IN RE: PETITION FOR ADMIN. VARIANCE NE/S of Circle Road, 1,200 ft. NW of Circle Hill Road 9th Election District 2nd Councilmanic District **(1805 Circle Road)** Margaret L.Webster & Robert Doyle *Petitioners*	* * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 04-454-A

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Margaret L.Webster and Robert Doyle. The Petitioners requested administrative variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) for property at 1805 Circle Road, which property is located in the Towson area of Baltimore County. The administrative variance relief is requested to permit a proposed addition (with a fully enclosed walkway connection to the addition) with a rear yard setback of 22 ft. in lieu of the minimum required 50 ft.

The above requested relief was originally filed as an administrative variance with a closing date of April 26, 2004. However, prior to the expiration of the closing, a request for hearing was received from a nearby property owner. The public hearing was called on June 9, 2004. The property was posted with notice of hearing on May 24, 2004 and a Notice of Zoning Hearing was published in "The Jeffersonian" newspaper on May 25, 2004 to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

ORDER RECEIVED FOR FILING
Date 7/15/04
By K. Jameson

"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 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 requested variance relief was Robert Doyle, the Petitioner. Attending the hearing in opposition to the Petitioners' request were Bob Ferber and Francis Lentz. Nancy Horst, representing the Ruxton/Riderwood/Lake Roland Community Association attended the hearing and participated in the discussion of the petition but took no position on behalf of the association. 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, consists of 11,979 sq. ft. and is zoned D.R.1. Mr. Doyle, who is an architect, indicated that he would like to improve his home by the addition of a new master bedroom connected to the existing home by means of an enclosed walkway. The property is steeply sloped as shown

ORDER RECEIVED FOR FILING
Date 7/15/04
By

in Petitioner photographs (Exhibit No. 2) rising from Circle Road to a level on which the present home is built and again rising sharply toward the rear. Mr. Doyle indicated that the home was originally a carriage house with no basement that was converted to a dwelling. The lot was only 0.27 acres in size and was broken off of a larger lot which was previously part of an adjoining property. The original building was the subject of a prior zoning variance that was approved by the County and not opposed by the adjoining property owners. The zoning variance was requested to allow an addition to the north side of the home. The site is also improved by an old smokehouse that is partially buried into the hill and which rises from the street. See Petitioners' Exhibit No. 2D (photograph) in which the exposed part of the smokehouse is shown painted white with a small door.

The Petitioner indicated that he had tried to locate the addition on several different places on the property but was severely constrained by the topography and the very small dimensions of the lot. There was no place on either the north or south side of the home to locate the addition. The north side was previously the subject of a variance request to allow the first addition. The south side of the home is only 18 ft. from the property line while the DR 1 setback requirement is 20 ft. Similarly, the rear of the building is 46 ft. from the rear lot line, which again violates the rear yard setback of 50 ft. The Petitioner pointed out that any addition attached to the home would require a variance. The Petitioner concluded that locating the addition in the rear of the lot would be the best location because the rear yard has the most area to work with compared to the side yards.

The Petitioner wanted to save the smokehouse as an important architectural feature. The lot is steeply sloped and a portion of the smokehouse is located behind the home. The Petitioner argued that these features greatly constrain how an addition can be added in the rear yard. The

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Date 7/15/24
By R. Jenkins

new master bedroom needs light and air. Consequently, the Petitioner did not want to bury it in the hillside but rather designed the addition to connect to the second story of the existing building. See Petitioners' elevation drawings shown on Petitioners' Exhibit No. 3. The 9 ft. long walkway was added to allow light and air for the present kitchen that will remain in the existing home. He indicated that the addition would not be visible from Circle Road.

The Petitioner testified that the lot was laid out and the carriage house converted to a home in 1950. Notice is taken that the DR zones were first applied in Baltimore County in 1955.

While presenting his case, the Petitioner discovered an inconsistency between Exhibit No. 1 and Exhibit No. 3 in which the addition seems to be located approximately 12 ft. into the south side yard. There is no such projection shown in Exhibit No. 1 or the request for additional variance. Also, in considering whether there was a less extensive variance with which he could agree, the Petitioner indicated that he could probably eliminate the 9 ft. long walkway although this would present an architectural challenge to provide light and air to the existing kitchen.

The protestants are adjacent property owners Lentz and Ferber. They both testified that although the addition might not be visible from Circle Road, it would be visible from either of their properties, both of which are located high above the subject property. See Petitioners' photographs, Exhibit Nos. 2B, 2E, 2G, and 2H. Not only would the roof of the addition be visible but a portion of the rear wall as well. They both were concerned that granting this variance would set a precedent for many similar projects on other neighborhood lots. They wanted the variance denied because they felt that they could rely on the zoning laws to protect their properties.

ORDER RECEIVED FOR FILING
Date 7/15/04
By R. Jamison

Nancy Horst, representing the Ruxton/Riderwood/Lake Roland Community Association, attended the hearing and participated in the discussion of the petition but did not take a position on behalf of the association. She volunteered to facilitate further discussions among the parties.

At the conclusion of all the testimony, the Petitioner and protestants agreed that the Petitioner would modify his elevation drawings and eliminate the walkway. He would then send the updated drawing to the protestants and the association and determine within a two week period whether or not they could reach some accommodation.

In fact, Mr. Doyle submitted a revised elevation plan (Petitioner's Exhibit No. 4) and revised floor plan (Petitioner's Exhibit No. 5) which I have entered into the record of this case. The cover letter summarizes changes made to the plan that includes reducing the requested relief from a rear yard setback of 22 ft. to a rear yard setback of 25 ft. Copies of the revised plan were sent to the protestants for their review.

In a letter dated July 1, 2004, Mr. Ferber, one of the protestants, notes that the new plan is very much like the original plan. He expected something much smaller and is still opposed to the variance. Mr. Lentz echoed Mr. Ferber's sentiments in his July 8, 2004 letter. I marked the former letter as Protestants' Exhibit No. 1 and the latter Protestants' Exhibit No. 2 and entered both in the record of the case.

Findings of fact and conclusions of law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request in that the land is steeply sloped rising in levels from Circle Road to the rear property line. This is a very small lot. I also find that preserving the smokehouse is an important goal. This is the kind of peculiar structure envisioned by Section 307 of the B.C.Z.R. Consequently, I find the property unique in a zoning sense as these features

ORDER RECEIVED FOR FILING
Date 7/15/04
By

indicate the DR 1 zoning regulations impact this property more severely than other lots in the neighborhood.

I find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. This home and lot were laid out much before the DR zoning regulations were imposed upon them. The lot meets none of the requirements of DR 1 zoned land as shown in the small lot chart. It is simply too small. There is no way for the Petitioner to comply with the present regulations with the existing home much less with an addition.

I also find that no increase in residential density beyond that otherwise allowable by the Zoning Regulations will result by granting this variance.

Finally, I find that this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. This addition will be all but invisible from the road. While I am sympathetic to the concerns that the neighbors have about seeing more roof lines then presently, I do not believe that this architecturally creative addition will adversely impact either their property value or enjoyment of their home. Both protestants worry about setting precedent with granting a variance in this case. This is an understandable concern but I see each zoning request as very site specific and not such a precedent as they fear.

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, this 15 day of July, 2004, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 1B02.3.C.1 of the

ORDER RECEIVED FOR FILING
Date 7/15/04
By

B.C.Z.R., to permit a proposed addition (with a fully enclosed walkway connection to the addition) with a rear yard setback of 25 ft. in lieu of the minimum 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;

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

John V. Murphy

JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
Date 2/5/04
By R Jamison

IN THE MATTER OF THE APPLICATION OF ROBERT DOYLE & MARGARET WEBSTER - LEGAL OWNERS /PETITIONERS FOR VARIANCE ON PROPERTY LOCATED ON THE NE/S OF CIRCLE ROAD, 1,200' NW OF CIRCLE HILL ROAD (1805 CIRCLE ROAD) 9TH ELECTION DISTRICT 2ND COUNCILMANIC DISTRICT	* * * * * *	BEFORE THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY CASE NO. 04-454-A

* * * * * * * * *

OPINION

This matter comes before the Baltimore County Board of Appeals on an appeal filed by Francis Lentz, Protestant, from a decision of the Deputy Zoning Commissioner in which a Petition for Variance filed by the legal owners of the subject property, Margaret L Webster and Robert Doyle, was granted. The Petitioners requested administrative variance relief from § 1B02.3.C.1 of the *Baltimore County Zoning Regulations* (B.C.Z.R.) for property at 1805 Circle Road, located in the Towson area of Baltimore County. The administrative variance relief is requested to permit a proposed addition (with a fully enclosed walkway connection to the addition) with a rear yard setback of 22 ft. in lieu of the minimum required 50 ft.

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.

Interested Persons

Appearing at the hearing on behalf of the requested variance relief was Robert Doyle, the Petitioner. Attending the hearing in opposition to the Petitioners' request were Francis Lentz, Appellant, and Bob Ferber, who were represented by Edward J. Gilliss, Esquire.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 11,979 sq. ft. and is zoned D.R. l. The property is steeply sloped. Mr. Doyle testified that he would like to improve his home by the addition of a new master bedroom connected to the existing home by a walkway. Mr. Doyle indicated that the home was originally a carriage house with no basement that was converted to a dwelling. The lot is 0.27 acre in size. The original building was the subject of a prior zoning variance that was approved by the County and not opposed by the adjoining property owners. The zoning variance was requested to allow an addition to the north side

of the home. The site is also improved by an old smokehouse that is partially buried into the hill and which rises from the street.

The Petitioner indicated that he had tried to locate the addition on several different places on the property but was limited by the size and layout of the lot. The south side of the home is 18 ft. from the property line while the D.R.1 setback requirement is 20 ft. The rear of the building is 46 ft. from the rear lot line, which again violates the rear yard setback of 50 ft.

The Protestants are adjacent property owners Lentz and Ferber. They both testified that, although the addition might not be visible from Circle Road, it would be visible from either of their properties, both of which are located high above the subject property. They both were concerned that granting this variance would set a precedent for many similar projects on other neighborhood lots. They wanted the variance denied because they felt that they could rely on the zoning laws to protect their properties.

Finding of fact and conclusions of law

Section 307 allows for variances "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."

Section 307 .1 requires that variances only be granted in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance

request....*Cromwell v. Ward*, 102 Md. App. 691; 651 A. 2d 424 (1995). The first issue to be determined is the uniqueness of the subject property. *Cromwell, supra*, indicates that in the zoning context the unique aspect of 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." We find that the subject property is not unique; it is the same size and shape as other lots. The lot is accessible, and there is nothing unique about its environment. The structure of the building is also not unique. All similarly sized lots are impacted the same. The area in question has a number of similar size lots. The lot is a small lot. The property as it presently exists is not in compliance with existing zoning regulations and further expansion would only increase the violations.

Therefore, Petitioners' request for variance is denied.

ORDER

THEREFORE, IT IS THIS 16th day of May, 2005 by the County Board of Appeals of Baltimore County

ORDERED that the Petitioners' request for administrative variance relief to permit a proposed addition (with a fully enclosed walkway connection to the addition) with a

rear yard setback of 22 feet in lieu of the minimum required 50 feet be and the same is hereby **DENIED**.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Michael O. Ramsey, Panel Chairman

Margaret Brassil

Edward W. Crizer, Jr.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

May 16, 2005

Edward J. Gilliss, Esquire
ROYSTON, MUELLER, McLEAN & REID LLP
Suite 600
The Royston Building
102 W. Pennsylvania Avenue
Towson, MD 21204-4575

RE: *In the Matter of: Robert Doyle & Margaret Webster*
– Legal Owners /Petitioners / Case No. 04-454-A

Dear Mr. Gilliss:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all subsequent Petitions for Judicial Review filed from this decision should be noted under the same civil action number as the first Petition.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Kathleen C. Bianco

Kathleen C. Bianco
Administrator

Enclosure

c: Francis Lentz
Bob Ferber
Robert Doyle & Margaret Webster
Nancy Worden Horst /RRLRAIA
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

IN RE: PETITION FOR VARIANCE 1805 Circle Road 9th Election District 2nd Councilmanic District	*	BEFORE THE BALTIMORE COUNTY BOARD OF APPEALS
Robert Doyle and Margaret Webster	*	Case No. 04-454-A
Petitioners	*	

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

NOTICE OF ENTRY OF APPEARANCE

Robert F. Ferber and Francis B. Lentz, by their undersigned counsel, pursuant to Rule 6(d) of the Rules of Practice and Procedure of the County Board of Appeals, hereby note the entry of appearance of Edward J. Gilliss as counsel on their behalf.

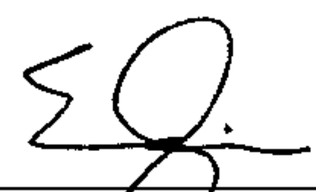
The Petitioners are: Robert Doyle and Margaret Webster
1805 Circle Road
Baltimore, Maryland 21204

The Interested Parties are: Robert F. Ferber
1807 Circl Road
Baltimore, Maryland 21204

and

Francis B. Lentz
1801 Circle Road
Baltimore, Maryland 21204

Counsel for the Interested Parties is: Edward J. Gilliss
102 W. Pennsylvania Avenue, Suite 600
Towson, Maryland 21204
(410) 823-1800



EDWARD J. GILLISS
Royston, Mueller, McLean & Reid, LLP
The Royston Building, Suite 600
102 West Pennsylvania Avenue
Towson, Maryland 21204
(410) 823-1800

ROYSTON, MUELLER, MCLEAN & REID, LLP
SUITE 600
102 W PENN AVE
TOWSON MARYLAND
21204-4575
410-823-1800

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the **7th day of March, 2005** a copy of the foregoing Notice of Entry of Appearance was mailed, by first class mail, postage prepaid, to: Robert Doyle, 1805 Circle Road, Baltimore, Maryland 21204.

EDWARD J. GILLISS

F:\LITIGATION\S\EJG\Clients\Ferber\NoticeofAppear.doc

ROYSTON, MUELLER,
McLEAN & REID, LLP
SUITE 600
102 W PENN AVE
TOWSON MARYLAND
21204-4575
410-823-1800

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

July 14, 2004

Ms. Margaret L. Webster
Mr. Robert Doyle
1805 Circle Road
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 04-454-A
Property: 1805 Circle Road

Dear Ms. Webster & Mr. Doyle:

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,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Francis B. Lentz, 1801 Circle Road, Towson, MD 21204
Bob Ferber, 1807 Circle Road, Towson, MD 21204

Printed on Recycled Paper

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1805 CIRCLE RD.

which is presently zoned DR 1

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) 1B02.3.C.1, BCZR, to permit a proposed addition (with a fully enclosed attachment) with a rear yard setback of 22 feet in lieu of the minimum required 50 feet.

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):

ROBERT DOYLE
Name - Type or Print

Signature

Margaret L. Webster
Name - Type or Print

Margaret L Webster
Signature

1805 CIRCLE ROAD — 410.823.3420
Address — Telephone No.

TOWSON, MARYLAND 21204
City — State — Zip Code

Representative to be Contacted:

ROBERT DOYLE — OFFICE 410.727.4656 X160
Name

1805 CIRCLE RD. HM. 410.823.3420
Address — Telephone No.

TOWSON, MARYLAND 21204
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

ORDER RECEIVED FOR FILING
Date 7/15/04
By

CASE NO. 04-454-A

Reviewed By JNP **Date** 4/1/04

Estimated Posting Date 4/11/04

REV 12/25/01

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 1805 CIRCLE ROAD
Address
RUXTON, MARYLAND 21204
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):

This residential property lacks the ability to accommodate any addition without a variance. The property at some point was separated from another creating a quarter acre parcel within a DR-1 zoning. Within a 55 foot rear yard setback, we are planning an addition of a master bedroom suite with storage beneath. (We presently have no basement and little storage). Our objective is to create a more livable and comfortable home for ourselves.

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

ROBERT DOYLE
Name - Type or Print

Signature

Margaret L. Webster
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of March, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Robert Doyle and Margaret L. Webster the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

NOTARY PUBLIC HARFORD COUNTY, MD.

Notary Public

My Commission Expires 8-1-06

REV 10/25/01

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 1805 CIRCLE ROAD
Address
RUXTON, MARYLAND 21204
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):

This residential property lacks the ability to accommodate any addition without a variance. The property at some point was separated from another creating a quarter acre parcel within a DR-1 zoning. Within a 55 foot rear yard setback., we are planning an addition of a master bedroom suite with storage beneath. (We presently have no basement and little storage). Our objective is to create a more livable and comfortable home for ourselves.

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: Robert Doyle
Name - Type or Print: ROBERT DOYLE

Signature: Margaret L Webster
Name - Type or Print: Margaret L. Webster

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 16th day of March, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Robert Doyle and Margaret L. Webster the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

ALICE L. RUSSELL NOTARY PUBLIC HARFORD COUNTY, MD.

Alice L. Russell
Notary Public

My Commission Expires 8-1-06

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1805 CIRCLE ROAD

which is presently zoned DR-1

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) 1B02.3.C.1, BCZR, to permit a proposed addition (with a fully enclosed attachment) with a rear yard setback of 22 feet in lieu of the minimum required 50 feet.

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):

ROBERT D. DOYLE [redacted]
Name - Type or Print

Signature

[redacted] MARGARET L. WEBSTER
Name - Type or Print

Margaret L Webster
MARGARET L. WEBSTER
Signature

1805 CIRCLE ROAD 410.823.3420
Address Telephone No.

TOWSON, MD 21204
City State Zip Code

Representative to be Contacted:

ROBERT DOYLE
Name

1805 CIRCLE ROAD OFFICE 410.721.4656 X 160
Address Telephone No

TOWSON, MD 21204
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. 04-454-A

Reviewed By JNP **Date** 4/1/04

Estimated Posting Date 4/11/04

REV 10/25/01

ZONING DESCRIPTION FOR 1805 CIRCLE RD.
AS RECORDED IN DEED LIBER 155[illegible], FOLIO 496:

*

BEGINNING for the same in the center of Circle Road at the end of the sixth line of a parcel of land which by a Deed dated June 2, 1952 and recorded among the Land Records of Baltimore County in Liber GLB 2122, folio 123, was conveyed by Rignal W. Baldwin, Trustee, et al, to Lewis hay Eichelberger, Jr. and Dorothy Callahan Eichelberer, running thence and binding on the center of the Circle Road and the two following courses and distances viz: North 36 degrees 48 minutes West 50 feet and north 54 degrees 37 minutes West 51.63 feet, thence leaving said road and running for lines of division the two following courses and distances viz: North 50 degrees East 125.35 feet to a pipe and South 40 degrees East 100 feet to an iron bar set in the fifth line of the aforesaid parcel of land and thence running with and biding on a part of said fifth line and on the sixth line of said parcel of land the two following courses and distances viz: South 50 degrees West 100 feet to a pipe on the Northeast side of Circle Road and South 50 degrees West 15.03 feet to the place of beginning. Containing 0.27 acres of land, more or less.

The improvements thereon are now known as 1805 Circle Road.

BEGINNING AT A POINT ON THE NORTHEAST SIDE OF CIRCLE RD.
* WHICH IS 18' WIDE AT A DISTANCE OF 1,200' ±
NORTHWEST OF THE CENTERLINE OF CIRCLE HILL RD.
WHICH IS 18' WIDE.

04-454-A

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: #04-454-A
1805 Circle Road
N/east side of Circle Road, 1,200 feet n/west of Circle Hill Road
9th Election District 2nd Councilmanic District
Legal Owner(s): Robert Doyle and Margaret Webster

Administrative Variance: to permit a proposed addition with a fully enclosed attachment with a rear yard setback of 22 feet in lieu of the minimum required 50 feet.

Hearing: Wednesday, June 9, 2004 at 9:00 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 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.

6286

JT 5/752 May 25

CERTIFICATE OF PUBLICATION

5/27/, 2004

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/25/, 2004.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 37934

DATE 8/3/04 ACCOUNT 001-006-6150

AMOUNT $ 300.00

RECEIVED FROM: Francis Lentz

FOR: CW-454-A Appeal

1805 Circle Rd.

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
8/04/2004	8/03/2004	15:25:50	1

REG WS01 WALKIN JRIC JMR
>>RECEIPT # 199488 8/03/2004 OFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 037934
Recpt Tot $300.00
$300.00 CK $.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 35765

DATE 4/1/04 ACCOUNT R-001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: DOYLE / WEBSTER

FOR: ADMINISTRATIVE VARIANCE - 1805 CIRCLE RD.

