

IN RE: PETITION FOR ADMIN. VARIANCE	* BEFORE THE
W/S Glyndon Watch Lane, 200' N of the c/l	
Bond Avenue	* ZONING COMMISSIONER
(226 Glyndon Watch Lane)	
4 th Election District	* OF BALTIMORE COUNTY
3 rd Council District	
	* Case No. 05-061-A
Vladimir Golubitskiy and	
Mariya Golubitskaya - Petitioners	*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Vladimir Golubitskiy and Mariya Golubitskaya. The Petitioners seek relief from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20' in lieu of the minimum required 22½' for a proposed open projection (deck). The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. In this regard, a joint letter of opposition was received from Walter and Sonya Welsh and Michael and Joyce Hull, who reside in the community. Within that letter reference was made to prior decisions of the Zoning Commissioner's Office relative to properties in the Glyndon Watch development. Specifically, similar requests for zoning relief to allow decks or additions on other dwellings in this community have been denied, given the minimal size of the building envelopes. (See, In Re: Chambers/Dett Property, Case No. IV-514, and zoning Cases Nos. 00-101-A and 01-412-A).

ORDER RECEIVED FOR FILING

Date 9/3/04

By [Signature]

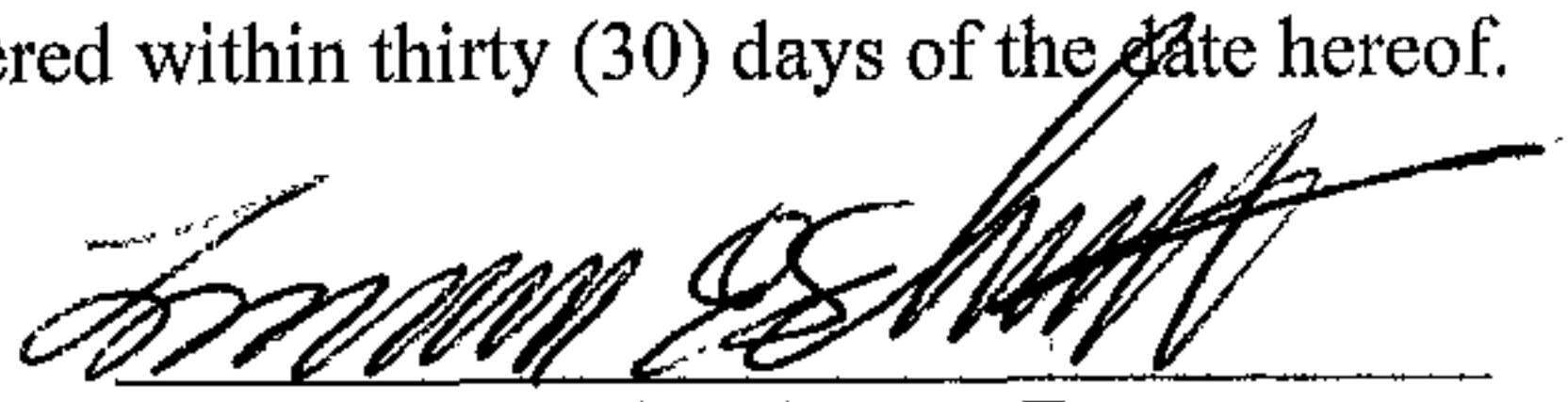
Although Mr. and Mrs. Welsh and Mr. and Mrs. Hull submitted a timely demand for public hearing, I will not require same and will render a decision based on the documentation contained within the case file.

Given the limited size of the building envelope on the subject lot and the history of the Glyndon Watch community, I am persuaded to deny the variance. As noted in prior opinions issued by this Office, the Glyndon Watch subdivision was poorly planned and the Developer was well aware that there was insufficient room on the lots beyond the proposed houses for future homeowners to construct additions or decks. The requirements for variance relief are set out in Section 307 of the B.C.Z.R. In addition to the standards expressly set out therein, the need for a variance cannot be the result of a self-imposed hardship, which is the case here. Unfortunately, it is the homeowner that is suffering the consequences and not the Developer. In any event, it is clear from the record in the previous cases that the grant of any relief would be detrimental to the health, safety and general welfare of the surrounding locale and thus, strict compliance with the zoning regulations must be maintained.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 3rd day of September 2004 that the Petition for Administrative Variance seeking relief from Sections 1B01.2.C.1.b and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 20' in lieu of the minimum required 22½' for a proposed open projection (deck), in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

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


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 9/3/04

By [Signature]

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

September 3, 2004

Mr. Vladimir Golubitskiy
Ms. Mariya Golubitskaya
226 Glyndon Watch Lane
Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Glyndon Watch Lane, 200' N of the c/l Bond Avenue
(226 Glyndon Watch Lane)
4th Election District – 3rd Council District
Vladimir Golubitskiy and Mariya Golubitskaya - Petitioners
Case No. 05-061-A

Dear Mr. Golubitskiy & Ms. Golubitskaya:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been denied, in accordance with the attached Order.

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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Walter D. Welsh
233 Sacred Heart Lane, Reisterstown, Md. 21136
Mr. & Mrs. Michael W. Hull
231 Sacred Heart Lane, Reisterstown, Md. 21136
People's Counsel; Case File

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





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 226 Glynndon Watch Ln
which is presently zoned 1D

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1001, 20.1.b., 301.1 (BCZR)

TO PERMIT AN OPEN PROTECTION (DECK) WITH A REAR SETBACK
OF 20-FEET IN LIEU OF THE REQUIRED 22.5-FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 05-061-A

REV 10/25/01

Reviewed By D. THOMPSON Date 8/2/04

Estimated Posting Date 8/15/04

ORDER RECEIVED FOR FILING
Date 9/3/04
By [Signature]

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.

