

IN RE: PETITION FOR VARIANCE
S side of Rozina Court, 325 feet E
of Kearney Drive
4th Election District
2nd Councilmanic District
(9 Rozina Court)

Thomas Rumsey
Petitioner

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **CASE NO. 2009-0117-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the legal owner of the subject property, Thomas Rumsey. Petitioner is requesting variance relief from Section 415A.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be stored in the front of the dwelling in lieu of the required rear or side. The subject property and requested relief are more fully depicted on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Thomas Rumsey. Also in attendance as interested citizens opposed to the requested relief were neighbors Jerry and Debora Melnyk of 6 Rozina Court and Robert Albert of 16 Rozina Court. There were no other interested citizens in attendance at the hearing; however, a number of other neighbors did express their position on the requested relief, which will be discussed further in this Order.

It should be noted that this matter is currently the subject of an active violation case (Case No. 08-9472) in the Division of Code Inspections and Enforcement. A citation for code violation was issued in this matter on September 8, 2008 for parking a recreational vehicle in the front yard of the subject property. The fact that a zoning violation is issued is normally not relevant to the

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[Signature]

underlying zoning case. This means that on the one hand, a petitioner cannot use the fact that a structure has been built or a use has occurred as a precedent in order to allow the structure or use to continue. Nor does the fact that a structure may be costly to remove or modify or that a use may cause a hardship or inconvenience to discontinue come into consideration of the zoning case. On the other hand, an alleged code enforcement violation is also not held against a petitioner as some sort of additional punishment. In short, zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law; however, such is not the province of this office.

In the instant matter, the testimony and evidence offered revealed that the subject property is a rectangular-shaped lot and consists of approximately 0.1377 acre, more or less, zoned D.R.3.5. The property is situated on the south side of Rozina Court near its intersection with Kearney Road, and is located east of Timber Grove Road in the Owings Mills area of Baltimore County. The property is part of the "Timber Grove" subdivision and is improved with a split foyer style wood frame dwelling. The property also has a concrete parking pad located in the front yard to the right as one faces the dwelling. The parking pad measures approximately 20 feet deep by 18 feet wide.

Petitioner has resided at the subject location since the home was built in 1979. Within the last year to 18 months, Petitioner purchased a recreational trailer which he uses for traveling. It measures approximately 18 feet long by almost 9 feet wide. During the time he has owned the trailer, other than when using it for traveling, Petitioner has for the most part parked and stored the trailer on his parking pad. As indicated previously, Petitioner was issued a citation for parking the trailer on the parking pad located in the front yard of his property -- in violation of Section 415A of the B.C.Z.R. Hence, Petitioner has filed the instant Petition requesting variance relief from this section in order to keep the trailer stored on the parking pad.

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[Signature]

In support of the requested relief, Petitioner indicated that the size of his lot and in particular the relatively small side yards of 10 feet on one side and 13 feet on the other side, as well as existing landscaping in those areas, makes it virtually impossible to store the trailer in the rear yard and still have access to it from the street. Photographs of the side yards and landscaping were marked and accepted into evidence as Petitioner's Exhibits 2A and 2B. There is also no way to access the trailer from the rear yard because it abuts an open space area. In short, Petitioner has no other practical alternative space to store the trailer on his property and the hardship is that he has no other space to store the trailer.

Petitioner also pointed out that there are other recreational trailers and boats parked and stored in the neighborhood. Photographs that were marked and accepted into evidence as Petitioner's Exhibits 4A and 4B depict two recreational trailers which Petitioner indicated are located near Cherry Hill Road and Kingsbury Road within a few blocks of Petitioner's property. Petitioner also submitted additional photographs that were marked and accepted into evidence as Petitioner's Exhibits 4C and 4D that depict a speedboat and trailer and a pop-up camper parked on the street near Petitioner's property. Finally, Petitioner submitted a letter of support that was signed by the neighbors residing at 1, 3, 7, 8, 10, 11, 12, and 13 Rozina Court indicating they had no opposition to Petitioner parking his trailer in the driveway of his home. This letter was marked and accepted into evidence as Petitioner's Exhibit 5.

Testifying first in opposition to the requested variance relief was Jerry Melnyk. Mr. Melnyk resides with his wife at 6 Rozina Court, across the street and two houses down from Petitioner's residence. Mr. Melnyk indicated that he and his family have resided at 6 Rozina Court for the last 28 years and are original owners of their home. He was first informed by Petitioner in June 2007 via a letter/flyer that Petitioner intended to park his RV trailer in front of

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m

his home for a month until storage space became available at another location. A copy of this letter/flyer was marked and accepted into evidence as Protestants' Exhibit 2; however, instead of storing the trailer at another location, Petitioner continued to park the trailer in front of his home, except for when the trailer would be used by Petitioner for trips. It was only within the last few months that the trailer was moved due to the Code Enforcement citation that was issued.

Mr. Melnyk goes on to describe his street as a small cul-de-sac, and that most of the homes have small parking pads in front of their homes for conventional vehicles, as well as sidewalks. Parking the trailer on Petitioner's parking pad -- given its length -- would extend the trailer out into the sidewalk, causing an obstruction and potential safety hazard. It also creates an eyesore and lessens the visual appeal of the neighborhood. For the above reasons, Mr. Melnyk indicated that he and his wife are opposed to the variance request.

Next to testify was Robert Albert of 16 Rozina Court. Mr. Albert referenced the letter of opposition dated December 31, 2008 that was submitted by his wife, Paula Albert, which was marked and accepted into evidence as Protestants' Exhibit 1 just prior to Mr. Melnyk's testimony. Mr. Albert has lived at 16 Rozina Court for the last 25 years and essentially echoed Mr. Melnyk's statements. He indicated that this particular residential area with parking pads that are large enough only for cars is not conducive to parking a large RV trailer for long term storage. He believes that the trailer should be stored at a location designed for storage of these types of vehicles -- not in a residential neighborhood, and certainly not in the front yard for the world to see. Finally, a letter of opposition dated January 6, 2009 from neighbors Ann and Thomas Eisenklam of 5 Rozina Court was marked and accepted into evidence as Protestants' Exhibit 5.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated November 25,

1-13-09
[Signature]

2008 which indicate that parking a recreational vehicle in the front yard is a violation of the County Code. After reviewing Petitioner's request, the Planning Office recommends denial of the request. Parking a recreational vehicle in the front yard in lieu of the required rear yard does not complement the existing nature and practices of the community.

