

WAIVER APPLICATION SITE PLAN FILING REQUIREMENTS

1. **Scale:** For property area less than 40 acres use 1 inch equals 20, 30, 40 or 50 feet. If larger, use 1 inch equals 100 feet.
2. **Property Boundaries:** Depict using heavy bold line with dimensions. Show north arrow.
3. **Streets/Rights-of-Way:** Show boundary streets and rights-of way; show internal roads and rights-of-way; show impervious areas such as paving and widths.
4. **Adjacent Ownership:** Show names and addresses of owners of your lot and all adjacent lots.
5. **Buildings & Setbacks:** Show building front and side setbacks and indicate with an arrow the locations of the fronts of all buildings.
6. **Aerial Map:** Provide an aerial map view of requested fence location. (This may be obtained by visiting the following web site: <https://bcgis.baltimorecountymd.gov/myneighborhood/> or by visiting the Zoning Review Office in person at Room 124 of the County Office Building, 111 W. Chesapeake Ave., Towson, Maryland).
7. **Fence:** Include fence type, height, location and setbacks from the property lines.
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

FEE SCHEDULE FOR UNCONTESTED WAIVER

1. \$100.00 fee for uncontested Waiver.
2. Required sign posting. Price varies by sign posting contractor.

FEE SCHEDULE FOR CONTESTED WAIVER

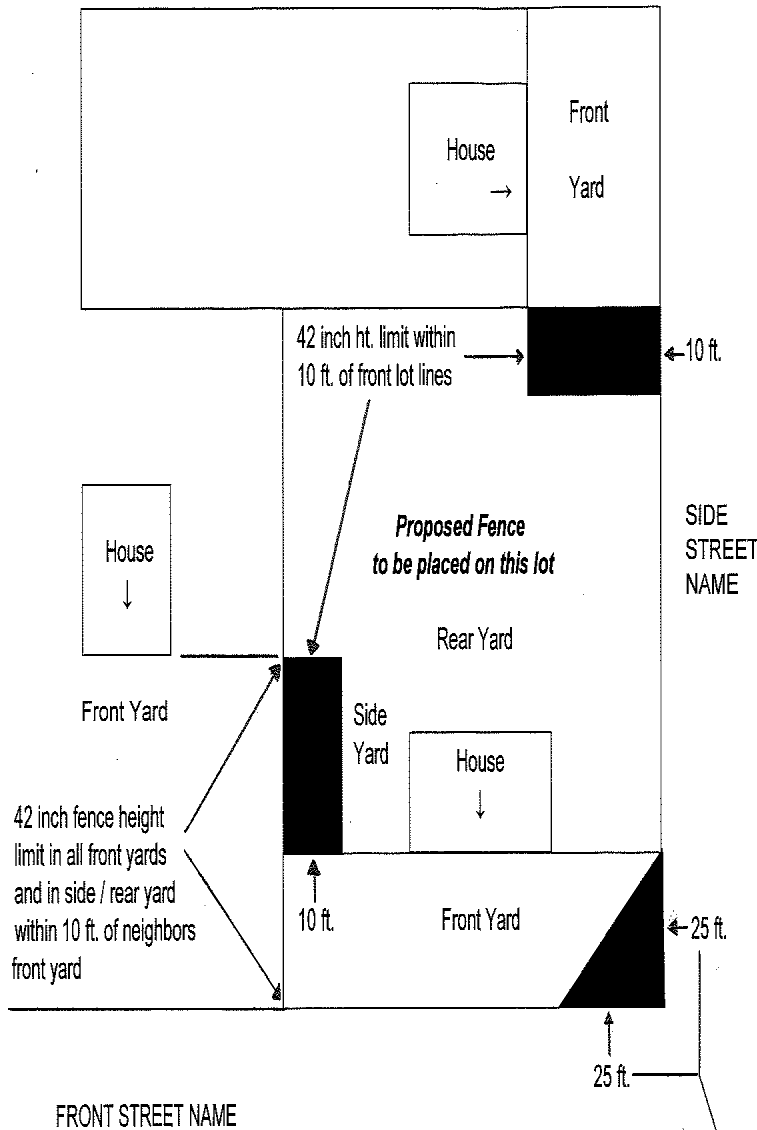
1. Contested Waiver Hearing. \$60.00 to be paid by contestor
2. Required sign **reposting paid by applicant**. Price varies by sign posting contractor.

Any questions, contact the Zoning Review Office by phone at 410-887-3391 and in person at Room 124, County Office Building, 111 W. Chesapeake Avenue, Towson, MD 21204.

GENERAL RESIDENTIAL FENCE DETAIL FOR CERTAIN BALTIMORE COUNTY ZONING REGULATIONS

This is a basic diagram and it is not intended to address all possible variations

This form is not intended to give legal advice



Fences higher than 42 inches require a permit from Baltimore County.

Fence Height Limit is 6 feet in a side or rear yard Unless otherwise limited as shown on this detail.

Access or Walkway Easements MAY NOT be fenced.

Fence must be on the owner's property and cannot be within a street or alley right of way.

