

IN RE: PETITION FOR ADMIN. VARIANCE

SW corner of Upland Road and
Woodside Road
3rd Election District
2nd Councilmanic District
(401 Upland Road)

Faith A. Person
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* Case No. 2009-0245-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Faith A. Person, for property located at 401 Upland Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (detached inground pool/decking) to be located partially in the front and side yards in lieu of the required rear yard only, in the third of the lot furthest removed from any street, and to permit a residential occupancy fence to be erected in the side yard of a lot which adjoins the front yard of another with a fence height of 72 inches (6 feet) in lieu of the maximum height of 42 inches. The subject property and requested relief are more particularly described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

On May 12, 2009, the Undersigned called for a formal hearing on this matter to resolve issues between Petitioner, the Office of Planning, and the Sudbrook Park Improvement Association, Inc. The hearing was subsequently scheduled for Monday, June 15, 2009 at 2:00 PM in Room 104 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. In addition, a sign was posted at the property and an advertisement was published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.

~~RECEIVED FOR FILING~~
6-30-09


Appearing at the public hearing in support of the variance requests was Petitioner Faith A. Person and her attorney, Georgia H. Goslee, Esquire. Also appearing in support of the requested relief was Gary Sipes with Maryland Pools, Inc., the company retained by Petitioner to design and construct the proposed pool and appurtenances. There were no Protestants or other interested persons in attendance at the hearing, though the undersigned did receive a letter from Sudbrook Park, Inc. dated June 11, 2009 indicating they were not opposed to Petitioner's plans, subject to certain conditions that will be expounded on further in this Order.

Testimony and evidence received in the case came by way of a proffer from Petitioner's attorney, Ms. Goslee, and revealed that the subject property is an irregular-shaped property consisting of approximately 6,370 square feet, more or less, zoned D.R.5.5. The property is known as Lot 6 in the Sudbrook Park subdivision and is located at the southwest intersection of Woodside Road and Upland Road, north of Milford Mill Road and west of Reisterstown Road, in the Pikesville area of Baltimore County. The property is improved with Petitioner's one-story rancher style single-family dwelling. The home measures approximately 61 feet long by 25 feet deep. Although the address for the property is Upland Road, because of the unusual configuration of the lot, the home's main entrance and garage fronts on Woodside Road.

As shown on the site plan filed with the variance request that was accepted into evidence as Petitioner's Exhibit 1, Petitioner had desired to construct a pool and decking to be located in the side yard, at the south end of her home, next to the existing garage. The pool would measure approximately 10½ feet wide by 32 feet deep. There was also to be decking around the pool and the filtration equipment was to be placed between the pool and the existing driveway. Because the pool would be located in the side yard and partially in the front yard, the aforementioned variance relief was requested. As filed, this request garnered interest from the Office of Planning

ORIGINAL FILED FOR PLANNING

6-30-09

and Sudbrook Park, Inc., the local community association. In their Zoning Advisory Committee (ZAC) comment dated March 31, 2009, the Office of Planning indicated the property is within the Sudbrook Park Community Plan and is adjacent to the Sudbrook Park Historic District. They expressed concerns that the proposed pool in the front and side yard as configured would overcrowd the corner lot and possibly be detrimental to the health, safety and welfare of the area, including the historic district.

Following meetings and discussions between Petitioner, Mr. Sipes with Maryland Pools, Inc., Diana Itter with the Office of Planning, and Melanie Anson with Sudbrook Park, Inc. concerning the size and placement of the proposed pool, Petitioner altered the design to lessen the impact of the pool on the street side of the property, as well as the adjacent neighbor. As a result, Petitioner prepared an amended site plan, which was marked and accepted into evidence as Petitioner's Exhibit 2. As shown, this amended site plan places the pool further back away from the street and also reduces the overall size of the pool from 32 feet in length to 28 feet. As a result, Petitioner's attorney moved to partially amend the Petition from the original request to permit a proposed accessory structure (detached inground pool/decking) to be located partially in the front and side yards, to a request to permit a proposed accessory structure (detached inground pool/decking) to be located partially in the side and rear yards in lieu of the required rear yard only. Since the amendment sought less relief than what was originally filed, the amendment was permitted without objection.

In support of the variance requests, Ms. Goslee submitted photographs of the subject property and the yard area where the pool is to be located, which were marked and accepted into evidence as Petitioner's Exhibits 3A through 3L. These photographs show Petitioner's home and its placement on the subject property. As also shown, the photographs, particularly Petitioner's

~~RECEIVED FROM PLANNING~~
6-30-09
~~_____~~
~~_____~~

Exhibits 3F, 3I, 3J, 3K, and 3L, demonstrate that Petitioner has literally no usable rear yard space due to the unusual lot configuration. The photographs, particularly Petitioner's Exhibits 3D and 3K, also show an unusual convergence of three roads intersecting in front of Petitioner's property -- namely Upland Road, Woodside Road, and Howard Road -- another odd circumstance singular to this property.

In further support of the requested relief, Ms. Goslee referenced a letter to this Commission dated June 11, 2009 from Steven Doll, Zoning Committee Chair for Sudbrook Park, Inc., which was marked and accepted into evidence as Petitioner's Exhibit 4. This letter indicates that as a result of the meetings and discussions that took place concerning this project, Sudbrook Park, Inc. would not oppose the project as long as certain conditions are imposed, including: (1) a stipulation that the front fence for the pool be set behind the front façade line of the house by at least 2 feet; (2) that the fence be constructed of unpainted, exterior grade wood with scalloped top design across the front and to the side by the driveway/garage, similar to an existing fence located across the street (*See*, Petitioner's Exhibits 6B through 6F) with a height no higher than 5 feet at the low points and not exceeding 5 feet, 4 inches at the top of the scallop design; and (3) that shrubs with a mature height of at least 3-4 feet be planed in front of the fence areas visible from the street. Ms. Goslee also submitted a letter dated June 15, 2009 from Donald Vundhla of 311 Upland Road that was marked and accepted into evidence as Petitioner's Exhibit 5. Mr. Vundhla resides near Petitioner's property and indicated he believes the nature of the design of Petitioner's project will enhance the neighborhood and add aesthetic value to the community. Finally, Ms. Goslee submitted additional photographs that were marked and accepted into evidence as Petitioner's Exhibits 6A through 6G. These photographs depict the property across the street from Petitioner where an in-ground pool similar to what Petitioner

~~NOT FOR PUBLIC RELEASE~~

6-30-09

YB

proposes is located. This property has scalloped wood fencing across the front yard with a pool located behind the fence in the side yard.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. As Petitioner's attorney accurately pointed out during the hearing, Petitioner's home is situated on a corner lot that affords her no use of a rear yard, unlike other properties in the neighborhood; her side yards are the only locations for any proposed accessory structures. Petitioner's lot is also configured much smaller than other properties in the neighborhood. The peculiar nature of Petitioner's property causes the Zoning Regulations to disproportionately impact her property as compared with others in the community. As such, I find the property unique in a zoning sense. I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Petitioner would be disallowed from constructing any type of permitted accessory structure on her property due to the absence of a rear yard, through no fault of her own.

Finally, I find the variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. Petitioner intends to erect a wood fence similar to the fence located directly across the street (*See*, Petitioner's Exhibits 6B through 6F), which would be complemented with aesthetically pleasing grasses and shrubs to lessen the impact of the fence from the street.

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

RECEIVED FOR FILED
6-30-09
[Signature]

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 30th day of June, 2009 that a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (detached inground pool/decking) to be located partially in the side and rear yards in lieu of the required rear yard only, in the third of the lot furthest removed from any street, and to permit a residential occupancy fence to be erected in the side yard of a lot which adjoins the front yard of another with a fence height of 72 inches (6 feet) in lieu of the maximum height of 42 inches be and is hereby GRANTED in accordance with the amended site plan accepted into evidence as Petitioner's Exhibit 2, subject to the following:

1. 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. As a condition of the relief granted herein, Petitioner shall conform to the restrictions outlined in the letter dated June 11, 2009 from Sudbrook Park, Inc. (See, Petitioner's Exhibit 4), including:
 - a) a stipulation that the front fence (type, style and height as noted in "b" below) be set behind the front façade line of the house by at least 2 feet, and require that the pool measurement include any cement edging around the pool, followed by the decking and adjacent front fence, and
 - b) that the fence be constructed of unpainted, exterior grade wood with scalloped top design across the front and to the side by the driveway/garage, similar to an existing fence located across the street (See, Petitioner's Exhibits 6B through 6F) with a height no higher than 5 feet at the low points and not exceeding 5 feet, 4 inches at the top of the scallop design, and
 - c) that shrubs with a mature height of at least 3-4 feet be planed in front of the fence areas visible from the street.

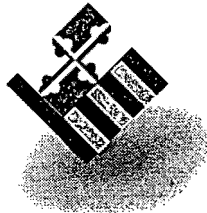
RECEIVED FROM PLANNING
6-30-09
[Signature]

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
6-30-09
12



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

July 1, 2009

GEORGIA H. GOSLEE, ESQUIRE
1400 EAST WEST HIGHWAY
SILVER SPRING, MARYLAND 20910

Re: Petition for Administrative Variance
Case No. 2009-0245-A
Property: 401 Upland Road

Dear Ms. Goslee:

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 black ink, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Faith A. Person, 401 Upland Road, Pikesville MD 21208
Gary Sipes, Maryland Pools, Inc., 9515 Gerwig Lane, Suite 121, Columbia MD 21046



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 401 Upland Road
which is presently zoned DR S.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, BCZR to permit a proposed

accessory structure (detached inground pool/decking) to be located partially in the front & side yards in lieu of the required rear yard only, in the third of the lot farthest removed from any street, and to permit a residential occupancy fence to be erected in the side yard of a lot which adjoins the front yard of another with a fence height of 72 inches (6 feet) in lieu of the maximum height of 42 inches of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Faith A. Person

Name - Type or Print

Faith A. Person

Signature

Name - Type or Print

Signature

401 Upland Road 443-940-0717

Address

Telephone No.

Pikesville Maryland 21208

City

State

Zip Code

Representative to be Contacted:

Gary Siper c/o MD Pools

Name

9515 Gerwig Lane St. 121 410-380-613

Address

Telephone No.

Columbia MD 21046

City

State

Zip Code

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

410-381-4048 fax #

Zoning Commissioner of Baltimore County

CASE NO. 2009-0245-A Reviewed By JNP Date 3/18/09

REV 10/25/01

6-30-09

Estimated Posting Date 3/29/09

PM

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

401 Upland Road
Address
Pikesville Maryland 21208
City State Zip Code

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

I have no backyard
The majority of my property is on the ^{front and} sides of my house
There is no other place on the property to put a pool -
This is the "minimum" relief necessary.

This property has a very peculiar shape & the house
is located in a peculiar position - it was placed with
no back yard. We did not cause this hardship - it existed
when we bought the house/property.

