

IN RE: PETITION FOR ADMIN. VARIANCE

NE side of Collinsway Road; corner of Collinsway
Road and Chesworth Road
1st Election District
1st Councilmanic District
(6100 Collinsway Road)

John C. and Mami R. Buchanan
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2010-0090-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 owners of the subject property, John C. and Mami R. Buchanan for property located at 6100 Collinsway Road. The variance request is from Sections 427.B.1 and 427.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6 feet high and 25 linear feet privacy fence in the rear yard which adjoins the front yard of another existing dwelling in lieu of the allowed 42 inch high fence if situated in the front yard of another existing dwelling. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners' property is a corner lot with significant foot and vehicle traffic in the area. The proposed taller fence and in the location as proposed will protect Petitioners' property and their young son. The fenced in yard will give the child a safe and security area in which to play. The 6 foot high fence will not prohibit the neighbors from enjoying any view or full use of their property nor will it obstruct any views of traffic due to the setback from the corner.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

RECEIVED FOR FILED
10-8-09
[Signature]

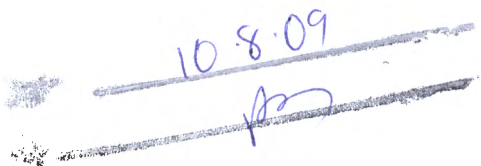
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on September 20, 2009 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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

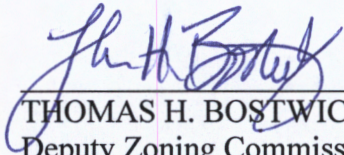
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 8th day of October, 2009 that a variance from Sections 427.B.1 and 427.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6 feet high and 25 linear feet privacy fence in the rear yard which adjoins the front yard of another existing dwelling in lieu of the allowed 42 inch high fence if situated in the front yard of another existing dwelling is hereby GRANTED, subject to the following:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

10-8-09


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

RECEIVED FOR FILED
10-8-09
pm



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

October 8, 2009

JOHN C. AND MAMI R. BUCHANAN
6100 COLLINSWAY ROAD
CATONSVILLE MD 21228

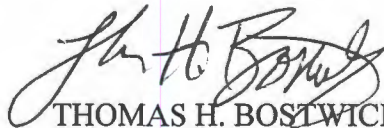
Re: Petition for Administrative Variance
Case No. 2010-0090-A
Property: 6100 Collinsway Road

Dear Mr. and Mrs. Buchanan:

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,


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County for the property located at 6100 Collinsway Rd., Catonsville, MD 21228

which is presently zoned Residential SF

Deed Reference: 26004 / 442 Tax Account # 0123350361

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)

Section 427.B.1 and 2 of BCZR to permit to erect a six (6) feet in height, 25 linear feet privacy fence in the rear yard which adjoins the front yard of another existing dwelling in lieu of the allowed 42" high fence if situated in the front yard of another existing dwelling

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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:

NA
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

NA
Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

John Buchanan

John Buchanan
Name - Type or Print
Signature

Mami Buchanan

Mami Buchanan
Name - Type or Print
Signature

6100 Collinsway Rd. 443.860.9686

Address Telephone No.

Catonsville MD 21228

City State Zip Code

Representative to be Contacted:

See owner
Name

Address Telephone No.

City State Zip Code

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

Case No. 2010-0090-A

Reviewed By

Zoning Commissioner of Baltimore County

A-TSUI Date 9/10/09

Estimated Posting Date

9/20/09 - 10/05/09

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.

