

IN RE: PETITION FOR ADMIN. VARIANCE
E/S of Saylor Court, 300 ft. N
Centerline of Scarlett Drive
9th Election District
5th Councilmanic District
(707 Saylor Court)

Mary Anne & S. Stan Rosinsky
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 05-278-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter was originally before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Mary Anne and S. Stan Rosinsky. Thereafter, a formal demand for hearing was made by a nearby property owner, Mr. George R. Conley, and the matter was set in for a hearing. The variance request is for property located at 707 Saylor Court in the "Campus Hills" subdivision of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The property was posted with Notice of Hearing on January 10, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in the "Jeffersonian" newspaper on January 11, 2005, to notify any interested persons of the scheduled hearing date.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated January 3, 2005, a copy of which is attached hereto and made a part hereof.

MAILED FOR FILING
2/25/05
Ray

Applicable Law

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

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated January 3, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the variance request were Mary Anne and Stan Rosinsky, Petitioners. Donald and Jean Slowinski, George Conley, and Louise Taborsky appeared in opposition to the requested variance. Winnie Woodbury who represented the Campus Hills Covenant Committee appeared as an interested person. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 13,674 sq. ft. and is zoned DR 3.5. The Petitioners occupy the single-family home on the lot as their principal residence. They would like to build a 12 ft. x 20 ft. garage in their

ADDITIONAL COPIES FOR FILING
2/25/05
Ray

side yard for storage. They indicated that they looked at erecting the garage in their back yard but that it was too narrow. They expressed the fact that their oddly shaped lot has the house located on the southern side thereof and that they have a large empty side yard, which they feel would be ideal to build the new garage. The lot is Lot 19 of the "Campus Hills" subdivision, which is located on a cul-de-sac known as Saylor Court.

The Petitioners presented extensive photographs of neighborhood garages that indicated what neighbors would see when viewing the new garage. They volunteered to surround the garage with evergreen screening similar to other garages in the neighborhood. See Petitioners' Exhibit Nos. 10A and 10B.

The Petitioners also presented photograph Exhibit 9, which gives the Petitioners' rendition of how the garage would look from the neighbors yard. The garage is not actually there but a rendering of the garage was added to a photograph to show the view. Petitioners' Exhibit Nos. 7A and 7B show the Petitioners' back yard.

The Petitioners presented a letter of support from the Campus Hills Community Association, which is shown as Petitioners' Exhibit 13. However, Ms. Woodbury, who is a member of the Covenants Committee, indicated that the Association was not aware of the opposition from neighbors and under the circumstances would not have issued the letter had they known. The Petitioners also presented a Petition signed by various neighbors who support the request. See Petitioner's Exhibit Nos. 11A and 11B.

The protestants are adjacent and nearby property owners whose homes are generally elevated above the subject property. They object to the Petitioners erecting the garage as proposed because they would see it from their homes' kitchens, decks, bedrooms and the like. See Protestants' photographs, Exhibits 1 through 4. They also indicated that the neighbors who signed the Petitioners' petition in support could not see the proposed garage.

At the end of the hearing this Commissioner suggested that according to the Petitioners' plan their back yard measured 30 ft. from the house to the rear property line. Photographs 7A and 7B show the rear yard is flat and without salient features save a large tree apparently at the end of the house. The question arose as to whether the garage would fit in the rear yard perhaps orienting the garage so that the 20 ft. dimension was parallel to the rear of the house. I noted that if the garage was not attached to the house, as an accessory structure it could come within 2.5 ft. of the rear property line. If this were the case, no variance could be granted, as there would be no hardship. On the other hand, if the variance were to be granted, it could be conditioned on screening and construction controls. The neighbors would have some input into what the garage looked like. If there were no variance, there could be no input or control from the neighbors. Given this observation, the parties determined to meet and discuss the proposal and the undersigned agreed to hold the record open for further input.

The Petitioners responded with a letter dated January 30, 2005, which amplified the reasons they gave at the hearing as to why having the garage in the side yard would be more logical. Their letter also set forth problems they foresee by locating the garage in the rear yard, which they call the "right side of the house". Included in the many reasons against having the garage in the rear were the cost of extending the existing driveway, damage to the house foundation by cars driving past the house, problems with construction of the garage, the garage will block the existing backdoor, etc. The letter was added to the file of this case.

In response, Ms. Slowinski writing for the Protestants sent a letter dated February 14, 2005, which stated her opposition to the variance. Among those reasons were that the garage in the rear yard is not on the "right side" of the house, if constructed in the rear there is no reason for a second driveway, the garage would not block the backdoor of the Petitioners' home, etc. The letter was added to the file of this case.

MAILED
2/25/05
Ray

Findings of Fact and Conclusions of Law

Obviously, whatever consultation the parties undertook after the hearing was not successful in coming to a mutually agreed position. The threshold question then is whether or not the garage can be built in the rear yard so as to avoid any variance. I understand that asking this question makes no logical sense to the Petitioners as they see erecting the garage in a wide open side yard versus in a cramped rear yard as very unequal choices. I also understand that they would have to extend the existing driveway around the back of the house with additional expense, as compared to incurring little or no additional cost for the driveway if the garage is located in the side yard. Unfortunately, for the Petitioners logical planning and additional expense does not determine variance outcomes. If we were planning a new subdivision, these would be relevant issues. However, in a variance case to allow this garage in the side yard, these issues do not determine the outcome.

The Petitioners contend that the garage in the rear yard would block their backdoor. However, as Ms. Slowinski points out the Petitioners' back yard is 30 ft. wide and the garage if rotated 90 degrees is 12 feet wide. This leaves 18 ft. total and perhaps 9 ft. on each side to open the backdoor. I can not see a problem here. The Petitioners contend that having the driveway close to the rear of the house would be unsafe. In fact, Petitioners' photograph Exhibits 7A and 7B show that if the driveway is extended around the rear of the house it will be closest to the concrete patio in the rear of the home and not the home itself. Finally, the Petitioners argue that the garage in the rear would be perilously close to a ground drop off which would endanger the construction of the garage. Again photographs 7A and 7B do not show this problem in the Petitioners' back yard.

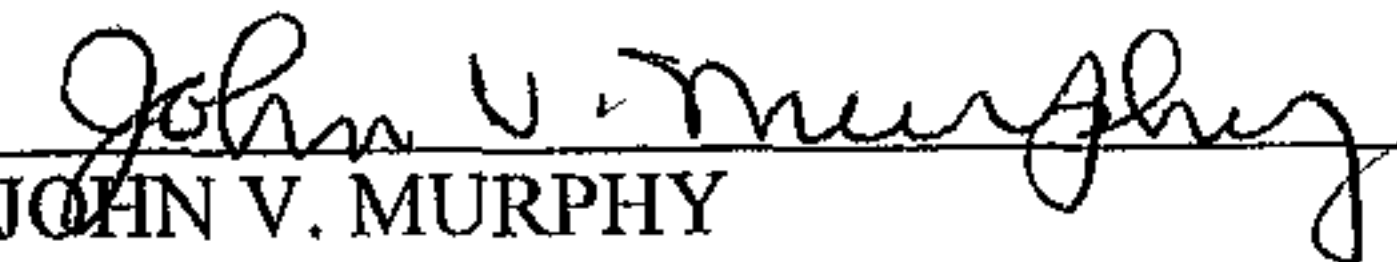
Consequently, I find no reason that the garage can not be located in the rear yard and so must deny the requested variance. There is no hardship or practical difficulty.

FILED
2/25/05
Ray

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

THEREFORE, IT IS ORDERED, this 25 day of February, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, be and it is hereby DENIED.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ORDER RECEIVED FOR FILING
2/25/05
Ray

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
William J. Wiseman III, Zoning Commissioner

February 25, 2005

Mary Anne and Stan Rosinsky
707 Saylor Court
Towson, MD 21286

Re: Petition for Administrative Variance
Case No. 05-278-A
Property: 707 Saylor Court

Dear Mr. & Mrs. Rosinsky:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been denied in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

c: Donald & Val Jean Slowinski, 710 Shelley Rd., Towson, MD 21286
George Conley & Louise Taborsky, 708 Shelley Rd., Towson, MD 21286
Ms. Winnie Woodbury, Campus Hills Covenant Committee, 945 Starbit Rd., Towson, MD 21286

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





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 707 Saylor Ct
which is presently zoned 21286 DR-3.5

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) 400.1 To allow an

accessory structure (detached garage) to be located on the side yard in lieu of the required rear yard.

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:

S. Stan Rosinsky
Name - Type or Print

Signature

707 Saylor Ct 4108286328
Address Telephone No.

Balto Md 21286
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 05/25/04 day of May 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.

Legal Owner(s):

S. Stan Rosinsky
Name - Type or Print

Signature

Mary Anne Rosinsky
Name - Type or Print

Mary Anne Rosinsky
Signature

707 Saylor Ct 4108286328
Address Telephone No.

Balto, Md 21286
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By [Signature] Date 11-29-04

Estimated Posting Date 12-12-04

CASE NO. 05-278A

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

Address 707 Saylor Ct
City Balto State md Zip Code 21286

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):

Install Pre-Fab Garage (12' x 20')
on side property. It will sit 35'
from house and 3' from property line.
The back yard is too narrow for a building.

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 Schim S Rosinsky
Name - Type or Print Schim S Rosinsky

Signature Mary Anne Rosinsky
Name - Type or Print Mary Anne Rosinsky

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of October, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Schim S Rosinsky in the City of Baltimore
the Affiant(s) hereon, personally known or satisfactorily identified to me as such Affiant(s).



Notarial Seal
KELLY S. WRIGHT
NOTARY PUBLIC
BALTIMORE
MAY 1 2008
My Commission Expires

Notarized for Schim Rosinsky
Kelly S Wright
Notary Public
2008
My Commission Expires February 24th 2008
EDNA BLACKWELL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 7, 2006

20th Oct. 2007
Notarized signature of MARY ANNE ROSINSKY

Affidavit in Support of Administrative Variance

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

That the Affiant(s) does/do presently reside at

Address 707 Saylor Ct
City Balto State MD Zip Code 21286

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):

Install Pre-Fab Garage (12' x 20')
on Side property. It will sit 35'
from house and 3' from property line.
The back yard is too narrow for a building

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.

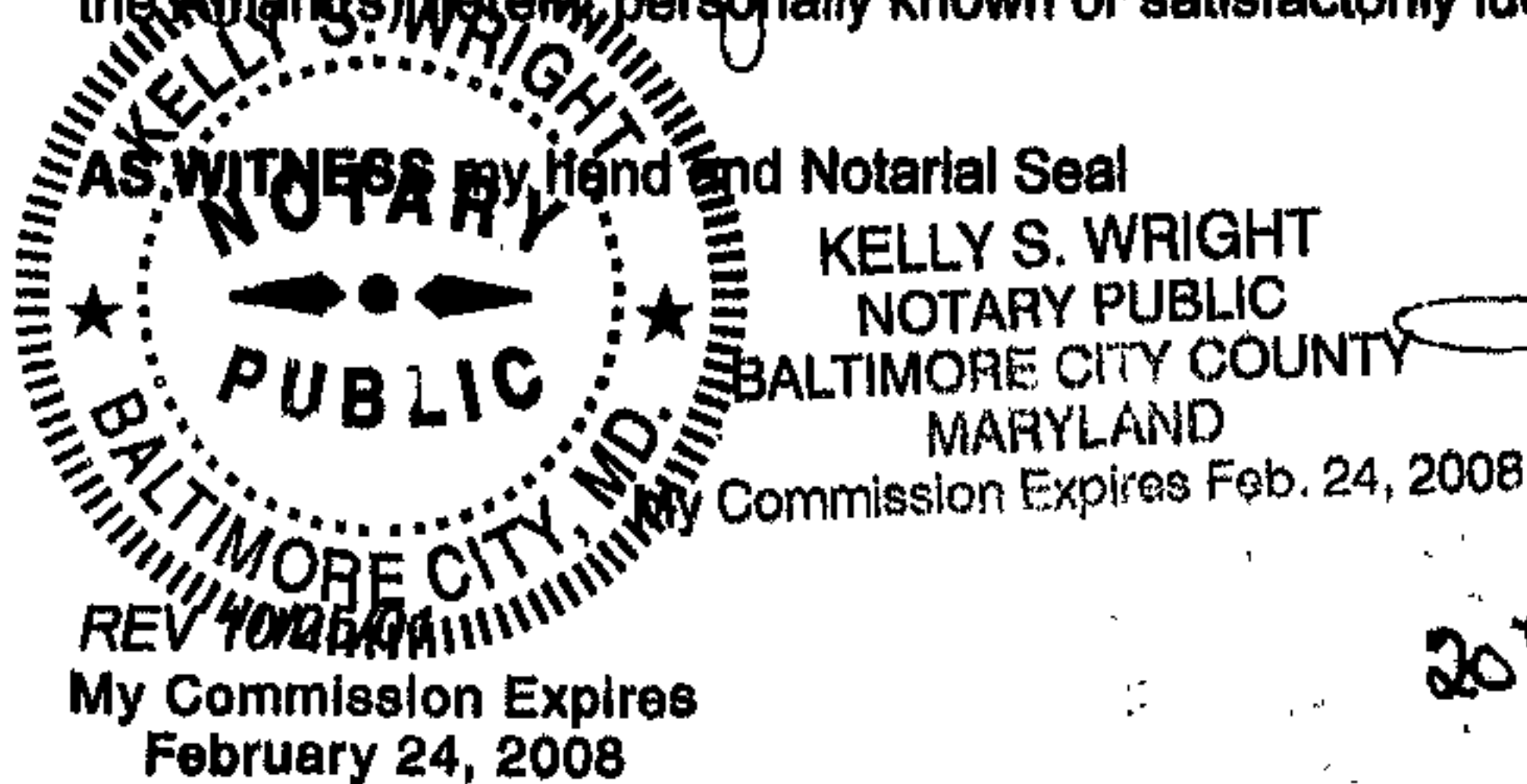
Schim S Rosinsky
Signature
Schim S Rosinsky
Name - Type or Print

