DATE RECEIVED FOR FILING.

By

IN RE: PETITION FOR ADMIN. VARIANCE

S/S Bellona Avenue, across from

Morris Avenue

(1515 Bellona Avenue)

8th Election District

3rd Council District

Anne Paynter Hill & Steven Hill Petitioners

- * BEFORE THE
- * ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 05-038-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

*

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Ann Paynter Hill and Steven Hill. The Petitioners seek relief from Sections 1B02.3.C.1, 301.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback 10'8" in lieu of the required 15' and a sum of the side yards of 27.5' in lieu of the required 40' for a proposed addition, and to permit a proposed accessory structure height of 22' in lieu of the maximum allowed 15' with a side yard setback of 0 feet in lieu of the minimum required 2.5' for an existing garage and proposed expansion. The subject property and requested relief are more particularly described on the site plan submitted with the Petition and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code, which allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there

being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the information contained within the case file, I am persuaded to grant the requested relief. The Petitioners propose several improvements to the existing dwelling, including a master bedroom addition on the west side, which necessitates the side yard setback variance relief. In addition, the existing garage will be expanded to provide additional storage space with a hobby room on the second floor. Variance relief is necessary given the location of the existing improvements on the property. There were no adverse comments from any County reviewing agency and there is apparently no opposition from any of the neighbors. Thus, relief will be granted subject to certain conditions to insure compliance with the use regulations.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24 day of August 2004 that the Petition for Administrative Variance seeking relief from Sections 1B02.3.C.1, 301.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback 10'8" in lieu of the required 15' and a sum of the side yards of 27.5' in lieu of the required 40' for a proposed addition, and to permit a proposed accessory structure height of 22' in lieu of the maximum allowed 15' with a side yard setback of 0 feet in lieu of the minimum required 2.5' for an existing garage and proposed expansion, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, the 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) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioners shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LÁWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

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

August 23, 2004

Mr. & Mrs. Stephen Hill 1515 Bellona Avenue Lutherville, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE S/S Bellona Avenue, across from Morris Avenue (1515 Bellona Avenue)

8th Election District – 3rd Council District Stephen Hill, et ux - Petitioners Case No. 05-038-A

Dear Mr. & Mrs. Hill:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance 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. SCHMID

Zoning Commissioner for Baltimore County

LES:bjs

c:

People's Counsel; Case File



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 1515 BELLONA AVE.

which is presently zoned PR2

I/We do solemnly declare and affirm, under the penalties of

perjury, that I/we are the legal owner(s) of the property which

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) (BOD). 30.1,301.1,400.1,400.1,400.3 (BCLR)

To permit additions with side yard setbacks of 10'8" and a sum of side yards totaling 27.5' in lieu of the minimum permitted 15' totaling 40' and to permit an accessory structure with a 0' setback and height of 22' in lieu of the permitted 2.5' and 15' respectively.

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.

			is the subject of this P	etition.	
Contract Purcha	ser/Lessee:		Legal Owner(s):	11.7	
Name - Type or Print		· · · · · · · · · · · · · · · · · · ·	Name - Type or Print	Nteg Hill	/
			/ Nino Ho	1/HU	
Signature			Signature		· · · · · · · · · · · · · · · · · · ·
· · · · · · · · · · · · · · · · · · ·			STEPHEN	MILL	
Address		Telephone No.	Name Type of Print		
City	State	Zip Code	Signature		410
Attorney For Pet	titioner:		1515 B	ELLONA AVE	252-4853
			Address		Telephone No.
			LUTHER	VILLE MO	21093
Name - Type or Print			City	State	Zip Code
	·		Representative to	be Contacted:	-
Signature	•		STEPHEN	HILL, ARC	HITECT
ompany			Name	7 11	
ξ			1921 YORK	ROAD #2	410-561-916
Address	7	elephone No.	Address		Telephone No
City	State	Zip Code	City	State	21093 Zip Code
			<u>-</u>		
A blic learing havir	ng been formally demanded a	and/or found to be	required, it is ordered by the this petition be set for a public to	e Zoning Commissioner	of Baltimore County,
regulations of Baltimore	County and that the property be	e reposted.	ans bengon he set tot a bante t	neamy, auveniseu, as n	equired by the zoning
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00			Zonna Commis	sioner of Baltimore Cou	int.
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T T	05-038-A	Rev	viewed By D.THOMPS	<u> </u>	04
V 10/25/01			imated Posting Date	8/1/04	······································
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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	9 5 DELLONA	Y-VE NUE	
	Address	MØ	21093

