IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Velvet Ridge Drive, 1,040 ft. W
centerline of Park Heights Avenue
3rd Election District
2nd Councilmanic District
(2319 Velvet Ridge Drive)

Alison M. & Paul D. Trinkoff

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 04-372-A

* * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Alison M. & Paul D. Trinkoff. The variance request is for property located at 2319 Velvet Ridge Drive in the Owings Mills area of Baltimore County. The variance request is from Section 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a rear yard setback of 40 ft. in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The case was originally filed as an administrative variance, but was ultimately set in for a hearing after this office received correspondence dated February 23, 2004 from Paul Bloomberg, an adjacent property owner of the Petitioners. The hearing was scheduled for April 8, 2004. Notice of the hearing was given to the public by posting the property with notice of the hearing on March 23, 2004 and by publication in "The Jeffersonian" newspaper on March 23, 2004.

Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted

as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the variance request was Paul Trinkoff, Petitioner, Robert Kutner, Architect, and Joseph Woolman, Esquire who represented the Petitioner. Paul Bloomberg, an adjacent property owner, appeared in opposition to the requested variance. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 1.05 acres and is zoned RC 5. Testimony of the Petitioner indicated that this property is improved by his home located in the "Velvet Ridge" Subdivision which he purchased 17 years ago. The Petitioner testified that his is one of the smaller homes in the neighborhood and, although he made one significant addition to the home previously, his growing family and his desire for more social life require another addition. Among his complaints regarding his present home, which he said was built 34 years ago, are his very small kitchen, dining room, laundry room and rear entrance. He would like to expand these areas to be more in keeping with the needs of his two growing sons, and his interest in expanding his social opportunities. For example his kitchen and dining room are so small he can not accommodate a modest dinner with

friends and family. He points out that his proposed addition is in proportion to the many larger homes in the neighborhood.

The problem, however, is that his home is built on a concrete slab. This means there is no basement, but more importantly means that the water, sewer and electrical utilities are buried in the concrete slab which supports his home. This means these utilities are extraordinarily difficult to rearrange much less to locate or connect to these facilities. This would be needed for kitchen and laundry room renovations. He relates an earlier attempt to locate drain pipes in the concrete at which time the construction company had to jack hammer holes in the concrete three or four places in the slab before the contractor could find the pipe. From this experience, he testified that he knew that he had to locate any addition where he can connect to utilities. He testified that after considering many alternatives, he concluded that the only reasonable place to locate the addition is in the area shown on Petitioner's Exhibit No. 1. He was supported in this testimony by Robert Kutner, a licensed architect, who likewise testified that the proposed location was the only reasonable place to construct the addition, primarily because the utilities could be connected there.

The Petitioner related that he considered locating the addition in the front of the house (that part closest to Velvet Ridge Drive) but could not because of the utilities and the fact that the land slopes away from the home in that area. This discussion also brought out his desire to build a more convenient entrance. He testified that the present front entrance is never used because parking is located on the opposite side of the building. Rather than walk around the building, visitors and family go through the laundry room door. He would like to improve this entrance significantly. This proposed improvement reinforces his view that the place for the addition is as shown on the exhibit.

The Petitioner provided extensive photographs of the neighboring properties to show that the addition would have little or no impact on the surrounding homes. He illustrated this point by submitting photographs that showed the existing screened-in porch that would be replaced by the addition. In fact, the screened-in porch extends further into the side yard than the proposed addition. Consequently, he opined that the neighbors would see little or no difference from the existing building.

The protestant is an adjoining property owner who opposes the variance. He testified that his home has the same deficiencies, that he bought the house knowing its limitations and so did the Petitioner. Therefore, he concludes that the variance request is self-imposed. Secondly, he claims that he would see the addition from his property and that granting such a variance would set a terrible precedent for the neighborhood as many of the homes have these problems.

Finally, he asks to be treated equally under the law. It seems that Mr. Bloomberg filed his own request for a variance in Case No. 94-324-A and was turned down by the Zoning Commissioner. That earlier request involved his need for an expanded garage to store his antique automobile and personal property. The garage would have come within 5 ft. of the property line and was opposed by Mr. Trinkoff on basically the same grounds as Mr. Bloomberg cites in the subject case. While the Zoning Commissioner found that Mr. Bloomberg would suffer practical difficulty and the enlarged garage would not be a detriment to the neighborhood with additional screening, the Zoning Commissioner found that the request failed to meet the spirit and intent of the RC 5 zoning which was imposed upon the property.

Findings of Fact and Conclusions of Law

The decision referred to by Mr. Bloomberg was issued in August 1994. Since that time, several important decisions have been made by appellate courts regarding variances and especially defining the Baltimore County variance regulations. The most recent decision

addresses one of Mr. Bloomberg's points. He argues that since the Petitioner knew of his home's limitations when he purchased the property, he should not now be granted a variance for expanded rooms. Essentially, he argues that the need for a variance under these circumstances is self-imposed. If so, no variance can be granted.

In the case of <u>Roeser v Anne Arundel County</u>, 368 MD 294, 793 A.2d 545, (2002) the Court examined the question of whether the purchase of a property with notice that the property was subject to area restrictions was a self-created hardship. After an extensive discussion of relevant cases, the Court of Appeals held that the purchase of property with notice of zoning restrictions was not a self-created hardship that precluded the purchaser from receiving an area variance. It further held that transfer of title allows all the rights the former owner had including the right to petition for area variances. Applied to this situation, I find that simply because the Petitioner purchased a home with a small kitchen, as one example, does not preclude him from requesting a variance to enlarge the kitchen.

In a most significant case concerning Baltimore County variance regulations, the Court of Special Appeals in <u>Cromwell v Ward</u>, 102 Md 691 (1995) examined the County's regulations and procedure for granting variances in great detail. In this case, Mr. Ward built a garage that exceeded the County height regulations, was cited for a zoning violation and requested a variance to allow the higher garage. The Court concluded that the County regulations required that the property or structure, which is the subject of the variance request, must be peculiar, unusual or unique in some manner such that the regulations impact the subject property or structure differently than the restrictions on neighboring properties or structures. In addition, the court meant to correct the process for granting variances in the County whereby the Petitioner would demonstrate hardship or practical difficulty and leverage this to satisfy the uniqueness

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test. In the <u>Ward</u> case, what was claimed to be unique was that there was a garage on the property, which was too high. The Court held that the hardship was self-imposed.

Note that Section 307.1 specifies that either the property or the structure can be unique when it states that variances can be granted:

"only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request".

The Cromwell Court cited with approval examples of uniqueness from North v St. Mary's County, 99Md. App. 502 at 512, 638 A2d 1175 (1994) which specified:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls.

