

MEMORANDUM

DATE: September 4, 2019
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2019-0351-SPHA - Appeal Period Expired

The appeal period for the above-referenced case expired on August 29, 2019. 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.'

/dlw

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE
(7814 Ruxwood Road) *

9th Election District *
4th Council District *

Jamieson & Cynthia Smith, *Legal Owners*
Petitioners *

BEFORE THE
OFFICE OF
ADMINISTRATIVE HEARINGS
FOR BALTIMORE COUNTY
Case No. 2019-0351-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) for consideration of Petitions for Special Hearing and Variance filed on behalf of Jamieson & Cynthia Smith, legal owners (“Petitioners”). The Special Hearing was filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (“BCZR”) to permit an accessory structure (garage) to be built prior to the final construction of the principal single family dwelling. In addition, a Petition for Variance was filed pursuant to BCZR Sections 400.1 and 400.3 to permit the height of an accessory structure (garage) of 21 ft. in lieu of the required 15 ft., and to permit the garage in the side yard in lieu of the required rear yard. A site plan was marked and accepted into evidence as Petitioners’ Exhibit 1.

Jamieson & Cynthia Smith and surveyor Bruce Doak appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the BCZR. A substantive Zoning Advisory Committee (“ZAC”) comment was received from the Department of Planning (“DOP”). That agency did not oppose the request.

SPECIAL HEARING

As the name implies, an “accessory” structure is one that serves and is used in conjunction with a principal building or dwelling. Given the site configuration and constraints, Petitioners plan

ORDER RECEIVED FOR FILING

Date 11-30-19

By [Signature]

to construct the garage prior to the single family dwelling. Petitioners submitted renderings of both the garage and single family dwelling, both of which will be reviewed and approved by the Design Review Panel ("DRP"). As such, I do not believe granting the request would have any discernable impact upon the surrounding community.

VARIANCE

As to the variance, it requires a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The lot has an irregular shape and a significant change in grade across the site. As such, the property is unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would be unable to construct the proposed garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the BCZR, and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated by the absence of County and/or community opposition.

THEREFORE, IT IS ORDERED this 30th day of **July, 2019**, by this Administrative Law Judge, that the Petition for Special Hearing to permit an accessory structure (garage) to be built prior to the final construction of the principal single family dwelling, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance to permit an accessory structure (garage) 21 ft. in height in lieu of the maximum 15 ft., and to be located in the side yard in lieu of the required rear yard, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 7-30-19

By [Signature]

The relief granted herein shall be subject to the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Petitioners or subsequent owners shall not convert the accessory building (garage) into a dwelling unit or apartment. The accessory building (garage) shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
3. The accessory building (garage) shall not be used for commercial purposes.

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:slh:dlw

ORDER RECEIVED FOR FILING

Date 7-30-19

By DLW



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 7814 RUXWOOD ROAD which is presently zoned DR1
 Deed References: SM 12156/105 10 Digit Tax Account # 2200029091
 Property Owner(s) Printed Name(s) JAMIESON L. SMITH & CYNTHIA A. SMITH

(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

SEE ATTACHED PAGE

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 PAGE

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 THE 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

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):

JAMIESON L. SMITH / CYNTHIA A. SMITH

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

BRUCE E. DOAK

BRUCE E. DOAK CONSULTING, LLC

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER 2019-0351-JPH4 Filing Date 6/4/2019 Do Not Schedule Dates: _____ Reviewer JNP

ORDER RECEIVED FOR FILING

Date 7-30-19

By [Signature]

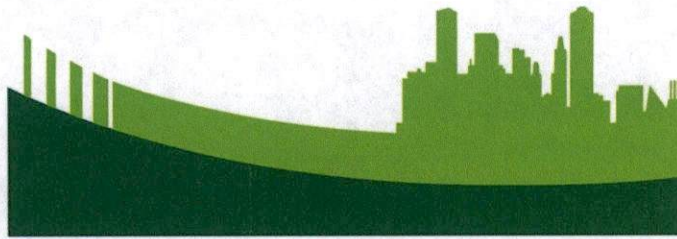
Petitions Requested
For Case # 2019-0351-EPHA
7814 Ruxwood Road

Variances

- 1) To permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard per Section 400.1 BCZR
- 2) To permit the height of an accessory structure (garage) of 21 feet in lieu of the required 15 feet per Section 400.3 BCZR

SPECIAL HEARING

*TO PERMIT AN ACCESSORY STRUCTURE (GARAGE) TO BE
BUILT PRIOR TO THE FINAL CONSTRUCTION OF THE
PRINCIPLE SINGLE FAMILY DWELLING.*



Zoning Description

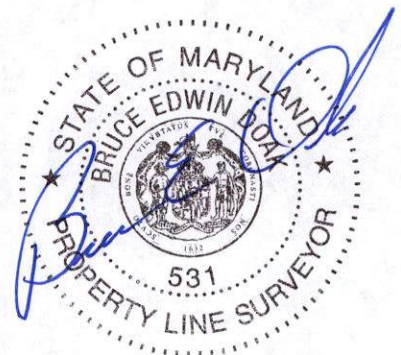
7814 Ruxwood Road
Lot 2 Minor Subdivision Plan Wagner Property
Miscellaneous Plat Book SM 1/147
Ninth Election District Fourth Councilmanic District
Baltimore County, Maryland

Beginning at a point on the north side of Ruxwood Road, approximately 1665 feet, more or less, westerly and northerly of the centerline of Old Court Road,

Being Lot 2 as shown on the plat entitled "Minor Subdivision of the Wagner Property" and recorded in the Land Records of Baltimore County in Miscellaneous Plat Book SM 1, Page 147.

Containing 1.131 acres of land, more or less.

This description is part of a zoning petition and is not intended for any conveyance purposes.



Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

2019-0351-SPHA

Sherry Nuffer

From: Bruce Doak <doakfarm@gmail.com>
Sent: Friday, July 26, 2019 2:25 PM
To: Sherry Nuffer
Cc: Administrative Hearings
Subject: Case Postings
Attachments: Posting cert 7 26 19.pdf; Posting cert 7 26 19.pdf



CAUTION: This message from doakfarm@gmail.com originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

Case 2019-0351-SPHA

Case 2019-0350-SPHA

Bruce
Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906
bdoak@bruceedoakconsulting.com



CERTIFICATE OF POSTING

July 5, 2019 (amended July 26, 2019)

Re:
Zoning Case No. 2019-0351-SPHA
Legal Owner: Jamieson and Cynthia Smith
Hearing date: July 29, 2019

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **7814 Ruxwood Road**.

The signs were posted on **July 5, 2019**.

