

|                                       |   |                      |
|---------------------------------------|---|----------------------|
| IN RE: PETITION FOR ADMIN. VARIANCE   | * | BEFORE THE           |
| S side Willow Crest Circle, 116 feet  |   |                      |
| E c/l Rosetta                         | * | DEPUTY ZONING        |
| 3 <sup>rd</sup> Election District     |   |                      |
| 2 <sup>nd</sup> Councilmanic District | * | COMMISSIONER         |
| (2034 Willow Crest Circle)            |   |                      |
|                                       | * | FOR BALTIMORE COUNTY |
| Eric and Joey Bernstein               |   |                      |
| Petitioners                           | * | Case No. 08-014-A    |

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before this Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the legal owners of the subject property, Eric and Joey Bernstein. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single-family dwelling with open projection (deck) to have a rear yard of 19 feet in lieu of the required 22.5 feet. The subject property and requested relief are more particularly described on the site plan which was marked and accepted into evidence as Petitioner's Exhibit 1.

On August 6, 2007, the Undersigned called for a formal hearing on this matter based on the Zoning Advisory Committee (ZAC) comments received from the Office of Planning, recommending denial of the Petition. The hearing was subsequently scheduled for September 11, 2007 at 9:00 am in Room 407 of the County Courts Building, 401 Bosley Avenue, Towson, Maryland.

Appearing in support of the requested relief was Petitioner Eric Bernstein and his contractor, Tim Ellis. No one appeared at the hearing in opposition to the variance request.

The ZAC comments received from the Office of Planning dated July 25, 2007 indicate that the Office reviewed Petitioner's request and recommends denial. The Office indicated that there appears to be no practical difficulty or hardship in this matter because the subject lot is an

**ORDER RESERVED FOR FILING**

9-10-07

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average size lot that is not unique for this subdivision. The Planning Office also indicated that this is a recently recorded subdivision plat, Bonnie View Estates (recorded in 2005).

The subject property contains 8,030 square feet or .19 acres and is improved with Petitioner's existing single-family dwelling. The lot is located in the Bonnie View Estates – Phase 2 subdivision in the Pikesville area of Baltimore County.

Testimony and evidence offered revealed that Petitioner's home was the third dwelling constructed in the subdivision. Petitioner has lived at the residence since May 2006 and now desires to build a deck onto the back of the home approximately 22 feet wide by 12 feet deep, as shown on the site plan. The variance request is to allow the proposed deck to encroach 3.5 feet into the required rear yard setback. Petitioner indicated that he is aware of the Planning Office comments. In response, Petitioner indicated that the builder situated his home further back on the subject property than other homes in the subdivision, and further back than the required front yard setback. Petitioner also indicated he was not aware of this, and was certainly not aware of how this situation would affect his ability to construct a deck of useable size, until recently when he hired his contractor and attempted to obtain the necessary permits to construct the deck.

Petitioner submitted several photographs showing various angles of the back of his home where the proposed deck would be located, as well as the backyard area between his home and adjacent homes. These photographs were marked and accepted into evidence as Petitioner's Exhibits 3 through 6A and B. In these photographs, the slope of the back yard is clearly visible. There is no level ground in Petitioner's back yard. There is also a drainage and utility easement separating the back yards of the homes on Willow Crest Circle with those of the street behind them. Also clearly shown is that Petitioner's home juts back into the rear yard more than the other homes on Willow Crest. The photographs also indicate that Petitioner's next-door neighbor has already constructed a deck of similar size and shape.

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Petitioner's contractor, Mr. Ellis, verified that he recently constructed the neighbors deck of similar size and shape as Petitioner's proposed deck, and that no variances were needed due to the layout of the neighbor's home. He also indicated he has constructed a number of decks in the neighborhood with what he characterized as a standard 12 foot depth in order to accommodate typical outdoor furniture and a grill, and that none of the homeowners needed variance relief. He believed Petitioner's situation is unique and unusual because of the placement of the home by the builder further back than is required by the regulations. Her further stated that limiting Petitioners to a deck smaller than 12 feet deep would not be practical.

Considering all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. Petitioners are unable to use their backyard due to the slope from the back of the house to the drainage and utility easement. This slope precludes the use of the back yard. In addition, the dwelling is situated further back on the property than neighboring homes. Therefore I find the property unique in a zoning sense.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. A deck smaller than 12 feet wide would not be of sufficient size to allow Petitioners to have a table, chairs and a grill on the deck. It would also likely negatively impact the value of Petitioner's property, as compared with other properties in the neighborhood, which have decks 12 feet deep or larger. Moreover, the variance request is to allow the proposed deck to encroach 3.5 feet into the required rear yard setback. It would be impractical to have a deck only 8.5 feet deep, and Petitioners would be unable to enjoy reasonable use of their property, suffering further practical difficulty.

