

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
SW/S of Bradshaw Road (Sunshine Ave.), * DEPUTY ZONING COMMISSIONER
424 ft. NW centerline of Cedar Lane *
11th Election District * FOR
3rd Councilmanic District *
(7455 Bradshaw Road) * BALTIMORE COUNTY

Michele L. Geroulo-Benesch & John Benesch * CASE NO. 05-657-SPHA
Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Special Hearing filed by the legal owners of the subject property, Michele L. Geroulo-Benesch and John Benesch. The Petitioners are requesting special hearing relief for property owned at 7455 Bradshaw Road in the Kingsville area of Baltimore County. The special hearing request is filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a side setback of 42 ft. in lieu of 50 ft. per Section 1A04.3.B.1.b (1) of the B.C.Z.R. The variance request is from Section 1A04.3.B.2.b of the B.C.Z.R., to permit a front yard setback of 70 ft. in lieu of 150 ft. setback from the centerline of a collector road to enclose a front porch.

The property was posted with Notice of Hearing on July 20, 2005, for 15 days prior to the hearing, in order to notify all interested citizens of the requested zoning relief. In addition, a Notice of Zoning hearing was published in "The Jeffersonian" newspaper on July 19, 2005, to notify any interested persons of the scheduled hearing date.

Applicable Law

Section 500.7 of the B.C.Z.R. *Special Hearings*

The Zoning Commissioner shall have the power to conduct such other hearings and pass such orders thereon as shall in his discretion be necessary for the proper enforcement of all zoning regulations, subject to the right of appeal to the County Board of Appeals. The power given hereunder shall include the right of any interested persons to petition the Zoning

ORDER RECEIVED FOR FILING

Date 8/11/05

By Ray

Commissioner for a public hearing after advertisement and notice to determine the existence of any non conforming use on any premises or to determine any rights whatsoever of such person in any property in Baltimore County insofar as they may be affected by these regulations.

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.”

Zoning Advisory Committee Comments

The Zoning Advisory Committee Comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Department of Environmental Protection & Resource Management (DEPRM) dated June 28, 2005, a copy of which is attached hereto and made a part hereof.

Interested Persons

Appearing at the hearing on behalf of the requested special hearing and variance relief were John and Michelle Benesch Petitioners. There were no protestants or interested citizens in attendance at the hearing. People’s Counsel, Peter Max Zimmerman, entered the appearance of his office in this case.

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Date 8/11/05
By [Signature]

Testimony and Evidence

The Petitioners testified that they lived in their home on the subject property for the past 18 years. The home was built in 1932 before the RC regulations were imposed. The Petitioners indicated that they would like to enclose the existing front porch and build an addition on the rear of the existing home. Each is the subject of a zoning request. They indicated that the house lacks space to meet family needs including entertaining six grandchildren as well as other difficulties which inspire them to ask for the requested relief. Particularly they need first floor space for family gatherings.

The first request is to enclose the existing open front porch. See photograph exhibit 3A. They indicated that the noise traffic on Bradshaw Road has increased substantially since they bought their home. The open porch does nothing to impede this noise in the house whereas the enclosed porch would. In addition weather, particularly snow and ice, accumulate on the floor of the open porch causing maintenance problems and costly repair to the floor. The request to enclose the porch triggers the setback distance of 70 feet to the center of the road. In this regard, the RC regulations require a minimum setback of 150 feet. Since the existing house is 78 feet from the center of the road, if the 150 foot setback was strictly enforced, their home would have to disappear. They also noted that several other homes in the neighborhood have enclosed porches.

In addition to enclosing the front porch, they would like to build an addition to the rear of the home to provide more living space especially for a home office which Mr. Benesch uses primarily. They propose to construct a 31.5 x 37.7 foot addition with a basement to the rear of the home by extending the sides of the home towards the rear. Due to the location of the existing

house, and the fact that the house is slightly skewed with respect to the property line, variance relief is necessary to allow a 42 foot setback from the east side lot line.

To meet the regulations on the east side the Petitioners would have to construct an 8 foot cutout along the east side. This poses difficulties because of the architectural features of the rear of the house. This problem is best shown by the photograph of the rear of the existing home, exhibit 3 B. Ms. Benesch indicated that if the east side were cut out 8 feet, the east building edge of the addition would fall between the first floor windows on the right side. Thus the passageway between the existing house and addition would be on one window wide which she indicated was impractical. In addition plumbing for the home is located in the center of the existing home and creating a passage here would be prohibitively expensive. Finally a passage using the area of the existing rear door would put all traffic through her very small kitchen which again she indicated was impractical.

The Petitioners noted again that many homes in the neighborhood had additions similar to that proposed. They indicated that they contact the four closest neighbors on both sides of Bradshaw Road and received three letters of support, exhibit 2. These letters include both neighbors to the east and west of the property.

Findings of Fact and Conclusions of Law

I will treat the request for special hearing as if it were a request for variance. As such I find special circumstances or conditions exist that are peculiar to the land or structure which are the subject of the variance request. The existing home was built many years before the RC 5 regulations were imposed. Therefore I find that the imposition of these regulations impacts this property differently than others in the area built after the regulations were adopted.

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8/11/05
J. Gray

I further find strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. Requiring the 8 foot cut out along the east side of the addition in the rear imposes impractical constraints on the Petitioners especially in regard to passageway connections between the addition and the existing house. The front porch is already 70 feet from the center of the road and there is no way to meet the 150 foot setback. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will result from granting these variances. Finally I find that these variances can be granted in strict harmony with the spirit and intent of said regulations, and in a manner as to grant relief without injury to the public health, safety and general welfare. These additions will not change the pattern of development in the neighborhood.

Pursuant to the advertisement, posting of the property, and public hearing on this petition held, and after considering the testimony and evidence offered by the Petitioners, I find that the Petitioners' special hearing request should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11 day of August, 2005, that the Petitioners' request for special hearing relief filed pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.), to approve a side setback of 42 ft. in lieu of 50 ft. per Section 1A04.3.B.1.b (1) of the B.C.Z.R., be and is hereby GRANTED.

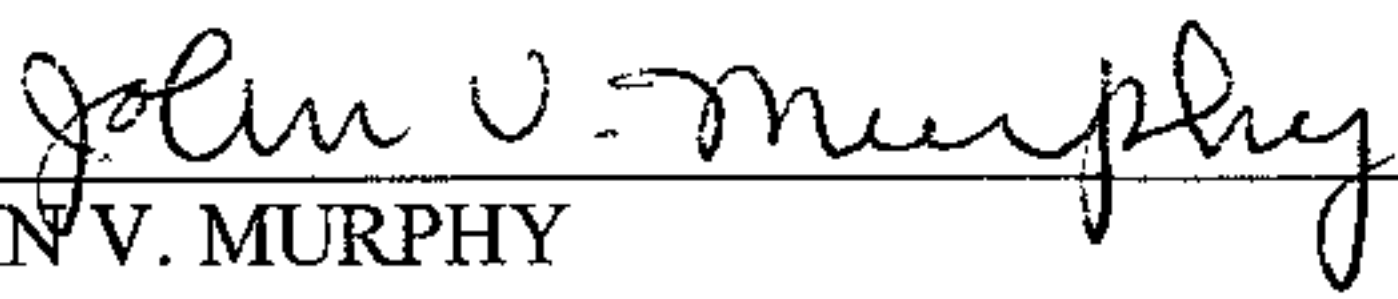
IT IS FURTHER ORDERED, that the variance request from Section 1A04.3.B.2.b of the B.C.Z.R., to permit a front yard setback of 70 ft. in lieu of 150 ft. setback from the centerline of a collector road to enclose a front porch, be and is hereby GRANTED, subject, however, to the following restrictions which 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. Compliance with the ZAC comments made by DEPRM dated June 28, 2005, a copy of which is attached hereto and made a part hereof;
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

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

ORDER RECEIVED FOR FILING
Date 8/11/05
By [Signature]



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 7455 BRADSHAW ROAD 21087
which is presently zoned RC-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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

OF 42 FT. IN LIEU OF 50 FT. SIDE SETBACK
1404.3 B16.(1).

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

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

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:

Legal Owner(s):

Name - Type or Print

Name - Type or Print

Signature

Signature

Address

Telephone No.

City

State

Zip Code

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

Name

Address

Telephone No.

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING _____

Reviewed By SPH Date 06-10-05

ORDER RECEIVED FOR FILING
8/11/05
9/15/98

Case No. 05-657-SPH



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7455 BRADSHAW RD 21087
which is presently zoned RC-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) 1A64.3 B.2.6 to permit a

FRONT YARD SETBACK OF 70 FT. IN L.W. OF 150 FT. SETBACK
FROM C/L OF A COLLECTOR RD TO ENCLOSE A FRONT PORCH

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

SEE ATTACHED.

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____

Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

JOHN BENESCH
Name - Type or Print _____
John Benesch
Signature _____
MICHELE L. GERONDO BENESCH
Name - Type or Print _____
Michele L. Gerondo-Benesch
Signature _____
7455 BRADSHAW RD 910-592-3458
Address Telephone No. _____
KINGSVILLE MD 21087
City State Zip Code _____

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING

Reviewed By STH Date 06-10-05

Case No. OS-G57-SP4A

ORDER RECEIVED FOR FILING

Date 8/11/05
By [Signature]
REV 3/15/98

OS-G57-SP4A

***Problem Resolution and Updating to 70+ year old home requested in Two Parts:**

*On going *high moisture conditions make it impossible to expand our living space into our existing basement, also must end on- going flow of water down into basement exterior entrance way, handled under poor weather conditions by a sump pump, self-generator and "bailing".*

(Professional advice: "leave existing basement as is "unfinished" with concrete walls and floors exposed to breathe and dry out
*Existing problem plus low ceiling height and low hanging heating mechanicals would not make for a safe or satisfactory living space.)

Part One: **Request: Foot Print Addition** (____ _sq ft) **NOT to exceed existing profile of house from front view, extend sides straight back, in line with existing house sides. Alter Back Of House To Eliminate *Problem And Accommodate:**

. **Additional new family room/computer work space** (My out-of-state employer requires I work from home)

. **"New" full basement, just below new room** constructed in today's waterproofing codes and standards, resulting in a safe dry storage area

. **Enlargement of existing 1st flr half bath and entrance change;** access from new room with space and door way sized to accommodate a parent w/ toddler or elderly w/walker (presently within ____ x ____) clearance only ____"

. **Internal Basement Stairwell**, rather than external, ... internal entrance would eliminate water "rush" down into basement exterior entrance as it lies at the lower portion of lay of the property. **.New Back Steps/Porch Landing**

(because of set-backs, because of septic, because of water well, no other place to relocate basement entrance)

Part Two: **Request: Enclose Existing Front Porch** footprint of front porch would NOT change

Entrance Foyer air-lock/barrier to both cold and heavy street traffic noise_offers more protection sturdy construction_ (Eliminate destructive winter de-icing, persistent freeze/thaw to N. facing front porch entrance) Add (only) **Coat Closet** and **Natural Light** to dark side.

ORDER RECEIVED FOR FILING

Date _____

By _____

05-657-SHA

their

personal representatives/~~successors~~ and assigns

, in fee simple, all

that lot of ground situate in Baltimore County, Maryland,

and described as follows, that is to say:

BEGINNING for the same at a point in the middle of the road leading from Kingsville to Upper Falls (commonly called Sunshine Avenue) at the distance of about 424 feet measured northwesterly along the middle of the said road from its intersection with the middle of the road known as Cedar Lane and which said point of beginning is also magnetically North 50 degrees 10 minutes East and distant 25.5 feet from a piece of iron pipe set in the ground on the southwest side of the first mentioned road; thence leaving the middle of the road and running for dividing lines through and across the lands of Frank J. Goettner magnetically to date South 50 degrees 10 minutes West 25.5 feet to the said iron pipe; and thence still South 50 degrees 10 minutes West 220.4 feet more to another piece of iron pipe set in the field; thence North 45 degrees 23 minutes West 125.4 feet to another piece of iron pipe set in the field; thence North 50 degrees 10 minutes East 253.4 feet to a piece of iron pipe set on the Southwest side of the first mentioned road; and thence still North 50 degrees 10 minutes East 27.0 feet more to the middle of the road; and thence running with and bounding on and in the middle of the road South 25 degrees 45 minutes East 54.2 feet and South 33 degrees 20 minutes East 72.8 feet to the place of beginning. Containing 0.771 of an acre of land, more or less, as laid out by Sommerville and Sommerville, Surveyors, September 2, 1931.

