

IN RE: PETITION FOR ADMIN. VARIANCE

East Side of Belle Avenue, 276' of c/l
Of Old Washington Road
13th Election District
1st Councilmanic District

(1913 Belle Avenue)

Erskine W. and Darlene M. Gibson
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 06-306-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter originally came before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Erskine W. and Darlene M. Gibson. The variance request is for property located at 1913 Belle Avenue in the Halethorpe 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 sideyard setback of zero ft. in lieu of the required 15 ft. and a sum of sideyards of 10 ft. in lieu of the required 40 ft. for an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Administrative Variance, and the subject property having been posted on December 23, 2005, and a request for a public hearing was made at the request of the Deputy Zoning Commissioner, the property was then re-posted with Notice of Hearing on February 9, 2006, 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 February 9, 2005 to notify any interested persons of the scheduled hearing date.

ORDER RECEIVED FOR FILING

Date 3-6-06

By [Signature]

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received from the Office of Planning dated December 29, 2005, a copy of which is attached hereto and made a part hereof.

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.”

Testimony and Evidence

The Petitioners would like to enclose an existing carport/deck which is built on the property line. See Petitioner's Exhibit 1, the Plat to Accompany. The Petitioners built their home in 1988 on Lot 34 of the Oak Park subdivision which was recorded in the land records in 1911. See Petitioner's Exhibit 4. This is a 50-foot wide lot on which DR 2 regulations were later imposed.

The Petitioner started as an Administrative Variance but comments from the Planning Office did not support the request as indicated in the Planning Office comment dated December 29, 2005. The Planning Office objected to having the enclosed carport built on the property line with Lot 35 citing problems with maintenance that may occur if there is no room on the

Petitioner's property to access the side of the enclosed carport. However, the Planning Office comments noted as an alternative that the Petitioner could obtain an easement from the owner of Lot 35 for enough room to maintain the north side of the addition.

In response, the Petitioner contacted the owner of Lot 35 (and Lot 36), Mr. Seibert, who apparently is willing to grant a 15 foot easement on Lot 35 to allow the Petitioner access to the addition as shown in Exhibit 2. While this document indicates there would be a monthly rental fee paid by the Petitioner, a permanent easement will burden the Seibert's land in perpetuity and so some further discussion of the price may be in order. Mr. Moskunas noted that the Seibert home is 60 feet from the Petitioner's addition and so would have little effect on the Seibert property.

Findings of Fact and Conclusions of Law

I am aware of the recent decision by the Hon. Judge Kathleen Cox in the Mueller case, Circuit Court Case No. 03-C-05-7736 in which Judge Cox examined whether a property was unique from a zoning standpoint when zoning regulations are applied after the lot configuration is created. She indicates that we should look at the impact of the after applied zoning on the subject property when compared the impact of that zoning on adjacent lots. If there is no disproportionate impact, the lot is not unique. However, this Commission, while recognizing the wisdom and importance of the Circuit Courts decision, has traditionally had a broader view. We believe the impact on the subject lot should be compared to other lots in the zoning district to reflect the comprehensive approach to zoning in this County. Consequently, lots laid out many years before the zoning regulations were applied can be unique from a zoning standpoint if they are impacted disproportionately as compared to others in that zone. This issue is on appeal in the appellate courts. In the meantime with no disrespect for the Circuit Court, this Commission

ORDER RECEIVED FOR FILING
Date 3-6-09
By [Signature]

continues to find such properties unique. See lengthy discussion of this matter in Case No. 06-331-A.

I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request. This subdivision and the subject lot were created many years before the DR 2 zoning was applied to this area. As such, I find the property unique from a zoning standpoint as the regulations disproportionately impact this lot as compared to others in the zoning district.

I further find that strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. The house has been constructed on a 50-foot wide lot. There could be no practical house much less addition if the sum of the side yard setback for this DR 2 zone is 40 feet. No increase in residential density beyond that otherwise allowable by the Zoning Regulations will occur as a result of granting this variance.

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. I agree with the Planning Office that there would be a need to maintain the addition, which would require the Petitioner to go onto the Seibert's property. Ordinarily, this would not be acceptable. However, the Seibert's are apparently willing to grant the Petitioner's an easement of 15 feet for the maintenance of the addition. Frankly, I find this surprising but neighbors are often kind and generous in some cases. I will require that the easement document be recorded among the land records of the County so that there will be no doubt in the future that the Petitioners may go onto the Seibert's property for maintenance of the addition.

ORDER RECEIVED FOR FILING
Date 3-6-06
By [Signature]

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 6 day of March, 2006, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit a sideyard setback of zero ft. in lieu of the required 15 ft. and a sum of sideyards of 10 ft. in lieu of the required 40 ft. for an addition, be and is hereby GRANTED, subject, however, to the following restrictions 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.
2. The Petitioners must record a easement document, properly drawn by an attorney, among the Land Records of the County which gives the Petitioners the right to go onto the southern 15 feet of Lot 35 of the Oak Park subdivision for the purpose of maintaining the subject addition.
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.

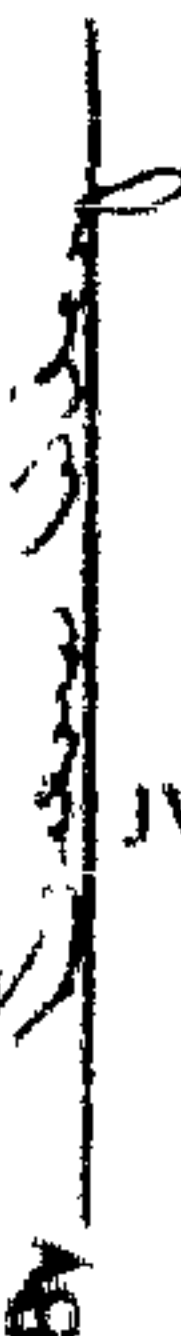
Any appeal of this decision must be made within thirty (30) days of the date of this Order.



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

ORDER RECEIVED FOR FILING

Date 3-6-06

By 

JVM:dlw



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

March 6, 2006

Erskine W. Gibson
Darlene M. Gibson
1913 Belle Avenue
Halethorpe, Maryland 21227

Re: Petition for Administrative Variance
Case No. 06-306-A
Property: 1913 Belle Avenue

Dear Mr. and Mrs. Gibson:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Vincent J. Moskunas, Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101,
Towson, MD 21286
Charles B. Harrell, 631 Hillview Road, Baltimore, MD 21225
Robert & Helena Seibert, 1909 Belle Avenue, Baltimore, MD 21227
People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 1913 Belle Avenue
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) 1 B02.3.C.1.; BCZR TO PERMIT A
SIDEYARD SETBACK OF ZERO FT. IN LIEU OF THE REQUIRED 15 FT. AND A SUM OF
SIDEYARDS OF 10 FT. IN LIEU OF THE REQUIRED 40 FT FOR AN ADDITION.

