

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 N/S Dunkirk Road, 260 ft. E *
 of Pinehurst Road * ZONING COMMISSIONER
 220 Dunkirk Road *
 9th Election District * OF BALTIMORE COUNTY
 4th Councilmanic District *
 Raymond J. Peroutka, Jr., et ux* Case No. 95-222-A
 Petitioners
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property located at 220 Dunkirk Road in the community of Rodgers Forge, located near Towson. The Petition is filed by Raymond J. Peroutka, Jr. and Debra J. Peroutka, his wife, property owners. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a rear setback of 36 ft. for an enclosed structure, in lieu of the required 50 ft., in a D.R.10.5 zone.

This matter was originally filed as an administrative variance, pursuant to Section 26-127 of the Baltimore County Code. That section allows the Zoning Commissioner to grant variance relief from strict adherence to the BCZR without the necessity of a public hearing for an owner occupied lot within a residential zone. Mr. and Mrs. Peroutka's lot, is indeed, owned and occupied by them and zoned D.R.10.5. However, Section 26-127 further provides that the Petition may be scheduled for public hearing either at the request of any concerned occupant or property owner within 1,000 ft. of the site in question, or at the Zoning Commissioner's discretion. A public hearing was scheduled for this case, based upon my initial review of the Petition, and pursuant to the discretionary authority provided to me within the Code. The public hearing convened for this case

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 Date 4/19/95
 By M. G. [Signature]

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generated significant public interest and numerous interested persons and witnesses appeared.

Appearing at the public hearing was the Petitioners/property owners, Raymond J. Peroutka, Jr., and Debra J. Peroutka, his wife. They were represented by Robert A. Hoffman, Esquire. Other individuals who appeared in support of the Petition included Gail and Pat Colohan, Robert Krauss and Raymond J. Peroutka, Sr. Several residents of the Rodgers Forge community appeared in opposition to the request. They included Ronald and Carol Zielke, Mary B. Birckhead, Edward and Helen J. Ament, Norman O'Hara and Carroll Miller. Joseph A. Guzinski, on behalf of the Rodgers Forge Community Association Board of Governors, appeared as an interested person.

The testimony presented by the various witnesses shows that the facts relevant to this case are largely not in dispute. Mr. and Mrs. Peroutka own that property known as 220 Dunkirk Road, which is an end of group townhouse in the Rodgers Forge community. The Rodgers Forge community is an old community of townhomes which was built by the Keelty family many years ago. The community is well maintained and carries a much deserved reputation as a desirable neighborhood comprised of many row homes. The Petitioners have owned their property for approximately 9 years. They live thereon with their two children, a 14 year old and a 12 year old. Their end of group row home is 22 ft. wide and 36 ft. deep. Their lot contains a front, rear and side yard and is approximately 40 ft. wide and 110 ft. deep. The brick dwelling features an open stone porch in front and a covered porch on the back. The rear of the lot contains a paved area and a garage.

It is the existing covered porch to the rear of the house which has generated the request for variance and controversy within the neighbor-

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BY M. J. [Signature]

10/16/81

hood. This existing stone porch is approximately 11 ft. deep and 20-1/2 ft. wide at its widest point. Under the BCZR, the porch is considered an open projection. The Petitioners wish to enclose the covered porch and convert same into indoor living space. Due to the fact that the porch will be enclosed, it will be considered part of the house under the BCZR and a 50 ft. rear yard setback must be maintained. The 37.2 ft. setback presently provided, although legally sufficient for the open porch, does not comply with the BCZR as it relates to enclosed portions of a dwelling.

Apparently, the proposed conversion of the porch into an addition has created a great amount of controversy within the Rodgers Forge community. Numerous witnesses were called to testify by the Petitioners and expressed support for the Petitioners' plan. These included all of the immediate neighbors of the subject site. Other residents of Rodgers Forge, most of whom who did not live within sight of the home but within the confines of the community, appeared in opposition. The testimony of these witnesses largely related to concerns that the Petition did not satisfy the legal requirements for a variance under the BCZR. Again, it need be emphasized that the factual issues relating to this case are largely not in dispute. All of the testimony offered, coupled with a site visit of the property, fully educated this Zoning Commissioner as to the particulars of this property and the issues presented.

A comment is also in order about covenants in the land records of Baltimore County for this community, and the position of the Rodgers Forge Community Association on the Petition. The case before me deals only with the Petition for Variance and the application of the BCZR to same. The Zoning Commissioner does not sit as a judge of any of the courts of this State and my authority is only to interpret the BCZR as it relates to Petitions before me. However, it is to be noted in passing that litiga-

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DATE

4/19/95
By: M. Hood

tion has existed between the Petitioners and the community regarding the viability of certain covenants which may or may not attach to this property. My decision does not relate to the validity of the those covenants. Their enforceability is a matter for the Circuit Court for Baltimore County. Moreover, my decision must be based upon the relevant portions of the BCZR as interpreted by the case law. Apparently, the community association and Petitioners have settled their differences and the community association does not support or oppose the request.

The authority to grant variances to height, area and distance requirements is set forth in Section 26-127 of the Baltimore County Code and Section 307 of the BCZR. Section 307 sets forth the precise test which a property owner must meet for variance relief to be granted. In essence, Section 307.1 prescribes three standards which must be satisfied in order for a variance to be granted. First, the Petitioner must establish that the property owner would suffer a practical difficulty if the relief requested were denied. In this respect, the Petitioner must show that special circumstances or conditions exist which are unique to the property or structure in question. Second, testimony and evidence must be produced that no adverse affect to the locale would result if variance relief were to be granted. Last, a variance may be approved only if the grant of same is consistent with the spirit and intent of the BCZR.

Addressing the last of these listed tests first, I am persuaded that the spirit and intent of the BCZR would be satisfied if the variance was granted. It is to be emphasized that the size of the building envelope will not be increased. The Petitioners' plans only call for an enclosure of an existing porch. The same amount of open space and yard area will remain. The distance from the structure to the property line will not be changed. But for the regulation which mandates a different required set-

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By M. Gorbak

back for open projections, as compared with enclosed additions, the Petitioner could build without seeking variance relief. These factors, in my view, clearly establish that the proposed request is consistent with the spirit and intent of the BCZR and satisfies that test.

As to the second test, it is manifestly apparent that a grant of the variance will not cause any detriment to the surrounding locale. There was a great amount of testimony offered on this issue. Numerous photographs of houses throughout Rodgers Forge were presented to this Zoning Commissioner for comparison. In my opinion, enclosing the existing porch will not block sunlight or air, or in any manner detrimentally affect surrounding properties. The unanimous support of the Petitioners' request by their immediate neighbors is also persuasive on this point. The testimony and evidence presented was overwhelming and persuasive that a grant of the requested relief will not cause any adverse effect or detrimental impact on this immediate neighborhood or the community at large.

The last test requiring practical difficulty is the most difficult. The concept of practical difficulty has been addressed on numerous occasions by the appellate courts of this State. To prove practical difficulty, 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.

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Date 4/17/91
By M. Noah

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Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974). McLean v. Soley, 270, Md. 208 (1973).

Moreover, practical difficulty cannot be the result of a self imposed condition. See Marino v. Mayor and City Council of Baltimore, 215 Md. 205 (1957).

The Court of Special Appeals has recently discussed the concept of practical difficulty and the test for variances in Baltimore County in Cromwell v. Ward, 102 Md. App. 691, 651 A2d 424 (1995). The Court's rather strict interpretation of Section 307 provides that the Petitioner must establish that his property possesses some unique characteristic or peculiarity uncommon to the neighborhood. Although the Court's seemingly harsh reading of Section 307 might be strained, both the language of the regulation and the Court's opinion requires a finding of uniqueness of the property and/or structure involved to support a grant of the variance.

Proving a unique characteristic or peculiarity of the subject property is a difficult, if not impossible, task for this Petitioner. The character of Rodgers Forge, itself, is such that same is comprised of row after row of similarly styled townhouses on similar lots. Although arguably there may be subtle differences between properties, an appealing feature of the Rodgers Forge community is its consistency. I perceive no real unique characteristic of this property or structure, which distinguishes it from other lots and houses within the subject community.

The Petitioners attempted to establish some unique factor by suggesting that their family situation was different. Mr. Peroutka noted, for example, that his two children are entering their teen years and require more "space". It is well settled that it must be the property or structure and not the persons occupying same which must have the unique character to justify a variance. As importantly, I see no uniqueness in the

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BY

Petitioners' nuclear family of a mother, father and two children within the family community that is Rodgers Forge.

The Petitioners also suggest a unique characteristic exists as it relates to the internal floor plan of his dwelling. He points out that the kitchen area is unusually small and justifies the need for more internal space. Although this may or may not be the only house in Rodgers Forge with this floor plan, this factor is not a proper basis to meet the test set forth in the regulations and case law. Internal renovations might be possible to redesign the floor plan and create more kitchen space. Rather, it appears that the request for the variance in this case is more of a matter of preference for the Petitioner and his family and is not urgently needed as is required by Section 307. As is well settled, mere matters of convenience do not justify the grant of a variance. See e.g., Ad + Soil, Inc. v. County Commissioners, 307 Md. 307, 513 A2d 893, (1986).

The benefits of living in Rodgers Forge are obvious. The community possesses an ideal location and is a stable and attractive neighborhood in which to live and raise a family. However, like any neighborhood, there are disadvantages too. This is not a large community of single family homes on individual lots. The townhouses feature limited living area and are not easily added to. If the Petitioners require larger living quarters, they should consider other communities with larger houses where there is room to expand.

This is a difficult case to decide. As noted above, it is clear that the Petitioners' plans would cause no detriment to the surrounding locale and are consistent with the BCZR. Unfortunately for the Petitioners, they are unable to meet the practical difficulty test. In my view, the Protes-

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4/2/95
M. Morak

Irrespective of the fact that a grant of the variance would cause no detriment and would allow the Petitioners to enjoy an increased area of living space, it cannot be approved.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of April, 1995 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a rear setback of 36 ft., for an enclosed structure, in lieu of the required 50 ft. in a D.R.10 .5 zone, be and is hereby DENIED.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

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Date

4/7/95

By

M. Frank

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 6, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 95-222-A
Petition for Zoning Variance
Raymond J. Peroutka, Jr., et ux, Petitioners

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

cc: Mr. and Mrs. Raymond J. Peroutka, Jr., 220 Dunkirk Road, Balto. 21212
Mr. Joseph A. Guzinski, Rodgers Forge Board of Governors, 210
Dunkirk Road, Balto. Md. 21212
Mr. and Mrs. R. Zielke, 325 Murdock Road, Balto. Md. 21212
Mrs. Mary B. Birckhead II, 324 Murdock Road, 21212
Mr. and Mrs. E. J. Ament, 331 Murdock Road, 21212
Mrs. Norma O'Hara, 329 Murdock Road, 21212
Mr. Carroll Miller, 322 Murdock Road, 21212

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Petition for Administrative Variance

95-222-A

to the Zoning Commissioner of Baltimore County

for the property located at 220 Dunkirk Road, Baltimore Md. 21212
 which is presently zoned D.R. 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 13073 c.1. (TABLE) to Allow 36 FEET SETBACK TO AN ENCLOSED STRUCTURE (PORCH) IN LIEU OF THE REQUIRED 50 FT SETBACK IN A D.R. 10.5 ZONE

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

Practical Difficulty
 Enclosure of existing covered porch located 37.2 feet from the rear property line to accomodate needs of growing family.

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

(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/Lessee

Legal Owner(s).

(Type or Print Name)

Raymond J. Peroutka, Jr.
 (Type or Print Name)

Signature

Signature

Address

Debra J. Peroutka
 (Type or Print Name)

City

State

Zipcode

Signature

(410) 377-6219 (home)

Attorney for Petitioner:

220 Dunkirk Road (410) 539-8580 (work)
 Address Phone No

(Type or Print Name)

Baltimore Maryland 21212
 City State Zipcode

Signature

Name, Address and phone number of representative to be contacted.

Address

Phone No

Name

City

State

Zipcode

Address

Phone No

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____, 19___ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JRA DATE: 12-20-94

ESTIMATED POSTING DATE: 01-01-95



Printed with Soybean Ink on Recycled Paper

ITEM #: 218

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 220 Dunkirk Road
address
Baltimore Maryland 21212
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

The property located at 220 Dunkirk Road was purchased by affiants June 29, 1982. At that time, the property was improved by a two and one-half story brick dwelling with an attached porch extending from the rear. The rear setback from this porch is approximately 37.2 feet. Affiant's seek to enclose the covered porch and thereby provide needed room for their growing family. Baltimore County Zoning for this area requires a 50 foot setback. Affiants have previously received consent for the enclosure from adjacent property owners as well as the Rodgers Forge Community Association and its Architectural Review Committee.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Raymond J. Peroutka, Jr.
(signature)
Raymond J. Peroutka, Jr.
(type or print name)



Debra J. Peroutka
(signature)
Debra J. Peroutka
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19th day of December, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Raymond J. and Debra J. Peroutka

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12/19/94
date

Mary E. Keenan
NOTARY PUBLIC

My Commission Expires: 2/19/96

95-222-A

Petition for Administrative Variance

220 Dunkirk Road
Baltimore, Maryland 21212
Raymond J. & Debra J. Peroutka

Zoning Description

BEGINNING at a point on the north side of Dunkirk Road at the distance of 259 feet 11 inches easterly from the corner formed by the intersection of the north side of Dunkirk Road and the southeast side of Pinehurst Road said place of beginning being at a point in a line with the center of the partition wall there situated; thence easterly binding on the north side of Dunkirk Road 37 feet 5 inches to a point in a line drawn midway between the house on the lot now being described and the house on the lot adjoining on the east; thence north binding on said line 110 feet to the south side of an alley 15 feet wide there situated; thence westerly binding on the south side of said alley with the use thereof in common 39 feet 10-1/2 inches to a point in a line with the center of the partition wall in this description mentioned and thence south to and through the center of said wall and continuing the same course in all 110 feet to the place of beginning.

BEING the lot of ground recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No., 6408, folio 323, containing

The improvements thereon also being known as No. 220 Dunkirk Road and located in the Ninth Election District, Fourth Councilmanic District.

218

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-222-17

District: 9th Date of Posting: 1/6/95

Posted for: variance

Petitioner: Raymond & Debra Perout, Pa.

Location of property: 220 Quaker Rd., N/S

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by: W. Kelly Date of return: 1/13/95
Signature

Number of Signs: 1



600000000000

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-222-A

District: P11 Date of Posting: 2/3/95

Posted for: Variance

Petitioner: Raymond & Debra Peroutka

Location of property: 270 Donlin Rd., N/S

Location of Signs: Facing road way, on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 2/10/95
Signature

Number of Signs: 1



CERTIFICATE OF PUBLICATION

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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-222-A
(Item 218)
220 Dunkirk Road
N/S Dunkirk Road, 260' E
of Pinehurst Road
9th Election District
4th Councilmanic
Legal Owner(s):
Raymond J. Peroutka, Jr.
and Debra J. Peroutka
Hearing: Tuesday,
February 21, 1995 at
3:00 p.m. in Rm. 118, Old
Courthouse.

Variance to allow a 36-foot rear setback for an enclosed structure (porch) in lieu of the required 50-foot setback.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-capped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing; Please Call 887-3391.
2/036 February 2.

TOWSON, MD.,

Feb. 3, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on Feb. 2, 1995.

THE JEFFERSONIAN,

A. Henriksen
LEGAL AD. - TOWSON

~~Signature~~

2025 FEB 21 10 55 AM '95
TOWSON, MD. 21286



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21284

receipt

95-222-A

Account: R-001-6150

Number

215

Date

12-22-94

Mrs. Mrs R.S. McNEUKA JILL
 220 DUNKIRK RD BALT MD 21212
 C.H. RES. CAN
 OSC SIGN.

50

35

85

TOTAL

RECEIVED

DECEMBER 22 1994

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Fowson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 218

Petitioner: RAYMOND J. & DEBRA J. PEROUTKA.

Location: 220 DUNKIRK ROAD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RAYMOND J. PEROUTKA.

ADDRESS: 220 DUNKIRK ROAD.

BALTIMORE, MD. 21212

PHONE NUMBER: (410) 377-6219 - Home
(410) 539-8580 - OFFICE.

AJ:ggs

(Revised 04/09/93)

218

13



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 5, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-222-A (Item 218)
220 Dunkirk Road
N/S Dunkirk Road, 260' E of Pinehurst Road
9th Election District - 4th Councilmanic
Legal Owner(s): Raymond J. Peroutka, Jr. and Debra J. Peroutka

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before January 8, 1995. The closing date (January 23, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Raymond and Debra Peroutka



TO: PUTUMENT PUBLISHING COMPANY
February 1, 1995 Issue - Jeffersonian

Please forward billing to:

Raymond J. Peroutka, Jr.
220 Dunkirk Road
Baltimore, MD 21212
410-377-6219

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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-222-A (Item 218)
220 Dunkirk Road
N/S Dunkirk Road, 260' E of Pinehurst Road
9th Election District - 4th Councilmanic
Legal Owner(s): Raymond J. Peroutka, Jr. and Debra J. Peroutka
HEARING: TUESDAY, FEBRUARY 21, 1995 at 3:00 p.m. in Room 118, Old Courthouse

Variance to allow a 36-foot rear setback for an enclosed structure (porch) in lieu of the required 50-foot setback.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 26, 1995

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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-222-A (Item 218)

220 Dunkirk Road

N/S Dunkirk Road, 260' E of Pinehurst Road

9th Election District - 4th Councilmanic

Legal Owner(s): Raymond J. Peroutka, Jr. and Debra J. Peroutka

HEARING: TUESDAY, FEBRUARY 21, 1995 at 3:00 p.m. in Room 118, Old Courthouse

Variance to allow a 36-foot rear setback for an enclosed structure (porch) in lieu of the required 50-foot setback.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Raymond and Debra Peroutka, Jr., 220 Dunkirk Road, Baltimore MD 21212

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 19, 1995

Mr. and Mrs. Raymond J. Peroutka, Jr.
220 Dunkirk Road
Baltimore, Maryland 21212

RE: Item No.: 218
Case No.: 95-222-A
Petitioner: R. J. Peroutka, et ux.

Dear Mr. and Mrs. Peroutka:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 20, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr." with a checkmark to the right.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-3-95

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: MS. JOYCE WATSON
Dear Ms. Winiarski:

Re: Baltimore County
Item No.: ** 218 (JRA)*

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free


Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 9, 1995

From: Pat Keller, Director 
Office of Planning and Zoning

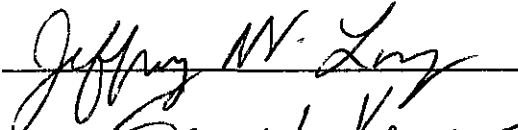
Subject: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comment on the following petitions:

Item Nos. 218, 220, 222, 223, and 224

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:



Division Chief:



JL NC218/PZONE/TXTJWL

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration
and Development Management

Date: January 9, 1995

FROM: *RWB* Robert W. Bowling, Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for January 9, 1995
Item Nos. 218, 219, 220, & 221

The Developers Engineering Section has reviewed the subject zoning item. There are no comments for subject items.

RWB:jrb

cc: file

RWB12

1/10/95 10:00 AM

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/18/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF JAN. 3, 1995.

Item No.: SEE BELOW Zoning Agenda:

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.

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 217, 218, 219 AND 220.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



ZONING ADVISORY COMMITTEE AGENDA
ROOM 301, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF JANUARY 17, 1995
FORMAL OR INFORMAL RESPONSE DUE AT JANUARY 23, 1995 MEETING

\$ Distributed at Meeting
* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

- * Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
- # ZADM, Development Control H.O. Hearing File (Gwendolyn Stephens)
- # ZADM, Development Control Work File (Joyce Watson)
- * ZADM, Development Management (David Flowers)
- * ZADM, Development Management (Kurt Kugelberg)
- * ZADM, Development Control (John Alexander)
- \$\$& Public Works, Development Plan Review (Dennis A. Kennedy)
- \$\$* Planning Office Director (Pat Keller)
- # Planning Office (Jeffrey Long)
- * Recreation and Parks (Ronald Schaeffer); MS #52
- # DEPRM (Larry Pilson) - 2 plats
- * DEPRM, Air Quality Management (Dave Filbert); MS #3404
- & State Highway Administration, Access Permits Division (David N. Ramsey)
- & Fire Prevention, Plans Review (Lt. Robert Sauerwald); MS #1102F
- * Dept. of Permits & Licenses, Building Plans Review (Dick Seim); MS #1106
- * Economic Development Commission, Business Develop. (Susan Brennan); MS #2M07
- * Highways (Richard Cox); MS #1003
- * Community Development (Amy Johanson); MS #1102M
- + People's Counsel (Peter Zimmerman); MS #2010
- # IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
- # IF ELDERLY HOUSING, Community Development (Frank Welsh); MS #1102M

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office's or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received by the committee within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments received will be compiled and included in the zoning/development file for review and consideration by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency is not represented at the meeting, you should return your written comments to Zoning Administration and Development Management, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1108), Attention: Joyce Watson. If you have any questions regarding these zoning petitions, please contact Joyce or the Development Control planner (see initials after item number) at 887-3391 (FAX - 887-5708).

ZONING ADVISORY COMMITTEE
ROOM 301, COUNTY OFFICE BUILDING
MEETING OF JANUARY 17, 1995

- + Non-Residential or Complex Residential
- \$ Residential, Non-Administrative
- * Administrative Variance (Posting Procedure Only, if not challenged)
- % Use Permit (Posting Procedure Only, if not challenged)

Item Number: \$ 225 (MJK)
Legal Owner: August T. McColgan & Mary E. McColgan
Contract Purchaser: N/A
Critical Area? No
Location: NE/S Williams Road, 2100' E of centerline Long Green Pike (#5624 Williams Road)
Existing Zoning: R.C.-2
Proposed Zoning: Special Hearing to approve a waiver from the panhandle standards to permit 2 adjacent 6-foot wide panhandles.
Area: 2.656 acres
District: 11th Election District
6th Councilmanic District

Item Number: \$ 226 (JRF) **VIOLATION**
Legal Owner: Daniel Gary Fink, Sr. & Patricia Ann Fink
Contract Purchaser: N/A
Critical Area? No
Location: N/S Ventnor Terrace, 102' E of Willow Spring Road (#126 Ventnor Terrace)
Existing Zoning: D.R.-10.5
Proposed Zoning: Variance to permit an existing open porch and deck with rear yard setbacks of 10 feet and 2 feet in lieu of the required 37.5 feet.
Area: 1,284 square feet
District: 12th Election District
7th Councilmanic District

Item Number: * 227 (JRA)
Legal Owner: Kostas Krywonis & Teresa Krywonis
Contract Purchaser: N/A
Critical Area? No
Location: W/S Jarrettsville Pike, 900' N of Sunny View (#13522 Jarrettsville Pike)
Existing Zoning: R.C.-4
Proposed Zoning: Administrative Variance to allow a 40-foot side yard setback in lieu of the required 50 feet for an attached garage and a 45-foot rear yard setback (existing) in lieu of the required 50 feet.
Area: 1.23 acres
District: 10th Election District
3rd Councilmanic District

Item Number: + 228 (WCR) **DROP-OFF; NO REVIEW**
Legal Owner: Margate Joint Venture
Contract Purchaser: N/A
Critical Area? No
Location: W/S Greene Tree Road, 1590' N of centerline Hooks Lane
(The Margate; formerly Section 3, Valley Gate)
Existing Zoning: D.R.-3.5
Proposed Zoning: Variance to allow a building separation based on a building
height of 40 feet to be 30 feet instead of the required 40
feet.
Area: 3.3 +/- acres
District: 3rd Election District
3rd Councilmanic District

Item Number: * 229 (MJK)
Legal Owner: Roger Theodore & Jane Theodore
Contract Purchaser: N/A
Critical Area? No
Location: E/S Old Court Road, 30' S of centerline Ruxton Hill Road (#1
Ruxton Hill Road; Lot #44, Bridleshire)
Existing Zoning: D.R.-1
Proposed Zoning: Administrative Variance to permit an accessory structure
(pool) in the side yard and in the third of the lot closest
removed from any street in lieu of the rear yard and farthest
third, respectively.
Area: .925 acre
District: 9th Election District
4th Councilmanic District

Item Number: + 230 (JLL)
Legal Owner: Sheppard Pratt Health System, Inc.
Lessee: Greater Baltimore Medical Center
Critical Area? No
Location: 150' NE of Gibson Building on the Sheppard Pratt Property
at North Charles Street (The Gilchrist Center for Hospice
Care)
Existing Zoning: O-2 & D.R.-2
Proposed Zoning: Special Exception for a convalescent home (nursing home).
Variance to allow a rear yard setback for a non-residential
building as close as 30 feet in lieu of the 40-foot setback
required for the D.R.-2 zone and as close as 20 feet in lieu
of the 50 feet setback required for the O-2 zone.
Area: 2.6 acres
District: 9th Election District
4th Councilmanic District

Item Number: * 231 (MJK)
Legal Owner: David Lee Wallace & Michelle Beecher Wallace
Contract Purchaser: N/A
Critical Area? No
Location: NE/S Kidds Schoolhouse Road, 1400' SE of centerline
Beckleysville Road (#2910 Kidds Schoolhouse Road)
Existing Zoning: R.C.-4
Proposed Zoning: Administrative Variance to permit an accessory structure
(garage) in the front yard in lieu of the rear.
Area: 2.934 +/- acres
District: 6th Election District
3rd Councilmanic District

Item Number: \$ 232 (JCM) **VIOLATION**
Legal Owner: Dennis L. Mathews & Mary Ann Mathews
Contract Purchaser: N/A
Critical Area? No
Location: N/S Willow Avenue, 400' +/- E of centerline York Road (#7
Willow Avenue)
Existing Zoning: D.R.-16
Proposed Zoning: Variance to permit a rear yard setback of 10 feet in lieu of
the required 30 feet.
Area: .199 +/- acre
District: 9th Election District
4th Councilmanic District

Item Number: * 233 (JLL)
Legal Owner: John C. Birkenbach & Adrienne L. Birkenbach
Contract Purchaser: N/A
Critical Area? No
Location: N/S Shepperd Road, 1900' +/- E of Wesley Chapel Road
(#2212 Wesley Chapel Road)
Existing Zoning: R.C.-4
Proposed Zoning: Administrative Variance to permit a proposed pool and patio
in side and front yard in lieu of the required rear yard.
Area: 232,392 square feet
District: 10th Election District
6th Councilmanic District

Item Number: \$ 234 (JCM)
Legal Owner: North Charleston Land Corporation
Contract Purchaser: N/A
Critical Area? No
Location: S/S Ridge Road, 2200' W of centerline Falls Road (#16959 Ridge Road)
Existing Zoning: R.C.-2
Proposed Zoning: Special Hearing to approve a guest house as an accessory structure.
Area: 110.5 +/- acres
District: 5th Election District
3rd Councilmanic District

Item Number: + 235 (MJK)
Legal Owner: Stem-Med Corporation
Contract Purchaser: N/A
Critical Area? No
Location: corner of S/S Stemmers Run Road, W/S Marlyn Avenue (#401 Stemmers Run Road)
Existing Zoning: B.L.-C.N.S.
Proposed Zoning: Special Exception for a service garage for auto glass repair and installation and to cease use as a service station.
Variance to permit a zero foot setback for parking spaces to be a road right-of-way line in lieu of the required 10 feet.
Area: .372 acre
District: 15th Election District
5th Councilmanic District

Item Number: * 236 (CAM)
Legal Owner: Sally Shoemaker Robinson & Samuel Shoemaker Robinson
Contract Purchaser: N/A
Critical Area? No
Location: S/S Burnside Farm Road, 2325' N and E of Greenspring Valley Road (#10520 Burnside Farm Road)
Existing Zoning: R.C.-5
Proposed Zoning: Administrative Variance to allow an accessory structure to be located in the front yard in lieu of the required rear and to allow an accessory structure a height of 26 feet in lieu of the maximum 15 feet.
Area: 3.0349
District: 3rd Election District
3rd Councilmanic District



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3353
Fax: (410) 887-5708

19 September, 1996

Councilman Douglas B. Riley
Fourth District
County Council of Baltimore County
Towson, Maryland 21204

Dear Councilman Riley:

As a result of your memo to me dated 24 July 1996, I reviewed the complaints received about 220 Dunkirk Ave.

As you know, the property owner had requested a variance to construct an enclosure of an existing porch. In Case No. 95-222A, the Zoning Commissioner denied the variance.

Subsequently, the property owner "screened" in the existing porch, and it is to this that the community objects. Upon receipt of the original complaint, this office investigated and, in the inspector's opinion, believed that the property owner was moving forward to enclose the porch. On 3 January 1996, the inspector issued a correction notice which stated that the porch could only be screened. The inspector did not enter the property. When no response was received from the property owner, a citation was issued to the district court. The trial was scheduled for 17 July, at which time the assistant county attorney, Lee Thomson, nol prossed the citation. His reasoning was valid for so doing; the questions were whether there existed an encroachment into the required rear-yard setback area by an "enclosed" porch and the interpretation of a section of the zoning regulations which establishes requisite setback requirements. The particular section of the zoning regulations which was cited refers to lots not in a recorded subdivision. Rodgers Forge is a recorded subdivision, therefore the section was not applicable. Most importantly, however, is the issue of "enclosure". What constitutes an "enclosure"; if not, then there is no setback issue. The zoning commissioner in his opinion points out that the porch is existing and, if open, perfectly legal. If not enclosed, there is no setback violation, of any setback requirement set out in the regulations.



Donna Thompson was assigned to the case, and, after the nol pros, she determined to reinspect the subject property. On 2 August, she visited the site. While the property owners were on vacation, their parents were there and permitted Ms Thompson to enter the property and personally view the offending porch. She found that there was no framing for glass, indeed no glass, just screening. She concluded that the porch was not "enclosed".

§303.1 of the Zoning Commissioner's Policy Manual defines an enclosure as one which prevents air circulation with glass or other non-permeable material (even if only seasonal). Screening by and of itself, year round, is "open" and does not constitute an "enclosure". The porch, Ms Thompson found, did have a "knee-wall", which probably gives the impression that the porch is enclosed. The "wall" is needed for support of the screening. It does not constitute "enclosure".

For this reason, Ms Thompson concluded that no violation exists. Mr. Fitts, the inspector who visited the site originally, did not enter the home and believed that the porch was or would be enclosed with glass.

If the property owner does substitute glass for screening as the weather changes, then we do have an "enclosure" and would then rise to the level of a violation.

After consultation with Mr. Thomson and Ms. Thompson, I determined that no violation existed and that no further action could be taken. While community concerns are extremely important and considered thoroughly and carefully, this office cannot request the county attorney to prosecute, nor can the county attorney be expected to prosecute, cases wherein violations cannot be proven by clear and convincing evidence, which is the burden of proof required by state law. I point out that it is not preponderance of the evidence, the burden associated with civil or administrative hearings, that is required but the higher standard of proof.

I cannot find fault with the decision to nol pros or not to issue other citations. At this time, there is no violation. If the facts change, I certainly will review the circumstances and take appropriate action. If you have any questions, please feel free to contact me.

Sincerely,

Arnold Jablon
Director

2/15/95
8

71 Murdock Road
Baltimore, MD 21212
February 13, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Bldg., Room 109
111 West Chesapeake Ave.
Towson, MD 21204
ATTENTION: GWEN STEPHENS

Dear Zoning Commissioner:

SUBJECT: Case No. 95-222-A (Item 218)
Variance to allow 36 foot rear yard setback for an
enclosed structure at 220 Dunkirk Road
Owners: R. J. and D. J. Peroutka

This letter is to express our concerns about the subject above.

The proposed addition would be detrimental to the neighborhood and the neighbors. It would violate the consistent appearance of the architecture. A primary reason we choose to live here is this consistent look, which contributes to the desirable lifestyle and stable real estate values of the area. Living in such close proximity to others, as we do in Rodgers Forge, requires residents to consider the effects on the neighbors of what one does to one's own property. This proposed addition is neither neighborly nor considerate of others' environmental needs.

The addition as described would be harmful to the environmental conditions of an inside group home, blocking line of sight both vertically and horizontally, cutting off sunshine and limiting natural flow of air across backyards.

We greatly object to this request for variance. We appreciate your consideration of our concerns and look forward to your decision on this matter.

Sincerely,

Gerard Dolan
Gerard Dolan

Anne Fredenburg Dolan
Anne Fredenburg Dolan

RECEIVED
FEB 15 1995

RECEIVED FEB 16 1995

ZADM

MICROFILMED

313 Murdock Road
Baltimore MD 21212-1826
19 February 1995

Mr Arnold Jablon
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson MD 21204

Attention: Gwen Stephens

Dear Zoning Commissioner

I write in reference to case number 95-222-A, item 218, regarding a request for a variance to allow a 36-foot setback for an enclosed structure in lieu of the required 50 feet, at 220 Dunkirk Road, owned by Raymond and Debra Peroutka.

As a property owner and long-term resident (8+ years) of Rodgers Forge, I am opposed to the granting of this zoning variance. I am specifically concerned that this addition to the house is incompatible from the standpoint of architectural materials and overall appearance of the rowhouse group and the sight lines enjoyed from the back yards of the group of adjacent houses. As a resident of the next block, I am not *directly* affected by the proposed modification, however, the addition of this type of structure has a deleterious effect on both esthetics and property values of the neighborhood as a whole.

I am also concerned that the approval of this type of addition sets a precedent for future damage to the architectural integrity of these fine houses by other property owners, and that the Peroutkas have demonstrated no compelling reason why this variance should be granted.

I understand that the Peroutkas have used the threat of litigation and legal maneuvering, as well as the creation of a *fait accompli*, to coerce the Rodgers Forge Community Association into "approving" this addition *ex post facto*, and I disapprove of the manner in which they are trying to extract community and zoning approval for their project.

Respectfully submitted,



Maarten A. Calon

Mary B. Birckhead II
324 Murdock Road
Baltimore, Maryland 21212

County Zoning Commissioner
Towson, Maryland 21204

Dear Sirs:

This letter is to voice my feelings about the variance request for the property located at: 220 Dunkirk Road, Baltimore, Maryland 21212. As the county laws state, loosely, the person(s) must show undo hardship... to be granted the variance; I do not see how this request for a variance can be granted.

Families have lived for years in the Forge without changing the exteriors other than usual maintenance. When people move into the neighborhood part of the reason is because of the total feeling and ambiance of the neighborhood; whether they agree or not or even realize it or not this includes the fact that, except for changes prior to the zoning laws and a few renegade or oblivious owners, the houses in the Forge are as the were originally planned. Additions/changes have not been made to the exteriors. This gives a uniform, appealing appearance to the area as a whole. The open areas both private and public are there for a reason they allow NEEDED light, air, breezes and nature in various forms to circulate and be seen/felt by all. An "X" cubic ft. structure does not only affect those "X" cubic feet. These areas also help in keeping the neighborhood secure, by allowing visibility to both private parties and police.

The Forge is a steady fast community in many ways, one of which is in terms of real estate values. The homes have a history of being a solid investment; maintaining there value during bad times and slowly increasing during others. As people start changing the external appearances this too will change. The solid overall value of living in Rodgers Forge itself will be gone. It will depend on each house and the neighboring houses. If house "B" has a deck and "A" and "C" are original house "B's" value may increase a little. If houses "D", and "F" have large decks and houses "E", and "H" have enclosed additions the value of "G" as an original house will plummet.

Logic shows that if you have a family in size greater than the capacity of a small car you do not own only a compact car. You may own compact by preference, but; you buy a car big enough for your family, your needs. Logic and humanity should also work here; if you have a family that requires more room than is presently available and to increase your present area would inflict undo hardship on your neighbors and the community as a whole, that family should either look at other ways to live with the space at hand or move to a location that will provide them with the amount of space they feel they require and some extra if possible.

Having been in and around the Forge all my life; either playing/visiting at friends as a child, teen and adult or owning and raising a family now...it is very evident that for a long time people are genuinely happy here and in the community that has stayed steady - not steady as in stagnant, old and dying where no one wants to live but steady in feeling and overall common goals of wanting to live, raise a family maybe, in happiness and enough comfort to be comfortable to that household. Rodgers Forge is a community to live in not just a house that comes with a parking space. So many people and places have lost this feeling of community; do not help ours be taken away.

Thank you,

M. B. Birckhead II 02/2/95
M.B. Birckhead II

March 15, 1995

Mr. Lawrence Schmidt
Zoning Commissioner
Room 112 Old Court House
400 Washington Avenue
Towson, MD 21204

RE: Case No. 95-222-A

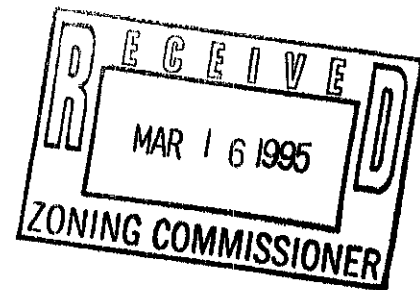
Dear Mr. Schmidt:

I have enclosed a copy of my presentation at the zoning hearing concerning Case No. 95-222-A which took place February 21, 1995. In light of the malfunction of the recording system I thought it appropriate that I submit a complete copy of my presentation, plus concluding remarks. Several of the other protestants in attendance at the hearing have signed the presentation attesting to my serving as spokesperson for the protestant group.

Sincerely yours,



Carol L. Zielke
325 Murdock Road
Baltimore, MD 21212



February 20, 1995

Mr & Mrs John O'Hara
329 Mondock Rd
Baltimore MD 21212

Mr. Arnold Jablon
Zoning Administration & Development Mgt.
Baltimore County Office Building
Room 109
111 W. Chesapeake Ave
Towson MD 21204

Dear Mr Jablon;

I am writing in regards to the home at 220 Dunkirk Rd owned by Raymond & Debra Peroutka - case number 95-222-A (Item 218)

I object to the construction of their proposed addition. Additions such as these impede the health, safety, and well being of the entire neighborhood. It blocks ventilation and sunlight, takes away open space, and blocks the rear views for safety (example - crime).

MICROFILMED

The Peroutkas express a need for this addition based on a growing

family. Their home is just as large and in most cases larger than the average three bedroom home in Rodgers Forge. I am raising two sons (ages 16 and 20) in a four bedroom home without difficulty and most do in the Forge. In the Peroutka case this seems to be more of a preference as opposed to a practical difficulty.

Much of the charm and character of Rodgers Forge is in its architectural uniformity. While there are some breaks in that uniformity those examples are the exception rather than the rule. It is also unclear as to how many of these exceptions were built with valid Baltimore County building permits.

The Peroutkas are trying to make their property into something it is not. This is not a community of single family homes on $\frac{1}{2}$ acre lots where additions are more common. I hope that all these concerns

are taken into consideration at the time of rendering a decision.

Sincerely,
Marna Jean O'Hara
John F. O'Hara, Jr.

Mr. Stephenie Miller
225 Hopkins Road
Baltimore, Md. 21212
410 377 9813(II)

Mr. Arnold Jablon
Zoning Administration and Development Management
Baltimore County Office Building
Room 109
111 W. Chesapeake Ave.
Towson, Maryland 21284

Dear Mr. Jablon,

I am writing in regard to a home in Rodgers Forge, 220 Dunkirk
Terrace, belonging to Raymond and Deborah Peroutka.

Apparently they want to build an addition on to their home in
which many other residents strongly object. I share their concern
and join in their protest.

I object to the fact that the Peroutka's have moved into a
neighborhood where residents practically live on top of one
another and insist on living as though freedom is absolute.

The main objections are that the added structure violates the
health, safety, and public welfare of the other residents. The
addition blocks sunlight and ventilation which affect
neighborhood outdoor grilling and gardening. It is more difficult
for residents to keep an eye on the property of other neighbors
when they are away. It is also a structure that can provide a
hiding place for those who come into our neighborhood with the
express purpose of harming other people.

Those who move into a neighborhood like Rodgers Forge need to
realize that there is only so much that can be done with these
houses. Long term residents like the unique look of the area
homes and work hard to keep them from turning into a hodge podge
of people's whim and passing fancy.

I hope you will consider some of these objections and realize
that if today we allow a few residents to drastically change the
physical and structural character of this neighborhood many will
follow, and it won't take long for Rodgers Forge to become a much
less attractive and desirable place to live. The Peroutka's need
to take more serious consideration of the feelings of their
neighbors. If they want to do anything they want, they need to
buy property which is more remote and isolated.

Sincerely,

Stephenie Miller

01/28/84 10:15 AM

128 Dunkirk Road
Baltimore, MD. 21212-1750
February 20, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Gwen Stephens

RE: Case Number 95-222-A (Item 218)
220 Dunkirk Road
Variance to allow a 36 foot set back for an
enclosed structure (porch) in lieu of the
required 50 feet.

Dear Zoning Commissioner:

We oppose the granting of a variance from the 50 foot set back in this case because we feel that it would jeopardize the architectural integrity of Rodgers Forge. We understand the Petitioners' desire to beautify their dwelling, but we would hope that they would appreciate the benefits our community has to offer and would not try to make their town house into something it was not intended to be.

Having lived in our home in Rodgers Forge for more than thirty years, we understand well that persons in a community of row houses need to be especially sensitive to the manner in which their actions may infringe upon the rights of their neighbors. One person's added living space may diminish their neighbors' light and view and in some cases impede the flow of a welcome breeze. Just as we require developers to allocate space for parks and play areas such as our "Tot Lot," we need to guard against covering the minimal yard space of town houses in congested areas such as this.

We are further concerned that the granting of this variance would set a precedent for granting other variances, which could lead to a hodge-podge of additions and the chopping up of precious open space. We would hate to lose the essential nature of the original, well planned Rodgers Forge community.

Very truly yours,

Ann H. Mathews
L. Brent Mathews

Ann H. Mathews
L. Brent Mathews

Laurence S. Fogelson
Kathleen G. Adams
401 Murdock Road
Baltimore, MD 21212
Phone: 410-377-8339

February 20, 1995

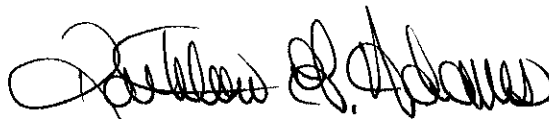
Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore Count Office Building, Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Gwen Stephens

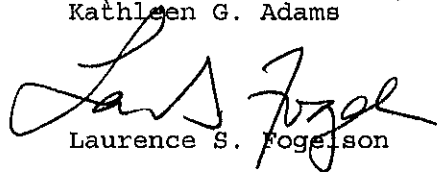
RE: Case # 95-222-A (Item 218)
Raymond and Debra Peroutka
220 Dunkirk Road

Dear Zoning Commissioner:

We are writing to express our strong opposition to the variance applied for at the subject property. The proposal is out of keeping with the character of the neighborhood and would set a bad precedent. If this variance were granted, others would be encouraged to follow with applications for any number of variations. The resulting hodge-podge appearance of the community would be detrimental to its property values, and the integrity of the design of this historic community. The traditional design of Rodgers Forge is being emulated by many modern planners and builders seeking to capture the qualities which our community has possessed since it was built. The subject application would compromise those qualities.



Kathleen G. Adams



Laurence S. Fogelson

A:\JABLON

312 Overbrook Road
Baltimore, MD 21212
February 11, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Gwen Stephens

Case #: 95-222-A (Item 218)
Property Owners: Raymond Peroutka and Debra Peroutka
Location: 220 Dunkirk Road
Regarding: Variance to allow a 36 foot set back
for an enclosed structure (porch) in
lieu of the required 50 feet

Dear Zoning Commissioner:

The integrity of Rodgers Forge is built on its decades of strict aesthetic conformance. It is also built on strong relationships with neighbors. Because relationships with neighbors is never more important than in the close proximity of row-house living, it is with great reluctance that any of us in Rodgers Forge oppose the request of others.

Like many of our neighbors, we are acutely aware that this action may very well jeopardize our good relationship with these neighbors. Those in closest proximity to 220 Dunkirk, probably risk the most in publicly opposing the request of their neighbors and friends. Despite the difficult position in which we find ourselves, we must strongly oppose the granting of the above-referenced variance. A variance such as this is certain to have a cumulative detrimental impact on the entire neighborhood.

Whereas many of us here in Rodgers Forge would enjoy larger accommodations such as the one the petitioners desire, the community's integrity is at stake. Most residents appreciate that row-house living is unlike any other. An additional room for one family affects the light, ventilation, and view of others. As a community, the special interests of one family cannot override the needs of the larger community.

MARYLAND FIRST FINANCIAL SERVICES CORP.

821 N. Charles Street - Baltimore, Maryland 21201 - (410) 539-8580

FACSIMILE TRANSMISSION COVER SHEET

DATE: January 25, 1995

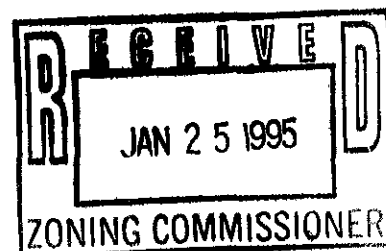
PLEASE DELIVER 3 PAGE(S), WHICH INCLUDE THE COVER SHEET TO:

TO:

NAME: Mr. Lawrence E. Schmidt

COMPANY: Baltimore County Zoning Commissioner

FAX NO.: 887-3468



FROM:

NAME: Raymond J. Peroutka, Jr.