The signs were inspected again on **July 25, 2019**.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com

ZONING NOTICE

CASE NO. 2019-0351-SPHA

7814 Ruxwood Road

**A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE
LAW JUDGE IN TOWSON MARYLAND**

**PLACE: Room 205 JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204**

DATE & TIME: Monday July 29, 2019 11:00 AM

**REQUESTS: SPECIAL HEARING TO PERMIT AN ACCESSORY
STRUCTURE (GARAGE) TO BE BUILT PRIOR TO THE FINAL
CONSTRUCTION OF THE PRINCIPAL SINGLE FAMILY
DWELLING**

**VARIANCES 1) TO PERMIT AN ACCESSORY STRUCTURE
(GARAGE) TO BE LOCATED IN THE SIDE YARD IN LIEU OF
THE REQUIRED REAR YARD 2) TO PERMIT THE HEIGHT OF
AN ACCESSORY STRUCTURE (GARAGE) OF 21 FT. IN LIEU
OF THE REQUIRED 15 FT.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.
THE HEARING IS HANDICAPPED ACCESSIBLE.**

ZONING NOTICE

CASE NO. 2019-0351-SPHA

7814 Ruxwood Road

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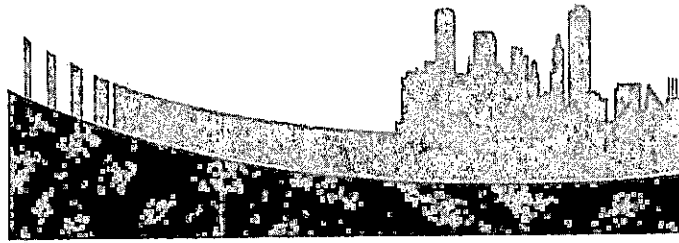
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THE HEARING IS HANDICAPPED ACCESSIBLE**



CERTIFICATE OF POSTING

July 5, 2019 (amended _____)

Re:
Zoning Case No. 2019-0351-SPHA
Legal Owner: Jamieson and Cynthia Smith
Hearing date: July 29, 2019

Baltimore County Department of Permits, Approvals & Inspections
County Office Building
111 West Chesapeake Avenue, Room 111
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen Lewis

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the two necessary signs required by law were posted conspicuously on the property located at **7814 Ruxwood Road**.

The signs were posted on **July 5, 2019**.

The signs were inspected again on _____.

Sincerely,

Bruce E. Doak
MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)

Bruce E. Doak Consulting, LLC
3801 Baker Schoolhouse Road
Freeland, MD 21053
410-419-4906 cell / 443-900-5535 office
bdoak@bruceedoakconsulting.com



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

June 27, 2019

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: 2019-0351-SPHA

7814 Ruxwood Road

N/s Ruxwood Road, west of Old Court Road

9th Election District – 4th Councilmanic District

Legal Owners: Jamieson and Cynthia Smith

Special Hearing to permit an accessory structure (garage) to be built prior to the Final Construction of the principle single family dwelling. Variance to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard. To permit the height of an accessory structure (garage) of 21 ft. in lieu of the required 15 ft.

Hearing: Monday, July 29, 2019 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 "Michael Mallinoff".

Michael Mallinoff
Director

MM:kl

C: Mr. & Mrs. Smith, 28210 Old Country Club Road, Easton 21601
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JULY 9, 2019.**
- (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: THE DAILY RECORD
Tuesday, July 9, 2019 - Issue

Please forward billing to:
Jamieson Smith
28210 Old Country Club Road
Easton, MD 21601

410-804-8192

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:

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7814 Ruxwood Road
N/s Ruxwood Road, west of Old Court Road
9th Election District – 4th Councilmanic District
Legal Owners: Jamieson and Cynthia Smith

Special Hearing to permit an accessory structure (garage) to be built prior to the Final Construction of the principle single family dwelling. Variance to permit an accessory structure (garage) to be located in the side yard in lieu of the required rear yard. To permit the height of an accessory structure (garage) of 21 ft. in lieu of the required 15 ft.

Hearing: Monday, July 29, 2019 at 11:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Michael Mallinoff
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.

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

7/9/2019

Order #: 11764198
Case #: 2019-0351-SPHA
Description:

NOTICE OF ZONING HEARING - CASE NUMBER:
2019-0351-SPHA



Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore County

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7814 Ruxwood Road

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9th Election District - 4th Councilmanic District

Legal Owners: Jamieson and Cynthia Smith

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Hearing: Monday, July 29, 2019 at 11:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204

Michael Mallinoff

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.

jy9

ZONING NOTICE

CASE NO. 2019-0351-SPHA

7814 Ruxwood Road

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**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES
NECESSARY. TO CONFIRM THE HEARING CALL 410-887-3391.**

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ZONING NOTICE

CASE NO. 2019-0351-SPHA

7814 Ruxwood Road

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THE HEARING IS HANDICAPPED ACCESSIBLE**

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/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 legal owner/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:

Case Number: 2019-0351-SPHA

Property Address: 7814 RUXWOOD ROAD

Property Description: LOT 2 "MINOR SUBDIVISION PLAT OF THE WAGNER
PROPERTY" PB SM1/197

Legal Owners (Petitioners): JAMIESON L. SMITH & CYNTHIA A. SMITH

Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: JAMIESON SMITH

Company/Firm (if applicable): N/A

Address: 28210 OLD COUNTRY CLUB ROAD
EASTON MD 21601

Telephone Number: 410-804-8192

Revised 5/20/2014

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

No. **183883**

Date: **6/13/2019**

PAID RECEIPT

BUSINESS ACTUAL TIME DRW
6/13/2019 6/13/2019 11:05:48 3

RES W503

>>RECEIPT

WALKIN. CAM

6/13/2019

OFLN

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

001 806 0006 6150

Amount

100.00

Dept 5

CR NO. 183883

528 ZONING VERIFICATION

Rec'd Tot \$ 100.00

100.00 CK 00 CA

Baltimore County, Maryland

Total: 100.00

Rec From:

Bruce E. Poole Consulting

For:

Revision - 2019-0551-SPHA
7814 Ruxwood Road (not #2 Wagner Property)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**



JOHN A. OLSZEWSKI, JR.
County Executive

MICHAEL D. MALLINOFF, *Director*
Department of Permits,
Approvals & Inspections

July 24, 2019

Bruce E. Doak
3801 Baker Schoolhouse Road
Freeland MD 21053

RE: Case Number: 2019-0351-SPHA, 7814 Ruxwood Road

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 4, 2019. 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, appearing to read "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR/kl

Enclosures

c: People's Counsel
Jameson L. & Cynthia A. Smith 28210 Old Country Club Road Easton MD 21601

7-29

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

TO: Michael D. Mallinoff
Director, Department of Permits, Approvals and Inspections

DATE: 7/2/2019

FROM: C. Pete Gutwald
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 19-351



INFORMATION:

Property Address: 7814 Ruxwood Road
Petitioner: Jamieson L. Smith, Cynthia A. Smith
Zoning: DR 1
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should approve an accessory structure to be built prior to the construction of the principal dwelling and also the petition for variance to permit an accessory structure (garage) to be located within the side yard with a height of 21 feet in lieu of the required rear yard and maximum 15 foot height respectively.

