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IN RE: PETITION FOR ADMIN. VARIANCE
S/Side of Thoroughbred Lane, 425'
West of Bonita Road
4th Election District
2nd Councilmanic District

(3809 Thoroughbred Lane)

Howard L. and Beverly L. Rothschild Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- CASE NO. 06-263-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before this Deputy Zoning Commissioner a Petition for Administrative Variance filed by Howard L. and Beverly L. Rothschild, Petitioners. The variance request is for property located at 3809 Thoroughbred Lane in the Owings Mills area of Baltimore County. The variance request is from Sections 1B02.3.B and 1A00.3.B.3 (1970 Zoning Regulations), of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a proposed addition with a side yard setback of 30 feet in lieu of the minimum required 50 feet, to amend the Final Development Plan for Worthington (Lot 43), and to amend the prior variances in Zoning Cases 05-165-A and 77-24-ASPH.

A Formal Demand for Hearing was filed by Richard Adelberg, a nearby property owner.

As a result, the case was set for public hearing.

The property was posted with a notice of the public hearing date and time on January 3, 2006 and notice was given to the general public by publication in the Jeffersonian Newspaper on January 3, 2006.

Interested Persons

Appearing at the hearing on behalf of the variance request was Howard Rothschild, Petitioner. There were no protestants or citizens attending the hearing.

Zoning Advisory Committee

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

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."

Testimony and Evidence

Testimony and evidence indicated that the property, which is the subject of this variance request, contains 1.236 acres, more or less. and is zoned R.C. 5 (formerly RDP), as shown on Petitioners' Exhibit No. 1. This same property was the subject of a prior case, Case No. 05-165-A, which asked for similar relief. In the prior case, the Petitioners proposed to construct a 30-ft. x 40-ft. addition to the side of their existing home, which would have two (2) garage bays and room for handicapped ramps to allow the Petitioner to access his vehicles within the garage. The Petitioner testified that he suffers from a back problem that has resulted in four (4) surgeries. He indicated that this condition might limit his access to his vehicles and also to his basement

that he now uses for storage. In anticipation of debilitating problems, he proposes to build a two (2) car garage to store his vehicles out of the weather, which would contain the access ramps and sufficient storage room to replace his basement.

The subject request is for a similar addition but with a different configuration as shown on Petitioner's Exhibit 1. The Petitioner indicated that when he saw the final layout of the garage, he noticed that the house was not centered on the lot and that the previously proposed addition would not produce a balanced design of house and lot. Therefore, he now proposes to shorten the addition for the garage as shown on Exhibit 2 to 30 feet. The space lost in this change would be replaced by a further addition in rear yard again as shown on Exhibit 1. However, the house and lot lines are not parallel and although the garage portion of the addition is smaller, the additional room on the rear comes within 30 feet of the property line to the east.

The Petitioner testified that Mr. Adelberg, who did not attend the hearing, spoke to him and indicated he was satisfied with the addition once the Petitioner explained what was being proposed. The Petitioner also indicated that the design of the addition would be compatible with the existing house and neighborhood, as he will use cedar shakes and complementary features on the addition. He also noted that there was no room in the rear yard because of an existing pool, existing septic reserve area, and his need to have an all weather connection from the garage to the house.

Mr. Rothschild repeated his assertion that a line of trees along the panhandle driveway would make the addition invisible to anyone on the driveway. In addition, he noted that his property slopes toward the rear where there is a double row of mature white pines, which again screen the new addition.

Findings of Fact and Conclusions of Law

A review of Case No. 05-165-A reveals that the variance for a 39 foot setback was granted by this Commission but the decision was subsequently appealed to the Board of Appeals by the Petitioner's neighbor, Dr. Berman. However, that appeal was later withdrawn by Dr. Berman resulting in this Commission Order becoming final.

The new request changes the configuration of the addition. While the garage portion of the addition was reduced from 40 feet to 30 feet in length, another 16 x 43 structure was added to the rear of the home. The size of the addition has increased from 1200 sq. feet to nearly 1600 sq. feet. However, the rear corner of the addition is now 30 feet from the east boundary whereas the prior case requested 39 feet. In summary, the addition is larger and closer to the neighbors. Whereas I have no reason to deny the new request, I find that there is even greater need for the County Landscape Architect to be sure the addition is properly screened from the neighbors which I previously ordered.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. The house and lot lines on the east are not parallel. In addition, the Petitioner needs wheelchair access to his vehicles which the new garage would provide making the structure unique.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Mr. Rothschild asserts once again that there is no other place to build the addition. I also find that this variance can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. I make this finding, as I did previously, that the addition has to be properly screened from nearby residences. Consequently, although I will grant the variance requested, I will require that the Petitioner's submit a

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landscape plan to the County Landscape Architect for review and approval prior to the County issuing any building permit for the addition. The Landscape Architect will review the existing vegetation and determine what additional plantings, if any, are needed to properly screen the adjoining properties from the addition.

