

IN RE: **PETITIONS FOR SPECIAL HEARING *
AND VARIANCE**

W/S Engleberth Road, SW Corner of *
Engleberth & Cross Roads *
(Lots 58-59 Eagle Nest Point) *

15th Election District *
6th Council District *

Richard Bruzdinski, et ux, *Legal Owners* *
Bart Pierce, *Contract Purchaser* *
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF

BALTIMORE COUNTY

Case No. 2008-0600-SPHA

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by Richard Bruzdinski, and his wife, Gloria Bruzdinski, the owners of the subject property, and Bart Pierce (aka Murray B. Pierce) as contract purchaser. The Petitioners request special hearing relief and a series of variances from the Baltimore County Zoning Regulations (B.C.Z.R.) to permit development of the subject property with a single-family dwelling. Specifically, relief is requested from Section 1A04.3B.1 of the B.C.Z.R. to approve the subject property as an undersized lot (0.29 acres in lieu of 1.5 acres in the R.C.5 zone), to determine that density will not be affected by the proposed development and to confirm that the 20-foot road width access as recorded by record plat is adequate. In addition, variance relief is requested from Section 1A04.3B.2.b to permit a building setback as close as 30 feet in lieu of the required 100 feet to the centerline of a road leading to a collector road¹, and to permit side yard setbacks as close as 23 feet to lot lines in lieu of the minimum required 50 feet, and from Section 1A04.3A to allow a building height of 40 feet in lieu of the maximum allowed 35

¹ In prior cases, No. 01-406-A (1224 Engleberth Road) and No. 04-048-SPHA (1205 Engleberth Road), this Commission determined that the proper front yard setback distance between a principal building and the centerline of Engleberth Road to be 75 feet.

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feet. 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.

Appearing at the requisite public hearing in support of the request were Richard and Gloria Bruzdinski, property owners, Bart Pierce, who has contracted to purchase the property, and Clarice and John Neukam. Debra C. Dopkin, Esquire appeared as attorney for the Petitioners and called as expert witnesses Jeffrey A. Lees, AIA, Architect; Mitchell J. Kellman, with Daft, McCune and Walker, Inc., who prepared the site plan and is experienced with County zoning regulations; Devin Leary of Human & Rohde, Inc., who is performing the environmental work required for development within the tidal buffer and submitted a Chesapeake Bay Critical Area (CBCA) Administrative Variance request to the Department of Environmental Protection and Resource Management (DEPRM) that is currently under review.

The requested approval of the proposed development was contested. The opponents are generally adjacent property owners and residents of the neighborhood residing on Engleberth Road and included Rita M. Kurek², her husband, Michael A. Butler, Kathleen Filar, Christina A. Morgan (the Morgan's property is adjacent to the subject property on the northern boundary), Jane E. Beach, James L. Mitchell, Catherine M. Mitchell, and Mark Hoffman. Brandon Mourges attended as an interested person. Subsequent to the hearing Michael Neeper faxed a letter raising environmental concerns requesting that the variances be denied.

An extensive volume of testimony and evidence was offered in this case. The primary area of concern relates to the planned improvements being too aggressive given the size and environmental sensitivity of the subject property requiring a wholesale disregard for the current

² Dr. Kurek is the President of the Holly Neck Conservation Association and her property shares a 166-foot common boundary with the south side of the subject property.

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zoning regulations. There were a number of documents, photographs, plats, written memoranda and other exhibits entered into the record of this case.

An appreciation of the property's past history and use is relevant and briefly outlined. The subject unimproved property consists of two (2) lots identified on Maryland Department of Assessments and Taxation Map 105 as Lots 58 and 59 of the Eagle Nest Point subdivision, which was recorded in the Land Records of the County in Plat Book 8, Folio 70 in 1925. Richard and Gloria Bruzdinski purchased these waterfront lots in 1986 from Warren E. Bewersdorf. The unrefuted testimony of Catherine Mitchell, who lived next to these lots from 1974 through 1990, revealed that Bewersdorf and his neighbor, Henry Charnock, would travel to the Back River Treatment Plant on a weekly basis with a dump truck, obtain free soil (treated waste) and dump it onto the lots which at that time were described as wetlands and marsh. This process continued for years until the Treatment Plant discontinued the practice because the soil was contaminated with heavy metals not capable of being removed from the sludge during its processing. After Bruzdinski's purchased the property, clay and topsoil were placed over the sludge material and grass seed planted. Given the fact that a number of residents on this small peninsula have been diagnosed with cancer (including Charnock's wife) they fear (for their health and that of the Bay from water runoff) should this soil now be disturbed and excavated for a large house foundation. Neighbors request that the soil be tested at a depth of 6 to 8 feet by an independent agency prior to any decision or the issuance of building permits (*See* Protestants' Exhibits 1-6).

The Bruzdinski's property is irregularly shaped, located with frontage on Brown's Creek at the southwest corner of Cross Road and Engleberth Road in Essex and falls within the Chesapeake Bay Critical Area. The land use for this area of the site is Limited Development

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Area (LDA), the total site area is 0.29 acres (12,633 square feet), more or less, zoned R.C.5. Other than BGE utility pole and electric lines that bisect the lots from north to south, the property is vacant and essentially covered with grass and shade trees. The property lacks sufficient area for development by today's standards. Testimony indicated that public water and sewer are available for this site and that the proposed development will be consistent with the pattern of the development in the neighborhood and meets the spirit and intent of the R.C.5 regulations. Petitioners' Exhibit 7 (Photographs A-I) show many houses in this community built on undersized lots (albeit most of which were built prior to Council Bill No. 55-04). The architect, Jeffrey Lees, designed the proposed home to "fit in" with the community and submitted elevation and floor plan drawings (Petitioners' 8-A and 8-B). He stated the location of the building envelope was driven by site characteristics as the lot slopes downward from south to north and towards the water as well as the unusual road configuration impacting this site as illustrated on the site plan where Cross Road intersects with Engleberth Road. He described the home's design as a rotated "salt box" with the front elevation facing Engleberth Road.³ Mr. Lee testified that due to the topography sloping or falling to the north, the driveway and side mounted garage doors were placed on the right side (north elevation). As depicted on Petitioners' Exhibit 8B, the proposed dwelling will be a moderate 30' wide x 40' deep, two-story structure of approximately 2,732 square feet including decks and porches that will feature a centrally located belvedere ridge or copula. It is this cupola that measures 5.67 feet above the main roofline which measures 31.5 feet above the existing grade elevation of 8.0 feet that generates the height

³ The Zoning Commissioner's Policy Manual (ZCPM), Sections 400.1A and 400.2A, provides a determination of what constitutes the front yard on waterfront lots based on the orientation of the houses and accessory buildings. In most cases, waterfront lots refer to the front of the structure facing the water. In this case, the Zoning Review Office and the Office of Planning have determined that the front of the house faces the road and the rear of the home with its two-story porches face on Brown's Creek in order to fit in with the Performance Standards set forth in Section 1A04.4 of the B.C.Z.R.

variance from Section 1A04.3A.⁴ The Office of Planning found Mr. Lee's building elevations to be in accordance with the spirit and intent of the R.C.5 regulations and Performance Standards and does not oppose the requested variances. Mark Hoffman and Kathleen Filar object to a 40-foot height variance and ask that it be eliminated to be more in keeping with existing homes in this locale. They urge that the spirit and intent of the regulations require a Petitioner to request the minimum relief necessary to permit a dwelling to be located on the lot. Based on my review of the elevations of the proposed home, the photographs, as well as the testimony, I find in this regard that the petition can be amended to a lower height request of 38 feet.

Mitch Kellman addressed the need for variances offering testimony in support of the request stating that without variance relief, Lots 58 and 59 could not be developed. Obviously, strict compliance with the regulations would create a hardship as the zoning regulations result in a denial of a reasonable and sufficient use of the property (*See Belvoir Farms v. North*, 355 Md. 259 [1999]). As shown on the site plan, the subject property is 91 feet wide at the front building line and approximately 111 feet wide at the rear building line and contains a gross area of 0.307 acres. As noted, the R.C.5 regulations require a minimum lot area of 1.5 acres and setbacks of no less than 50 feet to any property line. Thus, it is clear that the property could not be developed without the requested zoning relief. In support of the request, counsel for the Petitioners noted that the property has been a duly recorded lot of record since 1925. In this regard, certain questions arose at the hearing regarding the nature of the relief requested. Specifically, the Petitioners questioned whether variance relief is necessary from Section 1A04.3B.1 of the B.C.Z.R. That section originally (in 1971) required that no lot in the R.C.5

⁴ Section 101 of the B.C.Z.R. defines "building height" as the height of the highest point on a building or other structure as measured by the vertical distance from the highest point on the structure to the horizontal projection of the closest point at exterior grade. As interpreted by the Office of Zoning Review, the building height measurement means that distance between the *highest point* of the natural grade to the top of the building.

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zone could be less than 1.0 acres in size; however, the Baltimore County Council amended this section to require that every lot in the R.C.5 zone be no less than 1.5 acres in area. The language of Section 1A04.3B.1 prohibits the "creation" of any such R.C.5 lot. In this case, the lots are not being created; that is, they are part of a subdivision that was duly recorded in the Land Records of Baltimore County in 1925. Thus, although the combined lots are less than 1.5 acres in area, variance relief is not necessary in that the lots already exist. No increase in residential density beyond that otherwise allowable by the zoning regulations will result by granting these requests. While the property is technically in a "subdivision", this Office has traditionally treated this old Land Record subdivisions as simply "lots of record". Development in these subdivisions usually consists of "in-fill" lots in existing neighborhoods. Moreover, due to the property's waterfront location, the proposed construction must comply with Federal Flood Insurance regulations and Chesapeake Bay Critical Area requirements as set forth in the Zoning Advisory Committee (ZAC) comments submitted by the DEPRM and the Development Plans Review Division of the Department of Permits and Development Management. As noted above, I find that strict compliance with the zoning regulations of Baltimore County would result in practical difficulty. There is no land on either side of these two (2) lots for the Petitioner to acquire and avoid the area variance request. Messrs. Bruzdinski and Pierce cannot meet the regulations under any circumstances; however, they have satisfied the requirements of Section 307 for relief to be granted. There are special circumstances or conditions which exist that are peculiar to the land which is the subject of the variance requests.

I will condition my approval however to provide compliance with the required standards of both DEPRM and Development Plans Review. The issues raised in the petitions are pursuant to the authority granted in the B.C.Z.R. Thus, my decision in this matter is based on the zoning

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of the subject property, the proposed dimensions of the lot, structure and other zoning defined issues. I wish to point out, that I do not have the authority, nor will this decision attempt, to determine issues under the authority of COMAR Section 27.01.11.01 for a variance from the standards under Baltimore County Code (B.C.C.) Article 33, Title 2, regarding the Chesapeake Bay Critical Area regulations. The Petitioners have sought a critical area variance from B.C.C. Section 32-2-401(a) to allow development within the buffer. DEPRM's decision would be binding upon this Commission. If test borings are deemed advisable to legitimize buffer violations, DEPRM will employ such a study as part of its due diligence.

Pursuant to the advertisement, posting of the property and public hearing on these Petitions 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 6th day of October 2008, that the Petition for Special Hearing seeking approval pursuant to Section 1A04.3B.1 of the B.C.Z.R. to approve the subject property as an undersized lot (0.29 acres in lieu of 1.5 acres in the R.C.5 zone), to determine that density will not be affected by the proposed development and to confirm that the 20-foot road width access as recorded by record plat is adequate, be and is hereby GRANTED; and

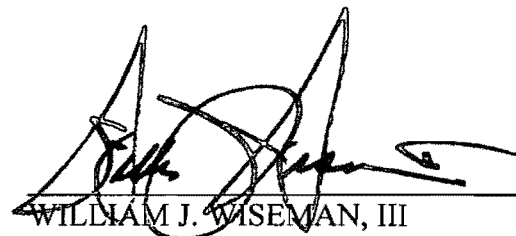
IT IS FURTHER ORDERED, that the Petition for Variances from Section 1A04.3B.2.b to permit a building setback as close as 30 feet in lieu of the required 100 feet to the centerline of a road leading to a collector road, and to permit side yard setbacks as close as 23 feet to lot lines in lieu of the minimum required 50 feet, and from Section 1A04.3A to allow a building height of 38 feet in lieu of the maximum allowed 35 feet, in accordance with Petitioners' Exhibits 1, 8A and 8B, be and are hereby GRANTED; and

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By [Signature]

IT IS FURTHER ORDERED for the reasons stated above that this decision is subject to the following conditions precedent to the relief granted:

1. The Petitioners may apply for building 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 relief granted herein shall be rescinded.
2. The decision in this case is not a legal precedent that may be cited as such in any other zoning/development case involving lots in the Eagle Nest Point subdivision.
3. Compliance with the recommendations made within the Zoning Advisory Committee (ZAC) comments submitted by DEPRM, dated August 19, 2008, and its CBCA variance approval, and the Bureau of Development Plans Review, dated July 28, 2008, copies of which are attached hereto and made a part hereof.
4. When applying for any permits, the site plan must reference this case and set forth and address the restrictions of this Order.

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


WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

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Date 10-2-08
By [Signature]

BW 9/24
2pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVE

AUG 19 2008

BY:

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWL
DATE: August 19, 2008
SUBJECT: Zoning Item # 08-600-SPHA
Address Cross & Engleberth Road
(Bruzdinski Property)

Zoning Advisory Committee Meeting of July 21, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area (CBCA) Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments: The property is located in the Limited Development Area of the CBCA and must comply with minimum forest cover and maximum lot coverage requirements. The 100-foot tidal buffer covers the majority of the site. Development within the tidal buffer is restricted based on CBCA requirements. A Chesapeake Bay Critical Area Administrative Variance concerning development of the site has been submitted to DEPRM and is under review.

Reviewer: Paul Dennis

Date: August 5, 2008

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Date 10-1-08
By [signature]

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 28, 2008

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 28, 2008
Item No. 08-0600

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

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

Baltimore County maintains Engleberth Road.