Finally, I find this variance can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety

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**FILED**

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**FILED**

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and general welfare. No adjacent property owners voiced any objection to the request after the property was posted with a notice of Petitioner's intentions on two occasions.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by Petitioners, I find that the Petitioners' variance request should be granted in part and denied in part.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11<sup>th</sup> day of September, 2007, that an administrative variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing single family dwelling with open projection (deck) to have a rear yard of 19 feet in lieu of the required 22.5 feet be and is hereby granted subject to the following:

1. 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

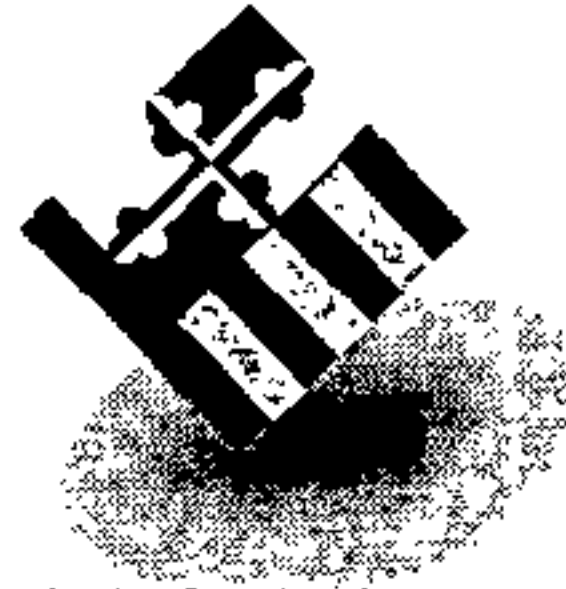
Any appeal of this decision must be made within thirty (30) days of the date of this Order.

  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

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9-10-07  
PB





**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

September 11, 2007

ERIC AND JOEY BERNSTEIN  
2034 WILLOW CREST CIRCLE  
BALTIMORE MD 21209

Re: Petition for Administrative Variance  
Case No. 08-014-A  
Property: 2034 Willow Crest Circle

Dear Mr. and Mrs. Bernstein:

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

A handwritten signature in black ink, appearing to read "TH. H. Bostwick".

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: Tim Ellis, 13600 Long Green Pike, Baldwin MD 21013







# 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 2034 Willowcrest Circle  
Address  
BALTIMORE, MD 21209  
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):

The practical Difficulty is that the Backyard has no function due to the zoning. For practical use for Entertaining. The deck would be one only means for Backyard use for Backyard Entertaining. With the current code we can only come out 8'6" which is not at all functional. This is why we are asking for a Variance for a 12' at deck on the Rear of our Home. My house also sets back further than the Rest of the Properties in the Development.

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]  
Signature  
ERIC BERNSTEIN  
Name - Type or Print

[Signature]  
Signature  
JOEY BERNSTEIN  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 24th day of May, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Signature]  
Notary Public  
My Commission Expires November 18, 2009  
VALERIE J. GUANTI



# 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

2034 Willow Crest Circle  
Address  
Baltimore City MD 21209  
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):

The practical difficulty is that the Backyard has no function due to the grading & placement of House on Property for Partial use for Entertainment. The deck would be one only means for partial use in Backyard Entertainment. With the Current Code we can only come out 8'6" which is not at all functional. This is why we are asking for a variance for a 12' out deck on the rear of our home, My house also sets back further than the rest of the properties in the Development.

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.

x Eric Bernstein  
Signature  
Eric Bernstein  
Name - Type or Print

x Joey Bernstein  
Signature  
Joey Bernstein  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21st day of MAY, 2007, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal



Valerie J. Guanti  
Notary Public  
My Commission Expires  
Embossed Name is My  
Baltimore County, Maryland Notary Public Seal  
My Commission Expires November 18, 2009  
VALERIE J. GUANTI





# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 2034 Willow Crest Circle  
which is presently zoned DR 2

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) 1301.2.C.1.b BCZR

To Permit an Existing Single Family Dwelling with open projection (Deck)  
to Have A Rear Ymd of 19' in Lieu of the Required 22.5'

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):

x ERIC BERNSTEIN  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
x JOEY BERNSTEIN  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
x 2034 Willow Crest Circle 410-484-0397  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
x BALTIMORE, MD 21209  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

## Representative to be Contacted:

TIM ELLIS  
Name \_\_\_\_\_  
1360 Long Green Pike 410-592-8340  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
BALTIMORE MD 21013  
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. 08-04-A

REV 10/25/01 9-10-07

Reviewed By LT Date 9/16/07

Estimated Posting Date 7/15/07



**Zoning Description for 2034 Willow Crest Circle**

**Beginning at a point on the South side of Willow Crest Circle which is 28' wide at a distance of 116' of the centerline of the nearest improved intersecting street Rosetta Rd which is 28' wide. Being Lot # 89 in Subdivision of Bonnie View Estates Phase 2 as recorded in Baltimore County Plat Book# 78, Folio#80 Containing .19 Acreage. Also Known as 2034 Willow Crest Circle and located in the 3<sup>rd</sup> Election District, 2<sup>nd</sup> Councilmanic District.**



**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: # 08-014-A**  
2034 Willow Crest Circle, 116 feet east of centerline of Rosetta 3rd Election District  
2nd Councilmanic District  
Legal Owner(s): Eric & Joey Bernstein

**Variance:** to permit an existing single family dwelling with open projection (deck) to have a rear yard of 19 feet in lieu of the required 22.5 feet.

