KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

November 9, 2012

Colbert Matz Rosenfelt Inc.
Attn: Carla Ryon
2835 Smith Avenue, Suite G
Baltimore, MD 21209

Re: Spirit & Intent - case #2010-0149-A; 7700 Rider Hill Road; 9th Election District

Dear Ms. Ryon:

Your recent letter to this office regarding the above referenced property was forwarded to me for reply. Based upon the information provided and my review of the available zoning records, the following has been determined.

The revised site plan dated 10/24/12 is within the Spirit and Intent of the subject case noted above. Since the proposed additions are well within the building envelope, the approved setback variances are moot, but they will remain applicable to the property if needed sometime in the future.

The foregoing is merely an informal opinion; it is not an expert or legal opinion. It is not intended to be relied on as expert or legal advice, and is not legally or factually binding on Baltimore County or any of its officials, agents, or employees. Baltimore County expressly disclaims any and all liability arising out of, or in any way connected with the information provided in this document, or any interpretation thereof.

I trust that the information set forth in this letter is sufficiently detailed and responsive to your request. If you need further information or have any questions, I can be reached at 410-887-3391.

Sincerely,

Bruno Rudaitis
Zoning Review

BR:br

IN RE: **PETITION FOR VARIANCE** W/Side Rider Hill Road, 520' S of C/line of Berwick Road **(7700 Rider Hill Road)**	*	BEFORE THE ZONING COMMISSIONER OF
9th Election District 3rd Council District	*	BALTIMORE COUNTY
Lynn Miller Weiskittel Jaeger Petitioner	*	**Case No. 2010-0149-A**

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owner of the subject property, Lynn M. Weiskittel Jaeger. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a proposed two-story addition and garage in conjunction with an attached breezeway that will require a side yard setback of 5 feet in lieu of the requisite 15 feet and a rear yard setback of 21 feet in lieu of the required 40 feet.[1] The subject property and requested relief are more particularly described on the amended redlined site plan which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Lynn M. Weiskittel Jaeger, Petitioner; her daughter, Sarah Weiskittel, and Bruce E. Doak, with Gerhold, Cross & Etzel, Ltd., the engineering firm that prepared the site plan. Appearing as concerned adjacent property owners were Margo and Tony McClellan and Peggy Squitieri, on behalf of the Ruxton-Riderwood-Lake Roland Improvement Association (RRLRIA).

[1] The Petitioner amended her petition and site plan at the onset of the hearing, without objection, to show a (south side) setback of 5 feet and (rear yard) setback of 21 feet [rather than the 2 feet and 18 feet as originally filed]. Since this deceased the relief that was requested, she was permitted to proceed.

Mr. Doak testified and presented the plan. Testimony and evidence offered revealed that the subject property is an irregularly shaped rectangular parcel, located on the east side of Rider Hill Road that ends at the Petitioner's property in Ruxton. The property is also known as Lot 12 as shown on the Plat of Malvern and contains a gross area of 1.10 acres, more or less, zoned D.R.2. Presently, the site is improved with a two-story cottage-style dwelling built in 1933 featuring a sunroom, detached garage and well-established landscaped gardens. Photographs of the property were submitted and described by Ms. Jaeger. She explained that a 38' wide x 30' deep x 25' high garage/guest accommodation addition is desired and proposed to be located in an area on the southeast side of her dwelling, over top of the footprint of the existing deteriorating garage adjacent to the Mostwin and McClellan properties. Mr. Doak and Ms. Jaeger described the site constraints associated with this property, including the backwards orientation of the house on the lot – that when built in 1933 – was anticipated to front on a "30-foot avenue" as illustrated on the 1911 Plat of Malvern submitted as Petitioner's Exhibit 5. That "30-foot avenue", however, was never built. In sum, Ms. Jaeger opined that the proposed location for the addition was the most appropriate and that the relief should be granted to allow a reduced setback (which has in essence has been occupied by the current garage for more than 77 years) in order to proceed. Ms. Jaeger had her architect, Frank Lucas, prepare architectural drawings and has discussed the improvements with her neighbors. *See* Petitioner's Exhibit 8. The addition as contemplated will add two (2) rooms, a bath and storage/office space over a three-car garage so that family members who come for weekend visits and holidays can gather comfortably. As more particularly shown on the elevations (Petitioner's Exhibits 7A and 13), the dormer and window treatment design would tend to visually reduce the size of the structure and soften its effect or appearance from the neighbors' perspective. Ms. Jaeger indicated that it would be very

difficult, from a functional standpoint, to construct the addition to other parts of the house, i.e., the topography slopes east to west, the shape of the lot forms a triangle at the southwest corner, the home's location at the end of the road complicated by its backwards orientation on the lot, etc. Mr. Doak opined that all these factors render 7700 Rider Hill Road unique, unusual and different from the surrounding properties. In support of this conclusion, I have had the benefit of a well-done and exhaustive Brief submitted by Ms. Jaeger as Petitioner's Exhibit 11.

Testimony was received from Margo McClelland. She and her husband have owned the adjacent 1.24-acre at 1204 Malvern Avenue since 1994. They constructed their home in 1996 and emphasized that she and her husband desire privacy and purchased the lot with mature trees to provide additional means of privacy. She stated if the variance request was granted, and the proposed structure built at a height of 25 feet, it would be easily visible by them when using their property. She testified they oriented their home where they did in reliance of existing neighboring structure locations and if a 25-foot high garage would have been on the Jaeger property, they would have positioned their home differently. Additionally, it is not the type of structure that additional screening and landscaping could hide. They relied on the zoning laws and regulations and the pattern of development as assurances that the character of the locale would be maintained thereby protecting their investment. The McClelland's felt that the variance, if granted, would benefit one owner to the detriment of others and submitted a letter of opposition from Jacek Mostwin, who has Power of Attorney for adjacent property owners, Danuta and Stanislaw Mostwin, as well as a letter from their realtor indicating the proposed addition at a height of 25 feet would diminish the market value of their (McClelland's) home. *See* Protestants Exhibits 1 and 2.

As stated at the conclusion of the hearing, this is a difficult case. From a practical standpoint, I am appreciative of Ms. Jaeger's desire to expand her home to accommodate family members who live out of state (New York, Pennsylvania, and Oregon). It was indicated that her house was a three (3) bedroom home and that additional space is needed. On the other hand, Mr. and Mrs. McClelland have expended sufficient sums to safeguard their privacy and assure a significant buffer around their home. The undersigned advised all parties that the record of the case would be held open for a period of two (2) weeks, to allow for further negotiations and hopefully a compromised agreement. Subsequently, by copy of an e-mail, dated December 30, 2009, Ms. Jaeger advised the undersigned that no "final" agreement had been reached and the garage location in the opinion of her architect, Frank Lucas, should remain as positioned on the amended site plan.

In considering the variance request, I am mindful of the requirements of Section 307 of the B.C.Z.R., as construed by *Cromwell v. Ward* 102 Md. App. 691 (1995) which is the leading appellate case considering the variance statute in Baltimore County. I am not persuaded that the Petitioner has met her burden. Moreover, I am not persuaded by the testimony presented by the Petitioner that the location for the proposed addition is the only functionally appropriate site. In my judgment, there are other options available for locating the proposed garage and guestrooms. All parties discussed the mature evergreen trees along the property boundaries that buffer views. Moving the structure further north and away from the southeast corner reduces its visualization from the neighbors most impacted. This conclusion can be of no comfort to Ms. Jaeger who has expended great time, effort and expense in attempting to use her property for what she believes to be a reasonable and significant use. In her Brief (Petitioner's Exhibit 11), Ms. Jaeger reasons why the land's configuration and location of existing improvements satisfies the legal test of

uniqueness to support the granting of an area variance as required by *Cromwell*. It is the position of this Commission, however, that a property owner is bound by the actions of his or her predecessor in title. *See, Salisbury Board of Zoning Appeals v. Bounds*, 240 Md. 547 (1965) which states at Page 554:

> "The restrictions of the ordinance, taken in conjunction with the unique circumstances affecting the property must be the proximate cause of the hardship. If the peculiar circumstances which render the property incapable of being used in accordance with the restrictions contained in the ordinance have been themselves caused or created by the property owner or his predecessor in title, the essential basis of a variance, i.e., that the hardship be caused *solely* through the manor of operation of the ordinance upon the particular property, is lacking. In such case, a variance will not be granted; the hardship, arising as a result of the act of the owner or his predecessor will be regarded as having been self-created, barring relief".

Although I understand and appreciate the testimony offered by the Petitioner about the benefits of economically locating the needed living space at the proposed location versus expenditures of large sums of money to place it elsewhere, I am not persuaded by the argument.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of January 2010, that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a proposed two-story addition and garage and an attached breezeway with a side yard setback of 5 feet in lieu of the required 15 feet and a rear yard setback of 21 feet in lieu of the required 40 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and

IT IS FURTHER ORDERED, that upon Petitioner submitting a Motion for Reconsideration showing a two-story addition/garage with an attached breezeway and changing

the side yard setback to 10 feet and the rear yard setback to 24 feet in lieu of the required 15 feet and 40 feet, respectively, I will approve the variances. I will, however, require Petitioner to submit building elevation drawings to the Office of Planning and a grading plan to the Department of Environmental Protection and Resource Management (DEPRM) for their review and approvals.

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

WILLIAM J. WISEMAN, III
Zoning Commissioner
of Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING
Date 1-19-10
By DJ

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 19, 2010

Lynn M. Weiskittel Jaeger
7700 Rider Hill Road
Baltimore, Maryland 21204

RE: **PETITION FOR VARIANCE**
W/Side Rider Hill Road, 520' S of C/line of Berwick Road
(7700 Rider Hill Road)
9th Election District - 3rd Council District
Lynn Miller Weiskittel Jaeger - Petitioner
Case No. 2010-0149-A

Dear Ms. Jaeger:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 East Towsontown Boulevard, Towson, MD 21286
Sarah Weiskittel, P.O. Box 532, Chase, MD 21027
Margo and Tony McClellan, 1204 Malvern Avenue, Baltimore, MD 21204
Peggy Squitieri, Ruxton-Riderwood-Lake Roland Improvement Association (RRLRIA), P.O. Box 204, Riderwood, MD 21139
People's Counsel; Office of Planning; DEPRM; File

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
	*	
7700 RIDER HILL ROAD	*	ZONING
	*	
9th Election District	*	COMMISSIONER
2nd Council District	*	
	*	OF
	*	
	*	BALTIMORE COUNTY
Lynn Miller Weiskittel Jaeger,	*	
Petitioner	*	Case No. 2010-149 A

The Baltimore County Zoning Regulations (BCZR) for DR2 properties require side line set offs of 15' and front and rear set offs of 40' These 15' side set off restrictions allow homes in DR-2 zoning to be no closer than 30 feet.[1] The closest house to the proposed building site is more than 100 feet away—more the three times the distance that the BCZR requires between homes.[2]

STATEMENT OF LAW

The elements of the established "legal tests" that Petitioner must meet to support granting the area variance she seeks is as follows[3]:

STEP ONE:

(a) 7700 Rider Hill Road IS UNIQUE, UNUSUAL, AND DIFFERENT FROM THE SURROUNDING PROPERTIES, SUCH THAT

(b) THE UNIQUENESS CAUSES THE AREA SET BACK ZONING PROVISIONS TO IMPACT MORE ON THE SUBJECT PROPERTY THAN ON SURROUNDING PROPERTIES.

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[1] The regulations require a combined side set off of 40 feet, with a minimum of 15 feet on either side. If 2 homes abut and their 15 foot set off sides abut, there is 30 feet between the houses. No variance would be required and both properties comply with the side set off provisions if they each have at least 25 foot set offs on their other side lines, for a combined side yard set offs of 40 feet

[2] The lots in this area are large and wooded, so neither visual nor actual crowding is an issue. There has been no allegation that this proposed addition would diminish light or air flow to any adjacent homeowner.

[3] All language in ALL CAPITOL PRINT is from or paraphrased from Anderson v. Board of Appeals, 22 Md. App. 28, Cromwell v. Ward, 102 Md. App. 691 (1995), or Baltimore County's Zoning Review, Hearing Checklist.

STEP TWO:

STRICT COMPLIANCE WITH THE RELEVANT ZONING "AREA" PROVISIONS WOULD RESULT IN "PRACTICAL DIFFICULTY." To prove "practical difficulty", Petitioner must show that the facts of this case meet these THREE CRITERIA:

(i) STRICT CONFORMANCE WITH THE AREA SET OFF ORDINANCES UNDER THE FACTS OF THIS CASE RENDERS CONFORMANCE UNNECESSARILY BURDENSOME;

(ii) NO LESSER RELAXATION OF THE AREA SET OFF ORDINANCES THAN THAT PETITIONED FOR WILL GIVE SUBSTANTIAL RELIEF; and

(iii) THE REQUESTED VARIANCE OBSERVES THE SPIRIT OF THE ORDINANCES, AND PUBLIC SAFETY WILL BE SECURED IF GRANTED.

Petitioner must also show that the requested variance IS IN STRICT HARMONY WITH THE SPIRIT AND INTENT OF THE AREA REGULATIONS, THAT RELIEF CAN BE GRANTED WITHOUT SUBSTANTIAL INJURY TO THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE.

STATEMENT OF CASE

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance from the area off set provisions of the BCZR to allow a garage addition to be built 5 feet from the side property line in lieu of the standard 15 feet. Petitioner seeks to build a garage/guest accommodation addition in the area including the "footprint" of her existing garage. The subject property, 7700 Rider Hill Road (hereinafter "7700"), and the requested relief are more particularly described on the amended site plan.[4]

Petitioner originally filed a variance petition for 2 feet in lieu of the 15 foot standard. Petitioner changed her request to 5 feet in lieu of 15 feet.[5]

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[4] All filings, fees, and sign postings were executed pursuant to the Baltimore County Code and BCZR. Petitioner provided floor area calculations, a revised Site Plan, architectural elevations, photographs; a section drawing and panoramic photograph is filed today. The section photo and drawing show the elevations and height of the nearest house, the elevation and height of the proposed addition, and the distance between the structures.

[5] The Planner established a variance issue of 18' in lieu of the 40' rear set off, defining the rear line as including not only Rider Hill Road, but also the angled line shared with 7701 Rider Hill. Petitioner contends the rear line is comprised only of the line that runs north to south on Rider Hill Road. (*I.e.,* The rear line ends where Rider Hill Road "dead ends.") 7700 has 5 distinct boundary lines. The Commissioner has discretion in determining which are 'side' and which are 'rear' lines. Regardless

Petitioner filed 10 letters in support of the Variance:

- Every homeowner on Rider Hill Road supports the variance and would welcome the proposed addition as an improvement to the neighborhood.
- Every one of the 4 homeowners whose home is within 200 feet of the subject area and with whom Petitioner shares a boundary line has written the Zoning Commissioner of their support for the variance.

Petitioner filed an Affidavit In Support of the Variance given by a real estate broker and expert who

- has been and continues to be actively engaged in the sales, marketing, and development of properties in the Ruxton area for 45 years;
- sold 2 properties adjacent to 7700 Rider Hill Road;
- sold 12 homes that are within one block of Rider Hill Road;
- avers that the properties adjacent to 7700 Rider Hill are large, and they are well screened by vegetation that includes tall trees, lower shrubs, and in some cases, privacy fencing; and that
- in the real estate expert's professional opinion, the variance sought by Petitioner will not be a detriment to any properties in the area.[6]

STATEMENT OF FACTS[7]

I. Reasons for an Addition

7700 is a 3500 square foot, 3 bedroom house on 1.1 acres off a quiet dead end road in Ruxton. Petitioner found 7700's size adequate when rearing her 2 children there during the 1970's and'80's. The children have now married and had children, and Petitioner has remarried a man with 3 adult children who also are married and have children. Petitioner's family has grown from 3 to a family of 15—and growing. Petitioner's husband's children and grandchildren all live out of state (New York, Pennsylvania, and Oregon). Her son's young family of 4 do not live nearby, and they often stay overnight with us here. Petitioner wants to add 2 bedrooms, a bath, and storage/office space to house so the family can gather more comfortably when our blended and extended family comes for weekends, holidays, and other visits. Petitioner would also enjoy improved guest facilities for her family of origin, who live in Texas, and friends from Florida.

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whether that angled line is a side or a rear line, the property owners at 7701 with whom that line is shared have written the Commissioner of their support of the variance.

[6] Mr. Barroll is unable to attend the hearing due to illness in his family.

[7] Any facts stated herein that are not in the Petition for Variance, in subsequent filings under this Case Number, or in public records, are attested to by Petitioner in the Affidavit submitted with this document.

A 5 bedroom house on a 1.1 acre parcel would be consistent with the area.[8]

II. The Proposed Addition

Renowned architect Frank Lucas, AIA, designed the proposed 3 car garage with living and storage space above. The plan is for 2 bedrooms, a bathroom, and a living/office area.[9]

III. The Proposed Site

The proposed site for the garage guest facility addition includes and expands upon the "footprint" of the existing garage.[10] Placement for an addition is limited by several factors. As explained in excruciating detail below, the garage addition cannot be placed in the West yard (septic system and steep hill); nor North of the house (a 1950's addition was built on the north side of the original house, so that side boundary is already close); nor attached to the South side of the house (it would block all windows in several important rooms (the dining room, sun room, sitting room, 2 bedrooms and a bathroom). It cannot be attached to the East side of the house because it would block important windows in the kitchen, the home office, and a bathroom, and would be aesthetically disastrous.

The limitations for placement of the addition are due to circumstances peculiar to the land or the structure that was built there long before Petitioner owned it. The practical difficulty that these features, (topography, shape of the lot, the backwards orientation of the house), present are not the result of any action taken by the Petitioner.

There is no site within the BCZR set off limitations that would not cause practical difficulty to the extent that the project would not be possible. No lesser relaxation of the area set off ordinances than that Petitioned for will give substantial relief. The site proposed is the site most in harmony with the spirit of the regulations and the spirit of the neighborhood.

IV. THREE UNIQUE FEATURES

Three Unique of 7700 meet the legal test for granting a variance:

A. The backwards orientation of the house,
B. the topography, and
C. the shape of the lot.

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[8] See Zoning office aerial photo outlining houses and lots in the vicinity of 7700, attached.

[9] See Lucas resume and partial portfolio, attached.

[10] The existing garage is set off the south side boundary line 1' 7" . Petitioner proposes a 5' set off from the same boundary line. See Site Plan.

Each of these three features is unique and causes the area set off regulation to impact differently on 7700 than on surrounding properties such that strict enforcement of the ordinance would be substantially unjust.

