

Microfilm/Copy

03/11/09

2nd Elect. Dist.

Case # 06-167A
9401 Eduay Court
Zoning Memo To File

Based on the recent evidence and finding that the zoning case #06-167-A was flawed, in part regarding an active fence violation and further that traffic engineering has determined that all county site line requirements will be met if the fence height is increased from 42 inch to 6 feet and also based on Daniella Stanley's assertion that there is no opposition, controversy or objection to the purposed fence in the front yard as purposed; and evidenced by letters from her neighbors. This office with the concurrence of the zoning commissioner will approve the fence adjoining the neighbor's front yard for zoning. We also find that the change from a round pool that was granted, to an oval pool, is with in the spirit and intent of the original order in this zoning case.



W. Carl Richard Jr.
Zoning Supervisor

Date: March 11, 2009

To: Baltimore County Zoning Board

From: See Names of Residents Listed Below

Subject: Approval of 6ft. Fence

Dear Sirs:

I am the owner and resident of a property in close proximity to 9401 Edway Ct. owned by Ms. Daniella Stanley. I have spoken with Ms. Stanley and Mr. Vermont Demar (owner of 9402 Tulsemere Rd.) regarding the placement of a 6 ft. in the rear right corner of Ms. Stanley's yard which adjoins Mr. DeMar's front yard. My signature below indicates that I have no objections to the fence.

Sincerely,

Printed Name	Signature	Address	Date
Hilda Coleman	Hilda Coleman	9406 Tulsemere Rd.	3/11/09
Andrea Whitely	Andrea Whitely	9345 Edway Circle	3/11/09
KEVIN Epps	Kevin Epps	9402 Edway Ct	3/11/09
ELAMIE SAMUEL KERR	Elamie Samuel Kerr	9403 Edway Court Randallstown	3/11/09
TORRANCE Allen	Torrance Allen	9404 Edway Ct Randallstown	3/11/09
Felicia Johnson	Felicia Johnson	9400 Edway Randallstown Ct.	3/11/09
Tanika McPhatter	Tanika McPhatter	9319 Edway Cr Randallstown	3/11/09
Mary Stewart	Mary Stewart	9315 Edway Circle Randallstown	3/11/09

From: Stephen Weber
To: Bill Wiseman
Date: 03/10/09 5:38:40 PM
Subject: Fwd: 9401 Edway Ct - Fence issue

Bill -

We have been communicating with Ms. Daniella Stanley regarding a fence issue on her property and it is our understanding that your office has apparently been involved in a case dealing with her fence as well. We have been told that it is her desire to increase the height of the fence above the current 42" and because she is located on a corner lot (at Tulsemere Rd & Edway Ct) and because the fence is located immediately behind the sidewalk along Tulsemere Rd there apparently was a concern that a tall fence might cause a vision obstruction for drivers sitting on Edway Ct trying to see approaching northbound traffic on Tulsemere Rd.

We have checked the location and found that if the current fence is increased in height, all County sight line requirements will still be met for drivers of Edway Ct to be able to see approaching traffic. Attached is an aerial photo of the location with a broad red line showing a 350-foot sight line from where the driver's eye would be positioned on Edway Ct to view a northbound vehicle. At the same time, we have highlighted in blue the location of the current fence. The nearest corner of the fence is currently located approximately 50 feet southwest of the south curbline of Edway Ct. Provided that the fence is not located any closer than 50 feet to the south curbline of Edway Ct, we do not find any conflict between the fence line and the required sight line.

Please realize that while increasing the height of the fence will still provide for adequate sight and safety levels at the intersection, some residents of Edway Ct may still find the increased height to be objectionable. At the current time their normal sight line may be even greater. Increasing the height of the fence will probably require drivers exiting Edway Ct to clearly come to a stop and assess the presence of northbound traffic before turning left. While this is probably what they should be doing anyway, drivers obviously take advantage of situations when their sight lines are greater than the minimum requirements needed.

I hope this helps you in whatever decision you may make in this case. Should you have any questions or need any further detail, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

CC: daniella.stanley@cms.hhs.gov; Ed Reed

Bill Wiseman - RE: 9401 Edway Ct - Fence issue

From: "Stanley, Daniella D. (CMS/CPC)" <Daniella.Stanley@cms.hhs.gov>
To: "Bill Wiseman" <wwiseman@baltimorecountymd.gov>
Date: 03/10/09 11:57 PM
Subject: RE: 9401 Edway Ct - Fence issue

Dear Mr. Wiseman,

Thank you for taking time to look into this matter. Based on the evaluation of the Mr. Weber and Mr. Reed and the documentation associated with the 2005 variance hearing, I believe my variance was denied in error. Specifically, the November 22, 2005 decision letter indicates in the last paragraph on page 4 that the 6ft. fence located in the right rear corner of my yard, which adjoins to my neighbor's front yard, would prevent my neighbor's from seeing traffic coming from Edway Ct. to Tulsemere Rd. According to the summary below, a 6ft. fence would meet all the county sight requirements. As indicated in our conversation on March 9, 2009, I have notarized supporting documentation for approval from my neighbor, **Vermont J. Demar, who both owns and resides at 9402 Tulsemere Rd (the adjoining property).**