**Hearing:** Tuesday, September 11, 2007 at 9:00 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) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT 8/751 Aug. 28 146776

## CERTIFICATE OF PUBLICATION

8/30/2007

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/28/2007.

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

*S. Wilkinson*

LEGAL ADVERTISING



THE  
CITY  
OF  
NEW  
YORK

4-7100

| DATE       | TIME  | ACTIVITY    | LOCATION    |
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| 2022-11-28 | 11:00 | 11:00-11:30 | 11:00-11:30 |

Date:

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SECRET

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**DATE** - 12/31/67

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WILLIAMS COMPANY, Maryland

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## DISTRIBUTION

WHITE - CASHIER

**PINK - AGENCY:**

## YELLOW - CUSTOMER

**CASHIER'S**

## VALIDATION



# CERTIFICATE OF POSTING

RE: Case No.: 08-014-A

Petitioner/Developer: \_\_\_\_\_

ERIC BERNSTEIN ETUY

Date of Hearing/Closing: 7/30/07

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

Attention:

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 \_\_\_\_\_

2034 WILLOW CREST CIR

The sign(s) were posted on \_\_\_\_\_

7/15/07

(Month, Day, Year)

Sincerely,

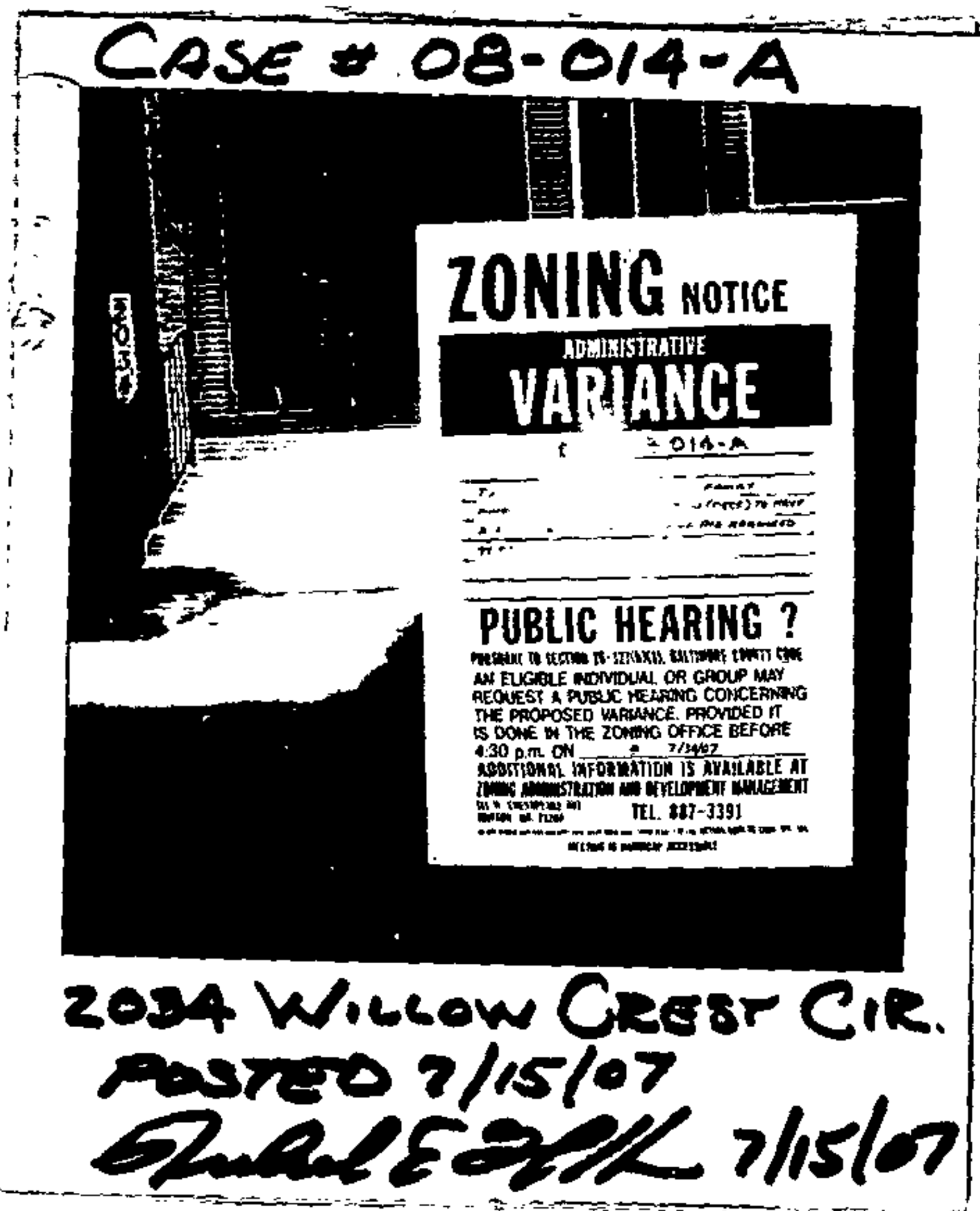
*Richard E. Hoffman* 7/15/07  
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN  
(Printed Name)

