

IN RE: PETITION FOR VARIANCE
SE/S Belair Road, 90' S of the c/l
Soth Avenue
(9135 Belair Road)
11th Election District
5th Council District

Larry Anderson, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-146-A
*

* * * * *

SUPPLEMENTAL ORDER

This matter came before the Zoning Commissioner at a public hearing held on December 5, 2001 for consideration of a Petition for Variance filed by the owners of the subject property, Larry and Betty J. Anderson. The Petitioners sought relief from Section 1.B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard (side street) setback of as close as 15 feet in lieu of the minimum required 25 feet for a proposed dwelling. By Order dated December 6, 2001, a modified relief was granted, subject to certain terms and conditions, one of which required orientation of the proposed dwelling towards Soth Avenue instead of Belair Road, and driveway access thereto from Soth Avenue. However, the location of that driveway access was not site specific.

Subsequent to the issuance of said Order, a letter seeking clarification of this restriction was received from Dennis Eckard, who appeared at the hearing as an interested person/Protestant on behalf of the Belair Road Beautification Committee and the Perry Hall Improvement Association. His letter, dated December 20, 2001, was accepted as a Motion for Reconsideration, pursuant to Rule K of the Rules of Practice and Procedure before the Zoning Commissioner/Hearing Officer of Baltimore County (Appendix G, B.C.Z.R.). Mr. Eckard believes a safety hazard would be created if the driveway were located near the intersection of Belair Road and Soth Avenue and requested that Restriction No. 3 of my Order specifically require that the driveway be located towards the southeastern end of the property, away from that intersection. The location of the

ORDER RECEIVED FOR FILING

Date

By

12/27/01

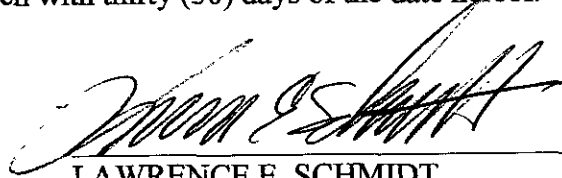
[Signature]

driveway on the east side of the dwelling would keep the entrance to the property a sufficient distance from Belair Road.

I have reviewed the testimony and evidence offered in this case as well as the exhibits submitted and I concur that Mr. Eckard's comments are consistent with those offered at the hearing. Thus, Restriction No. 3 of the Order of December 6, 2001 will be amended so as to require that any driveway access from Soth Avenue be located on the east side of the proposed dwelling, furthest away from Belair Road. In that a 35-foot setback is required on the west side (Belair Road) of the structure, the driveway will therefore be an appropriate distance from the intersection, given that required setback and the width of the house.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 27th day of December, 2001 that Restriction No. 3 of the Order issued December 6, 2001 shall be AMENDED to reflect that the driveway access from Soth Avenue shall be located on the east side of the dwelling, furthest away from the intersection of Soth Avenue and Belair Road. Moreover, the site plan submitted at time of building permit application shall show the proposed driveway access consistent with this Supplemental Order.

Any appeal of this decision shall be taken with thirty (30) days of the date hereof.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Larry Anderson
P.O. Box 2051, Baltimore, Md. 21203
Mr. Dennis Eckard, 39 Bangert Avenue, Perry Hall, Md. 21128
Mr. John Chanoski, 9129 Belair Road, Baltimore, Md. 21236
Office of Planning; People's Counsel; Case File

ORDER RE: 10/23/01
Date 12/27/01
By [Signature]

IN RE: PETITION FOR VARIANCE
SE/S Belair Road, 90' S of the c/l
Soth Avenue
(9135 Belair Road)
11th Election District
5th Council District

Larry Anderson, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 02-146-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Larry and Betty J. Anderson. The Petitioners seek relief from Section 1.B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard (side street) setback of as close as 15 feet in lieu of the minimum required 25 feet for a proposed dwelling. The subject property and requested relief are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the requisite public hearing in support of the request were Larry and Betty Anderson, property owners, and Jack Whisted and Stephen Nolan, representatives of Campbell & Nolan, the consultants who prepared the site plan for this property. Appearing as Protestants in the matter were Dennis Eckard, on behalf of the Belair Road Beautification Committee and the Perry Hall Improvement Association, and John C. Chanoski, a nearby resident.

The subject property is a rectangular shaped parcel located on the southeast corner of Belair Road and Soth Avenue in Perry Hall. The property contains a gross area of 0.21 acres, more or less, zoned D.R.5.5, and is unimproved. The Petitioners are desirous of developing the lot with a single family dwelling in accordance with that shown on Petitioner's Exhibit 1. However, due to the irregular shape and narrow width of the lot, the requested variance is necessary. Further testimony revealed that the subject lot was created in approximately 1941. Although apparently proposed for development a number of times, it has remained vacant. At one time, the property was

ORDER RECEIVED FOR FILING

Date 12/6/11

By [Signature]

proposed for development as a barber shop, but County approval for such use was denied. In addition, although a different zoning classification has been sought over the years, the property has retained a residential classification and remains D.R.5.5 at this time.

Mr. & Mrs. Anderson purchased the subject property approximately 6 months ago with the intention of building a single family dwelling thereon. They indicated at the hearing that they understand the nature of the D.R.5.5 zoning classification and that the property must be used for residential purposes. They do not propose any business or commercial use of the property, and only wish to develop the site with a single family dwelling.

