

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
S/S of Bengies Road, 250 ft. E		
centerline of Gladway Road	*	ZONING COMMISSIONER
15th Election District		
6th Councilmanic District	*	OF BALTIMORE COUNTY
(1005 Bengies Road)		
	*	CASE NO. 06-059-A
Lorraine D. & Sylvester L. Smith		
Petitioners	*	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Lorraine D. and Sylvester L. Smith. The variance request is for property located at 1005 Bengies Road in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition (sunroom enclosure of existing deck) with a rear yard setback of 30 ft. in lieu of the minimum required 40 ft. 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 August 7, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 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.

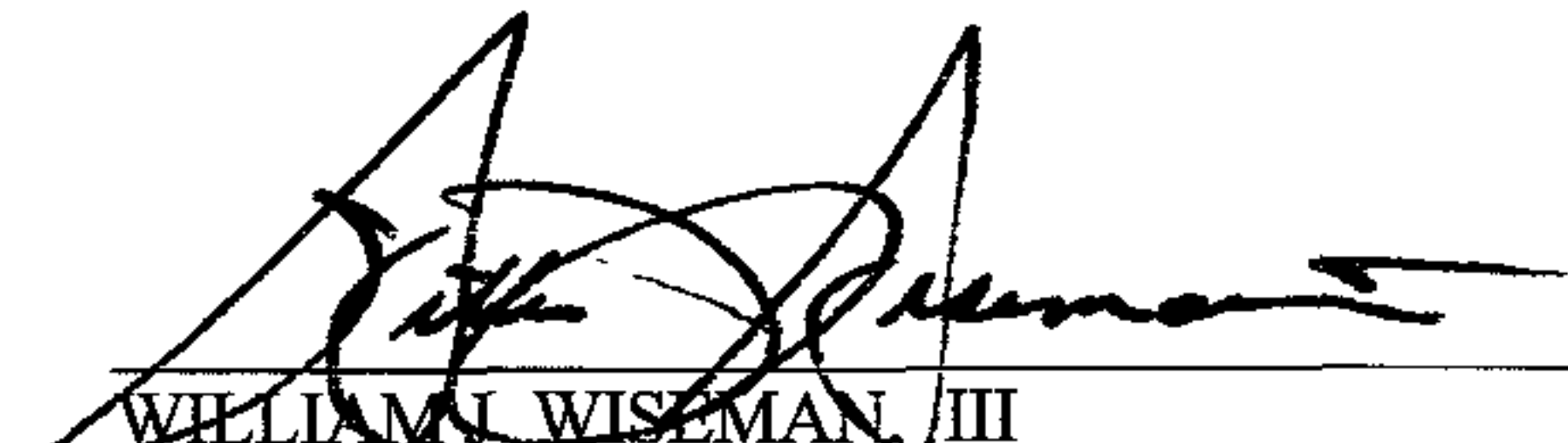
ORDER RECORDED FOR FILING
8/29/05
Ray

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 Zoning Commissioner for Baltimore County, this 29th day of August, 2005, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed addition (sunroom enclosure of existing deck) with a rear yard setback of 30 ft. in lieu of the minimum required 40 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition 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.

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


WILLIAM J. WISEMAN, III
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

WJW,III:raj

FILED FOR FILING
8/29/05
raj

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

August 30, 2005

Mr. & Mrs. Sylvester L. Smith
1005 Bengies Road
Baltimore, Maryland 21220

Re: Petition for Administrative Variance
Case No. 06-059-A
Property: 1005 Bengies Road

Dear Mr. & Mrs. Smith:

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 black ink, appearing to read "William J. Wiseman, III", is written over a horizontal line.

William J. Wiseman, III
Zoning Commissioner

WJW,III: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 1005 Bengies Road
which is presently zoned DR 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, BCZR, to permit a
proposed addition (sunroom enclosure of existing deck) with a rear yard setback
of 30 feet in lieu of the minimum required 40 feet

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):

Sylvester L. Smith

Name - Type or Print

Sylvester L. Smith

Signature

Lorraine D. Smith

Name - Type or Print

Lorraine D. Smith

Signature

1005 Bengies Road 410-391-0563

Address

Telephone No.

