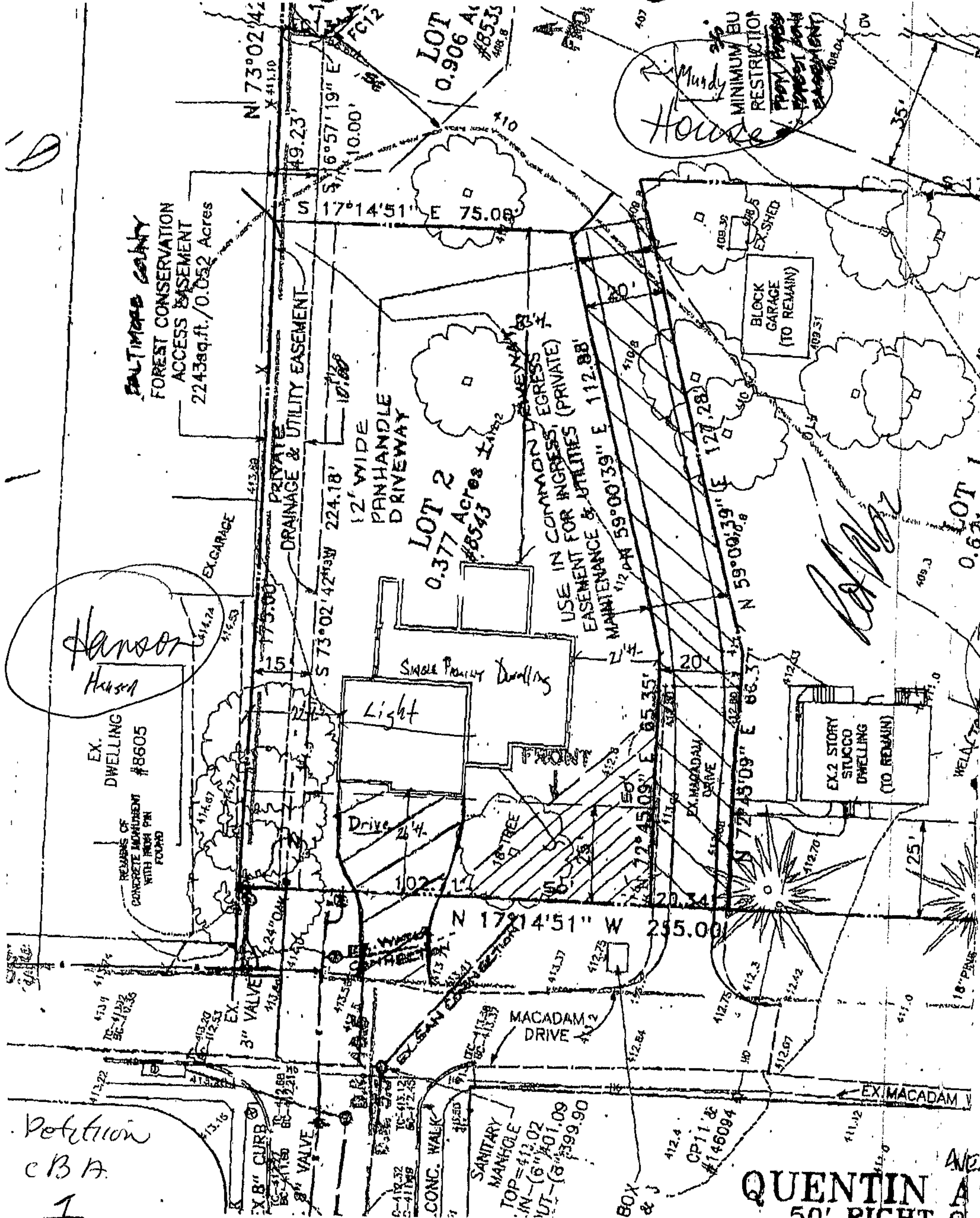
|                                                                                                                                                                                                                                                                              |                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <b>LOCATION DRAWING</b><br><b>#8543 QUENTIN AVENUE</b>                                                                                                                                                                                                                       |                                                                 |
| <b>McKEE &amp; ASSOCIATES, INC.</b><br>Engineering - Surveying - Natural Resource Planning<br>Natural Resource Planning - Real Estate Development<br>SHAWAN PLACE, 6 SHAWAN ROAD<br>TELEPHONE: (410) 527-1000<br>EIGHTHREEVILLE, MARYLAND 21033<br>FACSIMILE: (410) 527-1553 | SCALE:<br>1" = 30'<br>DATE:<br>10-23-2001<br>JOB NO.<br>M- 2153 |

