

IN RE: PETITION FOR VARIANCE

NE corner of Hopkins Road and
Dorking Road
9th Election District
5th Councilmanic District
(300 Hopkins Road)

Christiane M. Rothbaum
Petitioner

* BEFORE THE
* OFFICE OF
* ADMINISTRATIVE HEARINGS
* FOR BALTIMORE COUNTY
* **CASE NO. 2012-0221-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for consideration of a Petition for Variance filed by Christiane M. Rothbaum, the legal owner. Petitioner is requesting Variance relief from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing open projection (existing deck, porch and landing) with a rear yard setback of 24.33' in lieu of the required 37.5'. The subject property and requested relief are more fully described on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the variance request was Petitioner Christiane M. Rothbaum and Joe Milio with HMR Services, Inc. Art Buist, Esquire, was in attendance and represented the Petitioner. Appearing in opposition were Jean K. Duvall, Carol Zielke, Bruce Hirshauer, Kris Henry, and Larry Fogelson. J. Carroll Holzer, Esquire appeared and represented the Rodgers Forge community. The file reveals that the Petition was properly advertised and the site was properly posted as required by the B.C.Z.R.

Testimony and evidence offered revealed that the subject property is 3,774 square feet and is zoned DR 10.5. The property is improved with a brick end-of-group town home, and the pictures submitted show the property is well maintained and attractive. Petitioner seeks approval for an

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Date 6.14.12

By pm

"open projection" (i.e., open porch or deck) that has already been constructed and she needs variance relief to "legitimize" that structure.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no adverse comments from any of the County reviewing agencies.

Based upon the testimony and evidence presented, I believe I must deny the request for variance relief. I find – as Judge Stahl did in an earlier case – that there is nothing particularly "unique" about the property owned by Petitioner. Rather, the Petitioner's home is virtually identical to the other 1,773 homes in Rodgers Forge, deliberately so. The neighborhood has a cohesive and uniform feel which is a major part of its appeal and market value. Counsel for Petitioner contended that the topography change in Petitioner's rear yard rendered the property "unique" as that term is used in Maryland law, but I respectfully disagree. The Maryland cases talk about "exceptional topographic conditions" that may lead to the grant of variance relief, but I do not believe that an elevation or grade change of less than one foot would meet this standard. *See, Cromwell v. Ward*, 102 Md. App. at 701.

Though the Petition for Variance will be denied, I at the same time do not believe the Petitioner needs variance relief to enable her to keep her open porch. In this regard, I respectfully disagree with the conclusions reached by Administrative Law Judge Kotroco in his decision dated January 19, 2012. The Zoning Commissioner's Policy Manual (ZCPM) states that the open projection "rules are dependent upon when the subdivision occurred." ZCPM § 301-1, p. 3-1. Petitioner's house was constructed in 1937, and the Rodgers Forge subdivision (or at least the portion containing Petitioner's home) was thus approved well before the adoption of the B.C.Z.R. The first County zoning regulations were adopted in 1945, and those regulations provide that a rear yard in a "D" Residence Zone (for Group houses, now known as townhouses) must have a

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By ym

minimum depth of 25 feet. B.C.Z.R. (1945) Section VI, C.4. (Petitioner's open porch is now located 24.33' from the rear lot line, which is approximately 8 inches deficient, assuming the 1945 regulations were applicable).

The 1945 regulations also provide that "uncovered porches" may be permitted where they would not "obstruct light and ventilation." B.C.Z.R. (1945) Section X, A.2. *See also*, ZCPM Section 301.1.A.1. There was no testimony presented in this case to the effect that Petitioner's porch would obstruct light or air, which is understandable given the porch is only one foot above grade. Thus, I do not believe variance relief was needed in the first instance.

This of course leaves the parties in a quandary, which is certainly not my intent. Counsel for Petitioner requested that, if relief was denied, I provide in the Order some further clarification of a "solution" to the problem. But that is not a function performed by an Administrative Law Judge hearing a zoning case. Rather, it is the Department of Permits, Approvals and Inspections (PAI), and the Administrative Law Judge hearing that agency's case, that must impose fines and order restoration of property in violation of the B.C.Z.R. Baltimore County Code (B.C.C.) Section 3-6-301.

That has already occurred in this case, which itself is somewhat unorthodox. In most cases, a zoning violation case will be held in abeyance to allow the homeowner to pursue variance relief to legitimize the structure or building at issue. Here, Administrative Law Judge Kotroco found the open porch violated the B.C.Z.R., and imposed a \$1,000 fine. He did not order, as he would have been permitted to do, that the porch be removed. B.C.C. § 3-6-207. It is thus unclear whether the County would be authorized to pursue additional administrative remedies against the Petitioner, or if further prosecution at this point would be barred by principles of res judicata. *Seminary Galleria, LLC v. Dulaney Valley Improv. Ass'n.*, 192 Md. App. 719, 730 (2010) (well-settled that principles

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Date 6-14-12 3

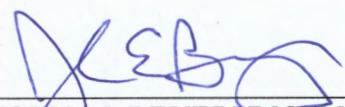
By YR

of res judicata apply to administrative proceedings). The B.C.C. does contain a provision authorizing the Department of PAI or adjacent neighbors to seek injunctive relief from a court, but it is unclear whether at this juncture res judicata would be a viable defense to such an action. B.C.C. §§ 32-3-607; 3-6-202. As noted above, those are issues decided by an Administrative Law Judge hearing zoning violation cases, and are beyond the scope of the present hearing involving only a petition for variance relief.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered, I find that Petitioner's variance request should be DENIED.

THEREFORE, IT IS ORDERED this 14th day of June, 2012 by this Administrative Law Judge that Petitioner's Variance request from Section 301.1.A of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing open projection (existing deck, porch and landing) with a rear yard setback of 24.33' in lieu of the required 37.5', be and is hereby DENIED.

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



JOHN M. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JMB/dlw

ORDER RECEIVED FOR FILING

Date 6.14.12 _____

By jm _____



KEVIN KAMENETZ
County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
TIMOTHY M. KOTROCO
Administrative Law Judges

June 14, 2012

Art Buist, Esquire
234 Overbrook Road
Baltimore, Maryland 21212

RE: Petition for Variance
Case No.: 2012-0221-A
Property: 300 Hopkins Road

Dear Mr. Buist:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

Enclosure

c: J. Carroll Holzer, Esquire, 508 Fairmount Avenue, Towson, MD 21286

IN THE MATTER OF:
300 HOPKINS ROAD

N/E Corner Hopkins Road at Dorking

9th Election District
3rd Councilmanic District

Legal Owner: Christiane Rothbaum

BEFORE THE
BALTIMORE COUNTY
ADMINISTRATIVE LAW JUDGE

BALTIMORE COUNTY

CASE NUMBER: 2012-0221-A

RECEIVED

JUN 11 2012

OFFICE OF ADMINISTRATIVE HEARINGS

PETITIONER'S RESPONSE TO
PROTESTANT'S PRE-HEARING MEMO

Christiane Rothbaum, Petitioner, by and through her attorney, Art Buist, Esq., and the Law Office of Art Buist, LLC, hereby files this Response to Protestant's Pre-Hearing Memo, and states:

1. A hearing on the above caption matter was held before the Honorable John E. Beverungen, on Friday, June 8, 2012.
2. At said hearing Protestant's presented the above referenced Pre-Hearing Memo, ("memo") and Judge Beverungen granted Petitioner a reasonable time to file a response. Said response follows.

RESPONSE

As to pages one through three of the memo, these issues were dealt with well at the hearing and need not be rehashed here, except for two notations:

A. Petitioner objects to certain characterizations of her and her actions contained in the memo. Several of these are counter to the evidence presented and/or they are scurrilous. Some are flat-out wrong, such as the assertion of a violation of the code, for her front porch, in Paragraph 5. The similar allegation regarding authority from Baltimore County in Paragraph 4 is wrong, and the reference to a need for approval from the Architectural Committee of Rodgers Forge for her 2000 front porch project is, at best, irrelevant to the variance case before this court.

B. In paragraph 2, Protestants refer to the opinion of Judge Timothy Krotroco, dated January 19, 2012, regarding a citation. Specifically, Protestants include a reference to a finding of fact by Judge Krotroco that the landing is 8 inches to 16 inches above grade level (paragraph 2).¹ At the hearing before Your Honor on June 8th, photographic evidence, including measurement scale, (Petitioner's Exhibit 5), proved that the *actual* elevation ranges from five (5) inches to fourteen (14) inches. Also Petitioner's Exhibit 2 clearly shows that if the western end of the lower (alley side) step were to be extended, to match the western end of the landing, it would disappear into the ground, and indeed become underground.

¹ Protestant's memo state the finding as "eight feet (8') to sixteen feet (16') above grade" undoubtedly this is a typographical error.

This illustrates a good reason why Your Honor should not be bound by findings of fact made during the prior citation hearing. In addition the Kotroco citation opinion states clearly “that the \$1,000.00 fine may be held in abeyance pending a separate Variance petition being filed by Mrs. Rothbaum to legitimize the lower deck area and its rear yard setback.” It is clear that Judge Kotroco considered a variance petition to be a separate proceeding. Were his citation decision held to be *res judicata* for the variance hearing, there would be no need, or ability, for Mrs. Rothbaum to have a variance hearing. Probably of most significance is that Judge Kotroco did not, and had not cause to, apply the standards of Cromwell, *infra*. That is clearly the province of the judge hearing the variance case.

The terms of Cromwell v. Ward, 102 Md. App. 691 (1995)² were discussed at length at the June 8th hearing, and need not be rehashed here. Petitioner does note, however, that the *only* evidence offered on the issue of “uniqueness” was through Petitioner’s expert Joseph Milo. (Noting here for this memo, as to the aspects of “shape, topography” Cromwell, at 710.) Milo testified that Petitioner’s property typography was unique in that her property is at a higher level and steeper grade than the adjacent properties. Protestants offered the personal belief of their sole witness (Carol Zielke) that the property was not unique; but Ms. Zielke did not provide any basis for her belief.

Other than the discussion of Cromwell, Protestant’s memo offers two legal authorities. In one, Anderson’s American Law of Zoning, is quoted by them as follows:

² Petitioner’s memo also includes Umerley v. People’s Counsel, 108 Md. App. 497 (1996), and Riffin v. People’s Counsel, 137 Md. App. 90 (2001), along with Cromwell, in a string citation without differentiation.

The underlying purposes of administrative relief have been discussed in an earlier chapter, but specifically, with respect to variances, it is said that a variance is 'designed as an escape hatch from the literal terms of the ordinance which, if strictly applied, would deny a property owner all beneficial use of his land and thus amount to confiscation.'

3 KENNETH H. YOUNG & ROBERT MILFORD ANDERSON, *ANDERSON'S AMERICAN LAW OF ZONING* §20.02 (4th ed. 1996) (citations omitted).

To which Petitioner responds, absolutely correct! It is difficult to imagine a legal authority providing a more succinct and clear statement applicable to the variance case before this court. The purpose of having an administrative review is to provide logical relief when, as in this case, a strict application of the literal terms of the ordinance would deny the owner beneficial use of her land.

The other authority cited by Protestants is McLean v. Solely, 270 Md. 208 (1973). Interestingly, Protestants fail to mention that in McLean, the variance was *granted*. In that case, the problem was if a developer of a Baltimore County residential/office complex (Solely) complied with the existing zoning, many trees would have to be destroyed. If a variance to the existing zoning was allowed, the trees could be saved.

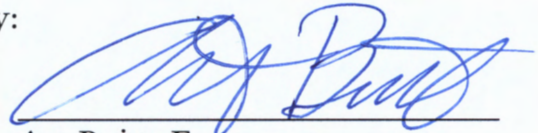
The court in McLean weighed and balanced the factors before it, including opposition from an adjoining resident claiming the proposed variance "would interfere with his light, air and privacy" *id.*, at 210. Stated briefly, the court held: "That the construction of the buildings in strict compliance with the sideyard requirements would result in the destruction of the trees ... and that there was only meager evidence to support the contention that a detriment would befall the neighboring property owner." *Id.*, 215.

CONCLUSION

The Petitioner has met her burden. The authorities cited in Protestant's memo actually bolster Petitioner's case that she should be granted a variance.

WHEREFORE, the Petitioner renews her prayer to Honorable Court to grant a variance to the 37.5 foot open projection restriction, to a rear yard setback of 24.33.

Respectfully submitted by:



Art Buist, Esq.

The Law Office of Art Buist, LLC

6600 York Road, Suite 116

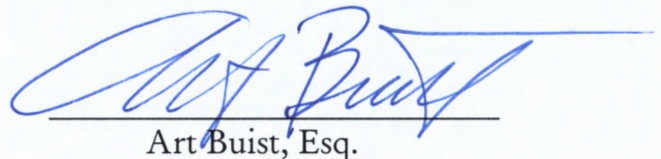
Baltimore, MD 21212

Phone: (410) 366-5200

Attorney for the Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of June 2012, I mailed the above Petitioner's Response to Protestant's Pre-hearing Memo, by first class mail, properly addressed, with proper postage to: J. Carroll Holzer, Esq. Holzer & Lee, 508 Fairmount Avenue; Towson, MD 21286, Attorney for Protestants.



Art Buist, Esq.

The Law Office of Art Buist, LLC

ADMITTED TO PRACTICE IN MARYLAND, ILLINOIS, THE FEDERAL DISTRICT COURT OF MARYLAND, AND THE U.S. SUPREME COURT

6600 York Road, Suite 116
Baltimore, MD 21212
410-366-5200
fax: 410-366-0050
ArtB2002@aol.com

June 11, 2012

Via Hand-delivery

The Honorable John E. Beverungen
Office of Administrative Hearings
The Jefferson Building
105 W. Chesapeake Avenue
Suite 103
Towson, MD 21204

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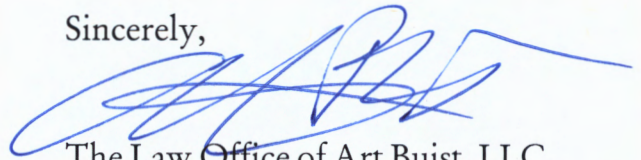
OFFICE OF ADMINISTRATIVE HEARINGS

Re: **In the Matter of 300 Hopkins Road**
Zoning, Variance, Christiane Rothbaum
Case Number: 2012-0221-A

Dear Judge Beverungen:

On Friday you permitted me time to file a response to Protestant's Pre-hearing Memo, which was submitted by Mr. Holzer. In keeping with your desire to keep the process moving, I am hand-delivering my response to your office today. Thank you for your time.

Sincerely,



The Law Office of Art Buist, LLC
Art Buist, Esq.

cc: Carroll Holzer, Esq.
Christiane Rothbaum
enclosure

IN THE MATTER OF:
300 HOPKINS ROAD

N/E Corner Hopkins Road
at Dorking

9th Election District
5th Councilmanic District

Legal Owner:
Christine Rothbaum

* BEFORE THE
* BALTIMORE COUNTY
* ADMINISTRATIVE LAW JUDGE
* BALTIMORE COUNTY
*
* Case No.: 2012-0221-A
*

* * * * *

PROTESTANTS PRE-HEARING MEMO

Protestants, *Carol Bonnie Zielke, Bonnie Zielke, Jennifer Helfrich, Jean Duvall*
and the Rodgers Forge Community Association, by *J. Carroll Holzer, Esquire*,
Holzer & Lee, submit this Pre-Hearing Memo and say:

1. The Legal Owner of 300 Hopkins Road, Baltimore, Maryland
21212 has submitted a variance request to permit an existing (done without a permit and
is an existing violation as determined in Civil Citation No.: 101475, by Administrative
Law Judge Timothy Kotroco on January 19, 2012), porch and landing with a rear yard
setback of 24.33' in lieu of the required 37.5'.

2. A Code Citation was issued to Applicant. (She had previous
experience with Administrative Law Judge Lawrence Stahl in Case No.: 2011-0302-A,
who denied an enclosed room on the same deck area in June 17, 2011). The lower deck

was found to be eight feet (8') to sixteen feet (16') above grade as determined by Administrative Law Judge Timothy Kotroco and a fine of One Thousand Dollars (\$1,000.00) imposed.

3. The Protestants have appeared at both Administrative Law Judge hearings and opposed the variances.

4. The Applicant has in the past, constructed extensions without asking for approval of the Architectural Committee of Rodgers Forge and failed to ask for appropriate authority from Baltimore County.