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

- 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2. The Petitioners shall submit a landscape plan to Avery Harden, County Landscape Architect, for his review and approval prior to the County issuing any building permit for the addition. The Landscape Architect will review the existing vegetation and determine what additional plantings, if any, are needed to properly screen the addition from the adjoining properties.
- 3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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:dlw

Date 1-23-06
By (2) the Carling



JAMES T SMITH, JR
County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

January 23, 2006

Howard L. Rothschild Beverly L. Rothschild 2809 Thoroughbred Lane Owings Mills, Maryland 21117

Re: Petition for Administrative Variance

Case No. 06-263-A

Property: 3809 Thoroughbred Lane

Dear Mr. and Mrs. Rothschild:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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 and 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

for Baltimore County

JVM:dlw Enclosure

c: Richard Adelberg, 3813 Thoroughbred Lane, Owings Mills, MD 21117 Avery Harden, Balto. Co. Landscape Architect, DPM People's Counsel; Case File



PROGRA RECEIVED

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3809 Thoroughbred Laue which is presently zoned RCS (Formerly RDP)

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)

1BO2,3,B, BCZR (Section 1 A 00, 3, B, 3, 1970 Zoning Regulations) to permit a proposed addition with a side yard setback of 30 feet in lieu of the minimum required 50 feet, and to amend the Final Development Plan for Worthington (Lot43), and to amend the prior variances in Zoning cases 05-165-A and 77-24-ASPH,

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.

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Contract Pur	chaseriLessee:		Legal Ow	ner(s):		
			HOWARK	L. ROTHS	ecit ies	1
Name - Type or Pri	nt		Name - Type or Print	A TOTAL	70145	
Signature	<u> </u>		Signature		<u></u>	··
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Address		Telephone No.	Name - Table o	r Print	2	
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Attorney For	Petitioner:		3809 1401	ROUGHBRE		10-356-2979
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Name - Type or Prir	at	<u> </u>	City	St	2/// <u>2</u> ate Z	p Code
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City	State	Zip Code	City		State	Zip Code
A Public Hearing	having been formally demands	d and/or found to	be required, it is order	ed by the Zoning (Commissioner of Ba	Itimore County, this
of Beltimore County	and that the property be reposted	iubject matter of this ·	petition be set for a public	: hearing, advertise	id, as required by the	zoning regulations
. 3	•		Zonin	ng Commissioner o	of Baltimore County	·
SE NO.	06-263-A	Reviewed E	JNP	Date	11/17/05	-
3/15/98				1,7	17/05	
2 13/30			Estimated Posting Date _	11/0	- 1/~3	 _

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 A	Affiant(s)	does/do	presentily	reside	а
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REV 09/15/98

3809 THORD	UEHBRED	LANE
COUINGS MILL	- Ma	つ・・・ノブ
CUINGS MILL		allet
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):

- 1. New garage will provide for an indoor handicap ramp for entrance into home.
- 2.Owner will require wheelchair access in near future.
- 3.Owner will also require ground level storage area
- 4. Obstruction in rear (pool), and front (trees) prevent placement to the rear or front.
- 5. I would like to build this structure while I am still able to work and afford the build out.
- 6. Both my wife and I are happy in our home and would like not to be forced to move to accommodate our physical needs.
- 7. Garage will be constructed with the same exterior as the existing home so that it will blend into the area.
- 8. Solid tree cover will prevent neighbor from being able to see the new structure.

mand is filed, Affiant(s) will be required to pay a reposting and al information.
Block S. A.
Signature
BEVERLY L' ROTASCHIKA
Name - Type or Print
o wit:
wer, <u>accs</u> , before me, a Notary Public of the onally appeared
y L. Rothschild
identified to me as such Affiant(s), and made oath in due form of true and correct to the best of his/her/their knowledge and belief.
Notary Public

AUDREY WINER

NOTARY PUBLIC
Howard County, MD
My Commission Expires Jan. 16, 2008

ZONING DESCRIPTION FOR 3809 THOROUGHBRED LANE

Beginning at a point on the South side of

Thoroughbred Lane which is 60ft. wide at

the distance of 425ft. west of the

centerline of the nearest improved intersecting street **BONITA**

ROAD WHICH IS 60 FEET right-of-way width wide. Being Lot

43 in the subdivision of WORTHINGTON

as recorded in Baltimore County Plat Book #38, Folio #15,

containing 1.236 acres. Also known as 3809 Thoroughbred Lane

and located in the 4th Election District, 2nd Councilmanic

District.



FORMAL DEMAND FOR HEARING

CASE NUMBER: (10000-4)
Address: 3809 thoroughbed (n
Petitioner(s): Roundy
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: We \(\lambda ich \alpha \)
Name - Type or Print
() Legal Owner OR () Resident of 3813 Thoroughbred Ln)
3813 Thoroughbred (n)
Address
annys Mills MA 2117
City State Zip Code
410-356-2671
Telephone Number
which is located approximately
Signature i 2/12/05 Date
Signature Revised 9/18/98 - wcr/scj

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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: #06-263-A

3809 Thoroughbred Lane

3809 Thoroughbred Lane
S/side of Thoroughbred Lane, 425 feet west of Bonita Road
4th Election District - 2nd Councilmanic District
Legal Owner(s): Howard L. & Beverly L. Rothstein
Variance: to permit a proposed addition with a side yard
setback of 30 feet in leiu of the minimum required 50 feet
and to amend the Final Development plan for
Worthington, Lot 43 only, and to amend the prior
variances in Zoning Cases 05-165-A and 77-24-ASPH.
Hearing: Wednesday, January 18, 2006 at 10:00 a.m.
in Room 407, County Courts Building, 401 Bosley
Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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.

