To the Baltimore County Zoning Board of Appeals,

My fiancée, Fiona Chuo, and I, Robert Alvis, are new to Maryland from Memphis TN, and decided to purchase a new construction home in Swan Point in Sparrows Point MD.

In August 2022 we decided to build a new fence for privacy around our property. We immediately were assessed a notice of code violation, and subsequently had a zoning hearing 2022-0217-A, where we asked for variance relief from BCZR 427.1. No members of the public attended the hearing, and we had affidavits from four immediate neighbors expressing explicit support for the fence on 2808 5th St. The presiding Administrative Law Judge admitted that the fence presented no hardships to any affected parties, yet she denied our petition for relief.

In the additional pages included in this submittal, this is at a minimum an uneven application of the BCZR and at worst a targeted attempt at dissuading "outsiders" from purchasing property and beautifying neighborhoods in Baltimore County.

<u>I am indicating my intention to appeal the previous ruling on case 2022-0217-A based on the following hardships presented by this specific application of BCZR 427.1:</u>

1. There are at least 9 documented examples of houses within Swan Point that have fences greater than 42in height along a public road (several of which are corner lots), none of which have a zoning variance on file for the applicable BCZR. This is an uneven enforcement of the BCZR.
2. The occupants of 2808 5th St. are in immediate proximity to 5th Street Park, which has high traffic volume, and the fence alleviates issues that come with privacy and safety.
3. Swan Point often experiences excessive winds coming off of Black River and the fence acts as a wind break to protect the enclosed property.
4. The affected neighbors, as indicated in the signed affidavits, prefer the fence in place as it adds to the beautification of Swan Point and acts as additional privacy and windbreak for their properties.
5. The fence in question provides relief from traffic noise, not just within the property, but also in providing a noise break between lots.

This application for a zoning variance will not present any issues with sustainability, as the fence in question presents no issues with nonconformity within the context of the neighborhood. It also presents minimal impact on the environment, as it does not affect any drainage, noise, traffic congestion, etc. in a negative manner.

Signed

Robert Alvis
2808 5th St Sparrows Point MD 21219

12/28/2022

RECEIVED
DEC 28 2022
OFFICE OF
ADMINISTRATIVE HEARINGS

2022-0217-A 2808 5th Street

- Robert/Fiona moved in to 2808 5th St in July 2022, from Memphis TN for new career opportunities
- Pyle Fence erected the fence in Aug 2022
- The new owners (Robert/Fiona) were unaware of zoning ordinances and permitting requirements at the time of fence construction
- Code enforcement correction notice CC2211532 issued 9/30/22 by inspector ID 50 Stewart Kelly
- Robert/Fiona immediately filed for a permit, as well as a variance application at the behest of Inspector Stewart Kelly
- 11/10/22 Administrative Law Judge Maureen Murphy ruled against Robert Alvis/Fiona Chuo in zoning case 2022-0217-A regarding a privacy fence erected on 2808 5th st
- Ample evidence was provided to the Administrative Law Judge indicating that the fence erected on 2808 5th St was in no way exceptional relative to the surrounding properties, as outlined in this presentation

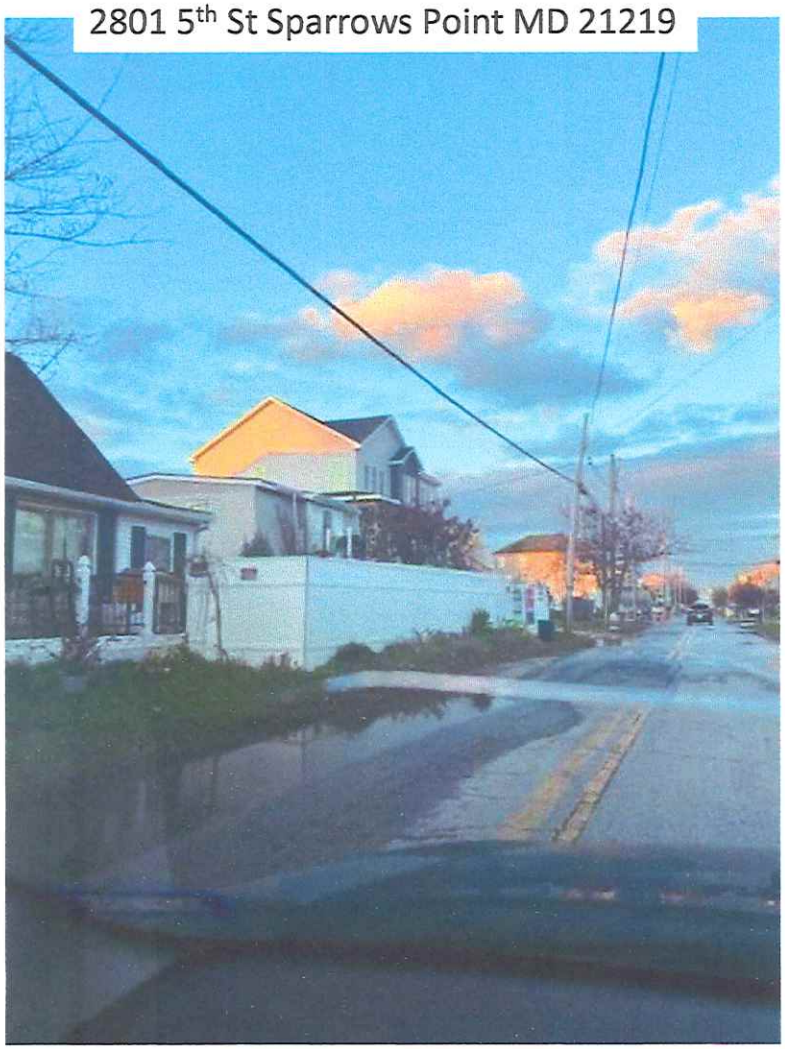
The fence in question along Hinton Ave in no way presents an obstruction to the view around the corner of 5th St and Hinton. The fence in no way presents any hardships to residents of Miller's Island and is ordinary when compared to properties within the Swan Point/Miller's Island subdivision.

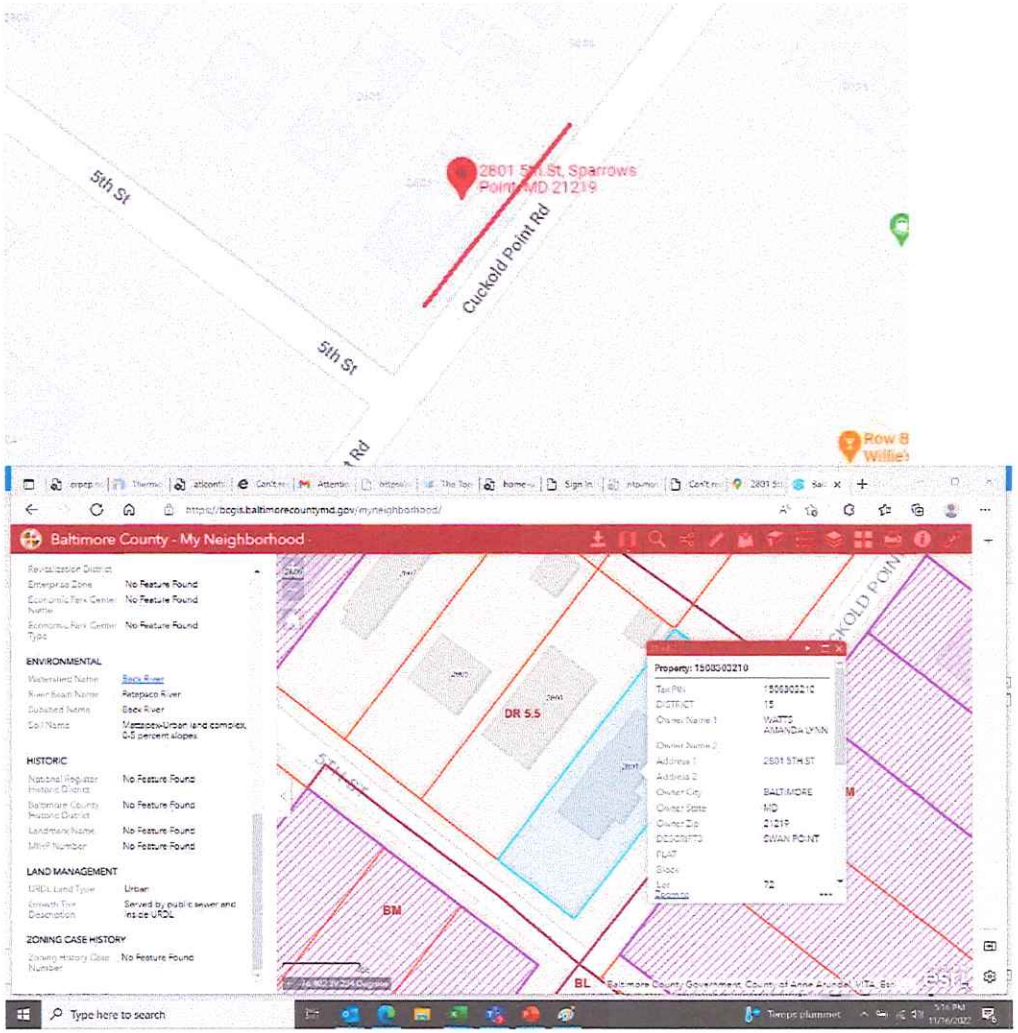
In fact, this intersection provides one of the least challenging egress paths for delivery trucks in the whole of Miller's Island and is routinely one of the most utilized corners for box delivery trucks.