14
46
46
10
BEING the same property described in a Deed dated December 13, 1974 and recorded among the Land Records of Baltimore County in Liber E.H.K.Jr. No. 5498, Folio 947, which was granted and conveyed by Joseph W. Dow and Ann B. Dow, his wife, unto Thomas S. Dorsett and Charlotte R. Dorsett, his wife, the within named Grantors.

B

B101****149600Da 817% A

ZONING DESCRIPTION

OS. 657-SP4A

No. 39

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 10. $\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

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1. The first part of the document is a list of names and their corresponding dates. The names are: "John", "Mary", "James", "Elizabeth", "Thomas", "Sarah", "Michael", "David", "William", "Richard", "Robert", "Henry", "George", "Charles", "Edward", "John", "Mary", "James", "Elizabeth", "Thomas", "Sarah", "Michael", "David", "William", "Richard", "Robert", "Henry", "George", "Charles", "Edward". The dates are: "1790", "1791", "1792", "1793", "1794", "1795", "1796", "1797", "1798", "1799", "1800", "1801", "1802", "1803", "1804", "1805", "1806", "1807", "1808", "1809", "1810", "1811", "1812", "1813", "1814", "1815", "1816", "1817", "1818", "1819", "1820", "1821", "1822", "1823", "1824", "1825", "1826", "1827", "1828", "1829", "1830", "1831", "1832", "1833", "1834", "1835", "1836", "1837", "1838", "1839", "1840", "1841", "1842", "1843", "1844", "1845", "1846", "1847", "1848", "1849", "1850", "1851", "1852", "1853", "1854", "1855", "1856", "1857", "1858", "1859", "1860", "1861", "1862", "1863", "1864", "1865", "1866", "1867", "1868", "1869", "1870", "1871", "1872", "1873", "1874", "1875", "1876", "1877", "1878", "1879", "1880", "1881", "1882", "1883", "1884", "1885", "1886", "1887", "1888", "1889", "1890", "1891", "1892", "1893", "1894", "1895", "1896", "1897", "1898", "1899", "1900", "1901", "1902", "1903", "1904", "1905", "1906", "1907", "1908", "1909", "1910", "1911", "1912", 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James L. Beck

44 (1884) 10

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PINK - AGENCY

YELLOW - CUSTOMER

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: #05-657-SPHA

7455 Bradshaw Road

S/west side of Bradshaw Road (Sunshine Avenue),

424 ft. n/west of centerline of Cedar Lane

11th Election District - 3rd Councilmanic District

Legal Owner(s): John Benesch & Michele L. Geroulo-Benesch

Special Hearing: to allow a side setback of 42 feet in lieu of 50 feet. **Variance:** to permit a front yard setback of 70 feet in lieu of 150 feet setback from centerline of a collector road to enclose a front porch.

Hearing: Thursday, August 4, 2005 at 11:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue, Towson 21204.

WILLIAM J. WISEMAN, III

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 concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

JT/7/686 July 19

59430

CERTIFICATE OF PUBLICATION

7/20/2005

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 7/19/2005.

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No.: 05-657-SPHA

Petitioner/Developer: _____

JOHN & MICHELE BENESCH

Date of Hearing/Closing: 8/4/05

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

Attention:

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 _____

7455 BRADSHAW RD.

The sign(s) were posted on 7/20/05
(Month, Day, Year)

CASE # 05-657-SPHA

Sincerely,

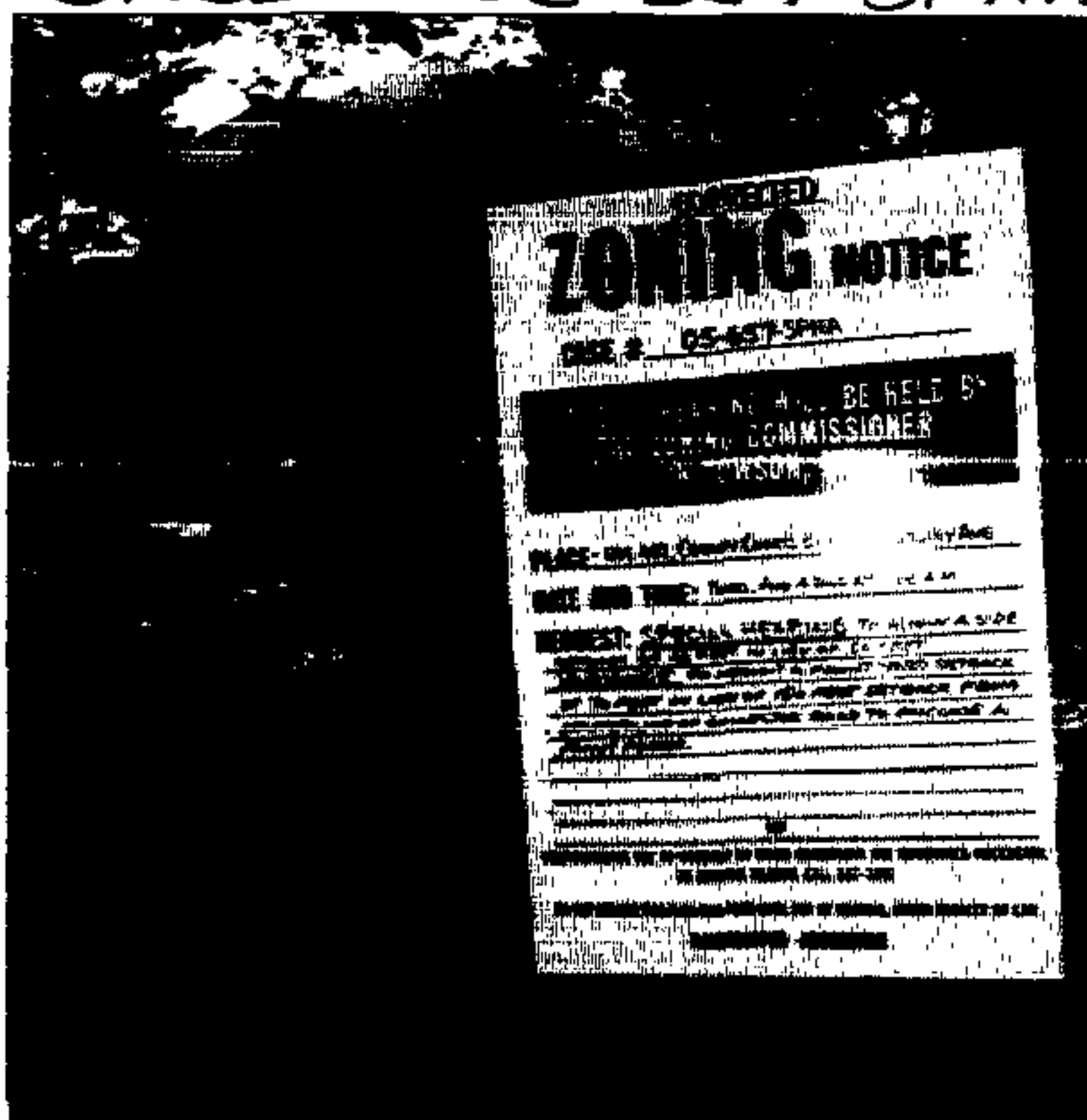
Richard E. Hoffman 7/20/05
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