Baltimore

MD

21220

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

Reviewed By JNP

Date

7/27/05

Estimated Posting Date

8/7/05

CASE NO. 06-059-A

REV 10/25/01

ORDER RECEIVED FOR FILING

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 1005 Bengies Road
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):

We have an existing open air deck that we want
to enclose so that we can have a hot tub
installed for year round use. I have been
prescribed hydroxychloroquine for arthritis,
but I have been told that the hot tub will help
give me even more relief from the pain.

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.

Sylvester L. Smith
Signature
Sylvester L. Smith
Name - Type or Print

Lorraine D. Smith
Signature
Lorraine D. Smith
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of July, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Sylvester L. Smith + Lorraine D. Smith
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Debra E. Stevens
Notary Public

My Commission Expires 8-1-07

ZONEING DISCREPTION FOR 1005 Bengies Road:

Beginning at a point south of Bengies Road which is fourteen feet wide at a distance of two hundred fifty feet east of Gladway Road which is fourteen feet wide. Being part of lot eight in Middle River Garden Farms as recorded in Baltimore County Plat book #6, Folio #96 containing .85 acres. Also known as 1005 Bengies Road and located in the fifteenth Election District, sixth Councilmanic District.

06-059-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 443257

DATE 17/12/15 ACCOUNT 0-001-001-6150

AMOUNT \$ 6,500

RECEIVED FROM: Sylvester Clarence Smith

FOR: Alma Vaughan - 1000 Bengies Road

06-059-A (Smith)

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE 12/27/2005 TIME 15:18:29
ISSUED BY WALKIN UNIT JHR
CHECK NO. 443257
CHECK DATE 12/27/2005
CHECK AMOUNT \$ 6,500.00
CHECK TYPE CK
CHECK PAYEE BALTIMORE COUNTY, MARYLAND

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-059-A

Petitioner/Developer: SYLVESTER

VLOERINE SMITH

Date of Hearing/Closing: 8-22-05

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

ATTN: Kristen Matthews {(410) 887-3394}

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: _____

1005 BENGIES RD

The sign(s) were posted on _____

8-7-05

(Month, Day, Year)

Sincerely,

Robert Black
(Signature of Sign Poster)