To address Mr. Weber's concerns for residents of Edway Ct. or drivers exiting the court, Edway Ct. is 7 home cul-de-sac which does not have a lot traffic. Our children play and ride bikes in the cul-de-sac because we have very little traffic. Also, there is a stop sign at the corner of Edway Ct. and Tulsemere Rd. Thus, all vehicles are required to stop when existing Edway Ct. regardless of the fence height. I am not changing the location of the fence. It will remain 50 ft. southwest of the curb line, as it was in my original variance request. I am just requesting to have the fence at the original 6ft. height it was before zoning required me to lower it. Again, I would like to thank you for assistance in getting this resolved. Unfortunately, I was a new home owner and was not aware of many of the rules or my rights in this situation 4 years ago. I am a single mother so spending \$200 on a hearing was a struggle for me. It was even more difficult to afford an attorney to appeal the decision and the expense I incurred to get the fence lowered. In any case, it my desire as a resident of the county to comply with zoning laws. I hope with all evidence considered, you will make a favorable decision so I can obtain the necessary fence permit. You may contact me at 443-790-5496.

Sincerely,
 Ms. Stanley

From: Stephen Weber [mailto:sweber@baltimorecountymd.gov]
Sent: Tue 3/10/2009 5:38 PM
To: Bill Wiseman
Cc: Edward Reed; Stanley, Daniella D. (CMS/CPC)
Subject: Fwd: 9401 Edway Ct - Fence issue

Bill -

We have been communicating with Ms. Daniella Stanley regarding a fence issue on her property and it is our understanding that your office has apparently been involved in a case dealing with her fence as well. We have been told that it is her desire to increase the height of the fence above the current 42" and because she is located on a corner lot (at Tulsemere Rd & Edway Ct) and because the fence is located immediately behind the sidewalk along Tulsemere Rd there apparently was a concern that a tall fence might cause a vision obstruction for drivers sitting on Edway Ct trying to see approaching northbound traffic on Tulsemere Rd.

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southwest of the south curblin of Edway Ct. Provided that the fence is not located any closer than 50 feet to the south curblin of Edway Ct, we do not find any conflict between the fence line and the required sight line.

Please realize that while increasing the height of the fence will still provide for adequate sight and safety levels at the intersection, some residents of Edway Ct may still find the increased height to be objectionable. At the current time their normal sight line may be even greater. Increasing the height of the fence will probably require drivers exiting Edway Ct to clearly come to a stop and assess the presence of northbound traffic before turning left. While this is probably what they should be doing anyway, drivers obviously take advantage of situations when their sight lines are greater than the minimum requirements needed.

I hope this helps you in whatever decision you may make in this case. Should you have any questions or need any further detail, please feel free to give me a call.

Stephen E. Weber, Chief
Div. of Traffic Engineering
Baltimore County, Maryland
111 W. Chesapeake Avenue, Rm. 326
Towson, MD 21204
(410) 887-3554

LETTER FOR
SPIRIT & INTENT DETERMINATION
06-167-A

To: BPP
S+I
3/10/09 ~

3/8/09

DEAR MR KOTROCO:

I am Daniella Stanley. I am the owner and resident of 9401 Edway Court. I currently have a ~~pool~~ ^{EXISTING} ~~pool~~ ^{pool} VARIANCE for a 24' round above ground pool. I am requesting approval to change my pool to ~~the~~ a 21' x 33' oval shaped pool. The principal location is the same. I am also requesting to have a small accompanying deck. I can ~~for~~ provide approval from ~~my~~ neighbors residing at 9402 Tulsmeire Rd immediately upon request. I can be contacted at 443-790-5496. I would like to request approval without having a ^{NEW} hearing. Please call me if any additional documentation is needed or you have questions. Please see accompanying site plan and a \$10.00 check is added for your review.

Thank you.

M. Stanley

OK WCR
See letter in file
3/12/09



Map created with ArcGIS. Copyright (C) 1992-2005 ESRI Inc.

Date: March 5, 2009

To: Baltimore County Zoning Board

From: Joe DeMar

Subject: Variance for Fence

Dear Sirs:

I am writing to inform the Baltimore County Zoning Board that I give permission for my neighbor, Daniella Stanley, to place a 6ft. fence along the perimeter of my front yard which is adjacent to the right corner rear of her backyard. I both own and reside at 9402 Tulsemere Road in Baltimore County. Ms. Stanley resides at 9401 Edway Court and has an above ground pool in her yard. The 6ft. fence would give Ms. Stanley and myself privacy and be less distraction for me and visitors to my home when Ms. Stanley and her family are swimming.

Sincerely,

Vernon DeMar

Joe DeMar

9402 Tulsemere Road

3/6/09
Bernadette Goodman



BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **37513**

Date: **March 10, 2009**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
 3/13/2009 3/12/2009 09:51:29 2

REG W902 MAIL JEVA JEE
 RECEIPT # 627041 3/12/2009 OFLN

Dept 5 528 ZONING VERIFICATION
 CH NO. 037513

Recpt Tot \$10.00
 \$10.00 CK \$0.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$ 10.00

Total: **\$ 10.00**

Rec From: **Daniella Stanley**

For: **SIT**

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

IN RE: PETITION FOR VARIANCE
S/west corner of Edway Court &
Tulsmere Road
2nd Election District
4th Councilmanic District
(9401 Edway Court)

Daniella Stanley
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-167-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Daniella Stanley. The variance request is for property located at 9401 Edway Court in the Randallstown area of Baltimore County. The variance request is from Sections 400.1 and 427 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a pool to be located in the side yard adjacent to the street in lieu of the required rear yard and in the third of the lot farthest removed from any street and to permit a fence with a height of a 6-foot in the rear yard of a lot which adjoins the front of a residential lot in lieu of the maximum permitted 48-inches. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The property was posted with a notice of the public hearing date and time on October 24, 2005 and notice given to the general public by publication in the Jeffersonian Newspaper on October 25, 2005.

