IN RE: **PETITION FOR VARIANCE** N/S Lyons Mill Road, 450' E of the c/l Owings Mills Boulevard **(9306 Lyons Mill Road)** 2nd Election District 4th Council District Elias Rizakos Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 06-474-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Elias Rizakos, through his attorney, Howard L. Alderman, Jr., Esquire. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit redevelopment of an existing lot of record with a replacement dwelling featuring side yard setbacks of 22 feet (east) and 10 feet (west) in lieu of the minimum required 25 feet, and any other relief deemed appropriate by the Zoning Commissioner. The subject property and requested relief are more particularly described on the site plan submitted, which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing on behalf of the Petitioner were Chuck Merritt and Robert Brocato, representatives of Merritt Development Consultants, Inc., and Howard L. Alderman, Jr., Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

Testimony and evidence offered disclosed that the subject property is a rectangular shaped parcel located on the north side of Lyons Mill Road, just east of Owings Mills Boulevard in Reisterstown. The property contains a gross area of 14, 418 sq.ft. (or 0.331 acres), more or less zoned D.R.16, and is improved with a single-family dwelling, which was built in 1949. The Petitioners are desirous of redeveloping the property with a new single-family dwelling, 37' x 40' in dimension. Given the narrow width of the lot, the property cannot meet current setback requirements. In this regard, the property is 70 feet wide and 217 feet deep. In that the D.R.16

ORDER RECEIVED FOR FILING
Date 6-15-06
By

zoning regulations require a minimum side yard setback of 25 feet, the requested variance relief is necessary. In support of the request, testimony and evidence presented demonstrated that the subject property is an existing lot of record and the Petitioner does not own adjoining land to make up the deficiency. Moreover, the proposed dwelling will be compatible with other houses in the area and all other development requirements will be met but for the reduced side yard setbacks.

After due consideration of the testimony and evidence presented, I am persuaded to grant the requested relief. It is clear that the subject property has existed as a lot of record since at least 1949 and that strict compliance with the D.R.16 zoning regulations would result in a practical difficulty and unreasonable hardship for the Petitioners. It is also clear that the subject lot has not been used for any purpose or in conjunction with any adjacent lot. There were no adverse comments from any County reviewing agency and none of the neighbors voiced any objection. Thus, I find that relief can be granted and that there will be no detrimental impact to adjacent properties or surrounding locale. However, as a condition to the relief granted, the Petitioner shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval prior to the issuance of any permits.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of June 2006 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit redevelopment of an existing lot of record with a replacement dwelling featuring side yard setbacks of 22 feet (east) and 10 feet (west) in lieu of the minimum required 25 feet each, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED
Date 6-15-06
By

2) Prior to the issuance of any building permits, the Petitioners shall submit building elevation drawings to the Office of Planning for review and approval.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING
Date
By

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

June 15, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Howard L. Alderman, Jr., Esquire
Levin & Gann
502 Washington Avenue, 8th Floor
Towson, Maryland 21204

RE: **PETITION FOR VARIANCE**
N/S Lyons Mill Road, 450' E of the c/l Owings Mills Boulevard
(9306 Lyons Mill Road)
2nd Election District – 4th Council District
Elias Rizakos - Petitioner
Case No. 06-474-A

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted, in accordance with the attached Order.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

cc: Mr. Elias Rizakos
1102 Berrymans Lane, Reisterstown, Md. 21136
Messrs. Charles Merritt & Robert Brocato, Merritt Development Consultants, Inc.
2416 East Joppa Road, Baltimore, Md. 21234
Office of Planning; People's Counsel; Case File

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9306 Lyons Mill Road

which is presently zoned DR 16

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)

SEE ATTACHED

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

SEE ATTACHED

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:

N/A

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Legal Owner(s):

Elias Rizakos

Name - Type or Print

Signature

Name - Type or Print

Signature

1101 Berrymans Lane (443) 621-0296

Address Telephone No.

Reisterstown MD 21136

City State Zip Code

Attorney For Petitioner:

Howard L. Alderman, Jr., Esquire

Name - Type or Print

Signature

Levin & Gann, PA Nottingham Centre, 8th Floor

Company

502 Washington Avenue 410-321-0600

Address Telephone No

Towson, MD 21204

City State Zip Code

Representative to be Contacted:

Charles Merritt Merritt Development Consultants, Inc.

Name

2416 East Joppa Road 410-663-5525

Address Telephone No

Baltimore MD 21234

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Case No. 06-474-A

Reviewed By JRP Date 3/20/06

ORDER RECEIVED FOR FILING

Date

By

Attachment 1

PETITION FOR VARIANCE

CASE NO: 06-- -A

Address: 9306 Lyons Mill Road

Legal Owners: Elias Rizakos

Present Zoning: DR 16

REQUESTED RELIEF:

Variances from BCZR § 1B02.3C.1 to permit, on this existing lot of record, the construction of a replacement home having side yard setbacks of 22 feet on the east side of the property and 10 feet on the west side of the property, both in lieu of the 25 feet required and for all such additional variance and/or other relief as the nature of this request and the proposed replacement improvements depicted on the Plan filed herewith may require.

JUSTIFICATION:

1. Available data reflects that existing structure (740 sq. ft.) was constructed in 1949;

2. Subject property is a lot of record and no adjoining acreage owned;

3. Existing configuration of lot is long/deep but very narrow; and

4. For such further reasons that will be presented at the hearing on this Petition.

FOR ADDITIONAL INFORMATION ON THIS PETITION, PLEASE CONTACT:

Howard L. Alderman, Jr., Esquire
Levin & Gann, P.A.
8th Floor, Nottingham Centre
502 Washington Avenue
Towson, Maryland 21204

(410) 321-0600
Fax: (410) 296-2801
halderman@LevinGann.com

ZONING DESCRIPTION
9306 LYONS MILL ROAD

Beginning at a point on the north side of Lyons mill Road which is 70' wide at the distance of 450' east of the centerline of the nearest improved intersecting street Owings Mills Boulevard which is 80' wide as recorded in deed liber 22123, folio 1) North 04°51'00" East 217.00' Thence 2) South 85°00'00" East 70.00', 3) South 04°51'00" West 217.00', 4) North 85°00'00" West 70.00' to the point of beginning containing 0.331 Acres more or less.