04-454-A

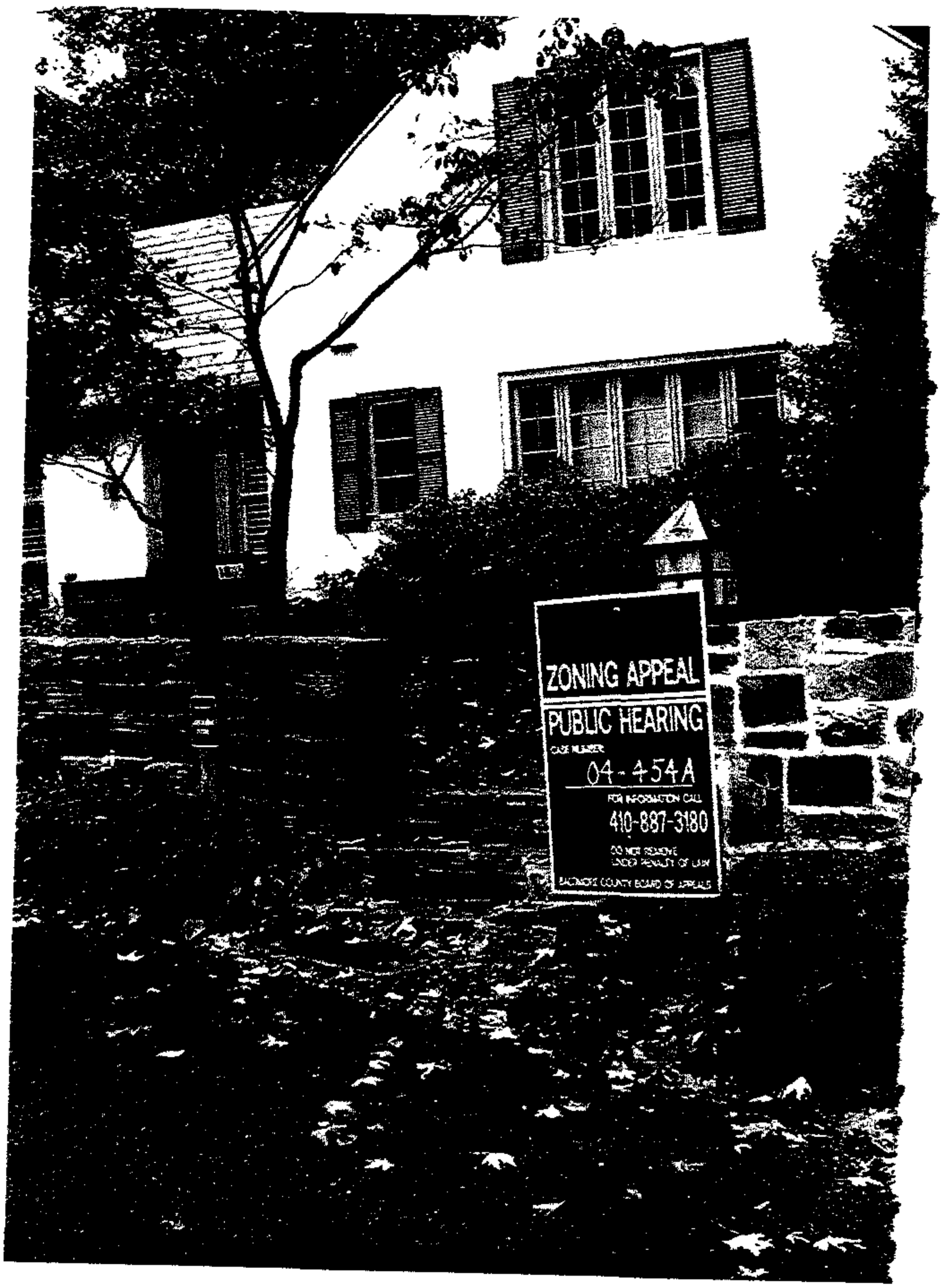
DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DRW
4/01/2004	4/01/2004	10:04:20	2

REG #304 WALKIN DOCL DWD
>>RECEIPT # 240583 4/01/2004 OFLN
Dept. 6 629 ZONING VERIFICATION
CR NO. 035763
Recpt Tot $65.00
$65.00 CK $0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION


ZONING APPEAL
PUBLIC HEARING
04-454A
410-887-3180

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-454-A

Robert Doyle and Margaret Webster– LEGAL OWNER

1805 Circle Road, Towson, MD 21204

9th ELECTION DISTRICT APPEALED: 8/2/04

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

APPEAL SIGN POSTING REQUEST

CASE NO.: 04-454-A

Robert Doyle and Margaret Webster– LEGAL OWNER

1805 Circle Road, Towson, MD 21204

9th ELECTION DISTRICT APPEALED: 8/2/04

ATTACHMENT – (Plan to accompany Petition – Petitioner's Exhibit No. 1)

**********COMPLETE AND RETURN BELOW INFORMATION*****

CERTIFICATE OF POSTING

TO: Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Attention: Kathleen Bianco
Administrator

CASE NO.: 04-454-A

Petitioner/Developer:

ROBERT DOYLE AND MARGARET WEBSTER. – LEGAL OWNER

This is to certify that the necessary appeal sign was posted conspicuously on the property located at:

1805 CIRCLE ROAD, TOWSON

The sign was posted on Fri Oct 29 @ 11:22 A, 2004

By: Jerry Chen
(Signature of Sign Poster)

Jerry Chen
(Printed Name)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date May 27, 2004

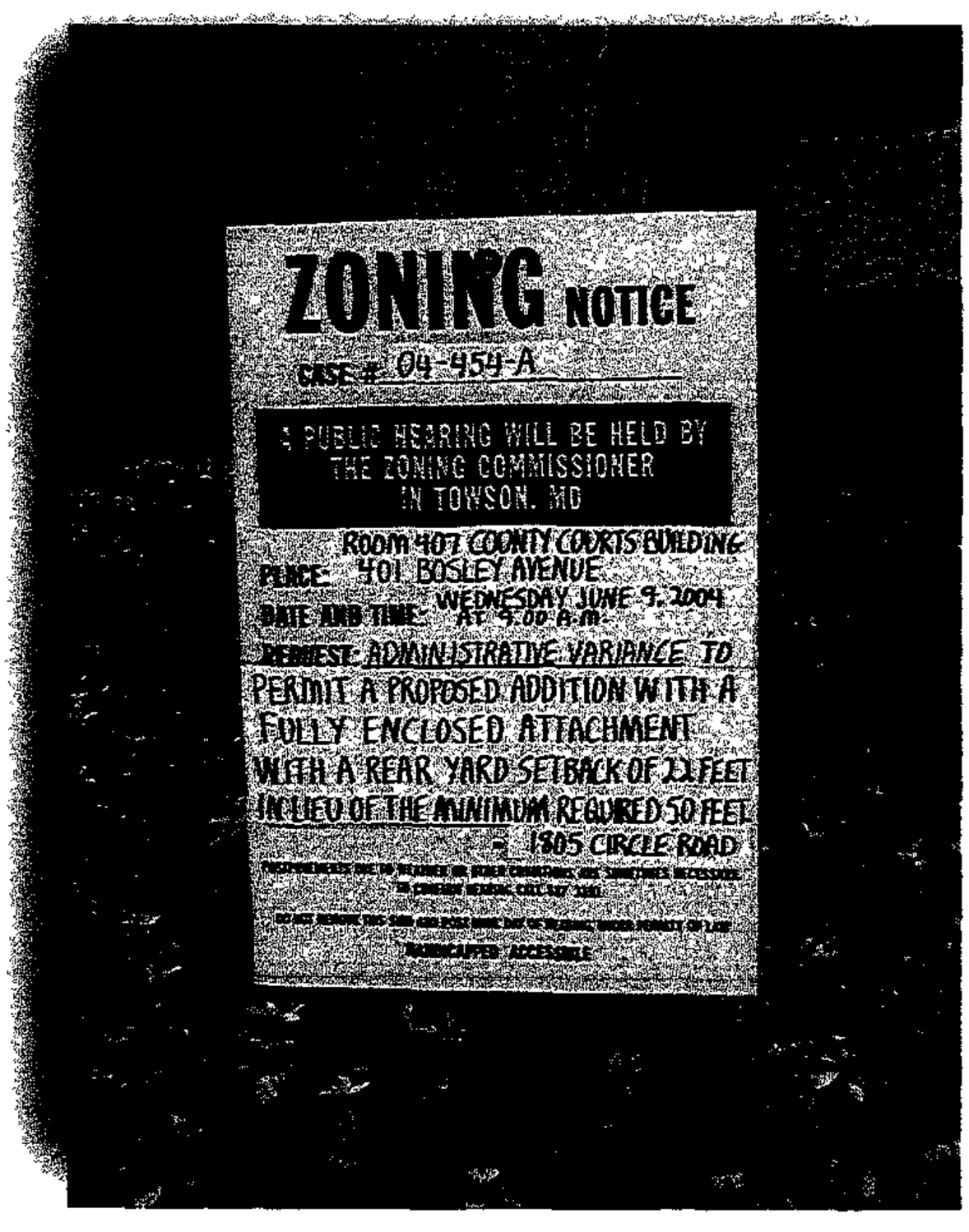
RE: Case Number 04-454-A

Petitioner/Developer ROBERT DOYLE/MARGARET WEBSTER

Date of Hearing/Closing JUNE 9, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1805 CIRCLE ROAD

The sign(s) were posted on May 24, 2004



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

CERTIFICATE OF POSTING

Attention: Kristen Matthews

Date April 10, 2004

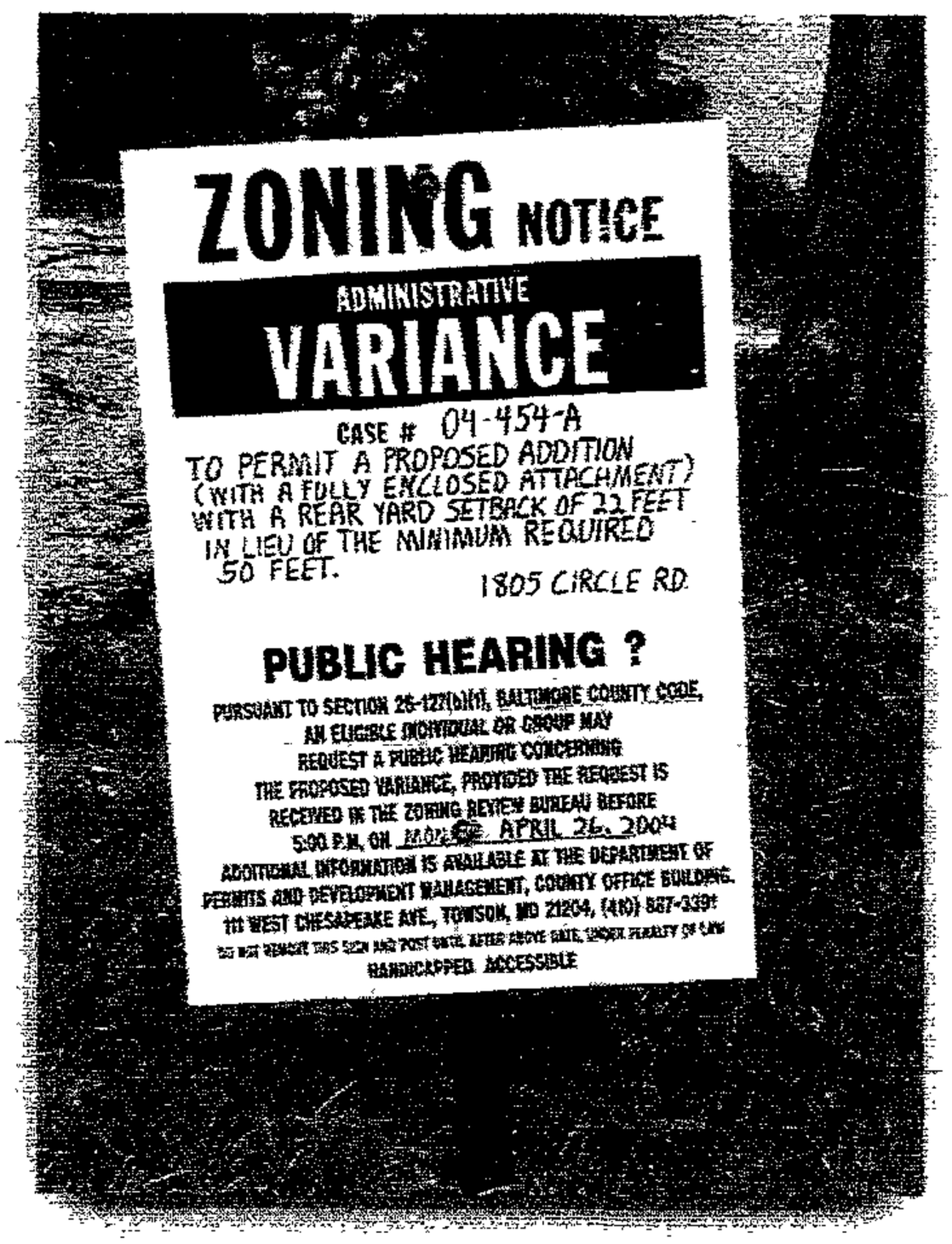
RE: Case Number 04-454-A

Petitioner/Developer DOYLE / WEBSTER

Date of Hearing/Closing APRIL 26, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1805 CIRCLE ROAD

The sign(s) were posted on April 9, 2004



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 454 -A Address 1805 CIRCLE ROAD

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 4/1/04 **Posting Date:** 4/11/04 **Closing Date:** 4/26/04

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 04- 454 -A Address 1805 CIRCLE ROAD

Petitioner's Name DOYLE/WEBSTER Telephone 410-823-3420

Posting Date: 4/11/04 **Closing Date:** 4/26/04

Wording for Sign To Permit a proposed addition (with a fully enclosed attachment) with a rear yard setback of 22 feet in lieu of the minimum required 50 feet.

WCR - Revised 6/28/00

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

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

April 27, 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: 04-454-A
1805 Circle Road
N/east side of Circle Road, 1,200 feet n/west of Circle Hill Road
9th Election District – 2nd Councilmanic District
Legal Owners: *Robert Doyle and Margaret Webster*

Administrative Variance to permit a proposed addition with a fully enclosed attachment with a rear yard setback of 22 feet in lieu of the minimum required 50 feet.

Hearing: Wednesday, June 9, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Timothy Kotroco
Director

TK:klm

C: Robert Doyle, 1805 Circle Road, Towson 21204
Margaret Doyle, 1805 Circle Road, Towson 21204

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 25, 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.

Printed on Recycled Paper

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 25, 2004 Issue - Jeffersonian

Please forward billing to:
Robert Doyle
1805 Cirlce Road
Towson, MD 21204

410-823-3420

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: 04-454-A
1805 Circle Road
N/east side of Circle Road, 1,200 feet n/west of Circle Hill Road
9th Election District – 2nd Councilmanic District
Legal Owners: Robert Doyle and Margaret Webster

Administrative Variance to permit a proposed addition with a fully enclosed attachment with a rear yard setback of 22 feet in lieu of the minimum required 50 feet.

Hearing: Wednesday, June 9, 2004, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

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.

County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
410-887-3180
FAX: 410-887-3182

Hearing Room – Room 48
Old Courthouse, 400 Washington Avenue

December 8, 2004

NOTICE OF ASSIGNMENT

CASE #: 04-454-A

IN THE MATTER OF: ROBERT DOYLE & MARGARET WEBSTER
-Legal Owners /Petitioners *1805 Circle Road*
9th Election District; 2nd Councilmanic District

7/15/04 - Z.C.'s Order in which requested variance relief was GRANTED.

ASSIGNED FOR: **WEDNESDAY, MARCH 9, 2005 at 10:00 a.m.**

NOTICE: **This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.**

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Kathleen C. Bianco
Administrator

---

c: Appellant /Protestant : Francis Lentz

Legal Owners /Petitioners : Robert Doyle & Margaret Webster

Bob Ferber
Nancy Worden Horst /RRLRAIA

Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

Printed with Soybean Ink
on Recycled Paper

Department of Permits
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

June 1, 2004

Robert Doyle
Margaret Webster
1805 Circle Road
Towson, Maryland 21204

Dear Mr. Doyle and Ms. Webster:

RE: Case Number:04-454-A, 1805 Circle Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 1, 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,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Hearing Denied 6/9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 15, 2004

RECEIVED

APR 16 2004

ZONING COMMISSIONER

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

SUBJECT: Zoning Advisory Petition(s): **Case 4-453 and 4-454 – 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: _____

Division Chief: _____

AFK/LL

W:\DEVREV\ZAC\nocomment.doc

6/9

(4/22/04)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: June 11, 2004

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

SUBJECT: Zoning Advisory Petitions – Administrative Variances

Case #: **4-454, 4-532, and 4-548**

The Office of Planning does not oppose the petitioner's request to permit the subject accessory structure provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

Prepared by: Martha A. Cummings

RECEIVED

JUN 14 2004

ZONING COMMISSIONER

Section Chief: Lyn Lanham

AFK/LL: MAC

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: May 18, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For April 19, 2004
Item Nos. 341, 450, 451, 452, 453, 454,
455, and 456

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

RWB:CEN:jrb

cc: File

ZAC-04-19-2004-NO COMMENT ITEMS-341 AND 450-456-05182004

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley RBS/JDC

DATE: April 5, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of April 12, 2004

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

04-341
04-451
04-452
04-453
04-454
04-456

Reviewers: Sue Farinetti, Dave Lykens Date: May 5, 2004

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

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

April 9, 2004

ATTENTION: Rebecca Hart

Distribution Meeting of: April 12, 2004

Item No.: 341, 450-456 454

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

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

SHA
State Highway Administration
Driven to Excel

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 4·13·04

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

RE: Baltimore County
Item No. 454 JNP

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,

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

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

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

August 18, 2004

Ms. Margaret L. Webster
Mr. Robert Doyle
1805 Circle Road
Towson, MD 21204

Dear Ms. Webster and Mr. Doyle:

RE: Case: 04-454-A, 1805 Circle Road

Please be advised that an appeal of the above-referenced case was filed in this office on August 2, 2004 by Francis Lentz. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Francis Lentz, 1801 Circle Road, Towson 21204
Bob Ferber, 1807 Circle Road, Towson 21204

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

Printed on Recycled Paper

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

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

9/14/04

~~August 18~~, 2004

RECEIVED

SEP 15 2004

ZONING COMMISSIONER

Ms. Margaret L. Webster
Mr. Robert Doyle
1805 Circle Road
Towson, MD 21204

Dear Ms. Webster and Mr. Doyle:

RE: Case: 04-454-A, 1805 Circle Road

Please be advised that an appeal of the above-referenced case was filed in this office on August 2, 2004 by Francis Lentz. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

c: Lawrence E. Schmidt, Zoning Commissioner
Timothy Kotroco, Director of PDM
People's Counsel
Francis Lentz, 1801 Circle Road, Towson 21204
Bob Ferber, 1807 Circle Road, Towson 21204

Printed on Recycled Paper

Counsel for F. Lentz and R. Ferber:
Edward J. Gilliss, Esquire
ROYSTON, MUELLER, McLEAN & REID LLP
Suite 600
The Royston Building
102 W. Pennsylvania Avenue
Towson, MD 21204-4575
410-823-1800
FAX 410-828-7859

APPEAL

Petition for Administrative Variance
1805 Circle Road
N/east side of Circle Road, 1,200 feet n/west of Circle Road
9th Election District – 2nd Councilmanic District
Legal Owners: Robert Doyle & Margaret Webster

Case No.: 04-454-A

ecial Hearing (April 11, 2004)

✓ Zoning Description of Property

✓ Notice of Zoning Hearing (April 27, 2004)

✓ Certification of Publication (The Jeffersonian Issue – May 14, 2004)

✓ Certificate of Posting (May 24, 2004) by Linda O'Keefe

✓ Entry of Appearance by People's Counsel (Not in file)

✓ Petitioner(s) Sign-In Sheet
One Sheet

✓ Protestant(s) Sign-In Sheet
None

✓ Citizen(s) Sign-In Sheet
One Sheet

✓ Zoning Advisory Committee Comments 6-1-04

✓ Petitioners' Exhibit
✓1. Plat to accompany petition for Zoning Variance
✓2. A-H Photos
✓3. Proposed Doyle/Webster Renovation & Addition Drawing
✓4. Doyle/Webster Elevations (Revised 6/14/04)
✓5. Drawing

✓ Protestants' Exhibits:
✓1. Letter dated July 7, 2004 from Bob Ferber
✓2. Letter dated July 8, 2004 from Francis Lentz

✓ Miscellaneous (Not Marked as Exhibit)
✓1. Letter from Mr. & Mrs. Baugher
✓2. Letter from Mr. & Mrs. Ferber
✓3. Letter (From ?)
✓4. Letter from Robert Doyle

✓ Deputy Zoning Commissioner's Order (GRANTED – July 15, 2004)

✓ Notice of Appeal received on August 2, 2004 from Francis Lentz

c: People's Counsel of Baltimore County, MS #2010
Zoning Commissioner/Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Robert Doyle/Margaret Webster, 1805 Circle Road, Towson 21204
Francis Lentz, 1801 Circle Road, Towson 21204
Bob Ferber, 1807 Circle Road, Towson 21204

ROBERT DOYLE
MARGARET WEBSTER
1805 CIRCLE ROAD
TOWSON, MD 21204
Applicant

FRANCIS LENTZ
1801 CIRCLE ROAD
TOWSON, MD 21204
Appellant

BOB FERBER
1807 CIRCLE ROAD
TOWSON MD 21204

NANCY WORDEN HORST
RRLRAIA
PO BOX 204
RIDERWOOD, MD 21139

Case No. 04-454-A

In the Matter of: Robert Doyle & Margaret Webster – Legal Owners/Petitioners 1805 Circle Road
9th Election District; 2nd Councilmanic District

VAR – To permit a proposed addition (with a fully enclosed walkway connection to the addition) with a rear yard setback of 22' ilo minimum required 50'.

