IN THE MATTER OF THE APPLICATION OF JESSE R. RYALS, ET UX FOR VARIANCES ON PROPERTY LOCATED ON THE SOUTHEAST CORNER OF ROCKRIDGE: ROAD AND RONIS ROAD (7402 ROCKRIDGE ROAD) 3rd ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

COUNTY BOARD OF APPEALS

BALTIMORE COUNTY

CASE NO. 88-177-A

OPINION

This case comes before the Board as an appeal from the decision of the Zoning Commissioner which denied petitions for variance from the front yard setback of 25 feet, the side yard setback of 7 feet, and the rear yard setback of 20 feet.

The property at issue is located at 7402 Rockridge Road in the Williamsburg subdivision; a residential community near the Pikesville area of Baltimore County. The subdivision was originally approved by the Planning Board of Baltimore County prior to 1955; therefore, the setback requirements as stated heretofore are the applicable regulations.

It is first important to note that the case is before the Board on the issue of the proposed variances, and not a zoning violation case. That is particularly significant in view of the fact that the property has been improved and the variances requested are for the existing improvements. In essence, the Petitioner seeks not permission to construct, but forgiveness for improvements which he has already built. It is uncontradicted that the property originally existed with a one-story house as depicted on Petitioner's Exhibit #2. After obtaining the proper permit, the Petitioner added a garage in the rear of the lot. The variance need was created when the Petitioner constructed a structure connecting the house and garage, and further proposed enclosing the side yard patio and constructing an extension of same into the front yard.

> CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY 88-177-A

Deter of Posting 2-17-88

Posted for:

Petitioner: Jesse R Ryals It up

Petitioner: Jesse R Ryals It up

Location of property: St. Corn of Rochridge Road and Romis Road

Location of Signs: St. Corner of Rochridge and Romis Roads

(Reported on August 1988)

Remarks:

Posted by A Datata Date of return: 2-19-88

Number of Signes

Case No. 88-177-A Jesse R. Ryals, et ux

The Board entertained lengthy and substantial testimony, both pro and con, regarding the proposed variance. The testimony received in this regard pertained as to the proposed improvements' consistency with the character of the neighborhood.

As is well settled, this Board is oblig ted to consider all variances under the purview of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.). That section provides that variances can be granted only when strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. Further, the Board may consider a proposed variance only if its granting would be in strict harmony with the spirit and

As a basis for its need for variances, the Petitioner offers the medical condition of his wife and, as a second basis, drainage problems on the reason offered to justify the variance is but a smoke screen for the Petitioner's and there was no evidence before the Board that her back ailment which necessitated surgery in September of 1988 was present at that time. We must therefore

intent of the applicable regulations.

property. As to the first issue, it was testified that the Petitioner's wife had a hip replacement some 11 years ago. She has had a second surgery on September 8, 1988 in which an ailment of her back was treated. Based upon these surgeries, and a second prospective hip surgery, the Petitioner claims that additional living space is needed and that the improvements be made to accommodate his wife's limitations as to the prohibition of the use of steps. Quite frankly, the Board finds this proposed justification incredible. It is clear that the house as it presently exists is but one floor only. In our view, the true intent; to wit, that he desires additional living space. This is particularly so as it is noted that the Petitioner originally filed his Petition for Variance in September 1987. At that time, Mrs. Ryals was 10 years post-surgery

RE: PETITION FOR ZONING VARIANCE : BEFORE THE COUNTY BOARD OF APPEALS

SE Corner Rockridge & Ronis Rds. (7402 Rockridge Road), OF BALTIMORE COUNTY 3rd Election District 2nd Councilmanic District

JESSE R. RYALS, et ux, : Zoning Case No. 88-177-A Petitioners ::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phylics Ole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman Deputy People's Counsel Room 223, Court House Towson, Maryland 21204 494-2188

I HEREBY CERTIFY that on this 20th day of February, 1988, a copy of the foregoing Entry of Appearance was mailed to S. Eric DiNenna, Esquire, DiNenna, Mann & Breschi, 409 Washington Ave., Suite 600, Towson, MD 21204; Mr. and Mrs. Leon Conley, 7400-A Rockridge Rd., Baltimore, MD 21208; Ms. Hattye Jackson, 7407 Rockridge Rd., Baltimore, MD 21208; Mr. Donald R. Polashuk, 4123 Raleigh Rd., Baltimore, MD 21208; Mr. George Rea, 7004 Lancaster Rd., Baltimore, MD 21207; and Mr. Gilbert Levy, 4103 Ronis Rd., Baltimore, MD 21208.

> Phyllic Cole Friedmanter Phyllis Cole Friedman

Case No. 88-177-A Jesse R. Ryals, et ux

conclude that Mrs. Ryals' ailment does not constitute practical difficulty and unreasonable hardship as required by the regulations.

