

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S Hilltop Avenue, 1209' W
centerline of Middleborough Road
15th Election District
5th Councilmanic District
(1738 Hilltop Avenue)

John & Rita Bent
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 00-032-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by John & Rita Bent, property owners, for that property known as 1738 Hilltop Avenue in the Middle River area of Baltimore County. The Petitioners herein seek a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 ft. in lieu of the required 10 ft. in a D.R.3.5 zone to build an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, 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 Section 26-127 (b)(1) of the Baltimore County Code. 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 Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 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.

ORDER RECEIVED FOR FILING

Date

8/26/99

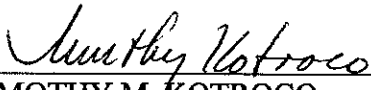
By

R. Jameson

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 by the Deputy Zoning Commissioner for Baltimore County this 26th day of August, 1999 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 9 ft. in lieu of the required 10 ft. to build an addition, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING

Date 8/26/99

By R. J. Jernigan



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

August 26, 1999

Mr. & Mrs. John Bent, Jr.
1738 Hilltop Avenue
Baltimore, Maryland 21221

Re: Petition for Administrative Variance
Case No. 00-032-A
Property: 1738 Hilltop Avenue

Dear Mr. & Mrs. Bent:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1738 Hilltop Ave
which is presently zoned DR.3.5.

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.C.1 (CHART)

To Permit A side yard setback of 9FT in lieu of The Required 10FT in a DR.3.5 zone.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

John Mason Bent Jr
Name - Type or Print

John Mason Bent Jr
Signature

Rita Ann Bent
Name - Type or Print

Rita Ann Bent
Signature

1738 Hilltop Ave
Address

Baltimore
City

MD
State

21221
Zip Code

Representative to be Contacted:

John Mason Bent Jr
Name

SEE ABOVE
Address

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this 8/26/99 day of August that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 00-32-A

Reviewed By BK Date 7/26/99

Estimated Posting Date 8/8/99

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1738 Hill Top Ave
Address
Baltimore md 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

see attached copy

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

John Mason Bent Jr
Signature
John Mason Bent Jr
Name - Type or Print

Rita Ann Bent
Signature
Rita Ann Bent
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of June, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

6-18-99
Date

Jo Ann M. Kray
Notary Public
My Commission Expires 11/08/10



Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1738 Hill Top Ave
Address
Baltimore md 21221
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
John Mason Bent Jr
Name - Type or Print

[Signature]
Signature
Rita Ann Bent
Name - Type or Print

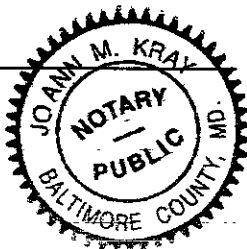
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of July, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

7/26/99
Date



[Signature]
Notary Public
My Commission Expires 11/08/00

Letter Of Hardship

We based the request for an Administrative Variance at the above address for the following reasons:

Lack of storage space in the existing house.

At the present time, we have two boys ages 5 and 9 sleeping in one room which is too small for two beds. They sleep in the same bed and share inadequate storage space for clothing, etc.

We have a finished attic in which we hope to move the boys to which is much larger for their needs. At this present time it is full of christmas decor, toys, linens, books, clothing, etc.

We also have a small tool room in the basement that is not big enough for the tools we have accumulated.

John Mason Butcher
Beta Ann Butler

ZONING DESCRIPTION FOR 1738 HILLTOP AVE.

BEGINNING AT A POINT ON THE NORTHWEST SIDE OF HILLTOP AVE WHICH IS 100 FEET WIDE AT THE DISTANCE OF 1209 FEET WEST OF THE CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET MIDDLEBOROUGH ROAD WHICH IS 45 WIDE. BEING LOT #88, IN THE SUBDIVISION OF HILLTOP PARK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK # 8 ,FOLIO #32, CONTAINING 0.77 ACRES. ALSO KNOWN AS 1738 HILLTOP AVE. AND LOCATED IN THE 15TH ELECTION DISTRICT, 5TH COUNCILMANIC DISTRICT.

00-032-A

32

A-550.00

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 070463

DATE 7/26/99 ACCOUNT Recpt. 6150

AMOUNT \$ 50.00

RECEIVED FROM: John Bert, Jr.