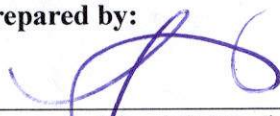
A site visit was conducted on June 24, 2019. The property is within the Ruxton/Riderwood Residential Design Review Panel (DRP) area. Petitioners are advised to contact the Department at the number listed below for information on any potential DRP review.

The Department of Planning has no objection to granting the petitioned zoning relief conditioned upon the following:

- The accessory structure shall not be used for commercial nor principal residential purposes and shall not utilize separate utility meters.

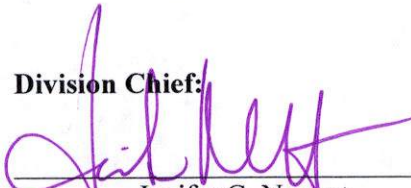
For further information concerning the matters stated herein, please contact Bill Skibinski at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Jenifer G. Nugent

CPG/JGN/LTM/

c: Bill Skibinski
Bruce E. Doak, Bruce E. Doak Consulting, LLC
Office of the Administrative Hearings
People's Counsel for Baltimore County

RECEIVED
JAN 10 1964
U.S. AIR FORCE
HEADQUARTERS
WASHINGTON, D.C.

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 6/12/19

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

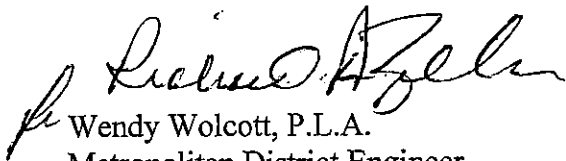
Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2019-0351-SPHA.

*Special Hearing, Kevin
Damiano & Cynthia Smith
7814 Ruxwood Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE OFFICE
AND VARIANCE		
7814 Ruxwood Road; N/S Ruxwood Road,	*	OF ADMINISTRATIVE
1665' W of Old Court Road		
9 th Election & 4 th Councilmanic Districts	*	HEARINGS FOR
Legal Owner(s): Jamieson & Cynthia Smith		
Petitioner(s)	*	BALTIMORE COUNTY
	*	2019-351-SPHA

* * * * *

ENTRY OF APPEARANCE

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

RECEIVED

JUN 14 2019

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of June, 2019, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME SMITH
CASE NUMBER 2019-0351-SP4A
DATE 7/29/19

NAME	ADDRESS	CITY, STATE, ZIP	E - MAIL
------	---------	------------------	----------

[illegible]

JB 7-29-19
11 AM

Debra Wiley

From: Ruxton-Riderwood-Lake Roland Area Improvement Association <rrlraia@comcast.net>
Sent: Sunday, July 28, 2019 3:58 PM
To: Administrative Hearings
Subject: Case 2019-0351-SPHA -- 7814 Ruxwood Road

CAUTION: This message from rrlraia@comcast.net originated from a non Baltimore County Government or non BCPL email system. Hover over any links before clicking and use caution opening attachments.

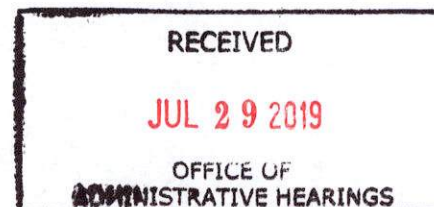
Administrative Law Judge,

If you grant the height variance requested in the subject case, please include a restriction that precludes any part of the garage from being used as living quarters.

Thank you.

Peggy Squitieri
The Ruxton-Riderwood-Lake Roland Area Improvement Association

410-494-7757



RECEIVED
OCT 1 1960
ADMINISTRATIVE DIVISION

C H E C K L I S TComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

7/8

PLANNING
(if not received, date e-mail sent _____)

6/12

STATE HIGHWAY ADMINISTRATION

TRAFFIC ENGINEERING

NO OBJ
w/Conditions

NO Objection

7-29

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

RR LRA 1A

Suggest 1 condition

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 7/9/19

SIGN POSTING (1st) Date: 7/5/19 by DOAK

SIGN POSTING (2nd) Date: 7/25/19 by DOAK

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

10/10/10

87

24

Homeowners' Tax Credit Application Status: No Application

Date:



PETITIONER' S

REMOVING A-D

EXHIBIT NO.

