

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
N/S of Bengies Road, 315 ft. from		
centerline of Bourque Avenue	*	DEPUTY ZONING COMMISSIONER
15th Election District		
5th Councilmanic District	*	FOR
(804 Bengies Avenue)		
	*	BALTIMORE COUNTY
Renee D. & John D. Grant		
<i>Petitioners</i>	*	CASE NO. 04-590-A
	* * * * *	

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Renee D. and John D. Grant. The variance request is for property located at 804 Bengies Road in the eastern area of Baltimore County. The administrative variance requests are from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 0 ft. in lieu of the required 40 ft., a sum of side yards of 7 ft. in lieu of the required 40 ft., and a front setback of 34 ft. in lieu of the front average setback of 47 ft. for 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 on June 27, 2004, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated July 8, 2004, which indicated that the Office does not support the Petition, and that the

ORDER RECEIVED FOR FILED
 4/12/05
 Ray

Petitioner should file a petition for road closing to acquire a portion of the paper road adjacent to the Petitioner's property.

The file indicates that in response to the Planning comment, the Petitioner filed a Complaint in the Circuit Court to Quiet Title and other relief to obtain title to the paper street. Apparently, the Court granted the relief requested on September 17, 2004 declaring the paper road to be the Petitioner's by adverse possession.

In response to this acquisition, a revised ZAC comment was received from the Office of Planning dated April 1, 2005, a copy of which is attached hereto and made a part hereof in which the Planning Office indicates the Petitioners no longer need a side yard variance but still require a front yard variance to allow a front yard setback of 34 feet. In addition, the Planning Office requests certain conditions on approval of the remaining variance apparently with the agreement of the Petitioners.

Applicable Law

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

ORDER RECEIVED FOR PLANNING

4/12/05

Ray

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 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.

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 12 day of April, 2005, that a variance from Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front setback of 34 ft. in lieu of the front average setback of 47 ft. for an addition, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;
2. The Petitioners shall submit a copy of the revised recorded deed showing the acquisition of the aforementioned 40 ft. strip of land to the Office of Planning prior to the issuance of any building permits;
3. The front facade of the new addition shall include double window, and shall not be left as a blank wall;

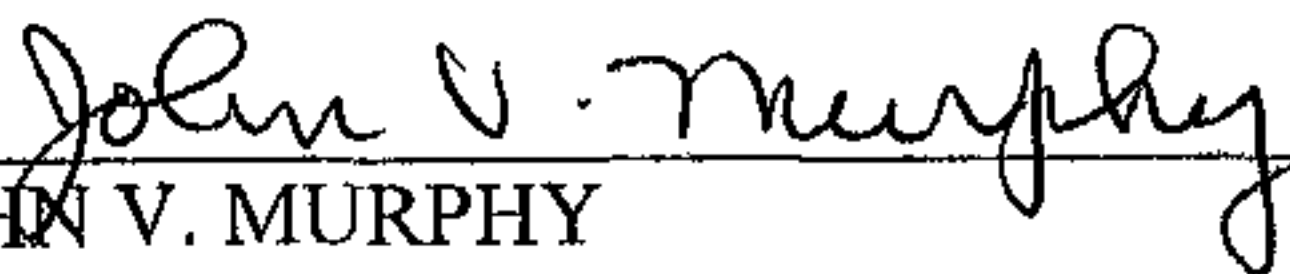
ORDER RECEIVED FOR FILING

4/12/05
Ray

4. The Petitioners shall provide landscaping across the front of the subject property to replace the existing tree(s) that will be removed in order to accommodate the proposed addition; and
5. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED, that the Petitioners' requests for variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a side yard setback of 0 ft. in lieu of the required 40 ft. and a sum of side yards of 7 ft. in lieu of the required 40 ft., be and they are hereby DENIED as moot.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

CARDER RECEIVED FOR PLUMB

4/12/05

Ray

**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: 590
Petitioner: JOHN GRANT
Address or Location: 804 BENJAMIN Rd, Bldg. Md. 21220

PLEASE FORWARD ADVERTISING BILL TO:

Name: SAME

Address: SAME

Telephone Number: 410-391-1568

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 04- 590 -A

Address 804 BENJIES Rd.

Contact Person: J. Mew
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 6-18-04

Posting Date: 6-27-04

Closing Date: 7-12-04

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 04- 590 -A

Address 804 BENJIES Rd.

Petitioner's Name JOHN GRANT

Telephone 410-391-1568

Posting Date: 6-27-04

Closing Date: 7-12-04

Wording for Sign: A VARIANCE
To Permit

A SIDEYARD SETBACK OF 0' (ZERO)
IN LIEU OF THE REQUIRED 25' FOR AN ADDITION.

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

April 12, 2005

Mr. & Mrs. John D. Grant
804 Bengies Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 04-590-A
Property: 804 Bengies Road

Dear Mr. & Mrs. Grant:

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 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 804 Bengies Rd.
which is presently zoned D.R.2

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)

~~1B02.3.C.1 & 303.1, BC2R, to permit a side yard setback of 0 ft. in lieu of the required 25 ft.~~
1B02.3.C.1 & 303.1, BC2R, TO PERMIT A SIDEYARD OF 0 ft.
IN LIEU OF THE REQUIRED 40ft., A SUM OF SIDE YARDS OF
7ft. IN LIEU OF THE REQUIRED 40ft., AND A FRONT SETBACK
OF 34ft. IN LIEU OF THE REQUIRED 47ft.
FRONT AVERAGE SETBACK OF 47ft.

