

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

E/Side of Wards Chapel Road, 3,136' SW
c/l of Liberty Road
2nd Election District
4th Councilmanic District
(4201 Wards Chapel Road)

Alicia M. Cartagena, *Legal Owner*
Douglas & Jennifer Ryndak, *Contract Purchaser*
Petitioners

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
*
* **Case No. 2011-0303-SPHA**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of Petitions for Special Hearing and Variance filed by Alicia M. Cartagena, the legal property owners, and Douglas and Jennifer Ryndak, the contract purchaser. Petitioners are requesting Special Hearing relief in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a non-density transfer of 2.344 acres, more or less, from Parcel 405 to 537. Petitioners are also requesting Variance relief from Section 400 of the B.C.Z.R. to permit an accessory building (existing barn) with a height of 27 feet in lieu of the maximum 15 feet. The subject property and requested relief are more fully described on the red-lined site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requested relief were Douglas and Jennifer Ryndak, contract purchasers, and Mitchell J. Kellman with DMW, Inc., who is assisting the Petitioners in the land use process. There were no Protestants or other interested persons in attendance.

Testimony and evidence revealed that the subject property is just over an acre in size and is zoned RC 2. The Ryndaks have lived in their home at 4201 Wards Chapel Road for over 10 years,

ORDER RECEIVED FOR FILING

Date 5-24-11

By 

and they seek to acquire just over 2 acres of land from adjoining owner Alicia Cartagena. Douglas Ryndak testified he was seeking the additional land as a "buffer" of sorts from adjacent properties, and he said he had two children who would benefit from and enjoy the additional land. There is an existing barn on the land being purchased by the Ryndaks, and while not dilapidated, photos (Petitioners' Exhibit 2) depict that it is in need of refurbishing. Mr. Ryndak testified that he intends to restore and make cosmetic improvements to the barn, and that it would be used for his family.

The Petitioners submitted letters from two adjoining landowners – both of whom have lived next to the Ryndaks for approximately 10 years – expressing strong support for the land transfer and the barn renovation. See Exhibit 3.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief from any of the reviewing agencies. Mr. Kellman indicated he spoke with Wally Lippincott of the Department of Environmental Protection and Sustainability (there was no DEPS comment in the file) who did not object to the land transfer, provided no additional density would result.

After due consideration of the testimony and evidence presented, I am persuaded to grant the relief requested.

As to the variance request, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Specifically, and as proffered by Mr. Kellman, parcel 537 is very irregularly shaped, including a jagged "cut out" on the northern portion of the lot to accommodate the well which supplies water to the residence at 4201

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Date 5-24-11 2

By [Signature]

Wards Chapel Road. In addition, the barn which is the subject of the variance request was constructed many years ago creating an existing site condition which is, by definition, unique.

I further find that strict compliance with the B.C.Z.R. would result in practical difficulty or unreasonable hardship. Finally, I find the variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare, as amply demonstrated by the lack of community opposition and the letters of support from adjoining neighbors.

Pursuant to the advertisement, posting of the property and public hearing held, and after considering the testimony and evidence offered, I find that Petitioners' special hearing and variance requests should be granted.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County this 24 day of May, 2011 that Petitioners' Special Hearing request in accordance with Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a non-density transfer of 2.344 acres, more or less, from Parcel 405 to 537, be and is hereby GRANTED, and

IT IS FURTHER ORDERED that Petitioners' Variance request from Section 400 of the B.C.Z.R. to permit an accessory building (existing barn) with a height of 27 feet in lieu of the maximum 15 feet, be and is hereby GRANTED.

The relief granted herein is subject to the following condition:

1. Petitioners are advised that they may apply for any required building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The existing barn (presently situated on Parcel 405) shall not be used for a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.

