

IN RE: PETITION FOR ADMIN. VARIANCE

SE of Bellvue Avenue, 347 feet NE of
c/l of Bradshaw Road
11th Election District
3rd Councilmanic District
(11709 Bellvue Avenue)

Russell and Sharon Brooks
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0101-A**

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Russell and Sharon Brooks for property located at 11709 Bellvue Avenue. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have side yard setbacks of 35 and 16 feet in lieu of the required 50 each, and a front yard setback of 60 feet from the centerline of a road in lieu of the required 75 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners' home sustained significant roof and structural damage from a recent storm. In addition to the necessary major repairs, they want to provide additional space in the living room. Petitioners discussed the proposed addition with their neighbors and the file contains 14 letters of support from these neighbors. The properties on this section of Bellevue Avenue are very deep at approximately 330 feet; however, the homes were constructed about 55 feet from the front property lines.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

RECEIVED FOR FILING
11-14-08
[Signature]

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on October 24, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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 14th day of November, 2008 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition to have side yard setbacks of 35 and 16 feet in lieu of the required 50 each, and a front yard setback of 60 feet from the centerline of a road in lieu of the required 75 feet is hereby GRANTED, subject to the following:

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.

ORDER RECEIVED FOR FILING
11-14-08
[Signature]

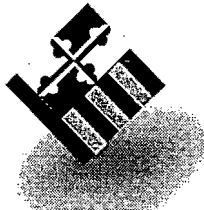
Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILING

11.14.08



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

November 14, 2008

RUSSELL AND SHARON BROOKS
11709 BELLVUE AVENUE
KINGSVILLE MD 21087

Re: Petition for Administrative Variance
Case No. 2009-0101-A
Property: 11709 Bellvue Avenue

Dear Mr. and Mrs. Brooks:

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 "J. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11709 Bellvue Ave
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)

1A04.3.B.2.b- to permit a proposed addition to have side yard setbacks of 35 and 16 feet in lieu of the required 50 each, and a front yard setback of 60 feet from the centerline of a road in lieu of the required 75.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

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

Attorney For Petitioner:

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

Legal Owner(s):

RUSSELL EUGENE BROOKS
Name - Type or Print _____
Signature _____
SHARON EVANGELINE BROOKS
Name - Type or Print _____
Signature _____
11709 BELLVUE AVE 410-817-6848
Address _____ Telephone No. _____
Kingsville MD 21087
City _____ State _____ Zip Code _____

Representative to be Contacted:

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

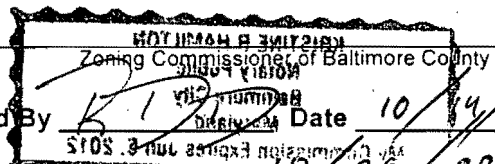
CASE NO. 2009-0106A

REV 10/25/01

11-14-08

Reviewed By K. J. [Signature] Date 10/14/08

Estimated Posting Date 10/26/08



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 11709 BELLVUE AVE
Address
Kingsville MD 21087
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):

Russell and I ARE REQUESTING A Variance for our home that UNFORTUNATELY WAS DESTROYED IN A STORM ON JUNE 4, 2008 WE ALREADY have to have MAJOR REPAIRS DONE to our home so WE would like to add some additional space to our living room. WE have gone DOOR TO DOOR and explained our plans. All of our Neighbors on Bellvue ARE gave us their support for this project. We hope that YOU will grant us this variance so my family and I CAN RETURN home AS quickly as possible.

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.