11x privacy fence examples in Swan Point

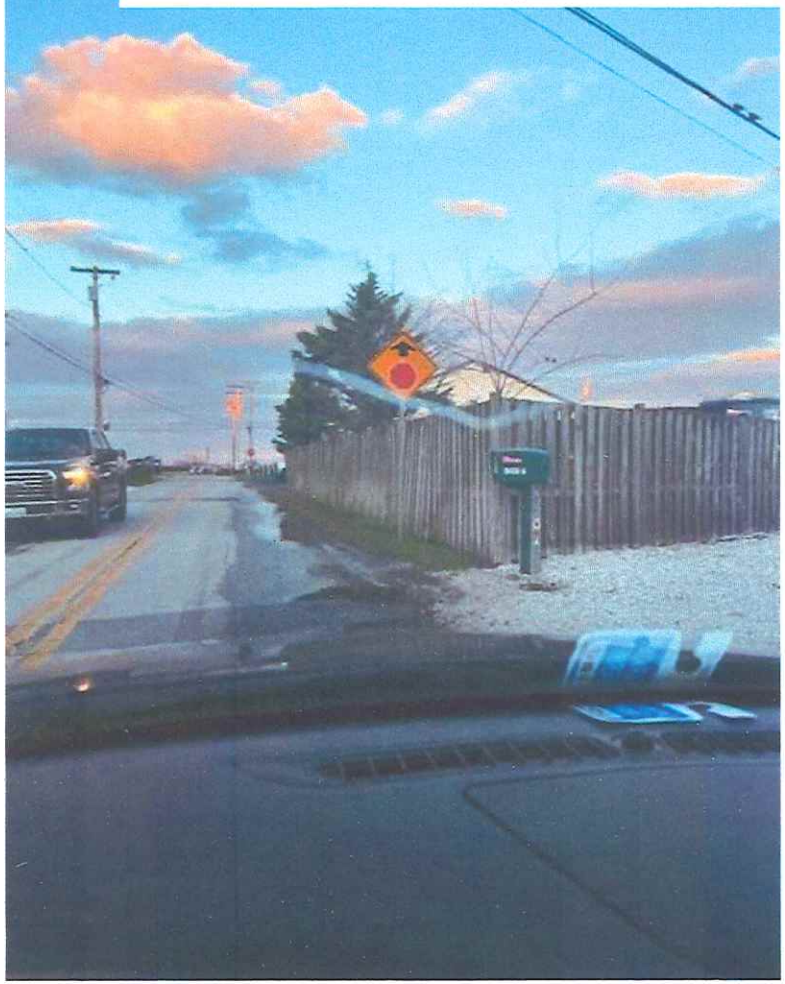
- All 11 examples are of fences greater than 42" in height along a "public road"
- 10x of the examples are corner lots, similar in every way to 2808 5th st
- None of the properties listed in this presentation have a variance recorded in the Baltimore County – My Neighborhood application from BCZR 427.1:
  - To permit a 6ft. fence in rear side yard which is situated within 10 ft. of the adjoining front yard of the property line.
  - Notwithstanding any other provisions of this Code or the Baltimore County Code, in a D.R. or R.C. 5 Zone located in a historic district, the maximum height of a residential occupancy fence is 42 inches if the fence is erected in the side yard of a lot that adjoins a public road.
- It is clear from the evidence that an uneven application of the BCZR has been applied to 2808 5th St relative to multiple existing properties within just the Swan Point neighborhood

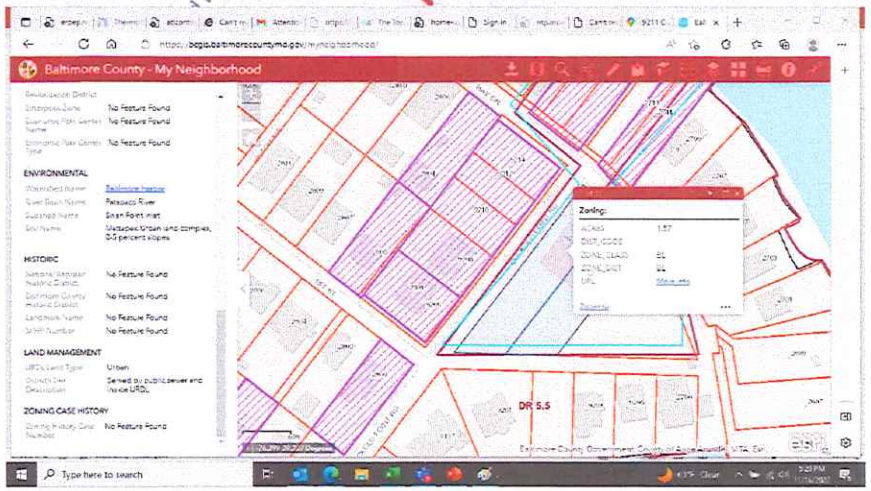
2801 5th St Sparrows Point MD 21219



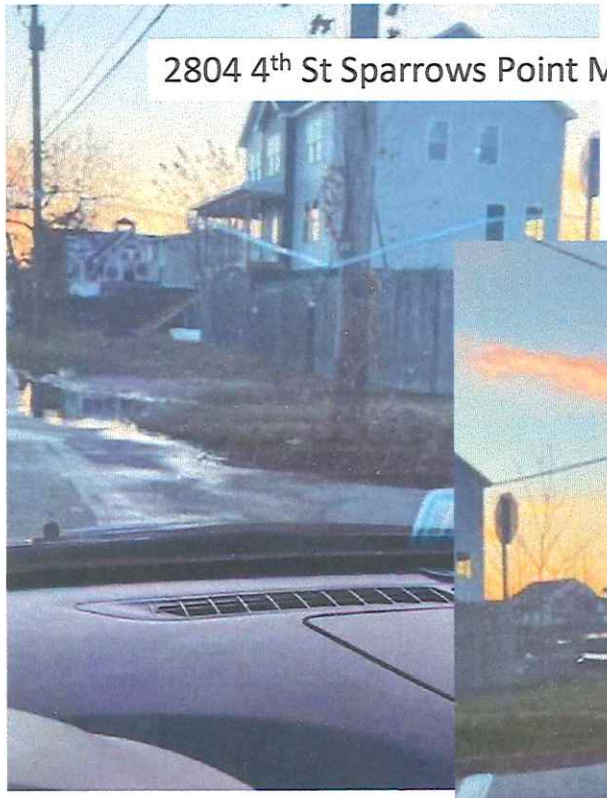


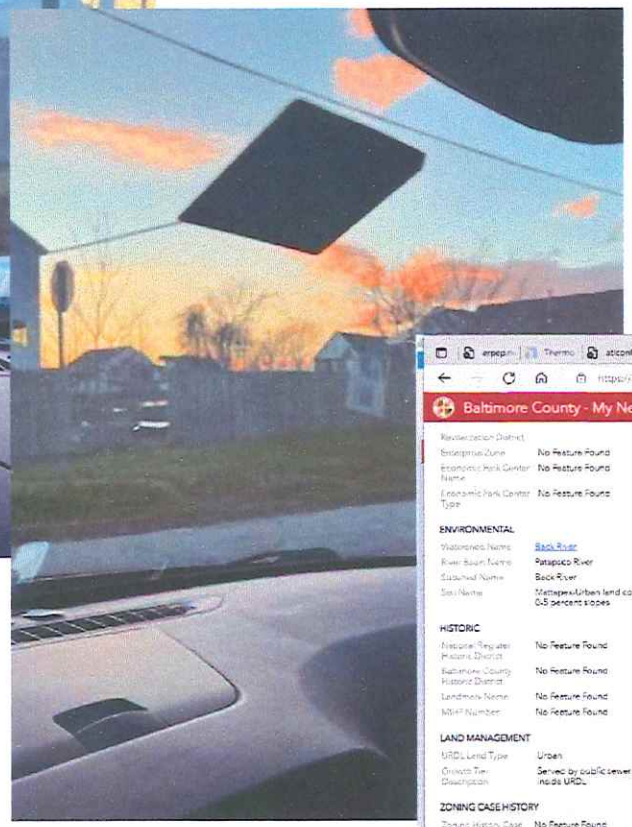
9211 Cuckold Point Rd Sparrows Point MD 21219

