IN RE: PETITION FOR ADMIN. VARIANCE \*

S side Myrtlewood Road, 75 feet E

of c/l Rosetta Road

3<sup>rd</sup> Election District

2<sup>nd</sup> Councilmanic District

(2005 Myrtlewood Road)

Jason and Nina Horwitz

Petitioners

BEFORE THE

DEPUTY ZONING

\* COMMISSIONER

FOR BALTIMORE COUNTY

\* Case No. 08-362-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, Jason and Nina Horwitz. The variance request is from Sections 1B01.2.C.1.b and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 21 foot side building face to side building face setback in lieu of the required 30 feet and to amend the latest FDP for "Bonnie View Estates - Phase 2", Lot 107. 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 March 10, 2008, a formal demand for hearing was filed by Stuart Abell, who resides across the street from the subject property at 2004 Myrtlewood Road. The hearing was subsequently scheduled for April 17, 2008 at 10:00 am in Room 106 of the County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

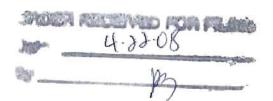
Appearing in support of the requested relief were Petitioners Jason and Nina Horwitz and their architect, Stephen T. Hill. Appearing in opposition to the request were Stuart Abell of 2004 Myrtlewood Road who filed the demand for public hearing, and James Hill and Kathy



Dugan of 2003 Myrtlewood Road. A letter of opposition was received from Alisa and Michael Rosenbloom, who reside near the subject property at 2004 Thistlewood Drive.

Testimony and evidence offered revealed that the subject property contains 9,775 square feet or 0.224 acre and is improved with Petitioners' existing two-story single-family dwelling. The lot is located in the Bonnie View Estates – Phase 2 subdivision in the Pikesville area of Baltimore County. Petitioners moved from a townhouse and purchased the subject dwelling as new construction in 2006. They were disappointed that the home only has 4 bedrooms upstairs and a two-car garage. The Petitioners have three children and are contemplating having a fourth child and believe a fifth upstairs bedroom is necessary. There is currently one bedroom on the basement level, but Petitioners indicate it is more akin to an office and is not adequate for their present needs. Petitioners also state that the two-car garage is very small and they cannot put a car in the garage and open the tailgate because the garage is not deep enough. The width of the garage also makes it difficult to open car doors.

As shown on the site plan, Petitioners desire to construct a two-story addition to the east side of the house. Petitioners submitted a packet of information that included a schematic of the first and second floor plans, renderings showing front, side, and rear elevations, and photographs of the subject home taken from various vantage points and showing the proximity to the homes on either side of the subject home. This packet of information was marked and accepted into evidence as Petitioners' Exhibit 2. As shown on the floor plans, the addition would include a third garage as well as storage space on the ground level, and a fifth bedroom and full bathroom on the second floor. Petitioners indicated that some thought had been given to alternatives such as constructing the addition off the master bedroom at the rear of the home; however, Petitioners'

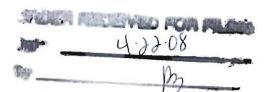


architect determined that the proposed addition could not be constructed at the rear of the dwelling due to structural issues.

Stuart Abell, of 2004 Myrtlewood Road, testified in opposition to the request. He submitted a petition in opposition to the variance request which was accepted and marked into evidence as Protestant's Exhibit 1. This petition was signed by nine nearby neighbors. Mr. Abell spoke about the potential negative impact to property values, especially those properties in close proximity to the subject property. He also indicated that everyone who purchased homes in this subdivision had the same knowledge and information about the positive and negative aspects of the homes, and that constructing an addition would result in a significant alteration to the subject property, to the detriment of the other homes in the subdivision.

James Hill and Kathy Dugan, of 2003 Myrtlewood Road, live next door to the Petitioners and spoke in opposition to the variance request. They are perhaps most affected by the proposed addition because it will encroach into the side yard toward their home. Mr. Hill submitted photographs showing the Petitioners' home and his home and how close the proposed addition will be to the property line and ultimately too close to his dwelling. He spoke about the detrimental impacts to the neighborhood if other property owners start requesting similar variances. In particular, some houses are situated in such a way that the garages are adjacent to each other. He spoke about the negative impacts if the homeowners each wanted to construct similar garage additions.

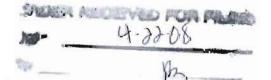
The Zoning Advisory Committee (ZAC) comments received from the Office of Planning dated March 10, 2008 indicate that the subject property is within a subdivision that is still under construction known as Bonnie View Estates. There is an approved pattern book and development plan for the property. The Planning Office has reviewed several similar requests



for administrative variances and has consistently stated that they should comply with the approved pattern book, which meets the required rear and side yard setbacks. Based on their review of the subject property, that Office does not support the requested variance. The three-car front load garage is not consistent with the pattern book or the neighborhood, and the Petitioners have not demonstrated a significant hardship or practical difficulty. If the undersigned were to grant the variance, the Planning Office recommends that the garage addition be modified to add two windows, garage level and brick water table should be carried around all sides.

In response to the ZAC Comments from the Planning Office, Petitioners presented an alternative rendering of the front elevation which was marked and accepted into evidence as Petitioners' Exhibit 3. This rendering still adds the third garage door to the end of the home, but changes the interior garage door to a separate door entrance with windows and sidelights on either side of the door -- similar in style to a front door -- thus resulting in two garage doors.

In considering the merits of the instant request, I must decide the case in accordance with the standards set forth in *Cromwell v. Ward*, 102 Md.App. 691 (1995) and Section 307 of the B.C.Z.R. The Court of Special Appeals of Maryland interpreted the regulation to require that a two-prong test be met in order for variance relief to be granted. First, it must be shown that the property is unique in some manner and that this uniqueness drives the need for variance relief. Secondly, upon the determination that the property is indeed unique, then it must be considered whether compliance with the regulation would cause a practical difficulty or undue hardship upon the property owner and be unnecessarily burdensome. In this case, I agree with the Office of Planning comments that the Petitioners have not demonstrated a significant hardship or practical difficulty. The undue hardship or practical difficulty associated with this request is generated primarily by their personal preference and, hence, is largely self-imposed. I certainly

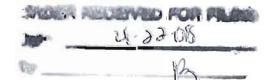


understand the Petitioners' desire to have additional storage and provide an additional bedroom for their children; however, the proposed garage addition with second floor bedroom is not appropriate or consistent with the approved pattern book and neighborhood development plan. Moreover, although the renderings and architectural details appear to show a very tasteful and well done addition, I believe it will be out of character with the neighborhood and could set a precedent of similar variance requests in the future. It also appears, given the proximity to the surrounding neighborhood and the degree of encroachment of the proposed addition into the side building face to side building face setback, that it will be detrimental to adjacent properties.

In addition, in my judgment, the scope of the variance request appears excessive and will overcrowd the land and be out of character with the neighborhood. In my view, the adjacent properties will ultimately be negatively impacted by the construction of the proposed addition. It appears the dwelling was constructed in 2006. As such, the Petitioners could have taken into account the desire for a fifth bedroom and additional storage needs at that time and incorporated these features into the original design of the 3,392 square foot home and constructed the house within the required setbacks. Hence, the instant request is not within the spirit and intent of the zoning regulations and, thus, I am persuaded in this case to deny the variance.

