

**IN RE: PETITION FOR VARIANCE**

W side of Hamilton Avenue, 248 feet N  
of the c/l of Price Road  
14<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
(5707 Hamilton Avenue)

**Russell Beard, Jr.**  
*Petitioner*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* CASE NO. 2009-0266-A

\* \* \* \* \*

**IN RE: PETITION FOR VARIANCE**

W side of Hamilton Avenue, 199 feet N  
of the c/l of Price Road  
14<sup>th</sup> Election District  
7<sup>th</sup> Councilmanic District  
(5711 Hamilton Avenue)

**Russell Beard, Jr.**  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING  
\* COMMISSIONER  
\* FOR BALTIMORE COUNTY  
\* CASE NO. 2009-0267-A

\* \* \* \* \*

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

These matters come before this Deputy Zoning Commissioner for consideration of Petitions for Variance filed by the legal property owner, Russell Beard, Jr. In each case number, Petitioner is requesting the following variance relief:

**Case No. 2009-0266-A:** For the property located at 5707 Hamilton Avenue, the varaiance request is from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling to have a side yard setback of 7.1 feet and a front yard setback of 21.2 feet in lieu of the required 10 feet and front yard average of 29 feet.

**Case No. 2009-0267-A:** For the property located at 5711 Hamilton Avenue, the variance request is from Sections 1B02.3.C.1 and 400.1 of the B.C.Z.R. to permit an existing dwelling to have side yard setbacks of 7.07 feet and 6.8 feet in lieu of the required 10 feet each; and to permit an

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existing detached accessory structure (garage) to have a side setback as close as 1 foot in lieu of the required 2 ½ feet. The subject properties at 5707 Hamilton Avenue and 5711 Hamilton Avenue and the requested relief are more fully described on the site plans which were marked and accepted into evidence as Petitioner's Exhibits 1A and 1B, respectively.

Appearing at the requisite public hearing in support of the variance requests was Petitioner Russell Beard, Jr. and his attorney, Linwood O. Jarrell, Jr., Esquire. Also appearing in support of the requested relief was Bernadette Moskunas with Site Rite Surveying, Inc., the land surveying firm that prepared the site plan. There were no Protestants or other interested persons in attendance at the hearing.

Testimony and evidence offered revealed that the properties that make up 5707 Hamilton Avenue (Case No. 2009-0266-A) and 5711 Hamilton Avenue (Case No. 2009-0267-A) are each irregular in size and zoned D.R.5.5. The properties, shown on the site plans as Lot 1 (0.372 acre) and Lot 2 (0.377 acre), respectively, are located on the west side of Hamilton Avenue, just north of Price Lane and southeast of Interstate 95 and approximately one mile east of the City/County line, in the Rosedale area of Baltimore County. The location and general appearance of the properties is also confirmed in the aerial photographs that were marked and accepted into evidence as Petitioner's Exhibits 2A and 2B. The property at 5707 Hamilton Avenue is improved with an existing two-story frame dwelling that was built in 1905 according to the SDAT printout that was marked and accepted into evidence as Petitioner's Exhibit 3A. The property is also improved with a 10 foot wide asphalt driveway that leads to a large parking area to the rear of the property. The property at 5711 Hamilton Avenue is also improved with an existing one-story brick rancher style dwelling that was built in 1949 according to the SDAT printout that was marked and accepted into evidence as Petitioner's Exhibit 3B. The property is

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also improved with an existing carport and one-story brick garage located in the rear of the property near the southern property line, as well as an asphalt driveway and parking area leading to the carport and garage.

According to Mr. Jarrell, Petitioner's attorney and the family attorney for many years, Petitioner acquired the properties from his mother's estate in 1995. His parents bought the property in 1953 and there has been no change in the exterior property lines. Ms. Moskuna, Petitioner's property and land use consultant, indicated that none of the properties is part of a subdivision. In addition, the properties do not have a legally recognized interior lot line. The purpose of the instant filings is to legitimize long existing conditions and in particular to recognize the existing improvements which are to remain. In addition, Petitioner is proceeding through the "minor subdivision" process with the County in order to establish the interior lot line between Lots 1 and 2 as shown on the site plans. In so doing, Petitioner also desires to "clean up" any zoning issues that have arisen on the properties during this process to bring them into compliance with today's standards. That includes the location and placement of the dwelling at 5707 Hamilton Avenue, which requires variance relief from the side and front yard setbacks, and the location and placement of the dwelling at 5711 Hamilton Avenue, which requires variance relief from the side yard setback, and of the garage which also requires variance relief from the side yard setback. Ms. Moskunas also noted that all other regulations are met, including minimum area requirements, and there are no other improvements noted or contemplated.

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.

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Considering of all the testimony and evidence presented, I find special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requests. Ms. Moskunas pointed out that neither of the lots is part of a subdivision and each is of a varying shape and size. Although they are considered separate lots, as illustrated in the SDAT printouts with distinct legal descriptions and separate tax bills, evidently, the properties do not have a recognized interior lot line (which is the purpose behind the proposed minor subdivision). Moreover, the property itself and the improvements thereon pre-date the adoption of the Zoning Regulations. Because of these unique features, the imposition of zoning on the property disproportionably impacts the subject lots as compared to other properties in the zoning district.

Finally, I find these variance requests can be granted in strict harmony with the spirit and intent of said regulations, and in such manner as to grant relief without injury to the public health, safety and general welfare. The relief requested herein will serve to merely legitimize existing condition that date back many years, and there were no interested citizens protesting the requested relief.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and after considering the testimony and evidence offered by Petitioner, I find that Petitioner's variance requests should be granted.

THEREFORE, IT IS ORDERED this 30<sup>th</sup> day of June, 2009 by this Deputy Zoning Commissioner, that Petitioner's variance relief requests for the properties set forth as follows:

**Case No. 2009-0266-A:** For the property located at 5707 Hamilton Avenue, the varaiance request from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing dwelling to have a side yard setback of 7.1 feet and a front yard

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setback of 21.2 feet in lieu of the required 10 feet and front yard average of 29 feet be and are hereby GRANTED; and

**Case No. 2009-0267-A:** For the property located at 5711 Hamilton Avenue, the variance request from Sections 1B02.3.C.1 and 400.1 of the B.C.Z.R. to permit an existing dwelling to have side yard setbacks of 7.07 feet and 6.8 feet in lieu of the required 10 feet each; and to permit an existing detached accessory structure (garage) to have a side setback as close as 1 foot in lieu of the required 2 ½ feet be and are hereby GRANTED.