6100 Collinsway Rd.

and that this address is the subject of this variance request as required by law.

additional sheet if needed) We request a variance so that we may erect a 6' privacy fence around the perimeter of our backyard. One corner of our backyard abuts our neighbor's front yard and zoning only allows for a 42" fence to be placed due to the abutment. We are on a corner and our yard and house are exposed to everyone. We have a 2 year old son whom we like to allow to spend time outside with us in the backyard. Our concern is for his safety. As very protective parents we find it difficult to allow him freedom to roam in his backyard for fear of his safety. First, from traffic and second, from possible abduction from passers-by. Although a 42" fence would alleviate the issue with traffic it would do absolutely nothing for our fear of him possibly being abducted. A standard privacy fence at 6' high would greatly help with our concerns for his safety in this regard. As it is we find it difficult to pursue any activity in our backyard because we are constantly keeping surveillance on him moment by moment. Please approve our request so that we may have some peace during our backyard activities.

Signature _____

Mari Bucher
Signature

Name- print or type

Name- print or type

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

(Name Affiant(s) here): John Buchanan Mami Buchanan
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).


Name of Notary Public

3/8/2012
Commission expires

FRM476 09

Rev 3/09

2010-0090-A

Part of Administrative Variance for 6100 Collinsway Rd., Catonsville, MD 21228

Description:

We request a variance to erect a 6' High privacy fence around the perimeter of our backyard. Our property sits on the corner of Collinsway and Chesworth Rd. The right corner of the proposed fence will abut the front yard of a neighbor. We are requesting a relief from the code requiring a 42" fence on this side due to the abutment for the following reasons:

- 1- The foot and vehicle traffic on the corner expose our house and lot to everyone. Our activities and actions are in plain view and a 42" fence will not provide any relief or privacy. *The*
- 2- My toddler son, who likes to spend time outside, is not protected from passer-by who can lift him right over a fence of 42", he can also easily climb a fence of such a short height. He is not safe even under close scrutiny of his parents.
- 3- A 6' fence would not prohibit our rear neighbors from enjoying any view or full use of their property, nor will it obstruct any views for traffic due to the setback from the corner.
- 4- The alternate of moving the fence to begin at the corner of our home would not be an option due to the 1, 375 SF of yard space we would be giving up for public use.

We feel the county should provide us relief from the code and allow us the right to privacy, safety, and full use of our rear yard. Our toddler's safety is our main concern, as we are purchasing the fence to give him freedom to roam in the backyard without fearing his abduction. As a Baltimore County homeowner, we should have the right to use our entire yard and not pen in a portion and leave the remainder for trespassers.

Please consider granting this variance based on the above. Thank you for your time and consideration.



John and Mami Buchanan
1600 Collinsway Rd.
Catonsville, MD 21228

Buchanan
6100 Collinsway Rd.
Catonsville, MD 21228

60 FT.

(MC) 9/9/09

Beginning at a point on the NE side of Collinsway Rd. which is ~~80~~LF wide at the distance of 30LF NW of the centerline of the nearest improved intersecting street Chesworth which is ~~103~~LF wide.

~~RD~~ 60 FT

*Being Lot #21 Block J, Section# 7A in the subdivision of Westview Park as recorded in Baltimore County Plat Book# 27, Folio #113 containing 7,752SF.

AND

Also know as 6100 Collinsway Rd., Baltimore, MD 21228, and locate in the 1st Election District, 1ST COUNCILMANIC DISTRICT.

2010-0090-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0090 -A Address 6100 COLLINSWAY ROAD
Contact Person: AARON TSUI Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 09/10/2009 Posting Date: 9/20/09 Closing Date: 10/05/09

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

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

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2010- 0090 -A Address 6100 COLLINSWAY ROAD
Petitioner's Name BUCHANAN Telephone 443.860.9686
Posting Date: _____ Closing Date: _____
Wording for Sign: To Permit A 25 LF, 6 FEET HIGH FENCE IN THE REAR
YARD WHICH ADJOINS THE FRONT YARD OF ANOTHER
EXISTING DWELLING IN LIEU OF THE ALLOWED 42" HIGH
FENCE IF SITUATED IN THE FRONT YARD OF
ANOTHER DWELLING.