Russell E Brooks
Signature

Sharon E Brooks
Signature

RUSSELL E BROOKS
Name - Type or Print

SHARON E BROOKS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

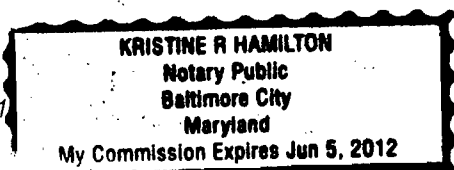
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Kristine Hamilton
Notary Public

My Commission Expires June 5th, 2012

REV 10/25/01



Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

Address 11709 BELLVUE AVE
City Kingsville MD State 21087 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):

Russell and I are Requesting A Variance for our home that unfortunately was Destroyed in a storm on June 4, 2008. We already have to have major repairs done to our home so we would like to Add some additional space to our living room. We have gone Door to Door and explained our plans. All of our neighbors on Bellvue Ave gave us their support for this project. We hope that you will grant us this variance so my family and I can return home as quickly as possible.

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.

Signature

Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

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

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

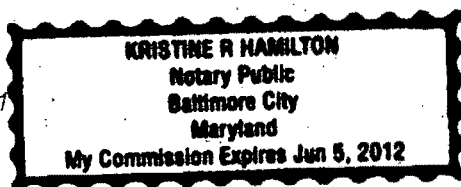
AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

June 5th, 2012

REV 10/25/01





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 11709 BELLVUE AVE
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)

1A04.3.B.2.b- to permit a proposed addition to have side yard setbacks of 35 and 16 feet in lieu of the required 50 each, and a front yard setback of 60 feet from the centerline of a road in lieu of the required 75.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

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

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

Contract Purchaser/Lessee:

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

Attorney For Petitioner:

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

Legal Owner(s):

RUSSELL EUGENE BROOKS
Name - Type or Print _____
Signature _____
SHARON EVANGELINE BROOKS
Name - Type or Print _____
Signature _____
11709 BELLVUE AVE 10876848
Address _____ Telephone No. _____
Kingsville MD 21087
City _____ State _____ Zip Code _____

Representative to be Contacted:

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

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

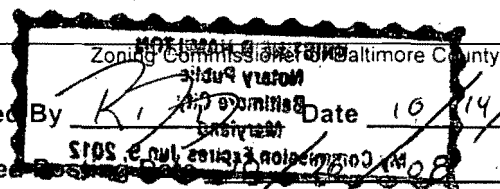
CASE NO. 2009-0191-A

REV 10/25/01

11-14-08

Reviewed By K. R. [Signature] Date 10/14/08

Estimated Cost \$100.00



ZONING DESCRIPTION FOR 11709 BELLVUE AVENUE

Beginning at a point on the North side of Bellvue Avenue which is 14' wide at the distance of 347.19' north of the centerline of the nearest improved intersecting street ~~Bellvue Avenue~~ which is 10' wide. As recorded in Deed Liber R.J.S. No. 1415, Folio 552 the Southeasternmost side of Bellevue Avenue South 49 degrees, 10 minutes West 75 feet; thence running for a line of division now made South 41 degrees, 14 minutes East 333.03 feet to intersect the 3rd line of the aforesaid land; thence binding on a part of said 3rd line and on the 4th line of said land the two following courses and distances, viz: North 48 degrees, 29 minutes East 75 feet and North 41 degrees, 14 minutes West 332.19 feet to the place of beginning totaling 24,916 ^{square} feet containing .57 acres. Also known as 11709 Bellvue Avenue and located in the 11 Election District, 3 Councilmanic District.

Item #0101

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 26688

Date: 10/14/08

PAID RECEIPT

REGRESS ACTUAL TIME DIV
 15/2008 10/14/2008 15:35:20

REC. ECU. WALKIN. JRIC JHR
 RECEIPT # 375850 10/14/2008 DEL

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
101	806	0000		650				665.00

5 529 ZONING VERIFICATION
 CR ID: 026668

Recpt Tot \$45.00
 \$45.00 CR \$4.00 CA
 Baltimore County, Maryland

Total: 665.00

Rec From

For

Zoning hearing case # 2009-0101-A

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

RE: Case No: 2009-0101-A

Petitioner/Developer: CANTNER
CONSTRUCTION: MGT. LLC

Date Of Hearing/Closing: 11/10/08

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

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
at 11709 BELLVUE AVE.

