

4/19/11

IN THE MATTER OF
THE APPLICATION OF
MATTHEW AND DULANY DENT - LEGAL
OWNERS/PETITIONERS FOR SPECIAL
HEARING AND VARIANCE ON THE
PROPERTY LOCATED ON THE SE/CORNER
OF BETTY BUSH LN AND BELLONA AVENUE
(6 BETTY BUSH LANE
9TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT

* BEFORE THE
* BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 11-148-SPHA
*

* * * * *

ORDER OF DISMISSAL

This matter comes to the Board of Appeals by way of an appeal filed by Lawrence E. Schmidt, Esquire as counsel for the Petitioners, Matthew and Dulany Dent, from a final decision of the Zoning Commissioner dated December 20, 2010, in which the requested zoning relief was denied.

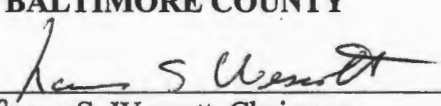
WHEREAS, the Board is in receipt of a letter of voluntary withdrawal of the appeal dated April 14, 2011, by Matthew and Dulany Dent, Petitioners/Appellants, (a copy of which is attached hereto and made a part hereof); and

WHEREAS, said Petitioners/Appellants requests that the appeal taken in this matter be withdrawn and dismissed as of April 14, 2011; and

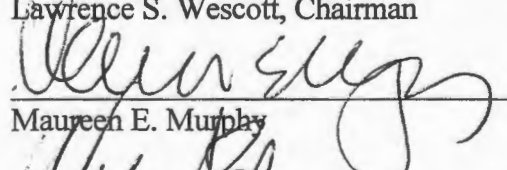
WHEREAS, the Board verbally confirmed with Lawrence E. Schmidt, Esquire that he no longer represents the Petitioners/Appellants; and

IT IS ORDERED this 19th day of April, 2011 by the Board of Appeals of Baltimore County that the appeal taken in Case No. 11-148-SPHA be and the same is hereby DISMISSED.

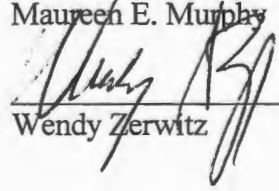
**BOARD OF APPEALS
OF BALTIMORE COUNTY**



Lawrence S. Wescott, Chairman



Maureen E. Murphy



Wendy Zerwitz



County Board of Appeals of Baltimore County

JEFFERSON BUILDING
SECOND FLOOR, SUITE 203
105 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND, 21204
410-887-3180
FAX: 410-887-3182

April 19, 2011

Matthew & Dulany Dent
6 Betty Bush Lane
Baltimore, MD 21212

RE: *In the Matter of: Matthew and Dulany Dent -Legal Owner/Petitioner*
Case No.: 11-148-A

Dear Mr. and Mrs. Dent:

Enclosed please find a copy of the Order of Dismissal issued this date by the Board of Appeals of Baltimore County in the above subject matter.

Any petition for judicial review from this decision must be made in accordance with Rule 7-201 through Rule 7-210 of the *Maryland Rules*, **with a photocopy provided to this office concurrent with filing in Circuit Court. Please note that all Petitions for Judicial Review filed from this decision should be noted under the same civil action number.** If no such petition is filed within 30 days from the date of the enclosed Order, the subject file will be closed.

Very truly yours,

Theresa Shelton/kc

Theresa R. Shelton
Administrator

TRS/klc
Enclosure

c: Lawrence E. Schmidt, Esquire
Bruce Doak/Gerhold, Cross & Etzel, Ltd.
Delbert Adams
Laura Thomas/Melville Thomas Architects
Peggy Squitieri/Ruxton Riderwood Improvement Assoc.
Office of People's Counsel
Lawrence M. Stahl, Managing Administrative Law Judge
Arnold Jablon, Director/PAI
Jeff Mayhew, Acting Director/Planning
Nancy C. West, Assistant County Attorney
Michael Field, County Attorney

Mr. and Mrs. Matthew F. Dent

6 Betty Bush Lane
Baltimore, Maryland 21212

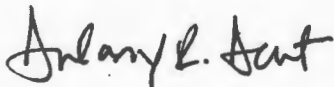
April 14, 2011

County Board of Appeals of Baltimore County
Jefferson Building
Second Floor, Suite 203
105 W. Chesapeake Avenue
Towson, MD 21204

To Whom It May Concern:

I am writing with regards to case # 11-148-SPHA and our assigned hearing date of May 18, 2011. We have recently decided to withdraw our appeal. Please let us know if you have any questions.

Sincerely,



Dulany R. Dent

RECEIVED

APR 15 2011

BALTIMORE COUNTY
BOARD OF APPEALS

1/19/11

**IN RE: PETITION FOR SPECIAL HEARING
AND VARIANCE**

SE corner of Betty Bush Lane and
Bellona Avenue
(6 Betty Bush Lane)

9th Election District
3rd Councilmanic District

Mathew F. and Dulany R. Dent
Appellants/Legal Owners

* BEFORE THE
* ZONING COMMISSIONER
* OF
* BALTIMORE COUNTY
*
* **Case No.: 2011-0148-SPHA**

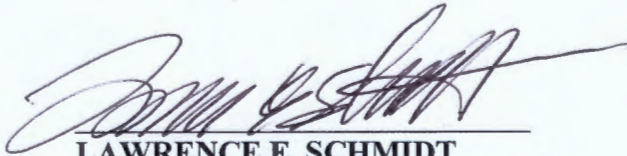
* * * * *

NOTICE OF APPEAL

Appellants/Legal Owners, Mathew F. and Dulany R. Dent, by and through their attorneys, Lawrence E. Schmidt and Smith, Gildea & Schmidt, LLC, feeling aggrieved, in part, by the decision of the Zoning Commissioner of Baltimore County in the Memorandum Opinion dated December 20, 2010, attached hereto and incorporated herein as **Exhibit #1**, hereby appeals the Zoning Commissioner's denial of the Petition for Special Hearing and the denial of that part of the Petition for Variance seeking alternative relief for a garage in the front yard to the County Board of Appeals of Baltimore County. The Petition for Variance which granted variance relief is not appealed.

Filed concurrently with this Notice of Appeal is Appellants' check made payable to Baltimore County in full payment of the costs of the appeal. Appellants were a party below and fully participated in the proceedings.