After careful review of all the testimony and evidence presented, I am persuaded to deny the variance request. In considering a variance request, I am required under Section 307.1 of the B.C.Z.R. to determine, under a two prong test, first whether there are special circumstances or conditions that exist that are peculiar to the land or structure which is the subject of the variance request; that is, whether there are unique features or characteristics of the property that drive the need for the variance. If that threshold requirement is met, I am then to determine whether strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship to Petitioner. In this case, although Petitioner has presented some evidence of the hardship associated with storing the trailer offsite, he is unable to meet the uniqueness standard. In short, the property is described rather unremarkably as a rectangular-shaped lot with a split foyer home and parking pad that is very similar to the other properties in the neighborhood. *See, Cromwell v. Ward*, 102 Md.App. 691, 651 A.2d 424 (1995). As an aside, I am also persuaded by the Protestants' testimony and evidence that granting the variance would not be in strict harmony with the spirit and intent of the Zoning Regulations, and that it would negatively affect the appearance and residential character of the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this amended petition held, and after considering the testimony and evidence offered by the parties, I find that Petitioner's variance request should be denied.

1-13-09

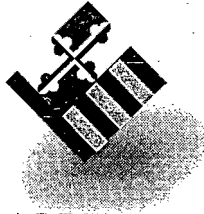
THEREFORE, IT IS ORDERED this 13th day of January, 2009 by this Deputy Zoning Commissioner, that Petitioner's variance relief request from Section 415A.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a recreational vehicle to be stored in the front of the dwelling in lieu of the required rear or side be and is hereby DENIED.

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


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

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1-13-09
[Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

January 13, 2009

THOMAS RUMSEY
9 ROZINA COURT
OWINGS MILLS MD 21117

Re: Petition for Variance
Case No. 2009-0117-A
Property: 9 Rozina Court

Dear Mr. Rumsey:

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

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

Very truly yours,

A handwritten signature in dark ink, appearing to read "John H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure

c: Jerry and Debora Melnyk, 6 Rozina Court, Owings Mills MD 21117
Robert Albert, 16 Rozina Court, Owings Mills MD 21117
Ann and Thomas Eisenklam, 5 Rozina Court, Owings Mills MD 21117
Lisa Henson, Code Enforcement Division, Department of Permits & Development Management



VIOLATION

TAX. ACCOUNT # 11800007648

Petition for Variance

to the Zoning Commissioner of Baltimore County**for the property located at 9 ROZINA CT. OWINGS MILLS, MD.****which is presently zoned RESIDENTIAL**

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) 415A.1.A to permit a recreational

vehicle to be stored in the front of the dwelling in lieu of the required rear or side

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) Access to both side yards are completely blocked by mature

landscaping consisting of large spruce trees and split rail fencing.

Access to rear yard is blocked by neighbor's property and a large

wooded area. Please see photos in booklet. (TO BE PRESENTED 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

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

THOMAS E. RUMSEY

Name - Type or Print

Signature

Name - Type or Print

Signature

9 ROZINA CT.

410-356-5343

Address

Telephone No.

OWINGS MILLS, MD.

21117

City

State

Zip Code

Representative to be Contacted:

THOMAS E. RUMSEY

Name

9 ROZINA CT.

410-356-5343

Address

Telephone No.

OWINGS MILLS, MD

21117

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1HR

UNAVAILABLE FOR HEARING

Case No. 2009-0117-A

REV 9/15/98

Reviewed By

Date 10/23/08

2009-0117-A

ZONING DESCRIPTION

This is a **ZONING DESCRIPTION** of my property located at 9 Rozina Ct. Owings Mills, Md. 21117.

It begins at a point on the **South** side of **Rozina Ct.** (street on which property fronts) which is **50'** right-of-way width wide at the distance of **325'** **East** of the centerline of the nearest improved intersecting street which is **Kearney Dr.** Kearney Dr. has a **50'** right-of-way width.

My lot is **#27 Block B, Section 1** in the subdivision of **Timber Grove** as recorded in Baltimore County Plat Book **43**, Folio **#87** containing **6000'** square feet. This property address is also known as 9 Rozina Ct. Owings Mills, Md. 21117 and is located in the **4th** Election District and **2nd** Councilmanic District.

2009-0117-A 000000
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 11 023772
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 \$45.00 BY \$4.00 Ca
 Baltimore County, Maryland

Date: 10/23/08

[illegible]

Total:	65.00
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Rec: _____
From: _____

107

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!

**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: #2009-0117-A
9 Rozina Court
S/side of Rozina Court, 325
feet east of Kearney Drive
4th Election District
2nd Councilmanic District
Legal Owner(s): Thomas
Rumsey

Variance: to permit a recreational vehicle to be stored in the front of the dwelling in lieu of the required rear or side.

Hearing: Wednesday, January 7, 2009 at 9:00 a.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 12/751 Dec. 23 190997

CERTIFICATE OF PUBLICATION

1/7/, 2009

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 12/23/, 2008.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 2009-0117-A

Petitioner/Developer: THOMAS
RUMSEY

Date Of Hearing/Closing: 1/7/09

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

Attention:

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 9 ROZINA CT.

This sign(s) were posted on December 23, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 12/23/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

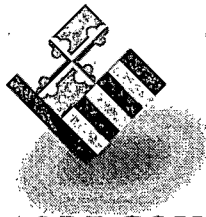
Address

Balto. Md 21220

(443-629 3411)



12/23/2008



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

November 14, 2008
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: 2009-0117-A

9 Rozina Court
S/side of Rozina Court, 325 feet east of Kearney Drive
4th Election District – 2nd Councilmanic District
Legal Owners: Thomas Rumsey

Variance to permit a recreational vehicle to be stored in the front of the dwelling in lieu of the required rear or side.

Hearing: Wednesday, January 7, 2009 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in cursive script, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Thomas Rumsey, 9 Rozina Ct., Owings Mills 21117

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 23, 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, December 23, 2008 Issue - Jeffersonian

Please forward billing to:

Tom Rumsey
9 Rozina Court
Owings Mills, MD 21117

410-356-5343

NOTICE OF ZONING HEARING

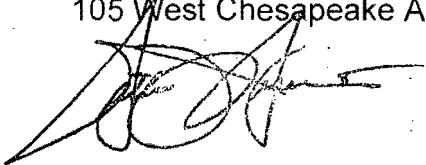
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CASE NUMBER: 2009-0117-A

9 Rozina Court
S/side of Rozina Court, 325 feet east of Kearney Drive
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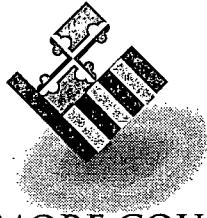
Variance to permit a recreational vehicle to be stored in the front of the dwelling in lieu of the required rear or side.