That the Affiant(s) does/do presently reside at

226 GLYNDON WATCH LANE
Address
P. DISTRICT TOWN MD 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- I need a bigger deck because:
1. I have two small children, and I planning have two more, and I want to keep them on the fresh air. Family living with me: my wife, two children, my parent in-law and two sister in-law
 3. I want to put a ping-pong table on the deck also

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

DONNA HARRY

NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires May 3, 2005

Zoning Description for 226 Glyndon Watch Lane

Beginning at a point on the west side of Glyndon Watch Lane which has a 50-foot wide right-of-way at a distance of 200-feet north of the centerline of nearest improved intersecting street, Bond Avenue having a 60-foot wide right-of-way. Being lot #4 as laid out and shown on a Final Development Plan entitled "Glyndon Watch" recorded in Baltimore County Plat Book 71, Folio 150, containing 5,525 square feet. Also known as 226 Glyndon Watch Lane located in the 4th Election District and 3rd Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 39369

DATE 8/2/04 ACCOUNT 001006150

AMOUNT \$ 65.00

RECEIVED FROM: VLADIMIR GALUBITSKIY

FOR: Item # 061 05-061-ft

226 GRYNDON WATCH LAVE BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTION TIME PAN
8/02/2004 8/02/2004 11:57:46 1
REG. NO. WALKIN JUNE-BR
>> RECEIPT # 17788 8/02/2004 0713
Regt # 528 JURING VERIFICATION
CR NO. 030507

Receipt Tot \$65.00
\$65.00 CR
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-061-A

Petitioner/Developer: VLADIMIR

GOLUBITSKY

Date of Hearing/Closing: 8/30/04

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

ATTN: Kristen Matthews {(410) 887-3394}

Ladies and Gentlemen:

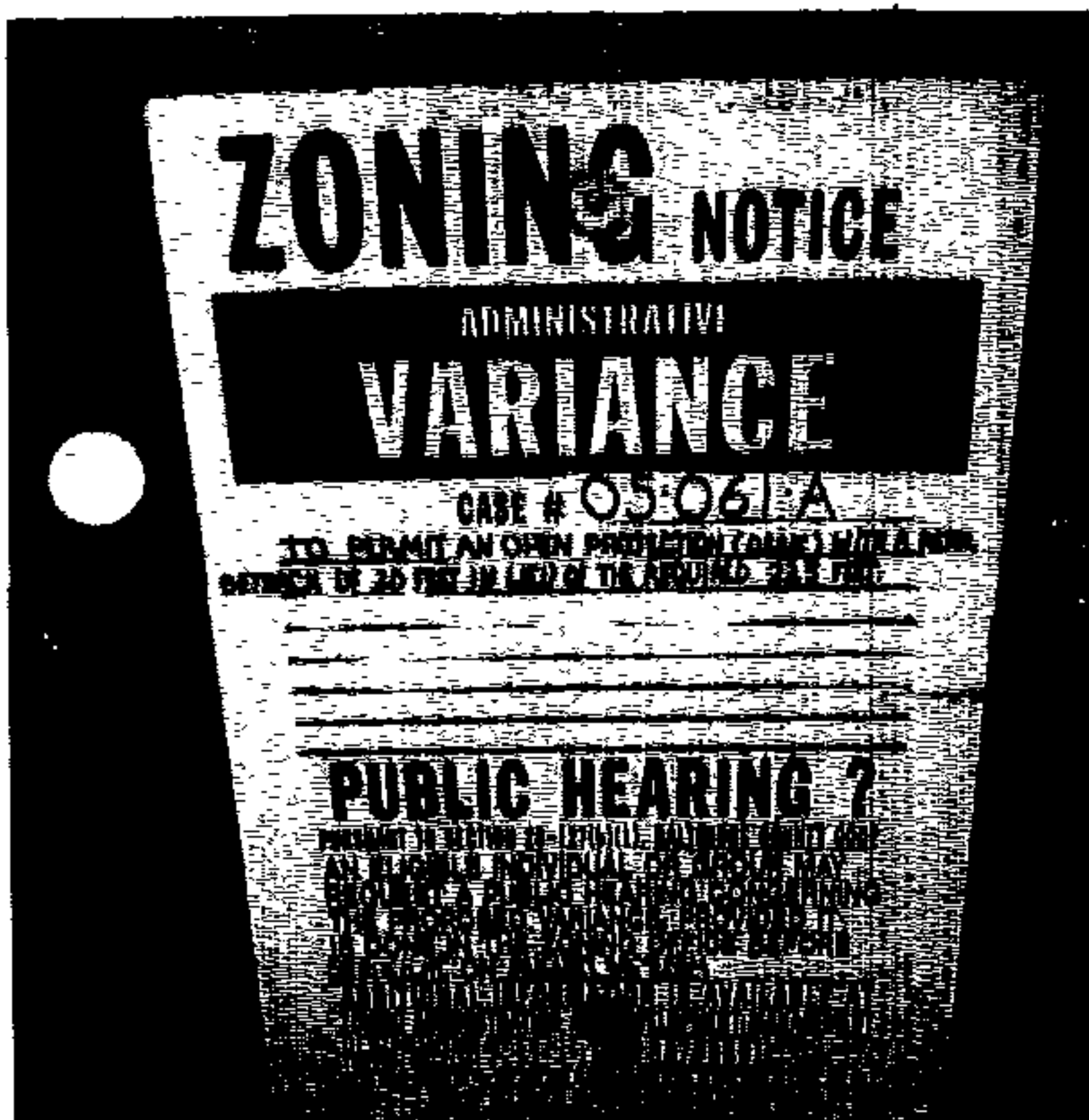
This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at:

226 GLYNDON WATCH LANE

The sign(s) were posted on

8/14/04
(Month, Day, Year)

Sincerely,



Robert A. Black
(Signature of Sign Poster)

8/14/04
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 05-061-A

Petitioner: GOLUBIT

Address or Location: 226 GLYNDON WATCH LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR + MRS. VLADIMIR GOLUBITSKIY

Address: 226 GLYNDON WATCH LANE

REISTERSTOWN, MD 21136

Telephone Number: 410-833-5362

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05- 061 -A

Address 226 GYNDON WATCH LANE

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 8/2/04

Posting Date: 8/15/04

Closing Date: 8/30/04

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 05- 061 -A

Address 226 GYNDON WATCH LANE

Petitioner's Name GOLUBITSKAYA + GOLUBITSKIY

Telephone 410-833-5362

Posting Date: 8/15/04

Closing Date: 8/30/04

Wording for Sign: To Permit AN OPEN PROTECTION (DECK) WITH A REAR SETBACK
OF 20-FEET IN LIEU OF THE REQUIRED 22.5- FEET.

WCR - Revised 6/25/04

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.

That the Affiant(s) does/do presently reside at

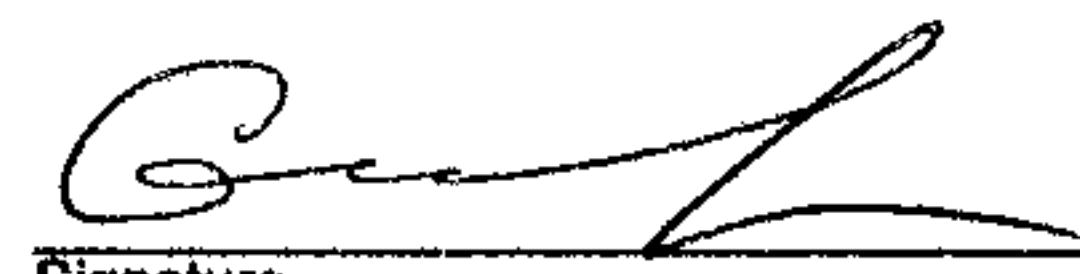
226 GLYNDON WATCH LANE
Address
REISTARTOWN MD 21136
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- I need a bigger deck because:
1. I have two small children, and I planning have two more, and I want to keep them on the fresh air most of the day
 2. I have a big family living with me. my wife, two children, my parent in-law and two sister in law
 3. I want to put a ping-pong table on the deck also

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.


