

DO NOT FILL OUT, BRING W/ YOU

BRH # 53950

BALTIMORE COUNTY PERMITS AND DEVELOPMENT MANAGEMENT
111 West Chesapeake Avenue
Towson, MD 21204

SCHEDULED DATES AND CERTIFICATE OF FILING AND POSTING
FOR A USE PERMIT FOR A BOARDING/ROOMING HOUSE
(SINGLE FAMILY DETACHED DWELLINGS ONLY)

The application for your proposed use permit has been reviewed and is accepted for filing by

JOE MERREY on 5-28-10
Planner's Name (printed) Date ("A")

A sign indicating the proposed use permit must be posted on the property for fifteen (15) days before a decision can be rendered. The processing fee for the use permit is \$50.00. You must use one of the sign posters on the approved list and you are responsible for all printing/posting costs. The zoning notice must be visible on the property on or before the posting date noted. It must remain there through the closing date.

In the absence of a formal demand for a public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing (for which additional fees are required).

* SUGGESTED POSTING DATE 6-11-10 "B"(within 15 days of "A")
DATE POSTED

HEARING REQUESTED - YES ___ NO ___ (date)
CLOSING DATE (Last day for hearing demand) 6-25-10 "C" ("B" + 15 days)

* Usually Within 15 Days of Filing

CERTIFICATE OF POSTING - BOARDING/ROOMING HOUSE

BRH # _____

Location of Property: _____

District: _____

Posted By: _____

Date: _____

Accepting Planner - Print Name _____ BRH # _____

**APPLICATION FOR A USE PERMIT
FOR A BOARDING/ROOMING HOUSE IN A D.R. ZONE
(SINGLE FAMILY DETACHED DWELLINGS ONLY)**

APPLICATION TO THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT:

I, or we, JOHN A. BRAUN, III & JAN G. BRAUN + SALLY GOLDSMITH owner(s) of the property in Baltimore County and which is described in the description and plat attached hereto and made part hereof, hereby petition for a use permit under Subsection 408B of the Baltimore County Zoning Regulations (BCZR), to determine whether or not the Director of Permits and Development Management should issue a use permit. Said use permit is necessitated to permit the use of Boarding/Rooming house pursuant to the regulations of Subsection 408B. (BCZR).

I, or we, agree to have the property posted in accordance with Section 408B.A.2.a (BCZR) and pay expenses of processing upon filing of this request, additional public hearing fees and reposting if I decide to proceed after a Protestant's public hearing request and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

JOHN A. BRAUN, III, JAN G. BRAUN, SALLY GOLDSMITH
Owner (type or print name)
[Signature]
Owner(s) Signature(s)

05/24/10
Date
1861 CIRCLE RD., RUXTON, MD. 21204
Address (print or type) Zip
Phone # Work - 410 960 0423
Home 410 828 0816

APPLICATION INFORMATION BY SECTION:

- 408B.A.1.b - ☒ Scale Site plan required for zoning information & 200 scale zoning map
- 408B.B - ☒ Only single family detached houses
- 408B.A.1.a - ☒ Maximum numbers of tenants
- 409.6.A.1 - ☒ Will owner reside on property? 11, No
- 408B.D + 408B.A.1.c ☒ Parking 1/bed & 2 (owners/resident) in side & rear yard only
- 408B.A.1.d - ☒ Floor plans indicating bedrooms & bathrooms

POSSIBLE PUBLIC HEARING REQUEST

I, or we, Ruxton-Riderwood-Lake Roland Area Improvement Assoc. request that the proposed use permit be the subject of a public hearing as provided for in Section 408B.A.2.d of the zoning regulations. I also agree to pay the current established processing fee for this public hearing request.

Peggy SOUTIERI, Ex. Dir 6/14/10
Protestant's (type or print name) Date
[Signature]
Protestant's Signature

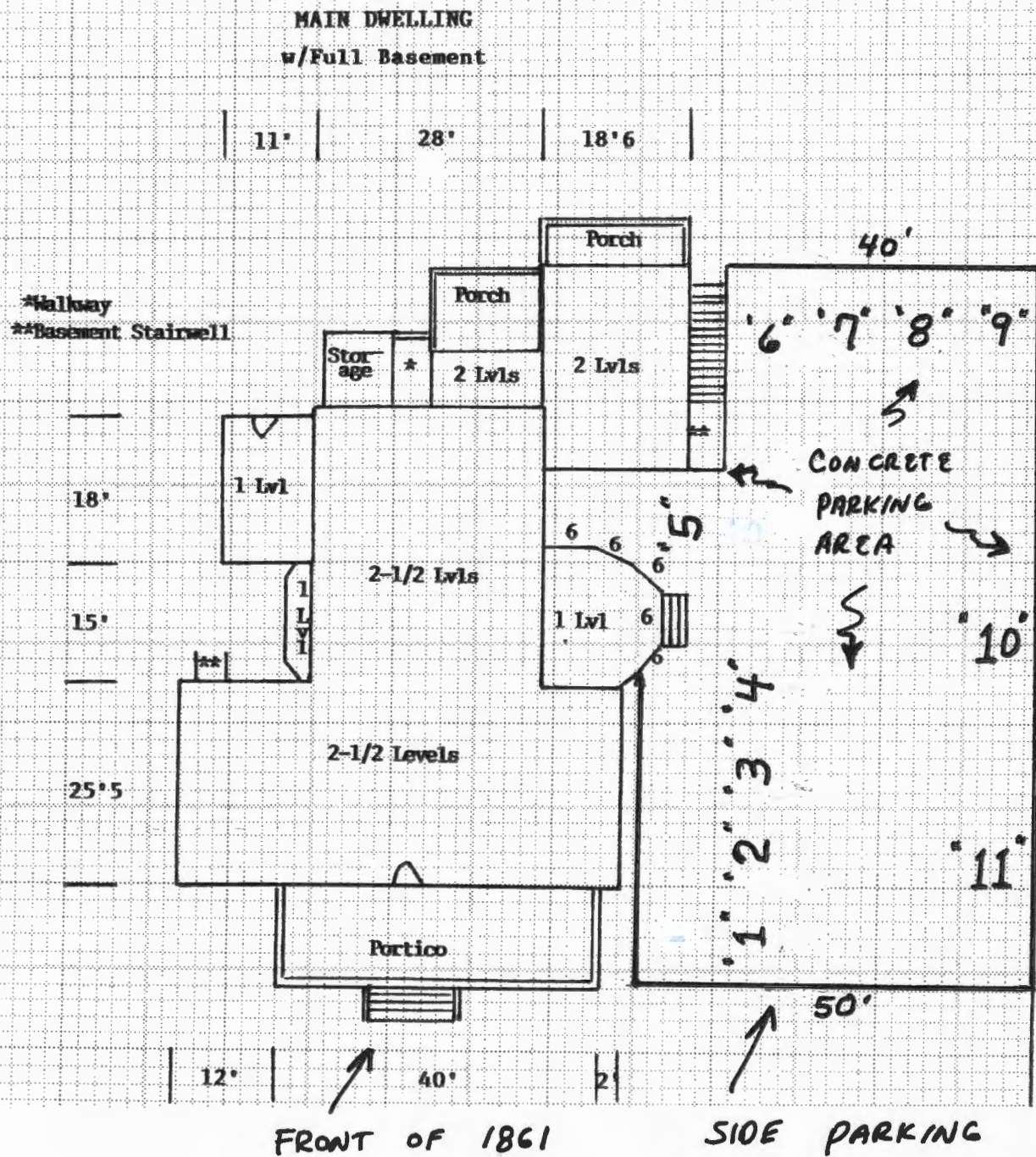
P.O. Box 204
Riderwood MD 21139
Address (type or print) Zip
Phone # Work - 410-494-7757
Home _____