Interested Persons

Appearing at the hearing on behalf of the variance request was Daniella Stanley. There were no protestants or interested citizens at the hearing. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

ORDER RECEIVED FOR FILING

Date 11-22-05

By Debra V. [Signature]

Code Enforcement Comments

This matter is currently the subject of an active violation case (Case No. 05-0199) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter due to the fact that the fence was blocking view of street and a swimming pool without permit.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Office of Planning dated October 31, 2005, and the Bureau of Development Plans Review dated October 19, 2005, copies of which are 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."

Testimony and Evidence

The subject property contains approximately 10,000 sq. ft zoned DR 3.5 and improved by the Petitioner's home. The lot is located on the corner of Edway Court and Tulsmere Road. Ms. Stanley indicated that she wanted to erect an above ground swimming pool for her family in the back yard. However, she has a large concrete play area in the farthest corner of the rear yard, which holds a sliding board, and swings along with other children's play equipment. See photo 2 E. There is also a large tree in the rear yard. Finally, the neighbor's house on Edway Court is very close to the farthest third of her rear yard and she worried that her children might disturb the neighbors if the pool was located in that area.

She hired a pool company (Artesian Specialties) who apparently failed to obtain a permit from the County. Presumably, the permit application would have shown that in moving the pool to the side yard to avoid the concrete play area and tree, the pool violated the rear yard and farthest third rules in locating accessory structures on corner lots.

In regard to the height of the fence, she indicated that she knew she had to build a fence around the pool to keep children out. She hired some local contractors to erect a 6-foot high fence as shown in Exhibit 1. Again, these contractors failed to obtain a permit for the fence, which extends into the front yard of her neighbor's, the Coates family. Both the Office of

Planning and the Bureau of Development Plans Review commented that at 6 feet, the height of the fence, would cut off the view of the Coates family looking down Tulsmere Road. The County allows a 3.5 foot high fence in this area. As explained at the hearing, this is a safety as well as aesthetic issue as the Coates family cannot see traffic coming toward their home on Tulsmere coming from Edway.

In response, the Petitioner said that she needed the full six feet of fence on the Coates side of the property to protect her four (4) children because a registered sex offender lives at the Coates property. In addition, she did not want her neighbors to see the pool from their homes.

Findings of Fact and Conclusions of Law

In regard to the location of the above ground pool in the side yard in lieu of the farthest rear yard, I find that there is an existing concrete structure and large tree which prevents the Petitioner from reasonably complying with the regulations. Consequently, I find the property unique in a zoning sense. I also find that the Petitioner would suffer practical difficulty if the rear yard/farthest third regulation were strictly enforced. There is no other practical place to locate the pool. Finally, I find that this variance can be granted within the spirit and intent of the regulations and will not adversely impact the community.

However, the fence is another matter. I understand the Petitioner's reasonable concerns for privacy and safety but she cannot achieve this result at the expense of the Coates family. They cannot see traffic coming from Edway down Tulsmere Road. Consequently, I will deny the variance and order the height of the fence to be reduced to 42 inches within 60 days of the date of this Order.

In the alternative, the Petitioner can request this decision be reconsidered within 30 days of the date of this Order to allow the full 6 feet height if she changes the composition of the fence in the front yard of the Coates home to a material such that the Coates family can reasonably see

ORDER RECEIVED FOR FILING
Date 11-2-05
By [Signature]

traffic on Tulsmere Road. If she decides to take this approach, she must first submit plans for the new non-opaque fence for approval by the Permits and Development Management Department.

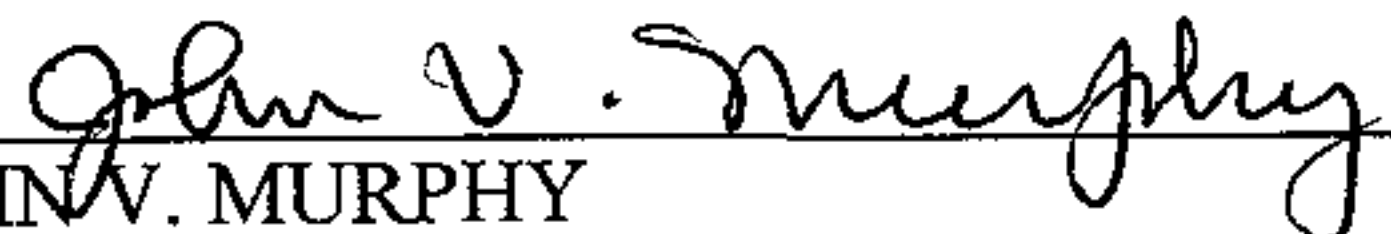
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted in part and denied in part.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 22 day of November, 2005, that a variance from Sections 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a pool to be located in the side yard adjacent to the street in lieu of the required rear yard and in the third of the lot farthest removed from any street is hereby GRANTED subject to the following condition:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition,

