IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE – W/S Regwood Road,
800' & 925' N of the c/l Harford Road
(12414 & 12416 Regwood Road)
11<sup>th</sup> Election District
3<sup>rd</sup> Council District

12416 Regwood Road, LLC Legal Owners/Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 05-334-SPH & 05-335-A

\* \* \* \* \* \* \* \*

# AMENDED ORDER

WHEREAS, this matter came before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owners of the subject adjacent properties, 12416 Regwood Road, LLC. In Case No. 05-334-SPH, the Petitioners sought relief to approve a proposed single-family dwelling on a lot that is not part of a subdivision, with an area of .6011 acres in lieu of the required 1.5 acres, side yard setbacks of 30 feet each in lieu of the required 50 feet, and approval of the property known as 12414 Regwood Road, as an undersized lot. In Case No. 05-335-A, the Petitioners sought variance relief from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing single-family dwelling, known as 12416 Regwood Road, with a side yard setback of 43 feet in lieu of the required 50 feet and approval of that property as an undersized lot. The subject properties and requested relief were more particularly described on the respective site plans submitted in each case.

By my Opinion and Order dated March 22, 2005, I granted the requested relief and imposed certain terms and conditions relative to the proposed development on the unimproved lot, known as 12414 Regwood Road. However, subsequent to the issuance of said Order, Counsel for the Petitioners advised that the addresses of the two properties in question were inadvertently transposed in three instances within the body of the Order, and requested that the Order be corrected. Thus, the following Amended Order is issued to resolve the matter.



THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29 day of March 2005 that the Order issued March 22, 2005 be and the same is hereby AMENDED as follows:

That the Petition for Special Hearing filed in Case No. **05-334-SPH** seeking approval, pursuant to Section 1A04.3.B of the B.C.Z.R., to allow a proposed single family dwelling on a pre-existing lot not part of a recorded subdivision, with an area of 0.6011 acres in lieu of the required 1.5 acres, with side yard setbacks of 30 feet each in lieu of the required 50 feet, and approval of the property known as **12414 Regwood Road** as an undersized lot, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

That the Petition for Variance filed in Case No. 05-335-A seeking relief from Section 1A04.3.B.2.b of the B.C.Z.R. to permit a side yard setback of 43 feet in lieu of the required 50 feet for the existing dwelling, known as 12416 Regwood Road, and approval of the property as an undersized lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that all of the terms and conditions of the Order issued on March 22, 2005 shall remain in full force and effect.

ILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

cc: J. Neil Lanzi, Esquire

409 Washington Avenue, Suite 617, Towson, Md. 21204

Mr. Sean Ruppert, 12416 Regwood Road, LLC

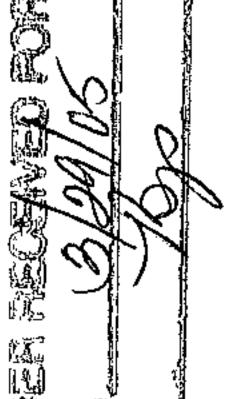
4388 Lottsford Vista Road, Lanham, Md. 20706

Messrs. Donald Hicks & Paul Naldrett, Hicks Engineering, Inc.

200 E. Joppa Road, Towson, Md. 21286

Mr. Luke Glasgow, 12412 Regwood Road, Hydes, Md. 21082

Office of Planning; DEPRM; People's Counsel; Case File



# J. NEIL LANZI, P.A.

ATTORNEY AT LAW MERCANTILE BUILDING, SUITE 617 409 WASHINGTON AVENUE TOWSON, MARYLAND 21204

(410) 296-0686

J. Neil Lanzi

OF COUNSEL Fred L. Coover\* FAX: (410) 296-0689

COLUMBIA
Suite 420, Parkskie Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044

Reply to Towson

\*Also Admitted in District of Columbia

DATE: 3/25/05
PLEASE DELIVER THE FOLLOWING PAGE(S) TO:
NAME: William & Wiseman, Zoning Commissioner / Bothy FIRM: Balhmore County
TELECOPIER NO.: AREA CODE 410-887-3468
TELEPHONE NO.: AREA CODE  FROM: J. Neil Lanzi  Total Number of Pages, including this page:
Opinion waddragger corrected (client picked is on this!
If you do not receive all pages, please call back as soon as possible_at: (410) 296-0686, Telecopier Number: (410) 296-0689.  ORIGINAL TO BE: MAILED FED. EX. HAND-DELIVERED RETAINED

