

IN RE: PETITION FOR VARIANCE

NW corner of Wentworth Avenue and
Oakleigh Road
(7700 Oakleigh Road)
9th Election District
5th Councilmanic District

Allen Kelley
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* OF BALTIMORE COUNTY
* **Case No. 07-501-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the above-captioned property, Allen Kelley. Petitioner requests variance relief from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a fence with a height of 60 inches in lieu of the required 42 inches. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 2. In addition, a photograph which was marked and accepted into evidence as Protestant's Exhibit 2D showed the height of the fence to be 75 inches, not 60 inches. Therefore, for the record and without objection, I will allow the Petition for Variance to be amended from a requested fence height of 60 inches to a requested fence height of 75 inches.

Appearing at the requisite public hearing in support of the request was Petitioner Allen Kelley. Also appearing as an interested citizen was the adjacent neighbor, Wilbur Easton, of 1758 Wentworth Avenue.

It should be noted at the outset that the property is the subject of an active violation case (Case No. 07-1346) with the Division of Code Inspections and Enforcement stemming from the height of the fence. Petitioner filed for a determination by this Commission of whether variance relief from the required 42 inch fence height should be approved.

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[Signature]

The fact that a violation case exists is plainly not relevant to the decision on this Petition. On the one hand, Petitioner certainly cannot use the fact that the fence structure has been erected and been in use at its present height for a period of time to set a precedent in order to allow that use to continue. Nor does the fact that the discontinued use may result in a financial cost to Petitioner come into consideration of the zoning case, since this condition may have been self-imposed. Moreover, the fact that a particular use may be occurring, which on its face could violate the regulations and is the subject of an active Code Enforcement case will not be held against Petitioner, and is not taken into consideration in deciding this case.

Testimony and evidence presented disclosed that the subject property is a rectangular-shaped parcel approximately 90 feet wide and approximately 125 feet deep and contains a gross area of 11,250 square feet, zoned D.R.5.5, and located in the Parkville area of Baltimore County. Petitioner does not reside at the location, but owns the property which is used as an assisted living facility. Petitioner submitted his two-year license to operate an assisted living facility issued by the Maryland Department of Health and Mental Hygiene dated July 14, 2006, which was marked and accepted into evidence as Petitioner's Exhibit 1. Petitioner also submitted an aerial photograph of the immediate area, which was marked and accepted into evidence as Petitioner's Exhibit 3.

Petitioner explained that the assisted living facility is situated at the corner of Oakleigh Road and Wentworth Avenue. It fronts Oakleigh Avenue and has a driveway entrance on the Wentworth Avenue side. The facility is a two-story dwelling approximately 25 feet wide and 52 feet long. It houses 10 mostly elderly, somewhat frail residents. In the summer of 2005, Petitioner erected the instant fence along the area on his property adjacent to the immediate neighbor at 1758 Wentworth Avenue, Mr. Easton, as shown on Petitioner's Exhibit 2. The fence is a closed white vinyl fence approximately 75 inches high that stretches from the edge of the

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128

two properties to the south, all the way across to the edge of another adjacent property located at 7708 Oakleigh Road to the north. There is an approximately 10 to 15 foot gap in the middle of the fence where there are several tall trees and shrubs.

Petitioner indicated that the subject fence was erected out of concern for the safety and well-being of the assisted living residents. At the time the fence was erected, the adjacent neighbor, Mr. Easton, had a number of large Doberman pinscher dogs, and although no adverse incidents involving the dogs and the residents had occurred to that point, Petitioner had been informed by the facility manager that the dogs' presence and their barking alarmed the residents and made them uncomfortable. Petitioner also wanted to give the residents more privacy from the neighboring dogs and any other distractions, including traffic from the road. In sum, Petitioner viewed the necessity of the fence as a safety and liability issue on behalf of the assisted living facility residents. Petitioner also indicated that he had discussed the fence issue briefly with Mr. Easton and offered to lower a portion of the fence to the requisite 42 inches for the first 16 feet of the fence between their two properties, in order to give better visibility for incoming and outgoing vehicles.

Testimony and evidence also disclosed that Mr. Easton's property is surrounded by a chain link fence approximately three to four feet high. Where the chain link fence runs along the same side as the white vinyl fence, there is a gap between the two fences of approximately one foot. Though Mr. Easton is not opposed to Petitioner's fence, he did indicate particular dissatisfaction with the fact that grass and weeds grow uncontrollably between the two fences, and that the area is not easily maintained. He also pointed out the inconsistency between Petitioner's stated need for the fence for the safety of the assisted living residents, yet allowing a gap in the fence where there are trees and shrubs between the properties. Mr. Easton indicated that he currently owns three Dobermans with kennels for the dogs. The dogs are very well

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behaved and contained. These kennels consist of an eight-foot high chain link fence in the backyard, which is furthest away from where the elderly residents congregate when they are outside the assisted living facility.

Mr. Easton also pointed out two other issues of concern. The first was his initial problems with the manager of the assisted living facility, "Linda." He stated that when he would attempt to cut back the grass and weeds from between his chain link fence and the subject fence, "Linda" would be "difficult to deal with" and would not allow him to do so, since that area was on the property of 7700 Oakleigh Road. Mr. Easton stated that Petitioner has intervened in the situation and corrected the "communication problem" that existed between the parties on that and other issues. The second issue is the deficiencies in the fence structure itself. Mr. Easton submitted photographs of the fence and the area between the two properties, which were marked and accepted into evidence as Protestant's Exhibit 2A - 2T. These photographs showed gaps in the vinyl planks of the fence, as well as areas where it was obvious that the fence posts were not anchored in the ground sufficient to properly keep the fence level, plumb and upright. In short, there were areas where the fence "leaned" toward Petitioner's property. It was also evident from these photographs that the 75 inch height of the fence nearest to the road at Wentworth Avenue presented possible sight-line problems for incoming and outgoing vehicles, as well as aesthetic concerns.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. ZAC comments from the Office of Planning dated May 29, 2007 indicate that the Office visited the site and made an assessment of the existing conditions and does not oppose Petitioner's variance request. The Office of Planning agreed with Petitioner that a privacy type fence is most appropriate for this site as the existing use is an assisted living facility, and a privacy-type fence would provide an additional measure of safety for the facility's clients.

Based on the testimony and evidence, I find that special circumstances or conditions exist that are peculiar to the land or structure which is subject to the variance request. Considering the allowable use of the property as an assisted living facility, the location of the facility at the corner of Oakleigh Road and Wentworth Avenue, and taking into account the safety and well-being of the residents, I have no doubt that a fence such as the one at issue is helpful to giving privacy and comfort to the residents. These are the kind of peculiar circumstances that make the regulations impact this property disproportionately compared to others in the district. Therefore I find the property unique in a zoning sense. It also appears that, but for some concerns over the appearance and structural integrity of the fence which will be addressed later in this Order, the adjacent neighbors and owners of the Dobermans -- the Easton's -- do not generally object to the presence of the fence or its height.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship, and would essentially negate the benefit to the assisted living residents of having a taller privacy fence. Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such a manner as to grant relief without injury to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance request should be granted with restrictions.

THEREFORE, IT IS ORDERED, this 6th day of August, 2007 by this Deputy Zoning Commissioner, that Petitioner's variance request from Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a fence with a height of 75 inches in lieu of the required 42 inches is hereby GRANTED, subject to the following:

ORDER RECEIVED FOR FILING
8-6-07
PZ

1. Petitioner may act in reliance on this Order upon receipt; however, Petitioner is hereby made aware that proceeding in any fashion at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. Within one hundred twenty (120) days of this Order, Petitioner shall hire a licensed contractor or installer to remove the first four paneled "sections" of the fence where it begins in front of Wentworth Avenue, and replace those sections with sections that will satisfy the 42 inch height requirement.
3. Within one hundred twenty (120) days of this Order, Petitioner shall erect fence panel sections where there is currently a gap in the fence where shrubs and trees are presently located between the subject property and the Easton's property (See, Protestant's Exhibit 2E).
4. Within one hundred twenty (120) days of this Order, Petitioner shall have a licensed contractor or installer inspect the remaining sections of the fence and take whatever steps are necessary to ensure that the fence posts and the fence panels are properly and sufficiently installed and anchored according to the fence manufacturer's instructions and any applicable building codes, to adequately withstand normal wear and tear and wind and other adverse weather conditions.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

ORDER RECEIVED FOR FILING
8-6-07
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Petition for Variance

to the **Zoning Commissioner of Baltimore County**
for the property located at 7700 Oakleigh Rd, Parkville 21234
which is presently zoned 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 allow a fence with a height of 60" in lieu of the required 42"

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

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

5323 Sweet Air Rd. 410-592-2711
Address Telephone No.

Baldwin Md. 21013
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

OFFICE USE ONLY

Case No. 07-501-A

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

REV 9/15/98

Reviewed By 8601

Date 5/3/07

Zoning Description

Zoning Description for

Address: 7700 Oakleigh Rd. Parkville, Md. 21234.

