

IN RE: **PETITION FOR ADMIN. VARIANCE** \*

NW/Side of Bonaparte Avenue, 330' S/W of  
Carrington Drive \*

**(11614 Bonaparte Avenue)**

11<sup>th</sup> Election District \*

5<sup>th</sup> Council District \*

Russell O. Beard, IV, et ux

Petitioners \*

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

**Case No. 2009-0172-A**

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Russell O. Beard, and his wife, Tina M. Beard. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed dwelling addition with a side yard (northeast side) setback of 3 feet and a sum of side yard setbacks of 28 feet in lieu of the minimum required 15 feet and 40 feet, respectively. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit I.

This case was originally filed as an administrative variance, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without a formal hearing, provided certain conditions are met. First, the property is duly posted and advertised giving public notice of the requested relief. Under the Code, any property owner residing within 1,000 feet of the property in question can request a public hearing within 15 days of the sign posting, if that person objects to the relief requested. If no hearing is requested, the matter can be considered and an Order issued by the Zoning Commissioner/Deputy Zoning Commissioner, based on the documentation contained in the file.

RECEIVED FOR FILING  
Date 2-12-09  
By [Signature]

In the instant case, the property was duly posted and within the requisite time period, nearby property owners, Brian and Joann Brooks, filed a request for public hearing. The matter was therefore scheduled for a public hearing, which was held on February 9, 2009.

Appearing at the hearing in support of the request were Russell and Tina Beard, property owners. Appearing as Protestants in the matter were Brian Brooks and JoAnn Brooks, husband and wife, residing at 11616 Bonaparte Avenue, and Kenneth D. Hahn, who resides across from the subject property at 11613 Bonaparte Avenue.

Testimony and evidence offered revealed that the subject property is a rectangularly shaped parcel, located on the northwest side of Bonaparte Avenue, just south of that road's intersection with Carrington Drive in White Marsh. The property is also known as Lot 18 of the subdivision known as Darryl Gardens, and contains an area of 0.461 acres (20,300 square feet), more or less, zoned D.R.2. Presently, the site is improved with a two-story single-family dwelling, which features a full-length front porch and attached two-car garage. Photographs of the property were submitted and described by Mrs. Beard. She explained that a 12'-5" x 29' addition is desired and proposed to be located on the northeast side of the existing garage, adjacent to the Brooks' property. She described the site constraints associated with her property, including the location of a buried propane tank in the rear yard. In sum, both Tina and Russell Beard opined that the proposed location for the addition was the most appropriate, and that relief should be granted to allow a reduced setback in order to proceed. Petitioners' Exhibit 3 (floor plans) and Exhibit 4 (photo projecting the appearance of the contemplated improvements including the second story addition over the garage) demonstrate that the added space would provide for two (2) additional bedrooms, a bathroom, an eating area (no kitchen) and storage space. Mrs. Beard indicated that it would be "very difficult" and expensive to remove the buried propane tank and place the proposed addition in the rear yard and yet be architecturally compatible with existing conditions. She also indicated that it would be very difficult, from a practical standpoint, to construct the addition to other parts of the house, i.e., she would be

ORDER RECOMMENDED FOR FILING  
Date 2-12-09  
By [Signature]

required to remove current fixtures and functional rooms if they build straight out from the rear of the home which would be costly and create a rather unpleasing appearance.

The Beard's have owned the property and resided thereon for nine (9) years. Tina Beard stated that her father has been diagnosed with cancer and her mother has severe arthritis. They both need care and assistance on a daily basis and she desires to have them come live with them. To provide for an independent living arrangement, the Beard's eventually settled upon the proposed plans for the project and opined that additional living area was needed within the house.

Testimony was then received from Mr. and Mrs. Brooks and Mr. Hahn. These witnesses each offered their own individual testimony, but the clear tenor and theme of their remarks was that the Petitioners' proposed addition would have a negative effect on their property value, privacy, and change the look and character of the neighborhood – for the worst. Additionally, the Brooks', whose bay window comes within 18 feet of the proposed side wall of the addition, point out that this is not the type of structure that screening with landscaping could hide.

The D.R.2 regulations require a minimum side yard setback for homes in Darryl Gardens of 15 feet (and a sum of side yards of 40 feet). None of the other nine (9) homes on Bonaparte Avenue encroach into the side setbacks. The aerial photographs submitted as Petitioners' Exhibit 5 and Protestants' Exhibit 3) note that many of the lots are the same in this community and that there is no uniqueness to the subject property that would warrant variance relief.

As stated at the conclusion of the hearing, this is a difficult case. From a practical standpoint, I am appreciative of the reasons the Beard's desire to expand their home. On the other hand, the Brooks' and Hahn's have expended sufficient sums to safeguard their privacy and insure significant buffers around their homes. This position is shared by other homeowners on Bonaparte Avenue (See Protestants Exhibit 2).

COPIES RECEIVED FOR FILING  
Date 2-12-09  
By [signature]

In considering the variance request, I am mindful of the requirements of Section 307 of the B.C.Z.R., as construed by *Cromwell v. Ward*, 102 Md. App. 691 (1995), which is the leading appellate case in considering the variance statute in Baltimore County. *Cromwell v. Ward* essentially requires a three-part examination of the variance request. First, the Petitioner must demonstrate that the property at issue is unique. Second, it must be shown that the uniqueness of the property results in a practical difficulty upon the Petitioner, if strict compliance with the regulations is required. Third, the Petitioner must demonstrate that the variance, if granted, would not be detrimental to adjacent properties.

Upon due consideration of the testimony and evidence presented in the instant case, I am not persuaded that the Petitioners have met this burden. Indeed, *Cromwell* requires that there must be a unique characteristic of the property at issue (i.e., topography, shape, configuration, etc.), in order for relief to be granted. The characteristics of the subject site are not unique when compared to other lots in the neighborhood. Moreover, I am not persuaded by the testimony presented by the Petitioners that the location for the proposed addition is the only functionally appropriate site. Although I understand and appreciate the testimony offered by the Petitioners about the benefits of economically locating the needed living space at the proposed location versus expenditures of large sums of money to place it elsewhere, I am not persuaded by the argument. I do not find the land unique, as required by *Cromwell* and, moreover, find no justification relating to the design of the house which would satisfy this prong. See also *Montgomery County v. Rotwein* 169 Md. App. 716 (2006) involving a similar case where a rear yard pool complicated the location of desired improvements.