Mary Anne Rosinsky
Signature
Mary Anne Rosinsky
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14th day of October, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

of Maryland in the City of Baltimore
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).



notarized for Schim Rosinsky
Kelly S Wright
Notary Public
My Commission Expires February 24th 2008

20th Oct. 2004
NOTARIZED SIGNATURE of MARY ANN ROSINSKY
EDNA BLACKWELL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires February 7, 2006



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 707 Saylor Ct
which is presently zoned 21286 PR-3.5

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) 400.1

To allow an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard.

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:

S. Stan Rosinsky
Name - Type or Print

707 Saylor Ct 410 8286 328
Address Telephone No.
Balto MD 21286
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

S. Stan Rosinsky
Name - Type or Print

S. Stan Rosinsky
Signature

Mary Anne Rosinsky
Name - Type or Print

Mary Anne Rosinsky
Signature

707 Saylor Ct 410 8286 328
Address Telephone No.
Balto MD 21286
City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

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

Zoning Commissioner of Baltimore County

CASE NO. 05-278-A

Reviewed By JJS Date 11-29-04

REV 10/25/01

Estimated Posting Date 12-12-04

ROSINSKY PROPERTY

ZONING DESCRIPTION FOR 707 SAYLOR COURT
(address)

Beginning at a point on the EAST side of
(north, south, east or west)

SAYLOR COURT which is 50 Feet
(name of street on which property fronts) (number of feet of right-of-way width)

wide at the distance of 300 Feet North of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street SCARLETT DRIVE
(name of street)

which is 50 Feet wide. *Being Lot # 19,
(number of feet of right-of-way width)

Block F, Section # 2B in the subdivision of Campus Hills
(name of subdivision)

as recorded in Baltimore County Plat Book # 22, Folio # 67,

containing 13,674. Also known as 707 SAYLOR COURT
(square feet or acres) (property address)

and located in the 9th Election District, 5th Councilmanic District.

278



FORMAL DEMAND FOR HEARING

CASE NUMBER: 05-278-A

Address: 707 Saylor St

Petitioner(s): S Stan Roscinski

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We George R. Conky
Name - Type or Print

() Legal Owner OR ☒ Resident of

Address 708 Shelley Road 21286
City State Zip Code
Towson Md 410-321-8618
Telephone Number

which is located approximately _____ 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.

George R. Conky 12/20/04
Signature Date

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

**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: #05-278-A
707 Saylor Court
E/side of Saylor Court, 300
feet north of centerline of
Scarlett Drive
9th Election District
5th Councilmanic District
Legal Owner(s): S. Stan &
Mary Anne Roslinsky
Variance: to allow an ac-
cessory (detached garage)
to be located in the side
yard in lieu of the required
rear yard.
Hearing: Tuesday, January
25, 2005 at 2:00 p.m. in
Room 407, County Courts
Building, 401 Bosley Ave-
nue, Towson 21204.

WILLIAM WISEMAN
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are
Handicapped Accessible
for special accommoda-
tions. Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.
(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.
JT 1/653 Jan11 3534E

CERTIFICATE OF PUBLICATION

1/12/, 2005

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 1/11/, 2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-278-A

Petitioner/Developer: S. STAN &

MARY ROSINSKY

Date of Hearing/Closing: 1/25/05

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

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

707 SAILOR CT

The sign(s) were posted on 1/10/05
(Month, Day, Year)

Sincerely,

Robert Black 1/12/05
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

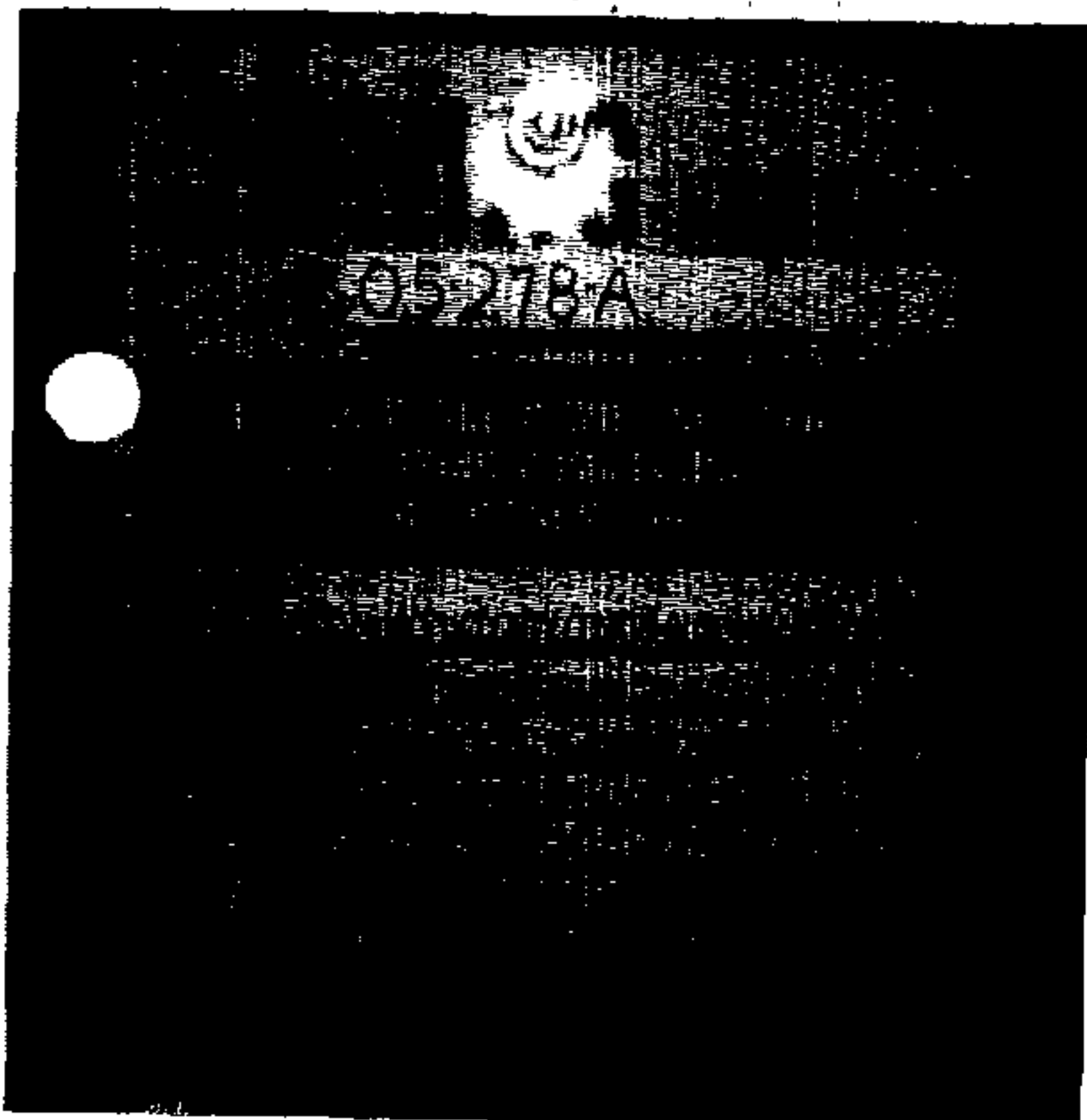
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



RECEIVED

JAN 13 2005

DEPT. OF REVENUE AND
DEVELOPMENT MANAGEMENT

CERTIFICATE OF POSTING

RE: Case No.: 05-278-A

Petitioner/Developer: S. STAN ROSINSKY ^{ROSINSKY}

Date of Hearing/Closing: 12/27/04

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

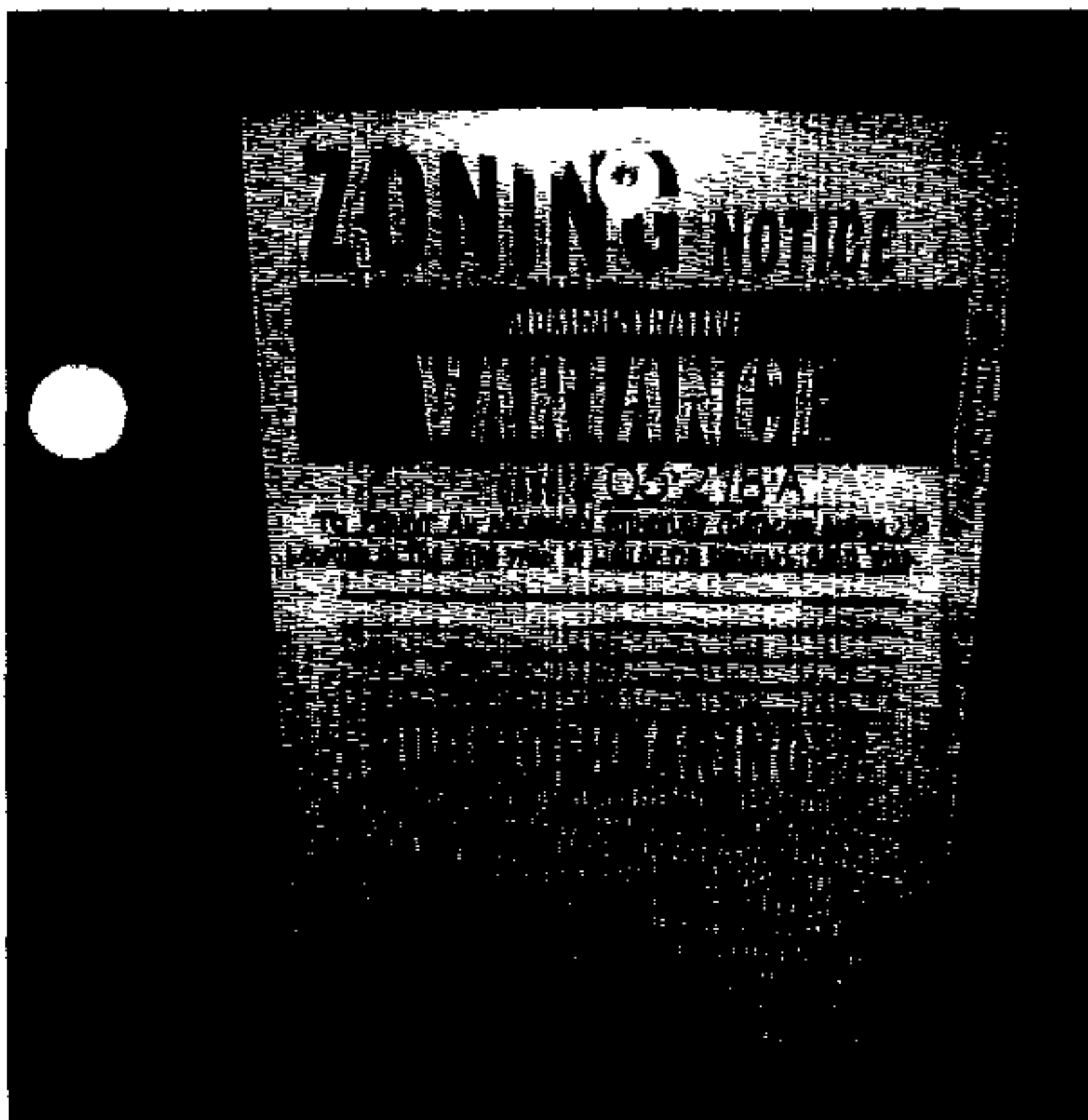
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: _____

707 SAYLOR CT

The sign(s) were posted on _____

12/12/04
(Month, Day, Year)

Sincerely,



Robert Black 12/14/04
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

**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

December 23, 2004

S. Stan Rosinsky
Mary Anne Rosinsky
707 Saylor Court
Baltimore, MD 21286

Dear Mr. and Mrs. Rosinsky:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-278-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 by George Conley concerning the above-proposed administrative procedure.

