

IN RE: PETITION FOR ADMIN. VARIANCE

Corner NE/S of Ridgefield Road,
SE/S of Tenbury Road
9th Election District
4th Councilmanic District
(130 Ridgefield Road)

Ann Marie & Benjamin Pribula
Petitioners

*

BEFORE THE

*

ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 03-550-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Ann Marie and Benjamin Pribula. The variance request is for property located at 130 Ridgefield Road in the Lutherville area of Baltimore County. The variance request is from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard fence with a height of 48 inches 5 ft. from the property line in lieu of the maximum allowed 42 inches. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

6/18/03
R. J. [Signature]

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 18th day of June, 2003, that a variance from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a rear yard fence with a height of 48 inches 5 ft. from the property line in lieu of the maximum allowed 42 inches, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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



LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

6/18/03
R. G. Givens



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 18, 2003

Mr. & Mrs. Benjamin Pribula
130 Ridgefield Road
Lutherville, Maryland 21093

Re: Petition for Administrative Variance
Case No. 03-550-A
Property: 130 Ridgefield Road

Dear Mr. & Mrs. Pribula:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative 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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 130 Ridgely Rd Lutherville 21093
which is presently zoned DR - S.S

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 hereto and made a part hereof, hereby petition for a Variance from Section(s) 427.B. To permit a rear
yard fence with a height of 48 inches 5 ft. from the
property in lieu of the maximum allowed 42 inches.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, 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.

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

Contract Purchaser/Lessee:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address Telephone No

Name - Type or Print

City State Zip Code

Signature

Attorney For Petitioner:

Address

Name - Type or Print

City

Signature

Representative to be Contacted:

Company

Name

Address Telephone No

Address

City State Zip Code

City

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 18 day of June that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

CASE NO. 03-550-A

Reviewed By [Signature] Date 5-19-03

REV 10/25/01

Estimated Posting Date 6-01-03

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 130 Ridgetfield Rd.
Address
Lutherville MD 21093
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):

We are requesting a variance for the safety of our small children. Since we live on a busy street, & would like to keep our children from accessing the road, we need to put up the highest possible fence. We are not asking for a six foot fence but would prefer a 4'4" fence over the 42" inch standard size. We do not want the possibility of our infant climbing or something to go over the fence.

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

Ben Pribula
Signature

BENJAMIN PRIBULA
Name - Type or Print

Ann Marie Pribula
Signature

Ann Marie Pribula
Name - Type or Print

STATE OF MARYLAND, ^{city}~~COUNTY~~ OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of May, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Benjamin Pribula & Ann Marie Pribula
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Kathleen A. Koenias
Notary Public

My Commission Expires June 1, 2004

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 130 Ridgetield Road
Address
Cutherville MD 21093
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):

We are requesting a variance for the safety of our small children. Since we live on a busy street & would like to keep our children from accessing the road, we need to put up the highest possible fence. We are not asking for a six foot fence but would prefer a 4 ft fence over the 42" inch standard size. We do not want the possibility of our infant climbing or something to go over the fence.

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

[Signature]
Signature

BENJAMIN PRIBULA
Name - Type or Print

[Signature]
Signature

Ann Marie Pribula
Name - Type or Print

STATE OF MARYLAND, ^{City}~~COUNTY~~ OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of May, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Benjamin Pribula & Ann Marie Pribula
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires June 1, 2004



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 130 Bridgetield Rd. Lutherville
which is presently zoned DR-5.5 ²¹⁰⁹³

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 hereto and made a part hereof, hereby petition for a Variance from Section(s) 427.B.

TO allow a rear yard fence with a height of 48 inches 5 ft. from the property line in lieu of the maximum allowed 42 inches

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, 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.

