

3/24/13

RE: RONALD W. and JEAN RUFF

LEGAL OWNERS/PETITIONERS
PETITION FOR VARIANCE
1218 Elm Ridge Avenue

13th Election District
1st Councilmanic District

* BEFORE THE
* BOARD OF APPEALS
* FOR
* BALTIMORE COUNTY
* Case No. 12-235-A

* * * * *

OPINION

This case comes before the Board of Appeals as an appeal of the May 10, 2012 decision of the Office of Administrative Law by which the Petitioners Ronald W. and Jean Ruff were denied their request for a variance for the use of their property located at 1218 Elm Avenue. The Petitioners sought zoning approval in the form of a Variance to allow 1) a minimum lot width of 50 feet in lieu of the required 90 feet; 2.) a minimum side yard setback of 10 feet in lieu of the required 15 feet; and 3) a minimum sum of side yard setback of 20 feet in lieu of the required 35 feet. The Variance request is from Section 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.).

A hearing was held before the Board of Appeals (Board) at which the Petitioners were represented by counsel J. Neil Lanzi, Esquire. The variance request was opposed by a number of Protestants who were collectively represent by counsel Benjamin Bronstein, Esquire. The Office of the People's Counsel appeared in opposition to the request variance and was represented by Peter Max Zimmerman, Esquire.

BACKGROUND

The subject property is located is located in the Arbutus community of Baltimore County.

The Petitioners, according to the evidence, sought the requested variance to enable them to use and/or convert the use of their property from a single family dwelling into a multiple family apartment use. The subject property is presently zoned D.R. 5.5 and has a combined proposed lot area of 12,870 S.F. The proposed combined lot area consists of three adjacent lots (Lot 4, 6A and 7A) owned by the Petitioners. The precise description of the requested variance and lots is contained in Petitioner's Exhibit 1 which is titled "Plat to Accompany a Petition for Zoning Variances", prepared by Gerhold, Cross & Etzel, LTD. Professional Land Surveyors.

The proposed lot combination would comply with the lot size requirement contained in the Baltimore County Zoning Regulations for a 2 apartment multi family building if the zoning variance was granted.

According to the testimony presented at the hearing in the building situate on the subject property is presently configured as a duplex apartment building with an additional apartment in the basement of the building. Testimony was taken as to the duration of the duplex use of the property. It appears that the property has been in a duplex configuration since the 1940's. However the Petitioner (Mr. Ruff) testified that the use of the building as an occupied duplex apartment building lapsed for a period exceeding one year and therefore he could not seek relief from the DR 5.5 single family zoning requirement on the theory that the property presented a "non-conforming use" as defined in the Baltimore County Zoning Regulations.

Several neighbors of the subject property appeared to testify in opposition to the variance request and voiced their concerns about the propriety of the proposed use of the property as a multi-family dwelling.

The Office of Peoples' Counsel represented by Peter M. Zimmerman, Esq. presented two arguments to the Board.

1. People's Counsel advised the Board that his office believed that the Petitioners had failed to properly post the notice of variance request on their property. In sum People's Counsel complained that the "posting" did not contain sufficient information to effectively place the neighbors and any interested persons on proper notice the Petitioners were seeking to gain approval for a multi-family use of their property. The Board examined a photograph of the "posting" (People's Counsel Ex. 8). While the posting contains no language of the Petitioners' intention to change the dwelling status of their property, the Board finds that the description of the variance sought was sufficient for notice of the intended variance by virtue of the fact that the dwelling usage was not a matter before this Board for its review.

2. Peoples' Counsel argued that the subject property does not meet the threshold test for a variance in that the property is not "unique". Counsel introduced into evidence a plat; aerial map; and two neighborhood maps depicting the subject property and the surrounding neighborhood. (Peoples' Counsel Ex. 2- 5). The exhibits were offered to the Board as evidence that the subject property does not by its physical characteristics differ substantially from the other lots in the neighborhood.

DECISION

Maryland jurisprudence is well established regarding the factors to be considered when contemplating variance relief.

Baltimore County Zoning Regulations, Section 307.1, in pertinent part, states as follows:

"...(T)he County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations...only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship.... Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area...regulations, and only in such manner as to grant relief without injury to public health, safety, and general welfare...."

In *McLean v. Soley*, 270 Md. 216 (1973) the court established the following criteria for determining practical difficulty or unreasonable hardship:

- "1) Whether compliance with the strict letter of the restrictions governing various variances would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- "2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.
- "3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured."

Further, in *North v. St. Mary's County*, 99 Md.App. 502 (1994) the Court held that

"...the 'unique' aspect of a variance requirement does not refer to the extent of improvements on the property, or upon neighboring property. 'Uniqueness' of a property for zoning purposes requires that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls." Id at 514

In the Court of Special Appeals in *Cromwell v. Ward*, 102 Md.App. 691 (1995), wherein the Court writes:

...The Baltimore County ordinance requires "conditions ...peculiar to the land...and...practical difficulty...." Both must exist. ...However, as is clear from the

language of the Baltimore County ordinance, the initial factor that must be established before the practical difficulties, if any, are addressed, is the abnormal impact the ordinance has on a specific piece of property because of the peculiarity and uniqueness of that piece of property, not the uniqueness or peculiarity of the practical difficulties alleged to exist. **It is only when the uniqueness is first established that we then concern ourselves with the practical difficulties....**" Id. at 698.

In requiring a pre-requisite finding of "uniqueness", the Court defined the term and stated:

In the zoning context the "unique" aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property. "Uniqueness" of a property for zoning purposes requires that the subject property has an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions.... Id. at 710.

Petitioner's Argument

The Petitioners argue that the property is unique under BCZR 307.1 based upon the reasoning that the shape of the parcel under the proposed deed mergers will result in a combined lot that is "L" shaped. The shape of the proposed lot will differ from that of most of the lots in the neighborhood and is arguable unique. However the proposed L shape lot is obviously a creation of the Petitioners rather than an existing "inherent characteristic" of the property.

CONCLUSION

This Board is not persuaded that the Petitioner has illustrated uniqueness of its parcel to deviate from standing zoning requirements its property. Consequently, Petitioner's requested Variance relief is DENIED.

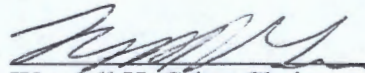
ORDER

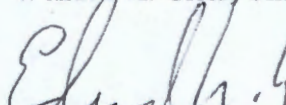
THEREFORE, IT IS THIS 21st day of March, 2013 by the Board of Appeals of Baltimore County

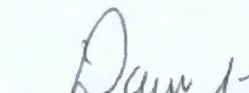
ORDERED that the Petitioner's request for a variance from Section 400.01 and 400.3 of the BCZR, to permit 1) a minimum lot width of 50 feet in lieu of the required 90 feet; 2) a minimum side yard setback of 10 feet in lieu of the required 15 feet; and 3) a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet is hereby **DENIED**.

Any Petition for Judicial Review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*.

**BOARD OF APPEALS
OF BALTIMORE COUNTY**


Wendell H. Grier, Chairman


Edward W. Crizer, Jr.


David L. Thurston



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

March 21, 2013

J. Neil Lanzi, Esquire
PNC Bank Building, Ste 617
409 Washington Avenue
Towson, MD 21204

Benjamin Bronstein, Esquire
29 W. Susquehanna Avenue, Ste 205
Towson, MD 21204

RE: *In the Matter of: Ronald and Jean Ruff – Petitioners/Legal Owners*
Case No.: 12-235-A

Dear Counsel:

Enclosed please find a copy of the final Opinion and Order issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure
Duplicate Original Cover Letter

c:	Ronald W. and Jean Ruff	John Kapustka	Jacqueline Harle	Nancy Yospa
	Edward M. Williams	Dolores K. Ring	Douglas Sheldon	John & Lori Makowski
	Frank DiPietro	Edmond Ford	Jeffrey Harryman	Sarah Kennedy-Smith
	Magdalene Fox	Rose Ruff	Frances Cahoon	Brian Luoma
	Robert & Melinda Vaccaro	Tim & Sharon Gueff	Stephen & Kathleen Rottmann	Walter Dudley
	Robert Brady	Mindy Sheldon	Tania Bouchet	Dennis & Shannon Blair
	Janice Jenkins	Stephanie Petruso	Susan Marante	Elizabeth Sanders
	Patricia Sanders	James Sanders, Jr.	Kathy Valderas	Gregory & Sherry Hurst
	Aamir & SaDia Malik		Office of People's Counsel	
	Lawrence M. Stahl, Managing Administrative Law Judge		John E. Beverungen, Administrative Law Judge	
	Arnold Jablon, Director/PAI		Andrea Van Arsdale, Director/Department of Planning	
	Nancy West, Assistant County Attorney		Michael Field, County Attorney, Office of Law	

5/10/12

IN RE: PETITION FOR VARIANCE

S/side of Elm Ridge Avenue, 570' NE
of Leeds Avenue
13th Election District
1st Council District
(1218 Elm Ridge Avenue)

Ronald W. and Jean Ruff
Petitioners

BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2012-0235-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Variance filed by the legal owners, Ronald W. and Jean Ruff. The Petitioners are requesting Variance relief from Section 402.1.B (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- To allow a minimum lot width of 50' in lieu of the required 90',
- To allow a minimum side yard setback of 10' in lieu of the required 15', and
- To allow a minimum sum of side yard setbacks of 20' in lieu of the required 35'.

The subject property and requested relief is more fully depicted on the amended site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the variance request were Petitioners Ronald W. and Jean Ruff and Bruce E. Doak with Gerhold, Cross & Etzel, Ltd., the professional land surveyor who prepared the site plan. Appearing in opposition were John Kapustka, Jacqueline V. Harle, Nancy L. Yospa, and Edward M. Williams. Benjamin Bronstein, Esquire appeared as counsel and represented the community. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

Testimony and evidence revealed that the subject property is a single-family dwelling constructed in 1923. Mr. Doak testified the Petitioners own Lots 4, 6A and 7A, which in the

ORDER RECEIVED FOR FILING

Date 5-10-12

By [Signature]

aggregate total 18,475 square feet. Ms. Ruff testified about the history of the property, which was first owned by the Ruff family in 1941. *See* Exhibits 3A-G. Ms. Ruff stated that the second floor of the premises was first rented to a tenant (Ms. Cooper) in or about 1965, and that a separate entrance was used to access this apartment. Apparently, the second floor continued to be rented as an apartment through at least 2009. At or about that time, the Petitioners acquired the premises and began renovations to the first floor and basement. Ms. Ruff stated that the basement was first used to house a tenant in 2011, at which time she secured from Baltimore County licenses for the three apartments.

The Petitioners now propose to merge Lots 4, 6A and 7A (shown on Exhibit 1) into one deed, which would satisfy the minimum square footage required under B.C.Z.R. § 402.1. *See* Exhibit 2. However, to lawfully operate three apartments in the dwelling, the Petitioners would require a lot width and setback variances, as mentioned above.

Mr. Kapustka, who lives at 1216 Elm Ridge Road, testified he is opposed to the variance relief, and believes three apartments in the dwelling would be detrimental to the community. Mr. Kapustka, who has lived in the area for approximately 45 years, also stated that in his opinion there was nothing "unique" about 1218 Elm Ridge, which he felt was very similar to the other homes and lots in the neighborhood.

The final witness was Edward Williams, who lives at 1220 Elm Ridge Road. Mr. Williams has lived in his home for 15 years, and he has for many years rented the second floor of his home to a tenant. He indicated he was opposed to the variance relief, and felt that three apartments in the dwelling would negatively impact the community

Counsel for Protestants submitted (Protestants' Exhibit 2) a 14-page exhibit signed by 42 neighboring owners. Each of these owners stated they opposed the variance request, and felt that

"permitting rental houses with more than two rental units" would disrupt the general welfare of the

ORDER RECEIVED FOR FILING

Date 5-10-12

By pw

community.

Zoning Advisory Committee (ZAC) comments were received and are made a part of the record of this case. There were no adverse comments received from any of the County reviewing agencies.

Based upon the testimony and evidence presented, I am persuaded to deny the request for variance relief. The Petitioners have simply failed to adduce sufficient proof, as required by Maryland law.

Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md 53, 80 (2008).

In this case, the subject property is substantially similar to the adjoining homes shown on the Plan (Exhibit 1). Mr. Doak testified that since the lots were created in 1926 and 1940 (See Plats, Exhibits 3H and 3I), before the B.C.Z.R. was enacted, that renders the property "unique." I respectfully disagree, and would note that if that argument prevailed, each of the homes shown on the subdivision plats would also qualify as "unique," and would be entitled to variance relief. That is an untenable proposition.

In addition, there was no proof the Petitioners would suffer a practical difficulty and/or hardship if the B.C.Z.R. were strictly enforced. Indeed, when Petitioners acquired the home in 2009, only two apartments were established in the dwelling, and the community has indicated it has no objection to such use continuing.

I also do not believe the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is amply demonstrated by the opposition of the several community members

ORDER RECEIVED FOR FILING

Date 5-10-12

By [Signature]

who attended the hearing, and the signatures of 42 adjoining homeowners who also objected to the relief requested.

Finally, as noted at the outset, Petitioners' site plan was amended, and they now propose to combine three (3) lots. Under the Baltimore County Code (B.C.C.), the "combination of any two or more lots ... for any purpose" constitutes "development," which would require the Petitioners to obtain approval or an exemption from the Baltimore County Department of Permits, Approvals and Inspections.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and after considering the testimony and evidence offered by the Petitioners, I find that Petitioners' variance request should be denied.

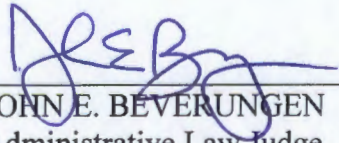
THEREFORE, IT IS ORDERED, this 10th day of May, 2012, by this Administrative Law Judge that Petitioners' Variance request from Section 402.1.B (Chart) of the Baltimore County Zoning Regulations (B.C.Z.R.), as follows:

- To allow a minimum lot width of 50' in lieu of the required 90',
- To allow a minimum side yard setback of 10' in lieu of the required 15', and
- To allow a minimum sum of side yard setbacks of 20' in lieu of the required 35',

be and is hereby DENIED.

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

JEB:dlw



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

ORDER RECEIVED FOR FILING

Date 5-10-12

By dlw



KEVIN KAMENETZ
County Executive

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

May 10, 2012

Ronald W. Ruff
Jean Ruff
140 Governors Way South
Queenstown, Maryland 21658

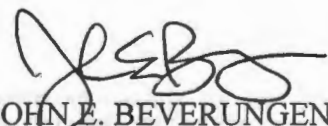
RE: Petition for Variance
Case No.: 2012-0235-A
Property: 1218 Elm Ridge Avenue

Dear Mr. and Mrs. Ruff:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

c: Bruce E. Doak, Gerhold, Cross & Etzel, 320 East Towsontown Boulevard,
Towson, MD 21286
Benjamin Bronstein, Esquire, 29 West Susquehanna Avenue, Suite 205,
Towson, MD 21204



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1218 ELM RIDGE AVENUE which is presently zoned D.R. 5.5
 Deed References: JLE 30499/197 10 Digit Tax Account # 1318720110 (Lot 4)
 Property Owner(s) Printed Name(s) RONALD W. RUFF & JEAN RUFF (SEE ALSO)

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

SEE ATTACHED SHEET

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
 (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

RONALD W. RUFF 1 JEAN RUFF
 Name #1 - Type or Print Name #2 - Type or Print

Signature #1 Signature #2

140 GOVERNORS WAY SOUTH QUEENSTOWN, MD.
 Mailing Address City State

21658 1443-250-4334
 Zip Code Telephone # Email Address

Representative to be contacted:

BRUCE E. DOAK
 GERHOLD CROSS & EITZEL, LTD.

Name - Type or Print

Signature

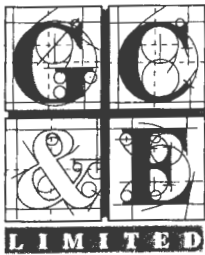
320 E. TOWSON TOWN BLVD. TOWSON MD
 Mailing Address City State

21286 410-823-4470 BDOAK@GCELIMITED.COM
 Zip Code Telephone # Email Address

CASE NUMBER 2012-0235-A Filing Date 3/28/12 Do Not Schedule Dates: Reviewer JCM

VARIANCES REQUESTED

- 1) TO ALLOW A MINIMUM LOT WIDTH OF 50 FEET IN LIEU OF
THE REQUIRED 90 FEET PER SECTION 402.1.B CHART
- 2) TO ALLOW A MINIMUM SIDE YARD SETBACK OF 10 FEET IN LIEU OF
THE REQUIRED 15 FEET PER SECTION 402.1.B CHART
- 3) TO ALLOW A MINIMUM SUM OF SIDE YARD SETBACKS OF 20 FEET
IN LIEU OF THE REQUIRED 35 FEET PER SECTION 402.1.B CHART



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

January 19, 2012

ZONING DESCRIPTION

Property of Ronald W. & Jean Ruff
#1218 Elm Ridge Avenue

The southeasternmost corner of the subject property lies on the south side of Elm Ridge Avenue, 570 feet, more or less, northeast of the center of Leeds Avenue.

The subject property contains Lot 4 shown on the plat entitled "Plat of Elm Ridge" and recorded in Plat Book WPC 8, folio 61 and also Lot 7A shown on the plat entitled "Plat No. 14A, Leeds" and recorded in Plat Book CWB, Jr. 12 folio 107.

This description only satisfies the requirements of the Office of Zoning and should not be used for conveyance purposes.



LICENSE EXP./RENEWS
2/22/13

**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: 2012-0235-A

Petitioner: RONALD W. & JEAN RUFF

Address or Location: 1218 ELM RIDGE AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: JEAN RUFF

Address: 140 GOVERNORS HIGHWAY

QUEENSTOWN MD 21658

Telephone Number: 443-250-4334

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

No.

81374

Date:

3/28/12

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
3/28/2012 3/28/2012 09:51:03 5

REG 4503 WALKIN REGS LAB

RECEIPT # 582718 3/28/2012 OFLN

Dept 5 528 ZONING VERIFICATION

NO. 081374

Recpt Tot \$385.00

\$385.00 CK \$0.00 CA

Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept	Obj	BS Acct	Amount
001	806	0000		6150					385.00

Total: 385.00

Rec From: J. Ruff

For: 2012-0235-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

CASHIER'S
VALIDATION

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: # 2012-0235-A

1218 Elm Ridge Avenue
S/s of Elm Ridge Avenue, 570 ft. +/- northeast of
Leeds Avenue

13th Election District - 1st Councilmanic District
Legal Owner(s): Ronald & Jean Ruff

Variance: to allow a minimum lot width of 50 feet in lieu of the required 90 feet per Section 402.1.B chart; to allow a minimum side yard setback of 10 feet in lieu of the required 15 feet per Section 402.1.B chart; to allow a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet per Section 402.1.B chart.

Hearing: Tuesday, May 8, 2012 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/A/751 Apr. 24

302502

CERTIFICATE OF PUBLICATION

4/26/, 2012

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 4/24/, 2012.

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

J. Wilkinson

LEGAL ADVERTISING



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#2012-0235-A

PETITIONER: Ronald & Jean Ruff

DATE OF HEARING: May 8, 2012

**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**

(see page 2 for full size photo)

LOCATION:
1218 Elm Ridge Avenue

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

POSTED ON: April 19, 2012

ZONING NOTICE

CASE #:2012-0235-A

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

PLACE: Room 205 Jefferson Building
105 West Chesapeake Avenue, Towson, MD
TIME &
DATE : 10:00 am Tuesday May 8, 2012

Variance to allow a minimum lot width of 50 feet
in lieu of the required 90 feet per Section
402.1.B chart; to allow a minimum side yard
setback of 10 feet in lieu of the required 15 feet
per Section 402.1.B chart; to allow a minimum
sum of side yard setbacks of 20 feet in lieu of
the required 35 feet per Section 402.1.B chart.

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 #:2012-0235-A

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

PLACE: Room 205 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD

DATE: 10:00 am Tuesday May 8, 2012

Variance to allow a minimum lot width of 50 feet
in lieu of the required 90 feet per Section
402.1.B chart; to allow a minimum side yard
setback of 10 feet in lieu of the required 15 feet
per Section 402.1.B chart; to allow a minimum
sum of side yard setbacks of 20 feet in lieu of
the required 35 feet per Section 402.1.B chart.

