

IN RE: PETITION FOR VARIANCE

(4719 Ridgeway Avenue)

14th Election District

6th Councilman District

Frederick & Janet Eisen

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2013-0159-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Frederick and Janet Eisen, the legal owners of the subject property. The Petitioners are requesting Variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a front yard setback of 20 ft. in lieu of the required 25 ft. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was owner Frederick Eisen and Ken Wells, who prepared the site plan. The file reveals that the Petition was properly advertised and the site was properly posted as required by the Baltimore County Zoning Regulations.

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

Testimony and evidence revealed that the subject property is 0.5901 acres and is zoned DR 5.5. The Petitioners want to subdivide their lot and build a new dwelling (to be known as 44 Greenwood Avenue). Baltimore County required the Petitioners to convey (at no cost) a strip of land fronting on Greenwood Avenue for eventual highway widening. As a result of this "taking,"

ORDER RECEIVED FOR FILING

Date

3-18-13

By

Sen

the proposed new dwelling will not be able to satisfy the 25' front yard setback in the DR 5.5 zone. As such, the Petitioners sought variance relief.

Based upon the testimony and evidence presented, I will grant the request for variance relief. 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).

Petitioners have met this test. As shown on the site plan, the subject property is located at the intersection of Ridgeway and Greenwood Avenues, and is of irregular dimensions. Thus, it is unique for zoning purposes. The Petitioners would experience a practical difficulty if the regulations were strictly enforced, since they would be unable to construct a dwelling on the new lot. In addition, as noted above, Baltimore County's request for the highway widening area necessitated variance relief, and thus the equities are certainly in the Petitioners' favor.

Finally, I find that 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 demonstrated by the lack of county and community opposition.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted.

THEREFORE, IT IS ORDERED, this 18th day of March, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Section 1.B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a front yard setback of 20 ft. in lieu of the required 25 ft., be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 3-18-13

By Aln

The relief granted herein shall be subject to the following:

1. Petitioner may apply for its appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date

3-18-13

By

slm



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

March 18, 2013

Frederick and Janet Eisen
4719 Ridgeway Avenue
Baltimore, Maryland 21206

RE: Petition for Variance
Case No.: 2013-0159-A
Property: 4719 Ridgeway Avenue

Dear Mr. and Mrs. Eisen:

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,

A handwritten signature in black ink, appearing to read "JEB", followed by a stylized flourish.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slh
Enclosure

c: Kenneth Wells, 7403 New Cut Road, Kingsville, Maryland 21087



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 4719 Ridgeway Avenue which is presently zoned DR 5.5
Deed References: 8325/569 10 Digit Tax Account # 1402065200
Property Owner(s) Printed Name(s) Frederick Eisen and Janet Eisen

(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)

TO BE PRESENTED AT HEARING

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

I, or we, agree to pay expenses of above 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

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0159-A

Filing Date 1/8/13

Legal Owners (Petitioners):

Frederick Eisen

/ Janet Eisen

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

4719 Ridgeway Ave. Baltimore Maryland

Mailing Address

City

State

21206

410-882-9359

Zip Code

Telephone #

Email Address

Representative to be contacted:

Kenneth Wells

Name - Type or Print

Signature

7403 New Cut Road

Kingsville

Maryland

Mailing Address

City

State

21087

410-592-8800

Zip Code

Telephone #

Email Address

Do Not Schedule Dates:

Reviewer JS

kjWellsInc

Land Surveying, Geomatics and Site Planning

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

Sheet to Accompany a Petition for Zoning Hearing

Variance Request:

To allow a front yard setback of 20 feet in lieu of the required 25 feet pursuant to Section 1.B02.3.C.1 of the BCZR.

kjWellsInc

Land Surveying, Geomatics and Site Planning

Telephone: (410) 592-8800
Email: kwells@kjwellsinc.com

7403 New Cut Road
Kingsville, Md. 21087-1132

Zoning Description for 4719 Ridgeway Avenue Baltimore County Maryland 14th Election District 6th Councilmanic District

Beginning at a point located on the southwest side of Ridgeway Avenue (40 feet wide) and intersects with the southwest side of Greenwood Avenue (40 feet wide); thence 1) South 24 degrees 26 minutes 13 seconds East 234.63 feet; thence 2) North 76 degrees 33 minutes 45 seconds West 190.63 feet, thence 3) North 13 degrees 16 minutes 15 seconds East 135.00 feet, thence 4) South 73 degrees 33 minutes 45 seconds East 49.34 feet to the place of beginning as recorded in Liber 8325/569. Containing 0.45 acres.

