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IN RE: PETITION FOR ADMIN. VARIANCE
W/S of Timber View Way, 330 ft. S
centerline of Timber Knoll Road
2nd Election District
4th Councilmanic District
(3802 Timber View Way)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 04-164-A

Susan G. & Martin Weintraub Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owners of the subject property, Susan G. and Martin Weintraub. The case was originally filed as an administrative variance with a closing date of October 27, 2003. However, a hearing was requested by an adjacent property owner and the matter was set in for hearing on January 7, 2004. The variance request is for property located at 3802 Timber View Way in the Reisterstown area of Baltimore County. The request is from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 43 ft. lot line setback in lieu of 50 ft. and amend the last approved Partial Development Plan of Worthington Hillside II, Section One. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The property was originally posted with a Notice of Hearing on November 17, 2003 fifteen days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on November 18, 2003 to notify any interested persons of the scheduled hearing date (December 3, 2003). The case was ultimately postponed and rescheduled for hearing on January 7, 2004. The property was re-posted with Notice of Hearing on December 23, 2003.



Applicable Law

Section 307 of the B.C.Z.R. - Variances.

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign 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. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None

Interested Persons

Appearing at the hearing on behalf of the variance request were Mitch Kellman, zoning specialists and Martin Weintraub, Petitioner. I. William Chase, Esquire, represented the Petitioner. Appearing in opposition to the request was John Morgan, adjacent property owner. People's Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance, is improved by the large home which contains a two-car garage. Adjacent to the garage is a paved parking/turning area. The Petitioner testified that he had recently purchased the property, had already built an addition on the side of the home opposite the garage, and was requesting to build

a additional single car garage to house his vehicle. The Petitioner is a physician and on call for hospital and office duty at odd hours and in emergency situations. However, he has five vehicles at his home, some of which are driven by him and his wife and grown children. Even with a two-car garage and parking pad, he often finds vehicles blocking his way to get out to the street in these emergency situations. Consequently, he proposes a new single-car garage and some widening of his parking pad/driveway to allow him full access to the street without having to find cars keys and move the vehicles blocking his way.

The Petitioner testified that he tried several solutions prior to proposing an additional garage. First he tried parking on the driveway that he shares in common with a neighbor. However, the paved portion of driveway was only one lane so his vehicles wound up being parked on the grass strip along the driveway. This resulted in damage to the grass strip and complaints by his neighbors, the Bachman's. See letter dated December 3, 2003 from Mr. and Mrs. Bachman. He also found that neighbors and the community association frowned upon his parking on the street in front of his house. He then considered building a new garage in the rear of the property but found this unworkable because of the steep slopes to the rear of the home.

Finally, he proposed building the new garage on the side of his home toward the front and widening the driveway in that area (see Petitioner's Exhibit No. 5 sketch). This resulted in a small corner of the garage (about 20 sq. ft.) penetrating the setback line in this RC.5 zoned property. He is requesting a variance to allow a side yard setback of 42.5 feet in lieu of the 50 ft. required for this intrusion. He testified that he had submitted plans to the architectural committee of the homeowner's association, which had approved his plan. Mr. Kellman presented Petitioner's Exhibit No. 8, which shows the overview of the development. In this plan, the Petitioner owns lot 17, the Bachman's own lot 16 and the protestant owns lot 18. He also

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testified that the distance between the Petitioner's home and Mr. Morgan's home is approximately 100 ft. If the proposed garage is built, the distance between homes would be approximately 90 ft. and the two properties are separated by a green area of trees and shrubs, which would remain undisturbed under the proposal. Additionally, he testified that because of the severe slope of the land toward the rear, it would be impractical to build a garage to the rear of the property.

The Petitioner testified that he suffered a hardship by having five vehicles in his family and being unable to freely use his car to respond to emergencies. See Petitioner's Exhibit No. 4 which shows his present condition and the fact that if the garage is full [presumably with his and his wife's vehicles], the other three cars block his way out of the garage. He then has to find the key or the driver, move the vehicles, and finally go on his way. He feels that his property is unique in that it has an odd shape with a long panhandle driveway shared by a neighbor and that the land falls off drastically toward the rear.

Mr. Morgan, the protestant in this case, lives adjacent to the Petitioner on lot 18 and faces the proposed garage. He pointed out certain inaccuracies in the reasons attached to the petition. However, he makes four critical points to which I will try to respond.

First, he said that the Petitioner knew or should have known the limitations of the home he bought regarding parking and that any hardship is self-imposed. He also notes that the "problem" to which the Petitioner seeks a solution is created by his family (some of whom are actually away at school) and is fully under the Petitioner's control. Said another way, Mr. Morgan says that the Petitioner can simply set rules for his children as to how and where to park their automobiles to solve the problem. He also argues that there is nothing unique about this property as compared to other lots in the development. Finally, he says that all the Petitioner

needs to do to solve his problem is to widen his driveway approximately 5 feet which will allow ample parking along the driveway and room for cars to pass without moving parked cars. See Protestant's Exhibit No. 6.

Findings of fact and conclusions of law

Mr. Morgan raises some profound arguments. First, he says that the Petitioner bought his home, knew its limitations and therefore, any hardship is self-imposed and would disqualify the petition for approval. This fascinating point has recently been discussed at great length by the Court of Appeals of Maryland in the case of Richard Roeser Professional Builder, Inc. v In the Roeser case, the purchaser bought the Anne Arundel County, 368 MD 294 (2002). property knowing that it contained wetlands but then applied for a variance from the provisions prohibiting building in the area. Judge Cathell acknowledged in his opinion that some could have read the prior case of Gleason v Keswick Improvement Association 197 MD 46, (1951) as holding exactly the protestants's position in this case. However, in Roeser, the Court specifically held otherwise and overruled any vestige of the Gleason rule in Maryland. The Court's basis for its decision was that while the purchaser of property acquires no greater rights than a prior owner, the purchaser acquires no less rights. Said another way, could the prior owner of the Petitioner's home have applied for a variance to build such a garage? The obvious The prior owner did nothing that would constitute a self-imposed answer here is certainly. hardship and consequently I find that applying the reasoning in Roeser, simply by the Petitioner purchasing the property does not create a self-imposed hardship. The Petitioner has every right to request a variance.

The next issue raised by Mr. Morgan is whether the hardship is self-imposed because it arises from the actions of his own family, i.e. how and where family members park their

vehicles. In the debate concerning variances in Court opinions and in practice, one should not forget the classic case, which the variance law was intended to remedy. Mom is getting older and needs to be near her children for comfort and support. Yet, she wants some independence and so would like to build a small appendage to her daughter's home in suburbia. However, the daughter lives in a home on a small lot in a subdivision. A reasonably sized appendage will encroach on the side yard set back requirements and so will trigger a need for a variance. The daughter's lot is flat, rectangular and identical to every other lot in the subdivision. There are no rivers running through it, no wetlands, no steep slopes, nor is the lot in any way irregularly shaped.

In Cromwell v Ward, 102 MD 691, (1995), Judge Cathell provided the following test which must be applied before the issue of hardship is raised and resolved. He specified that there must be something peculiar, unusual or unique about the site when compared to other properties in the neighborhood such that the regulation would impact this property differently than the neighboring properties. Mr. Morgan argues exactly this and says there is nothing unique about this property as compared to the others in the neighborhood.

However, I believe it important to keep in mind the classic variance case, which if Judge Cathell's test were literally applied, would result in denial of Mom's appendage and probably 90 percent of variances processed through the County. It is important to remember that in *Cromwell*, the petitioner built a garage, without a permit, which was too tall to meet the County height regulations. Mr. Ward argued that it would be a hardship to tear the garage down and the existing garage created an unusual circumstance on the property. Judge Cathell was not impressed and provided the above rule. Specifically, he wanted to "correct" the prior approach,

which recognized that if a hardship was demonstrated, this somehow created something unique on the property justifying the variance.