The hearing has been scheduled; a notice of public hearing indicating the date, time and location of the hearing is attached. 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 John Sullivan at 410-887-3391.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is fluid and cursive.

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:klm

C: George Conley, 708 Shelley Road, Towson 21286

**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*

December 23, 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: 05-278-A

707 Saylor Court
E/side of Saylor Court, 300 feet north of centerline of Scarlett Drive
9th Election District – 5th Councilmanic District
Legal Owners: S. Stan & Mary Anne Rosinsky

Variance to allow an accessory (detached garage) to be located in the side yard in lieu of the required rear yard.

Hearing: Tuesday, January 25, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Rosinsky, 707 Saylor Court, Baltimore 21286
George Conley, 708 Shelley Road, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JANUARY 10, 2005.**
(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.

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

TO: PATUXENT PUBLISHING COMPANY
Tuesday, January 10, 2005 Issue - Jeffersonian

Please forward billing to:
S. Stan Rosinsky
707 Saylor Court
Baltimore, MD 21286

410-828-6328

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: 05-278-A

707 Saylor Court

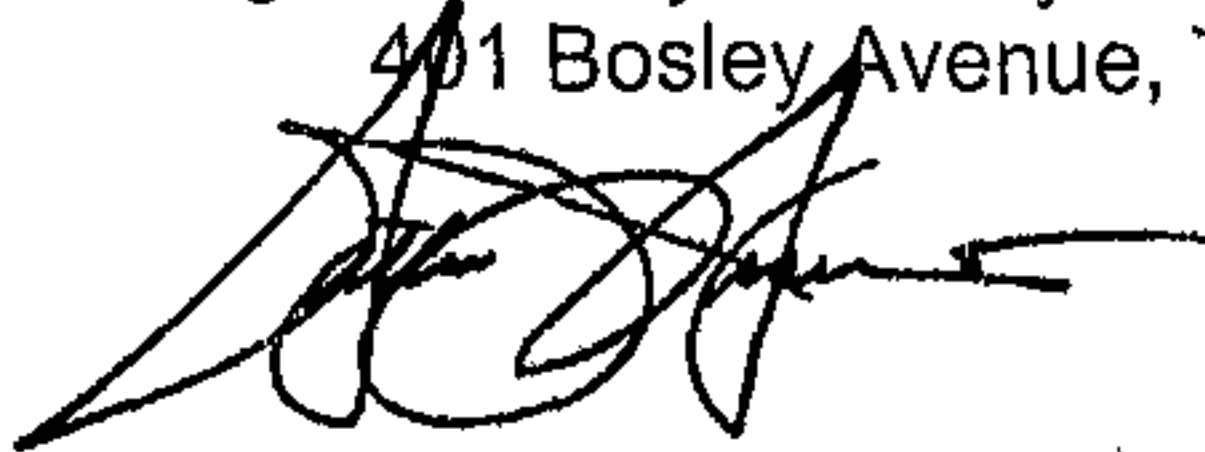
E/side of Saylor Court, 300 feet north of centerline of Scarlett Drive

9th Election District – 5th Councilmanic District

Legal Owners: S. Stan & Mary Anne Rosinsky

Variance to allow an accessory (detached garage) to be located in the side yard in lieu of the required rear yard.

Hearing: Tuesday, January 25, 2005 at 2:00 p.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM WISEMAN
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.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 278 -A

Address 707 Saylor Ct

Contact Person: John Sullivan
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 11-29-04

Posting Date: 12-12-04

Closing Date: 12-27-04

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 05- 278 -A

Address 707 Saylor Ct

Petitioner's Name S. Stan Rosinsky

Telephone 410-828-6328

Posting Date: 12-12-04

Closing Date: 12-27-04

Wording for Sign: To Permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number 05-2787

Petitioner Sc Stan Rosinsky

Address or ^{site} Location: 707 Saylor Ct

PLEASE FORWARD ADVERTISING BILL TO

Name Sam

Address _____

BALTO, Md, 21286

Telephone Number: 410-828-6328

**Department of Permits and
Development Management**

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



Baltimore County

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

January 18, 2005

S. Stan Rosinsky
Mary Anne Rosinsky
707 Saylor Court
Baltimore, Maryland 21286

Dear Mr. and Mrs. Rosinsky:

RE: Case Number: 05-278-A, 707 Saylor Court

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 29, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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





**Baltimore County
Fire Department**

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

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

December 9, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: December 13, 2004

Item No.: 267, 277-290

Pursuant to your request, the referenced plan(s) have been reviewed 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*

Driven to Excel
State Highway
Administration

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

Maryland Department of Transportation

Date: 12.10.09

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

RE: Baltimore County
Item No. 278 JJS

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,

Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr. *JDO*
DEPRM

DATE: January 24, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of December 20, 2004.

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

05-278

05-279

05-281

05-287

05-289

05-290

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: January 3, 2005

RECEIVED

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

JAN 5 2005

ZONING COMMISSIONER

SUBJECT: 707 Saylor Court

INFORMATION:

Item Number: 5-278

Petitioner: S. Stan Rosinsky

Zoning: DR 3.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided the design and exterior building materials of the proposed accessory structure are consistent with the existing structures in the immediate neighborhood (e.g. 705 Saylor Court). In addition, the accessory structure shall be the same color as the existing principal dwelling on the subject property.

The petitioner has agreed in advance to these conditions.

Prepared by: Mark A. Cunningham

Division Chief: [Signature]

AFK/LL:MAC:

1267 HV
Journal
Demand
1/25

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: December 29, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For December 20, 2004
Item Nos. 267, 278, 279, 280, 281,
284, 285, 288, and 289

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

RWB:CEN:jrb

cc: File

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
William J. Wiseman III, Zoning Commissioner

Diary 2/22

February 7, 2005

Mr. & Mrs. Donald Slowinsky
710 Shelley Road
Towson, Maryland 21286

Ms. Louise Taborsky
708 Saylor Court
Towson, Maryland 21286

Mr. George R. Conley
708 Shelley Road
Towson, Maryland 21286

Winnie Woodbury
945 Starbit Road
Towson, Maryland 21286

Mr. Charles A. Barraclough
704 Saylor Court
Towson, Maryland 21286

Re: Petition for Administrative Variance
Case No. 05-278-A
Property: 707 Saylor Court

Dear Ladies & Gentlemen:

I received the attached letter from the Petitioners which gives their reasons why their garage should be located in the side yard as they presented at hearing. When we ended the hearing on January 25, 2005, I left the record open so that everyone could discuss their positions and if possible come to an agreement on the issues in this case.

From reading the attached, I understand that you have not been able to come to an agreement and that I should decide the case on the testimony presented and evidence before me. However, to be fair, I will leave the record open for another two weeks to give the protestants a chance to respond to the attached. There is no need to respond if you are satisfied with the record as it stands.

Very truly yours,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Attachment

c: Mr. & Mrs. S. Stan Rosinsky, 707 Saylor Court, Baltimore, Maryland 21286

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



Good Afternoon,

Thank you for the opportunity

My name is Val Jean Slowinski. I am speaking on behalf of my neighbors in Campus Hills who are affected by the variance that is being requested by Mr. Rosinsky. Our neighbors Dr/Mrs. Barraclough at 704 Saylor Court have lived in Campus Hills for 42 years and Mr/Mrs. Taborsky at 708 Saylor Court have lived in Campus Hills for 48 years; Mr/Mrs. Conley at 708 Shelley Road for 40 years and Dr/Mrs. Slowinski at 710 Shelley Road for 42 years.

Campus Hills is a covenant community of 369 homes established in 1956. It is a very well-established residential community in the Towson area with a strong covenant policy and covenant committee.

Mr. Rosinsky acquired his current home approximately 2 years ago and has requested a variance to erect a pre-fabricated garage on his property. He is seeking a variance because he would be in violation of the Baltimore County law if he erected the proposed garage on his property. Baltimore County laws are enacted for a reason. If there were no regulations governing where structures could be erected then people could put garages and other structures anywhere, i.e., on their front lawn? We neighbors who are immediately impacted by the erection of a garage on the proposed location are in opposition to it.

Because of the design and placement of Mr. Rosinsky's home, the proposed garage will not be viewed by him because that side of his home is brick and has no windows. Mr/Mrs. Taborsky, the neighbor next to Mr. Rosinsky, is opposed to the erection of a garage. Dr/Mrs. Barraclough who live directly across the court from Mr. Rosinsky are opposed to a garage being erected. Mr/Mrs. Conley and Dr/Mrs. Slowinski who live behind Mr. Rosinsky's property are impacted the most by the construction of a

garage. They will be viewing it constantly every day. Their homes are situated in such a way that the active and most used portion of their homes(kitchen, family room, dining room, decks, bedroom, bathroom)provides full view of the area Mr. Rosinsky wishes to place this garage. In addition, one of the properties is elevated by about 10 or 12 feet so they would be looking down on this building daily.

Please note that I used the word "wishes" to place this garage. Many individuals wish to do or have things but they are not always a necessity. This garage is not a necessity. If Mr. Rosinsky needed a garage he should have considered purchasing a home that had a garage.

Mr. Rosinsky removed two 30 year old pine trees of great height and beauty in anticipation of erecting a garage. He was not aware that county regulations requiring permits, variance, covenants, etc were necessary in order to accomplish what he wanted.

Mr. Rosinsky filed an affidavit that states the garage would be a pre-fabricated model and it would be placed 3' from his property line. This is not in keeping with the plans submitted to the county.

If Mr. Rosinsky is granted a variance it would open the floodgates to others in our community to follow suit. Furthermore, all Campus Hills homes that have self-standing garages are behind (or set-back) of the rear line of the house.

We request that this variance requested by Mr. Rosinsky be denied.

1. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

January 30, 2005

Mr. John Murphy
Deputy Zoning Commissioner
401 Bosley Ave #405
Baltimore, Md 21204

RECEIVED

FEB - 2 2005

ZONING COMMISSIONER

Op
1/25

05-278-A

Dear Mr. Murphy,

I met with you on January 25, 2005 concerning a garage to be built on the side of the house instead of the back. The result of the hearing was that 707 Saylor Court in the Campus Hills Community had to prove why the garage couldn't be built in the backyard. I am requesting an exception to the rule based on the following reasons:

The Campus Hills Association gave its approval in writing and I acted on that information in good faith and committed to having the construction move forward.

The property located at 707 Saylor Court does not have sufficient space in the right rear yard to allow a garage to be reasonably constructed.

The land adjacent to the existing driveway has sufficient space to allow the garage to be constructed and facilitate safe movement of the car in and out of the garage.

The house has been constructed so that the natural location of the driveway and garage should be to the left of the house for the following reasons:

***The bulk of the land is on the left side of the house making that the natural location for the driveway and garage.

***It would be illogical to have the garage located in the right rear side of the house since the approach to the front steps and front door is oriented from the left of the house.