Signature
V. Golubitzky
Name - Type or Print

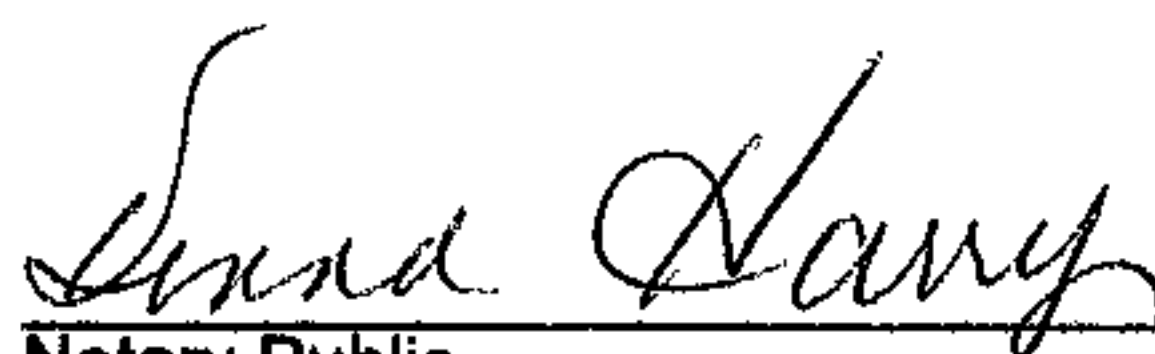

Signature
M. Golubitzky
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28 day of July, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal


Notary Public

My Commission Expires



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 226 GLYNDON WATCH LANE
which is presently zoned ID

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1201.2C.1.b., 301.1 (BCZR)

TO PERMIT AN OPEN PROTECTION (DECK) WITH A REAR SETBACK
OF 20-FEET IN LIEU OF THE REQUIRED 22.5-FEET.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

VLADIMIR GOLUBITSKIY
Name - Type or Print

Signature

MARIYA GOLUBITSKAYA
Name - Type or Print

Signature

226 GLYNDON WATCH LANE 410-833-5362
Address Telephone No.

BEISTARSTOWN MD
City State

21136
Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 05-061-A

Reviewed By D. THOMPSON Date 8/2/04

Estimated Posting Date 8/15/04

**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*

August 30, 2004

Vladimir Golubitskiy
Mariya Golubitskaya
226 Glyndon Watch Lane
Reisterstown, Maryland 21136

Dear Mr. Golubitskiy and Ms. Golubitskaya:

RE: Case Number:05-061-A, 226 Glyndon Watch Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 2, 2004.

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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Holman, Chief

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

August 24, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 16, 2004

Item No.: 061-069, 071, 072, 074, 076-080

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. 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: 8.13.04

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

RE: Baltimore County
Item No. 061 DT

Dear Ms. Matthews:

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,

Steven D. Foster, Acting Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: John D. Oltman, Jr. JDO

DATE: September 3, 2004

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 16, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-061

04-062

04-063

04-065

04-067

04-068

04-069

04-071

04-072

04-077

04-079

04-080

04-081

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: August 17, 2004

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-061 and 5-064
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: Mark A. Cunningham

Division Chief: John J. Lanza

MAC/LL

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 1, 2004

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For August 23, 2004
Item Nos (061), 062, 063, 064, 065,
066, 067, 068, 069, 070, 072, 074, 075,
076, 077, 079, 080, and 081

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

RWB:CEN:jrb

cc: File

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

September 2, 2004

Mr. & Mrs. Walter D. Welsh
233 Sacred Heart Lane
Reisterstown, Maryland 21136

Mr. & Mrs. Michael W. Hull
231 Sacred Heart Lane
Reisterstown, Maryland 21136

RE: PETITION FOR ADMINISTRATIVE VARIANCE
226 Glyndon Watch Lane
Case No. 05-061-A

Dear Mr. & Mrs. Welsh & Mr. & Mrs. Hull:

Your letter of August 25, 2004 addressed to Mr. Timothy Kotroco, Director of the Department of Permits and Development Management, has been forwarded to me for a response.

As you noted in your letter, the subject property is located within the Glyndon Watch subdivision, the development plan for which was considered by me in 1998. Although I denied the original plan filed in that matter (Case No. IV-514), the subsequent plan submitted by the Developer met the minimum development requirements of Baltimore County and I reluctantly approved same on March 29, 1999. Within that Opinion and Order, I noted that only single family dwellings without decks or additions would fit in the minimal building envelopes provided and that future property owners would be forced to obtain variance relief for such structures. Indeed, there have been two such Petitions for Variance relief since that time, and following a public hearing in both instances, the relief requested was denied.

The subject Petition seeks similar relief through the administrative variance process, which allows the owner of an occupied residential property to seek relief without the need for a public hearing. However, individuals who reside within 1,000 feet of the property in question may demand that a hearing be held. I have reviewed the documentation contained within the case file for this property and given the prior history of this subdivision, will not require that the matter be scheduled for a public hearing. Therefore, I am returning your check that would have covered the expense should such proceedings have been deemed necessary. In this regard, I am denying the relief requested and am enclosing herewith a copy of the decision rendered in that case. As is customary, the right of appeal of any decision rendered by the Office of the Zoning Commissioner runs for thirty (30) days from the date of the Order.

Thank you for bringing this matter to our attention and should you have any further questions on the subject, please do not hesitate to call me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Timothy Kotroco, Director, DPDM
File (Case No. 05-061-A)

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



August 25, 2004

Mr. Timothy Kotroco
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21104

Re: Case #05-061-A
Admin. Variance
Lot #4
226 Glyndon Watch Lane
Reisterstown, Maryland 21136

Dear Mr. Kotroco:

The enclosed documents should be self explanatory as to why we are having a difficult time understanding the posting of an Administrative Variance sign on the above referenced property.

After reviewing the enclosed documents we hope you will deny the request for the above variance without the need for a public hearing.

If this is not possible, then we respectfully request a public hearing on this matter. We sincerely hope that this will not be necessary but if it should, please find enclosed check in the amount of \$50.00 for said hearing.

If the need does arise for a public hearing, we would appreciate Hearing Officer Lawrence Schmidt preside since he was the Hearing Officer on this subdivision for the beginning.