As to the second alleged basis to justify the need for the variance, the Board is not persuaded that there are not other remedies available to cure the Petitioner's water problem. In our view, his alleged seepage problem does not justify the construction built nor the variance requested.

Having found no practical difficulty or unreasonable hardship, the Board must deny the variances and will so order. However, in passing, the Board again notes that the case at issue is not a zoning violation; rather a Petition for Variance. Therefore, we will not address the existing structures and whether they need be moved or modified. In the event a violation is found, those questions must be addressed at that time.

ORDER

It is therefore this 5th day of October, 1988 by the County Board of Appeals of Baltimore County ORDERED that the requested variances from the front yard setback of 25 feet, from the side yard setback of 7 feet, and from the rear yard setback of 20 feet be and the same are hereby DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS

Lawrence E. Schmidt, Acting Chairman

Harry E. Buckleister & Harry E. Buchheister, Jr.

County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111, W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 494-3180

October 10, 1988

Mrs. Brenda Conley 7400-A Rockridge Road Baltimore, MD 21208

> RE: Case No. 88-177-A Jesse R. Ryals, et ux

Dear Mrs. Conley:

Enclosed as requested is a copy of Maryland Rules B1 through B-13 which govern the appeal of a decision of the Board of Appeals to the Circuit Court.

This copy was made directly from Volume # Maryland

Rules.

Sincerely,

Kaili Wesserhammer Kathleen C. Weidenhammer Administrative Secretary

Encl.



## County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 494-3180

October 5, 1988

S. Eric DiNenna, Esquire 409 Washington Avenue, Suite 600 Towson, MD 21204

> RE: Case No. 88-177-A Jesse R. Ryals, et ux

Dear Mr. DiNenna:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject case.

Sincerely,

Katheren C. Weidenhammer Kathleen C. Weidenhammer Administrative Secretary

Encl.

cc: Mr. & Mrs. Jesse R. Ryals Mr. & Mrs. Leon Conley Ms. Hattye Jackson Mr. Donald R. Polashuk Mr. Gilbert Levy Mr. & Mrs. Arthur Weisman Ms. Iris Hurwitz Phyllis C. Friedman, Esquire Jim Thompson P. David Fields Pat Keller J. Robert Haines Ann M. Nastarowicz James E. Dyer

Docket Clerk -Zoning

Arnold Jablon, County Attorney



## County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING 111 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 (301) 494-3180

October 5, 1988

S. Eric DiNenna, Esquire 409 Washington Avenue, Suite 600 Towson, MD 21204

> RE: Case No. 88-177-A Jesse R. Ryals, et ux

Dear Mr. DiNenna:

Enclosed is a copy of the final Opinion and Order issued this date by the County Board of Appeals in the subject

Please disregard an earlier mailing this date which may have contained an Opinion related to another case. A similar letter and a copy of the appropriate Opinion/Order has been forwarded to all interested parties in both cases.

Sincerely.

Thank you.

Kathleen C. Weidenhammer Administrative Secretary

Encl.

Mr. & Mrs. Jesse R. Ryals Mr. & Mrs. Leon Conley Ms. Hattye Jackson Mr. Donald R. Polashuk Mr. Gilbert LEvy Mr. George Rea Mr. & Mrs. Arthur Weisman

Ms. Iris Hurwitz

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT

REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-177-A

JESSE R. RYALS, ET UX SE/cor Rockridge Road and Ronis Road (7402 Rockridge Road)

3rd Election District

1/07/88 -Z.C. DENIED Variances

which is scheduled for hearing on Tuesday, September 13, 1988 at 10:00 a.m. will be moved to a later time that morning and heard at 11:30 a.m., same date

REASSIGNED TO:

TUESDAY, SEPTEMBER 13, 1988 at 11:30 a.m.

cc: Jesse R. Ryals

Appellant/Petitioner Counsel for Appellant/Petitioner S. Eric DiNenna, Esquire Appellee/Protestant Mr. & Mrs. Leon Conley

Ms. Hattye Jackson Mr. Donald R. Polashuk Mr. Gilbert Levy

Mr. George Rea Mr. & Mrs. Arthur Weisman Ms. Iris Hurwitz Phyllis Cole Friedman

P. David Fields James G. Hoswell J. Robert Haines Ann M. Nastarowicz James E. Dyer

Docket Clerk -Zoning Arnold Jabion, County Attorney Jim Thompson, Zoning Enforcement

Jesse Ryals, et ux

Mr. and Mrs. Conley

Arthur and Lila Weisman

David Fields, J. Hoswell

Ms. Hattye Jackson

Donald Polashuk

Gilbert Levy Geo. Rea

Iris urwitz

P. Friedman

and above notified of same.