#474

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: # 06-474-A
9306 Lyons Mill Road
North side of Lyons Mill Road at the distance of 450 feet east of the centerline of Owings Mills Boulevard
2nd Election District — 4th Councilmanic District
Legal Owner(s): Elias Rizakos

Variance: to permit, on this existing lot of record, the construction of a replacement home having side yard setbacks of 22 feet on the east side of the property and 10 feet on the west side of the property, both in lieu of the 25 feet required and for all such additional variance and/or other relief as the nature of this request and the proposed replacement improvements depicted on the Plan filed herewith may require.

Hearing: Wednesday, June 7, 2006 at 2:00 p.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 accommodations Please Contact the Zoning Commissioner's Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 5/720 May 23 96059

CERTIFICATE OF PUBLICATION

5/25/, 2006

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/23/, 2006.

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

S. Wilkinson

LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 5616

DATE 3-29-06 ACCOUNT 001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: Merritt Dev. Consultants Inc.
9306 Lyons Mill Rd.

FOR: Pet. for Variance

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

DISTRIBUTION	ACTUAL	TIME	BRN
3/29/2006	3/29/2006	09:01:24	4

SOU 06004 WALKIN KACH KOH
>>RECEIPT # 440381 3/29/2006 OFLA
Dept 5 5526 ZONING VERIFICATION
CK NO. 100616
Dept Tot 465.00
465.00 CK 0.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

Date: 5/22/06

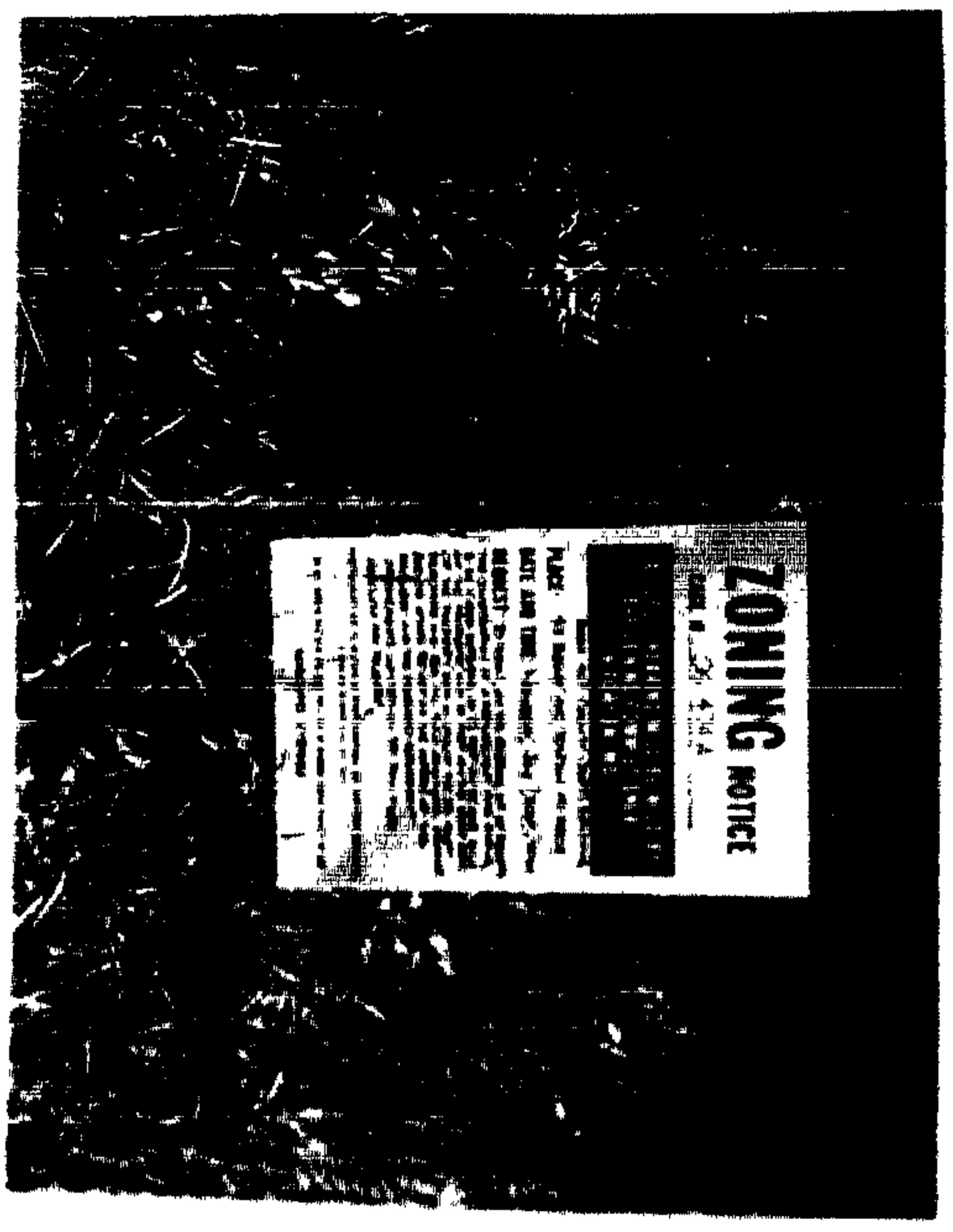
RE: Case Number: 06-474-A

Petitioner / Developer: ELIAS RIZAKOS

Date of Hearing / Closing: JUNE 7, 2006

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 9306 LYONS MILL ROAD

The sign(s) were posted on 5/22/06
(Month, Day, Year)