FOR: Colo 010 Zoning Variance

00.032-A

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 31

CASHIER'S VALIDATION

PAID RECEIPT

PROCESS ACTUAL TIME
7/26/1999 7/26/1999 09:23:05
REG 0606 CASHIER KEN KAH DRAWER 4
Dep 5 528 ZONING VERIFICATION
Receipt # 092567
CR NO. 070463

Receipt Tot 50.00
.00 CR 60.00 CR
10.00 - CR
Baltimore County, Maryland

CERTIFICATE OF POSTING

RE: CASE # 00-032-A
PETITIONER/DEVELOPER:
(John Bent Jr.)
DATE OF Closing
(Aug. 23, 1999)

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Ave.
Towson, Maryland 21204

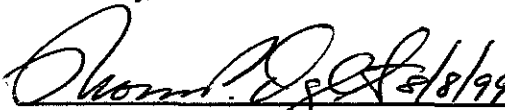
ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property located at
1738 Hilltop Ave. Baltimore, Maryland 21221_____

The sign(s) were posted on _____ 8-8-99 _____
[Month, Day, Year]

Sincerely,

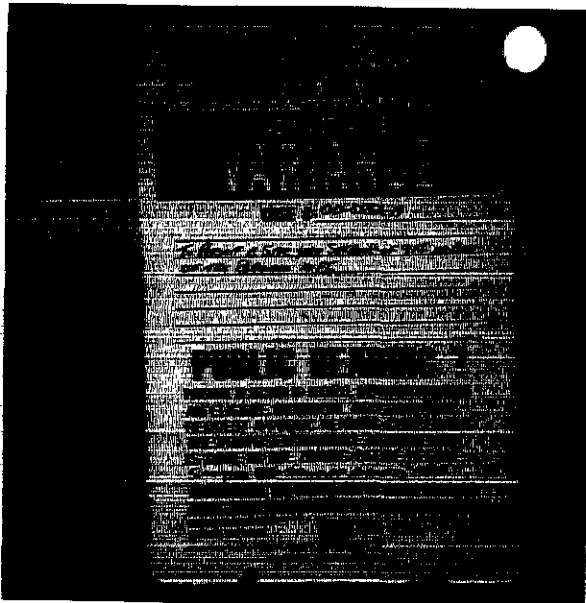

[Signature of Sign Poster & Date]

_____ Thomas P. Ogle, Sr. _____

_____ 325 Nicholson Road _____

_____ Baltimore, Maryland 21221 _____

_____ [410]-687-8405 _____
[Telephone Number]



BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ~~00~~ 32 -A Address 1738 Hilltop Ave.
Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 7/26/99 Posting Date: 8/8/99 Closing Date: 8/23/99

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ~~00~~ 32 -A Address 1738 Hilltop Ave.
Petitioner's Name John Bent Jr. Telephone 410-706-7543 w
Posting Date: 8/8/99 Closing Date: 8/23/99
Wording for Sign: To Permit a side yard setback of 9 ft. in lieu
of the required 10 ft.

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

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

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

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

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

For Newspaper Advertising:

Item Number or Case Number: 00-32-A

Petitioner: John Mason Bent JR

Address or Location: 1738 HillTop Ave Balt. Md 21221

PLEASE FORWARD ADVERTISING BILL TO:

Name: John Mason Bent JR

Address: 1738 HillTop Ave
Baltimore Md 21221

Telephone Number: 410-574-7216 H 410-706-7543 W

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 24, 1999

Mr. & Mrs. John M. Bent, Jr.
1728 Hilltop Avenue
Baltimore, MD 21221

Dear Mr. & Mrs. Bent:

RE: Case No.: 00-32-A
Petitioner: John Mason Bent, Jr. and Rita Ann Bent,
Location: 1738 Hilltop Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on July 26, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County 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 regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in cursive script, reading "W. Carl Richards, Jr.", is written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: August 16, 1999