Eric DiNenna

4/7/88 - Following were notified of hearing set for Thurs. June 30, 1988, at 10 a.m.:

J. R. Haines, A. Nastarowicz, J. Dyer, Doc. Clerk

5/31/88 -POSTPONEMENT granted; reset for hearing on Tuesday, August 9, 1988 at 10 a.m.

(Conley; Weisman); reset for Tuesday, September 13, 1988 at 10:00 a.m.

11:30 a.m. 9/13/88 (no change in date) at request

of Counsel for Appellant (DiNenna, Esquire) due

to conflict w/ZC hearing that a.m.

5/16/88 - Granted POSTPONEMENT requested by Counsel for Petitioner/Appellant and reset to Wednesday, July 20, 1988 at 10:00; above notified.

7/21/88 -Notice sent to above re postponement granted to Protestants/Appellee --

8/10/88 -N acces ent to above -- changed time of hearing from 10:00 on 9/13/88 to

AMENDED NOTICE --

11/87

People's Counsel for Baltimore County

Kathleen C. Weidenhammer

Administrative Secretary

at the request of Counsel for Petitioner due to a schedule conflict.

Jesse and Geneva Ryals

DINENNA, MANN & BRESCHI ATTORNEYS AT LAW?

S. ERIC DINENNA, P.A. JAMES L. MANN, JR., P.A. GEORGE A. BRESCHI, P.A. GERALDINE A. KLAUBER

SUITE 600 MERCANTILE-TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

(301) 296-6820

August 3, 1988

County Board of Appeals of Baltimore County Room 315, County Office Building Towson, Maryland 21204

> RE: Case No: 88-177-A Jesse R. Ryals, et ux

Dear Mr. Chairman:

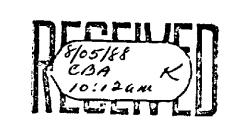
Attn: Mr. Chairman

I am in receipt of your notification that the above captioned matter, having been postponed, is now set for Tuesday, September 13,

This is to advise you that I am scheduled to appear before the Zoning Commissioner for Baltimore County at 10:30 a.m. on that date in

In lieu of requesting a postponement of this matter, I would request that this matter be set in for 11:30 a.m. on September 13, 1988, instead of 10 a.m. My clients are anxious to have this matter resolved and I would appreciate your cooperation in this matter.

cc: People's Counsel for Baltimore County



County Board of Appeals of Baltimore County

(301) 494-3180

From 315, County Office Building Cowson, Maryland 2120-1

B KZAKI KICK KIOKKK JEZNIB Hearing Room 301

July 21, 1988 County Office Bldg. NOTICE OF POSTPONEMENT AND REASSIGNMENT

> NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-177-A

JESSE R. RYALS, ET UX SE/cor Rockridge Road and Ronis Road (7402 Rockridge Road) 3rd Election District

1/07/88 -Variances DENIED by Z.C.

TUESDAY, SEPTEMBER 13, 1988 at 10:00 a.m.

which had been scheduled for hearing on Tuesday, August 9, 1988 at 10:00 a.m. has been POSTPONED at the request of Appellees/Protestants (Conley; Weisman), and has been

REASSIGNED FOR: cc: Jesse R. Ryals

Appellant/Petitioner Counsel for Appellant/Petitioner S. Eric DiNenna, Esquire Mr. & Mrs. Leon Conley Appellee /Protestant

Ms. Hattye Jackson Mr. Donald R. Polashuk Mr. Gilbert Levy

Mr. George Rea Mr. & Mrs. Arthur Weisman Ms. Iris Hurwitz People's Counsel for Baltimore County

Phyllis Cole Friedman P. David Fields

James G. Hoswell J. Robert Haines Ann M. Nastarowicz James E. Dyer

Docket Clerk -Zoning Arnold Jablon, County Attorney Added to file 8/03/88: Jim Thompson Zoning Enforcement

Kathleen C. Weidenhammer Administrative Secretary

HEARING ROOM 301

11/87

County Board of Appeals of Baltimore County

Happretta=Ettaredians== Room 315, County Office Building Towson, Maryland 21204

AMENDED NOTICE --

TO REFLECT TIME CHANGE ONLY

(301) 494-3180 KEARIKEXREEMXYZXE

August 10, 1988

NOTICE OF ASSIGNMENT County Office Building

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-177-A

JESSE R. RYALS, ET UX SE/cor Rockridge Road and Ronis Road (7402 Rockridge Road)

3rd Election District

1/07/88 -Z.C. DENIED Variances

which is scheduled for hearing on Tuesday, September 13, 1988 at 10:00 a.m. will be moved to a later time that morning and heard at 11:30 a.m., same date at the request of Counsel for Petitioner due to a schedule conflict.

REASSIGNED TO:

TUESDAY, SEPTEMBER 13, 1988 at 11:30 a.m.