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

A public hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, 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.

Legal Owner(s):

John David Grant
Name - Type or Print

John David Grant
Signature

Renee Dee Grant
Name - Type or Print

Renee D. Grant
Signature

804 Bengies Rd.
Address

Baltimore MD 21220
City State Zip Code

Representative to be Contacted:

(SAME)
Name

Address Telephone No.

City State Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JCM Date 6-18-07

Estimated Posting Date

CASE NO. 04-590A

REV 1/2/01

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 804 Bengier Rd.
Address
Baltimore MD 21220
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):

1) CANNOT ADD ADDITION TO THE FRONT.

- NO HALL WAY
- ROOF PITCHES TOWARD FRONT.

2) CANNOT ADD ADDITION TO THE REAR.

- NO HALL WAY
- ROOF PITCHES TOWARD REAR.
- LOSE BACK YARD.

3) NEED TO ADD TO THE SIDE

- TO EXPAND KITCHEN/DINING/LIVING SPACE.

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 David Grant
Signature
John David Grant
Name - Type or Print

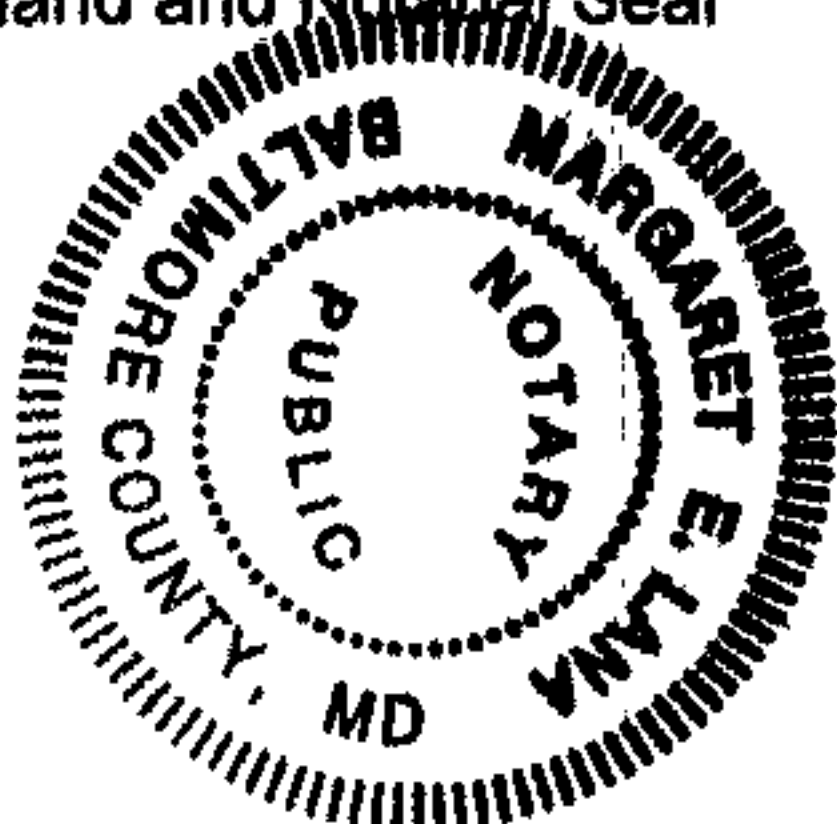
Renee D. Grant
Signature
Renee Dee Grant
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of June, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John David Grant & Renee D. Grant
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Margaret E. Lano
Notary Public
My Commission Expires 8-1-05

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.

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City State Zip Code

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 - NO HALLWAY
 - ROOF PITCHES TOWARD FRONT.
- 2) CANNOT ADD ADDITION TO THE REAR.
 - NO HALLWAY
 - ROOF PITCHES TOWARD REAR.
 - LOSE BACK YARD.
- 3) NEED TO ADD TO THE SIDE
 - TO EXPAND KITCHEN/DINING/LIVING SPACE.

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 David Grant
Signature
John David Grant
Name - Type or Print

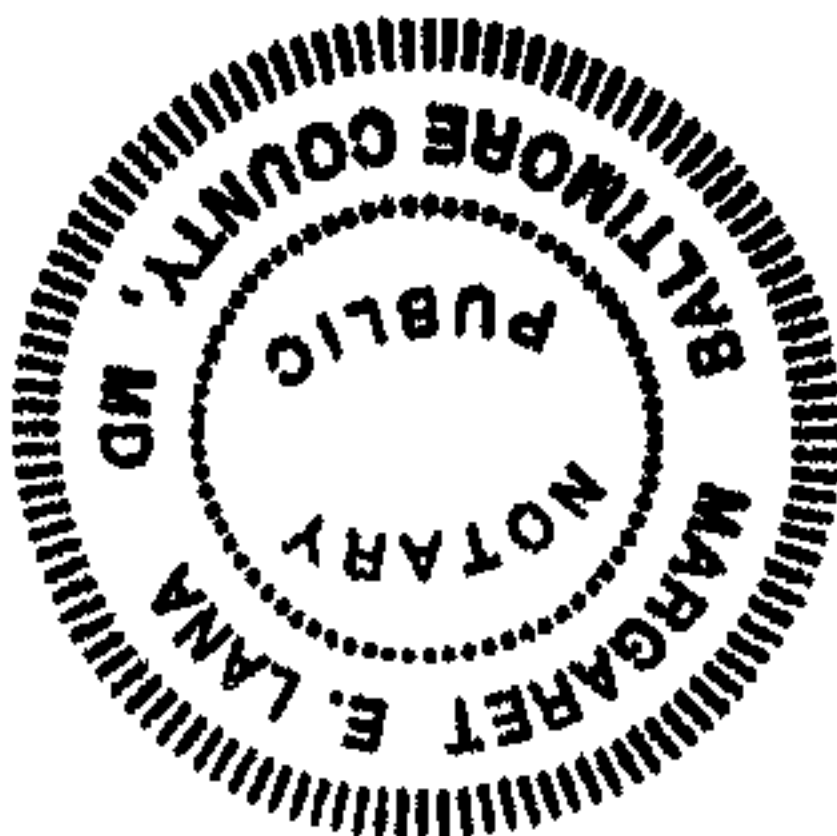
Renee D Grant
Signature
Renee Dee Grant
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17th day of June, 2004, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