FOR MORE INFORMATION, CONTACT THE ZONING COMMISSIONER AT 410-281-1000, EXT. 205
OR VISIT THE ZONING COMMISSIONER'S WEBSITE AT WWW.TOWSONMD.GOV/ZONING

HEARINGS ARE HANDICAPPED ACCESSIBLE

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

No. **74989**

Date: **6-6-12**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	006	0000		6150				265.00

Total: **265.00**

Rec

From: **J. NEIL LANZI PA**

For:

CASE 2012-0235-A "RUFF"

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 30, 2012

AMENDED NOTICE OF DELIBERATION
AS TO DAY ONLY

CASE #: 12-235-A IN THE MATTER OF: Ronald W. and Jean Ruff, LO / Petitioners
1218 Elm Ridge Avenue / 13th Election District; 1st Councilmanic District

Re: Petition for Variance to allow: 1) a minimum lot width of 50 feet in lieu of the required 90 feet; 2) a minimum side yard setback of 10 feet in lieu of the required 15 feet; and 3) a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet.

5/10/12 Opinion and Order issued by Administrative Law Judge wherein the requested relief was DENIED.

Having concluded this matter and closing argument heard on 11/8/12 a public deliberation has been scheduled for the following:

DATE AND TIME: THURSDAY, JANUARY 3, 2013 at 9:15 a.m.

LOCATION : Jefferson Building - Second Floor - Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

c: Counsel for Petitioner/LO/Appellant
Petitioner/LO/Appellant

: J. Neil Lanzi, Esquire
: Ronald W. and Jean Ruff

Counsel for Protestants
Protestants

: Benjamin Bronstein, Esquire
: John Kapustka
: Jacqueline Harle
: Nancy Yospa
: Edward M. Williams

Dolores K. Ring Harryman
Douglas Sheldon John & Lori Makowski
Sarah Kennedy-Smith Magdalene Fox Rose Ruff Frances Cahoon Brian Luoma
Robert & Melinda Vaccaro Tim & Sharon Gueff Stephen & Kathleen Rottmann Walter Dudley Robert Brady
Mindy Sheldon Tania Bouchet Dennis & Shannon Blair Janice Jenkins Stephanie Petruso Susan Marante
Elizabeth Sanders, Patricia Sanders. James Sanders, Jr. Kathy Valderas Gregory & Sherry Hurst Aamir & SaDia Malik

Office of People's Counsel
John E. Beverungen, Administrative Law Judge
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

Arnold Jablon, Director/PAI



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

November 26, 2012

NOTICE OF DELIBERATION

CASE #: 12-235-A IN THE MATTER OF: Ronald W. and Jean Ruff, LO / Petitioners
1218 Elm Ridge Avenue / 13th Election District; 1st Councilmanic District

Re: Petition for Variance to allow: 1) a minimum lot width of 50 feet in lieu of the required 90 feet; 2) a minimum side yard setback of 10 feet in lieu of the required 15 feet; and 3) a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet.

5/10/12 Opinion and Order issued by Administrative Law Judge wherein the requested relief was DENIED.

Having concluded this matter and closing argument heard on 11/8/12 a public deliberation has been scheduled for the following:

DATE AND TIME: TUESDAY, JANUARY 3, 2013 at 9:15 a.m.

LOCATION : Jefferson Building - Second Floor - Hearing Room #2 - Suite 206
105 W. Chesapeake Avenue

NOTE: ALL PUBLIC DELIBERATIONS ARE OPEN SESSIONS; HOWEVER, ATTENDANCE IS NOT REQUIRED. A WRITTEN OPINION /ORDER WILL BE ISSUED BY THE BOARD AND A COPY SENT TO ALL PARTIES.

Theresa R. Shelton
Administrator

c: Counsel for Petitioner/LO/Appellant
Petitioner/LO/Appellant

: J. Neil Lanzi, Esquire
: Ronald W. and Jean Ruff

Counsel for Protestants
Protestants

: Benjamin Bronstein, Esquire
: John Kapustka
: Jacqueline Harle
: Nancy Yospa
: Edward M. Williams

Dolores K. Ring Douglas Sheldon John & Lori Makowski Frank DiPietro Edmond Ford Jeffrey
Harryman Sarah Kennedy-Smith Magdalene Fox Rose Ruff Frances Cahoon Brian Luoma
Robert & Melinda Vaccaro Tim & Sharon Gueff Stephen & Kathleen Rottmann Walter Dudley Robert Brady
Mindy Sheldon Tania Bouchet Dennis & Shannon Blair Janice Jenkins Stephanie Petruso Susan Marante
Elizabeth Sanders, Patricia Sanders, James Sanders, Jr. Kathy Valderas Gregory & Sherry Hurst Aamir & SaDia Malik

Office of People's Counsel
John E. Beverungen, Administrative Law Judge
Nancy West, Assistant County Attorney

Lawrence M. Stahl, Managing Administrative Law Judge Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

August 1, 2012

*date pulled
tax available*

NOTICE OF ASSIGNMENT

CASE #: 12-235-A

IN THE MATTER OF: Ronald W. and Jean Ruff
Legal Owners / Petitioners
1218 Elm Ridge Avenue / 13th Election District; 1st Councilmanic District

Re: Petition for Variance to allow: 1) a minimum lot width of 50 feet in lieu of the required 90 feet; 2) a minimum side yard setback of 10 feet in lieu of the required 15 feet; and 3) a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet.

5/10/12 Opinion and Order issued by Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR:

THURSDAY, OCTOBER 18, 2012, AT 10:00 A.M.

LOCATION:

Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/LO/Appellant
Petitioner/LO/Appellant

: J. Neil Lanzi, Esquire
: Ronald W. and Jean Ruff

Counsel for Protestants
Protestants

: Benjamin Bronstein, Esquire
: John Kapustka
: Jacqueline Harle
: Nancy Yospa
: Edward M. Williams

Dolores K. Ring
Harryman

Douglas Sheldon John & Lori Makowski
Sarah Kennedy-Smith

Frank DiPietro Edmond Ford Jeffrey

Robert & Melinda Vaccaro Tim & Sharon Gueff

Magdalene Fox Rose Ruff Frances Cahoon Brian Luoma

Mindy Sheldon Tania Bouchet Dennis & Shannon Blair

Stephen & Kathleen Rottmann Walter Dudley Robert Brady

Elizabeth Sanders, Patricia Sanders. James Sanders, Jr.

Janice Jenkins Stephanie Petruso Susan Marante
Kathy Valderas Gregory & Sherry Hurst Aamir & SaDia Malik

Office of People's Counsel

John E. Beverungen, Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204

410-887-3180
FAX: 410-887-3182

August 15, 2012

AMENDED NOTICE OF SECOND ASSIGNMENT **(as to date only)**

CASE #: 12-235-A IN THE MATTER OF: Ronald W. and Jean Ruff, LO / Petitioners
1218 Elm Ridge Avenue / 13th Election District; 1st Councilmanic District

Re: Petition for Variance to allow: 1) a minimum lot width of 50 feet in lieu of the required 90 feet; 2) a minimum side yard setback of 10 feet in lieu of the required 15 feet; and 3) a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet.

5/10/12 Opinion and Order issued by Administrative Law Judge wherein the requested relief was DENIED.

This matter was re-assigned to October 18, 2012 and due to an error by the Board's Administrator, the second assigned date of 10/18/12 was not available for a hearing. This matter has been re-assigned to an agreed date as follows:

RE-ASSIGNED FOR: THURSDAY, NOVEMBER 8, 2012, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c:	Counsel for Petitioner/LO/Appellant	: J. Neil Lanzi, Esquire
	Petitioner/LO/Appellant	: Ronald W. and Jean Ruff
	Counsel for Protestants	: Benjamin Bronstein, Esquire
	Protestants	: John Kapustka
		: Jacqueline Harle
		: Nancy Yospa
		: Edward M. Williams

Dolores K. Ring	Douglas Sheldon	John & Lori Makowski	Frank DiPietro	Edmond Ford Jeffrey
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Mindy Sheldon	Tania Bouchet	Dennis & Shannon Blair	Janice Jenkins	Stephanie Petruso
Elizabeth Sanders	Patricia Sanders	James Sanders, Jr.	Kathy Valderas	Gregory & Sherry Hurst
			Aamir & SaDia Malik	

Office of People's Counsel	Lawrence M. Stahl, Managing Administrative Law Judge	Arnold Jablon, Director/PAI
John E. Beverungen, Administrative Law Judge	Andrea Van Arsdale, Director/Department of Planning	
Nancy West, Assistant County Attorney	Michael Field, County Attorney, Office of Law	



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 10, 2012

NOTICE OF POSTPONEMENT

CASE #: 12-235-A

IN THE MATTER OF: Ronald W. and Jean Ruff

Legal Owners / Petitioners

1218 Elm Ridge Avenue / 13th Election District; 1st Councilmanic District

Re: Petition for Variance to allow: 1) a minimum lot width of 50 feet in lieu of the required 90 feet; 2) a minimum side yard setback of 10 feet in lieu of the required 15 feet; and 3) a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet.

5/10/12 Opinion and Order issued by Administrative Law Judge wherein the requested relief was DENIED.

*This matter was assigned for Tuesday, August 14, 2012 and has been postponed. The matter will be re-assigned upon an agreed date by the parties. Upon the date being established a Notice of Re-Assignment will be mailed to all parties. **TO BE RE-ASSIGNED.***

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/LO/Appellant
Petitioner/LO/Appellant

: J. Neil Lanzi, Esquire
: Ronald W. and Jean Ruff

Counsel for Protestants
Protestants

: Benjamin Bronstein, Esquire
: John Kapustka
: Jacqueline Harle
: Nancy Yospa
: Edward M. Williams

Dolores K. Ring	Douglas Sheldon	John & Lori Makowski	Frank DiPietro	Edmond Ford Jeffrey	
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Mindy Sheldon	Tania Bouchet	Dennis & Shannon Blair	Janice Jenkins	Stephanie Petruso	Susan Marante
Elizabeth Sanders,	Patricia Sanders.	James Sanders, Jr.	Kathy Valderas	Gregory & Sherry Hurst	Aamir & SaDia Malik

Office of People's Counsel
John E. Beverungen, Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

July 10, 2012

Benjamin Bronstein, Esquire
Susquehanna Building, Suite 205
29 W. Susquehanna Avenue
Towson, MD 21204

J. Neil Lanzi, Esquire
PNC Bank Building, Suite 617
409 Washington Avenue
Towson, MD 21204

RE: In the Matter of: Ronald W. and Jean Ruff
Case No. 12-235-A

Dear Counsel:

The joint request for postponement of the hearing scheduled for Tuesday, August 14, 2012 has been granted. Enclosed is a copy of the Notice of Postponement.

In order to schedule a hearing before the Board of Appeals, without conflict; I am providing dates available on the docket. The Board sits on Tuesday, Wednesday and Thursday of each week. The docket is currently scheduled through the middle of September 2012. The following dates open for assignment:

Tuesday, September 18, 2012 at 10:00; and
Wednesday, September 19, 2012 at 10:00

Please contact this office upon receipt of this letter to confirm availability. The Notice of Re-Assignment will be issued to all parties at the time an agreeable date is established.

Thanking you in advance for your time and cooperation in this matter. Should you have any questions, please call me at 410-887-3180.

Very truly yours,

A handwritten signature in cursive script that reads "Theresa R. Shelton".
Theresa R. Shelton
Administrator

Duplicate Original

Encl.: Notice of Postponement



Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

June 20, 2012

NOTICE OF ASSIGNMENT

CASE #: 12-235-A

IN THE MATTER OF: Ronald W. and Jean Ruff
Legal Owners / Petitioners
1218 Elm Ridge Avenue / 13th Election District; 1st Councilmanic District

Re: Petition for Variance to allow: 1) a minimum lot width of 50 feet in lieu of the required 90 feet; 2) a minimum side yard setback of 10 feet in lieu of the required 15 feet; and 3) a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet.

5/10/12 Opinion and Order issued by Administrative Law Judge wherein the requested relief was DENIED.

ASSIGNED FOR: TUESDAY, AUGUST 14, 2012, AT 10:00 A.M.

LOCATION: Hearing Room #2, Second Floor, Suite 206
Jefferson Building, 105 W. Chesapeake Avenue, Towson

NOTICE: This appeal is an evidentiary hearing; therefore, parties should consider the advisability of retaining an attorney.

Please refer to the Board's Rules of Practice & Procedure, Appendix B, Baltimore County Code.

IMPORTANT: No postponements will be granted without sufficient reasons; said requests must be in writing and in compliance with Rule 2(b) of the Board's Rules. No postponements will be granted within 15 days of scheduled hearing date unless in full compliance with Rule 2(c).

If you have a disability requiring special accommodations, please contact this office at least one week prior to hearing date.

Theresa R. Shelton, Administrator

c: Counsel for Petitioner/LO/Appellant	: J. Neil Lanzi, Esquire
Petitioner/LO/Appellant	: Ronald W. and Jean Ruff
Counsel for Protestants	: Benjamin Bronstein, Esquire
Protestants	: John Kapustka
	: Jacqueline Harle
	: Nancy Yospa
	: Edward M. Williams

Dolores K. Ring Douglas Sheldon John & Lori Makowski Frank DiPietro Edmond Ford Jeffrey
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Office of People's Counsel
John E. Beverungen, Administrative Law Judge
Andrea Van Arsdale, Director/Department of Planning
Michael Field, County Attorney, Office of Law

Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Nancy West, Assistant County Attorney

to be re-assigned



KEVIN KAMENETZ
County Executive

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

April 9, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0235-A

1218 Elm Ridge Avenue
S/s of Elm Ridge Avenue, 570 ft. +/- northeast of Leeds Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Ronald & Jean Ruff

Variance to allow a minimum lot width of 50 feet in lieu of the required 90 feet per Section 402.1.B chart; to allow a minimum side yard setback of 10 feet in lieu of the required 15 feet per Section 402.1.B chart; to allow a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet per Section 402.1.B chart.

Hearing: Tuesday, May 8, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a faint circular stamp.

Arnold Jablon
Director

AJ:kl

C: Ronald & Jean Ruff, 140 Governor's Way, South Queenstown, MD 21658
Bruce Doak, 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 MONDAY, APRIL 23, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 24, 2012 Issue - Jeffersonian

Please forward billing to:

Jean Ruff
140 Governor's Highway
Queenstown, MD 21658

443-250-4334

NOTICE OF ZONING HEARING

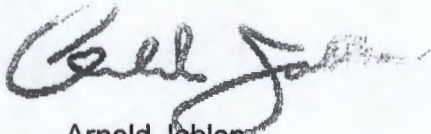
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2012-0235-A

1218 Elm Ridge Avenue
S/s of Elm Ridge Avenue, 570 ft. +/- northeast of Leeds Avenue
13th Election District – 1st Councilmanic District
Legal Owners: Ronald & Jean Ruff

Variance to allow a minimum lot width of 50 feet in lieu of the required 90 feet per Section 402.1.B chart; to allow a minimum side yard setback of 10 feet in lieu of the required 15 feet per Section 402.1.B chart; to allow a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet per Section 402.1.B chart.

Hearing: Tuesday, May 8, 2012 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 ACCOMODATIONS, 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.



KEVIN KAMENETZ
County Executive

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

May 1, 2012

Ronald & Jean Ruff
140 Governors Way South
Queenstown MD 21658

RE: Case Number: 2012-0235 X, Address: 1218 Elm Ridge Avenue

Dear Mr. & Ms. Ruff:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 28, 2012. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
Bruce Doak, Gerhold Cross & Etzel Ltd., 320 E. Towsontowne Boulevard, Towson MD 21286

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 10, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For April 09, 2012
Item Nos. 2012-218, 229, 231, 232, 233, 235
And 236

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04092012-NO COMMENTS.doc

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



Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 4-3-12

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

RE: Baltimore County
Item No. 2012-0235-A
Variance
Ronald & Jean Ruff
1218 Elm Ridge Avenue.

Dear Ms. Lewis:

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. 2012-0235-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

RE: PETITION FOR VARIANCE
1218 Elm Ridge Avenue; S/S Elm Ridge
Avenue, 570' NE of Leeds Avenue
13th Election & 1st Councilmanic Districts
Legal Owner(s): Ronald & Jean Ruff
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-235-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.

RECEIVED

APR 02 2012

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 2nd day of April, 2012, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Gerhold, Cross & Etzel, 320 E Towsontowne Boulevard, Suite 100, Towson, Maryland 21286, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

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

June 8, 2012

J. Neil Lanzi, Esquire
J. Neil Lanzi, P.A.
PNC Bank Building, Suite 617
409 Washington Avenue
Towson, Maryland 21204

RECEIVED
JUN 8 2012

RE: APPEAL TO BOARD OF APPEALS
Case No. 2012-0235-A
Location: 1218 Elm Ridge Avenue

**BALTIMORE COUNTY
BOARD OF APPEALS**

Dear Mr. Lanzi:

Please be advised that an appeal of the above-referenced case was filed in this Office on June 6, 2012. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals ("Board").

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to contact the Board at 410-887-3180.

Sincerely,

LAWRENCE M. STAHL
Managing Administrative Law Judge
for Baltimore County

LMS:dlw

c: ✓ Baltimore County Board of Appeals
People's Counsel for Baltimore County
Arnold Jablon, Director, Department of Permits, Approvals, and Inspections
Benjamin Bronstein, Esquire, 29 West Susquehanna Avenue, Suite 205, Towson, MD 21204

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
PNC BANK BUILDING, SUITE 617
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J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

June 6, 2012

Lawrence M. Stahl, Managing Administrative Law Judge
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, MD 21204

RECEIVED
JUN 06 2012
OFFICE OF ADMINISTRATIVE HEARINGS

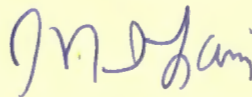
Re: Notice of Appeal
In Re: Petition for Variance
Ronald W. and Jean Ruff, Petitioners
1218 Elm Ridge Avenue
Case No: 2012-0235-A

Dear Judge Stahl:

On behalf of Ronald W. and Jean Ruff, Petitioners in the above referenced case, please accept this letter as Petitioners' Notice of Appeal to the Baltimore County Board of Appeals to the Decision dated May 10, 2012 of the Administrative Law Judge. With this letter, I am enclosing the required appeal fee of \$265.00.

Thank you for your assistance in this matter.