Appellant/Petitioner

Appellee/Protestant

Counsel for Appellant/Petitioner

People's Counsel for Baltimore County

cc: Jesse R. Ryals S. Eric DiNenna, Esquire Mr. & Mrs. Leon Conley

Ms. Hattye Jackson Mr. Donald R. Polashuk Mr. Gilbert Levy Mr. George Rea

Mr. & Mrs. Arthur Weisman Ms. Iris Hurwitz Phyllis Cole Friedman

P. David Fields James G. Hoswell J. Robert Haines

Ann M. Nastarowicz James E. Dyer Docket Clerk -Zoning Arnold Jablon, County Attorney Jim Thompson, Zoning Enforcement

Kathleen C. Weidenhaumer Administrative Jecretary

County Board of Appeals of Baltimore County

Room 200 Court House Towson, Maryland 21204 (301)-194-0180

HEARING ROOM #218

May 31, 1988 NOTICE OF POSTPONEMENT AND REASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING MATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-177-A

JESSE R. RYALS, ET UX SE/cor Rockridge Road and Ronis Road (7402 Rockridge Røad)

3rd Election District

1/07/88 -Variances DENIED

which had been set for hearing on Wednesday, July 20, 1988 has been POSTPONED at the request of Counsel for Appellant/Petitioner due to a scheduling conflict and has been

REASSIGNED FOR: cc: Jesse R. Ryals

Appellant/Petitioner S. Eric DiNenna, Esquire Counsel for Appellant/Petitioner

<u>TUÉSDA</u>Y, AUGUST 9, 1988 at 10:00 a.m.

Mr. & Mrs. Leon Cønley Ms. Hattye Jackson Mr. Donald R. Polashuk

Mr. Gilbert Levy Mr. George Rea

Mr. & Mrs. Arthur Weisman Ms. Iris Hurwitz

877 Sest -

Phyllis Cole Friedman People's Counsel for Baltimore County

P. David Fields James G. Hoswell J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk -Zoning

Arnold Jablon, County Attorney WEEKS + 9/13/ SEPT Kathleen C. Weidenhammer Administrative Secretary

11/87

County Board of Appeals of Baltimore County Room 200 Court House

Towson, Maryland 21204 (301) 494-3180

June 30, 1958

RELOCATION

PLEASE NOTE:

Effective July 11, 1988, all cases scheduled to be heard before the County Board of Appeals in Hearing Room 218 of the Old Courthouse will be heard in ROOM 301, THIRD FLOOR, COUNTY OFFICE BUILDING (111 W. Chesapeake Avenue--across the street from the Old Courthouse). Scheduled date and time remain the same.

In addition, the administrative offices of the Board will relocate on Friday, July 1, 1988 to Room 315, County Office Building.

If you have any questions, please call 494-3180 (the telephone number will remain the same).

> Kathleen C. Weidenhammer Administrative Secretary

Chairman Chairman Country Braid of Reports Butternew County Leon 301 Bunty of Line Kings

111 W. Elevaporar Low Calterior MA

Wear for

2000

additions

- withou

Ms. Kathleen Weidenhammer Administrative Secretary County Board of Appeals of Baltimore County Room 200 Court House Towson, Maryland 21204

RE: CB-88-177A

5. ERIC DINENNA, P.A.

Court House

Mr. Chairman:

the data be changed.

cc: Mr. and Mrs. Jesse Ryals

Phyllis Cole Friedman, Esquire

JAMES L. MANN, JR., P.A.

GEORGE A. BRESCHI, P.A.

Geraldine A. Klauber

County Board of Appeals

Towson, Maryland 21204

Dear Mrs. Weidenhammer:

I would like to request a postponement of the hearing set for Tuesday, August 9, 1988. My family has made plans to be on vacation that week. We have already secured reservations paid the required deposit.

Your cooperat on would be greatly appreciated.

DINENNA, MANN & BRESCHI

ATTORNEYS AT LAW

May 4, 1988

I am in receipt of notification for a hearing before your Board

Unfortunately, I am sitting as a Master in the Circuit Court for

preferable to possibly move it forward but if not possible,

you be so kind as to have your office contact me to set this

concerning the above-captioned matter set for Thursday, June 30, 1988,

Baltimore County on that date and time and must respectfully request

date so there might not be any other conflict with the Master's

the matter for several weeks.

RE: Case No.: 88-177-A

Jesse R. Ryals, et ux.

1988 HAY -6 A 11: 09

Sincerely,

Brenda J. Conley

PP to 7/20

SUITE 600

MERCANTILE-TOWSON BUILDING

409 WASHINGTON AVENUE

TOWSON, MARYLAND 21204

(301) 296-6820

DINENNA, MANN & BRESCHI

S. ERIC DINENNA, P.A. JAMES L. MANN, JR., P.A. GEORGE A. BRESCHI, P.A. GERALDINE A. KLAUBER

MERCANTILE TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

(301) 296-6820

May 27, 1988

County Board of Appeals of Baltimore County Room 200 Court House Towson, Maryland 21204

> RE: Case No.: CBA-88-177-A Jesse R. Ryals, et ux.