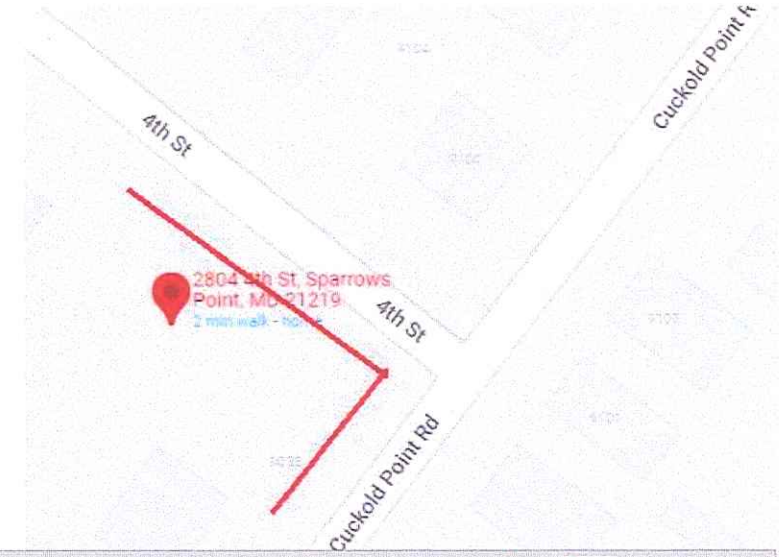


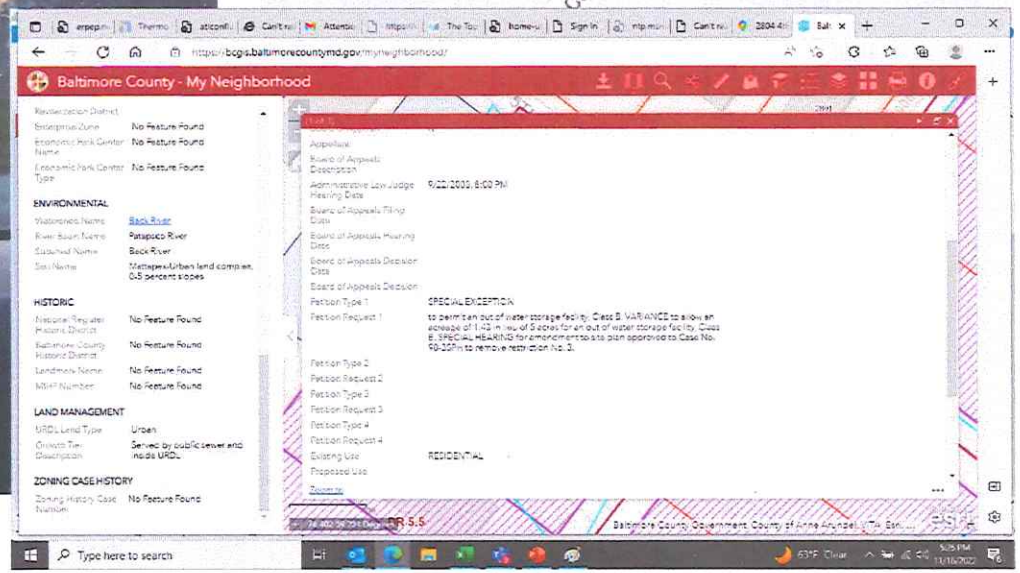


2804 4th St Sparrows Point MD 21219

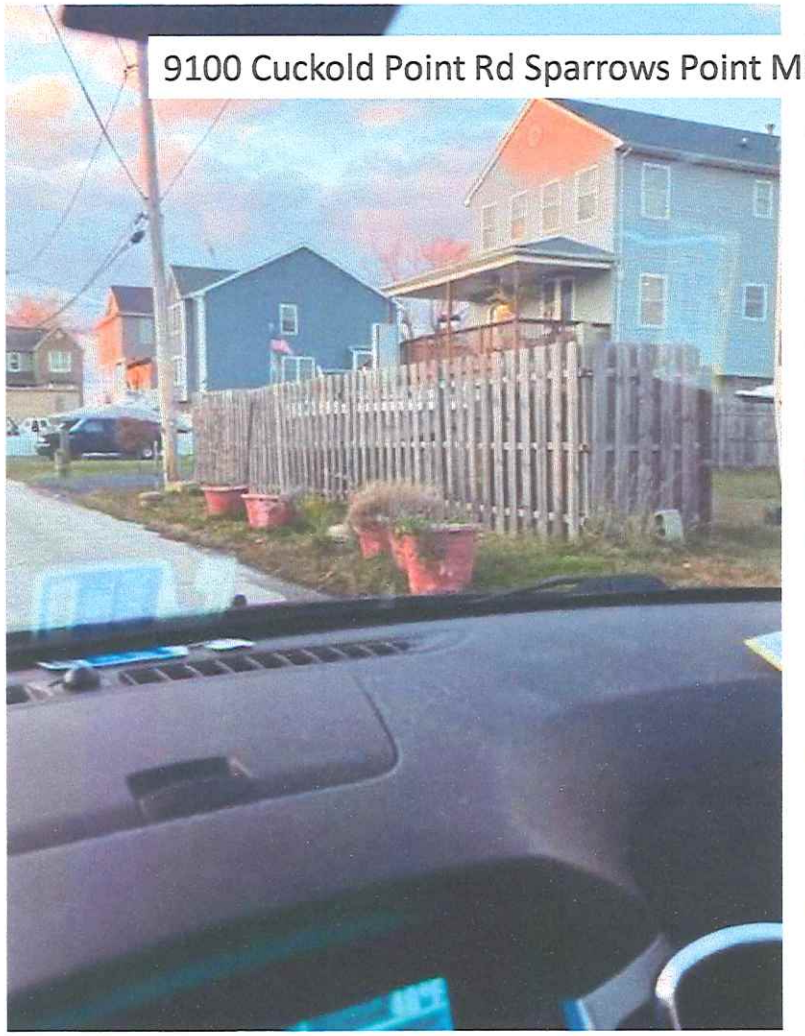


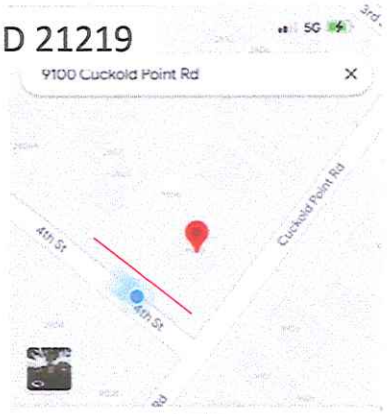