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

1913 Belle Avenue

Address

Telephone No.

Halethorpe

MD

21227

State

Zip Code

Representative to be Contacted:

Site Rite Surveying, Inc.

Name

200 E. Joppa Road Room 101 410-828-9060

Address

Telephone No.

Towson, MD 21286

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. 06-306A

Reviewed By JCM

Date 12-13-05

Estimated Posting Date 12-25-05

ORDER RECEIVED FOR FILING

3-6-06

BY

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 1913 Belle Avenue
Address Halethorpe, MD 21227
City MD State MD 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): I am desirous of making a family room/garage out of my deck that is located on the west side of my house. I currently use it as a carport only and would like to enclose it so as to have more living space and an enclosed area to protect my car from the elements and to help block the wind on that side of my house to help control the rising heating costs. I am petitioning for the variance because I do not have the extra 15 feet of property I was told is needed even though there is a 50 foot distance between my neighbors house and mine. I have spoken with them at length and they have no objections and are even willing to leave me 15 feet of their property.

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.

Erskine W. Gibson, Jr.
Signature
Erskine W. Gibson, Jr.
Name - Type or Print

Darlene M. Gibson
Signature
Darlene M. Gibson
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 9 day of December, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Erskine W. Gibson, Jr. and Darlene M. Gibson
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal - -

December 9, 2005
Date

Gracy Perie commissioned as Gracy Helen Perie
Notary Public
My Commission Expires November 1, 2007

ZONING DESCRIPTION FOR #1913 BELLE AVENUE

BEGINNING AT A POINT ON THE EAST SIDE OF BELLE AVENUE WHICH IS 40 FEET WIDE AT THE DISTANCE OF 276 FEET SOUTH OF THE CENTERLINE OF OLD WASHINGTON ROAD WHICH IS 50 FEET WIDE. BEING LOT LOT 34 IN THE SUBDIVISION OF OAK PARK AS RECORDED IN BALTIMORE COUNTY PLAT BOOK NO. 3, FOLIO 145, CONTAINING 6,125 SQUARE FEET. ALSO KNOWN AS #1913 BELLE AVENUE AND LOCATED IN THE 13TH. ELECTION DISTRICT, 1ST. COUNCILMANIC DISTRICT.



MICHAEL V. MOSKUNAS

REG. NO. 21175

Site Rite Surveying, Inc.
200 E. Joppa Road
Suite 101
Towson, MD 21286
(410)828-9060

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: #06-306-A

1913 Belle Avenue

East side of Belle Avenue, 276 feet south of centerline of Old Washington Road

13th Election District — 1st Councilmanic District

Legal Owner(s): Darlene M. & Erskine W. Gibson

Variance: request to permit a side yard setback of 0 feet in lieu of the required 15 feet and a sum of side yards of 10 feet in lieu of the required 40 feet for an addition.

Hearing: Monday, February 27, 2006 at 9:00 a.m. in Room 407, County Courts Building, 461 Bosley Avenue, Towson 21264.

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) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3381.

2/128 February 9

83734

CERTIFICATE OF PUBLICATION

2/9/2006

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 2/9/2006.

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



LEGAL ADVERTISING

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2509

DATE 12-13-85 ACCOUNT Rept. Div. 6150

AMOUNT \$ 65.50

RECEIVED FROM: E. C. Brown Jr. 1715 Relle Ave

FOR: AL VAP

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

CHECK NO. 107342005 DATE 12/13/85 AMOUNT 1421.53
ISSUED TO MARYLAND BY RECEIVED
CASHIER'S SIGNATURE 12/13/85 OFFICE
DEPT. 500 ADMINISTRATION
OFF. NO. 002509

Receipt Tot. 655.00
BALANCE DUE 7.00
BALANCE DUE TO Maryland

CASHIER'S VALIDATION

ZONING NOTICE

MS-1 06-306-A

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PROPOSED BY: [illegible]

PROPOSED FOR: [illegible]

PROPOSED FOR: [illegible]

PROPOSED FOR: [illegible]

PROPOSED FOR: [illegible]

PROPOSED FOR: [illegible]

PROPOSED FOR: [illegible]

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ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 06-306-A

A VARIANCE TO PERMIT A SIDE SETBACK OF
0 (ZERO) FEET IN LIEU OF THE REQUIRED 15 FEET
AND A SUM OF SIDE YARDS OF 10 FEET IN LIEU
OF THE REQUIRED 40 FEET FOR AN
ADDITION

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:30 P.M. ON JANUARY 9, 2006

ADDITIONAL INFORMATION IS AVAILABLE AT
ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
111 W. CHESAPEAKE AVE.
TOWSON, MD 21204
TEL. 887-3301



CERTIFICATE OF POSTING

RE: Case No.: 06-306-A

Petitioner/Developer: ERSKINE W. GIBSON

Date of Hearing/Closing: 2-27-06

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

Attention: **Christen 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 _____

1913 BELLE AVE.

The sign(s) were posted on FEB. 9, 2006
(Month, Day, Year)

