

ADMINISTRATIVE WAIVER OF THE BUILDING CODE FENCE HEIGHT LIMITATIONS HEARING BEFORE THE
DIRECTOR OF PERMITS APPROVALS AND INSPECTIONS

3901 ESSEX ROAD

CASE# UP-24-0001FW

KIERAN O'DONNELL

FINAL DECISION AND ORDER

This matter comes before the Director, Permits, Approvals and Inspections for Baltimore County for consideration for a fence waiver to the height limitations filed by the property owners Keiran O'Donnell and Cynthia M. O'Donnell ("Petitioners") for the property located at 3901 Essex Road. The Petitioners are requesting a 48" fence in front and side yards as depicted on the application UP 2024-0001FW.

The height limitation in the Baltimore County Building Code is 42 inches. Pursuant to section 112.4 of the Baltimore County Building Code any person may apply for a waiver to the height limitation provided public notice has been given and public hearing held if requested. Wavie Gibson III residing at 3903 Essex Road made a formal request for the hearing.

The property was properly posted on March 12, 2024. After proper notification, the hearing was held on April 30, 2024. Present at the hearing from Baltimore County was Pete Gutwald and Tyler Cox. Attendees at the meeting are included Kieran O'Donnell (property owner) and Waive Gibson III.

Petitioner noted that the primary reason and justification for the waiver to the height limitation was due to concerns of safety for the children and pets along a busy road.

Mr. Gibson noted his primary concern was the design and appearance of the fence and not necessarily the height of the fence. Mr. O'Donnell presented pictures of the design of the fence in the front and side yards. Mr. Gibson noted no real concerns as long as the actual construction of the fence reflected the design exhibited at the hearing.

THEREFORE, IT IS ORDERED, this 3rd day of May 2024 by the Director of Permits, Approvals, and Inspections for Baltimore County, that the request for the 48" fence in the front yard and side yard for fence waiver application Case # UP-2024-0001 FW is hereby **GRANTED**.

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

C. Pete Gutwald

C. Pete Gutwald, Director

Permits, Approvals and Inspections

24-0151 TC

GINO TYLER

Application for Administrative Waiver Of Building Code Fence Height Limitations

Instructions: Fill out the information below above the signature line, sign & date. Prepare and submit a **Site Plan** (see requirements on the back of this page) and **Certification of Posting** (provided by the sign poster) to the Zoning Review Office, Room 124, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204. Note that if no public hearing is requested, the waive decision will be based on evidence presented along with County maintained information about the site.

Property Address: 3901 Essex Rd. Pikesville MD 21207

Owner: Cynthia O'Donnell

Cell Phone #: 540-660-9477

Owner Address: 3901 Essex Rd. Pikesville MD 21207 Alternate Phone #: _____

Email: Cynth.m.odonnell@gmail.com

Corner Lot: Yes OR No

Fence located in: Front Side OR Rear Yard

Fence Height Allowed by Building Code 42" Fence Height Requested 72" (Attach fence location drawing.)

Basis for Request: _____ As a Mother with small children and pets I a deeply concerned with their safety. We frequently will have random pedestrians walk through our yard, and we have even had car accidents spill over to our property from the street. I want my kids to be able to play in the yard without being seen or approached by strangers. I also want a protective boundary that is broad enough that my pets don't wander into the road and tall enough so they dont simply hop over the fence.

Applicant's Signature: _____

Cynthia O'Donnell
[Signature]