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

Faith A. Person
Signature

Faith A. PERSON
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 22 day of August, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Faith Andrea Person
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Marilyn L. Brittingham
Notary Public
My Commission Expires
Marilyn L. Brittingham
NOTARY PUBLIC
Baltimore County, Maryland
My Commission Expires 9/1/2010

Zoning Description for 401 Upland Road, Baltimore, Md 21208.
Beginning at a point on the south side of Upland Road, which is
50' wide of west side of intersection of centerline of the nearest
improved street, Woodside Road, which is 50' wide. Being
Lot# 6, Block # 6, in the subdivision of Sudbrook Park as
recorded in Baltimore County Plat Book #13, Folio 43,
containing 6,370 square feet (0.1 acre). Also known as 401
Upland Road, Baltimore, Md 21208 and located in the 3rd
Election District, 2nd Councilmatic District.

2009-0245-A

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

No. **35206**

Date: **3/18/09**

PAID RECEIPT

DATE: 3/18/2009 TIME: 09:27:24

NO: 005206

5.00

0.00

Receipt Tot 65.00

04/18/09 4.00

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				65.00
Total:								65.00

Rec From: **MPM Construction Co., Inc.**

For: **Eliminative Variance - 401 Upland Road**
2009-0245-A (Person)

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

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: # 2009-0245-A

401 Upland Road

S/west corner of Upland Road and Woodside Road

3rd Election District — 2nd Councilmanic District

Legal Owner(s): Faith A. Person

Variance: to permit a proposed accessory structure (detached in-ground pool/decking) to be located partially in the front of the side yards in lieu of the required only in the third the lot furthest removed from any street, and to permit a residential occupancy fence to be erected in the sideyard of a lot which adjoins the front yard of another with a fence height of 72 inches (6 feet) in lieu of the maximum height of 42 inches; and a Building Code Fence Waiver to permit a fence height of 72 inches in lieu of the maximum allowed 42 inches.

Hearing: Monday, June 15, 2009 at 2:00 p.m. Room 104, Jefferson Building, 105 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.

IT/6/628 June 2

202563

CERTIFICATE OF PUBLICATION

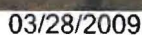
6/4/, 2009

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 6/2/, 2009.

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

S. Wilkinson

LEGAL ADVERTISING



CERTIFICATE OF POSTING

RE: Case No FENCE WAIVER

Petitioner/Developer MARYLAND
POOLS (FAITH A. PERSON)

Date Of Hearing/Closing: 4/13/09

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 401 UPLAND RD

This sign(s) were posted on March 28, 2009

Month, Day, Year

Sincerely,

Martin Ogle 3/28/09

Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



03/28/2009

#102

CERTIFICATE OF POSTING

RE: Case No FENCE WAIVER

Petitioner/Developer MD
POOLS

Date Of Hearing/Closing: 4/24/09

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 penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 401 UPLAND ROAD

This sign(s) were posted on April 9, 2009

Month, Day, Year

Sincerely,

Martin Ogle 4/9/09
Signature of Sign Poster and Date

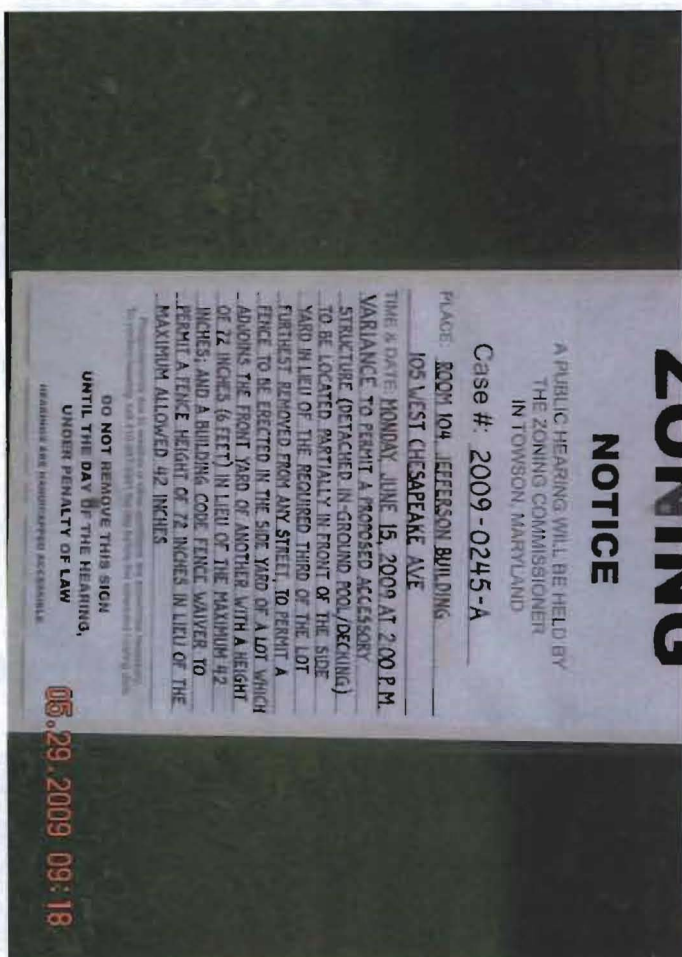
Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



Martin Ogle
4/9/09

04/09/2009

UPLAND RD + WOODSIDE





ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2009- 0245 -A Address 401 Upland Road

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/18/09 Posting Date: 3/29/09 Closing Date: 4/13/09

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

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

(Detach Along Dotted Line)

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

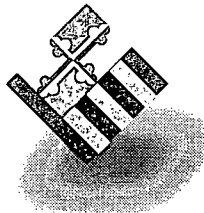
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2009- 0245 -A Address 401 Upland Road

Petitioner's Name Faith A. Person Telephone 443-940-0717

Posting Date: 3/29/09 Closing Date: 4/13/09

Wording for Sign: To Permit a proposed accessory structure (detached in-ground pool/decking) to be located partially in the front and side yards in lieu of the required rear yard only, in the third of the lot farthest removed from any street, and to permit a residential occupancy fence to be erected in the side yard of a lot which adjoins the front yard of another with a fence height of 72 inches (6 feet) in lieu of the ~~maximum height of 42 inches~~ ^{maximum height of 42 inches}



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

May 20, 2009
TIMOTHY M. 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: 2009-0245-A

401 Upland Road
S/west corner of Upland Road and Woodside Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Faith A. Person

Variance to permit a proposed accessory structure (detached in-ground pool/decking) to be located to be located partially in the front of the side yards in lieu of the required only in the third the lot furthest removed from any street, and to permit a residential occupancy fence to be erected in the sideyard of a lot which adjoins the front yard of another with a fence height of 72 inches (6 feet) in lieu of the maximum height of 42 inches; and a Building Code Fence Waiver to permit a fence height of 72 inches in lieu of the maximum allowed 42 inches.

Hearing: Friday, June 12, 2009 at 2:00 p.m. in Room 106, County Office Building,
111 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Faith Person, 401 Upland Road, Pikesville 21208
Gary Sipes, c/o MD Pools, 9515 Gerwig Lane, Ste. 121, Columbia 21046

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, MAY 28, 2009.**
- (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, May 28, 2009 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

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: 2009-0245-A

401 Upland Road
S/west corner of Upland Road and Woodside Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Faith A. Person

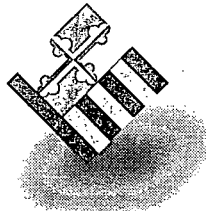
Variance to permit a proposed accessory structure (detached in-ground pool/decking) to be located to be located partially in the front of the side yards in lieu of the required only in the third the lot furthest removed from any street, and to permit a residential occupancy fence to be erected in the sideyard of a lot which adjoins the front yard of another with a fence height of 72 inches (6 feet) in lieu of the maximum height of 42 inches; and a Building Code Fence Waiver to permit a fence height of 72 inches in lieu of the maximum allowed 42 inches.

Hearing: Friday, June 12, 2009 at 2:00 p.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.



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 27, 2009
TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

NEW 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: 2009-0245-A

401 Upland Road
S/west corner of Upland Road and Woodside Road
3rd Election District – 2nd Councilmanic District
Legal Owners: Faith A. Person

Variance to permit a proposed accessory structure (detached in-ground pool/decking) to be located to be located partially in the front of the side yards in lieu of the required only in the third the lot furthest removed from any street, and to permit a residential occupancy fence to be erected in the sideyard of a lot which adjoins the front yard of another with a fence height of 72 inches (6 feet) in lieu of the maximum height of 42 inches; and a Building Code Fence Waiver to permit a fence height of 72 inches in lieu of the maximum allowed 42 inches.

Hearing: Monday, June 15, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Faith Person, 401 Upland Road, Pikesville 21208
Gary Sipes, c/o MD Pools, 9515 Gerwig Lane, Ste. 121, Columbia 21046

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 30, 2009.**
- (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
Tuesday, June 2, 2009 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple
Permits & Development Management
111 West Chesapeake Avenue
Towson, MD 21204

410-887-4587

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: 2009-0245-A

401 Upland Road

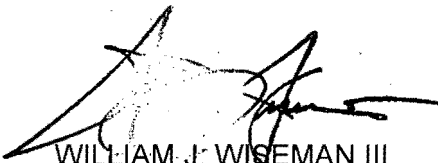
S/west corner of Upland Road and Woodside Road

3rd Election District – 2nd Councilmanic District

Legal Owners: Faith A. Person

Variance to permit a proposed accessory structure (detached in-ground pool/decking) to be located to be located partially in the front of the side yards in lieu of the required only in the third the lot furthest removed from any street, and to permit a residential occupancy fence to be erected in the sideyard of a lot which adjoins the front yard of another with a fence height of 72 inches (6 feet) in lieu of the maximum height of 42 inches; and a Building Code Fence Waiver to permit a fence height of 72 inches in lieu of the maximum allowed 42 inches.

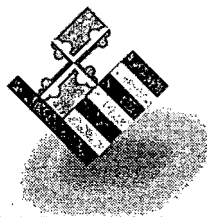
Hearing: Monday, June 15, 2009 at 2:00 p.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
April 14, 2009

Faith A. Person
401 Upland Rd.
Pikesville, MD 21208

Dear: Faith A. Person

RE: Case Number 2009-0245-A, 401 Upland Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 18, 2009. 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:lnw

Enclosures

c: People's Counsel
Gary Sipes; 9515 Gerwigland St., Ste. 121; Columbia, MD 21046

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 31, 2009

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

RECEIVED

APR 07 2009

SUBJECT: 401 Upland Road

INFORMATION:

ZONING COMMISSIONER

Item Number: 9-245

Petitioner: Faith A. Person

Zoning: DR 5.5

Requested Action: Administrative Variance

The property in question is within the Sudbrook Park Community Plan and is adjacent to the Sudbrook Park Historic District. This is adjacent to both a Baltimore County District and a National Register District.

The proposed pool in the front and side yard as configured would overcrowd this 6,370 square foot corner-lot and would be detrimental to the health, safety, welfare of the area. It would also have a negative impact upon the historic district.

