

IN RE: PETITION FOR ADMIN. VARIANCE

N/W corner of Jolly Road and
Rockland Hills Drive
(2000 Jolly Road)
3rd Election District
2nd Council District

Grigoriy Rubinshteyn, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* Case No. 2010-0313-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Grigoriy Rubinshteyn and Marina Kuznetsova. The Petitioners seek relief from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the erection of a 72" high residential occupancy fence in the rear yard of a lot which adjoins the front yard of another lot on which a residence has been built, in lieu of the maximum permitted 42 inches. The subject property and requested relief are more particularly described on Petitioners' Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code (B.C.C.). That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, the property in question is posted for a period of 15 days during which time any property owner residing within 1,000 feet of the property may demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate. If no hearing is requested or scheduled, the matter can be considered and an Order issued by the Zoning/Deputy Commissioner based on the documentation contained in the file. In the instant

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By

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case, the property was duly posted and within the requisite time period, the nearby property owner of 7102 Rockland Hills Drive, Murray A. Kalish, filed a request for a public hearing. This matter was, therefore, scheduled for a public hearing, which was held on June 29, 2010.

Appearing at the requisite public hearing in support of the variance request were Grigoriy Rubinshteyn and Marina Kuznetsova, and their daughter. Appearing at the hearing in opposition to the request were Murray A. and Michele R. Kalish, adjacent property owners (7102 Rockland Hills Drive) and Darlene Fleischmann, a family friend of the Kalish's. No other Protestants or interested persons were in attendance at the hearing.

Testimony and evidence offered revealed that the subject property, 2000 Jolly Road, is a square-shaped corner parcel containing a gross area of 17,484 square feet, more or less, zoned D.R.16. The subject property sits at the northwest corner of the intersection of Jolly Road and Rockland Hills Drive, in the Green Gate subdivision of Mount Washington. The Petitioners have owned the subject property since 2003, which is improved with a single-family dwelling, built in 1977, encompassing 1,780 square feet, more or less.¹ The subject of the variance request relates to Petitioners desire to erect a six (6) foot/ seventy-two (72) inch, high vinyl fence that will run along the rear of the property bordering the front yard of 7102 Rockland Hills Drive.

Under the B.C.Z.R., the proposed fence can be constructed and is permitted by right in the side and rear yards. However, variance relief is required pursuant to Section 427 of the Regulations to allow the fence to be constructed in the front yard of a lot that adjoins another on which a residence has been built, if that fence is more than forty-two (42) inches high and within ten (10) feet of the adjoining front yard property line. Conversely, a fence more than forty-two

¹ According to the Real Property Data Search record contained in the case file, Petitioners purchased the property and improvements from Joseph Rosen and was designated as "Lot 14, block H on a Plat entitled, Plat 2, Section 5, Green Gate".

(42) inches high is permitted under the aforementioned section if that fence was not within ten (10) feet of the adjoining front yard property line.

Mr. Rubinshteyn and Ms. Kuznetsova offered testimony during the hearing about the need for the fence. Petitioners opined that the fence is necessary due to the multitude of individuals that use their property as a 'cut-through.' They mentioned continued fear for themselves and their family following reports of several robberies in the neighborhood. Petitioners wish to curb such occurrences and ease their fears with the erection of the proposed fence. Furthermore, Petitioners cite to the need for increased privacy due to the visibility of their backyard from the sidewalk and especially the pool and clubhouse of the Twin Ridge Apartment Complex directly across the street. Petitioners exposed deck and backyard can be seen in the photographs accepted and marked collectively into evidence as Petitioners' Exhibit 2.

In opposition to the Petitioners request for variance relief, Murray Kalish stated that the proposed fence infringes on the aesthetics of his property and his reasonable use and enjoyment of the property. Mr. Kalish presented a signed and notarized letter from the Petitioners adjacent neighbors to the west, Harry and Frances Bernstein at 2002 Jolly Road, which was accepted and marked into evidence as Protestant's Exhibit 2, in which opposition to the Petitioners request is expressed stating that the fence poses a risk to the public health and safety of the community. Additionally, Mr. Kalish submitted a petition signed by a multitude of neighbors stating their opposition to the fence request. The petition was submitted and accepted into evidence as Protestant's Exhibit 3.

The Zoning Advisory Comments (ZAC) comments were received and are contained within the case file. Comments were received from the Office of Planning dated June 8, 2010 recommending denial of the Petitioners administrative variance request. These comments cite

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the fact that the Petitioners application does not address the burden of proof required by Section 307.1 of the B.C.Z.R., i.e., hardship or practical difficulty. Moreover, these comments state that the height requirements of the Regulations provide Petitioners the privacy and security they aim to achieve with construction of the fence.

The consideration of a variance request from the zoning regulations is governed by Section 307.1 of the B.C.Z.R. as interpreted by *Cromwell v. Ward*, 102 Md. App. 691 (1995). The two-part variance test involves finding that a property is unique and unusual and that if strict adherence to the regulations were required absent relief, an unreasonable hardship or practical difficulty would result. Self-inflicted or created hardship is not considered proper grounds for a variance.

After due consideration of the testimony and evidence presented, I find that the Petitioners request for variance should be denied. Although I recognize the Petitioners' intentions to provide privacy and safety for their home, insufficient evidence was put forth to satisfy the strict burden of proof required for a variance. The Petitioners did comment that instead of building the fence within the regulated ten (10) feet of the adjoining front yard property line, the fence would be constructed, pending permit approval, outside the regulated area at its proposed height of seventy-two (72) inches.