904 DELLWOOD DR.  
(Address)

FALLSTON, MD 21047  
(City, State, Zip Code)

(410) 879-3122  
(Telephone Number)





# CERTIFICATE OF POSTING

RE: Case No.: 08-014-A

Petitioner/Developer: \_\_\_\_\_

J. BERNSTEIN

Date of Hearing/Closing: 9/11/07

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

Attention:

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 \_\_\_\_\_

2034 WILLOW CREST CIR.

The sign(s) were posted on \_\_\_\_\_

8/27/07

(Month, Day, Year)

Sincerely,

*Richard E. Hoffman* 8/27/07  
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN  
(Printed Name)

904 DELLWOOD DR.  
(Address)

FALLSTON, MD 21047  
(City, State, Zip Code)

(410) 879-3122  
(Telephone Number)

**CASE # 08-014-A**

## ZONING NOTICE

CASE # 08-014-A

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
TOWSON, MD

PLACE: On the County Office Building, 111 West Chesapeake Avenue, Towson, MD

DATE AND TIME: 9:00 AM to 12:00 PM, 9/11/07

REQUEST:

VARIANCE TO PERMIT AN EXISTING SINGLE FAMILY DWELLING

TO BE USED AS A TWO-FAMILY DWELLING (DUPLEX) TO HAVE A REAR

YARD OF 15 FEET IN LIEU OF THE REQUIRED 22.5 FEET.

POSTING NOTICE IS TO NOTIFY OF OTHER ORDINANCES AND SOMEONE'S NEGLIGENCE

TO REMOVE THIS SIGN AND FINE WILL BE IMPOSED UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE

**2034 WILLOW CREST CIR.**

**POSTED 8/27/07**

***Richard E. Hoffman* 8/27/07**





**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
County Executive

August 9, 2007  
TIMOTHY M. KOTROCO, Director  
Department of Permits and  
Development Management

**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: 08-014-A**

2034 Willow Crest Circle

S/side of Willow Crest Circle, 116 feet east of centerline of Rosetta

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Eric & Joey Bernstein

Variance to permit an existing single family dwelling with open projection (deck) to have a rear yard of 19 feet in lieu of the required 22.5 feet.

Hearing: Tuesday, September 11, 2007 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco  
Director

TK:klm

C: Eric & Joey Bernstein, 2034 Willow Crest Circle, Baltimore 21209  
Tim Ellis, 13600 Long Green Pike, Baldwin 21013

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, AUGUST 27, 2007.**
- (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  
Monday, August 28, 2007 Issue - Jeffersonian

Please forward billing to:

Deborah Kendall-Sipple  
Permits & Development Management  
111 W. Chesapeake Avenue  
Towson, MD 21204

410-887-3353

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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 NUMBER: 08-014-A**

2034 Willow Crest Circle

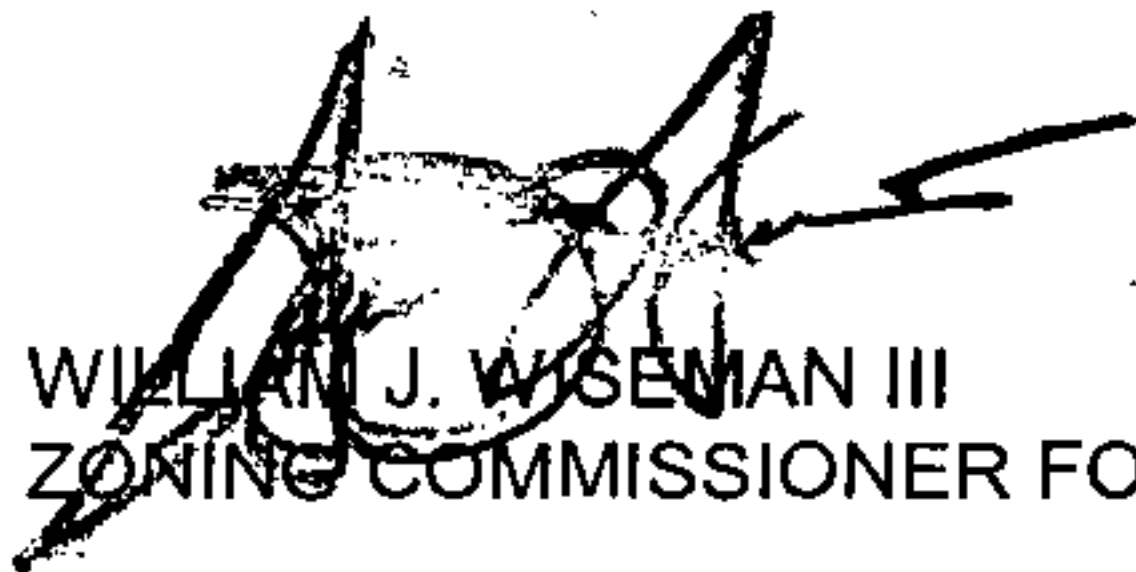
S/side of Willow Crest Circle, 116 feet east of centerline of Rosetta

3<sup>rd</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Eric & Joey Bernstein

Variance to permit an existing single family dwelling with open projection (deck) to have a rear yard of 19 feet in lieu of the required 22.5 feet.