Very truly yours,



J. Neil Lanzi

JNL\mlr

cc: Benjamin Bronstein, Esquire
Ronald and Jean Ruff
Bruce E. Doak, P.E.
John E. Beverungen, Administrative Law Judge

APPEAL

Petition for Variance
1218 Elm Ridge Avenue
S/side of Elm Ridge Avenue, 570' NE of Leeds Avenue
13th Election District – 1st Councilmanic District
Legal Owner: Ronald W. and Jean Ruff
Case No.: 2012-0235-A

Petition for Variance (March 28, 2012) reviewed by JCM – (2 Pages)

Zoning Description of Property – (1 Page)

Notice of Zoning Hearing for May 8, 2012, dated April 9, 2012 – (1 Page)

Certification of Publication for May 8, 2012 – (The Jeffersonian – 4/24/12) – (1 Page)

Certification of Posting for May 8, 2012 (Bruce E. Doak – April 19, 2012) – (4 Pages)

Entry of Appearance by People's Counsel – April 2, 2012 – (1 Page)

Petitioner(s) Sign-In Sheet & Map – (1 Page)

Protestants/Citizen(s) Sign-In Sheet – (1 Page)

State Department of Assessments and Taxation (SDAT) Data Sheet – May 3, 2012

Letter to Ronald & Jean Ruff from W. Carl Richards, Jr., dated May 1, 2012 – ZAC comments

Zoning Advisory Committee (ZAC) Comments:

1 - Bureau of Development Plans Review – October 10, 2012 – (1 Page)

2 - State Highway Administration – April 3, 2012 – (1 Page)

Petitioner's Exhibits:

- 1 – Site Plan (Amended) - (1 Page)
- 2 – B.C.Z.R. Section 402.1 - (1 Page)
- 3 – Deeds 3A – 3G - (17 Pages)
- 4 – SDAT Records (4A, B & C) - (3 Pages)
- 5 – Aerial Photo Google - (1 page)
- 6 – Color Photos (6A – CC) – (29 Pages)
- 7 – Plat to Accompany Photos – (1 Page)
- 8 – Lease Agreement – (10 Pages, 10th page blank)

Protestant's Exhibits:

- 1 - Order for Case No. 96-25-SPH – 1219 Maiden Choice Lane – (4 Pages)
- 2 - Signatures of Neighbors/Opposition – (14 Pages)

Miscellaneous:

County Miscellaneous Cash Receipt AND Letter from J. Neil Lanzi, Esquire, dated June 6, 2012 – Notice of Appeal

Notice of Appeal & Miscellaneous Cash Receipt received by the Office of Administrative Hearings on June 6, 2012 – Appeal Filed by J. Neil Lanzi, Esquire – (2 Pages)

Cover Letter and Administrative Law Judge's Opinion and Order, dated May 10, 2012 – (DENIED) – (5 Pages)

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director, Department of Permits, Approvals and Inspections

Date Sent: June 8, 2012

APPEAL

Petition for Variance
1218 Elm Ridge Avenue
S/side of Elm Ridge Avenue, 570' NE of Leeds Avenue
13th Election District - 1st Councilmanic District
Legal Owner: Ronald W. and Jean Ruff
Case No.: 2012-0235-A

- ✓ Petition for Variance (March 28, 2012) reviewed by JCM - (2 Pages)
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- ✓ Notice of Zoning Hearing for May 8, 2012, dated April 9, 2012 - (1 Page)
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- ✓ Protestants/Citizen(s) Sign-In Sheet - (1 Page)
- ✓ State Department of Assessments and Taxation (SDAT) Data Sheet - May 3, 2012
- ✓ Letter to Ronald & Jean Ruff from W. Carl Richards, Jr., dated May 1, 2012 - ZAC comments
- ✓ Zoning Advisory Committee (ZAC) Comments:

- ✓ 1 - Bureau of Development Plans Review - October 10, 2012 - (1 Page)
- ✓ 2 - State Highway Administration - April 3, 2012 - (1 Page)

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- ✓ 3 - Deeds 3A - 3G - (17 Pages)
- ✓ 4 - SDAT Records (4A, B & C) - (3 Pages)
- ✓ 5 - Aerial Photo Google - (1 page)
- ✓ 6 - Color Photos (6A - CC) - (29 Pages)
- ✓ 7 - Plat to Accompany Photos - (1 Page)
- ✓ 8 - Lease Agreement - (10 Pages, 10th page blank)

3H - Plat of Elm Ridge Ave dated Oct 1926
3I - Plat No 14 "Leeds" Development dated June 1940

RECEIVED

JUN 8 2012

BALTIMORE COUNTY
BOARD OF APPEALS

Protestant's Exhibits:

- ✓ 1 - Order for Case No. 96-25-SPH - 1219 Maiden Choice Lane - (4 Pages)
- 2 - Signatures of Neighbors/Opposition - (14 Pages)

Miscellaneous:

- ✓ County Miscellaneous Cash Receipt AND Letter from J. Neil Lanzi, Esquire, dated June 6, 2012 - Notice of Appeal
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- ✓ Cover Letter and Administrative Law Judge's Opinion and Order, dated May 10, 2012 - (DENIED) - (5 Pages)

c: Baltimore County Board of Appeals
Peter Max Zimmerman, People's Counsel for Baltimore County
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director, Department of Permits, Approvals and Inspections

Date Sent: June 8, 2012

Address List

Petitioners:

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PNC Bank Building, Ste 617
409 Washington Avenue
Towson, MD 21204

Ronald & Jean Ruff
140 Governors Way
Queenstown, MD 21658

Bruce Doak
Gerhold, Cross & Etzel
320 E. Towsontown Blvd
Towson, MD 21286

Protestants:

Benjamin

Ben Bronstein, Esquire
29 W. Susquehanna Avenue, Ste 205
Towson, MD 21204

John Kapustka
1216 Elm Ridge Avenue
Arbutus, MD 21229

Jacqueline Harle
1200 Elm Ridge Avenue
Arbutus, MD 21229

Nancy Yospa
1208 Elm Ridge Avenue
Arbutus, MD 21229

Edward M. Williams
1220 Elm Ridge Avenue
Arbutus, MD 21229

Interested Persons

Dolores K. Ring
1209 Elm Ridge Avenue
Arbutus, MD 21229

Douglas Sheldon
1213 Elm Ridge Avenue
Arbutus, MD 21229

John & Lori Makowski
1202 Elm Ridge Avenue
Arbutus, MD 21229

Frank DiPietro
1220 Elm Ridge Avenue
Arbutus, MD 21229

Edmond Ford
1226 Elm Ridge Avenue
Arbutus, MD 21229

Jeffrey Harryman
1228 Elm Ridge Avenue
Arbutus, MD 21229

Sarah Kennedy-Smith
1234 Elm Ridge Avenue
Arbutus, MD 21229

Magdalene Fox
1236 Elm Ridge Avenue
Arbutus, MD 21229

Rose Ruff
1217 Elm Ridge Avenue
Arbutus, MD 21229

Frances Cahoon
1205 Elm Ridge Avenue
Arbutus, MD 21229

Brian Luoma
1123 Elm Ridge Avenue
Arbutus, MD 21229

Robert & Melinda Vaccaro
1121 Elm Ridge Avenue
Arbutus, MD 21229

Tim & Sharon Gueff
1124 Elm Ridge Avenue
Arbutus, MD 21229

Stephen & Kathleen Rottmann
1214 Elm Ridge Avenue
Arbutus, MD 21229

Walter Dudley
1211 Elm Ridge Avenue
Arbutus, MD 21229

Robert Brady
1221 Elm Ridge Avenue
Arbutus, MD 21229

Mindy Sheldon
1212 Elm Ridge Avenue
Arbutus, MD 21229

Tania Bouchet
1213 Elm Ridge Avenue
Arbutus, MD 21229

Dennis & Shannon Blair
1203 Elm Ridge Avenue
Arbutus, MD 21229

Janice Jenkins
1219 Elm Ridge Avenue
Arbutus, MD 21229

Stephanie Petruso
1122 Elm Ridge Avenue
Arbutus, MD 21229

Susan Marante
1116 Elm Ridge Avenue
Arbutus, MD 21229

Elizabeth Sanders
Patricia Sanders
James Sanders, Jr.
1114 Elm Ridge Avenue
Arbutus, MD 21229

Kathy Valderas
1225 Elm Ridge Avenue
Arbutus, MD 21229

Gregory & Sherry Hurst
1222 Elm Ridge Avenue
Arbutus, MD 21229

Aamir & SaDia Malik
1215 Elm Ridge Avenue
Arbutus, MD 21229

Interoffice:

Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
John E. Beverungen, Administrative Law Judge
Arnold Jablon, Director/PAI
Andrea Van Arsdale, Director/Department of Planning
Nancy West, Assistant County Attorney
Michael Field, County Attorney, Office of Law

Debra Wiley - ZAC Comments - Distribution Meeting of March 26, 2012

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 4/4/2012 1:55 PM
Subject: ZAC Comments - Distribution Meeting of March 26, 2012

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0229-A - 11206 Ridgeway Avenue South Avenue
Administrative Variance - Closing Date: No closing date reflected in data base 4/4

2012-0230-XA - 6216 Ebenezer Road
No date reflected in data base 4/4

2012-0231-SPHA - 1655 Belmont Avenue
No date reflected in data base 4/4

2012-0232-A - 2420 Bulls-Sawmill Road
No date reflected in data base 4/4

2012-0233-X - 6709 White Stone Road
No date reflected in data base 4/4

2012-0234-A - 311 Railroad Avenue
No date reflected in data base 4/4

2012-0235-A - 1218 Elm Ridge Avenue
No date reflected in data base 4/4

2012-0236-SPHA - 16928 York Road
No date reflected in data base 4/4

Thanks.

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

BENJAMIN BRONSTEIN

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Benbronstein@terralaw.net

RECEIVED

JUL 30 2012

**BALTIMORE COUNTY
RD OF APPEALS**

7/31/12

Neil Ranji
Re: Ruff -

Via Fax: 410-88
And First Class

Board of Appeal
ATTN: Theresa
Jefferson Buildin
105 West Chesa
Towson, Maryla

Confused had an email
from you re: no 9/19

Dear Ms. Shelto

no 9/18 - Possible dates
in October.

In respor
available on Sep

Thank y

Ben's ltr ok 9/19^{ing}

id I are

Schedule ~ 9/19 booked
for something else.

n/mlh

BB/mlh

cc: Mr. John K
J. Neil Lan:

BENJAMIN BRONSTEIN

ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
Benbronstein@terralaw.net

July 30, 2012

Via Fax: 410-887-3182
And First Class Mail

Board of Appeals for Baltimore County
ATTN: Theresa R. Shelton, Administrator
Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

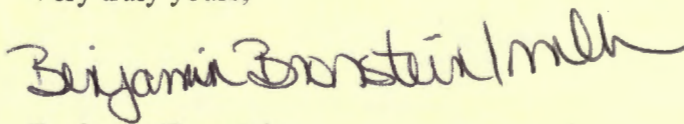
RE: Case No.: 12-235-A

Dear Ms. Shelton:

In response to your letter of July 10, 2012, please be advised that my client and I are available on September 19, 2012 at 10:00. Please notify me of the new hearing date.

Thank you for your kind attention to this matter.

Very truly yours,


Benjamin Bronstein

BB/mlh

cc: Mr. John Kapustka
J. Neil Lanzi, Esquire (via fax)

RECEIVED
AUG 1 2012

BALTIMORE COUNTY
BOARD OF APPEALS

BENJAMIN BRONSTEIN

ATTORNEY AT LAW
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Benbronstein@terralaw.net

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JUL 12 2012

**BALTIMORE COUNTY
BOARD OF APPEALS**

July 10, 2012

Board of Appeals for Baltimore County
ATTN: Theresa R. Shelton, Administrator
Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 12-235-A

Dear Ms. Shelton:

In response to Mr. Lanzi's letter of June 28, 2012 requesting a postponement, please be advised that my client and I are available on September 11, 12, 13 or 14, 2012. Please notify me of the new hearing date.

Thank you for your kind attention to this matter.

Very truly yours,

Benjamin Bronstein/mlh

Benjamin Bronstein

BB/mlh

cc: Mr. John Kapustka
J. Neil Lanzi, Esquire



Baltimore County, Maryland

OFFICE OF PEOPLE'S COUNSEL

Jefferson Building
105 West Chesapeake Avenue, Room 204
Towson, Maryland 21204

410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 5, 2012

Hand-delivered

Wendell H. Grier, Chairman
County Board of Appeals
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: PETITION FOR VARIANCE
Legal Owners: Ronald & Jean Ruff
1218 Elm Ridge Avenue
Case No.: 2012-235-A
De Novo Hearing: November 8, 2012



Dear Chairman Grier:

The purpose of this letter is to clarify and amplify the observations made in our letter sent yesterday, October 4, 2012. It will cover problems arising under BCZR Sections 307.1 and 402.1.B. relating to density variance, use variance, and area variance issues. BCZR Section 307.1 allows area, parking, and sign variances, but does not allow use and density variances.

To preview the case, the questions presented will be:

1. Does the amended petition for conversion to a 3-family conflict, as a practical matter, with the prohibition on density variances?
2. Anyway, does a variance to the single-family dwelling conversion schedule constitute an impermissible use variance?
3. Even if considered as an area variance, does the petition satisfy the standards of uniqueness and resulting practical difficulty?

I. The Density Variance Issue

The case is complicated by the fact that Petitioner originally filed a petition with site plan for conversion of a one-family dwelling to a two-family dwelling spanning front to rear lots 4 and 7A (erasing the lot division line between them), but amended it at the ALJ hearing to submit a site plan

showing a conversion to a three-family dwelling spanning lots 4, 7A, and 6A (further erasing the division line between adjacent – side by side – rear lots 7A and 6A). Upon our further review, it appears that additional explanation is warranted to cover this complicated situation.

As to the density variance, it is necessary to expand on our October 4 letter. The dwelling and garage area spanning lots 4 and 7A comprise amount to 12,780 square feet. This is enough under the Section 402.1.B conversion chart to meet the two-family dwelling minimum of 10,000 square feet, but not the 13,000 square feet required for a three-family dwelling. Petitioner attempts to overcome this deficiency for the three-family dwelling by merging Lot 6A in the amended site plan to bring the area to 18,475 square feet.

In context, the addition of vacant lot 6A into the mix, whether it be called merger or by any other name, appears as an afterthought, artificial and unrealistic. Lot 6A does not, as a practical matter, reduce the density impact of the Lot 4 dwelling which fronts Elm Ridge Avenue. The severe deficiencies for front lot width and side yard setbacks reflect the density problem. To sum up, as to density, the amended petition and site plan to allow a three-family dwelling conflicts with the spirit and intent of the BCZR Section 307.1 prohibition of any variance which results in excessive density.

II. The Use Variance Issue

It is settled that BCZR Section 307.1 does not permit any use variance. See Loyola Loan ass'n v. Buschman 227 Md. 243, 250-51 (1961); McLean v. Soley 270 Md. 208, 213-14 (1973). Although the BCZR Section 402.1B dimension schedule articulates various requirements normally associated with area variances, the essence of conversion is to vary the use from a one-family dwelling to a multiple-family dwelling. Generally, the Density-Residential Zones delineate single-family dwellings, two-family dwellings, and multifamily dwellings as different uses. See BCZR Section 1B01.1.A.1, 1B01.2.C, and the Comprehensive Manual of Development Policies. So, where a requested conversion does not meet the dimensional requirements of the BCZR Section 402.1.B schedule, which requirements in isolation may be viewed as area requirements, does this also in context amount to a use variance?

It is noteworthy that the Court of Appeals has recently reiterated that context, history, and common sense are essential in statutory interpretation. Building Materials Corporation of America v. Board of Education of Baltimore County ___ Md. ___ (2012), 2012 WL 4329334, pages 7-8, enclosed. In context, a petition for conversion of one use to another constitutes a use variance, whether viewed primarily or in combination with area variances. Therefore, the petition for conversion, whether to a two-family or three-family dwelling, conflicts with BCZR Section 307.1.

III. The Area Variance Issue

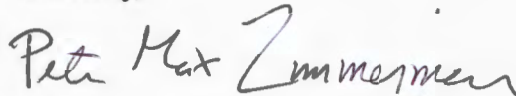
As stated in our October 4 letter, even if considered as an area variance, there is not in any event a basis to justify a variance on the grounds of uniqueness and resulting practical difficulty. See, e.g. Trinity Assembly of God v. People's Counsel 407 Md. 53, 79-85 (2008). Indeed, the nature of the conversion variance is such that it does not fit into any logical framework of uniqueness and practical difficulty.

Conclusion

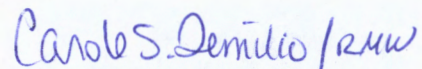
We appreciate the Board's patience in reviewing this additional correspondence. This also will serve to provide all of the parties with time to consider these issues in advance of the hearing.

The case comes with a complex background of petition and amended petition. Moreover, it presents issues of public interest.

Sincerely,

A handwritten signature in black ink that reads "Peter Max Zimmerman". The signature is written in a cursive, flowing style.

Peter Max Zimmerman
People's Counsel for Baltimore County

A handwritten signature in blue ink that reads "Carole S. DeMilio /rmw". The signature is written in a cursive, flowing style.

Carole S. DeMilio
Deputy People's Counsel

PMZ/rmw

cc: J. Neil Lanzi, Esquire, attorney for Petitioners
Benjamin Bronstein, Esquire, attorney for Protestants

Only the Westlaw citation is currently available.

NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION IN THE PERMANENT LAW REPORTS. UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL.

Court of Appeals of Maryland.
BUILDING MATERIALS CORPORATION OF
AMERICA d/b/a GAF Materials Corporation
v.
BOARD OF EDUCATION OF BALTIMORE
COUNTY.

No. 71, Sept.Term, 2011.
Sept. 24, 2012.

Background: Roofing contractor filed suit against county board of education, seeking a declaration that the board's procurement of roofing services failed to comply with state laws governing local boards of education. The Circuit Court, Baltimore County, granted summary judgment to board. Contractor appealed.

Holding: The Court of Appeals, McDonald, J., held that board was not barred from procuring its needs for roofing repair services through an intergovernmental purchasing cooperative when it acted pursuant to authority of State Board of Public Works (BPW) regulation adopted in accordance with legislative delegation of authority to the BPW.

Affirmed.

West Headnotes

[1] Schools 345 ⇨19(1)

345 Schools
345II Public Schools
345II(A) Establishment, School Lands and Funds, and Regulation in General

345k16 School Funds
345k19 Apportionment and Disposition

345k19(1) k. In General. Most Cited Cases

Schools 345 ⇨48(.5)

345 Schools
345II Public Schools
345II(C) Government, Officers, and District Meetings

345k48 County Boards and Officers
345k48(.5) k. In General. Most Cited Cases

Despite the local focus of county boards of education, they are state agencies that are funded in part by the state and in part by their respective counties. West's Ann.Md.Code, Education § 5-202.

[2] Schools 345 ⇨19(1)

345 Schools
345II Public Schools
345II(A) Establishment, School Lands and Funds, and Regulation in General
345k16 School Funds

345k19 Apportionment and Disposition

345k19(1) k. In General. Most Cited Cases

Schools 345 ⇨20

345 Schools
345II Public Schools
345II(A) Establishment, School Lands and Funds, and Regulation in General
345k20 k. Regulation and Supervision of Schools and Educational Institutions in General. Most Cited Cases

While public school construction is very much a local affair, it is subsidized and supervised to a significant degree by the state. West's Ann.Md.Code, Education § 5-301 et seq.

[3] Public Contracts 316H ⇨120

316H Public Contracts
316III Bidding and Bid Protests
316Hk120 k. In General. Most Cited Cases

Schools 345 ⇨80(2)

345 Schools
345II Public Schools
345II(E) District Contracts
345k80 Making, Requisites, and Validity
345k80(2) k. Proposals or Bids. Most Cited Cases

While local school boards are formally state agencies and receive a substantial proportion of their funding from the state, they are not subject to the state's general procurement law.

[4] Schools 345 ⇨71

345 Schools
345II Public Schools
345II(D) District Property
345k66 School Buildings
345k71 k. Construction. Most Cited Cases

If a school construction project receives state funding, it is subject to supervision and control by the State Board of Public Works (BPW). West's Ann.Md. Const. Art. 12, § 1; West's Ann.Md.Code, Education § 5-301(c); COMAR 23.03.0203F.

[5] Appeal and Error 30 ⇨842(1)

30 Appeal and Error
30XVI Review
30XVI(A) Scope, Standards, and Extent, in General
30k838 Questions Considered
30k842 Review Dependent on Whether Questions Are of Law or of Fact
30k842(1) k. In General. Most Cited Cases

Statutory construction is a matter on which the Court of Appeals owes no special deference to a circuit court.

[6] Schools 345 ⇨71

345 Schools
345II Public Schools
345II(D) District Property
345k66 School Buildings
345k71 k. Construction. Most Cited Cases

The regulations adopted by the State Board of Public Works (BPW) concerning local public school construction are to be treated as "substantive" or "legislative" regulations that are binding on the courts and have the force of law.

[7] Administrative Law and Procedure 15A ⇨382.1

15A Administrative Law and Procedure
15AIV Powers and Proceedings of Administrative Agencies, Officers and Agents
15AIV(C) Rules and Regulations
15Ak382 Nature and Scope
15Ak382.1 k. In General. Most Cited Cases

Administrative Law and Procedure 15A ⇨417

15A Administrative Law and Procedure
15AIV Powers and Proceedings of Administrative Agencies, Officers and Agents
15AIV(C) Rules and Regulations
15Ak416 Effect
15Ak417 k. Force of Law. Most Cited Cases

Statutes 361 ⇨219(1)

361 Statutes
361VI Construction and Operation
361VI(A) General Rules of Construction
361k213 Extrinsic Aids to Construction
361k219 Executive Construction
361k219(1) k. In General. Most Cited Cases

Interpretative rules simply state what the administrative agency thinks the statute means, and only "remind" affected parties of existing duties; in



Baltimore County, Maryland

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410-887-2188
Fax: 410-823-4236

PETER MAX ZIMMERMAN
People's Counsel

CAROLE S. DEMILIO
Deputy People's Counsel

October 4, 2012

Hand-delivered

Wendell H. Grier, Chairman
County Board of Appeals
105 West Chesapeake Avenue, Suite 203
Towson, MD 21204

Re: PETITION FOR VARIANCE
Legal Owners: Ronald & Jean Ruff
1218 Elm Ridge Avenue
Case No.: 2012-235-A
De Novo Hearing: November 8, 2012



Dear Chairman Grier:

This case involves a petition for zoning variance from the BCZR Section 402.1.B dimensional requirements. The objective of the petition is to approve the use and/or conversion to multiple family apartment use of a single-family dwelling in the Arbutus area. Because the request would effectively result in a density variance, it is impermissible as a matter of law under BCZR Section 307.1. Anyway, even if the petition were otherwise eligible, there is lacking the requisite uniqueness and/or ensuing hardship or practical difficulty to satisfy the BCZR Section 307.1 standards for area variances.

The property at 1218 Elm Ridge Avenue is zoned D.R. 5.5. The property presently includes front lot 4, with a dwelling, and rear lot 7A, with a garage. The combined lot area is 12,870 square feet. The front lot width is 50 feet, and the side yard setbacks are 10 feet on each side, with a sum of 20 feet.

