

<b>STANDARD APPLICATION</b> <b>Harford County</b> <b>Board of Appeals</b> Bel Air, Maryland 21014	<b>RECEIVED</b>		Case No. <u>5740</u>
	MAY 16 2011		Date Filed <u>5/9/11</u>
	HARFORD COUNTY COUNCIL		Hearing Date _____
			Receipt _____
			Fee <u>\$450.00</u>
			Type <u>Variance</u>

**Information to be Submitted with Application**

1. A plot plan drawn to scale indicating all pertinent data.
2. A list of all adjoining property owners with mailing addresses.
3. Names and addresses of all persons having legal or equitable interest in the property.
4. All required supporting documentation or additional studies as may be required; including traffic and environmental studies, etc.

**NOTE:**

All applicants **MUST** schedule a pre-application meeting with the Department of Planning and Zoning prior to filing any application to the Board of Appeals.

To schedule please call 410-638-3119.

*Shaded areas for Office Use Only*

<b>Nature of Request and Section(s) of Code</b> CASE 5740 MAP 48 TYPE Variance ELECTION DISTRICT 03 TAX ID 03075060 LOCATION 1310 Ipswich Drive, Bel Air 21014 BY Jessica & Anthony Pumilia 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 R2 district requires approval by the Board.
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**Owner (please print or type)**

Name Jessica & Anthony Pumilia Phone Number 443-910-5374  
 Address 1310 Ipswich Dr Bel Air MD 21014  
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**

Subdivision Parliament Ridge Lot Number 77  
Acreage/Lot Size 0.27 ACRE Election District 03 Zoning R2 Tax ID # 03-075060  
Tax Map No. 48 Grid No. 1E Parcel 436 Water/Sewer: Private \_\_\_\_\_ Public

**List ALL structures on property and current use:**

SHED AND PATIO

Estimated time required to present case: 30

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? Yes \_\_\_\_\_ No  There is no HOA in our community

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

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

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**

See Attached

**Justification**

See Attached

*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.)*

Harford County Board of Appeals  
Jessica and Anthony Pumilia  
1310 Ipswich Drive  
Bel Air, MD 21014  
Phone: 443-910-5374 (Jessica Cell)  
862-266-4113 (Anthony Cell)

**Request:** We are submitting a request for a variance to allow for a six foot high fence within the front yard setback. Please review the justifications in this letter as reasons for this request.

**Justification(s):**

- We have two large dogs that continually jump the fence (**Please see photos 1,2 & 3**) and our neighbors are becoming frustrated because of this persistent problem. I am currently nine months pregnant, and because of that, I cannot chase the dogs when they escape; therefore, my neighbors have been kind enough to retrieve them and this has become bothersome for them. Secondly, when the dogs abscond the yard, they become a danger to traffic on surrounding roads, and to themselves. Neighbors in the community are scared to walk on our side of the street because they know the dogs can easily escape.
- Our property has a double frontage lot that we use for our backyard. Other neighbors in our neighborhood who do not have double frontage yards are allowed to construct 6 foot fences without a variance. We would like to be allowed the same ability to fence our yard with a 6 foot fence.
- Our current fence is dangerous, unreliable, and an eyesore to the community. (**Please see pictures 4,5 & 6**) Our existing four foot fence is dilapidated, rotten, and made poorly. The fence is dangerous because the chicken wire holding it together can easily hurt animals and children (including the neighborhood children that have tried to slip through it), and the wood is also splintering and has sharp edges. Any child that attempts to climb over the fence or come in contact with the existing fence could get badly hurt. We have seen neighborhood children as well as adults putting their hands over the fence to pet and play with our dogs. We would like to make sure there is no opportunity for a child or adult to be bitten.
- Other dogs from the neighborhood have been slipping through the fence and coming into our yard to defecate and bother our dogs. (**Please see photo 7**) We want to make sure our yard is a safe place for our newborn child, and when other dogs are coming into it, laying waste, and disturbing our dogs, it's not safe.
- Our property is sloped (**Please see photos 8, 9 & 10**) any person walking past our property on the sidewalk, (when looking up) can see our backyard. This is violating to our privacy. Our current 4 foot fence is not tall enough to provide the proper privacy to our family. Our backyard belongings can be seen from the street, as well as when we are having company over we have little to no privacy from our neighbors.
- Privacy and security- our current fence just isn't sufficient. Neighborhood children, other people's pets, and wildlife have all come through our yard through holes and missing sections of the fence. (as seen in picture 7)