Hearing: Tuesday, September 11, 2007 at 9:00 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  
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.**

---

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**For Newspaper Advertising:**

Item Number or Case Number: 08.014A  
Petitioner: Eric Bernstein  
Address or Location: 2034 Willow Crest Circle Baltimore MD 21209

PLEASE FORWARD ADVERTISING BILL TO:

Name: Tim Ellis  
Address: 1360 Long Green Pike  
Baltimore MD 21013

Telephone Number: 410-592-8340



**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number <sup>08</sup> ~~07~~ 014 -A Address 2034 WILLOW CREST CIR.

Contact Person: CARL RICHARDS Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 7/6/07 Posting Date: 7/15/07 Closing Date: 7/30/07

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 <sup>08</sup> ~~07~~ 014 -A Address 2034 WILLOW CREST

Petitioner's Name ERIC BERNSTEIN ET UX Telephone 410 484 0397

Posting Date: 7/15/07 Closing Date: 7/30/07

Wording for Sign: To Permit AN EXISTING SINGLE FAMILY  
DWELLING WITH OPEN PROJECTION (DECK) TO HAVE  
A REAR YARD OF 19' IN LIEU OF THE REQUIRED  
22.5'

WCR - Revised 6/25/04





**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

TIMOTHY M. KOTROCO, *Director*  
*Department of Permits and*  
*Development Management*

July 30, 2007

Eric Bernstein  
Joey Bernstein  
2034 Willowcrest Circle  
Baltimore, MD 21209

Dear Mr. Bernstein:

RE: Case Number: 08-014-A, 2034 Willowcrest Circle

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 6, 2007. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel  
Tim Ellis 13600 Long Green Pike Baldwin 21013



AV  
7/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** July 25, 2007

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

**SUBJECT:** 2034 Willow Crest Road  
**INFORMATION:**

**Item Number:** 8-014

**Petitioner:** Mr. And Mrs. Joey Bernstein

**Zoning:** DR 2

**Requested Action:** Special Hearing and Variance

RECEIVED  
JUL 30 2007

BY: .....

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has reviewed the petitioner's request and recommends denial. There appears to be no practical difficulty or hardship in the matter. This lot is an average size lot that is not unique for this subdivision. The Office of Planning realizes that this is a recently recorded subdivision plat, Bonnie View Estates (recorded in 2005). As a result, the pattern book was referred to and it was noted that there were provisions made for the addition of sunrooms. These optional sunrooms would have maintained the required rear yard setbacks.

For further information concerning the matters stated here in, please contact Nkechi Hislop at 410-887-3480.

**Reviewed by:**

*[Signature]*

**Division Chief:**  
AFK/LL: CM

*[Signature]*

denial



## Fire Department

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



## Baltimore County

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

July 17, 2007

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 16, 2007

Item No.: 001, 003, 004, 007, 008, 009, 010, 011, 012, 013, 014,  
016, 017, 018, 019

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

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.

Acting Lieutenant William F. Connolly Jr.  
Fire Marshal's Office  
(O) 410-887-4881 (C) 443-829-29  
MS-1102F

cc: File

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)





**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Memorandum**

DATE: August 6, 2007

TO: Kristen Matthews \   
Department of Permits & Development Management

FROM: Patti Zook, Legal Secretary to *BH*   
Thomas H. Bostwick, Deputy Zoning Commissioner

RE: Petition for Administrative Variance – Closing Date of 7-30-07   
Case No. 08-014-A

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After a review of the above-captioned case file and comments from the Office of Planning, Tom Bostwick has requested that this case be set in for a public hearing. We are returning the file to you for further processing, i.e., notifying the Petitioner, posting of hearing notices, etc. Per Tom, the posting and advertising are to be done by the County.

Please let Nkechi Hislop, with the Office of Planning, know when the case is scheduled for hearing.

Thank you for your attention and cooperation in this matter.