IT IS FURTHER ORDERED that the Petitioner's request to permit a fence with a height of a 6-foot in the rear yard of a lot which adjoins the front of a residential lot in lieu of the maximum permitted 48-inches, be and is hereby DENIED.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

ORDER RECEIVED FOR FILING
Date 11-22-05
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

November 22, 2005

Daniella Stanley
9401 Edway Court
Randallstown, Maryland 21133

Re: Petition for Variance
Case No. 06-167-A
Property: 9401 Edway Court

Dear Ms. Stanley:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance has been granted in part and denied in part 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,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: People's Counsel; Case File; Code Enforcement

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





Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 9401 EDWAY CT
which is presently zoned D.R. 3.5

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) 400.1, 427 (DCZR)

To permit a pool to be located in the side yard adjacent to the street in lieu of the required rear yard and in the third of the lot farthest removed from any street and to permit a fence with a height of 6-foot in the rear yard of a lot which adjoins the front of a residential lot in lieu of the maximum permitted 48-inches.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or 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. 06-1167-A

Revised 9/5/05

Legal Owner(s):

Daniella Stanley

Name - Type or Print

Daniella Stanley

Signature

Name - Type or Print

Signature

9401 Edway Court

Address

Randallstown MD

City

State

Zip Code

(410) 922-8108
(410) 786-3723

Telephone No.

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By D.T. Date 9/19/05

Zoning Description for **9401 EDWAY COURT**

Beginning at a point on the south west corner of Edway Court which has a 50-foot right-of-way and Tulsmere Road which has a 60-foot right-of-way. Being Lot #8 in Section 3 of the subdivision known as "Pikeswood" as recorded in Baltimore County Plat Book #32, Folio #120 containing 10,300 square feet. Also known as 9401 Edway Court and located in the 2nd Election District, 4th Councilmanic District.

**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/neighborhood 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: 06-167-A

Petitioner: STANLEY

Address or Location: 9401 EDWAY CT.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MS. DANIELLA STANLEY

Address: 9401 EDWAY CT.

RANDALLSTOWN, MD 21133

Telephone Number: 410-922-8108 OR 410-786-3123

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: #06-167-A

9401 Edway Court

Sw west corner of Edway Court and Tulsimere Court

2nd Election District - 4th Councilmanic District

Legal Owner(s): Daniella Stanley

Variance: to permit a pool to be located in the side yard adjacent to the street in lieu of the required rear yard and in the third of the lot farthest removed from any street and to permit a fence with a height of 6 feet in the rear yard of a lot which adjoins the front of the residential lot in lieu of the maximum permitted 48 inches.

Hearing: Tuesday, November 8, 2005 at 10:00 a.m. in Room - 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/10/740 Oct 25

72459

CERTIFICATE OF PUBLICATION

10/27/2005

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 10/25/2005.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 0038

DATE 9.20.05 ACCOUNT 1001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: THOMAS KITKO 16448 J.M.
Ad. VMA permy

FOR: _____

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	DATE	TIME	IN
9/21/2005	9/21/2005	14:30:00	1
MEMO: MILEAGE - JACOB JIM			
>>RECEIVED BY: 254173 9/20/2005			
Dept: 5 200 JIMING VERIFICATION			
CR: 201	200509	14:30:00	1
Receipt Tot:	65.00	65.00	00
16448 J.M.	16448 J.M.	16448 J.M.	16448 J.M.

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 10/25/05RE: Case Number: 06-167APetitioner/Developer: STANLEYDate of Hearing/Closing: NOV 8 2005

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 9401 EDWAY CT.

The sign(s) were posted on 10/24/05

(Month, Day, Year)


(Signature of Sign Poster)

Charles E. Merritt
9831 Madledt Road
Baltimore, MD 21234
410-665-5562

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 25, 2005 Issue - Jeffersonian

Please forward billing to:
Daniella Stanley
9401 Edway Court
Randallstown, MD 21133

410-922-8108

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: 06-167-A

9401 Edway Court
S/west corner of Edway Court and Tulsmere Court
2nd Election District – 4th Councilmanic District
Legal Owner: Daniella Stanley

Variance to permit a pool to be located in the side yard adjacent to the street in lieu of the required rear yard and in the third of the lot farthest removed from any street and to permit a fence with a height of 6 feet in the rear yard of a lot which adjoins the front of the residential lot in lieu of the maximum permitted 48 inches.

Hearing: Tuesday, November 8, 2005 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204



WILLIAM J WISEMAN III
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.



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

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

October 7, 2005

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: 06-167-A

9401 Edway Court
S/west corner of Edway Court and Tulsmere Court
2nd Election District – 4th Councilmanic District
Legal Owner: Daniella Stanley

Variance to permit a pool to be located in the side yard adjacent to the street in lieu of the required rear yard and in the third of the lot farthest removed from any street and to permit a fence with a height of 6 feet in the rear yard of a lot which adjoins the front of the residential lot in lieu of the maximum permitted 48 inches.