DAK:CEN:lrk
cc: File
ZAC-ITEM NO 08-0600-07282008

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By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

October 6, 2008

Deborah Dopkin, Esquire
409 Washington Avenue, Suite 1000
Towson, MD 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S Engleberth Road, SW Corner of Engleberth & Cross Roads
(Lots 58-59 Eagle Nest Point)
15th Election District - 6th Council District
Richard Bruzdinski, et ux, *Legal Owners*; Bart Pierce, *Contract Purchaser* -
Petitioners
Case No. 2008-0600-SPHA

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted with conditions, 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,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a large, stylized "X" mark.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

c: Richard and Gloria Bruzdinski, 1137 Engleberth Road, Essex, MD 21221
Bart Pierce, 11607 Cromwell Bridge Road, Baltimore, MD 21234
Clarice and John Neukam, 1213 Engleberth Road, Essex, MD 21221
Jeffrey A. Lees, AIA, Architect, 706 Dunkirk Road, Baltimore, MD 21212
Mitchell J. Kellman, Daft, McCune and Walker, Inc., 200 East Pennsylvania Avenue,
Towson, MD 21204
Devin Leary, Human & Rohde, Inc., 512 Virginia Avenue, Towson, MD 21286

Deborah Dopkin, Esquire
October 6, 2008
Page 2

Rita M. Kurek and Michael A. Butler, 1231 Engleberth Road, Baltimore, MD 21221
Kathleen Filar, 2626 Holly Beach Road, Baltimore, MD 21221
Christina A. Morgan, 1239 Engleberth Road, Baltimore, MD 21221
Jane E. Beach, 1230 Engleberth Road, Baltimore, MD 21221
James L. and Catherine M. Mitchell, 1241 Engleberth Road, Baltimore, MD 21221
Mark Hoffman, 1227 Engleberth Road, Baltimore, MD 21221
Brandon Mourges, 701 S. Montford Ave., Baltimore, MD 21224
Michael Neeper, 1119 Engleberth Road, Baltimore, MD 21221
Chesapeake Bay Critical Area Commission, 1804 West Street, Suite 100,
Annapolis, MD 21401
People's Counsel; DEPRM; Development Plans Review; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

the southwest corner of Cross Road
for the property located at and Engleberth Road (Lots 58 and 59)
which is presently zoned RCS

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve
(This box to be completed by planner)

SPECIAL HEARING To determine that density is unaffected by proposed development of a dwelling on the lots and confirm that the 20 road width access as recorded by record plat is adequate.

MJK/jk

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.

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:

Name - Type or Print Bart Pierce
Signature *Bart Pierce*
Address 4780 J Water Park Dr.
City Belcamp, MD State Zip Code 21017-1530

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Richard Bruzdinski
Signature *Richard Bruzdinski*
Name - Type or Print Gloria Bruzdinski
Signature *Gloria Bruzdinski*
Address 1137 Engleberth Rd
City Balto. MD State Zip Code 21221-2009

Representative to be Contacted:

Name Mitchell J. Kellman
Address 10710 Gilroy Rd Telephone No. 443-589-2400
City Hunt Valley, MD State Zip Code 21031

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2008-0600-SPHA
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By A. Tsui Date 07/02/08

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Date 10-6-08
By *[Signature]*



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at the southwest corner of Cross Road and Engleberth Road (lots 58 and 59) which is presently zoned RC5

Deed Reference: 7213/417 Tax Account # 1600009754

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) 1A04.3.A, 1A04.3.B.1, 1A04.3.B.2 & 6

VARIANCE To permit a building height of 40 feet in lieu of the permitted 35 feet, building setbacks as close as 30 feet in lieu of the required 100 feet to the centerline of a road leading to a collector road, and as close as 23 feet to (side) lot lines in lieu of the required 50 feet and a lot size of 0.29 acres in lieu of 1.5 acres in the RC-5 zone.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.) To be determined at hearing

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:

Name - Type or Print Bart Pierce
Signature Bart Pierce
Address 4780 J Water Park Dr. Telephone No. 21017-1530
City Belcamp, MD State MD Zip Code 21017-1530

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Name - Type or Print Richard Bruzdziński
Signature Richard Bruzdziński
Name - Type or Print George Bruzdziński
Signature George Bruzdziński
Address 1137 Engleberth Rd Telephone No. 21221-2009
City Balto. MD State MD Zip Code 21221-2009

Representative to be Contacted:

Name Mitchell J. Kellman
Address 10710 Gilroy Rd Telephone No. 443-584-2400
City Hunt Valley, MD State MD Zip Code 21031

Case No. 2008-0600-SPHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by A. Tsui Date 07/02/08

REV 8/20/07

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By [Signature]

Zoning Description for
Lots 58 and 59
Engleberth Road

Beginning on the west side of Engleberth Road (West), 20 feet wide, located at the southwest corner of Engleberth Road (West) and Cross Road, 20 feet wide. Being Lot Numbers 58 and 59 of the Eagles Nest Point Subdivision, Sections A and B, as recorded in Plat Book 8, Folio 70. Containing .29 acres in the 15th Election District and 6th Councilmanic District.

2008-0600-SPHA

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: # 2008-0600-SPHA

Cross & Engleberth Road

W/side of Engleberth Road, S/west corner of Engleberth Road & Cross Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Richard & Gloria Brudzinski

Contract Purchaser: Bart Pierce

Special Hearing: to determine that the density is unaffected by proposed development of a dwelling on the lots and confirm that the 20 foot road-width access as recorded by record plat is adequate. **Variance:** to permit a building height of 40 feet in lieu of the permitted 35 feet, building setbacks as close as 30 feet in lieu of the required 100 feet to the centerline of a road leading to a collector road, and as close as 23 feet to (side) lot lines in lieu of the required 50 feet and a lot size of 0.29 acres in lieu of 1.5 acres in the RC-5 zone.

Hearing: Thursday, September 4, 2008 at 10:00 a.m. in Hearing Room 1, Jefferson Building, 105 West Chesapeake 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391

JT 8/695 Aug. 19

181185

CERTIFICATE OF PUBLICATION

8/21/2008

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 8/19/2008.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 2008-0600-SPHA

Petitioner/Developer: _____

Bart Pierce

Date of Hearing/Closing: Sept 24, 2008

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews

Ladies and Gentlemen:

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

Cross and Engleberth Road

The sign(s) were posted on sept 5, 2008
(Month, Day, Year)

Sincerely,

Robert Black Sept 7, 08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

7 ZONING NOTICE
NEW DATE
CASE # 2008-0600-SPHA

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

HEARING ROOM 1. JEFFERSON BUILDING
PLACE: 105 W. CHESAPEAKE AVENUE. TOWSON 21204

DATE AND TIME: WEDNESDAY, SEPTEMBER 24, 2008 at 2:00 P.M.

REQUEST: SPECIAL HEARING TO DETERMINE THAT THE DENSITY

IS UNAFFECTED BY PROPOSED DEVELOPMENT OF A DWELLING ON THE LOT'S
AND CONFIRM THAT THE 20 FEET ROAD WIDTH ACCESS AS RECORDED
BY RECORD PLAT IS ADEQUATE. VARIANCE TO PERMIT A BUILDING
HEIGHT OF 40 FEET IN LIEU OF THE PERMITTED 35 FEET, BUILDING
SETBACKS AS CLOSE AS 30 FEET IN LIEU OF THE REQUIRED 100 FEET
TO THE CENTERLINE OF A ROAD LEADING TO A COLLECTOR ROAD, AND
AS CLOSE AS 23 FEET TO (SIDE) LOT LINES IN LIEU OF THE REQUIRED
50 FEET AND A LOT SIZE OF 0.29 ACRES IN LIEU OF 1.5 ACRES IN
LIEU OF 1.5 ACRES IN THE () RC-5 ZONE.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 888-3391

CERTIFICATE OF POSTING

RE: Case No.: 2008-0600-SPHA

Petitioner/Developer: _____

Bart Pierce

Date of Hearing/Closing: Sept. 4, 08

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews

Ladies and Gentlemen:

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

CROSS AND ENGLEBERTH ROAD

The sign(s) were posted on Aug. 19, 2008
(Month, Day, Year)

Sincerely,

Robert Black Aug. 22, 08
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

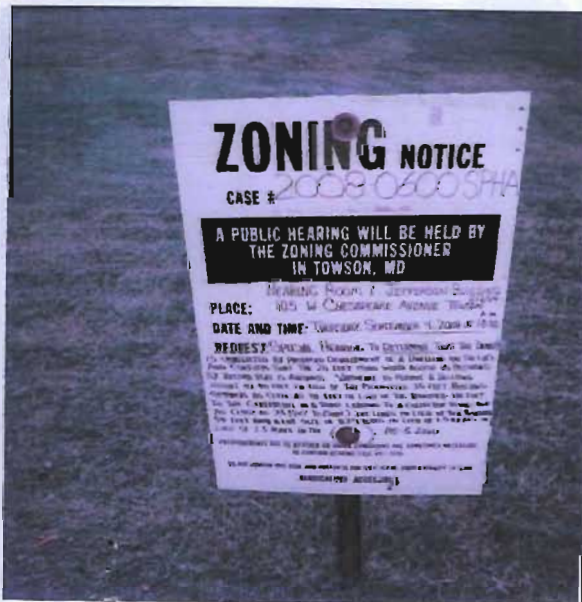
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



CASE # 2009-060057H

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

PLACE: HEARING ROOM 3, JEFFERSON BUILDING
100 W. CALIFORNIA AVENUE, TULSA

DATE AND TIME: Thursday, September 14, 2006 at 10:30

REQUEST *Special* *Warning* *to* *Everyone* *That* *The* *Death*
to *COMMUNISM* *Is* *Imperatively* *Imposed* *on* *Us* *As* *A* *Threat* *That* *Can* *Only* *Be* *Defeated* *By* *Our* *Active* *Participation* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today* *For* *The* *Very* *Simple* *Reason* *That* *Communism* *Is* *Deadly* *Enemy* *Of* *Our* *Freedom* *And* *Our* *Way* *Of* *Life* *And* *Our* *Future* *Is* *At* *Stake* *Today*

RECOMMENDATION: NOT TO BE USED AS A SOURCE OF INFORMATION AND INFORMATION RELAYED TO OTHERS SHOULD BE CONFIDENTIAL.

DO NOT REPEAT THIS INFO AND PASS ON TO ANY OTHER SOURCE WITHOUT THE AUTHORITY OF THE

CONFIDENTIAL

**CASHIER'S
VALIDATION**

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: # 2008-0600-SPHA

Cross & Engleberth Road

W/side of Engelberth Road, S/west corner of Engleberth Road & Cross Road

15th Election District — 6th Councilmanic District

Legal Owner(s): Richard & Gloria Bruzdinski

Contract/Purchaser: Bart Pierce

Special Hearing: to determine that the density is unaffected by proposed development of a dwelling on the lots and confirm that the 20-foot road width access as recorded by record plat is adequate. **Variance:** to permit a building height of 40 feet in lieu of the permitted 35 feet building setbacks as close as 30 feet in lieu of the required 100 feet to the centerline of a road leading to a collector road and as close as 23 feet to (side) lot lines in lieu of the required 50 feet and a lot size of 0.29 acres in lieu of 1.5 acres in the RC-5 zone.

Hearing: Wednesday, September 24, 2008 at 2:00 p.m. in Room 104, Jefferson Building, 105 West Chesapeake 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) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT:9/6/6 Sept. 9

183166

CERTIFICATE OF PUBLICATION

9/11, 2008

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 9/9, 2008.

☒ The Jeffersonian

☐ Arbutus Times

☐ Catonsville Times

☐ Towson Times

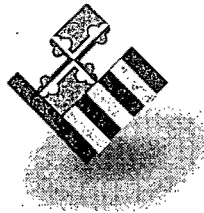
☐ Owings Mills Times

☐ NE Booster/Reporter

☐ North County News

S. Wilkinson

LEGAL ADVERTISING



BALTIMORE COUNTY

M A R Y L A N D

September 3, 2008

JAMES T. SMITH, JR.
County Executive

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

NOTICE OF ZONING HEARING

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Cross & Engleberth Road

W/side of Engleberth Road, S/west corner of Engleberth Road & Cross Road

15th Election District – 6th Councilmanic District

Legal Owners: Richard & Gloria Bruzdinski

Contract Purchaser: Bart Pierce

Special Hearing to determine that the density is unaffected by proposed development of a dwelling on the lots and confirm that the 20 feet road width access as recorded by record plat is adequate. Variance to permit a building height of 40 feet in lieu of the permitted 35 feet, building setbacks as close as 30 feet in lieu of the required 100 feet to the centerline of a road leading to a collector road, and as close as 23 feet to (side) lot lines in lieu of the required 50 feet and a lot size of 0.29 acres in lieu of 1.5 acres in the RC-5 zone.

Hearing: Wednesday, September 24, 2008 at 2:00 p.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Bart Pierce, 4780 J Water Park Drive, Belcamp 21017-1530
Mr. & Mrs. Burzdinski, 1137 Engleberth Road, Baltimore 21221-2009
Mitchell Kellman, 10710 Gilroy Road, Hunt Valley 21031

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, SEPTEMBER 9, 2008**
- (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, September 9, 2008 Issue - Jeffersonian

Please forward billing to:
Mitch Kellman
Century Engineering
10710 Gilroy Road
Hunt Valley, MD 21031

443-589-2400

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: 2008-0600-SPHA

Cross & Engleberth Road

W/side of Engleberth Road, S/west corner of Engleberth Road & Cross Road

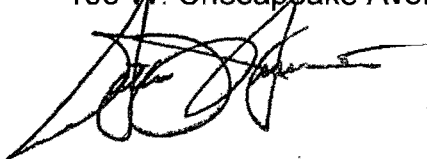
15th Election District – 6th Councilmanic District

Legal Owners: Richard & Gloria Bruzdinski

Contract Purchaser: Bart Pierce

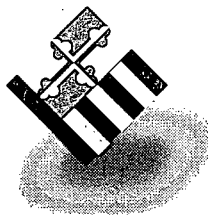
Special Hearing to determine that the density is unaffected by proposed development of a dwelling on the lots and confirm that the 20 feet road width access as recorded by record plat is adequate. Variance to permit a building height of 40 feet in lieu of the permitted 35 feet, building setbacks as close as 30 feet in lieu of the required 100 feet to the centerline of a road leading to a collector road, and as close as 23 feet to (side) lot lines in lieu of the required 50 feet and a lot size of 0.29 acres in lieu of 1.5 acres in the RC-5 zone.