**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** July 18, 2007

**FROM:** Dennis A. Kennedy, Supervisor *DAK*  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For July 20, 2007  
Item Nos. 07-470, 08-001, 002, 003, 004,  
005, 006, 007, 008, 009, 011, 012, 013, 014,  
015, 016, 017, 018 and 019

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

DAK:CEN:cab  
cc: File  
ZAC-NO COMMENTS-07202007.doc





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

State Highway  
Administration

John D. Porcari, Secretary  
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: JULY 16, 2007

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

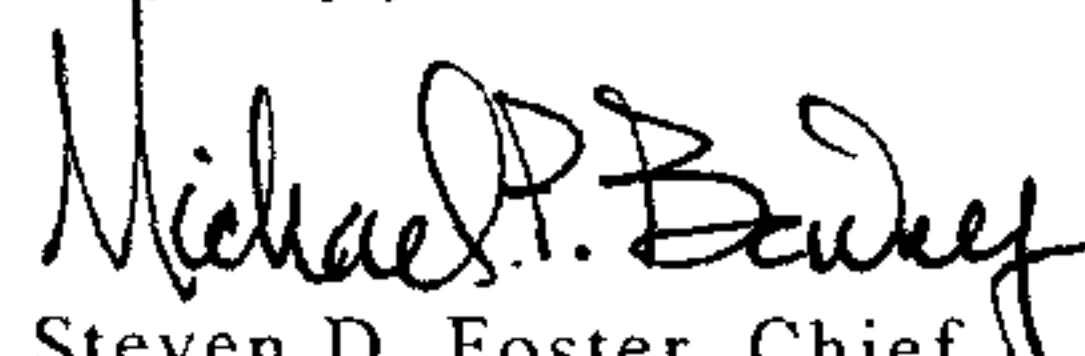
RE: Baltimore County  
Item No. 8-12A  
2034 WILLOW CREST CIR  
BERNSTEIN PROPERTY

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 8-12A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,



Steven D. Foster, Chief  
Engineering Access Permits  
Division

Fos<sup>1</sup>

SDF/MB



DATE \_\_\_\_\_

E-MAIL

eric.bernstein@dewalt.com



# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 2034 Willow Crest Circle

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME Bonnie View Estates Phase 2, Plat 1

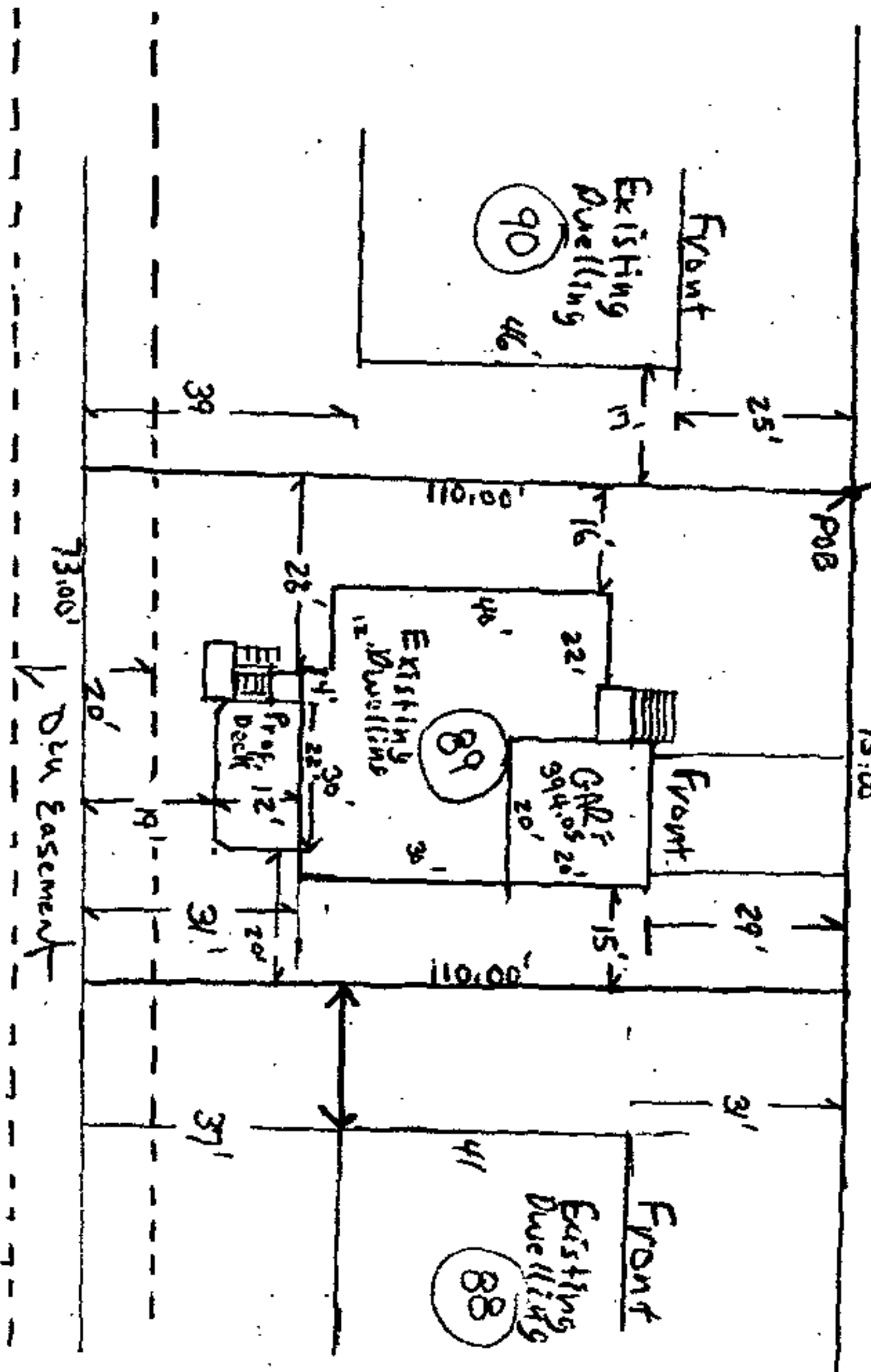
PLAT BOOK # 78 FOLIO # 80 LOT # 89 SECTION # 1