This sign(s) were posted on October 24, 2008
(Month, Day, Year)

Sincerely,

Martin Ogle 10/24/08
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

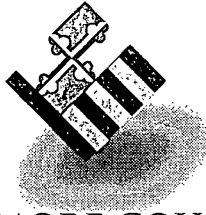
Address

Balto. Md 21220

(443-629 3411)



10/24/2008



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management
November 10, 2008

Russell Eugene & Sharon Evangeline Brooks
11709 Bellvue Ave.
Kingsville, MD 21087

Dear: Russell Eugene & Sharon Evangeline Brooks

RE: Case Number 2009-0101-A, 11709 Bellvue Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 14, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 5, 2008

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

SUBJECT: 11709 Bellvue Avenue

INFORMATION:

Item Number: 9-101

Petitioner: Russell and Sharon Brooks

Zoning: RC 5

Requested Action: Administrative Variance

RECEIVED
NOV 06 2008

BY:.....

SUMMARY OF RECOMMENDATIONS:

The Office of Planning has reviewed the petitioner's request and accompanying site plan and does not have any opposition to the subject setback relief for the proposed addition.

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

Prepared by:
AFK/LL: CM

Curtis Murray

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

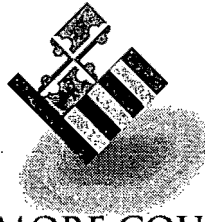
DATE: October 31, 2008

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

SUBJECT: Zoning Advisory Committee Meeting
For November 3, 2008
Item Nos. 2009-0100, 101, 102, 103, 104,
105, 106, 107 and 108

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

DAK:CEN:cab
cc: File
ZAC- 11032008-NO COMMENTS



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

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

October 31, 2008

ATTENTION: Zoning Review Planners

Distribution Meeting Of: October 27, 2008

Item Numbers: Item Number 0100 through 0107

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.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: OCTOBER 24, 2008

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

RE: Baltimore County
Item No. ~~2009-0101A~~
11709 BELLYUE AVE
BROOKS PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. ~~2009-0101A~~