The **Property Owner** IS RESPONSIBLE for the accuracy of all information provided for the fence permit reviews.

If property owner is uncertain of the location of the property lines, a survey of the lot line(s) is strongly suggested to avoid problems involving lot line location disputes.

Fence regulations for pools should also be discussed with your Building Inspector.

Contact the Permit Processing Office of the Department of Permits, Approvals & Inspections to apply for a fence permit.

A street corner has a 3 ft ht. limit for all fences or plants w/in the triangle.
 At a street and alley the height limit is 15 x 15 ft.
 At an alley and alley the height limit is 10 x 10 ft.

BCZR Section 427 - Fences

§ 427.1. Conditions for use; exceptions.

A. Applicability.

1. Subsections D and E of this section do not apply to a fence required by § 13-6-101 of the Baltimore County Code, as revised, to be constructed in order to screen a swimming pool.

2. Subsections D and E of this section do not apply if the residences on the adjoining lots are more than 200 feet apart.

B. Front Yards. The maximum height permitted for any residential occupancy fence shall be 42 inches above normal grade in a front yard.

C. Side and rear yards. The maximum height permitted for any residential occupancy fence shall be six feet above normal grade in a side and rear yard. A fence may be erected up to ten feet high in a side or rear yard when the fence is set back from the property line a horizontal distance of two feet for every vertical foot of height in excess of six feet.

D. 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.

E. A residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another on which a residence has been built, except in accordance with the provisions of this section.

F. The fence may not exceed 42 inches in height if situated within ten feet of the adjoining front yard property line.

BCC Section 13-6-101. – Swimming Pool Enclosure.

(a) *Required.* A person who owns land on which there is a swimming pool that contains 24 inches (610 mm) or more of water in depth at any point shall erect and maintain on the land an adequate enclosure surrounding either the property or pool area sufficient to make the body of water inaccessible to small children.

(b) *Height.* A swimming pool enclosure, including gates, may not be less than 4 feet above the underlying ground, except that for a semi-public swimming pool located outdoors without a lifeguard on duty, the enclosure, including gates, may not be less than 5 feet above the underlying ground and may not have more than a two-inch gap from the ground to the bottom of the fence.

(c) *Gates.* All gates shall be self-latching with latches placed 4 feet above the underlying ground and otherwise made inaccessible.

2021 International Swimming Pool and Spa Code Section 305 – Barrier Requirements

§ 305.2.1 **Barrier height and clearances.** Barrier heights and clearances shall be in accordance with all of the following:

1. The top of the barrier shall be not less than 48 inches (4 feet) above grade where measured on the side of the barrier that faces away from the pool or spa. Such height shall exist around the entire perimeter of the barrier and for a distance of 3 feet (36 inches) measured horizontally from the outside of the require barrier.
2. The vertical clearance between grade and the bottom of the barrier shall not exceed 2 inches for grade surfaces that are not solid, such as grass or gravel, where measured on the side of the barrier that faces away from the pool or spa.
3. The vertical clearance between a surface below the barrier to a solid surface, such as concrete, and the bottom of the required barrier shall not exceed 4 inches where measured on the side of the required barrier that faces away from the pool or spa.

§ 305.3 **Doors and gates.** Doors and gates in barriers shall comply with the requirements of Sections 305.3.1 through 305.3.3 and shall be equipped to accommodate a locking device. Pedestrian access doors and gates shall open outward away from the pool or spa, shall be self-closing and shall have a self-latching device.

§ 305.3.1 **Utility or service doors and gates.** Doors and gates not intended for pedestrian use, such as utility or service doors and gates, shall remain locked when not in use.

§ 305.3.2 **Double or multiple doors and gates.** Double doors and gates or multiple doors and gates shall have not fewer than one leaf secured in place and the adjacent leaf shall be secured with a self-latching device.

§ 305.3.3 **Latch release.** For doors and gates in barriers, the door and gate latch release mechanisms shall be in accordance with the following:

1. Where door and gate latch release mechanisms are accessed from the outside of the barrier and are not of the self-locking type, such mechanism shall be located above the finished floor or ground surface in accordance with the following:
 - 1.2 At residential pools and spas, not less than 54 inches (4.5 feet).
2. Where door and gate latch release mechanisms are of the self-locking type such as where the lock is operated by means of a key, an electronic opener or the entry of a combination into an integral combination lock, the lock operation control and the latch release mechanism shall be located above the finished floor or ground surface in accordance with the following:
 - 2.2 At residential pools and spas, at not greater than 54 inches (4.5 feet).
3. At private pools, where the only latch release mechanism of a self-latching device for a gate is located on the pool and spa side of the barrier, the release mechanism shall be located at a point that is at least 3 inches below the top of the gate.

§ 305.3.4 **Barriers adjacent to latch release mechanisms.** Where a latch release mechanisms is located on the inside of a barrier, openings in the door, gate and barrier within 18 inches (1.5 feet) of the latch shall not be greater than one half inch (.5 inch) in any dimension.

Application for Administrative Waiver to the Fence Height Limitations Of Sections 427.1 and 427.2, BCZR

Instructions: Fill out the information below above the signature line, sign & date. Prepare and submit a **Site Plan** (see requirements on the next 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 waiver decision will be based on evidence presented along with County maintained information about the site.