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

Contract Purchaser/Lessee:

Name - Type or Print _____

Signature _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____

Signature _____

Company _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

Legal Owner(s):

BENJAMIN PRIBULA
Name - Type or Print _____

Ben Pribula
Signature _____

Ann Marie Pribula
Name - Type or Print _____

Ann Marie Pribula
Signature _____ (W) 410-345-2681

130 Bridgetield Rd
Address _____ (H) 410-828-9777

Lutherville, MD
City _____ State _____ Zip Code 21093

Representative to be Contacted:

Name _____

Address _____ Telephone No. _____

City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 03-550-A

Reviewed By [Signature] Date 5-19-03

Estimated Posting Date 6-01-03

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 130 RIDGEFIELD ROAD, LUTHERVILLE, MD 21093

Beginning at a point on the NW side of

Ridgefield Road which is 50' wide

wide at the distance of 75 feet of the

centerline of the nearest improved intersecting street TENBURY

which is 50' wide. * Being Lot # 1,

Block D, Section # _____ in the subdivision of DULANEY VALLEY

As recorded in Baltimore County Plat Book # 22 -, Folio # 54,

containing .18 acres. Also known as 130 Ridgefield Road

and located in the 9th Election District, 4th Councilmanic District.

550

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

Case No. **23531**
03-550-9

DATE 5-19-03 ACCOUNT R-001-006-6150

AMOUNT \$ 65.00

RECEIVED FROM: MRS. Ann Marie Fritula

FOR: Residential Variance Filing Fee
for 130 Ridgely Rd.

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DEW
5/20/2003	5/19/2003	15:58:23	4
REG NO. 157520	5/20/2003	DELR	
Dep	5	520 ZONING VERIFICATION	
CP NO.	023531		

Receipt Tot \$65.00
65.00 LG .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

550

CERTIFICATE OF POSTING

RE: Case No.: 03-550-A

Petitioner/Developer: _____

MR. & MRS. PRIBULA

Date of Hearing/Closing: 6/16/03

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: MS. BECKY HART

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 _____

130 RIDGEFIELD ROAD

The sign(s) were posted on 6/1/03
(Month, Day, Year)