I do not believe, however, that Judge Cathell intended to restrict variances only to those sites with odd physical characteristics although he clearly wanted that to be the test in the *Cromwell* case. Section 307.1 of the B.C.Z.R., which Judge Cathell interpreted in *Cromwell*, specifies that variances can be granted where "conditions exist that are peculiar to the land or structure, which is the subject of the variance request". These are the "hard" reasons requiring something physically odd about the lot. However, Section 307.1 also states that variances can be granted where "special circumstances" exist. There are the "soft" reasons that can justify variances. These reasons include a family crisis due to age or infirmity of a family member among other reasons. These soft reasons were not considered in *Cromwell*.

Relating this reasoning to this case, I find that family reasons can justify a variance. Said another way, a problem which arises related to a family does not by itself fail to qualify as the basis for a variance. Of course, family problems conversely do not automatically become the basis for a variance. The Petitioner has to show "special circumstances" which can be solved by a variance. For example just because a family may be experiencing a divorce is not necessarily the basis for a variance.

I find that simply because the Petitioner's problems arises from family does not of itself qualify or disqualify such problems from being the "special circumstances" of the statute. In this, case I find that although these problems may seem trivial to some, the fact of the Petitioner's need for emergency transportation constrained by parking is enough to be the basis of this variance.

There is also ample evidence of "hard" reasons for a variance in this case. The land does slope dramatically away in the rear, which severely restricts locating the garage behind the house. The long common driveway further restricts parking on the grassy area adjacent to the driveway. I do not think the Bachman's should have to see the common driveway deteriorate to accommodate the Petitioner's vehicles. There is no practical parking on the street because of the distance to the house and neighborhood restraints. So I find that the property is "unique" as that term is defined in Section 307.1.

However, there is another provision in variance law, which in my opinion resolves this That provision states that the variance granted must be the minimum that will matter. ameliorate the problem. Here I now agree with Mr. Morgan. Mr. Morgan says that all the Petitioner has to do is to widen his driveway to provide more room for parking and for two cars to pass. He suggests 5 ft. would do it. See Protestant's Exhibit No. 6 and compare this exhibit with Petitioner's Exhibit No. 5. Note on the latter that the Petitioner recognizes that he needs to widen his driveway at the entrance of the proposed garage. One does not need to be terribly creative to see that some widening extended toward the street will give the Petitioner the relief he seeks by variance. I realize that there would be more vehicles parked in front of the Petitioner's home but this is exactly what the Petitioner was doing in parking on the grassy strip adjacent to the common driveway. I further realize that the architectural committee of the homeowner's association may have some reservation about agreeing to this solution, although frankly a few more feet of paving seems clearly less intrusive than an addition to the structure. Finally, I realize that the intrusion into the setback is miniscule. However, I note that if the variance is granted Mr. Morgan will see a new architectural feature on the Petitioner's home when he looks in this direction. He is most affected and has been very consistent in his opposition.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be denied.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this day of January, 2004, that an administrative variance from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 43 ft. lot line setback in lieu of 50 ft. and amend the last approved Partial Development Plan of Worthington Hillside II, Section One, be and is hereby DENIED.

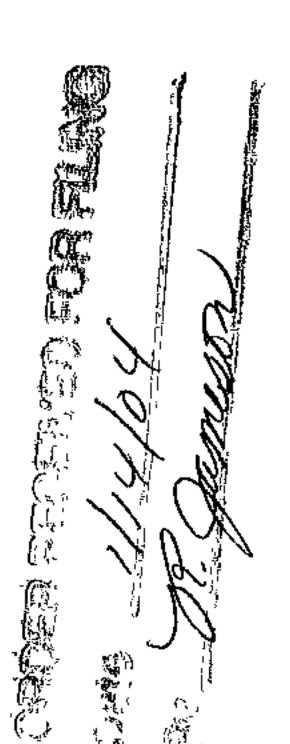
IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

JOHN V. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:raj



Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

January 13, 2004

I. William Chase, EsquireChase & Chase1190 W. Northern ParkwayBaltimore, Maryland 21210-1432

Re: Petition for Administrative Variance

Case No. 04-164-A

Property: 3802 Timber View Way

Dear Mr. Chase:

Enclosed please find the decision rendered in the above-captioned case. The administrative variance has been denied in accordance with the enclosed Order.

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

Very truly yours,

John V. Murphy

Deputy Zoning Commissioner

JVM:raj Enclosure

c: Martin Weintraub, M.D. 3802 Timber View Way Reisterstown, MD 21136 John Morgan 3800 Timber View Way Reisterstown, MD 21136

Mitch Kellman Daft, McCune Walker, Inc. 200 E. Pennsylvania Avenue Towson, MD 21286





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

THE VIEW	Commissioned of absolutions Colling
for the property	located at 3802 Timber View Way
	which is presently zoned RC5
1A04.3.B.2 to permit a	nits and Development Management. The undersigned, legalich is described in the description and plat attached hereto antion(s)
ot 50 feet and amend the	- last approved Partial Development
Plan of Worthington Hillsi	de IT, Section One.
of the zoning regulations of Baltimore County, to the zoning of this petition form.	law of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised as prescribed by the , or we, agree to pay expenses of above Variance, advertising, poregulations and restrictions of Baltimore County adopted pursuant	neting oto and further was a west seek to be a contract to the contract of the
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
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ignature	Signature (Leutrau
ddress Telephone No.	Name Type or Print X Man A. Weintraub
State Zip Code ttorney For Petitioner:	Signature
	3802 Timber View Way Address Telephone No.
arne-Type of Print	Reisterstown, Maryland 21136 City State Zip Code
gnature	Representative to be Contacted:
Chase and Chase	I. William Chasc
O West Northern Parkway 733-4100	Name 1190 West Northern Packway 433-410
Sa to MD 21210 - 1432	Address Balto. MD 21210 - 1432
	City State Zip Code
that the subject matter of the property be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County, his petition be set for a public hearing, advertised, as required by the zoning
	Zoning Commissioner of Baltimore County
ASH 9. 04-164-A Rev	lewed By Dithompson Date 10000
V 19 /25/11 Esti	mated Posting Date 01203

Affidavit in Support of Administrative Variance

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

competent to testify thereto in the event that a	public hearing is scheduled in the future with regard th	ereto.
That the Affiant(s) does/do presently reside at	3802 Timber View Way	-
; ;	Reisterstown, Maryland City State	21136
,	City	Zip Code
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advertising fee and may be required to provide	formal demand is filed, Affiant(s) will be required to additional information.	pay a reposting and
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STATE OF MARYLAND, COUNTY OF BALT	IMORE, to wit:	,
HEREBY CERTIFY, this day of of Maryland, in and for the County aforesaid, p	HODER 2013, before me, a Not	ary Public of the State
In and for the County aforesaid, p	Personally appeared	•
he Affiant(s) herein, personally known or satis	factorily identified to me as such Affiant(s).	-
AS WITNESS my hand and Notarial Seal	r 1/7	•
 	1 hote manner	
i	Notary Public	

My Commission Expires

REV 10/25/01

Affidavit in Support of Administrative Variance

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

	3802 Timber View Way	
	Reisterstown, Maryland City, State	21136 Zlp Code
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REV 10/25/01



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3802 Timber View Way

which is presently zoned __

This Petition shall be filed with the Downer(s) of the property situate in Baltin made a part hereof, hereby petition for a	epartment of Permit nore County and which Variance from Section	ts and Development Management. The undersigned, legal h is described in the description and plat attached hereto and on(s) 3 - foot lot line setback in lieu
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of 50 feet and	amend the	last approved Partial Development
Plan of Worthing	yton Hillsid	e II, Section One.
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of the zoning regulations of Baltimore Co of this petition form.	ounty, to the zoning la	w of Baltimore County, for the reasons indicated on the back
Property is to be posted and advertised a light or we, agree to pay expenses of above Value regulations and restrictions of Baltimore Coul	rlance, advertising innet	ind atc and further agree to and are to be becomed at the stand of
		I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser/Lessee:		<u>Legal Owner(s):</u>
Name - Type or Print		Martin Weintraub
		Name - Type or Print X Maile Wentrau
Signature		Signature
Address	Telephone No.	Susan G. Weintraub
	1 4.0 1.0 1.0	Name - Type or Print, X JUNIU 18 (MV)
State	Zip Code	Signature
Attorney For Petitioner:	,	Address Timber View Way Telephone No.
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arne - Type or Print	THE RESIDENCE OF THE PARTY OF T	Reisterstown, Maryland 21136 City State Zip Code
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Chase and Chase		I. William Chase
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ty	Zip Code	City State Zip Code
Public Hearing having been formally demand	ed and/or found to be re	quired, it is ordered by the Zoning Commissioner of Baltimore County, petition be set for a public hearing, advertised, as required by the zoning
gulations of Baltimore County and that the propert	y be reposted.	petition be set for a public hearing, advertised, as required by the zoning
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i		Zoning Commissioner of Baltimore County
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I am requesting a variance to widen my garage for several reasons.