OWNER Eric and Jocely Bernstein

PETITIONER'S

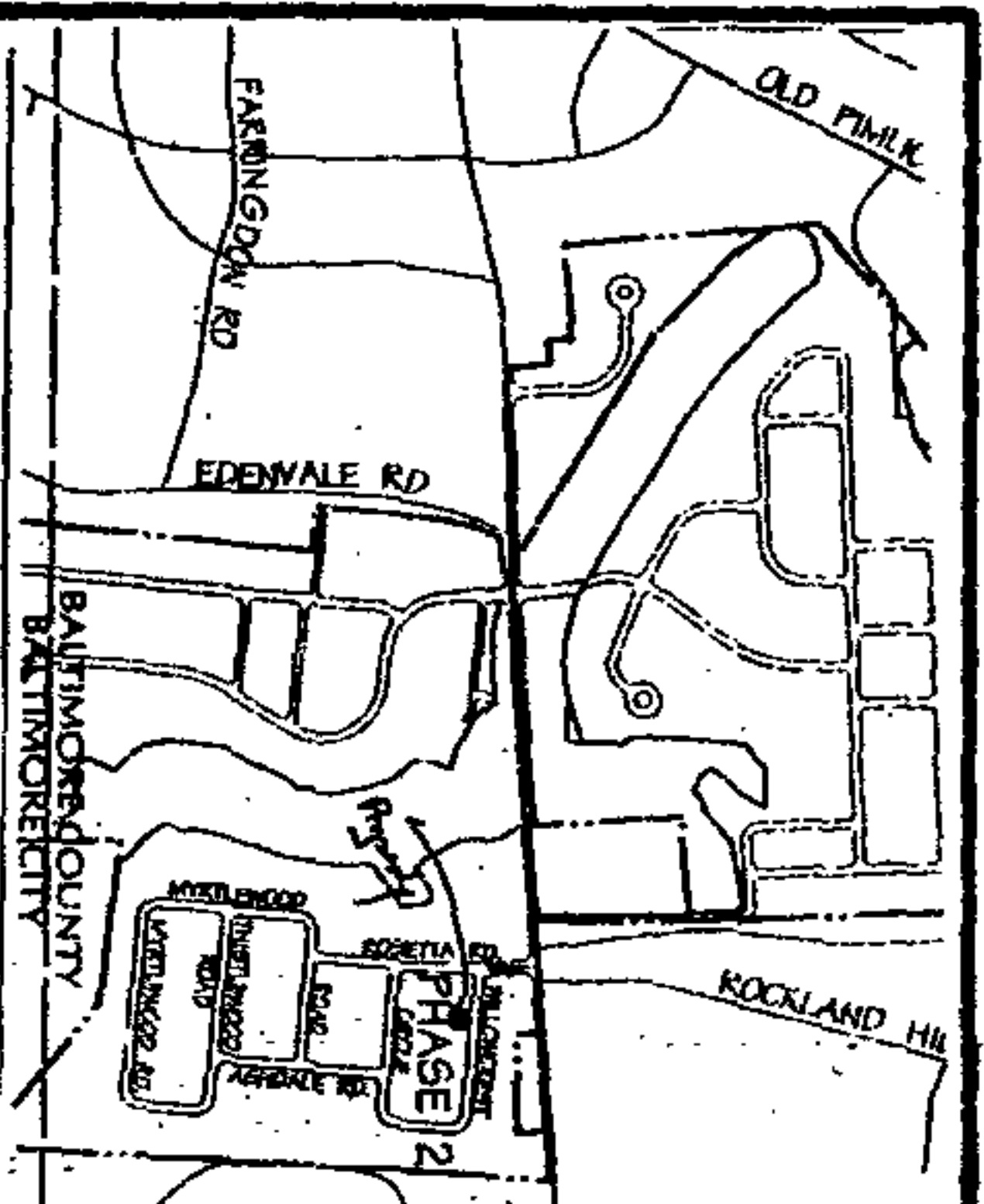
EXHIBIT NO. 1

116' to 40' Willow Crest Circle (40' R/W, 28' PAVING)



PREPARED BY Tim Ellis

SCALE OF DRAWING: 1" = 40'



VICINITY MAP  
SCALE: 1" = 2000'

## LOCATION INFORMATION

ELECTION DISTRICT 3

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # 079A1

ZONING DE 2

LOT SIZE .19

ACREAGE 8030  
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 ITEM # CASE #

CTM 014



DR 3.5

FIRST-FEE CT

THIRD-FEE CT

SMITH AVE

SITE

D.R. 2  
(D.T.)