5. In past years, an addition to the front of the home was constructed in violation of the Code.

6. In light of the Applicants proclivity to construct before obtaining permission, the Protestants are concerned that if the variance is granted, such approval will be abused and additional construction will occur.

7. The Protestants also object on the basis that this variance extension will set a precedent for others to request and obtain similar treatment which will affect the rest of the Rodgers Forge Community to its detriment.

8. Although Counsel recognized the broad experience of the Administrative Law Judge, it is appropriate to set out below, the criteria for granting variances:

In the Baltimore County Zoning Regulations, B.C.Z.R. §307.1 states, in pertinent part:

“The Zoning Commissioner of Baltimore County, and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, and from sign regulations only in cases where special circumstances exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, an only in such manner as to grant relief without injury to the public health, safety, and welfare. They shall have no power to grant any other variances.”
Emphasis supplied.

This standard requires proof of the following:

1. That the land or structure is “unique,” a zoning term of art;
2. That the uniqueness “results” in “practical difficulty” pertinent to zoning compliance;
3. That there is true “practical difficulty,” another zoning term of art, and
4. That any such “practical difficulty” is not self-created, subject to recent Court of Appeals decisions.

5. That there will be no injury to the public safety, health and welfare.

Historically, a variance functions to allow a property owner a reasonable permitted use of property. 3 Young, Anderson's American Law of Zoning 4th, §20.02, at 411 (1996):

“The underlying purposes of administrative relief have been discussed in an earlier chapter, but specifically, with respect to variances, it is said that a variance is ‘designed as an escape hatch from the literal terms of the ordinance which, if strictly applied, would deny a property owner all beneficial use of his land and thus amount to confiscation.’”

The three-pronged test under Maryland Case Law

The first inquiry here is whether the property is peculiar or “unique.” If evidence of uniqueness is insufficient or unpersuasive, the inquiry ends there. Cromwell v. Ward, 102 Md. App. 691 (1995); Umerley v. People's Counsel, 108 Md. App. 497 (1996); Riffin v. People's Counsel, 137 Md. App. 90, cert. denied, 363 Md. 660 (2001). If this threshold is passed, the next question is whether the unique condition results in “practical difficulty.” McLean v. Solely, 270 Md. 208, 213-15 (1973). This also brings into play the further issue of impact on public safety and welfare.

The work “unique” is defined carefully. Otherwise, anyone could make some sort of claim. In Cromwell, 102 Md. App. at 710 (1995), the Court stated:

“In the zoning context the ‘unique’ aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property.

‘Uniqueness’ of a property for zoning purposes require that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls.”

In McLean, 270 Md. 208, 214-15 (1973), the Court established three interrelated criteria to determine “practical difficulty:”

“In the zoning context the ‘unique’ aspect of a variance requirement does not refer to the extent of improvements upon the property, or upon neighboring property.

‘Uniqueness’ of a property for zoning purposes require that the subject property have an inherent characteristic not shared by other properties in the area, i.e., its shape, topography, subsurface condition, environmental factors, historical significance, access or non-access to navigable waters, practical restrictions imposed by abutting properties (such as obstructions) or other similar restrictions. In respect to structures, it would relate to such characteristics as unusual architectural aspects and bearing or party walls.”

In McLean, 270 Md. 208, 214-15 (1973), the Court established three interrelated criteria to determine “practical difficulty:”

“(1) Whether compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonably

prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.

(2) Whether a grant of the variance applied for would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.

(3) Whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.”

McLean incorporates the “public safety and welfare” criterion as a distinct but related element of “practical difficulty.” B.C.Z.R. §307.1 identifies public health, safety, and welfare separately. IT makes sense intellectually to view it as either different from the concern about unreasonable prevention of or burdening the use of property or as a kind of umbrella. It is, in a sense, either the third prong or the ultimate police power objective.

Many zoning petitioners assume the word “variance” implies a minor adjustment (like Webster’s “variable,” “variant,” or “variation”). But Judge Cathell explained with depth in Cromwell that zoning controls must not lightly be disregarded. Otherwise, the structure of zoning law would collapse like a house of cards. Zoning law may not be quite as immovable as the rock of Gibraltar, but it is a far cry from a sand dune.

CONCLUSION

In this case, the Applicant cannot prove “uniqueness” and that special circumstances exist that are peculiar to the land. Also, she has failed to establish practical difficulty or unreasonable hardship, and finally, the Community of Rodgers Forge will sustain injury to the public health, safety and welfare.

Respectfully submitted,



J. CARROLL HOLZER, Esquire
Holzer & Lee
508 Fairmount Avenue
Towson, Maryland 21286
410-825-6961
Attorney for Protestants



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 300 HOPKINS ROAD which is presently zoned DR-10.5

Deed References: 27375/00454 10 Digit Tax Account # 0914100100

Property Owner(s) Printed Name(s) CHRISTIANE M. ROTHBAUM

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 301.1.A - to permit an existing open projection (Existing Deck
porch and landing) with rear yard setback of 24.33 feet in lieu of
the required 37.5 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If
you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Date

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

CHRISTIANE ROTHBAUM

Name #1 - Type or Print

Ch. Roth

Signature #1

Signature #2

300 Hopkins Rd. BALTO, MD.

Mailing Address

City

State

212-1819 410-377-9077

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

Zip Code

Telephone #

Email Address

CASE NUMBER

2012-0221-A

Filing Date 3/14/12

Do Not Schedule Dates: MAY 1st thru 10th

Reviewer RD

REV. 10/4/11

ORDER RECEIVED FOR FILING
6-14-12

4/23 12:45 PM
Voice mail left
giving P/P &
req. of email if
the above. JB



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Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

CHRISTIANE ROTHBAUM

Name #1 - Type or Print Name #2 - Type or Print

Signature #1

Signature #2

300 HOPKINS ROAD, BALTO, MD.

Mailing Address City State

2122-1819 410-377-9077

Zip Code Telephone # Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

CASE NUMBER 2012-0221-A Filing Date 3/14/12

Do Not Schedule Dates: MAY 1st thru 10th Reviewer RD



PETITION FOR ZONING HEARING(S)

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2. a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. X a Variance from Section(s) 301.1.A - to permit an existing open projection (~~existing deck~~ porch and landing) with rear yard setback of 24.33 feet in lieu of the required 37.5 ft.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Date

Mailing Address

By

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

CHRISTIANE ROTHBAUM

Name #1 - Type or Print

Name #2 - Type or Print

Ch. Roth

Signature #1

Signature #2

300 Hopkins Rd. BALTO, MD.

Mailing Address

City

State

212-1818 410-377-9077

Zip Code

Telephone #

Email Address

Representative to be contacted:

Name - Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

CASE NUMBER

2012-0221-A

Filing Date

3/14/12

Do Not Schedule Dates:

MAY 1ST thru 10TH

Reviewer

RD

Zoning Description for 300 Hopkins Road, Baltimore, MD 21212

Beginning at the corner formed by the intersection of the north side of Hopkins Road which is fifty feet wide and the east side of Dorking Road which is thirty seven feet wide as recorded in the Baltimore County Deed Liber E.H.K. JR No. 6868, folio 523

BEGINNING FOR THE SAME at the corner formed by the intersection of the northernmost side of Hopkins Road and the southeasternmost side of Dorking Road and running thence southeasterly by a line curving towards the south and binding on the north side of Hopkins Road thirty-four feet to a point in a line with the centre of the partition wall there situate thence north four degrees fifty – four minutes east to and through the centre of the said partition wall and continuing the same course in all one hundred and ten feet to the south side of an alley fifteen feet wide there situate thence northwesterly by a line curving towards the south parallel with Hopkins Road and binding on the south side of said alley with the use thereof in common with the others twenty and nineteen one-hundredths feet to the northeast side of Dorking Road and thence south twelve degrees two minutes west binding thereon one hundred and eleven and thirteen one hundredths feet to the place of the beginning. The improvements thereon being known as 300 Hopkins Rd.

Located in the Fifth Councilmantic District, Ninth Election District and Zoned DR 10.5

The lot is 3774 Square Feet (.0866 Acres)

RJD
Item # 221

**CASHIER'S
VALIDATION**

**NOTICE OF ZONING
HEARING**

The Administrative Law Judge 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: # 2012-0221-A

300 Hopkins Road
N/e corner of Hopkins Road
and Dorking Road
9th Election District
5th Councilmanic District
Legal Owner(s):
Christine Rothbaum

Variance: to permit an existing open projection (existing porch and landing) with a rear yard setback of 24.33 feet in lieu of the required 37.5 feet.

Hearing: Wednesday,
April 25, 2012 at 10:00
a.m. in Room 205, Jefferson
Building, 105 West
Chesapeake Avenue,
Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Administrative Hearings Of-
fice at (410) 887-3868.

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

JT/4/653 Apr. 10 - 301452

CERTIFICATE OF PUBLICATION

4/12/ 2012

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 4/10/ 2012.

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

J. Wilkinson

LEGAL ADVERTISING

**NOTICE OF ZONING
HEARING**

The Administrative Law Judge 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: # 2012-0221-A
300 Hopkins Road
N/side of Hopkins Road and
Dorking Road
9th Election District
5th Councilmanic District
Legal Owner(s): Christine
Rothbaum

Variance: to permit an existing open projection (existing porch and landing) with a rear yard setback of 24.33 feet in lieu of the required 37.5 feet.

Hearing: Friday, June 8, 2012 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR
OF PERMITS, APPROVALS
AND INSPECTIONS FOR
BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

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

05/260 May 17 303432

CERTIFICATE OF PUBLICATION

5/17, 2012

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 5/17, 2012.

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

J. Wilkinson

LEGAL ADVERTISING

Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: May 19, 2012

Attention: Zoning Office, Ms. Kristen Lewis

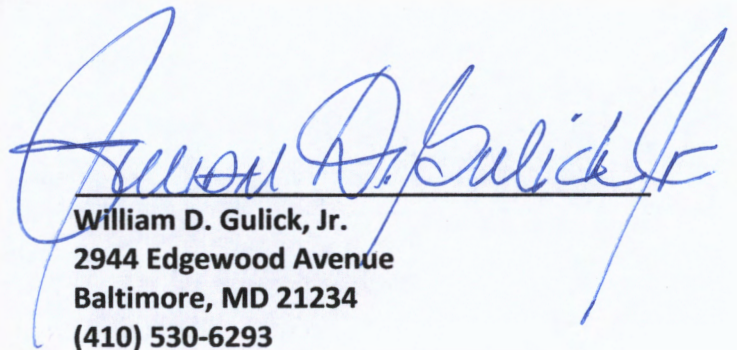
Re: Case Number: 2012-0221-A

Petitioner/Developer: Christine Rothbaum

Date of Hearing/Closing: June 8, 2012

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: 300 Hopkins Road

The sign(s) were posted on: May 19, 2012



William D. Gulick, Jr.
2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

ZONING NOTICE

CASE # 2012-0221-A

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

JEFFERSON BUILDING ROOM 205
105 WEST CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

DATE AND TIME: FRIDAY
JUNE 8 2012 AT 10:00 AM

REQUEST: VARIANCE TO PERMIT
AN EXISTING OPEN PROJECTION (EXISTING
PORCH AND LANDING) WITH A REAR YARD
SETBACK OF 24.33 FEET IN LIEU OF THE
REQUIRED 37.5 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391 (410)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



Certificate of Posting

Department of Permits, Approval, and Inspections
Baltimore County
111 W. Chesapeake Avenue
Room 111
Towson, MD 21204

Date: April 10, 2012

Attention: Zoning Office, Ms. Kristen Lewis

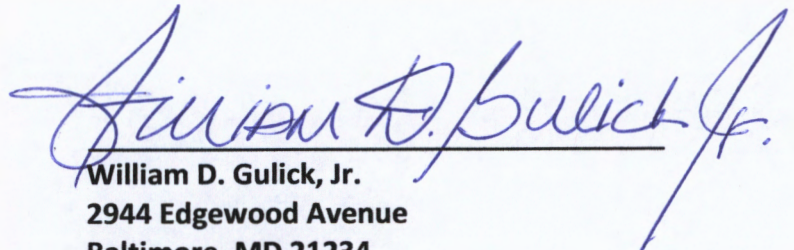
Re: Case Number: 2012-0221-A

Petitioner/Developer: Christine Rothbaum

Date of Hearing/Closing: April 25, 2012

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: 300 Hopkins Road

The sign(s) were posted on: April 10, 2012


William D. Gulick, Jr.
2944 Edgewood Avenue
Baltimore, MD 21234
(410) 530-6293

ZONING NOTICE

CASE # 2012-0221-A

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

JEFFERSON BUILDING-ROOM 205
105 W. CHESAPEAKE AVENUE
PLACE: TOWSON, MD 21204

WEDNESDAY
DATE AND TIME: APRIL 25, 2012 AT 10:00 AM

REQUEST: VARIANCE TO PERMIT

AN EXISTING OPEN PROJECTION (EXISTING

PORCH AND LANDING) WITH A REAR YARD

SETBACK OF 24.33 FEET IN LIEU OF THE

REQUIRED 37.5 FEET.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391 (410)

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING, UNDER PENALTY OF LAW
HANDICAPPED ACCESSIBLE



300 HOPKINS ROAD

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
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: 2012-0221-A

Petitioner: MS. CHRISTIANE M. ROTHBAUM

Address or Location: 300 HOPKINS RD., BALTO, MD, 21212-1819

PLEASE FORWARD ADVERTISING BILL TO:

Name: S

Address: SAME

Telephone Number: 410-377-9077

Revised 2/17/11 DT

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 10, 2012 Issue - Jeffersonian

Please forward billing to:
Christine Rothbaum
300 Hopkins Road
Baltimore, MD 21212

410-377-9077

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0221-A

300 Hopkins Road
N/e corner of Hopkins Road and Dorking Road
9th Election District – 5th Councilmanic District
Legal Owners: Christine Rothbaum

Variance to permit an existing open projection (existing porch and landing) with a rear yard setback of 24.33 feet in lieu of the required 37.5 feet.

Hearing: Wednesday, April 25, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 30, 2012

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0221-A

300 Hopkins Road

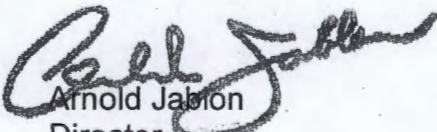
N/e corner of Hopkins Road and Dorking Road

9th Election District – 5th Councilmanic District

Legal Owners: Christine Rothbaum

Variance to permit an existing open projection (existing porch and landing) with a rear yard setback of 24.33 feet in lieu of the required 37.5 feet.

Hearing: Wednesday, April 25, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204


Arnold Jablon
Director

AJ:kl

C: Christine Rothbaum, 300 Hopkins Road, Baltimore 21212

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, APRIL 10, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, May 17, 2012 Issue - Jeffersonian

Please forward billing to:
Christine Rothbaum
300 Hopkins Road
Baltimore, MD 21212

410-377-9077

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2012-0221-A

300 Hopkins Road
N/e corner of Hopkins Road and Dorking Road
9th Election District – 5th Councilmanic District
Legal Owners: Christine Rothbaum

Variance to permit an existing open projection (existing porch and landing) with a rear yard setback of 24.33 feet in lieu of the required 37.5 feet.

Hearing: Friday, June 8, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

May 11, 2012

NEW NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2012-0221-A

300 Hopkins Road

N/e corner of Hopkins Road and Dorking Road

9th Election District – 5th Councilmanic District

Legal Owners: Christine Rothbaum

Variance to permit an existing open projection (existing porch and landing) with a rear yard setback of 24.33 feet in lieu of the required 37.5 feet.

Hearing: Friday, June 8, 2012 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over a faint circular stamp.

Arnold Jablon
Director

AJ:kl

C: Christine Rothbaum, 300 Hopkins Road, Baltimore 21212

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 19, 2012.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

April 17, 2012

Christine Rothbaum
300 Hopkins Road
Baltimore, MD 21212

RE: Case Number: 2012-00221A, Address: 300 Hopkins Road, 21212

Dear Ms. Rothbaum:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on March 14, 2012. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel

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



Maryland Department of Transportation

Beverley K. Swaim-Staley, Secretary
Melinda B. Peters, Administrator

Date: 3-19-12

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

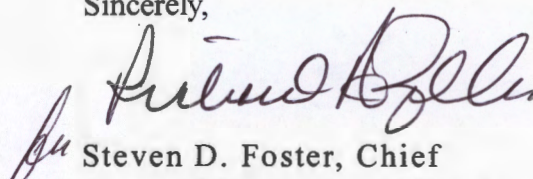
RE: Baltimore County
Item No 2012-0221-A.
Variance
Christine Rothbauer
300 Hopkins Road.