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

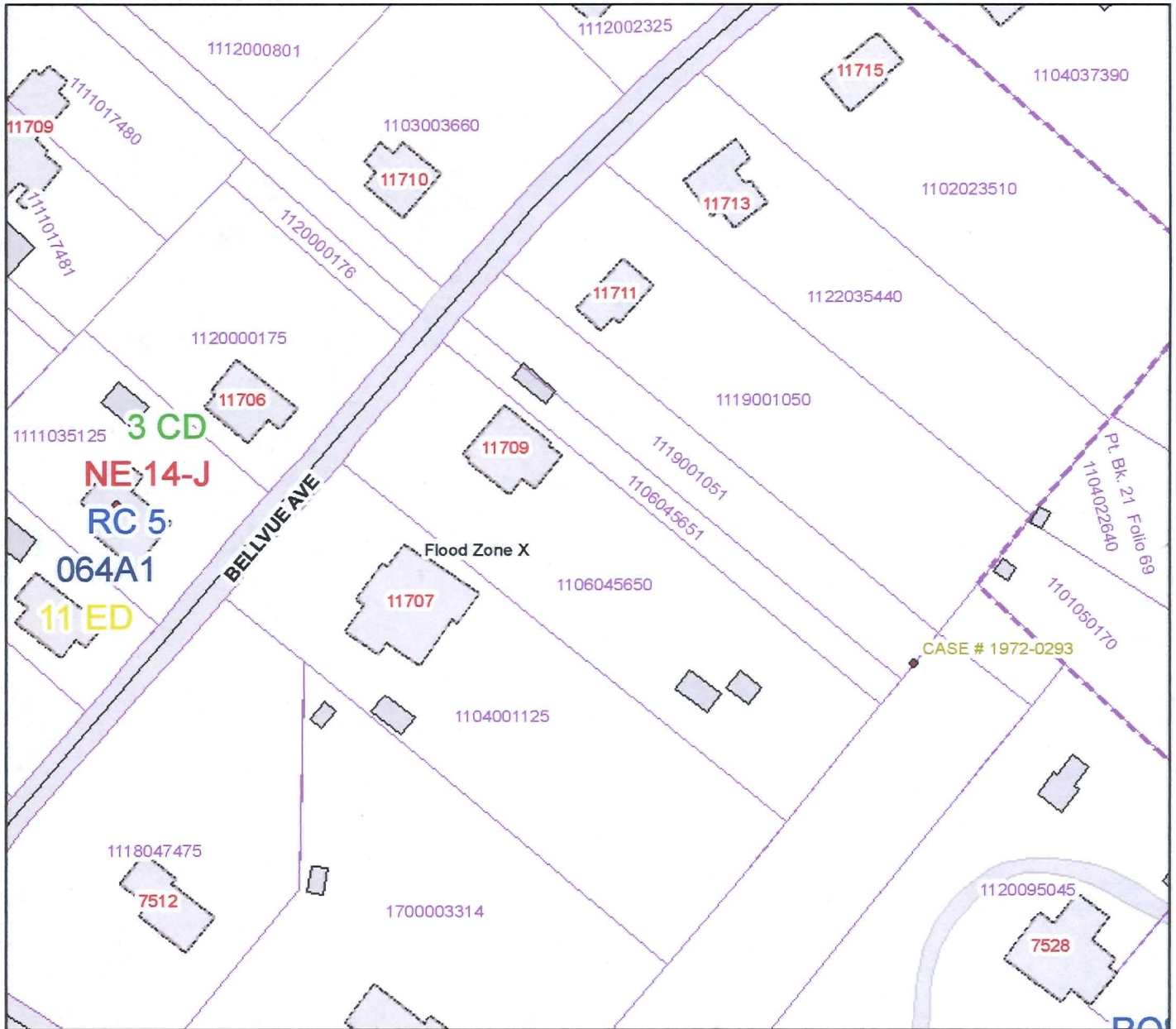
SDF/MB

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



11709 Bellvue Avenue



DQ Map Notes



Publication Date: October 14, 2008
Publication Agency: Department of Permits & Development Management
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



100 0 100
Feet
1 inch equals 100 feet

Item #0101



2009-0101-A



2009-0101-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

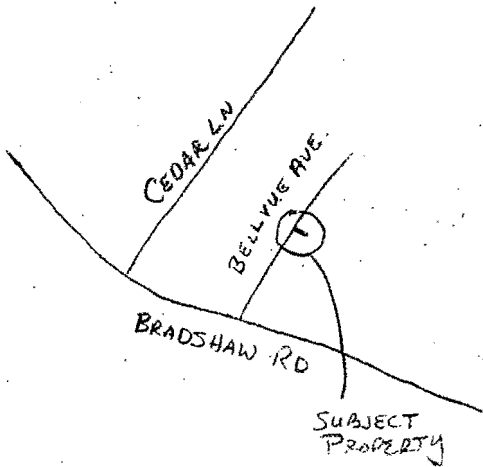
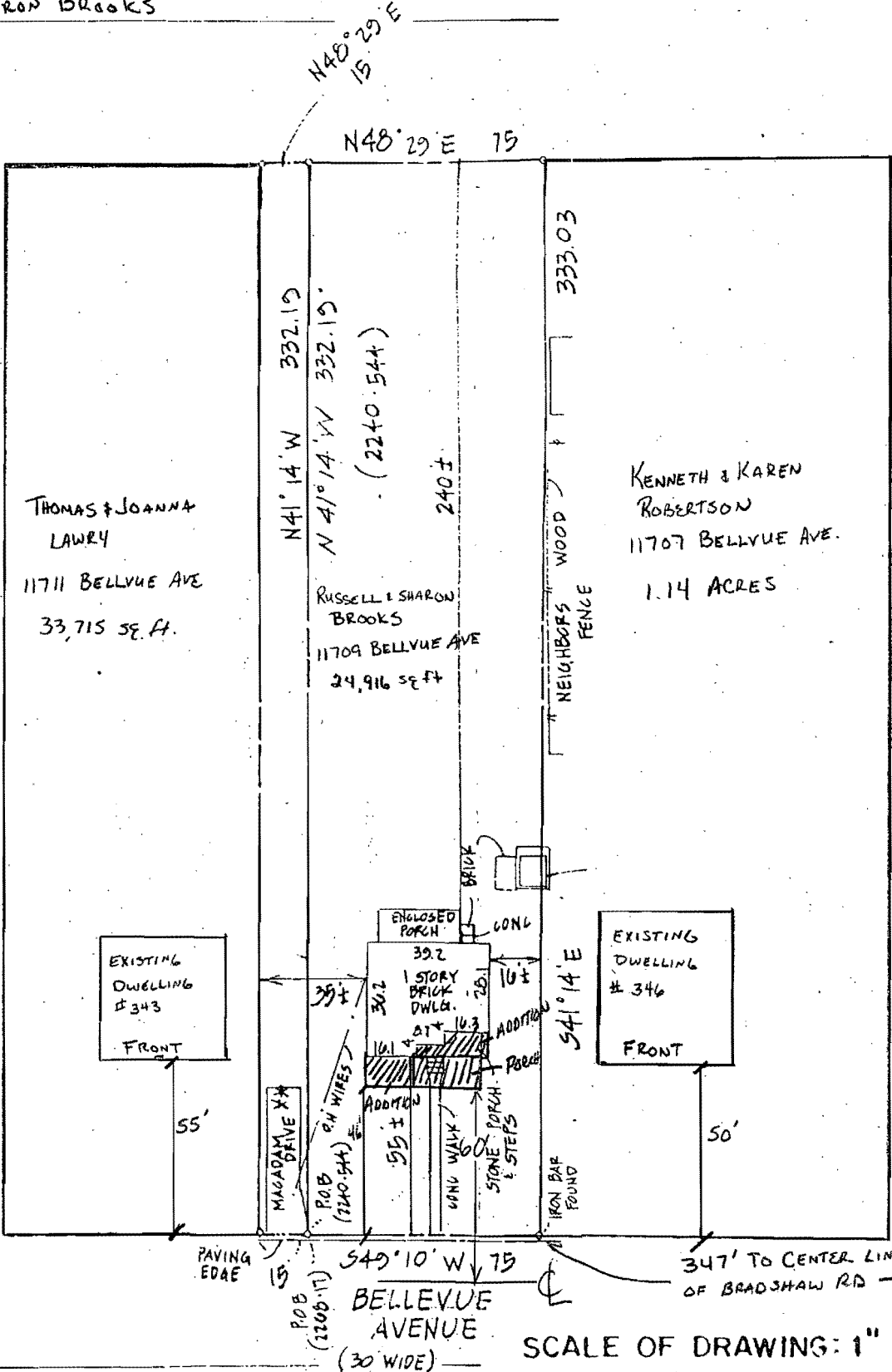
PROPERTY ADDRESS 11709 BELLVUE AVE.

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

SUBDIVISION NAME N/A

PLAT BOOK # FOLIO # LOT # SECTION #

OWNER RUSSELL & SHARON BROOKS



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 064A1

ZONING RC 5

LOT SIZE .57 ACREAGE 24,916.00 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/BUILDING	☐	☒
PRIOR ZONING HEARING		

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

2009-0101-A

PREPARED BY SAC

SCALE OF DRAWING: 1" = 50'