

IN RE: PETITION FOR ADMIN. VARIANCE
SW/Cor. Fairwind Drive & Cunningham Drive
(7501 Fairwind Drive)
4th Election District
2nd Council District

Leroy A. Hawkins
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 05-238-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Leroy A. Hawkins. The Petitioner seeks relief from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence that adjoins the front yard of another residence with a height of 6 feet in lieu of the maximum permitted height of 42 inches. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this regard, Deputy Zoning Commissioner John E. Murphy reviewed the file and determined that a public hearing was necessary to determine the appropriateness of the relief requested. Thus, a hearing was scheduled before the undersigned on January 31, 2005.

Appearing at that hearing in support of the request was Leroy Hawkins, property owner. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

Testimony and evidence offered revealed that the subject property is an irregular shaped parcel located on the southwest corner of Fairwind Drive and Cunningham Drive in the subdivision known as Claybrooke in western Baltimore County. The property contains a gross area of 0.152 acres, more or less, zoned D.R.5.5 and is improved with a single-family dwelling. The Petitioner has owned and resided on the property for many years. Apparently, as a result of recent complaints about a shed on his property, the Petitioner was contacted by the Property Manager for Claybrooke and advised to either remove the shed or erect a 6-foot tall privacy fence. The Petitioner now comes before me seeking relief to allow a portion of the proposed fence to be located in the front yard of the adjacent property, known as 2814 Cunningham Drive. In support of his request, Mr. Hawkins testified that the proposed fence would not only prevent individuals from trespassing through his rear yard, but also provide security and privacy for his family and their belongings. He further testified that the fence is similar in design and height to others in the neighborhood and that the owner of the adjacent affected property has no objections to the fence.

After due consideration of all of the testimony and evidence presented, I am persuaded to grant the requested relief. I find that the Petitioner has met the requirements of Section 307 for relief to be granted, and that strict compliance with the zoning regulations would be unreasonably burdensome. As noted above, the neighborhood association supports the Petitioner's proposal and the neighbor who would be most affected has no objections. Thus, I find that the relief requested is appropriate in this instance and will not result in any detriment to the health, safety and general welfare of the surrounding community.

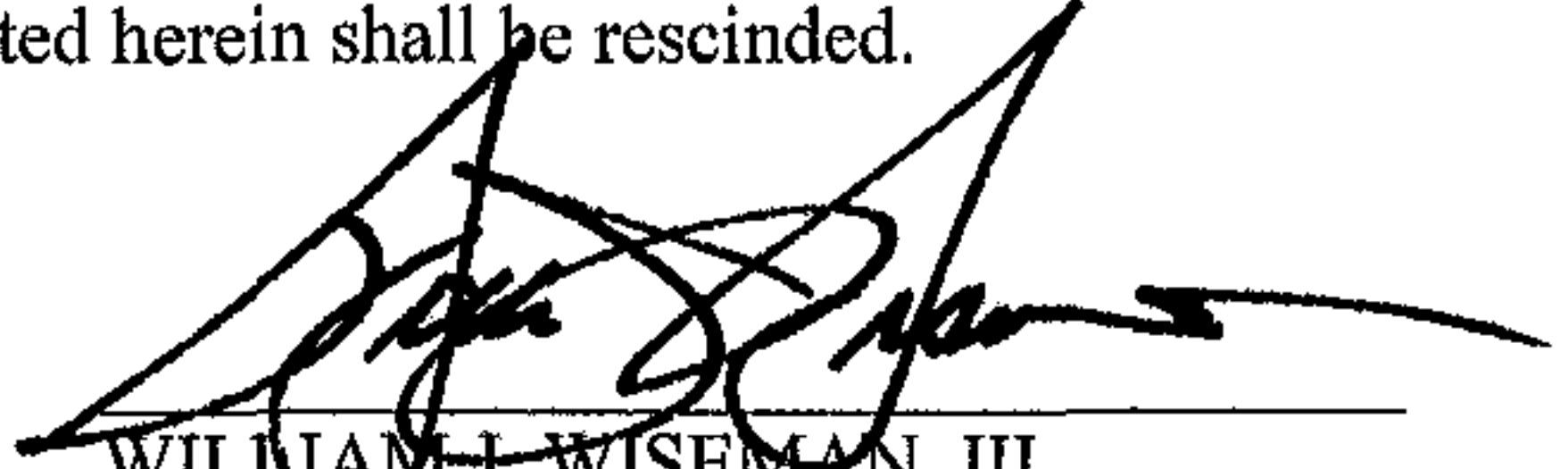
Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of February 2005 that the Petition for Variance seeking relief from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a fence that adjoins the front yard of another residence with a height of 6 feet in lieu of the maximum permitted height of 42 inches,