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 parties, I find that the Petitioners' variance request should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County, this 22 Add day of April, 2008 that an administrative variance from Sections 1B01.2.C.1.b and 504.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an addition with a 21 foot side building face to side building face setback in lieu of the required 30



feet, and to amend the latest FDP for "Bonnie View Estates - Phase 2", Lot 107 be and is hereby DENIED.

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



Signature

Company

Address

City

	Petition	1 for A	dministrative Variance
to loc	the Zoning (cated at 2005 M	C <b>ommission</b> yrtlewood Roa	ner of Baltimore County for the property ad, Baltimore MD 21209
with the second	nich is presently		D.R.2
MARYLAND	Deed	Reference: 24	744 / <u>021</u> _ Tax Account # <u>2400012140</u>
This Petition shall owner(s) of the prop and made a part her	be filed with the Deperty situate in Baltinger, hereby petition to	epartment of Pe more County and for a Variance fro	rmits and Development Management. The undersigned, legal d which is described in the description and plat attached hereto om Section(s) 1801.201.b.,504.2 BC#R
To PE	ERMIT AN AC	DITION W	ITH 21-FOOT SIDE BUILDING FACE
TO S	DE BUILDIN	G IN LIEU	OF THE REQUIRED 30-FEET AND
TO Ar	DEND THE LA	TEST F.D.	P. FOR "BONNIE VIEW ESTATES -
	E 2", LOT 10		
	· (5.11)		
of the zoning regular	ions of Baltimore Co	ounty, to the zonir	ng law of Baltimore County.
I, or we, agree to pay	expenses of above Adr	ministrative Variand	the zoning regulations. ce, advertising, posting, etc. and further agree to and are to be bounded dopted 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 Purchas	er/Lessee:		<u>Legal Owner(s):</u>
			Jason Horwitz
Name - Type or Print			Name - Type or Print
Signature	_		Signatura
			Nina Horwitz
Address		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature
Attorney For Peti	<u>tioner:</u>		2005 Myrtlewood Road 410-653-3211 Address Telephone No.
			Address Telephone No. Baltimore MD 21209
Name - Type or Print			City State Zip Code
			Representative to be Contacted:

Stephen T. Hill, Architecht

Name 1921 York Road, Suite 2 410-561-9161 Address Telephone No. Timonium MD 21093 Zip Code City State

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.

Telephone No.

Zip Code

State

this da regulations of 8	y of that and that the property	t the subject matter of this petition be be reposted.	e set for a public hearing, adve	ertised, as required by
			Zoning Commissioner of Bal	timore County
Case No.	08-362-A	Reviewed By _	Date	2 12 08
REV 7/20/07	4.22.08	Estimated Posting Date	2 24 08	

## 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

#### 2005 Myrtlewood Road

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):

- 1. We have 3 small children taking up the upstairs bedrooms and would like to create an extra bedroom. We would like to create an extra bedroom for a nanny/babysitter or the possibility of a 4th child. We often have a need for a family member or babysitter to stay the night and watch our children and would like to have a bedroom available for them. Our children are all under age 3 and we would need this person to be in close distance to them. Some people have a nanny or babysitter stay in the basement, but because our children are very young, we feel it is necessary and safer to have them upstairs close to them.
- 2. The existing garage barely fits one of our cars that we have now. It is a very tight squeeze to get in and out of the garage, and we cannot even open our trunk while in the garage because there is no room. We have had several people attempt to park our car in our garage and have banged into things or just felt extremely uncomfortable parking it due to the lack of space. We would like a garage that is more functional. Also, we have looked at several other vehicle choices and because of the size of the garage we are limited. For our growing family we would like to have the options of getting a larger vehicle if we would like. We also have several other items that we store in the garage and would like to have extra room for this. Currently one of our cars cannot fit in the garage because we have some things stored there. We would like to be able to fit all of our cars, as well as extra items for storage.

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. Signatur Nina Horwitz Jason Horwitz Name - Type or Print STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 12 \_\_\_ day of February , before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Jason Horwitz & Nina Horwitz the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s). AS WITNESS my hand and Notarial Seal ELLEN FISHLER BRIDGE NOTARY PUBLIC BALTIMORE COUNTY, MARYLAND MY COMMISSION EXPIRES NOV. 1, 2000 My Commission Expires REV 7/24/07 2010

## ZONING DESCRIPTION FOR: 2005 Myrtlewood Road, Baltimore MD 21209

Beginning at a point on the South side of Myrtlewood Road, which is 40 feet wide at a distance of 75 feet East of the centerline of Rosetta Road, which is 40 feet wide. Being Lot #107, Plat Two, Phase Two, in the subdivision of Bonnie View Estates as recorded in Baltimore County Plat Book #78, Folio #17 containing 9,775 square feet, or 0.224 acres. Also known as #2005 Myrtlewood Road and located in the third Election District, second Councilmanic District.

#### NOTICE OF ZONING HEARING

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

Case: #08-362-A

2005 Myrtlewood Road

S/side of Myrtlewood Road, 75 feet east of centerline

of Rosetta Road 3.d Election District

2nd Councilmanic District

Legal Owner(s): Jason & Nina Horwitz

Variance: to permit an addition with 21-foot side building face to side building in lieu of the required 30 feet and to amend the latest FDP for "Bonnie View Estates - Phase 2," Lot 107.

Hearing: Thursday, April 17, 2008 at 10:00 a.m. In Room 106, County Office Building, 111 West Chesapeaks 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/4/619 Apr. 1 168818

#### CERTIFICATE OF PUBLICATION

4/3 ,2008	
THIS IS TO CERTIFY, that the annexed advertisement was publish	ied
n the following weekly newspaper published in Baltimore County, Mo	ł.,
once in each ofsuccessive weeks, the first publication appearing	ng
on 4// ,20_08,	
The Jeffersonian	
☐ Arbutus Times	
☐ Catonsville Times	
☐ Towson Times	
Owings Mills Times	
☐ NE Booster/Reporter	
☐ North County News	

LEGAL ADVERTISING

OFFICE MISCEL	OF BUI		ND FINA				No. 0	797	DETIN 2/13/2	AID RECEIPT LESS ACTIVAL 2008 27/12/2008 1	70E 3623135	item 2
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## **CERTIFICATE OF POSTING**

**ATTENTION: KRISTEN MATTHEWS** 

**DATE:** 02/21/08

Case Number: 08-362-A

Petitioner / Developer: JASON HORWITZ

Date of Hearing (Closing): MARCH 10, 2008

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

2005 MYRTLEWOOD ROAD

The sign(s) were posted on: 02/19/08



Linda O Kufe (Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane

(Street Address of Sign Poster)

Hunt Valley, Maryland 21030

(City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)



## FORMAL DEMAND FOR HEARING

CASE NUMBER: 08-362-A
Address: 2005 Myrtle wood Rd Petitioner(s): Jason + Nine Horwitz
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:  Name - Type or Print
() Legal Owner OR () Resident of 2004 Mystlewood Rd.  Address  Baltimore MD 21209
City State Zip Code  (40) 484-5804  Telephone Number
which is located approximatelyfeet from the property, which is the subject of the above petition, do hereby formally demand that a public hearing be set in this matter.  ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.
Signature Date
Signature Date Revised 9/18/98 - wcr/scj