DRAWN BY: BCW  
 CHECKED BY: JR

8535 Quentin Ave  
 Ruddy

Rd  
 No1







A F F I D A V I T in Support of Zoning Variance  
\*\*\*\*\*

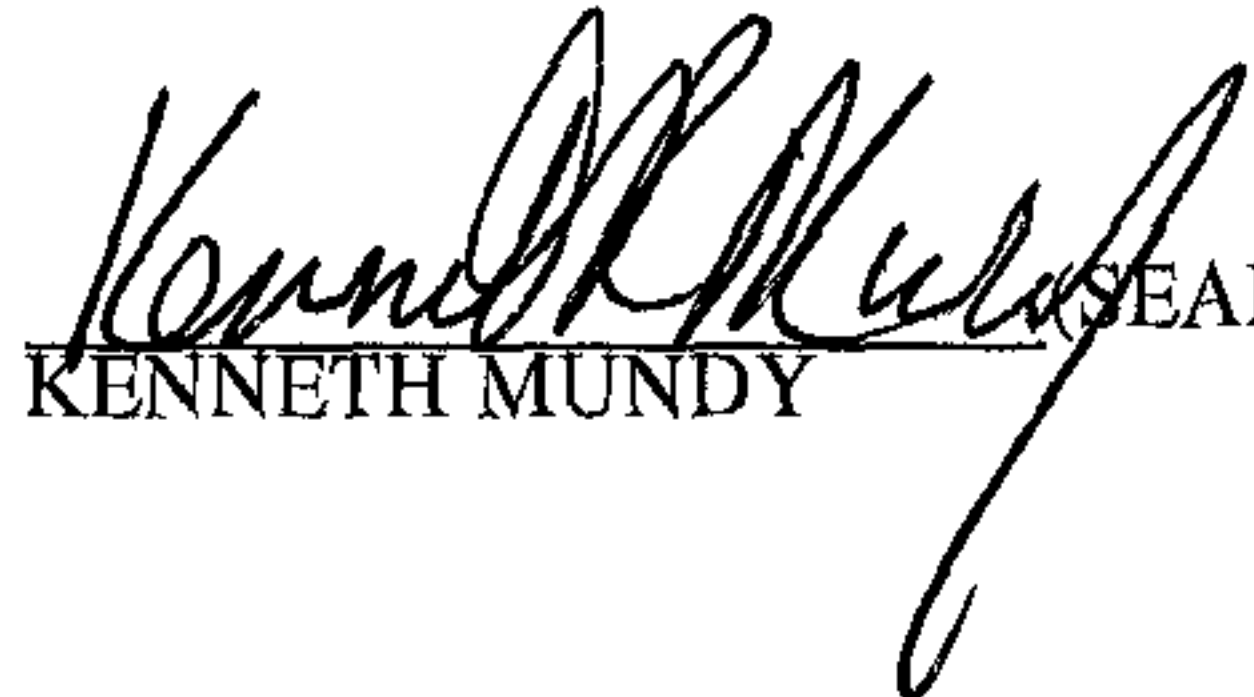
STATE OF MARYLAND  
COUNTY OF BALTIMORE

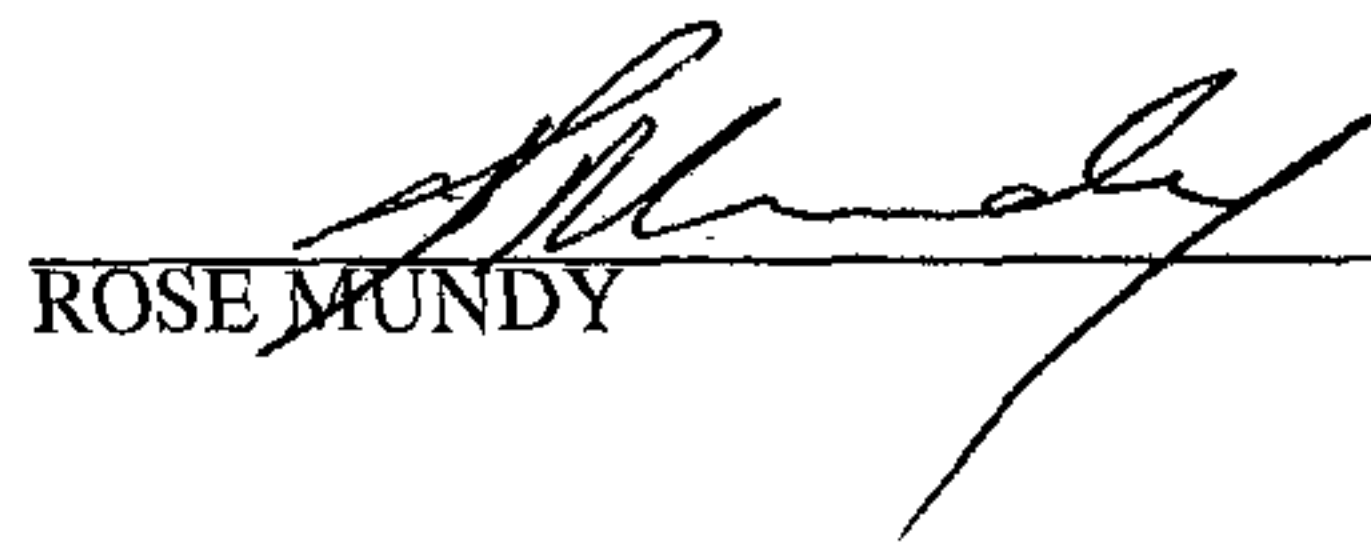
THE UNDERSIGNED(S) hereby affirm under the penalties of perjury to the Zoning Commission as follows: That the information herein given is within the personal knowledge and that they are competent to testify thereto in the event that a public hearing is scheduled in this matter:

That the Affiants do presently reside at 8539 Quentin Avenue Baltimore County, MD 21234 and are the owners of that certain real estate as of Oct 2001;

That based upon personal knowledge, the following are the facts upon which the current zoning regulations limiting fences at the above address cannot be met are:

- 1) A pool and playset have been erected on said property.
- 2) There are a large number of young children in the neighborhood.
- 3) We as the house directly behind 8543 Quentin Avenue are the property most directly affected by the fence location and height and DO NOT object to either.
- 4) That, we also agree, that in the interest of Public Safety, having erected a privacy fence to protect the neighborhood children from possible injury or death which may result from entering the Light's yard, unsupervised, and falling in pool or on play equipment was a not only a responsible thing to do, but also a necessary thing to do.
- 5) That we would be willing to tesify to same.

 (SEAL)  
KENNETH MUNDY

 (SEAL)  
ROSE MUNDY

Ad No 3



A F F I D A V I T in Support of Zoning Variance  
\*\*\*\*\*

STATE OF MARYLAND  
COUNTY OF BALTIMORE