Note further that an example regarding structures includes unusual architectural aspects and bearing or party walls. While I find that the Petitioner's property itself is not unique, even though there is some slope to the ground, I also find the structure is unique in that the home is built upon a concrete slab. This is an unusual architectural feature and very similar in nature to unusual bearing or party walls quoted with approval by the Court as a basis for passing the uniqueness test. Having the utilities buried in the concrete slab greatly restricts where any practical addition may be placed. Consequently, I find that the Petitioner will suffer practical difficulty if the regulations are applied. I further find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting this variance. I also find that this variance can be granted in a manner so as to grant relief without injury to the public health, safety and general welfare. In passing, I note that the Zoning Commissioner made similar findings in Mr. Bloomberg's 1994 petition. However, the Zoning Commissioner then

found Mr. Bloomberg's request did not meet the spirit and intent of the RC regulations where the County Council intended there be greater separation between buildings.

Contrary to Case No. 94-324 A, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations. First, Mr. Bloomberg's proposal would have increased the footprint of his home very significantly with his 15 ft. x 33 ft. addition. In contrast, the footprint of the Petitioner's home is only slightly enlarged. This occurs because the subject addition replaces an existing screened porch such that the addition protrudes no further into the rear yard than the screen porch it replaces. The variance requested in this case results in a building that is 40 ft. from the property line as compared to 5 ft. from the property line, which Mr. Bloomberg requested. The Valleys Planning Council appeared and testified in opposition to the Bloomberg proposal but took no position in this application. See Petitioner's Exhibit No. 4. Finally, the addition is on the side of Petitioner's home which he shares with the Greenspun family not the Bloomberg family. The Greenspuns are the one's most affected by the addition. The addition is virtually shielded from the Bloomberg home by the Petitioner's home. Mr. Bloomberg would have to walk out a considerable distance into his back yard to look over to the Petitioner's property even to see the addition that will replace the existing screen porch.

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 Petitioners' variance request should be granted.

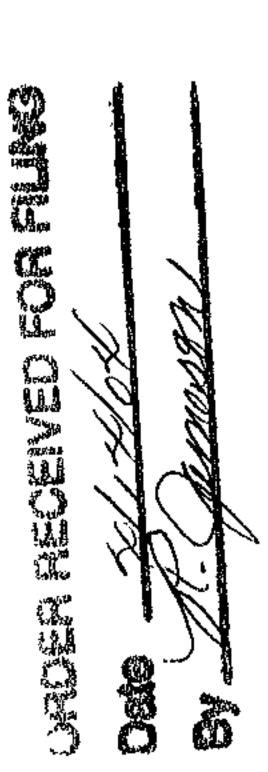
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 14 day of April, 2004, that a variance from Section 1B02.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a rear yard setback of 40 ft. in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building 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;

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner,

April 15, 2004

Joseph R. Woolman, III, Esquire Law Offices of David Gildea 301 N. Charles Street, Suite 900 Baltimore, Maryland 21201

> Re: Petition for Administrative Variance Case No. 04-372-A Property: 2319 Velvet Ridge Drive

Dear Mr. Woolman:

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,

Íohn V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Mr. & Mrs. Paul D. Trinkoff 2319 Velvet Ridge Drive Owings Mills, Maryland 21117 Robert Kutner 10 Dipping Pond Court Lutherville, MD 21093

Paul Bloomberg Schwartz & Bloomberg, P.A. 9881 Broken Land Pkwy, Ste. 303 Columbia, MD 21046





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2319 Velvet Ridge Drive which is presently zoned R.C. 5 (R-40)

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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) 1002.3.8 BCZR

TO PERMIT AN ADDITION WITH A REAR YARD SETBACK OF 40 FT. IN LIEU OF THE REQUIRED SO FT.

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.

•	is the subject of this Petition.
Contract Purchaser/Lessee:	Legal Owner(s):
Name - Type or Print	Name - Type or Print N / Name - Type or Print
Signature	Signature 1
Address Telephone No.	o. Name - Type or Print 2110
State Zip Cod	Signature H-410-363-181
Attorney For Petitioner:	Address Volve Ridge Drive W-410-385-34
Narne - Type or Print	City Mills Ma 2117 State Zip Code
Signature	Representative to be Contacted:
Company	Name
ddress Telephone No	Address Telephone No.
ity State Zip Cod	ie City State Zip Code
of Baltimore County and that the property be reposted.	Zoning Commissioner of Baltimore County Zoning Commissioner of Baltimore County Zoning Commissioner of Baltimore County Date 2-10-04
Commission Expired noise important of the commission of the commis	Estimated Posting Date 2-22-04

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 Address 11 1 1 1 1 1 1 1 1
City M. 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):
This home was built in 1970 by an elderly couple with No
children at home. The home has an undersized kitchen, little kitchen storage
and cannot accountedate a large refrigerator. We have 2 young boys,
ages 10 and 12, and elderly parents that often eat with Us. The Kitchen is
Not sufficient for these purposes. All utilities in the home, including water
and septic, are built into the concrete slab of the house, Making IT
very difficult, costly, and destructive to relocate the kitchen to another
part of the home. The only practical way to expand the kitchen is to lead all plunbing drainage in place, and to expand the kitchen towards the rear of property. We are requesting animal relief to accomplish this expansion. That the Affiant(s) acknowledge(s) that it a formal demand is filed, Affiant(s) will be required to pay a reposting and
property. We are featuresting MINIMA relies to accomplish this expansion. 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.
Paul David Sulsoff (Ch. Mill Tit 1)
Name - Type or Print Name - Type of Print Name - Type of Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this Gay of Julian, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Paul David Turkoff and Alison Mille Truskerff. the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal

My Commission Expires

Notary Public

Charlens E. Getx
NOTARY PUBLIC
Harlord County, Maryland
My Commission Expires 02/01/08

Affidavit in Support of Administrative Variance

I hat the Affiant(s) does/do presently reside at	AUT VEIVEL	KINGE UTIVE	
	Address Mills	Md	2/1/7 Zin Code
That based upon personal knowledge, the follow Variance at the above address (indicate hardship This home was built in Children at home. The home had and cannot accompodate a languages 10 and 12, and elderly payof sufficient for these purpos	ving are the facts upon or practical difficulty of 1970 by an analysers of viger of the total of the same of the same of the total of t	elderly coup 12ed kitchen, 1 utor. We hav teneat with v	Ple with No little kitchen storage ve 2 young boys, s. The kitchen is
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very difficult, costly, and de- part of the nome. The only all plubing dvallage in place, property. We are requesting his That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	prectical way and to expand linal relief te rmal demand is filed	to expand the dischented the accomplish the Accomplish the Accomplish the Accomplish the received the control of the control o	towards the rear of is expansion.
Signature Sand Sand	Sign:	ature M	R_M
Name - Type or Print	Nam ,	e - Type of Print	er Trinkott
STATE OF MARYLAND, COUNTY OF BALTIM			
I HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, per	rsonally appeared	, <u>2001/</u> , before m	ne, a Notary Public of the State
the Affiant(s) herein, personally known or satisfa		e as such Affiant(s).	· · · · · · · · · · · · · · · · · · ·
AS WITNESS my hand and Notarial Seal	Notary Publ	Ine Stelle	
	•	sion Expires	Charlene E. Getz

REV 10/25/01

Herford County, Meryland

My Commission Expires 02/01/08



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04-372-A

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REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 23/9 Velvet Ridge Drive which is presently zoned R.C. 5 (R-40)

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) $\frac{1}{1} \frac{1}{1} \frac{1}{1$

TO PERMIT AND ADDITION WITH A REAR YARD SETBACK OF 40 FT. IN UEU OF THE REQUIRED SO IT.