Being known as Lots 47 – 50 of Section “F” in the subdivision known as the “Plat of Kenwood” recorded in Plat Book 4 folio 36.



License Expires on 7/02/2014

2013-0159-A

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

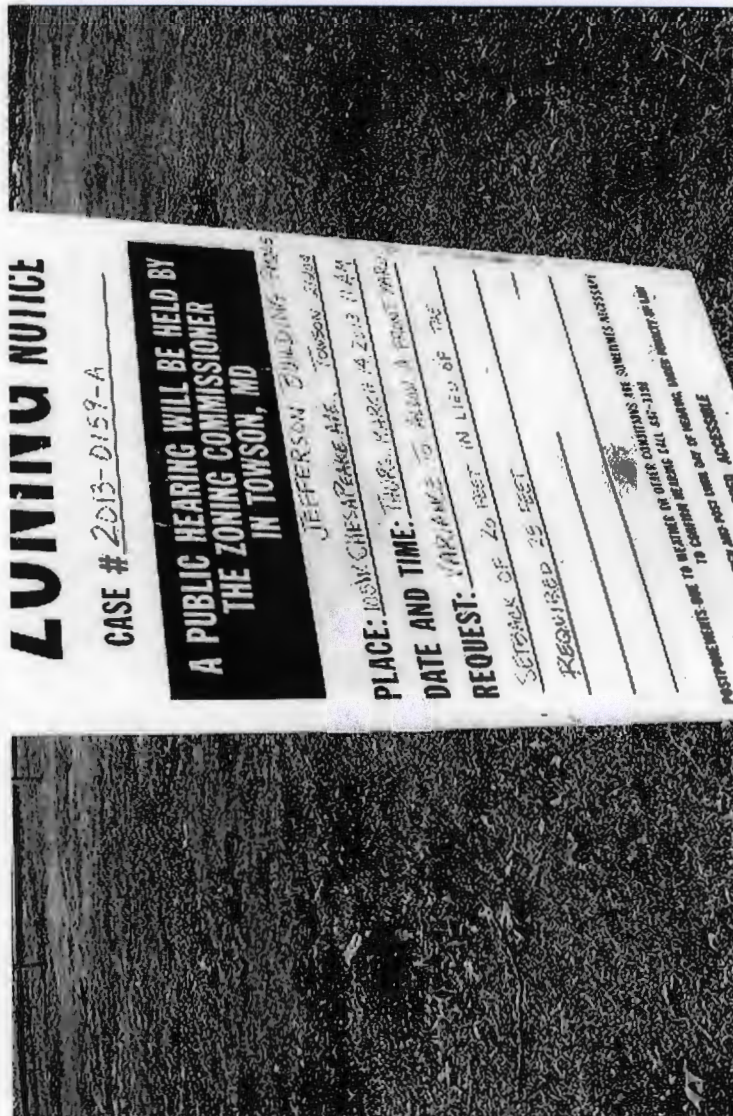
Date: 2-22-2013

RE: Case Number: 2013-0159-A

Petitioner/Developer: Frederick Eisen

Date of Hearing/Closing: 3-14-13

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 4719 Ridgeway Ave



2-22-13

(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON

(Printed Name of Sign Poster)

1015 Old Barn Road

(Street Address of Sign Poster)

Parkton, MD 21120

(City, State, Zip Code of Sign Poster)

410-343-1443

(Telephone Number of Sign Poster)

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: #2013-0159-A

4719 Ridgeway Avenue
SW/corner of Ridgeway Avenue at the intersection with
Greenwood Avenue
14th Election District - 6th Councilmanic District
Legal Owner(s): Frederick & Janet Eisen

Variance: to allow a front yard setback of 20 feet in lieu of the required 25 feet.

Hearing: Thursday, March 14, 2013 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

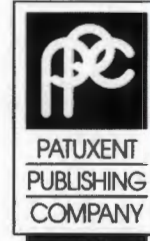
ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

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.

02/240 February 21

905744



501 N. Calvert Street, Baltimore, MD 21278

February 21, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on February 21, 2013.

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

PATUXENT PUBLISHING COMPANY

By: Susan Wilkinson

Susan Wilkinson

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 21, 2013 Issue - Jeffersonian

Please forward billing to:
Frederick & Janet Eisen
4719 Ridgeway Avenue
Baltimore, MD 21206

410-882-9359

NOTICE OF ZONING HEARING

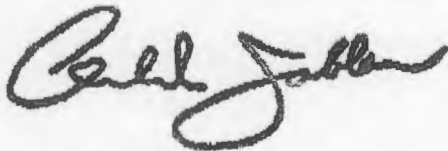
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CASE NUMBER: 2013-0159-A

4719 Ridgeway Avenue
SW/corner of Ridgeway Avenue at the intersection with Greenwood Avenue
14th Election District – 6th Councilmanic District
Legal Owners: Frederick & Janet Eisen

Variance to allow a front yard setback of 20 feet in lieu of the required 25 feet.

