

IN RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE - S/S of Ridge Rd., 601' E of Hilton Ave. (1323 Ridge Road) 1st Election District 1st Councilmanic District John C. Hutchinson, et ux Petitioners

* BEFORE THE * DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 90-344-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the use of an existing accessory structure (garage) on the subject property for an automotive repair hobby, and variances to permit said accessory structure (garage) to be larger than the principal dwelling and a side yard setback of 0 feet in lieu of the minimum required 10.5 feet for an existing open projection (deck), all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Robert B. Greenwalt, Esquire. Also appearing on behalf of the Petitions were Mike Brown and Joe Fertitta, adjoining property owners. Appearing as Protestants in the matter were Henry and Diana Gundlach, Robert and Jane Antmann, Richard Wright, Harry and Naomi Lohr, Kimberly A. Reeves, Charles Wheatley and Robert Gare. Phyllis Friedman, Esquire, People's Counsel for Baltimore County, appeared in opposition and assisted the Protestants in the presentation of their objections.

Testimony indicated that the subject property, known as 1323 Ridge Road consists of .163 acres zoned D.R. 3.5 and is improved with a single family dwelling and detached garage. Petitioners purchased the subject property three years ago this Summer. Testimony indicated that as a result of complaints filed with the Zoning Office, Petitioners were

advised to file the instant Petitions. Mr. Hutchinson testified he re-stores and customizes antique and modern automobiles as a hobby. He testified that he has pursued this hobby since he was 15 years of age. Mr. Hutchinson testified the garage was a major deciding factor in his purchase of the subject property as it afforded him a place to work on cars and protective storage for his antique and custom automobiles. He testified that prior to his receiving the notice of a zoning violation, he had worked on cars belonging to friends or relatives and that all work was done was without remuneration. Mr. Hutchinson conceded that prior to receiving the violation notice, he went "overboard" on the type of work he was doing in the garage. He further testified that he has done some painting of custom engines but would cease doing same and any other work not involving hand tools as a result of the complaints registered by neighbors. Presently, Petitioner owns a 1987 custom Chevrolet pick-up truck and a 1928 Ford, both of which are licensed. He indicated that both vehicles are in excellent condition and would only require general maintenance work.

In support of his request for the variances relating to the garage, Mr. Hutchinson testified the garage had existed on the property since approximately 1975 without complaint. Petitioners' Exhibit 1 indicates the dwelling is 24.3' x 20.6' while the garage is 30.2' by 24.2'.

Mr. Hutchinson indicated that he had built the deck about two years ago to correct a flooding problem in the basement and to provide an outdoor sitting area for himself and his wife to enjoy. He testified he was not aware that a variance was needed. He concluded that the granting of the variance for the deck will not create any detriment to the health, safety or general welfare of the community. In further support of his

request, he introduced a letter from the adjoining property owner on the affected side which indicates they have no objections to the deck.

Michael Brown testified that he has resided across from the subject property at 1320 Ridge Road since August 1966. He testified that his house is approximately 200 feet from the subject dwelling and indicated that he does not believe either of the requests present any detriment to the health, safety or general welfare of the community. Mr. Fertitta, a resident of 1322 Ridge Road, also indicated his support of Petitioners' requests.

In further support of their case, Petitioners submitted letters from numerous residents of the area who indicated they have not been disturbed by noise or exhaust fumes from Petitioners' use of the garage. Many of the letters noted the garage has existed for a number of years and was built by someone who pursued a hobby of rebuilding antique cars. A few of the letters indicated that Petitioners maintained their property in good condition and have enhanced the property's overall appearance.

Mr. & Mrs. Gundlach, adjoining property owners at 1321 Ridge Road, testified in detail as to their opposition to the relief requested for the accessory structure (garage) to be larger than the principal dwelling and the use of same by Petitioner for an automotive repair hobby. The Protestants testified that in light of the close proximity of the houses and the noise generated by the work Mr. Hutchinson does on the vehicles, the granting of the relief requested as to the size and use of the garage would be detrimental to the community. To support the Protestants' position, Mr. Gundlach introduced a video tape of the activity conducted by Mr. Hutchinson inside the garage. Said tape was filmed from the interior of the Gundlachs' home. Mr. & Mrs. Gundlach testified as to the tremen-

dous amount of noise and fumes generated by Mr. Hutchinson's hobby. The plat submitted by Petitioners indicates the garage is 5 feet from the side property line adjoining the Gundlach's property.