The relief granted herein shall be subject to the following:

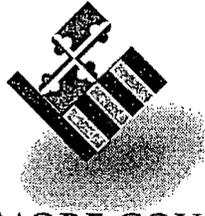
1. Petitioner may apply for his building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioner would be required to return, and be responsible for returning, said property to its original condition.

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

  
THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

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

JAMES T. SMITH, JR.  
*County Executive*

THOMAS H. BOSTWICK  
*Deputy Zoning Commissioner*

June 30, 2009

LINWOOD O. JARRELL, JR., ESQUIRE  
APT. 1309, 128 WEST RING FACTORY ROAD  
BEL AIR MD 21014

Re: Petition for Variance  
Case Nos. 2009-0266-A and 2009-0267-A  
Property: 5707 Hamilton Avenue and 5711 Hamilton Avenue

Dear Mr. Jarrell:

Enclosed please find the decision rendered in the above-captioned case.

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, appearing to read "Thomas H. Bostwick".

THOMAS H. BOSTWICK  
Deputy Zoning Commissioner  
for Baltimore County

THB:pz

Enclosure

c: Russell Beard, Jr., 9210 Nottingwood Road, Baltimore MD 21237  
Bernadette Moskunas, Site Rite Surveying, Inc., 200 East Joppa Road, Room 101, Towson  
MD 21286



# Petition for Variance

to the **Zoning Commissioner of Baltimore County** for the property located at #5707 Hamilton Avenue which is presently zoned D.R. 5.5

Deed Reference: 27300 / 713 Tax Account # 1402021640

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) B02.3.C.1 and 303.1- to

permit an existing dwelling to have a side yard setback of 7.1 feet and a front yard setback of 21.2 feet in lieu of the required 10 and front yard average of 29

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

see attached

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

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

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

### Contract Purchaser/Lessee:

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

### Attorney For Petitioner:

Linwood O. Jarell, Jr.  
Name - Type or Print  
Linwood O. Jarell, Jr.  
Signature  
SOLE PRACTITIONER  
Company  
APT 1309 128 W. Ring Factory Rd 410-638-5894  
Address Telephone No.  
BEL AIR, Md. 21014  
City State Zip Code

### Legal Owner(s):

Russell Beard  
Name - Type or Print  
Signature  
Name - Type or Print  
Signature  
9210 Nottingwood Road 410-686-1010  
Address Telephone No.  
Baltimore, MD 21237  
City 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

Case No. 2009-0266-A

### Office Use Only

Estimated Length of Hearing  
Unavailable For Hearing  
Reviewed by [Signature] Date 4/8/09

6:30:09

[Signature]

**ZONING DESCRIPTION FOR #5707 HAMILTON AVENUE**

BEGINNING AT A POINT ON THE WEST SIDE OF HAMILTON AVENUE, WHICH IS AN EXISTING 30 FOOT RIGHT-OF-WAY TO BE IMPROVED TO A 50 FOOT RIGHT-OF-WAY, AT THE DISTANCE OF 248.17 FEET NORTH OF THE CENTERLINE OF PRICE ROAD WHICH IS 40 FEET WIDE. BEING LOT #1 AS SHOWN ON A PLAN ENTITLED "BEARD PROPERTY" MINOR SUBDIVISION PROJECT NO. 09011M, PDM FILE NO.XIV-474 AND CONTAINING 0.3720 OF AN ACRE, MORE OR LESS. ALSO KNOWN AS #5707 HAMILTON AVENUE AND LOCATED IN THE 14<sup>TH</sup> ELECTION DISTRICT, 7<sup>TH</sup> COUNCILMANIC DISTRICT.



MICHAEL V. MOSKUNAS  
REG. NO. 21175

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

Item #0266

**BEARD PROPERTY**  
**#5705/#5711 HAMILTON AVENUE**

This property represents the remainder of a parcel of land that had out conveyances as described below:

1948 - #5703 Hamilton Avenue

1951 - #5705 Hamilton Avenue

1957 and 1974 – State Highway Administration Plats

The remainder has two (2) Existing Dwellings; namely, #5705 Hamilton Avenue and #5711 Hamilton Avenue. This project is in the development process as a Minor Subdivision No. 09011M. The variance relief requested is a result of the division created between the two (2) individual dwellings and such improvements for separate lots of record and to bring the property current to the standards of the B.C.Z.R.

This relief is within the spirit and intent of the B.C.Z.R. and does not create an adverse effect on the general safety and welfare of the surrounding neighborhood. There is no proposed development and the existing conditions are to remain as shown on the plan.

Item #0266

**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:**

Item Number or Case Number: 2009-0266-A  
Petitioner: Russell Beard  
Address or Location: 5707 Hamilton Avenue

**PLEASE FORWARD ADVERTISING BILL TO:**

Name: Russell Beard  
Address: 9210 Nottingwood Road  
Baltimore, MD 21237  
Telephone Number: 410 686-1010

**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: # 2009-0246-A**

5707 Hamilton Avenue

W/ side of Hamilton Avenue, 248 feet north of centerline of Price Road

14th Election District — 7th Councilmanic District

Legal Owner(s): Russell Beard

**Variance:** to permit an existing dwelling to have a side yard setback of 7.1 feet and a front yard setback of 21.2 feet in lieu of the required 10 and front yard average of 29 feet.

**Hearing:** Monday, June 15, 2009 at 9:00 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.

5/477 May 28

202482

# CERTIFICATE OF PUBLICATION

5/28/, 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 5/28/, 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 2009-0246-A

Petitioner/Developer SITE  
RTE SURVEYING

Date Of Hearing/Closing: 4/15/09

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 penalties of perjury that the necessary  
sign(s) required by law were posted conspicuously on the property  
at 5707 HAMILTON AVENUE

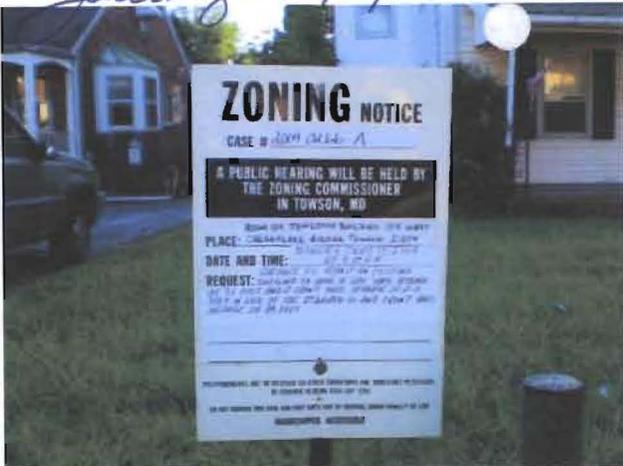
This sign(s) were posted on May 30, 2009  
Month, Day, Year