8-9-05
(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

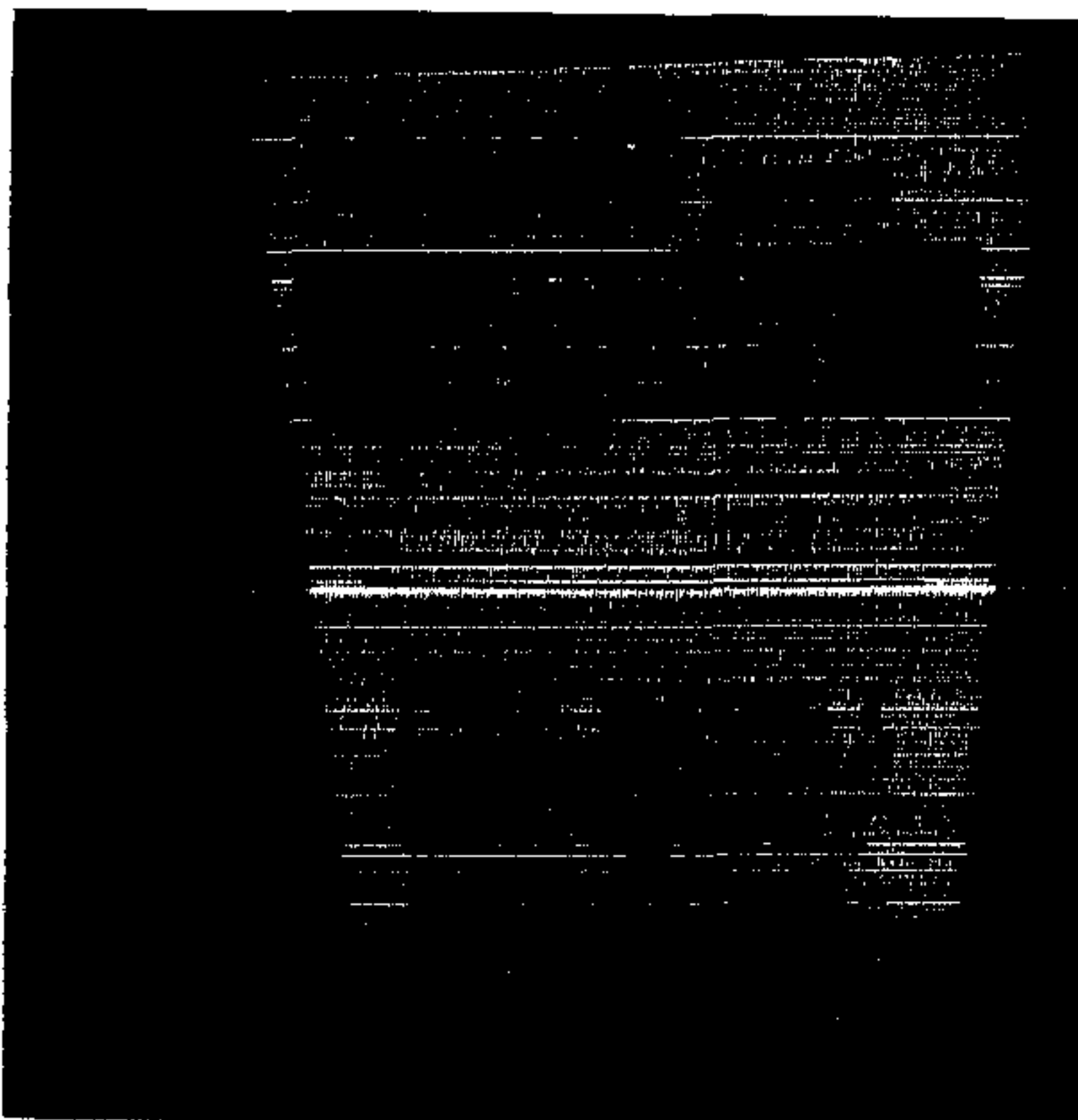
(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



1005 BENGIES RD

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 059 -A Address 1005 Bengies Road
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner Please Print Your Name
Filing Date: 7/27/05 Posting Date: 8/7/05 Closing Date: 8/22/05

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 06- 059 -A Address 1005 Bengies Road
Petitioner's Name Sylvester & Corruine Smith Telephone 410-391-0563
Posting Date: 8/7/05 Closing Date: 8/22/05
Wording for Sign: To Permit a proposed addition (sunroom enclosure of existing deck) with a rear-yard setback of 30 feet in lieu of the minimum required 40 feet.

**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 22, 2005

Sylvester L. Smith
Lorraine D. Smith
1005 Bengies Road
Baltimore, Maryland 21220

Dear Mr. and Mrs. Smith:

RE: Case Number: 06-059-A, 1005 Bengies Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 27, 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 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



Fire Department

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



Baltimore County

James T. Smith, Jr., County Executive
John J. Hohman, Chief

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

August 3, 2005

ATTENTION: Zoning Review planners

Distribution Meeting of: August 8, 2005

Item No.: 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056,
057, 058, 059, 060, 061, 062, 063, 064, 065 and 066.

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-48810
MS-1102F

cc: File

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

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
FROM: R. Bruce Seeley
DATE: September 2, 2005
SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 8, 2005

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

06-048
06-050
06-051
06-056
06-057
06-059
06-064
06-065
06-066

Reviewers: Sue Farinetti, Dave Lykens, Glenn Shaffer, Bruce Seeley

S:\Devcoord\VAC-8-8-05NC doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: June 7, 2005
RECEIVED