7/15/04 - Z.C.'s Order in which requested variance relief was GRANTED.

12/08/04 -Notice of Assignment sent to following; assigned for hearing on Wednesday, March 9, 2005 at 10 a.m.:

Francis Lentz
Robert Doyle & Margaret Webster
Bob Ferber
Nancy Worden Horst /RRLRAIA
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM

3/08/05 – Entry of Appearance filed by Edward J. Gilliss, Esquire, as counsel for Francis B. Lentz, Appellant, and Robert F. Ferber, Interested Party. File noted.

3/09/05 – Board convened for hearing (Ramsey, Brassil, Crizer); concluded hearing this date; deliberation assigned *for Tuesday, 3/29/05 at 9:00 a.m.; Notice of Deliberation sent this date; fyi copy to 4-5-7.*

3/29/05 – Board convened for public deliberation (4-5-7); unanimous decision of the Board that requested variance relief is DENIED; written decision to be issued (4); appellate period to run from date of written Order.

FILE COPY

BOARD OF APPEALS OF BALTIMORE COUNTY

MINUTES OF DELIBERATION

IN THE MATTER OF: 1805 Circle Road
Robert Doyle & Margaret Webster
- Legal Owners/Petitioners
Case No.: 04-454-A

DATE : March 29, 2005

BOARD/PANEL: Michael O. Ramsey
Dr. Margaret Bassil
Edward W. Crizer, Jr.

RECORDED BY: Linda B. Fliegel/Legal Secretary

PURPOSE: To deliberate granting a variance to extend/modify existing dwelling.

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- Property was purchased knowing what they were getting, as the zoning had not changed since 1955.
- Noting about the property renders it as unique. There are other properties in the area that are even smaller.
- The property is not devalued by not granting this variance.
- The owners will be able to continue to utilize their property.
- While not granting this variance request may pose an inconvenience to the owners, it does not present a hardship.

DECISION BY BOARD MEMBERS: Unanimous decision not to grant the requested variance.

FINAL DECISION: After a deliberation of the facts, it was decided that there was not substantial cause to grant the requested variance.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place that date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted

Linda B. Fliegel

Linda B. Fliegel
County Board of Appeals

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

August 16, 2004

Mr. & Mrs. Jim Gabler
1751 Circle Road
Towson, Maryland 21204

Re: Petition for Variance
Case No. 04-454-A
Property: 1805 Circle Road

Dear Mr. & Mrs. Gabler:

Thank you for your letter of August 8, 2004 regarding the above-captioned case. However, I issued my Order in this case on July 15, 2004, a copy of which is attached hereto for your information. In the meantime, I will place your letter in the file in case someone takes an appeal from my decision.

Very truly yours,

John Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

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

July 12, 2004

Mr. Robert A. Doyle, AIA
1805 Circle Road
Ruxton, Maryland 21204

Re: Petition for Administrative Variance
Case No. 04-454-A
Property: 1805 Circle Road

Dear Mr. Doyle:

For your information, enclosed herewith please find correspondence received from Mr. Bob Ferber and Mr. Francis B. Lentz regarding the above-captioned matter.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Printed on Recycled Paper

Department of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708

Baltimore County

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

April 27, 2004

Robert Doyle
Margaret Webster
1805 Circle Road
Towson, MD 21204

Dear Mr. Doyle & Ms. Webster:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 04-454-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 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 Jeff Perlow at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: Francis Lentz, 1801 Circle Road, Ruxton 21204

Printed on Recycled Paper

ROYSTON, MUELLER, McLEAN & REID, LLP

ATTORNEYS AT LAW

SUITE 600
THE ROYSTON BUILDING
102 WEST PENNSYLVANIA AVENUE

TOWSON, MARYLAND 21204-4575

TELEPHONE 410-823-1800
FACSIMILE 410-828-7859
www rmmr.com

R TAYLOR McLEAN
E HARRISON STONE
WILLIAM F. BLUE
THOMAS F McDONOUGH
LAUREL PARETTA REESE*
KEITH R. TRUFFER*
ROBERT S HANDZO*
EDWARD J. GILLISS
JOHN W. BROWNING
TIMOTHY J OURSLER
ROBERT G BLUE
CRAIG P. WARD

LEANNE M. SCHRECENGOST
DOUGLAS S. WALKER+
DAVID F. LUBY

OF COUNSEL
RICHARD A. REID
EUGENE W. CUNNINGHAM, JR , P.A.
H EMSLIE PARKS*
BRADFORD G.Y CARNEY
LISA J. McGRATH

CARROLL W ROYSTON
1913-1991

H ANTHONY MUELLER
1913-2000

* ALSO ADMITTED IN D C
+ALSO ADMITTED IN PA

March 7, 2005

VIA HAND DELIVERY

Baltimore County Board of Appeals
400 Washington Avenue, Room 49
Towson, Maryland 21204

Re: Petition for Variance
1805 Circle Road
Case No.: 04-454-A

Dear Sir:

Enclosed with this letter please find for filing in the above-captioned appeal a Notice of Entry of Appearance on behalf of Robert F. Ferber and Francis B. Lentz, Interested Parties.

Thank you for your assistance.

Very truly yours,

Edward J. Gilliss

EJG/lap
Enclosure
cc: Mr. Robert Doyle (w/encl)
Mr. Robert F. Ferber (w/encl)
Mr. Francis B. Lentz (w/encl)
F:\LITIGATIONS\EJG\Clients\Glock\BdofAppeals ltr 3-7-05.doc

RECEIVED
MAR - 8 2005
BALTIMORE COUNTY
BOARD OF APPEALS

F.

Department Of Permits &
Development Management
County Office Building
111 W. Chesapeake Ave. (Room 111)
Towson, MD 21204

July 30, 2004

RE: 04-454-A 1805 Circle Rd.

Dear Director:

The purpose of this letter is to request a hearing to appeal the the zoning ruling, concerning the above mentioned case and property, dated July 14, 2oo4.

Sincerely,

Francis B. Lentz

Francis B. Lentz
1801 Circle Rd.

RECEIVED
AUG 02 2004
Per

Enclosed find check for $300.

RECEIVED
AUG - 2 2004
04-2059
DEPT. OF PERMITS &
DEVELOPMENT MANAGEMENT

File

Robert and Caroline Ferber
1807 Circle Road
Ruxton, MD 21204

April 20, 2004

Baltimore Dept. of Permits and Development
Management, Co. Office Building
111 West Chesapeake, Ave.
Towson, MD 21204

RE: Case 04-454-A 1805 Circle Road Variance

Dear Department Of Permits,

We are concerned about the proposed variance at 1805 Circle Road. The owners are proposing a large addition in the rear of the house, which will result in a significant variance from existing 50-foot requirement. We believe the house already cuts way into today's 50-foot boundary on front, left and right sides. The proposed variance would cut significantly into the rear requirement as well (and also into a hill). And, when there is such little undeveloped land, where does the septic go?

Most importantly, we believe the purpose of the 50-foot boundary requirement is to maintain the rural-type setting that makes Ruxton unique. Once this type of variance is permitted, we believe it starts a dangerous precedent. It's not difficult to see that many of the smaller homes (particularly the charming tenant houses, for which this is one) could be transformed into large houses on small lots, thereby changing the character of Ruxton. With approval of such a variance, we have to wonder what the purpose of the 50-foot zoning restriction is if material variances are routinely approved? We have always thought that a variance is used for minor infractions (a few feet here or there).

We are very reluctant to raise such a red flag, as the Doyle's are great neighbors and have done some nice landscaping improvements. I guess its unfortunate the system relies on neighbors to enforce zoning variances. By doing so, it tends to create friction with neighbors (though I hope that won't be the case here) and may lead to biased views. It seems to us, this type of thing is better left to the county by being very restrictive on variances and/or the local community association who can step back and view variances on a "is it best for the community basis".

Respectfully,

~~Robert and Caroline Ferber~~
Francis B. Lentz (1801 Circle Rd.)

RECEIVED

7/15 granted

RECEIVED
POST – APPEAL

AUG 2 4 2004

ZONING COMMISSIONER

Mr. John V. Murphy, Deputy Zoning Commissioner
Baltimore County Zoning Office
401 Bosley Ave.
Towson, MD 21204

July 8 , 2004

RE: 04-454-A 1805 Circle Rd.

Dear Mr. Murphy:

After seeing the new, but almost the same, plans for Mr. Doyle's addition , I was going to write you a letter. In my mail box I found a letter written to you by Bob Ferber. This letter expresses my and my neighbors' views and feelings very well, so I am signing my copy of it.

I question Mr Doyle's need for a larger house, since his sons are away, his daughter will be going to college in the fall, and his wife lives in Ireland most of the time. Perhaps he thinks it will be worth more when the time comes to sell.

RECEIVED
OCT 0 6 2004
BALTIMORE COUNTY
BOARD OF APPEALS

RECEIVED
POST – APPEAL

Sincerely,

Francis B. Lentz
1801 Circle Rd.

Helen Longthorough (Mrs F.C.)
1806 Circle Rd

Kate Gray
1800 Circle Rd

William Neill III
1809 Circle Rd. (410-823-4827)

File

Robert and Caroline Ferber
1807 Circle Road
Ruxton, MD 21204

April 20, 2004

Baltimore Dept. of Permits and Development
Management, Co. Office Building
111 West Chesapeake, Ave.
Towson, MD 21204

RE: Case 04-454-A 1805 Circle Road Variance

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We are very reluctant to raise such a red flag, as the Doyle's are great neighbors and have done some nice landscaping improvements. I guess its unfortunate the system relies on neighbors to enforce zoning variances. By doing so, it tends to create friction with neighbors (though I hope that won't be the case here) and may lead to biased views. It seems to us, this type of thing is better left to the county by being very restrictive on variances and/or the local community association who can step back and view variances on a "is it best for the community basis".

Respectfully,

Robert and Caroline Ferber

Robert and Caroline Ferber
1807 Circle Road
Ruxton, MD 21204

April 20, 2004

Baltimore Dept. of Permits and Development
Management, Co. Office Building
111 West Chesapeake Ave.
Towson, MD 21204

RE: Case 04-454-A 1805 Circle Road Variance

Dear Department Of Permits,

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Respectfully,

Robert and Caroline Ferber

Mrs. Phillips Goldsborough
I have lived at 1806 Circle Rd for fifty-one years. The garage stable across at 1805 should never have been converted to a dwelling. There is not enough land to support a septic system and after through the years there has been water running down the road. I agree with Mr. and Mrs. Ferber.
Helen Goldsborough

04-1546

16 July 2004
John V. Murphy, Deputy Zoning Commissioner
Baltimore County Zoning Office
401 Bosley Avenue
Towson, Maryland 21204

Re: 04-454-A 1805 Circle Road

Dear Mr. Murphy:

Thank you for sending us copies of the letters from Mr. Lentz and Mr. Ferber.

In the interest of setting the record straight and correcting the misstatements and distortions contained in those letters we wish to point out:

1. Mr. Lentz's questioning of our need for a larger house is not a proper objection to a zoning variance. But to be clear, one son is away temporarily, my daughter is NOT going away to college in the fall and my wife has returned to live in the United States

2. Mr. Ferber's comments:

   (a) The house was originally a stable not a "small cottage". Does he think we should revert to keeping horses?

   (b) The zoning is incorrect (not "the house is significantly out of compliance").

   (c) We cannot see the significance of the comment about the steep hill.

   (d) The septic system was improved by the owner prior to us (and Mr. Ferber is well aware of this). There have been no problems in the three years we have lived in the house. The septic system was reviewed by myself with the Environmental Services Department (a fact of which Mr. Ferber is also already aware). And lastly the septic system is also not a proper objection to a request for a zooming variance

The conflict is not between us and the Community. In fact, most other neighbors have wished us good luck in getting this variance and some are surprised at the opposition.

And lastly, it is just short of appalling that Mr. Ferber suggests we move instead of building an addition after he just added a significant additional structure on his property this spring! Apparently it is no problem for him to add a structure rather than move to another house.

Sincerely,

Robert Doyle

CC: Francis B. Lentz 1801 Circle
Robert Ferber 1807 Circle

RECEIVED

APR 2 2 2004

ZONING COMMISSIONER

April 19,2004
1817 Circle Rd.
Baltimore, MD 21204
410-321-1693

Re: 1805 Variance Case #04-454-A

Dear Sirs,

I am a neighbor on Circle Road, and I would like to state that my husband and I are against any variance for 1805 Circle Rd. That house is a small house on a small lot, which was never designed to be anything other than a cottage. Most other houses on Circle Rd. have a lot that is one acre. This house was obviously a tenant house or outbuilding and would look ridiculous with a big addition sitting on a tiny lot.

Ruxton is a special neighborhood because its houses are not crowded right next to each other. Every time a variance is issued the lots are a little more crowded and the houses look a little more as if they are in a development. Each individual homeowner thinks that in his case it will be fine. However, it is not fine. In this case, the owners are asking for almost half the legal setback. It would be totally unfair to the neighbors who bought their houses with the idea that there would be firm setbacks. Furthermore, the building of a disproportionately large house on a small lot would devalue the entire neighborhood. Variances should rarely, if ever, be granted. Once a variance is issued to one homeowner, how does one deny the next one? We would like to request that this variance be denied.

Please have this letter read into the minutes of the Planning Commission. Thanks for your consideration.

Sincerely,

Hugh and Tina Baugher

From: Kathleen Bianco
To: Popelarski, Catherine (Kitty)
Date: 09/21/2004 11:16:55 AM
Subject: Petitioner Inquiry 04-454-A

Kitty,

Just an FYI —

I received a call today from Mr. Doyle, the property owner /petitioner in the subject case. Jack's decision was filed on 7/15/04 from which an appeal was filed by a protestant on 8/02/04.

We received the file on 9/15/04 but assumed that the Petitioner was aware of the appeal, since PDM's letter to him was dated 8/18/04.

However, the call from Mr. Doyle this morning was to let me know that he had just received your letter of 8/18 advising him of the appeal. He was quite concerned because he is now two months beyond Jack's Order and just learning that an appeal had been filed.

Thought you should be aware of this in the event he should call your office.

kathi

Kathleen C. Bianco
County Board of Appeals
Room 49, Old Courthouse
Towson, MD 21204
410-887-3180
410-887-3182 (FAX)
kbianco@co.ba.md.us

BACCHUS PRESS LTD.

1751 Circle Road
Baltimore, Maryland 21204
Telephone (410) 828-9463
Fax (410) 321-0763

RECEIVED

AUG - 9 2004

ZONING COMMISSIONER

Zoning Commission
Baltimore County Zoning Office
401 Bosley Ave.
Towson, MD 21204

August 8,2004

RE: 04-454-A 1805 Circle Road Appeal

Dear Commissioner:

We live in the immediate area of 1805 Circle Road, and we would like to note our opposition to the Doyles' Petition for Administrative Variance. In addition to the aesthetic opposition expressed by Mr. Lentz and Mr Ferber, we are fearful that to allow the variance will set a precedent for allowing the building of large houses on small Ruxton lots.

I suggest that the Commission could obtain a clearer picture of the opposition expressed in Bob Ferber's letter of July 1, 2004 by visiting 1805 Circle Road.

Sincerely,

Jim & Anita Gabler
1751 Circle Road

21 June 2004

Mr. John V. Murphy, Deputy Zoning Commissioner
Baltimore, County
Zoning Commissioner's Office
401 Bosley Avenue
Towson, Maryland 21204

RECEIVED
JUN 21 2004
ZONING COMMISSIONER

Re: Administrative Zoning Variance for
1805 Circle Road

Dear Mr. Murphy:

As discussed at our 9 June 2004 hearing, I have redesigned my proposed addition to accommodate some of the concerns raised at that meeting. I have discussed the changes in the plan with Robert Ferber (1807 Circle) but there was no conclusion by phone. I attempted to set up a meeting to review the plans but could not do so. I understand that the Ferbers are away, I was unable to make contact with Ned Lentz (1801 Circle) although I left a message, I assume he too is away.

I am enclosing a copy of the proposed revisions for your review. I have brought the addition into alignment with the side of the existing residence; I made the rear yard setback approximately 25 feet (in lieu of the 22 feet as submitted), made the addition length 28 feet and lowered the roof. These compromises will still allow us to accommodate our program needs and hopefully, satisfy our neighbor's concerns. Although design considerations such as window configuration and exterior finishes (roofing and siding) need further studies the basic form will be as proposed.

Although I have not been able to have a meaningful review with the concerned neighbors, I would like to reach resolution in this matter.

Sincerely,

Robert Doyle, AIA
Margaret Webster
1805 Circle Road
Ruxton, Maryland 21204
410.727.4656 (office)
410.823.3420

KATE'S CULINARY CLASSES
1800 CIRCLE ROAD
RUXTON, MARYLAND 21204
410-321-7888

February 28, 2005

To Whom It May Concern,

I am writing to oppose the Doyle Family at 1805 Circle Road for their petition of an addition on their home.

I am concerned about the septic system which is not able to support such an addition. There were septic problems in the past. I am concerned about the sanitation on Circle Road.

Sincerely,

Kate Franz

Bd App

1806 Circle Road
Ruxton, Maryland 21204

RECEIVED
POST – APPEAL

March 1, 2005

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

Baltimore County Dept. of Permits
And Development
111 West Chesapeake Avenue
Towson, Maryland 21204

Re Case 04-454-A, 1805 Circle Road
To Whom It May Concern:

I write today to oppose the granting of any variance for 1805 Circle Road, Ruxton.

I have lived directly across the street at 1806 Circle Road since my husband and I built there in 1952. Although I have had many friends through the years who have lived at 1805, I firmly believe that the building on that site, originally a garage-stable, should never have been converted to a dwelling. The lot is much too small to support the necessary septic system. Over the years, many families living there have struggled with septic and drainage issues, and overflows of raw sewage have occurred more times that I can count. My daughter was house sitting there for the Massey family when Hurricane David came through our area in 1979, and the hill into which the building is set became saturated and flooded the entire first floor. A small river exited by the front door.

Expansion of the existing house would also exacerbate the parking issue. Every other house on Circle Road includes driveway or garage parking for its resident vehicles. The 1805 situation is the only exception to that rule where, again because of the tiny size of the lot, only two automobiles can be accommodated in the driveway. The current owners and their children have four vehicles (including a pickup truck), so naturally this leads to regular on-street parking on our unlined, shoulderless country road. Elsewhere on Circle Road, the only time people park on the street is when there is a party, and even then, many families opt to provide valet or shuttle service because of the nature of the road.

I am sorry to have to oppose my neighbors' wishes regarding their house, but the geographical facts of the matter demand it. My hope would be that, like two other families (the Brauns and the Bakers) who outgrew 1805, the current residents might find a bigger house on Circle Road to accommodate their needs.

