

KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

February 5, 2015

Bruce Jay Solomon Marlene Wolff Solomon (Trustees) 3804 Thoroughbred Lane Owings Mills, Maryland 21117

RE:

Petition for Administrative Variance

Case No. 2015-0141-A

Property: 3804 Thoroughbred Lane

Dear Petitioners:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

JOHNE. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw Enclosure

c: Michael Sharp, 17005 Hardy Road, Mt. Airy, MD 21771

IN RE: PETITION FOR ADMIN. VARIANCE * (3804 Thoroughbred Lane)

4th Election District 2nd Council District Bruce Jay and Marlene Wolff Solomon Petitioners **BEFORE THE**

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0141-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Bruce Jay and Marlene Wolff Solomon ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed garage to be located in the side yard with a height of 19.5 ft. in lieu of the required rear yard and 15 ft. height, respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

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

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 18, 2015, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code (B.C.C.). Based upon the information available, there is no evidence in ORDER RECEIVED FOR FILING

Date	2-5-15	
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the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the accessory structure height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, and kitchen or bathroom facilities.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 5th day of February, 2015 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R) to permit a proposed garage to be located in the side yard with a height of 19.5 ft. in lieu of the required rear yard and 15 ft. height, respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

 Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.

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- 2. The Petitioners or subsequent owners shall not convert the garage into a dwelling unit or apartment. The garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
- 3. The garage shall not be used for commercial purposes.

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

JOHN E. BEVERUNGEN Administrative Law Judge for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 2-5-17

3



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING

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

To the Office of Administrative Hearings for Baltimore County for the property located at: Currently zoned RC-5 Address 3804 Thoroughbred Lane

Deed Reference 30148 1 00268 10 Digit Tax Account # 1700003236

Owner(s) Printed Name(s) Bruce Jay Solomon & Marlene Wolff Solomon

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. ADMINISTRATIVE VARIANCE from Section(s) 400.1 and 400.3 to permit a proposed garage be located in the side yard with a height of 19.5 ft. in lieu of the required rear yard and 15 ft. height, respectively.

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

ADMINISTRATIVE SPECIAL HEARING to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County

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

I/ we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

Bruce Jay Solomon	Marlene Wolff Solomon
Name #1 - Type or Print	Name #2 - Type or Print
Sur Jay Salon	Marlens Wolf Lalomor
Signatul #0	Signature #2

3804 Thoroughbred Lane, Owings Mills, MD

Mailing Address bruce@bruce solomon.com / 410-833-2188 Email Address

Attorney for Owner(s)/Petitioner(s):

Signature Address
Mailing Address Michael State Date. 21771 Zip Code elephone # Email Address Zip Code

Representative to be contacted: Sharp

Name - Type or Print Mt. Air City State Mailing Address 443,472,2775, mshar (@KN)const. com Telephone # Email Address

A Public MEANING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore Gunty, this day of county. that the subject matter of this petition be set for a public hearing, advertised, and re-posted as

Administrative Law Judge for Baltimore County

CASE NUMBER 2015 - 0144 Filing Date 115115 Estimated Posting Date 118115 Reviewer

Rev 5/8/2014

Affidavit in Support of Administrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

ddress:	3804 Thoroughbre	d Lane, Owings	Mills, MD 21	117
F	Print or Type Address of property	City	State	Zip Code
ased upo	on personal knowledge,	the following are th	e facts upon which I/	we base the request for an
dministre	ative Variance at the abo	ve address. (Clear	ly state <u>practical di</u>	fficulty or hardship here)
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	o other location a the existing septi		out encroaching	on the area allogited
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(IT additi	ional space for the petition	request or the above		abel and attach it to this Form)
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Bruce	7 0		Marolene	Wolff Solomon Wolff Solomon
ame- Print			Name- Print or Ty	00
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	The following informatio	n is to be completed	by a Notary Public of the	le State of Maryland
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	F MARYLAND, COUNT			
HEREBY	CERTIFY, this 36	day of <u>December</u>	∞ , $30/4$, before	re me a Notary of Maryland, in
nd for the	County aforesaid, persona	ally appeared:		
	Bruce Solor	non + M	aclono, Sala	200
nt name(s) her	ne: 01000 30101	1011 4 11	011 101 10 3011	21.104
e Afflant((s) herein, personally know	n or satisfactorily ide	ntified to me as such A	Affiant(s). Brittery Hetterich
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S ANTIME	is a my mand and rectanes	Bullan	- Williah	My Continuesion Expires September 2
		Notary Public	117	
		My Commission	Expires	
		iviy Commission	LAPITOS	

