CALDER RECEIVED FOR FLATS

IN RE: PETITION FOR ADMIN. VARIANCE S/S of W. Joppa Road, 500 ft. +/- E centerline of Bellona Avenue
9th Election District

2nd Councilmanic District (1523 W. Joppa Road)

Deborah T. & William M. Long, 3rd

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-589-A

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before this Deputy Zoning Commissioner as a Motion for Reconsideration filed by David K. Gildea, Esquire, on behalf of the legal owners of the subject property, Deborah T. and William M. Long, 3rd. The Petitioners originally filed an administrative variance for property located at 1523 W. Joppa Road in the Ruxton area of Baltimore County. The relief was requested from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage to be located in the side yard with a height of 25 ft. in lieu of the required rear yard and 15 ft. The requested variances were granted by Order dated June 15, 2005;

WHEREAS, on July 13, 2005, the Petitioners filed a timely Motion for Reconsideration/ Clarification of this Deputy Zoning Commissioner's Order dated June 15, 2005;

WHEREAS, in their Motion for Reconsideration, the Petitioners have requested that Restriction #2 of the Order, submitted by the Office of Planning. This restriction prohibited conversion of the accessory structure from containing sleeping quarters, living area, kitchen or bathroom facilities. The Petitioners want to make their garage space available for relatives to stay in over the holidays and special occasions. Petitioners do not object to all other restrictions set forth in the June 15, 2005 Order.

Findings of Fact and Conclusions of Law

The problem of allowing bedrooms and bathroom facilities in an accessory structure involves protecting future purchasers of the property from being mislead as to the use of the

accessory structure. It may well happen that the accessory structure could be presented to unsuspecting purchasers as a rentable apartment or separate dwelling. The purchasers may rely on this representation to their severe detriment. Section 102.2 of the BCZR prohibits two dwellings on one lot. Consequently the purchasers could find themselves answering a zoning violation case.

Our method to protect purchasers from being mislead in this regard is to require the Petitioners to file a notice in the land records that will be found during title search that the accessory structure is not a dwelling or apartment. In this case the Petition has submitted the attached Declaration of Understanding that I find acceptable in form and content and will be recorded in the land records upon granting this Motion.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this _____ day of September, 2005, that the Petitioners' request for modification of Restriction #2, to allow bedroom and bathroom facilities in an accessory structure be and is hereby GRANTED.

IT IS FURTHER ORDERED, that all other terms and conditions of my previous decision shall remain in full force and effect.

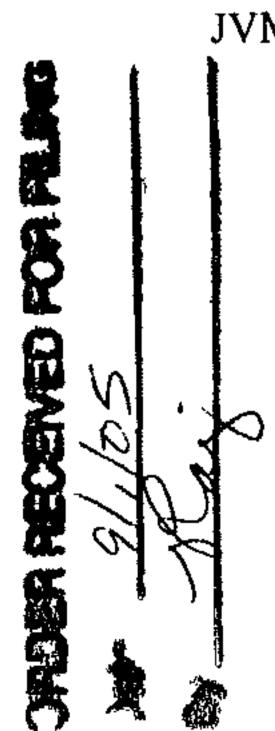
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



IN RE: PETITION FOR ADMIN. VARIANCE
S/S of W. Joppa Road, 500 ft. +/- E
centerline of Bellona Avenue
9th Election District
2nd Councilmanic District
(1523 W. Joppa Road)

Deborah T. & William M. Long, 3rd

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 05-589-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property Deborah T. and William M. Long, 3rd. The administrative variance is requested for property located at 1523 W. Joppa Road in the Ruxton area of Baltimore County. The administrative variance request is from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage to be located in the side yard with a height of 25 ft. in lieu of the required rear yard and 15 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

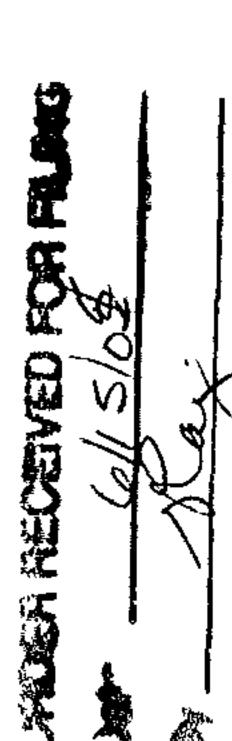
The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on May 22, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 June 7, 2005, a copy of which is attached hereto and made a part hereof.

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."

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 16 day of June, 2005, that a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a garage to be located in the side yard with a height of 25 ft. in lieu of the required rear yard and 15 ft., be and is hereby

SOUTH SOUTH

GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition;
- 2. The Petitioners shall comply with the ZAC comments submitted by the Office of Planning dated June 7, 2005, a copy of which is attached hereto and made a part hereof;
- 3. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

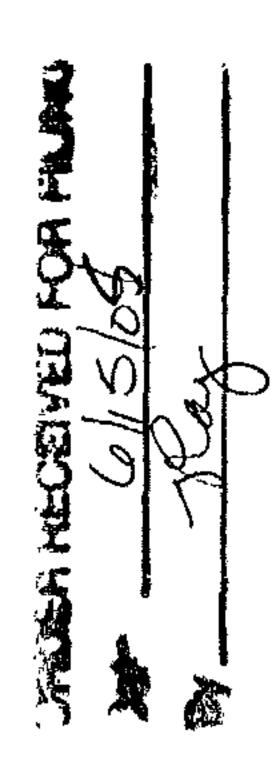
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

OHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

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



Baltimore County

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

September 1, 2005

David K. Gildea, Esquire Jason T. Vettori, Esquire Gildea & Schmidt, LLC 300 E. Lombard Street, Ste. 1440 Baltimore, Maryland 21202

Re: Order on Motion for Reconsideration

Case No. 05-589-A

Property: 1523 W. Joppa Road

Dear Messrs. Gildea & Vettori:

Enclosed please find the decision rendered in connection with the Order on Motion for Reconsideration filed by the Petitioners in this matter.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Mr. & Mrs. William M. Long, 3rd 1523 W. Joppa Road Ruxton, Maryland 21204-3621



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

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 30th day of August, 2005, by and between Mr. William M. Long, III and Mrs. Deborah T. Long (hereinafter referred to as the "Declarants") and the Deputy Zoning Commissioner.

Recitals

- A. The Declarants filed a Petition for Administrative Variance from Sections 400.1 and 400.3 of the Baltimore County requesting approval to construct improvements on the property located at 1523 W. Joppa Road, Ruxton, MD 21204 and more particularly described in Exhibit A (the "property") and attached hereto and made a part hereof. The property is zoned DR-2, which is the particular zone in which the property is located. The Declarants are seeking variances to permit a garage to be located in the side yard rather than the rear yard and to have a height of 25 feet in lieu of the required 15 feet, respectively.
- B. The Deputy Zoning Commissioner has approved the Declarants request to build an addition for visiting relatives complete with bedroom and full bathroom, provided the improvement and addition are used as a part of the single-family residence. The addition will be the housing for Declarants' relatives with the benefit of being attached to their family.
- C. As a condition to the approval of the Declarants request, the Deputy Zoning Commissioner has required the filing of this Declaration among the Land Records of Baltimore County to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvement or addition on the Property may be used for separate living quarters and that all such improvement shall only be used as a single-family residence unless otherwise approved by and at the discretion of PDM.

DECLARATIONS

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarants and the Deputy Zoning Commissioner hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit.

- The bedroom and full bathroom for the relatives, which will be constructed as part of the addition to the Property, shall be accessory uses to the principal use of the Property as a single-family residence. Living quarters for the relatives shall be used only by the relatives and not as an independent residential unit, and shall not be used by any other person or for any other reason.
- If the Declarants move or sell the Property, whichever occurs first, the living space of the addition will be incorporated into the living space of the single-family residential unit for the exclusive use of the Declarant, subsequent purchaser or user.