SUMMARY OF RECOMMENDATIONS:

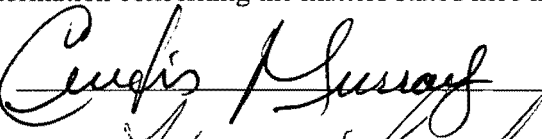
The Office of Planning recommends that this should be scheduled for a variance hearing before the Zoning Commissioner. The applicant should do some community outreach with the Sudbrook Park Improvement Association prior to the variance hearing.

The applicant should consider submitting a revised plan for review at the public hearing that does the following:

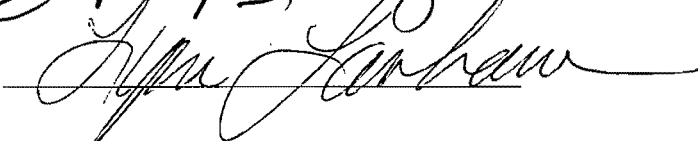
1. Reconfigure the pool so that no portion of the pool or deck extends in front of the existing attached garage's front wall.
2. Relocate the proposed fence back to within 10 feet of the pool (maximum 10 feet forward of the garage) and landscape the street side of the fence.
3. Relocate the filter equipment pad from the front yard.

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

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

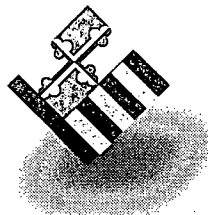
DATE: March 25, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For March 30, 2009
Item Nos. 2009-0232, 0233, 0234, 0237,
0240, 0241, 0242, 0243, ~~0245~~, and 0246

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

DAK:CEN:lrk
cc: File
ZAC-03302009 -NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

March 26, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: March 23, 2009

Item Numbers 0234, 0237, 0240, 0241, 0242, 0243, ~~0245~~ and 0246

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



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: 3/23/2009

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

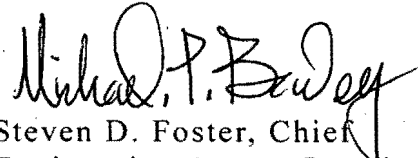
RE: Baltimore County
Item No 2009-0245-A
401 UPLAND RD
PERSON PROPERTY
ADMINISTRATIVE VARIANCE

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. 2009-0245-A.

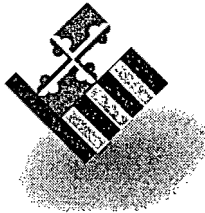
Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB





BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

April 202009

FAITH A. PERSON
401 UPLAND ROAD
PIKESVILLE MD 21208

Re: Petition for Administrative Variance
Case No. 2009-0245-A
Property: 401 Upland Road

Dear Ms. Person:

Your request for Administrative Variance has been given to me for review. We are in receipt of Zoning Advisory Committee (ZAC) comments from the Office of Planning dated March 31, 2009 that recommends the matter be set in for a public hearing. In addition, they recommend that you do community outreach with the Sudbrook Park Improvement Association prior to the variance hearing. The Planning Office also recommends that you revise the accompanying site plan by reconfiguring the pool, relocating the proposed fence and filter equipment. I am enclosing a copy of this ZAC comment for your review.

Please respond to the undersigned in writing regarding the above by May 4, 2009. Once I receive your additional information, I can then make my decision based on the information contained in the case file and prepare an Order or set the matter in for a public hearing.

Thank you for your attention and cooperation in this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Thomas H. Bostwick", written over a horizontal line.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Greg Sipes and Bob Brooks, Maryland Pools, 9515 Gerwig Lane, Suite 121, Columbia MD 21046

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

DATE: May 12, 2009

TO: Kristen Matthews
Dept. of Permits and Development Management

FROM: Patricia Zook, Legal Secretary to 
Thomas Bostwick, Deputy Zoning Commissioner

RE: Petition for Administrative Variance
Case No. 2009-0245-A -- located at 401 Upland Road

After a review of the above-captioned case file and comments from the Office of Planning, Tom Bostwick has requested that this case be set in for a public hearing. The Petitioner and her representative have worked with the Planning Office and the Sudbrook Park Improvement Association to revise the site plan and the variance request. We believe that the issues will be resolved during the public hearing. This matter should be scheduled before Tom and hopefully the case can be heard in early June.

We are returning the file to you for further processing, i.e., notifying the Petitioner and Contact Person, posting of the hearing notice, advertising, etc. Per Tom, the County is to post and advertise the hearing.

In addition to notifying the Petitioner, please notify the following individuals of the scheduled hearing:

Gary Sipes
Maryland Pools
9515 Gerwig Lane, Suite 121
Columbia MD 21046

Diana Itter
Office of Planning

Melanie D. Anson
Sudbrook Park Improvement
Association, Inc.
503 Sudbrook Lane
Pikesville, MD 21208

Thank you for your attention and cooperation in this matter.

c. Case File



**Baltimore County Department of
Permits and Development Management**

Buildings Engineer's Office
111 West Chesapeake Avenue
Towson, MD 21204
410-887-3373
FAX 410-887-2824

WAIVERS FOR FENCE HEIGHT

As part of the Baltimore County Code adopted under Council Bill 78-01, a property owner may apply for a waiver of the fence height limitations of section 3111.0. The property must be posted for a period of 15 days, and anyone living within 1,000 feet of the property may request a hearing or submit written comments.

The sign to be posted may be obtained from any of the county's list of approved sign posters. The sign will be the standard 24" x 36" size used for zoning variances, and will contain the following language:

NOTICE

In Accordance with Section 3111.4 of the Baltimore County Code, a request has been made for a waiver to construct a fence higher than allowed.

Request information:

Fence location: Front Yard

Height allowed: 42" (per pool code by county)

Height requested: 72"

Anyone living within 1,000 feet of this property may request a public hearing on this matter if such request is made within 15 days of the posting date set forth below or submit written comments for consideration to the address below.

Posting Date: March 29th

Address: 401 Upland Rd, Balto. MD 21208

Please contact 410-887-3373 for information

Buildings Engineer for Baltimore County
Department of Permits and Development Management
111 West Chesapeake Avenue, Rm. 105
Towson, MD 21204



Application for Administrative Waiver Of Building Code Fence Height Limitations

Per Building Code Section 3111.0

Instructions: Fill out this form and submit to the Buildings Engineer's Office, 111 West Chesapeake Avenue, Towson 21204. Include a location plan, and documentation of sign erection (provided by the sign poster). If no public hearing is requested prior to the 15 day posting period, a waiver decision will be made based on all evidence submitted.

Property Address

401 Upland Road

Owner

Baltimore, MD 21208

Owner Address

Faith Person

401 Upland Road

Baltimore, MD 21208

Corner Lot? ☒ Yes ☐ No

Fence located in

Telephone: 443-940-0717
☒ Front ☒ Side ☐ Rear Yard

Fence Height Allowed by Building Code

42"

Fence Height Requested

72"

(Attach fence location drawing.)

Basis for Request:

Constructing an in-ground pool. A fence (42")
is required by building code, for pool. Requesting
72" for privacy reasons. Waiver can be subject
to approval of variance for pool construction.
(Photos on file with Jeffrey Perlow for variance)

Applicant's Signature

MP Gary Sipes
c/o MD Pools

Date: 3/18/09

(County Use Only)

Waiver Number

Date Property Posted

Input/comments/protests received within 15 days?

Yes/No

Has Hearing been requested?

Yes/No

(If Yes, attach record of Hearing)

Final Disposition:

Buildings Engineer

Date

Thomas Bostwick - Fw: pool/fence, etc.

From: <GSipes@mdpools.com>
To: <TBostwick@Baltimorecountymd.gov>
Date: 05/06/09 4:32 PM
Subject: Fw: pool/fence, etc.

Dear Mr. Bostwick,

I was in your office on Monday, May 4th to file in writing our response to your letter, and I dropped off the changed drawings.

Attached is the letter from Melanie Anson from the "Sudbrook Park Community Association". She is ok with the drawing I submitted to you and the homeowner is ok with the conditions she mentioned, so everyone is in agreement. We have spoken with several neighbors and no one is concerned or complaining about the proposed work, other than, originally, the above association. We met at the site and I proposed the compromise and that is what is on the drawing. If you see fit that we still need a hearing, we are fine with that, but to our knowledge, there will be no one there to complain or object to the proposed construction.

Please let me know if you have any questions. Thank you for your help in this matter.

Gary Sipes
Maryland Pools
9515 Gerwig Lane, Suite 121
Columbia, Md 21046

(OFFICE) 410-995-6600 ext. 209 or
1-800-252-SWIM OR
(CELL) 410-320-6139
(FAX) 1-410-381-4048

GSipes@mdpools.com
www.MdPools.com

----- Forwarded by Gary Sipes/Maryland Pools on 05/06/2009 04:27 PM -----

Melanie Anson <melanieanson@comcast.net>

To GSipes@mdpools.com

cc

05/02/2009 03:34 PM

Subject pool/fence, etc.

Gary,

We reviewed and discussed your email/revised drawing whereby the front fence for the proposed pool would be situated at least 2' behind the facade-line of the house, achieved as shown on your revision by having the fence directly about the 2-3' walk-way around the pool (which you

note could extend 2' beyond the front of the garage and still allow for at least a 2' front-fence-setback from the facade-line).

While even that proposal violates our community standards for the location of fences, we would agree not to oppose the project if your revised proposal consists of ALL of the following:

1. A stipulation that the front fence (type, style and height as noted in item #2 below) be set behind the front facade-line of the house by at least 2'. This would require that if the pool is 28', the pool measurement includes any cement edging around the pool, followed by the walk-deck with the fence against that.
2. That the fence be constructed of unpainted, exterior grade wood with scalloped top design similar to the one across the street and with a height no higher than 5' at the low points and not exceeding 5'4" at the top of the scallop design. The scallop-top design must at least be across the front of the property and the side by the driveway/garage.
3. That shrubs with a mature height of at least 3' - 4' be planted in front of fence areas visible from the street.

If Ms. Person is in accord with the above three items, let us know.