- One of us works late nights and long hours, and with a newborn baby at home, a fence that doesn't protect the home isn't safe and secure. The side entrance as well as the back sliding glass door to the home can be easily accessed if someone were to break through the fence. **(Please see photos 11 & 12)**
- We have future plans for a pool, and the current fence isn't secure at all, nor is it tall enough to keep children at a safe distance from the pool.
- We have tremendous support from multiple neighbors in our community to install this 6ft fence. **(See attached letters).**
- The fence will not be blocking the intersection nor, causing a visibility concern to users of the Friar Tuck Drive & Ipswich Drive Intersection. **(Please see photos 13 & 14 )**
  - We plan to install a white vinyl fence that will match the neighbor's fence and beautify our home and community **(please see picture 15)**. The new fence would be replacing the existing fence with a nicer no maintenance lattice topped fence. **(Please see photos 16 & 17 )**

We thank you for your time and consideration for this request, and we await your prompt response.

Sincerely,

Anthony and Jessica Pumilia

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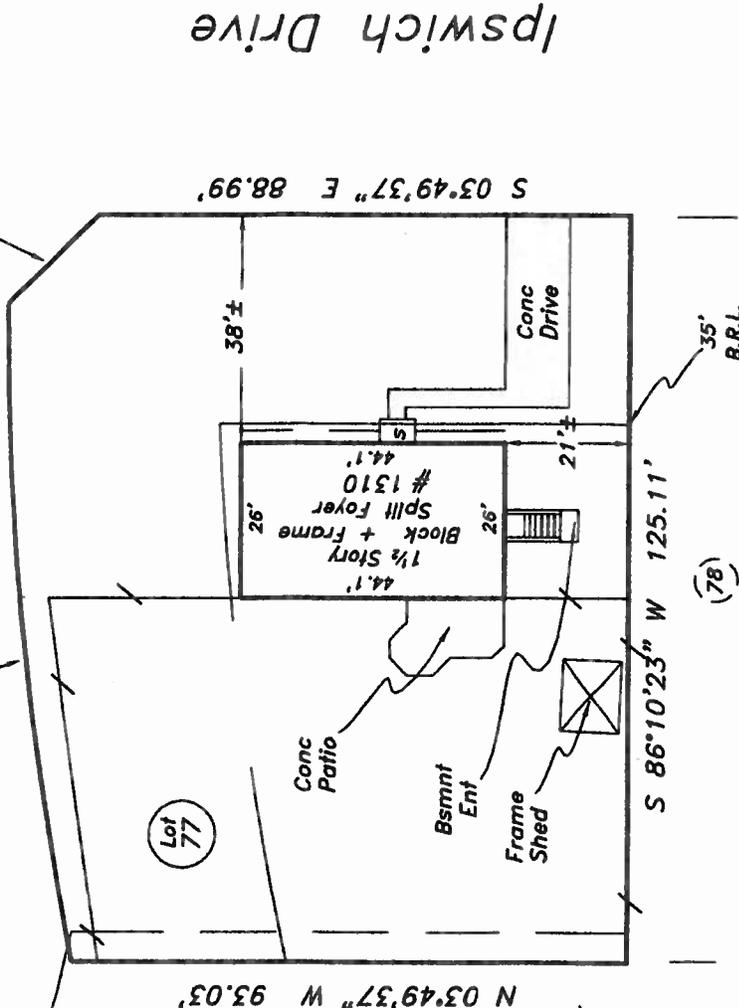
**NOTES:**

- 1) D.R.L. Information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
- 2) Building line and/or Flood Zone Information is subject to the interpretation of the originator.
- 3) NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps.
- 4) Property markers NOT found, or guaranteed by this location.
- 5) Spheroid distances accuracy: 1" ±

L=110.84'  
R=558.61'

Friar Drive

5' Drainage + Utility Easement



Ipswich Drive

S 03°49'37" E 88.99'

38'±

35' B.R.L.