AUG 16 2005

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

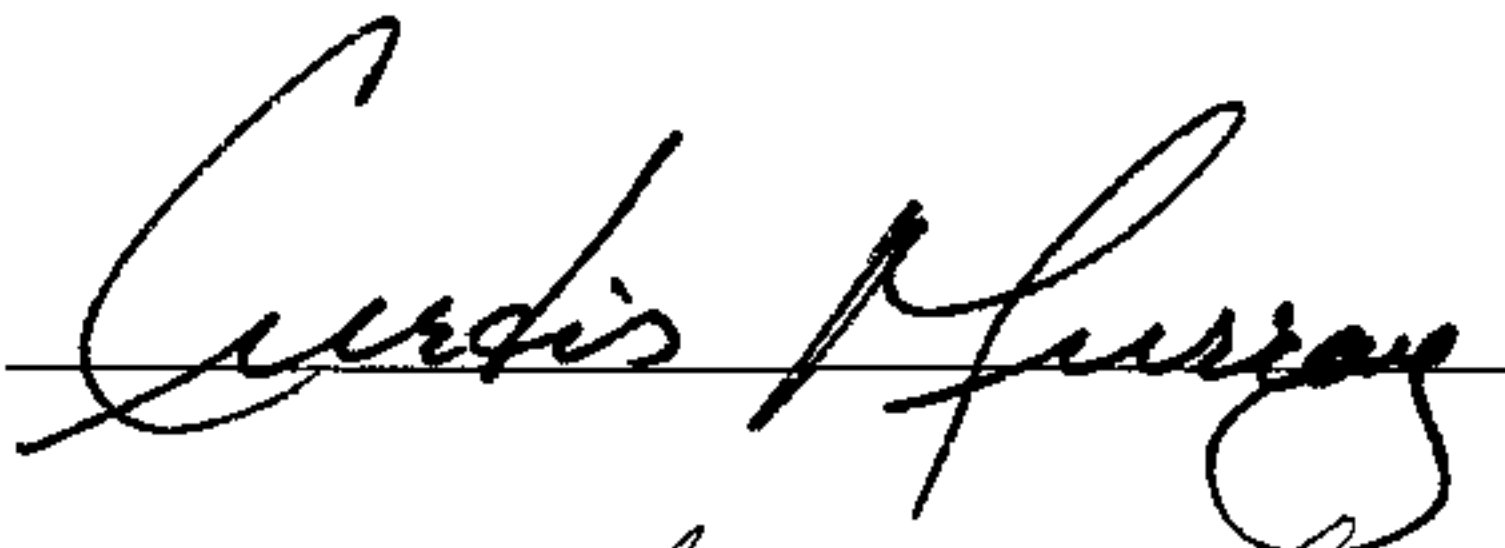
ZONING COMMISSIONER

SUBJECT: Zoning Advisory Petition(s): **Case(s) 6-059- Administrative Variance**

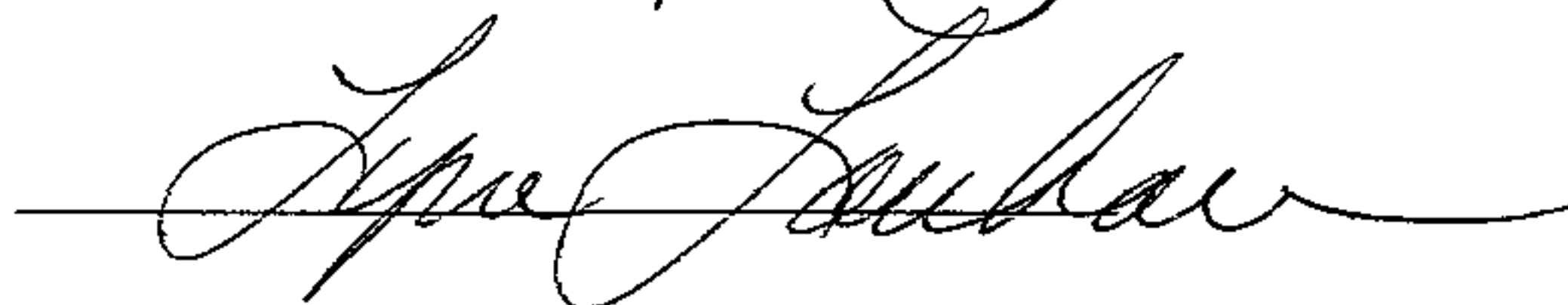
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 10, 2005

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 25, 2005
Item No. 059

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-feet. Show a future 40-foot wide right-of-way centered on the existing 14-foot-wide right-of-way.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 059-08102005.doc

To whom it may concern:

My name is Winston Waldon and I am the owner of the property at 935 Bengies Road. I have no objection at all to the enclosure proposed by Sylvester and Lorraine Smith on their property at 1005 Bengies Road.