Hearing: Thursday, March 14, 2013 at 11:00 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

February 13, 2013

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: 2013-0159-A

4719 Ridgeway Avenue

SW/corner of Ridgeway Avenue at the intersection with Greenwood Avenue

14th Election District – 6th Councilmanic District

Legal Owners: Frederick & Janet Eisen

Variance to allow a front yard setback of 20 feet in lieu of the required 25 feet.

Hearing: Thursday, March 14, 2013 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Eisen, 4719 Ridgeway Avenue, Baltimore 21206
Kenneth Wells, 7403 New Cut Road, Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, FEBRUARY 22, 2013.**
- (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.

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

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: _____

Petitioner: Frederick and Janet Eisen

Address or Location: 4719 Ridgeway Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Frederick and Janet Eisen

Address: 4719 Ridgeway Avenue

Baltimore, Maryland 21206

Telephone Number: 410-882-9359



KEVIN KAMENETZ
County Executive

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

March 6, 2013

Frederick Eisen
4719 Ridgeway Avenue
Baltimore MD 21206

RE: Case Number: 2013-0159 A, Address: 4719 Ridgeway Avenue, 21206

Dear Mr. Eisen:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 8, 2013. 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
Kenneth Wells, 7403 New Cut Road, Kingsville, MD 21087

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



MARYLAND DEPARTMENT OF TRANSPORTATION

Darrell B. Mobley, Acting Secretary
Melinda B. Peters, Administrator

Date: 1-25-13

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

RE: Baltimore County
Item No. 2013-0159-A
Variance
Frederick & Janet Eisen
4719 Ridgeway 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. 2013-0159-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,

A handwritten signature in blue ink, appearing to read "Steven D. Foster".

Steven D. Foster, Chief
Access Management Division

SDF/raz

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: January 30, 2013

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

SUBJECT: Zoning Advisory Committee Meeting
For January 28, 2013
Item Nos. 2013-0151,0153,0154,0156,0157,0158,0159,0160,0161,0162,
0163,0164,0165,0166,0167,0168,0169, and 0172.

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

DAK:CEN
Cc: file

MEMORANDUM

DATE: April 18, 2013
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2013-0159-A - Appeal Period Expired

The appeal period for the above-referenced case expired on April 17, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE
4719 Ridgeway Avenue; SW corner of
Ridgeway Avenue @ Greenwood Avenue
14th Election & 6th Councilmanic Districts
Legal Owner(s): Frederick & Janet Eisen
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2013-159-A

* * * * *

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of January, 2013, a copy of the foregoing Entry of Appearance was mailed to Kenneth Wells, 7403 New Cut Road, Kingsville, Maryland 21087, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

RECEIVED

JAN 24 2013

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1A)
BALTIMORE COUNTY

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

Account Identifier: District - 14 Account Number - 1402065200

Owner Information

Owner Name: EISEN FREDERICK A
EISEN JANET A
Use: RESIDENTIAL
Mailing Address: 4719 RIDGEWAY AVE
BALTIMORE MD 21206-1319
Principal Residence: YES
Deed Reference: 1)/08325/ 00569
2)

Location & Structure Information

Premises Address
4719 RIDGEWAY AVE
0-0000
Legal Description
LT 47-50
SW COR GLENWOOD AV
KENWOOD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0081	0022	0678		0000	F		47	3	
									Plat Ref: 0004/0036

Town NONE

Special Tax Areas
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1914	1,430 SF	19,298 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	STANDARD UNIT FRAME	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2012	07/01/2012	07/01/2013
Land	65,000	65,000		
Improvements:	124,000	103,500		
Total:	189,000	168,500	168,500	168,500
Preferential Land:	0			0

Transfer Information

Seller:	Date:	Price:
EXTER DANIEL LOUIS	11/16/1989	\$113,500
Type:	Deed1:	Deed2:
ARMS LENGTH IMPROVED	/08325/ 00569	

Seller:	Date:	Price:
Type:	Deed1:	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	0.00

Tax Exempt:	Special Tax Recapture:
Exempt Class:	NONE

Homestead Application Information

Homestead Application Status:
Approved 12/18/2012

CASE NAME Eisen
CASE NUMBER 2013-D159-A
DATE 3/14/13

[illegible]