Hearing: Wednesday, September 24, 2008 at 2:00 p.m. in Room 104, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

July 30, 2008

JAMES T. SMITH, JR.
County Executive

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

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: 2008-0600-SPHA

Cross & Engleberth Road

W/side of Engleberth Road, S/west corner of Engleberth Road & Cross Road

15th Election District – 6th Councilmanic District

Legal Owners: Richard & Gloria Bruzdinski

Contract Purchaser: Bart Pierce

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Hearing: Thursday, September 4, 2008 at 10:00 a.m. in Hearing Room 1, Jefferson Building,
105 W. Chesapeake Avenue, Towson 21204

Handwritten signature of Timothy Kotroco.
Timothy Kotroco
Director

TK:klm

C: Bart Pierce, 4780 J Water Park Drive, Belcamp 21017-1530
Mr. & Mrs. Burzdinski, 1137 Engleberth Road, Baltimore 21221-2009
Mitchell Kellman, 10710 Gilroy Road, Hunt Valley 21031

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 20, 2008**
- (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, August 19, 2008 Issue - Jeffersonian

Please forward billing to:
Mitch Kellman
Century Engineering
10710 Gilroy Road
Hunt Valley, MD 21031

443-589-2400

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: 2008-0600-SPHA

Cross & Engleberth Road

W/side of Engleberth Road, S/west corner of Engleberth Road & Cross Road

15th Election District – 6th 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 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: 2008-600-SPHA

Petitioner: Bart Pierce

Address or Location: Southwest corner of Cross Road & Engleberth Road (LOTS 58 & 59)

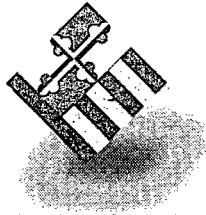
PLEASE FORWARD ADVERTISING BILL TO:

Name: Mitch Kellman

Address: Century Engineering
10710 Gilroy Rd

Hunt Valley, MD 21031

Telephone Number: 443-589-2400



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

August 27, 2008

Richard & Gloria Bruzdinski
1137 Engleberth Rd.
Baltimore, MD 21221

Dear: Richard & Gloria Bruzdinski

RE: Case Number 2008-0600-SPHA, Engleberth Rd. Lot 58 & 59

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 2, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Bart Pierce, 4780, J Water Park Dr., Belcamp, MD 21017
Mitchell J. Kellman, 10710 Gilroy Rd., Hunt Valley, MD 21031

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 22, 2008

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

RECEIVED
SEP 23 2008

BY:

SUBJECT: Zoning Advisory Petition(s): **Case(s) 8-600- Variance and Special Hearing**

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC 5 regulations and performance standards listed within Bill 55-04. As such, this office does not oppose the subject request.

Prepared By:

Curtis Murray

CM/LL

BW 9/24
2pm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: September 3, 2008

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Property located at the S/W corner of Cross Road and Engleberth Road
INFORMATION:

Item Number: 8-600

Petitioner: Richard Bruzdinski

Zoning: RC 5

Requested Action: Variance and Special Hearing

RECEIVED
SEP 05 2008

BY:

SUMMARY OF RECOMMENDATIONS:

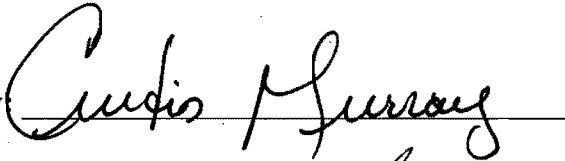
The Office of Planning does not oppose the petitioner's request. However, this office is required to provide a statement of finding to the Zoning Commissioner indicating how the proposed construction complies with the current RC 5 requirements. To prepare the statement of finding, the following information must be submitted to this office:

1. Photographs of existing adjacent dwellings.
2. Submit building elevations (all sides) of the proposed dwelling to this office for review and approval prior to the hearing. The proposed dwelling shall be compatible in size and architectural detail as that of the existing dwellings in the area. Ensure that the exterior of the proposed building(s) uses the same finish materials and architectural details on the front, side, and rear elevations. Use of quality material such as brick, stone, or cedar is encouraged.
3. Design all decks, balconies, windows, dormers, chimneys, and porches as a component of the building following dominant building lines. Decks shall be screened to minimize visibility from a public street.

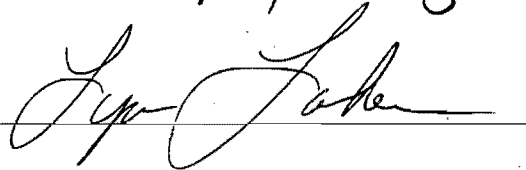
4. Design all accessory structures at a scale appropriate to the dwelling and design garages with the same architectural theme as the principal building on the site, providing consistency in materials, colors, roof pitch, and style.
5. Provide landscaping along the public road, if consistent with the existing streetscape.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay with the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

BW 9/24
2pm

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
AUG 19 2008

BY:

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination JWL
DATE: August 19, 2008
SUBJECT: Zoning Item # 08-600-SPHA
Address Cross & Engleberth Road
(Bruzdinski Property)

Zoning Advisory Committee Meeting of July 21, 2008

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area (CBCA) Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments: The property is located in the Limited Development Area of the CBCA and must comply with minimum forest cover and maximum lot coverage requirements. The 100-foot tidal buffer covers the majority of the site. Development within the tidal buffer is restricted based on CBCA requirements. A Chesapeake Bay Critical Area Administrative Variance concerning development of the site has been submitted to DEPRM and is under review.

Reviewer: Paul Dennis

Date: August 5, 2008

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: July 28, 2008

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For July 28, 2008
Item No. 08-0600

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

The base flood elevation for this site is 9.4 feet Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

Baltimore County maintains Engleberth Road.

DAK:CEN:lrk
cc: File
ZAC-ITEM NO 08-0600-07282008



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 22, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2008-0570-A, 2008-0588-SPH, 2008-0600-SPHA, 2009-001-A,
2009-0002-A, 2009-0003-A, 2009-0004-A, 2009-0005-A,
2009-0006-A, 2009-0008-A, 2009-0009-A and 2009-0010-A

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.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 7-29-2008

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

RE: Baltimore County
Item No 2008-0600-SPHA
CROSS & ENGLEBERTH RD
BRUZDZINSKI PROPERTY
VARIANCE
SPECIAL HEARING

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2008-0600-SPHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____
Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BW. 9/4

10:00
AM**Bill Wiseman - Re: Fwd: Case No. 08-600-SPHA on Thursday Sept 4 - POSTPONED**2008-0600-
SPHA

From: Kristen Matthews
To: Kotroco, Timothy; Wiley, Debra; Wiseman, Bill; Zook, Patricia
Date: 09/04/08 10:01 AM
Subject: Re: Fwd: Case No. 08-600-SPHA on Thursday Sept 4 - POSTPONED

FYI

As all are aware, the above referenced case 2008-0600-SPHA was recently granted a postponement by Tim after PDM received a fax on August 26, 2008 from Rita Kurek, President of Holly Neck Conservation Association. This fax, with a note for me to give Tim the file, was placed on my desk that afternoon, and in turn, I gave the file to Julie. After Tim reviewed the file, the file was returned to me on August 28, 2008 with the ok to postpone. I informed Mitch Kellman of the postponement; he was in the office that day. In handling similar situations in the past, the petitioner or his representative have made any notifications on the sign that a postponement or withdrawal has been made. Mr. Kellman indicated that he would like to avoid having to pay the costs of re-advertising and re-posting and I advised him to speak with Tim, and Mr. Kellman informed me that he spoke with Bill. As of yesterday (9/3/08) it was finally decided that re-advertising and posting would be done and that if anyone attended the originally scheduled date (9/4/08) then they would be notified of the newly scheduled date as was Mr. Kellman (9/24/08). Also, after checking the website, I noticed that this case was not posted on the web, so I'm not sure what website the constituent is referring to. As of now, the information with the new date is on the web. Since receiving the e-mail shown below, this morning, I contacted Mr. Kellman, to make him aware that he should notify his sign poster to make the necessary date/time changes on the sign to meet all requirements, to which he agreed to do so immediately.

>>> Bill Wiseman 9/3/2008 3:49 PM >>>
WAY TO GO PDM!

FYI

A lady just called to complain that the posting sign still says the hearing is tomorrow at 10:00 and she thinks a lot of people are going to show up. She was very upset that zoning review/petitioner did not indicate the hearing is postponed on the sign. She also said the hearing is still listed on the web.

Wanted to know why Tim's office didn't make the change and I suggested that she contact his office, Kristen in particular. However, I heard that Kristen is gone for the day.

Patti Zook
Baltimore County
Office of the Zoning Commissioner
Jefferson Building, Suite 103
105 West Chesapeake Avenue
Towson MD 21204

410-887-3868

pzook@baltimorecountymd.gov

William J. Wiseman, III
Zoning Commissioner
Jefferson Building, Suite 103

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
Cross & Engleberth Rds; W/S Engleberth Rd, * ZONING COMMISSIONER
SW corner of Engleberth & Cross Roads *
15th Election & 6th Councilmanic Districts * FOR
Legal Owner(s): Richard & Gloria Bruzdinski *
Petitioner(s) * BALTIMORE COUNTY
* 08-600-SPHA

* * * * *

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/ documentation filed in the case.

RECEIVED

JUL 30 2008

.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of July, 2008, a copy of the foregoing Entry of Appearance was mailed to Michell Kellman, 10710 Gilroy Road, Hunt Valley, MD 21031, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

September 26, 2008

William J. Wiseman, III
Baltimore County Zoning Commissioner

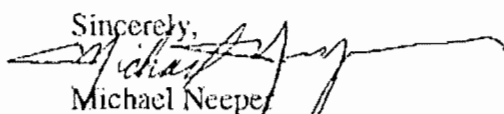
Dear Mr. Wiseman,

Regarding the approval decision of the development proposal for the property located at **Engleberth and Cross Roads (case# 2008-0600-SPHA, DEPRM Tracking Number: 06-08-691, lots 58 and 59)**, as a resident in that community, I believe the overriding issue should be the impact this new land use will have on the environment. This property is very low lying and becomes submerged during times of tidal surge. If this land is fully developed, any homeowner-applied fertilizer, weed-killer, etc., would likely be leached out of the soil and into the Bay. Furthermore, because this land borders, and is sloped toward a tidal creek, rainwater run-off from the property and the adjacent road would also carry these and other chemicals into the Bay, especially since any structure and driveway on the property would reduce the liquid holding capacity of the land. We already have a Bay that is in serious trouble, with large regions of dead zones which are the result of fertilizer run-off into its tributaries. And it is not as if we haven't yet experienced these problems in our area, for in the past year, we have had considerable algal overgrowth in this very creek, as the area residents will attest.

Furthermore, while I believe that a property owner is entitled to reasonably develop their land, of paramount importance is the impact a given development project would have on the neighborhood and the community, not only environmentally, but also on neighborhood desirability. I believe this development proposal negatively impacts both. The proposal calls for too large of a structure for such a small parcel, something out of proportion with the adjacent homes and requiring many exceptions to the zoning code, the granting of which would set dangerous precedents for future development in our community, and of the critical Bay areas in particular. Further, there is the question of consistency, fairness and predictability in the approval system. How can it be fair to allow the construction of such a large house where no house previously existed, and where it was previously declared unbuildable, when several years ago, the approval of a replacement dwelling on Linzey Road (the O'Keefe residence off of Brown's Cove in the same area) was limited to the small footprint of the previous structure?

It is for these reasons that I oppose the development of this property as proposed, and respectfully submit that this request be denied. If the landowner still wants to develop the property, let them propose less aggressive plans that are a more appropriate use for the size and environmental sensitivity of the parcel, a plan that does not require the wholesale disregard for the current zoning regulations.

Sincerely,



Michael Neeper
1119 Engleberth Road, Essex

Rita M. Kurek, D.D.S.**General Dentistry****201 Ballard Ave.****Suite A****Balto., Md. 21220****OFF 410-574-1188****FAX 410-574-3014****FAX**Date 8/26/08 Fax# 410 887-5708To TIMOTHY KOTROLO Atten: PERMITS / DENTAL MGTFrom Rita Kurek No. of Pages 2If you do not receive all pages, or they are illegible, please contact us at
(410) 574-1188NOTES: I TRYED TO EMAIL THE ATTACHEDBUT YOUR EMAIL WAS SENT BACKUNDELIVERABLE. PLEASE RESPOND TO ABOVE
OFFICE #

The document(s) accompanying this telecopy transmission may contain confidential information belonging to the sender that is legally privileged. This information is intended *ONLY* for the use of the individual above, or the employee or agent responsible for delivering this document to the intended recipient. If you are not the intended recipient, you are notified that disclosing, copying, distributing or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited.

If you have received this telecopy in error, please notify us immediately by telephone at 410-574-1188 to arrange for return of the telecopied document.

Thank You,

Dr. Rita M. Kurek
201 Ballard Ave.
Suite A
Baltimore, Md. 21220

OR
rmkurek@
201.com

FROM : DR KUREK

Page 1 of 1

Subj: **Re: Case # 2008-0600 SPHA**
Date: 8/26/2008 2:04:39 P.M. Eastern Daylight Time
From: Rmkurek
To: tkotroco@co.ba.md.us

Hello Mr Kotroco,

I have searched online and can not find the above case number hearing for Engleberth Rd. The variance petition sign that is posted on Lots 58/59 lists the hearing as Sep 4th, 2008 at 10:00am.

I am the President of the Holly Neck Conservation Association and the adjacent property owner at 1231 Engleberth Rd. I am scheduled to be out of town on the date of this hearing and was wondering if there was any possibility of requesting a rescheduled date.

Thank you for any information,

Rita M. Kurek
President , Holly Neck Conservation Association

It's only a deal if it's where *you* want to go. Find your travel deal [here](#).