Very truly yours,

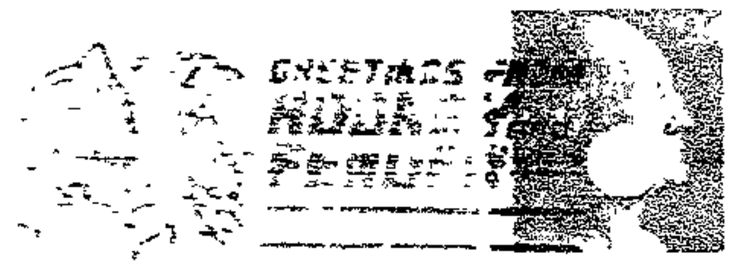
Helen G. Goldsborough

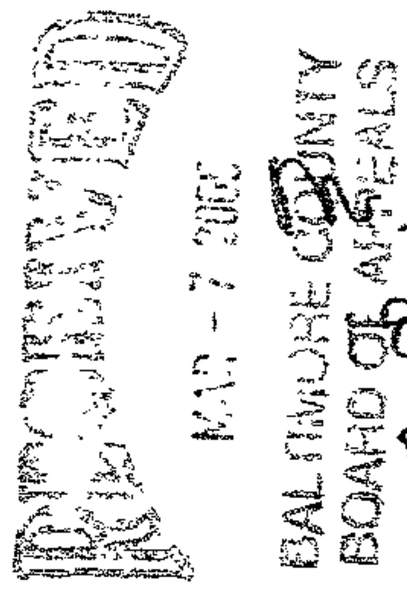
Helen G. Goldsborough

RECEIVED
POST – HEARING
DAY ONE

RECEIVED
POST – APPEAL

Ruxton-Riderwood-Lake Roland Area
Improvement Association, Inc.
P. O. Box 204
Riderwood, MD 21139





Sally Goldsmith
8857 Circle Road
Ruxton, MD 21204

RECEIVED
POST - APPEAL

3/3/05 Sally S. Goldsmith — 410-823-2350

Ruxton-Riderwood-Lake Roland Area Improvement Association

RECEIVED
POST - APPEAL

Dear Neighbor:

Re: Case Number: 04-454-A

As you may know, Robert and Margaret Doyle, 1805 Circle Road, have requested an Administrative Variance from Baltimore County to permit a proposed addition with a rear yard setback of 22 feet in lieu of the minimum required 50 feet.

A hearing on the matter is scheduled for Wednesday, March 9, 2005, at 10:00 AM, Board of Appeals Hearing Room #48, in the basement of the Old Court house, at 400 Washington Avenue in Towson.

You may attend the hearing to voice your concerns or your support, or you may write a letter to: Chairman, Board of Appeals, Room 49, Old Court House, 400 Washington Avenue, Towson, MD 21204 or fax your letter to 410-887-3182. *Ask that your letter be entered into the case file. Letters must be postmarked no later than March 7th, or faxed no later than March 8th.*

If you require further information, speak to the Doyles or call the Ruxton-Riderwood-Lake Roland Area Improvement Association at 410/494-7757 or email ruxrider@bcpl.net. You may also communicate directly with Baltimore County by calling 410/887-3180.

Nancy Worden Horst
Executive Director

I would like the Doyles to be able to do the addition to the rear of 1805 CIRCLE RD

Paid

FORMAL DEMAND FOR HEARING

CASE NUMBER: 04-454-A

Address: 1805 Circle Rd, Ruxton

Petitioner(s): Francis B. Lentz

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Francis B. Lentz
Name - Type or Print

(✓) Legal Owner OR ( ) Resident of

1801 Circle Rd
Address

Ruxton MD 21204
City State Zip Code

410 828-7590
Telephone Number

which is located approximately 0 *feet 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.

Francis B. Lentz 4/23/04
Signature Date

Signature Date
Revised 9/18/98 - wcr/scj

PLEASE PRINT CLEARLY

CASE NAME 1805 Circle Rd
CASE NUMBER 04-454-A
DATE 6/9/04

PETITIONER'S SIGN-IN SHEET

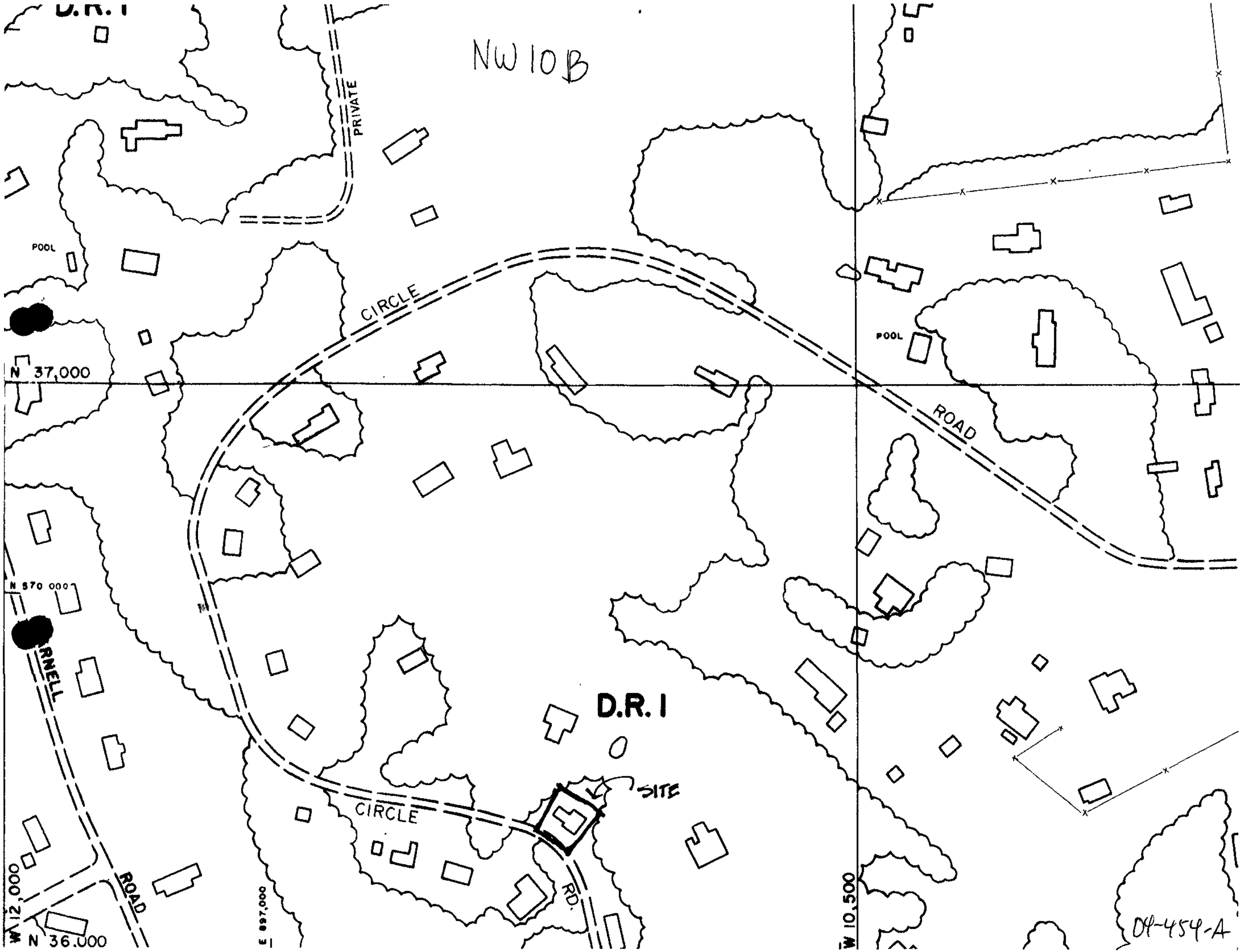
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
ROBERT DOYLE	1805 CIRCLE ROAD	TOWSON, MD. 21204	bdoyle@bartonchambers.com.

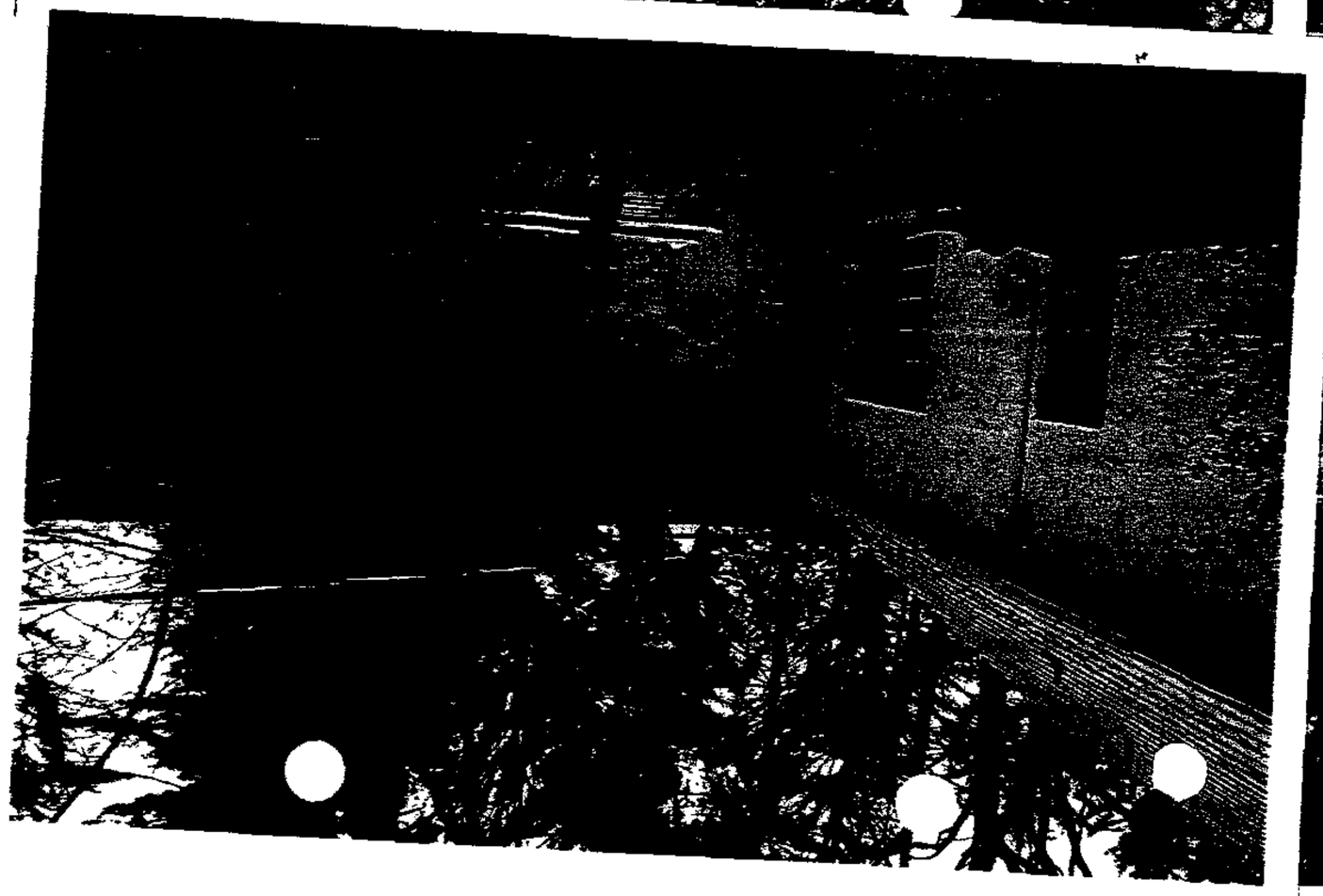
PLEASE PRINT CLEARLY

CASE NAME 1805 Circle Rd
CASE NUMBER 04-454-A
DATE 6/9/04

CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
BOB FERBER	1807 CIRCLE RD	RUXTON MD 21204	RF@LORGOTEL.COM
Francis Lentz	1801 Circle RD	Ruxton MD 21204	Nedlentz@Earthlink.NET
Nancy Horst	RRLRAIA PO Box 204	Riderwood 21139	office@rlraia.org
Ruxton, Riderwood, Lake Roland Com assoc			


D.R. I
NW 10B
PRIVATE
POOL
CIRCLE
N 37,000
POOL
ROAD
N 370 000
RNELL
D.R. I
SITE
CIRCLE
ROAD
RD.
W 12,000
N 36,000
E 897,000
W 10,500
DP-454-A



Verified 3-09-05

Exhibits
Petitioners

3-09-05

Case 04-454-A

Robert ~~Margaret~~ Doyle & Margaret Webster

Pet 1	Site Plan
Pet 2	Floor Plan
Pet 3	Elevations for house
Pet 4 A-H	Photos
Pet 5	Letter from Bob Ferber
Pet 6	Letter from Lentz - July 8 04
Pet 7	Letter to Zoning Commission

County Board of Appeals of Baltimore County
ROOM 49 OLD COURTHOUSE
TOWSON, MARYLAND 21204

Return Service Requested

Petitioners 4A-H
(8 photos)

04-454-A

Robert Doyle & Mgt. Webster

002 NA 0ANA0N0 NNN- I 8349

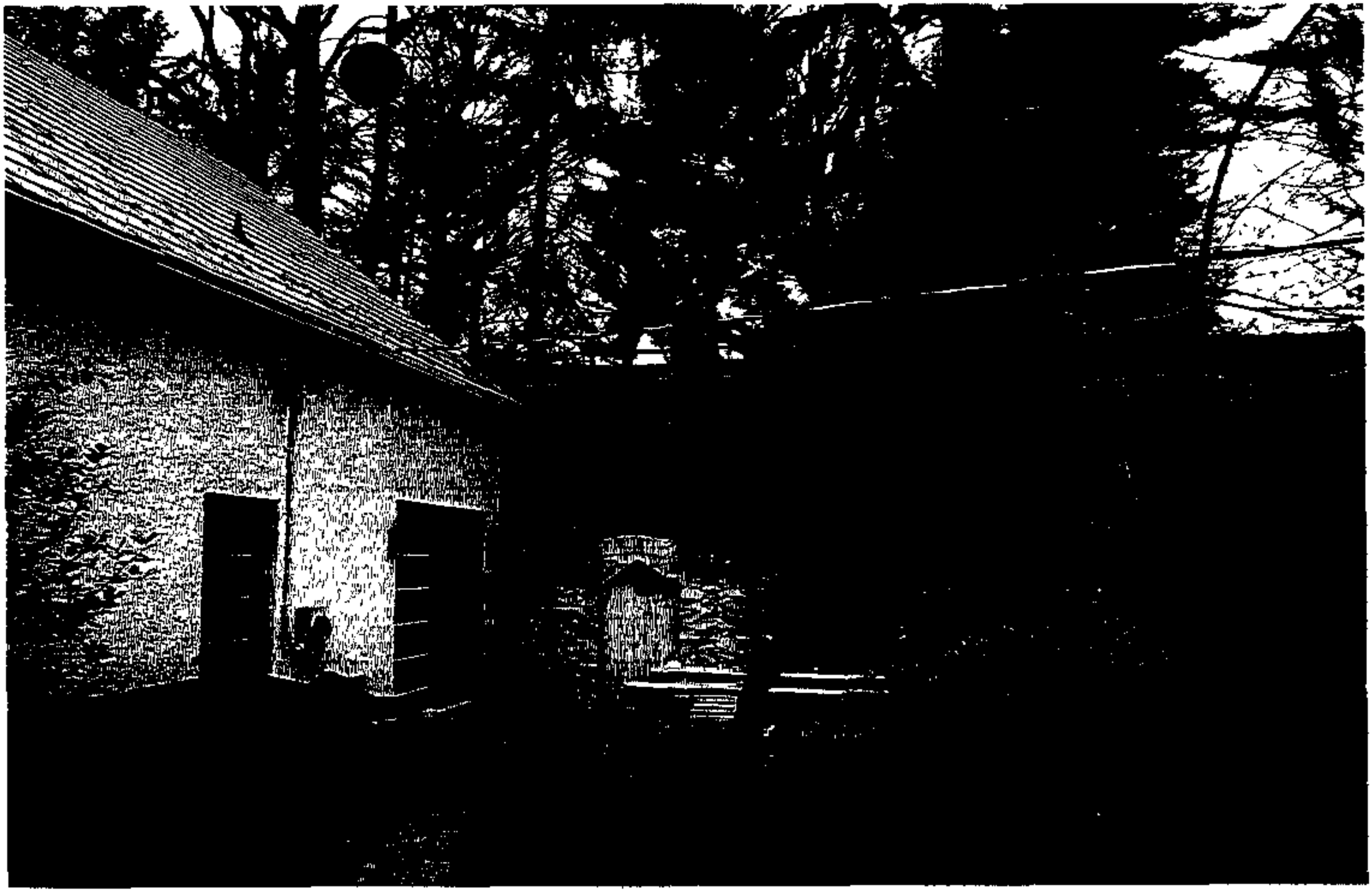
Ret
2 B

(No. 6A) 543

005 NA 0ANA0N0 NNN- 2 8349

(No. 3A) 546

CBA
Pd4C



007 NA 0ANA0N0 NNN 0 8349

(No. 1A) 548

Pet # 2D

006 NA MANAONO NNN 0 8349

(No. 2A) 547

1805 CIRCLE RD
FRONT

Pet 2A

CBA
Pet
4F

NO. 88: P17 27-01 MMMM

004 NA 0ANA0N0 NIN- 3 8349

(No. 4A) 545

#220

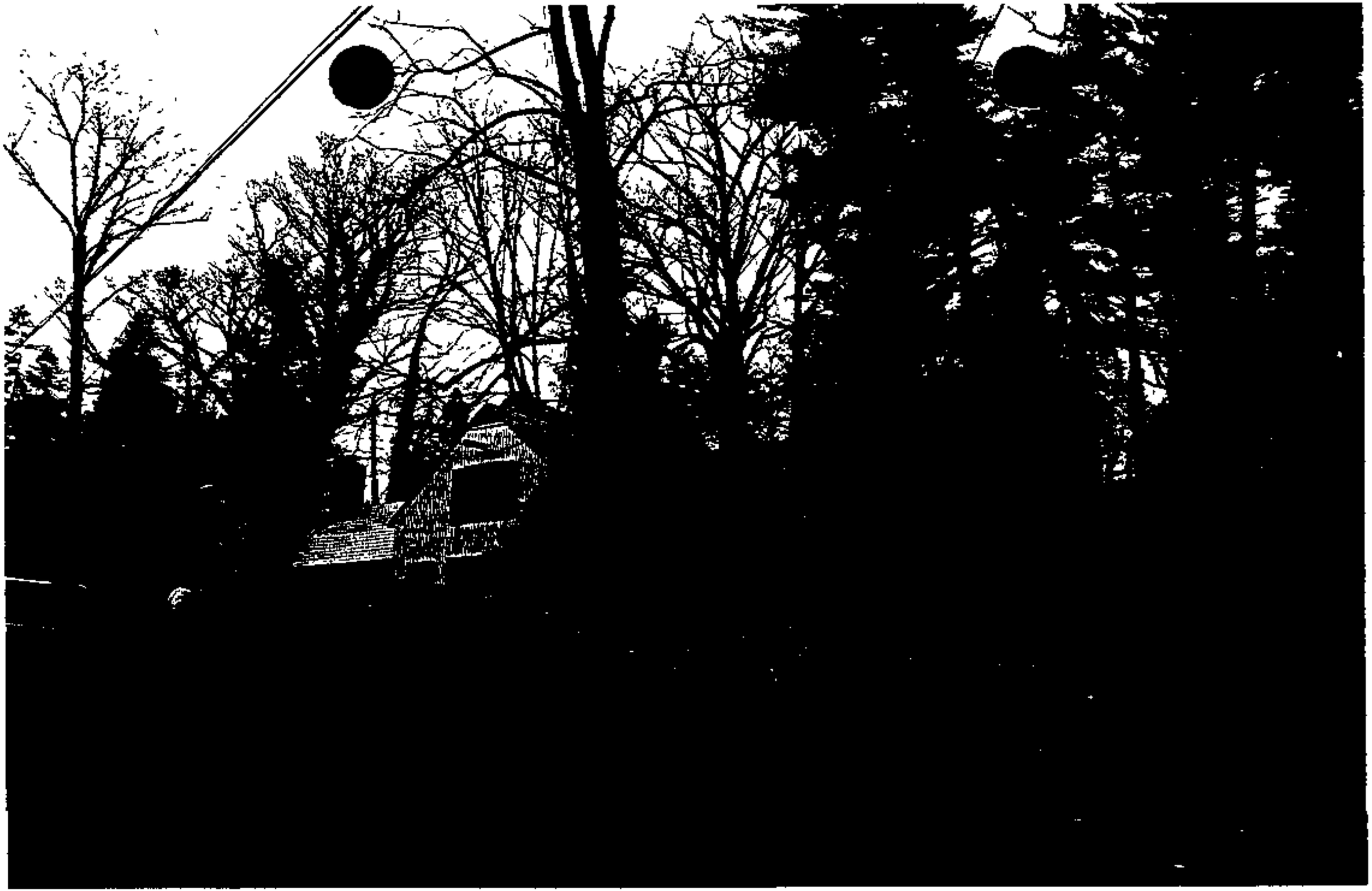
003 NA 0ANA0N0 NNN- 2 8349

(No. 5A) 544

CBA Pat 47

RITZ CAMERA

FUJICOLOR INDEX PRINT



001 NA DANA0N0 NNN 0 8349

Ret
ZP

(No. PA) 542

CBA
Ret BA

CBA Pet 5

July 1, 2004

RECEIVED

JUL - 7 2004

ZONING COMMISSIONER

Mr. John V. Murphy, Deputy Zoning Commissioner
Baltimore County Zoning Office
401 Bosley Ave.
Towson, MD 21204

RE: 04-454-A 1805 Circle Rd.