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

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 29th day of June, 2010, that the Petition for Variance from Section 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit the erection of a residential

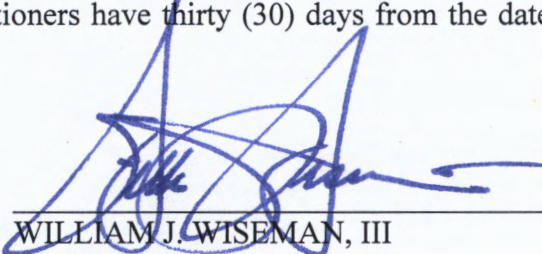
ORDER RECEIVED FOR FILING

Date

By

occupancy fence in the rear yard of a lot which adjoins the front yard of another lot on which a residence has been built, with a fence height of 72 inches (6 feet) in lieu of the maximum permitted 42 inches, be and is hereby DENIED.

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



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:esl

ORDER RECEIVED FOR FILING

Date

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By

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BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

June 29, 2010

Grigoriy Rubinshteyn
Marina Kuznetsova
2000 Jolly Road
Baltimore, Maryland 21209

RE: PETITION FOR ADMIN. VARIANCE
N/W corner of Jolly Road and Rockland Hills Drive
(2000 Jolly Road)
3rd Election District - 2nd Council District
Grigoriy Rubinshteyn, et ux – *Petitioners*
Case No. 2010-0313-A

Dear Mr. Rubinshteyn and Ms. Kuznetsova:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

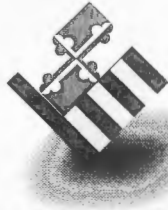
In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: Murray A. & Michele R. Kalish, 7102 Rockland Hills Drive, Baltimore, MD 21209
Darlene Fleischmann, 8211 Marcie Drive, Baltimore, MD 21208
People's Counsel; Office of Planning; File



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
May 28, 2010

Grigoriy Rubinshteyn
Marina Kuznetsova
2000 Jolly Road
Baltimore, MD 21209

Dear Homeowners:

RE: Demand for Public Hearing, Administrative Variance, Case Number:

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

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

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

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

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:kl

C: Murray Kalish, 7102 Rockland Hills Drive, Baltimore 21209



FORMAL DEMAND FOR HEARING

CASE NUMBER: 2010-0313 A

Address: ~~2000~~ 2000 JOLLY ROAD, BALTO. MD 21209

Petitioner(s): RUBINSHTEYN - GRIGORIY & MARINA

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We MURRAY A. KALISH of
Name Type or Print

☒ Legal Owner OR ☐ Resident
7102 ROCKLAND HILLS DRIVE
Address Zip Code

BALTIMORE MARYLAND
City State

410-484-5271
Telephone Number

which is located approximately 0 feet 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] 5/27/10
Signature Date

No. 54291

Date:

Total: 50.00

Rec
From: M K. Singh

For: 7102 Rockland Hills/HK

2/208

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DOWN
----------	--------	------	------

5/21/2010 5/27/2010 14:17:07

W505 MAY 27 1959

RECEIPT # 532714 5/27/2010 09:17

Dep't 5 5/28 ZONING VERIFICATION

054291

**CASHIER'S
VALIDATION**

3 1/2' x 6'

Petition for Administrative Variance



to the Zoning Commissioner of Baltimore County for the property located at 2000 Jolly Rd, Baltimore, MD 21209 which is presently zoned _____

Deed Reference: 17962/163 Tax Account # 1700005921

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) 427B. (BCZR)

TO PERMIT A RESIDENTIAL OCCUPANCY FENCE WITH A HEIGHT OF 6-FEET IN LIEU OF THE MAXIMUM PERMITTED 42 INCHES TO BE ERECTED IN THE REAR YARD OF A LOT THAT ADJOINS THE FRONT YARD OF ANOTHER RESIDENCE.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

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

I, or we, agree to pay expenses of above Administrative 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):

Grigoriy Rubinshteyn

Name - Type or Print _____

Signature _____

Marina Kuznetsova

Name - Type or Print _____

Signature _____

2000 Jolly Road (410) 486-1509

Address _____

Telephone No. _____

Baltimore, MD

City _____

State _____

21209

Zip Code _____

Representative to be Contacted:

Name _____

Address _____

Telephone No. _____

City _____

State _____

Zip Code _____

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

Zoning Commissioner of Baltimore County

Case No. 2010-0313-A

Reviewed By D.T. Date 5/12/10

ORDER RECEIVED FOR FILING

Estimated Posting Date 5/23/10

FRM476_09

Date 6-29-10

Rev 3/09

By DW

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 own and reside at 2000 Jolly Road
Address number Road or Street name

and that this address is the subject of this variance request as required by law.

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 the hardship or practical difficulty; attach an additional sheet if needed) We occupy a corner house in a neighborhood that is directly across an apartment complex. Lately, children and adults have been walking through our backyard after being told to stop. After hearing of a few thefts in the neighborhood, we decided to get a fence. A 6 foot fence is required in the backyard and sides of the house to limit visibility from the apartment complex, deter trespassers and safety for my family. Our dog chases a lot of the cars at the intersection and a fence would stop it.
That the Affiant(s) acknowledge(s) that if a formal demand is filed, and the Affiant(s) desire to proceed with their variance request, they will be responsible for reposting the property and for payment of the advertising fees. They also understand that they may be required to provide additional information.

Signature

Grigoriy Rubinshteyn
Name- print or type

Signature

Marina Kuznetsova
Name- print or type

A Notary Public must complete the following section prior to the filing appointment.

STATE OF MARYLAND, BALTIMORE COUNTY, to wit:

I HEREBY CERTIFY, this 28th day of April, 2010, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared:

(Name Affiant(s) here): GRIGORIY RUBINSHTEYN + MARINA KUZNETSOVA
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Nancy P. Hart
Name of Notary Public

9/8/2011
Commission expires

PLACE SEAL HERE:



Zoning Description for 2000 Jolly Road

Beginning at a point on the corner of Jolly Road which is 14.14 feet wide of the intersection of Rockland Hills Drive and Jolly Road which is 118.88 feet wide from the southeast side of the property to the northeast side of the property at Rockland Hills which is 130.00 feet wide from the northeast side of the property at Rockland Hills to the northwest side of the property which is 123.17 (R) feet wide from the northwest side of the property to the southwest side of the property at Jolly Road which $R = 47.5$ at the corner of southwest which is perpendicular to a driveway on the left side of the front house which is 89.69 feet to the driveway on the right side of the front house which is 56.87 to the corner of Jolly Road and Rockland Hills Drive. Being known and designated as Lot 14, Block H, as shown on a Plat entitled, "Plat 2, Section 5, Green Gate", which Plat is recorded among the Land Records of Baltimore County in Plat Book EHKJr. No. 38, Folio 77. The improvements thereon being known as No. 2000 Jolly Road and located in the 42 Election District, 2 Councilmanic District.