*Kristen:
Can you find this
file
T.C.*

CASE NAME _____
CASE NUMBER 08-600-SPHA
DATE 9-24-08

[illegible]

CASE NAME _____
CASE NUMBER 08-600-SP1TA
DATE 9/24/08

[illegible]



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw4.3)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 Account Number - 1600009754

Owner Information

Owner Name: BRUZZDZINSKI RICHARD **Use:** RESIDENTIAL
 BRUZZDZINSKI GLORIA **Principal Residence:** NO
Mailing Address: 1137 ENGLEBERTH RD **Deed Reference:** 1) / 7213/ 417
 BALTIMORE MD 21221-2009 2)

Location & Structure Information

Premises Address
 ENGLEBERTH RD

Legal Description
 .3070 AC LTS 58-59
 1137 ENGLEBERTH RD WS
 EAGLES NEST POINT

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
105	4	212					58	3	Plat Ref: 8/ 70

Special Tax Areas **Town**
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
0000		13,376.00 SF	04

Stories	Basement	Type	Exterior

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2006	07/01/2008	07/01/2009
Land	122,840	122,840		
Improvements:	0	0		
Total:	122,840	122,840	122,840	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller: BEWERSDORF WARREN EDWARD	Date: 07/18/1986	Price: \$15,000
Type: IMPROVED ARMS-LENGTH	Deed1: / 7213/ 417	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

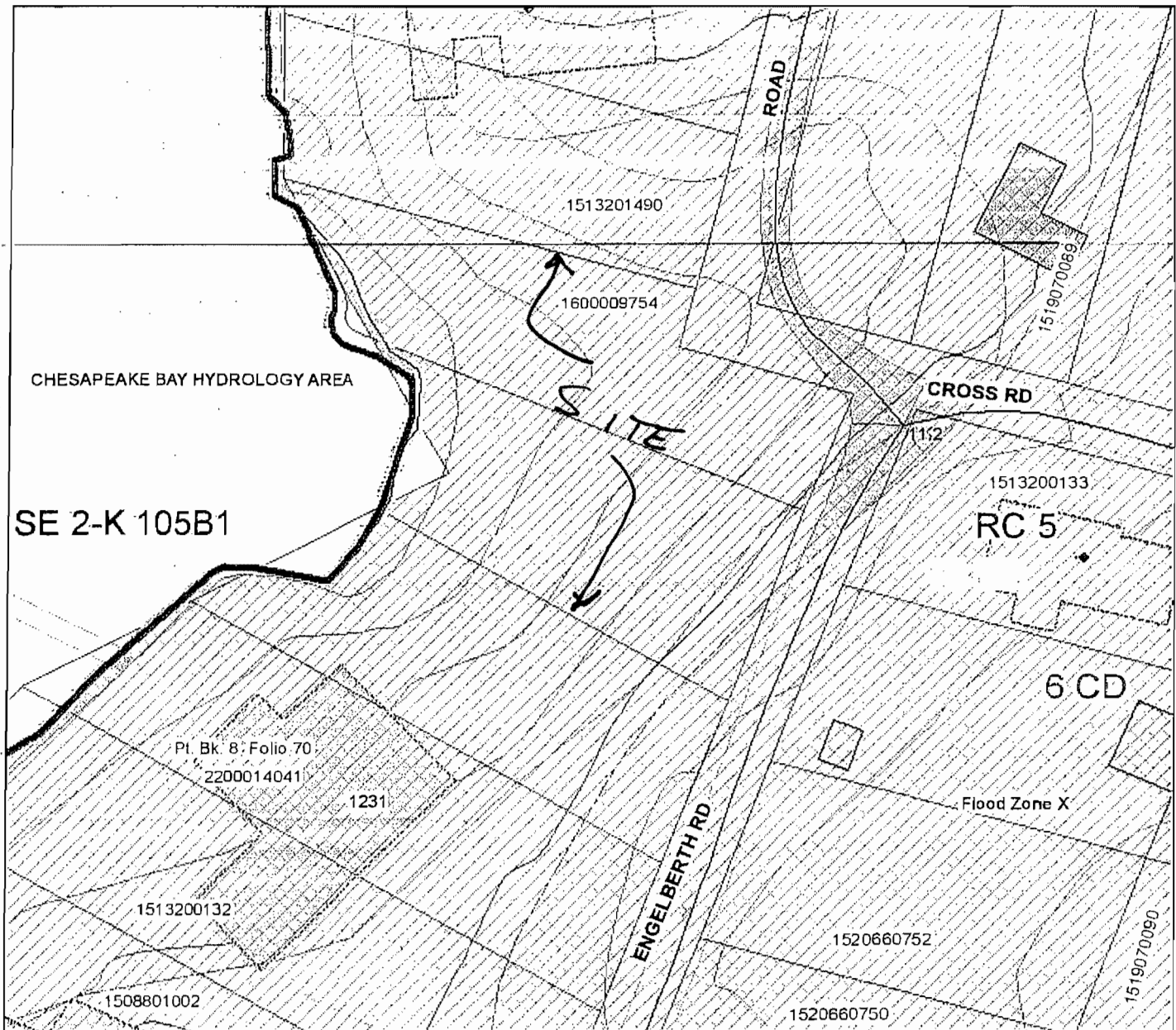
Exemption Information

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

1600009754



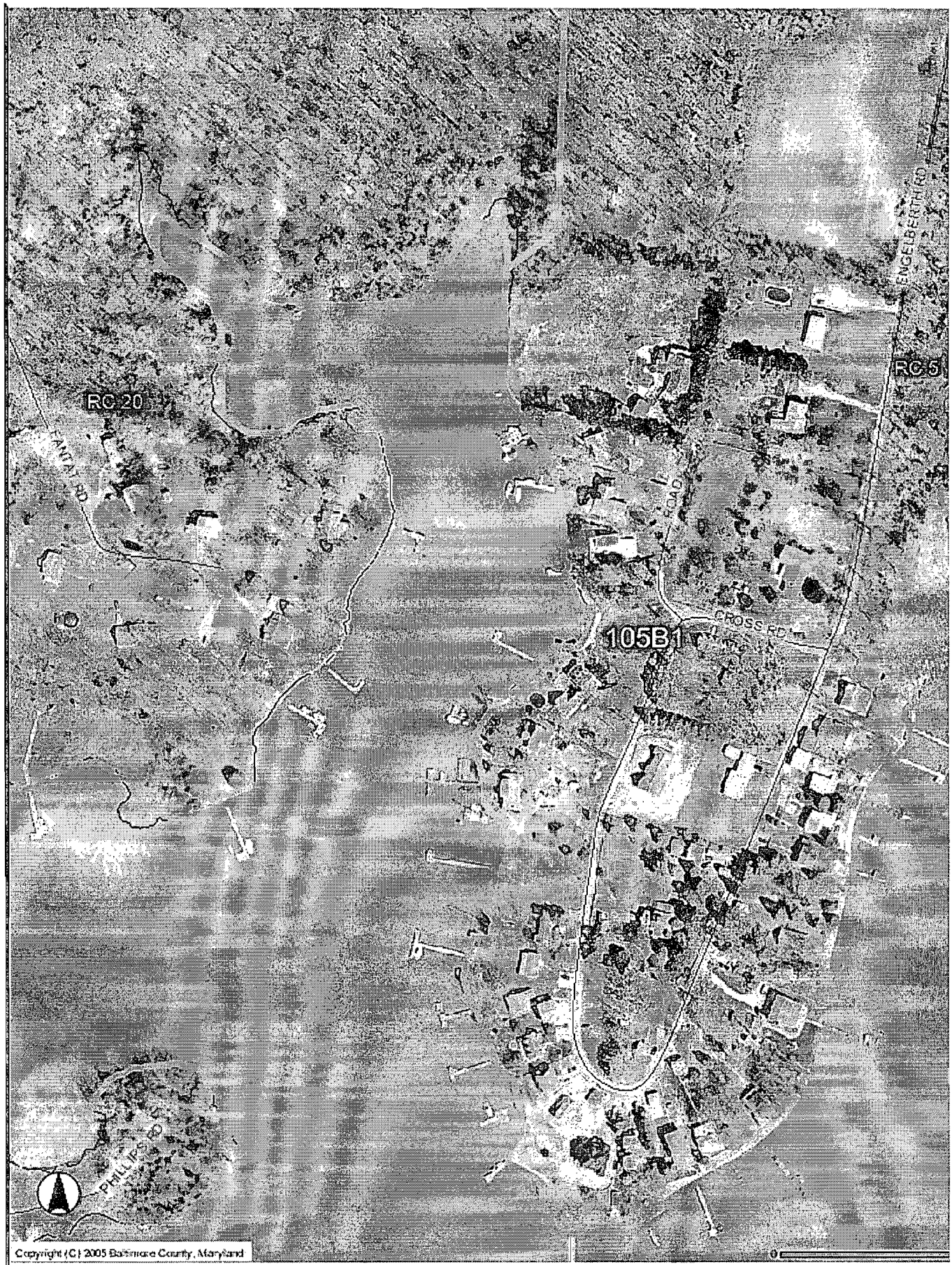
Publication Date: June 10, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot

DQ Map Notes



50 0 50 Feet
1 inch equals 50 feet

2008-0600-SPHA



2008-0600-SPHA

Case No.: 2008-0600-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Catherine Mitchell testimony
No. 2	PLAT 1925 Eagle Nest Point	Mark Hoffman testimony
No. 3 A-13	PRIOR ORDERS 93-199A 94-199A	DR Rita KUREK testimony
No. 4	85-128 A - ORDER 1225 Englehardt Rd.	4 Rita M. Kurek testimony
No. 5 A-13 P	PHOTOS Existing Conditions	5 Mr. Morgan's A - Mrs. Concerns B - Mr.
No. 6	ZONING MAP 12/54	Kathy + John Filar
No. 7 A-13 I	PHOTOS OF OTHER HOMES	
No. 8	8A - FLOOR PLAN 8B - ELEVATIONS - 4 sides.	
No. 9		
No. 10		
No. 11		
No. 12		

Mr. Commissioner:

I understand today's hearing regards the set back request to build a home on Lots 58 & 59 on Engleberth Rd. I hope you will allow me to make comments regarding these lots that I feel are important. My husband and I have been full time residents of Engleberth Rd for more than 30 years. We lived next to these lots from 1974 thru 1990. At that time Mr and Mrs Warren Bewersdorf owned these lots that were then considered wet lands. They along with Mr Henry Charnock, a neighbor at what is now known as 1249 Engleberth Rd. went on a weekly basis to Back River Treatment Plant with a dump truck and obtained free soil to fill their lot and some of Henry's parcel of land. There were many loads of this soil dumped into what was once a marsh. This went on for several years. This soil was treated waste. The Treatment Plant discontinued the use of this offer of free soil because it was contaminated. The processing of the soil could not remove some of the metals within the sludge material. Mr Bruzdinski then purchased the lots and filled in with fill dirt and I assume real top soil. What was once cattails and fragmite and marsh grasses is now a lawn that is mowed regularly. But looks can be deceiving.

So...what lies beneath the current soil on lots 58 and 59? It is hard to say but I believe there is a health concern for the residents if the soil is moved about or prepared for a foundation. Our son and two neighbors directly bordering these lots were diagnosed with cancer back in the late 70s and early 80s. Mr Charnock's wife died of cancer. There have been numerous diagnoses of cancer in our little community. Out of the approx 30 homes we have had nearly 1/2 of them directly affected by cancer. If by chance a building permit is granted for these lots, I would ask that a soil analysis be completed. Not from soil that is 3-4 ft below the surface but at 8-10 ft below the surface. I also ask that my comments become part of this file and forwarded with the permit process.

Thank you.



Catherine M Mitchell
1241 Engleberth Rd
Baltimore, MD 21221

9/24/08

PROTESTANT' S

EXHIBIT NO. 1



PRINT THIS

Local News

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SHARE

Is sewage sludge, Angelos's next asbestos?

By Mike Silvestri

Examiner Staff Writer 9/14/08



Lin Eyer, of Havre de Grace, pets her horse, Jumping Jack Flash in April. She rode her horse through sewage sludge and became ill soon after. -Kristine Buls/Examiner With few local experts to consult and allegations piling up that sewage sludge spread as fertilizer causes illnesses, Peter Angelos is taking the lead.

Angelos, the Baltimore Orioles owner who made his fortune on asbestos lawsuits, and Chris Nidel, an environmental attorney from Washington D.C., filed a lawsuit with the York, Pa., courts, seeking unspecified damages from local offices of the country's largest sludge-hauling company, Synagro Technologies Inc., for 35 residents of Shrewbury, Pa., a town 26 miles north of Towson in Baltimore County.

The residents in the lawsuit filed this summer allege that the sludge, human waste treated at a wastewater treatment plant and spread on a nearby farm, damaged their property and caused bloody noses, headaches, irritated eyes, fatigue and respiratory ailments.

Edwin Hallman, an environmental attorney from Atlanta, who is considered one of the country's top lawyers in sludge-related lawsuits, said, "Mr. Angelos filing this suit is a clear sign that the toxic torts attorneys are finally realizing the effects of this stuff."

Angelos, who could not be reached for comment, was one of the first attorneys in the country to file lawsuits against asbestos companies. He made hundreds of millions of dollars representing thousands of Baltimore residents who were sickened by asbestos, an insulating and fire-retardant material that can cause cancer but was once thought to be safe.

The Baltimore City branch and Maryland State Conference of the National Association for the Advancement of Colored People had to take their search for counsel on sludge earlier this year all the way to Georgia.

NAACP officials have been consulting for several months with Hallman about a Johns Hopkins University study involving a sludge compost that was spread around houses in Baltimore.

Synagro could not be reached for comment on the Pennsylvania lawsuit, but its officials have repeatedly denied that sludge causes adverse health effects.

The U.S. Environmental Protection Agency has supported spreading sludge as fertilizer, saying it has never been proven to cause an illness.

Hallman's most recent case ended in February, with a victory in U.S. District Court over the U.S. Department of Agriculture. He won the case for a Georgia dairy farmer, Andy McElmurray, whose fields and award-winning cattle were destroyed by sludge that contained hundreds of times more heavy metals than permitted.

"I'm really pleased to see somebody of his caliber signing on," Hallman said of Angelos. "I think we're going to see more and more attorneys like him, myself and others communicating."

msilvestri@baltimoreexaminer.com

Find this article at:

<http://www.baltimoreexaminer.com/local/28371349.html>

☐ Check the box to include the list of links referenced in the article.