LUTHERVILLE MD 2

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

SEE ATTACHED EXHIBIT A

That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide additional advertising fee advertising fee additional advertising fee advertising fee advertising fee advertising fee advertising fee advertising fee	demand is filed, Affiant(s) will be required to pational information. Signature Anne Paynter- Name - Type or Print	ay a reposting and
STATE OF MARYLAND, COUNTY OF BALTIMOR HEREBY CERTIFY, this	2001/ aliy appeared	y Public of the State
AS WITNESS my hand and Notary Recounting Public Notary Public Notary Recounting Public Notary Re	Notary Public My Commission Expires	SIM C. W. J. 1. 23.

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

REV 10/25/01

1515	BELLONA AVE.	
Address	VILLE MD	21093
City	State	Zip Code

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

SEE ATTACHED EXHIBIT A

That the Affiant(s) acknowledge(s) that if a formal demand is advertising fee and may be required to provide additional information	
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STEPHEN T. HILL	Hnne PAUNTEr -/HIL
Name/- Type or Print	Name - Type or Print /
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:	
I HEREBY CERTIFY, this <u></u> <u> </u>	▲
STEPHENTHILL & ANNE PAIN the Affiant(s) herein, personally known or satisfactorily identified	くってド 付り(to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
ROBIN	Robert Dans
No No Notary No No No No No Cor	Public // // // // nmission Expires
12/ 40/	**************************************



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1515 BELLOPA AVE.

which is presently zoned PR 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) 1001.501.1,301.1,400.3 (BELE)

To permit additions with side yard setbacks of 10'8" and a sum of side yards totaling 27.5' in lieu of the minimum permitted 15' totaling 40' and to permit an accessory structure with a 0' setback and height of 22' in lieu of the permitted 2.5' and 15' respectively.

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.

Contract Purchase	<u>er/Lessee:</u>		Legal Owner(s):	
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			Twe Part/hill	
Signature			Signature STEPHANT. HU	
Address		Telephone No.	Name Type of Fried	-
City	State	Zip Code	Signature 410	_
Attorney For Petit	ioner:		Address Telephone No	_
Name - Type or Print	· · · · · · · · · · · · · · · · · · ·		City Code	-
<u> </u>			Representative to be Contacted:	
Signature			STEPHEN HILL, APCHITECT	
Company			1921 YORK ROAD#2 410-561-9	14
Address	<u> </u>	Telephone No	Address LUTHERVILLE MD 21093	
City	State	Zip Code	City State Zip Code	-
this day of	. <u> </u>	ded and/or found to be at the subject matter of to the reposted.	required, it is ordered by the Zoning Commissioner of Baltimore County his petition be set for a public hearing, advertised, as required by the zoning	= ; j

Reviewed By D. THOMPSON Date 7 19 04

Estimated Posting Date __

July 18, 2004

Hill Residence 1515 Bellona Avenue Lutherville, MD 21093

Historic Lutherville District

Affidavit Summary, Exhibit A Current Zoning – DR-2

We request a variance due to the hardship imposed from the down-zoning of our property from when we purchased it in 1975. At that time it was zoned DR3.5 which would have allowed us to easily build a master Bedroom Suite at one side yard and enlarge our very small dining room at the other side yard.

Due to the Down-Zoning we are unable to build a reasonable size addition in either side yard. In addition we request that a hobby room be built over our garage, requiring a higher roof than the 15'-0" allowable per zoning. See attached Sketch.

Also, we request a Variance allowing us to build a new open front entrance / porch with-in our setback area, with-out meeting the front yard setback averaging requirements. See attached Sketch.

IN ADDITION MY WIFE of I to HOBBIES THAT REQUIRE SPACE OUTSIDE THE HOUSE. WE ARE CURRENTLY USING THE KITCHEN, DINING ROOM of TWO BEDROOMS.

ZONING DESCRIPTION 1515 BELLONA AVENUE

Beginning at a point on the east side of Bellona Avenue at the distance of 50 feet south of the centerline of Morris Avenue, as recorded in Deed Liber 5517, Folio 149 and running thence, South 45 degrees 46 minutes East 163.17 feet, South 23 degrees 04 minutes West 84.75 feet, North 46 degrees 11 minutes West 202 feet and North 50 degrees 19 minutes East 80.31 feet to the place of beginning, containing 0.33 acres. Also known as 1515 Bellona Avenue and located in the 9th Election District, 3rd Councilmanic District.



