

**IN RE: PETITION FOR ADMIN. VARIANCE**  
E side of Dawnvale Road, 36 feet north  
of Walter Avenue  
11<sup>th</sup> Election District  
5<sup>th</sup> Councilmanic District  
**(9501 Dawnvale Road)**

Louis J. and Deborah A. Sellmayer  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* **Case No. 2009-0069-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, Louis J. and Deborah A. Sellmayer for property located at 9501 Dawnvale Road. The variance request is from Section 427.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a fence height of 72 inches in lieu of the required 42 inches. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners live on a corner lot in which the rear of their property meets the side property line of their neighbors, Norris and Jody Gorman, at 4106 Walter Avenue. The Petitioners wish to erect a fence over 42 inches to contain and ensure the safety of their large dog who could easily jump over a fence under 42 inches. The Petitioners discussed the location of the fence with their neighbors located at 4106 Walter Avenue who did not object to the proposal and, in fact, presented a letter in support, dated October 5, 2008.

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.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on September 21, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has 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 Petitioner.

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 14<sup>th</sup> day of October, 2008 that a variance from Section 427.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a fence height of 72 inches in lieu of the required 42 inches 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.

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

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SIGNED  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz