

M E M O R A N D U M

DATE: March 14, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0187-A – Appeal Period Expired

The appeal period for the above-referenced case expired on March 12, 2018. 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

**IN RE: PETITION FOR ADMIN. VARIANCE *
(2005 Thistlewood Road)**

3rd Election District

2nd Council District

Ellen S. & Arnie S. Katz

Petitioners

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BEFORE THE

OFFICE OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0187-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, Ellen S. and Arnie S. Katz ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 1B01.2.C.1.b and 504.2 of the Baltimore County Zoning Regulations ("BCZR"), to permit a proposed addition (sunroom) with a rear yard setback of 18 ft. in lieu of the required 30 ft.; and to amend the Final Development Plan ("FDP") of Bonnie View Estates, Plat 2, Lot No. 17 only. 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. However, it is to be noted that a letter was received, dated November 2, 2017, from the Parke at Mount Washington Community Association indicating approval of the Petitioners' request.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 21, 2018, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 2-9-18

By [Signature]

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 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.

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 9th day of **February, 2018**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1B01.2.C.1.b and 504.2 of the Baltimore County Zoning Regulations ("BCZR"), to permit a proposed addition (sunroom) with a rear yard setback of 18 ft. in lieu of the required 30 ft.; and to amend the Final Development Plan ("FDP") of Bonnie View Estates, Plat 2, Lot No. 17 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. 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.

ORDER RECEIVED FOR FILING

Date

2-9-18

By

bw

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 2-9-18

By low



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:

Address 2005 Thistlewood Rd Currently zoned DR 2
Deed Reference 25807 / 00408 10 Digit Tax Account # 2400012150
Owner(s) Printed Name(s) Ellen Katz & Azriel Katz

(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. X **ADMINISTRATIVE VARIANCE** from Section(s) ... Sections 1B01.2.C.1.b and 504.2 – to permit a proposed addition (sunroom) with a rear yard setback of 18 feet in lieu of the required 30 feet; and to amend the Final Development Plan of BONNIE VIEW ESTATES, Plat #2, Lot #117 only.

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

2. **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):

Ellen Katz / Azriel Katz
Name #1 – Type or Print Name #2 – Type or Print
[Signature] / [Signature]
Signature #1 Signature #2

2005 Thistlewood Rd
Mailing Address City State
21205 / 443-695-4873 / ellen@ParkInvestment
Zip Code Telephone # Email Address group.com

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

Name- Type or Print
Signature
Mailing Address City State
Zip Code Telephone # Email Address

Representative to be contacted:

Raphael Cassagnol
Name – Type or Print
[Signature]
Signature
211 E Lombard St Baltimore Md
Mailing Address City State
21202 / 703-395-9922 / Rcassagnol@gmail.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this 1 day of 11, 2018, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0187-A Filing Date 1/11/18 Estimated Posting Date 1/21/18 Reviewer [Signature]

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.

Address: 2005 Thistlewood Rd Baltimore, Md 21209
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

we are asking for an administrative variance
for 2005 Thistlewood Rd. Per pictures attached via
google earth you can see numerous encroachments that
have received a variance for permits we will be
constructing a Sun Room 30 x 15' total 450 Sq. with
an Encroachment of 11 feet.
Our family is growing and we do not have the space in the home to
have a family room and a large casual space. In the home the
family room is being used as storage.
The side yard cannot accommodate an addition. The only place is in
the backyard where the door leads to outside.
Many homes in the community including next door (2003) have a similar
addition dock, sunroom, in the rear.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Owner (Affiant)
Ellen Katz
Name- Print or Type

[Signature]
Signature of Owner (Affiant)
Arnie Katz
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

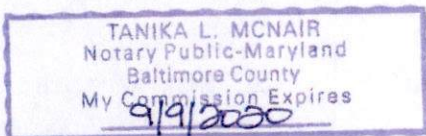
I HEREBY CERTIFY, this 1st day of December, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Arnie & Ellen Katz

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public
9/9/2020
My Commission Expires



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.

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Our family is growing and we do not have the space in the home to have a family room and a nice casual space. In the home the family room is being used as storage.
The back yard cannot accommodate an addition. The only place is in the backyard where the door leads to outside.
Many homes in the community including next door (2003) have a similar addition deck/sunroom in the rear.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Ellen Katz
Signature of Owner (Affiant)

Ellen Katz
Name- Print or Type

Arnie Katz
Signature of Owner (Affiant)

Arnie Katz
Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

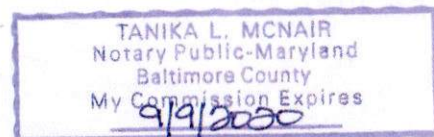
I HEREBY CERTIFY, this 1st day of December, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Arnie & Ellen Katz

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

AS WITNESS my hand and Notaries Seal

Tanika L. McNaair
Notary Public
9/9/2020
My Commission Expires





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:

Address 2005 Thistlewood Rd Currently zoned DR 2
Deed Reference 25807 / 00408 10 Digit Tax Account # 2400012150
Owner(s) Printed Name(s) Ellen Katz & Azule Katz

(SELECT THE HEARING(S) BY MARKING ☒ 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) . . . Sections 1801.2.C.1.b and 504.2 – to permit a proposed addition (sunroom) with a rear yard setback of 18 feet in lieu of the required 30 feet; and to amend the Final Development Plan of BONNIE VIEW ESTATES, Plat #2, Lot #117 only.

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

2. ☐ **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):

Ellen Katz / Azule Katz
Name #1 – Type or Print Name #2 – Type or Print

[Signature] / [Signature]
Signature #1 Signature #2

2005 Thistlewood Rd
Mailing Address City State

21205 / 443-695-4873 / ellen@parkinvestmentgroup.com
Zip Code Telephone # Email Address

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

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

Raphael Cassagnol
Name – Type or Print

[Signature]
Signature

211 E Lombard St Baltimore Md
Mailing Address City State

21202 / 703-395-9922 / Rcassagnol@gmail.com
Zip Code Telephone # Email Address

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

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0187-A Filing Date 1/11/18 Estimated Posting Date 1/21/18 Reviewer [Signature]

ZONING PROPERTY DESCRIPTION FOR 2005 THISTLEWOOD ROAD

Beginning at a point on the south side of Thistlewood Road, which has a 40-foot right of way, at a distance of +/-175 feet east of the centerline of the nearest improved intersecting street Myrtlewood Road, which has a 40-foot right of way. Being Lot #117 in the subdivision of BONNIE VIEW ESTATES as recorded in Baltimore County Plat Book #78, Folio #17, containing 8,030 square feet. Located in the 3rd Election District and 2nd Councilmanic District.

Item #0187

CERTIFICATE OF POSTING

Date: 1-21-18

RE: Case Number: 2018-0187-A

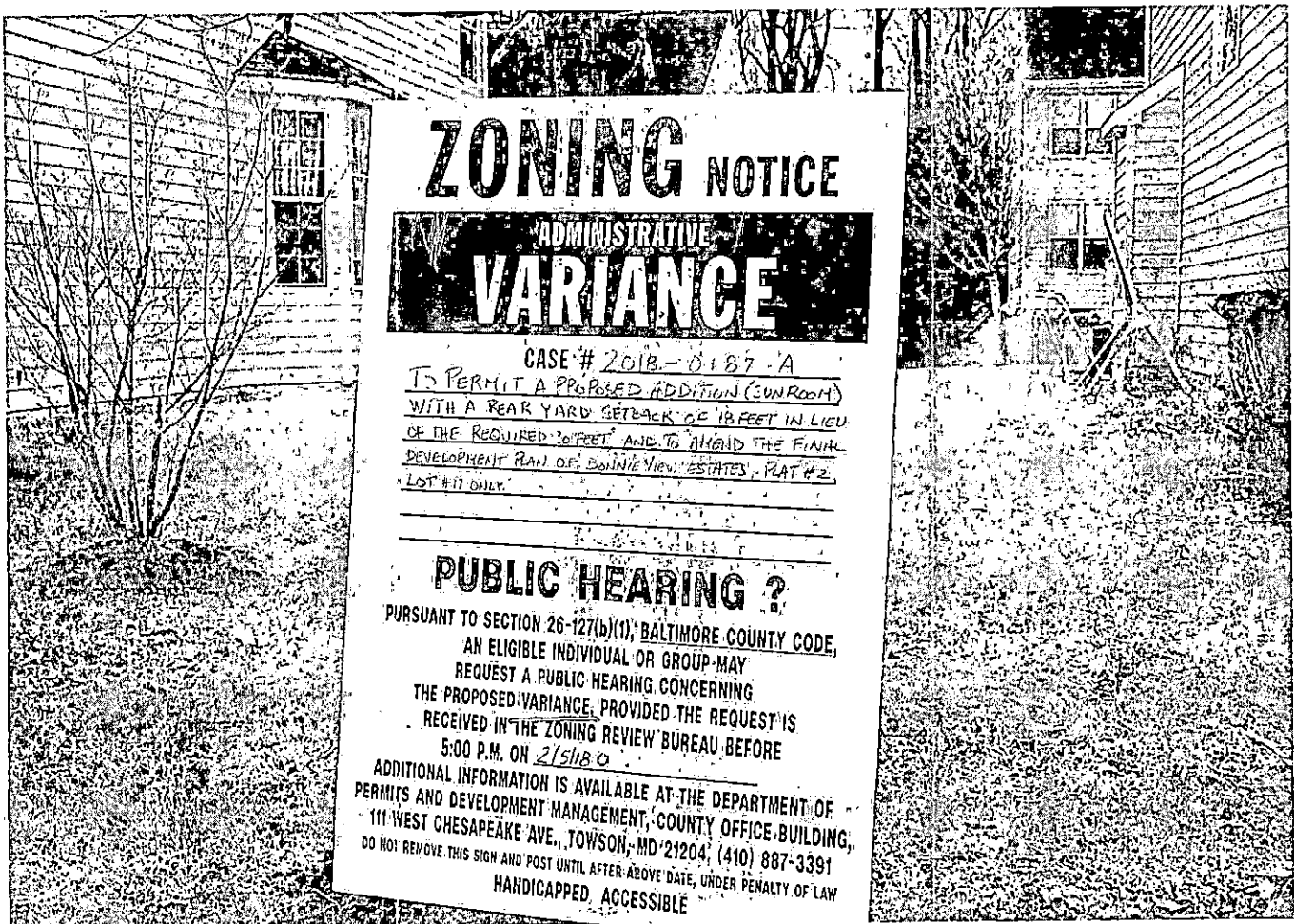
Petitioner: Katz

Date of Hearing/Closing: 2-5-18

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

The sign(s) were posted on 1-21-18
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)



ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0187 -A Address 2005 Thistlewood Rd

Contact Person: David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 1/11/18 Posting Date: 1/21/18 Closing Date: 2/05/18

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2018- 0187 -A Address 2005 Thistlewood Rd

Petitioner's Name E + A Katz Telephone 443-695-4873

Posting Date: 1/21/18 Closing Date: 2/05/18

Wording for Sign: To Permit a proposed addition (sunroom) with a rear
yard setback of 18 feet in lieu of the required 30 feet; and
to amend the final development plan of Bonnie View Estates,
Plat #2, Lot #117 only

Revised 6/30/2018

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0187-A
Property Address: 3005 Thistlewood Rd Balt - 21209
Property Description: south side of Thistlewood Rd, 175'
east of Myrtlewood Rd
Legal Owners (Petitioners): Ellen & ~~Arnold~~ Katz
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Ellen Katz
Company/Firm (if applicable): _____
Address: 3005 Thistlewood Rd
Baltimore Md 21209
Telephone Number: 443-695-4878

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

NO 161185

Date: Jan 11 2018

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				18150 ⁰⁰

Total: 18150⁰⁰

Rec From: Rachael Casson
 For: zoning hearing - case # 2018-0187-A

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME
 1/12/2018 1/11/2018 10:30:20
 REG NO: 001011 JLE
 RECEIPT NO: 002215 1/11/2018
 Dept: 550 ZONING VERIFICATION
 CR NO: 161185
 Recpt Tot: 18150.00
 18150.00 CR 1.00 CA
 Baltimore County, Maryland

**CASHIER'S
 VALIDATION**



KEVIN KAMENETZ
County Executive

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

February 6, 2018

Ellen and Arnie Katz
2005 Thistlewood Road
Baltimore MD 21209

RE: Case Number: 2018-0187 A, Address: 2005 Thistlewood Road

Dear Mr. & Ms. Katz:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on January 11, 2017. 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 that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Raphael Cassagnol, 211 E Lombard Street, Baltimore MD 21202

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0187-A
Address 2005 Thistlewood Road
(Katz Property)

Zoning Advisory Committee Meeting of **January 22, 2018.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 1/16/18

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2018-0187-A

*Administrative Variance
Ellen & Arnie Katz
2005 Thistlewood Road*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Richard Zeller

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

DATE: January 29, 2018

SUBJECT: Zoning Advisory Committee Meeting
For January 22, 2018
Item No. 2018-0182-A, 0183-A, 0186-A and 0187-A

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

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VKD: cen
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: January 16, 2018

SUBJECT: DEPS Comment for Zoning Item # 2018-0187-A
Address 2005 Thistlewood Road
(Katz Property)

Zoning Advisory Committee Meeting of **January 22, 2018.**

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford



RESIDENTIAL REALTY GROUP, INC.

the community management specialist

"We know your property best!"



November 02, 2017

ELLEN S & ARNIE S KATZ
2005 THISTLEWOOD ROAD
BALTIMORE, MD 21209

Dear ELLEN S & ARNIE S KATZ,

Thank you for submitting your Architectural Request. Upon further review, the Board of Directors/Committee has approved your request.

This letter will serve as written confirmation that you may proceed with the request to add a sunroom and a small brick patio at the rear of your home.

Thank you for your continued support of your The Parke at Mt Washington and for maintaining and enhancing our carefully designed community.

Laura Z. Baverman

Association Manager

The Parke at Mount Washington Community Association

Item #0187

Ellen

2002
Willowcrest Rd

2005 Thistlewood Rd

Subject – Front of House



Subject – Back of House



Item #0187

Right side elevation – Picture taken from the rear



Left side Elevation – (picture taken from the rear)