The house is situated approximately 500 feet from the main road, Timber View Way. There is a narrow easement of 245 feet which I share with an adjoining house which runs from the main road to my driveway. My actual driveway runs another 250 feet to my garage and is curved and steep. I have lived in the house only 10 months. The previous owners had only 2 cars and because the current 2 car garage is narrow, neighbors have told me that they only kept one car in the garage at any time.

I have 3 children, all of whom drive; thus there are 5 cars in the family. Since the entrance to the garage is at right angles to the driveway leading to it, a wide turn is necessary to enter the garage. This precludes many cars from parking outside the garage on the pad.

I have tried to park my additional cars and those of my friends on the easement, 250 feet away from the house, but my neighbor has told me he doesn't like cars parked there. I have tried parking the cars on Timber View Way, 500 feet from the house, but other neighbors on Timber View Way have complained saying that there are covenants in the Association rules stating that cars belonging to family members must be parked on driveways.

If I build this garage, I will be able to widen the existing garage and keep 2 cars in there at all times. I will then be able to place an additional car (mine) in the new garage and still be able to keep additional cars on the pad outside the main garage. The additional cars will not block the new garage. This is important because I am a physician and am on call many times a month for my Practice and the Emergency Room and have to respond when called at all hours.

Construction for the new garage will allow me to widen the existing garage, keep my car free at all times in the new garage and allow my family and friends to park on my driveway pad. This will satisfy my neighbors who don't want me parking additional cars on the easement or the main street.

OH-164-A

Zoning Description For 3802 Timber View Way

Beginning on the west side of Timber View

Way, 50 feet wide, at the distance of 330 feet

South of the centerline of Timber Knoll Road.

Being Lot 17, Section One of the Worthington

Hillside II subdivision as recorded in Plat Book

52 Folio 83 and containing 2.24 Acros. Also

Known as 3802 Timber View Way in the

2nd Councilmanic District and 4th Election

District

04-164-A

BALTIMORE COUNTY, MARMAND No. 23052 OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT BUSINESS ACTUAL. MW. TIME 10/21/2003 15:08:40 14/22/2003 ACCOUNT 001-006-6150 REGINSOL JRIC JMR MALKIN 10/21/2003 OFLN " AMOUNT \$ 50.00 5 528 ZONING VERIFICATION 023052 Recet Tot \$50,00 RECEIVED FROM: 50.00 CK Baltimore County, Maryland FOR: 04-164-A Formal Demand Lana DISTRIBUTION WHITE - CASHIER PINK - AGENCY CASHIER'S VALIDATION YELLOW - CUSTOMER

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NOTICE OF ZONING HEARING

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

Case: #04-164-A

Case: #04-164-A
3802 Timber View Way
W/side Timber View Way 330 feet south of centerline
Timber Knoll Road
4th Election District 2nd Councilmanic District
Legal Owner(s): Martin and Susan Weintraub
Variance: to permit a 43 foot lot line setback in lieu of the
redured 50 feet and amend the last approved Partial Development Plan of Worthington Hillside II
Hearing: Wednesday, December 3, 2003 at 2:00 p.m. in
Robm 106, County Office Building, 111 W. Chesapeake

Avenue.

LAWRENCE E. SCHMIDT !

Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing.

Contact the Zoning Review Office at (410) 887-3391.

JT 11/741 Nov 18 C637

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of ____successive weeks, the first publication appearing The Jeffersonian Arbutus Times ☐ Catonsville Times ☐ Towson Times Owings Mills Times ☐ NE Booster/Reporter ☐ North County News

LEGAL ADVERTISING

RE: Case No.: 04-164-A Petitioner/Developer: MAZTIN 3 Date of Hearing/Closing: 1/7/04 Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} 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: 3802 TIMBER VIEW WAY The sign(s) were posted on _ (Month, Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black A PURITE HEARING WILL RE HELD RE (Print Name) THE TONING COMMISSIONER THE TOWSON, MO 1508 Leslie Road PLACE: ROM 407 COUNTY COUNTS HIG. 40 BOSTO ARE DATE AND TIME DISTANCE TO THE POLA (Address) PENEST: WHILE DEMANDED IN THE SHEET A THE PROPERTY OF THE PARTY OF TH Dundalk, Maryland 21222 AN SUMMERS HANDLE (City, State, Zip Code) (410) 282-7940

(Telephone Number)

CERTIFICATE OF POSTING

RE: Case No.: 04-164-A

Petitioner/Developer: MARTIN 4 Date of Hearing/Closing: DEC 3, 2003 **Baltimore County Department of** Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204 ATTN: Becky Hart {(410) 887-3394} 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: 3802 TIMBER VIEW WAY The sign(s) were posted on (Month Day, Year) Sincerely, (Signature of Sign Poster) SSG Robert Black (Print Name) 1508 Leslie Road (Address) Dundalk, Maryland 21222 (City, State, Zip Code) (410) 282-7940 (Telephone Number)

CERTIFICATE OF POSTING

	RE: Case No.: 04-164 A
	Petitioner/Developer:
	WEINJRAWB
	Date of Hearing/Closing: $10/27/03$
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21204	
ATTN: Becky Hart {(410) 887-3394}	
Ladies and Gentlemen:	₹ ₹
posted conspicuously on the property located at: _	mber View way
The sign(s) were posted on(10/11/Q3 Month, Bay, Year)
S	Sincerely,
TANING NOTICE	(Signature of Sign Poster) (Date)
ADMINISTRATIVE	SSG Robert Black
	(Print Name)
NO AND THE LAST APPARTS DESIGNATION FOR THE STATE OF THE	1508 Leslie Road
ACCUMANTAL TO THE PARTY OF THE	(Address)
PUBLIC HEARING?	Dundaik, Maryland 21222
AN ELIQIBLE INDIVIDUAL ON GROUP MAY AN ELIQIBLE INDIVIDUAL ON GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE PROVIDED IT. THE PROPOSED VARIANCE PROVIDED IT.	(City, State, Zip Code)
	(410) 282-7940
列達·克德·斯斯·斯·克克·斯斯斯·斯斯斯·斯特斯斯·斯特斯斯·斯斯斯·斯斯·斯斯·斯斯·斯斯·斯斯·斯斯	(Telephone Number)

Départment of Permits and Development Management

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 25, 2003

I. William Chase Chase and Chase 1190 West Northern Parkway Baltimore, MD 21210-1432

Dear Mr. Chase:

RE: Case Number: 04-164-A, 3802 Timber View Way

The above matter, previously scheduled for December 3, 2003, has been postponed. Once the hearing has been rescheduled you will be notified by mail.

Please be advised that the responsibility of the appropriate posting of the property is with the Petitioners. The petitioner or his/her agent may not personally post or change a zoning sign. One of the currently approved vendors/posters must be contacted to do so. If the property has been posted with the notice of the original hearing date, as quickly as possible after you have been notified, the new hearing date should be affixed to the sign(s).