34















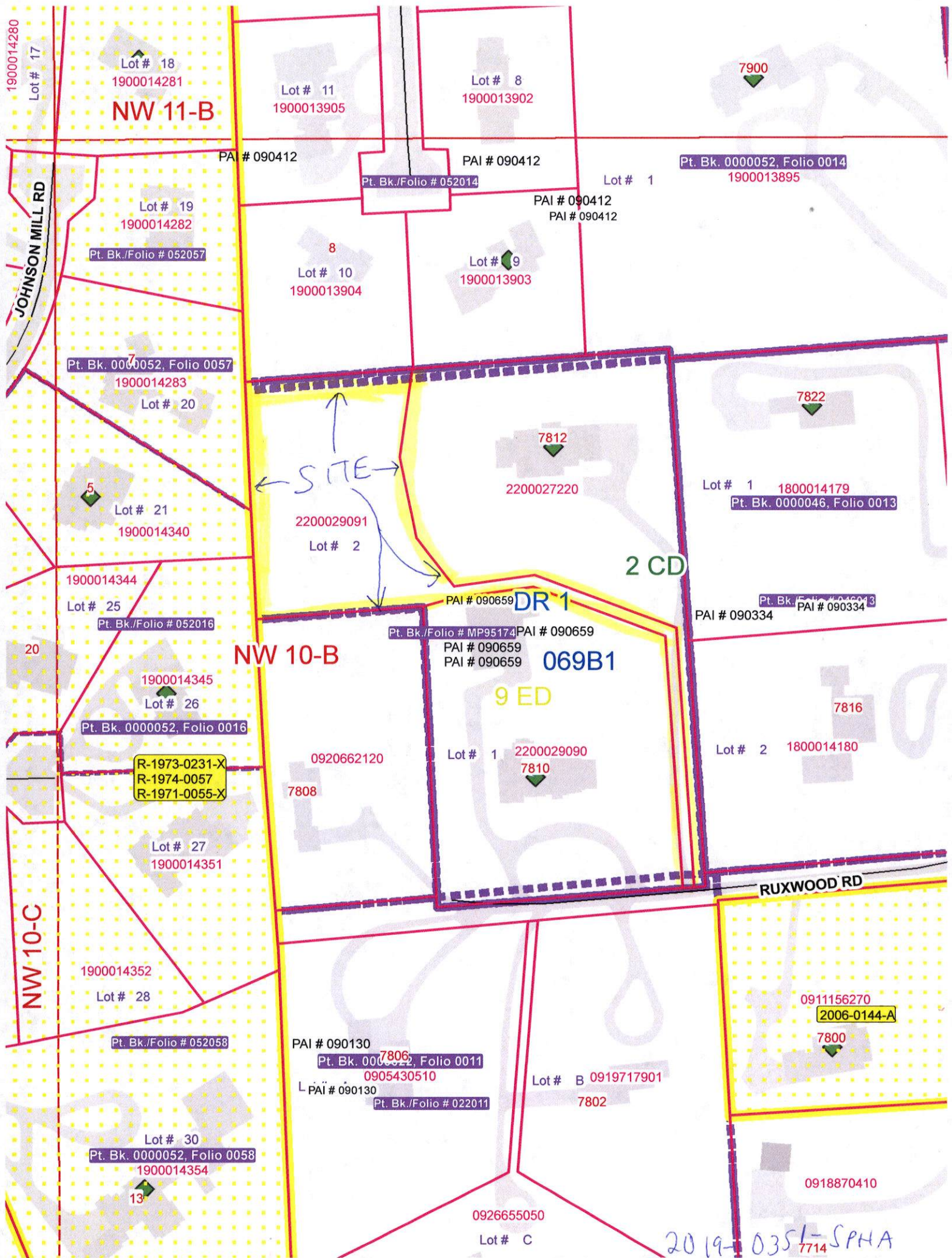












GENERAL SITE INFORMATION

1. Ownership: Jamieson L. Smith & Cynthia A. Smith
28210 Old Country Club Road Easton, MD 21601
2. Address: 7814 Ruxwood Road Towson, MD 21204
3. Deed references: SM 12156 / 105
Lot 2 Minor Subdivision Plan Wagner Property Misc. PB SM 1 / 147
4. Area: 1.131 acre (per SDAT)
5. Tax Map / Parcel / Tie account #: 69 / 909 / 22-00-029091
6. Election District: 9 Councilmanic District: 2
ADC Map: 4578E5 GIS tile: 069B1 Position sheet: 40NW8
Census tract: 490400 Census block: 240054904001
Schools: Ridewood ES Dumbarton HS Towson HS
7. The boundary shown herein is from the deed recorded in the Land Records of Baltimore County. All other information shown herein was taken from Baltimore County GIS tile 069B1 and the information provided by Baltimore County on the Internet.
8. Improvements: Vacant
Proposed single family dwelling, garage & parking area.

OFFICE OF ZONING

Zoning: DR 1 There are no previous zoning cases on the subject property.

Parking Calculations

Required parking spaces: 2
Parking spaces provided on site: 2

DR 1 Setbacks for Residential Buildings

Front: 50 feet from the street right of way or property line
Side: 20 feet (min.) / 50 feet (sum of side yards) from the property line
Rear: 50 feet from the property line

ENVIRONMENTAL IMPACT

Watershed: Jones Falls URDL land type: 1

1. The lot is currently served by public water and sewer.
2. There are no underground storage tanks on the subject property.
3. The subject property is not in the Chesapeake Bay Critical Area.
4. The subject property is not located within a 100 year flood plain.