COMPANY: Maryland First Financial Services Corp.

FAX NO.: (410) 539-2227

TEL. NO.: (410) 539-8580

SPECIAL INSTRUCTIONS

Confidentiality Notice: The documents accompanying this telecopy transmission contain confidential information belonging to the sender for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone to arrange for return of the original documents to us.

File

Raymond J. Peroutka, Jr.

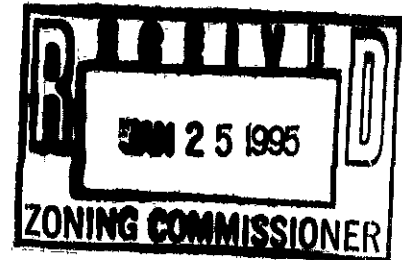
and

Debra J. Peroutka

220 Dunkirk Road

Baltimore, Maryland 21217

(410) 377-6219



January 24, 1995

VIA FAX: 837-3468

Mr. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Item No.: 218
Case No.: 05-12213
Petitioner: R. J. Peroutka et ux.

Dear Mr. Schmidt:

The closing date for the above referenced case was January 19, 1995. I am informed by the Zoning Supervisor responsible for this case, that the member organizations of the Zoning Advisory Committee (ZAC) have reviewed this request and have no objections. Further, I have inquired at the ZADM office concerning any protest/requests for a public hearing and was advised that none were filed.

However, I was advised that the ZADM office received a letter signed by a number of residents. Although the letter clearly states that the signers are not requesting a public hearing, it appears to question the decision of the Rodgers Forge Community Association and my immediate neighbors to approve the development plans. Further, it requests that the signers be advised if a protest is filed and a public hearing is scheduled. Copies of letters from the Community Association and the immediate neighbors expressing their approval of this project as well as my affidavit vouching for the authenticity of those letters accompanied my application.

Notwithstanding the fact that the Zoning Advisory Committee had no objections, no protests were filed and documents were submitted establishing the approval of the Community Association and adjacent neighbors, I understand that you have elected to schedule a public hearing on this matter.

MICROFILMED

Mr. Lawrence E. Schmidt
January 25, 1995
Page: 2

This decision will have the effect of unnecessarily delaying this project, subjecting my family and I to a potentially divisive community dispute and causing us to incur substantial expense as well as expending considerable time and effort preparing for and attending this public hearing. This is particularly disturbing in light of the fact that no protest has been filed and no one has requested that a public hearing be scheduled. Under these circumstances I believe that the decision to schedule such a hearing is inappropriate.

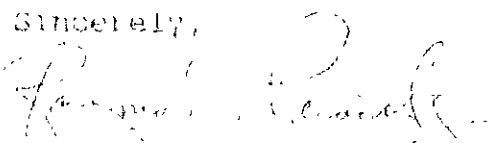
My family and I have worked very hard over the past several months to secure the approval of the Redford Forge Community Association Architectural Review Committee. I have produced detailed design specifications and computerized floor plans and perspective drawings which have been shared with the Architectural Review Committee and our neighbors. We have met with neighbors and the committee to solicit their comments and we have incorporated their comments into the final design.

Neighbors Forge Community Association Architectural Review Committee concluded that they liked the design because it was in keeping with the character of the neighborhood. Further, they concluded that they would have little difficulty approving similar designs. Finally, they asked me to participate in the process of creating guidelines for future use by the Community Association in the review of similar requests.

For all these reasons the plans were approved. For all these reasons no one filed a protest. I believe it monumentally unfair in these circumstances that a public hearing should be scheduled and this entire process reopened when in fact no one has filed a protest.

I strongly urge you to reconsider your decision and not set this matter for a hearing.

Sincerely,


Raymond L. Boroutka, Jr.

1/5/95 #6-95

Raymond J. Peroutka, Jr.
220 Dunkirk Road
Baltimore, Maryland 21212
(410) 377-6219

December 26, 1994

Mr. John Alexander
Office of Zoning Administration
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

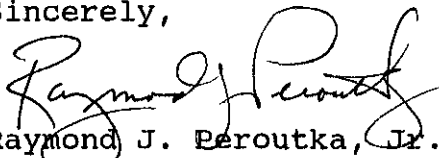
Re: Request for Zoning Variance
220 Dunkirk Road
Request Number 218

Dear Mr. Alexander:

Enclosed you will find copies of those letters which I have received from the Rodgers Forge Community Association as well as those neighbors located behind my property. This should complete the application materials which we discussed on December 20th.

If you have any questions or require further materials or information, please do not hesitate to contact me.

Sincerely,


Raymond J. Peroutka, Jr.

RECEIVED

JAN 5 1995

ZADM

218

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF **RODGERS FORGE
BALTIMORE, MD. 21212**

December 23, 1994

Mr. Raymond J. Peroutka
220 Dunkirk Road
Baltimore, Maryland 21212

Re: Proposed Enclosure

Dear Mr. Peroutka:

The Rodgers Forge Community, Inc. (the "Association"), acting through its Board of Governors and its architectural committee, has reviewed, in detail, the plans that you submitted for the enclosure of the porch at the rear of your home at 220 Dunkirk Road. Members of the architectural committee also met with you to discuss these plans. Copies of the plans for the proposed enclosure submitted by you and considered by the Board are attached.

This letter is to inform you that the committee approves your plans for the proposed enclosure. Accordingly, no officer or member of the Association's Board of Governors, either individually or on behalf of the Association, will oppose your application for a zoning variance for the proposed enclosure, provided that your application is consistent with the attached plans.

The Association appreciates your efforts to design your enclosure so that it is consistent with the architectural characteristics of the community, and the time and patience you took to explain your design to the architectural committee.

Please feel free to call me if you have any questions.

Very truly yours,

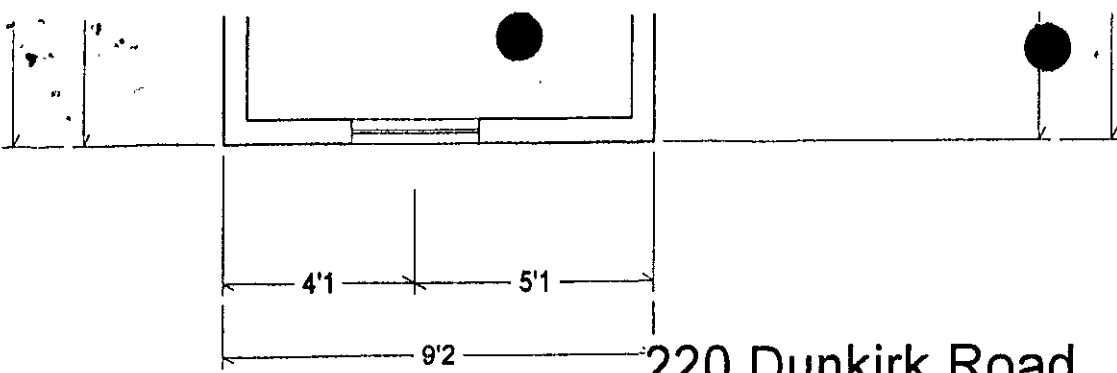
Architectural Committee,
Board of Governors,
Rodgers Forge Community, Inc.

By: Joseph A. Guzinski
Joseph A. Guzinski

cc: Honey Holston, President

ASSOCIATION

218



220 Dunkirk Road
Baltimore Md. 21212

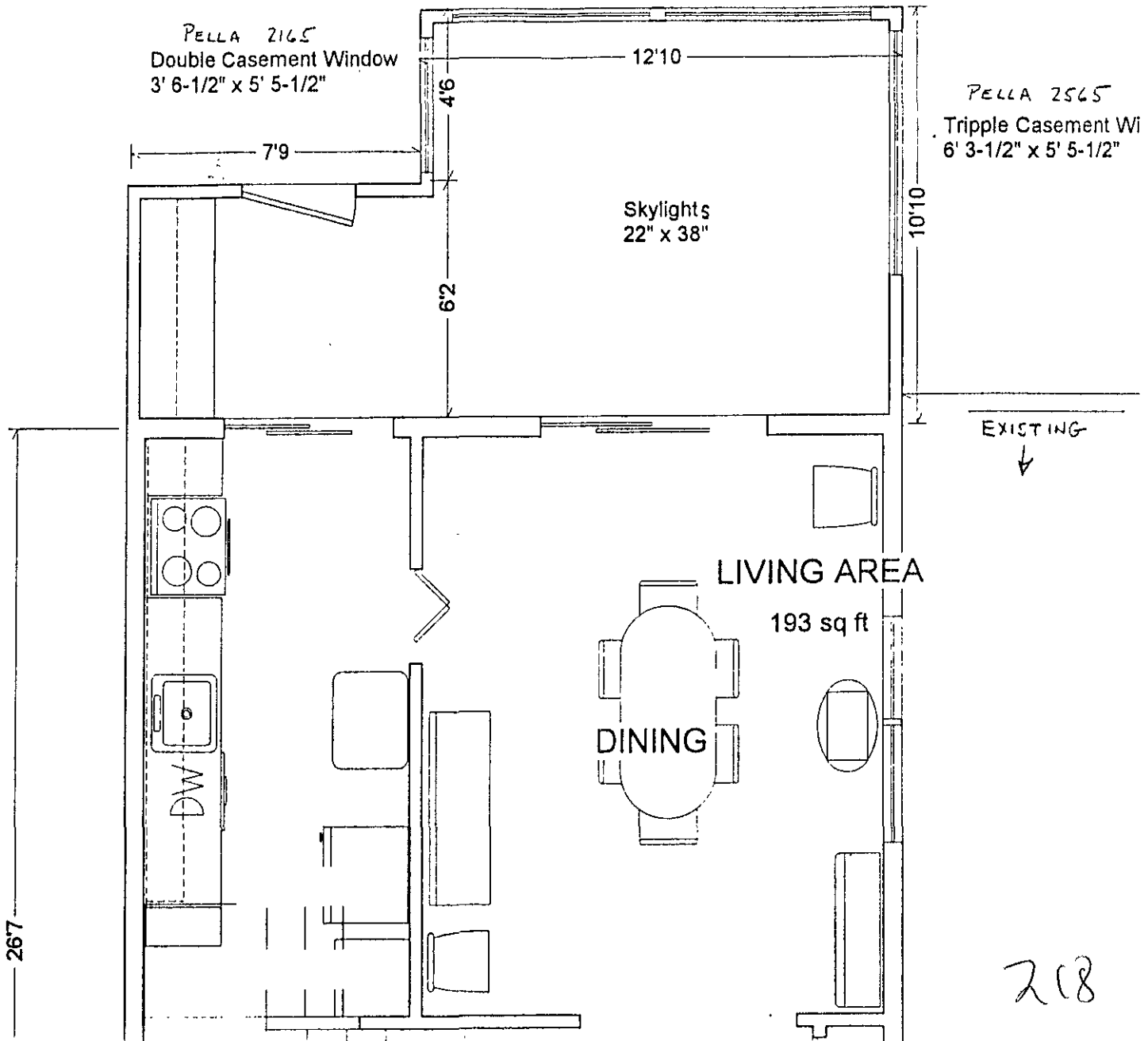
FOOTPRINT = PRIDE WOOD DECK

Fence

PELLA 2165
Triple Casement Windows
5' 3-1/2" x 5' 5-1/2" R.O.

PELLA 2165
Double Casement Window
3' 6-1/2" x 5' 5-1/2"

PELLA 2565
Tripple Casement Wi
6' 3-1/2" x 5' 5-1/2"



EXISTING
↓

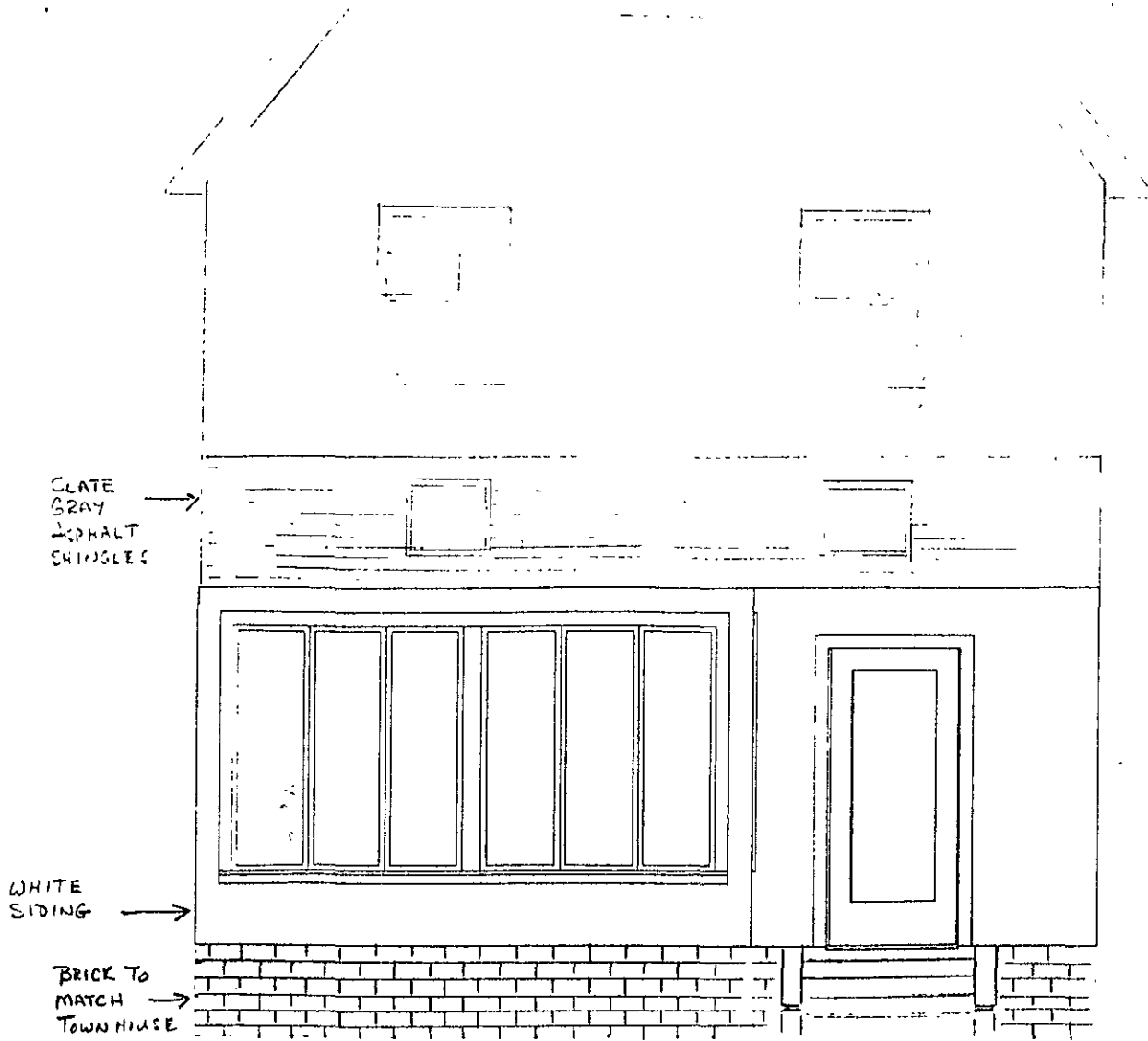
LIVING AREA

193 sq ft

DINING

26'7"

218



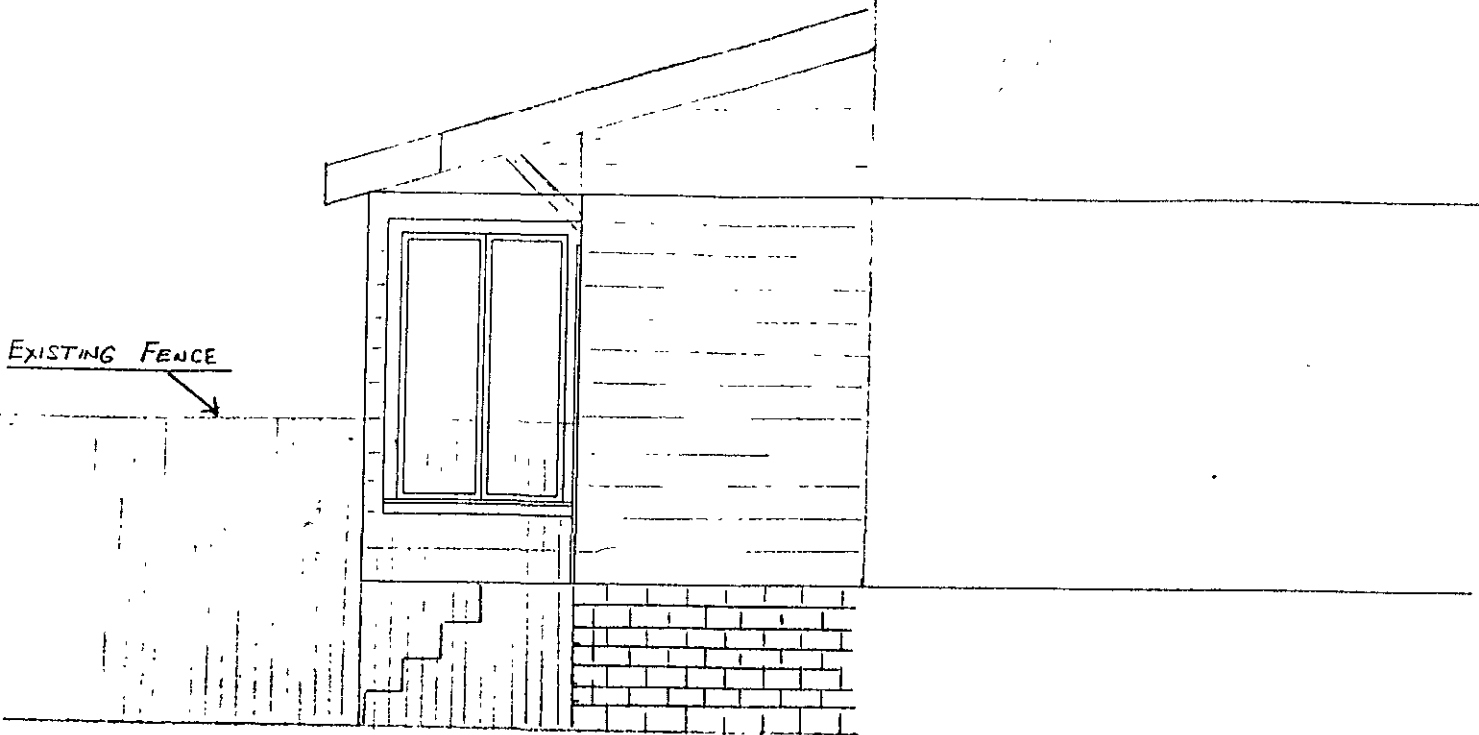
REAR VIEW

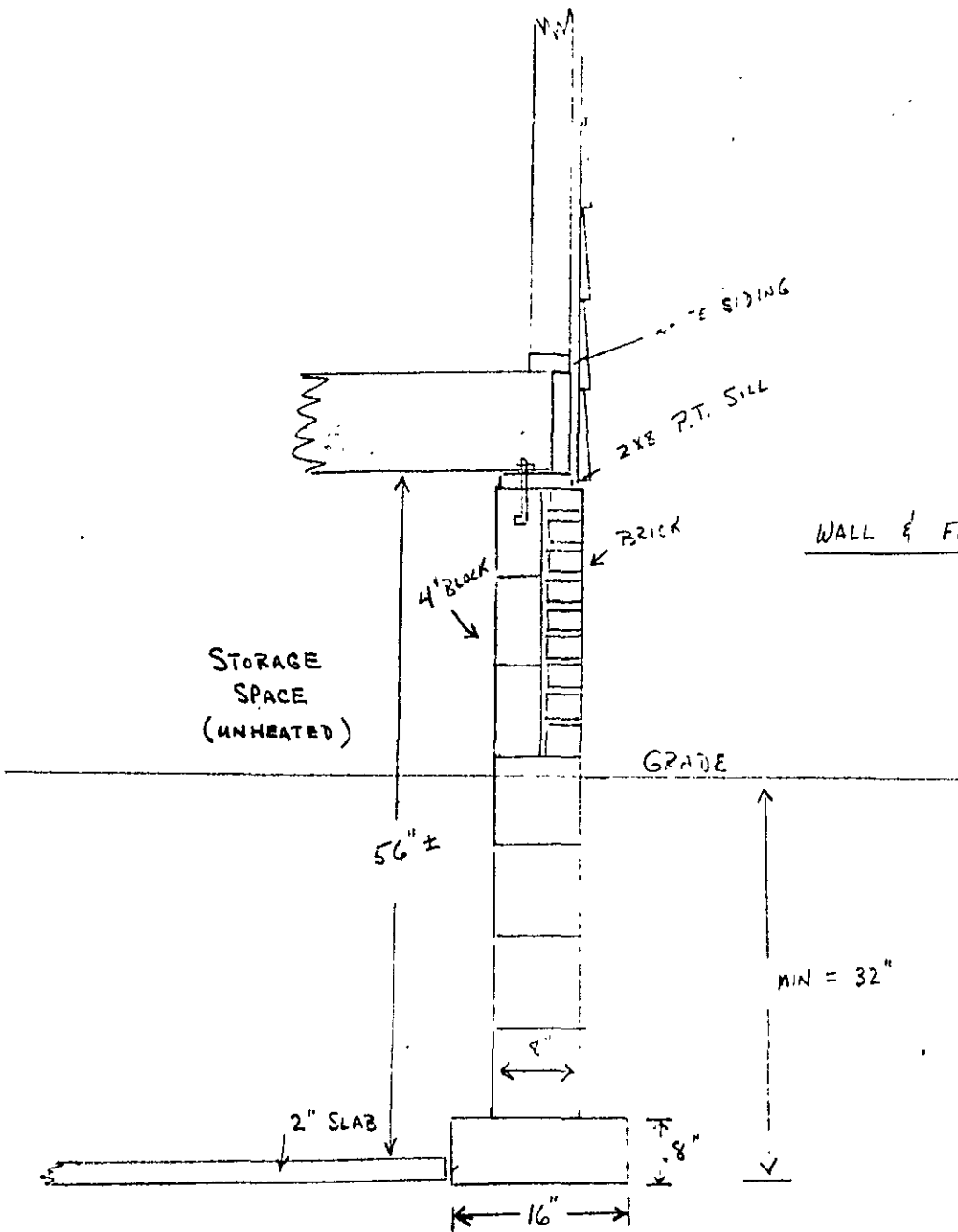
EAST WALL VIEW



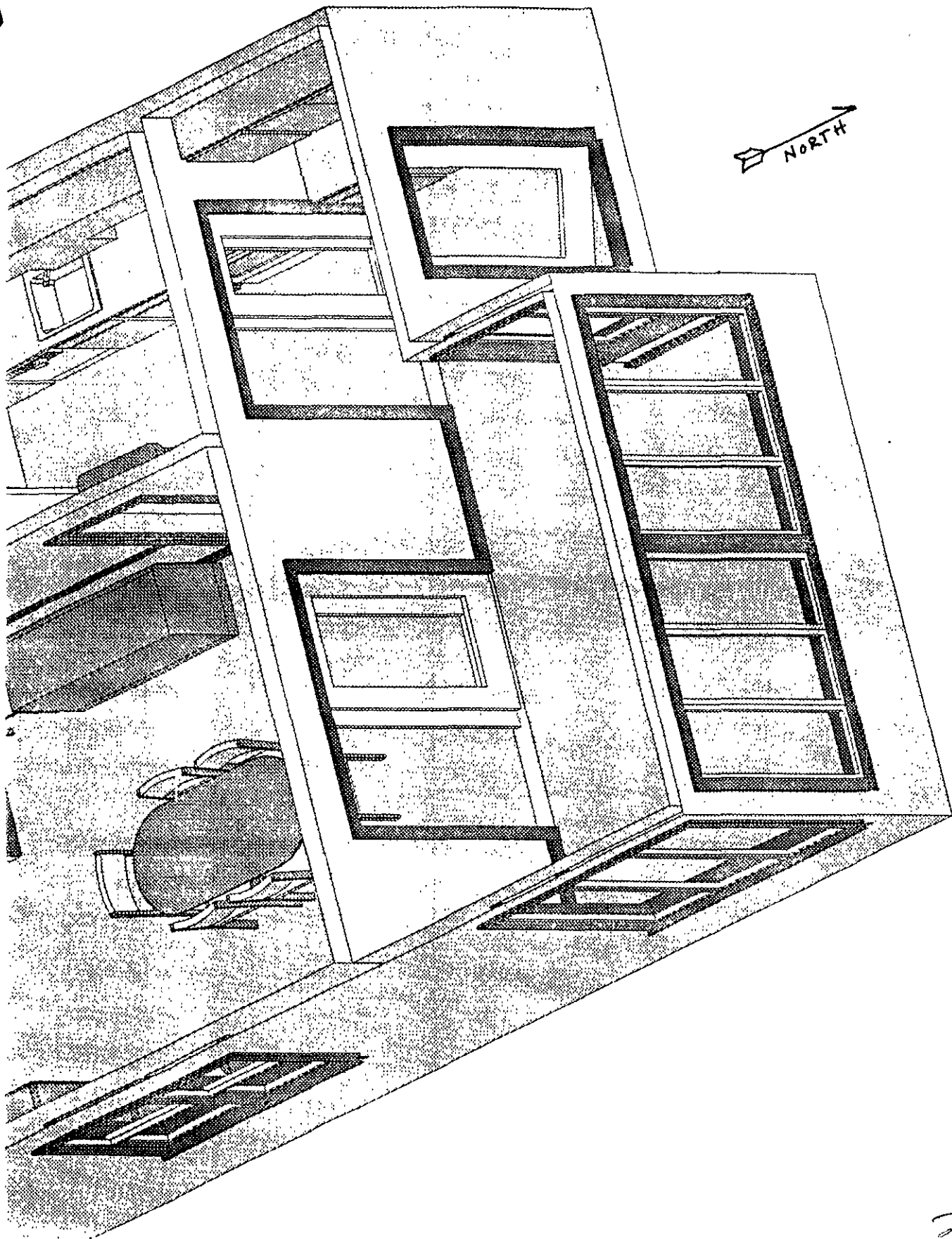
WEST WALL VIEW

EXISTING FENCE

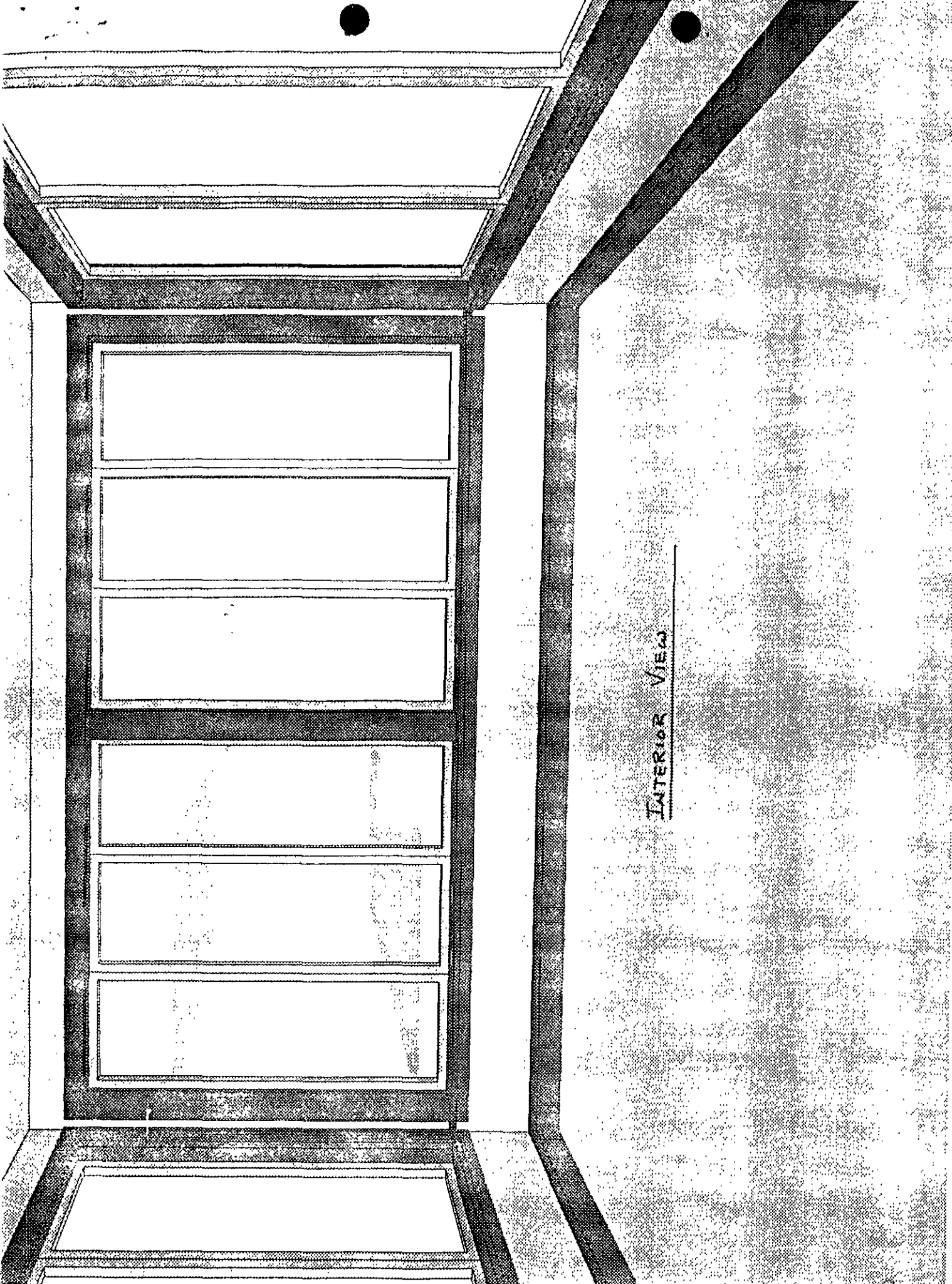




WALL & FOUNDATION DETAIL



NORTH



INTERIOR VIEW

As a property owner in Rodgers Forge I and others have come here today to protest the granting of "a variance to allow 36 foot rear setback for an enclosed structure (porch) in lieu of the required 50 foot setback in a DR 10.5 zone"--specific to case number 95-222-A at Dunkirk Road, Rodgers Forge.

In early January several of us saw a posting for an administrative hearing for the current case. Posted above it was a letter from the Architectural Review Committee of the Rodgers Forge Community Association approving the plans and pledging that the Association's Board of Governors would not oppose this application for zoning variance. Photographs of the sign and letter are entered as Exhibit [3]. Subsequently, several of us wrote a letter of concern about this variance petition to Mr. Jablon, Director of Planning and Zoning. Copies of that letter, signed by 29 property owners and residents, are entered as exhibit [4].

We were moved to write our letter of concern due to the inconsistency of the community association's position in the December 23rd letter with the position stated in an earlier letter circulated with the Association's November Newsletter. The latter stated that Mr. and Mrs. Peroutka had challenged the covenants and that the community association planned to defend the covenants vigorously. A copy of this earlier letter was entered as Exhibit [1] during the questioning of Mr. Peroutka. The letter of approval from the Architectural Review Committee of the RFCA did not refer to any litigation. However, after submitting our letter of concern to Zoning and Planning, we received a copy of a letter submitted on January 17 to the Public Record for Variance Petition 95-104-A by Mr. J. Michael Tanczyn, attorney for the owners of another Rodgers Forge property. He stated that "the Rodgers Forge Community Association, in settlement of other litigation, issued the enclosed letter for what is now Case No. 95-222-A indicating their approval of a larger structure...". A copy of this letter was entered as Exhibit [2] during the questioning of Mr. Peroutka. This letter strongly hinted that the RFCA's approval of the Peroutka enclosed porch had been obtained under duress.

This is substantiated by a recent communication from the community association, a "To Whom It May Concern" letter for any homeowner in the community. This Memo along with its cover letter are submitted as Exhibit [7]. It states the following:

"The Board of Governors has resolved its differences with Mr. and Mrs. Peroutka concern (sic) a lawsuit the Peroutkas filed in the Circuit Court of Baltimore County. One of the conditions in resolving this suit was that neither the Board of Governors nor any member of the Board would either personally or on behalf of the Board actively oppose or actively

encourage opposition to the Peroutka's application to Baltimore County for a zoning variance. Also, neither the Board nor any member of the Board will actively support or actively encourage approval of the variance. The Board of Governors and its members will allow the Zoning Commissioner to make its determination on the zoning issue without any opposition or support from the Board of RFCA."

We can only conclude that the approval of Mr. Peroutka's design and the lack of opposition by the community organization to the current variance request was indeed obtained under duress.

Many of us have lived in the community for twenty years or more. We had recently (December 1) protested a similar variance petition for purpose of an addition in our immediate neighborhood. The RFCA had also protested the same. We and the community association based our arguments on Zoning Regulations only. We did not invoke covenants. Coming only three weeks after that hearing, the approval of the enclosed structure at issue in the current case seemed totally inconsistent with the Community Association's position. Furthermore it was inconsistent with the long history of the RFCA enforcement of changes in the exteriors of homes in Rodgers Forge as documented in Exhibit [5]. This exhibit includes the following: a) a copy of the Architectural Review Committee Application Form for Alterations; b) the recent handout in the phone book which stated the association actively participates in Zoning Issues that affect the community; c) two RFCA Newsletters which communicate the need to obtain approval for changes in the exteriors of homes.

At the December 1, 1994, Zoning Variance Hearing the Association defended their past pattern in upholding the architectural uniformity of the original development scheme for the Rodgers Forge Community. These cases include both zoning restrictions/violations or covenant restrictions. Among the cases which have been upheld by either the County Board of Appeals (CBA), the Circuit Court of Baltimore County, or the Maryland Court of Appeals are the following:

Alpern v. RFCA, CBA Case No. 88-111-A	enclosure of side porch
Hoge v. RFCA, CBA Case No. 76-118	fence violation
RFCA Inc. v. Ingolia CBA (1992)	deck variance denial
RFCA Inc. v. Zimmerman, Circuit Court	enforcement of metal awning violation
RFCA Inc. v. Callahan, Circuit Court	enforcement of fence restriction

RFCA Inc. v. Meinal, Circuit Court	enforcement of sun porch violation
Kirkley v. Seipelt, 212 Md 127 (1957)	enforcement of metal awning violation.

The architectural uniformity of the Rodgers Forge Development and the continued maintenance of this uniformity by the RFCA is certainly integral to providing for the continued stability of the community and its property values over the 50 to 60 years of community's existence. At the December 1, 1994, variance hearing representatives of the Association documented the Associations "long history of concern" and "efforts in enforcing architectural uniformity" to preserve the "'over-all' scheme and general design of the community" as "created at the inception of this development" and carried out over many years of construction by the developer. The Associations right to oversee the exteriors of the homes was reinforced by the decision of Kirkley v. Seipelt in the Circuit Court.

Our current protest is based on the Baltimore County Zoning Regulation which stipulates that:

"the Petitioner shall be granted a variance request only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is subject to the variance request and where strict compliance with the zoning regulations for Baltimore county would result in practical difficulty or unreasonable hardship".

The Peroutkas have said that the practical need for their variance request is "to accommodate a growing family". Their growing family consists of 2 children who have reached their pre-adolescent growth spurt. Many residents of Rodgers Forge to whom I have spoken have lived in homes either smaller than the one under consideration or comparable in size to the Peroutka's--a 5 bedroom, large end of group. These families raised 3-6 children in their homes without need for an addition or enclosed porch such as Mr. and Mrs. Peroutka ask. [Because the petitioner's lawyer objected to our statement as hearsay, we entered as evidence several letters from Rodgers Forge property owners attesting to the fact that they had raised large families in homes similar in size to the Peroutka's home without practical difficulty.] Some of those residents also attended the hearing.

5 letters

Two children or even six children should not qualify a family for the practical need required to granting the rear yard variance to construct an enclosed porch. Obviously an enclosed porch creates more living space in an already very large house,

but acquiring this increased space reflects convenience or preference rather than substantial need since the Peroutkas admit to having a typical End Of Group home in Rodgers Forge. Strict compliance to the zoning regulation will not prevent their reasonable use and enjoyment of the property.

I would like to add my own perspective on the "growing family." It is a temporary need. Six years ago I too had a "growing family", and now they have grown up and left home. The Peroutka children will no doubt do likewise. While one's children grow up and move away, this enclosed porch will not. It's here for good. I would argue that the community has far more to lose in the granting of this variance since many families might then utilize similar strategies for expanding their space.

The community of East Rodgers Forge consists of 412 homes (or 501 if Overbrook Rd is included). The original developer laid these homes out in repeating patterns of group homes. The patterns in East Rodgers Forge include groups of 4, 6 and 4 homes or 5, 6 and 5 homes per block. When additions are made to an End Of Group home, the property which suffers the greatest deleterious effects of a full width enclosed structure of 11 foot depth is the home which shares the adjoining wall. These homes will lose significant area of sight line, they will experience reduction in ventilation including cooling summer breezes, and depending on orientation, they may experience reduction of sunlight. We must remember that living in the inside group is like being in a tunnel. One receives light only at the ends of the tunnel. If the open space of every end of group were allowed such a structure on the basis of practical difficulty of a growing family, then 75% of all inside group homes for the 4 + 6 + 4 pattern would suffer deleterious effects and 60 % of the inside group homes in the 5 + 6 + 5 pattern would suffer. A variance may not be granted if the health, public safety and general welfare of the community should be affected. In view of the high percent of homes affected, such a lenient granting of practical difficulty is not in the spirit of the law. The community will suffer irreparable harm as EOG after EOG requests such variance.

Another criteria to judge the granting of the variance is the "aesthetic ambience" of the neighborhood. In *Daihl vs Board of Appeals of Baltimore County* [258 MD 157] it was established that the "aesthetic ambience" of the neighborhood was an issue of concern. Many residential properties lie in close proximity of the property in question. Their "aesthetic ambience" is endangered. This leads to the following questions: 1) Are enclosed porches/additions characteristic of this neighborhood of 412 homes? and 2) What are the architectural characteristics of the neighborhood?

The answer to the first question is no. We undertook a pictorial survey of the 200-400 blocks of Dumbarton Road, Register Avenue, Murdock and Hopkins Road. Exhibit [8] documents the number of large enclosed structures in this area. There are 9 full width enclosed structures and 6 full width screened porches. The full width enclosed porches/additions represent only 2.2 % of the 412 homes in this area. How can such a small percent of additions represent an architectural characteristic of the neighborhood?

We also documented in Exhibit [9] the number of small enclosed porches in this area. Most are approximately 5 x 8 feet corresponding to enclosure of the original back porches. There are 28 of these of which 2 are screened porches and 4 are structures which extend about 10 feet in width and are more than 5 feet deep. These represent 6.7% of the total number of homes in the old section of the community.

Exhibit [10] presents our data in tabular form by street. The greatest concentration of large structures is on Dunkirk. The small enclosed porches are about equally distributed between Hopkins, Dunkirk and Murdock Roads.

Other than Mr. Peroutka's screened porch permit, I have found only two valid permits for any of the structures documented in our exhibits. These are submitted as Exhibit [11]. A third structure was built in 1986 after obtaining approval from the CBA in Case No. 86-212-A. It is questionable as to whether or not most of the enclosures or additions in East Rodgers Forge are legal.

We present in Exhibit [12] photos of many groups of homes in East Rodgers Forge which demonstrate that in the original plan the major architectural characteristics of the community certainly did not include additions or enclosed porches to the rear exterior face of the homes. In many cases there are no porches at all. In group after group the back face of each home remains much as it did when first built.

The homes in the 200 block of Dunkirk still retain much of their original character. I would like for you to look at pages 21-23 Exhibit [12] where photos of the porches of the 200 block of Dunkirk are presented. The majority of these homes show small 5 x 8 foot porches with similar size roofs. Mr. Peroutka's neighbors at 218 and 220 also have the small roofs, but larger decks have replaced the porch floor. Most likely the Peroutka home also had the small 5 x 8 porch before a deck was added. However, a deck is not a porch. [At this point Commissioner Schmidt indicated that a deck is considered a porch and that the county allows the owner to build a deck out to one fourth the distance between the rear exterior face and the property line.]

During preparation of the presentation I wondered over how I might build a model of Mr. Peroutka's proposed structure. Our photographs showed that Mr. Peroutka had built the model for me. Looking at these photos Exhibit [13] one can see the massiveness of the "porch" in comparison to the lot and other properties. Although the size of the accessory structure in the rear yard is smaller than that in the December 1 case which was denied, the Peroutka lot is smaller by 125 square feet and the enclosed porch is larger by 37 SF. Baltimore County Zoning regulations allow decisions to reflect such architectural characteristics as mass, materials, doors, and windows as to appropriateness for the neighborhood in which they are built. [304.2.B.c.& f.] In addition to the mass of this structure, the brick in this structure is so minimal that it cannot be seen behind the tall stockade fence. Furthermore the windows will not be aesthetically compatible with windows of 6 over 6 mullions typical to the community. [At this point Commissioner Schmidt corrected me and said that these regulations 304.2.B.c & f were for new construction on previously undeveloped smaller than regulation lots.]

The building space in these rear yards is still limited. I cannot see how building in these yards, including the ends of groups will not cause problems for the neighbors and ultimately for the community as a whole. Open spaces will be compromised and this will affect the safety and general welfare of the community.

How does the rear yard open space affect the safety and general welfare of the community? The homes in Rodgers Forge are not a development of detached homes with 1/2 acre lots. We have limited open space in which to accommodate expansion. The larger yards for the end of groups are part of the overall planned development scheme to provide open space. When this space is filled in by large enclosed structures which protrude into the rear yard, the decreased sight line interferes with the neighborhood watch program. It reduces the informal contact between neighbors and thus interferes with the integration of new families into the community. It reduces play areas for neighborhood children so that they are more likely to play in alleys and streets which endangers lives especially for the very young. It also increases the noise level. Grass absorbs and muffles sound. Concrete sidewalks and asphalt streets echo sound!

In conclusion, as space fills in the community will take on a more urban character which will be detrimental to home sales. Homeowners likewise will feel squeezed with respect to open space and will decide to move on. Property values will fall along with County tax revenues. That will be detrimental to all.

CONCLUDING STATEMENT
(Added March 12, 1995)

The Peroutkas failed to demonstrate practical difficulty, unreasonable hardship or special circumstances. Their sole "practical difficulty" consisted of a desire to have both children do their homework downstairs in two separate rooms. We presented evidence by letters that numerous larger families resolved family life problems without constructing any additional rooms. Some additional points pertaining to the hearing are as follows:

- 1) The real estate sales representative testifying for the petitioner, admitted that she was not licensed as an appraiser. Consequently, her testimony represents her personal opinions regarding the need for additions.
- 2) Mr. Guzinski's appearance on behalf of the petitioner was inappropriate in light of Exhibit [7] which specifically forbade any RFCA Board member from becoming involved in the zoning hearing.
- 3) The three and one-half hour hearing was succinctly summarized by Mary B. Birckhead II who said that the petitioners had failed to meet any criteria for obtaining a zoning variance. The law is the law and must be enforced.
- 4) Additional letters from 10 property owners and petitions signed by 12 property owners stating their objections to granting this variance request were submitted to Commissioner Schmidt at the conclusion of the hearing.
- 5) The protestants group presented evidence showing that additions to the rear of Rodgers Forge homes is not an architectural characteristic of this planned community and that only 9 full width enclosed porche/additions exist in the 412 homes located in East Rodgers Forge. For the most part it could not be established whether or not these structures were legally built.
- 6) The protestants group maintains that construction of the proposed large enclosed porch/addition in the limited open space available will have an a deleterious affect on the health, safety and general welfare of the community.

**Carol L. Zielke PRESENTATION BY PROTESTANTS 95-222-A (Item 218)
2/21/95**

The protestants group strongly recommends that the requested variance for a rear yard set back to 36 feet in lieu of 50 feet not be granted to the petitioners, Mr. and Mrs. Ray Peroutka of 220 Dunkirk Road in Rodgers Forge.

Respectfully Submitted: *Carol L. Zielke*
Carol L. Zielke, Spokesperson for the Protestants
325 Murdock Road/Baltimore, MD 21212
March 15, 1995

The following property owners in Rodgers Forge who attended the February 21 hearing testify that I acted as spokesperson for the protestant group:

NAME	ADDRESS	DATE
<i>Norma Jean O'Hara</i>	<i>329 Murdock Rd</i>	<i>3-15-95</i>
<i>H. Ronald Zielke</i>	<i>325 MURDOCK RD</i>	<i>3-15-95</i>
<i>Edward K. Smith</i>	<i>331 MURDOCK Rd</i>	<i>3-15-95</i>
<i>Richard A. Bennett</i>	<i>331 Murdock Rd</i>	<i>3-15-95</i>
<i>Wm. B. Buckhead II</i>	<i>324 Murdock RD</i>	<i>3-16-95</i>
<i>J. Farrell Miller Jr.</i>	<i>322 MURDOCK RD</i>	<i>3/16/95</i>

Petition for Administrative Variance

220 Dunkirk Road
Baltimore, Maryland 21212
Raymond J. & Debra J. Peroutka

Notes to Property Plat

Ownership of Adjacent Parcels

<u>Address</u>	<u>Owner's Name</u>
218 Dunkirk Road	Wayne & Georgia King
222 Dunkirk Road	Robert & Deborah Krauss
215 Murdock Road	Charles W. Schaubert, Jr.
217 Murdock Road	Patrick & Ann Dorn
219 Murdock Road	C. Canon & D. Fox

.....