USE PERMIT

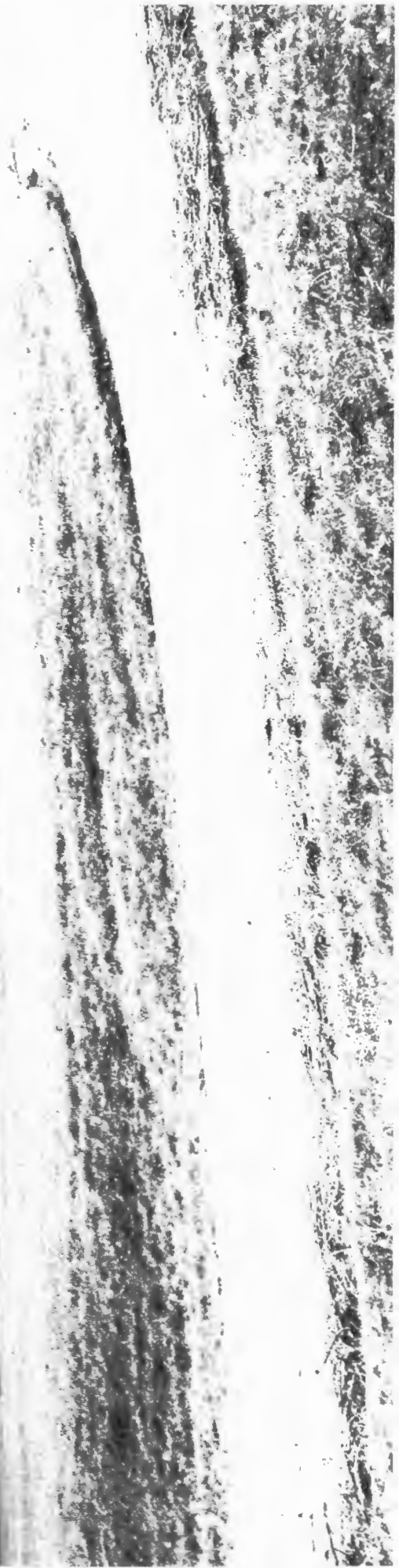
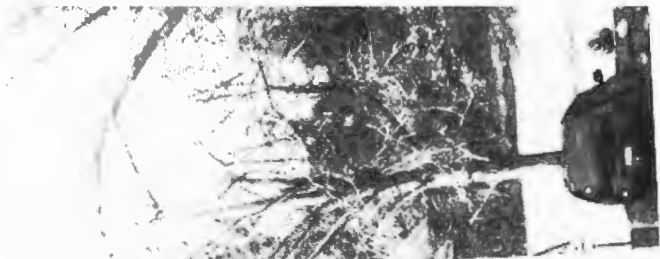
Pursuant to the posting of the property, in accordance with Section 408B.A.2.c2q (BCZR), and in the absence of a formal public hearing request, this ____ day of _____, 20__, that the herein described USE PERMIT FOR A BOARDING/ROOMING HOUSE is in keeping with the spirit and intent of the Baltimore County Zoning Regulations and the use WILL NOT be detrimental to the health, safety, and general welfare of the surrounding community, subject to the following conditions precedent, if any, as determined appropriate by the Department of Permits and Development Management, and in accordance with the site plan dated _____, application, and description filed by the petitioner, is hereby _____ (subject to strict compliance with all of the provisions of the BCZR and any of the following site specific restrictions, which are conditions precedent to the granting of the use permit).

Director, Department of Permits and Development Management

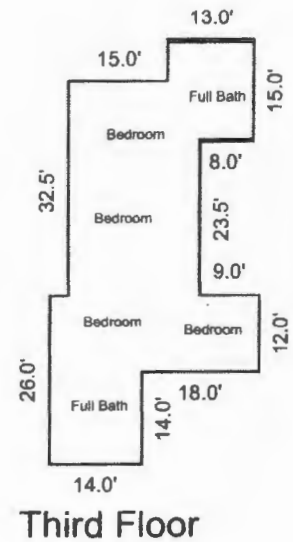
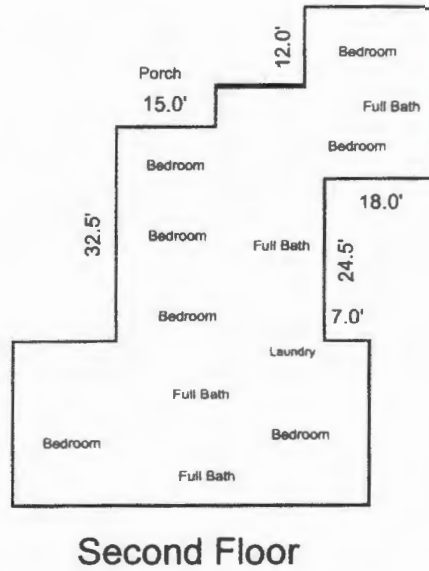
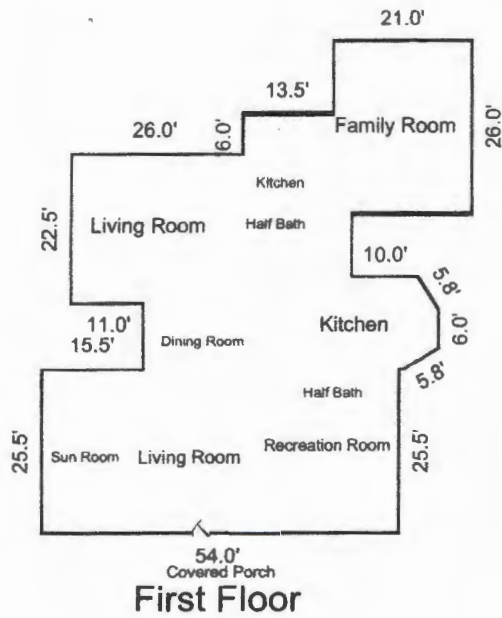
By: _____