Sincerely,

Martin Ogle 5/30/09  
Signature of Sign Poster and Date

Martin Ogle  
helmsford Court  
more, Md, 21220  
43-629-3411

Martin Ogle 5/30/09



05/30/2009

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

No. 37524

Date: 4/8/09

PAID RECEIPT

DIRECTOR ACTUAL TIME 100  
4/8/2009 4/08/2009 09:00:05 5  
S 0505 MARYLN BROS LTD  
RECEIPT # 30307 4/08/2009 0120  
5 - 055 ZORNA VERIFICATION  
#1 037024  
Recpt Tot \$25.00  
4120.00 CR 1.50 Cr  
Baltimore County, Maryland

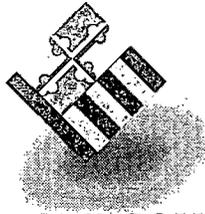
Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	506	0000		8150				

Total: 5.69

Rec From: \_\_\_\_\_  
For: Zornia Verifica - case # 2009-12766-A  
\_\_\_\_\_

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

**CASHIER'S  
VALIDATION**



**BALTIMORE COUNTY**

M A R Y L A N D

JAMES T. SMITH, JR.  
*County Executive*

May 21, 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: 2009-0266-A**

5707 Hamilton Avenue

W/side of Hamilton Avenue, 248 feet north of centerline of Price Road

14<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Russell Beard

Variance to permit an existing dwelling to have a side yard setback of 7.1 feet and a front yard setback of 21.2 feet in lieu of the required 10 and front yard average of 29 feet.

Hearing: Monday, June 15, 2009 at 9:00 a.m. in Room 104, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

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

Timothy Kotroco  
Director

TK:klm

C: Linwood Jarrell, Jr, 128 W. Ring Factory Road, Apt. 1209, Bel Air 21014  
Russell Beard, 9210 Nottingwood Road, Baltimore 21237  
Site Rite Surveying, Inc., 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, MAY 30, 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, May 29, 2009 Issue - Jeffersonian

Please forward billing to:  
Russell Beard  
9210 Nottingwood Road  
Baltimore, MD 21237

410-686-1010

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## 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: 2009-0266-A**

5707 Hamilton Avenue

W/side of Hamilton Avenue, 248 feet north of centerline of Price Road

14<sup>th</sup> Election District – 7<sup>th</sup> Councilmanic District

Legal Owner: Russell Beard

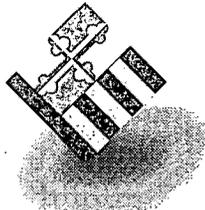
Variance to permit an existing dwelling to have a side yard setback of 7.1 feet and a front yard setback of 21.2 feet in lieu of the required 10 and front yard average of 29 feet.

Hearing: Monday, June 15, 2009 at 9:00 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 ACCOMODATIONS, 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.



**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*  
June 10, 2009

Linwood O Jarrell, Jr.  
128 W. Ring Factory Rd. Apt. 128  
Bel Air, MD 21014

Dear: Linwood O Jarrell, Jr.

RE: Case Number 2009-0266-A, 5707 Hamilton Ave.

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 8, 2009. 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 that reads "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel  
Russell Beard; 9210 Nottingwood Rd.; Baltimore, MD 21237  
Site Rite Surveying, Inc.; 200 E. Joppa Rd. Rm. 101; Towson, MD 21286

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** April 24, 2009

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For April 27, 2009  
Item Nos. 2009-261, 265, ~~266~~, 267,  
268 and 272

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

DAK:CEN:cab  
cc: File  
ZAC-04272009 -NO COMMENTS

TB 6/15  
9 AM

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**



RECEIVED  
MAY 13 2009  
ZONING COMMISSIONER

TO: Timothy M. Kotroco  
FROM: Dave Lykens, DEPRM - Development Coordination JAL  
DATE: May 13, 2009  
SUBJECT: Zoning Item # 09-266-A  
Address 5707 Hamilton Avenue  
(Beard Property)

Zoning Advisory Committee Meeting of April 20, 2009.

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

Reviewer: JWJ

Date: 5/13/09

TB 6/15  
9AM

# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** 04-20-09

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

RECEIVED

APR 23 2009

**SUBJECT:** Zoning Advisory Comments  
**INFORMATION:** 5707 Hamilton Avenue

ZONING COMMISSIONER

**Item Number:** 09-266-A

**Petitioner:** Beard, Russel

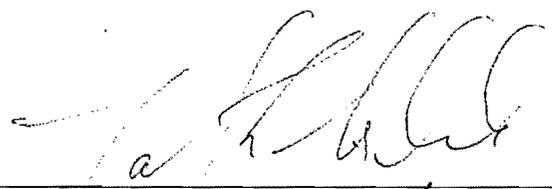
**Property Size:** .7493 Ac.

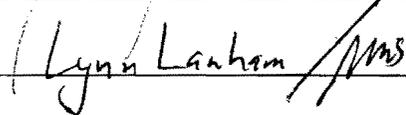
**Zoning:** DR 5.5

**Requested Action:** Variance existing setbacks for existing buildings.

### SUMMARY OF RECOMMENDATIONS:

The staff has no objection to the approval of existing setbacks for existing structures on this site.

Prepared By: 

Section Chief:   
AFK/JM/JRA



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

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

Maryland Department of Transportation

Date: April 22, 2009

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

RE: Baltimore County  
Item No 2009-0266-A  
5707 HAMILTON AVE  
BEARD PROPERTY  
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. 2009-0266-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,

A handwritten signature in black ink that reads "Michael P. Bailey".

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



RE: PETITION FOR VARIANCE \* BEFORE THE  
 5707 Hamilton Avenue; W/S Hamilton \* ZONING COMMISSIONER  
 Avenue, 248' N of c/line of Price Road \* FOR  
 14<sup>th</sup> Election & 7<sup>th</sup> Councilmanic Districts \*  
 Legal Owner(s): Russell Beard \*  
 Petitioner(s) \* BALTIMORE COUNTY  
 \* 09-266-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

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

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Jefferson Building, Room 204  
 105 West Chesapeake Avenue  
 Towson, MD 21204  
 (410) 887-2188

RECEIVED

MAY 01 2009

.....