REV. 5/8/2014

ZONING DESCRIPTION

Zoning Description for 3804 Thoroughbred Lane

Beginning at a point on the North side of Thoroughbred Lane, which is 60 feet wide at the distance of 200 ft. east of the centerline of the nearest improved intersecting street Bonita Avenue, which is 60 ft. wide. Being Lot # 58 in the subdivision of Worthington as recorded in Baltimore County Plat Book #0038, Folio# 0015, containing 1.04 acres and located in the 4th Election District, 2nd Councilmanic District.

MEMORANDUM

DATE:

March 10, 2015

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2015-0141-A - Appeal Period Expired

The appeal period for the above-referenced case expired on March 9, 2015. 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

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2015- 0141 -A Address 3804 Thorough bred La.	
Contact Person: Bruno Rudo: tir Planner, Please Print Your Name Phone Number: 410-88	7-3391
Filing Date: 1/5/15 Posting Date: 1/18/15 Closing Date: 2/	02/15
Any contact made with this office regarding the status of the administrative variance shother through the contact person (planner) using the case number.	ould be
1. POSTING/COST: The petitioner must use one of the sign posters on the approved list reverse side of this form) and the petitioner is responsible for all printing/posting cost reposting must be done only by one of the sign posters on the approved list and the petition is again responsible for all associated costs. The zoning notice sign must be visible property on or before the posting date noted above. It should remain there through the date.	s. Any etitioner on the
2. DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 fee a formal request for a public hearing. Please understand that even if there is no request for a public hearing, the process is not complete on the closing date.	t to file formal
ORDER: After the closing date, the file will be reviewed by the zoning or deputy commissioner. He may: (a) grant the requested relief; (b) deny the requested relief order that the matter be set in for a public hearing. You will receive written notification, within 10 days of the closing date if all County agencies' comments are received whether the petition has been granted, denied, or will go to public hearing. The order mailed to you by First Class mail.	; or (c) usually , as to
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public to whether due to a neighbor's formal request or by order of the zoning or deputy commissioner), notification will be forwarded to you. The sign on the property managed giving notice of the hearing date, time and location. As when the sign was or posted, certification of this change and a photograph of the altered sign must be forwarded.	zoning nust be riginally
(Detach Along Dotted Line)	
Petitioner: This Part of the Form is for the Sign Poster Only	
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT	
Case Number 2015- 0141 -A Address 3804 Thorough bred La.	
Petitioner's Name Jay and Marlana Solomon Telephone 410-833-2	188
Posting Date: Closing Date: 2/02/15	
Wording for Sign: To permit a proposed garage with a height	
of 19.5 ft. and located in the side yard in lieu of the preque	red
15 St. and rear yard, respectively.	
Pavisad	7/19/14
Revised BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS	1/10/14

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. <u>For those petitions which require a public hearing</u>, 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.

Number or Case	Number: 2015-0141-A E & MARLENE SOLOMON
lress or Location:	3804 THOROVCHBRED LN. DWINGS MINS, MD 21117
ne: BRUCE	ADVERTISING BILL TO: \$ MARLENE SOLOMON THOROUGH BRED LANE

CERTIFICATE OF POSTING CASE NO: 2015-0141-A PETITIONER/DEVELOPER MILHAEL SHALP KNI CONSTRUCTION DATE OF HEARING/CLOSING: **BALTIMORE COUNTY DEPARTMENT OF** PERMITS AND DEVELOPMENT MANAGEMENT **COUNTY OFFICE BUILDING, ROOM 111** 111 WEST CHESAPEAKE AVENUE **ATTENTION:**