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 Zip Code State Signature Attorney For Petitioner: Address Telephone No Name - Type or Print City State Zip Code Representative to be Contacted: Signature Company Name Address Telephone No. Address l'elephone No City Zip Code State 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, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning this ____ day of regulations of Baltimore County and that the property be reposted Charlesia C. Cold

Zoning Commissioner of Baltimore County

Reviewed By JRF Date 2,-10 04

Zoning Description For 2319 Velvet Ridge Drive, Owings Mills, MD

Beginning at a point on the south side of Velvet Ridge Drive which is 50 feet wide at the distance of approximately 1,040 feet west of the centerline of the nearest improved intersecting street, Park Heights Avenue which is approximately 30 feet wide.

Being Lot # 10, Block B, Section #2 in the subdivision of "Velvet Ridge" as recorded in Baltimore County Plat Book #33, Folio #35, containing 1.05 acres. Also known as 2319 Velvet Ridge Drive, Owings Mills, Maryland and located in the 3rd Election District, 2nd Councilmanic District.

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W-CUSTOMES		RIDGE OR TROM		MT \$ GS. CC	001-006-6150	No. 32604
CASHER'S VALIDATION		DELLARY SALITOR	265.00 CV 145.00 CV	THE STATE OF THE S	711/2004 2/19/2004 E5:13:	N.



FORMAL DEMAND FOR HEARING

CASE NUMBER: <u>64-372-4</u>
Address: 2319 VELVET RIDGE DR
Petitioner(s): PAUL & Allison TRINKOFF
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
NOTE PAUL & SUSAN BLOOMBERGO Name - Type or Print
() Legal Owner OR () Resident of
2317 VeLver RIDGe DR. Address
OWING MILLS MID 21117 City State Zip Code
40 - 363-6320 Telephone Number
which is located approximatelyfeet from the property, which is the subject of the above petition, do hereby formally demand that a public hearing be set in this matter. ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.
2 - 2 (6 - 0 / Date
Signature Signature Date Date
Revised 9/18/98 - wcr/scj

PINK - AGENCY YELLOW - CUSTOMER

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WHITE - CASHIER

CASHIER'S VALIDATION

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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: # 04-372-A
2319 Velvet Ridge Drive
S/side of Velvet Ridge Drive the distance of 1,040 +/ft. w/of the centerline of Park Heights Ave.
3rd Election District — 2nd Councilmanic District
Legal Owner(s): Paul and Alison Trinkoff
Administrative Variance: to permit an addition with a rear yard setback of 40 feet in lieu of the required 50 feet.
Hearing: Thursday, April 8, 2004 at 10:80 a.m. in Room 407, County Courts Building, 401 Bosiey Avenue.

LAWRENCE E. SCHMIDT
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.

C655986

CERTIFICATE OF PUBLICATION

323,2004
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 323 , 2004 .
The Jeffersonian
Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
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LEGAL ADVERTISING

CERTIFICATE OF POSTING

	•	RE: Case No.: <u>04-372-A</u>
		Petitioner/Developer:
		Paul Trinkoff
		Date of Hearing/Closing: 4/8/04
County Office	Inty Department of evelopment Manager Building, Room 111 sapeake Avenue 21204	mant
Attention: B	ecky Hart	
Ladies and Ge	•	•
were horred co	Mills, MD 21	
		March 23, 2004 (Month, Day, Year)
		Sincerely, Stacy Landrer 3/23/04
		(Signature of Sign Poster and Date)
		SHANNON-BAHMashins INC.
		105 COMPETITIVE GOALS DR.
		ELDERSBURGER SP. 21784
<u>.</u>		

CERTIFICATE OF POSTING

RE: Case No.: 04-372-A
Petitioner/Developer:
Paul Trinkoff
Date of Hearing/Closing: 3-8-04

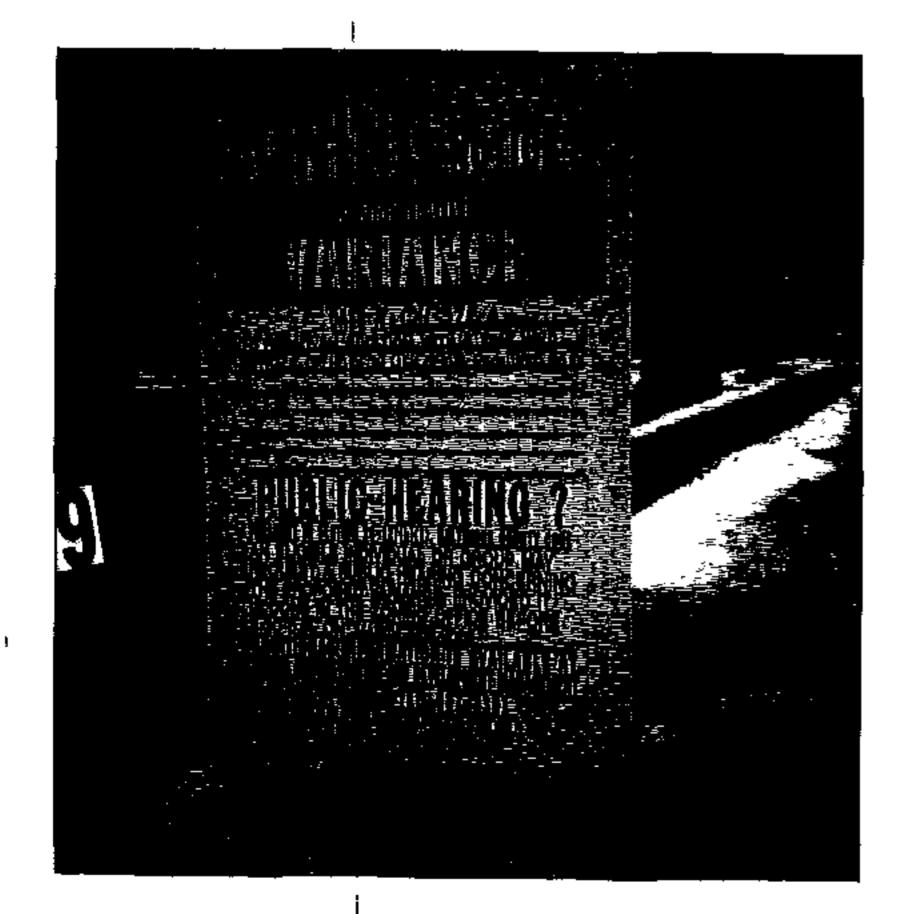
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204

Attention: 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 2319 Velvet Ridge Drive

OWINGS Mills MD 21117



ebruary 20		•	•	• .	
(Month	, Day, Year)	•	-		

Sincerely,

(Signature of Sign Poster and Date)

Stacy Gardner

SHANNON-BAUNA-SIGNS INC. 105 COMPETITIVE GOALS DR. ELDERSBURGESMD. 21784

410-781-4000

(City, State, Zip Code)

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

March 1, 2004

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: 04-372-A

2319 Velvet Ridge Drive

S/side of Velvet Ridge Drive @ the distance of 1,040 +/- ft. w/of the centerline of Park Heights Ave. 3rd Election District – 2nd Councilmanic District

Legal Owners: Paul and Alison Trinkoff

Administrative Variance to permit an addition with a rear yard setback of 40 feet in lieu of the required 50 feet.

