The Formand Parish

IN RE: PETITION FOR VARIANCE N/S Ridgecrest Road, 37' W

centerline of Darnall Road

9th Election District

4th Councilmanic District

(2004 Ridgecrest Road)

Anna O'D Wilson Petitioner

- * BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * CASE NO. 03-044-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Anna O'D Wilson. The Petitioner is requesting variance relief for property she owns at 2004 Ridgecrest Road, located in the Ruxton area of Baltimore County. The variance request is from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 17 ft. in lieu of the required 50 ft. for a proposed addition to an existing single-family residential dwelling.

Appearing at the hearing on behalf of the variance request were Anna Wilson, owner of the property and Bruce Doak, a representative of Gerhold, Cross & Etzel. Ms. Peggy Squitieri, a representative of the Ruxton/Riderwood/Land Roland Area Improvement Association, also attended the hearing. There were no protestants in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 1.16 acres, more or less, zoned D.R.1. The subject property is improved with an existing single-family residential dwelling wherein Ms. Wilson resides. Recently, a large tree fell upon the Wilson home causing extensive damage to the southern end of the dwelling. Ms. Wilson is interested in replacing the damaged portion of her home and proposes to construct the addition, as shown on the site plan, on the rear of the house. As can be seen from the site plan, due to the topography of the property, the house was forced to be situated in a unique fashion.

The addition itself, while on the rear of the home, really appears to be facing to the side property line. As a result of the manner in which the Zoning Regulations apply to this situation, the setback is in fact from a rear property line and not a side line as it appears on the site plan.

It is noted that none of the neighbors adjacent to Ms. Wilson had any objection to the reconstruction of her home and the proposed addition as shown on the site plan. Based on this, the variance request to allow her to make these improvements to her home shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to Petitioner and her property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

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

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After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not cause any injury to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

THEREFORE, IT IS ORDERED this // day of September, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a rear yard setback of 17 ft. in lieu of the required 50 ft. for a proposed addition to an existing single-family residential dwelling, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

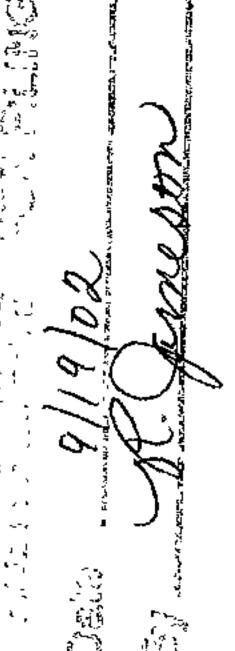
1) The Petitioner may apply for her permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

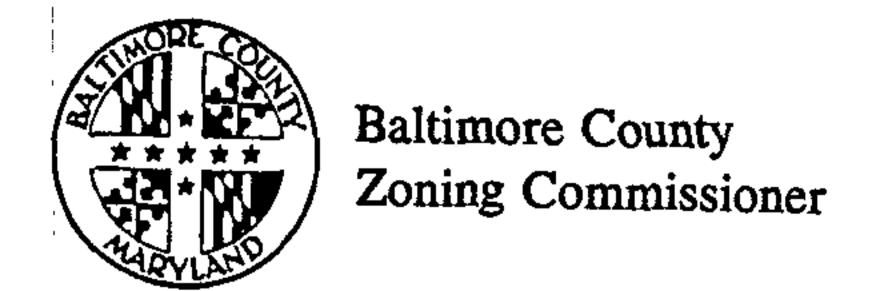
TIMOTHY M. KOTROCC

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj





Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

September 18, 2002

Ms. Anna O'D Wilson 2004 Ridgecrest Road Ruxton, Maryland 21204

> Re: Petition for Variance Case No. 03-044-A

> > Property: 2004 Ridgecrest Road

Dear Ms. Wilson:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed 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 from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Luthy Horroco
Timothy M. Kotroco

Deputy Zoning Commissioner

TMK:raj Enclosure

Copies to:

