IN RE: PETITION FOR ADMIN. VARIANCE
NW/Corner of Oak Forest Drive
and Wilson Avenue
14th Election District
6th Councilmanic District
(3061 Oak Forest Drive)

Mia Blackstock

Petitioner

* BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 06-089-A

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FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Mia Blackstock. The administrative variance is requested for property located at 3061 Oak Forest Drive in Baltimore County. The administrative variance request is from Section 427.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a six foot high fence to be located in the rear of a lot which adjoins the front yard of an existing dwelling with a zero foot setback in lieu of the required 30 feet. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

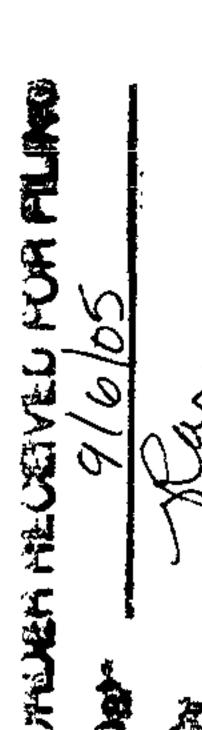
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 19, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Bureau of Development Plans Review dated August 24, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.



"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this day of September, 2005, by this Zoning Commissioner, that the Petitioner's request for administrative variance from Section 427.A of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a six foot high fence to be located in the rear of a lot which adjoins the front yard of an existing dwelling with a zero foot setback in lieu of the required 30 feet, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

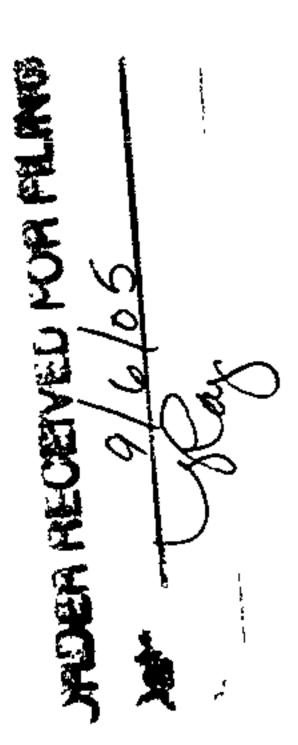
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- 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition;
- 2. The Petitioner shall comply with the ZAC comments submitted by the Bureau of Development Plans Review dated August 24, 2005, a copy of which is attached hereto and made a part hereof; and
- When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

WILLIAM JAWSEMAN, III ZONING COMMISSIONER FOR BALTIMORE COUNTY

WJW,III:raj



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

September 6, 2005

Ms. Mia Blackstock 3061 Oak Forest Drive Baltimore, Maryland 21234

> Re: Petition for Administrative Variance Case No. 06-089-A Property: 3061 Oak Forest Drive

Dear Ms. Blackstock:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Zoning Commissioner

WJW,III:raj Enclosure



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







I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 300 Opt Forest Drive which is presently zoned DR-5.5

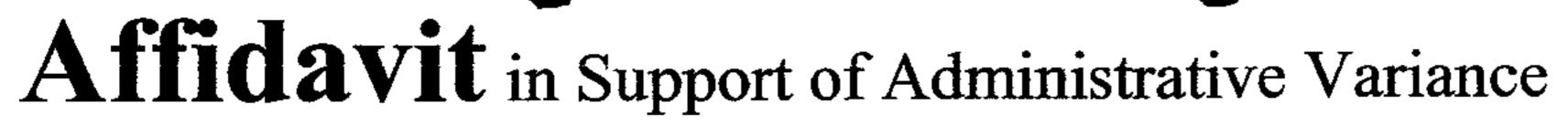
numar(a) a	f the property	situate in Baltimore	County and wi	hich is describe	ad in the dee	crintian and nist s	ttached hereto and
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of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the 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.