Sincerely yours,


Walter D. Welsh

Sonya T. Welsh

Michael W. Hull

Joyce A. Hull

Enclosures 4

- (1) Case 00-101-A
Petition For Variance Denied
Dated 8 November 1999
Lawrence E. Schmidt, Zoning Commissioner
- (2) Case 01-412-A
Petition for Variance Denied
Dated 26 June 2001
Timothy M. Kotroco, Deputy Zoning Commissioner

- (3) Letter to Mr. Arnold Jablon, Director, dated 4-19-01
From the Law Office of J. Carroll Holzer, PA
- (4) Check # 1629 for \$50.00 payable to Balto. Co.



Baltimore County
Zoning Commissioner

November 8, 1999

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

Lawrence M. Hammond, Esquire
465 Main Street
Reisterstown, Maryland 21136

RE: PETITION FOR VARIANCE
N/S Bond Avenue, 25' E of the c/l Glyndon Watch Lane
(310 Bond Avenue/231 Glyndon Watch Lane)
4th Election District – 3rd Councilmanic District
Christopher S. Howell & Samuel R. Rothblum, and
Regional Homes of Glyndon Watch, LLC - Petitioners
Case No. 00-101-A

Dear Mr. Hammond:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, in accordance with the attached Order.

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 Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Gordon Greenspun, Regional Homes of Glyndon Watch, LLC
115 Sudbrook Lane, Baltimore, Md. 21208
Messrs. Christopher S. Howell and Samuel R. Rothblum
212 Washington Avenue, Towson, Md. 21204
Mr. Richard Matz, Colbert-Matz-Rosenfelt
2835 Smith Avenue, Suite G, Baltimore, Md. 21209
J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, Md. 21286
Mr. Phil Huppman, 1 Village Vale Court, Reisterstown, Md. 21136
Mr. Walter D. Welsh, 233 Sacred Heart Lane, Reisterstown, Md. 21136
✓ Mr. & Mrs. Michael W. Hull, 231 Sacred Heart Lane, Reisterstown, Md. 21136
People's Counsel; Case File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

IN RE: PETITION FOR VARIANCE
N/S Bond Avenue, 25' E of the c/l
Glyndon Watch Lane
(310 Bond Avenue/231 Glyndon Watch Lane)
4th Election District
3rd Councilmanic District

Christopher S. Howell, et al, Owners;
Regional Homes of Glyndon Watch, LLC,
Contract Purchasers

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-101-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the then owners of the subject property, Christopher S. Howell and Samuel R. Rothblum, and the Contract Purchaser, Regional Homes of Glyndon Watch, LLC, by Gordon Greenspun, Principal. The Petitioners seek relief from Section 1B01.2.C.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side building face to tract boundary setback of 10 feet in lieu of the required 15 feet, and an amendment to the last approved Final Development Plan for Glyndon Watch (aka Dett/Chambers Property, Case IV-514), Lot 1 thereof, for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request was Eric M. Levitt, a representative of Regional Homes of Glyndon Watch, LLC, which recently acquired title to the subject property, Richard E. Matz, Professional Engineer who prepared the site plan for this property, and Lawrence M. Hammond, Esquire, attorney for the Petitioners. Appearing as interested persons were Phil Huppman, Walter D. Welsh, and Michael and Joyce Hull. Mr. Welsh and Mr. & Mrs. Hull were represented by J. Carroll Holzer, Esquire.

Testimony and evidence received revealed that the subject lot consists of a gross area of 1.488 acres, more or less, zoned D.R.3.5, and is part of a new residential subdivision, to be known as Glyndon Watch, formerly known as the Dett/Chambers Property. The subject lot, known as Lot 1 of

Glyndon Watch, is located on the north side of Bond Avenue, adjacent to that road's intersection with a proposed new road, to be known as Glyndon Watch Lane, which will provide access to this subdivision.

This Zoning Commissioner is familiar with the subject property and subdivision by virtue of prior proceedings before me. The Glyndon Watch subdivision was approved following a lengthy review through the County's development review process. Originally, a development plan was submitted showing a proposal to construct 28 single family dwellings. The overall tract for this development contains approximately 8.4409 acres. Following the project's review by appropriate County agencies and a Hearing Officer's Hearing in Case No. IV-514, I issued an Order on December 14, 1998 that denied that plan. I noted in my Hearing Officer's Opinion and Development Plan Order that the proposed scheme of development was inappropriate for the subject property. Specifically, I observed that the proposal represented an over-development of the subject site. I stated, in part, "...the site cannot practically handle a single family dwelling scheme of that density. The dwelling lots are laid out in such a manner so as to not permit any potential expansion to any of the proposed houses, including additions or reasonably-sized decks. Ultimate purchasers will be forced to seek variance relief in order to obtain any such improvements or amenities, which will detrimentally impact existing properties that abut the tract."

Following the issuance of that Order, the Developer filed a Motion for Reconsideration which was denied on January 21, 1999. Ultimately, the Developer reached an agreement with surrounding neighbors and submitted a plan which met the minimum development requirements of Baltimore County. Reluctantly, I approved that plan on March 29, 1999.

The concerns expressed in those prior Orders are indeed realized by the filing of the instant Petition for Variance. In the subject case, the dimensions of proposed Lot 1 are insufficient to accommodate a dwelling of the size proposed. Thus, the applicant now seeks variance relief as set out above.

At the hearing, Mr. Matz testified and presented his best efforts to persuade this Zoning Commissioner that relief should be granted. He indicated that the lot was but 27 feet wide and that a

a reasonably-sized single family home cannot be accommodated due to that dimension. He also argued that my prior Order expressed concerns about potential variance relief for decks or additions; however, that this proposal was for neither. That is, the requested relief here was for a dwelling, and not an amenity. He also testified that the Builder was not known at the time of development and that the Builder subsequently elected to construct dwellings in this subdivision should not be penalized for any deficiencies in the original plan.

Mr. Matz' arguments are not persuasive. First, the Petition seeks variances even greater than originally anticipated. As stated in my original Order, I feared that only single family dwellings without decks or additions would fit in the minimal building envelopes shown on the development plan. It appears that my concerns were understated; in fact, the dwellings themselves cannot fit within the approved building envelopes. Secondly, the contention that this Builder is not connected to the plan is disingenuous. Admittedly, Regional Homes of Glyndon Watch, LLC was not a party in the prior development plan case. However, the principal of that limited liability corporation is Gordon Greenspun, who signed the instant Petition on behalf of that LLC. There is no doubt that this is the same Gordon Greenspun who participated in the original proceedings as the Developer. Renaming of a corporate or business entity does not clean unwashed hands.