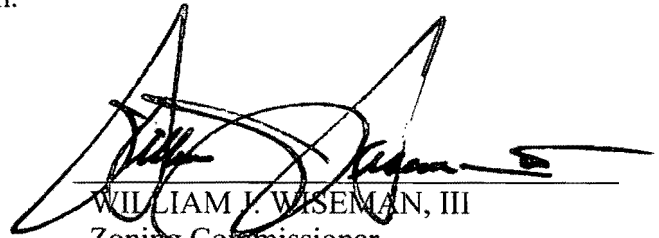
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12<sup>th</sup> day of February 2009 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard

COPIES RECEIVED FOR FILING  
Date 2-12-09  
By [signature]

setback of 3 feet in lieu of the required 15 feet for a proposed addition, in accordance with Petitioners' Exhibit 1, be and is hereby DENIED.

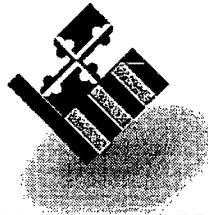
IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.



WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw

COPIES RECEIVED FOR PLANS  
Date 2-12-09  
By [Signature]



**BALTIMORE COUNTY**  
MARYLAND

JAMES T. SMITH, JR.  
*County Executive*

WILLIAM J. WISEMAN III  
*Zoning Commissioner*

February 12, 2009

Russell O. Beard  
Tina M. Beard  
11614 Bonaparte Avenue  
White Marsh, Maryland 21162

RE: **PETITION FOR ADMIN. VARIANCE**  
NW/Side of Bonaparte Avenue, 330' S/W of Carrington Drive  
**(11614 Bonaparte Avenue)**  
11<sup>th</sup> Election District - 5<sup>th</sup> Council District  
Russell O. Beard, IV, et ux – Petitioners  
**Case No. 2009-0172-A**

Dear Mr. and Mrs. Beard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read 'William J. Wiseman III', written over a horizontal line.

WILLIAM J. WISEMAN, III  
Zoning Commissioner  
for Baltimore County

WJW:dlw  
Enclosure

c: Brian and JoAnn Brooks, 11616 Bonaparte Avenue, White Marsh, MD 21162  
Kenneth D. Hahn, 11613 Bonaparte Avenue, White Marsh, MD 21162  
People's Counsel; Office of Planning; Development Plans Review; File



for the property located at 11614 BONAPARTE AVE WHITE MARSH 21162  
which is presently zoned DR 2

made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1, BCZR, to permit a proposed dwelling addition with a side yard setback of 3 feet and a sum of side yard setbacks of 28 feet in lieu of the minimum required 15 feet and 40 feet, respectively.

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.

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 11614 BONAPARTE AVE  
Address  
WHITE MARSH, MD. 21162  
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):

- 1) NEEDED ADDITIONAL LIVING SPACE FOR ELDERLY PARENTS. ONE WITH CANCER ONE HANDICAP.
- 2) REQUEST A REDUCTION OF THE 15' SIDE SET BACK TO 3' BECAUSE THIS ADDED ON LIVING SPACE WILL ATTACH TO THE EXISTING ATTACHED 2 CAR GARAGE. ALL LIVING SPACE WILL BE ON THE SECOND FLOOR WITH A ONE CAR GARAGE TO BE UNDERNEATH IN THE ADDITIONAL SPACE OF 12'5" X 29'

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]  
Signature  
RUSSEN BEARD  
Name - Type or Print

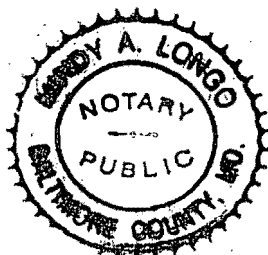
[Signature]  
Signature  
Tina Beard  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12<sup>th</sup> day of December, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  
Russen Beard and Tina Beard  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

[Signature]  
Notary Public  
My Commission Expires 12/26/2012



# 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 11614 BONAPARTE AVE

Address

WHITE MARSH, MD

City

State

21162

Zip Code

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- 2) REQUEST A REDUCTION OF THE 15' SIDE SET BACK TO 3' BECAUSE THIS ADDED ON LIVING SPACE WILL ATTACH TO THE EXISTING ATTACHED 2 CAR GARAGE. ALL LIVING SPACE WILL BE ON THE SECOND FLOOR WITH A ONE CAR GARAGE TO BE UNDERNEATH IN THE ADDITIONAL SPACE OF 12'5" X 29'

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 Russell Beard

Name - Type or Print Russell Beard

Signature Tina Beard

Name - Type or Print Tina Beard

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12<sup>th</sup> day of December, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Russell Beard and Tina Beard

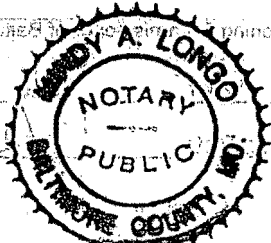
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS-WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires

12/26/2012



Zoning Description For 11614 Bonaparte Ave White Marsh, Md. 21162

Beginning at the point on the North<sup>west</sup> side of Bonaparte Ave.  
which is 50ft wide at the distance of 330ft South<sup>west</sup> of the  
centerline of the nearest improved intersecting street  
Carrington Drive which is 60ft wide. Being Lot # 18, block A in  
the subdivision of Darryl Gardens as recorded in Baltimore  
County Plat Book # 13, Folio # 137, containing 0.461 acres.  
Also known as 11614 Bonaparte Ave. and located in the 11  
Election District, 5 Councilmanic District.

2009-0172-A

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

No. **33015**

Date: **12/15/08**

**PAID RECEIPT**

ISSUED ACTUAL TIME DEM  
 12/16/2008 12/15/2008 14:08:30 2

REC 1002 MAIL JENKINS  
 0300 EPT 4 41649 12/15/2008 0300

5 538 ZOUND VERIFICATION  
 033018

Receipt Tot \$65.00  
 \$1.00 CH \$60.00 CA  
 \$15.00 CB

Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Sub Obj | Dept Obj | BS Acct | Amount | Dept |
|------|------|------|----------|-----------------|------------------|----------|---------|--------|------|
| 001  | 806  | 000  |          | 6150            |                  |          |         | 65.00  |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |
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|      |      |      |          |                 |                  |          |         |        |      |
|      |      |      |          |                 |                  |          |         |        |      |

Total: **65.00**

Rec From: **Russell Beard**

For: **John Vance - 11619 Bennetts Ave**  
**2009-0172-A (Beard)**

**DISTRIBUTION**

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S  
 VALIDATION**

# CERTIFICATE OF POSTING

RE: Case No: 2009-0172-A

Petitioner/Developer: RUSSEL &  
TINA BEARD

Date Of Hearing/Closing: 1/12/09

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 11614 BONAPARTE AVENUE

This sign(s) were posted on December 28, 2008  
(Month, Day, Year)

Sincerely,

Martin Ogle 12/28/08  
(Signature of sign Poster and Date)