Winston Waldon:

Winston T. Waldon

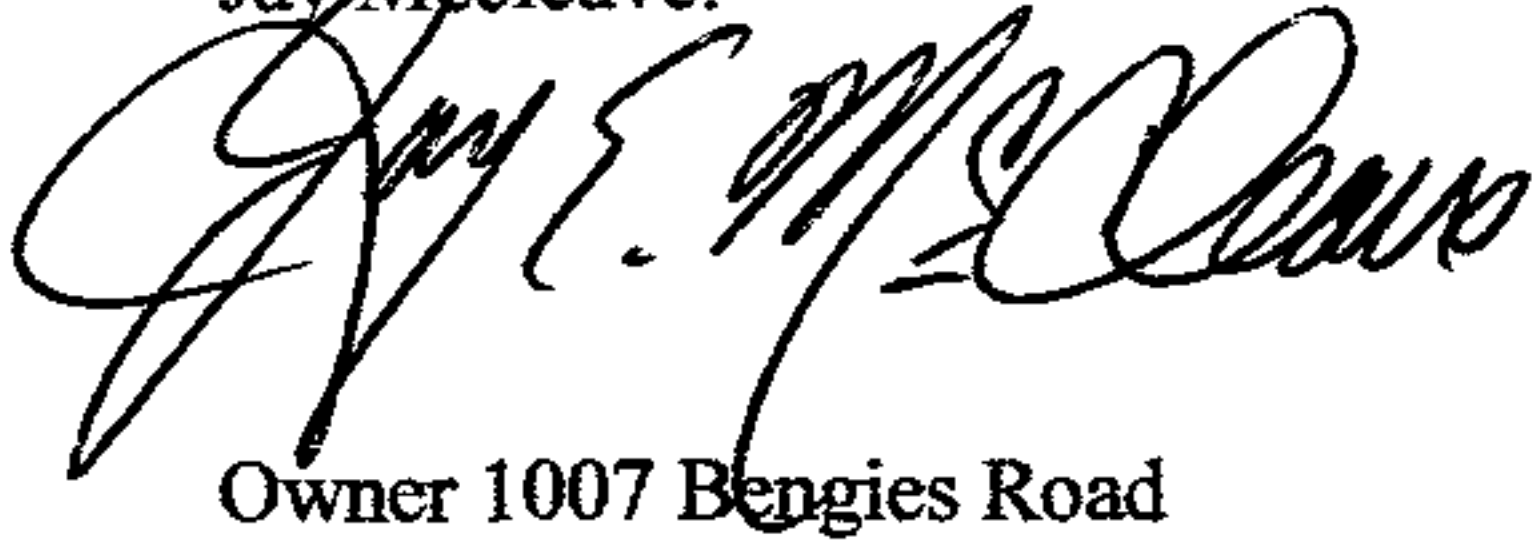
Owner 935 Bengies Road

06-059-A

To whom it may concern:

My name is Jay McCleave and I am the owner of the property at 1007 Bengies Road.
I have no objection at all to the enclosure proposed by Sylvester and Lorraine Smith
on their property at 1005 Bengies Road.

Jay McCleave:

A handwritten signature in black ink, appearing to read "Jay E. McCleave". The signature is fluid and cursive, with the first name "Jay" being particularly prominent.