Hearing: Tuesday, November 8, 2005 at 10:00 a.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco
Director

TK:klm

C: Daniella Stanley, 9401 Edway Court, Randallstown 21133

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, OCTOBER 24, 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**

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



Baltimore County

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

November 7, 2005

Danielle Stanley
9401 Edway Court
Randallstown, Maryland 21133

Dear Mr. Stanley:

RE: Case Number: 06-167-A, 9401 Edway Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on September 19, 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.

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

Oct. 6, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: July 18,, 2005

Item No. 167 thru 174 176 thru 184 Also case # 05-502-A

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.

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

Acting Lieutenant David S. Heath
Fire Marshal's Office
(O) 410-887-4881
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 19, 2005

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 17, 2005
Item No. 167

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

The proposed fence must not interfere with the line of sight.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 167-10192005.doc

RECEIVED

gm
11/8

BALTIMORE COUNTY, MARYLAND

NOV - 2 2005

INTER-OFFICE CORRESPONDENCE

ZONING COMMISSIONER

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

DATE: October 31, 2005

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

SUBJECT: 9401 Edway Court

INFORMATION:

Item Number: 6-167

Petitioner: Daniella Stanley

Zoning: DR 3.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and recommends denial for the following reasons:

1. The proposed 6-foot fence would abut the adjacent property; as such causing a fence to be located in the neighboring front yard as well as the petitioner's.
2. The proposed 6-foot fence would potentially cause a visual obstruction for vehicles traveling east on Edway Court.
3. The proposed fence and accompanying pool is not consistent with the existing pattern of the neighborhood.

For further information concerning the matters stated here in, please contact Dave Green at 410-887-3480.

Prepared by: Curtis Murray

Division Chief: Pat Keller

AFK/LL: CM

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



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

Date: 10.4.05

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

RE: Baltimore County
Item No. 167 DT

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
Engineering Access Permits Division

RE: PETITION FOR VARIANCE * BEFORE THE
9401 Edway Court; SW corner Edway Court *
and Tulsmere Court * ZONING COMMISSIONER
2nd Election & 4th Councilmanic Districts *
Legal Owner(s): Daniella Stanley * FOR
Petitioner(s) * BALTIMORE COUNTY
* 06-167-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 and all documentation filed in the case.



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



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

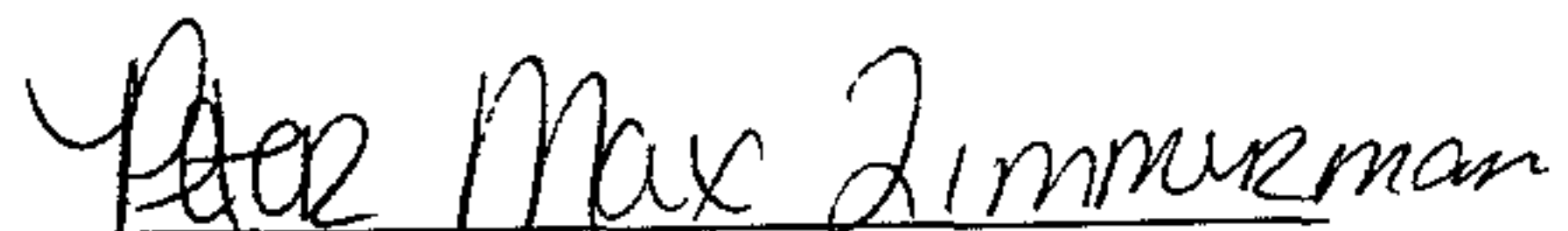
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of October, 2005, a copy of the foregoing Entry of Appearance was mailed to, Daniella Stanley, 9401 Edway Court, Randallstown, MD 21133, Petitioner(s).

RECEIVED

OCT 05 2005

Per.....



PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: October 11, 2005

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 6-167-a
Legal Owner/Petitioner Stanley, Daniella
Contract Purchaser: N/A
Property Address: 9401 Edway Ct.
Location Description: SW corner Edway Ct. & Tulsmere Ct.

VIIOLATION INFORMATION: Case No. 05-0199
Defendants: Stanley, Daniella

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Demar Vermont	9402 Tulsmere Ct Randallstown, Md 21133

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

- ☐ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☒ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☐ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☐ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room G21 in order that the appropriate action may be taken relative to the violation case.

RSW/jk
C: Code Enforcement Officer

Cas Entry/Update

Format : CASREC

Mode :

CHANGE

File :

PDLV0001

Dt Rec: 1032005 Intake: LMH Act: _____ Case #: 05-0199

Insp: KEMP, J. Insp Grp: ENF Insp Area: 17 Tax Acct: 203672590

Address: 9401 EDWAY CT Apt #: _____ Zip: 21133

Owner: STANLEY, DANIELLA

Problem Descript.: 6' FENCE BLOCKING VIEW OF STREET ** REOPENED FOR BUILDING P
POOL W/O PERMIT. 2ND COMPLAINANT - MARK THOMAS, 9405 EDWAY CT. 410-922-8104