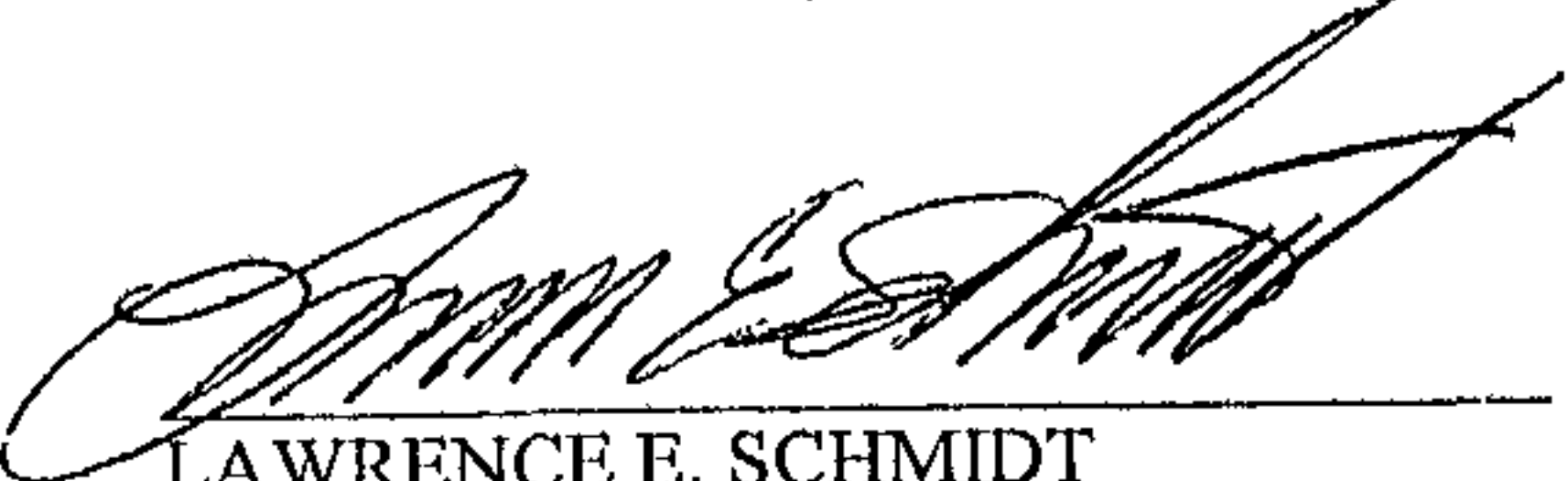
The requirements for variance relief are set out in Section 307 of the B.C.Z.R. In addition to the standards expressly set out therein, it is clear from the case law that the need for a variance cannot be the result of a self-imposed hardship. That is precisely the case here. The builder, unable to fit his desired size house on the subject property now asks this Zoning Commissioner for relief to accommodate a poorly designed plan. Under the circumstances, relief will not be forthcoming, at least not by my Order.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

 THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of November, 1999 that the Petition for Variance seeking relief from Section 1B01.2.C.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side building face to

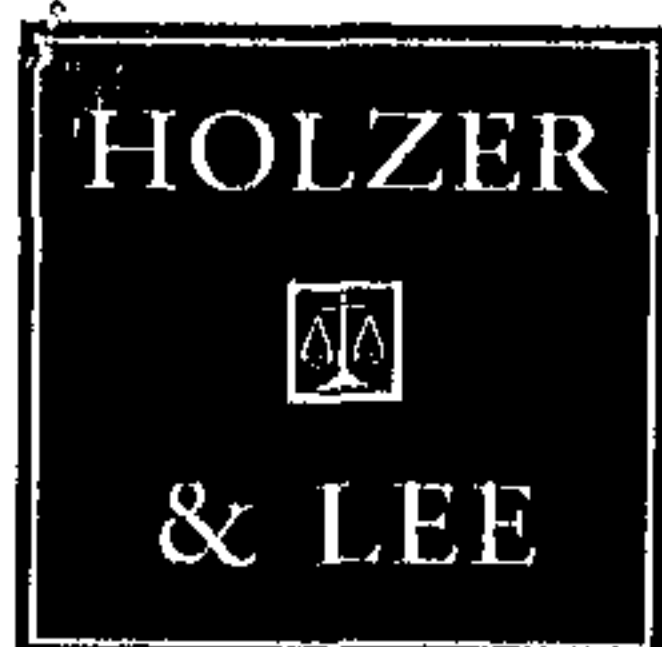
tract boundary setback of 10 feet in lieu of the required 15 feet, and an amendment to the last approved Final Development Plan for Glyndon Watch (aka Dett/Chambers Property), Lot 1 thereof, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs



LAW OFFICES

J. CARROLL HOLZER, PA

J. HOWARD HOLZER

1907-1989

THOMAS J. LEE

OF COUNSEL

THE 508 BUILDING

508 FAIRMOUNT AVE.

TOWSON, MD 21286

(410) 825-6961

FAX: (410) 825-4923

E-MAIL: JCHOLZER@BCPL.NET

April 19, 2001

#7086

Arnold Jablon, Director
Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Glyndon Watch Development
Chambers/Dett Property
PDM File No. IV-514

Lots 2-12
Glyndon Watch Lane
Reisterstown MD 21136

Dear Mr. Jablon:

Please be advised that I represented Michael and Joyce Hull and Walter and Sonya Welsh in opposing the Development Plan for the Glyndon Watch Subdivision.

In the approval of the Development Plan by Hearing Officer Larry Schmidt, Mr. Schmidt indicated in his decision in Case No. IV-514, page 2, "As indicated in my initial Order, I do not believe that this Plan represents the best development potential for this property. As noted in my prior Opinion, the site cannot practically handle the single-family dwellings scheme, which is proposed." Unfortunately, Hearing Officer Schmidt was required by law to approve the Plan based upon the fact that there were no unresolved agency comments or open issues. He expressed the fact that his personal tastes and preferences for the development could not take precedence over his applying Section 26-206 of the Baltimore County Code.

Since that time, there has been a Petition for Variance filed in Case No. 00-101-A, wherein the developer desired a variance to permit a side building set back of 10 feet in lieu of 15 feet. This relief was denied by Mr. Schmidt, the Zoning Commissioner in that case, in which he said,

"The Petition seeks variances even greater than originally anticipated. As stated in my original Order, I feared that only single-family dwellings without decks or additions would fit in the minimal building envelope shown on the Development Plan. It appears that my concerns were understated; in fact, the dwelling themselves cannot fit within in the approved building envelopes."

He then denied the Variance request.