If the garage is built on the right side of the house the following problems will occur:

Houses in Baltimore County are prohibited from having two driveways, so the existing driveway will have to dug up/blocked off.

A new driveway will be inches from the bedroom windows on the lower level of the house. The construction of a driveway so close to the house will cause the foundation of the house to be damaged.

The property line is very near a drop off and may prove unsafe for construction of a garage and driveway. It will be unwieldy and unsafe driving for the construction trucks and crews to reach the back of the house.

The length of the driveway will not fit the other two family cars comfortably and force one car to be parked in the court, inconveniencing the neighbors.

If the garage is placed in the rear and the existing driveway is used, the driveway will have to be extended the entire width of the backyard. The space will not allow safe movement of the car in or out of the garage as it will have to turn a sharp corner to enter the back of the house.

Also, if the garage is placed in the rear, but closer to the driveway, it will block the backdoor, becoming a potential fire hazard.

In addition, if the garage is placed in the rear, the neighbors view of the garage will be a wall, instead of a roof. The car pad where the work on the car will be done, will be 10 feet from their backdoor, instead of 30 feet.

The garage will serve other functions beside housing a classic car. The unsightly existing shed that houses the children's bikes, lawn equipment and a few of Mr. Rosinsky's work tools will be removed. These things will be stored inside the garage. The garbage cans and recycling will also be stored inside the garage.

The garage will not only increase the value of the property, but the insurance premium for the classic car will be reduced by at least 75%. That extra money can be used towards the upkeep of the landscape surrounding the garage.

Many of the neighbors have signed a letter of agreement for the construction of the garage, understanding that the garage will be placed on the side not the back of the house. The neighbors understand that there is limited room in the back of the house.

Thank you for time and patience concerning this matter. I look forward to hearing from you in the near future.

Stan Rosinsky
Mary Anne Rosinsky
707 Saylor Court
Baltimore, Md 21286

Mary Anne Rosinsky
Stan J Rosinsky

RECEIVED

FEB 17 2005

14 February 2005

ZONING COMMISSIONER

Mr. John V. Murphy
Deputy Zoning Commissioner
County Courts Building Suite 405
401 Bosley Avenue
Towson MD 21204

Re: Petition for Administrative Variance
Case #05-278-A
Property: 707 Saylor Court

Dear Mr. Murphy,

Thank you for the opportunity to respond to Mr. Rosinsky's (petitioner) letter to you of 30 Jan 05.

To facilitate your decision in this matter I am enclosing a copy of the presentation I gave on behalf of the protestants at the hearing on 25 Jan 05.

Mr. Rosinsky's letter indicates that the result of the hearing was that he had to prove why the garage couldn't be built in the backyard. This was not our understanding as we left that hearing.

Mr. Rosinsky goes on to say "the Campus Hills Association gave its approval in writing" and he then went ahead with his plans to construct the garage. It seems that Mr. Rosinsky should have familiarized himself with the Baltimore County law before he proceeded to do anything in the area of commitment or construction of a garage.

Mr. Murphy, as recorded on tape at the hearing we did not accept the two (2) documents Mr. Rosinsky placed in evidence. They both were invalid documents.

First, the letter written by Gary Bull (covenants committee) was not authorized by the committee. The proposed garage was a matter of discussion. No formal presentation, motion, discussion or vote was taken by the covenants committee. Furthermore, this is not an issue for the covenants committee of Campus Hills, this is a Baltimore County matter and the Baltimore County law is very clear.

Second, Mr. Rosinsky makes reference to a letter signed by neighbors who indicated they would not object to him erecting a garage. We designated this document to be invalid.

These people live in Campus Hills but not in any close proximity to the site. Some of them live blocks away and would not at all be affected by the location of the garage.

Mr. Rosinsky proceeds in his letter making reference to the garage being built on the "right side of the house". No one proposed that he access a garage erected in his backyard by using the right side of the house. There is no need for him to construct a new or second driveway.

If a garage is placed in Mr. Rosinsky's backyard it does not appear that it would block the back door of his home. The measurement of 10 feet from the neighbor's back door is inaccurate since Mr. Conley's entire backyard and deck separate Mr. Rosinsky's property from that of Mr. Conley's.

At this time there is nothing "unsightly" about the shed that currently exists on the side of the house. It was acquired by Mr. Rosinsky when he purchased the house and when maintained in an appropriate way is not the eyesore that he purports it to be.

On behalf of the Conleys, Barracloughs, Taborskys, and Slowinskis, we continue to be opposed to the issuance of a variance for 707 Saylor Court.

Thank you Mr. Murphy for the courtesy of enabling us to respond.

Very truly yours,



VAL JEAN SLOWINSKI

Enclosure

IN RE: **PETITION FOR SPECIAL HEARING** *

N/S Wise Avenue, 148' SE of Waterview
Avenue *

(702 Wise Avenue)

15th Election District *

7th Council District *

The Estate of Charles G. Greason

Petitioner *

BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 06-278-SPH

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Special Hearing filed by Patricia Samuels and Jessie Delaney-Greason, as co-personal representatives of Charles Gailan Greason, deceased, through their attorney, C. William Clark, Esquire, of Nolan, Plumhoff and Williams. The Petitioner requests a special hearing seeking approval of nonconforming use(s) for a boatyard, office and five (5) apartments with parking at the property known as 702 Wise Avenue, as more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Patricia Samuels, daughter, and Jessie Delaney-Greason, wife, personal representatives of Charles G. Greason, deceased, and Stephen J. Holmes, Esquire, attorney for the estate, and C. William Clark, Esquire, attorney for the Petitioner. Also appearing in support of the petition were David Tant, Paul Renfrow, Edward J. Gill, CPA, Michael Burke, and Patrick C. Richardson, P.E., of Richardson Engineering, LLC, the consultant who prepared the site plan for this property. Appearing in opposition to the petition were Lionel van Dommelen, a managing member of Oakleigh Beach Management, LLC, the adjacent property owner/operator of a tavern known as the Seahorse Inn, and Steven Goff, a nearby resident of the area.

Numerous exhibits were offered, including the site plan, photographs pertaining to the

property, application and permit to construct an 80' pier, prior Zoning Commissioner's Order (May 28, 1962 – Case No. 5555-X-SPH) and various versions of the zoning regulations.

The facts surrounding the case are clear and are, for the most part, not in dispute. Charles G. Greason, and his father before him, as far back as the early 1950's owned many of the waterfront properties along Wise Avenue, including the subject property at 702 Wise Avenue and the adjoining property at 710 Wise Avenue where the Seahorse Inn is located. The properties are located in the Oakleigh Beach subdivision of Dundalk, zoned BL, bordered by Wise Avenue to the south and Schoolhouse Cove, also known as Bear Creek, to the north. The subject property at 702 Wise Avenue (Lot 8) is 7,533 sq. ft. in area, improved with a 2,040 sq. ft., two-story building, bulkhead and 80' long pier. The adjacent property, 710 Wise Avenue, (consisting of Lots 9 thru 12) is larger in area, consisting of 18,730 sq. ft., improved with a 3,274 sq. ft. commercial building used as a restaurant. In July of 2000, the family ownership connection came to an end with 710 Wise Avenue being conveyed to the Oakleigh Beach Management, LLC.

Uncontradicted testimony offered was that the primary structure at 702 Wise Avenue was a one-story structure built in 1903 and principally used as a used car lot until the early to mid 1950's when Mr. Charles Gailan Greason converted its use to a tackle shop selling bait, ice, fishing licenses, etc., with a living unit at the rear of the building. He later applied for and received permits to extend the shoreline by filling and constructing a bulkhead (50' x 30' in area) and a floating pier (5' wide by 80' long) in the early 1960's (Petitioner's Exhibits 4, 5 and 6). These basic improvements then remained unchanged until the late 1960's or early 1970's when a second floor addition with additional living units was built over top of the tackle shop. As the history of the case and exhibits show, the structure changed after Mr. Greason filed a petition with the then Zoning Commissioner, John G. Rose, requesting a special exception to allow for "living quarters in a commercial building".

It is this basic configuration of the structure that has remained unchanged since its construction following the adoption of the zoning regulations in Baltimore County. This building was then, in fact, used since 1970 as a tackle shop/office with two (2) apartment units on the first floor with three (3) apartment units over top on the second floor. Since then, the office and all of the apartments, upstairs and downstairs, have been in constant use.

The standard to legitimize a non-conforming use is set forth within Section 104 of the Baltimore County Zoning Regulations (B.C.Z.R.). Specifically, Section 104.1 provides:

“A nonconforming use (as defined in Section 101¹) may continue except as otherwise specifically provided in these regulations, provided that upon any change from such nonconforming use to any other use whatsoever, or any abandonment or discontinuance of such nonconforming use for a period of one year or more, the right to continue or resume such nonconforming use shall terminate.”

It is clear that the nonconforming use(s) presented in this case are at best problematic. The pier or boatyard with its 26 boat slips, which will be discussed below, pre-dated the County Council's parking regulations contained in Bill 149-92 requiring one parking space for every two (2) slips. The lawful use of living quarters in a commercial building was approved in 1962 – but to what extent? The site plan (Petitioner's Exhibit 8) clearly indicates on the plat that the first floor would contain 1,400 sq. ft. of retail store and one (1) apartment and a 1,365 sq. ft. music studio and offices with two (2) apartments on the second floor. As stated above, the Petitioner claims five (5) apartments. It is also rather obvious that the site plan for 702 Wise Avenue filed with the petition in Case No. 5555-X-SPH treated Lots 8 thru 14 as shared and used in concert with one another. See “Drive in Common” driveway isle running between the improvements on Lot 8 (702 Wise Avenue) and Lot 9 (710 Wise Avenue) as well as the required parking beginning as space

¹ The definitional section 101 of the B.C.Z.R. defines a nonconforming use: “A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use”. A specifically named use described by the adjective “nonconforming” is a nonconforming use.

no.(s): 1 thru 6 on Lot 8, then continuing with parking spaces 7 thru 13 being on Lot 9, spaces 14 thru 19 on Lot 10 and spaces 20 thru 25 on Lot 11 and so on until reaching the 48th parking space on Lot 14. The plat accompanying the petition filed in 1962 required 13 parking spaces at 702 Wise Avenue. Given the history this far, it is again worthy to point out that this case comes before me not as a property with its office, pier and (5) apartments and parking in place in the mid 1900's, but as one involving the improvements and basic configuration of the building being changed or converted following the adoption of the zoning regulations in 1945 or their comprehensive re-adoption in 1955.

Whether a nonconforming use can be changed, expanded or altered, must bear scrutiny. If additional living quarters have been added, are they a type of illegal expansion or change of a nonconforming use under B.C.Z.R. 104.1? Expansions are limited and restricted in B.C.Z.R. 104.3. The policy of the law is to eliminate nonconforming uses over time. *Prince George's County v. E.L. Gardner* 293 Md. 259, 267-68 (1982) contains an excellent discussion of nonconforming use law in which, Judge Davidson wrote:

"This Court has repeatedly recognized that one of the fundamental problems of zoning is the inability to eliminate incompatible nonconforming land uses. In *Grant v. Mayor and City Council of Baltimore*, 212 Md. 301, 307, 129 A.2d 363, 365 (1957), this Court said:

Nonconforming uses have been a problem since the inception of zoning. Originally they were not regarded as serious handicaps to its effective operation; it was felt they would be few and likely to be eliminated by the passage of time and restrictions on their expansion. For these reasons and because it was thought that to require immediate cessation would be harsh and unreasonable, a deprivation of rights in property out of proportion to the public benefits to be obtained and, so, unconstitutional, and finally a red flag to property owners at a time when strong opposition might have jeopardized the chance of any zoning, most, if not all, zoning ordinances provided that lawful uses existing on the effective date of the law could continue although such uses could not thereafter be begun. Nevertheless, the earnest aim and ultimate purpose of zoning was and is to reduce nonconformance to conformance as speedily as possible with due regard to the legitimate interests of all concerned, and the ordinances forbid or limit expansion of nonconforming uses and forfeit the right to them upon abandonment of the use or the destruction of the improvements housing the use.