A. 7700 WAS BUILT BACKWARDS ON THE LOT.

1. 7700 is Unique because it is "backwards" on the lot.

The house was built in 1933 to front on its western boundary onto a "30 foot Avenue" that was anticipated on County planning maps and surveys as early as 1911. (See Milton Green's 1911 survey, "Plat of Malvern, Rider Estate.")[11] That "Avenue" was planned to connect Malvern Avenue and Berwick, but it was never constructed. Nearly 100 years later, that 30 foot "Avenue-That-Was-Never-Built" (hereinafter "Avenue") is still referenced in the Deed to 7700 in the legal description of 7700's entire western boundary.[12]

Baltimore County's decision not to build the Avenue that was on its planning map for decades was UNQUELY detrimental to 7700. Because the house was built in anticipation of the Avenue, it is now "backwards" on the lot. The only access the house has to any road is to Rider Hill Road, which is the eastern, "rear" boundary of the lot. Ingress and egress to 7700 are exclusively over the eastern or "rear" boundary. I.e., "Backwards."

The original "front" door faces west and opens into an entry hall that is immediately off the living room. But, because access is exclusively off Rider Hill Road, this "front" door is seldom used. The door used almost exclusively for 76 years to enter and exit the home is the kitchen door, which opens onto the "rear" yard and faces the eastern boundary. It's "Backwards."

Because the "30 foot Avenue" connecting Berwick and Malvern was never built, what was to be the "front" yard on the west has essentially served as a back yard, and the yard on the rear, east side of the house has functioned as a front, entry yard. "Backwards."

In the 1950's, a former 7700 owner added a den and master bedroom and bath to the north side of the original house and created a new entry on the east side, facing Rider Hill Road. No doubt those owners hoped that this new door would serve as the "front" door that at least guests would use. That goal was not achieved, because the kitchen door is still used almost exclusively. Still "backwards."

Petitioner, who has owned 7700 for 38 years, made design changes to the 'new' 1950's door. She replaced the large single door with 2 large double

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[11] See small section of Milton Green's 1911 Survey, attached, and Plat Book No. 4, folio 2, Land Records of Baltimore County, attached.

[12] See Deed description filed with Petition from Liber 7724, page 181, attached.

doors with beveled glass panels in an attempt to make it look more important. She created a bigger entry hall and moved the stairway to that "new" 1950's entry area, hoping it would serve as the main entry to the house. She had landscape designers redesign the landscape and the walkway to the 1950's door, hoping to make it look more inviting, more important, more like a front entry, a main entry.

All these efforts failed, as almost everyone still comes in the kitchen door. In the 38 years Petitioner has lived at 7700, no one, not a single person, has ever entered the house through the true, original front door, the door that faces the west boundary, the door that faces "The Avenue that Never Was." And, very, very few have entered through the 1950's East main entry.

Petitioner has made many efforts during her long residency to "dress up" the East yard and entry to her house. She has hired more than one landscape designer to improve the view one sees when entering the property from the Rider Hill "alley" and to make the east side of 7700 look like a proper front entry and front yard.

All these efforts notwithstanding, when expecting guests at night, even though Petitioner turns off the light at the kitchen door and lights up the landscape and door lights at the 1950's addition entry, guests still stumble into the old kitchen door. Petitioner has done everything but put up Police Tape to keep guests away from that kitchen door when entertaining, but it seldom works.

This proposed addition is yet one more effort to make this rear side of 7700 look like a front side, a prettier side than a kitchen entry. The proposed garage addition would completely eliminate the kitchen door that faces Rider Hill Road, and hopefully, finally create a true main entrance other than into the kitchen. The proposed plan would also eliminate a detached garage that is perceived to be a "garage in front of the house," which is prohibited by the BCZR. This would be more consistent with the aesthetics that the BCZR strive for and more consistent with and pleasing to the neighborhood.

2. 7700'S BACKWARDS ORIENTATION IS UNIQUE AND DIFFERENT THAN THE SURROUNDING HOUSES.

This "backwards" house is unique. The surrounding homes at 7701, 7703, 7704, and 7709 Rider Hill are not "backwards" on the lot. Even though 7704 was built only two years after 7700 and also abuts the old right of way for the "Avenue", it was not built backwards: 7704's front door, entry hall, living and dining rooms face Rider Hill Road. 7700 is "unique, unusual, and different from the surrounding properties" in the following ways:

- None of the other Rider Hill houses were built backwards on the lot.
- None of these other homes were built to face a road that was never constructed.
- Because none are built backwards, none have a back yard that serves as a front yard, nor a front yard that serves as a back yard.
- Because none of these homes were built backwards, none have the garage "in front" of the house.
- Because none of these houses have a garage in front of the house, none have their front yards dominated by an asphalt driveway that crosses over and consumes essentially all of the area beyond the zoning set back ordinances.[13]
- None of these lots have a hill so steep that half the lot is essentially unbuildable.

The surrounding properties do not have this backwards orientation and the resultant detrimental features. 7700 would not likely have these detriments IF the County had built the 30' Avenue that was on the planning maps for decades. If that Avenue had been built, there would be many more options for the garage/guest accommodation addition.

3. THE "BACKWARDS HOUSE" UNIQUENESS CAUSES THE ZONING PROVISION TO IMPACT MORE ON THE SUBJECT PROPERTY THAN ON SUROUNDING PROPERTIES AND CREATES PRACTICAL DIFFICULTY BY LIMITING THE PLACEMENT OF THE PROPOSED GARAGE/GUEST ADDITION.

Of the hardships caused by the backwards orientation, the most relevant to the set off regulations may be the necessary placement of the garage and driveway in the East yard. Because the "30 foot Avenue" was never built, automobile access is limited to the East boundary, and the driveway necessarily takes up most of the area that is within the standard set backs on this East side of the lot. The driveway starts at Rider Hill Road on the northeast corner, goes West to bring guests to the "new" 1950's front door, then south past the kitchen door to the garage.

One assumes the primary reason that the zoning code precludes garages in front of a house is AESTHETICS. Having the garage behind the house is aesthetically correct, in normal circumstances. Garages placed in front of houses usually detract from the beauty of the house.[14] Aesthetically, the 7700 garage is as well placed as a garage in front of a house can be. It is on the most unobtrusive possible location of the east yard, at the lowest grade, shielded by woods and landscaping. It is at the greatest distance possible from Rider Hill Road, where it is least likely to be noticed by foot or

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[13] See topographical aerial photo, attached.

[14] See photos of 1323 and 1319 Berwick, attached.

vehicular traffic on Rider Hill Road.[15] Dense planting, large trees and intermediate height landscape shrubbery screen it from view on Rider Hill, as well as from view by homes on Malvern.[16]

If the proposed garage addition were placed in the East yard in strict compliance with the zoning code, it would be adjacent to the house, directly east of the kitchen. Such placement might have worked IF THE COUNTY HAD BUILT THE 30' AVENUE ON THE WESTERN BOUNDARY and Rider Hill Road were the back entrance. But, the County did not build the Avenue, and the little Rider Hill "alley" is the only vehicular access to "7700." Therefore, Petitioner and all previous owners have had to attempt to make the true rear yard serve as the "front" yard, pretty it up because it is the view all neighbors and passersby see.

The 7700 garage was built in 1933 in what would have been the "back" yard, as the BCZR states garages should be. The garage was built near the kitchen entrance, as architects state garages should to be.[17]

The garage has been in this location for 76 years. It was the "proper" location in 1933, near the kitchen and "behind" the house. This location remains the best location, both functionally and aesthetically, for the currently proposed garage addition.

Neighborhoods simply look nicer if the view from the street is the grandest, prettiest part of the house—the formal, front entry to the home. Aesthetics demand that the "front" should be the most attractive side, the "formal" entrance to the property, the "curb appeal" side. Placing the proposed garage addition squarely in front of the house in the strict compliance with the set off provisions would destroy 60 years of efforts to make a silk purse out of this "backwards" sow's ear.

This placement of the existing garage, about 2' off the south boundary, would also be the proper aesthetic placement for the proposed garage addition. It would be on the lowest grade, well screened by plant material, far away from Rider Hill Road's dead end—the most unobtrusive placement. If the proposed addition were placed in the same area the garage has been for 76 years, it would not dominate or overwhelm the main house. The closer it is to the south boundary line, the farther away it is from Rider Hill Road's dead end and the more unobtrusive it is. Such placement

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[15] 7700's garage is about 65' to the southwest away from any possible traffic on Rider Hill Road, about 55' west and 47' south of the "dead" end of Rider Hill Road, See Site Plan filed with Petition.

[16] The homeowner at 1204 Malvern has stated to Petitioner repeatedly on December 4 and on December 9, 2009, that she and her husband cannot see Petitioner's existing garage. And, see photographs of view towards the 7700 garage taken from 1204, attached.

[17] I have consulted 3 architects, all 3 of whom said the garage must be near the kitchen.

would contribute to the ongoing aesthetic effort to make the Rider Hill Road side of the house look more like a true "front" entrance. The proposed addition would, in this placement, ameliorate what *appears* to be a BCZR violation: a detached accessory building (garage) in the front yard. "Correcting" this by building the handsome addition would be more aesthetically pleasing to the Rider Hill neighborhood.

Examples of non-conforming garages in front of the houses are 1323[18] and1319 Berwick. Both have front garages that are very close to Berwick Road and in prominent view of all passersby. 1319 was built in 1913 then razed and completely rebuilt in 1994. Thus, in 1994, the Department of Planning and Permits apparently permitted the owners of 1319 to build the *new, detached, 3 car garage in front of the house,* very near Berwick Road. In 2003, the Commissioner granted a variance for a non-conforming garage placement at 2004 Ruxton Road, probably because the garage was located far from the house and in an aesthetically pleasing location. (See Case No. 03-432-A)

These several examples of non-conforming garage placements directly in the proverbial "back yard" of 7700 Rider Hill Road, it hardly seems fair to require 7700 to maintain strict adherence to similar provisions of the Code.[19] This is even more true because the variance that the Petitioner seeks for 7700 would result in a much less obvious non-conforming area and a much less egregious violation of the aesthetic standard.

Requiring this proposed garage addition to 7700 Rider Hill to be built within the standard zoning setoffs would place it squarely in front of what serves as the only possible entrance side of this house and lot. The garage and garage doors would be smack in front of the existing main entrance of the house, destroying 38 years of landscaping, major trees, and efforts to make the side of the house that faces the street attractive. If placed within the standard set offs, the garage structure would be the only part of the house visible from Rider Hill Road. All anyone passing by on foot or by car or bicycle would see would be the proposed garage addition. Strict compliance with the offset ordinances would place the proposed garage addition in an area that might make sense IF the County had built the proposed County Avenue on the west boundary, and the west yard could function as a front yard. But, such is not the case.

The County's failure to build the Avenue resulted in the house being built backwards on the lot which caused the garage and driveway to be on the east side of the lot which precludes the proposed garage addition being built within the standard zoning setback area. This unique situation was not

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[18] If 1323 is attached to the house, then it is also non-conforming because it is not set off 40' from the front of the property. It is about 20' off Berwick. See photo.
[19] The Commissioner treats similarly situated homeowners similarly. See, Fourteenth Amendment, Constitution of the United States.

created through any fault of the Petitioner. Strict adherence to the regulations creates practical hardship on Petitioner that is not merely a personal one, but rather is a problem inherent in the property itself. It seems equitable that the County would relax its zoning ordinances somewhat for this property that is uniquely disadvantaged by the County's decision not to build the anticipated road.

B. TOPOGRAPHY

1. 7700'S TOPOGRAPHY IS UNIQUE.

7700's topography is unique and different from the surrounding properties. The East boundary is at 356 feet elevation, the West, at 314 feet, a total decline of 42 feet. (See topographical information on the Site Plan.) None of the other Rider Hill homes has topography so unique that over half the lot consists of an unbuildable, steep hill; and none is the repository for the water that runs off the "hill" of Rider "Hill."

2. 7700'S UNIQUE TOPOGRAPHY CAUSES THE SET OFF REGULATIONS TO IMPACT DIFFERENTLY ON 7700 THAN ON SURROUNDING PROPERTIES SUCH THAT STRICT APPLICATION OF THE REGULATIONS WOULD RESULT IN PRACTICAL HARDSHIP.

The West half of the 1.1 acre lot is a steep hill that drops off from 346 feet at the house to 314 feet at the West boundary line, a 32 foot decline. This half of the lot is essentially "unbuildable" in any practical sense, as it comprises the septic system, and the steep hill. None of the surrounding properties on Rider Hill have such a step hill that half their property is unbuildable. 7705, 7707, and 7709 all have access to public sewage, unlike 7700, and therefore those houses do not have any of their lots taken over by septic systems.

The East yard drops from 356' to 340' at the garage, a 16 foot decline that can cause severe runoff problems in the East yard. The top of Rider Hill—the hill for which our road is named--is directly across the street from me at 7703 Rider Hill ("the Top"). 7700 is downhill from the Top and is the main repository for the water that runs southwesterly off the hill.[20]

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[20] The water does not run toward 7704 Rider Hill, my neighbor to the north, because the slope from the Top is both south and westerly, and 7704 is north and west from the Top. The water does not run toward 7701 Rider Hill, my neighbor to the southeast, because Rider Hill slopes south westerly, right toward the top of my driveway, whereas 7701 is almost due south of the Top.. It does not run toward the homes at 7707 and 7705 Rider Hill, which are to the east and northeast of the Top because those lots are relatively even with the Top and only drop off east of their east boundaries. 7709 is north of the Top and is at essentially the same elevation as the top of Rider Hill. The elevation of the Top is maintained going North on Rider Hill until it reaches and goes beyond Berwick.

The driveway off Rider Hill begins at the highest point on the lot and provides a "chute" for the water, towards the house and the garage. A berm across the east boundary at the highest point, where the water begins to enter 7700, would be a logical way to divert the water. But, a significant berm cannot be built there because of the driveway. The drain in front of the garage has not worked in decades.

The existing garage seems oddly far from the house. One reason it was built there may well have been to allow water runoff to go into the open area between the house and garage. If the proposed addition were built 15' from the south line rather than on the old garage site, 2' off the line, the new structure would be exactly in this run off path, blocking the open space between the house and garage, forcing the runoff northward, directly into the main house. If the addition were built 15' from the south line, it would be squarely in the driveway that has been established on this property for 76 years. That part of the driveway would, therefore, have to be relocated northward, into the established garden area that is within the circle of the driveway. The further north the addition is placed, the more significant re-grading would be required, destroying important, established planting. (See topographical map.)

This garden area and the lawn are perhaps the most important features on the property for controlling the runoff, as it is a significant expanse of natural surface that can absorb the water. These natural surfaces are the "first line of defense" against the runoff. If the addition is moved northward, more in compliance with the set off regulation, it overtakes the existing driveway surface, and the impervious surfaces of the addition and the drive will then necessarily be extended northward. The more the addition is pushed northward, the more the driveway must be relocated northward as well. As the impervious surfaces encroach on the garden and lawn area, these important areas of natural absorbsion are proportionately diminished.

The corollary is, the further the addition is placed toward the South boundary, on the "footprint" of the old garage, the more area of "green," natural surface, can remain within the circle to absorb runoff, as well as preserving the opening between the house and garage to continue the path into the absorbtion area of the south garden area.

In architect Frank Lucas' design, the garage doors have been reoriented from the North that opens directly into the runoff path, 90 degrees to the East, out of the runoff path. In his site plan, due to the reorientation of the garage doors, the hard surface of the driveway is moved eastward, creating new, larger water absorbing "green" areas immediately adjacent to the house and north side of the garage. These new green areas replace a large expanse of existing asphalt that is directly in the runoff path.

The green areas would buffer the house and the garage addition by absorbing water runoff where we now have only hard surface.[21]

The above facts show that the topography of 7700 and the water runoff path it creates are *unique and different from the surrounding properties* such that the 15' *set back provision impacts negatively, uniquely, and more on 7700 than on surrounding properties.* The further the addition can be built into the 15' set off area, on the "footprint" of the old garage, the more it is away from the water runoff path. The further it can be built into the set off area, the more green, absorbant surface is left directly in the runoff path. The difficulties the topography creates for building on 7700 are *not the result of Petitioner's actions*, are inherent in the land, *are peculiar to and in contrast with other properties* in the zoning district, and make *creating the proposed addition without the requested variance unduly hard.*

Even is placement of the addition were allowed on the "footprint" of the old garage, Petitioner will face tremendous expense to control the water runoff caused by the unique topography of the lot.[22] 7700's unique topography creates even greater additional financial expenditures if the regulations are strictly enforced. Environmental and aesthetic issues also arise. Strict compliance with the Code offset provisions would require extensive re-grading that would disturb the environment; destroy important, well-established landscape; decrease natural surface area in the run off path, and produce an aesthetically diminished or unacceptable result. Environmental, aesthetic, and practical considerations all weigh heavily in favor of granting the variance based on unique topography.

C. SHAPE OF THE LOT

1. The shape of the 7700 lot is unique and different from the surrounding lots.[23]

Unique lot shape is often asserted as the basis to justify a variance. The set off ordinances often will impact more and disadvantageously on an oddly shaped lot. The set off ordinances work neatly in a "city" neighborhood, where almost every lot is a near perfect square or rectangle. Lots with four sides and four 90 degree angles on each of the four corners is what planners design, when possible, for a host of very good reasons. When set off provisions are applied to such uniform lots, uniform application of the ordinances result in fair, uniform treatment of property owners.

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[21] See Architect's site plan with green/impervious surfaces exchange statistics, which can result in a net decrease of impervious surfaces of 2550 square feet, attached.

[22] Three trench drains will likely be required: at the top of the driveway and on the North and East sides of the addition. If the addition is place closer to the main house, the long established runoff path is changed and additional measures must be undertaken to control the increased runoff problems.

[23] See aerial GIS information from the Planning office, attached.

7700 has a unique lot shape, as are many lots in the old Ruxton area do. It has five boundary lines, and only one corner is roughly a 90 degree angle (the northwest corner). But, the legal test is not uniqueness alone; it is uniqueness as compared to the surrounding properties. 7701, 7703, and 7704, 7705, and 7707 Rider Hill Road are all much more rectangular than 7700. Each of these surrounding properties has a very important feature that 7700 does not have. The front property lines on these surrounding lots that abut Rider Hill, has a roughly straight boundary line with 2 almost 90 degree angles on the line that abuts Rider Hill Road—the access side, the "front" side. In contrast, 7700's boundary line that abuts Rider Hill starts at the northeast corner, goes southeasterly for 70 feet and then turns southwest at an angle of 34 degrees 58 minutes.