(Signature of Sign Poster)

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 06-474-A

Petitioner: ELIAS RIZAKOS

Address or Location: 9306 LYONS MILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: ELIAS RIZAKOS

Address: 101 BERRYSMAN LANE
REISTERSTOWN, MARYLAND 21136

Telephone Number: (443) 621-0296

Revised 2/20/98 - SCJ

Department of Permits and Development Management

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

Baltimore County

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

May 8, 2006

NEW 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: 06-474-A
9306 Lyons Mill Road
North side of Lyons Mill Road at the distance of 450 feet east of the centerline of Owings Mills Boulevard
2nd Election District – 4th Councilmanic District
Legal Owner: Elias Rizakos

Variance to permit, on this existing lot of record, the construction of a replacement home having side yard setbacks of 22 feet on the east side of the property and 10 feet on the west side of the property, both in lieu of the 25 feet required and for all such additional variance and/or other relief as the nature of this request and the proposed replacement improvements depicted on the Plan filed herewith may require.

Hearing: Wednesday, June 7, 2006 at 2:00 p.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:raj
C: Howard L. Alderman, Jr., Esq., Levin & Gann, PA, Nottingham Centre, 8th Floor, 502 Washington Avenue, Towson, MD 21204
Elias Rizakos, 1101 Berrymans Lane, Reisterstown, MD 21136
Charles Merritt, Merritt Development Consultants, Inc., 2416 E. Joppa Road, Baltimore, MD 21234

NOTES: (1)**THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MAY 23, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 23, 2006 Issue - Jeffersonian

Please forward billing to:
Elias Rizakos (443-621-0296)
101 Berrymans Lane
Reisterstown, MD 21136

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:

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9306 Lyons Mill Road
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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 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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

Baltimore County

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

April 7, 2006

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: 06-474-A
9306 Lyons Mill Road
North side of Lyons Mill Road at the distance of 450 feet east of the centerline of Owings Mills Boulevard
2nd Election District – 4th Councilmanic District
Legal Owner: Elias Rizakos

Variance to permit, on this existing lot of record, the construction of a replacement home having side yard setbacks of 22 feet on the east side of the property and 10 feet on the west side of the property, both in lieu of the 25 feet required and for all such additional variance and/or other relief as the nature of this request and the proposed replacement improvements depicted on the Plan filed herewith may require.

Hearing: Monday, May 8, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, MD 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:raj
C: Howard L. Alderman, Jr., Esq., Levin & Gann, PA, Nottingham Centre, 8th Floor, 502 Washington Avenue, Towson, MD 21204
Elias Rizakos, 1101 Berrymans Lane, Reisterstown, MD 21136
Charles Merritt, Merritt Development Consultants, Inc., 2416 E. Joppa Road, Baltimore, MD 21234

NOTES: (1)**THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 22, 2006.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 20, 2006 Issue - Jeffersonian

Please forward billing to:
Elias Rizakos (443-621-0296)
101 Berrymans Lane
Reisterstown, MD 21136

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: 06-474-A
9306 Lyons Mill Road
North side of Lyons Mill Road at the distance of 450 feet east of the centerline of Owings Mills Boulevard
2nd Election District – 4th Councilmanic District
Legal Owner: Elias Rizakos

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Hearing: Monday, May 8, 2006 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson, MD 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 410-887-3868.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

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

Baltimore County

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

May 8, 2006

Elias Rizakos
1101 Berrymans Lane
Reisterstown, MD 21136

Dear Mr. Rizakos:

RE: Case Number: 06-474-A, 9306 Lyons Mill Road

The above matter, previously scheduled for May 8, 2006, has been postponed at the request of your attorney Mr. Howard Alderman, Jr. of Levin & Gann. The hearing has been rescheduled and the Notice of Zoning Hearing reflecting the new hearing date is attached.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Very truly yours,

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Howard Alderman, Jr., 502 Washington Avenue, 8th Fl., Towson 21204
Charles Merritt, 2416 E. Joppa Road, Baltimore 21234

Fire Department

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

Baltimore County

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

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

April 11,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 10, 2006

Item Numbers: 471-483 (471)

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

.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C)443-829-2946
MS-1102F

cc: File

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

State Highway Administration
Driven to Excel
Maryland Department of Transportation

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

Date: 4 · 10 · 06

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

RE: Baltimore County
Item No. 474 JRP

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: April 14, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 17, 2006
Item No. 474

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

Prior to our comment, this plan must be revised to show the correct existing conditions. There is curb and gutter and sidewalk across the frontage and property was acquired by the county for these road improvements. We strongly recommend that this item be tabled or denied until a plan that reflects existing condition is submitted for review.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 474-04142006.doc

RE:	PETITION FOR VARIANCE 9306 Lyons Mill Road; N/S Lyons Mill Road, 450' E c/line Owings Mills Boulevard 2nd Election & 4th Councilmanic Districts Legal Owner(s): Elias Rizakos Petitioner(s)	* * * * 06-474-A	BEFORE THE ZONING COMMISSIONER BALTIMORE COUNTY

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

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
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of April, 2006, a copy of the foregoing Entry of Appearance was mailed to, Chuck Merritt, Merritt Development Consultants, Inc, 9831 Magledt Road, Baltimore, MD 21234 and Howard L. Alderman, Jr. Esquire, Levin & Gann, P.A., 502 Washington Avenue, 8th. Floor, Towson, MD 21204, Attorney for Petitioner(s).