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPY OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

FORMS\OPFICE\FAXFORM

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE — W/S Regwood Road, 800' & 925' N of the c/l Harford Road (12414 & 12416 Regwood Road) 11<sup>th</sup> Election District 3<sup>rd</sup> Council District

> 12416 Regwood Road, LLC Legal Owners/Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- OF BALTIMORE COUNTY
- \* Case No. 05-334-SPH & 05-335-A

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject adjacent properties, 12416 Regwood Road, LLC. Since the properties are owned by the same entity and abut one another, the two cases were heard contemporaneously. In Case No. 05-334-SPHI, special hearing relief is requested to approve a proposed single-family dwelling on a lot that is not part of a subdivision, with an area of .6011 acres in lieu of the required 1.5 acres, side yard setbacks of 30 feet each in lieu of the required 50 feet, and approval of the property known as 12416 Regwood Road, as an undersized lot. In Case No. 05-335-A, variance relief is requested from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing single-family dwelling, known as 12416 Regwood Road, with a side yard setback of 43 feet in lieu of the required 50 feet and approval of that property as an undersized lot. The two properties in question, the proposed improvements and zoning relief requested are more particularly described on the site plans submitted in each case and marked into evidence, respectively as Petitioner's Exhibits 2 and 1.

Appearing at the requisite hearing in support of the request were Sean Ruppert, managing member of 12416 Regwood Road, LLC, property owners; Paul Naldrett and Donald Hicks, Professional Engineers with Hicks Engineering, Inc, the consultants who prepared the site plans for both properties; and J. Neil Lanzi, Esquire, attorney for the Petitioners. Appearing as an interested citizen was Luke Glasgow, who owns the property adjacent to the vacant lot. There were no Protestants or other interested persons present.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22 day of March 2005 that the Petition for Special Hearing filed in Case No. 05-334-SPH seeking approval, pursuant to Section 1A04.3.B of the B.C.Z.R., to approve a proposed single family dwelling on a pre-existing lot not part of a recorded subdivision, with an area of 0.6011 acres in lieu of the required 1.5 acres, with side yard setbacks of 30 feet each in lieu of the required 50 feet, and approval of the property known as 12414 Regwood Road as an undersized lot, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

seeking relief from Section 1A04.3.B.2.b of the B.C.Z.R. to permit a side yard setback of 43 feet in lieu of the required 50 feet for the existing dwelling, known as 12414 Regwood Road, and approval of the property as an undersized lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by the Office of Planning and the Department of Environmental Protection and Resource Management (DEPRM), both dated February 3, 2005, copies of which are attached hereto and made a part hereof. The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order .

WILLIAM J. WISEMAN, III

Zoning Commissioner for Baltimore County

WJW:bjs

IN RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE – W/S Regwood Road, 800' & 925' N of the c/l Harford Road (12414 & 12416 Regwood Road) 11<sup>th</sup> Election District

11<sup>th</sup> Election District
3<sup>rd</sup> Council District

12416 Regwood Road, LLC Legal Owners/Petitioners

BEFORE THE

\* ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

Case No. 05-334-SPH & 05-335-A

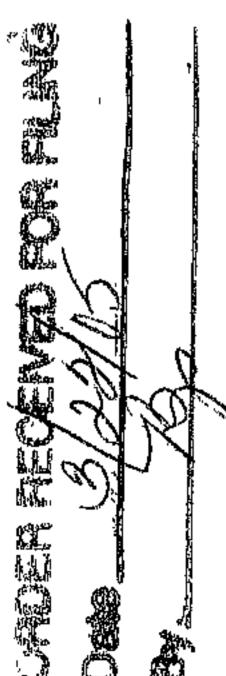
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\* \* \* \* \* \* \* \* \*

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the owner of the subject adjacent properties, 12416 Regwood Road, LLC. Since the properties are owned by the same entity and abut one another, the two cases were heard contemporaneously. In Case No. 05-334-SPH, special hearing relief is requested to approve a proposed single-family dwelling on a lot that is not part of a subdivision, with an area of .6011 acres in lieu of the required 1.5 acres, side yard setbacks of 30 feet each in lieu of the required 50 feet, and approval of the property known as 12416 Regwood Road, as an undersized lot. In Case No. 05-335-A, variance relief is requested from Section 1A04.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to approve an existing single-family dwelling, known as 12416 Regwood Road, with a side yard setback of 43 feet in lieu of the required 50 feet and approval of that property as an undersized lot. The two properties in question, the proposed improvements and zoning relief requested are more particularly described on the site plans submitted in each case and marked into evidence, respectively as Petitioner's Exhibits 2 and 1.