ORDER RECEIVED FOR FILING
Date 2/10/05
By [Signature]

in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date 2/10/05
By [Signature]

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
William J. Wiseman III, Zoning Commissioner

February 10, 2005

Mr. Leroy Hawkins
7501 Fairwind Drive
Baltimore, Maryland 21218

RE: PETITION FOR ADMINISTRATIVE VARIANCE
SW/Corner Fairwind Drive & Cunningham Drive
(7501 Fairwind Drive)
4th Election District – 2nd Council District
Leroy A. Hawkins - Petitioner
Case No. 05-238-A

Dear Mr. Hawkins:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Office of Planning
People's Counsel; Case File

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at X 7501 FAIRWIND DR.
which is presently zoned X RESIDENTIAL

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 BCZR ^{DR 5.5}

To permit a fence with a height of 6' in lieu of the required 42" which adjoins the front yard of another residence.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

X Heroy Hawkins

Name - Type or Print

X Heroy AL

Signature

Name - Type or Print

X Signature

X 7501 FAIRWIND DR. 410/235-5767

Address Telephone No.

X BALTO. X MD X 21218

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

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

Zoning Commissioner of Baltimore County

Reviewed By JF Date 11-9-04

Estimated Posting Date 11-21-04

CASE NO. 05-238-A

REV 10/25/01

ORDER RECEIVED FOR FILING

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

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

I WANT TO PUT A SIX FOOT HIGH FENCE AROUND MY REAR YARD. IT ADJOINS TO MY NEIGHBOR'S FRONT YARD 2814 CUNNINGHAM DR. THE CODE ONLY ALLOWS THE FENCE TO BE 42" HIGH ADJOINING THE 25 FT. OF THEIR FRONT YARD. I WOULD LIKE TO HAVE THE RESTRICTION LIFTED. IT WILL OFFER MY FAMILY MORE SECURITY AND PRIVACY. IN THE PASS OUR LAWN MOWER WAS STOLEN. SOMEONE ATTEMPT TO BURGLARIZE (YARD WINDOW) WHILE WE WERE SLEEPING. IT WILL STOP PEOPLE FROM TRESPASSING, USING THE YARD AS A SHORT CUT.

Signature _____

Name - Type or Print _____

entitled to me as such Affiant(s)


Notary Public

My Commission Expires 



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7501 FAIRWIND DR.

which is presently zoned RESIDENTIAL
DR 5.5

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 BCZR

To permit a fence with a height of 6' in lieu of the required 42" which adjoins the front yard of another residence.

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

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

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

Zoning Commissioner of Baltimore County

CASE NO. 05-238-A

Reviewed By JF Date 11/9/04

REV 10/25/01

Estimated Posting Date 11-21-04

Affidavit in Support of Administrative Variance

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

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

Address 7501 FAIRWIND DR.
City BALTO. State MD. Zip Code 21244

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

FENCE REGULATION 427 RESIDENTIAL FENCES

I WANT TO PUT A SIX FOOT HIGH FENCE AROUND MY REAR YARD. IT ADJOINS TO MY NEIGHBOR'S FRONT YARD 2814 CUNNINGHAM DR. THE CODE ONLY ALLOWS THE FENCE TO BE 42" ADJOINING THE 25 FT. OF THEIR FRONT YARD, I WOULD LIKE TO HAVE THE RESTRICTION LIFTED. IT WILL OFFER MY FAMILY MORE SECURITY AND PRIVACY. IN THE PAST OUR LAWN MOWER WAS STOLEN. SOMEONE ATTEMPT TO BURGLARIZE (YARD WINDOW) WHILE WE WERE SLEEPING. IT WILL STOP PEOPLE FROM TRESPASSING, USING THE YARD AS A SHORT CUT.

