

IN RE: PETITION FOR VARIANCE
NE/Corner Poplar Road and Silver Lane
(2300 Poplar Road)
15th Election District
6th Council District

Virginia E. Brinkmann
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 05-068-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 owner of the subject property, Virginia E. Brinkmann. The Petitioner seeks relief from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 7-foot high chain link fence along the property line that adjoins the front yard of another residence, 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.

Appearing at the requisite public hearing in support of the request were Virginia E. Brinkmann, property owner, and Rose Marie Burke, adjacent property owner to the south. Appearing in opposition to the request were Joseph Ackerman and Theresa M. Stevenson-Ackerman, adjacent property owners to the north.

Testimony and evidence offered revealed that the subject property is a rectangular shaped, waterfront lot located with frontage on Sue Creek and the northeast side of Poplar Road, across from its intersection with Silver Lane in southeastern Baltimore County. The property contains a gross area of 0.38 acres, more or less, zoned R.C.5 and is improved with a single family dwelling and detached garage. As shown on the site plan, the dwelling is located in the front portion of the lot, close to the water and the garage is located further to the rear of the lot, closer to the road. The Petitioner has owned and resided on the property for many years. Approximately two years ago, the Petitioner obtained a permit to erect a 5-foot chain link fence around the

ORDER RECEIVED FOR FILING

Date

By

10/24/04
[Signature]

perimeter of her property to enclose her entire rear yard. However, the fence was only installed along the southern property line adjacent to Ms. Burke's property, and only from approximately the mid-point of the Petitioner's dwelling to the macadam driveway that leads into the subject property. It is also to be noted that there is a split rail fence located along the northern property line adjacent to the Ackerman property. That fence only runs from approximately the mid-point of the house to about the mid-point of the Ackerman home. In any event, the Petitioner now comes before me seeking relief to extend the chain link fence around the remainder of her property at a height of 7 feet. In this regard, testimony indicated that the Petitioner's dog is currently able to jump the split rail fence from a landing and retaining wall area to the rear of the existing dwelling and into her neighbors' (the Ackermans) yard. As shown on the site plan, the Petitioner's house is located almost immediately adjacent to the side property line. In addition, Ms. Brinkmann complained that the Ackermans' have a woodpile that recently collapsed a portion of her split rail fence and that they have allowed junk and debris from their yard to spill over onto her property. In order to alleviate these concerns, Ms. Brinkmann proposes removing the existing split rail fence and erecting the remainder of her chain link fence at a height of 7 feet.

As shown on the site plan, the Burke house on the adjacent property to the south is setback from the water at approximately the same distance as the subject dwelling; however, the Ackermans' home is setback a significant distance from the water and closer to the street. Thus, the Petitioner's proposal results in a portion of her proposed fence being located adjacent to the front yard of the Protestants' property. In this regard, Section 427 of the B.C.Z.R. limits the height of any fence that adjoins the front yard of another residence to 3.5 feet. Thus, the requested variance relief is necessary in order to proceed as proposed.

As noted above, the adjacent property owners on the affected side, Joseph and Theresa Ackerman, appeared in opposition to the request. The Protestants are generally opposed to the request and believe the Petitioner should be required to adhere to the regulations.

A Zoning Advisory Committee (ZAC) comment was also received from the Office of Planning. That agency is not opposed to the Petitioner's request, however, recommended that the

portion of the fence facing Poplar Road should be setback a minimum of 10 feet from the road edge and landscaped to buffer its appearance along the entire fence length. In response to that comment, the Petitioner stated that a row of flowering shrubs exists along the front of her property and that these would have to be removed in order to accommodate Planning's recommended 10-foot setback. Moreover, I noted from photographs submitted at the hearing that there is a fire hydrant located in the front portion of the Petitioner's property within a few feet of the road.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant modified relief. Specifically, I will approve a fence height of 7 feet for a portion of its length adjacent to the Ackerman property, only. That is, from a point beginning at the southwest corner of the existing garage to the end of the retaining wall near the middle of the existing dwelling on the subject property, I will allow a fence height of 7 feet. That portion of the fence extending westerly towards Poplar Road and along the southern property line along that roadway and then easterly to the macadam driveway that leads into the subject property shall be at a height of 5 feet, as allowed by the original fence permit. Moreover, I will require that the portion of the fence extending along the southern property line immediately adjacent to Poplar Road be setback a distance of 7 feet from that roadway. I believe a 7-foot setback from the roadway is sufficient and will allow the Petitioner's flowering shrubs to be incorporated into her rear yard space. Moreover, the fence location will not interfere with access to the fire hydrant. I will also require that additional evergreen plantings be added along the road edge to further buffer the fence from the road; however, I will not require additional landscaping along the entire length of the fence on the north side. It appears from the photographs submitted that sufficient vegetation exists along that property line to buffer the fence.

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, as modified above, will be granted.

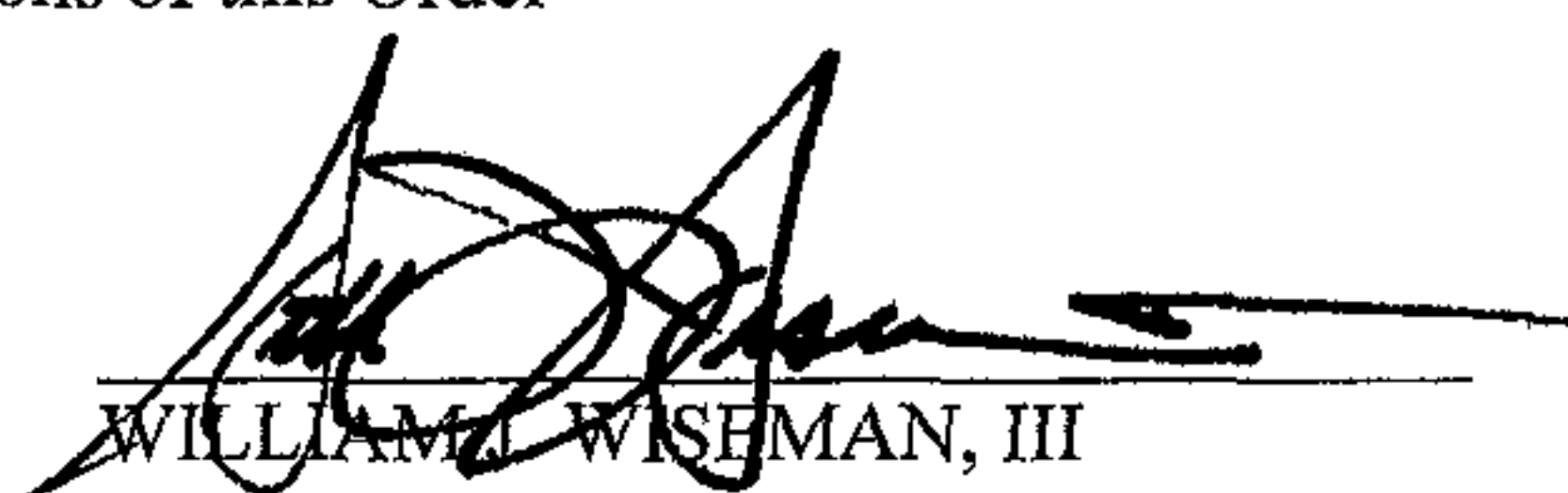
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 20th day of October 2004 that the Petition for Variance seeking relief from Section 427 of

ORDER RECEIVED FOR FILING
Date 10/20/04
By [Signature]

the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 7-foot high chain link fence along the property line that adjoins the front yard of another residence, in lieu of the maximum permitted height of 3.5 feet, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for her 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 her 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.
- 2) A fence height of 7 feet shall be permitted from a point beginning at the southwest corner of the existing garage on the subject property to the end of the retaining wall near the middle of the existing dwelling. That portion of the fence adjacent to Poplar Road and extending along the southern property line toward the existing macadam driveway leading into the subject property shall be at a height of 5 feet, as allowed by the original fence permit.
- 3) The front portion of the fence adjacent to Poplar Road shall be setback a distance of 7 feet from that roadway and additional low growing evergreens (3 feet maximum at mature height) planted to further buffer the fence from that road.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order

WJW:bjs


WILLIAM WISEMAN, III
Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING

Date

10/25/84

By

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 20, 2004

Ms. Virginia E. Brinkmann
2300 Poplar Road
Baltimore, Maryland 21221

RE: PETITION FOR VARIANCE
NE/Corner Poplar Road and Silver Lane
(2300 Poplar Road)
15th Election District – 6th Council District
Virginia E. Brinkmann - Petitioner
Case No. 05-068-A

Dear Ms. Brinkmann:

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 "William J. Wiseman, III", is written over a large, stylized, and somewhat abstract graphic element that resembles a large, loopy letter 'W' or a signature flourish.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. & Mrs. Joseph Ackerman
2226 Poplar Road, Baltimore, Md. 21221
Office of Planning; People's Counsel; Case/File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2300 Poplar Rd. Balto. MD 21221
which is presently zoned RC5

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)

Section 427, BCZR, to permit a 7 (seven) foot high chain link fence along the property line that adjoins the front yard of another residence, in lieu of the permitted height of 3.5 (three & a half) feet.

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

Due to the unique & unusual characteristics of my waterfront lot, compliance with BCZR would cause both hardship and practical difficulty.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Case No. 05-068A

REV 9/15/98

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By [Signature]

Date 8-4-04

ORDER RECEIVED FOR FILING
Date 8/10/04
By [Signature]

Zoning Description

Zoning description for:

2300 Poplar Road, Essex, Maryland, 21221

Beginning at a point on the **EAST** side of **POPLAR ROAD** which is **30' right-of-way width** at the **NORTHEAST** corner of **POPLAR ROAD & SILVER LANE**, of which are each **30' right-of-way width**.

Being **LOT # 100, Section 1** in the subdivision of **CEDAR BEACH** as recorded in Baltimore County **Plat Book #7, Folio #186**, containing **16,770 square feet/0.38 acres**.

Also known as **2300 POPLAR ROAD, ESSEX, MARYLAND, 21221** and located in the **15th Election District, 6th Councilmanic District**.

**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: #05-068-A

2300 Poplar Road

East side of Poplar Road at the corner of Polar and Silver Lane

15th Election District

6th Councilmanic District

Legal Owner(s): Virginia

Elleen Brinkmann

Variance: to permit a 7 foot high chain link fence along the property line that adjoins the front yard of another residence, in lieu of the permitted height of 3.5 feet.

Hearing: Friday, October 1, 2004 at 10:00 a.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 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.

9/23/04 21464

CERTIFICATE OF PUBLICATION

9/16, 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 9/16, 2004.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

J. Williams

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39387

DATE

8.4.04

ACCOUNT

001-006-6150

AMOUNT \$

65.00

RECEIVED
FROM:

V. BRINKMANN

2300

Poplar 121

FOR:

VAR

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DATE
8/05/2004	8/04/2004	14:19:13	2
REB MS04	WALKIN	OWN	END
>>RECEIPT # 274070 8/14/2004 OF13			
Dept	5	526	ZONING VERIFICATION
CR NO.	039387		
Receipt Tot		\$65.00	
\$65.00	CR	\$65.00	CA
Baltimore County, Maryland			

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

im000084 (1152x864x24b jpeg)

ZONING NOTICE

0068 # 05-068-A

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

Room 407 County College Building
PLACE: 401 BOWEN AVENUE, GREEN MARYLAND
DATE AND TIME: FRIDAY, OCTOBER 15
8:00 AM AT 2:00 PM

REQUEST:
VARIANCE TO PERMIT A 7 FOOT HIGH CHAIN LINK
FENCE ALONG THE PROPERTY LINE THAT
ADJACENT TO THE FRONT YARD OF ANOTHER RESIDENCE
IN EXCESS OF THE PERMITTED HEIGHT OF 3.5 FEET.

POST-HEARING: THE ZONING COMMISSIONER AND BOARD OF APPEALS
11 TOWSON BLVD. TOWSON, MD 21204

THE ZONING COMMISSIONER AND BOARD OF APPEALS, UNDER PENALTY OF LAW,
WILL ENFORCE THIS NOTICE.

Morton Ogle 9/30/04

Certificate Of Posting

RE: Case NO.: 05-068-A

Petitioner/Developer: _____

VIRGINIA BRINKMANN

Date of Hearing/Closing: 10/15/04

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 2300 POPLAR ROAD

This sign(s) were posted on 9/30/04
(Month, Day, Year)

Sincerely,

Martin Ogle 9/30/04
(Signature of Sign Poster and Date)

Martin Ogle

(Printed Name)

5016 Castlestone Drive

(Address)

Balto, MD 21237

(City, State, Zip Code)

(410)-933-9470

(Phone Number)



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

September 16, 2004

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: 05-068-A

2300 Poplar Road
E/side of Poplar Road at the corner of Poplar and Silver Lane
15th Election District – 6th Councilmanic District
Legal Owner: Virginia Eileen Brinkmann

Variance to permit a 7-foot high chain link fence along the property line that adjoins the front yard of another residence, in lieu of the permitted height of 3.5 feet.

Hearing: Friday, October 15, 2004 at 2:00 pm in Room 407, County Courts Building,
401 Bosley Avenue

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

Timothy Kotroco
Director

TK:klm

C: Virginia Eileen Brinkmann, 2300 Poplar Road, Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, SEPTEMBER 30, 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.



August 12, 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: 05-068-A

2300 Poplar Road

East side of Poplar Road at the corner of Polar and Silver Lane

15th Election District—6th Councilmanic District

Legal owner: Virginia Eileen Brinkmann

Variance to permit a 7 foot high chain link fence along the property line that adjoins the front yard of another residence, in lieu of the permitted height of 3.5 feet.

Hearing: Friday, October 1, 2004 at 10:00 a.m. in Room 407, County Courts Building
401 Bosley Avenue

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

Timothy Kotroco
Director

TK: clb

C: Virginia Eileen Brinkmann 2300 Poplar Road Baltimore 21221

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY SEPTEMBER 16, 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.**

TO: PATUXENT PUBLISHING COMPANY
Thursday, September 16, 2004 Issue - Jeffersonian

Please forward billing to:

Virginia Eileen Brinkmann
2300 Poplar Road
Baltimore, Maryland 21221

410-391-0866

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: 05-068-A

2300 Poplar Road

East side of Poplar Road at the corner of Polar and Silver Lane

15th Election District—6th Councilmanic District

Legal owner: Virginia Eileen Brinkmann

Variance to permit a 7 foot high chain link fence along the property line that adjoins the front yard of another residence, in lieu of the permitted height of 3.5 feet.