THE UNDERSIGNED(S) hereby affirm under the penalties of perjury to the Zoning Commission as follows: That the information herein given is within the personal knowledge and that they are competent to testify thereto in the event that a public hearing is scheduled in this matter:

That the Affiants do presently reside at 8543 Quentin Avenue Baltimore County, MD 21234 and are the owners of that certain real estate as of June 28, 2000. See Deed (copy enclosed) recorded in the County of Baltimore at Liber 14627, folio 336;

That based upon personal knowledge, the following are the facts upon which a the current zoning regulations limiting fences at the above address cannot be met are:

- 1) A pool and playset have been erected on said property.
- 2) There are a large number of young children in the neighborhood.
- 3) We have children, who, in order to have "quiet use and enjoyment" of our real property needed play equipment and said pool.
- 4) That, in the interest of Public Safety, we have erected a privacy fence to protect the neighborhood children from possible injury or death which may result from entering our yard, unsupervised, and falling in pool or on play equipment.
- 5) That it would impose an undue hardship to have to keep constant watch over our backyard twenty-four hours a day in order to monitor the possiblity of neighboring children entering our property to play near said pool or on said play equipment thereby risking injury or death.
- 6) Our homeowners insurance premium also increase substantially without this fence thereby creating a financial hardship on us as a family.
- 7) The neighbors behind us, Kenneth and Rose Mundy have also signed an affidavit that they are not bothered and do not object to our fence and are willing to testify to same.