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

Signature Leroy Hawkins
Name - Type or Print LEROY HAWKINS

Signature [Signature]
Name - Type or Print [Signature]

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of Nov, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Notary Public [Signature]

My Commission Expires 4-01-2006

ROBERT W. MATIS, PLS

Land Surveyor

752 Camberley Circle

Towson, MD. 21204

410-321-8692

Fax: 410-321-8693

November 5, 2004

EXHIBIT 'A'

ZONING DESCRIPTION FOR

7501 FAIRWIND DRIVE

RANDALLSTOWN, MARYLAND

CONTAINING 6,637 SQ. FT. OR 0.152 AC. +/-

BEGINNING for the same at a rebar & cap set on the Southerly right-of-way line of Fairwind Drive (50' Wide) at the Northwesterly corner of Lot 52 as shown on a plat entitled "FIRST AMENDED PLAT ONE, CLAYBROOKE" recorded among the plat records of Baltimore County, Maryland in Plat Book 67, Folio 129; thence leaving said Point of Beginning, and running with and binding on said Southerly right-of-way line of Fairwind Drive the two following courses and distances with meridian reference to said plat (67/129)

- 1) Southeasterly, by a curve to the right having a radius of 200.00 feet for an arc length of 84.46 feet, said curve being subtended by a chord bearing South 80° 41' 54" East, 83.84 feet to a "X" Mark found; thence
- 2) South 21° 37' 52" East, 14.01 feet to a "X" Mark found on the Westerly right-of-way line of Cunningham Drive (50' Wide); thence running with and binding on part of said right-of-way line
- 3) South 23° 54' 48" West, 90.20 feet to a rebar & cap found; thence departing said right-of-way line
- 4) North 66° 05' 12" West, 45.00 feet to a rebar & cap found; thence
- 5) North 6° 24' 35" West, 91.36 feet to the Point of Beginning.

CONTAINING 6,637 Sq. Ft. OR 0.152 Acres of land, more or less.

BEING the same parcel of land described in a Deed dated September 28, 2001 between James L. Hudson and Duane M. Hudson, grantors, to Leroy A. Hawkins, grantee, recorded among the Land Records of Baltimore County, Maryland in Liber 15638 folio 255.

This description was prepared without the benefit of a title report.

238

**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: #05-238-A
7501 Fairwind Drive
S/west corner of Fairwind Drive and Cunningham Drive
2nd Election District
4th Councilmanic District
Legal Owner(s): Leroy Hawkins

Variance: to permit a fence height of 6 feet in lieu of the allowed 42", which adjoins the front yard of another residence.

Hearing: Monday, January 31, 2005 at 2:00 p.m. in Room 407, County Courts Building, 401 Boeley Avenue, Towson 21204.

WILLIAM WISEMAN
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.

1/17 Jan. 13 35365

CERTIFICATE OF PUBLICATION

1/13/, 2005

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 1/13/, 2005.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No. **05-238-A**
Petitioner/Developer:
Leroy Hawkins
Hearing Date: **Dec. 6, 2004**
Closing

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

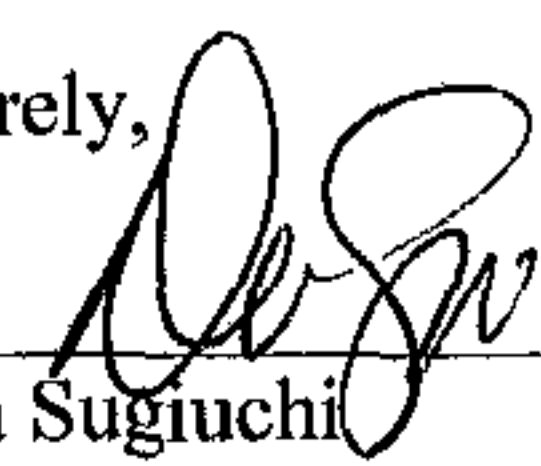
Attention: Ms. Kristen Matthews:

Ladies and Gentlemen:

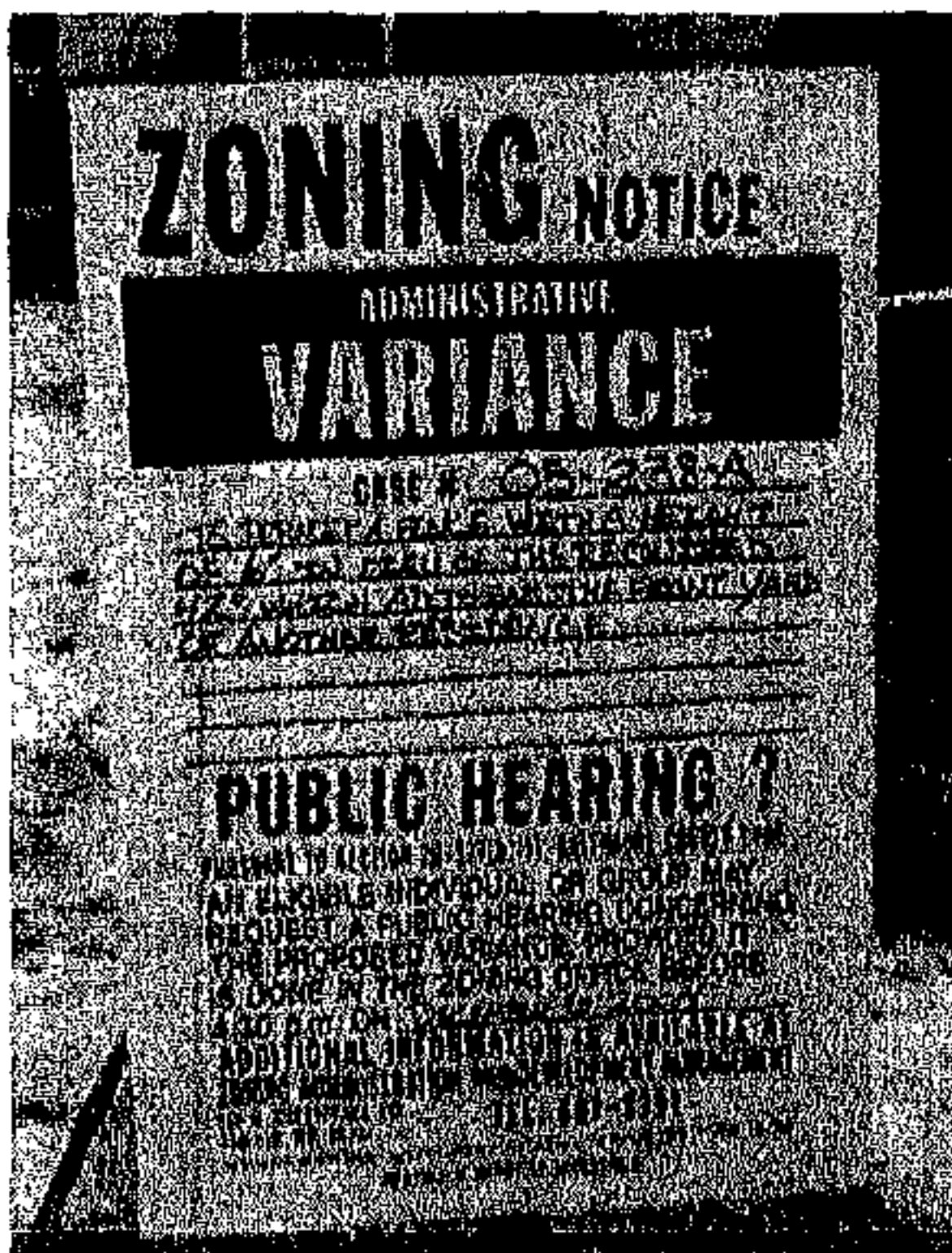
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located **7501 Fairwind Dr.**

The sign(s) were posted on **11/21/04**.

Sincerely,



Diana Sugiuchi
Thomas J. Hoff, Inc.
406 West Pennsylvania Avenue
Towson, MD. 21204
410-296-3668



TO: PATUXENT PUBLISHING COMPANY
Thursday, January 13, 2005 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

410-887-3353

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: 05-238-A

7501 Fairwind Drive

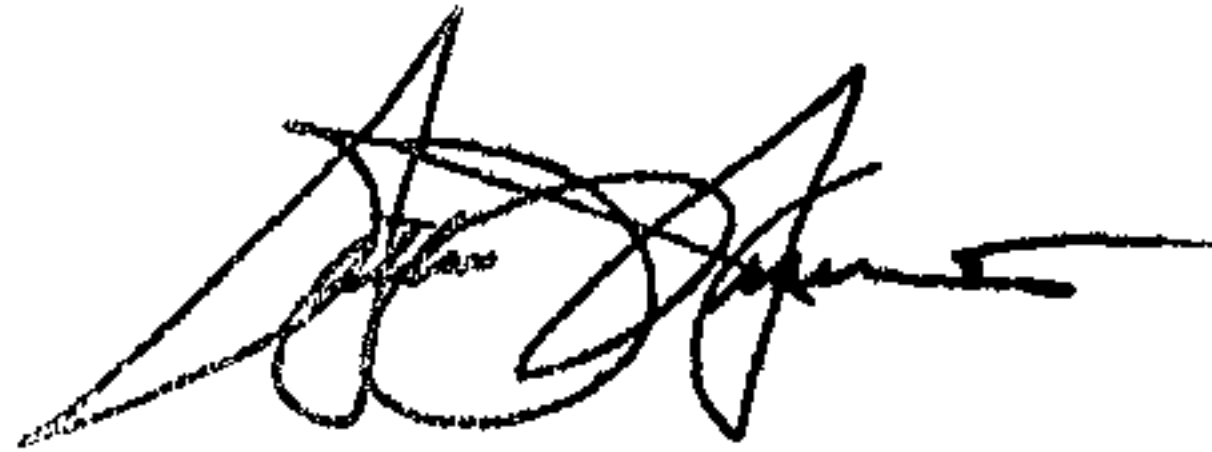
S/west corner of Fairwind Drive and Cunningham Drive