Hearing: Thursday, April 8, 2004, at 10:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue

Timothy Kotroco

Director

TK:klm

C: Paul and Alison Trinkoff, 2319 Velvet Ridge Dr., Owings Mills 21117 Paul and Susan Bloomberg, 2317 Velvet Ridge Dr., Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MARCH 24, 2004.

- (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.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, March 23, 2004 Issue - Jeffersonian

Please forward billing to:

Paul Trinkoff 2319 Velvet Ridge Drive Owings Mills, MD 21117 410-363-1811

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: 04-372-A 2319 Velvet Ridge Drive

S/side of Velvet Ridge Drive @ the distance of 1,040 +/- ft. w/of the centerline of Park Heights Ave

3rd Election District – 2nd Councilmanic District

Legal Owners: Paul and Alison Trinkoff

Administrative Variance to permit an addition with a rear yard setback of 40 feet in lieu of the required 50 feet.

Hearing: Thursday, April 8, 2004, at 10:00 a.m. in 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.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

<u>ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS</u>

The <u>Baltimore County Zoning Regulations</u> (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.

For Newspaper Advertising:
Item Number or Case Number: 〇円-372-人
Petitioner: Paul + Alison Trinkoff
Address or Location: 2319 Velvet Ridge Drive, Owings Wills, Mad
21117
PLEASE FORWARD ADVERTISING BILL TO:
Name: Ray Trivicoff
Address: 2319 Velvet Ridge Drive Owings Wills, Nd 21117
Durings Wills, Md 21117
Telephone Number: 410-363-1811

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case Number 63- 372 -A Address 2319 VELVET RIDGE DR.
Contact Person: JUN R. FERNANDO Phone Number: 410-887-339 Planner, Please Print Your Name
Filing Date: 2-10-04 Posting Date: 2-22-04 Closing Date: 3-8-0
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. An reposting must be done only by one of the sign posters on the approved list and the petitione 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. <u>DEADLINE:</u> 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.
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 (conder 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 originall 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 69- 372 -A Address 2319 VELVET RIDGE DR.
Petitioner's Name PAUL SALISON TRINKOFF Telephone 410-363-1811
Posting Date: 2-22-04 Closing Date: 3-8-04
Wording for Sign: To Permit an addition with a rear yard setbook of 40 ft. in lieu of the required 50 ft.

Department of Perints and Development Management

Development Processing
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204



Baltimore County

James T Smith, Jr., County Executive Timothy M. Kotroco, Director

March 31, 2004

Paul David Trinkoff Alison Miller Trinkoff 2319 Velvet Ridge Drive Owings Mills, Maryland 21117

Dear Mr. and Mrs. Trinkoff:

RE: Case Number: 04-372-A, 2319 Velvet Ridge Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 10, 2004.

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,
U. Casl Richal

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



Visit the County's Website at www.baltimorecountyonline.info

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

March 1, 2004

Paul Trinkoff Alison Trinkoff 2319 Velvet Ridge Drive Owings Mills, MD 21117

Dear Mr. and Mrs. Trinkoff:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 04-372-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand or the zoning commissioner is requiring a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact Jun R. Fernando at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr. Supervisor

u. Callibal)

Zoning Review

WCR:kim

C: Paul & Susan Bloomberg, 2317 Velvet Ridge Drive, Owings Mills 21117



Visit the County's Website at www.baltimorecountyonline.info

Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 February 24, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: February 23, 2004

Item No.: 3

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.

6. 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



Visit the County's Website at www.baltimorecountyonline.info



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor Robert L. Flanagan, Secretary Nell J. Pedersen, Administrator

JRF

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 2.24.04

Baltimore County

Item No. 372

RE:

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

Dear. Ms.Matthews:

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

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

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley LBS

DATE:

March 22, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of February 23, 2004

__X__ The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-365

04-367

04-368

04-370

04-371

(04-372)

05-375

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

97/6

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 4-372

DATE: February 25, 2004

RECEIVED

FEB 2 6 2004

ZONING COMMISSIONER

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

Section Chief:

AFK/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: March 15, 2004

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For March 1, 2004

Item Nos. 365, 367, 368, 370, 371,

373, 373, and 375

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

RWB:CEN:jrb

cc: File

SCHWARTZ & BLOOMBERG, P.A.

MICHAEL L. SCHWARTZ*
PAUL BLOOMBERG**

*ALSO ADMITTED D.C., CAL.
**ALSO ADMITTED D.C.

WOODMERE I 9881 BROKEN LAND PARKWAY * SUITE 303 COLUMBIA, MARYLAND 21046 COLUMBIA (410) 290-3900 * FAX (410) 290-3999

THE WORLD TRADE CENTER
SUITE 1800
401 E PRATT STREET
BALTIMORE, MARYLAND 21202
(410) 720-5550

SUITE 706 6411 IVY LANE GREENBELT, MARYLAND 20770 (301) 345-7001

February 23, 2004

VIA FAX 410-887-5708 & FIRST CLASS MAIL

Baltimore County Zoning Office 111 W. Chesapeake Avenue Room 111 Towson, MD 21204 Attn: Kristen Matthews

RE: Trinkoff - Mr. And Mrs. Trinkoff - 2319 Velvet Ridge Dive, Owings Mills Application for variance - Case # 04-372-A-Baltimore County

Dear Ms. Mathews:

In furtherance of your telephone conversation with my wife Susan of this date, please be advised that we are filing a request for hearing and opposing the variance request of the owners of 2319 Velvet Ridge Drive. The requested variance is to change the rear setback requirement from 50 feet to 40 feet.

We are the owners of 2317 Velvet Ridge Drive Owings Mills, MD 21117. Our telephone number at our home is: 410-363-6370. In the application for variance, the petitioner stated that when the house was built the owners were elderly and had no children. I lived in my current home at the time since my parent's built the house. The original owners were in their late 40's and had a child living in their home when they moved into the house.

We believe that the grant of the variance would be incompatible with the neighborhood and set a poor precedent for the integrity of the community. As the adjoining property owner, if the variance is granted, we would see nothing but a substantial structure in our backyard since our properties are close to each other. The openness for which the community strives would be lost.

Please contact me after reviewing this letter if you should have any questions.

Very truly yours,

SCHWARTZ & BLOOMBERG, P.A.