Thus, this Court has recognized that the problem inherent in accommodating existing vested rights in incompatible land uses with the future planned development of a community is ordinarily resolved, under local ordinances, by permitting existing uses to continue as nonconforming uses subject to various limitations upon the right to change, expand, alter, repair, restore, or recommence after abandonment. Moreover, this Court has further recognized that the purpose of such restrictions is to achieve the ultimate elimination of nonconforming uses through economic attrition and physical obsolescence. *The Arundel Corp. v. Board of Zoning Appeals of Howard County*, 255 Md. 78, 83-4, 257 A.2d 142, 146 (1969); *Stieff v. Collins*, 237 Md. 601, 604, 207 A.2d 489, 491 (1965); *Colati v. Jirout*, 186 Md. 652, 655, 657, A.2d 613, 614-15 (1946); *Beyer v. Mayor of Baltimore*, 182 Md. 444, 446, 34 A.2d 765, 766 (1943); See *Kastendike v. Baltimore Ass'n for Retarded Children, Inc.*, 267 Md. 389, 397, 297 A.2d 745, 749-50 (1972).

Whether a nonconforming use can be changed, extended, enlarged, altered, repaired, restored, or recommended after abandonment ordinarily is governed by the provisions of the applicable local ordinances and regulations. *Feldstein v. La Vale Zoning Board*, 246 Md. 204, 211, 227 A.2d 731, 734 (1967); *Phillips v. Zoning Comm'r of Howard County*, 225 Md. 102, 109, 169 A.2d 410, 413 (1961); *Board of Zoning Appeals of Baltimore County v. Gue*, 217 Md. 16, 21-22, 141 A.2d 510, 513 (1958). These local ordinances and regulations must be strictly construed in order to effectuate the purpose of eliminating nonconforming uses. *Mayor of Baltimore vs. Byrd*, 191 Md. 632, 638, 62 A.2d 588, 591 (1948); *Colati*, 186 Md. at 658-59, 47 A.2d at 616; *Knox v. Mayor of Baltimore*, 180 Md. 88, 96, 23 A.2d 15, 18 (1941); see *City of Hagerstown v. Wood*, 257 Md. 558, 563, 263 A.2d 532, 534 (1970); *Hewitt v. County Comm'rs of Baltimore County*, 220 Md. 48, 59, 151 A.2d 144, 150 (1959)."

Both sides presented their positions. As much of the Petitioners five (5) witnesses called to testify were duplicitous, their testimony will be summarized as follows. Patricia Samuels grew up in the rear of her father's tackle shop. She provided a detailed family history starting in 1959 as to how her father and grandfather (Charles Greason) used the property at 702 and 710 Wise Avenue, the latter property (710 Wise Avenue) passing through many family members until her father conveyed his interest in 1977. Her father continued the operations at 702 Wise Avenue until his death in August, 2004. She was able to produce photographs (Exhibit No. 2) showing the tackle shop as it existed in the early 1960's, the requisite permits for the construction of the pier at the

rear of the property (Exhibit Nos. 4, 5 and 6), the Petition for Special Exception, Order and site plan previously mentioned which authorized the living quarters in a commercial building, thereby legitimizing her father's living quarters as well as allowing her father and grandfather to add the second floor addition which was done in the late 1960's or early 1970's and depicted on the photographs taken by her (Exhibit No. 3). In essence, Ms. Samuels, traced the various property uses over the years noting the office changes from tackle shop to music studio and now a photography studio located in the front of the building with five (5) apartments (two on the ground level, three on the second floor) which share the six (6) parking spaces in the front of the building. The 80 ft. pier with its 26 boat slips, she explained, was used mostly by family members, friends and apartment renters with some occasional slip rentals to area boaters. Moreover, she testified that there were never any boat sales, gasoline fueling, boat launching, boat repairs or out of water storage conducted on the property. Eight (8) parking spaces were provided at the bulkhead for people using the pier.

Addressing the pending zoning violation case (No. 05-3346) brought against her father's estate for operating an illegal marina, the family believes the genesis of this complaint to be unfounded and resulting largely from the family's decision not to sell the property to the current owners of 710 Wise Avenue. She noted that the office, apartments and pier remain in the exact configuration as when they were constructed in the 1960's pursuant to permitted approvals.

The second, third and fourth witnesses were Messrs. Paul Renfrow, Edward Gill, and Michael Burke. Each testified that the property in question, the five (5) apartments, office building and accessory boatyard had been used continuously as indicated by Ms. Samuels. Mr. Renfrow, who is now 76 years of age, lived on Wise Avenue from 1950 through 1964. He was a close friend of Mr. Greason's, belonging to the same hunting club and often visited the subject property. He distinctly remembers three (3) individuals who rented boat slips from Mr. Greason and recalls

seeing a houseboat moored at the end of the pier for some 20 years. Mr. Gill, born in 1953, grew up at 802 Wise Avenue, and began working in Mr. Greason's tackle shop at age 13 (1967) mopping floors, taking care of his dog, the bait, and the ice machines, etc. He continued this employment through the next nine (9) years until he graduated from college in 1975. After becoming a certified public accountant, Mr. Gill prepared Mr. Greason's tax returns each year. He testified that Mr. Greason rented slips at the pier for those desiring to berth their boats in the area and each year he (Mr. Gill) would prepare a Schedule E depreciating the improvements and declaring the apartments and pier rentals. When questioned by Mr. van Dommelen concerning authentication by way of producing receipts or other documentary proof, Mr. Gill responded that he had none but that he had archived Mr. Greason's tax returns and believed he could produce copies beginning as far back as 1987. Michael Burke resided at 710 Wise Avenue from 1954 to 1980 with the exception of eight (8) years of military service (1964-1972). He is Mr. Greason's nephew and was called to testify since he began living in one of the apartments over the tackle shop in 1980. While he kept a boat at the pier, he paid no slip rental to Mr. Greason due to his family relationship.

Patrick C. Richardson, Jr., a professional engineer, who supervised the preparation of the site plan, was accepted as a zoning expert and testified that the current parking requirements for 26 boat slips, office space and five (5) apartments amounts to 21 spaces with 14 spaces provided as shown on Exhibit No. 1. His review of the 1955 and 1969 zoning regulations and, in particular, Section 409 of those regulations contained no provision or requirement for off-street parking for boatyards. It was his opinion that the subject pier was a boatyard by definition as opposed to a marina, as no services were offered or provided by Mr. Greason. He further opined that the pier was a lawful use as it was built pursuant to a permit (No. 11435 issued 2/17/60) prior to Council Bill 64 (1963) which first defined a boatyard and then permitted its use in the BL zone by special

exception well before the required parking regulations mandated by Council 149-92, which in his opinion, rendered the boatyard a lawful non-conforming use. In this regard, he further asserted that the office use was permitted by right and that the apartment use was, likewise, a lawfully existing use by virtue of the special exception relief granted in 1962.

As to the Protestants, they argue over the nature of the use and parking concerns. As noted above, Lionel van Dommelen has been in business at this location (710 Wise Avenue) for some five (5) years. He testified that he never had any problems with Mr. Charles Gailand Greason and did not take any issue with the manner by which Mr. Greason operated his business from the subject site. He described that business as fairly subdued. He characterized the pier as being "an underused pier" and utilized by Mr. Greason and his family members and "perhaps a few people would come and go". It was not operated as a boatyard, nor were there any parking problems. There were never any signs posted on the property advertising the pier or slip rentals and he never saw a rental receipt. Following Mr. Greason's death, things changed. The crux of the problem is available parking. The site plan shows 14; van Dommelen claims they need 30. He points out that eight (8) parking spaces located in front of the pier are not depicted as being on the Petitioner's property as shown on the site plan. He points out that if the lots east and west boundary lines were extended straight out towards the water, they would transcend or cut through the parking spaces as shown. He stated that following Mr. Greason's death, a pier slip was rented to a charter boat fisherman increasing the volume of customer parking about the property in a scattered and haphazard fashion which blocked Mr. van Dommelen's delivery trucks from accessing the restaurant. He filed a complaint with the Zoning Enforcement Division. As Mr. van Dommelen feared that an expansion of the family pier to that of a boatyard use would create a burden on adjoining property owners as well as an overcrowding of his property.

Based upon the totality of testimony and evidence offered, I find that the office use and

three (3) residential dwelling units on the subject property (one on the first floor – two on the second floor) have lawfully existed for some 35 years and are permitted uses. The fourth and fifth dwelling units, although they have also existed on the site for many years, were not included within Commissioner Rose's determination in 1962 and for reasons set forth in this Order, exist on the property, in violation of the zoning regulations of Baltimore County. The evidence presented did not disclose any explanation for the expansion of these two (2) additional apartments.

The not-so simple answer involves Petitioner's request to have me declare the pier as a boatyard. I agree with the Petitioner's expert, Mr. Richardson, that the pier built in conjunction with Mr. Greason's tackle and bait business is a permitted and lawful use. Accordingly, it shall continue to operate as it has since 1962. The larger question is whether it may be now allowed to operate as a non-conforming boatyard. The term "boatyard" first appeared in the definitional section of the B.C.Z.R. in 1963 and remains valid today.

BOATYARD: A commercial or non-profit boat basin with facilities for one or more of the following: sail, construction, repair, storage, launching, berthing, securing, fueling and general servicing of marine craft of all types.

As is required in any case where a regulation needs to be interpreted, the first task is to carefully examine the words used by the County Council. In this instance, it must be noted that the Council used the words "commercial or non-profit" boat basin The words commercial, according to Webster's Third New International Dictionary, means: From the point of view of profit: having profit as the primary aim.

Applying these definitions and evidence received to the instant case, I must conclude that Mr. Greason was not engaged in the operation of a boatyard over the past 40 years but wanted to construct a pier primarily as an accessory use to his bait business and secondarily, to be used by family and friends.

Furthermore, the Court of Special Appeals, in the case of *McKemy v. Baltimore County*, 39

Md. App. 257, 385 A.2d 96 (1978), established four (4) factors which are to be considered in determining whether a particular activity is within the scope of a non-conforming use:

1. To what extent does the current use of the property reflect the nature and purpose of the original non-conforming use;
2. Is the current use merely a different manner of utilizing the original non-conforming use or does it constitute a use different in character, nature, and kind;
3. Does the current use have a substantially different effect upon the neighborhood;
4. Is the current use a "drastic enlargement or extension" of the original non-conforming use. 39 Md. App. at 269-70, 385 A.2d at 104.

In my judgement, the proposed use of the property by the heirs of Mr. Greason's estate does not reflect the nature and purpose of the original business use of the property by Mr. Greason. The pier has been an accessory use of the tackle and bait business as well as the residential elements that share the lot and pier. I see no telling evidence that there was a commercial (boatyard) use firmly established on the property. The incidental and/or occasional slip rental does not constitute evidence that a boatyard operated on this site. A commercial boatyard would be an impermissible extension of the private pier use historically proven at the hearing. Under these circumstances, it must follow that the Petitioner's have not met their burden and the petition, with respect to the non-conforming uses, must, therefore, be DENIED.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, I find that the use of the subject property by the Estate of Charles Greason is beyond the scope of non-conforming use(s) permitted by law.

I perceive that the use(s) of the subject property to be inherited through the Estate of Charles Greason to be that of a lawful existing pier, office and three (3) apartments with parking and, therefore, allowed to continue to operate from the site. Accordingly, it is not appropriate for

the estate to continue to operate the two (2) additional apartments or use the pier as a boatyard which are not to be considered intensifications of the permitted uses and, therefore, must cease.