This oddly shaped East area that abuts Rider Hill, cuts off a triangle in what should have been the southeast "corner" of the 7700 lot, had it been roughly rectangular shaped.[24]

2. The unique shape causes the set off regulations to impact differently on 7700 than on the surrounding properties and strict compliance with the regulations would cause practical difficulty.

If 7700 had that "missing" triangle, it would be roughly a rectangle, and the set off ordinances would apply to 7700 in more as they do on surrounding properties. Application of the set off ordinances would then be more uniform and fair. The "missing" triangle contains the area that would be within the 40' set off from the rear line that the Planning office established as a variance issue. If 7700 had that missing triangle and were roughly a rectangle as the surrounding properties that abut Rider Hill are, then there would be no issue concerning the 40' set off ordinance.[25]

It would be substantially unjust to Petitioner to require strict compliance with the 40' set back feature based on the disadvantageous, unique shape of the 7700 lot. The 40' issue variance should either not have been established, or, in the alternative, the variance should be granted based on the unique shape of the 7700 lot.

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[24] See attached aerial view with GIS cadastral overlay, attached.

[25] The Planner established a variance request of 18' in lieu of 40' on the *rear* line, defining the rear boundary as including not only Rider Hill Road, but also the angled line that runs from the south end of Rider Hill Road 112.29' south-west—the line 7700 shares with the Grandy property. Petitioner contends that this angled line shared with Grandy is a *side* boundary line and that the *rear* line is comprised only of the 70' line that runs north to south on Rider Hill Road. *I. e.,* The *rear* line ends where Rider Hill "dead ends." 7700 has 5 distinct boundary lines, and the Commissioner has discretion in determining which are 'side' and which are 'rear' or 'front' lines.

V. SPIRIT OF THE SET OFF REGULATIONS

A 5 foot variance is in strict harmony with the spirit and intent of the regulations and relief can be granted without substantial injury to the public health, safety, and general welfare.

The spirit of the set off ordinances is to generally ensure that neighbors are not unduly crowded by structures on adjoining properties, hopefully reducing friction that might otherwise arise between neighbors. These "spacing" ordinances prevent structures being built so close together that they might block a neighbor's light or air, or create a threat to health, safety or the general welfare. The spirit of the ordinances is also to assure that there is some rough uniformity in the way a neighborhood looks for aesthetic considerations.

The BCZR has determined that, in DR2 zoning, 30 feet between houses is adequate spacing to prevent overcrowding that might cause friction between neighbors or impinge upon light and air. The proposed addition, even if it were placed ON the south boundary line as close as possible to the nearest house would not impinge on any property either visually or physically—it is more than 100 feet away.[26] No one has asserted any impingement on light or air, or any imaginable threat to public health, safety or general welfare.

The following facts that show that the most interested neighbors will not be crowded or otherwise adversely affected by the proposed addition, if it is built 5 feet off the South boundary line, as requested:

- The nearest neighbor is over 100 feet away from the proposed addition and there is abundant plant screening between the structures.
- There is a 6 foot solid fence between the structures. [27]
- The nearest neighbor has repeatedly stated that she cannot see the existing garage at 7700.
- The neighbors with whom 7700 shares the 2 boundary lines nearest the garage have no objection to the variance. Both the Grandys at 7701 Rider Hill and the Mostwins at 1300 Malvern have written letters in support of this Petition for Variance.
- The average lot size of 7700 and the 3 lots nearest the garage site is 1.8 acres.[28]

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[26] See attached panoramic photograph and architect's to scale section drawing showing the 100+ feet between the nearest house and the proposed structure. And note trees, tall and shorter, between the structures.

[27] See 'panoramic' photograph taken December 19, 2009, looking from 1204 Malvern towards the garage at 7700.

[28] 7700 is 1.1 acres; the neighbors who share the boundary at issue, Mostwins, 1300 Malvern, have 2.4 acres; 1204 Malvern is 1.24 acres; 7701 Rider Hill is about 2.5 acres.

- Due to the more than 200' distance between the Mostwin home and the 7700 garage and the wooded terrain, this neighbor who shares the boundary at issue cannot possibly see the proposed garage addition site from their house.
- A garage has been on this site for 76 years.
- Every neighbor with whom I share boundary lines who are within 200' of my proposed addition have written letters of support for the variance.[29]
- A real estate expert has given his Affidavit stating his professional opinion that no property will be negatively affected by the proposed addition.

Certainly there is no possibility that the 22-25 foot high proposed addition could "loom" over even the nearest property. The nearest house is very large, about 4500 square feet, and it is extremely and unusually high: 38 feet high.[30]

These facts *assure that spirit of the ordinance will be observed and public safety and welfare will be secured* if the requested variance is granted. Further, the facts show that strict compliance with the 15' set back provision would be unnecessarily burdensome and would be substantially unjust to the petitioner in these circumstances.

VI. NO LESSER RELAXATION OF THE ORDINANCE THAN THAT APPLIED FOR WILL GIVE SUBSTANTIAL RELIEF.

Petitioner asserts that owing to three unique features that cause the set off limitations to impact on her property differently than on surrounding properties, the proposed garage/guest accommodation addition cannot be placed in compliance the set off ordinances without such practical difficulty that the project will be abandoned.

The more the proposed garage/guest accommodation addition is moved toward the area that complies with the off set regulations, north from the 76 year old footprint of the existing garage towards the main house and onto a higher elevation,

- the more the structure will obstruct the natural water run off that goes between the house and the garage,
- the more the landscape that has been created over the past 38 years is destroyed,
- the more the environment is disturbed with re-grading,

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[29] See Letters of Support filed with the Petition.

[30] BCZR limit house height. 1204 Malvern's 1995 or '96 building permit states the height at 38'. See Baltimore County Building Inspections records, Building Permit Number B 231-449.

- less undisturbed natural ground is left to absorb the water run-off,
- as it moves higher, the more imposing and dominating the garage addition becomes in proximity to the main house,
- the more visible the garage addition becomes from Rider Hill Road and the neighborhood; and
- the more the aesthetics of the project are diminished.

The south side of the property, essentially where the garage has been for 76 years, is the only feasible location for a new garage, and the only logical, reasonable location for the bedrooms and bath is above the garage.[31]

The practical hardships that restrict logical building areas within the set off area arise through no fault of the Petitioner. They arise because

the County did not build the 30 foot Avenue on 7700's West boundary;
which caused little Rider Hill Road to be the only access;
which caused the house to be 'backwards" on the lot;
which caused the garage to be built in the East yard;
which necessitated a driveway across the East yard. And also owing to the unique topography of the lot and
the unique shape of the lot.

VII. PETITIONER'S OFFERS TO THE NEAREST HOMEOWNER TO AMELIORATE ANY PERCIEVED DETRIMENT

In an effort to assure the owner of the nearest house about any concerns she might have about the proposed garage addition, Petitioner has

- Met several times with the homeowner to discuss and explain the project;
- Provided written descriptions, site plans, elevations, and enlarged panoramic photographs;
- engaged a civil engineer to mark the outline of the structure on site;
- engaged an architect to create an additional site plan and section drawing to show that the proposed structure will not "loom" over her property;
- abandoned the request to locate the garage addition on the "footprint" of the old garage that has been at that site for 76 years;

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[31] Every architect Petitioner has consulted has stressed the importance of trying to keep the construction in the same area. For example, they have said that if one is "bumping out a kitchen," then any construction improvements desired in the second story of the house should be in that same area, above the kitchen. Because a new garage is much needed, the logical, architect recommended, practical, efficient place to add the additional bedrooms is above the garage. It would be UNNECESSARILY BURDENSOME to replace my garage where it is now located on the south side of the property and build the additional bedrooms and bath in another location.

- changed the variance request to 5 feet rather than 2 feet in lieu of 15 feet. Two feet off the line is the "footprint" of the old garage;
- invited suggestions for design changes to the side of the structure that faces the nearest house;
- assured her that she will not place security lights on the South side of the proposed structure that faces the nearby homeowner;
- and offered to build an 8' fence on 7700's south property line, east of the proposed structure.

CLOSING

Petitioner has the support of the vast majority of her neighborhood and the support of an expert realtor's sworn opinion. Every property owner on Rider Hill Road, every neighbor with whom she shares a property line boundary who is less that 200' away, and the most prominent real estate expert in the Ruxton area all agree that the proposed garage addition will be an improvement to the neighborhood. Rebuilding the garage is mandatory. There is a growing danger that it might simply collapse. The property tax assessment on 7700 was actually decreased last year due to the deplorable condition of the garage. (See Tax Assessor's Notes, attached.)

All the reasons stated above, photographs, architectural drawings, and letters and affidavits submitted in support of the variance compel the conclusion that the proposed garage addition if built within 5' of the boundary line will be consistent with the spirit and intent of the zoning code. It will be an aesthetic and practical improvement—both to the subject property and to the entire neighborhood.

Petitioner is in unique circumstances that she did not create. The variance petition in this case is not just a personal preference. Rather, it is based on unique conditions that exist that are peculiar to the land and to the structure at 7700. The BCZR set off regulations should not be strictly applied to a property with the unique, detrimental features that exist at 7700. The BCZR specifically provides that the Commissioner may grant a variance in unique circumstances such as these. Such a variance would be within the spirit and intent of the BCZR. It would be substantially unjust to Petitioner to require strict adherence to the set off standards under this unique set of facts.

The Zoning Commissioner would be well supported by Maryland law if he grants this Petition for Variance because the facts of this case meet all the elements of the legal tests established by Maryland Courts. FOR ALL OF THE ABOVE REASONS, I respectfully ask the Zoning Commissioner of Baltimore County to grant the Variances as requested.

Respectfully submitted,

Lynn Miller Weiskittel Jaeger
Petitioner

PETITIONER'S AFFIDAVIT IN SUPPORT OF VARIANCE

I hereby affirm under penalty of perjury to the Zoning Commission of Baltimore County as follows: That the information herein given is within my personal knowledge and belief; that I am competent to testify; that I presently reside at 7700 Rider Hill Road, in Baltimore County, Maryland, 21204; that I, the Affiant, am the PETIONER in CASE NUMBER: 2010-149-A; that I have paid all fees required for filing a Petition for Variance and Hearing, and that I am willing to provide additional information.

_____
Lynn Miller Weiskittel Jaeger

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STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, on this____day of_____, 2009, that I am NOTARY for the State of Maryland, in and for Baltimore County, and that the aforesaid LYNN MILLER WEISKETTEL JAEGER personally appeared before me, and that she is personally known or satisfactorily identified herself to me as such.

AS WITNESS my hand and Notarial Seal

_____
Notary Public

My Commission Expires_____

AFTERTHOUGHTS—POSSIBLE INSERTS

Rider Hill Rd is different from homes on Malvern and Berwick because Rider Hill Road is

only 11.5' wide;
surfaced with an unattractive, poorly patched asphalt;
not wide enough for cars to pass without going off the asphalt;
has no street lights;
has no storm drains;
does not provide an option for public sewage at 7700[32];
is always among the last of County roads to be plowed or salted.

Only in 2009 did 7700 Rider Hill finally acquire public water access directly to the water main on Rider Hill that served the other homes on Rider Hill. Until then, it had an ancient, small pipe that crossed several properties before connecting 7700 to a water main on Berwick. The original water meter was almost impossible to find. It was located in the northwestern corner of the lot, on "The Avenue That Never Was." Mike Mazerek of the County Department of Public Works did extensive research and found the 1911 Milton Green survey and Plat in order to locate the small, old pipe that brought water to 7700. It had rotted and was leaking. He estimated the little pipe at over 100 years old, and he said it might be the oldest pipe in the County system.
My property tax assessment was actually decreased last year due to the deplorable condition of my garage. (See Tax Assessor's Notes, attached.)

Rebuilding my garage is mandatory. There is a growing danger that it might simply collapse. My property tax assessment was actually decreased last year due to the deplorable condition of my garage. (See Tax Assessor's Notes, attached.)

Building the addition elsewhere is essentially impossible. I cannot add 2 bedrooms and a bath within the 15' and 40' set off directly to my house on the west, east, or north sides of 7700.

NOT ON THE WEST SIDE: The west end of my house is where the steepest decline in topography begins and where my septic tank and drainage field is located. These factors preclude any practical, realistic possibility of building in that area. Further, aesthetically, adding in the area

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[32] 7705, 7707, and 7709 Rider Hill have public sewage, but not 7700.

on the west side of my house would ruin the existing master bedroom, second bedroom, living room, and/or den by blocking all light and air to those important rooms.

NOT ON THE EAST SIDE: Nor can I add bedrooms and a bath anywhere on the east side of the house because that would ruins the master bedroom and den by foreclosing all light and air to those important rooms. Further, all the aesthetic efforts made in the landscape and in previous additions that span over the 60 years of multiple owners efforts to make the east side of the house seem like the front or entrance side would be defeated by an addition on the east side of the house.

NOT ON THE NORTH SIDE: There is not room for such an addition on the north side of the house. A former owner added a den and bedroom on the north side in the 1950's.

The south side of the property, essentially where the garage has been for 76 years, is the only feasible location for a new garage, and above the garage is the only logical, reasonable location for the bedrooms and bath we need.

These restrictions on logical building area arise through no fault of the Petitioner: they arise because the County did not build the 30' Avenue on 7700's western boundary which cause the east yard to be filled with an asphalt driveway, and by the unique topography of the lot.

V. THE MCCLELLANS: THE ONLY OPPOSITION TO THE PROPOSED VARIANCE

The BCZR allows homes in DR-2 zoning to be within 30' of each other.[1] *The McCellan house would be more than 100' from the proposed garage addition if this variance is granted.* The lots in this area are large and wooded.

The single objection to the proposed variance comes from the homeowner at 1204 Malvern, Margo McClellan. She does not allege that the proposed structure would block light to her house if it is built 2' off the 7700 line, on the site where the old garage has been for 76 years. She does not allege that it would block air flow, if the variance is granted. She does not credibly allege that she would actually even be able to see it through the abundant plant screening. She will not say that additional plant screening offered by the Petitioner will appease her. She will not say that she would withdraw her opposition if the variance were less. She simply wants it to be further away.

This objecting homeowner does not share a property line with 7700 Rider Hill Road. Rather, there is but a single point at which the subject property touches the McClellan property. 7700 shares south and southeast side property lines with Grandy (7701 Rider Hill) and Mostwin (1300 Malvern). The Mostwin (2.41 acres) and Grandy (about 2.5 acres) properties are between the McClellan property and 7700 in all but a single spot.

When Ms. McClellan decided to build a home on the newly created 1.25 acre north parcel of the recently subdivided Fox property at 1204 Malvern, she cut down all the trees and shrubs along the north and northwest end of the property and many of the trees and shrubs on her east line. The trees and shrubs on the north and northwest sides of the Fox property that Ms. McClellan cut down had completely, totally, 100 percent shielded any view whatsoever of the Fox property from 7700 Rider Hill for the 25 years I had lived there (from 1970 until Ms. McClellan cut them down in 1995). She covered the perimeter area within 2 feet of her north and northwest boundary lines with asphalt for her driveway, a car park, and a "turn around" area. She placed the asphalt so close to the property line that there is no room for trees to be planted near her boundary lines.

Shortly after Ms. McClellan moved into her new home, she began to complain to me about the unsightly condition of my garage. Notwithstanding the fact that

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[1] If 2 homes that share a north-south boundary line are built with one house 15' off its north boundary and the neighboring home 15' off its south line, the houses are 30' apart. Both properties comply with the side set off provisions if they each have at least 25' on their other side lines, for a combined side yard set off of 40'

- Ms. McClellan chose the proximity of her house to my garage,
- Ms. McClellan chose to cut down all the trees and shrubs that had previously screened my garage from view, and
- Ms. McClellan chose the location of her drive, car park, and turn around areas that comprised such an expanse of asphalt she could not plant trees on her own property to screen her view of my garage,

She nevertheless asked me to paint my garage.

In response to Ms. McClellan's complaints, I not only painted my garage, I also secured permission from the Mostwins (1300 Malvern), whose property is between the McClellan property and mine, to plant trees on their property near my garage to screen any view the McClellans might have of my garage. I planted 3 Leyland Cypress about 10 years ago that further screen any possible view of my garage. **Ms. McClellan has stated repeatedly to me that they cannot see my existing garage.**

I had hoped that the McClellans would be supportive of my plan to replace my old garage with a handsome garage addition.[2] Before I filed the Petition for Variance, I called the McClellans, left a message about my plans and about the Variance I would need, and I offered to come by and tell them about the plans in more detail, show them drawings, and answer any questions they might have. When they did not respond to this phone call, I dropped off a letter explaining my plans and attaching the architect's elevations. I knew they probably would not be able to see much of the structure because of the screening I had planted 10 years ago and the tall fence they had built, and I thought they might be happy to know that the old garage they had complained about was finally to be replaced.

Although I had hoped for their support, I was not really surprised when the McClellans emailed me that they planned to oppose my request for variance. (And I now understand they began emailing the Zoning Commissioner of their opposition, *even before my Petition was filed.*) The McClellans have a history of complaining to me, sometimes quite angrily. (*E.g.,* my garage was unsightly; my garage needed painting; our dog cried and disturbed them.)

In response to the McClellans' opposition, I emailed them on October 14, giving them more descriptive details about the proposed structure that was designed by a renowned architect. I again offered to fund planting more trees if they wanted additional screening.

I talked to Peggy Squitieri (RRLRAIA) and Diana Itter (County Planning) about the problem. After 6 weeks, when I had no reply to my email offer from the McClellans, I mailed the McClellans a hard copy of my

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[2] See comparative drawings and photos of the existing garage and proposed garage addition, attached. The McClellans would see the south side, IF they could see through trees.

October email offer and asked additionally if they would be willing to meet with Diana Itter, Peggy Squitieri, and me in a neutral place to discuss the project. Ms. Squitieri talked to Ms. McClellan and learned that the McClellans were not interested in the group meeting, but they would meet with me at the building site.

I met with the McClellans on December 4. Before the meeting, I hired a surveyor to come to the site and mark the perimeters of the proposed structure. I engaged my architect to do an additional drawing for the meeting. During the meeting, I showed the McClellans all the architect's elevations, drawings, and plans, as well as walking off the perimeter of the structure as the surveyor had marked it. I gave them a copy of the surveyor/engineer's Site Plan. We discussed various possibilities for me to provide more tree screening; they want Leyland Cypress again. They showed me that their driveway, car park, and car turn-around area consisted of asphalt surfaces so close to their boundary line and fence that it was impossible to plant trees on their property.