Dear Ms. Lewis:

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. 2012-0221-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,


Steven D. Foster, Chief
Access Management Division

SDF/raz

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: March 21, 2012

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

SUBJECT: Zoning Advisory Committee Meeting
For April 02, 2012
Item Nos. 2012-214,215,216,217,218,219
And 221

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

DAK:CEN

cc: File

G:\DevPlanRev\ZAC -No Comments\ZAC-04022012-NO COMMENTS.doc

RE: PETITION FOR VARIANCE
300 Hopkins Road; N/E corner of
Hopkins Road and Dorking Road
9th Election & 5th Councilmanic Districts
Legal Owner(s): Christine Rothbaum
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2012-221-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

MAR 21 2012

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 21st day of March, 2012, a copy of the foregoing Entry of Appearance was mailed to Christine Rothbaum, 300 Hopkins Road, Baltimore, Maryland 21212, Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

IN THE MATTER OF:
300 Hopkins Road

NE Corner Hopkins Rd. at Dorking
9th Election District
5th Councilmanic District

Legal Owner: Christine Rothbaum

* BEFORE THE HEARING

* OFFICER/ADMIN. LAW JUDGE

* OF BALTIMORE COUNTY

* Case No.: 2012-0221-A

* * * * *
SUBPOENA

TO: Please process in accordance with the Zoning Act & Regulations for Baltimore County
Glenn Berry
Building Inspector
County Office Building
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;
(X) Personally appear and produce documents or objects;

(Place where attendance is required)
Jefferson Bldg., 105 W. Chesapeake Ave., Room 205

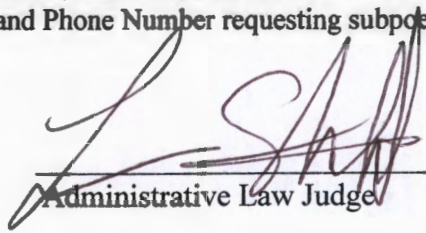
Friday, June 8, 2012 at 10 a.m. for such witness' testimony and continuing thereafter as necessary without need for separate subpoena for such witness' testimony as determined by the Admin. Law Judge. The witness can be "on call" and available in their office until called to appear as a witness in any hearing assigned by the Admin. Law Judge.

YOU ARE COMMANDED TO produce the following documents or objects:
Any and all files, studies, letters, memos, comments, plats, maps, deeds, photos, etc. in the above captioned matter and in Civil Citation Case No. 101475

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date

6/4/12



Administrative Law Judge

IN THE MATTER OF:
300 Hopkins Road

NE Corner Hopkins Rd. at Dorking
9th Election District
5th Councilmanic District

Legal Owner: Christine Rothbaum

* BEFORE THE HEARING

* OFFICER/ADMIN. LAW JUDGE

* OF BALTIMORE COUNTY

* Case No.: 2012-0221-A

* * * * *
SUBPOENA

TO: Please process in accordance with the Zoning Act & Regulations for Baltimore County
Rodney Larrick
Building Inspector
County Office Building
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;
(X) Personally appear and produce documents or objects;

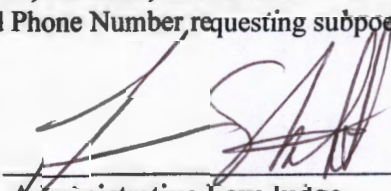
(Place where attendance is required)
Jefferson Bldg., 105 W. Chesapeake Ave., Room 205

Friday, June 8, 2012 at 10 a.m. for such witness' testimony and continuing thereafter as necessary without need for separate subpoena for such witness' testimony as determined by the Admin. Law Judge. The witness can be "on call" and available in their office until called to appear as a witness in any hearing assigned by the Admin. Law Judge.

YOU ARE COMMANDED TO produce the following documents or objects:
Any and all files, studies, letters, memos, comments, plats, maps, deeds, photos, etc. in the above captioned matter and in Civil Citation Case No. 101475

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date 6/4/12



Administrative Law Judge

IN THE MATTER OF:
300 Hopkins Road

NE Corner Hopkins Rd. at Dorking
9th Election District
5th Councilmanic District

Legal Owner: Christine Rothbaum

* BEFORE THE HEARING

* OFFICER/ADMIN. LAW JUDGE

* OF BALTIMORE COUNTY

* Case No.: 2012-0221-A

* * * * *

SUBPOENA

Please process in accordance with the Zoning Act & Regulations for Baltimore County
TO: Carl Richards
Zoning Supervisor
County Office Building
Towson, MD 21204

YOU ARE HEREBY COMMANDED TO: () Personally appear; () Produce documents and or objects only;
(X) Personally appear and produce documents or objects;

(Place where attendance is required)
Jefferson Bldg., 105 W. Chesapeake Ave., Room 205

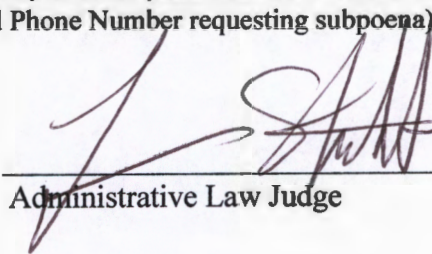
Friday, June 8, 2012 at 10 a.m. for such witness' testimony and continuing thereafter as necessary without need for separate subpoena for such witness' testimony as determined by the Admin. Law Judge. The witness can be "on call" and available in their office until called to appear as a witness in any hearing assigned by the Admin. Law Judge.

YOU ARE COMMANDED TO produce the following documents or objects:
Any and all files, studies, letters, memos, comments, plats, maps, deeds, photos, etc. in the above captioned matter and in Civil Citation Case No. 101475

J. Carroll Holzer, 508 Fairmount Ave., Towson, MD 21286 410-825-6961
(Name of Party or Attorney, Address and Phone Number requesting subpoena)

Date

6/4/12



Administrative Law Judge

DIVISION OF CODE INSPECTIONS AND ENFORCEMENT

ACTIVE VIOLATION CASE DOCUMENTS

2012-221-1

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: March 19, 2012

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Glenn Berry, Chief
Division of Code Inspections & Enforcement

SUBJECT: Item No.: 2012-0221-A
Legal Owner/Petitioner: Christine M. Rothbaum
Contract Purchaser: N/A
Property Address: 300 Hopkins Road, 21212
Location Description: N/E corner of Hopkins Road and Dorking Road

VIOLATION INFORMATION: Case No. CO00101475
Defendants: Christine Rothbaum

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME	ADDRESS
Rogers Forge Community Inc.	P.O. Box 571 Riderwood, Maryland 21139

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

- ☒ 1. Complaint letter/memo/email/fax (if applicable)
- ☒ 2. Complaint Intake Form/Code Enforcement Officer's report and notes
- ☐ 3. State Tax Assessment printout
- ☐ 4. State Tax Parcel Map (if applicable)
- ☐ 5. MVA Registration printout (if applicable)
- ☐ 6. Deed (if applicable)
- ☐ 7. Lease-Residential or Commercial (if applicable)
- ☒ 8. Photographs including dates taken
- ☒ 9. Correction Notice/Code Violation Notice
- ☒ 10. Citation and Proof of Service (if applicable)
- ☐ 11. Certified Mail Receipt (if applicable)
- ☒ 12. Final Order of the Code Official/Hearing Officer (if applicable)
- ☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
- ☒ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Room 113 in order that the appropriate action may be taken relative to the violation case.

AGB/rw
C: Code Enforcement Officer



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:
Complaint Record ID: CO0101475

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0123280	Rodney Larrick	10/06/2011	REINSPECTION	NOT APPLICABLE	MONITOR

Inspector Notes: 9/6/11 PERMIT AMENDED TO REFLECT FIELD CONDITIONS. P/U 10/17/11 R.LARRICK/RW

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0121990	Rodney Larrick	09/28/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 9/28/11 TALKED TO CONTRACTOR. HE HAS NOT REVISED PERMIT TO SHOW OPEN WOOD DECK ND CORRECT SETBACKS. TOLD HIM THIS MUST BE DONE ASAP. P/U 10/5/11 R.LARRICK/RW

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0120930	Rodney Larrick	09/21/2011	INITIAL INSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 9/21/11 HAVE VISITED SITE AT REQUEST OF CHIEF INSPECTOR TO CHECK SET BACKS DUE TO NUMEROUS COMPLAINTS FROM COMMUNITY ASSOCIATION. REAR SETBACK IS CORRECT. SIDE SET BACKS DO NOT MATCH APPROVED PERMIT, HOWEVER, STRUCTURE HAS MORE SETBACK THAN REQUIRED. TOLD CONTRACTOR TO REVISE PERMIT TO SHOW FIELD SETBACKS AS THEY ARE AND TO AMEND PERMIT TO SHOW OPEN COVERED DECK. P/U 9/27/11 R.LARRICK/RW

Violation Details

Violation Record ID: IV0062745	Comply By: 03/19/2012	Complied On:	Status: NOT IN COMPLIANCE
Program Category/Section Source: Building Inspection/IBC		Violation Description	IBC Violation
Correction Text:			
Violation Text:			
Violation Comment:			

Comment Details - No Comments

Lien Information

<u>Lien ID</u>	<u>Lien Type</u>	<u>Lien Disposition</u>	<u>Ticket/GW #:</u>	<u>Lien Date</u>	<u>Lien Amount</u>	<u>Admin Fee</u>	<u>Total Lien Amt</u>	<u>Date Paid</u>	<u>Amount Paid</u>	<u>Release Date</u>	<u>Release Amount</u>
008775				N/A							



Department of Permits, Approvals & Inspections Complaint Report

Report Criteria:
Complaint Record ID: CO0101475

<u>Record ID</u>	<u>AS/400 Case</u>	<u>Assigned To</u>	<u>Assigned Date</u>	<u>Scheduled Time</u>	<u>Received By</u>	<u>Received Date</u>	<u>Status</u>	<u>Hearing Date</u>	<u>ADC Grid</u>
CO0101475		Rodney Larrick	09/13/2011		Rashida White	09/13/2011	Open - Normal	01/18/2012	27C10

Complaint Description: B746564 ADDITION TO REAR OF HOUSE DOES NOT FEEL MATCHES PERMIT. VARIANCE FOR ADDITION WAS DENIED JULY THIS YEAR.

<u>Facility:</u>	<u>Owner :</u>	<u>Complainant:</u>
FA0268512 PDM 0914100100 300 HOPKINS RD BALTIMORE, MD 21212	ROTHBAUM CHRISTIANE M 300 HOPKINS RD BALTIMORE MD 21212	CAROLYN ZIELKE WORK: 4107066911

Daily Activity Details

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0135805	Rodney Larrick	02/28/2012	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 2/29/12 JOHN SULLIVAN CALLED. HE WILL FILE FOR VARIANCE BY 3/15/12. P/U 3/19/12 R.LARRICK/RW

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0133024	Rodney Larrick	01/23/2012	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 1/23/12 FINAL ORDER RECEIVED. OWNER GIVEN 30 DAYS TO FILE FOR VARIANCE FROM 1/19/12 P/U 2/20/12 R.LARRICK/RW

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0132451	Rodney Larrick	01/17/2012	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 1/17/12 RECHECK 2/8/12. R.LARRICK/RW

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0129859	Rodney Larrick	12/08/2011	REINSPECTION	NOT IN COMPLIANCE	MONITOR

Inspector Notes: 12/8/11 HEARING SET FOR 1/18/12. NOTICE POSTED ON DOOR. OWNER CALLED IN AFTERNOON TALKED TO LEW MAYER ABOUT VIOLATION. P/U 1/16/11 R.LARRICK/RW

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0126435	Rodney Larrick	11/02/2011	REINSPECTION	NOT IN COMPLIANCE	CORRECTION NOTICE ISSUED

Inspector Notes: 11/2/11 VISITED SITE ON 10/28/11 DUE TO SCHEDULED MEETING ON 11/1/11 WITH COUNCILMAN MARKS, PAULA HOUCK, GLEN BERRY, CARL RICHARDS, JANE FERNANDO AND ROGERS FORGE RESIDENTS JENNIFER HELFRICH AND JEAN DUVAL. OBSERVED LOWER DECK BUILT IN REAR YARD THAT VIOLATES REQUIRED MINIMUM SETBACK OF 37' 6". CORRECTION NOTICE WRITTEN TO REMOVE LOWER DECK IN QUESTION TO BRING PROPERTY INTO COMPLIANCE. (PROPERTY POSTED AND NOTICE MAILED). P/U 11/15/11 R.LARRICK/RW

Violation Details - No Data

<u>Serial Number</u>	<u>Inspector</u>	<u>Activity Date</u>	<u>Service</u>	<u>Result</u>	<u>Action</u>
DA0124686	Rodney Larrick	10/17/2011	REINSPECTION	NOT APPLICABLE	WORK IN PROGRESS

Inspector Notes: 10/17/11 WORK ONGOING P/U 11/2/11 R.LARRICK/RW

Violation Details - No Data

CONSTRUCTION SOLUTIONS OF MARYLAND

3746 Peach Orchard Rd. - Street, MD 21154

410-983-0505.....Fax 410-452-9880xcalakgroo@yahoo.com

2012-0221-A

PROPOSAL

PROPOSAL SUBMITTED TO:

NAME	Christiane Rothbaum	PHONE	410-377-9077	DATE	February 2, 2012
STREET	300 Hopkins Rd.	JOB NAME	300 Hopkins Rd.		
CITY	Baltimore, MD 21212	STREET			
ATTENTION		CITY			

This Proposal is for the application to the Baltimore County Office of Planning and Zoning for an administrative variance for the construction of a deck landing at the rear of the property. This proposal includes the preparation of the documents including site plans needed for the variance application and the fees imposed by Baltimore County up to the limits stated herein. Other fees or fees exceeding the limits stated herein will be the responsibility of the client. This proposal is for the application of an administrative variance only and does not include time and expenses for a full zoning hearing if one is required. The client is aware that the Rodgers Forge Community Assc. may oppose this variance request and as a result will make it less likely that this request will be granted by the administrative zoning officer.

Construction Solutions of Maryland will discount 50% of it's normal fee of \$550.00 for an administrative variance application due to a previous application made on the same property.

Construction Solutions of MD Fee	275.00
Posting Fee	125.00
Balto. County Fee	65.00
Total	\$465.00

It is the responsibility of the client to review and verify that the above renderings are correct and in accordance with the clients intended method of construction. Construction Solutions Of Maryland is a drafting service, not an engineering or architectural firm. If the client or permit authority requires an engineer's or architect's stamp or letter, that is the responsibility of the client and the cost is not included in the price quoted. Construction Solutions Of Maryland offers no warranty as to the method of construction shown in the renderings.

All of the work to be completed in a substantial and workmanlike manner for the sum of: _____

Seven Hundred and Forty Dollars (\$ 465.00)

Total fee to be paid upon the signing of this proposal..... (\$ 465.00) Please remit with this agreement

Please note that work will not be started until a signed proposal and deposit have been received.

Any alterations or deviation from the above specifications involving extra cost of material or labor will be will be executed upon written order for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing.

Authorized Signature

Joseph M. Dancall

2/2/2012

Date

ACCEPTANCE

You are hereby authorized to complete the work mentioned in the above proposal for which I agree to pay the amount mentioned in said proposal and according to the terms thereof. This proposal shall be null and void if not returned within ten days of the proposal date.

Date: _____

Signature: _____

Print Name: _____

Office of Administrative Hearings for Baltimore County
105 West Chesapeake Avenue Suite 103
Towson, Maryland 21204

In the Matter of

Christiane M. Rothbaum

Respondent

Civil Citation No. 101475

300 Hopkins Road

ORDER OF EXTENSION

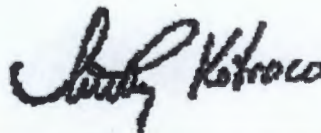
This matter came before the Administrative Law Judge on January 18, 2012 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) 1955 section 301(projections into yards): lower deck violates required setback of 37'6"- failure to bring deck into compliance-lower deck connects permitted deck to extend beyond the 37'6" setback on residential property.