## **CERTIFICATE OF POSTING**

ATTENTION: KRISTEN MATTHEWS

**DATE:** 04/02/08

Case Number: 08-362-A

Petitioner / Developer: <u>JASON & NINA HORWITZ</u>

Date of Hearing (Closing): APRIL 17, 2008

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 2005 MYRTLEWOOD RD

The sign(s) were posted on: 03/30/08



Linda O Kufe
(Signature of Sign Poster)

Linda O'Keefe

(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030 (City, State, Zip of Sign Poster)

410 - 666 - 5366

(Telephone Number of Sign Poster)

#### ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 08- 362 -A Address 2005 MYRTLEWOOD RD.
Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Filing Date: 3 12 08 Posting Date: 3 24 08 Closing Date: 3 10 08
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. <b>POSTING/COST:</b> 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 08- 362 -A Address 1005 MYRTLEWOOD RD.
Petitioner's Name HORWITZ Telephone H10-653-321
Posting Date: 22408 Closing Date: 3 10 08
Wording for Sign: To Permit AN ADDITION WITH 2 - FOOT SIDE BUILDING
FACE TO SIDE BUILDING IN LIEU OF THE REQUIRED 30-FEET AND
TO AMEND THE LATEST F.D.P. FOR "BONNIE VIEW ESTATES - PHASE D",
LOT 107.
WCR - Revised 6/25/04

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Ac	lvertising:
Item Number or Ca	se Number: 08-363-A
Petitioner:	HORWITZ
Address or Location	1: 2005 MYRTLEWOOD RD.
PLEASE FORWAR	D ADVERTISING BILL TO:
Name:	MR + MRS. JASON HORWITZ
Address:	2005 MYRTLEWOOD RD.
	BALTO. MD 21209
Telephone Number	: 410-653-3211



JAMES T. SMITH, JR. County Executive

TIMMAHITHM (K. QBOSO), 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: 08-362-A

2005 Myrtlewood Road

S/side of Myrtlewood Road, 75 feet east of centerline of Rosetta Road

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

Kotroco

Legal Owners: Jason & Nina Horwitz

<u>Variance</u> to permit an addition with 21-foot side building face to side building in lieu of the required 30 feet and to amend the latest FDP for "Bonnie View Estates – Phase 2," Lot 107.

Hearing: Thursday, April 17, 2008 at 10:00 a.m. in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson 21204

Timothy Kotroco
Director

TK:klm

C: Jason Horwitz, 2005 Myrtlewood Road, Baltimore 21209 Stephen Hill, 1921 York Road, Ste. 2, Timonium 21093 Stuart Abell, 2004 Myrtlewood Road, Baltimore 21209

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, APRIL 2, 2008.
  - (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
  - (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY

Tuesday, April 1, 2008 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. Jason Horwitz 2005 Myrtlewood Road Baltimore, MD 21209

410-653-3211

#### 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:

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2005 Myrtlewood Road

S/side of Myrtlewood Road, 75 feet east of centerline of Rosetta Road

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

Legal Owners: Jason & Nina Horwitz

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Hearing: Thursday, April 17, 2008 at 10:00 a.m. in Room 106, County Office Building,

111 West Chesapeake 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.



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and

Development Management

April 8, 2008

Jason Horwitz Nina Horwitz 2005 Myrtlewood Road Baltimore, Maryland 21209

Dear Mr. and Mrs. Horwitz:

RE: Case Number: 08-362-A, 2005 Myrtlewood Road

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on February 12, 2008. 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,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

Stephen T. Hill, Architecht 1921 York Road, Suite 2 Timonium 21093

#### BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

**DATE:** March 10, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

2005 Myrtlewood Road

INFORMATION:

Item Number:

8-362

Petitioner:

Curtis and Jennifer Layton

Zoning:

DR 2

Requested Action:

Administrative Variance

The subject property is within a subdivision that is still under construction known as Bonnie View Estates. There is an approved pattern book and development plan for the property. The Office of Planning has reviewed several similar requests for administrative variances and has consistently stated that they should comply with the pattern book, which meets the required rear and side yard setbacks.

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning <u>does not support</u> the requested variance. The 3-car front load garage is not consistent with the pattern book or the neighborhood. If the Zoning Commissioner chooses to approve the request, the garage addition should be modified to add 2 windows, garage level and brick water table should be carried around all sides. The petitioner has not demonstrated a significant hardship or practical difficulty.

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

Reviewed by

**Division Chief:** 

AFK/LL: CM



JAMES T. SMITH, JR. County Executive

JOHN J. HOHMAN, Chief Fire Department

County Office Building, Room 111, 2007 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 February 25, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: February 18, 2008

Item Number: 337,348,355,356,357,359,360,361,362,363,364,365,366,367,368,369

373

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.

1The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4880 (C)443-829-2946 MS-1102F

cc: File

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

DATE: February 21, 2008

TO:

Timothy M. Kotroco, Director

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For February 25, 2008

Item Nos. 08-357, 341, 348, 355, 356, 358,

359, 360, 361/362/363, 365, and 373

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-02212008.doc



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

John D. Porcari, Secretary Neil J Pedersen, Administrator

Maryland Department of Transportation

Date: Z/21/2008

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

RE: **Baltimore County** 

Item No. 8-362-A 2605 MATTLEWCORRD HORWITZ PROPERTY

ADMINISTRATIVE VARIANCE

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. 6-362-A

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.

A Steven D. Foster, Chief

For Engineering Access Permits

SDF/MB



# BALTIMORE COUNTY OFFICE OF THE ZONING COMMISSIONER COUTY COURTS BUILDING 401 BOSLEY ROAD, SUITE 405 TOWSON, MD 21204

Phone: 410-887-3868

Fax: 410-887-3468

#### FAX COVER SHEET

DATE: 4-11-08	
NO. OF PAGES INCLUDING COVER SHEET:	
Mrs Horwitz FROM:	
PHONE:	
FAX NO.: 410-510-1019	
MESSAGE:  The Yor Cover Sheet from the	
The yox coner sheet from the Resemblooms indicates that they won't he attending the hearing.	
attending the hearing.	
REMARKS:  URGENT FOR REVIEW REPLY ASAP PLEASE COMMENT  PLEASE REPLY PLEASE RECYCLE	

## Zoning Hearings - 2005 Myrtlewood Road CASE NUMBER: 8-362-A

April 8, 2008

As a neighbor in the Parke at Mt Washington, we are very concerned about the request by the homeowners of 2005 Myrtlewood to enlarge the structure of their house. Our home is located directly behind 2005 Myrtlewood and as parents with young daughters, the area between the houses enables us to be able to watch our daughters as they scooter or ride their bikes around the circle. It also provides a safe way for our daughters to run to neighbors' homes while allowing us to watch. Enlarging the structure would reduce our vantage point and therefore decrease the safety for our daughters.

Also, when we were building our house, we asked to enlarge our garage and were told that the lots that these houses sit on are too small to allow us to go any wider. The same should hold true for all the houses. The design of the neighborhood was to create a consistent appearance within scale and create harmony with the rest of the homes. Allowing homeowners to build additions on the side of their homes would cause the consistent scale to be destroyed.