CASE # 03-550-A

Sincerely,

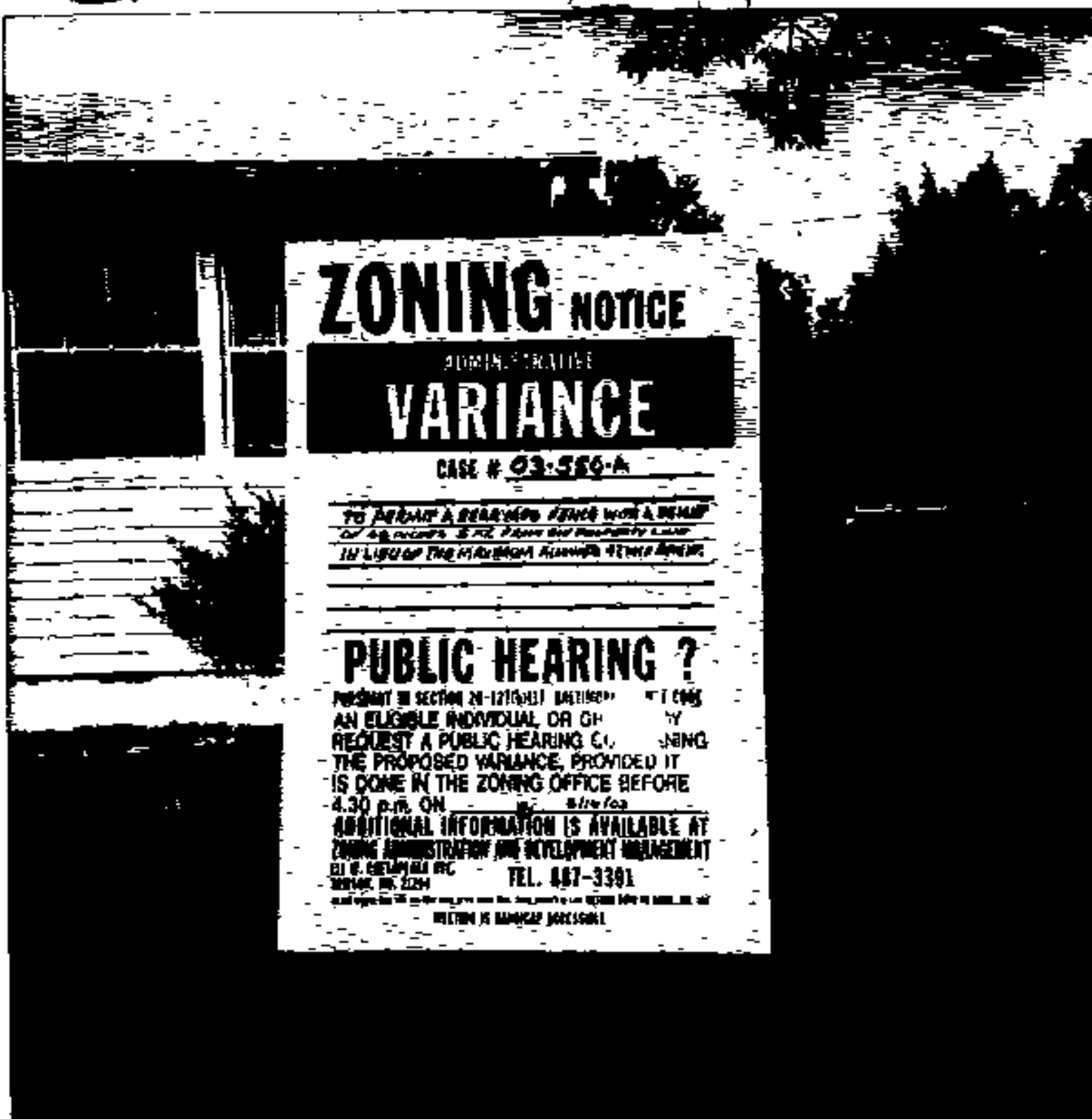
Richard E. Hoffman 6/1/03
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



130 RIDGEFIELD ROAD
POSTED 6/1/03
Richard E. Hoffman 6/1/03

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 550 -A

Address 130 Ridgely Rd.

Contact Person: John Sullivan
Planner Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5-19-03

Posting Date: 6-01-03

Closing Date: 6-16-03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

Detach Along Dotted Line

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 03- 550 -A

Address 130 Ridgely Rd.

Petitioner's Name Mr + Mrs Priola

Telephone 410-345-2681

Posting Date: 6-01-03

Closing Date: 6-16-03

Wording for Sign To Permit a rear yard fence with a height of 48
inches 5 ft. from the property line in lieu of the
maximum allowed 42 inch height



Baltimore County
Department of Permits and
Development Management

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

June 16, 2003

Benjamin Pribula
Ann Marie Pribula
130 Ridgefield Road
Lutherville, MD 21093

Dear Mr. and Mrs. Pribula:

RE: Case Number: 03-550-A, 130 Ridgefield Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 19, 2003.

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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Come visit the County's Website at www.co.ba.md.us





Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

May 29, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: May 27, 2003

Item No.: 544, 547-551

550

Dear Ms. Hart:

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.

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

cc: File



Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary
Neil J. Pedersen, Acting Administrator