17/1/622 Jan 3 JT/1/622 Jan. 3

CERTIFICATE OF PUBLICATION

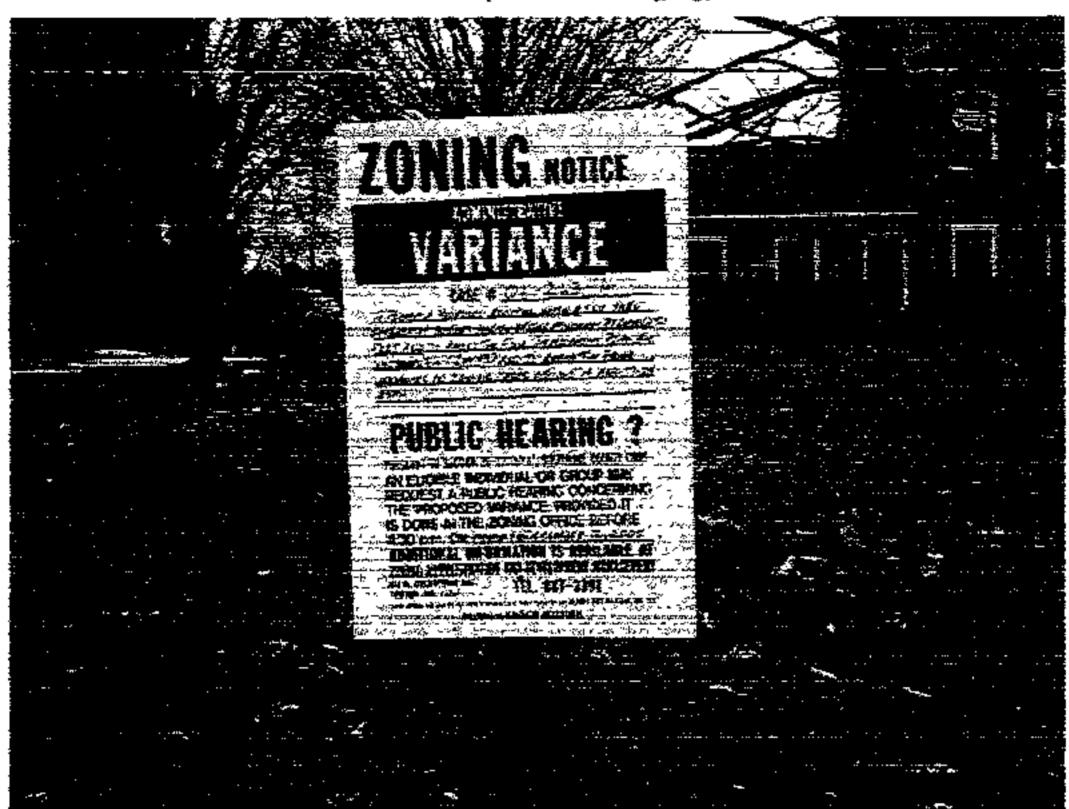
THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each ofsuccessive weeks, the first publication appearing
on 13 , 2006.
The Jeffersonian
Arbutus Times
Catonsville Times
☐ Towson Times
Owings Mills Times
NE Booster/Reporter
☐ North County News

J. W. LUNG --LEGAL ADVERTISING

CERTIFICATE OF POSTING

	RE: Case No: 06-243-A
	Petitioner/Developer: HOWARS ! BEVERLY WITHSCHILD
	Date Of Hearing/Closing: 12/12/05
Baltimore County Department Permits and Development Mar County Office Building, Roon 11 West Chesapeake Avenue	nagement n 111
Attention:	
Ladies and Gentlemen:	
ign(s) required by law were p	the penalties of perjury that the necessary osted conspicuously on the property 1809 THOROUGHBRES LAWE
71-1	
his sign(s) were posted on	November 27, 2005 (Month, Day, Year)
	Sincerely
	(Signature of sign Poster and Date)
	Martin Ogle Sign Postor
	Sign Poster 16 Salix Court
	Address
	Balto. Md 21220
	(443-629 3411)

rm000444 (576x432x24b jpeg)