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Charles W. Schaubert Jr
(Property Owners)

215 MURDOCK RD
(Street Address)

Charles W. Schaubert Jr
(Signature)

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Ann E. Dorn
(Property Owners)
212 Murdock Rd.
(Street Address)
Ann E. Dorn
(Signature)

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Georgia King
(Property Owners)
218 Dunkirk Road
(Street Address)
Georgia King
(Signature)

MICROFILMED

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

ROBERT W. KRAUSS
(Property Owners)

222 DUNKIRK RD.
(Street Address)

Robert W. Krauss
(Signature)

MICROFILMED

318

February 21, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Attention Gwen Stephens:

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka and Debra J. Peroutka
Location: 220 Dunkirk Road
Regarding: Variance to allow 36 foot set back for an enclosed structure
(porch) in lieu of required 50 feet.

Dear Zoning Commissioner:

I have collected signatures on the enclosed petitions from residents of the 200 block of Murdock Road in the Rodgers Forge Community, Baltimore MD, 21212 and witnessed their individual signatures.

I cannot attend the hearing on Tuesday, February 21, 1995 because of the duties of my job.

I urge you to give every consideration to their petition to deny the variance. I too support the purpose of the petition.

Very truly your,

Charles B. Calvert

Charles B. Calvert
208 Muurdock Road
Baltimore, MD 21212
(410) 377-4117

Handwritten scribble

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Ave.
Towson, MD. 21204

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.

Dear Zoning Commissioner:

The undersigned property owners of Rodgers Forge community oppose the granting of the requested variance for rear yard setback at 220 Dunkirk Road. A growing family does not represent a practical difficulty or unreasonable hardship. This alteration is for convenience only. We strongly believe that such a large structure as this enclosed porch (20.5 feet by 10.8 feet) should not be built since there is already limited rear yard open space in our community. It is important to maintain this space to protect the health, safety, and general welfare of the community. Large structures protruding into the rear yard interfere with the availability of light and air to adjacent homes, block visibility of a vacationing neighbor's property thereby increasing the opportunity for break-ins, and discourage informal social contact between neighbors that fosters the growth of a viable community spirit. Large enclosed porches or additions are not an architectural characteristic of this community of very fine homes.

Signature Legal Property Owners	Address/Phone	Date
<i>John S. Parker</i>	209 Murdock Rd.	2/11/95
<i>Katherine Reno Colbert</i>	208 Murdock Rd.	2/12/95
<i>Carolyn D. Mc Lay</i>	211 Murdock Road	2/16/95
<i>[Signature]</i>	210 Murdock Rd	2/16/95
<i>Barbara Conley</i>	212 Murdock Rd.	2-16-95
<i>William Davis</i>	205 Murdock Rd.	2/18/95
<i>Marcia J. Feed</i>	225 Murdock Rd	2/18/95

UNRECORDED

January 20, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Ave.
Towson, MD. 21204

*See a recent decision
similar to this request:
Case # 95-104 A (Item 105)*

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
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This is not a formal request for a public hearing. However, if someone should request a public hearing, we would like to be informed by letter of the date, time and location of such hearing.

Signature	Address/Phone	Date
<i>Marion Jean O'Hara</i>	<i>389 Mundock Rd</i>	<i>1-21-95</i>
<i>Susan E. Propert</i>	<i>377-8640</i>	
<i>William A. Calow</i>	<i>313 MURDOCK RD</i>	<i>377-9411</i>
<i>SUSAN E. PROPERT</i>		<i>1/21/95</i>
<i>Stephani Miller</i>	<i>225 Hopkins Rd.</i>	<i>377-9813</i>
<i>Paul S. Miller</i>	<i>225 Hopkins Rd</i>	<i>377-9813</i>
<i>Wayne Love</i>	<i>313 HOPKINS RD</i>	<i>377-8744</i>
<i>Debra Mitchell</i>	<i>3121 Overbrook Rd</i>	<i>377-8448</i>
<i>Tom Mitchell</i>	<i>312 OVERBROOK RD</i>	<i>377-8448</i>

January 20, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
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①	Margaret Miller	205 Regester Ave 377-8384	1/22/95
②	Nona Christensen	222 Murdoch Rd 377-8384	1/22/95
③	BE Christensen	222 Murdoch Rd	1/22/95
④	Thomas P. Kelly	220 Murdoch Rd 377-5726	1/22/95
⑤	Charles Blawie	208 Murdoch 377-4117	1-22-95
⑥	Katherine Renolcuert	208 Murdoch Rd 377-4117	1/22/95
⑦	Ann S. Parks	209 Murdoch Rd	1-22-95
⑧	J. Harry A. Quinn	321 Regester Ave	1/22/95

January 20, 1995

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<i>Agnes Fredenberg Nolan</i>		
<i>Gerard Nolan</i>	71 Murdock Rd 21212	1-22-95
<i>Carol L. Zielke</i>	325 Murdock Rd 21212	1-22-95
<i>H. Donald Zielke</i>	377-2169	
<i>Mary B. Buckhead</i>	324 Murdock Rd 21212	
<i>M.B. Buckhead Jr</i>	377-5254	1/22/95
<i>J. Darroll Miller, Jr.</i>	322 Murdock Rd 21212	1/22/95
<i>Kathleen J. Miller</i>	377-4592	
<i>Edward J. Arment</i>	331 Murdock Rd 21212	1/22/95
<i>Helen A. Arment</i>	377-8870	
<i>Joseph A. Knell Jr.</i>	330 Murdock Rd 21212	1/22/95
<i>Regina M. Knell</i>	377-7893	

January 20, 1995

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Signature	Address/Phone	Date
Sharon Hewitt	219 Overbrook Rd 377-2329	2/20/95
H. Ronald Zilke	325 Murdock Rd. 377-2169	2/20/95

MICROFILMED

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
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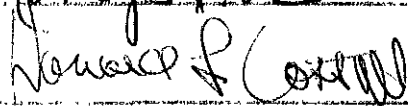
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Signature	Address/Phone	Date
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Legal Property Owners	Address/Phone	Date
-----------------------	---------------	------

Signature	Address/Phone	Date
-----------	---------------	------

Signature	Address/Phone	Date
-----------	---------------	------

	313 HOPKINS Rd	2/20/95
	320 Towson Rd	

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

~~ANA~~ Ray Peroutka

220 Dunkirk Rd 21212

Deb. Peroutka

220 Dunkirk Rd 21212

Rob Hoffman

210 Allegheny Ave 21204

GAIL COLDHAN

318 Alabama Rd 21201

Pat Colohan

318 Alabama Rd 21204

STRETT KRAUSS

222 DUNKIRK RD. 21204

RAYMOND J. PEROUTKA Sr

700 WALKER AVE

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME

ADDRESS

JOSEPH A. GURINSKI

210 DUNKIRK Rd

RODGERS FORGE BOARD OF GOVERNORS

BALTIMORE MD 21217

Blank lined area for writing names.

Blank lined area for writing addresses.





ALLEY

REGISTER

RODGERS

ALLEY

MURDOCK

ALLEY

DUNKIRK

SITE

FORGE

N 29,000

ALLEY

HOPKINS

ALLEY

ALLEY

OVERBROOK

DR. 10.5'

ALLEY

ROAD

ALLEY

ALLEY

ST VINCENT ORPHANAGE

DR. 35'

DR. 5.5'

E 1,500'

N 25,000

PINEHURST

O-SE N-SW

O-NE N-NW

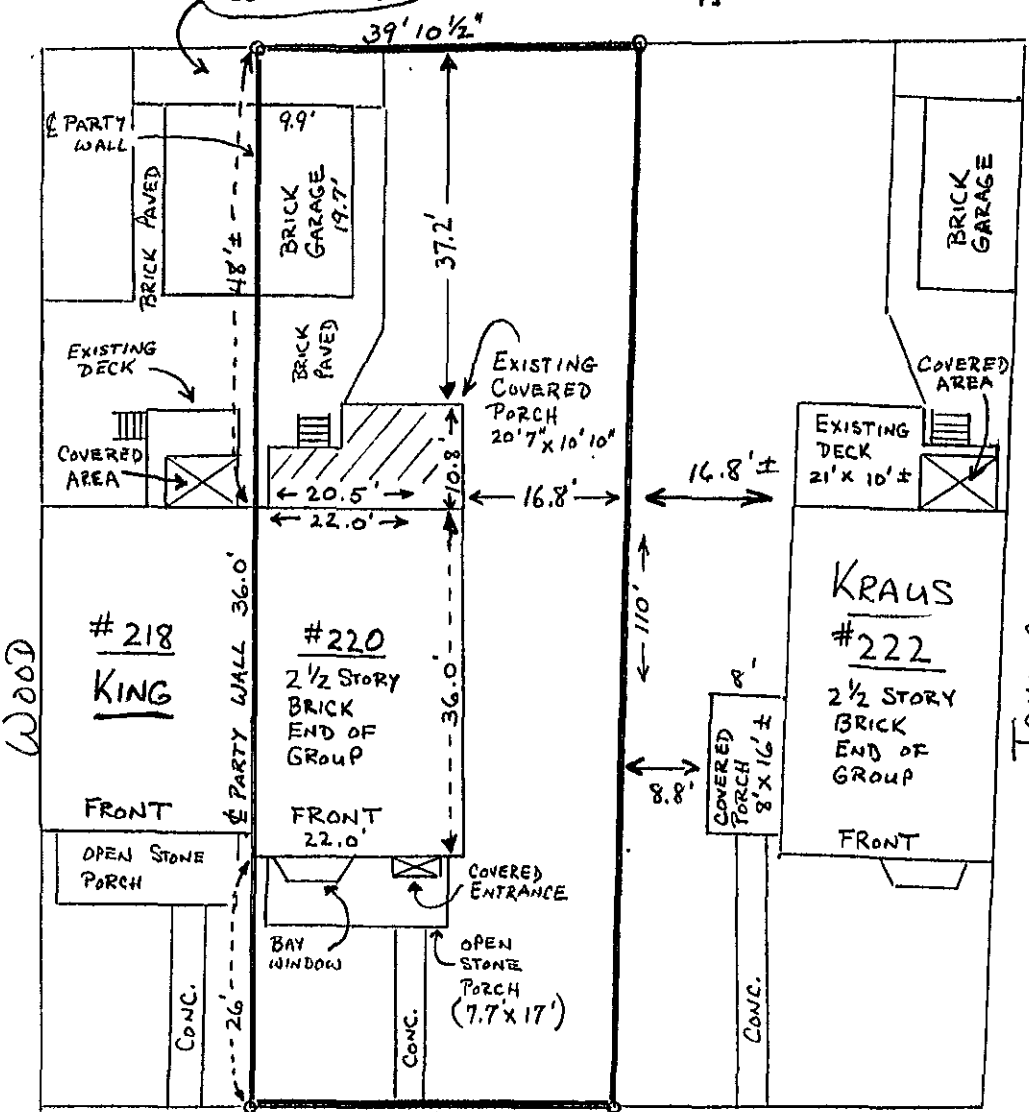
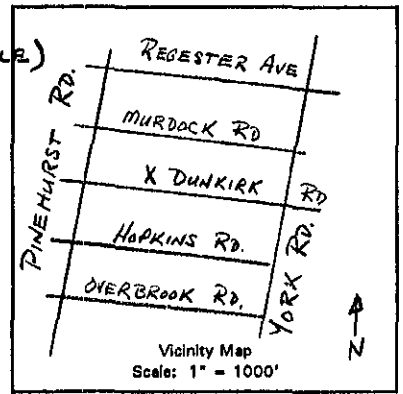
MICROFILMED

95-222-A

218

#215 MURDOCK (REAR) BRICK GARAGE BRICK GARAGE
 #217 DORN MURDOCK (REAR)
 #219 MURDOCK (REAR)

SCHABEL (OVERHEAD UTILITIES - POWER/PHONE/CABLE)
 ALLEY 16' ± PAVED BLACKTOP 15'



Date: 12/20/94
 Prepared by: R. Peroutka
 Scale: 1" = 20'

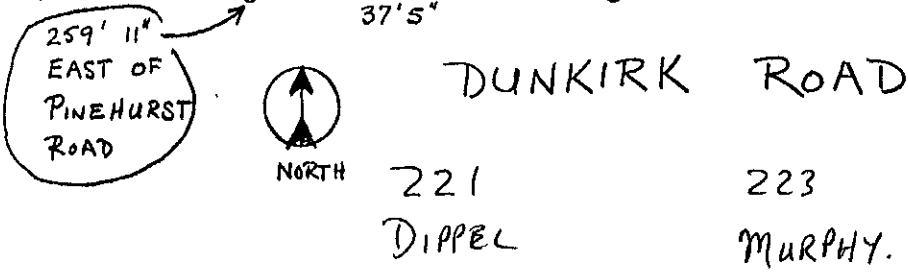
LOCATION INFORMATION

Councilmanic District: 4
 Election District: 9
 1" = 200' Scale Map#: NE 8A
 Zoning: D.R. 10.5
 Lot Size: 0.095 acres
 Lot Size: 4141.5 sq. ft.

Sewer: Public
 Water: Public
 Chesapeake Bay
 Critical Area: NO
 Prior Zoning Hearing: None

ZONING OFFICE USE ONLY

Reviewed by: JAVA
 Item #: 218
 Case#: 95-222-A



Plat to accompany Petition for Zoning Variance

Property Address: 220 DUNKIRK ROAD
 Subdivision Name: Rodgers Forge (Not Recorded)
 Owners: Raymond J. & Debra J. Peroutka

PETITIONER'S EXHIBIT No 1



218 & 220
Dunbar



222

222 Front.
Dunbar



222 Rear deck.

MICROFILMED

RETIROVER'S
22



215 +
217 Mur-
dock

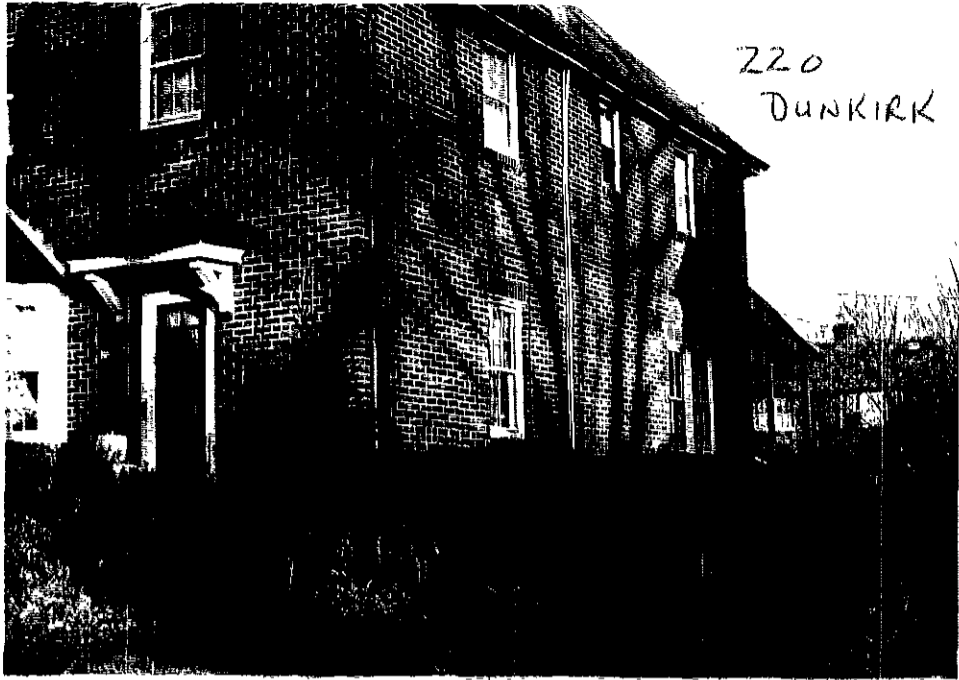


217 + 219
Murdoch



218

**PETITIONER'S
EXHIBIT** 2A



220
DUNKIRK

220 Dunk-
kirk



220
DUNKIRK

220 Dunkirk



220 DUNKIRK

EXHIBIT 2B
FEDERAL BUREAU OF INVESTIGATION

TO: DEPRM/DES/REV DIV.
Al Wirth
M/S 3404, Courts

FROM: ZADM

RE: Concept Plans
Site Cons. Mp: 2
Site Prop. Mp: 2

TO: ZONING OFFICE

M/S 1108, COB

FROM: ZADM

RE: Concept Plans
Site Cons. Mp: 1
Site Prop. Mp: 1

TO: BUR. OF SOLID
WASTE MANAGEMENT
Chuck Weiss
M/S 1209, COB

FROM: ZADM

RE: Concept Plans
Site Cons. Mp: N/A
Site Prop. Mp: 1

TO: ECONOMIC DEV.
Joe DiCara
M/S 2M07 CTHSE
FROM: ZADM
Comm. & Ind. Only
RE: Concept Plans

TO: DPW/DEV. ENG.
Sue Sheesley
M/S 1208 COB

FROM: ZADM

RE: Concept Plans
Site Cons. Mp: 2
Site Prop. Mp: 5

TO: STRATEGIC PL

& D.R.S.
Erv McDaniel
M/S 3402, Courts

FROM: ZADM

RE: Concept Plans
Attn: Betty Sherman
Site Cons. Mp: 6
Site Prop. Mp: 6
Schem.Landscape Plan

TO: PLAN'G & ZON'G
Strat. Pl/Historic
John W. McGrain
M/S 3402, Courts
Attn: Betty Sherman
FROM: ZADM

RE: Concept Plans
Site Cons. Mp: 1
Site Prop. Mp: 1

TO: DIV OF REAL ESTATE
Walt Beaumont
MS 1303
FROM: ZADM
RE: Concept Plans

TO: COUNTY CO
M/S 2201
CTHS.

FROM: ZADM

RE: Concept Plans
DISTRICT
Site Cons. Mp: 1
Site Prop. Mp: 1

TO: ENV. IMPACT
REV. DIV.
Bruce Seeley
M/S 3404, Crt.

FROM: ZADM

RE: Concept Plans
Site Cons. Mp: 1
Site Prop. Mp: 1
Hydro Studies &
EER'S

TO: LES SCHREIBER
General Engineering
Room 307
M/S 1315
FROM: ZADM

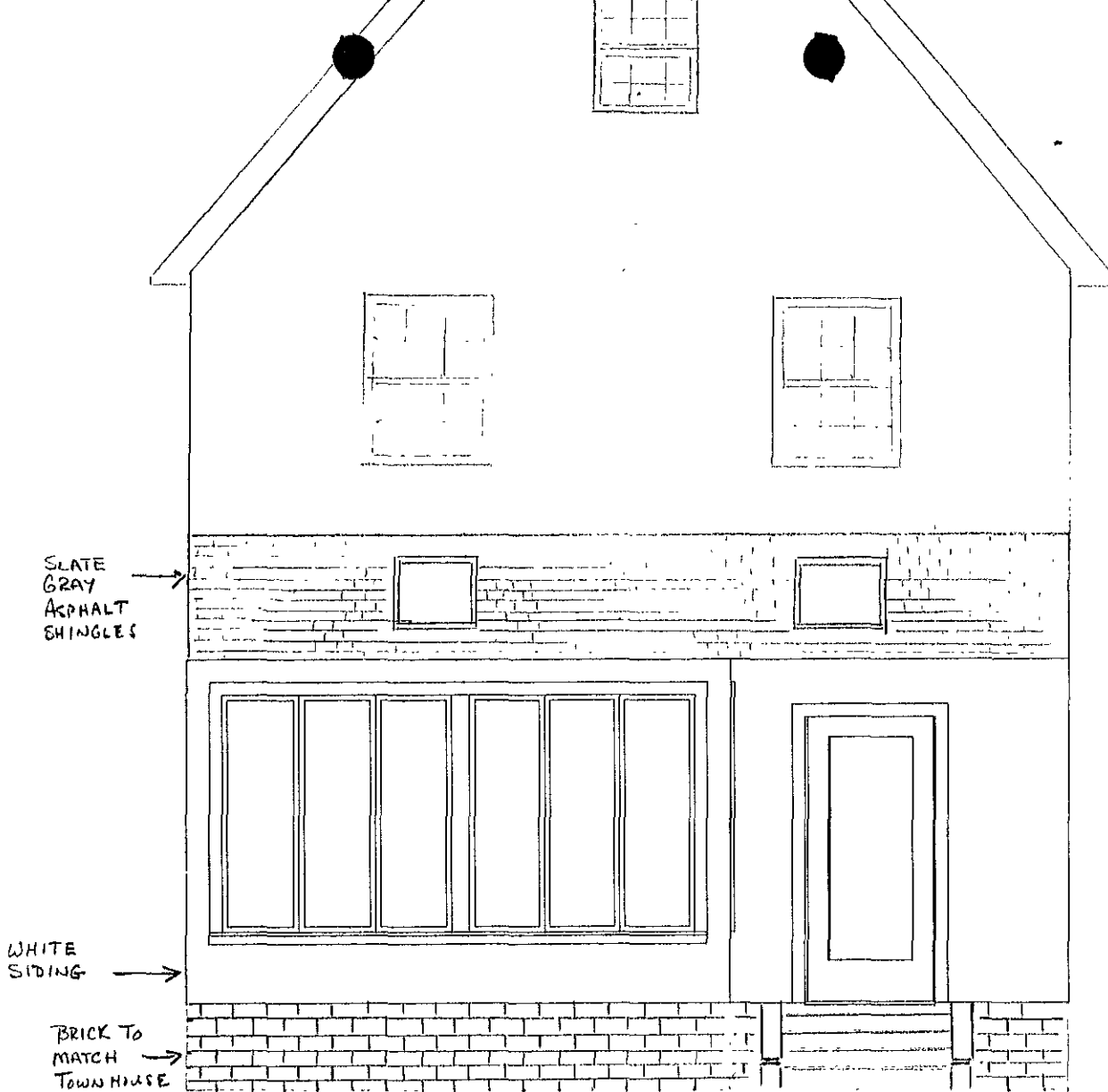
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Site Cons. Mp: 1
Site Prop. Mp: 1

Plans

Dist

Agenda
Dist

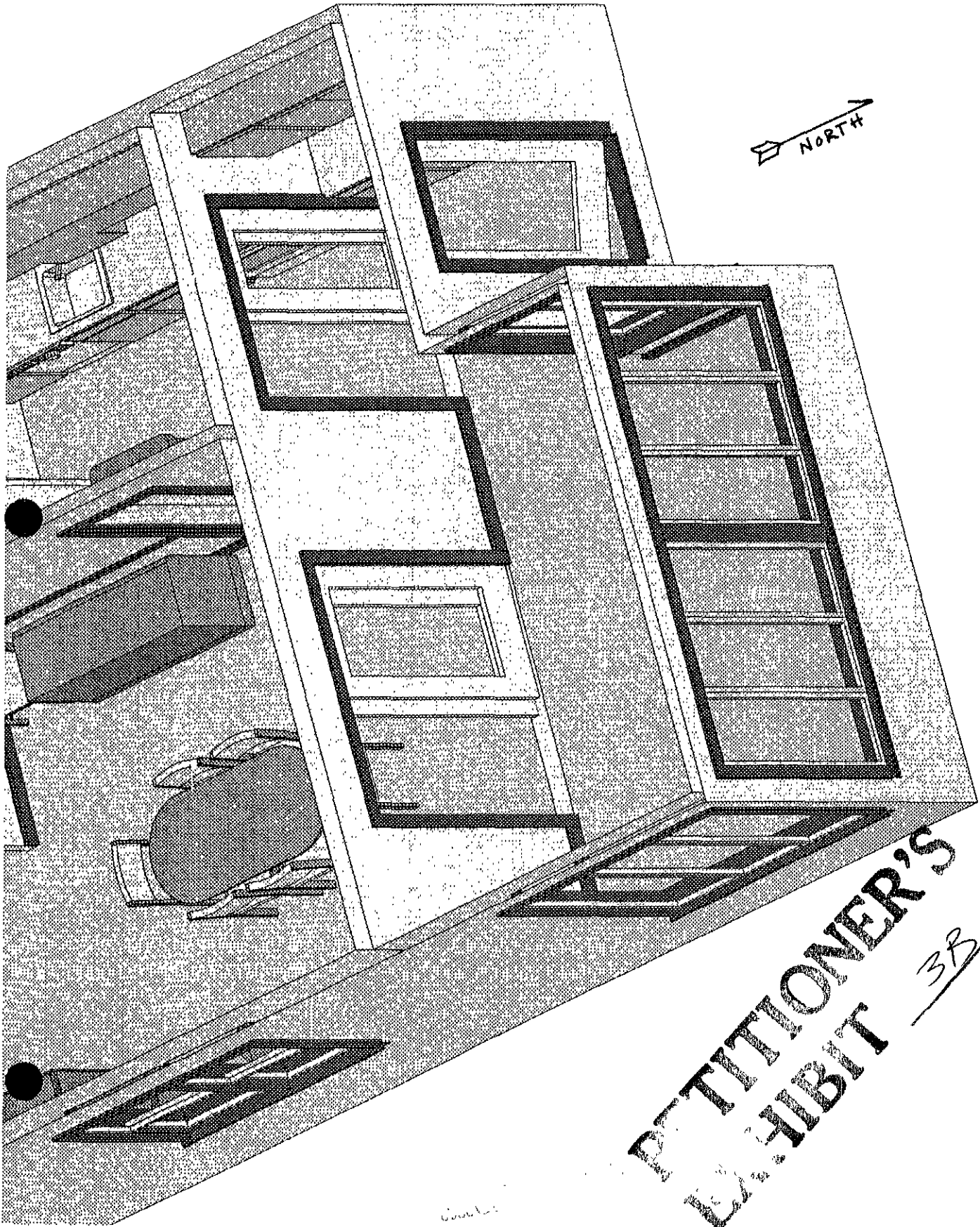
ed



REAR VIEW

**PETITIONER'S
EXHIBIT**

3A



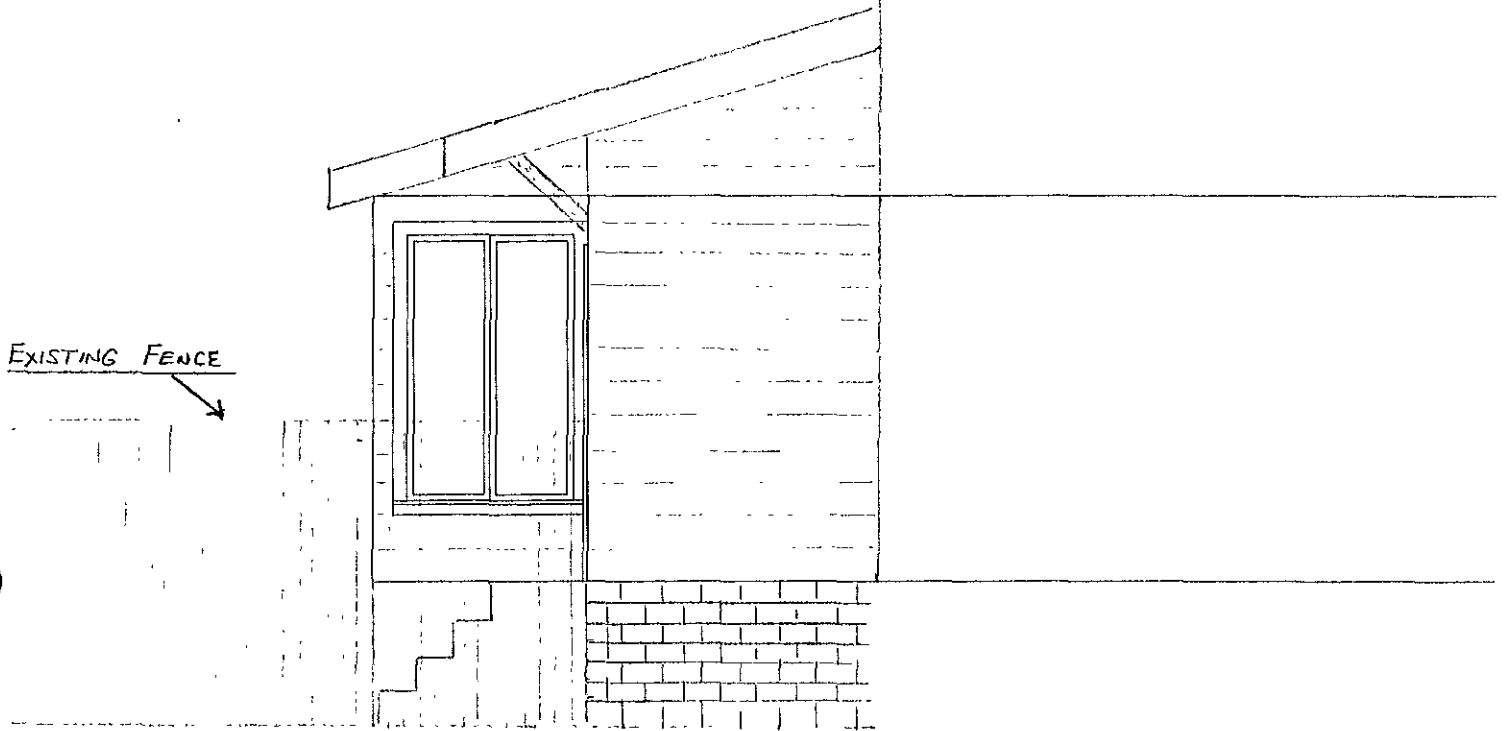
NORTH

**DEFENDANT'S
EXHIBIT**

38

WEST WALL VIEW

EXISTING FENCE



**PETITIONER'S
EXHIBIT** 30

MICROFILMED

EAST WALL VIEW



**PETITIONER'S
EXHIBIT 3D**

MICROFILMED

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

December 23, 1994

Mr. Raymond J. Peroutka
220 Dunkirk Road
Baltimore, Maryland 21212

Re: Proposed Enclosure

Dear Mr. Peroutka:

The Rodgers Forge Community, Inc. (the "Association"), acting through its Board of Governors and its architectural committee, has reviewed, in detail, the plans that you submitted for the enclosure of the porch at the rear of your home at 220 Dunkirk Road. Members of the architectural committee also met with you to discuss these plans. Copies of the plans for the proposed enclosure submitted by you and considered by the Board are attached.

This letter is to inform you that the committee approves your plans for the proposed enclosure. Accordingly, no officer or member of the Association's Board of Governors, either individually or on behalf of the Association, will oppose your application for a zoning variance for the proposed enclosure, provided that your application is consistent with the attached plans.

The Association appreciates your efforts to design your enclosure so that it is consistent with the architectural characteristics of the community, and the time and patience you took to explain your design to the architectural committee.

Please feel free to call me if you have any questions.

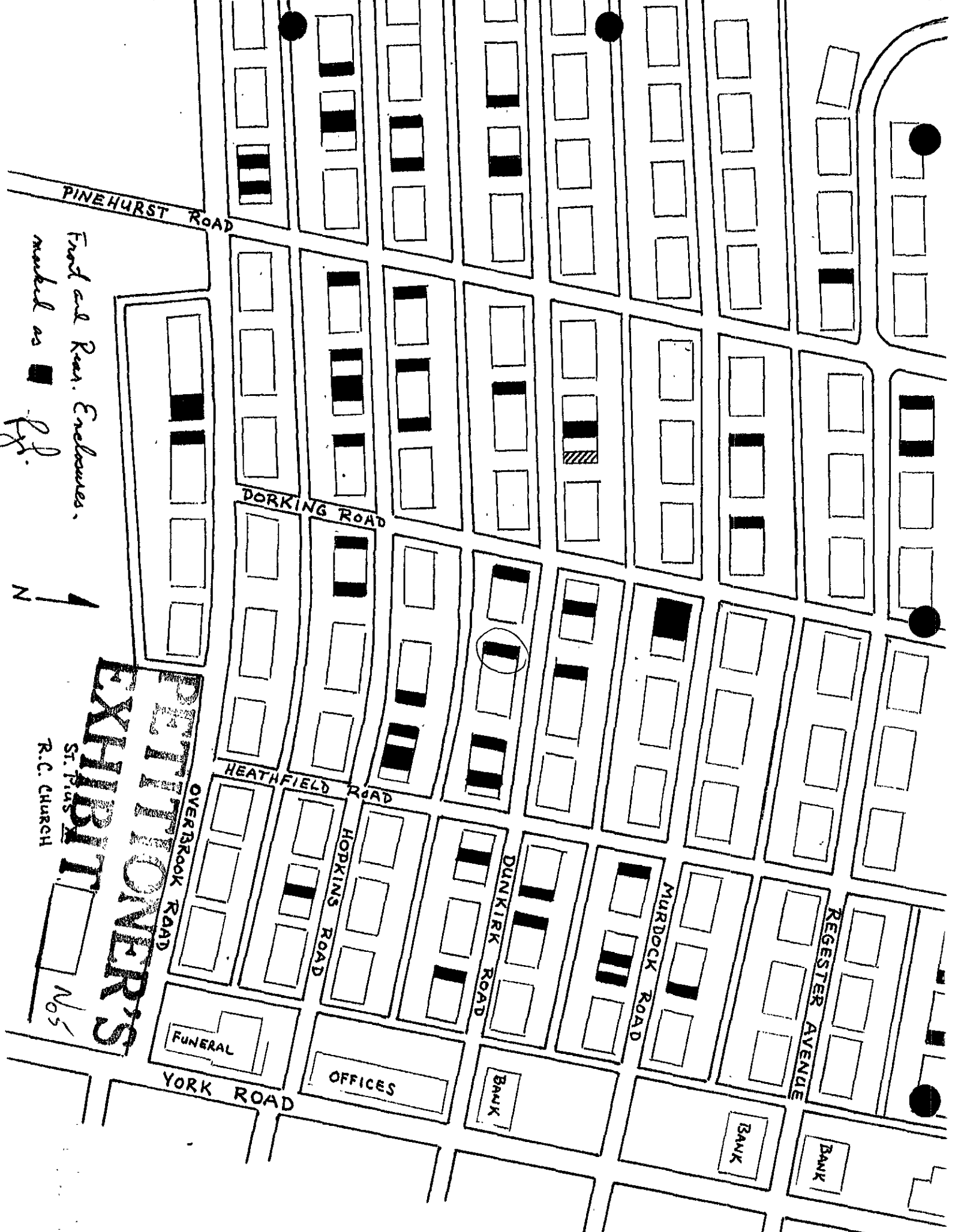
Very truly yours,

Architectural Committee,
Board of Governors,
Rodgers Forge Community, Inc.

By: Joseph A. Guzinski
Joseph A. Guzinski

cc: Honey Holston, President

PROPOSITIONER'S
EXHIBIT No 4



PINEHURST ROAD

DORKING ROAD

HEATHFIELD ROAD

HOPKINS ROAD


DUNKIRK ROAD

MURDOCK ROAD

REGISTER AVENUE

OVERTBROOK ROAD

YORK ROAD

Front and Rear. Enclosures.
marked as  Pg.

N

EXHIBIT
ST. PARS
R.C. CHURCH
No 5

FUNERAL

OFFICES

BANK

BANK

BANK

95-222-A



421 DUNKIRK
6 "A"



421 DUNKIRK
6 "B"

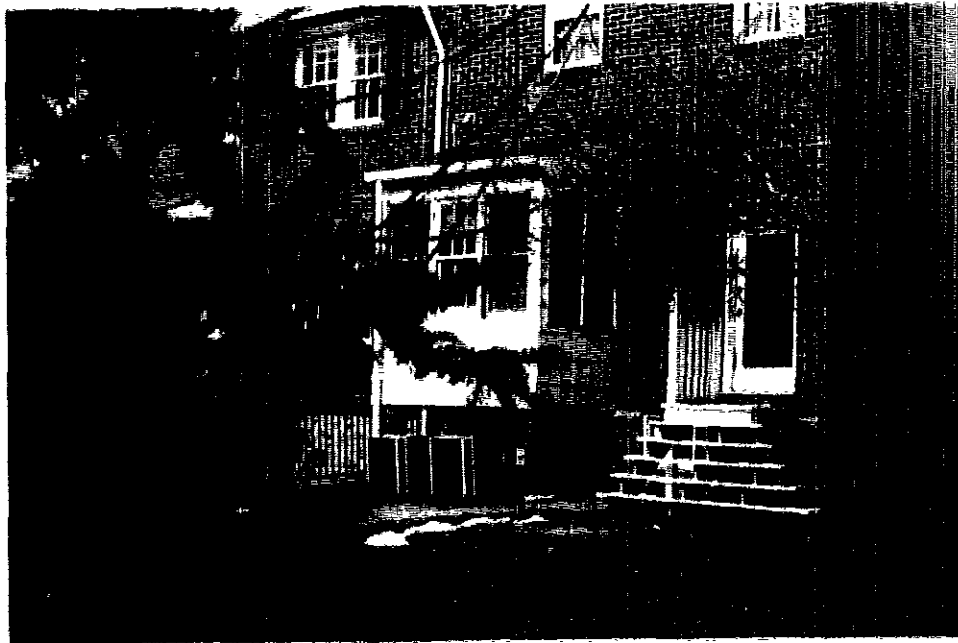


301 DUNKIRK
6 "C"

95-222-A



222
MURDOCK
6"D"



419
MURDOCK
6"E"



200
REGESTER
6"F"

MICROFILMED

95-222-A

1GR-

ALS



1 MURDOCK
6"G"

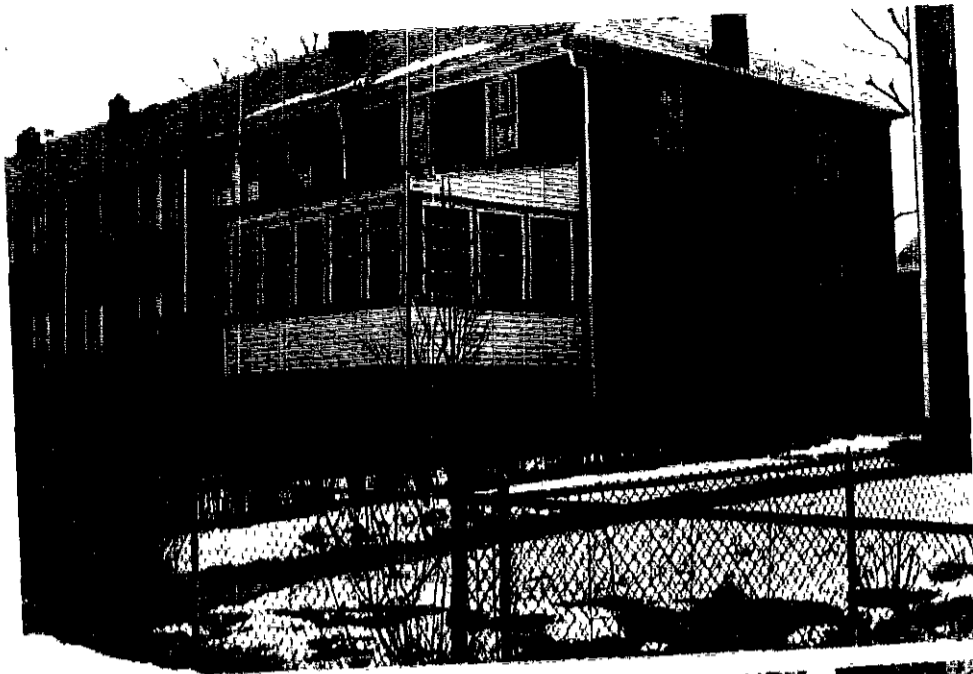


323 DUNKIRK
6"H"



311
DUNKIRK
6"I"

95-222-A



136
HOPKINS

6 "J"



211
HOPKINS

6 "K"



323
DUNDWICK

6 "L"

95-222-A



408
DUNKIRK
6 "N"



326 Hopkins
328 Hopkins
6 "N"



413 Hopkins
6 "O"

95-222-A



309
Hopkins
6 "P"



223
Hopkins
6 "Q"



157
Regester
6 "R"

MICROFILMED

95-222-A



215
OVERBROOK

6"V"



91
DUNKIRK

6"W"



124
OVERBROOK

6"X"

95-222-A



133
Hopkins

6 "y"



304
Dunkirk

6 "Z"

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Georgia King
(Property Owners)
218 Dunkirk Road
(Street Address)
Georgia King
(Signature)

**PETITIONER'S
EXHIBIT NO 7 A**

MICROFILMED

218

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

ROBERT W. KRAUSS

(Property Owners)

222 DUNKIRK RD.

(Street Address)

Robert W. Krauss

(Signature)

**PETITIONER'S
EXHIBIT 7 B**

218

Rodgers Forge
Resident Approval

I am aware of Deb and Ray Peroutka's plans to enclose the porch at the rear of their home at 220 Dunkirk Road and the anticipated request for zoning variance that will accompany those plans.

I have inspected the building plans and have no objection to the project.

Frances Doyle
Signature

224 Dunkirk Rd
Address

Comments (if any):

PETITIONER'S
EXHIBIT 74

Rodgers Forge
Resident Approval

I am aware of Deb and Ray Peroutka's plans to enclose the porch at the rear of their home at 220 Dunkirk Road and the anticipated request for zoning variance that will accompany those plans.

I have inspected the building plans and have no objection to the project.

W. E. Wood Jr.
Signature W. E. Wood Jr.

216 DUNKIRK ROAD
Address

Comments (if any):

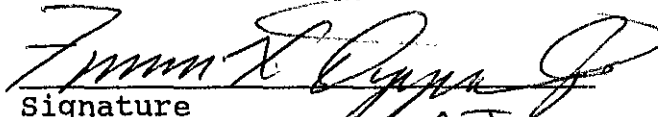
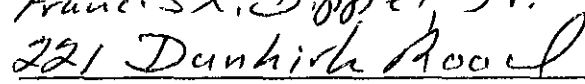
MY WIFE AND I BOTH FEEL THIS PROJECT IS
IN GOOD TASTE, AND CERTAINLY WILL NOT
DETRACT FROM THE ESTHETICS OF OUR
COMMUNITY.

PETITIONER'S
EXHIBIT 7 D

Rodgers Forge
Resident Approval

I am aware of Deb and Ray Peroutka's plans to enclose the porch at the rear of their home at 220 Dunkirk Road and the anticipated request for zoning variance that will accompany those plans.

I have inspected the building plans and have no objection to the project.


Signature
Francis X. DiDol Jr.

Address 21212

Comments (if any):

PETITIONER'S
EXHIBIT 7E

MICROFILMED

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Ann E. Dorn
(Property Owners)

217 Murdock Rd.
(Street Address)

Ann E. Dorn
(Signature)

**PETITIONER'S
EXHIBIT 7F**

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Charles W. Schaubert Jr
(Property Owners)

215 MURDOCK RD
(Street Address)

Charles W. Schaubert Jr
(Signature)

**PETITIONER'S
EXHIBIT 7G**

Rodgers Forge
Resident Approval

I am aware of Deb and Ray Peroutka's plans to enclose the porch at the rear of their home at 220 Dunkirk Road and the anticipated request for zoning variance that will accompany those plans.

I have inspected the building plans and have no objection to the project.

Ronald Naditch
Signature

207 MURDOCK ROAD
Address

Comments (if any):

PEROUTKA'S
EXHIBIT 7H

①
2/21/95

RODGERS FORGE COVENANTS CHALLENGED

For over sixty years, residents of Rodgers Forge have enjoyed the security of knowing that neighbors buying a house in the community have agreed, through the purchase of their house, to maintain their home in a manner consistent with its established character and appearance. This agreement is reflected in the "covenants". The covenants are, essentially, limits on the alterations that Rodgers Forge residents can make to their homes, and on the use of their property. Like the walls, roofs, lots, garages and physical attributes, the covenants were made part and parcel of each home in the Forge by its developer, James Keelty, Inc. By buying a home in this community, the purchaser agrees to abide by the covenants. As you know, from repeated reminders in the Newsletter, the community association has the task of monitoring compliance with the covenants, and many exterior types of alterations to your home must be approved by the association.

The covenants have now been challenged by our neighbors living at 220 Dunkirk Road, Raymond and Debra Peroutka. The Peroutkas have filed suit against our community association, claiming that the covenants in the Forge's oldest section (the section comprised of Hopkins, Dunkirk, Murdock Roads and Register Avenue, east of Pinehurst) expired in 1960, and are asking the court to declare that the covenants are no longer applicable to the Peroutkas' property. The Peroutkas, according to their complaint, desire to construct an enclosed addition to the back of their house, an alteration that under the covenants must be approved by the community association.

The association's Board of Governors carefully reviewed the Peroutkas' allegations with the association's attorneys, and decided to defend this suit vigorously. The litigation will likely be expensive. However, this litigation has importance far beyond a particular owner's desire to build an enclosed addition to his property. It challenges the ability of the community to enforce the covenants against any one of the owners in Rodgers Forge's oldest section, and ultimately the community's ability to preserve its character and to protect its value.