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 1<sup>st</sup> day of May, 2009, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286 and Linwood Jarrell, Jr, Esquire, 128 Ring Factory Road, Apt. 1309, Bel Air, MD 21014, Attorney for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County



Case No.: 2002-266 + 267 - A

Exhibit Sheet

Petitioner/Developer

Protestant

	Petitioner/Developer	Protestant
No. 1 A+B	Site Plans for each property	
No. 2 A+B	Aerial Photos	
No. 3 A+B	SDAT Printouts for each property	
No. 4 A-F	SDAT Printouts for surrounding properties	
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

Baltimore County - My Neighborhood



P.O.B. 249.17' FROM E OF PRICE ROAD

#5707 HAMILTON AVENUE  
089 B2

PETITIONER'S  
EXHIBIT NO. 2A

Item #0266

Baltimore County - My Neighborhood



#5711 HAMILTON AVENUE  
089 B2

PETITIONER'S

EXHIBIT NO. 2B

Item #0267

	<b>Maryland Department of Assessments and Taxation</b> <b>BALTIMORE COUNTY</b> Real Property Data Search (2007 vw3.1)	Go Back View Map New Search
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**Account Identifier:** District - 14 Account Number: 1402021640

Owner Information			
<b>Owner Name:</b>	BEARD RUSSELL O,JR	<b>Use:</b>	RESIDENTIAL
<b>Mailing Address:</b>	9210 NOTTINGWOOD RD BALTIMORE MD 21237-3402	<b>Principal Residence:</b>	NO
		<b>Deed Reference:</b>	1) /27300/ 713 2)

Location & Structure Information	
<b>Premises Address</b> 5707 HAMILTON AVE	<b>Legal Description</b> 5707 HAMILTON AVE 235 N OF PRICE RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	15	74						3	Plat Ref:

Special Tax Areas	Town Ad Valorem Tax Class
-------------------	---------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1905	2,088 SF	20,060.00 SF	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

Value Information				
	Base Value	Value Phase-in Assessments		
		As Of 01/01/2009	As Of 07/01/2008	As Of 07/01/2009
<b>Land</b>	73,890	73,890		
<b>Improvements:</b>	101,920	116,940		
<b>Total:</b>	175,810	190,830	175,810	180,816
<b>Preferential Land:</b>	0	0	0	0

Transfer Information			
<b>Seller:</b> SNYDER BEARD PROPERTIES LLC	<b>Date:</b> 09/04/2008	<b>Price:</b> \$176,633	
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> /27300/ 713	<b>Deed2:</b>	
<b>Seller:</b> BEARD RUSSELL O,JR	<b>Date:</b> 07/25/2005	<b>Price:</b> \$175,000	
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> /22242/ 35	<b>Deed2:</b>	
<b>Seller:</b> BEARD RUSSELL O,JR	<b>Date:</b> 06/22/1998	<b>Price:</b> \$0	
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /12956/ 587	<b>Deed2:</b> /12956/ 583	

Exemption Information			
Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

**Tax Exempt:** NO **Special Tax Recapture:**  
**Exempt Class:** \* NONE \*

Subject property

**PETITIONER'S**  
**EXHIBIT NO. 3A**

<b>Maryland Department of Assessments and Taxation</b> <b>BALTIMORE COUNTY</b> <b>Real Property Data Search</b> (2007 vw3.1)	<a href="#">Go Back</a> <a href="#">View Map</a> <a href="#">New Search</a>
--	---

**Account Identifier:** District - 14 Account Number 1402021641

**Owner Information**

<b>Owner Name:</b> BEARD RUSSELL O, JR BEARD EVELYN M	<b>Use:</b> RESIDENTIAL
<b>Mailing Address:</b> 9210 NOTTINGWOOD RD BALTIMORE MD 21237-3402	<b>Principal Residence:</b> NO
	<b>Deed Reference:</b> 1) /12956/ 587 2) /12956/ 583

**Location & Structure Information**

<b>Premises-Address</b> 5711-HAMILTON AVE	<b>Legal Description</b> LT WS HAMILTON AVE 5711 HAMILTON AVE 175 N OF PRICE RD
--	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	15	74						3	Plat Ref:

**Special Tax Areas**      **Town**  
**Ad Valorem**  
**Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,755 SF	21,229.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	BRICK

**Value Information**

	Base Value	Value Phase-in Assessments		
		Value	As Of	As Of
			01/01/2009	07/01/2008
<b>Land</b>	74,180	74,180		
<b>Improvements:</b>	151,730	173,560		
<b>Total:</b>	225,910	247,740	225,910	233,186
<b>Preferential Land:</b>	0	0	0	0

**Transfer Information**

<b>Seller:</b> BEARD R O,SR	<b>Date:</b> 06/22/1998	<b>Price:</b> \$0
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /12956/ 587	<b>Deed2:</b> /12956/ 583
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

**Tax Exempt:** NO      **Special Tax Recapture:**  
**Exempt Class:**      \* NONE \*

**PETITIONER'S**  
**EXHIBIT NO.** 3B

*subject property*



Maryland Department of Assessments and Taxation  
**BALTIMORE COUNTY**  
 Real Property Data Search (2007 vw3.1)

[Go Back](#)  
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[New Search](#)

**Account Identifier:** District - 14 Account Number - 1402021635

**Owner Information**

**Owner Name:** FERRAN RAFEAL,SR **Use:** RESIDENTIAL  
**Mailing Address:** 5701 HAMILTON AVE **Principal Residence:** NO  
 BALTIMORE MD 21237-1420 **Deed Reference:** 1) /20327/ 174  
 2)

**Location & Structure Information**

**Premises Address** 5701 HAMILTON AVE **Legal Description** .157 AC  
 5701 HAMILTON AVE WS  
 OPP 35TH ST

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	15	72						3	Plat Ref:

**Special Tax Areas** **Town**  
**Ad Valorem**  
**Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1904	1,392 SF	10,105.00 SF	04
Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	SIDING

**Value Information**

	Base Value	Value Phase-in Assessments		
		As Of	As Of	As Of
		01/01/2009	07/01/2008	07/01/2009
<b>Land</b>	71,400	71,400		
<b>Improvements:</b>	78,130	89,540		
<b>Total:</b>	149,530	160,940	149,530	153,333
<b>Preferential Land:</b>	0	0	0	0

**Transfer Information**

**Seller:** HAMILTON AVENUE INVESTORS INC **Date:** 06/28/2004 **Price:** \$0  
**Type:** NOT ARMS-LENGTH **Deed1:** /20327/ 174 **Deed2:**  
**Seller:** NOBLE TIMOTHY R **Date:** 04/09/1998 **Price:** \$54,378  
**Type:** NOT ARMS-LENGTH **Deed1:** /12780/ 86 **Deed2:**  
**Seller:** GUNBY WARREN **Date:** 04/19/1995 **Price:** \$61,325  
**Type:** NOT ARMS-LENGTH **Deed1:** /11013/ 700 **Deed2:**