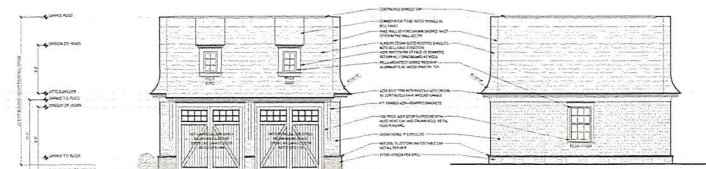
OFFICE OF PLANNING

Regional Planning District: Ruxton District Code: 314

1. The subject property is not in a historic district.

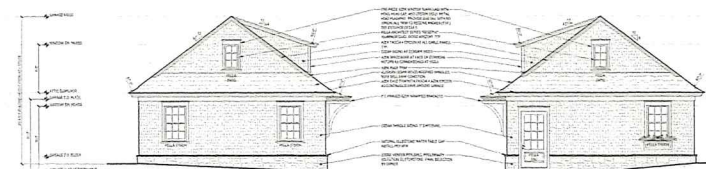
PROPOSED DEVELOPMENT

To construct a dwelling and garage



1 FRONT ELEVATION (SOUTH EAST)
DATE 1/4/17

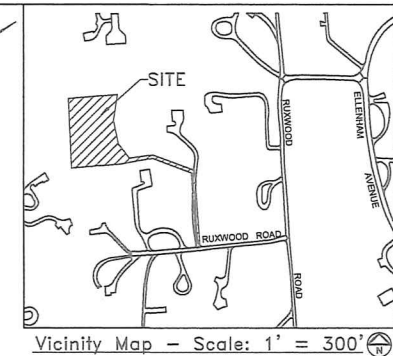
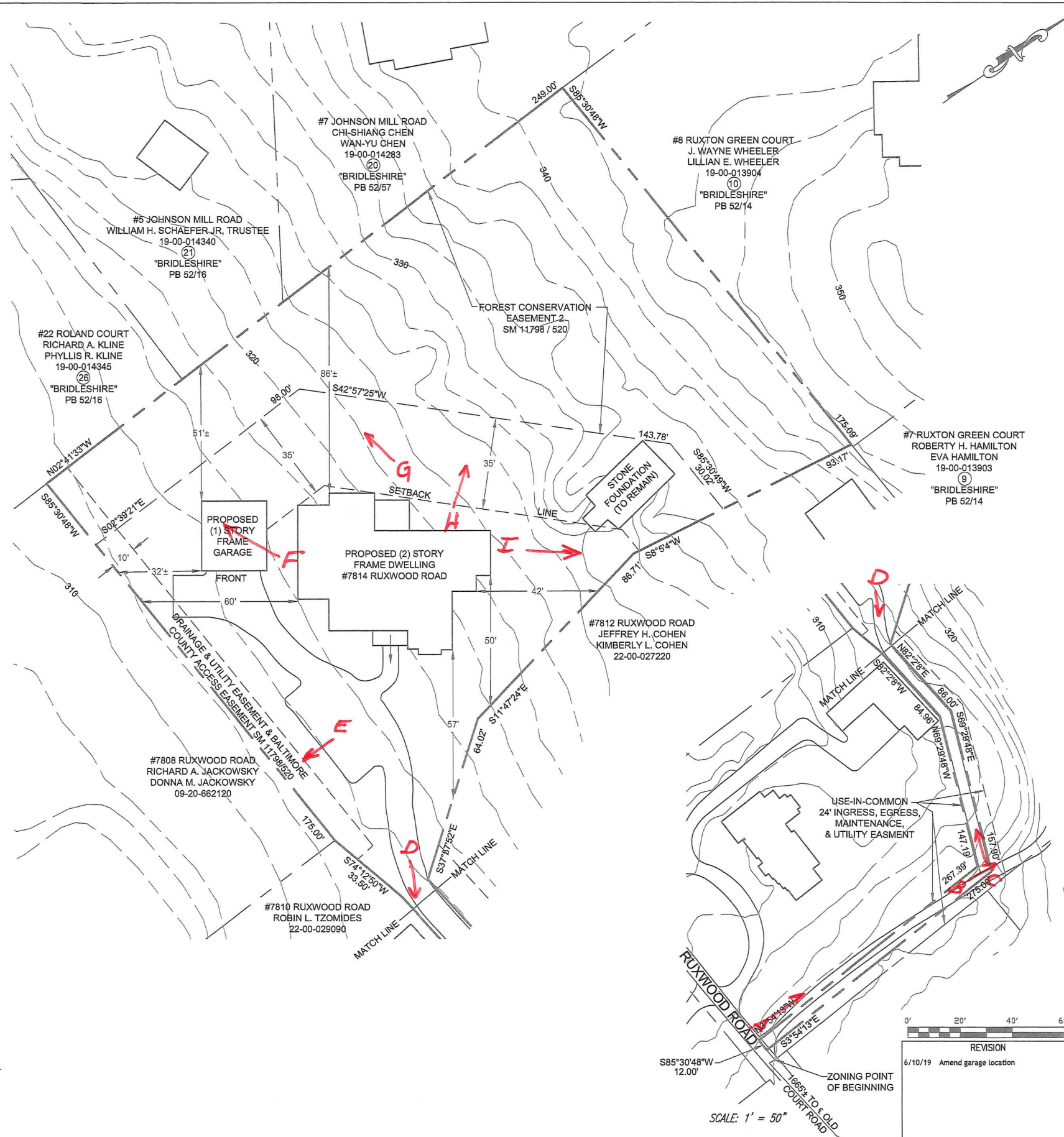
2 SIDE ELEVATION (NORTH WEST)
DATE 1/4/17



3 SIDE ELEVATION (SOUTH WEST)
DATE 1/4/17

4 SIDE ELEVATION (FACING HOUSE - NORTH EAST)
DATE 1/4/17

PROPOSED GARAGE ELEVATIONS
N.T.S.



Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
3801 Baker Schoolhouse Road
Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#7814 RUXWOOD ROAD
LOT #2 WAGNER PROPERTY
PB SM 1/147
BALTIMORE COUNTY, MARYLAND
9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT

Date: 6/4/19
Scale: 1" = 20'

PETITIONER'S

EXHIBIT NO.

Photos A-I
3

PLAN TO ACCOMPANY PHOTOGRAPHS

Baltimore County - My Neighborhood



PETITIONER' S

EXHIBIT NO. 2

GENERAL SITE INFORMATION

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6. Election District: 9 Councilmanic District: 2
ADC Map: 4578E5 GIS tile: 069B1 Position sheet: 40NW8
Census tract: 490400 Census block: 240054904001
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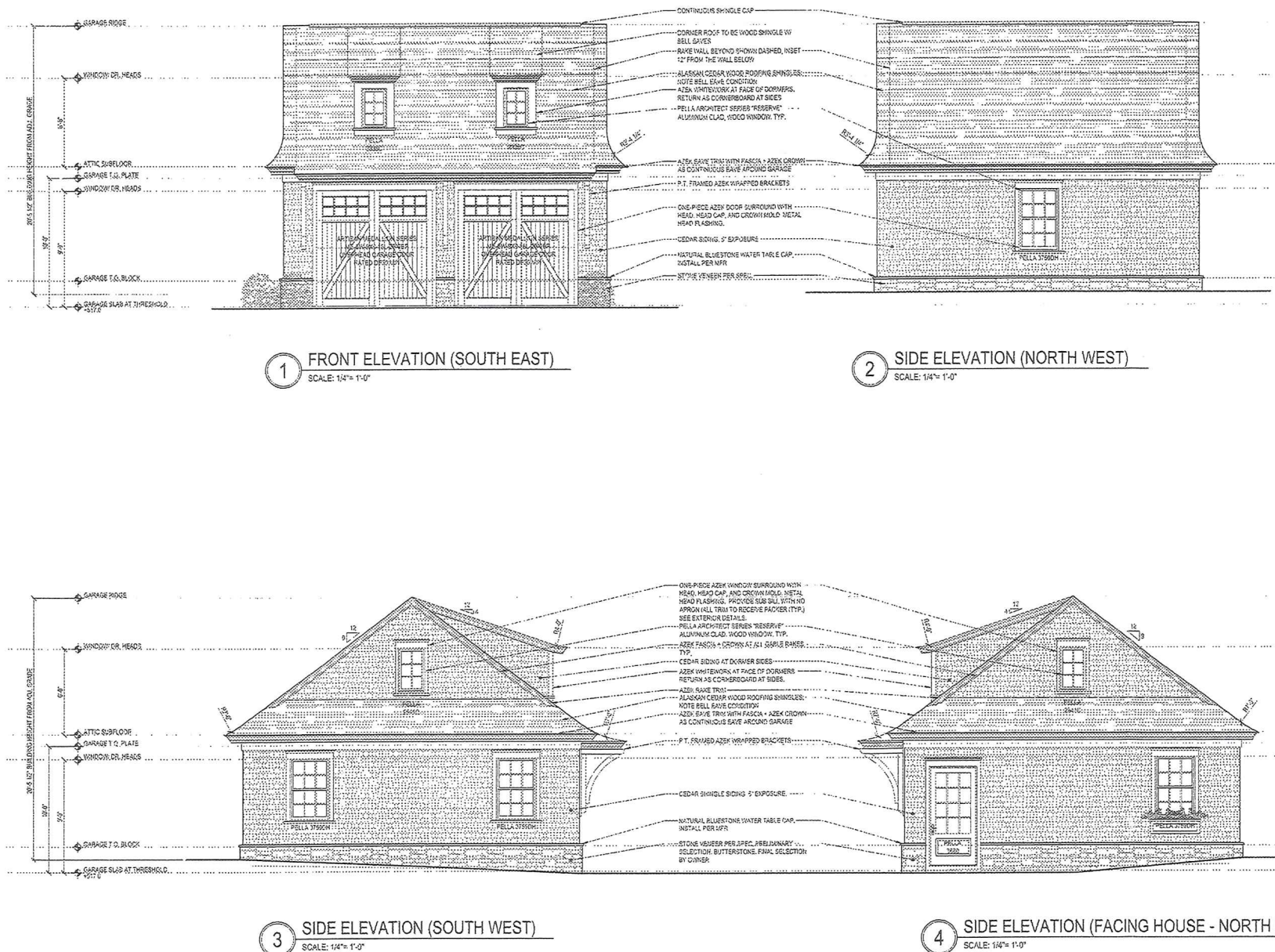
OFFICE OF PLANNING