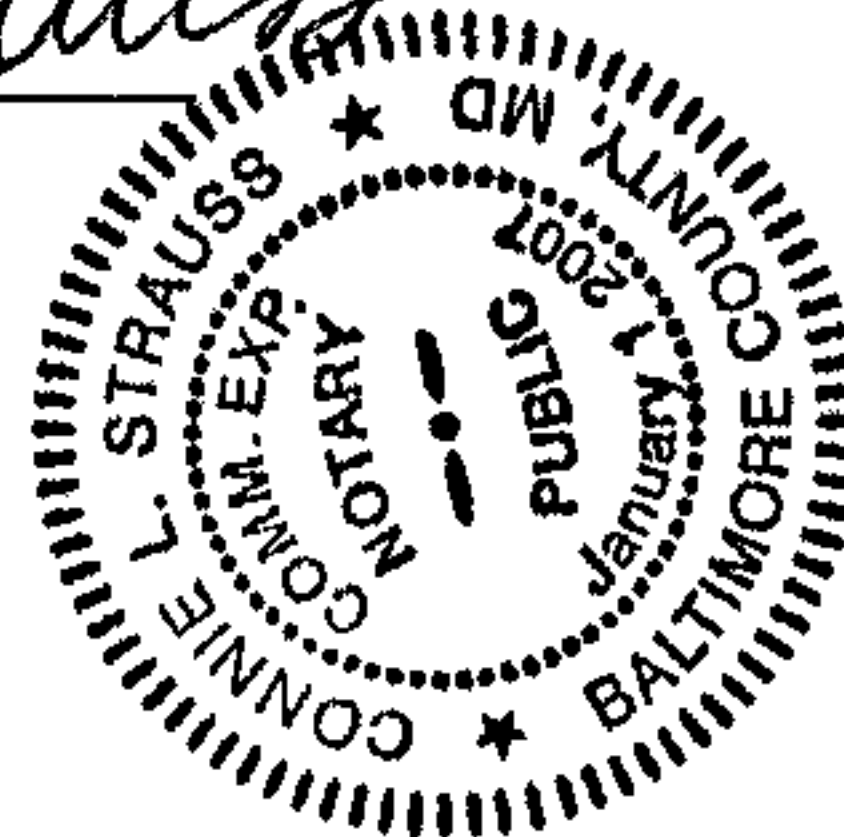
That the affiant(s) acknowledges that if a formal demand is filed, Affiants may have to pay an advertising fee and may be required to provide additional information.

Keith M. Light (SEAL)  
KEITH M. LIGHT

Jean M. Light (SEAL)  
JEAN M. LIGHT

SWORN AND SUBSCRIBED THIS 27th DAY OF JULY, 2004.

Connie L. Strauss  
NOTARY PUBLIC





9/20/04

To: Director of Zoning  
Re: Zoning Variance for 6ft. Fence

Enclosed is a list of signatures opposing the request for the zoning to keep the existing 6ft. Fence on property 8543 and the variance zoning for 8539 Quentin Ave. this is not only a safety issue for cars coming and going, but for also the children that occasionally play in the driveway and ride their bikes down the roadway. You can't see the cars leaving or coming because of the fence nor can the children see either road because of the fence when playing. There is no reason for Mr. Light to warrant a special permit for this fence. This fence was put up without a permit without the regards to safety for people around him. Mr. Light has a small dog (shelty) although this fence has been up for months and months, Mr. Light just purchased a 18 by 4 ft. Entex pool in June of this year. Neither of which could cause harm without having a six foot fence. Several of us in the neighborhood have this type of pool and larger, none of which have we had any problems with other children coming onto our property. Granting this would leave the door open to future request.

Thank you,

The Neighborhood Tenants

1. Guadalupe F. Minter, 8609 Quentin Ave.
2. Russ Herold, 8609 Quentin Ave.
3. Chris Nehus 8588 Quentin Ave.
4. Sandra Falson 8606 Quentin Ave.
5. [Signature] 8578 Quentin Ave.
6. Angelica Rivas 8623 Quentin Ave.
7. Juan De Rivas 8623 Quentin Ave.

Print  
No 2



8. John A. Brannan III 8611 Quentin Ave

9. Char C Dorsey Jr 8608 Quentin Ave

10. H. Perry 8594 ~~Quentin Ave~~

11. Penny Keenan 8610 Quentin Ave.

12. Kitty Hansen 8605 Quentin Ave

13. Phil Hansen 8605 Quentin Ave

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14 unmarked photos

Case # 05-~~055~~5-A

2 C. hearing







055 NG 56N04E 25N 2 0505

02. 59)

1105





SEE IT AGAIN ON 1 SEP

NO. 100

122















SEE IN BOOKS AND 2 SEES

No. 2000

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No. 249)