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
<b>County</b>	000	0	0
<b>State</b>	000	0	0
<b>Municipal</b>	000	0	0

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
 \* NONE \*

**PETITIONER'S**

**EXHIBIT NO. 4A-F**

	Maryland Department of Assessments and Taxation <b>BALTIMORE COUNTY</b> Real Property Data Search (2007 vw3.1)	Go Back View Map New Search
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**Account Identifier:** District - 14 Account Number - 1414066730

**Owner Information**

<b>Owner Name:</b>	CARJILL GARFIELD D CARJILL STEPHANIE M	<b>Use:</b>	RESIDENTIAL
<b>Mailing Address:</b>	1009 HOOKERS MILL RD ABINGDON MD 21009-1115	<b>Principal Residence:</b>	NO
		<b>Deed Reference:</b>	1) /24808/ 14 2)

**Location & Structure Information**

<b>Premises Address</b> 5703 HAMILTON AVE	<b>Legal Description</b> LT WS HAMILTON AVE 5703 HAMILTON AVE 1500 SE RADECKE AVE
--	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	15	961						3	Plat Ref:

<b>Special Tax Areas</b>	<b>Town Ad Valorem Tax Class</b>
--------------------------	----------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1949	1,788 SF	8,614.00 SF	04

Stories	Basement	Type	Exterior Siding
2	YES	STANDARD UNIT	SIDING

**Value Information**

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2009	As Of 07/01/2008	As Of 07/01/2009
<b>Land</b>	71,020	71,020		
<b>Improvements:</b>	186,670	206,650		
<b>Total:</b>	257,690	277,670	257,690	264,350
<b>Preferential Land:</b>	0	0	0	0

**Transfer Information**

<b>Seller:</b> TOOTILL MELISSA	<b>Date:</b> 11/22/2006	<b>Price:</b> \$130,000
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> /24808/ 14	<b>Deed2:</b>
<b>Seller:</b> SHEFFIELD DAVID WAYNE	<b>Date:</b> 08/02/2002	<b>Price:</b> \$89,900
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> /16668/ 592	<b>Deed2:</b>
<b>Seller:</b> BANK OF AMERICA, ILLINOIS, TR	<b>Date:</b> 06/27/2002	<b>Price:</b> \$45,000
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /16576/ 203	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

<b>Tax Exempt:</b> NO	<b>Special Tax Recapture:</b>
<b>Exempt Class:</b>	* NONE *

4B

	<b>Maryland Department of Assessments and Taxation</b> <b>BALTIMORE COUNTY</b> Real Property Data Search (2007 vw3.1)	Go Back View Map New Search
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**Account Identifier:** District - 14 Account Number - 1416000125

Owner Information			
-------------------	--	--	--

<b>Owner Name:</b>	JONES CAROLETTA ANN BENSON	<b>Use:</b>	RESIDENTIAL
<b>Mailing Address:</b>	5705 HAMILTON AVE BALTIMORE MD 21237-1420	<b>Principal Residence:</b>	YES
		<b>Deed Reference:</b>	1) /19722/ 18 2)

Location & Structure Information	
----------------------------------	--

<b>Premises Address</b> 5705 HAMILTON AVE	<b>Legal Description</b> LT WS HAMILTON AV 5705 HAMILTON AVE
--	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	15	826						3	Plat Ref:

<b>Special Tax Areas</b>	<b>Town Ad Valorem Tax Class</b>
--------------------------	----------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1953	1,897 SF	10,285.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	BRICK

Value Information				
-------------------	--	--	--	--

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2009	As Of 07/01/2008	As Of 07/01/2009
Land	71,440	71,440		
Improvements:	166,530	186,880		
<b>Total:</b>	<b>237,970</b>	<b>258,320</b>	<b>237,970</b>	<b>244,753</b>
Preferential Land:	0	0	0	0

Transfer Information			
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<b>Seller:</b> NYITRAI LOUIS	<b>Date:</b> 03/11/2004	<b>Price:</b> \$199,900
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> /19722/ 18	<b>Deed2:</b>
<b>Seller:</b> KOZLOWSKI JAMES J, JR	<b>Date:</b> 10/19/1987	<b>Price:</b> \$70,000
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> / 7701/ 499	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

Exemption Information			
-----------------------	--	--	--

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

<b>Tax Exempt:</b> NO	<b>Special Tax Recapture:</b> * NONE *
<b>Exempt Class:</b>	

4C



Maryland Department of Assessments and Taxation  
**BALTIMORE COUNTY**  
 Real Property Data Search (2007 vw3.1)

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**Account Identifier:** District - 14 Account Number - 1416075400

**Owner Information**

**Owner Name:** BRANNEN VIRGINIA LEONA **Use:** RESIDENTIAL  
 SNYDER BONNIE A **Principal Residence:** NO  
**Mailing Address:** 5709 HAMILTON AVE **Deed Reference:** 1) /13172/ 636  
 BALTIMORE MD 21237-1420 2)

**Location & Structure Information**

**Premises Address** 5709 HAMILTON AVE **Legal Description** LT SS HAMILTON AVE  
 5709 HAMILTON AVE  
 5280 N PHILA RD

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	15	240						3	Plat Ref:

**Special Tax Areas** **Town Ad Valorem Tax Class**

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1947	1,475 SF	13,756.00 SF	04
Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	FRAME

**Value Information**

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2008	07/01/2009
<b>Land</b>	72,310	72,310		
<b>Improvements:</b>	120,750	136,440		
<b>Total:</b>	193,060	208,750	193,060	198,290
<b>Preferential Land:</b>	0	0	0	0

**Transfer Information**

<b>Seller:</b> PRICE HOWARD L	<b>Date:</b> 09/24/1998	<b>Price:</b> \$0
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /13172/ 636	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
<b>County</b>	000	0	0
<b>State</b>	000	0	0
<b>Municipal</b>	000	0	0

**Tax Exempt:** NO  
**Exempt Class:**

**Special Tax Recapture:**  
 \* NONE \*

4D

	Maryland Department of Assessments and Taxation <b>BALTIMORE COUNTY</b> Real Property Data Search (2007 vw3.1)	Go Back View Map New Search
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**Account Identifier:** District - 14 Account Number - 1412000650

**Owner Information**

<b>Owner Name:</b>	MAYFIELD RENEE	<b>Use:</b>	RESIDENTIAL
<b>Mailing Address:</b>	5715 HAMILTON AVE BALTIMORE MD 21237-1420	<b>Principal Residence:</b>	YES
		<b>Deed Reference:</b>	1) /15209/ 319 2)

