IN RE: PETITION FOR SPECIAL HEARING

S/S Bellona Avenue, 1046' S

Bellona Avenue and Brightside Road

9<sup>th</sup> Election District

4<sup>th</sup> Councilmanic District

(7210 Bellona Avenue)

Thomas and Jean Maddux

Petitioners

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 00-502-SPH

\* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Thomas and Jean Maddux. The special hearing request is for property located at 7210 Bellona Avenue, which property is zoned DR 1. The Petitioners are requesting a special hearing for a non-density transfer of a 2.80 acre tract of property which is intended to be transferred to the adjacent property owners, Paul and Karen Winicki.

Appearing at the hearing on behalf of the special hearing request were Bruce Doak and Brian Dietz, appearing on behalf of Gerhold Cross & Etzel, registered professional land surveyors. There were no protestants in attendance.

Testimony and evidence indicated that the 2.8 acre parcel of property, which is the subject of this special hearing request, is part and parcel of a larger 4.73 acre parcel which is currently owned by Thomas and Jean Maddux, the Petitioners herein. The Petitioners intend to convey this 2.8 acre parcel to their neighbors, Paul and Karen Winicki. The Petitioners will retain the remaining 1.93 acre parcel which is situated adjacent to their dwelling. The overall property is located on the south side of Bellona Avenue, north of Woodbrook Lane, in the Ruxton area of Baltimore County. The property is undeveloped at this time and the purpose of the transfer is to add additional land to property already owned by the Winicki family.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the special hearing were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety or general welfare, and meets the spirit and intent of the B.C.Z.R. Therefore, permission for a non-density transfer of the 2.80 acre parcel of land zoned DR 1 is granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of July, 2000, that the Petitioners' Request for Special Hearing from Section 500.7 of the Baltimore County Zoning Regulations, for a non-density transfer of a 2.80 acre tract of property which is intended to be transferred to the adjacent property owners, Paul and Karen Winicki, be and is hereby GRANTED.

IT IS FURTHER ORDERED, that any appeal of this decision must be filed within thirty (30) days from the date of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj

ONDER PROFIVED FOR FILING



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

13 July 12, 2000

Mr. Bruce Doak Gerhold Cross & Etzel 320 E. Towsontown Boulevard, #100 Towson, Maryland 21286

> Re: Petition for Special Hearing Case No 00-502-SPH Property: 7210 Bellona Avenue

Dear Mr. Doak:

Enclosed please find the decision rendered in the above-captioned case. The Request for Special Hearing 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 Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

Muthy Votroco

TMK:raj Enclosure

c: Mr. & Mrs. Thomas Maddux, IV 7210 Bellona Avenue Baltimore, Maryland 21212



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at	7210 Bellona Avenue
which is j	presently zonedDR_1

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

A NON DENSITY TRANSFER OF 2.80 AC

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

I, or we, agree to pay expenses of above Special Hearing, 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.

one No.
ip Code
one No.
Zip Code
mp coec

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.

#### Legal Owner(s):

Thomas Maddux IV
Name Type or Print
Signature # - Company
-
Jean Merrick Maddux Name - Type or Print
Jean Merich Maddex
Signature
7210 Bellona Avenue(410)321-0100
Address Telephone No.
D-15:mana MD 21212
Baltimore MD 21212 City State Zip Code
City State Zip Code
City State Zip Code  Representative to be Contacted:
City State Zip Code
Representative to be Contacted:  Bruce Doak/Gerhold Cross & Etzel Name  320 E. Towsontown Blvd #100
Representative to be Contacted:  BruceDoak/Gerhold Cross & Etzel Name
Representative to be Contacted:  BruceDoak/Gerhold Cross & Etzel Name  320 E. Towsontown Blvd #100 Address Telephone No.  Towson MD 21286
Representative to be Contacted:  BruceDoak/Gerhold Cross & Etzel Name  320 E. Towsontown Blvd #100  Address Telephone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING FZ6-