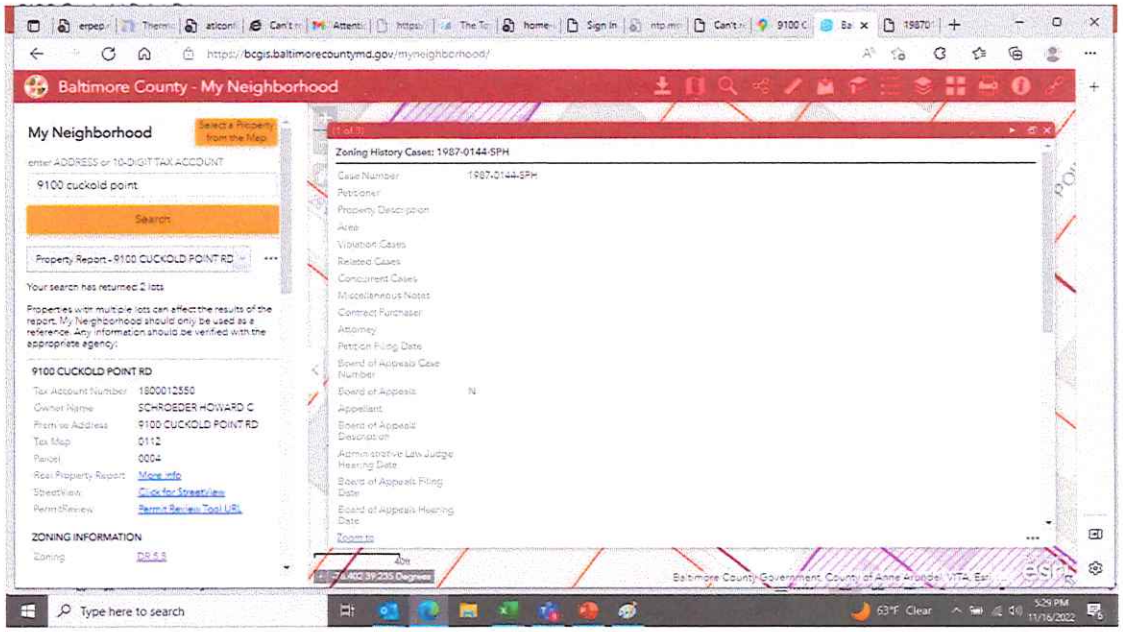


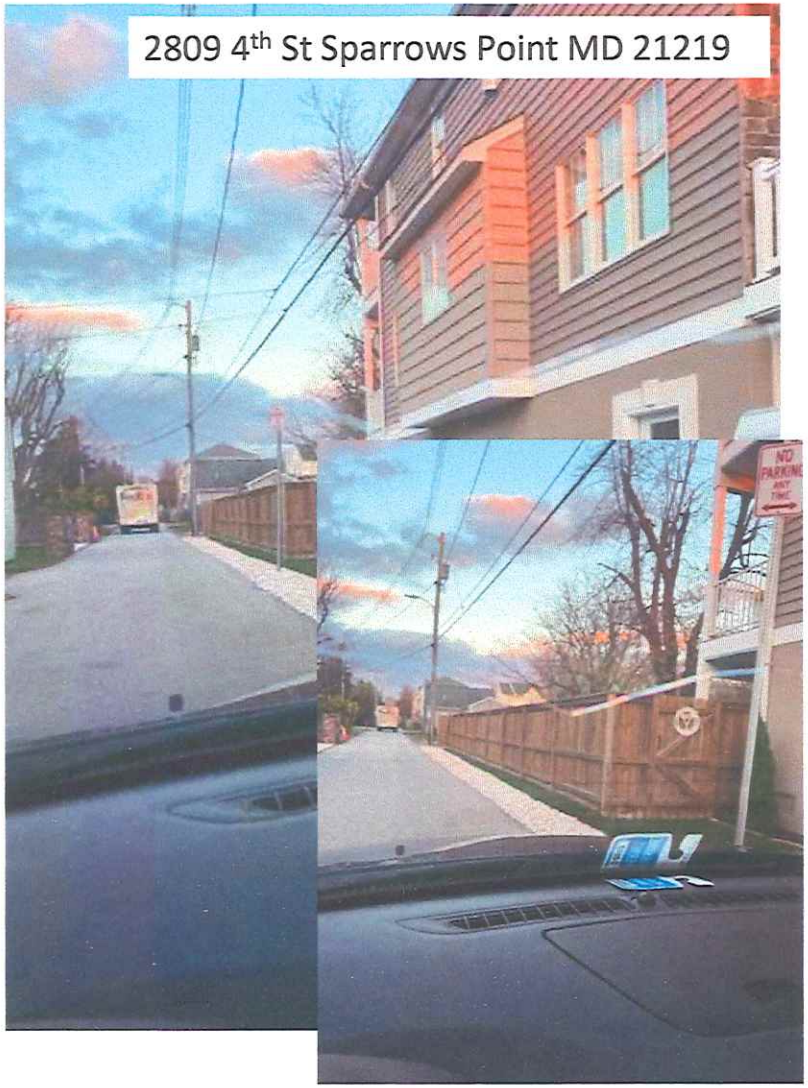


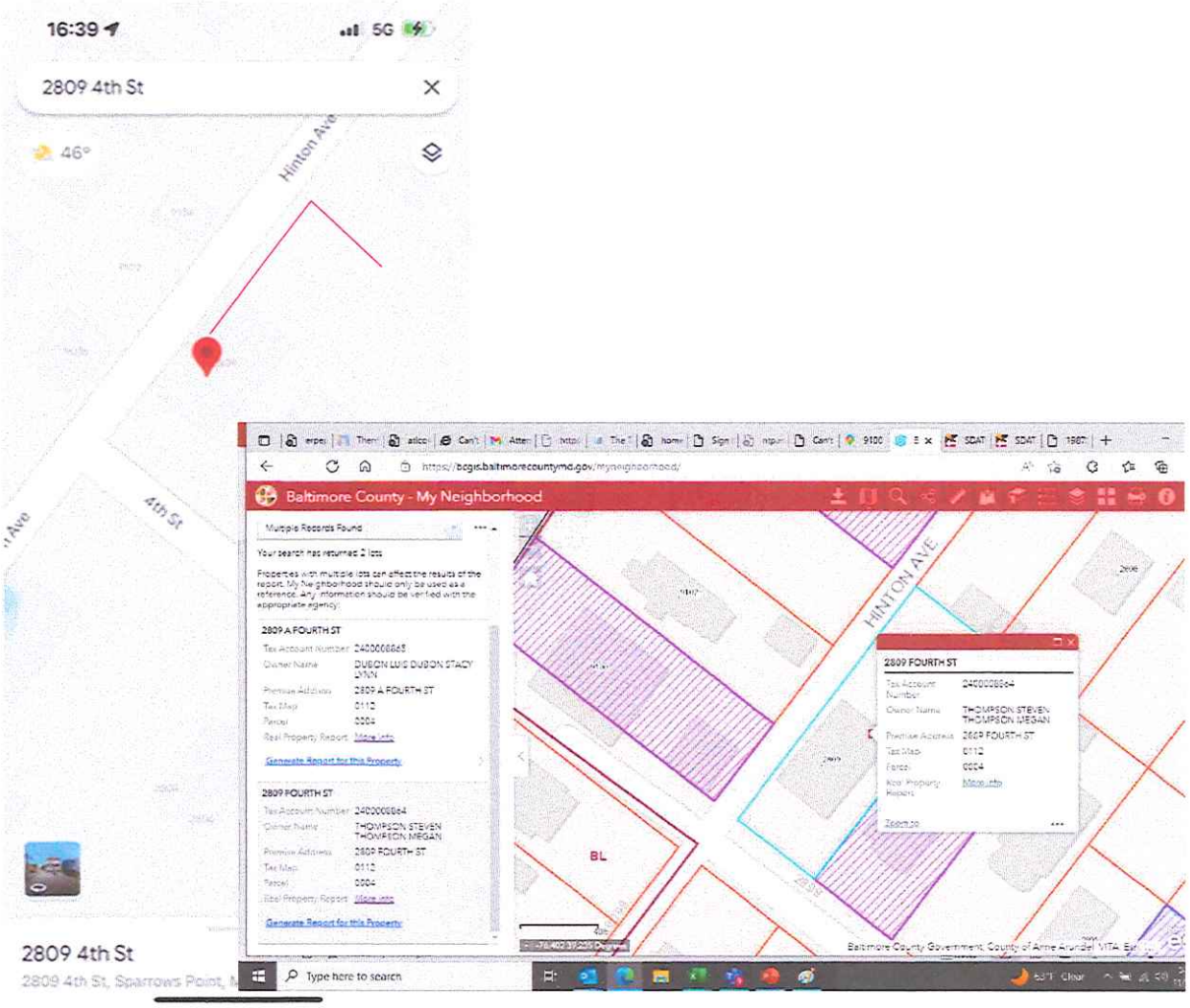
9100 Cuckold Point Rd Sparrows Point MD 21219