RECEIVED
APR 13 2006
Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

April 11, 2006

VIA TELEFAX & REGULAR MAIL
Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 111
Towson, Maryland 21204

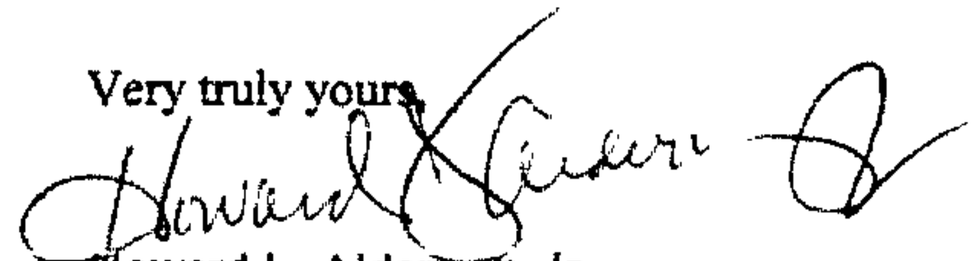
RE: 9306 Lyons Mill Road
Elizs Rizakos, Owner
Case No. 06-474-A
Request for Rescheduling

Dear Mr. Kotroco:

I returned to my office this morning and reviewed a Notice of Zoning Hearing, dated April 7, 2006, in the above-referenced matter. The hearing on this case is scheduled for Monday, May 8, 2006 at11:00 in the morning. I have a conflict with that date and time. I will be in the Maryland Court of Special Appeals to present oral argument in the case of *Dorothy Surina, et al v. Long Green Valley Association, Inc., et al* [Lynch Property].

Therefore, I would request that this matter be rescheduled. If Kristen will call me, I will coordinate a date and time that works for me, my client, witnesses and your office. Should you need any additional information from me in support of this request, please do not hesitate to contact me.

Very truly yours,



Howard L. Alderman, Jr.

HLA/gk

c: Mr. Elizs Rizakos
Merritt Development, Inc. [telefax only]
Ms. Kristen Hughes [telefax only]

RECEIVED
APR 12 2006
06-746
DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

April 11, 2006

PLEASE DELIVER THE FOLLOWING PAGES TO:

NAME	TELEFAX NO.
Timothy M. Kotroco, Director	410-887-5708
Charles Merritt	410-663-4315
Kristen ~~Hughes~~ Matthews	410-887-5708

FROM: HOWARD L. ALDERMAN, JR., ESQUIRE

NUMBER OF PAGES [INCLUDING THIS COVER PAGE]: 2

CLIENT/MATTER: **Case No. 06-474-A**

COMMENTS: **A request to reschedule this case follows. I have an oral argument in Annapolis on the morning of 5/8/06.**

[x] ORIGINAL WILL BE MAILED

If you do not receive all of the pages indicated above, please call 321-0600 as soon as possible.
My return FAX Number is (410) 296-2801.

WARNING: UNAUTHORIZED INTERCEPTION OF THIS TELEFAX COMMUNICATION COULD BE A VIOLATION OF FEDERAL AND MARYLAND LAW.

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LAW OFFICES
LEVIN & GANN
A PROFESSIONAL ASSOCIATION
NOTTINGHAM CENTRE
502 WASHINGTON AVENUE
8th Floor
TOWSON, MARYLAND 21204
410-321-0600
TELEFAX 410-296-2801

HOWARD L. ALDERMAN, JR.
halderman@LevinGann.com

DIRECT DIAL
410-321-4640

ELLIS LEVIN (1893-1960)
CALMAN A. LEVIN (1930-2003)

April 11, 2006

Kristen: OK to postpone

VIA TELEFAX & REGULAR MAIL
Timothy M. Kotroco, Director
Baltimore County Department of Permits
and Development Management
111 West Chesapeake Avenue, Suite 111
Towson, Maryland 21204

RE: 9306 Lyons Mill Road
Elizs Rizakos, Owner
Case No. 06-474-A
Request for Rescheduling

Dear Mr. Kotroco:

I returned to my office this morning and reviewed a Notice of Zoning Hearing, dated April 7, 2006, in the above-referenced matter. The hearing on this case is scheduled for Monday, May 8, 2006 at11:00 in the morning. I have a conflict with that date and time. I will be in the Maryland Court of Special Appeals to present oral argument in the case of *Dorothy Surina, et al v. Long Green Valley Association, Inc., et al* [Lynch Property].

Therefore, I would request that this matter be rescheduled. If Kristen will call me, I will coordinate a date and time that works for me, my client, witnesses and your office. Should you need any additional information from me in support of this request, please do not hesitate to contact me.

Very truly yours,

Howard L. Alderman, Jr.

HLA/gk

c: Mr. Elizs Rizakos
Merritt Development, Inc. [telefax only]
Ms. Kristen Hughes [telefax only]

06-474 A

Robert Brocato - with Merritt Dev.
Chuck Merritt - " " "

Long + Narrow Property - 1/3 acre
and an "existing" Lot of Record

#1 Site Plan

1949 - SFD - 1 story built. 720 ☆
frontg: Lines Mill Road - Has public
Water + Sewer

1B02.3C.1 Governs - (small lot
table) -

Wants to raze current structure
and replace with something
compatible with homes in Area

A 2 Story Home with attached
garage

37' Wide 40' deep

Small Little Sale

25000 ☆ 14 418
20' 70'

Only deficiency - side yards
All other requirements met.

Merritt - Proposed Dwelling is
Compatible -

See GIS Map

Exhibit 2
Town Home Community to North
SFD to E+W
Subject Property

Photographs Collectively #3
See Pictorial - View - from
Plat

Petitioner did not Contribute to deficiency
Conditions Justify a Variance
Narrow Property Size - Peculiar to Area
Will not increase Density

- strict compliance would create a severe hardship
- relief will improve local Benefit the neighborhood.