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CERTICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date August 1, 2004

RE: Case Number 05-038-A

Petitioner/Developer HILL

Date of Hearing Closing AUGUST 16, 2004

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 1515 BELLONA AVENUE

The sign(s) were posted on



(Signature of Sign Poster)

Linda O'Keefe (Printed Name of Sign Poster)

523 Penny Lane (Street Address of Sign Poster)

Hunt Valley Maryland 21030 (City. State. Zip Code of Sign Poster)

410-666-5366 (Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

			ר				
Case Numb	er 05-	038	-A	Address 151	5 BELLO	NA AVE	
Contact Pe	rson: _	DONNA TH Planner	OMPSON Please Print Your I	Vame	Pho	one Number:	410-887-339 ⁻
Filing Date	: -	19/04	_ Posti	ing Date: 8	104	Closing Date	e: <u>8 16 04</u>
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FRONT AVERAGING





DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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:05-028-A
Petitioner: STEPHEN T. HILL
Address or Location: 1519 BELLONA AVENUE, LUTHERVILLE, MC
PLEASE FORWARD ADVERTISING BILL TO:
Name: STEPHEN T. HILL
Address: 1921 YURK ROAD #Z
TIMONIUM MD 21093
Telephone Number: 410-561-9161

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

August 16, 2004

Anne Paynter Hill Stephen Hill 1515 Bellona Avenue Lutherville, Maryland 21093

Dear Mr. and Mrs. Hill:

RE: Case Number:05-038-A, 1515 Bellona Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 19, 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,

u. Callibald

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel Stephen Hill, Architect 1921 York Road # 2 Lutherville 21093



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



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

August 2, 2004

ATTENTION: Zoning Review planners

Distribution Meeting of: August 2, 2004

Item No.:

002, 036-049, 051

Dear Ms. Mathews:

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

RECEIVED

AUG - 3 2004

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 26, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor 2005/25F

Bureau of Development Plans

Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 9, 2004 (1) Item Nos. 036, 037, 038 039, 040, 041, 044, 045, 046, 047, 048, and 051

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr Job

DATE:

August 25, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 2, 2004

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-002

<u>04-0</u>37

05-038

04-039

04-040

04-041

04-044

04-045

04-047

04-048

04-049

04-051

Reviewers:

Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

DATE: August 5, 2004 RECEIVED

AUG - 6 2004

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

ZONING COMMISSIONER

Zoning Advisory Petition(s): Case(s) 5-038 and 5-048

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

MAC/LL



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

Robert L. Flanagan, Secretary Neil J Pedersen, Administrator

Maryland Department of Transportation

Date: 8.2.64

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

RE: Baltimore County

Item No. 038

DT

Dear. Ms. Matthews:

