IN RE: PETITION FOR VARIANCE
S/side of Ridge Road, 300' east of
c/l of Gumspring Road
14th Election District
6th Councilmanic District
(4813 Ridge Road)

Lingard E. Winkler, Legal Owner Kevin & Dawn Drzewiecki, Cont. Purchasers \*

- BEFORE THE
- \* DEPUTY ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* CASE NO. 06-204-A

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Lingard E. Winkler, the legal owner of the subject property and Kevin and Dawn Drzewiecki, the contract purchasers. The variance request is for property located at 4813 Forge Road in the Perry Hall area of Baltimore County. The variance request is from Section 1B02.3C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed dwelling with a lot width of 50-feet and side yard setback of 12-feet with a combination of 22-feet in lieu of the required 70-feet, 15-feet and 25-feet, respectively.

The property was posted with a notice of the public hearing date and time on November 18, 2005 and notice given to the general public by publication in the Jeffersonian Newspaper on November 17, 2005.

### **Interested Persons**

Appearing at the hearing on behalf of the variance request was Mautaz Ezzat, builder, and Kevin and Dawn Drzewiecki, contract purchasers. Norman Ziemski, representing the South Perry Hall Boulevard Improvement Association, and Charlotte Leake, adjoining property owner, appeared in opposition to the request. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

# Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Office of Planning dated November 14, 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."

#### Testimony and Evidence

Mr. Ezzat indicated that the Petitioners want to build a new home on the subject property, which is presently vacant for themselves and their three (3) children as shown in Petitioner's Exhibit 1. The property is now owned by Mr. Winkler, the Petitioner's uncle, who purchased same in 1962. The subject property is zoned DR 3.5 and contains 10,000 sq. feet. As such, it meets the minimum area for DR 3.5 zoned lots but it is only 50 feet wide while the regulations require 70 feet. Mr. Ezzat indicated that the present owner, Mr. Winkler, has never owned any adjacent lots and the Petitioners testified that they cannot buy any additional land to widen the

lot. The Petitioners indicated that the lot is not part of a recorded subdivision, but was created 60 years ago by deed between family members who owned the whole area.

In regard to the request for variance for the sum of the side yard setback requirements, the proposed house is 27.5 feet wide. This leaves 22.5 feet for side yard setbacks. The DR regulations require 25 feet. The Petitioners indicated that narrowing the proposed house by 2.5 feet would make the rooms impractically small. For example, the kitchen would be reduced from 11 feet wide to 8.5 feet wide, which they indicated was too small. Mr. Ezzat noted that they have already downsized the house once before to make the house fit the lot.

They noted that Ms. Leake's home on the west side is only 5 feet from the property line and that there are several homes on 50-foot wide lots across Ridge Road as shown by the aerial photograph, Petitioner's Exhibit 2. Consequently, they opined that the new home would not change the pattern of development of the neighborhood.

Ms. Leake opposed the variance request as she is the adjoining property owner whose house is only 5 feet from the property line and the new house would be only 15 feet from her home. She would be most affected by the new house as it would adversely affect her privacy and use of her property. She opined that the Petitioner's should purchase enough property from the neighbors on the east side to achieve the 70-foot width and allow the new home to be farther away from her property. The Petitioners denied that this was feasible.

In the alternative, she requested the new home should be pushed back away from the road to give some distance between the new home and Ms. Leake's home. The Petitioner agreed but as pointed out at the hearing, the Planning Office is not opposed to the request on the basis the home is located as shown on Exhibit 1, which is aligned with the other homes on Ridge Road. There was some concern that the Planning Office might be strongly opposed to moving the home further from the road.

Mr. Ziemski, representing the local community association, indicated that his association is opposed to these requests as they have been working hard in recent past to be sure that homes are not built on lots less than 70 feet wide. He agreed that this lot was created many years ago and that his own lot is only 63 feet wide. Both he and Ms. Leake testified that although there are homes on 50-foot lots in the area, these are all older homes. When we discussed some possible solutions, both Parties agreed that they could not work out a compromise.

# Findings of Fact and Conclusions of Law

There is nothing the Petitioners can do to increase the width of their lot. So denying the lot width variance means that no home can be built on this lot. However the new home is proposed to be only 15 feet from Ms. Leake's home. On the other hand, the proposed home is 67 feet from the home to the east. Consequently, the home should be set toward the east to the extent possible to minimize the impact on Ms. Leake.

I find that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. According to the Petitioner, the lot was created 60 years ago and much before the DR regulations were imposed. This means the DR 3.5 regulations impact this property differently than others in the area created later in conformance with the regulations. As such, I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The lot is 50 feet wide and there apparently is nothing the Petitioners can do to buy more property on either side to reduce or eliminate the variance.

However, the request for variance for the sum of the side yard setbacks is another matter. The Petitioner would only have to narrow the house width 2.5 feet in order to eliminate the request for sum of the side yard setbacks. Although I know this will not be easy, I believe this

can be done and by lengthening the house achieve the same square footage needed by the Petitioners. I have every confidence that Mr. Ezzat can do this reasonably. Consequently, I will deny this variance.

There will be no increase in residential density beyond that otherwise allowable by the Zoning Regulations by granting the lot width variance. The lot meets the minimum size required.

I further find that the lot width variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The aerial photograph, and testimony of the Petitioners show that there are homes in the immediate vicinity built on 50 foot wide lots so that one more will not change the pattern of development of the neighborhood.

I note that the density residential regulations require 20 feet between homes. I think this requirement is most reasonable and I will require at least this separation between the proposed home and Ms. Leake's home. The question in this case is how to achieve this separation. Clearly, the house could be shifted to the east 5 feet from its present location and achieve this separation. The west setback would then be 15 feet. This undoubtedly would shift the driveway to Ms. Leake's side but she gave no indication this would be objectionable. In the alternative, the Petitioner's can push the house back from Ridge Road to achieve the 20-foot separation. However, it appears to me that the house would have to be moved back perhaps 22 feet to achieve this separation assuming that the Petitioners wanted to keep the 10 foot dimension to the western property line. This would take the proposed home out of line with the others in the neighborhood. I can not dictate to the Petitioners exactly how to achieve the 20 foot separation. In short, the Petitioners should submit a revised plan showing how they will achieve the 20-foot separation between the proposed home and the Leake home.

ORDER RECEIVED FUN FILLIN

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 in part and denied in part.

- 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, and
- 2. The new home on the Petitioner's lot shall be separated at least 20 feet from the Leake home on the adjacent lot to the west. The Petitioner shall submit a revised plat to accompany indicating how the Petitioner intends to achieve this separation.

IT IS FURTHER ORDERED that the Petitioner's request to allow a sum of side yard setback of 22-feet in lieu of the required 25 feet is DENIED.

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

JOHN'V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:dlw

IN THE MATTER OF

THE APPLICATION OF

LINGARD E. WINKLER. – LEGAL OWNER;

DAWN & KEVIN DRZEWIECKI – C.P.

FOR VARIANCE ON PROPERTY LOCATED \*

ON THE S/S OF RIDGE RD, 300' E C/L OF

GUMSPRING ROAD (4813 RIDGE ROAD)

14<sup>TH</sup> ELECTION DISTRICT

6<sup>TH</sup> COUNCILMANIC DISTRICT

\*

BEFORE THE

COUNTY BOARD OF APPEALS

OF

BALTIMORE COUNTY

CASE NO. 06-204-A

# ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Leslie M. Pittler, Esquire, on behalf of the South Perry Hall Boulevard Improvement Association, Appellant /Protestant, from a decision of the Zoning Commissioner dated December 7, 2005, in which the Petition for Variance was granted in part subject to restrictions and denied in part.

WHEREAS, the Board is in receipt of a letter of withdrawal of appeal filed February 28, 2006, by Leslie M. Pittler, Esquire, on behalf of the South Perry Hall Boulevard Improvement Association, Appellant /Protestant (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Counsel for Appellant requests that the appeal taken in this matter be withdrawn and dismissed as of February 28, 2006,

IT IS ORDERED this \_\_! day of \_\_\_\_\_\_, 2006 by the County Board of Appeals of Baltimore County that the appeal taken in Case No. 06-204-A be and the same is hereby DISMISSED.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY

Lawrence S. Wescott, Chairman

Wendell/H. Grier

Edward W. Crizer, Jr.



Attorney at Law

25 Wandsworth Bridge Way Lutherville, Maryland 21093

February 27, 2006

Baltimore County Board of Appeals Old Court House Towson, Maryland 21204

Telephone: 410-823-4455

Fax: 410-296-4461

RE: ZONING APPEAL CASE NUMBER 06-204-A 4813 RIDGE ROAD

Dear Sir/Madam:

Please be advised that on behalf of the South Perry Hall Boulevard Improvement Association, after discussions with Dawn Drzewiecki the Association is herby dismissing its appeal scheduled for March 7, 2006.

Very truly yours.

Leslie M. Pittler

Cc: Mrs. Peggy Winchester Mrs. Dawn Drzewiecki

> FEB 2 8 2006 **BALTIMORE COUNTY BOARD OF APPEALS**



# County Board of Appeals of Baltimore County

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

March 16, 2006

Leslie M. Pittler, Esquire 25 Wandsworth Bridge Way Lutherville, MD 21093

> RE: In the Matter of: Dawn & Kevin Drzewiecki; Lingard E. Winkler Case No. 06-204-A Order of Dismissal

Dear Mr. Pittler:

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

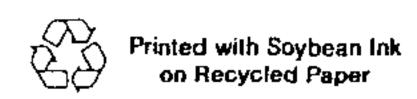
Very truly yours,

Kathleen C. Bianco

Administrator

### Enclosure

c: South Perry Hall Boulevard Imp. Assn. /
Norman Ziermski
Charlotte Leake
Lingard E. Winkler
Dawn & Kevin Drzewiecki
Mautaz Ezzat, President
Maryland Custom Builders, Inc.
Brooks Grasso
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



# Zoning Commissioner

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





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

December 7, 2005

Mr. and Mrs. Kevin Drzewiecki 4716 Forge Road Perry Hall, Maryland 21128

> Re: Petition for Variance Case No. 06-204-A

Property: 4813 Ridge Road

Dear Mr. and Mrs. Drzewiecki:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance has been granted in part and denied in part accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

John V. Murphy

for Baltimore County

JVM:dlw Enclosure

c: Mautaz Ezzat, President, Md. Custom Builders, Inc., P.O. Box 42, Clarksville, MD 21042 Norman Ziemski, South Perry Hall Boulevard Improvement Association, 4839 Ridge Road, Baltimore, MD 21237 Charlotte Leake, 4815 Ridge Road, Baltimore, MD 21237 People's Counsel; Case File



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



# Petition for Variance

# to the Zoning Commissioner of Baltimore County

for the property located at <u>4813 RIDGE RD</u> which is presently zoned <u>D.R. 3.5</u>

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)

To permit a proposed dwelling with a lot width of 50-feet and side yard setback of 12-feet with a combination of 22-feet in lieu of the required 70-feet, 15-feet and 25-feet, respectively.

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

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:	Legal Owner(s):
Kovin & Darewiecki.	Lingard E. Winklein
Name-Type or Print Rewelle Kun Projecule	Name-Type of Print & Winkler
Signature	Signature
4716 HORGE RD	•
Address Telephone No.  Yerry Hall, MD 2/128	Name - Type or Print
City Zip Code	Signature
Attorney For Petitioner:	
Autoriey For Feutioner,	Address Telephone No.
Name - Type or Print	City State Zip Code
	Representative to be Contacted:
Signature	MAUTAR EZZAT
Company)	
	Name 301-924-9550 800-888-4915
Addiess Telephone No.	Address Telephone No.
	CLANTSUME MD 21029
City State Zip Code	City State Zip Code
	OFFICE USE ONLY
$C_{2}$	ESTIMATED LENGTH OF HEARING
Caste NoO6-204-A	UNAVAILABLE FOR HEARING
Reviewed By	
RE 19/15/98	
$\mathcal{O} \cap \mathcal{O}$	

# 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

December 19, 2005

Mautaz Ezzat
President
Md. Custom Builders Inc.
P.O. Box 42
Clarksville, MD 21042

Re: Petition for Variance
Case No. 06-204-A
Property: 4813 Ridge Road

Dear Mr. Ezzat:

For your information, enclosed please find a copy of an e-mail addressed to me from Curtis Murray, Development Planner, Office of Planning, regarding the above referenced Petition for Variance.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw Enclosure

c: Mr. and Mrs. Kevin Drzewiecki, 4716 Forge Road, Perry Hall, Maryland 21128 Lase File



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

# Zoning Description for 4813 Ridge Road

Beginning at a point on the south side of Ridge Road which has a 50-foot right-of-way and being 300-feet east of the centerline of Gumspring Road. Being Parcel 22, Maryland State tax map #82. Containing 10,000 square feet. Also known as 4813 Ridge Road and located in the 14<sup>th</sup> Election District, 6th Councilmanic District.

06-204-A

The Zoning Confidence of Baltimore Obserty, by authority of the Zoning Confidence of Baltimore Obserty, by authority of the Zoning Act and Requisitions of Baltimore County will look a public hearing in Teason. Maryland on the property identified herein as the profess. 186 284.

4813 Ridge Road South side of Ridge Reget 300 feet east of centrarilies of Guntspring Road South side of Ridge Reget 300 feet east of centrarilies of Guntspring Road South side of Ridge Reget 300 feet east of centrariles of Guntspring Road South Street of Ridge Reget 300 feet east of centrariles of Guntspring Road South Street in Mari of the regulified 70 feet 115 feet with a transite with 25 feet in Mari of the regulified 70 feet 115 feet with a transite with 25 feet in Mari of the regulified 70 feet 115 feet with a transite with 25 feet in Mari of the regulified 70 feet 115 feet with a transite with 25 feet in Mari of the regulified 10 feet with a transite with 25 feet in Mari of the regulified 10 feet with a transite with 25 feet in Mari of the regulified 10 feet with a transite with 25 feet in Mari of the regulified 10 feet with a transite with 25 feet in Mari of the regulified 10 feet with a transite with 25 feet in Mari of the regulified 10 feet with a transite with 25 feet in Mari of the regulified 10 feet with a transite with 25 feet in Mari of the regulified 10 feet with a transite with 25 feet in Mari of the regulified 10 feet with a transite with 25 feet in Mari of the regulified 10 feet with a transite with a transit with a transit with a transit with a t

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NOTES: (1) Hearings are Hardinapped Accessible; special accommodations Protest Detact the Zoutho Compissioner's Office at (410) 887-4886

72) For internation concerning the Tile action Hearings (410) 887-4886

# CERTIFICATE OF PUBLICATION

11/17/1/2005

X The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

Towson Times

☐ Owings Mills Times

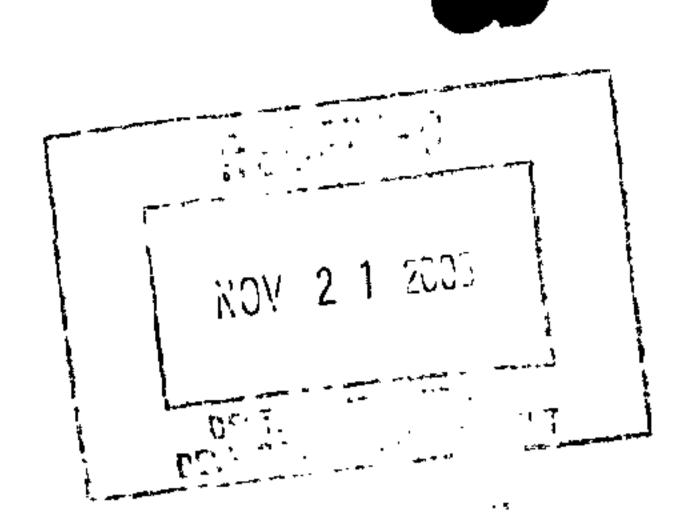
☐ North County News

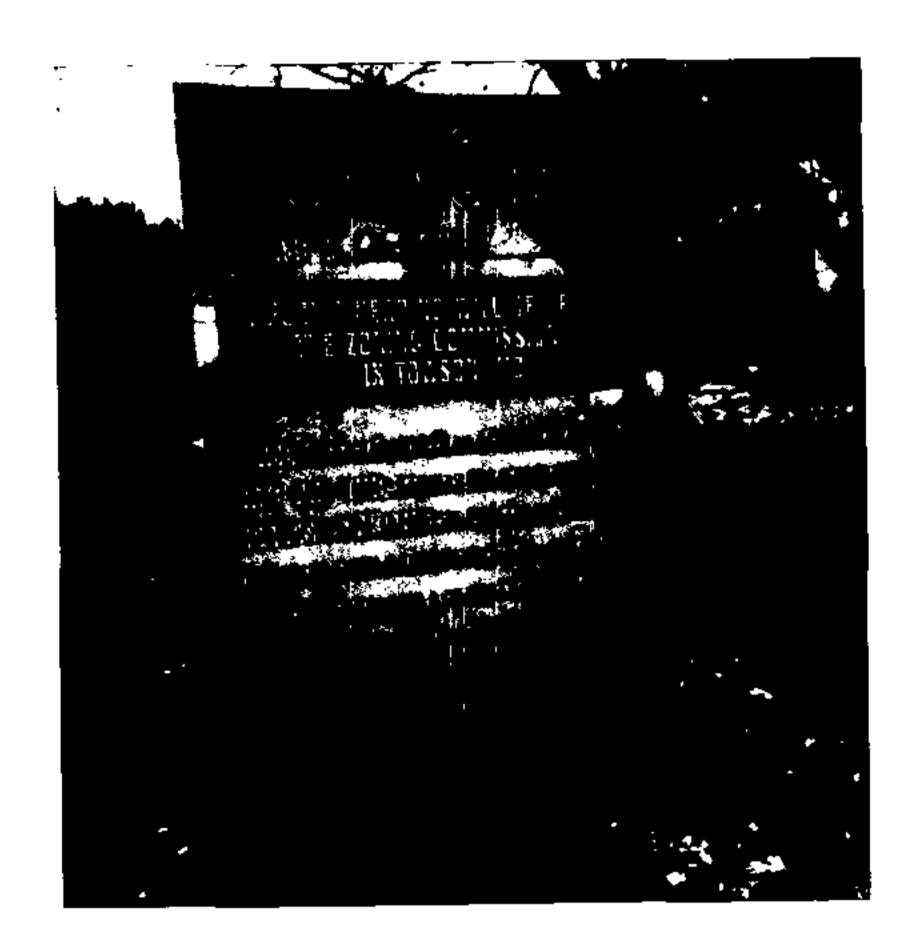
□ NE Booster/Reporter

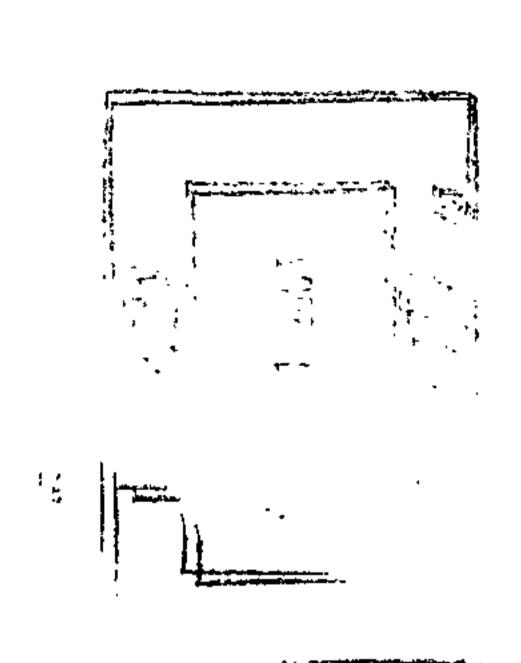
Mulmon

LEGAL ADVERTISING

	RE: Case No.: 06-204-A
	Petitioner/Developer:
	Kevin & Dawn Drzewiecki
	Date of Hearing/Closing: 12-5-05
Baltimore County Department of Permits and Development Management County Office Building, Room 111—————————————————————————————————	
Attention: Kristen Matthews	
Ladies and Gentlemen:	4
were posted conspicuously on the property loc <u>Rosedale</u> , MD 21237	ated at <u>4813 Kidge Road</u>
The sign(s) were posted on Novemb	er 18, 2005
· <del></del> <del></del>	(Month, Day, Year)
	Sincerely,
	Macy adver 11/18/05
	(Signature of Sign Poster and Date)
	SHANNON BALLM SIGNS INC.  105 COMPETITIVE GOALS DR.
	ELDERSBURG-MD. 21784  410-281-4000
	FF there FT the same







JV 2

# APPEAL SIGN POSTING REQUEST

CASE NO. 06-204-A

		4813 RIDGE RO	OAD		
14 TH	ELECTION DISTE	RICT	APPEALI	ED: 1/02/	06
ATT	ACHMENT – (Plan	to accompany Petition	Petitioner'	's Exhibit N	o. 1)
***(	COMPLETE AND	RETURN BELOV	V INFORN	MATION	***
	CER	TIFICATE OF	POSTIN	<u>G</u>	
TO:	Baltimore County Box 400 Washington Aver Towson, MD 21204	nue, Room 49	-		
	Attention: Kathleen I Administra				
	CASE NO.: 06-204-A	4			
	LEGAL OWNER:	LINGARD E. WINK	LER		
located		4813 RIDGE R GE ROAD, 300' E	OAD CENTERI		on the property
*	·	GUMSPRING F			
Ву: _	ign was posted on		, 2006.	MAJ	28K13
(5	Signature of Sign Poster	<b>:</b> )			

(Print Name)

# APPEAL SIGN POSTING REQUEST

CASE NO. 06-204-A

4813 RIDGE ROAD

14 TH ELECTION DISTRICT

The state of the party of the

APPEALED: 1/02/06

# 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





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

November 3, 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: 06-204-A

4813 Ridge Road

South side of Ridge Road, 300 feet east of centerline of Gumspring Road

14th Election District – 6th Councilmanic District

Legal Owner: Lingard E. Winkler

Contract Purchaser: Kevin & Dawn Drzewiecki

Variance to permit a proposed dwelling with a lot width of 50 feet and side yard setbacks of 12 feet with a combination of 22 feet in lieu of the required 70 feet, 15 feet and 25 feet respectively.

Hearing: Monday, December 5, 2005 at 9:00 a.m. in Room 407, County Courts Building,

401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Drzewiecki, 4716 Forge Road, Perry Hall 21128 Mautaz Ezzat, MD. Custom Builders, P.O. Box 42, Clarksville 21029

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 19, 2005.
  - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
  - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

Responsible Jan Line Line Jan Line Jan Jan Kapatan Line Jan Line Jan 337.E. No. 104.7 BB-616 43 ACCOUNT **AMOUNT** BALTIMORE COUNTY, MARY & FINANCE MISCELLANEQUS RECEIPT OF BUDGET DISTRIBUTION WHITE - CASHIER OFFICE RECEIVED FROM: DATE FOR:

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CASHIER'S VALIDATION

YELLOW - CUSTOMER

PINK - AGENCY

TO: PATUXENT PUBLISHING COMPANY

Thursday, November 17, 2005 Issue - Jeffersonian

Please forward billing to:

Mautaz Ezzat

301-924-9550

Maryland Custom Builders

P.O. Box 42

Clarksville, MD 21029

# NOTICE OF ZONING HEARING

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CASE NUMBER: 06-204-A

4813 Ridge Road

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Hearing: Monday, December 5, 2005 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J WISEMAN III

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.





# 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 ubject 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: 06-204-A
Petitioner:DRZEWIECKI
Address or Location: 4813 RIDGE RD.
PLEASE FORWARD ADVERTISING BILL TO:  Name:MAUTAZ_EZZAT
Address: MARYLAND CUSTOM BUILDERS
P.O. Biox 42
CLARKSVILLE, MD 21029
Telephone Number: 800-888-4915 301-924-9550

# Department of Permits Development Management

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





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

December 5, 2005

Mr. and Mrs. Drzewiecki 4716 Forge Road Perry Hall, Maryland 21128

Dear Mr. and Mrs. Drzewiecki:

RE: Case Number: 06-204-A, 4813 Ridge Road

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

U. Callibal)

WCR: clb

Enclosures

c: People's Counsel Mautaz Ezzat, M.D. P.O. Box 42 Clarksville 21029



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

**DATE:** November 14, 2005

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

NOV 1 5 2005

ZONING COMMISSIONER

**SUBJECT:** 

4813 Ridge Road

**INFORMATION:** 

Item Number:

6-204

Petitioner:

Lingard E. Winkler

Zoning:

DR 3.5

Requested Action:

Variance

#### **SUMMARY OF RECOMMENDATIONS:**

The Office of Planning does not oppose the petitioner's request provided the proposed dwelling is situated as shown on the site plan.

For further information concerning the matters stated here in, please contact Jeff Mayhew at 410-887-3480.

Prepared by:

**Division Chief:** 

AFK/LL: CM

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# INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** November 9, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For October-31, 2005

Item Nos. 204, 205, 206, 208, 209, 211,

213, 214, 215, 216,

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-11092005.doc



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 123 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 NOV. 02, 2005

ATTENTION:

Distribution Meeting of: OCTOBER 24, 2005

Item No. (: 204) -218

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. PACK
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



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

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

# Maryland Department of Transportation

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. And

Date: 17.31.075

Item No

Baltimore County

Engineering Access Permits Division

From:

Curtis Murray

To:

Murphy, John

Date: Subject:

12/12/2005 4:12:05 PM Zoning Case 6-204-A

Jack,

Good afternoon, I received a copy of a fax that was sent to you by Mautaz S. Ezzat in reference to the subject case above. The Office of Planning is opposed to the reorientation of the dwelling. Setting the building farther back creates a front to rear orientation. The Office of Planning in comments dated 11/14/2005, indicated that we do not oppose the petitioner's request provided the proposed dwelling is situated as shown on the site plan that accompanied the subject petition.

If you have an questions do not hesitate to let me know.

Best Regards,

Curtis J. Murray
Development Planner
Baltimore County Office of Planning
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
410-887-3480
Fax: 410-887-5862
cjmurray@co.ba.md.us

CC:

Lanham, Lynn

# Maryland Custom Builders, Inc.

P.O. Box 42

Clarksville, Maryland

21029-0042

www.marylandcustombuilders.com

mse-taz@erols.com

January 5, 2006

Mr. John V. Murphy
Deputy Zoning Commissioner
Baltimore County
Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
VIA FACSIMILE
410-887-3468

Re:

Petition for Variance

Case No. 06-204-A

Property: 4813 Ridge Road

Dear Mr. Murphy,

We are in receipt of your most recent correspondence of December 19, 2005 regarding the above referenced property.

We have spent many hours creating a plan that is suitable for all parties concerned and we are hereby forwarding it to you for your review prior to submitting these plans to the permits office. All issues and criteria have been addressed to comply with your decision regarding this case.

We are ready to move forward and we await your review at your earliest opportunity. Your attention to this matter is greatly appreciated.

With Best Regards,

Mainaz S. Ezzat

President

Cc;

Mr. Curtis J. Murray, Development Planner, Balt. Co. Office of Planning

Via Facsimile 410-887-5862

Enclosure:

Į



JAMES T. SMITH, JR. County Executive

5

WILLIAM J. WISEMAN III

Zoning Commissioner

January 10, 2006

Mautaz Ezzat
President
Md. Custom Builders Inc.
P.O. Box 42
Clarksville, MD 21042

Re: Petition for Variance Case No. 06-204-A Property: 4813 Ridge Road

Dear Mr. Ezzat:

Thank you for your correspondence dated January 5, 2006. It is my understanding that this matter has been appealed to the Board of Appeals and that they will hear the case from the beginning with the new evidence submitted.

If you have any additional questions or concerns, please contact the Board of Appeals at 410-887-3180.

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

for Baltimore County

JVM:dlw

c: Mr. and Mrs. Kevin Drzewiecki, P.O. Box 44336, Nottingham, Maryland 21236 Board of Appeals; Case File



Attorney at Law

25 Wandsworth Bridge Way Lutherville, Maryland 21093

January 2, 2006

Telephone: 410-823-4455

Fax: 410-296-4461

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

> RE: Case Number 06-204-A Property 4813 Ridge Road

Dear Sir/Madam:

Please be advised that I represent the South Perry hall Boulevard Improvement Association and that I am taking an appeal from the Baltimore County Deputy Zoning Commissioner's decision in the above-captioned case. The decision of the Deputy Zoning Commissioner was rendered on the 7<sup>th</sup> day of December, 2005.

I am appealing the granting of a variance to permit a proposed dwelling with a lot width of fifty (50) feet in lieu of the required seventy (70) feet.

Very truly yours,

Leslie M. Pittler

RECEIVED

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YOUR LOGO : BOARDOFAPPEALS

YOUR FAX NO. : 4108873182

OTHER FACSIMILE

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TO TURN OFF REPORT, PRESS 'MENU' #04. THEN SELECT OFF BY USING '+' OR '-'.

FOR FAX ADVANTAGE ASSISTANCE, PLEASE CALL 1-800-HELP-FAX (435-7329).



# COLUMBIABANK

www.thecolumbiabank.com

**Brooks Grasso** 

Mortgage Director 7168 Columbia Gateway Dr. Columbia, MD 21046

Toll Free: (800) 898-2258 (410) 423-8228 Phone:

(410) 608-4255 Cell: (410) 423-8057 Fax: bgrasso@thecolumbiabank.com



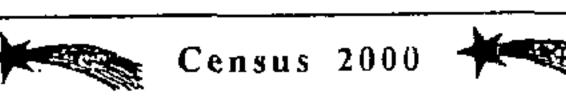
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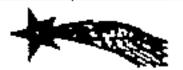
	For You, For Baltimore County
	Census 2000
COUNT YO	urself in Maryland's Future!

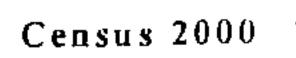
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o: The Columbia Brok	From: Line Fliegel  County Board of Appeals
Atn: Brooks Dusso	400 Washington Ave., Rm. 49
	Towson, MD 21204
Re: Autu P Dismissie Case # 06-204-A hone:	Phone: (410) 887-3180
ax # (410) 423-8057	Fax # (410) 887-3182
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	· · · · · · · · · · · · · · · · · · ·

ALDINATALIES,	
Mr. Durse,	-
Os per your request, I amfaxing a Copy of the Dulin of Dismussal, w/attack ments, in the arrive-coptimul case.	<i>ل</i>







3/24/06

Linda:

I received a call Friday regarding the attached appeal.

Apparently Jason posted the property after the appeal was withdrawn – causing some concern in the neighborhood that we still planned on having a hearing – or that the matter had been resurrected somehow.

I've left a message for Jeff Radcliffe (I tried reaching Jason but was just asked by a computer voice to call back later) – asking Jeff to have the sign removed as soon as possible.

He may or may not get back to me today - but I wanted you to be aware in the event he calls on Monday when I'm not around.

thanks

kathi

A A DAY

706-204-An

Mongland Custom \$301-596 Builder

Del

Please Jook \
decision to

# COUNTY BOARD OF APPEALS.

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

#### FACSIMILE TRANSMITTAL SHEET

TO AND FAX NUMBER:

FROM:

TO: BROOKS GRASSO

FAX: 410-887-3182

**FAX**: 410-423-8229

TELEPHONE: 410-887-3180

DATE:

MARCH 3, 2006

TOTAL NO. OF PAGES INCLUDING

COVER:

RE: IN THE MATTER OF: LINGARD E. WINKLER; DAWAN & KEVIN DRZEWIECKI

EIGHT (8)

**URGENT** 

FOR REVIEW

FOR YOUR RECORDS

PLEASE REPLY

PLEASE RECYCLE

# PERSONAL AND CONFIDENTIAL

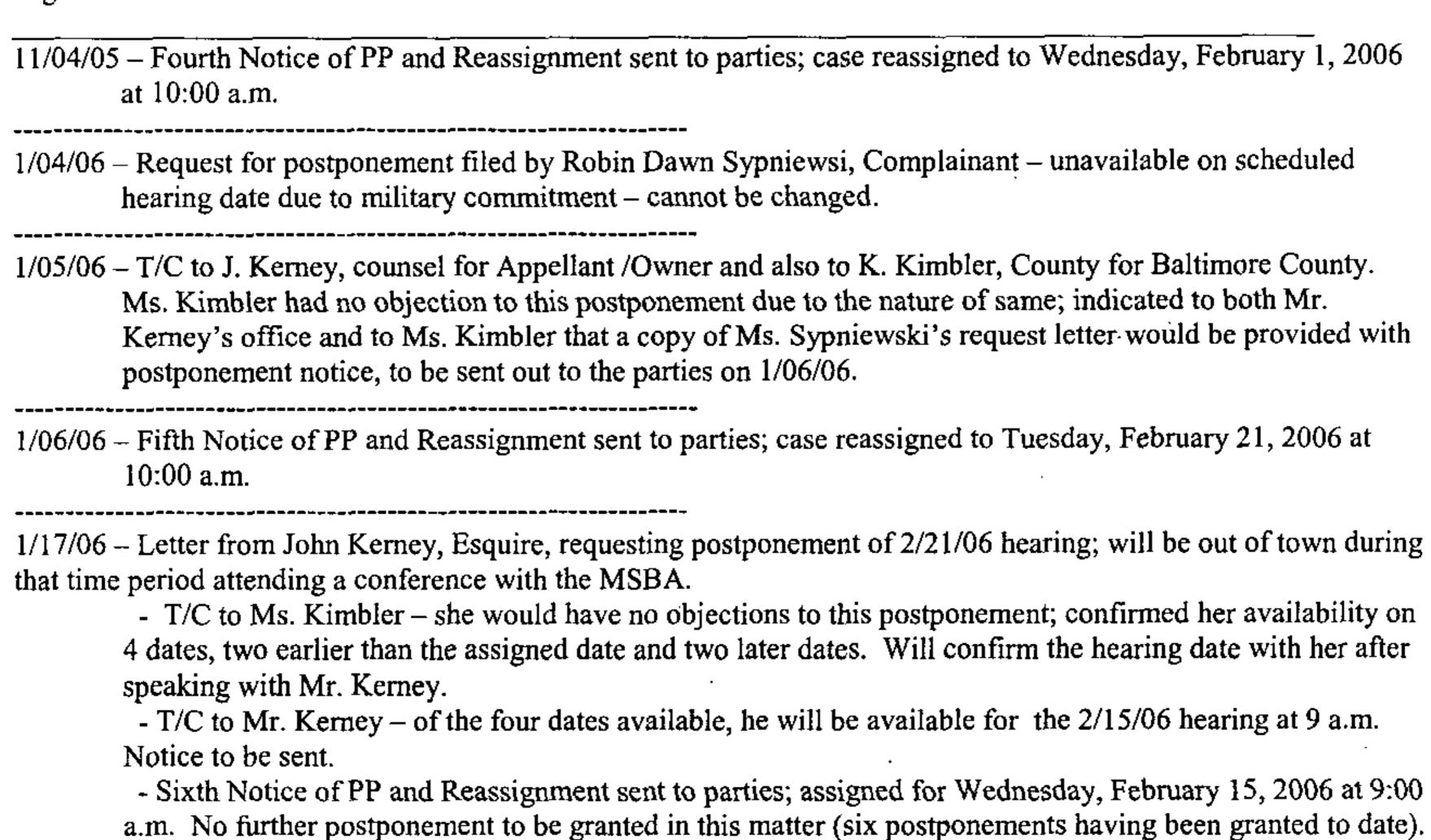
ATTACHED PER YOUR REQUEST IS A COPY OF THE LETTER OF WITHDRAWAL OF APPEAL FILED BY MR. PITTLER ON 2/28/06, AS WELL AS A COPY OF THE DEPUTY ZONING COMMISSIONER'S ORDER OF 12/07/05.

AN ORDER OF DISMISSAL WILL BE ISSUED BY THIS BOARD WITHIN THE NEXT WEEK (A COPY WILL BE SENT TO YOU UPON ISSUANCE).

Case No. CBA-05-121

# In the Matter of: Janet M. Cherry 3798 Timahoe Circle 21236

Page 2



2/15/06 - Board convened for hearing (Stahl, M Mohler, Brassil); Mr. Kerney and Ms. Kimbler were present -

body of the agreement for penalty reduction if paid within 45 days of Order. (ADM)

indicated that agreement had been reached prior to hearing for reduction of penalties; County then moved

for dismissal; granted. Order of Dismissal to be issued; dismissed for failure to appear, with notation in

# Department of Permits and Development Management

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



# **Baltimore County**

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

January 20, 2006

Leslie M. Pittler, Esquire 25 Wandworth Bridge Way Lutherville, MD 21093

Dear Mr. Pittler:

RE: Case: 06-204-A, 4813 Ridge Road

Please be advised that we received your appeal of the above-referenced case on January 5, 2006. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

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

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

Sincerely, Kotroco

Timothy Kotroco Director

TK:raj

C: People's Counsel of Baltimore County
 Deputy Zoning Commissioner

 Timothy Kotroco, Director of PDM
 Mr. Lingard E. Winkler, c/o 4716 Forge Rd., Perry Hall, MD 21128
 Mr. & Mrs. Kevin Drzewiecki, 4716 Forge Rd., Perry Hall, MD 21128
 Mautaz Ezzat, Pres., Maryland Custom Builders, Inc., P. O. Box 42, Clarksville, MD 21042
 Norman Ziemski, South Perry Hall Blvd. Improvement Assoc.,4839 Ridge Road, Baltimore, MD 21237
 Charlotte Leake, 4815 Ridge Road, Baltimore, MD 21237



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

#### **APPEAL**

Petition for Variance
4813 Ridge Road
S/S of Ridge Road, 300 ft. E centerline of Gumspring Road
14th Election District – 6th Councilmanic District
Legal Owner: Lingard E. Winkler
Contract Purchasers: Dawn & Kevin Drzewiecki

Case No.: 06-204-A

Petition for Variance (October 11, 2005)

Zoning Description of Property

Notice of Zoning Hearing (November 3, 2005)

Certification of Publication (November 17, 2005 – The Jeffersonian)

Certificate of Posting (November 18, 2005) by Stacy Gardner

Entry of Appearance by People's Counsel (October 28, 2005)

がetitioner(s) Sign-In Sheet – One Sheet

Protestant(s) Sign-In Sheet - None

/Citizen(s) Sign-In Sheet – One Sheet

Zońing Advisory Committee Comments

Petitioners/Exhibits

✓ Site Plan for 4813 Ridge Road

Aerial Photograph

Protestants' Exhibits:

None

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Miscellarieous (Not Marked as Exhibit)

- 12/12/05 e-Mail from Curtis Murray (Planning) to John Murphy re: Mautaz S. Ezzat fax sent to John Murphy
- Letter dated 12/19/05 to Mautaz Ezzat from John Murphy re: e-mail from Curtis Murray
   1/5/06 letter faxed from Maryland Custom Builders to John Murphy, with attached plan for 4813 Ridge Road
  - 1/10/06 letter from John V. Murphy to Mr. Ezzat

Zoning Commissioner's Order (Petition for Variance- GRANTED w/ conditions & Request to allow sum of side yards of 22 ft. DENIED) 12/7/05

Notice of Appeal received on 1/2/06 from Leslie M. Pittler, Esq.

c: People's Counsel of Baltimore County
Deputy Zoning Commissioner
Timothy Kotroco, Director of PDM
Mr. Lingard F. Winkler, c/o-4746-Earge-Rd-

Timothy Kotroco, Director of PDM

See new address

Mr. Lingard E. Winkler, c/o-4716-Forge-Rd., Perry Hall, MD-21128

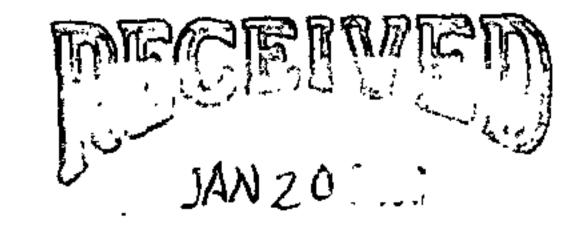
Mr. & Mrs. Kevin Drzewiecki, 4716 Forge Rd., Perry Hall, MD 21128

Mautaz Ezzat, Pres., Maryland Custom Builders, Inc., P. O. Box 42, Clarksville, MD 21042

Norman Ziemski, South Perry Hall Blvd. Improvement Assoc.,4839 Ridge Road, Baltimore, MD 21237 Charlotte Leake, 4815 Ridge Road, Baltimore, MD 21237

Leslie M. Pittler, Esq., 25 Wandworth Bridge Way, Lutherville, MD 21093

date sent January 20, 2006, raj



BALTINIONE COUNTY BOARD OF APPEALS

MR AND MRS KEVIN DRZEWIECKI 4716 FORGE ROAD PERRY HALL, MD 21128

# PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

ETITIONER'S SIGN-IN SHEE'

2/5/05

E- MAIL													
CITY, STATE, ZIP	Chesules in sous	Herry Hall, 1110 21128	Pexxy Hall 1110 21108		•								
ADDRESS	3	Forge R	(12 abjay 01/h	•									
NAME	Maine Fear, MCB1	DAWIN H DRZewjechi	MOKE										

PLEASE PRII

CASE NAME CASE NUMBER DATE

CITÍZEN'S SIGN-IN SHEET

E- MAIL	715mski @ Comensi.	13										
CITY, STATE, ZIP	15W 10, WIA. 21237	34LTO. MD 21237										
ADDRESS ,	1. 4/839 Quent	4815 RIDGET RD K										
NAME	How will siell	CHARLOTTE LETAKE										

RE: PETITION FOR VARIANCE

4813 Ridge Road; S/side Ridge Rd, 300' E

c/line Gumspring Road

14<sup>th</sup> Election & 6<sup>th</sup> Councilmanic Districts

Legal Owner(s): Lingard E. Winkler

Contract Purchasers: Kevin & Dawn Drzewiecki

Petitioner(s)

BEFORE THE

**ZONING COMMISSIONER** 

**FOR** 

**BALTIMORE COUNTY** 

06-204-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 sent and all documentation filed in the case.

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

Per.....

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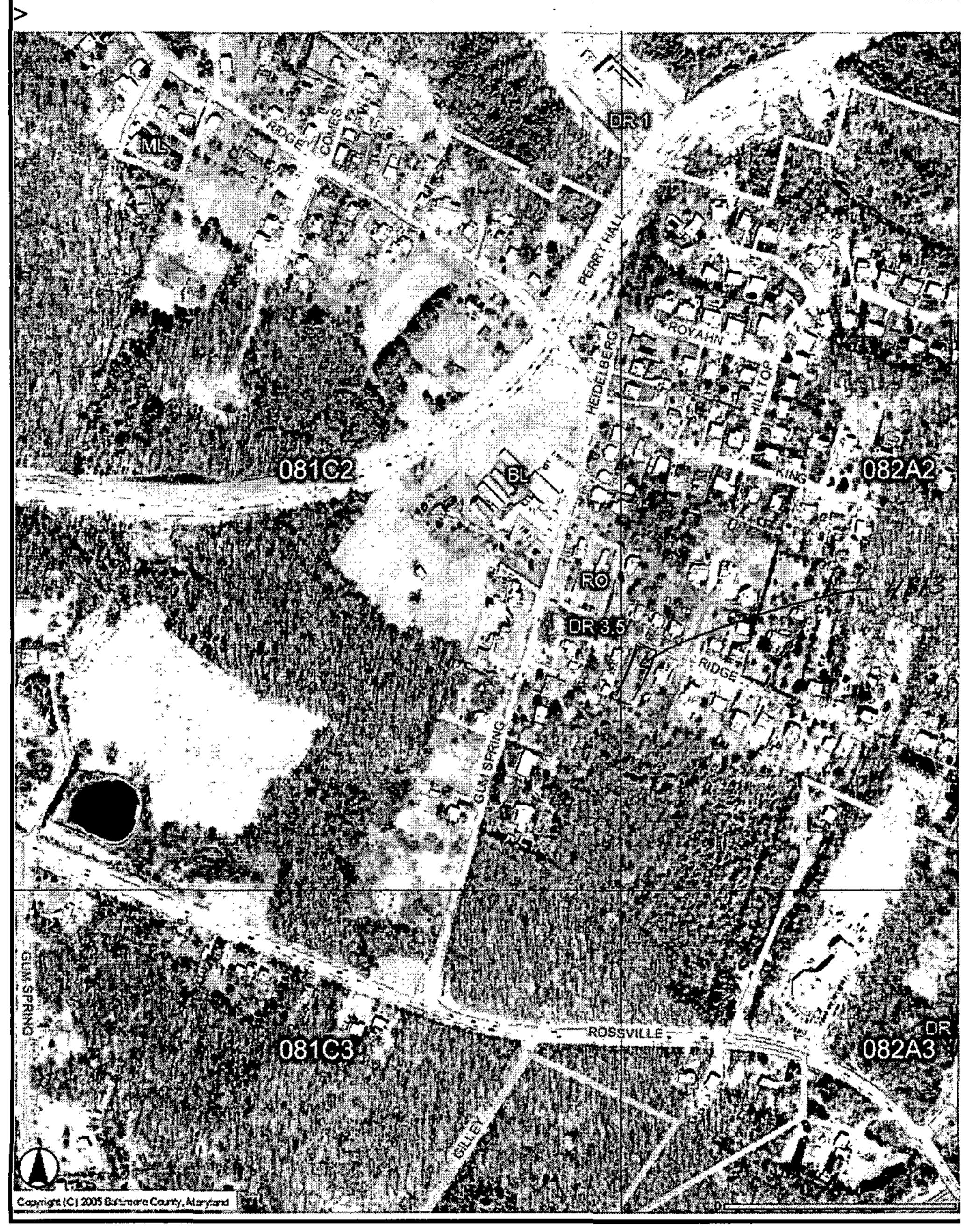
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28<sup>th</sup> day of October, 2005, a copy of the foregoing Entry of Appearance was mailed to, Mantaz Ezzat, P.O. Box 42, Clarksville, MD 21029, Representative for Petitioner(s).

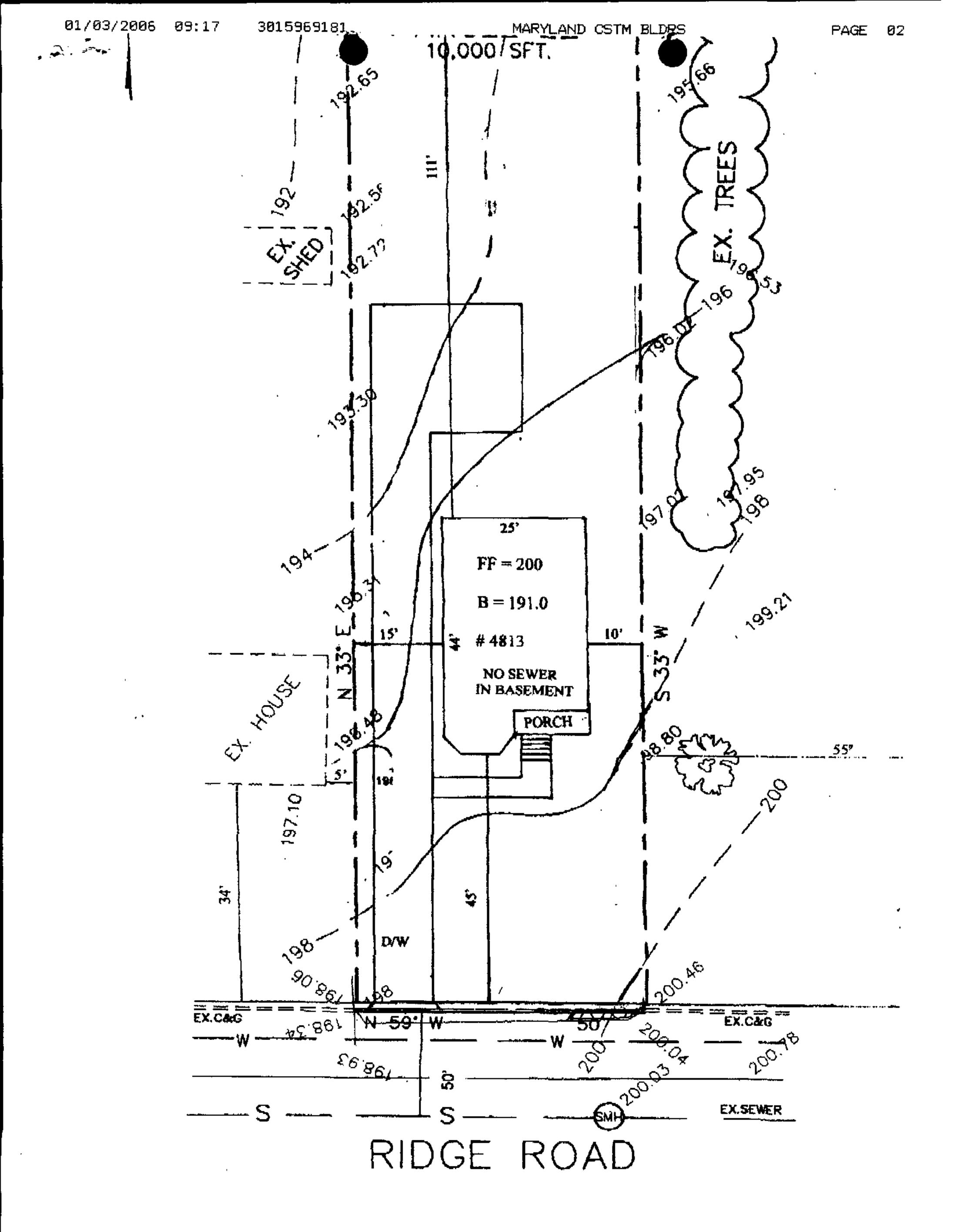
PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

# Baltimore County - My-Neighborhood



06-204-A Det #2



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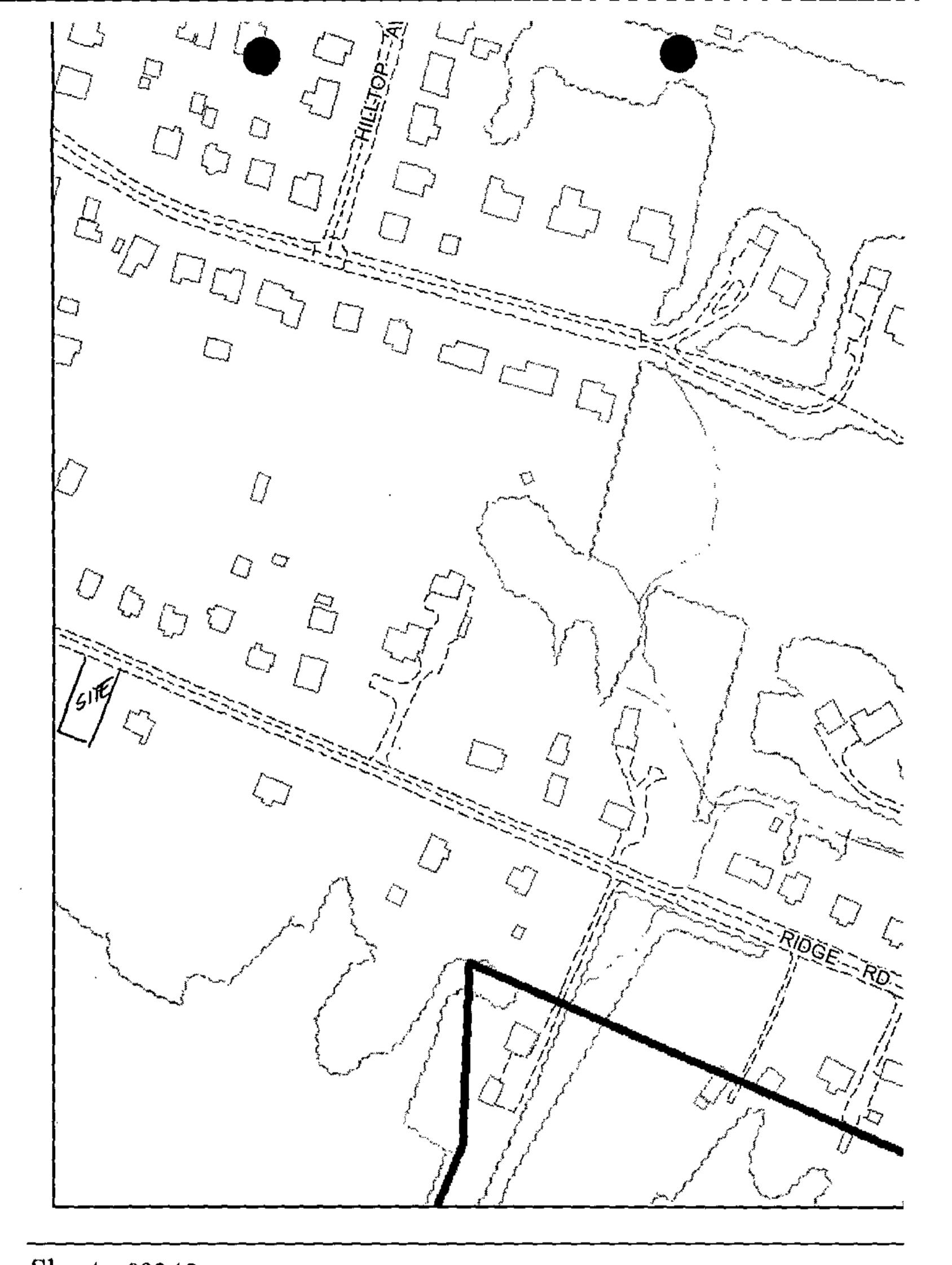
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ning depicted in this application incorporates the actions ated with County Council Bills 82-04, 83-04, 84-04, 85-04, 87-04, 88-04, and 89-04 adopted by the County Council on t 31, 2004. The action associated with County Council Bill adopted on December 6, 2004 is also depicted. In addition, Board of Appeals actions from MC 05-01, MC 05-02, MC and MC 05-04 on February 9, 2005 are represented in this tion.