PARKING DIAGRAM



Please note room sizes are approxiamate and not to scale



Sketch by Apex IV Windows™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	First Floor	3415.25	3415.25
GLA2	Second Floor	3003.75	3003.75
GLA3	Third Floor	1380.00	1380.00
TOTAL LIVABLE (rounded)			7799

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
0.5 x	3.0 x	5.0	7.50
0.5 x	5.0 x	3.0	7.50
	3.0 x	6.0	18.00
	2.0 x	11.0	22.00
	15.0 x	34.5	517.50
	11.0 x	21.0	231.00
	9.0 x	26.0	234.00
	13.5 x	42.5	573.75
	10.0 x	31.5	315.00
	8.0 x	14.0	112.00
	25.5 x	54.0	1377.00
Second Floor			
	25.5 x	54.0	1377.00
	21.0 x	26.0	546.00
	13.5 x	14.0	189.00
7 unlisted calculations			2271.75
21 Calculations Total (rounded)			7799

Lot # 1

0923750250 1709

RC 7

0918470400

PDM # 090351

Pt. Bk./Folio # 048108A

Lot # 2

Pt. Bk. 48, Folio 108

1900003888

1711

ROLAND RUN RD

NW 10-B

0903230730

1715

Lot # 30

9 ED

BRAUN PROPERTY (PDM File/Project # MS 07076)

20080338

0923000440

1861

069B2

DR 1

2 CD

0903671631

1859

1857

CIRCLE RD

0903671632

NW 9-B

0907000110

1866

PDM # 090379

Pt. Bk./Folio # 049090

Lot # 1

Pt. Bk. 49, Folio 90

1900007303

1856

Lot # 1

CERTIFICATE OF POSTING

RE: Case No USE PERMIT # BRH 53950

Petitioner/Developer BRAUN

Date Of Hearing/Closing: 6/25/10

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

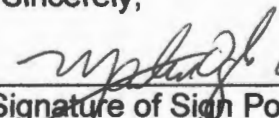
Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 1861 CIRCLE RD

This sign(s) were posted on June 10, 2010
Month, Day, Year

Sincerely,

 6/10/10
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

#1754



FORMAL DEMAND FOR HEARING

CASE NUMBER: _____

Address: 1861 Circle Road 21204

Petitioner(s): John BRAUN

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Ruxton-Riderwood-Lake Roland Area
Name - Type or Print Improvement Assoc.

() Legal Owner OR () Resident of

P.O. Box 204
Address

Riderwood MD 21139
City State Zip Code

410-494-7757
Telephone Number

which is located approximately _____ feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Peggy Squitieri Ex. Dir. 6/14/10
Signature Date

Peggy Squitieri
Executive Director

Signature Date
Revised 9/18/98 - wcr/scj

1856 Circle Road
Ruxton, MD 21204
July 19, 2009

William Wiseman
Zoning Commissioner
Baltimore County
105 W. Chesapeake Avenue
Towson, MD 21204

RECEIVED

JUL 21 2010

ZONING COMMISSIONER

Dear Mr. Wiseman,

We are writing to you to express our opposition to the proposed rooming/boarding house use permit at 1861 Circle Road which is across the street from our home at 1856 Circle Road.

The house is currently occupied by at least 10 unrelated adults as evidenced by the number of vehicles on the parking pad each night and by the number of individuals that we have observed entering and leaving or that we have personally met. As one of the closest neighbors, we are well aware of how this will impact our neighborhood. Most notable is the increase in traffic in an area frequently used by children on bicycles, pet walkers and wildlife. One particularly problematic issue occurred during the big snows this past winter. Circle Road became impassable in the area of the driveway entrance to 1861 Circle Road. Snow was not cleared from the driveway and boarders attempted to park on the street which blocked 2-way traffic, and in some instances blocked the street entirely. This made the passage of an emergency vehicle, such as an ambulance or fire truck, impossible.

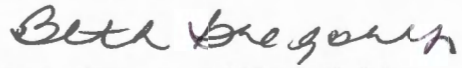
Further, it is also unclear who is now responsible for upkeep of the property. This is evidenced by a fence that is falling down, gutters that are dangling from the roof's edge, a tennis court whose gate is broken and has weeds growing through the surface, as well as overgrown shrubbery and fallen limbs from trees.

Finally, the activity around the house is not in keeping with a family-oriented, residential neighborhood. Parties with loud music, young adults entering and leaving at all hours, shirtless men drinking and grilling off the front porch, and increased traffic with overflow parking during gatherings at the house give the home the feel of a fraternity house rather than a residence.

We fear that by allowing the rooming/boarding house use permit our residential neighborhood will have its character changed forever, which has already started to happen. The property at 1861 is one of the first you encounter when you enter Circle Road. Having this showcase home become a boarding house would negatively affect the property values of all the homes on the street. In addition, we fear it would open the door to having other boarding houses in some of the other large estate homes on the street.

I hope you will take our comments and concerns into consideration when making a decision regarding the fate of this once stately Circle Road home.

Sincerely,

A handwritten signature in dark ink, appearing to read "Beth Gregory and Hugh Calkins". The script is cursive and somewhat stylized, with the first name "Beth" being more prominent.

Beth Gregory and Hugh Calkins



FORMAL DEMAND

FORMAL FOR HEARING

CASE NUMBER: _____

Address: _____

Petitioner(s): _____

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We _____
Name - Type or Print

() Legal Owner OR () Resident of

Address

City State Zip Code

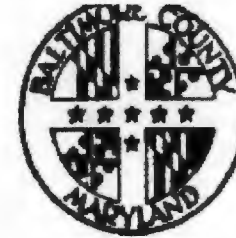
Telephone Number

which is located approximately _____ feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS

DEMAND.

Signature _____ Date _____



RECEIVED

JUN 23 2010

DEMAND FOR HEARING BR 453950

CASE NUMBER: _____

Address: 1861 Circle Road

Petitioner(s): JOHN + JAN BRAUN

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We Thomas W. Haines
Name - Type or Print

(☒) Legal Owner OR () Resident of

1860 CIRCLE RD.
Address

ROXTON MA 21204
City State Zip Code

410 215 7509
Telephone Number

which is located approximately 25 feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**

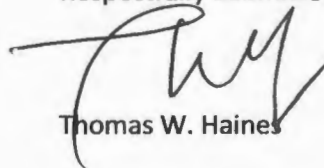
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

Signature [Signature] Date 6/23/2010

I am the owner of 1860 Circle Road, Baltimore County, Maryland which is directly across the street from the subject property, 1861 Circle Road. Circle Road is in the area of Baltimore County commonly referred to as Ruxton. Circle Road is a community of single family, owner occupied homes. The subject property is at the entrance to Circle Road and is the most prominent structure on the road.

I oppose the grant of the requested permit for the following reasons 1) it violates the existing zoning for the property, 2) the proposed use as a boarding/rooming house is totally inconsistent with the existing uses of the neighboring properties and the community at large, 3) the "frat house" activities that are sure to result from the grant of the permit would not be welcome by any of the other residents and are not consistent with the family oriented nature of the community inhabited by among others, many young children and 4) property values would be unquestionably lowered.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Th W Haines', written over the printed name.