UNAVAILABLE FOR HEARING

Reviewed By \_\_\_\_\_ Date \_\_\_\_ 5/26/07\_\_\_\_

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

# GERHOLD, CROSS & ETZEL, LTD

Registered Professional Land Surveyors

SUITE 100 320 EAST TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5318

> 410-823-4470 FAX 410-823-4473

EMERITUS

PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL

May 24, 2000

# ZONING DESCRIPTION TO ACCOMPANY A PETITION FOR A SPECIAL HEARING TO ALLOW A NON-DENSITY TRANSFER OF THE MADDUX PROPERTY LOCATED IN THE NINTH ELECTION DISTRICT, THE FOURTH COUNCILMANIC DISTRICT, OF BALTIMORE COUNTY, STATE OF MARYLAND AND DESCRIBED AS FOLLOWS TO WIT:

Beginning for the same at a point at the beginning of the second or South 73 degrees 41 minutes 50 seconds East 469.64 foot line of the parcel of land which by a deed dated May 28, 1997 and recorded among the Land Records of Baltimore County in Liber S.M. No. 12199 folio 529 was conveyed by Tyrconnell Associates Limited Partnership to Thomas H. Maddux IV, and Jean Merrick Maddux, his wife, said point of beginning being measured South 15 degrees 47 minutes 00 seconds East 1046.00 feet from the intersection of the centerline of Bellona Avenue and the centerline of Brightside Road thence running and binding on the land of the herein petitioner and referring the courses of this description to the Baltimore County Meridian, the sixteen following lines viz: (1) South 73 degrees 38 minutes 17 seconds West 469.81 feet, (2) South 02 degrees 21 minutes 57 seconds West 22.46 feet, (3) South 29 degrees 57 minutes 57 seconds West 23.22 feet, (4) South 02 degrees 23 minutes 03 seconds East 40.49 feet, (5) South 47 degrees 37 minutes 43 seconds East 16.41 feet, (6) South 06 degrees 34 minutes 53 seconds East 27.30 feet, (7) South 09 degrees 07 minutes 37 seconds West 43.12 feet, (8) South 21 degrees 46 minutes 03 seconds East 36.49 feet, (9) South 77 degrees 03 minutes 33 seconds East 80.00 feet, (10) South 22 degrees 46 minutes 33 seconds East 97.97 feet, (11) Easterly, by a line curving toward the left having a radius of 160.00 feet for an arc distance of 82.84 feet (the chord of said arc bearing North 73 degrees 16 minutes 27 seconds East 81.92 feet,) (12) North 58 degrees 26 minutes 27 seconds East 110.00 feet, (13) Easterly, by a line curving toward the right having a radius of 180.00 feet for an arc distance of 109.25 feet (the chord of said arc bearing North 75 degrees 49 minutes 47 seconds East 107.58 feet), (14) North 03 degrees 53 minutes 33 seconds West 270.42 feet, (15) North 73 degrees 38 minutes 17 seconds East 140.00 feet and, (16) North 72 degrees 35 minutes 47 seconds West 71.98 feet to the place of beginning.

Containing 2.80 Acres of land, more or less.

Maddux.des



Registered Professional Land Surveyors

SUITE 100 320 EAST TOWSONTOWN BOULEVARD TOWSON, MARYLAND 21286-5318

> 410-823-4470 FAX 410-823-4473

#### Page 2

**Note:** This description only satisfies the requirements of the Office of Zoning and is not to be used for the purpose of conveyance.



Mathematicanty Buryand PAYMENT OFFICE THE TREE TO SECTION STATES THE TREE TO SECTION STATES THE TREE TO SECTION STATES TO SEC OCY 5 129 AND GRIP BATTER PROVINT 1 124072 to the for CASHIER'S VALIDATION IRMO, MILLI No. 081411 - ACCOUNT (X) 1-6/5 YELLOW · CUSTOMER AMOUNT \$ BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT PINK - AGENCY N. r. C. L. 17+1 500 FROM: 170 C.C. - CMC DISTRIBUTION WHITE - CASHIER ć

Ţ

10°10'

IOTICE OF ZONING HEARING

The Zonling Commissioner of Battimore County, by authority of the Zonling Act and Regulations, of Battimore County will hold a public hearing in <u>Iowson, Maryland</u> on the property Identified herein set follows:

7.210 Beilona Avenue. 1046''S of Beilona Avenue. S/S Bellona Avenue. 1046''S of Beilona Avenue. 1046''S of Beilona Avenue. S/S Bellona Avenue. 1046''S of Beilona Britiste. 1041 Councilmante District. Legal Owner(S). Thomas Maddux, IV and Jean Marrick Maddux. Special Hearthig to permit a hon-density transfer. of 2,80 acres. Hearthig Friday. July 7, 2000 at 2:00 p.m. in Room 106, County Office Building: 111 W. Chesapeake Avenue, Togson, MD 21204.