I offered to ask the Mostwins if I could plant more trees on their property, near the McClellan fence. Ms. McClellan suggested several times that I should just plant the trees on the Mostwin property, without first seeking their permission. The Mostwins are elderly, ill, and probably never walk to or see this area of their 2.5 acre property.

The only objection I could discern that the McClellans had was simply that they wanted to structure to be located further away. I said I would consult professionals to ascertain whether relocating the structure would divert more storm water into my existing house.

I subsequently have consulted my architect and my surveyor/engineer, and I have now also consulted a storm water engineer in efforts to determine whether placing the structure closer to my house would be feasible. I await the opinion of the storm water engineer, and I have assured Ms. Mc Clellan that I will contact her when I receive the opinion of that engineer.

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 7700 Rider Hill Road

which is presently zoned DR2

Deed Reference: 7724 / 181 Tax Account # 0916602770

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)

1B02.3.C.1- to permit a proposed garage addition and an attached breezeway with a side yard setback of 2 feet in lieu of the required 15 feet and a rear yard setback of 18 feet in lieu of the required 40 feet

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

See attached page

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):

Lynn M. Weiskittel (Jeager)

Name - Type or Print

Signature

Name - Type or Print

Signature

7700 Rider Hill Road 410-303-0177

Address Telephone No.

Baltimore MD 21204

City State Zip Code

Representative to be Contacted:

Bruce E. Doak Gerhold Cross & Etzel

Name

320 E. Towsontown Blvd 410-823-4470

Address Telephone No.

Towson MD 21286

City State Zip Code

Case No. 2010-0149-A

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

Reviewed by RLD Date 11/4/09

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 1-19-10

By DW

REASONS FOR AN ADDITION

I have reared 2 children here and my 3 bedroom house was great for the 3 of us. My children have now married and, so far, have 3 children of their own. I have remarried a man with 3 grown daughters, two of whom have married and have one child each at this time. Thus we have grown from a family of 3 to a family of 16—and the count is growing. My husbands' children and grandchildren all live out of state (New York, Pennsylvania, and Oregon). My son's young family of 4 do not live nearby, and they often stay overnight with us here. I want to add 2 bedrooms, a bath, and storage space to my 3 bedroom house so we can gather more comfortably when our blended and extended family comes for weekends, holidays, and other visits.

Considering the fact that that my 3 bedroom home is on a 1.1 acre parcel and in light of my family circumstances, I believe it is reasonable and consistent with the neighborhood that I expand my house to a total of 5 bedrooms and that I be permitted to do so in the manner requested.

NEIGHBORS' APPROVAL

The neighbor with whom I share the south boundary line has submitted a letter affirming his approval of my project. (See attached letter from Stanislaw Mostwin.) He has reviewed my plans and has no objection to my proposed addition being built 2' off our shared boundary line. His home on his 2.4 acre lot is approximately 550' from my garage, and my garage cannot be seen from his house. The area is very wooded, and they cannot see my garage from most points on their lot.

None of the other neighbors with whom I share boundary lines can see my garage from their homes. (See attached photographs.) Their homes are all more than 200' away from my proposed building site.

WATER RUNOFF PATH

Only the eastern half of my 1.1 acres is usable due to the steep hill that descends from the house towards the west boundary line. (See topographical map attached.) In the usable, eastern half of my property, there is a decided east to southwest slope, but it is much less steep.

The home on the original Rider estate was built in 1926 at the top of the hill for which our area and street are named. That original home site is directly across the street from me at 7703 Rider Hill, and my lot is the repository for the water that runs westward off the hill. My driveway entrance is the highest point on my lot. A downwards slope begins at that point, running south and west towards the area between my house and garage. The existing garage seems oddly far from the house, and I believe that it was built there to accommodate the water runoff path. If my proposed addition were built 15' from the south line rather than on the old garage site, 2' off the line, the new structure would be exactly in this run off path, moving the runoff northward, directly towards my house. In addition, significant re-grading would be required if the new structure were built 15' off the line, and such

Item #0149

re-grading would interfere with the long existing water run-off path and might create drainage problems for the main house. (See attached topographical map.)

HARDSHIP AND PRACTICAL DIFFICULTY

The above facts show that the topography of my lot and the water runoff path it creates are unique and different from the surrounding properties such that the 15' set back provision impacts negatively, uniquely, and more on my property than on surrounding properties. The difficulties the topography creates for building on my lot are not the result of my own actions, are peculiar to and in contrast with other properties in the zoning district, and make creating the proposed addition without a variance unduly hard.

The spirit of the ordinance is to ensure that neighbors are not unduly crowded by structures on adjoining properties. My proposed addition will not impinge on the adjoining property either visually or physically. Key facts that show that the neighbors will not be crowded or adversely affected by my addition are:

- I have a 1.1 acre parcel,
- the neighbor who shares the boundary at issue has 2.4 acres,
- due to distance (approximately 550 feet) and wooded terrain, the neighbor who shares the boundary at issue cannot see the garage site from their house
- a garage has been on this site without complaint or issue for 76 years, and
- none of the neighbors with whom I share boundary lines are within 200' of my proposed addition.

These facts assure that spirit of the ordinance will be observed and public safety and welfare will be secured if the requested variance is granted. Strict compliance with the 15' set back provision would be unnecessarily burdensome and would be substantially unjust to me in these circumstances.

CORRECTING A NON-CONFORMING USE

My house was built in 1933, "backwards" on the lot, because the builder anticipated that the County would build a short road connecting Malvern and Berwick on the easement that then existed for that purpose along the west boundary of this lot. My garage was built south and east of the house, which would have been behind the house if the anticipated road had been built. The connecting road was never built, the easement lapsed long ago, and access to my house is exclusively from Rider Hill Road. Thus, the back of my house became the front, and the detached garage is in front of the house.

I believe that the reason for the ordinance against garages in front of a house is aesthetic. If the variance I request is granted and I am allowed to build this addition on the site of the old garage, it will remedy this non-conforming garage in front of the house and greatly improve the appearance of my property.

Item #0149

In 2009, my assessment for 7700 Rider Hill Road went down. I had not petitioned for this.

The 'remarks' on the State Dept of Assessment and Taxation worksheet are:

"2002 reassessment, Dwelling appears in Average condition; Garage still needs work; Has new retaining walls/septic system; condition of crumbling brick retaining walls & Deteriorating Garage;
S/A 96-97:MA"

Item #0149

Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 7700 Rider Hill Road

which is presently zoned DR2

Deed Reference: 7724 / 181 Tax Account # 0916602770

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)

1B02.3.C.1- to permit a proposed garage addition and an attached breezeway with a side yard setback of 2 feet in lieu of the required 15 feet and a rear yard setback of 18 feet in lieu of the required 40 feet

Amended 5' 21'

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

See attached page

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):

Lynn M. Weiskittel (Jeager)
Name - Type or Print

Signature

Name - Type or Print

Signature

7700 Rider Hill Road 410-303-0177
Address Telephone No.

Baltimore MD 21204
City State Zip Code

Representative to be Contacted:

Bruce E. Doak Gerhold Cross & Etzel
Name

320 E. Towsontown Blvd 410-823-4470
Address Telephone No.

Towson MD 21286
City State Zip Code

Case No. 2010-0149-A

Office Use Only

Estimated Length of Hearing

Unavailable For Hearing

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 1-19-10

By DW

Reviewed by KM Date 11/4/09

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

November 4, 2009

Zoning Description
7700 Rider Hill Road
9th Election District, Baltimore County, Maryland

Beginning for the same at a point in the center of Rider Hill Road 520 feet from the center line of Berwick Avenue, said point also being at the intersection of the center line of Rider Hill Road and the division line between Lot 11 and Lot 12 as shown on the plat of "Malvern", said plat being recorded among the Land Records of Baltimore County in Plat Book 4, folio 2, thence leaving said road and binding on said division line (1) South 34 degrees 58 minutes West 112.29 feet, thence binding on the southernmost outline of said Lot 12 (2) South 87 degrees 45 minutes West 311.85 feet to the center of an unimproved road 20 feet wide, as shown on said plat of Malvern, thence binding on the center of said 20 foot road (3) North 24 degrees 50 minutes East 153.71 feet, thence leaving said road and running (4) North 83 degrees 34 minutes East 306.61 feet to the center of said Rider Hill Road, thence binding on the center of said Rider Hill Road (5) South 5 degrees 31 minutes East 70.00 feet to the place of beginning.

Containing 1.091 acres of land, more or less.

Being part of Lot 11 and Lot 12 as shown on the plat of "Malvern" recorded among the Land Records of Baltimore County in Plat Book 4, folio 2

3rd Councilmanic District

STATE OF MARYLAND
BRUCE EDWIN DOAK
PROPERTY LINE SURVEYOR

11/4/09

C:\Documents and Settings\bdoak\Desktop\Blank Forms\CLetter.doc Item #0149

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: 2010-0149-A

Petitioner: LYNN M. WEISKITTEL (JAEGER)

Address or Location: 7700 RIDER HILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: LYNN M. WEISKITTEL (JAEGER)

Address: 7700 RIDER HILL ROAD
TOWSON MD 21204

Telephone Number: 410-303-0177

Revised 2/20/98 - SCJ

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

No.

Date: _____

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount

Total: _____

Rec From: _____

For: _____

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

CASHIER'S VALIDATION

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE#2010-0149-A

OWNER/DEVELOPER:
Lynn Weiskittel(Jeager)

DATE OF HEARING:12/21/09

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: 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

LOCATION:
7700 Rider Hill Road

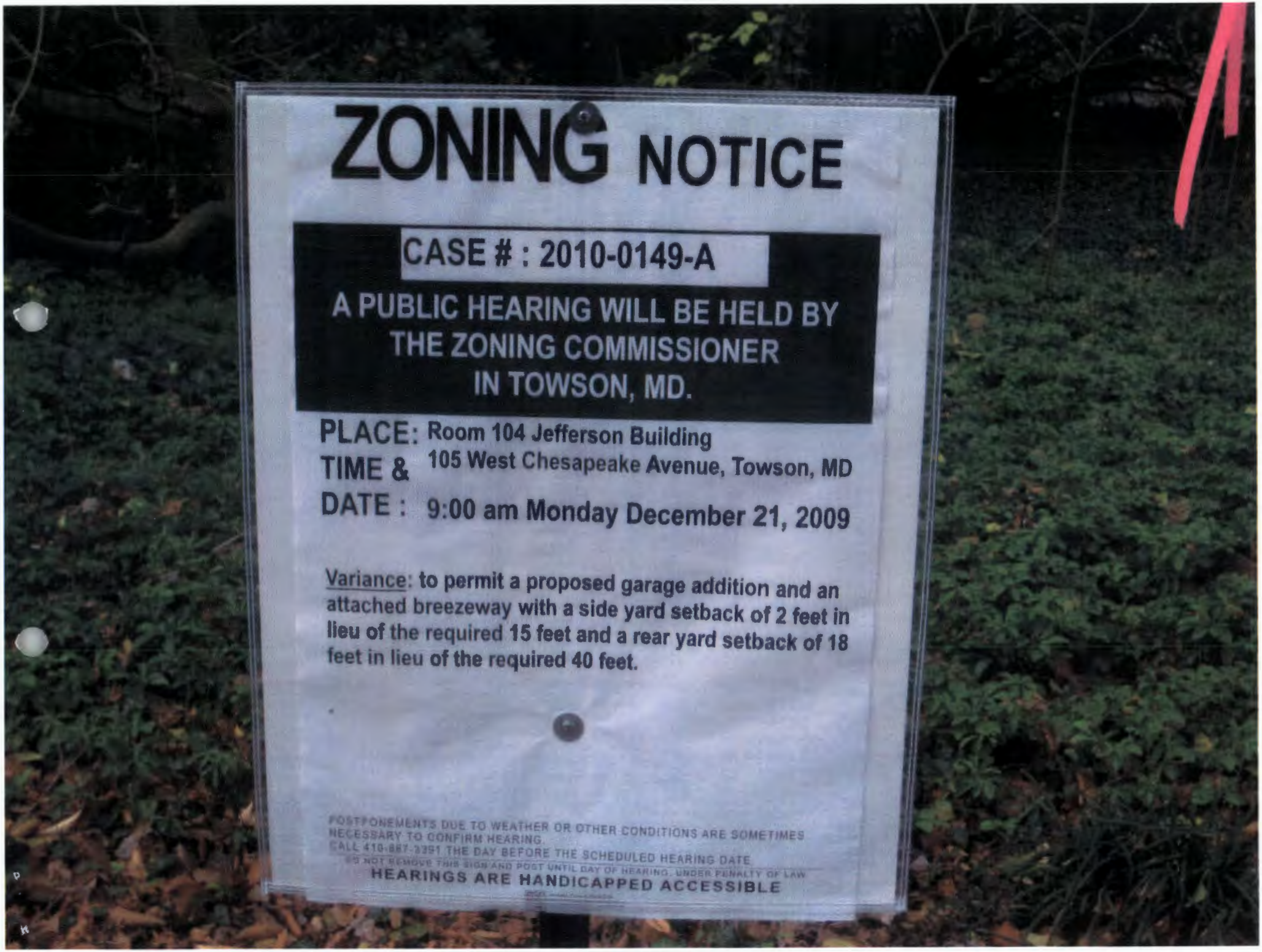
(see page 2 for full size photo)

POSTED ON: 12/ 04/ 09

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX


ZONING NOTICE
CASE # : 2010-0149-A
A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD.
PLACE: Room 104 Jefferson Building
105 West Chesapeake Avenue, Towson, MD
TIME &
DATE : 9:00 am Monday December 21, 2009
Variance: to permit a proposed garage addition and an attached breezeway with a side yard setback of 2 feet in lieu of the required 15 feet and a rear yard setback of 18 feet in lieu of the required 40 feet.
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY TO CONFIRM HEARING,
CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE
DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HEARINGS ARE HANDICAPPED ACCESSIBLE


ZONING NOTICE
CASE # : 2010-0149-A
A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD.
PLACE: Room 104 Jefferson Building 105 West Chesapeake Avenue, Towson, MD
TIME & DATE: 9:00 am Monday December 21, 2009
Variance: to permit a proposed garage addition and an attached breezeway with a side yard setback of 2 feet in lieu of the required 15 feet and a rear yard setback of 15 feet in lieu of the required 40 feet.
Secured by
ADT

TO: PATUXENT PUBLISHING COMPANY
Thursday, December 3, 2009 Issue - Jeffersonian

Please forward billing to:
Lynn Weiskittel (Jaeger) 410-303-0177
7700 Rider Hill Road
Towson, MD 21204

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: 2010-0149-A
7700 Rider Hill Road
W/side of Rider Hill Road, 520 feet +/- south of the centerline of Berwick Road
9th Election District – 3rd Councilmanic District
Legal Owners: Lynn Weiskittel (Jeager)

Variance to permit a proposed garage addition and an attached breezeway with a side yard setback of 2 feet in lieu of the required 15 feet and a rear yard setback of 18 feet in lieu of the required 40 feet.

Hearing: Monday, December 21, 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
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

November 23, 2009

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: 2010-0149-A
7700 Rider Hill Road
W/side of Rider Hill Road, 520 feet +/- south of the centerline of Berwick Road
9th Election District – 3rd Councilmanic District
Legal Owners: Lynn Weiskittel (Jeager)

Variance to permit a proposed garage addition and an attached breezeway with a side yard setback of 2 feet in lieu of the required 15 feet and a rear yard setback of 18 feet in lieu of the required 40 feet.

Hearing: Monday, December 21, 2009 at 9:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Lynn Weiskittel (Jeager), 7700 Rider Hill Road, Baltimore 21204
Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, DECEMBER 5,2009.**
(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.

Bruce Doak

From: lynn jaeger [lynnjaeger@comcast.net]
Sent: Monday, October 26, 2009 9:12 AM
To: Bruce Doak
Subject: Hearing Date

Bruce,
I will be home from Florida between Nov 24 and Jan 5. Do you think we can get a hearing date during that period?
Thanks for your help,
Lynn

11/09/09

CASE # 2010 - 0149 - A

KRISTEN,

PLEASE SET THIS CASE IN FOR THE THIRD WEEK OF DECEMBER.

THANKS.

BRUCE DOAK

BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

December 15, 2009

Lynn Weiskittel
7700 Rider Hill Rd.
Baltimore, MD 21204

Dear: Lynn Weiskittel

RE: Case Number 2010-0149-A, 7700 Rider Hill Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 4, 2009. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
Bruce Doak: Gerhold Cross & Etzel; 320 E. Towsontown Blvd.; Towson, MD 21286

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: November 25, 2009

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

SUBJECT: Zoning Advisory Committee Meeting
For December 7, 2009
Item Nos. 2010-0141, 148, 149, 151,
152, 153, 154 and 155

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

DAK:CEN:cab
cc: File
G:\DevPlanRev\ZAC -No Comments\ZAC-12072009 -NO COMMENTS.doc

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

SHA State Highway Administration

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 24, 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. 2010-0149-A
7700 RIDERHILL RD
WEISKITTEL 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. 2010 -0149-A

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

Very truly yours,

Michael P. Bailey

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

BW 12/21
9AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 21, 2009

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

RECEIVED
DEC 22 2009
ZONING COMMISSIONER

SUBJECT: 7700 Rider Hill Road

INFORMATION:

Item Number: **10- 137 and 149**

Petitioner: Lynn M. Weiskittel (Jager)

Zoning: **DR 2**

Requested Action: **Variance**

The petitioner requests a side yard setback Variance of 2' in lieu of 15' and a rear yard setback of 18' in lieu of 40'in order to add an addition to the existing dwelling. The location approximates that of an existing freestanding garage, which will be razed and will be attached via a breezeway.
The property in question is within the Ruxton Riderwood Lake Roland Design Review area. The applicant's architect provided floor area calculations for the existing dwelling and the proposed addition which states that the floor area of all of the new additions is 42%, less than 50% of the floor area of the exiting dwelling, Planning staff will review architectural elevation drawings administratively.
The applicant's engineer showed the locations of all adjacent dwellings as requested.

SUMMARY OF RECOMMENDATIONS:

Provided the applicant demonstrates uniqueness of the lot and the Zoning Commissioner grants the subject variance, the Office of Planning suggests the following conditions:

- Submit final architectural elevation drawings for review and approval prior to the issuance of any building permits.
- Provide a grading plan or study to DEPRM for review and approval.