Future issues of the Newsletter will provide you with an update on the progress of this litigation, and significant developments.

MICROFILMED

**PROTESTANT'S
EXHIBIT NO. No 1**

Law Offices
MICHAEL P. TANCZYN, P.A.

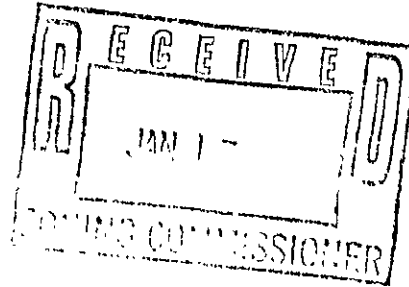
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

Protestant Exhibit
2

January 16, 1995

Honorable Timothy Kotroco
Deputy Zoning Commissioner
Old Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Case No. 95-104-A
323 Murdock Road



Dear Mr. Kotroco:

I know that the hearing has closed some time ago and that your Decision is imminent, if not made already.

I am writing to make you aware that as of December 23, 1994 the Rogers Forge Community Association, in settlement of other litigation, issued the enclosed letter for what is now Case No. 95-222-A indicating their approval of a larger structure with skylights to be added to the rear of a Rogers Forge townhome not far from the DeMallie's. As you can tell from the letter, Rogers Forge has no objection to the Variance and they have developed new architectural standards since their testimony before you.

We therefore submit this for your consideration.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosure

cc: Mr. J. Donald Gerding
Mr. & Mrs. Craig DeMallie

**PROTESTANTS
EXHIBIT NO. #2** *FD only*

33000000

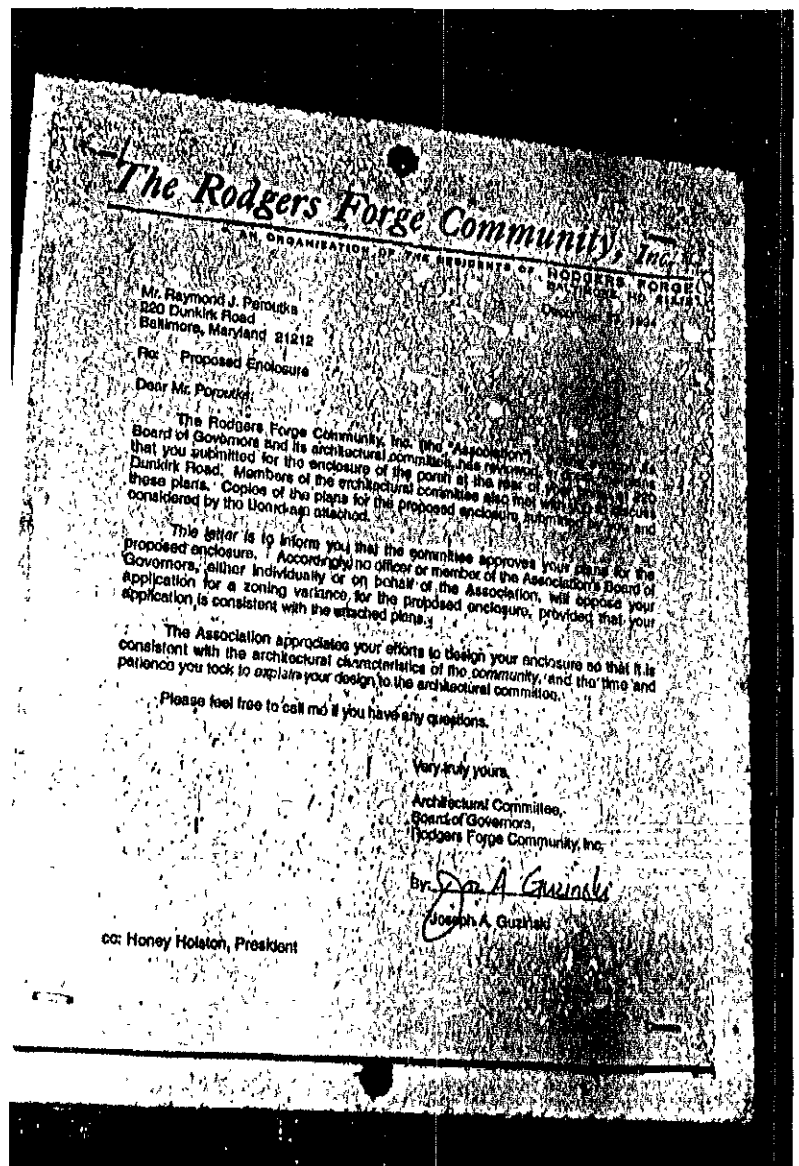
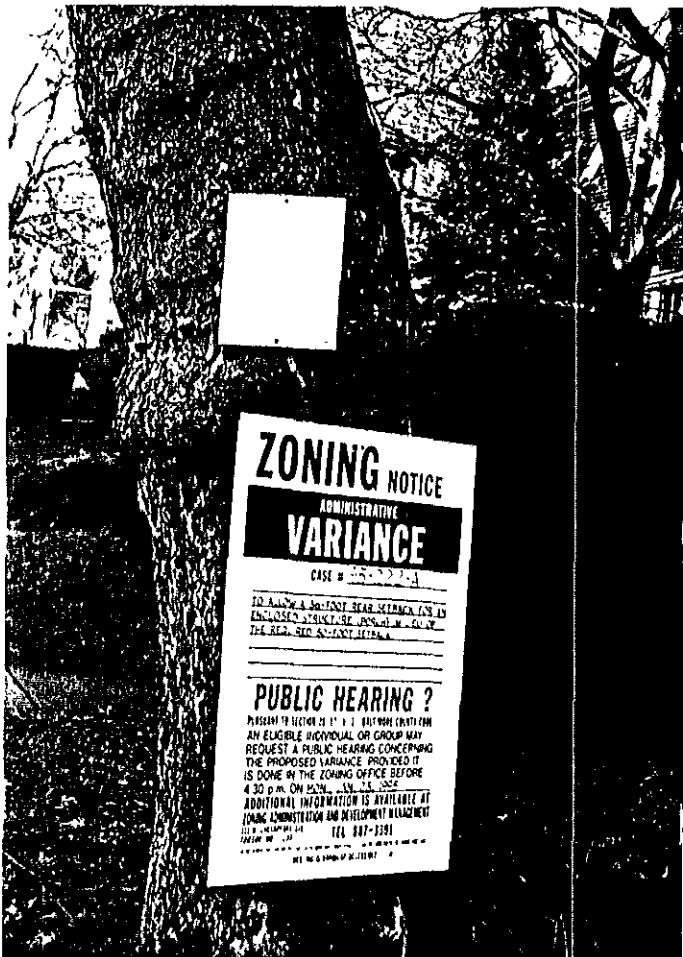
Protestants Exhibit 3

Posting of Zoning Notice.

Presented by Carol L. Zielke
February 21, 1995

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.



January 20, 1995

Prot No 4

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Ave.
Towson, MD. 21204

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.

Dear Mr. Jablon:

The undersigned residents/property owners of Rodgers Forge community are concerned about the request for the variance for rear yard setback at 220 Dunkirk Road. Above the posting is a letter from the Architectural Review Committee of the Rodgers Forge Community Association which approved this structure and which stated that the Architectural Review Committee and the Board of Governors would not oppose the owners in public hearing. We find it difficult to believe that such a large structure as this enclosed porch (20.5 feet by 10.8 feet) would not be opposed by the community association and the immediate neighbors. Its intrusion into the rear yard is no different from any other large three dimensional structure such as a room addition. It seems unwise to build such structures in a row house community where open space is already compromised by small lots and large accessory buildings such as garages.

This is not a formal request for a public hearing. However, if someone should request a public hearing, we would like to be informed by letter of the date, time and location of such hearing.

Signature	Address/Phone	Date
<i>Agnes Fredenburg Holan</i>	<i>71 Murdock Rd 21212</i>	<i>1-22-95</i>
<i>Gerard Holan</i>	<i>325 Murdock Rd 21212</i>	<i>1-22-95</i>
<i>Carol L. Zirkle</i>	<i>377-2169</i>	
<i>H. Donald Zirkle</i>	<i>324 Murdock Rd 21212</i>	
<i>Mary B. Buckhead</i>	<i>377-5254</i>	<i>1/22/95</i>
<i>M.B. Buckhead Jr</i>	<i>322 Murdock Rd 21212</i>	<i>1/22/95</i>
<i>J. Carroll Miller, Jr.</i>	<i>377-4592</i>	
<i>Kathleen J. Miller</i>	<i>331 MURDOCK RD 21212</i>	<i>1/22/95</i>
<i>Edmond J. Arment</i>	<i>377-8870</i>	
<i>Helen A. Arment</i>	<i>330 Murdock Rd 21212</i>	<i>1/22/95</i>
<i>Joseph C. Knell Jr.</i>	<i>377-7893</i>	
<i>Regina M. Knell</i>		

MICROFILM

January 20, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Ave.
Towson, MD. 21204

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.

Dear Mr. Jablon:

The undersigned residents/property owners of Rodgers Forge community are concerned about the request for the variance for rear yard setback at 220 Dunkirk Road. Above the posting is a letter from the Architectural Review Committee of the Rodgers Forge Community Association which approved this structure and which stated that the Architectural Review Committee and the Board of Governors would not oppose the owners in public hearing. We find it difficult to believe that such a large structure as this enclosed porch (20.5 feet by 10.8 feet) would not be opposed by the community association and the immediate neighbors. Its intrusion into the rear yard is no different from any other large three dimensional structure such as a room addition. It seems unwise to build such structures in a row house community where open space is already compromised by small lots and large accessory buildings such as garages.

This is not a formal request for a public hearing. However, if someone should request a public hearing, we would like to be informed by letter of the date, time and location of such hearing.

Signature	Address/Phone	Date
<u>Marina Jean O'Hara</u> Marina O'Hara	329 MUNDOCK RD 377-8640	1-21-95
<u>William A. Calou</u> SUSAN E. PROPERT	313 MUNDOCK RD 377-9411	1/21/95
<u>Stephani Miller</u> Paula Miller	225 Hopkins Rd. 225 Hopkins Rd	377-9813 377-9813
<u>Wayne Love</u>	313 HOPKINS RD	377-8744
<u>Debra Mitchell</u>	3121 Overbrook Rd	377-8448
<u>Tom Mitchell</u>	312 OVERBROOK RD	377-8448

January 20, 1995

Protestant #4
2/21

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Ave.
Towson, MD. 21204

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.

Dear Mr. Jablon:

The undersigned residents/property owners of Rodgers Forge community are concerned about the request for the variance for rear yard setback at 220 Dunkirk Road. Above the posting is a letter from the Architectural Review Committee of the Rodgers Forge Community Association which approved this structure and which stated that the Architectural Review Committee and the Board of Governors would not oppose the owners in public hearing. We find it difficult to believe that such a large structure as this enclosed porch (20.5 feet by 10.8 feet) would not be opposed by the community association and the immediate neighbors. Its intrusion into the rear yard is no different from any other large three dimensional structure such as a room addition. It seems unwise to build such structures in a row house community where open space is already compromised by small lots and large accessory buildings such as garages.

This is not a formal request for a public hearing. However, if someone should request a public hearing, we would like to be informed by letter of the date, time and location of such hearing.

	Signature	Legal Property Owners	Address/Phone	Date
1	<i>Margaret Miller</i>		205 Regester Ave 377-8384	1/22/95
2	<i>Nona Christensen</i>		222 Murdoch Rd 377-9384	1/22/95
3	<i>B. Christensen</i>		222 Murdoch Rd	1/22/95
4	<i>Thomas L. Kelly</i>		220 Murdoch Rd 377-5726	1/22/95
5	<i>Charles B. Palwest</i>		208 Murdoch 377-4117	1-22-95
6	<i>Katherine Renol Calvert</i>		208 Murdoch Rd 377-4117	1/22/95
7	<i>Tom S. Parks</i>		209 Murdoch Rd	1-22-95
8	<i>Harry A. Quinn</i>		221 Regester Ave	1/22/95

February 21, 1996

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, MD 21204

*Protestants
6A*

Attention Gwen Stephens:

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka and Debra J. Peroutka
Location: 220 Dunkirk Road
Regarding: Variance to allow 36 foot set back for an enclosed structure (porch) in lieu of required 50 feet.

Dear Zoning Commissioner:

I am writing to oppose the granting of the requested variance for rear yard setback at 220 Dunkirk Rd.

I feel that the construction of the proposed addition would seriously cut down on the air flow, and light available to the surrounding homes, and would also obstruct the view of neighbors. I feel that it is important to maintain the open spaces planned when the houses were constructed.

I feel that the addition would certainly impair the ability to participate in the Neighborhood Watch Program by observing neighbors property when owners are away.

I also feel that with only two children, they have ample living and storage space on the 4 floors of the house, plus the garage.

I have lived in a similar size house (5 bedrooms) for more than 25 years, and comfortably raised 4 children (as did 2 previous owners of my house) in the space provided by original design of the house.

I urge you to deny the request for a setback variance.

Very truly yours,

Katherine Reno Calvert

Katherine Reno Calvert
208 Murdock Road
Baltimore, MD 21212
(410) 377-4117

Protestants
GB

Mr Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building Room 109
111 West Chesapeake Avenue
Towson, Md 21204

Dear Sir,

I write to oppose the requested 36 foot set back variance, for an enclosed structure, at 220 Sunkirk Road in Rodgers Forge

The proposed "porch" is another attempt to make a town house development home, into something it was not intended to be. The property does not sit on a half acre lot which would allow such expansion without intrusion into the air and light rights of neighbors and the community.

We have lived in a similar end of the row home in this community for twenty-five years without a barn type addition and without suffering any practical difficulty or unreasonable hardship. We have raised 3 children at 522 Murdock Rd.

The purpose of the set back requirements set in 1955 by Baltimore County was to preserve the rear yard open space of the Rodgers Forge Community in order to protect the "health, safety, and general welfare" of the residents. These goals are as valid if not more so in 1995. Please reject this variance request

Sincerely,
J. Carroll Miller Jr.

Proterlets

Mr. Arnold Jablon, Director
Young Administration & Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Young Commissioners:

I am writing to oppose the variance to allow a 36 ft. set back for an enclosed structure at 220 Dunkirk Road.

I have raised six children in an end town home similar to this one and have not suffered any difficulty or unreasonable hardship.

To build such a structure would effect the health, safety and general welfare of the families living in the area.

These homes do not have the average of an individual home has and anyone moving in this area should realize this fact.

I object to this variance request.
Harry A. Dummer 321 Reyster Ave

MICROFILMED

February 21, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Peroutka
GD

Attention Gwen Stephens:

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka and Debra J. Peroutka
Location: 220 Dunkirk Road
Regarding: Variance to allow 36 foot set back for an enclosed structure (porch) in lieu of required 50 feet.

Dear Zoning Commissioner:

I am opposed the granting of the requested variance for rear yard setback at 220 Dunkirk Rd.

I have lived at 209 Murdock Road for more than 50 years since my childhood, and have raised three children in my three bedroom house. We had/have adequate space to meet our living and social needs.

I feel that it is important to maintain the open spaces planned when the houses were constructed. I feel that the proposed addition would seriously cut down on the air flow, and light available to the surrounding homes, and would obstruct the view of neighbors.

I feel that the addition would greatly impinge the ability of neighbors to participate in the Neighborhood Watch Program in observing other neighbors property when owners are away.

I also feel that with only two children, the Peroutka's have ample living and storage space on the 4 floors of their house (larger than mine), with additional space in their garage.

I urge you to deny the request for a setback variance.

Very truly yours,

John S. Parks
John S. Parks
209 Murdock Road
Baltimore, MD 21212
(410) 377-6812

Joseph A. Knell, Jr.
330 Murdock Road
Baltimore, Maryland 21212

Case Number: 95-222-A (Item 218)
Property Owners: R.J Peroutka & D.J. Peroutka
Location: 220 Dunkirk Road
Regarding: Variance

Peroutka
6 E

February 14, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Attention: Gwen Stephens

Dear Zoning Commissioner:

This letter is to express my opposition to the granting of the Variance requested in the above referenced case.

I have been a resident of Rodgers Forge for over 25 years. I chose this neighborhood because of its well constructed houses, strict covenants, and zoning regulations. It disturbs me that some property owners do not wish to live by the rules and attempt to circumvent them by devious means. This was brought to my attention by seeing a Public Hearing notice concerning a requested Variance posted on the above property after construction of this project had already begun.

I raised 5 children in my house which is the same size as the above property. Therefore I know that additional living space is not needed by a property owner with only 2 children.

The construction of "add-ons" to the large houses on small lots in Rodgers Forge is unsafe and unsightly. It deprives their neighbors of air, sunlight and views which was not the original plan and should not be allowed. This construction may increase the property value of that particular house, but it decreases the value of surrounding property.

I urge you, please do not grant the Variance requested in the above referenced case.

Sincerely

Joseph A. Knell, Jr.

Protestants,
Exhibit # 7
2/21/95

February 17, 1995

TO WHOM IT MAY CONCERN

The Board of Governors has resolved its differences with Mr. and Mrs. Peroutka concern a lawsuit the Peroutkas filed in the Circuit Court for Baltimore County. One of the conditions in resolving this suit was that neither the Board of Governors nor any member of the Board would either personally or on behalf of the Board actively oppose or actively encourage opposition to the Peroutkas application to Baltimore County for a zoning variance. Also, neither the Board nor any member of the Board will actively support or actively encourage approval of the variance. The Board of Governors and its members will allow the zoning commissioner to make its determination on the zoning issue without any opposition or support from the Board of RFCI.

LAW OFFICES
MONTEDONICO, HAMILTON & ALTMAN, P.C.

JOSEPH MONTEDONICO (D. C., MD.)
STEVEN A. HAMILTON (D. C., MD.)
JOHN L. RIDGE, JR. (D. C., MD.)
STEPHEN L. ALTMAN (D. C., VA., IL.)
FRANCIS X. CANALE (D. C., MD.)
WILLIAM JOHN HICKEY (D. C., MD., MA.)
JOHN J. DILLON (D. C., MD.)
KENNETH G. ROTH (D. C., VA.)
ALFRED F. BELCUORE (D. C., MD.)
JOSEPH C. VETTH, III (D. C., VA.)
MELVIN R. WRIGHT (D. C.)
DAVID O. GODWIN, JR. (D. C., MD.)
DENNIS R. CARLUZZO (D. C., VA., N.J.)
PATRICIA M. TAZZARA (D. C.)

MICHAEL B. MCGOVERN (D. C., MD.)

5301 WISCONSIN AVENUE, N. W.
CHEVY CHASE PLAZA, SUITE 400
WASHINGTON, D. C. 20015
(202) 364-1434
FAX (202) 364-1544
(202) 364-1545

OFFICES IN

FAIRFAX, VIRGINIA
ROCKVILLE, MARYLAND

FREDERICK, MARYLAND
RICHMOND, VIRGINIA

SCOTT D. AUSTIN (D. C., MD.)
VICKI J. HUNT (VA., D. C.)
DENISE ADAMS HILL (D. C., MD., PA.)
LINWOOD L. RAYFORD, III (D. C., PA.)
TIMOTHY S. MENTER (D. C., CAL.)
ANDREW J. SPENCE (D. C., MD.)
THOMAS RAMSAY MOOERS (D. C., MD., PA.)
THOMAS C. MUGAVERO (D. C., VA.)
CAROL A. ALEXANDER (D. C., MD.)
BRUCE A. LEVINE (D. C., VA.)
KAREN Y. ROBERTS (D. C., PA.)
ELISA A. EISENBERG (D. C., MD.)
KATHLEEN BLAKE ASDORIAN (D. C., PA.)
KATHRYN A. K. UNTIEDT (VA.)
DEBRA E. POSIN (MD.)
BRENDA B. ESMOND (VA., MD., D. C.)

February 17, 1995

BY FEDERAL EXPRESS

Mr. Don Gerding
Rodgers Forge Community, Inc.
335 Old Trial Road
Baltimore, Maryland 21212

Re: Raymond J. Peroutka, Jr. and Debra J. Peroutka vs.
Rodgers Forge Community, Inc.

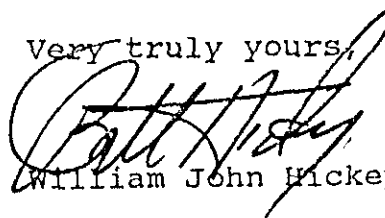
Dear Don:

Pursuant to our recent conversations, I am enclosing for you and the Board an original and two copies of the Settlement Agreement and General Mutual Release which has been signed by Mr. Peroutka. Please have the president of the Board sign the agreement and send it back to me. Also I have received a Line of Dismissal which I will send to Mr. Peroutka's attorney upon the receipt of the executed agreement. Upon the filing of the Line of Dismissal, the case will be dismissed and Mr. and Mrs. Peroutka cannot bring it back again.

Also per your request I have attached a "To Whom It May Concern" note regarding what may be said to any home owner about the settlement of this case.

If you have any questions, please call me.

Very truly yours,


William John Hickey

WJH:ch

Enclosure

cc: Ms. Kim Porter w/encl.

2/21/95

PROTESTANTS EXHIBIT #10

Case Number: 95-222-A

SUMMARY OF ALTERATIONS TO HOMES IN THE OLD SECTION OF RODGERS FORGE HOMES BETWEEN PINEHURST AND YORK ROAD

STREET	TOTAL HOMES	ENCLOSED PORCH/ ADDITION	ENCLOSED PORCH (5'x 8') OR SMALL ADDITION
		(ROOM SIZE)	
DUMBARTON ROAD (ODD #s)	44	2	NONE
REGISTER AVENUE	92	0 + 1 ^a	0 + 1 ^b
MURDOCK ROAD	92	1	8 + 1 ^b
DUNKIRK ROAD	92	5 + 4^a	8 + 2^b
HOPKINS ROAD	92	1 + 1 ^a	6 + 2 ^c
TOTAL	412	9 + 6^a	22 + 4^b + 2^c
	(% OF TOTAL)	3.6%	6.7%

^aFull width screened porch

^bSmall addition

^cScreened porch

Overbrook Road (89 homes) which is part of East Rodgers Forge was omitted from these figures because it remains under covenants.

Most of the large structures are concentrated on Dunkirk Road. The small enclosed porches are about equally divided between Hopkins, Dunkirk and Murdock Roads.

The above survey was made on February 3-15, 1995 and is documented with photographs taken at that time.

MICROFILMED



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

John P. King
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B083784 CONTROL #: MR DIST: 09 PREC: 04
DATE ISSUED: 02/28/91 TAX ACCOUNT #: 0903470510 CLASS: 04

PLANS: CONST PLOT 1 - R PLAT - DATA ELEC NO PLUM NO
LOCATION: 208 REGISTER AVE
SUBDIVISION: RODGERS FORGE

OWNERS INFORMATION
NAME: ELIA, JERRY & MARIA
ADDR: 208 REGISTER AVE BALTO, MD 21212

TENANT:
CONTR: DECKCRAFT
ENGR:
SELLR:

WORK: REMOVE EXISTING DECK ON REAR OF SFTH AND
REPLACE WITH SCREENED IN PORCH. 16 X 10 X
4 = 160SF. WILL COMPLY WITH CODE MEMO #1.

BLDG. CODE: BOCA CODE OWNERSHIP: PRIVATELY OWNED
RESIDENTIAL CATEGORY: TOWNHOUSE

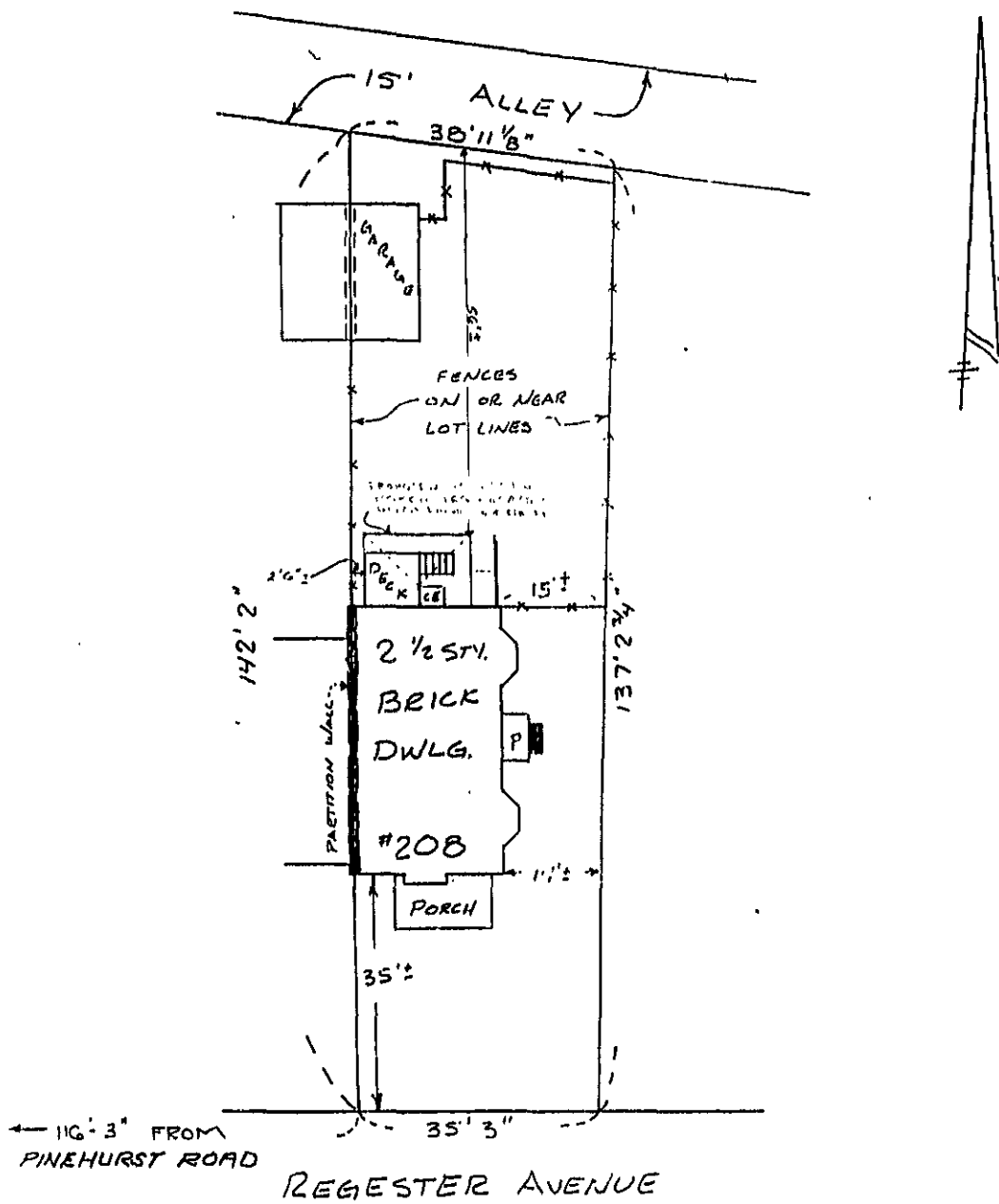
ESTIMATED \$ 10,872 PROPOSED USE: SFTH & PORCH
EXISTING USE: SFTH

TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 035/038X137/142
FRONT STREET
SIDE STREET
FRONT SETB: NO
SIDE SETB: NO/15
SIDE STR SETB:
REAR SETB: 5'

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES



HOUSE LOCATION
 #208 REGISTER AVE
 REF: E.H.K. Jr. 6953-463
 BALTIMORE COUNTY
 MARYLAND

I HAVE SURVEYED THE ABOVE PLATTED PROPERTY FOR THE PURPOSE OF LOCATING THE BUILDINGS AS SHOWN HEREON

William B. Ulrich

THE INFORMATION ON THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS INDICATED THEREON ARE CONTAINED WITHIN THE OUTLINE OF THE LOT UPON WHICH THEY ARE

(ELIAS)

SCALE: 1" = 20' DATE: 11-18-82

GERHOLD, CROSS & ETZEL
 Registered Professional Land Surveyors
 412 Delaware Avenue
 TOWSON, MARYLAND 21284



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES

TOWSON, MARYLAND 21204

John R. Reing
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B077819 CONTROL #: MR DIST 09 PRFC 03
DATE ISSUED 11/30/90 TAX ACCOUNT #: 0916600140 CLASS 04

PLANS CONST 0 PLOT 1 R PLAT 0 DATA 0 ELEC NO PLUM NO
LOCATION 419 MURDOCK RD
SUBDIVISION RODGERS FORGE

OWNERS INFORMATION

NAME HOOPER, JOHN & MARY
ADDR 419 MURDOCK RD 21212

TENANT

CONTR GERI AK CONSTRUCTION

ENGR

SELLR

WORK

ENCLOS. EXISTING REAR PORCH W/WOOD FRAME &
WINDOWS ON SEMI-DET DWELLING. ROOF EXISTING
FOOTERS REQ'D. TO BE USED AS SUNROOM.
8'X5'X15'=400 SF

BLDG. CODE BOCA CODE

RESIDENTIAL CATEGORY: SEMI-DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED \$ PROPOSED USE: SEMI-DET & ADDITION
2,500.00 EXISTING USE: SEMI-DET

TYPE OF IMPRV: ADDITION

USE:

FOUNDATION: CONCRETE

BASEMENT NONE

SEWAGE PUBLIC EXIST

WATER PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 037/037X110/110

FRONT STREET:

SIDE STREET:

FRONT SETB: NC

SIDE SETB: NC/3

SIDE STR SETB:

REAR SETB: 30

PLOT PLAN

B077819

Application No.

OWNER Tom Hooper

ADDRESS 419 Murdock Rd

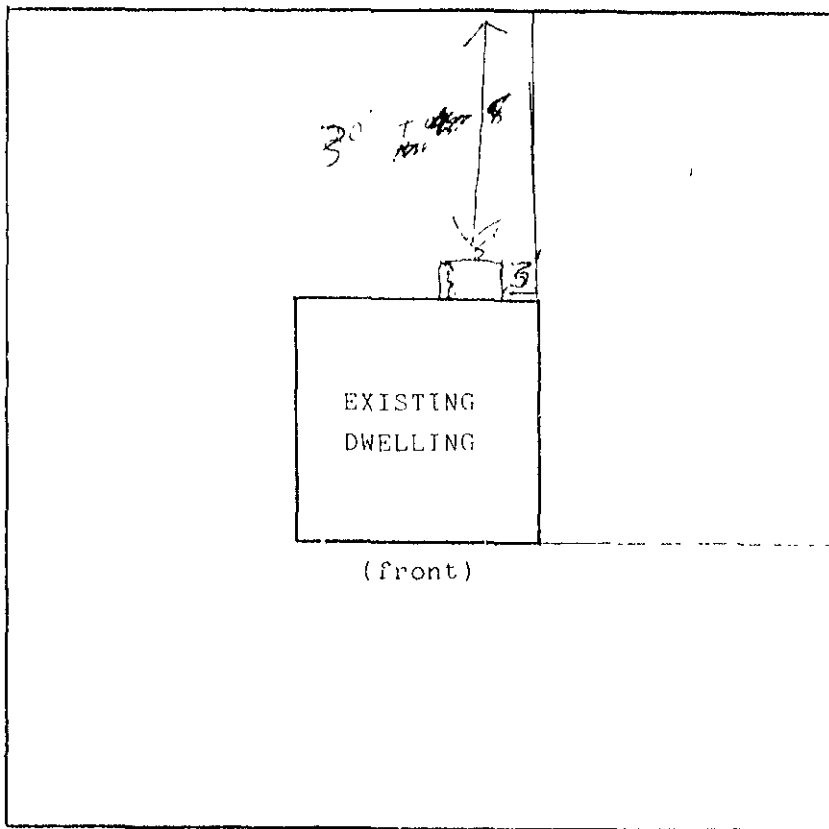
PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

front yard setback N/C Left side setback N/C
 Rear yard setback 20' + 10' Right side setback N/C

NOTE: 1. If a fence is to be closer than 2 feet to any existing fence or wall, adequate access must be provided for maintenance

2. Cannot fence access easements.



ROAD NAME 419 Murdock

Protestants Exhibit 13

**Impact of Proposed Enclosed Porch on
Appearance of the Property at 220 Dunkirk Road.**

Presented by Carol L. Zielke
February 21, 1995

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch)
in lieu of the required 50 foot setback in a DR 10.5 zone.





2000

Rodgers Forge Newsletter

Protestant Exhibit # 5

Official Publication of
The Rodgers Forge Community, Inc.

Vol. 16 No. 1

Baltimore, Maryland 21212

January, 1994

PRESIDENT'S MESSAGE

As I write this message for the first month of the New Year, it is early December and the *Newsletter* for December should have been delivered to each house. The topic addressed in the December *Newsletter* was our covenants in the Forge, and yet again I find that in January this most vital issue to the neighborhood must once more be addressed.

During the past few days, I have been inundated with phone calls and letters concerning sheds put up in backyards and high fences erected. The residents who have called and written have been dismayed, angered and, in some cases, embittered, that people are making exterior alterations to their houses without (in some cases) even bothering to fill out an Alteration Form (found in the front of our Rodgers Forge directory). Many of the complainants feel that they have observed strict adherence to the covenants. Why, they wonder, isn't everyone held to strict accountability in adherence to the covenants? Don't those in violation care about what their alterations do to their neighbors? Whatever we do will have an impact on our neighbors. Does erecting a six-foot fence block a neighbor's access to the breezes in summer? Will my other neighbors, whose garden is so lovely in the spring, lose sunlight because of my high fence?

In fact, regardless of whether something would or would not be a violation of the covenants, we should think carefully about how what we build will affect all of our neighbors. If the effect on others will be deleterious, perhaps the neighborly way would be to rethink our plans.

Each homeowner should have been given a set of the covenants at the time of settlement. Please read them—they are actually very interesting reading. If you were not given the covenants at your settlement, ask for them from your title company.

The majority of people who buy houses in Rodgers Forge do so because of the covenants. They want enforcement of the covenants, knowing only strict enforcement will retain the integrity of Rodgers Forge and the value of their houses.

May the New Year bring health and contentment to you all.

Honey Holston
Honey Holston
President

RFCA Food, Household and Craft Supply Drive

DATE: Saturday, January 8, 1994

TIME: 10:00-11:30 a.m.

PLACE: Rodgers Forge Elementary Parking Lot

ITEMS: Non-perishable food, cleaning supplies, crafts items, linens, etc.

Happy New Year!

BLOCK CAPTAIN MEETING HELD

by Jane Bayer

On November 15, 1993, a meeting was held for all interested block captains to review their basic responsibilities, to discuss ways to improve the system and to brainstorm on new ideas to increase community spirit and input.

I was thrilled to have 17 block captains from all over the Forge attend the meeting. After a welcome and introduction of all block captains, the responsibilities were reviewed.

- Deliver annual directory and dues invoice. (It is strongly encouraged that block captains collect dues.)
- Deliver emergency flyers • Volunteer at least one hour at the Rodgers Forge Picnic in June
- Welcome new neighbors

It was proposed that a telephone chain be set up for the block captains in the event information needs to be passed around quickly.

A fun way of maintaining community spirit and getting to know your neighbors is to organize a block party. Several block captains in attendance had organized such an event. Suggestions include: picnics, ice cream socials and pot luck dinners. The alleys can be blocked off for the activities but a Baltimore County permit is required. If you are interested, please write to Mr. C. Richard Moore, Chief of Highways and Traffic Operations at 111 West Chesapeake Avenue, Towson, 21204 (mail stop 1003). You must specify the day, time, section of alley to be shut down and a rain date, if there is one.

Welcoming new neighbors is a most positive way of introducing people to our community. Lizzie Huisler and Pat Meenan have put together a Hospitality Services packet that can be handed out to new neighbors with the directory. The packet includes information on the association, dues, covenants, schools, churches, shopping, security and neighborhood concerns. Each block captain will receive several of these packets each year to deliver as our new neighbors arrive!

I would like to thank all of the block captains who attended and all of the block captains for their hard work and dedication to the Forge. I am always interested in hearing from all block captains.

RODGERS FORGE DUES RESULTS

(as of 12/07/93)

Location	TOTAL UNITS	RESULTS NO.	%
Brandon Road	124	54	44
Chumleigh Road	15	7	47
Dumbarton Road	119	54	45
Dunkirk Road	215	95	44
Glen Argyle Road	21	14	67
Heathfield Road	81	34	42
Hopkins Road	148	67	45
Lanark Court	36	19	53
Murdock Road	238	108	45
Old Trail	101	51	50
Overbrook Road	119	63	53
Pinehurst Road	14	6	43
Register Avenue	187	75	40
Rodgers Court	24	19	79
Stanmore Court	20	5	25
Stanmore Road	211	87	41
Stevenson Lane	88	43	49
York Road	18	14	78
Total Homes	1779	815	46
Stevenson Lane Apts.	115	6	5
Rodgers Forge Apts.	507	40	8
Total Apartments	622	46	7
Community Total	2401	861	36

ALTERATION REMINDER

The Board of Governors meets the second Wednesday of every month. Requests for alterations are considered at this time. To expedite the process, please submit forms by the first of the month to any of the following committee members: Jane Bayer, Honey Holston, and Debra Mitchell. The completed form and accompanying information may also be mailed to Architectural Committee,

RFCA
P.O. Box 4631
Baltimore, MD 21212-0631.

PAPER PICK-UPS

January 12

January 26

Rodgers Forge Newsletter

Official Publication of

The Rodgers Forge Community, Inc.

Vol. 16, No. 4

Baltimore, Maryland 21212

April, 1994

PRESIDENT'S MESSAGE

The calendar has kept its promise and delivered April to us, the first full month of Spring. The icy winter is behind us and more and more residents of Rodgers Forge are walking, running and jogging through our community. Please drive carefully and slowly on our roads.

Homeowners are beginning to think of the outside of their residences and assess the damage done by winter's many ice storms. Please remember that any alterations to the exterior of our houses must be in compliance with our covenants. The covenant restrictions are in effect in all of Rodgers Forge. They were promulgated by the developer, James Keelty, many years ago, and are still valid and enforceable. The covenants were not capriciously written, but were written to insure that the covenants would help to hold the entire community to the same standards, thus ensuring that the Forge would not become a hodge-podge of houses, each bearing little or no resemblance to the house adjoining it. I believe that adherence to the covenants is important in our neighborhood because the very proximity to other houses makes any deviation from the norm more outstanding. This is often a jarring, discordant note in the harmony of a group of homes.

Before any changes to the exterior of your house, whether a fence, fresh paint or a new deck to the rear of the home, an alteration form must be given to the Board. To not submit a form is to not think of one's neighbors. What we do to the exterior of our homes ultimately affects all of our neighborhood.

The Baltimore County Police are working to reduce car thefts in our community and assure us that this is a problem not limited to Rodgers Forge. Other communities have also been the target of car thieves. Please take the precautions that were listed in the flyer distributed with the last NEWSLETTER.

You are invited to come see the Easter Bunny at the Tot Lot on Saturday morning, April 2nd. He will be giving to community children his usual rabbit largesse of Easter eggs. Come and visit with your neighbors and welcome spring to Rodgers Forge. The Board wishes each of you a very Happy Easter!

Honey Holston

Honey Holston
President

Helpful Tips From Your Baltimore County Police Department

OFFICER JOHN REGINALDI, Community Relations Officer for the Baltimore County Police Department, has provided us with some advice to prevent auto thefts:

- Park in well-lit areas.
- Lock your car with windows up.
- Never leave your car with the keys in the ignition, even if it is to run into the local convenience store to get a cup of coffee or a newspaper.
- Install an alarm system or kill switch.
- Do not keep valuables where they can be seen (i.e., personal belongings, C.B., radar detector, etc.). Lock all valuables in the trunk.
- Install tapered door locks.
- Park in heavily traveled areas.
- Do not hide spare keys on or near the car. They will be found.
- Never leave your name and address on your key ring. If you lose it, a thief may visit your home.
- Install an auto lock device that is locked around the steering wheel and/or is secured to the brake. ("The Club" can be purchased from most auto parts stores.)
- Keep your license and registration with you, not in your car.
- Memorize your tag and check it often. If either tag is stolen, report it immediately by calling 911.
- Be aware of suspicious characters loitering in parking lots, looking in cars, trying locks on parked cars, or just sitting in a car for a prolonged period of time.
- If you see anything suspicious, report it immediately by calling 911.

Marking a "Snow Space" for Parking on Public Street Is Illegal

Officer Rinaldi also provided us with Section 21-10 of the Baltimore County Code, pertaining to the "markers" used to designate owners' parking spaces during the recent snows.

Sec. 21-10. Obstruction of streets, etc.; destruction or removal of construction signs; obstructing railroad grade crossings by common carriers.

Any person placing any obstruction upon any of the public highways, roads, bridges, streets, avenues, lanes, or alleys of the county or interfering or obstructing the side ditches or drains thereof or encroaching upon the same with fences or other obstructions or in any other manner or any person destroying or removing barricades or signs from the same during the course of construction or causing injury or damage to the same while under construction or any person or corporation, its agents, or employees, exercising the business of a common carrier, permitting obstruction of any crossing for a period more than ten (10) minutes shall be guilty of a misdemeanor, punishable by a fine not to exceed one hundred dollars (\$100.00) for each offense.
(Code 1978, § 17-10).

ANNUAL PICNIC • SAT., JUNE 11 • 11 A.M.-2 P.M.
Join us for fun, food and a festive time! See page 2 for more picnic plans.

RFCFA Food, Household and Craft Supply Drive

DATE: Saturday, April 9
TIME: 10:00 - 11:00 a.m.
PLACE: Rodgers Forge Elementary School Parking Lot
ITEMS: Linens and towels would be greatly appreciated, along with other items

ALTERATION REMINDER

The Board of Governors meets the second Wednesday of every month. Requests for alterations are considered at this time. To expedite this process, please submit forms by the first of the month to any of the following committee members: Jane Bayer, Honey Holston, and Debra Mitchell. The completed form and accompanying information may also be mailed to: Architectural Committee, RFCFA, P.O. Box 4631, Baltimore, MD 21212-0631.

**PAPER
PICK-UPS**

**April 6
April 20**

RODGERS FORGE



1994-95

Published by
The Rodgers Forge Community, Inc.

**DON'T FORGET TO RENEW
YOUR MEMBERSHIP IN
THE RODGERS FORGE COMMUNITY, INC.
FOR ONLY \$10.00 PER YEAR**

**JOIN NOW
KEEP OUR COMMUNITY STRONG!**

***YOUR DUES PROVIDE THESE SERVICES:
SPECIAL EVENTS***

**COMMUNITY PICNIC AND THE RODGERS FORGE FLASH IN JUNE,
COMMUNITY SPONSORED CHILDREN'S PARTIES AT HALLOWEEN &
CHRISTMAS AND AN ART SHOW IN THE FALL.**

SPECIAL PROJECTS

**THE PLANTING OF DOZENS OF TREES BY THE 'GREENING OF RODGERS
FORGE COMMITTEE'. TOT LOT IMPROVEMENTS. LANDSCAPING AND
MAINTENANCE IN AREAS SUCH AS THE CORNER OF DUMBARTON ROAD
AND STEVENSON LANE AND THE TRIANGLE AT BLENHEIM AND
HOPKINS ROADS.**

IMPORTANT COMMUNITY CONCERNS

**COMMUNITY ASSOCIATION SPECIAL COMMITTEES ADDRESS ISSUES
SUCH AS CRIME PREVENTION AND TRAFFIC SAFETY, COVENANTS
ENFORCEMENT (MAINTAINING THE ARCHITECTURAL UNIFORMITY
WHICH ENHANCES THE PROPERTY VALUES OF OUR COMMUNITY), AND
GREATER COMMUNITY AND ZONING ISSUES WHICH IMPACT OUR
STANDARD OF LIVING.**

***PLEASE SUPPORT THE EFFORTS OF THE
RODGERS FORGE COMMUNITY
ASSOCIATION INC..***

Rodgers Forge Board of Governors 1994 - 1995

— OFFICERS —

President: Honey Holston
Vice-President: Janice Moore
Secretary: Lizzy Heuisler
Treasurer: Keith Persinger

BOARD OF GOVERNORS 1994-95

BOARD MEMBER	ADDRESS	PHONE (H)
BAYER, Jane	211 Overbrook Road	377-6258
DUVALL, Jean	227 Murdock Road	377-4541
FALATKO, Florence	138 Hopkins Road	377-7421
FRANCIOLI, Carl	7110 York Road	321-4869
GERDING, Don	335 Old Trail Road	825-0894
GILES, Joseph	122 Overbrook Road	377-0480
GUZINSKI, Joe	210 Dunkirk Road	377-7138
HABENICHT, Matthew	85 Murdock Road	377-2804
HEUISLER, Lizzy	108 Brandon Road	823-5246
HOECKEL, David	215 Overbrook Road	377-3360
HOLSTON, Honey	94 Dunkirk Road	377-4062
LACY, John	280 Stanmore Road	821-7456
LODDER, Herb	101 Stanmore Road	296-5737
MOORE, Janice	138 Dumbarton Road	583-9543
PALUMBO, Frank	318 Overbrook Road	377-9169
PERSINGER, Keith	368 Old Trail Road	296-4368
RODDY, Kevin	27 Dunkirk Road	377-7803
RUNGE, John	317 Regester Ave.	377-5552
SOUTH, Tony	311 Stevenson La.	821-6694
SWOBODA, Ed	420 Dunkirk Road	377-2533
SWOBODA, Norman	302 Hopkins Road	377-9719
VONA, Barbara	117 Regester Ave.	377-6832
PETER, Sheila	6436 Blenheim Road	377-6869

Newsletter Editor

Nothing solves community grievances quicker than a friendly, honest talk with your neighbor or neighbors.