Appearing at the requisite hearing in support of the request were Sean Ruppert, managing member of 12416 Regwood Road, LLC, property owners; Paul Naldrett and Donald Hicks, Professional Engineers with Hicks Engineering, Inc, the consultants who prepared the site plans for both properties; and J. Neil Lanzi, Esquire, attorney for the Petitioners. Appearing as an interested citizen was Luke Glasgow, who owns the property adjacent to the vacant lot. There were no Protestants or other interested persons present.



Testimony and evidence offered revealed that the subject properties are adjacent parcels located with frontage on the west side of Regwood Road, just north of Harford Road in Kingsville. The property known as 12414 Regwood Road is an unimproved parcel, approximately 134' wide and 204' deep, and contains a gross area of .6011 acres, or 26,184 sq.ft. The property known as 12416 Regwood Road, is improved with a single-family dwelling, and is approximately 186' wide and 210' deep, and contains a gross area of .849 acres, or 36,982 sq.ft. Both lots are described in separate deeds recorded in the Land Records of Baltimore County, said deeds dating back to 1911, predating the Baltimore County Zoning Regulations (B.C.Z.R.), and the Petitioner receives separate tax bills for each lot. Both lots are zoned R.C.5.

Testimony and evidence offered revealed that the Petitioners have owned both lots since September 2004 and that Mr. Ruppert's mother currently resides in the existing dwelling. Mr. Ruppert testified that he grew up in the neighborhood and that his family has been familiar with the area for many years. In fact, Mrs. Ruppert is acquainted with various members of the Class family who reside immediately north and to the rear of the subject property. In any event, the Petitioners are desirous of developing the vacant lot with a single-family dwelling. However, given the small size of the lot and its R.C.5 zoning classification, the requested relief is necessary to legitimize existing conditions on the improved lot and allow construction of the new dwelling on the vacant lot.

As shown on the site plan marked as Petitioner's Exhibit 2 in Case No. 05-334-SPH, the proposed dwelling will be a two-story structure featuring an attached garage with access provided thereto via a driveway leading into the property from Regwood Road along its southern boundary. Testimony indicated that the new dwelling will be similar in size and scope as other existing homes in the neighborhood and that extensive efforts have been undertaken in the design and location of the proposed home so as to retain as many mature trees as possible.

Mr. Glasgow, who resides immediately south of the unimproved lot at 12412 Regwood Road, testified that he was concerned as to the location of the proposed dwelling and what impact the new house might have on his well and septic systems. He also voiced concerns about water

resources in the area and indicated that he would prefer to see the lot remain undeveloped; however, conceded that building elevation drawings of the proposed dwelling appear to be well thought out. Mr. Glasgow indicated that he appreciated the Petitioners' efforts to retain trees where possible, particularly the one between his house and the proposed new driveway on the subject lot. The Petitioners' engineer indicated that the driveway was purposely shifted in order to save that particular tree.

Pursuant to the R.C.5 zoning regulations set forth in Section 1A04.3 of the B.C.Z.R., a minimum lot area of 1½ acres and 50-foot setbacks to any lot line are required. Moreover, the maximum building coverage allowed is 15% of the total square footage of the lot. In its Zoning Advisory Committee (ZAC) comment dated February 11, 2005, the Office of Planning recommended approval of the special hearing and variance requests for both lots. It was indicated that the site plan and building elevation drawings of the proposed development were submitted for their review and approval, and were found to meet the spirit and intent of the R.C.5 zoning regulations as well as the performance standards set forth in Section 1A04.4 of the B.C.Z.R. It is also to be noted that the vacant lot has been subject to percolation tests and will require an approved well prior to the issuance of any permits.