Respectfully submitted,



LAWRENCE E. SCHMIDT
Smith, Gildea & Schmidt, LLC
600 Washington Avenue, Suite 200
Towson, MD 21204
(410) 821-0070
Attorney for Appellants

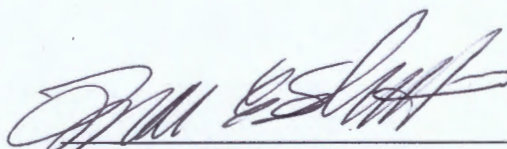
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the **19th** day of **January, 2011**, a copy of the foregoing Notice of Appeal was mailed first class, postage pre-paid to:

Lawrence M. Stahl, Esquire
Administrative Law Judge
105 W. Chesapeake Avenue, Suite 103
Towson, MD 21204

Theresa R. Shelton
County Board of Appeals of Baltimore County
105 W. Chesapeake Avenue, Suite 203
Towson, MD 21204

Peggy Squitieri, Executive Director
Ruxton Riderwood Lake Roland Area Improvement Association, Inc.
P.O. Box 204
8013 Bellona Avenue
Riderwood, MD 21139



LAWRENCE E. SCHMIDT

SMITH, GILDEA & SCHMIDT LLC

MICHAEL PAUL SMITH
DAVID K. GILDEA
LAWRENCE E. SCHMIDT
D. DUSKY HOLMAN

MICHAEL G. DEHAVEN
MICHAEL J. LIPPENHOLZ
CHARLES B. MAREK, III
ELYANA TARLOW
JASON T. VETTORI
REBECCA G. WYATT

January 19, 2011

RECEIVED

JAN 19 2011

PF *A. T. B. H. E.*

Sent via Hand Delivery

Arnold Jablon, Director
Department of Permits, Approvals and Inspections
111 W. Chesapeake Avenue, Room 105
Towson, MD 21204

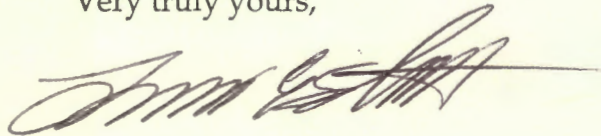
Re: Dent/6 Betty Bush Lane
Case No.: 2011-0148-SPHA

Dear Mr. Jablon:

Please find enclosed a Notice of Appeal for filing in the above referenced matter. Additionally, I am enclosing our check for Two Hundred Sixty-Five (\$265.00) for the filing of the Notice of Appeal.

Thank you for your prompt attention to this most important matter.

Very truly yours,



Lawrence E. Schmidt

LES: jkl

Enclosures

CC: Lawrence M. Stahl, Esquire, Administrative Law Judge
Theresa R. Shelton, County Board of Appeals of Baltimore County
Peggy Squitieri, Executive Director, RRLRAI
Mathew and Dulany Dent, 6 Betty Bush Lane

12/20/10

**IN RE: PETITIONS FOR SPECIAL HEARING
AND VARIANCE**

SE corner of Betty Bush Lane and
Bellona Avenue
(6 Betty Bush Lane)

9th Election District
3rd Councilmanic District

Mathew F. and Dulany R. Dent
Legal Owners

* BEFORE THE
* ZONING
* COMMISSIONER
*
* OF BALTIMORE COUNTY
*
* **CASE NO. 2011-0148-SPHA**

* * * * *

MEMORANDUM OPINION

This matter comes before this Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owners of the subject property, Mathew F. and Dulany R. Dent. The Dents are owners of the property located at 6 Betty Bush Lane, which is located near the intersection of Charles Street and Bellona Avenue. Petitioners request a special hearing to construct a functional open breezeway 47 feet in length which would connect a proposed two story garage to their dwelling, as shown on the site plan. In addition, the Petitioners seek variance relief for the following:

From Sections 1B02.3.C.1, 301.1, 400.1, and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To allow a front yard setback of 17 feet in lieu of the required 50 feet for an existing dwelling; and
- To allow a front yard setback of 11 feet in lieu of the required 37.5 feet for a proposed open patio; and
- To allow a garage in the front yard in lieu of the required rear yard (if necessary); and

ORDER RECEIVED FOR FILING

Date

By

12-20-10

103

- To allow a garage with a height of 25 feet more or less in lieu of the required maximum height of 15 feet (if necessary).

Appearing at the requisite public hearing in support of the requests were the owners, Mathew F. and Dulany R. Dent, and their property line surveyor, Bruce E. Doak of Gerhold, Cross & Etzel, Ltd. Also present at the hearing was Laura Thomas with Melville Thomas Architects, Inc., who prepared architectural drawings for the project and Delbert Adams, the Petitioners' contractor. Finally, Peggy Squitieri appeared on behalf of the Ruxton Riderwood Lake Roland Area Improvement Association, Inc. (RRLRAI). Several letters were received from neighboring homeowners, they are included in the zoning file. I have reviewed all these letters, and I think it is fair to say that they are evenly divided between those that are supportive of the project, and those offering opposition. The gist of the letters opposing the project essentially take issue with the size and scale of the proposed garage addition, which itself would be larger than the home of the neighbor closest to the Dents' property, Thomas Schweizer, who submitted a letter in opposition to the project.

The subject property is irregularly shaped, and Mr. Doak indicated it was shaped like a "pork chop". The subject property is approximately 1.3 acres and is zoned D.R. 1. The two story brick home at the subject property was constructed prior to 1955, and the current setback from the property line is 17 feet, while the current Zoning Regulations require a 50 foot setback for new construction. In addition, the Dents have proposed to construct an open patio on the west side of the existing two story dwelling, which would be located 11 feet from the property line, again instead of the 37.5 feet required under the B.C.Z.R. Section 301.1. The Petitioners seek variances for each of the aforementioned front yard setbacks.

ORDER RECEIVED FOR FILING

Date

12-20-10

By

103

the above, I am not persuaded that the Petitioners are entitled to the relief sought in the Petition for Special Hearing, especially since the breezeway is not required for the use and enjoyment of the subject property, but would merely serve to legitimize the placement of the proposed garage in the front yard.

In light of this ruling, the next topic for consideration is whether the Petitioners are entitled to variance relief to allow a garage with a height of 25 feet more or less in the front yard of their home. Again, I am not persuaded that the Petitioners have met their burden to entitle them to variance relief. Primarily, and even recognizing that the subject site is somewhat unique in configuration, I do not believe that the front yard location for the proposed two story garage is the only functionally appropriate placement for the structure. Based on the site plan, the Petitioners could certainly construct a garage in the rear of the dwelling which would not require a variance or special hearing relief. Having made a site visit to the subject property, and taking into consideration the location of the nearest adjoining homeowners (all of whom are opposed to the project), I believe that the construction of the proposed garage would be of such a size and scale as to alter the open and pastoral setting on this private cul-de-sac. Simply put, though, the Petitioners may certainly desire to construct the garage in their front yard, this is not the only available location for the structure, and doing so would have a negative impact on the closest adjoining neighbors. In addition, the Petitioners have not introduced evidence sufficient to satisfy the rigorous test for variance relief set out in *Cromwell v. Ward*, and the Petitions must therefore be denied.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County, this
20th day of December, 2010 that Petitioners' request for Variance seeking relief from the

ORDER RECEIVED FOR FILING

Date

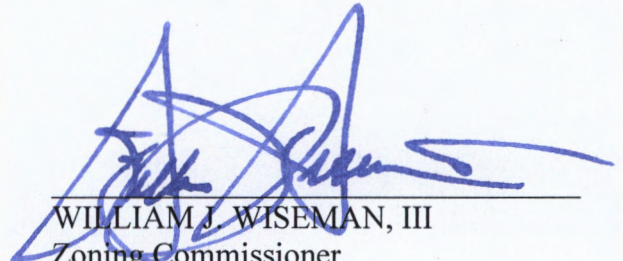
By

front yard setbacks for an existing dwelling and proposed open patio, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing to construct an open breezeway be and is hereby DENIED; and

IT IS FURTHER ORDERED that the Petition for Variance seeking alternative relief to construct a garage in the front yard of the home, and at a height of 25 feet, be and is hereby DENIED.

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



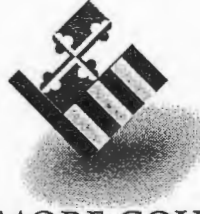
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

ORDER RECEIVED FOR FILING

Date 12-20-10

By WJW



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 20, 2010

Mathew F. and Dulany R. Dent
6 Betty Bush Lane
Baltimore MD 21212

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
(6 Betty Bush Lane)
Mathew F. and Dulany R. Dent – Petitioners
Case No. 2011-0148-SPHA

Dear Mr. and Mrs. Dent:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

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 circular stamp.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:pz

Enclosure

- c: Peggy Squitieri, Ruxton Riderwood Lake Roland Area Improvement Association, Inc., PO Box 204, Riderwood MD 21139
Bruce E. Doak, Gerhold Cross & Etzel, Ltd., 320 East Towsontown Blvd., Suite 100, Towson MD 21286
Laura Thomas, Melville Thomas Architects, Inc., 600 Wyndhurst Avenue, Suite 245, Baltimore MD 21210
Delbert Adams, 6410 Pratt Avenue, Baltimore MD 21212
People's Counsel; DEPRM; Office of Planning; File



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at #6 Betty Bush Lane

which is presently zoned D.R. 1

(This petition **must** be filed in person, in the zoning office, in triplicate, with original signatures.)

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

(This box to be completed by planner)

a functional breezeway of 47 feet in length more or less attached by common walls as shown on the accompanying plan.

open 39 feet

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

By

Legal Owner(s):

Matthew F. Dent

Name - Type or Print

Signature

Dulany R. Dent

Name - Type or Print

Signature

6 Betty Bush Lane

Address Telephone No.

Baltimore, Maryland 21212

City State Zip Code

Representative to be Contacted:

Bruce E. Doak (Gerhold, Cross & Etzel, Ltd)

Name

320 E. Towsontown Blvd. Suite 100 (410)-823-4470

Address Telephone No.

Towson, Maryland 21286

City State Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Case No. 2011-0148-SPHA

REV 9/15/98

UNAVAILABLE FOR HEARING

Reviewed By D.T. Date 10/21/10



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property
located at #6 Betty Bush Lane
which is presently zoned D.R. 1

Deed Reference: 29893 / 174 Tax Account # 0912004950

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 & 301.1 & 400.1 & 400.3

To allow a front yard setback of 17 feet in lieu of the required 50 feet for an existing dwelling.

To allow a front yard setback of 11 feet in lieu of the required 37.5 feet for a proposed open patio.

To allow a Garage in the front yard in lieu of the required rear yard. (if necessary)

To allow a Garage with a height of 25 feet more or less in lieu of the required maximum height of 15 feet. (if necessary)

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

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

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

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company Date

Address Telephone No.

City State Zip Code

Legal Owner(s):

Matthew F. Dent

Name - Type or Print

Signature

Dulany R. Dent

Name - Type or Print

Signature

6 Betty Bush Lane

Address Telephone No.

Baltimore, Maryland 21212

City State Zip Code

Representative to be Contacted:

Bruce E. Doak (Gerhold, Cross & Etzel, Ltd.)

Name
320 E. Towsontown Blvd. Suite 100 (410)-823-4470

Address Telephone No.

Towson, Maryland 21286

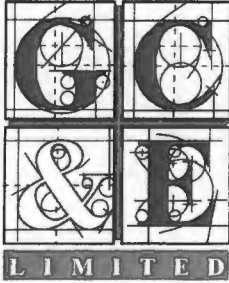
City State Zip Code

Office Use Only

Estimated Length of Hearing
Unavailable For Hearing

Reviewed by D.T. Date 10/24/10

Case No. 2011-0148-SPHA



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

October 5, 2010

ZONING DESCRIPTION

Dent Property

Tax ID: 09-12-004950

#6 Betty Bush Lane

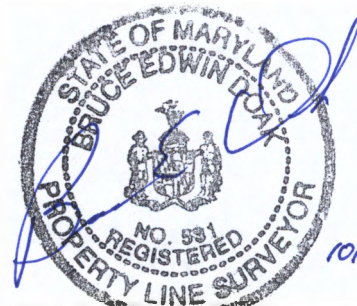
Baltimore County, Maryland

All that piece or parcel of land situate, lying and being in the Ninth Election District, Third Councilmanic District of Baltimore County, Maryland and described as follows to wit:

Commencing at a point in the center of Bellona Avenue, 15 feet Southeast from its intersection with the center of Betty Bush Lane, thence leaving said road and running thence,

- 1) South 02 degrees 42 minutes 52 seconds East 513.27 feet,
- 2) South 89 degrees 17 minutes 08 seconds West 217.04 feet,
- 3) North 02 degrees 42 minutes 52 seconds West 132.64 feet to the center of Betty Bush Lane, thence running along or near the center of Betty Bush Lane
- 4) North 54 degrees 33 minutes 16 seconds East 44.45 feet,
- 5) North 39 degrees 31 minutes 16 seconds East 80.14 feet,
- 6) North 35 degrees 39 minutes 58 seconds East 93.51 feet,
- 7) North 29 degrees 48 minutes 36 seconds East 46.30 feet,
- 8) North 17 degrees 46 minutes 56 seconds East 57.55 feet,
- 9) North 01 degrees 01 minutes 46 seconds East 128.70 feet to the center of Bellona Avenue, thence running along the center of Bellona Avenue
- 10) South 73 degrees 17 minutes 28 seconds East 15.00 feet to the place of beginning.

Containing 1.302 Acres of land, more or less.



Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

2011-0148-SPHA

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

No. **61002**

Date: **10/21/10**

PAID RECEIPT

BUSINESS 10/22/2010 10:29:27
 RECEIVED BALTIMORE COUNTY
 RECEIPT # 46/37 10/21/2010
 Dept 5 529 BUDGET ADMINISTRATION
 061002
 Recpt Tot 130.00
 \$130.00 1.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				130.00

Total: **130.00**

Rec From: **GERHOLD CROSS + STEEL**

For: **2011-0148-SPHA**
6 BETTY BUSH LANE
D THOMPSON

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: # 2011-0148-SPHA

6 Betty Bush

S/east corner of Betty Bush Lane and Bellona Avenue

9th Election District - 3rd Councilmanic District

Legal Owner(s): Matthew & Dulany Dent

Special Hearing: for a functional breezeway of 47 feet in length more or less attached by common walls as shown on the accompanying plan. **Variance:** to allow a front yard setback of 17 feet in lieu of the required 50 feet for an existing dwelling; to allow a front yard setback of 11 ft. in lieu of the required 37.5 feet for a proposed open patio; to allow a garage in the front yard in lieu of the required rear yard (if necessary). To allow a garage with a height of 25 feet more or less in lieu of the required maximum height of 15 feet (if necessary).

Hearing: Monday, December 13, 2010 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.

11/6/2010 Nov. 23

26159

CERTIFICATE OF PUBLICATION

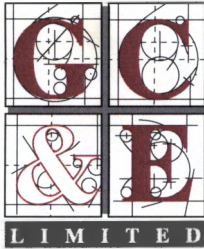
11/25/2010

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 11/23/, 2010.

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

J. Wilkinson

LEGAL ADVERTISING



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: Case #2011-0148-SPHA

PETITIONER: Matthew & Dulany Dent

DATE OF HEARING: December 13,
2010

BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

(see page 2 for full size photo)

LOCATION:
6 Betty Bush Lane

SIGNATURE OF SIGN POSTER

Bruce E. Doak

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320 EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: 11/23/10

ZONING NOTICE

CASE #:2011-0148-SPHA

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

PLACE: Room 104 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD
DATE : 9:00 am Monday December 13, 2010

Special Hearing: for a functional breezeway of 47 feet in length more or less attached by common walls as shown on the accompanying plan.

Variance: to allow a front yard setback of 17 feet in lieu of the required 50 feet for an existing dwelling; to allow a front yard setback of 11 feet in lieu of the required 37.5 feet for a proposed open patio;

to allow a garage in the front yard in lieu of the required rear yard (if necessary). To allow a garage with a height of 25 feet more or less in lieu of the required maximum height of 15 feet (if necessary).

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY TO CONFIRM HEARING.

CALL 410-887-3391 THE DAY BEFORE THE SCHEDULED HEARING DATE.

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER HEARING UNDER PENALTY OF LAW

HEARINGS ARE HANDICAPPED ACCESSIBLE

BETTY BUSH
LANE

PRIVATE

ZONING NOTICE

CASE #:2011-0148-SPHA

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

PLACE: Room 104 Jefferson Building
TIME & 105 West Chesapeake Avenue, Towson, MD
DATE : 9:00 am Monday December 13, 2010

Special Hearing: for a functional breezeway of 47 feet in length more or less attached by common walls as shown on the accompanying plan.

Variance: to allow a front yard setback of 17 feet in lieu of the required 50 feet for an existing dwelling; to allow a front yard setback of 11 feet in lieu of the required 37.5 feet for a proposed open patio;

to allow a garage in the front yard in lieu of the required rear yard (if necessary). To allow a garage with a height of 25 feet more or less in lieu of the required maximum height of 15 feet (if necessary)

PLEASE REMEMBER TO SHOW UP ON TIME. LATE ARRIVALS ARE NOT ALLOWED TO PARTICIPATE IN THE HEARING.

PLEASE REMEMBER TO SHOW UP ON TIME. LATE ARRIVALS ARE NOT ALLOWED TO PARTICIPATE IN THE HEARING.

HEARINGS ARE HANDICAPPED ACCESSIBLE

TO: PATUXENT PUBLISHING COMPANY
Tuesday, November 23, 2010 Issue - Jeffersonian

Please forward billing to:
Matthew & Dulany Dent
6 Betty Bush Lane
Baltimore, MD 21212

410-828-0575

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: 2011-0148-SPHA

6 Betty Bush

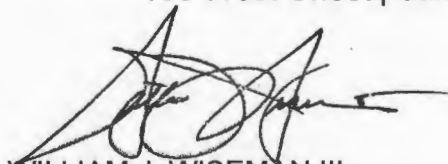
S/east corner of Betty Bush Lane and Bellona Avenue

9th Election District – 3rd Councilmanic District

Legal Owners: Matthew & Dulany Dent

Special Hearing for a functional breezeway of 47 feet in length more or less attached by common walls as shown on the accompanying plan. Variance to allow a front yard setback of 17 feet in lieu of the required 50 feet for an existing dwelling; to allow a front yard setback of 11 ft. in lieu of the required 37.5 feet for a proposed open patio; to allow a garage in the front yard in lieu of the required rear yard (if necessary). To allow a garage with a height of 25 feet more or less in lieu of the required maximum height of 15 feet (if necessary).