Thereafter, a property owner on Lot No. 7 (220 Glyndon Watch Lane), Amy L. Estes and Jennifer L. Reed, applied for a permit to construct a deck. It appears that in the course of that application, the distance between the building envelope and the property line was misstated by the applicant and, as a result, a permit was issued for the construction of the deck. After complaints by Mr. and Mrs. Hull and Mr. and Mrs. Welsh, a Stop Work Order was issued. It appears that the owners of Lot No. 7 must now come in and seek a variance to permit the deck. That case will be handled on its merits at a public hearing, I am sure, before the Zoning Commissioner or his Deputy. As a result of their request for continued enforcement of the rules and zoning regulations by Mr. and Mrs. Hull and Mr. and Mrs. Welsh, antagonism is being generated between the new neighbors in the Glyndon Watch community and my clients. It appears that it should be totally unnecessary for Mr. and Mrs. Hull and Mr. and Mrs. Welsh to be required to constantly police the activities that are taking place in this subdivision.

I would therefore request, that your office "red flag" any applications for decks or other appurtenances to the following residences within Glyndon Watch Subdivision so that Baltimore County can properly enforce the regulations as opposed to requiring the intervention of my clients and the resulting antagonism to them by their neighbors.

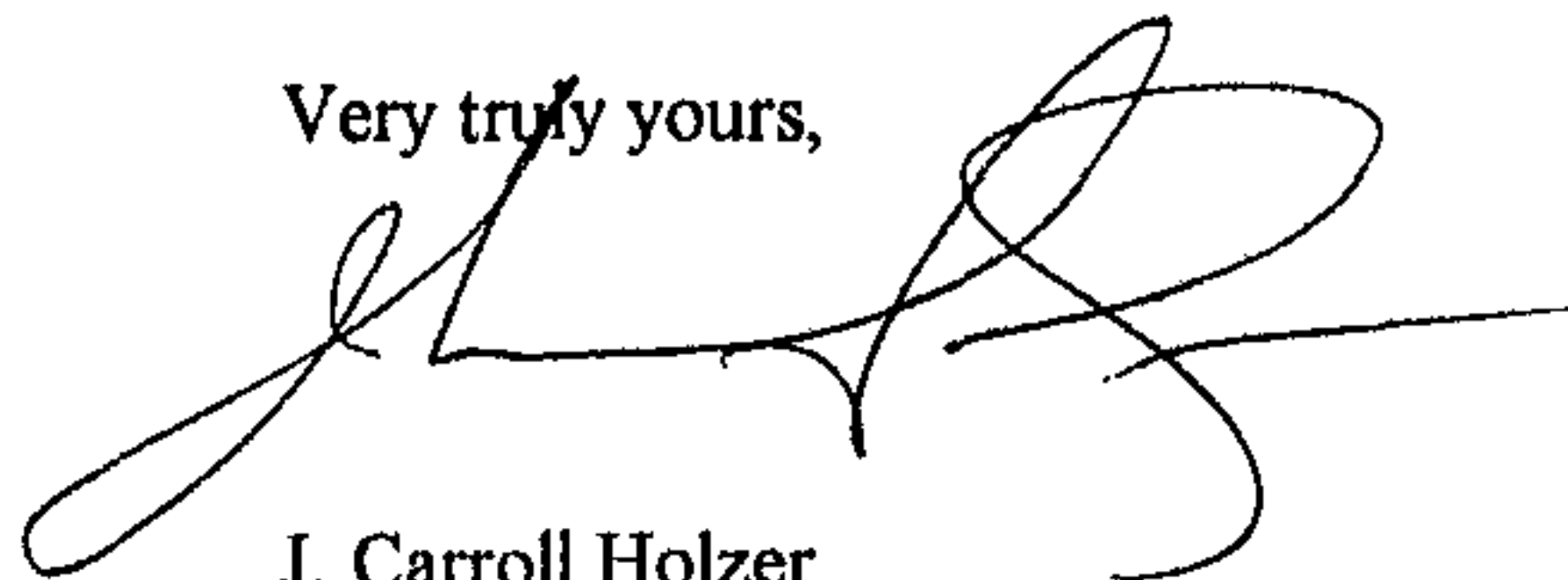
The homes in question are as follows:

210 Glyndon Watch Lane (Subdivision Lot No. 12)
212 Glyndon Watch Lane (Subdivision Lot No. 11)
214 Glyndon Watch Lane (Subdivision Lot No. 10)
216 Glyndon Watch Lane (Subdivision Lot No. 9)
218 Glyndon Watch Lane (Subdivision Lot No. 8)
220 Glyndon Watch Lane (Subdivision Lot No. 7)
222 Glyndon Watch Lane (Subdivision Lot No. 6)
224 Glyndon Watch Lane (Subdivision Lot No. 5)
226 Glyndon Watch Lane (Subdivision Lot No. 4)
228 Glyndon Watch Lane (Subdivision Lot No. 3)
230 Glyndon Watch Lane (Subdivision Lot No. 2)

It appears to me that if these addresses were "red flagged" so that members of your staff, who are reviewing this matter from a zoning standpoint as well as from permitting standpoint, could be alerted to the fact that all of these properties have the same potential problems for decks as that being suggested for 220 Glyndon Watch Lane.

I would appreciate any efforts that you would be able to provide to rectify this situation brought on by the approval of the less than satisfactory development plan, which is creating many difficulties and hardships for my clients. Please feel free to give me a call if you have any questions or desire any additional information.

Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Carroll Holzer', with a long horizontal line extending to the right.

J. Carroll Holzer

Cc: John Alexander
Larry Schmidt
County Executive Dutch Ruppertsberger
3rd District Councilman Brian McIntyre
Mr. and Mrs. Hull
Mr. and Mrs. Welsch