FROM: *[Signature]* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for August 16, 1999
Item Nos. 016, 017, 018, 019, 020,
021, 022, 023, 024, 026, 028, 030,
031, 032, 033, 034, 035, 042, 043,
044

and

Case Number 99-200-SPHXA
1010 Eastern Avenue and
1017 Eastern Boulevard

Item #37 (commercial)
Radcliffe Shopping Center
1017 York Road

Item #38 (residential)
OXEYE ROAD - Greengate
2208 OXEYE ROAD

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

RWB:HJO:jrb

cc: File

ZAC08169.NOC

FILE

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

AUG 29

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 17, 2000

FROM: *fwb* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 7, 2000
Item Nos. 022, 023, 024, 026, 027, 028
030, 031, ~~032~~, 033, 034, 035, 036

and

00-550-A, Revised 7/14/2000

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

RWB:HJO:jrb

cc: File

ZAC-8-7-2000-NO COMMENT ITEMS.doc

SENT TO ZONING COMMISSION 8-14-00

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 17, 2000

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 7, 2000
Item No. 025

The Bureau of Development Plans Review has reviewed the subject zoning item. The developer is to dedicate the right-of-way for the cut-back of the property lines at the intersection of Taylor Avenue and Chestnut Avenue at no cost to the county.

Per the Department of Public Works' Design Manual, Road and Streets, Section II, Paragraph I, *"the minimum distance from the property line P.I. at an intersection and the property line chord points shall be a minimum of 10 feet"*.

The issue of on-site parking should be addressed.

RWB:HJO:jrb

cc: File

AV
8/23

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: August 11, 1999

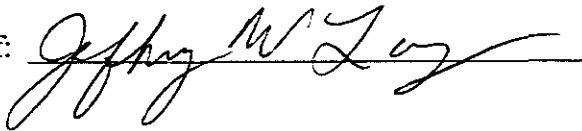
FROM: Arnold F. 'Pat' Keller, III, Director
Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s):
Item No(s): 001, 005, 023, 028, 030, 031, 032, 033, 034, 035, 038, 043, and 044

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:



AFK/JL



**Maryland Department of Transportation
State Highway Administration**

Parris N. Glendening
Governor
John D. Porcari
Secretary
Parker F. Williams
Administrator