2010-0313-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2010- 0313 -A

Address 2000 JOLLY RD. 21209

Contact Person: DONNA THOMPSON
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 5/23/10

Posting Date: 5/23/10

Closing Date: 6/7/10

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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2010- 0313 -A

Address 2000 JOLLY RD. 21209

Petitioner's Name RUBINSHTEYN

Telephone 410-486-1509

Posting Date: 5/23/10

Closing Date: 6/7/10

Wording for Sign: To Permit A RESIDENTIAL OCCUPANCY FENCE WITH A HEIGHT
OF 6- FEET IN LIEU OF THE MAXIMUM PERMITTED 42-INCHES TO BE
ERECTED IN THE REAR YARD OF A LOT THAT ADJOINS THE FRONT YARD
OF ANOTHER RESIDENCE.

Revised 8/20/09

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 2010-0313-A

Petitioner: RUBINSSTEIN | KUZNETSOVA

Address or Location: 2000 JOLLY RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. GRIGORY RUBINSSTEIN

Address: 2000 JOLLY RD.

BALTIMORE, MD 21209

Telephone Number: 410-486-1509

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. **53931**

Date: **5/2/10**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	2000	0000		6150					165.00

Total: **165.00**

Rec
From: **PRIGORIT RUBINSTEIN**

For: **2010 - CASH**
2000 GOLF RD.
D. Thompson

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

**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: # 2010-0313-A

2000 Jolly Road
N/West corner of Jolly Road
and Rockland Hills Drive
3rd Election District
2nd Councilmanic District
Legal Owner(s):

Grigori Rubinshteyn &
Marina Kuznetsova

Variance: to permit a residential occupancy fence with a height of 6 feet in lieu of the maximum permitted 42 inches to be erected in the rear yard of a lot that adjoins the front yard of another residence.

Hearing: Tuesday, June 29, 2010 at 10:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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.

JT/6/787 June 15 244102

CERTIFICATE OF PUBLICATION

6/17, 2010

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 6/15, 2010.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 5/24/2010

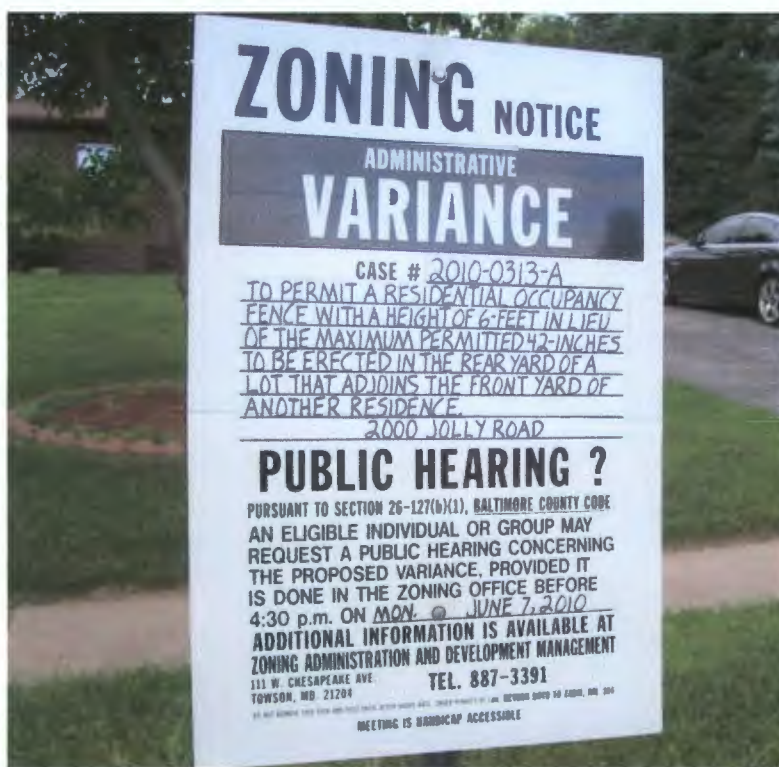
Case Number: 2010-0313-A

Petitioner / Developer: RUBINSHTEYN/KUZNETSOVA

Date of Hearing (Closing): JUNE 7, 2010

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:
2000 JOLLY ROAD

The sign(s) were posted on: MAY 23, 2010



Linda O'Keefe
(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)

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 06/16/2010

Case Number: 2010-0313-A

Petitioner / Developer: RUBINSHTEYN KUZNETSOVA

Date of Hearing (Closing): JUNE 29, 2010

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:
2000 JOLLY ROAD

The sign(s) were posted on: JUNE 13, 2010



Linda O'Keefe
(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)

TO: PATUXENT PUBLISHING COMPANY
Tuesday, June 15, 2010 Issue - Jeffersonian

Please forward billing to:
Grigoriy Rubinshteyn
2000 Jolly Road
Baltimore, MD 21209

410-486-1509

NOTICE OF ZONING HEARING

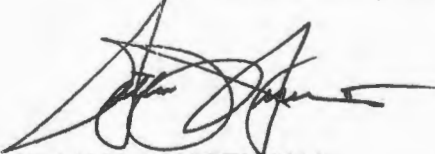
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0313-A

2000 Jolly Road
N/west corner of Jolly Road and Rockland Hills Drive
3rd Election District -2nd Councilmanic District
Legal Owners: Grigoriy Rubinshteyn & Marina Kuznetsova

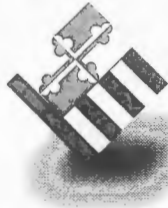
Variance to permit a residential occupancy fence with a height of 6 feet in lieu of the maximum permitted 42 inches to be erected in the rear yard of a lot that adjoins the front yard of another residence.