Regional Planning District: Ruxton District Code: 314

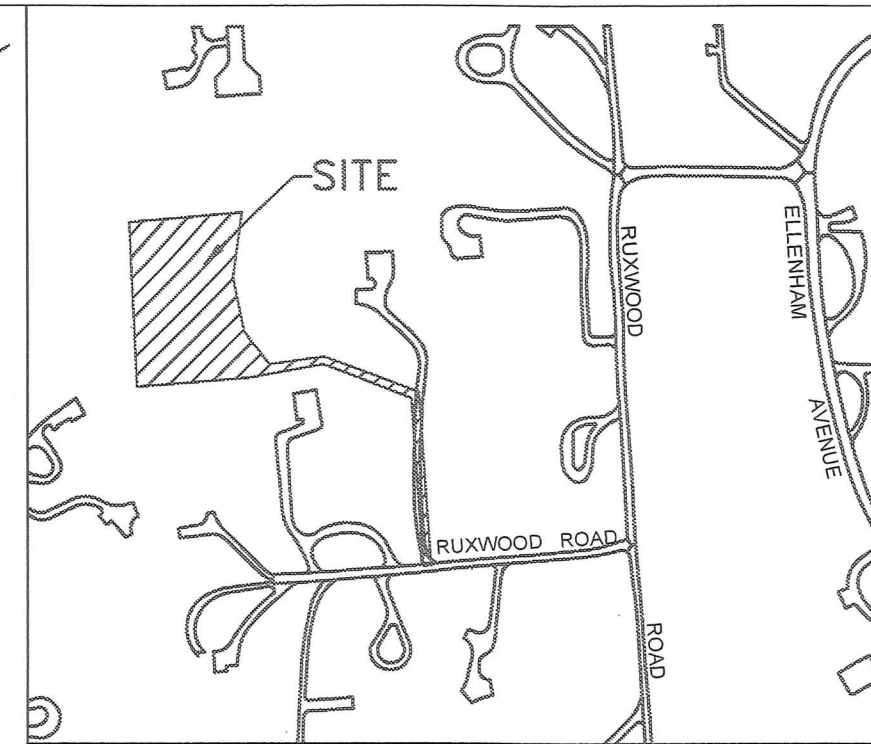
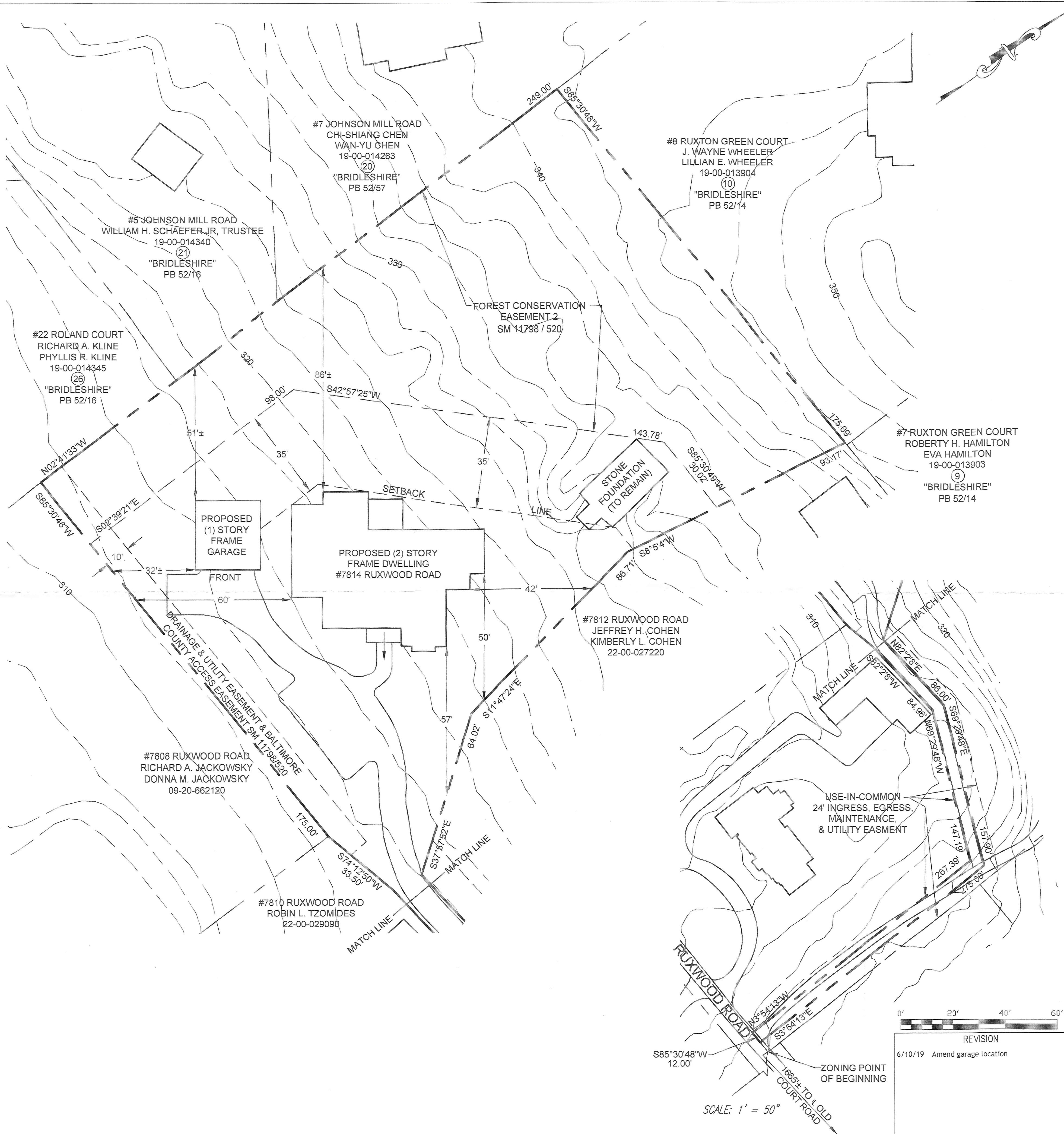
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PROPOSED DEVELOPMENT

To construct a dwelling and garage



PROPOSED GARAGE ELEVATIONS
N.T.S.