John David Grant & Renee D Grant
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Margaret E. Lana
Notary Public
My Commission Expires 8-1-05



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 804 Bengies Rd.
which is presently zoned D.R. 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 Variance from Section(s)

~~1801.2C(1)(b) to permit a side yard setback of 0' in lieu of the required 25'.~~
1802.3.C.1 & 303.1 BC2R, TO PERMIT A SIDEYARD SETBACK of 0ft.
IN LIEU OF THE REQUIRED 40ft., A SUM OF SIDEYARDS OF 7ft. IN
LIEU OF THE REQUIRED 40ft., AND A FRONT SETBACK OF 34ft.
IN LIEU OF THE FRONT AVERAGE SETBACK OF 47ft.
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):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

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 _____ day of _____ 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. 04-590A

Reviewed By JCM Date 6-18-07

REV 10/25/01

Estimated Posting Date

Zoning Description

Beginning at a point on the north side of Bengies Road which is 18 ft. wide at the distance of 315 ft. of the centerline of the nearest improved intersecting street Bourque Ave. which is 18 ft. wide. In the sudivision of Grantleigh as recorded in Baltimore County Plat Book #12, Folio #84, containing 11,703 square ft. Also known as 804 Bengies Road and located in the 15th Election District, 5th Councilmanic District.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 37968

DATE

6-18-04

ACCOUNT

001-006-6150

AMOUNT \$

65.00

RECEIVED FROM

J. Grant

50X Bowles Rd

FOR

AD CAR

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

RECEIVED

6/21/2004

6/18/2004

6/18/2004

6/18/2004

6/18/2004

6/18/2004

6/18/2004

6/18/2004

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6/18/2004

6/18/2004

6/18/2004

6/18/2004

6/18/2004

6/18/2004

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 04-590-A

Petitioner/Developer: _____

JOHN GRANT

Date of Hearing/Closing: 7/12/04

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: KRISTEN MATTHEWS

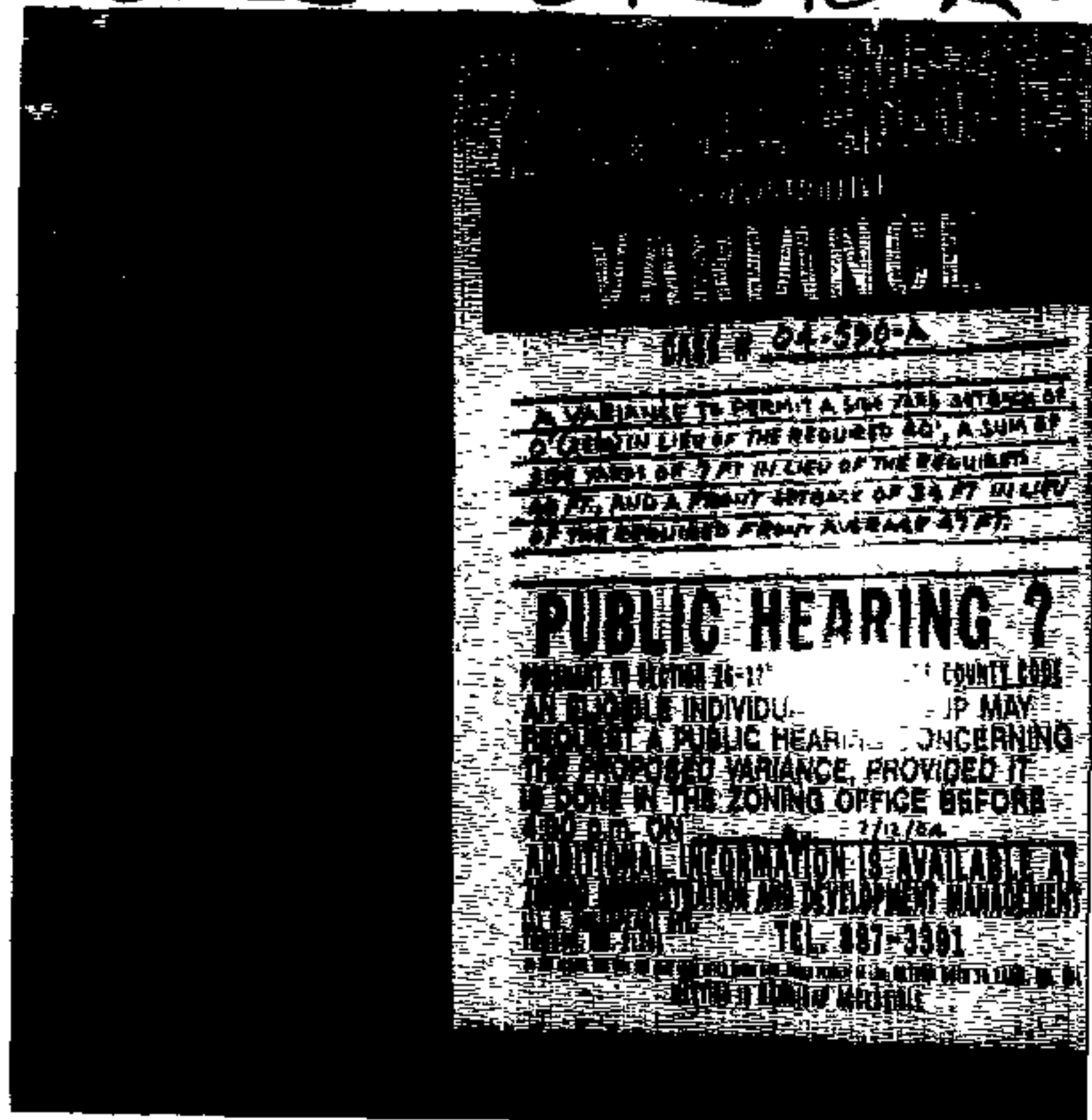
Ladies and Gentlemen:

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 _____

804 BENGIES RD

The sign(s) were posted on 6/27/04
(Month, Day, Year)

CASE # 04-590-A



804 BENGIES RD.

POSTED 6/27/04

Richard E. Hoffman 6/27/04

Sincerely,

Richard E. Hoffman 6/27/04
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

July 12, 2004

John David Grant
Renee Dee Grant
804 Bengies Road
Baltimore, Maryland 21220

Dear Mr. and Mrs. Grant:

RE: Case Number:04-590-A, 804 Bengies Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 18, 2004.

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 written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



Baltimore County
Fire Department

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

June 29, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: June 28, 2004

Item No.: 580-591

Dear Ms. Hart:

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.

6. The Fire Marshal's Office has no comments at this time.

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



Printed with Soybean Ink
on Recycled Paper

Robert L. Ehrlich, Jr., Governor
Michael S. Steele, Lt. Governor



Robert L. Flanagan, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 6.29.04

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

RE: Baltimore County
Item No. 590 JCM

Dear Ms. Matthews:

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,

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

7/12/04
closing

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 1, 2005

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

RECEIVED

APR - 5 2005

SUBJECT: 804 Bengies Road – REVISED COMMENT

ZONING COMMISSIONER

INFORMATION:

Item Number: 4-590

Petitioner: John David Grant

Zoning: DR 2

Requested Action: Administrative Hearing

SUMMARY OF RECOMMENDATIONS:

Pursuant to the recommendation of this office dated July 8, 2004, the petitioner acquired the 40-foot strip of land immediately to the west of the subject property. As such, there is no need for a side yard variance to permit the proposed addition.

The petitioner has increased the area of the proposed addition, going from 24' x 36' to 28' x 55'. The new configuration still requires a variance to permit a 34-foot front yard in lieu of the minimum required 40 feet. The Office of Planning does not oppose this request provided the following conditions are met:

1. The petitioner shall submit a copy of the revised recorded deed showing the acquisition of the aforementioned 40-foot strip of land to this office prior to the issuance of any building permits.
2. The front façade of the new addition shall include double window, and shall not be left as a blank wall.
3. Provide landscaping across the front of the subject property to replace the existing tree(s) that will be removed in order to accommodate the proposed addition.

For further information concerning the matters stated herein, please contact Mark Cunningham at 410-887-3480.

Prepared by: Mark Cunningham

Division Chief: John J. Larkin

AFK/LL:MAC:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: July 23, 2004

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

SUBJECT: Zoning Advisory Committee Meeting
For July 6, 2004
Item Nos. 580, 581, 582, 583, 584,
586, 587, 588, 589, 590, and 591

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

RWB:CEN:jrb

cc: File

* IN THE

* CIRCUIT COURT

* **FOR**

*
* **BALTIMORE COUNTY**

* **CASE NO.:**

3-C-04-006108**

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*
*

* * * * *

It is ORDERED, this 17 day of September, 2004, that an Order of Default is entered against the Defendants for failure to plead.