While we respect a homeowner's right to make changes to their homes, we as homeowners want to preserve the property values of our neighborhood and we fear that deviations from the original community plan would adversely impact the entire community. The tone that you the zoning commission set here will be creating precedence for expansions in this community and we respectfully request that the petition for the 2005 Myrtlewood home enlargement be denied.

Sincerely,

Alisa and Michael Rosenbloom 2004 Thistlewood Drive Baltimore, MD 21209



#### PLEASE PRINT CLEARLY

CASE NAME	
CASE NUMBER OF-367-A	
DATE	_

## PETITIONER'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
STEPHEN HILL	1921 YORK ROAD#2	TIMONIUM NO 21093	
Horwitz Jason and Nins	2005 Myrthewood Rd	Beltimore, MO 21209	
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<u> </u>			
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<u></u>	· · · · · · · · · · · · · · · · · · ·		
<u> </u>			

PL	EASE	PRINT	CLEARLY
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CASE NAME	
CASE NUMBER	08-362-A
DATE	4 4 7 7

## CITIZEN'S SIGN-IN SHEET

NAME	ADDRESS	CITY, STATE, ZIP	E- MAIL
Start Abell	2004 Mitterson 2003 Myrtlewood 2003 Myrtlewood 2003	CITY, STATE, ZIP  BALT. MD 21209  11 / /	Strept-Abelletota
JAMES HILL	2003 Myrtlewoon K)	BALT. MD 21209	Mille philleonsulfing : ca
JAMES HIII Kathy DUGAN	2003 Must-lewbar	11 4 11	KATDU @ MAC. CON
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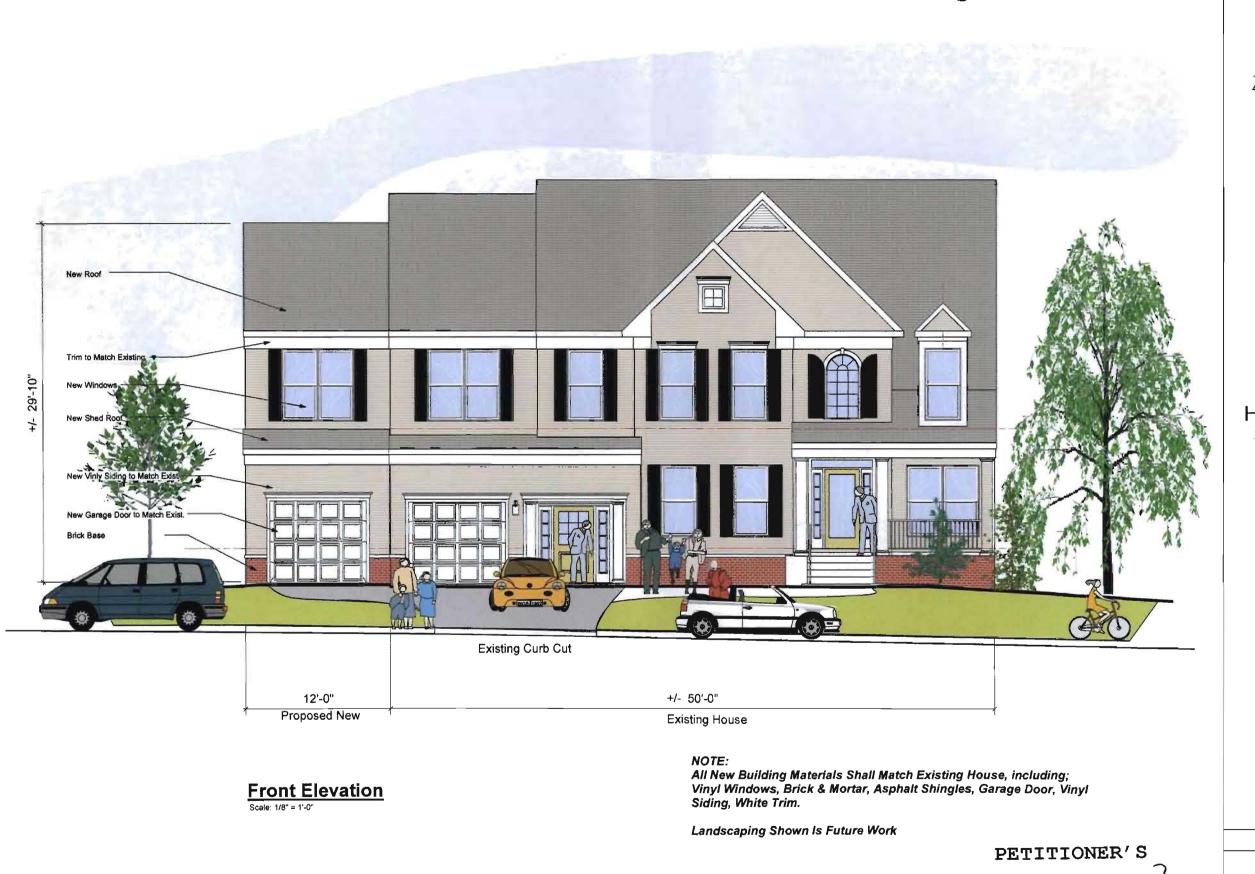
Case No.: 08-367-A

#### Exhibit Sheet

## Petitioner/Developer

#### Protestant

No. 1	site plan	Politian Against
	77-6	, 0
No. 2	patter book	photos and relates plat
ZA		related plat
No. 3	Member front elevation	
No. 4		
No. 5		
No. 6	·	
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



architect

sth **DESIGN**Associates
Stephen T. Hill, Architect

1921 York Rd. Timonium MD, 21093 410.561.9161 fax 410.561.9162

Proposed Addition for

Horwitz Residence 2005 Myrtlewood Road Baltimore, MD 21209

Rev April 11, 2008

January 28, 2008

Front Elevation

EXHIBIT NO.

**A-3** 

April 14, 2008

Office of Zoning Baltimore County 111 W. Chesapeake Avenue Room 111 Towson, Maryland 21204

Baltimore County Board of Appeals Jefferson Building, Suite 203 105 W. Chesapeake Avenue Towson, Maryland 21204

Re: Opposition to Request for Variance

Property Address: 2005 Myrtlewood RD Property Owner: Jason and Nina Horwitz

#### Dear Sir/Madame:

Please accept this letter as a formal opposition to the above referenced variance request. The signatories to this letter are all residents of the community which would be directly impacted if petitioners' request for variance is granted.

As you are aware, this community was recently developed and most of the lots within this subdivision were improved within the past 18 months. The vast majority of the residents are the first occupants of these new houses. In fact, the vast majority of the residents, including the petitioners, worked directly with the builder to select the model and upgrades that were eventually constructed. Each of us was provided the relevant information by the builder and developer regarding the lot size, the location upon the lot in which the improvements would sit, along with the set back requirements. Each of us purchased our properties based upon the developer's and builder's vision of the subdivision and the spirit of the area.

Now petitioners, after purchasing their lot with eyes wide open, seek to subvert the spirit and harmony of our subdivision for their own selfish purposes. The burden is on the petitioners to establish, among other things, that there are special circumstances or conditions that exist that are peculiar to their lot which prevents them from building a third garage and in-law suite. In fact, all of us are prohibited from said improvements and for good reason. Moreover, petitioners must establish that failure to obtain a

variance would cause significant and unreasonable hardship. Petitioners worked with the builder to construct their home on the lot that they selected and purchased. Petitioners knew exactly what they were purchasing as well as the restrictions on the use of the land when they closed on the contract and took title. Simply wanting a third garage and an inlaw suite is not sufficient to establish and unreasonable hardship in Baltimore County, especially when such a request is made to the detriment of petitioners' neighbors.