Vicinity Map - Scale: 1' = 300'

Bruce E. Doak Consulting, LLC
Land Use Expert and Surveyor
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Freeland, MD 21053
o 443-900-5535 m 410-419-4906
bdoak@bruceedoakconsulting.com

PLAN TO ACCOMPANY
A ZONING PETITION
FOR
#7814 RUXWOOD ROAD
LOT #2 WAGNER PROPERTY
PB SM 1/147
BALTIMORE COUNTY MARYLAND
9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT

Date: 6/4/19
Scale: 1" = 20'

REVISION
6/10/19 Amend garage location

SCALE: 1' = 50"

STATE OF MARYLAND
BRUCE E. DOAK
REGISTERED
PROFESSIONAL SURVEYOR
No. 331

GENERAL SITE INFORMATION

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Census tract: 490400 Census block: 240054904001
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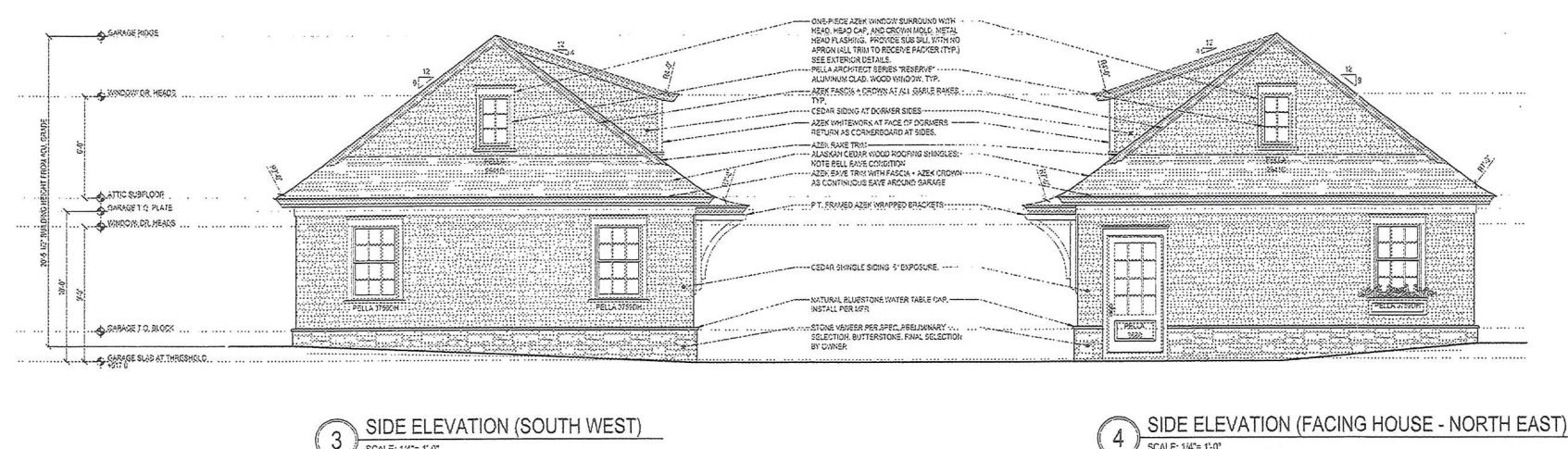
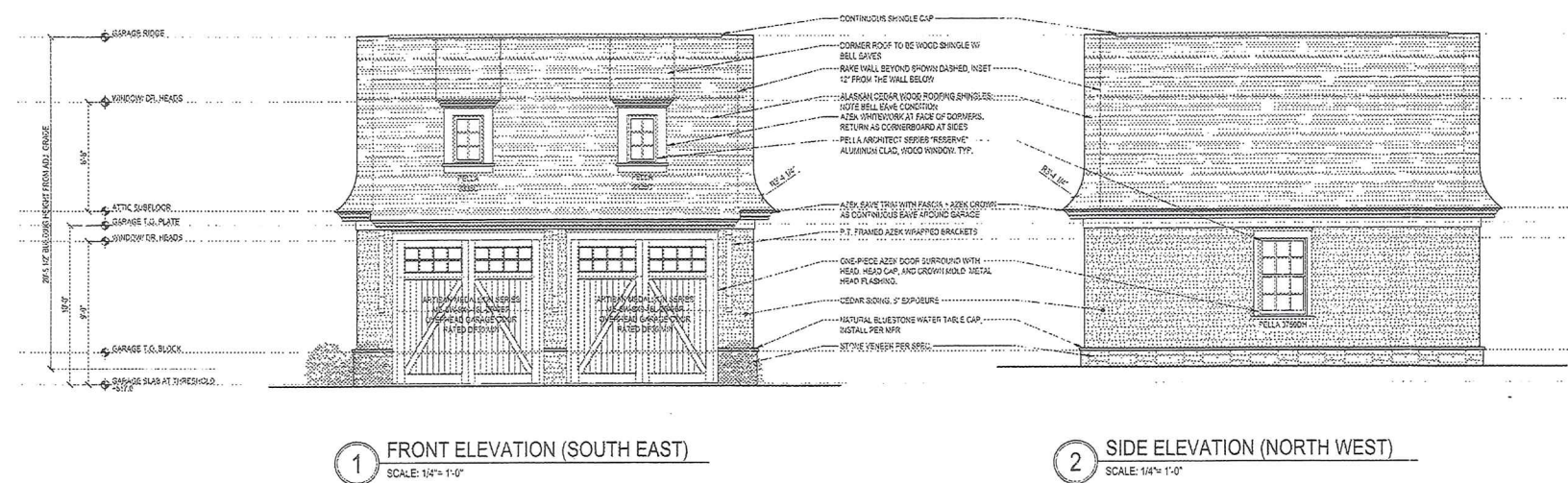
OFFICE OF PLANNING