Thomas W. Haines

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 53387

Date: June 23, 2010

PAID RECEIPT

BUSINESS ACTUAL TIME
6/24/2010 6/24/2010 09:49:54
REB 4802 WALKIN JEVA JEE
RECEIPT # 688028 6/24/2010
5 528 ZONTINO VERIFICATION
053387
Recpt Tot \$50.00
\$50.00 OK \$1.00 CA
Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		650				50.00

Total: 50.00

Rec

From: Thomas W. Haines

For: Formal Demand for 1861 Circle Rd.

1860 Circle Rd.

Baltimore, MD 21204-6415

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

DOUGLASS M. STEGNER
1816 CIRCLE ROAD
RUXTON, MARYLAND 21204

Baltimore County Zoning Board
111 West Chesapeake Ave.
Room 111
Towson MD 21204

June 21, 2010

Re: BRH 53950
1861 Circle road, 21204

We are opposed to establishing a "Boarding and Rooming House" or any commercial enterprise at 1861 Circle Road or anywhere on Circle Road, 21204.

Douglas M. Stegner 6/21-2010

Douglass M. Stegner
1816 Circle Road, 21204

Martha H. Stegner - 6/21/2010

Martha H. Stegner
1816 Circle Road, 21204

Donald Rascoe - Fwd: 1861 Circle Road Boarding House Request

From: County Council District 2
To: drascoe@baltimorecountymd.gov
Date: 06/15/10 10:44 AM
Subject: Fwd: 1861 Circle Road Boarding House Request
CC: pzimmerman@baltimorecountymd.gov; rf@cargotel.com; rrlraia@comcast.net...

Dear Mr. Rascoe:

I am forwarding to you, as Deputy Director of the Department of Permits and Development Management, this e-mail from my constituent, Mr. Robert Ferber regarding an application by the property owner of 1861 Circle Rd. for a boarding house use permit. It is my understanding that this permit cannot be granted administratively by your office should there be a request from the community for a public hearing to be held on the matter.

I believe Mr. Ferber raises several valid issues which would require a public hearing to be held. Therefore, his correspondence should be viewed as a request for such action to be taken.

Additionally, I have copied the Office of the People's Counsel, Mr. Peter Zimmerman, who may wish to weigh in on this issue as well.

Please keep my office updated on the status of this issue. As you are aware, I am precluded from making comment once this goes to a public hearing.

As always, thank you for your cooperation.

Kevin Kamenetz
Councilman, Second District

Councilman Kevin Kamenetz
Baltimore County Council
400 Washington Avenue, 2nd floor
Towson, MD 21204
E-mail: council2@baltimorecountymd.gov
Website: baltimorecountycouncil.org
Phone: 410-887-3385
Fax: 410-887-5791

Councilman's Staff for timely follow-through:
Adele Kass- akass@baltimorecountymd.gov
Paula Houck- phouck@baltimorecountymd.gov

>>> Bob Ferber <rf@cargotel.com> 06/14/2010 5:06 PM >>>
The Honorable Kevin Kamenetz
Baltimore County Council
Old Courthouse
400 Washington Ave.
Towson, MD 21204
VIA Email

The owners of 1861 Circle Road has posted a request to change a single-family home into a boarding house. Ruxton is a unique family neighborhood with many historic single-family homes. To allow this historic home (or any others in our neighborhood) to be turned into a boarding house would set a precedent that no one in the community would like and with little doubt degrade the neighborhood. With the property's proximity to all the colleges in the area, it would likely turn into a college boarding house - not so

different than a frat house. Perhaps more importantly, the house is being used as a boarding house today - clearly against the law - and the county should be focusing their efforts on getting the property within current regulations instead of considering options that allow the current owners to circumvent current law.

Irregardless of this request's legality, the property is not conducive or within safety codes to even allow a Boarding House. Septic and electric systems are unsatisfactory and the owners have not shown a propensity of honoring similar regulations or keeping their property in good condition. I hate to imagine what the property would look like in a few years as a boarding house. If one has any doubts, please review the recent history and status of other variances associated with this property:

- **"Sandwich" House Not Completed After Many Years:** A permit was granted that allowed the owners to turn a historic barn on the property into a home and combine the new home with an existing adjacent tenant house. This plan literally encapsulated the barn with the new structure and is still incomplete after many years. It also has little resemblance to the plans that were approved and a real eye sore. I don't think this is what the county had in mind in it's efforts to save historic structures.

- **Unightly Tennis Court:** Neighbors have been trying to have owners remove (or repair) the overgrown tennis court sitting along Circle Road. After much back and forth between owners including variance requests and an appeal, the court remain in its current poor condition.

The neighbors have been more than patient over the last few years hoping that a solution can be found with this property. Unfortunately, we're seeing the property being systematically ruined - sort of a death by a thousand cuts - and this Boarding House request is the last straw.

Please ask the appropriate party in the Country to deny this request, enforce out existing laws, and review status of this property's other variances.

Sincerely,

Robert F. Ferber
1807 Circle Road
Towson, MD 21204

--

Robert Ferber
CargoTel, Inc.
<http://www.cargotel.com>
443.278.5993
rf@cargotel.com

Donald Rascoe - Fwd: 1861 Circle Rd. 21204

From: County Council District 2
To: drascoe@baltimorecountymd.gov
Date: 06/15/10 10:36 AM
Subject: Fwd: 1861 Circle Rd. 21204
CC: pzimmerman@baltimorecountymd.gov; rrlraia@comcast.net; twhaines@permap...
Attachments: Thomas W. Haines.vcf

Dear Mr. Rascoe:

I am forwarding to you, as Deputy Director of the Department of Permits and Development Management, this e-mail from my constituent, Mr. Thomas Haines regarding an application by the property owner of 1861 Circle Rd. for a boarding house use permit. It is my understanding that this permit cannot be granted administratively by your office should there be a request from the community for a public hearing to be held on the matter.

I believe Mr. Haines raises several valid issues which would require a public hearing to be held. Therefore, his correspondence should be viewed as a request for such action to be taken.

Additionally, I have copied the Office of the People's Counsel, Mr. Peter Zimmerman, who may wish to weigh in on this issue as well.

Please keep my office updated on the status of this issue. As you are aware, I am precluded from making comment once this goes to a public hearing.

As always, thank you for your cooperation.