Date: 8.10.99

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

RE: Baltimore County
Item No. 032 1312

Dear Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

10 Michael M. Lenhart, Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Phone 410-706-7543
Home Phone 410-574-7716

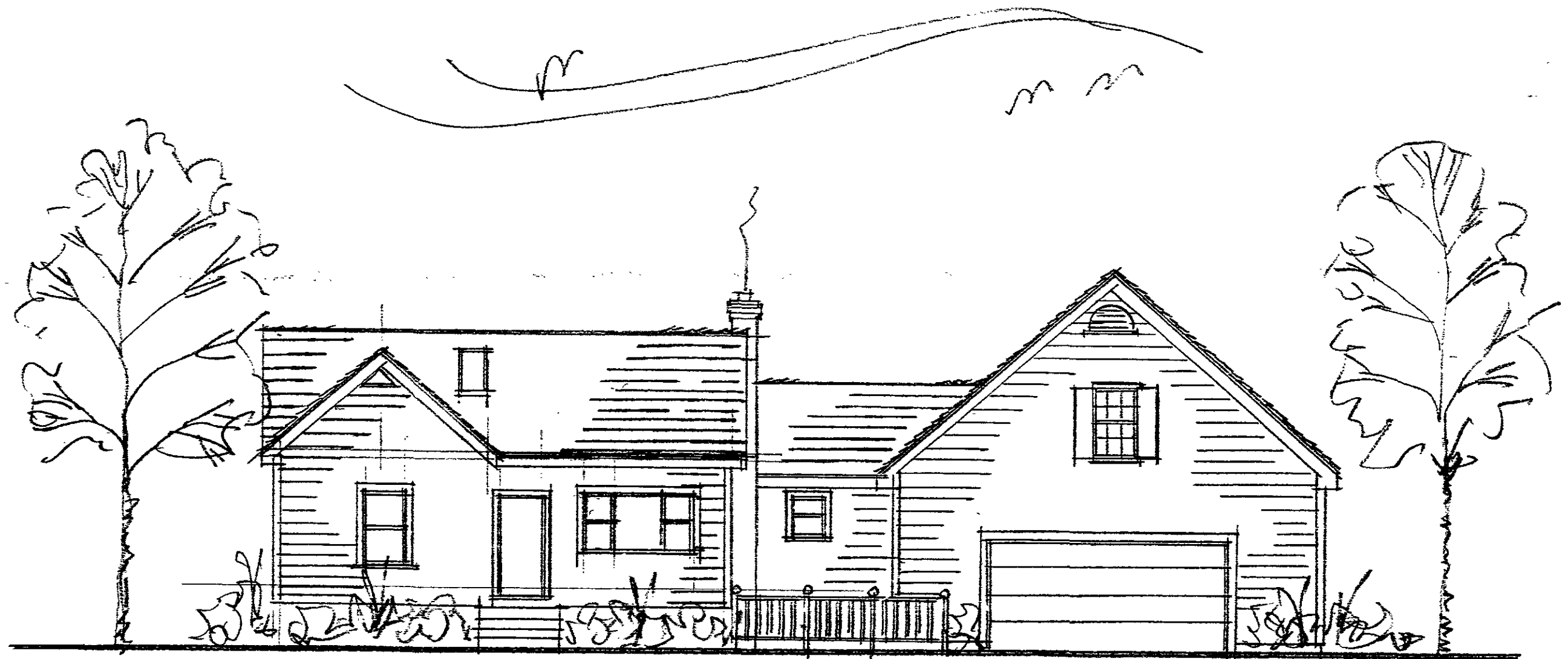
EXISTING AND NEW IMPERVIOUS AREA'S

CBCA LDA

EX. POOL 572 SQ FT EX. HOUSE 1070 SQ FT. EX.DRIVEWAY 1250 SQ. FT.
EX. FRONT STEP'S & SIDEWALK 188 SQ. FT. EX. 5X12 SHED 60 SQ. FT.
EX. 10X12 SHED 120 SQ. FT. TO BE REMOVED
TOTAL EX. SQ. FT. 3140 SQ. FT.

NEW 1 1/2 STORY WOOD FRAME GARAGE 1200 SQ. FT.
NEW 16 X 16 CONCRETE DRIVE 256 SQ. FT.
TOTAL NEW SQ. FT. 1456 SQ. FT.

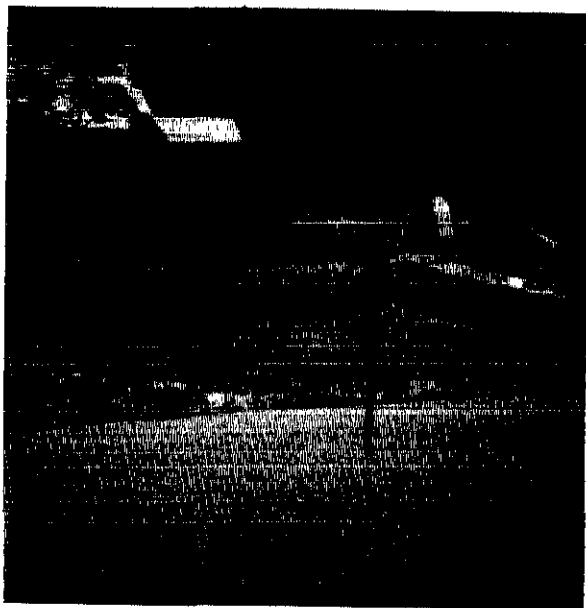
IMPERVIOUS ALLOWED 5063 SQ. FT. OR 15%
TOTAL PROPOSED IMPERVIOUS 4596 SQ. FT.