Hearing: Friday, October 1, 2004 at 10:00 a.m. in Room 407, County Courts Building
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID

For Newspaper Advertising:

Item Number or Case Number

068

Petitioner

V. E. Brinkman

Address or Location

2300 Poplar Rd. Balt. MD 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name

Address

SAME

Telephone Number:

410-391-0866

**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*

September 22, 2004

Virginia Eileen Brinkmann
2300 Poplar Road
Baltimore, Maryland 21221

Dear Ms. Brinkmann:

RE: Case Number:05-068-A, 2300 Poplar Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 4, 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.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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

Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
Tel: 410-887-4500



Baltimore County

James T. Smith, Jr., County Executive
John J. Holman, Chief

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 16, 2004

Item No.: 061-069, 071, 072, 074, 076-080

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

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





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: 8.13.04

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

RE: Baltimore County
Item No. 0768 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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr. JDO

DATE: September 3, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 16, 2004

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

05-061
04-062
04-063
04-065
04-067
04-068
04-069
04-071
04-072
04-077
04-079
04-080
04-081

Reviewers: Sue Farinetti, Dave Lykens

10/15

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 20, 2004

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

RECEIVED

AUG 23 2004

SUBJECT: 2300 Poplar Road

INFORMATION:

Item Number: 5-068

Petitioner: Virginia Brinkman

Zoning: RC 5

Requested Action: Variance

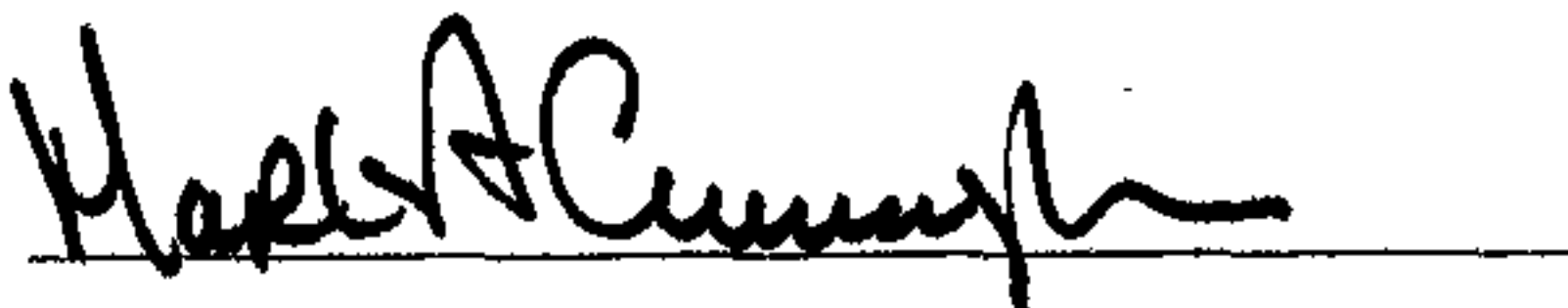
ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to construct a 7' high chain link fence. However, the portion of the chain link fence facing Poplar Road along the property frontage shall be set back at least 10 feet from the road edge (not property line, and planted with a mixture of evergreen vegetation of varying heights from low shrubs (3') along the road edge to tall evergreens (8'+, Leyland Cypress or equivalent) on the fence side. In addition, evergreen Ivy or dark green slats shall be used along the entire fence length.

For further information concerning the matters stated herein, please contact David Pinning at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL:MAC:



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: September 1, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For August 23, 2004
Item Nos. 061, 062, 063, 064, 065,
066, 067, 068, 069, 070, 072, 074, 075,
076, 077, 079, 080, and 081

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

RWB:CEN:jrb

cc: File

RE: PETITION FOR VARIANCE * BEFORE THE
2300 Poplar Road; E/side Poplar Road,, *
corner of Poplar Road & Silver Lane * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Virginia Eileen Brinkmann * FOR
Petitioner(s) *
* BALTIMORE COUNTY
* 05-068-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 19th day of August, 2004, a copy of the foregoing Entry of Appearance was mailed to, Virginia E. Brinkmann, 2300 Poplar Road, Baltimore, MD 21221, Petitioner(s).

RECEIVED

AUG 19 2004

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Subject Property where Variance is Requested

**Location: 2300 Poplar Road
Essex, Maryland 21221**

**Lot #100
Cedar Beach, Section 1
Plat Reference 7/186
Map #98
Grid # 20
Parcel #296
Waterfront group # 82**

**Zoning Status: RC - 5
Year built: 1934
Land area: 16,770.00 SF
County Use Code: 34
Residential only**

Owner: Virginia E. Brinkmann

Purchased date: 12/81

Deed # 10783 / 19

MDAT account # 1520550560

M.D.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

06/09/2004

OWNER INFORMATION

DISTRICT: 15 ACCT NO: 1520550560

USE: RESIDENTIAL

OWNER NAME: BRINKMANN VIRGINIA E

PRINCIPAL
RESIDENCE
YES

MAILING ADDRESS: 2300 POPLAR RD
BALTIMORE

MD 21221-6126

TRANSFERRED

FROM: COZZOLINO EDWARD E

DATE: 10/06/1994 PRICE: \$0

DEED REFERENCE: 1) /10783/ 19
2)

SPECIAL TAX RECAPTURE

* NONE *

TAX EXEMPT: NO

PRESS: <F1> LOCATION INFO <F2> VALUE INFO <F3> TRANSFER/STRUCTURE INFO
<F5> RETURN TO LIST SCR N <F6> SELECT NEXT PROPERTY

M.D.A.T. REAL PROPERTY SYSTEM
BALTIMORE COUNTY

06/09/2004

LOCATION INFORMATION

DISTRICT: 15 ACCT NO: 1520550560
NAME: BRINKMANN VIRGINIA E

USE: RESIDENTIAL

PREMISES ADDRESS
2300 POPLAR RD

LEGAL DESCRIPTION

2300 POPLAR RD
CEDAR BEACH

WATERFRONT

MAP GRID PARCEL SUBDIV SECT BLOCK
98 20 296

LOT GROUP
100 82

PLAT NO :
PLAT REF: 7/ 186

SPECIAL TAX AREAS -

PRIMARY STRUCTURE DATA
YEAR BUILT ENCLOSED AREA
1934 2,891 SF

PROPERTY LAND AREA
16,770.00 SF

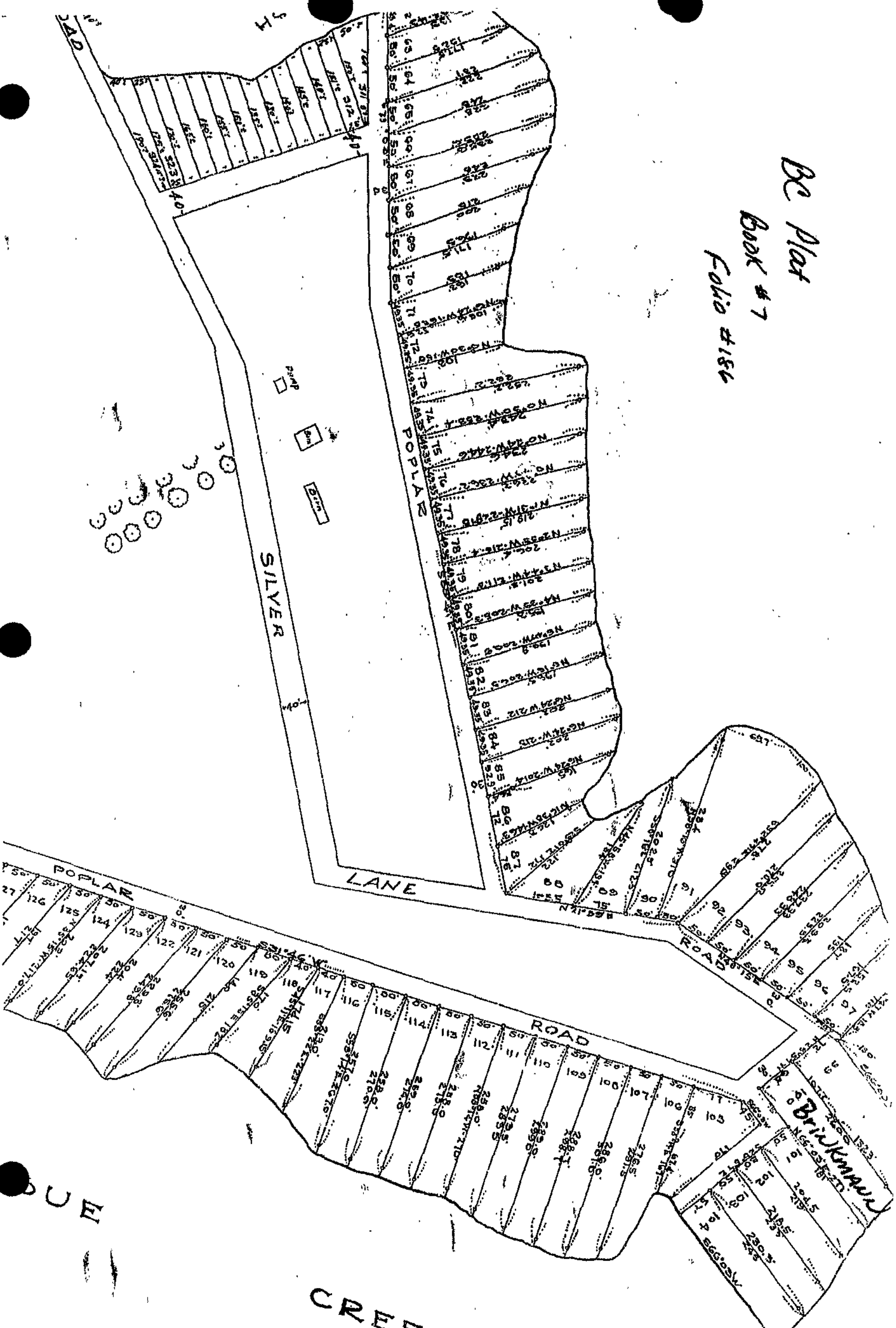
COUNTY
USE
34

PRESS: <F1> OWNER INFO <F2> VALUE INFO
<F5> RETURN TO LIST SCR N

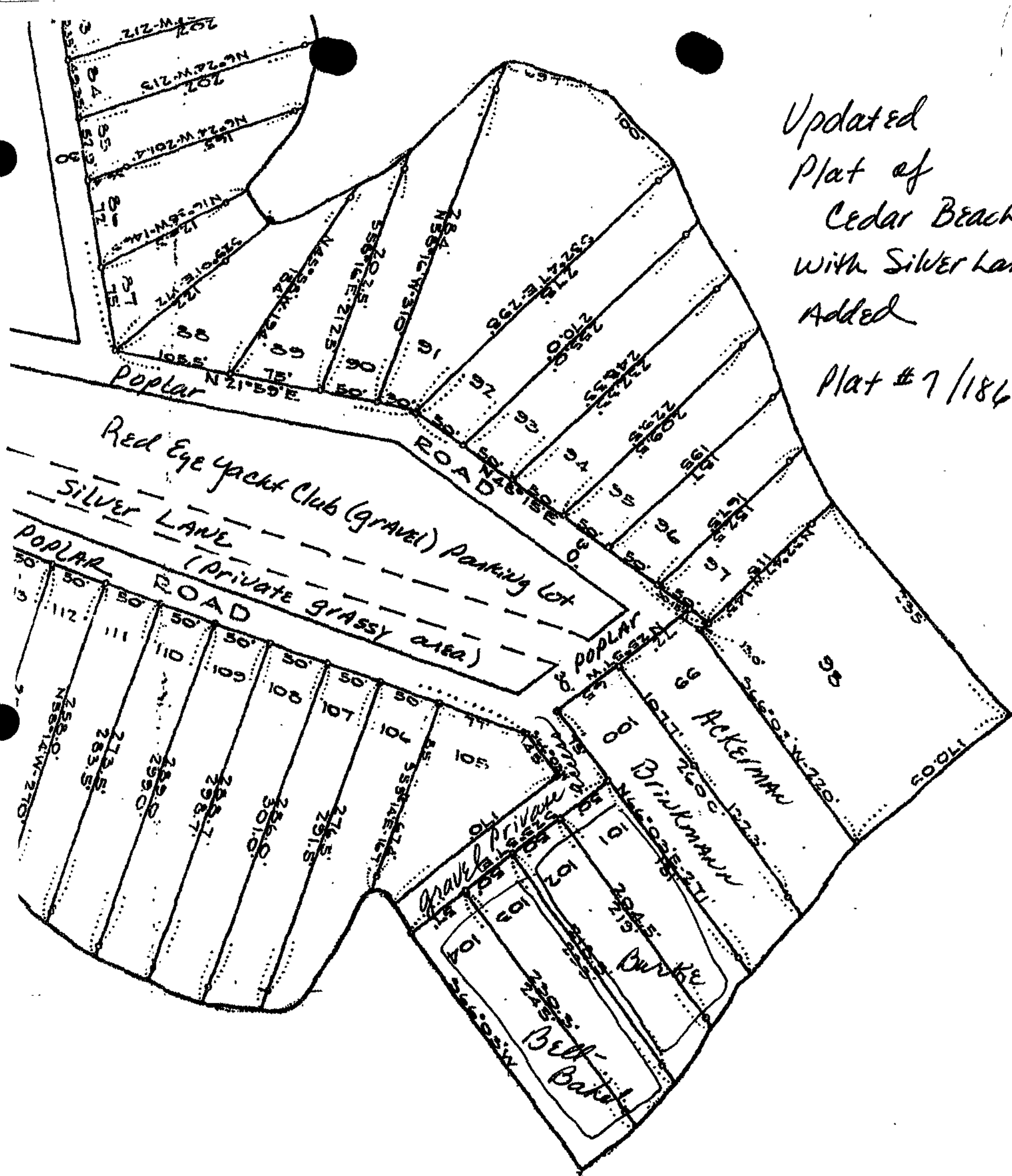
<F3> TRANSFER/STRUCTURE INFO
<F6> SELECT NEXT PROPERTY