Martin Ogle

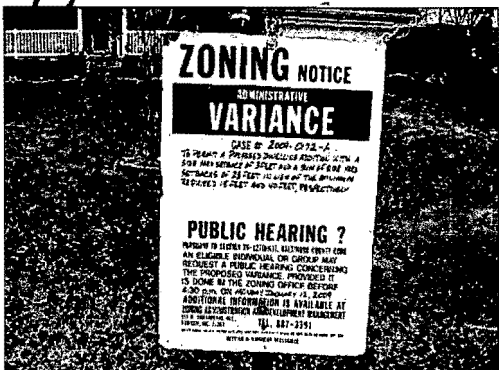
Sign Poster

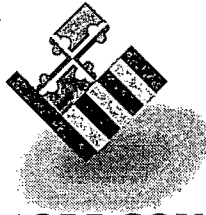
16 Salix Court

Address

Balto. Md 21220

(443-629 3411)





## 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  
January 6, 2009

Russel Beard  
Tina Beard  
11614 Bonaparte Avenue  
White Marsh, MD 21162

Dear Mr. & Mrs. Beard:

RE: Demand for Public Hearing, Administrative Variance, Case Number: 2009-0172-A

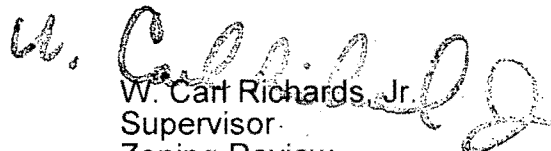
The purpose of this letter is to officially notify you that the posting of the subject property has resulted in a timely demand for a public hearing concerning the above proposed administrative procedure.

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.

As a result of the above, the property must be advertised with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

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

Very truly yours,

  
W. Carl Richards, Jr.  
Supervisor  
Zoning Review

WCR:klm

C: Brian & Joann Brooks, 11616 Bonaparte Road, White Marsh 21162



# FORMAL DEMAND FOR HEARING

CASE NUMBER: 2009-0172-A

Address: 11614 Bonaparte Ave.

Petitioner(s): Russell & Tina Beard

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/we Brian & JoAnn Brooks  
Name - Type or Print

(☒) Legal Owner OR (☐) Resident of  
11616 Bonaparte Ave.  
Address

White Marsh Md. 21162  
City State Zip Code

410-529-4488  
Telephone Number

which is located approximately 0 feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**  
**ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.**

[Signature]  
Signature

12-31-08  
Date

[Signature]  
Signature  
Revised 9/18/98 - wcr/scj

12/31/08  
Date

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

No. **32907**

Date: **12/31/08**

**PAID RECEIPT**

BUSINESS ALTRIA TIME 100  
 12/2/2009 12/31/2008 14:19:11 9

Rev Sub  
 Source/ Rev/

| Fund | Dept | Unit | Sub Unit | Obj  | Sub Obj | Dept Obj | BS Acct | Amount            | Expt  |
|------|------|------|----------|------|---------|----------|---------|-------------------|-------|
| 001  | 806  | 0000 |          | 6150 |         |          |         | 550 <sup>00</sup> | CR N. |
|      |      |      |          |      |         |          |         |                   |       |
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|      |      |      |          |      |         |          |         |                   |       |
|      |      |      |          |      |         |          |         |                   |       |

Total: **\$ 50<sup>00</sup>**

Rec  
 From:

For:

*Formal Demand for hearing case # 2009-0172-A*

GEN 1004 CASH ON HAND  
 XXXX CPT 2 463370 12/31/2008 CFLA

5 528 ZONING VERIFICATION

Receipt Tot 50.00  
 5.00 CR 50.00 CA  
 Baltimore County, Maryland

**DISTRIBUTION**

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**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: #2009-0172-A

11614 Bonaparte Avenue  
N/west side of Bonaparte Avenue, 330 feet s/west of Carrington Drive

11th Election District  
5th Councilmanic District  
Legal Owner(s): Russell & Tina Beard

**Variance:** to permit a proposed dwelling addition with a side yard setback of 3 feet and a sum of side yard setbacks of 28 feet in lieu of the minimum required 15 feet and 40 feet, respectively.

**Hearing:** Monday, February 9, 2009 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake 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.

1/385 January 22 192646

# CERTIFICATE OF PUBLICATION

1/22/2009

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 1/22/2009.

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

*J. Wilkinson*

LEGAL ADVERTISING

# CERTIFICATE OF POSTING

RE: Case No: 2009-0172-A

Petitioner/Developer: RUSSEL ?  
TINA BEARD

Date Of Hearing/Closing: 2/9/09

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 11614 BONAPARTE AVE.

This sign(s) were posted on January 23, 2009  
(Month, Day, Year)

Sincerely,

Martin Ogle 1/23/09  
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

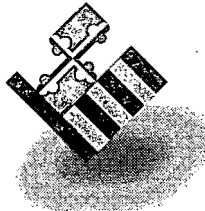
Address

Balto. Md 21220

(443-629 3411)



01/23/2009



**BALTIMORE COUNTY**  
M A R Y L A N D

JAMES T. SMITH, JR.  
County Executive

January 6, 2009  
TIMOTHY M. KOTROCO, Director  
Department of Permits and  
Development Management

**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: 2009-0172-A**

11614 Bonaparte Avenue

N/west side of Bonaparte Avenue, 330 feet s/west of Carrington Drive

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Russel & Tina Beard

Variance to permit a proposed dwelling addition with a side yard setback of 3 feet and a sum of side yard setbacks of 28 feet in lieu of the minimum required 15 feet and 40 feet; respectively.

Hearing: Monday, February 9, 2009 at 11:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco  
Director

TK:klm

C: Mr. & Mrs. Beard, 11614 Bonaparte Avenue, White Marsh 21162  
Mr. & Mrs. Brooks, 11616 Bonaparte Avenue, White Marsh 21162

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, JANUARY 24, 2009.**
- (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  
Thursday, January 22, 2009 Issue - Jeffersonian

Please forward billing to:  
Russell & Tina Beard  
11614 Bonaparte Avenue  
White Marsh, MD 21162

410-529-7285

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## NOTICE OF ZONING HEARING

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**CASE NUMBER: 2009-0172-A**

11614 Bonaparte Avenue

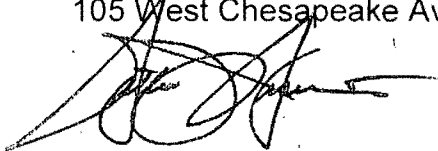
N/west side of Bonaparte Avenue, 330 feet s/west of Carrington Drive

11<sup>th</sup> Election District – 5<sup>th</sup> Councilmanic District

Legal Owners: Russel & Tina Beard

Variance to permit a proposed dwelling addition with a side yard setback of 3 feet and a sum of side yard setbacks of 28 feet in lieu of the minimum required 15 feet and 40 feet; respectively.