'ADIES AND GENTLEMEN:

THIS LETTER IS TO CERITFY UNDER THE PENALTIES OF PERJURY THAT THE IECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE 'ROPERTY AT_

3804 THOROUGHBRED LANE

HIS SIGN(S) WERE POSTED ON James 18, 2015
(MONTH, DAY, YEAR)

MARTIN OGLE (SIGN POSTER) 60 CHELMSFORD COURT BALTIMORE,MD 21220 (ADDRESS)

PHONE NUMBER:443-629-3411



malingle 1/18/15

CASE NO. 2015- 0\4-A

CHECKLIST

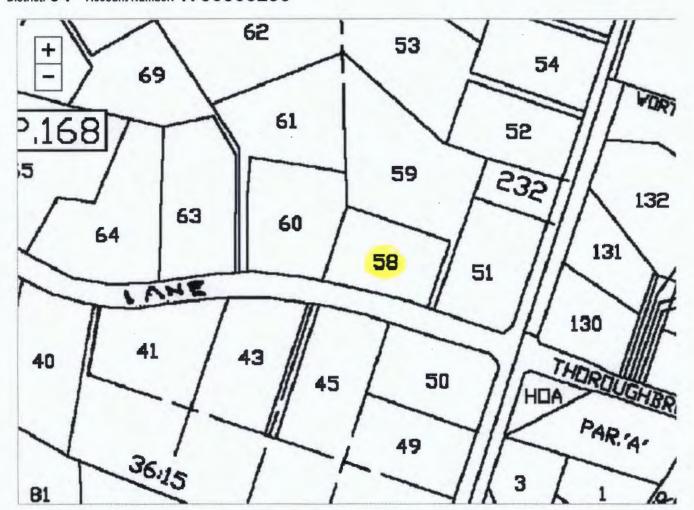
Comment Received	<u>Department</u>	Support/Oppose/ Conditions/ Comments/ No Comment
1-14	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent)	NO
	DEPS (if not received, date e-mail sent)	· .
-	FIRE DEPARTMENT	
	PLANNING (if not received, date e-mail sent)	
1-4	STATE HIGHWAY ADMINISTRATION	No objection
	TRAFFIC ENGINEERING	-
	COMMUNITY ASSOCIATION	
1	ADJACENT PROPERTY OWNERS	
ZONING VIOLA	ATION (Case No	
PRIOR ZONING	(Case No.	
NEWSPAPER A	DVERTISEMENT Date:	
SIGN POSTING	Date: _\-\8-15	by. Ogle
	NSEL APPEARANCE Yes No	
Comments, if any	:	

Real Property Data Search (w4)						Guide to searching the database							
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Account	Identifi	er:	District - 0	4 Acco	ount Number - 1700003236								
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Baltimore County

District: 04 Account Number: 1700003236

New Search (http://sdat.resiusa.org/RealProperty)



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

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

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml).



(http://imsweb05.mdp.state.md.us/website/mosp/)

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Loading... Please Wait.