Complainant Name (Last): VERMONT (First): DEMAR

Complainant Addr: 9402 TULLSMERE RD

Complainant City: RANDALLSTOWN State: MD Zip: 21133

Complainant Phone (H): 4106557789 (W): _____

Date of Reinspection: 11142005 Date Closed: _____ Delete Code (P): _

F3=Exit

F5=Refresh

F6=Select format

F9=Insert

F10=Entry

F11=Change

Case Entry/Update

Format : CASREC

Mode :

CHANGE

File :

PDLV0001

Notes: 1/5/05 FENCE IS LEGAL & THERE IS NO VIOLATION. CLOSE. COMPL. UPDATED.
RT/SS

**8/4/05 REOPENED.....CG/SS

8/8/05 SITE INSP. 24' DIA. POOL INSTALLED. NO PERMIT ON FILE. SWO HANDED TO MRS.
STANLEY. CALLED COMPL 2:55PM TO UPDATE. 10 RINGS NO ANSWER. P/U 8/15/05 J.KEMP.
8/8/05 3:00PM MRS. STANLEY CALLED. PERMIT APPLIED FOR. VARIANCE REQUIRED. HAS VA
RIANCE APPL. MEETING 9/19/05. P/U 9/20/05 J.KEMP/NS***
10/05/05 VAR. 06-167A TO BE DETERMINED ON 11/11/05. P/U 11/14/05. J.KEMP/KH.***

F3=Exit

F5=Refresh

F6=Select format

F9=Insert

F10=Entry

F11=Change

DATE: 08/05/2005

STANDARD ASSESSMENT INQUIRY (1)

TIME: 12:46:36

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
02 03 672590	02	1-0	04-00	H	NO		05/02/05

STANLEY DANIELLA

DESC-1.. IMPS

DESC-2.. PIKESWOOD

9401 EDWAY CT

PREMISE. 09401 EDWAY

CT

00000-0000

RANDALLSTOWN

MD 21133-2820 FORMER OWNER: SPEERT WILBERT

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	40,820	40,820		FCV	ASSESS	ASSESS
IMPV:	77,270	102,540	TOTAL..	134,936	134,936	126,513
TOTL:	118,090	143,360	PREF...	0	0	0
PREF:	0	0	CURT...	134,936	134,936	126,513
CURT:	118,090	143,360	EXEMPT.		0	0
DATE:	12/99	06/03				

----	TAXABLE BASIS	----	FM DATE
	ASSESS: 134,936		03/23/05
	ASSESS: 126,513		
	ASSESS: 0		

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



Baltimore County
Department of Permits and
Development Management

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

Code Enforcement: 410-887-3351
Building Inspection: 410-887-3953

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

5:30-8:00 A.M. or 2:30-3:15 P.M.
BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 05-0199	Property No. 0203672590	Zoning:
------------------------------	----------------------------	---------

Name(s): Stanley, Daniela

Address: 9401 Edway Ct. 21133

Violation Location: Same

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IBC Sect. 105.1 "Permit Required"
Pool installed w/o Permit.
A permit is required for
24" Dia. Pool. Please, obtain
Permit for pool or remove.

Subject to \$200.00/Day Fine
if not brought into
Compliance

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
---------------	--------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name

INSPECTOR:

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than 8/15/15	Date Issued: 8/15/15
---------------------------	-------------------------

INSPECTOR:

(Jim Kemp)

