

RECEIVED

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

AUG 17 2010

Case No. ~~5718~~ 5719
Date Filed 8/12/10
Hearing Date _____
Receipt _____
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

Administrative Decision/Interpretation

Special Exception

Use Variance

Change/Extension of Non-Conforming Use

Minor Area Variance

Area Variance

Variance from Requirements of the Code

Zoning Map/Drafting Correction

Nature of Request and Section(s) of Code

CASE 5719 MAP 50 TYPE Variance

ELECTION DISTRICT 03 LOCATION 1006 Calvary Road, Churchville 21028

BY Wendell Craig

Appealed because a variance pursuant to Sec. 267-24B(1) of the Harford County Code to permit a fence to exceed four feet in height (6' proposed) in the AG district requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Wendell Shannon Craig Phone Number (757) 635-7818
Address 1006 Calvary Rd. Churchville MD 21028
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1006 Calvary Rd Churchville MD
21029

Subdivision none Lot Number _____

Acreage/Lot Size .59 Election District 03 Zoning Agriculture AG

Tax Map No. 50 Grid No. 2D Parcel 138 Water/Sewer: Private Public _____

List ALL structures on property and current use: _____

Estimated time required to present case: _____

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? no

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes No _____

Is this request within one (1) mile of any incorporated town limits? Yes _____ No

Request

Permit fence height to be 6' privacy & security

Justification

Safety and security
See Attachments

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

The problems with not having a six foot privacy fence.

- Verbal confrontation brought on from the wife of the neighbors concerning her dissatisfaction with my planting bushes on my property blocking where she and her husband drive on my property and park their trucks, boat, lawn mower trailer, and lawn mowers.
- Neighbor is on probation and has been indicted with: possession with the intent to distribute illegal controlled substances, possession of paraphernalia used with illegal controlled substances, possession of a concealed dangerous weapon, assault on a police officer and with a prior history of assault, traffic violations, and civil collection issues. He and his wife are a threat to my family and demonstrate endlessly no respect for boundaries.
- Trash including beer bottles, car parts, tires, bikes, and broken toys had to be cleaned weekly from my property as the neighbors disposed of the items on my property.
- Neighbors would not take their trash to the dump and had a pick-up truck full of trash parked next to my home.
- Neighbors used BB gun to shoot out two of my windows.
- A total of six riding lawn mowers were located on my property along with the neighbor's property (lawn mowers belonged to the neighbors.) One of which is still located in their front yard now.
- Neighbors constructed a dog pen at near my back door with the smell of feces and urine always present along with constant barking. A total of two beagles, one Rottweiler, and one Pit bull are present at the neighbor's home.
- Neighbors used my driveway for two years pulling their boats, trailers, lawn mowers, cars, trucks, and tractors over my lawn even though they were asked repeatedly not to do so.
- Neighbor's guests frequently parked their cars on my property blocking my entrance and exit. Had to park a quarter mile down the road and walk back to my house to look for the owners of the cars only to have no one answer the door.
- People visiting neighbors were frequently found walking on my drive way and in my yard drinking beer or smoking drugs cursing at me and posturing for me to confront them.
- Neighbors began renting rooms out to other people who would stand at the property border or sit in chairs at the property border smoking cigarettes and drinking beer cussing and gesturing with the middle finger.
- Dead deer was placed at the property border to rot for a year or more. Smelled like dead fish and rotten flesh.
- Neighbor's child and other children found walking through property or climbing on sheds or riding motorcycles and other powered equipment on property.
- Neighbor's child and other children found pulling, leaning, and kicking at newly planted landscape in the presence of the neighbor's adult supervisors.
- The neighbor's beagle dogs frequently were allowed to run freely through my property.

- Neighbor's four chickens run through property passing stool on my deck and scratching down freshly planted plants.
- Neighbor's beagle found in my yard chasing chickens and killing one of the chickens and eating it leaving chicken parts to rot in my flower bed.
- Neighbor's Rottweiler dog allowed to run free barking and growling with no leash onto my property chasing me into my home and into my truck on several occasions.
- Neighbor's are operating a grass mowing and mulching business from the tenant home with no business license and illegal business signage in their front yard. (parking of mowing equipment, trucks, and trailers in the tenant yard with dumping trees, shrubs, limbs, and yard debris into the woods on the lot.
- There are frequent parties occurring on property next door with gun fire, explosions, and firework usage occurring in the woods behind my home.