This property is located on the N-W corner of Oakleigh Rd. and Wentworth Ave.

The front of the property faces Oakleigh Rd, the South end of the property faces Wentworth Rd.

The property dimensions are 145' N-S by 88' E-W,

The lot of record is number 255-259 in the Subdivision of Hillendale Park,

Baltimore County Plat Book * 5, Folio * 42,

Containing 15,950 sq. ft.,

Subject address: 7700 Oakleigh Rd, Parkville, 21234.

Located in the 4th Election District,
9th Councilmatic District.

Owner: Allen Kelley

Allen Kelley

5323 Sweet Air Rd, Baldwin, Md. 21013

Home/Office 410-592-2711

#501

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/neighbor 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 07-501-A

Petitioner Allen Kelley

Address or Location 7700 Oakleigh Rd

PLEASE FORWARD ADVERTISING BILL TO

Name Allen Kelley

Address 5323 Sweet Air Rd.
Baldwin, Md. 21013

Telephone Number 410-592-2711

**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: # 07-501-A
7700 Oakleigh Road
N/west corner of
Wentworth Avenue and
Oakleigh Road
9th Election District
5th Councilmanic District
Legal Owner(s): Allen
Kelley

Variance: to allow a fence with a height of 60 inches in lieu of the required 42 inches.

Hearing: Monday, July 23, 2007 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley 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) 887-3868.

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

7/016 July 5 140842

CERTIFICATE OF PUBLICATION

7/5/, 2007

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 7/5/, 2007.

☒ 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. 25035

DATE 5-3-07 ACCOUNT 001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: Allen Kelly
7700 Oakleigh Rd. ITEM# 501
P-4444 Air Quinore

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME FROM
5/13/2007 5/03/2007 11:34:37 2
REG MADE MAIL JENNA JEE
RECEIPT # 515901 5/03/2007 OFFIN
Dept. 5 528 200000 IDENTIFICATION
CA NO. 025035

Receipt # 01
665.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 07-501-A

Petitioner/Developer: ALLEN
KELLEY

Date Of Hearing/Closing: 7/23/07

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 7700 DAKLEIGH RD

This sign(s) were posted on July 7, 2007
(Month, Day, Year)

Sincerely,

Martin Ogle 7/7/07
(Signature of sign Poster and Date)

Martin Ogle

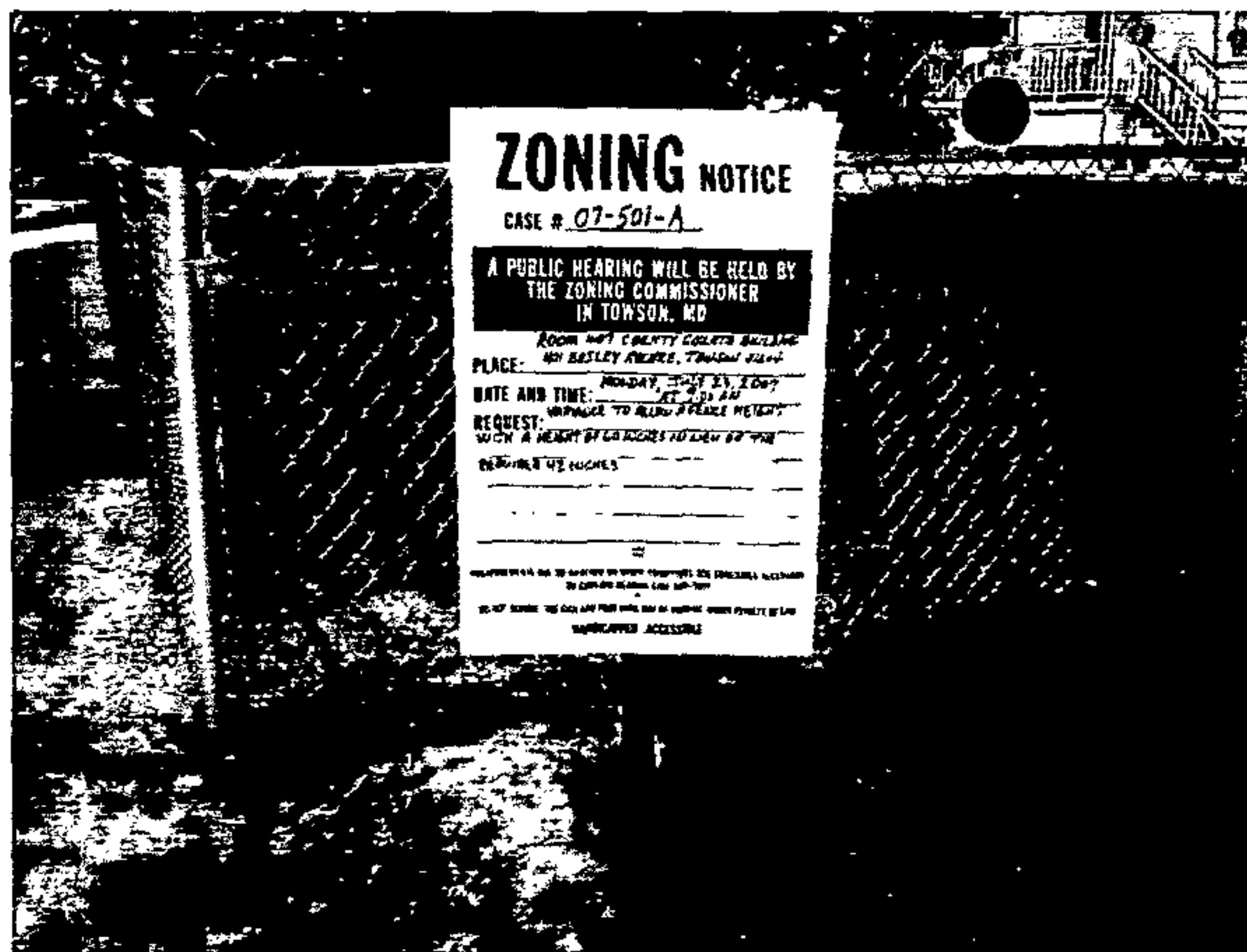
Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)



Martin Ogle 7/7/07



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JUNE 8, 2007
TIMOTHY KOTROCO, Director
Department of Permits and
Development Management

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: 07-501-A

7700 Oakleigh Road

N/west corner of Wentworth Avenue and Oakleigh Road

9th Election District – 5th Councilmanic District

Legal Owners: Allen Kelley

Variance to allow a fence with a height of 60 inches in lieu of the required 42 inches.

Hearing: Monday, July 23, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Timothy Kotroco", written over a faint, circular official stamp.

Timothy Kotroco
Director

TK:klm

C: Allen Kelley, 5323 Sweet Air Road, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JULY 7, 2007.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 5, 2007 Issue - Jeffersonian

Please forward billing to:

Allen Kelley
5323 Sweet Air Road
Baldwin, MD 21013

410-592-2711

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: 07-501-A

7700 Oakleigh Road

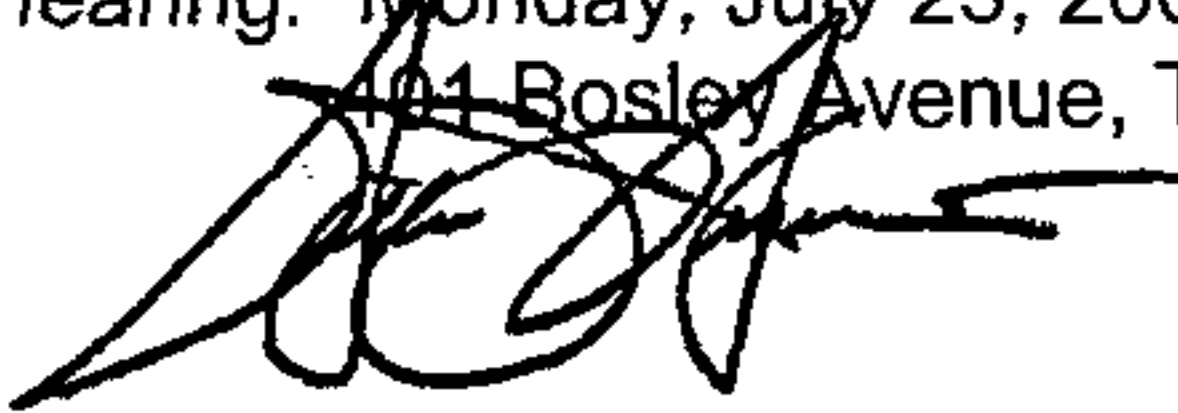
N/west corner of Wentworth Avenue and Oakleigh Road

9th Election District – 5th Councilmanic District

Legal Owners: Allen Kelley

Variance to allow a fence with a height of 60 inches in lieu of the required 42 inches.

Hearing: Monday, July 23, 2007 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 6, 2007

ALLEN KELLEY
5323 SWEET AIR ROAD
BALDWIN MD 21013

Re: Petition for Variance
Case No. 07-501-A
Property: 7700 Oakleigh Road

Dear Mr. Kelley:

Enclosed please find the decision rendered in the above-captioned case.