**Location & Structure Information**

<b>Premises Address</b> 5715 HAMILTON AVE	<b>Legal Description</b> LT WS HAMILTON AVE AND IMPROVEMENTS
--	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	15	245						3	Plat Ref:

<b>Special Tax Areas</b>	<b>Town Ad Valorem Tax Class</b>
--------------------------	----------------------------------

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	1,296 SF	8,900.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	SIDING

**Value Information**

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2009	As Of 07/01/2008	As Of 07/01/2009
Land	71,100	71,100		
Improvements:	110,130	122,620		
<b>Total:</b>	181,230	193,720	181,230	185,393
Preferential Land:	0	0	0	0

**Transfer Information**

<b>Seller:</b> LANGREHR LOUIS FREDERICK	<b>Date:</b> 05/16/2001	<b>Price:</b> \$100,000
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> /15209/ 319	<b>Deed2:</b>
<b>Seller:</b> LANGREHR LOUIS F	<b>Date:</b> 11/12/1998	<b>Price:</b> \$0
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /13288/ 484	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

<b>Tax Exempt:</b> NO	<b>Special Tax Recapture:</b>
<b>Exempt Class:</b>	* NONE *

AE

	<b>Maryland Department of Assessments and Taxation</b> <b>BALTIMORE COUNTY</b> Real Property Data Search (2007 vw3.1)	Go Back View Map New Search
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**Account Identifier:** District - 14 Account Number - 1404001610

**Owner Information**

<b>Owner Name:</b>	DREYFUS JOSEPH J DREYFUS REBECCA	<b>Use:</b>	RESIDENTIAL
<b>Mailing Address:</b>	5717 HAMILTON AVE BALTIMORE MD 21237-1420	<b>Principal Residence:</b>	YES
		<b>Deed Reference:</b>	1) /21674/ 588 2)

**Location & Structure Information**

<b>Premises Address</b> 5717 HAMILTON AVE	<b>Legal Description</b> 5717 HAMILTON AVE NWS NE COR PRICE RD
--	--

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
89	15	241						3	Plat Ref:

**Special Tax Areas**  
 Town  
 Ad Valorem  
 Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1950	1,377 SF	8,550.00 SF	04

Stories	Basement	Type	Exterior
1 1/2	YES	STANDARD UNIT	STUCCO

**Value Information**

	Base Value	Value Phase-in Assessments		
		As Of 01/01/2009	As Of 07/01/2008	As Of 07/01/2009
Land	71,010	71,010		
Improvements:	115,380	128,480		
<b>Total:</b>	<b>186,390</b>	<b>199,490</b>	<b>186,390</b>	<b>190,756</b>
Preferential Land:	0	0	0	0

**Transfer Information**

<b>Seller:</b> DREYFUS JOSEPH J	<b>Date:</b> 04/07/2005	<b>Price:</b> \$0
<b>Type:</b> NOT ARMS-LENGTH	<b>Deed1:</b> /21674/ 588	<b>Deed2:</b>
<b>Seller:</b> DARCHICOURT EMILE M	<b>Date:</b> 08/04/1998	<b>Price:</b> \$100,000
<b>Type:</b> IMPROVED ARMS-LENGTH	<b>Deed1:</b> /13053/ 465	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>

**Exemption Information**

Partial Exempt Assessments	Class	07/01/2008	07/01/2009
County	000	0	0
State	000	0	0
Municipal	000	0	0

**Tax Exempt:** NO      **Special Tax Recapture:**  
**Exempt Class:**      \* NONE \*

4F

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

distance to 50' R/W

303.1 — In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

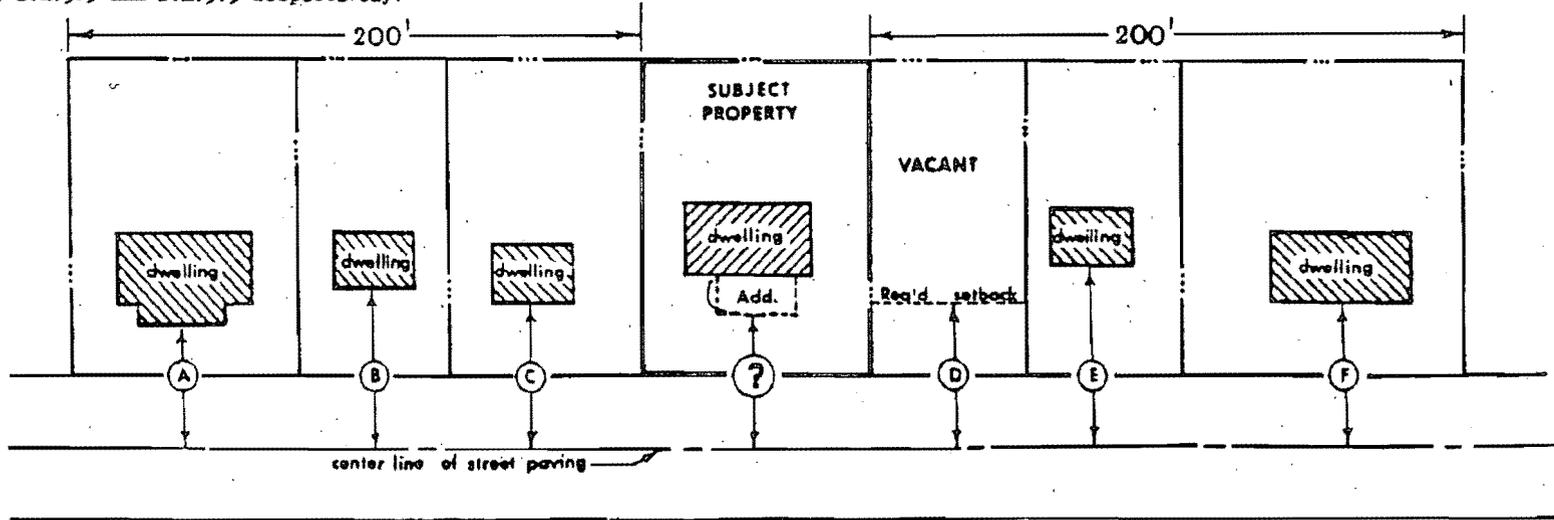
A	25	FT.	15
B	41	FT.	37
C	38	FT.	28
D	37	FT.	37
E	41	FT.	31
F		FT.	