Be Plat
Book #7
Folio #184

CREEK



Plat # 7/186



PLAT #
CEDAR BEACH
SECTION ONE
W.P.C. 7/180

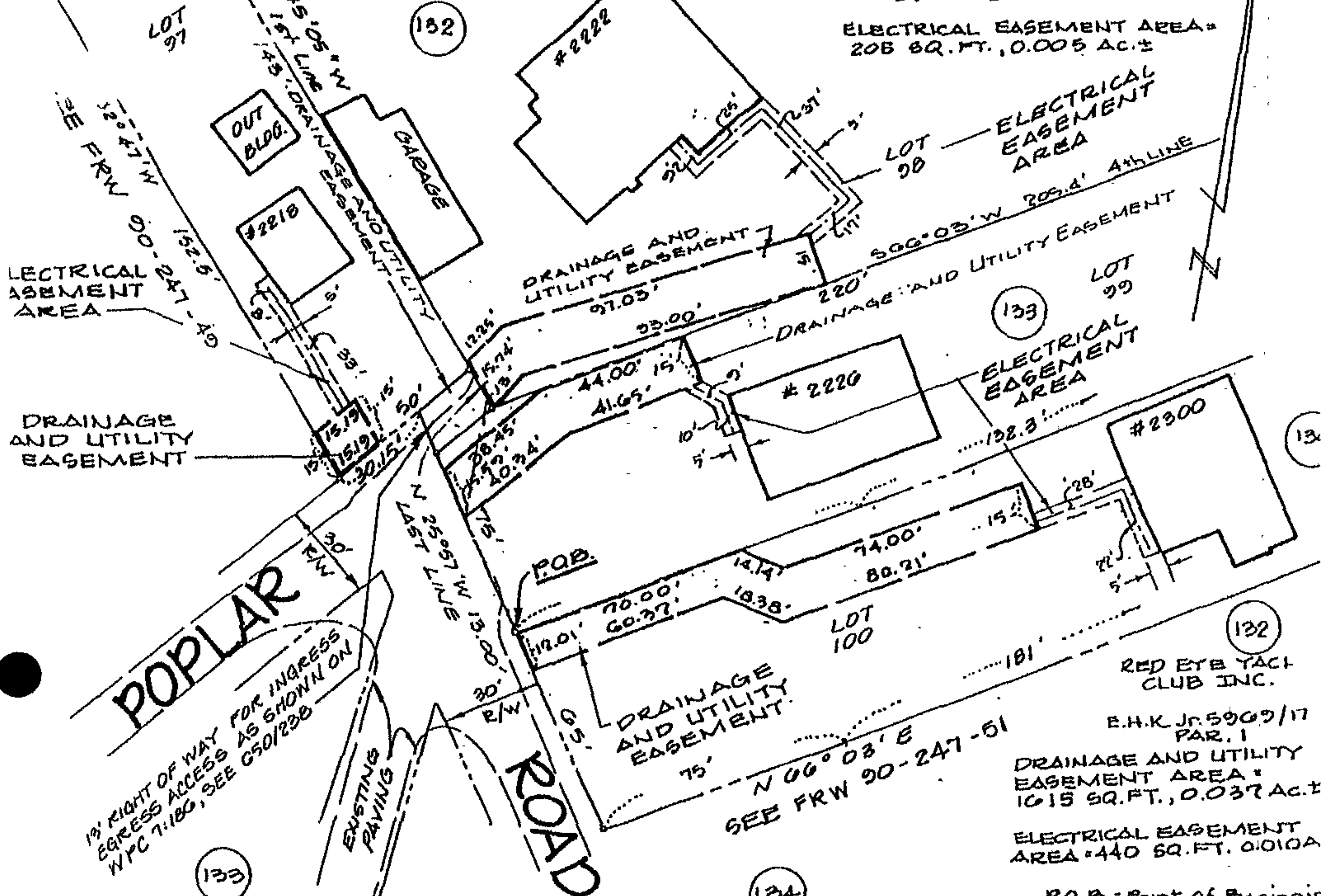
(131)
A

JOSEPH D. LUHRMAN JR. &
HELEN E., HIS WIFE

E.H.K. Jr. 0290/024

DRAINAGE AND UTILITY
EASEMENT AREA = 225 SQ. FT.,
0.005 AC. ±

ELECTRICAL EASEMENT AREA =
208 SQ. FT., 0.005 AC. ±



JOSEPH. E ACKERMAN JR. &
DEBORAH A. HIS WIFE

SM 8325/350

DRAINAGE AND UTILITY EASEMENT
AREA = 1733 SQ. FT., 0.028 AC. ±

ELECTRICAL EASEMENT AREA =
95 SQ. FT., 0.002 AC. ±

DRAINAGE AND UTILITY EASEMENT
AREA IN 13' RIGHT OF WAY =
266 SQ. FT., 0.006 AC. ±

VIRGINIA E. BRINKMANN

E.H.K. Jr. 0358/024

DRAINAGE AND UTILITY EASEMENT
AREA = 2183 SQ. FT., 0.050 AC. ±

ELECTRICAL EASEMENT AREA =
250 SQ. FT., 0.006 AC. ±

P.O.B. - Point of Beginning
being located at the
westernmost corner of
Lot #100, said point also
being located at the
intersection of the
division between
lots #100 & #99
and the easternmost
side of Poplar Road
30' wide - all as shown
on the plat of Cedar
Beach, Section One
W.P.C. 7/180

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF LAND ACQUISITION

STRICT NO. 1505 POSITION SHEET NO. 5, 6 SE 39 CONSTRUCTION PLAN NO. FEDERAL PROJECT NO. OR MARYLAND PROJECT NO. E.P.A. - C-240839-

PROVED ROADS ENGINEER	AREA TO BE ACQUIRED	EXISTING COUNTY R W	DATE REG NO	SURVEYOR
PROVED CHIEF, BUREAU OF LAND ACQUISITION	REVERTIBLE SLOPE EASEMENT	AREA TO BE RELEASED		
PROVED SUPERVISOR, DIVISION OF DRAFTING	TEMPORARY CONSTRUCTION AREA	TEMPORARY SLOPE EASEMENT	SHEET OF	REVISION
	ITEM NO	RECORDED	SCALE. 1" = 50'	2-25-
			B.C. JOB ORDER NO.	5-10-
			1-20-6	12/4/
			TITLE	

TOTAL AMOUNT DUE \$

Make checks payable to Baltimore County, Maryland — PERMIT FEES ARE NON-REFUNDABLE

Tax Account # 15-20-55T56C

Type or print in ink:

Work Site Address 2300 Poplar Rd. Essex, MD 21221

Election District 19

Owner's Name Virginia E. Brinkmann

Phone No.

Mailing Address 2300 Poplar Rd. Essex MD 21221

Owner's Agent**Phone No.**

COMPLETE BELOW OR ATTACH A PLAN THAT CLEARLY SHOWS:

Corner Lot: Yes ☐ No ☒

Property line dimensions, easements, existing buildings, road names, and location of alleys.

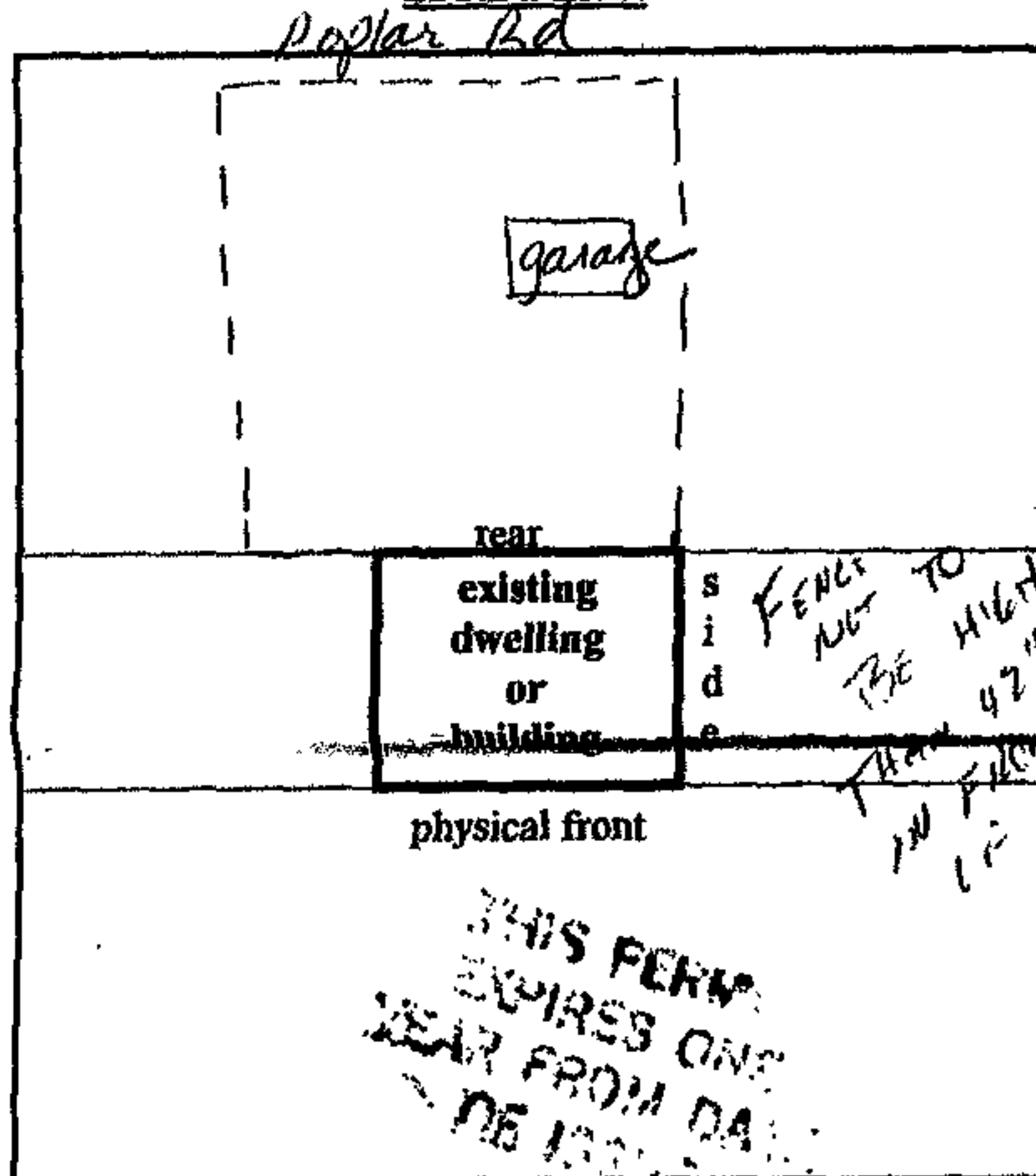
Historic District: Yes ☐ No ☒

Proposed fence, total length 830', height 5', and type Chainlink

Property line setbacks: front _____, sides _____, and _____, and rear _____

Property use residential. Rear/Side yard abuts adjoining front yard: Yes ☐ No ☐

SITE PLAN



FENCE REGULATIONS

Permit is required for fences over 42 inches high(measured vertical to ground, even if fence is placed on top of wall). Fences erected within easement must be removed at owner's expense, if required.

Building Code, Section 509:

509.1 - Residential Fences -- Maximum height of 42 inches in front yard as determined by BCZR and 6 feet in side and rear yards at the property line. Maximum height of 10 feet in side and rear yards, provided set back 2 feet for vertical foot over 6 feet.

509.2 - Commercial Fences - Maximum height of 12 feet. Building's Engineer may approve higher fence for dangerous, hazardous, or athletic field. Electric and barbed wire fences are only permitted for the retention of ~~and when not~~ a safety hazard to the public. No projections less than 4 feet high. Barbed wire and other retarding material may be on top of fence that is at least 6 feet, 9 inches high.

Zoning Code (BCZR) (access easements cannot be fenced)

102.5 - Corner Lot – No fence or other obstruction to vision is permitted higher than 3 feet within 25 feet of a corner of two streets, 15 feet of a street and alley, and 10 feet of two alleys.

427) Residential Fences in side or rear yard which adjoins residential front yard (setback and maximum height): zero to 10 feet - 42 inches, 10 to 20 feet - 48 inches, 20 to 30 feet - 60 inches, and over 30 feet - no limit. Required pool fence and houses more than 200 feet apart are exceptions.

County Code, Section 21-3, Obstruction of Drivers' View:

Corner Lots: The County Code (Section 21-3) does not allow a fence on a corner lot to obstruct the vision of drivers as they reach the intersection. If a sight problem is noted later, the property owner will be required to move the fence. So, to be safe, contact Traffic Engineering at 410-887-3554 for a free site inspection before you build the fence. An issued permit does NOT certify that the fence will be in compliance.

CERTIFICATION (OWNER/AGENT)

I have carefully read the above regulations and hereby certify that the proposed fence will be located on private property, will not violate the codes, and that the information supplied is true, complete, and correct.

V. E. Briskman
Signature

9/16/02
Date

Virginia E. Brinkmann
Print or Type Name

Copies: White - Office; Yellow - Applicant

Authority under Section 500.4, BCZR.

PDM APPROVAL (FOR FENCE ONLY)

Signature

Print Initials

Date _____

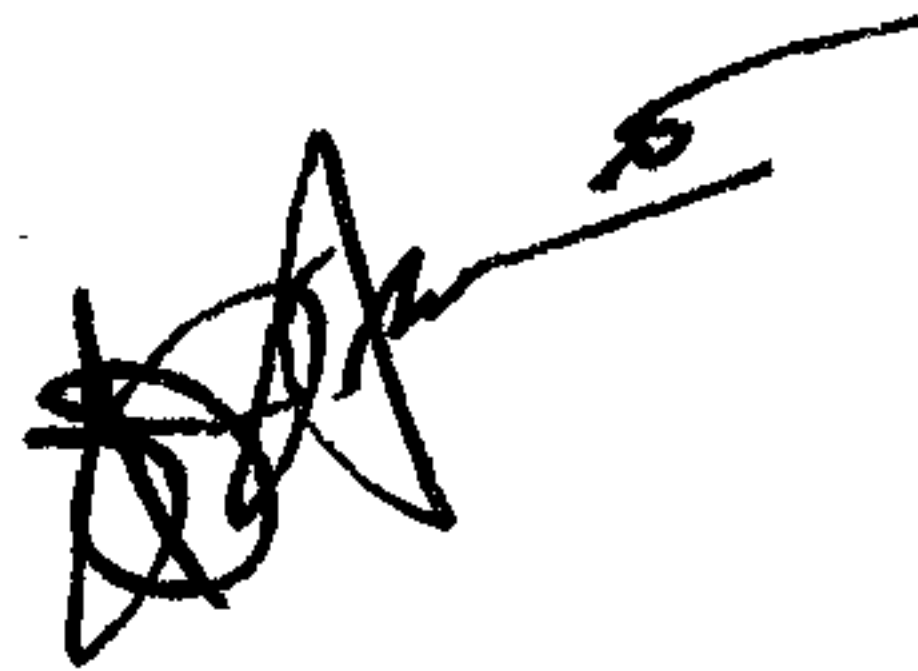
TO: Case File No. 05-068-A

DATE: August 11, 2005

FROM: William J. Wiseman
Zoning Commissioner

I recently received a telephone call from Ms. Brinkmann (410-391-0866) during which she complained that she was unable to obtain a building permit because the wording in the above-captioned Order was wrong. After further discussing her concerns, I was unable to determine exactly where the problem existed. I asked her to send me a letter detailing the problem since it had been over 10 months since the Order was issued. To date, I have not received either a facsimile or letter from Ms. Brinkmann.

In the interim, I have reviewed the Order issued in this case and the documents contained within the case file. The only issue she may have in obtaining a permit is in determining the exact locations where the fencing would be allowed at a 7-foot height and where it must be reduced to a height of 5 feet. If this in fact is the case, then perhaps the Petitioner should submit a revised site plan denoting where the fencing would be located and at what heights and if determined to be appropriate, I would then sign same as being consistent with the spirit and intent of my Order.

A handwritten signature in black ink, appearing to be "W. J. Wiseman", with a long, sweeping horizontal line extending to the right.