It was originally ordered by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars) and that fine be held in abeyance pending a separate Variance petition being filed by Ms. Rothbaum to legitimize the lower deck area and its rear yard setback. The Variance Petition was to be filed within 30 days from the date of the original Order, January 19, 2012 or the \$1,000.00 fine would be due and payable at that time.

Ms. Rothbaum has retained the assistance of John Sullivan to file for her Variance and is requesting a 30 day extension of time or by March 19, 2012 to file.

IT IS ORDERED that the Respondent's motion for an extension of time is hereby GRANTED.

ORDERED this 17th day of February 2012



Timothy M. Kotroco
Administrative Law Judge

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.

Christiane Rothbaum
300 Hopkins Road
Baltimore, MD 21212
February 10, 2012

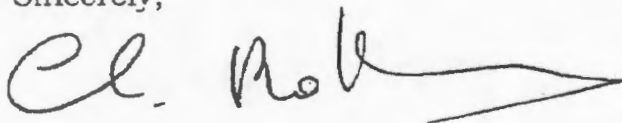
Timothy M. Kotroco
Administrative Law Judge
105 West Chesapeake Avenue
Baltimore, MD 21204

In RE: Civil Citation No. 101475

Your Honor,

I request a delay of 30 days in submitting a variance on this matter. I have encountered difficulties in finding help.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Rothbaum", followed by a long horizontal line extending to the right.

Christiane Rothbaum

RODGERS FORGE COMMUNITY, INC.

RFCA Architectural Committee

P.O Box 571

Riderwood, Md. 21139

January 17, 2012

Via Hand Delivery

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

Re: 300 Hopkins Road, 21212
Case # 101-475
Hearing Scheduled for January 18, 2012

To Whom it May Concern:

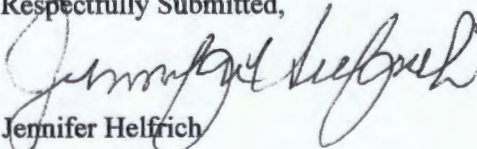
I am serving as the current President of the Rodgers Forge Community, Inc. ("RFC"), and am writing you regarding the hearing scheduled for January 18, 2012 and relating to the property located at 300 Hopkins Road, which is owned by Ms. ~~Christine~~ *Christiane* Rothbaum.

As you may or may not know, Ms. Rothbaum made a request for an administrative variance in Case #20-11-0302-A, which was denied by Administrative Judge Stahl following a hearing on May 27, 2011. Ms. Rothbaum has been represented and advised by an attorney and is very familiar with the process. Despite being aware that the low deck that she built on the back of her home also required a variance and was not permitted under current Baltimore County setback requirements, she built it anyway, without requesting a permit or variance. She also has been made aware that the RFC Architectural Committee requires an application to construct a projection from the rear of the property, and she did not submit an architectural application to the RFC Architectural Committee, either.

I would like to express the opinion of the Board of Governors of the RFC, which approved the form of this letter in open meeting, that we wholly support Baltimore County's enforcement of the setback and permit requirements, and we believe that the deck should be taken down as those setback and permit requirements were not complied with in this instance.

Thank you for your consideration.

Respectfully Submitted,


Jennifer Helfrich

CC: Lionel Dommelen, Chief Code Enforcement (via email at Ldommelen@baltimorecountymd.gov)

Office of Administrative Hearings for Baltimore County
105 West Chesapeake Avenue Suite 103
Towson, Maryland 21204

In the Matter of

Christine M Rothbaum

Respondent

Civil Citation No. 101475

300 Hopkins Road

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on January 18, 2012 for a Hearing on a citation for violations under the Baltimore County Zoning Regulations (BCZR) 1955 section 301(projections into yards): lower deck violates required setback of 37'6"- failure to bring deck into compliance-lower deck connects permitted deck to extend beyond the 37'6" setback on residential property.

On December 8, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Rodney Larrick issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The following persons appeared for the Hearing and testified: Christine Rothbaum, Respondent, Joseph Milio, Contractor, Jennifer Helfrich, President of Rogers Forge Homeowner's Association, Jean Duvall, Neighbor and member of the RFHOA, Carl Richards, Zoning Supervisor, Rodney Larrick, Baltimore County Building Inspector and Glenn Berry, Supervising Baltimore County Building Inspector.

Testimony revealed that Christine Rothbaum, owner of the property recently constructed an open porch on the back of her end of group townhouse dwelling which is located in the Roger's Forge subdivision at 300 Hopkins Road. Originally she had hoped to construct an enclosed room onto the rear of her home, however the variance request to permit such an addition was denied by Administrative Law Judge Lawrence M. Stahl in June, 2011. At issue with the construction of the open porch is the

landing located at the bottom of the steps leading from the open porch. This landing area is of considerable size and can be considered to be a lower deck area. It is constructed between 8" to 16" above grade. Decorative pots and planters as well as a sitting bench are pictured on this landing/deck area as is evidenced by the photographs which were submitted into evidence.

Mrs. Rothbaum has been cited by Baltimore County Building inspectors in that this above grade deck violates the 37.5 foot setback requirement for the rear yard of this property. This is the "open projection" setback requirement as testified to by Mr. Carl Richards, who was in attendance at the hearing. Based on the photographs submitted and the testimony and evidence offered by those in attendance I find that the landing area/deck in question is of such size and magnitude so as to require compliance with the setback requirement for rear yards. For this application, that required setback from the rear property line is 37.5 feet. The distance to the porch from the rear property line measures 37.5 feet. The steps are permitted to extend from the porch, however the additional deck violates this setback requirement. The Respondent is in violation.

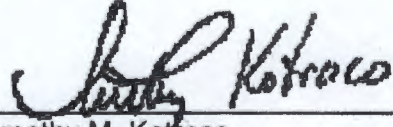
Having considered the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the \$1,000.00 fine may be held in abeyance pending a separate Variance petition being filed by Mrs. Rothbaum to legitimize the lower deck area and its rear yard setback. This Variance Petition must be filed within 30 days from the date of this Order or the \$1,000.00 fine shall be due and payable at that time.

ORDERED this 19th day of January 2012

Signed: _____


Timothy M. Kotroco
Administrative Law Judge

NOTICE: Pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent or Baltimore County may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$225.00 and the posting of security in the amount of the penalty assessed.



7th

Code Enforcement 410-887-3351
Building Insp 410-887-3953
Electrical Insp 410-887-3960
Plumbing Inspection 410-887-3620
Signs/ Fences 410-887-3391

CODE ENFORCEMENT & INSPECTIONS CITATION

CASE NUMBER 101475	PROPERTY TAX ID 0914 100 100	ZONE DR 10.5
-----------------------	---------------------------------	-----------------

Related Citations: _____, _____, _____

Owner Occupant Other

NAME(S): Rothbaum Christiane M		
MAILING ADDRESS: 300 Hopkins Rd		
CITY: Baltimore	STATE: MD	ZIP CODE: 21212

VIOLATION ADDRESS: Same		
CITY: Same	STATE: MARYLAND	ZIP CODE:

VIOLATION DATES:

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Zoning Regulations
Section 301 Projections Into Yards
BCZR 1955
Lower deck violates required setback
of 37'6" - Failure to bring deck
into compliance - Lower deck connects
permitted deck to extend beyond the
37'6" setback

Pursuant to Section 1-2-217, Baltimore County Code, civil penalty
has been assessed, as a result of the violation(s) cited herein, in the
amount indicated:

\$ 1,000 —

A quasi-judicial hearing has been pre-scheduled in room 116,
111 W. Chesapeake Ave, Towson, Maryland, 21204

DATE: 1/18/12

TIME: 9:00 A.M. / P.M.

IF A VIOLATOR DOES NOT APPEAR AT THE CODE ENFORCEMENT
HEARING, THE CITATION AND ANY CIVIL PENALTY ARE DEEMED A
NON-APPEALABLE FINAL ORDER OF THE CODE OFFICIAL OR THE
DIRECTOR.

I do solemnly declare and affirm, under the penalty of perjury, that the contents stated above are
true and correct to the best of my knowledge, information, and belief.

Inspector Printed Name: Rodney Harrick

INSPECTOR SIGNATURE: Rodney Harrick

12 R 11

SECTION 300
Height Exceptions
[BCZR 1955]

§ 300.1. Applicability.

- A. The height limitations of these regulations shall not apply to barns and silos, grain elevators or other accessory agricultural buildings, nor to church spires, belfries, cupolas, domes, radio or television aerials, drive-in theater screens, observation, transmission or radio towers, or poles, flagstaffs, chimneys, parapet walls which extend not more than four feet above the limiting height, bulkheads, water tanks and towers, elevator shafts, penthouses and similar structures, provided that any such structures shall not have a horizontal area greater than 25% of the roof area of the building. A satellite receiving dish is subject to the height limitations of the zone in which the dish is located. However, in residential zones, the height of an accessory satellite dish may not exceed 15 feet, unless it is located on the roof of a building. [Bill Nos. 7-1962; 71-1987; 51-1993]
- B. Notwithstanding the provisions of Subsection 300.1.A, no appurtenances to any building in a B.L. B.M. or B.R. Zone shall exceed the heights specified in Section 231 except any flagstaff, any church spire and any pole for a radio and television aerial not exceeding 50 feet in height above the base thereof and not displaying any lettering, sign or other advertising emblem or device. [Bill No. 7-1962]

§ 300.2. Buildings for religious, hospital and educational purposes. [Bill No. 137-1962]

Buildings for religious, hospital or educational purposes may be built to a height of 50 feet in any zone in which they are permitted, or may be governed by the forty-five-degree angle basis for height determination as described in Section 216.¹

SECTION 301
Projections Into Yards
[BCZR 1955]

§ 301.1. Carports or open porches.

- A. If attached to the main building, a carport or a one-story open porch, with or without a roof, may extend into any required yard not more than 25% of the minimum required depth of a front or rear yard or of the minimum required width of a side yard. Any carport or open porch so extended must be open on three sides. [Bill Nos. 150-1983; 2-1992]

1. Editor's Note: Section 216 (BCZR 1955; Bill No. 137-1962) was repealed by Bill No. 100-1970. It read as follows: "Maximum building height — 35 feet, except that any building may exceed such height of 35 feet provided that at no point it projects above a line sloping inward and upward at a forty-five-degree angle from the thirty-five-foot elevation at the established building line, as defined in Section 101."

B. Standards applicable to existing developments, etc. The minimum standards for net area, lot width, front yard depth, single-side-yard width, sum of widths of both side yards, rear yard depth and height with respect to each use in a development described in Subsection A.1 above, shall be as prescribed by the zoning regulations applicable to such use at the time the plan was approved by the Planning Board or Commission; however, the same or similar standards may be codified under Section 504, and these standards shall thereupon control in such existing developments. Development of any subdivision described in Subsection A.2 shall be in accordance with the tentatively approved subdivision plan therefor. Standards for development of lots or tracts described in Subsection A.3, A.4 or A.5 shall be as set forth in Subsection C below.

C. Development standards for small lots or tracts.

1. Any dwelling hereafter constructed on a lot or tract described in Subsection A.3 or A.4 shall comply with the requirements of the following table:

Zoning Classification	Minimum Net Lot Area per Dwelling Unit (square feet)	Minimum Lot Width (feet)	Minimum Front Yard Depth (feet)	Minimum Width of Individual Side Yard (feet)	Minimum Sum of Side Yard Widths (feet)	Minimum Rear Yard Depth (feet)
D.R.1	40,000	150	50	20	50	50
D.R.2	20,000	100	40	15	40	40
D.R.3.5	10,000	70	30	10	25	30
D.R.5.5	6,000	55	25	10	—	30
D.R.10.5	3,000	20	10	10	—	50
D.R.16	2,500	20	10	25	—	30

2. Other standards for development of small lots on tracts as so described shall be as set forth in provisions adopted pursuant to the authority of Section 504.

- D. An amendment to any part of a development plan involving only property subject to the provisions of this subsection shall not be subject to the provisions of Section 1B01.3.A.7.
- E. Notwithstanding any provision of these regulations to the contrary, the bulk regulations and building setback requirements applicable to an approved development plan for a condominium regime shall be the only bulk regulations and building setback requirements applicable to a subsequent conversion of the entire condominium regime, or a portion thereof, to individual lots of record, so long as the approved condominium regime is located on a lot, tract, or parcel zoned D.R. 5.5, D.R. 10.5, and/or D.R. 16 that is within the Chesapeake Bay Critical Area. [Bill No. 78-2010]

- B. Notwithstanding the provisions of Subsection A, open projections in the side yard are permitted in residential large tract subdivisions only in accordance with Section 504 and the standards as set forth in the Comprehensive Manual of Development Policies. [Bill No. 2-1992]

§ 301.2. Bay windows, chimneys, vestibules, balconies and eaves.

Projections such as bay windows, chimneys, entrances, vestibules, balconies, eaves and leaders may extend into any required yard not more than four feet, provided that such projections (excepting eaves) are not over 10 feet in length.

§ 301.3. Side or rear lines abutting railroad rights-of-way. [Bill No. 56-1961]

No side and/or rear yard is required for a business or manufacturing use in that portion of any property located in a B.R., M.R., M.L.R., M.L. or M.H. Zone if such side and/or rear line abuts on a railroad right-of-way or siding, to either of which it uses rail access.

SECTION 302

**Height and Area Regulations for New Residences in Business and Manufacturing Zones
[BCZR 1955; Resolution, November 21, 1956]**

§ 302.1. Adherence to regulations for adjoining zone.

Residences hereafter erected in business and manufacturing zones shall be governed by all height and area regulations for the predominant residence zone which immediately adjoins, or by D.R.5.5 Zone² regulations if no residence zone immediately adjoins.

SECTION 303

**Front Yard Depths in Residence and Business Zones
[BCZR 1955]**

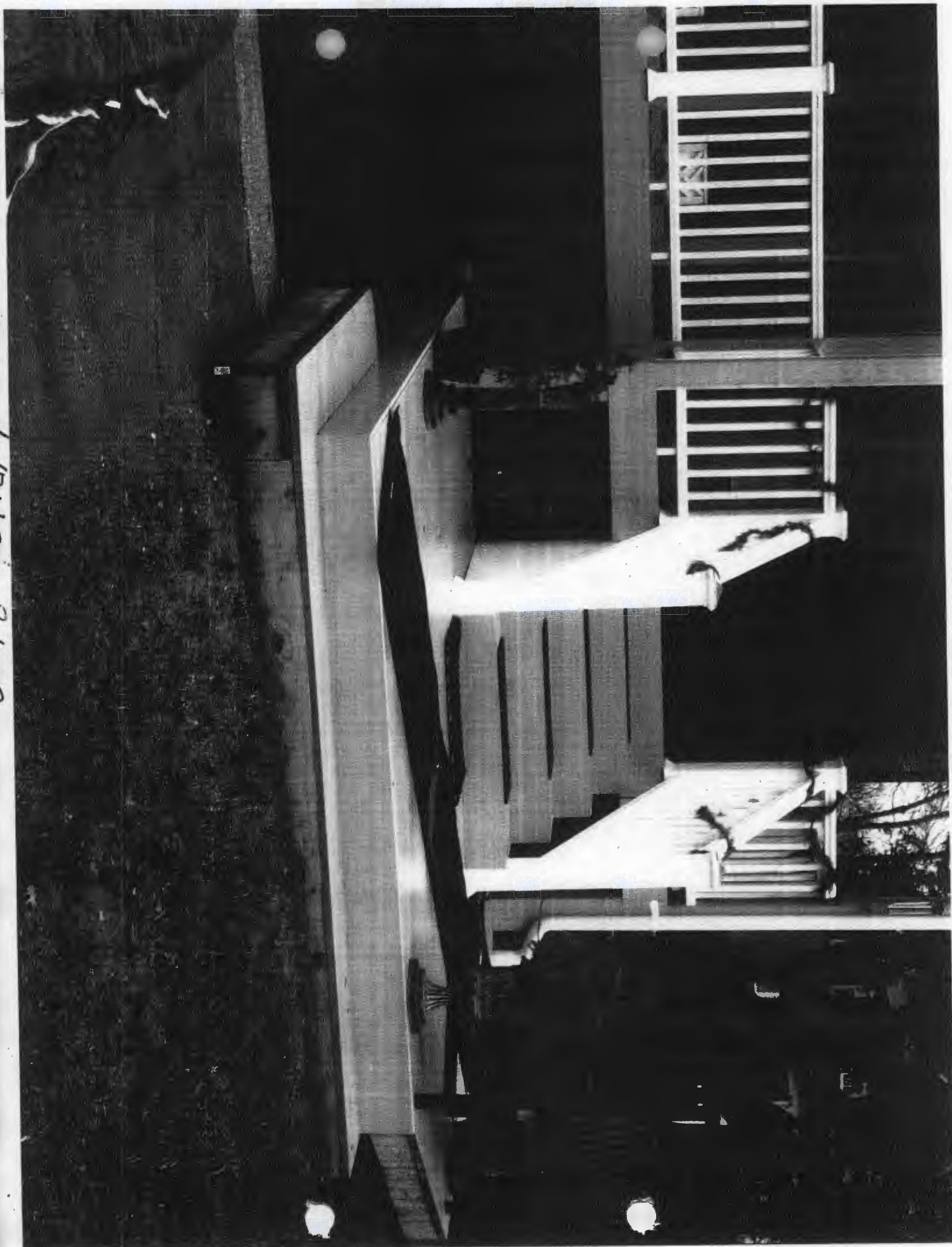
§ 303.1. Standards for D.R.2, D.R.3.5 and D.R.5.5 Zones. [Resolution, November 21, 1956]

In D.R.2, D.R.3.5 and D.R.5.5 Zones,³ the front yard depth of any building hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side, provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 Zones, 50 feet in D.R.3.5 Zones and 40 feet in D.R.5.5 Zones. In no case, however, shall

2. Editor's Note: In this section, the R.6 Zone was redesignated as the D.R.5.5 Zone pursuant to Section 100.3A.

3. Editor's Note: In this section, the R.20, R.10 and R. 6 Zones have been redesignated as D.R.2, D.R.3.5 and D.R.5.5, respectively, pursuant to Section 100.3A.