Date: 2/20/2024

(County Use Only) Waiver Number UP-24-0001 FW

Date Property Posted 3/8/24

Input/comments/protests received within 15 days? Yes/No

Has Hearing been requested? Yes/No

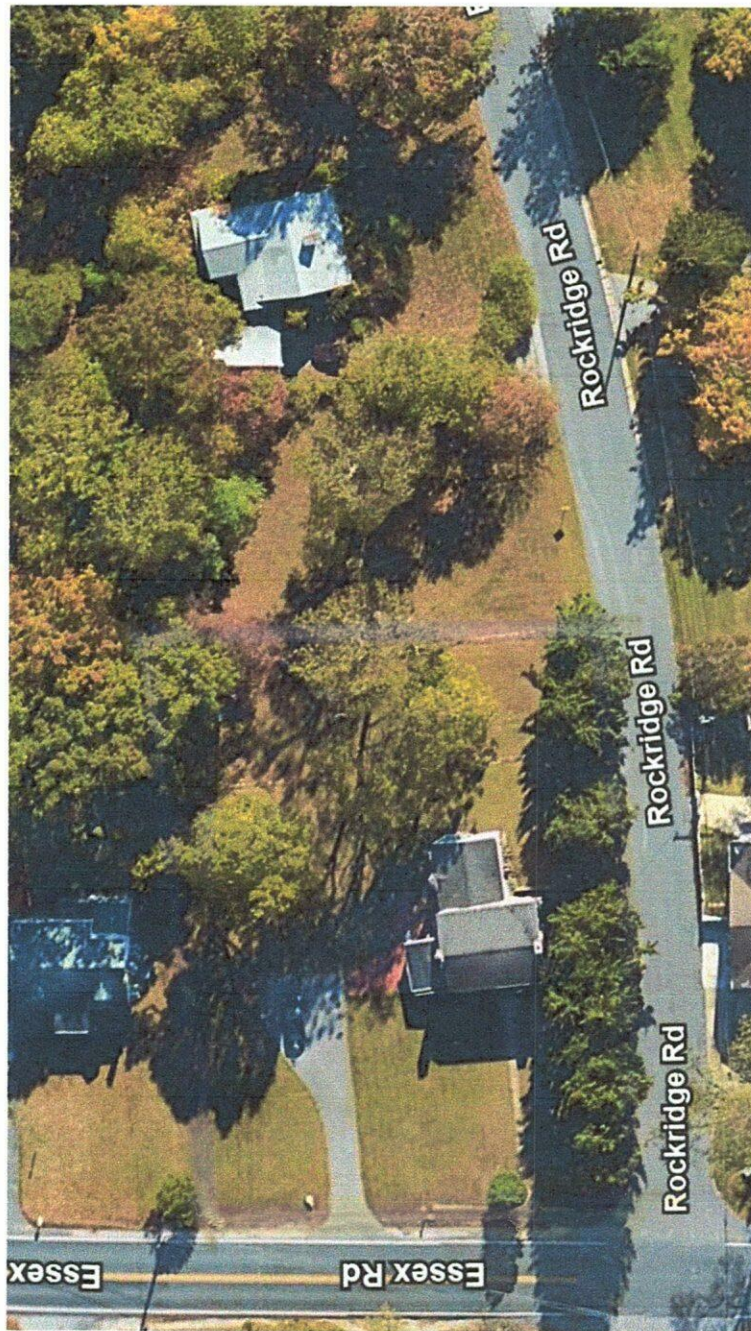
(If Yes, attach record of Hearing)

Final Disposition:

Buildings Engineer: _____ Date: _____

SITE PLAN 3901 Essex Rd:

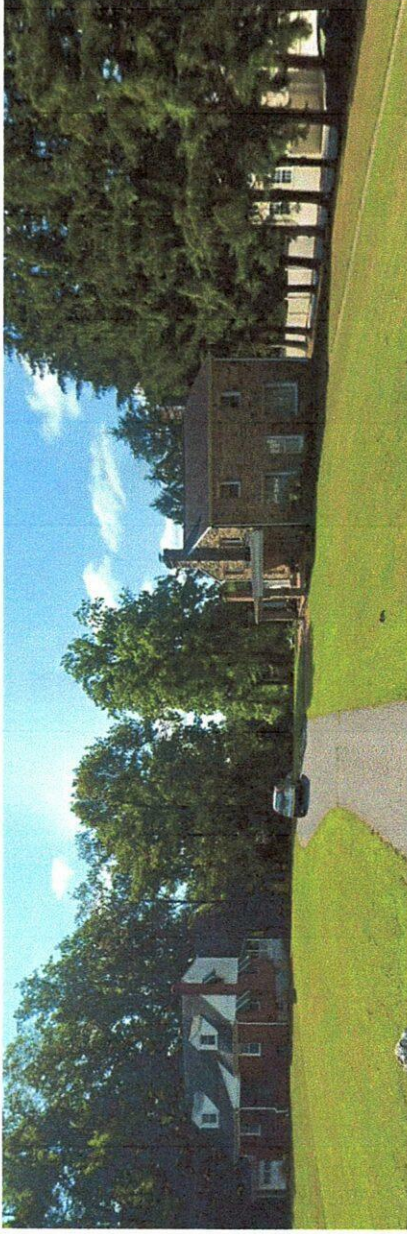
6. Aerial Map: Provide an aerial map view of requested fence location. (This may be obtained from the Zoning Office)