DATE 10/15/04

E-MAIL

Balto. MD 21221

2304 DOPLAR RD.

BATA MD 21321

DATE 12/15/04

E-MAIL

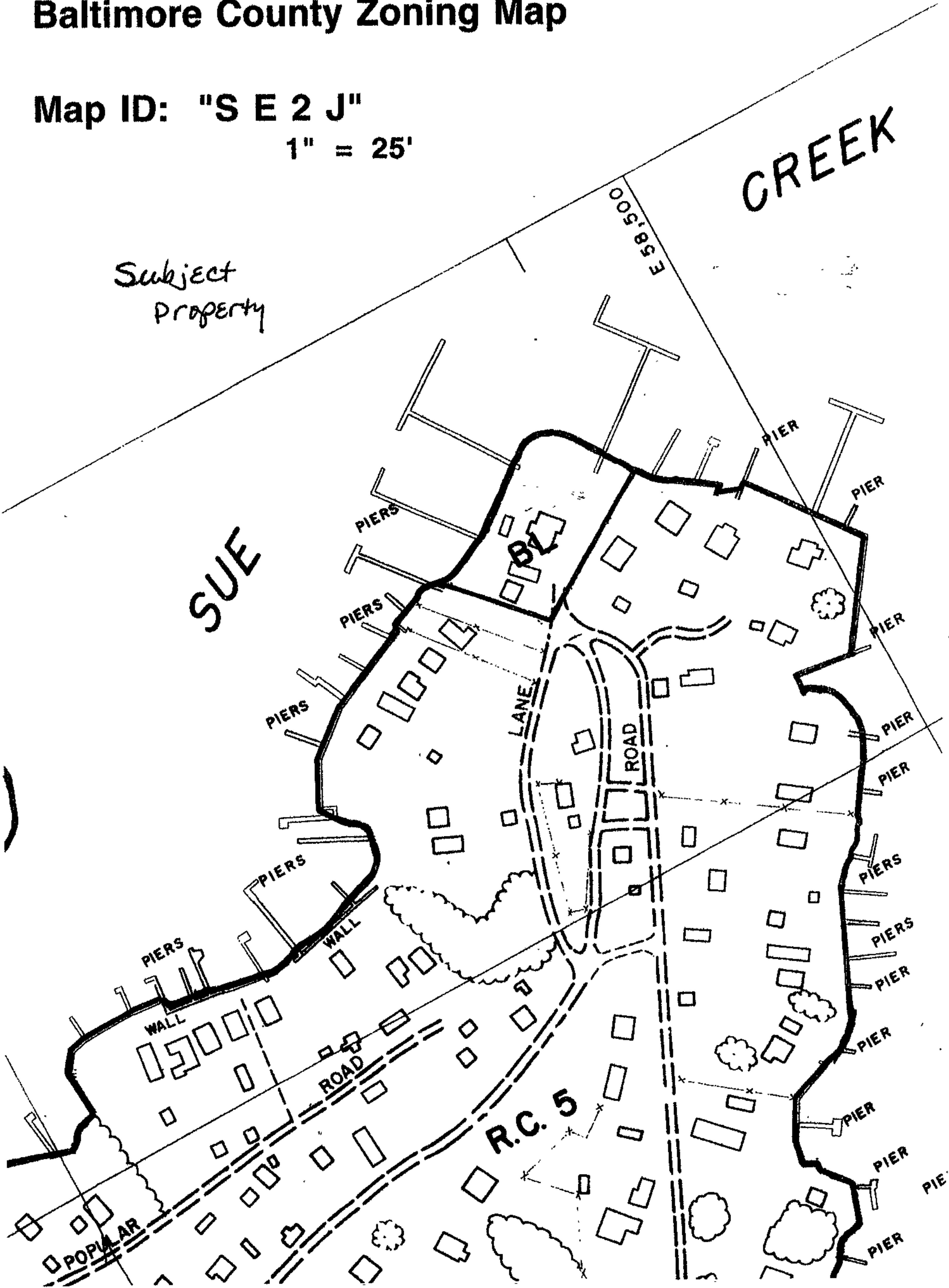
SMG.TAX@Verizon.net
Ackeoren@Excite.Com

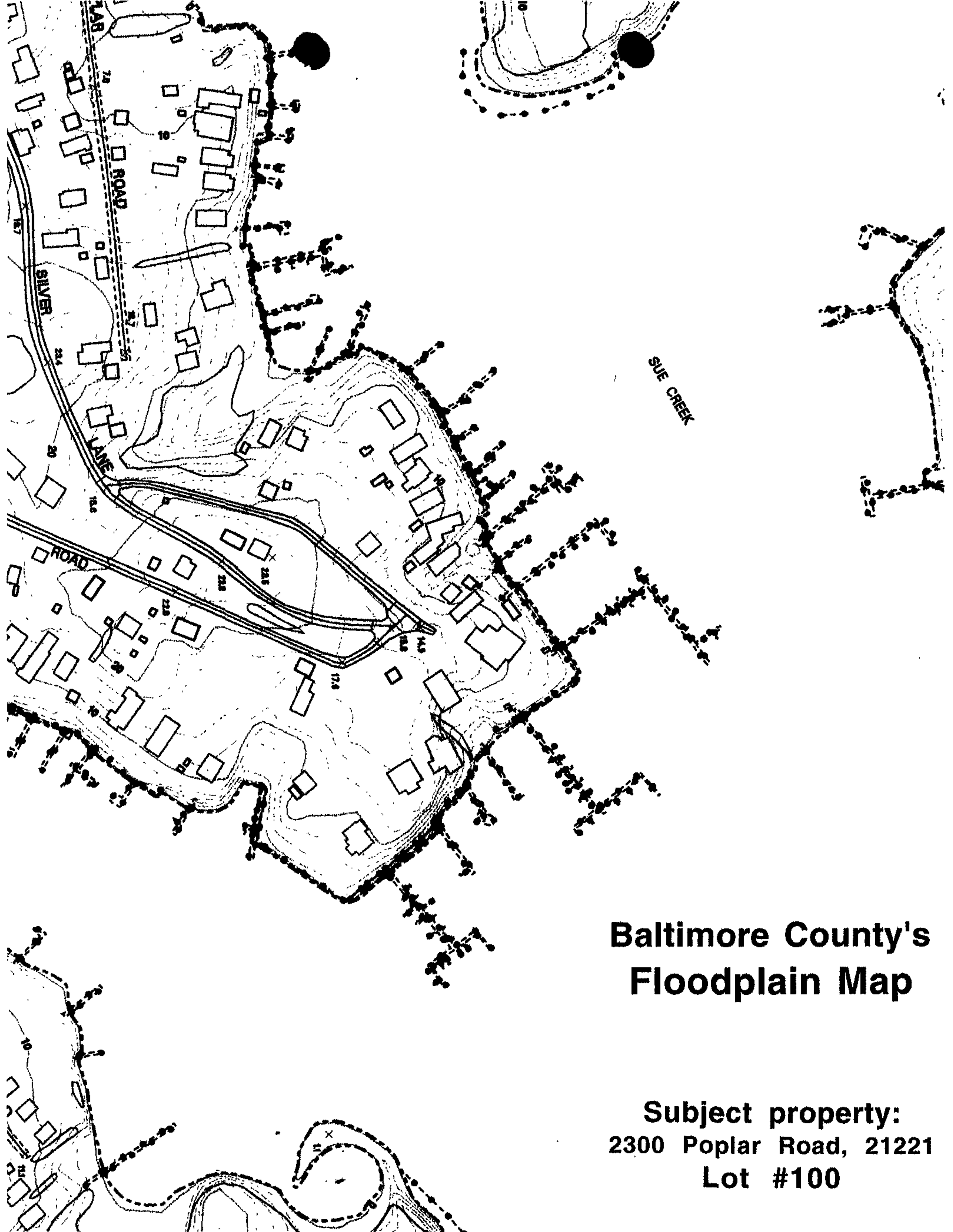
Baltimore County Zoning Map

Map ID: "S E 2 J"

1" = 25'

Subject
Property





Baltimore County's Floodplain Map

Subject property:
2300 Poplar Road, 21221
Lot #100

PLAT TO ACCOMPANY PETITION FOR ZONING ☐ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 2300 Poplar Rd, Cedar Creek, W.Va. 25221 SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

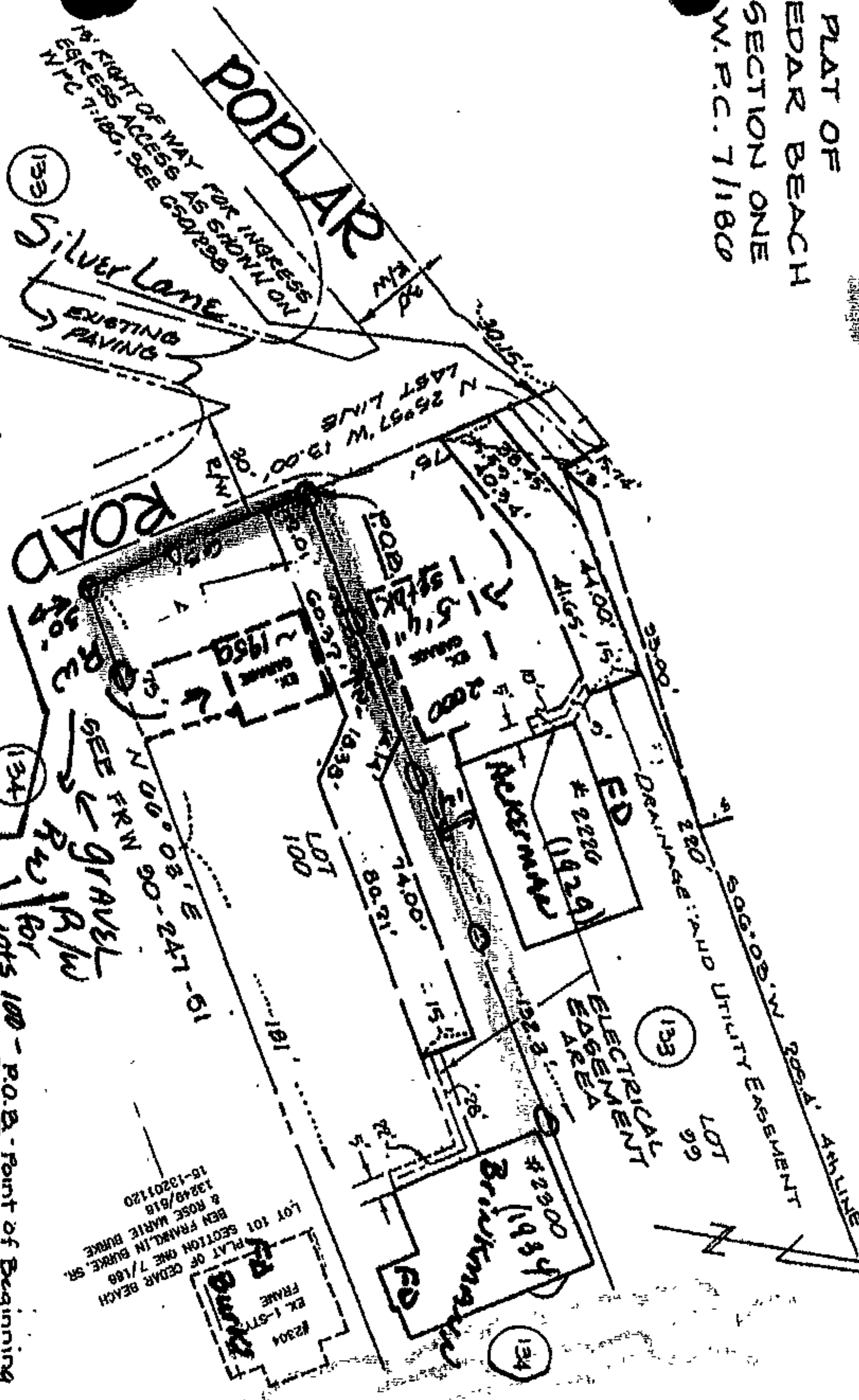
SUBDIVISION NAME Cedar Beach

PLAT BOOK # 2 FOLIO # 186 LOT # 100 SECTION # 1

OWNER Virginia Ellen Brickman

= Proposed 7' Chainlink fence

PLAT OF
CEDAR BEACH
SECTION ONE
W.P.C. 7/180



JOSEPH E ACKERMAN JR &
DEBORAH A. HIS WIFE
SM 8325/350

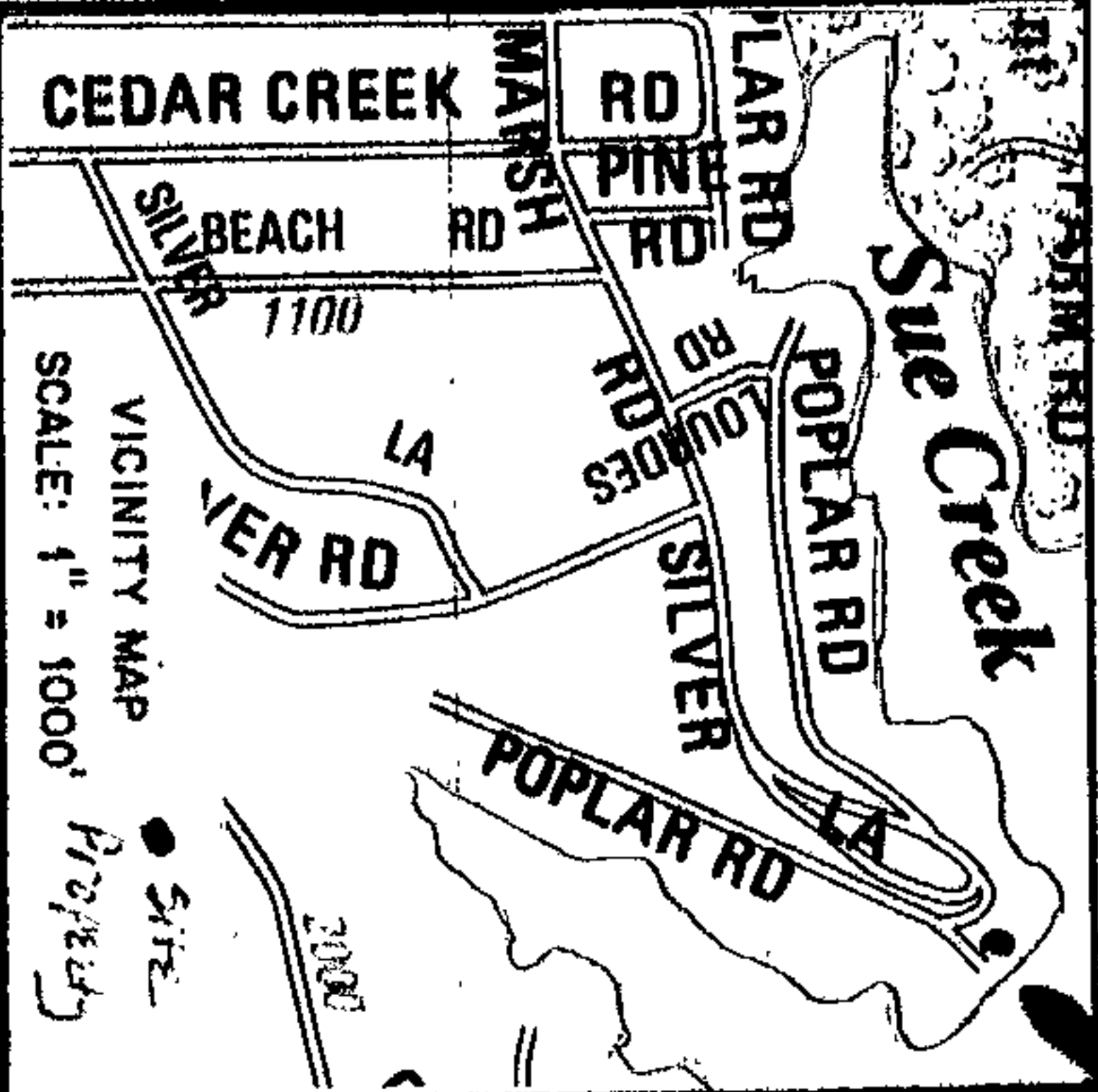
FD = front
Access
door to
Residence

NORTH
↑

VIRGINIA E. BRICKMAN
E.H.K. JR. 6358/624
DRAINAGE AND UTILITY EASEMENT
AREA: 2183 SQ. FT., 0.050 AC.±
ELECTRICAL EASEMENT AREA:
250 SQ. FT., 0.006 AC.±