ORDER RECEIVED FOR FILING

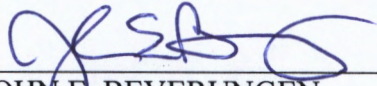
Date 5-24-11

3

By [Signature]

3. With regard to the special hearing relief approving the non-density transfer of approximately 2.3 acres +/- from Parcel 405 to 537, there shall be no further re-subdivision of Parcel 537 (a single "lot of record") into a greater number of lots, nor shall any additional density or development rights accrue to either Parcels 405 or 537 as a result of the approval of the special hearing relief.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:pz

ORDER RECEIVED FOR FILING

Date 5-24-11

By 



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

May 24, 2011

ALICIA M. CARTAGENA
11606 PINDELL WOODS DRIVE
FULTON MD 20759

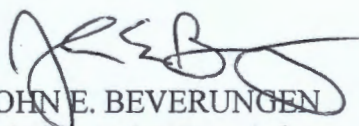
Re: Petition for Special Hearing and Variance
Case No. 2011-0303-SPHA
Property: 4201 Wards Chapel Road

Dear Ms. Cartagena:

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

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

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

Enclosure

c: Douglas and Jennifer Ryndak, 4201 Wards Chapel Road, Marriottsville MD 21104
Mitchell J. Kellman, DMW, Inc., 200 East Pennsylvania, Towson MD 21286
Nicholas Steffens, 4204 Wards Chapel Road, Marriottsville MD 21104
Charles Cull, 50 Blue Swallow Court, Westminster MD 21058



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 4201 Wards Chapel Road
which is presently zoned RC 2

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

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

a non-density transfer of 2.344± acres from Parcel 405 to Parcel 537

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

I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Douglas C. Ryndak Jennifer E. Ryndak
Name - Type or Print
Douglas C. Ryndak Jennifer E. Ryndak
Signature
4201 Wards Chapel Road 410-521-4156
Address Telephone No.
Marriottsville MD 21104
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Alicia M. Cartagena
Name - Type or Print
Alicia M. Cartagena
Signature

Name - Type or Print

Signature
11606 Pindell Woods Dr 202 210 5597
Address Telephone No.
Fulton MD 20757
City State Zip Code

Representative to be Contacted:

Mitchell J. Kellman, DMW, Inc.
Name
200 East Pennsylvania Ave 410-296-3333
Address Telephone No.
Towson MD 21286
City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

Case No. 2011-0303-SPHA
REV 9/15/98

UNAVAILABLE FOR HEARING
Reviewed By ATSUT Date 4/6/11

ORDER RECEIVED FOR FILING

Date 5-24-11

By JB



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 4201 Wards Chapel Road which is presently zoned RC2

Deed Reference: 15748/071 Tax Account # 1700008578

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)

400.3 to permit a 27-foot height in lieu of 15 feet for an accessory building (existing barn).

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

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Douglas C. Ryndak Jennifer E. Ryndak
Name - Type or Print

Douglas C. Ryndak Jennifer E. Ryndak
Signature

4201 Wards Chapel Road 410-521-4156
Address Telephone No.

Marriottsville MD 21104
City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Alicia M. Cartagena
Name - Type or Print

Alicia M. Cartagena
Signature

Name - Type or Print

Signature

11606 Pindell Woods dr. 2022100597
Address Telephone No.

Fulton, MD 20759
City State Zip Code

Representative to be Contacted:

Mitchell J. Kellman, DMW, Inc.
Name

200 East Pennsylvania Ave 410-296-3333
Address Telephone No.

Towson MD 21286
City State Zip Code

Case No. 2011-0303-SPHA

Office Use Only

Estimated Length of Hearing _____
Unavailable For Hearing _____

Reviewed by ATSUI Date 4/6/11

REV 8/20/07

ORDER RECEIVED FOR FILING

Date 5-24-11

By [Signature]

Description
To Accompany Petition
For Zoning Variance and Special Hearing
Wards Chapel Road
Baltimore County, Maryland

Beginning for the same at the end of the second of the following two courses and distances measured from the point formed by the intersection of the centerline of Liberty Road (Route 26) with the centerline of Wards Chapel Road, southwesterly along the centerline of Wards Chapel Road, 3,136 feet, more or less, thence southeasterly 10 feet, more or less, to the point of beginning; thence leaving said point of beginning and running through, over, and across all of the lands of Douglas C. Ryndak and Jennifer E. Ryndak as described in a deed dated September 24, 2001, and recorded in the Land Records of Baltimore County, Maryland, in Liber 15748, Folio 286, and running through, over, and across all of the lands of Alicia M. Cartagena as described in a deed dated February 27, 2010, and recorded in the Land Records of Baltimore County, Maryland, in Liber 29356, Folio 334, the 14 following courses and distances, (1) South 70 degrees 05 minutes 20 seconds East 227.20 feet, thence (2) South 71 degree 13 minutes 00 second East 327.99 feet, thence (3) South 28 degrees 12 minutes 49 seconds East 65.94 feet, thence (4) South 17 degrees 21 minutes 00 seconds West 210.00 feet, thence (5) South 86 degrees 28 minutes 39 seconds West 344.20 feet, thence (6) North 25 degrees 58 minutes 00 seconds West 367.40 feet, and thence (7) North 08 degrees 10 minutes 40 seconds East 80.36 feet, to the point of beginning; containing 3.472 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY
AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