In conclusion, petitioners did not and cannot establish that they are entitled to a variance in accordance with county code. In addition, if granted, petitioners' variance would serve to undermine the harmony and spirit of this new and beautiful subdivision.

Thank you very much for your consideration.

Very Truly Yours,

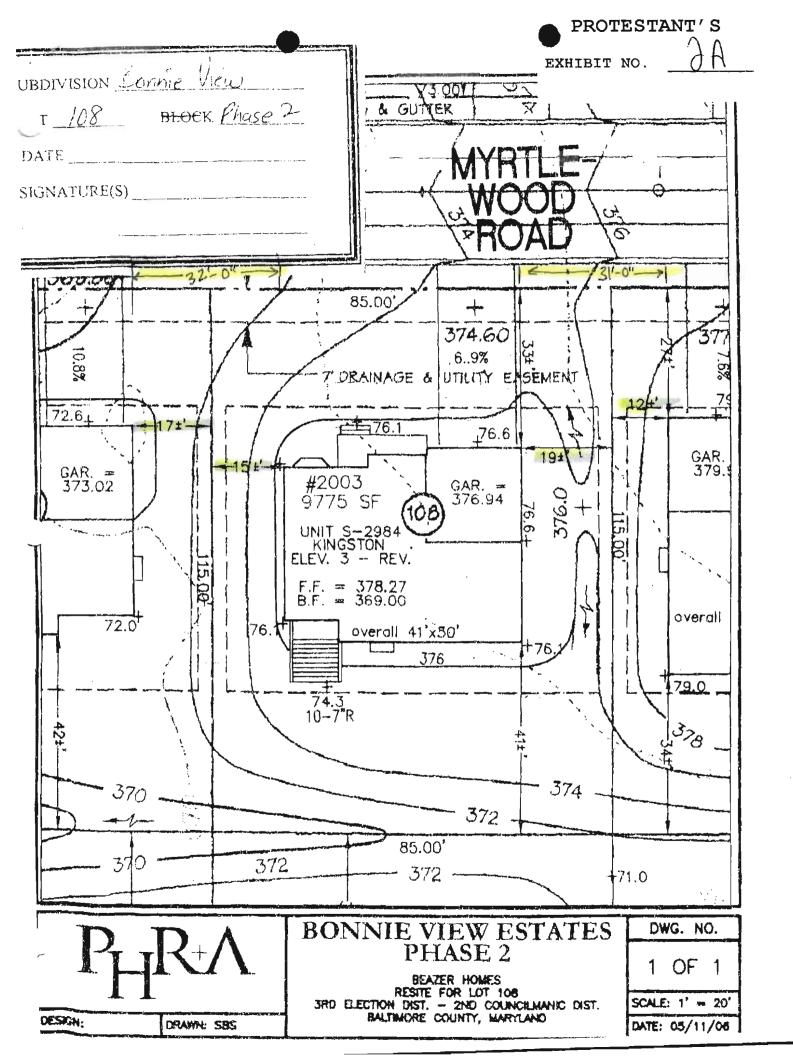
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Shall	2004 Mytlewoodd R
James R. (LD)	2003 Myrtlewood R
Joan Shel	2001 myrtlewood Rd.
and	2032 WILLOWCREST CER
The last	2003 y tuo onest Ca
Then Blever A	2001 W. 11w. of Corb
Aulzan	2013 Willywarest
Isa my	2007 Willowerest
Kathy Dugan	2003 Mystlewood Rd
	0





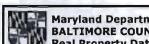
PROTESTANT'S

EXHIBIT NO.









**Exempt Class:** 

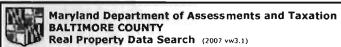
Maryland Department of Assessments and Taxation BALTIMORE COUNTY Real Property Data Search (2007 vw3.1)

Go Back View Map New Search

Account Identifier:	District - 0	3 Account Num	<b>ber -</b> 24000	12140						
		01	wner Infor	mation						
Owner Name:	HORWITZ JA HORWITZ NI	NA		Use: Principal Residence:				RESIDENTIAL YES		
Mailing Address:	2005 MYRTLE BALTIMORE I	MD 21209-2385		Deed Reference:				1) /24744/ 21 2)		
		Location	& Structure	e Inform	ation	_		,		
Premises Address 2005 MYRTLEWOOD RD							-			
Map Grid Parcel 79 2 83	Sub District	Subdivision	Section	Block	<b>Lot</b> 107	Assessme 2	nt Area	Plat No: Plat Ref:	2 78/ 1	
Special Tax Areas	A	own d Valorem ax Class								
Primary Struct 2006		Enclosed Area 3,392 SF			<b>Property Land Area</b> 9,775.00 SF			County Use		
Stories Baser		ent			Туре			Exterio	r	
2	YES				DARD (	TINIT		SIDING	L.	
-2			alue Inforn					100		
	Base Value	Value		n Assess		- 05				
		As Of 01/01/2008	07/01/20	of On 7	A: 07/01/2	s Of nns				
Land	193,770	209,770	0,,01,2	00, 0	,,,01,2	000				
Improvements:		485,230								
Total:	•	695,000	548,2	210	597,	140				
Preferential Land:	/	0	3 10,1	0	331,	0				
		Tra	nsfer Info	rmation						
Seller: BEAZER HOMES Type: IMPROVED ARMS				Date: Deed1	11/0 L: /247	9/2006 '44/ 21	Price: Deed2:	\$767,605		
Seller: Type:				Date: Deed1	L:		Price: Deed2:		100	
Seller: Type:				Date:	L:		Price: Deed2:	12	à.	
		Exe	mption Info							
Partial Exempt Assessm	nents			lass		1/2007	07/	01/2008		
County			00	00	0		0			
State				00	0		0			
Municipal				00	0		0			
Tax Exempt: NO	)					Spec	ial Tax Rec	•		