Kevin Kamenetz
Councilman, Second District

Councilman Kevin Kamenetz
Baltimore County Council
400 Washington Avenue, 2nd floor
Towson, MD 21204
E-mail: council2@baltimorecountymd.gov
Website: baltimorecountycouncil.org
Phone: 410-887-3385
Fax: 410-887-5791

Councilman's Staff for timely follow-through:
Adele Kass- akass@baltimorecountymd.gov
Paula Houck- phouck@baltimorecountymd.gov

>>> "Thomas Haines" <twhaines@permapatch.com> 06/14/2010 4:06 PM >>>

Dear Councilman Kamenetz, I am the owner of 1860 Circle Road which I believe is within your district. The owner(s) of 1861 have applied to the county to permit the operation of a boarding/rooming house on that property. Circle Road is a very quiet family, single occupancy neighborhood and the intrusion of the type of use contemplated by the application is totally inconsistent with this long established neighborhood. The so called "frat house activity" that will ensue if the application is granted will have a strong negative impact on the Circle Road community. I hope that you will join with me, The Ruxton-Riderwood Lake Roland Improvement Association and many of my neighbors in opposing this application. Respectfully Submitted, Tom Haines 410 321 9455, cell 410 215 7509

Donald Rascoe - Fwd: 1861 Circle Rd request for Conditional Use Permit.

From: County Council District 2
To: drascoe@baltimorecountymd.gov
Date: 06/15/10 10:48 AM
Subject: Fwd: 1861 Circle Rd request for Conditional Use Permit.
CC: RRLRAIA@comcast.net; btate@tateandale.com; pzimmerman@baltimorecountym...

Dear Mr. Rascoe:

I am forwarding to you, as Deputy Director of the Department of Permits and Development Management, this e-mail from my constituents, William and Lisa Tate regarding an application by the property owner of 1861 Circle Rd. for a boarding house use permit. It is my understanding that this permit cannot be granted administratively by your office should there be a request from the community for a public hearing to be held on the matter.

I believe Mr. and Mrs. Tate raise several valid issues which would require a public hearing to be held. Therefore, his correspondence should be viewed as a request for such action to be taken.

Additionally, I have copied the Office of the People's Counsel, Mr. Peter Zimmerman, who may wish to weigh in on this issue as well.

Please keep my office updated on the status of this issue. As you are aware, I am precluded from making comment once this goes to a public hearing.

As always, thank you for your cooperation.

Kevin Kamenetz
Councilman, Second District

Councilman Kevin Kamenetz
Baltimore County Council
400 Washington Avenue, 2nd floor
Towson, MD 21204
E-mail: council2@baltimorecountymd.gov
Website: baltimorecountycouncil.org
Phone: 410-887-3385
Fax: 410-887-5791

Councilman's Staff for timely follow-through:
Adele Kass- akass@baltimorecountymd.gov
Paula Houck- phouck@baltimorecountymd.gov

>>> "Bill Tate" <Btate@tateandale.com> 06/14/2010 4:09 PM >>>
The Honorable Kevin Kamenetz
Baltimore County Council
Old Courthouse
400 Washington Ave.
Towson, MD 21204

VIA Email

Re: 1861 Circle Rd request for proposed conditional use permit request which would permit a Boarding House in violation of the current single family zoning.

Dear Mr. Kamenetz:

As one of the adjacent property owners and a resident of Circle Rd for over 40 years, I would urge you to do whatever you can to deny 1861 Circle Road's request for a conditional use permit to permit a Boarding House in lieu of the current single family zoning.

The house is apparently being used as a boarding house with a number of unrelated occupants in violation of current zoning.

This not only is out of character with the nature of our neighborhood but must be placing unprecedented demands on septic and electric systems and may well present a fire hazard to those living there.

We appreciate your support,

William J. Tate and Lisa M. Tate

1811 Circle Rd

Towson, MD 21204

tel: 443-575-4500

email: btate@tateandale.com



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

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

June 15, 2010

John and Jan Braun
1861 Circle Road
Ruxton, Maryland 21204

Dear Mr. and Mrs. Braun:

RE: Demand for Public Hearing, Rooming and Boarding House Use Permit, 1861 Circle Road, 9th Election District

The purpose of this letter is to officially notify you that the posting of the subject property has resulted in a timely demand for a public hearing concerning your request for the issuance of a Rooming and Boarding House Use Permit on the referenced property. Upon receipt of such a demand, this Office may only issue the requested Use Permit after approval by the Zoning Commissioner for Baltimore County.

As such, you are required to file a Petition for Special Hearing to have this matter set in for a public hearing before the Zoning Commissioner. The booklet and petition forms for this filing are enclosed. As these filings are initially reviewed by appointment only, please contact this Office at 410-887-3391 to schedule a convenient time to have your application reviewed with a zoning planner from this Office. To avoid Code Enforcement involvement, your timely attention to this matter is required. You may wish to seek the assistance of a zoning lawyer to advise and represent you at the hearing of this matter.

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

copy of Letter HAND DELIVERED TO
PEGGY Squitieri.

Zoning Commission
111 W. Chesapeake Ave.
Towson, MD. 21204

Dear Sirs,

We wish to raise the strongest possible objection to the zoning variance requested for 1859 and /or 1861 Circle Rd. (item BRH 53950). This is a request to allow the establishment of a boarding/rooming house, in a neighborhood zoned for single family, detached homes. It is a stable neighborhood with houses that have held their value. Most lots on Circle Rd are wooded and the homes and lots are esthetically pleasing. A rooming house would have a significant negative impact on the quality of life and the value of the homes.

The occupants of this lot have, in our opinion, overbuilt their lot and have already either obtained a variance or are in violation of current zoning laws. There is no rationale to grant any further variances, particularly one such this, which is so radical and out of keeping with the rest of the neighborhood.

Currently, there is an unfinished house on land that used to be a portion of the address in question. There are stairs in the front of this house that have no rails or banisters and I do not think that this unfinished building would qualify for a certificate of occupancy.

I am also suspicious that this property is already, without any variance, being used as a boarding house. There are multiple vehicles parked at this house at all times and we have observed numerous people in the approximate 21 to 28 year old range leaving in the morning and returning in the evening. It is clear that this area cannot support the population density that a boarding/rooming house would bring.

This winter, during major snowfalls, there were often 5 or 6 vehicles parked on Circle Rd., outside the driveway to this property, making it treacherous for passing automobile traffic and impossible for a fire truck or other emergency vehicles to pass.

In summary, this is a request that should be denied. Zoning laws exist for a purpose and should not be changed without extenuating circumstances or exceptional reasons. The desire of someone to create a boarding house for financial gain at expense of the rest of his or her neighbors is not such a case.