LAWRENCE E. SCHMIDT.

Zohling Commissioner for Beltimore County
NOTES. (1) Hedrings are Handicapped Accessible, for speclat accommodations Please Contact the Zohling Commissolner's Office at (410) 887:4386.

(2) For Information contearing the File and/or Hearing.
Contact the Zohling Review Office at (410) 887:3391.

Jili6(899 June 20.

# CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in successive Towson, Baltimore County, Md., once in each of weeks, the first publication appearing on \_ TOWSON, MD,\_

HE JEFFERSONIAN,

LEGAL ADVERTISING

#### **CERTIFICATE OF POSTING**

RE: CASE #00-502-SPH
PETITIONER/DEVELOPER
(Thomas Maddux, IV)
DATE OF Hearing
( 7-7-00)

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

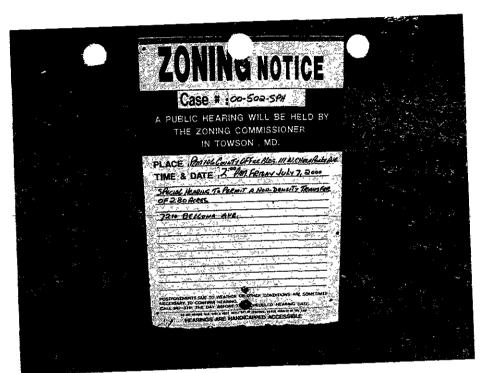
ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

olalio(o) ittgolitas ol tali ittitt.	TOTES CONCERNION ON THE PROPERTY AND AND ADDRESS OF THE PROPERTY ADDRESS O
7210 Bellona Ave. Baltimore, Maryla	and 21204
THE SIGN(S) WERE POSTED ON	6-21-00
	(MONTH, DAY, YEAR)
	SINCERELY,
	(SIGNATURE OF SIGN POSTER & DATE)
	THOMAS P. OGLE SR
	325 NICHOLSON ROAD
	BALTIMORE, MARYLAND 21221
	410-687-8405

(TELEPHONE NUMBER)



Posted at 7210 Bellona Ave.

RE: PETITION FOR SPECIAL HEARING 7210 Bellona Avenue, S/S Bellona Ave, 1046' S of Bellona Ave and Brightside Rd 9th Election District, 4th Councilmanic

Legal Owner: Thomas & Jean M. Maddux, IV Petitioner(s)

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* FOR
- BALTIMORE COUNTY
- \* Case No. 00-502-SPH

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

diole S. Demilio

CAROLE S. DEMILIO

Deputy People's Counsel

Old Courthouse, Room 47

400 Washington Avenue

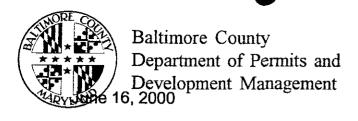
Towson, MD 21204

(410) 887-2188

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12<sup>th</sup> day of June, 2000 a copy of the foregoing Entry of Appearance was mailed to Bruce E. Doak, Gerhold, Cross & Etzel, Ltd., 320 E. Towsontowne Blvd., Suite 100, Towson, MD 21286, representative for Petitioners.

PETER MAX ZIMMERMAN



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

#### **NOTICE OF ZONING HEARING**

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

CASE NUMBER: 00-502-SPH

7210 Bellona Avenue

S/S Bellona Avenue, 1046' S of Bellona Avenue and Brightside Road

9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owner(s): Thomas Maddux, IV and Jean Merrick Maddux ·

HEARING: Friday, July 7, 2000 at 2:00 p.m. in Room 106, County Office Building, 111

W. Chesapeake Avenue, Towson, MD 21204

Special Hearing to permit a non-density transfer of 2.80 acres.