PB/lb

Itr93 TrinkoffVaiance.ltr PlanningCouncil

RECEIVED

FEB 2 4 2004

DEPT. OF PERMITS AND DEVELOPMENT MANAGEMENT



April 5, 2004

Department of Permits and Development Management 111 West Chesapeake Avenue Room 111 Towson, Maryland 21204

Re: Administrative Variance 04-372-A

Dear Sirs:

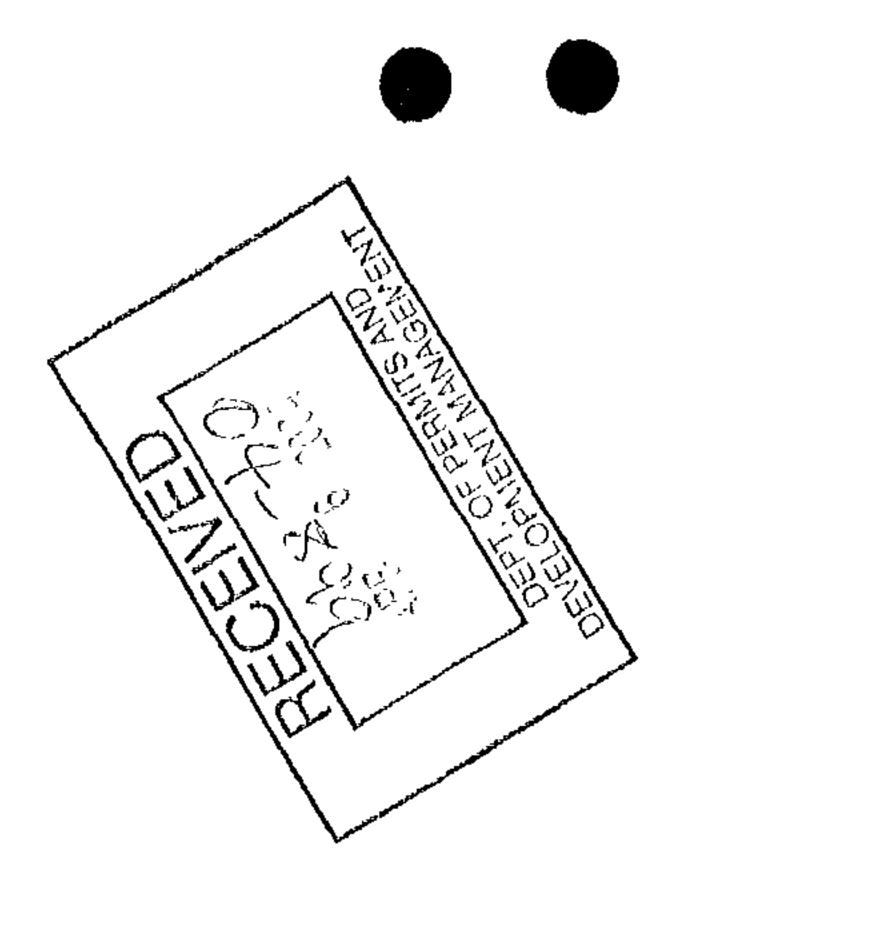
I reside at 2321 Velvet Ridge Drive on property immediately adjacent to the home of Mr. and Mrs. Trinkoff for which the above-referenced variance is sought. Our family is one of the original residents of the Velvet Ridge neighborhood and we have lived here for approximately 34 years. The Trinkoffs have described for me their desire to construct an approximately thirty foot wide one story addition that will project twelve feet from the rear of the middle portion of their home. I understand that this addition will allow the Trinkoffs to expand their kitchen and to create a dining area. I also understand that in order to build this addition, the Trinkoffs have requested a variance that will allow them to reduce, by up to ten feet, the rear setback requirement of fifty feet.

Please accept this letter as an expression of my strong support for the requested variance. In my opinion, the proposed addition is completely consistent with the aesthetic and density characteristics of our neighborhood, and will not in any way burden any of the adjoining property owners, such as I. In fact, I welcome the very significant investment that the Trinkoffs desire to make to what has historically been one of the smallest and least valuable homes in our entire neighborhood. I view their investment as good for our property and for the property values in the neighborhood at large. Thus, please place this letter of support in the file for the above-referenced variance and present the same at the hearing scheduled for April 8, 2004. Unfortunately, I will be traveling on that date so I will not be able to attend the hearing in person. I certainly hope that the Zoning Commissioner will determine that the Trinkoffs have acted reasonably and responsibly in requesting this variance, and that the variance will be granted.

If you have any questions regarding the contents of this letter, please feel free to contact me at my office number above or at my home number, 410-363-6210. Thank you for your consideration.

Pacy Oletsky

Very truly/yours,



t 1

PLEASE PRINT CLEARLY

CASE NAME DESTRATIVE OFF CASE NUMBER 04-372-A DATE 4/8/04

PETITIONER'S SIGN-IN SHEET

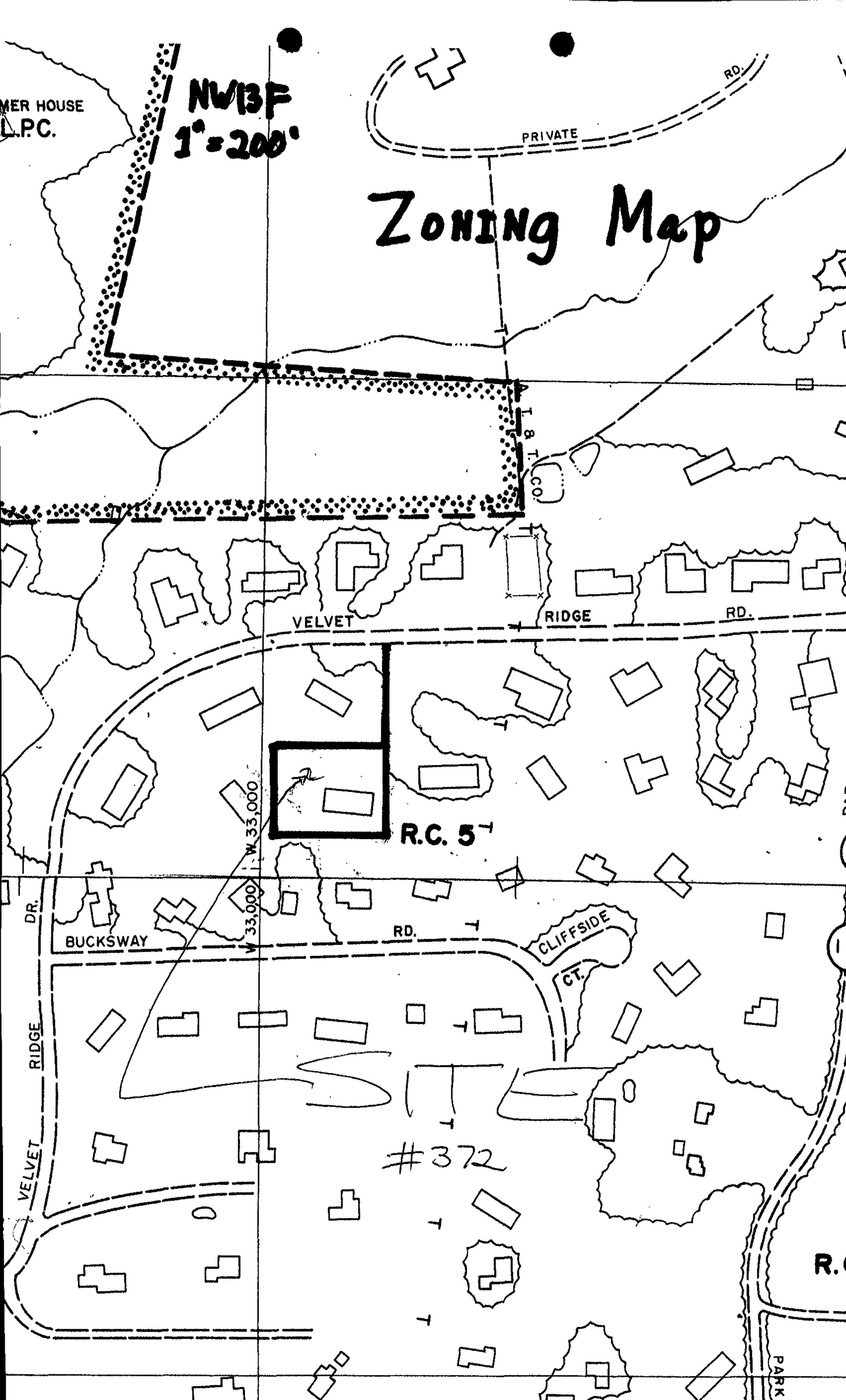
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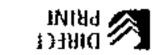
CASE NAME	
CASE NUMBER_	
DATE	