The unusual shape of the property and its location adjacent to the intersection clearly makes the site unique. The property has relatively narrow frontage of approximately 42 feet on Belair Road; however, it has 150 feet of frontage on Soth Avenue. Land uses in the immediate area are primarily residential; however, certain of the properties have been converted to office/ retail use in the immediate neighborhood.

In order to develop the site as proposed, the Petitioners request variance relief as set forth above. The Petitioners propose to construct a single family dwelling on the property within a building envelope approximately 30' x 50' in dimension. As shown on the plan, the house will be oriented to face Belair Road, and a driveway leading from that street to an attached garage is also proposed. When examining the plat, the orientation of the house towards Belair Road is somewhat confusing in that such an orientation would result in a narrow, yet deep structure. Typically, it would be assumed that a house occupying the building envelope shown would front on Soth Avenue. However, it was indicated that the Petitioners propose the orientation shown on the plan in order to minimize the variance relief requested. That is, oriented towards Belair Road, the property has adequate setbacks on all sides except the eastern side of the property adjacent to Soth Avenue. Moreover, it is to be noted that the setback on that side is measured to the right-of-way, whereas, the actual distance from the building to the curb will be 25 feet.

Mr. Eckard and Mr. Chanoski voiced a number of concerns at the hearing. Mr. Eckard indicated that he and his organization are concerned about development along Belair Road.

ORDER RECEIVED FOR FILING
Date 2/6/11
By [Signature]

Specifically, the aesthetics along that corridor are of concern, as are additional curb cuts and traffic generation. Mr. Chanoski was concerned that the proposed dwelling would overcrowd this lot.

It is clear that the use of the property for a dwelling is permitted in the D.R.5.5 zone. Moreover, the lot is large enough for development, in terms of area requirements for D.R.5.5 zoned land, and has the requisite 55-foot width. Thus, this is not a case where an applicant is proposing to place a house on an undersized lot. The use proposed is permitted and the house allowed, but for the unique feature of this lot having frontage on two public roads.

During the hearing, certain alternatives were suggested to the proposal in order to minimize impacts. In my judgment, any driveway leading into the interior of the site should be from Soth Avenue. Belair Road (U.S. Route 1) is a major road at this location, and access to and from the site onto Belair Road could be difficult. I am particularly concerned about the heavy volumes of traffic along that road and the inability to safely access this property. Moreover, placing a driveway into the site from Soth Avenue would retain the open lawn area adjacent to Belair Road and retain the favorable aesthetic appearance along that property line. Additionally, given the shape of the property, it is clear that it would be more appropriate to orient the house to face Soth Avenue.

Irrespective of these concerns, however, orienting the house will mandate that different variance relief be granted. A house directed towards Soth Avenue will maintain the required side yard setbacks on both sides; however, the rear yard setback would be only 10 feet. Additionally, the front yard setback of 15 feet would be insufficient. Notwithstanding that these two variances would be required, the Petitioners, their consultants, and the interested persons/Protestants who appeared at the hearing believe that orienting the house toward Soth Avenue is most appropriate. Inquiry with the Office of Planning also elicited a favorable Zoning Advisory Committee (ZAC) comment on that alternative.

Based upon the testimony and evidence presented, I am persuaded to grant variance relief to allow the construction of a house within the confines of the building envelope shown on Petitioner's Exhibit 1. However, as a condition to the grant of this relief, the house need be oriented toward Soth Avenue, and any driveway leading into the site shall access that road. There

ORDER RECEIVED FOR FILING
Date 2/6/01
By [Signature]

shall be no access from Belair Road, and a minimum 35-foot setback (consistent with the neighboring house) shall be maintained on that side. Moreover, I will require that the Petitioners submit for review and approval building elevation drawings of the proposed dwelling to the Office of Planning. This will insure that the house is appropriate for the neighborhood and will not detrimentally impact the surrounding locale.

With these restrictions, I believe that relief should be granted. To deny variance relief would cause practical difficulty upon the Petitioners in that it would deprive them of a reasonable and permitted use of their property. Again, the variance relief is driven by the unique characteristics of this corner lot. Moreover, as restricted, there will be no detrimental impact to the surrounding locale. It is appropriate to grant relief in this unusual fashion in that it serves the needs of the Protestants while protecting the neighborhood. The Petitioners, their consultants and the interested persons who appeared agree. Moreover, the Office of Planning concurs with the orientation of the dwelling toward Soth Avenue and by their review of building elevation drawings, will be able to insure an appropriately designed dwelling for this lot.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, variance relief shall be granted as set forth below.

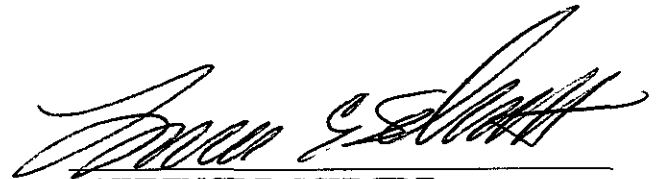
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of December, 2001 that variance relief to permit development of the subject property within the confines of the building envelope shown on Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 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 the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) Prior to the issuance of any permits, the Petitioners shall submit building elevation drawings of the proposed dwelling to the Office of Planning for review and approval.