2809 4th St Sparrows Point MD 21219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2809 4th St
46°
Hinton Ave
4th St
2809 4th St
2809 4th St, Sparrows Point, M
https://bcgis.baltimorecountymd.gov/myneighborhood/
Baltimore County - My Neighborhood
Multiple Records Found
Your search has returned 2 lots
2809 A FOURTH ST
DUBON LUIS DUBON STACY LYNN
2809 A FOURTH ST
Generate Report for this Property
2809 FOURTH ST
THOMPSON STEVEN THOMPSON MEGAN
2809 FOURTH ST
Generate Report for this Property
HINTON AVE
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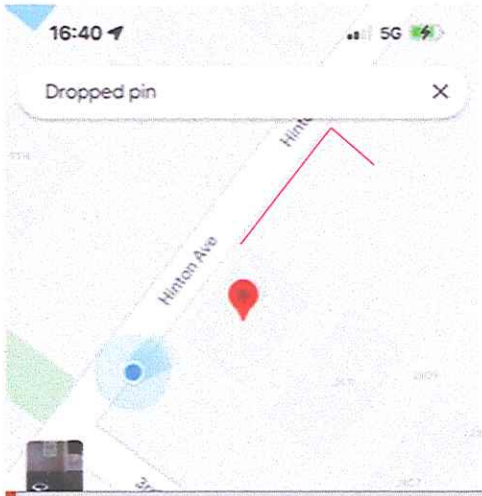
Baltimore County Government, County of Anne Arundel, VITA, Ex
Type here to search

2811 3rd St Sparrows Point MD 21219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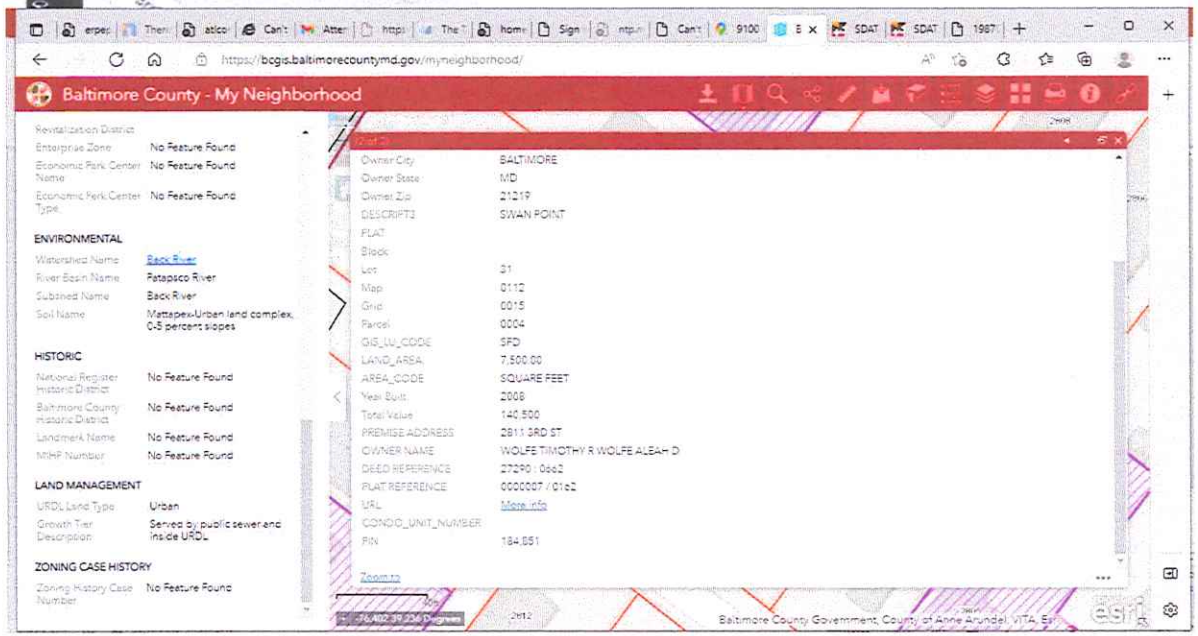
Hinton Ave


https://bcgis.baltimorecountymd.gov/myneighborhood/
Baltimore County - My Neighborhood
Revitalization District
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Economic Park Center Name No Feature Found
Economic Park Center Type No Feature Found
ENVIRONMENTAL
Watershed Name Back River
River Basin Name Patapsco River
Subbasin Name Back River
Soil Name Mattapex-Urban land complex, 0-5 percent slopes
HISTORIC
National Register Historic District No Feature Found
Baltimore County Historic District No Feature Found
Landmark Name No Feature Found
MIHP Number No Feature Found
LAND MANAGEMENT
URDL Land Type Urban
Growth Tier Description Served by public sewer and inside URDL
ZONING CASE HISTORY
Zoning History Case Number No Feature Found
Owner City BALTIMORE
Owner State MD
Owner Zip 21219
DESCRIPT3 SWAN POINT
FLAT
Block
Lot 31
Map 0112
Grid 0015
Parcel 0004
GIS_LU_CODE SFD
LAND_AREA 7,500.00
AREA_CODE SQUARE FEET
Year Built 2008
Total Value 140,500
PREMISE ADDRESS 2811 3RD ST
OWNER NAME WOLFE TIMOTHY R WOLFE ALEAH D
DEED REFERENCE 27290 : 0662
PLAT REFERENCE 0000007 / 0162
UAL More info
CONDO_UNIT_NUMBER
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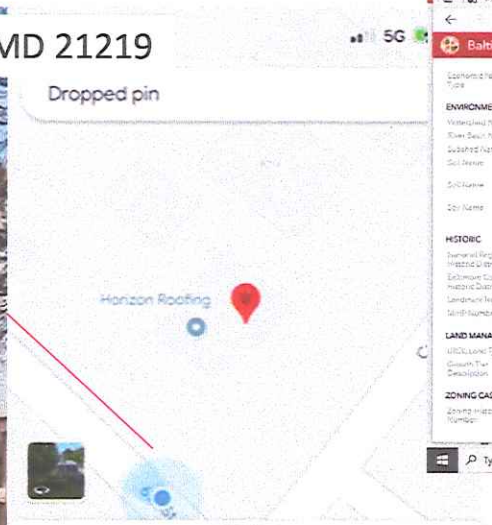
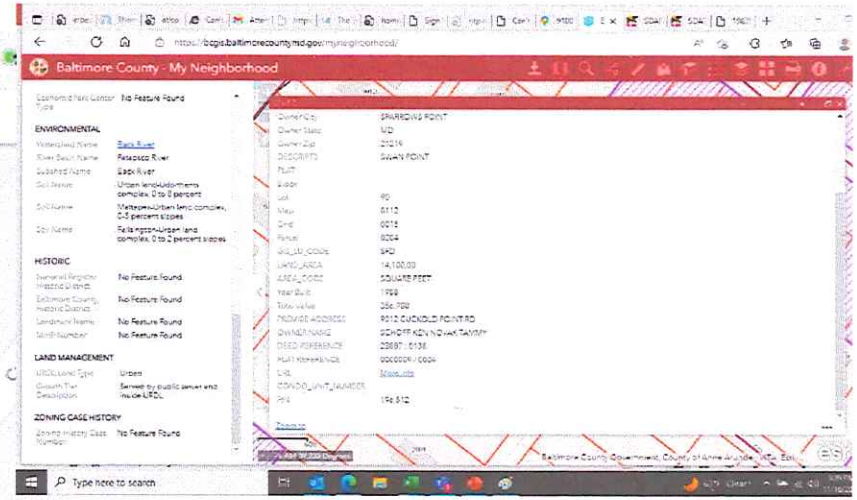
9012 Cuckold Point Rd Sparrows Point MD 21219





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Near Horizon Roofing Inc, 9012 Cuckold Point Rd, Baltimore...