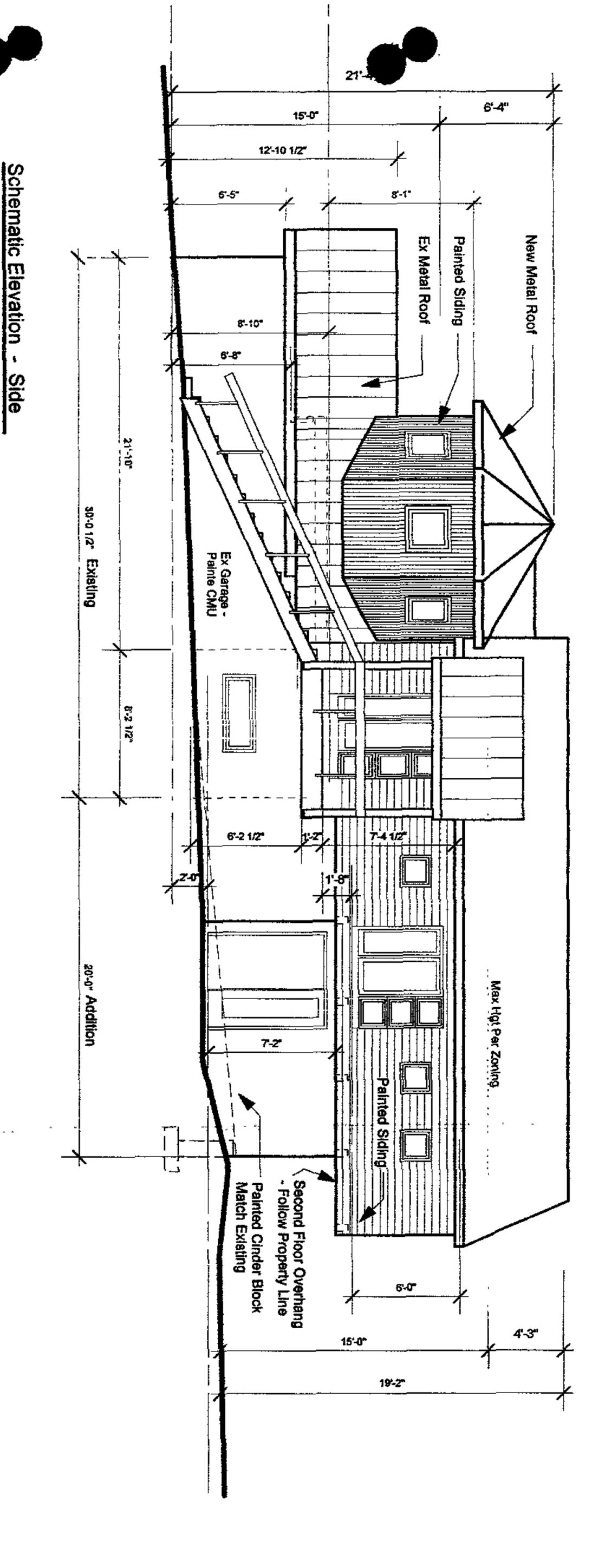
This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