ORDER RECEIVED FOR FILING
Date 12/6/01
By [Signature]

- 3) The proposed dwelling shall be oriented to face Soth Avenue and any driveway access thereto shall be from that road. There shall be no access from Belair Road, and a minimum 35-foot setback consistent with the neighboring house, shall be maintained on that side.
- 4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1.B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard (side street) setback of as close as 15 feet in lieu of the minimum required 25 feet for a proposed dwelling be and is hereby **DENIED**.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDERED FOR FILING
Date 12/16/01
By [Signature]



Baltimore County
Zoning Commissioner

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

December 6, 2001

Mr. & Mrs. Larry Anderson
P.O. Box 2051
Baltimore, Maryland 21203

RE: PETITION FOR VARIANCE
SE/S Belair Road, 90' S of the c/l Soth Avenue
(9135 Belair Road)
11th Election District - 5th Council District
Larry Anderson, et ux - Petitioners
Case No. 02-146-A

Dear Mr. & Mrs. Anderson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance, as modified, has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Dennis Eckard, 39 Bangert Avenue, Perry Hall, Md. 21128
Mr. John Chanoski, 9129 Belair Road, Baltimore, Md. 21236
Messrs. Jack Whisted & Stephen Nolan, Campbell & Nolan
P.O. Box 850, Bel Air, Md. 21014
Office of Planning; People's Counsel; Case File





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9135 Belair Road

which is presently zoned D.R.5.5

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)

1.B02.3.C.1 to allow a side yard setback (side street) of as close as 15' in lieu of 25' for a proposed dwelling.

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

This property is the residual tract from earlier conveyances prior to adoption of the BCZR and Subdivision Regulations. Without the variances, the lot, about one quarter acre, would not be buildable. Petitioners purchased it on the basis that it was a buildable lot.

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):

Larry Anderson

Name Type or Print

Signature

Betty J. Anderson

Name Type or Print

Signature

P.O. Box 2051

Address Telephone No

Baltimore MD 21203

City State Zip Code

Representative to be Contacted:

Campbell & Nolan Associates, Inc.
c/o Stephen K. Nolan

Name

P.O. Box 850 410-879-7200

Address Telephone No

Bel Air MD 21014

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By SDA Date 10-10-01

ORDER RECEIVED FOR FILING

Case No. 02-146 A

220 115198

Date
By



Civil Engineers • Land Surveyors • Landscape Architects
Planners • Geotechnical Engineers • Environmental Engineers

ZONING DESCRIPTION FOR 9135 BELAIR ROAD

Beginning at a point on the South East side of Belair Road which is 82'± wide at the distance of 90'± South of the centerline of the nearest improved intersecting street of Soth Avenue which is 50' wide.

Also known as 9135 Belair road and located in the 11th Election District, 5th Councilmanic District.

As Recorded in Deed Liber 15228, Folio 231 and include the measurements and directions (metes and bounds) here and on the plat in the correct location.

N 49° 55' 44" E. 41.19
N 83° 36' 07" E. 21.97'
S 71° 40' 00" E. 150.44'
S 49° 55' 00" W. 70.00
N 68° 36' 00" W. 159.73' to the place of beginning

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **066**

DATE 11 11 01 ACCOUNT Public Works

AMOUNT \$ 50.00

RECEIVED FROM: Autopac

FOR: Res. LVA

sc

DISTRIBUTION
 WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

5124

PAID RECEIPT

FOR: 10/10/2001 15:22:57

DATE: 10/10/2001

TIME: 15:22:57

BY: 10/10/2001 15:22:57

AMOUNT: 50.00

DESCRIPTION: RES. LVA

REPORT: 101

AMOUNT: 50.00

DATE: 10/10/2001

TIME: 15:22:57

BY: 10/10/2001 15:22:57

AMOUNT: 50.00

DESCRIPTION: RES. LVA

REPORT: 101

AMOUNT: 50.00

DATE: 10/10/2001

TIME: 15:22:57

BY: 10/10/2001 15:22:57

AMOUNT: 50.00

CASHIER'S VALIDATION

**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: #02-146-A
9135 Belair Road
S/W Side Belair Road at
South corner W Soth Ave
11th Election District
5th Councilmanic District
Legal Owner(s): Larry &
Betty Anderson
Variance: to allow a side
yard setback (side street) of
as close as 15 feet in lieu of
25 feet for a proposed
dwelling.
Hearing: Wednesday, De-
cember 5, 2001 at 11:00
a.m. in Room 407, County
Courts Building, 401 Bos-
ley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible, for
special accommodations
Please Contact the Zoning
Commissioner's Office at
(410) 887-4386.

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

JT/11/764 Nov. 20 C507514

CERTIFICATE OF PUBLICATION

11/20/2001

THIS IS TO CERTIFY, that the annexed advertisement was published
in the following weekly newspaper published in Baltimore County, Md.,
once in each of 1 successive weeks, the first publication appearing
on 11/20/2001.