1-17-12 R 10-0





Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

g+L

OFFICE HOURS 7:30 am - 3:30 pm

Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620

Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation Case No. 101475	Property No. 0914100100	Zoning: DR 10.5
-----------------------------	----------------------------	--------------------

Name(s): Rothbaum Christiane M

Address: 300 Hopkins Rd 21212

Violation Location: Same

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

Baltimore County Zoning Regulations
Section 301 - Projection into yards
Lower deck does not meet set back
required of 37' 6"
Remove deck in question to
bring property into compliance

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

ON OR BEFORE: 11-16-11	DATE ISSUED: 11-2-11
------------------------	----------------------

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF \$200, \$500, OR \$1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name Rodney Harrick

INSPECTOR: Rodney Harrick

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NO LATER THAN:

ON OR BEFORE:	DATE ISSUED:
---------------	--------------

INSPECTOR:

Glenn Berry - 300 Hopkins Rd.

From: Glenn Berry
To: Houck, Paula
Date: 11/2/2011 2:43 PM
Subject: 300 Hopkins Rd.
CC: jmkhelfrich@gmail.com

Paula,

Today a Correction Notice was issued citing Baltimore County Zoning Regulations, Section 301.- Projection Into Yards. The owners have until 11/16/2011 to remove lower deck not listed on permit B769676. Carl Richards has explained this is subject to a Variance if the owners choose to apply. If you have any questions please call me.

Glenn Berry
Chief, Building Inspections
410-887-3953 - Office
410-887-8081 - Fax

PLOT PLAN

DIST. 9

B769676

Application Number

OWNER

✓ CRISTIANE Rothbaum

ADDRESS

✓ 300 Hopkins RD.

PLEASE SHOW BELOW:

- Property line dimensions and easements;
- Existing buildings;
- Existing well/septic; (show distance to nearest structure)
- Road names and location of alleys;
- If your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- The proposed work and the setback distances to the proposed work.

Front Setback

Left Setback

Rear Setback

37'-5"

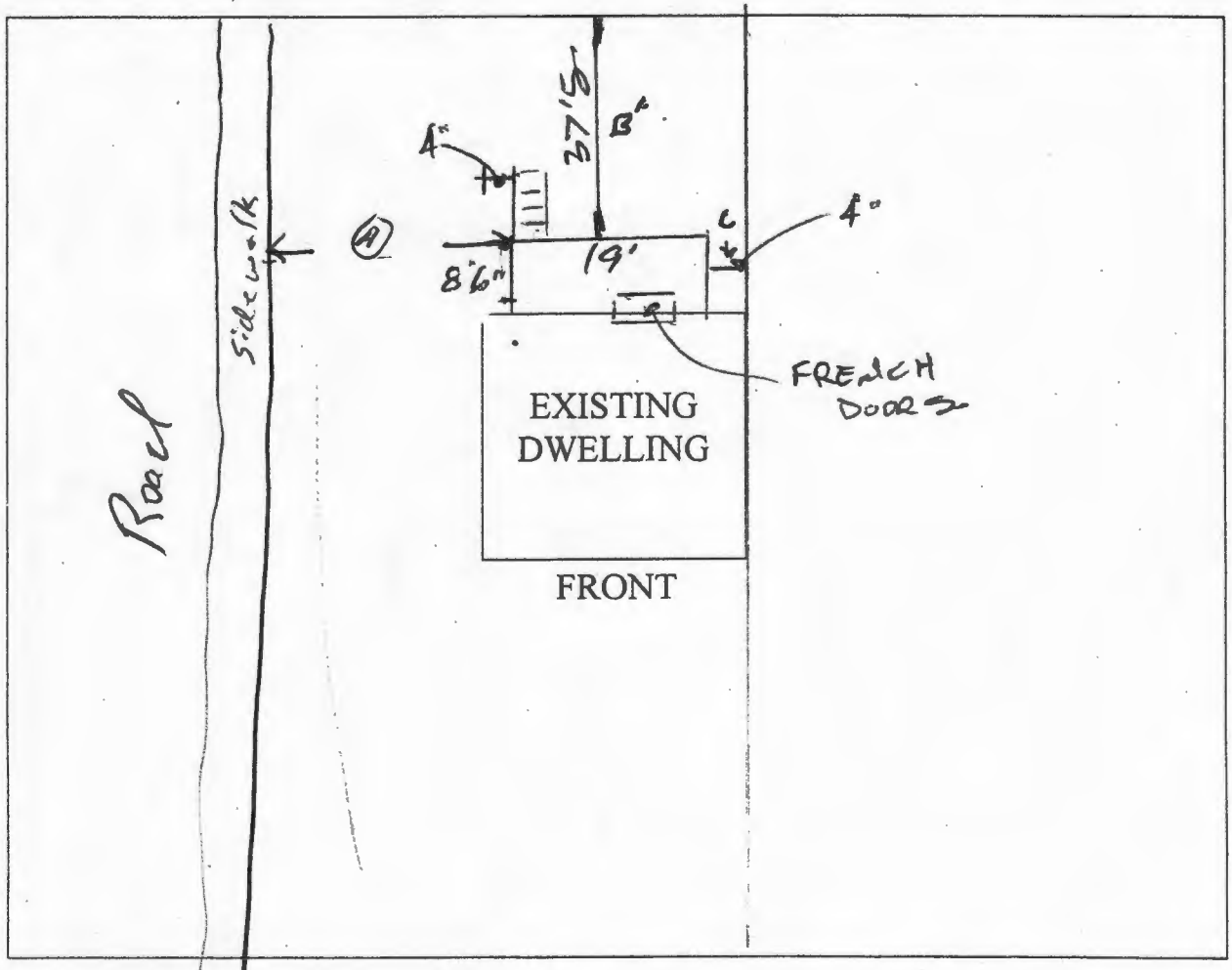
Right Setback

NOTE: Cannot fence access easement.

D = 10'3"
To fence
which is
next to
sidewalk

B = 37'6"

C = 15"



ROAD NAME

✓ HOPKINS RD.

CODE ENFORCEMENT REI F

DATE: 9, 13, 11 INTAKE BY: GB CASE #: C00101475 INSPEC: FA0268512

COMPLAINT LOCATION: 300 HOPKINS AVE

COMPLAINANT NAME: CAROLYN ZIELKE RH ZIP CODE: 9300 (AFTER) DIST: 9 PHONE #: (H) 410 706 6911 (W) _____

ADDRESS: _____ ZIP CODE: _____

PROBLEM: B 746564- (CAP) ADD to REAR OF HOUSE
DOES NOT FEEL MATCHES PERMIT - VAR. FOOT
ADD VAR WAS DENIED JULY THIS YEAR.

IS THIS A RENTAL UNIT? YES _____ NO _____
 IF YES, IS THIS SECTION 8? YES _____ NO _____
 OWNER/TENANT INFORMATION: _____

TAX ACCOUNT #: _____ ZONING: _____

INSPECTION: 9/21/11 Have visited site at request of
 chief inspector to check set backs due to numerous
 complaints from community association. Rear setback
 is correct. Side set backs do not match approved

REINSPECTION: perm. t, however structure has ~~to~~ more
set back than required. Told contractor to revise
permit to show field set backs as they are and
to ammend permit to show open covered covered

REINSPECTION: deck. Recheck 9/27/11 VAW

REINSPECTION: _____

TK 4/25
10 AM, 2012**Debra Wiley - ZAC Comments - Distribution Mtg. of March 19, 2012**

From: Debra Wiley
To: Kennedy, Dennis; Lanham, Lynn; Livingston, Jeffrey; Lykens, David; M...
Date: 3/21/2012 1:34 PM
Subject: ZAC Comments - Distribution Mtg. of March 19, 2012

Good Afternoon,

Please see the cases listed below and the hearing date, if assigned. If you wish to submit a ZAC comment, please be advised that you must do so before the hearing date. If it's not received by the hearing date, it will not be considered in our decision.

2012-0214-A - 1709 Newport Circle - **CRITICAL AREA**
(Administrative Variance) Closing Date: 4/2/12

2012-0215-A - 9004 Hour Glass Court
(Administrative Variance) Closing Date: 4/2/12

2012-0216-A - 9212 Smith Avenue
(Administrative Variance) Closing Date: 4/2/12

2012-0217-A - 8118 Perry Hills Court
No hearing date assigned as of today

2012-0218-SPHA - 8611 Old Harford Road
No hearing date assigned as of today

2012-0219-A - 6014 Shady Spring Avenue
(Administrative Variance) Closing Date: 4/9/12

2012-0220-A - 7304 Gephardt Avenue (**CRITICAL AREA & FLOODPLAIN**)
(Administrative Variance) Closing Date: 4/9/12

2012-0221-A - 300 Hopkins Road
No hearing date assigned as of today

Debbie Wiley
Legal Administrative Secretary
Office of Administrative Hearings
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Debra Wiley - Postponement Request for 2012-0221-A - 300 Hopkins Road

From: Timothy Kotroco
To: Bryantillman7@comcast.net; DTL5G@hotmail.com; Fisher, June; Houck, Pa...
Date: 4/23/2012 12:54 PM
Subject: Postponement Request for 2012-0221-A - 300 Hopkins Road
CC: Adams, Sarah; Wiley, Debra; Zook, Patricia

Good Afternoon,

Having received a request for postponement, I have determined that in order to provide all parties the opportunity to be heard on the subject matter of the petition, I hereby have determined to grant the requested postponement.

Please be advised that Ms. Rothbaum was contacted by phone since no email address was provided and a voice mail was left regarding the above.

The matter will be reset by the Zoning Review Office.

Timothy M. Kotroco
Administrative Law Judge
Office of Administrative Hearings
Phone: 410-887-3868

Forwarded reg.
mail left to
pgs. to MS.
Rothbaum per
her request.

4/23

Debra Wiley - Postponement Request for 2012-0221-A - 300 Hopkins Road

From: Timothy Kotroco
To: Bryantillman7@comcast.net; DTL5G@hotmail.com; Fisher, June; Houck, Pa...
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Timothy M. Kotroco
Administrative Law Judge
Office of Administrative Hearings
Phone: 410-887-3868

wdgjr@comcast.net - Bill Bulick

Debra Wiley

From: "Jean Duvall" <notkar@verizon.net>
To: <dwiley@baltimorecountymd.gov>
Date: 4/23/2012 12:11 PM
CC: "'Paula Houck'" <phouck@baltimorecountymd.gov>, <DTL5G@hotmail.com>, <Br...
Attachments: 300HopkinsPostponementrequestapril2012Signed.pdf

Debbie, we faxed Jennifer Helfrich's letter and hope you received it. I am assisting her on this matter due to time constraints.

Thank you for your assistance,
Jean K Duvall, RFCAS Board Member
227 Murdock Rd., Baltimore,
Md. 21212; notkar@verizon.net

Jennifer Helfrich's address : Jennifer Helfrich, Pres. RFCA
150 Stanmore Rd.
Baltimore, Md 21212
jmkhelfrich@gmail.com

* * * Communication Result Report (Apr. 24. 2012 12:44PM) * * *

1)
2)

Date/Time: Apr. 24. 2012 12:43PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
0004 Memory TX	94103660050	P. 7	OK	

Reason for error

1) Hang up or line fail
 3) No answer
 5) Exceeded max. E-mail size

E. 2) Busy
 E. 4) No facsimile connection
 E. 6) Destination does not support IP-Fax

*Atty for Petitioner
 "may enter
 my appearance"*



BALTIMORE COUNTY
 OFFICE OF ADMINISTRATIVE HEARINGS
 JEFFERSON BUILDING, SUITE 103
 185 WEST CHESAPEAKE AVENUE
 TOWSON, MD 21204

Phone: 410-887-3668

Fax: 410-887-3468

FAX COVER SHEET

DATE: 4-24-12

NO. OF PAGES INCLUDING COVER SHEET: 7

TO:

ART BUIST

FROM:

P. ZOOK

PHONE:

FAX NO.: 410 366-0050

MESSAGE:

CHRISTIANE ROHMBAUM

REMARKS:

☒ YOUR COPY☐ URGENT☐ FOR REVIEW☐ PLEASE REPLY☐ PLEASE COMMENT

Filed:

- postpone ment e-mail - 2 pages
- postpone ment request letter - 2 pages
- email from Jean Duvall - 2 pgs

The Law Office of Art Buist, LLC

ADMITTED TO PRACTICE IN MARYLAND, ILLINOIS, THE FEDERAL DISTRICT COURT OF MARYLAND, AND THE U.S. SUPREME COURT

6600 York Road, Suite 116
Baltimore, MD 21212
410-366-5200
fax: 410-366-0050
ArtB2002@aol.com

June 18, 2012

Via Hand-delivery

The Honorable John E. Beverungen
Office of Administrative Hearings
The Jefferson Building
105 W. Chesapeake Avenue
Suite 103
Towson, MD 21204

RECEIVED

JUN 18 2012

OFFICE OF ADMINISTRATIVE HEARINGS

Re: In the Matter of 300 Hopkins Road
Zoning, Variance, Christiane Rothbaum
Case Number: 2012-0221-A

Dear Judge Beverungen:

I received a copy of your decision in the mail on Saturday. I need to alert you to the needed technical correction. It probably results from some confusion regarding the sign-in sheets. All of the audience members are listed as being in opposition. Actually, Larry Fogelson was in *support* of the Petitioner. Kris Henry should not be listed as either support or opposition. She is a journalist who was reporting on the hearing for the Forge Flyer, an online publication. Thank you for your time.

Sincerely,



The Law Office of Art Buist, LLC
Art Buist, Esq.

cc: Carroll Holzer, Esq.
Christiane Rothbaum

John Beverungen - 2012-221-A

From: John Beverungen
To: ArtB2002@aol.com; jcholzer@cavtel.net
Date: 06/19/12 1:16 PM
Subject: 2012-221-A
CC: Debra Wiley

Gentlemen,

I have Mr. Buist's June 18 letter, and apologize for the confusion.

I will include Mr. Buist's letter in the record, along with this email, and it shall serve as clarification regarding Mr. Fogelson's support of the Petition, and Ms. Henry's status as a reporter for an online publication.

