IN RE: PETITION FOR SPECIAL HEARING
W/S of Reisterstown Road, 173 feet
North of Ritters Lane
4th Election District
4th Councilmanic District
(10 Ritters Lane)

Brian and Martha Bystry

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 06-655-SPH

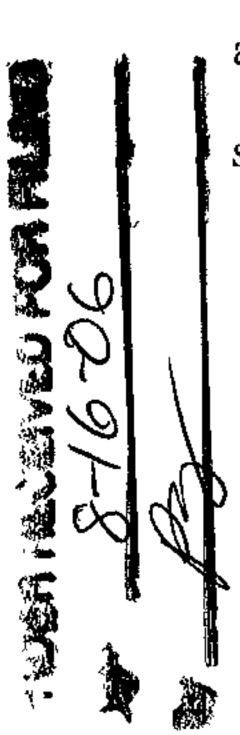
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner on a Petition for Special Hearing for the property located at 10 Ritters Lane. The Petition was filed by Brian and Martha Bystry, Petitioners. Special Hearing relief is requested pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an amendment to the site plan in zoning Case No. 98-298-X to allow office use of the existing garage and for such other relief as may be required.

The property was posted with Notice of Hearing on July 17, 2006, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 18, 2006, to notify any interested persons of the scheduled hearing date.

Amended Petition

Mr. Matz clarified that the purpose of amending the site plan of Case 98-298-X is to allow the use of an existing garage for an office but also to approve amending the site plan to show two new single family detached homes on the DR 3.5 portion of the property.



Applicable Law

Section 500.7 of the B.C.Z.R. Special Hearings

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) Comments are made part of the record of this case and contain the following highlights: None.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing was Richard E. Matz, P.E. of Colbert Matz Rosenfelt, Inc., who prepared the site plan. No protestants or citizens appeared at the hearing. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

The property contains 2.95 acres zoned RO and DR 3.5 as shown on exhibit 1. The RO portion of the property along Reisterstown Road is improved with an existing office used by the Petitioners in their contracting business. This structure had been a residence previously which in turn had a garage to serve the residence. The Petitioners would like to amend the site plan for Case No. 98-298-X to have the garage used as a conference room/office. The garage is in the RO portion of the property.

In addition Mr. Matz indicated that the Petitioners have applied for a minor subdivision to have the property subdivided into three lots on which two new houses would be built again as

shown in exhibit 1. The new single family dwellings would have access to the public road by means of the existing driveway which intersects with Ritters Lane. There is no direct access to Reisterstown Road because the property slopes steeply from the exiting office to the roadbed. The new homes would be built to meet all County regulations. Mr. Matz opined that the new homes would not change the pattern of development of the neighborhood as homes south of Ritters Lane have significantly smaller lots; the homes to the west and east are similar in size and design.

Findings of Fact and Conclusions of Law

Case No. 98-298-X granted the Petitioner at that time the right to build a Class B office building on the RO portion of the property by special exception. The question for me was whether or not the legal description of the Special Exception encompassed just the RO portion of the property or the whole property. In reviewing the file it is clear the Special Exception covered the whole property and so not only do we need to address the use of the garage as a conference room but also the two new homes in the DR 3.5 portion as well.

In regard to the use of the garage in the RO portion of the property as a conference room/office, I find that the proposed use meets the criteria of Section 502.1 of the BCZR, will not adversely affect the neighborhood and would be within the spirit and intent of the RO regulations. This is an office use in an office zone which would benefit the Petitioner's contracting business and the general public.