AGENCY

DATE _____

E-MAIL

Randalls town, MD 21133

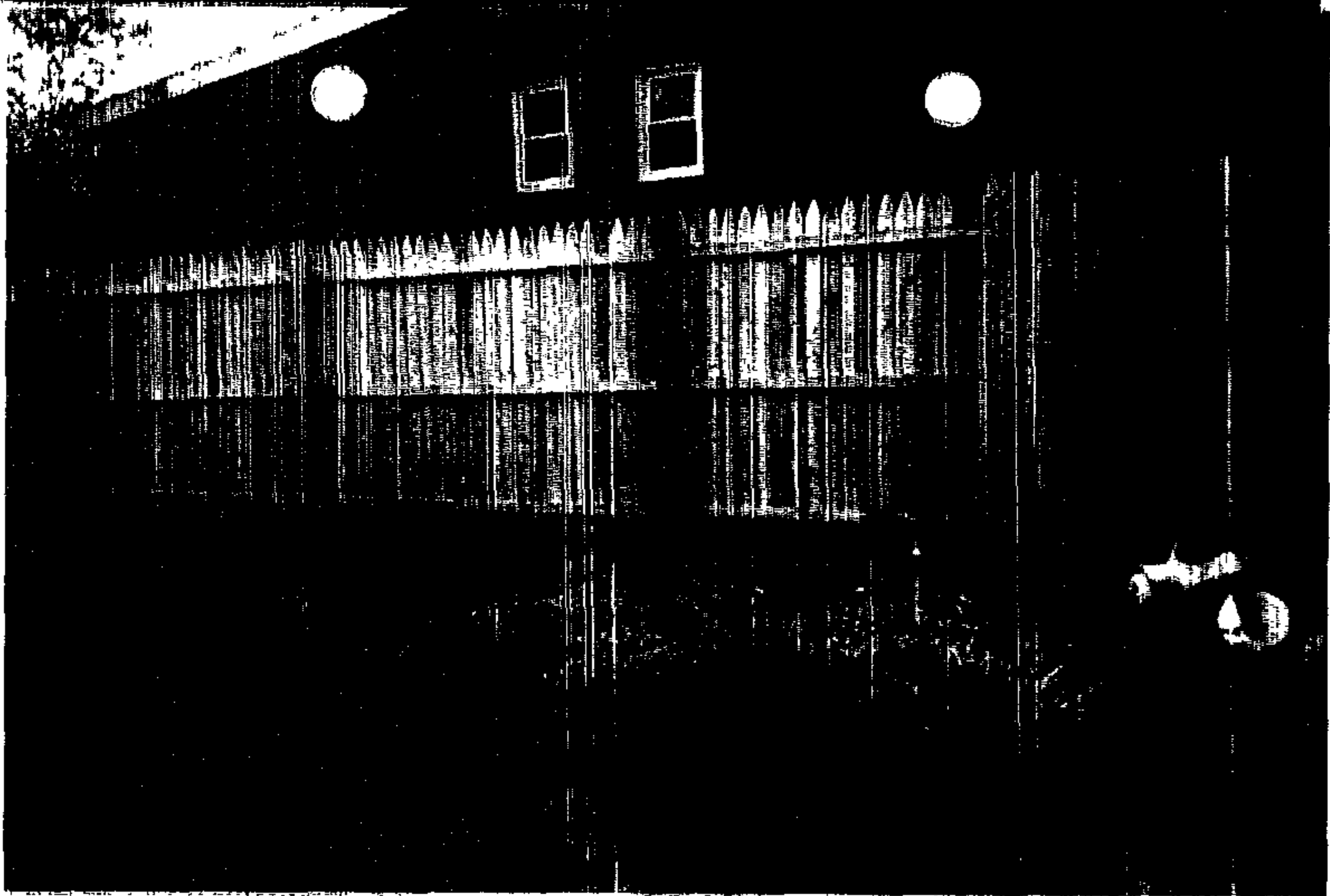
V



①

06-167-A 2A-2G





3

26



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 9401 EDWAY COURT

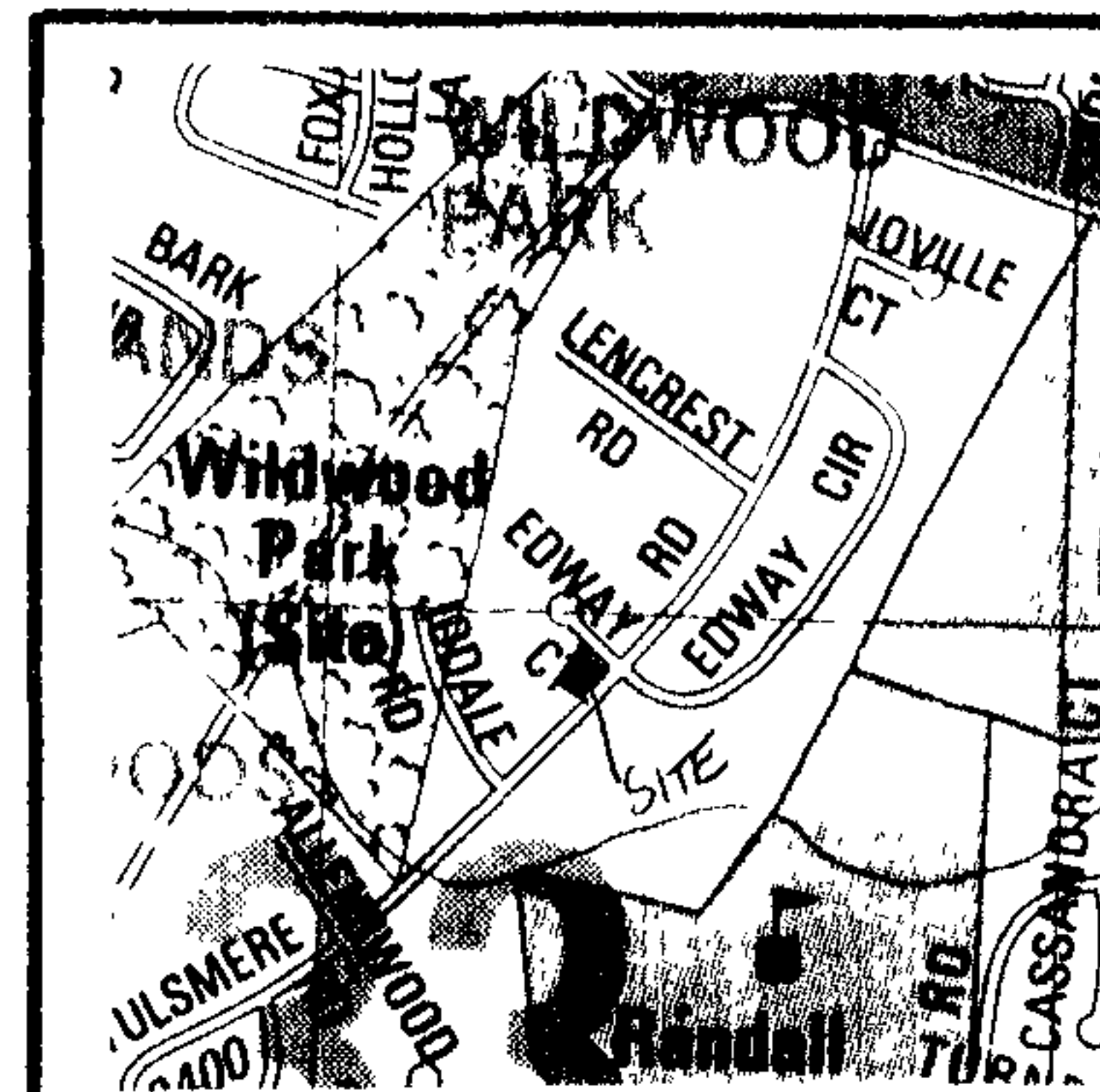
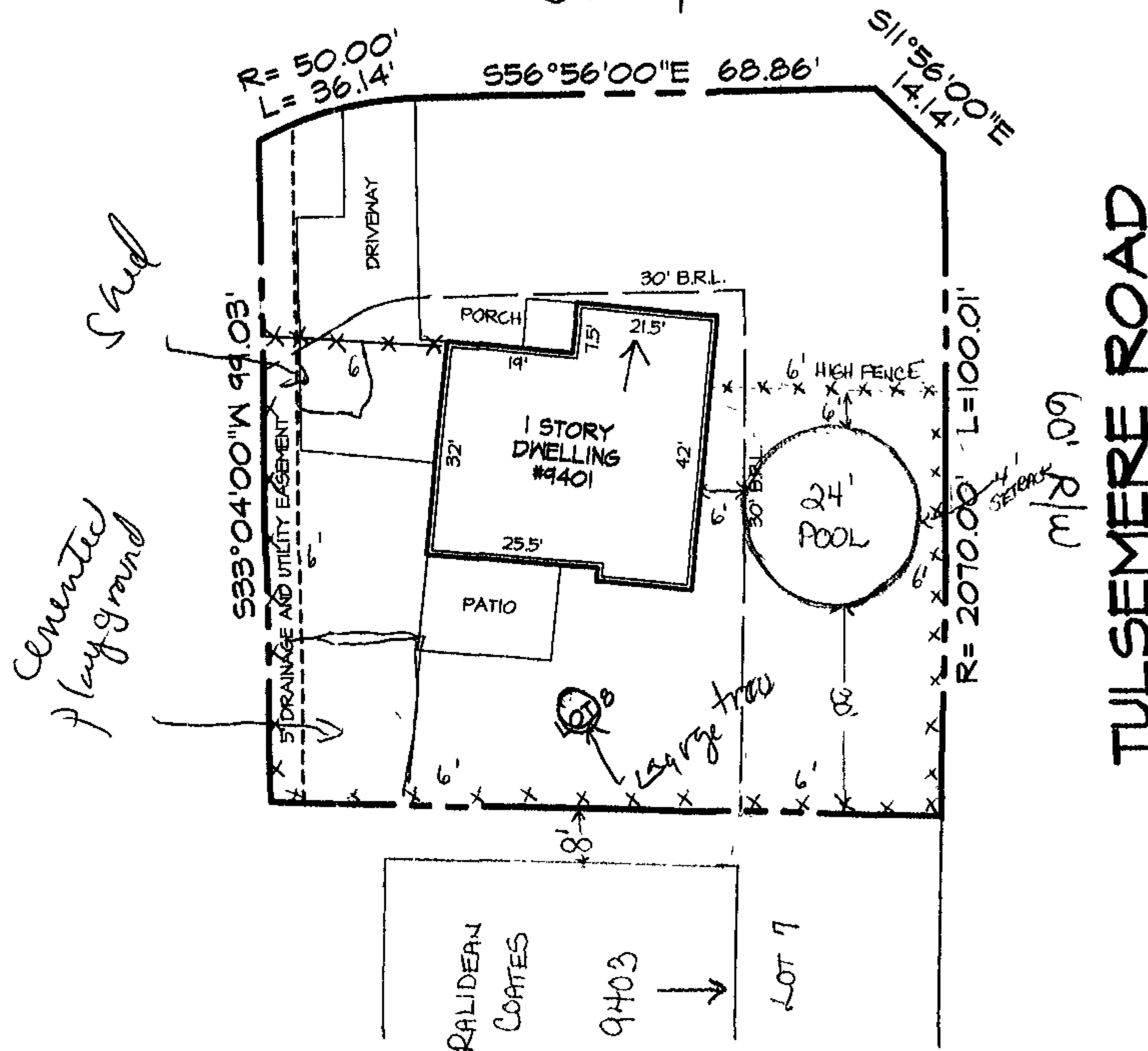
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME PIKESWOOD

PLAT BOOK # 32 FOLIO # 120 LOT # 8 SECTION # 3

OWNER DANIELLA STANLEY

EDWAY COURT
50' R/W



LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 4

1" = 200' SCALE MAP # 017A1

ZONING DR. 3.5

LOT SIZE 10,300
ACREAGE 0.235 SQUARE FEET

PUBLIC ☒ PRIVATE ☐

SEWER ☒

WATER ☒

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN YES ☐ NO ☒

HISTORIC PROPERTY/BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY D.T. ITEM # 167 CASE # 06-167-48

PREPARED BY DANIELLA STANLEY

SCALE OF DRAWING: 1" = 30'