Owner 1007 Bengies Road

06-059-A



06-059-A

090C1/091A1



DECK FOR PROPOSED
ENCLOSURE

SOUTH SIDE OF
RESIDANCE

06-059-A



WALDON PROPERTY
SOUTH OF RESIDANCE

06-059-A



McCLEAVE

PROPERTY

SOUTH OF RESIDENCE

06-059-A



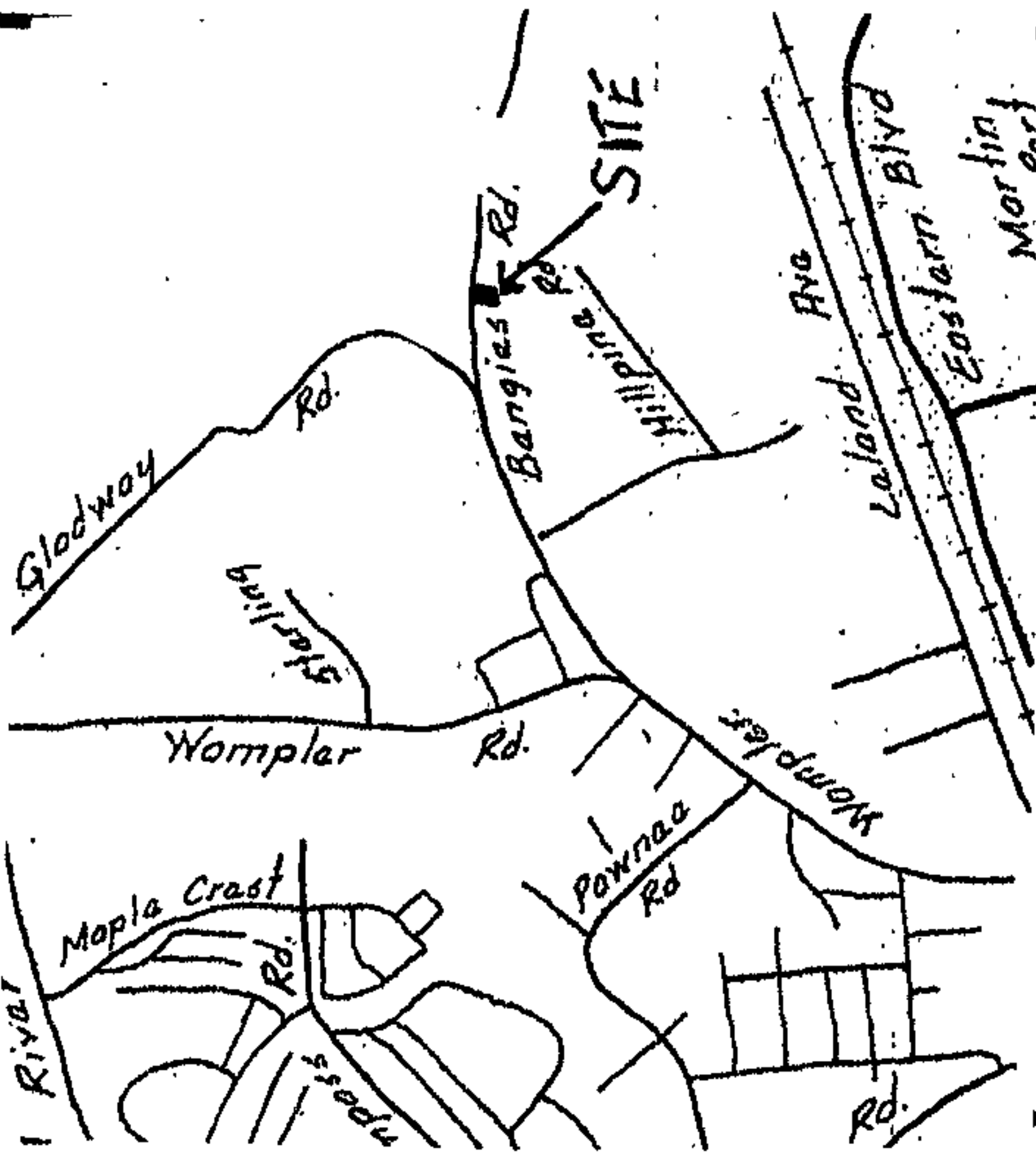
TO BENGIES ROAD
NORTH FROM RESIDENCE

Ob-059-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

SEE PAGES 5 & 6 OF THE CHECKLIST 1 River

PROPERTY ADDRESS 1005 Bengies Road
SUBDIVISION NAME Middle River Garden Farms
PLAT BOOK # 6 PART OF LOT # 8 SECTION # 8
OWNER SYLVESTER & LORRAINE SMITH



VICINITY MAP
SCALE: 1" = 2000'