Revised 8/20/09

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

No. _____

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/ Obj	Rev/ Sub Obj				
001	406	0001		2150					65--

Total: _____

Rec
From: _____

For: _____

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 09/22/09

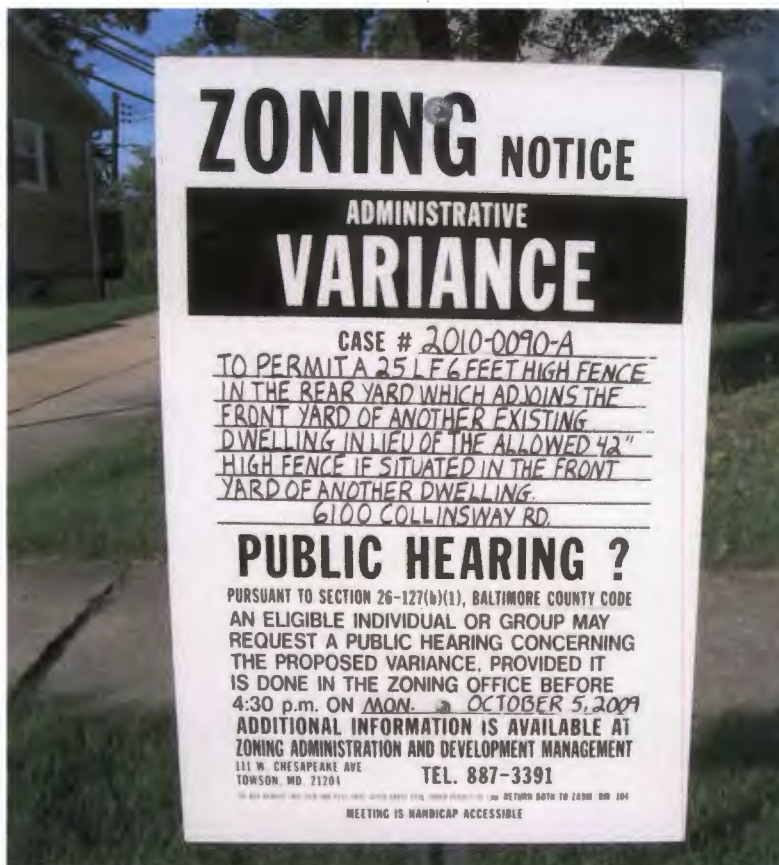
Case Number: 2010-0090-A

Petitioner / Developer: BUCHANAN ~ MICHELLE RUBUSH of
FENCE & DECK CONNECTION

Date of Hearing (Closing): OCTOBER 5, 2009

This is to certify under the penalties of perjury that the necessary sign(s)
required by law were posted conspicuously on the property located at:
6100 COLLINSWAY ROAD

The sign(s) were posted on: SEPTEMBER 20, 2009



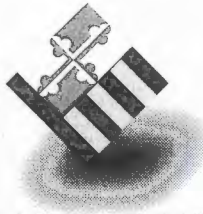
Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

October 5, 2009

John & Mami Buchanan
6100 Collinsway Rd.
Catonsville, MD 21228

Dear: John & Mami Buchanan

RE: Case Number 2010-0090-A, 6100 Collinsway Rd.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 29, 2009

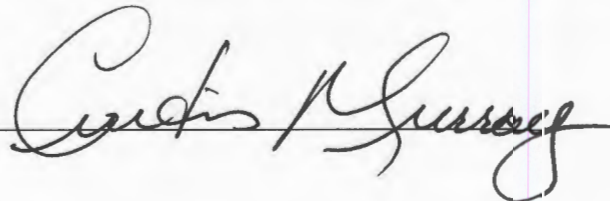
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-090- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By:
CM/LL



RECEIVED

SEP 29 2009

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For October 5, 2009
Item Nos. 10-087, 088, 089, 090,
091, 092, 093, 095 and 096