Property Address: _____

Owner: _____

Owner Address: _____ Phone (Cell): _____

_____ Phone (Home): _____

_____ Email: _____

Corner Lot: Yes **OR** No Fence is located in: Front Yard **OR** Side Yard **OR** Rear Yard

The undersigned applicant hereby applies for a waiver to the height limitations requirements of the following sections of the Baltimore County Zoning Regulations (check the appropriate box below):

- Pursuant to Section 427.1.B, BCZR, to permit a Fence to be erected in the front yard with a Fence Height of _____ feet in lieu of the maximum allowed Fence Height of 42 inches (3.5 feet). (Attach fence location drawing)
- Pursuant to Section 427.1.C, BCZR, to permit a Fence to be erected in the side or rear yard with a Fence Height of _____ feet in lieu of the maximum allowed Fence Height of 6 feet. (Attach fence location drawing)
- Pursuant to Section 427.1.C, BCZR, to permit a Fence to be erected in the side or rear yard with a Fence Height of _____ feet when the fence is set back from the property line a horizontal distance of two feet for every vertical foot of height in excess of six feet. (Attach fence location drawing)
- Pursuant to Section 427.1.E and F, BCZR, to permit a Fence to be erected in the rear or side yard of a lot which adjoins the front yard of another lot on which a residence has been built with a Fence Height of _____ feet in lieu of the maximum allowed 42 inches (3.5 feet), when the fence is situated within ten feet of the adjoining front yard property line. (Attach fence location drawing)

Basis for Request:

Applicant's Signature: _____ Date: _____

(County Use Only) Waiver Number UA-20 ----- FW

Date Property Posted _____

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

Has Hearing been requested? Yes / No

(If Yes, attach record of Hearing)

Final Disposition:

Building Official or Designee: _____ Date: _____



Baltimore County Department of Permits, Approvals and Inspections

Zoning Review Office
111 West Chesapeake Avenue, Room 124
Towson, MD 21204
410-887-3391

FORMAT FOR NOTICE OF FILING OF APPLICATION FOR FENCE HEIGHT WAIVER

The sign to be posted must be obtained from any of the county's list of approved sign posters. The sign will be the standard 24" x 36" size used for zoning variances, and will contain the following language:

Waiver Number UA-20----- FW

WAIVER NOTICE

Corner Lot: Yes OR No

Fence is located in: Front Yard OR Side Yard OR Rear Yard

A request has been made for a waiver to construct a fence higher than allowed in accordance with Section 427.1 of the Baltimore County Zoning Regulations (check the appropriate box below):

to permit a Fence to be erected in the front yard with a Fence Height of _____ feet in lieu of the maximum allowed Fence Height of 42 inches (3.5 feet)

to permit a Fence to be erected in the side or rear yard with a Fence Height of _____ feet in lieu of the maximum allowed Fence Height of 6 feet.

to permit a Fence to be erected in the side or rear yard with a Fence Height of _____ feet when the fence is set back from the property line a horizontal distance of two feet for every vertical foot of height in excess of six feet.

to permit a Fence to be erected in the rear or side yard of a lot which adjoins the front yard of another lot on which a residence has been built with a Fence Height of _____ feet in lieu of the maximum allowed 42 inches (3.5 feet), when the fence is situated within ten feet of the adjoining front yard property line.

Anyone living within 1,000 feet of this property may request a public hearing on this matter if such request is made within 15 days of the posting date set forth below or submit written comments for consideration to the address below.

Posting Date: _____

Property Address: _____

BALTIMORE COUNTY DEPARTMENTS OF PERMITS APPROVALS & INSPECTIONS

APPROVED SIGN POSTERS

John Altmeyer
Cell: 410-382-6580
jaltmeyer@aol.com

J. Lawrence Pilson, R.S.
Cell: 443-834-8162
lpilson@hotmail.com

Troy Slevin, LEED AP, BD+C®
Work Direct 443.589.2442
Main Office 443.589.2400
tslevin@kleinfelder.com

Richard Hoffman
Cell: 443-243-7360
dick_e@comcast.net

Linda O'Keefe
Work: 410-666-5366
Cell: 443-604-6431
lucky linda1954@yahoo.com

Bruce E. Doak
Work: 443-900-5535
Cell: 410-419-4906
bdoak@bruceedoakconsulting.com

Eric Hadaway
Work: 410-296-3333
ehadaway@dmw.com

David Billingsley
Work: 410-679-8719
dwb0209@yahoo.com

Martin Ogle
Cell: 443-629-3411
mert1114@aol.com

Sgt. Robert A. Black
Cell: 410-499-7940
1opie@comcast.net

The petitioner must use one of the sign posters on this approval list. Any reposting must also be done by one of these approved posters. If you wish to select a sign poster not shown on the list above, prior approval by the Department of Permits, Approvals and Inspections, Zoning Review Office, is required.

This department is not associated with any of the above posters, nor do we recommend any specific one. We do suggest that you contact a number of them to compare prices, since their charges may vary.