September 24, 2008 – 200 PM
Zoning Hearing – Engleberth Rd

Letter Submitted By: Mark Hoffman
1227 Engleberth Rd
Essex, MD 21221

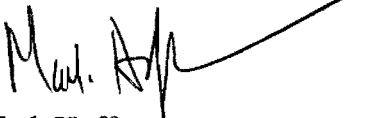
I am appearing at this zoning hearing today to express the concerns of myself as a resident in proximity to the lot under review as well as the concerns of the residents immediately adjacent to the property. We respectfully request that the height variance request to construct a single family residence of 40 feet be denied and that the proposed dwelling be modified not to exceed the current 35 foot height limit of a RC5 zoned property.

The reasons for this request are:

- 1) A home of this height would be completely out of character in relation to the adjacent homes and surrounding homes. The nearby homes range from 24 to 30 feet in height.
- 2) Additionally, the waterfront view of this home site will reflect an even greater height. The grade of this lot is such that at the water-side, typically referred to as the "front" on a waterfront property, is approximately 6 feet lower than the road/highest point on the site. With the first floor living space of the proposed home starting at +5 feet, the water-side would be looking at an approximately 50 foot structure.
- 3) The potential damage caused by high winds to a structure of this height pose a threat to neighboring property, homes and belongings.

I thank you for the opportunity to submit this request for a revised proposed dwelling height to not exceed the current zoning parameter.

Sincerely,



Mark Hoffman

PROTESTANT' S

EXHIBIT NO.

2

Michael A. Butler
Rita M. Kurek
1231 Engleberth Rd.
Baltimore, MD 21221
410 574-5330

23 September 2008

Baltimore County Zoning Review
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

To the Zoning Commissioner:

We are writing to express our opinion and opposition to the petition for variance at Cross & Engleberth Rds., petition #08-600-SPHA. As you may well know this property is currently zoned RC-5 which requires a 100^{ft} setback from the water, 50 foot setbacks from the side property lines and at least 1.5 acres per home. As there is no existing structure on this property currently, we would like to see these setbacks and required acreage adhered to as closely as possible for the protection of the adjacent wetlands. Since this lot is only 0.29 acres and 107 feet in length, it would appear that the lot, under these criteria, is not buildable. We feel that the impervious surface that will be created by the proposed home size will create adverse topography changes and will likely affect the run-off patterns to the adjacent lots. It is a well know fact that in the Mid-Atlantic states an acre of impervious area may reduce groundwater recharge and groundwater flow to wetlands and tidal waters by 300,000 gallons per year. The storm water runoff contains pollutants like nutrients, salt, oil, copper, lead and zinc that can encourage algae growth to proliferate. This past summer we experienced the worst algae bloom we have seen in 5 years in Brown's Cove and adding one more house so close to the waterfront is only going to perpetuate that trend. A National Water Quality Study conducted in 2002 already showed over 90.2 % of Maryland's Bays and Estuaries as "impaired". Where are we going to draw the line?

Our second concern is the utility pole and the trees that exist on the property. According to the site map, the side of the new house closest to our property will be placed exactly where the utility pole is currently situated. We would like to know what proposals are being investigated for relocating or placing the wires underground and how this will affect the connection to our pole? There are two large oak trees on the proposed lot that we would like to see preserved but the current home location and the potential driveway (which is not indicated on the site plan) will likely require them to be removed or the construction will very likely kill the root systems with subsequent death. These two trees are the only natural drainage systems currently for the lot. We feel that losing them will only add to the runoff into the tidal waters and adjacent lots.

PROTESTANT' S

EXHIBIT NO.

3

Bill Wiseman - Variance Request Lots 58-59 Engleberth Rd.(Case # 08-0600-SPHA)

From: <Rmkurek@aol.com>
To: <wwiseman@baltimorecountymd.gov>
Date: 09/26/08 2:48 PM
Subject: Variance Request Lots 58-59 Engleberth Rd.(Case # 08-0600-SPHA)

Dear Commissioner Wiseman,

I know that you have been inundated with so many letters and so much information about this case already but I would like to make you aware of the real estate history of the potential buyer, Mr. Bart Pierce (aka Murray B. Pierce) that we did not have available on Wednesday at the hearing. I have in my possession approximately 70 pages of about 10 properties that Mr. Pierce has owned and variances that he has applied for over a ten year period of time that we researched on Maryland Land Records. I can fax them to you if needed but this is public information that you may easily access on MDLandRec.net as well. Some of the properties were purchased and subsequently sold in less than a few months or a year. This history of flipping concerns us and it certainly raises suspicion on the credibility of a witness who testified under oath that he "needed" a home and that granting of this variance would eliminate this "hardship" case.

As you heard testimony to on Wednesday, we live in a very stable neighborhood, some properties being held in a family for 30 years or more and most are primary residences. We are passionate about our peninsula and the environment. Our concern remains that this house will be built with total disregard for the existing architecture of the surrounding homes or for the health of the Chesapeake Bay and may also be abandoned or sold by Mr. Pierce in short fashion.

Our major concern is the health issue with the sludge that has been dumped there. It's been covered with clay and grass now and is hopefully stabilized, although we're not sure what may still be leeching underground into the creek. Mr. Brudzinski owned 5 of the adjacent lots, including my home, at one time and his selling point to the buyers was that these lots in question were protected wetlands and that nothing would ever be built next to them. No one has this in writing of course and no one can be held to verbal remarks that they made to sell something but I think it's a travesty that wetlands were covered and destroyed and are now being presented as buildable lots. If you are not able to deny these variances carte blanche we would respectfully ask that you postpone your decision until the soil is tested by an independent agency.

Thank you so much, I will pray for you as you contemplate these issues, your task is not an easy one.

Sincerely,

Rita M. Kurek
Property Owner at 1231 Engleberth RD
President, Holly Neck Conservation Association

Looking for simple solutions to your real-life financial challenges? [Check out WalletPop for the latest news and information, tips and calculators.](#)

September 22, 2008

6th Council District
105 w. Chesapeake Avenue
Room 104, Jefferson Building
Towson, MD 21204

To Whom It May Concern,

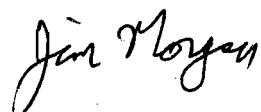
In reference to Case Number 2008-0600 PM, I have several concerns about the proposed request for variance on the property identified on Engleberth Road. First of course would be the environmental impact a structure, any structure, would have upon a property which has served as a natural wet land since I have resided next door. There has never been a structure upon the property and until Hurricane Isabel; there had never been a bulkhead. During the time I have lived here, the property has served as natural run-off for rain water absorption. What impact would the proposed structure have upon natural run off from rain storms? What impact would such a structure have upon the wild life which inhabits the shoreline? Certainly the encroachment into their habitat would have some detrimental impact.

Of a more practical concern, what about the impact on our sewage system? It was my understanding that at the time of installation, our system would only be able to handle existing homes. Will we now suffer complications from overloading the existing system with new structures or were our County officials a little less than forthcoming in there representation of said system.

Another concern is of a more personal nature. During hurricane Isabel, the property of concern served as a natural swale between my home and my neighbor's home. As the waters rose, the property became almost completely submerged (a matter in and of itself). The water came within perhaps twenty feet of my home. Had the proposed structure been in place at the time I have to wonder how much damage my home would have suffered due to the area of displacement created by such a home.

Finally, I have to ask, why create zoning laws if we choose to ignore them. What are the extenuating circumstances which would require us to break existing laws? I can certainly agree that on occasion a variance is appropriate however, the sheer number of variance requests suggests that perhaps the proposed structure is inappropriate to the existing property.

I regret that I am unable to attend this hearing, but please understand that I am opposed to building any structure on this property.


Jim Morgan

PROTESTANT' S

EXHIBIT NO.

4A

Christina A. Morgan
1239 Engleberth Rd.
Baltimore, MD 21221
410-391-3545
September 24, 2008

Jefferson Building
105 W. Chesapeake Ave.
Room 104
Towson, MD 21204

CASE # 2008-0600-SPHA

To the Zoning Hearing Participants:

I would like to voice my concerns about the proposal to build a house on the lots next to my home.

#1 The two lots next door have been vacant since before I moved to the neighborhood, 18 years ago. It is my understanding that there has never been a house, a shed or structure of any kind on those lots. One of the beauties of this neighborhood is the Chesapeake Bay wildlife observed right in our back yard! Much of this wildlife can be seen in the wetlands on the property next door. Construction on those lots would destroy the habitat for ducks, birds, fish and other wild life.

#2 During a heavy rain, there is a river of water flowing from the corner of Cross Street through the lot next door and down to the bay. My concern is that when a house is built, that water would move onto my property. An oversized house would compound this problem.

#3 The height of the houses surrounding this property ranges from 20 to 25 feet high. The plan for the new house is at least 40 feet high. This would not blend well with the neighboring homes. The mere size would create an eyesore in our corner of the neighborhood and block the view for some neighbors.

#4 One of the variances requested is to have a "building setback as close as 23 feet to (side) lot lines in lieu of the required 50 feet" and I object to this because it would invade my family's privacy and encroach on our private property.

#5 It seems that the plans for this house would place it too close to the bay, too close to the road and too close to the neighbors' private property. It is simply, too big for the lot. Perhaps Mr. Pierce should find a 1.5 acre lot to build his house where he may not need any variances to the zoning laws.

#6 The Holly Neck community is quite unique. The Chesapeake Bay waterfront and the rural areas combine to create a beautiful place to live. I would like to maintain the rural environment. I would like to preserve and improve the bay and the wetlands. I am opposed to adding oversized homes in the neighborhood.

Sincerely,

Chris Morgan
Chris Morgan

PROTESTANT' S

EXHIBIT NO.

4B

Zoning Hearing - Cross and Engleberth Road

Case Number: 2008-0600-SPHA

Location: West side of Engleberth Road, Southwest corner of Engleberth and Cross Road. 15th Election District

Legal Owners: Richard and Gloria Brudzinski

Contract Purchaser: Bart Pierce

Meeting location: Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

Date/Time: 09/24/2008 2 p.m. - 09/24/2008 3 p.m.

Description: Special Hearing to determine that the density is unaffected by proposed development of a dwelling on the lots and confirm that the 20 feet road width access as recorded by record plat is adequate. Variance to permit a building height of 40 feet in lieu of the permitted 35 feet, building setbacks as close as 23 feet to (side) lot lines in lieu of the required 50 feet and a lot size of 0.29 acres in lieu of the 1.5 acres in the RC-5 zone.

My name is Kathy Filar. My husband and I have lived in the community since 1996. I have been involved with the community's conservation association for the past 8 years and I am here to speak about the environmental impacts that will be caused by the proposed dwelling.

In addition, I am concerned that a precedent will be set for existing unimproved waterfront lots in the community if all of the extreme variances are granted by the zoning office and DEPRM. I believe that there are environmental limitations that must be required in order to build on this property.

1. As a resident of the community, I am concerned about the environmental effect of the runoff that the proposed dwelling will cause on this lot. Since there is no existing dwelling, new development of the property will cause runoff into the Bay.
2. Based on the variance request submitted to DEPRM, there is an environmental concern to impact approximately 9,000 square feet of the 100 foot critical area buffer.
3. Also, I did not see where a driveway was requested either from zoning or DEPRM to allow access to the proposed garage. If it is the intention of the proposed homeowner to have a driveway, then ALL impervious surfaces necessary to build the proposed dwelling should be revealed for review before any variances are granted, as they will have an environmental impact.
4. Lastly, I feel that the 40' height of the proposed dwelling is not consistent with the overall appearance of the community and is not in consistent with the adjoining properties.

Thank you.



Kathy & John Filar - 2626 Holly Beach Road

PROTESTANT' S

EXHIBIT NO.

5

Case No.: 2008-0600-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	Catherine Mitchell testimony
No. 2	PLAT 1925 Eagle Nest Point	Mark Hoffman testimony
No. 3 A-13	PRIOR ORDERS 93-199A 94-199A	DR Rita KUREK testimony
No. 4	85-128 A - ORDER 1225 Eagle Nest Rd.	4 Rita M. Kurek testimony
No. 5 A-13 P	PHOTOS Existing Conditions	5 Mr. Morgan's A - Mrs. Concerns B - Mr.
No. 6	ZONING MAP 12/54	Kathy + John Filar
No. 7 A-13 I	PHOTO'S OF OTHER HOMES	
No. 8	8A - FLOOR PLAN 8B - ELEVATIONS - 4 sides.	
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITION FOR ADMINISTRATIVE
ZONING VARIANCE
W/S Engleberth Road, 170 ft. S
of c/l Cross Road
1231 Engleberth Road
15th Election District
5th Councilmanic District

James Miller, et ux
Petitioners

* BEFORE

* ZONING

* OF BALTIMORE

* Case No. 93-199-A

PETITIONER'S

EXHIBIT NO. 3A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A04.3.B.3. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 12 ft. for a proposed breezeway and garage, and a 16 ft. side yard setback for the existing dwelling, in lieu of the required 50 ft.; a variance from Section 400.1 of the B.C.Z.R. to allow an accessory structure in the front (water) yard, in lieu of the required rear yard, all as more particularly described on Petitioners' Exhibit No. 1.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER RECEIVED FOR FILING

Date 1/22/93

By [Signature]

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Engleberth Road, 170' S of
Cross Road
(1231 Engleberth Road)
15th Election District
5th Councilmanic District

James G. Miller, et ux
Petitioners

PETITIONER'S

EXHIBIT NO. 313

* OF BALTIMORE COUNTY
* Case No. 94-99-A
*

* * * * *
FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, James G. and Pamela J. Miller. The Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 17 feet in lieu of the required 50 feet for a proposed breezeway and garage addition, in accordance with Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1, 307.2 and 500.14 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas on Browns Cove and, as such, is subject to compliance with Critical Areas legislation. Pursuant to Section 500.14 of the B.C.Z.R., the Director of

ORDER RECEIVED FOR FILING

Date 10/16/93

By [Signature]