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105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW

**ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES**

Case Number 2009- 0172 -A Address 11614 Bonaparte Avenue  
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391  
Planner, Please Print Your Name  
Filing Date: 12/15/08 Posting Date: 12/28/08 Closing Date: 1/12/09

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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, usually within 10 days of the closing date if all County agencies' comments are received, 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.
- 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 2009- 0172 -A Address 11614 Bonaparte Avenue  
Petitioner's Name Russell & Tina Beard Telephone 410-529-7285  
Posting Date: 12/28/08 Closing Date: 1/12/09  
Wording for Sign: To Permit a proposed dwelling addition with a side yard setback of 3 feet and a sum of side yard setbacks of 28 feet in lieu of the minimum required 15 feet and 40 feet, respectively.

WCR - Revised 7/7/08

**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.**

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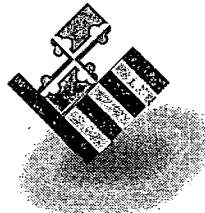
**For Newspaper Advertising:**

x Item Number or Case Number: 2009-0172-A  
Petitioner: RUSSELL & TIWA BEARD  
Address or Location: 11614 BOWAPARTE AVE WHITE MARSH, Md. 21162

PLEASE FORWARD ADVERTISING BILL TO:

Name: RUSSELL & TIWA BEARD  
Address: 11614 BOWAPARTE AVE  
WHITE MARSH, Md. 21162

Telephone Number: 410-529-7285



**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*  
January 12, 2009

Russell & Tina Beard  
11614 Bonaparte Ave.  
White Marsh Md.

Dear: Russell & Tina Beard

RE: Case Number 2009-0172-A, 11614 Bonaparte Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 15, 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." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

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

**DATE:** January 6, 2009

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For December 29, 2008  
Item No. 2009-0172-A

The petitioner is advised that construction of the proposed addition may not cause a drainage problem on the adjacent property.

DAK:CEN:lrk  
cc: File  
ZAC Comments-2009-0172-A-122908



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: 12/23/2008

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

RE: Baltimore County  
Item No 2009-0172-A  
11614 BONAPARTE AVE.  
BEARD 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. 2009-0172-A.

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



BW 2/9  
11 am

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

**DATE:** February 6, 2009

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

**SUBJECT:** 11614 Bonaparte Avenue

**INFORMATION:**

**Item Number:** 9-172

**Petitioner:** Humanyun Sheikh

**Zoning:** DR 2

**Requested Action:** Special Hearing

RECEIVED

FEB 06 2009

ZONING COMMISSIONER

**SUMMARY OF RECOMMENDATIONS:**

The Office of Planning has reviewed the petitioner's request and accompanying site plan. This Office does not oppose the petitioner's request provided vegetative screening is provided along the northwestern portion of the property to block the view of the proposed garage addition.

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

**Prepared by:**

**Division Chief:**  
AFK/LL: CM

BW  
2-9-09  
11 am

## BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence



RECEIVED

JAN 30 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM - Development Coordination  
DATE: January 30, 2009  
SUBJECT: Zoning Item # 09-172-A  
Address 11614 Bonaparte Avenue  
(Beard Property)

Zoning Advisory Committee Meeting of December 22, 2008

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

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

Additional Comments:

Reviewer: JW L

Date: 1/30/09

**From:** Debra Wiley  
**To:** Murray, Curtis  
**Date:** 02/06/09 1:52:00 PM  
**Subject:** Case No. 2009-0172-A (Admin. Variance - Formal Demand - Hearing 2/9)

*Missing  
of 2/6*

Hi Curtis,

Bill is scheduled to hear the above-referenced case on Monday, 2/9 @ 11 AM and the file unfortunately does not contain a comment from your office.

I have provided a case description for your convenience as follows:

**CASE NUMBER: 2009-0172--A**

11614 Bonaparte Ave

Location: North West side of Bonaparte Avenue; 330 feet South West of Carrington drive.

11th Election District, 5th Councilmanic District

Legal Owner: Russell & Tina Beard

Contract Purchaser:

**ADMINISTRATIVE VARIANCE** To permit a proposed dwelling addition with a side yard setback of 3 feet and a sum of side yard setbacks of 28 feet in lieu of the minimum required 15 feet and 40 feet; respectively.

Hearing: Monday, 2/9/2009 at 11:00:00 AM Jefferson Building, 105 West Chesapeake Avenue, Room 104, Towson, MD 21204

As always, thanks for your usual cooperation and have a great day !

Debbie Wiley  
Legal Administrative Secretary  
Office of the Zoning Commissioner  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

**CC:** Are, Kathy

**Bill Wiseman - Ken Kahn**

---

**From:** Sharon Paul  
**To:** Wiseman, Bill  
**Date:** 12/31/08 10:18 AM  
**Subject:** Ken Kahn

---

Bill,

Can you respond to Mr. Kahn and cc me.

Thanks,

Sharon

Sharon Paul  
 Constituent Services Coordinator  
 Baltimore County Executive Office  
 400 Washington Avenue  
 Towson, MD 21204  
 410-887-2450  
 410-887-4049 fax  
[spaul@baltimorecountymd.gov](mailto:spaul@baltimorecountymd.gov)

HATIN

>>> "Ken Hahn" <kdhahn@rmf.com> 12/30/08 12:07 PM >>>  
 Dear Honorable Jim Smith,

I hope the holidays are doing well for you.

If you get a moment I would like the County to streamline an easy task.

**Background--**

My neighbor requested a zoning variance which falls into an Administrative Variance. This is easy for them and hard for neighbors.

In a development of new houses and large lots they want to reduce a 15 foot setback by 15 foot to be **3 foot**.

This is not in the spirit of the Zoning Codes and should not have even been started.

**Question for the County is--**

Why would I have to call and fax and come in to request a hearing and pay \$50.00.

I was told the county employees do not have a good grasp on email and cannot be relied on for e-mail so it is not attempted.

There is not even a general e-mail box for the zoning department. Can you believe!

No wonder there is no money - Lets move to the 20th century even if we cannot get to the 21st century, please.

I got rid of fax machines which take analog lines in favor of digital lines.

I would think if you can use e-mail, so can they. As all have e-addresses so, lets get accountability.