DATE: September 25, 2009

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

DAK:CEN:kmt

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-10052009 -NO COMMENTS doc



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

October 2, 2009

ATTENTION: Zoning Review Planners

Distribution Meeting Of: September 21. 2009

Item Numbers 0087, 0088, 0090, 0091, 0092, 0093, 0094, 0095 and 0096

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



Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: SEPT. 29, 2009

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

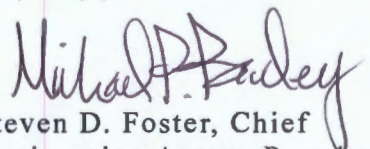
RE: Baltimore County
Item No. 2010-0090-A
6100 COLLINSWAY RD
BUCHANAN PROPERTY
ADMIN. VARIANCE

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. 2010-0090-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw2.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 01 Account Number - 0123350361

Owner Information

Owner Name:	BUCHANAN JOHN C BUCHANAN MAMI R	Use:	RESIDENTIAL
Mailing Address:	6100 COLLINSWAY RD BALTIMORE MD 21228-2734	Principal Residence:	YES
		Deed Reference:	1) /26004/ 442 2)

Location & Structure Information

Premises Address
 6100 COLLINSWAY RD

Legal Description

6100 COLLINSWAY RD
 WESTVIEW PARK

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
95	13	206			7A	J	21	1	Plat Ref: 27/ 113

Special Tax Areas

	Town
	Ad Valorem
	Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1960	1,422 SF	7,752.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2007	07/01/2009	07/01/2010
Land	97,750	97,750		
Improvements:	210,100	210,100		
Total:	307,850	307,850	307,850	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: RODGERS JAMES	Date: 08/06/2007	Price: \$279,900
Type: IMPROVED ARMS-LENGTH	Deed1: /26004/ 442	Deed2:
Seller: BENJAMIN LUISA GARCIA	Date: 10/04/2004	Price: \$183,000
Type: IMPROVED ARMS-LENGTH	Deed1: /20774/ 716	Deed2:
Seller: HANCOCK MALCOLM	Date: 01/24/2001	Price: \$139,000
Type: IMPROVED ARMS-LENGTH	Deed1: /14936/ 648	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