			is the subject of this Per	tition.	
Contract Purchaser/Les	see:		Legal Owner(s):	. b \ A	
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Attorney For Petitioner:	•		3061 CA	K forest i)	rive 443-2
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City	State	Zip Code	City -	State	Zip Code
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regulations of Baltimore County an	d that the property	y be reposted.	San		
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CASE NO. 06-0	89- A	Rev	riewed By	ام ا ا	105
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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	3061 OA	Ktorest Drive	
	Address	e M	2/234
That based upon personal knowledge, the followariance at the above address (indicate hardsh	City owing are the facts ip or practical difficu	State upon which I/we base the re- ulty):	Zip Code quest for an Administrative
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That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide	ormal demand is fi additional information	iled, Affiant(s) will be require on.	ed to pay a reposting and
Signature Min Blackstock		ignature	· · · · · · · · · · · · · · · · · · ·
Name - Type or Print	N	lame - Type or Print	
STATE OF MARYLAND, COUNTY OF BALTII I HEREBY CERTIFY, this 10 day of 00 day	MORE, to wit: ugus ersogially appeared	200,5, before me,	a Notary Public of the State
the Affiant(s) herein, personally known or satisf	actorily identified to	me as such Affiant(s).	
AS WITNESS my hand and Notarial Seal	Cal	Teren S. Posts	lauhu
NOTARY	Notary P	ublic mission Expires	09

REV 10/25/01

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	3061 UAL	torest Vive	
	Address	m	21234
	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	owing are the facts upon in its post of the practical difficulty):	which I/we base the requ	est for an Administrative
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Signature Black Stock	Signatur	e	
Mia Blackstock			
Name - Type or Print	Name -	Type or Print	
STATE OF MARYLAND, COUNTY OF BALTI	MORE. to wit:		
I HEREBY CERTIFY, this 10 to day of 10 of Maryland, in and for the County aforesaid, pe	ersonally appeared	2005, before me, a l	Notary Public of the State
of Maryland, in and for the County aforesaid, petthe Affiant(s) herein, personally known or satisf	ersonally appeared		Notary Public of the State



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	3061	OAK FOR	est Vive
		tly zoned	DR-5.5

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Contract Purcha	ser/Lessee:		Legal Owner(ia Blackstock	
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Attorney For Per	<u>titioner:</u>		Address	$\mathbf{L} \mathbf{T} : \mathbf{N}$	<u>Ve</u> <u>443-250</u> Telephone No
			Parkville	nh.	21234
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Signature	<u> </u>		Representativ	<u>re to be Contacted:</u>	•
Сотралу		<u> </u>	Name	<u></u>	
Address	<u></u>	Telephone No.	Address	·	Telephone No
City	State	Zıp Code	City	State	Zip Code
this day of	ing been formally demands to the property and that the property	hat the subject matter of	e required, it is ordered this petition be set for a p	by the Zoning Commission ublic hearing, advertised, as	er of Baltimore County, required by the zoning
			Zoning Co	ommissioner of Baltimore C	ounty
CASE NO	06-089-A	Re	viewed By	Date	10/05
REV 10/25/01		Es	timated Posting Dat	e 8/2/05	<u></u>

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)

I am requesting an Administrative Variance for the fence on my property at 3061 Oak Forest Drive in Baltimore, MD 21234 based on the history and facts surrounding my new home and the fact that I am a single mother trying to keep my family safe.

I purchased this home in April of this year. The home had been vacant for 6 years and the neighbors are thrilled that I am there and bringing the home and neighborhood back to a more presentable state. I have attached a letter from the neighbors, which my back fence affects. There are very upset that through all of my efforts to improve the home, there is an issue with the fence. They love the fence and do not want anything altered. They enjoy the view of the fence and the backdrop it gives them for displaying their flowers. My home is the center of a federal investigation and for safety reasons the fence was put up immediately. There are reports of vagrants, drug dealers and children/people with axes/weapons in the home. I have included a business card from Special Agent Daniel Harding who is handling the case. As a single mother I am not taking any chances with the safety of my family. My fear is that a drug addict, while drugged up, will return to the home not realizing that someone lives there now and try to get into the home. As well, there is a Call Center number of 051560926 with Baltimore County Police Department when they had to come to the home to dispose of a hypodermic needle, which I was almost stuck by while weeding in my yard. This house was also the neighborhood hang out for 6 years and I have had problems with the neighborhood kids thinking that my yard is for them to hang out in. I have a garage, which along with the house, obstructs the entire one side of my yard. So the neighbors on that side would not be able to see and help me if there was a problem. There is a retainer wall at the property line and if the fence were shortened in the back (where apparently the issue with the county is) it would still be easy for someone to climb over and no one would see to help us. I did not know I even needed a permit for put up a fence. I spoke to my neighbors behind me before erecting the fence and they were (and still are) thrilled that I am there fixing up the property. They have been dealing with rats for years while the property was vacant due to the overgrown landscaping, unsightly views of the yard as well as concern for their safety. It is my understanding that no one filed a complaint and Leonard Wasilewski took it upon himself to start this trouble for me. Again, my neighbors behind me, whom this issue affects, do not want the fence altered for their own reasons and for the safety of my family.