FRONT ELEVATION

00-032-A

#33



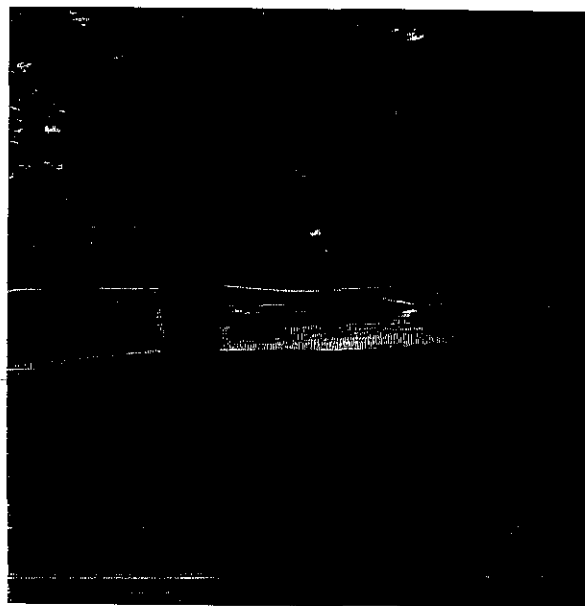
FRONT yard



BACK yard

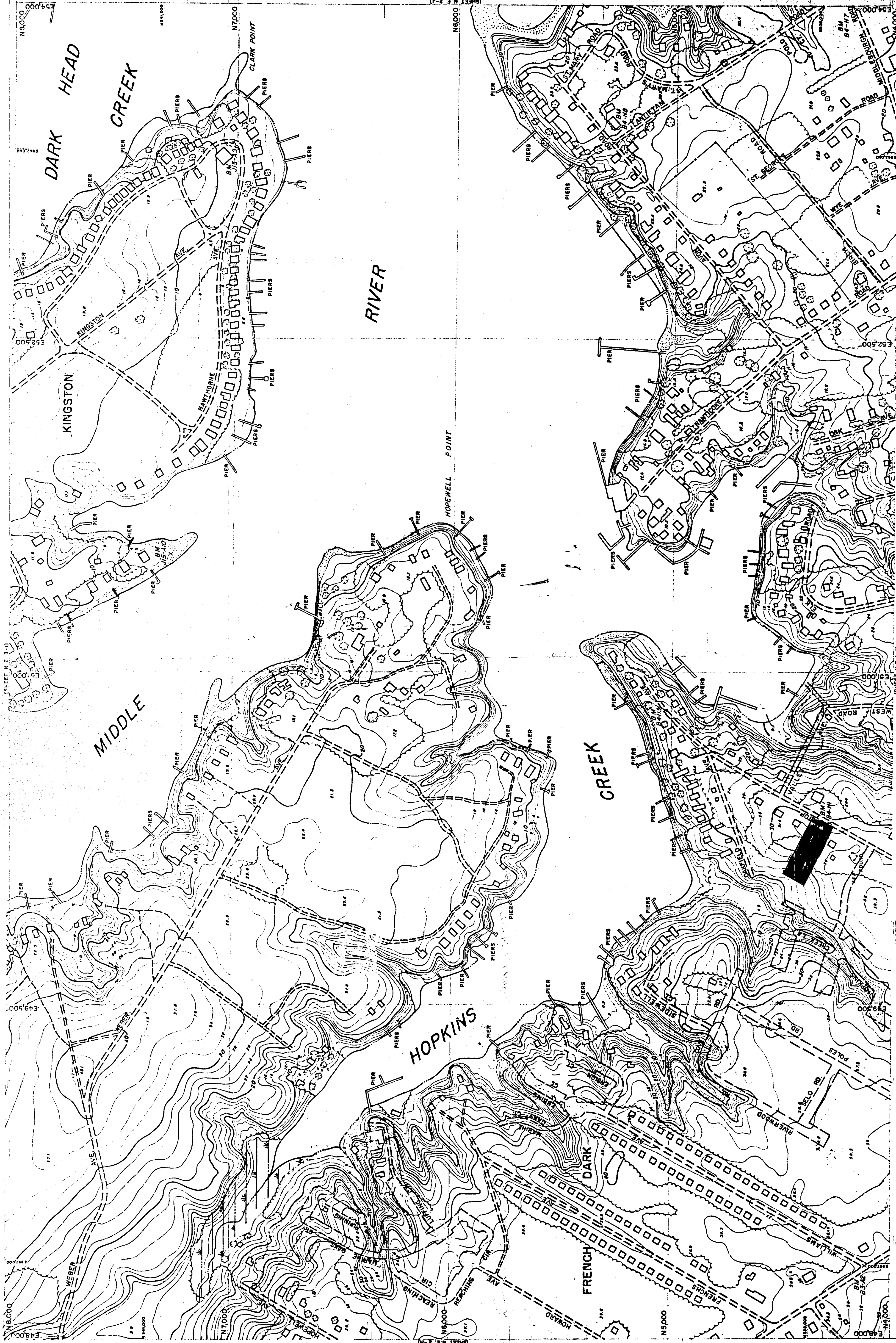


LEFT yard



RIGHT yard

00-032-A

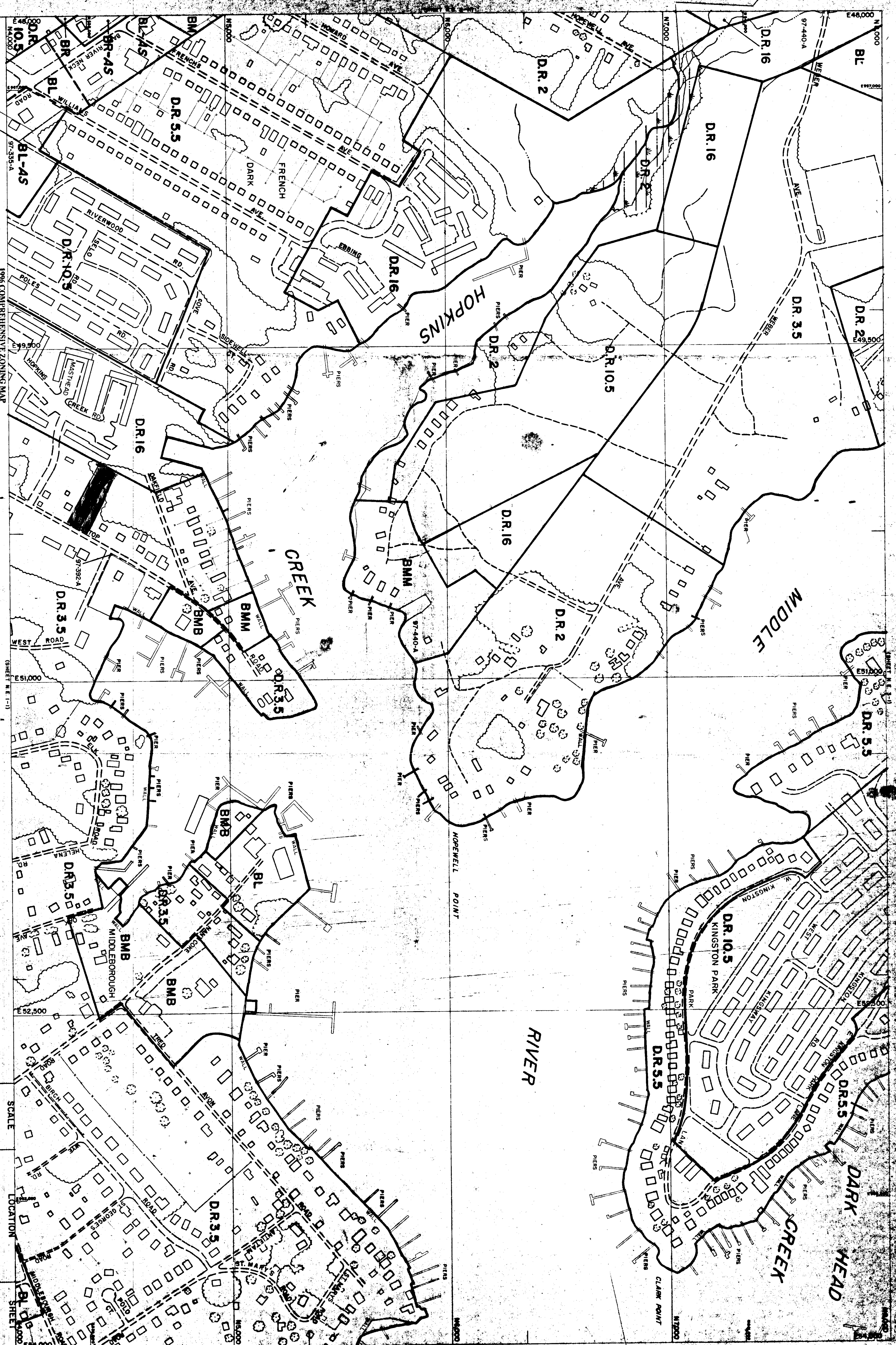


PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS		SCALE	LOCATION	SHEET
BY	DATE	1" = 200'		
	11/15/12		MIDDLE RIVER	N.E. 2-1
This graphy, Compiled By Photogrammetric Methods ABRAMS AERIAL SURVEY CORP. LANSING, MICH.				