PETITIONER'S

EXHIBIT NO. 7-A-2-I

Neighborhood Dwelling, Opposite Side of Englebert



Neighborhood Dwellings - Close Distance Between Dwellings



Neighborhood Dwelling - Non waterfront lot



Decling on Opposite Side of Englebert

D



Adjacent Dwelling Garage and Other South Dwelling



Front View of South Adjacent Dwelling



Neighborhood Dwellings - Close Distance Between Dwellings



Dwelling on Southern Point

K



Duellings on Southern Point - Close Distance Between Duellings



PETITIONER' S

EXHIBIT NO. 5-A-F

From Subject Lot Looking West Towards Water



From Subject Lot Looking West Towards Water

5-13



On Subject Lot, View Adjacent to North

5-0



From Subject Lot, View Northwest

5-D



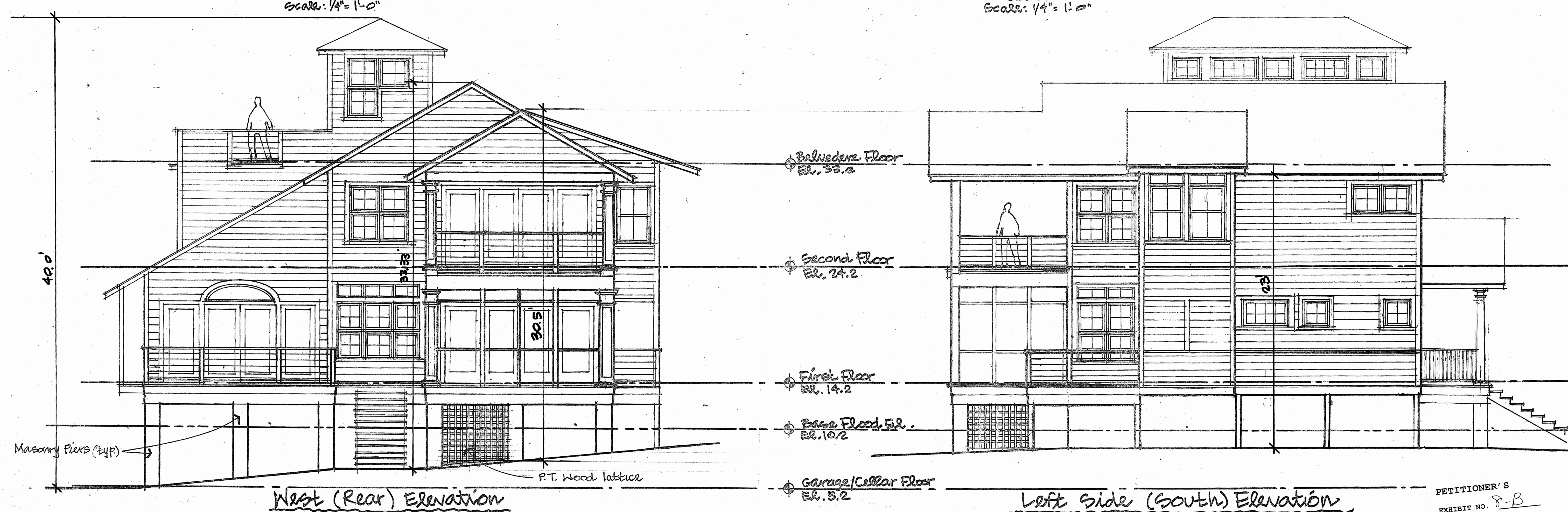
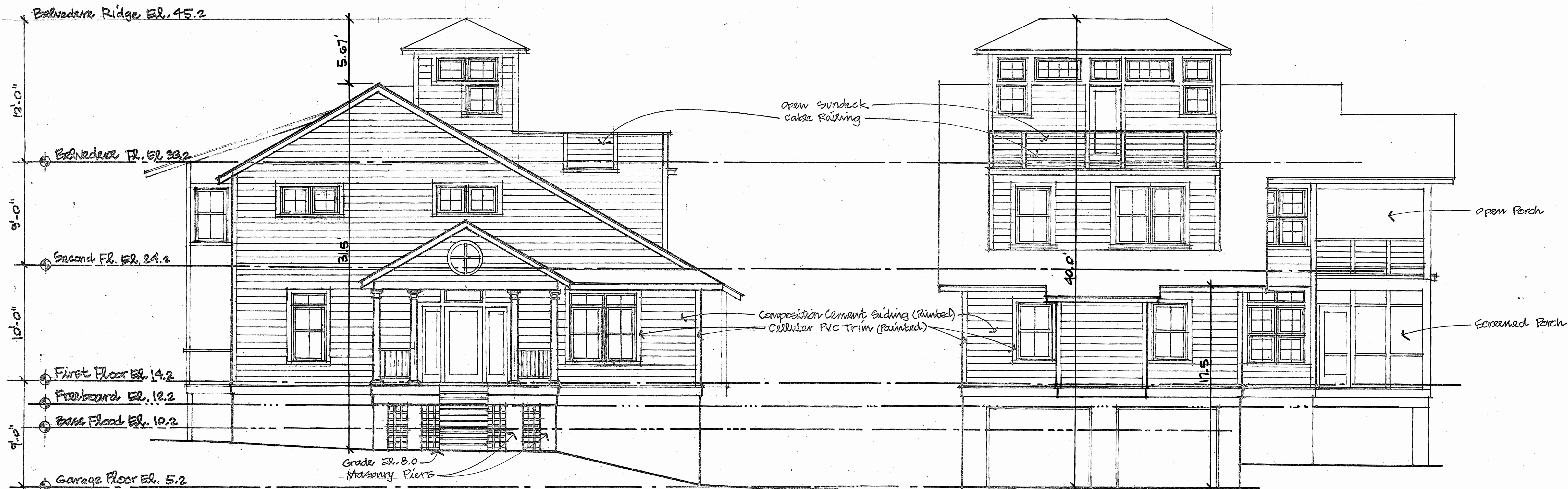
From Subject Lot Looking Northeast to Adjacent Dwelling

5-E



From Subject Lot Looking Southwest Towards Adjacent Dwelling/Water

5-#



Pirtee Residence

Engelberth Road

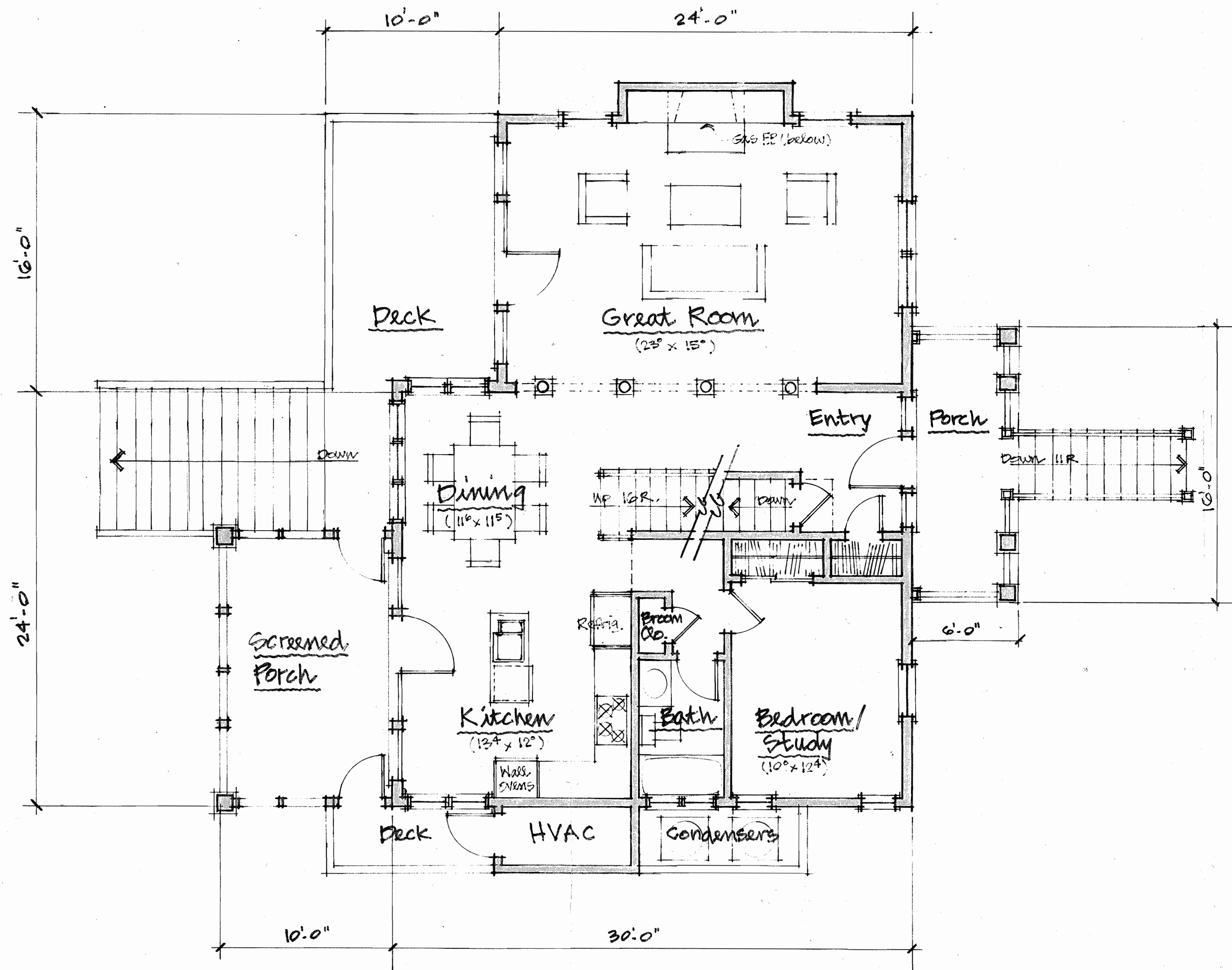
Baltimore County MD 21221

Jeffrey A. Lees, AIA - ARCHITECT.

706 Dunkirk Rd.

Baltimore, MD 21212

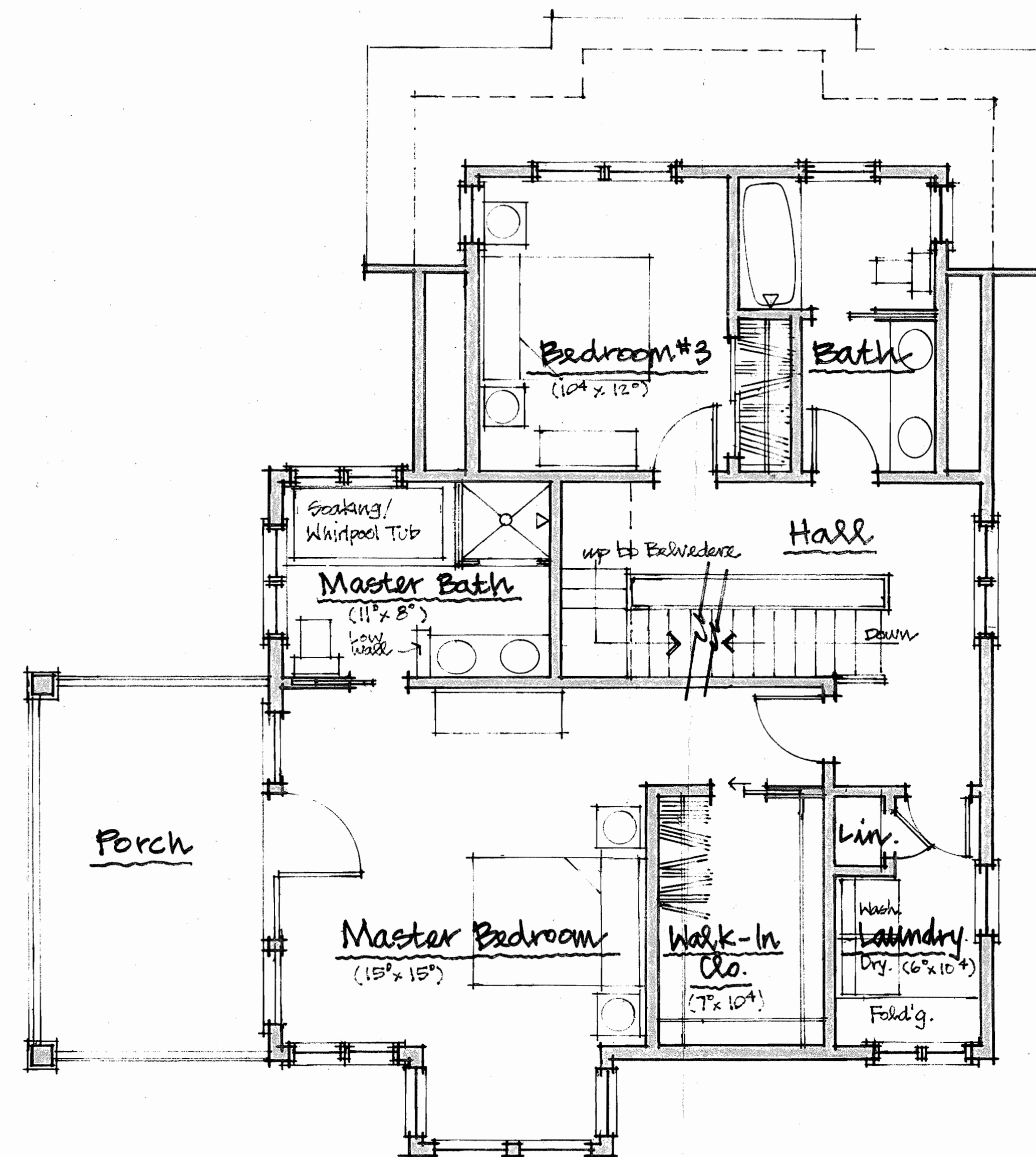
11 August 2008



First Floor Plan

Scale: 1/4" = 1'-0"

First Floor Heated Area: 1124 #
 Porches & Deck: 608 #
 Garage/Cellar Area: 1104 #



Second Floor Plan

Scale: 1/4" = 1'-0"