Hearing: Monday, December 13, 2010 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
November 9, 2010

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: 2011-0148-SPHA

6 Betty Bush
S/east corner of Betty Bush Lane and Bellona Avenue
9th Election District – 3rd Councilmanic District
Legal Owners: Matthew & Dulany Dent

Special Hearing for a functional breezeway of 47 feet in length more or less attached by common walls as shown on the accompanying plan. Variance to allow a front yard setback of 17 feet in lieu of the required 50 feet for an existing dwelling; to allow a front yard setback of 11 ft. in lieu of the required 37.5 feet for a proposed open patio; to allow a garage in the front yard in lieu of the required rear yard (if necessary). To allow a garage with a height of 25 feet more or less in lieu of the required maximum height of 15 feet (if necessary).

Hearing: Monday, December 13, 2010 at 9:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:kl

C: Mr. & Mrs. Dent, 6 Betty Bush, Baltimore 21212
Bruce Doak, GC&E, 320 E. Towson Blvd., Ste. 100, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, NOVEMBER 27, 2010.**
- (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.

**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: 2011-0148-SPHA

Petitioner: Matthew F. Dent & Dulany R. Dent

Address or Location: 6 Betty Bush Lane

PLEASE FORWARD ADVERTISING BILL TO:

Name: Matthew F. Dent & Dulany R. Dent

Address: 6 Betty Bush Lane

Baltimore, Md. 21212

Telephone Number: (410) - 828 - 0575



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

December 8, 2010

Matthew F. & Dulany R, Dent
6 Betty Bush Lane
Baltimore, Maryland 21212

Dear Matthew & Dulany:

RE: 2011-0148-SPHA, 6 Betty Bush Lane

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on October 21, 2010. 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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:rjc

Enclosures

c: People's Counsel
Bruce E. Doak Gerhold Cross & Etzel, LTD. 320 E. Towsontown Blvd Ste. 100
Towson Md 21286



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

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: Nov. 3, 2010

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

RE: Baltimore County
Item No. 2011-01485PHA
6 BETTY BUSH LN.
DENT PROPERTY
SPECIAL HEARING -
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. 2011-01485PHA.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 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.sha.maryland.gov



Baltimore County
Fire Department

Office of the Fire Marshal
700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4880

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

November 9, 2010

ATTENTION: Kristen Mathews
ZAC 11-15-2010

Case Number(s): 2011-0148-SPHA
2011-0150-A
2011-0151-A
2011-0152-SPHA
2011-0153-A

The fire marshal's office has no comments at this time.

Lt. Jimmie D. Mezick
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File



Printed with Soybean Ink
on Recycled Paper

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

DEC 23 2010

ZONING COMMISSIONER

TO: Timothy Kotroco
FROM: Dave Lykens, DEPRM
DATE: December 21, 2010
SUBJECT: Zoning Item # 11-0148-SPHA
Address 6 Betty Bush Lane
(Dent Property)

Zoning Advisory Committee Meeting of November 1, 2010.

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

Reviewer: JWL Date: December 21, 2010

RE: PETITION FOR SPECIAL HEARING
AND VARIANCE
6 Betty Bush Lane; SE corner of Betty
Bush Lane and Bellona Avenue
9th Election & 3rd Councilmanic Districts
Legal Owner(s): Matthew & Dulany Dent
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 2011-148-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party 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.

RECEIVED

NOV 05 2010

.....

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of November, 2010, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, Gerhold, Cross & Etzel, 320 E Towsontowne Boulevard, Suite 100, Towson, Maryland 21286, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

March 30, 2011

Matthew & Dulany Dent
6 Betty Bush Lane
Baltimore, MD 21212



Dear Mr. & Mrs. Dent:

RE: Case: 2011-0148-SPHA, 6 Betty Bush Lane

Please be advised that an appeal of the above-referenced case was filed in this office on your behalf by Lawrence Schmidt on January 19, 2011. All materials relative to the case have been forwarded to the Baltimore County Board of Appeals (Board).

If you are the person or party taking the appeal, you should notify other similarly interested parties or persons known to you of the appeal. If you are an attorney of record, it is your responsibility to notify your client.

If you have any questions concerning this matter, please do not hesitate to call the Board at 410-887-3180.

Sincerely,

A handwritten signature in black ink that appears to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

c: Administrative Hearings Office
People's Counsel

Lawrence Schmidt, Smith, Gildea & Schmidt, 600 Washington Ave., Ste. 200, Towson 21204

Peggy Squitieri, Ruxton Riderwood Improvement Assoc., P.O. Box 204, Riderwood 21139

Bruce Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Ste. 100, Towson 21286

Laura Thomas, Melville Thomas Architects, 600 Wyndhurst Ave., Ste. 245, Baltimore 21210

Delbert Adams, 6410 Pratt Avenue, Baltimore 21212

APPEAL

Petition for Special Hearing & Variance
6 Betty Bush Lane
SE corner of Betty Bush Lane and Bellona Avenue
9th Election District – 3rd Councilmanic District
Legal Owners: Matthew & Dulany Dent

Case No.: 2011-0148-SPHA

- ✓ Petition for Special Hearing & Variance (October 21, 2010)
- ✓ Zoning Description of Property
- ✓ Notice of Zoning Hearing (November 9, 2010)
- ✓ Certification of Publication (The Jeffersonian – November 23, 2010)
- ✓ Certificate of Posting (November 23, 2010) by Bruce Doak
- ✓ Entry of Appearance by People's Counsel (November 5, 2010)
- ✓ Petitioner(s) Sign-In Sheet – One Sheet
- Protestant(s) Sign-In Sheet – None
- ✓ Citizen(s) Sign-In Sheet – One Sheet
- ✓ Zoning Advisory Committee Comments