Sincerely,

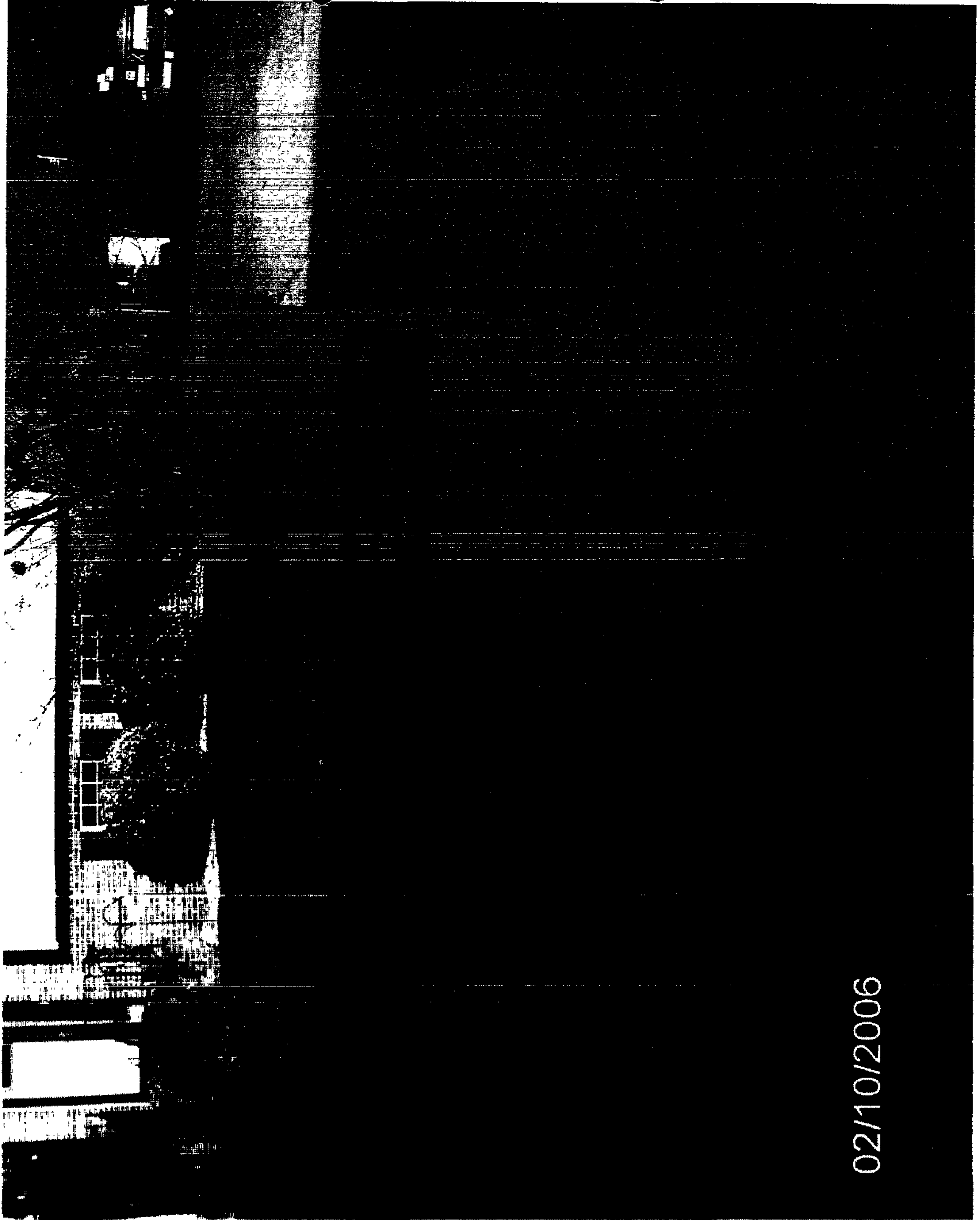
Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)



02/10/2006

Scotsman Buildings

The Scotsman Group, Inc.

CERTIFICATE OF POSTING

RE: Case No.: OG-306-A

Petitioner/Developer: MR. E. GIBSON, JR.

Date of Hearing/Closing: JAN. 9, 2006

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

Attention: **Christen 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 _____

#1913 BELLE AVE.

The sign(s) were posted on DEC. 23, 2005
(Month, Day, Year)

Sincerely,

Garland E. Moore
(Signature of Sign Poster and Date)

GARLAND E. MOORE
(Printed Name)

3225 RYERSON CIRCLE
(Address)

BALTIMORE, MD. 21227
(City, State, Zip Code)

(410) 242-4263
(Telephone Number)

TO: PATUXENT PUBLISHING COMPANY
Thursday, February 9, 2006 Issue - Jeffersonian

Please forward billing to:
Deborah Kendall-Sipple (410-887-3353)
111 W. Chesapeake Avenue, Room 111
Towson, MD 21204

NOTICE OF ZONING HEARING

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13th Election District, 1st Councilmanic District

Legal Owners: Darlene M. & Erskine W. Gibson

Variance request to permit a side yard setback of 0 feet in lieu of the required 15 feet and a sum of side yards of 10 feet in lieu of the required 40 feet for an addition.

Hearing: Monday, February 27, 2006 @ 9:00 a.m. in Room 407 County Courts Building, 401 Bosley Avenue, Towson, MD 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 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



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

January 31, 2006

NOTICE OF ZONING HEARING

The Deputy 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:

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

Timothy Kotroco
Director

TK:raj

c: Darlene & Erskine W. Gibson, Jr., 1913 Belle Avenue, Halethorpe, MD 21227
Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286
Dennis Wertz, Office of Planning
Office of People's Counsel

- NOTES: (1) THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 11, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE: FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.**
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

Dave Doval

Please have
the attached
hearing posted.

Thanks

Robin
1/3/06

Task to be
justified by
Sat, Feb
11th

**Department of Permits and
Development Management**



Baltimore County

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

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Tel: 410-887-3353 • Fax: 410-887-5708

January 31, 2006

E/S SA Old Man

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Timothy Kotroco
Director

TK:raj

c: Darlene & Erskine W. Gibson, Jr., 1913 Belle Avenue, Halethorpe, MD 21227
Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286
Dennis Wertz, Office of Planning
Office of People's Counsel

- NOTES: (1) **THE PETITIONERS MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, FEBRUARY 11, 2006.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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



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: 306

Petitioner: ERSKINE W. GIBSON, JR.

Address or Location: 1913 BELLE AVE.

PLEASE FORWARD ADVERTISING BILL TO:

Name: ERSKINE W. GIBSON, JR.

Address: 1913 BELLE AVE
HALETHORPE, MD. 21227

Telephone Number: 410-536-4858

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 306 -A Address 1913 Belle Ave., HALENOR, Md. 21227

Contact Person: J. Meenan Phone Number: 410-887-3391
Planner Please Print Your Name

Filing Date: 12-13-05 Posting Date: 12-25-05 Closing Date: 1-9-06

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- 306 -A Address 1913 Belle Ave.

Petitioner's Name ERSKINE GIBSON, JR. Telephone 410-536-4858

Posting Date: 12-25-05 Closing Date: 1-9-06

Wording for Sign: A VARIANCE
TO PERMIT A SIDE SETBACK OF ZERO FEET IN
LIEU OF THE REQUIRED 15FT. AND A SUM OF SIDEYARDS
OF 10FT. IN LIEU OF THE REQUIRED 40FT. FOR
AN ADDITION.