Timothy Kotroco Director

TK:klm

C: Martin and Susan Weintraub, 3802 Timber View Way, Reisterstown 21136 John Morgan, 3800 Timber View Way, Reisterstown 21136

Départment of Permits and Development Management

Director's Office

County Office Building

111 W. Chesapeake Avenue

Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

November 24, 2003

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-164-A

3802 Timber View Way

W/side of Timber View Way, 330 feet south of centerline of Timber Knoli Road 4th Election District – 2nd Councilmanic District

Legal Owners: Martin and Susan Weintraub

Variance to permit a 43-foot lot line setback in lieu of the required 50 feet and amend the last approved Partial Development Plan of Worthington Hillside II.

Hearings:

Wednesday, January 7, 2004 at 9:00 a.m. in Room 407, County Courts Building. 401 Boslev Avenue

Timothy Kotroco

Director

TK:klm

C: I. William Chase, 1190 W. Northern Parkway, Baltimore 21210-1432 Martin and Susan Weintraub, 3802 Timber View Way, Reisterstown 21136 John Morgan, 3800 Timber View Way, Reisterstown 21136

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, DECEMBER 23, 2003.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY Issue - Jeffersonian

Please forward billing to:

NOTICE OF ZONING HEARING

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

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
 - (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 27, 2003

CORRECTED NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-164-A

3802 Timber View Way

W/side Timber View Way 330 feet south of centerline Timber Knoll Road

4th Election District – 2nd Councilmanic District

Legal Owner: Martin and Susan Weintraub

Variance to permit a 43 foot lot line setback in lieu of the required 50 feet and amend the last approved Partial Development Plan of Worthington Hillside II

Hearings:

Wednesday, December 3, 2003 at 2:00 p.m. in Room 106, County Office Building, 111 W. Chesapeake Avenue

A ...

Timothy Kotroco

Director

TK:rlh

C: I. William Chase, 1190 West Northern Parkway, Baltimore 21210 Mr. and Mrs. Weintraub, 3802 Timber View Way, Reisterstown 21136

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 18, 2003.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY

Tuesday, November 18, 2003 Issue - Jeffersonian

Please forward billing to:

I. William Chase 1190 W. Northern Pkwy. Baltimore, MD 21210

410-433-4100

NOTICE OF ZONING HEARING

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

CASE NUMBER: 04-164-A

3802 Timber View Way

W/side Timber View Way 330 feet south of centerline Timber Knoll Road 4th Election District – 2nd Councilmanic District

Legal Owner: Martin and Susan Weintraub

Variance to permit a 43 foot lot line setback in lieu of the required 50 feet and amend the last approved Partial Development Plan of Worthington Hillside II

Hearings:

Wednesday, December 3, 2003 at 2:00 p.m. in Room 106, County Office

Building, 111 W. Chesapeake Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

October 22, 2003

Mr. I. William Chase Chase and Chase 1190 West Northern Parkway Baltimore, MD 21210

Dear Mr. Chase:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 04-64-A

The purpose of this letter is to officially notify you that your administrative posting procedure has been superceded by a timely public hearing demand or the zoning commissioner is requiring a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact <u>Donna Thompson</u> at 410-887-3391.

Very truly yours,

u. Calliball

W. Carl Richards, Jr. Supervisor Zoning Review

WCR:rlh

C: Martin and Susan G. Weintraub, 3802 Timber View Way, Reisterstown 21136



Visit the County's Website at www.baltimorecountyonline.info



ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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: ON-16H-A
Petitioner: WEINTRANG
Address or Location: 3802 TIMBER VIEW WAY
PLEASE FORWARD ADVERTISING BILL TO: Name:
Address: 1190 W. NORTHERN PKUN.
BALTO. MD 21210-1432
Telephone Number: 410-433-4100

Revised 2/20/98 - SCJ

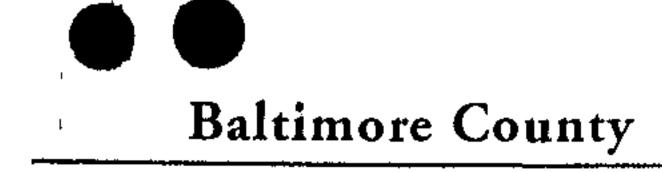
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

January 2, 2004

I. William Chase Chase and Chase 1190 W. Northern Parkway Baltimore, MD 21210

Dear Mr. Chase:

RE: Case Number: 04-164-A, 3802 Timber View Way

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 2, 2003.

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

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

Very truly yours,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel Martin & Susan Weintraub, 3802 Timber View Way, Reisterstown 21136



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

October 16, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: October 14, 2003

Item No.:

151-169

Dear Ms. Hart:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 10.14.03

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

RE:

Baltimore County

Item No. 164

アア

Dear. Ms. Hart:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

4

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

1.1. dredt

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case 04-164 – Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared By

Mach A Cumph

RECEIVED

DATE: October 16, 2003

OCT 1 7 2002

Section Chief:

AFK/LL

ONING COMMISSION

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

DATE: November 26, 2003

TO:

Timothy M. Kotroco, Director

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For October 20, 2003

Item Nos. 151, 152, 153, 154, 156, 157, 158,159, 160, 161, 162, 163, 164,

167, and 168

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

RWB:CEN:jrb

cc: File



Gaylord Brooks Architectural Committee, Inc.

P. O. Box 400, 3312 Paper Mill Road, Phoenix, Maryland 21131 • 410-667-0800 • FAX 410-667-0078

January 2, 2003

Mr. & Mrs. Martin Weintraub 3802 Timberview Way Reisterstown, MD 21136

Re: Garage Addition

Worthington Hillside II, Lot 7

Dear Mr. & Mrs. Weintraub,

Please be advised that the plans and specifications for the proposed garage addition on the above referenced property have been approved by the Gaylord Brooks Architectural Committee, Inc.

Thank you for your cooperation in this matter.

Very truly yours,

Thomas O. Moore, Sr.

TOM\rb



FORMAL DEMAND FOR HEARING

CASE NUMBER: 0 4-16 4-19
Address: 3802 TIMBER VIEW WAY
Petitioner(s): MARTIN WEINTRAUB
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
IWe John H. Morgan Name - Type or Print
(v) Legal Owner OR (·) Resident of
3800 TIMBER VIEW WAY
Address Revsters town Md. Z1136 State Zip Code
City $4/0-526-498/$
Telephone Number
which is located approximatelyfeet from the property, which is the subject of the above petition, do hereby formally demand that a public hearing be set in this matter.
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS
DEMAND. 10/21/03
Signature
Signature Revised 9/18/98 - wcr/scj
KEAMEN AL LOL AG _ MACL AG

John H. Morgan 3800 Timber View Way Reisterstown, MD. 21136 410-526-4901 Telephone and Fax Phase Passer Call for Phase Passer Call for Call

FAX COVER SHEET

Date:

November 18, 2003

Pages:

1

To:

Timothy Kotroko

Director of Permits and Development Management

Baltimore County, Maryland

Fax Number: 410-887-5709

From:

John H. Morgan

Subject:

Petition for Administrative Variance

Case Number 04-164-A

Mr. Kotroko,

My name is John H. Morgan, and I have requested a formal hearing for Case number 04-164-A. I had not received a notice by mail, but I did see the posted sign with a hearing date of December 3, 2003 at 2 p.m. I am writing you to request a postponement to a later date. I have a meeting scheduled for December 3, 2003 that has been planned for several months, and it would be difficult to change at this late date. I would appreciate if you would review this situation and let me know the results as soon as possible.