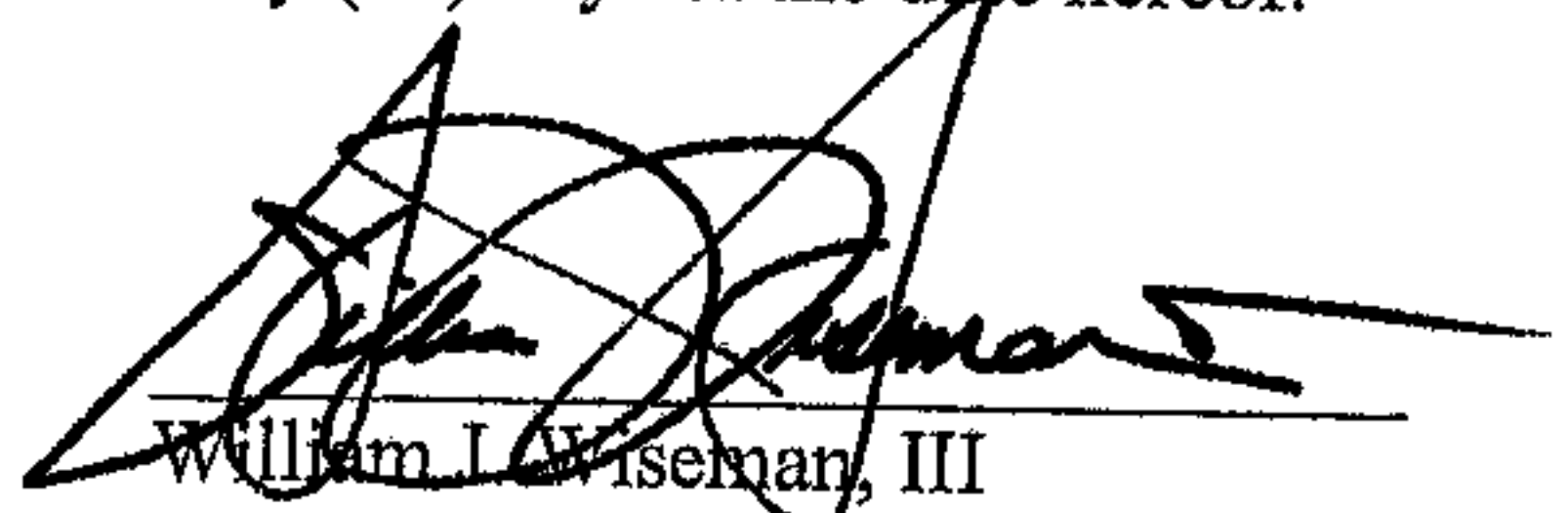
THEREFORE, it is ORDERED, by the Zoning Commissioner for Baltimore County this 26th day of May, 2006 that the Petitioners request for Special Hearing, to approve the use of the subject property as a non-conforming boatyard, office and five (5) apartments with parking, be and is hereby DENIED; and

IT IS FURTHER ORDERED that the lawful and previously permitted uses of a pier, office and three (3) apartments with parking, which have been owned and operated by Charles G. Greason since the 1960's until his death in August, 2004, shall be permitted to continue to operate from the site as they have over the past 44 years. Therefore, the denial of the Special Hearing request as it pertains to the non-conforming uses shall not affect the ability of the Personal Representatives of the Greason Estate to continue to operate the business from this property as the decedent had done in the past; and

IT IS FURTHER ORDERED that the third and fourth residential apartment use must be terminated within one hundred and twenty (120) days of the date hereof, and the Petitioner shall make available, upon reasonable notice the interior of the property for inspection by a representative of the Code Enforcement Division of the Department of Permits and Development Management (DPDM) to ensure compliance with this Order; and

IT IS FURTHER ORDERED that the subject property does not enjoy a valid, non-conforming use as a boatyard.

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



William J. Wiseman, III
Zoning Commissioner for
Baltimore County

WJW:dlw

CASE NAME 707 Saylor Ct
CASE NUMBER 05-0278-A
DATE 1/25/05

PETITIONER'S SIGN-IN SHEET

[illegible]

CASE NAME 707 Saylor Ct
CASE NUMBER 05-278-A
DATE 1/23/05

CITIZEN'S SIGN-IN SHEET

[illegible]

D.R.2

D.R.3

D.R. 3.5

1" = 200'

NE 10-B

Trees

bank

OMWELL HIGTS.

BEAVER BANK CT.

BEAVER

CROM

RUN

#278

SCARLETT

SETH

HILL

CAMPUS

SHAW

SHELLEY

SAYLOR

SEABROOK

SEABROOK

SERWORD

Pool

WICK

ROAD

DRIVE

COURT

SANIER

CT.

CT.

COURT

DRIVE

ROAD

ROAD

SEABROOK

ROAD

SAVILLO

COURT

SULLIVAN

SCARLETT

SETH

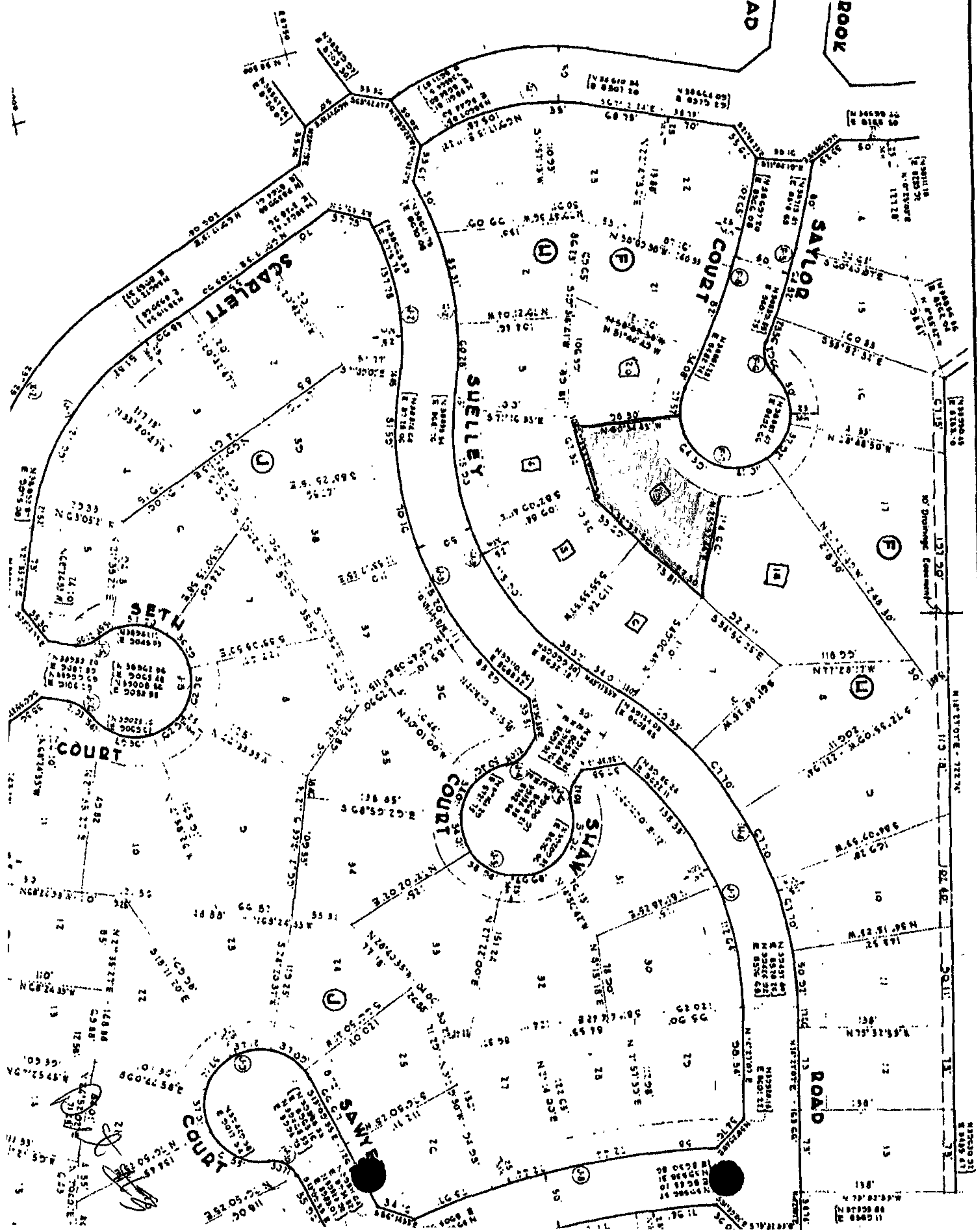
COURT

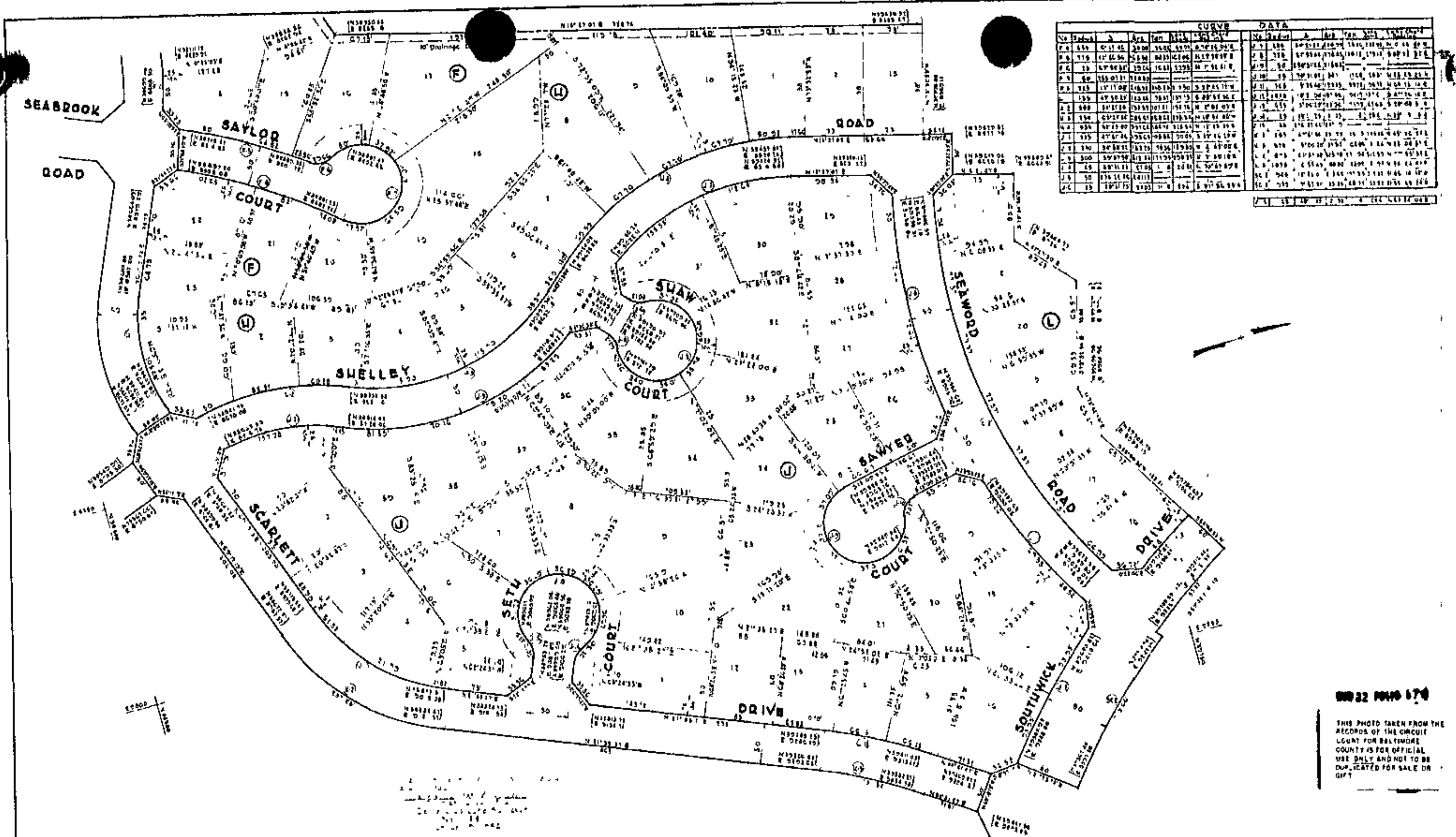
COURT

SLAW

COURT

ROAD





CURVE DATA									
No.	Station	Angle	Radius	Chord	Area	Length	Offset	Offset	Offset
1	100+00	90°	100.00	100.00	7853.98	314.16	0.00	0.00	0.00
2	100+00	90°	100.00	100.00	7853.98	314.16	0.00	0.00	0.00
3	100+00	90°	100.00	100.00	7853.98	314.16	0.00	0.00	0.00
4	100+00	90°	100.00	100.00	7853.98	314.16	0.00	0.00	0.00
5	100+00	90°	100.00	100.00	7853.98	314.16	0.00	0.00	0.00
6	100+00	90°	100.00	100.00	7853.98	314.16	0.00	0.00	0.00
7	100+00	90°	100.00	100.00	7853.98	314.16	0.00	0.00	0.00
8	100+00	90°	100.00	100.00	7853.98	314.16	0.00	0.00	0.00
9	100+00	90°	100.00	100.00	7853.98	314.16	0.00	0.00	0.00
10	100+00	90°	100.00	100.00	7853.98	314.16	0.00	0.00	0.00