After due consideration of the testimony and evidence presented, I am persuaded to grant the special hearing and variance requests. In my judgment, the Petitioner has complied with the requirements of Section 307 of the B.C.Z.R. and the case law by establishing that the subject properties contain unique characteristics that disproportionately impact these lots. As noted above, the subject properties were recorded as separate lots of record prior to the effective date of the R.C.5 zoning regulations. Given their small size, I find that strict compliance with the regulations would result in a practical difficulty or unreasonable hardship for the Petitioners and meets the spirit and intent of the R.C.5 zoning regulations. Moreover, I find that the proposed development is consistent with the character of other development in the neighborhood, and will not result in any detriment to the health, safety or general welfare of the surrounding locale. Thus, I am persuaded that the relief requested is appropriate in this instance and should be granted.

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Pursuant to the advertisement, posting of the property and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22 day of March 2005 that the Petition for Special Hearing filed in Case No. 05-334-SPH seeking approval, pursuant to Section 1A04.3.B of the B.C.Z.R., to approve a proposed single family dwelling on a pre-existing lot not part of a recorded subdivision, with an area of 0.6011 acres in lieu of the required 1.5 acres, with side yard setbacks of 30 feet each in lieu of the required 50 feet, and approval of the property known as 12416 Regwood Road as an undersized lot, in accordance with Petitioner's Exhibit 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance filed in Case No. 05-335-A seeking relief from Section 1A04.3.B.2.b of the B.C.Z.R. to permit a side yard setback of 43 feet in lieu of the required 50 feet for the existing dwelling, known as 12414 Regwood Road, and approval of the property as an undersized lot, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Compliance with the ZAC comments submitted by the Office of Planning and the Department of Environmental Protection and Resource Management (DEPRM), both dated February 3, 2005, copies of which are attached hereto and made a part hereof. The proposed dwelling shall be constructed substantially in accordance with the building elevation drawings reviewed and approved by the Office of Planning.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order .

WILLIAM I WISEMAN, II

Zoning Commissioner for Baltimore County

WJW:bjs

# Zoning Commissioner

Suite 405, County Courts Building 401 Busley Avenue Towson, Maryland 21204 Tel: 410-887-3368 • Fax: 410-887-3468



# Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

March 21, 2005

J. Neil Lanzi, Esquire 409 Wishington Avenue, Suite 617 Towson, Maryland 21204

RE: I ETITIONS FOR SPECIAL HEARING & VARIANCE

10/S Regwood Road, 800' & 925' N of the c/l Harford Road

(12414 & 12416 Regwood Road)

11<sup>th</sup> Election District — 3<sup>rd</sup> Council District

12416 Regwood Road, LLC - Petitioners

(lase No. 05-334-SPH & 05-335-A

Dear Vr. Lanzi:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Fe itions for Special Hearing and Variance have been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

Zoning Commissioner

for Baltimore County

WJV/:bjs

CC: Mr. Sean Ruppert, 12416 Regwood Road, LLC
4388 Lottsford Vista Road, Lanham, Md. 20706
Messrs. Donald Hicks & Paul Naidrett, Hicks Engineering, Inc.
200 E. Joppa Road, Towson, Md. 21286
Mr. Luke Glasgow, 12412 Regwood Road, Hydes, Md. 21082
Office of Planning; DEPRM; People's Counsel; Case File



# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at				ROAD
which is	presently $z$	oned	RC	5

This Petition shall be filed with the Department of Permits and Deve	elopment N	/lana	agemer	t. The	undersianea	l. legal
owner(s) of the property situate in Baltimore County and which is desc	ribed in the	des	scription	and pl	at attached	hereto
and made a part hereof, hereby petition for a Variance from Section(s)				•		
	1 1 1 1 1 1 1 1 1	. 7	17 " 1	· •	•	1

side yard setback of 43 ft. in lieu of the required 50 ft. for an existing dwelling, and to approve an undersized lot.

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

to be gresented at the heaving

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.

			-	is the subject of this Petition.
Contract Purchaser/Lo	essee:			Legal Owner(s):
				12416 Regwood Rd. LLC
Name - Type or Print	<u> </u>	······································	Name	- Type or Print Serva V Don't
Signature		· · · · · · · · · · · · · · · · · · ·	-	Signature Co V V V V V V V V V V V V V V V V V V
Address	<del></del>	Telephone No.	-	Name - Type or Print
City	State	Zip Code	<b></b>	Signature
Attorney For Petitione	<u>r:</u>			4588 LOTISTOVA 1 1Sta 1101 28
				Address MD 20706 Telephone No. 2010
Name - Type or Print	<del></del>	<del></del>	City	State Zip Code
Signature	<del></del>		-	Representative to be Contacted:
			_	PAUL M. NALORETT Name
Company				
Address		Telephone No.	-	200 E. JOSPA ROAD Suite 402 416-494-0001 Address Telephone No.
Cit	State	Zip Code		Tow Sund Mi) 21286  City State Zip Code
				OFFICE USE ONLY
Case No. 35 - 3	35 - A			ESTIMATED LENGTH OF HEARING
Cise No. <u>05 - 3</u>		Reviewed	a <sub>v</sub>	UNAVAILABLE FOR HEARING
		KENIEWEG	٠, ۔	_13n Date////O.F—