BCZR Section 402.1.B, which has been in place since the 1955 Zoning Regulations, requires that any conversion of a dwelling to add any apartments must satisfy the dimensional requirements of the schedule entitled, "CONVERSION OF SINGLE-FAMILY DWELLINGS MINIMUM DIMENSIONS." For the D.R. 5.5 Zone, the proposal here satisfies the 10,000 square feet minimum lot area for a two-family dwelling, but does not satisfy the minimum front lot width of 90 feet, minimum side yard setback requirement of 15 feet and sum of side yard setbacks of 35 feet.

As we have pointed out in the past, and the CBA has agreed, a petition to vary the conversion requirements functions as a petition to increase the residential density of a property. BCZR Section 307.1 explicitly states that "No increase in residential density beyond that otherwise allowable by the zoning

regulations shall be permitted as a result of a grant of a variance from height or area regulations." The CBA addressed this issue in the enclosed May 21, 1999 opinion in Maria and Joseph Horodowicz, Case No. 98-342-A, page 7.

In any event, we do not perceive any unique characteristic of the subject property which results in any unnecessary hardship or practical difficulty here. The property may be used as a single-family dwelling. Indeed, it is hard to imagine any unique aspect of any property which could justify a variance to convert of a single-family dwelling to multiple apartment use.

As a footnote, we see that the application includes a request to merge the additional vacant rear lot 6A, which adjoins rear lot 7A, so that the property would consist of 3 lots. This does not in any way resolve the variance problem and, in our view, is irrelevant to the case.

So, for all of the above reasons, it is respectfully submitted that the County Board of Appeals must dismiss and/or deny this petition.

Thank you for your consideration in this matter.

Sincerely,

Peter Max Zimmerman

Peter Max Zimmerman
People's Counsel for Baltimore County

Carole S. DeMilio

Carole S. DeMilio
Deputy People's Counsel

PMZ/rmw

cc: J. Neil Lanzi, Esquire
Benjamin Bronstein, Esquire

IN THE MATTER OF
THE APPLICATION OF
MARIA & JOSEPH HORODOWICZ
-PETITIONERS FOR ZONING
VARIANCE ON PROPERTY LOCATED
ON THE SOUTHEAST SIDE CARNEY
ROAD, 225' SOUTHWEST OF C/L
SECOND AVENUE (9305 CARNEY RD)
11TH ELECTION DISTRICT
6TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 98-342-A

* * * * *

O P I N I O N

Maria and Joseph Horodowicz filed a timely appeal from the Deputy Zoning Commissioner's decision, dated July 20, 1998, denying a variance from Section 402 of the Baltimore County Zoning Regulations (BCZR) to permit a lot width of 50 feet in lieu of the required 80 feet; and to amend the previously approved site plan in prior Case No. 75-109-A to reflect the proposed multi-family dwelling use on the subject property owned by the Appellants /Petitioners at 9305 Carney Road, 11th Election District, 6th Councilmanic District.

The Appellants /Petitioners were represented by counsel, Michael Paul Smith. Protestants of record were Michael and Dawn Eck and Scott G. Bolch. Carole S. Demilio, Deputy People's Counsel for Baltimore County, represented the Office of People's Counsel for Baltimore County.

Testimony and evidence offered indicate that the subject property consists of a gross area of .2296 acre, more or less, zoned D.R. 5.5, and is improved with a 2-1/2 story brick building.

The Petitioner, Joseph Horodowicz, was the first witness. He testified that he and his wife are the owners of the subject property but they do not reside there. Mr. Horodowicz purchased

BOARD OF APPEALS OF BALTIMORE COUNTY
MINUTES OF DELIBERATION

IN THE MATTER OF: Ronald W. and Jean Ruff

12-235-A

DATE: January 3, 2013

BOARD/PANEL: Wendell H. Grier, Chairman
Edward W. Crizer, Jr.
David L. Thurston

RECORDED BY: Theresa R. Shelton, Administrator

PURPOSE: To deliberate the following:

1. Petition for Variance to allow: 1) a minimum lot width of 50 feet in lieu of the required 90 feet; 2) a minimum side yard setback of 10 feet in lieu of the required 15 feet; and 3) a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet.
2. Is the property unique pursuant to the conditions set forth in Cromwell vs. Ward?

PANEL MEMBERS DISCUSSED THE FOLLOWING:

STANDING

- The Board discussed the history of this matter. The Administrative Law Judge had previously denied the requested Petition for Variance. The Petitioners appealed.
- The Board reviewed the testimony and evidence presented at the hearing. Cromwell v. Ward requires that the land be "unique" in terms of shape, topography, environmental factors etc. The Board determined that there was nothing to determine that the lots were unique. Three lots were combined, but that did not make the property unique. They are all rectangular in shape. The plat indicates that all lots are the same.
- The Board determined that since the property fails on the uniqueness standard, they do not need to discuss the practical difficulty standard.
- The Board also determined that although there was argument with respect to notice; the Board determined that proper Notice was given and that the issue of proper notice should not be heard in the future. The sign was sufficient in providing the required information.

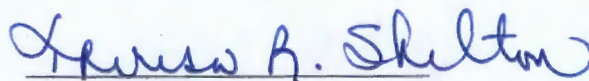
DECISION BY BOARD MEMBERS:

The property is not unique by the standards of Cromwell v. Ward.
Proper Notice was given.

FINAL DECISION: After thorough review of the facts, testimony, and law in the matter, the Board unanimously agreed to DENY the requested Variances.

NOTE: These minutes, which will become part of the case file, are intended to indicate for the record that a public deliberation took place on the above date regarding this matter. The Board's final decision and the facts and findings thereto will be set out in the written Opinion and Order to be issued by the Board.

Respectfully Submitted,


Theresa R. Shelton

From: Theresa Shelton
To: Crizer, Ed; David Thurston; wendell.grier@comcast.net
Date: 10/26/2012 10:40 AM
Subject: Ruff case scheduled for 11/8 - request from Counsel
Attachments: Lanzi Request - Ruff case.pdf

Good Morning:

Attached please find a letter from Mr. Lanzi requesting oral closing argument be allowed at the end of the hearing and that the Deliberation follow, if time permits.

In a conversation with Mr. Zimmerman, he said he had no preference. I requested he send the Board a note indicating same.

I have had no response from Mr. Bronstein at this time.

Thank you.

T
Semper Fi

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
PNC BANK BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

J. Neil Lanzi
—
OF COUNSEL
Fred L. Coover*

COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

October 23, 2012

Wendell H. Grier, Chairman
Board of Appeals for Baltimore County
Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204

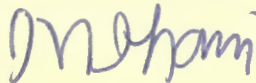
Re: Case No. 12-235-A

Dear Chairman Grier:

Please be advised that I represent Ronald W. and Jean Ruff, Petitioners and owners of the subject property known as 1218 Elm Ridge Avenue. The purpose of this letter is to request that oral closing argument be allowed at the end of the hearing set for November 8, 2012 in lieu of any written Memorandum. In addition, I am requesting the Board's deliberation take place after the hearing if time allows instead of a separate date.

Thank you for your consideration.

Very truly yours,



J. Neil Lanzi

JNL\mlr

cc: Mr. and Mrs. Ronald Ruff
Benjamin Bronstein, Esquire
Peter Max Zimmerman, Office of Peoples' Counsel

RECEIVED
OCT 24 2012

BALTIMORE COUNTY
BOARD OF APPEALS

BENJAMIN BRONSTEIN

ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
Benbronstein@terralaw.net

RECEIVED

OCT 22 2012

**BALTIMORE COUNTY
BOARD OF APPEALS**

October 18, 2012

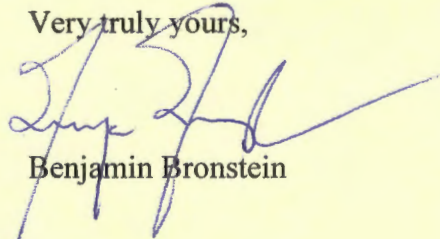
Wendell H. Grier, Chairman
Board of Appeals for Baltimore County
Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 12-235-A

Dear Chairman Grier:

The purpose of this letter is to notify the Board that my client adopts the position of People's Counsel as stated in its letters to the Board of October 4 and 5, 2012.

Very truly yours,



Benjamin Bronstein

BB/mlh

cc: Mr. John Kapustka
J. Neil Lanzi, Esquire (via fax)
Peter Max Zimmerman, People's Counsel (via fax)

J. NEIL LANZI, P.A.
ATTORNEY AT LAW
PNC BANK BUILDING, SUITE 617
409 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

(410) 296-0686

FAX: (410) 296-0689

E-Mail: nlanzi@lanzilaw.com

RECEIVED
JUN 29 2012

J. Neil Lanzi

OF COUNSEL
Fred L. Coover*

BALTIMORE COUNTY
BOARD OF APPEALS
COLUMBIA
Suite 420, Parkside Bldg
10500 Little Patuxent Parkway
Columbia, Maryland 21044-3563

*Also Admitted in District of Columbia

Reply to Towson

June 28, 2012

Board of Appeals of Baltimore County
Jefferson Building, Second Floor, Suite 203
105 West Chesapeake Avenue
Towson, MD 21204
Attn: Theresa R. Shelton, Administrator

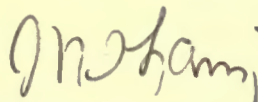
Re: In the Matter of: Ronald W. and Jean Ruff
1218 Elm Ridge Avenue
Case No. 12-235-A

Dear Ms. Shelton:

Thank you for the June 20, 2012 Notice of Assignment scheduling the above referenced case for hearing on Tuesday, August 14, 2012. The purpose of this letter is to respectfully request a postponement from that date as my expert witness, Bruce Doak, has a previously scheduled vacation that week. I have spoken with counsel for the appellee, Benjamin Bronstein and we would both request the hearing be set in after the Labor Day holiday. I would be available September 6, 7 and the week of September 10, 2012. If it would assist you, I would be happy to set up a conference call with your office and Mr. Bronstein to schedule a mutually acceptable date.

Thank you for your consideration.

Very truly yours,



J. Neil Lanzi

JNL\mlr

cc: Mr. and Mrs. Ronald Ruff
Benjamin Bronstein, Esquire

BENJAMIN BRONSTEIN

ATTORNEY AT LAW
SUSQUEHANNA BUILDING, SUITE 205
29 WEST SUSQUEHANNA AVENUE
TOWSON, MARYLAND 21204
(410) 296-0200
FAX: (410) 296-3719
Benbronstein@terralaw.net

RECEIVED

JUN 26 2012

**BALTIMORE COUNTY
BOARD OF APPEALS**

June 25, 2012

Board of Appeals for Baltimore County
ATTN: Theresa R. Shelton, Administrator
Jefferson Building, Suite 203
105 West Chesapeake Avenue
Towson, Maryland 21204

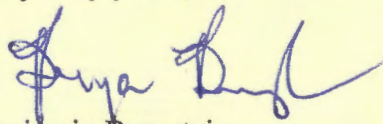
RE: Case No.: 12-235-A

Dear Ms. Shelton:

Please enter my appearance on behalf of Mr. John Kapustka, Appellee, in the above-entitled case. Kindly forward any further notices and correspondence to me.

Thank you for your kind attention to this matter.

Very truly yours,



Benjamin Bronstein

BB/mlh

cc: Mr. John Kapustka
J. Neil Lanzi, Esquire

From: Theresa Shelton
To: Benbronstein@terralaw.net; Lanzi, Neil
CC: Cannington, Krysundra
Date: 8/6/2012 2:33 PM
Subject: RE: Ruff -Scheduling Error 10/18 already assigned - Additional dates provided

Good Afternoon.

Due to an error in the docket book (my error), please disregard the Assignment Notice scheduling this matter to October 18, 2012. October 18, 2012 is not available. This date is on the docket as an agreed Day #2 for an appeal matter, in which the Appellant resides in North Carolina. Unfortunately, my records showed the Day #2 as 10/17; not 10/18.

Due to my error, I am submitting additional dates. If any of these dates are agreeable, I will issue an Amended Assignment Notice to reflect the correction. My sincere apology for this mistake. The available dates are as follows:

Tuesday, October 1
Wednesday, Novem
Thursday, Novembe

I have put a tempor
appreciate you gett
your calendars and

Thank you for your
sincere apology for
your clients.

Theresa
Semper Fi

Theresa R. Shelton
Board of Appeals
Suite 203, The Jet
105 W. Chesapeake
Towson, MD 212

message

For _____
From Neil Lanzi
Time 2:50 Date 8/8
Phone _____
☐ URGENT! Any word
from Bronstein?
Bronstein Sec out
Bronstein possibly
injured

Post-it
Brand
Super
Sticky

*Ruff**8/9 - L/m with
Bron. assnt
8/9 - L/m w Bron.*

From: Theresa Shelton
To: Benbronstein@terralaw.net; Lanzi, Neil
CC: Cannington, Krysundra
Date: 8/6/2012 2:33 PM
Subject: RE: Ruff -Scheduling Error 10/18 already assigned - Additional dates provided

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Due to my error, I am submitting additional dates. If any of these dates are agreeable, I will issue an Amended Assignment Notice to reflect the correction. My sincere apology for this mistake. The available dates are as follows:

~~Tuesday, October 16, 2012 @ 10:00;~~
~~Wednesday, November 7, 2012 @ 10:00 and~~
~~Thursday, November 8, 2012 A 10:00.~~

*prefers 10/16
Lanzy OK**use this date*

~~I have put a temporary hold on these dates for this case and would appreciate you getting back to me if any of these dates are available on your calendars and for your clients.~~

Thank you for your time and assistance in this matter. Once again, my sincere apology for any inconvenience my oversight has caused you and/or your clients.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

From: "Neil Lanzi" <nlanzi@lanzilaw.com>
To: "Theresa Shelton" <tshelton@baltimorecountymd.gov>
Date: 8/6/2012 3:55 PM
Subject: RE: Ruff -Scheduling Error 10/18 already assigned - Additional dates provided

Theresa:

I will be checking with my witness and clients. I hope to have a response by tomorrow. I am okay with all dates.

I spoke with Ben's assistant last week and I seem to recall she is out this week. I also understand Ben has not been in so I am not sure how quickly you will be getting a response. I will call his office and suggest you do also.

Thanks,

Neil

-----Original Message-----

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Monday, August 06, 2012 2:34 PM
To: Neil Lanzi; Benbronstein@terralaw.net
Cc: Krysundra Cannington
Subject: RE: Ruff -Scheduling Error 10/18 already assigned - Additional dates provided
Importance: High

**** High Priority ****

Good Afternoon.

Due to an error in the docket book (my error), please disregard the Assignment Notice scheduling this matter to October 18, 2012. October 18, 2012 is not available. This date is on the docket as an agreed Day #2 for an appeal matter, in which the Appellant resides in North Carolina. Unfortunately, my records showed the Day #2 as 10/17; not 10/18.

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Tuesday, October 16, 2012 @ 10:00;
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Thursday, November 8, 2012 A 10:00.

I have put a temporary hold on these dates for this case and would appreciate you getting back to me if any of these dates are available on your calendars and for your clients.

Thank you for your time and assistance in this matter. Once again, my sincere apology for any inconvenience my oversight has caused you and/or your clients.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

I took the Green @ Work Energy Challenge Pledge.

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action based on the contents of this electronic mail transmission is strictly prohibited. If you have received this electronic mail transmission in error, please immediately notify the sender.

From: "Neil Lanzi" <nlanzi@lanzilaw.com>
To: "Theresa Shelton" <tshelton@baltimorecountymd.gov>
Date: 8/7/2012 10:18 AM
Subject: RE: Ruff -Scheduling Error 10/18 already assigned - Additional dates provided

Theresa:

All of the dates are good with us. We prefer the October 16th date if possible.

Neil

-----Original Message-----

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Monday, August 06, 2012 4:03 PM
To: Neil Lanzi
Subject: RE: Ruff -Scheduling Error 10/18 already assigned - Additional dates provided

Understood and Thank you.

>>> "Neil Lanzi" <nlanzi@lanzilaw.com> 8/6/2012 3:55 PM >>>
Theresa:

I will be checking with my witness and clients. I hope to have a response by tomorrow. I am okay with all dates.

I spoke with Ben's assistant last week and I seem to recall she is out this week. I also understand Ben has not been in so I am not sure how quickly you will be getting a response. I will call his office and suggest you do also.

Thanks,

Neil

-----Original Message-----

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Monday, August 06, 2012 2:34 PM

To: Neil Lanzi; Benbronstein@terralaw.net
Cc: Krysundra Cannington
Subject: RE: Ruff -Scheduling Error 10/18 already assigned - Additional dates provided
Importance: High

**** High Priority ****

Good Afternoon.

Due to an error in the docket book (my error), please disregard the Assignment Notice scheduling this matter to October 18, 2012. October 18, 2012 is not available. This date is on the docket as an agreed Day #2 for an appeal matter, in which the Appellant resides in North Carolina. Unfortunately, my records showed the Day #2 as 10/17; not 10/18.

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Thursday, November 8, 2012 A 10:00.

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Thank you for your time and assistance in this matter. Once again, my sincere apology for any inconvenience my oversight has caused you and/or your clients.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building

105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

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From: Krysundra Cannington
To: Lanzi, Neil
CC: Benbronstein@terralaw.net; Lindgren, 'Scott; Shelton, Theresa
Date: 7/31/2012 3:19 PM
Subject: Re: Ruff Appeal Case No. 12-235-A

Mr. Lanzi,

I will send a Notice of Assignment out in tomorrow's mail for October 18, 2012 at 10:00 a.m.

Thank you.

Sunny

Krysundra "Sunny" Cannington
Legal Secretary
Board of Appeals of Baltimore County
Jefferson Building, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204
(410) 887-3180

>>> "Neil Lanzi" <nlanzi@lanzilaw.com> 7/31/2012 3:13 PM >>>
Sonny:

I wanted to get back to you regarding the above referenced appeal. I spoke with Mr. Bronstein's assistant Michelle today and have confirmed that October 18, 2012 is an available date for Mr. Bronstein and his client. This date is good for me and my client as well. Would you kindly send confirmation of the new hearing date and time at your earliest convenience.

Thanks for working with us.

Regards,

Neil

Neil Lanzi

Krysundra Cannington - Ruff Appeal Case No. 12-235-A

From: "Neil Lanzi" <nlanzi@lanzilaw.com>
To: <kcannington@baltimorecountymd.gov>
Date: 7/31/2012 3:13 PM
Subject: Ruff Appeal Case No. 12-235-A
CC: "Theresa Shelton" <tshelton@baltimorecountymd.gov>, <Benbronstein@terr...

Sonny:

I wanted to get back to you regarding the above referenced appeal. I spoke with Mr. Bronstein's assistant Michelle today and have confirmed that October 18, 2012 is an available date for Mr. Bronstein and his client. This date is good for me and my client as well. Would you kindly send confirmation of the new hearing date and time at your earliest convenience.

Thanks for working with us.

Regards,

Neil

Neil Lanzi
J. Neil Lanzi, P.A.
409 Washington Ave, Suite 617
Towson, MD 21204
410-296-0686 (office)
410-296-0689 (facsimile)
nlanzi@lanzilaw.com

Ruff - more dates

From: Theresa Shelton
To: Benbronstein@terralaw.net; Lanzi, Neil
Date: 7/19/2012 9:10 AM
Subject: RE: Ruff -Scheduling - Additional dates

Good Morning.

In response to needing additional dates, the following are the next available dates that are open on the Board's docket. The dates are as follows:

Tuesday, October 9, 2012 @ 10; → LANZI
Thursday, October 18, 2012 @ 10; and → LANZI
~~Wednesday, November 7, 2012 @ 10.~~

I have put a temporary hold on these dates for this case and would appreciate you getting back to me if any of these dates are available on your calendars and for your clients.

Thank you for your time and assistance in this matter.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

I took the Green @ Work Energy Challenge Pledge.

Confidentiality Statement

From: "Neil Lanzi" <nlanzi@lanzilaw.com>
To: "Theresa Shelton" <tshelton@baltimorecountymd.gov>, <Benbronstein@terr...>
Date: 7/18/2012 12:03 PM
Subject: RE: Ruff -Scheduling

Hi Theresa,

I intended to call you in response to your letter. I will not be available on Tuesday, September 18, 2012. I would respectfully request that you provide some other possible hearing dates.

Regards,

Neil

-----Original Message-----

From: Theresa Shelton [mailto:tshelton@baltimorecountymd.gov]
Sent: Wednesday, July 18, 2012 11:20 AM
To: nlanzi@lanzilaw.com; Benbronstein@terralaw.net
Subject: Ruff -Scheduling

Good Morning:

On July 10, 2012, I sent a letter with dates open on the Board's docket of September 18-19, 2012 for the scheduling of Ronald and Jean Ruff, case number 12-235-A.