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 dark ink, appearing to read "J. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Wilbur Easton, 1758 Wentworth Avenue, Parkville MD 21234

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: May 29, 2007

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

SUBJECT: 7700 Oakleigh Road

INFORMATION:

Item Number: 7-501

Petitioner: Allen Kelley

Zoning: DR 5.5

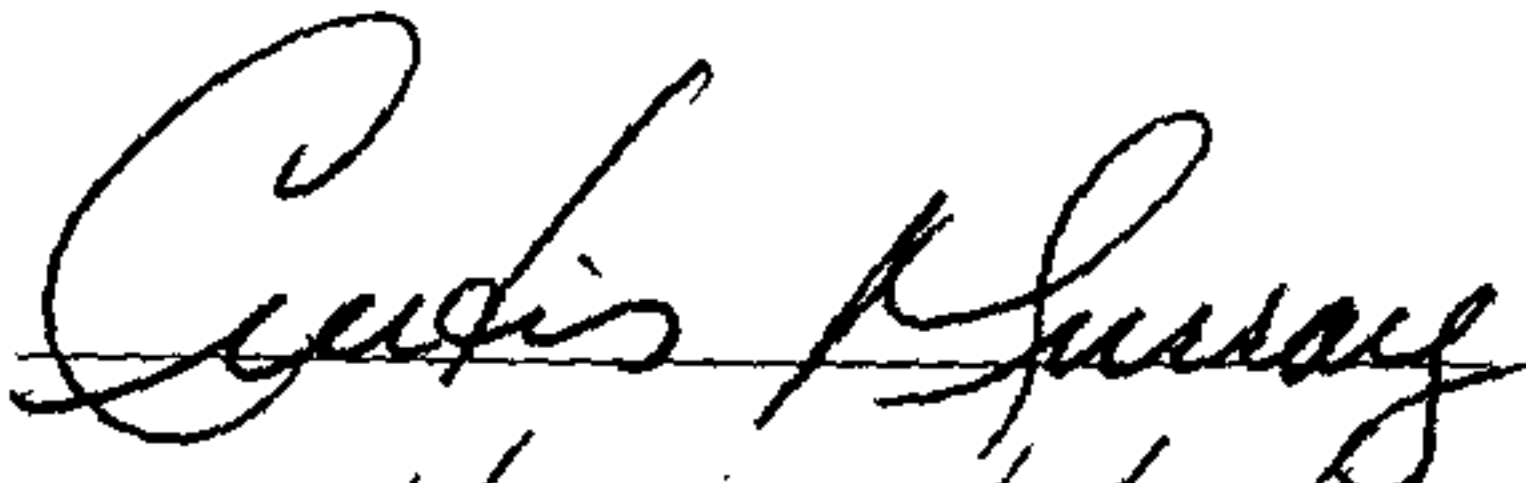
Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

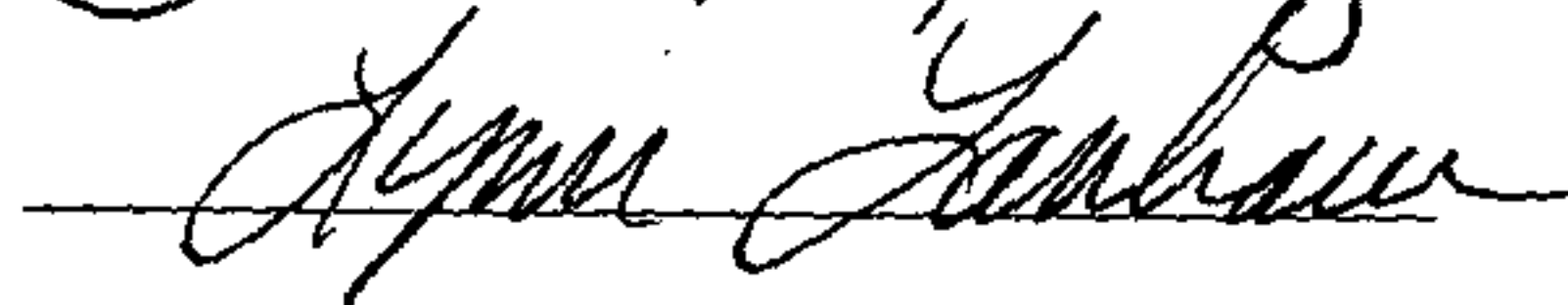
The Office of Planning has reviewed the petitioner's request and accompanying site plan. After visiting the subject site and taking an assessment of the existing conditions, this Office does not oppose the petitioner's request. It would appear that a privacy type fence is most appropriate for this site as the existing use is an assisted living facility and a privacy type fence would provide an additional measure of safety for the facility's clients.

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

Reviewed by:



Division Chief:
AFK/LL: CM





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

July 17, 2007

Allen Kelley
5323 Sweet Air Road
Baldwin, MD 21013

Dear Mr. Kelley:

RE: Case Number: 07-501-A, 7700 Oakleigh Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 3, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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:amf

Enclosures

c: People's Counsel



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: MAY 15, 2007

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

RE: Baltimore County
Item No. 7-501-A
7700 OAKLEIGH ROAD
ALLEN KELLEY PROPERTY
VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For ¹ Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: May 21, 2007

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 21, 2007
Item Nos. 07-224, 500, 501, 502, 503,
504, 505, 506, 507, 508, 509, 510, and 511

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS- 05212007.doc

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

May 18, 2007

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 7, 2007

501

Item Number: 500 through 511

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.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



Printed on Recycled Paper

RE: PETITION FOR VARIANCE * BEFORE THE
7700 Oakleigh Road; NW corner Wentworth *
Avenue & Oakleigh Road * ZONING COMMISSIONER
9th Election & 5th Councilmanic Districts *
Legal Owner(s): Allen Kelley * FOR
Petitioner(s) * BALTIMORE COUNTY
* 07-501-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 documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of May, 2007, a copy of the foregoing Entry of Appearance was mailed Allen Kelley, 5323 Sweet Air Road, Baldwin, MD 21013, Petitioner(s).

RECEIVED

MAY 18 2007

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Case Entry/Update

Mode . . . : CHANGE

Format . . . : CASREC

File . . . : PDLV0001

Dt Rec: 2222007 Intake: JHT/CP Act: _____ Case #: 07-1346Insp: GRIFFIN Insp Grp: ENF Insp Area: 9 Tax Acct: 1700010424Address: 7700 OAKLEIGH RD Apt #: _____ Zip: 21234Owner: A CARING PLACE, T/A OAKEIGH HOUSE

Problem Descript.: 7 FT FENCE ERECTED IN FRONT YARD; 2ND COMPL - TG&W, COMPL -
CAROL EASTON, 1758 WENTWORTH RD, 410 292-1545

Complainant Name (Last): WILBUR (First): EASTONComplainant Addr: 1758 WENTWORTH AVEComplainant City: BALTIMORE State: MD Zip: 21234Complainant Phone (H): 4107331718 (W): _____Date of Reinspection: 5242007 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: ***2/23/07, NOTICE ISSUED FOR 7 FT FENCE IN FRONT YARD, P/U 3/15/07,
AWG/CP***
***3/16/07, HAS A PERMIT FOR THE FENCE, #R659461, COMPL UPDATED BY VOICE MESSAGE
CLOSE, AWG/CP***
***4/13/07 REOPEN - ILLEGAL FENCE CONSTRUCTION W/PERMIT. REAR OF 7700 MEET FRONT
OF 1758 WENTWORTH AVE. FENCE NEEDS TO BE SET BACK 10FT FROM PROPERTY LINE OR
CUT DOWN TO 42" FROM FRONT OF 1758 WENTWORTH AVE, CODE 427 FENCE CODE, COMPL
SAME CELL #410-292-1545 MSK/LMH****
5/7/07, 2ND COMPL - TG&W, NJW/CP
***5/17/07, UPDATE, NOTICE ISSUED FOR TGW BETWEEN THE FENCE. SPOKE WITH OWNER OF
THE PROPERTY ON 5/15/07, P/U 5/24/07. AG/MK***
7/9/07 ON DOCKET FOR 7/25/07 PER A GRIFFIN /JF.