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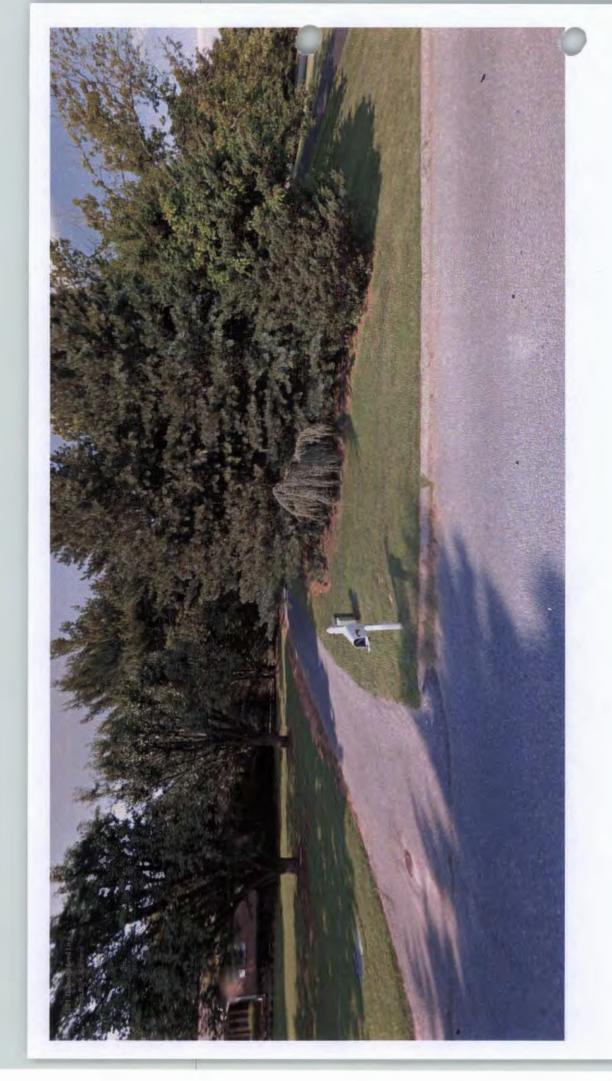
Frapsky

. View From Above of 3804 Thoroughb.

24



ENTRANCE FROM THOROUGHBRED LN. To 3800 THOROUGHBRED LN.



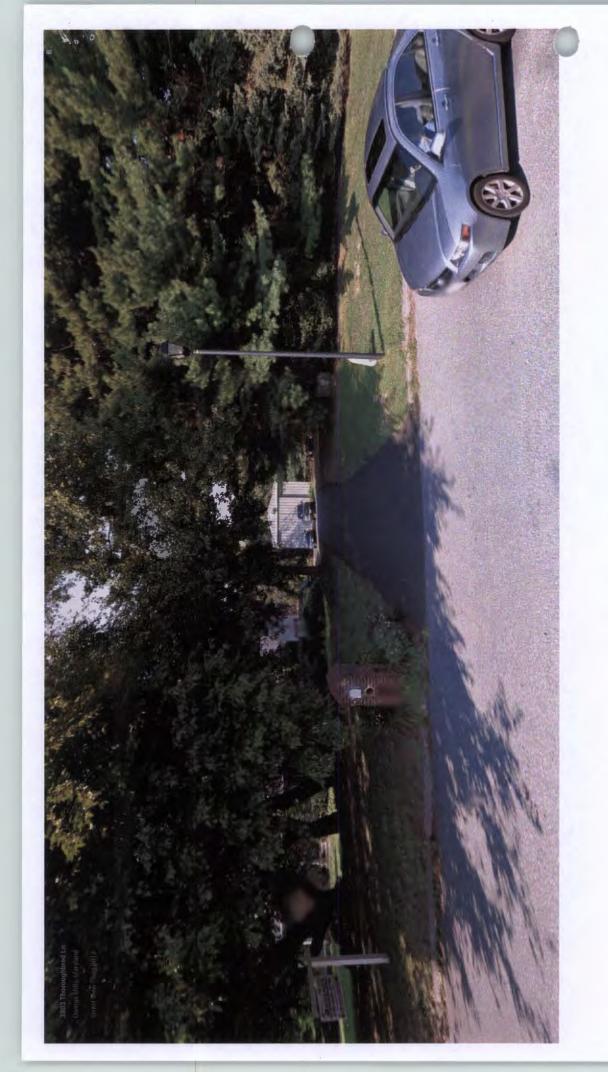
Extradec From ThorovehBRED LM. To 3802 ThoroachBRED LN.

1410#



. ENTRANCE FROM THOROUGHBRED LA TO 3804 THOROUGHBRED LA LOCATION OF PROPOSED GARAGE.