Hearing: Tuesday, June 29, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 1, 2010

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: 2010-0313-A

2000 Jolly Road

N/west corner of Jolly Road and Rockland Hills Drive

3rd Election District - 2nd Councilmanic District

Legal Owners: Grigoriy Rubinshteyn & Marina Kuznetsova

Variance to permit a residential occupancy fence with a height of 6 feet in lieu of the maximum permitted 42 inches to be erected in the rear yard of a lot that adjoins the front yard of another residence.

Hearing: Tuesday, June 29, 2010 at 10:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:kll

C: Murray Kalish, 7102 Rockland Hills Drive, Baltimore 21209
Rubinshteyn/Kuznetsova, 2000 Jolly Road, Baltimore 21209

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, JUNE 14, 2010.**
- (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.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

June 22, 2010

Grigoriy & Marina Kuznetsova
2000 Jolly Rd.
Baltimore, MD 21209

Dear: Grigoriy & Marina Kuznetsova:

RE: Case Number 2010-0313-A, 2000 Jolly Rd.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on May 12, 2010. 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:lnw

Enclosures

c: People's Counsel

6/22 File rec'd
w/ original case
Richards ltr.
& copies.
Business advised
and to pickup.



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

May 27, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: May 24th, 2010

Item Numbers: 0305, 0309, 0313, 0315, 0316, 0317, 0318, 0320 and 0321

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.

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

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

Please
file

Case
closed.

Thanks.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 8, 2010

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

RECEIVED

JUN 11 2010

SUBJECT: 2000 Jolly Road

ZONING COMMISSIONER

INFORMATION:

Item Number: 10-313

Petitioner: Grigory Rubinshteyn & Marina Kuznetsova

Zoning: DR 16

Requested Action: Administrative Variance

The lot in question is a corner lot in the subdivision of Greengate, Section 5 approved in 1975. The petitioner seek an administrative variance in order to construct a 6 foot high residential fence in lieu of 42 inches in the rear yard of a lot that adjoins the front yard of another residence. The petitioner's rationale for a higher fence is that they want to block the view of their property from the apartment complex, deter trespassing and theft.

SUMMARY OF RECOMMENDATIONS:

The reasons listed do not appear to address the burdens of proof required by Section 304 of the BCZR, i.e. hardship or practical difficulty.

It is undesirable to have a six-foot high fence in the neighboring property, 7102 Rockland Hills Drive's front yard. A 42-inch high fence should provide both security and deter trespassers. A 42-inch fence should be able to accomplish what the petitioners seek to achieve, privacy and security. The Office of Planning recommends denial of the administrative variance.

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

Prepared by:

Curtis R. Quaye

Division Chief:

Lynn Jackson

AFK/LL: CM

AB
6-7-10

formal
demand

BW
6-29-10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 8, 2010

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

SUBJECT: 2000 Jolly Road

INFORMATION:

Item Number: 10-313

Petitioner: Grigory Rubinshteyn & Marina Kuznetsova

Zoning: DR 16

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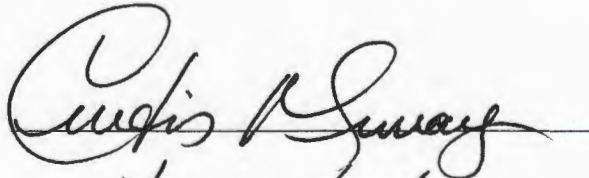
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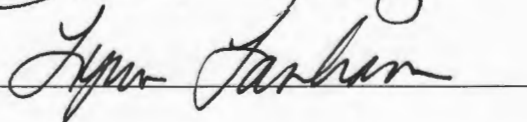
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For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

JUN 15 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination

DATE: June 14, 2010

SUBJECT: Zoning Item # 10-313-A
Address 2000 Jolly Road
(Rubinshteyn and Kuznetsova Property)

Zoning Advisory Committee Meeting of May 24, 2010

X The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

Reviewer: JWL Date: 6/14/2010

AV
6-7-10
formal
demand

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

FROM: ^{DAK}Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For June 7, 2010
Item Nos. 2010- 302, 305, 309, 313,
314, 315, 316, 317, 318, 319, 320 &
321

DATE: May 27, 2010

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

DAK:CEN:elm

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-006072010 -NO COMMENTS.doc



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 06-01-2010

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

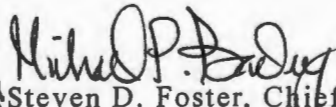
RE: Baltimore County
Item No. 2010-0313-A
2000 Lolly Rd
RUBINSHTEYN & KUZNETSOVA
ADMIN. VARIANCE

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. 2010-0313-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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

SDF/mb



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw5.1d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 03 **Account Number -** 1700005920

Owner Information

Owner Name:	KALISH MURRAY A KALISH MICHELE RAE	Use:	RESIDENTIAL
Mailing Address:	7102 ROCKLAND HILLS DR BALTIMORE MD 21209-1113	Principal Residence:	YES
		Deed Reference:	1) / 5939/ 288 2)

Location & Structure Information

Premises Address	Legal Description
7102 ROCKLAND HILLS DR	126 N JOLLY RD GREEN GATE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	2
69	20	893			5	H	13	2	Plat Ref:	38/ 77

Special Tax Areas

Town	
Ad Valorem	
Tax Class	

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1978	3,232 SF	14,694.00 SF	04

Stories	Basement	Type	Exterior
2	NO	SPLIT LEVEL	1/2 BRICK FRAME

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2008	07/01/2009	07/01/2010
Land	105,690	144,690		
Improvements:	202,260	287,340		
Total:	307,950	432,030	390,670	432,030
Preferential Land:	0	0	0	0