Robert Gare, Kimberly Reeves and Jane Antmann, Ridge Road residents, also testified regarding their opposition to Petitioners' request to use the garage as proposed and the size of the garage. All witnesses testified as to the noise being a disturbance to the neighborhood. Naomi Lohr, a resident of the community since 1948, testified in opposition to all variances requested by Petitioners. She indicated that in addition to the variances for the garage, she was opposed to the deck variance as, in her opinion, all development should be in strict compliance with the zoning regulations.

Phyllis Friedman, Esquire, on behalf of People's Counsel, appeared to assist the Protestants in the presentation of their testimony. Ms. Friedman concluded that permitting the accessory structure (garage) to be greater than the principal structure promotes the possibility for abuse of its intended use. Ms. Friedman argued the Petitioners' suggestion that the matter can be controlled by restrictions is not realistic.

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). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The facts in this particular situation make the issue more difficult in light of the garage having been constructed approximately 15 years ago and no complaint ever having been filed. Petitioner indicated that to the best of his knowledge and belief, the garage was constructed with a permit. However, it cannot be verified as Baltimore County does not keep records of permits issued back that far. The pictures presented indicate the garage is not an eyesore and is well-maintained. Further, the Protestants' complaints deal with the use of the garage and not the building itself. To require Petitioners to tear it down would create an unreasonable hardship. However, the use of the garage for an automotive repair hobby with restrictions as to the type of repairs which would be permitted, as requested by Petitioners is not appropriate and shall therefore be denied.

After due consideration of the testimony and evidence presented, it is clear that if the variances are granted, as hereinafter restricted, the relief requested would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the Petition for Special Hearing should be denied and the Petition for Zoning Variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of March, 1990 that the Petition for

Special Hearing to approve the use of an existing accessory structure (garage) on the subject property for an automotive repair hobby be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit said accessory structure (garage) to be larger than the principal dwelling and a side yard setback of 0 feet in lieu of the minimum required 10.5 feet for an existing open projection (deck), in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The 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 variances granted herein shall be rescinded and Petitioner would be required to bring the property into compliance with the zoning regulations in effect at that time.
- 2) Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) The use of the garage by Petitioners in pursuit of Mr. Hutchinson's automotive repair hobby concerning custom and antique cars shall be limited to the storage of said vehicles only.
- 4) All vehicles stored on the property must be properly licensed and owned by the Petitioners.
- 5) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property, including the inside of the garage, to insure compliance with this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-344-SPHA

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 Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

an automotive repair hobby as determined by the Zoning Commissioner.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon the 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:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

ROBERT B. GREENWALT
ATTORNEY AT LAW

SUITE A, 815 MAIDEN CHURCH LA.
BALTIMORE, MD 21228

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Signature

1323 RIDGE RD. W-299-9285
BALTIMORE MD 21228
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 10 day of 10 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 7 day of March 1990, at 3 o'clock P.M.

(over)

GARAGE FOR HOBBY

I build and detail special interest vehicles for myself. They are used in shows and special events. Most of the work is done with hand tools. This type of work cannot be done in an automotive shop. The work that I do consists of disassembling a car, so that the pieces can be sent out to be painted, plated, or machined by professionals. After they come back I reassemble the car. Once the car has been reassembled the only work done in my garage is minor maintenance and cleaning of the car. The work that I do in my garage is a hobby and as such is permitted as a normal residential use.

204
90-344-SPHA

JOHN AND DEBRA HUTCHINSON
1323 RIDGE RD
CATONSVILLE, MD 21228

ZONING DESCRIPTION

Beginning at a point on the south side of Ridge Rd. which is 25' wide at the distance of 631 feet east of centerline of the nearest improved intersecting street Hilton Ave. which is 30' wide. Being lot # 219 in the subdivision of Ridge Brook as recorded in Baltimore Co. plat book #LNCIM #9 Folio #18 containing 7100 sq. ft.. Also known as 1323 Ridge Rd. and located in the 11 election district.

John C. Hutchinson

Debra A. Hutchinson

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

DATE 2/13/90



Dennis F. Rasmussen
County Executive

Re: Mr. & Mrs. John C. Hutchinson
1323 Ridge Road
Catonville, Maryland 21228

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-344-SPHA
S/S of Ridge Road, 601' E of Hilton Avenue
1323 Ridge Road
1st Election District - 1st Councilmanic
Petitioner(s): John C. Hutchinson, et ux
HEARING: FRIDAY, MARCH 9, 1990 at 3:00 p.m.