Similarly I find that the amendment of the site plan to have two single family dwellings as shown on exhibit 1 meet the criteria of Section 502.1, will not adversely affect the neighborhood and would be within the spirit and intent of the DR 3.5 regulations. The new homes will meet all DR 3.5 regulations, and will be compatible with the pattern of development

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in the neighborhood. In fact these may be slightly larger lots than the average lot in the area. I see no reason these new homes would have any problem sharing the driveway with the Petitioner's contracting business. Certainly some type of maintenance agreement should be

arranged among the business and residential uses of the driveway.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 16th day of August, 2006, that the Petitioners' request for Special Hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an amendment to the site plan in zoning Case No. 98-298-X to allow office/conference room use of the existing garage on the RO portion of the property and two single family dwellings on the DR 3.5 portion of the property as shown on exhibit 1 is hereby GRANTED

1. The Petitioners may apply for their permits 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.

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

Commence of the control of the contr



JAMES T. SMITH, JR. County Executive

August 16, 2006

WILLIAM J. WISEMAN III

Zoning Commissioner

BRIAN AND MARTHA BYSTRY 10 RITTERS LANE OWINGS MILLS MD 21117

> Re: Petition for Special Hearing Case No. 06-655-SPH Property: 10 Ritters Lane

Dear Mr. and Mrs. Bystry:

Enclosed please find the decision rendered in the above-captioned case.

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

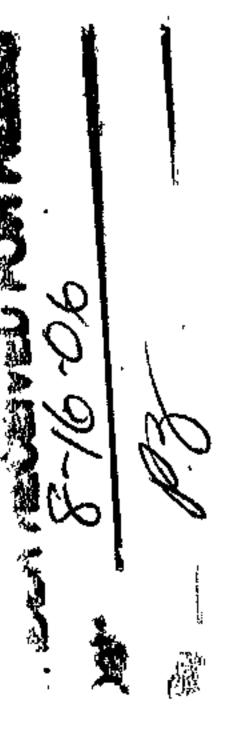
Deputy Zoning Commissioner

for Baltimore County

JVM:pz

Enclosure

c: Richard E. Matz, PE, Colbert Matz Rosenfelt Inc, 2835 Smith Avenue, Suite G, Baltimore MD 21209





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at: 10 Ritters Lane	<u> </u>
which is presently zoned RO and RO	<u>. 1</u>

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 of thereof, hereby petition for a Special Hearing under 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commission should approve

An amendment to the site plan in Zoning Case No. 98-298-X to allow office use of the existing garage, and for such other relief as may be required.

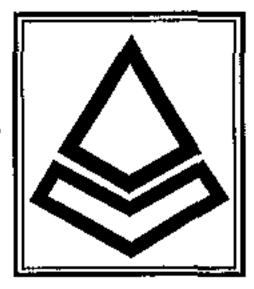
Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Hearing, 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.

		Is the subject of this Petition.	į ,
Contract Purchaser/Lessee:		Legal Owner(s):	
<u></u>		Brian Bystry /	
Name – Type or Print		Name - Type or Print Sumul Sunting	i !
Signature	<u> </u>	Signature	†
		Martha A. Bystry	i i
Address.	Telephone No.	Name - Type or Print May to- C Superior	
City	State Zip Code	Stgnature	
Attorney For Petitioner:		10 Ritters Lane	410-356-9096
		Address.	Telephone No.
		Owings Mills	MD 21117
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·	City	State Zip Code
	······	Representative to be Contacted:] ;
Signature	•		•
_ _	<u>. </u>	Richard E. Matz, P.E.	
Company			
		2835 Smith Avenue, Suite G (day)	410-653-3838
Address	Telephone No.	Address	Telephone No.
		Baltimore	MD 21209
City	State Zip Code	City	State Zlp Code
		OFFICE USE ONLY	
Case No 06-655-SF	2 LI	ESTIMATED LENGTH OF HEARING	<u> </u>
		UNAVAILABLE POR HEARING	
THEN ME TOUR PORTS	Edil Marin		6/19/06
CONTRACTOR BUTCHARD TO THE STORY OF THE STOR			
William - American	では、本工芸(大学・生活)があっます。		

Colbert Matz Rosenfelt, Inc.