Transfer Information

Seller: HMH CONSTRUCTION CO INC	Date: 09/25/1978	Price: \$96,390
Type: IMPROVED ARMS-LENGTH	Deed1: / 5939/ 288	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

6/29

10 AM

200-0313-A



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw1.1d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 03 **Account Number -** 1700005921

Owner Information

Owner Name: RUBINSHTEYN GRIGORIY
 KUZNETSOVA MARINA
Use: RESIDENTIAL
Principal Residence: YES
Mailing Address: 2000 JOLLY RD
 BALTIMORE MD 21209-1014
Deed Reference: 1) /17962/ 163
 2)

Location & Structure Information

Premises Address

2000 JOLLY RD

Legal Description

2000 JOLLY RD
 GREEN GATE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:	
69	20	893			5	H	14	2	2	
									Plat Ref:	38/ 77

Special Tax Areas
 Town
 Ad Valorem
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1977	1,780 SF	17,484.00 SF	04
Stories 1	Basement YES	Type STANDARD UNIT	Exterior SIDING

Value Information

	Base Value	Value	Phase-In Assessments		
		As Of	As Of	As Of	
		01/01/2008	07/01/2009	07/01/2010	
Land	106,620	145,620			
Improvements:	208,150	242,030			
Total:	314,770	387,650	363,356	387,650	
Preferential Land:	0	0	0	0	

Transfer Information

Seller: ROSEN JOSEPH	Date: 05/08/2003	Price: \$285,000
Type: IMPROVED ARMS-LENGTH	Deed1: /17962/ 163	Deed2:
Seller: HMM CONSTRUCTION CO INC	Date: 02/01/1977	Price: \$65,600
Type: IMPROVED ARMS-LENGTH	Deed1: / 5721/ 473	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

6/29 @ 10AM

(AV - Formal Denial)

CASE NO. 2010- 0313-A

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose No Comment</u>
<u>5-27</u>	DEVELOPMENT PLANS REVIEW	<u>None</u>
	DEPRM	
<u>5-27</u>	FIRE DEPARTMENT	<u>None</u>
<u>6-8</u>	PLANNING (if not received, date e-mail sent _____)	<u>Denial</u>
<u>6-1</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 6-15-10

SIGN POSTING Date: 6-13-10

PEOPLE'S COUNSEL APPEARANCE Yes ☐ No ☒ A.V.

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____

PLEASE PRINT CLEARLY

CASE NAME 200 Jolly Rd.
CASE NUMBER 2010-0313-A
DATE 6-29-10

CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME 2000 Jolly Ro
CASE NUMBER 2010-0313-A
DATE 6/29/10

Protestants

PETITIONER'S SIGN-IN SHEET

[illegible]



2010-0313-A



2010-0313-A



2010-0313-A



2010-0313-A



2010-0313-A

Case No.: 2010 - 0313 - A 2000 Jolly Road

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Site Plan
No. 2	Photo's	Photographs
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PETITIONER'S

EXHIBIT NO.

2



6 ft fence is lower than trees.
They never complained of the trees.



His branches are blocking his view. The
fence will be barely visible to him
in the corner.



Everyone walks past yard; look into
yard



Trees are taller than the fence will be.
No obstruction.



House on other corner on Pheasant Street.
Fence is closer to curb and blocks
4 way stop intersection.



42 inch fence will not block this view.
60 foot fence will block most of view of pool
and street.



this is what everyone sees. No
privacy. Can easily jump over
42 inch fence.



Corner yard - visible from roads



His trees obstruct more view than a fence will. If fence would be up, you would not see the corner in this picture.

Case No.: 2010 - 0313 - A 2000 Jolly Road

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Site Plan	Site Plan
No. 2	Photo's	Photographs
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



PROTESTANT' S

EXHIBIT NO. _____



Dr. & Mrs. Harry Bernstein
2002 Jolly Road
Baltimore, Maryland 21209

June 7, 2010

The Zoning Commissioner of Baltimore County
Room 104
Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

Dear Zoning Commissioner of Baltimore County,

Re: Case Number 2010-0313-A
2000 Jolly road
Northwest corner of Jolly Road and Rockland Hills Drive
3rd Election District-2nd Councilmanic District
Legal Owners: Grigoriy Rubenshteyn and Marina Kuznetsova

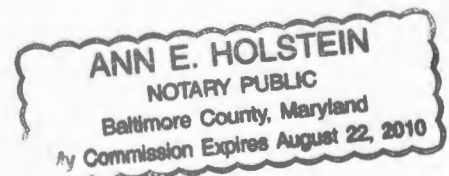
We the undersigned ~~are~~ opposed to the construction of a residential occupancy fence with a height of six feet in lieu of the maximum permitted 42 inches proposal to be erected in the rear yard of a lot 2000 Jolly Road, Baltimore, MD 21209 and that adjoins the front yard of another residency 7102 Rockland Hills Drive, Baltimore, MD 21209. This is not permitted in law and risks the public health and a safety of the community..

We are also apposed to a 6 foot fence between 2000 Jolly Road, Baltimore, MD 21209 and 2002 Jolly Road, Baltimore, MD 21209 in variance to the law.


Frances B. Bernstein


Harry H. Bernstein

signed before me June 7, 2010
Ann Holstein, notary



PROTESTANT' S

EXHIBIT NO. 2

Petition re: case # 2010-0313 A (2000 Jolly Road; Baltimore, MD 21209)

We, the undersigned, are opposed to the construction of a residential occupancy fence with a height of 6 feet in lieu of the maximum permitted 42 inches proposed to be erected in the rear yard of a lot that adjoins the front yard of another residence.

Name

Address

Charles B. Benton	2002 Jolly Rd, Baltimore, MD 21209
Harry Berg	2002 Jolly Rd Baltimore MD 21209
Wm. K. K. K.	2008 Jolly Rd Baltimore MD 21209
Robert K. K.	2008 Jolly Rd Baltimore MD 21209
Tracy A. K.	7102 Rockland Hills Drive 21209
Nichole K. K.	7102 Rockland Hills Drive 21209

PROTESTANT' S

EXHIBIT NO.