IN WITNESS WHEREOF, the parties hereto under seal on the date first above written.	have duly executed this Declaration
WITNESS:	i
Scott R. Tur	Mul Mus m. Declarant
Swa R. Thi	Declarant Declarant
State of Maryland, County of Baltimore to wit:	
I HEREBY CERTIFY that on this	ANT. NIM
names are subscribed to the within instrument, a executed for the foregoing instrument for the pu	and (th)ey acknowledged that (th)ey
IN WITNESS WHEREOF, I have hereunto set m	y hand and Notarial Seal.
My Commission Expires: 10/22/05	Mystaty Public

WITNESS		
	By: Deputy Zon	ning Commissioner
State of Maryland, County of Baltimore to wit:		i i i i i i i i i i i i i i i i i i i
I HEREBY CERTIFY that on thisbefore the Subscriber a Notary Public of the Sta	day of ate of Maryland, person	
the Deputy Zoning Commissioner herein, known person whose name is subscribed to the within executed for the foregoing instrument for the p	instrument, and he aci	knowledged that he
IN WITNESS WHEREOF I have hereunto set m	ne hand and Notarial S	eal.
My Commission Expires:	Notary Public	
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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1523 WEST JOPPA ROAD which is presently zoned D.R. 2

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Estimated Posting Date

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	523 WEST JOPPA ROAD
	UXTON, MARYLAND 21204 Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship or	g are the facts upon which I/we base the request for an Administrative practical difficulty):
THE 15' HEIGHT RESTRICTION	OM'T BE MET BECAUSE THE GARAGE MUIT BE
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That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide additional advertising fee and may be required to provide additional addition	demand is filed, Affiant(s) will be required to pay a reposting and tional information.
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	,
STATE OF MARYLAND, COUNTY OF BALTIMOR	RE, to wit:
of Manyland, in and for the County of processed, porder	before me, a Notary Public of the State
HEREBY CERTIFY, this god day of of Maryland, in and for the County aforesaid, person	Deboah T. Long
the Affiant(s) herein, personally known or satisfactor	ily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
S. CLEVE	Anna Ca C Maren
NOTARY	Notary Public 1
PUBLIC &	My Commission Expires 5/166

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	523 WEST JOPPA ROAD
	CUXTON MARYLAND 21204 Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship of the 15' HEIGHT RECTRICTION)	ng are the facts upon which I/we base the request for an Administrative or practical difficulty): CAN'T BE MET BECAUSE THE GARAGE MUIT BE.
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That the Affiant(s) acknowledge(s) that if a form advertising fee and may be required to provide add	nal demand is filed, Affiant(s) will be required to pay a reposting and ditional information.
Signature TM	Signature
WILLIAM M. 10NG 3RP Name - Type or Print	DEBORAH T. LONG Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMO	RE, ,to wit:
I HEREBY CERTIFY, this Strain day of Domination of Maryland, in and for the County aforesaid, person	before me, a Notary Public of the State
the Affiant(s) herein, personally known or satisfaction	Deborah T. Jona
AS WITNESS my hand and Netarial Seal S. CLEV.	
NOTARY	Hamela S. Oevenger Notary Public
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REV 10/25/01 Mone could	



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at <u>1523 WEST JOPPA ROAD</u> which is presently zoned <u>D.R. 2</u>

is the subject of this Petition.

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

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

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

400.1:400.3, BCZR, to PERMIT A GARAGE TO BE LOCATED IN THE SIDE YARD WITH A HEIGHT OF 25' IN LIEU OF THE REQUIRED REAK YARD AND 15' HEIGHT.

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.

Contract Purchaser/Lessee: <u>Legal Owner(s):</u> Name - Type or Print Signature Address Telephone No. Type or Print City State Zip Code Signature **Attorney For Petitioner:** Telephone No. Name - Type or Print Representative to be Contacted: Signature Company WOODBOURNIE Address Telephone No. Address felephone No. City State Zip Code 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. Reviewed By Date REV 10/25/01 Estimated Posting Date

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 1523 WEST JOPPA ROAD.

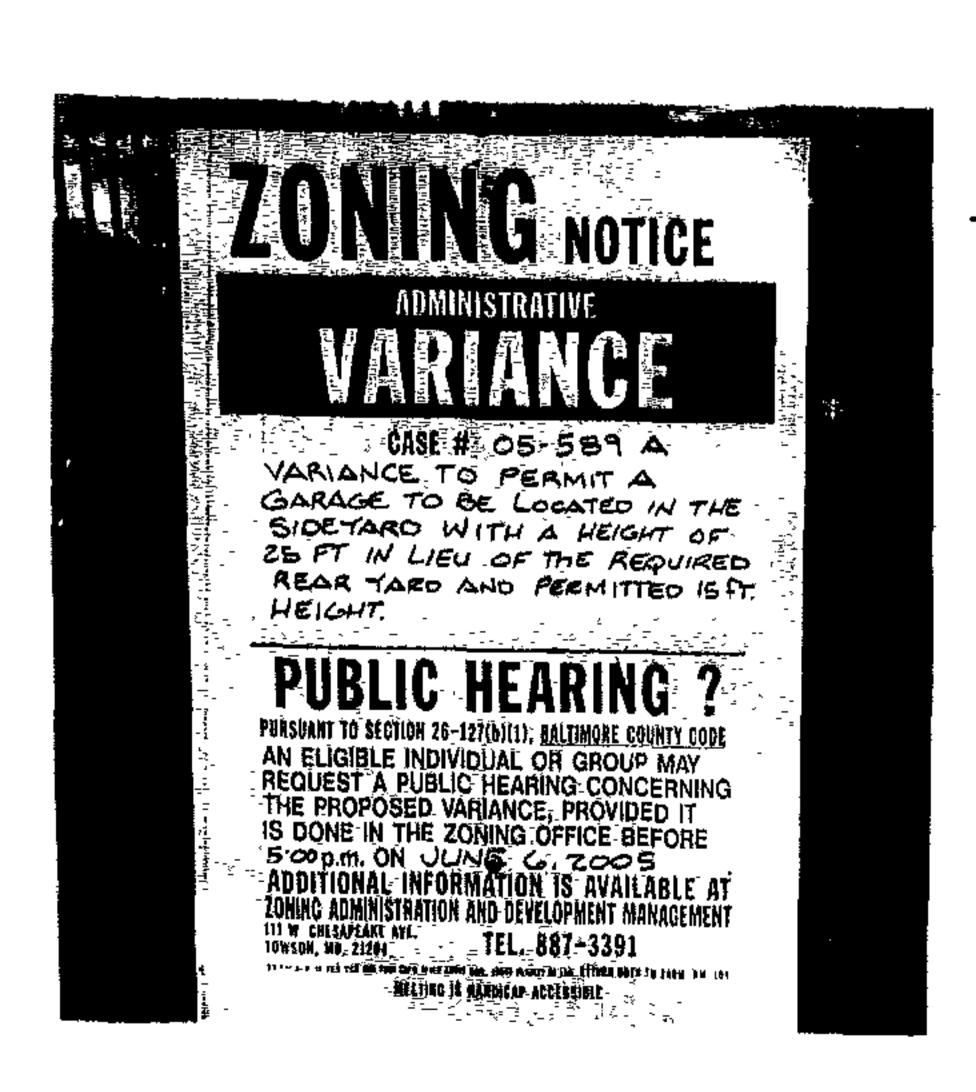
As recorded on Deed Map 69, Grid 4, Parcel 807. Typical metes and bounds: N86°32'E 173'-3", N87°45'E 79'-1", S02°43'E 420'-4", N81°13'W 205'-3", N84°53'W 38'-0", N04°51'W 373'-0" to point of beginning.

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Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234 410-665-5562

Department of Permits a Development Management

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



Baltimore County

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

August 10, 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: 05-589-A

1523 W. Joppa Road

S/S of W. Joppa Road, 500 ft. +/- centerline of Bellona Avenue

9th Election District – 2nd Councilmanic District

Legal Owners: Deborah T. & William M. Long, 3rd

Variance to permit a garage to be located in the side yard with a height of 25 feet in lieu of the required rear yard and permitted 15 feet height.