S 86°10'23" W 125.11'

N 03°49'37" W 93.03'

Lot 77

(99)

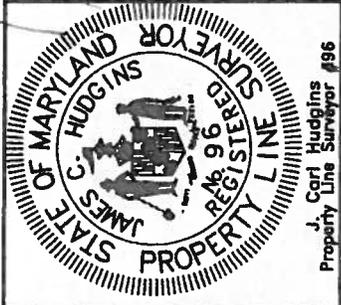
(78)



Subject property is shown in Zone X on the FIRM Map of Harford County, Maryland on Community Panel # 24025C 0142D. Effective 1-7-00

This is to certify that I have surveyed the property shown hereon, being known as Lot 77, FINAL PLAT I, SECTION III, PARLIAMENT RIDGE and recorded among the land records of Harford County, Maryland in PL BK 30 folio 98 for the purpose of locating the improvements thereon.

This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes. This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures. This plat does not provide for the accurate identification of property boundary lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



J. Carl Hudgins  
Property Line Surveyor #96

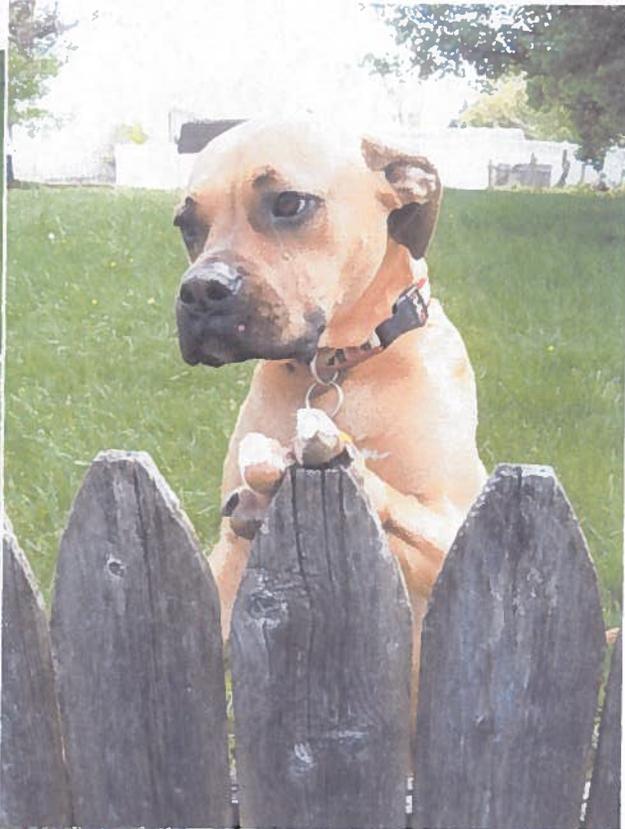
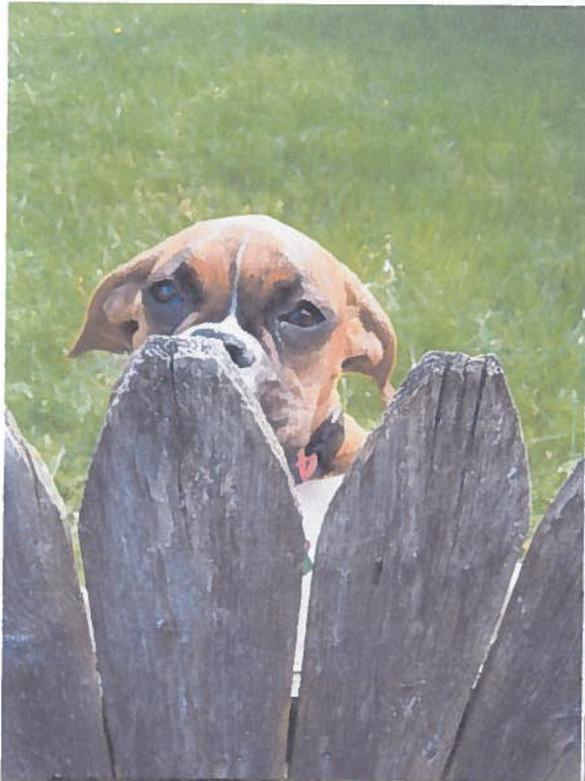
LOCATION DRAWING  
1310 Ipswich Drive  
Harford County, Maryland  
Election District No. 03