3

Petition re: case # 2010-0313 A (2000 Jolly Road; Baltimore, MD 21209)

We, the undersigned, are opposed to the construction of a residential occupancy fence with a height of 6 feet in lieu of the maximum permitted 42 inches proposed to be erected in the rear yard of a lot that adjoins the front yard of another residence.

Name

Address

William Langston

7106 Trochland Hills Dr. 21209

Elaine W. J.

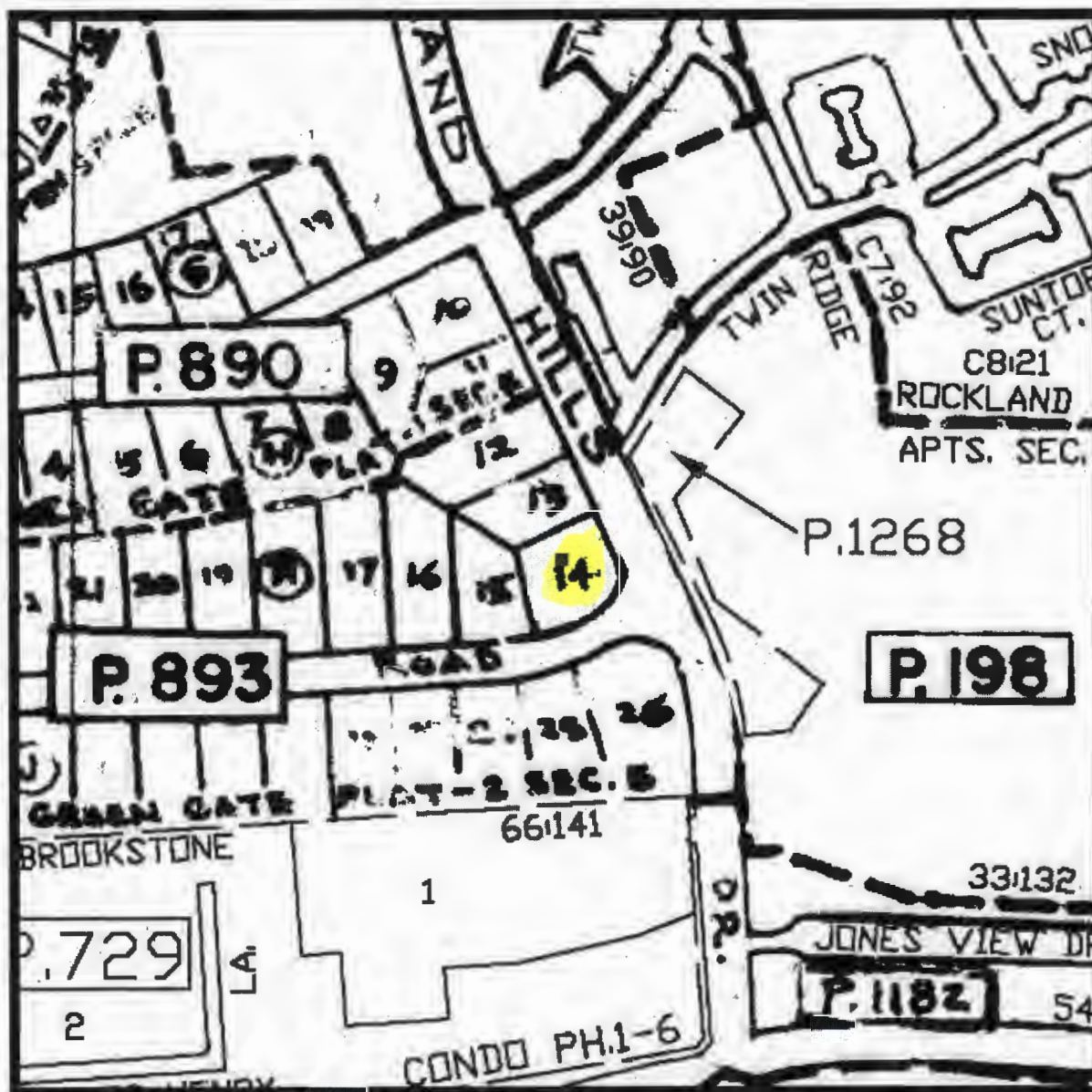
7106 Rockland



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search

[Go Back](#)
[View Map](#)
[New Search](#)