Y:\JENNIFERDATA\WPDOCS\BUD\CWCZONING-CLIENTS\Grant\order.wpd

1954

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

July 27, 2004

Mr. & Mrs. John D. Grant
804 Bengies Road
Baltimore, Maryland 21220

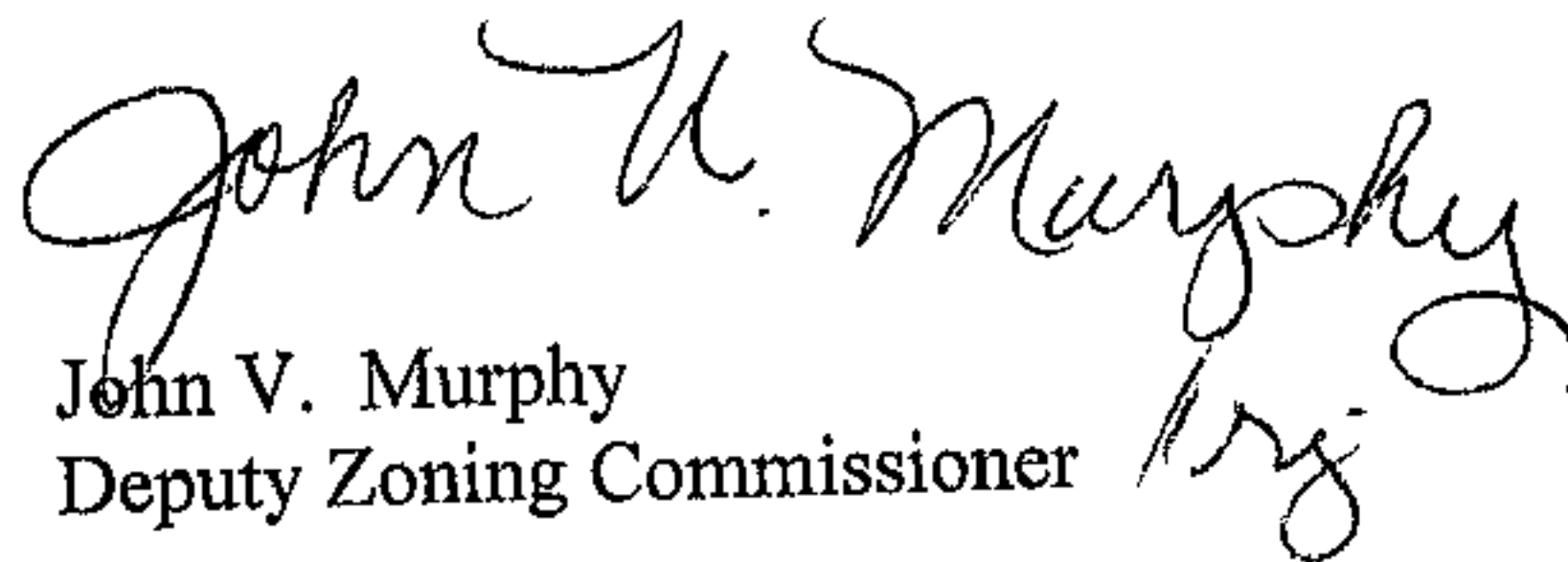
Re: Petition for Administrative Variance
Case No. 04-590-A
Property: 804 Bengies Road

Dear Mr. & Mrs. Grant:

I have reviewed your Petition for Administrative Variance and note that the Office of Planning is opposing your request for the reasons stated in the attached memorandum. Please notify this office after you have straightened out the paper road problem. In the meantime, we are returning your file to the Department of Permits and Development Management for safekeeping.

Should you have any questions or require any additional information, please contact the Department of Permits and Development Management at 410-887-3391.

Very truly yours,


John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Attachment

c: Office of Planning

Visit the County's Website at www.baltimorecountyonline.info



April 6, 2005

Re: 04-590A

Dear Mr. Murphy,

Pursuant to your letter dated July 27, 2004, we would like to inform you of the status of the paper road adjoining 804 Bengies Road.

We have taken adverse possession of the 40-foot lot that was described previously as the paper road. Enclosed you will find our Complaint to Quiet Title and for Declaratory Judgment regarding the lot. Also enclosed is a copy of the Order of Default signed by the judge. We are in the process of having a metes and bounds survey completed so we can record a new deed.

We are still requesting relief for building no less than 30 feet from the road. We have met with Mark Cunningham from the Office of Planning about this variance. He said that he would not oppose a request for such a variance. You should already be in receipt of his correspondence. Also enclosed please find a copy of the modified plat.

The reasons that we seek such a variance have mostly to do with the size of our family. We have seven children living at home and our infirm mother will be coming to live with us after the addition is complete. We do not want to move the addition back from the front road because it will take away our back yard space for play. We do not currently use the front yard because heavy equipment and cars travel very fast on our road. Also, having the addition situated as shown on the plat will make it more aesthetically pleasing. It will also allow us to use a reverse gable roof, which will offset our rancher. Please grant our wish for a variance to build forward of our existing set back.

Sincerely,


John and Renee Grant

CIRCUIT COURT FOR BALTIMORE COUNTY
Suzanne Mensh
Clerk of the Circuit Court
County Courts Building
401 Bosley Avenue
P.O. Box 6754
Towson, MD 21285-6754
(410)-887-2601, TTY for Deaf: (800)-735-2258
Maryland Toll Free Number (800) 938-5802

R I T O F S U M M O N S

Case Number: 03-C-04-006108 OC
C I V I L

Grant, et al vs Szczerba, et al

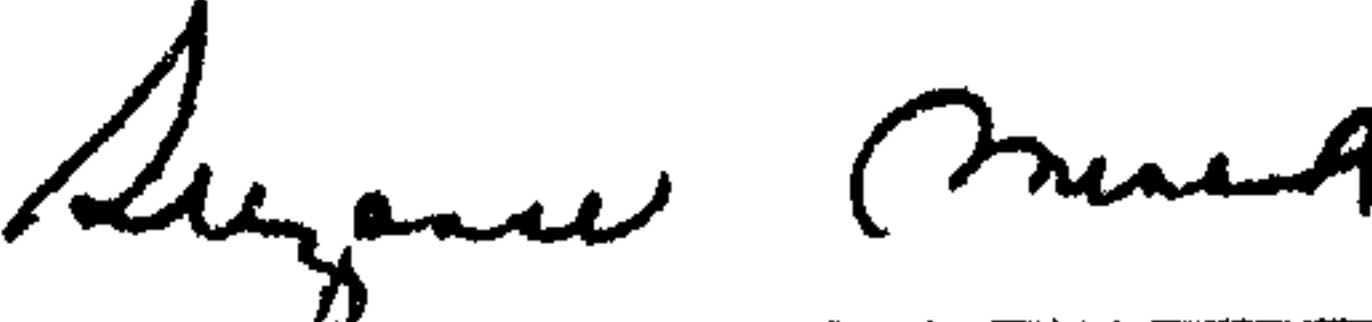
STATE OF MARYLAND, BALTIMORE COUNTY COUNTY, TO WIT:

To: ANNA R SZCZERBA
818 Bengies Road
Baltimore, MD 21220

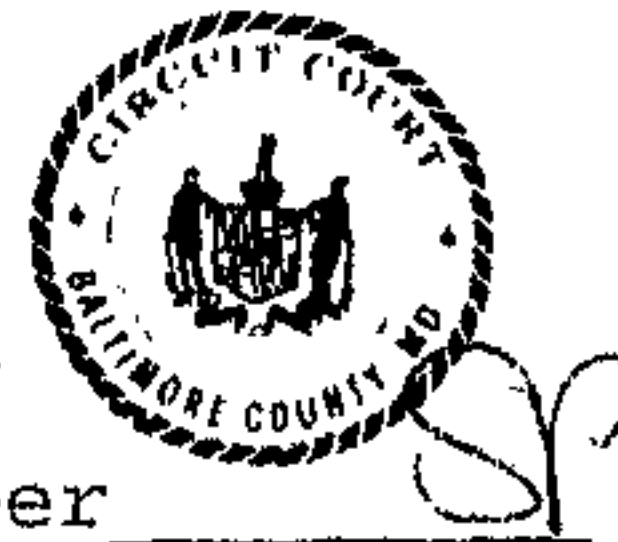
You are hereby summoned to file a written response by pleading or motion, within 30 days after service of this summons upon you, in this court, to the attached Complaint filed by: John D Grant
804 Bengies Road
Baltimore, MD 21220

WITNESS the Honorable Chief Judge of the Third Judicial Circuit of Maryland

Date Issued: 06/08/04



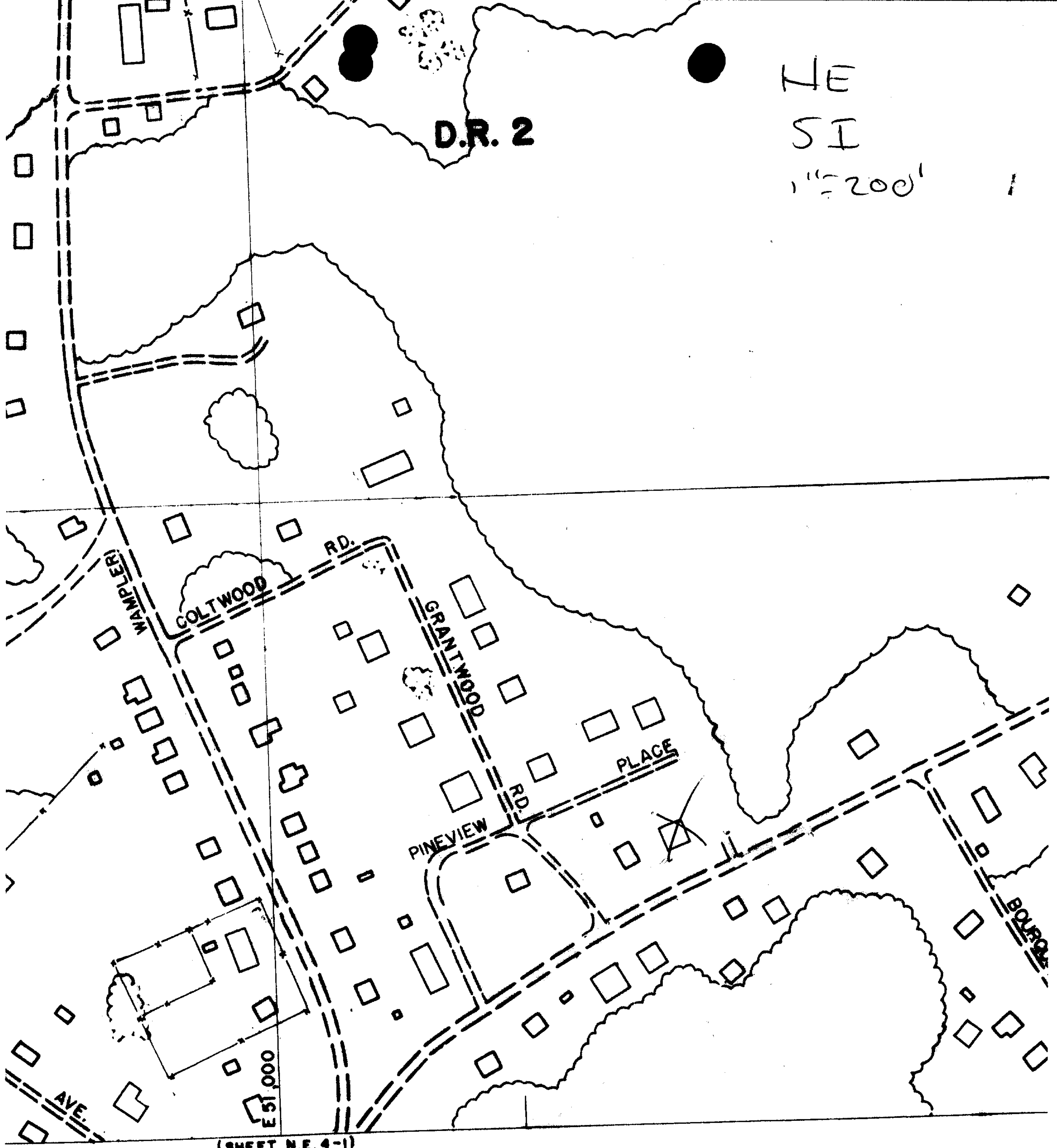
Suzanne Mensh
Clerk of the Circuit Court, per



To the person summoned:

FAILURE TO FILE A RESPONSE WITHIN THE TIME ALLOTTED MAY RESULT IN A JUDGMENT BY DEFAULT OR THE GRANTING OF THE RELIEF SOUGHT AGAINST YOU.