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55 2 503033 204 5 5504

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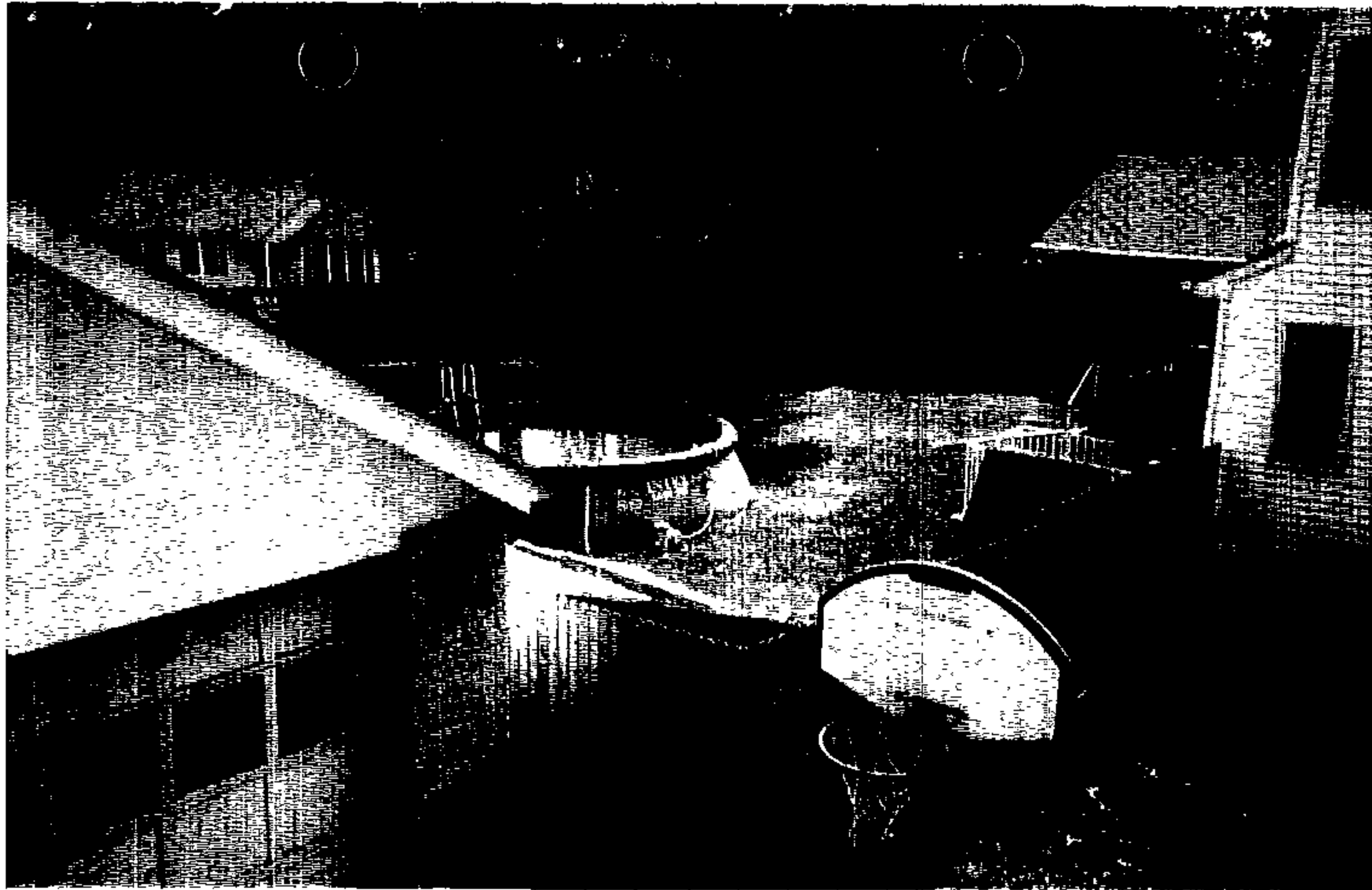
1145