2nd Election District – 4th Councilmanic District

Legal Owner: Leroy Hawkins

Variance to permit a fence height of 6 feet in lieu of the allowed 42", which adjoins the front yard of another residence.

Hearing: Monday, January 31, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

December 23, 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: 05-238-A

7501 Fairwind Drive

S/west corner of Fairwind Drive and Cunningham Drive

2nd Election District – 4th Councilmanic District

Legal Owner: Leroy Hawkins

Variance to permit a fence height of 6 feet in lieu of the allowed 42", which adjoins the front yard of another residence.

Hearing: Monday, January 31, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204


Timothy Kotroco
Director

TK:klm

C: Leroy Hawkins, 7501 Fairwind Drive, Baltimore 21218

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 15, 2005.**
- (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.

For Newspaper Advertising:

Item Number or Case Number 05-238-A
Petitioner: LEROY HAWKINS
Address or Location: 7501 FAIRWIND DR.

PLEASE FORWARD ADVERTISING BILL TO

Name: LEROY HAWKINS
Address 7501 FAIRWIND DR
BALTO. MD 21244
Telephone Number (410) 235-5767

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 238 -A

Address 7501 FAIRWIND DR.

Contact Person: JUN FERNANDO

Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11-09-04

Posting Date: 11-21-04

Closing Date: 12-06-04

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 238 -A

Address 7501

Petitioner's Name LEROY HAWKINS

Telephone 410-235-5767

Posting Date: 11-21-04

Closing Date: 12-06-04

Wording for Sign: To Permit a fence with a height of 6' in lieu of
the required 42" which adjoins the front yard of another
residence.

**Department of Permits and
Development Management**

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



Baltimore County

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

December 6, 2004

Mr. Leroy Hawkins
7501 Fairwind Drive
Baltimore, Maryland 21218

Dear Mr. Hawkins:

RE: Case Number:05-238-A , 7501 Fairwinds Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 9, 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



**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*

January 26, 2005

Mr. Leroy Hawkins
7501 Fairwind Drive
Baltimore, Maryland 21218

Dear Mr. Hawkins:

RE: Case Number:05-238-A , 7501 Fairwinds Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 9, 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." 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. Hohman, Chief

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

November 22, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: November 22, 2004

Item No.: 227-241, 243, 245-249

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



Printed on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 7, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For November 29, 2004
Item Nos. 227, ~~228~~, 229, 230, 231, 232,
233, 234, 237, ~~238~~, 239, 240, 241, 242,
243, 244, 246, and 248

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr JPO
DEPRM

DATE: December 10, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of November 22, 2004.

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

05-227
05-229
05-230
05-232
05-233
05-234
05-235
05-238
05-239
05-240
05-241
05-242
05-243
05-244
05-245
05-246
05-247
05-248

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 26, 2004

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

RECEIVED

DEC 8 2004

SUBJECT: 7501 Fairwind Drive

INFORMATION:

Item Number: 5-238

Petitioner: Leroy Hawkins

Zoning: DR 5.5

Requested Action: Variance

ZONING COMMISSIONER

SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request to install a 6-foot high fence in the front yard of the subject property and has determined that the fence would negatively impact the neighborhood. As such, this office recommends that the petitioner's request be **DENIED**.

Prepared by: Maeb Cunningham

Division Chief: [Signature]

AFK/LL:MAC:

**Department of Permits and
Development Management**

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



Baltimore County

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

December 23, 2004

Leroy Hawkins
7501 Fairwind Drive
Baltimore, MD 21218

Dear Mr. Hawkins:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-238-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand by the zoning commissioner.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Jun Fernando at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

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



BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO: Kristen Matthews
Dept. of Permits & Development Mgmt.