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

(410) 879-3122
(Telephone Number)



7455 BRADSHAW RD.

POSTED 7/20/05

Richard E. Hoffman 7/20/05



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

June 28, 2005

CORRECTED 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: 05-657-SPHA

7455 Bradshaw Road

S/west side of Bradshaw Road (Sunshine Avenue), 424 ft. n/west of centerline of Cedar Lane

11th Election District – 3rd Councilmanic District

Legal Owners: John Benesch & Michele L. Geroulo-Benesch

Special Hearing to allow a side setback of 42 feet in lieu of 50 feet. Variance to permit a front yard setback of 70 feet in lieu of 150 feet setback from centerline of a collector road to enclose a front porch.

Hearing: Thursday, August 4, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink that reads "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: John & Michele Benesch, 7455 Bradshaw Road, Kingsville 21087

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 20, 2005.**
- (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, July19, 2005 Issue - Jeffersonian

Please forward billing to:

John Benesch & Michele Geroule-Benesch
7455 Bradshaw Road
Kingsville, MD 21087

410-592-3458

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: 05-657-SPHA

7455 Bradshaw Road

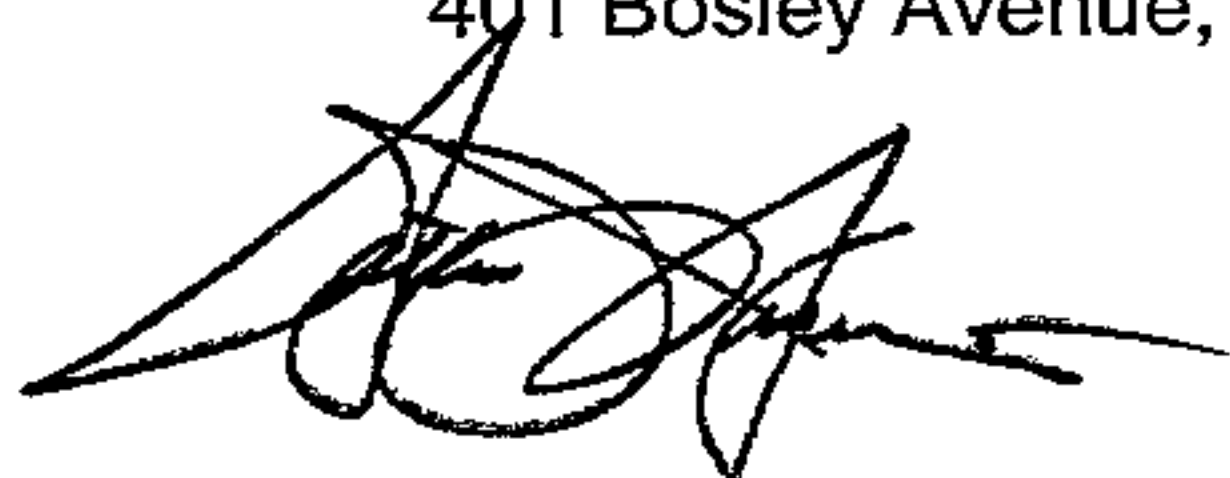
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Hearing: Thursday, August 4, 2005 at 11:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel 410-887-3353 • Fax 410-887-5708

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

June 21, 2005

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: 05-657-SPHA

7455 Bradshaw Road

S/west side of Bradshaw Road (Sunshine Avenue), 424 ft. n/west of centerline of Cedar Lane

11th Election District – 3rd Councilmanic District

Legal Owners: John Benesch & Michele L. Geroulo-Benesch

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A handwritten signature in black ink, appearing to read "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: John & Michele Benesch, 7455 Bradshaw Road, Kingsville 21087

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, JULY 20, 2005.**
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TO: PATUXENT PUBLISHING COMPANY
Tuesday, July19, 2005 Issue - Jeffersonian

Please forward billing to:

John Benesch & Michele Geroule-Benesch
7455 Bradshaw Road
Kingsville, MD 21087

410-592-3458

NOTICE OF ZONING HEARING

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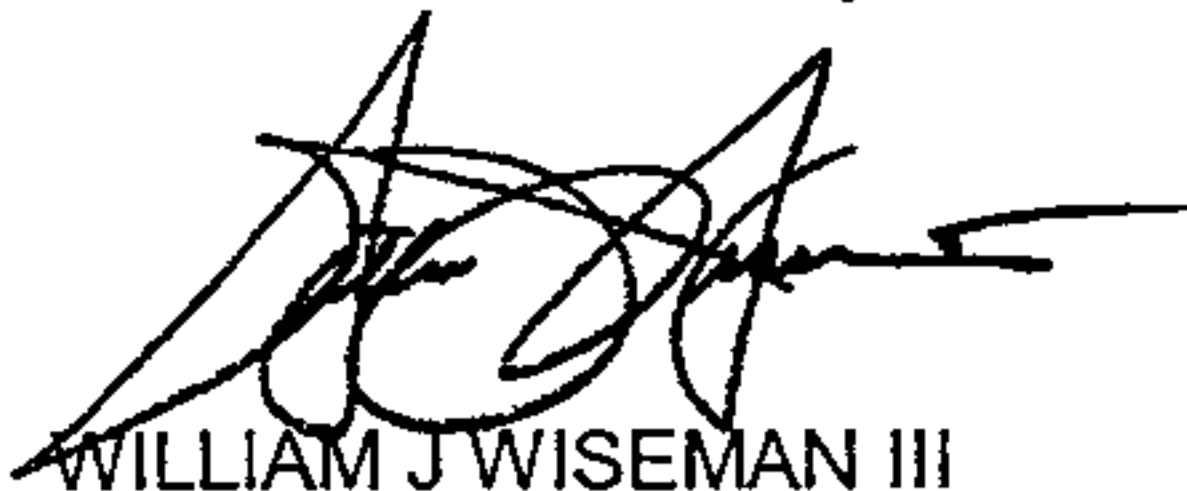
7455 Bradshaw Road

S/west side of Bradshaw Road (Sunshine Avenue), 424 ft. n/west of centerline of Cedar Lane
11th Election District – 3rd Councilmanic District

Legal Owners: John Benesch & Michele L. Geroulo-Benesch

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WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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**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: OS - 657-SP4A
Petitioner: JOHN BENESCH MICHELE GERARDO-BENESCH
Address or Location: 7455 BRADSHAW RD KINGSVILLE MD 21087

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOHN BENESCH MICHELE GERARDO-BENESCH
Address: 7455 BRADSHAW RD
KINGSVILLE MD 21087

Telephone Number: 410-592-3458

Revised 2/20/98 - SCJ

OS-657-SP4A

**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 25, 2005

John Benesch
Michelle Geroulo-Benesch
7455 Bradshaw Road
Kingsville, Maryland 21087

Dear Mr. and Mrs. Benesch:

RE: Case Number: 05-657-SPHA, 7455 Bradshaw Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 10, 2005.

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, appearing to read "Carl Richards Jr.", is written over a circular official stamp.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

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



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

June 20, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 4, 2005

Item No.

633, 639, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657,
658, 659, 660 and 661

Pursuant to your request, the above referenced plan(s) have been reviewed by this Office and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Department has no comments at this time.

If you have any questions contact my office.

Acting Lt. Warren T. Moffitt
Fire Marshal's Office
410-887-4880
MS-1102F

Cc:file



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 6.20.05

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

RE: Baltimore County
Item No. 657 JRA

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, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1 800 735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

RECEIVED

JUN 28 2005

ZONING COMMISSIONER

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr *JD*
DEPRM

DATE: June 28, 2005

SUBJECT: Zoning Item # 05-657
Address 7455 Bradshaw Road

Zoning Advisory Committee Meeting of June 20, 2005

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

_____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

An evaluation of the existing well and septic system may be required prior to issuance of a building permit. For additional information, please contact the Groundwater Management section.

Reviewer: Sue Farrinetti Date: June 28, 2005

ORDER RECEIVED FOR FILING
5/11/05
Gray

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: June 28, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 27, 2005
Item No. 657

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The minimum right of way for all public roads in Baltimore County is 40-foot. Setback shall be modified accordingly.

DAK:CEN:clw
cc: File
ZAC-ITEM NO 657-06282005doc

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
7455 Bradshaw Road; SW/side Bradshaw Rd * ZONING COMMISSIONER
(Sunshine Ave) 424' NW c/line Cedar Lane *
11th Election & 3rd Councilmanic Districts * FOR
Legal Owner(s): John & Michelle Benesch *
Petitioner(s) * BALTIMORE COUNTY
* 05-657-SPHA

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/documentation filed in the case.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County
Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of June, 2005, a copy of the foregoing Entry of Appearance was mailed to John & Michelle Benesch, 7455 Bradshaw Road, Kingsville, MD 21087, Petitioner(s).

RECEIVED

JUN 16 2005

Per.....