Hearing: Thursday, September 15, 2005 at 10:00 a.m. in Room 106, County Office Building,

111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Long, 1523 West Joppa Road, Ruxton 21204-3621 Erica Nestleroad, 401 Woodbourne Avenue, Baltimore 21212

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 31, 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.

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

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: 59
Petitioner: MATT : DEBORAH LANG
Address or Location: 1523 WEST JOPPA RD. RUTDA, MD 21204
PLEASE FORWARD ADVERTISING BILL TO:
Name: PENZA ASSOCIATES ARCHITECTS INC.
Address: 401 Woodbourne Falence
BALTIMORE, MD 21212
Telephone Number: 410.435.6677

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case	Number	05-	589	[-,	A	Addre	ess <u>/</u>	523	W	<u> 557</u>	Joge	9 E	2/.
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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

August 11, 2005

Mr. William Long, 3rd Mrs. Deborah Long 1523 West Joppa Road Ruxton, MD 21204-3621

Dear Mr. & Mrs. Long:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 05-589-A

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

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

The property will be reposted with the hearing date, time and location by the this office at no charge to you. This notification will be published in the Jeffersonian this office will also handle the billing through Patuxent Publishing for this.

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

Very truly yours,

u. Callibal)

W. Carl Richards, Jr. Supervisor Zoning Review

WCR:klm

C: Erica Nestlerode, 401 Woodbourne Avenue, Baltimore 21212



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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

5-589 - Administrative Variance

PATE: June 7, 2005

JUN - 7 2005

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 25 feet in lieu of the maximum permitted 15 feet, or to be located in the side yard in lieu of the required rear yard provided the following conditions are met:

- 1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
- 2. The accessory structure shall not be used for commercial purposes.
- 3. The proposed structure shall be constructed in accordance with the architectural elevations that were prepared by Penza and Associates and were submitted to this office.

For further information concerning the matters stated herein, please contact Diana Itter at 410-887-3480.

Prepared by:

Section Chief:

AFK/LL: MAC

\\NCH_NW\VOL3\WORKGRPS\DEVREV\ZAC\5-589.doc



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

Maryland Department of Transportation

Date: 5.25.01

Baltimore County

Item No. 589

RE:

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

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. 1. South

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO:

Kristen Matthews

Dept. of Permits & Development Mgmt.

DATE: August 5, 2005

Robin Jameson, Secretary to John V. Murphy

Deputy Zoning Commissioner

SUBJECT: Petition for Administrative Variance—6/6/05 Closing Date

Case No. 05-589-A

Jack Murphy has requested that this case be set in for hearing on Petitioner's Motion for Reconsideration. We are returning the file to you for further processing, i.e. notifying the petitioner, posting of hearing notice, etc.

Once a hearing date has been scheduled, it would be appreciated if you would have Dave Duvall prepare a "Notice of Hearing" sign and have Gary Freund post the property.

Thank you for your attention and cooperation in this matter.

8/11/02

Hearing no longer necessairy per agreement between Jack Murphy and Retitioner's reg.

BALTIMORE COUNTY, MARYLAND

Inter-Office Memorandum

TO:

James S. Matthews, Chairman

DATE: July 14, 2005

Landmarks Preservation Commission
Office of Planning

FROM:

John V. Murphy Q N ~~~

Deputy Zoning Commissioner

SUBJECT: Petition for Special Hearing

Case No. 05-407-SPH
Property: 2 Waugh Avenue
Petitioner: Beverly H. Belt

Thank you for your letter of July 5, 2005 regarding the status of the above-captioned case. I can report that the parties were represented by counsel at the hearing on the zoning issues that I heard on April 15, 2005. Mr. Schmidt represented Ms. Belt and Mr. Carson represented the community. This was a fully litigated hearing, at which Mr. Carson contended that the permit for the fence was issued in error. Mr. Schmidt contended the opposite and argued that subtitle 7 did not apply in this case.

At the conclusion, I recommended both sides consider finding a mutually agreeable solution to the matter. Fundamental issues were raised regarding this Zoning Commission's and the Landmark Preservation Commission's jurisdiction. I expressed my concern, however, that when I decide the matter, years of further litigation would be likely if appeals were taken to the Board of Appeals, the Circuit Court and beyond. Both counsel agreed that I should hold my decision in the case pending their discussions.

In May 2005, I reminded counsel that my decision was pending settlement discussions and asked whether I should continue to hold my decision. Thereafter, Mr. Schmidt expressed his desire that I release my decision. Mr. Carson indicated that discussions were ongoing and that Gary Jones would coordinate the community's position in this matter. I understand that the parties were trying to reach an agreement.

By copy of this letter (including your letter of July 5, 2005), I again ask counsel for the status of their discussions and whether or not it is helpful to continue to hold my decision.

JVM:raj Encl.

c: Lawrence E. Schmidt, Esq.
Robert Carson, Esq.
Gary Jones, Esq.
Jay L. Liner, Esq.
Timothy M. Kotroco, Dir., PDM

Beverly Belt, 2 Waugh Avenue, Glyndon, MD 21071 George Belt, 323 Estate Road, Reisterstown, MD 21136 Mitch Kellman, Daft, McCune, Walker, 200 E. Pennsylvania Ave., Towson, MD 21286 Steven Haines & Kristen Carpenter, 2 Waugh Avenue, Glyndon, MD 21071 Kim Karlsen, 4806 Butler Road, Glyndon, MD 21071 Gary Jones & Eleanor Taylor, 17 Worthington Hill Drive, Glyndon, MD 21071 Mark Clements, 200 Central Avenue, Glyndon, MD 21071 Barbara Whitman, 4702 Butler Road, Glyndon, MD 21071 Richard Stanley, 215 Central Avenue, Glyndon, MD 21071 Robert Tarleton, 4805 Butler Road, Glyndon, MD 21071 Jean More, 4802 Butler Road, Glyndon, MD 21071 Joan Mersinger, 14 Chatsworth Avenue, Glyndon, MD 21071 Randy Quinn, 18 Chatsworth Avenue, Glyndon, MD 21071 Charles & Anna Welsh, 4601 Prospect Avenue, Glyndon, MD 21071 Frances Acle, 4606 Prospect Avenue, Glyndon, MD 21071 Mark Johnson, 342 Central Avenue, Glyndon, MD 21071 Eileen W. Wuerthele, 32 Waugh Avenue, Glyndon, MD 21071 Dan Kaestner, 117 Central Avenue, Glyndon, MD 21071 Pamela White, 11 Worthington Hill Drive, Glyndon, MD 21071

Eleanor Taylor, P. O. Box 43, Glyndon, MD 21071

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: June 2, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 6, 2005 Item No. 589

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The Minimum right-of-way for all public roads in Baltimore County is 40-foot. Setbacks shall be modified accordingly.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 589-06022005.doc

Fire Department

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



Baltimore County

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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 May 20, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: May 20, 2005

Item No.: 584-587, 589 594

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.

1. The site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

> Insp. Tribble Fire Marshal's Office 410-887-4880 MS-1102F

cc: File





Baltimore County, Maryland

Date 10/17/05

To: Jason T. Vettori, Esq.

From: Jack V. Murr	hy, Deputy
☐ Please Note & File	sisioner D To be Signed
☐ For Your Information	Please Comment
☐ Please Note & Return	☐ Please See Me
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D Please answer, Sending me C	Copy of your letter
☐ Please Prepare reply for my 5	
Remarks:	
Per your reques	t, please find
attached the Origina	l Declaration
of Understanding in	
in the Land Records	

Thanks.

CPS-004

Recycled Paper

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GILDEA & SCHMIDT, LLC

DAVIDGILDEA #GILDEALLC.COM

LAWRENCE E. SCHMIDT

LECHMIDT OGILDEALLC.COM

SEBASTIAN A. CROSS SCROSSOGILDEALLC.COM

**

JOSEPH R. WOOLMAN, HI JWOOLMANGOILDEALLC.COM

D. DUSKY HOLMAN DHOLMAN@GILDEALLO.COM

JASON T. VETTORI JVETTORI@GILDEALLC.COM 300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072 www.gildeallc.com

July 13, 2005

TOWSON, MD OFFICE 220 BOSLEY AVENUE TOWSON, MARYLAND 21204 TELEPHONE 410-337-7057

RECEIVED

JUL 1 4 2005

ZONING COMMISSIONER

Sent Via Hand Delivery

John (Jack) V. Murphy Deputy Zoning Commissioner Baltimore County 401 Bosley Aveune 4th Floor Towson MD 21204

Re: Motion for Reconsideration of Order Granting Mr. and Mrs. William M.

Long, III's Petition for Administrative Variance

Case No: 05-589-A

Property: 1523 W. Joppa Road

Dear Mr. Murphy:

Mr. and Mrs. William M. Long, III (hereinafter "the Longs"), petitioners/property owners, pursuant to Rule 4K of the Rules of Practice and Procedure Before the Zoning Commissioner/Hearing Officer of Baltimore County, file this Motion for Reconsideration of the Deputy Zoning Commissioner's Findings of Fact and Conclusions of Law in the above referenced matter. A copy of the Findings of Fact and Conclusions of Law in the above referenced matter is enclosed herein for your review.

The administrative variance requested relief from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations, to permit a garage to (a) be located in the side yard rather than the rear yard and (b) to have a height of 25 feet in lieu of the required 15 feet. The decision was rendered based upon the documentation presented, as there was no request for a public hearing. The petitioners respectfully request that you reconsider, among other things, the restrictions, which are conditions precedent to the relief granted in the above referenced matter. The grounds and reasons for this request, include, but are not limited to, the petitioners desire to make their garage available for relatives to stay in over the holidays and on special occasions. Petitioners feel that condition number 1 from the Office of

John (Jack) V. Murphy July 13, 2005 Page 2

Planning is too restrictive. The Longs respectfully request that you exercise your discretion in convening a hearing to receive testimony and/or argument on this motion.

Very truly yours,

And Jilden

David K. Gildea

Jason T. Vettori, Esq. CC: Mr. & Mrs. William M. Long, III Jeffrey A. Penza, AIA Timothy Kotroco, Director of PDM

Pull

TOWSON, MD OFFICE

220 BOSLEY AVENUE

TOWSON, MARYLAND 21204

TELEPHONE 410-337-7057

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070

FACSIMILE 410-234-0072

www.gildeallc.com

DAVID K. GILDEA DAVIDGILDEA # GILDEALLC.COM

LAWRENCE E. SCHMIDT

LSCHMIDT OGILDEALLC.COM

SEBASTIAN A. CROSS SCROSSOGILDEALLO.COM

JOSEPH R. WOOLMAN, III JWOOLMAN@GILDEALLC.COM

D. DUSKY HOLMAN DHOLMAN GILDBALLC.COM

JASON T. VETTORI
JVETTORIOGILDEALLC.COM

July 13, 2005

RECEIVED
JUL 13 2005
ZONNG COMMISSIONER

Sent Via Hand Delivery

John (Jack) V. Murphy
Deputy Zoning Commissioner
Baltimore County
401 Bosley Aveune
4th Floor
Towson MD 21204

Re:

Motion for Reconsideration of Order Granting Mr. and Mrs. William M.

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Case No: 05-589-A

Property: 1523 W. Joppa Road

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John (Jack) V. Murphy July 13, 2005 Page 2

Very truly yours,

David K. Gildea

CC: Jason T. Vettori, Esq.
Mr. & Mrs. William M. Long, III
Jeffrey A. Penza, AIA
Timothy Kotroco, Director of PDM

GILDEA & SCHMIDT, LLC

DAVID K. GILDEA DAVIDGILDEA #GILDEALLC.COM

LAWRENCE E. SCHMIDT LSCHMIDT GILDEALLC.COM

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BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072 www.gildealic.com TOWSON, MD OFFICE 220 BOSLEY AVENUE TOWSON, MARYLAND 21204 TELEPHONE 410-337-7057

August 31, 2005

Sent Via Hand Delivery

John V. Murphy
Deputy Zoning Commissioner
Baltimore County
401 Bosley Avenue, 4th Floor
Towson, MD 21204

Re:

Declaration of Understanding/Motion for Reconsideration of Order Granting Mr. &

Mrs. William M. Long, III's Petition for Administrative Variance

Case No: 05-589-A

Property: 1523 W. Joppa Road

Dear Mr. Murphy:

As you are aware, Findings of Fact and Conclusion of Law, with regards to the above referenced Petition for Administrative Variance, were made on or about June 15, 2005. A copy of the Findings of Fact and Conclusion of Law is enclosed herein for your review. A Motion for Reconsideration, a copy of which is enclosed herein, was hand delivered on or about July 13, 2005 to your office. Pursuant to our conversations about the same, I am submitting an executed copy of the Declaration of Understanding for your consideration. Should you find the Declaration of Understanding acceptable as to form and content the undersigned will file this Declaration among the Land Records of Baltimore County, pursuant to paragraph C of the same. Additionally, an Order would be entered dismissing the Motion for Reconsideration and modifying the Findings of Fact and Conclusion of Law previously referenced to reflect the terms of the Declaration of Understanding.

Please feel free to contact the undersigned with any comments, questions or concerns. With kind regards, I am

Very truly yours,

Jason T. Vettori

Enclosures

CC: Mr. & Mrs. William M. Long, III

Jeffrey A. Penza, AIA David K. Gildea, Esquire

GILDEA & SCHMIDT, LLC

300 EAST LOMBARD STREET

SUITE 1440

BAL/TIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072

www.gildeallc.com

August 25, 2005

TOWSON, MD OFFICE 220 BOSLEY AVENUE TOWSON, MARYLAND 21204 TELEPITONE 410-837-7057

RECEIVED

Sent Via Hand Delivery

DAVIDGILDEA GILDEALLC.COM

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DHOLMANOGILDEALLC.COM

JVETTORI@GILDEALLC.COM

SCROSS GILDEALLC.COM

JOSEPH R. WOOLMAN, III

DAVID K. GILDEA

LAWRENCE E. SCHMIDT

SEBASTIAN A. CROSS

D. DUSKY HOLMAN

JASON T. VETTORI

John V. Murphy Deputy Zoning Commissioner **Baltimore County** 401 Bosley Avenue, 4th Floor Towson, MD 21204

Re:

Declaration of Understanding/Motion for Reconsideration of Order Granting Mr. &

Mrs. William M. Long, III's Petition for Administrative Variance

Case No: 05-589-A

Property: 1523 W. Joppa Road

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Please feel free to contact the undersigned with any comments, questions or concerns. With kind regards, I am

Very truly yours,

Jason T. Vettori

Enclosures

CC: Mr. & Mrs. William M. Long, III

> Jeffrey A. Penza, AIA David K. Gildea, Esquire

GILDEA & SCHMIDT, LLC

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LAWRENCE E. SCHMIDT LSCHMIDT & GILDEALLO.COM

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D. DUSKY HOLMAN DHOLMAN@GILDEALLC.COM

JASON T. VETTORI JVETTORIOGILDEALLC.COM

Sonia Reynolds Clerk of the Circuit Court Land Records Department 401 Bosley Avenue Towson Maryland 21204 300 EAST LOMBARD STREET

SUITE 1440

BALTIMORE, MARYLAND 21202

TELEPHONE 410-234-0070 FACSIMILE 410-234-0072 www.gildeallc.com

October 4, 2005

TOWSON, MD OFFICE 220 BOSLEY AVENUE TOWSON, MARYLAND 21204 TELEPHONE 410-337-7057



0CT - 5 2005

ZONING COMMISSIONER

Re: Long/1523 W. Joppa Road

Dear Ms. Reynolds:

Enclosed please find a copy of the Declaration of Understanding and corresponding Order from Deputy Zoning Commissioner John V. Murphy. Pursuant to Deputy Zoning Commissioner Murphy's instruction, we are filing a copy of the Declaration of Understanding and Order so a subsequent purchaser will have notice that the accessory structure is not a dwelling or apartment. Additionally, a check made payable to the Clerk of the Court in the amount of \$40.00 for the filing fee is enclosed herein.

Please feel free to contact the undersigned with any and all questions.

Very truly yours,

Jason T. Vettori

Enclosures JTV:sf

Cc:

Jack V. Murphy, Deputy Zoning Commissioner, Baltimore County

William M. Long III David K. Gildea, Esq.

Landmarks Preservation Commission

401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3495 • Fax: 410-887-5862



Baltimore County

James T. Smith, Jr., County Executive

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"" "ING COMMISSIONER

July 5, 2005

John V. Murphy
Deputy Zoning Commissioner
County Courts Building
Towson, MD 221204

Re: Belt property, 2 Waugh Avenue, Glyndon

Dear Mr. Murphy:

At the request of Historic Glyndon, Inc. (HGI), the matter of the unauthorized removal of the historic fence on the Belt property was again on the Agenda of the Landmarks Preservation Commission (LPC).

In the June 9, 2005 meeting, the LPC heard representatives of HGI who submitted documentation, recounted the events pertaining to the removal of the fence, and reiterated that the owners of the property had been informed that it is located in a County Historic District wherein it is required to obtain approval from the LPC before making any changes on the property.

The Commission also heard from Mr. Larry Schmidt, attorney for the owners, who likewise recounted the series of events beginning early in 2004 and culminating in the on-going Hearing, before you, on the fence violation and on questions of zoning compliance related to the swimming pool installed in the property's side yard.

Like HGI, the LPC is baffled on why Baltimore County has not yet required the property-owners top comply with decision about the historic fence rendered by the Commission on October 14, 2004. There does not seem to be any question that the LPC has full authority, under County Code §§ 32-7-403, et seq., to approve or disapprove the "construction or erection of any ... fence ... in a ... designated historic district."

The Belt property is located within the Glyndon County Historic District as designated and enacted by vote of the County Council. The LPC has determined that the fence removed from the Belt property was historic. The record shows that approval from the LPC was neither sought nor obtained before the fence was removed. The Commission's staff (Mr. Dugan) has verified that the sections of the removed fence were still stacked on the property on June 30, 2004 and that, after meeting with the owners' attorney (then, Mr. Sebastian Cross) on July 1, 2004 Mr. Cross was informed, by the July 13, 2004 letter from the Commission's Secretary, on the procedure to remedy the violation. In the interest of promptly resolving the situation, the matter had even been placed on the LPC's July 8, 2004 Agenda but was removed at Mr. Cross' request.

The question then arose, through the owners' counsel, asserting that the permit issued by Baltimore County in February 2004 regarding the swimming pool (and accompanying



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

fencing for compliance with safety regulations) could or must be interpreted as authorizing the replacement of the historic fence. The LPC believes this question should not be interpreted to usurp the Commission's authority because, in fact, the permit application was never referred to or approved by the Commission as is required by §§ 32-7-403, et seq. The LPC's understanding that any permit improperly issued by the County should be regarded as void even if it was erroneously issued through innocent failure to adhere to the referral regulations.

The Minutes of the LPC's October 14, 2004 meeting record the following decision:

After almost a full hour of further exposition, questions, discussion, etc., among the members, Mr. Schmidt, and community representatives, Ms. Caslin moved that the Director of Permits and Development Management be informed that enforcement should be initiated to require re-installation of the historic fence and the submittal of a proposal, for review and approval by the Commission's staff, to re-use the new fence for safety enclosure of the swimming pool. Mr. Reynolds seconded that motion. By a show of hands, the motion passed, with Mr. Diggs and Mr. Lynd voting against the motion. Mr. Schmidt indicated he will have the homeowner of the property submit a Historic Permit Application for action by the Commission.

The LPC believes that its decision was properly rendered in accordance with County law and is a proper and fair way to resolve the fence issue. The LPC has taken no position regarding the swimming pool issues and clearly is willing to cooperate on approval of safety fencing as long as the replacement fence along Waugh Avenue and Butler Road is removed and the historic fence restored. Given the size of the property and the layout of the improvements this certainly should be possible without destruction of the historic fence. Compliance, however, is the owners' responsibility and should not become a burden on Baltimore County or on HGI.

The Landmarks Preservation Commission simply wants to have its decision implement through Baltimore County government, whether by the Hearing Officer or PDM, or both, and does not understand why, more than a year after the violation, this still has not been accomplished.

Sincerely,

James E. Matthews

Chairman

JEM/td

Cc Kimberly Karlsen
Lawrence E. Schmidt
Timothy M. Kotroco
Jay L. Liner
LPC members

JAMES EN MATHEMS \$

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Historic Permit Application for action by the Commission.

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Sincerely,

or on HGI.

James E. Matthews

Chairman

JEM/td

Cc Kimberly Karlsen
Lawrence E. Schmidt
Timothy M. Kotroco
Jay L. Liner
LPC members

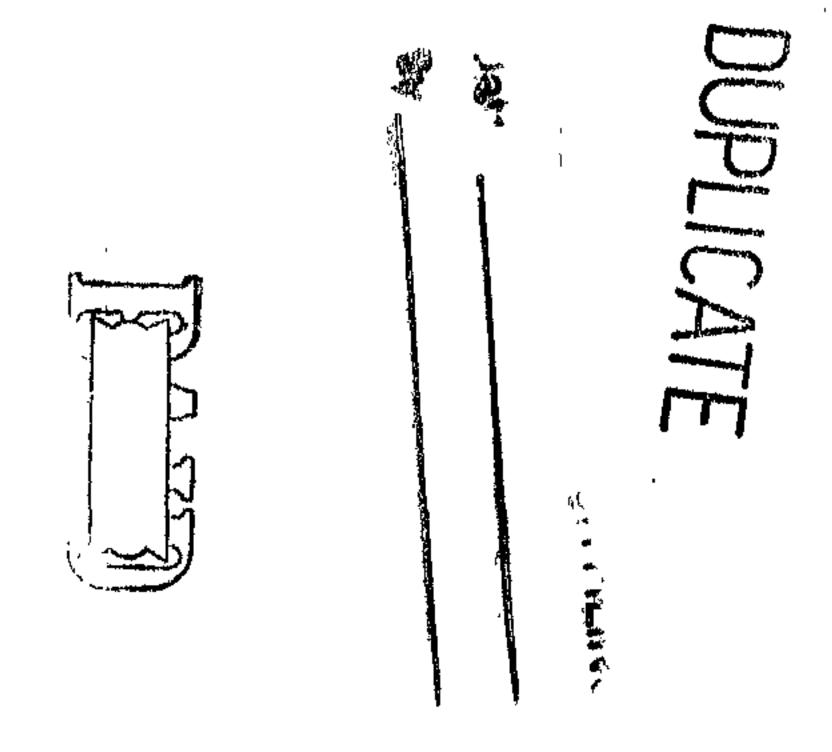
JAMES EN MATHEWS &

15 2005 05-13/4

I spoke to Jason and suggested he adopt the Inhaw Quarters Born to this case and record it in the land records If he agrees he may not med the bearing but simply sand to me with new plan. Right now please set in Bor Dreaving

Would you bend case 05 - 589- A and then Copy the Declaration of lenderstanding which I think the original. But the apy in the file and then send the original to Jason Vettors so he can believe the head becords, apparailly the hand becords Office would not accept a copy for filing

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further find that final approval of this plan is subject to all appropriate standards, rules, regulations, conditions, and safeguards set forth therein. Therefore, I will approve the Redline

Development Plan.

THEREFORE, IT IS ORDERED, by this Deputy Zoning Commissioner/Hearing Officer

for Baltimore/County, this ____ day of September, 2005, that the Redline Development Plan

known as the "Hunsinger Property", submitted into evidence as Developer's Exhibit No. 1, be

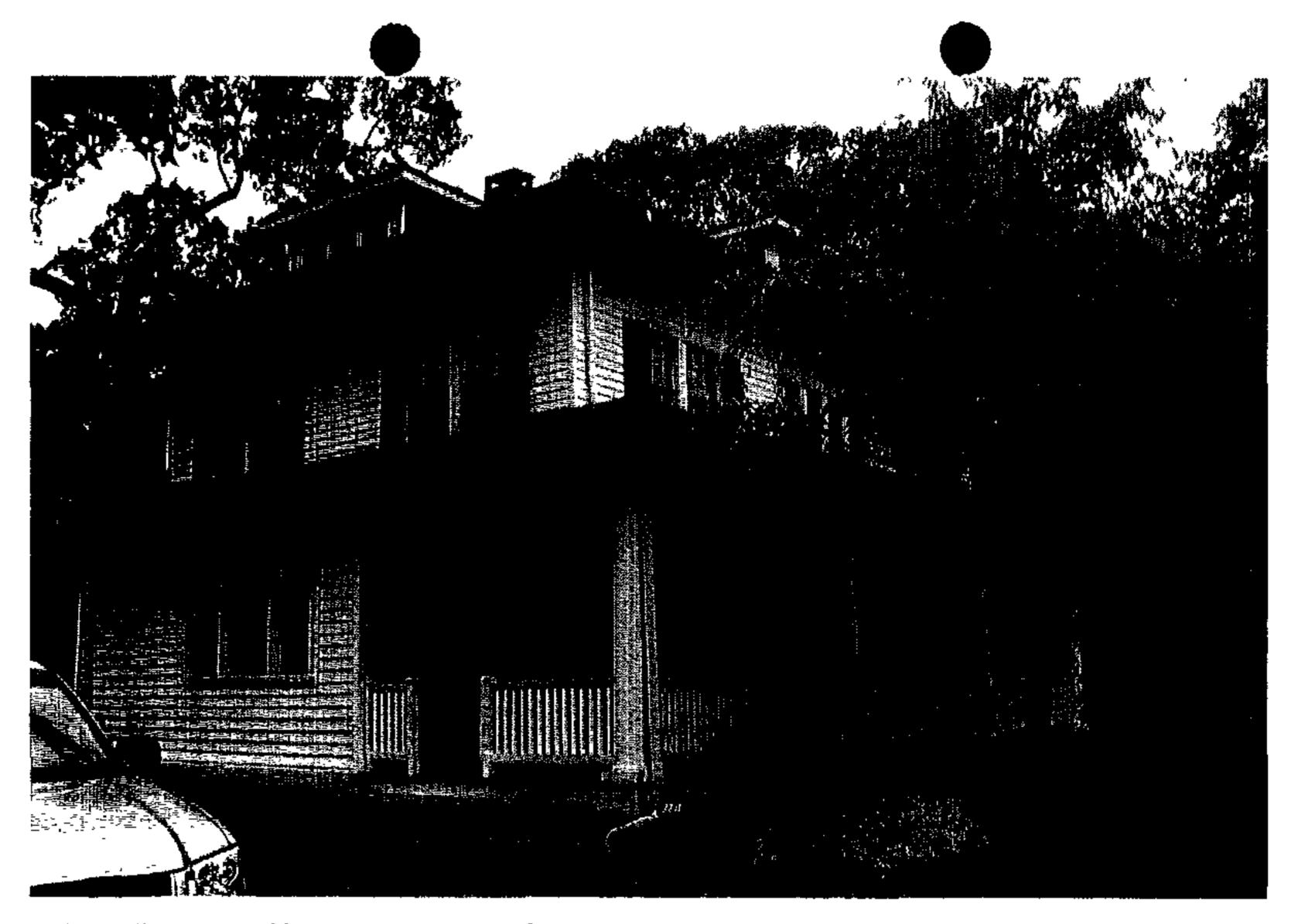
and it is hereby APPROVED.

Any appeal from this decision must be taken in accordance with Section 32-4-281 of the

Baltimore County Code and the applicable provisions of law.

FOR BALTIMORE COUNTY
JOHN V. MURPHY

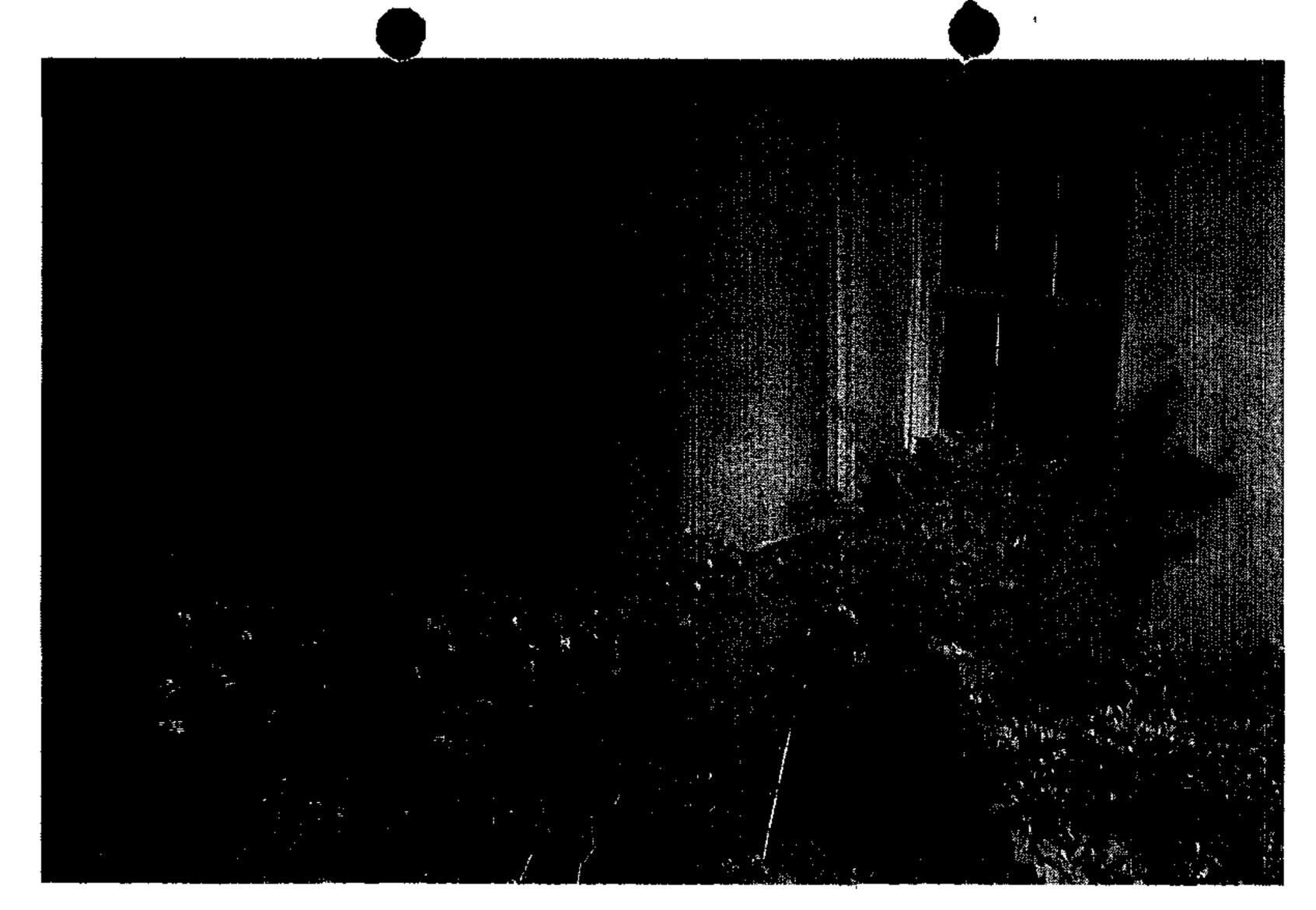
jsa:MVl



1) East Elevation of Existing House, to face proposed garage.



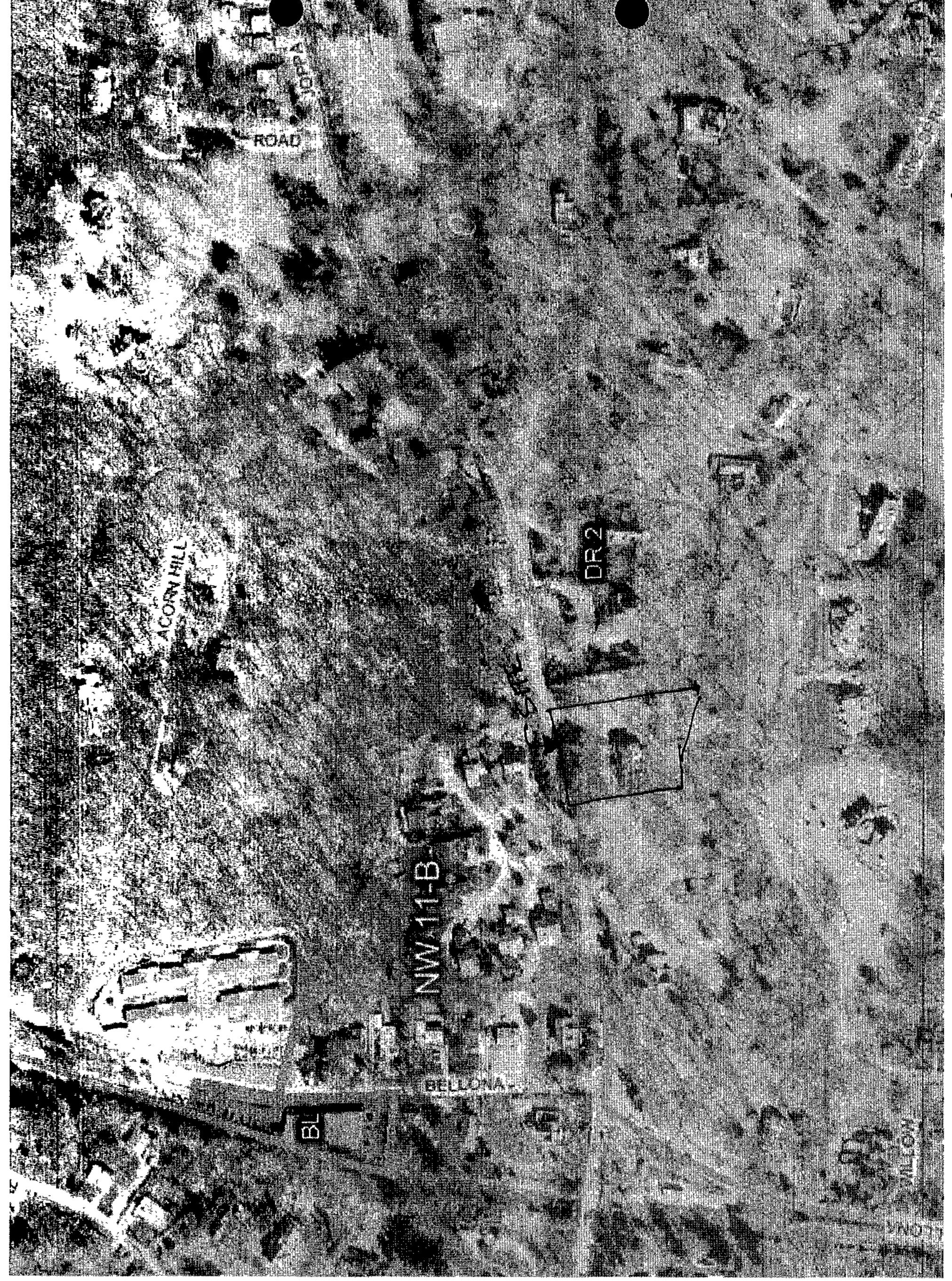
2) Facade of Existing Garage to be Demolished.

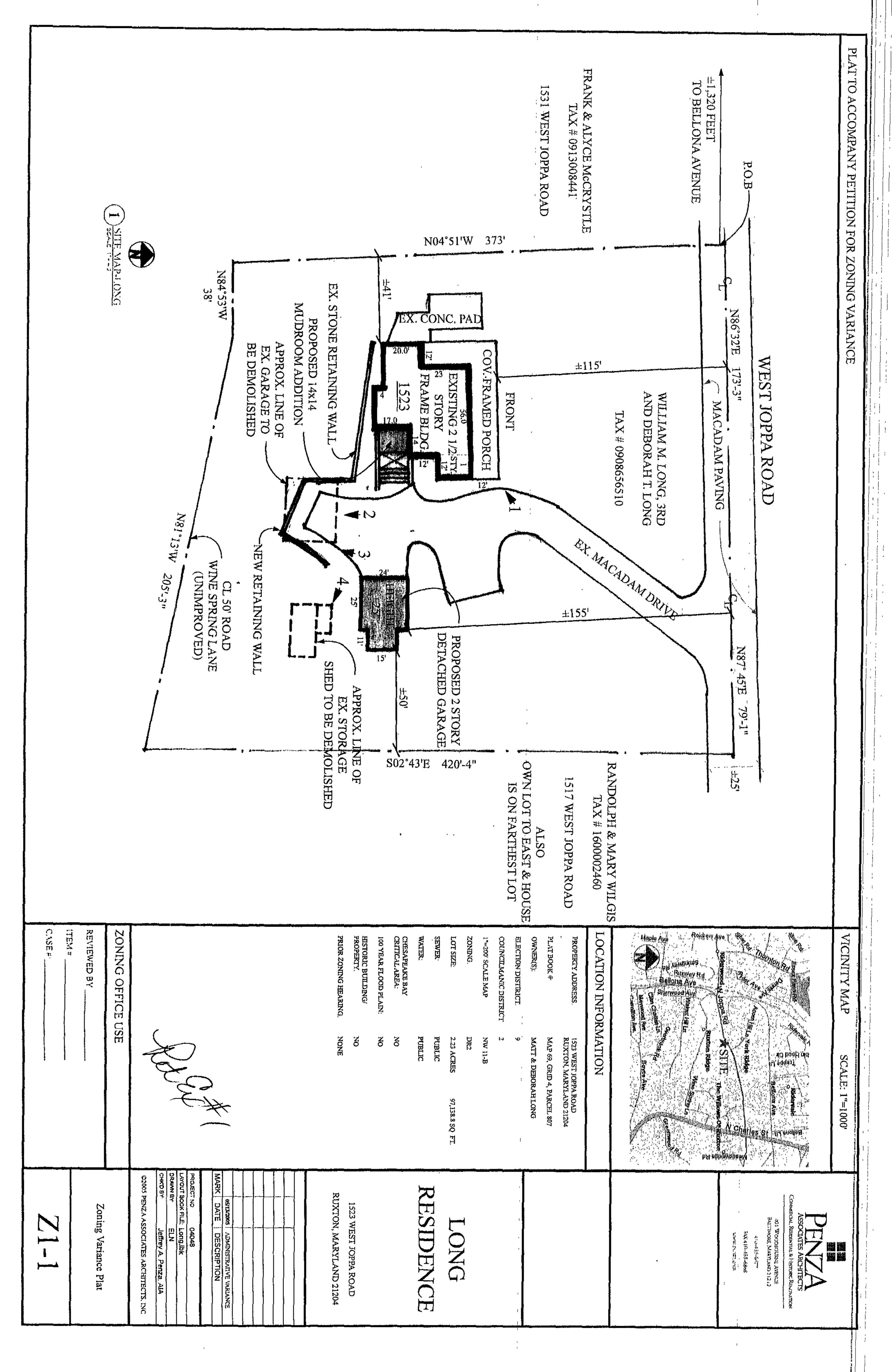


3) Existing Chain-link fence at garage, to be demolished.



4) Existing Storage Shed to be demolished.