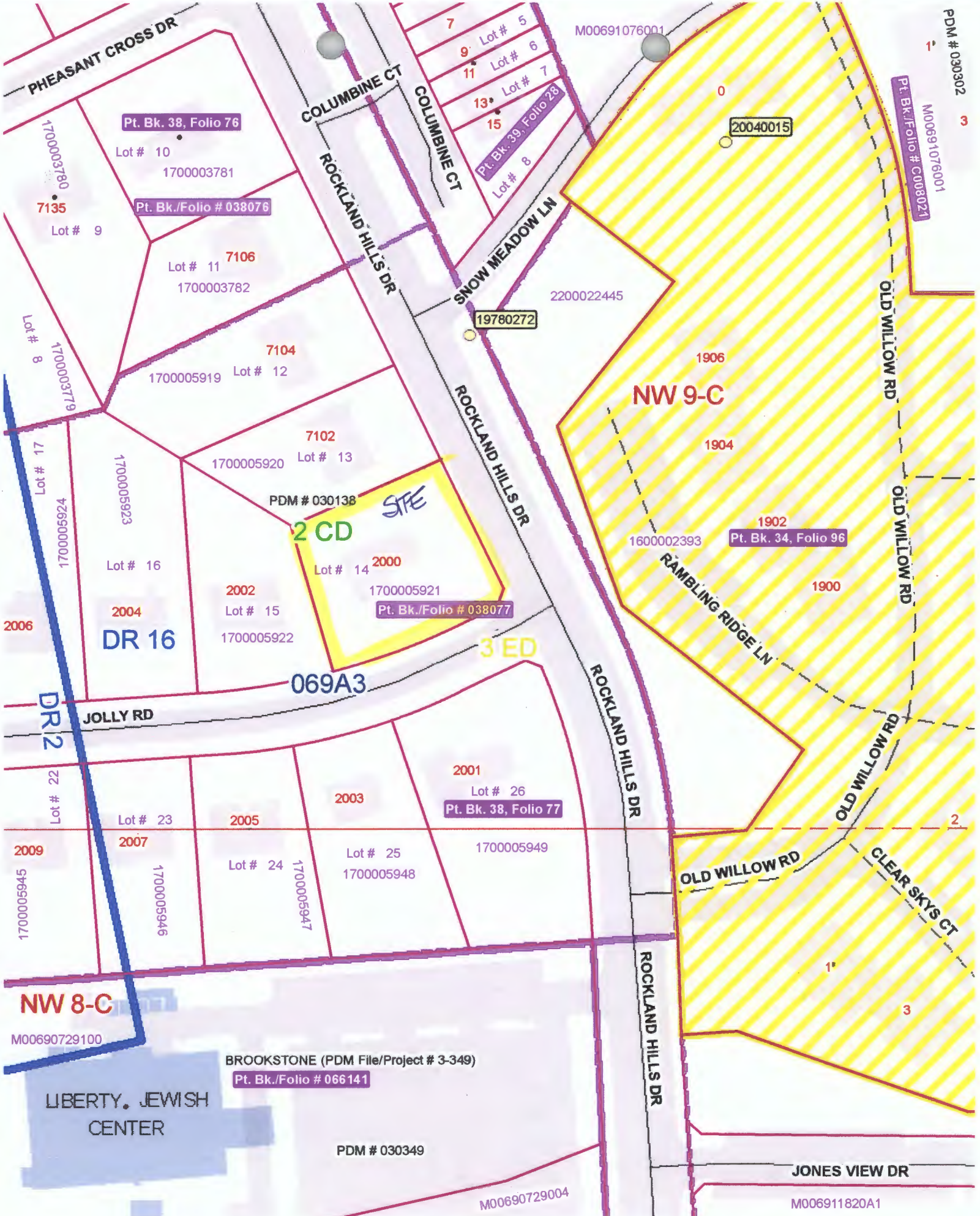
District - 03 Account Number - 1700005921



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net.

Property maps provided courtesy of the Maryland Department of Planning ©2009.
 For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml



PDM # 030302 3

M00691076001

Pt. Bk./Folio # C008021

20040015

M00691076001

2200022445

19780272

NW 9-C

Pt. Bk. 34, Folio 96

1600002393

Pt. Bk./Folio # 038077

Pt. Bk. 38, Folio 77

BROOKSTONE (PDM File/Project # 3-349)
Pt. Bk./Folio # 066141

PDM # 030349

JONES VIEW DR

M006911820A1

M00690729004

M00690729100

2010-0313-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

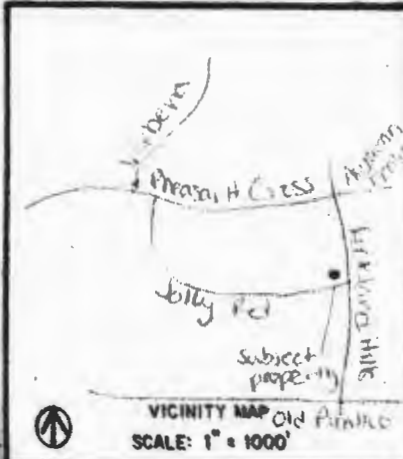
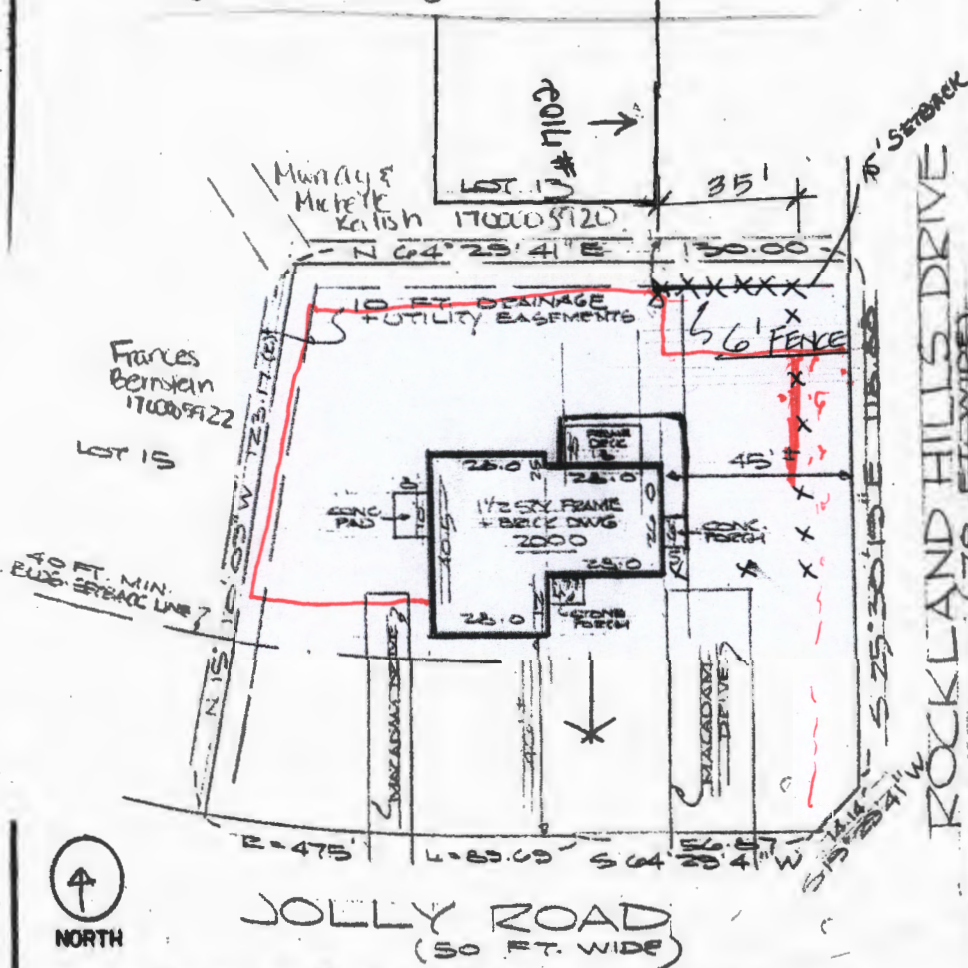
PROPERTY ADDRESS 2000 Jolly Road