Dear Mr. Chairman:

I am in receipt of your notification concerning the above-captioned matter setting the hearing for July 20, 1988 at 10:00

This is to advise you that I am in Court on that date and time and would respectfully request a postponement. It appears that I am available to try this matter on any Tuesday during the month of August.

I would hope that we might be able to fit this hearing in on one of those dates and I respectfully request you advise me of your decision.

cc: Mr. and Mrs. Jesse Ryals Phyllis Cole Friedman

DINENNA, MANN & BRESCHI

ATTORNEYS AT LAW

S. ERIC DINENNA. P.A. JAMES L. MANN, JR., P.A. GEORGE A. BRESCHI, P.A.

GERALDINE A. KLAUBER

MERCANTILE-TOWSON BUILDING 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

April 12, 1988

County Board of Appeals of Baltimore County Room 200 - Court House Towson, Maryland 21204

RE: Case No. 88-177-A

Dear Mr. Chairman:

I am in receipt of notification of the hearing date concerning the above captioned matter for June 30, 1988 at 10:00 a.m.

This is to advise you that I will be sitting as a Master in the Circuit Court for Baltimore County on that date and time and respectfully request that this matter be reassigned a new date.

Would you be so kind as to have your secretary contact me so a new

s. ERIC DINENNA

Phyllis C. Friedman

(301) 296-6820

Jesse R. Ryals, Et Ux

date may be set that will not engage any conflicts.

cc: Mr. and Mrs. Jesse Ryals People's Counsel

County Board of Appeals of Baltimore County Room 200 Court House Towson, Maryland 21204

May 16, 1988 NOTICE OF POSTPONEMENT AND REASSIGNMENT

(301) 494-3180

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CBA-88-177-A

HEARING ROOM #218

JESSE R. RYALS, ET UX SE/cor Rockridge Road and Ronis Road (7402 Rockridge Road) 3rd Election District

1/07/88 -Variances DENIED which had been set for hearing on Thursday, June 30, 1988 has been POSTPONED at the request of Counsel for the Appellant/Petitioner and has been

REASSIGNED FOR: )AX, JULY 20, 1988 at 10:00 a.m. cc: Jesse R. Ryals, et ux S. Eric DiNenna, Esquire

Appellants/Petitioners Counsel for Appellants/Petitioners Mr. & Mrs. Leon Conke

Ms. Hattye Jackson Mr. Donald R. Folashuk Mr. Gilbert Levy Mr. George Rea

Mr. & Mrs. Arthur Weisman Ms. Iris Hurwitz Phyllis Cole Friedman

People's Counsel for Baltimore County

P. David Fields James G. Hoswell J. Robert Haines Ann M. Nastarowicz James E. Dyer Docket Clerk Arnold Jablon, County Attorney

Kathleen C. Weidenhammer Administrative Secretary HEARING ROOM #218

County Board of Appeals of Baltimore County

Room 200 Court House Coluson, Maryland 21204 (301)-194-3180 April 7, 1988

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 88-177-A JESSE R. RYALS, ET XX SE/cor. Rockridge Rd. and Ronis Rd. (7402 Rockridge Rd.) 3rd Election District 1/7/88/- Variances DENIED ASSIGNED FOR: THURSDAY, JUNE 30, 1988, at 10 a.m. cc: Jesse R. Ryals, et ux

Petitioners S. Eric DiNenna, Esq., Counsel for Petitioner

Mr. & Mrs. Leon Conley Ms. Hattye Jackson Mr. Donald F. Polashuk Mr. Gilbert Levy

Mr. Geo. Rea Arthur & Lila Weisman

✓ Iris Hurwitz Phyllis C. Friedman People's Counsel P. David Fields James Hoswell J. Robt. Haines Ann Nastarowicz James Dyer

Docket Clerk

Planning Office Zoning Office

June Holmen, Secretary

IN RE: PETITION FOR ZONING VARIANCE BEFORE THE SE/cor. Rockridge Road and Ronis Road ZONING COMMISSIONER (7402 Rockridge Road) 3rd Election District OF BALTIMORE COUNTY 2nd Councilmanic District Case No. 88-177-A

Jesse R. Ryals, et ux Petitioners \* \* \* \* \* \* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a front yard setback of 21 feet in lieu of the required 25 feet for a proposed addition, and a side and rear yard setback of 3 feet each in lieu of the required 7 feet and 20 feet respectively for an existing covered patio and attached garage, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified on their own behalf. In addition, Nick Coggiono, Ann Strideland and Madeline Rosenthal appeared and testified in support of the Petition. The following persons appeared and testified as Protestants: Leon and Brenda Conley, Hattye Jackson, Donald Polashuk, Gilbert Perry and George Rea.