00-032-A

#33



THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TO REFLECT CHANGES IN PHOTOGRAPHIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

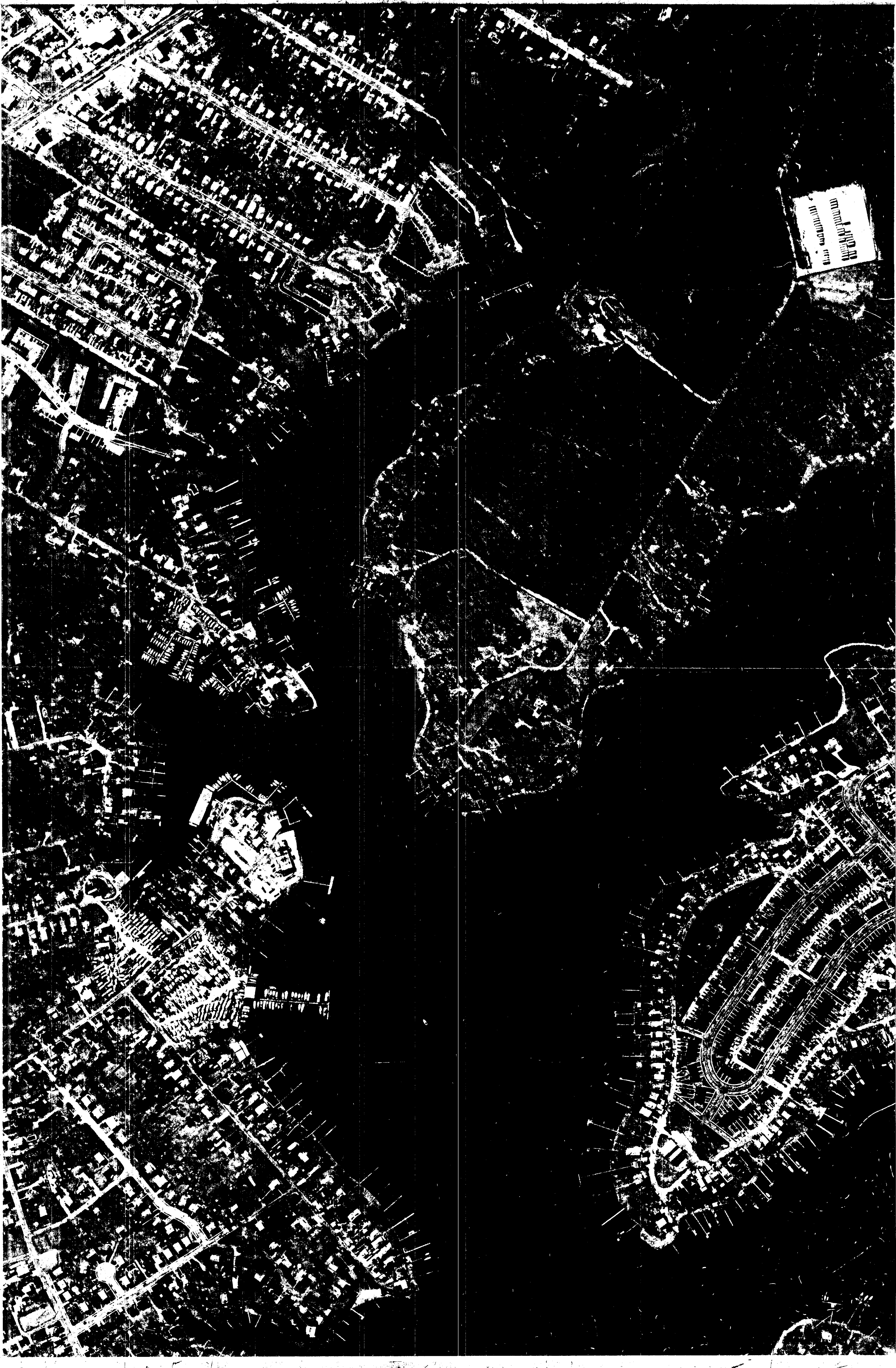
1- SE
1996 COMPREHENSIVE ZONING MAP
ADOPTED BY
THE BALTIMORE COUNTY COUNCIL
OCTOBER 8, 1996
BILL NO. 129-96, 130-96, 131-96, 132-96, 133-96, 134-96, 135-96

Kevin Karmody
Chairman, County Council

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

00-032-A

SCALE	1" = 200'
DATE OF PHOTOGRAPHY	JANUARY 1986
LOCATION	MIDDLE RIVER
SHEET	1



00-032-A
MIDDLE RIVER

00-032-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

#32

SCALE	LOCATION	SHEET
1" = 200'	MIDDLE RIVER	N. E. 2-1
DATE OF PHOTOGRAPHY JANUARY 1986		