WCR - Revised 6/25/04

**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*

January 9, 2006

Erslaine W. Gibson
Darlene M. Gibson
1913 Belle Avenue
Halethorpe, Maryland 21227

Dear Mr. and Mrs. Gibson:

RE: Case Number: 06-306-A, 1913 Belle Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 13, 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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
Site Rite Surveying, Inc. 200 E. Joppa Road, Rm. 101 Towson 21286

County Office Building, Room 111

december 28, 2005

Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: December 19, 2005

Item No. 6-306-A thru 6-314-A

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

Acting Lieutenant David Heath
Fire Marshal's Office
(O) 410-887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2005
Item Nos: 306, 307, 308, 311, 312, 313, and 314

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

DAK:CEN:clw

cc: File

ZAC-NO COMMENTS-01032006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 29, 2005

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

SUBJECT: 1913 Belle Avenue

INFORMATION:

Item Number: 6-306

Petitioner: Erskwe W. Gibson

Zoning: DR 2

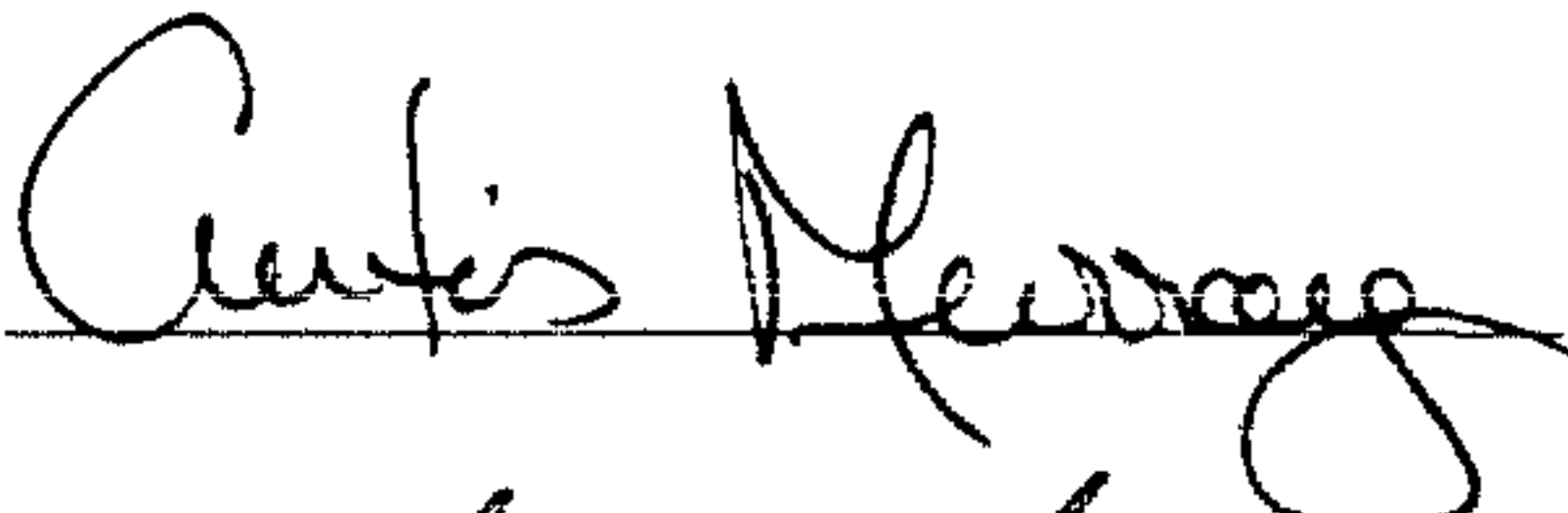
Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

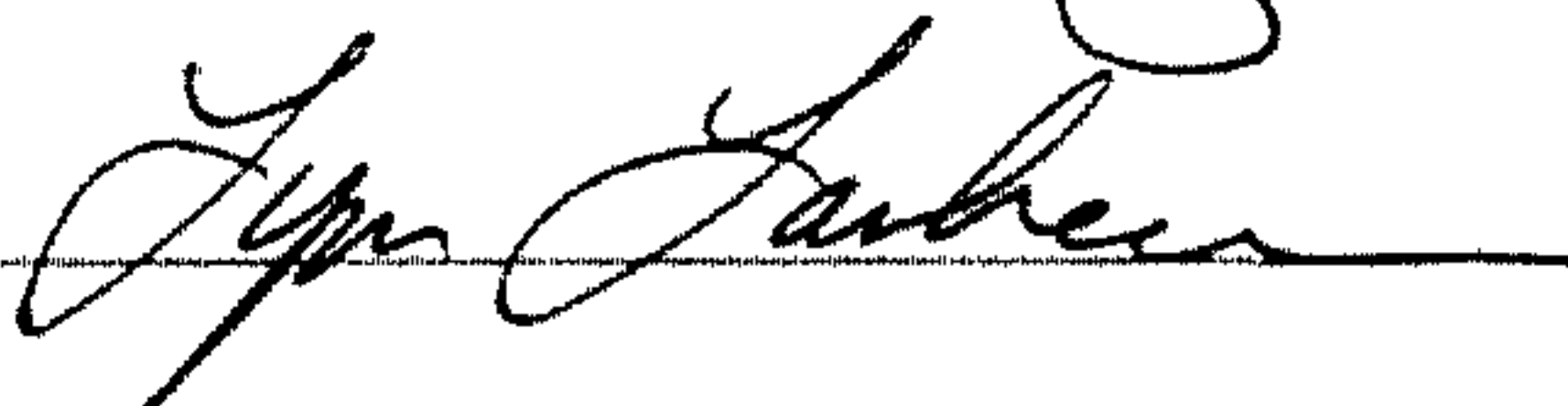
The Office of Planning has reviewed the applicant's petition and is unable to support the subject request. The Office of Planning is of the opinion that having a 0 foot side yard setback between two residential lots could potentially cause conflict between neighbors as there is no means of side yard access for maintenance, circulation etc...If the petitioner's request is granted than an easement shall be provided to address the aforementioned issues.

For further information concerning the matters stated here in, please contact Dennis Wertz at 410-887-3480.

Prepared by:



Division Chief:



AFK/LL: CM

RECEIVED

JAN 6 2006

ZONING COMMISSIONER

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



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

Maryland Department of Transportation

Date: 1.3.06

RE: Baltimore County
Item No. 306 JCM

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

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

**Department of Permits and
Development Management**



Baltimore County

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

January 31, 2006

Erskine W. Gibson, Jr.
1913 Belle Avenue
Halethorpe, MD 21227

Dear Mr. Gibson:

RE: Demand for Public Hearing, Administrative Variance, Case No.06-306-A

This letter is to inform you that after review of this particular case, the Deputy-Zoning Commissioner has requested that this case be scheduled for a public hearing.