Date: 5.27.03

Ms. Rebecca Hart
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

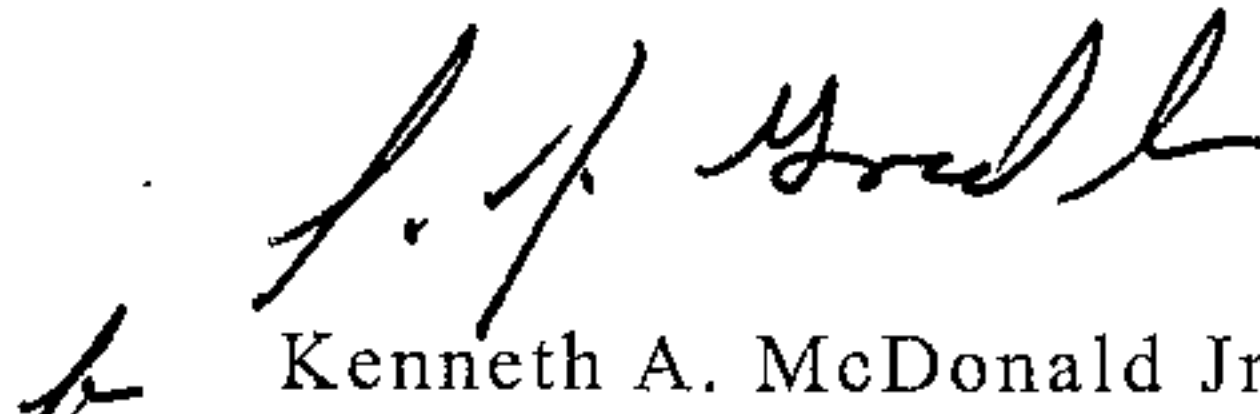
RE: Baltimore County
Item No. 550 JJS

Dear Ms. Hart:

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,


Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: May 27, 2003

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 03-550 and 03-551**
Administrative Variance

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.

Prepared by: Mark A. Cunningham

Section Chief: [Signature]
AFK/LL:MAC

RECEIVED

MAY 28 2003

ZONING COMMISSIONER

ZONING COMMISSIONER

MAY 28 2003

RECEIVED

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 2, 2003
Item No. 550

DATE: May 30, 2003

The Bureau of Development Plans Review has reviewed the subject-zoning item.

The proposed fence cannot interfere with the line of sight.

RWB:CEN:jrb

cc: File

*Based upon review of
plan & photos, fence
will not interfere
with sight lines*
RWB
6/18/03

Date: May 17, 2003

FOR 20'S
FILE

I (We) Jean Roberts who reside at 132 Ridgefield Rd

Lutherville, Maryland 21093 do not have an objection to Benjamin and Ann Marie Pribula (residing at 130 Ridgefield Road) putting up a 4 foot fence in their backyard.

550

Date: May 17, 2003

FOR ZCS
file

I (We) BERNARD A. BALOG who reside at 125 TENBURY RD.
LUTHERVILLE, MD 21093

Lutherville, Maryland 21093 do not have an objection to Benjamin and Ann Marie Pribula (residing at 130 Ridgefield Road) putting up a 4 foot fence in their backyard.

Bernard A. Balog

#550

D.R. 3.5

D.R. 5.5

1" = 200' SCALE
MAP # NE 11-A
D.R. 3.5

TENNIS COURT

HAMPTON ELEM. SCHOOL

#530

OAKCROFT ROAD

ROAD

VALLEY

D.R. 5.5

D.R. 3.5

D.R. 10.5

BALTIMORE

MEADOWVALE

STRATHDON

ROAD

POOL

RIDGEFIELD

LONGFORD

FELTON

LONGBROOK

COURT

RIDGEFIELD

WESTON

FELTON

TENBURY

ROAD

ROAD

CHARMUTH

ROAD

ROTHWELL

ROAD

DRIVE

ROAD

BARDEEN CT.

ANNBROOKE CT.