104 - Point of Beginning
being located at the
westernmost corner of
Lot # 100, said point also
being located at the
intersection of the
division between
lots # 100 & 99
and the easternmost
side of Poplar Road
30' wide - all as shown
on the Plat of Cedar
Beach, Section One
WPC 7:180

PREPARED BY VLS & AC SCALE OF DRAWING: 1" = 60'



LOCATION INFORMATION			
ELECTION DISTRICT	15th		
COUNCILMANIC DISTRICT	6th		
1" = 200' SCALE MAP #	SE 25		
ZONING	Res		
LOT SIZE	0.38	16,770	
ACREAGE		SQUARE FEET	
SEWER	☒ PUBLIC	☐ PRIVATE	
WATER	☒	☐	
CHESAPEAKE BAY	☒ YES	☐ NO	
CRITICAL AREA	☒	☐	
100 YEAR FLOOD PLAIN	☒	☐	
HISTORIC PROPERTY /	☐	☒	
BUILDING	☐	☒	
PRIOR ZONING HEARING	None		
ZONING OFFICE USE ONLY			
REVIEWED BY	ITEM #	CASE #	

2300 Poplar Rd.
Baltimore, MD 21221

Key:

Green = existing 5' chain link
Orange = proposed 7' chain link

Lot #98

Red Eye

yacht club

Sue Creek

Grill / Restaurant

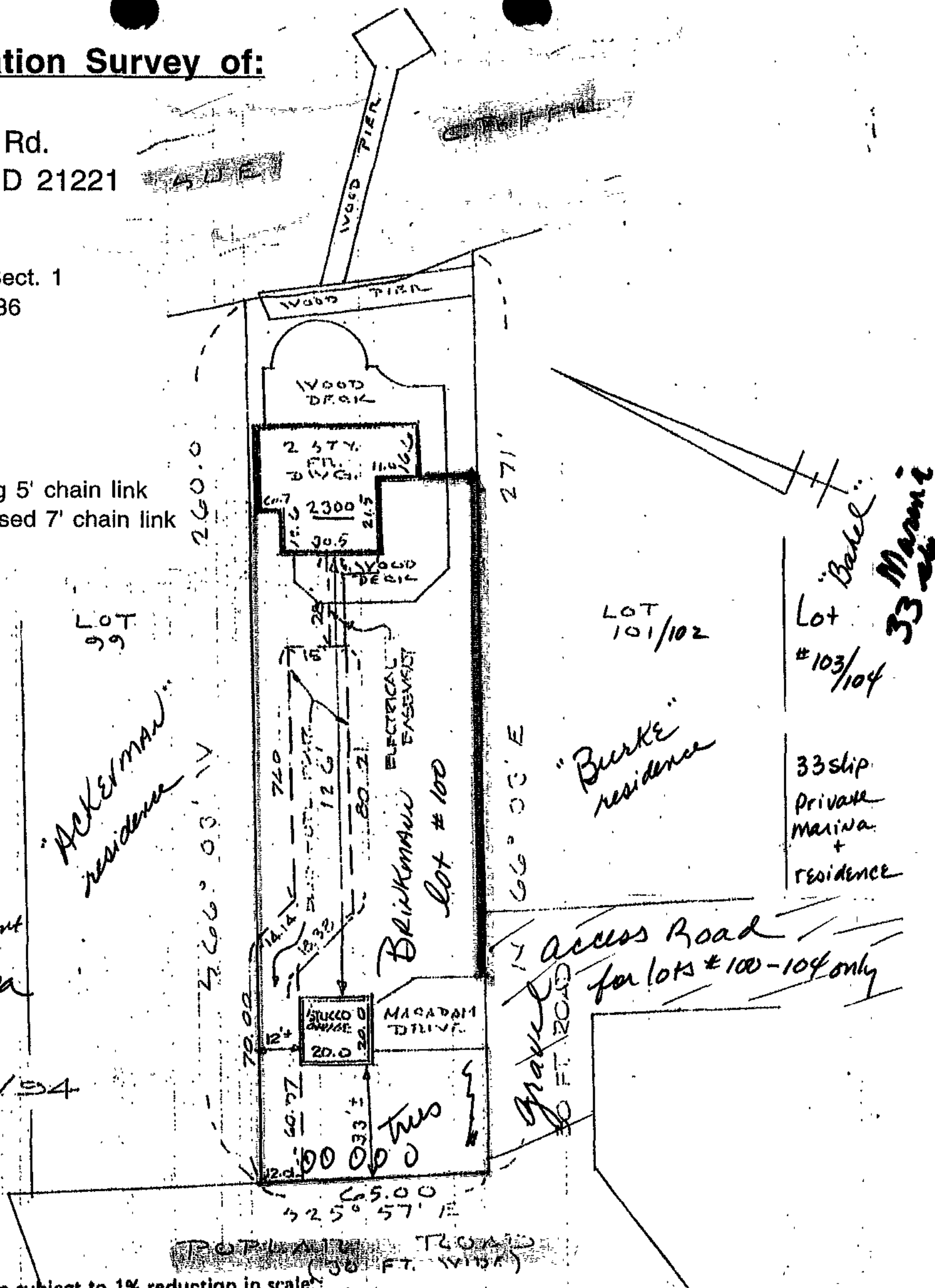
100 Slip Marina

REVISED
8/16/94

This reproduction subject to 1% reduction in scale.

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

Lot No. 100, CEDAR BEACH, SECTION ONE
PLAT BOOK W.P.C. No. 7, FOLIO 186



Photos of Eastern Boundary / Waterfront view

SUE CREEK

PLAT OF CEDAR BEACH
SECTION ONE 7/188

LOT 102

LOT 100

#2300

EX. 2-STY. FRAME

Brinkmann

#2304

EX. 1-STY. FRAME

Burke

LOT 101

#2226

EX. 1-STY. FRAME

ACKERMAN

EX. GARAGE

EX. GARAGE

MACADAM

Gravel Access Rd. for
lots 100-104

Private

existing split rail
attached to foundation
& inside Brinkmann's
property line $\approx 70'$

Brinkmann's Stone
Retaining wall
 $\approx 50'$

existing
5' chainlink
fence
(Brink...)

POPLAR ROAD

POPLAR ROAD

POPLAR ROAD

Red
Eye

* =
Entry
Doors

Gravel Driveways

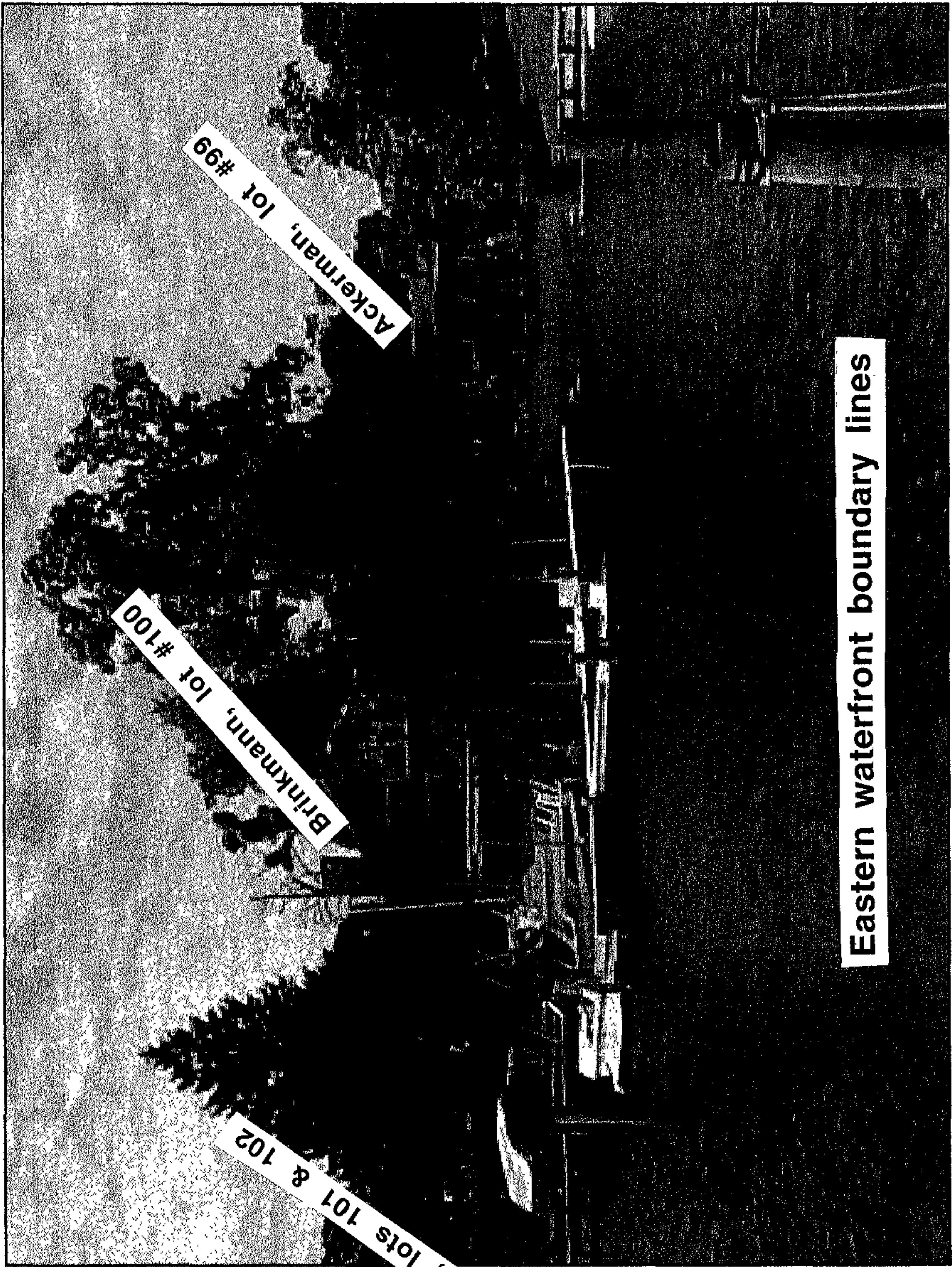
30' R/W

30' R/W

EX. BIT, PAVING

000000

103+04 Private 33slip marina



follage, setback, elevation #1

variance
p17
#5

Eastern waterfront boundary lines



Burke & Brinkmann waterfronts

Photos of Southern Property lines

SUE CREEK

PLAT OF CEDAR BEACH
SECTION ONE 7/188

LOT 102

LOT 100

#2300

EX. 2-STY.
FRAME

Brinkmann

#2304

EX. 1-STY.
FRAME

Burke

LOT 101

#2226

EX. 1-STY.
FRAME

ACKERMAN

* =
Entry
Doors

EX. GARAGE

EX. GARAGE

MAD

Gravel Access Rd. for
lots 100-104

Existing split rail
attached to foundation
& inside Brinkmann's
property line $\approx 70'$

Brinkmann's Stone
Retaining wall
 $\approx 50'$

existing
5' chainlink
fence
(Brinkmann)