Dear Mr. Murphy:

I received the new plans in the mail. Thank you. Unfortunately, they look almost identical to the original ones. From feedback during the hearing, I thought the new version would be scaled down significantly so original roof line would stay in tact and structure would be expanded directly out back up to a maximum of 15 feet. Changing the roof line and creating a separate structure is (in my opinion) way over imposing for such a small lot. Additionally, a two-story deck built over the smoke house is very close to our property line and the changed roof line and deck will make the addition very obvious from the font. Equally important, I believe this could start a precedent of building large houses on small Ruxton lots. The existing DR1 zoning was designed in part to prevent this. So granting such a variance defeats the purpose of the DR1 zoning and goes against the community's desires.

I can't help but think back to the original points that Mr. Lentz made about this property:

- that it was only designed to be a small cottage,
- that it is already significantly out of compliance on front (35' vs. 50' required), left side (8' vs. 20' required), and right side (18' vs. 20' required or actually 42' required using sum of 50' rule),
- that it's set on a steep hill, and
- that the septic system has had problems in the past and has an unconventional downward septic drainage field (due to small lot size).

I'm sorry we have not yet been able to come to any acceptable resolution and feel torn between the conflicting desires of the Doyles, immediate neighbors and the community. However, the two prior families (Brauns and Bakers) who owned 1805 Circle Rd. were very much aware of its limitations and decided that instead of trying to change the very nature of the house they moved to larger houses on the same road (Circle Road). We hope that if the Doyle's are really in search of more space that they will ultimately want to do the same.

Sincerely,

Bob Ferber
1807 Circle Rd.

Pet #1

Mr. Robert F. Ferber
1807 Cir. Rd.
Towson, MD 21204

BALTIMORE MD 21
PM
02 JUL
2004

Mr. John V. Murphy
Deputy Zoning Commissioner
Baltimore County Zoning Office
401 Bosley Avenue
Towson, Md. 21204

CBA
Pet 6

Mr. John V. Murphy, Deputy Zoning Commissioner
Baltimore County Zoning Office
401 Bosley Ave.
Towson, MD 21204

July 8 , 2004

RECEIVED

JUL - 9 2004

ZONING COMMISSIONER

RE: 04-454-A 1805 Circle Rd.

Dear Mr. Murphy:

After seeing the new, but almost the same, plans for Mr. Doyle's addition , I was going to write you a letter. In my mail box I found a letter written to you by Bob Ferber. This letter expresses my and my neighbors' views and feelings very well, so I am signing my copy of it.

I question Mr Doyle's need for a larger house, since his sons are away, his daughter will be going to college in the fall, and his wife lives in Ireland most of the time. Perhaps he thinks it will be worth more when the time comes to sell.

Sincerely,

Francis B. Lentz

Francis B. Lentz
1801 Circle Rd.

Pro #2

Mr. John V. Murphy, Deputy Zoning Commissioner
Baltimore County Zoning Office
401 Bosley Ave.
Towson, MD 21204

RE: 04-454-A 1805 Circle Rd.

Dear Mr. Murphy:

I received the new plans in the mail. Thank you. Unfortunately, they look almost identical to the original ones. From feedback during the hearing, I thought the new version would be scaled down significantly so original roof line would stay in tact and structure would be expanded directly out back up to a maximum of 15 feet. Changing the roof line and creating a separate structure is (in my opinion) way over imposing for such a small lot. Additionally, a two-story deck built over the smoke house is very close to our property line and the changed roof line and deck will make the addition very obvious from the font. Equally important, I believe this could start a precedent of building large houses on small Ruxton lots. The existing DR1 zoning was designed in part to prevent this. So granting such a variance defeats the purpose of the DR1 zoning and goes against the community's desires.

I can't help but think back to the original points that Mr. Lentz made about this property:

- that it was only designed to be a small cottage,
- that it is already significantly out of compliance on front (35' vs. 50' required), left side (8' vs. 20' required), and right side (18' vs. 20' required or actually 42' required using sum of 50' rule),
- that it's set on a steep hill, and
- that the septic system has had problems in the past and has an unconventional downward septic drainage field (due to small lot size).

I'm sorry we have not yet been able to come to any acceptable resolution and feel torn between the conflicting desires of the Doyles, immediate neighbors and the community. However, the two prior families (Brauns and Bakers) who owned 1805 Circle Rd. were very much aware of its limitations and decided that instead of trying to change the very nature of the house they moved to larger houses on the same road (Circle Road). We hope that if the Doyle's are really in search of more space that they will ultimately want to do the same.

Sincerely,

Bob Ferber
1807 Circle Rd.

Francis B. Lentz
1801 Circle Rd.

FRANCIS B. LENTZ
1801 Circle Rd.
Ruxton, MD 21204

BALTIMORE MD 212
PM
8
2004

Mr. John V. Murphy, Deputy Zoning Commissioner,

Baltimore County Zoning Office

401 Bosley Ave.,

Towson, MD 21204

21204444420 10

CBA
Pet 8

16 July 2004
John V. Murphy, Deputy Zoning Commissioner
Baltimore County Zoning Office
401 Bosley Avenue
Towson, Maryland 21204

Re: 04-454-A 1805 Circle Road

Dear Mr. Murphy:

Thank you for sending us copies of the letters from Mr. Lentz and Mr. Ferber.

In the interest of setting the record straight and correcting the misstatements and distortions contained in those letters we wish to point out:

1. Mr. Lentz's questioning of our need for a larger house is not a proper objection to a zoning variance. But to be clear, one son is away temporarily, my daughter is NOT going away to college in the fall and my wife has returned to live in the United States

2. Mr. Ferber's comments:

   (a) The house was originally a stable not a "small cottage". Does he think we should revert to keeping horses?

   (b) The zoning is incorrect (not "the house is significantly out of compliance").

   (c) We cannot see the significance of the comment about the steep hill.

   (d) The septic system was improved by the owner prior to us (and Mr. Ferber is well aware of this). There have been no problems in the three years we have lived in the house. The septic system was reviewed by myself with the Environmental Services Department (a fact of which Mr. Ferber is also already aware). And lastly the septic system is also not a proper objection to a request for a zooming variance

The conflict is not between us and the Community. In fact, most other neighbors have wished us good luck in getting this variance and some are surprised at the opposition.

And lastly, it is just short of appalling that Mr. Ferber suggests we move instead of building an addition after he just added a significant additional structure on his property this spring! Apparently it is no problem for him to add a structure rather than move to another house.

Sincerely,

Robert Doyle

CC: Francis B. Lentz 1801 Circle
Robert Ferber 1807 Circle

Protestants Exhibits

Prot 1 SDAT Form 1805 Circle

Prot 2 SDAT 1807 Circle

Prot 3 Plat of neighborhood

4 Aerial

5 Aerial

6 Aerial

7 SDAT 1801 Circle Rd

8 SDAT

Prot 9 Photo with overlay

Prot 10 Letters from file — Entered

Mandl's Goldsborough letter — Objected

Prot 11 Letters opposed — hearsay

Area Improvement Assoc.

ID only 12 Letters opposed

13 Letters opposed

14 Letters opposed

Prot 15 List of Persons attending

Pct 1

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 09 **Account Number** - 0913201840

Owner Information

Owner Name:	DOYLE ROBERT WEBSTER MARGARET L	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1805 CIRCLE RD TOWSON MD 21204-6416	**Deed Reference:**	1) /15506/ 496 2)

Location & Structure Information

Premises Address
1805 CIRCLE RD

Legal Description
0.27 AC
1805 CIRCLE RD
S RUXTON RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
69	15	810						81	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1952	2,366 SF	11,979.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	NO	STANDARD UNIT	STUCCO

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	143,740	215,620		
Improvements:	230,230	301,870		
Total:	373,970	517,490	373,970	421,810
Preferential Land:	0	0	0	0

Transfer Information

Seller:	WILLIAMS MARIS S	**Date:**	08/27/2001	**Price:**	$415,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/15506/ 496	**Deed2:**	
Seller:	GOLDSMITH JAMES P	**Date:**	06/16/1999	**Price:**	$368,500
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/13825/ 384	**Deed2:**	
Seller:	GOLDSMITH JAMES P	**Date:**	02/27/1996	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/11449/ 158	**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: ***District*** - *09* ***Account Number*** - *0904750780*

Owner Information

Owner Name:	FERBER ROBERT F FERBER CAROLINE G	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1807 CIRCLE RD BALTIMORE MD 21204-6416	**Deed Reference:**	1) /15429/ 627 2)

Location & Structure Information

Premises Address
1807 CIRCLE RD

Legal Description
3.391 AC ES CIRCLE R
1807 CIRCLE RD
S OF RUXTON STA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
69	15	334						81	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1898	4,234 SF	3.39 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	1/2 STUCCO FRAME

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	481,270	534,750		
Improvements:	516,840	605,430		
Total:	998,110	1,140,180	998,110	1,045,466
Preferential Land:	0	0	0	0

Transfer Information

Seller:	DUGAN F MARKOE	**Date:**	08/01/2001	**Price:**	$1,100,000
Type:	IMPROVED ARMS-LENGTH	**Deed1:**	/15429/ 627	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

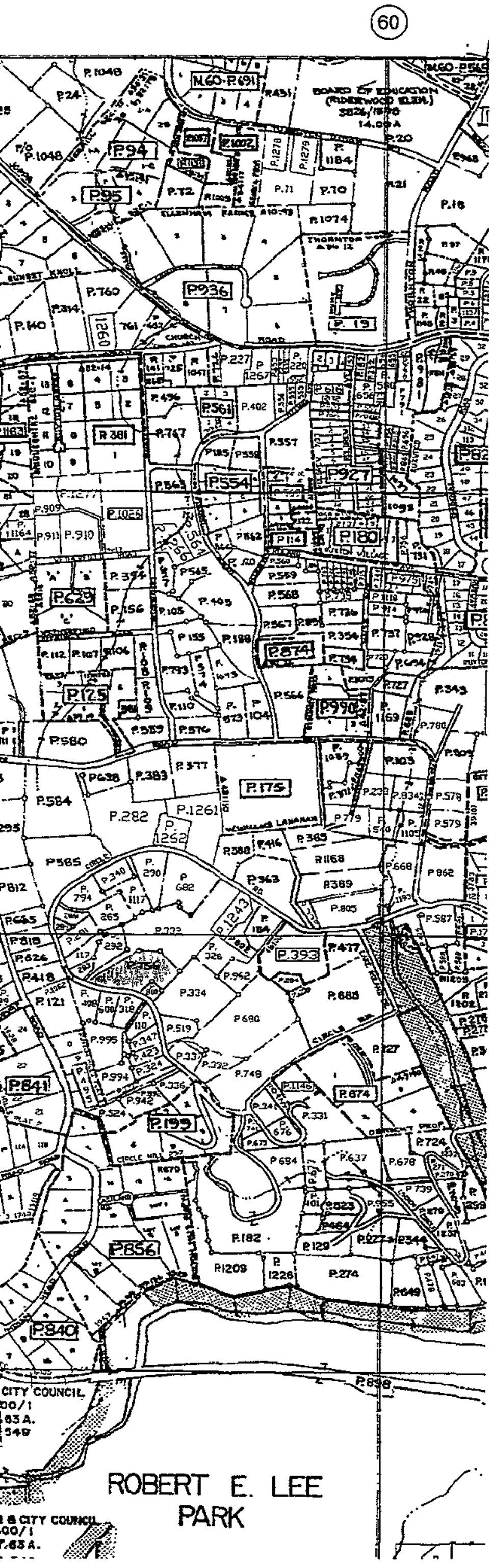
Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Prct 3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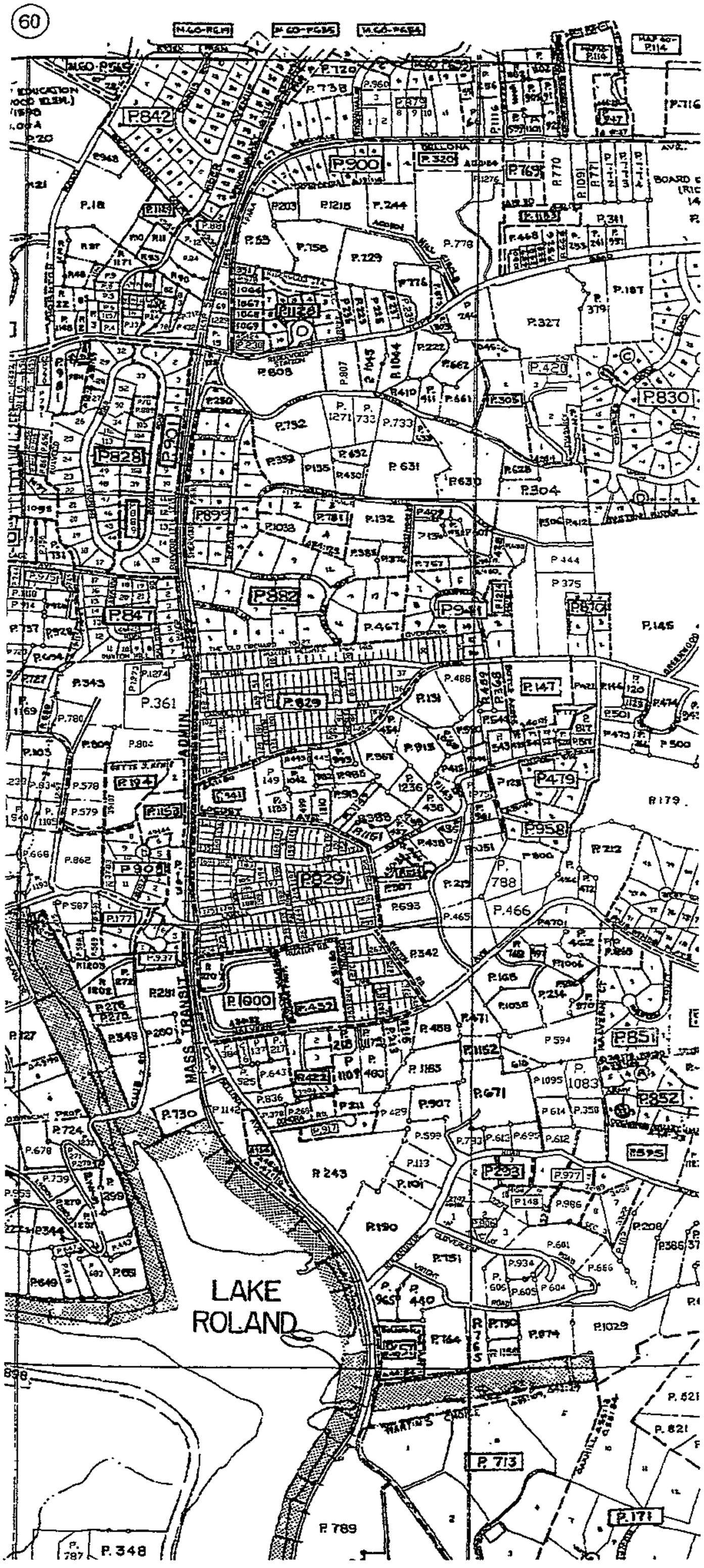
BOARD OF EDUCATION
(RIDERWOOD ELEM.)
ROBERT E. LEE
PARK
CITY COUNCIL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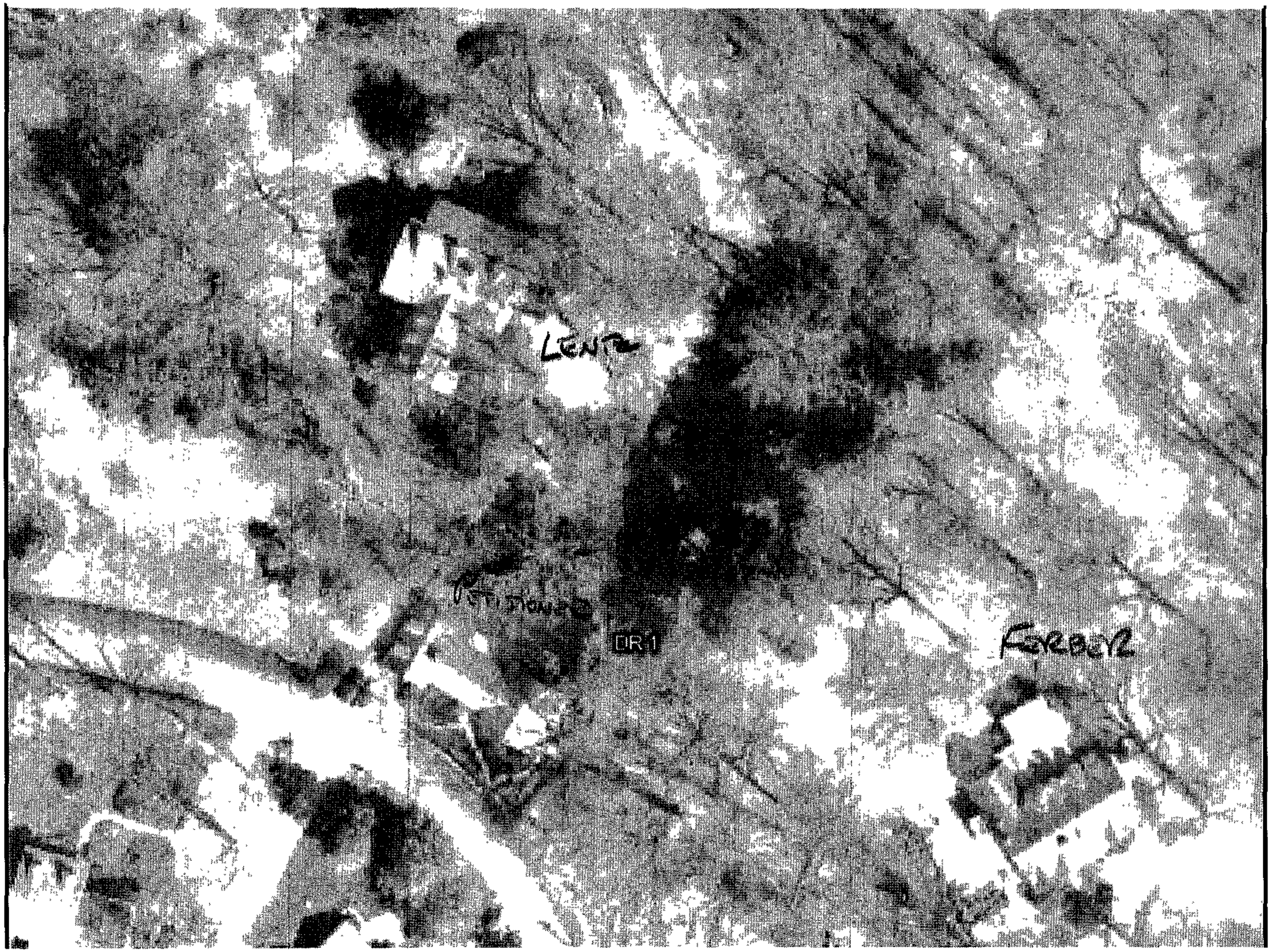
LAKE
ROLAND
MASS TRANSIT ADMIN

Pet 4

Ref 5



Ret 6

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Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 09 **Account Number** - 0912203441

Owner Information

Owner Name:	LENTZ FRANCIS BROOKS	**Use:**	RESIDENTIAL
		Principal Residence:	NO
Mailing Address:	1801 CIRCLE RD TOWSON MD 21204-6416	**Deed Reference:**	1) /13341/ 457 2)

Location & Structure Information

Premises Address
CIRCLE RD

Legal Description
5.35 AC SSR CIRCLE R
RER 400 FT
1200 W RUXTON RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
69	9	332						81	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		5.35 AC	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	285,180	316,870		
Improvements:	0	0		
Total:	285,180	316,870	285,180	295,743
Preferential Land:	0	0	0	0

Transfer Information

Seller:	LENTZ FRANCIS	**Date:**	12/03/1998	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/13341/ 457	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *

Click here for a plain text ADA compliant screen.