LOCATION INFORMATION

ELECTION DISTRICT 6th

COUNCILMANIC DISTRICT 15th

1" = 200' SCALE MAP # 09021 & 091A1

ZONING DR 2

LOT SIZE 0.85 ACRES 37,028 SQUARE FEET

SEWER ☐ PUBLIC ☒ PRIVATE ☒

WATER ☒ PUBLIC ☐ PRIVATE ☐

CHESAPEAKE BAY CRITICAL AREA YES ☐ NO ☒

100 YEAR FLOOD PLAIN YES ☐ NO ☒

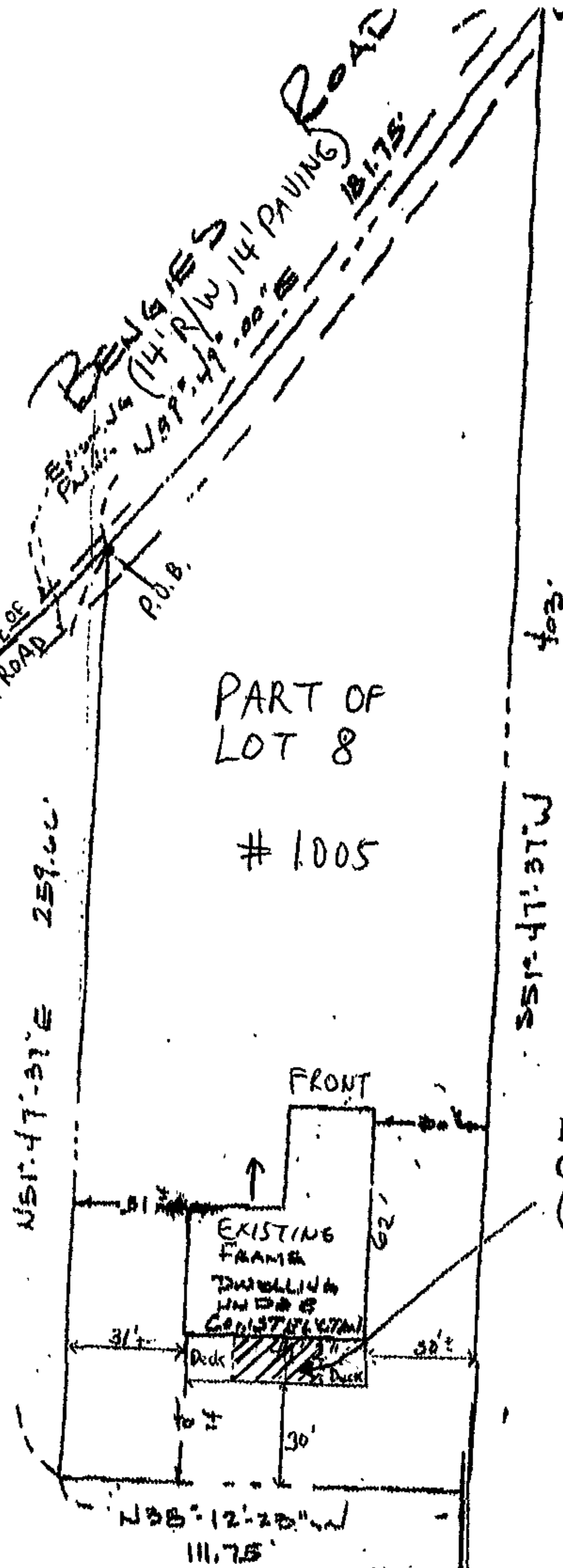
HISTORIC PROPERTY/BUILDING YES ☐ NO ☒

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY
REVIEWED BY JNP ITEM # 069 CASE # 06-059-A

Property of Winston Waldon
935 Bengies Road
Balt., Md 21220

PART OF
LOT 8



Property of Winston Waldon
935 Bengies Road
Balt., Md 21220

dwelling
approximately
200 feet from
property line

Property of Jay McCleave
1007 Bengies Road
Balt., Md 21220

Property of Jay McCleave
1007 Bengies Road
Balt., Md 21220

Property of Jay McCleave
1007 Bengies Road
Balt., Md 21220

dwelling
approximately
500 feet from
property line

PREPARED BY Sylvester Smith

SCALE OF DRAWING: 1" = 50'