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

PLEASE PRINT CLEARLY

CASE NAME

CASE NUMBER

DATE

05-657-SHA
8/4/05

PETITIONER'S SIGN-IN SHEET

NAME

ADDRESS

CITY, STATE, ZIP

E-MAIL

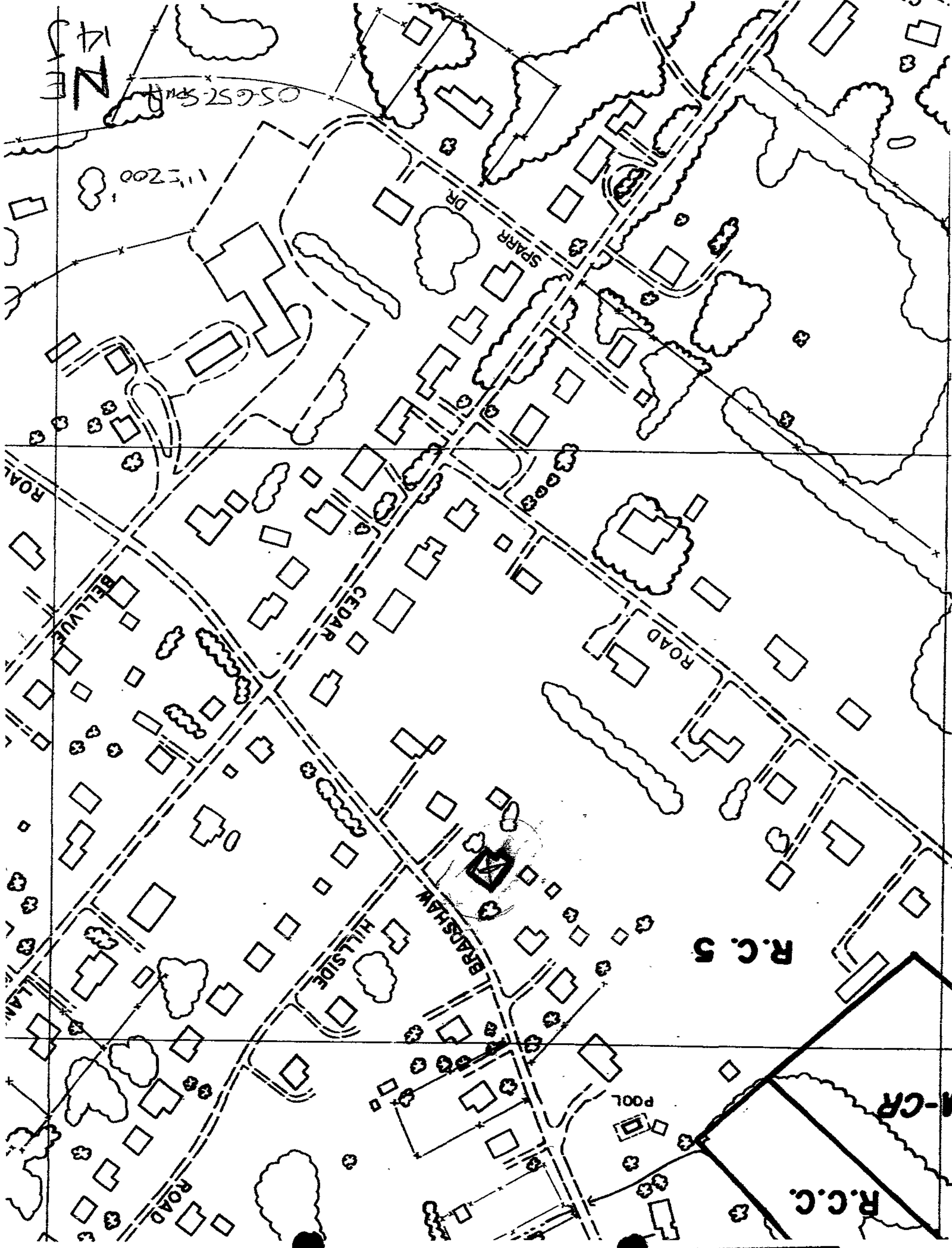
JOHN + MICHELLE BENESECH

7455 BRADSHAW RD

KINGSVILLE MD 21087

THIS IS DOCUMENTAGE @
EXHIBITION E-MAIL

OFFICIAL 200' SCALE



143
N

05-259-50

0025,1

R.C. 5

R.C.C.