March 23, 2011

Case No.: 2011-303-SPHA

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan (redlined)	
No. 2	Photos(4)	
No. 3	Letters of Support from 2 neighbors	
No. 4	SDAT TAX map	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

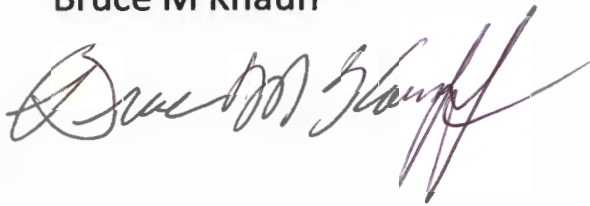
May 12, 2011

To the Administrative Law Judge of Baltimore County

I, Bruce M Knauff, property owner and resident of 4209 Wards Chapel Road since 2003 am fully aware of and totally support the transfer of 2.344+/- acres from parcel 405 to parcel 537.

My property has a direct view of the above mentioned acreage. This parcel has not been maintained for many years, and I honestly believe the land transfer will not only benefit the Ryndaks, but also greatly enhance the overall appearance of the neighborhood.

Bruce M Knauff

A handwritten signature in dark ink, appearing to read "Bruce M Knauff", with a stylized, flowing script.

PETITIONER' S

EXHIBIT NO. 3

May 13, 2011

Mr. Philip F Restivo Sr.
Mrs. Mildred Restivo
4203 Wards Chapel Road
Marriottsville, MD 21104

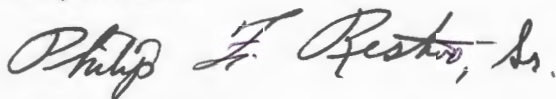
Baltimore County Zoning Review
111 West Chesapeake Avenue
Towson, MD 21204
Re: Case Number: 2011-0303-SPHA

Dear Administrative Law Judge of Baltimore County,

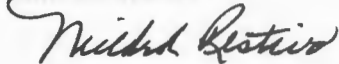
We are aware of the request by Douglas and Jennifer Ryndak to transfer 2.344 +/- acres of property from parcel 405 to parcel 537 and are in support of the transfer. We have been neighbors with the Ryndak's for 10 years and would love for them to be able to add the additional property to their existing property. They always keep their property clean and taken care of and we look forward to them cleaning up the property and restoring the barn.

Sincerely,

Philip Restivo Sr.



Mildred Restivo

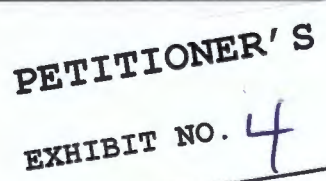












CASE NAME 2011-0303-SPHA ←
CASE NUMBER 4201 Words Chapel Rd ←
DATE 5/7/11

[illegible]

May 11, 2011

Arnold Jablon
Director
Dept. of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Ave., Room 111
Towson, MD 21204

Attn: Kristen Lewis

RE: address correction

In reference to case number: 2011-0303-SPHA

I am the legal owner of the property at **4145** Wards Chapel Road. I am a practicing physician at Mercy Medical Center and will be unable to attend the scheduled hearing on Tuesday, May 17, 2011 at 10:00 am due to scheduling conflicts with my practice.

I have no objection to the permit filed by contract purchasers Douglas and Jennifer Ryndak for the non-density transfer of 2.344 +/- acres from parcel 405 to parcel 537, nor do I have any objection to the variance to permit a 27 foot height in lieu of a 15 foot height for an accessory building (existing barn).

Should there be any questions, I can be contacted by cell phone at: 202-210-0597.

Thank you.