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

J. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 02-146-A

Petitioner/Developer: BETTY D

+ LARRY ANDERSON

Date of Hearing/Closing: 12/5/01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 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 9135 BELAIR RD

The sign(s) were posted on 11/20/01
(Month, Day, Year)

Sincerely,

[Signature] 11/20/01
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

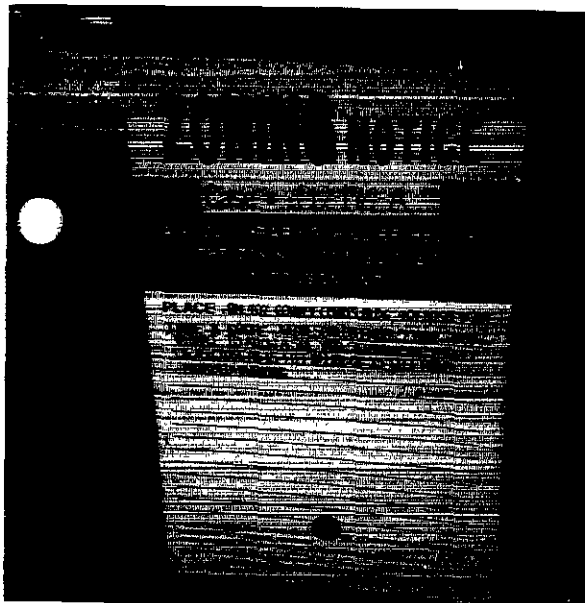
(Address)

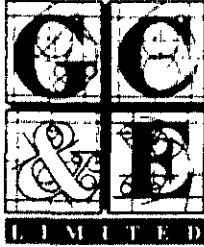
Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)





Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

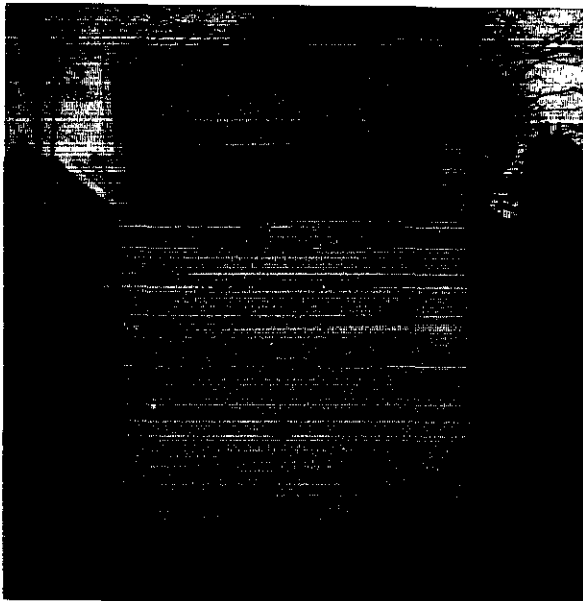
RE: CASE # 02-146-A
PETITIONER/DEVELOPER:
Larry & Betty Anderson
DATE OF HEARING:
December 5, 2001

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

ATTENTION: GEORGE ZAHNER

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



POSTED ON : November 19, 2001

LOCATION:

9135 Belair Road
Southwest side of Belair Road at Southern corner of
Soth Avenue

DATE: November 20, 2001

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

DELIVER TO

ZONING



Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

November 9, 2001

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: 02-146-A
9135 Belair Road
S/W Side Belair Road at South corner W Soth Ave
11th Election District – 5th Councilmanic District
Legal Owners: Larry & Betty Anderson

Variance to allow a side yard setback (side street) of as close as 15 feet in lieu of 25 feet for a proposed dwelling.

HEARING: Wednesday, December 5, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon (212)
Director

C: Betty J & Larry Anderson, P O Box 2051, Baltimore 21203
Stephen K Nolan, Campbell & Nolan Associates Inc., P O Box 850,
Bel Air 21014

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, NOVEMBER 20, 2001**
- (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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 20, 2001 Issue – Jeffersonian

Please forward billing to:

Stephen K Nolan
Campbell & Nolan Associates Inc
P O Box 850
Bel Air MD 21014

410 879-7200

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: 02-146-A
9135 Belair Road
S/W Side Belair Road at South corner W Soth Ave
11th Election District – 5th Councilmanic District
Legal Owners: Larry & Betty Anderson

Variance to allow a side yard setback (side street) of as close as 15 feet in lieu of 25 feet for a proposed dwelling.

HEARING: Wednesday, December 5, 2001 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT CDZ
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.

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: 02-146-A

Petitioner: Larry Anderson

Address or Location: 9135 Belair Road

PLEASE FORWARD ADVERTISING BILL TO:

Name: Campbell & Nolan Associates, Inc.

Address: P.O. Box 850

Bel Air, Maryland 21014

Telephone Number: 410-879-7200

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

November 30, 2001

Betty J & Larry Anderson
P O Box 2051
Baltimore MD 21203

Dear Mr. & Mrs. Anderson:

RE: Case Number: 02-146-A, 9135 Belair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 10, 2001.

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 cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Stephen K Nolan, Campbell & Nolan Associates, Inc, P O Box 850
Bel Air 21014
People's Counsel



**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

November 8, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF November 5, 2001

Item No.: See Below

Dear Ms. Stephens:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

136, 137, 138, 139, 140, 141, 143,
144, 145, ~~146~~ 147, 148, 149, 150, 160

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

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



Les
12/5

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 19, 2001

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

SUBJECT: 9135 Belair Road

INFORMATION:

Item Number: 02-146

Petitioner: Larry Anderson

Zoning: DR 5.5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

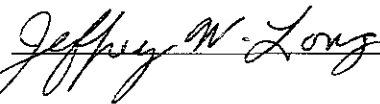
The Office of Planning supports the request to allow a side yard of 15 feet in lieu of the minimum required 25 feet provided the following conditions are met:

1. The side of the proposed structure facing Belair Road should be articulated with windows and/or dormers.
2. Submit elevation drawings to this office for review and approval prior to the issuance of any building permits.