DATE: December 14, 2004

FROM:  Robin Jameson, Secretary to
John V. Murphy
Deputy Zoning Commissioner

SUBJECT: Petitions for Administrative Variance - 12/6/04 Closing Date
1. Case No. 05-234-A (5005 Forge Haven Drive – Leon F. Fox)
2. Case No. 05-238-A (7501 Fairwind Drive - Leroy Hawkins)

After a review of the above-captioned case files, Jack Murphy has requested that they be set in for hearing. We are returning the files to you for further processing, i.e. notifying the petitioners, posting of hearing notices, etc.

Once a hearing date has been scheduled, it would be appreciated if you would have Dave Duvall prepare a "Notice of Hearing" sign and have Gary Freund post the property.

Thank you for your attention and cooperation in this matter.

:raj
Attachments

426.12 Issuance of building permits.

- A. Building permits for antennas and towers permitted by right shall be issued in accordance with the requirements of this Section.
- B. A decision on an application for a building permit shall be made within 30 days of receipt of a complete permit application.
- C. Any decision denying an application for a building permit shall be set forth in writing and supported by substantial evidence contained in a written record.

Section 426A
Radio Operator Antennas
[Bill No. 30-1998]

- A. A radio operator antenna and related equipment, including any supporting structure, is considered an accessory structure or use and is permitted by right in any zone if the radio antenna and the related equipment meets the requirements of this section.
- B. A radio operator antenna shall be operated by an amateur radio operator who is licensed by the Federal Communications Commission and whose domicile is on the lot where the antenna and the related equipment is placed.
- C. A supporting structure for a radio operator antenna may not be located within 20 feet of any property line.
- D. A radio operator antenna may not extend closer than the front building line to any street on which the lot fronts.
- E. A radio operator antenna may not be higher than the lesser of 100 feet or the horizontal distance to the nearest property line above grade level.

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

- 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:

Distance Between Fence and Front Yard Property Line

	0 - 10 Feet	10 - 20 Feet	20 - 30 Feet	Over 30 Feet
Maximum fence height	42 inches	48 inches	60 inches	No limit

CASE NAME _____
CASE NUMBER _____
DATE _____

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

Case No.:

05-238 A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site PLAN	
No. 2	LETTERS to & FROM the CLAYBROOKS COMMUNITY ASSOC.	
No. 3	SEVEN PHOTOGRAPHS of surrounding homes, his yard and other fences	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

FAIRWIND (50' R/W) DRIVE



234

SCALE OF DRAWING: 1"=20'