My families attempts at resolution prior to and including installation of a six foot privacy fence.

- Talked on multiple visits with the owners of the house next door and informed them of their tenants: drug activity (sales & use), constant trespassing, verbal harassment, dog attacks, and trash collecting on my property. The home owners expressed that they were not able to get out and supervise and maintain their tenant house as they were sick. They seemed to minimize their tenants actions and expressed their priority was to continue receiving rental income.
- I sought and received permission from the tenant home owners to mow the field behind my home giving assistance to the neighbors in their failure mow the grass.
- I cleared and mowed the ½ acre grass field behind my house for two years free of charge.
- I discussed with and received agreement from the owners of the tenant house that tearing out an old barbed wire fence and putting up a new privacy fence on my property would assist in the property tensions with their tenants.
- I lent the owners of the tenant house equipment to assist them in the maintenance of the tenant home.
- I offered to purchase the tenant house from the current owners.
- I offered to assist in the maintenance of the tenant home. I was approached for assistance by the owners of the tenant house to fix one of the rotten walls of their tenant home free of charge. I was rejected admittance by the tenants to do the repairs.
- The police were called by me to make the neighbors (Edmund and Tia Cochran) leave my property after they were verbally assaultive having been asked to leave many times. After the police left, the tenants continued to walk on my property giving verbal comments that were insulting, antagonistic and of a sexual nature about my wife.
- Protective order against Edmund Cochran.
- Animal Control was called two times in an effort to have the tenants Rottweiler dog collected and removed from my property.
- No Trespassing signs were put up on property boarder only to have them removed by neighbors.
- Eight hundred dollars worth of bushes and labor was invested to creatively define boundaries of my property and block illegal entrance and exit by the tenants and their many visitors. The tenants sprayed vegetation killer sprayed on the ornamental landscaping with all the plants being either killed or severely injured.
- I was informed by the property owners of the tenant home that I no longer needed to mow the lot behind my home. They had been approached by the tenants saying the tenants wanted to mow the property from now on. I showed the owners of the tenant house their rental properties grass that stood around twelve inches high. He laughed and said that it was the tenants request and he wanted to give them a chance. I agreed to yield responsibility. He later criticized the tenants stating that he had to ask the tenants to remove the chickens that were living in the home with the tenants.

- I had a six foot privacy fence installed on my property border.
- I spent money investing in solutions to issues requiring a six foot privacy fence including:
 - I spent \$ 800.00 on creative landscaping to stop crime and traffic on my property.
 - I spent \$ 10,465.80 on a fence to stop the traffic and crime on my property.
 - I spent \$ 4,500.00 for a survey used in part for the property lines assisting in correct property line identification prior to having the fence installed.
 - I spent \$ 5,000.00 on a used tractor used in part to assist in maintaining the property of the tenant house owner.
 - I spent \$ 900.00 on a brush bull mower used in part to assist in the maintenance the tenant property for its owner.
 - I will have to spend an estimated \$ 1,400.00 to replace the non standard windows shot out by my neighbors BB gun.
 - I spent \$ 30.00 on two front tire repairs that received punctures in them at my home on two separate occasions.
 - Total cost of attempts at safety = \$ 23,075.80

Not including the fees associated with permits, hearings, mounting and balancing tire fees, and wages not earned from leaving work to handle safety and security issues with fence.

Why the fence could stay.

- Since the installation of the fence, the only further negative activity is the neighbors riding down the street yelling insults, throwing trash and yard debris over the fence, and backing into the fence or leaning on the fence with bumpers of vehicles from the tenant's side of the property line (small red car), and continued visits from the chickens.
- It has offered my family security with well defined and difficult to scale boundaries.
- With further installation of our four foot permitted, vinyl fence & gates, we will experience the added security of a complete perimeter allowing my families small children to play in safety from traffic that travels at a high rate of speed only twelve feet from our front door.
- It deters criminal trespass and destruction of private property.
- The number of threatening incidences of confrontation with the tenants has all but disappeared.
- Our lot is a non conforming lot that is very narrow in size not meeting today's standards in lot specifications. It is located very near to a tenant house.
- We own to the center of the road.
- There are no issues with driveway visibility at the current six foot height.
- Our home is not in a subdivision.
- Our home is zoned agricultural.
- I have letters from all the joining properties that state they are satisfied with the condition and placement of all improvements on my property.