Condition - Plan Review + Approval of BLDG. Elevations

ZONING HEARING FILE INTERNAL CHECKLIST

Zoning Case No. 06-474-A

Date Completed/Initials	
3/29/06	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
4/7/06 MO	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday morning)

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER _____
DATE _____

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
CHUCK MERRITT	MDC 2416 E. JOPPA RD.	BALTO., MD. 21234	MERRITTDC@COMCAST.NET
ROBERT BROCATO	MDC 2416 E. JOPPA RD.	BALTO., MD. 21234	BOBMDC@COMCAST.NET
HOWARD ADELMAN	LEVIN & GANN PA Suite 800	TOWSON, MD 21204	
	502 Washington Ave		

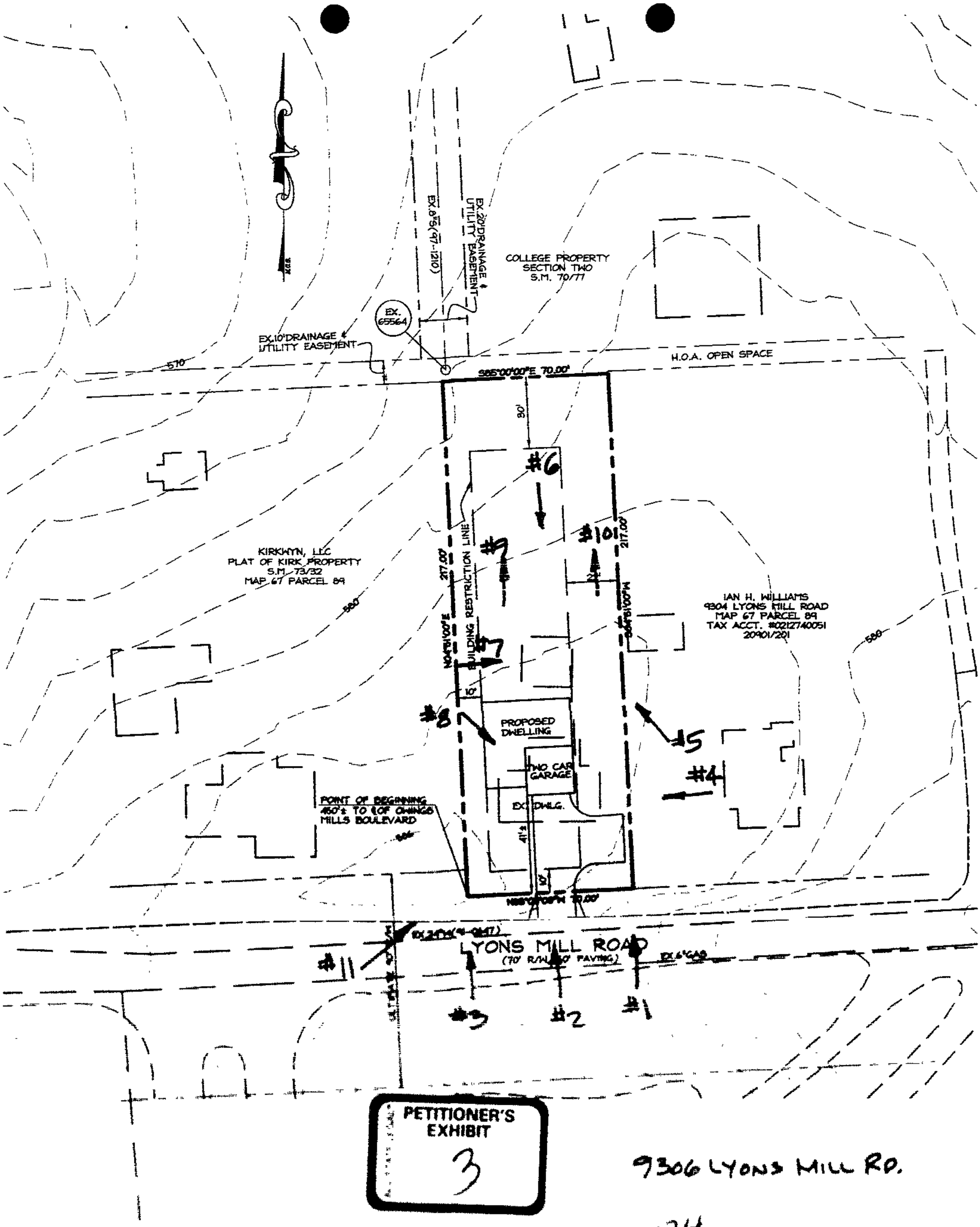
DH

Case No.: 06-474-A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	Site PLAN	
No. 2	GIS MAP - DEVELOPMENT IN AREA	
No. 3	Collectively - Photo's of Subject Property	
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