RECEIVED
APR - 4 2011

BALTIMORE COUNTY
BOARD OF APPEALS

Petitioners' Exhibit

- ✓ 1. Site Plan
- ✓ 2. (A thru I) Photos
- ✓ 2B. Plan to accompany proposed elevations
- ✓ 3. Plan featuring proposed elevations
- ✓ 4. Drawings of improvements
- ✓ 5. Correspondence for 6 Betty Bush Lane

Protestants' Exhibits:

- ✓ 1. Letter dated December 7, 2010 from Scott Bass and Elyse Jacob
- ✓ 1b. Letter dated November 8, 2010 from Frances Schweizer
- ✓ 1c. Letter dated December 8, 2010 from David & Sonya Hannan

Miscellaneous (Not Marked as Exhibit)

- ✓ Letters in support of Petition request (3)

- ✓ Zoning Commissioner's Order (Special Hearing – Partially Granted / Variance – DENIED – December 20, 2010)
- ✓ Notice of Appeal received on January 19, 2010 from Lawrence Schmidt

Address list

Petitioners:

Matthew & Dulany Dent
6 Betty Bush Lane
Baltimore, MD 21212

Lawrence E. Schmidt, Esquire
Smith, Gildea & Schmidt, LLC
600 Washington Ave, Ste 200
Towson, MD 21204

Delbert Adams
6410 Pratt Avenue
Baltimore, MD 21212

Laura Thomas
Melville Thomas Architects
600 Wyndhurst Ave, Ste 245
Baltimore, MD 21210

Interested Persons:

BW 12/13 9AM
2011-0148-SP1A

**William B. Chambers
Kathryn R. Chambers
12 Betty Bush Lane
Baltimore, MD 21212**

RECEIVED

DEC 03 2010

ZONING COMMISSIONER

December 2, 2010

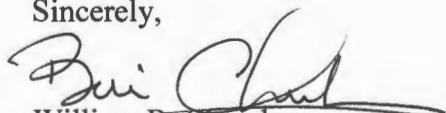
Mr. William J. Wiseman
Zoning Commissioner
Baltimore County Courts Building
401 Bosley Avenue
M. S. 3401
Towson, MD 21204

Re: Zoning Appeal - 6 Betty Bush Lane Baltimore, MD 21212

Dear Mr. Wiseman,

We are adjacent neighbors to the above referenced property and have seen the proposed construction plans for the improvement to 6 Betty Bush Lane. We support (or do not oppose) the zoning relief requested.

Sincerely,


William B. Chambers

cc: Dulany and Mathew Dent
Bruce Doak, Gerhold Cross & Etzel



RECEIVED

DEC 13 2010

December 7th, 2010

ZONING COMMISSIONER

Mr. William J. Wiseman
Zoning Commisioner
Baltimore County Courts Building
401 Bosley Avenue
M.S. 3401
Towson, MD 21204

Dear William,

I have seen the proposed location and plans for the construction and support (or do not oppose) the zoning relief requested. Have a great holiday.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Russell Croft'.

Russell Croft

cc: Dulany and Matthew Dent, Bruce Doak

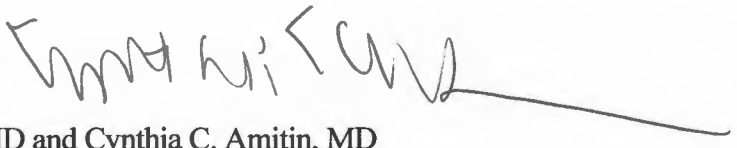
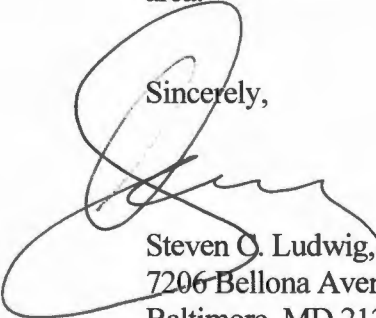
December 10th, 2010

Mr. William J. Wiseman
Zoning Commisioner
Baltimore County Courts Building
401 Bosley Avenue
M.S. 3401
Towson, MD 21204

Dear Mr. Wiseman,

I have seen the proposed location and plans for the Dent construction. Without question we support the zoning relief requested. The design is consistent with the architectural feel of the area.

Sincerely,



Steven C. Ludwig, MD and Cynthia C. Amitin, MD
7206 Bellona Avenue
Baltimore, MD 21212

cc: Dulany and Matthew Dent, Bruce Doak

CASE NAME DENT PROPERTY
CASE NUMBER 2011-0148-SP4A
DATE 12/13/10

[illegible]

CASE NAME Dent Property
CASE NUMBER 2011-0148-SPH
DATE 12/13/10 A

[illegible]

0902851110

BELLONA AVE
BELLONA AVE

2200022009

Pt. Bk. 47, Folio 98

0904750480

PDM # 090247

Lot # 1

Pt. Bk. 39, Folio 39

0916751620

Lot # 1

Pt. Bk. 10, Folio 10

2300000478

7206

Lot # 1

CHAMBERS PROPERTY (BETTY BUSH LANE) (PDM File/Project #)

Pt. Bk./Folio # MP97000

2-CD

DR 1

PDM # 090698

2300000477

Lot # 2

14

BETTY BUSH LN

0903230920

6

Site

0912004950

Pt. Bk. 10, Folio 112

7110

Lot # 24

0920800290

PDM # 098012

DR 2

Pt. Bk./Folio # 012005

Lot # 50

0915810310

Pt. Bk. 12, Folio 5

Lot # 27

0901540720

20

2300000476

Lot # 3

12

0913405310

PDM # 090044

0916001730

Pt. Bk. 18, Folio 30

0903371990

Lot # 6

0919640171

0913556020

Lot # 27

MEADOW RD

Lot # 9

Lot # 8

Pt. Bk./Folio # 018030

Lot # 7

§ 32-4-203. BALTIMORE COUNTY DESIGN REVIEW PANEL.

(a) *In general.*

(1) A Development Plan is subject to review under this section if the proposed development is located in a design review area identified on the map adopted under § 32-4-204 of this subtitle.

(2) For purposes of this section, a proposed development includes a minor subdivision, but does not include a Planned Unit Development.

(3) For purposes of this section, a proposed development means a development consisting of new construction or a substantial addition or change to an existing Development Plan, as determined by the Office of Planning.

(4) (i) In the case of a residential single lot of record, any new dwelling unit shall be reviewed by the Panel.

