

IN RE: PETITION FOR VARIANCE

W side of Hamilton Avenue, 248 feet N
of the c/l of Price Road
14th Election District
7th 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
14th Election District
7th 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 variance 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

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. Moskun's 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 30th 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 variance 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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[Signature]

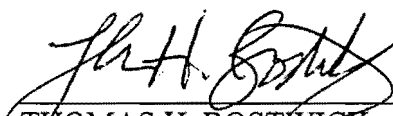
setback of 21.2 feet in lieu of the required 10 feet and front yard average of 29 feet be and are hereby GRANTED; and

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.

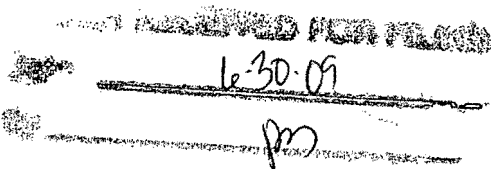
The relief granted herein shall be subject to the following:

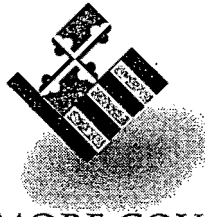
1. Petitioner may apply for his building permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is 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


6-30-09
pm



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 #5711 Hamilton Avenue.

which is presently zoned D.R. 5.5

Deed Reference: 12956 / 587 Tax Account # 1402021641

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1 and 400.1 - to permit an existing dwelling to have side yard setbacks of 7.07 and 6.8 feet in lieu of the required 10 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 1/2 feet

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. JARRELL, JR.

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Russell Beard

Name - Type or Print

Signature

Evelyn Beard - deceased

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. 2009-0267-A

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by

Date

REV 8/20/07

6-30-09
M

4/8/09

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.

ZONING DESCRIPTION FOR #5711 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 **198.98 FEET** NORTH OF THE CENTERLINE OF **PRICE ROAD** WHICH IS 40 FEET WIDE. BEING **LOT #2** AS SHOWN ON A PLAN ENTITLED "**BEARD PROPERTY**" MINOR SUBDIVISION PROJECT NO. **09011M**, PDM FILE **NO.XIV-474** AND CONTAINING **0.3773** OF AN ACRE, MORE OR LESS. ALSO KNOWN AS **#5711 HAMILTON AVENUE** AND LOCATED IN THE 14TH ELECTION DISTRICT, 7TH 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 #0267

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: # 2009-0267-A

5711 Hamilton Avenue

W/side of Hamilton Avenue, 199 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 setbacks of 7.07 and 6.8 feet in lieu of the required 10 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 1/2 feet.

Hearing: Monday, June 15, 2009 at 10:00 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.

5/476 May 28

202484

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

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2009-0267-A

Petitioner/Developer SITE RITE
SURVEYING INC

Date Of Hearing/Closing: 6/15/09

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 5711 HAMILTON AVE

This sign(s) were posted on 5/30/09
Month, Day, Year

Sincerely,

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

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411



05/30/2009

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

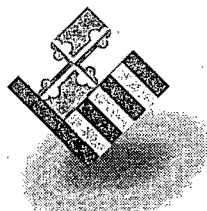
For Newspaper Advertising:

Item Number or Case Number: 2009-0267-A
Petitioner: Russell Beard
Address or Location: 5711 Hamilton Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Russell Beard
Address: 9210 Nothingwood Road
Baltimore, MD 21237

Telephone Number: 410 686-1010



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: 2009-0267-A

5711 Hamilton Avenue

W/side of Hamilton Avenue, 199 feet north of centerline of Price Road

14th Election District – 7th Councilmanic District

Legal Owners: Russell Beard

Variance to permit an existing dwelling to have side yard setbacks of 7.07 and 6.8 feet in lieu of the required 10 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.

Hearing: Monday, June 15, 2009 at 10:00 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. 1309, Bel Air 21014
Russell Beard, 9210 Nottingwood Road, Baltimore 21237
Site Rite Surveying, 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 28, 2009 Issue - Jeffersonian

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

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 NUMBER: 2009-0267-A

5711 Hamilton Avenue

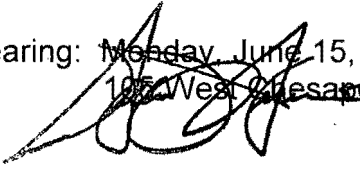
W/side of Hamilton Avenue, 199 feet north of centerline of Price Road

14th Election District – 7th Councilmanic District

Legal Owners: Russell Beard

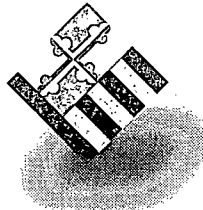
Variance to permit an existing dwelling to have side yard setbacks of 7.07 and 6.8 feet in lieu of the required 10 each; and to permit an existing detached accessory structure (garage) to have a side setback as close as 1 foot in lieu of the required 2 ½ feet.