Thanks,
Melanie

On Apr 30, 2009, at 2:19 PM, GSipes@mdpools.com wrote:

```
>
> Melanie,
>
> Hi. I wanted to run something by you based on your note below.
> Please read below and let me know your comments. Thanks.
>
> Gary Sipes
> Maryland Pools
> 9515 Gerwig Lane, Suite 121
> Columbia, Md 21046
>
> (OFFICE) 410-995-6600 ext. 209 or
> 1-800-252-SWIM OR
> (CELL) 410-320-6139
> (FAX) 1-410-381-4048
>
>
> GSipes@mdpools.com
> www.MdPools.com
>
>
> ----- Forwarded by Gary Sipes/Maryland Pools on 04/30/2009 02:10 PM
> -----
>
> PerFai@aol.com wrote on 04/21/2009 10:11:01 AM:
>
> > Dear Melanie:
> >
> > Thank you so much for getting back to me, let me speak with Faith
```

> > and Gary and I'll send you an email in a day or so. I do understand
> > your rationale and will work to keep matters contained. Even if we
> > have a hearing, we still might be able to work things out.
> >
> > Georgia
> >
> > -----Original Message-----
> > >From: Melanie Anson <melanieanson@comcast.net>
> > >Sent: Apr 20, 2009 9:54 PM
> > >To: ggnvv@mindspring.com
> > >Subject: Re: Georgia Goslee-401 Upland Variance Requests
> > >
> > >Georgia,
> > >
> > >Thanks for getting back to me -- things have been busy and this
> > is the
> > >first chance I've had to respond.
> > >
> > >About the fence -- the day we met, Steve measured it at 5'2" at the
> > >low point and 5'6" at the high point. Since it comes into the front
> > >yard at or near the line of the face of the house, 5' at the low
> > point
> > >and 5'4" at the high point were the measurements we were willing to
> > >accept. Those heights will provide privacy while not overwhelming
> > the
> > >facade.
> > >
> > >The issue with the pool doesn't relate to the length in and of
> > itself,
> > >but to where the pool ends. We feel strongly that it needs to end
> > at
> > >the front line of the garage (also recommended by the Office of
> > >Planning). Mr. Sipes from MD Pool noted when we met that he was
> > going
> > >to check with Zoning whether there had to be a back "deck" and
> > whether
> > >the pool could be moved back further. If so, possibly a 28' pool
> > would
> > >still end at the line of the garage. If that's the case, then 28'
> > >would be fine. The measurements we used the day we met indicated
> > that
> > >if there is a back deck, a 26' pool would end at the line of the
> > garage.
> > >
> > >The reason that is important is that the front yard fence will be
> > >several feet IN FRONT OF the pool and as I noted previously, our
> > >community standards call for fences to be set back from the front
> > >facade of the house, usually by about 5'. Clearly that cannot work
> > >here, so we are already varying our usual fence standards for your
> > >client. We feel strongly that the fence line needs to be set back a
> > >couple feet from the front facade line of the house. If the pool
> > juts
> > >out 2 feet in front of the garage (and cannot be moved further back
> > >toward the rear yard), then that moves the fence line even with the
> > >house rather than set back by at least 2'. Not so- if the pool
> > juts out 2' from the garage, and there is 3' of decking with the
> > fence right up against that, then the fence WOULD be 2' back from
> > the front facade of the house. We have a letter from planning
> > stating that they are ok with the fence being 10' out from the front
> > of the garage, but we are not asking for that. You mentioned above

> that you are "already varying our usual fence standards". If we are
> 2' back from the front facade of the house, and not EVEN with the
> front facade of the house, our question is "why is that
> objectionable"? You would not see the location of the pool behind
> this fence at all, so the visual is just the fence. This would meet
> your need above where you state "we feel strongly that the fence
> line needs to be set back a couple feet from the front facade of the
> house". In this scenario, we can have the pool 2' out, and the
> fence would still be 2' in (a couple feet) from the front facade of
> the house. So, I think we are all on the same page. If we have the
> fence 2' back in from the front of the house, as you state you
> strongly feel the fence should be 2' back, we are both saying the
> same thing. Therefore, it works to have the pool 2' out in front of
> the garage and have the fence 2' in from the front facade of the
> house. If we are in agreement, then there is no disagreement with
> us at the hearing. Thanks.
> > >
> > > If we can work something out, great. If not, then as you note,
> > we'll
> > > just have to proceed to the hearing. Thanks and I hope you
> > understand
> > > our rationale on these issues.
> > >
> > > Melanie
> > >
> > >
> > >
> > >
> > Access 350+ FREE radio stations anytime from anywhere on the web.
> > Get the Radio Toolbar!

GEORGIA H. GOSLEE
ATTORNEY AT LAW
Suite 1107
1400 East-West Highway
Silver Spring, Maryland 20910

Telephone (301) 608 3831
Facsimile (301) 608 3850
Email ggnvv@mindspring.com
Website: www.GeorgiaGoslee.com

June 15, 2009

VIA HAND-DELIVERY

Baltimore County Zoning Commission
Permits and Development Management
Jefferson Building
105 West Chesapeake Avenue
Towson, MD 21204

RE: Petition for Administrative Variance
Case No: 2009-0245-A
Property Address: 401 Upland Road
Property Owner: Faith Person

Dear Sir/Madam:

Enclosed please find the following documents submitted for this hearing on behalf of Ms. Person.

1. Letter of representation, previously submitted
2. Background Statement
3. Statement of the law
4. Letter from Sudbrook Park Community Association
5. Letter from Ms. Person's neighbor, Mr. Vundhla
6. Revised drawings from Maryland Pools

Yours truly,



GEORGIA GOSLEE

GHG: js

cc: Ms. Person-Property Owner
Gary Sipes-Maryland Pools

**GEORGIA H. GOSLEE
ATTORNEY AT LAW
Suite 1107
1400 East-West Highway
Silver Spring, Maryland 20910**

**Telephone (301) 608 3831
Facsimile (301) 608 3850
Email ggnvv@mindspring.com
Website: www.GeorgiaGoslee.com**

June 10, 2009

VIA FACSIMILE (410 887 3048)

(ATTN: Kristen)

Baltimore County Zoning Commission
Permits and Development Management
Jefferson Building
105 West Chesapeake Avenue
Towson, MD 21204

RE: Petition for Administrative Variance

Case No: 2009-0245-A

Property Address: 401 Upland Road

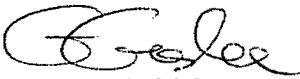
Property Owner: Faith Person

Dear Sir/Madam:

Please be advised that I represent Ms. Faith Person, the property owner for the above-referenced property, and will be present on her behalf at the hearing on June 15, 2009.

This letter serves as the entrance of Appearance on her behalf. If you have any questions please contact the undersigned.

Yours truly,



GEORGIA GOSLEE

GHG: js

cc: Ms. Person-Property Owner
Gary Sipes-Maryland Pools

TO THE ZONING COMMISSION OF BALTIMORE COUNTY

BACKGROUND STATEMENT

RE: Petition for Administrative Variance

Case No: 2009-0245-A JUNE 15, 2009

Property Address: 401 Upland Road

Property Owner: Faith Person

Faith Person, the Petitioner in this case, is a forty-five (45) year-old Baltimore County resident who currently resides at 401 Upland Road. She has resided in the county for the past 14 years, she loves her community and plans to live here permanently.

Ms. Person is currently employed with Northrop Grumman Electronic Company in Linthicum, Maryland in the capacity of a Senior Engineering Technician for the past nine (9) years.

When she initially toured the county for residential sites in 1995 for potential purchases, one of her main considerations was whether there was sufficient land to construct a swimming pool. When she chose the 401 Upland Road address she was comfortable with the land situated next to her property believing that sometime in the future she would build a swimming pool.

In September of 2008, Ms. Person realized that she could finally make her dreams come true, so she contacted Maryland Pools and subsequently began to work with Gary Snipes. Early in their conversations she learned that she needed a zoning variance to construct her pool. So she worked with Mr. Snipes to devise a plan to submit to the Zoning Commission.

Unfamiliar with zoning laws, Ms. Person contacted a friend and family lawyer, Georgia Goslee. Ms. Goslee subsequently contacted the Sudbrook Park Community Association. She then organized a site visit to bring all the parties together to discuss the nature of the variance.

After lengthy discussions among the parties discussing the pros and cons and considering Baltimore County's current zoning laws, the interest and goals of the community association and the property owner, Ms. Person, the parties reached a compromise to accommodate the interests of all parties. Their agreement is set for in a letter provided to this Commission (via facsimile) from Mr. Steven Doll, the Zoning Committee Chair of the community association. This statement reflects the results of many hours of discussions and revisions.

We respectfully request that this Commission accept and adopt the substance of this agreement.

TO THE ZONING COMMISSION OF BALTIMORE COUNTY

THE LAW

RE: Petition for Administrative Variance

Case No: 2009-0245-A JUNE 15, 2009

Property Address: 401 Upland Road

Property Owner: Faith Person

In accordance with current Maryland law and the Zoning laws of Baltimore County, specifically Cromwell, et. al. v. Arthur Thomas Ward, 102 Md. App. 691, the Petitioner contends that her variance requests satisfies the burden of proof.

FIRST STEP

The Petitioner's property is in and of itself unique and unusual in a manner different from the nature of the surrounding properties such that the uniqueness and peculiarity causes the zoning provision to impact disproportionately upon her property.

It is unique and peculiar in the following ways:

1. What would be considered the backyard to her property is actually situated on the side of her yard;
2. So, she really has a side yard instead of a backyard like the surrounding properties in the neighborhood;
3. In fact there is a minimum backyard insufficient to be considered a backyard consistent with backyards of surrounding properties in the neighborhood;
4. Her property is situated on a corner lot, unlike surrounding properties in the neighborhood;
5. Her house is situated on a smaller lot than the surrounding properties in the neighborhood;
6. These unique and peculiar characteristics were not self-imposed by the Petitioner

The Petitioner contends that the abnormal impact of the zoning ordinance on her specific property is due to the peculiar nature of the property, through no fault of her own, and believes that the variance is designed specifically for a property owner in her unique situation. The impact of this ordinance is different on the Petitioner than surrounding properties in the neighborhood.

Having established that her property is unique, she will now address the second test set forth in Cromwell.

SECOND STEP

As a result of the uniqueness of the subject property, which has a disproportionate impact on the Petitioner's property, she is faced with an unreasonable hardship and practical difficulty to install a swimming pool. The severe impact of this ordinance amounts to a substantial and unnecessary injustice to the Petitioner. The injustice is due primarily to the unique and peculiar situation of the house on the property.

The pool would be located behind a wood fence, similar to the one directly across the street from the Petitioner's home. It would be embellished with esthetically pleasing grasses, scrubs to be seen from the street view.

Granting the variance would do substantial justice to the property owner. To deny the variance would mean that the Petitioner is not afforded the same opportunity in the use of her property as other neighbors in the community.

The neighbor, Mr. Donald Vundhla (see letter attached) does not oppose her pool nor does the local community association.

The Petitioner purchased fences to surround the pool sometime ago. (see photos)

We respectfully requests that the variance be granted.



GEORGIA H. GOSLEE, ESQ.
1400 EAST-WEST HWY
SILVER SPRING, MD 20910
Telephone 301 608 3831
Facsimile 301 608 3850
email: ggnvv@mindspring.com
website: www.GeorgiaGoslee.com



Sudbrook Park Inc.

608 Carysbrook Rd.
Pikesville, MD 21208
June 11, 2009

By fax to: 410-887-3468

Mr. Thomas H. Bostwick,
Deputy Zoning Commissioner
105 W. Chesapeake Ave.
Towson, MD 21204

Re: Case #2009-0245-A, 401 Upland Rd. Request for Pool & Fence Variance

Dear Commissioner Bostwick:

We regret that because of prior commitments and appointments, none of our Zoning Committee members can attend the June 15 hearing on the above case. We are submitting this letter to give you some background of the community association's involvement and our understanding of revisions the petitioner, Ms. Faith Person, made to the original variance request.