Sincerely,

William Hugh Baugher

William H. Baugher - 6/14/10

Elizabeth Hall Baugher

Elizabeth Hall Baugher

1817 Circle Rd.

phone 410 321 1693

RECEIVED

JUN 16 2010

ZONING COMMISSIONER

John W. Sasser Nancy R. Sasser 1820 Circle Road Baltimore, MD 21204 Zoning Commission 11 W. Chesapeake Ave. Towson, MD 21204 Dear Zoning Commission, We are writing to express our strong opposition to the variance requesting that the single family dwelling at 1859 Circle Road be zoned as a boarding/rooming house (# BRH 53950). We have owned our home at 1820 Circle Rd for 26 years and were initially attracted to the neighborhood because it consisted of single-family dwellings. Baltimore County has plenty of neighborhoods with multi-family dwellings and boarding/rooming houses. Circle Road should not be among them. The existing use of the 1859 house as a boarding house has contributed to increased traffic on Circle Road and loud parties with cars parked so that they make travel along Circle Road hazardous. The boarding house significantly detracts from the single-family residential character of our neighborhood. As taxpayers in Baltimore County we depend on the County to preserve the ambiance and value of our neighborhood by enforcing the zoning statutes. Should you have questions we can be reached at 434-878-3372. Yours truly, John W. Sasser Nancy R. Sasser

RECEIVED

JUN 21 2010

ZONING COMMISSIONER

~~10-143~~ 10-142

11 June 2010

RECEIVED

Baltimore County Zoning Commissioner
Baltimore County Zoning Offices
111 West Chesapeake Avenue
Towson, Maryland 21204

JUN 14 2010

ZONING COMMISSIONER

RE: 1859 and 1861 Circle Road
BRH # 53950
Zoning Notice Use Permit
Boarding/Rooming House (s)

To Whom It May Concern:

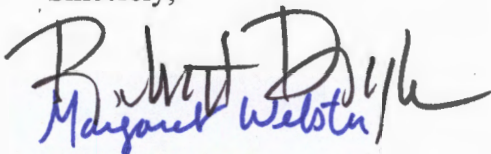
We are requesting a public hearing in order to object to this use in the D.R. 1 Zone on Circle Road. This property has been in use for at least six months as a rooming house and I have called and sent emails to zoning during that period with no response.

There are and have been 15 to 20 vehicles (one with commercial advertising) parked on the property and during last winter's snow storm these vehicles were parked on Circle Road clogging traffic.

This use will overwhelm an existing septic system and perhaps carry effluent into a sensitive flood plain and Roland Run. This is certainly not a use compatible with traffic flow and residential values.

I trust we will be notified of the proposed scheduled hearing.

Sincerely,



Robert Doyle

Margaret Webster

1805 Circle Road

Towson, Maryland 21204

410.727.4535 (office)

443.275.2566 (home)

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **53950**

Date: **5-28-10**

PAID RECEIPT

BALANCE ACTUAL TIME BGN
 5/28/2010 5/28/2010 10:19:00
 REC'D BY WALKER BAC BAC
 RECEIPT # 53950 5/28/2010
 5 50.00 BOND MATURITIES
 053950
 Recpt Tot 50.00
 LHM JK 50.00 00
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					50.00

Total: **50.00**

Rec From: **John, JAN BRAUN**

For: **Bldg House REQUEST.**

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **55982**

Date: _____

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/					
001	100	0000		6130						50.00

Total: 50.00

Rec From: Yonkers Richmond Improv Assoc

For:

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

Paid Receipt

RECEIVED ACTUAL FINE AMT
 6/15/2010 6/14/2010 15.34x30

RECEIVED HEALTH 600.00 000

RECEIPT # 55982 6/14/2010 0001

RECEIVED VERIFICATION 0001

RECEIVED 0000

Receipt Tot 150.00

150.00 00 1.00 00

Baltimore County, Maryland

**CASHIER'S
 VALIDATION**

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/W Corner of Circle Road and		
Lake Roland Drive	*	ZONING COMMISSIONER
(1861 Circle Road)	*	
9 th Election District	*	OF
2 nd Council District	*	
	*	BALTIMORE COUNTY
John A. Braun, et al	*	
Petitioners	*	Case No. 08-338-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by Jan G. Braun, and her husband, John A. Braun, and Sally S. Goldsmith, legal owners. The Petitioners request a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit existing accessory structures (pool, tennis court and existing detached garage) to remain in the front yard and the side yard respectively in lieu of being located in the required rear yard. The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

This case was originally filed as an administrative variance, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without a formal hearing, provided certain conditions are met. First, the property is duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question can request a public hearing within 15 days of the sign posting, if that person objects to the relief requested. If no hearing is requested, the matter can be considered and an Order issued by the Zoning Commissioner/Deputy Zoning Commissioner, based on the documentation contained in the file.

In the instant case, the property was duly posted and within the requisite time period, adjoining property owner, Janet E. McHugh, filed a request for public hearing. The matter was

therefore scheduled for a hearing, which was held on April 24, 2008.

Appearing at the hearing in support of the request were John and Jan Braun, property owners, Scott A. Lindgren, a principal with Gerhold, Cross & Etzel, Ltd., the consultant who prepared the site plan for this property and assisting Petitioners through the minor subdivision process, and Larry Townsend, a representative of the Baltimore Symphony Associates, who will use the subject property as a Symphony Show House. Appearing as Protestants/interested citizens were Janet McHugh, her husband, Herbert W. Moloney, III, and Peggy Squitieri, Executive Director of the Ruxton-Riderwood Lake Roland Area Improvement Association (RRLRAIA).

Testimony and evidence presented disclosed that the subject property is a large irregular-shaped parcel, located at the north west corner of Circle Road and Lake Roland Drive. The Roland Run with its attendant floodplains lies along the east side of Circle Road, opposite the site and a small stream runs along Circle Road on the south side of the site. The property contains 5.989 acres, more or less, zoned D.R.1 and is located in the Ruxton area of Baltimore County. The property is improved by three (3) separate single-family dwellings, a detached garage, a swimming pool and a tennis court. A major addition to the Carriage House approved by the Design Review Panel (DRP)¹ is under construction and a breezeway is to be built connecting this dwelling to the other cottage dwelling known as 1857 Circle Road located just west of the Carriage House. As noted, the property is currently going through the minor subdivision process to subdivide the property into two (2) lots. Lot 1 will contain 3.902 acres, more or less, and will encompass the main dwelling, pool and tennis court. Lot 2 will contain 2.086 acres and will encompass the remaining two (2) dwellings (carriage house and cottage) that will be connected to create one dwelling. Due to the environmental constraints, a 100-Year Floodplain Drainage and Utility Easement and a Forest Buffer Easement will be created to protect the streams. *See* Petitioners' Exhibit 2 prepared by Human & Rohde, Inc. The location and size of these amenity structures (pool, tennis court and detached garage) including a par 3, 12-hole golf course are more particularly described on the site plan marked as Petitioners' Exhibit 1.

¹The property is within the Ruxton-Riderwood Lake Roland Residential design area.

Relief is requested as set forth above to allow the accessory structures to remain in their present location. Given this backdrop, an appreciation of the subject property's past history is relevant and briefly outlined. In this regard, Mr. Braun provided a history of the property which was in a state of decline upon his purchase ten (10) years ago. He explained that much time and money has been spent renovating the circa 1896 main dwelling, the Carriage House and cottage. The subject accessory structures are likewise long-standing uses and have existed for many years dating back to at least the early 1960's. The Braun's found their placement in the front yard to fit the property's setting. They cleared them of underbrush and spent sweat equity and money refurbishing and modernizing the garage, swimming pool and tennis court and have maintained them in good repair ever since. Finally, Mr. Braun points out that the tennis court and pool have existed at this location for the past 35 years without prior complaint and did not become offensive to anyone until 2008 following his filing for a use division line and the Development Review Committee's suggestion that he bring the non-conforming use into compliance by filing the instant petition.