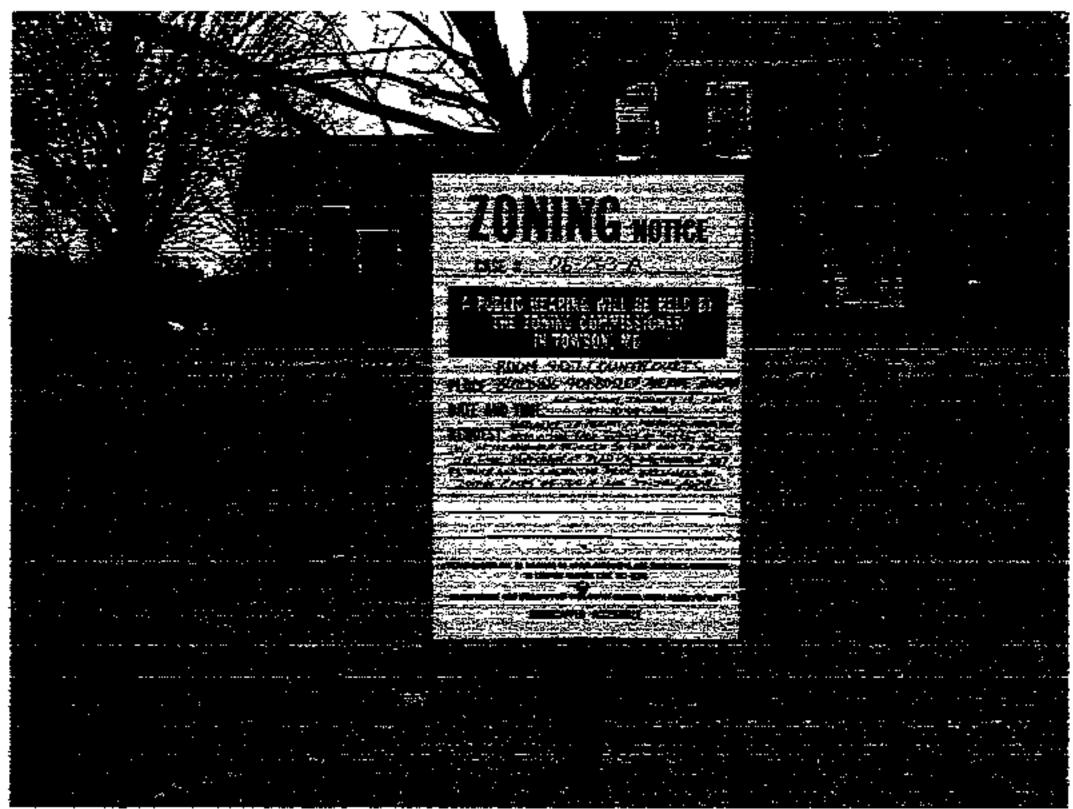
martin Ogle 11/27/05

CERTIFICATE OF POSTING

RE: Case No: _ 06-243-1

	Petitioner/Developer: HOWARD BEVELLY ROTHSCHILD
	Date Of Hearing/Closing: 1/18/06
Baltimore County Department of Permits and Development Manage County Office Building, Room 111 111 West Chesapeake Avenue	
Attention:	
Ladies and Gentlemen:	
This letter is to certify under the poster sign(s) required by law were poster at	enalties of perjury that the necessary d conspicuously on the property THOROCCHECED LANG
This sign(s) were posted on	wy 3, 2006.
	(Month, Day, Year)
	Sincerely,
(3	Signature of sign Poster and Date)
	Martin Ogle
	Sign Poster 16 Salix Court
	Address
	Balto. Md 21220
	<u>(443-629 3411)</u>

ım000521 (1152x864x24b jpeg)



Matter 2/1/3/06

TO: PATUXENT PUBLISHING COMPANY

Tuesday, January 3, 2006 Issue - Jeffersonian

Please forward billing to:

Howard Rothstein 3809 Thoroughbred Lane Owings Mills, MD 21117 410-356-2979

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: 06-263-A 3809 Thoroughbred Lane

S/side of Thoroughbred Lane, 425 feet west of Bonita Road

4th Election District – 2nd Councilmanic District

Legal Owners: Howard L. & Beverly L. Rothstein

<u>Variance</u> to permit a proposed addition with a side yard setback of 30 feet in lieu of the minimum required 50 feet and to amend the Final Development plan for Worthington, Lot 43 only, and to amend the prior variances in Zoning Cases 05-165-A and 77-24-ASPH.

Hearing: Wednesday, January 18, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

WILLIAM J. WISEMAN III

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

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

December 16, 2005

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: 06-263-A
3809 Thoroughbred Lane
S/side of Thoroughbred Lane, 425 feet west of Bonita Road
4th Election District – 2nd Councilmanic District
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Hearing: Wednesday, January 18, 2006 at 10:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204

Timothy Kotroco

Director

TK:klm

C: Mr. & Mrs. Howard Rothstein, 3809 Thoroughbred Lane, Owings Mills 21117 Richard Adelberg, 3813 Thoroughbred Lane, Owings Mills 21117

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, JANUARY 3, 2006.

- (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.



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 263 -A Address 3809 Thorough bred Lane
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391 Planner, Please Print Your Name
Filing Date: $11/17/05$ Posting Date: $11/27/05$ Closing Date: $12/12/05$
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. <u>POSTING/COST:</u> 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. <u>DEADLINE:</u> 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.
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 06- 263 -A Address 3809 Thoroughbred Lane Petitioner's Name Howard & Beerly Rothschild Telephone 410-602-8100(w) Telephone 410-356-2979
Posting Date: 11/27/05 Closing Date: 12/12/01
Nording for Sign: To Permit a proposed addition with a side yard setback of 30 feet
in lieu of the minimum required 50 feet, and to amend the Final Development Plan
for Worthington (Lot 43), and to amend the prior variances in zoning cases 05-165-
and 77-24-ASPH.
WCR - Revised 6/25/04

Department of Permits a Development Management

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





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

December 12, 2005

Howard L. Rothschild Beverly L. Rothschild 2809 Thoroughbred Lane Owings Mills, Maryland 21117

Dear Mr. and Mrs. Rothschild:

RE: Case Number: 06-263-A, 3809 Thoroughbred Lane

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 17, 2005

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, Calling Observed Deline Control of the Calling o

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



Department of Permits a 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 16, 2006

Howard L. Rothschild Beverly L. Rothschild 2809 Thoroughbred Lane Owings Mills, Maryland 21117

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RE: Case Number: 06-263-A, 3809 Thoroughbred Lane

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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

1. Callibal)

WCR: clb

Enclosures

c: People's Counsel



Fire Department



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





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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 November 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 21, 2005

Item No.: 263, 264, 266, 268, 269.