Hearing: Wednesday, January 7, 2009 at 9:00 a.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 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

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
January 5, 2009

Thomas Rumsey
9 Rozina Ct.
Owings Mills, MD 21117

Dear: Thomas Rumsey

RE: Case Number 2009-0117-A, 9 Rozina Ct

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 23, 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

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 7, 2008

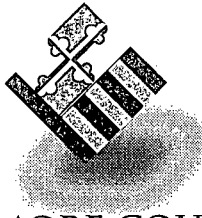
FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 10, 2008
Item No.: 2009-109, 110, 112, 113,
114, 115, 116, ~~117~~, 118, 119, 120,
122 & 123

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

DAK:CEN:cab
cc: File

ZAC-11072008-NO COMMENTS



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

November 10, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 03, 2008

Item Numbers: Item Number 0109 through 0125

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

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

cc: File



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: Nov. 3, 2009

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

RE: Baltimore County
Item No 2009-0117-A
9 ROZINA CT.
RUMSEY PROPERTY
VARIANCE

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. 2009-0117-A.

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



TB
1/7
9am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 25, 2008

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

SUBJECT: 9 Rozina Court

INFORMATION:

Item Number: 9-117

Petitioner: Thomas Rumsey

Zoning: DR 3.5

Requested Action: Variance

RECEIVED
NOV 28 2008

BY:.....

SUMMARY OF RECOMMENDATIONS:

It should be noted that parking a recreational vehicle in a front yard is a violation of County Code.

After reviewing the petitioner's request the Office of Planning recommends denial of the subject request. Parking a recreational vehicle in the front yard in lieu of the required rear yard does not complement the existing nature and practices of the community.

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

Prepared by:

Curtis P. Surace

Division Chief:
AFK/LL: CM

Kevin L. Surace

1-7-09

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

RECEIVED
NOV 21 2008

BY:.....

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: November 21, 2008

SUBJECT: Zoning Item # 09-117-A
Address 9 Rozina Court
(Rumsey Property)

Zoning Advisory Committee Meeting of November 3, 2008

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

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).

Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

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

Additional Comments:

Reviewer: JWL

Date: 11/21/08

RE: PETITION FOR VARIANCE * BEFORE THE
9 Rozina Court; S/S Rozina Court, * ZONING COMMISSIONER
325' E of Kearney Drive *
4th Election & 2nd Councilmanic Districts * FOR
Legal Owner(s): Thomas Rumsey *
Petitioner(s) * BALTIMORE COUNTY
* 09-117-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

NOV 12 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 12th day of November, 2008, a copy of the foregoing Entry of Appearance was mailed to Thomas Rumsey, 9 Rozina Court, Owings Mills, MD 21117, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

VIOLATION CASE DOCUMENTS

VIOLATION CASE: 08-9472

9 ROZINA

ZONING CASE: 09-0117-A
9 ROZINA CT

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

DATE: November 6, 2008

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Hearing Officer
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 117
Legal Owner/Petitioner: Thomas Rumsey
Contract Purchaser:
Property Address: 9 Rozina Court
Location Description: South side of Rozina Court, 325 feet East of Kearney Drive

VIOLATION INFORMATION: **Case No.: 08-9472**
Defendants: Thomas Rumsey

Please be advised that the aforementioned petition is the subject of an active violation case.

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

Complaint Intake Form
State Tax Assessment printout
Correction Notice/Code Violation Notice
Photograph

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Lisa Henson in Room 213 in order that the appropriate action may be taken relative to the violation case.

RSW/
c: Lavette Street

Complaint

Owner Name and Address

Facility Name and Address

Thomas E Runsey

9 Rozina

ZIP

21117

Facility ID

4

Case #

108-9472

Location

Account ID

1800007648

OWNER ADDRESS IF DIFFERENT THAN VIOLATION ADDRESS

Position

Emp #

Date

Time

Status

Received By

Program/Element

Assigned To

Lien Disposition Code

Complaint

Complainant

Address

City, St, Zip

Country

Work Phone

Home Phone

Email Address

Complaint Mode

Last Activity

Complaint Description

AWON

NCF

RV parked in front of property

Contact

Information

Location

Financial

Referral Dates/Agencies

GIS

User Defined Fields

Daily Activities

Violations

Invoices

STATUS

C- CLOSED

CE - OPEN EMERGENCY

ON- OPEN NORMAL

COMPLAINT MODE

CC - COUNTY COUNCIL

E - EMAIL

EX - EXECUTIVE OFFICE

F - FAX

M - MAIL

PH - PHONE

PU - PICK UP

SW - SWEEP

W - WALK IN

PROGRAM ELEMENT

EN01

DATE: 08/28/2008

STANDARD ASSESSMENT INQUIRY (1)

TIME: 10:28:43

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
18 00 007648	04	1-0	04-00	H	NO		08/04/08

RUMSEY THOMAS E

DESC-1.. IMPS6000 SQ FT .1377 AC

DESC-2.. TIMBER GROVE

9 ROZINA CT

PREMISE. 00009 ROZINA

CT

00000-0000

OWINGS MILLS

MD 21117-0000 FORMER OWNER: KNIGHT HOMES INC

----- FCV ----- PHASED IN -----

	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	51,000	111,000		FCV	ASSESS	ASSESS
IMPV:	108,620	167,160	TOTAL..	238,646	238,646	199,133
TOTL:	159,620	278,160	PREF...	0	0	0
PREF:	0	0	CURT...	238,646	238,646	199,133
CURT:	159,620	278,160	EXEMPT.		0	0
DATE:	08/03	05/06				

---- TAXABLE BASIS ---- FM DATE

ASSESS: 238,646 08/23/07

ASSESS: 199,133

ASSESS: 0

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF



CODE INSPECTIONS AND ENFORCEMENT CORRECTION NOTICE

CASE NUMBER 08-9472	PROPERTY TAX ID 18 00 007648	DATE ISSUED 09/08/08
NAME(S): Thomas E. Runsey		
MAILING ADDRESS 9 Rozina Ct.		
CITY Owings Mills, MD	STATE MD	ZIP CODE 21117
VIOLATION ADDRESS 9 Rozina Ct.		
CITY BALTIMORE	STATE MARYLAND	ZIP CODE 21117

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

RESIDENTIAL ZONE CLASSIFICATION

- ☐ DR1 ☐ DR2 ☐ DR3.5 ☐ DR5.5 ☐ DR10.5 ☐ DR16
☐ RC2(1A01) ☐ RC4(1A03) ☐ RC20 & 50(1A05) ☐ RC6(1A07)
☐ RC3(1A02) ☐ RC5(1A04) ☐ RCC(1A06) ☐ RC7(1A08)
☐ OTHER: _____

NON-RESIDENTIAL CLASSIFICATION

- ☐ BL(230) ☐ BR(236) ☐ BM(233)
☐ MR(240) ☐ ML(253) ☐ MH(256)
☐ OTHER: _____

BALTIMORE COUNTY ZONING REGULATIONS (B.C.Z.R.)