Thanks,

John Beverungen

TK 4/25

2012-0221-A

10AM

ATTN. Debbie Wiley

The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE, MARYLAND 21212
Mailing Address: Post Office Box 571, Riderwood, Maryland 21139

Office of Administrative Law
Lawrence Stahl, Judge
Attn. Debbie Wiley
105 W Chesapeake Ave
Jefferson Bldg
Towson, Md. 21212

Judge Stahl,

The Rodgers Community Association never received a letter from the county that this hearing was to be before the Zoning Commissioner. We were under the impression it was a petition for an Administrative variance—for April 25, 10am, case # 2012-0221A, Christiane Rothbaum, 300 Hopkins Rd, Baltimore, MD 21212.

The Rodgers Forge Community Association Board of Governors voted at our April meeting to spend the required money to file a Demand for Hearing concerning the Administrative variance requested as posted on the resident's lawn.

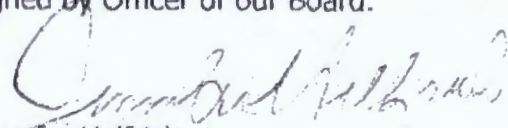
Therefore, Friday, April 20 we filled out the "Formal Demand for Hearing" for a hearing before zoning commissioner, paid the required \$60. .

Today in speaking with Carroll Holzer we were advised that the hearing was before the Zoning Commissioner.

We have requirements in our By-Laws that would prevent us from testifying at the hearing as a community association and would only be able to attend and testify as individual residents.

Since this is a separate case number, it requires additional paper work from attorney's and a vote by the Board of Governors to testify at the hearing.

The Administrative Office of Law advised us also to fax this formal request for a postponement of case 2012-0221 scheduled for Wednesday, April 25, @ 10AM to be signed by Officer of our Board.


Jennifer Helfrich
RFC, Inc. president

Administrative Hearings - 2012-0221-A, 300 Hopkins

From: Julie Capp <juliecapp@gmail.com>
To: <administrativehearings@baltimorecountymd.gov>
Date: 6/7/2012 3:20 PM
Subject: 2012-0221-A, 300 Hopkins

To Whom it May Concern,

I am writing in favor of the improvements the homeowner has made to the property at 300 Hopkins in Rogers Forge. This is a beautifully kept piece of property and the improvements completely enhance the neighborhood. There are many properties in Rogers Forge that do not meet with current architectural guidelines, and many of these additions and changes are recent. We live among homes that have covered rear porches, rear bump-outs, covered front porches, various heights of fencing, etc., and we are not allowed by guidelines to enjoy adding any of these improvements to our own home. I do not understand why our board is so against everything the homeowner at 300 Hopkins has tried to do to improve her home, but there are plenty of other residents building outside the guidelines.

We are stuck here. We bought just before prices plummeted. One-third of the homes on our block have screened-in porches and/or rear additions. We can not. I believe we should consider that this homeowner has done something to improve her property, therefore the neighborhood, especially at a time when more and more of the homes here are becoming run-down rentals or simply abandoned.

Please consider granting her the variance. We homeowners have much bigger issues to deal with these days than persecuting someone trying to beautify their property.

Thank you for your consideration.

Julie Capp
118 Overbrook Rd
Baltimore, MD 21212
410-377-4580

Laurence S. Fogelson
401 Murdock Road
Baltimore, Maryland 21212
Phone: 410-377-8339 Home
410-925-2111 Cell
email: fogie@mindspring.com

June 19, 2012

RECEIVED

JUN 20 2012

OFFICE OF ADMINISTRATIVE HEARINGS

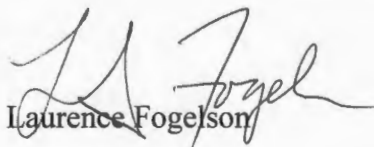
The Honorable John E. Beverungen
Baltimore County Office of Administrative Hearings
Jefferson Building
105 W. Chesapeake Avenue – Suite 103
Towson, MD 21204

Re: 300 Hopkins Road Variance Hearing
Case # 2012-0221-A

Dear Judge Beverungen:

I was in attendance at the subject hearing and it came to my attention that I wrongly signed in on a sheet that indicated that I was there in opposition to granting the variance. In fact, I was there in support of the variance. I would appreciate it if the record could be corrected to reflect that fact.

Thank you for your attention to this matter.


Laurence Fogelson

M E M O R A N D U M

DATE: July 17, 2012
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2012-0221-A - Appeal Period Expired

The appeal period for the above-referenced case expired on July 16, 2012. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: Case File
Office of Administrative Hearings

CASE NAME _____
CASE NUMBER _____
DATE _____

[illegible]

PLEASE PRINT CLEARLY

CASE NAME _____
CASE NUMBER 2012-221-A
DATE 6-8-12

CITIZEN'S SIGN-IN SHEET

[illegible]

Maryland Department of Assessments and Taxation
Real Property Data Search (vw4.2A)
BALTIMORE COUNTY

[Go Back](#)
[View Map](#)
[New Search](#)
[GroundRent Redemption](#)
[GroundRent Registration](#)

Account Identifier: District - 09 Account Number - 0914100100

Owner Information

Owner Name: ROTHBAUM CHRISTIANE M **Use:** RESIDENTIAL
Mailing Address: 300 HOPKINS RD **Principal Residence:** YES
BALTIMORE MD 21212-1819 **Deed Reference:** 1) /27375/ 00454
2)

Location & Structure Information

Premises Address **Legal Description**
300 HOPKINS RD
0-0000
300 HOPKINS RD
RODGERS FORGE

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
0080	0001	0036		0000				2	Plat Ref:

Special Tax Areas **Town** NONE
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1937	1,496 SF	3,774 SF	04

Stories	Basement	Type	Exterior
2.000000	YES	END UNIT BRICK	

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2011	07/01/2011	07/01/2012
Land	100,000	100,000		
Improvements:	189,670	166,300		
Total:	289,670	266,300	266,300	266,300
Preferential Land:	0			0

Transfer Information

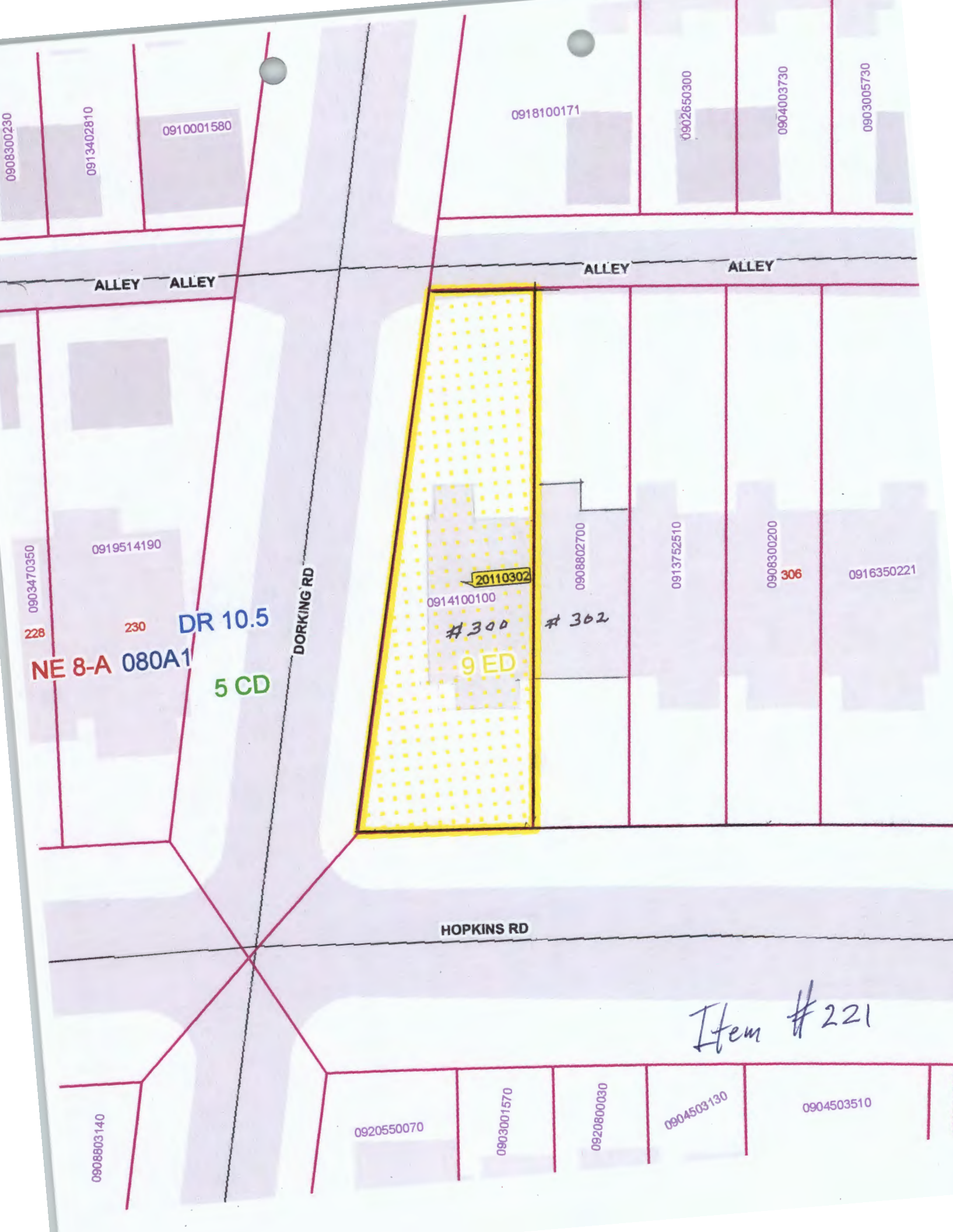
Seller: ROTHBAUM KENNETH L	Date: 10/07/2008	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /27375/ 00454	Deed2:
Seller: GEMES KENNETH E	Date: 03/02/1988	Price: \$108,000
Type: ARMS LENGTH IMPROVED	Deed1: /07804/ 00662	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2011	07/01/2012
County	000	0.00	
State	000	0.00	
Municipal	000	0.00	0.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class:

Item # 221



0908300230

0913402810

0910001580

0918100171

0902650300

0904003730

0903005730

ALLEY

ALLEY

ALLEY

ALLEY

0903470350

228

0919514190

230

DR 10.5

NE 8-A 080A1

5 CD

DORKING RD

20110302

0914100100

#300

9 ED

0908802700

#302

0913752510

0908300200

306

0916350221

HOPKINS RD

Item #221

0908803140

0920550070

0903001570

0920800030

0904503130

0904503510

6005

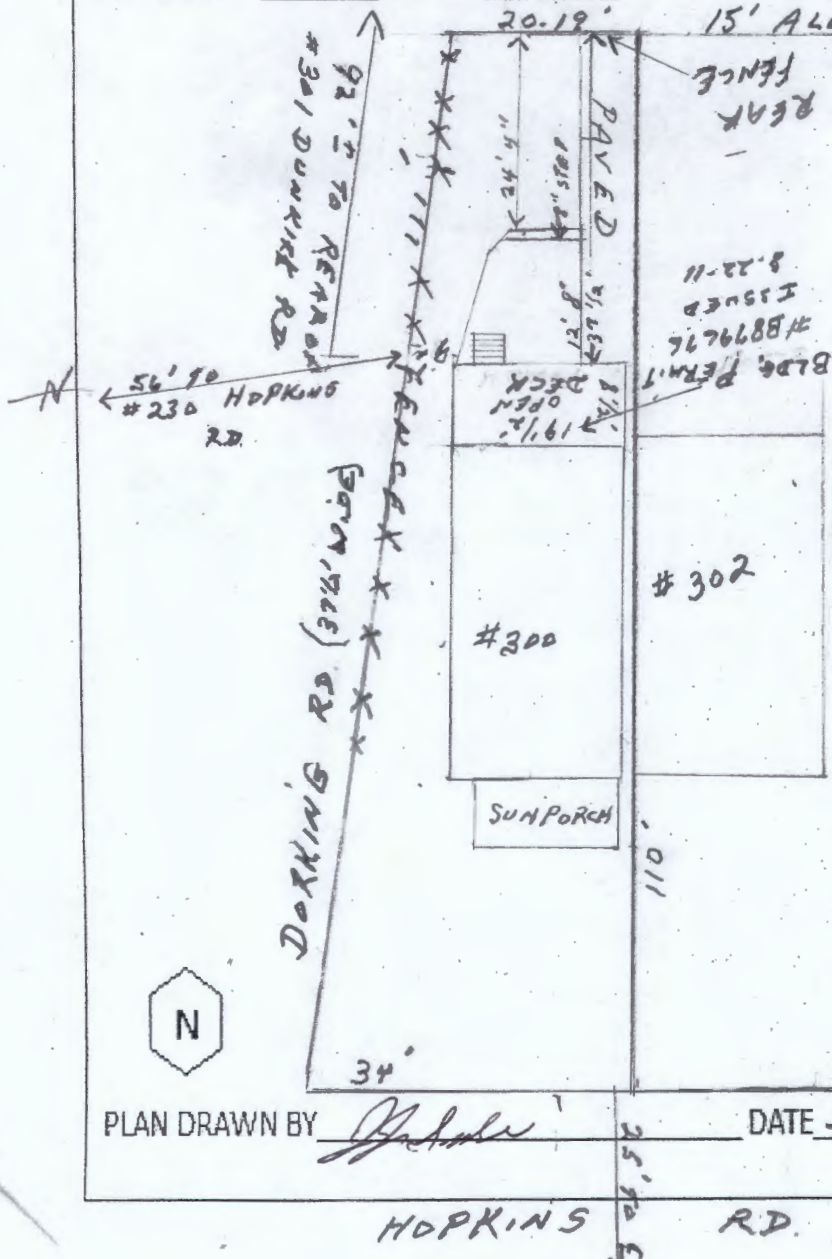
ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)

ADDRESS 300 HOPKINS RD, BAITON, 2122 OWNER(S) NAME(S) CHRISTIANE M. RATHBURN

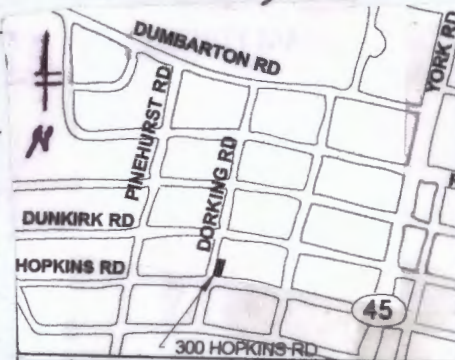
SUBDIVISION NAME _____ LOT# _____ BLOCK# _____ SECTION# _____

PLAT BOOK# _____ FOLIO# _____ 10 DIGIT TAX# 0914100100 DEED REF.# 2232510045

MAP DOB GR2004 FOLIO 0836



VICINITY MAP



MAP IS NOT TO SCALE

ZONING MAP# 08041

SITE ZONED DR-10.5

ELECTION DISTRICT 9

COUNCIL DISTRICT 5

LOT AREA ACREAGE 0.086

OR SQUARE FEET 3,774

HISTORIC? N/A

IN CBCA? NO

IN FLOOD PLAIN? NO

UTILITIES? MARK WITH X

WATER IS:

PUBLIC X PRIVATE _____

SEWER IS:

PUBLIC X PRIVATE _____

PRIOR HEARING? YES

IF SO GIVE CASE NUMBER

AND ORDER RESULT BELOW

2011-0302A SETBK VNR

FOR REG-1 SIDE FOR ENCLOSED

APP. TION - DENIED

1161475

VIOLATION CASE INFO:

PLAN DRAWN BY [Signature]

DATE 3-6-12 SCALE: 1 INCH = 20 FEET

HOPKINS RD.

not
admitted

Covered
355
Hopt' or

64

Test

Veneidora Pratt

(SEAL)

Elsie M Stamp

State of Maryland Baltimore City to wit

I Hereby certify that on this 7th day of May in the year nineteen hundred and thirty five before me the subscriber a Notary Public of the State of Maryland in and for the Baltimore City aforesaid personally appeared Veneidora Pratt the within named Mortgagor named in the foregoing Mortgage and acknowledged the foregoing Mortgage to be her act At the same time also appeared Frederick May Morton the within named Mortgagee and made oath in due form of law that the consideration set forth in said Mortgage is true and bona fide as therein set forth

(Notarial Seal)

Elsie M Stamp

Notary Public

Recorded May 9 1935 at 8 30 A M and exd per C Walling Browne Jr Clerk

41358

James Kealty Inc

Lessee to

James Kealty Realty Corp

This Lease made this sixth day of May in the year one thousand nine hundred and thirty five between James Kealty Inc a body corporate duly incorporated and organized under the Laws of the State of Maryland party of the first part and The James

Kealty Realty Corporation a body corporate duly incorporated and organized under the Laws of the State of Maryland party of the second part

Witnesseth that the said James Kealty Inc in consideration of the rents hereinafter expressed to be paid doth demise and lease unto The James Kealty Realty Corporation aforesaid its successors and assigns all those five lots of ground situated in Baltimore County and State of Maryland which are severally described as follows that is to say
506 Beginning for the first thereof at the corner formed by the intersection of the northern most side of Hopkins Road and the southeastrmost side of Dorkin Road and running thence southeasterly by a line curving towards the south and binding on the north side of Hopkins Road thirty four feet to a point in a line with the centre of the partition wall there situate thence north four degrees fifty four minutes east to and through the centre of said partition wall and continuing the same course in all one hundred and ten feet to south side of an alley fifteen feet wide there situate thence northwesterly by a line

DEL PER TICKET JUL 31 1935

previous order

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N Side of Hopkins Road @ Corner of		
E Side of Dorking Road	*	OFFICE OF ADMINISTRATIVE
9 th Election District		
5 th Councilmanic District	*	HEARINGS FOR
(300 Hopkins Road)		
	*	BALTIMORE COUNTY
Christiane M. Rothbaum		
<i>Legal Owner</i>	*	CASE NO: 2011-0302-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings for Baltimore County for consideration of a Petition for Variance filed by Christiane M. Rothbaum, the legal owner of the subject property. Petitioner is requesting Variance relief under Section 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to permit an existing dwelling and proposed addition with a side street setback of 6 feet in lieu of minimum required 10 feet, and a rear yard setback of 35 feet in lieu of minimum required 50 feet. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

This matter was originally filed as an Administrative Variance, with a closing date of May 2, 2011. On April 27, 2011, a Formal Demand for Hearing was filed by Jennifer Helfrich, President, on behalf of Rodgers Forge Community, Inc. The hearing was subsequently scheduled for Friday, June 17, 2011 at 10:00 AM in Room 104 of the Jefferson Building, 105 West Chesapeake Avenue, Towson, Maryland. In addition, a sign was posted at the property on May 29, 2011 and an advertisement was timely published in *The Jeffersonian* newspaper, giving neighbors and interested citizens notice of the hearing.