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.

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

Acting Lieutenant Don W. Muddiman Fire Marshal's Office 410-887-4880 MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director DATE: December 6, 2005

Department of Permits & Development

Management

FROM: Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting

For November 2 2005

Item Nos. 17 (263) 264, 266, 268, 269, 270

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS- 12062005.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: December 1, 2005

FROM: Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 6-263- 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 Diana Itter in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

CM/LL



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

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

Maryland Department of Transportation

Date: 11 28.65

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

RE:

Baltimore Count.
Item No. 263

)MP

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, Chief

1. 1. Doelh

Engineering Access Permits Division

Department of Permits Development Management

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



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

December 16, 2005

Howard L. Rothschild Beverly L. Rothschild 3809 Thoroughbred Lane Owings Mills, MD 21117

Dear Mr. & Mrs. Rothschild:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 06-263-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 by Mr. Richard Adelberg. This means there will be a public hearing held for this particular case.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information.

The property must be advertised 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 Jeffrey Perlow at 410-887-3391.

Very truly yours,
U. Call Rillall

W. Çarl Richards, Jr. Supervisor

Zoning Review

WCR:klm

C: Richard Adelberg, 3813 Thoroughbred Lane, Owings Mills 21117



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49 400 WASHINGTON AVENUE TOWSON, MARYLAND 21204 410-887-3180 FAX: 410-887-3182

TO WE

March 11, 2005

Dr. Brian Lerman 3807 Thoroughbred Lane Owings Mills, MD 21117

RE: In the Matter of: Dr. Howard & Beverly L. Rothschild Case No. 05-165-A/Withdrawal of Appeal

Dear Dr. Lerman:

This letter will confirm that your appeal in the subject matter has been withdrawn as of March 10, 2005 and to advise you that the hearing scheduled for June 28, 2005 has been pulled from the Board's schedule.

An Order of Dismissal has been prepared in this matter and will be issued and sent to all parties upon signature by the Board of Appeals.

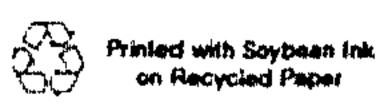
Should you have any questions, please call me at 410-887-3180.

Very truly yours,

Kathleen C. Bianco
Administrator

Enclosure

c: Dr. Howard and Beverly Rothschild
Byron Warnker
Office of People's Counsel
William J. Wiseman III /Zoning Commissioner
Pat Keller, Planning Director
Timothy M. Kotroco, Director /PDM



IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Thoroughbred Lane, 425 ft. W
centerline of Bonita Road
4th Election District
2nd Councilmanic District
(3809 Thoroughbred Lane)

Dr. Howard & Beverly L. Rothschild Petitioners * BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* CASE NO. 05-165-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter was originally before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Dr. Howard & Beverly L. Rothschild. Thereafter, a formal demand for hearing was made by an adjacent property owner, and the matter was set in for a hearing. The variance request is for property located at 3809 Thoroughbred Lane in the Owings Mills area of Baltimore County. The variance request is from Section 1A00.3.B.3 (Bill No. 100, 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.) pursuant to Sections 103.1 and 103.3 (Current Zoning Regulations), to permit a proposed addition with a side yard setback of 39 ft. in lieu of the minimum required 50 ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Administrative Variance.

The property was posted with Notice of Hearing on October 27, 2004, for 15 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 October 28, 2004 to notify any interested persons of the scheduled hearing date.

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 was Dr. Howard Rothschild Petitioner. Dr. Brian Lerman appeared in opposition to the requested variance. Byron Warnker attended the hearing as an interested citizen. 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 request, contains 1.236 acres, more or less. and is zoned R.C. 5 (formerly RDP), as shown on Petitioners' Exhibit No. 1. The Petitioners propose to construct a 30 ft. x 40 ft. addition to the side of their existing home, which will have two garage bays and room for handicapped ramps to allow the Petitioner to access his vehicles within the garage. The Petitioner testified that he suffers from a back problem that has resulted in four surgeries. He further indicated that

although his last surgery was performed in 1986, he is starting to experience symptoms again. He indicated that this condition might limit his access to his vehicles and also to his basement that he now uses for storage. In anticipation of debilitating problems, he proposes to build a two car garage to store his vehicles out of the weather, which would contain the access ramps and sufficient storage room to replace his basement.

The Petitioner testified that he could build a 30 ft. x 30 ft. garage without a variance as he has 80 ft. to the property line on that side of the house. However, he indicated that this would not be large enough to accommodate access ramps with turn-around room for wheel chairs. He also indicated that he could not located the garage on the Power's side of his home as the distance to the property line is only 57 ft. He also noted that there was no room in the rear yard because of an existing pool, existing septic reserve area, and his need to have an all weather connection from the garage to the house.