CITIZEN'S SIGN-IN SHEET

NAME		ADDRESS	CITY, STATE, ZIP	E- MAIL
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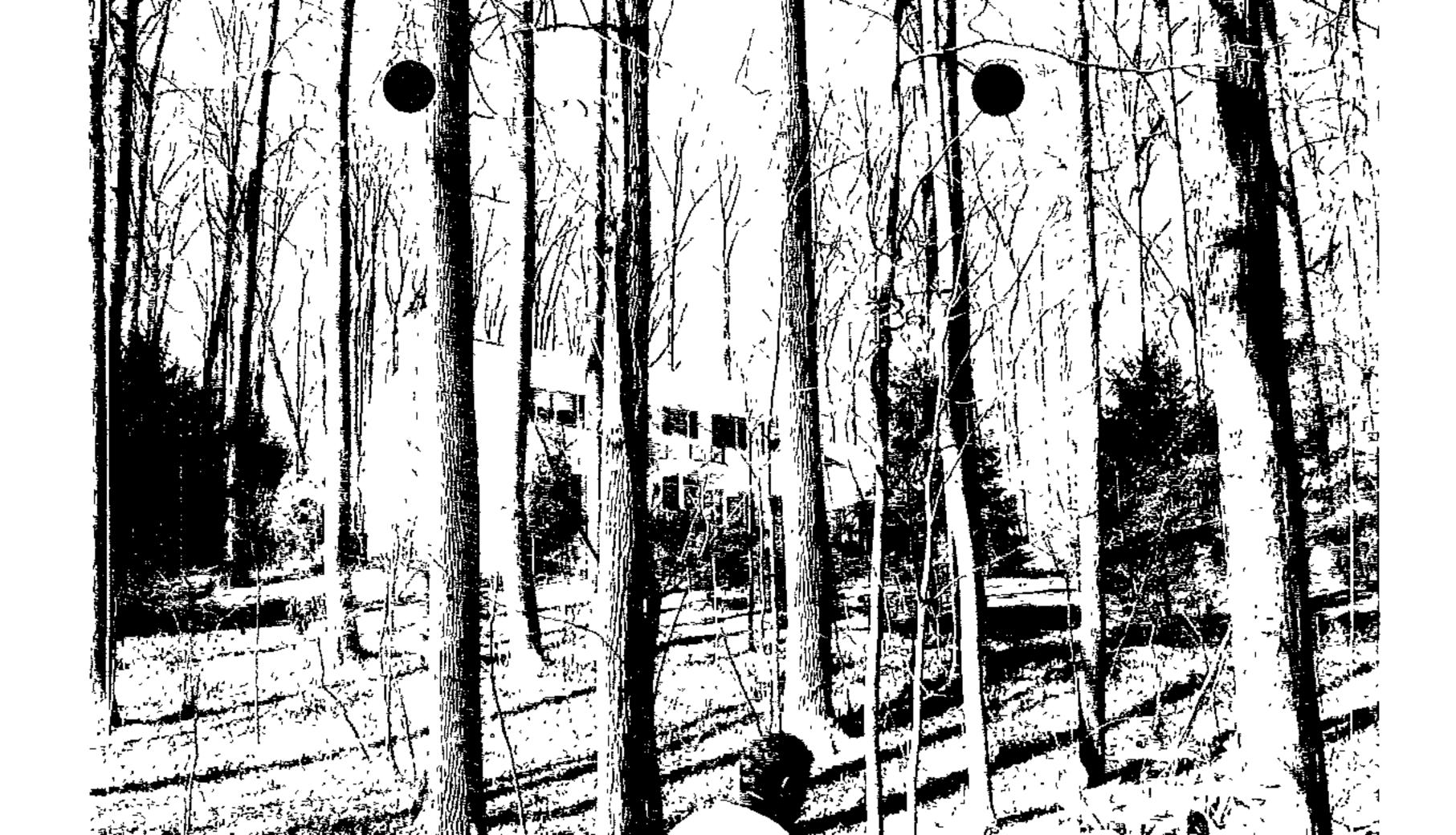


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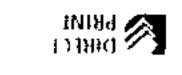