#0141



· ENTRANCE FROM THOROUGHBED LAI. 7 3806 THOROUGHBEB LAI. #0/4/



KEVIN KAMENETZ County Executive

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

February 3, 2015

Bruce Jay & Marlene Wolff Solomon 3804 Thoroughbred Lane Owings Mills MD 21117

RE: Case Number: 2015-0141 A, Address: 3804 Thoroughbred Lane

Dear Mr. & Ms. Solomon:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 5, 2015. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaw

Enclosures

C:

People's Counsel Michael Sharp, 17005 Hardy Road, Mt. Airy MD 21771

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



James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

Date: 1/14/15

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

RE: **Baltimore County** Item No 2015 - 0141-A Administrative Varience
Bruce Tay & Murlene Wolff
Solomon
3804 Thomoughbred Line.

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. 2015-0141-A.

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief/ Development Manager 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

DATE: January 14, 2015

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For January 19, 2015

Item No. 2015-0140, 0141, 0143, 0144, 0146 and 0147

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\ZAC01192015 -.doc



17005 HARDY ROAD, MT. AIRY, MD 21771 phone/fax 410-489-9224 mobile 443-472-2775

Date:

January 8, 2015

Project:

Single Story Detached Garage 3804 Thoroughbred Lane Owings Mills, MD 21117

Bruce and Marlene Solomon 3804 Thoroughbred Lane Owings Mills, MD 21117

Case No.: 2015-0141-A

Subject: Additional Information

To whom it may concern,

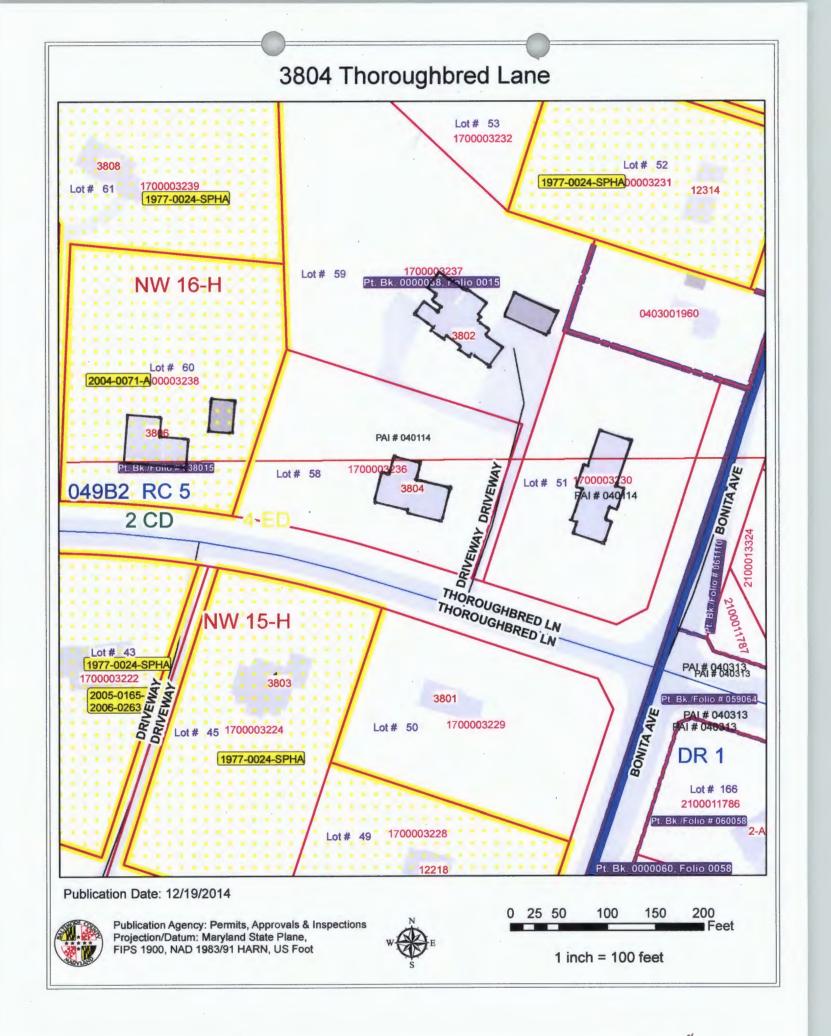
Additional finished interior height is required to accommodate automobile storage lifts and provide an esthetic minimum roof pitch. The finished height will be 19'6". Thank you for you time in this matter.