Civil Engineers • Surveyors • Planners



ZONING DESCRIPTION BYSTRY PROPERTY 10 RITTERS LANE

Beginning at a point on the west side of Reisterstown Road, which is 80 feet wide, at a distance of 173 feet north of Ritters Lane, which is of variable width, thence the following courses and distances:

```
S 66°34'36"W, 206.84 ft.;
S 66°48'20"W, 146.78 ft.;
S 37°49'10"E, 248.35 ft.;
S 52°06'19"W, 145.90 ft.;
N 37°47'39"W, 317.46 ft.;
N 66°50'03"E, 71.16 ft.;
N 15°18'10"W, 229.88 ft.;
N 73°24'50"E, 334.83 ft., thence
S 42°34'10"E, 231.29 ft. to the Point of Beginning.
```

As recorded in Deed Liber 12901, folio 74 and containing 128,307 sq. ft. (2.95 acres).

Also known as 10 Ritters Lane and located in the 4th Election District, 4th Councilmanic District,



Item #655

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: # 06-655-SPH

Ritters Lane

4th Election District — 4th Councilmanic District
Legal Owner(s): Brian & Martha A. Bystry.

Special Hearing: to permit an amendment to the site plan in Zoning Case 98-298-X to allow office use of the existing garage, and for such other relief as they be re-

quired. Hearing: Thursay, August 3, 2008 at 10:00 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 Handleapped 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 7/684 July 18

CERTIFICATE OF PUBLICATION

7/20,2006	
THIS IS TO CERTIFY, that the annexed advertisement was pub	lished
n the following weekly newspaper published in Baltimore County,	Md.,
once in each ofsuccessive weeks, the first publication appe	aring
on 7/18,20 <u>6</u>	
The Jeffersonian	
Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	
☐ Owings Mills Times	
☐ NE Booster/Reporter	
☐ North County News	
S. Wilkings	