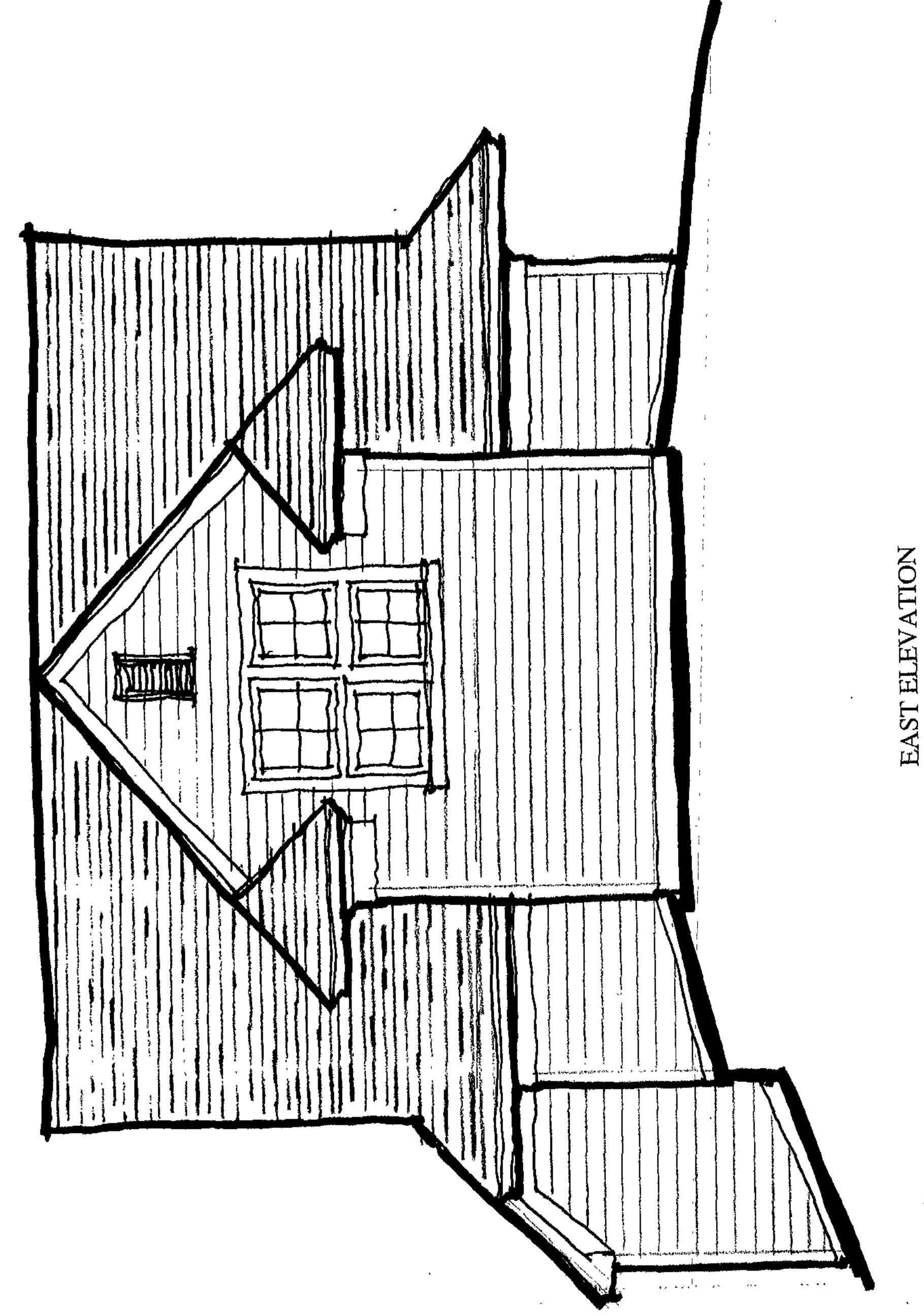


LONG RESIDENCE

NORTH ELEVATION
PROPOSED GARAGE ADDITION FOR THE

PENZA KSOCTATES ARCHITEC

SCALE 1/4" = 1'-0" APRII.7 2005

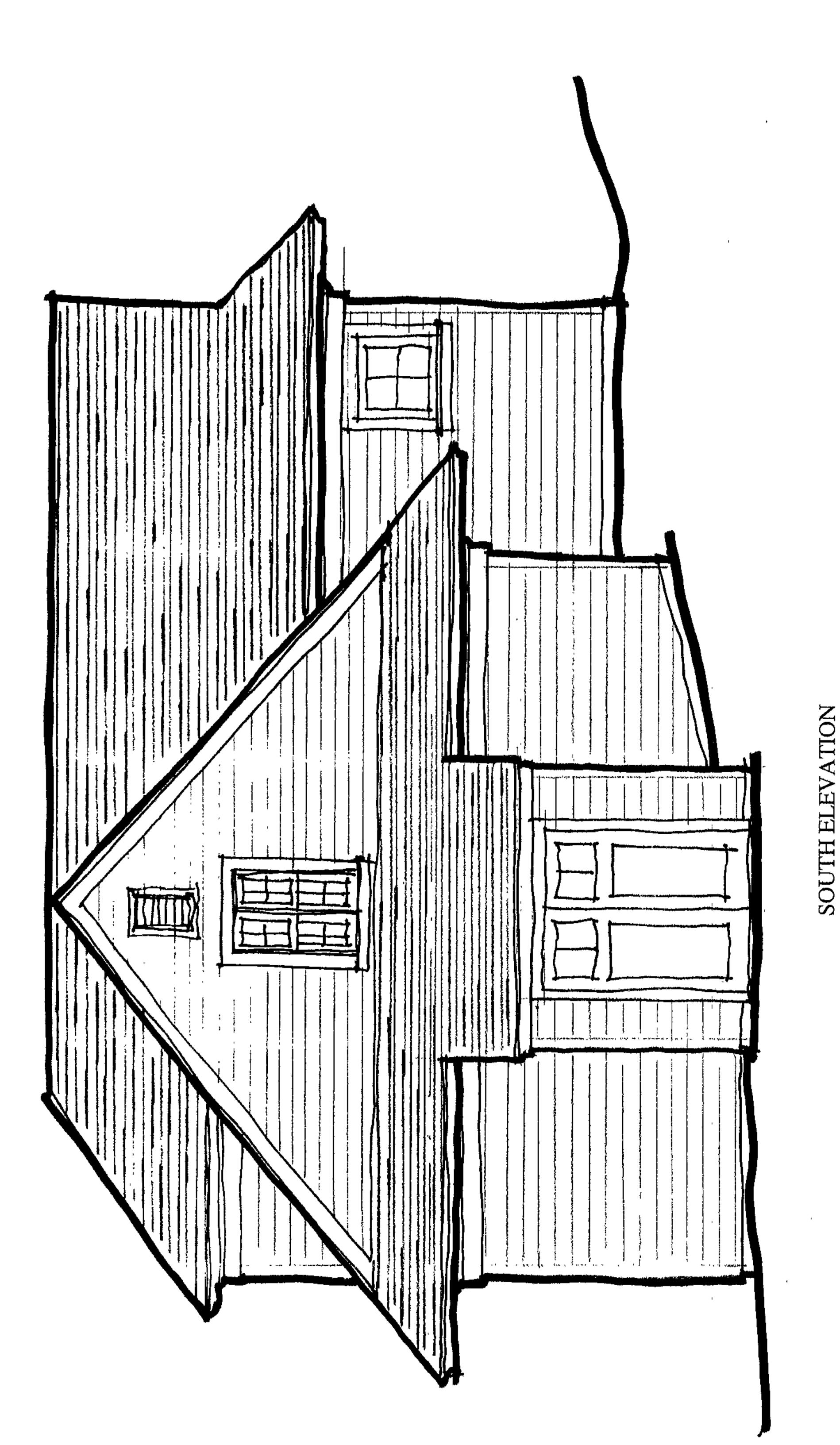


ONG RESIDENCE

PROPOSED GARAGE ADDITION FOR THE:

PENZA ASSOCIATES ARCHITECTS

SCALE 1/4" = 1'-0"APRIL 7, 2005



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PROPOSED GARAGE ADDITION FOR THE:

LONG RESIDENCE

RCH SSOCIATES N \mathbf{Z} 闰 Д

SCALE 1/4" = 1'-0" APRIL 7, 2005