Sincerely,

Alicia M. Cartagena

cc: (fax) Peter Zimmerman
Mitchell Kellman

Arnold Jablon
Director
Dept. of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Ave., Room 111
Towson, MD 21204

May 11, 2011

Attn: Kristen Lewis

RE: address correction

In reference to case number: 2011-0303-SPHA

I am the legal owner of the property at 4145 Wards Chapel Road. I am a practicing physician at Mercy Medical Center and will be unable to attend the scheduled hearing on Tuesday, May 17, 2011 at 10:00 am due to scheduling conflicts with my practice.

I have no objection to the permit filed by contract purchasers Douglas and Jennifer Ryndak for the non-density transfer of 2.344 +/- acres from parcel 405 to parcel 537, nor do I have any objection to the variance to permit a 27 foot height in lieu of a 15 foot height for an accessory building (existing barn).

Should there be any questions, I can be contacted by cell phone at: 202-210-0597.
Thank you.

Sincerely,

Alicia M. Cartagena

cc: (fax) Peter Zimmerman
Mitchell Kellman

301 ST Paul Place
Baltimore, Maryland 21202
Phone: 410-332-9284
Fax: 410-783-5609
www.mdmercy.org

**Mercy Health
Services**

Fax

To: Kristen Lewis

From: Alicia Cartagena

Fax: 410-887-3048

Pages: 2

Phone:

Date: 5/12/11

Re:

CC:

☐ Urgent

☒ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

* Comments:

correction noted

If you do not receive all pages, please call Radiology File Room -at 410-332-9284

This transmission is intended for the use of the person or office to which it is addressed and may contain information that is privileged, confidential, or protected by law.

All others are hereby notified that receipt of this message does not waive any applicable privileges of exemption from disclosure and that any discrimination or copying of the communication is prohibited.

If you have received this communication in error, please notify us immediately at the telephone number shown above.

Thank you

CERTIFICATE OF POSTING

2011-0303-SPHA

RE: Case No.: _____

Petitioner/Developer: _____

Douglas & Jennifer Ryndak**May 17, 2011**

Date of Hearing/Closing: _____

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

Attn: Kristen Matthews:

Ladies and Gentlemen:

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

4201 Wards Chapel Road**May 2, 2011**

The sign(s) were posted on _____
(Month, Day, Year)

Sincerely,

May 2, 2011
(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ZONING NOTICE

CASE # 2011-0303-SPHA

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

Room 205 Jefferson Building
PLACE: 105 WEST CHESAPEAKE AVENUE TOWSON 21204

DATE AND TIME: TUESDAY, May 17, 2011 at 10:00 a.m.

REQUEST: SPECIAL HEARING TO PERMIT A REZONING
TRANSFER TO Z-344 & ALLOT FROM PARCEL 405 TO PARCEL
537. VARIANCE TO PERMIT A 27 FOOT HEIGHT IN LAY OF 16
FOOT FOR AN ACCESSORY BUILDING (ENDING DINE)

FOR FURTHER INFO OR TO REQUEST A PUBLIC HEARING, CALL 410-528-5591

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
4201 Wards Chapel Road; East side,
Wards Chapel Rd., 3,136 ft. Southwest
of the Centerline Liberty Road
2nd Election & 4th Councilmanic District
Legal Owner(s): Alicia M. Cartagena
Contract Purchaser: Douglas &
Jennifer Ryndak

Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 2011-0303-SPHA

* * * * *

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.

RECEIVED

APR -14 2011

Carl J. J. J.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of April, 2011, a copy of the foregoing Entry of Appearance was mailed to Alicia M. Cartagena, 11606 Pindell Woods Drive, Fulton, Maryland 20759, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: #2011-0303-SPHA

4201 Wards Chapel Road
E/side of Wards Chapel Road, 3,136 feet s/west of center-line of Liberty Road
2nd Election District - 4th Councilmanic District
Legal Owner(s): Alicia M. Cartagena
Contract Purchaser: Douglas & Jennifer Ryndak

Special Hearing: To permit a non-density transfer of 2.344 +/- acres from parcel 405 to parcel 537.

Variance: to permit a 27 foot height in lieu of 15 foot for an accessory building (existing barn).

Hearing: Tuesday, May 17, 2011 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON

Director of Permits, Approvals and Inspections for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868

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

JT 05/626 May 3 274590

CERTIFICATE OF PUBLICATION

5/5/, 2011

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/3/, 2011.

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

J. Wilkinson

LEGAL ADVERTISING