Scale:	1" = 30'
Date:	11/10/10
Field By:	Don / DBM
Drawn By:	Don / DBM
Drawing #	39237WHMS

NTT Associates, Inc.  
16205 Old Frederick Road  
Mt. Airy, Maryland 21771  
Ph. (410)442-2031  
Fax No. (410)442-1315

(Attached pictures)

**Pictures 1, 2 & 3 – Our two dogs. Boxer puppy expected to be between 80-85lbs & Larger Boxer mix is 70lbs. As you can tell from these pictures they're both quite capable of jumping our current 4 foot fence.**



**Pictures 4, 5 & 6**

- These are pictures of our current fence.
- As you can see it is falling down (reinforced with chicken wire), missing slats, and not safe.





**Picture 7- One of the holes the dogs from the neighborhood, as well as wildlife have been using to get into our yard. (As well as our dog getting out of)**



**Picture 8**

This picture was taken from our back patio (as you can see we have no privacy from those walking on the sidewalk next to our home) It is difficult to demonstrate with a photo the true "Slope" of the yard.



**Picture 9 & 10**

**Pictures taken from sidewalk next to our yard – showing the slope as well as the lack of privacy from the sidewalk.**



**Pictures 11 & 12**

**Photos of our side entrance & back sliding door that can be easily accessed from back yard.**



**Pictures 13 &14**

**Photos show the intersection that will be in clear view when the new fence is installed.**



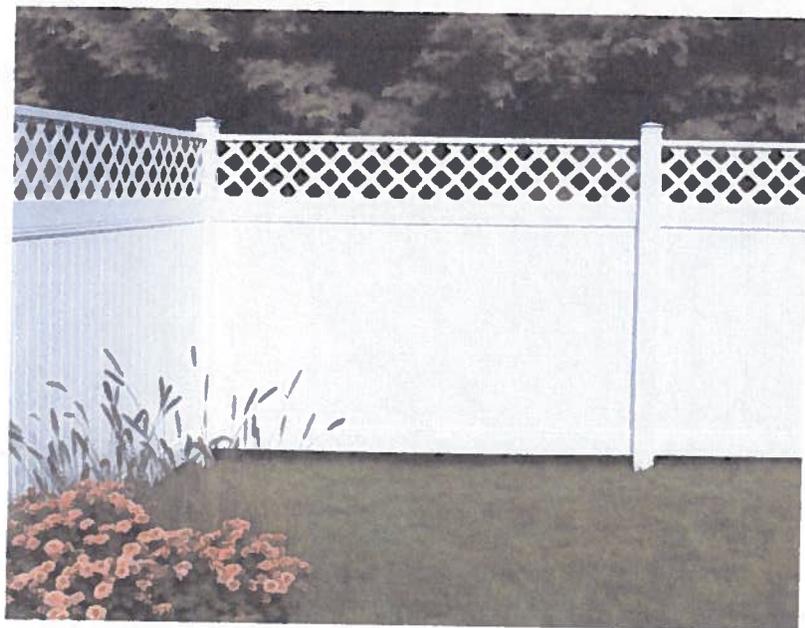
**Picture 15**

**This is our neighbor's fence that will match our fence.**



**Pictures 16 & 17**

**If approved, examples of our 6 foot vinyl fence with lattice.**



DAVID R. CRAIG  
HARFORD COUNTY EXECUTIVE

MARY F. CHANCE  
DIRECTOR OF ADMINISTRATION



C. PETE GUTWALD  
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

June 15, 2011

**STAFF REPORT**

**BOARD OF APPEALS CASE NO. 5740**

APPLICANT/OWNER: Jessica and Anthony Pumilia  
1310 Ipswich Drive, Bel Air, Maryland 21014