1 min

Directions Start Save Labe

Measure distance

6HMW+CMG Edgemere, Maryland

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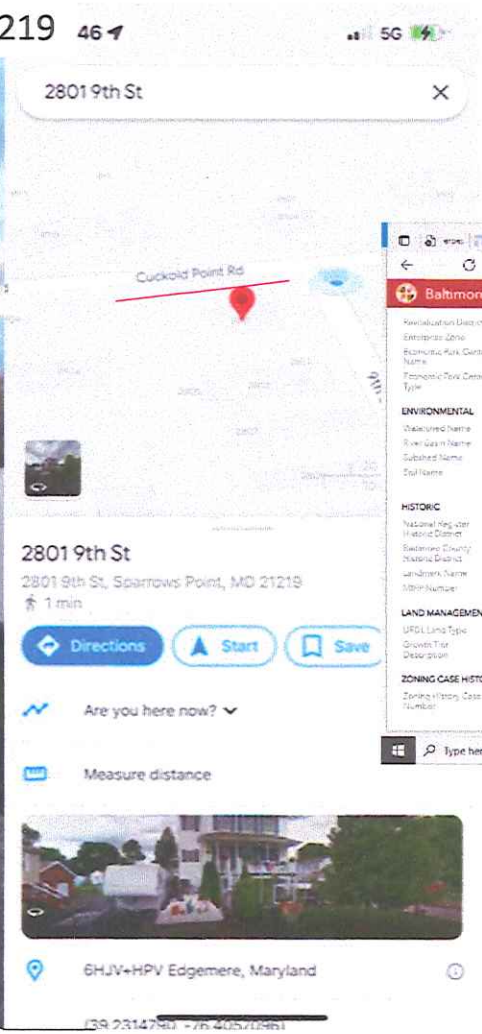
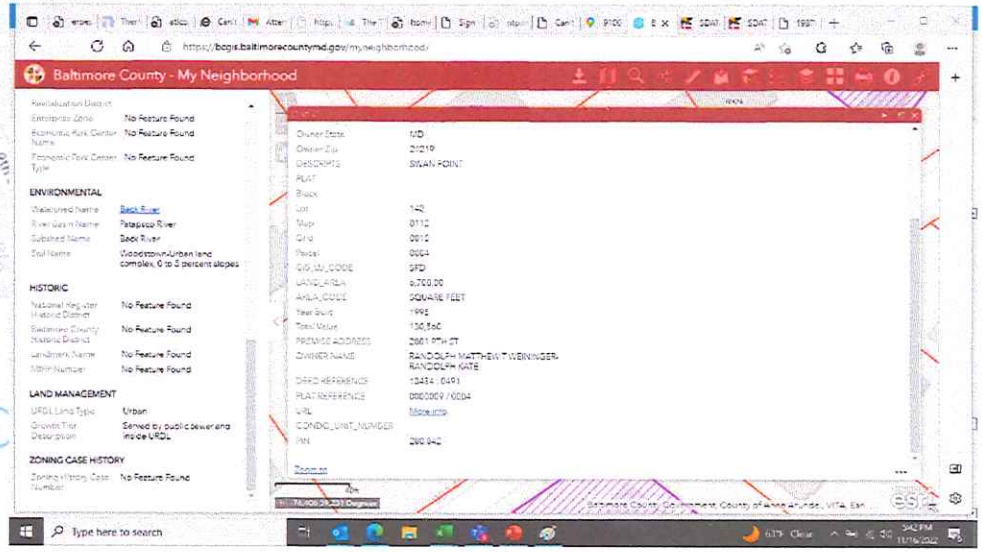
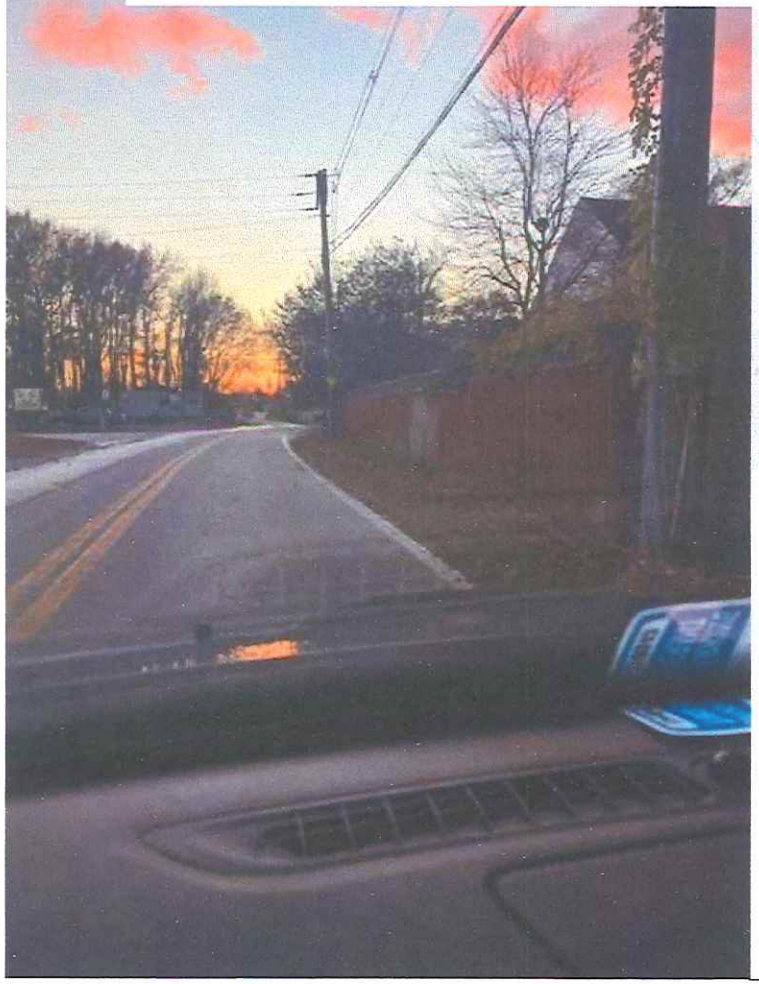
Suggest an edit