Bruce E. Doak Gerhold, Cross & Etzel 320 E. Towsontown Boulevard Towson, MD 21204 Peggy Squitieri RRLRAIA P. O. Box 204 Riderwood, MD 21139



Petition for Variance

to the Zoning Commissioner of Baltimore County

| for the property located at | #2004 | RIDGE | CKEST | ROAD | |
|-----------------------------|-------------|-------|-------|------|---------------|
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This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached nerest and made a part hereof, hereby petition for a Variance from Section(s)

1802.3. B TO ALLOW A
REAR YARD SETBACK OF 17' IN LIEU OF THE REQUIRED 50'

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

DUE TO THE TOPOGRAPHY, THE NARROW SHAPE OF THE LOT AND THE POSITION OF THE EXISTING HOUSE, THIS IS THE BEST PLACE TO BUILD THE ADDITION.

Property is to be posted and advertised as prescribed by the zoning regulations.

If or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

| | | | perjury, that I/we are the subject of this P | are and affirm, under the pre- he legal owner(s) of the pre- etition. | operty which |
|------------------------|--|--|--|---|---------------|
| <u>Contract Purcha</u> | ser/Lessee: | | Legal Owner(s): | 50/50 Mi | \sim |
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| <u>Attorney For Pe</u> | titioner: | | Address | ,,,,_ ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | Telephone No. |
| Name - Type or Pmt | . | | City | State | Zip Coas |
| Signature | | · · · · · · · · · · · · · · · · · · · | Representative | to be Contacted: | |
| C Company | | · | Name | | |
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| 200 | State | Zip Code | City | State | Zip Code |
| | | | <u>Q</u> | FFICE USE ONLY | |
| Case No. | 3-044-A | | ESTIMATED LE | NGTH OF HEARING | <u> </u> |
| Case No. C | | | UNAVAILABLE Reviewed By | FOR HEARING Date | 7/25/02 |

0 3-040A

| OFFICE O | ORE COUNTY, MA | <u>:</u> | | No. 16413 |
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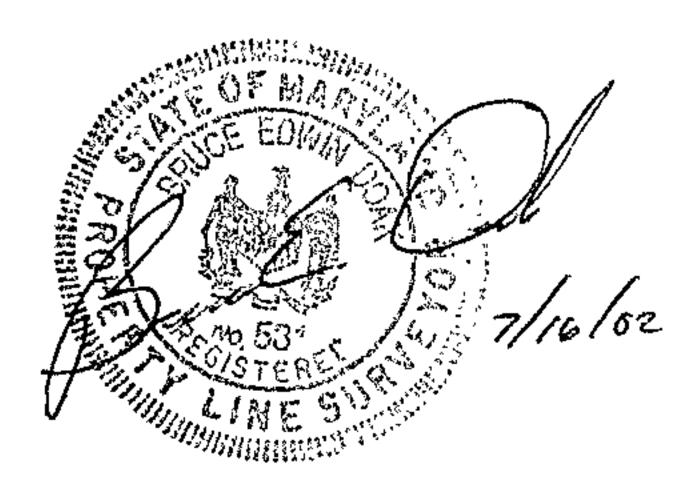
Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors * Established 1906

State 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

ZONING DESCRIPTION FOR 2004 RIDGECREST ROAD

Beginning at a point on the north side of Ridgecrest Road which is 50 feet wide at the distance of 375 feet West of the centerline of the nearest improved intersecting street Darnall Road. Being Lot #2 Plat No.5 in the subdivision of Ruxton Hills as recorded in Baltimore County Plat Book GLB #24, Folio 75, containing 1.16 acres. Also known as 2004 Ridgecrest Road and located in the 9th Election District, 4th Councilmanic District.



NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson. Maryland on the property identified herein as follows:

Case: #03-044-A 2004 Ridgecrest Road N/side Ridgecrest Road 37 feet west centerline Darnall Road 9th Election District 4th Councilmanic District Legal Owner(s): Anna O.D. Wilson Variance: to allow a rear yard setback of 17 feet in lieu of the required 50 feet. Hearing: Tuesday, September 10, 2002 at 11:00 a.m. in Room 407, County Courts Building, 401 Boston Avenue

LAWRENCE E. SCHMIDT

ley Avenue.

Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at

(410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 8/749 Aug. 27 C559001

CERTIFICATE OF PUBLICATION

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 03-044-A
PETITIONER/DEVELOPER
Anna O'D Wilson
DATE OF HEARING
September 10, 2002

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

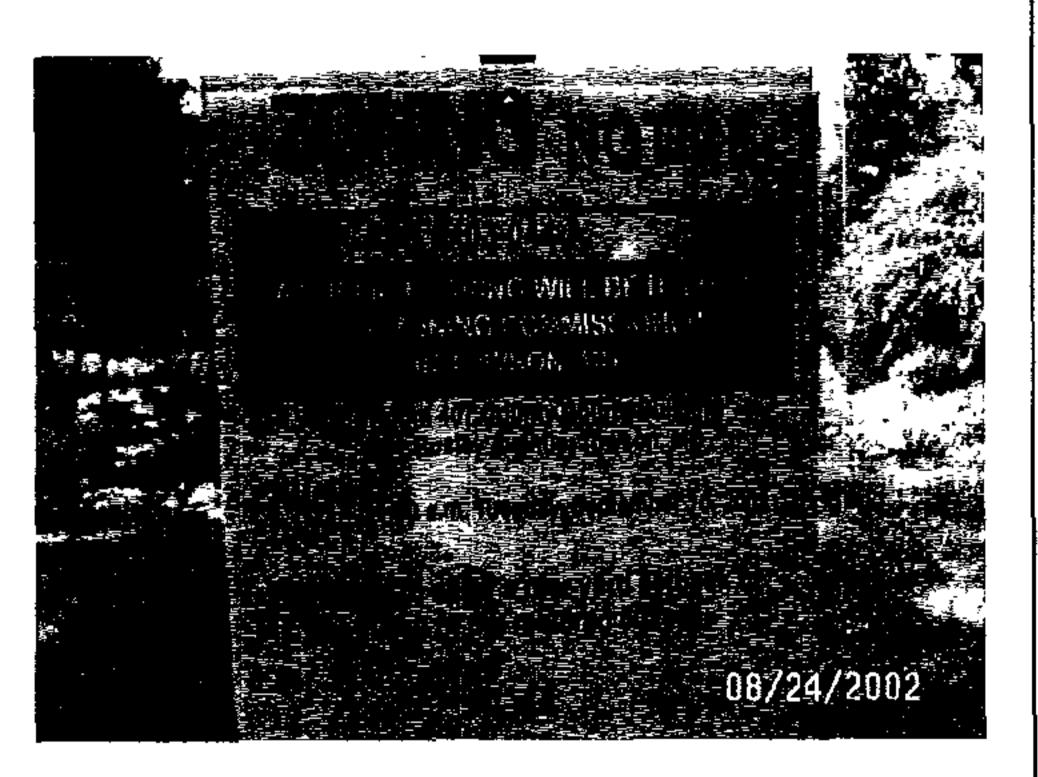
ATTENTION: GEORGE ZAHNER

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION

2004 Ridgecrest Road



DATE

August 26, 2002

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286 410-823-4470 PHONE 410-823-4473 FAX

OSTED ON August 24, 2002

RE: PETITION FOR VARIANCE.

2004 Ridgecrest Road

N/side Ridgecrest Rd.37' west ctrl

Darnall Road

9th Election District 4th Councilmanic

District

Legal Owner: Anna O'D. Wilson

Petitioner:

* BEFORE THE

* ZONING COMMISSIONER

* FOR

* BALTIMORE COUNTY

* 03-044-A

* * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204

(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of August 2002, a copy of the foregoing Entry of Appearance was mailed to Anna O'D. Wilson, 2004 Ridgecrest Road, Towson, MD 21204 Petitioner(s).