WILFRED

COURT

ROAD

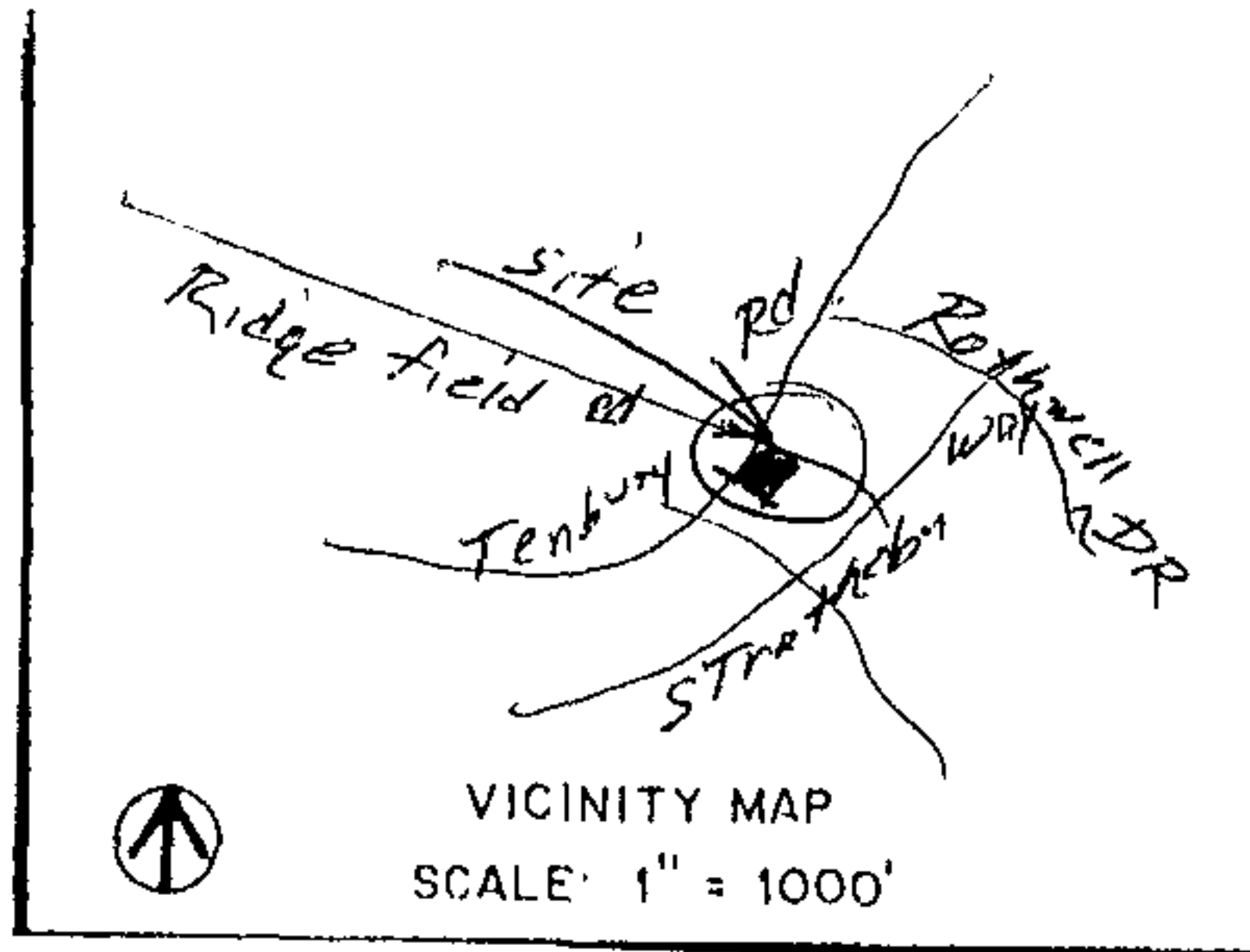
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

PROPERTY ADDRESS 130 Ridgefield Rd.

SUBDIVISION NAME Dulaney Valley

PLAT BOOK #22 FOLIO #054 LOT # 1 SECTION # 1

OWNER Benjamin & Ann Marie Pribola block D



CASE NO.