The hearing has been scheduled, and the notice of public hearing indicating the date, time and location of the hearing is attached. This notice will also contain the date that the sign must be reposted with the hearing information, which will be done by this office.

The property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and the billing handled by this office through Patuxent Publishing at no charge to you.

If you need any further explanation or additional information, please feel free to contact Joe Merrey at 410-887-3391.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", is written over the typed name.

W. Carl Richards, Jr., Supervisor
Zoning Review

WCR:raj

c: Site Rite Surveying, Inc., 200 E. Joppa Road, Room 101, Towson, MD 21286
Dennis Wertz, Office of Planning
Office of People's Counsel

Pasting Notice
Sent to: Dave
Duvall 1/31/06

Pg

Erskine W. Gibson, Jr.
1913 Belle Avenue
Halethorpe, Maryland 21227

RECEIVED

JAN 20 2006

January 24, 2006

John V. Murphy
Deputy Zoning Commissioner
For Baltimore County
County Courts Building
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

Dear Mr. Murphy:

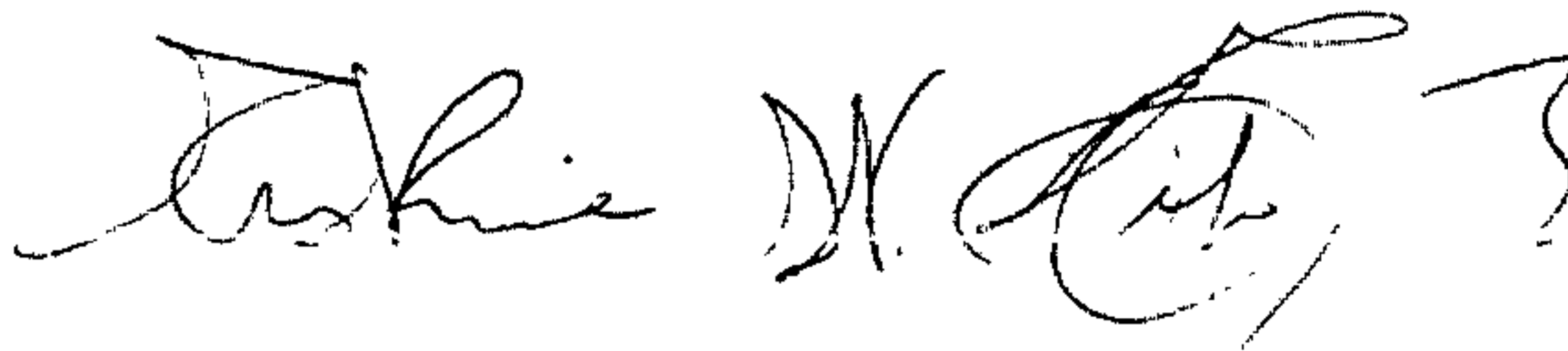
In response to your letter of January 17, 2006, I contacted Mr. Wertz' office to try to resolve the difference of opinion. I spoke with Mr. Curtis Murray. After discussing the reason for potential conflict, I was advised that my only course of action is to request the public hearing.

So, as your letter stated, I am making this request in writing.

I still feel that the reasons for conflict are minimal since there is access to the area I wish to enclose both from the front of my home, the rear of my home and even from the other side of my home for any maintenance, etc. that might be needed. I had also indicated in my petition that my neighbors had discussed access and they were willing to lease me the required footage if necessary.

Thanking you in advance for any consideration that you might be able to extend.

Yours truly,

A handwritten signature in cursive script, appearing to read "Erskine W. Gibson, Jr.", followed by a large, stylized flourish or mark.

Set in for public
hearing w/ Jack Murphy

County to repost / readvertise



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 17, 2006

Ersine W. Gibson
Darlene M. Gibson
1913 Belle Avenue
Halethorpe, Maryland 21227

Re: Petition for Administrative Variance
Case No. 06-306-A
Property: 1913 Belle Avenue

Dear Mr. and Mrs. Gibson:

I have been given your request for Administrative Variance to review. I note that the Planning Office is opposed to your request. You might want to contact Mr. Wertz to determine if you can come to agreement on this request. If not, I would be glad to set the case in for public hearing.

Would you kindly let me know in writing if you would like me to set the case in for public hearing.

Very truly yours,

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

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: Dennis Wertz, Office of Planning
People's Counsel; ~~Case File~~