PÉTER MAX ZIMMERMAN

People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY Tuesday, 8-27-02 Issue – Jeffersonian

Please forward billing to:
Anna O.D. Wilson
2004 Ridgecrest Road
Baltimore, MD 21204

410-821-8944

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

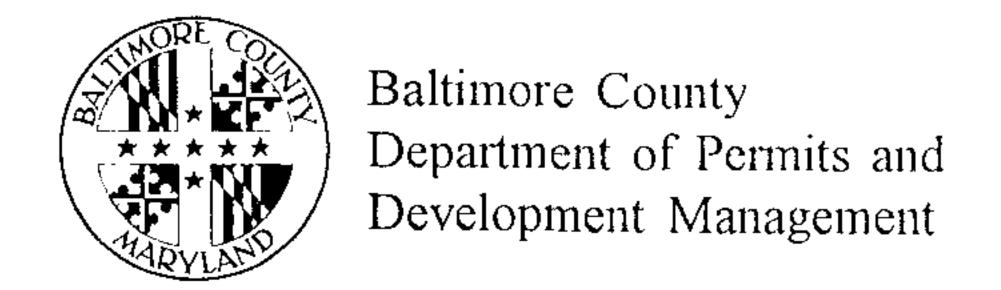
CASE NUMBER 03-044-A
2004 Ridgecrest Road
N/side Ridgecrest Road 37 feet west centerline Darnall Road
Election District 9th – Councilmanic District 4th
Legal Owner: Anna O'D Wilson

VARIANCE to allow a rear yard setback of 17 feet in lieu of the required 50 feet.

HEARING: Tuesday, September 10, 2002 at 11:00 A.M., Room 407, County Courts Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Director's Office County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 410-887-3353

Fax: 410-887-5708

August 5, 2002

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER 03-044-A
2004 Ridgecrest Road
N/side Ridgecrest Road 37 feet west centerline Darnall Road
Election District 9th – Councilmanic District 4th
Legal Owner: Anna O'D Wilson

VARIANCE to allow a rear yard setback of 17 feet in lieu of the required 50 feet.

HEARING: Tuesday, September 10, 2002 at 11:00 A.M., Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

Director

C:

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY Monday, August 26, 2002

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

DEPARTMENT OF FERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

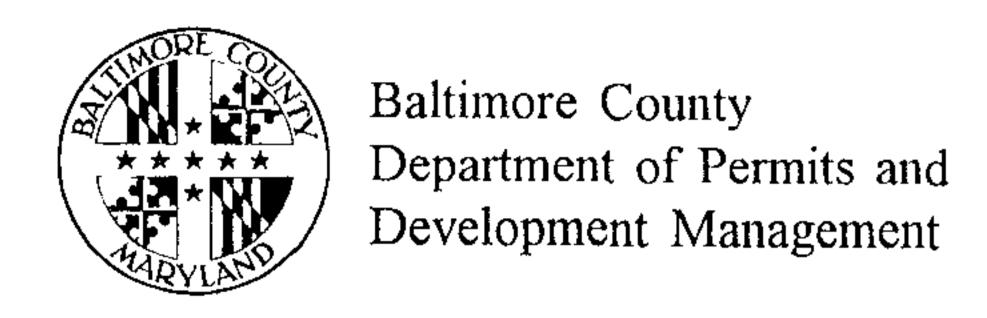
The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

| <u>For Newspaper Advertisi</u> | ng: | |
|--------------------------------|----------------------|--------------------|
| Item Number or Case Num | iber: 03-044- | A |
| Petitioner:Anna O. | D. WILSON | |
| Address or Location:2< | 20-1 RIDGECREST ROAD | BALTIMORE MO 21201 |
| | | |
| PLEASE FORWARD ADVE | ERTISING BILL TO: | |
| Name: <u>ANNA O. D</u> | W11.50d | · |
| | ECREST ROAD BALTIME | ORS MO 21204 |
| <u> </u> | | |
| Telephone Number: | 10-821- 8944 | |

Revised 2/20/98 - SCJ



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

September 6, 2002

Anna O'D Wilson 2004 Ridgecrest Road Baltimore MD 21204

Dear Ms. Wilson:

RE: Case Number: 03-044-A, 2004 Ridgecrest Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 25, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ-Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 5,2002

ATTENTION: George Zahner

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF August 5, 2002

Item No.: See Below

Dear Mr. Zahner:

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.