Please advise,

ken hahn  
443.463.8238  
11613 Bonaparte Ave  
White Marsh Md, 21162

**From:** "Tina Beard" <tinabeard@comcast.net>  
**To:** wwiseman@baltimorecountymd.gov; tinabeard@comcast.net  
**Date:** 02/10/09 9:10:18 AM  
**Subject:** Question to case # 2009-0172-A

Hearing Date 2/09/09 Beard and Brooks

Dear Sir, I have a couple of items of concern from yesterdays hearing. First I'm not clear on your ruling to deny our request for the 3ft side yard set back etc. The process is available for the consumer to use but, you have to follow the zoning law.so please explain this again so I can fully understand what happen yesterday. I think it would be best if I saw the reason in black and white. So I may have the explanation prior to the expiration of my appeal period.

As my husband and I understood that Mr. Hahn had contacted you and Mr. Zimmerman prior to our hearing for assistance and Mr. Zimmerman you mention was the man you have to answer to. In your conversation with Mr. Hahn you said Mr. Zimmerman said "He doesn't have a problem with the set back as long as they screen it" please elaborate. Then later in the hearing you advise me not to appeal.

What happen to the process trying to come to a happy medium; we don't have a problem screening that side or even both sides.

The whole hearing was very contradictory. (DR3.5 down the street is ok and Mr Zimmerman has no problem)

I didn't get a chance to bring to the table that my immediate neighbor is not in compliance with the DR2 zoning, he has a front yard garage on my property line see photos.

I believe in my heart my neighbors are selfish and self-centered.

Pleae Advise

Tina and Russell Beard.

**From:** "Tina Beard" <tinabeard@comcast.net>  
**To:** dwiley@baltimorecountymd.gov; tinabeard@comcast.net  
**Date:** 02/11/09 1:48:52 PM  
**Subject:** RE: Case No. 2009-0172-A

At no time did I feel my case was discussed with Mr. Hahn and Mr. Wiseman. I truly believe it was procedural. I believe with all my heart Mr. Wiseman was nonbiased. I realize the county assists the consumer on both sides of the scenario. I contacted the county many times for assistance and was told that my hard ship of ill parents was strong and the neighbors would have to have a better reason to stop the request of the variance. Not some feelings that they have, likes or dislikes. I guess I wasn't given good enough procedural advice by just calling the given numbers, next time I'll know to go to the top for advice.

It was also unclear why the superior Mr. Zimmerman didn't have a problem with the honoring the variance with conditions. We didn't receive any type of option during the hearing. Also unclear why to request an administrative variance at all, now in hindsight.

Tina Beard  
Your Realtor By Choice!  
410-207-5993  
e-fax 410-975-4579  
RE/MAX Elite Realty  
www.tinabeard.com

-----Original Message-----

From: Debra Wiley [mailto:dwiley@baltimorecountymd.gov]  
Sent: Tuesday, February 10, 2009 11:34 AM  
To: tinabeard@comcast.net  
Subject: Case No. 2009-0172-A

Ms. Beard,

Commissioner Wiseman asked that I respond to your email on his behalf. A written Order will be issued in your case. It is from this "black and white" Order that the appeal period begins to run. Please be assured that any discussions between Mr. Hahn and Mr. Wiseman did not involve the merits of your case. He had requested advice on procedural issues. Similiarly, Mr. Wiseman would have had no discussions with Mr. Zimmerman or he with Mr. Wiseman concerning your case.

Thanks.

Debbie Wiley  
Legal Administrative Secretary  
Office of the Zoning Commissioner  
105 West Chesapeake Avenue, Suite 103  
Towson, Md. 21204  
410-887-3868  
410-887-3468 (fax)  
dwiley@baltimorecountymd.gov

# Carl Richards - 11614 Bonaparte ave White Marsh

**From:** "Kenneth Hahn" <KDHahn@comcast.net>  
**To:** <crichards@baltimorecountymd.gov>  
**Date:** 12/29/2008 8:40 PM  
**Subject:** 11614 Bonaparte ave White Marsh  
**CC:** "'Ken Hahn'" <kdhahn@rmf.com>, <wwiseman@baltimorecountymd.gov>

*To File  
Per LCR*

*Closing 1/12/09 Admin. V.*

*2009-0172*

Hi Chief Richards,

The sign just went up in my neighbors yard 12/27/08 for this Variance. Not a lot of time for the sign to be posted especially with the holidays adding to the timing.

**would like the county to deny** this as I am across the street and do not want to look at a property that will look like a townhouse.

The house in question is a new house located on a rectangular lot and not an old fixer upper on an irregular lot.

All new houses in this general area are on DR-2 lots. This addition will create an eyesore that is not in the spirit of the neighborhood. Their lot subdivision is only 8 years old and there are no special considerations that would require a variance. No hardship, no problems there.

A total of 3 people live in this multi-bedroom house and it presently has an attached 2 car garage. This lot has plenty of room to expand in the rear of the lot.

Plain and simple there are alternatives here. To go from a 15 foot setback to 3 foot is horrible.

Question ? What do I do to firmly protest the issue. From looking at the notice on-line it appears there is bad taste if I have to PAY for a hearing on this when we keep the spirit of zoning and the occupants of 11614 do not have to.....it should be our right to be content and when someone else that wants to change the spirit of the law to pay.

Please advise how to file the protest. Is phone the only way? I travel out of state for work and timing may be difficult.

Thank you for your consideration,

Ken Hahn & Family  
11613 Bonaparte Ave  
White Marsh

143.463.8238

## Administrative Variances - 11614 Bonaparte Avenue

Location: 5th Council District

Date/Time: 12/08/2008 8:00 AM - 01/12/2009 4:30 PM

Description:  
Administrative Variance to permit a proposed dwelling addition with a side yard setback of 3 feet and a sum of side yard setbacks of 28 feet in lieu of the minimum required 15 feet and 40 feet, respectively.