Hearing: ~~Monday, June 15, 2009 at 10:00 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 2009-0267-A, 5711 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 cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

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

TB 6/15
10AM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 13 2009

ZONING COMMISSIONER

TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination *JL*

DATE: May 13, 2009

SUBJECT: Zoning Item # 09-267-A
Address: 5711 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: JWL

Date: 5/13/09

TB 6/4
9am

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED
MAY 13 2009
ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *DL*
DATE: May 13, 2009
SUBJECT: Zoning Item # 09-274-A
Address 6303 Bellona Avenue
(Manuel Property)

Zoning Advisory Committee Meeting of April 27, 2009

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

Reviewer: JWL

Date: 5/13/09

TB 6/15
10 AM

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

SUBJECT: Zoning Advisory Comments
INFORMATION: 5711 Hamilton Avenue

APR 23 2009

Item Number: 09-267-A

ZONING COMMISSIONER

Petitioner: Beard, Russell

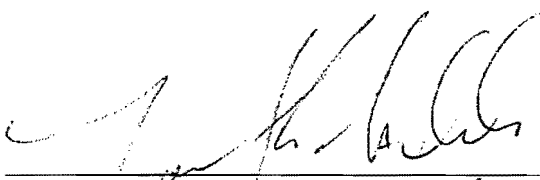
Property Size: .7493 Ac.

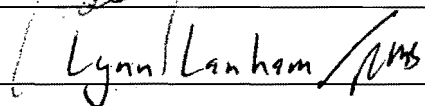
Zoning: DR 5.5

Requested Action: To permit existing setbacks for existing structures on the existing lot.

SUMMARY OF RECOMMENDATIONS:

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

Prepared By:  _____

Section Chief:  _____
AFK/JM/JRA

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

FROM: Dennis A. Kennedy, 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

DATE: April 24, 2009

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



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: 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 2009-0267-A
5711 HAMILTON AVENUE
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. 2009-0267-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

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
5711 Hamilton Avenue; W/S Hamilton *
Avenue, 199' N of c/line of Price Road * ZONING COMMISSIONER
14th Election & 7th Councilmanic Districts *
Legal Owner(s): Russell Beard * FOR
Petitioner(s) * BALTIMORE COUNTY
* 09-267-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

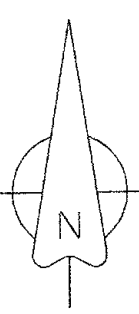
I HEREBY CERTIFY that on this 1st day of May, 2009, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, Inc, 200 E Joppa Road, Suite 101, Towson, MD 21286 and Linwood Jarrell, Jr, Esquire, 128 Ring Factory Road, Apt. 1309, Bel Air, MD 21014, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

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



N 60°54'00" E
E 1447'000

NORTHWESTERN EXPRESSWAY
SRC PLAT-14655 & 44619

LOT 1
AREA
16204.5047 SQ. FT. ±
0.3720 ACRES ±

LOT 2
AREA
16437.2237 SQ. FT. ±
0.3773 ACRES ±

3
TALL REBAR FD. IN
1/2" IPF @ CHAINLINK FENCE

RUEL MELTON
TAX#:1413041325
9811/737
P.239
#7824 PRICE ROAD

(VACANT)
LOUIS LANGREHR
TAX#:1412004370
13288/488
P.430

VIRGINIA BRANNEN
BONNIE SNYDER
TAX#:1416075400
13172/636
P.240
#5709 HAMILTON AVENUE

RENEE MAYFIELD
TAX#:142000650
15209/319
P.245
EX. DWLG.

RAFAEL FERRAN
TAX#:1402021635
#5701 HAMILTON AVE.
P.72
20327/174
EX. DWLG.
#5701

GARFIELD AND STEPHANJE CARJILL
TAX#:1402021635
#5703 HAMILTON AVE.
P.961
24808/14
S&E 1679/373
EX. DWLG.
#5703

CAROLETTA BENSON
#5705 HAMILTON AVE.
TAX#:1416000125
P.826
19722/18
S&E 2028/268
EX. DWLG.
#5705

#5707
2 STORY
FRAME
DWELLING
(TO REMAIN)

#5711
1 STORY
BRICK
RANCHER
(TO REMAIN)

EX. DWLG.
#5709

8" NAIL SET IN IPF

EXISTING
21' PAV.