The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 29, 2002

Department of Permits & Development Mgmt.

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 12, 2002 Item Nos. 042, 044, 045, 046, 049, 051, 052, 053, and 054

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Arnold Jablon

FROM:

R. Bruce Seeley

DATE:

August 23, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of August 5, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

44,46,52



Parris N. Glendening Governor Kathleen Kernedy Townsend Lt. Governor

Roy W. Kienitz Secretary Mary Abrams Deputy Secretary

August 7, 2002

Mr. George Zahner
Baltimore County Department of Permits and Development Management
County Office Building
Room 111
111 West Chesapeake Avenue
Mail Stop #1105
Towson MD 21204

Re: Zoning Advisory Committee Agenda, 8/12/02

Case numbers 03-042-SPH, 03-043-SPH, 03-044-A, 03-045-A, 03-046-A, 03-047-A, 03-048-A, 03-049-A, 03-050-SPHX, 03-051-A, 03-052-A, 03-053-SPH, & 03-054-A

Dear Mr. Zahner:

The Maryland Department of Planning has received the above-referenced information on 8/6/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning

Local Planning Assistance Unit

cc: Mike Nortrup

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

Zoning Advisory Petition(s): Case(s) 03-044, 03-046, & 03-055

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Section Chief:

AFK/LL:MAC

DATE: August 29, 2002



Maryland Department of Transportation State Highway Administration

Parris N. Glendening Governor John D. Porcari Secretary

Parker F. Williams Administrator

Date: 8.7.02

Mr. George Zahner Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 044

BR

Dear. Mr. Zahner:

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 affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. Amella La Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

| Case Number | 03-0444 | |
|-------------|---------|-----|
| | 9/10/02 | - " |

PLEASE <u>PRINT</u> LEGIBLY

PETITIONER'S SIGN-IN SHEET

| Name | | Address | City, State | Zip Code |
|--|----------------|---------------------------------------|---------------------------------------|----------|
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03 044 A

PLEASE PRINT CLEARLY

CITIZEN SIGN-IN SHEET

03-044-A 9/10/02

| NAME SQUITLERI | RRLRAIA P.O. Box 204 Riderwood MD 21139 |
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Main Identity

From:

"Rick Uhlig" < jruhlig@eathlink.net>

To:

<ruxrider@bcpl.net>

Sent:

Monday, September 09, 2002 6:25 PM

Attach:

Zoning Case #03-044-A 2004 Ridgecrest.doc

Subject:

Zoning Case #03-044-A

Peggy:

I have attached a letter to Mr. Kotroco stating my opinion on the requested zoning variance. Would you please forward this to Mr. Kotroco in time for the hearing and decision? Thank you.

Sincerely,

J. Richard Uhlig 2009 Ridgecrest Court Towson, MD 21204 410-825-2726 home 410-243-5551 office

J. Richard Uhlig 2009 Ridgecrest Court Baltimore, MD 21204-6437 E-mail: jruhlig@earthlink.net

Home: 410-825-2726 Office: 410-243-5551

September 9, 2002

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Baltimore County
Suite 405 County Courts Building
Towson, MD 21204

RE: Case #03-044-A for 2004 Ridgecrest Court

Dear Mr. Kotroco:

I am writing in reference to the above case requesting a zoning variance for purposes of building an addition to Ms. Wilson's home.

As a concerned homeowner on Ridgecrest Court, my opinion is that it appears that a 33 foot variance is rather substantial. It must be that the original home also violated this setback since the addition is not 33 feet in either dimension.

Even so, IF the immediate neighbors have no objections, then I do not wish to register an objection. The properties most affected belong to Nelson at 2006 and to DeGroff at 2002, both of whom are next door, plus Richter at 2005 that is across the street.

But, I would like to make sure this requested substantial variance does not establish any precedent that would in any way give other neighbors the same right, or make it easier for them to build a 33 foot expansion. Setbacks are established for a purpose, and we need to protect ourselves as a neighborhood.