F3=Exit

F5=Refresh

F6=Select format

F9=Insert

F10=Entry

F11=Change

Section 427 , Fences [Bill Nos. 111-1986; 137-2004; 65-2005 ^{EN}]

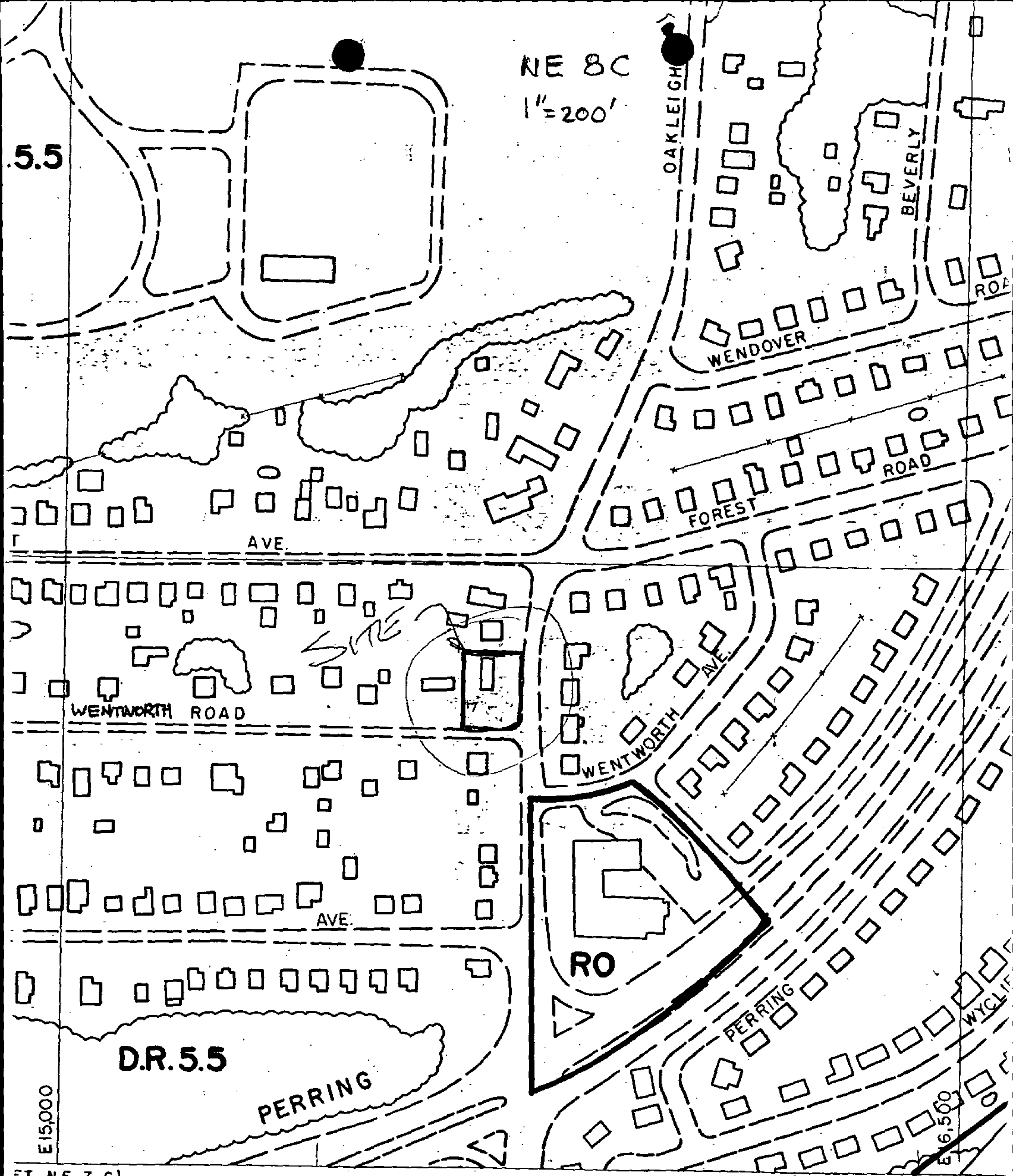
A. Notwithstanding any other provisions of this Code or the Baltimore County Code, in a D.R. or R.C. 5 Zone located in a historic district, the maximum height of a residential occupancy fence is 42 inches if the fence is erected in the side yard of a lot that adjoins a public road.

B.

1. 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.
2. The fence may not exceed 42 inches in height if situated within 10 feet of the adjoining front yard property line.
3. Any person may request a variance from the requirements of this subsection.

C. Applicability.

1. Subsection B of this section does not apply to a fence required by § 13-6-101 of the Baltimore County Code, as revised, to be constructed in order to screen a swimming pool.



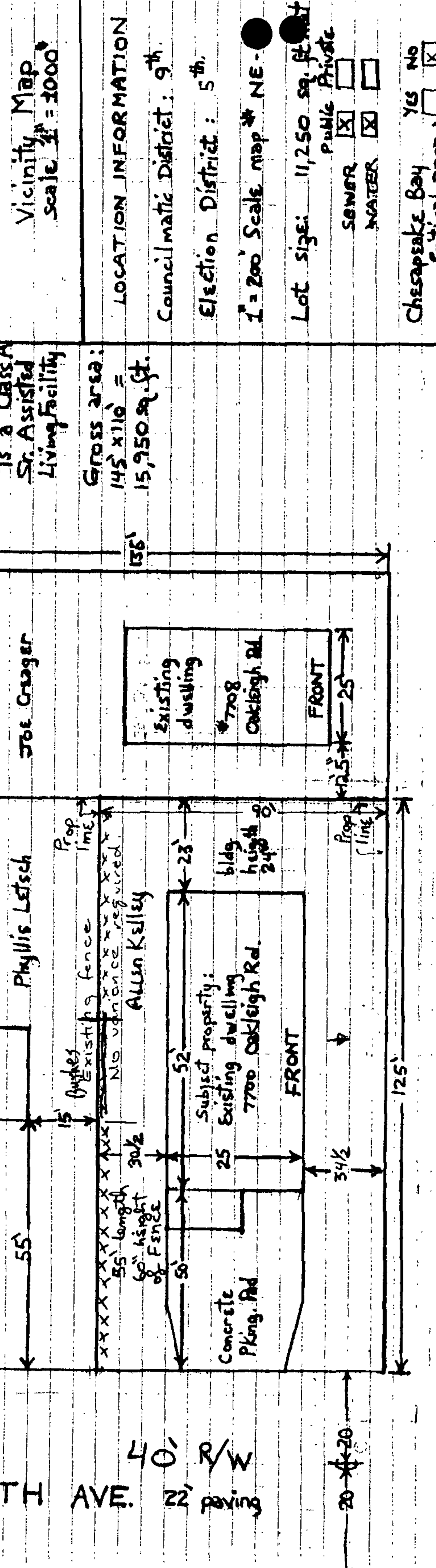
ET NE 7-C)

RE COUNTY VNING AND ZONING

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 7700 Oakleigh Rd. Parkville, Md. 21234
Subdivision name: Hillendale Park
Plat book # WBJ 12 Folio # 12 Lots 255-259 Owner - A Caring Place Inc. T/A Oakleigh House

Mailing address: Allen K Kelley
5323 Sweet Air Rd.
Baldwin, Md. 21013
410-592-2711



WENTWORTH AVE. 40' R/W 22' PAVING
OAKLEIGH ROAD
Scale 1" = 20'

PETITIONER'S
EXHIBIT NO. 2

Notes:
Current use of property is a Class A Sr. Assisted Living Facility

Gross area: 145' x 110' = 15,950 sq. ft.

Existing dwelling 7708 Oakleigh Rd. FRONT 25'

Subject property: Existing dwelling 7700 Oakleigh Rd. FRONT 25'

Concrete Pking. Ad. 34 1/2'

55' length 30 1/2' height of fence

Phyllis Letsch Allen Kelley

Joe Crager

site 2

Wentworth Ave.

Wycliffe Ave.

Perring Park

Vicinity Map scale 1" = 1000'

LOCATION INFORMATION

Councilmatic District: 9th

Election District: 5th

1" = 200' Scale map NE

Lot size: 11,250 sq. ft. Public Private

SEWER ☒ WATER ☒

Chesapeake Bay Critical area: ☐ YES ☒ NO

Prior Zoning Hearings: 98-143594

Zoning Office USE ONLY: reviewed by ITEM # CASE #

501 07-501-A



Copyright (C) 2005 Baltimore County, Maryland

Oakleigh Rd.

Wentworth Ave.

080C1
OR 6.5

PETITIONER'S

EXHIBIT NO.