Contact: Zoning Review 410-887-3391

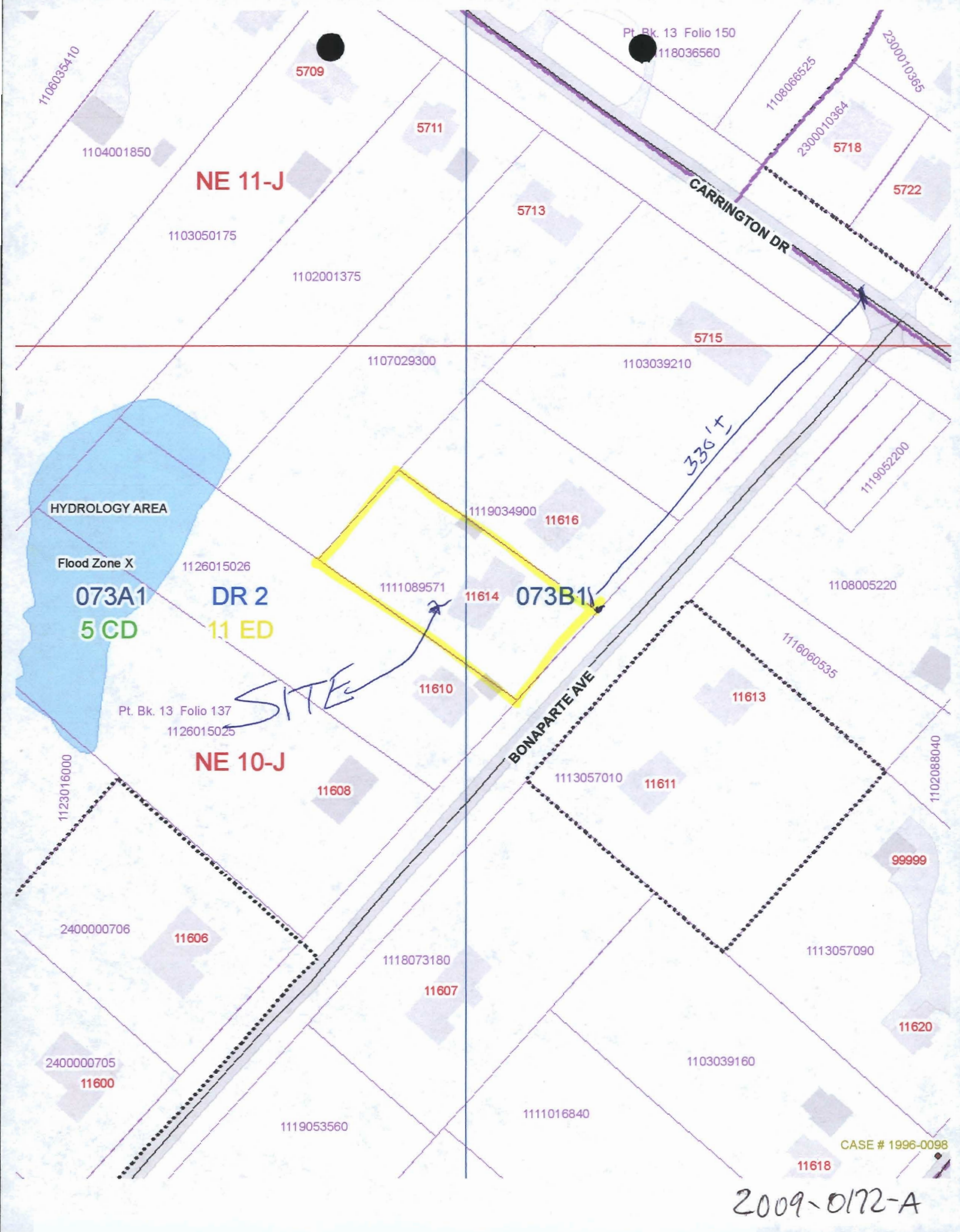
CASE NAME Brend  
CASE NUMBER 2009-0172-1A  
DATE 2-9-09

[illegible]

CASE NAME 2009-0172-1A  
CASE NUMBER Beard  
DATE 2-9-09

CASE NAME 2009-0172-1A  
CASE NUMBER Beard  
DATE 2-9-09

[illegible]



Case No.: 2009-0172-A 11614 BONAPARTE AVE

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                                           |                                                    |
|--------|-------------------------------------------|----------------------------------------------------|
| No. 1  | SITE PLAN                                 | Photos (5)                                         |
| No. 2  | EXISTING CONDITION<br>PHOTO'S             | LETTER IN OPPOSITION                               |
| No. 3  | FLOOR PLAN                                | PHOTO OF KEN HANN'S HOME<br>ACROSS THE STREET FROM |
| No. 4  | PHOTO'S TRANSPOSED<br>WITH ADDITION SHOWN | SUBJECT<br>PROPERTY                                |
| No. 5  | Aerial View                               |                                                    |
| No. 6  |                                           |                                                    |
| No. 7  |                                           |                                                    |
| No. 8  |                                           |                                                    |
| No. 9  |                                           |                                                    |
| No. 10 |                                           |                                                    |
| No. 11 |                                           |                                                    |
| No. 12 |                                           |                                                    |

# PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

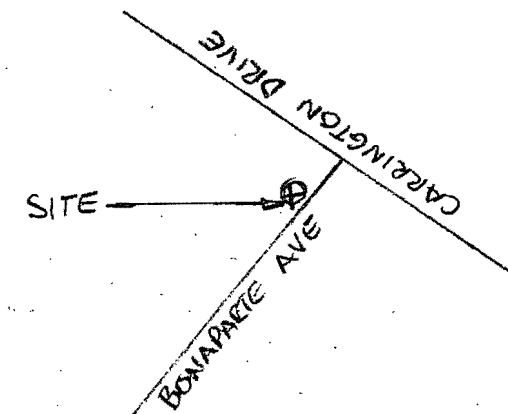
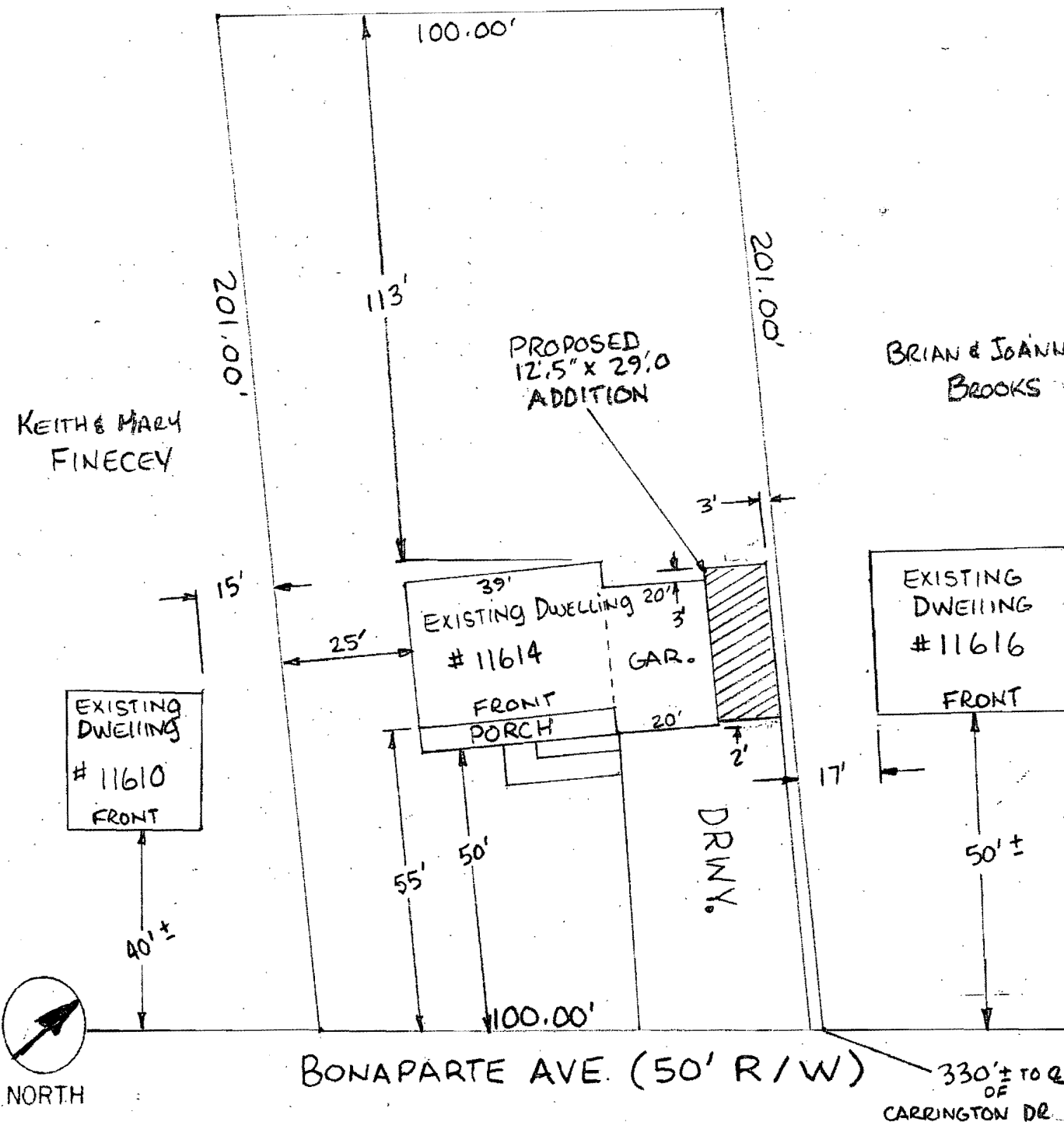
PROPERTY ADDRESS 11614 BONAPARTE AVE.