Dear Mr. & Mrs. Hutchinson:

Please be advised that \$139.52 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) DELIVERED ON THE DAY OF THE HEARING OR THE BOARD SHALL MAIL THE SAME.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Townson, Maryland 21204

Account: R-001-6150

Number: 1666

90-344

Date:

3/08/90

PUBLIC HEARING FEES	QTY	PRICE
080 - POSTING SIGNS / ADVERTISING 1 X		\$139.52
TOTAL:		\$139.52

LAST NAME OF OWNER: HUTCHINSON

8 125*****135521a 3124F
Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

January 24, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Townson, Maryland as follows:

Petitions for Special Hearing and Zoning Variance
CASE NUMBER: 90-344-SPHA
S/S of Ridge Road, 601' E of Hilton Avenue
1323 Ridge Road
1st Election District - 1st Councilmanic
Petitioner(s): John C. Hutchinson, et ux
HEARING: FRIDAY, MARCH 9, 1990 at 3:00 p.m.

Special Hearings: An automobile repair hobby as determined by the Zoning Commissioner. Variance: To permit an accessory structure (garage) larger than the principal dwelling and a 0 ft. side yard setback in lieu of the minimum 10.5' for an open projection (deck).

In the event that this Petition 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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

NOTES

(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3391 to confirm hearing date.)

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
601 TIGER COUNTY, MARYLAND

cc: Mr. & Mrs. Hutchinson

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Townson, Maryland

90-344-SPHA

District: 1st Date of Posting: 2-12-90
Posted for: Special Hearing & Variance
Petitioner: John C. Hutchinson et ux
Location of property: S/S of Ridge Road, 601' E of Hilton Avenue
(1323 Ridge Road)
Location of Sign: Corner of 1323 Ridge Road
Remarks:
Posted by: J. J. Quate Date of return: 2-16-90
Number of Signs: 2

CERTIFICATE OF PUBLICATION

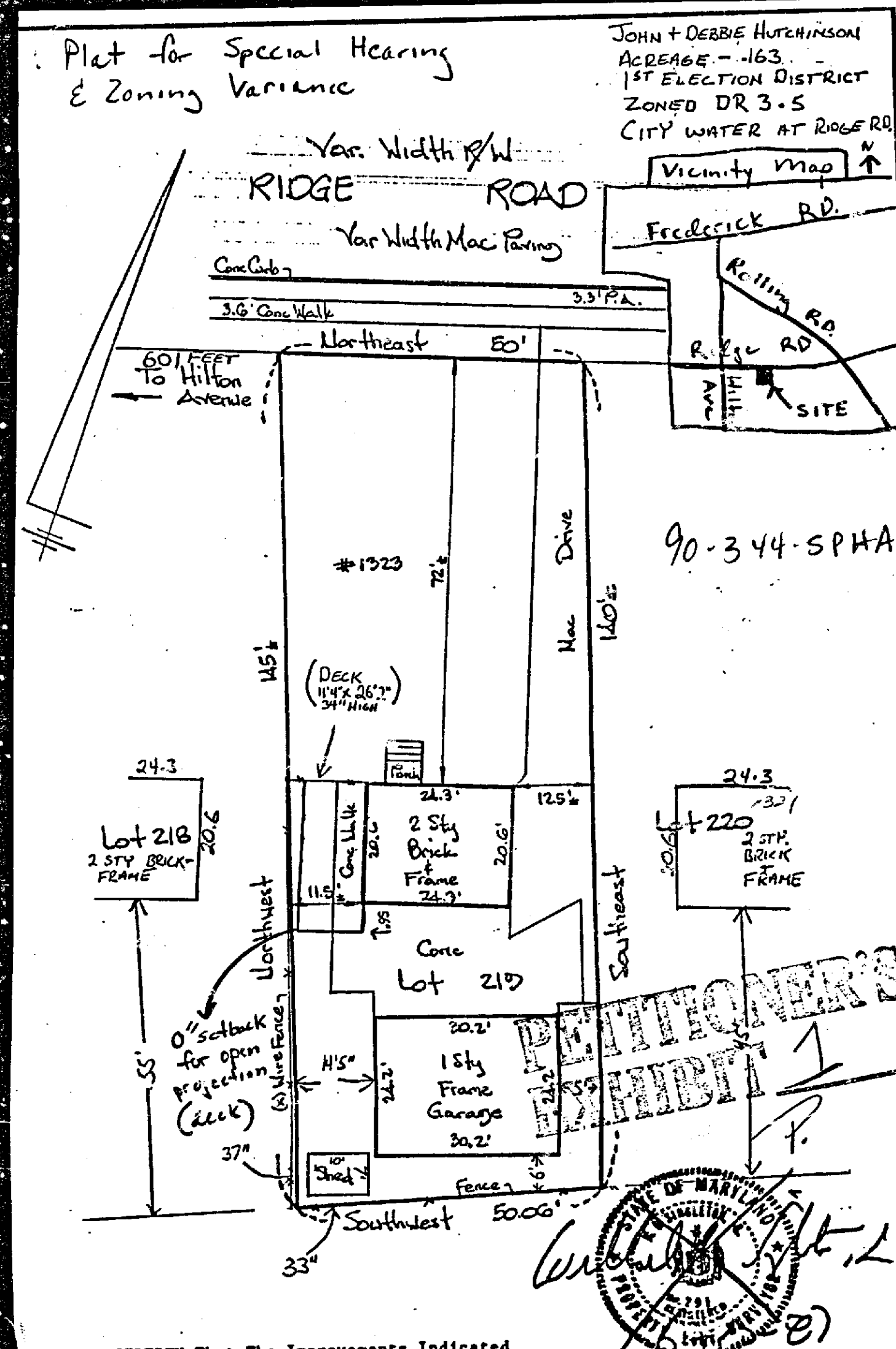
February 8, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Feb 8, 1990.