S 20A

RECEIVED

04-3172

AUG 26 2004

DEPT. OF PERMITS AND
DEVELOPMENT MANAGEMENT

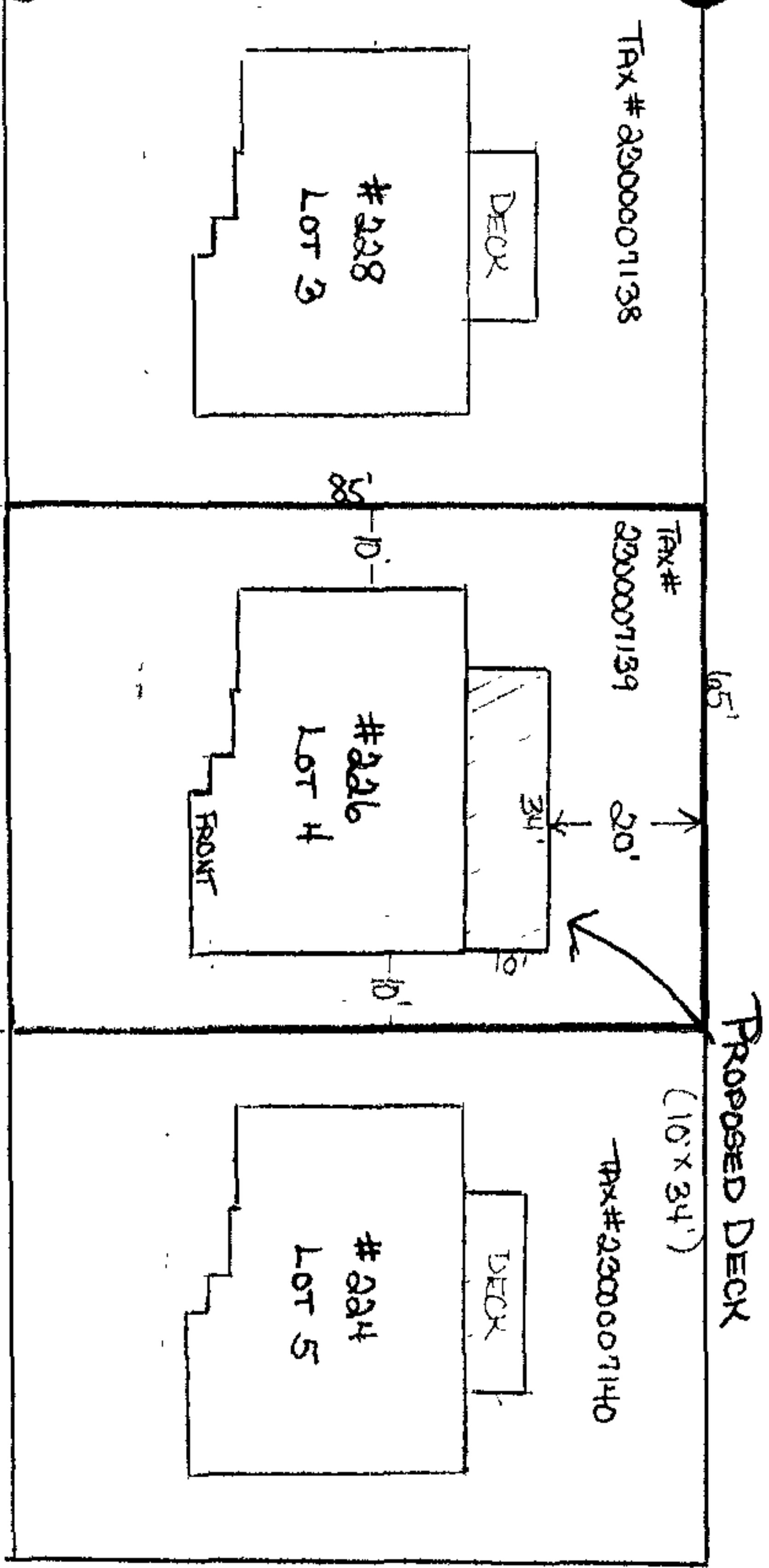
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 226 GYNDON WATCH SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME GYNDON WATCH

PLAT BOOK # 11 FOLIO # 150 LOT # 4 SECTION #

OWNER VLADIMIR + MARINA GOLUBITSKYA

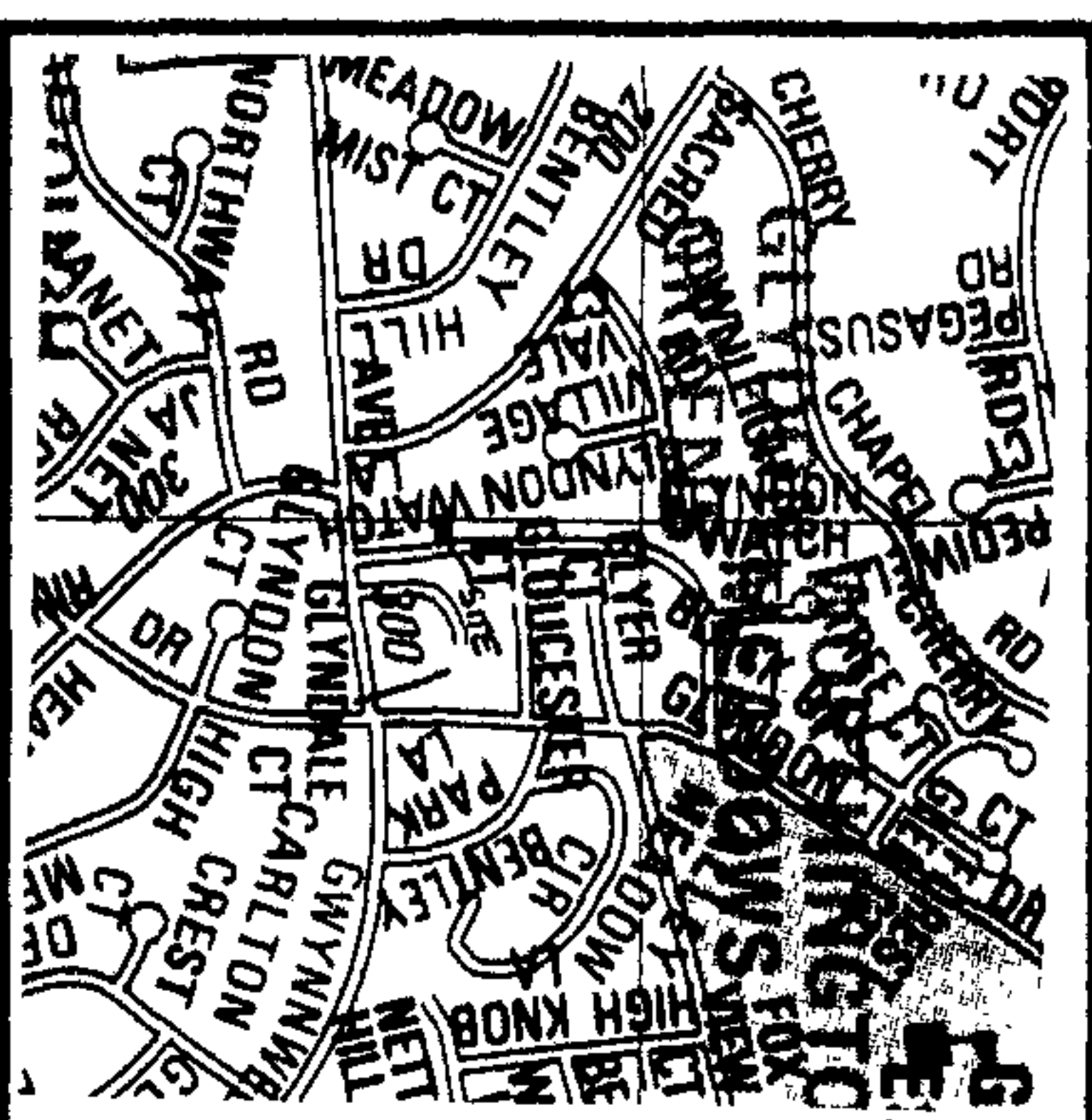


GYNDON WATCH LANE
(50' R/W)