Ms. Diane Itter, an experienced planner in the Office of Planning, provided a Zoning Advisory Committee (ZAC) comment stating that she had reviewed the variance request and believes it appropriate for this site. Additionally, the proposal has been reviewed by the Ruxton-Riderwood Design Review Panel as well as the Department of Environmental Protection and Resource Management (DEPRM) since a portion of the pool area and tennis court will lie within the floodplain and forest buffer easements. The issue presented is whether there is some relief characteristic of the property which creates a practical difficulty in compliance with the zoning regulations. *Cromwell v. Ward*, 102 Md. App. 691 (1995). In addressing this issue, factors such as environmental conditions, topography and lot configuration are relevant. The environmental conditions caused by streams and wetlands have been noted and the mitigation planting areas are illustrated on Petitioners' Exhibit 2. There is literally no place to the rear of the building areas where accessory structures could be relocated. There is a significant grade difference from the main house back to the rear of the property. Based on my review of the site plan, photographs

presented, and testimony concerning the historic character of the area, which has also been noted by the Office of the Planning, and the increasing elevations at the rear of the property, I do find that the subject property is so constrained that it produces a unique condition that creates a practical difficulty if strict adherence to Section 400.1 of the B.C.Z.R. is enforced. I also find that the relief sought is within the spirit and intent of the zoning regulations.

Janet McHugh, an adjacent neighbor to the north, has owned her property for 16 years and testified concerning her opposition to the proposal. Essentially, she opined that while the existing accessory structures might be, in the opinion of Messrs. Braun and Lindgren and Ms. Itter, compatible and fitting with the subject property, placement of the pool and tennis court in the front yard lacks a quintessential buffer from her house and the noise that emanates from these uses. She further points out that the Braun's plan to sell the main house with its country club amenities once the minor subdivision process is complete. Ms. McHugh and her husband are alarmed that the new owners may use the home and its accessory structures as a "party house" with its associate disturbances and inconveniences. She presented photographs (Protestants' Exhibit 1) depicting the proximity of the pool and tennis court in relation to her home and property boundary.

After due consideration of the testimony and evidence presented, I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. for relief to be granted allowing the existing accessory structure to remain in the front and side yards. I find that strict compliance with the regulations would result in a practical difficulty and unreasonable hardship for the Petitioners given the configuration of the property, the site constraints associated with the rear yard and the location of the existing homes. I am persuaded that relief can be granted without detrimental impact to adjacent properties or the surrounding locale. While Ms. McHugh's opinion regarding the property's future use, if sold, is premised on conjecture and speculation, I will limit as a condition of approval the tennis court's use. As Mr. Lindgren noted on Petitioners' Exhibit 1 during the hearing, the Petitioners shall extend, with Type "A" screening, landscaping along the northern property boundary providing privacy between the swimming pool and the McHugh

property. Additionally, there shall be no use of artificial intrusive lighting in the area of the tennis court and no use of the court after 8:30 P.M.

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 _____ day of May 2008 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit existing accessory structures (pool, tennis court and existing detached garage) to remain in the front yard and the side yard respectively in lieu of being located in the required rear yard, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1. The swimming pool and tennis court areas shall be limited to uses accessory to the residential use of the property. They shall not be used for commercial or business purposes. Moreover, the Petitioners, their successors and assigns, shall not install exterior lighting to be used in conjunction with the tennis court nor shall the court be used for any purpose after 8:30 P.M.
2. As noted on the site plan (Petitioners' Exhibit 1), the Petitioners shall provide evergreen trees along the joint property line (on the north side boundary with the McHugh property) in conjunction with this decision and Minor Subdivision approval.

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

WJW:dlw

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County



mydun 6/10/10

06/10/2010

Location of Property: 1861 Circle Road

District: _____

Posted By: *[Signature]*

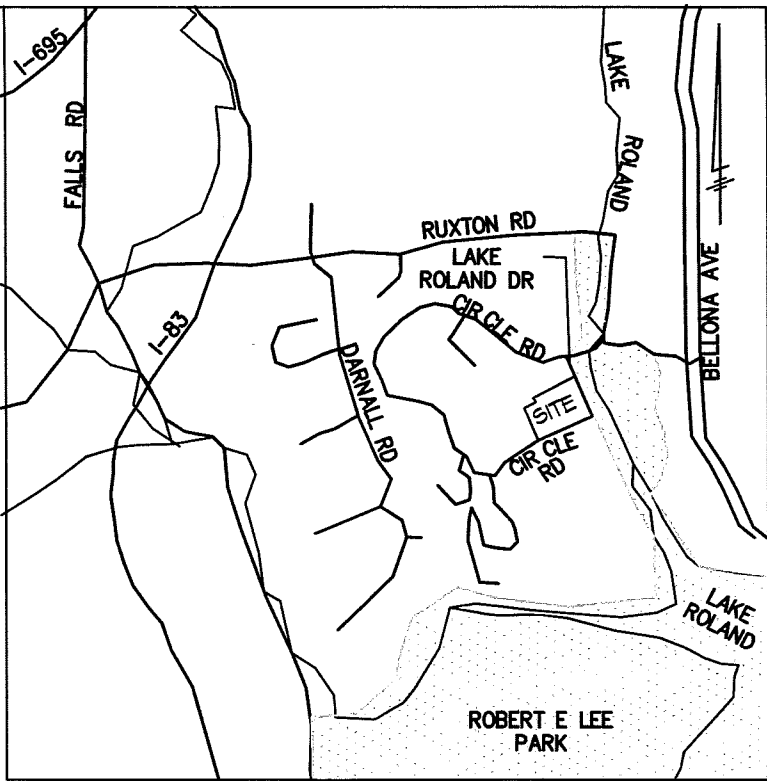
Date: 6/10/10

Accepting Planner - Print Name _____ BRH # _____

000

Revised 12/10/2009

SPECIMEN TREE INVENTORY				
KEY	BOTANICAL NAME COMMON NAME	SIZE (DBH)	CONDITION	REMARKS
#1	QUERCUS RUBRA NORTHERN RED OAK	42"	POOR	TRUNK DECAY
#2	GINKGO BILBOA GINKGO	30"	GOOD	
#3	UNKNOWN	54"	FAIR	
#4	ACER SACCARINUM SILVER MAPLE	42"	POOR	TRUNK DECAY
#5	ACER SACCARINUM SILVER MAPLE	47"	POOR	TRUNK DECAY
#6	GYMNOCLADUS DIOICUS KENTUCKY COFFEE TREE	38"	GOOD	
#7	GYMNOCLADUS DIOICUS KENTUCKY COFFEE TREE	46"	FAIR	
#8	PICA ABIES NORWAY SPRUCE	42"	GOOD	
#9	PICA ABIES NORWAY SPRUCE	33"	GOOD	