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,

Steven D. Foster, Acting Chief Engineering Access Permits Division

1.1. Doell



July 18, 2004

Proposed Garage Addition & Second Fl

000

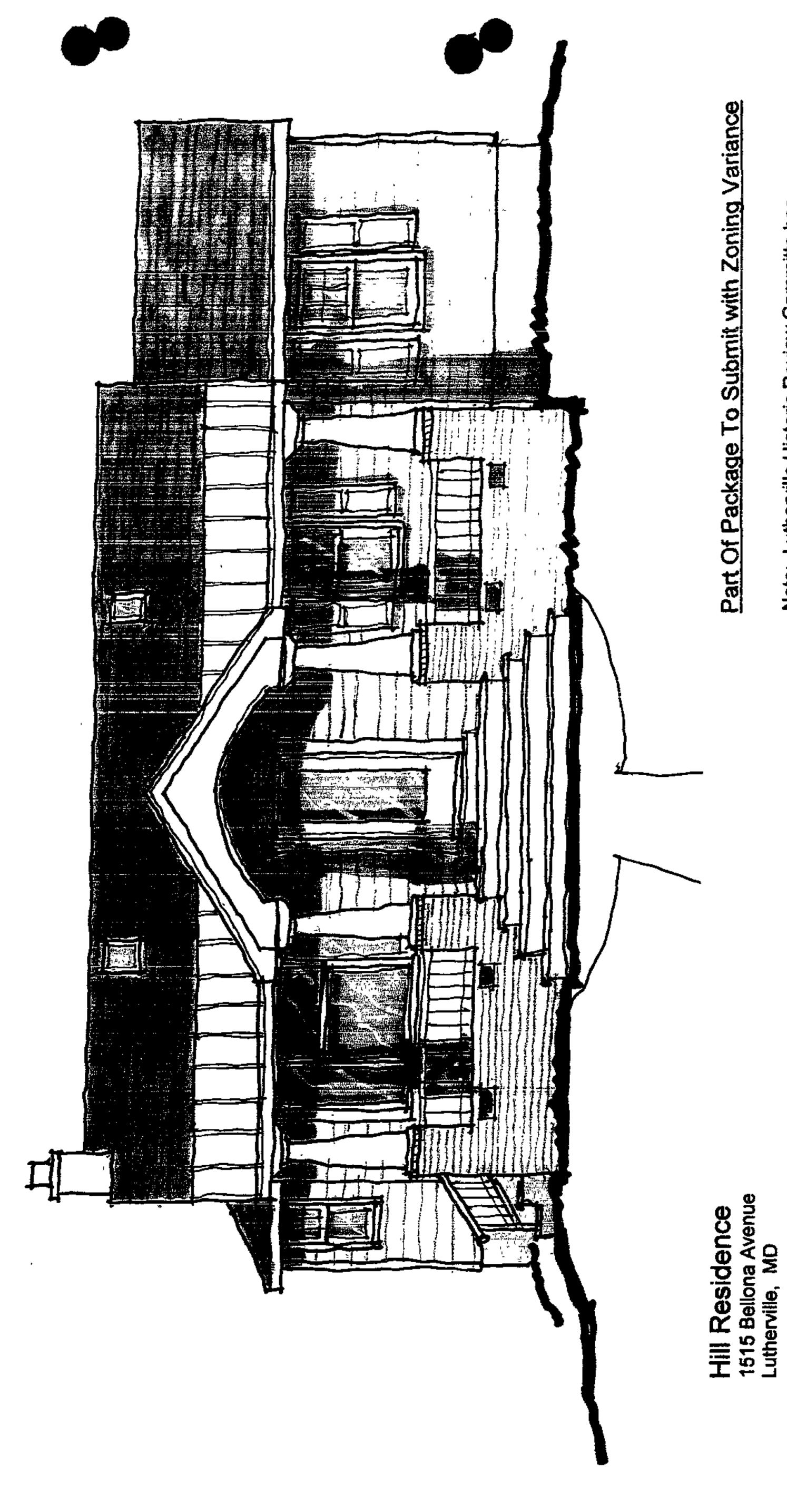
Hill Residence

Lutherville, MD

1515 Bellona Avenue

Part Of Package To Submit with Zoning Variance

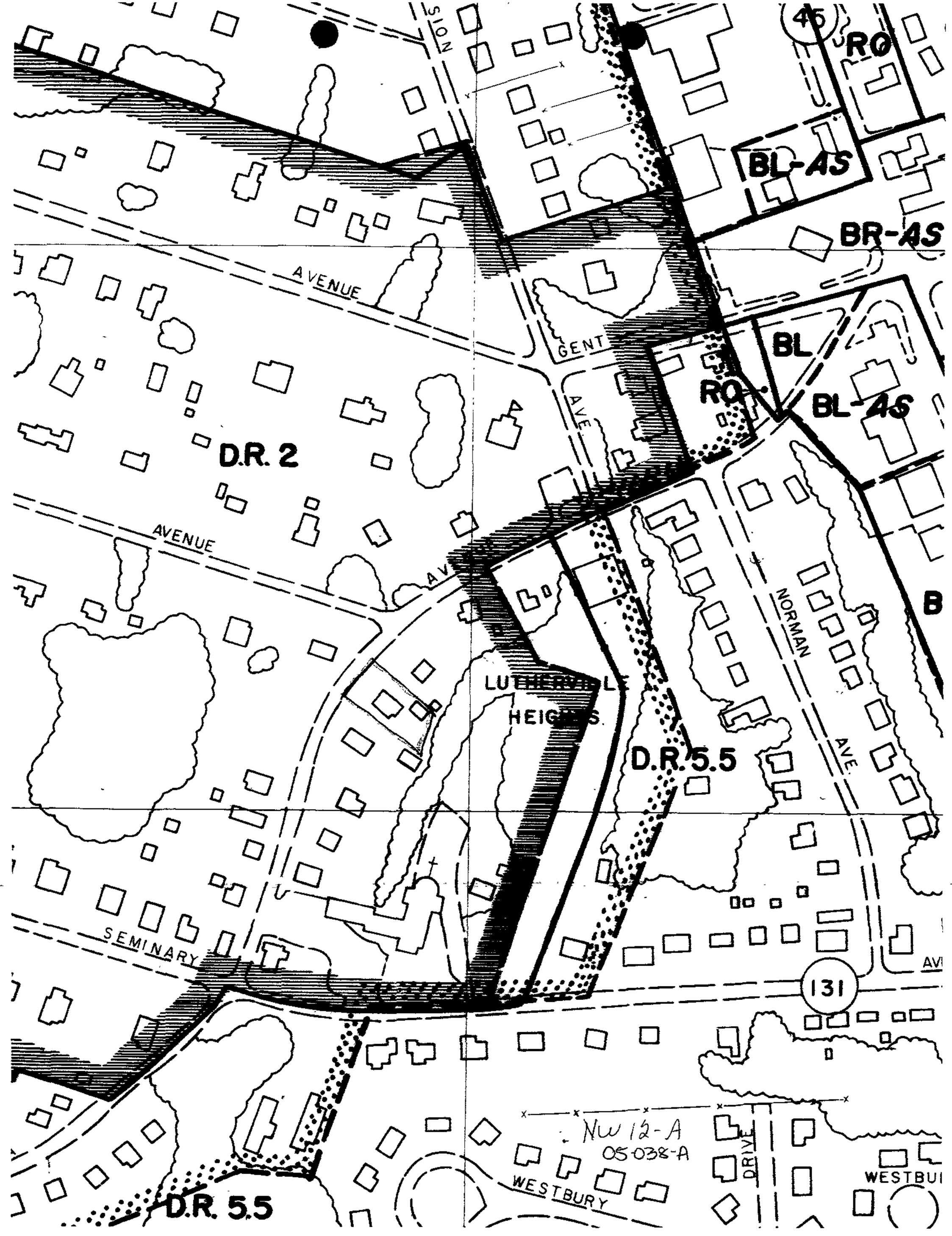
Note: Lutherville Historic Review Committe has directed us to obtain Zoning approval before submitting to County Historic Review.
Letter Pending