PLAT TO ACCOMPANY PETITION FOR ZONING



VARIANCE



SPECIAL HEARING

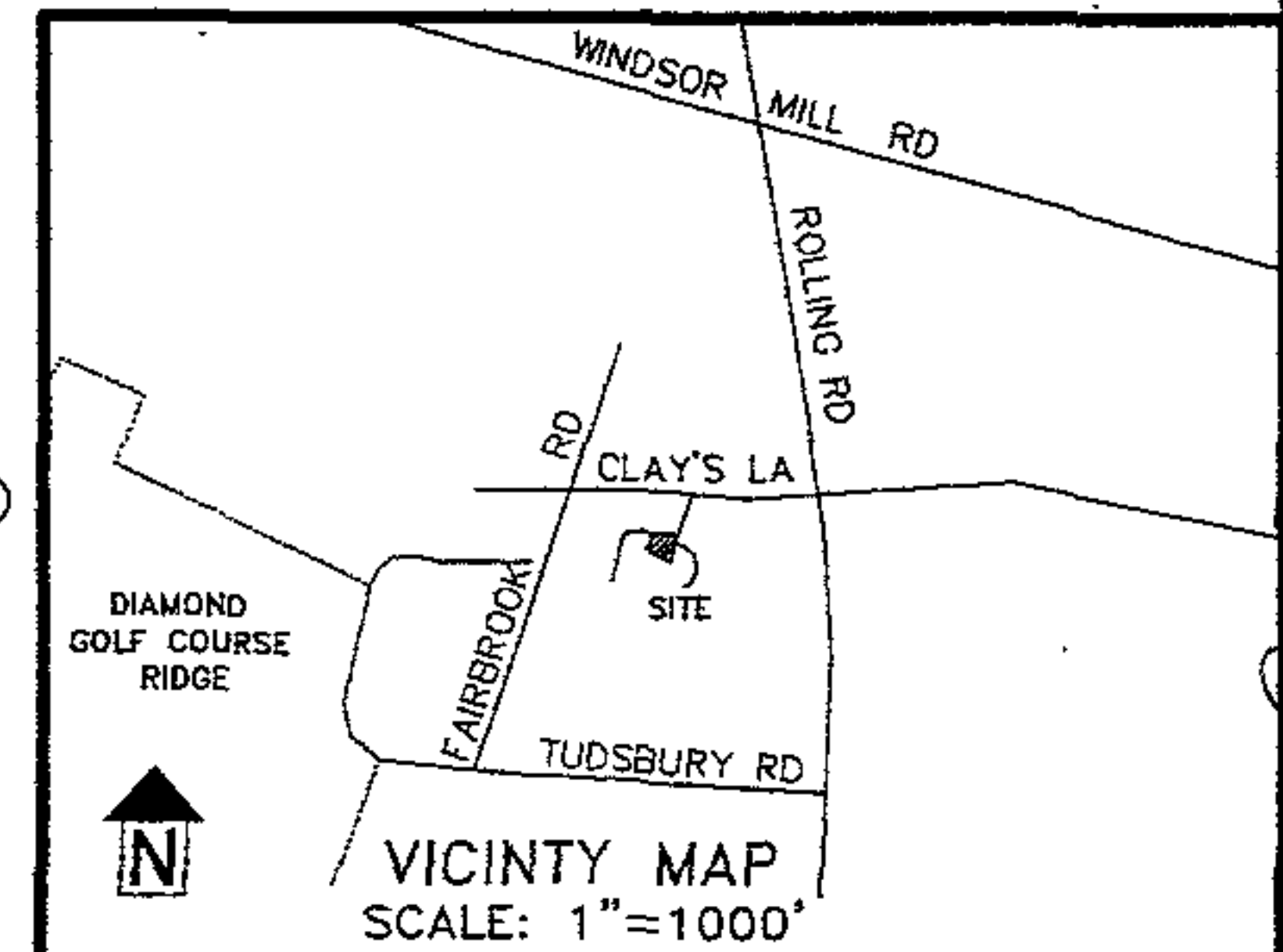
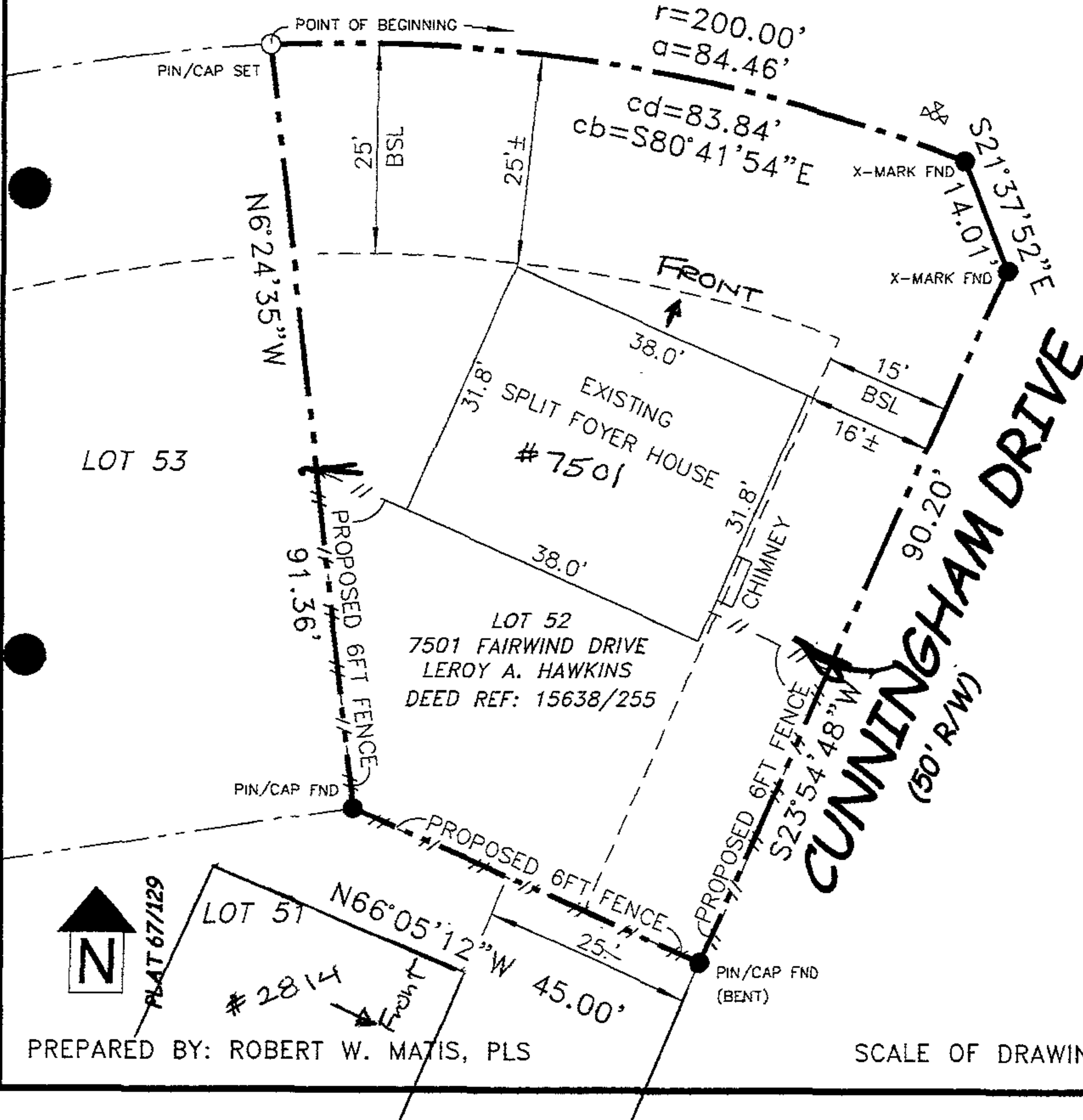
PROPERTY ADDRESS: 7501 FAIRWIND DRIVE