Russell Beard  
 applicant's name  
 5707 Hamilton Avenue  
 building address  
 4/8/09  
 date

#5707 Hamilton Avenue

TOTAL ( 148 ) ÷ ( 5 ) = 29'  
 148  
 \* of dwellings  
 REQUIRED FRONT SETBACK (averaged)

NORMAL REQUIRED SETBACKS  
 D.R.2 - 65 ft.  
 D.R.3.5- 55 ft.  
 D.R.5.5- 50 ft.

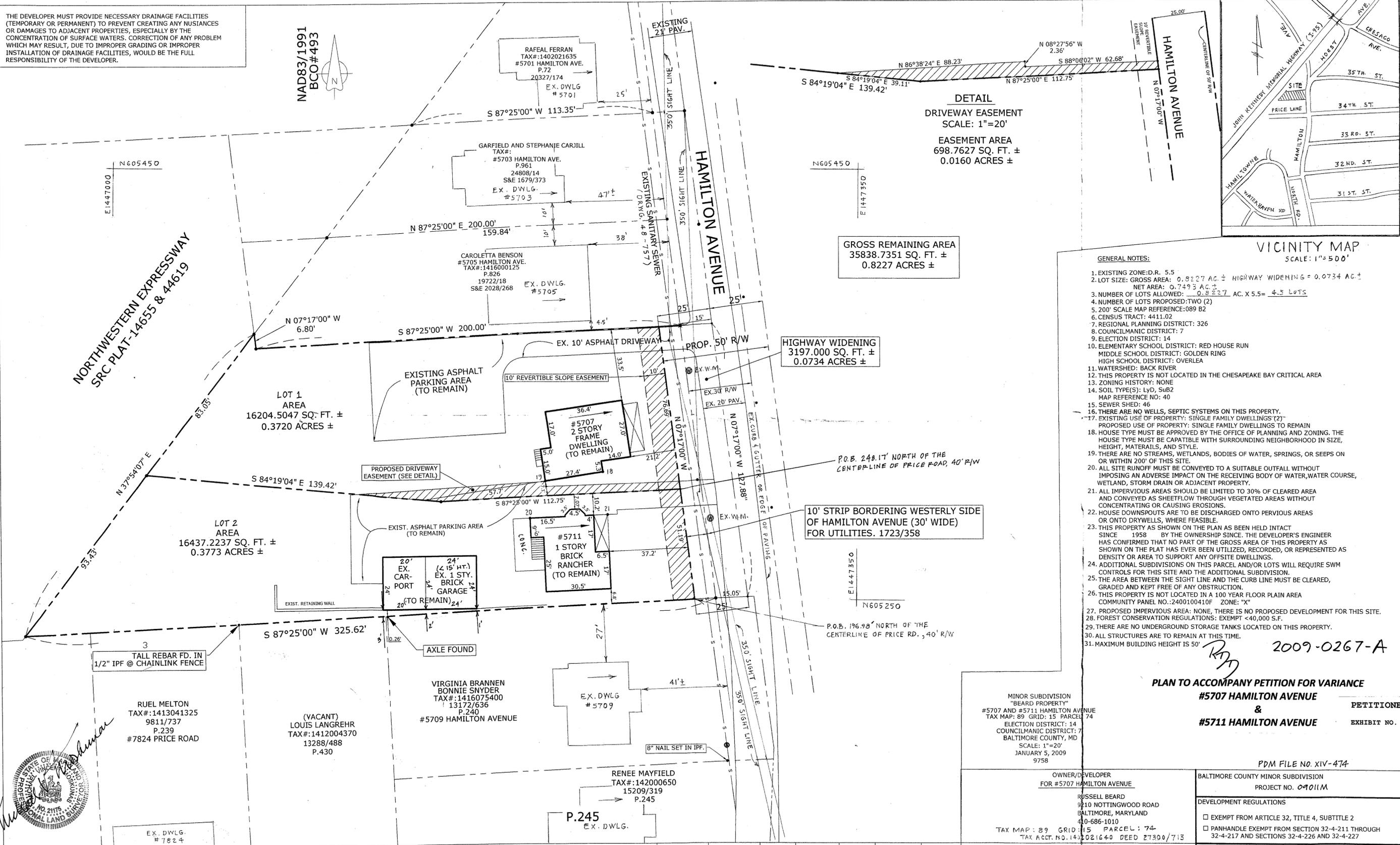


Item #0266



THE DEVELOPER MUST PROVIDE NECESSARY DRAINAGE FACILITIES (TEMPORARY OR PERMANENT) TO PREVENT CREATING ANY NUISANCES OR DAMAGES TO ADJACENT PROPERTIES, ESPECIALLY BY THE CONCENTRATION OF SURFACE WATERS. CORRECTION OF ANY PROBLEM WHICH MAY RESULT, DUE TO IMPROPER GRADING OR IMPROPER INSTALLATION OF DRAINAGE FACILITIES, WOULD BE THE FULL RESPONSIBILITY OF THE DEVELOPER.

NAD83/1991  
BCO#493

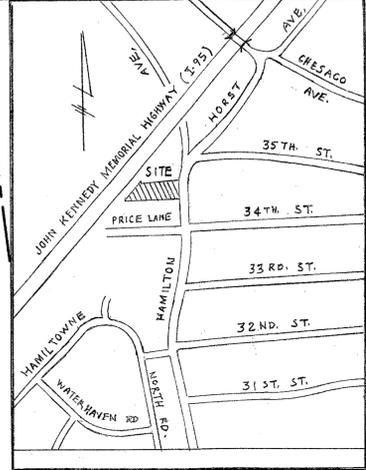


**DETAIL**  
DRIVEWAY EASEMENT  
SCALE: 1"=20'  
EASEMENT AREA  
698.7627 SQ. FT. ±  
0.0160 ACRES ±

GROSS REMAINING AREA  
35838.7351 SQ. FT. ±  
0.8227 ACRES ±

HIGHWAY WIDENING  
3197.000 SQ. FT. ±  
0.0734 ACRES ±

10' STRIP BORDERING WESTERLY SIDE  
OF HAMILTON AVENUE (30' WIDE)  
FOR UTILITIES. 1723/358



VICINITY MAP  
SCALE: 1"=500'