PETITIONER'S EXHIBIT
2



PETITIONER'S EXHIBIT 3

9306 LYONS MILL RD.

#474

#1

#2

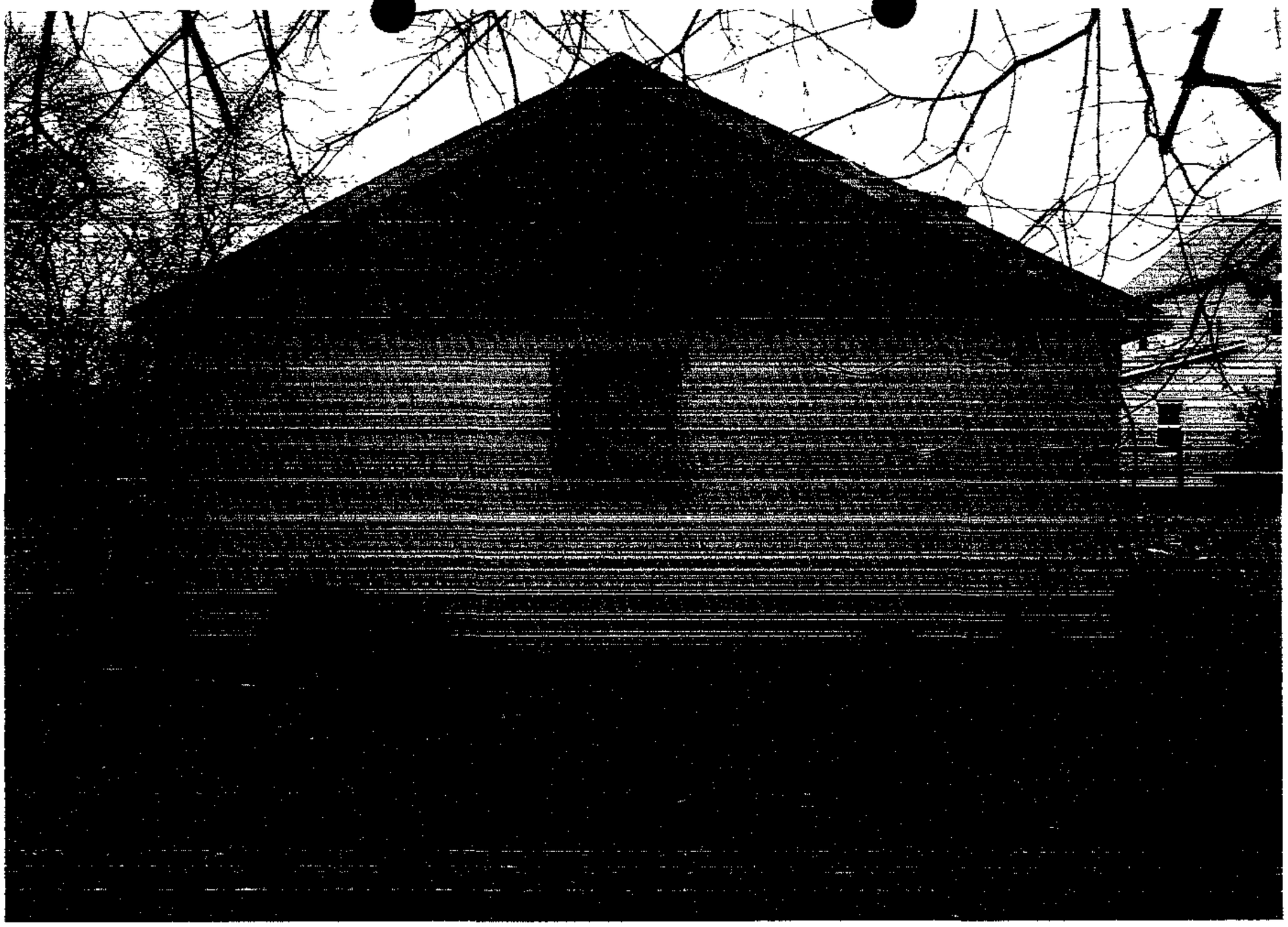
#3

#4

#5

#6

#7



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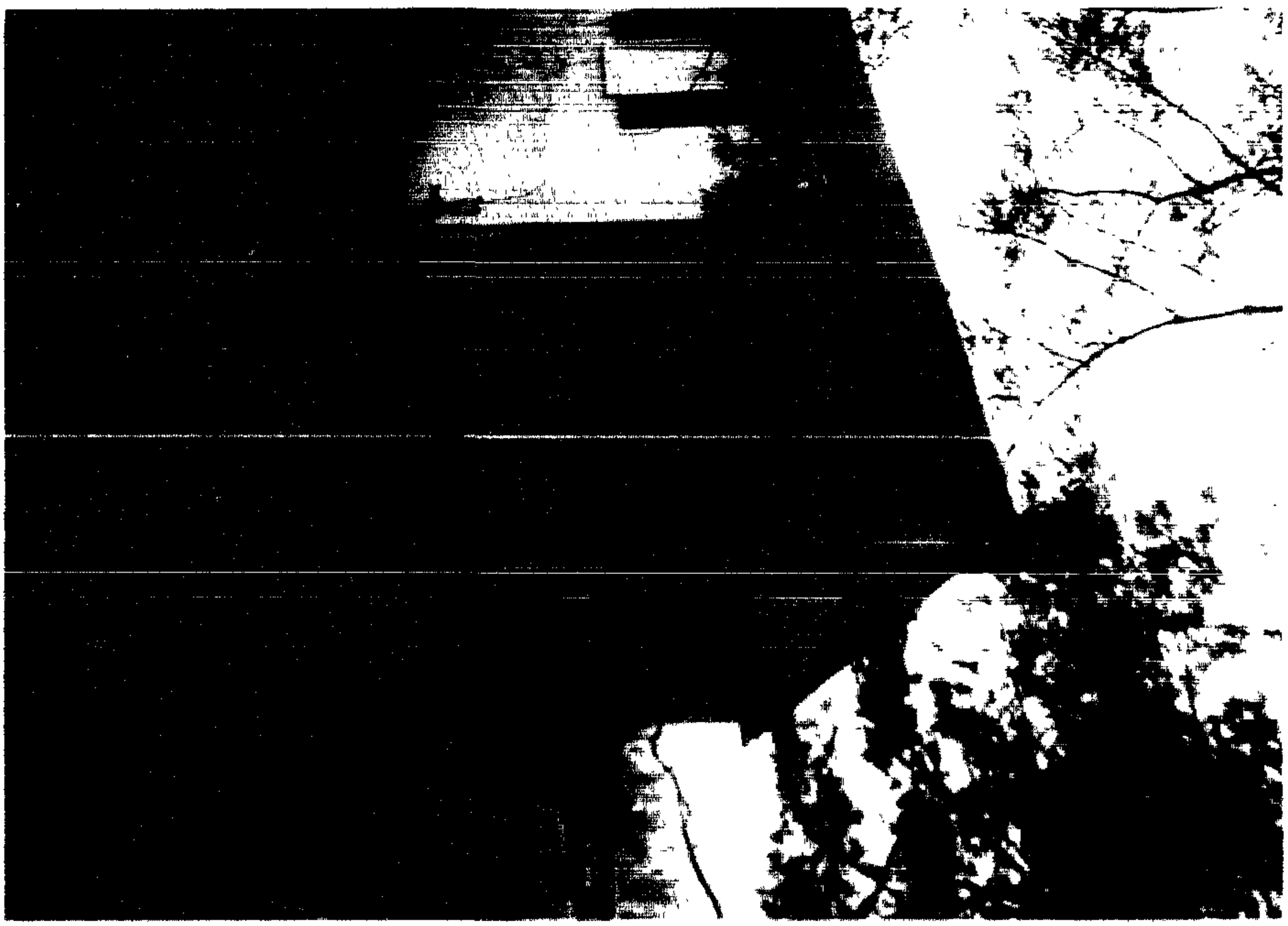