Prepared by:



Section Chief:



AFK:MAC:



**Maryland Department of Transportation
State Highway Administration**

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

Date: 11.9.01

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. [REDACTED]

JA

Dear Mr. Zahner:

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 1 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,

10

Kenneth A. McDonald Jr., 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

Dennis Eckard
39 Bangert Avenue
Perry Hall, Maryland 21128

December 20, 2001

Mr. Lawrence Schmidt, Zoning Commissioner
Baltimore County

Re: Case No. 02-146-A

Dear Mr. Schmidt:

I am writing in reference to your decision on December 6th regarding the above case.

Mr. Chanoski, the other protestant, and I are certain that there was an agreement with you that the driveway to the property would enter the back section of the lot from Soth Avenue.

The two reasons I offered at the hearing were that if the entrance from Soth Avenue was next to Belair Road, a safety hazard would be created not only for the residents of the property, but people turning the corner from Belair Road. Additionally, an entrance such as this would create a parking pad fronting on Belair Road which is not in keeping with the parking concept developed for Belair road.

You obviously were concerned with the appearance of the frontage of the site since you stated on page three, paragraph two "Moreover, placing a driveway into the site from Soth Avenue would retain the open lawn area adjacent to Belair Road and retain the favorable aesthetic appearance along that property line."

I therefore urge you to clarify the location of the driveway to be at the rear of the property.

Sincerely,

Dennis Eckard

ORDER RECEIVED FOR FILING
Date 12/27/01
By [Signature]



IMPROVEMENT ASSOCIATION, INC.

P.O. Box 63 Perry Hall, MD 21128

RULE 8 CERTIFICATION

Dennis Eckard was elected as Vice President of the Perry Hall Improvement Association at the membership meeting in November 2000.

Accordingly, he is authorized to speak on behalf of the Association at the Zoning Commissioner's hearing on December 5, 2001.

David Marks, President
December 4, 2001

Belair Road Beautification Committee

December 4, 2001

The Honorable Lawrence Schmidt
Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

Dear Mr. Schmidt:

At its meeting on December 4, 2001, the Belair Road Beautification Committee voted to oppose the configuration of the structure proposed at the corner of Soth Avenue and Belair Road.

Accordingly, Dennis Eckard from our committee is authorized to speak on behalf of the committee at the hearing officer's hearing on December 5.

Respectfully:



David Marks
Vice Chairman
Belair Road Beautification Committee

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Jack Whisted CNA
Stephen Nolan CNA
Larry & Betty Anderson

PO Box 850 Bel Air MD 21014
PO Box 850 Bel Air MD 21014
POB 2051 BALTO. Md 21203-2051



Case Number _____

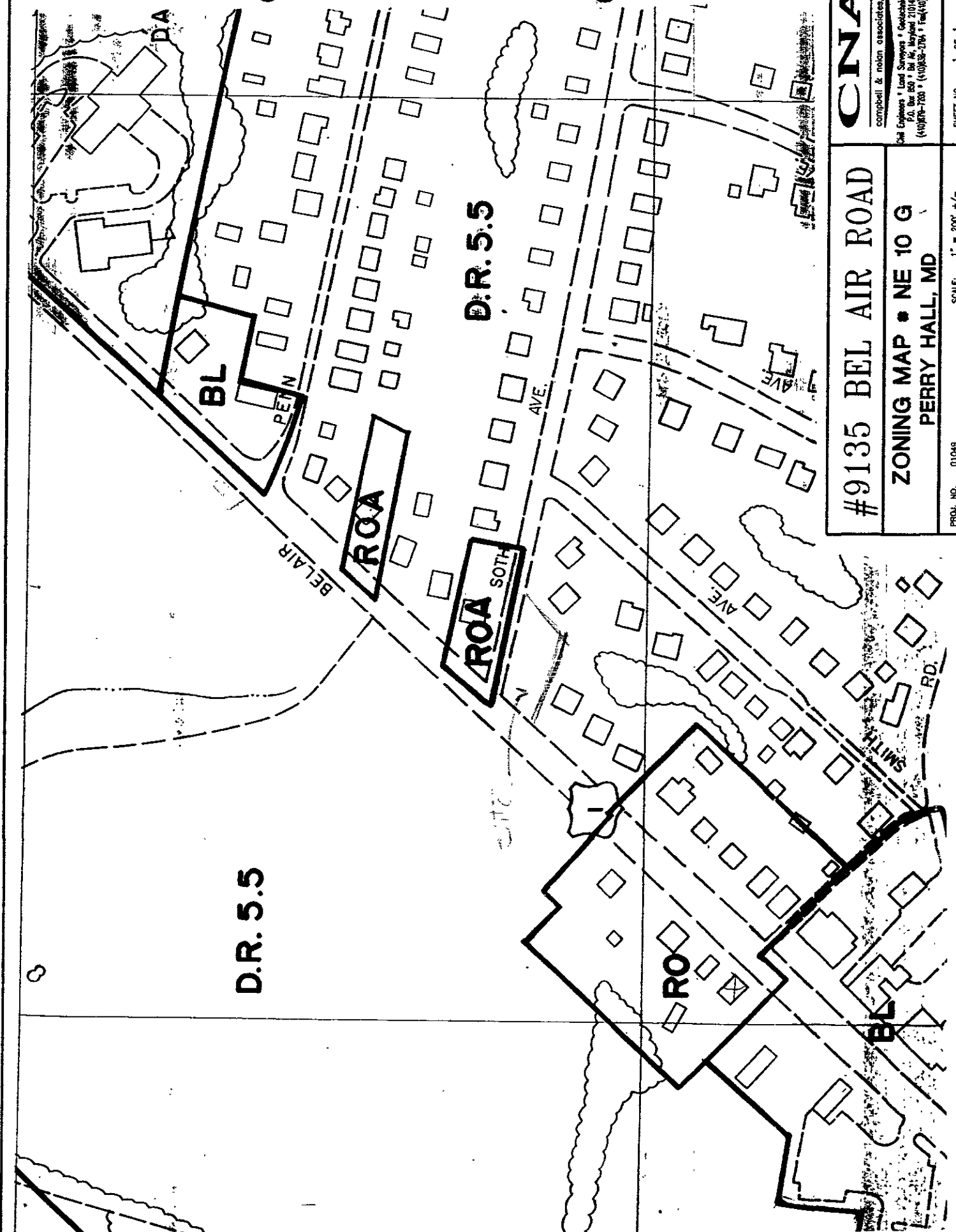
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PROTESTANT'S SIGN-IN SHEET