BBB 14 264234 644 1 0522

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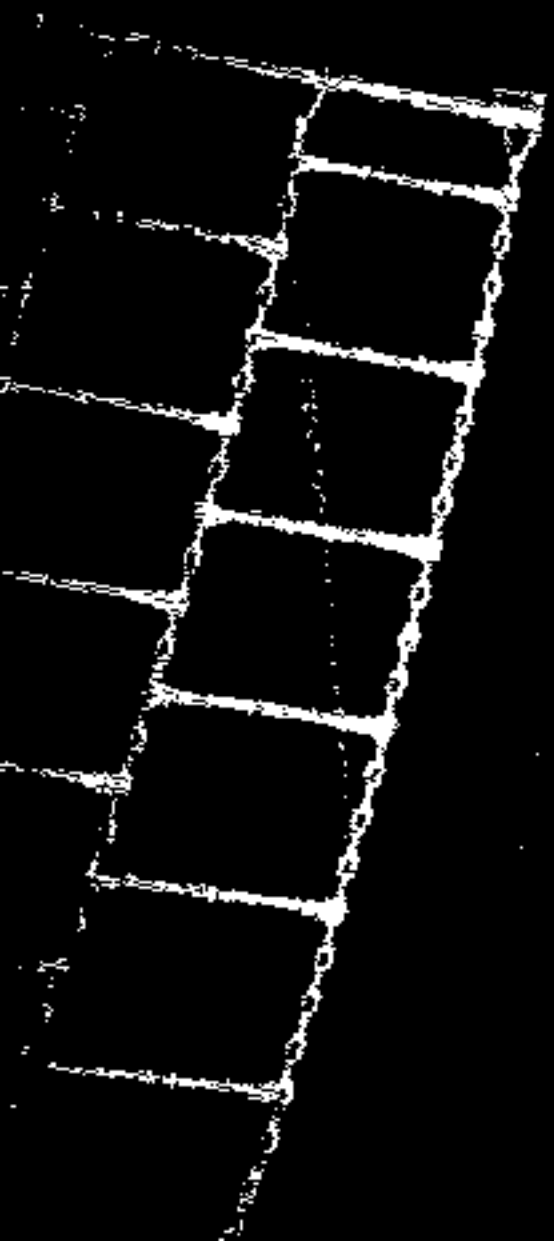




255 20 24X30 464 1 9562

(No. 130)

1136



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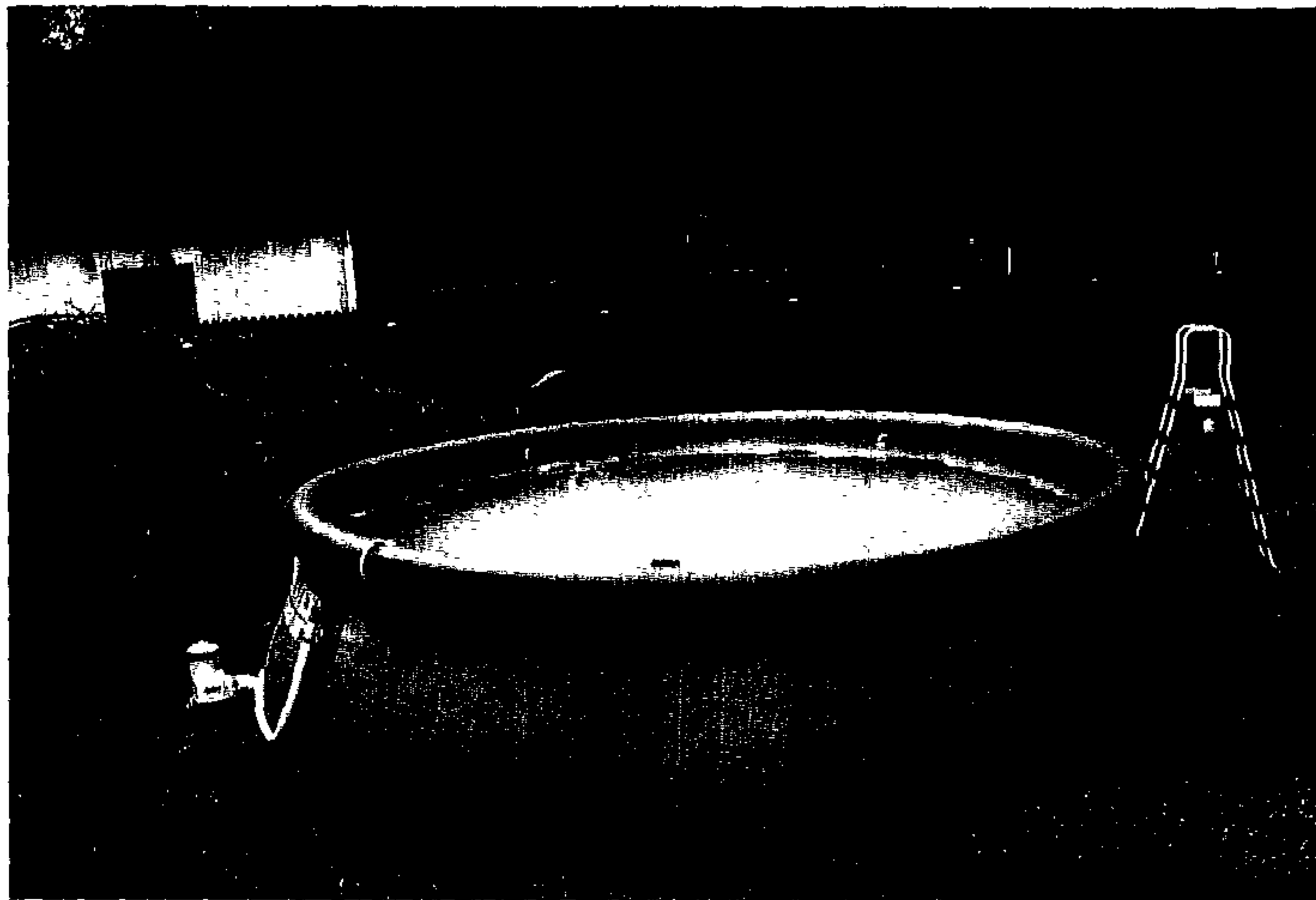