Item #0187

2003 Thiselwood dr



2007 Thiselwood dr



Item #0187

Street view looking North

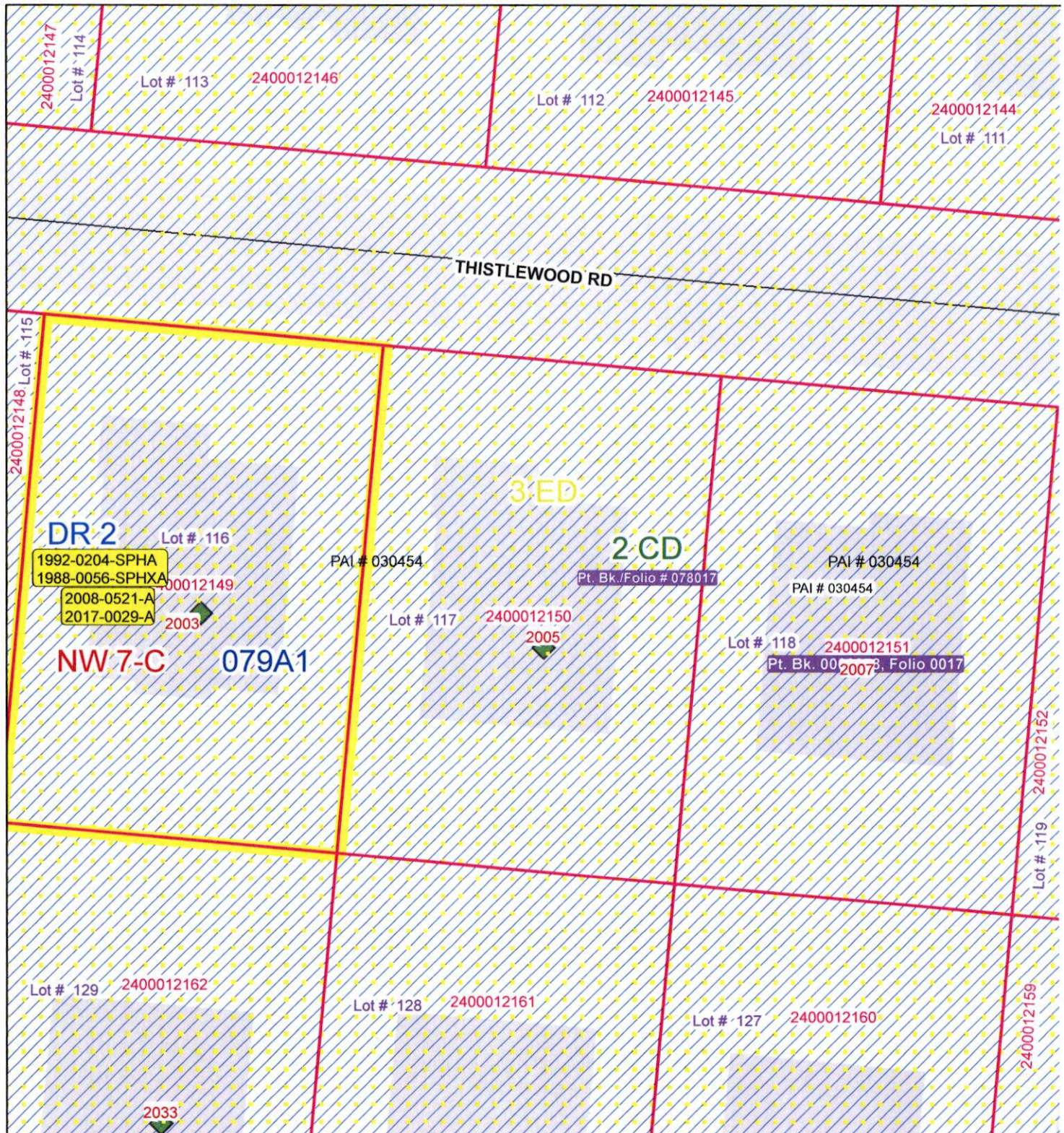


Street view looking South



Item #0187

2005 Thistlewood Road



Publication Date: 1/10/2018



Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40
Feet

1 inch = 30 feet

Item # 0187

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>1-29</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>1-16</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>1-16</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
<u>11-2</u>	COMMUNITY ASSOCIATION	<u>Approved</u>
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. <u>92-204 - SPHA - copy attached</u> <u>1998-0056 - SPHA - no copy</u>)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>1-21-18</u> by <u>P.ison</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☐ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	
Comments, if any: _____		

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 03 Account Number - 2400012150			
Owner Information					
Owner Name:	KATZ ELLEN SACHS KATZ ARNIE STUART		Use:	RESIDENTIAL	
Mailing Address:	2005 THISTLEWOOD RD BALTIMORE MD 21209		Principal Residence:	YES	
			Deed Reference:	/25807/ 00408	
Location & Structure Information					
Premises Address:		2005 THISTLEWOOD RD 0-0000		Legal Description:	.184 AC PHASE 2 2005 THISTLEWOOD RD SS BONNIE VIEW ESTATES
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0079	0002	0083		0000	117
					Assessment Year: 2017
					Plat No: 2
					Plat Ref: 0078/0017
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
2007	3,271 SF	1035 SF	8,030 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
2	YES	STANDARD UNIT	SIDING	4 full/ 1 half	2 Attached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2017	As of 07/01/2017	As of 07/01/2018	
Land:	158,400	158,400			
Improvements	353,000	426,800			
Total:	511,400	585,200	536,000	560,600	
Preferential Land:	0			0	
Transfer Information					
Seller: BEAZER HOMES CORP		Date: 06/19/2007		Price: \$701,996	
Type: ARMS LENGTH IMPROVED		Deed1: /25807/ 00408		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Seller:		Date:		Price:	
Type:		Deed1:		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 11/01/2008					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application Date:					