Regards,

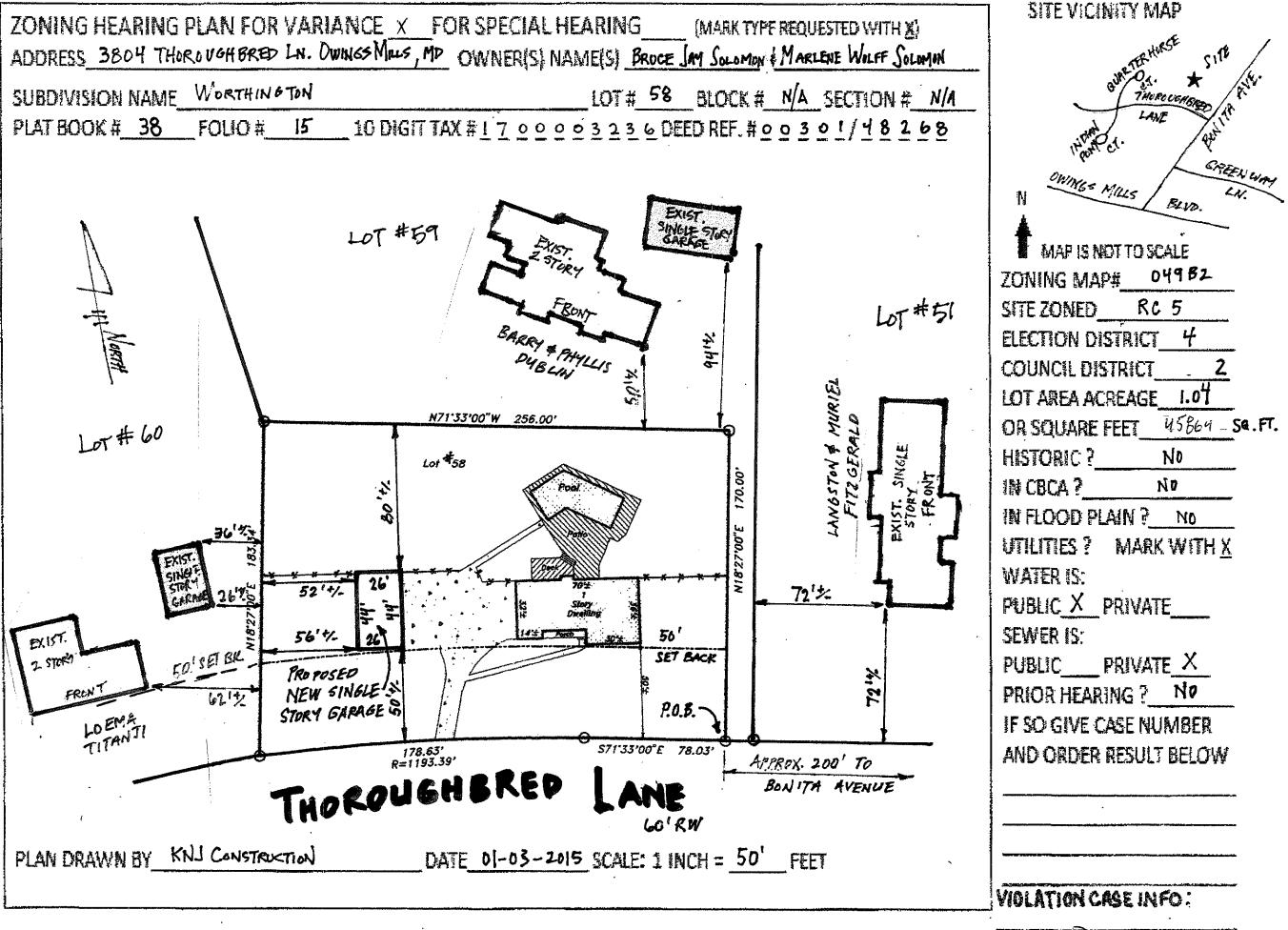
Signature:

Signature:

Marlene Wolff Solomon



#0141



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Tet. Ech. 1