This email is to inform you that the date of Wednesday, September 19, 2012 is no longer available.

Please advise if Counsel is available on Tuesday, September 18, 2012, or if other dates need to be considered.

Thank you for your time and assistance in this matter.

Theresa
Semper Fi

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

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Ruff Case

From: Theresa Shelton
To: Benbronstein@terralaw.net; nlanzi@lanzilaw.com
Date: 7/18/2012 11:20 AM
Subject: Ruff -Scheduling

Good Morning:

On July 10, 2012, I sent a letter with dates open on the Board's docket of September 18-19, 2012 for the scheduling of Ronald and Jean Ruff, case number 12-235-A.

This email is to inform you that the date of Wednesday, September 19, 2012 is no longer available.

Please advise if Counsel is available on Tuesday, September 18, 2012, or if other dates need to be considered.

Thank you for your time and assistance in this matter.

Theresa
Semper Fi

*10/9
10/18
11/7*

Theresa R. Shelton, Administrator
Board of Appeals for Baltimore County
Suite 203, The Jefferson Building
105 W. Chesapeake Avenue
Towson, MD 21204

410-887-3180
410-887-3182 (FAX)
tshelton@baltimorecountymd.gov

"I took the Green @ Work Energy Challenge Pledge."

Confidentiality Statement

CASE NAME Ruff
CASE NUMBER 2012-235-A
DATE 5-8-12

[illegible]

CASE NAME RUFF
CASE NUMBER 2012-0235-A
DATE 5/08/12

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent](#)
[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier:

District - 13 Account Number - 1318720110

Owner Information

Owner Name: RUFF RONALD W
RUFF JEAN
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 140 GOVERNORS WAY S
QUEENSTOWN MD 21658-
Deed Reference: 1) /30499/ 00197
2)

Location & Structure Information**Premises Address**

1218 ELM RIDGE AVE
BALTIMORE 21229-5401

Legal Description

ELM RIDGE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0101	0017	1107		0000			4	1	Plat Ref: 0008/0061

Town NONE
Ad Valorem Tax Class

Special Tax Areas

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1923	2,287 SF	7,400 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
Land	91,400	91,400		
Improvements:	196,290	181,700		
Total:	287,690	273,100	273,100	273,100
Preferential Land:	0			0

Transfer Information

Seller: RUFF CHARLOTTE A(DEC)	Date: 02/11/2011	Price: \$295,000
Type: ARMS LENGTH MULTIPLE	Deed1: /30499/ 00197	Deed2:
Seller: RUFF CHARLES F	Date: 12/26/1985	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07061/ 00129	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

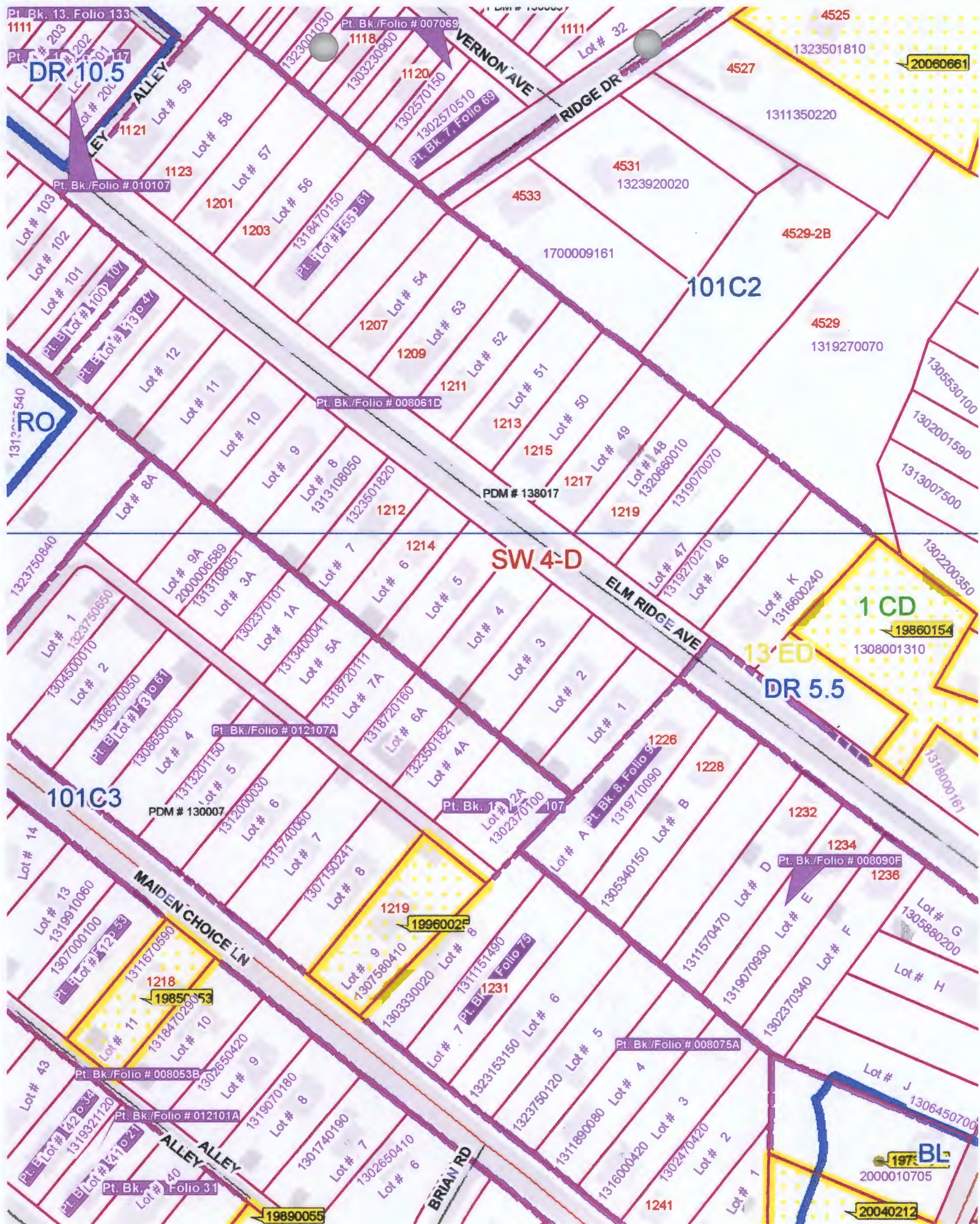
Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status:	No Application
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Case No.: 2012-235-A

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan (Amended)	96-25-SPH Order - 1219 Maiden Ck
No. 2	BCZR § 402.1	Signatures of Neighbors
No. 3	DEEDS 3A-3G	
No. 4	SPAT Records (4A, B, + C)	
No. 5	Aerial Photo Google	
No. 6	6A-CC Color Photos	
No. 7	Plat to Accompany Photos	
No. 8	Lease Agreement	
No. 9		
No. 10		
No. 11		
No. 12		

IN RE: PETITION FOR SPECIAL HEARING
N/S Maiden Choice Lane, 180 ft.
W of Brian Road
1219 Maiden Choice Lane
13th Election District
1st Councilmanic District
John M. Cardinale, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-25-SPH

PROTESTANT'S

EXHIBIT NO. 1

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 1219 Maiden Choice Lane in Catonsville. The Petition is filed by John M. Cardinale and Katherine L. Cardinale, his wife, property owners. Special Hearing relief is requested to approve a nonconforming use for a four apartment structure on the subject property, in a D.R.5.5 zone. The subject property is more particularly shown on Petitioners' Exhibit No. 1A, the site plan.

Appearing at the requisite public hearing held for this case was John M. Cardinale and Katherine L. Cardinale, Petitioners. Appearing on behalf of the Petitioners was Fred Granger. The Petitioners were represented by Francis X. Borgerding, Jr., Esquire. Eleanor VanDevender and Joseph R. Taafe, Sr. appeared as interested persons/Protestants.

Testimony and evidence presented was that the subject site is a rectangularly shaped lot approximately .215 acres in area. The site is located on Maiden Choice Lane in the Catonsville community. The subject property is zoned D.R.5.5. The site is improved with an existing 2-1/2 story framed dwelling which contains four apartments.

As noted above, the matter comes before me as a Petition for Special Hearing seeking designation of the use of the property of four apartments as nonconforming. Nonconforming uses are defined in Section 101 of the Baltimore County Zoning Regulations (BCZR) and are regulated in Section

ORDER RECORDED FOR FILING
DATE 9/11/95
BY [Signature]

Petition Regarding Zoning Hearing: Case Number 2012-0235-A

Description: (1218 Elm Ridge Avenue)

Variance to allow a minimum lot width of 50 ft. in lieu of the required 90 ft. per section 402.1B chart; to allow a minimum side yard setback of 10 ft in lieu of the required 15 ft per section 402.1B chart; to allow a minimum sum of side yard setbacks of 20 ft in lieu of the required 35 ft per section 402.1B chart.

Purpose of the Variance: To permit the operation of more than two rental units in the existing non-owner occupied rental house.

Statement in Opposition to Zoning Variance: We, the undersigned, property owners on Elm Ridge Avenue, sincerely ask Baltimore County to not approve the zoning variance request made by Ron and Jean Ruff, owners of the non-owner occupied rental housing at 1218 Elm Ridge Avenue. Rental units have been operated at that address since January 2011. We are completely against setting a precedent by permitting rental houses with more than two rental units. Setting this precedent will have a negative effect on the essential character of the neighborhood. The general welfare of the neighborhood has already been disrupted by the behavior of their current tenants. Since the operation of the rental units, the neighborhood has experienced: excessive noise from the tenants; constant arguments amongst them; open drinking of alcohol; use of loud profanities outside for all to hear; loose and open trash on the property, including trash cans without lids; and increased foot and vehicle traffic with crowded parking. We kindly ask the County to not approve this request in order to return our neighborhood to the peaceful and respectable area that it used to be in the past. We believe that existing zoning regulations that permit one or two rental units on the property maintains the character of the neighborhood and are more than sufficient to permit the current rental owners to realize a fair profit on their investment. Thank you in advance for this consideration.

1. Josephine Kapustka JOSEPHINE KAPUSTKA
 (Signature) (Printed Name)
1216 ELMRIDGE AVE (410-242-1013) 43 (4/30/2012)
 (Street Address) (Telephone) (Years at Address)
2. John F. Kapustka JOHN F. KAPUSTKA (SON, POA, REMAINDER)
 (Signature) (Printed Name) (LIFE ESTATE)
1216 ELMRIDGE AVE (410-242-1013) 37 (4/30/2012)
 (Street Address) (Telephone) (Years at Address)
3. Dolores K. Ring DOLORES K. RING
 (Signature) (Printed Name)
1209 Elm Ridge Ave 410-247-2869 22
 (Street Address) (Telephone) (Years at Address)

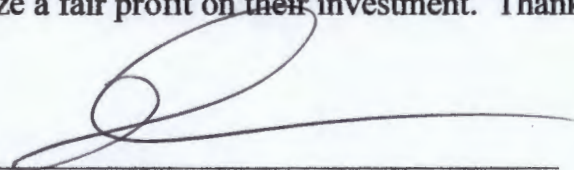
Petition Regarding Zoning Hearing: Case Number 2012-0235-A

Description: (1218 Elm Ridge Avenue)

Variance to allow a minimum lot width of 50 ft. in lieu of the required 90 ft. per section 402.1B chart; to allow a minimum side yard setback of 10 ft in lieu of the required 15 ft per section 402.1B chart; to allow a minimum sum of side yard setbacks of 20 ft in lieu of the required 35 ft per section 402.1B chart.

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4.  Douglas Sheldon
 (Signature) (Printed Name)
1212 Elmridge Ave 443-271-7417 5
 (Street Address) (Telephone) (Years at Address)

5. Brian K Benchet Brian K Benchet
 (Signature) (Printed Name)
1213 Elm Ridge Ave 443-838-4440 18
 (Street Address) (Telephone) (Years at Address)

6. Nancy L. Yospe NANCY L. YOSPE
 (Signature) (Printed Name)
1208 Elm Ridge Ave 410-737-1641 13
 (Street Address) (Telephone) (Years at Address)

Petition Regarding Zoning Hearing: Case Number 2012-0235-A

Description: (1218 Elm Ridge Avenue)

Variance to allow a minimum lot width of 50 ft. in lieu of the required 90 ft. per section 402.1B chart; to allow a minimum side yard setback of 10 ft in lieu of the required 15 ft per section 402.1B chart; to allow a minimum sum of side yard setbacks of 20 ft in lieu of the required 35 ft per section 402.1B chart.

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40. Sadiya Malik SADIYA MALIK
(Signature) (Printed Name)

1215 ELM Ridge Ave 443-8570336 5
(Street Address) (Telephone) (Years at Address)

41. Amir Mack AAMIR MACK
(Signature) (Printed Name)

1215 ELM RIDGE AVE 443-8570336 5
(Street Address) (Telephone) (Years at Address)

42. Gregory Hurst Gregory Hurst, Sr.
(Signature) (Printed Name)

1222 Elm Ridge Ave 410-242-934 35
(Street Address) (Telephone) (Years at Address)

Case No.: 2012-235-A

Exhibit Sheet

Petitioner/Developer

Protestant

5-10-12 aw

No. 1	Site Plan (Amended)	96-25-SPH Order - 1219 Maiden Ch
No. 2	BCZR § 402.1	Signatures of Neighbors
No. 3	DEEDS 3A-3G	
No. 4	SPAT Records (4A, B, + C)	
No. 5	Aerial Photo Google	
No. 6	6A-CC Color Photos	
No. 7	Plat to Accompany Photos	
No. 8	Lease Agreement	
No. 9		
No. 10		
No. 11		
No. 12		

owner or subsequent purchaser shall require a new request for a use permit as applicable under Subsections A or B.

2. **Renewal.** The applicant shall renew the use permit with the Department every two years by filing a renewal on a form approved by the Department, to be dated from the month of the initial approval, and shall list the name of any person occupying the accessory apartment.

SECTION 401
Cemeteries
[BCZR 1955]

§ 401.1. Setback; screening.

The Zoning Commissioner or the Board of Appeals, on appeal, may require a minimum setback from any property line for any building, structure, grave or place of temporary or permanent burial, and may require such walls, fences and/or planting of shrubbery, trees or vines as may be reasonable and proper to afford adequate screening.

SECTION 402
Conversion of Dwellings
[BCZR 1955]

§ 402.1. For residential use.

For residential use:

- A. The converted dwelling must be located on a lot that will meet the dimensional requirements shown in the schedule which follows.
- B. Separate cooking facilities and a separate bathroom shall be provided for each family unit.

Zone	Width of Lot in Feet at Front Building Line			Lot Area In Square Feet		Side Yards (feet)	
	Duplex ¹	Semi-Detached ¹	Each Add. Family	Two Families	Each Add. Family	Min. For One	Sum of Both
D.R.1	175	175	25	50,000	10,000	Int. 25 Cor. 50	Int. 60 Cor. 75
D.R.2	125	125	25	25,000	7,500	Int. 20 Cor. 35	Int. 50 Cor. 60
D.R.3.5	90	100	15	12,500	4,000	Int. 20 Cor. 30	Int. 40 Cor. 50
D.R.5.5	80	90	15	10,000	3,000	Int. 15 Cor. 25	Int. 35 Cor. 40
D.R.10.5	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40
D.R.16	70	80	10	Interior 8,050 Corner 9,200	2,500	Int. 15 Cor. 25	Int. 30 Cor. 40

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[GroundRent](#)
[Registration](#)

Account Identifier: District - 13 Account Number - 1318720110

Owner Information

Owner Name: RUFF RONALD W
RUFF JEAN
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 140 GOVERNORS WAY S
QUEENSTOWN MD 21658-
Deed Reference: 1) /30499/ 00197
2)

Location & Structure Information

Premises Address
1218 ELM RIDGE AVE
BALTIMORE 21229-5401
Legal Description
ELM RIDGE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	Plat Ref:
0101	0017	1107		0000			4	1		0008/ 0061

Special Tax Areas
Town NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1923	2,287 SF	7,400 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2011	07/01/2012
<u>Land</u>	91,400	91,400		
<u>Improvements:</u>	196,290	181,700		
<u>Total:</u>	287,690	273,100	273,100	273,100
<u>Preferential Land:</u>	0		0	

Transfer Information

<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
RUFF CHARLOTTE A(DEC)	02/11/2011	\$295,000
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>
ARMS LENGTH MULTIPLE	/30499/ 00197	
<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
RUFF CHARLES F	12/26/1985	\$0
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>
NON-ARMS LENGTH OTHER	/07061/ 00129	

<u>Seller:</u>	<u>Date:</u>	<u>Price:</u>
<u>Type:</u>	<u>Deed1:</u>	<u>Deed2:</u>

Exemption Information

<u>Partial Exempt Assessments</u>	<u>Class</u>	07/01/2011	07/01/2012
<u>County</u>	000	0.00	0.00
<u>State</u>	000	0.00	0.00
<u>Municipal</u>	000	0.00	0.00

Tax Exempt:
Exempt Class:

PETITIONER'S

EXHIBIT NO. 4A-C

LEASE AGREEMENT

COPY

IMPORTANT NOTICE TO TENANT

IT IS VERY IMPORTANT TO READ THE ENTIRE LEASE CAREFULLY.

THIS CONTRACT, DATED AS OF _____, SETS FORTH ALL OF THE TERMS OF YOUR AGREEMENT WITH THE LANDLORD. BY SIGNING THIS LEASE AGREEMENT, YOU ARE GIVING UP CERTAIN RIGHTS AND TAKING ON CERTAIN LEGAL AND FINANCIAL OBLIGATIONS. IF YOU VIOLATE ANY TERM OF THIS LEASE AGREEMENT, YOU MAY BE EVICTED AND SUED FOR MONEY DAMAGES. BE SURE YOU UNDERSTAND THE TERMS OF THIS LEASE BEFORE YOU SIGN IT

LANDLORD (OWNER): RONALD RUFF, 140 GOVERNORS WAY SOUTH. QUEENSTOWN, MARYLAND 21658

TENANT: Name: _____

Current Address: _____

Telephone Number: _____

PREMISES ADDRESS: 1218 ELMRIDGE AVENUE Apt #____, BALTIMORE, MARYLAND 21229

LEASE TERM BEGINNING: _____, 20____ **LEASE TERM ENDING:** _____, 20____

Early move in date would be prorated @ at cost of \$_____ a day payable in advance: Total _____

Rent is payable in 12 monthly installments: \$_____ .00

FIRST MONTH RENT DUE _____, 20____ \$_____ .00 Deposit \$_____ .00 Rent

RENT DUE: Monthly installments are due in advance by the first day of each month. A late fee of \$30.00 will be charged if rent is received after the 10th of the month. Past due amounts will be charged interest in the amount of 10% per month.

Tenant agrees to occupy and pay rent and comply with all the terms of this Lease together with any additional rules and regulations the Landlord may include with this document or as required by any Homeowner's Association.