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

Prepared by: Curtis Murray

Division Chief: Lynn Lanham
AFK/LL: CM

W:\DEVREV\ZAC\ZACs 2010\10-149.doc

From: Wallace Lippincott
To: Livingston, Jeffrey
CC: Wiley, Debra
Date: 12/18/2009 11:26 AM
Subject: Fwd: Comment Needed for Bill - (Hearing - Monday - 12/21)

Jeff,
Does not look like something I need to see.
Wally

Wallace Lippincott, Jr.
Balto County DEPRM
105 West Chesapeake Ave
Towson, MD 21204
(410)887-3854

>>> Debra Wiley 12/18/2009 10:20 AM >>>
Hi Jeff,

In reviewing next week's files, it appears Bill needs a DEPRM comment for the below-referenced case. I have provided a case description for your convenience in preparing this comment as follows:

CASE NUMBER: 2010-0149-A
7700 Rider Hill Road - (Zoned D.R.2)
Location: W side of Rider Hill Road; 520 feet S of the c/l of Berwick Road.
9th Election District, 3rd Councilmanic District
Legal owner: Lynn M. Weiskittel (Jeager)
VARIANCE To permit a proposed garage addition and an attached breezeway with a side yard setback of 2 feet in lieu of the required 15 feet and a rear year setback of 18 feet in lieu of the required 40 feet.

Hearing: Monday, 12/21/2009 at 9:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

Thanks and have a great weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

RE:	PETITION FOR VARIANCE 7700 Rider Hill Road; W/S Rider Hill Road, 520' S of c/line of Berwick Road 9th Election & 3rd Councilmanic Districts Legal Owner(s): Lynn M. Weiskittel (Jeager)* Petitioner(s)	*	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 10-149-A

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

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S Demilio

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

RECEIVED
NOV 23 2009

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 23rd day of November, 2009, a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd, 320 E Towsontown Blvd, Towson, MD 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Missing OP - 12/17

From: Debra Wiley
To: Murray, Curtis
CC: Are, Kathy
Date: 12/17/2009 10:03 AM
Subject: Comments Needed for Bill - (Hearings - Monday, 12/21)

Hi Curtis,

In reviewing next week's files, it appears Bill needs OP comments for two (2) of his cases. I have provided case descriptions for your convenience in preparing these comments as follows:

CASE NUMBER: 2010-0149-A
7700 Rider Hill Road
Location: W side of Rider Hill Road; 520 feet S of the c/l of Berwick Road.
9th Election District, 3rd Councilmanic District
Legal owner: Lynn M. Weiskittel (Jeager)
VARIANCE To permit a proposed garage addition and an attached breezeway with a side yard setback of 2 feet in lieu of the required 15 feet and a rear year setback of 18 feet in lieu of the required 40 feet.

Hearing: Monday, 12/21/2009 at 9:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

CASE NUMBER: 2010-0141-A
125 Slade Avenue
Location: N side of Slade Avenue, 915 feet W of the c/l of Reisterstown Road.
3rd Election District, 2nd Councilmanic District
Legal Owner: Mindful, LLC
VARIANCE 1) To permit building setbacks from a street line of 20 feet and 30 feet respectively in lieu of 35 feet required; 2) To permit parking in a surface parking facility for a nonresidential use within 3 feet of the right-of-way line of a public street in lieu of 10 feet required; 3) To permit no screening of a parking lot right-of-way and no 6 foot landscape strip adjacent to commercial properties; 4) To permit off-street parking spaces 8½ x 16 feet in lieu of 8½ x 18 feet required; 5) To permit 2 freestanding enterprise signs per frontage in an OR-1 zone in lieu of one sign per frontage permitted; and 6) For such other and further relief as may be consistent with the requirements of the Design Review Panel and as may be deemed necessary by the Zoning Commissioner.

Hearing: Monday, 12/21/2009 at 2:00:00 PM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

Thanks and have a wonderful day !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Missing DEPRM 12/18

From: Debra Wiley
To: Livingston, Jeffrey
CC: Lippincott, Wallace
Date: 12/18/2009 10:20 AM
Subject: Comment Needed for Bill - (Hearing - Monday - 12/21)

Hi Jeff,

In reviewing next week's files, it appears Bill needs a DEPRM comment for the below-referenced case. I have provided a case description for your convenience in preparing this comment as follows:

CASE NUMBER: 2010-0149-A
7700 Rider Hill Road - (Zoned D.R.2)
Location: W side of Rider Hill Road; 520 feet S of the c/l of Berwick Road.
9th Election District, 3rd Councilmanic District
Legal owner: Lynn M. Weiskittel (Jeager)
VARIANCE To permit a proposed garage addition and an attached breezeway with a side yard setback of 2 feet in lieu of the required 15 feet and a rear year setback of 18 feet in lieu of the required 40 feet.

Hearing: Monday, 12/21/2009 at 9:00 AM, Jefferson Building, 105 West Chesapeake Avenue, Room 104

Thanks and have a great weekend !

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

2010-0149-A

DPR	11-25	No Comments
SHA	11-24	No objection
~~Whitehall Bay~~	12-17	Comments

Missing: OP + DEPRM

Posting Notice PC Appearance

From: "Harvey, Curran" <CHarvey@cbmove.com>
To: tbostwick@baltimorecountymd.com; wwiseman@baltimorecountymd.gov
Date: 12/17/2009 3:29 PM
Subject: Case #2010-0149A

Attached, please find a letter regarding Mr. and Mrs. Jaeger's request for a variance, case number 2010-0149A.

Thank you very much for your attention to this matter.

Whit Harvey
Coldwell Banker Residential Brokerage Greenspring
410-832-2583 (office)
443-286-5808 (cell)
410-821-0379 (fax)
whit@whitharveygroup.com

CC: millpondphotography@comcast.net

From: margo mcclellan <margomcclellan1@gmail.com>
To: llynnjaeger@comcast.net
Date: 12/27/2009 1:55 PM
Subject: we hope for an agreement before the decision on setbacks

hi, Lynn, I am writing to confirm our proposal that if you would agree to build your garage ten feet from your property line adjacent to that of the Mostwins, we would then be willing to withdraw our objection. PLEASE NOTE THAT THIS IS 10 FEET SHORT OF OUR REAL HOPE...WHICH WAS TO HAVE THE BUILDING START AT YOUR FENCE LINE. This additional 5 feet would somewhat hide part of the structure from our view due to trees and the angle.. It will still become a huge presence for us, and that makes us very sad, as it will most certainly diminish our property value.ie the current view of your garage is nothing compared to what we will see when you're finished..However, we feel there would be some benefit in moving another 5 feet from the point that you have already agreed to.

Mr. Wiseman made a very valid point at the hearing when he recognized ., that we truly are not that far apart in terms of coming to an understanding, and that it is very important that we try to work things out. The other option is a delay, a very costly appeal for both of us and a loss for one of us. .....not a satisfactory prospect for either of us.!!!

I appreciate your willingness to plant mature material (yet to be determined) to sreen the building as much as possible, including fencing where appropriate..

Please communicate as soon as possible. We are out of town from the 29th through Jan2nd. My cell is 410 627 2977

I look forward to hearing from you. Best, Margo

CC: charvey@comcast.net; wwiseman@baltimorecountymd.gov

Bill Wiseman - Mrs. Jaeger's Request for a Bullding Variance

From: "millpondphotography" <millpondphotography@comcast.net>
To: <wwiseman@baltimorecountymd.gov>
Date: 12/22/2009 4:40 PM
Subject: Mrs. Jaeger's Request for a Bullding Variance
CC: <charvey@cbmoves.com>, <CCParsells@aol.com>, <lisacwilliams@comcast.net>

Dear Mr. Wiseman:

After our meeting on Monday, December 21st, I was hioping to hear from Mrs. Jaeger that she would consider your very sage advice to move her construction plan ten feet closer to her existing house. Though still not complying with Baltimore County set back requirements, at least she would have the agreement of her only two neighbors who are seriously impacted by her proposed building. The other "notes" she submitted were all written by people whose dwellings are nowhere near her garage area. If she were to move her plan a total of ten feet off the property line it would require some reconfiguring, but it is clearly not impossible for her to do. Needles to say, it is our hope, and that of the Mostwins, that she would be bound by the lawful set back regulations of Baltimore County. Clearly, Mr,Whit Harvey has stated in his letter to you that our property value will most definitely be damaged by this construction.

The height of the garage is currently ten feet tall. The visualization of that building becoming twenty-five feet tall is absoultely unacceptable, and yes, it will definitely "loom" over our property, ruin our privacy and aesthetic value.

We do so appreciate your effort to work out "compromise", but I'm very sekptical that the Jaqegers will accept it. With that in mind, I do imploIre you to make a decision within the required zoning distances that apply to all residential construction in Baltimore County.

Thank you for your consideration in this important matter. We will anxiously await your decision after the holidays.

Sincerely,

Margo McClellan

Anthony B. McClellan
1204 Malvern Avenue
Baltimore, MD 2120

(410) 828-8248 (house)
(410) 583-1188 (studio)
millpondphotography@comcast.net

10' or 10' further for 15' allowed

Bill Wiseman - FW: we hope for an agreement before the decision on setbacks

From: "millpondphotography" <millpondphotography@comcast.net>
To: <lynnjaeger@comcast.net>
Date: 12/27/2009 2:05 PM
Subject: FW: we hope for an agreement before the decision on setbacks
CC: <wwiseman@baltimorecountymd.gov>, <charveybaltimore@comcast.net>

-----Original Message-----
From: margo mcclellan [mailto:margomcc@comcast.net]
Sent: Sunday, December 27, 2009 2:00 PM
To: Tony McClellan
Subject: Fwd: we hope for an agreement before the decision on setbacks

Begin forwarded message:

From: margo mcclellan <margomcclellan1@gmail.com>
Date: December 27, 2009 1:55:18 PM EST
To: llynnjaeger@comcast.net
Cc: wwiseman@baltimorecountymd.gov, whit Harvey <charvey@comcast.net
Subject: we hope for an agreement before the decision on setbacks

hi, Lynn, I am writing to confirm our proposal that if you would agree to build your garage ten feet from your property line adjacent to that of the Mostwins, we would then be willing to withdraw our objection. PLEASE NOTE THAT THIS IS 10 FEET SHORT OF OUR REAL HOPE...WHICH WAS TO HAVE THE BUILDING START AT YOUR FENCE LINE. This additional 5 feet would somewhat hide part of the structure from our view due to trees and the angle.. It will still become a huge presence for us, and that makes us very sad, as it will most certainly diminish our property value.ie the current view of your garage is nothing compared to what we will see when you're finished..However, we feel there would be some benefit in moving another 5 feet from the point that you have already agreed to.

Mr. Wiseman made a very valid point at the hearing when he recognized ., that we truly are not that far apart in terms of coming to an understanding, and that it is very important that we try to work things out. The other option is a delay, a very costly appeal for both of us and a loss for one of us. .....not a satisfactory prospect for either of us.!!!

I appreciate your willingness to plant mature material (yet to be determined) to sreen the building as much as possible, including fencing where appropriate..

Please communicate as soon as possible. We are out of town from the 29th through Jan2nd. My cell is 410 627 2977

I look forward to hearing from you. Best, Margo

BW 12/21 9 AM 2010-0149-A

per Diana 12/1

Bill Wiseman - FW: your request for a variance

From: "millpondphotography" <millpondphotography@comcast.net>
To: <lynnjaeger@comcast.net>, "'Ruxton-Riderwood-Lake Rol'" <rrlraia@comcast.net>, <wwiseman@baltimorecountymd.gov>, <ditter@baltimorecountymd.gov>, <tbostwick@baltimorecountymd.gov>, "Whit Harvey" <charvey@cbmove.com>, <jmostwin@comcast.net>
Date: 11/26/2009 12:59 PM
Subject: FW: your request for a variance

-----Original Message-----
From: margo mcclellan [mailto:margomcclellan1@gmail.com]
Sent: Thursday, November 26, 2009 12:29 PM
To: Tony McClellan
Subject: Fwd: your request for a variance

Begin forwarded message:

> **From:** margo mcclellan <margomcclellan1@gmail.com>
> ***Date:*** *November 26, 2009* 10:40:13 AM EST
> **To:** lynnjaeger@comcast.net
> **Cc:** RRLRAIA@comcast.net wwiseman@baltimorecountymd.gov ditter@baltimorecountymd.gov tbostwick@baltimorecountymd.gov, charvey@cbmoves.com, jmostwin@comcast.net
> **Subject: your request for a variance**
>
> hi, Lynn... Thanks for your email... I was hoping you had gone back to the drawing board re the above request. However, if we must deal with it now, Tony and I would like to ask you and John to meet with us in your yard where we can actually see the existing layout.. and look at actual plans and exact measurements.. As I have made quite clear previously, A structure on the footprint of your existing garage would be an unacceptable detriment to our property value as well as that of the Mostwins. I will wait to hear from you. Thanks, Margo

Hi Margo and everyone you copied,

I met again with Frank Lucas, my architect. He said the proposed garage addition will not work at 10 feet off me south property line, the one I share with the Mostwins.

As you know, I had hoped to build 2 feet off that line, where my garage has been for 76 years. In my efforts to work with you, I incurred significant expense having the surveyor come to the site to mark the outline of the structure and having the architect make additional drawings for you. Against my architect's best judgment, several days before the hearing, I proposed to you that I would move it to 5 feet off the line and offer several other concessions, if you would withdraw your opposition before the hearing. I told you we had looked very hard at every option for accommodating your concerns, and that 5 feet was absolutely all that could work—and that it compromised the project moving it even to that point. I also offered to fund more tree screening, to build tall fencing, to consider design changes you might prefer, and to use security lighting that would not be intrusive in your direction. All of these offers were contingent on your withdrawing your opposition before the hearing.

I really thought that when I showed you the panorama photograph and the architect's overlaid section drawing that was to scale, you would clearly SEE how insignificant my proposed structure is *vis a vis* your very large house. I showed you everything I had before the hearing, in good faith.

In contrast, you delighted in surprising me at the hearing with the letter from the Mostwins' son, withdrawing their support of the variance., I have no problem with the fact that you tried to get them to support you. What I have a very big problem with is what you said to me when we met on December 4 and I offered to ask the Mostwins for permission to plant more trees on their property for your screening. You told me repeatedly *not to talk to the Mostwins because Mrs. Mostwin was very ill, because they are old and cannot understand, and that an ambulance had come for her on Thanksgiving.* You repeatedly said " Don't call them", and you suggested that I should "just plant the trees." I respected the Mostwins privacy in their time of family crisis, and because of what you said—repeatedly—I did not contact them. You, however, apparently continued to "work on them" up to the very day before the hearing so you could have your Perry Mason moment. Your tactics. your willingness to use our elderly neighbors makes me very sad.

Your letter from Whit Harvey said you bought your property because you wanted "privacy." If you wanted privacy, if you wanted not to see any other houses, I cannot understand why you cut down all the trees on the Fox property that had totally and completely and absolutely, 100% screened any sight whatsoever of the Fox's field from my view for the 25 years I had lived here. After you cut them all down, I then saw a lot of your very big house—over 4500 square feet and 38' high according to your building permit. (Did you know that the house height limit in Baltimore County in DR2 zoning is 35 feet? Did you get a variance? Is your front setback in compliance? On your site plan, it appears to be only 32') If you did not like the trees that were there, why did you not plant other trees for screening, to protect your own privacy? If you were so keen on privacy and not seeing other houses, why did you pour an asphalt surface right

up to your property line so that there is no room to plant trees for screening on your own property?

Any sense of fair play requires that one will not be heard to complain about a situation they have created themselves; they will not be heard to proclaim their love of 'privacy' when it is their own actions that have compromised their privacy. This concept is generally true in legal proceedings. Makes sense to me.

Shortly after you built your home, you made it clear you did not like looking at my garage. Why then, I wondered, did you construct your house squarely facing my garage and close to your property lines? You have 1.24 acres, so you surely had options. Nevertheless, I accommodated you and planted 3 Leyland Cypress trees more than 10 years ago. They provide more screening every year.

If you honestly believe that seeing a handsome addition to my house at a distance of over 100 feet will diminish your property value, what do you think your constructing an overly tall, large house and cutting down all the trees that had screened that property from mine did to the value of my home?

Margo, I was not happy to see the beautiful Fox property developed when you bought it in 1995. I did not like looking at a huge house where before there had been only 'green.' But, I welcomed you and accommodated your complaints about my garage and your complaints about my dog. I never once tried to block or control what you wanted to build. It makes me sad that you are determined to prevent me from building a relatively small addition that is important to accommodate my family needs. The oddities of my property and the shape of my lot unduly curtails my options for placement of an addition.

I am sorry that we were unable to work this out. I have tried and have made concessions and incurred significant additional expense trying to mollify you.

I hope Commissioner Wiseman will read my brief and determine that mine is a case that precisely meets each point in the explicit "tests" set out by Maryland case law for granting a variance. Otherwise, we unhappily do face a long delay and an expensive appeal process. This will likely leave only the lawyers smiling.