6100 Collinsway Rd



Chesworth

2010-0090-A

WSY plane on highway



Chesworth

2010-0090-A

Rear Yard 6100 Collinsway



2010-0090-A

6034

Lot # 6

0111001370

6036

0112740450

Lot # 7

603

Lot # 26 0123502830

Lot # 17
0108551310

6033

Lot # 25 0104751400

6035

Lot # 24 0119001550
Pt. Bk. 26 Folio 39

0104203520

Lot # 18

6034

0119073940

Lot # 19

6036

Lot # 23 0119580360

6104

1 ED

Lot # 22 0107291390

Pt. Bk. 26 Folio 149

6102

0118351690

Lot # 20

6038

1 CD

DR 5.5
094C3

Lot # 12
0115540200

COLLINSWAY RD

SW 1-G

PDM # 010357

0123350361

Lot # 21

6100

CHESWORTH RD

0102653010 6103

Lot # 13

6101

Lot # 14 0112201770
Pt. Bk. 27 Folio 113

0102572060

CHESWORTH RD

0108005200

Lot # 15 6102

Pt. Bk. 26 Folio 33

2010-0090-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

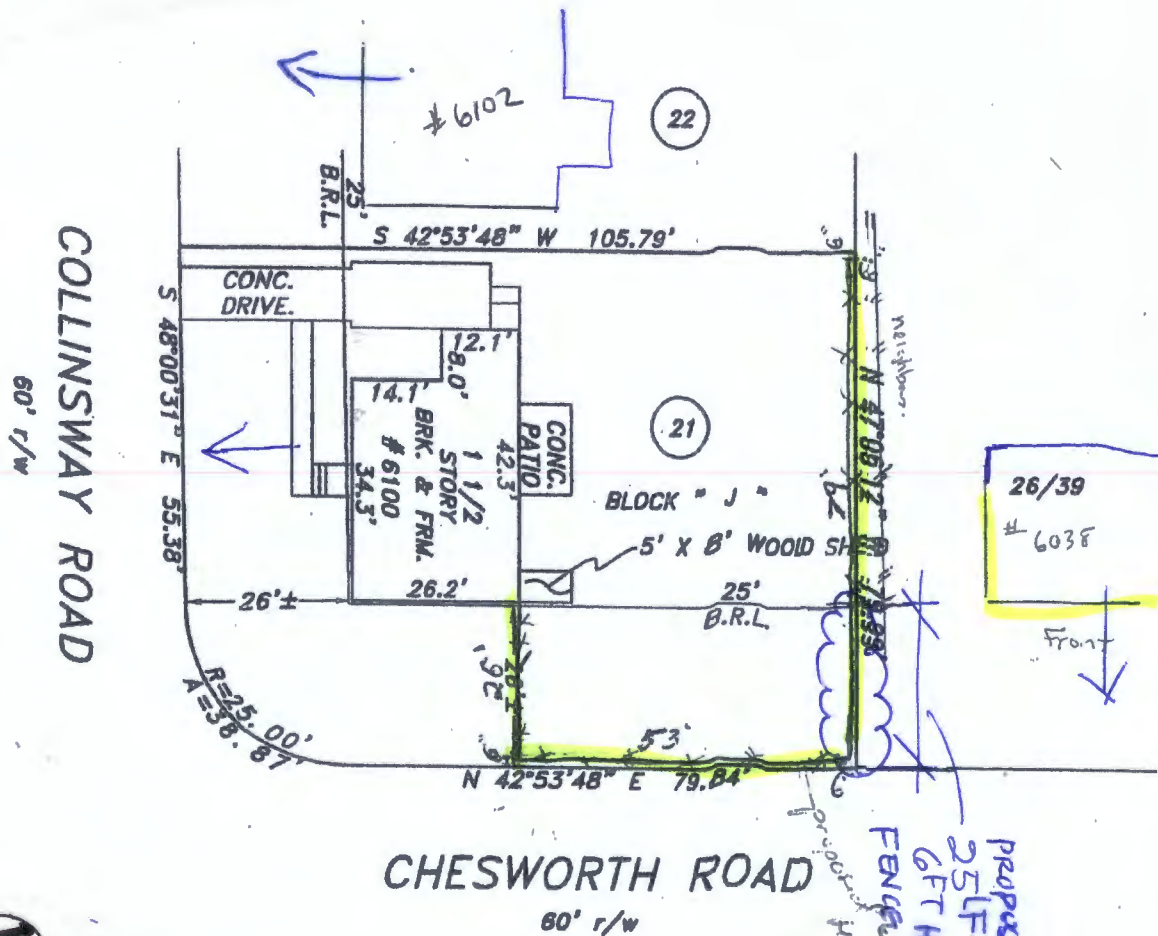
PROPERTY ADDRESS 6100 COLLINSWAY RD

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

SUBDIVISION NAME WESTVIEW PARK

PLAT BOOK # 27 FOLIO # 113 LOT # 21 SECTION # -

OWNER JOHN & MAMI BUCHANAN



LOCATION INFORMATION

ELECTION DISTRICT 1ST
 COUNCILMANIC DISTRICT 1ST
 1"=200' SCALE MAP # 094C3
 ZONING DR 5.5
 LOT SIZE 7,625 S.F.

	ACREAGE	SQUARE FEET
	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐
CHESAPEAKE BAY CRITICAL AREA	YES ☐	NO ☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	<u>NONE</u>	

ZONING OFFICE USE ONLY
 REVIEWED BY A. T. Bui ITEM # 0090 CASE # 2101-0090-A

PREPARED BY Michelle Rubush 9/9/09

SCALE OF DRAWING: 1" = 30'0"