Signature _____ Date _____

Tenant: _____

Signature _____ Date _____

Co-Tenant: _____

Additional Tenants Child: _____ B/D _____

Child: _____ B/D _____

PETITIONER' S

EXHIBIT NO. 8

Case No: 12-235-A Case Name: Ronald + Jean Ruff

Exhibit List

Party: Peoples' Counsel Date: 11-8-12

Exhibit No:	Description:
✓ 1	ADC Map of Subject site
✓ 2	OIT Arial Map
✓ 3	Photo of Neighborhood
✓ 4	Zoning overlay
✓ 5	Enlargement of Zoning
✓ 6	"Elm Ridge + Leeds" plat
✓ 7	MDAT's
✓ 8	Certificate of Posting
✓ 9	Notice in Newspaper
✓ 10	Declaration of Maintenance obligations
VERIFIED BY <u>TS</u> DATE: <u>11/9/12</u>	

P.C. Ex 1 CBA-12-235-A Ruff

1,000 FT

11-8-12

76°40'00"





256 Fed



My Neighborhood Map

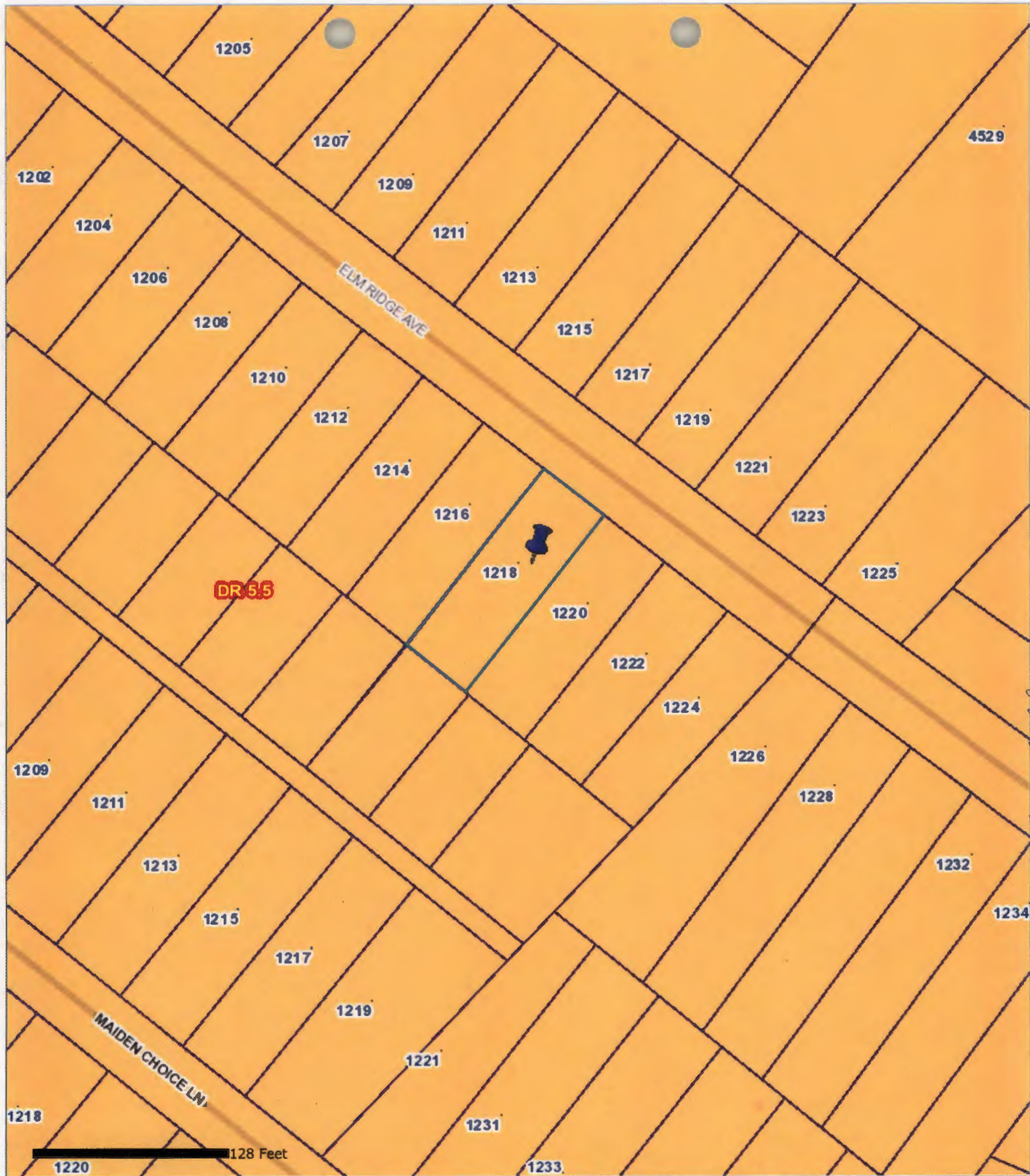
Created By
Baltimore County
My Neighborhood



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PC-33 CBA 12-235-A Ref 11-8-12



My Neighborhood Map

Created By
Baltimore County
My Neighborhood

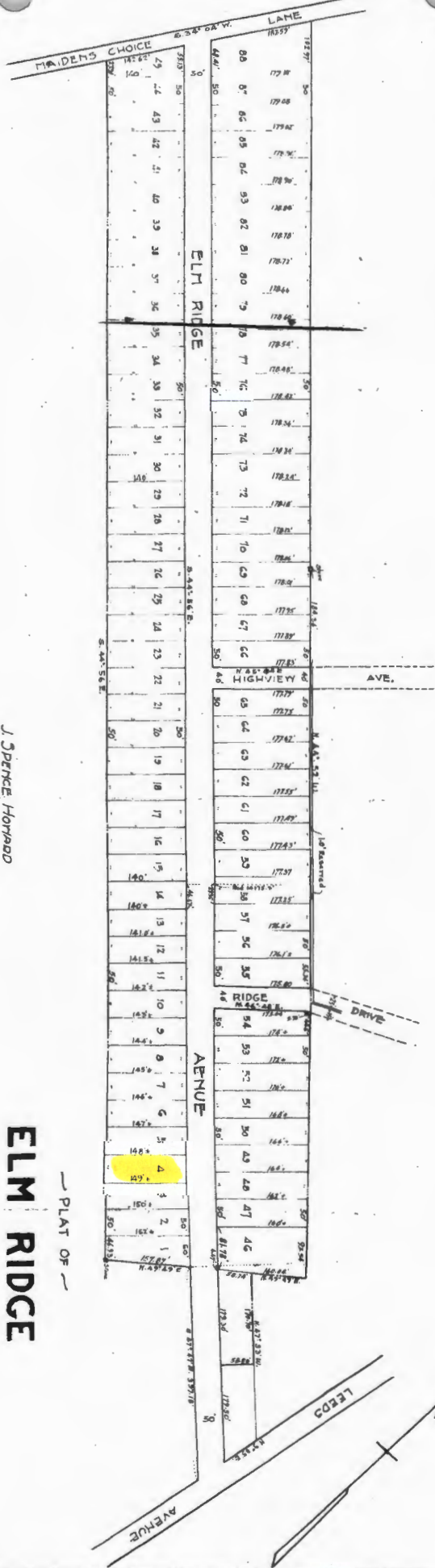


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Printed 10/31/2012

PC 11-8-12
SBA 12-22E-A
Roff

21-8-11 4th A-532-21-ABD 9x3.58



J. SPENCE, HORRARD
CIVIL ENGINEER
Sole & Successors
Sole & Successors
Sole & Successors

PLAT OF
ELM RIDGE

Maryland Department of Assessments and Taxation
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BALTIMORE COUNTY

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[GroundRent](#)
[Registration](#)

Account Identifier: District - 13 Account Number - 1318720110

Owner Information

Owner Name: RUFF RONALD W
RUFF JEAN
Use: RESIDENTIAL
Principal Residence: NO
Mailing Address: 140 GOVERNORS WAY S
QUEENSTOWN MD 21658-
Deed Reference: 1) /30499/ 00197
2)

Location & Structure Information

Premises Address
1218 ELM RIDGE AVE
BALTIMORE 21229-5401

Legal Description

ELM RIDGE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0101	0017	1107		0000			4	1	Plat Ref: 0008/0061

Town NONE

Special Tax Areas

Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1923	2,287 SF	7,400 SF	04

Stories	Basement	Type	Exterior
1.500000	YES	STANDARD UNIT SIDING	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
Land	91,400	01/01/2010	07/01/2012	07/01/2013
Improvements:	181,700	181,700		
Total:	273,100	273,100	273,100	
Preferential Land:	0			

Transfer Information

Seller: RUFF CHARLOTTE A(DEC)	Date: 02/11/2011	Price: \$295,000
Type: ARMS LENGTH MULTIPLE	Deed1: /30499/ 00197	Deed2:
Seller: RUFF CHARLES F	Date: 12/26/1985	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /07061/ 00129	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	
Tax Exempt:	Special Tax Recapture:		
Exempt Class:	NONE		

Homestead Application Information

Homestead Application Status: No Application

P.C. Ex 7 CBA-12-235-A Ruff 11-8-12

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BALTIMORE COUNTY

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[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 13 Account Number - 1318720160

Owner Information

Owner Name:	RUFF RONALD W RUFF JEAN	Use:	RESIDENTIAL
Mailing Address:	140 GOVERNORS WAY S QUEENSTOWN MD 21658-	Principal Residence:	NO
		Deed Reference:	1) /30499/ 00197 2)

Location & Structure Information

Premises Address
MAIDEN CHOICE LN
0-0000

Legal Description

LEEDS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
0101	0018	1323		0000			6A	1		14A
									Plat Ref:	0012/ 0107

Town NONE

Special Tax Areas

Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		5,459 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2012	07/01/2013
Land	1,300	1,300		
Improvements:	0	0		
Total:	1,300	1,300	1,300	
Preferential Land:	0			

Transfer Information

Seller:	RUFF CHARLOTTE A	Date:	02/11/2011	Price:	\$295,000
Type:	ARMS LENGTH MULTIPLE	Deed1:	/30499/ 00197	Deed2:	
Seller:	RUFF CHARLES F	Date:	12/26/1985	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/07061/ 00129	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status: No Application

Maryland Department of Assessments and Taxation
Real Property Data Search (vw3.1A)
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[Redemption](#)
[GroundRent](#)
[Registration](#)

Account Identifier: District - 13 Account Number - 1318720111

Owner Information

Owner Name:	RUFF RONALD W RUFF JEAN	Use:	RESIDENTIAL
Mailing Address:	140 GOVERNORS WAY S QUEENSTOWN MD 21658-	Principal Residence:	NO
		Deed Reference:	1) /30499/ 00197 2)

Location & Structure Information

Premises Address	Legal Description
1218 ELM RIDGE AVE BALTIMORE 21229-5401	LT 7A REAR LT 7

LEEDS

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	14A
0101	0018	1323		0000			7A	1	Plat Ref:	0012/ 0107

Town NONE

Special Tax Areas
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
		5,356 SF	04

Stories **Basement** **Type** **Exterior**

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2010	07/01/2012	07/01/2013
Land	1,300	1,300		
Improvements:	11,400	11,400		
Total:	12,700	12,700	12,700	
Preferential Land:	0			

Transfer Information

Seller:	RUFF CHARLOTTE A(DEC)	Date:	02/11/2011	Price:	\$295,000
Type:		Deed1:	/30499/ 00197	Deed2:	
Seller:	RUFF CHARLES F	Date:	12/26/1985	Price:	\$0
Type:	NON-ARMS LENGTH OTHER	Deed1:	/07061/ 00129	Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	

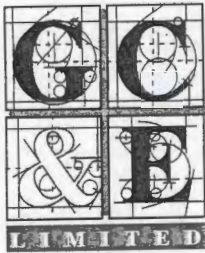
Exemption Information

Partial Exempt Assessments	Class	07/01/2012	07/01/2013
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status: No Application



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#2012-0235-A

PETITIONER: Ronald & Jean Ruff

DATE OF HEARING: May 8, 2012

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:
1218 Elm Ridge Avenue

(see page 2 for full size photo)

POSTED ON: April 19, 2012

SIGNATURE OF SIGN POSTER

Bruce E. Doak

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

P.C. Ex 8 CBA 12-235-A Ruff 11-8-12

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: # 2012-0235-A
1218 Elm Ridge Avenue
S/s of Elm Ridge Avenue, 570 ft. +/- northeast of
Leeds Avenue
13th Election District - 1st Councilmanic District
Legal Owner(s): Ronald & Jean Ruff

Variance: to allow a minimum lot width of 50 feet in lieu of the required 90 feet per Section 402.1.B chart; to allow a minimum side yard setback of 10 feet in lieu of the required 15 feet per Section 402.1.B chart; to allow a minimum sum of side yard setbacks of 20 feet in lieu of the required 35 feet per Section 402.1.B chart.

Hearing: Tuesday, May 8, 2012 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/4/751 Apr. 24

302502

CERTIFICATE OF PUBLICATION

4/26/2012

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 4/24/, 2012.

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

J. Wilkins

LEGAL ADVERTISING

P.C. Ex 9 CBA 12-235-A Ruff 11-8-12

0012349 259

**DECLARATION OF MAINTENANCE
OBLIGATIONS FOR USE IN COMMON ACCESS AREA**

THIS DECLARATION OF MAINTENANCE OBLIGATIONS is made this 31st day of July, 1997, by and between **THE ESTATE OF GEORGE A. GEBHARDT** ("Gebhardt") and **CHARLOTTE A. RUFF** ("Ruff"), (hereinafter collectively referred to as "Owners").

WHEREAS, Gebhardt is the record title owner of property known as 1220 Elmridge Avenue, Baltimore County, Maryland, by Deed dated June 13, 1939 and recorded among the Land Records of Baltimore County in Liber GWB, Jr. 1065, folio 464, which property was granted and conveyed to George A. Gebhardt and Helen R. Gebhardt, the said Helen Gebhardt having departed this life in 1985, leaving title vested in George A. Gebhardt, now deceased (see Estate #89072 Orphans' Court for Baltimore County; and

WHEREAS, Ruff is the record title owner of property known as 1218 Elmridge Avenue, by Deed dated October 15, 1985 and recorded among the Land Records of Baltimore County, in Liber 7061, Folio 131; and

WHEREAS, both properties are serviced by the use of a common driveway, partially on the property of each of Owners, the maintenance of which has been by verbal agreement, and

WHEREAS, it is the intention of the parties hereto to establish the right to the continued use of said common driveway by Owners and the obligations of the Owners for the common driveway as a matter of public record.

NOW, THEREFORE, THIS DECLARATION OF USE & MAINTENANCE OBLIGATIONS, WITNESSETH that for and in consideration of the mutual covenants and

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE
BALTIMORE CIRCUIT COURT (Land Records)

SIGNATURE [Signature]

DATE 8/26/97

RECEIVED FOR TRANSFER
State Department of
Assessment & Taxation
for Baltimore County

[Signature] 8/26/97

TRANSFER TAX NOT REQUIRED
Director of State and Finance
BALTIMORE COUNTY, MARYLAND
Per [Signature]
Authorized Signature

Date 8/26/97 Sec 33-139 Dec

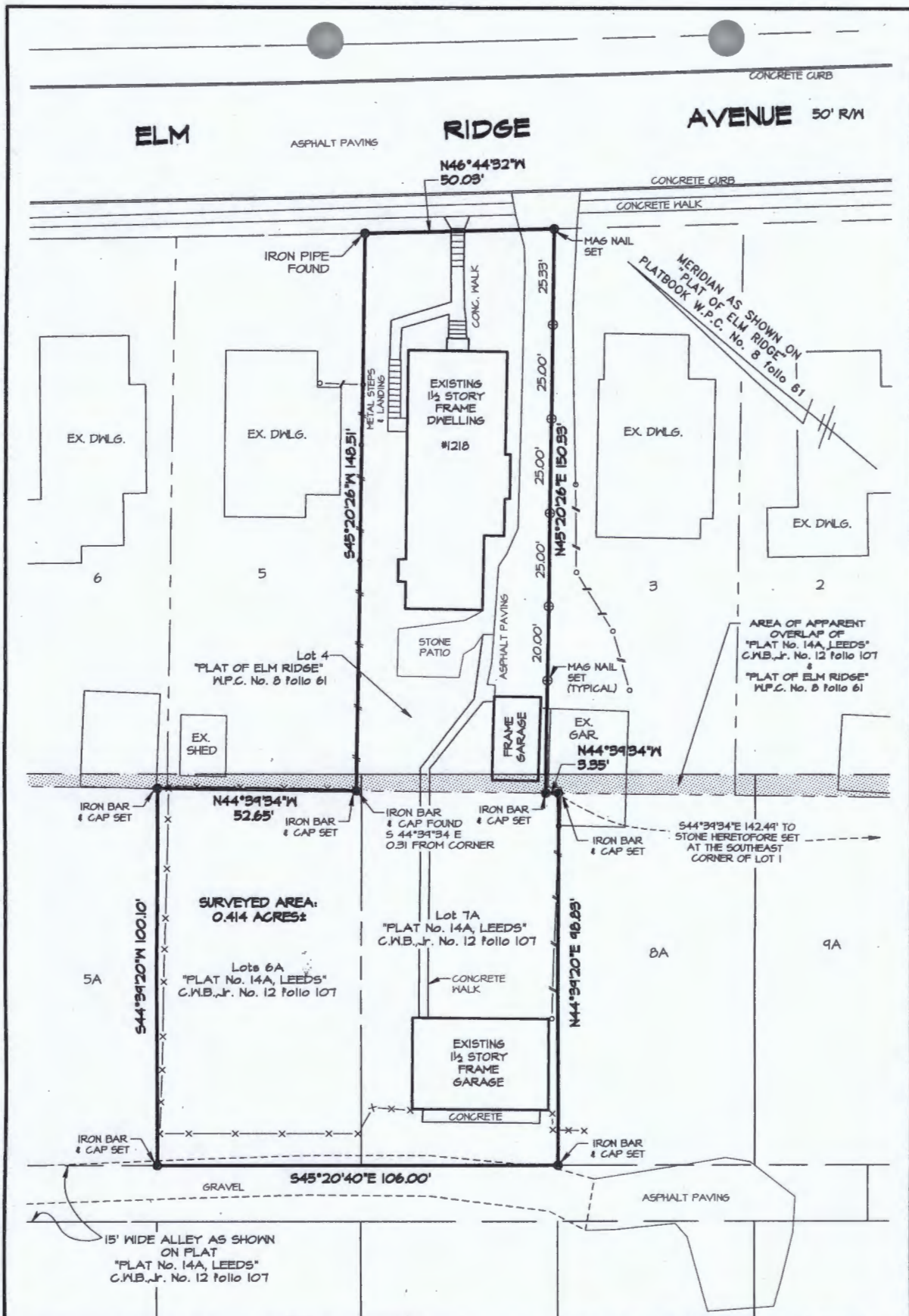
P.C. Ex 10 CBA 12-235-A Ruff 11-8-12

Case No: 12-235-A Case Name: Ronald + Jean Ruff LO

Exhibit List

Party: Petitioner Date: 11-8-12

Exhibit No:	Description:
✓ 1	Plat to Accompany a Petition
✓ 2	Boundary survey Plat
✓ 3 A-cc	Pictures
✓ 4	Arial photo
✓ 5	Plat for Mapot where photo's were taken
✓ 6	Zoning Packet
✓ 7	Deeds to subject properties
✓ 8 A-J	Photos of homes in area with 2nd apt.
✓ 9	Petition in favor of Apt.
	VERIFIED BY <u>thw</u> DATE: <u>11/9/12</u>



GERHOLD, CROSS & ETZEL, LTD.
 REGISTERED PROFESSIONAL LAND SURVEYORS
 Suite 100
 320 East Townsontown Boulevard
 Towson, Maryland 21286
 PH: (410)823-4470 FAX: (410)823-4473

BOUNDARY SURVEY PLAT

RUFF PROPERTY
 Deed Ref: J.L.E. No. 30449 folio 197
 Lot 4, "PLAT OF ELM RIDGE" Platbook W.P.C. No. 8 folio 61
 Lots 6A & 7A "PLAT No. 14A, LEEDS"
 Platbook C.W.B., Jr. No. 12 folio 107
 1218 ELM RIDGE AVENUE
 19th ELECTION DISTRICT
 BALTIMORE COUNTY, MARYLAND

FIELD WORK: JTM

DRAWN: RTD

DATE: 6/7/2012

SCALE: 1" = 30'

Ruff Property 11-8-12 CBA-12-235-A Ruff & Jean Ruff

④



PETITIONER'S

EXHIBIT NO. 6 A-CC

11-8-12 Randall Team K44 P.T. E33 CBA-12-235-A

Pct. Ex 038





300

300



9

303





305

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306

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307



(H)



103

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302



Q

W30



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2



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302

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30AA

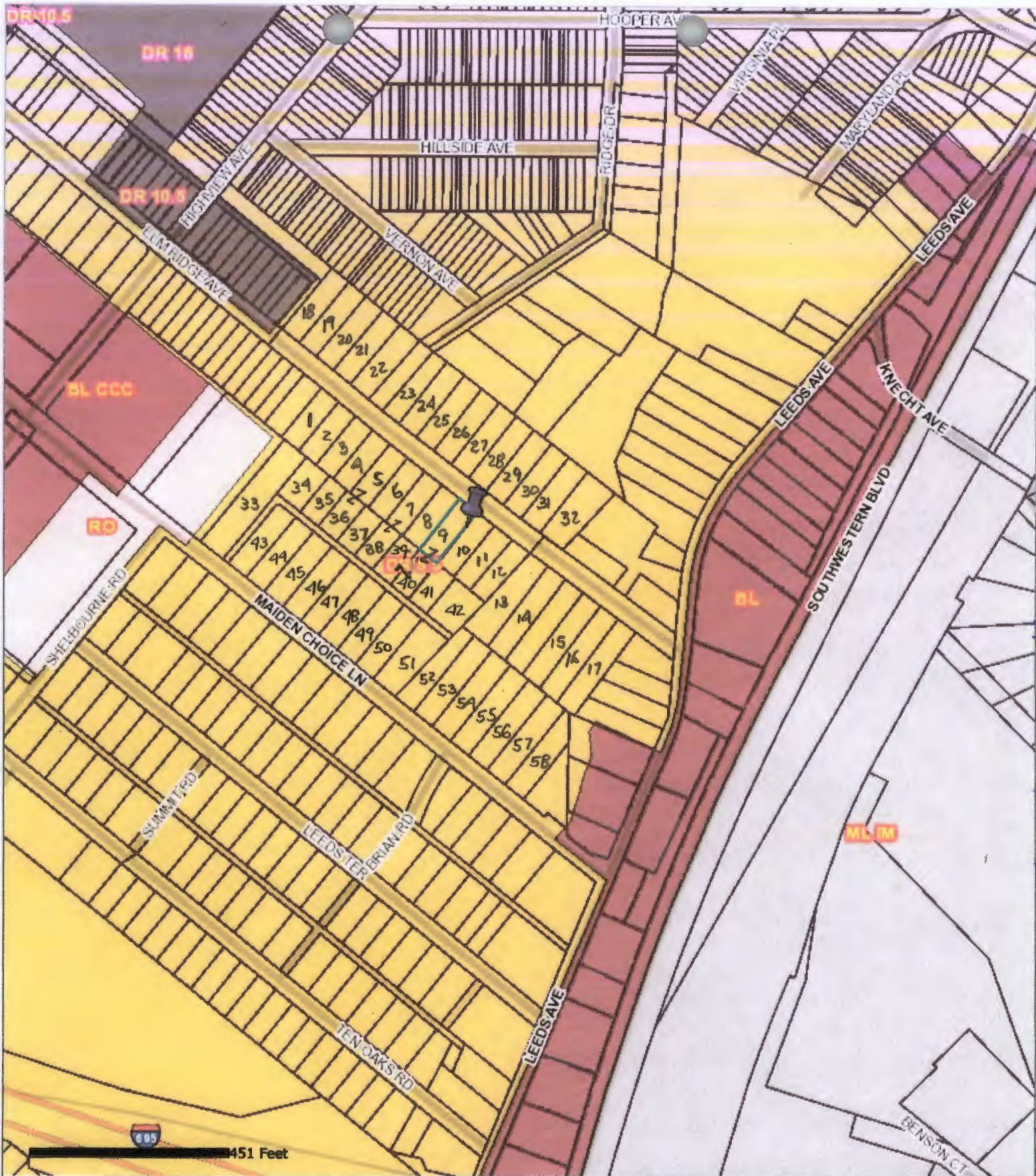
44

3086





3000



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 11/5/2012

Pet. Ev 6 CBA-12-235-A Donald + Jean K.H. 11-8-12

RETURN TO:
Crown Title Corporation
One Sanford Avenue
Baltimore, Maryland 21228

This Deed, MADE THIS ^{20th} day of September, 2010, by and between The Estate of Charles W. Ruff, Marilyn Jane Ruff, Personal Representative, party of the first part, GRANTOR; and Ronald W. Ruff and Jean Ruff, husband and wife, parties of the second part, GRANTEES.