Our Zoning Committee Chair and two members met with Ms. Person, her attorney Ms. Georgia Goslee, Gary Sipes of MD Pools and Diana Itter of the Planning Office on April 13 to discuss her proposed 32-foot front-and-side-yard pool with proposed 6-foot blockade fence enclosure. The project as originally proposed encompassed almost the entire side and front yard of her corner property in Sudbrook Park, which is immediately adjacent to both Sudbrook Park's National Register District and its Baltimore County Landmarks Districts/boundaries.

We expressed concerns about the massive scale of this proposed project in comparison to the property's small side/front yard space and the impact of this proposal on our historic district and the larger community, where we have a number of similarly configured properties (with small side and front yards but very narrow back yards). We also had concerns about the proposed height, materials, style and location of fencing, particularly in the front yard and the front-yard location of the pool filter, which has now been moved to the rear yard where it will not be visible.

Following this meeting, we had continued email correspondence with Ms. Person's representatives, Ms. Goslee and Mr. Sipes. In early May, we reached a compromise agreement on several items, including the set-back of the pool, the fence, and landscaping in front of fence areas visible from the street. It is our understanding that Mr. Sipes then filed a revised site plan reflecting these changes and also forwarded to you an email to him dated May 2, 2009, from Melanie Anson of our community, setting forth the conditions listed below, under which Sudbrook Park, Inc. would not oppose the project:



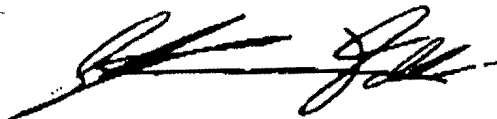
1. A stipulation that the front fence (type, style and height as noted in item #2 below) be set behind the front facade-line of the house by at least 2'. This would require that if the pool is 28', the pool measurement include any cement edging around the pool, followed by the walk-deck with the fence against that.
2. That the fence be constructed of unpainted, exterior grade wood with scalloped top design similar to the one across the street and with a height no higher than 5' at the low points and not exceeding 5'4" at the top of the scallop design. The scallop-top design must at least be across the front of the property and the side by the driveway/garage.
3. That shrubs with a mature height of at least 3' - 4' be planted in front of fence areas visible from the street.

While we have always felt that the scale of the project is out-of-proportion to the a lotted space, we are not opposing the variances based on our understanding that the project has been modified and the site plan revised to incorporate the above stipulations.

If you find that these variance requests meet requirements of Baltimore County and Maryland law, and if you approve the variances, we strongly urge you to include the above conditions in your findings and order. We hope that approval of these variances will not become precedent for similarly configured properties in Sudbrook Park in the future. Additionally, we would appreciate receiving a copy of your decision when it is issued.

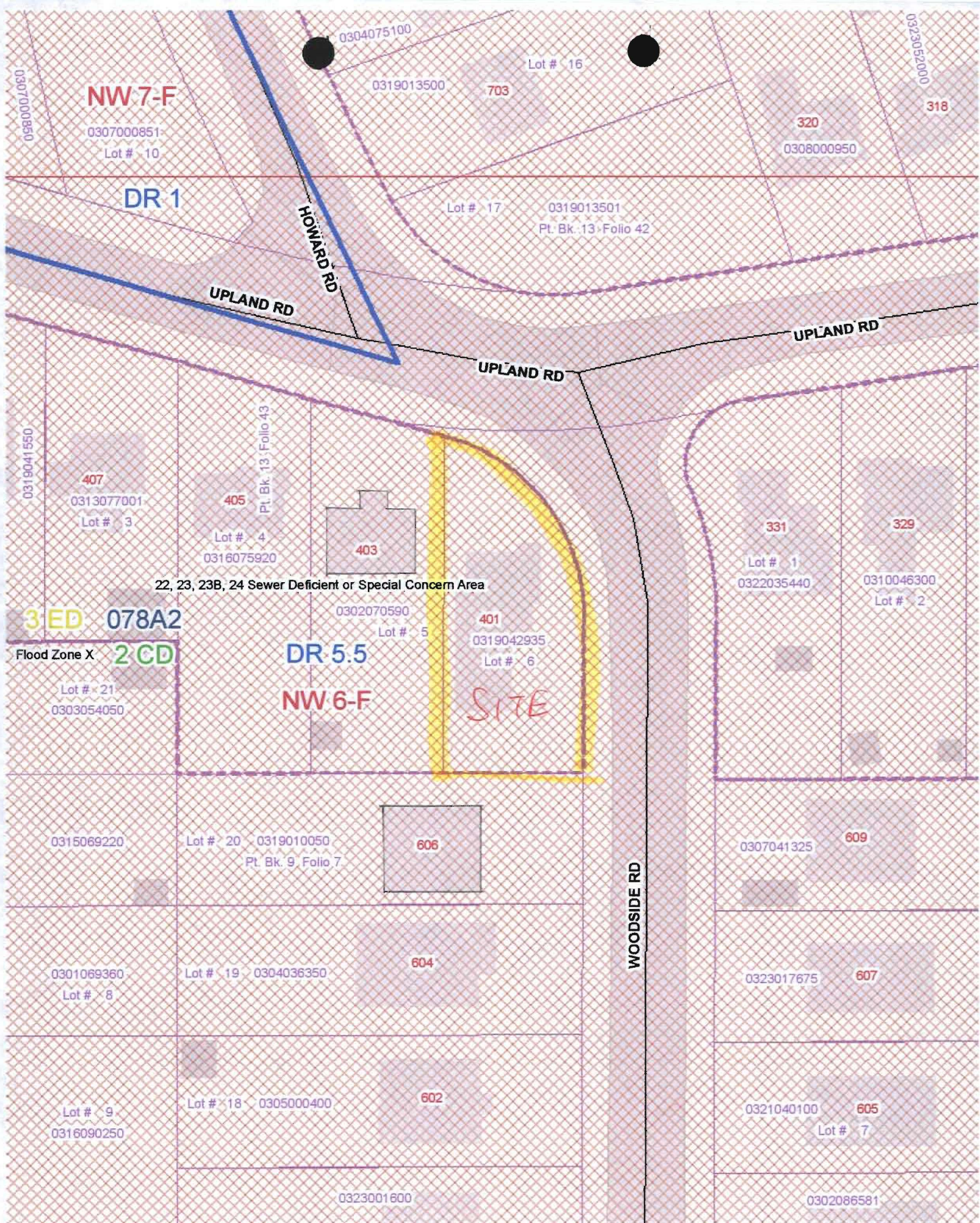
Thank you for considering our concerns and comments.

Sincerely,
SUDBROOK PARK, INC.



By: Steven Doll, Zoning Committee Chair
608 Carysbrook Rd.
Pikesville, MD 21208

cc: Georgia Goslee, Esq.
Diana Itter, 2nd District Planner
Sudbrook Park, Inc. Board
Zoning Committee members



NW 7-F

0307000851
Lot # 10

DR 1

HOWARD RD

UPLAND RD

UPLAND RD

UPLAND RD

0319041550

407

0313077001
Lot # 3

Pt. Bk. 13 Folio 43

405

Lot # 4
0316075920

403

22, 23, 23B, 24 Sewer Deficient or Special Concern Area

0302070590

Lot # 5

401

0319042935
Lot # 6

3 ED 078A2

Flood Zone X

2 CD

Lot # 21

0303054050

DR 5.5

NW 6-F

SITE

0315069220

Lot # 20 0319010050

Pt. Bk. 9 Folio 7

606

0301069360

Lot # 8

Lot # 19 0304036350

604

Lot # 9

0316090250

Lot # 18 0305000400

602

0323001600

0307041325

609

0323017675

607

0321040100

605

Lot # 7

0302086581

40' Scale

2009-0245-A

CASE NAME 209-0245-A
CASE NUMBER _____
DATE June 15, 09
LET _____

[illegible]

Case No.: _____

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan (as filed)	
No. 2	Amended Site plan	
No. 3 A-L	Photos of Property	
No. 4	Letter of Support from Sadbroke Park Inc.	
No. 5	Letter of Support from neighbor	
No. 6 A-G	Photos of property across street w/ pool in side yard	
No. 7 A-C	Photos proposed fencing	
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Sudbrook Park Inc.

PETITIONER'S

EXHIBIT NO. 4

TB 6/15
2pm

608 Carysbrook Rd.
Pikesville, MD 21208
June 11, 2009

RECEIVED

JUN 15 2009

ZONING COMMISSIONER

By fax to: 410-887-3468

Mr. Thomas H. Bostwick,
Deputy Zoning Commissioner
105 W. Chesapeake Ave.
Towson, MD 21204

Re: Case #2009-0245-A, 401 Upland Rd. Request for Pool & Fence Variances

Dear Commissioner Bostwick:

We regret that because of prior commitments and appointments, none of our Zoning Committee members can attend the June 15 hearing on the above case. We are submitting this letter to give you some background of the community association's involvement and our understanding of revisions the petitioner, Ms. Faith Person, made to the original variance request.

Our Zoning Committee Chair and two members met with Ms. Person, her attorney Ms. Georgia Goslee, Gary Sipes of MD Pools and Diana Itter of the Planning Office on April 13 to discuss her proposed 32-foot front-and-side-yard pool with proposed 6-foot blockade fence enclosure. The project as originally proposed encompassed almost the entire side and front yard of her corner property in Sudbrook Park, which is immediately adjacent to both Sudbrook Park's National Register District and its Baltimore County Landmarks Districts/boundaries.

We expressed concerns about the massive scale of this proposed project in comparison to the property's small side/front yard space and the impact of this proposal on our historic district and the larger community, where we have a number of similarly configured properties (with small side and front yards but very narrow back yards). We also had concerns about the proposed height, materials, style and location of fencing, particularly in the front yard and the front-yard location of the pool filter, which has now been moved to the rear yard where it will not be visible.

Following this meeting, we had continued email correspondence with Ms. Person's representatives, Ms. Goslee and Mr. Sipes. In early May, we reached a compromise agreement on several items, including the set-back of the pool, the fence, and landscaping in front of fence areas visible from the street. It is our understanding that Mr. Sipes then filed a revised site plan reflecting these changes and also forwarded to you an email to him dated May 2, 2009, from Melanie Anson of our community, setting forth the conditions listed below, under which Sudbrook Park, Inc. would not oppose the project:



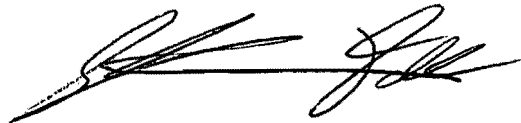
1. A stipulation that the front fence (type, style and height as noted in item #2 below) be set behind the front facade-line of the house by at least 2'. This would require that if the pool is 28', the pool measurement include any cement edging around the pool, followed by the walk-deck with the fence against that.
2. That the fence be constructed of unpainted, exterior grade wood with scalloped top design similar to the one across the street and with a height no higher than 5' at the low points and not exceeding 5'4" at the top of the scallop design. The scallop-top design must at least be across the front of the property and the side by the driveway/garage.
3. That shrubs with a mature height of at least 3' - 4' be planted in front of fence areas visible from the street.

While we have always felt that the scale of the project is out-of-proportion to the allotted space, we are not opposing the variances based on our understanding that the project has been modified and the site plan revised to incorporate the above stipulations.