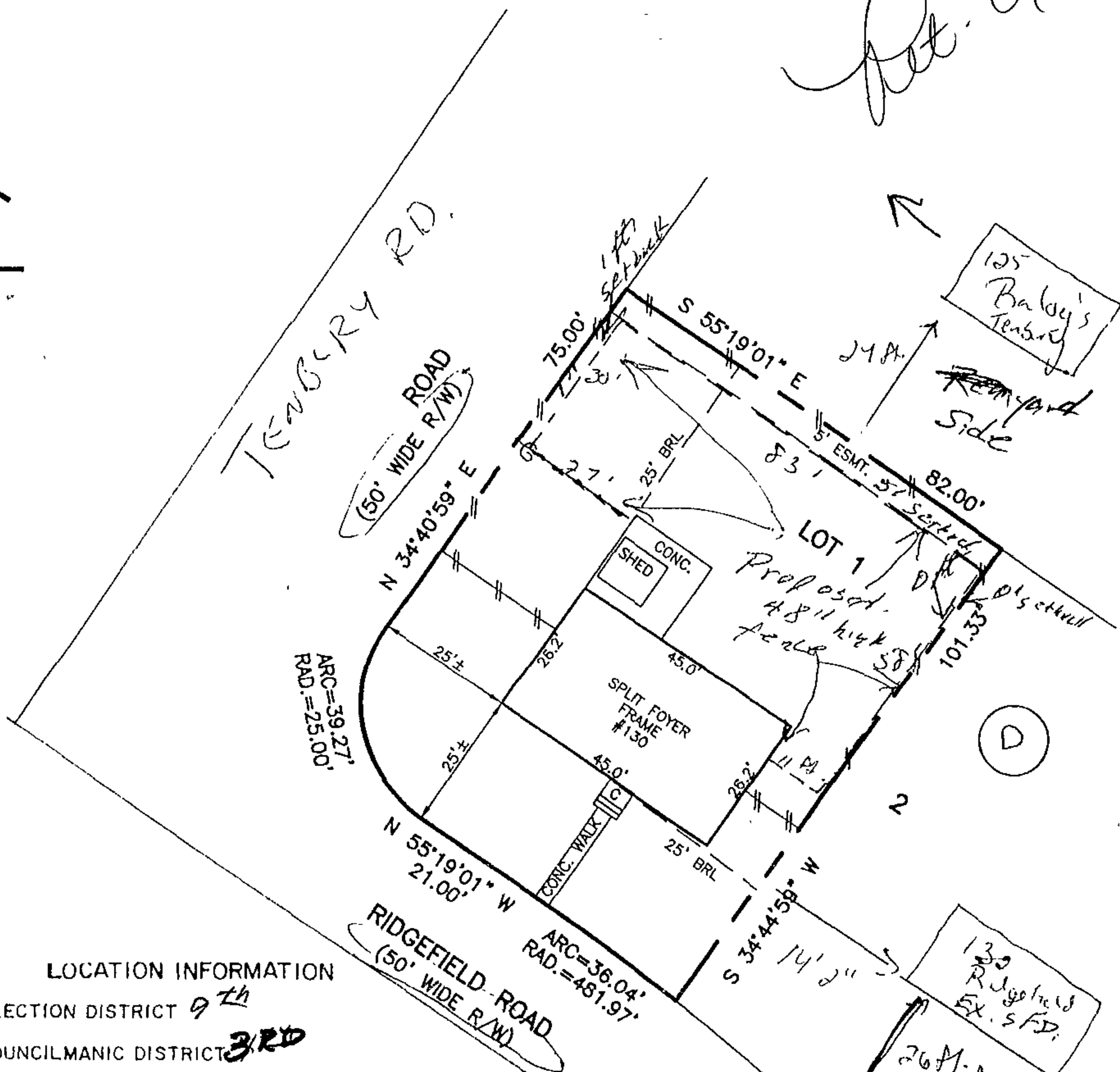
LOCATION DRAWING

SUBDIVISION PLAN
PLAT ONE

DULANEY VILLAGE

LOT 1 BLOCK D
BALTIMORE COUNTY, MARYLAND

NORTH



LOCATION INFORMATION

ELECTION DISTRICT 9th

COUNCILMANIC DISTRICT 3RD

1" = 200' SCALE MAP # NE11-A

ZONING DR-5.5

LOT SIZE 0.18 7,840 ±