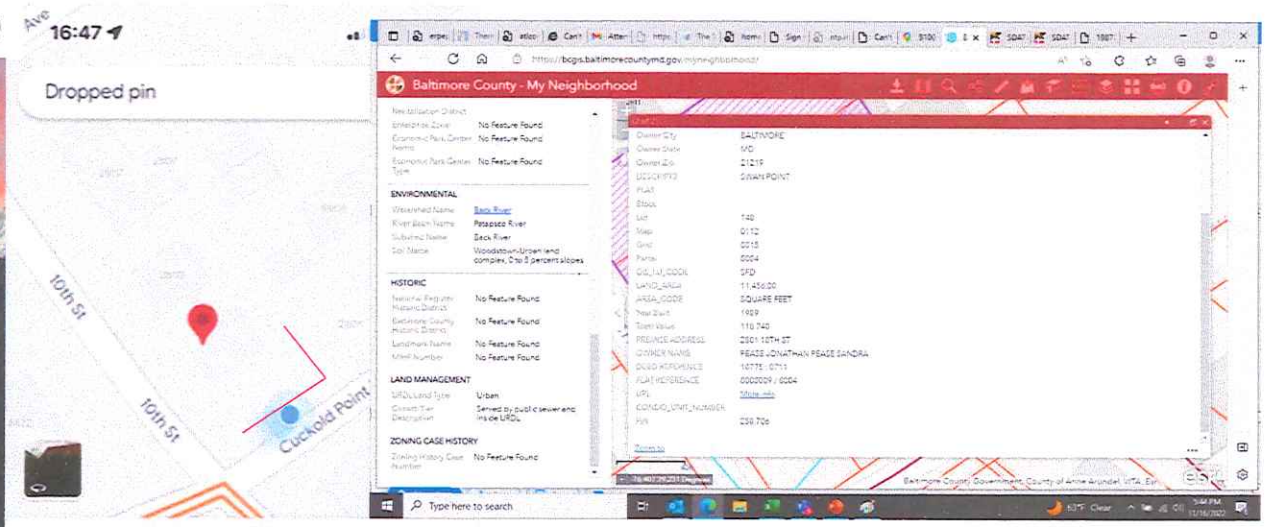
2801 9th St Sparrows Point MD 21219

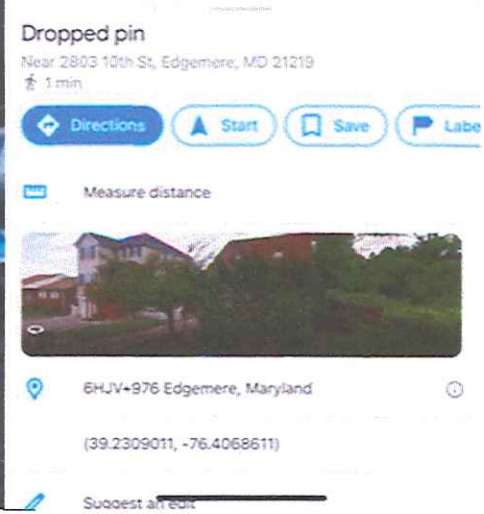


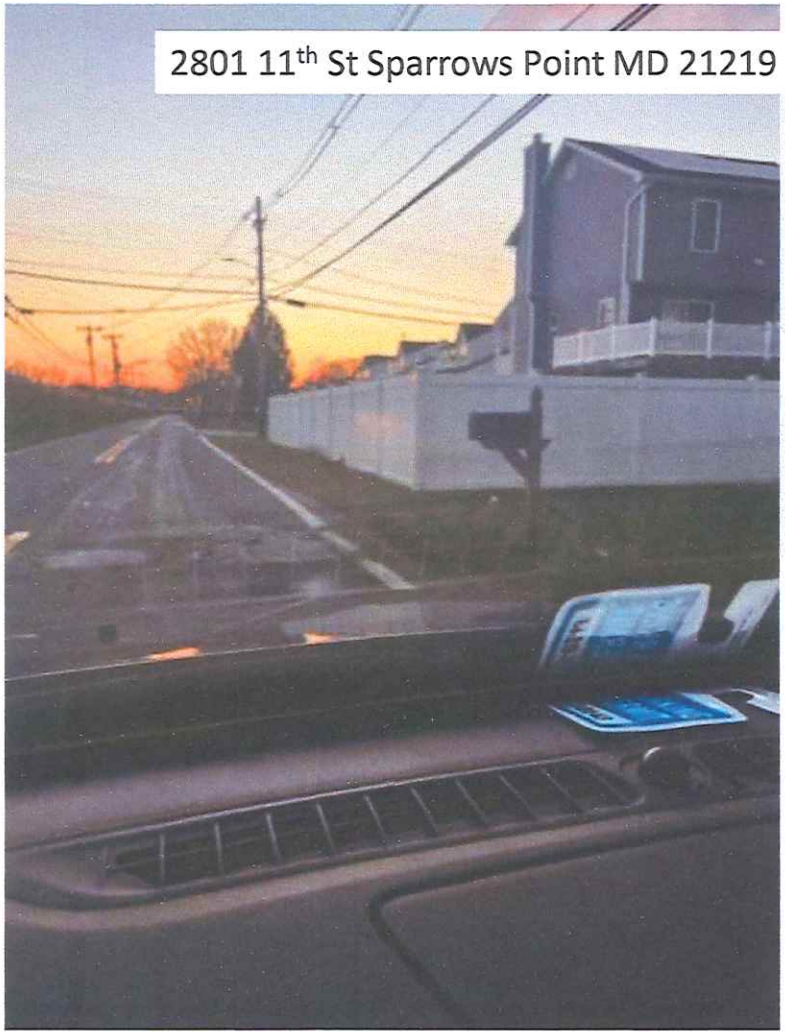


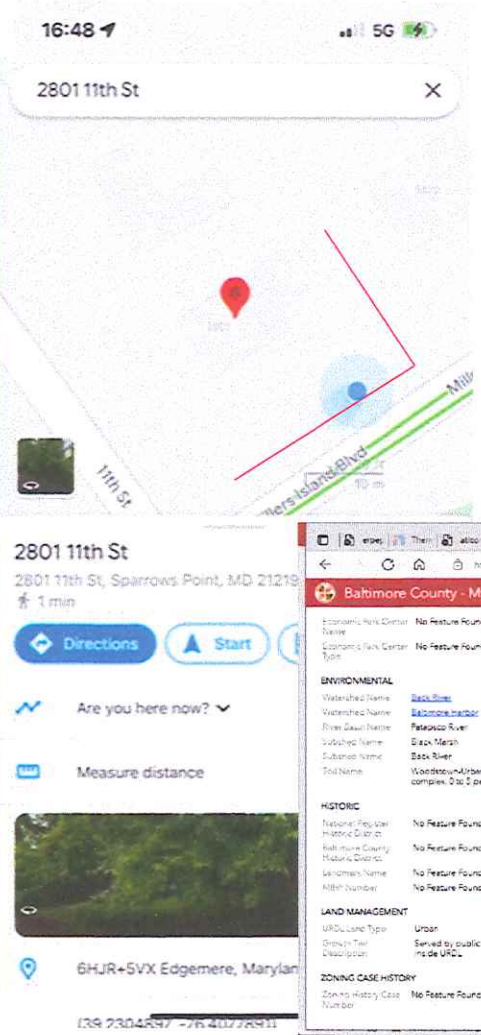
2803 10th St Sparrows Point MD 21219








2801 11th St Sparrows Point MD 21219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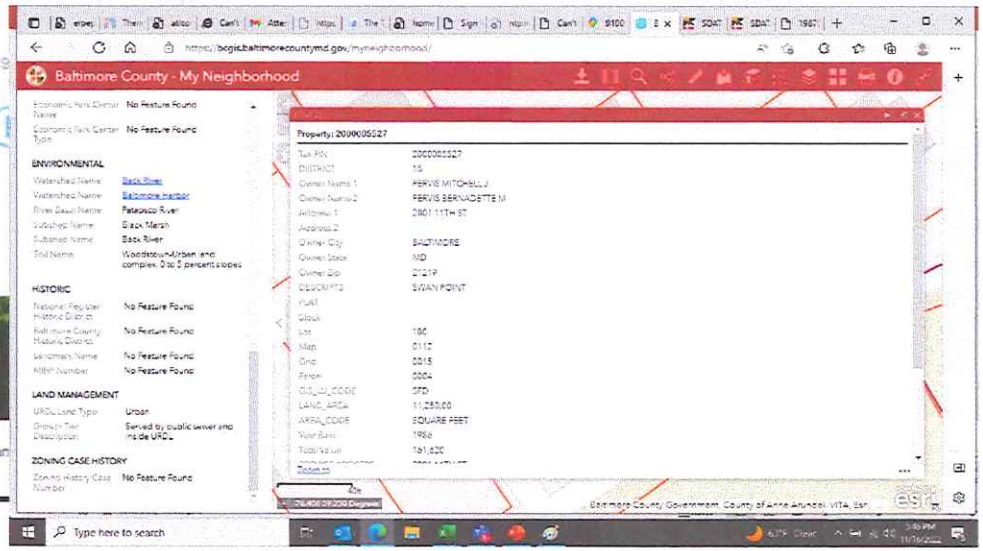
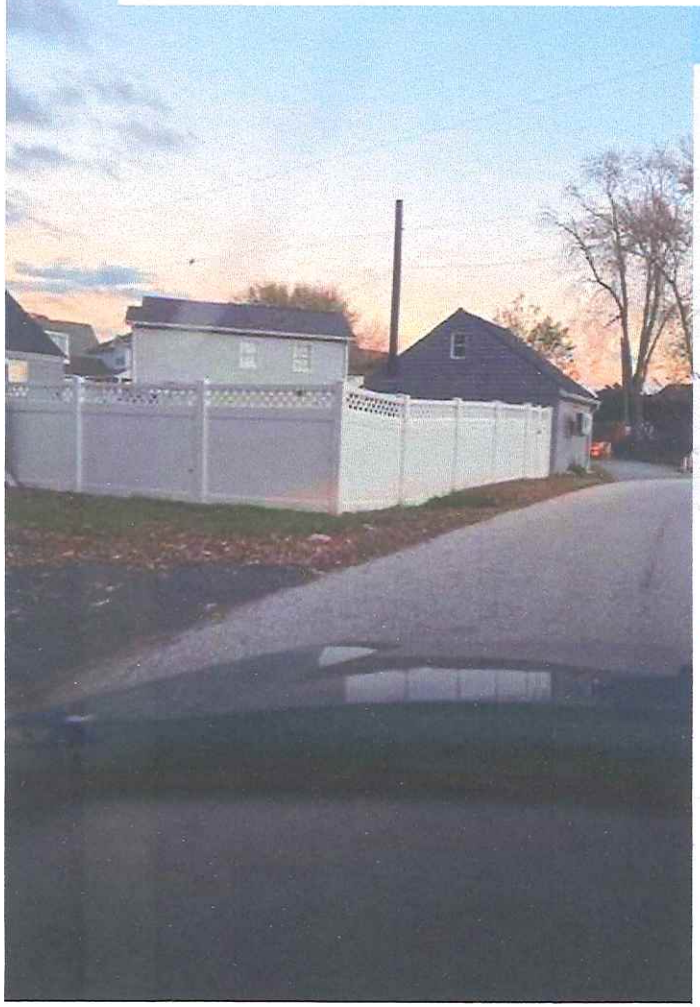
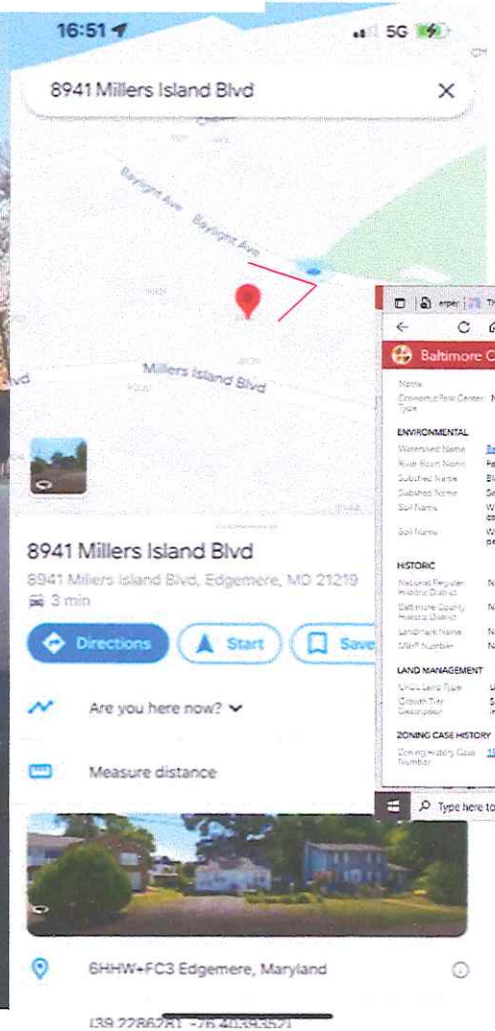
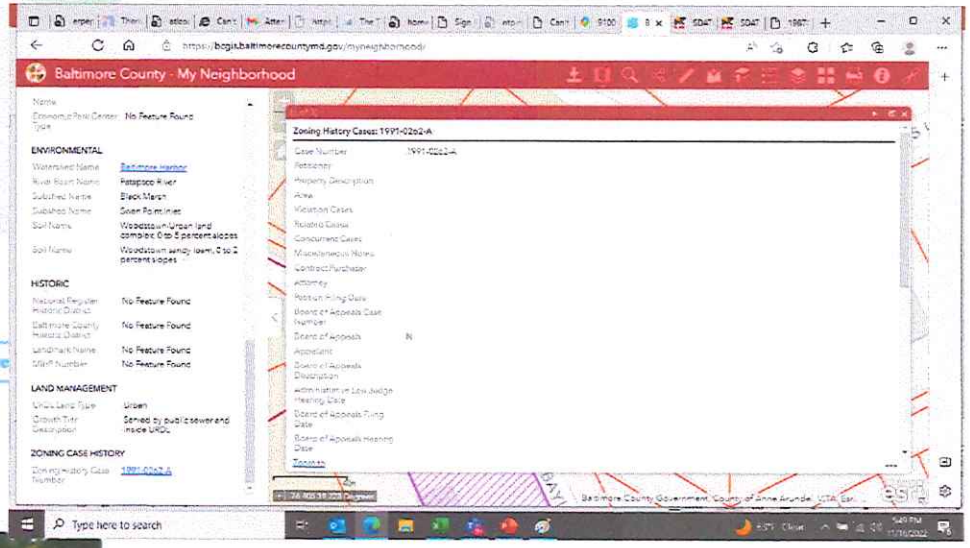
5G
2801 11th St
11th St
2801 11th St
2801 11th St, Sparrows Point, MD 21219
1 min
Directions
Start
Are you here now?
Measure distance
6HJR+5VX Edgemere, Marylan