Case No.:

2012-221-A

DW 7-17-12

6/13/12
pg

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	Color Photo - Front	1A > Black+white Photos 1B > P's home
No. 2	Color Photo - Ground Slope	6-4-2012 letter Rodgers Forge Comm. Ass'n.
No. 3	Photo - Driveway Connection	
No. 4	Photo - Landing West Side	
No. 5	Photos (5 pages) Ground Measurements	
No. 6	Photos (2 pp.) Outside View	
No. 7	Photos (2 pp) 312 + 314 Hopkins Rd.	
No. 8	Photos (3 pp.) 312 Hopkins Rd.	
No. 9	Photo 316 Hopkins Rd.	
No. 10	Photos w/ Setback Measure. (2 pp) 328 + 330 Hopkins	
No. 11	Photo 330 Hopkins Back Porch	
No. 12	Sketch of 300 Hopkins (2 pages)	
No. 13	HMR Services Inc - Web Site	
No. 14	Draft Minutes dated April 11, 2012	



PETITIONER' S

EXHIBIT NO. 1

300 Hopkins Road - Front



PETITIONER'S

EXHIBIT NO. 2

300 Hopkins Road - Stairs and Ground Slope



PETITIONER'S

EXHIBIT NO.

3

300 Hopkins Road - Driveway Connection



PETITIONER' S

EXHIBIT NO. 4



PETITIONER'S

EXHIBIT NO.

5











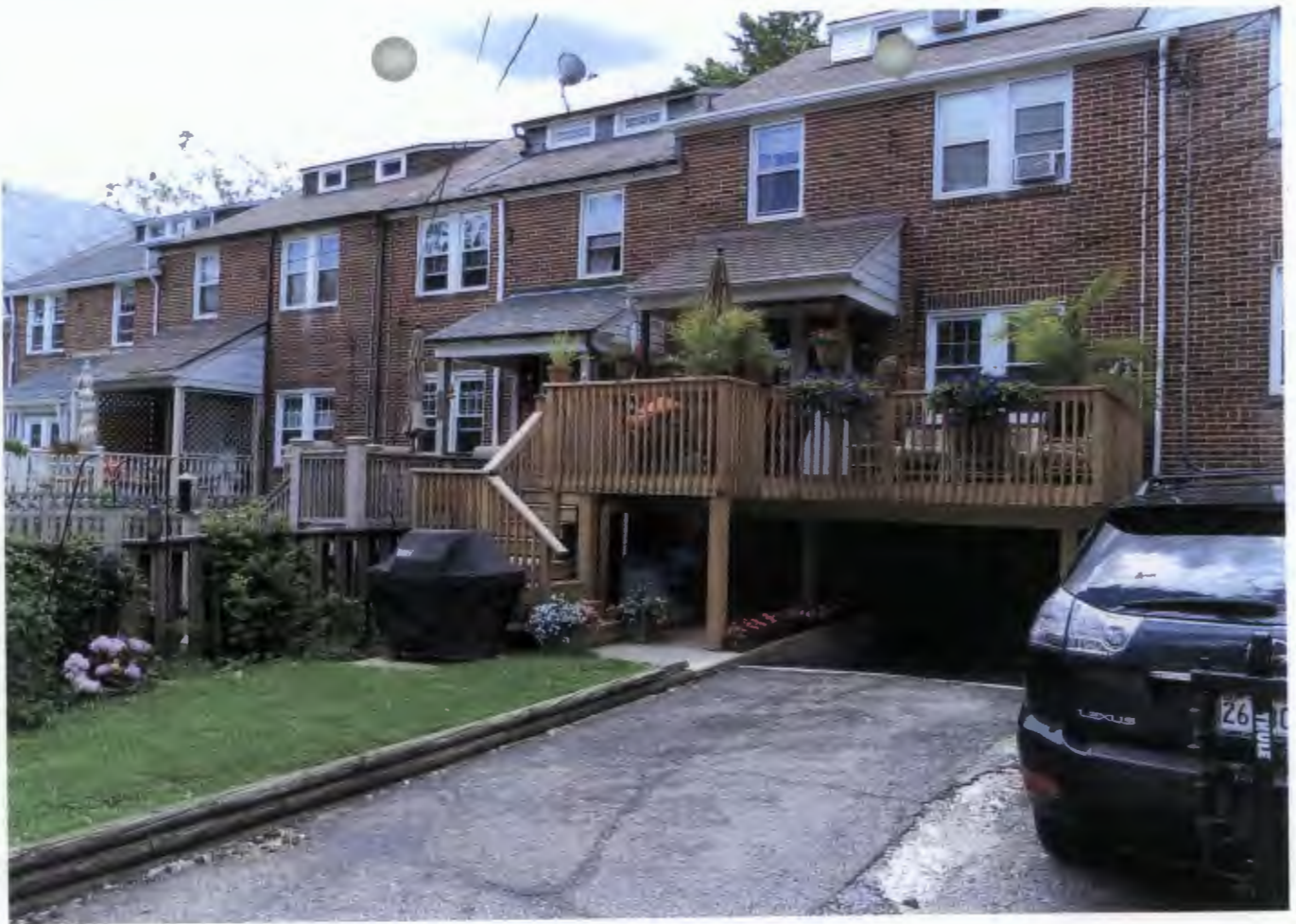
PETITIONER'S

EXHIBIT NO.

6

300 Hopkins Road - Outside Property View





PETITIONER'S

EXHIBIT NO. 7

312 & 314 Hopkins Road - Back Porches



312 & 314 Hopkins Road - Setback Measurements

312 alley to bottom of steps = 24 feet, 6 inches

312 alley to edge of deck = 28 feet

314 alley to bottom of steps = 23 feet, 2 inches

314 alley to edge of deck = 27 feet, 7 inches



312 Hopkins Road - July 8, 2011
Construction



312 Hopkins Road - June 6, 2012
As is today



312 Hopkins Road - July 8, 2011
Construction



312 Hopkins Road - June 6, 2012
As is today



312 Hopkins Road - July 8, 2011
Construction



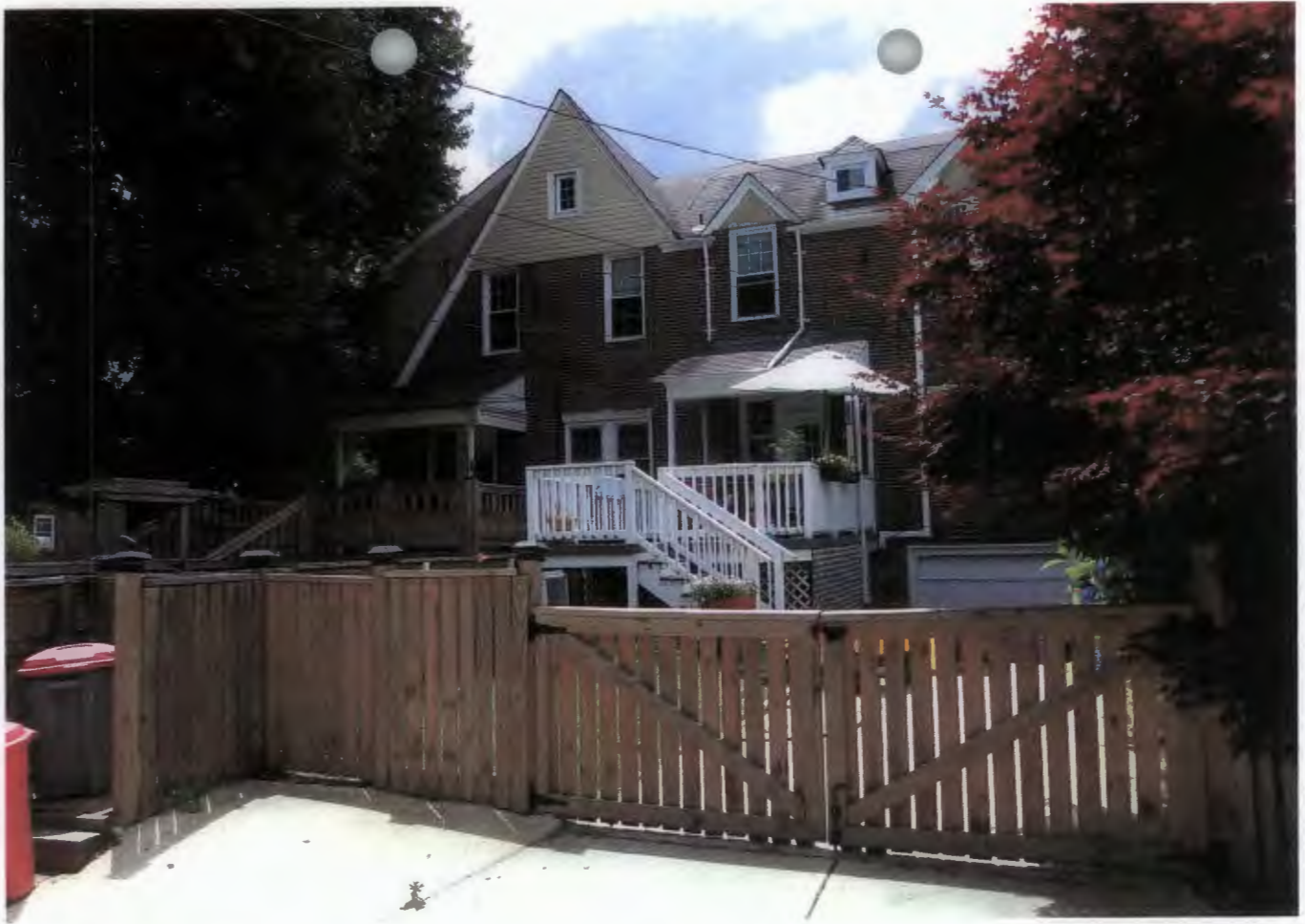
312 Hopkins Road - June 6, 2012
As is today



PETITIONER'S

EXHIBIT NO. 9

316 Hopkins Road - Back Porch - taken through fence & over side fence



PETITIONER' S

EXHIBIT NO.