If you find that these variance requests meet requirements of Baltimore County and Maryland law, and if you approve the variances, we strongly urge you to include the above conditions in your findings and order. We hope that approval of these variances will not become precedent for similarly configured properties in Sudbrook Park in the future. Additionally, we would appreciate receiving a copy of your decision when it is issued.

Thank you for considering our concerns and comments.

Sincerely,
SUDBROOK PARK, INC.



By: Steven Doll, Zoning Committee Chair
608 Carysbrook Rd.
Pikesville, MD 21208

cc: Georgia Goslee, Esq.
Diana Itter, 2nd District Planner
Sudbrook Park, Inc. Board
Zoning Committee members

June 15, 2009

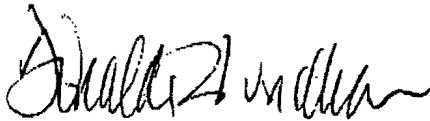
To Baltimore County Zoning Commission:

My name is Donald Vundhla and I am Faith Person's neighbor. My address is 311 Upland Road. I have spoken with her and her attorney and I agree with her desire to have a swimming pool.

I think the nature of the design will enhance the neighborhood and add aesthetic value to our community.

I regret that I could not attend the hearing today because I am at work. However, if you would like to speak with me about this please contact me the number below.

Yours truly,

A handwritten signature in black ink, appearing to read "Donald Vundhla", written over a horizontal line.

Donald Vundhla

410-767-7822

PETITIONER' S

EXHIBIT NO. 5

SETBACKS:
REAR PL. 2'-6"
SIDE PL. 2'-6"
HOUSE N/A
SEPTIC N/A
WELL N/A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 401 UPLAND ROAD
SUBDIVISION NAME: SUDBROOK PARK
PLAT BOOK: 13 FOLIO: 43 LOT#: 6 BLOCK: 6
PROPERTY OWNER: FAITH A. PERSON

Upland Road
(50' R/W)

REVIEWED BY: _____ ITEM # _____ CASE # _____

ZONING OFFICE USE ONLY

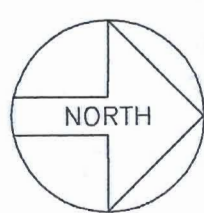
Maryland
POOLS
Inc.

9515 GERWIG LANE | 11166 MAIN STREET
SUITE 121 | SUITE 402
COLUMBIA, MD 21046 | FAIRFAX, VA 22030
410-995-6600 | 703-359-7192
800-252-SWIM
WWW.MARYLANDPOOLS.COM

SITE PLAN

1"=20'
LOT #6

PUBLIC WATER
& SEWER



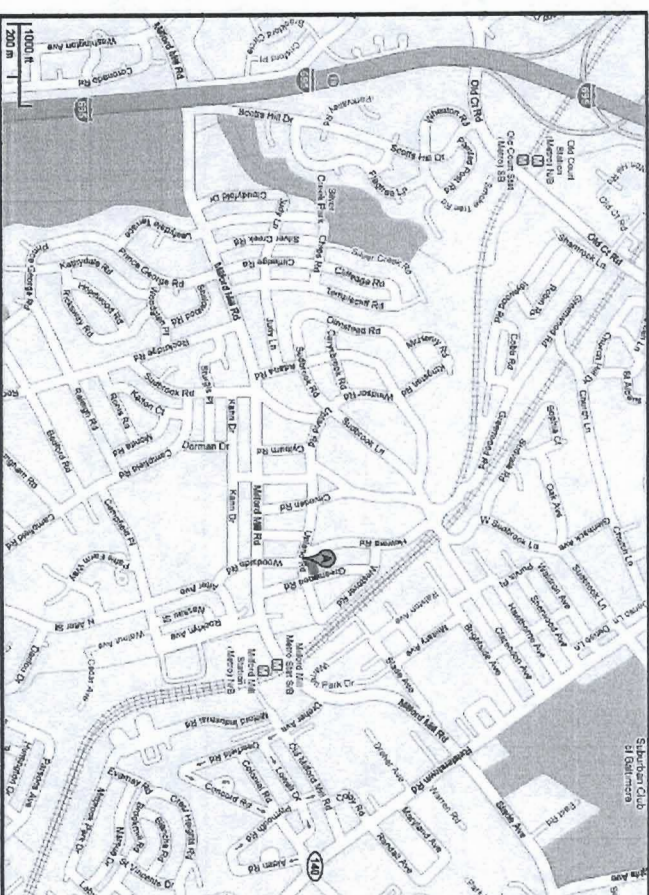
ZONING INFORMATION

100 YEAR FLOOD PLAN ☐ YES ☒ NO
HISTORIC PROPERTY ☐ ☒
PRIOR ZONING HEARING: NONE

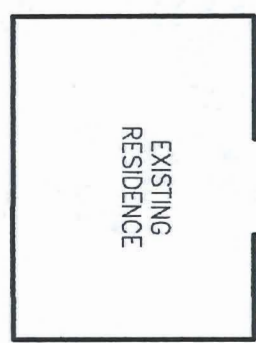
*2 zoning: DR S.5
Map # 07842*

SUDBROOK PARK
TAX ACCOUNT # 0319042935
MAP 78 A2, GRID 14, PARCEL 420
ELECTION DISTRICT: 03
BALTIMORE COUNTY, MARYLAND
LOCATION INFORMATION

3RD ELECTION DISTRICT
2nd COUNCILMATIC DISTRICT
0.1 ACRES/6,370 Sq.Ft.
PUBLIC WATER
& SEWER
NOT IN CRITICAL AREA



LOT 5
SUDBROOK PARK
WILLIAM B. BROWN &
JENEEN ROSETTE BROWN
403 UPLAND ROAD
BALTIMORE, MARYLAND
21208
13/43



EXISTING
RESIDENCE

127 Ln.Ft., OF
HIGH FENCE TO
CODE (BY OWNER'S
FENCE CONTRACTOR)

72"

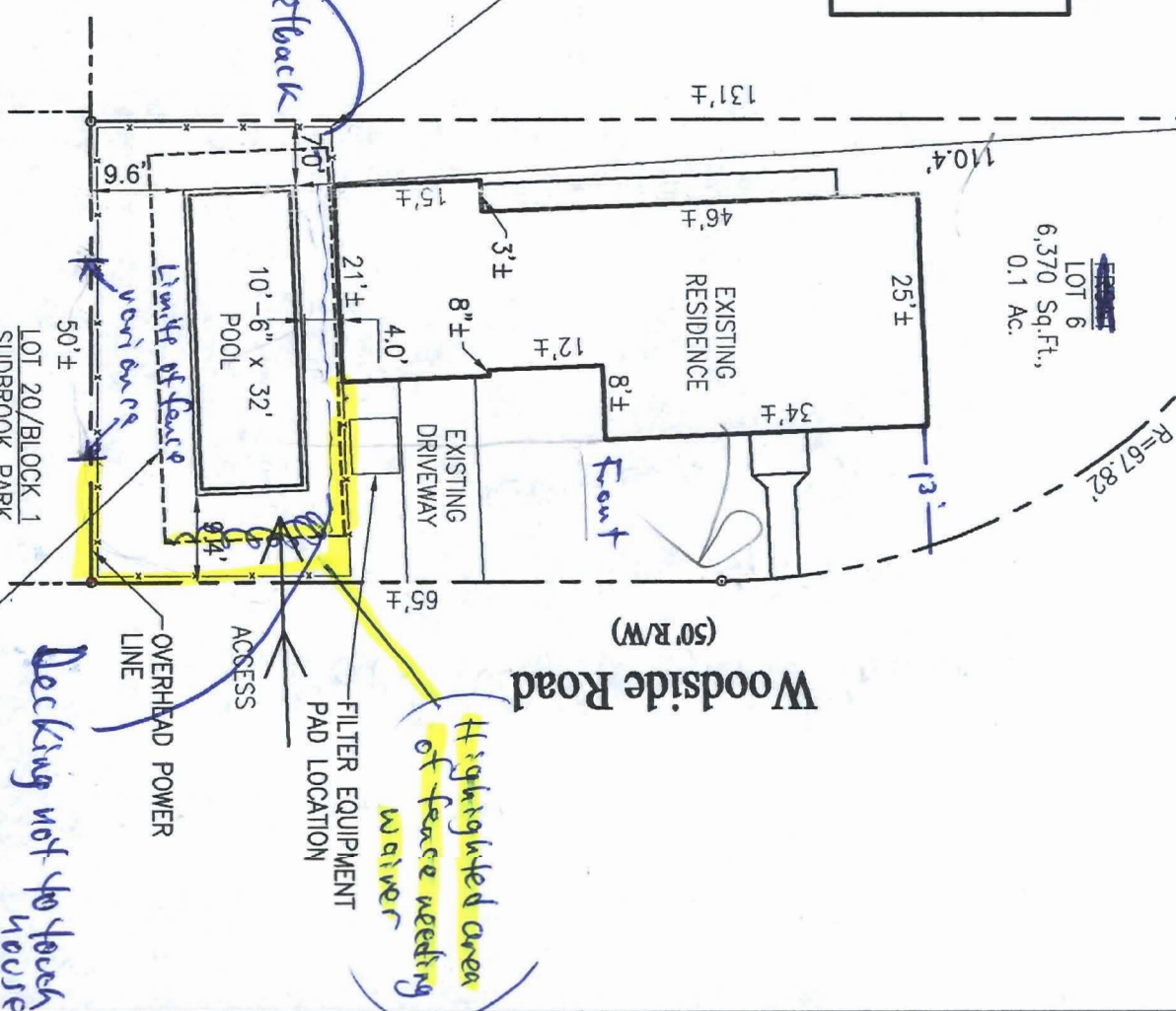
Woodside Road
(50' R/W)

PETITIONER'S
EXHIBIT NO. 1

EXISTING
RESIDENCE

LOT 20/BLOCK 1
SUDBROOK PARK
DANIEL GEORGE SCHWARTZ
606 WOODSIDE ROAD
BALTIMORE, MARYLAND
21208
9/7

APPROX. 400 Sq.Ft., OF POOL
DECKING (BY OWNER'S DECK
CONTRACTOR) FINAL DESIGN
TO BE DETERMINED



PERMIT NUMBERS
POOL: _____
ELECT: _____
OTHER: _____

PERMIT SET

DATE: 9-22-08

EQUIPMENT LIST

DIRT/GRADING: HAIL - 1 HOUR (IN CONTRACT)
SPA: NONE
RAISED BEAM: NONE
TILE: M-350
COPING: 9" R/N BRICK - MED. IRON
PLASTER: WHITE MARBELITE
FILTER SYS: C&C 420 SF CART. W/1 HP PUMP
CLEANING SYS: NONE
TREATMENT SYS: NONE
CONTROL SYS: NONE
HEATER: NONE
LIGHTS: ONE WATTS: 500 VOLTS: 120
LOVESEAT: (1) @ 6' - INSIDE
AQUA BENCH: (1) @ 8'
RAIL GOODS: NONE
DECKING: BY OWNER'S DECK CONTRACTOR
FENCE: BY OWNER'S FENCE CONTRACTOR
POOL COVER: NONE TYPE: N/A
CHEMICALS: \$50 CHEMICAL ALLOWANCE
OTHER ITEMS: EQUIPOTENTIAL BONDING GRID

ELECTRIC: 200 FT.