Baltimore County - My Neighborhood
Property: 2000005527
ENVIRONMENTAL
HISTORIC
LAND MANAGEMENT
ZONING CASE HISTORY
Type here to search

8941 Millers Island Blvd Sparrows Point MD 21219







To Whom it may concern,

Regarding CASE NUMBER CC2211532 of Baltimore County Codes and Regulations.

I, Richard Stryjewski, the owner of 9026 Hinton Ave, Sparrows Point, MD 21909 and residing at this address on this date the of September 2022, am writing this affidavit in support of the fence built on 2808 5th St, Sparrows Point. I face no obstruction nor discomfort with the fence's height. I also do not contest that the fence along Hinton Ave in any way obstructs or restricts a motorist's view in any way. All county signage is on the street side of the setback or clearly visible above the 42-inch section. I do not recommend the owners of 2808 5th St remove or lower the fence height and as a result I do not contest to the presence of the fence on 2808 5th St.

Respectfully,

Richard Stryjewski

Dated:

UNCONTESTED FENCE WAIVER AFFIDAVIT

To Whom it may concern,

Regarding CASE NUMBER CC2211532 of Baltimore County Codes and Regulations.

I, Charles Wolinski, the owner of 2809 5th St., Sparrows Point, MD 21909 and residing at this address on this date the of September 2022, am writing this affidavit in support of the fence built on 2808 5th St, Sparrows Point. I face no obstruction nor discomfort with the fence's height. I also do not contest that the fence along Hinton Ave in any way obstructs or restricts a motorist's view in any way. All county signage is on the street side of the setback or clearly visible above the 42-inch section. I do not recommend the owners of 2808 5th St remove or lower the fence height and as a result I do not contest to the presence of the fence on 2808 5th St.

Respectfully,

Charles Wolinski

Charles Wolinski CMW Properties, LLC

Dated: 9-18-2022

UNCONTESTED FENCE WAIVER AFFIDAVIT

To Whom it may concern,

Regarding CASE NUMBER CC2211532 of Baltimore County Codes and Regulations.

I, Thomas D'Alleva, the owner of 9015 Hinton Ave, Sparrows Point, MD 21909 and residing at this address on this date the 9th of September 2022, am writing this affidavit in support of the fence built on 2808 5th St, Sparrows Point. A section of the 6ft fence built on 2808 5th St property line is beyond my property's front building line, which the owners of 2808 5th st were recently issued a code enforcement correction notice pursuant to. My home is a 3-story building and is windowless on the ground floor/basement in the direct line of sight of the fence on the relevant side. As a result, I face no obstruction nor discomfort with the fence's height. I prefer the fence as I have noticed it prevents trucks/vehicles from driving into my property. I also do not contest that the fence along Hinton Ave in any way obstructs or restricts a motorist's view in any way. All county signage is on the street side of the setback or clearly visible above the 42-inch section. I do not recommend the owners of 2808 5th St remove or lower the fence height and as a result I do not contest to the presence of the fence on 2808 5th st being past my front building line, as the most affected party in this matter besides the owners of 2808 5th st.

Respectfully,

Dated: 9-9-22

To Whom it may concern,

Regarding CASE NUMBER CC2211532 of Baltimore County Codes and Regulations.

I, Richard Stryjewski, the owner of 9026 Hinton Ave, Sparrows Point, MD 21909 and residing at this address on this date the of September 2022, am writing this affidavit in support of the fence built on 2808 5th St, Sparrows Point. I face no obstruction nor discomfort with the fence's height. I also do not contest that the fence along Hinton Ave in any way obstructs or restricts a motorist's view in any way. All county signage is on the street side of the setback or clearly visible above the 42-inch section. I do not recommend the owners of 2808 5th St remove or lower the fence height and as a result I do not contest to the presence of the fence on 2808 5th St.

Respectfully,

Richard Stryje

Dated:

6. NO HISTORIC ... UNDERGROUND STORAGE TANK ...

7. Fence is setback 2.5ft. off ... along Hinton AVE.

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

No. 203985
Date: 12/28/22

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806		6150					$300.00
							Total:	$300.00

Rec From: Robert Alvis

For: Office of Admin Hearings
Case No: 2022-0217-A
Address: 2808 5th Street
Hearing Date: Nov. 10th
Check #: 1938

CD/LINK
Appeal

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

Checks Unlimited 1-800-210-0408 www.checksunlimited.com

4-21/810

1938

JAMIE L DAVIDSON
WILLIAM M DAVIDSON
875 RAMPART DR.
ST. LOUIS, MO 63122

12-28 2022

Pay to the Order of Baltimore County Maryland $300.00

Three hundred + 00/100 Dollars

US BANK

Robert Alvis - Fiona Chuo
For case 2022-0217-A

Jamie L Davidson