(ii) This does not apply to any addition to a dwelling unit unless the addition is more than 50% of the gross square footage of the existing dwelling.

(b) *Panel established.*

(1) There is a Baltimore County Design Review Panel.

(2) In order to encourage design excellence, the Panel shall act in a consulting and advisory capacity to the agencies involved in the interagency process for reviewing Development Plans under § 32-4-226 of this subtitle.

(c) *Objective for assessment.*

(1) The Panel shall apply the policies in the Comprehensive Manual of Development Policies and in the Master Plan in assessing whether a proposed plan:

(i) Demonstrates a satisfactory spatial, visual, and functional relationship to the topographic characteristics, the natural features, and the built features of the site as well as the surrounding features of the site;

(ii) Gives primary design consideration to the visual and functional integration of streetscapes, pedestrian pathways, playgrounds, recreational amenities, and parks;

(iii) Demonstrates that streets and sidewalks are laid out as safe and convenient linkages and that parking becomes a positive design element that contributes to the overall image of the site;

(iv) Demonstrates that buildings, parking garages, and other accessory structures are spatially and visually integrated and suitable to their surroundings in proportion, massing and type, materials and colors, signage, and other elements of urban design; and

(v) Demonstrates that plant materials are selected and sited to define the site, provide a theme or image appropriate to the development, frame views, enhance architecture and street characteristics, develop continuity of adjacent open spaces, improve the micro-climate, provide

Maryland Department of Assessments and Taxation
Real Property Data Search (vw1.1)
BALTIMORE COUNTY

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

Account Identifier:

District - 09 Account Number - 0912004950

Owner Information

Owner Name:	DENT MATTHEW F DENT DULANY R	Use:	RESIDENTIAL
Mailing Address:	6 BETTY BUSH LN BALTIMORE MD 21212-1051	Principal Residence:	YES
		Deed Reference:	1) /29893/ 174 2)

Location & Structure Information

Premises Address	Legal Description
6 BETTY BUSH LN	1.30 AC SS BELLONA A 6 BETTY BUSH LN SE COR BETTY BUSH LA

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
69	23	988						2	
									Plat Ref:

Special Tax Areas	Town Ad Valorem Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1953	4,944 SF	1.30 AC	04

Stories	Basement	Type	Exterior
2	YES	STANDARD UNIT	BRICK

Value Information

	Base Value	Value As Of 01/01/2008	Phase-in Assessments As Of 07/01/2010	As Of 07/01/2011
Land	540,750	540,750		
Improvements:	1,546,560	1,546,560		
Total:	2,087,310	2,087,310	2,087,310	NOT AVAIL
Preferential Land:	0	0	0	NOT AVAIL

Transfer Information

Seller:	LINEHAN JOHN DUNN	Date:	09/20/2010	Price:	\$1,400,000
Type:	IMPROVED ARMS-LENGTH	Deed1:	/29893/ 174	Deed2:	

Exhibit #1

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE *
SE corner of Betty Bush Lane and * ZONING
Bellona Avenue *
(6 Betty Bush Lane) * COMMISSIONER

9th Election District *
3rd Councilmanic District * OF BALTIMORE COUNTY

Mathew F. and Dulany R. Dent *
Legal Owners * CASE NO. 2011-0148-SPHA

* * * * *

MEMORANDUM OPINION

This matter comes before this Zoning Commissioner for consideration of Petitions for Special Hearing and Variance filed by the legal owners of the subject property; Mathew F. and Dulany R. Dent. The Dents are owners of the property located at 6 Betty Bush Lane, which is located near the intersection of Charles Street and Bellona Avenue. Petitioners request a special hearing to construct a functional open breezeway 47 feet in length which would connect a proposed two story garage to their dwelling, as shown on the site plan. In addition, the Petitioners seek variance relief for the following:

From Sections 1B02.3.C.1, 301.1, 400.1, and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R.") as follows:

- To allow a front yard setback of 17 feet in lieu of the required 50 feet for an existing dwelling; and
- To allow a front yard setback of 11 feet in lieu of the required 37.5 feet for a proposed open patio; and
- To allow a garage in the front yard in lieu of the required rear yard (if necessary); and



PETITIONER' S

EXHIBIT NO. 2A-I

2011-0148-SPHA

2011-0148 - SPHA





2011-0148-SP4A



2011-0148-SPHA

2011-0148-SPHA



12









2011-0148-SPHA

Fw: 6 Betty Bush Lane Zoning Case No. 2011

Matthew Dent

[View Contact](#)

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

From: Kathy Frederick Palencar <towsonre@gmail.com>

To: Matthew Dent

Sent: Sun Dec 12 15:58:13 2010

Subject: Re: 6 Betty Bush Lane Zoning Case No. 2011

Hi, Matt,

After much discussion, and our board President, Kathy Mountcastle's meeting with the Hannon's today, our official position will be that RRLRAIA will not oppose the variance, but will recommend that the deed be restricted so that the garage can't ever be used as a dwelling, and that the project voluntarily submit to the Design Review Panel.

Peggy Squiteri will attend the hearing as an interested party. There's no need to meet prior to the hearing.

Best regards,

Kathy

Kathleen Frederick Palencar

Commercial Real Estate Appraisal & Consulting

443-845-7860

On Sun, Dec 12, 2010 at 1:33 PM, Matthew Dent <mdent@dfdent.com> wrote:

Kathy,

Thanks for your email. I'm not sure exactly what the Design Review Panel process entails, but I will ask our architect and builder about it. These conditions seem reasonable to me (assuming that there are not a lot of costs involved with the Design Review Panel process) and we'd be happy to meet with your executive director before the hearing on Monday morning.

Please let me know if you'd like for that to happen. We can have the architect (Laura Thomas) and our lawyer (Bruce Doak) there at 8:30am if that works. If necessary we could also get the builder Delbert Adams there.

Thanks for your attention and ability to meet with us on such short notice during this very busy time.

-Matt

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

From: Kathy Frederick Palencar <towsonre@gmail.com>

To: Matthew Dent

Sent: Sat Dec 11 15:50:26 2010

Subject: Fwd: 6 Betty Bush Lane Zoning Case No. 2011

PETITIONER' S

EXHIBIT NO.