# DESCRIPTION FOR ZONING TAX MAP 54; PARCEL 248 NO. 12416 REGWOOD ROAD 11<sup>TH</sup> ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

BEGINNING for the same on the west side of Regwood Road, 25 feet wide, at a point located 925 feet, more or less, from the northern side of Harford Road, thence leaving said point and binding on the west side of Regwood Road,

- 1) North 12 degrees 04 minutes East 186.05 feet to a point, thence
- 2) North 82 degrees 03 minutes West 210.80 feet to a point, thence
- 3) South 10 degrees 00 minutes West 170.90 feet to a point, thence
- 4) South 77 degrees 54 minutes East 204.09 feet to the point of beginning.

CONTAINING 0.849 of an acre of land, more or less.

BEING KNOWN AS No. 12416 Regwood Road.

#### 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: #05-335-A
12416 Regwood Road
W/side of Regwood Road, 925 feet north of Harford Road
11th Election District - 3rd Councilmanic District
Legal Owner(s): Sean Ruppert
Variance: to permit a side yard setback of 43 feet in lieu of the required 50 feet for an existing dwelling and to approve an undersized lot.
Hearing: Wednesday, February 16, 2005 at 10:00 a.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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4388.

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

JT/2/606 Feb. 1

# CERTIFICATE OF PUBLICATION

<u>214</u> ,20 <u>05</u>
THIS IS TO CERTIFY, that the annexed advertisement was published
n the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $2/1$ , 2005.
The Jeffersonian
☐ Arbutus Times
☐ Catonsville Times
☐ Towson Times
Owings Mills Times
□ NE Booster/Reporter
☐ North County News
S. Wilkings

LEGAL ADVERTISING

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# NOTICE OF ZONING HEARING

The Zening 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: #05-335-A

12416 Regwood Road W/side of Regwood Road, 925 feet north of Harford Road 11th Election District - 3rd Councilmanic District

Legal Owner(s): Sean Ruppert

Variance: to permit a side yard setback of 43 feet in lieu of the required 50 feet for an existing dwelling and to approve an undersized lot.

Hearing: Monday, March 14, 2005 at 10:00 a.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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

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

JT 3/641 Mar 1

# CERTIFICATE OF PUBLICATION

32,2005
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on $3/1/$ ,2005.
The Jeffersonian
🖵 Arbutus Times
☐ Catonsville Times
Towson Times
☐ Owings Mills Times
□ NE Booster/Reporter
☐ North County News

LEGAL ADVERTISING

	RE: Case No.: 05-335-4
	Petitioner/Developer:
	SEM RUPPENT
	Date of Hearing/Closing: 3/14/05
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention:	
Ladies and Gentlemen:	• •
This letter is to certify under the negation of	
were posted conspicuously on the property le	perjury that the necessary sign(s) required by law
12410	REGUIDOO RO
**************************************	
The sign(s) were posted on	7/2/2/
	Z/2C/05 (Month, Day, Year)
CASE # 05-335-A	
	Sincerely,
	2/26/05
	(Signature of Sign Poster and Date)
	RICHARD E. HOFFMAN
	(Printed Name)
	904 DELLWOOD DR.
	(Address)
	FALLSTON, MO 21047
	(City, State, Zip Code)
	(City, State, Zip Code) (A10) 879-3122
12414 REGWOOD RO	
12414 REGWOOD RO POSTED 2/26/05 Solulled 2/26/05	(City, State, Zip Code)  (A10) 879-3177  (Telephone Number)

TO: PATUXENT PUBLISHING COMPANY

Tuesday, February 1, 2005 Issue - Jeffersonian

Please forward billing to:

Sean Ruppert 4388 Lottsford Vista Road Lanham, MD 20706 301-557-3886

# **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: 05-335-A

12416 Regwood Road

W/side of Regwood Road, 925 feet north of Harford Road

11th Election District – 3rd Councilmanic District

Legal Owner: Sean Ruppert

Variance to permit a side yard setback of 43 feet in lieu of the required 50 feet for an existing dwelling and to approve an undersized lot.