CATONSVILLE TIMES

S. Zube Orban
Publisher

NAME	ADDRESS	TELE
1. Betty T. Burdum	1324 Brook Road	747-2131
2. Harry F. Loh	1319 Ridge Road	747-9634
3. Naomi L. Loh	1319 Ridge Road	747-9634
4. Pauline L. Loh	1320 Brook Rd	788-7133
5. R. P. Morrison	1306 Brook Road	744-1889
6. M. C. Morrison	1321 Ridge Road	788-4399
7. D. R. Morrison	1321 Ridge Road	747-4355
8. Margaret M. Morrison	1317 Ridge Road	747-4355
9. Robert Morrison	1315 Ridge Rd	747-1139
10. Jan Morrison	1312 Ridge Rd	747-4719
11. Linda Morrison	1312 Ridge Rd	747-4719
12. Charles Morrison	1324 Ridge Road	747-5264
13. Robert Morrison	1324 Ridge Rd	744-2969
14. Robert Morrison	1405 Ridge Rd	744-6631
15. Bruce Morrison	1318 Ridge Rd	

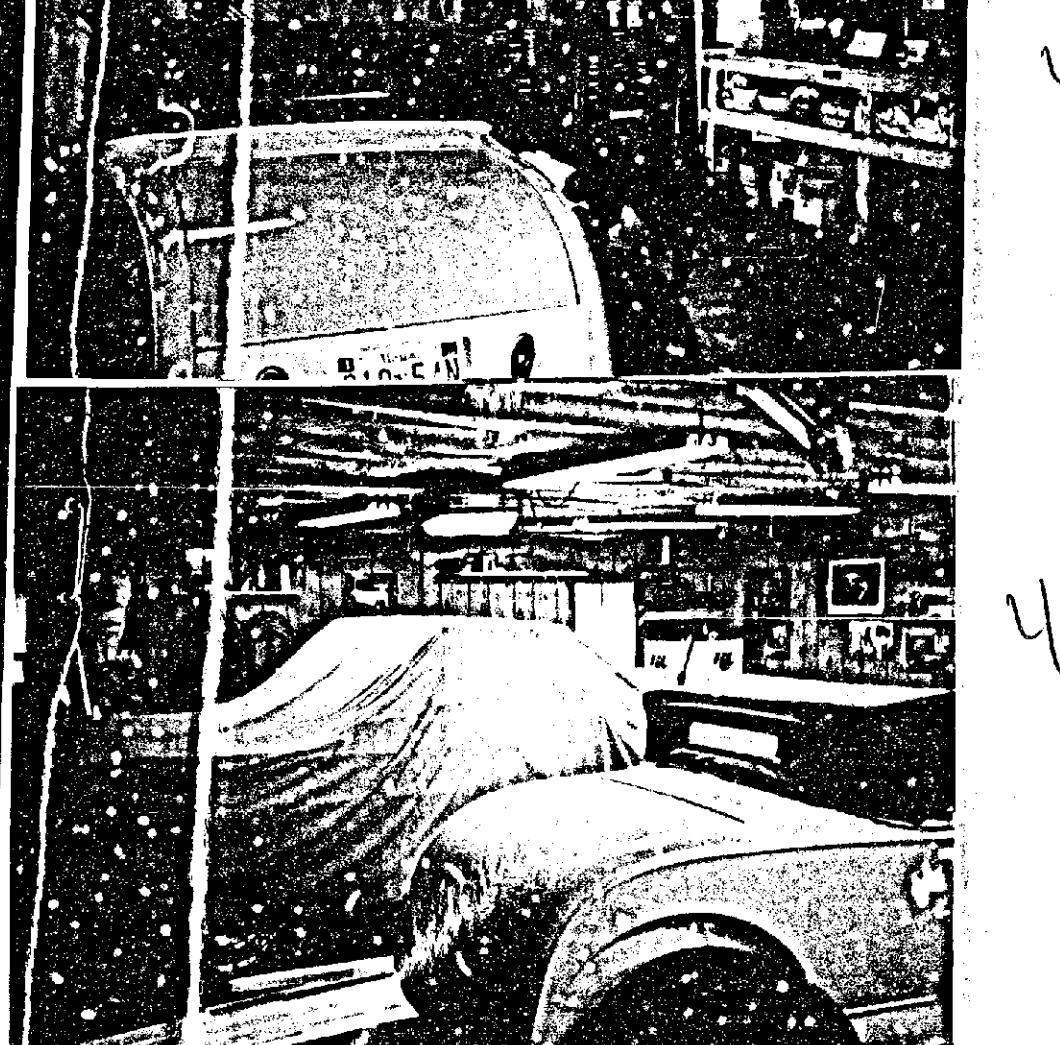
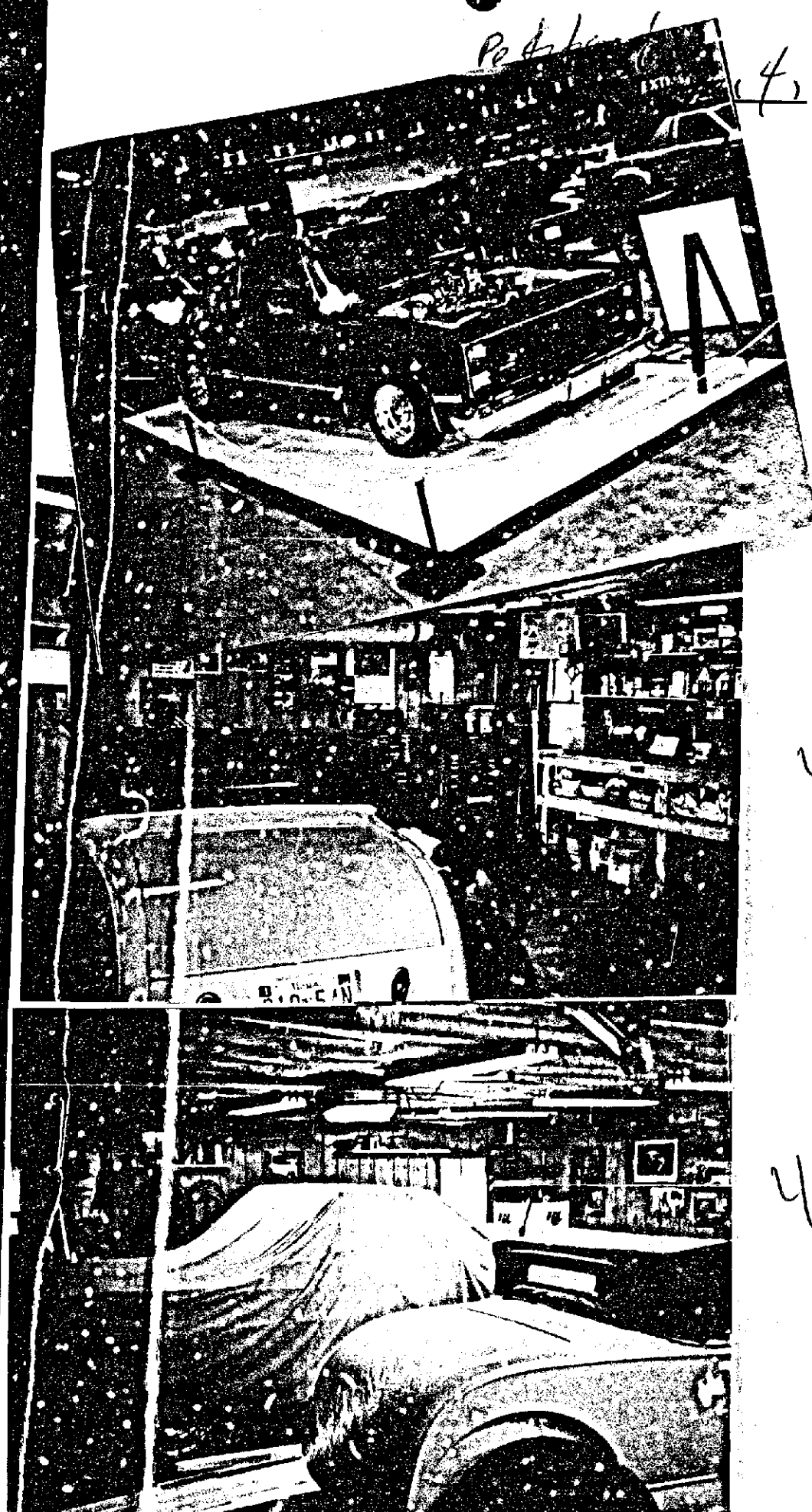
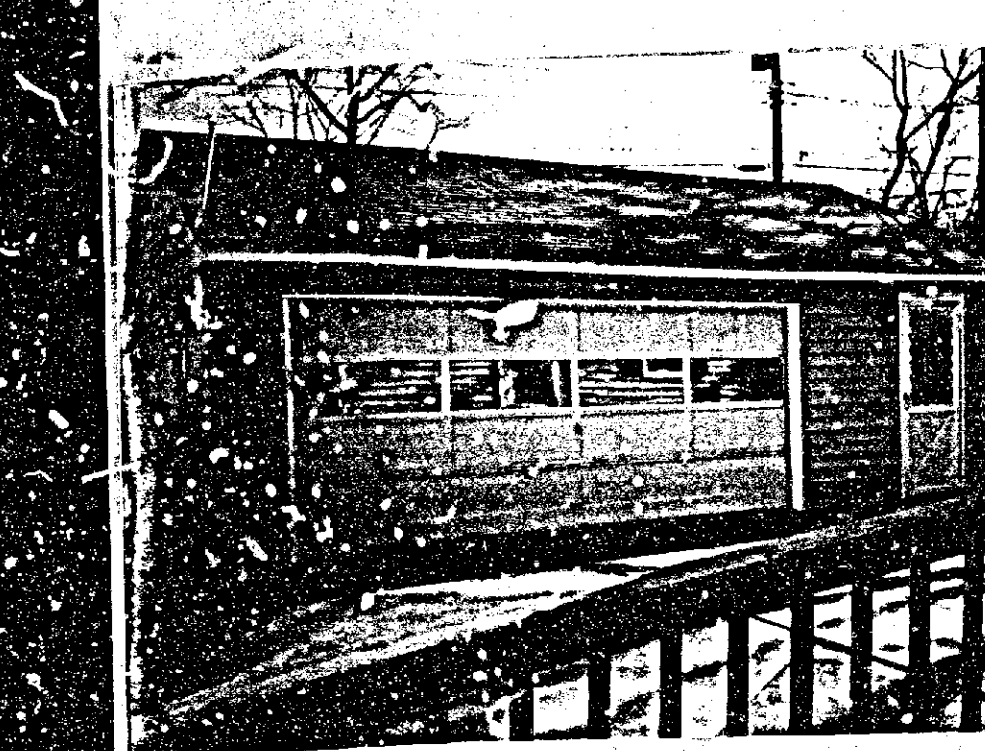