AUTHORITY TO ENFORCE ZONING REGULATIONS: 32-3-102; 32-3-602; 32-3-603; 32-4-114

- | | |
|---|--|
| ☐ 101; 102.1: Definitions; general use | ☐ 415A: License/ remove untagged recreation vehicle |
| ☐ 1B01.1: DR Zones-use regulations | ☒ 415A: Improperly parked recreation vehicle |
| ☐ 428: License/ Remove all untagged/ inoperative or damaged/ disabled motor vehicle(s) | ☐ 415A: One recreational vehicle per property |
| ☐ 1B01.1D: Remove open dump/ junk yard | ☐ 410: Illegal Class II trucking facility |
| ☐ 431: Remove commercial vehicle(s) | ☐ 400: Illegal accessory structure placement |
| ☐ 101; 102.1: Remove contractors equip. storage yard | ☐ 1B02.1; 270; 421.1: Illegal kennel. Limit 3 dogs |
| ☐ 101; 102.1; ZCPM: Cease service garage activities | ☐ 102.5: Residential site line violation /obstruction |
| ☐ 402: Illegal conversion of dwelling | ☐ 408B: Illegal rooming/ boarding house |
| ☐ 101; 102.1; ZCPM: Illegal home occupation | ☐ BCC: 32-3-102; 500.9 BCZR; ZCPM: |

Violation of commercial site plan and/or zoning order

BALTIMORE COUNTY CODE (B.C.C.)

- | | |
|--|--|
| ☐ 13-7-112: Cease all nuisance activity | ☐ 35-2-301: Obtain building/ fence/ sign permit |
| ☐ 13-7-115: County to abate nuisance & lien costs | ☐ 18-2-601: Remove all obstruction(s) at street, alley, road |
| ☐ 13-7-310: Remove all trash & debris from property | ☐ 13-7-310(2): Remove bird seed / other food for rats |
| ☐ 13-7-312: Remove accumulations of debris, materials, etc | ☐ 32-3-102: Violation of development plan/ site plan |
| ☐ 13-7-201(2): Cease stagnant pool water | ☐ IBC 115; BCBC 115: Remove/ Repair unsafe structure board and secure all openings to premise |
| ☐ 12-3-106: Remove animal feces daily | ☐ 13-7-401; 13-7-402; 13-7-403: Cut & remove all tall grass and weeds to three (3) inches in height |
| ☐ 35-5-208(a)(c): Seal exterior openings from rodents & pests | |
| ☐ 13-4-201(b)(d): Store garbage in containers w/tight lids | |

OWNER OCCUPIED HOUSING (B.C.C.)

- | | |
|---|--|
| ☐ 35-5-302(a)(1): Unsanitary conditions. | ☐ 35-5-302(a)(2): Store all garbage in trash cans |
| ☐ 35-5-302(a)(3): Cease _____ infestation from prop. | ☐ 35-5-302(b)(1): Repair exterior structure |
| ☐ 35-5-302(b)(1)(2): Repair decorative trim, cornices, etc | ☐ 35-5-302(b)(1)(3): Repair exterior extentions |
| ☐ 35-5-302(b)(1)(4): Repair chimney & similar extentions | ☐ 35-5-302(b)(1)(5): Repair metal/wood surfaces |
| ☐ 35-5-302(b)(1)(6): Repair defective door(s) / window(s) | ☐ 35-5-302(b)(1)(7): Repair defective fence |

INVESTMENT PROPERTY (B.C.C.)

- | | |
|--|---|
| ☐ 35-2-404(a)(1)(i): Remove hazardous or unsafe condition | ☐ 35-2-404(a)(1)(ii): Repair ext. walls / vertical members |
| ☐ 35-2-404(a)(1)(iii): Repair roof or horizontal members | ☐ 35-2-404(a)(1)(iv): Repair exterior chimney |
| ☐ 35-2-404(a)(1)(v): Repair ext. plaster or masonry | ☐ 35-2-404(a)(1)(vi): Waterproof walls/ roof /foundations |
| ☐ 35-2-404(a)(1)(vii): Repair exterior construction (see below) | ☐ 35-2-404(a)(1)(2): Remove trash, rubbish, & debris |
| ☐ 35-2-404(a)(1)(3): Repair /remove defective exterior sign(s) | ☐ 35-2-404(a)(4)(i)(ii): Board & secure. Material to match building color of structure |

OTHER VIOLATIONS OR REMARKS:

RV must be currently tagged and stored 8 FT behind the front foundation line of removed

☐ NOTICE POSTED AND MAILED

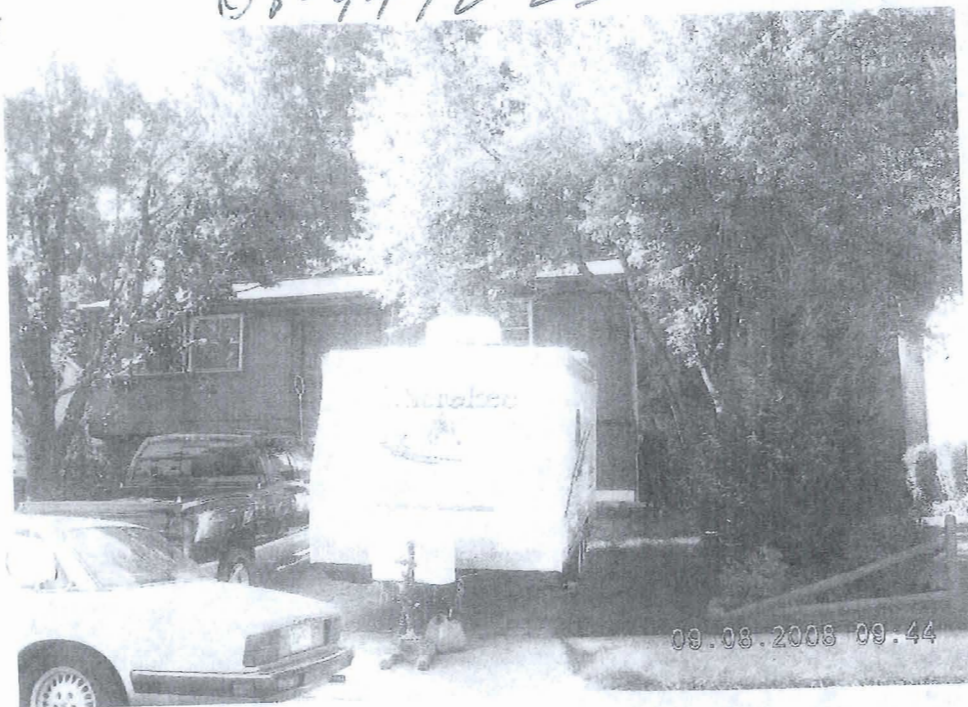
POTENTIAL FINE: ☒ \$200 ☐ \$500 ☐ \$1000 per day, per violation and to be placed as a lien upon your tax bill.