Hearing: Wednesday, February 16, 2005 at 10:00 a.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.

# 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

January 18, 2005

# **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: 05-335-A

12416 Regwood Road W/side of Regwood Road, 925 feet north of Harford Road 11<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District Legal Owner: Sean Ruppert

Variance to permit a side yard setback of 43 feet in lieu of the required 50 feet for an existing dwelling and to approve an undersized lot.

Hearing: Wednesday, February 16, 2005 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Sean Ruppert, 4388 Lottsford Vista Rd., Lanham 20706 Paul Naldrett, 200 E. Joppa Rd., Ste. 402, Towson 21286

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





# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:	
Item Number or Case Number: 05-335-A	
Petitioner: 12416 Regwood RD., LLC	
Address or Location: 12416 REGWOOD COAD	
	•
PLEASE FORWARD ADVERTISING BILL TO:	
Name: SEAN RUPPERT	
Address: 4388 LOTTSFORD VISTA ROAD	
LANHAM MD 20706	<u> </u>
Telephone Number: 301- 557- 3886	

# 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

February 8, 2005

Sean Ruppert 4388 Lottsford Vista Road Lanham, Maryland 20706

Dear Mr. Ruppert:

RE: Case Number: 05-335-A, 12416 Regwood Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 11, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

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

Very truly yours,
U. Call Rillal D.

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Paul M. Naldrett Hicks Engineering 200 E. Joppa Road, Ste. 402 Towson 21286



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

# Fire Department

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



# Baltimore County

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

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

January 16, 2005

ATTENTION: Zoning Review planners

Distribution Meeting January 24, 2005

Item No.: 334-336, 338-344, 346

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.

The Fire Marshal's Office has no comments at this time.

· Lieutenant Franklin J. Cook Fire Marshal's Office (O) 410-887-4881 (C) 443-829-2946 MS-1102F

cc: File



# BALTIMORE COUNTY, MARYLAND

# INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** January 24, 2005

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 24, 2005

Item No. 335

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

A minimum of 40-foot right-of-way for Regwood Road shall be shown, and the requested variances shall be modified accordingly.

RWB:CEN:jrb

cc: File



TO:

Tim Kotroco

PDM

FROM:

John D. Oltman, Jr Joo

**DEPRM** 

DATE:

February 3, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of January 18, 2005.

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



05-338

05-339

05-344

05-345

05-347

Reviewers:

Sue Farinetti, Dave Lykens

Byll

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**DATE:** February 3, 2005

RECEIVED

FEB - 3 2005

**SUBJECT:** 

12414 and 12416 Regwood Road

**INFORMATION:** 

Item Number:

5-334 and 5-335

Petitioner:

12416 Regwood Road, LLC.

Zoning:

RC 5

Requested Action:

Special Hearing

# SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR.

In addition, the subject property is an existing lot of record that is not within a subdivision approved by record plat. As such, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

- 1. Photographs of the existing dwelling.
- 2. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 3. Orient the front of the proposed dwelling towards Regwood Road and incorporate prominent entries and porches or stoops in the front building façade.

MOER RECEIVED OR FLAND

- 4. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.
- 5. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
- 6. Ensure that exterior of all buildings use the same finish materials and architectural details on all front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
- 7. Provide landscaping along the public road.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

**DATE:** February 3, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

12414 and 12416 Regwood Road

**INFORMATION:** 

Item Number:

5-334 and 5-335

Petitioner:

12416 Regwood Road, LLC.

Zoning:

RC 5

Requested Action:

Special Hearing

### SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the subject request and has determined that the petitioner owns sufficient adjoining land to conform to the minimum width and area requirements and therefore does not meet the standards stated in Section 304.1.C of the BCZR.

In addition, the subject property is an existing lot of record that is not within a subdivision approved by record plat. As such, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

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- 2. Submit building elevations to this office for review and approval prior to the issuance any building permit. The proposed dwelling shall be compatible in size, exterior building materials, color, and architectural detail as that of the existing dwellings in the area.
- 3. Orient the front of the proposed dwelling towards Regwood Road and incorporate prominent entries and porches or stoops in the front building façade.