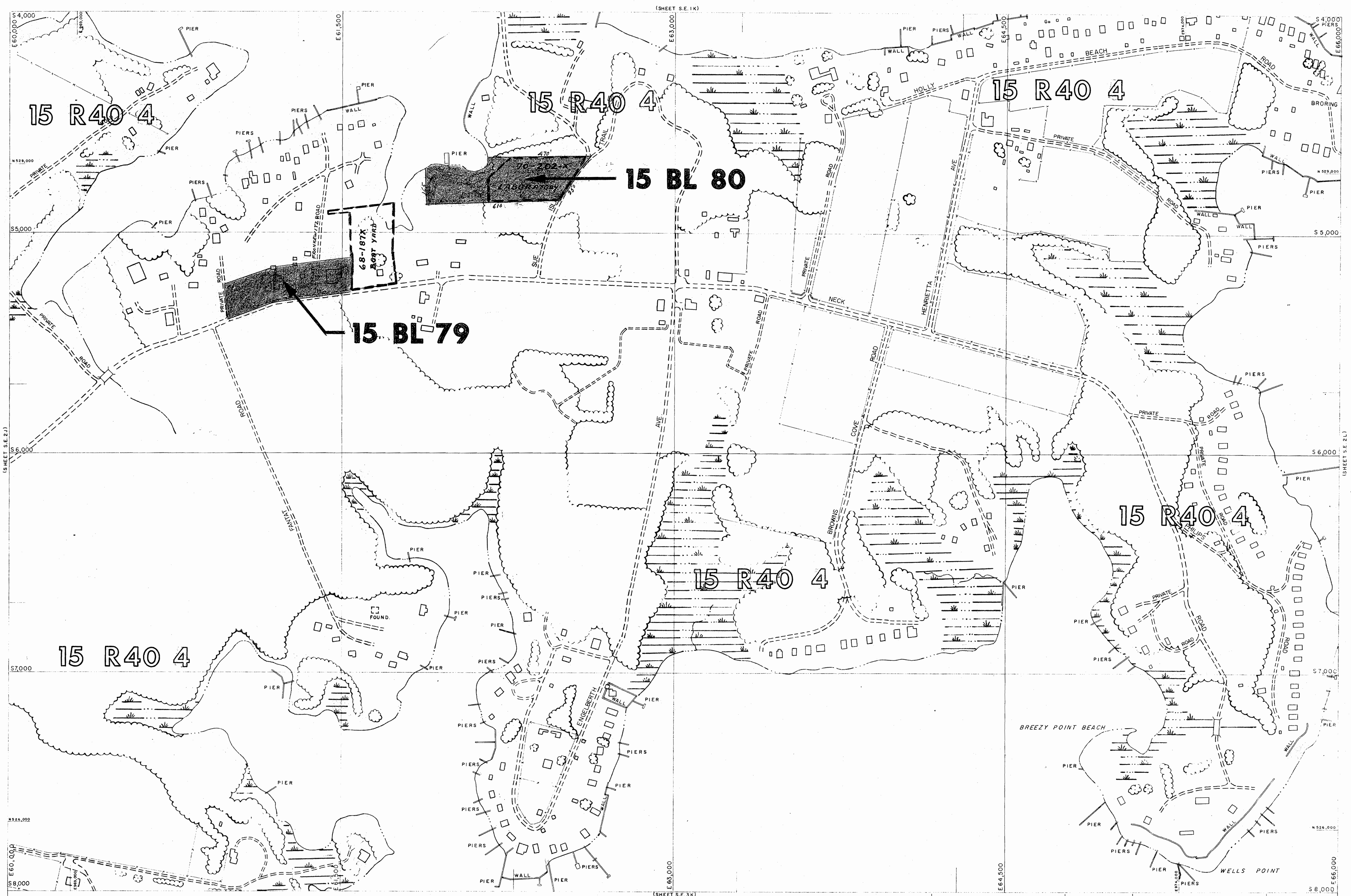
Second Floor Heated Area: 1014 #
 Porch: 240 #
 Sundeck: 260 #

Total Heated Area: 2138 #

PETITIONER'S

EXHIBIT NO.

8-A



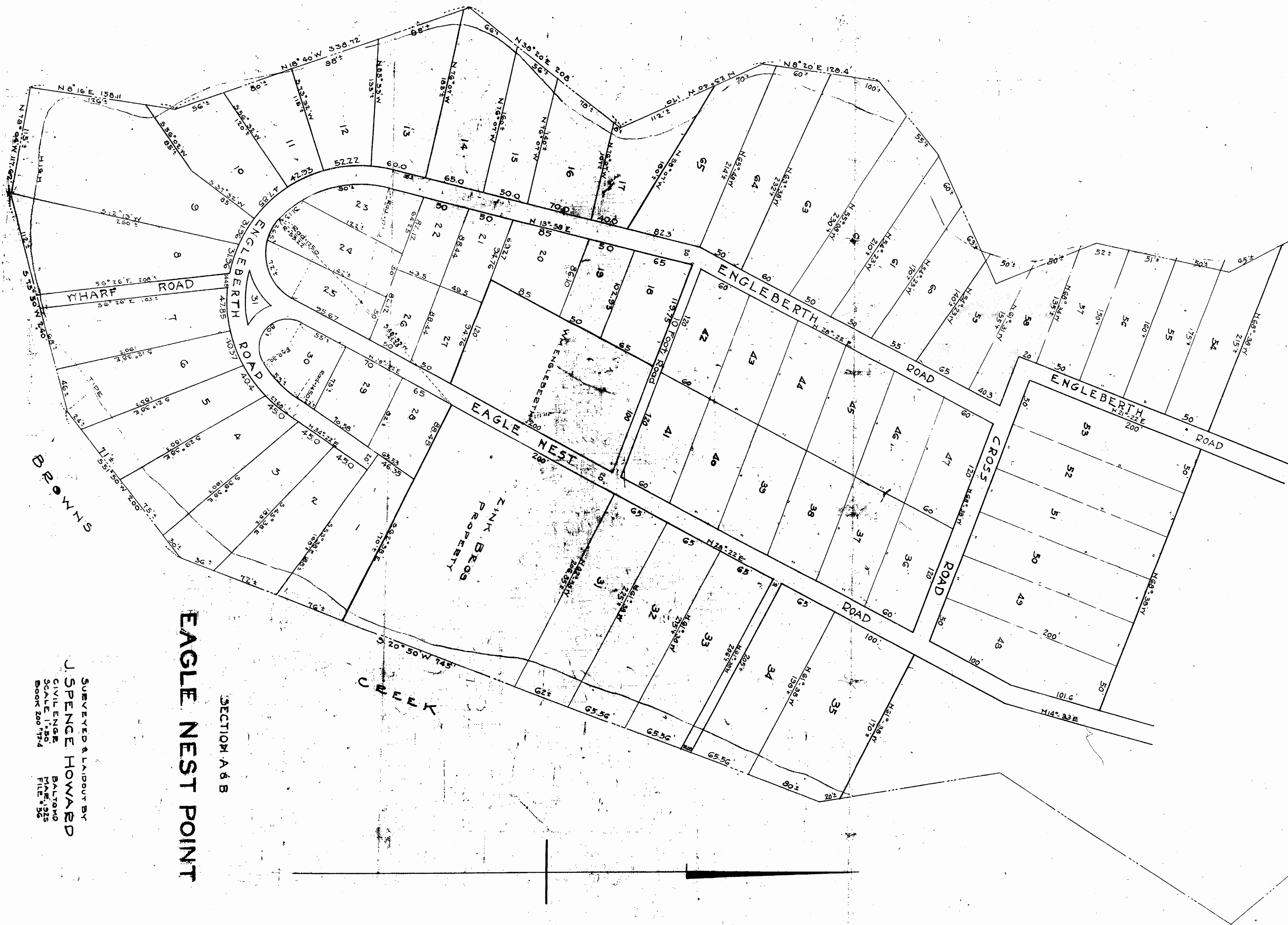
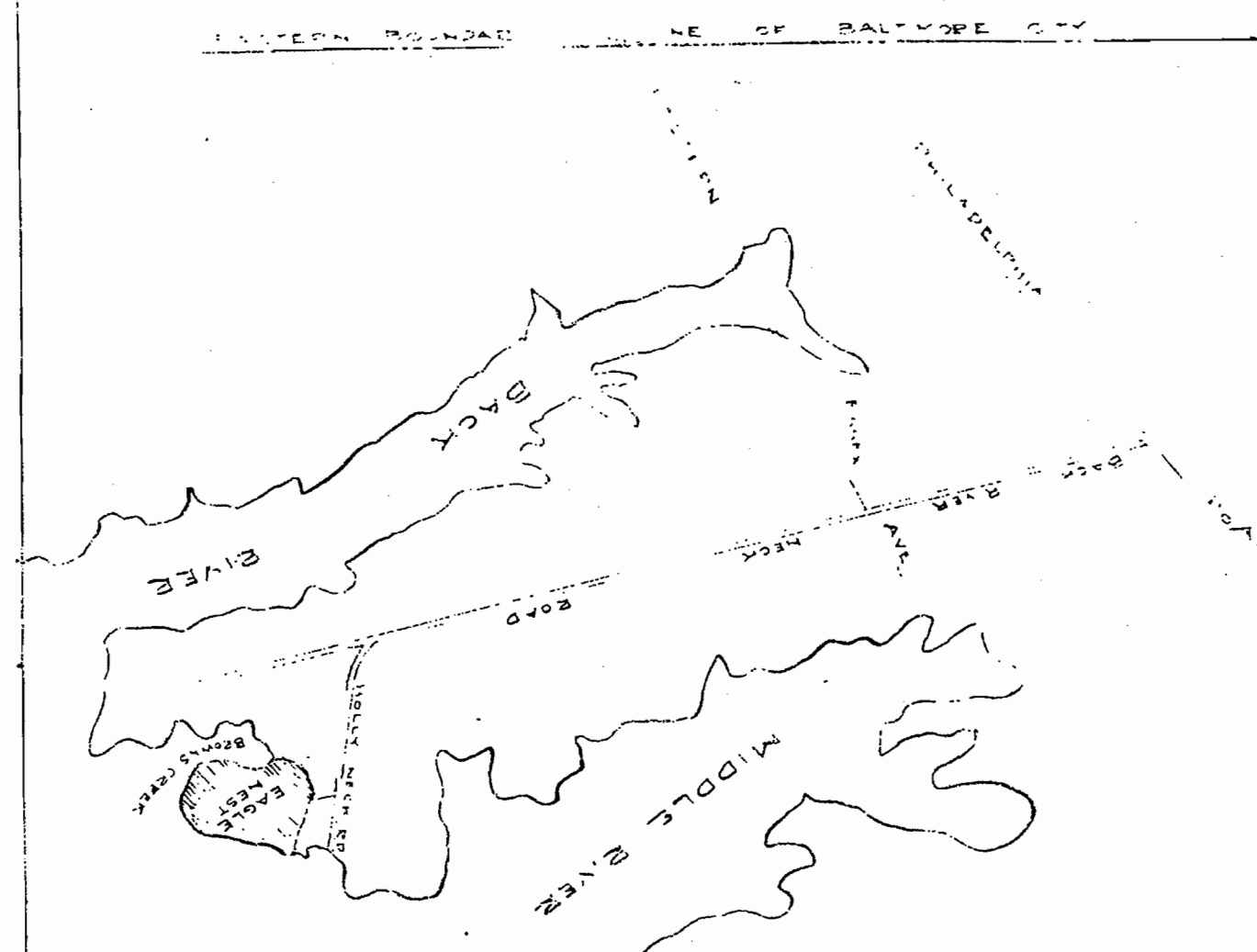
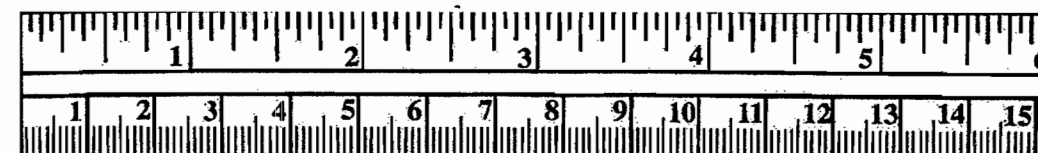
E-NE ZZ-NW

PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE			
		1" = 200'	HOLLY NECK	S. E.
		DATE OF PHOTOGRAPHY DEC. 1954		2-K
Topography Compiled By Photogrammetric Methods ABRAMS AERIAL SURVEY CORP. LANSING MICH.				EASTERN AREA

Topography Compiled By Photogrammetric Methods
ABRAMS AERIAL SURVEY CORP LANSING MICH.