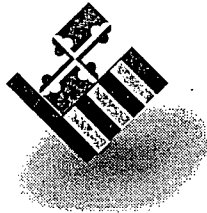
COMPLIANCE DATE: **10.08.08**

INSPECTOR NAME: **L. Street**

PRINT NAME (Rev 9/05)
AGENCY

08-9472 LS





BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 12, 2009

THOMAS RUMSEY
9 ROZINA COURT
OWINGS MILLS MD 21117

Re: Petition for Variance
Case No. 2009-0117-A
Property: 9 Rozina Court

Dear Mr. Rumsey:

I am in receipt of your letter dated July 20, 2009 concerning your previously filed variance request to permit a recreational vehicle to be parked in the front of your dwelling in lieu of the rear or side as required by the Zoning Regulations. As you indicated, the public hearing was held on January 7, 2009 and you presented your case in support of your variance request. Also at the public hearing, I heard testimony and evidence from several interested neighbors in attendance who were opposed to your requested relief.

After weighing the evidence on both sides, I issued an Order dated January 13, 2009 denying your variance request. Please understand that I am very aware that my decisions do in fact affect people's lives, and that I do not take this responsibility lightly or make decisions arbitrarily or capriciously. Obviously, this is of little consolation to you and it is very unfortunate that you have chosen to put your recreational vehicle up for sale; however, I am compelled to review these cases according to the applicable law and the facts, as well as to take into consideration the effect or impact of the requested relief on all parties -- not just merely one side. I believe I did so in this matter.

In addition, you should be aware that as part of the hearing process, you had opportunities for further review of my decision if you were not satisfied with my judgment -- as the last page of my Order indicates, you had 30 days to file an appeal of my judgment. You stated in your letter that you did not review my decision until March, approximately two months after my Order was issued, because you were in Florida for the winter. It is unfortunate that your mail was not forwarded to you more timely to give you an opportunity to file such an appeal if you so chose.

THOMAS RUMSEY

August 12, 2009

Page 2

At this juncture, perhaps you can seek another alternative to selling your recreational vehicle, such as finding a closer location for storing the vehicle and possibly parking your vehicle temporarily on your property in a manner that is in compliance with the Zoning Regulations in order to load and unload your boxes for your camping trips. I certainly hope you can work out a solution.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom H. Bostwick", written over the printed name.

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

c: Sharon Paul, Constituent Services Coordinator, Baltimore County Executive Office

July 20, 2009

Thomas H. Bostwick
Deputy Zoning Commissioner
Baltimore County, MD

RECEIVED

JUL 22 2009

Re: Variance Decision

Case No. 2009-0117-A

ZONING COMMISSIONER

Dear Mr. Bostwick,

Your January 13, 2009 letter was finally delivered to me in early March when I arrived home from Florida. I wanted to respond however, two major surgeries coupled with recovery time has slowed me down. Please give my comments some thought. It's important for you to know that your decisions impact people's lives.

Upon receiving my Code Violation Notice on Oct. 8, 2008, I went to the Zoning office for assistance. I found these fellows very helpful and a credit to the county and our citizens. After hearing my story they encouraged me to go through the process of applying for a Variance.

The hearing was held on January 7, 2009. Here are the points I attempted to make:

- 1- Trailer had been parked in my driveway (not a pad) for two years. Not a single complaint from the neighbors, or opposition neighbors, during this time.
- 2- No portion of my trailer extends onto the sidewalk or public property.
- 3- Impossible to place trailer on side yards or rear yard. Pictures provided.
- 4- Within six blocks from my home, or less, four other trailers were parked in similiar driveway situations. Pictures provided.
- 5- **95%** of my neighbors signed a form stating it was **O.K.** with them if my trailer was parked in my driveway. Form provided at hearing.
- 6- Trailer is only parked in the driveway "off and on" during a six month period.

With **zero** knowledge of the Zoning Process I tried to make a presentation that was through, honest and concise. Near the end of the hearing, in response to a question from Mr. Melnyk, you stated that the "numbers" were on Mr. Rumsey's side. I felt very hopeful about the outcome.

Your judgement letter arrived with great anticipation. It was read and reread with disappointment. Your variance denial appears to be based on four areas of concern

Parking my small trailer would affect the appearance and character of the neighborhood.

**** The neighborhood is much more than buildings and lawns. It's people! The people in my neighborhood overwhelmingly support the parking of my trailer in the driveway.***

The trailer would extend onto the sidewalk causing a safety hazard.

**** Driveway is 20 feet deep with a lawn area of 3 feet at the rear. That totals 23 feet. The trailer is 18 feet long. No portion of the trailer extends onto the sidewalk.***

Parking a small trailer goes against the practices of the community.

**There are currently four recreational trailers, pop-up camper and a speedboat parked within six blocks from my home. My small trailer was parked for nearly two years in my driveway. This is the practice of my community.*

Pad versus Driveway.

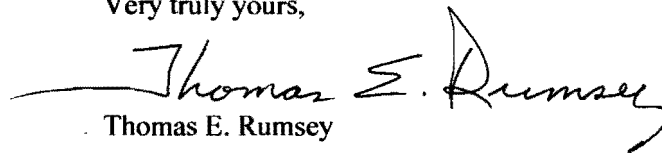
**Mr. Melnyk used the term "parking pad" over thirty times during his presentation. You seemed unduly influenced by his term. You referenced "parking pad" ten times in your order. DRIVEWAY is how everyone in my neighborhood describes their parking place.*

As I said at the beginning, your decisions impact peoples lives. My small trailer is now parked at a storage facility in Hanover, PA. Due to health conditions I am unable to transport boxes back and forth in preparation for camping trips. My much enjoyed trailer is **Now For Sale.**

Officials with the power to impact peoples lives must know how to both apply the law and with a sense of compassion and flexibility for those whom they sit in judgement.