Testimony indicated that the subject property is zoned D.R. 5.5, is located on Rockridge Road at the intersection of Ronis Road, and is improved with a single-family dwelling unit and attached garage. At present, the dwelling is improved with enclosed patios on both the rear and south sides of the property. The Petitioners propose constructing another addition, approximately 12' x 18', on the front and side of the home. In addition to the variance request from setback requirements, the Petitioners wish to legitimize the enclosed portions of the existing patios on the south and rear sides of the property.

Numerous complaints have been filed against the owners of the subject

case has simply demonstrated that he desires to continue constructing additions to his home, additions which invade several of the required side and front yard setback requirements, and that these desired additions are to prevent water from running onto his property or into the basement of his home. The Petitioner has presented no evidence that would demonstrate that strict compliance with Section 307 of the BCZR would unreasonably prevent him from using the property as a residential unit.

When reviewing a Petitioner's case for a zoning variance, it is important to keep in mind that "the standard for granting a zoning variance is whether strict compliance with the regulations would result in a practical difficulty or unreasonable hardship." Furthermore, whether the variance should be granted if the it is in strict harmony with the spirit and intent of the BCZR and, of course, only if the granted variance will not result in substantial detriment to the public health, safety and general welfare.

Testimony of the Protestants clearly established that there would be substantial injury to all neighboring properties from the continued expansion of the subject property. There is substantial and convincing evidence in the record to indicate that the Petitioners have disregarded the needs and requirements of the community as a whole, and their specific neighbors in particular, by the continued expansion of the subject dwelling and accessory buildings.

It is clear from the testimony and evidence presented that if the requested variances were granted, such uses as proposed would clearly be contrary Sto the spirit and intent of the BCZR and would result in substantial detriment

After due consideration of the testimony and evidence presented, it is clear that the Petitioner would suffer no practical difficulty or unreasonable hardship if strict compliance with the zoning regulations of Baltimore County were required. The fact of the matter is that the Petitioner has continued to

to the public good.

There has been substantial evidence that the Petitioner has stored commercial and business equipment and materials on the subject property. The Petitioner claims he is not doing any commercial business from his home now and will not in the future. The Petitioner claims he will remove any and all commercial and business materials and equipment from the site.

The Petitioners complained at length of substantial runoff and water seepage problems, which would be corrected with the proposed additions to the side and rear of the home. The Petitioners claim that they are not operating any business from their home at this time and that all of the enclosed patio areas are used only for residential purposes and have no commercial or business purpose or value.

The Petitioners seek relief from Section 1802.3.b pursuant to Section 307 of the Baltimore County Zoning Regulations (BCZR).

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). It is the responsibility of the Petitioner to demonstrate to the Zoning Commissioner that the zoning regulations have worked a particular practical difficulty or unreasonable hardship upon his land or himself to be afforded the granting of an area variance. The Petitioner in this expand his property to the direct detriment of the public good. He has been unable to establish that the requirements from which he seeks relief in any way would restrict the use of his property as a single family dwelling unit with no commercial uses. In addition, I believe that the evidence indicates that the subject variances, if granted, will result in substantial detriment to the public health, safety and general welfare.

Pursuant to the advertisment, posting of the property and public hearing on this Petition held, and for the reasons stated above, the requested variances should be denied.

Therefore IT IS ORDERED by the Zoning Commissioner of Baltimore County this \_\_\_\_day of January, 1988 that a front yard setback of 21 feet in lieu of the required 25 feet for a proposed addition, and a side and rear yard setback of 3 feet each in lieu of the required 7 feet and 20 feet respectively for an existing covered patio and detached garage, in accordance with Petitioner's Exhibit 1, be and hereby DENIED.

IT IS FURTHER ORDERED that the existing 12' x 18' addition to the front of the house and the two existing accessory structures (storage sheds) in the side yard be removed within 60 days of the date of this Order. In addition, the Petitioner shall either detach the garage from the house or move the garage to comply with the 7-foot setback requirement set forth in the B.C.Z.R. within 60 days of the date of this Order. Furthermore, the Petitioner shall remove any open or enclosed projections on the southern side of the house to comply with the side yard setback requirements as established in the B.C.Z.R.