Dr. Rothschild presented photographs marked as Petitioners' Exhibit Nos. 2A and 2B which shows the line of trees along the panhandle driveway that he indicated would make the addition invisible to anyone on the driveway. In addition, he noted that his property slopes toward the rear where there is a double row of mature white pines, which again screen the Berman property from the new addition.

Dr. Berman lives behind the subject site in a home that has access to Thoroughbred Lane via a panhandle driveway. See Petitioners' Exhibit 1. He testified that he opposed the requested variance because he will be able to see the addition when the leaves fall from the trees along the driveway described by Dr. Rothschild. In addition, he disputed Dr. Rothschild's description of the vegetative screening along their common property line.

Dr. Berman testified that there was nothing unique about the Rothschild lot, which he described as flat and rectangular. He doubted Dr. Rothschild's assertion that he needed wheel chair access to his vehicles as Dr. Rothschild appeared at the hearing in perfect health. He also disputed the Petitioner's description of his back yard and indicated that there was room on the property to erect a garage without a variance or that the Petitioners could simply build a 30 ft. x 30 ft. garage that would require no variance.

In rebuttal, Dr. Rothschild indicated that his neighbor opposed this request in a continuing series of harassments, including pending litigation between the two.

Findings of Fact and Conclusions of Law

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. It is not that the lot is physically unique. From all evidence it is not. However, the regulations note that either the land or the structure be peculiar. Based on Dr. Rothschild's assertions that he needs wheelchair access to his vehicles, the new garage would contain access ramps that indeed would make the structure unique. I realize in finding this that Dr. Rothschild appeared at the hearing without any wheelchair or special device to help him walk. He seemed to move effortlessly. However, I have no reason to doubt his word that he was having a return of back symptoms which, from his experience, he could reasonably conclude that he would need wheelchair access shortly.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Dr. Rothschild states that he cannot build wheelchair ramps for access to his vehicles in a 30 ft. x 30 ft. addition. I have no reason to doubt him. He also asserts that there is no other place to build the addition. I agree that building such on the Power's side of the house would call for a larger variance than the 11 ft.

variance requested. Again, I have no reason to question his assertion that the detached garage would not give him all weather access he needs, nor that it is not feasible to build the garage on the rear of the house.

I also find that this variance can be granted in strict harmony with the spirit and intent of the regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. I make this finding if, in fact, the addition is properly screened from the Berman residence. Here the parties are in dispute and frankly I have no means of determining how effective the existing vegetative screening is. Consequently, although I will grant the variance requested, I shall require that the Petitioner submit a landscape plan to the County Landscape Architect for review and approval prior to the County issuing any building permit for the addition. The Landscape Architect will review the existing vegetation and determine what additional plantings, if any, are needed to properly screen the adjoining properties from the addition.

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

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this ____ day of November, 2004, that a variance from Section 1A00.3.B.3 (Bill No. 100, 1970) of the Baltimore County Zoning Regulations (B.C.Z.R.) pursuant to Sections 103.1 and 103.3 (Current Zoning Regulations), to permit a proposed addition with a side yard setback of 39 ft. in lieu of the minimum required 50 ft., be and is hereby GRANTED, subject, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners shall submit a landscape plan to Avery Harden, County Landscape Architect, for his review and approval prior to the County issuing any building permit

for the addition. The Landscape Architect will review the existing vegetation and determine what additional plantings, if any, are needed to properly screen the adjoining properties from the addition.

2. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

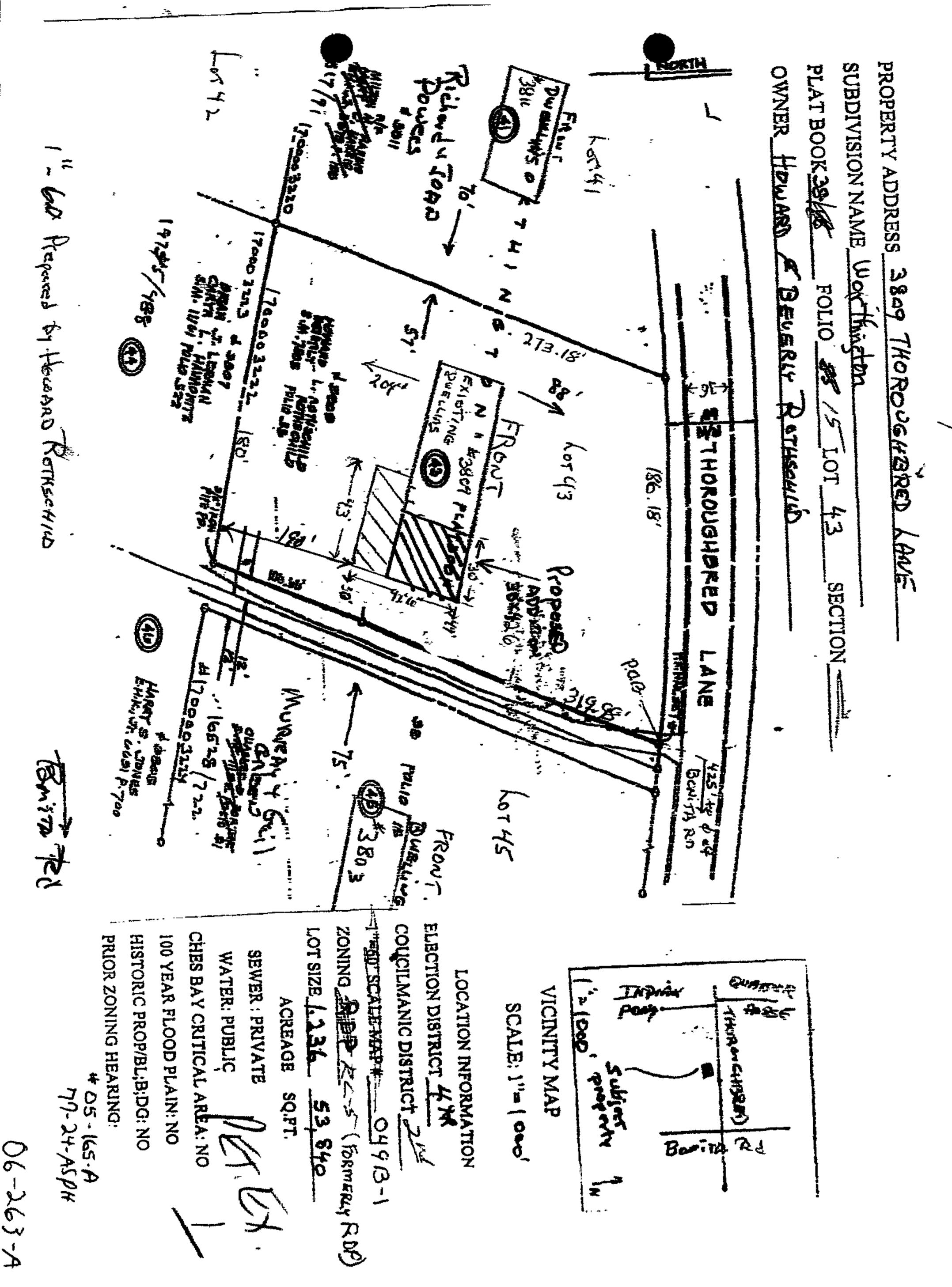
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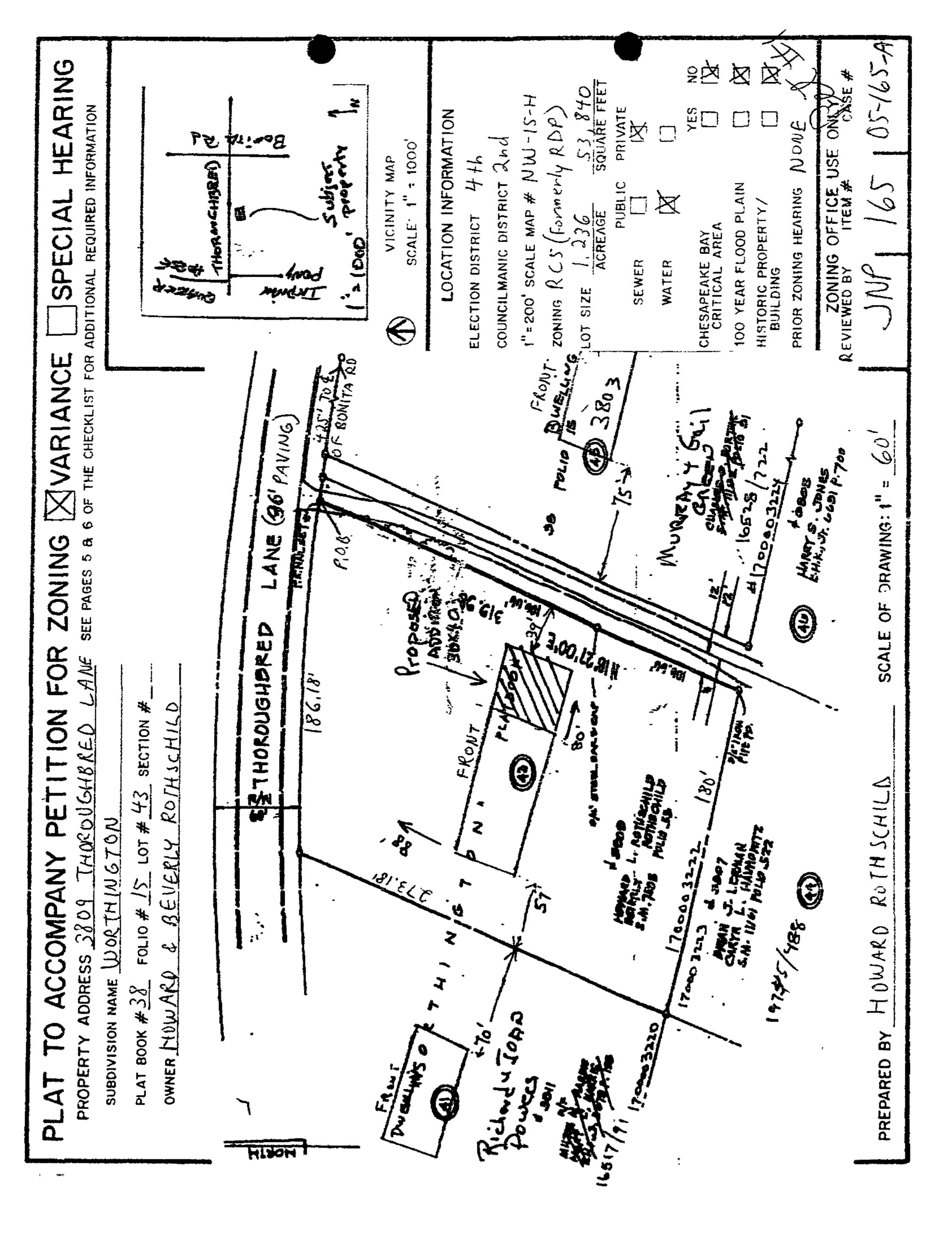
PLEASE PRINT CLEARLY