I tried my very best. My county government let me down.

Very truly yours,


Thomas E. Rumsey

c: **James T. Smith, Jr.**
Kevin Kamenetz

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

2009-0117-A

DATE

1-7-09

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Thomas Rumsey

9 Rozena Ct.

Owens Mills, MD



tomrumsey@ced.com

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2009-0117-A
DATE 1-2-09

CITIZEN'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

Jerry Melnyk

6 Rozina Ct.

Om MD, 21117

NSTARMD@Comcast.

Deborah Melnyk

" "

" "

" NET "

ROBERT L. ALBERT

16 Rozina Ct

OWINGS MILLS MD 21117

RLALBERT@Comcast.

NET

* VIOLATION

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 9 ROZINA CT.

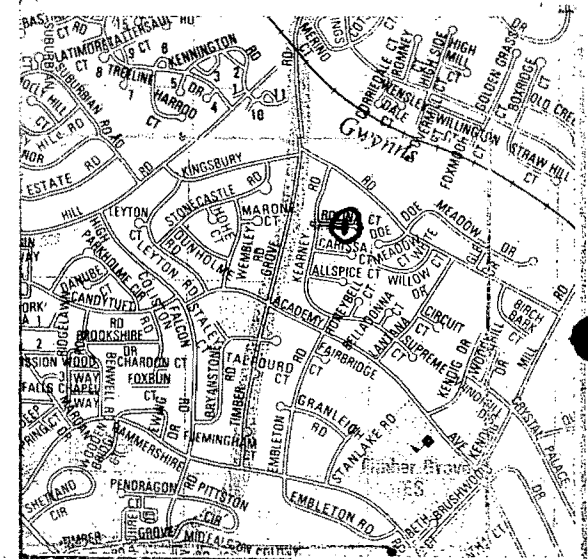
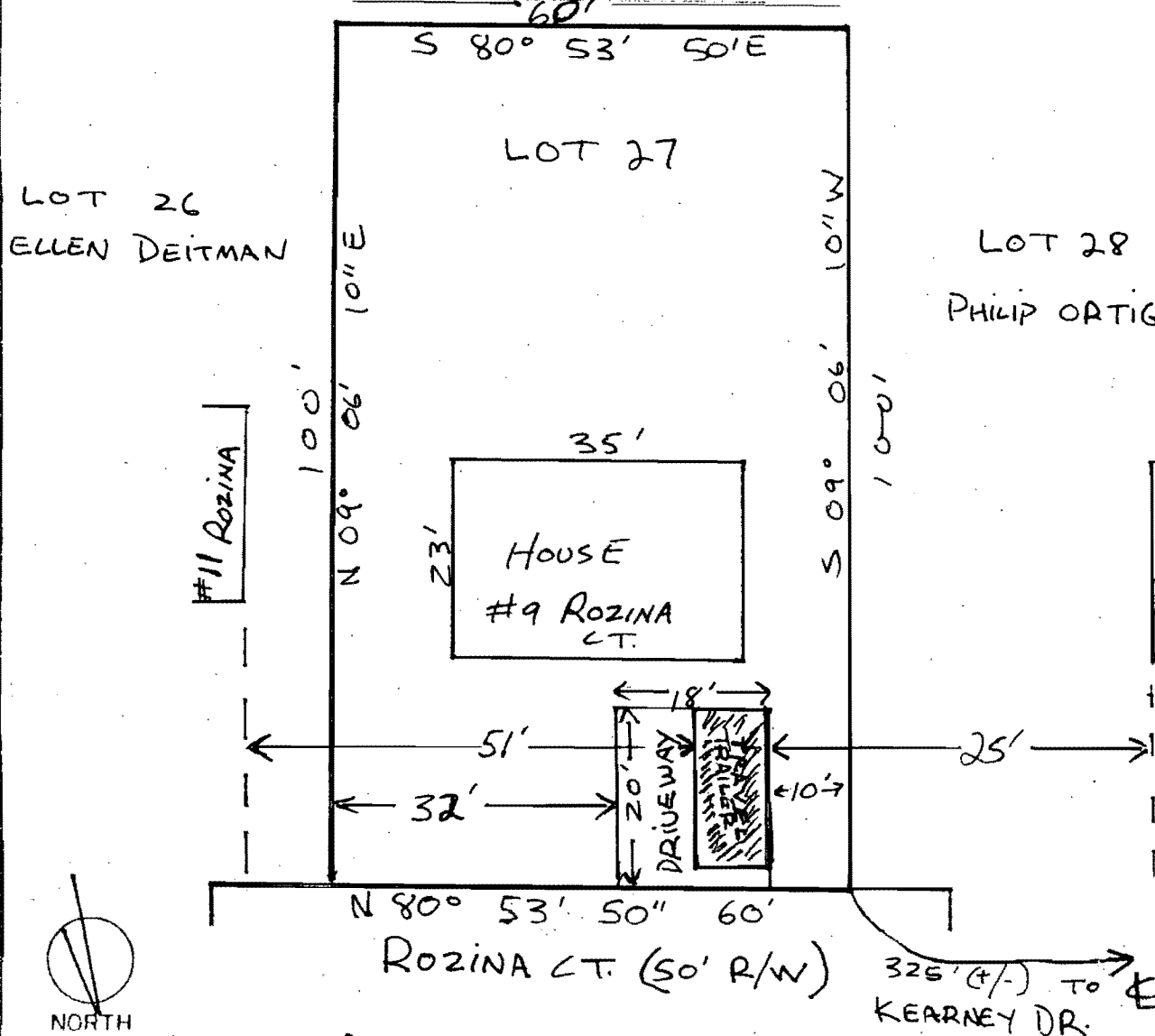
SUBDIVISION NAME TIMBER GROVE

PLAT BOOK # 43 FOLIO # 87 LOT # 27 SECTION # 1

OWNER THOMAS E. RUMSEY

PETITIONER'S

EXHIBIT NO. 1



LOCATION INFORMATION

ELECTION DISTRICT 4TH

COUNCILMANIC DISTRICT 2ND

1"=200' SCALE MAP # 049A3

ZONING DR 3.5

LOT SIZE .1377 ACREAGE 6000 SQ. FT.