I-CR

POOL

HILLSIDE

BRASHAW

CEGAR

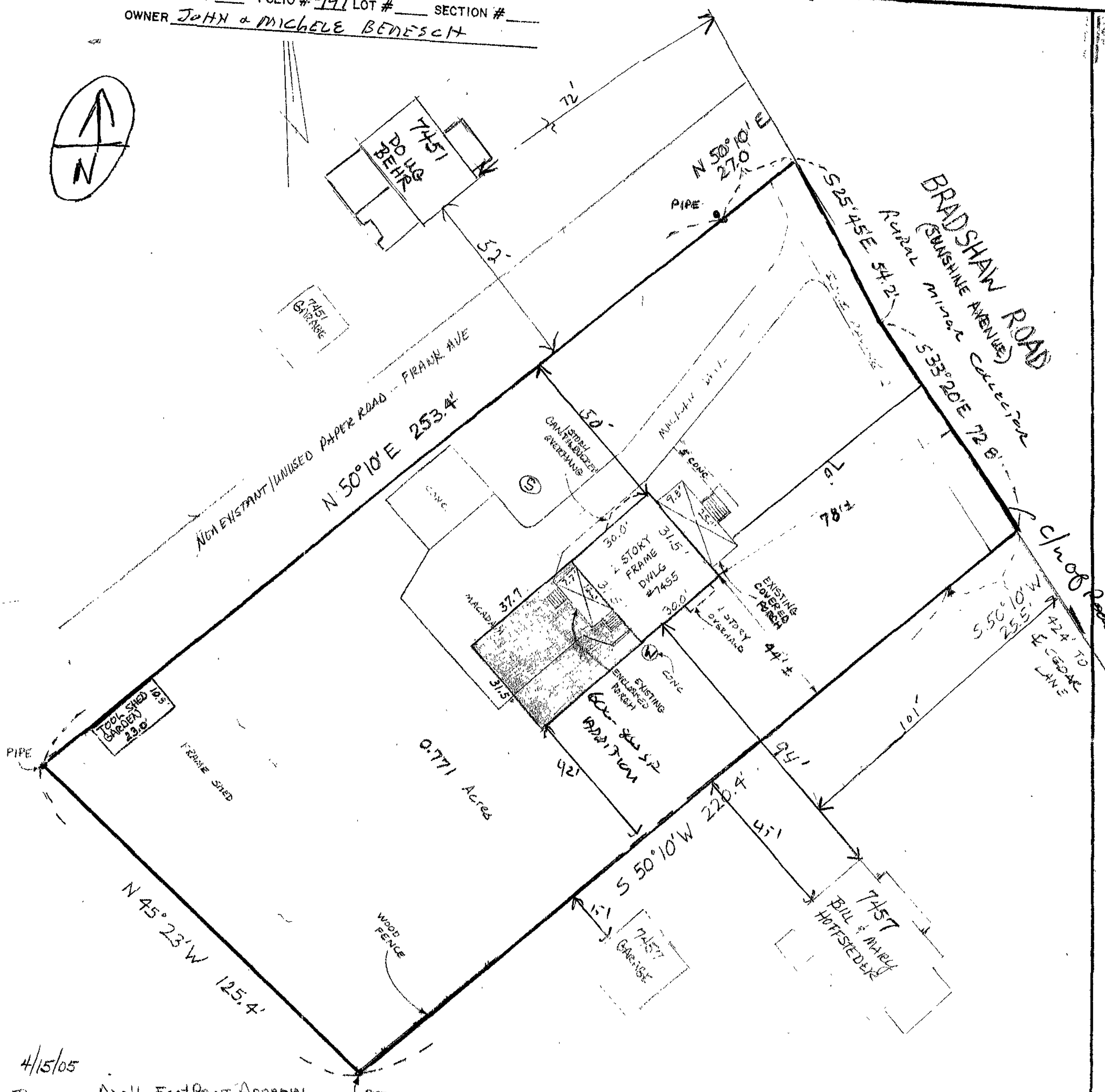
SPARR

BELVUE

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☒ SPECIAL HEARING

PROPERTY ADDRESS 7455 BRADSHAW RD
SUBDIVISION NAME _____
PLAT BOOK # _____ FOLIO # 947 LOT # _____ SECTION # _____
OWNER JOHN & MICHELE BENESECH

SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION



4/15/05

REQUEST ADD'L FOOTPRINT APPROVAL

30 X 31.5 = 945
7.7 X 2.2 = 17 (16.94)
7.7 X 13.3 = 102.5
TOTAL = 1064.5

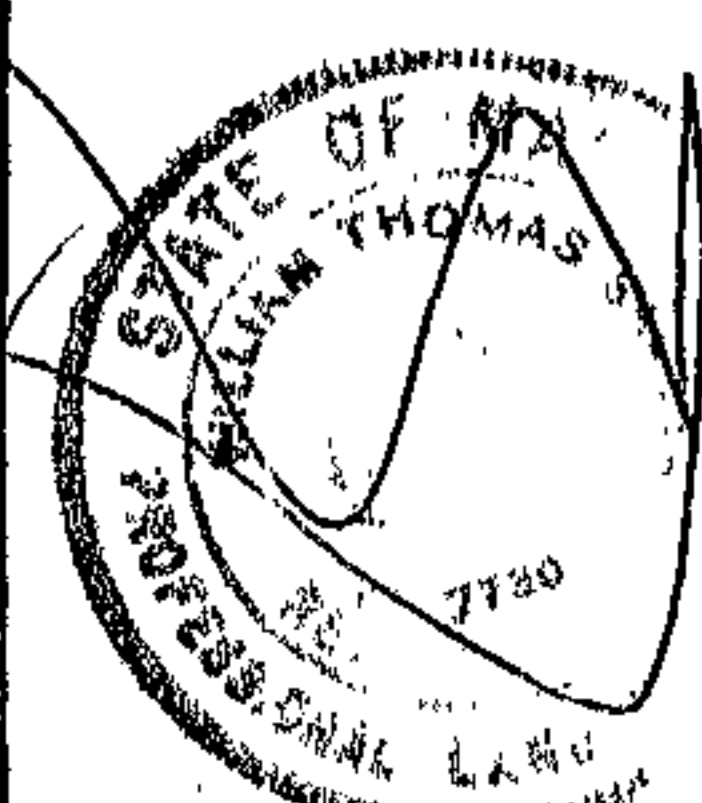
REQUEST ENCLOSURE EXISTING FRONT PORCH

NOTE: MACADAM DRIVE WILL DECREASE
I HEREBY CERTIFY THAT I HAVE MADE A SURVEY OF THIS LOT
PURPOSE OF LOCATING THE IMPROVEMENTS THEREON AND THAT
LOCATED AS SHOWN.