Sincerely,
Lynn
12/30/09

sults

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw63d)

Go Back
View Map
New Search

District - 09 Account Number - 0916602770

Account Identifier:

Owner Information

Owner Name: WEISKITTEL LYNN MILLER

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: 1) / 7724/ 181
2)

Mailing Address: 7700 RIDER HILL RD
TOWSON MD 21204-6525

Location & Structure Information

Premise Address: 7700 RIDER HILL RD

Legal Description: 1.10 ACRE PT LT 12
ADJ LT 11
MALVERN

Map Grid Parcel Sub District Subdivision Section Block Lot Assessment Area Plat No:
39 11 1051 2 Plat Ref: 4/ 2

Special Tax Areas
Town
Ad Valorem
Tax Class

Primary Structure Built: 1933
Enclosed Area: 3,521 SF
Type: STANDARD UNIT
Property Land Area: 1.10 AC
County Use: 04

Stories: 2
Basement: YES
Exterior: 1/2 BRICK SIDING

Value Information

	Base Value	Value As Of 01/01/2008	Phase-In Assessments As Of 07/01/2009	As Of 07/01/2010
Land:	353,500	353,500	412,770	766,270
Improvements:	428,120	412,770	766,270	0
Total:	781,620	766,270	0	
Preferential Land:	0	0		

Transfer Information

Seller: WEISKITTEL HARRY C,3RD
Type: NOT ARMS-LENGTH
Date: 11/13/1987
Deed1: / 7724/ 181
Price: $0
Deed2:

Seller:
Type:
Date:
Deed1:
Price:
Deed2:

Seller:
Type:
Date:
Deed1:
Price:
Deed2:

Exemption Information

Partial Exempt Assessments

	Class	07/01/2009	
County	000	0	
State	000	0	
Municipal	000	0	

Special T

Tax Exempt: NO
Exempt Class:

Property maps provided cou
For more information on electronic ma
web site at www.mdp.

sa.org/rp_rewrite/details.aspx?County=04

ing

PLEASE PRINT CLEARLY

CASE NAME Jaeger
CASE NUMBER 2010-0149-A
DATE 12/21/09

PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Bruce E. Doak	320 E. Towsontown Blvd	Towson MD 21286	
Gorrhold Cross & Ertel			
Lynn M. Weiskittel Jaeger	7700 Rider Hill Rd.	Towson MD 21204	

PLEASE PRINT CLEARLY

CASE NAME Weiskittel (Jaeger)
CASE NUMBER 2010-0149-V
DATE 12-21-09

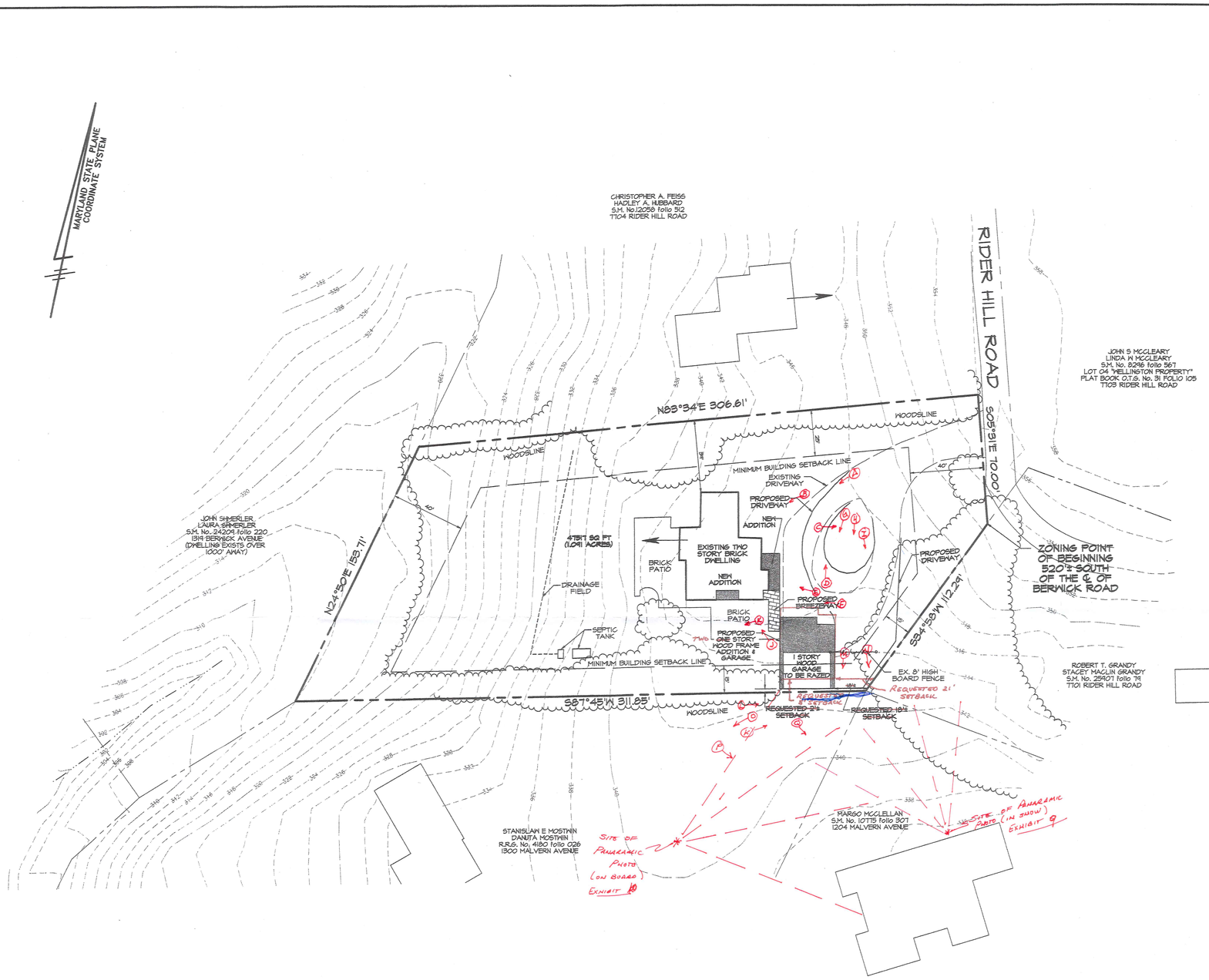
CITIZEN'S SIGN-IN SHEET

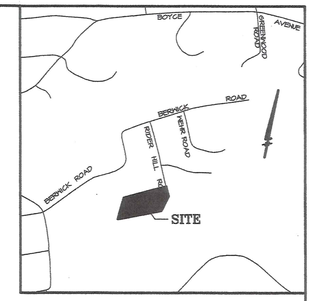
NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Margo & Tony McClellan	1204 Malvern Ave	Balto 21204	millpondphotography@comcast.net
Peggy Squitieri Ruxton-Riderwood	P.O. Box 204	Riderwood MD 21139	rrlraia@comcast.net
Sarah Weiskittel	PO Box 532 Chase, 21027		sarah@lilypadoftuson.com

Case No.: 7700 RIDER HILL RD 2010-0149-A

Exhibit Sheet

	Petitioner/Developer	Protestant
No. 1	AMENDED SITE PLAN	SON OF MOSTWIN'S - their Power of attorney
No. 2	ZONING MAP	Photographs
No. 3 A-Q	PHOTO'S EXISTING CONDITIONS	Ltr. - Curran Harvey - White Harvey Group - (Realtors)
No. 4	PHOTO MAP - LOCATIONS NOTED	
No. 5	RECORD PLAT OF MACVERN	
No. 6	TITLE DEED	
No. 7 A+B	PROPOSED ADDITION ELEVATIONS EXISTING GARAGE	
No. 8	LETTERS IN SUPPORT OF PROPOSAL	
No. 9	Panaramic Views taken During Snow Storm from McClellan Prospective	
No. 10	10-A elevation of structures 10-B - Photo Between structures	
No. 11	WRITTEN BRIEF BY M's JAEGER	
No. 12	ADDITION MEASUREMENTS 30' WIDE 38' DEEP	
No. 13	TO SCALE - BLDG ADDITION 25' IN Height - WITH DORMER TREATMENTS	





VICINITY MAP

1" = 500'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 069C2 & 064B2.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 31.
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEPTIC SYSTEMS.
9. THE PROPOSED ADDITION WILL BE CONSTRUCTED ON THE SAME FOOT PRINT AS THE DETACHED GARAGE.

D.R. 2 BUILDING SETBACKS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	20,000
MINIMUM LOT WIDTH (feet)	100
MINIMUM FRONT YARD DEPTH (feet)	40
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	15 ; SUM OF 40'
MINIMUM REAR YARD DEPTH (feet)	40

VARIANCE REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:

SECTION 1B02.3.C.1
TO ALLOW A SIDE YARD SETBACK OF 2'± IN LIEU OF THE REQUIRED 15' FOR A GARAGE ADDITION AND BREEZEWAY.

TO ALLOW A REAR YARD SETBACK OF 18'± IN LIEU OF THE REQUIRED 40' FOR A GARAGE ADDITION AND BREEZEWAY.

OWNER\DEVELOPER

LYNN MILLER WEISKITTEL (JAEGER)
7700 RIDER HILL ROAD
TOWSON, MD 21204-6525
(410) 337-3699

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAN TO ACCOMPANY A PETITION FOR A ZONING HEARING

FOR THE

JAEGER PROPERTY

7700 RIDER HILL ROAD
Deed Ref: S.M. No. 7724 folio 181
Part of lots #11 & #12 "Malvern" Plat Book 3 4/2
Tax Account No.: 09-16-602770
Zoned DR-2; GIS Tile 069C2, 069B2
Tax Map 69; Grid 11; Parcel 1051

9th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND — BRUCE EDWIN DORN — No. 631 — REGISTERED PROPERTY LINE SURVEYOR — 12/21/09

Scale: 1"=30' DATE: NOVEMBER 4, 2009

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISE "ONE" TO "TWO" ON PROPOSED GARAGE 12/21/09

REVISION	DATE
REVISE REQUESTED SETBACKS	12/21/09
SHOW DWELLING ON ROBERT T. GRANDY'S LOT	12/02/09
SHOW DWELLING ON MARGO MCCLELLAN'S LOT	12/02/09
REVISE ADDITION TO EAST SIDE OF DWELLING	11/24/09

COMPUTED: JTM | DRAWN: JTM | CHECKED: B.E.D. | FILE:X:\JJAE6

PETITIONER'S EXHIBIT NO. 3A

A


B

E

F

K

Existing Garage, South side,
2' off the southernmost border of 7700 Rider Hill Road
Boundary line shared with MOSTWIN, 1300 Malvern

2010-0137-A

1

LIBER 5102 PAGE 518

App. No. 84682

REAL ESTATE TITLE COMPANY,
INCORPORATED
Keyser Building
Baltimore, Md.
LExington 9-3212

TITLES INSURED
Lawyers Title
Insurance Corporation
Richmond, Virginia

FEE SIMPLE DEED

This Deed, Made this 17th day of June

in the year one thousand nine hundred and seventy by

ELEANOR TURNBULL POPE, divorced and now unmarried, of Baltimore County, State of Maryland, party of the first part, and

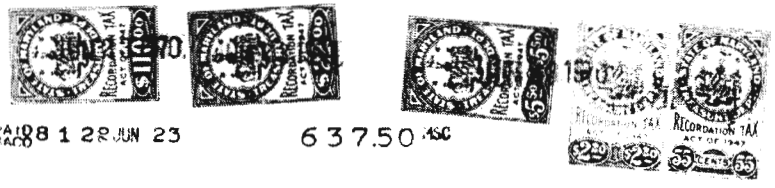
HARRY C. WEISKITTEL, III and LYNN M. WEISKITTEL, his wife, parties of the second part.

WITNESSETH that in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part

does grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's heirs and assigns, in fee-simple, all that lot or parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say

BEGINNING for the same at the intersection of the centerline of Rider Hill Road with the division line between Lots Nos. 11 and 12, on the Plat of "Malvern", said Plat being recorded among the Land Records of Baltimore County in Plat Book No. 4, folio 2, and running thence binding on said division line, south 34 degrees 58 minutes west 112.29 feet to a pipe heretofore planted at the end of said division line, thence binding on the southernmost outline of the aforesaid Lot No. 12, south 87 degrees 45 minutes west 311.85 feet to the center of a road 20 feet wide, as laid out on the aforesaid plat, thence binding on the center of said 20 foot road, north 24 degrees 50 minutes east 153.71 feet, thence north 83 degrees 34 minutes east 306.61 feet to the center of Rider Hill Road aforesaid, at the distance of 70 feet northwesterly from the place of beginning, thence binding on the center of Rider Hill Road, south 5 degrees 31 minutes east 70 feet to the place of beginning.
The said lot containing 1.10 acres of land, more or less, and being part of Lot No. 12 on the aforesaid Plat.
The improvements thereon being known as No. 7700 RIDER HILL ROAD.

Being the same lot or parcel of ground which by Deed dated October 14, 1969 and recorded among the Land Records of Baltimore County in Liber OTG No. 5044 folio 19 was granted and conveyed by Douglas D. Schouler, Jr. and Dorothy F. Schouler, his wife, unto the within named grantor.



PETITIONER'S
EXHIBIT NO. 6

TOGETHER, with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

TO HAVE AND TO HOLD said lot of ground and premises; above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's heirs and assigns, in fee-simple.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted, and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor.

TEST:

Eleanor Turnbull Pope [SEAL]

[SEAL]

[SEAL]

STATE OF MARYLAND, BALTIMORE CITY, TO WIT:

I HEREBY CERTIFY, that on this 17th day of June in the year one thousand nine hundred and seventy before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Eleanor Turnbull Pope, and she acknowledged the foregoing Deed to be her act.

WITNESS my hand and notarial seal the day and year last above written.

Edna S. [illegible]
NOTARY PUBLIC

Rec'd for record JUN 23 1970 at 2 39 P
Per Orville T. Gosnell, Clerk
Mail to REAL ESTATE TITLE CO., INC.
Receipt No. 305427 $ 2.00

NORTH ELEVATION

SOUTH ELEVATION

PETITIONER'S

EXHIBIT NO. 7A

LUCAS
ASSOCIATES
Architects

1505 Berwick Road
Ruxton, MD 21204

phone 410.821.8187
fax 410.821.4004
info@lucasarchitects.com

www.lucasarchitects.com

Additions and
Renovations to the

Weiskittel/ Jaeger Residence

7700 Rider Hill Road
Ruxton, MD 21204

ADDITION
ELEVATIONS
3/8"=1'-0" 3

10 · 8

Existing Garage, North side

Existing Garage, South side,
2' off the southernmost border of 7700 Rider Hill Road
Boundary line shared with MOSTWIN, 1300 Malvern

PETITIONER'S

EXHIBIT NO. 7-B

Lynn M. Weiskittel Jaeger
7700 Rider Hill Road
Towson, MD 21204

October 14, 2009

To the Zoning Commissioner of Baltimore County:

Every home owner on Rider Hill Road has written of their support for my Petition for Variance. The 4 neighbors with whom I share boundary lines have written of their support.* (Letters enclosed) These neighbors ask the Commissioner to grant my Variance Petition and allow me to build an addition approximately 2 feet off my side boundary line, expanding on the 'footprint' of my old garage which has been a bit less than 2 feet off my south boundary line for 76 years.

The Mostwins (1300 Malvern) are my neighbors with whom I share the south boundary line, the line which is at issue in this variance petition. After the Mostwins reviewed architectural renderings over the weekend and consulted with their son, they have written today that they have no objection to variance petition

In addition to my Rider Hill Road neighbors, The Honorable and Mrs. Edward P. Murphy, who live around the corner on Berwick, have written of their support for this project and their belief that my proposed addition will constitute an improvement to the neighborhood and that it will not be a detriment to any property owner in the area. The Murphys have lived in this neighborhood for over 30 years and know the area well. Judge Murphy, of the District Court for Baltimore County, understands the provisions of the County zoning ordinances and the reasons for variances, and he has taken this into consideration when expressing his support for my Petition for Variance. Judge Murphy urges the Commissioner to grant my variance petition to rebuild and expand on the 76 year old footprint of my existing garage.

Robert M. Barroll, whose home has faced on both Berwick and Rider Hill for 43 years, is an expert in Baltimore County real estate, having worked in this field for 45 years. (Please see his attached record of experience in the field.) Mr. Barroll has sold 2 properties adjacent to 7700 Rider Hill and 12 homes within one block of 7700 Rider Hill Road.

*I did not ask Schmler on Berwick who shares my west boundary because their house is over 1000 feet away, they cannot see my garage or housefrom their house, and I don't know them.

PETITIONER'S

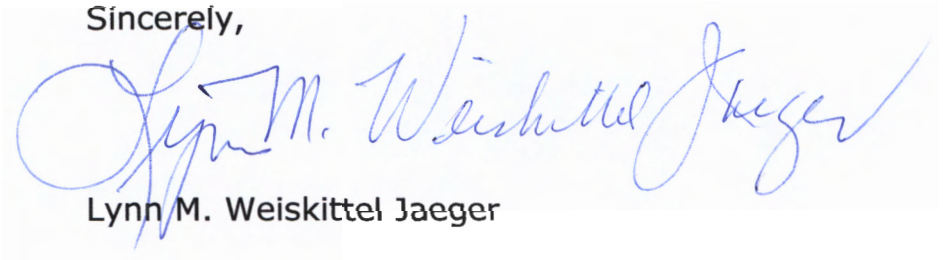
EXHIBIT NO. 8

As both a neighbor and a real estate expert, Mr. Barroll states his belief that if my variance petition is granted, it will be an improvement not only to my property, but to the neighborhood. He states his belief that it will not be a detriment to any homeowner in the area.

In 2009, the State Department of Assessments and Taxation lowered the assessment on my Hill home, due primarily to the deteriorating condition of my garage. (See "Remarks" on the attached official assessor's worksheet and photographs showing the sad state of my garage and shed.)..This garage has been an embarrassment to me and an eyesore for my neighbors for several years. Now that I am in a position to make improvements, it is no wonder that the neighbors welcome it.

For these reasons, I respectfully request that the Zoning Commission of Baltimore County grant my Petition for Variance.

Sincerely,



Lynn M. Weiskittel Jaeger

Affidavit in Support of Administrative Zoning Variance
For the Property of

Lynn M. Weiskittel Jaeger, who resides at
7700 Rider Hill Road
Ruxton, MD 21204

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant and that the Affiant is competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant does presently reside at 1311 Berwick, Ruxton, MD 21204.

That based upon personal knowledge, the following are the facts upon which I base my expert opinion in support of Lynn Weiskittel Jaeger's request for an Administrative Variance:

1. I am a licensed Real Estate Broker;
2. I am a Vice President with Coldwell Banker;
3. I am the past Rresident of three Real Estate Firms;
4. I am a Founder of the Greater Baltimore Million Dollar Association
5. I am a Member of the Greater Baltimore Board of Realtors;
6. I have belonged to numerous committees and other organizations that are realty related;
7. I am actively engaged in the sales, marketing and development of properties in the Ruxton area, as I have been for the past 45 years;
8. I sold 2 properties that are adjacent to 7700 Rider Hill Road;
9. I sold 12 homes that are within one block of 7700 rider Hill Road;
10. The properties adjacent to 7700 Rider Hill are large, and they are well screened by vegetation that includes tall trees, lower shrubs, and, in some cases, privacy fencing; and
11. It is my professional, expert opinion that the variance sought by Lynn Weiskittel Jaeger from the 15' set back on her side yard will not be a detriment to any properties in the area.

signature of Robert M. Barroll

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 15TH day of October, 2009, before me, a Notary Public of the State of Maryland, in and for Baltimore County, personally appeared ROBERT M. BARROLL, the Affiant herein, personally known or satisfactorily identified to me as such Affiant.