Regional Planning District: Ruxton District Code: 314

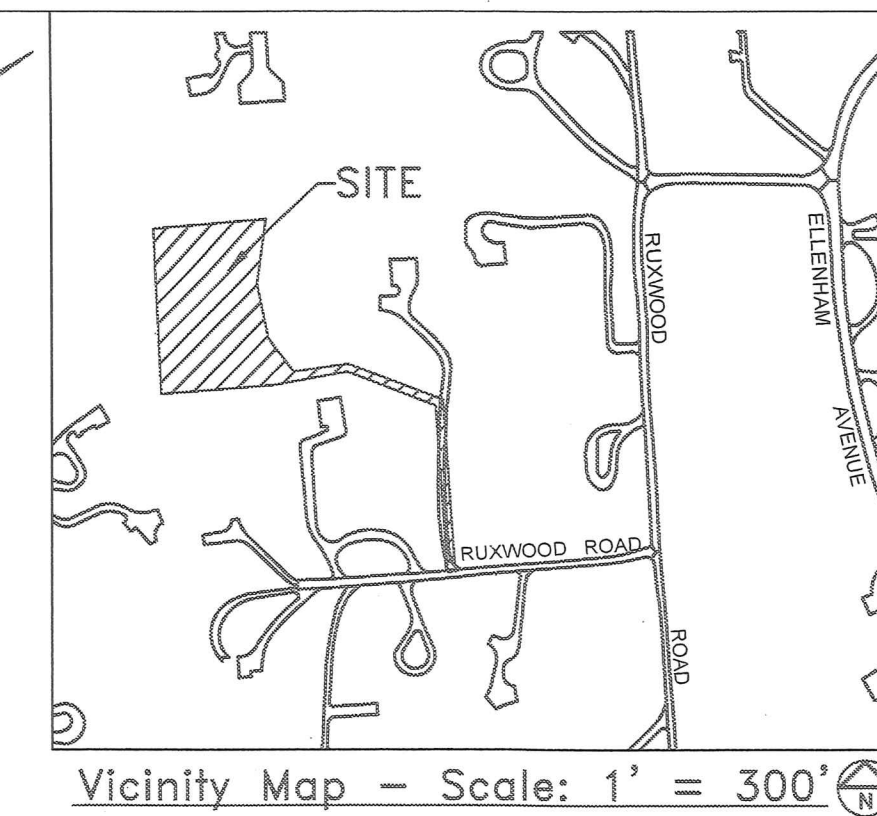
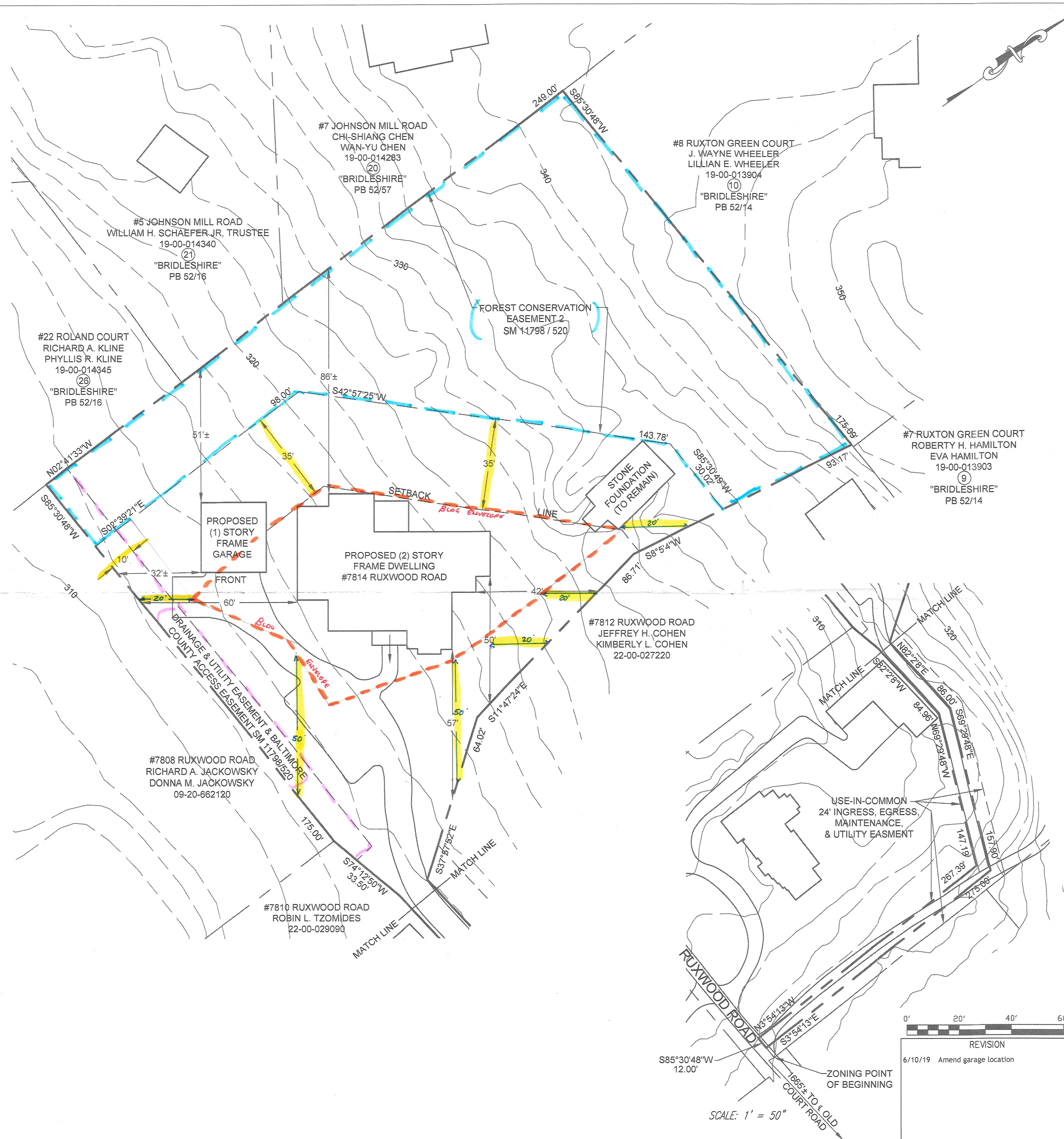
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PROPOSED DEVELOPMENT

To construct a dwelling and garage



PROPOSED GARAGE ELEVATIONS
N.T.S.



Vicinity Map - Scale: 1" = 300'

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PLAN TO ACCOMPANY
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BALTIMORE COUNTY, MARYLAND
9th ELECTION DISTRICT 4th COUNCILMANIC DISTRICT

Date: 6/4/19
Scale: 1" = 20'

STATE OF MARYLAND
BRUCE E. DOAK
REGISTERED
PROFESSIONAL LAND SURVEYOR

PLAN REFLECTING PRINCIPAL BUILDING ENVELOPE

PETITIONER'S

EXHIBIT NO. 5