IT IS FURTHER ORDERED that no contractor's equipment shall be stored on

Zoning Commissioner of Baltimore County

Baltimore County Zoning Commissione Office of Planning & Zoning Towson, Maryland 21204

RECEIVED COUNTY BOARD OF APPEALS 1558 FEB 10 A 10: 38

J. Robert Haines



Baltimore County Board of Appeals Old Courthouse, Room #205 Towson, Maryland 21204

RE: Petition for Zoning Variance SE/corner Rockridge Road and Ronis Road (7402 Rockridge Road) 3rd Election District, 3rd Councilmanic District Jesse R. Ryals, et ux - Petitioners Case No. 88-177-A

Please be advised that an appeal of the above-referenced case was filed in this office on February 2, 1988 by S. Eric DiNenna, Esquire, Attorney for Petitioner. All materials relative to the case are being forwarded herewith.

February 9, 1988

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Enclosures

cc: S. Eric DiNenna, Esquire, Attorney for Petitioner 409 Washington Avenue, Suite 600, Towson, Md. 21204

Mr. & Mrs. Leon Conley, 7400-A Rockridge Road, 21208

Ms. Hattye Jackson, 7407 Rockridge Road, 21208

Mr. Donald R. Polashuk, 4123 Raleigh Road, 21208

Mr. Gilbert Levy, 4103 Ronis Road, 21208

Mr. George Rea, 7004 Lancaster Road, 21207

Phyllis Cole Friedman, Esquire,

Rm. 223, Old Courthouse, Towson, Maryland 21204

PETITION FOR ZONING VARIANCE \* SE/cor. Rockridge Road and Ronis Road

(7402 Rockridge Road)

3rd Election District

Jesse R. Ryals, et ux

Petitioners

2nd Councilmanic District

COUNTY BOARD \* OF APPEALS \* Case No.: 88-177-A

ORDER OF APPEAL

Please enter an Appeal from the Decision and Order of the Zoning Commissioner in the above captioned matter dated January 7. 1988 to the County Board of Appeals on behalf of the Petitioner, JESSE R. RYALS, et ux, 7402 Rockridge Road, Pikesville, Maryland 21203.

> Dinenna, mann & Breschi 409 Washington Avenue, Suite 600 Towson, Maryland 21204 (301)296-6820

I HEREBY CERTIFY that on this 2 day of frime 1988, a copy of the aforegoing ORDER OF APPEAL was mailed postage prepaid, to People's Counsel for Baltimore County, Court House, Towson, Maryland 21204.

ZONING OFFICE

OCATION: Southeast Corner of According No nd Ronis Road (7402 Rockridge Road)

Perhice for Zoning Variance to perhid a from yard serback of 21 feet in lieu of the required 25 feet for a proposed stdirtion and a side yard and are gray and serback of 3 feet in lieu of the required 7 feet and 20 feet respectively for an existing covered panio and attached garagin. Seing the property of Jusse R. Plysis, at ust, as shown on plat plan Med with the Zoning Office In the event that this Petrion(s) is granted, a building parmit may be issued writin the thirty (30 day appeat period. The Zoning Commissioner will thosever, entertain any request for a stay of the issuance of said parmit during this period for good cause shows. Such request must be received in writing by the date of the hearing set above a made at the hearing.

Ref.: Petition for coming variance Case No. 88-177-A

J. Robert Haines

Zoning Commissioner

of Baltimore County Towson, MD. 21204

We are groundly against the issuence of any Building Permit for any construction at 7402 Rockridge Avenue. This is a residential area and the property in question has been used for commercial purposes for several years.

At the present time there is lumber, plywood, construction-machinery and "gas and air" bottles stored in the yard. There are three storage buildings, an extension to the back of the residence and a covered patte all at the present time used This flagrant violation of our soning laws is a safety hazzard to the neighborhood and reduces the value of our property. The user should be prosecuted for soning violations.

> C. R. Beve 4109 Raleigh Rd. Baltimore, Md. 21208

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.8 [111.C.2,3,4, 1945 Regs.) to permit a front yard setback of 21 ft. in lieu of the required 25 ft. for a proposed addition, and a side yard and rear yard setback of 3 ft. each in lieu of the required 7 ft. and 20 ft. respectively for an existing covered patio and attached garage.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

feloruary 22, 1988

Re: Jesse Lyals Lockvidge Road

ble sotified of the above laving

appeal # 88-177-A

Board of appeale

Court House

att: no Holmen

I. This roof extension will keep rain from running into the basement the existing patio slab extends out past where old roof ended. In the past we have lost carpets, furniture, and other valubles, due to rain, and snow, when it melted.