County Board of Appeals of Baltimore County

ROOM 49 OLD COURTHOUSE  
TOWSON, MARYLAND 21204

Address Service Requested

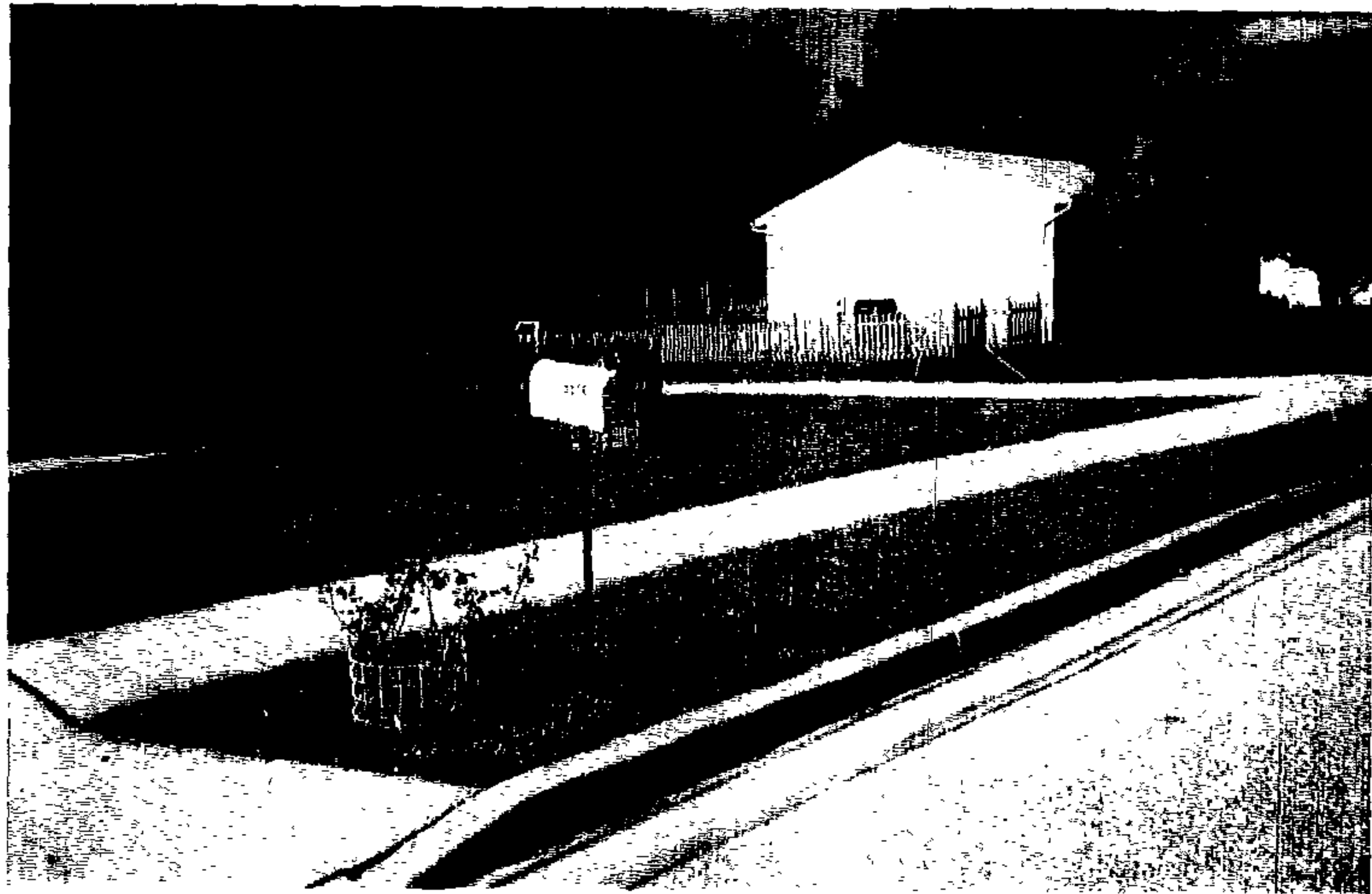
05-0555-A

Light

Protestants Exh. 1A-1E  
(5 photos)