WITNESSETH, That in consideration of the sum of TWO HUNDRED NINETY FIVE THOUSAND DOLLARS 00/100 (\$295,000.00), the receipt whereof is hereby acknowledged, the said GRANTOR does grant and convey to the said Ronald W. Ruff and Jean Ruff, his/her heirs, personal representatives and assigns, in fee simple, all that lot of ground situate in Baltimore County, Maryland and described as follows, that is to say:

THE FIRST THEREOF being known and designated as Lot No. 4 on the plat of Elkridge, said Plat being recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 8 folio 61. Tax ID # 13-1318720110

THE SECOND THEREOF being known and designated as Lot 7A as set forth on Plat No. 14A of "LEEDS", which Plat is recorded among the Land Records of Baltimore County in Plat Book C.W.B. Jr. No. 12 folio 107 Tax ID# 13-1318720111

THE THIRD THEREOF being designated and known as Lot No. 6A on the Plat No. 14A of "LEEDS", which plat is recorded among the Land Records of Baltimore County in Plat Book C.W.B Jr. No. 12 folio 107
Tax ID #13-1318720160

The improvements thereon being known as 1218 Elmridge Avenue, Baltimore, MD 21229.

Tax Account No. 13-1318720110, 13-1318720111 and 13-1318720160

BEING all and the same lot of ground which by Deed dated October 15, 1985, and recorded among the Land Records of Baltimore County, Maryland in Liber 7061, folio 131, was granted and conveyed by Title Service, Inc. unto Charlotte A. Ruff, Life Tenant, and Charles William Ruff, Remainderman. The said Charlotte A. Ruff having departed this life on January 4, 2009. the said Charles William Ruff having departed this life on January 28, 2001, vesting title in the estate of Charles William Ruff. See Estate No. 156494.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises to the said Ronald W. Ruff and Jean Ruff, as tenants by entireties, his/her heirs, personal representatives 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.

Ret. Ex 7, CBA-12-235-A Ronald & Jean Ruff 11-8-12

DEED — PER SIMPLE — INDIVIDUAL GRANTOR — LONG FORM
No Title examination Made

LIBER 7061 FOLIO 29

This Deed, MADE THIS

15TH

day of

OCTOBER

in the year one thousand nine hundred and --- Eighty-Five --- by and between

CHARLOTTE A. RUFF

of Baltimore County, State of Maryland --- of the first part, and

TITLE SERVICE, INC., a Maryland Corporation, duly incorporated under the laws
of the State of Maryland ---

of the second part.

WITNESSETH, That in consideration of the sum of Five Dollars (\$5.00) and other good and
valuable considerations (NO ACTUAL CONSIDERATION) ---

the said Charlotte A. Ruff ---

7 RG/F 12.00
DEED 0
EHR JR T 12.00
N27092 C004 R01 T11:5
12/24/85

doth grant and convey to the said Title Service, Inc., its ---

personal representatives/successors and assigns ---, in fee simple, all those

three (3) --- lots --- of ground situate in 13th District, Baltimore County, State of
Maryland
and described as follows, that is to say:

THE FIRST THEREOF being known as designated as Lot No. 4 on the Plat of Elbridge, said
Plat being recorded among the Land Records of Baltimore County in Plat Book No. W.P.C.
No. 8 folio 61. The improvements thereon being known as No. 1218 Elbridge Avenue.

Being the same lot of ground which by Deed dated May 10, 1940 and recorded among the
Land Records of Baltimore County in Liber C.W.B. Jr. No. 1102 folio 169 was granted and
conveyed by Richner Realty Corporation unto Charles Frederick Ruff and Charlotte A. Ruff
his wife. The said Charles Frederick Ruff was deceased on March 21, 1985.

THE SECOND THEREOF being known and designated as Lot 7A as set forth on Plat No. 14A
of "LEADS" which Plat is recorded among the Land Records of Baltimore County in Plat Book
C.W.B. Jr No. 12 folio 107 &c.

Being the same lot of ground which by Deed dated May 12, 1941 and recorded among the Land
Records of Baltimore County in Liber C.W.B. Jr. No. 1162 folio 209 &c was granted and
conveyed by Emory A. Kalbaugh and Olga B. Kalbaugh, his wife, unto Charles F. Ruff and
Charlotte A. Ruff, his wife.

THE THIRD THEREOF BEING DESIGNATED AND KNOWN AS Lot 6A on the Plat No. 14A of "LEADS"
which Plat is recorded among the Land Records of Baltimore County in Plat Book C.W.B. No
12, folio 107.

Being the same lot of ground which by Deed dated May 7, 1934 and recorded among the Land
Records of Baltimore County in Liber C.L.B. No. 2480 folio 303 was granted and conveyed
by Clifton S. Cave, Widower, unto Charles F. Ruff and Charlotte A. Ruff, his wife.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

STATE DEPARTMENT OF
ASSESSMENTS & TAXATION

TRANSFER TAX NOT REQUIRED

SIGNATURE

DATE 12-24-85

CLERK

DATE

CLERK OF THE BALTIMORE COUNTY LAND

OFFICE

DATE 12-24-85

Being Lot 4 on Plat of Elm Ridge recorded among the Baltimore County Land Records in Plat Book W P C No 8 Folio 61

Improvements being known as 1218 Elm Ridge Avenue

And being same lot in deed to Charles Frederick Ruff and Mary Ruff dated December 7, 1939 and recorded among said Land Records in Liber C W B Jr No 1081 Folio 448

Together with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

To Have and to Hold the said Lot of ground and premises unto and to the use of the said party of the second part its successors and assigns forever in fee simple

And the said parties of the first part hereby covenant: that they have not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby granted that they will warrant specially the property hereby granted and conveyed and that they will execute such further assurances of said land as may be requisite

Witness the hands and seals of parties of the first part

Witness

Charles Frederick Ruff (Seal)

Regina Graham

Charlotte A Ruff (Seal)

State of Maryland Baltimore City to wit

I Hereby Certify that on this 10th day of May in the year one thousand nine hundred and forty before me the subscriber a Notary Public of the State of Maryland in and for Baltimore City aforesaid personally appeared Charles Frederick Ruff and Charlotte A Ruff his wife and each acknowledged the foregoing Deed to be their act

In Testimony Whereof I hereunto set my hand and affix my notarial seal

Regina Graham

Notary Public

(Notarial Seal)

Recorded May 11, 1940 at 10 A M and Exd per C Willing Browne Jr- Clerk

No 148113

Richmer Realty Corp

Deed To

Charles Frederick Ruff & wife

This Deed made this 10th day of May in the year one thousand nine hundred and forty by and between Richmer Realty Corporation a body corporate of the first part and Charles Frederick Ruff and Charlotte A Ruff his wife of Baltimore

County in the State of Maryland of the second part

Witnesseth that in consideration of the sum of five dollars and other valuable considerations receipt whereof is hereby acknowledged party of the first part does grant and convey unto parties of the second part as tenants by the entireties their assigns the survivor of them and the survivors heirs and assigns in fee simple all that lot of ground situated in Baltimore County in the State of Maryland and described as follows that is to say

Being Lot 4 on Plat of Elm Ridge recorded among the Baltimore County Land Records in Plat Book W P C No 8 Folio 61

Improvements being known as 1218 Elm Ridge Avenue

And being same lot in Deed to party of the first part from parties of the second

part of said date herewith and intended to be recorded prior hereto

Together with the buildings and improvements thereupon and the rights alleys ways waters privileges appurtenances and advantages to the same belonging or in anywise appertaining

RECORDED MAY 10 1940

State of Maryland Baltimore County to wit

I hereby certify that on this 12th day of May in the year one thousand nine hundred and forty-one before me the subscriber a notary public of the State of Maryland in and for Baltimore County aforesaid personally appeared Emory A Kelbaugh and Olga B Kelbaugh his wife the above named grantors and each acknowledged the foregoing deed to be their act

As witness my hand and Notarial Seal

(Notarial Seal)

Marshall L Gosnell

Notary Public

Recorded May 19 1941 at 10.00 A M & Exd Per C Willing Browne Jr Clerk

180762

Emory A Kelbaugh & Wf) This deed Made this 12th day of May in the year one thous-
Deed To) and nine hundred and forty-one by and between Emory A Kelbaugh and
Charles F Ruff & Wf) Olga B Kelbaugh his wife of Anne Arundel County in the State of
USS \$.55 SS \$.10) Maryland of the first part and Charles F Ruff and Charlotte A Ruff
his wife of the second part
of the sum

Witnesseth that in consideration of the sum of five dollars and other good and valuable consideration the receipt whereof is hereby the said acknowledged the said parties of the first part do grant and convey unto the said parties of the second part as tenants by the entireties their heirs and assigns in fee simple provided that no building shall be erected thereon other than a private garage all that lot of ground situate lying and being in Baltimore County State aforesaid and described as follows that is to say

Beginning for the designated and known as lot 7A on plat No 14A of Leeds which plat is recorded among the land records of Baltimore County in plat book C W B Jr No 12 folio 107

Being a part of the whole tract of ground described in a deed from Mary Mack widow et al to Emory A Kelbaugh dated June 7 1940 and recorded among the land records of Baltimore County in liber C W B Jr No 1102 folio 484

Together with the buildings and improvements thereupon erected made or being and all and every the rights alleys ways waters privileges appurtenances and advantages to the same belonging or otherwise appertaining

To have and to hold the 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 heirs and assigns in fee simple provided that no building shall be erected thereon other than a private garage

And the said parties of the first part hereby covenant that they have not done or suffered to be done any act matter or thing whatsoever to encumber the property hereby conveyed that they will warrant specially the property granted and that they will execute such further assurances of the same as may be requisite

Witness the hands and seals of said grantors

Test

Emory A Kelbaugh

(Seal)

Marshall L Gosnell

Olga B Kelbaugh

(Seal)

State of Maryland Baltimore County to wit

I hereby certify that on this 12th day of May in the year one thousand nine hundred and forty-one before me the subscriber a notary public of the State of Maryland in and for

DEL PER TICKET May 19 1942

SEE SIMPLY READ—CODE—City or County—



DEED 2480 PAGE 505

This Deed, Made this **7th** day of **May**

In the year one thousand nine hundred and **fifty-four**, by and between

Clifton E. Cave, Widower

of **Baltimore County**

in the State of Maryland, of the first part, and

Charles F. Ruff and Charlotte A. Ruff, his wife

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

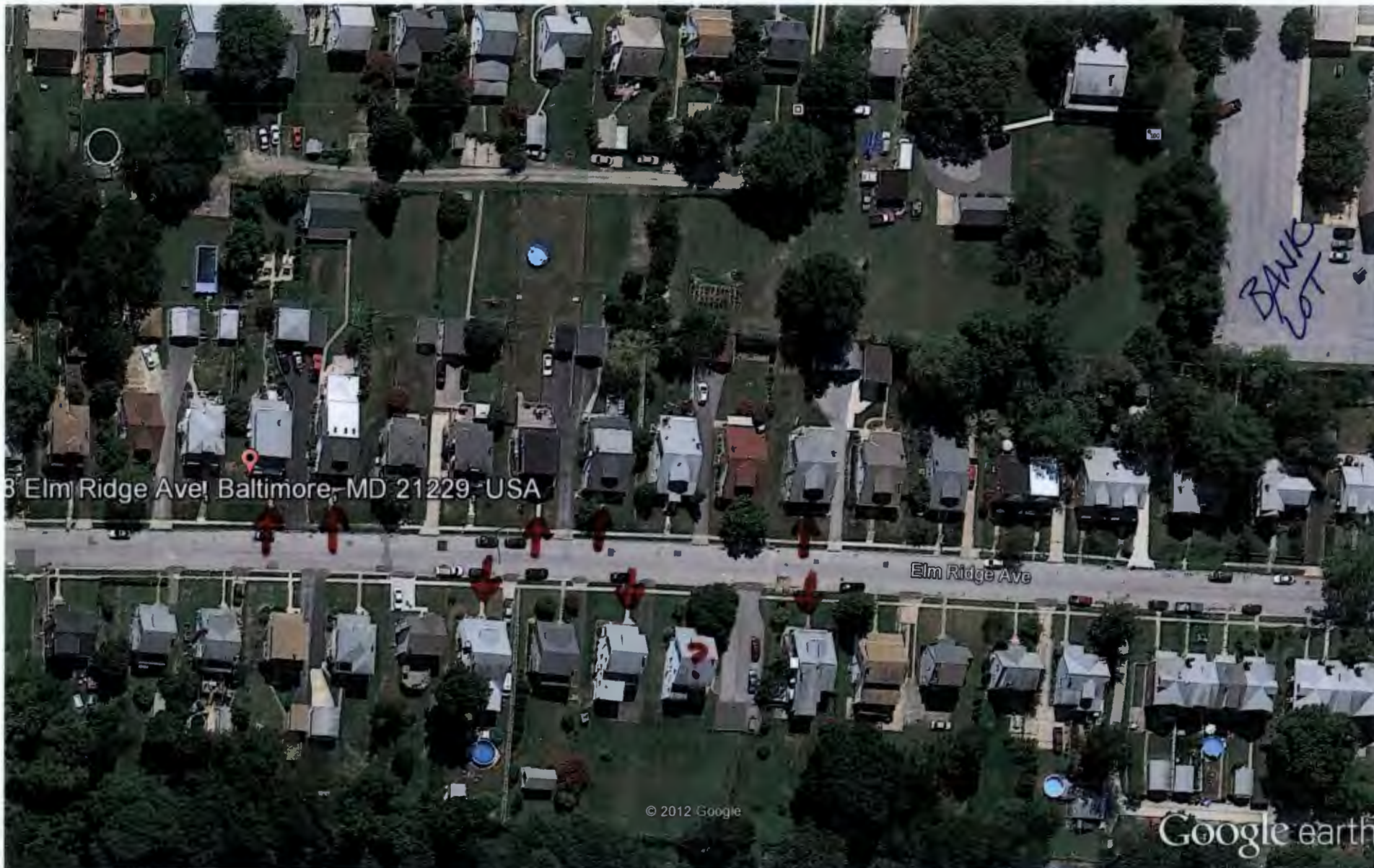
the said **Clifton E. Cave, Widower**

do grant and convey unto the said **Charles F. Ruff and Charlotte A. Ruff, his wife**, as tenants by the entirety, the survivor of them, their assigns and the survivor's heirs and assigns; provided that no building shall be erected thereon, other than a private garage;

to-wit: and assigns, in fee simple, all that lot of ground, situate, lying and being in **Baltimore County**, aforesaid, and described as follows, that is to say:—

Beginning and other Being designated and known as Lot "6A" on plat No. 14A of "Leads" which plat is recorded among the Land Records of Baltimore County in Plat Book CWD Jr. No. 12, folio 107.

Being a part of the whole tract of ground described in a deed from **Henry A. Kelbaugh and wife to Clifton E. Cave and Rose E. Cave, his wife**, dated May 12, 1941, and recorded among the Land Records of Baltimore County in Liber CWD Jr. No. 1162, folio 210, the said **Rose E. Cave** having departed this life on or about September 1, 1952 leaving the said **Clifton E. Cave**, the sole surviving owner thereon.



Google Earth Pro

feet
meters



Pct. Ex 8A CBA 12-235-A Ruff 11-8-12

1204 ElmrIDGE Ave



Ex 8B

1205 Elmridge Ave



80

1209 Elmridge Ave

80



1210 Elbridge Ave



1212 Elmridge Ave



8F

1213 Elmridge Ave



1218 Elmridge Ave



H8

1220 Elmridge Ave
Neighbor



Rotten Porch / Jeep in Front Yard / Bad driveway / 1221 Elmridge Ave



85

SURVEY

I reside in the neighborhood of the property known as 1218 Elm Ridge Avenue in Arbutus, Maryland as owned by Jean and Ronald Ruff. By signing this survey, I hereby acknowledge that I am familiar with the existing residential dwelling at 1218 Elm Ridge Avenue which has been and is currently utilized for two rental apartments. By signing this survey I acknowledge my support of the width and side yard setback variances as requested by Jean and Ronald Ruff for their property in Case #12-235-A currently before the Baltimore County Board of Appeals, which approval would allow the continuation of the two apartments at this property.

Name/Date

Address

Robert C. Marcato Jr.	1116 Elm Ridge Ave. 21229
Katie Keating	1118 Elm Ridge Ave. 21229
Melissa Young	1120 Elm Ridge Ave. 21229
Mare C. Sullivan	1213 Elm Ridge Ave 21229
Brian K. Burchett	1213 Elm Ridge Ave 21229
Ashley Emerson	1287 Elm Ridge Ave 21229
Susan Miller	1119 Elmridge Ave 21229
Danielle Smolinski	1221 Elmridge Ave 21229

Pet. Ex 9. CBA 12-235-A Ruff 11-8-12



Map

Traffic

Elm Ridge Ave

Elm Ridge Ave

Elm Ridge Ave

A

X

PETITIONER'S
EXHIBIT NO. 5

©2011 Google - Imagery ©2011 U.S. Geological Survey, Map data ©2011 G

petex. #4c CBA-12-235-A
Ronald + Jean Ruff 11-8-12



[illegible]

Note:
The zoning depicted in this application incorporates the actions associated with 2008 Comprehensive Zoning Map Process, zoning changes associated with an adopted Community Plan and Baltimore County Board of Appeals actions through December 31, 2008.