POPLAR ROAD

POPLAR ROAD

POPLAR ROAD

30'
R/W

EX. BIT. PAVING

Private

Brinkmann's Southern Property Line

Burke, lots 101 & 102

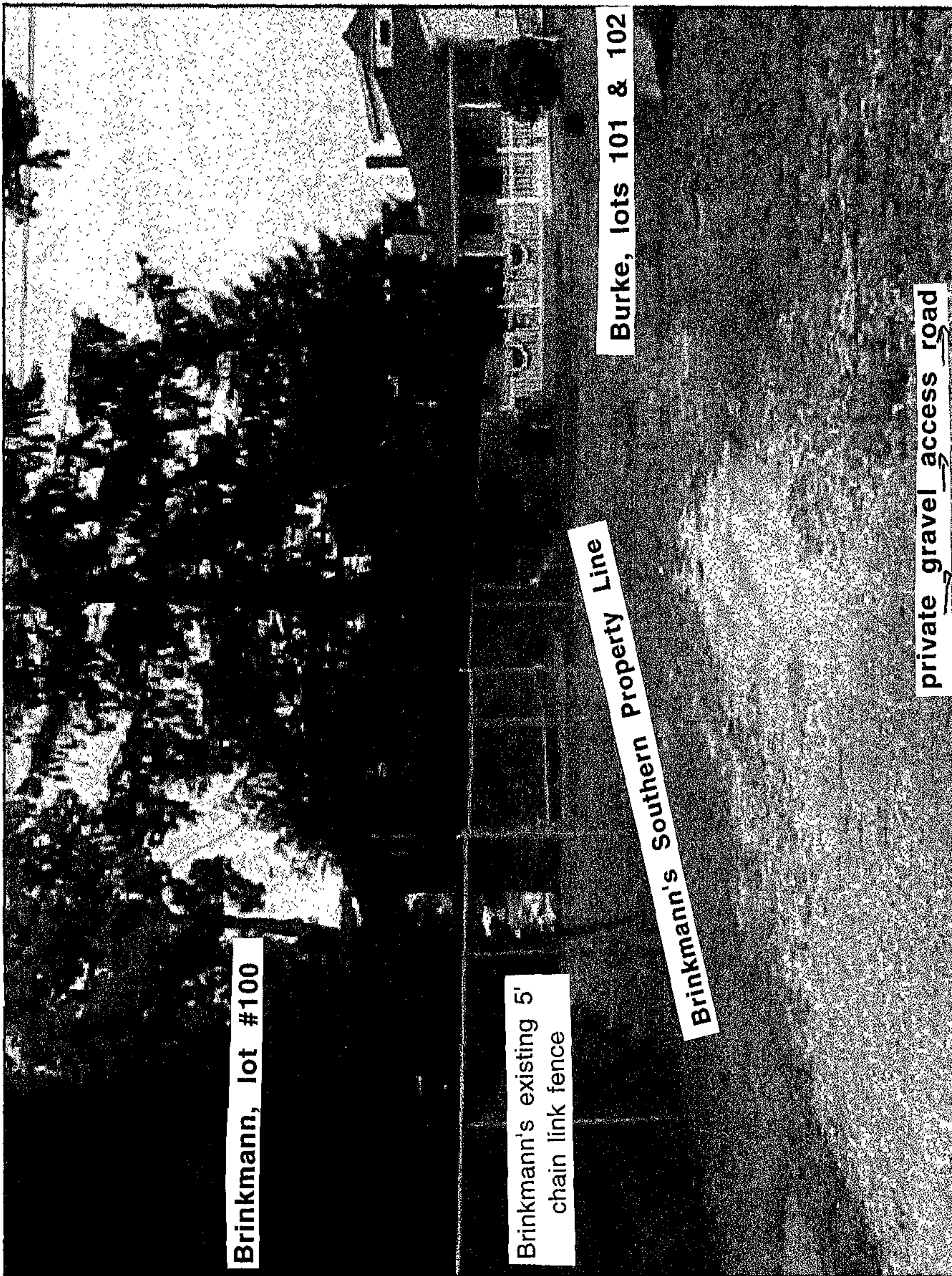
Southern Property Line

Brinkmann, lot #100

ont gate & PVC fence #2

← waterfront

Brinkmann's Southern Property Line



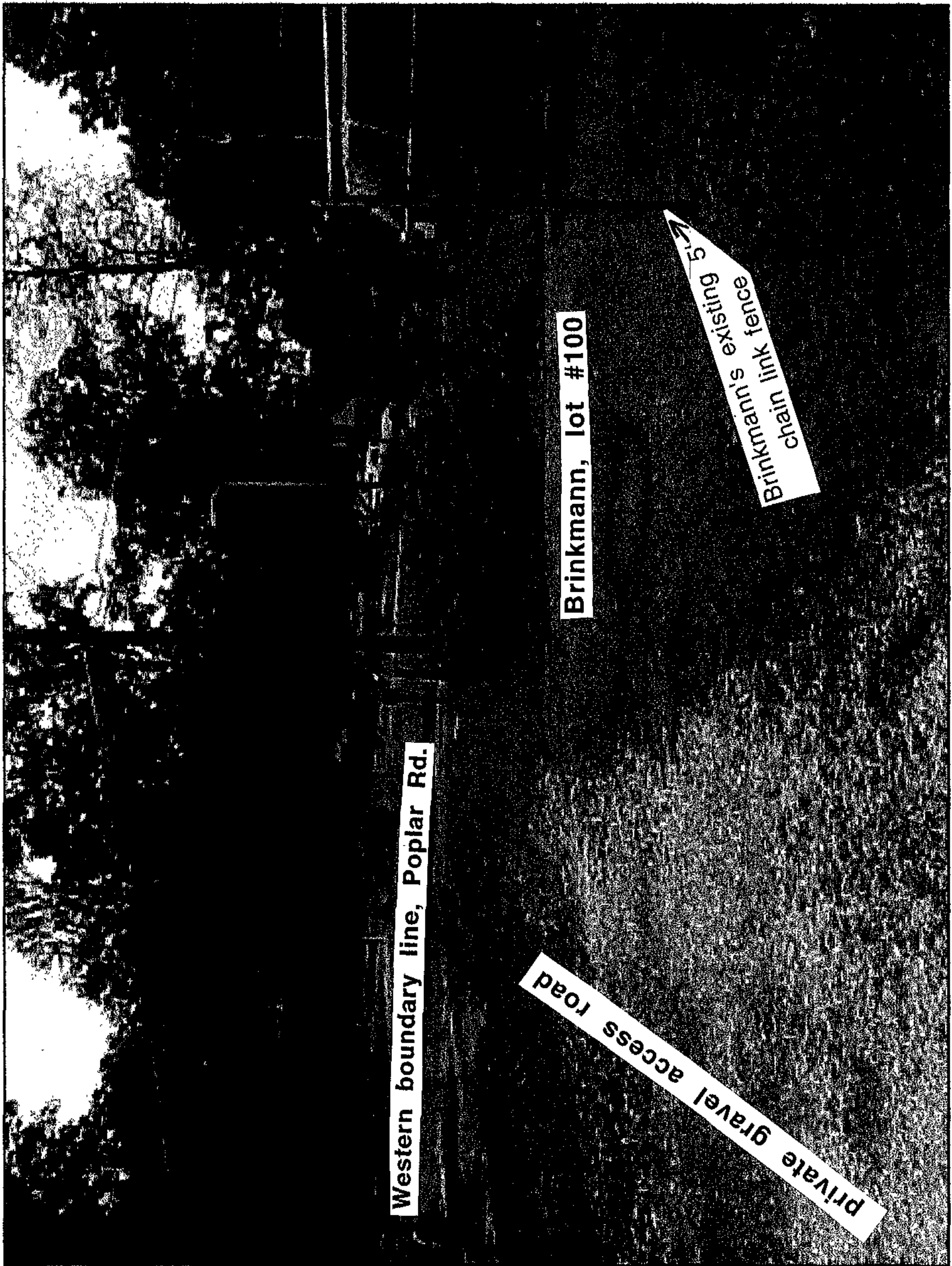
Brinkmann, lot #100

Brinkmann's existing 5'
chain link fence

Brinkmann's Southern Property Line

Burke, lots 101 & 102

private gravel access road →



Western boundary line, Poplar Rd.

Brinkmann, lot #100

private gravel access road

Brinkmann's existing fence chain link fence

end of 5' fence & raspberries

Photos of Western boundary / Poplar Rd.

SUE CREEK

PLAT OF CEDAR BEACH
SECTION ONE 7/186

LOT 102

LOT 100

#2300

EX. 2-STY. FRAME

Brinkmann

#2304

EX. 1-STY. FRAME

Burke

LOT 101

#2226

EX. 1-STY. FRAME

ACKERMAN

* =
Entry
Doors

EX. GARAGE

EX. GARAGE

macadam

Gravel Access Rd. for
lots 100-104

existing split rail
attached to foundation
& inside Brinkmann's
property line $\approx 70'$

Brinkmann's Stone
Retaining wall
 $\approx 50'$

existing
5' chainlink
fence
(Brinkmann)