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

Go Back
View Map
New Search
Ground Rent

Account Identifier: **District** - 09 **Account Number** - 0912203440

Owner Information

Owner Name:	LENTZ FRANCIS BROOKS	**Use:**	RESIDENTIAL
		Principal Residence:	YES
Mailing Address:	1801 CIRCLE RD TOWSON MD 21204-6416	**Deed Reference:**	1) /13341/ 457 2)

Location & Structure Information

Premises Address
1801 CIRCLE RD

Legal Description
2.504 AC SES CIRCLE
5280 S RUXTON RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Group	Plat No:
60	15	756						81	Plat Ref:

Special Tax Areas **Town** **Ad Valorem** **Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1904	5,968 SF	2.50 AC	04

Stories	Basement	Type	Exterior
2 1/2	YES	STANDARD UNIT	FRAME

Value Information

	Base Value	Value As Of 01/01/2005	Phase-in Assessments As Of 07/01/2004	As Of 07/01/2005
Land:	258,750	287,500		
Improvements:	398,750	513,900		
Total:	657,500	801,400	657,500	705,466
Preferential Land:	0	0	0	0

Transfer Information

Seller:	LENTZ FRANCIS B	**Date:**	12/03/1998	**Price:**	$0
Type:	NOT ARMS-LENGTH	**Deed1:**	/13341/ 457	**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	
Seller:		**Date:**		**Price:**	
Type:		**Deed1:**		**Deed2:**	

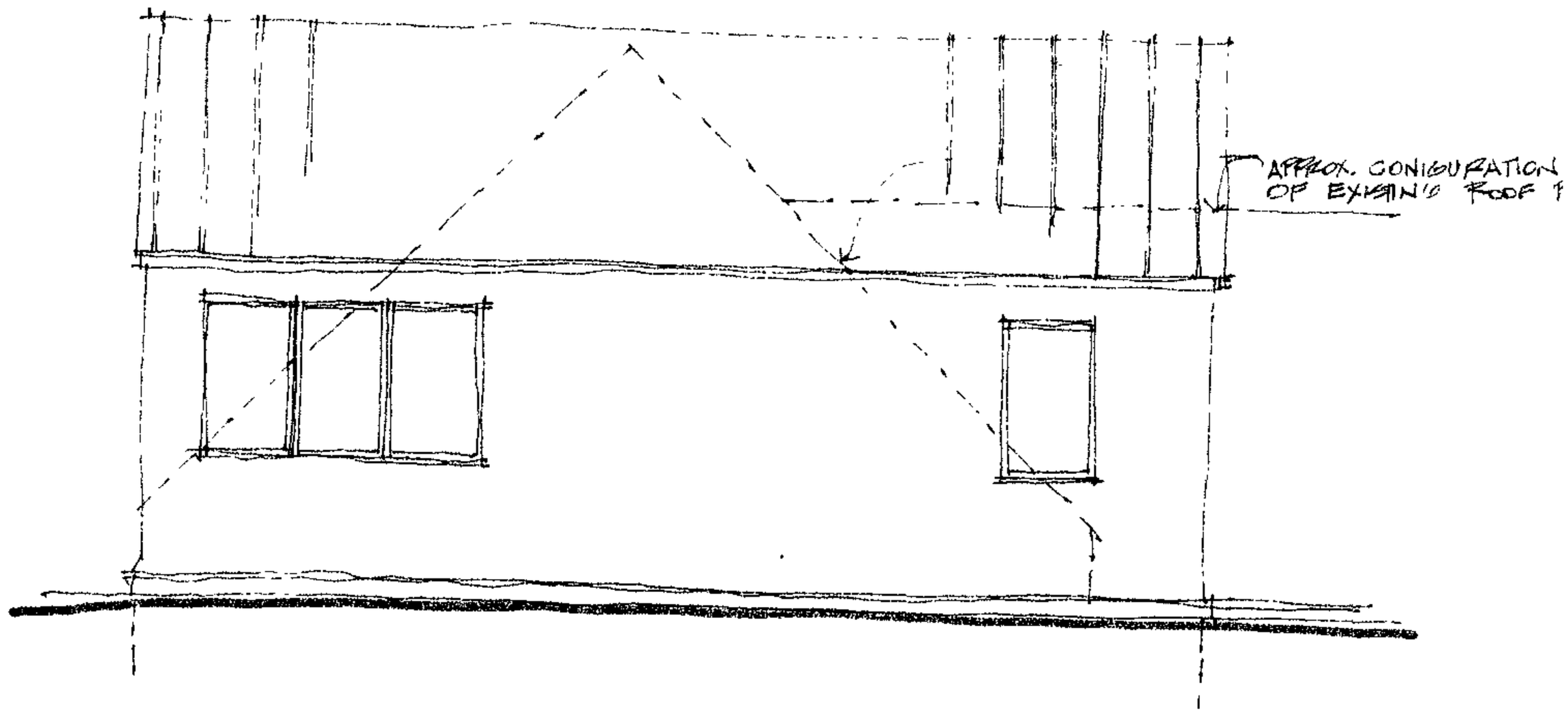
Exemption Information

Partial Exempt Assessments	Class	07/01/2004	07/01/2005
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:

* NONE *



EAST ELEVATION •1/4" = 1'-0

Pet 10

1806 Circle Road
Ruxton, Maryland 21204

March 1, 2005

Baltimore County Dept. of Permits
And Development
111 West Chesapeake Avenue
Towson, Maryland 21204

Re Case 04-454-A, 1805 Circle Road
To Whom It May Concern:

I write today to oppose the granting of any variance for 1805 Circle Road, Ruxton.

I have lived directly across the street at 1806 Circle Road since my husband and I built there in 1952. Although I have had many friends through the years who have lived at 1805, I firmly believe that the building on that site, originally a garage-stable, should never have been converted to a dwelling. The lot is much too small to support the necessary septic system. Over the years, many families living there have struggled with septic and drainage issues, and overflows of raw sewage have occurred more times that I can count. My daughter was house sitting there for the Massey family when Hurricane David came through our area in 1979, and the hill into which the building is set became saturated and flooded the entire first floor. A small river exited by the front door.

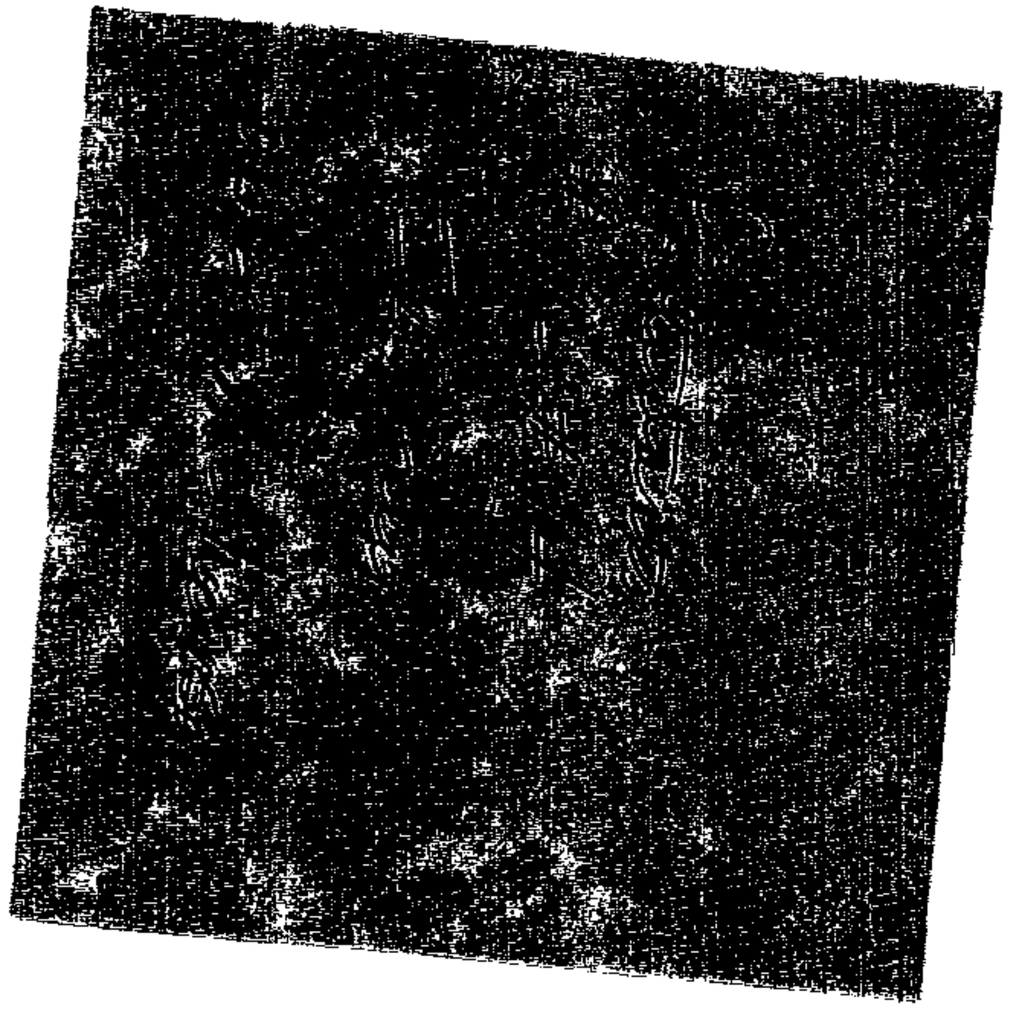
Expansion of the existing house would also exacerbate the parking issue. Every other house on Circle Road includes driveway or garage parking for its resident vehicles. The 1805 situation is the only exception to that rule where, again because of the tiny size of the lot, only two automobiles can be accommodated in the driveway. The current owners and their children have four vehicles (including a pickup truck), so naturally this leads to regular on-street parking on our unlined, shoulderless country road. Elsewhere on Circle Road, the only time people park on the street is when there is a party, and even then, many families opt to provide valet or shuttle service because of the nature of the road.

I am sorry to have to oppose my neighbors' wishes regarding their house, but the geographical facts of the matter demand it. My hope would be that, like two other families (the Brauns and the Bakers) who outgrew 1805, the current residents might find a bigger house on Circle Road to accommodate their needs.

Very truly yours,

Helen G. Goldsborough

Helen G. Goldsborough



Prot 11
TD only

The Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.
P. O. Box 204
Riderwood, Maryland 21139
Phone / FAX: 410/494-7757
office@rrlraia.org

RECEIVED
POST – APPEAL

March 1, 2005

Chairman, Board of Appeals
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

RECEIVED
MAR – 7 2005
BALTIMORE COUNTY
BOARD OF APPEALS

Re: Case #04-454-A
1805 Circle Road, Towson, 21204 (Doyle property)

Dear Sir:

Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. opposes any additional variances at 1805 Circle Rd for the following reasons:
:

1) Offering a variance at the rear of the property will cause the building to encroach on the neighboring properties up to and including significant destruction of the hill behind the property.
2) Such a large addition would overpower the small lot, which is already significantly out of compliance with the existing DR1 zoning restrictions.
3) the addition of an another bathroom on an already faulty septic system would also impact neighbors if the field continues to fail.
4) the footprint of the building on the lot will not allow for a replacement septic field.

Perhaps most significantly from the Association's point of view is that the granting of variances on this property would set a precedent for building large houses on small lots in our community. We have been working with our councilman for several years to avoid just this situation by seeking compatibility with existing zoning regulations in our neighborhoods.

For these reasons, we ask that you rule in favor of the appeal and deny the requested variance. Thank you for your consideration.

Sincerely yours,

James D. Cahn

James D. Cahn, Zoning Chair

RECEIVED
POST – APPEAL

P.S. We ask that this letter be entered into the case file as I am unable to attend the hearing.

Cc: The Honorable Kevin Kamenetz
Ms. Kimberly Warren, President, RRLRAIA
Mr. Robert Ferber
Mr. Edward Gilliss

The Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.
P. O. Box 204
Riderwood, Maryland 21139
Phone / FAX: 410/494-7757
office@rrlruia.org

March 1, 2005

Chairman, Board of Appeals
Old Court House, Room 49
400 Washington Avenue
Towson, MD 21204

RECEIVED
POST – APPEAL

Re: Case #04-454-A
1805 Circle Road, Towson, 21204 (Doyle property)

Dear Sir:

Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc. opposes any additional variances at 1805 Circle Rd for the following reasons:

1) Offering a variance at the rear of the property will cause the building to encroach on the neighboring properties up to and including significant destruction of the hill behind the property.
2) Such a large addition would overpower the small lot, which is already significantly out of compliance with the existing DR1 zoning restrictions.
3) the addition of an another bathroom on an already faulty septic system would also impact neighbors if the field continues to fail.
4) the footprint of the building on the lot will not allow for a replacement septic field.

Perhaps most significantly from the Association's point of view is that the granting of variances on this property would set a precedent for building large houses on small lots in our community. We have been working with our councilman for several years to avoid just this situation by seeking compatibility with existing zoning regulations in our neighborhoods.

For these reasons, we ask that you rule in favor of the appeal and deny the requested variance. Thank you for your consideration.

Sincerely yours,

James D. Cahn

James D. Cahn, Zoning Chair

P.S. We ask that this letter be entered into the case file as I am unable to attend the hearing.

Cc: The Honorable Kevin Kamenetz
Ms. Kimberly Warren, President, RRLRAIA
Mr. Robert Ferber
Mr. Edward Gilliss

RECEIVED
POST – APPEAL

RECEIVED
MAR – 7 2005
BALTIMORE COUNTY
BOARD OF APPEALS

TO: CHAIRMAN, BOARD OF APPEALS

FROM: Ruxton-Riderwood-Lake Roland Area Improvement Association, Inc.

GALLAGHER
EVELIUS & JONES LLP
ATTORNEYS AT LAW

MARK KEENER
mkeener@gejlaw.com
direct dial. 410 347 1366
fax: 410 468 2786

Pet. 12
ID only

TELECOPY COVER PAGE

RECEIVED
POST - APPEAL

TO:	Chairman - Board of Appeals		
FAX NO.:	410-887-3182		
FROM:	Mark Keener		
DATE:	March 2, 2005	**CLIENT NO.:**	n/a

NUMBER OF PAGES (INCLUDING COVER PAGE): 2

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL CORI WINFIELD AT (410) 347-1275 ext. 234 AS SOON AS POSSIBLE. THANK YOU.

COMMENTS:

RECEIVED
BALTIMORE COUNTY
BOARD OF APPEALS

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Prot #13
ZD only

Mark Keener
1713 Circle Road
Baltimore, Maryland 21204
Home: 410-339-7329
Work: 410-347-1366

RECEIVED
POST – APPEAL

March 2, 2005

RECEIVED

VIA FACSIMILE - 410-887-3182

BALTIMORE COUNTY
BOARD OF APPEALS

Chairman
Board of Appeals
Room 49
Old Courthouse
400 Washington Avenue
Towson, Maryland 21204

Re: Case Number: 04-454-A - 1805 Circle Road - Robert and Margaret Doyle

Dear Chairman:

I am writing in opposition to the Administrative Variance requested by the Doyles to permit a rear yard setback of 22 feet in lieu of the minimum required 50 feet. I am familiar with the Doyles' property as well as the adjacent and neighboring properties. It is my view that permitting the Doyles to violate the 50 foot rear yard setback requirement would have a severe negative influence on all neighboring properties, especially the adjacent properties sharing a boundary at the rear and to the side of the Doyles' property.

In 2002, I added a small (500 square feet) addition to the side of my home at 1713 Circle Road. The initial design of my project would have encroached 2 to 3 feet within the rear yard 50 foot setback. I approached my adjacent neighbors about this matter. Although only one of my neighbors objected, I determined to accept that neighbor's position and not attempt to obtain a variance. My request would have been for a variance of 47 feet in lieu of the required 50 foot rear yard setback. The Doyles request is to ignore more than half of the required setback. Although I might support a more modest variance, I strongly believe that it is not in the best interest of Circle Road neighbors to ignore more than half of a required setback.

Thank you very much for your consideration.

Very truly yours,

Mark P. Keener

268857 MPK
000001-1017

RECEIVED
POST - APPEAL

Not. #14
ID only

Mar. 1, 2005

RECEIVED

MAR - 4 2005

ZONING COMMISSIONER

Baltimore County Department of Permits and Development
111 Chesapeake Ave.
Towson, Maryland. 21204

(on appeal)

Re. Case # 04-454-A-1805

Dear Sirs;

We have resided at 1802 Circle Rd. for forty years and oppose the request for an exception to the set-back requirements under current zoning for the following reasons:

1. The exceptions would set a detrimental precedent that would lead to a change in character of our neighborhood and over development.

2. The lot size for the proposed "foot print"is too small to support an additional bath. The previous three owners have had to repair the existing septic system which is marginal at best.

3. Traffic congestion at this site is already a problem. Circle Rd curves here, is narrow and on street parking is dangerous. Three driveways and a lane for two other houses converge on this sight. Construction would grossly aggravate this situation and would be unacceptable.

Respectfully, we request that you enforce the current regulation and maintain the character of our neighborhood.