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

SUBDIVISION NAME Green Gate

PLAT BOOK # 38 FOLIO # 77 LOT # 14 SECTION # 5

OWNER Gregory Rubinshteyn & Marina Kuznetsova



LOCATION INFORMATION			
ELECTION DISTRICT	3 RD		
COUNCILMANIC DISTRICT	2 ND		
1" = 200' SCALE MAP #	069A3		
ZONING	DR16		
LOT SIZE	ACREAGE	SQUARE FEET	
		PUBLIC	PRIVATE
SEWER	☒	☐	
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 #
D.T.	0313	2010-0313-A

PREPARED BY Gregory Rubinshteyn

SCALE OF DRAWING: 1" = 50'

PETITIONER'S

EXHIBIT NO.

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

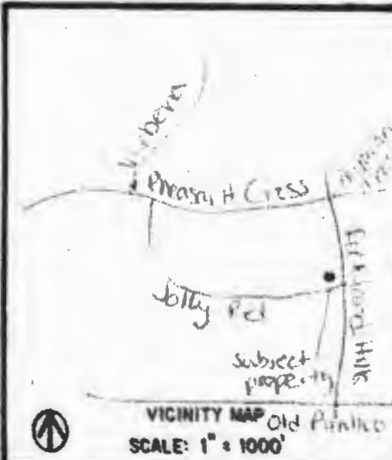
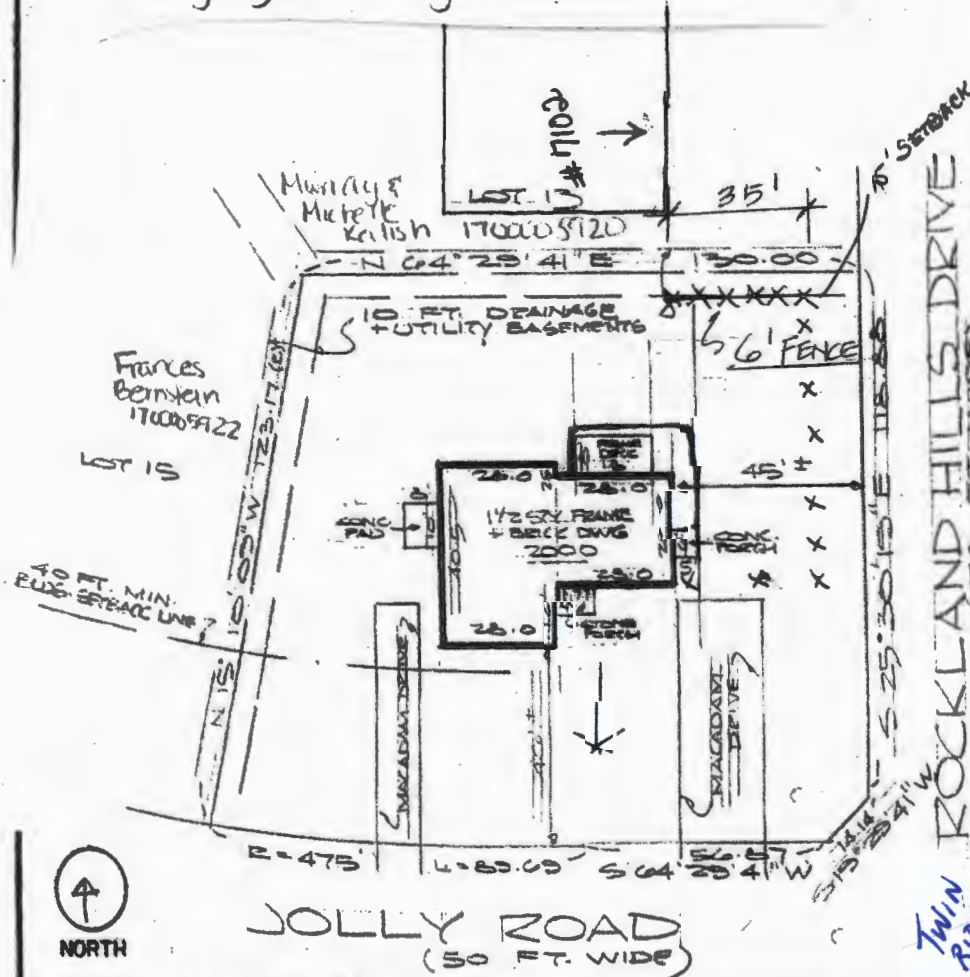
PROPERTY ADDRESS 2000 Jolly Road

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

SUBDIVISION NAME Green Gate

PLAT BOOK # 38 FOLIO # 77 LOT # 14 SECTION # 5

OWNER Gregory Rubinshteyn & Marina Kuznetsova



LOCATION INFORMATION

ELECTION DISTRICT 3 RD
 COUNCILMANIC DISTRICT 2 ND
 1" = 200' SCALE MAP # 069A3
 ZONING DR16
 LOT SIZE 17,484 SQUARE FEET

	ACREAGE	PUBLIC	PRIVATE
SEWER	☒	☐	
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 # 2010-0313-A
 D.T. 0313

PREPARED BY Gregory Rubinshteyn

SCALE OF DRAWING: 1" = 50'

-15-