	PUBLIC	PRIVATE
SEWER	☒	☐
WATER	☒	☐

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING	<u>NONE</u>	

ZONING OFFICE USE ONLY
REVIEWED BY ITEM #

PREPARED BY Tom Rumsey 10/23/08 SCALE OF DRAWING: 1" = 20'

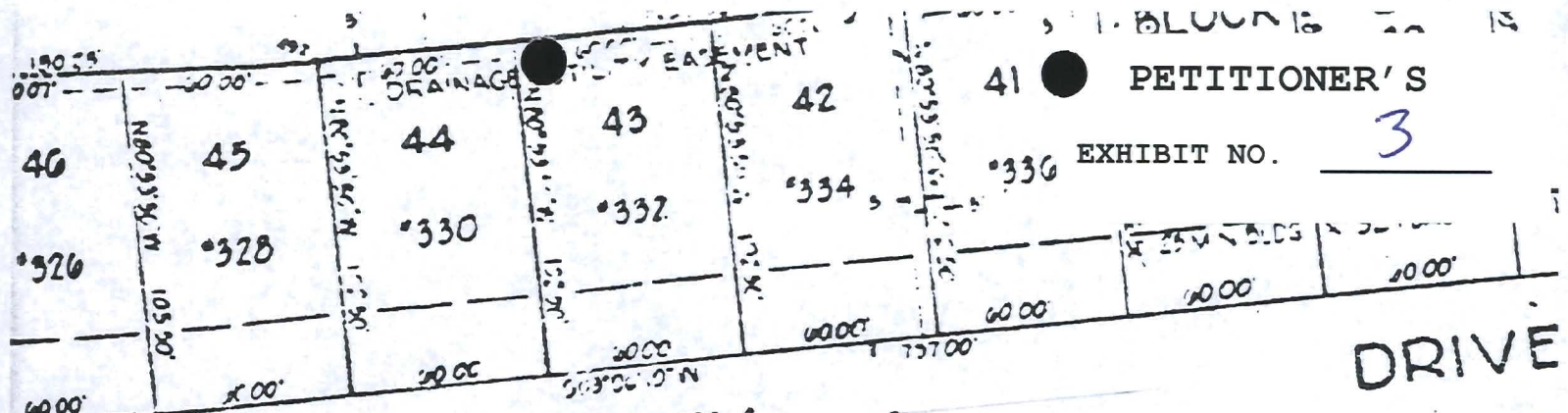
JL

2009-0117-A



PETITIONER' S

EXHIBIT NO. 2 A+B



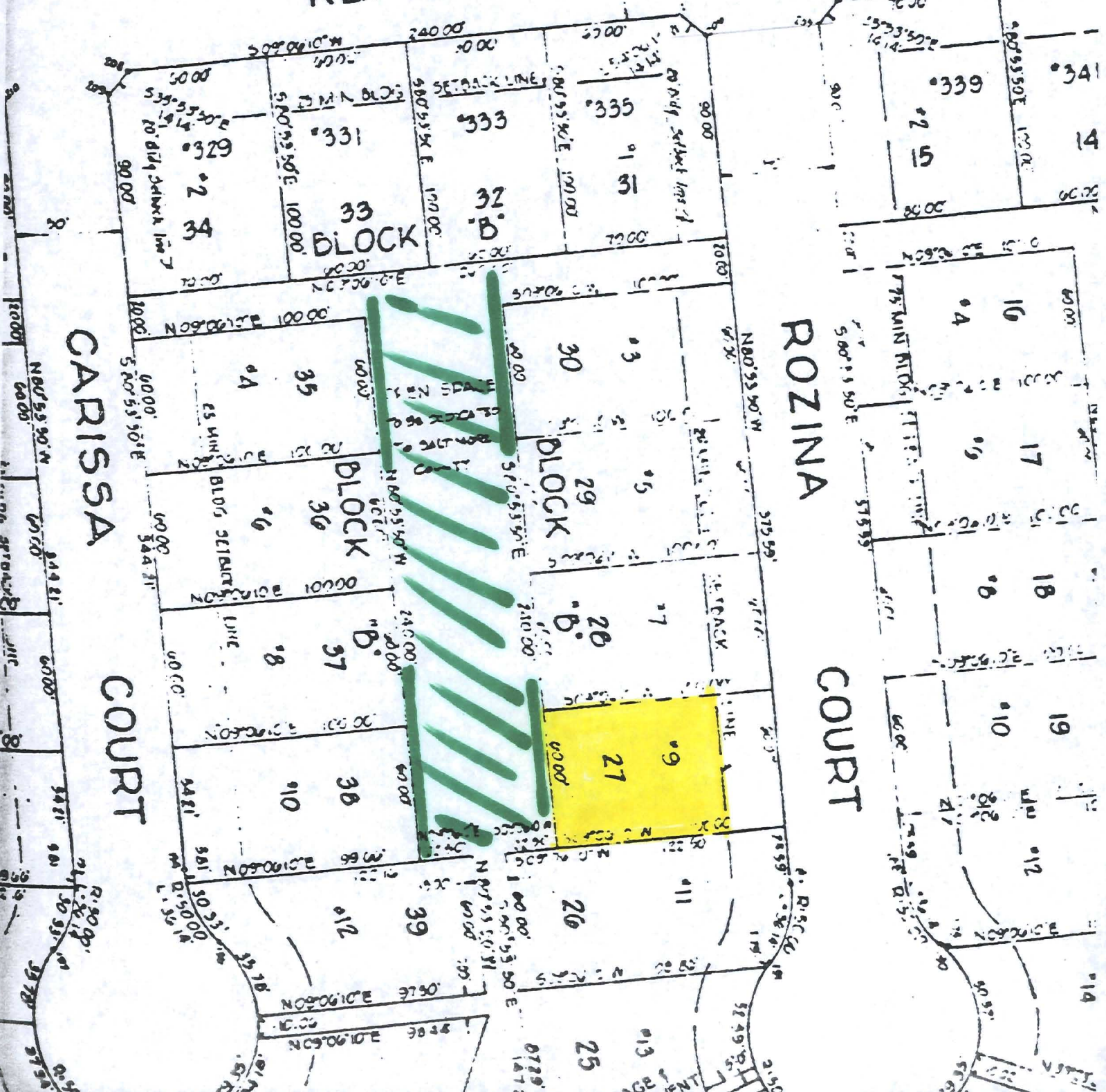
41 ● PETITIONER'S

EXHIBIT NO.