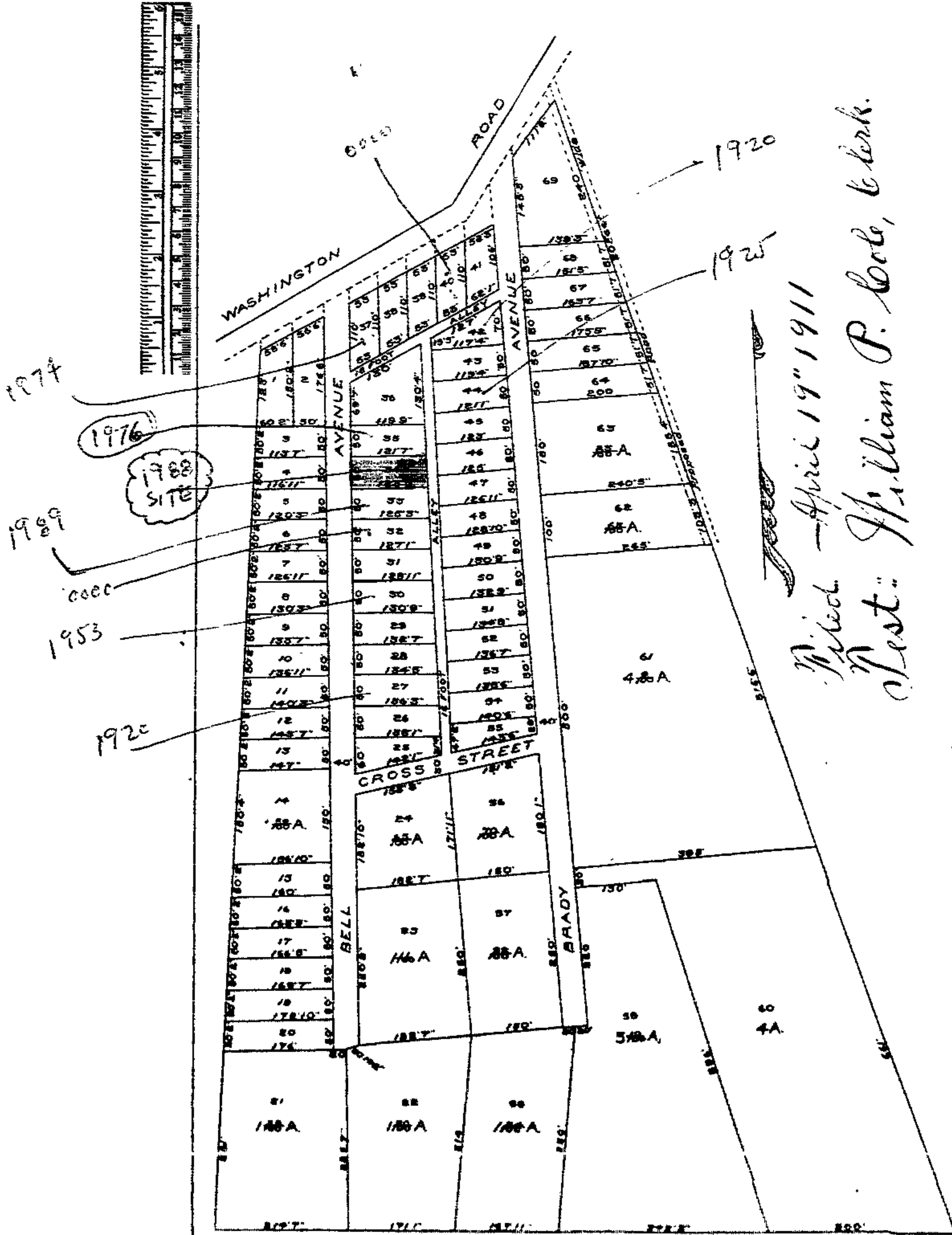
I Robert Seibert in the sum of \$15.00
Per month

agree to grant to Esk. Co.
W. Gibson Jr a 15 foot
easement as required to
enclose the deck on the property
known as 1913 Belle Avenue.

I can be reached at ^{Home} 410-247-6377
cell 410-218-8161

Robert Seibert
2-26-06

Pet #2



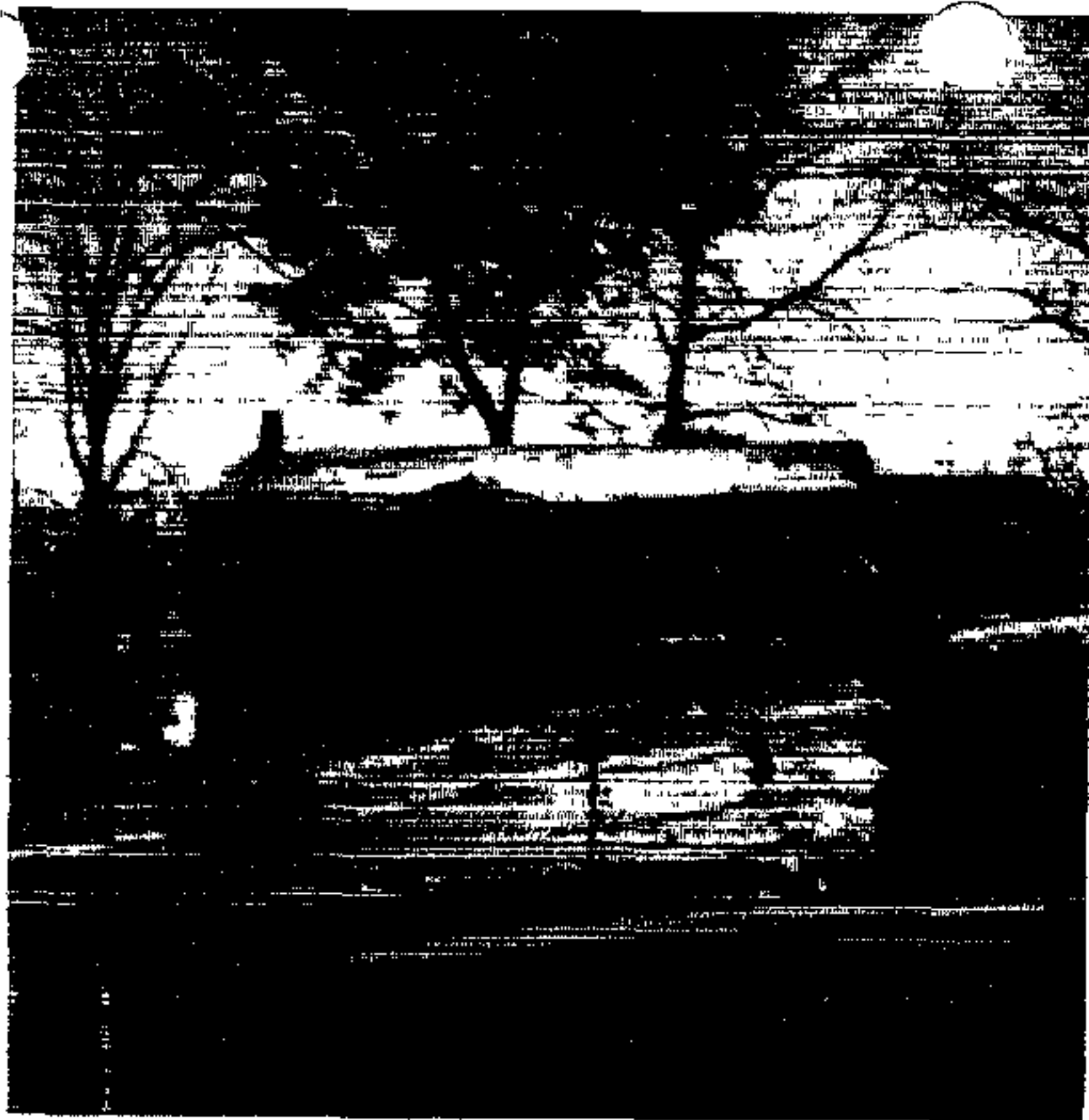
Filed April 19, 1911
 Test: William P. Cook, Clerk.