Thank you,

∕John H. Morgan

3800 Timber View Way

Reisterstown, Maryland

410-526-4901 telephone and fax

Mr. Chase is pery unhappy about postponement

Tim,

11/24

Mr. Chase (410-433-4100), would like to speak on the mouter of that the postpenement that was granted for Mr. Morgan, disagrees with his ability to postpone what notifying him postpone what notifying him

drister

To: Zoning CommissionER

FROM: GAIL & BILL BACHMAN

DATE: NOVEMBER 25, 2003

RECEIVED
NOV 2 6 2003

ZONING COMMISSIONER

RE! HEARING

Case # 04-164A

Date: 12/3/03

3802 Timber View Way, Reisterstown Md.

We are writing this letter to clarify our position on the above referenced case. We are owners of 3804 Timber View Way which is adjacent to the property in question ,and we share in the use and maintenance of a macadam driveway/access easement leading to both properties from Timber View Way. We strenuously object to the use of the driveway and or the easement for the regular parking of vehicles for a number of reasons: From a practical standpoint; as it is, there is scarcely room enough for two vehicles to pass in opposite directions in the driveway. When several cars are parked along the side, a bottleneck ensues. In addition, the grassy area along the side of the driveway is not a suitable surface for parking of cars and during bad weather the continual parking of cars in that area has resulted in mud and ruts and the elimination of any traces of grass .(The owners of 3802 did put some mulch in the area to fill in the ruts, but, at best ,that is a temporary cover-up.) Which leads us to other considerations of aesthetics: The loveliest feature of our home is that we are set back in a wooded area away from the street . It is why we chose to live here. The driveway is the entrance to our home and its tranquil setting. It is not intended to be a parking lot. During the past year while our neighbors at 3802 have been "under construction "and have found it necessary to park their cars alongside our driveway, it has been very disruptive of the pleasant environment we had previously enjoyed. In addition, we feel that the value of our property is diminished by the practice of keeping vehicles along the driveway. In conclusion, the driveway has been and should continue to be used solely for ingress and egress to and from both homes. (For the record, we have previously stated that in the event of an emergency, or, say, in very icy conditions, or some other situation that would constitute an exception, we feel that an allowance should be made for either party to park their car (cars) along the driveway. This was the arrangement with our former neighbors of 10 years...on rare occasions one or the other party would have a need to park cars on the common property. They would notify us in advance, and vice versa, that the area would be used in this manner. It was infrequent, no damage to the property ensued, and the property was not diminished in any way.)

> Duid Sachman William V Gehman

phone # 410-526-4209

PLEASE PRINT CLEARLY

Timese way CASE NAME 3 82 / CASE NUMBER 04-

NEET PETITIONER'S SIGN-I

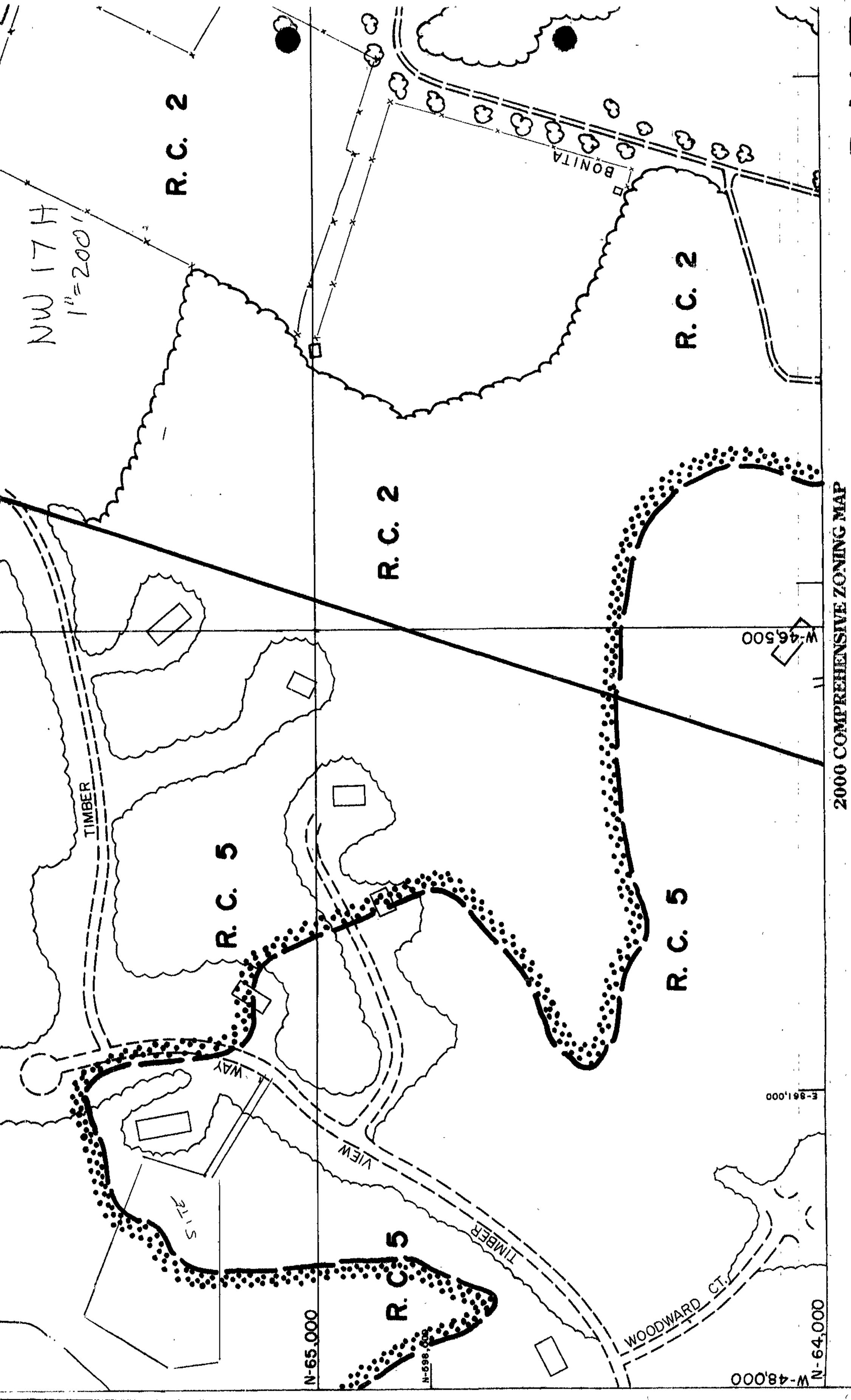
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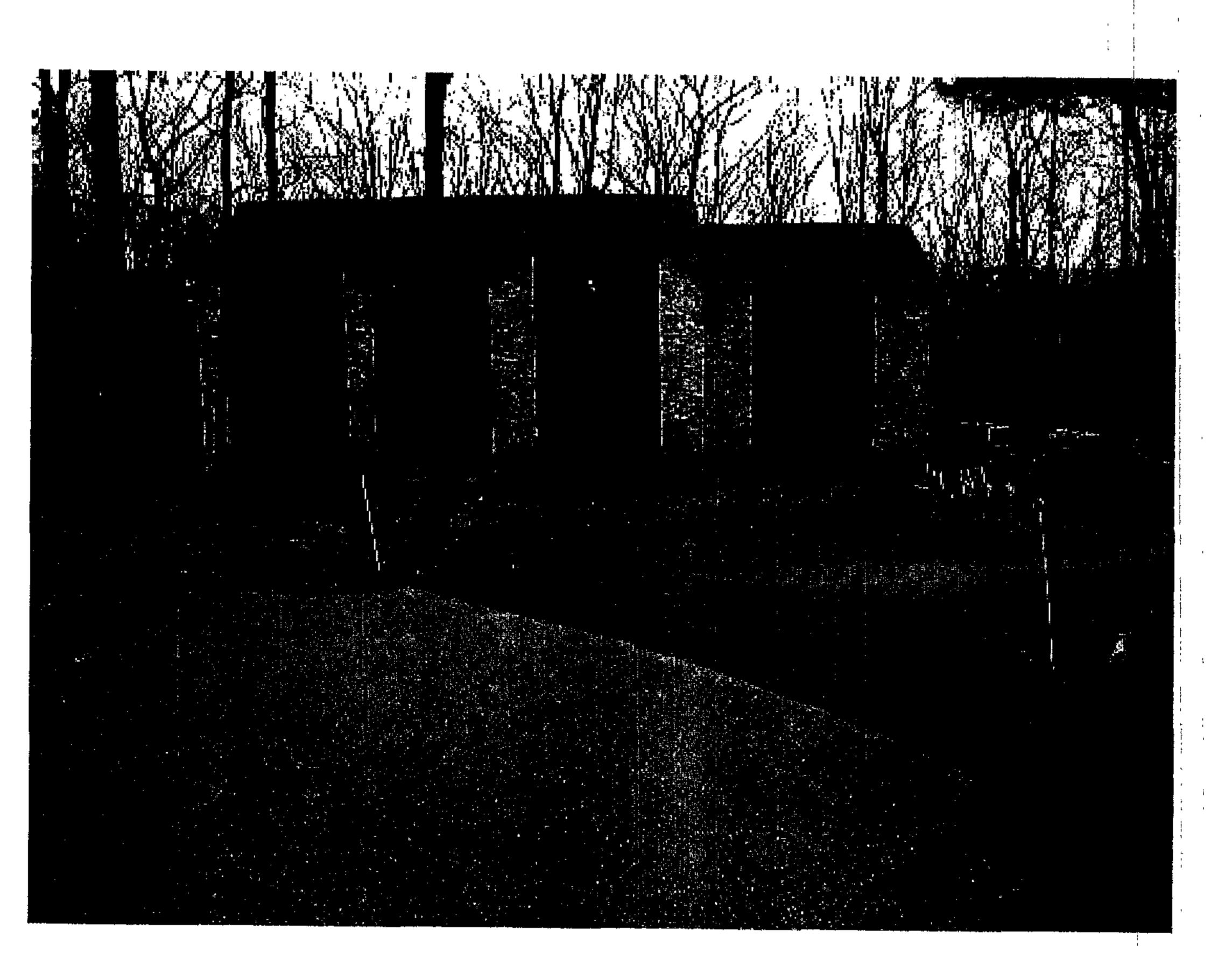
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PLEASE <u>PRINT</u> LEGIBLY