THIS PHOTO TAKEN FROM THE RECORDS OF THE CIRCUIT COURT FOR BALTIMORE COUNTY IS FOR OFFICIAL USE ONLY AND NOT TO BE REPRODUCED FOR SALE OR GIFT

USE 22 FORM 67 018 104 APPROVED Baltimore County Health Department <i>[Signature]</i> Deputy, State and County Health Officer Date: 11/11/55	Coordinates shown are extensions made from Baltimore City coordinates as established by Baltimore City Topographical Commission. Bearings refer to true north Baltimore, and are based on Baltimore County Metropolitan Inter-Local Control Points 1041 and 1042.	ENGINEERS William R. Ruppel & Associates 3 West Franklin Street Baltimore 1, Maryland <i>[Signature]</i> Ray H. Ruppel Registered Land Surveyor No. 557	OWNER OWNERS CERTIFICATE Certification is hereby made that the requirements of the annotated code of Maryland, Chapter 101B, Act of 1945, have been complied with on this plat. <i>[Signature]</i> Victor J. Ruppel Vice President	The sheets or maps shown herein are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simply due to the land thereof is hereby reserved to the owner. Approved Baltimore County Planning Board By: <i>[Signature]</i> Date: 11/11/55 Approved Baltimore County Highways Department By: <i>[Signature]</i> Date: 11/11/55	CAMPUS HILLS SEC. SOUTH - II B ELECTION DISTRICT No. 9 BALTIMORE COUNTY, MARYLAND NOVEMBER 4, 1955 SCALE: 1" = 50'
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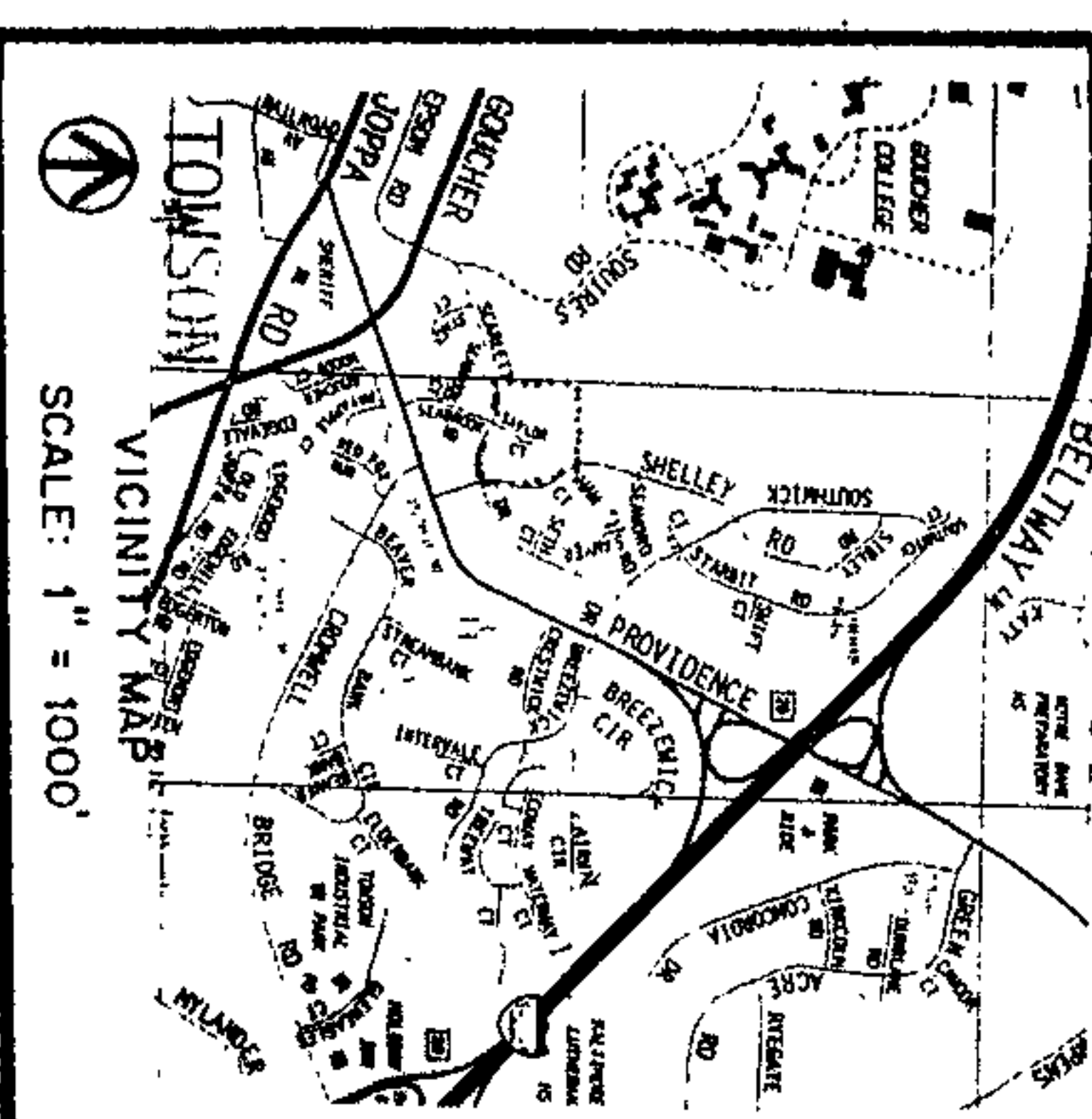
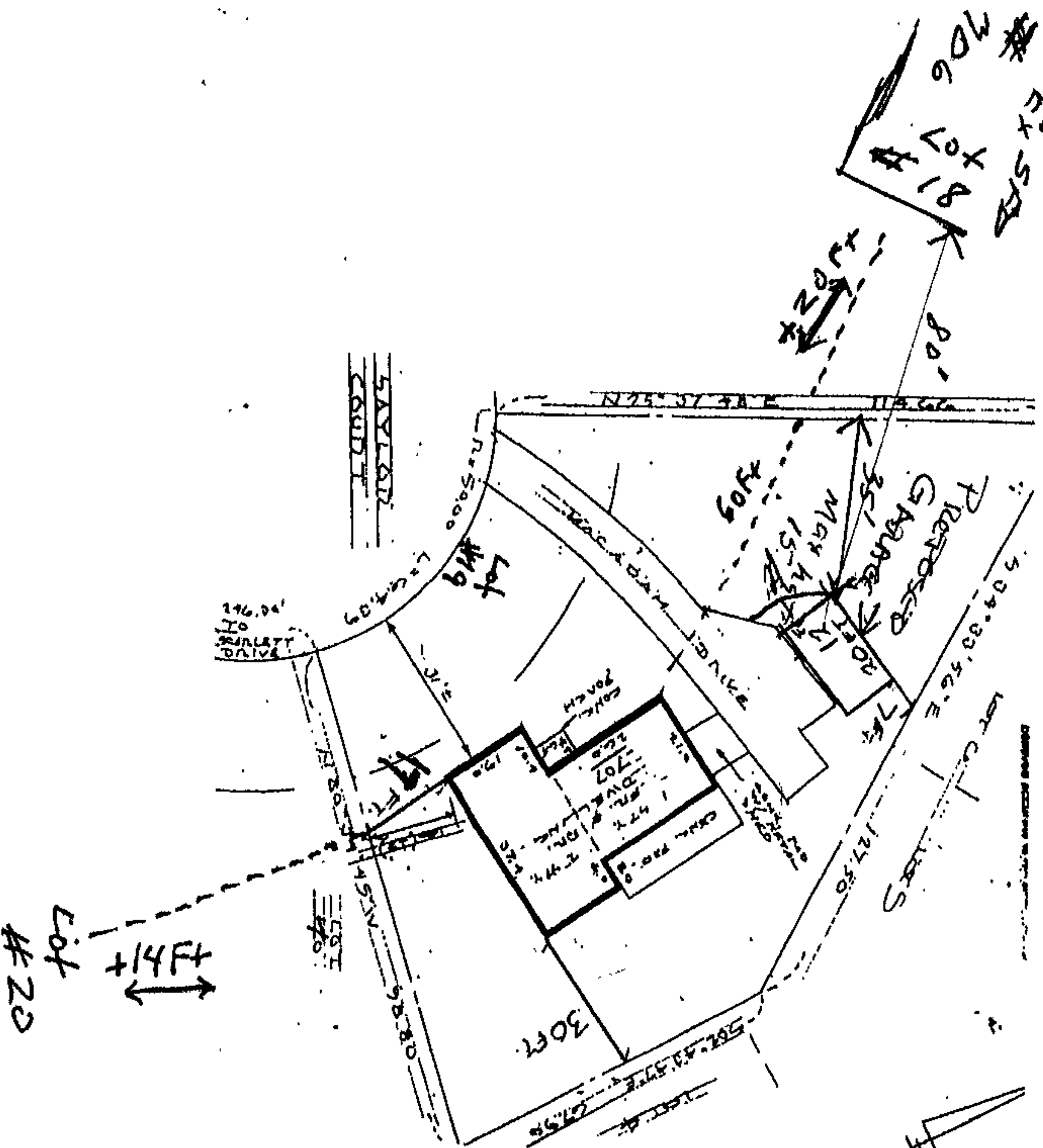
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 707 Saylor Ct. SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Campus Woods.

PLAT BOOK # 22 FOLIO # 67 LOT # 19 SECTION # 2-B

OWNER Schm Stan + Mary Anne Rosinsky



LOCATION INFORMATION

ELECTION DISTRICT 8

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # NE 10-B

ZONING D.R. 3.5F

LOT SIZE 0.31 ACRES 136,744 SQUARE FEET

PUBLIC PRIVATE

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ PUBLIC ☐ PRIVATE

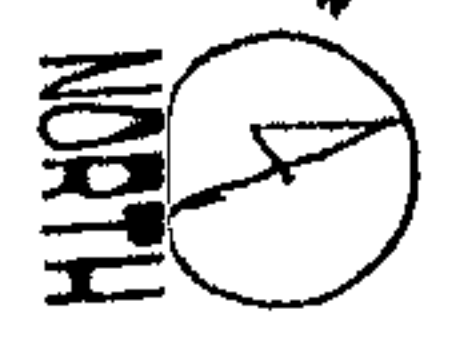
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING NO

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE # 278



PREPARED BY

SCALE OF DRAWING: 1" = 40 FT.