REG. NO. 1730

W. T. SADLER
Surveyors

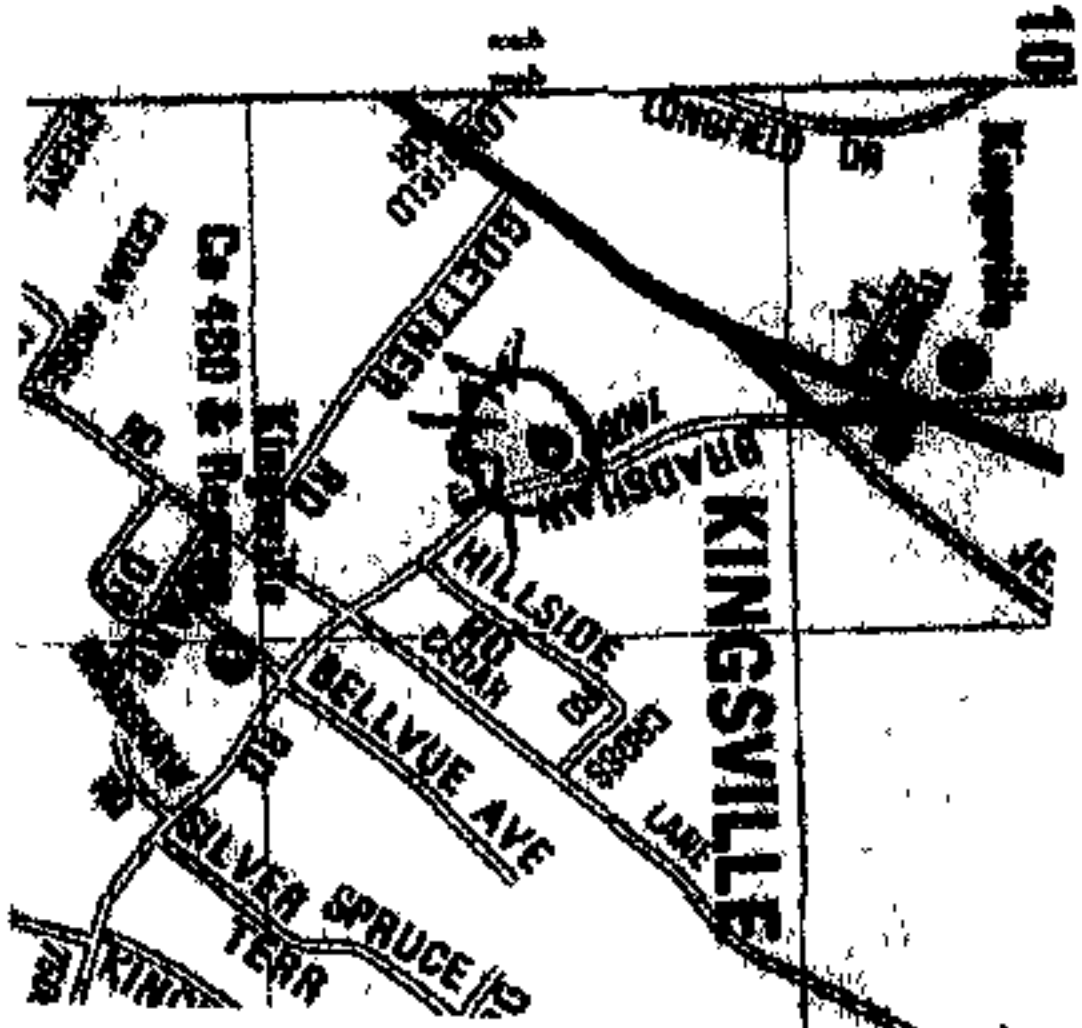
507 MAIN STREET
REISTERSTOWN, MD.
21136



ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM #
CASE #	
CHESAPEAKE BAY CRITICAL AREA	
100 YEAR FLOOD PLAIN	YES ☐ NO ☒
HISTORIC PROPERTY / BUILDING	YES ☐ NO ☒
PRIOR ZONING HEARING	YES ☐ NO ☒
SEWER ☐ PUBLIC ☒ PRIVATE ☒	
WATER ☐	



VICINITY MAP
SCALE: 1" = 1000'



1" = 30'

ADD. NO. 5-15610

NOTE: This Plat cannot be used to establish property lines or corners.

Pet #1

Michele Geroulo-Benesch
Jack Benesch
7455 Bradshaw Rd.
Kingsville, MD 21087

Baltimore County Dept. of Permits
Request for Variance
Case 05-567SPHA
7455 Bradshaw Rd.
Kingsville, Md. 21087

Q 8/27

DOUGLAS M BEHR
7451 BRADSHAW ROAD
KINGSVILLE MARYLAND 21087

August 1, 2005

TO: Baltimore County Department of Permits and Development
RE: Request for Variance Case #05-657 SPHA / 7455 Bradshaw Road

I am fully in support of this request by my next-door neighbors.

My back porch is in full view of the proposed addition and other changes and I understand that the "footprint" of the addition will essentially follow the same setback as the existing structure. Since the house was built long before there was zoning or setback requirements in Baltimore County the practical difficulty of building anything onto this house is obvious.

The practical difficulty issue certainly illustrates the need for the variance; however, if it were possible to grant a variance to homeowners because of their friendliness and good will, concern for their neighbors, and their impeccable aesthetic taste, my neighbors would merit a variance on these terms alone!

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas M. Behr". The signature is fluid and cursive, with the first name "Douglas" being more prominent and the last name "Behr" following in a similar style.

25 Jul 05

7454 Bradshaw Road
P.O. Box 224
Kingsville, Maryland
21087

ATTENTION: Baltimore County Department
of Permits and Development
Management Zoning Review

REFERENCE: Request for Variance Case #05-567SPHA
for 7455 Bradshaw Road, Kingsville,
Maryland, 21087.

OWNERS: John Benesch and Michele Geroulis-Benesch

We, the undersigned, residing opposite the property for
which zoning variance is requested, are aware of the
request.

We have been given a description of the proposed changes,
and have no objections to their execution.


CORNELIA J. COOPER


DAVID L. COOPER

August 1, 2005

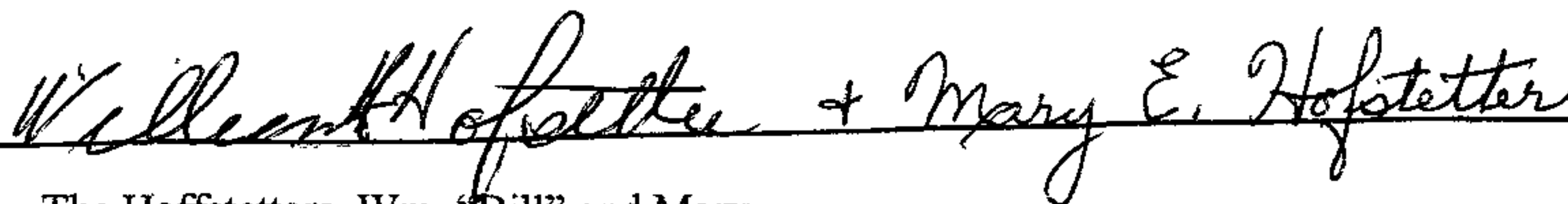
7457 Bradshaw Road
Kingsville, Maryland 21087

Baltimore County Department of Permits and Development Management Zoning Review

REFERENCE: Request for Variance Case #05-567SPHA
7455 Bradshaw Road Kingsville, Maryland 21087

To whom it may concern:

Our immediate neighbors to the West, Jack and Michele Benesch have informed us of their desire to enclose their existing front porch and to create additional living space by extending the side walls of the existing house, straight back to form a room addition. We have no objection to either of these plans.

A handwritten signature in cursive script, reading "William E. Hoffstetter + Mary E. Hoffstetter", is written over a horizontal line.

The Hoffstetters, Wm. "Bill" and Mary
410-592-7549



Existing Front

PW #3A

OS-657-SPH-A



EXISTING REAR

3B

OS.GST.SP4A