Arnold Jabion

Director

C: Thomas and Jean Maddux, 7210 Bellona Avenue, Baltimore MD 21212 Bruce Doak, 320 E. Towsontown Blvd #100, Towson MD 21286

NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY JUNE 21, 2000.

(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Census 2000

For You, For Baltimore County



Census 2000



TO: PATUXENT PUBLISHING COMPANY June 20, 2000 Issue – Jeffersonian

Please forward billing to:
Thomas Maddux IV
7210 Bellona Avenue
Baltimore MD 21212
410-321-0100

#### **NOTICE OF ZONING HEARING**

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

CASE NUMBER: 00-502-SPH

7210 Bellona Avenue

S/S Bellona Avenue, 1046' S of Bellona Avenue and Brightside Road

9<sup>th</sup> Election District – 4<sup>th</sup> Councilmanic District

Legal Owner(s): Thomas Maddux, IV and Jean Merrick Maddux

HEARING: Friday, July 7, 2000 at 2:00 p.m. in Room 106, County Office Building, 111

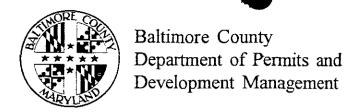
W. Chesapeake Avenue, Towson, MD 21204

Special Hearing to permit a non-density transfer of 2.80 acres.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

June 30, 2000

Mr. Bruce Doak Gerhold, Cross & Etzel 320 E Towsontown Blvd, Ste 100 Towson MD 21286

Dear Mr. Doak:

RE: Case Number 00-502-SPH, 7210 Bellona Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on 05/26/00.

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, please do not hesitate to contact the commenting agency.

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor Zoning Review

10. Carl Richards

WCR:rsj

**Enclosures** 

c: Thomas Maddux IV

#### **BALTIMORE COUNTY, MARYLAND**

#### INTEROFFICE CORRESPONDENCE

**DATE:** July 14, 2000

TO:

Arnold Jablon, Director

Department of Permits & Development Mgmt.

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For June 12, 2000

Item Nos. 489, 490, 491, 492, 493, 494, 495, 497, 498, 499, 500, and 502

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

RWB:HJO:jrb

cc: File

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:	Arnold Jablon
FROM:	R. Bruce Seeley
DATE:	July 17, 2000
SUBJECT:	Zoning Item #502 7210 Bellona Avenue
Zonin	g Advisory Committee Meeting of June 5, 2000
	epartment of Environmental Protection and Resource Management has no ents on the above-referenced zoning item.
an ext	Department of Environmental Protection and Resource Management requests tension for the review of the above-referenced zoning item to determine the to which environmental regulations apply to the site.
	Department of Environmental Protection and Resource Management offers solved lowing comments on the above-referenced zoning item:
<u> X</u>	Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).
	Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).
	Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Reviewer: <u>Dave Lykens</u> Date: <u>July 14, 2000</u>

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

**DATE:** June 16, 2000

TO:

Arnold Jablon, Director

Department of Permits and

Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

Zoning Advisory Petition(s): Case 500 & 502

The Office of Planning has reviewed the above referenced case and has no comments to offer.

For any further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Section Chief:

AFK/JL:MAC



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

Date: 6.8.00

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

RE: Baltimore County

Item No.

MTK

Dear Ms. Jackson:

We have reviewed the referenced item and have no objection to approval, as a field inspection reveals that the existing entrance(s) on to MD/US 134 are acceptable to the State Highway Administration (SHA) and this development is not affected by any SHA 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.

1. J. Gredl

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

Caso	Number		

#### PLEASE <u>PRINT</u> LEGIBLY

#### **PETITIONER'S SIGN-IN SHEET**

Name	Address		City, State	Zip Code
RUCE E. DOAK				
ERNOLD, CROSS & ETZEL, LT	320 E. TOWSONTON	ru Buro.	10WSON MO	21286
RUCE E LICAU ERHOLD CROSS È ETZEL, LTI BRIAN DIETZ				
11 11 11	11 21	"	<i>"</i> •	• • •
			:	
		* ****		
		<del> </del>	Parisad	4/17/00