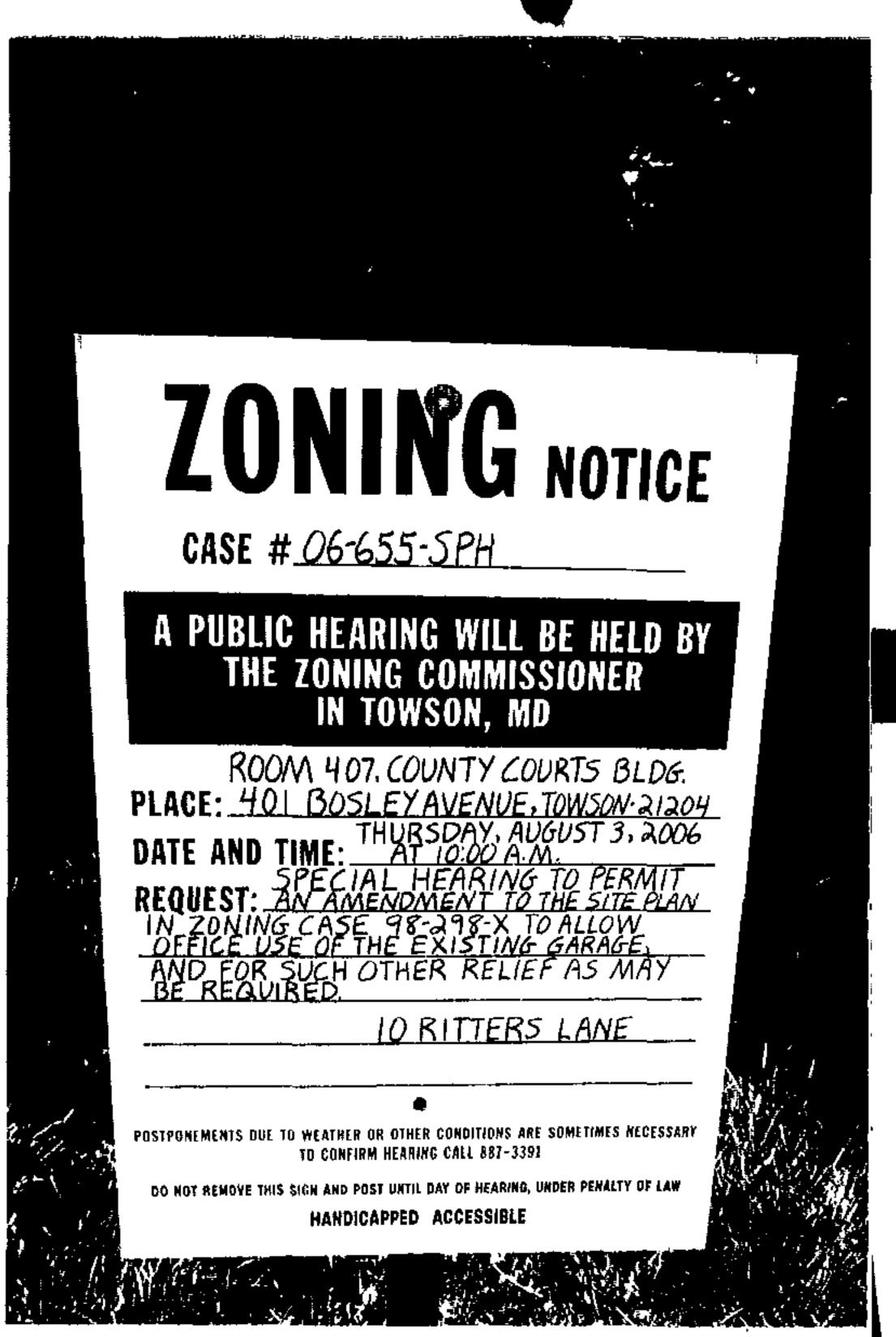
LEGAL ADVERTISING

FAND COUNTY CUSSIONS
BALLINORE COUNTY OFFICE OF BUDGEL & FRE MISCELLANEOUS REC DATE TOTAL FOR A STATE OF THE OFFICE OF THE OFFI FOR A STATE OF THE OFFI WHERE CASHING HIRE AGENT THE OFFI THE O
MASCELL CONT. FOR CASSER

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS	DATE: 7/17/06
Case Number: 06-655-SPH	
Petitioner/Developer: BRIAN & MARTHA BYSTRY & COLE	BERT, MATZ & ROSENFELT
Date of Hearing (Closing): 08/3/06	
This is to certify under the penalties of perjury that the necessary conspicuously on the property located at:	
The sign(s) were posted on:7/17/06	
The sign(s) were posted on	
SEE ATTACHED	Linda O'Keefe
PHOTOS	(Signature of Sign Poster)
	Linda O'Keefe
	(Printed Name of Sign Poster)
	523 Penny Lane
	(Street Address of Sign Poster)
	Hunt Valley Maryland 21030
	(City, State, Zip Code of Sign Poster)
	410-666-5366

(Telephone Number of Sign Poster)



10 10 Ritters Lane

ZONING NOTICE

CASE # 06-655-SPH

A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD

ROOM 407. COUNTY COURTS BLDG.

PLACE: 401 BOSLEY AVENUE, TOWSON, 21204

THURSDAY, AUGUST 3, 2006

REQUEST: SPECIAL HEARING TO PERMIT
REQUEST: AN AMENDMENT TO THE SITE PLAN
IN ZONING CASE 98-298-X TO ALLOW
OFFICE USE OF THE EXISTING GARAGE
AND FOR SUCH OTHER PERIFE AS A SECOND

LO RITTERS LAND

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES IT LES APP

1 @ Reisterstown Rd ON-SITE

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

June 30, 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: 06-655-SPH

10 Ritters Lane

West side of Reisterstown Road, 173 feet north of Ritters Lane

4th Election District - 4th Councilmanic District

Legal Owners: Brian & Martha A. Bystry

Special Hearing to permit an amendment to the site plan in Zoning Case 98-298-X to allow office use of the existing garage, and for such other relief as may be required.

Hearing: Thursday, August 3, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco Director

TK:klm

C: Brian & Martha Bystry, 10 Ritters Lane, Owings Mills 21117 Richard Matz, 2835 Smith Avenue, Ste. G., Baltimore 21209

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 19, 2006...

- (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.