PROTESTANT'S SIGN-IN SHEET

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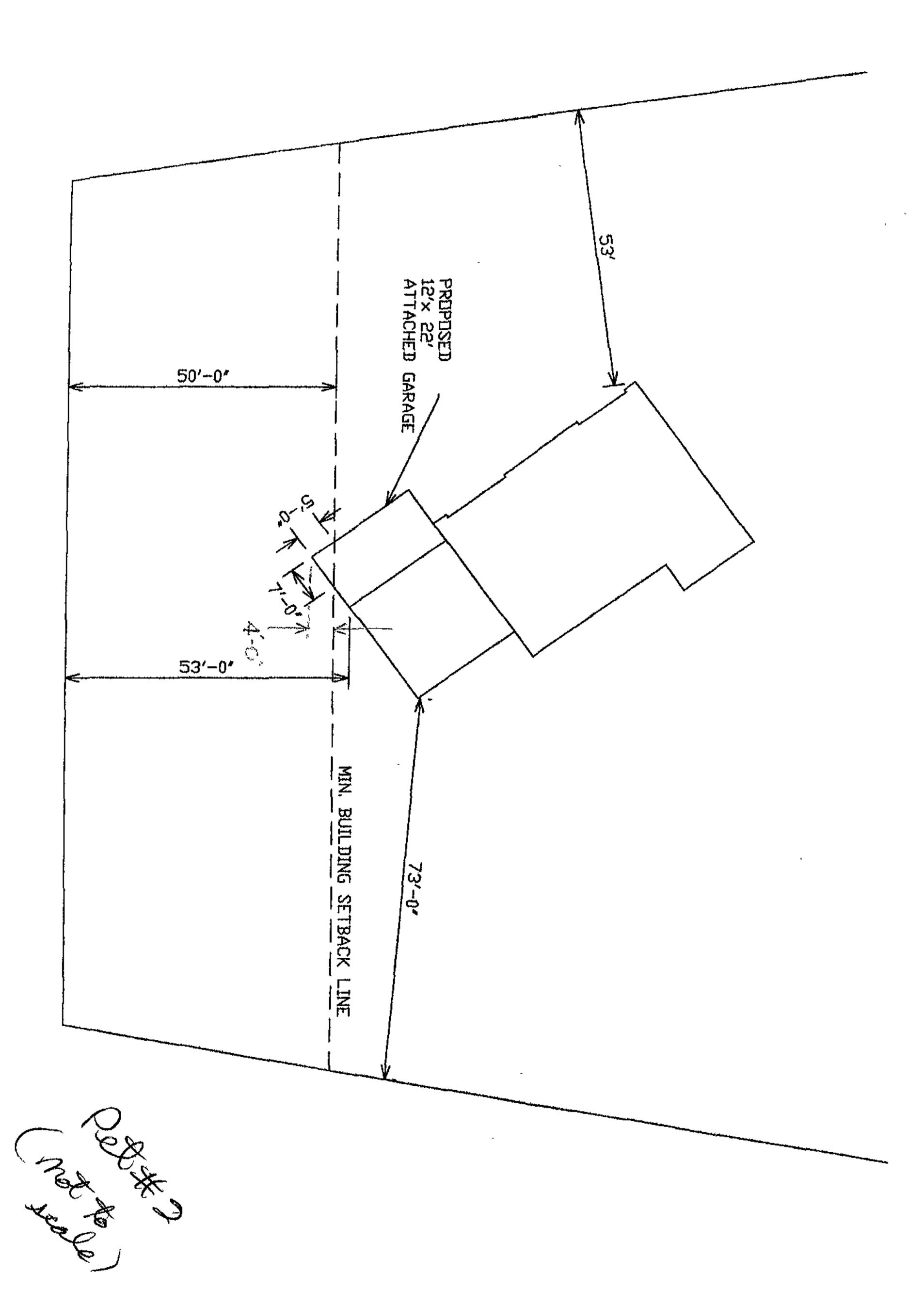