Part Of Package To Submit with Zoning Variance

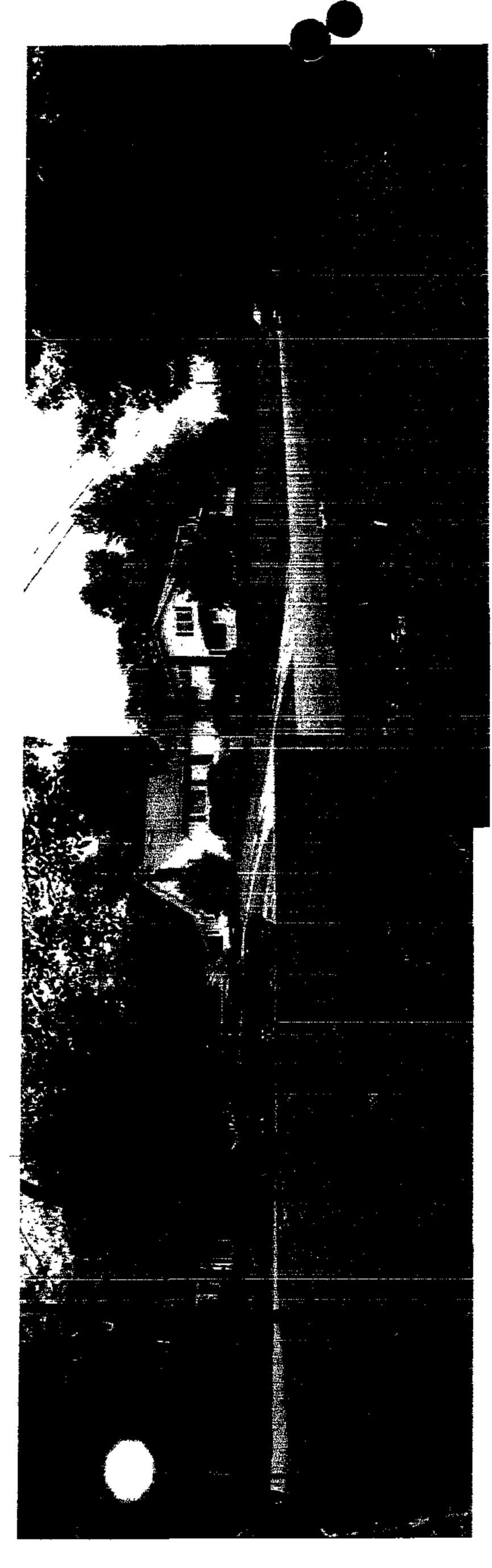
Note: Lutherville Historic Review Committe has directed us to obtain Zoning approval before submitting to County Historic Review.