TO: PATUXENT PUBLISHING COMPANY

Tuesday, July 18, 2006 Issue - Jeffersonian

Please forward billing to:

Tom Scherr
P & S Builders
701 Fern Valley Circle
Baltimore, MD 21228

410-744-8589

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: 06-655-SPH

10 Ritters Lane

West side of Reisterstown Road, 173 feet north of Ritters Lane

4th Election District – 4th Councilmanic District

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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 410-887-4386.

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

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT 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: 06-655-5PH Petitioner: BRIAN BYSTRY.
Address or Location: 6 RITTERS LANE
PLEASE FORWARD ADVERTISING BILL TO: Name: TOM SCHERR - PES BUILDERS
Address: 701 FERN VALLEY CIRCLE
BATIMORE, MD. 21228
Telephone Number: 415-744-8589.



JAMES T. SMITH, JR. County Executive

July 26, 2006

TIMOTHY M. KOTROCO, Director Départment of Permits and Development Management

Brian Bystry
Martha Bystry
10 Ritters Lane
Owings Mills, MD 21117

Dear Mr. and Mrs. Bystry:

RE: Case Number: 06-655-SPH, 10 Ritters Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 19, 2006.

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.

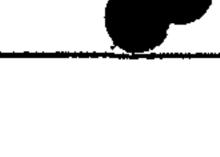
Very truly yours,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel Richard E, Matz, P.E. Colbert Matz Rosenfelt, Inc. 2835 Smith Avenue, Suite G Baltimore 21209







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

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

June 29,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 26, 2006

655

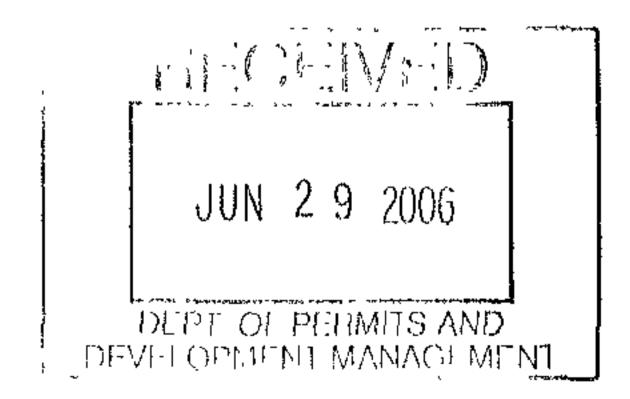
Item Number(s): 644 through 656

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

Maryland Department of Transportation

Date: 6.27.676

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

RE:

Baltimore County

Item No. 655

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Dear. Ms. Matthews:

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

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

Very truly yours,

Steven D. Foster, Chief

Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: June 28, 2006

Department of Permits & Development Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For July 3, 2006

Item Nos. 647, 648, 649, 650, 651, 652,

653, 654, **653**, and 656

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-06282006.doc

RE: PETITION FOR SPECIAL HEARING

10 Ritters Lane; W/S Reisterstown Road,

173' N of Ritters Lane

4th Election & 4th Councilmanic Districts Legal Owner(s): Brian & Martha Bystry

Petitioner(s)

BEFORE THE

* ZONING COMMISSIONER

* FOR

BALTIMORE COUNTY

* 06-655-SPH

* * * * * * * *

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. DEMÍLIO 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 27th day of June, 2006, a copy of the foregoing Entry of Appearance was mailed to, Richard E. Matz, PE, Colbert Matz Rosenfelt, Inc, 2835 Smith Avenue, Suite G, Baltimore, MD 21209, Representative for Petitioner(s).

RECEIVED

JUM 2 7 2006

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

Per.....

PLEASE PRINT CLEARLY

CASE NAME TO KITTERS LANE CASE NUMBER OG-655- SPH DATE AND 3 2 200

PETITIONER'S SIGN-IN SHEET

E- MAIL										
Y, STATE, ZIP	BATIMORFIND 21209.									
	2835 SMITHARE, SUITE G									
NAME	Kickedo E. MATY.									