REMEMBER, GOOD NEIGHBORS KEEP GOOD NEIGHBORS

Please Patronize Our Advertisers When You Can

ARCHITECTURAL STANDARDS

Each Rodgers Forge property owner is governed in the use of his or her property by the restrictive covenants applicable in the community. The purpose of the covenants is to preserve the architectural uniformity which exists in the community, which, in turn, enhances property values. The Board of Governors is under an obligation to see that these restrictions are fairly and uniformly enforced. To that end, the Board reviews any and all requests for alterations to the exterior of homes in Rodgers Forge. It is the responsibility of the homeowner to request approval from the Board for any changes to the exterior of the property. The Board follows established procedures for reviewing alteration requests. The Board has compiled the following list of the most frequently requested alterations, accompanied by some of the standards applied in evaluating the requests. The standards listed are not intended to cover all situations but represent the predominant architectural features throughout the community.

Fences

- No front yard fences
- Must meet Board and County standards, regulations, and materials
- Permitted between yards and adjacent to alleys
- May not extend beyond a lien even with front wall of house

Decks

- Must meet Board and County regulations regarding setbacks, height, width, depth, and materials used
- Allowed only in rear of house

Patios

- Must be brick or masonry
- Must be even with the ground
- Rear yard only

Windows and Doors

- Must include six over six mullions or cross-hatching
- Mullions must match exterior trim color or must be white
- Must be in keeping with original neighborhood design

Paint - Trim - Shutters

- Exterior traditional Williamsburg colors

Awnings

- Canvas
- Solid green or solid brick color
- Winter cover of solid green or solid brick

Roofing

- Slate or asphalt which replicates existing slate roof

Sidewalks and Porches

- Must replicate the original

Lawn Ornaments

- Not allowed in front yard

Mention the Directory When You Buy From an Advertiser.

Protestants Exhibit 8

**Full Width Enclosed Porches/Additions or
Screened Porches in East Rodgers Forge**

Presented by Carol L. Zielke
February 21, 1995

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

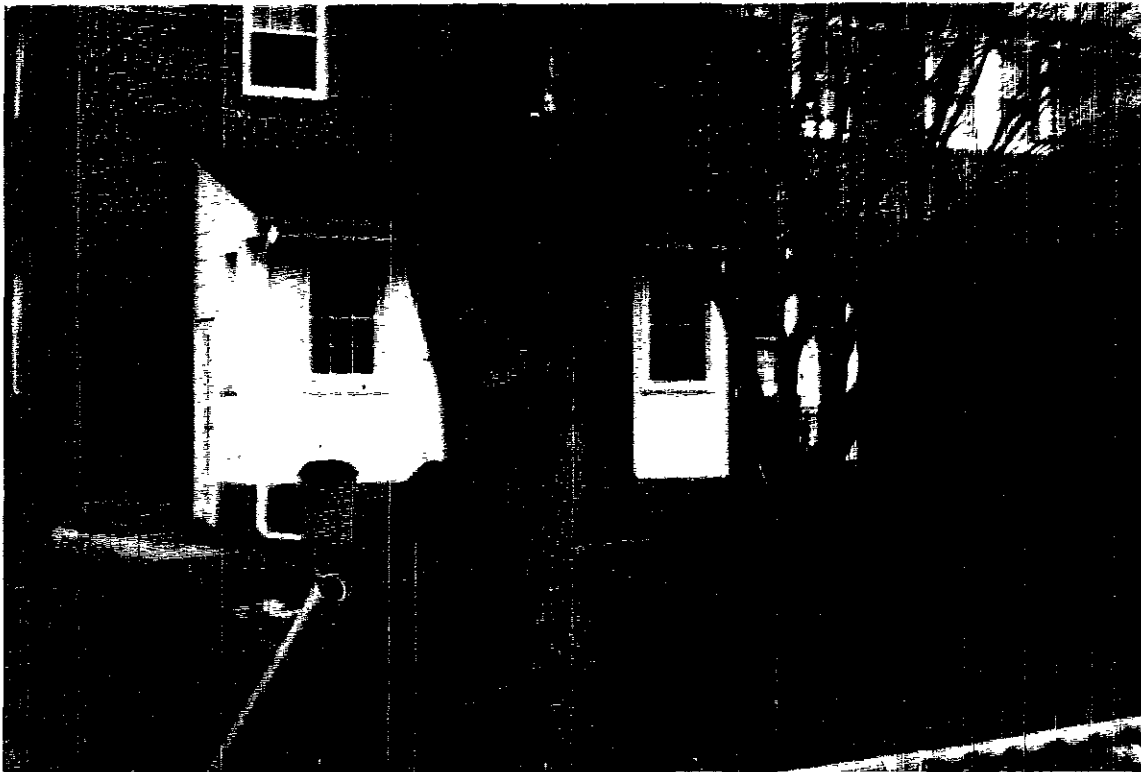
RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch)
in lieu of the required 50 foot setback in a DR 10.5 zone.

Total number of enclosed porches/additions =	9
Total number of screened porches =	6
Total =	15

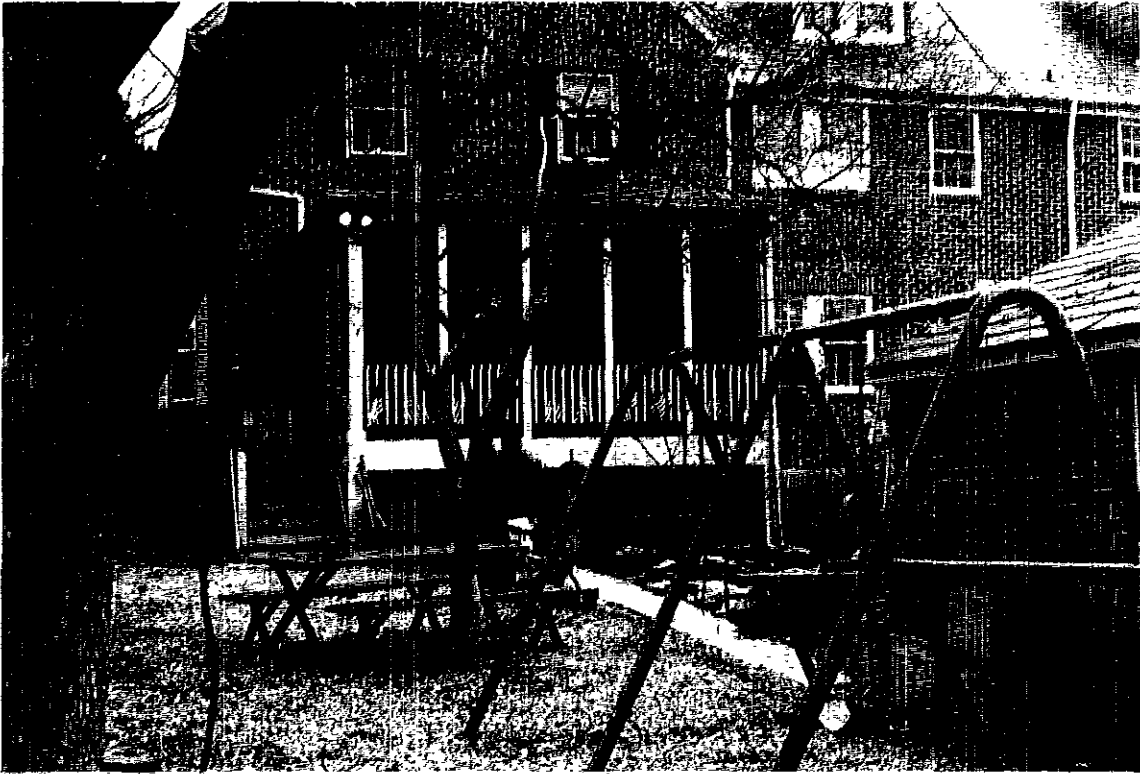
Handwritten signature or initials



419 Dumbarton
Road



411 Dumbarton
Road



208 Regester
Avenue



418 Murdock
Road



421 Dunkirk
Road



412 Dunkirk
Road





408 Dunkirk
Road



406 Dunkirk
Road





**405 Dunkirk
Road**



**331 and 329
Dunkirk Road**



**310 Dunkirk
Road**



**220 Dunkirk
Road**





**309 Hopkins
Road**



**211 Hopkins
Road**

Protestants Exhibit 9

The Small Enclosed Porches (5'x8') in East Rodgers Forge

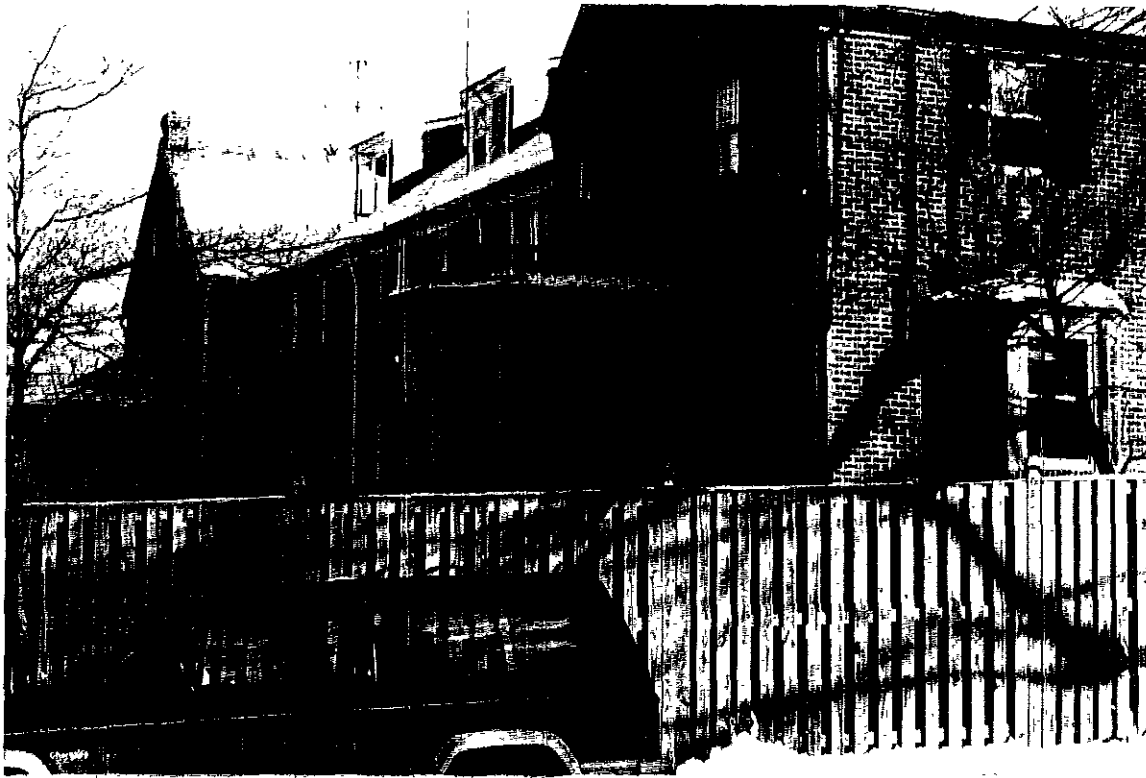
Presented by Carol L. Zielke
February 21, 1995

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.

Total number of 5'x8' enclosed porches =	22
Total number of 1/2 width enclosed porches =	4
Total number of 5'x8' screened porches =	2
Total =	28

[Faint signature]



200 Register Avenue



419 Murdock Road



**413 Murdock
Road**



**401 Murdock
Road**



**319 Murdock
Road**



**305 and 307
Murdock Road**



**303 Murdock
Road**



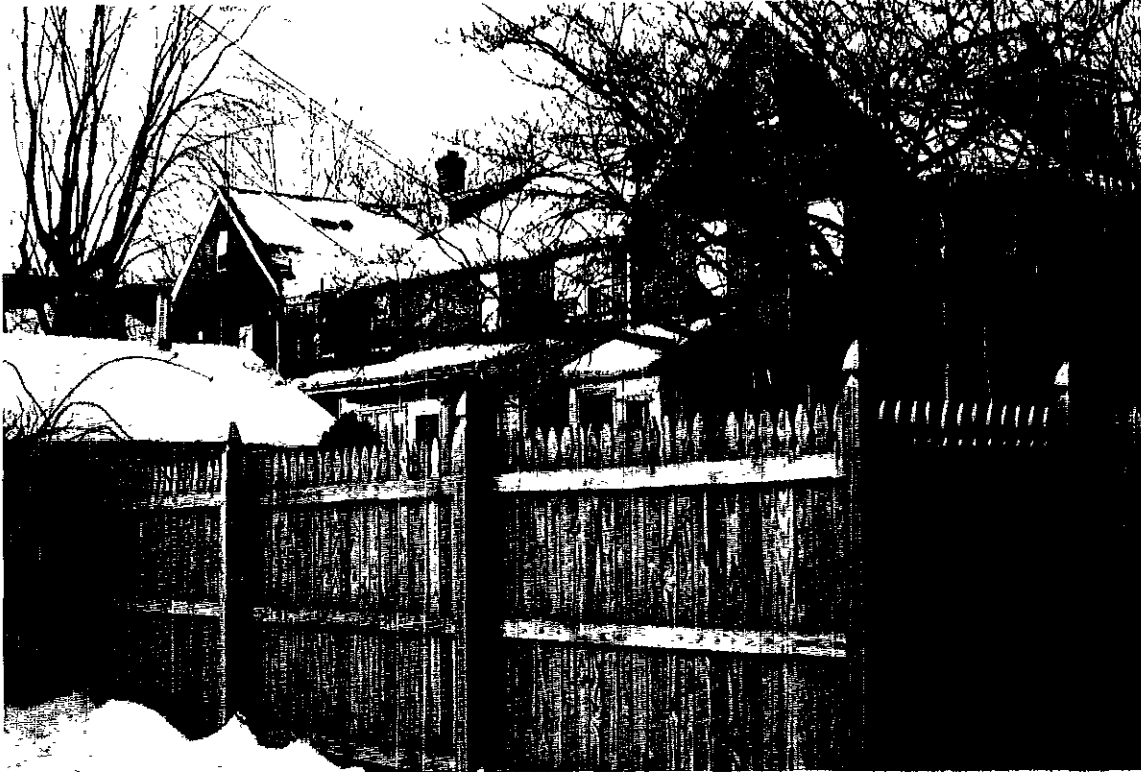
**301 Murdock
Road**



**222 Murdock
Road**



**411 Dunkirk
Road**



**407 Dunkirk
Road**



**401 Dunkirk
Road**



**323 Dunkirk
Road**



**321 Dunkirk
Road**





318 Dunkirk
Road



311 Dunkirk
Road

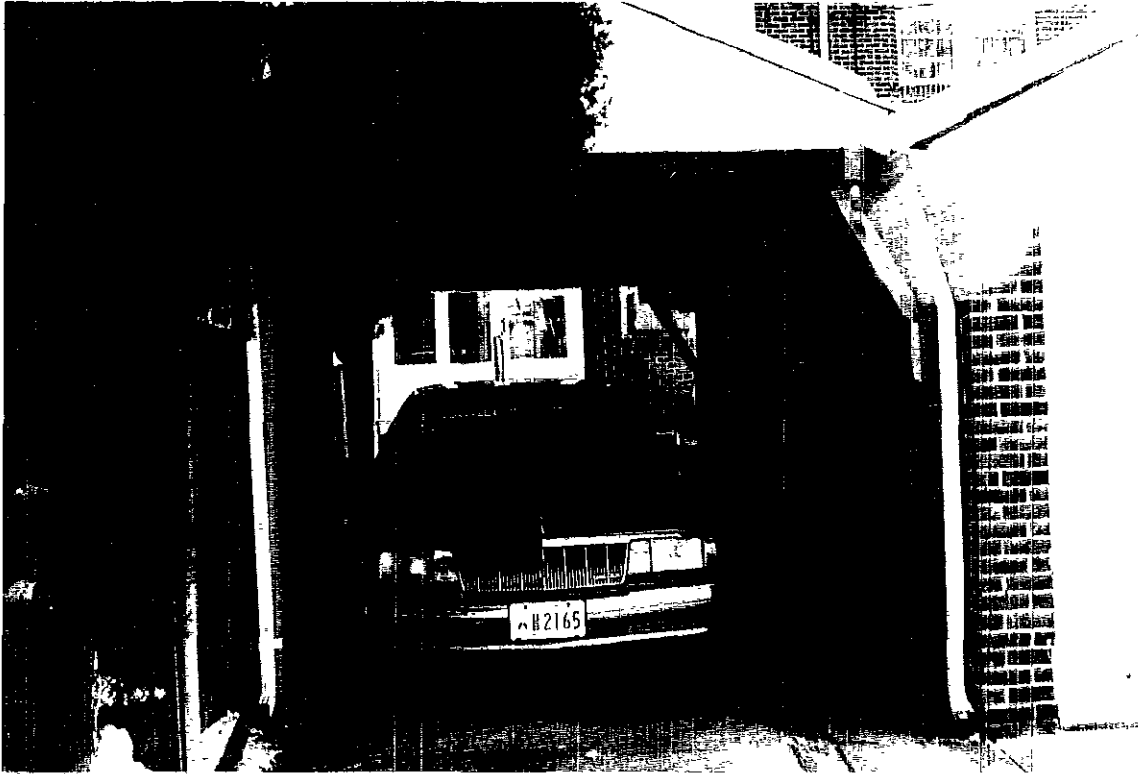




304 Dunkirk Road



301 Dunkirk Road



216 Dunkirk
Road



415 Hopkins
Road



326 and 328 ●
Hopkins Road



320 Hopkins
Road ●



**223 Hopkins
Road**



**217 Hopkins
Road**



**215 Hopkins
Road**



**200 Hopkins
Road**

Protestants Exhibit 12

The Back Faces of the East Rodgers Forge Group Homes: Documentation of the general lack of additions or enclosed porches within the community.

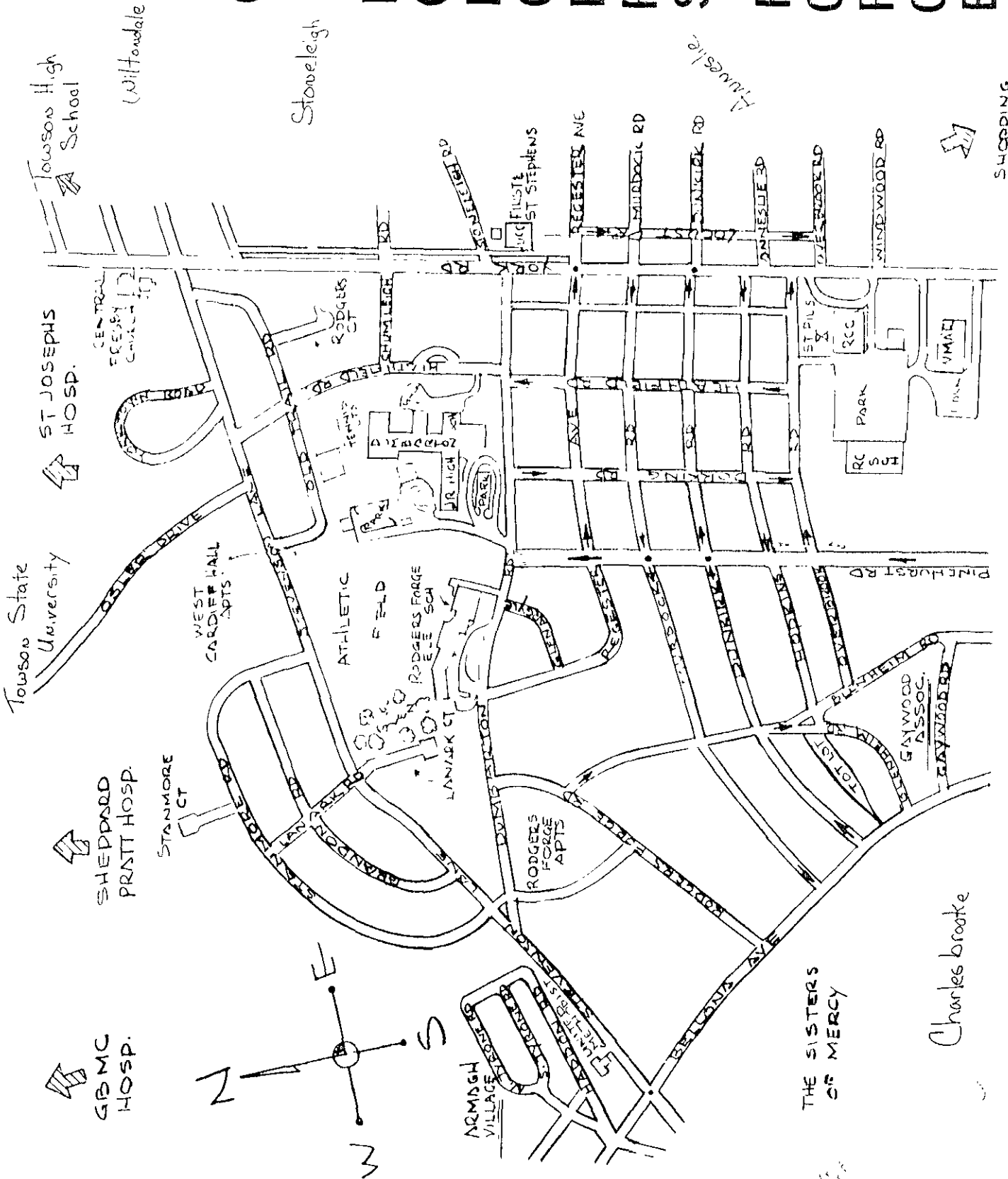
Presented by Carol L. Zielke
February 21, 1995

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.

submitted 2/21/95

MAP OF RODGERS FORGE

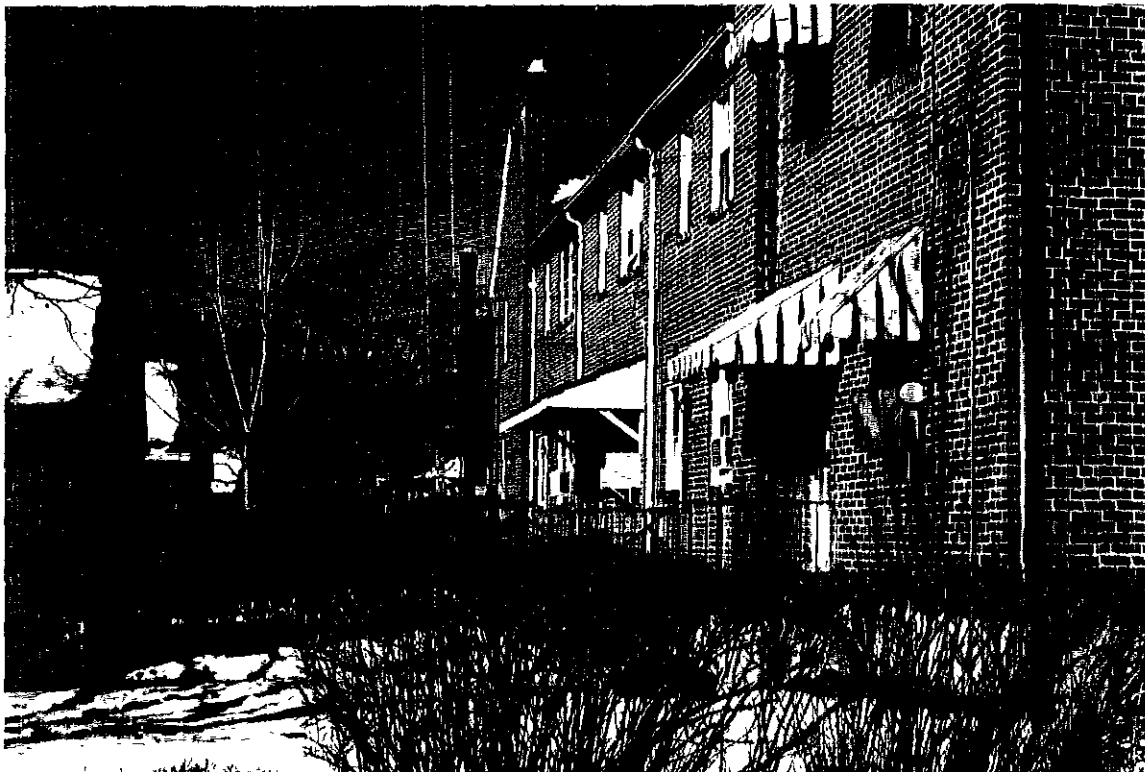


Charles brooke

200 Block of Dumbarton (South side)



**From 201
looking east**



**From 231
looking west**

300 Block of Dumbarton (South side)



**From 301
looking east**



**From 321
looking west**

300 Block of Dumbarton (South side)

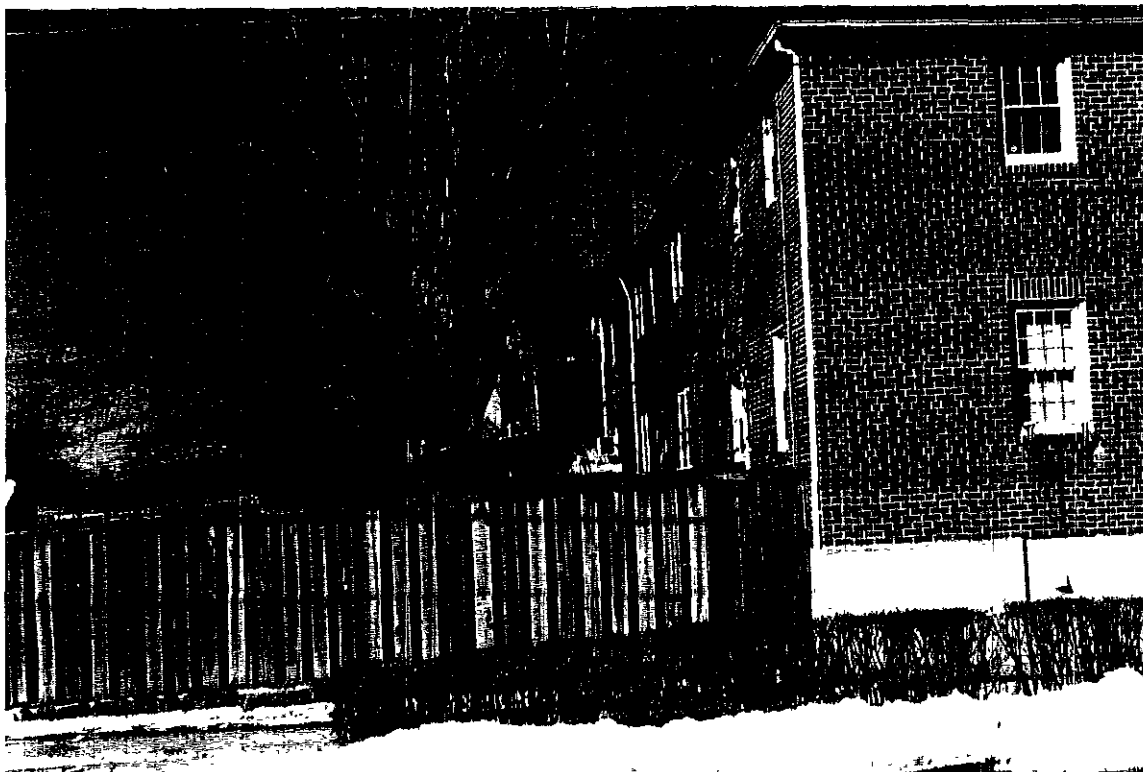


**From 331
looking west**

400 Block of Dumbarton (South side)

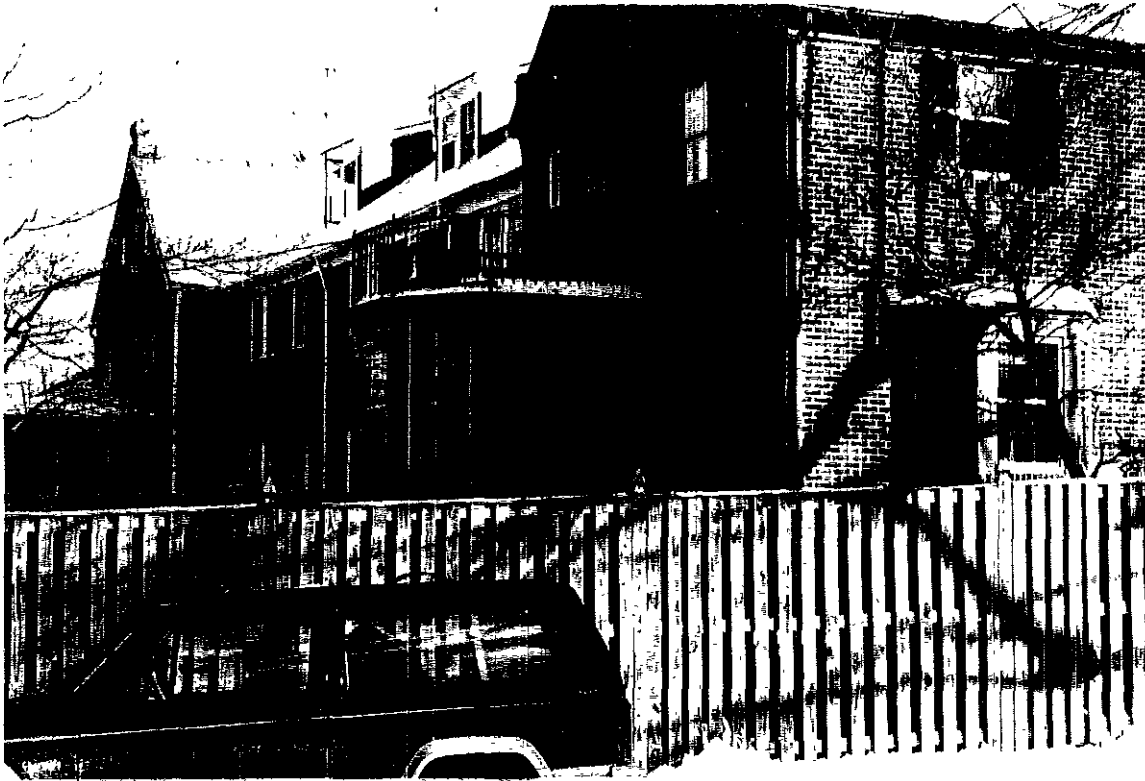


**From 401
looking east**



**From 427
looking west**

200 Block of Register (North side)



**From 200
looking east**



**From 210
looking east**

200 Block of Register (North side)



**From 230
looking west**

300 Block of Register (North side)



**From 300
looking east**



**From 330
looking west**

400 Block of Register (North side)



**From 400
looking east**

200 Block of Register (South side)



**From 201
looking east**



**From 231
looking west**

300 Block of Register (South side)



**From 301
looking east**



**From 327
looking west**

400 Block of Register (South side)



**From 401
looking east**



**From 427
looking west**

200 Block of Murdock (North side)



**From 200
looking east**



**From 230
looking west**

300 Block of Murdock (North side)



**From 300
looking east**



**From 310
looking east**

300 Block of Murdock (North side)



**From 320
looking west**



**From 322
looking east**

300 Block of Murdock (North side)



**From 330
looking west**

400 Block of Murdock (North side)



**From 400
looking east**



**From 426
looking west**

200 Block of Murdock (South side)

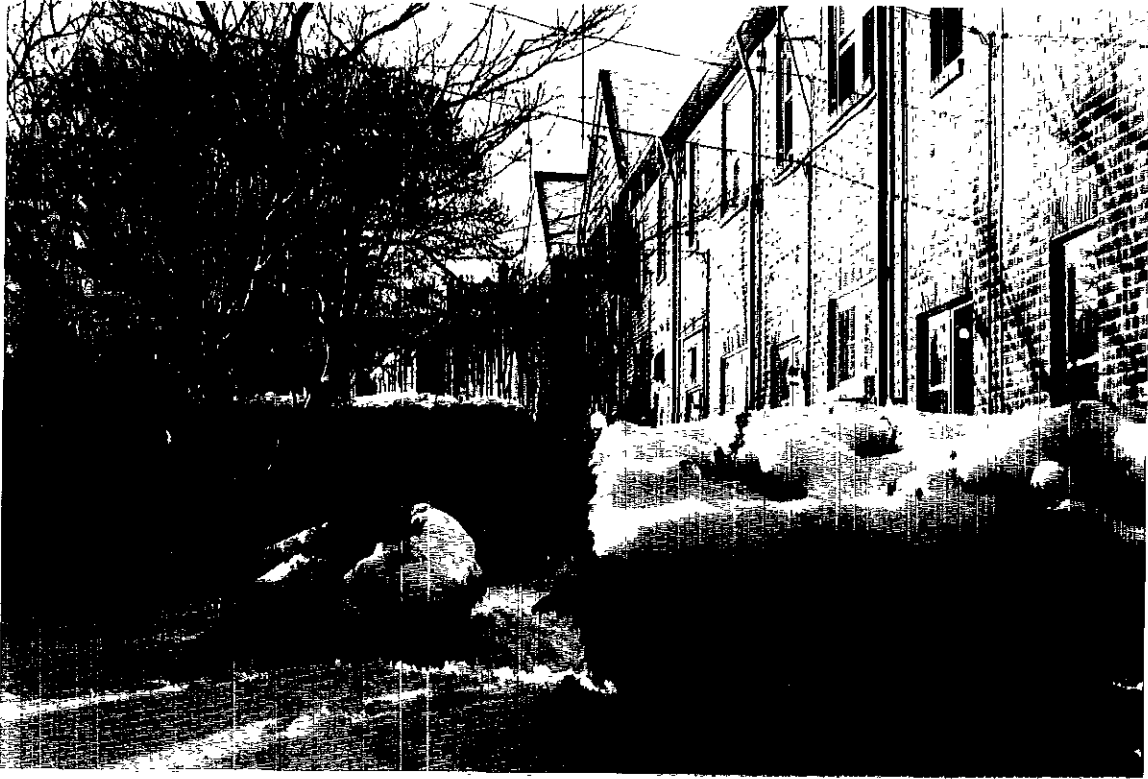


**From 201
looking east**



**From 221
looking west**

200 Block of Murdock (South side)



**From 231
looking west**

300 Block of Murdock (South side)



**From 301
looking east**



**From 331
looking west**

400 Block of Murdock (South side)



**From 401
looking east**



**From 427
looking west**

200 Block of Dunkirk (North side)



202 and 204



206 and 208

200 Block of Dunkirk (North side)



**From 210
looking east**



**From 220
looking west**

200 Block of Dunkirk (North side)



**From 222
looking east**



**From 230
looking west**

300 Block of Dunkirk (North side)



**From 300
looking east**



**From 322
looking east**

300 Block of Dunkirk (North side)



**From 330
looking west**

400 Block of Dunkirk (North side)



**From 400
looking east**



414 - 418

200 Block of Dunkirk (South side)



**From 201
looking east**



**From 231
looking west**

400 Block of Dunkirk (North side)



**From 420
looking east**

300 Block of Dunkirk (South side)



**From 301
looking east**



**From 331
looking west**

400 Block of Dunkirk (South side)



**From 401
looking east**



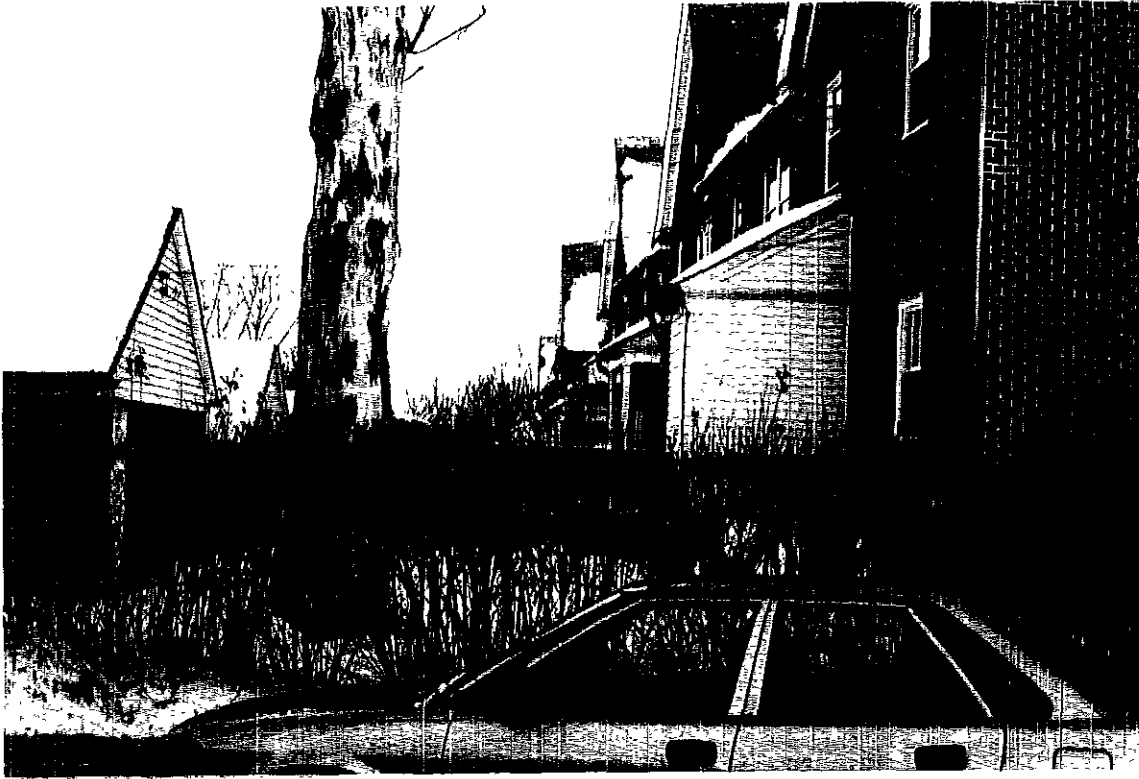
**From 419
looking west**

400 Block of Dunkirk (South side)



**From 427
looking west**

200 Block of Hopkins (North side)



**From 200
looking east**



**From 230
looking west**

300 Block of Hopkins (North side)



**From 300
looking east**



**From 310
looking east**

300 Block of Hopkins (North side)



**From 330
looking east**

400 Block of Hopkins (North side)



**From 400
looking east**



**From 418
looking west**

400 Block of Hopkins (North side)

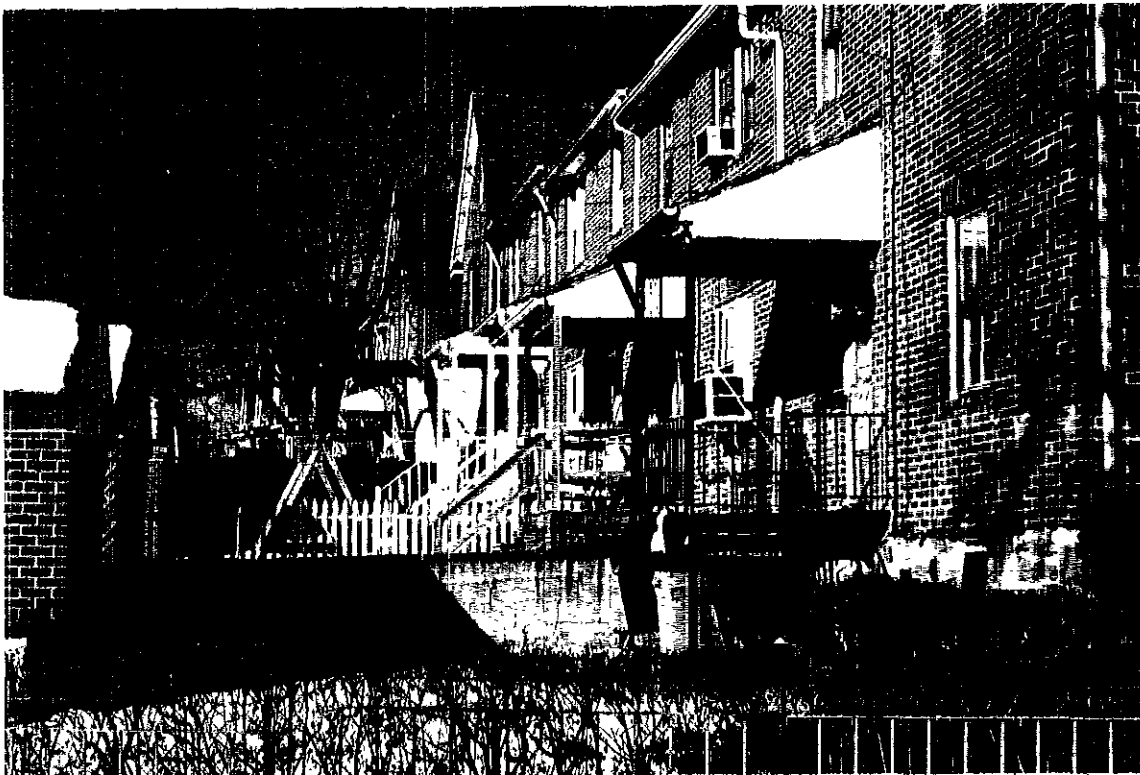


**From 420
looking east**

200 Block of Hopkins (South side)



**From 201
looking east**



**From 221
looking west**

300 Block of Hopkins (South side)

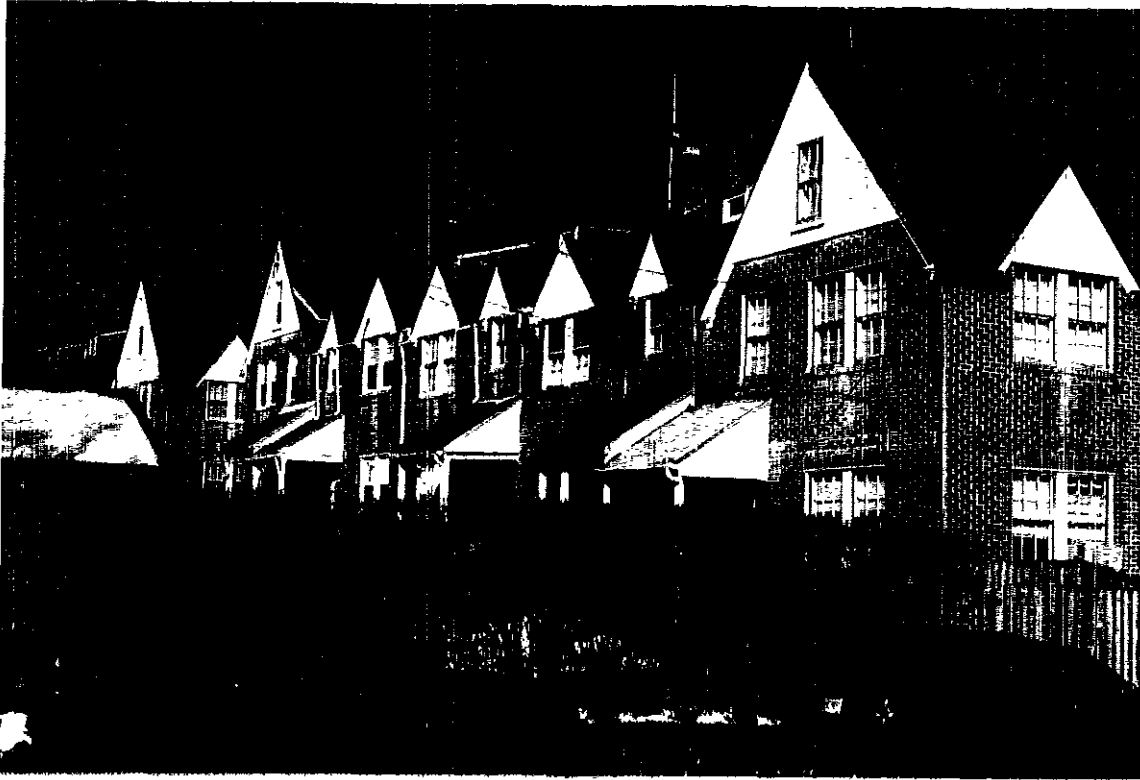


**From 301
looking east**



**From 321
looking west**

300 Block of Hopkins (South side)



**From 331
looking east**

400 Block of Hopkins (South side)

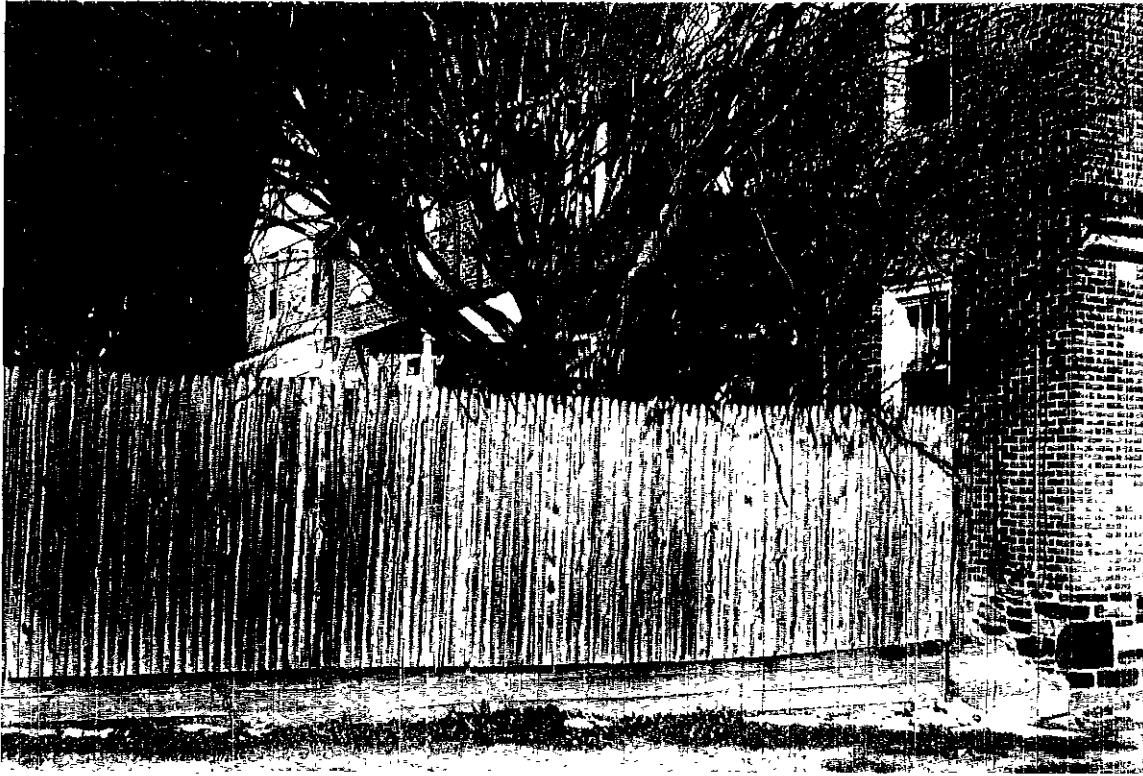


**From 401
looking east**



**From 409
looking east**

400 Block of Hopkins (South side)



**From 427
looking west**



SHEET
N E
B-A
MICROFILMED

LOCATION
STONELEIGH
ANNESLIE
ROGERS FORGE

SCALE
1" = 200'

DATE OF PHOTOGRAPHY
JANUARY 1966

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

218

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

95-222-A

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
N/S Dunkirk Road, 260 ft. E * ZONING COMMISSIONER
of Pinehurst Road *
220 Dunkirk Road * OF BALTIMORE COUNTY
9th Election District *
4th Councilmanic District *
Raymond J. Peroutka, Jr., et ux* Case No. 95-222-A
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for a Zoning Variance for the property located at 220 Dunkirk Road in the community of Rodgers Forge, located near Towson. The Petition is filed by Raymond J. Peroutka, Jr. and Debra J. Peroutka, his wife, property owners. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a rear setback of 36 ft. for an enclosed structure, in lieu of the required 50 ft., in a D.R.10.5 zone.