Thank you for considering these opinions.

Sincerely,

J. Richard Uhlig





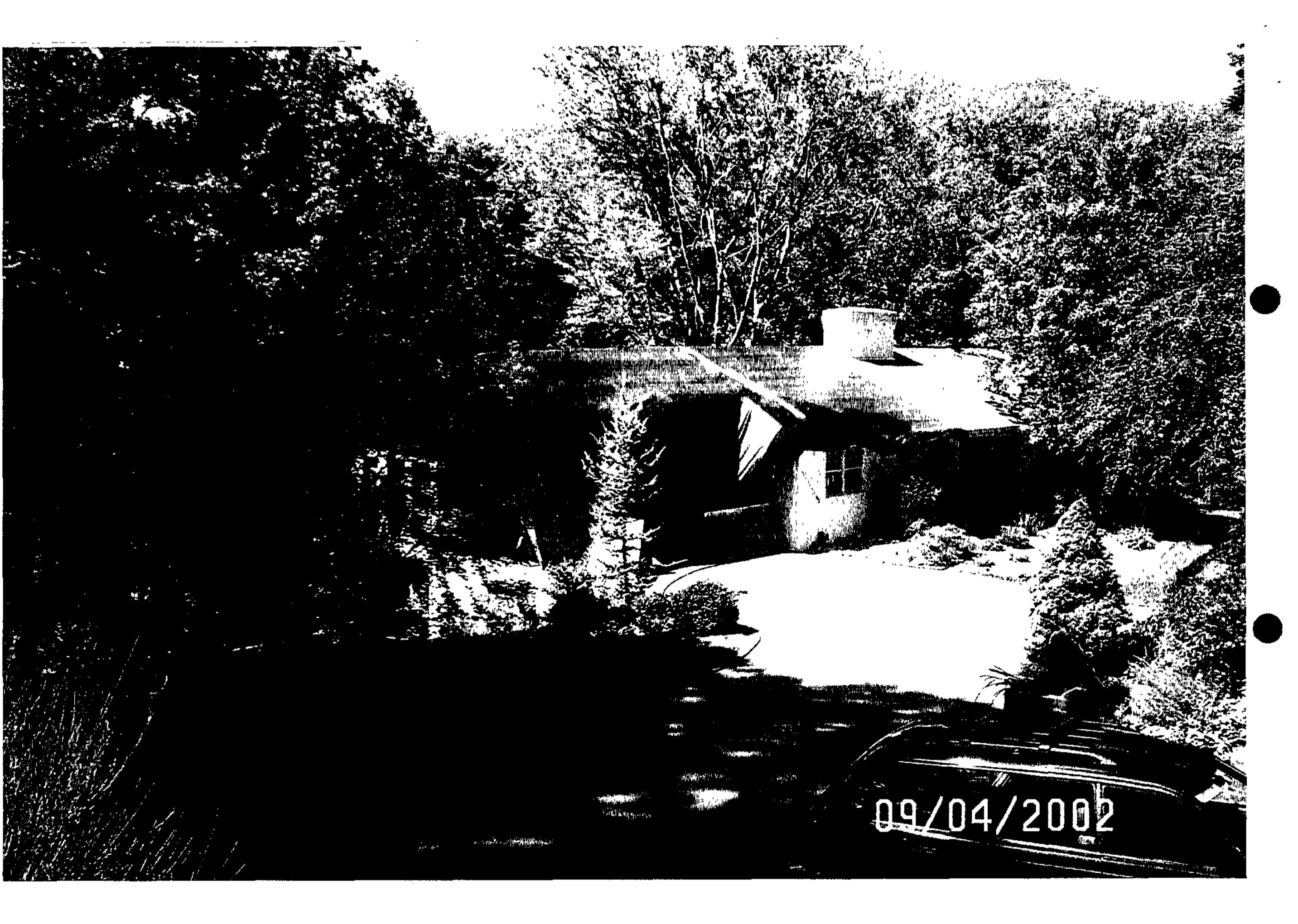




























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