3

KEARNEY

DRIVE



ROZINA

COURT

CARISSA

COURT



PETITIONER' S

EXHIBIT NO. 4 A+B



PETITIONER'S

EXHIBIT NO. 3 C+D

To Whom It May Concern:

I am a resident on Rozina Court and I **do not object** to Mr. Rumsey parking his trailer, in the driveway of his home, at #9 Rozina Court.

MAC Miller
10 Rozina Court, Owens Mills
Courtway Baguendaw

Philly D. O.

Ellen Dei Yonan

Peter Ige

Eric Peele

Igor Kholodenko

Amab. Rube

10 Rozina Court

8 Rozina Court

7 Rozina Court

11 Rozina Court

12 Rozina Court

1 Rozina Court

3 Rozina Court

13 Rozina Court

PETITIONER'S

EXHIBIT NO.

5

TB
1-7-0916 Rozina Ct.
Owings Mills, MD 21117
Dec. 31, 2008

Dear Zoning Commissioner,

I'm writing to object to the variance requested by Thomas Rumsey to permit a recreational vehicle to be parked in the front yard of 9 Rozina Ct. (Case Number 2009-0117).

You should know that our neighborhood has been subjected to this vehicle for approximately 18 months without permission. Mr. Rumsey is well aware that it was not parked legally. When it was first brought to our street, Mr. Rumsey delivered a letter to us stating that it would only be there for thirty days. He clearly wanted to be sure that no one would complain about it. It was parked on the street for that time. It was removed periodically while he traveled but then it was returned to the street where it frequently was parked.

Last fall, Mr. Rumsey decided that he could park it in the parking pad in the front yard of the house across the street from his home. He claimed that he had permission to park it there. This house is two doors from ours. The trailer remained there all winter blocking any view that I had while looking down our court. When the house was sold, Mr. Rumsey attempted to park it next door to our house. My husband asked him to move it as we did not want to it next door to our property. Mr. Rumsey became quite upset and accused us of being "unneighborly."

After that incident, the trailer was moved to Mr. Rumsey's parking pad in front of his house where it remained until someone else in the neighborhood called zoning about it. Mr. Rumsey wrote a nasty letter to us accusing us of calling about it. Obviously someone else in the neighborhood does not approve of it and Mr. Rumsey was forced to remove it.

This vehicle is not a little camper. It is a large trailer that should be parked in a facility for that type of vehicle. The houses on our court have small parking pads where cars can be parked. A recreational vehicle of that nature should not be parked on our street or in our neighborhood.

Fortunately we have rules in place to keep our neighborhood a nice community. Mr. Rumsey believes he does not need to follow the rules. Please put an end to the controversy and do not approve this variance because of the negative impact that it will have on our community. Please call me if you have any questions at 410 356-3302. I am unable to attend the hearing as I am an educator and must be in school that day.

Sincerely,

Paula Albert

Paula Albert

PROTESTANT' S

EXHIBIT NO. 1

NEIGHBOR # 6

This flyer is a backup to the conversation I had with each of you on Tuesday (19th). I appreciate your O.K.!

For about one month, or so, I will be parking a travel trailer in front of my home. Plans are to relocate trailer once space becomes available.

Although each of you wholeheartedly approved, if you now have concerns, please bring these to my attention rather than going to the police. It's the neighborly thing to do!

Once again, thanks for your approval and willingness to get along.

Tom Rumsey #9

* VAN details available if interested. 410-356-5343

PROTESTANT' S

EXHIBIT NO. 2

June 19, 2007 ?
Nov. 07 ?

My name is Jerry Melnyk and I reside at 6 Rozina ct. We are the original owners and have lived at this address for 28 years.

On or about June of 2007 Tom Rumsey advised us by letter that he would be parking a travel trailer RV in front of his house for a month until space became available and asked if we would object. Since it was for a short period of time we didn't see any harm in that and wanted to be neighborly in his request. (except for the few times he traveled with it) The travel trailer sat in front of his house or on his parking pad in front of his house up until two months ago.

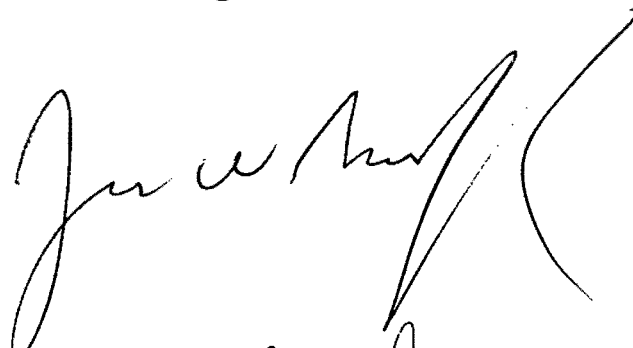
A few weeks ago he came over and asked if we would mind if he kept it parked on his pad. We told him that his original request well over 18 mos. ago was to keep it at his property for just a mos. until space became available. We said that we would not be in favor of it.

Most of the houses on our street have parking pads and not a conventional driveway. The travel trailer in question would be parked on a pad and would extend out into the sidewalk causing a safety hazard and obstruct the use of the sidewalk.

The street is a cul-d-sac and by parking the trailer in front would create an eye-sore and lessen the appeal of the area.

There is a storage facility called EZ storage less than a mile from this street and they have ample parking for travel trailers and according to the Manager have always had space available.

We would respectfully ask that the variance not be granted.



Debra R Melnyk

PROTESTANT' S

EXHIBIT NO. 3



PROTESTANT' S

EXHIBIT NO. 4 A



PROTESTANT' S

EXHIBIT NO. 4B



PROTESTANT' S

EXHIBIT NO. 4C

January 6, 2009

Zoning Commission of Baltimore County

Ann & Thomas Eisenklam
5 Rozina Court
Owings Mills, Md. 21117

Re: Parked Trailer on Rozina Court

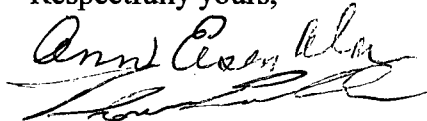
To Whom It May Concern:

We are residents on Rozina Court are not in favor of having the trailer parked in front of 9 Rozina Court.

We consider this trailer an eyesore and more importantly a hazard. It is difficult to see if there is any oncoming traffic from the cul de sac at the end of the street, because the trailer blocks our vision.

It is for these reasons that I would like to see this trailer removed from the street.

Respectfully yours,



Ann Eisenklam
Thomas Eisenklam

PROTESTANT' S

EXHIBIT NO.

5