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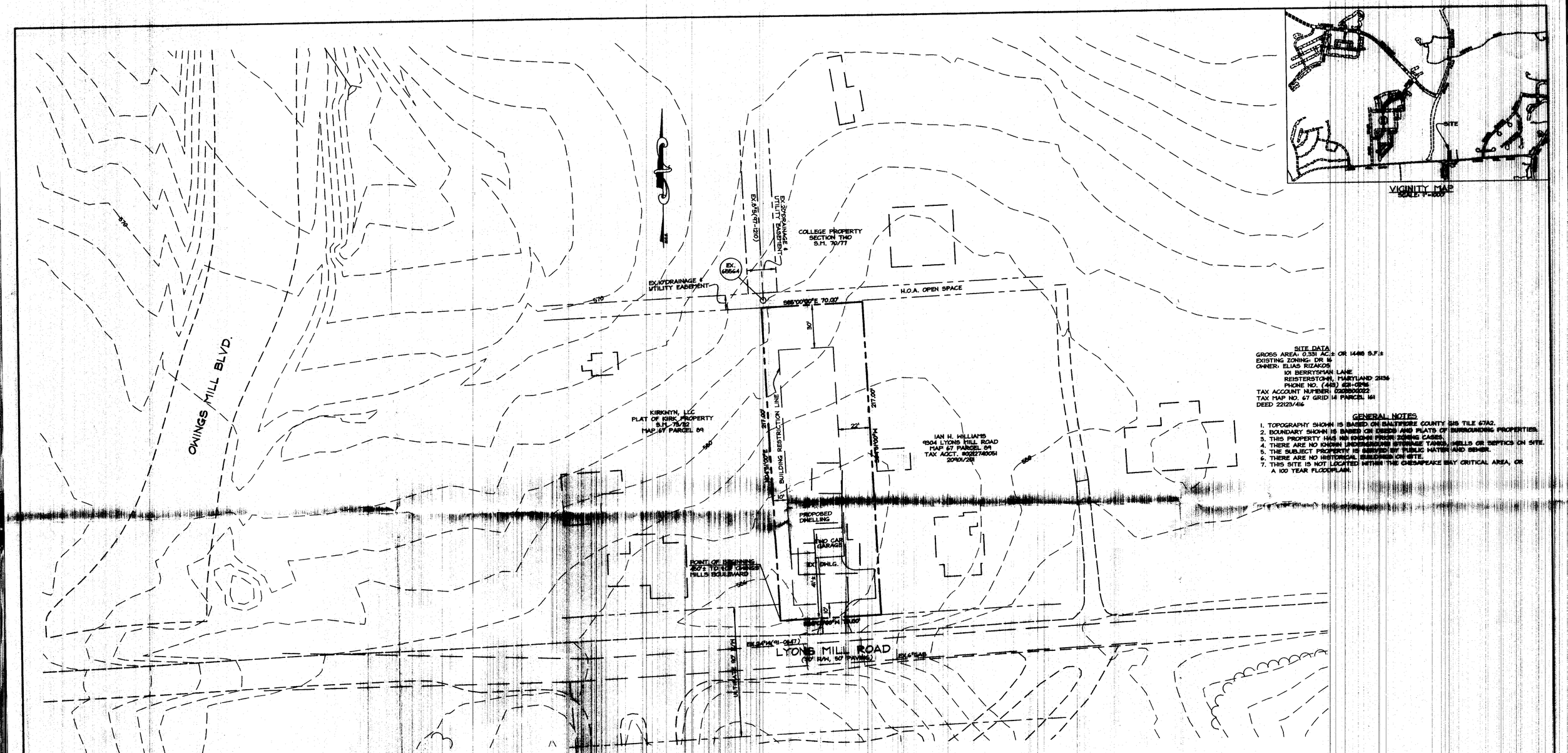
#11



SITE DATA
GROSS AREA: 0.331 AC.± OR 14416 S.F.±
EXISTING ZONING: DR 16
OWNER: ELIAS RIZAKOS
101 BERRYSMAN LANE
REISTERSTOWN, MARYLAND 21136
PHONE NO. (443) 621-0796
TAX ACCOUNT NUMBER: 0202800022
TAX MAP NO. 67 GRID 14 PARCEL 161
DEED 22123/416

GENERAL NOTES
1. TOPOGRAPHY SHOWN IS BASED ON BALTIMORE COUNTY GIS TILE 67A2.
2. BOUNDARY SHOWN IS BASED ON DEEDS AND PLATS OF SURROUNDING PROPERTIES.
3. THIS PROPERTY HAS NO KNOWN PRIOR ZONING CASES.
4. THERE ARE NO KNOWN UNDERGROUND STORAGE TANKS, WELLS OR SEPTICS ON SITE.
5. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. THERE ARE NO HISTORICAL BUILDINGS ON SITE.
7. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA, OR A 100 YEAR FLOODPLAIN.