This matter was originally filed as an administrative variance, pursuant to Section 26-127 of the Baltimore County Code. That section allows the Zoning Commissioner to grant variance relief from strict adherence to the BCZR without the necessity of a public hearing for an owner occupied lot within a residential zone. Mr. and Mrs. Peroutka's lot, is indeed, owned and occupied by them and zoned D.R.10.5. However, Section 26-127 further provides that the Petition may be scheduled for public hearing either at the request of any concerned occupant or property owner within 1,000 ft. of the site in question, or at the Zoning Commissioner's discretion. A public hearing was scheduled for this case, based upon my initial review of the Petition, and pursuant to the discretionary authority provided to me within the Code. The public hearing convened for this case

generated significant public interest and numerous interested persons and witnesses appeared.

Appearing at the public hearing was the Petitioners/property owners, Raymond J. Peroutka, Jr., and Debra J. Peroutka, his wife. They were represented by Robert A. Hoffman, Esquire. Other individuals who appeared in support of the Petition included Gail and Pat Colohan, Robert Krauss and Raymond J. Peroutka, Sr. Several residents of the Rodgers Forge community appeared in opposition to the request. They included Ronald and Carol Zielke, Mary B. Birkhead, Edward and Helen J. Ament, Norman O'Hara and Carroll Miller. Joseph A. Guzinski, on behalf of the Rodgers Forge Community Association Board of Governors, appeared as an interested person.

The testimony presented by the various witnesses shows that the facts relevant to this case are largely not in dispute. Mr. and Mrs. Peroutka own that property known as 220 Dunkirk Road, which is an end of group townhouse in the Rodgers Forge community. The Rodgers Forge community is an old community of townhomes which was built by the Keilty family many years ago. The community is well maintained and carries a much deserved reputation as a desirable neighborhood comprised of many row homes. The Petitioners have owned their property for approximately 9 years. They live thereon with their two children, a 14 year old and a 12 year old. Their end of group row home is 22 ft. wide and 36 ft. deep. Their lot contains a front, rear and side yard and is approximately 40 ft. wide and 110 ft. deep. The brick dwelling features an open stone porch in front and a covered porch on the back. The rear of the lot contains a paved area and a garage.

It is the existing covered porch to the rear of the house which has generated the request for variance and controversy within the neighbor-

hood. This existing stone porch is approximately 11 ft. deep and 20-1/2 ft. wide at its widest point. Under the BCZR, the porch is considered an open projection. The Petitioners wish to enclose the covered porch and convert same into indoor living space. Due to the fact that the porch will be enclosed, it will be considered part of the house under the BCZR and a 50 ft. rear yard setback must be maintained. The 37.2 ft. setback presently provided, although legally sufficient for the open porch, does not comply with the BCZR as it relates to enclosed portions of a dwelling.

Apparently, the proposed conversion of the porch into an addition has created a great amount of controversy within the Rodgers Forge community. Numerous witnesses were called to testify by the Petitioners and expressed support for the Petitioners' plan. These included all of the immediate neighbors of the subject site. Other residents of Rodgers Forge, most of whom who did not live within sight of the home but within the confines of the community, appeared in opposition. The testimony of these witnesses largely related to concerns that the Petition did not satisfy the legal requirements for a variance under the BCZR. Again, it need be emphasized that the factual issues relating to this case are largely not in dispute. All of the testimony offered, coupled with a site visit of the property, fully educated this Zoning Commissioner as to the particulars of this property and the issues presented.

A comment is also in order about covenants in the land records of Baltimore County for this community, and the position of the Rodgers Forge Community Association on the Petition. The case before me deals only with the Petition for Variance and the application of the BCZR to same. The Zoning Commissioner does not sit as a judge of any of the courts of this State and my authority is only to interpret the BCZR as it relates to Petitions before me. However, it is to be noted in passing that litiga-

tion has existed between the Petitioners and the community regarding the viability of certain covenants which may or may not attach to this property. My decision does not relate to the validity of the those covenants. Their enforceability is a matter for the Circuit Court for Baltimore County. Moreover, my decision must be based upon the relevant portions of the BCZR as interpreted by the case law. Apparently, the community association and Petitioners have settled their differences and the community association does not support or oppose the request.

The authority to grant variances to height, area and distance requirements is set forth in Section 26-127 of the Baltimore County Code and Section 307 of the BCZR. Section 307 sets forth the precise test which a property owner must meet for variance relief to be granted. In essence, Section 307.1 prescribes three standards which must be satisfied in order for a variance to be granted. First, the Petitioner must establish that the property owner would suffer a practical difficulty if the relief requested were denied. In this respect, the Petitioner must show that special circumstances or conditions exist which are unique to the property or structure in question. Second, testimony and evidence must be produced that no adverse affect to the locale would result if variance relief were to be granted. Last, a variance may be approved only if the grant of same is consistent with the spirit and intent of the BCZR.

Addressing the last of these listed tests first, I am persuaded that the spirit and intent of the BCZR would be satisfied if the variance was granted. It is to be emphasized that the size of the building envelope will not be increased. The Petitioners' plans only call for an enclosure of an existing porch. The same amount of open space and yard area will remain. The distance from the structure to the property line will not be changed. But for the regulation which mandates a different required set-

back for open projections, as compared with enclosed additions, the Petitioner could build without seeking variance relief. These factors, in my view, clearly establish that the proposed request is consistent with the spirit and intent of the BCZR and satisfies that test.

As to the second test, it is manifestly apparent that a grant of the variance will not cause any detriment to the surrounding locale. There was a great amount of testimony offered on this issue. Numerous photographs of houses throughout Rodgers Forge were presented to this Zoning Commissioner for comparison. In my opinion, enclosing the existing porch will not block sunlight or air, or in any manner detrimentally affect surrounding properties. The unanimous support of the Petitioners' request by their immediate neighbors is also persuasive on this point. The testimony and evidence presented was overwhelming and persuasive that a grant of the requested relief will not cause any adverse effect or detrimental impact on this immediate neighborhood or the community at large.

The last test requiring practical difficulty is the most difficult. The concept of practical difficulty has been addressed on numerous occasions by the appellate courts of this State. To prove practical difficulty, 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). McLean v. Soley, 270, Md. 208 (1973).

Moreover, practical difficulty cannot be the result of a self imposed condition. See Marino v. Mayor and City Council of Baltimore, 215 Md. 205 (1957).

The Court of Special Appeals has recently discussed the concept of practical difficulty and the test for variances in Baltimore County in Cromwell v. Ward, 102 Md. App. 691, 651 A2d 424 (1995). The Court's rather strict interpretation of Section 307 provides that the Petitioner must establish that his property possesses some unique characteristic or peculiarity uncommon to the neighborhood. Although the Court's seemingly harsh reading of Section 307 might be strained, both the language of the regulation and the Court's opinion requires a finding of uniqueness of the property and/or structure involved to support a grant of the variance.

Proving a unique characteristic or peculiarity of the subject property is a difficult, if not impossible, task for this Petitioner. The character of Rodgers Forge, itself, is such that same is comprised of row after row of similarly styled townhouses on similar lots. Although arguably there may be subtle differences between properties, an appealing feature of the Rodgers Forge community is its consistency. I perceive no real unique characteristic of this property or structure, which distinguishes it from other lots and houses within the subject community.

The Petitioners attempted to establish some unique factor by suggesting that their family situation was different. Mr. Peroutka noted, for example, that his two children are entering their teen years and require more "space". It is well settled that it must be the property or structure and not the persons occupying same which must have the unique character to justify a variance. As importantly, I see no uniqueness in the

Petitioners' nuclear family of a mother, father and two children within the family community that is Rodgers Forge.

The Petitioners also suggest a unique characteristic exists as it relates to the internal floor plan of his dwelling. He points out that the kitchen area is unusually small and justifies the need for more internal space. Although this may or may not be the only house in Rodgers Forge with this floor plan, this factor is not a proper basis to meet the test set forth in the regulations and case law. Internal renovations might be possible to redesign the floor plan and create more kitchen space. Rather, it appears that the request for the variance in this case is more of a matter of preference for the Petitioner and his family and is not urgently needed as is required by Section 307. As is well settled, mere matters of convenience do not justify the grant of a variance. See e.g., Ad + Soil, Inc. v. County Commissioners, 307 Md. 307, 513 A2d 893, (1986).

The benefits of living in Rodgers Forge are obvious. The community possesses an ideal location and is a stable and attractive neighborhood in which to live and raise a family. However, like any neighborhood, there are disadvantages too. This is not a large community of single family homes on individual lots. The townhouses feature limited living area and are not easily added to. If the Petitioners require larger living quarters, they should consider other communities with larger houses where there is room to expand.

This is a difficult case to decide. As noted above, it is clear that the Petitioners' plans would cause no detriment to the surrounding locale and are consistent with the BCZR. Unfortunately for the Petitioners, they are unable to meet the practical difficulty test. In my view, the Petitioners correctly analyzed the state of the law as applied to these facts.

Irrespective of the fact that a grant of the variance would cause no detriment and would allow the Petitioners to enjoy an increased area of living space, it cannot be approved.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of April, 1995 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a rear setback of 36 ft., for an enclosed structure, in lieu of the required 50 ft. in a D.R.10.5 zone, be and is hereby DENIED.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING
Date 4/11/95
By M. Peroutka

ORDER RECEIVED FOR FILING
Date 4/11/95
By M. Peroutka

ORDER RECEIVED FOR FILING
Date 4/11/95
By M. Peroutka

ORDER RECEIVED FOR FILING
Date 4/11/95
By M. Peroutka

312 Overbrook Road
Baltimore, MD 21212
February 11, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Gwen Stephens

Case #: 95-222-A (Item 218)
Property Owners: Raymond Peroutka and Debra Peroutka
Location: 220 Dunkirk Road
Regarding: Variance to allow a 36 foot set back for an enclosed structure (porch) in lieu of the required 50 feet

Dear Zoning Commissioner:

The integrity of Rodgers Forge is built on its decades of strict aesthetic conformance. It is also built on strong relationships with neighbors. Because relationships with neighbors is never more important than in the close proximity of row-house living, it is with great reluctance that any of us in Rodgers Forge oppose the request of others.

Like many of our neighbors, we are acutely aware that this action may very well jeopardize our good relationship with these neighbors. Those in closest proximity to 220 Dunkirk, probably risk the most in publicly opposing the request of their neighbors and friends. Despite the difficult position in which we find ourselves, we must strongly oppose the granting of the above-referenced variance. A variance such as this is certain to have a cumulative detrimental impact on the entire neighborhood.

Whereas many of us here in Rodgers Forge would enjoy larger accommodations such as the one the petitioners desire, the community's integrity is at stake. Most residents appreciate that row-house living is unlike any other. An additional room for one family affects the light, ventilation, and view of others. As a community, the special interests of one family cannot override the needs of the larger community.

420 Murdock Road
Baltimore, Maryland 21212
February 13, 1995

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Case 95-22-A (Item 218)

Dear Zoning Commissioner,

I have been a resident of Rodgers Forge since 1960, living in the 400 block of Register for the first two years and at the above address the rest of that time.

I wish to state that I am opposed to any changes in the exterior of the homes in Rodgers Forge which have an impact and/or interfere with air flow, light patterns and/or present sight lines. I do not think that when going out the back (or front) door one should be met by a wall extending beyond the present dimensions of the neighboring homes.

We do not live on large individual lots. We are a neighborhood of row homes on small lots with our neighbor's home only several feet from us or less. What one does to the exterior of their home is not done in isolation. It has a very direct impact on the neighbors and the neighborhood. Consequently I am opposed to exterior additions to the homes in Rodgers Forge.

Thank you for your consideration of these viewpoints.

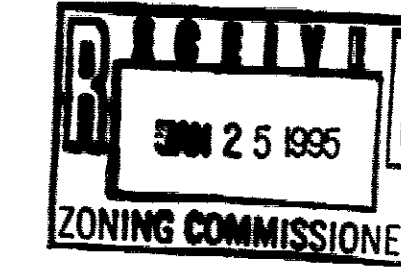
Sincerely yours,

Karl H. Weaver
Karl H. Weaver

NO FIRST Feb 14 10:00 AM 1995

Raymond J. Peroutka, Jr.
and
Debra J. Peroutka
220 Dunkirk Road
Baltimore, Maryland 21212
(410) 377-6219

January 24, 1995



VIA FAX: 887-3468

Mr. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Item No. 218
Case No. 95-222-A
Petitioner: R. J. Peroutka et ux.

Dear Mr. Schmidt:

The closing date for the above referenced case was January 1995. I am informed by the Zoning Supervisor responsible for the case, that the member organizations of the Zoning Advisory Committee (ZAC) have reviewed this request and have no objections. Further, I have inquired at the ZADM office concerning any protests/requests for a public hearing and was advised that none were filed.

However, I was advised that the ZADM office received a letter signed by a number of residents. Although the letter clearly states that the signers are not requesting a public hearing, it appears to question the decision of the Rodgers Forge Community Association and my immediate neighbors to approve the development plans. Further, it requests that the signers be advised if a protest is filed and a public hearing is scheduled. Copies of letters from the Community Association and the immediate neighbors expressing their approval of this project as well as my affidavit vouching for the authenticity of those letters accompanied my application.

Notwithstanding the fact that the Zoning Advisory Committee submitted establishing the approval of the Community Association and adjacent neighbors, I understand that you have elected to schedule a public hearing on this matter.

Raymond J. Peroutka, Jr.
220 Dunkirk Road
Baltimore, Maryland 21212
(410) 377-6219

December 26, 1994

Mr. John Alexander
Office of Zoning Administration
111 West Chesapeake Avenue
Room 109
Towson, Maryland 21204

Re: Request for Zoning Variance
220 Dunkirk Road
Request Number 218

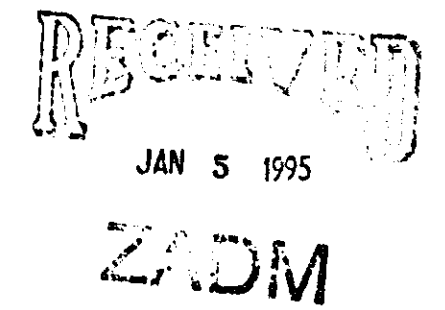
Dear Mr. Alexander:

Enclosed you will find copies of those letters which I have received from the Rodgers Forge Community Association as well as those neighbors located behind my property. This should complete the application materials which we discussed on December 20th.

If you have any questions or require further materials or information, please do not hesitate to contact me.

Sincerely,

Raymond J. Peroutka, Jr.
Raymond J. Peroutka, Jr.



December 20, 1994

Petition for Administrative Variance

220 Dunkirk Road
Baltimore, Maryland 21212
Raymond J. & Debra J. Peroutka

Notes to Property Plat

Ownership of Adjacent Parcels

Address	Owner's Name
218 Dunkirk Road	Wayne & Georgia King
222 Dunkirk Road	Robert & Deborah Krauss
215 Murdock Road	Charles W. Schaubert, Jr.
217 Murdock Road	Patrick & Ann Dorn
219 Murdock Road	C. Canon & D. Fox

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Charles W. Schaubert Jr
(Property Owners)
215 MURDOCK RD
(Street Address)
C.W. Schaubert
(Signature)

December 20, 1994

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

December 23, 1994

Mr. Raymond J. Peroutka
220 Dunkirk Road
Baltimore, Maryland 21212

Re: Proposed Enclosure

Dear Mr. Peroutka:

The Rodgers Forge Community, Inc. (the "Association"), acting through its Board of Governors and its architectural committee, has reviewed, in detail, the plans that you submitted for the enclosure of the porch at the rear of your home at 220 Dunkirk Road. Members of the architectural committee also met with you to discuss these plans. Copies of the plans for the proposed enclosure submitted by you and considered by the Board are attached.

This letter is to inform you that the committee approves your plans for the proposed enclosure. Accordingly, no officer or member of the Association's Board of Governors, either individually or on behalf of the Association, will oppose your application for a zoning variance for the proposed enclosure, provided that your application is consistent with the attached plans.

The Association appreciates your efforts to design your enclosure so that it is consistent with the architectural characteristics of the community, and the time and patience you took to explain your design to the architectural committee.

Please feel free to call me if you have any questions.

Very truly yours,

Architectural Committee,
Board of Governors,
Rodgers Forge Community, Inc.

By: *Joseph A. Guzinski*
Joseph A. Guzinski

cc: Honey Holston, President

218

Carol L. Zielke PRESENTATION BY PROTESTANTS 95-222-A (Item 218)
2/21/95

As a property owner in Rodgers Forge I and others have come here today to protest the granting of "a variance to allow 36 foot rear setback for an enclosed structure (porch) in lieu of the required 50 foot setback in a DR 10.5 zone"-specific to case number 95-222-A at Dunkirk Road, Rodgers Forge.

In early January several of us saw a posting for an administrative hearing for the current case. Posted above it was a letter from the Architectural Review Committee of the Rodgers Forge Community Association approving the plans and pledging that the Association's Board of Governors would not oppose this application for zoning variance. Photographs of the sign and letter are entered as Exhibit [3]. Subsequently, several of us wrote a letter of concern about this variance petition to Mr. Jablon, Director of Planning and Zoning. Copies of that letter, signed by 29 property owners and residents, are entered as exhibit [4].

We were moved to write our letter of concern due to the inconsistency of the community association's position in the December 23rd letter with the position stated in an earlier letter circulated with the Association's November Newsletter. The letter stated that Mr. and Mrs. Peroutka had challenged the covenants and that the community association planned to defend the covenants vigorously. A copy of this earlier letter was entered as Exhibit [1] during the questioning of Mr. Peroutka. The letter of approval from the Architectural Review Committee of the RFCA did not refer to any litigation. However, after submitting our letter of concern to Zoning and Planning, we received a copy of a letter submitted on January 17 to the Public Record for Variance Petition 95-104-A by Mr. J. Michael Tanczyn, attorney for the owners of another Rodgers Forge property. He stated that "the Rodgers Forge Community Association, in settlement of other litigation, issued the enclosed letter for what is now Case No. 95-222-A indicating their approval of a larger structure...". A copy of this letter was entered as Exhibit [2] during the questioning of Mr. Peroutka. This letter strongly hinted that the RFCA's approval of the Peroutka enclosed porch had been obtained under duress.

This is substantiated by a recent communication from the community association, a "To Whom It May Concern" letter for any homeowner in the community. This Memo along with its cover letter are submitted as Exhibit [7]. It states the following:

"The Board of Governors has resolved its differences with Mr. and Mrs. Peroutka concern (sic) a lawsuit the Peroutkas filed in the Circuit Court of Baltimore County. One of the conditions in resolving this suit was that neither the Board of Governors nor any member of the Board would either personally or on behalf of the Board actively oppose or actively

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Ann E. Dorn
(Property Owners)
217 MURDOCK RD.
(Street Address)
Ann E. Dorn
(Signature)

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Georgia King
(Property Owners)
218 Dunkirk Road
(Street Address)
Georgia King
(Signature)

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

ROBERT W. KRAVIS
(Property Owners)
222 DUNKIRK RD.
(Street Address)
Robert W. Kravis
(Signature)

218

February 21, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Attention Gwen Stephens:

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka and Debra J. Peroutka
Location: 220 Dunkirk Road
Regarding: Variance to allow 36 foot set back for an enclosed structure (porch) in lieu of required 50 feet.

Dear Zoning Commissioner:

I have collected signatures on the enclosed petitions from residents of the 200 block of Murdock Road in the Rodgers Forge Community, Baltimore MD. 21212 and witnessed their individual signatures.

I cannot attend the hearing on Tuesday, February 21, 1995 because of the duties of my job.

I urge you to give every consideration to their petition to deny the variance. I too support the purpose of the petition.

Very truly yours,

Charles B. Calvert
Charles B. Calvert
208 Murdock Road
Baltimore, MD 21212
(410) 377-4117

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Ave.
Towson, MD. 21204

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.

Dear Zoning Commissioner:

The undersigned property owners of Rodgers Forge community oppose the granting of the requested variance for rear yard setback at 220 Dunkirk Road. A growing family does not represent a practical difficulty or unreasonable hardship. This alteration is for convenience only. We strongly believe that such a large structure as this enclosed porch (20.5 feet by 10.8 feet) should not be built since there is already limited rear yard open space in our community. It is important to maintain this space to protect the health, safety, and general welfare of the community. Large structures protruding into the rear yard interfere with the availability of light and air to adjacent homes, block visibility of a vacationing neighbor's property thereby increasing the opportunity for break-ins, and discourage informal social contact between neighbors that fosters the growth of a viable community spirit. Large enclosed porches or additions are not an architectural characteristic of this community of very fine homes.

Signature	Address/Phone	Date
<u>John A. Pate</u>	<u>225 Murdock Rd</u>	<u>2/11/95</u>
<u>Andrew B. Calvert</u>	<u>208 Murdock Rd</u>	<u>2/12/95</u>
<u>Charles B. Calvert</u>	<u>208 Murdock Rd</u>	<u>2/12/95</u>
<u>John A. Pate</u>	<u>220 Murdock Rd</u>	<u>2/11/95</u>
<u>William H. Jones</u>	<u>208 Murdock Rd</u>	<u>2/11/95</u>
<u>William H. Jones</u>	<u>208 Murdock Rd</u>	<u>2/11/95</u>
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January 20, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Ave.
Towson, MD. 21204

Case Number: 95-222-A (Item 218)
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Address: 220 Dunkirk Road

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Dear Mr. Jablon:

The undersigned residents/property owners of Rodgers Forge community are concerned about the request for the variance for rear yard setback at 220 Dunkirk Road. Above the posting is a letter from the Architectural Review Committee of the Rodgers Forge Community Association which approved this structure and which stated that the Architectural Review Committee and the Board of Governors would not oppose the owners in public hearing. We find it difficult to believe that such a large structure as this enclosed porch (20.5 feet by 10.8 feet) would not be opposed by the community association and the immediate neighbors. Its intrusion into the rear yard is no different from any other large three dimensional structure such as a room addition. It seems unwise to build such structures in a row house community where open space is already compromised by small lots and large accessory buildings such as garages.

This is not a formal request for a public hearing. However, if someone should request a public hearing, we would like to be informed by letter of the date, time and location of such hearing.

Signature	Address/Phone	Date
<u>Norma Jean O'Kara</u>	<u>384 Murdock Rd</u>	<u>1-21-95</u>
<u>William A. Calvert</u>	<u>313 Murdock Rd</u>	<u>3/28/95</u>
<u>Susan E. Probert</u>	<u>313 Murdock Rd</u>	<u>3/27/95</u>
<u>Stephen J. Miller</u>	<u>225 Hopkins Rd</u>	<u>1-22-95</u>
<u>Paul S. Miller</u>	<u>225 Hopkins Rd</u>	<u>1/27/95</u>
<u>Walter L. Love</u>	<u>313 Hopkins Rd</u>	<u>1-22-95</u>
<u>Richard J. Mitchell</u>	<u>312 Overbrook Rd</u>	<u>3/27/95</u>
<u>John V. Miller</u>	<u>322 Overbrook Rd</u>	<u>3/27/95</u>

January 20, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Ave.
Towson, MD. 21204

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Signature	Address/Phone	Date
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>1-22-95</u>
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>1-22-95</u>
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>1-22-95</u>
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>1-22-95</u>
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>1-22-95</u>
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>1-22-95</u>
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>1-22-95</u>
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>1-22-95</u>
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>1-22-95</u>
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>1-22-95</u>

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
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Signature	Address/Phone	Date
<u>Marion Hewitt</u>	<u>219 Overbrook Rd</u>	<u>2/24/95</u>
<u>H. Ronald Ziehe</u>	<u>325 Murdock Rd</u>	<u>2/21/95</u>

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<u>Ray Peroutka</u>	<u>220 Dunkirk Rd 21212</u>
<u>Debra Peroutka</u>	<u>220 Dunkirk Rd 21212</u>
<u>Rob Hoffman</u>	<u>210 Allegheny Ave 21204</u>
<u>GAIL COLAHAN</u>	<u>318 Alabama Rd 21201</u>
<u>Pat Colohan</u>	<u>318 Alabama Rd 21201</u>
<u>ROBERT KRAVIS</u>	<u>222 DUNKIRK RD 21212</u>
<u>Raymond J. Peroutka Sr</u>	<u>700 WALKER AVE</u>

PLEASE PRINT CLEARLY

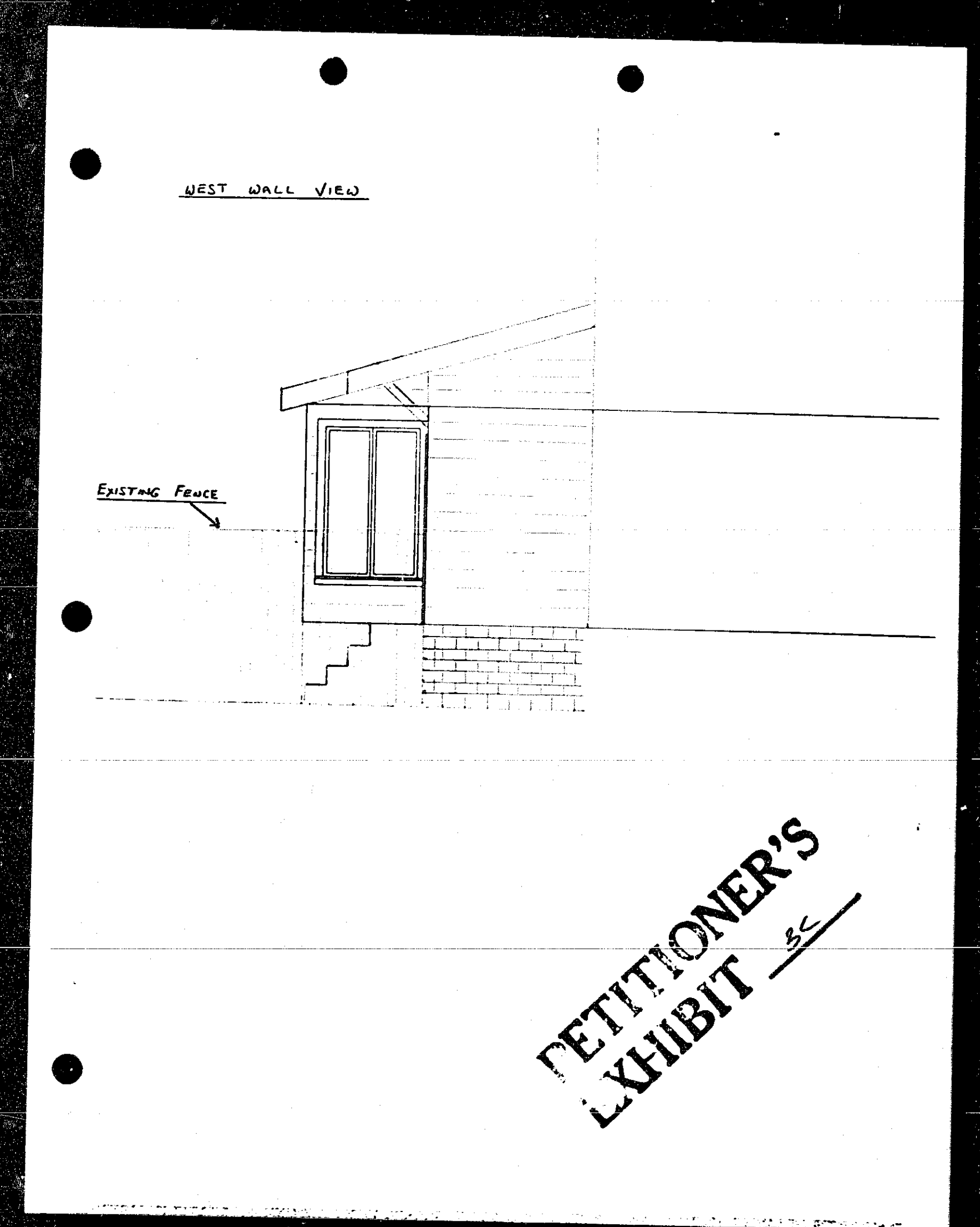
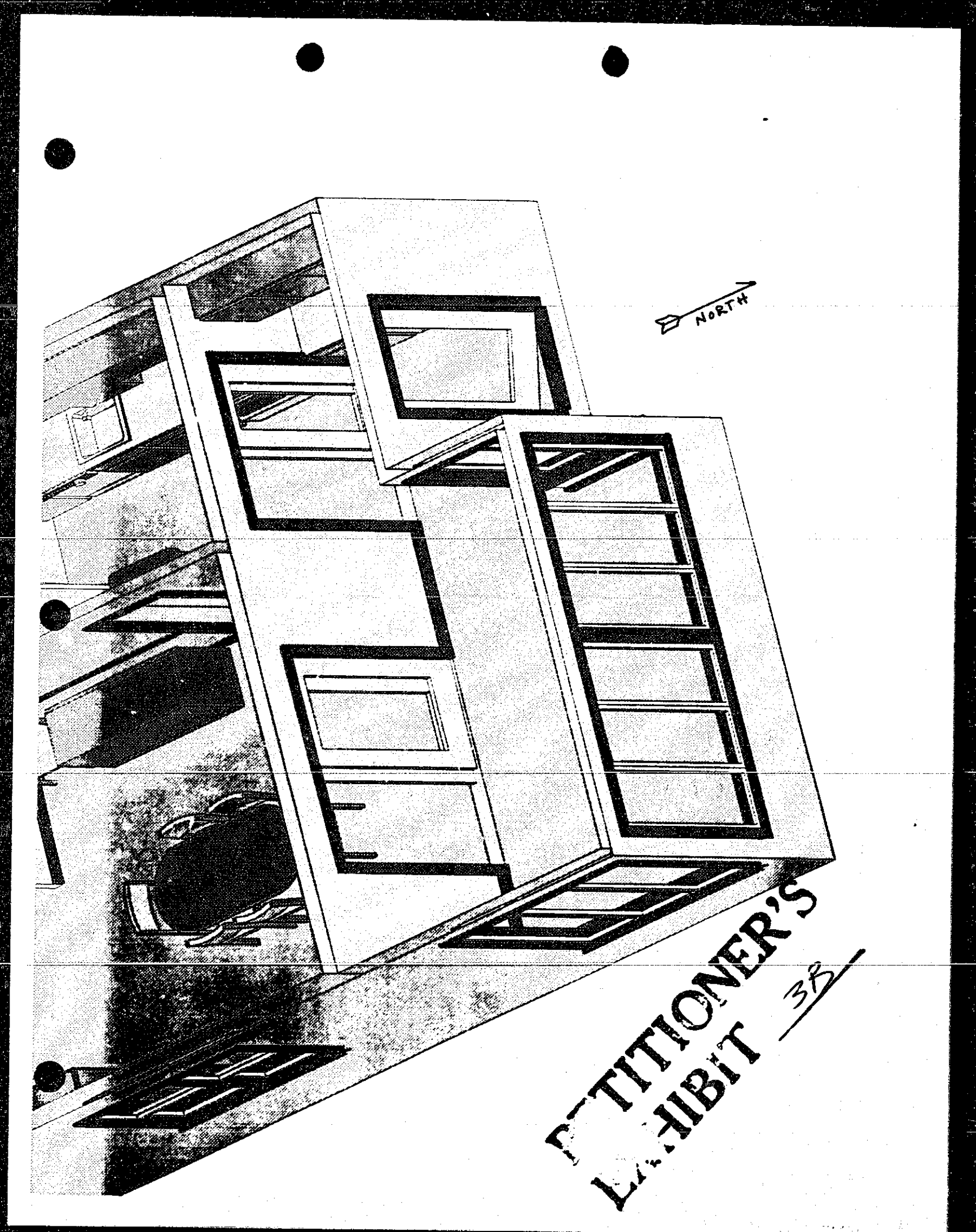
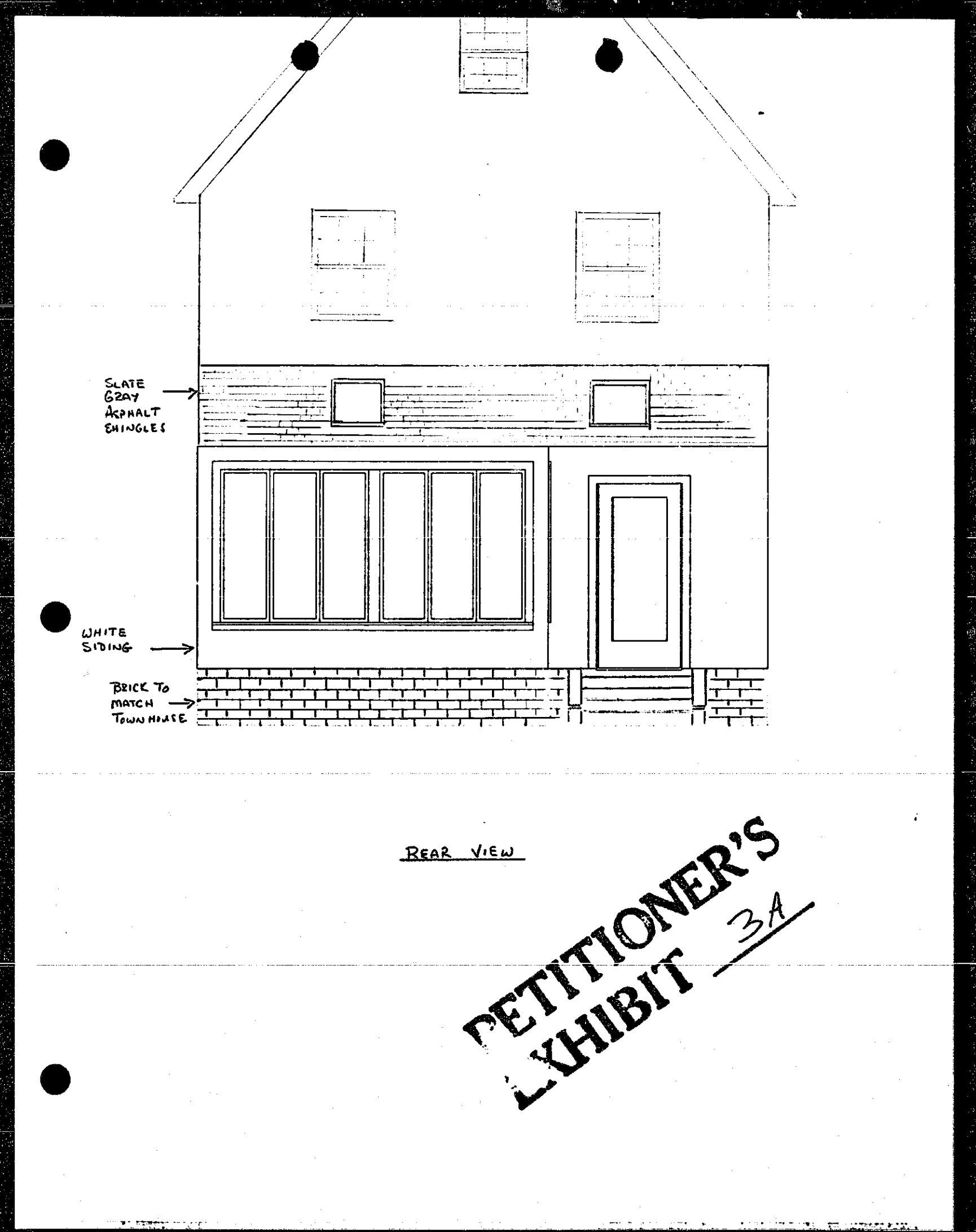
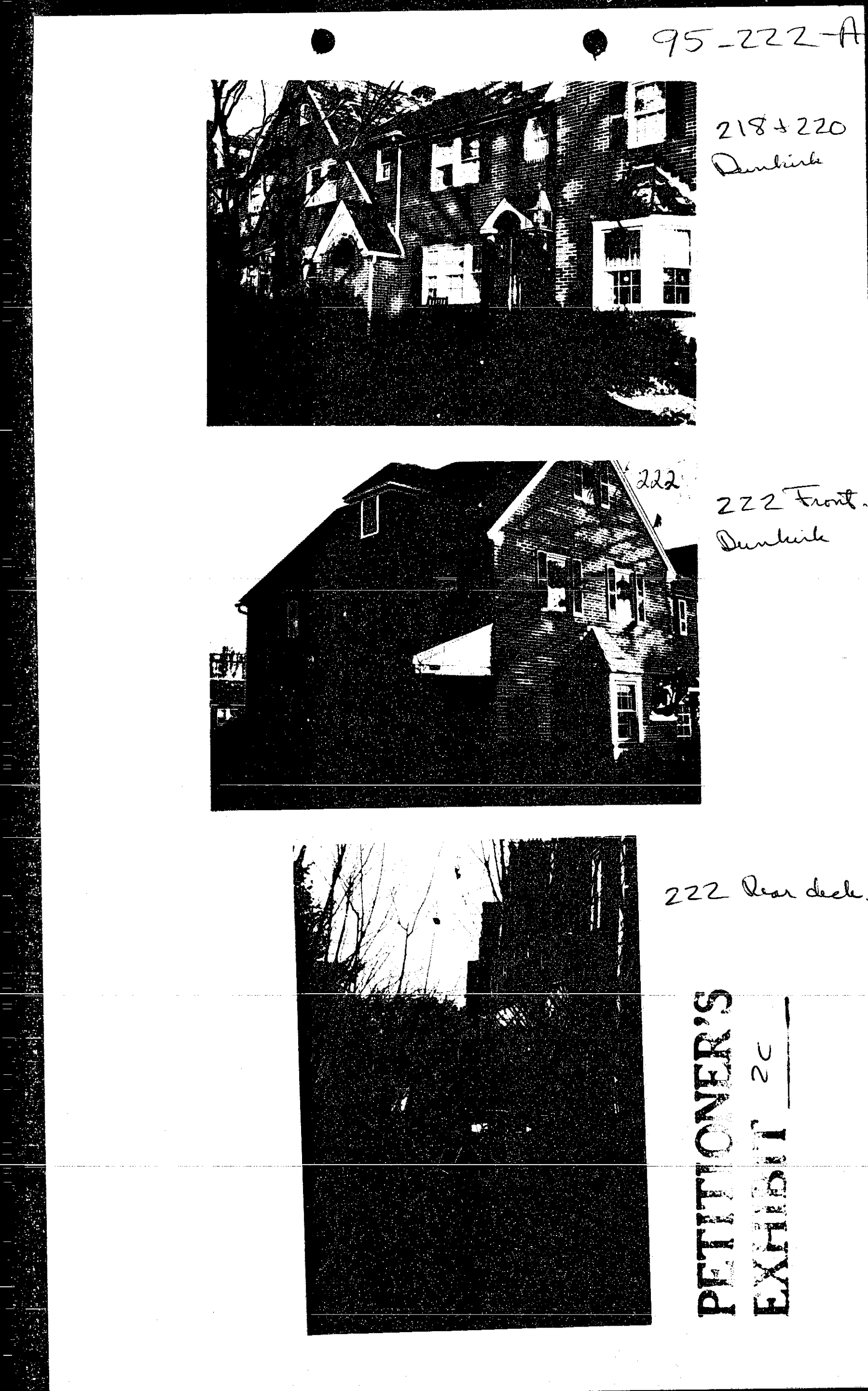
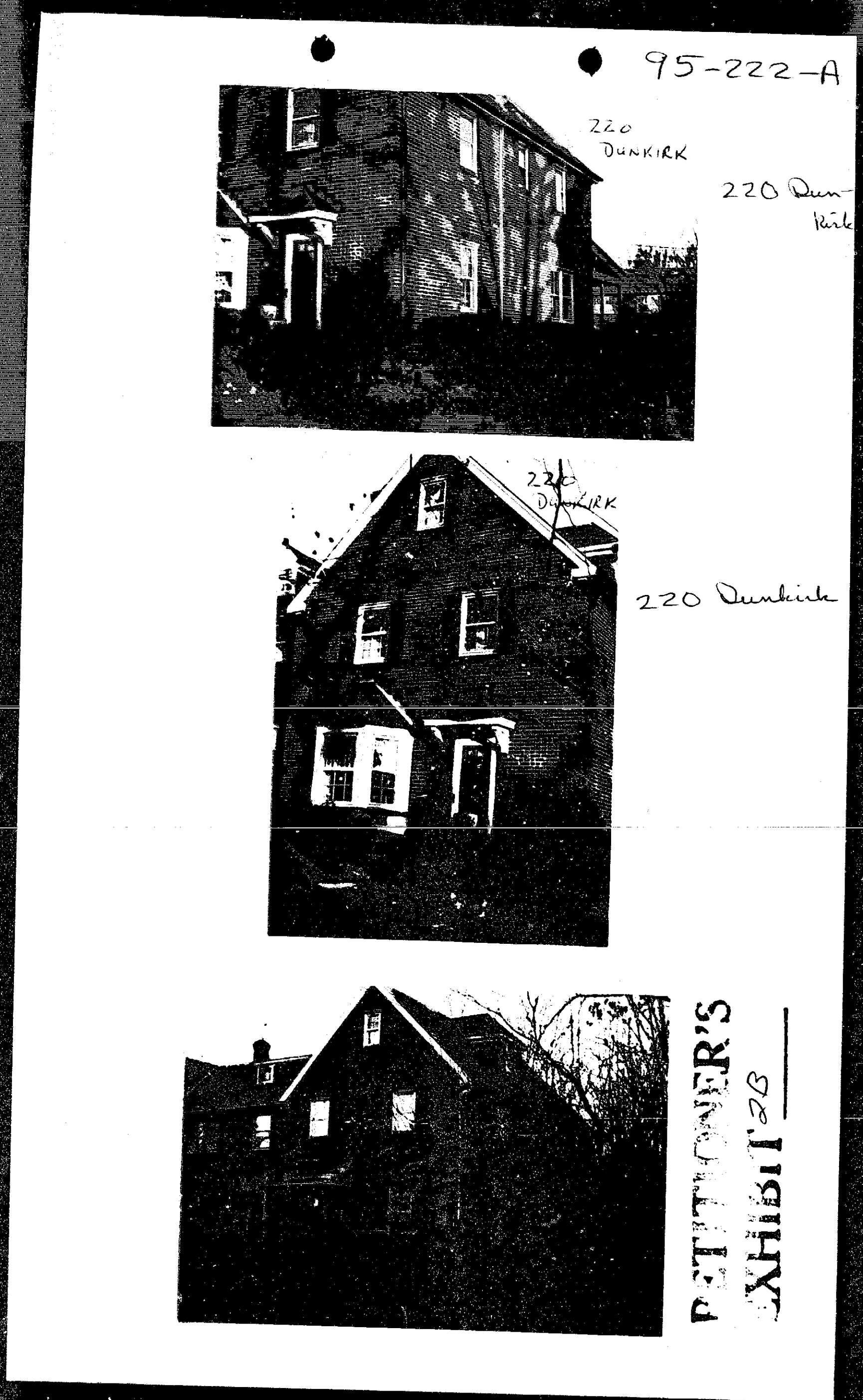
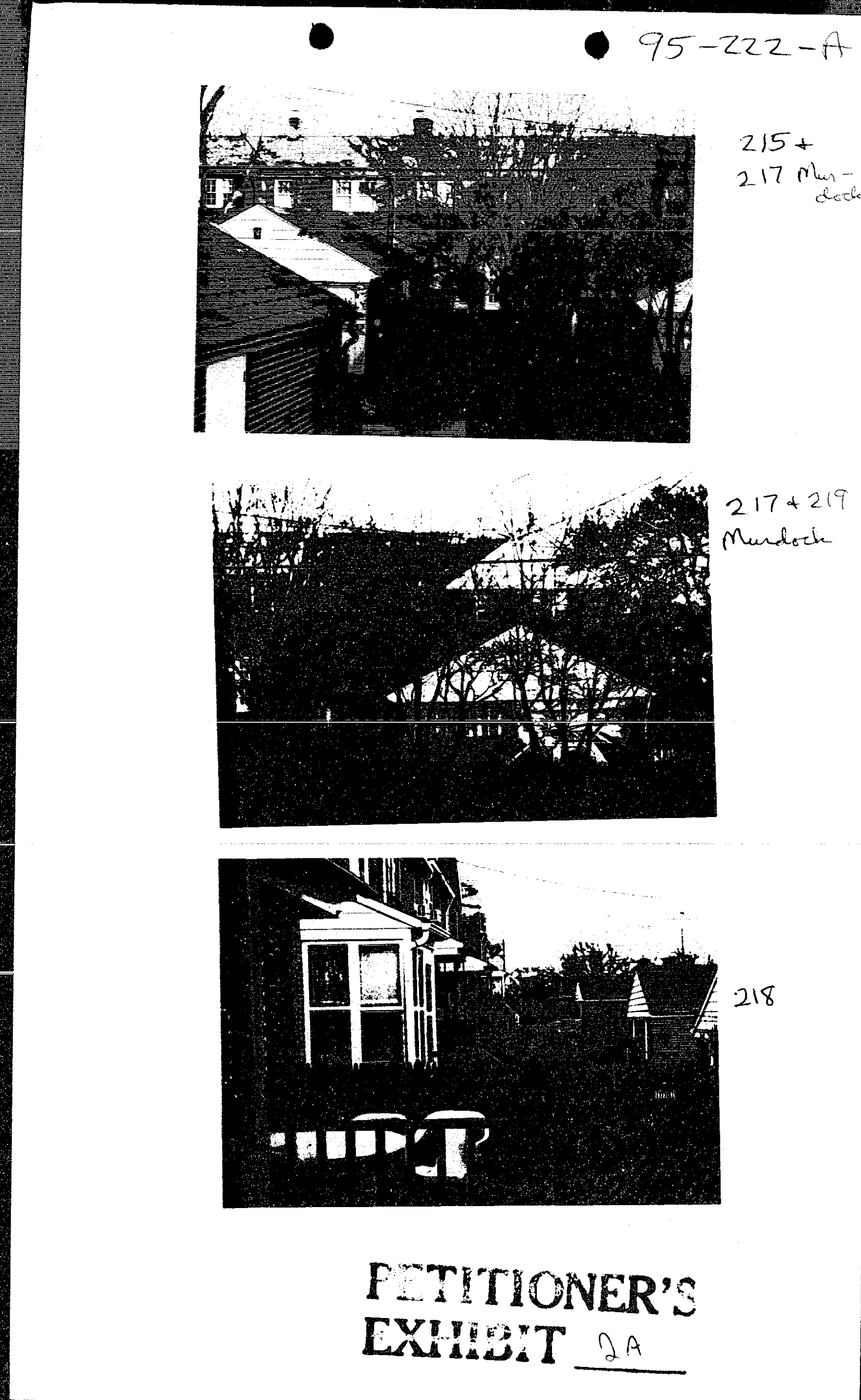
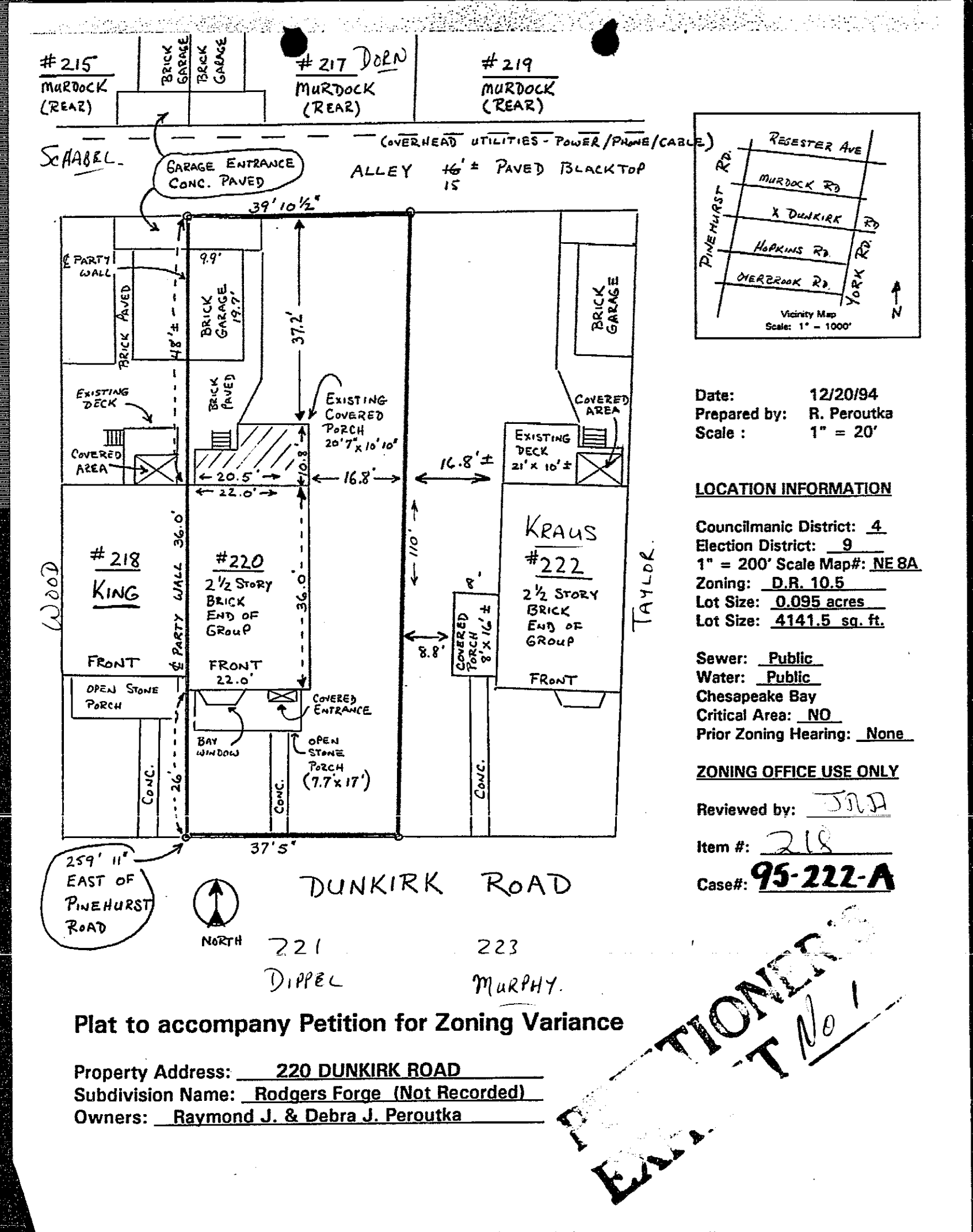
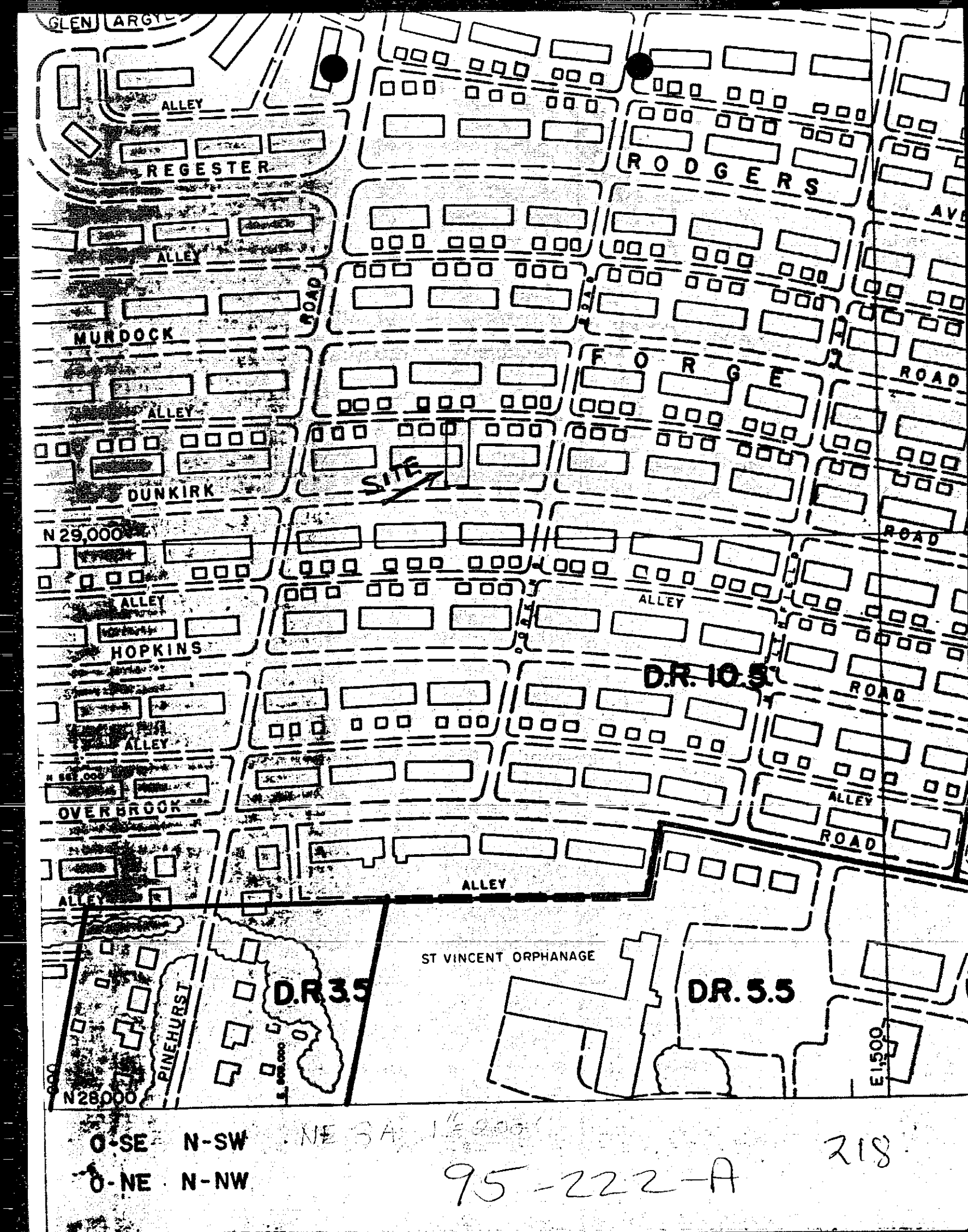
PROTESTANT(S) SIGN-IN SHEET