3

#501

PROPERTY ADDRESS: 7700 Oakleigh Rd. Parkville, Md. 21234
Subdivision name: Hillendale Park
Plat book: WBS 12 Folio #12 Lots 255-259

Owner: A-Caring Place Inc. 7A Oak

Mailing address: Allen K Kelley

8323 Sweet Air R.
Baltimore, Md 21013
410-592-2711

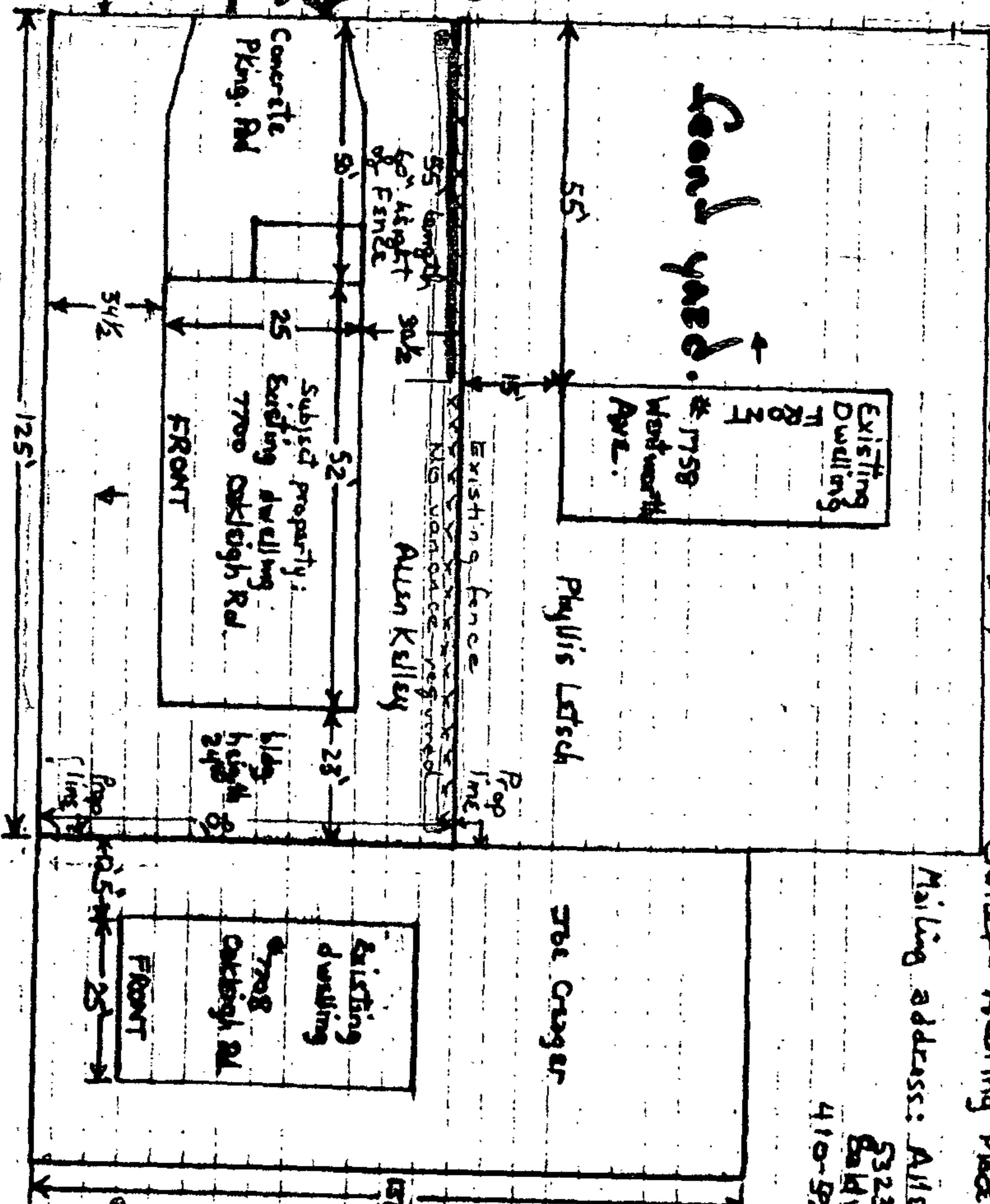
Note:

Current use of
Property is a 1.
St. Assi
Living Rm

GROSS: 143' x 116'
15,950 sq ft

Chain fence

Aluminum fence

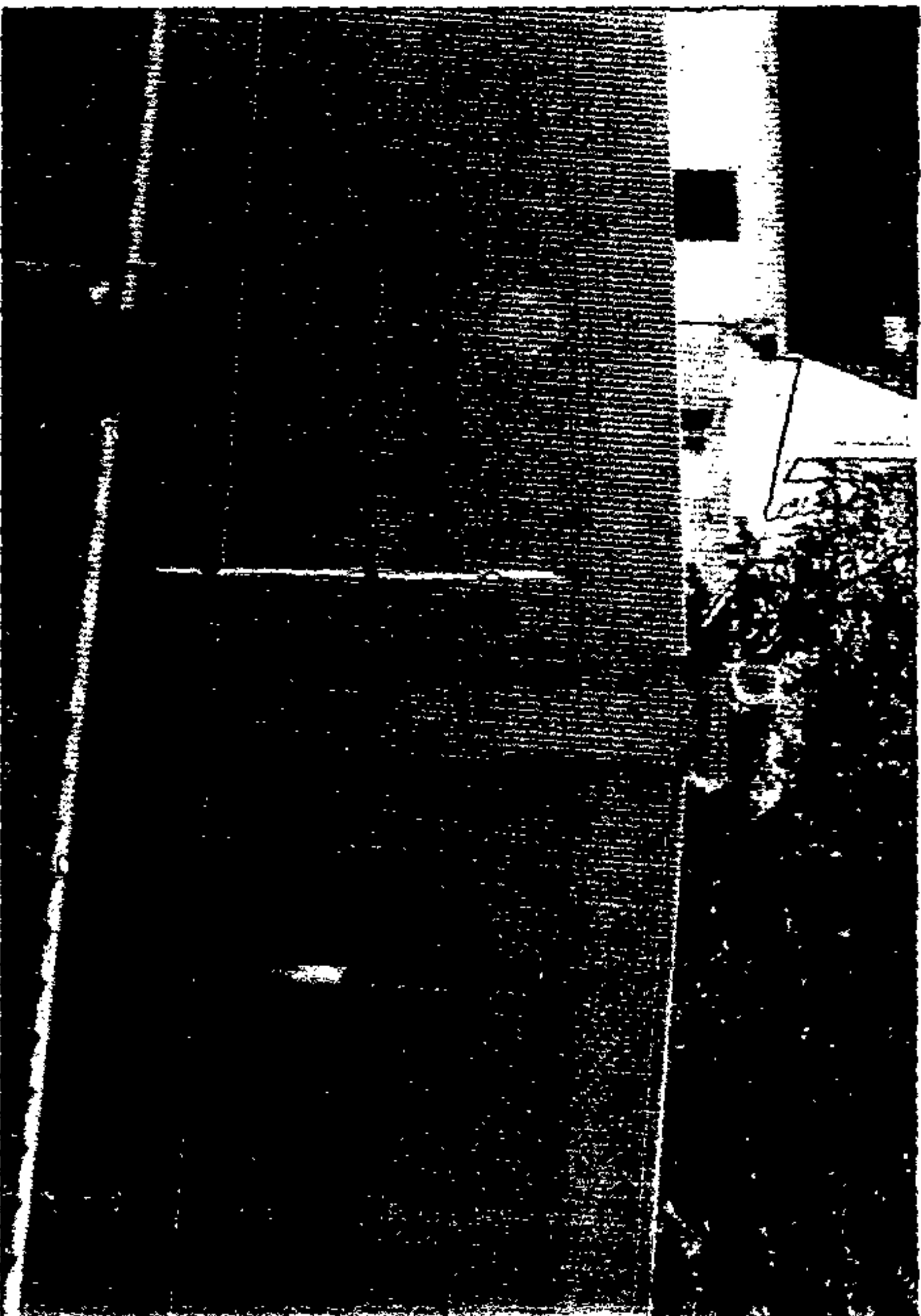


40' R/W
30' Paving

OAKLEIGH ROAD

Scale 1" = 20'