\* NONE \*





Go Back View Map New Search

Account Ide	entifier:	District - 03	Account Numb	<b>per -</b> 24000	13210						
	MELE.		Ov	vner Inforr	nation						
Owner Nam	ie:	ABELL STUAR ABELL LESLIE			Use: Principal Residence:				RESIDENTIAL YES		
Mailing Add	lress:	2004 MYRTLE BALTIMORE M	WOOD RD ID 21209-3710		Dee	d Refe		1) /24744/ 27 2)			
	A Part		Location	& Structure	Inform	ation					
Premises A 2004 MYRTL	W. 1 Av. 18. W. W.			-							
Map Grid 79 2	Parcel 83	Sub District	Subdivision	Section	Block	<b>Lot</b> 103	Assessme 2	nt Area	Plat No: Plat Ref:	1 78/ 80	
		То	wn								
Special Tax	Areas		l Valorem x Class								
Pr	imary Strue			<b>ed Area</b> 11 SF			erty Land A 8,395.00 SF	rea	<b>County</b> 04		
Stor 2		Baseme YES	ent		STAN	<b>Type</b> DARD U	NIT		<b>Exterio</b> SIDING		
136.7			Va	alue Inforn	nation						
		Base Value	Value	Phase-in	Assess	ments					
		400 300	As Of 01/01/2008	As 07/01/20	Of 107 (	As 07/01/20	Of )08				
Tm.	Land provements	•	208,390 394,010								
Till	Total	•	602,400	484,9	100	524,0	)66				
Prefer	ential Land	•	0	10 175	0	52.,	0				
	10.5		Tra	nsfer Infor	mation						
7/10/2012 - 1/10	AZER HOMES PROVED ARM	-			Date: Deed1	11/0 .: /247	9/2006 44/ 27	Price: Deed2:	\$631,460		
Seller: Type:					Date: Deed1	.:		Price: Deed2:			
Seller: Type:					Date: Deed1	.;		Price: Deed2:			
71. 3			Exer	nption Info	rmation	1					
Partial Exe	mpt Assess	ments			ass	07/0	1/2007	07/	01/2008		
County				00		0		0			
State				00		0		0			
Municipal	101			00	U	0		0	111-140		
Tax Exempt Exempt Cla		0					Speci	al Tax Rec * NONE *			





Go Back View Map **New Search** 

Account Identifier:	District - 03	Account Numb	<b>ber</b> - 240001	12145						
	<u> </u>	Ov	wner Inforn	nation						
Owner Name:	ROSENBLOOM ROSENBLOOM	1 LEE MICHAEL 1 ALISA KAHN		Use: Principal Residence:				RESIDENTIAL YES		
Mailing Address:	2004 THISTLE BALTIMORE M	WOOD RD ID 21209-3768		Deed Reference:				1) /25309/ 25 2)		
2012		Location	& Structure	Inforn	nation				300	
Premises Address 2004 THISTLEWOOD RD						.215 AC 2004 TH	escription PHASE 2 ISTLEWOOD F VIEW ESTATE			
Map Grid Parcel 79 2 83	Sub District	Subdivision	Section	Block	<b>Lot</b> 112		ent Area	Plat No: Plat Ref:	2 78/ 1	
Special Tax Areas	Ad	wn Valorem x Class						-53	7	
Primary Struct 2007			<b>ed Area</b> 24 SF			erty Land . 9,350.00 SF		County 04		
Stories 2	<b>Baseme</b> YES	ent		STAN	<b>Type</b> IDARD U	NIT		Exterio SIDING		
		V	alue Inform	ation						
	Base Value	Value	Phase-in	Assess	ments			7		
_		As Of 01/01/2008	As 07/01/20	Of 07 (	As 07/01/20	Of 008				
Land Improvements Total:	299,940	209,350 408,100 617,450	493,2	90	534,6	.76				
Preferential Land:		017,430	753,2	0	334,0	0				
		Tra	nsfer Infor	mation						
Seller: BEAZER HOMES Type: IMPROVED ARM				Date: Deed:	03/0° <b>1:</b> /253	7/2007 09/ 25	Price: Deed2:	\$663,109	W	
Seller: Type:				Date: Deed:			Price: Deed2:		1	
Seller: Type:				Date: Deed:			Price: Deed2:	-5	art.	
10.1		Exer	mption Info	rmatio				100		
Partial Exempt Assessr County	ments		<b>Cl</b> i	ass O	07/0: 0	1/2007	07, 0	01/2008		
State Municipal			00 00		0 0		0 0			
Tax Exempt: No Exempt Class:	0					Spe	cial Tax Rec			

Landscaping Shown Is Future Work

archite

sth**DESIGN**Associates Stephen T. Hill, Architect

1921 York Rd. Timonium MD 21093 410.561.9161 fax 410.561.9162

Proposed Addition for

Horwitz Residence 2005 Myrtlewood Road Baltimore, MD 21209

January 28, 2008

Front Elevation

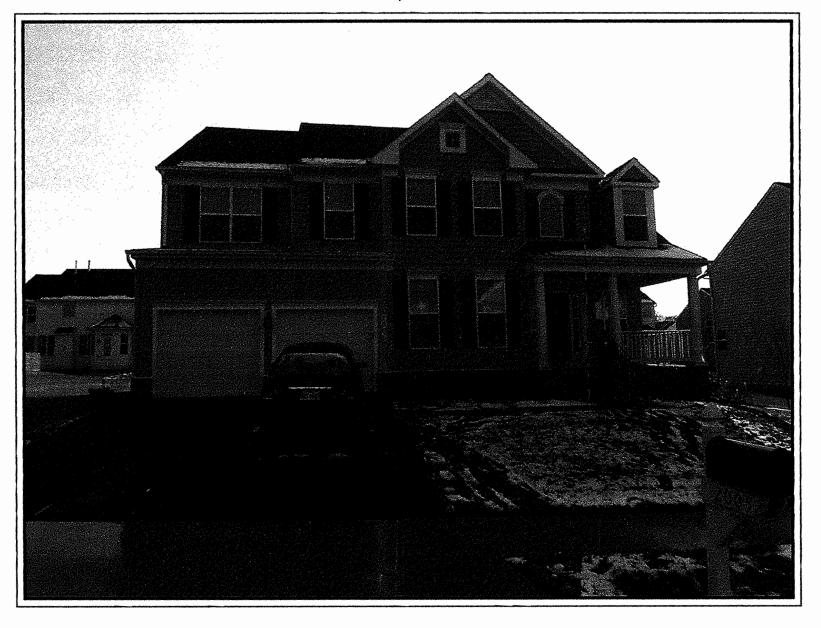
**A-3** 

Proposed Garage & Bedroom Addition for

# Horwitz Residence

Mr. & Mrs. Jason Horwitz

2005 Myrtlewood Road Baltimore, MD 21209



sth**DESIGN**Associates
Stephen T. Hill, Architect

410-561-9161

PETITIONER'S

EXHIBIT NO.

February 12, 2008

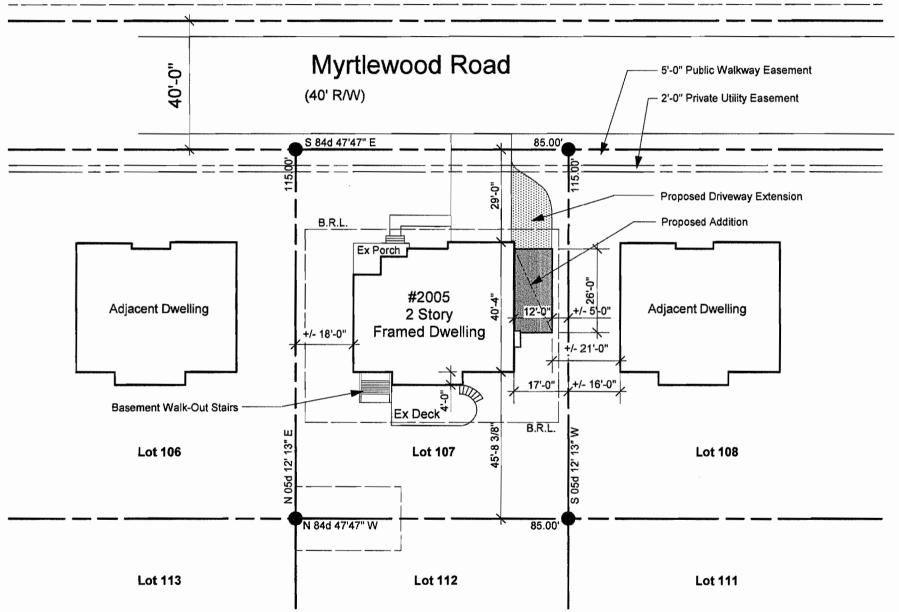
## Plat to Accompany Petition for Zoning Wariance



Property Address: 2005 Myrtlewood Road

Subdivision Name BONNIE VIEW ESTATES, PHASE TWO

Plat Book # 2 Folio 78/17 Lot # 107 Section



PETITIONER'S

EXHIBIT NO.