SEE ATTACHMENTS: Letter dated 5-9-05 from Thelma & Jack Tilghman at 7826 Wilson Avenue, copy of business card of Special Agent Daniel Harding working the Federal Investigation surrounding my home, copy of Call Center number and officer's name that disposed of the hypodermic needle

ZONING DESCRIPTION

Zoning Description For 3061 Oak Forest Drive

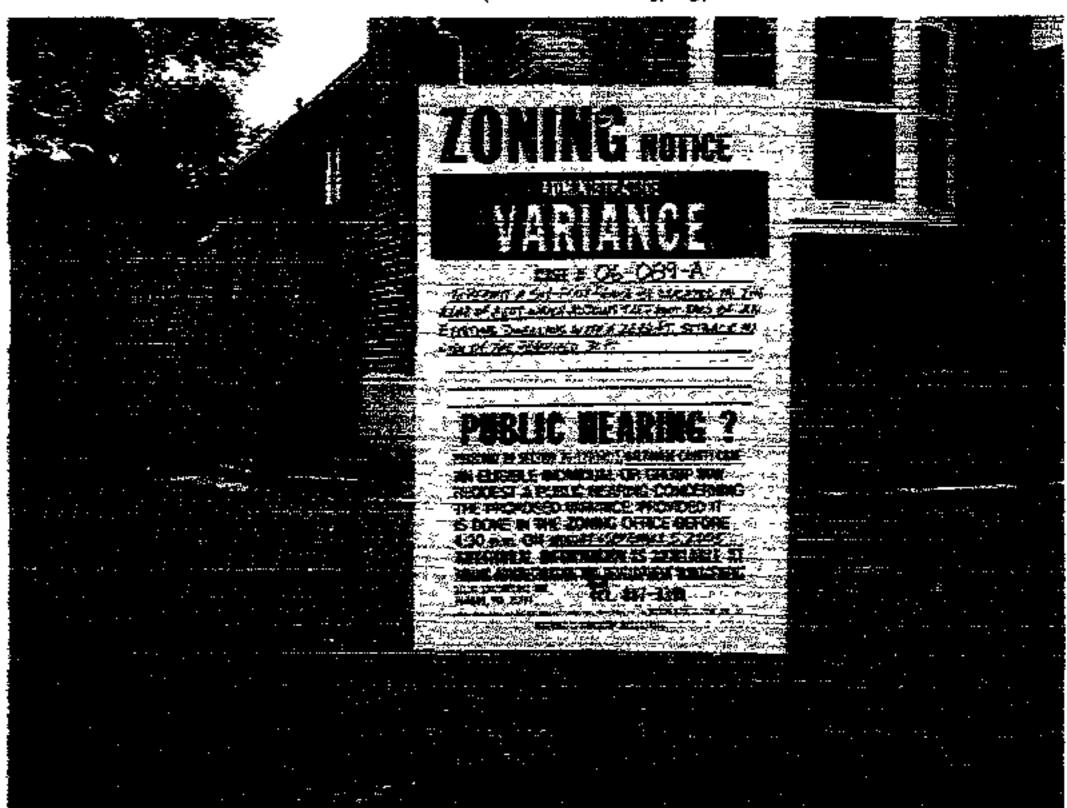
Beginning at a point on the Northwest corner of Oak Forest Drive, which is 50 feet wide and Wilson Avenue which is 50 feet wide. Being Lot #31 in the subdivision known as Oak Forest as recorded in Baltimore County Plat Book #12, Folio# 110, containing 6,373 square feet. Also known as 3061 Oak Forest Drive and located in the 14th Election District, 6th Councilmanic District.