ACREAGE SQUARE FEET

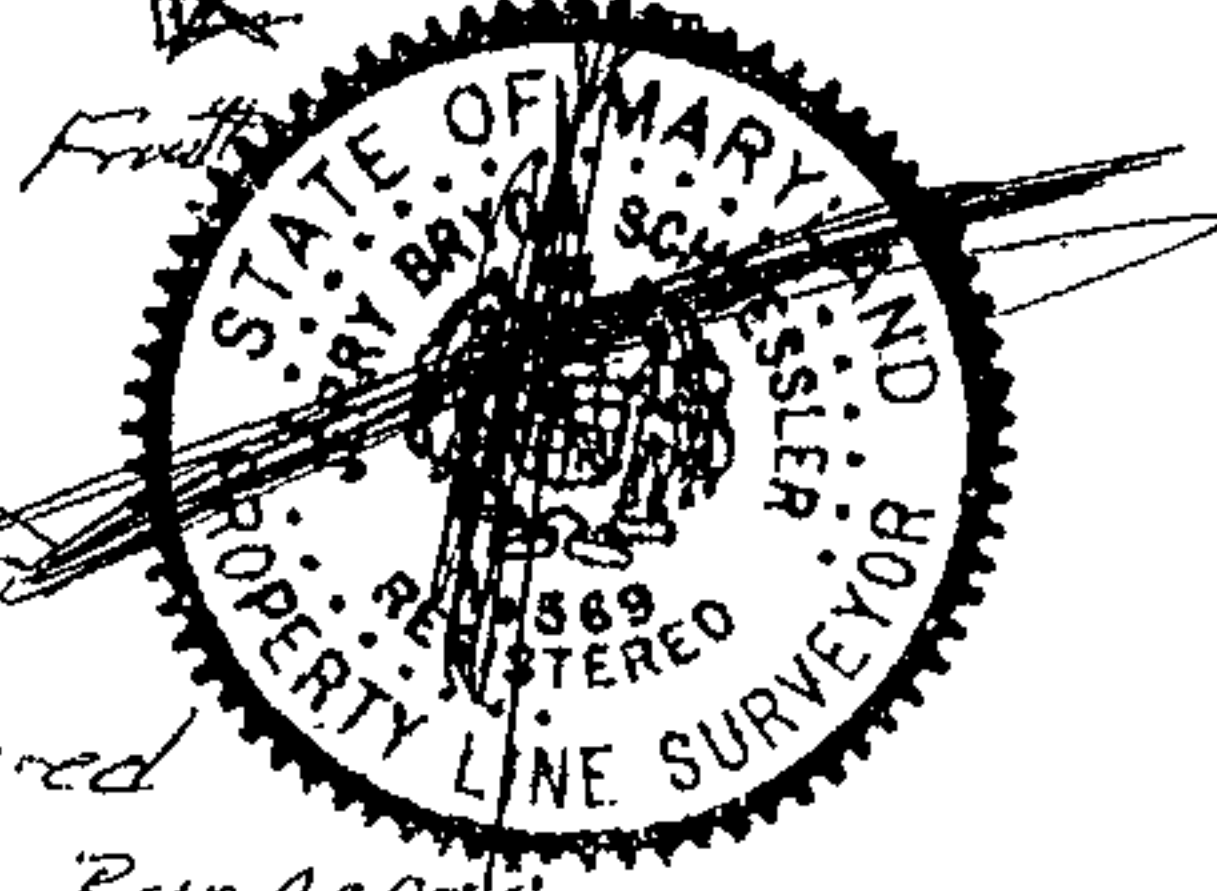
SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/BUILDING ☐ ☒

PREVIOUS ZONING N/A



Plat altered
for zoning purposes

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

22 1550

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