NE 6-E

2013-0159-A



Case No.:

2013-0159-A

Exhibit Sheet

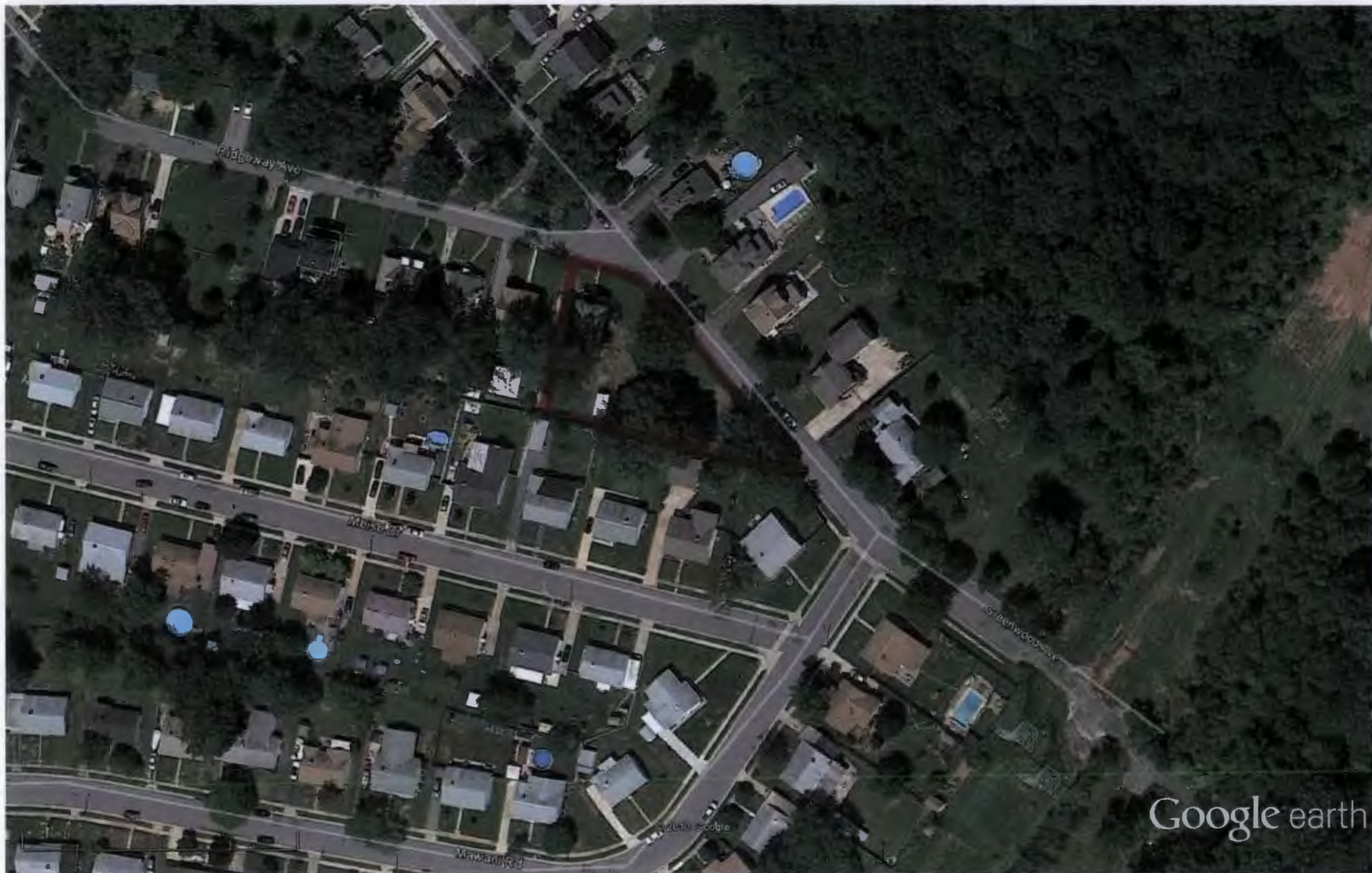
192
4-18-13

Sen
3-18-13

Petitioner/Developer

Protestant

No. 1	Site Plan	
No. 2	2A-2H Color Photos	
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Google earth

feet
meters



Petitioners' No. 2

A



Google earth

feet 10
meters 4



B



Google earth

feet
meters



C



Google earth

feet
meters



D



Google earth

feet
meters



E



Google earth

feet
meters



F



Google earth

feet
meters



G



Google earth

feet 10
meters 5

H