POOL STATISTICS

SIZE/SHAPE: 10'-6" x 32' - RECTANGLE (NON-DIVING)
POOL AREA: 336 SPA: OTHER:
TOTAL AREA: 336
PERIMETER: 85 SPA:
GALLONAGE: 12,200 DEPTH: 3'-6" TO 7'-0"

DIRECTIONS TO SITE

DIRECTIONS: MILES: 0.00
MAP #
25
GRID
F-13

695 TO LIBERTY ROAD WEST - TO RIGHT TURN ONTO
WASHINGTON AVENUE - TO RIGHT TURN ONTO MARYLAND MILLS
ROAD - TO LEFT TURN ONTO WOODSIDE ROAD - SITE ON
LEFT

Faith Person
401 Upland Road
Baltimore, Maryland 21208
Baltimore County

HOME PHONE: 443-940-0717
OFFICE PHONE 1:
CELL PHONE 1:
CELL PHONE 2:

LOT: 6 SUBDIVISION NAME: SUDBROOK PARK DISTRICT: 03 PIN # 0319042935

SITE PLAN

SCALE: 1"=20' BY: _____ DATE: 9/22/08 JOB NUMBER: DAW08-9725 SHEET #: 1.0

Site

Needs to say

Location, height allowed,
it requested

Reason: privacy

SERBCKS:
REAR PL. 2'-6"
SIDE PL. 2'-6"
HOUSE N/A
SEPTIC N/A
WELL N/A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS: 401 UPLAND ROAD
SUBDIVISION NAME: SUDBROOK PARK
PLAT BOOK: 13 FOLIO: 43 LOT#: 6 BLOCK: 6
PROPERTY OWNER: FAITH A. PERSON

Upland Road

(50' R/W)

ZONING OFFICE USE ONLY

REVIEWED BY:	ITEM #	CASE #
--------------	--------	--------

PETITIONER'S

EXHIBIT NO. 2

LOT 5
SUDBROOK PARK
WILLIAM B. BROWN &
JENEEN ROSETTE BROWN
403 UPLAND ROAD
BALTIMORE, MARYLAND
21208
13/43

PUBLIC WATER & SEWER



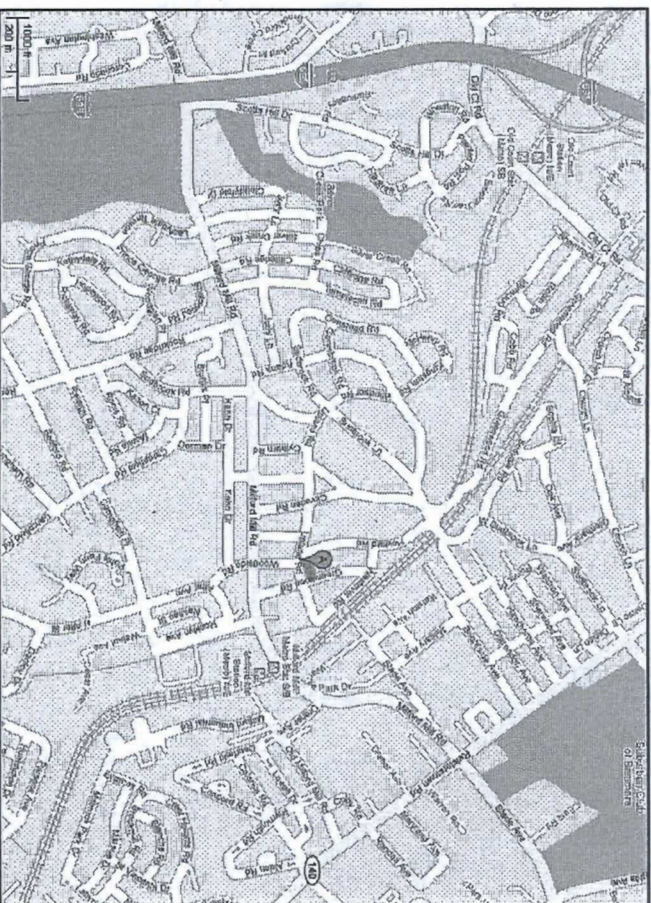
ZONING INFORMATION

100 YEAR FLOOD PLAN ☐ YES ☒ NO
HISTORIC PROPERTY ☐ ☒
PRIOR ZONING HEARING: NONE ☐ ☒

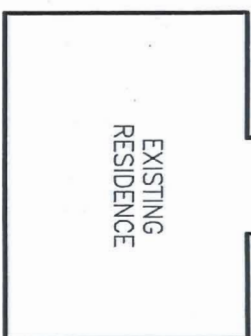
SUDBROOK PARK
TAX ACCOUNT # 0319042935
MAP 78 A2, GRID 14, PARCEL 420
ELECTION DISTRICT: 03
BALTIMORE COUNTY, MARYLAND

LOCATION INFORMATION

3RD ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
0.1 ACRES/6,370 Sq.Ft.
PUBLIC WATER
& SEWER
NOT IN CRITICAL AREA



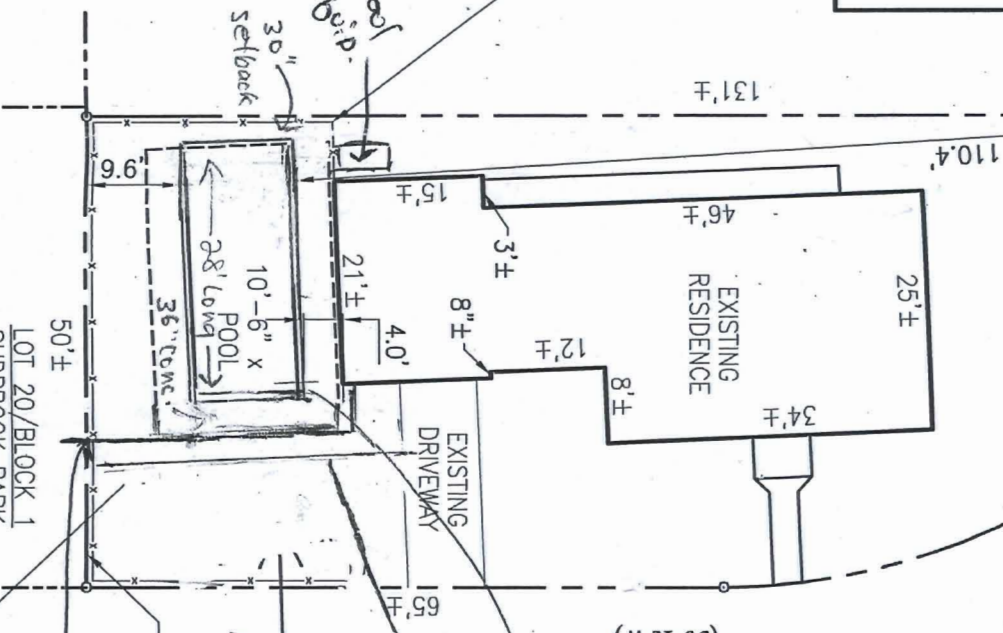
127 Ln.Ft., OF 48"
HIGH FENCE TO
CODE (BY OWNER'S
FENCE CONTRACTOR)



FRONT
LOT 6
6,370 Sq.Ft.,
0.1 Ac.

Woodside Road

(50' R/W)



EXISTING
RESIDENCE

LOT 20/BLOCK 1
SUDBROOK PARK
DANIEL GEORGE SCHWARTZ
606 WOODSIDE ROAD
BALTIMORE, MARYLAND
21208
9/7

OVERHEAD POWER
LINE Proposed
Fence Location
(Setback 2' from
Front Facade)

PERMIT NUMBERS

POOL:
ELECT:
OTHER:

PERMIT SET

DATE: 9-22-08

Maryland
POOLS
Inc.
9515 GERWIG LANE | 11166 MAIN STREET
SUITE 121 | SUITE 402
COLLIERIA MD 21046 | FAIRFAX VA 22030
410-995-6600 | 703-359-7192
800-252-SWIM
WWW.MARYLANDPOOLS.COM

EQUIPMENT LIST

DIRT/GRADING: HAUL - 1 HOUR (IN CONTRACT)
SPA: NONE
RAISED BEAM: NONE
TILE: M-350
COPING: 9" R/N BRICK - MED. IRON
PLASTER: WHITE MARBELITE
FILTER SYS: C&C 420 SF CART. W/1 HP PUMP
CLEANING SYS: NONE
TREATMENT SYS: NONE
CONTROL SYS: NONE
HEATER: NONE
LIGHTS: ONE
LOVESEAT: (1) @ 6' - INSIDE
AQUA BENCH: (1) @ 8'
RAIL GOODS: NONE
DECKING: BY OWNER'S DECK CONTRACTOR
FENCE: BY OWNER'S FENCE CONTRACTOR
POOL COVER: NONE
CHEMICALS: \$50 CHEMICAL ALLOWANCE
OTHER ITEMS: EQUIPOTENTIAL BONDING GRID

ELECTRIC: 200 FT.

POOL STATISTICS

SIZE/SHAPE: 10'-6" x 18' - RECTANGLE (NON-DIVING)
POOL AREA: 294' SPA: OTHER:
TOTAL AREA: 294'
PERIMETER: 85
SPA:
GALLONAGE: 10,200 DEPTH: 3'-6" TO 7'-0"

DIRECTIONS TO SITE

MILES: 000

MAP #

25

GRID

F-13

DIRECTIONS:
695 TO LIBERTY ROAD WEST - TO RIGHT TURN ONTO
WASHINGTON AVENUE - TO RIGHT TURN ONTO MARYLAND MILLS
ROAD - TO LEFT TURN ONTO WOODSIDE ROAD - SITE ON
LEFT

Faith Person
401 Upland Road
Baltimore, Maryland 21208
Baltimore County

HOME PHONE: 443-940-0717

OFFICE PHONE 1:

CELL PHONE 1:

CELL PHONE 2:

LOT: 6 SUBDIVISION NAME: SUDBROOK PARK DISTRICT: 03 PIN # 0319042935

SITE PLAN

ZONE: ONE

SCALE: 1"=20' BY: DATE: 9/22/08 JOB NUMBER: DAW08-9725 SHEET #: 1.0

RECEIVED

MAY 04 2009

ZONING COMMISSIONER

5/4/09 3:10 PM



Maryland
POOLS
Inc.