2. It will allow us to go away from our home, on vacation, or other times.

Property is to be posted and advertised as prescribed by Zoming Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	Jesse Rufus Ry-1s (Type or Print Name)
Signature	Jens Lapar Pyst
Address	Geneva Thorton Ryals (Type or Prini Name)
City and State	General TRyals
Attorney for Petitioner:	
(Type or Print Name)	7402 RockRidge Rd. 486-315
Signature	Pikesville Md 21208 City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
City and State	Name
Attorney's Telephone No.:	Address Phone No.
ORDERED By The Zoning Commissioner of	Beltimore County, this 2274 day
sedamen of the county rea of Destricte Collists.	subject matter of this petition be advertised, as in two newspapers of general circulation throughd that the public hearing be had before the Zoning 6, County Office Building in Towson, Baltimore

ZONING DESCRIPTION

Beginning on the SE/Cor of Rockridge Road and Ronis Road. Being Lot #2, Block G, Section 5, Williamsburg 18/135. Also known as 7402 Rockridge Road in the 3 rd. Election District. Containing approx. 7000

BALTIMORE COUNTY, MARYLAND Baltimore County Department of Public Works
Bureau of Trailic Engineering
Courts Building, Suite 405 Fire Department Towson, Maryland 21204-2586. INTER-OFFICE CORRESPONDENCE BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE Paul H. Reincke July 28, 1987 Towson, Maryland 21204 November 3, 1987 Date \_\_\_October 22, 1987\_\_ 491-3554 Mr. J. Robert Haines Mr. Armold Jablon Zoning Commissioner Zoning Commissioner Mr. Norman E. Gerber, AICP, Director Office of Planning and Zoning COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Baryland 21204 Office of Planning and Zoning Mr. Jessee Rufus Ryals 7402 Rockridge Road Baltimore County Office Building Towson, MD 21204 Zoning Petitions No. 88-152-A, 88-153-A, 88-154-A, 88-155-A, 88-165-A, 88-167-A, 88-168-A, 88-169-A, 88-170-A, 88-171-A, 88-174-A, 88-175-A, 88-176-A, 88-177-A, 88-179-A, 88-180-A, 88-181-A, 88-183-A, 88-185-Y, 88-186-A, and 88-187-A. Pikesville, Maryland 21208 RE: Item No. 5 - Case No. 88-177-A
Petitioner: Jesse R. Ryals, et ux
Petition for Zoning Variance Dennis F. Rasmussen Jesse R. Ryals, et ux Re: Property Owner: Location: SE/C Rockridge Rd. & Ronis Rd. July 29, 1987 Zoning Agenda: Meeting of 7/14/87 Item No.: Bureau of The Zoning Plans Advisory Committee has reviewed the plans submit-The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Eng.neering Gentlemen: Department of Traffic Engineering There are no comprehensive planning factors requiring Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 comment on the above numbered petitions. Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. State Roads Commission Fire Prevention Dear Mr. Jablon: Health Department ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department Norman E. Gerber, AUCP, Direction of Planning and Boning Project Planning Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are petition, it is is not informative will be placed in the hearing file. This is not informative will be placed in the hearing file. This retition was accepted for filing on the date of the enclosed ling certificate and a hearing scheduled accordingly. The Bureau of Traffic Engineering has no comments for items 1, 3/(5, 6, 7, 9, 10, and 13.Building Department of Public Works. Doard of Education cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel Very truly yours, Zoning Administration ( ) 2. A second means of vehicle access is required for the site. Industrial Development ( ) 3. The vehicle dead end condition shown at \_\_\_\_ Michael S. Flanigan EXCEEDS the maximum allowed by the Fire Department. Traffic Engineer Associate II James E. Oyer /KIB ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. MSF:lt ( X ) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition Zoning Plans Advisory Committee prior to occupancy. JED:kkb ( ) 6. Site plans are approved, as drawn. Enclosures ( ) 7. The Fire Prevention Bureau has no comments at this time. CERTIFICATE OF PUBLICATION Location of Signe SE/corner of Rockridge Ad. and Romin Rd

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## LEGAL NOTICE

PETITION FOR ZONING VARIANCE
3rd Election District
2nd Councilmanic District
Case No. 88-177-A

LOCATION: Southeast Corner of Rockridge Road and Ronis Road (7402 Rockridge Road)

DATE AND TIME: Tuesday, November 10, 1987 at 9:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing.

Petition for Zoning Variance to permit a front yard setback of 21 feet in lieu of the required 25 feet for a proposed addition and a side yard and a rear yard setback of 3 feet in lieu of the required 7 feet and 20 feet respectively for an existing covered patio and attached garage

Being the property of Jesse R. Rysts, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Patition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES ZONING COMMISSIONER OF BALTIMORE COUNTY

REAL ESTATE

CERTIFICATE OF PUBLICATION

Pikesville, Md.,	Oct. 21, 1987
THIS IS TO CERTIFY, that the annexed adv was published in the NORTHWEST STAR, a wnewspaper published in Pikesville, Balti	more
County, Maryland before the 22nd 22nd 19_87	
the first publication appearing on the 21st day of October	
the second publication appearing on theday of	
the third publication appearing on the	

THE NORTHWEST STAR

Jon Berle Jon Belle Manager

Cost of Advertisement \$25.60