Personal attendance in court on the day named is NOT required.



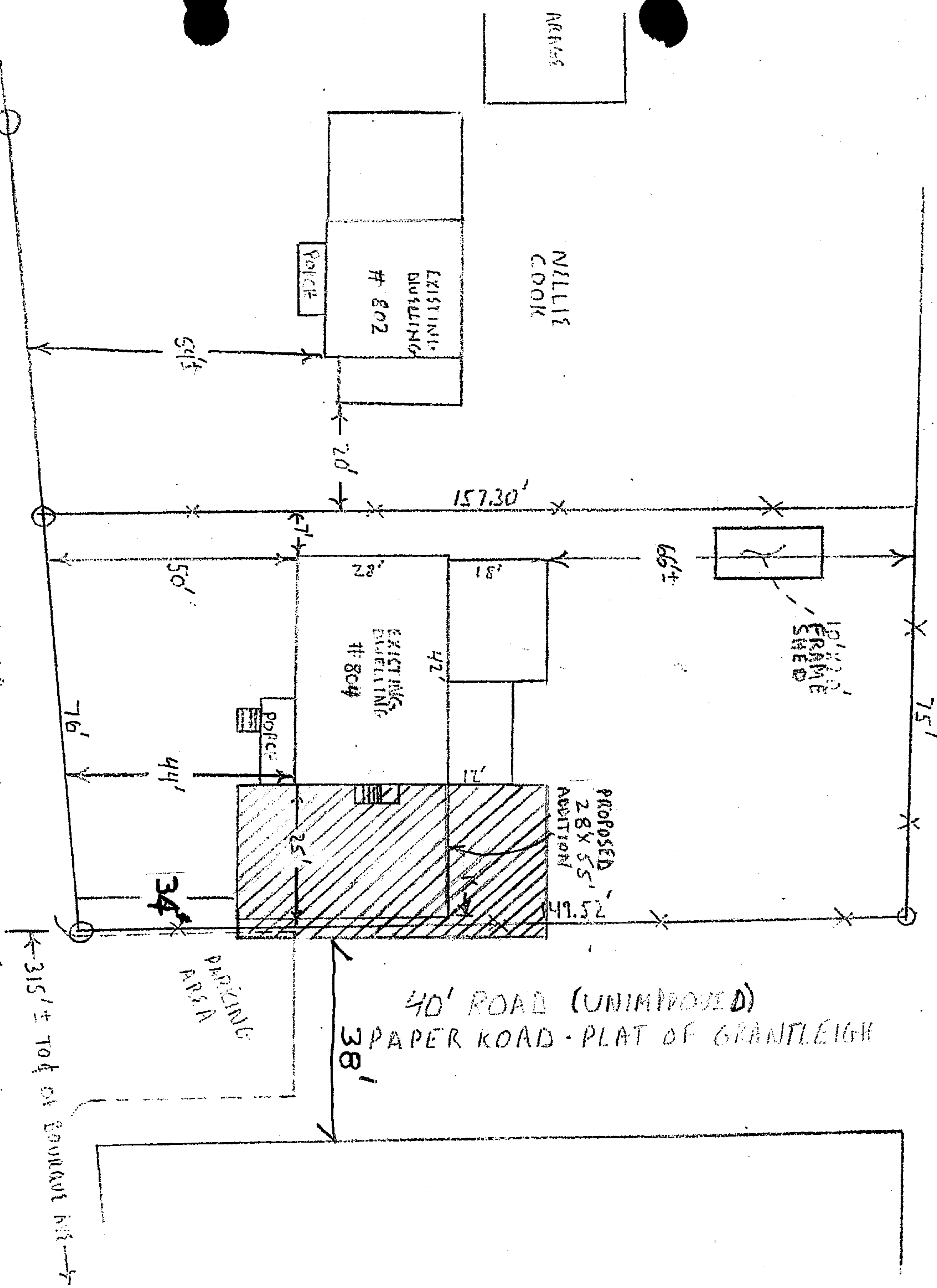
(SHEET N.E. 4-1)

BALTIMORE COUNTY PLANNING AND ZONING DEPARTMENT ZONING MAP

PINEVIEW PLACE

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS 303.1 BENGLES ROAD
 SUBDIVISION NAME GRANTLEIGH
 PLAT BOOK # 12 FOLIO # 84
 OWNER JOHN FRENCH GRANT

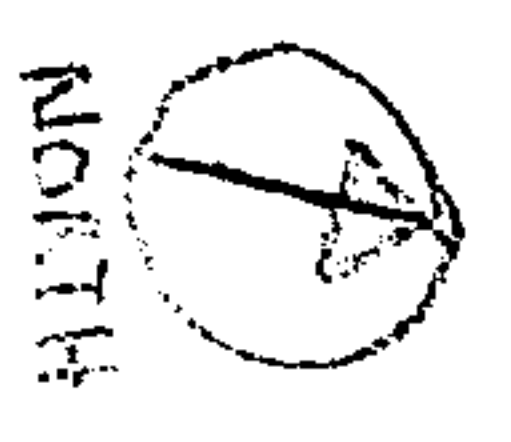


6166
HYDRAUT

BENGLES ROAD 303.1 FRONT AVERAGE:

54ft.
40ft.
÷2
94ft.