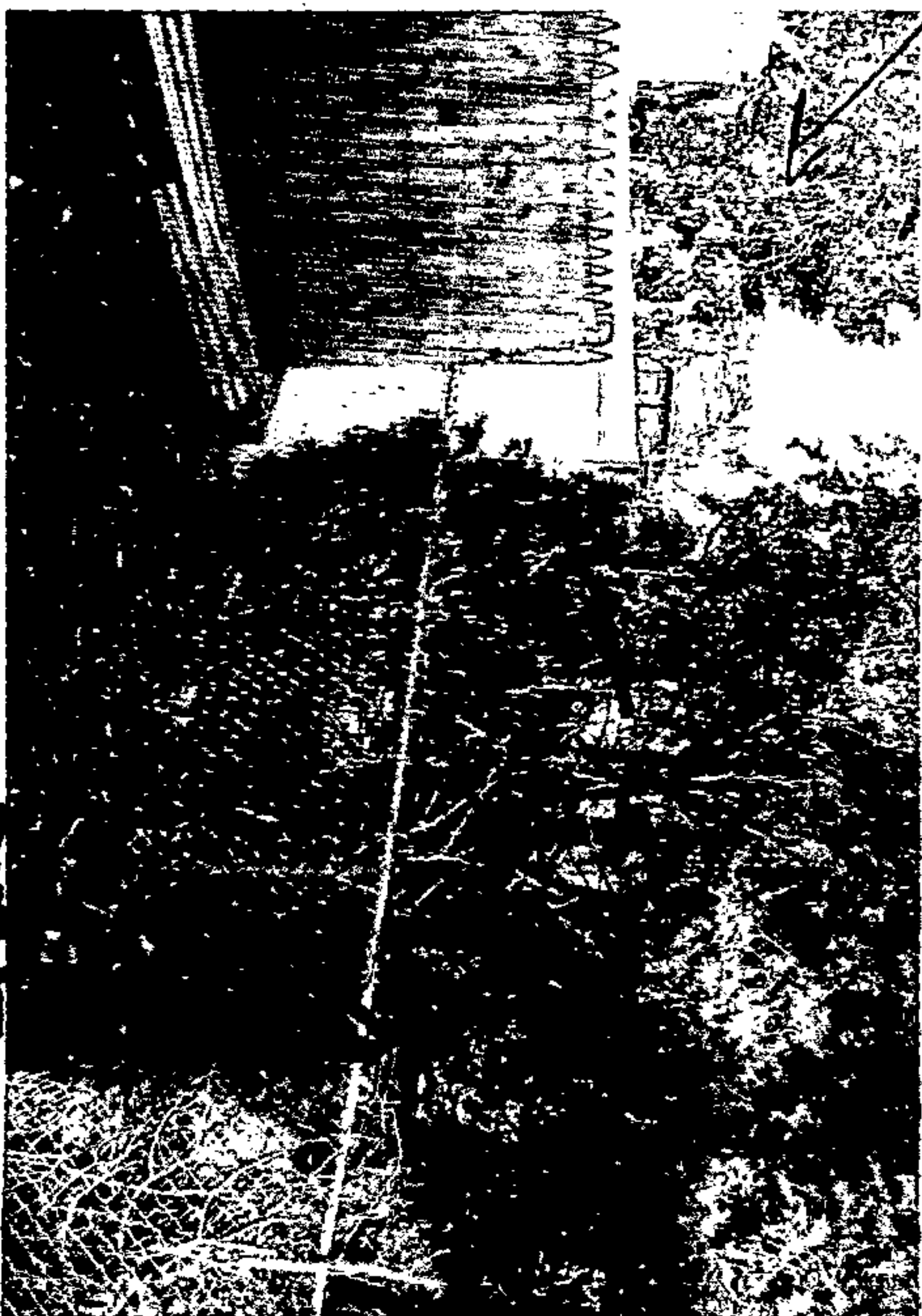
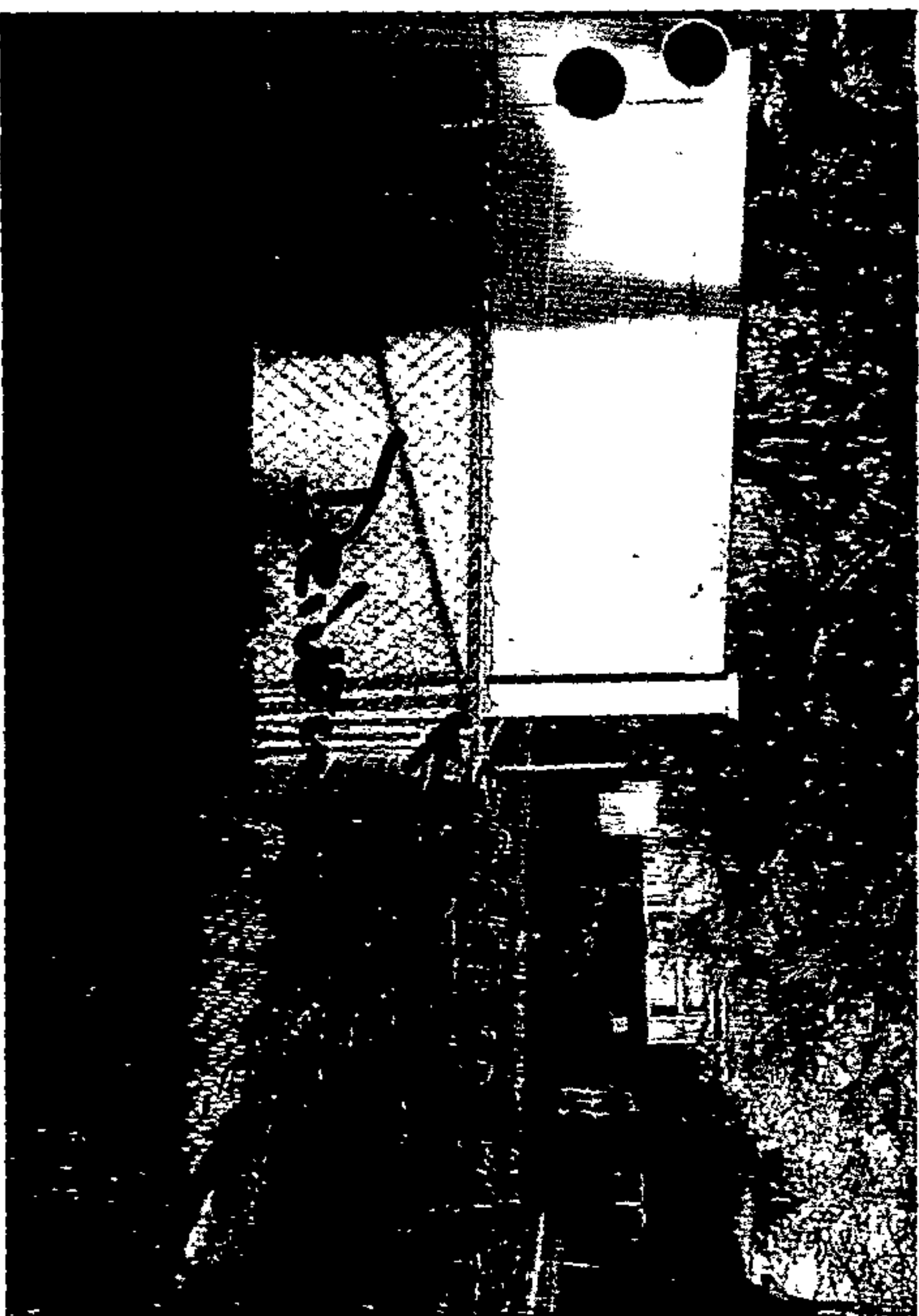
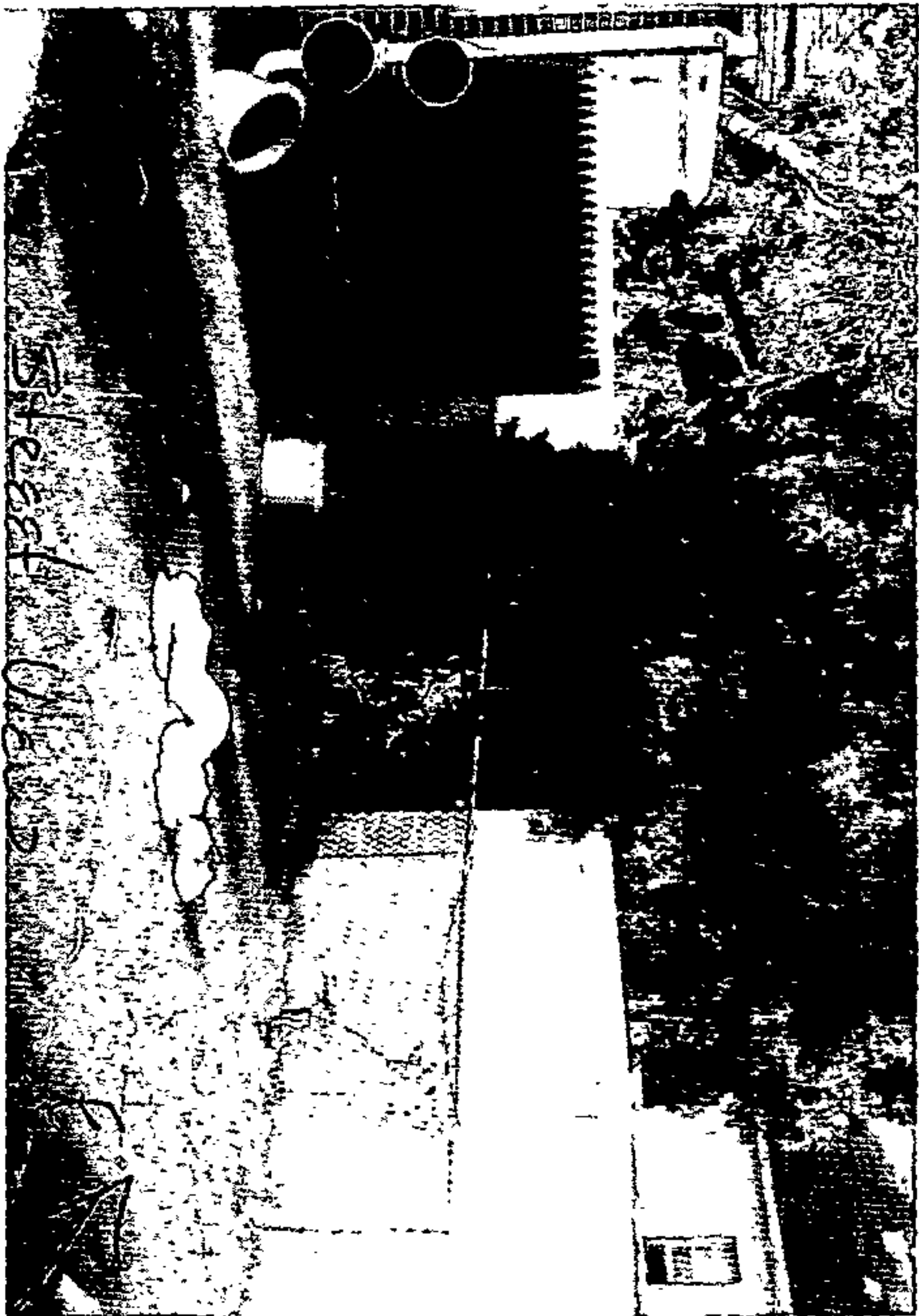
PROTESTANT'S
EXHIBIT NO. 1