OAK PARK

I, Thomas H. Disney, Surveyor, hereby certify that I have subdivided for Joshua S. Hull that portion of plot C. C. of the McTavish and Leeds Estate marked B-aa-C-aa and D-aa lying on the Southeast side of and fronting Northwesterly on the Washington Road and that this plat is a correct representation of the subdivision for record. See Liber W. P. C. 222 folio 120 and Liber W. P. C. 227 folio 121 of the land records of Baltimore County. Plat book No. 1210

Thomas H. Disney
 24.11.11

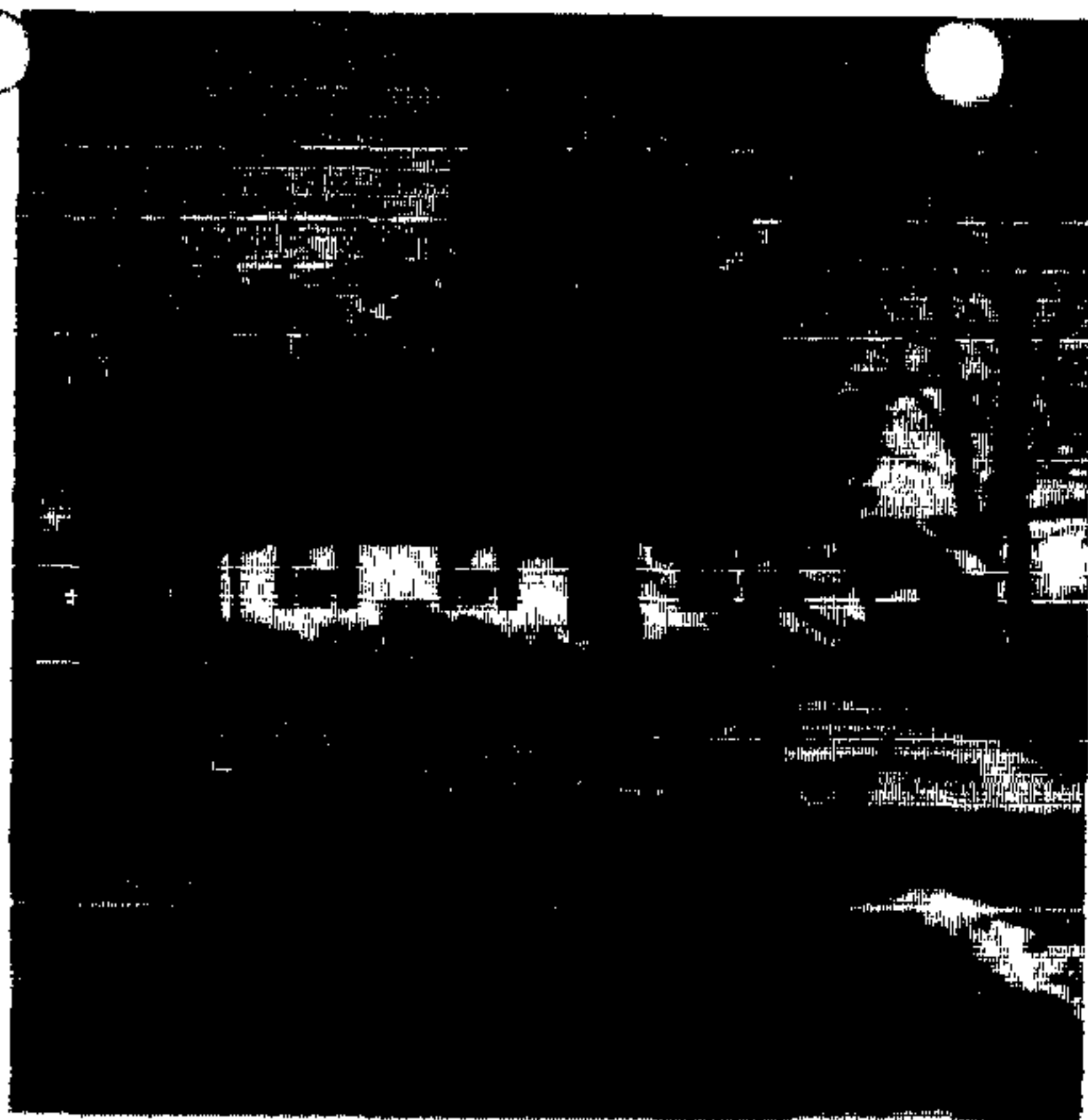
Plat #4



Lots 35 & 36
#1909 3A



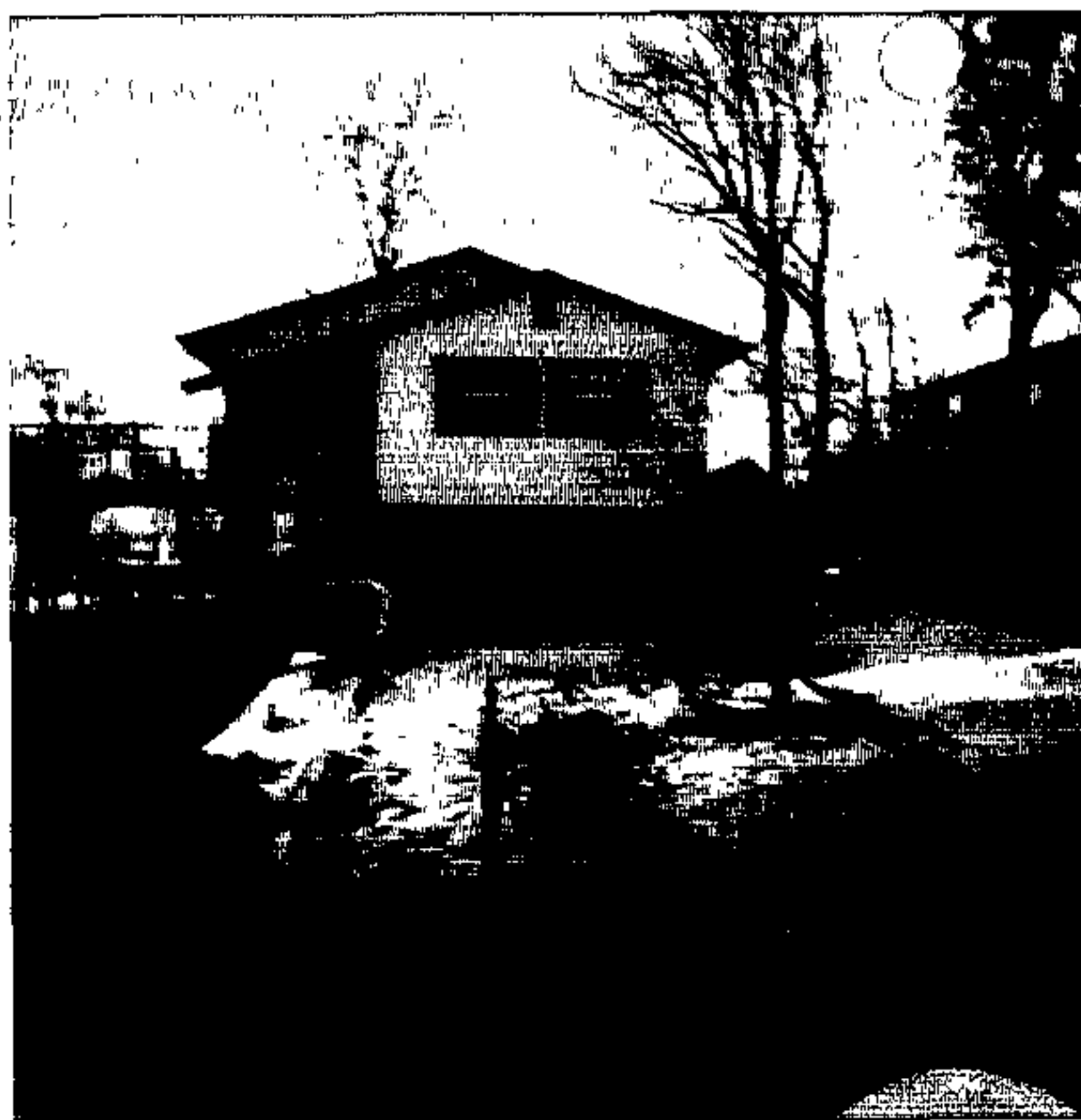
Lot 33
#1915 3B