05-028-4









View from across Bellona Avenue

Stephen T. Hill, Architect 1921 York Road Timonium, Maryland 21093 410-561-9161

NAssociates

sthDESIG

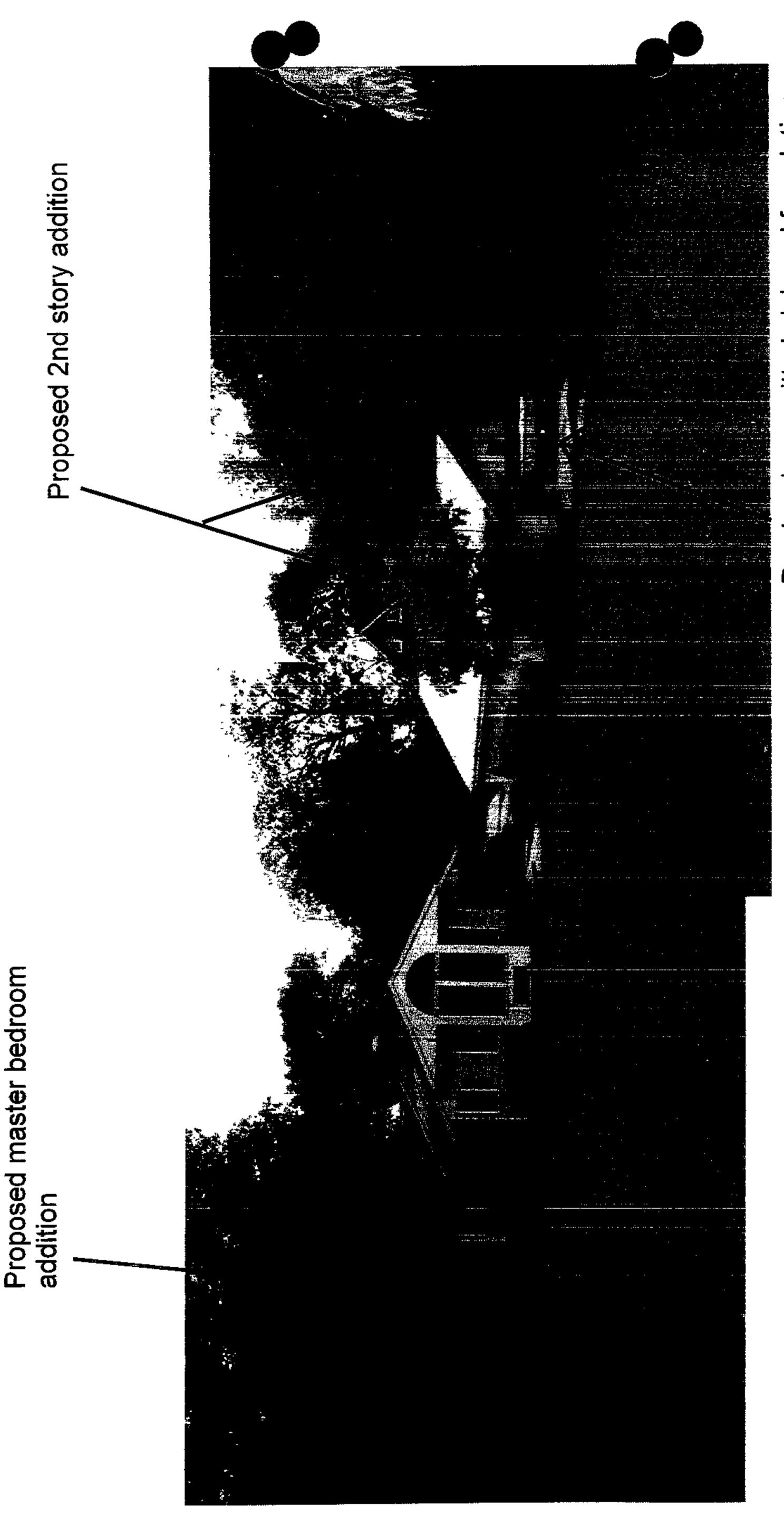
Hill Residence 1515 Bellona Avenue Lutherville, Maryland 2109 Hill Residence 1515 Bellona Avenue Lutherville, Maryland 21093

Neighbor diagonally across and Morris Avenues

Timonium, Maryland 21093 410-561-9161 Hill, Architect Associate sthDESIG Stephen T. 1921 York







Previously permitted slab and foundation construction

Hill Residence 1515 Bellona Avenue Lutherville, Maryland 21093

sth**DESIGN**Associates Stephen T. Hill, Architect 1921 York Road Timonium, Maryland 21093 410-561-9161

------ Morris Avenue 2'-6 1/2' S 45 46' 00" E */- 54'-0" 3c^{0'-0"} \ 20'-0" N 46 11 00" W

05028-1