12/10

IN RE: PETITION FOR SPECIAL HEARING & ZONING VARIANCE	*	BEFORE THE
S/S Smith Ave., 25 ft. E of	*	ZONING COMMISSIONER
c/l Edenvale Road	*	OF BALTIMORE COUNTY
2201 Smith Avenue	*	Case No. 92-204-SPHA
3rd Election District	*	
2nd Councilmanic District	*	
Bonnie View Country Club, Inc.	*	
Petitioner		

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as both a Petition for Special Hearing and Petition for Zoning Variance. As to the Petition for Special Hearing, the Petitioner seeks an amendment of the Special Exception granted in case No. 88-56-XSPHA to include a 3,900 (+/-) sq. ft. addition to the dining area, and to determine that the parking calculations, as shown on the Plat accompanying the Petition, are proper. As to the Petition for Zoning Variance, the Petitioner seeks relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 358 existing parking spaces in lieu of the required 473 spaces.

The Petitioner, Bonnie View Country Club, Inc., by its President, Samuel Blibaum, appeared, testified and was represented by Julius W. Lichter, Esquire and Kathryn Turner, Esquire. Also appearing on behalf of the Petition was James Grammar, a Professional Engineer from McGee and Associates, David Mayhew, the Architect for the proposed improvements, and Lee N. Sachs. There were no Protestants present.

Testimony presented was that the Petitioner owns approximately 163 acres (+/-) which are shown on the site plan as parcels 1 and 2. The parcels are transected by Smith Avenue and parcel 1 straddles the Baltimore

City/Baltimore County line. Since, at least, 1932, there has been in existence a golf club on the site, known as the Bonnie View Country Club, Inc. This is a private club in which there are approximately 475 family members. The property is improved currently with an existing 18 hole golf course, a club house, tennis courts, a pool and related amenities.

The zoning history of this tract is significant. Within case No. 88-56-XSPHA, the Zoning Commissioner granted a special exception for use of the subject property as a country club/golf course, housing a club house and a number of then existing and similar ancillary facilities and buildings. Further, a special hearing for the nonconforming use was granted and a variance permitting 367 parking spaces, in lieu of the required 443 spaces, was also approved.

Presently, the Petitioner proposes to expand the existing club house. Although the building footprint size will remain the same, there is proposed an addition to the upper level over top of the existing deck. Further, the Petitioner testified that, although there were no definitive regulations to compute the necessary parking, they have employed a combined uses approach to determine the amount required. By combining all of the separate and distinct uses which are on site, they have determined that 473 parking spaces would be required. The variance requested, in order to permit parking as shown on the plat, indicates that 358 spaces are provided.

The Petitioner argues that the variance should be granted for a number of reasons. First, there is no planned expansion to the membership of the facility. That is, although the clubhouse would be enlarged, the Petitioner's club is a closed membership and there are no plans to expand the number of families who are currently members. Thus, the proposed improvements

are not being constructed to enlarge the number of people being served; only the area of service.

Secondly, the Petitioner notes that, with the lengthy history of this site, they have been able to properly gauge the need for parking spaces. They also note that all of the spaces are never utilized in any single time, in that all of the separate amenities are not operated to capacity at anyone time. For example, the peak times for the golf course are quite different than those for the clubhouse.

Lastly, Mr. Grammar, the Engineer for the site, noted that practical difficulty would result if additional spaces need be installed. In that scenario, it would be necessary to redesign and reconfigure the existing course. As noted, the course has been in place for many years.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

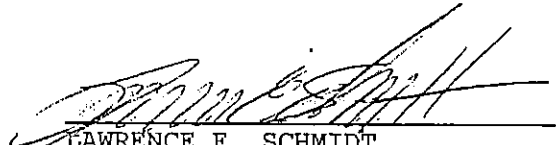
THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 7th day of January, 1992, that the Petition for Special Hearing seeking an amendment of the Special Exception granted in case No. 88-56-XSPHA, to include a 3,900 (+/-) sq. ft. addition to the dining area; and to determine that the parking calculations as shown on the Plat accompanying the Petition are acceptable, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance seeking relief from Section 409.6 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit 358 existing parking spaces, in lieu of the required 473, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for its building permit and be granted same upon receipt of this

Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that all prior zoning Orders and restrictions pertaining to the subject property shall be incorporated herein as if set forth in their entirety, and shall be given the full force and effect of law except where inconsistent herewith.


LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

LES:mmm

ZAC AGENDA

Case Number: 2018-0187-A

Primary Use: RESIDENTIAL

Reviewer: DuvallRobert

Type: ADMINISTRATIVE VARIANCE

Legal Owner: Ellen & Arnie Katz

Contract Purchaser

Critical Area : No Flood Plain: No Historic No Election Dist Third

Councilmanic Dist Second

Property Address: 2005 Thistlewood ROAD

Location: S/S Thistlewood Road, +/- 175 ft. E of the centerline of Myrtlewood Road

Existing Zoning: DR 2

Area: 8,030 sq. ft.

Proposed Zoning: ADMINISTRATIVE VARIANCE:

To permit a proposed addition (sunroom) with a rear yard setback of 18 ft. in lieu of the required 30 ft.;
and to amend the Final Development Plan of BONNIE VIEW ESTATES, Plat #2, Lot #117 only.