CASE NAME CASE NUMBER DATE

PETITIONER'S SIGN-IN SHEET

E- MAIL	Mr 3@ Msn. com									
CITY, STATE, ZIP	Querus 11/15 MD 21/117									
ADDRESS	3889 THEROVEHBRED AME									
NAME	HOWARD ROTHSCHICS									





049-1

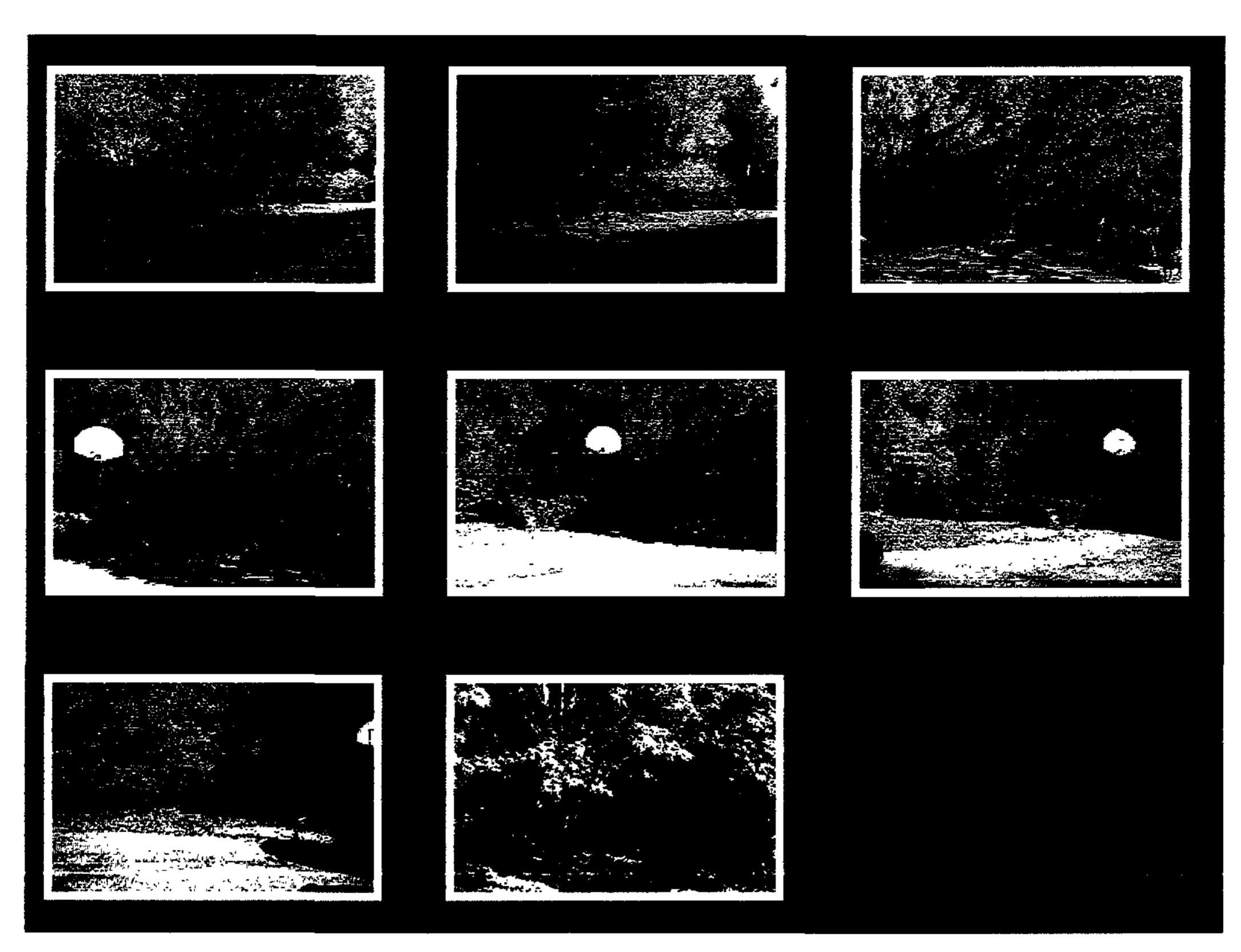
Baltimore County - My Neighborhood





Side of house And extend to approximately

3 feet shy of basketball pole.



these photos show the entire side of area has the cover. Neighbor will not be able to see structure from his driver uny