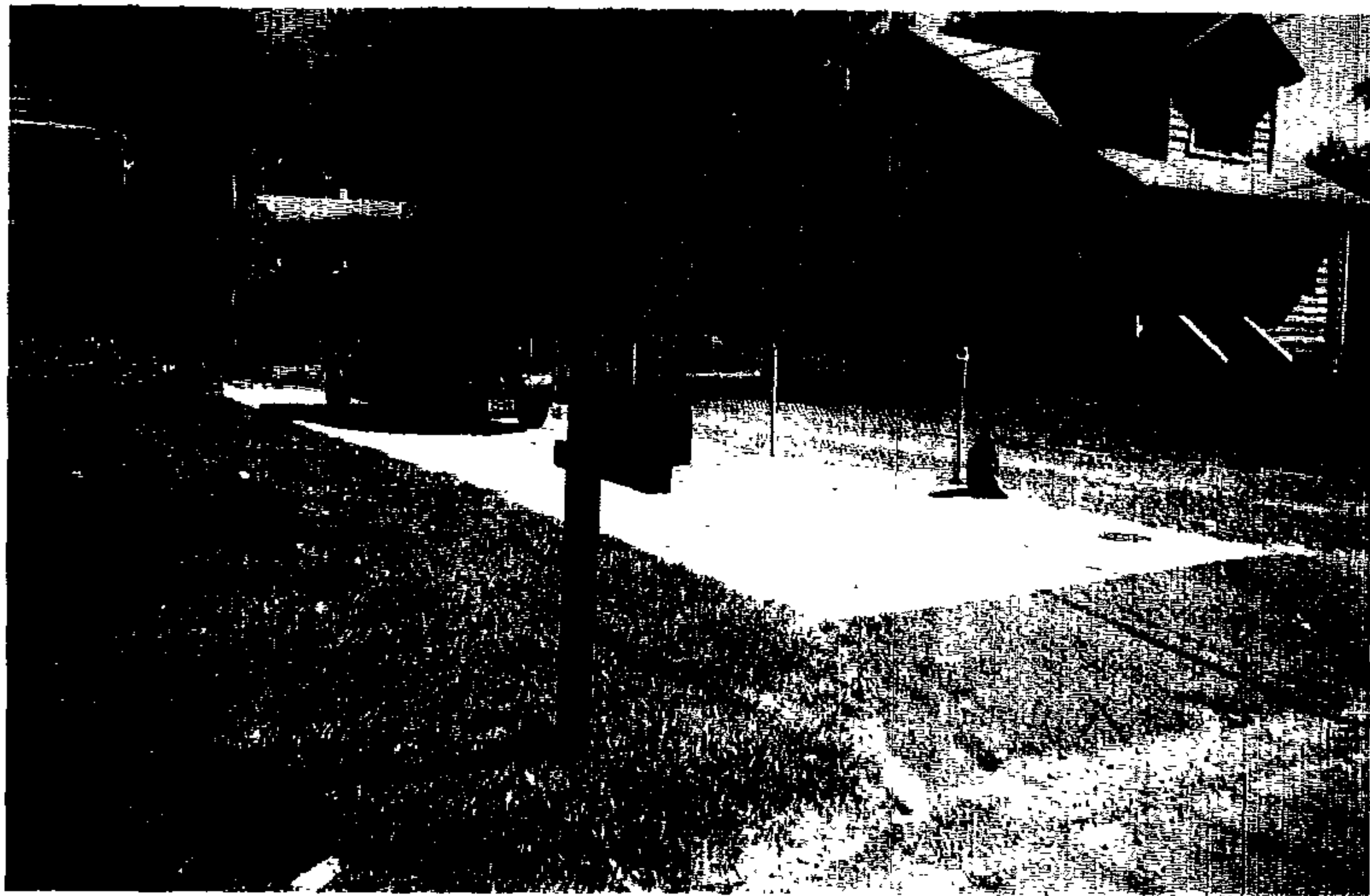






Participant 5

1-b



Pretest 5 1 E