THIS IS TO CERTIFY That The Improvements Indicated on the Map are Located as Shown on a Survey and Should Not Be Used as Such.

KS ENGINEERING COMPANY, INC.
MEASUREMENTS - SURVEYORS - PLANNERS
1ST JOPPA ROAD - SUITE 402
N. MARYLAND 21204
PHONE: 301/494-0001

LOCATION: CERTIFICATION
#1323 RIDGE ROAD, LOT 219
"REVISED PLAT OF RIDGE BROOK"
BALTIMORE COUNTY PLAT BOOK L.M.H. 10/16
DATE: 6/20/91 SCALE: 1"=20' FILE: 4/34/1

PETITIONER
PROPOSED(S) EXHIBIT ()



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

February 20, 1990

Mr. & Mrs. John C. Hutchinson
1323 Ridge Road
Catonsville, MD 21228



RE: Item No. 204, Case No. 90-344-SPHA
Petitioner: John C. Hutchinson, et ux
Petition for Special Hearing and
Zoning Variance

Dear Mr. & Mrs. Hutchinson:

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 have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

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 received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: February 15, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: John C. Hutchinson, Item 204

The Petitioner requests a Special Hearing to approve an automotive repair hobby as determined by the Zoning Commissioner; and a Variance to permit an accessory structure larger than the principal dwelling and 0 ft. side yard setback in lieu of the 10.5 ft. for an open projection.

Regarding the requested Variances, staff offers no comment. In reference to the Special Hearing, staff conducted an analysis by reviewing pertinent sections of the Baltimore County Zoning Regulations, reviewing information submitted by the Petitioner, consulting with the Zoning Enforcement Section, and speaking to Mr. Hank Gundlach.