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

SUBDIVISION NAME DARRYL GARDENS

PLAT BOOK # 13 FOLIO # 131 LOT # 18 SECTION #     

OWNER RUSSELL & TINA BEARD



VICINITY MAP  
SCALE: 1" = 1000'

## LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 5

1" = 200' SCALE MAP # 073B1

ZONING DR 2

LOT SIZE .461 20,300.00  
ACREAGE SQUARE FEET

|       |                                     |                          |
|-------|-------------------------------------|--------------------------|
|       | PUBLIC                              | PRIVATE                  |
| SEWER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| WATER | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

|                              |                          |                                     |
|------------------------------|--------------------------|-------------------------------------|
|                              | YES                      | NO                                  |
| CHESAPEAKE BAY CRITICAL AREA | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

|                      |                          |                                     |
|----------------------|--------------------------|-------------------------------------|
|                      | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 100 YEAR FLOOD PLAIN |                          |                                     |

|                             |                          |                                     |
|-----------------------------|--------------------------|-------------------------------------|
|                             | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| HISTORIC PROPERTY/ BUILDING |                          |                                     |

PRIOR ZONING HEARING NONE ☒

ZONING OFFICE USE ONLY  
REVIEWED BY JNP ITEM # 0172 CASE # 2009-

0172-A

PREPARED BY ROB IV

SCALE OF DRAWING: 1" = 30'

PETITIONER'S

EXHIBIT NO. 1



PETITIONER' S

EXHIBIT NO.

2

2009-0172-A



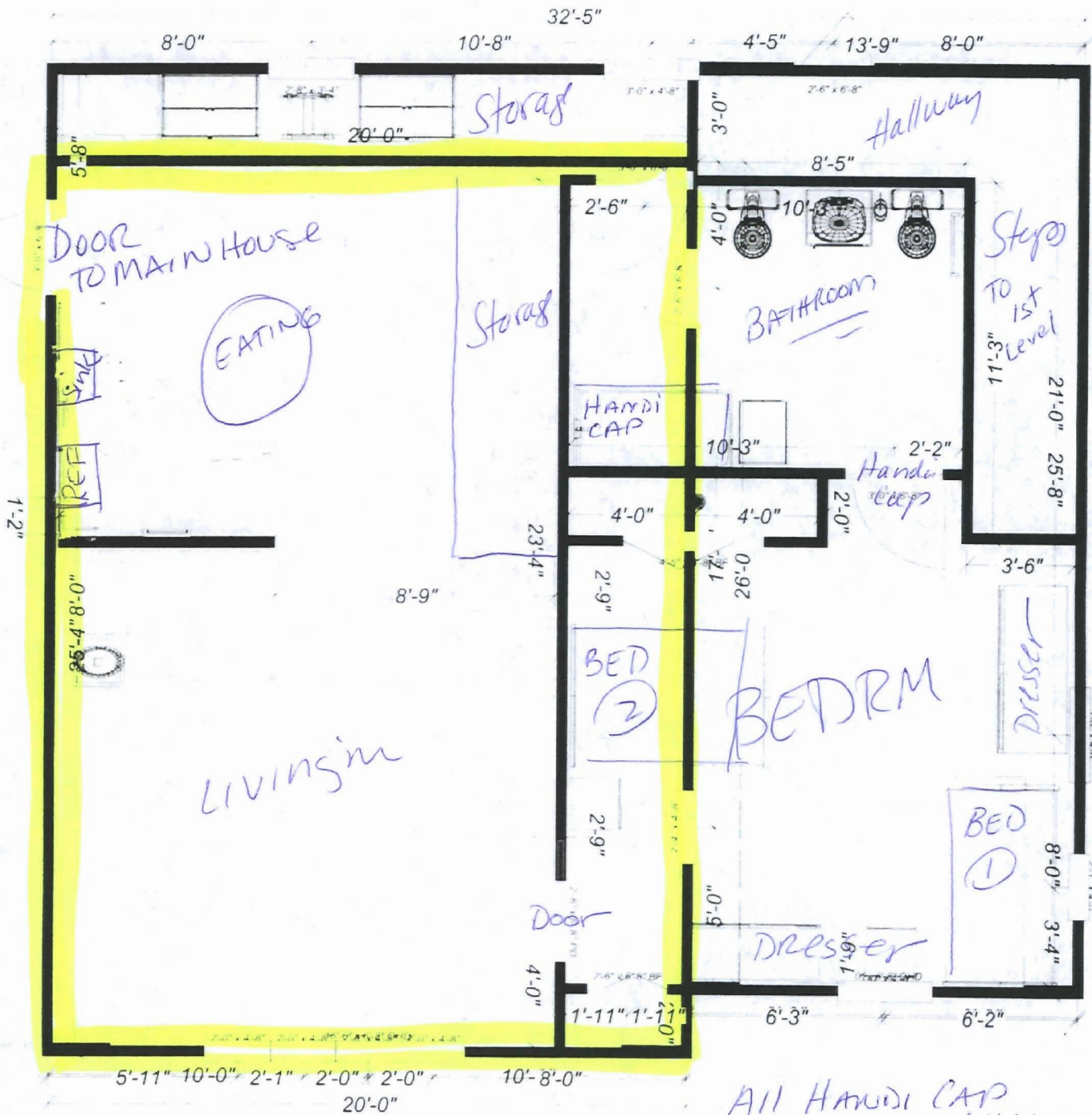


2009-0172-A









Existing Garage Foundation  
FIRST FLOOR

All HANDI CAP  
DOORS & HALLWAYS  
ELECTRIC STAIRS  
TO EXIST TO GROUND  
LEVEL.