Def. Et. 1



PREPARED BY V.G. SCALE OF DRAWING: 1" = 30'



LOCATION INFORMATION

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 3

1"=200' SCALE MAP # NW165

ZONING D.R. 3.5

LOT SIZE 5525 ACREAGE 5525 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

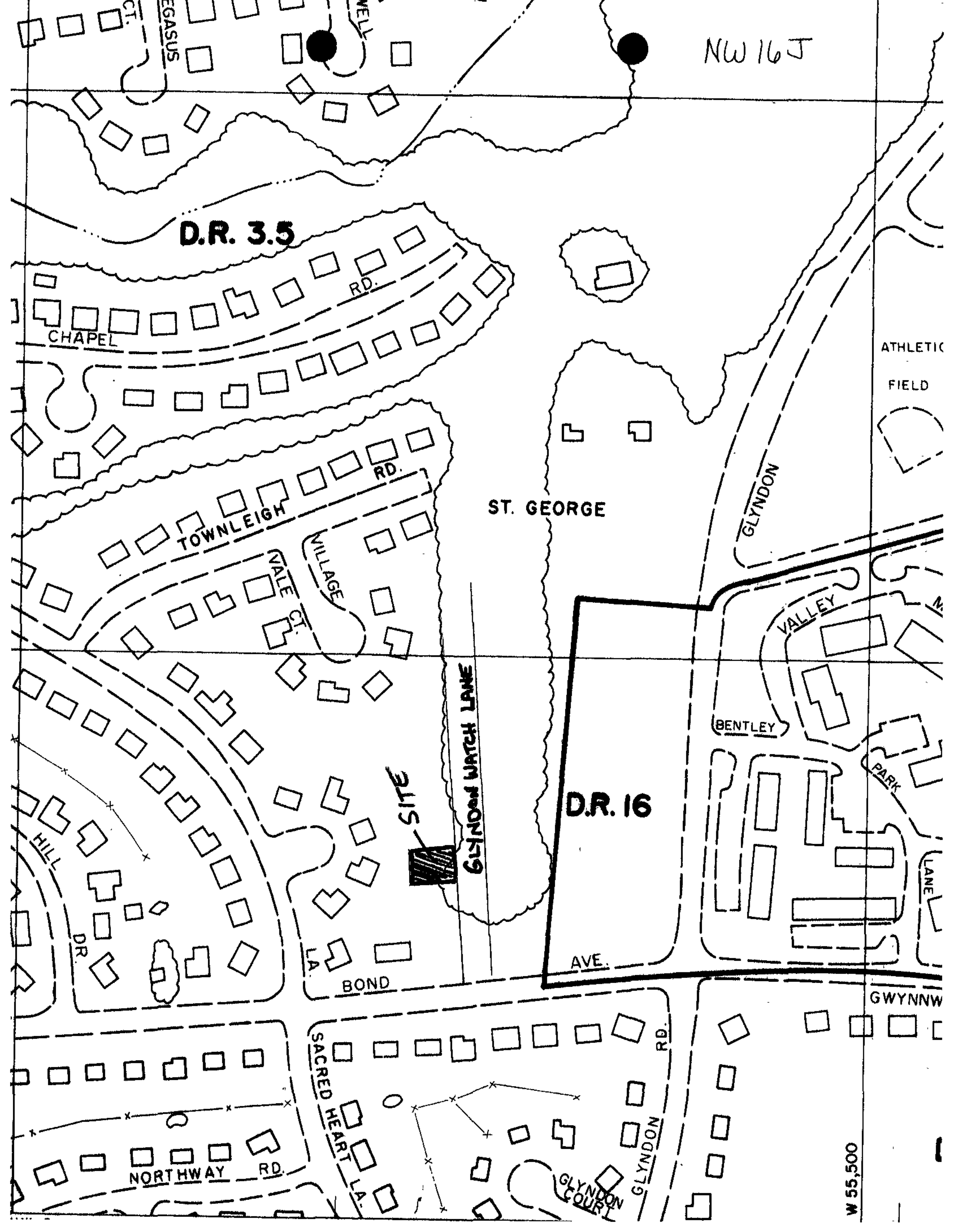
CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY / BUILDING ☐ ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY D. Thompson ITEM # 061 CASE # 05-061-A

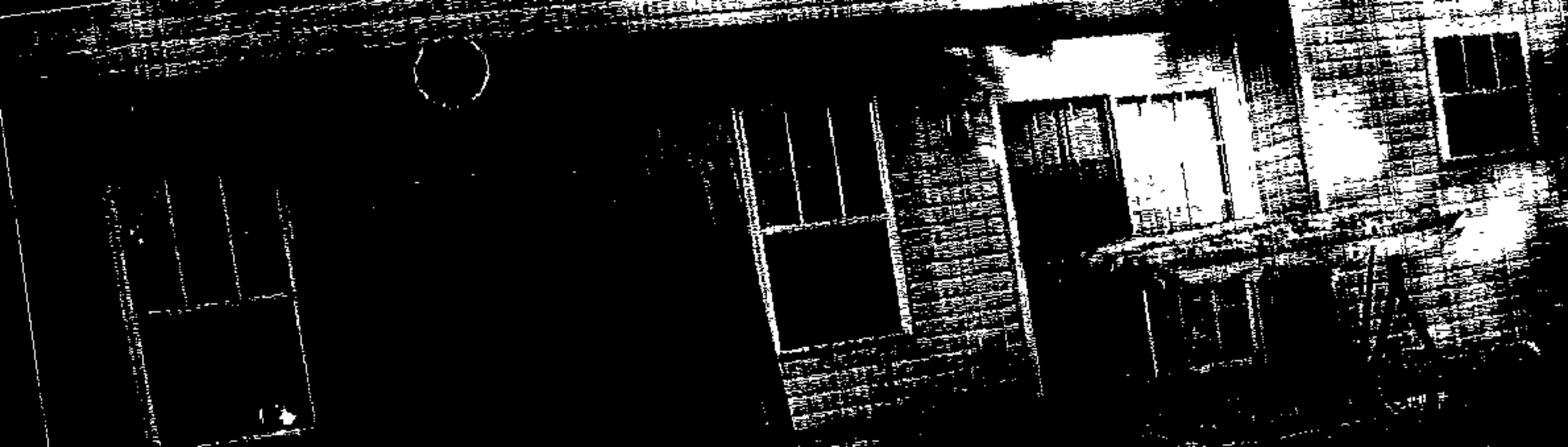




REAR OF 226 GLYNDON
WATCH
LANE
05-0611-A

REAR OF 226 GLYNDON
WATCH
LANE

05-061-A



REAR OF 226 GLYNDON WATCH
LANE
05-061-A