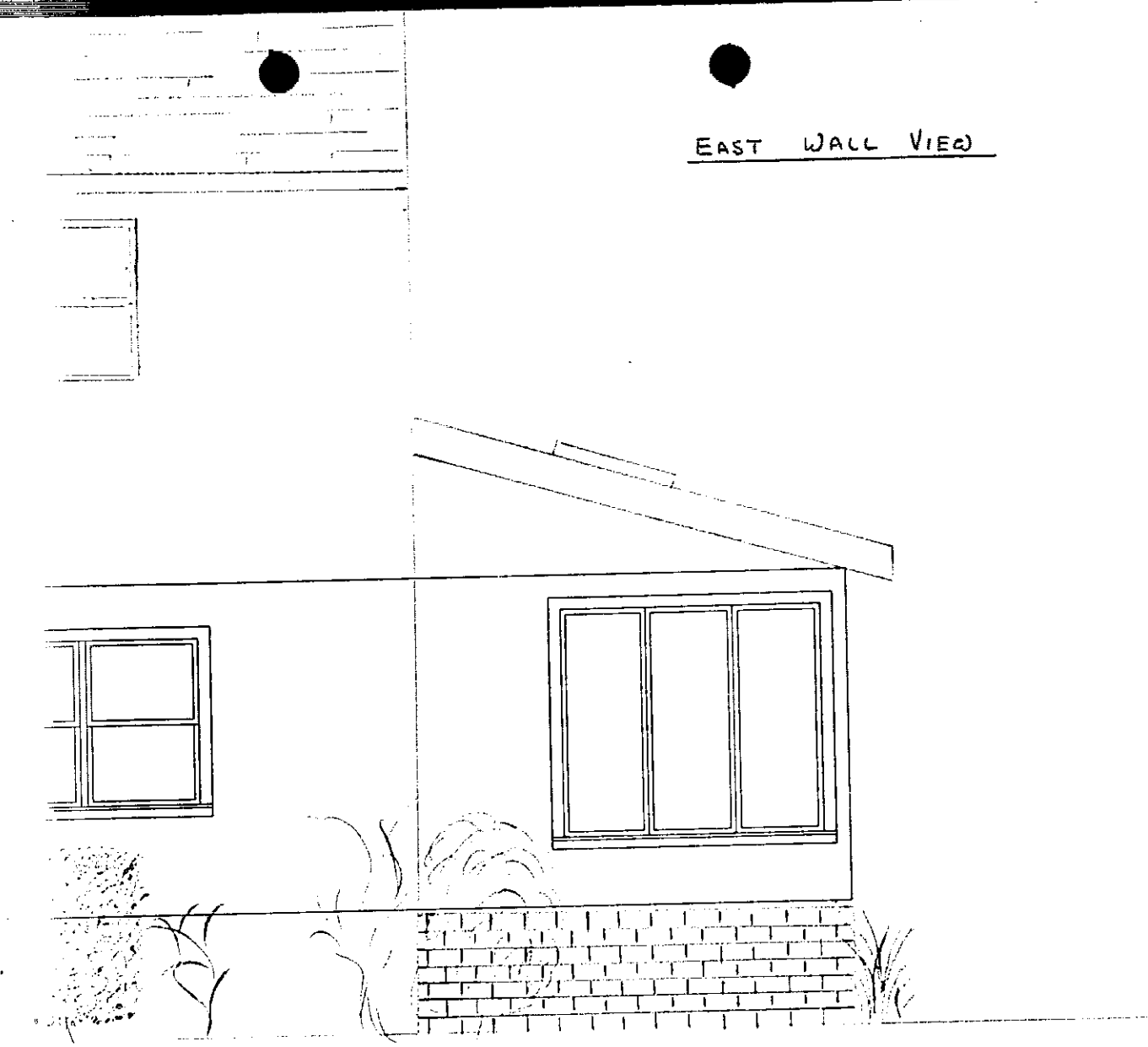
NAME	ADDRESS	REQUEST COPY TO
<u>ROSE CAROL ZIELKE</u>	<u>325 MURDOCK RD</u>	<u>FOR OFFICIAL USE</u>
<u>Annex Frequenting Bolon</u>	<u>71 Murdock Rd</u>	<u>FOR OFFICIAL USE</u>
<u>HELEN & ED J. AMENT</u>	<u>331 MURDOCK RD</u>	<u>" "</u>
<u>William O'Brien</u>	<u>329 MURDOCK RD</u>	<u>" "</u>
<u>EARROLL MILLER</u>	<u>322 " "</u>	<u>" "</u>

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

NAME	ADDRESS
<u>JOSEPH A. GUINSKI</u>	<u>210 DUNKIRK RD</u>
<u>RODGERS FORGE BOARD OF GOVERNORS</u>	<u>BALTIMORE MD 21212</u>





PETITIONER'S
EXHIBIT 3D

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE
BALTIMORE, MD. 21212

December 23, 1994

Mr. Raymond J. Peroutka
220 Dunkirk Road
Baltimore, Maryland 21212

Re: Proposed Enclosure

Dear Mr. Peroutka:

The Rodgers Forge Community, Inc. (the "Association"), acting through its Board of Governors and its architectural committee, has reviewed, in detail, the plans that you submitted for the enclosure of the porch at the rear of your home at 220 Dunkirk Road. Members of the architectural committee also met with you to discuss these plans. Copies of the plans for the proposed enclosure submitted by you and considered by the Board are attached.

This letter is to inform you that the committee approves your plans for the proposed enclosure. Accordingly, no officer or member of the Association's Board of Governors, either individually or on behalf of the Association, will oppose your application for a zoning variance for the proposed enclosure, provided that your application is consistent with the attached plans.

The Association appreciates your efforts to design your enclosure so that it is consistent with the architectural characteristics of the community, and the time and patience you took to explain your design to the architectural committee.

Please feel free to call me if you have any questions.

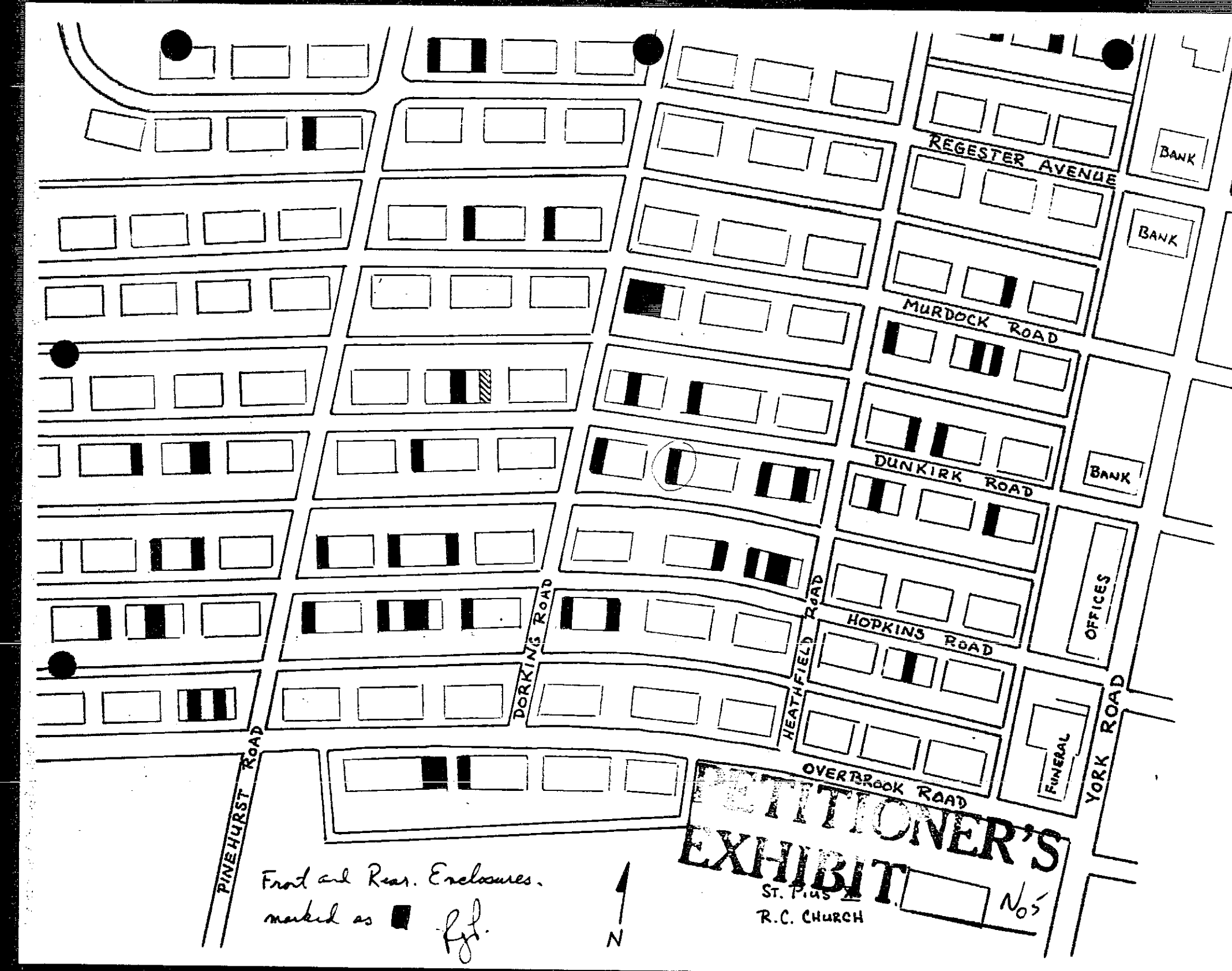
Very truly yours,

Architectural Committee,
Board of Governors,
Rodgers Forge Community, Inc.

By: *Joseph A. Guzinski*
Joseph A. Guzinski

cc: Honey Holston, President

PETITIONER'S
EXHIBIT No 4



95-222-A



421 DUNKIRK
6 "A"



421 DUNKIRK
6 "B"



301 DUNKIRK
6 "C"

95-222-A



222
MURDOCK
6 "D"



419
MURDOCK
6 "E"



200
REGISTER
6 "F"

95-222-A



1 MURDOCK
6 "G"



323 DUNKIRK
6 "H"



311
DUNKIRK
6 "I"

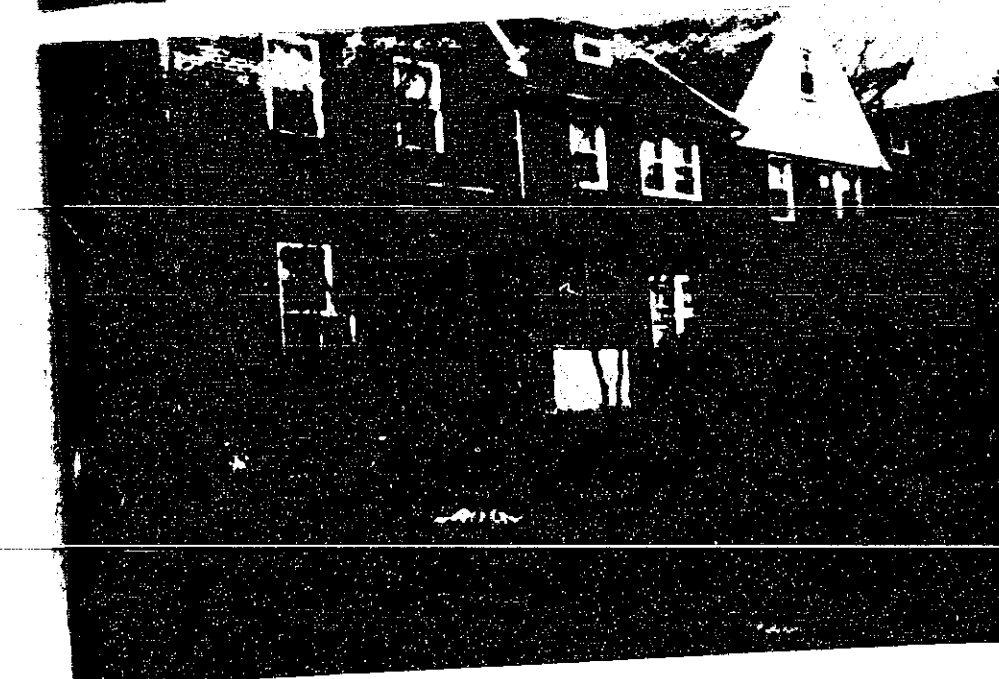
95-222-A



136
HOPKINS
6 "J"



211
HOPKINS
6 "K"



323
DUNKIRK
6 "L"

95-222-A



408
DUNKIRK
6 "M"



326 Hopkins
328 Hopkins
6 "N"



413 Hopkins
6 "O"

95-222-A



309
Hopkins
6"P"

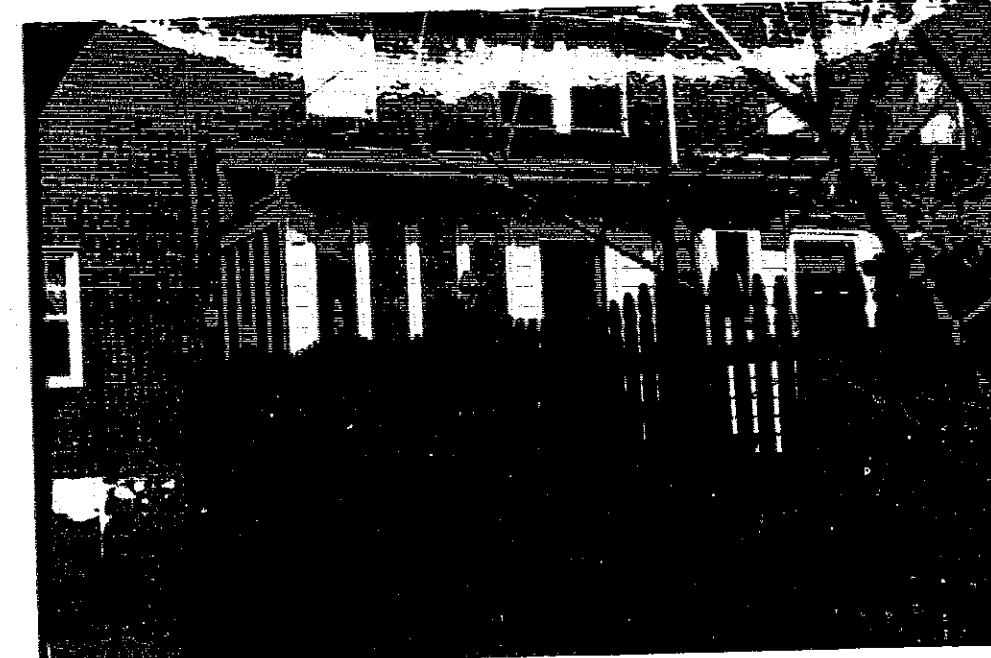


223
Hopkins
6"Q"



157
Register
6"R"

95-222-A



405
DUNKIRK
6"S"



329
DUNKIRK
6"T"

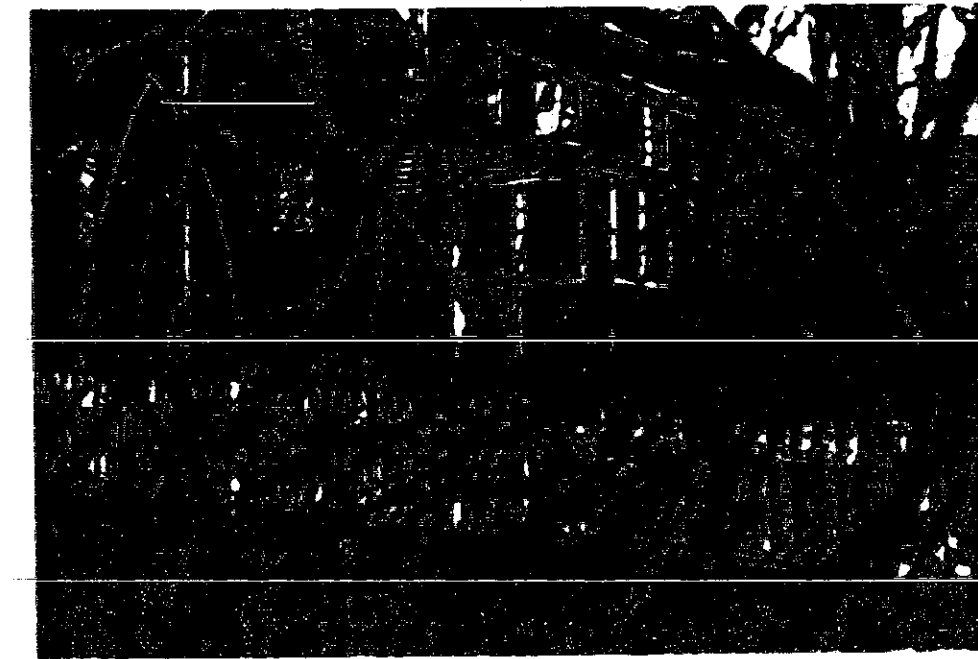


310
DUNKIRK
6"U"

95-222-A



215
OVERBROOK
6"V"



91
DUNKIRK
6"W"



124
OVERBROOK
6"X"

95-222-A



133
Hopkins
6"Y"



304
DUNKIRK
6"Z"

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Georgia King
(Property Owners)
218 Dunkirk Road
(Street Address)
Georgia King
(Signature)

PETITIONER'S
EXHIBIT NO 7A

218

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Robert W. Krauss
(Property Owners)
222 DUNKIRK RD
(Street Address)
Robert W. Krauss
(Signature)

PETITIONER'S
EXHIBIT 7B

218

Rodgers Forge
Resident Approval

I am aware of Deb and Ray Peroutka's plans to enclose the porch at the rear of their home at 220 Dunkirk Road and the anticipated request for zoning variance that will accompany those plans.

I have inspected the building plans and have no objection to the project.

Francis Doyle
Signature
224 Dunkirk Rd
Address

Comments (if any):

PETITIONER'S
EXHIBIT 7C

Rodgers Forge
Resident Approval

I am aware of Deb and Ray Peroutka's plans to enclose the porch at the rear of their home at 220 Dunkirk Road and the anticipated request for zoning variance that will accompany those plans.

I have inspected the building plans and have no objection to the project.

W.E. Wood Jr.
Signature
216 DUNKIRK ROAD
Address

Comments (if any):
MY WIFE AND I BOTH FEEL THIS PROJECT IS
IN GOOD TASTE, AND CERTAINLY WILL NOT
DETRACT FROM THE ESTHETICS OF OUR
COMMUNITY.

PETITIONER'S
EXHIBIT 7D

Rodgers Forge
Resident Approval

I am aware of Deb and Ray Peroutka's plans to enclose the porch at the rear of their home at 220 Dunkirk Road and the anticipated request for zoning variance that will accompany those plans.

I have inspected the building plans and have no objection to the project.

Francis X. D. Duffel Jr.
Signature
Francis X. D. Duffel Jr.
221 Dunkirk Road
Address 21212

Comments (if any):

PETITIONER'S
EXHIBIT 7E

December 20, 1994

I am aware that Raymond and Debra Peroutka desire to enclosing the porch at the rear of their home located at 220 Dunkirk Road for the purpose of creating a sunroom. They have informed me that they have applied for a zoning variance to permit this use of their property. I understand that the variance is needed because the rear of the sunroom is approximately 37 feet from their rear property line rather than 50 feet, as required by zoning. I have inspected their plans and discussed them with Ray and Deb. I have no objection to this project and do not plan to file a protest with the Zoning Board.

Ann E. Daan
(Property Owners)
517 Murdock Rd.
(Street Address)
Ann E. Daan
(Signature)

PETITIONER'S
EXHIBIT 7F

December 20, 1994

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Charles W. Schaubert Jr.
(Property Owners)
315 MURDOCK RD
(Street Address)
C.W. Schaubert Jr.
(Signature)

PETITIONER'S
EXHIBIT 7G

Rodgers Forge
Resident Approval

I am aware of Deb and Ray Peroutka's plans to enclose the porch at the rear of their home at 220 Dunkirk Road and the anticipated request for zoning variance that will accompany those plans.

I have inspected the building plans and have no objection to the project.

Ronald Naditch
Signature
207 MURDOCK ROAD
Address

Comments (if any):

PETITIONER'S
EXHIBIT 7H

95-222-A

Protestants' Exhibits

Protestants' Exhibits 95-222-A

RODGERS FORGE COVENANTS CHALLENGED

For over sixty years, residents of Rodgers Forge have enjoyed the security of knowing that neighbors buying a house in the community have agreed, through the purchase of their house, to maintain their home in a manner consistent with its established character and appearance. This agreement is reflected in the "covenants". The covenants are, essentially, limits on the alterations that Rodgers Forge residents can make to their homes, and on the use of their property. Like the walls, roofs, lots, garages and physical attributes, the covenants were made part and parcel of each home in the Forge by its developer, James Keeltv, Inc. By buying a home in this community, the purchaser agrees to abide by the covenants. As you know, from repeated reminders in the Newsletter, the community association has the task of monitoring compliance with the covenants, and many exterior types of alterations to your home must be approved by the association.

The covenants have now been challenged by our neighbors living at 220 Dunkirk Road, Raymond and Debra Peroutka. The Peroutkas have filed suit against our community association, claiming that the covenants in the Forge's oldest section (the section comprised of Hopkins, Dunkirk, Murdock Roads and Register Avenue, east of Pinehurst) expired in 1960, and are asking the court to declare that the covenants are no longer applicable to the Peroutkas' property. The Peroutkas, according to their complaint, desire to construct an enclosed addition to the back of their house, an alteration that under the covenants must be approved by the community association.

The association's Board of Governors carefully reviewed the Peroutkas' allegations with the association's attorneys, and decided to defend this suit vigorously. The litigation will likely be expensive. However, this litigation has importance far beyond a particular owner's desire to build an enclosed addition to his property: it challenges the ability of the community to enforce the covenants against any one of the owners in Rodgers Forge's oldest section, and ultimately the community's ability to preserve its character and to protect its value.

Future issues of the Newsletter will provide you with an update on the progress of this litigation, and significant developments

PROTESTANT'S
EXHIBIT NO. 261

Law Offices
MICHAEL P. TANCZYN, P.A.

Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 - (410) 296-8824
Fax: (410) 296-8827
Computer Fax: (410) 296-2848

January 16, 1995

Honorable Timothy Kotroco
Deputy Zoning Commissioner
Old Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Case No. 95-104-A
323 Murdock Road

Dear Mr. Kotroco:

I know that the hearing has closed some time ago and that your Decision is imminent, if not made already.

I am writing to make you aware that as of December 23, 1994 the Rodgers Forge Community Association, in settlement of other litigation, issued the enclosed letter for what is now Case No. 95-222-A indicating their approval of a larger structure with skylights to be added to the rear of a Rodgers Forge townhome not far from the DeMallie's. As you can tell from the letter, Rodgers Forge has no objection to the Variance and they have developed new architectural standards since their testimony before you.

We therefore submit this for your consideration.

Very truly yours,

Michael P. Tanczyn
Michael P. Tanczyn

MPT/ed
Enclosure
cc: Mr. J. Donald Gerding
Mr. & Mrs. Craig DeMallie

PROTESTANT'S
EXHIBIT NO. 261

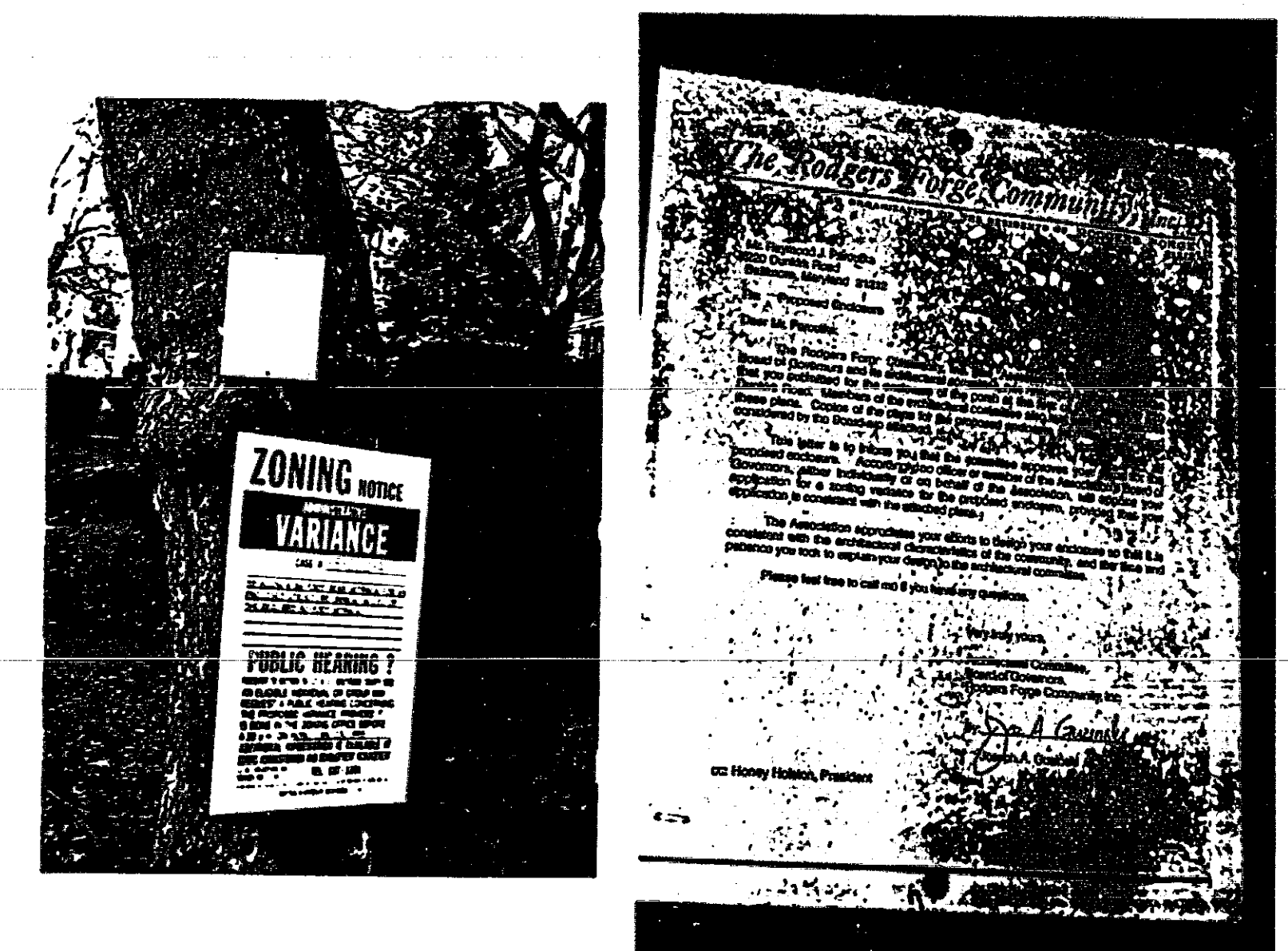
Protestants Exhibit 3

Posting of Zoning Notice.

Presented by Carol L. Zielke
February 21, 1995

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.



January 20, 1995
 Prot No 4
 Mr. Arnold Jablon, Director
 Zoning Administration and Development Management
 Baltimore County Office Building, Room 109
 111 West Chesapeake Ave.
 Towson, MD. 21204

Case Number: 95-222-A (Item 218)
 Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
 Address: 220 Dunkirk Road

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This is not a formal request for a public hearing. However, if someone should request a public hearing, we would like to be informed by letter of the date, time and location of such hearing.

Signature	Address/Phone	Date
Agnes Friedrichberg Dolan	71 Murdock Rd 21212	1-22-95
Richard Dolan	71 Murdock Rd 21212	1-22-95
Carol L. Zukky	325 Murdock Rd 21212	1-22-95
N. David Groll	377-2169	
Mary Buckholz	324 Murdock Rd 21212	1/24/95
M.B. Birkhead Jr.	377-5254	1/22/95
J. Donald Hinkle Jr.	322 Murdock Rd 21212	
Wendy Phillips	377-4532	
Edmund J. Klement	331 Murdock Rd 21212	1/22/95
John A. Smet	377-8870	
Joseph A. Knell Jr.	330 Murdock Rd 21212	1/22/95
Byline M. Knell	377-7823	

President Exhibit # 5

Rodgers Forge Newsletter

Official Publication of
The Rodgers Forge Community, Inc.

Vol. 16 No. 1 Baltimore, Maryland 21212 January, 1994

PRESIDENT'S MESSAGE

As I write this message for the first month of the New Year, it is early December and the Newsletter for December should have been delivered to each house. The topic addressed in the December Newsletter was our concerns in the Forge, and yet again I find that in January this most vital issue to the neighborhood must once more be addressed.

During the past few days, I have been inundated with phone calls and letters concerning sheds put up in backyards and high fences erected. The residents who have called and written have been dismayed, angered and, in some cases, embittered, that people are making exterior alterations to their houses without (in some cases) even bothering to fill out an Alteration Form (found in the front of our Rodgers Forge directory). Many of the complainants feel that they have observed strict adherence to the covenants. Why, they wonder, isn't everyone held to strict accountability in adherence to the covenants? Don't those in violation care about what their alterations do to their neighbors? What ever we do will have an impact on our neighbors. Does erecting a six-foot fence block a neighbor's access to the breezes in summer? Will my other neighbors, whose garden is so lovely in the spring, lose sunlight because of my high fence?

In fact, regardless of whether something would or would not be a violation of the covenants, we should think carefully about how what we build will affect all of our neighbors. If the effect on others will be deleterious, perhaps the neighborly way would be to rethink our plans.

Each homeowner should have been given a set of the covenants at the time of settlement. Please read them—they are actually very interesting reading. If you were not given the covenants at your settlement, ask for them from your title company.

The majority of people who buy houses in Rodgers Forge do so because of the covenants. They want enforcement of the covenants, knowing only strict enforcement will retain the integrity of Rodgers Forge and the value of their houses. May the New Year bring health and contentment to you all.

Honey Holston
 Honey Holston
 President

BLOCK CAPTAIN MEETING HELD

by Jane Bauer

On November 15, 1993, a meeting was held for all interested block captains to review their basic responsibilities, to discuss ways to improve the system and to brainstorm on new ideas to increase community spirit and input.

I was thrilled to have 17 block captains from all over the Forge attend the meeting. After a welcome and introduction of all block captains, the responsibilities were reviewed.

- Deliver annual directory and dues invoice. (It is strongly encouraged that block captains collect dues.)
- Deliver emergency flyers • Volunteer at least one hour at the Rodgers Forge Picnic in June
- Welcome new neighbors

It was proposed that a telephone chain be set up for the block captains in the event information needs to be passed around quickly.

A fun way of maintaining community spirit and getting to know your neighbors is to organize a block party. Several block captains had organized such an event. Suggestions include: picnics, ice cream socials and pot luck dinners. The alley can be blocked off for the activities but a Baltimore County permit is required. If you are interested, please write to Mr. C. Richard Moore, Chief of Highways and Traffic Operations at 111 West Chesapeake Avenue, Towson, 21284 (small stop 1003). You must specify the day, time, section of alley to be shut down and a rain date, if there is one.

Welcoming new neighbors is a most positive way of introducing people to our community. Lizzy Husler and Pat Meenan have put together a Hospitality Service packet that can be handed out to new neighbors with the directory. The packet includes information on the association, dues, covenants, and on others who will be deleterious, perhaps the neighborly way would be to rethink our plans.

I would like to thank all of the block captains who attended and all of the block captains for their hard work and dedication to the Forge. I am always interested in hearing from all block captains.

RODGERS FORGE DUES RESULTS

(as of 12/07/93)

Location	TOTAL US\$	RESULTS NO.	%
Brandson Road	124	54	44
Chumlight Road	15	7	47
Dunbarton Road	119	54	45
Dunkirk Road	215	95	44
Glen Argyle Road	21	14	67
Heathfield Road	81	34	42
Hopkins Road	148	67	45
Lanark Court	36	19	53
Murdock Road	238	108	45
Old Trail	101	51	50
Oxerbrook Road	119	63	53
Pinehurst Road	14	6	43
Register Avenue	187	78	40
Rodgers Court	24	19	79
Stanmore Court	20	5	25
Stammore Road	211	87	41
Stevenson Lane	88	43	49
York Road	18	14	78
Total Homes	1779	815	46
Stevenson Lane Apts.	115	6	5
Rodgers Forge Apts.	507	40	8
Total Apartments	622	46	7
Community Total	2401	861	36

ALTERATION REMINDER

The Board of Governors meets the second Wednesday of every month. Requests for alterations are considered at this time. To expedite the process, please submit forms by the first of the month to any of the following committee members: Jane Bauer, Honey Holston, and Debra Mitchell. The completed form and accompanying information may also be mailed to Architectural Committee.

RFCM
 P.O. Box 4631
 Baltimore, MD 21212-0631

PAPER PICK-UPS

January 12
 January 26

February 21, 1995
Protestants GA

Mr. Arnold Jablon, Director
 Zoning Administration and Development Management
 Baltimore County Office Building, Room 109
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention Gwen Stephens:

Case Number: 95-222-A (Item 218)
 Property Owners: Raymond J. Peroutka and Debra J. Peroutka
 Location: 220 Dunkirk Road
 Regarding: Variance to allow 36 foot set back for an enclosed structure (porch) in lieu of required 50 feet.