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires 5/1/2011

2010-0137-A

Robert M. and Johanna S. Baroll
1311 Berwick Road
Towson, MD 21204

October 9, 2009

Baltimore County Zoning Commission
Zoning Review
Dept. of Permits and Development
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

RE: Lynn M. Weiskittel Jaeger's
Petition for Administrative Variance

Dear Sir:

We are neighbors of Lynn Weiskittel Jaeger. Her garage and shed are located approximately two feet north of her southern boundary line. I have reviewed her plans to remove the old garage and use that area to construct a new garage with improvements above the car bays and to connect this structure to her house as an addition. I think this addition will be an improvement to her property and for the neighborhood.

I do not think this new structure will cause a problem for any neighbor if it is placed as close as two feet from her south boundary line, where the garage has been for many decades. I hope the Commissioner will grant her variance request.

Sincerely,

Johanna S. Barroll

Robert M. Barroll

Johanna S. Barroll

Robert M. Barroll

Robert M. and Johanna Barroll's home fronts on both Berwick and RIDER HILL. They have lived there for 43 years.

Bobby Barroll has been a leader in the residential real estate business for 45 years in Baltimore County.

2010-0137-A

ROBERT M. BARROLL
Vice President
Associate Broker

COLDWELL BANKER
RESIDENTIAL BROKERAGE

22 WEST PADONIA ROAD, SUITE A-100
TIMONIUM, MD 21093
VOICE MAIL (410) 667-2394
RES. (410) 828-9696

Resume of Robert M. Barroll

1) Licensed Real Estate Broker

2) Vice President with Coldwell Banker

3) Past President of three Real Estate Firms

4) Actively engaged in the sales, marketing and development of properties in the Ruxton area for 45 years.

5) Sold two properties that are adjacent to 7700 Rider Hill Road and 12 other homes that are within one block of 7700 Rider Hill Road.

6) Founder of the Greater Baltimore Million Dollar Association

7) Member of the Greater Baltimore Board of Realtors

8) Belonged to numerous committees and other organizations that are realty related

2010-0137-A

The Hon. and Mrs. Edward P. Murphy
1205 Berwick Road
Towson, MD 21204-6505

October 8, 2009

Baltimore County Zoning Commission
Zoning Review
Dept. of Permits and Development
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

RE: Lynn M. Weiskittel Jaeger's
Petition for Administrative Variance

Dear Sir:

We live near Lynn Weiskittel Jaeger's home. Her garage and shed are located approximately two feet north of her southern boundary line. I have reviewed her plans for removing the old garage and using that area to construct a new expanded garage with improvements above the car bays and connecting this structure to her house as an addition. I think this addition will be an improvement to her property and for the neighborhood.

I see no problem with this new structure being placed as close as two feet from her south boundary line, where her garage has been for many decades. I think there are good reasons for the Commissioner to grant her variance request.

Sincerely,

Edward P. Murphy
I

Janet H. Murphy

Janet H. Murphy

2010-0137-A

Christopher A. Feiss and Hadley A. Hubbard
7704 Rider Hill Road
Towson, MD 21204-6722

October 8, 2009

Baltimore County Zoning Commission
Zoning Review
Dept. of Permits and Development
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

RE: Lynn M. Weiskittel Jaeger's
Petition for Administrative Variance

Dear Sir:

I share a boundary line with Lynn Weiskittel Jaeger. Her garage and shed are located approximately two feet north of her southern boundary line. I have reviewed her plans for removing the old garage and using that area to construct a new expanded garage with second floor bedrooms, a bathroom, and storage area and connecting this structure to her house as an addition.

I have no objection to the new structure being placed as close as two feet from her south boundary line.

Sincerely,

Christopher A. Feiss

Hadley A. Hubbard

2018-0137-A

John S. McCleary and Linda W. McCleary
7703 Rider Hill Road
Towson, MD 21204-6722

October 8, 2009

Baltimore County Zoning Commission
Zoning Review
Dept. of Permits and Development
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

RE: Lynn M. Weiskittel Jaeger's
Petition for Administrative Variance

Dear Sir:

I share a boundary line with Lynn Weiskittel Jaeger. Her garage and shed are located approximately two feet north of her southern boundary line. I have reviewed her plans for removing the old garage and using that area to construct a new expanded garage with second floor bedrooms, a bathroom, and storage area and connecting this structure to her house as an addition.

I have no objection to the new structure being placed as close as two feet from her south boundary line.

Sincerely,

John S. McCleary

Linda W. McCleary

2010-0137-A

J. Raymond DePaulo, M.D. and Joanne Althoff
7709 Rider Hill Road
Towson, MD 21204-6526

October 9, 2009

Baltimore County Zoning Commission
Zoning Review
Dept. of Permits and Development
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

RE: Lynn M. Weiskittel Jaeger's
Petition for Administrative Variance

Dear Sir:

We are neighbors of Lynn Weiskittel Jaeger. Her garage and shed are located approximately two feet north of her southern boundary line. I have reviewed her plans to remove the old garage and use that area to construct a new garage with improvements above the car bays and to connect this structure to her house as an addition. I think this addition will be an improvement to her property and for the neighborhood.

I do not think this new structure will cause a problem for any neighbor if it is placed as close as two feet from her south boundary line, where the garage has been for many decades. I hope the Commissioner will grant her variance request.

Sincerely,

J. Raymond DePaulo, M.D.

Joanne Althoff

2010-0137-A

John M. Bond, Jr. and
Elizabeth O. Bond
7705 Rider Hill Road
Towson, MD 21204-6526

October 8, 2009

Baltimore County Zoning Commission
Zoning Review
Dept. of Permits and Development
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

RE: Lynn M. Weiskittel Jaeger's
Petition for Administrative Variance

Dear Sir:

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I see no problem with this new structure being placed as close as two feet from her south boundary line, where her garage has been for many decades. I hope the Commissioner will grant her variance request.

Sincerely,

John M. Bond, Jr.

Elizabeth O. Bond

I

2010-0137-A

Alice Wilkinson and
C. P. Wilkinson, M. D.
7707 Rider Hill Road
Towson, MD 21204-6526

October 9, 2009

Baltimore County Zoning Commission
Zoning Review
Dept. of Permits and Development
111 West Chesapeake Avenue, Room 111
Towson, MD 21204

RE: Lynn M. Weiskittel Jaeger's
Petition for Administrative Variance

Dear Sir:

We are neighbors of Lynn Weiskittel Jaeger. Her garage and shed are located approximately two feet north of her southern boundary line. I have reviewed her plans to remove the old garage and use that area to construct a new garage with improvements above the car bays and to connect this structure to her house as an addition. I think this addition will be an improvement to her property and for the neighborhood.

I do not think this new structure will cause a problem for any neighbor if it is placed as close as two feet from her south boundary line, where the garage has been for many decades. I hope the Commissioner will grant her variance request.

Sincerely,

Alice Wilkinson

C. P. Wilkinson, M.D.

2010-0137-A

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
	*	
7700 RIDER HILL ROAD	*	ZONING
	*	
9th Election District	*	COMMISSIONER
2nd Council District	*	
	*	OF
	*	
	*	BALTIMORE COUNTY
Lynn Miller Weiskittel Jaeger,	*	
Petitioner	*	Case No. 2010-149 A

The Baltimore County Zoning Regulations (BCZR) for DR2 properties require side line set offs of 15' and front and rear set offs of 40' These 15' side set off restrictions allow homes in DR-2 zoning to be no closer than 30 feet.[1] The closest house to the proposed building site is more than 100 feet away—more the three times the distance that the BCZR requires between homes.[2]

STATEMENT OF LAW

The elements of the established "legal tests" that Petitioner must meet to support granting the area variance she seeks is as follows[3]:

STEP ONE:

(a) 7700 Rider Hill Road IS UNIQUE, UNUSUAL, AND DIFFERENT FROM THE SURROUNDING PROPERTIES, SUCH THAT

(b) THE UNIQUENESS CAUSES THE AREA SET BACK ZONING PROVISIONS TO IMPACT MORE ON THE SUBJECT PROPERTY THAN ON SURROUNDING PROPERTIES.

---

[1] The regulations require a combined side set off of 40 feet, with a minimum of 15 feet on either side. If 2 homes abut and their 15 foot set off sides abut, there is 30 feet between the houses. No variance would be required and both properties comply with the side set off provisions if they each have at least 25 foot set offs on their other side lines, for a combined side yard set offs of 40 feet

[2] The lots in this area are large and wooded, so neither visual nor actual crowding is an issue. There has been no allegation that this proposed addition would diminish light or air flow to any adjacent homeowner.

[3] All language in ALL CAPITOL PRINT is from or paraphrased from Anderson v. Board of Appeals, 22 Md. App. 28, Cromwell v.Ward, 102 Md. App. 691 (1995), or Baltimore County's Zoning Review, Hearing Checklist.

PETITIONER'S

EXHIBIT NO. 11

STYLE: 2ND Story is just a Dormer.
Not a full 2nd Story
No ATTIC

PETITIONER'S

EXHIBIT NO. 13

Case No.: 7700 RIDER HILL RD 2010-0149-A

Exhibit Sheet

Petitioner/Developer Protestant

No. 1	AMENDED SITE PLAN	SON OF MOSTWIN'S - their Power of attorney
No. 2	ZONING MAP	Photographs
No. 3 A-Q	PHOTO'S EXISTING CONDITIONS	Ltr. - Curran Harvey - Whit Harvey Thorp (Realtor)
No. 4	PHOTO MAP - LOCATIONS NOTED	
No. 5	RECORD PLAT OF MALVERN	
No. 6	TITLE DEED	
No. 7 A+B	PROPOSED ADDITION ELEVATIONS EXISTING GARAGE	
No. 8	LETTERS IN SUPPORT OF PROPOSAL	
No. 9	Panaramic Views taken During Snow Storm from McClellan Prospective	
No. 10	10-A elevation of structures 10-B - Photo Between structures	
No. 11	WRITTEN BRIEF BY M's JAEGER	
No. 12	ADDITION MEASUREMENTS 30' WIDE 38' DEEP	
No. 13	TO SCALE - BLDG ADDITION 25' IN Height - WITH DORMER TREATMENTS	

1300 Malvern Avenue
Baltimore MD 21204

December 19, 2009

Re: Zoning Variance 7700 Rider Hill Avenue

To Whom It May Concern:

We (my parents, Danuta and Stanislaw Mostwin residing at 1300 Malvern Avenue, and I) had originally agreed to support the request for a zoning variance for the proposed construction at 7700 Rider Hill Avenue. At the time we had only briefly spoken to Mrs. Jaeger and looked at a schematic of the construction plans. Indeed, she has a letter of intent signed by my father and myself in her possession that she may choose to show as a sign of our initial support. With sincere regret for any inconvenience to Mrs. Jaeger in this matter, but after careful consideration, we have changed out minds.

We have had a chance to speak several times with our mutual neighbor, Mrs. McClellan. It is clear that the variance would significantly affect her property value and concerns. We were not aware of these concerns when we had first spoken to Mrs. Jaeger. Had we known of this, we would not have supported the variance request. In light of Mrs. McClellan's concerns, we have reviewed our own position on the matter. It is now clearer to us that the variance request would significantly affect the corner of our mutually abutting properties, affecting the value of our property as well, and so we must regrettably withdraw our support for this variance request.

I have discussed this with my father, who agrees with this withdrawal of support. As I have been granted legal power of attorney for the interests of both my parents, I indicate by signing below that we can no longer support the request for variance, and we now wish to indicate our objection to the request for the zoning variance made by Mr. and Mrs. John Jaeger of 7700 Rider Hill Avenue. We request that the zoning codes affecting our mutual properties remain as they are.

Because of my working schedule, I am unable to attend the hearing on December 21, 2009. My mother and father are unable to attend because of age and infirmity. I am willing to provide further information in writing or in person to facilitate the best outcome of this process.

Jacek L. Mostwin
6505 Darnall Road
Baltimore, MD 21204

PROTESTANT'S

EXHIBIT NO. 1


PROTESTANT'S
EXHIBIT NO. 2

WHIT HARVEY GROUP *Realtors For Life*

December 17, 2009

To Whom It May Concern:

I am a Realtor who has been active in the sale and evaluation of residential properties in the Baltimore area since 1982. As such, I am very familiar with the values of Real Estate in the Baltimore Metropolitan area in general and the Ruxton area, in particular. I am writing you to support Margo and Tony McClellan in their opposition to Mr. and Mrs. Jaeger's request for a variance (Case No. 2010-0149A).

I sold the McClellans the lot on which they built their house in 1995-96. They purchased the lot, not only for its location, but also for the privacy and beauty it afforded. During the past 15 years, the Jaeger property has been quite segregated, with the existing 10-foot tall garage screened by trees and an 8-foot fence constructed by the McClellans on the periphery of their property.

The proposed three-car garage with a two-bedroom/bath on top of it to be built on the same footprint, in my opinion, is an unacceptable violation of the zoning regulations of Baltimore County. I join the McClellans in asking the Zoning Board to deny the request by the Jaegers. This would severely damage the aesthetic and re-sale value of the McClellan property and most importantly, greatly diminish the Fair Market Value of the property. Fair Market Value is defined as "the highest price in terms of money a ready, willing and able renter would pay, and a ready, willing and able landlord would accept, assuming that both parties were operating with a full understanding of the market, and without coercion or undue influence on either part."

Sincerely,

Curran W. Harvey, III

Coldwell Banker Residential Brokerage Greenspring Office
10807 Falls Road, Suite 300 Lutherville, MD 21093
Direct: 410.832.2583 Fax: 410.821.0379 http://whitharveygroup.com

PROTESTANT'S
EXHIBIT NO. 3

A

PETITIONER'S

EXHIBIT NO. 3 A-Q

D

E

B

PETITIONER'S

EXHIBIT NO. 9

F

H

K

K

Existing Garage, South side,
2' off the southernmost border of 7700 Rider Hill Road
Boundary line shared with MOSTWIN, 1300 Malvern

2010-0139-A

LIBER5102 PAGE518

App. No. 84682

REAL ESTATE TITLE COMPANY,
INCORPORATED
Keyser Building
Baltimore, Md.
LExington 9-3212

TITLES INSURED by Lawyers Title Insurance Corporation Richmond, Virginia

FEE SIMPLE DEED

This Deed, Made this 17th day of June

in the year one thousand nine hundred and seventy by

ELEANOR TURNBULL POPE, divorced and now unmarried, of Baltimore County, State of Maryland, party of the first part, and

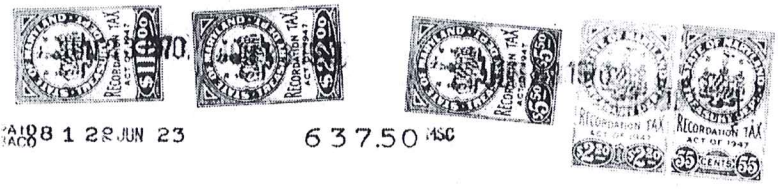
HARRY C. WEISKITTEL III and LYNN M. WEISKITTEL, his wife, parties of the second part.

WITNESSETH that in consideration of the sum of Five Dollars and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part

does grant and convey unto the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's heirs and assigns, in fee-simple, all that lot or parcel of ground situate, lying and being in Baltimore County, State of Maryland, and described as follows, that is to say

BEGINNING for the same at the intersection of the centerline of Rider Hill Road with the division line between Lots Nos. 11 and 12, on the Plat of "Malvern", said Plat being recorded among the Land Records of Baltimore County in Plat Book No. 4, folio 2, and running thence binding on said division line, south 34 degrees 58 minutes west 112.29 feet to a pipe heretofore planted at the end of said division line, thence binding on the southernmost outline of the aforesaid Lot No. 12, south 87 degrees 45 minutes west 311.85 feet to the center of a road 20 feet wide, as laid out on the aforesaid plat, thence binding on the center of said 20 foot road, north 24 degrees 50 minutes east 153.71 feet, thence north 83 degrees 34 minutes east 306.61 feet to the center of Rider Hill Road aforesaid, at the distance of 70 feet northwesterly from the place of beginning, thence binding on the center of Rider Hill Road, south 5 degrees 31 minutes east 70 feet to the place of beginning.
The said lot containing 1.10 acres of land, more or less, and being part of Lot No. 12 on the aforesaid Plat.
The improvements thereon being known as No. 7700 RIDER HILL ROAD.

Being the same lot or parcel of ground which by Deed dated October 14, 1969 and recorded among the Land Records of Baltimore County in Liber OTG No. 5044 folio 19 was granted and conveyed by Douglas D. Schouler, Jr. and Dorothy F. Schouler, his wife, unto the within named grantor.



JUN 23 70 8 1 28 JUN 23 637.50 MSC

PETITIONER'S EXHIBIT NO. 6

TOGETHER, with the buildings and improvements thereon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or in any wise appertaining.

TO HAVE AND TO HOLD said lot of ground and premises; above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said parties of the second part, as tenants by the entireties, their assigns, the survivor of them, and the survivor's heirs and assigns, in fee-simple.

AND the said party of the first part hereby covenants that she has not done or suffered to be done any act, matter or thing whatsoever, to encumber the property hereby conveyed; that she will warrant specially the property hereby granted, and that she will execute such further assurances of the same as may be requisite.

WITNESS the hand and seal of said grantor.

TEST:

Eleanor Turnbull Pope [SEAL]

[SEAL]

[SEAL]

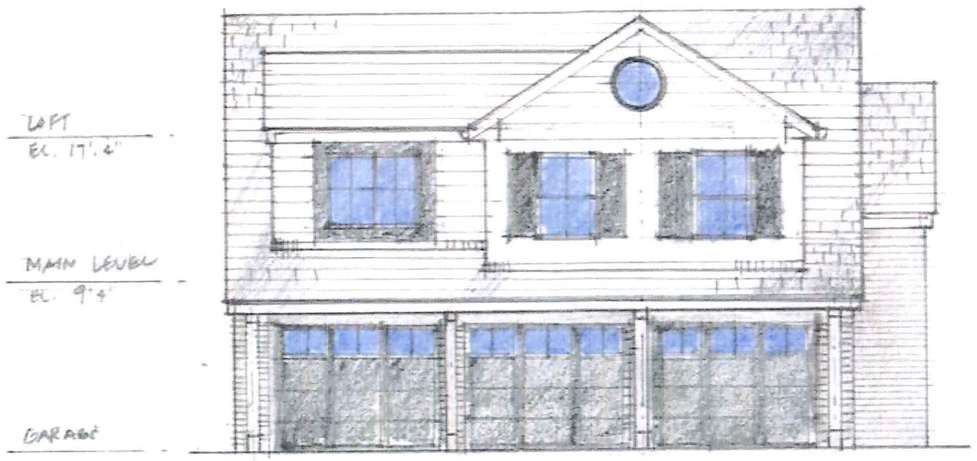
STATE OF MARYLAND, BALTIMORE CITY, **TO WIT:**

I HEREBY CERTIFY, that on this 17th day of June in the year one thousand nine hundred and seventy before me, the subscriber, a Notary Public of the State of Maryland, in and for Baltimore City aforesaid, personally appeared Eleanor Turnbull Pope, and she acknowledged the foregoing Deed to be her act.