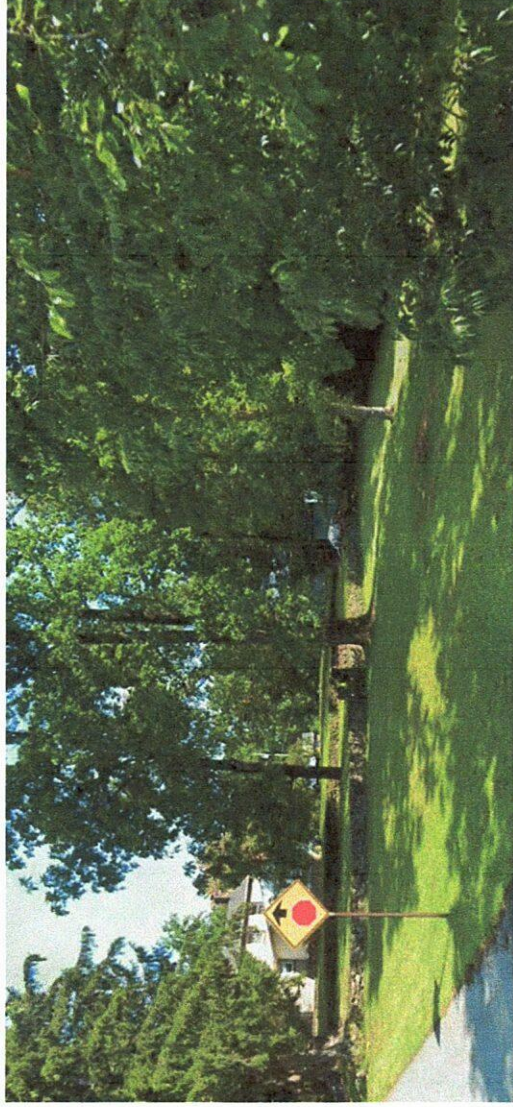
SITE PLAN 3901 Essex Rd:



8. Pictures: Include two (2) photographs of the affected fence location. All of the above information must be complete and accurate or the application will not be processed



From Essex Rd (Front Yard)



From Rockridge Rd (Backyard)

**FORMAL DEMAND FOR HEARING
(ADMINISTRATIVE VARIANCE, USE PERMITS AND USE APPROVALS)**

Case Number: _____

Property Address: _____

Legal Owners (Petitioners): _____

TO THE ADMINISTRATIVE LAW JUDGE OF BALTIMORE COUNTY:

Protestant #1 Wavie Gibson III 410) 370-9433 410) 486-0958
Protestant Name(s) - Type or Print Telephone # (Cell) Alternate Phone #
Lcountry86@AOL.com
Email Address

the ☒ Owner(s) or ☐ Occupant(s) of
3903 Essex Rd Pikesville MD 21207
Address City State Zip Code

Protestant #2 _____
Protestant Name(s) - Type or Print Telephone # (Cell) Alternate Phone #

Email Address

the ☐ Owner(s) or ☐ Occupant(s) of

Address City State Zip Code

which is located approximately 0-1 feet from the property (must be within 1,000 ft. of subject property),
which is the subject of the above petition, **do hereby submit a formal demand for a public hearing regarding this matter.***

I/WE HAVE SUBMITTED THE REQUIRED PROCESSING FEE FOR THIS DEMAND AND REQUEST THAT A HEARING BE SCHEDULED FOR THE SUBJECT PETITION.

*Failure to accept two proposed Hearing dates will result in the Demand request being dismissed and the Hearing will be held and/or a review by the Hearing Officer will take place without the protestants input. It is the responsibility of the protestant to verify the location, or web address, date and time of the hearing.