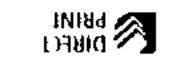






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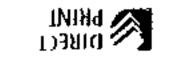
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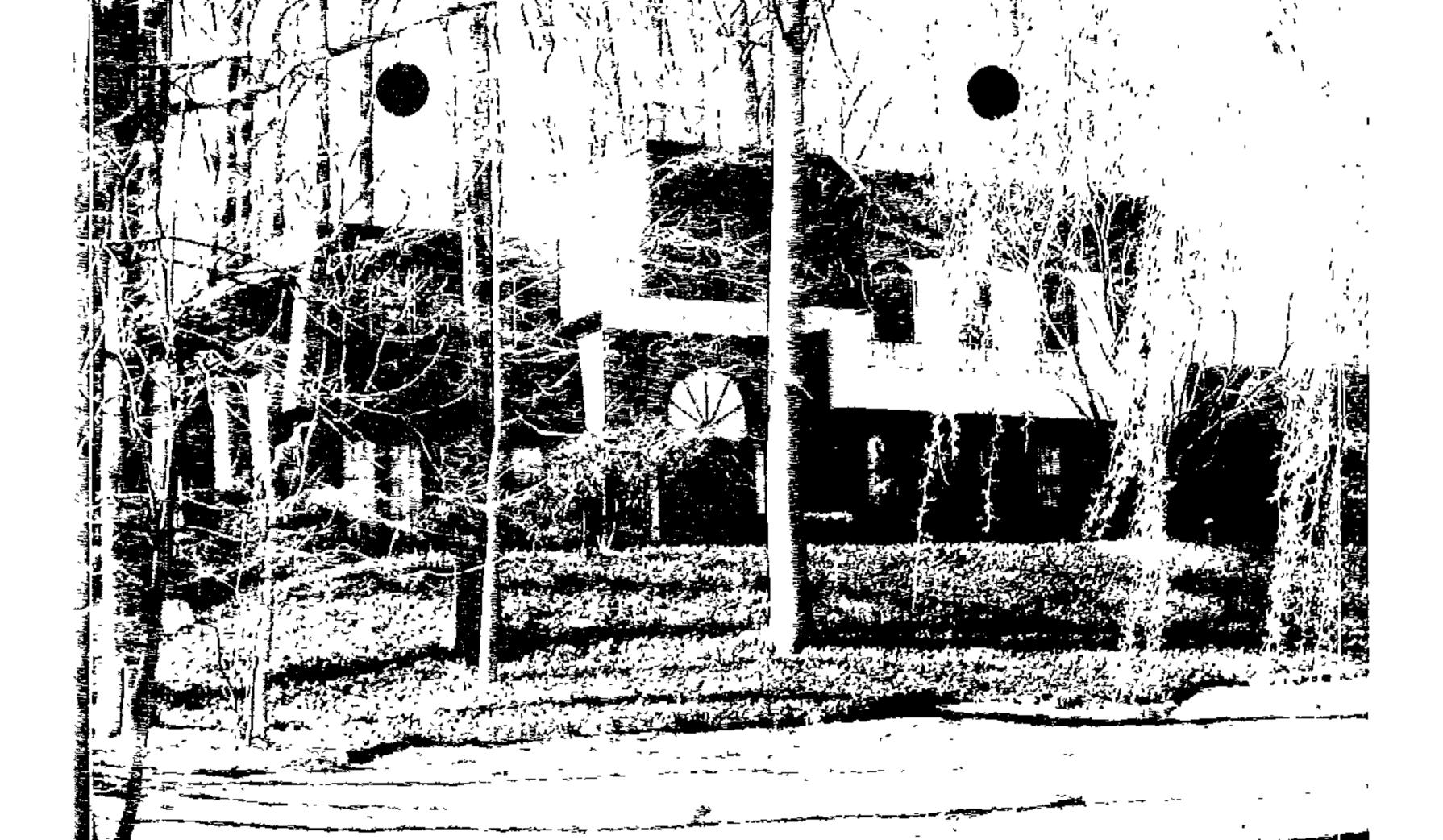
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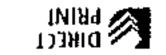
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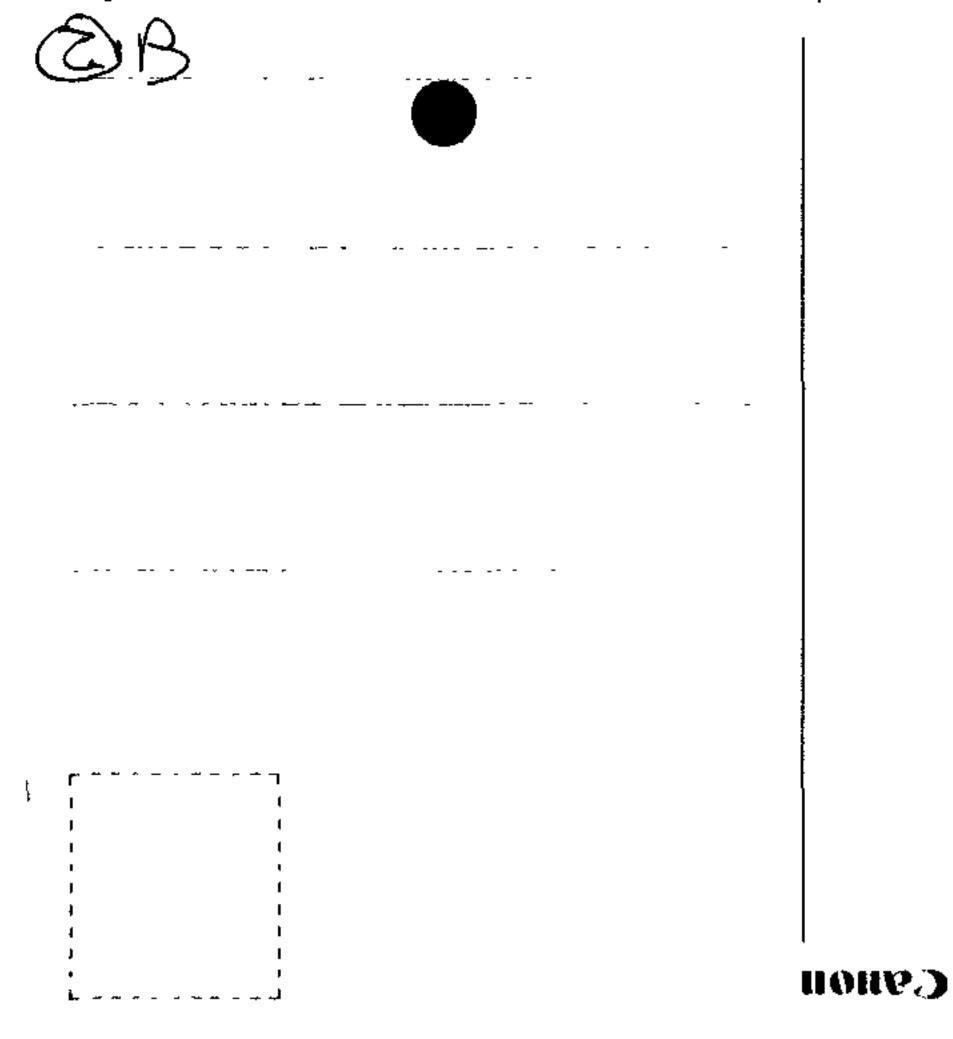
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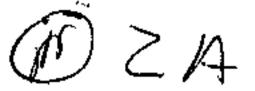