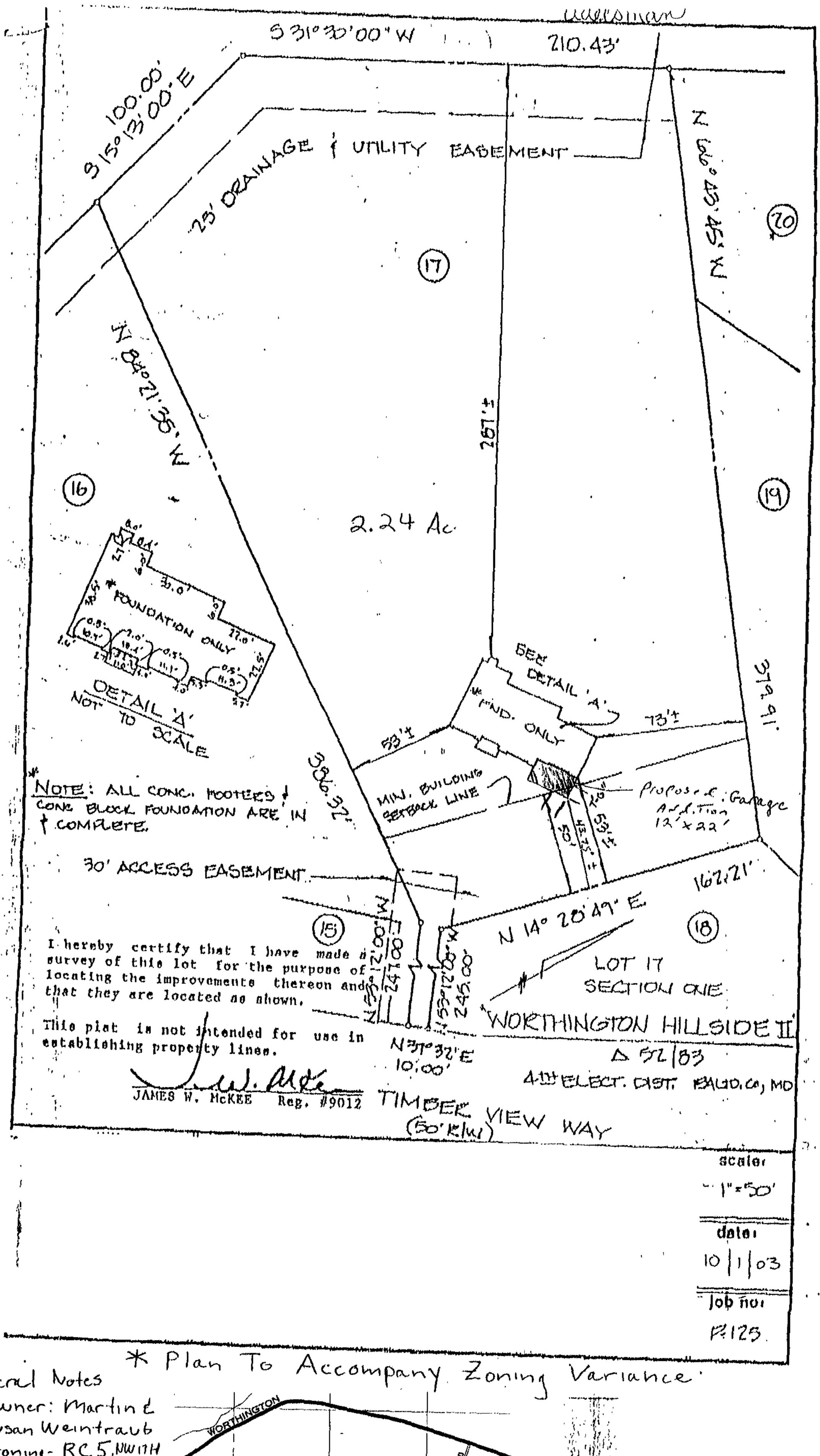
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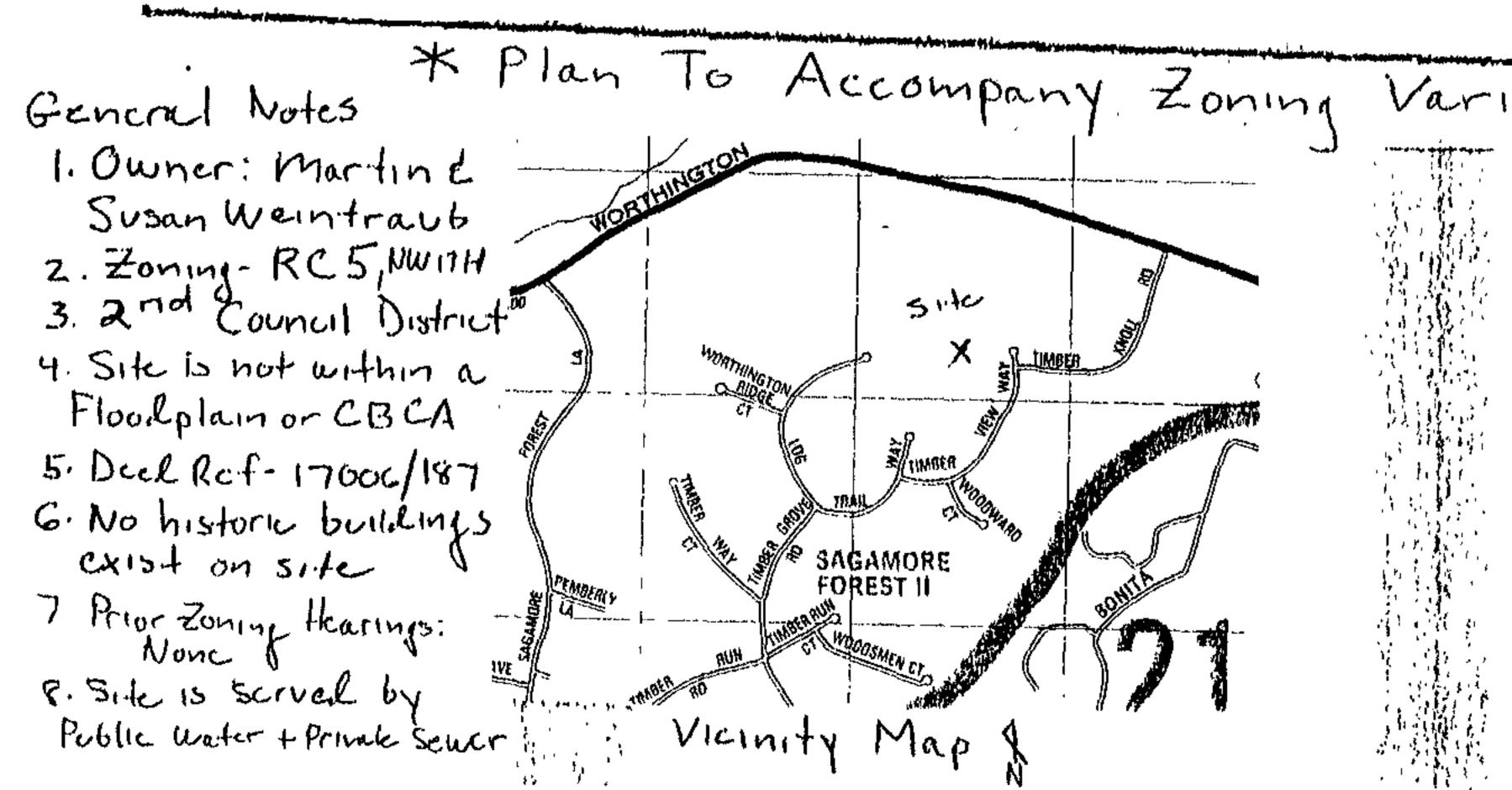




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Q d d

04-164-A

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Manager and the same of the sa Q Q MARINE



Gaylord Brooks Architectural Committee, Inc.

P.O. Box 193, 3314 Paper Mill Road, Phoenix, Maryland 21131 (301) 667-0800 Fax (301) 667-0078

October 8, 2003

Mr. & Mrs. Martin Weintraub 3802 Timberview Way Reisterstown, MD 21136

Re: Garage Addition

Worthington Hillside II, Lot 7

Dear Mr. & Mrs. Weintraub.

Please be advised that the plans and specifications for the proposed one-car garage addition on the above referenced property have been approved by the Gaylord Brooks Architectural Committee, Inc.

Thank you for your cooperation in this matter and best wishes with the construction of the garage addition.

Very truly yours,

lom dr.

Thomas O. Moore, Sr.

TOM\rb:

TOM\rbc_prince and approximate the second se

Pet History

THIS DECLARATION OF RESTRICTIONS made this day of January, 1985, by WORTHINGTON HILLSIDE LIMITED PARTNERSHIP, (hereinafter called the "Declarant").

RECITALS

- (A) The Declarant is the owner, in fee simple, of all of those tracts of land lying in the Fourth Election District of Baltimore County, Maryland, containing fifty (50) lots, as shown on the Plats entitled "WORTHINGTON HILLSIDE II, Section 1" and "WORTHINGTON HILLSIDE II, Section 2" (hereinafter referred to as the "Plats"), which Plats are recorded amont the Land Records of Baltimore County in Liber 52, Folio 83, and Liber 52, Folio 82, and as hereafter referred to as "WORTHINGTON HILLSIDE II", Sections 1 and 2.
- (B) The Declarant, for the purposes of creating and maintaining a general scheme of development and for the protection of the economic interest of the Declarant, desires that the aforesaid lots be subject to the covenants, conditions and restrictions hereinafter set forth.

NOW, HEREFORE, the Declarant for himself, his successors and assigns, hereby declares that all the aforesaid tracts of land known as WORTHINGTON HILLSIDE 11, Sections 1 and 2, shall be subject to the covenants, reatrictions, conditions and reservations hereinafter set forth.