Dear Zoning Commissioner:

I am writing to oppose the granting of the requested variance for rear yard setback at 220 Dunkirk Rd.

I feel that the construction of the proposed addition would seriously cut down on the air flow, and light available to the surrounding homes, and would also obstruct the view of neighbors. I feel that it is important to maintain the open spaces planned when the houses were constructed.

I feel that the addition would certainly impair the ability to participate in the Neighborhood Watch Program by observing neighbors property when owners are away.

I also feel that with only two children, they have ample living and storage space on the 4 floors of the house, plus the garage.

I have lived in a similar size house (6 bedrooms) for more than 25 years, and comfortably raised 4 children (as did 2 previous owners of my house) in the space provided by original design of the house.

I urge you to deny the request for a setback variance.

Very truly yours,
John S. Parks
 John S. Parks
 209 Murdock Road
 Baltimore, MD 21212
 (410) 377-6812

Protestant GB

Mr. Arnold Jablon, Director
 Zoning Administration and Development Management
 Baltimore County Office Building, Room 109
 111 West Chesapeake Avenue
 Towson, MD 21204

Dear Sir,

I write to oppose the requested 36-foot set back variance for an enclosed structure, at 220 Dunkirk Road in Rodgers Forge.

The proposed "porch" is another attempt to make a town house development home, into something it was not intended to be. The property does not sit on a half acre lot which would allow such expansion without intrusion into the air and light rights of neighbors and the community.

We have lived in a similar end of the row home in this community for twenty-five years without a porch type addition and without suffering any practical difficulty or unreasonable hardship. We have had 3 children at 220 Murdock Rd.

The purpose of the set back requirement set in 1955 by Baltimore County was to preserve the town row house character of the Rodgers Forge Community in order to protect the "health, safety and general welfare" of the residents. These goals are as valid if not more so in 1995. Please reject this variance request.

Sincerely, J. Donald Hinkle Jr.

Protestants GC

Mr. Arnold Jablon, Director
 Zoning Administration and Development Management
 Baltimore County Office Building, Room 109
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Dear Zoning Commissioner:

I am writing to oppose the variance to allow a 36 ft. set back for an enclosed structure at 220 Dunkirk Road.

I have raised six children in an end town home similar to this one and have not suffered any difficulty or unreasonable hardship.

To build such a structure would affect the health, safety and general welfare of the families living in the area.

These homes do not have the average of an individual home has and anyone moving in this area should realize this fact.

I object to this variance request.

Joseph A. Knell Jr.

February 21, 1995
Protestants GD

Mr. Arnold Jablon, Director
 Zoning Administration and Development Management
 Baltimore County Office Building, Room 109
 111 West Chesapeake Avenue
 Towson, MD 21204

Attention Gwen Stephens:

Case Number: 95-222-A (Item 218)
 Property Owners: Raymond J. Peroutka and Debra J. Peroutka
 Location: 220 Dunkirk Road
 Regarding: Variance to allow 36 foot set back for an enclosed structure (porch) in lieu of required 50 feet.

Dear Zoning Commissioner:

I am opposed to the granting of the requested variance for rear yard setback at 220 Dunkirk Rd.

I have lived at 209 Murdock Road for more than 50 years since my childhood, and have raised three children in my three bedroom house. We had adequate space to meet our living and social needs.

I feel that it is important to maintain the open spaces planned when the houses were constructed. I feel that the proposed addition would seriously cut down on the air flow, and light available to the surrounding homes, and would obstruct the view of neighbors.

I feel that the addition would greatly impinge the ability of neighbors to participate in the Neighborhood Watch Program in observing other neighbors property when owners are away.

I also feel that with only two children, the Peroutka's have ample living and storage space on the 4 floors of their house (larger than mine), with additional space in their garage.

I urge you to deny the request for a setback variance.

Very truly yours,
John S. Parks
 John S. Parks
 209 Murdock Road
 Baltimore, MD 21212
 (410) 377-6812

February 14, 1995
Protestants GE

Joseph A. Knell, Jr.
 330 Murdock Road
 Baltimore, Maryland 21212

Case Number: 95-222-A (Item 218)
 Property Owners: R.J. Peroutka & D.J. Peroutka
 Location: 220 Dunkirk Road
 Regarding: Variance

February 14, 1995

Mr. Arnold Jablon, Director
 Zoning Administration and Development Management
 Baltimore County Office Building, Room 109
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Attention: Gwen Stephens

Dear Zoning Commissioner:

This letter is to express my opposition to the granting of the Variance requested in the above referenced case.

I have been a resident of Rodgers Forge for over 25 years. I chose this neighborhood because of its well constructed houses, strict covenants, and zoning regulations. It disturbs me that some property owners do not wish to live by the rules and attempt to circumvent them by devious means. This was brought to my attention by seeing a Public Hearing notice concerning a requested Variance posted on the above property after construction of this project had already begun.

I raised 5 children in my house which is the same size as the above property. Therefore I know that additional living space is not needed by a property owner with only 2 children.

The construction of "add-ons" to the large houses on small lots in Rodgers Forge is unsafe and unsightly. It deprives their neighbors of air, sunlight, and views which was not the original plan and should not be allowed. This construction may increase the property value of that particular house, but it decreases the value of surrounding property.

I urge you, please do not grant the Variance requested in the above referenced case.

Sincerely
Joseph A. Knell, Jr.

February 17, 1995
Protestants 7

TO WHOM IT MAY CONCERN

The Board of Governors has resolved its differences with Mr. and Mrs. Peroutka concern a lawsuit the Peroutkas filed in the Circuit Court for Baltimore County. One of the conditions in resolving this suit was that neither the Board of Governors nor any member of the Board would either personally or on behalf of the Board actively oppose or actively encourage opposition to the Peroutkas application to Baltimore County for a zoning variance. Also, neither the Board nor any member of the Board will actively support or actively encourage approval of the variance. The Board of Governors and its members will allow the zoning commissioner to make its determination on the zoning issue without any opposition or support from the Board of RFCI.

2/21/95

PROTESTANTS EXHIBIT #10

Case Number: 95-222-A

SUMMARY OF ALTERATIONS TO HOMES IN THE OLD SECTION OF RODGERS FORGE HOMES BETWEEN PINEHURST AND YORK ROAD

STREET	ENCLOSED PORCH/ ADDITION (ROOM SIZE)		ENCLOSED PORCH (5'x8') OR SMALL ADDITION
	TOTAL HOMES		
DUMBARTON ROAD (ODD #s)	44	2	NONE
REGESTER AVENUE	92	0 + 1*	0 + 1 ^b
MURDOCK ROAD	92	1	8 + 1 ^b
DUNKIRK ROAD	92	5 + 4*	8 + 2 ^b
HOPKINS ROAD	92	1 + 1*	6 + 2 ^c
TOTAL	412	9 + 6*	22 + 4^b + 2^c
(% OF TOTAL)		3.6%	6.7%

*Full width screened porch *Small addition *Screened porch

Overbrook Road (89 homes) which is part of East Rodgers Forge was omitted from these figures because it remains under covenants.

Most of the large structures are concentrated on Dunkirk Road. The small enclosed porches are about equally divided between Hopkins, Dunkirk and Murdock Roads.

The above survey was made on February 3-15, 1995 and is documented with photographs taken at that time.

file:RF941129.A1T

Protestant Exhibit #11

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21284

BUILDING PERMIT

PERMIT #: 8883784 CONTROL #: NR DIST: 09 PREC: 04
DATE ISSUED: 02/28/95 TAX ACCOUNT #: 0903470510 CLASS: 04

PLANS: CONST PLOT: 1 - R PLAT: DATA ELEC NO PLUM NO
LOCATION: 208 REGISTER AVE
SUBDIVISION: RODGERS FORGE

OWNERS INFORMATION
NAME: ELIA, JERRY & MARIA
ADDR: 208 REGISTER AVE BALTO, MD 21212

TENANT:
CONTR: DECKCRAFT
ENGR: [Signature]
SELLR:
WORK: REMOVE EXISTING DECK ON REAR OF SFTH AND
REPLACE WITH SCREENED IN PORCH. 14 X 10 X
4 = 160SF. WILL COMPLY WITH CODE MEMO #1.

BLDG. CODE: [] DATA CODE: []
RESIDENTIAL CATEGORY: TOWNHOUSE OWNERSHIP: PRIVATELY OWNED

ESTIMATED * PROPOSED USE: SFTH & PORCH
10,872 EXISTING USE: SFTH

TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION: [] BASEMENT: []
SEWAGE: PUBLIC EXIST [] WATER: PUBLIC EXIST []

LOT SIZE AND SETBACKS
SIZE: 035'03X137'142
FRONT SETBACK: []
SIDE STREET: []
FRONT SETBACK: []
SIDE SETBACK: []
SIDE SETBACK: []
REAR SETBACK: []

BY FACE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES

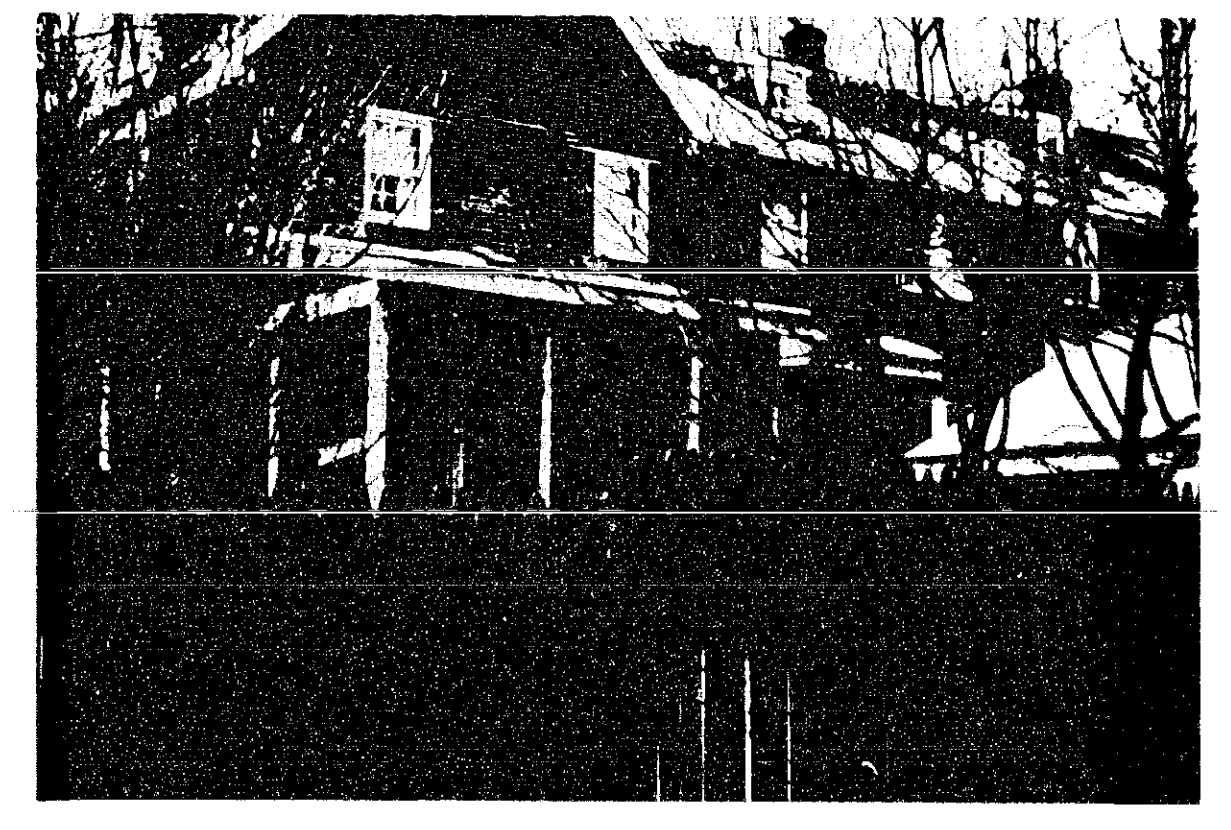
Protestants Exhibit 13

Impact of Proposed Enclosed Porch on Appearance of the Property at 220 Dunkirk Road.

Presented by Carol L. Zielke
February 21, 1995

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.



Protestants Exhibit #8
95-222A

Protestants Exhibit:
Full Width Enclosed Porches/
Rodgers Forge
Case Number: 95-222-A

Protestants Exhibit 8

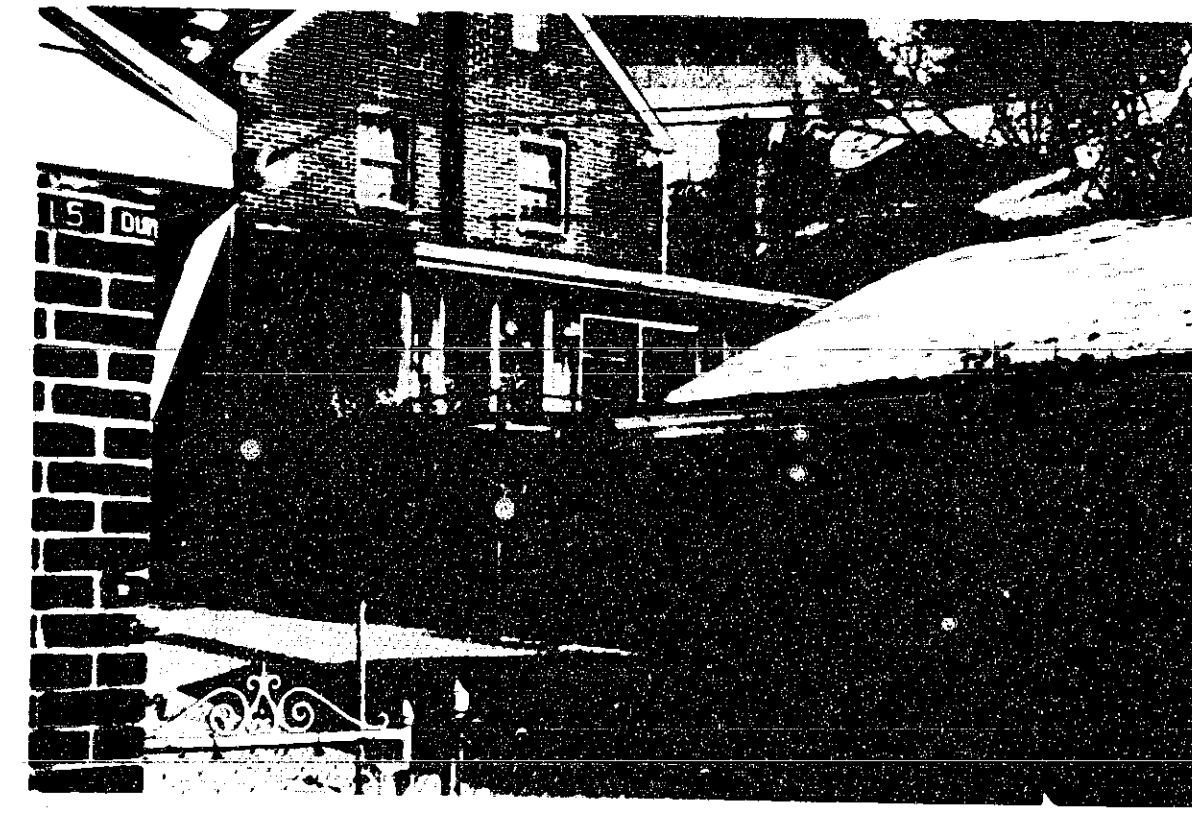
Full Width Enclosed Porches/Additions or Screened Porches in East Rodgers Forge

Presented by Carol L. Zielke
February 21, 1995

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.

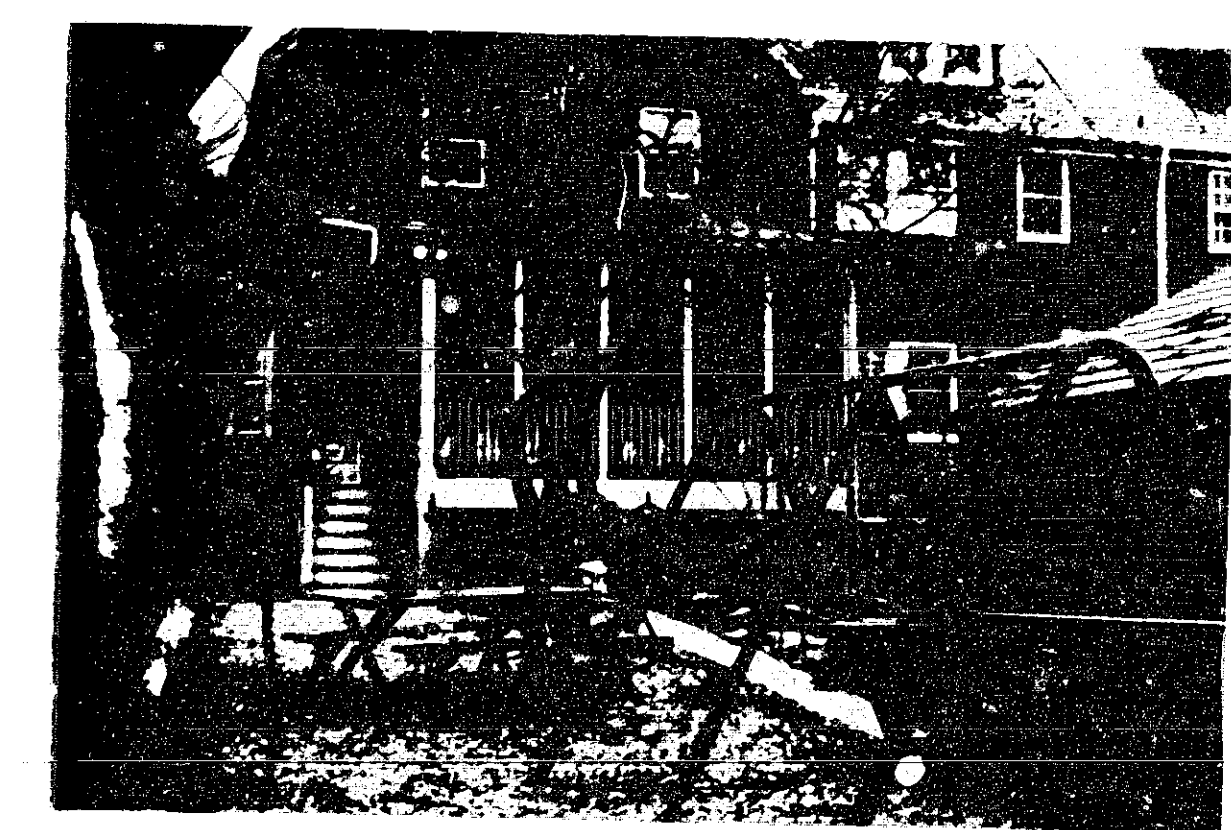
Total number of enclosed porches/additions = 9
 Total number of screened porches = 6
 Total = 15



419 Dumbarton Road



411 Dumbarton Road



208 Regester Avenue



418 Murdock Road

Protestants Exhibit:
The Small Enclosed Porches (5'x8') in East Rodgers Forge
Case Number: 95-222-A

Protestants Exhibit # 9
95-222-A

Protestants Exhibit 9

The Small Enclosed Porches (5'x8') in East Rodgers Forge

Presented by Carol L. Zielke
February 21, 1995

Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.

Total number of 5'x8' enclosed porches =	22
Total number of 1/2 width enclosed porches =	4
Total number of 5'x8' screened porches =	2
Total =	28



200 Regester Avenue



419 Murdock Road



413 Murdock Road



401 Murdock Road

Protestants Exhibit 12

The Back Faces of the East Rodgers Forge Group Homes: Documentation of the general lack of additions or enclosed porches within the community.

Presented by Carol L. Zielke
February 21, 1995

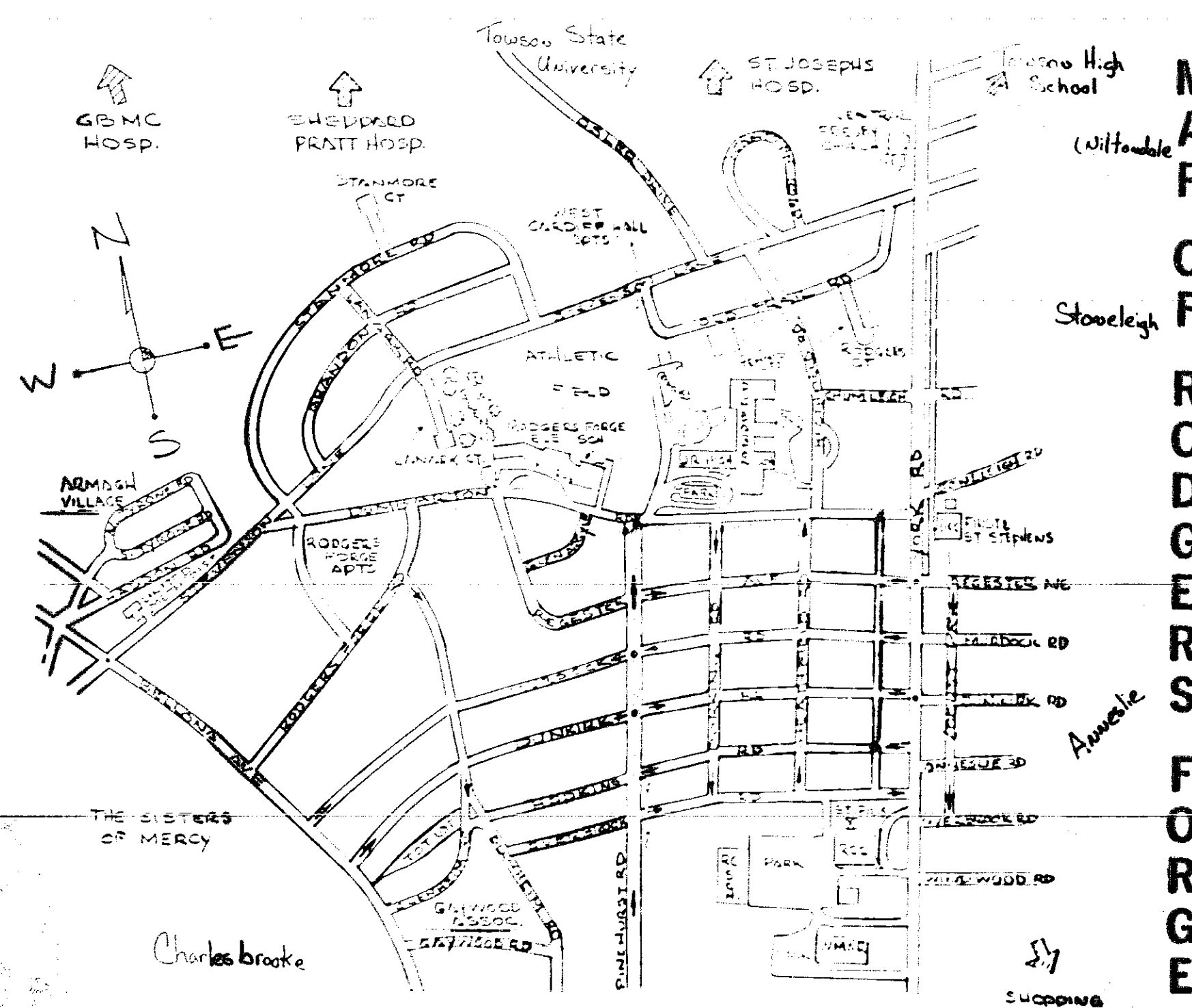
Case Number: 95-222-A (Item 218)
Property Owners: Raymond J. Peroutka, Jr. and Debra J. Peroutka
Address: 220 Dunkirk Road

RE: Variance to allow 36 foot rear yard setback for an enclosed structure (Porch) in lieu of the required 50 foot setback in a DR 10.5 zone.

Protestants Exhibit # 12
95-222-A

Protestants Exhibit:
The Back Faces of the East Rodgers Forge Group Homes

Case Number: 95-222-A



200 Block of Dumbarton (South side)



From 201 looking east



From 231 looking west

95-2222-A



218

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	STONELEIGH	N. E.
DATE OF PHOTOGRAPHY	ANNESLIE	8-A
JANUARY 1986	ROGERS FORGE	



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 6, 1995

Robert A. Hoffman, Esquire
Venable, Baetjer and Howard
210 Allegheny Avenue
Towson, Maryland 21204

RE: Case No. 95-222-A
Petition for Zoning Variance
Raymond J. Peroutka, Jr., et ux, Petitioners

Dear Mr. Hoffman:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been denied in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att:
cc: Mr. and Mrs. Raymond J. Peroutka, Jr., 220 Dunkirk Road, Balto. 21212
Mr. Joseph A. Guzinski, Rodgers Forge Board of Governors, 210 Dunkirk Road, Balto. Md. 21212
Mr. and Mrs. R. Zielke, 325 Murdock Road, Balto. Md. 21212
Mrs. Mary B. Birchhead II, 324 Murdock Road, 21212
Mr. and Mrs. E. J. Ament, 331 Murdock Road, 21212
Mrs. Norma O'Hara, 329 Murdock Road, 21212
Mr. Carroll Miller, 322 Murdock Road, 21212



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 220 Dunkirk Road, Baltimore Md. 21212
which is presently zoned D.R. 10.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situated 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(s) 18C.2.3.C.1 (TABLE) TO ALLOW 36 FT. REAR SETBACK FOR AN ENCLOSED STRUCTURE (PORCH) IN LIEU OF THE REQUIRED 50 FT. SETBACK IN D.R. 10.5.

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

Practical Difficulty
Enclosure of existing covered porch located 37.2 feet from the rear property line to accommodate needs of growing family.

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

Legal Owner:
Raymond J. Peroutka, Jr.
Signature: *Raymond J. Peroutka, Jr.*
Debra J. Peroutka
Signature: *Debra J. Peroutka*
Address: 220 Dunkirk Road (home)
220 Dunkirk Road (work)
Baltimore Maryland 21212
City State Zipcode
Address Phone No. Name
City State Zipcode Address Phone No.

REVIEWED BY: *SDJ* DATE: *12-20-94*
ESTIMATED POSTING DATE: *CLC1-95*
ITEM #: *218*

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:
That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does do presently reside at 220 Dunkirk Road
Baltimore Maryland 21212
City State Zipcode

That based upon personal knowledge, the following are the facts upon which I've based the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

The property located at 220 Dunkirk Road was purchased by affiants June 29, 1982. At that time, the property was improved by a two and one-half story brick dwelling with an attached porch extending from the rear. The rear setback from this porch is approximately 37.2 feet. Affiants seek to enclose the covered porch and thereby provide needed room for their growing family. Baltimore County Zoning for this area requires a 50 foot setback. Affiants have previously received consent for the enclosures from adjacent Property owners as well as the Rodgers Forge Community Association and its Architectural Review Committee.

The Affiant(s) acknowledge(s) that if a present is filed, Affiant(s) will be required to pay a repeating and advertising fee and may be required to provide additional proof.
Signature: *Raymond J. Peroutka, Jr.*
Signature: *Debra J. Peroutka*
Raymond J. Peroutka, Jr.
Debra J. Peroutka

STATE OF MARYLAND, COUNTY OF BALTIMORE, ss I HEREBY CERTIFY, this 19th day of December, 1994, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Raymond J. and Debra J. Peroutka

The Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal:
Date: *12/17/94*
Signature: *Mary E. Fenner*
My Commission Expires: *2/19/96*

Petition for Administrative Variance
220 Dunkirk Road
Baltimore, Maryland 21212
Raymond J. & Debra J. Peroutka

95-222-A

BEGINNING at a point on the north side of Dunkirk Road at the distance of 259 feet 11 inches easterly from the corner formed by the intersection of the north side of Dunkirk Road and the southeast side of Pinehurst Road said place of beginning being at a point in a line with the center of the partition wall there situated; thence easterly binding on the north side of Dunkirk Road 37 feet 5 inches to a point in a line drawn midway between the house on the lot now being described and the house on the lot adjoining on the east; thence north binding on said line 110 feet to the south side of an alley 15 feet wide there situated; thence westerly binding on the south side of said alley with the use thereof in common 39 feet 10-1/2 inches to a point in a line with the center of the partition wall in this description mentioned and thence south to and through the center of said wall and continuing the same course in all 110 feet to the place of beginning.

BEING the lot of ground recorded among the Land Records of Baltimore County in Liber E.H.K., Jr., No., 6408, lot 323, containing

The improvements thereon also being known as No. 220 Dunkirk Road and located in the Ninth Election District, Fourth Councilmanic District.

218

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 1/4/95
Posted for: LAWRENCE
Petitioner: Raymond J. Peroutka, Jr.
Location of property: 220 Dunkirk Rd., N/S
Location of Signs: Facing 220 Dunkirk Rd. on property being 22022
Remarks:
Posted by: M. Schmidt Date of return: 1/12/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Feb 3, 1995
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 3 successive weeks, the first publication appearing on Feb 2, 1995.
THE JEFFERSONIAN
A. Hennickson
LEGAL AD. - TOWSON

receipt

Account: 0-001-6190
Number: 218
Date: 12-20-94
MRS. MRS. R.S. PEROUTKA, JR.
220 DUNKIRK RD BALTO MD 21212
C/O PEROUTKA
OSC SIGN
100
135
85

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21201 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborly property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

For newspaper advertising:
Item No.: 218
Petitioner: RAYMOND J. & DEBRA J. PEROUTKA
Location: 220 DUNKIRK ROAD
PLEASE FORWARD ADVERTISING BILL TO:
NAME: RAYMOND J. PEROUTKA
ADDRESS: 220 DUNKIRK ROAD
BALTIMORE, MD. 21212
PHONE NUMBER: (410) 377-6219 - HOME
(410) 539-8580 - OFFICE
AROLD JABLON, DIRECTOR

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: 1/3/95
Posted for: LAWRENCE
Petitioner: Raymond J. Peroutka, Jr.
Location of property: 220 Dunkirk Rd., N/S
Location of Signs: Facing 220 Dunkirk Rd. on property being 22022
Remarks:
Posted by: M. Schmidt Date of return: 2/10/95
Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOTICE OF CASE NUMBER ASSIGNMENT

Be: CASE NUMBER: 95-222-A (Item 218)
220 Dunkirk Road
8/5 Dunkirk Road, 260' E of Pinehurst Road
9th Election District - 4th Councilmanic
Legal Owner(s): Raymond J. Peroutka, Jr. and Debra J. Peroutka

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office concerning the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a reaffirm regarding the administrative process.

- 1) Your property will be posted on or before January 8, 1995. The closing date (January 23, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Arnold Jablon
Director

cc: Raymond and Debra Peroutka

TO: POTOMAC PUBLISHING COMPANY
February 1, 1995 Issue - Jeffersonian

Please forward billing to:

Raymond J. Peroutka, Jr.
220 Dunkirk Road
Baltimore, MD 21202
410-377-6219

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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-222-A (Item 218)
220 Dunkirk Road
N/S Dunkirk Road, 260' E of Pinehurst Road
9th Election District - 4th Councilmanic
Legal Owner(s): Raymond J. Peroutka, Jr. and Debra J. Peroutka
HEARING: TUESDAY, FEBRUARY 21, 1995 at 3:00 p.m. in Room 118, Old Courthouse

Variance to allow a 36-foot rear setback for an enclosed structure (porch) in lieu of the required 50-foot setback.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

JANUARY 26, 1995

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 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-222-A (Item 218)
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Variance to allow a 36-foot rear setback for an enclosed structure (porch) in lieu of the required 50-foot setback.

Arnold Jablon

Arnold Jablon
Director

cc: Raymond and Debra Peroutka, Jr., 220 Dunkirk Road, Baltimore MD 21202

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

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on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 19, 1995

Mr. and Mrs. Raymond J. Peroutka, Jr.
220 Dunkirk Road
Baltimore, Maryland 21212

RE: Item No.: 218
Case No.: 95-222-A
Petitioner: R. J. Peroutka, et ux.

Dear Mr. and Mrs. Peroutka:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 20, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

J. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

1-3-95

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: N. JOYCE WATSON

Re: Baltimore County
Item No.: 218 (JRA)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

ES/

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 9, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comment on the following petitions:

Item Nos. 218, 220, 222, 223, and 224

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey W. Long*

Division Chief: *Camy L. Kern*

JL NC218/PZONE/TEXTWL

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration
and Development Management

Date: January 9, 1995

FROM: Robert W. Bowling, Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for January 9, 1995
Item Nos. 218, 220, & 221

The Developers Engineering Section has reviewed the subject zoning item. There are no comments for subject items.

RWB:jrb

cc: File

RWB12

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 01/18/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETINGS OF JAN. 3, 1995.

Item No.: SEE BELOW Zoning Agenda:

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.

6. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 217, 218, 219 AND 220.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

ZONING ADVISORY COMMITTEE AGENDA
ROOM 301, COUNTY OFFICE BUILDING
DISTRIBUTION MEETING OF JANUARY 17, 1995
FORMAL OR INFORMAL RESPONSE DUE AT JANUARY 23, 1995 MEETING

\$ Distributed at Meeting
* Agenda Only
+ Agenda and Petition
& Agenda and Plat
Agenda, Petition and Plat

Distribution:

- * Zoning Commissioner's Office (Lawrence Schmidt); MS #2112
- # ZADM, Development Control H.O. Hearing File (Gwendolyn Stephens)
- # ZADM, Development Control Work File (Joyce Watson)
- * ZADM, Development Management (David Flowers)
- * ZADM, Development Management (Kurt Kugelberg)
- * ZADM, Development Control (John Alexander)
- & Public Works, Development Plan Review (Dennis A. Kennedy)
- * Planning Office Director (Pat Keller)
- # Planning Office (Jeffrey Long)
- * Recreation and Parks (Ronald Schaeffer); MS #52
- # DEPRM (Larry Pison) - 2 plats
- * State Highway Administration, Access Permits Division (David N. Ramsey)
- & Fire Prevention, Plans Review (Lt. Robert Sauerwald); MS #102F
- * Dept. of Permits & Licenses, Building Plans Review (Dick Seim); MS #1106
- * Economic Development Commission, Business Develop. (Susan Brennan); MS #2M07
- * Highways (Richard Cox); MS #1003
- * Community Development (Amy Johanson); MS #1102M
- + People's Counsel (Peter Zimmerman); MS #2010
- # IF CRITICAL AREA, Maryland Office of Planning (Mike Nortrup)
- # IF ELDERLY HOUSING, Community Development (Frank Welsh); MS #1102M

The attached information is being forwarded to you for comment. Your comments should reflect any conflicts with your office's or department's code, standards or regulations. Development representatives that attend the meeting should be prepared to submit their agency's response as either "no comment", "written comment" or "more review time required" within one week at the next meeting. If no written response is received by the committee within two weeks, it is assumed that your agency has "no comment". All written comments must reference the ZAC item number. All comments considered by the hearing officer during the course of the upcoming zoning/development hearing.

If your agency is not represented at the meeting, you should return your written comments to Zoning Administration and Development Management, Room 109, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204 (Mail Stop #1108), Attention: Joyce Watson. If you have any questions regarding these zoning petitions, please contact Joyce or the Development Control planner (see initials after item number) at 887-3391 (FAX - 887-5706).

Revised 11/18/94

677-25

2/15/95
y

71 Murdock Road
Baltimore, MD 21212
February 13, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Bldg., Room 109
111 West Chesapeake Ave.
Towson, MD 21204
ATTENTION: GWEN STEPHENS

Dear Zoning Commissioner:

SUBJECT: Case No. 95-222-A (Item 218)
Variance to allow 36 foot rear yard setback for an enclosed structure at 220 Dunkirk Road
Owners: R. J. and D. J. Peroutka

This letter is to express our concerns about the subject above.

The proposed addition would be detrimental to the neighborhood and the neighbors. It would violate the consistent appearance of the architecture. A primary reason we choose to live here is this stable real estate values of the area. Living in such close proximity to others, as we do in Rodgers Forge, requires residents to consider the effects on the neighbors of what one does to one's own property. This proposed addition is neither neighborly nor considerate of others' environmental needs.

The addition as described would be harmful to the environmental conditions of an inside group home, blocking line of sight both vertically and horizontally, cutting off sunshine and limiting natural flow of air across backyards.

We greatly object to this request for variance. We appreciate your consideration of our concerns and look forward to your decision on this matter.

Sincerely,

Gerard Dolan

Anne Fredenburg Dolan

Gerard Dolan

RECEIVED
FEB 15 1995

RECEIVED FEB 16 1995

ZADM

313 Murdock Road
Baltimore MD 21212-1826
19 February 1995

Mr Arnold Jablon
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson MD 21204

Attention: Gwen Stephens

Dear Zoning Commissioner

I write in reference to case number 95-222-A, item 218, regarding a request for a variance to allow a 36-foot setback for an enclosed structure in lieu of the required 50 feet, at 220 Dunkirk Road, owned by Raymond and Debra Peroutka.

As a property owner and long-term resident (8+ years) of Rodgers Forge, I am opposed to the granting of this zoning variance. I am specifically concerned that this addition to the house is incompatible from the standpoint of architectural materials and overall appearance of the rowhouse group and the sight lines enjoyed from the back yards of the group of adjacent houses. As a resident of the next block, I am not directly affected by the proposed modification, however, the addition of this type of structure has a deleterious effect on both esthetics and property values of the neighborhood as a whole.

I am also concerned that the approval of this type of addition sets a precedent for future damage to the architectural integrity of these fine houses by other property owners, and that the Peroutkas have demonstrated no compelling reason why this variance should be granted.

I understand that the Peroutkas have used the threat of litigation and legal maneuvering, as well as the creation of a *fait accompli*, to coerce the Rodgers Forge Community Association into "approving" this addition *ex post facto*, and I disapprove of the manner in which they are trying to extract community and zoning approval for their project.

Respectfully submitted,

Maarten A. Calon

Maarten A. Calon

Mary B. Birkhead II
324 Murdock Road
Baltimore, Maryland 21212

County Zoning Commissioner
Towson, Maryland 21204

Dear Sirs:

This letter is to voice my feelings about the variance request for the property located at: 220 Dunkirk Road, Baltimore, Maryland 21212. As the county laws state, loosely, the person(s) must show undo hardship... to be granted the variance; I do not see how this request for a variance can be granted.

Families have lived for years in the Forge without changing the exteriors other than usual maintenance. When people move into the neighborhood part of the reason is because of the total feeling and ambience of the neighborhood; whether they agree or not or even realize it or not this includes the fact that, except for changes prior to the zoning laws and a few renegade or oblivious owners, the houses in the Forge are as the were originally planned. Additions/changes have not been made to the exteriors. This gives a uniform, appealing appearance to the area as a whole. The open areas both private and public are there for a reason they allow WEEDED light, air, breezes and nature in various forms to circulate and be seen/felt by all. An "X" cubic ft. structure does not only affect those "X" cubic feet. These areas also help in keeping the neighborhood secure, by allowing visibility to both private parties and police.

The Forge is a steady fast community in many ways, one of which is in terms of real estate values. The homes have a history of being a solid investment; maintaining there value during bad times and slowly increasing during others. As people start changing the external appearances this too will change. The solid overall value of living in Rodgers Forge itself will be gone. It will depend on each house and the neighboring houses. If house "B" has a deck and "A" and "C" are original house "B's" value may increase a little. If houses "D", and "E" have large decks and houses "F", and "H" have enclosed additions the value of "G" as an original house will plummet.

Logic shows that if you have a family in size greater than the capacity of a small car you do not own only a compact car. You may own compact by preference, but; you buy a car big enough for your family, your needs. Logic and humanity should also work here; if you have a family that requires more room than is presently available and to increase your present area would inflict undo hardship on your neighbors and the community as a whole, that family should either look at other ways to live with the space at hand or move to a location that will provide them with the amount of space they feel they require and some extra if possible.

Having been in and around the Forge all my life; either playing/visiting at friends as a child, teen and adult or owning and raising a family now... it is very evident that for a long time people are genuinely happy here and in the community that has stayed steady - not steady as in stagnant, old and dying where no one wants to live but steady in feeling and overall common goals of wanting to live, raise a family maybe, in happiness and enough comfort to be comfortable to that household. Rodgers Forge is a community to live in not just a house that comes with a parking space. So many people and places have lost this feeling of community; do not help ours be taken away.

Thank you,

M.B. Birkhead II

March 15, 1995

Mr. Lawrence Schmidt
Zoning Commissioner
Room 112 Old Court House
400 Washington Avenue
Towson, MD 21204

RE: Case No. 95-222-A

Dear Mr. Schmidt:

I have enclosed a copy of my presentation at the zoning hearing concerning Case No. 95-222-A which took place February 21, 1995. In light of the malfunction of the recording system I thought it appropriate that I submit a complete copy of my presentation, plus concluding remarks. Several of the other presenters in attendance at the hearing have signed the presentation attesting to my serving as spokesperson for the protestant group.

Sincerely yours

Carol L. Zwick
325 Murdock Road
Baltimore, MD 21212

RECEIVED
MAR 16 1995
ZONING COMMISSIONER

February 20, 1995

Mr & Mrs John O'Hara
329 Murdock Rd
Baltimore MD 21212

Mr. Arnold Jablon
Zoning Administration & Development Mgt.
Baltimore County Office Building
Room 109
111 W. Chesapeake Ave
Towson MD 21204

Dear Mr. Jablon;

I am writing in regards to the home at 220 Dunkirk Rd owned by Raymond & Debra Peroutka - case number 95-222-A (Item 218). I object to the construction of their proposed addition. Additions such as these impede the health, safety, and well being of the entire neighborhood. It blocks ventilation and sunlight, takes away open space, and blocks the rear views for safety (example - crime).

The Peroutkas express a need for this addition based on a growing

Mr. Stephen Miller
220 Dunkirk Road
Baltimore, MD 21212
February 20, 1995

Mr. Arnold Jablon
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Ave.
Towson, Maryland 21204

Dear Mr. Jablon:

I am writing in regard to a new in progress zoning case, belonging to Raymond and Debra Peroutka.

Apparently they want to build an addition to their home in which they have recently moved. I don't know their reasons and join in their protest.

I object to the fact that the Peroutkas have moved into a neighborhood where residents traditionally live on the lot and another and insist on living as though they are in a lot.

The main objections are that the added structure will block the health, safety, and public welfare of the other residents. The addition blocks sunlight and ventilation and impairs neighborhood outdoor activities and recreation. It is a new addition for residents to keep an eye on the property of other neighbors when they are away. It is also a structure that can provide a hiding place for those who come into our neighborhood with the express purpose of harming other people.

Those who move into a neighborhood like Rodgers Forge need to realize that there is only so much that can be done with these houses. Long term residents like the unique look of the area and work hard to keep them from turning into a hodgepodge of people's vain and petting fancy.

I hope you will consider some of these objections and realize that if they allow a few residents to drastically change the physical and structural character of this neighborhood they will ruin it and it won't be long for Rodgers Forge to become a much less attractive and desirable place to live. The Peroutkas need to take their own considerations of the feelings of their neighbors. If they want to do anything they want, they need to buy property which is more remote and isolated.

Sincerely,

Stephen Miller

128 Dunkirk Road
Baltimore, MD 21212-1750
February 20, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Gwen Stephens

RE: Case Number 95-222-A (Item 218)

220 Dunkirk Road
Variance to allow a 36 foot set back for an enclosed structure (porch) in lieu of the required 50 feet.

Dear Zoning Commissioner:

We oppose the granting of a variance from the 50 foot set back in this case because we feel that it would jeopardize the architectural integrity of Rodgers Forge. We understand the Petitioners' desire to beautify their dwelling, but we would hope that they would appreciate the benefits our community has to offer and would not try to make their town house into something it was not intended to be.

Having lived in our home in Rodgers Forge for more than thirty years, we understand well that persons in a community of row houses need to be especially sensitive to the manner in which their actions may infringe upon the rights of their neighbors. One person's added living space may diminish their neighbors' light and view and in some cases impede the flow of a welcome breeze. Just as we require developers to allocate space for parks and play areas such as our "Tot Lot," we need to guard against covering the minimal yard space of town houses in congested areas such as this.

We are further concerned that the granting of this variance would set a precedent for granting other variances, which could lead to a hodge-podge of additions and the chopping up of precious open space. We would hate to lose the essential nature of the original, well planned Rodgers Forge community.

Very truly yours,

Ann H. Mathews

Ann H. Mathews
L. Brent Mathews

Laurence S. Fogelson
Kathleen G. Adams
401 Murdock Road
Baltimore, MD 21212
Phone: 410-377-8339
February 20, 1995

Mr. Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building, Room 109
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Gwen Stephens

RE: Case # 95-222-A (Item 218)
Raymond and Debra Peroutka
220 Dunkirk Road

Dear Zoning Commissioner:

We are writing to express our strong opposition to the variance applied for at the subject property. The proposal is out of keeping with the character of the neighborhood and would set a bad precedent. If this variance were granted, others would be encouraged to follow with applications for any number of variations. The resulting hodge-podge appearance of the community would be detrimental to its property values, and the integrity of the design of this historic community. The traditional design of Rodgers Forge is being emulated by many modern planners and builders seeking to capture the qualities which our community has possessed since it was built. The subject application would compromise those qualities.

Kathleen G. Adams
Laurence S. Fogelson

A: JABLON