10

328 & 330 Hopkins Road - Back Porches

328 & 330 Hopkins Road - Setback Measurements

328 alley to bottom of steps = 25 feet, 5 inches

328 alley to edge of deck = 28 feet, 8 inches

330 alley to bottom of steps = 23 feet, 4 inches

330 alley to edge of deck = 30 feet, 5 inches

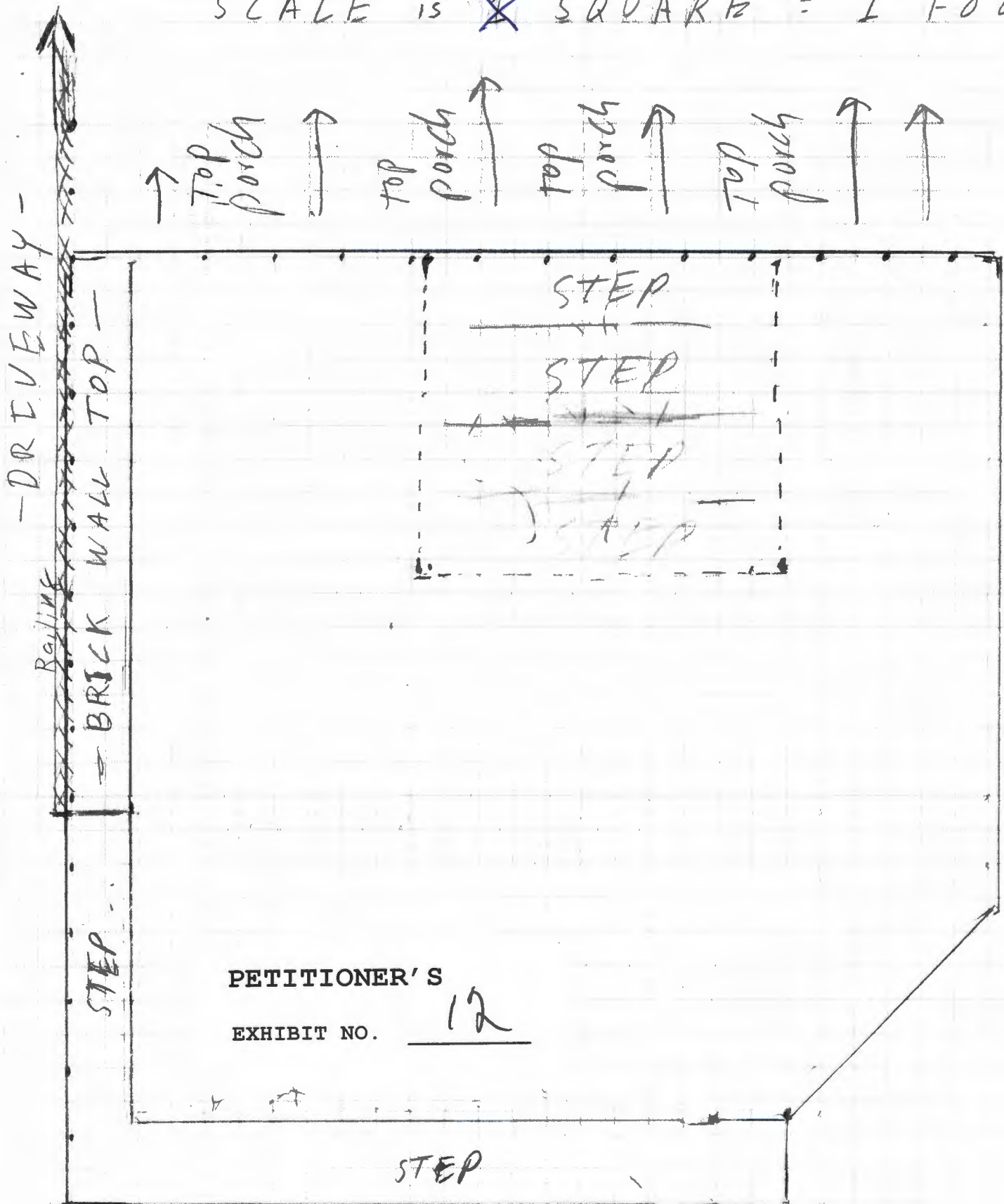


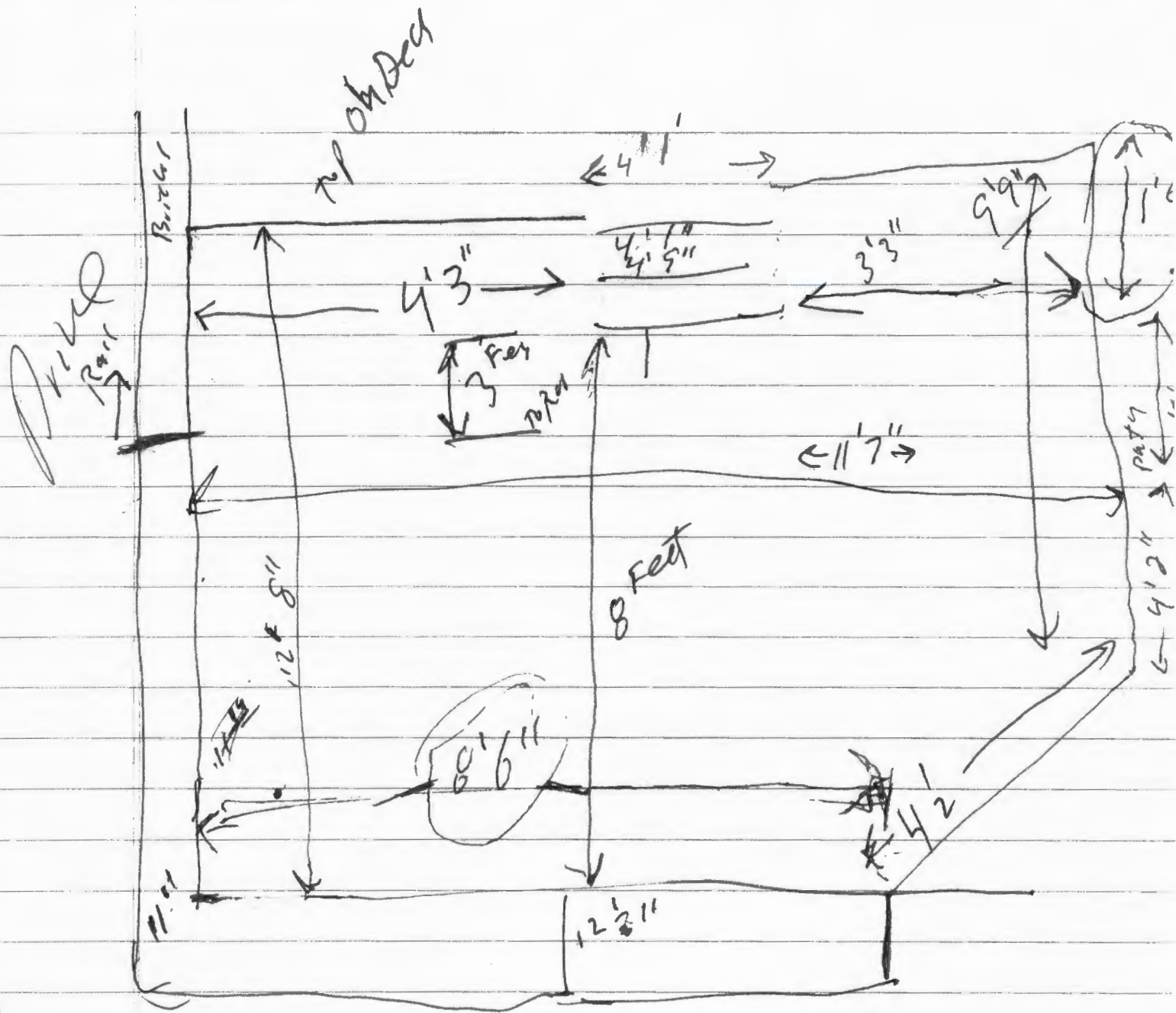
PETITIONER'S

EXHIBIT NO. 11

330 Hopkins Road - Back Porch

300 HOPKINS - BACK PORCH
SCALE IS ~~X~~² SQUARE = 1 FOOT







ServiceMagic Home | About ServiceMagic

A ServiceMagic Screened & Approved Professional

MHR Services, Inc.

(410) 515-7714



Services Offered

Additions & Remodeling

- Addition to Existing Structure - Build
- Addition to Existing Structure - Build - For Business
- Basement - Remodel
- Bathroom - Remodel
- Bathroom - Remodel - For Business
- Garage - Remodel
- Kitchen - Remodel
- Kitchen - Remodel - For Business
- Sunroom or Patio Enclosure - Build

Air Conditioning

- Central A/C - Install
- Central A/C - Install - For Business
- Central A/C - Service or Repair
- Central A/C - Service or Repair - For Business
- Central Humidifier - Install or Replace
- Central Humidifier - Repair or Service

Cabinets

- Cabinets - Install

Heating & Furnace Systems

- Boiler or Radiator Heating System - Install or Replace
- Boiler or Radiator Heating System - Install or Replace - For Business
- Boiler or Radiator Heating System - Repair or Service
- Boiler or Radiator Heating System - Repair or Service - For Business
- Furnace / Forced Air Heating System - Install or Replace
- Furnace / Forced Air Heating System - Install or Replace - For Business
- Furnace / Forced Air Heating System - Repair or Service
- Furnace / Forced Air Heating System - Repair or Service - For Business
- Heat Pump - Install or Replace
- Heat Pump - Install or Replace - For Business
- Heat Pump - Repair or Service
- Heat Pump - Repair or Service - For Business
- Thermostat - Install or Replace
- Thermostat - Repair or Reprogram

Plumbing

- Bathtub Install or Replace
- Bathtub Install or Replace - For Business
- Shower Install or Replace



• See eMagic Screening

4.61

29 Verified Ratings

Company Logo:



Company Photo:

Joseph
MiloMHR
services
Inc.

Customer Ratings

Customer Rating: 4.0

City: Towson, MD

Project: Remodel a Bathroom

"High quality. After seeing the quality of workmanship on a neighbor's kitchen remodel, I hired MHR Services to remodel both my kitchen and bath."

View Rating

Contact Us

Joseph Milo
100 West Ring Factory Road, Bel Air, MD 21014
work: (410) 515-7714
cell: (443) 807-1047

About Us

In Business Since: 1993

MHR Services Inc. is a full service remodeling company, specializing in kitchens, bathrooms and basements. Owner carries three state licenses and is on every job along with a select group of subcontractors when needed, who he has been working with for years. All work performed is

PETITIONER'S

EXHIBIT NO.

13

Draft_MINUTES OF RODGERS FORGE COMMUNITY, INC.

Meeting Date: April 11, 2012

Call to order: The meeting of RFC, Inc. Board of Governors was held at the Rodgers Forge Elementary School Cafetorium in Rodgers Forge in Baltimore County, MD on April 11, 2012. The meeting convened at 7:08 P.M. with President Jennifer Helfrich presiding and Carol Zielke, recording secretary. **Members in attendance (17):** Michael Calwell, Doug Campbell, Scott Carlson, Jay Dunn, Jean Duvall, Jill Fisher, Bill Grothmann, Jennifer Helfrich, Ada Montessoro, Janice Moore, Ruth Roberts, Del Schmidt, Janine Schofield, Joe Segreti, Lawrence Swoboda, Bryan Tillman, and Carol Zielke; **Members Excused (5):** Ginny Allen, Don Gerding, Andrew Hazlett, Ayfer Hoffman, and Stu Sirota; **Members Absent (1):** Pat Foretich; **Guests (2):** Art Bruist and Larry Fogelson. Art Bruist also attended the March Board meeting as a guest.

February and March Minutes: C. Zielke provided Board members with paper copies of the February and March 2012 Board Minutes. J. Duvall moved (D. Campbell 2nd): **The Board accepts the February and March Board Meeting Minutes. Motion passed with one abstention.**

Treasurer's Report and Budget Committee (Janice Moore and Mike Calwell):

- o Discussion concerning Dan Whitlow's comfort letter submitted in place of the required audit of the community association's finances for the 2011-2012 Fiscal Year.
 - Board members affirmed having read the Comfort Letter. No questions or concerns were raised.
 - J. Duvall moved (D. Campbell, 2nd) that: **The Board approves Dan Whitlow's comfort letter in lieu of an audit. Motion passed with one abstention.**
- o The Treasurer suggested we consider changing our By-Laws from [audit] to review.
 - An audit is now a very different process than in the past. GTCCA does a review of books.
 - If we continue with an audit, we must budget \$6000 yearly for this process. A "review" of books is ~\$600.
 - J. Duvall moved (D. Campbell, 2nd) that: **The Board changes the By-Laws requirement from audit to review. Motion passed.**
 - Janice will provide Board members with the revised wording of the By-Laws regarding the substitution of review for [audit] prior to its publication in the Newsletter and on Web site.
 - A final vote to accept the By-Laws amendment will be made at the next Board meeting.
- o Two motions for Board Expenses made by J. Moore (J. Schofield, 2nd):
 - **The Board gives \$225 to the Towson 4th of July Parade. Motion passed.**
 - **The Board donates to Tech Trek-RFES \$500. Motion passed.**
- o Treasury Balance was \$14,605.75 as of March 14, 2012 & \$13,370.11 as of April 11, 2012.
- o Membership is 45 members behind on dues for the year.

President's Report: Topics presented to and discussed with the Board were as follows:

- o Encouraged participation in the Clean Green County Event & the Towson University Clean-Up Day.
- o Councilman Marks letter regarding a Dog Park on Baltimore County School Property near homes on Old Trail. The Board responded with its concerns about liability, nearness to homes, the smell, all questions raised during the earlier fact finding for this project. Jennifer will respond to Councilman Marks and request more details.
- o Request from State Representative Lafferty to address Board at May meeting on recent session of legislature. Board agreed that he be invited to May meeting.
- o Request by a non-profit Pastoral Counseling Service to address Board (maybe at June meeting).
- o Appointment of a Nominating Committee for Board Elections to be held in September. Goal to seek out volunteers to run for membership on Board of Governors:
 - The President appointed Janice Moore as Chair of Nominating Committee
 - Volunteer committee members are Jean Duvall, Doug Campbell, Jill Fisher, and Mike Calwell.
- o A letter about Christmas bulbs in a tree on Murdock Rd.

Committee Reports:

Picnic: Janine Schofield reported:

- o Date changed to June 9th.
- o New location - the Y intersection on Blenheim Rd next to the Tot Lot (requires we obtain a block party permit so we can have 2 generators for electricity).
- o Activities include pony rides and the Moon Bounce (height requirements must be set)
- o Volunteer(s) needed to obtain donated items for basket raffle.
- o She circulated sign-up sheets for Board members to volunteer help on day of picnic.

Architecture: Bill Grothmann reported on March applications. Jean Duvall reported on the April applications.

The Board voted to approve the March and April Architecture Report (*Full Report on pp 2-3 this document.*) J. Duvall addressed the need to change our wording in the Architectural Guidelines concerning fences to eliminate "Board on Board" fences. The latter are now defined and designed as solid board fences by fence manufacturers and installers.

Architectural Guidelines: D. Schmidt read the report of the ad hoc Guidelines Committee appointed to review changes in the guidelines for screened porches. *Report attached.*

- o Committee agreed not to change the guidelines with respect to screened porches based on the "principle of conformity" one of the primary tenets of determining value in home appraisals in the real estate industry.
- o Del made two requests: that we keep the committee open so we can continue to evaluate future concerns and to publish the report for feedback.
- o The Board discussed at length the reported recommendations of the committee and the two requests.

Motion made (D. Schmidt, J. Fisher 2nd): The Board publish results of Architectural Guidelines Committee in Newsletter and ask members of the community association concerned about the topic to submit letters or Emails to the Board. The language of the published Guidelines Report is to be reviewed before publication. *Motion passed with 2 abstentions and 1 "nay" vote.*

External and Government Affairs: R. Roberts reported no new issues this month. She said Cynthia Blind had no problem with sharing duties concerning Vacant and Abandoned houses/Code Enforcement.

Newsletter: Jay Dun asked anyone not receiving a Newsletter to give him a call.

Web Site: No report.

Safe Routes to School: reported by J. Helfrich in Stu's absence. The bike rack purchased by the committee must be cemented in at great cost!! The school system is holding up installation and will not allow the community association to install it.

The 4th of July Parade: Mike Calwell reported that we have 16 volunteers to march in the parade. He suggested we start pestering Rodgers Forge families to volunteer for the march. The parade route is 1.5 miles long.

Crime and Safety: M. Calwell requested a donation for TACOP.

Motion made (J. Helfrich, L. Swoboda, 2nd): That the Board donates \$150 to the Towson Area Citizens on Patrol. *Motion passed.*

Tree Rodgers Forge: L. Folgelson reported that the tree planting is scheduled for April 28th. Unfortunately the county does not have easement maps for some properties in the community so not everyone requesting a tree will be able to plant.

T-Shirts for the Parade: J. Moore requested that the Board allocate money to purchase T-shirts for approximately \$300 (50 shirts at \$6 each). **Motion made (C. Zielke, D. Campbell, 2nd):** That the Board spends up to \$300 for 4th of July T-shirts. *Motion passed.*

Insert Architecture Committee Written Report here.

The Public Meeting was adjourned at 8:30 p.m. Non-board members were told they could leave. The Board remained for a Closed Session to discuss a legal matter.

Signed _____ Date _____

Carol Zielke, Recording Secretary

The following items are attached to the April 2012 Minutes: Board Members Sign-In Sheet; Guest Sign-In Sheet; Agenda & Presidents Report; March and April Treasurer's Reports; Proposed Rodgers Forge By-law wording changes-April 15, 2012; March and April Architecture Reports; Architectural Guidelines Report; and April 2012 Newsletter.

Case No.:

2012-221-A

6/13/12
PZ

Exhibit Sheet

Petitioner/Developer

Protestant

19W
7-7-12

No. 1	Color Photo - Front	1A 1B > Black+white Photos. P's home
No. 2	Color Photo - Ground Slope	6-4-2012 letter Rodgers Forge Comm. Ass'n.
No. 3	Photo - Driveway Connection	
No. 4	Photo - Landing West Side	
No. 5	Photos (5 pages) Ground Measurements	
No. 6	Photos (2 pp.) Outside View	
No. 7	Photos (2 pp.) 312 + 314 Hopkins Rd.	
No. 8	Photos (3 pp.) 312 Hopkins Rd.	
No. 9	Photo 316 Hopkins Rd.	
No. 10	Photos w/ Setback Measure. (2 pp) 328+330 Hopkins	
No. 11	Photo 330 Hopkins Back Porch	
No. 12	Sketch of 300 Hopkins (2 pages)	
No. 13	HMR Services Inc - Web Site	
No. 14	Doc. 1111 dated April 11, 2012	





The Rodgers Forge Community, Inc.

AN ORGANIZATION OF THE RESIDENTS OF RODGERS FORGE, MARYLAND 21212

Mailing Address: Post Office Box 571, Riderwood, Maryland 21139

June 4, 2012

Re: Zoning hearing for request for Variance
300 Hopkins Road, case number 2012-0221-A

Judge Stahl,

The Rodgers Forge Community, Inc. board of governors met at a special meeting May 30, 2012 to discuss and vote on a position for the above mentioned hearing. A motion was passed to retain the services of Carroll Holzer to represent the interests of the RFC, Inc. board of governors.

A motion was passed to support the Baltimore County Zoning setback laws and support the previous ruling by Judge Kotrocco in Civil Citation No. 101475 affirming that the additional landing on 300 Hopkins Road is in violation of BCZR, Section 301, and specifically that: "Rodgers Forge Board of Governors opposes the request in Case No. 2012-0221-A for a rear yard setback of 24.33 feet in lieu of the required 37.5' stated in the application dated 03-14-12. Furthermore, we support existing county enforcement of the existing setback requirements for an open projection."

The date of the hearing is Friday June 8, also the last day of school for Baltimore County Public Schools, and the Farewell Ceremony for 5th graders at Rodgers Forge Elementary School, where my daughter attends as a 5th grader. I will be unable to attend the hearing as I will be in at the Farewell Ceremony for my daughter.

Respectfully,



Jennifer Helfrich
RFC, Inc. president

PROTESTANT' S

EXHIBIT NO. 2