A conversation with Mr. Gundlach, a Complainant in zoning violation case (No. 90-865), which precipitated the subject request, revealed that the use of the property for automobile repair continues. He indicated motor vehicle repair is conducted on a sporadic basis, however, most of the work is performed between 9:00 A.M. and 9:00 P.M. In addition, he stated that loud revving of motor vehicle engines occurs, sometimes as late as midnight.

On January 16, 1990, Zoning Inspector Derek Propolis spoke to Mr. Gundlach. Propolis' report indicated Gundlach had called to report that fumes emanating from the Hutchinson property caused Mr. and Mrs. Gundlach and their child to leave the property. As a result of this conversation, the Zoning Office proceeded with a Petition for Permanent Injunction and Show Cause Order. The Petition states, in part, that the Defendants, John C. Hutchinson and Debra A. Bates, operate a service garage and that recent complaints and inspections revealed that the Defendants continue to violate the Baltimore County Zoning Regulations.

Regarding the Petitioner's position, attached to the petition form, Mr. Hutchinson presented his opinion of what constitutes a garage for hobby:

1. Motor vehicles are built and detailed on his property.
2. Motor vehicle repair work is done with hand tools.

Page 1 of 2

NOVEMBER 15, 1989

To Whom it May Concern:

It has been brought to my attention, that there has been a complaint concerning the addition of a "Deck" to the residence of 1323 Ridge Rd. in Catonsville. Since my residence is adjacent to the deck, I feel that I should offer some input as to the appropriateness of the deck.

The above mentioned deck has added to the attractiveness of the residence and does not interfere with access.

I as the neighbor directly adjacent to the deck have no objection to its location.

Sincerely,
R. DiSanto
1323 Ridge Rd.

PETITIONER'S
EXHIBIT 5A

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this 10th day of January, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: John C. Hutchinson, et ux
Petitioner's Attorney:

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Towson, MD 21204
(301) 887-3554



January 11, 1990

J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 210 and 212.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan,
Traffic Engineer Assoc. II

MSF/lab

RECEIVED
JAN 15 1990
OFFICE

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

JANUARY 11, 1990



Dennis P. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: JOHN C. HUTCHINSON
Location: S/S OF RIDGE ROAD
Item No.: 204 Zoning Agenda: JANUARY 9, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* 1-11-90 Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 19, 1990
FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for January 9, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 198, 199, 200, 201, 202, 203, 208, 210 and 212.

For Items 203, 205, and 208 the County Review Group Comments for each item still apply.

[Signature]
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

1024 East Road
Catonsville, Maryland 21228
747-2136
February 26, 1990

J. Robert Haines
Zoning Commissioner of Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Special Hearing & Zoning Variance
Case No: 90-344-SHA
Petitioner: John C. Hutchinson
1323 Ridge Road
Catonsville, Maryland 21228
Hearing Date: March 9, 1990 at 3:00 P.M.

Dear Commissioner Haines:

This letter is to inform you that I strongly oppose granting a permit for the variance for an accessory structure (garage) larger than the principle dwelling to be used as an automobile repair hobby shop, to Mr. Hutchinson who lives at 1323 Ridge Road, Catonsville, Maryland 21228.

My home is located directly behind Mr. Hutchinson's property. I have been very unhappy with all the banging noises, gas fumes, racing motors, and loud talking coming from the garage, especially in good weather when I am trying to enjoy peace and quiet on my back porch and in my yard. In addition, Mr. Hutchinson uses the very small area behind his garage to discard all kinds of debris, and which I feel will get worse if he is allowed to use this garage as a hobby repair shop.

I also very strongly feel the value of the neighborhood property will decrease if this permit is granted. This neighborhood in the past was always considered a very nice quiet residential neighborhood. As a Baltimore County taxpayer at this address since 1955 and a lifelong resident of Catonsville, I would hate to see this neighborhood depreciate as so many others have recently.

In addition, I would like to mention that when I called the Zoning Office in Towson, when the former owner was seeking a permit to construct this large garage in such a small back yard, I was told it was perfectly legal. Now I understand that the garage was built larger than the permit called for. If this is true, didn't the Zoning Office have to inspect all completed work to see if it passes regulations? If so, I wonder why this wasn't corrected years ago?

As I am unable to attend this hearing, I hope this letter will act in my behalf. Thank you for considering my taxpayer's right to oppose this permit for variance to let this garage be used as an automobile repair hobby shop.