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CERTIFICATE OF POSTING

	RE: Case No: 06-089-1
	Petitioner/Developer:
	MIA BLACKSTOCK
	Date Of Hearing/Closing: 9/5/05
Baltimore County Department of Permits and Development Mana County Office Building, Room 111 West Chesapeake Avenue	agement
Attention:	
Ladies and Gentlemen:	
ign(s) required by law were pos	e penalties of perjury that the necessary sted conspicuously on the property
it	DAK FOREST DL.
This sign(s) were posted on	August 19 2005.
	(Month, Day, Year) Sincerely,
	martin Ode 8/19/05
	(Signature of sign Poster and Date) Martin Ogle
	Sign Poster
	16 Salix Court
	Address
	Balto. Md 21220
	<u>(443-629 3411)</u>

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Martin Ofle 8/19/05

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

		•					
Case Number 06	S- 084	-A	Address	3061	Oakl	Forest	Dr.
Contact Person:		Rudaitis Please Print Your N		F	Phone Nu	mber: 410)-887-3391
Filing Date:	8/10/05	_ Posti	ng Date:	8/2,/0,	Closi	ng Date:	9/5/05
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DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

Item Number or (Case Number:	06-089-A	
Petitioner:	Mia B	3/ack stock	
Address or Local	tion: 304	Oak Forest Dr.	
PLEASE FORWA	ARD ADVERTISIN	IG BILL TO:	
	Mia Blacks	tock	
		tock	

Department of Permits and Development Management

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



Baltimore County

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

September 5, 2005

Mia Blackstock 3061 Oak Forest Drive Baltimore, Maryland 21234

Dear Ms. Blackstock:

RE: Case Number: 06-089-A, 3061 Oak Forest Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 10, 2005.

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.

W. Calling yours, Call Richard D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: August 24, 2005

TO: Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For August 29, 2005

Item No. 089

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The proposed fence shall not interfere with lines of sight.

DAK:CEN:clw cc: File

ZAC-ITEM NO 089-08242005.doc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

September 7, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 22, 2005

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

06-078 06-079

06-080

06-081

06-085

06-089

Reviewers:

Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management)ATE: August 29 2005

AUG 3 1 2005

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case(s) 6-089- Administrative Variance

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 David Pinning in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL



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

Robert L. Flanagan Secretary Neil J. Pedersen, Administrator

Maryland Department of Transportation

RE:

Date: 8.14.05

Baltimore County

Item No. 089

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

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, Chief

1. f. Godl

Engineering Access Permits Division

Parkidle, mo. 21234 May 9, 2005 Daldimore County Se: Mea Black Stock 3061 Oak Forest Ws. The Fine Low Land may an acknow an shorthand man Blankanek in Aring. NO HE MANY OF THE STATE OF THE LO OLIMAN CLAY OUL MANUEL Last Victory

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M Ms. Black Stock.
Sinairely,
Spilma Selghonan

in, every month for three years, because if rate shad more upsend until shad house was empty. It called Backs. Ody Board of Pleath and was stold "We can't do anything about that;

you mo. Blackstack has brught the place and is

your Ms. Black Stack has brught the place and is improving it and push the "Fence" up so shall her say well re main on her property like many of she neighbor dogs don't

Jeel Shot She issue of the "Fince"
was krought up by some movie neighbor,
Ahat die or does work for the County,
is upset be sauce they can't see what
is going on, on mo. Blacks Nochs property.
I sincerely hope that the County wied
he fair and reconsider in yours
If mo. Black stock.

Sinairele, Ekilma Telephoman

Police Dept. Call conter

0515W92L

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Participation of the Participa

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U.S Department of Housing and Urban Development
Office of Inspector General

Daniel Harding Special Agent

103 S. Gay St., 6th Floor Baltimore, MD 21202 (410) 962-4502, ext. 123 fax: (410) 962-5188 dharding@hudoig.gov U.S. Secret Service, D.C. Metro Area Fraud Task Force U.S. Marshals Service, D.C. Fugitive Warrant Squad Baltimore City Police NET (443) 324-0601

PREPARED BY M.B. SCAL	PLAT BOOK # 12 FOLIO # 10 LOCKS 70 SK	PROPERTY ADDRESS SCOLLEGES LONG TOR
LE OF DRAWING: 1" = 50 REVIEWED BY ITEM * CASE *		SPECIAL HEARING