VICINITY MAP
1" = 2000'

GENERAL NOTES

- THE BOUNDARY SHOWN HEREON IS FROM A BOUNDARY SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
- THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 69B2.
- THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 34.
- CENSUS TRACT 4904.00 REGIONAL PLANNING DISTRICT 314 WATERSHED JONES FALLS SUBSEWERSHED
- SCHOOL DISTRICT: ELEMENTARY - RIDERWOOD E.S.; MIDDLE - DUMBARTON M.S.; HIGH - TOWSON H.S.
- A.D.C. MAP & GRID 26 G7
- THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
- ALL APPARENT SEPTIC SYSTEMS, WELLS, AND SOIL PERCOLATION TESTS WITHIN 100' OF THE PROPERTY LINES WERE FIELD LOCATED.
- ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PRIVATE WELLS AND SEPTIC SYSTEMS.
- NO GRADING IS TO BE DONE IN THE SEPTIC RESERVE AREAS.
- THE ENVELOPES SHOWN HEREON ARE FOR THE LOCATION OF ALL PRINCIPAL BUILDINGS ONLY. ACCESSORY STRUCTURES, FENCES, AND PROJECTIONS INTO YARDS MAY BE CONSTRUCTED OUTSIDE THE ENVELOPE BUT MUST COMPLY WITH SECTIONS 400 AND 301 OF THE BALTIMORE COUNTY ZONING REGULATIONS (SUBJECT TO COVENANTS AND APPLICABLE BUILDING PERMITS.)
- A.D.T.S 2 x 12.4 = 24.8
- LOCAL OPEN SPACE IS NOT REQUIRED FOR MINOR SUBDIVISIONS.
- ACCESSORY STRUCTURES, FENCES AND PROJECTIONS INTO YARDS CANNOT BE LOCATED IN FLOOD PLAIN AREAS OR HYDRIC SOILS.
- HIGHWAY, SLOPE EASEMENTS, DRAINAGE AND UTILITIES EASEMENTS, ACCESS EASEMENTS AND STORM WATER MANAGEMENT AREAS, NO MATTER HOW ENTITLED, SHOWN HEREON, ARE RESERVED UNTO THE OWNER AND ARE HEREBY OFFERED FOR DEDICATION TO BALTIMORE COUNTY, MARYLAND.
- BALTIMORE COUNTY MAKES NO WARRANTY EXPRESSED OR IMPLIED AS TO THE RIGHT OF ANY PRESENT OR FUTURE OWNER OF ANY LOT SHOWN ON THIS PLAT TO USE ALL OR ANY PART OF THAT LAND DESIGNATED AS PRIVATE RIGHT OF WAY FOR THE PURPOSE OF INGRESS, EGRESS, OR THE RIGHT TO OPEN OR EXCAVATE THE AFORESAID RIGHT OF WAY FOR THE PURPOSES OF INSTALLING, CONSTRUCTING AND MAINTAINING UTILITIES SUCH AS BUT NOT LIMITED TO WATER, SEWER, ELECTRICAL, TELEPHONE OR CABLE T.V.
- THIS PROPERTY, AS SHOWN HEREON, HAS BEEN HELD INTACT SINCE JUNE 3, 1963. THE DEVELOPER'S SURVEYOR HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFF-SITE DWELLINGS.

DENSITY CALCULATIONS

GROSS AREA 5.989 AC.±
HIGHWAY WIDENING 0.000 AC.±
NET AREA 5.989 AC.±
LOTS PERMITTED 1 LOT PER AC. @ 5.989 AC.± = 5 Lots

MAXIMUM # OF TENANTS: 11

OWNER

JOHN A BRAUN
JAN G BRAUN
SALLY S GOLDSMITH
1861 CIRCLE ROAD
TOWSON, MARYLAND 21204
410-334-5120

PLAN TO ACCOMPANY
FOREST STAND DELINEATION
OF THE
BRAUN PROPERTY
1861 CIRCLE ROAD
Deed Ref: S.M. No. 14027 folio 314
Tax Account No.: 09-23-000440
Zoned D.R.- 1; Map NW 10B
Tax Map 69; Grid 15; Parcel 605
9th ELECTION DISTRICT
2nd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=50'

Date: NOVEMBER 14, 2006

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

HUMAN & ROHDE, INC.
Landscape Architects
512 Virginia Ave.
Towson, Maryland 21286
(410) 825-3885 Phone
(410) 825-3887 Fax

REVISION	DATE	COMPUTED: E.D.-L.	DRAWN: C.J.S.	CHECKED: S.A.L.	FILE: X:\Braun\minorsub.pro

FOREST BUFFER & FOREST CONSERVATION EASEMENT NOTES

- THERE SHALL BE NO CLEARING, GRADING, CONSTRUCTION OR DISTURBANCE OF VEGETATION IN THE FOREST BUFFER EASEMENT, FOREST CONSERVATION EASEMENT OR FOREST BUFFER & FOREST CONSERVATION EASEMENT EXCEPT AS PERMITTED BY THE BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT.
- ANY FOREST BUFFER EASEMENT, FOREST CONSERVATION EASEMENT OR FOREST BUFFER & FOREST CONSERVATION EASEMENT SHOWN HEREON IS SUBJECT TO THE PROTECTIVE COVENANTS WHICH MAY BE FOUND AMONG THE LAND RECORDS OF BALTIMORE COUNTY AND WHICH RESTRICT DISTURBANCE AND USE OF THESE AREAS.

D.R. 1 BUILDING SETBACKS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	40,000
MINIMUM LOT WIDTH (feet)	150
MINIMUM FRONT YARD DEPTH (feet)	50
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	20
MINIMUM SUM OF SIDE YARD WIDTHS (feet)	50
MINIMUM REAR YARD DEPTH (feet)	50

SOIL TYPES & LIMITATIONS

TYPE	SEPTIC FILTER FIELDS	HOMESITES w/BASEMENT	STREETS & PARKING
GIC	Moderate: slope	Moderate: slope	Severe: slope
Is	Severe: moderately high water table; moderate to moderately slow permeability; flooding hazard	Severe: flooding hazard	Severe: flooding hazard
GuB	Severe: high water table; moderately slow permeability	Severe: high water table	Severe: high water table
MeD, MeD	Severe: slope	Severe: slope	Severe: slope

LEGEND

CLEANOUT	○
UTILITY POLE	●
FIRE HYDRANT	●
MANHOLE WATER METER	○
WATER VALVE	○
EXISTING DWELLING	—
SOIL LINE	—
WOODS LINE	—
EXISTING PAVING	—
PROPERTY LINE	—
CONTOURS	—
SLOPES ≥ 25%	—