LOCATION: 1310 Ipswich Drive, Bel Air, Maryland 21014  
Tax Map: 48 / Grid: 1E / Parcel: 436 / Lot: 77  
Election District: Third (3)

ACREAGE: 0.27+/- acres

ZONING: R2/Urban Residential District

DATE FILED: May 9, 2011

HEARING DATE: July 6, 2011



**APPLICANT'S REQUEST and JUSTIFICATION:**

See Attachment 1.

**CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code to permit a fence to exceed four feet in height (6-feet proposed) in the R2/Urban Residential District.

**LAND USE and ZONING ANALYSIS:**

Land Use – Master Plan:

~ Preserving Harford's past; promoting Harford's future ~

## STAFF REPORT

Board of Appeals Case Number 5740

Jessica and Anthony Pumilia

Page 2 of 3

The Applicants' property is located on the southwest corner of Friar Tuck Drive and Ipswich Drive, north of Vale Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designations in the immediate area are Low, Medium and High Intensities. The Natural Features Map reflects Parks, Stream Systems and a Sensitive Species Project Review Area (SSPRA). The subject property is designated as Medium Intensity which is defined by the 2004 Master Plan as:

*Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.*

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

### Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. Residential uses include single family dwellings, townhouses, apartments and condominiums. Institutional uses include churches, a cemetery and the Harford County Detention Center. Commercial uses include medical and dental offices, restaurants, various retail establishments, gas stations with convenience stores, and professional and personal services.

The Applicants' property is nearly rectangular in shape with frontage on Ipswich Drive and Friar Tuck Drive. The subject property is identified as Lot 77 of the Parliament Ridge subdivision. The topography of the property is moderately sloping from the north to the south. The property is improved with a bi-level style single-family dwelling, a shed and a fenced yard with landscaping. Enclosed with the report are copies of a topography map, aerial photograph and site photographs (Attachments 6, 7 and 8).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The predominant zoning classifications in the area are R2 and R3/Urban Residential Districts. There are several parcels in the southeast quadrant of the Bel Air Bypass that are zoned CI/Commercial Industrial District. B2/Community Business District zoning is located on the north side of the Bypass along MD Route 24. The subject property is zoned R2/Urban Residential District as shown on the enclosed zoning map (Attachment 9).

STAFF REPORT

Board of Appeals Case Number 5740

Jessica and Anthony Pumilia

Page 3 of 3

**SUMMARY:**

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code to permit a fence to exceed four feet in height (6-feet proposed) in the R2/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The Applicants cannot fence their rear yard with a 6-foot high fence as many others in the neighborhood have done due to the lot having double frontage. There is an approximately 5-foot drop in elevation between the center of the subject property and the sidewalk along Friar Tuck Drive. A 4-foot fence does not provide adequate privacy and security due to the grade change along Friar Tuck Drive.

The Applicants are proposing to erect an attractive 6-foot vinyl fence with lattice that will match the fence on the neighboring property. The proposed fence will replace an existing board on board fence that has sections that are falling down or missing boards which allow the Applicants dogs to escape. The proposed 6-foot fence will improve the appearance of the subject property and provide better privacy and security for the Applicants. The proposed fence will not adversely impact adjoining properties. The Applicants have provided letters signed by neighboring property owners stating that they have no objection to the Applicants' requested variance (Attachment 10).

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested variance be approved subject to the Applicants obtaining all necessary permits and inspections for the new fence.



Shane P. Grimm, Chief  
Site Plan & Building Permits Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

SG/ASM/jf