Yours truly,
Mrs. Betty V. Durham
(Mrs.) Betty V. Durham

To: The Honorable J. Robert Haines
Zoning Commissioner of Baltimore County
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

From: Brian R. Morrison
1326 Brook Road
Catonsville, Maryland 21228

RE: Case # 90-344-SHA - Zoning Variance for 1323 Ridge Road

Dear Mr. Haines:

We, the property owners of 1326 Brook Road, whose property adjoins 1323 Ridge Road, object to the zoning variance being requested for 1323 Ridge Road to permit an automobile repair hobby in an accessory structure larger than the principal dwelling. We believe that such a structure, and the noise that would accompany an auto repair hobby variance, would adversely affect the value of our property and the quality of life in our neighborhood. We respectfully ask that you deny this petition for a zoning variance.

Sincerely,

[Signature]
Brian R. Morrison
Mary C. Morrison

RECEIVED

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

March 15, 1990



Dennis P. Rasmussen
County Executive

Robert B. Greenwalt, Esquire
813 Maiden Choice Lane, Suite A
Baltimore, Maryland 21228

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
S/S Ridge Road, 601' E of Hilton Avenue
(1323 Ridge Road)
1st Election District - 1st Councilmanic District
John C. Hutchinson, et ux - Petitioners
Case No. 90-344-SHA

Dear Mr. Greenwalt:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied and the Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 897-3391.

Very truly yours,

[Signature]
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: All Protestants Who Appeared

People's Counsel

File

ZONING ENFORCEMENT SECTION



#204

TELEPHONE: 887-3351

CORRECTION NOTICE FOR ALLEGED ZONING VIOLATION

CASE NUMBER C- 90-805 ELECTION DISTRICT: 1
LOCATION: 1323 Ridge Rd.
Mr. Hutchinson Mrs. Bates

PLEASE BE ADVISED THAT AN INSPECTION OF THE ABOVE REFERENCED LOCATION REVEALED:

☐ THERE WAS NO VIOLATION OBSERVED AND THE CASE WILL BE CLOSED.

☒ THERE IS AN APPARENT VIOLATION AND THE FOLLOWING CORRECTION IS REQUIRED:

1. You have an open deck on the side of your house. It projects into the setback by more than 25%. Either you remove the deck or you move the setback or have an appointment to review your petition for a zoning variance. The papers can be filed in the County Office, 1323 Ridge Road, 111 West Chesapeake Ave. Your appointment must be dated by the compliance date.

2. You have 2 accessory structures in the rear yard. They are 40% of the rear yard. Either you remove the accessory structures so that they are less than 40% or you have an appointment to review your petition for a zoning variance.

FAILURE TO COMPLY BY 11/26/89 WILL RESULT IN THE ISSUANCE OF A CITATION WHEREIN YOU ARE SUBJECT TO A CIVIL PENALTY OF \$200.00 FOR EACH VIOLATION, AND EACH DAY SHALL BE CONSIDERED A SEPARATE VIOLATION (CIVIL PENALTY BILL #132-85).

☐ COMPLIANCE HAS BEEN ATTAINED AND THE CASE WILL BE CLOSED.

INSPECTOR: *[Signature]* DATE: 10/19/89

COPIES: WHITE - Defendant Original
GREEN - Defendant Duplicate
YELLOW - Complainant
PINK - File
GOLD - Inspector Report

RE: PETITION FOR SPECIAL HEARING
PETITION FOR VARIANCE
S/S of Ridge Rd., 601' E of
Hilton Ave. (1323 Ridge Rd.)
1st Election District
1st Councilmanic District
JOHN C. HUTCHINSON, et ux,
Petitioners
Case No. 90-344-SHA

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned 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.

[Signature]
Phyllis Cole Friedman
People's Counsel for Baltimore County

[Signature]
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
887-2188

I HEREBY CERTIFY that on this 23rd day of February, 1990, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. John C. Hutchinson, 1323 Ridge Rd., Catonsville, MD 21228, Petitioners.

[Signature]
Peter Max Zimmerman

1322 Brook Road
Baltimore, Md. 21228
March 1, 1990
The Zoning Commissioner of Baltimore Co.
Room 106, County Office Bldg.
111 W. Chesapeake Ave.
Towson, Md. 21204
90-344
March 9, 1990
Re: Case 90-344-SHA
1323 Ridge Rd.
Baltimore Co., Md.

Gentlemen:
I am writing to express my objection to the above-referenced zoning request. My property, adjacent in the rear to the subject property and is separated by an open fence. This is a highly desirable neighborhood of young families and senior citizens who strive to maintain it's tranquil environment.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOHN HUTCHINSON	1323 RIDGE RD
DEBRA HUTCHINSON	1323 RIDGE RD
MIKE BROWN	1320 RIDGE RD
JOE FERITTA	1322 RIDGE RD