POPLAR ROAD

POPLAR ROAD

POPLAR ROAD

Gravel Driveway

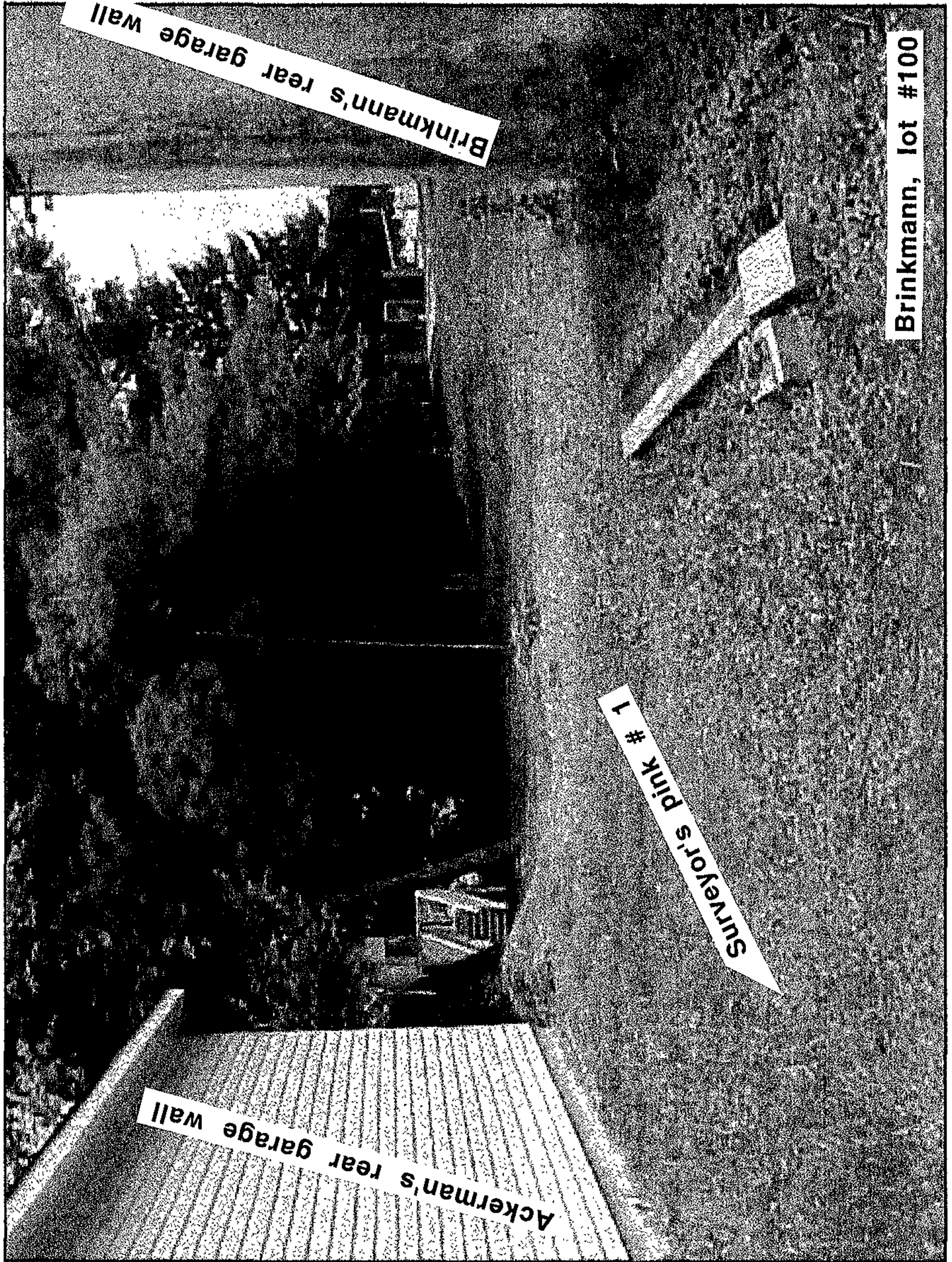
Private

EX. BIT. PAVING

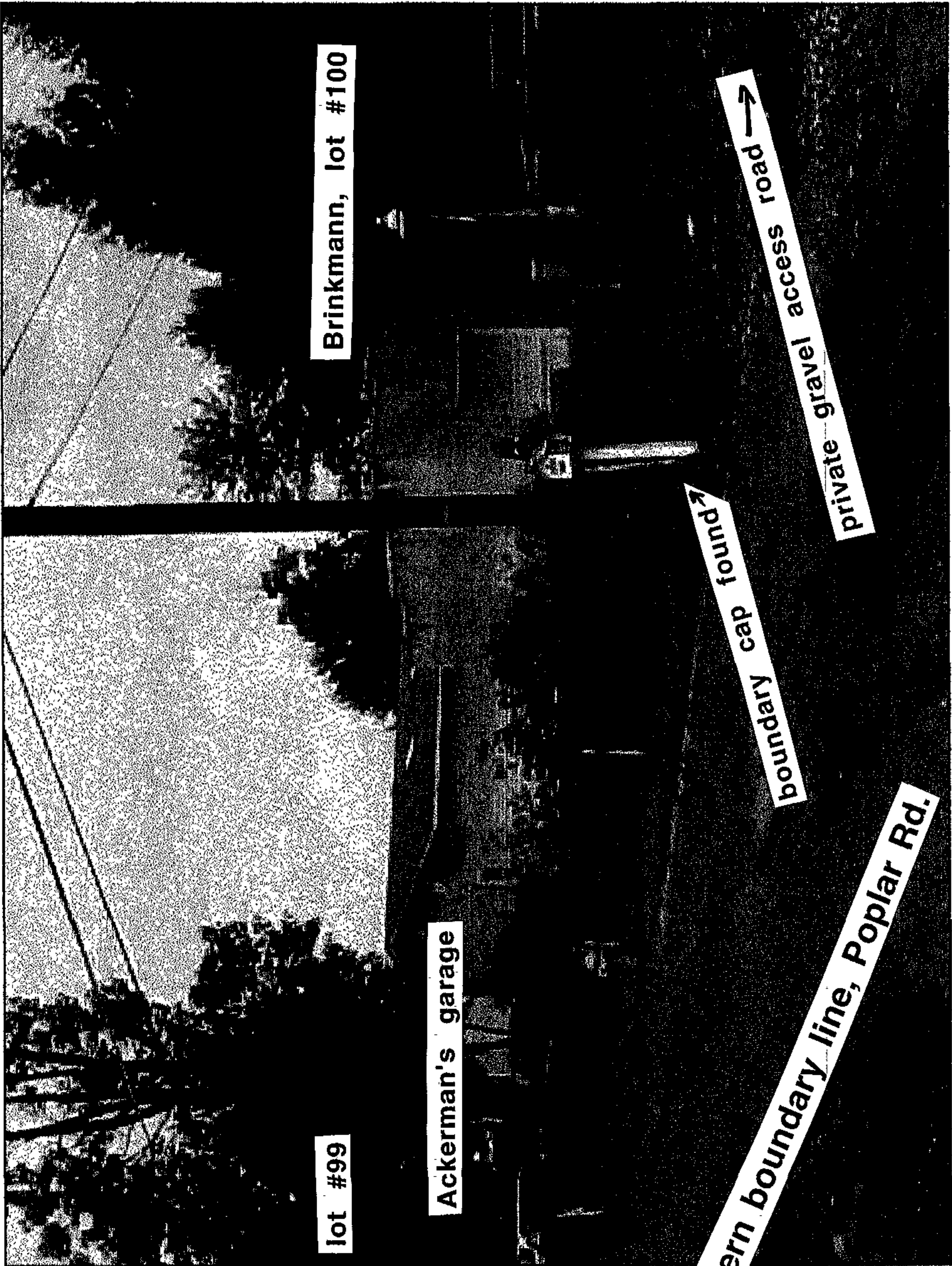
30' R/W

30' R/W

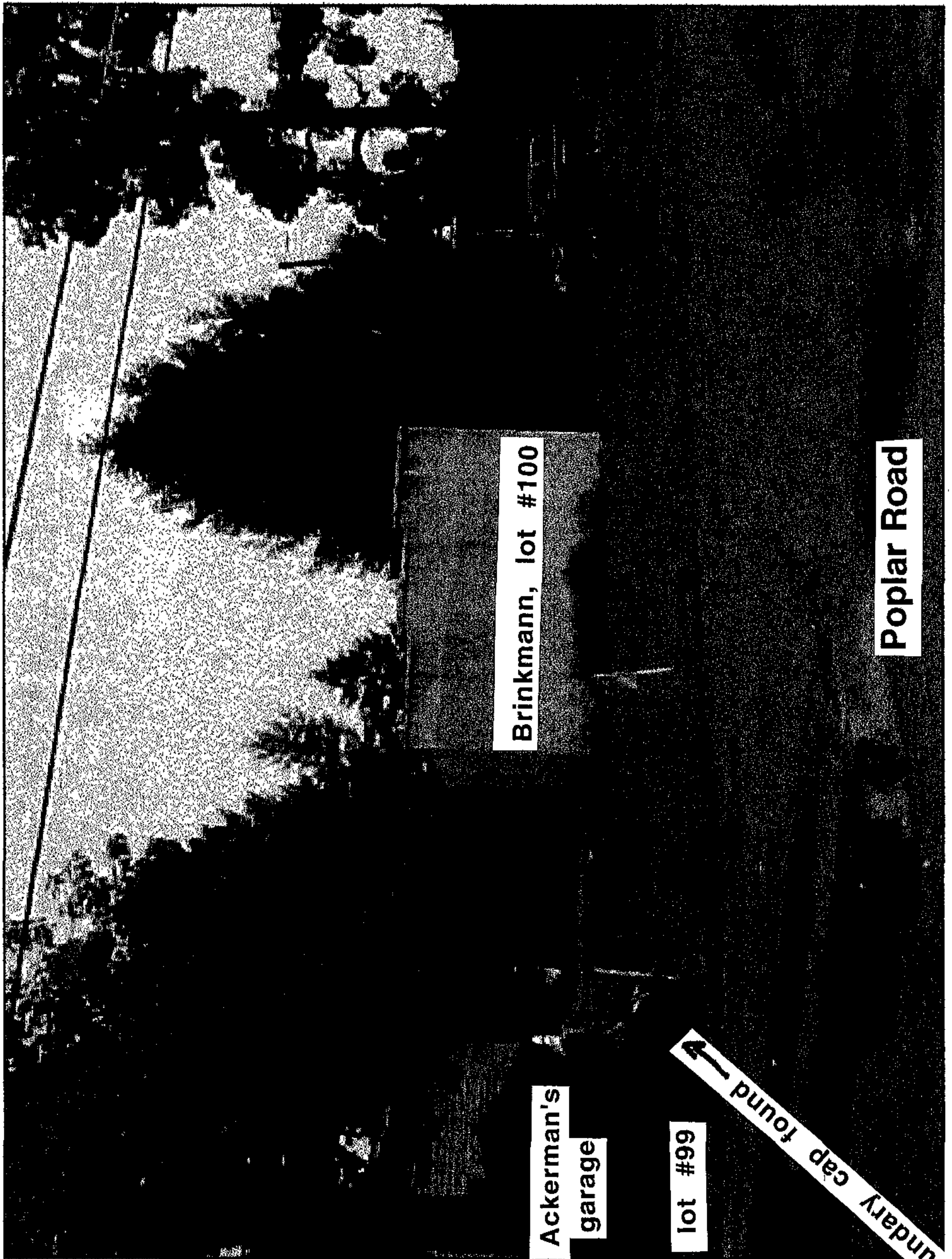
Looking from Western Property Line toward the EASTERN waterfront boundary



backs of both garages, pink #1



from Poplar Rd. #3, mailboxes



from Poplar Rd. #1, garages

Western boundary line

Western boundary line, Poplar Rd.

LOT 99
Ackerman's rear garage wall

mailbox, garages, pink 1

Distance = 18'
garage wall to garage wall

Poplar Road

Property cap found

Brinkmann's rear garage wall
LOT 100

Surveyor's pink # 1

Distance 5.4" TO foundation

Photos of Surveyed Property line on North Boundary line

SUE CREEK

PLAT OF CEDAR BEACH
SECTION ONE 7/186

LOT 102

LOT 100

#2300

EX. 2-STY.
FRAME

Brinkmann

#2304

EX. 1-STY.
FRAME

Burke

LOT 101

#2226

EX. 1-STY.
FRAME

ACKERMAN

* =
Entry
Doors

EX.
GARAGE

EX.
GARAGE

MACADAM

Gravel Access Rd. for
lots 100 - 104

Private

existing split rail
attached to foundation
& inside Brinkmann's
property line $\approx 70'$

Brinkmann's Stone
Retaining wall
 $\approx 50'$

existing
5' chainlink
fence
(Brinkmann's)

POPLAR ROAD

POPLAR ROAD

POPLAR ROAD

Surveyor's Pink boundary markers

EX. BIT. PAVING

30'
R/W

30'
R/W

Gravel driveways

#4

#3

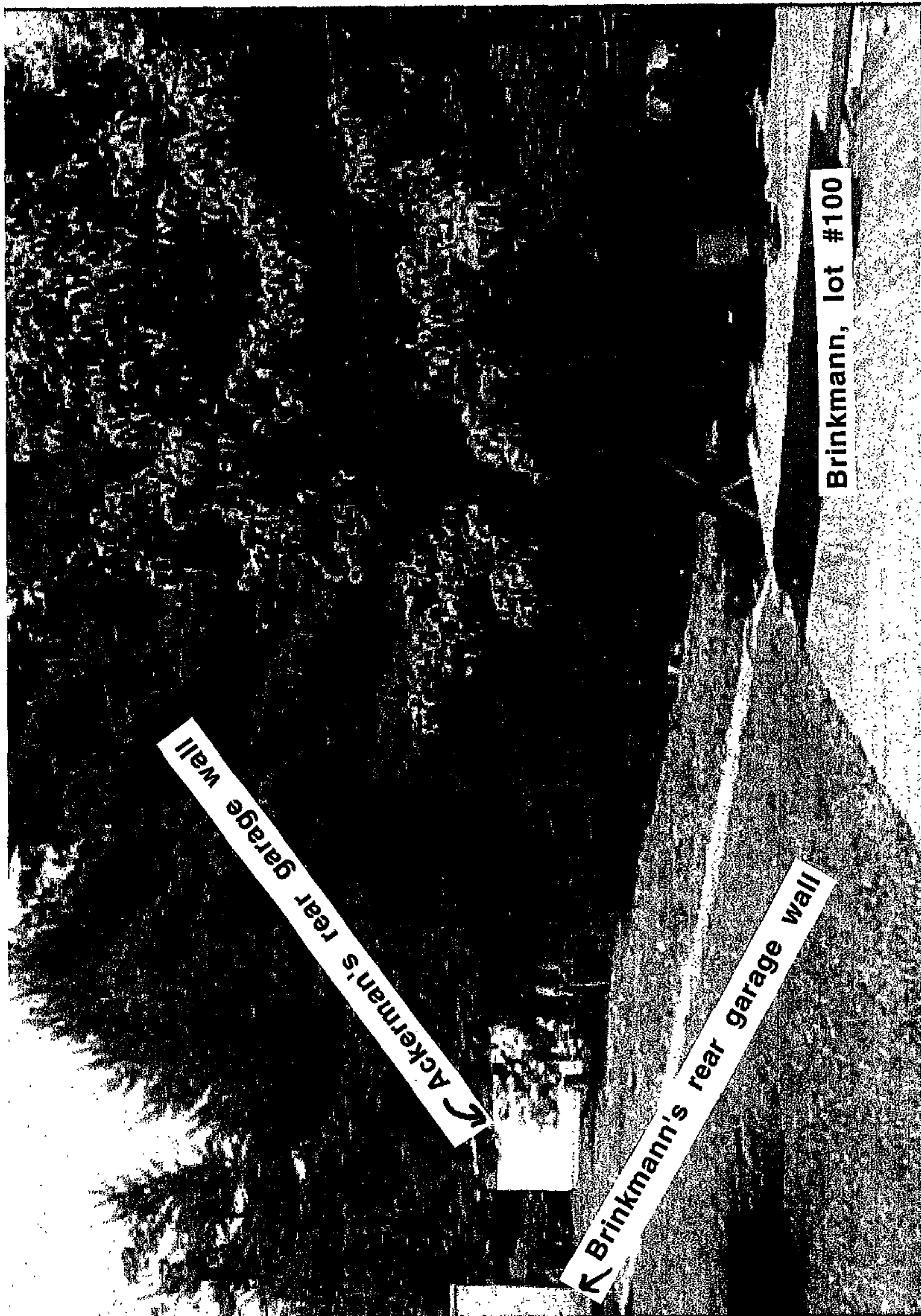
#2

#1

photo #

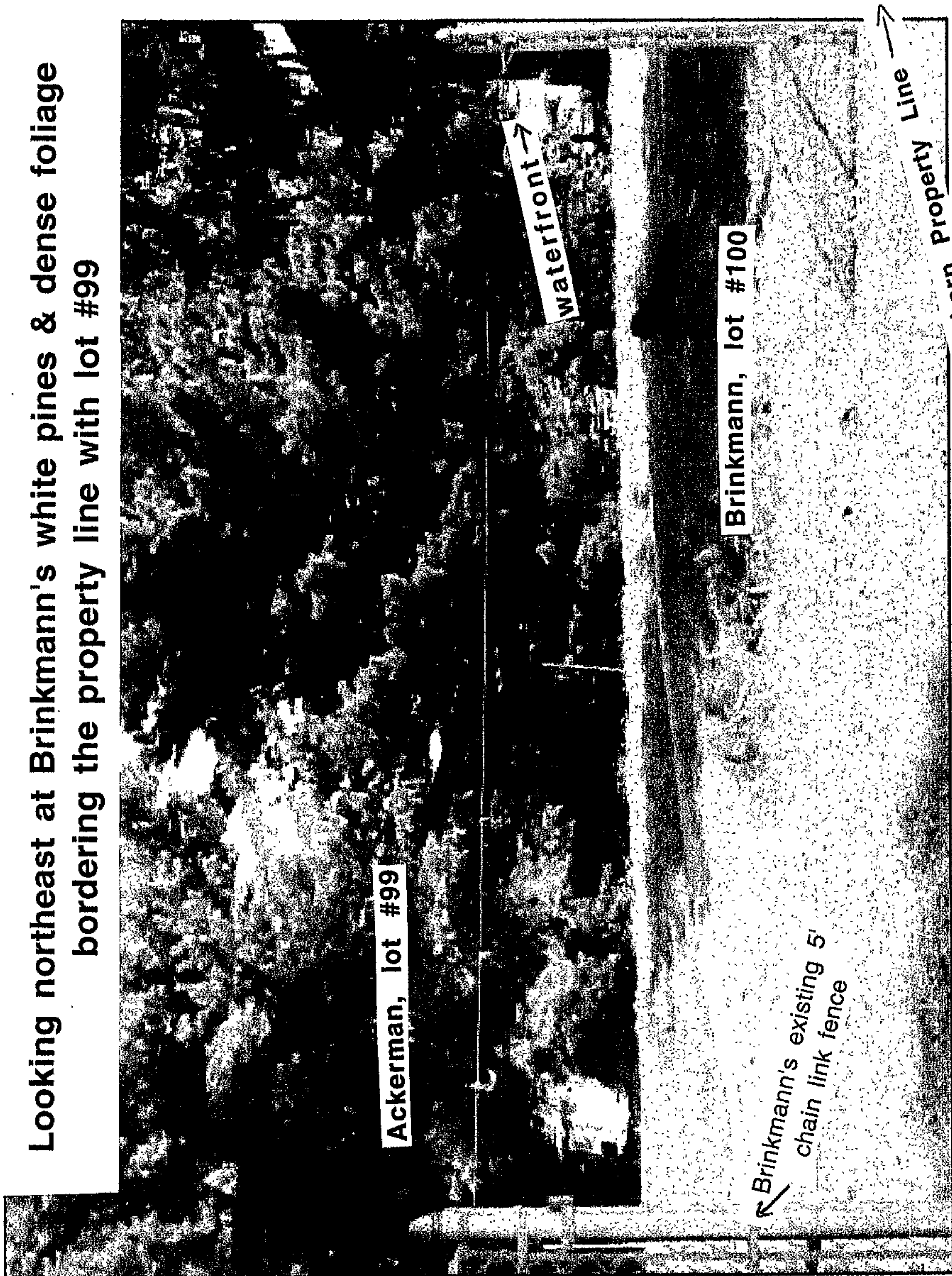
12' gate

Looking from Brinkmann's Southeast corner, across lot #100, toward the Northwest corner/Poplar Rd. & the back of Ackerman's garage.



from GB's front doors to trees

Looking northeast at Brinkmann's white pines & dense foliage
bordering the property line with lot #99



Ackerman, lot #99

waterfront →

Brinkmann, lot #100

← Brinkmann's existing 5' chain link fence

→ Property Line

← Brinkmann's Southern

Brinkmann's Northern Property Line, looking east to waterfront



pink #2, yellow, (Converted 4)

Yellow 'flag' shows
end of Brinkmann's
split rail fence which
is *clearly* inside her
property line.
Ackerman's debris
continues to sit on
Brinkmann's property.