- GENERAL NOTES:**
- EXISTING ZONE: DR. 5.5
  - LOT SIZE: GROSS AREA: 0.8227 AC. ± HIGHWAY WIDENING = 0.0734 AC. ±  
NET AREA: 0.7493 AC. ±
  - NUMBER OF LOTS ALLOWED: 0.8227 AC. X 5.5 = 4.5 LOTS
  - NUMBER OF LOTS PROPOSED: TWO (2)
  - 200' SCALE MAP REFERENCE: 089 B2
  - CENSUS TRACT: 4411.02
  - REGIONAL PLANNING DISTRICT: 326
  - COUNCILMANIC DISTRICT: 7
  - ELECTION DISTRICT: 14
  - ELEMENTARY SCHOOL DISTRICT: RED HOUSE RUN  
MIDDLE SCHOOL DISTRICT: GOLDEN RING  
HIGH SCHOOL DISTRICT: OVERLEA
  - WATERSHED: BACK RIVER
  - THIS PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
  - ZONING HISTORY: NONE
  - SOIL TYPE(S): LyD, Sub2  
MAP REFERENCE NO: 40
  - SEWER SHED: 46
  - THERE ARE NO WELLS, SEPTIC SYSTEMS ON THIS PROPERTY.
  - EXISTING USE OF PROPERTY: SINGLE FAMILY DWELLINGS (2)
  - PROPOSED USE OF PROPERTY: SINGLE FAMILY DWELLINGS TO REMAIN  
HOUSE TYPE MUST BE APPROVED BY THE OFFICE OF PLANNING AND ZONING. THE HOUSE TYPE MUST BE CAPABLE WITH SURROUNDING NEIGHBORHOOD IN SIZE, HEIGHT, MATERIALS, AND STYLE.
  - THERE ARE NO STREAMS, WETLANDS, BODIES OF WATER, SPRINGS, OR SEEPS ON OR WITHIN 200' OF THIS SITE.
  - ALL SITE RUNOFF MUST BE CONVEYED TO A SUITABLE OUTFALL WITHOUT IMPOSING AN ADVERSE IMPACT ON THE RECEIVING BODY OF WATER, WATER COURSE, WETLAND, STORM DRAIN OR ADJACENT PROPERTY.
  - ALL IMPERVIOUS AREAS SHOULD BE LIMITED TO 30% OF CLEARED AREA AND CONVEYED AS SHEETFLOW THROUGH VEGETATED AREAS WITHOUT CONCENTRATING OR CAUSING EROSIONS.
  - HOUSE DOWNSPOUTS ARE TO BE DISCHARGED ONTO PERVIOUS AREAS OR ONTO DRYWELLS, WHERE FEASIBLE.
  - THIS PROPERTY AS SHOWN ON THE PLAN AS BEEN HELD INTACT SINCE 1958 BY THE OWNERSHIP SINCE. THE DEVELOPER'S ENGINEER HAS CONFIRMED THAT NO PART OF THE GROSS AREA OF THIS PROPERTY AS SHOWN ON THE PLAN HAS EVER BEEN UTILIZED, RECORDED, OR REPRESENTED AS DENSITY OR AREA TO SUPPORT ANY OFFSITE DWELLINGS.
  - ADDITIONAL SUBDIVISIONS ON THIS PARCEL AND/OR LOTS WILL REQUIRE SWM CONTROLS FOR THIS SITE AND THE ADDITIONAL SUBDIVISION.
  - THE AREA BETWEEN THE SIGHT LINE AND THE CURB LINE MUST BE CLEARED, GRADED AND KEPT FREE OF ANY OBSTRUCTION.
  - THIS PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOR PLAIN AREA  
COMMUNITY PANEL NO.: 2400100410F. ZONE: "X"
  - PROPOSED IMPERVIOUS AREA: NONE, THERE IS NO PROPOSED DEVELOPMENT FOR THIS SITE.
  - FOREST CONSERVATION REGULATIONS: EXEMPT <40,000 S.F.
  - THERE ARE NO UNDERGROUND STORAGE TANKS LOCATED ON THIS PROPERTY.
  - ALL STRUCTURES ARE TO REMAIN AT THIS TIME.
  - MAXIMUM BUILDING HEIGHT IS 50'

2009-0267-A

**PLAN TO ACCOMPANY PETITION FOR VARIANCE**  
#5707 HAMILTON AVENUE  
&  
#5711 HAMILTON AVENUE

PETITIONER'S  
EXHIBIT NO. 1B

MINOR SUBDIVISION  
"BEARD PROPERTY"  
#5707 AND #5711 HAMILTON AVENUE  
TAX MAP: 89 GRID: 15 PARCEL 74  
ELECTION DISTRICT: 14  
COUNCILMANIC DISTRICT: 7  
BALTIMORE COUNTY, MD  
SCALE: 1"=20'  
JANUARY 5, 2009  
9758

PDM FILE NO. XIV-474

OWNER/DEVELOPER FOR #5707 HAMILTON AVENUE RUSSELL BEARD 9210 NOTTINGWOOD ROAD BALTIMORE, MARYLAND 410-686-1010 TAX MAP: 89 GRID: 15 PARCEL: 74 TAX ACCT. NO. 142021640 DEED 27300/713	BALTIMORE COUNTY MINOR SUBDIVISION PROJECT NO. 09011M DEVELOPMENT REGULATIONS <input type="checkbox"/> EXEMPT FROM ARTICLE 32, TITLE 4, SUBTITLE 2 <input type="checkbox"/> PANHANDLE EXEMPT FROM SECTION 32-4-211 THROUGH 32-4-217 AND SECTIONS 32-4-226 AND 32-4-227
OWNER/DEVELOPER RUSSELL AND EVELYN BEARD 2210 NOTTINGWOOD ROAD BALTIMORE, MARYLAND 21237 410-686-1010 TAX MAP: 89 GRID: 15 PARCEL: 74 TAX ACCT. NO.: 1402021641 DEED REF. 12956/587	PDM CERTIFICATION <input type="checkbox"/> APPROVED <input type="checkbox"/> DISAPPROVED BY _____ DATE _____ APPROVED, DEPRM BY _____ DATE _____

REVISIONS	DATE

NOTE:  
I HEREBY CERTIFY THAT I HAVE REVIEWED WITH DUE DILIGENCE THE MINOR SUBDIVISION COMMENTS DATED \_\_\_\_\_ AND HAVE PREPARED WITH DUE DILIGENCE THIS MINOR SUBDIVISION PLAN.

ZONING CLASSIFICATION	DR 5.5	MINIMUM NET LOT AREA PER DWELLING UNIT (SQ. FT.)	6000	MINIMUM LOT WIDTH (FEET)	55'	MINIMUM FRONT YARD DEPTH (FEET)	25'	MINIMUM WIDTH OF SIDE YARD (FEET)	10'	MINIMUM SUM OF SIDE YARD WIDTHS (FEET)	-	MINIMUM REAR YARD DEPTH (FEET)	30'
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