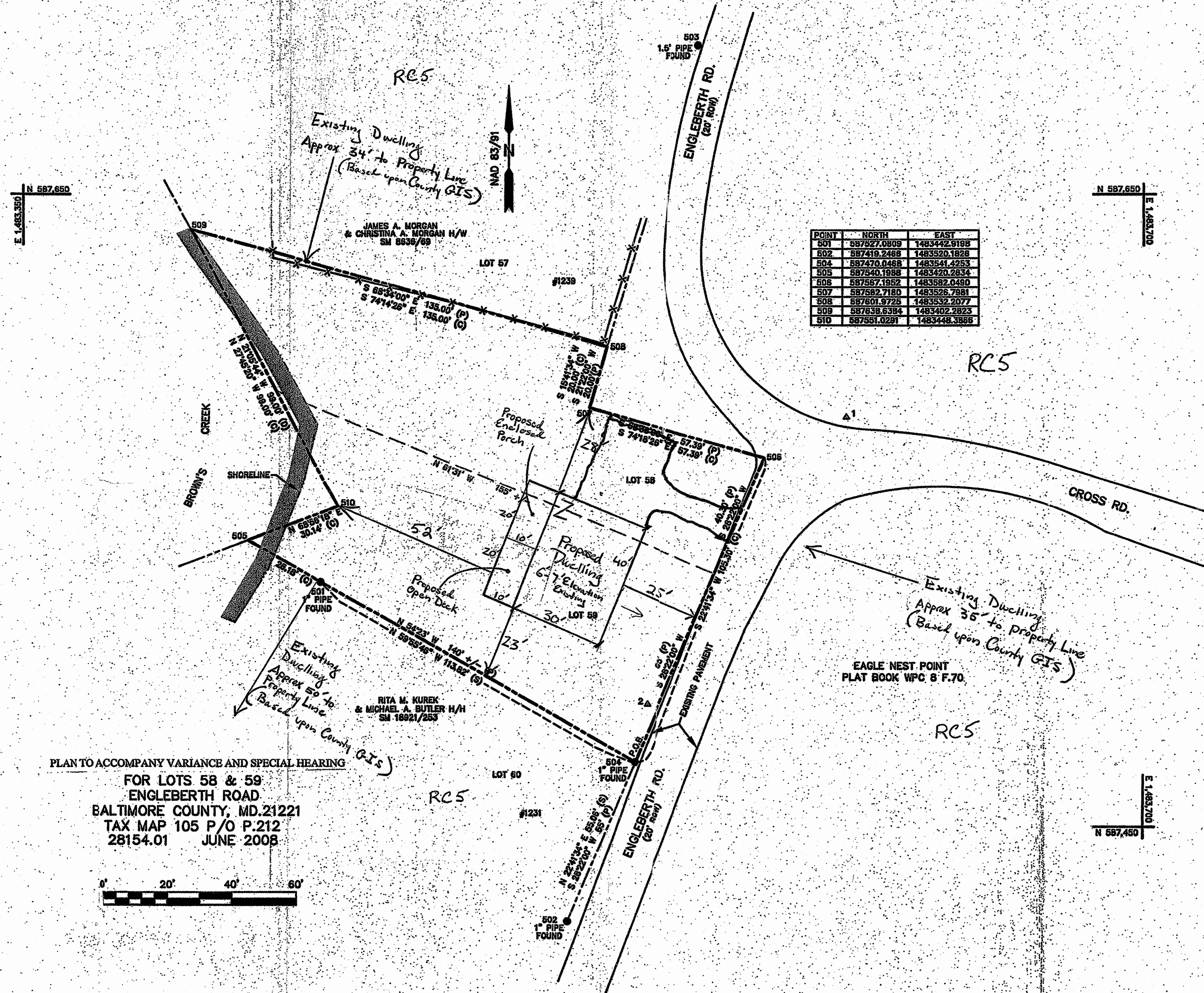
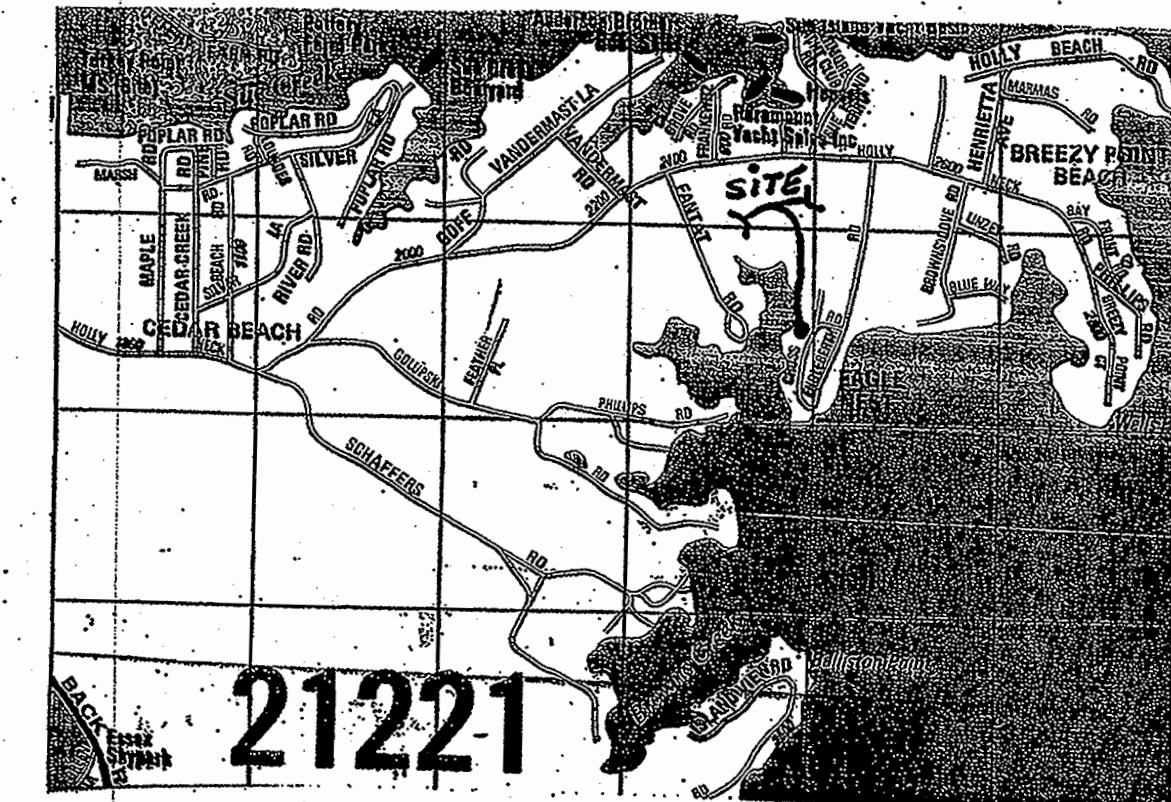
PETITIONER'S
EXHIBIT NO. 6



EAGLE NEST POINT

SECTION A & B

SURVEYED & Laid out by
J. SPENCE HOWARD
CIVIL ENGINEER
BALTIMORE
SCALE 1" = 50'
BOOK 200 77-4
FILE 56



GENERAL NOTES:

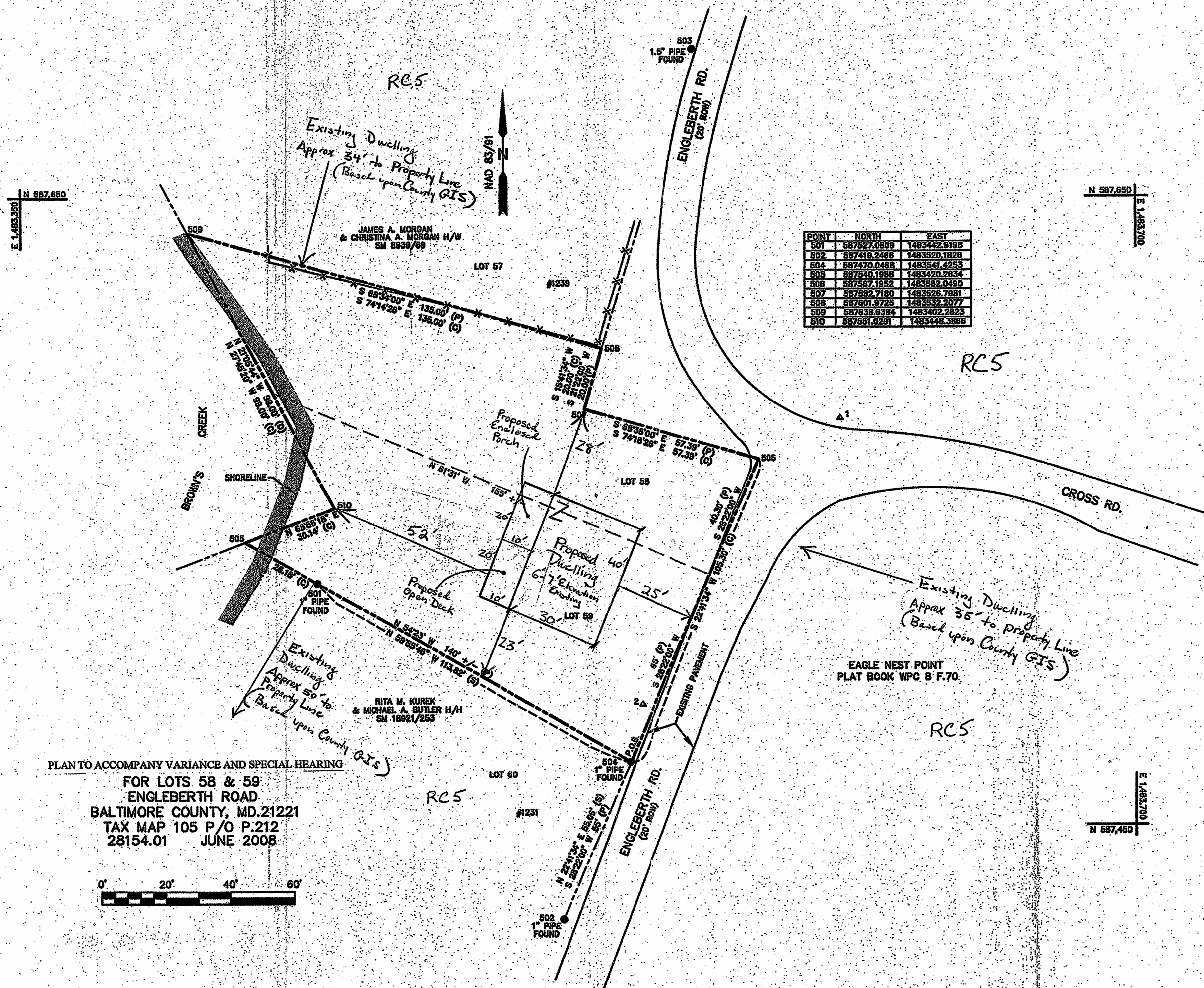
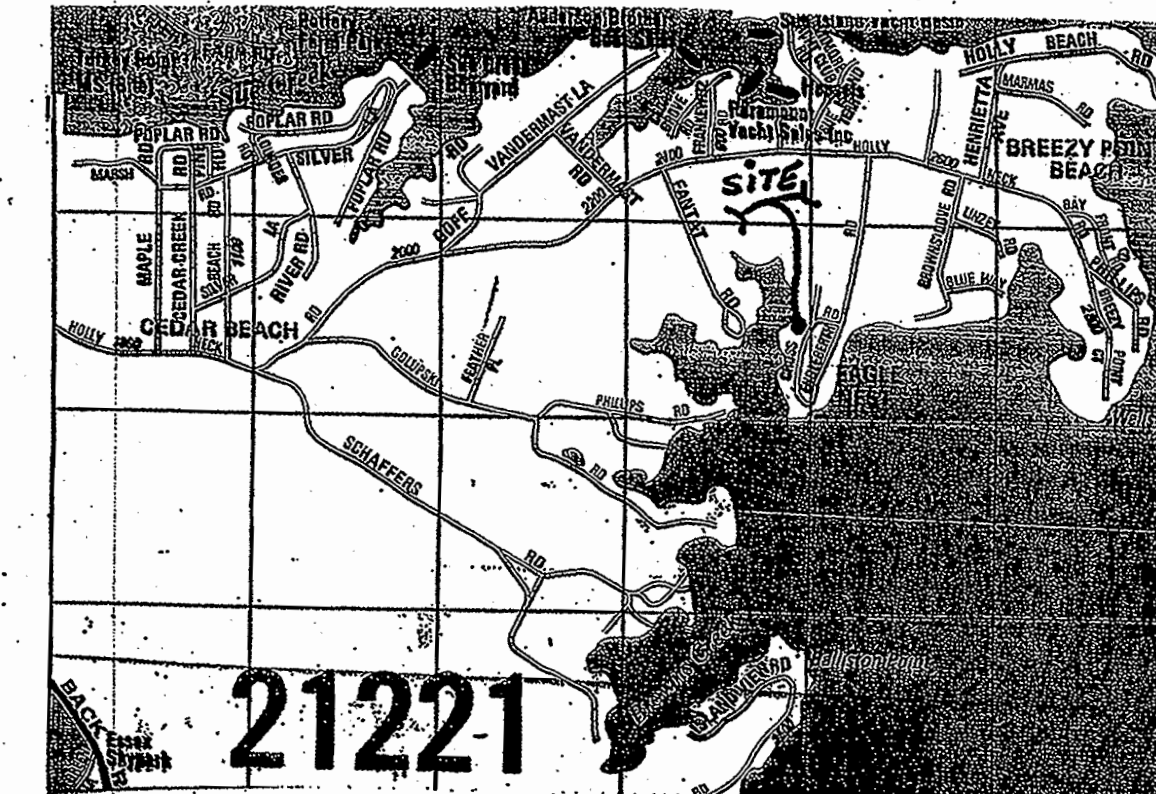
1. PROPERTY OWNER: RICHARD BRUZZDZINSKI
GLORIA BRUZZDZINSKI
2. CONTRACT PURCHASER: BART PIERCE
3. PROPERTY ADDRESS: LOTS 58 AND 59 ENGLEBERTH ROAD
4. TAX ACCOUNT NUMBER: 1600009754
5. ELECTION DISTRICT: 15
COUNCILMANIC DISTRICT: 6
6. ZONING CLASSIFICATION: RC5
1"=200' SCALE GRID: 105B1
7. EXISTING USE: VACANT LOTS (2)
PROPOSED USE: SINGLE-FAMILY DETACHED DWELLING
8. TOTAL LOT SIZE: .29 ACRES OR 12,633 SQUARE FEET
9. PLAT BOOK REF: 8 / 70
10. TAX MAP: 105
GRID: 4
PARCEL: 212
11. DEED REFERENCE: 7213 / 417
12. THE PROPERTY IS NOT HISTORIC OR WITHIN A HISTORIC DISTRICT.
13. THE PROPERTY IS NOT WITHIN A BASIC SERVICES MAP MORATORIUM AREA.
14. THE PROPERTY IS LOCATED OUTSIDE OF THE MARTIN STATE AIRPORT (MTN) ZONING MAP RESTRICTION AREA.
15. THE PROPERTY IS SERVED BY PUBLIC UTILITIES.
16. THERE IS NO ZONING HISTORY ON THE PROPERTY.
17. THE PROPERTY IS NOT SUBJECT TO ANY BALTIMORE COUNTY DEVELOPMENT PLAN ACTIONS.
18. THE PROPERTY IS WITHIN THE GROWTH MANAGEMENT PLAN FOR BOWLEYS QUARTERS AND BACK RIVER NECK AREAS.
19. FLOOR AREA RATIO (FAR), AMENITY OPEN SPACE (AOS), AND RESIDENTIAL TRANSITION AREA (RTA) DOES NOT APPLY TO THE PROPERTY.
20. THE PROPERTY IS WITHIN THE 100-YEAR FLOODPLAIN.
21. THE PROPERTY IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
22. MAXIMUM BUILDING HEIGHT IS 35 FEET.*

* A 40-FOOT BUILDING HEIGHT WILL BE REQUESTED

PETITIONER'S
EXHIBIT NO. 1

Prepared by: MJK
at Century Engineering, Inc.
6/29/08

2008-0600-SPHA



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GLORIA BRUZZDZINSKI
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6/29/08

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