Attorney:

Prior Zoning Cases: 1988-0056-SPHXA

Concurrent Cases:

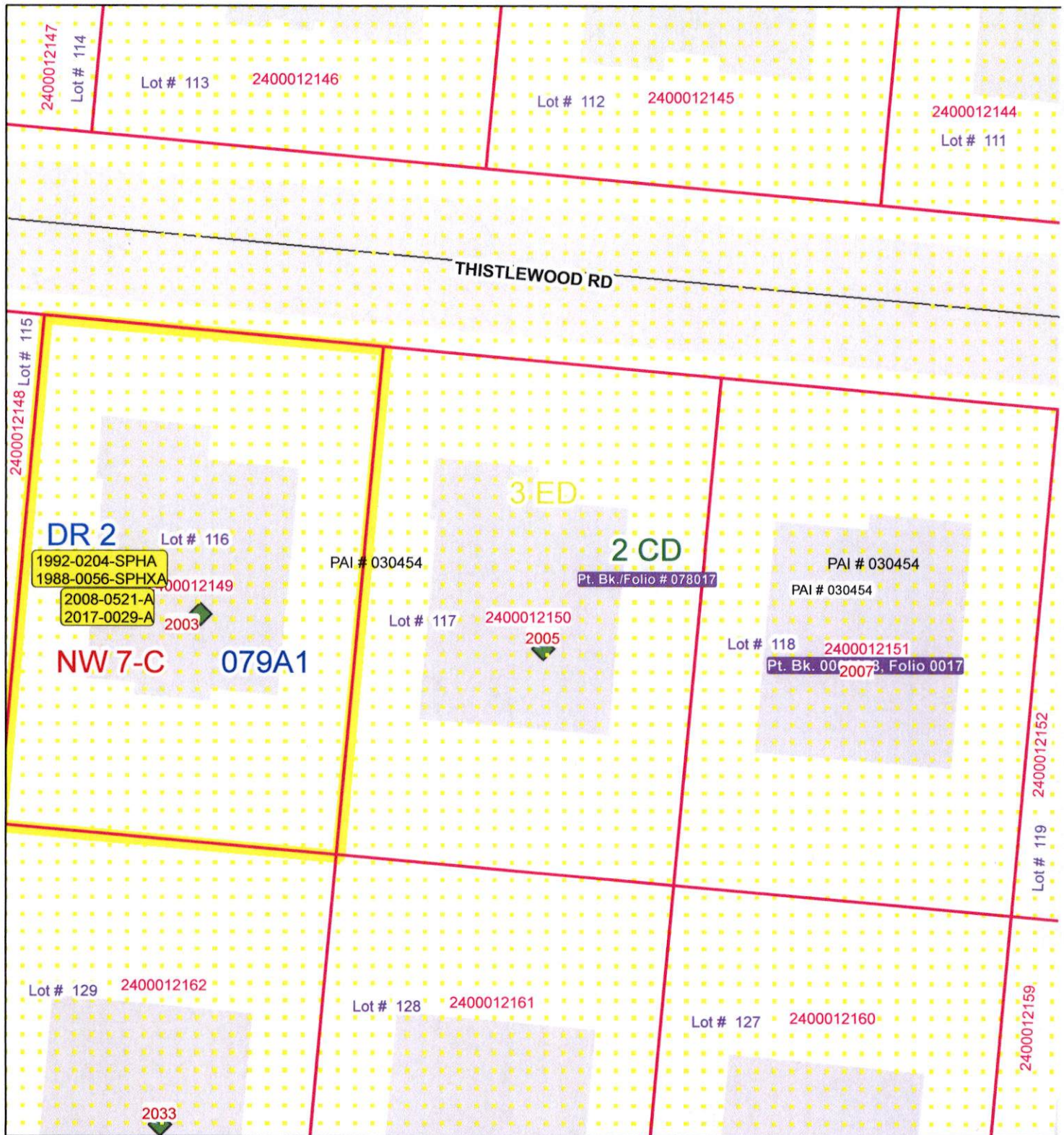
1992-0204-SPHA

Violation Cases:

Closing Date: 2/5/2018 12:00:00AM

Miscellaneous:

2005 Thistlewood Road



Publication Date: 1/10/2018



Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot

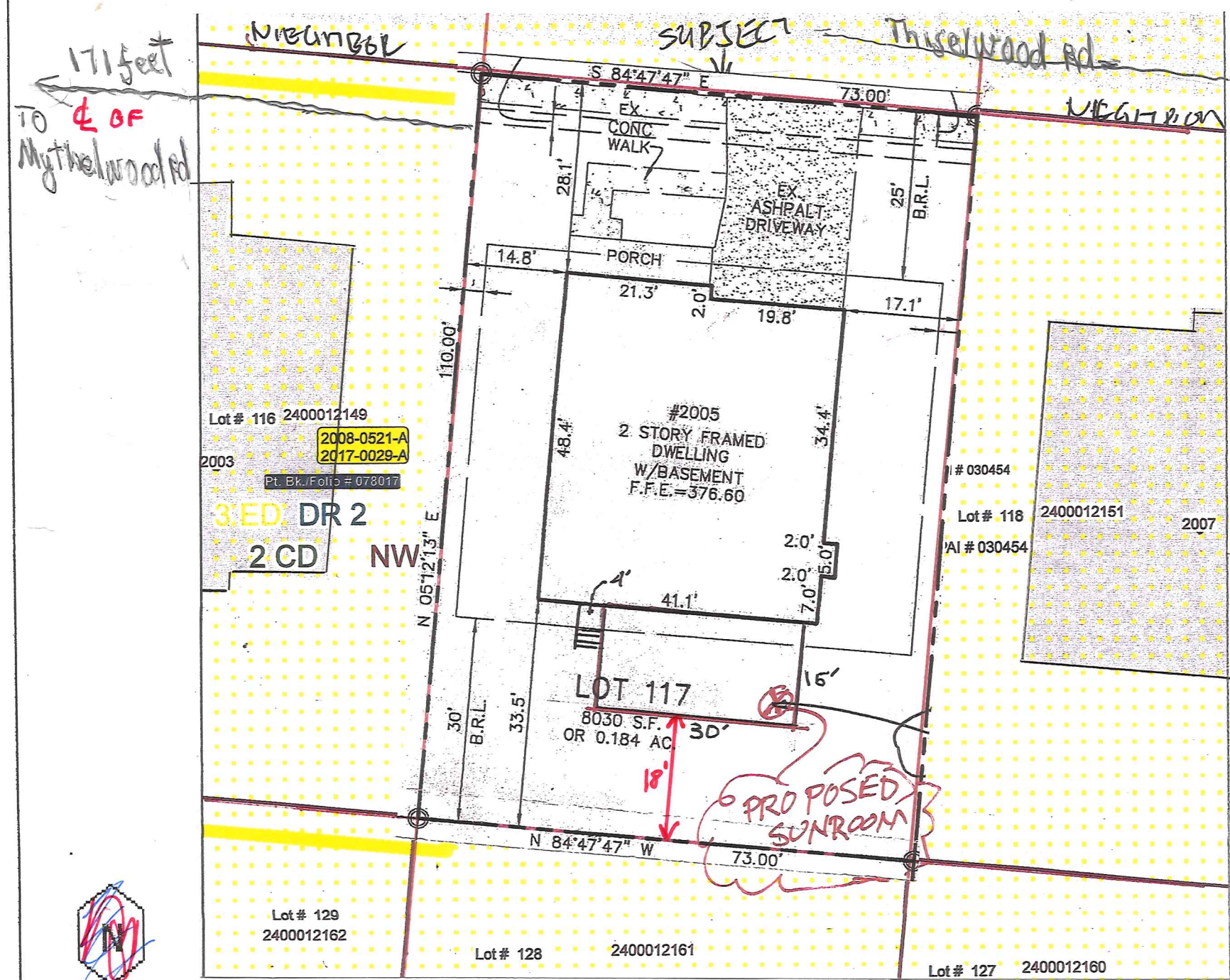


0 5 10 20 30 40 Feet

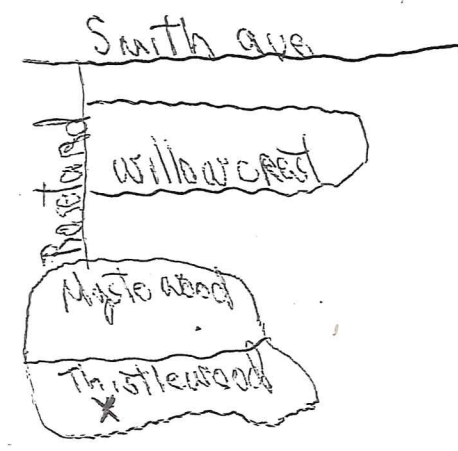
1 inch = 30 feet

Item #0187

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 2005 THISTLEWOOD RD. OWNER(S) NAME(S) ELLEN & ARNIE KATZ
SUBDIVISION NAME Bonnie View Estates, Plat 2, Phase 2 LOT # 117 BLOCK # _____ SECTION # _____
PLAT BOOK # 78 FOLIO # 17 10 DIGIT TAX # 24 00 01 21 50 DEED REF. # 25807/00408