Wavie Gibson III 3/21/2024
Signature Date

Signature Date

March 18, 2024

Attention: Zoning Review Office

To Whom it May Concern,

I currently live at 3903 Essex Rd, Pikesville, MD 21207. I would like to request a public hearing in regards to the fence waiver petition made by the owners at 3901 Essex Rd. Pikesville, MD 21207. (Fence Waiver Number: UP-24-0001FW). Please advise as to what further steps need to be taken.

Wavie Gibson III

410-486-0958

Wavie Gibson III

Mail log 2-22-24

TC

Per Jeff will go up
I be heard by Pete



**Permits, Approvals and
Inspections**

111 W CHESAPEAKE AVE
TOWSON, MD 21204
4108873353
WWW.BALTIMORECOUNTYMD.GO
V

Cashier: Tyler C.

Transaction 102202

Total	\$100.00
DEBIT CARD SALE	\$100.00
VISA 8831	

Retain this copy for statement
validation

Station: Permit Processing - Mini

21-Mar-2024 10:15:54A

\$100.00 | Method: EMV

US DEBIT XXXXXXXXXXXX8831

WAVIE GIBSON III

Reference ID: 408100557882

Auth ID: 001433

MID: *****2995

AID: A0000000980840

AthNtwkNm: INTERLINK

RtInd: DEBIT

PIN VERIFIED

Payment 93Y89AK8V4M5J

CERTIFICATE OF POSTING

Baltimore County Dept. of Permits,
Approvals & Inspections
Zoning Review Office
111 W. Chesapeake Avenue, Rm. 111
Towson, MD 21204

Date: 3/12/2024

Attention: Tyler Cox

RE: Case Number UP-24-0001FW
Petitioner/Developer: Kieran O'Donnell

This is to certify that under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3901 Essex Rd, Pikesville, MD 21207

The sign(s) were posted on March 12, 2024

(Month, Day, Year)



(Signature of Sign Poster)

Eric C. Hadaway

(Printed Name of Sign Poster)

501 Fairmount Ave., Ste. 300

(Street Address of Sign Poster)

Towson, MD 21286

(City, State, Zip Code of Sign Poster)

(410) 296-3333

(Telephone Number of Sign Poster)

Jeffrey N Perlow

From: Tyler Cox
Sent: Friday, March 8, 2024 10:13 AM
To: Jeffrey N Perlow
Subject: FW: Fence Height Waiver #UP-24-0001FW Sign Confirmation
Attachments: O'Donnell fence height waiver.pdf; Fence Height Waiver - UP-24-0001FW.pdf

From: Kelsey Schmid <kschmid@dmw.com>
Sent: Friday, March 8, 2024 10:09 AM
To: Tyler Cox <tcx1@baltimorecountymd.gov>
Subject: Fence Height Waiver #UP-24-0001FW Sign Confirmation

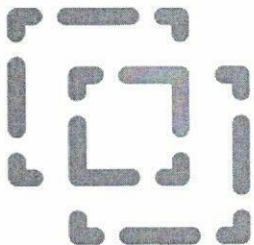
CAUTION: This message from kschmid@dmw.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Good morning,

I am assisting Eric Hadaway (approved sign poster) with creating the signs for a fence height waiver. I have attached the notice from your office and the sign I have draft up. Does this sign work for this kind of notice? Also, does the posting need to be double signed and have two locations on the property?

When submitting the certificate of posting, will it go through PAI or can this be dropped directly to your office? Will there need to be a recert of posting?

Thank you for your time and guidance,



KELSEY SCHMID
PROJECT COORDINATOR
DAFT MCCUNE WALKER, INC.
501 Fairmount Ave.
Towson, MD 21286

office: 410 296 3333 Ext 2039 | fax: 410 296 4705 |
email: kschmid@dmw.com | web: http://secure-web.cisco.com/1fM__O9qVMZLRwHZ7qm6gZrdScXaKY6J8G7EjjSA9H9kE6FqWgMm8C>hx7ZBgdsQy2cgT0VW6NDI3Pye5mBLRQ7Hk-Vwm5loRqio6q-kZXAxQbSflUuX2Jwh6EoVnJyc4EEISzb2lPPpyK0K0tx3mMT6qd94XLH6aFubt3_PMCahWVINGLElkQcJj1EtBp3Gh18jqgBNdrqg_x1fhfGUWOt

BALTIMORE | FREDERICK



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