Fred M. Bryant
Mary Bryant

Fred and Mary Bryant
1802 Circle Rd.
Towson, Maryland. 21204

RECEIVED
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MAR - 2 2005
BALTIMORE COUNTY
BOARD OF APPEALS

3/9/05 PERSONS ATTENDING IN PROTEST

Petitioner's #15

Kimberly Warren
605 Meadowridge Rd.
Towson, Md 21204

Bernard Boykin
1919 Ruxton Road / 1720 Circle Road
Towson, MD 21204

Helen Goldsborough
1806 Circle Rd
Ruxton MD 21204

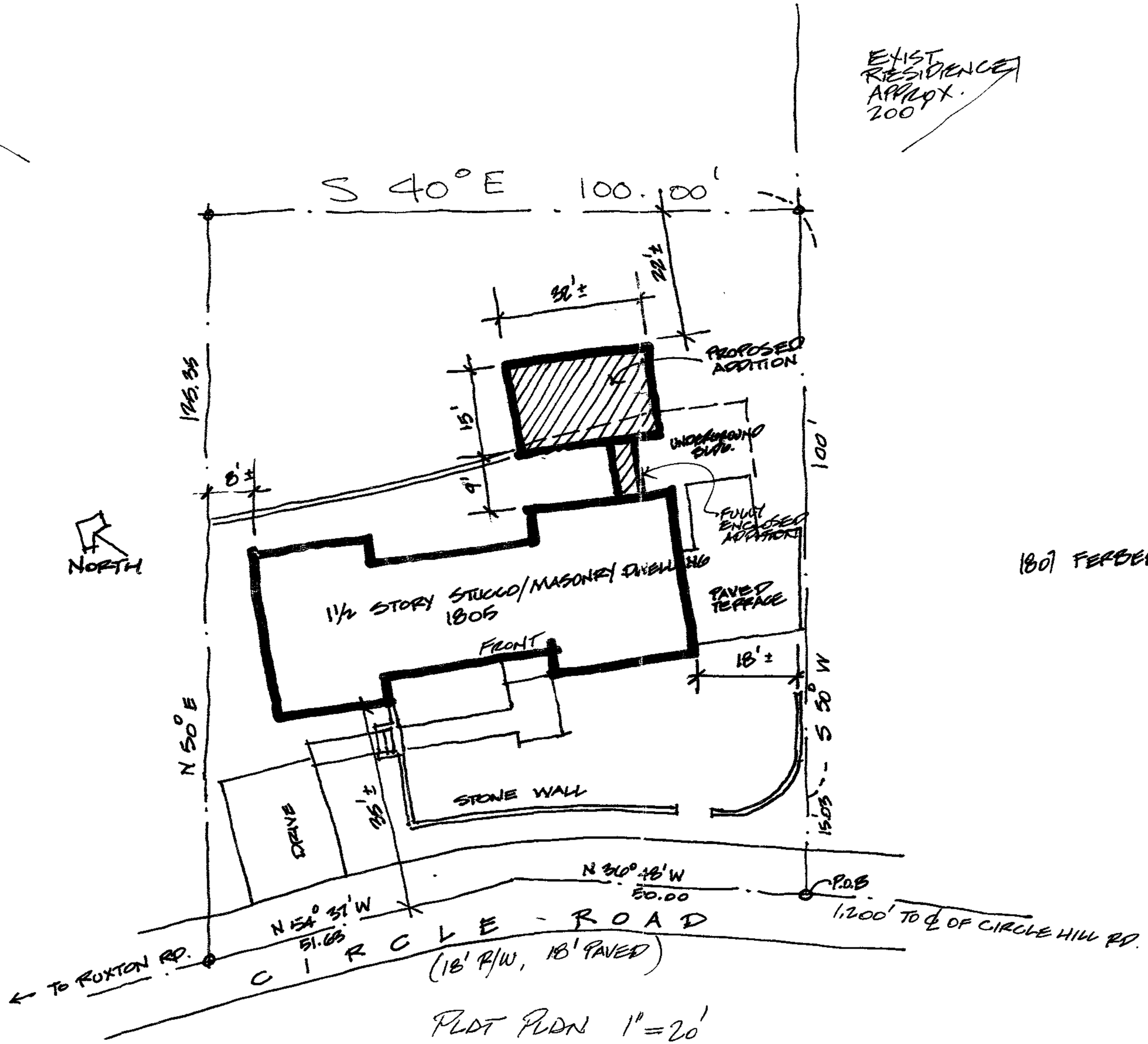
AT TO ACCOMPANY PETITION FOR ZONING VARIANCE

ERTY ADDRESS 1805 CIRCLE ROAD

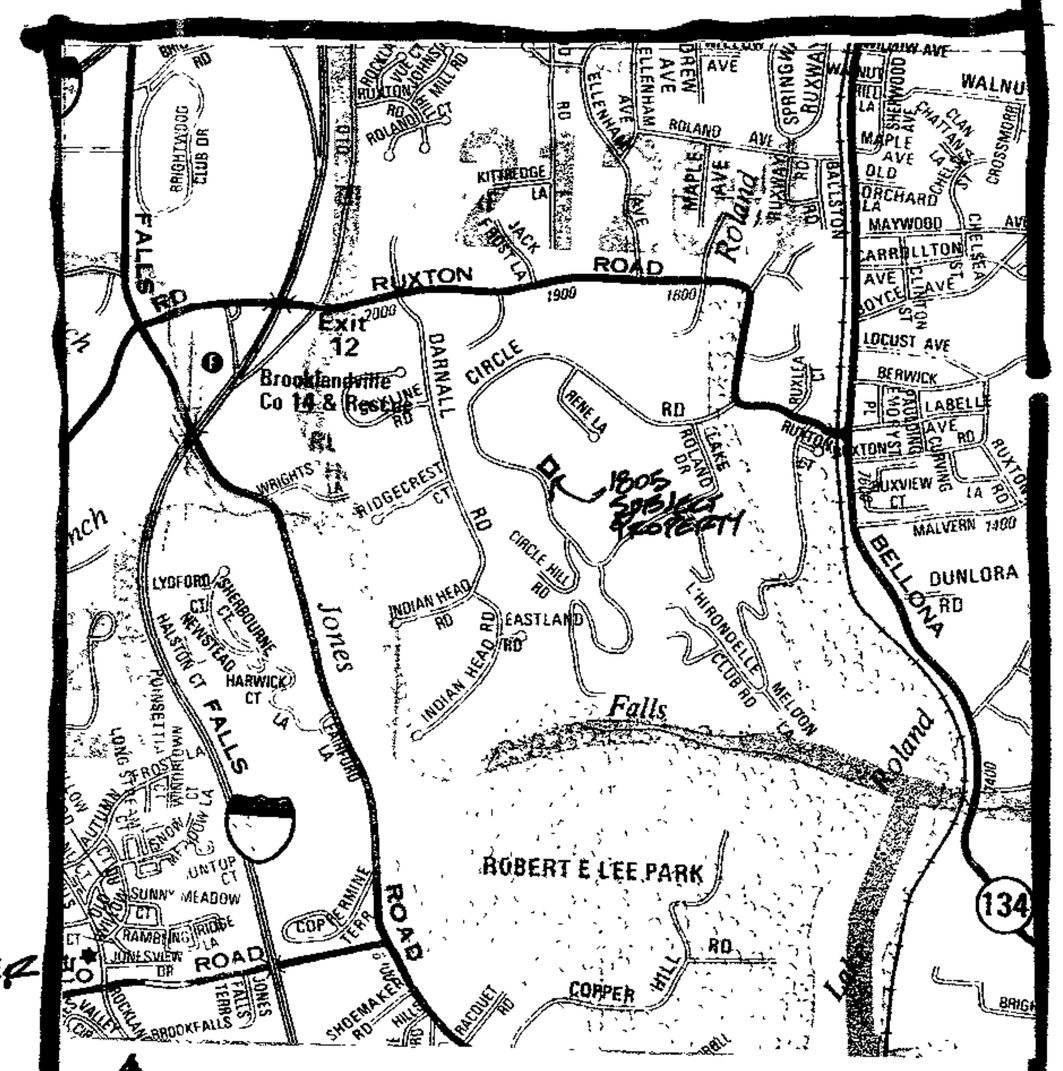
ER ROBERT DOYLE & MARGARET L. WEBSTER

T. RESIDENCE
20X. 120'

EXIST RESIDENCE APPROX. 200



PLOT PLAN 1"=20'



1801 FERBER

VICINITY MAP SCALE 1"=2,000'

LOCATION INFO.

ELECTION DISTRICT 9TH

COUNCILMATIC DISTRICT 2

ZONING DR 1

1"=200' SCALE, MAP # NW-10-B

LOT SIZE 0.27 ACRE 11,979 SQ. FT.

SEWER PRIVATE

WATER PUBLIC

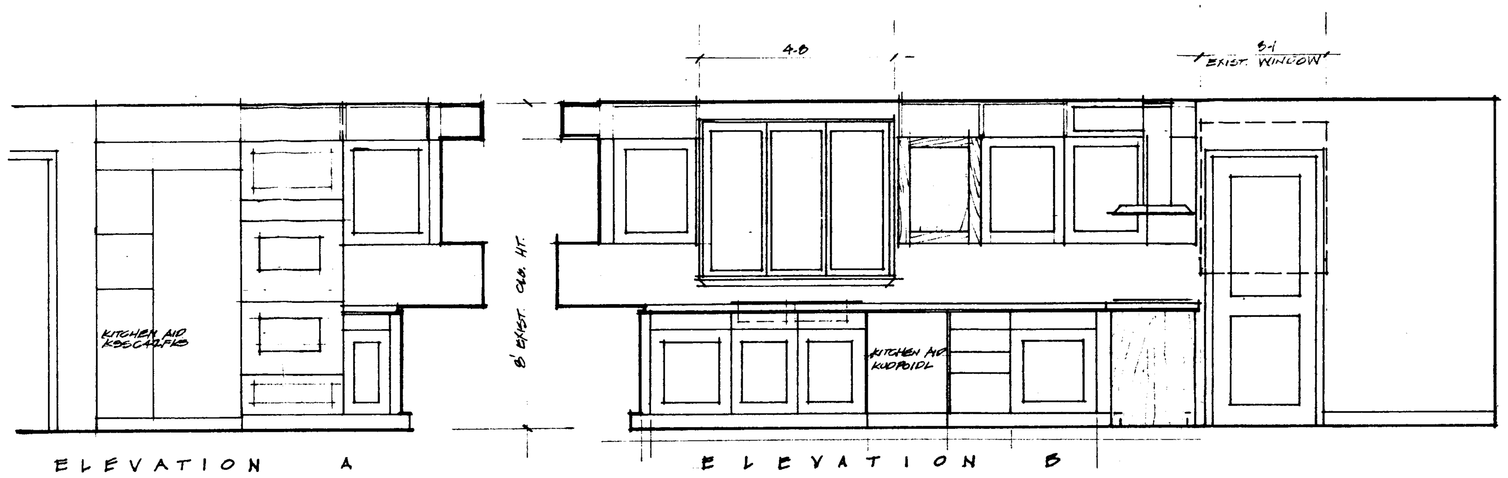
CHESAPEAKE BAY CRITICAL	NO
100 YEAR FLOOD PLAIN	NO
HISTORIC PROPERTY	NO
PRIOR ZONING HEARING	NONE

ZONING OFFICE USE

REVIEWED BY	ITEM #	CASE #
JNP	454	04-454-A

P.O. #1

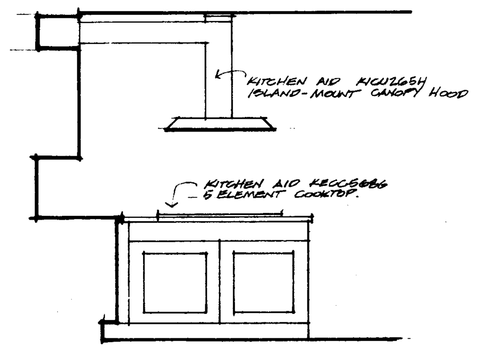
ED BY ROBERT DOYLE



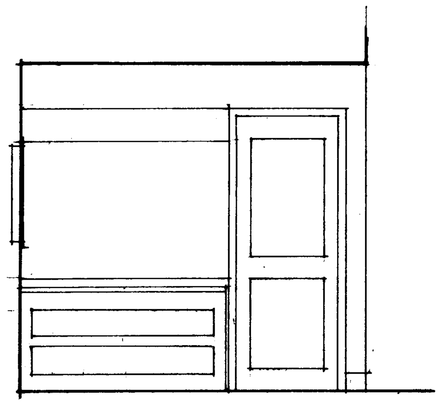
ELEVATION A

ELEVATION B

KITCHEN 1/4" = 1-0

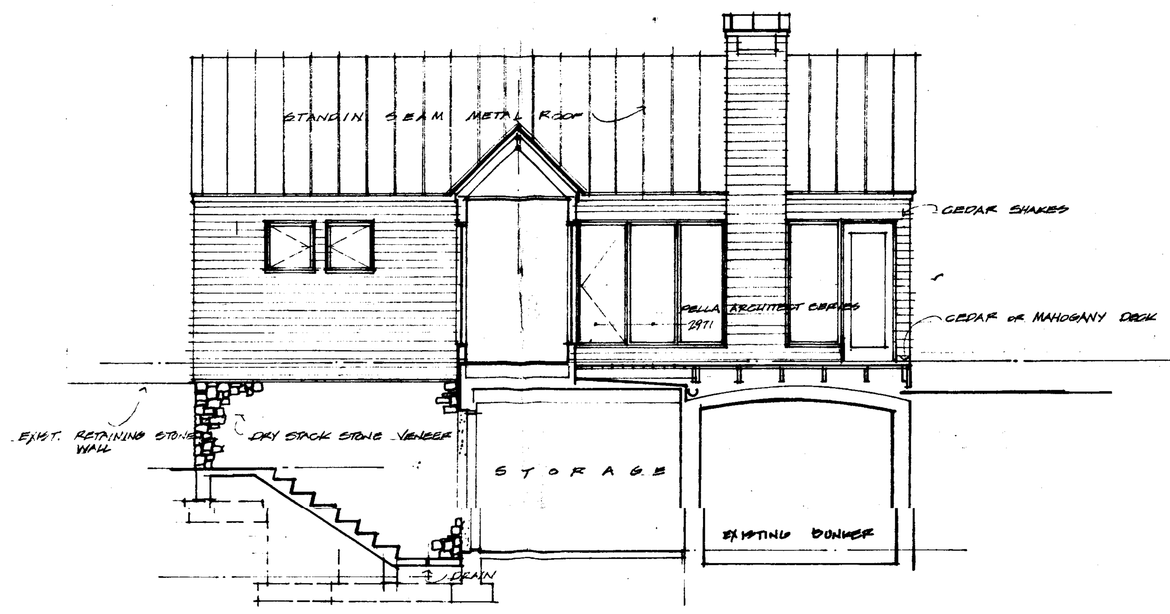


ELEVATION C

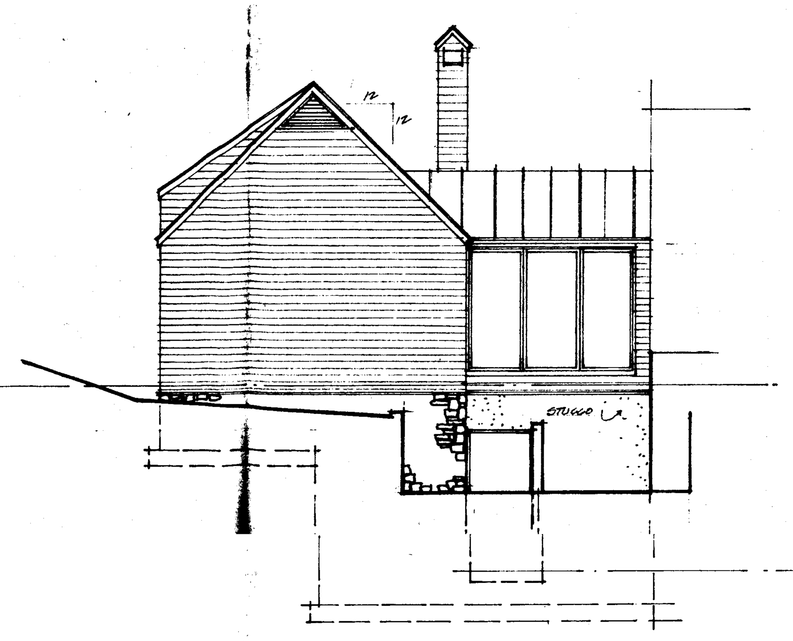


ELEVATION D

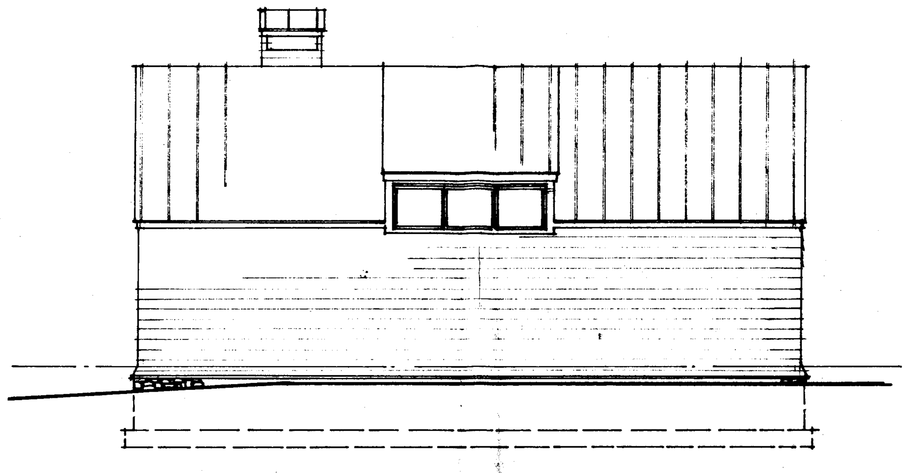
BATH 1/4" = 1-0



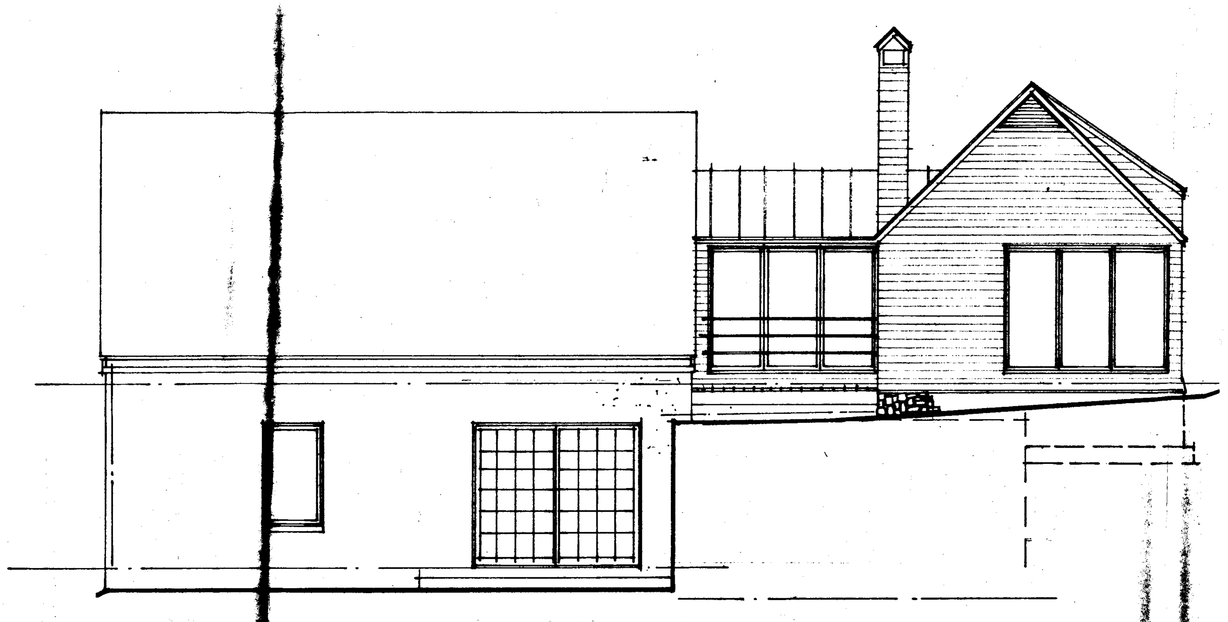
WEST ELEVATION 1/4" = 1-0



NORTH ELEVATION 1/4" = 1-0



EAST ELEVATION 1/4" = 1-0



SOUTH ELEVATION 1/4" = 1-0

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CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL DIMENSIONS AND CONDITIONS ON THE JOB, INCLUDING BUILDING, ELEVATOR AND CORRIDOR CLEARANCES. WHERE JOB CONDITIONS PREVENT CLEARANCES, DESIGNS, OR RESULTS AS SHOWN OR SPECIFIED, CHECK WITH THE H. CHAMBERS COMPANY BEFORE PROCEEDING WITH THE WORK.