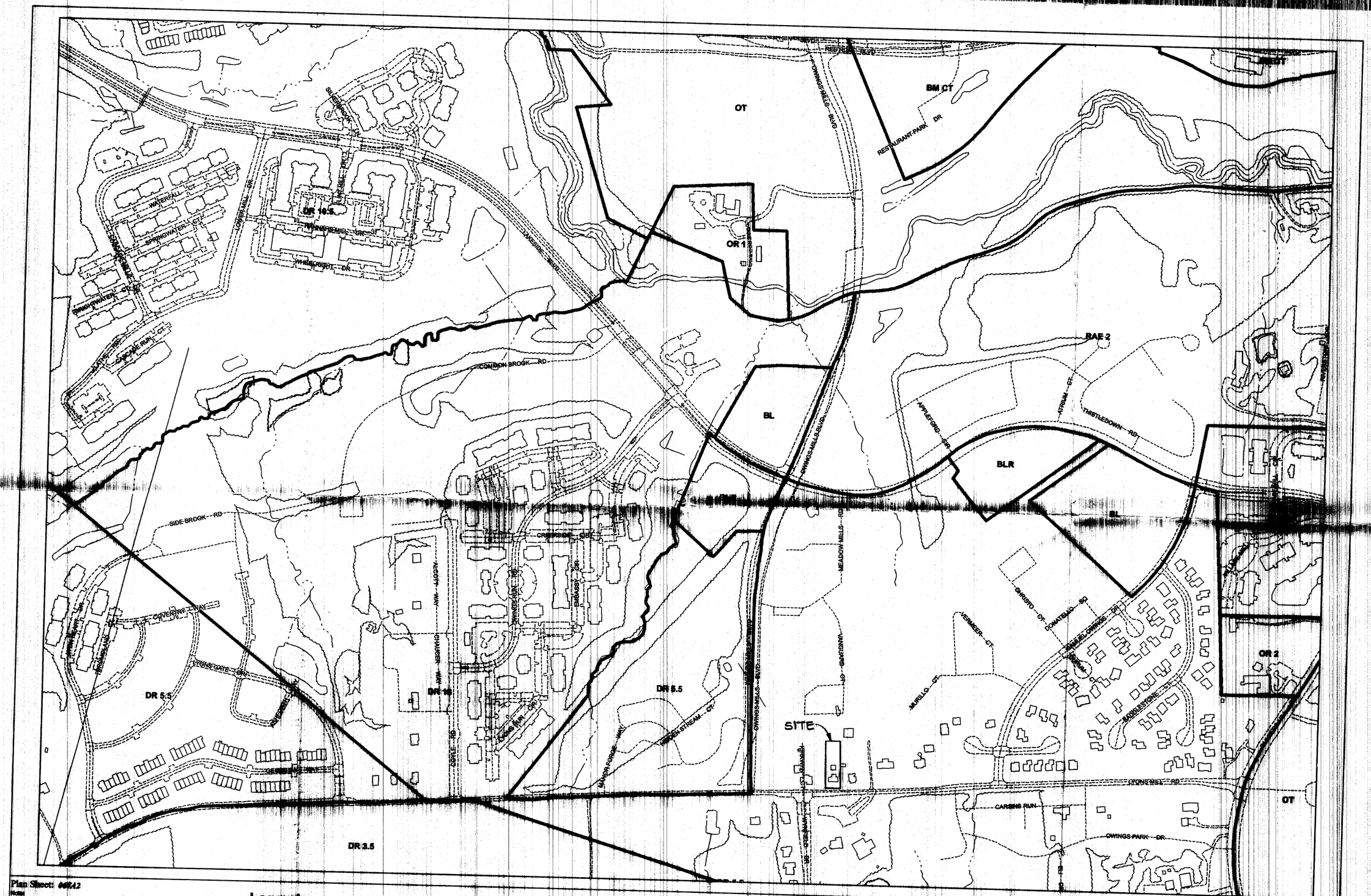
VARIANCE REQUEST:
TWENTY FOOT (20') SIDE OF INDIVIDUAL SIDE YARD WIDTH OF [illegible] 10' WEST SIDE OF PROPERTY AND 22' EAST SIDE OF PROPERTY IN LIEU OF THE REQUIRED [illegible] TOTAL WIDTH OF INDIVIDUAL SIDE YARDS [illegible] AS SHOWN IN THE BALTIMORE COUNTY ZONING REGULATIONS MANUAL IN SECTION 1B02.3.C.1.

#474

PLAT TO ACCOMPANY PETTION
FOR ZONING VARIANCE
9306 LYONS MILLS ROAD
DISTRICT 2C4 BALTIMORE COUNTY, MD
SCALE: 1"=30' MARCH 23, 2006

MERRITT DEVELOPMENT
CONSULTANTS, INC.
9831 MAGLEDT ROAD
BALTIMORE, MARYLAND
PHONE: 410-663-5525 FAX:410-663-4315

PETITIONER'S
EXHIBIT NO. 1



Plan Sheet: 067A2

Note:
The zoning depicted in this application incorporates the actions associated with County Council Bills 02-04, 03-04, 04-04, 05-04, 06-04, 07-04, 08-04 and 09-04 adopted by the County Council on August 2, 2004. The actions associated with County Council Bill 122-04 became effective on October 6, 2004 unless stated otherwise. In addition, County Council actions from MC 06-01, MC 06-02, MC 06-03, and MC 06-04 on February 9, 2006 are represented in this application.

Legend

Zoning — Streams — Vegetation
Buildings — Roads — Rail Lines

Baltimore County
Office of Planning and Zoning
Official Zoning Map

066B1	066C1	067A1	067B1	067C1
066B2	066C2	[illegible]	067B2	067C2
066B3	066C3	067A3	067B3	067C3

Scale
1" = 200'
0 100 200 400
Feet

1

Data Sources:
Planimetric Data - Baltimore County
07/2002, Rev. 11/2002
1:2400, Rev. 11/2002
Zoning - Baltimore County Office of Planning
1:2400, 2005