ARTICLE I - DEFINITIONS

The following words, when used in this Declaration, shall have the following meanings:

- (a) "The Property" shall mean and refer to all the real property shown on the record Plats referred to above.
- designated as Lots 1 through 24, Section 1, and Lots 2 through 9 and 14 through 31, Section 2, on the aforesaid Plats.
- (c) "Dwelling" shall mean and refer to any building or portion of a building situated upon the Property and designated and intended for use and occupancy as a residence by a single family.
- (d) "Developer" or "Declarant" shall mean and refer to WORTHINGTON HILLSIDE LIMITED PARTNERSHIP and its successors and assigns.
- (e) "Lot Owner" shall mean and refer to every person, group of persons, corporation, trust or other legal entity, or any combination thereof, who holds legal title to a Lot in the Subdivision, provided, that (a) no Lessee (other than a lessee under a 99 year lease creating a ground rent of such Lot) or Contract Purchaser shall be deemed to be a Member, merely on account of such status, and (b) no Mortgagee of any Lot shall be deemed to be a Lot Owner unless

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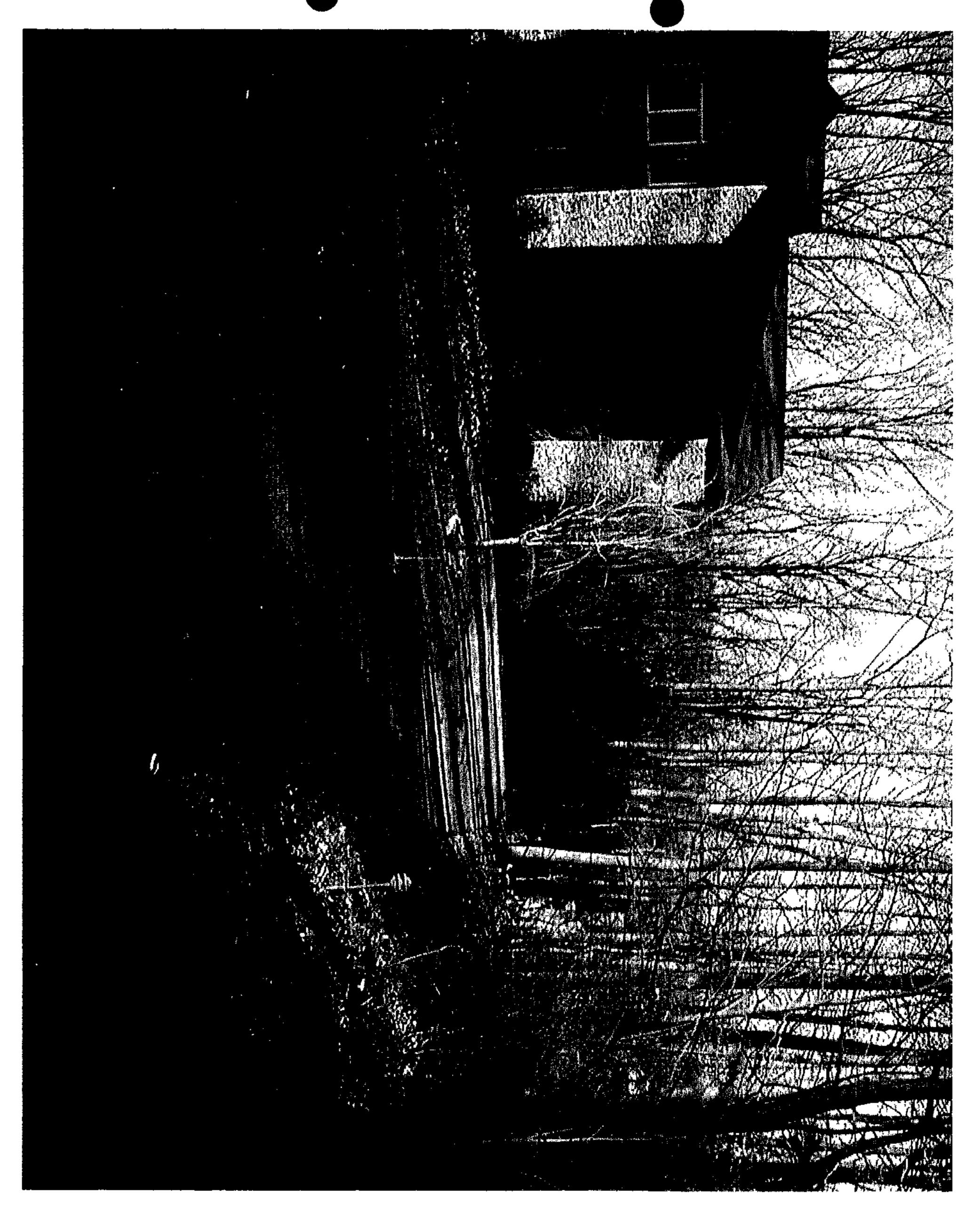
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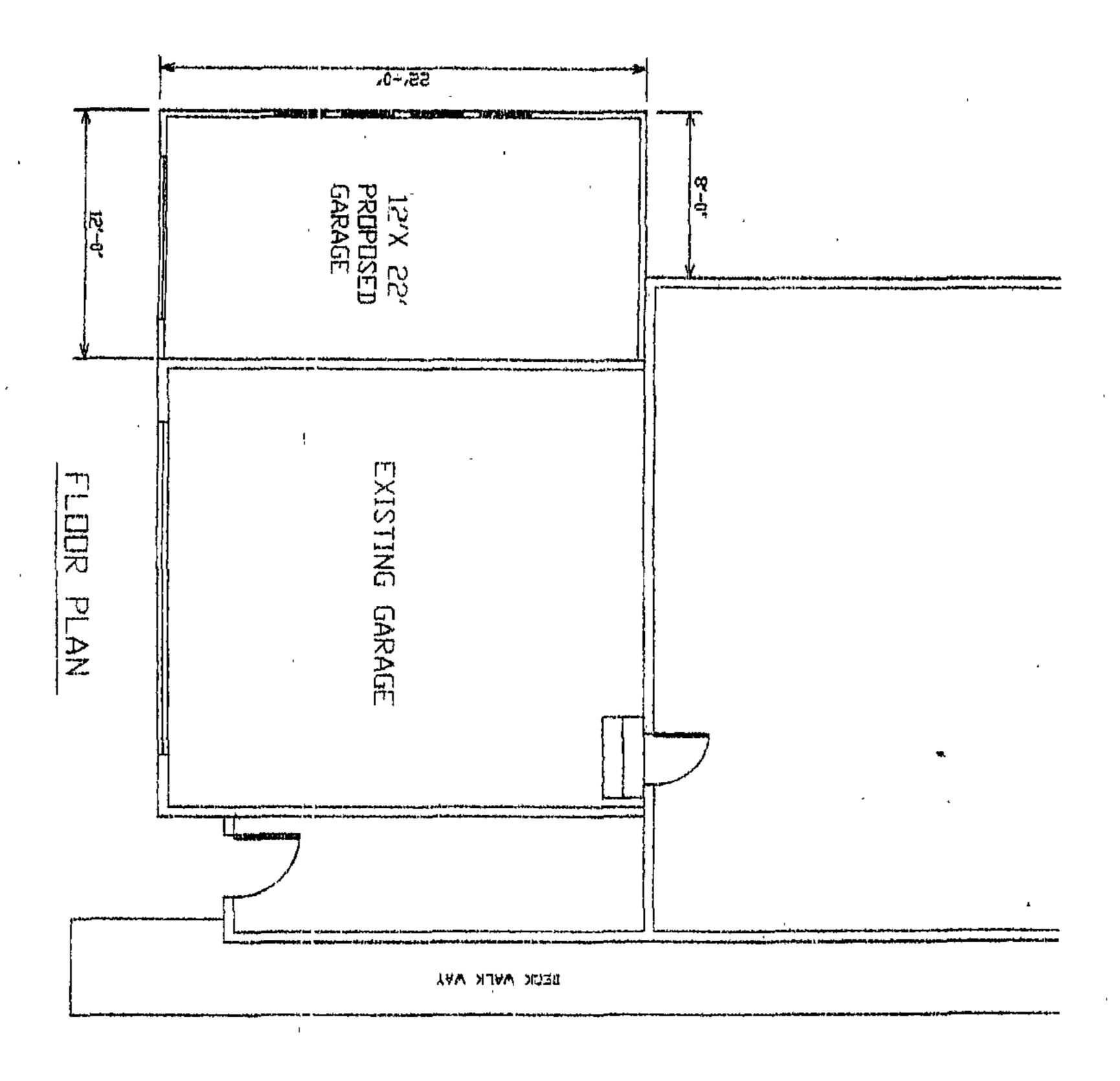
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