 Buildings
 Streams
 Vegetation
 Zoning
 Roads
 Rail Lines

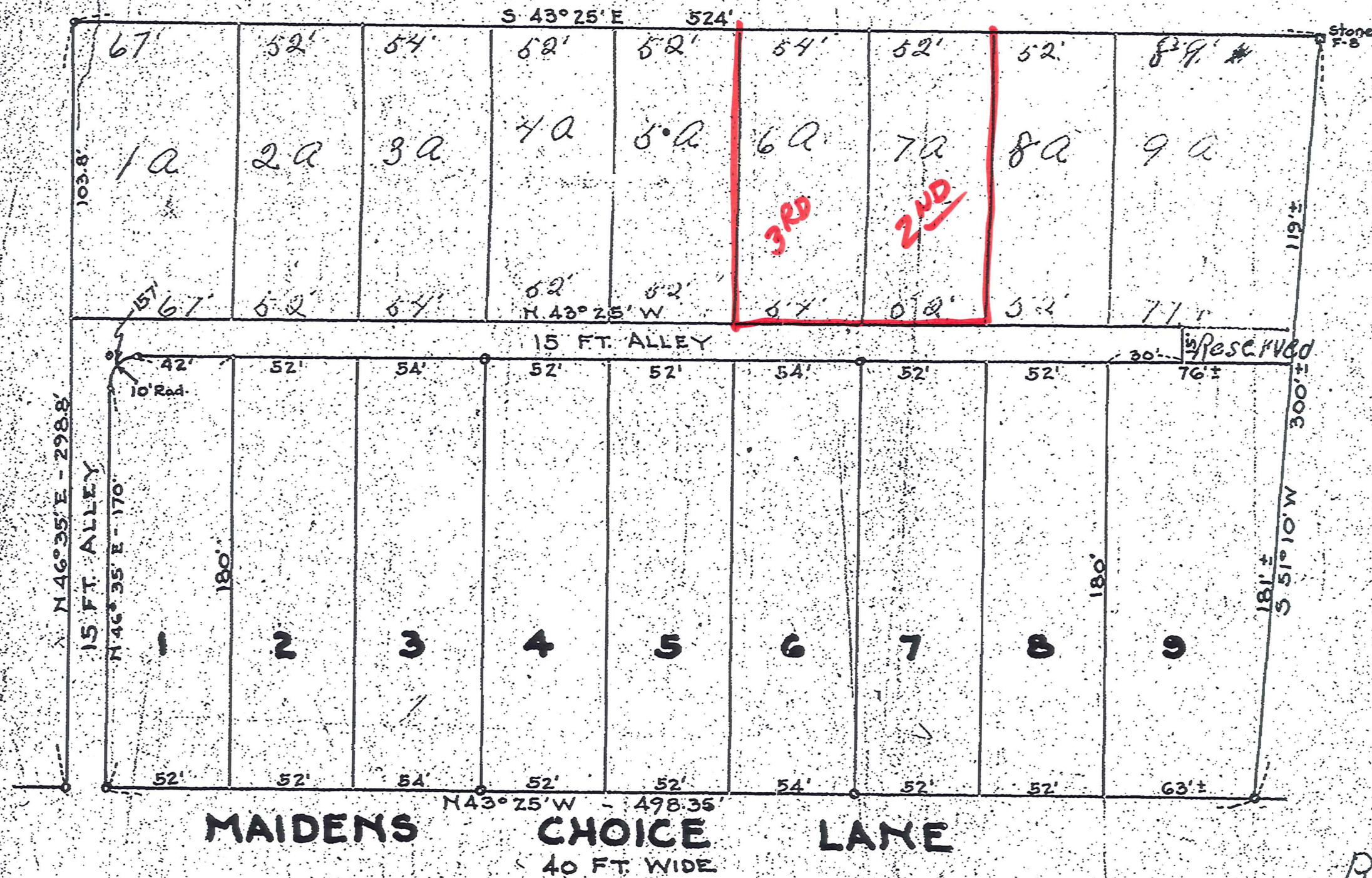
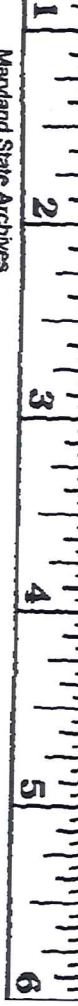
101A2	101B2	101C2	102A2	
101A3	101B3	101C3	102A3	102B3
108A1	108B1	108C1	109A1	109B1

$$1'' = 200'$$

0 100 200 400 Feet



Data Sources:
Planametric Data - Baltimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2008



Note: Indicates Corner Pipe
Outline of entire Property
taken from a Survey by
William Whitney in 1934

PLAT No 14
"LEEDS"

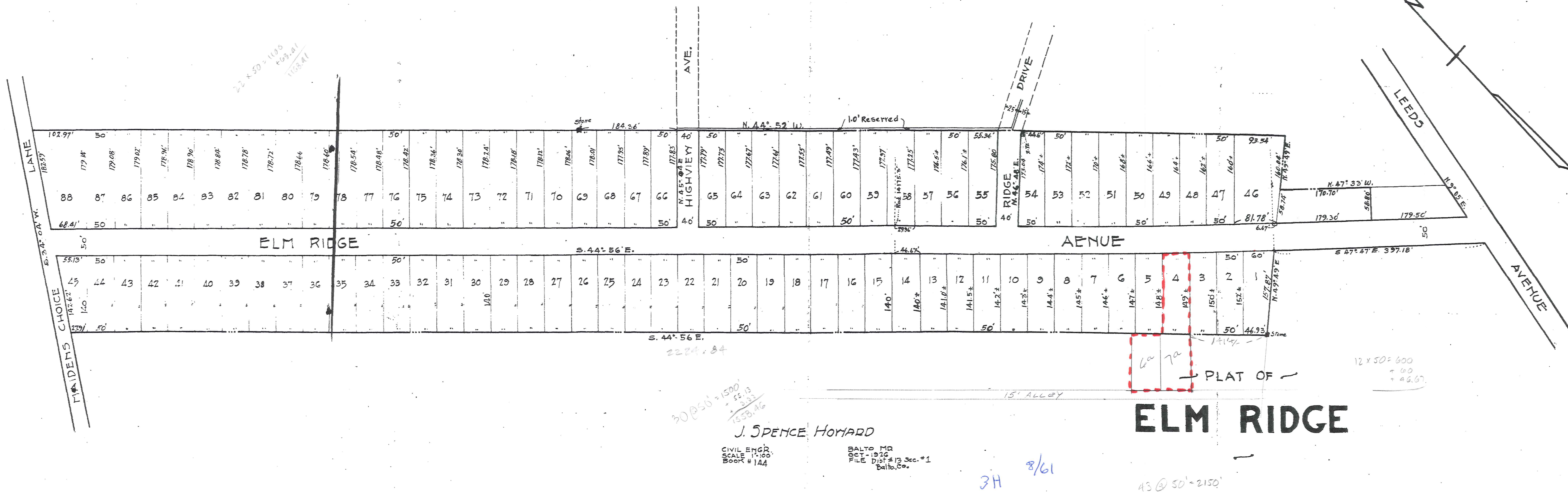
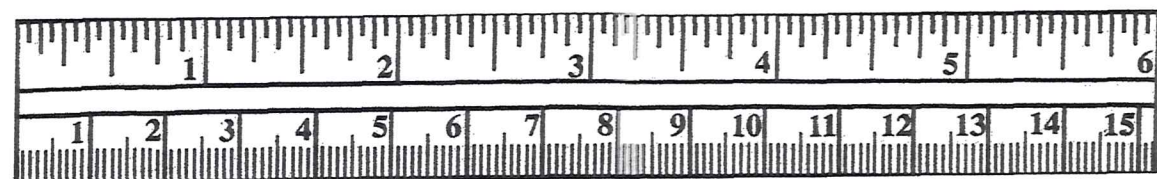
A DEVELOPMENT BY
E.A. KELBAUGH
13TH DIST. BALTO. CO.

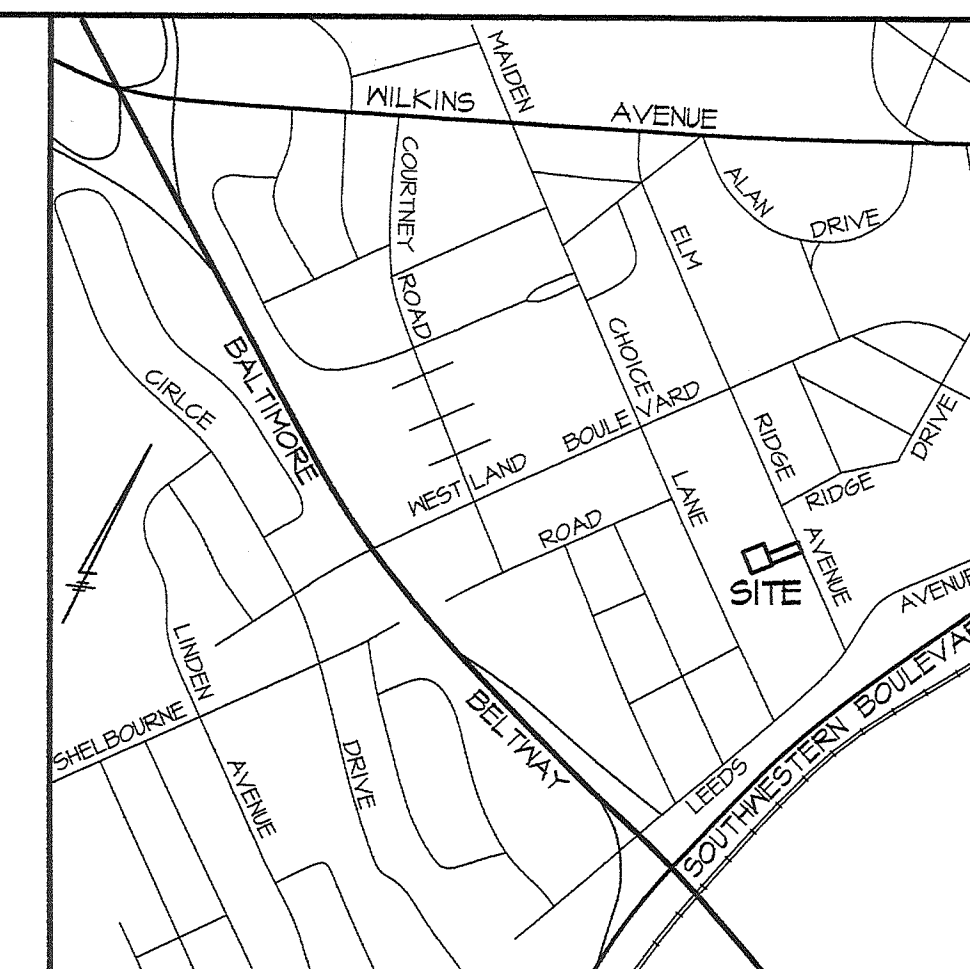
Scale 1"=50' June 1940

J.R. McCrone, Jr.
Engineer
Annapolis, Md.

Revised by E.A. Kelbaugh

12/107





VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE RECORD PLATS.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 101C2 & 101C3.
3. CENSUS TRACT: 430400 REGIONAL PLANNING DISTRICT: 325
4. WATERSHED: PATAPSCO RIVER A.D.C. MAP & GRID: 42 A-5
5. SCHOOL DISTRICT: ELEMENTARY - ARBUTUS; MIDDLE - ARBUTUS; HIGH - CATONSVILLE
6. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
8. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
9. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
10. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
11. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER & SEWER.
12. THERE ARE NO ZONING LINES WITHIN 200' OF THE SUBJECT PROPERTY.
13. UPON APPROVAL OF THE VARIANCES BEING REQUESTED, A DEED WILL BE RECORDED TO COUPLE LOT 4 AND LOT 7A FOR THE TIME PERIOD THAT THE APARTMENTS EXIST IN #1218 ELM RIDGE AVENUE.

Lot 6A

AREA CALCULATIONS

TOTAL AREA OF LOTS 4 & 7A: 12,870 SQ.FT. + 6A (560 SQ.FT.) = 13,430 SQ.FT.
REQUIRED AREA FOR A TWO FAMILY DWELLING: 10,000 SQ.FT.
(PER SECTION 402.1.B CHART)

Lot 6A

NOTE: THE DIVISION LINE BETWEEN LOT 4 AND LOT 7A WILL NO LONGER EXIST PER ZONING TO BE ABLE TO MEET THE AREA REQUIREMENT OF 10,000 SQUARE FEET.

VARIANCES REQUESTED

- 1) TO ALLOW A MINIMUM LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 90 FEET PER SECTION 402.1.B CHART
- 2) TO ALLOW A MINIMUM SIDE YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 15 FEET PER SECTION 402.1.B CHART
- 3) TO ALLOW A MINIMUM SUM OF SIDE YARD SETBACKS OF 20 FEET IN LIEU OF THE REQUIRED 35 FEET PER SECTION 402.1.B CHART

AMENDED
CASE #2012-0235-A
PLAT TO ACCOMPANY A PETITION
FOR ZONING VARIANCES
RUFF PROPERTY
1218 ELM RIDGE AVENUE
Deed Ref: J.L.E. No. 30499 folio 197
Lot 4, "PLAT OF ELM RIDGE"
Platbook W.P.C. No. 8 folio 61
Tax Map 0101; Grid 0017; Parcel 1107
Tax Account No.: 13-18-720110
Lots 6A & 7A "PLAT No. 14A, LEEDS"
Platbook C.W.B., Jr. No. 12 folio 107
Tax Map 0101; Grid 0017; Parcel 1323
Tax Account Nos.: 13-18-720160 & 13-18-720111
Zoned D.R. 5.5; GIS Tile 101C3
13th ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'

Date: JANUARY 19, 2012

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



LICENSE EXPIRES/RENEW 2/22/13

AMENDED AREA CALCULATIONS	5/28/12	COMPUTED	DRAWN	CHECKED	FILED
REVISION	DATE				

PETITIONER'S

EXHIBIT NO. 1



VICINITY MAP
1" = 1000'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE RECORD PLATS.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 101C2 & 101C3.
3. CENSUS TRACT: 430400 REGIONAL PLANNING DISTRICT: 325
4. WATERSHED: PATAPSCO RIVER A.D.C. MAP & GRID: 42 A-5
5. SCHOOL DISTRICT: ELEMENTARY - ARBUTUS; MIDDLE - ARBUTUS; HIGH - CATONSVILLE
6. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
7. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
8. THERE ARE NO KNOWN UNDERGROUND FUEL STORAGE TANKS ON THE SUBJECT PROPERTY.
9. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
10. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
11. THE SUBJECT PROPERTY IS SERVED BY PUBLIC WATER & SEWER.
12. THERE ARE NO ZONING LINES WITHIN 200' OF THE SUBJECT PROPERTY.
13. UPON APPROVAL OF THE VARIANCES BEING REQUESTED, A DEED WILL BE RECORDED TO COUPLE LOT 4 AND LOT 7A FOR THE TIME PERIOD THAT THE APARTMENTS EXIST IN #1218 ELM RIDGE AVENUE.

AREA CALCULATIONS

TOTAL AREA OF LOTS 4 & 7A: 12,870 SQ.FT.
REQUIRED AREA FOR A TWO FAMILY DWELLING: 10,000 SQ.FT.
(PER SECTION 402.1.B CHART)

NOTE: THE DIVISION LINE BETWEEN LOT 4 AND LOT 7A WILL NO LONGER EXIST PER ZONING TO BE ABLE TO MEET THE AREA REQUIREMENT OF 10,000 SQUARE FEET.

VARIANCES REQUESTED

- 1) TO ALLOW A MINIMUM LOT WIDTH OF 50 FEET IN LIEU OF THE REQUIRED 90 FEET PER SECTION 402.1.B CHART
- 2) TO ALLOW A MINIMUM SIDE YARD SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 15 FEET PER SECTION 402.1.B CHART
- 3) TO ALLOW A MINIMUM SUM OF SIDE YARD SETBACKS OF 20 FEET IN LIEU OF THE REQUIRED 35 FEET PER SECTION 402.1.B CHART

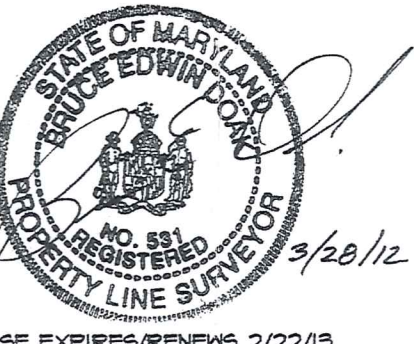
PLAN TO ACCOMPANY PHOTOGRAPHS

CASE #2012-0235-A
PLAT TO ACCOMPANY A PETITION
FOR ZONING VARIANCES

RUFF PROPERTY

1218 ELM RIDGE AVENUE
Deed Ref: J.L.E. No. 30499 folio 197
Lot 4, "PLAT OF ELM RIDGE"
Platbook W.P.C. No. 8 folio 61
Tax Map 0101; Grid 0017; Parcel 1107
Tax Account No.: 13-18-720110
Lots 6A & 7A "PLAT No. 14A, LEEDS"
Platbook C.W.B., Jr. No. 12 folio 107
Tax Map 0101; Grid 0017; Parcel 1323
Tax Account Nos.: 13-18-720160 & 13-18-720111
Zoned D.R. 5.5; GIS Tile 101C3
13th ELECTION DISTRICT
1st COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30' Date: JANUARY 19, 2012



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

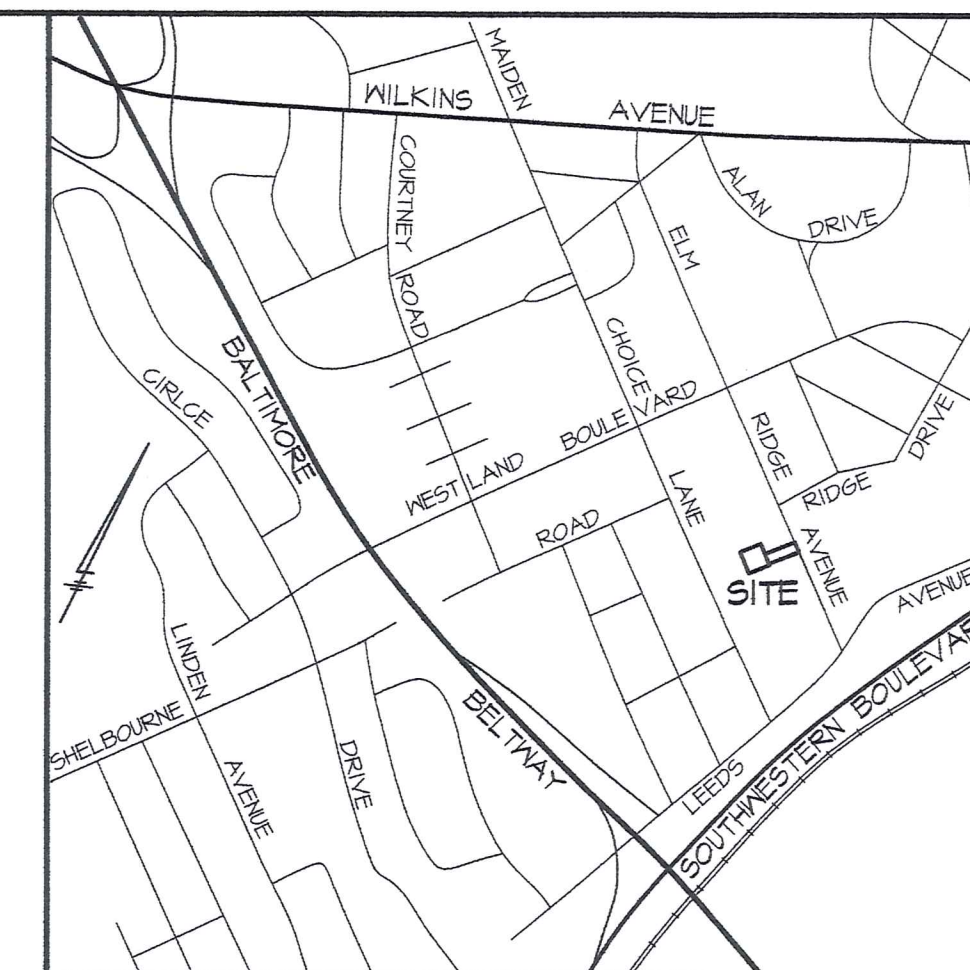
OWNER/DEVELOPER
RONALD W. RUFF
JEAN RUFF
140 GOVERNORS HIGHWAY
QUEENSTOWN, MARYLAND 21658
443-250-4334

REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILED

PETITIONER'S

EXHIBIT NO. 7

Pet. Ex 5 CBT-12-235-A Ronald W. Ruff 11-8-12



VICINITY MAP
1" = 1000'



GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM THE RECORD PLATS.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILES 101C2 & 101C3.
3. GENIUS TRACT: 430100 REGIONAL PLANNING DISTRICT: 325
4. WATERSHED: PATAPSCO RIVER A.D.C. MAP & GRID: 42 A-5
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REVISION	DATE	COMPUTED	DRAWN	CHECKED	FILE: X:\Ruff_Elm_Ridge\Zoning_01_12_2012.pro