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

RECEIVED

**DATE:** February 11, 2005

MAR 1 1 2005

ZONING COMMISSIONER

SUBJECT: 12414 and 12416 Regwood Road

**INFORMATION:** 

Item Number: 5-334 and 5-335

Petitioner: 12416 Regwood Road, LLC.

Zoning: RC 5

Requested Action: Special Hearing

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the administrative variance.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL

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



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

# Maryland Department of Transportation

Date: 1.19.05

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

RE:

**Baltimore County** 

Item No. 335

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

1. J. Ledle

Engineering Access Permits Division

PETITION FOR VARIANCE RE: 12416 Regwood Road; W/side of Regwood Road, 925' N Harford Road

11<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts

Legal Owner(s): Sean Ruppert

Petitioner(s)

BEFORE THE

ZONING COMMISSIONER

**FOR** 

BALTIMORE COUNTY

05-335-A

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence and 2 Mayo dimmerman

documentation filed in the case D

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

Towson, MD 21204

(410) 887-2188

# CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of January, 2005, a copy of the foregoing Entry of Appearance was mailed to Paul M. Naldrett, Hicks Engineering, Associates, 200 E. Joppa Road, Suite 402, Towson, MD 21286, Representative for Petitioner(s).

Poter May 2 moreman

People's Counsel for Baltimore County

RE: PETITION FOR VARIANCE

12416 Regwood Road; W\Side of Regwood

Road, 925 ft N. Harford Road

11th Election and 3rd Councilmanic Districts

Legal Owner: Sean Ruppert

FOR

BEFORE THE

Petitioner

**BALTIMORE COUNTY** 

ZONING COMMISSIONER

\* 05-335-A

\* \* \* \* \* \* \* \*

# **ENTRY OF APPEARANCE**

Please enter the appearance of J. Neil Lanzi on behalf of Sean Ruppert, Petitioner in the above captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter.

J. NEIL LANZI

Counsel for the Petitioner

409 Washington Avenue, Suite 617

Towson, Maryland 21204

(410) 296-0686

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day of February, 2005, a copy of the foregoing Entry of Appearance was mailed to Peter Max Zimmerman, People's Counsel for Baltimore County and Carole S. DeMilio, Deputy People's Counsel for Baltimore County, Old Courthouse, Room 47, 400 Washington Avenue, Towson, Maryland 21204.

I NEIL LANZI

# J. NEIL LANZI, P.A.

ATTORNEY AT LAW
MERCANTILE BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: lanzilaw@cs.com

COLUMBIA
Suite 420, Parkside Bidg
10500 Little Patuxent Parkway

Columbia, Maryland 21044-3563

Reply to Towson

February 11, 2005

William J. Wiseman, Zoning Commissioner Baltimore County, Suite 405 County Courts Building 401 Bosley Avenue Towson, Maryland 21204

Re: Petition for Special Hearing

Case No. 05-335-A 12416 Regwood Road

Dear Mr. Wiseman:

The above referenced case has been scheduled for zoning hearing on Wednesday, February 16, 2005 at 10:00 a.m. in Room 407, County Courts Building. I represent the Petitioner and on their behalf I am requesting a postponement for the following reasons.

First, the Zoning Petition was filed by Hicks Engineering and I have recently been retained and with this letter am entering my appearance. Second, a postponement will allow the comments in the zoning office to be addressed with the various county agencies.

Finally, to confirm our conversation this morning, I will advise my client and his engineers the case will be postponed. I will direct the sign company to mark the case "postponed" on the sign and re-post the property with the new date I intend to get from Krysten in the Zoning Office today. Upon my receipt of the new zoning date, I will have the hearing readvertised as well.

\*Also Admitted in District of Columbia

J. Neil Lanzi

OF COUNSEL

Fred L. Coover\*

William J. Wiseman, Zoning Commissioner February 11, 2005 Page Two

Thank you for your consideration.

Very truly yours,

J. Neil Lanzi

JNL\mal enclosure

cc: People's Counsel

Department of Permits and Development Management

Sean Ruppert

Hicks Engineering, Paul Neldrett

CASE NAME 05-3345PH CASE NUMBER 05-335 A DATE

PETITIONER'S SIGN-IN SHEET

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DATE	CASE NUMBER	CASE NAME
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# CHARGE SIGN-IN SHEET

										Lufa G/KS9zw	NAME
										(2412 Reamond Rd	ADDRESS
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