WITNESS my hand and notarial seal the day and year last above written.

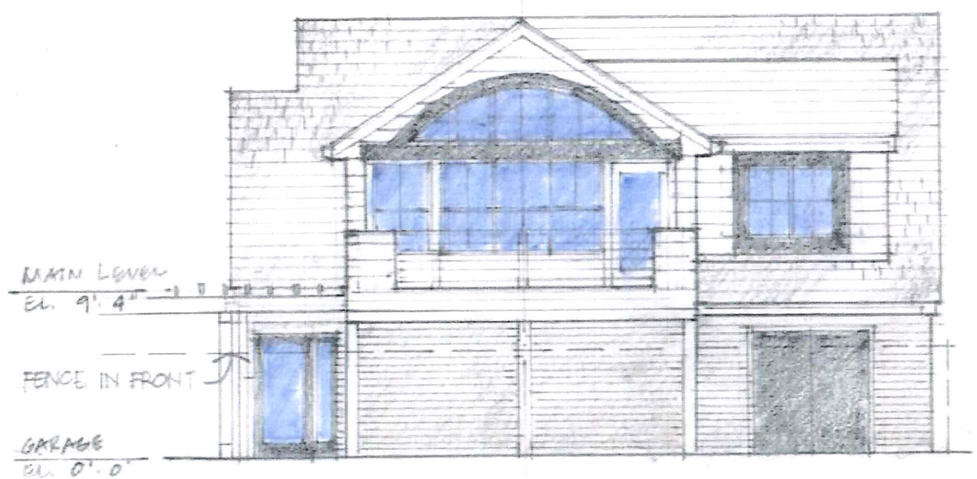
Edna S. Clarke
NOTARY PUBLIC

Rec'd for record JUN 23 1970 at 2 39 P M
Per Orville T. Gosnell, Clerk
Mail to REAL ESTATE TITLE CO., INC.
Receipt No. 30427 $ 5.00

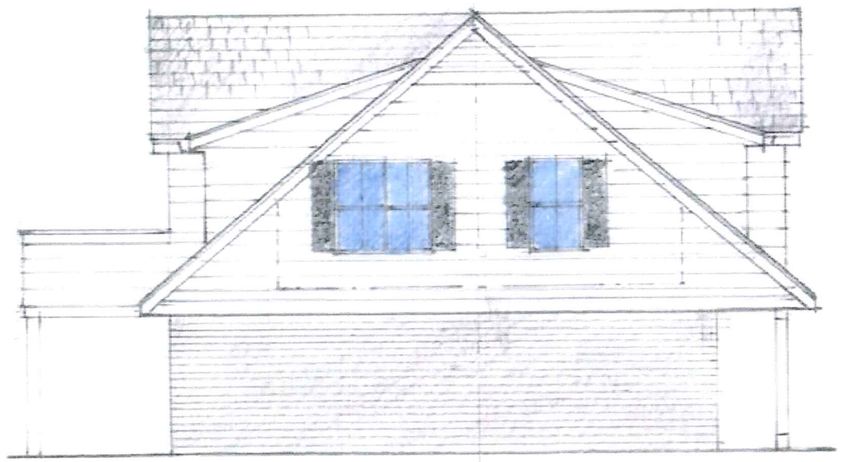


EAST ELEVATION

NORTH ELEVATION



WEST ELEVATION



SOUTH ELEVATION

LUCAS
ASSOCIATES
Architects

1505 Berwick Road
Ruxton, MD 21204

phone 410.821.8187
fax 410.821.4004
info@lucasarchitects.com

www.lucasarchitects.com

Additions and Renovations to the

Weiskittel/ Jaeger Residence

7700 Rider Hill Road
Ruxton, MD 21204

ADDITION
ELEVATIONS
3/4"=1'-0" 3

10 · 8 C

PETITIONER'S

EXHIBIT NO. 7A

Existing garage, EAST side

Existing Garage, North side

Existing Garage, South side,
2' off the southernmost border of 7700 Rider Hill Road
Boundary line shared with MOSTWIN, 1300 Malvern

Exixting Garage, WEST side:

PETITIONER'S

EXHIBIT NO. 7-B

ZONING MAP

GIS TILES: 069B2 & 069C2

SCALE: 1" = 200'

PETITIONER'S

EXHIBIT NO. 2

PLAT of MALVERN

RIDER ESTATE.

RUXTON BALTº Co. Md.

TOWSON Md. JUNE 1911.

Scale - 1 inch = 100 Feet.

J. Milton Green
Surveyor and Civil Engineer.

Northern Central Railway

Bellona Avenue

Locust

Boyce Avenue

Thom... Gurey

LOT Nº 18.
3 846/1000 Acres.

LOT Nº 1 Mi. 2
6 60/100 Acres.

LOT Nº 21.
10 667/1000 Acres.

LOT Nº 20
3 245/1000 Acres.

LOT Nº 19.
4 38/100 Acres.

LOT Nº 17.
1 679/1000 Acres.

LOT Nº 8.
3 38/100 Acres.

LOT Nº 7.
3 55/100 Acres.

LOT Nº 22.
4 00/100 acres.

LOT Nº 16.
2 108/1000 Acres.

LOT Nº 6.
3 39/1000 acres.

Lot Nº 9.
3 872/1000 acres.

Thirty Foot Avenue

LOT Nº 15.
2 205/1000 Acres.

LOT Nº 12.
2 612/1000 Acres.

LOT Nº 11.
1 20/100 Acres.

LOT Nº 10.
1 27/1000 Acres.

LOT Nº 14.
4 81/1000 acres.

LOT Nº 13.
5 50/100 acres.

LOT Nº 3.
3 25/100 acres.
conveyed to
John M. Shea. + wife.

RUXTON Road

Thirty (30) Foot Avenue

Mrs Mary Haslup.
4 47/100 Acres.

4 14/100 Acres.
conveyed to
James Vail

Beginning

MALVERN Avenue

PETITIONER'S
EXHIBIT NO. 5

Impervius Surface

ground increase (red) +1475

ground decrease (green) - 550

net gain +925

garage (green) -1100

net decrease -175

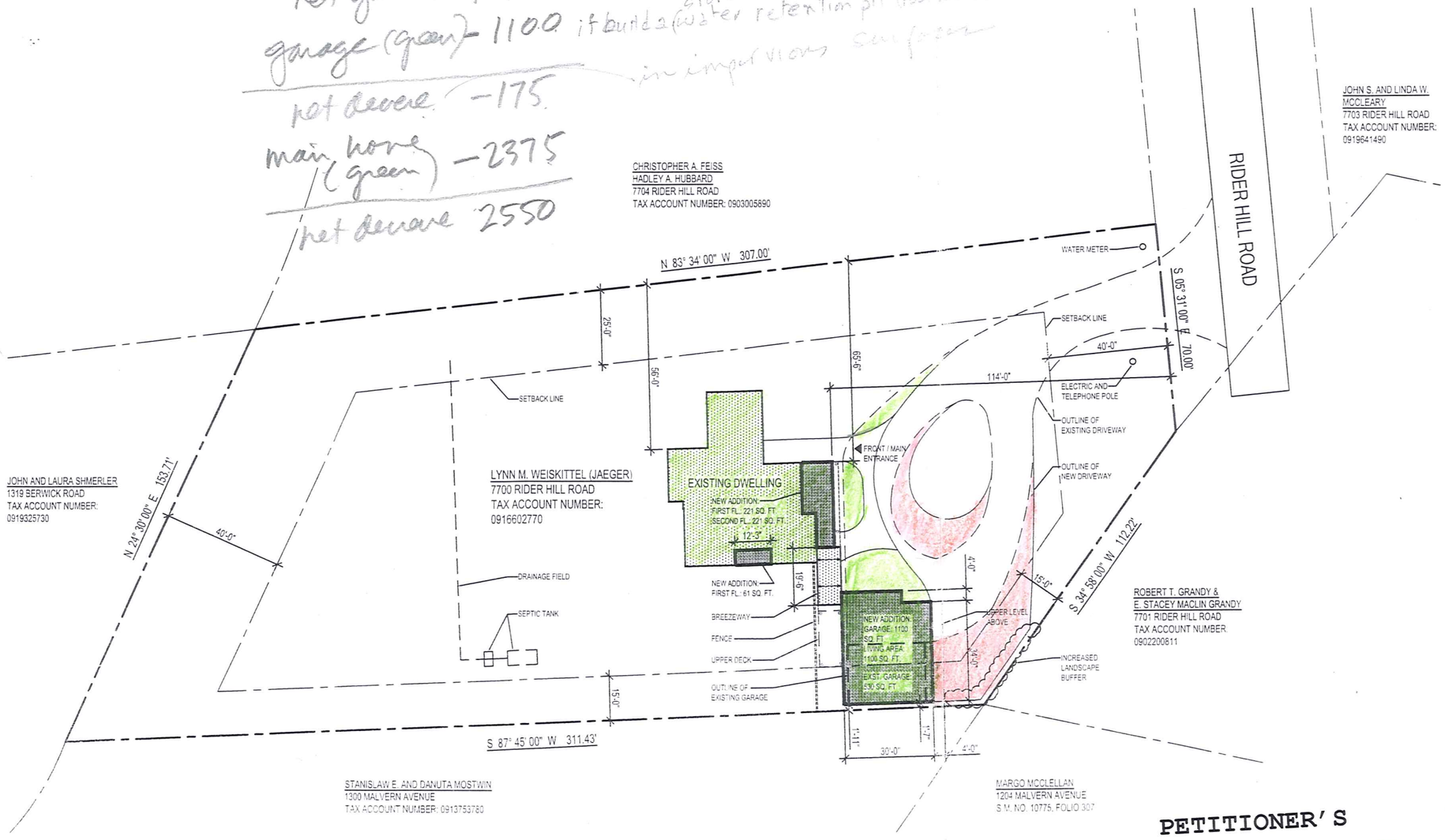
main house (green) -2375

net decrease 2550

of impervious surface

if build a storm water retention pit (roof water)

the impervious surface



PETITIONER'S

EXHIBIT NO. 12

1 / A 0.1 SITE PLAN

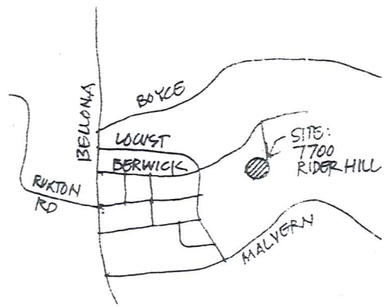
1" = 40'

PLAT

SITE PLAN to accompany
Petition for Adminstrative Zoning Variance

Property Address:	7700 Rider Hill Road Baltimore, MD 21204
Subdivision:	Malvern
Plat Book:	#4
Folio:	#2
Lot:	#12
Owner:	Lynn M. Weiskittel

Vicinity Plan



Location Information

Election District:	9
Councilman District:	2
1" = 200' Map:	Plan Sheet 069B2 / 069C2
Zoning:	DR 2
Lot Size:	Acreage: 1.09 Square Feet: 47572
Sewer:	Private
Water:	Public

Chesapeake Bay Critical Areas:	No
100 Year Flood Plain:	No
Historic Property / Building:	No
Prior Zoning Hearings:	-----

Zoning Use Only

Reviewed By: _____

Item No.: _____

Case No.: _____

LUCAS ASSOCIATES Architects
1014 West 36th Street
Baltimore, Maryland 21211
Tel. 410.467.8200
Fax 410.467.0965
www.lucasarchitects.com

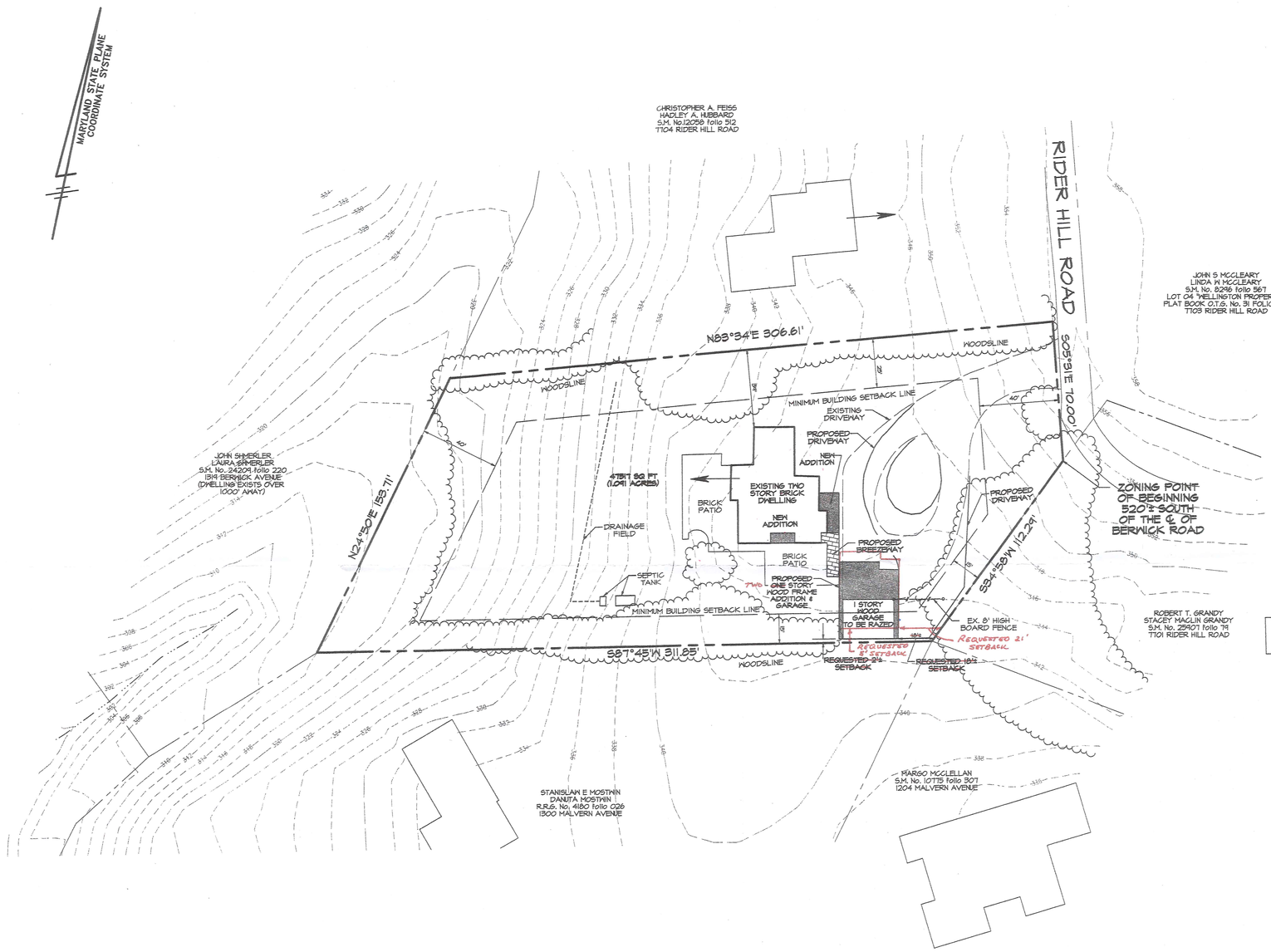
Additions and Renovations to the

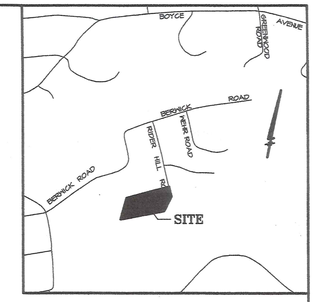
WEISKITTEL/ JAEGER RESIDENCE

7700 Rider Hill Road
Ruxton, Maryland 21204

20 October 2009

A 0.1





VICINITY MAP
1" = 500'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A DEED.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 069C2 & 069B2.
3. THE SOIL TYPES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY SOIL SURVEY MAP No. 31.
4. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
5. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
6. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
7. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
8. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEPTIC SYSTEMS.
9. THE PROPOSED ADDITION WILL BE CONSTRUCTED ON THE SAME FOOT PRINT AS THE DETACHED GARAGE.

D.R. 2 BUILDING SETBACKS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	20,000
MINIMUM LOT WIDTH (feet)	100
MINIMUM FRONT YARD DEPTH (feet)	40
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	15 ; SUM OF 40'
MINIMUM REAR YARD DEPTH (feet)	40

VARIANCE REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS:

SECTION 1B02.3.C.1
TO ALLOW A SIDE YARD SETBACK OF 2'± IN LIEU OF THE REQUIRED 15' FOR A GARAGE ADDITION AND BREEZEWAY.

TO ALLOW A REAR YARD SETBACK OF 18'± IN LIEU OF THE REQUIRED 40' FOR A GARAGE ADDITION AND BREEZEWAY.

OWNER\DEVELOPER
LYNN MILLER WEISKITTEL (JAEGER)
7700 RIDER HILL ROAD
TOWSON, MD 21204-6525
(410) 337-3699

PLAN TO ACCOMPANY
A PETITION FOR A
ZONING HEARING
FOR THE

JAEGER PROPERTY

7700 RIDER HILL ROAD
Deed Ref: S.M. No. 7724 folio 181
Part of lots #11 & #12 "Malvern" Plat Book 3 4/2
Tax Account No.: 09-16-602770
Zoned DR-2; GIS Tile 069C2, 069B2
Tax Map 69; Grid 11; Parcel 1051

9th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND — BRUCE EDWIN DORAN — No. 541 — REGISTERED PROPERTY LINE SURVEYOR — 12/21/09

Scale: 1"=30' DATE: NOVEMBER 4, 2009

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
320 East Towsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE
REVISE "ONE" TO "TWO" ON PROPOSED GARAGE REVISE REQUESTED SETBACKS	12/21/09
SHOW DWELLING ON ROBERT T. GRANDY'S LOT	12/02/09
SHOW DWELLING ON MARGO MCCLELLAN'S LOT	12/02/09
REVISE ADDITION TO EAST SIDE OF DWELLING	11/24/09

COMPUTED: JTM | DRAWN: JTM | CHECKED: B.E.D. | FILE:X:\JJAE

PETITIONER'S
EXHIBIT NO. 1