Revisions

No.	TYPE	DATE

Chambers
INTERIOR DESIGN & PLANNING
1010 North Charles Street · Baltimore, Maryland 21201
Lyford Cay · P.O. Box N 7776 · Nassau, Bahamas
410/727-4056
800/238-4034

Sheet Title
PROPOSED
DOYLE/WEBSTER
RESIDENCE
RENOVATION & ADDITION

Scale:

Date: 4.1.04

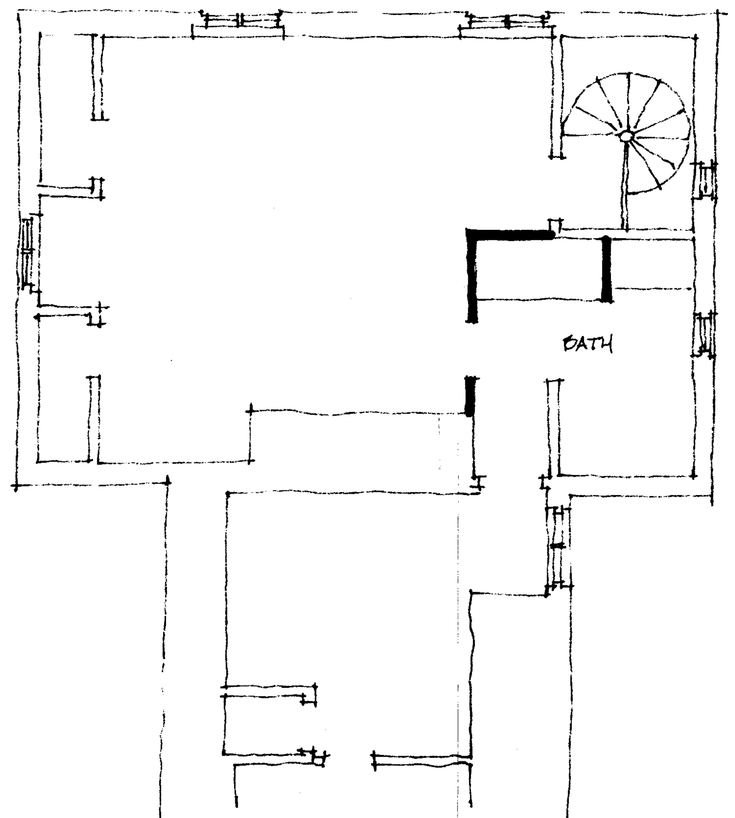
Drawn By:

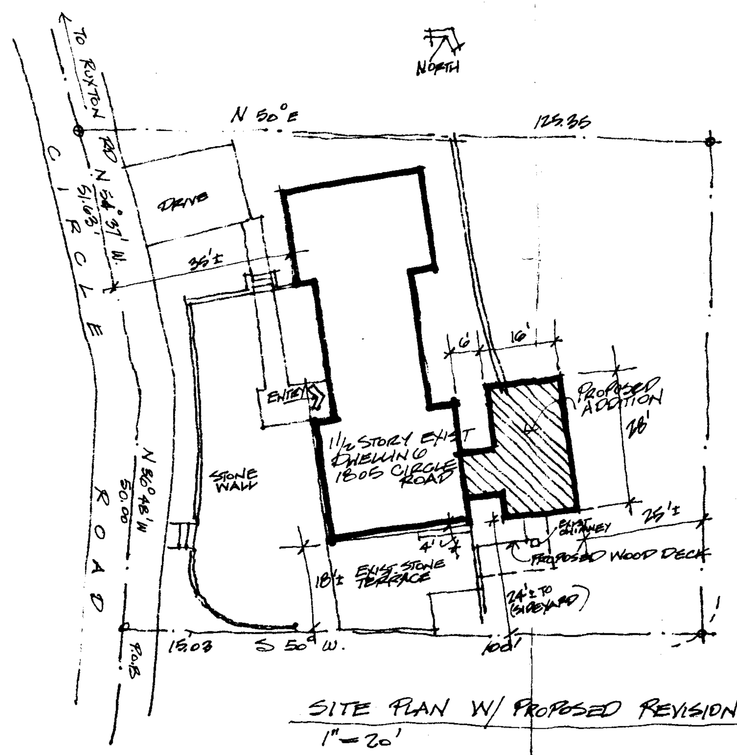
Job No.:

Sheet Number

04-454-A

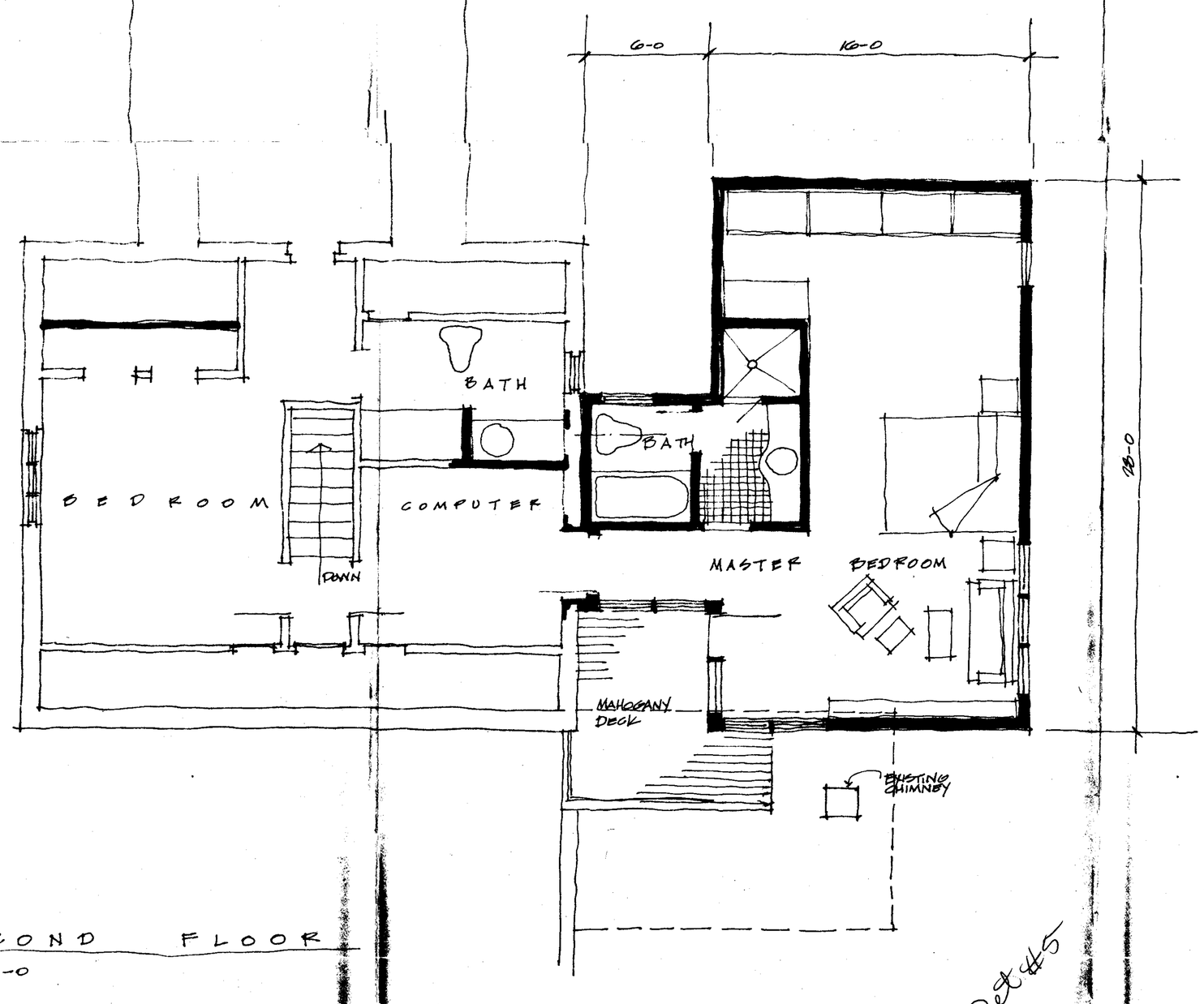
of Set #3



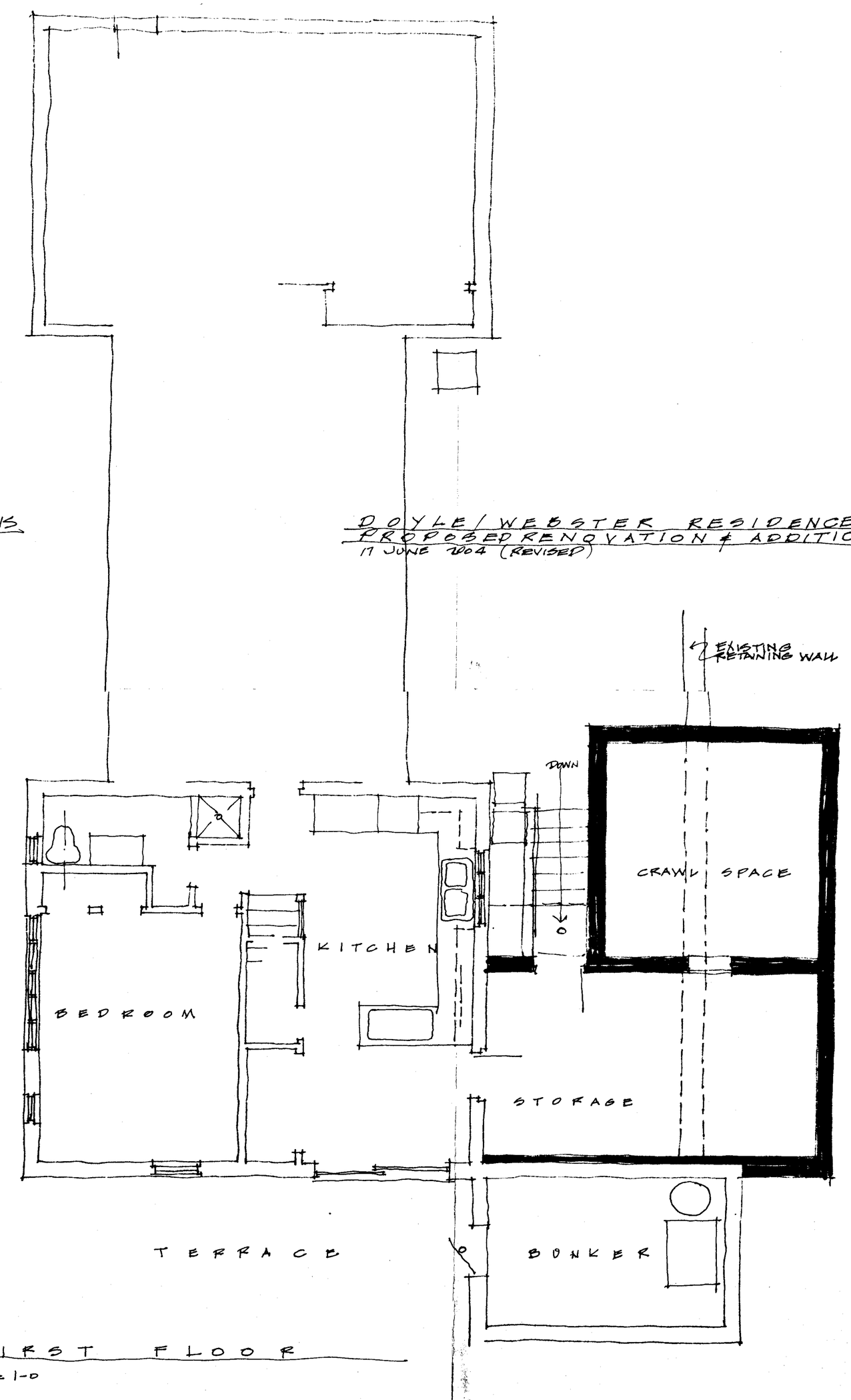


SITE PLAN W/ PROPOSED REVISIONS
1" = 20'

DOYLE/WEBSTER RESIDENCE
PROPOSED RENOVATION & ADDITION
17 JUNE 2004 (REVISED)



SECOND FLOOR
1/4" = 1-0

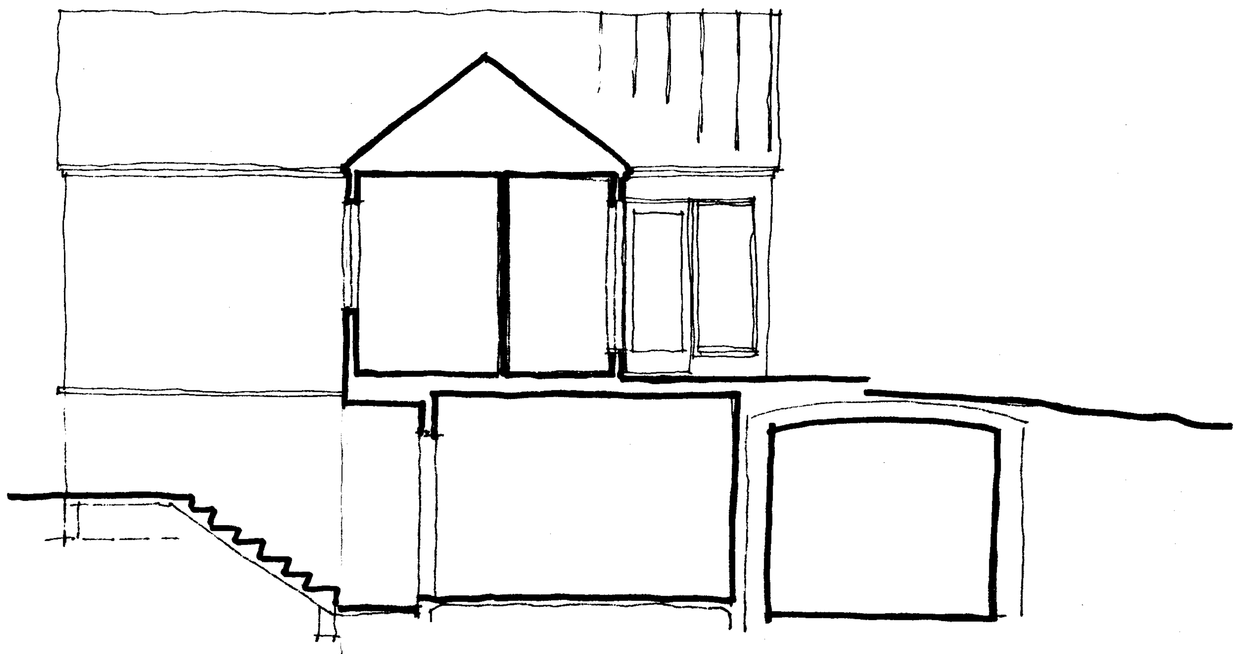


FIRST FLOOR
1/4" = 1-0

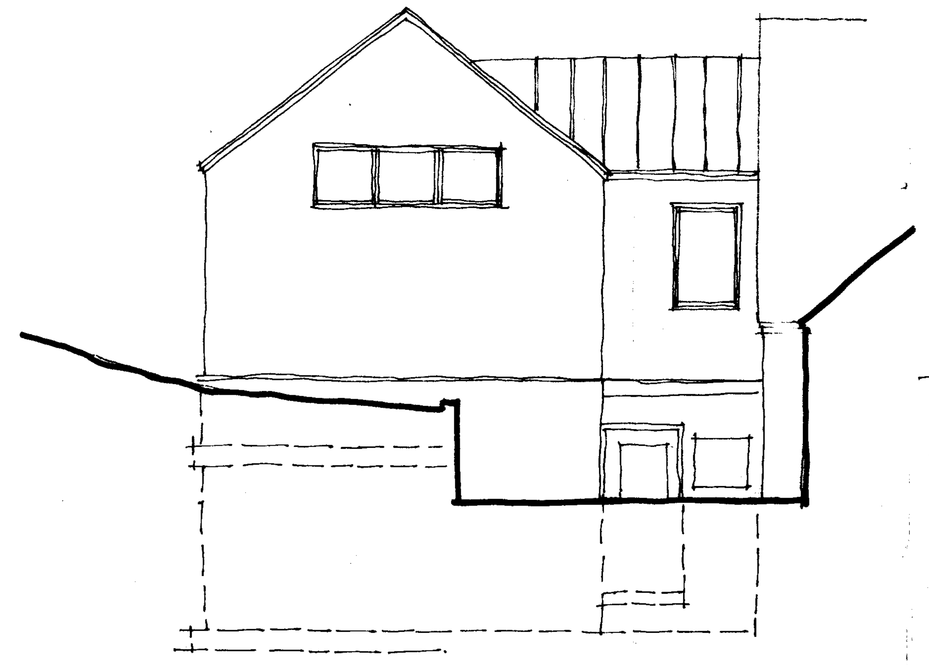
Det #5

CBA Rt 2

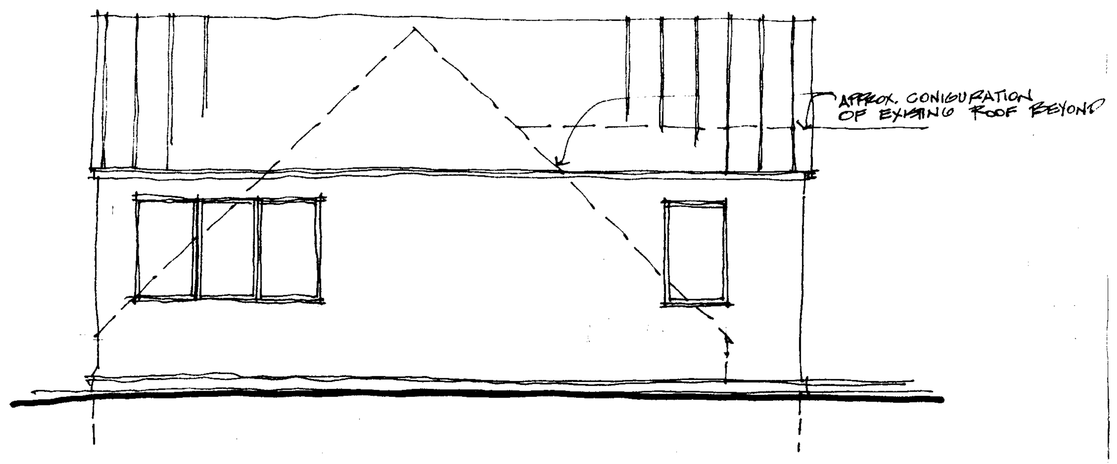
DOYLE/WEBSTER RESIDENCE
ELEVATIONS (REVISED)
17 JUNE 2004



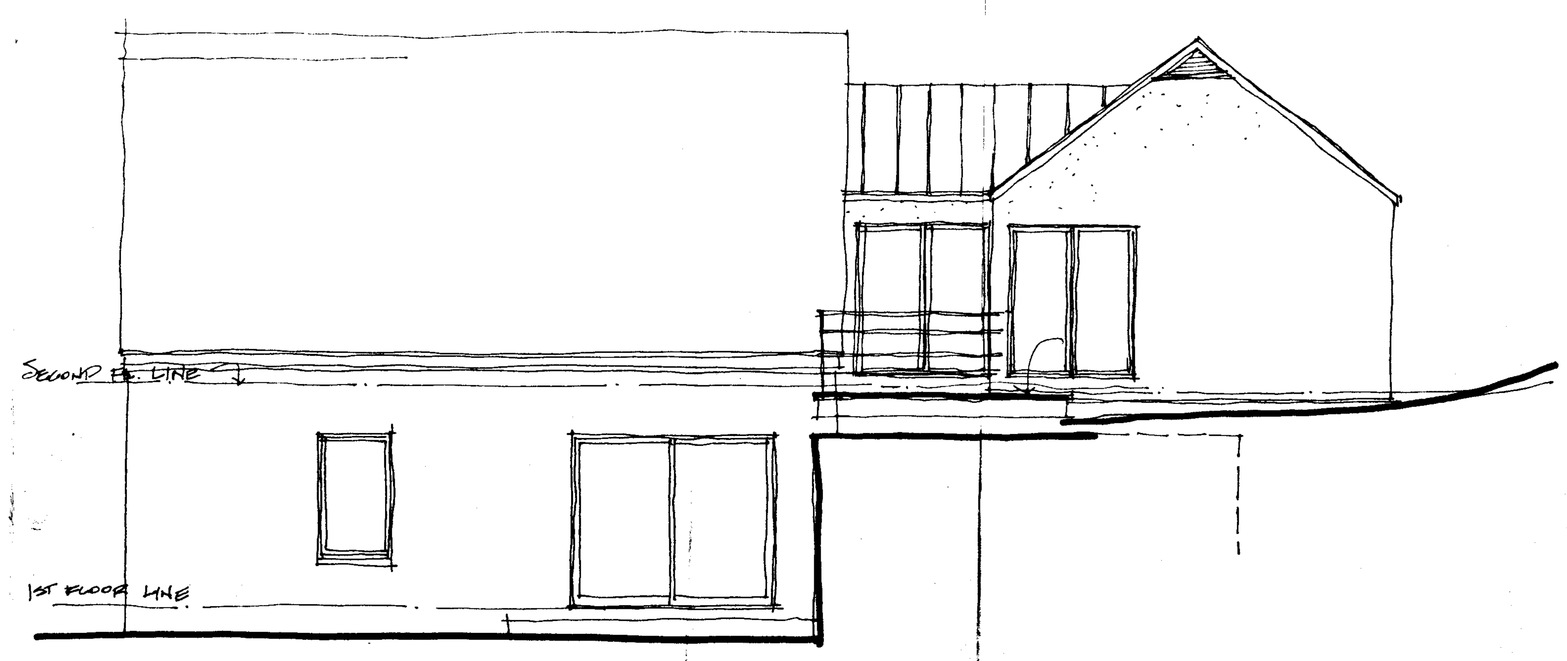
WEST ELEVATION 1/4" = 1-0



NORTH ELEVATION 1/4" = 1-0



EAST ELEVATION 1/4" = 1-0



SOUTH ELEVATION 1/4" = 1-0

Petitioners exhibit 4

CBA Pet 3