Street View

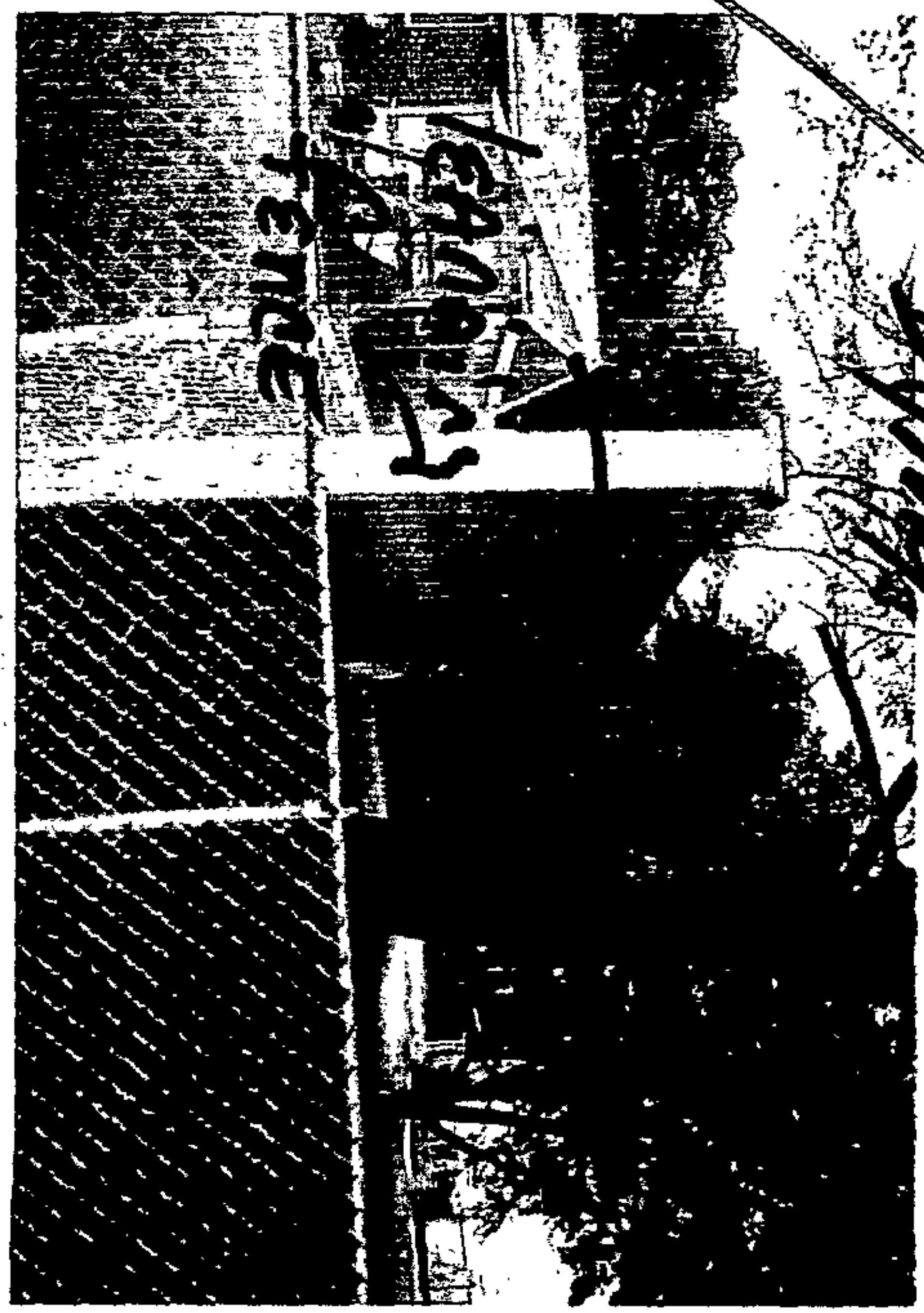
PROTESTANT'S
EXHIBIT NO. 2

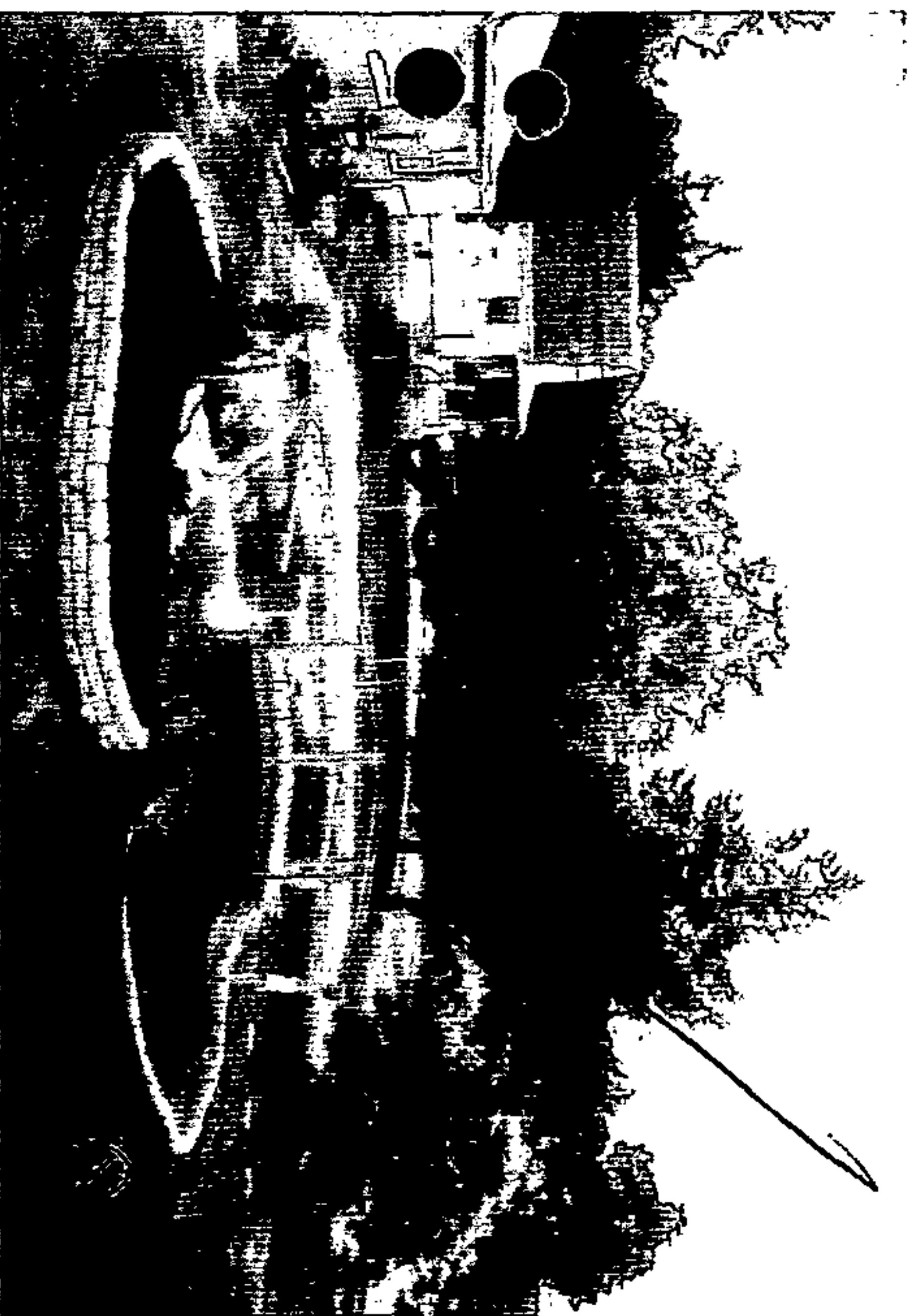
It's not



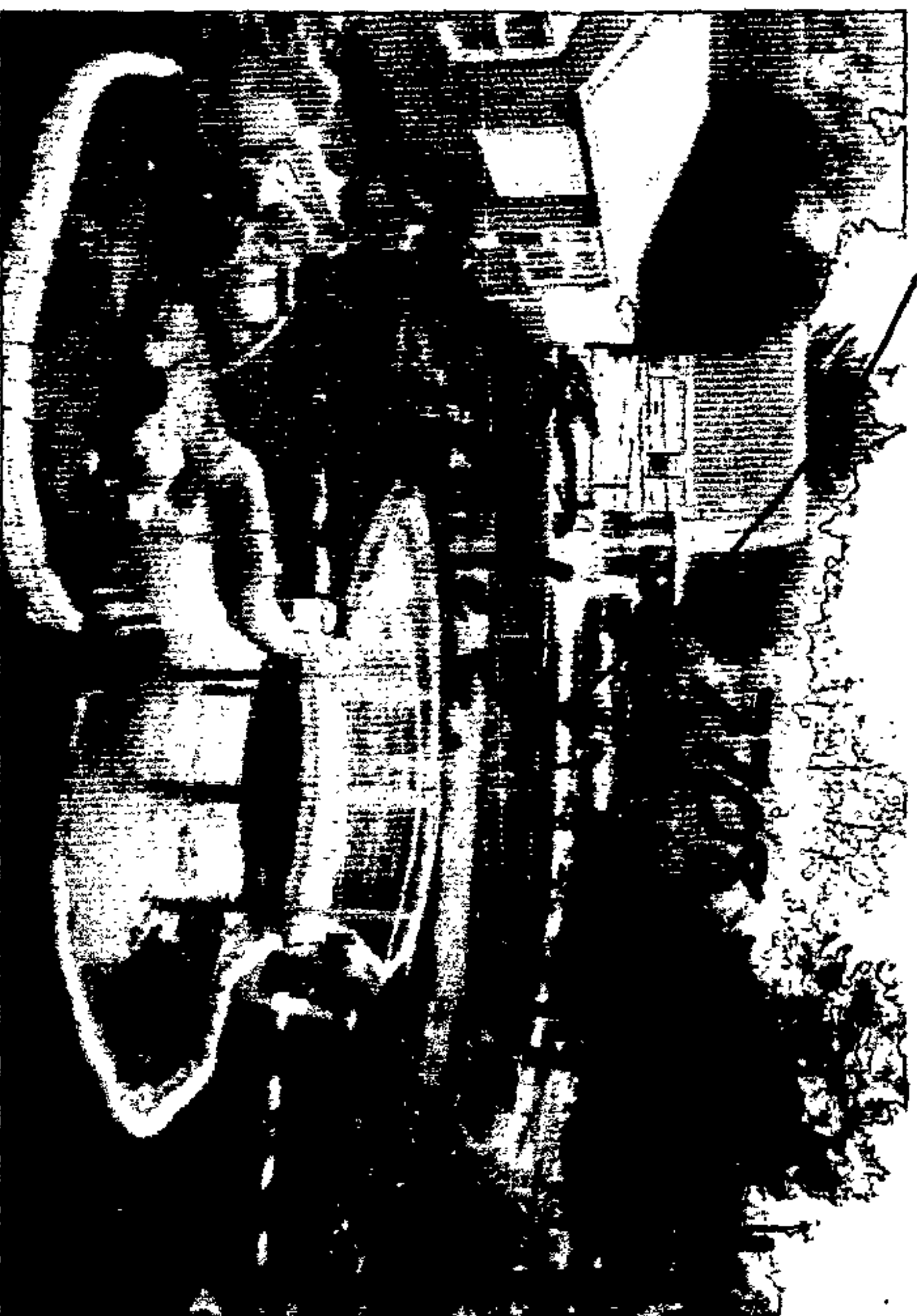


After spray

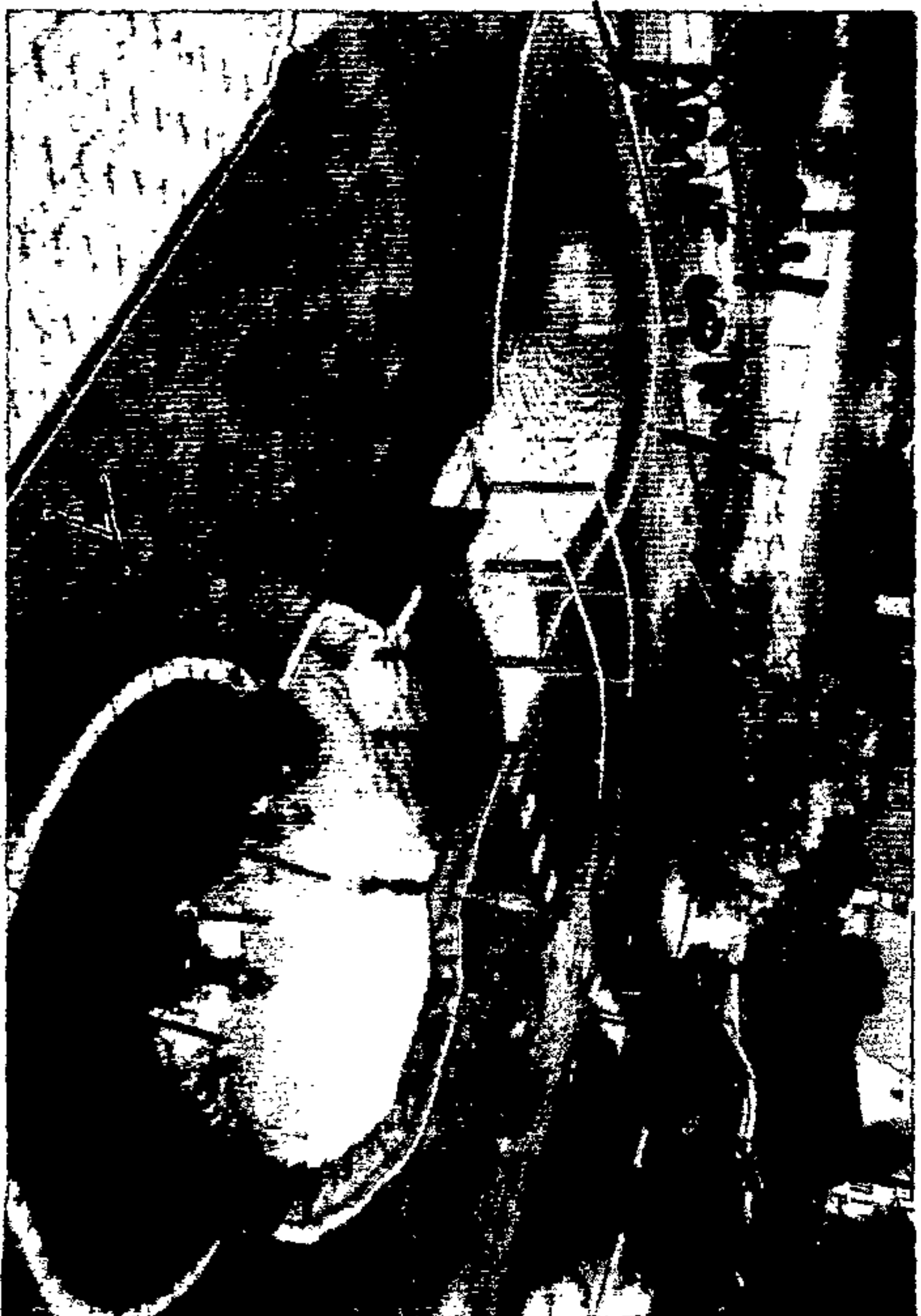




NO FENCE



back



DATE _____

PETITIONER'S SIGN-IN SHEET

[illegible]

DATE

E-MAIL

Раквилл и. 21234

[illegible]

Case No.:

07-501-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Assisted Living DHHH License	Marked Copy of Site Plan UP
No. 2	Site Plan	2A-T - Photographs of Area Showing Fences, etc.
No. 3	Aerial Photograph	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



STATE OF MARYLAND
DEPARTMENT OF HEALTH AND MENTAL HYGIENE
OFFICE OF HEALTH CARE QUALITY

SPRING GROVE CENTER
BLAND BRYANT BUILDING
55 WADE AVENUE
CATONSVILLE, MARYLAND 21228

License No. 03AL578

Registration No. 16204

Issued to:

A CARING PLACE, INC.
T/A A CARING PLACE - OAKLEIGH HOUSE
7700 OAKLEIGH ROAD
PARKVILLE, MD 21234

Type of Facility or Community Program:
Assisted Living

Number of Beds:
10

Level of Care:
3

TWO YEAR LICENSE

Date Issued: July 14, 2006

Expiration Date: July 13, 2008

Waivers:

Renewal License - Replaces License #13940

Authority to operate in this State is granted to the above entity pursuant to The Health-General Article, Title 19 § 1801, et. seq., Annotated Code of Maryland, including all applicable rules and regulations promulgated thereunder. This document is not transferable.


Director

Falsification of a license shall subject the perpetrator to criminal prosecution and the imposition of civil fines.

*License mailed 7-13-06***PETITIONER'S**EXHIBIT NO. 1