PETITIONER'S

EXHIBIT NO.

3



EXISTING DWELLING

PROPOSED ADDITION

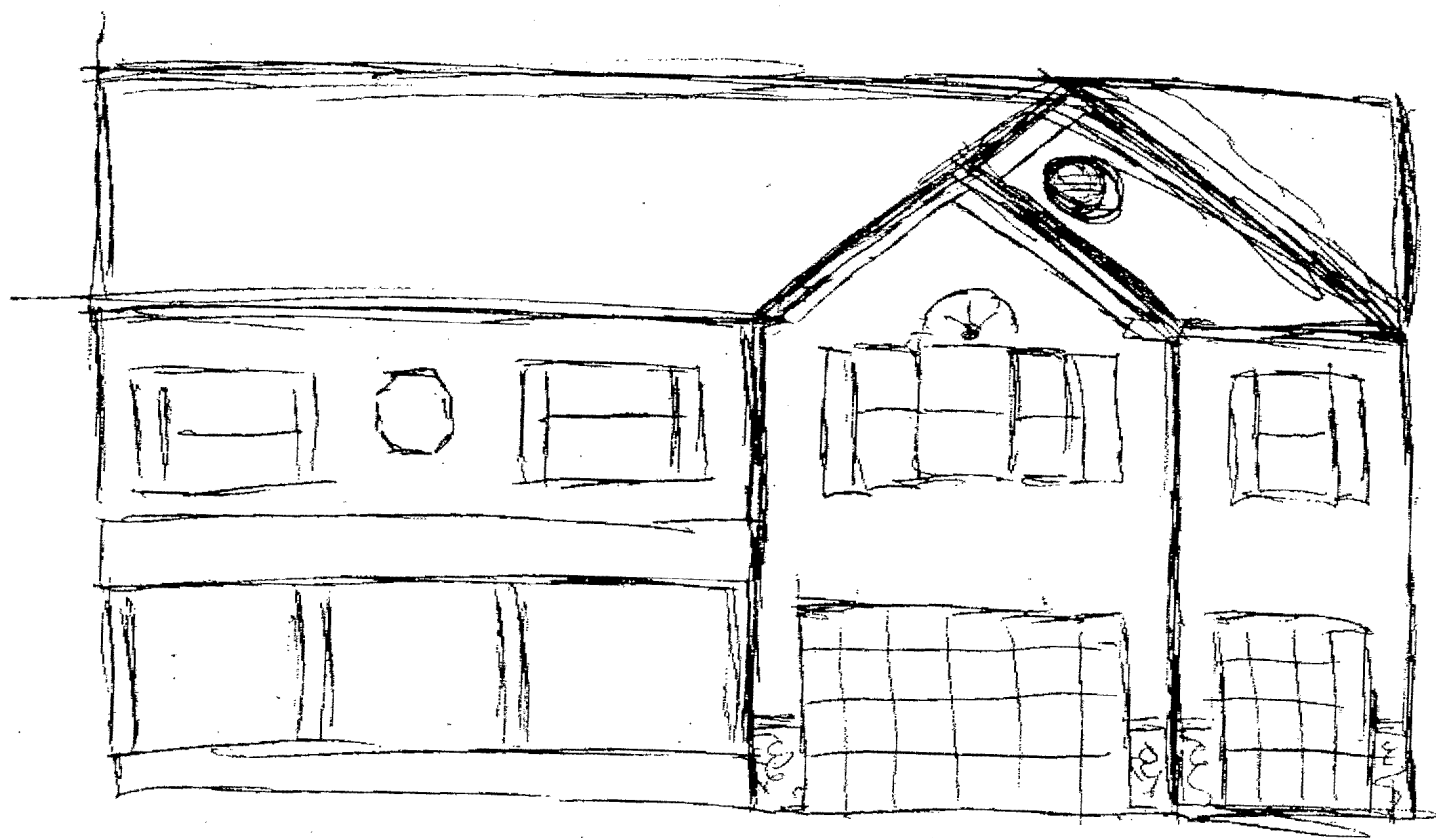


PETITIONER'S

EXHIBIT NO.

4

2009-0172-A



2009-0172-A







PETITIONER' S

EXHIBIT NO. 5

REN-HAN



Brooks

Subject  
BEARD

Case No.: 2009-0172-A 11614 BONAPARTE AVE

Exhibit Sheet

Petitioner/Developer

Protestant

|        |                                           |                                                    |
|--------|-------------------------------------------|----------------------------------------------------|
| No. 1  | SITE PLAN                                 | Photos (5)                                         |
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| No. 5  | Aerial View                               |                                                    |
| No. 6  |                                           |                                                    |
| No. 7  |                                           |                                                    |
| No. 8  |                                           |                                                    |
| No. 9  |                                           |                                                    |
| No. 10 |                                           |                                                    |
| No. 11 |                                           |                                                    |
| No. 12 |                                           |                                                    |



PROTESTANT'S

EXHIBIT NO.

1









February 8, 2009

To Whom It May Concern:

Our street consists of 9 houses old and new with a minimum of half acre lots. All the houses are a minimum of 30 feet apart. Most of the home owners bought here instead of a large development because of the large lots and the space between houses.

We are not opposed to the home owner adding an addition just not changing the set back rules. With a half acre lot there is plenty of room to build in the back. Approving this will change the entire look of the neighborhood.

Thank you for taking all this in to consideration.

Dick Gho 11616 Bonaparte Rd.  
JoAnn Brooks 11616 Bonaparte Rd.  
Mary Finney 11610 Bonaparte Rd.  
Rachel Blackenship 11608 Bonaparte Rd.  
Ken Hahn 11613 BONAPARTE Rd  
Shene Hahn 11613 Bonaparte Rd.

PROTESTANT'S

EXHIBIT NO.

2

Ken

PROTESTANT'S

EXHIBIT NO. 3