PETITIONER'S

EXHIBIT NO.

2

DR 3.5

INDENT

SAREVA DR

#14

1"=200'

079A1

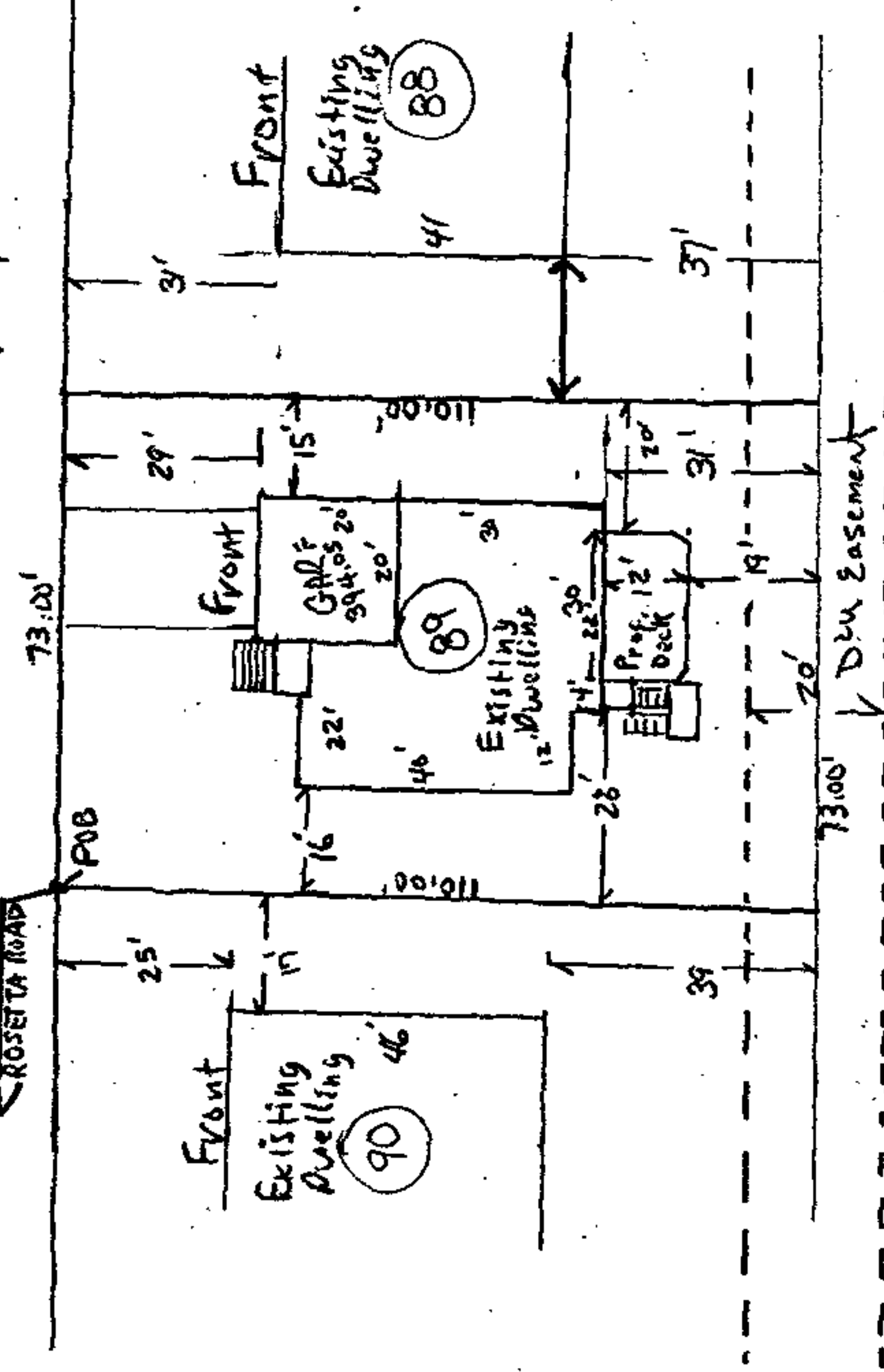


## SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

PLAT BOOK # 78 FOLIO # 80 LOT # 89 SECTION #

OWNER Eric and Jocy Bernstein



SCALE OF DRAWING: 1" = 40'



**LOCATION INFORMATION**

**COUNCILMANIC DISTRICT 2**

1"=200' SCALE MAP # 079A1

ZONING DE 2

LOT SIZE 61.

LOT SIZE  
ACREAGE

FILE

## SEWER

**WATER:**

CHESAPEAKE BAY  
CRITICAL AREA

100 YEAR FLOOD PLAIN

**HISTORIC PROPERTY/  
BUILDING**

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY  
REVIEWED BY \_\_\_\_\_ ITEM # \_\_\_\_\_ CASE # \_\_\_\_\_

175 | 014 |





*A*

**Backyard is all hill** *B*

PETITIONER'S

EXHIBIT NO.

6