Site Information Shown On This Plan Was Taken From A Survey Prepared BY Hicks Engineering Co., Inc. Towson, MD 410-494-0001

Dated 1/30/04

North

Site Plan

Scale: 1" = 30'-0"

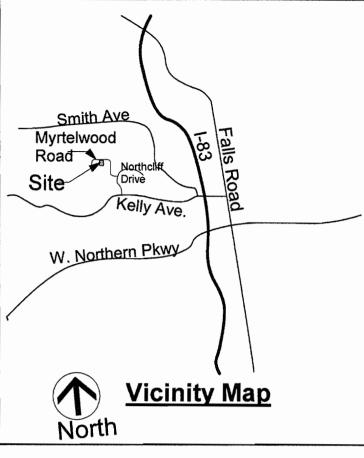
sth DESIGNAssociates Stephen T. Hill, Architect 1921 York Road. Suite 2

**Architect** 

Timonium MD 21093 410.561.9161

fax 410.561.9162

Revised Feb 12, 2008



#### **Location Information**

Election District = 3

Councilmanic District = 2

1" = 200' Scale Map # NW-7-C 079A)

Zoning DR 2

Lot Size

0.224 Acreage

9775 Square Feet

Sewer **Public** 

Public Water

Chesapeake Bay Critical Area - No

100 Year Flood Plain

- No

Historic Property / Building

- No

Prior Zoning Hearing

- None

Case #

#### **Zoning Office Use Only**

ITEM# Reviewed by: 362 08-362-A D.T.

sth**DESIGN**Associates Stephen T. Hill, Architect

1921 York Rd. Timonium MD 21093 410.561.9161 fax 410.561.9162

Proposed Addition for

Horwitz Residence 2005 Myrtlewood Road Baltimore, MD 21209



Side & Rear Elevation Front Elevation



Side & Rear Elevation with Neighbors

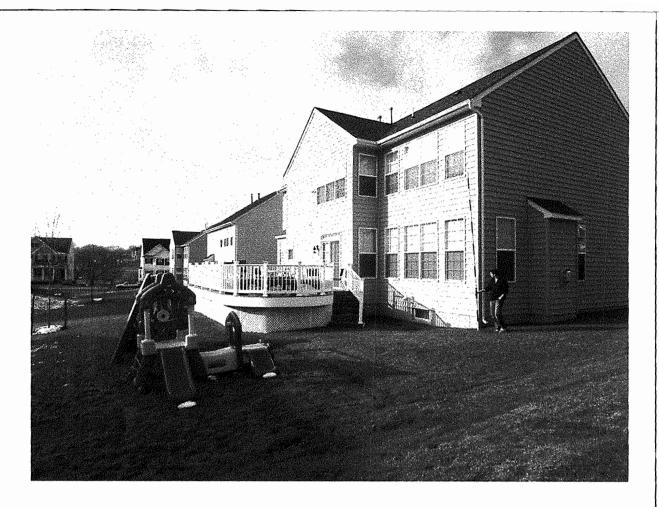


Front Elevation with Neighbors

January 28, 2008

**Pictures** 

**A-6** 



Side View Looking Down Back Yards

amhite

sth**DESIGN**Associates
Stephen T. Hill, Architect

1921 York Rd. Timonium MD 21093 410.561.9161 fax 410.561.9162

Proposed Addition for

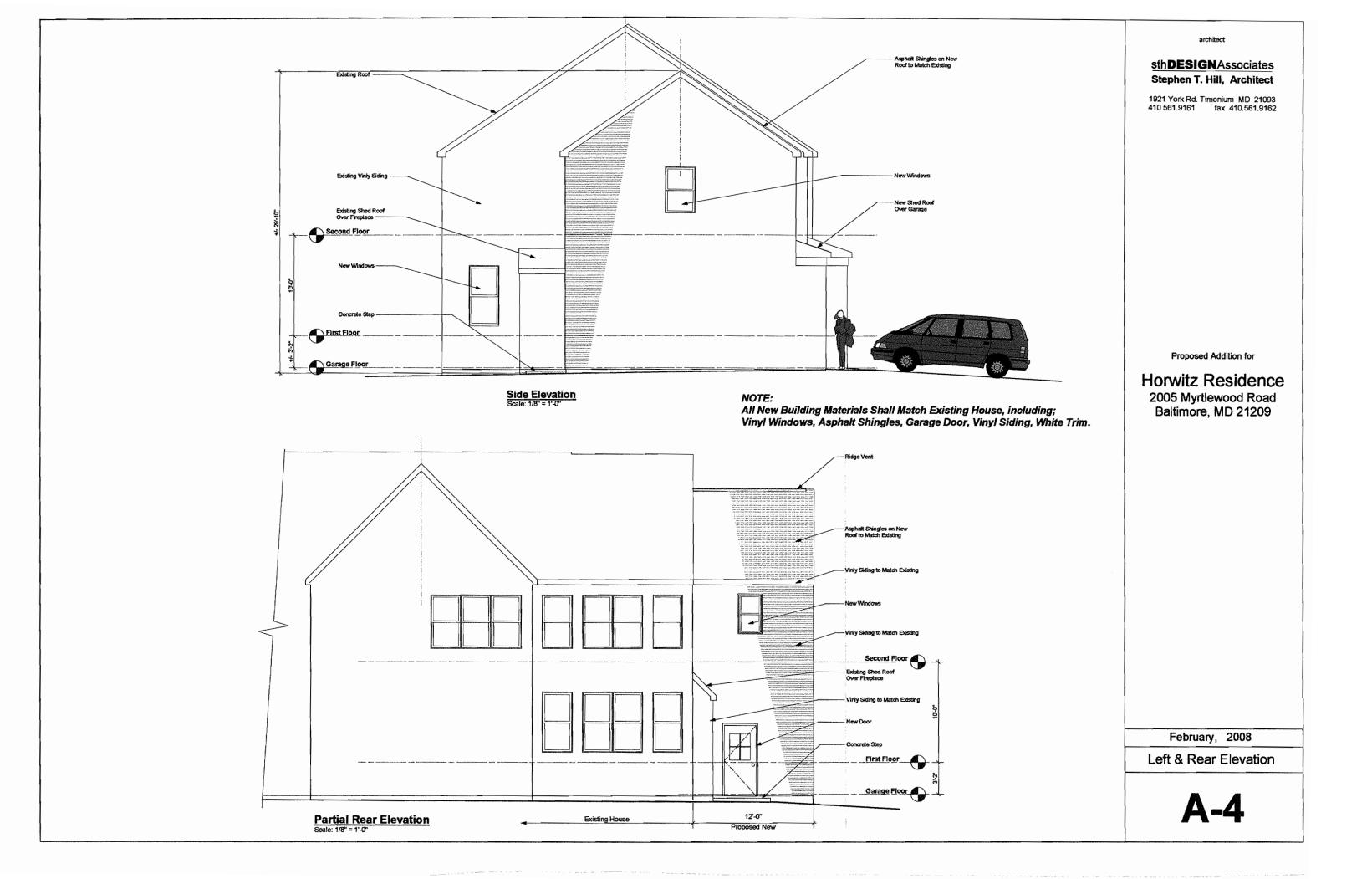
Horwitz Residence 2005 Myrtlewood Road Baltimore, MD 21209