[illegible]

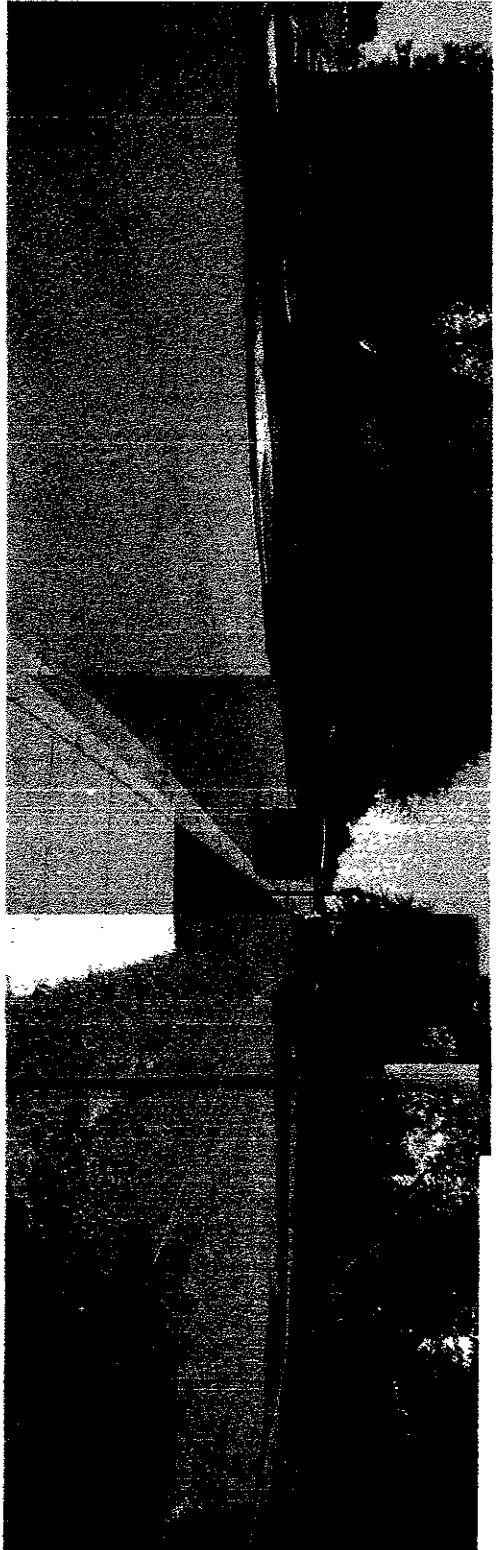


CNA Campbell & Nelson Associates, Inc. Civil Engineers & Land Surveyors • Geotechnical Engineers P.O. Box 650 • Bel Air, Maryland 21044-0441 (410) 679-7200 • (410) 632-2784 • Fax (410) 632-1811		SHEET NO. 1 OF 1 DATE: 7/11/2001
#9135 BEL AIR ROAD		
AERIAL PHOTOGRAPH <i>NE</i> PERRY HALL, JANUARY 1986		
PROJ. NO. 01048	SCALE: 1" = 200' ±	
FILE NAME: 01048/EXHIBITS	DRAWN BY: EW	



CNA Campbell & Nelson Associates, Inc. Civil Engineers & Land Surveyors & Geotechnical Engineers P.O. Box 850 • Bel Air, Maryland 21014-0411 (410) 878-7200 • (410) 838-3764 • Fax (410) 838-1811	SHEET NO. 1 OF 1
	DATE: 7/11/2001