Lot 4 3C



Lot 39
#1913 3D



Lot 34

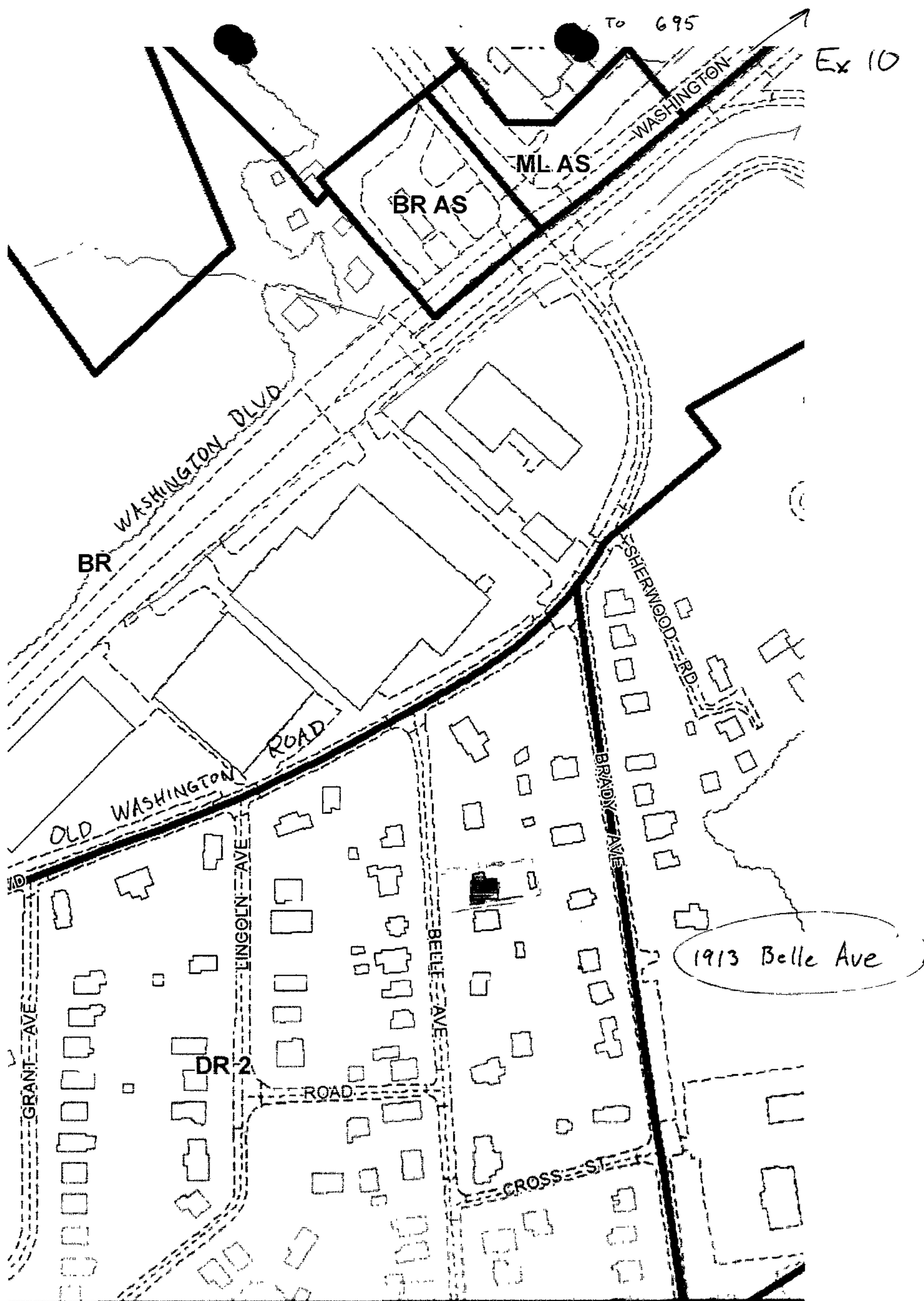
#1913

3E

CASE NAME 1913 BULE AVENUE
CASE NUMBER 06-306-A
DATE 2-27-06

CASE NAME 1913 BULE AVENUE
CASE NUMBER 06-306-A
DATE 2-27-06

NAME	ADDRESS	CITY, STATE, ZIP	E-MAIL
Mr. Eskija L. Gibson VINCENT J. MOSKUNAS SITE RITE SURVEYING, INC Mr. CHARLES R. HANELL	1913 Belle Ave 200 E. JEFFA Rd. 631 HILLVIEW ROAD	Halsethoga, MS. 39227 TOWSON, MD. 21286 Baltimore, MD 21225	ard@ms.com VINMVC@aol.com
Send copy of document to Robert & Helena Seibert Belle MD 21027			





Point of beginning 276' south of Old Washington Road.

Zoning Map: #1913 Belle Avenue