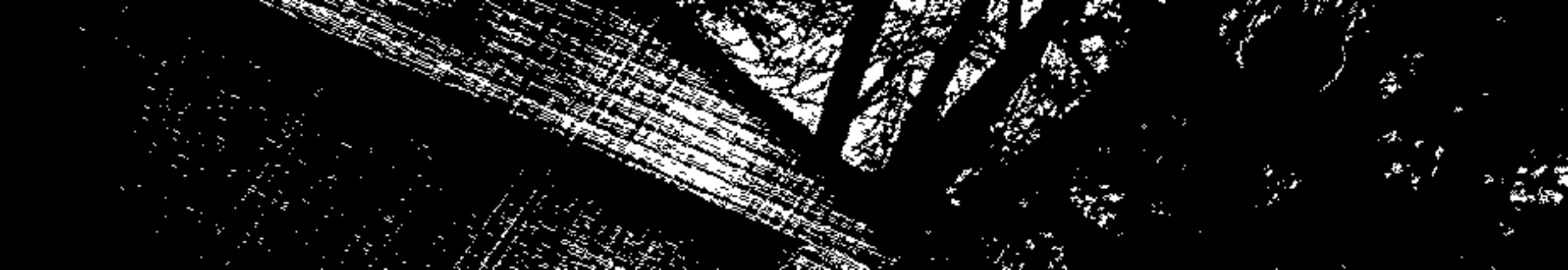
































































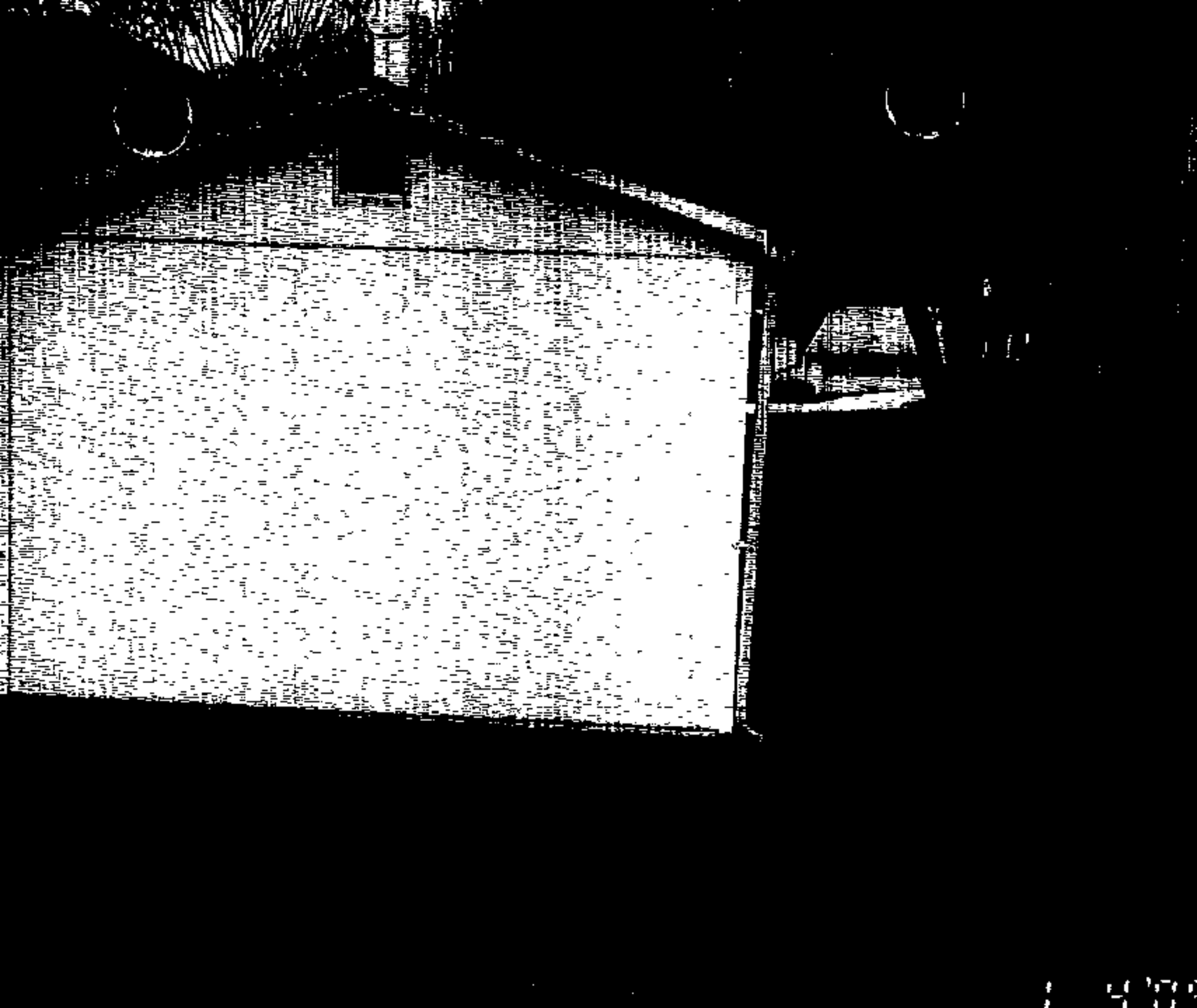




































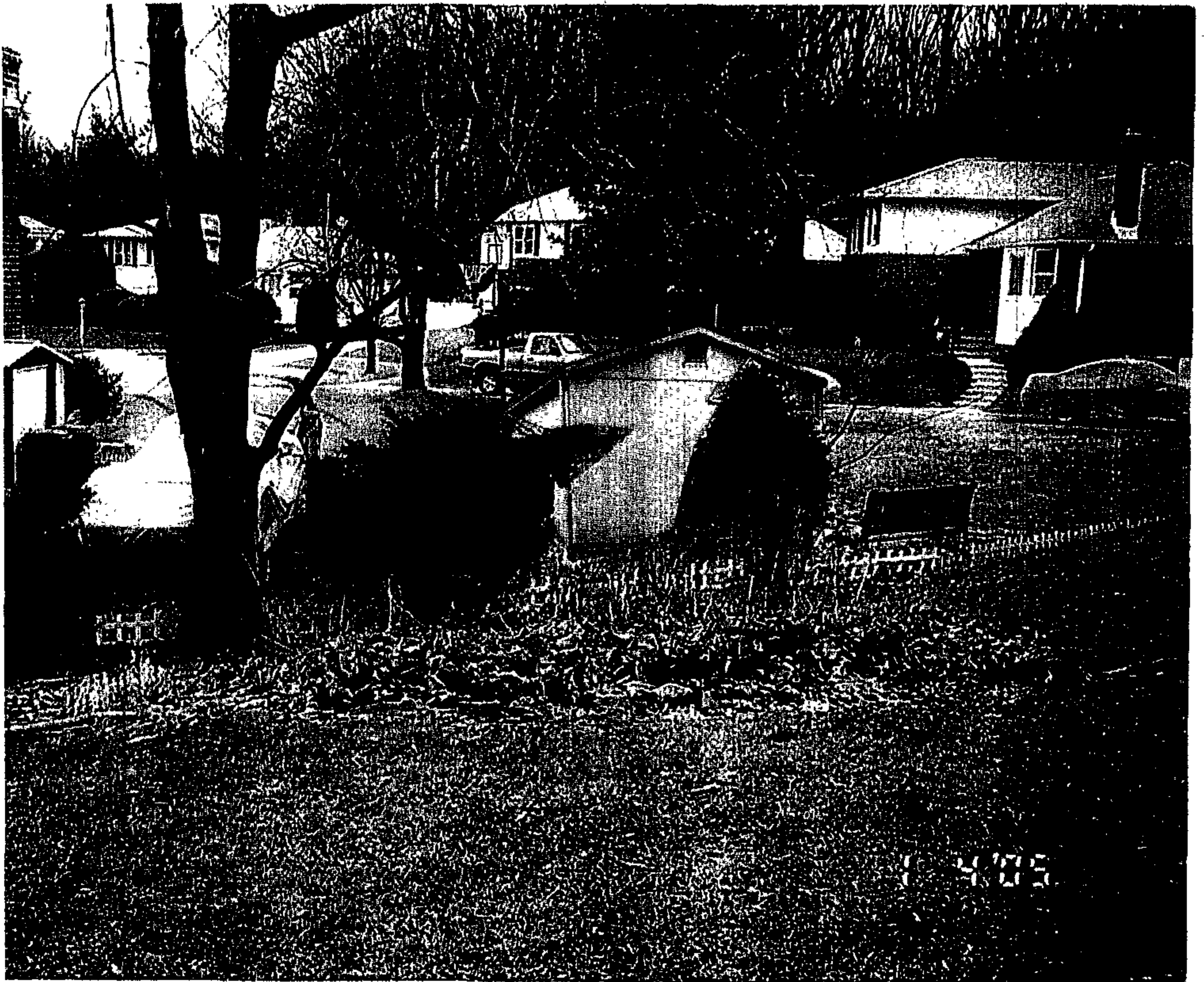






1 6 05





Pet 9

January 21, 2005

To Whom it May Concern:

I have no objection to 707 Saylor Court placing a garage on their property in accordance with the Protective Covenants stated in the Campus Hills Community Association handbook.

Donald 702 Shelley Rd S. J. Considine
Corinne Bell 704 Shelley Rd. Corinne Bell
St. Bell 704 Shelly Rd STURRO BELL
T. Thorman 611 Seabrook Road TED THORMAN
Mary Martin 703 Saylor Ct Mary Martin
Terri Forand 706 Saylor Ct Terri Forand
Rich HK 603 SEABROOK Rd Rich Hunter
Margaret Harrison 726 Scarlett Dr. M.R. HARRISON

Ret # 11 A

January 21, 2005

To Whom it May Concern:

I have no objection to 707 Saylor Court placing a garage on their property in accordance with the Protective Covenants stated in the Campus Hills Community Association handbook.

Paul Patrick McLeis, III 606 SEABROOK RD MARK P. MCKINLEY

Janice Flynn 611 Seabrook Rd. JANICE M. FLYNN

Lee MAN N 705 SAYLOR CT,

Tomce Hackenberg 705 Saylor Ct.

Robert A. Bandy 728 Seabrook Rd.

William M. Fulin^{III} 702 SAYLOR CT

Man Kirlin 702 Saylor Ct Judy Navarro Kirlin

Pet. #
H. B.

January 24, 2005

Schim S. Rosinsky
Mary Anne Rosinsky
707 Saylor Court
Towson, Maryland 21286

Dear Schim & Mary Anne,

It was a pleasure hearing from you recently. I hope all is well with you and the children.

In response to your question regarding the installation of a new garage, I can tell you that such an undertaking will increase the value of your home considerably. My personal opinion can be validated by a study conducted by Florida State University entitled "The Value of Housing Characteristics", which tracked data from 1996 to 2003. Professors G. Stacy Simans and David A. Macpherson applied sophisticated statistical techniques to 28,828 closed home sales in the Philadelphia Metro area. The geographic range encompassed 21 counties and a wide range of house types, locations and price brackets etc. The study examines the relative effects of property characteristics on a home's selling price. According to the study, the addition of a garage adds an average of 13% to the value of a home. Obviously a garage for multiple cars increases the value more but the study indicated that even a simple 1-car garage addition could raise the value of a home by 10% or more.

Excerpts from this study may be found in the May/June 2004 edition of Realtor Magazine.

The consensus of opinion among my colleagues reflects the findings of the study.

I believe that your decision to build a garage is a wise one and the expenditure will enhance the value of your home by at least 11-12%. If I can be of further assistance, please do not hesitate to call.

Sincerely,

Sebastian Zito
Associate Broker
Coldwell Banker Residential Brokers

O'CONNOR, PIPER & FLYNN  ERA

Sebastian Zito
Directors Club
Associate Broker

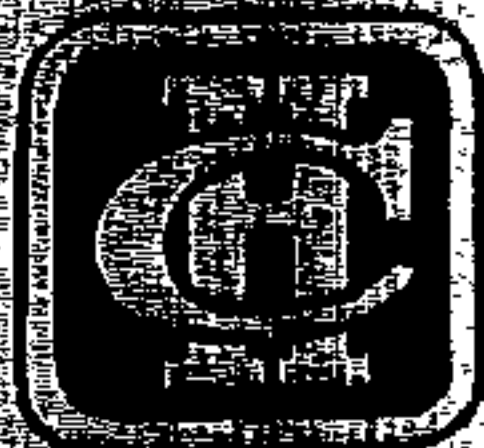
22 West Padonia Road, Suite A100
Timonium, Maryland 21093
E-mail: szito@opf.com
Office: 410-252-2111
Voice Mail: 410-667-2451
Pager: 410-339-8901
Home: 410-252-2311



Sales Masters

Independently Owned And Operated By NRT Incorporated

*Det
#12*



*Campus Hills
Community Association, Inc.*

P.O. Box 20155
Towson, MD 21284-0155

November 20, 2004

Office of Permits and Development Management
111 W. Chesapeake Ave.
Towson, Maryland 21204

To Whom It May Concern:

My name is Gary Bull and I am Chairman of the Covenants and the Grounds and Zoning committees of the Campus Hills Community Association. I am writing on behalf of the owner of 707 Saylor Court, Mr. Rosinsky, who has applied to your office for a zoning variance for a garage. We have viewed the plans and plot map concerning placement of the structure, and have approved his plans pending a permit from your office. We are aware that the garage will not be behind the rear wall of the house due to the property line and the topography, and we have not received any negative communication from his neighbors concerning this project. Mr. Rosinsky has fully cooperated with us during the application process, and we hope you grant him the variance. If you have any questions, please call me at 410-823-5853.

Gary Bull

Ref # 13