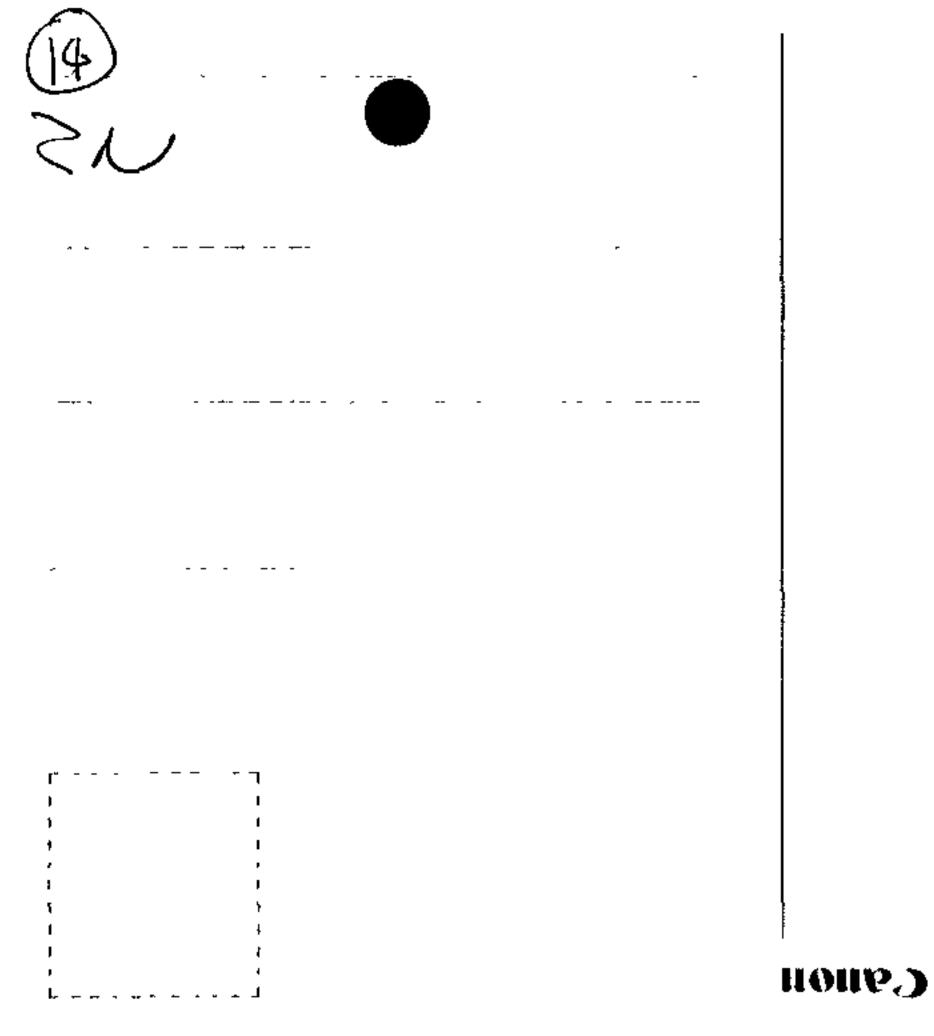
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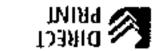












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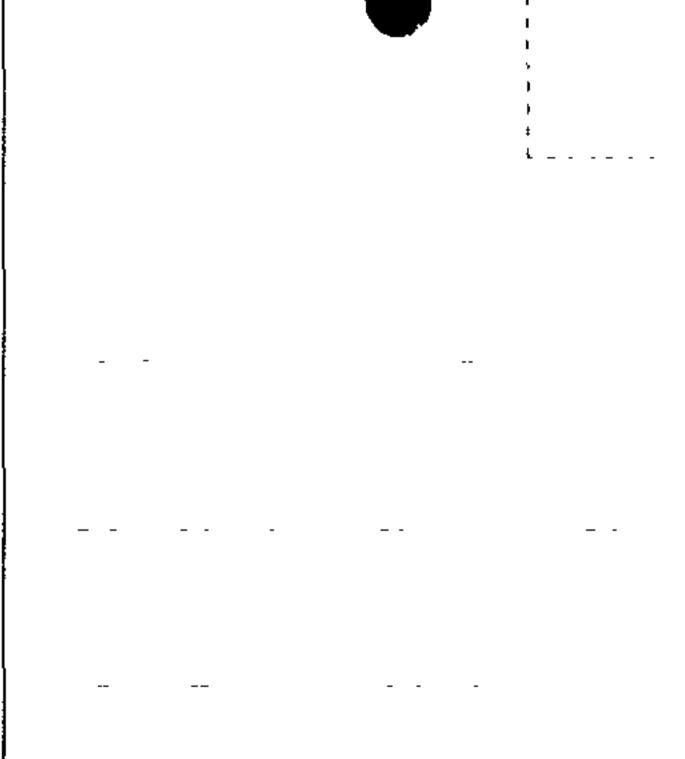
















View looking west on Velvet Ridge Dr. last maiboxes on left are for Nos. 2317/2319.



Looking south up driveways of 2317 (lest) and 2319 (Right), with summer vegetation

#372



Looking south up driveways to 23172319 - winter vegeta Lan.



Rear of #2319 showing screened porch to be removed. Looking west towards #2327 in background.



2321 Velvet Ridge Drive Owings Mills, Maryland 21117

April 5, 2004

Development Management
111 West Chesapeake Avenue
Room 111
Towson, Maryland 21204

Re: Administrative Variance 04-372-A

Dear Sirs:

I reside at 2321 Velvet Ridge Drive on property immediately adjacent to the home of Mr. and Mrs. Trinkoff for which the above-referenced variance is sought. Our family is one of the original residents of the Velvet Ridge neighborhood and we have lived here for approximately 34 years. The Trinkoffs have described for me their desire to construct an approximately thirty foot wide one story addition that will project twelve feet from the rear of the middle portion of their home. I understand that this addition will allow the Trinkoffs to expand their kitchen and to create a dining area. I also understand that in order to build this addition, the Trinkoffs have requested a variance that will allow them to reduce, by up to ten feet, the rear setback requirement of fifty feet.

Please accept this letter as an expression of my strong support for the requested variance. In my opinion, the proposed addition is completely consistent with the aesthetic and density characteristics of our neighborhood, and will not in any way burden any of the adjoining property owners, such as I. In fact, I welcome the very significant investment that the Trinkoffs desire to make to what has historically been one of the smallest and least valuable homes in our entire neighborhood. I view their investment as good for our property and for the property values in the neighborhood at large. Thus, please place this letter of support in the file for the above-referenced variance and present the same at the hearing scheduled for April 8, 2004. Unfortunately, I will be traveling on that date so I will not be able to attend the hearing in person. I certainly hope that the Zoning Commissioner will determine that the Trinkoffs have acted reasonably and responsibly in requesting this variance, and that the variance will be granted.

If you have any questions regarding the contents of this letter, please feel free to contact me at my office number above or at my home number, 410-363-6210. Thank you for your consideration.

Pacy Olersky

Very truly yours,

## The Valleys Planning Council, Inc 207 Courtland Avenue P.O. Box 5402 Towson, Maryland 21285-5402

March 30, 2004

Mr. Paul Bloomberg, Esq. 2317 Velvet Ridge Drive Owings Mills, Maryland 21117

Re: Case No: 4-372A 2319 Velvet Ridge Drive

Dear Mr. Bloomberg:

In response to your letter requesting comments from the Valleys Planning Council regarding the above referenced rear yard variance. I regret that The Valleys Planning Council will not take a position in regard to this matter. Unless we see a significant issue that would have an impact to the larger area we as a rule do not get involved with these issues. I have reviewed the case file in the zoning office and have reviewed the matter with members of our executive committee and this case is simply a neighborhood issue. I suggest that you solicit the help of your local community association.

Very Truly Yours,

Jack Dillon

**Executive Director** 

CC:

Land-use Committee George Doub, Esq.

pet Dil