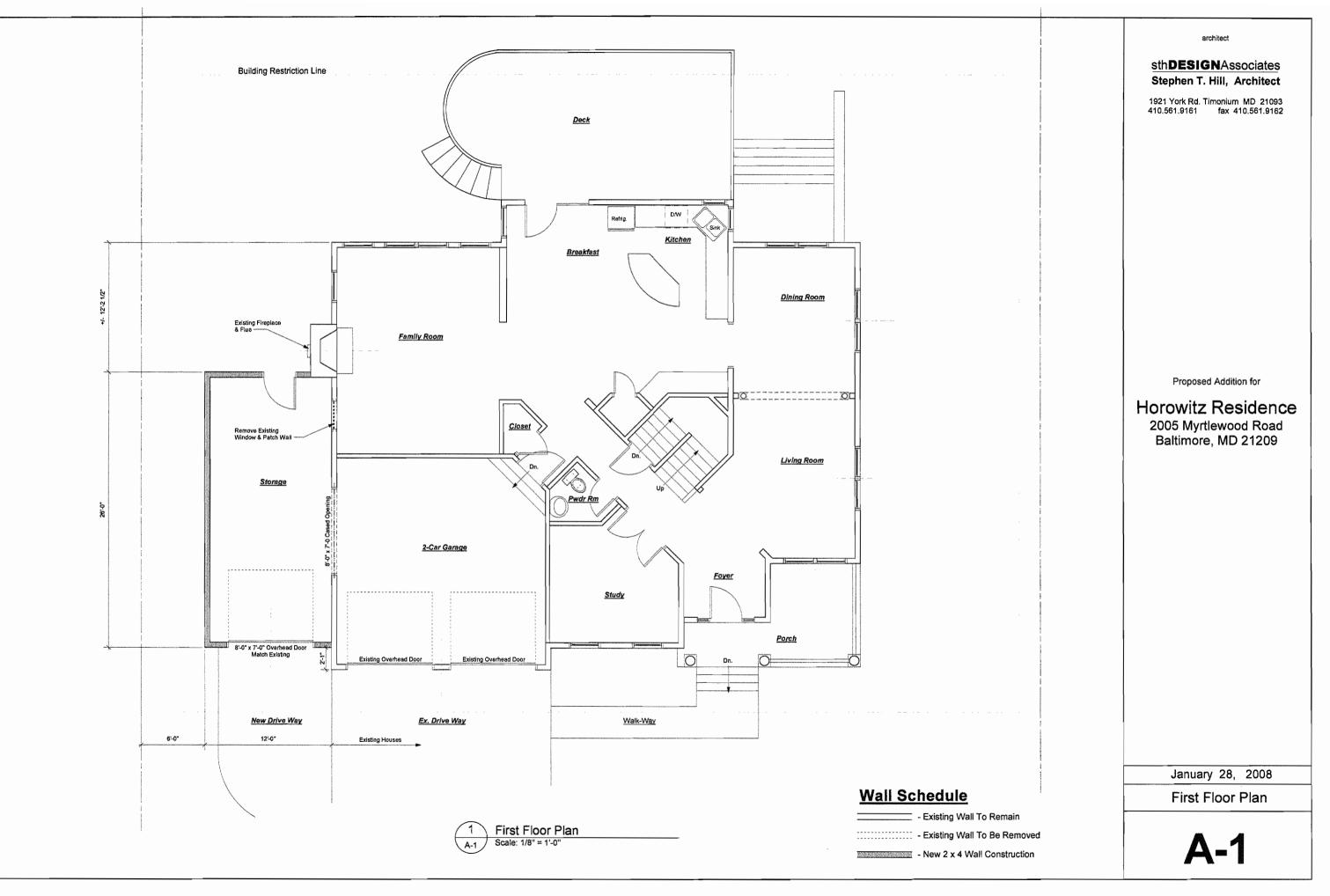
January 28, 2008

**Pictures** 

**A-5** 

Side View Looking Down Street





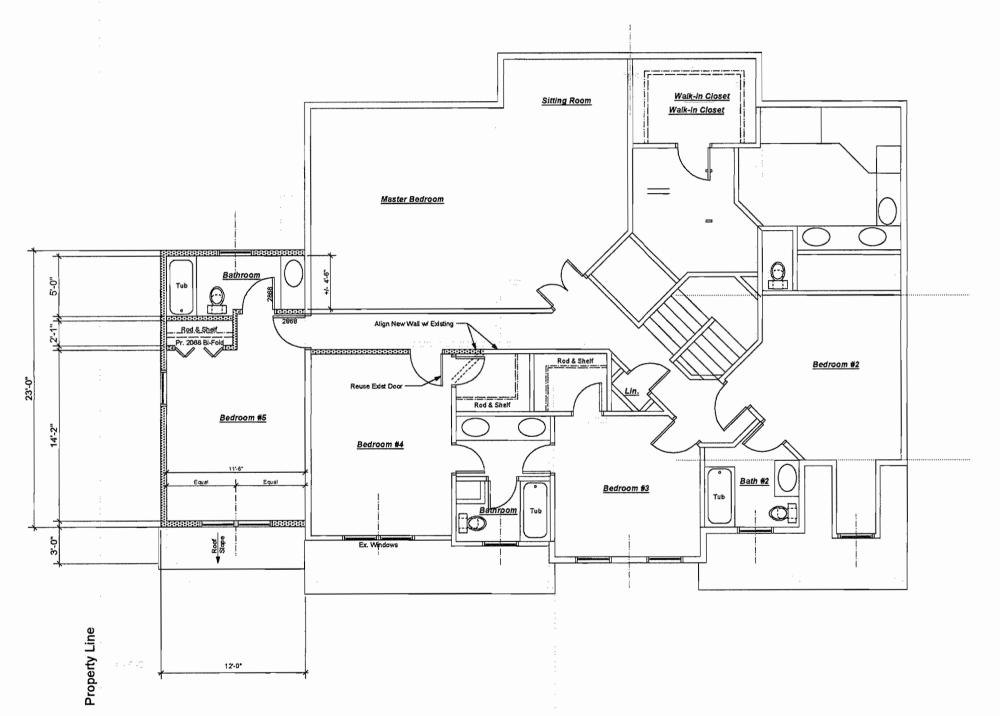
Proposed Addition for

Horwitz Residence 2005 Myrtlewood Road Baltimore, MD 21209

February 12, 2008

Second Floor Plan

**A-2** 



Second Floor Plan

Scale: 1/8" = 1'-0"

Wall Schedule

- Existing Wall To Remain

- Existing Wall To Be Removed

- New 2 x 4 Wall Construction