Ackerman's Foundation

Surveyor's pink # 2

Ackerman, lot #99

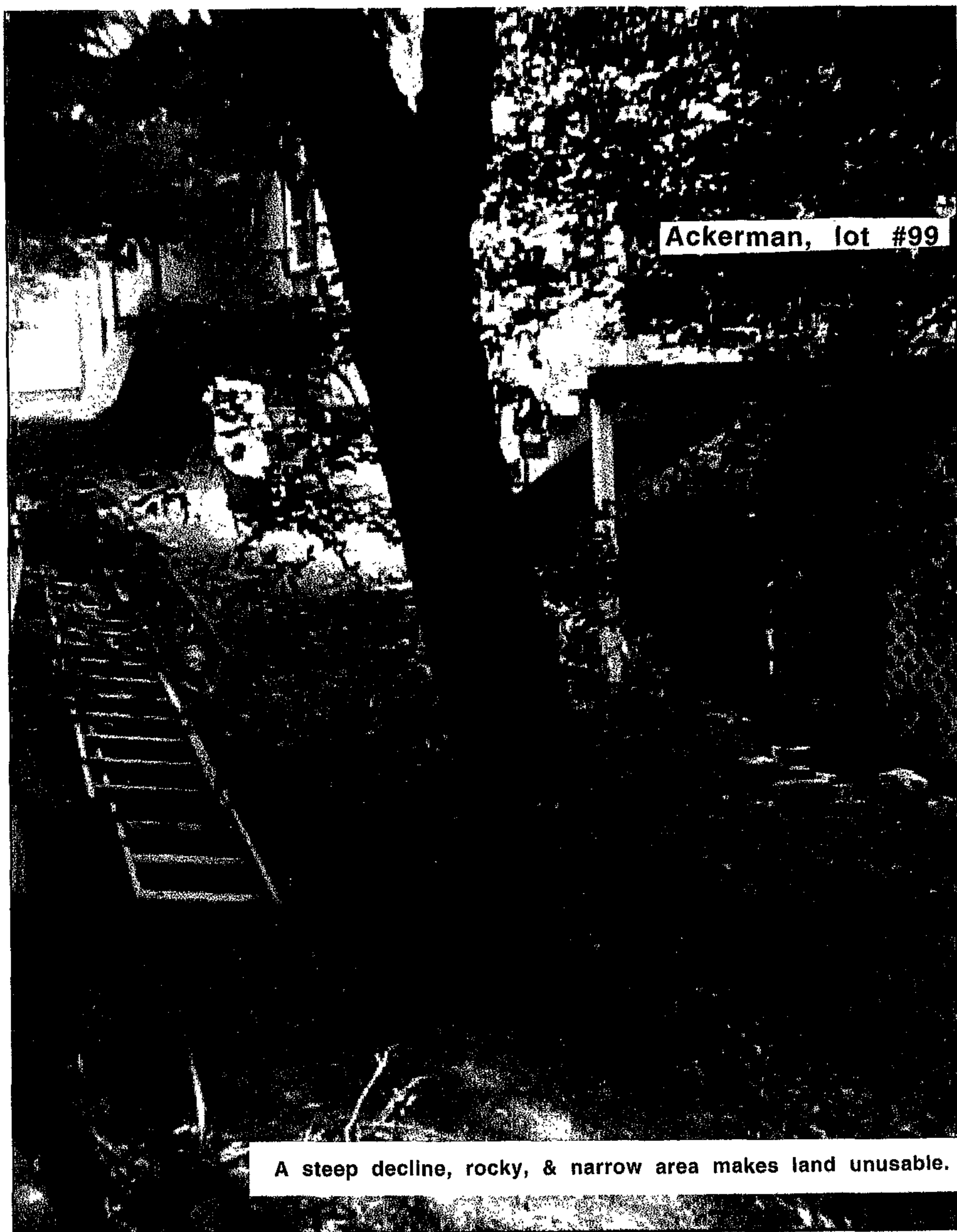
Brinkmann, lot #100

Northern Property Line, looking WEST to Poplar Rd.



Ackerman has had a long history of 'trashing' the waterfront property. This 8/04 photo shows a broken antenna, a broken extension ladder, creosote soaked 6x6 posts, misc. building materials & a sheet of drywall material. Near the label "lot #99" is a 4'h piece of discarded exercise equipment, sections of fencing leaning* against the house which attempt to cover aluminum gutters, a boat radar unit, a broken air conditioner, & other misc. junk such as 5 gal. buckets.

Northern Property Line, looking WEST to Poplar Rd.



Ackerman, lot #99

A steep decline, rocky, & narrow area makes land unusable.

extreme slope, ladder

Brinkmann's Northern Property Line, looking WEST to Poplar Rd.



unusable land, slope #2

Northern Property Line, looking WEST to Poplar Rd.

Ackerman continues
to dump trash inside
Brinkmann's
property line. →

Ackerman's Foundation

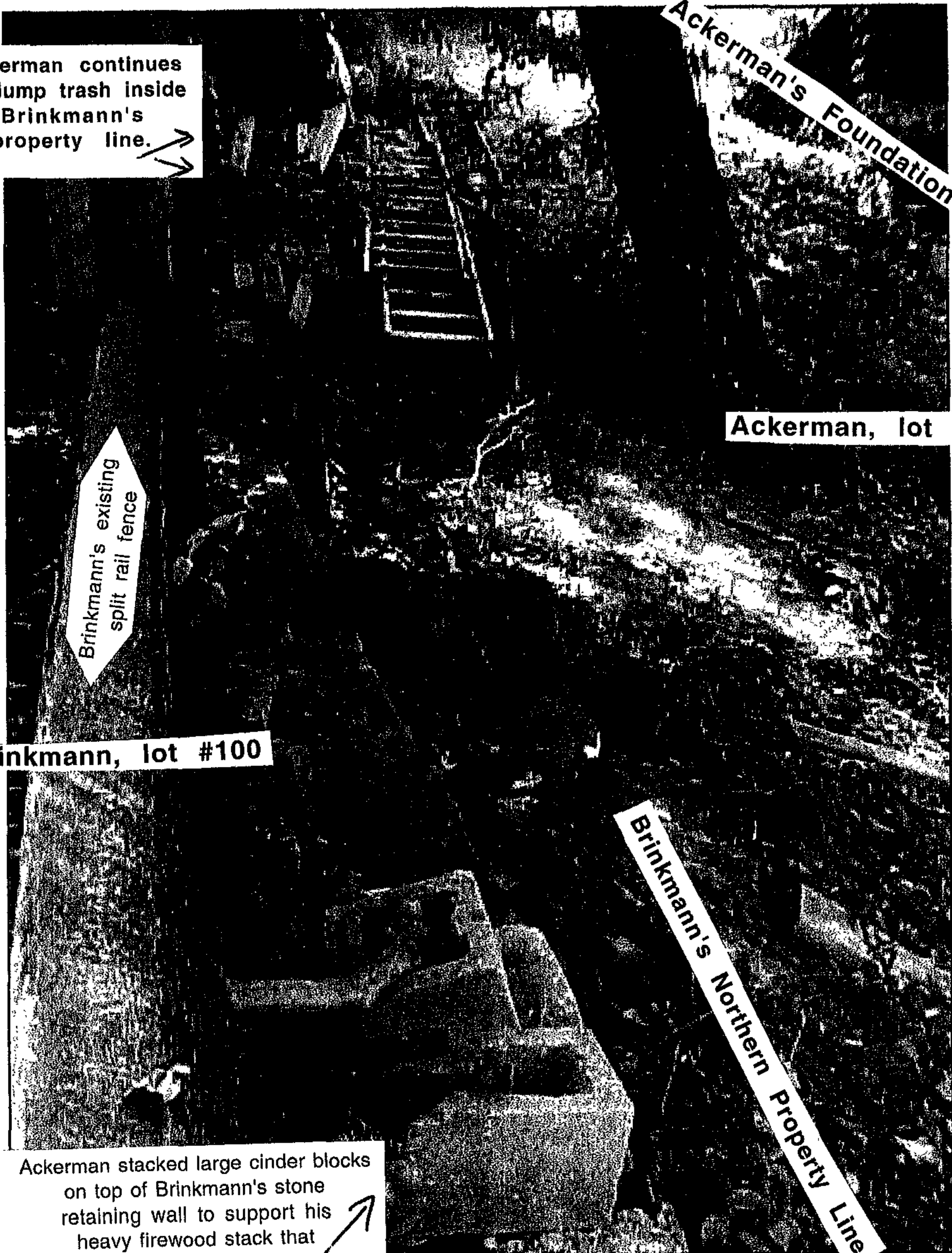
Ackerman, lot #99

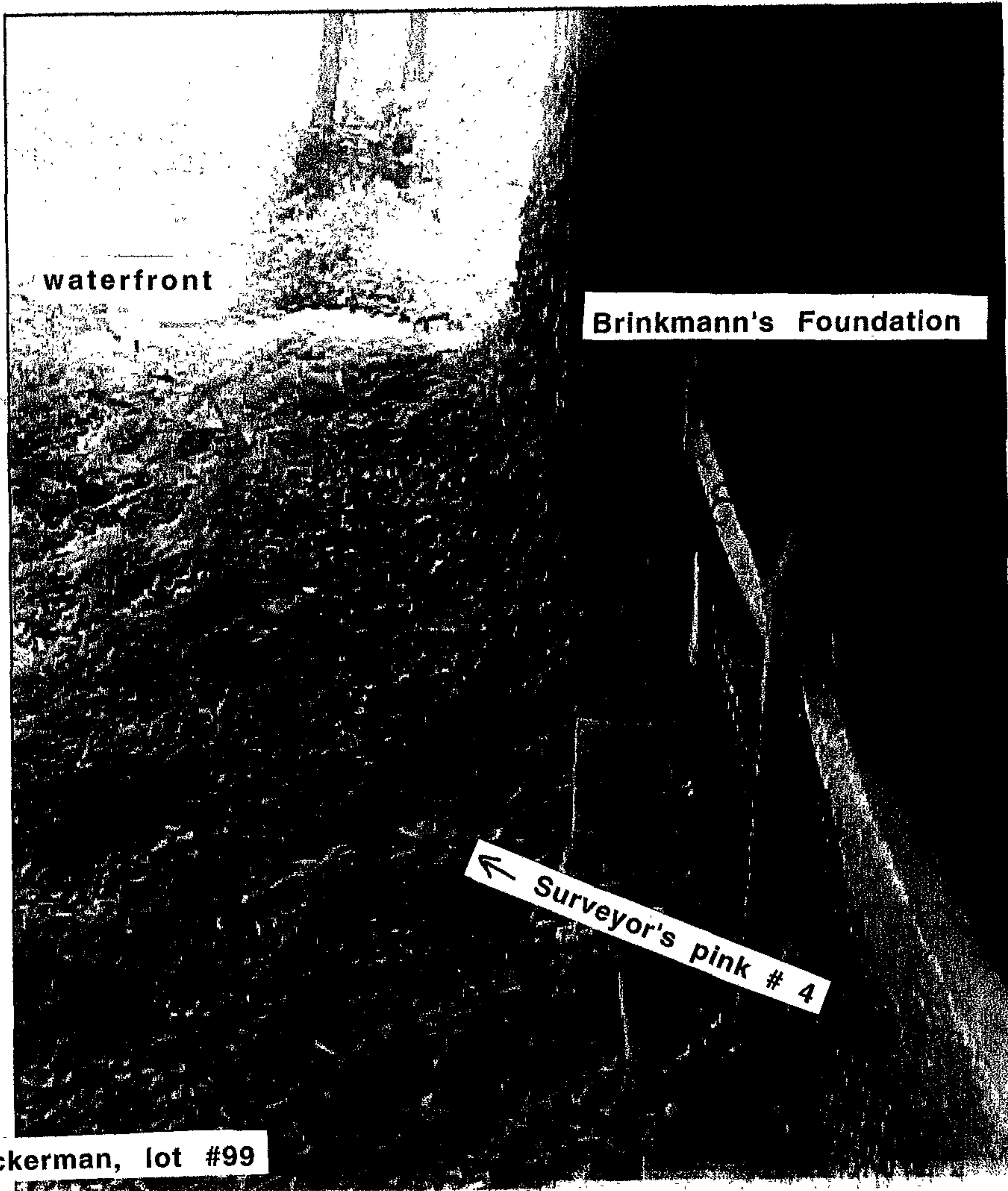
Brinkmann's existing
split rail fence

Brinkmann, lot #100

Brinkmann's Northern Property Line

Ackerman stacked large cinder blocks
on top of Brinkmann's stone
retaining wall to support his
heavy firewood stack that
damaged retaining wall. ↗





Brinkmann's Northern Property Line, looking east to waterfront

Brinkmann's Northern Property Line



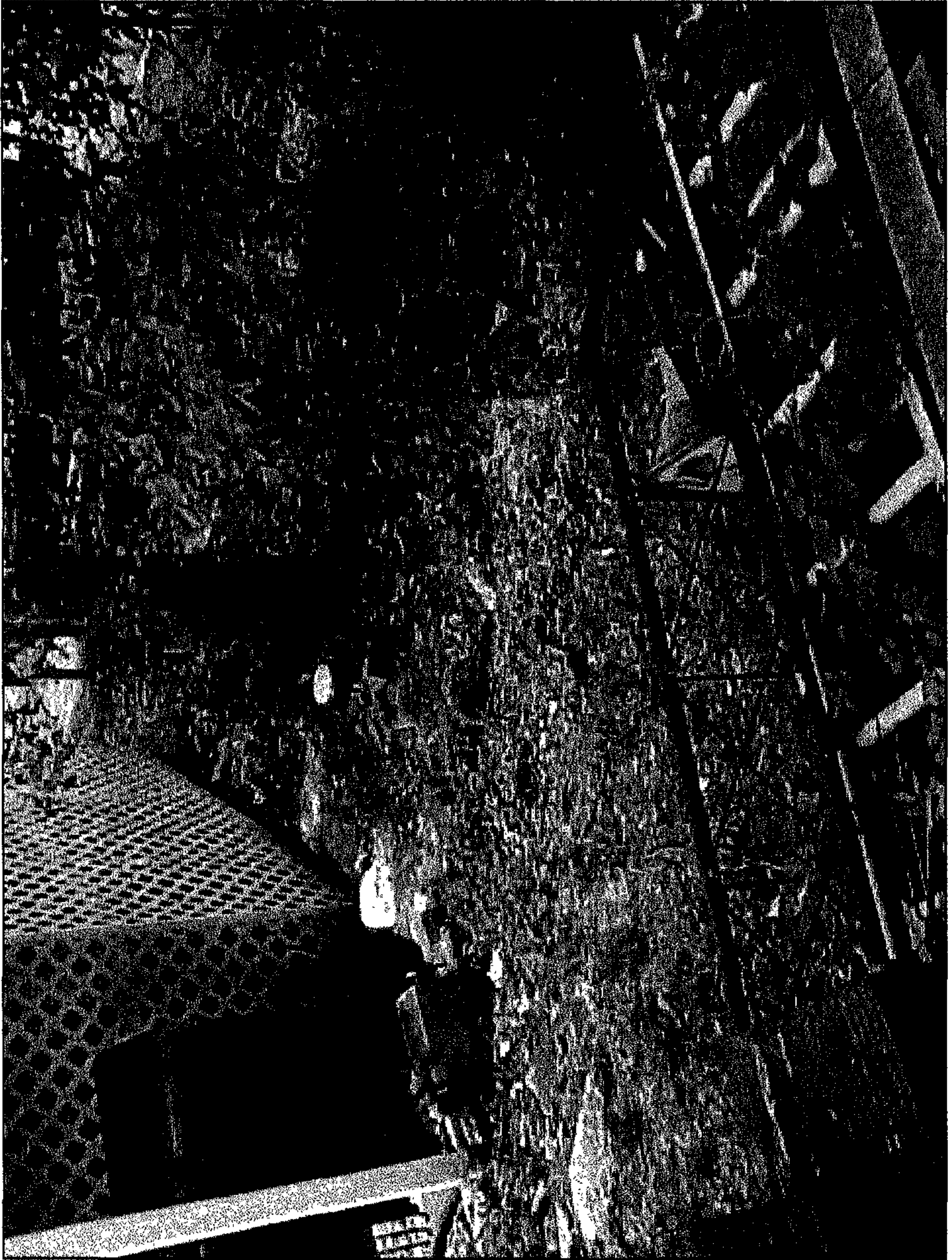
back deck height #2, slope



foliage, elevation (Converted)



tree's lean over gb (Converted)



junk@lattice #3 with ladder



junk@lattice #1