SUBDIVISION NAME : FIRST AMENDED PLAT ONE, CLAYBROOKE

PLAT BOOK #67 FOLIO #129 LOT #52

OWNER: LEROY A. HAWKINS

FAIRWIND (50' R/W) DRIVE



LOCATION INFORMATION

ELECTION DISTRICT	2ND	
COUNCILMANIC DISTRICT	4TH	
1"=200' SCALE MAP #	NW 4-G	
ZONING	DR 5.5	
LOT SIZE	0.152 ACREAGE	6,637 SQUARE FEET
SEWER	PUBLIC ☒	PRIVATE ☐
	WATER ☒	☐
CHESAPEAKE BAY CRITICAL AREA	YES ☐	NO ☒
	100 YEAR FLOOD PLAIN ☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
	PRIOR ZONING HEARING	NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

JF

238

PREPARED BY: ROBERT W. MATIS, PLS

LEAHY HAWKINS
7501 FAIRWIND DR.
BALTO, MD 21244
(410) 235-5767

M.R.A. PROPERTY MANAGEMENT, INC
3445-C BOX HILL CORPORATE CENTER DR.
ABINGDON, MARYLAND 21009

ATTENTION: FREDERICK G TRAUT III

I'M SUBMITTING THIS EXTERIOR ALTERATION
REQUEST. PLEASE FORWARD IT TO THE BOARD OF DIRECTORS.
I WOULD LIKE TO INSTALL A 6' FENCE AROUND
AROUND THE YARD AREA. IT WILL BE WHITE VINYL SECTION
TYPE. THERE IS A RESTRICTION WHERE MY YARD MEETS
THEIR FRONT (ONLY) OF 42" MAXIMUM FENCE HEIGHT.
I AM FILE A PETITION FOR ADMINISTRATIVE VARIANCE.
THERE ^{ARE} TREES THAT ~~DO~~ BLOCK MOST OF THIS AREA,
IF THE VARIANCE IS NOT APPROVED, IF THE BOARD
OF DIRECTORS ~~RESTRICTS~~ CAN AGREE TO ACCEPTING
RESTRICTION OR VARIANCE THAN I CAN BEGAN
IMMEDIATELY

YOURS TRULY

Leahy AC

Leahy Hawkins - HOME-OWNER
10/12/04

Pet. 2A

MRA

PROPERTY MANAGEMENT, INC.
*MANAGERS OF CONDOMINIUMS, HOMEOWNER
ASSOCIATIONS, & COMMUNITY ASSOCIATIONS*

September 30, 2004

Leroy Hawkins
7501 Fairwinds Drive
Baltimore, MD 21244

Subject: Claybrooke Community
Association, Inc.;
Shed and Back Yard

Dear Mr. Hawkins:

I am writing upon the request of the Board of Directors regarding the condition of your yard and the shed in your yard.

To date, you have not submitted a request for the makeshift shed in your yard. Therefore, you may either remove the shed or submit to install a 6' foot fence around your property.

You have 30 days to either remove the makeshift shed or submit in writing for approval of a fence. Failure to do so will result in legal action against you.

Very Truly Yours,

MRA Property Management, Inc.



Frederick G. Traut III, Property Manager
Agent for Claybrooke

cc: BOD
BF

Pet 2B



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Petition Site:
7501 Fairwind