47 FRT. STBK.



PREPARED BY: JDG

SCALE OF DRAWING: 1" = 30'

LOCATION INFORMATION ELECTION DISTRICT <u>15</u> COUNCILMANIC DISTRICT <u>5</u> 1" = 200' SCALE MAP # ZONING <u>D.R. 1</u> LOT SIZE <u>2.91</u> <u>11,703</u> ACRES <u>2.91</u> <u>SQUARE FEET</u>		SEWER ☒ PUBLIC ☐ PRIVATE WATER ☒ ☐ CHESEBROUGH & CO. CULTURAL AREA ☐ YES ☒ NO 100 YEAR FLOOD HAZARD ☐ YES ☒ NO HISTORIC PROPERTY/ BUILDING ☐ YES ☒ NO PRIOR ZONING HENRONG: <u>NON</u>
ZONING OFFICE USE ONLY REVIEWED BY <u>ITEM #</u> CASE #		VICINITY MAP SCALE: 1" = 1000'

4/6/05 Zoning OK to proceed -
 JWG
 Jt G #1

GRANTS'

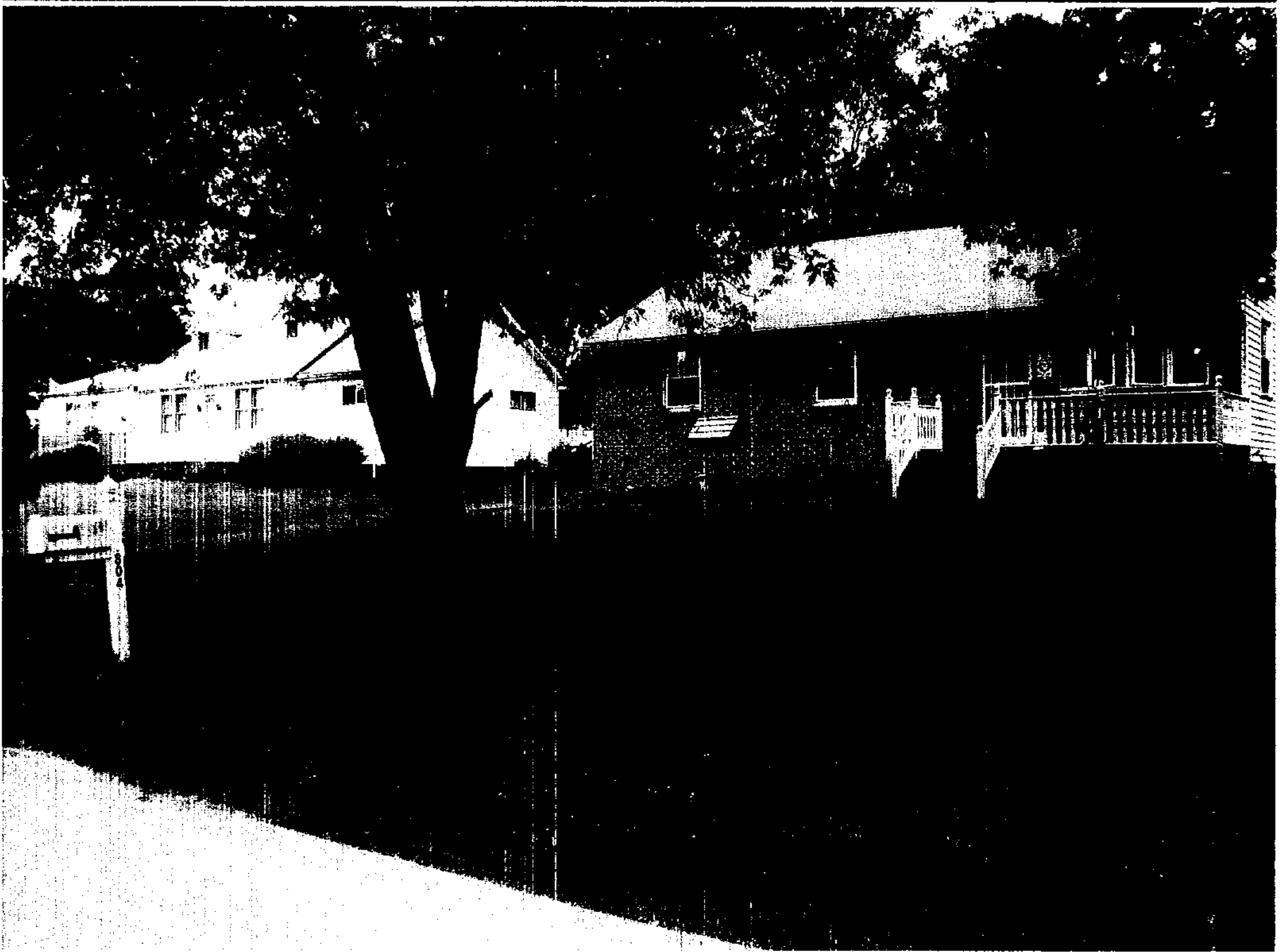


SIDE
VIEW



REAR
VIEW

PROPERTY LINE TO CHAIN LINK FENCE: 40' CHAIN LINK FENCE TO HOUSE: 24'
64'
HOUSE TO PROPERTY LINE



VIER FROM BENGIES RD
LOOKING BACK



1
Facing East from Back Yard
Area on far side of fence is
"PAPER ROAD"