EXISTING
SANITARY
SEWER
(D.K.Y.G. #8-757)

HAMILTON AVENUE

HIGHWAY WIDENING
3197.000 SQ. FT. ±
0.0734 ACRES ±

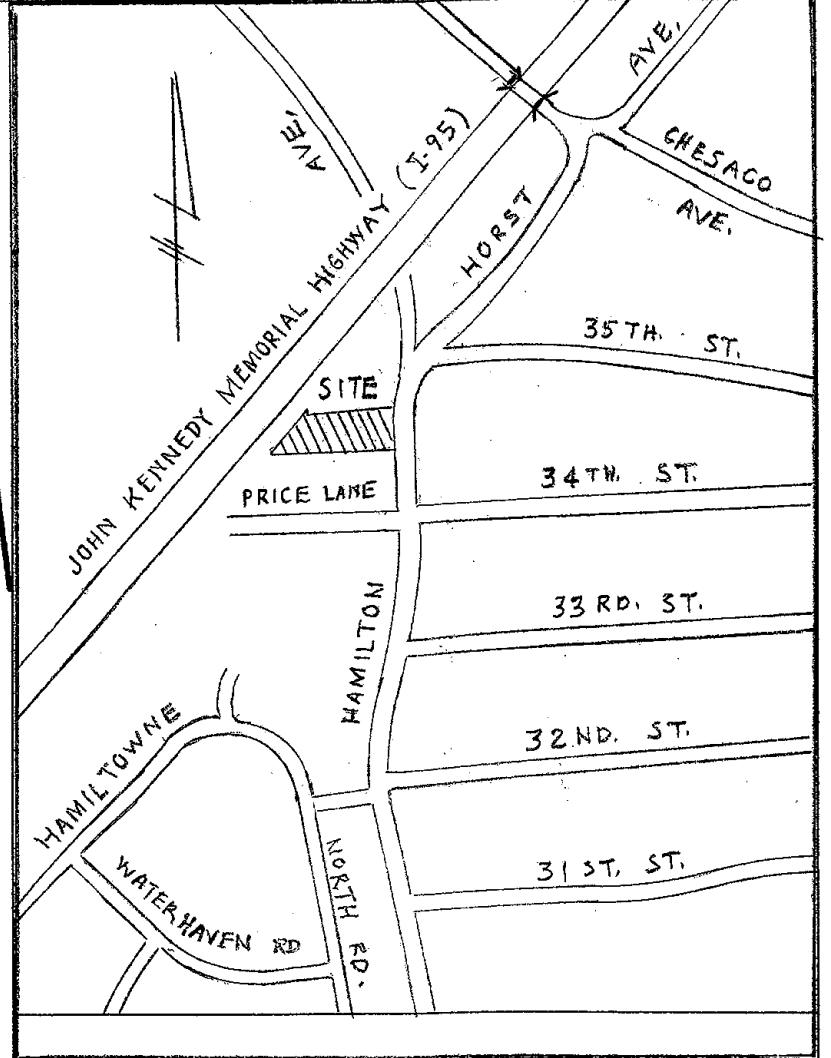
10' STRIP BORDERING WESTERLY SIDE
OF HAMILTON AVENUE (30' WIDE)
FOR UTILITIES. 1723/358

P.O.B. 248.17' NORTH OF THE
CENTERLINE OF PRICE ROAD, 40' R/W

P.O.B. 196.98' NORTH OF THE
CENTERLINE OF PRICE RD., 40' R/W

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 ±



VICINITY MAP
SCALE: 1"=500'

- GENERAL NOTES:
- EXISTING ZONE: D.R. 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
 - MIDDLE SCHOOL DISTRICT: RED HOUSE RUN
 - 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 PLAT 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 FLOOD 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

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

OWNER/DEVELOPER

RUSSELL AND EVELYN BEARD
9210 NOTTINGWOOD ROAD
BALTIMORE, MARYLAND 21237

TAX MAP: 89 GRID: 15 PARCEL: 74
TAX ACCT. NO. 1402021641
DEED REF: 12956/587

BALTIMORE COUNTY MINOR SUBDIVISION
PROJECT NO. 09011M

DEVELOPMENT REGULATIONS
☐ EXEMPT FROM ARTICLE 32, TITLE 4, SUBTITLE 2
☐ PANHANDLE EXEMPT FROM SECTION 32-4-211 THROUGH 32-4-217 AND SECTIONS 32-4-226 AND 32-4-227

PDM CERTIFICATION
☐ APPROVED
BY: _____ DATE: _____
☐ DISAPPROVED
DATE: _____
APPROVED, DEPRM
BY: _____ DATE: _____

siterite
SURVEYING

200 E. JOPPA RD
SUITE 101
TOWSON, MD 21286

T: (410)828-9060
F: (410)828-9066

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