PLAN DRAWN BY Raphael Garza DATE 1/2/18 SCALE: 1 INCH = 20 FEET



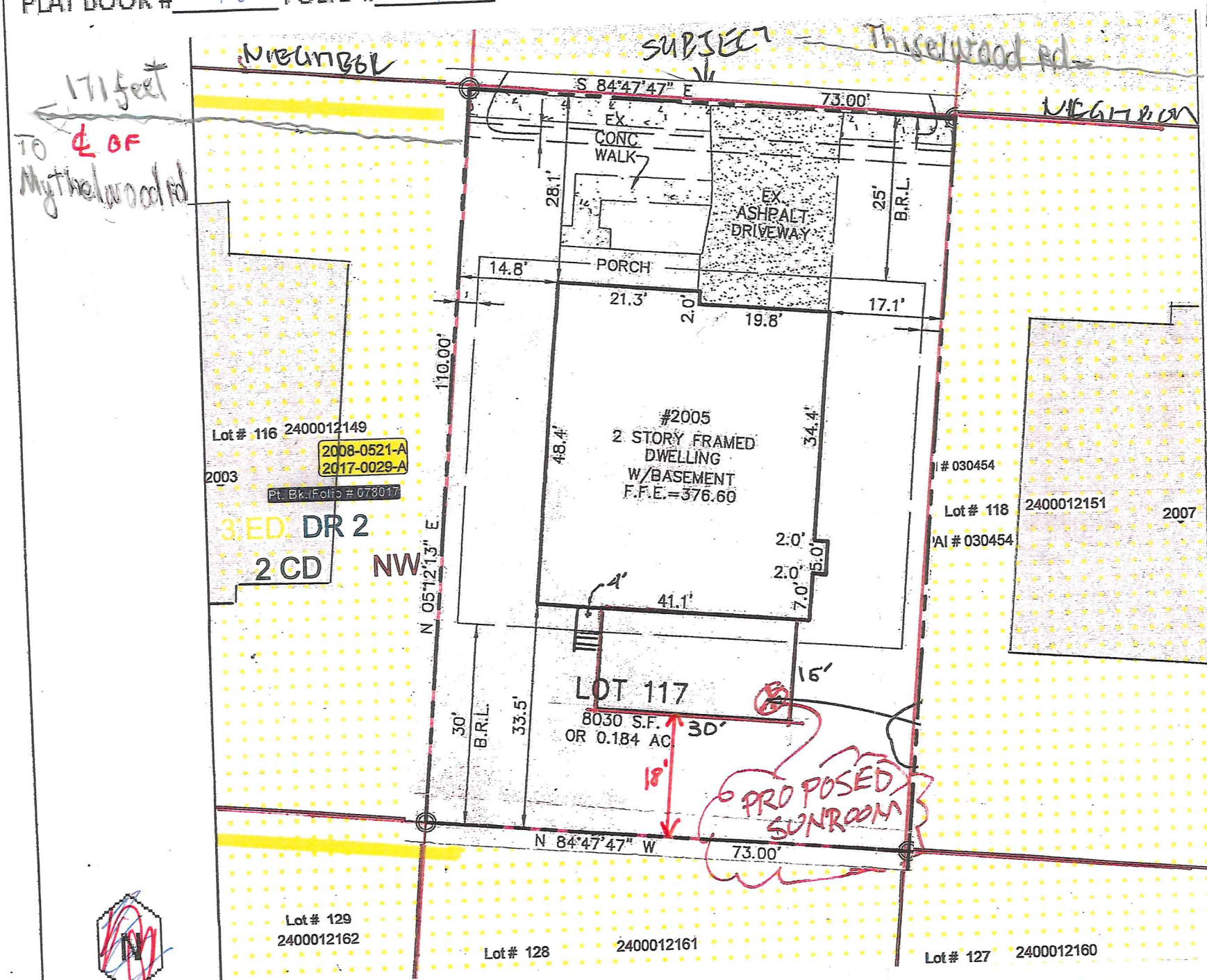
MAP IS NOT TO SCALE
ZONING MAP# 079A1
SITE ZONED DR 2
ELECTION DISTRICT 3rd
COUNCIL DISTRICT 2nd
LOT AREA ACREAGE 0.184
OR SQUARE FEET 8,030
HISTORIC? No
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC ☒ PRIVATE _____
SEWER IS:
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? YES
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
1992-0204-SPHA
1988-0056-SPHXA

VIOLATION CASE INFO:

Pat Enr. 1

2018-0187-A

ZONING HEARING PLAN FOR VARIANCE X FOR SPECIAL HEARING _____ (MARK TYPE REQUESTED WITH X)
ADDRESS 2005 THISTLEWOOD RD. OWNER(S) NAME(S) ELLEN & ARNIE KATZ
SUBDIVISION NAME Bonnie View Estates, Plat 2, Phase 2 LOT # 117 BLOCK # _____ SECTION # _____
PLAT BOOK # 78 FOLIO # 17 10 DIGIT TAX # 24 00 01 21 50 DEED REF. # 25807/00408



PLAN DRAWN BY Raphael Cassaigna DATE 1/2/18 SCALE: 1 INCH = 20 FEET

MAP IS NOT TO SCALE
ZONING MAP# 079A1
SITE ZONED DR 2
ELECTION DISTRICT 3rd
COUNCIL DISTRICT 2nd
LOT AREA ACREAGE 0.184
OR SQUARE FEET 8,030
HISTORIC? No
IN CBCA? NO
IN FLOOD PLAIN? NO
UTILITIES? MARK WITH X
WATER IS:
PUBLIC ☒ PRIVATE _____
SEWER IS:
PUBLIC ☒ PRIVATE _____
PRIOR HEARING? YES
IF SO GIVE CASE NUMBER
AND ORDER RESULT BELOW
1992-0204-SPHA
1988-0056-SPHXA

VIOLATION CASE INFO:

#2018-0187-A