Gary Sipes

Senior Designer/Consultant

410-995-6600
Cell: 410-320-6139
800-252-SWIM
Fax: 410-381-4048
9515 Gerwig Lane - Suite 121
Columbia, Maryland 21046-1524
e-mail: gsipes@mdpools.com
www.mdpools.com

Dear Mr. Bostwick,

I represent MD Pool

have met with Diana Itter, Mr. Melanie Anson of "Sudbrook Park Community Association" + several neighbors at Mrs. Person's site to discuss the proposed pool + fence locations. We came to an agreement to:
Move the pool back 36", cutoff 48" of the pool length, + move the fence back to 24" inside the front facade of the house. Also, we had to agree to a 64" fence in the front with a slight scallop design to match the neighbor across the street. We also moved the pool equipment to behind the house. We are hoping that this is satisfactory with your office so we can proceed. Please let me know any questions and advise. Thank you.

Gary Sipes
c/o MD Pools



PETITIONER'S

EXHIBIT NO. 3A-L













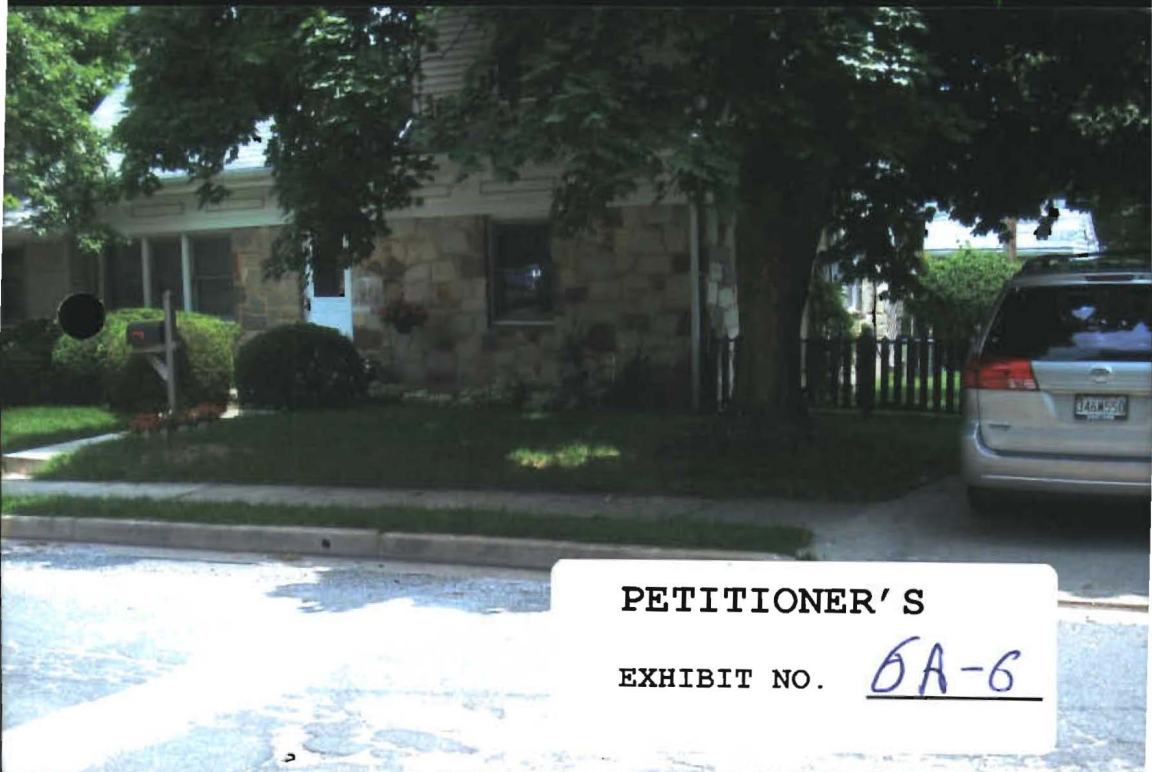












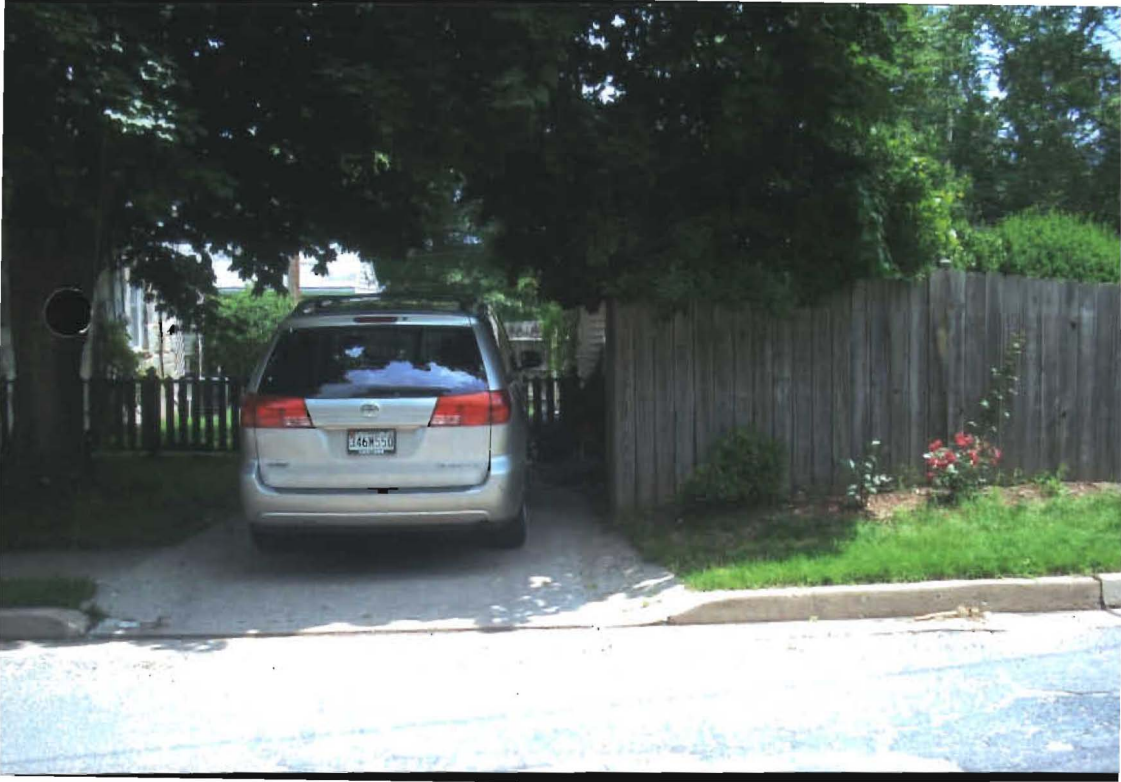
PETITIONER' S

EXHIBIT NO. 6A-6



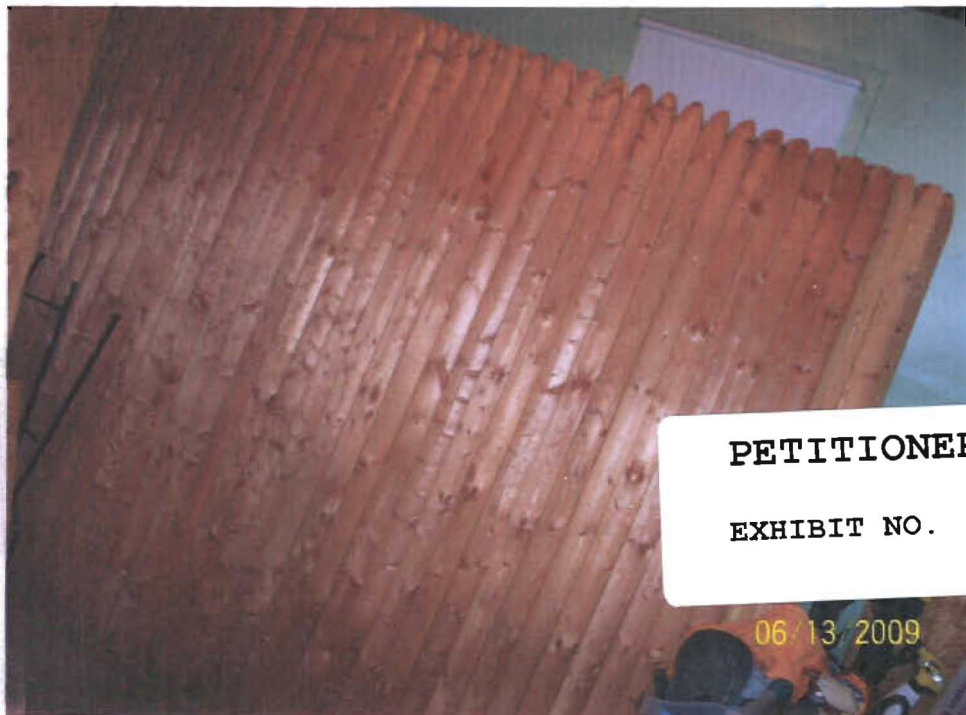








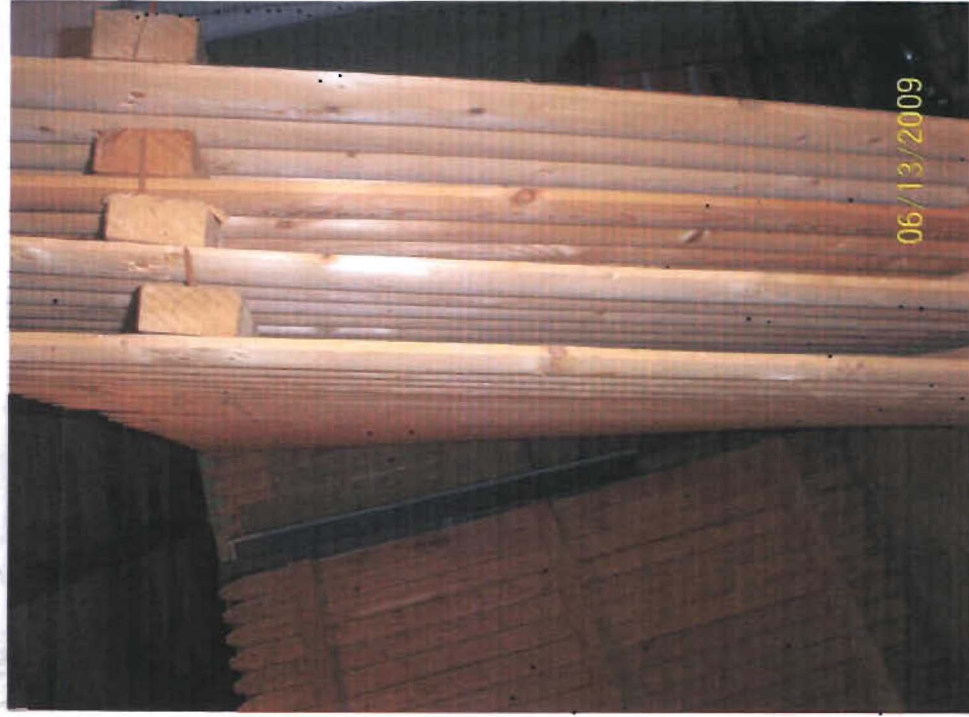




PETITIONER'S

EXHIBIT NO. 7A-C

06/13/2009





06/13/2009