#9135 BEL AIR ROAD	PROJ. NO. 01049	SCALE: 1" = 200' +/-
ZONING MAP • NE 10 G	FILE NAME: 01049/EXHIBITS	DRAWN BY: EW
PERRY HALL, MD		



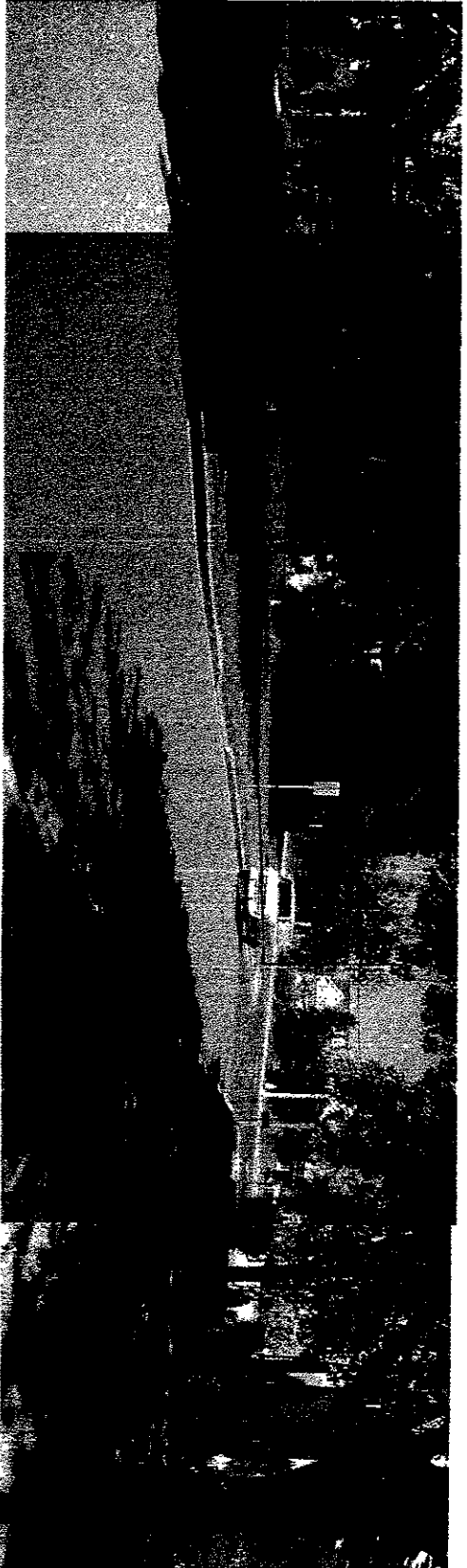
VIEW AT THE SOUTHEASTERN CORNER OF BELAIR ROAD AND SOTH AVENUE, FACING EAST ALONG SOTH AVENUE OR SIDE
YARD OF PARCEL 900.

NOTE: ORANGE LINE INDICATES PROPERTY LINE.

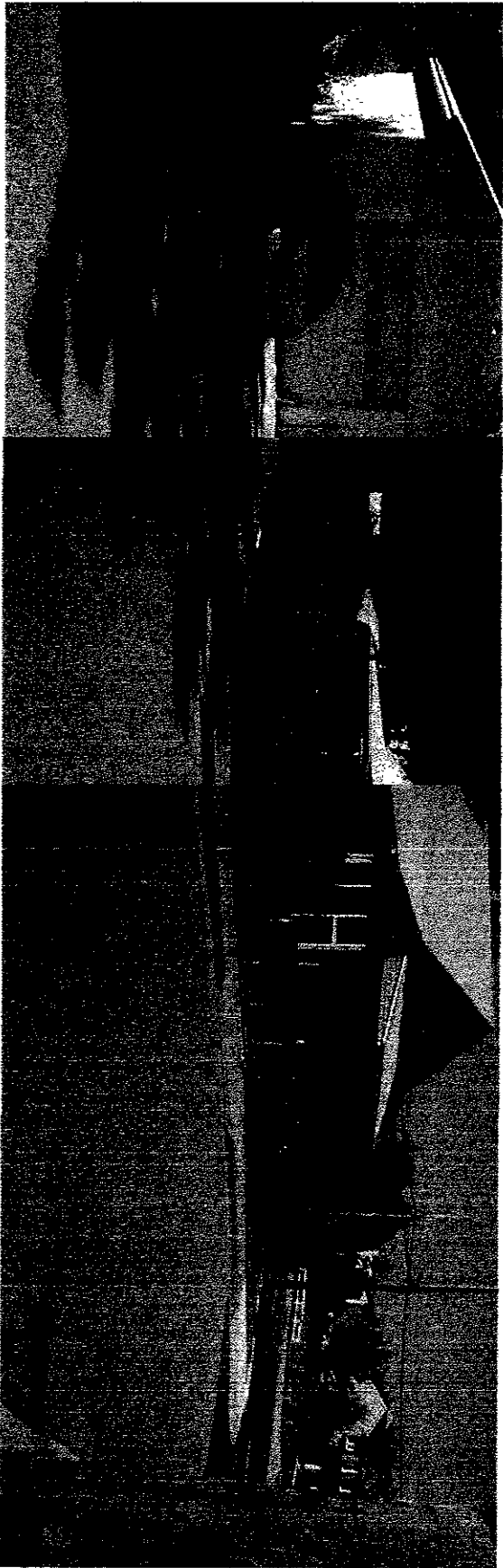


VIEW FACING NORTHEAST ALONG BELAIR ROAD OR FRONT YARD OF PARCEL 900

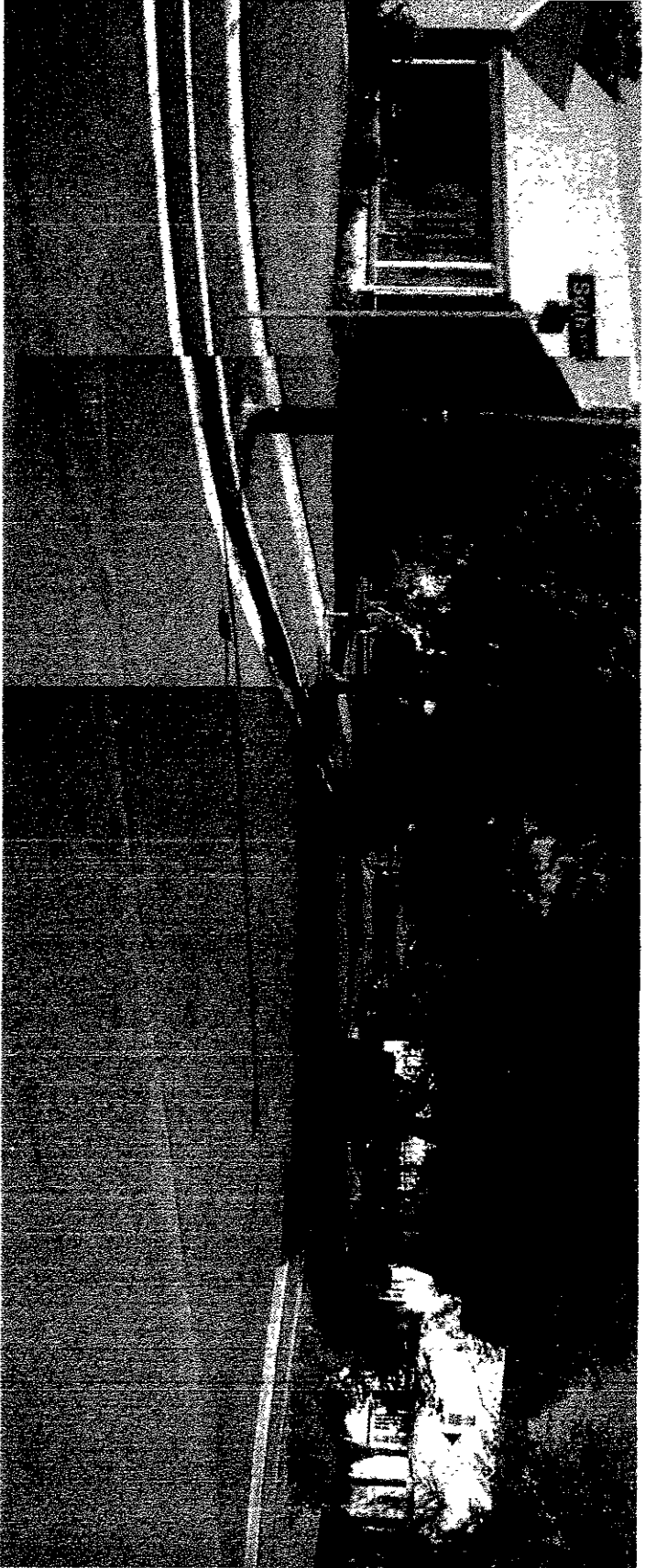
NOTE: ORANGE LINE INDICATES PROPERTY LINE.



VIEW FACING NORTHWEST ALONG SOTH AVENUE. EXISTING FACE OF CURB IS 10' FROM THE PROPERTY LINE. THE EXISTING HOUSE ACROSS SOTH AVENUE (RIGHT) IS ZONED ROA AND IS EXACTLY 15' FROM THE FACE OF THE CURB.



VIEW OF THE NEXT CORNER OFF OF BELAIR ROAD AND PENN AVENUE. THERE IS A SINGLE FAMILY RESIDENCE ON THE RIGHT HAND SIDE OF THE ROAD AND A CAR BODY SHOP ON THE LEFT HAND SIDE OF THE ROAD JUST OUT OF VIEW. THE SINGLE FAMILY HOME IS APPROXIMATELY 18' FROM THE EDGE OF BELAIR ROAD TO THE FRONT OF THE HOUSE. THE SIDE OF THE HOUSE IS 11' FROM THE EDGE OF PENN AVENUE AT ITS NEAREST POINT. THE ENTRANCE TO PENN AVENUE SEEMS TO HAVE BEEN WIDENED TO 30' THE SIDE WALK IS 4' WIDE AND STARTS RIGHT AT THE EDGE OF THE CURB.



VIEW OF THE INTERSECTION OF SOTH AVENUE AND SMITH AVENUE, FACING SOUTHWEST DOWN SMITH AVENUE. BOTH HOUSES FRONT ON SOTH AVENUE AND ARE LOCATED 25' FROM SOTH AVENUE FACE OF CURB AND 15' FROM PUBLIC SIDEWALK.