45

BW 12/13 9AM

8 November 2010

Dear Mr Weisman,

I am writing in reference to case
2011-0148-SPHA regarding zoning vari-
ances and permits for the proposed construc-
tion of a three car, two story garage in the
front yard of 6 Betty Bush Lane, Baltimore,
Md. 21212.

I would like to express my concern,
register my opposition to such construction
as currently planned and ask for a denial
of said variance requests.

I feel that the desired size and especially
the location of such a structure will irrep-
arably compromise the integrity, stability
and the intrinsic value of the existing
area which, as now, is very open and park-like.

Building a garage which, as planned,
is larger than my house - directly across

PROTESTANT EXHIBIT 1A

BW 12/13
9am

RECEIVED

DEC 08 2010

ZONING COMMISSIONER

To: William Wiseman
Zoning Commissioner
105 W. Chesapeake Avenue
Baltimore, MD 21204

From: Scott East and Elyse Jacob (Abutters to 6 Betty Bush Lane)
7110 Bellona Ave, Baltimore, MD 21212

Re: Opposition to Requested Zoning Variance for 6 Betty Bush Lane
Case Number: 2011-0148-SPHA

Date: December 7, 2010

This is to express our opposition to the construction of a two story building proposed to be built on the east section of the front yard of 6 Betty Bush Lane. The opposition from us, the northeast side abutter located at 7110 Bellona Avenue is based on the following:

- The building, proposed as a 3 car garage with a full second story, is designed as a free standing new building with a breezeway connection to the main residence whose future unofficial use can be that of an independent residence or rental property.
- A 15-20 foot breezeway leading to a new separate two story building is an artificial attachment to the main residence and is opposed in lieu of a true contiguous and connected addition to the existing residence utilizing existing walls of the primary residence.
- The building would be placed in the front yard of the primary residence blocking existing viewpoints for the east side residents. Substantial acreage exists for alternative siting in the rear or side yard of the property.
- The new building height would significantly alter the landscape and visual presentation of the neighborhood.
- The building, which is proposed to be 15-20 feet from the main house, would be larger than the residence across the street at 14 Betty Bush Lane, raising questions of proportionality and, because of distance and size from the main house, creates a distinct future option as an unapproved rental property for a future owner.

Therefore, we ask that the variances for setbacks, location, and height be denied as this has the potential to do irreparable long-term harm to a unique and stable neighborhood. Further, in this instance, there are other design and location options available to the Dent's (Homeowner's of 6 Betty Bush Lane) to accomplish the primary goal of a 3 car garage which would be acceptable. We have met with the Dent's and informed them of our opposition to this construction as planned. They told us that they will think over our concerns and discuss with their architect. We are hopeful that they will come up with a new plan where the garage is attached on the side or back of the house, until then we remain opposed to the current request for variances.

Protestant's 1B

7108 Bellona Avenue
Baltimore, Maryland 21212

RECEIVED

DEC 10 2010

December 8, 2010

ZONING COMMISSIONER

Mr. William Wiseman
Zoning Commissioner
105 West Chesapeake Avenue
Towson, Maryland 21204

Re: Proposed Zoning Variance for 6 Betty Bush Lane (Case Number 2011-0148-SPHA)

Dear Mr. Wiseman:

The purpose of this letter is to memorialize our concern regarding the granting of zoning variances to allow the construction of a two-story garage structure in the front yard of 6 Betty Bush Lane, in its currently planned format. Our home sits diagonally to 6 Betty Bush Lane, and has direct sightlines to the front yard of the property.

The homeowners, Mr. and Mrs. Dent, have reviewed and discussed the proposed construction plans with us. If the variances are granted, we no longer will see the front of their house, but a very large garage. We are concerned that the proposed structure in the front yard of the property will adversely affect existing sightlines and will have a significant negative impact on the flow of the neighborhood; therefore, we must object to the structure as proposed.

We and other neighbors have had constructive dialogue with the Dents on the structure. We are hopeful that a solution can be reached that is acceptable to everyone involved. However, until that solution has been reached, we must note our concerns to your office.

We have no objection to any of the other matters relating to the subject property.

Very truly yours,

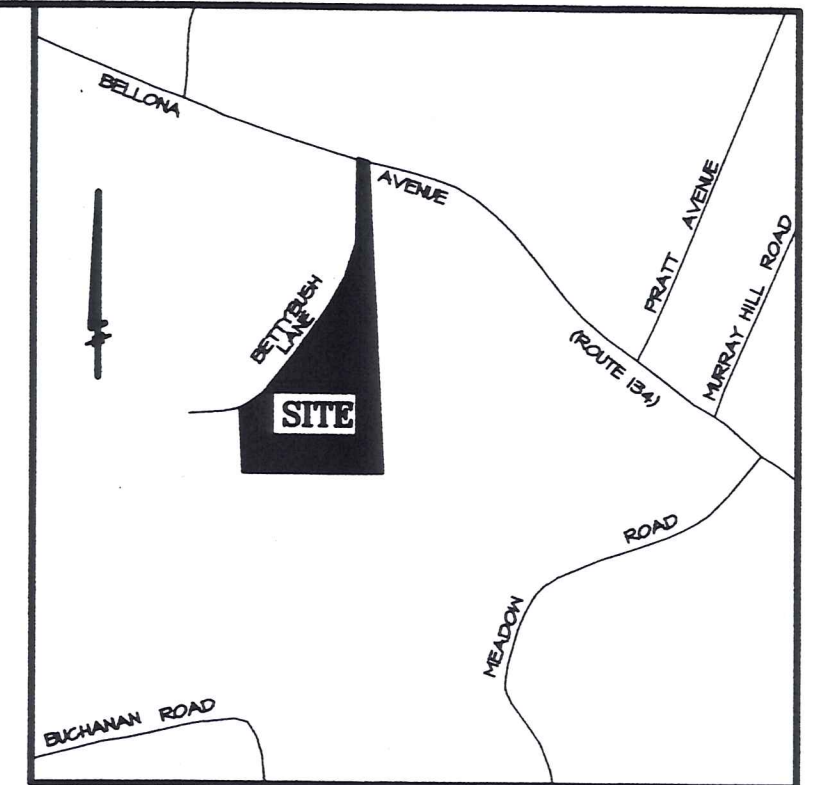
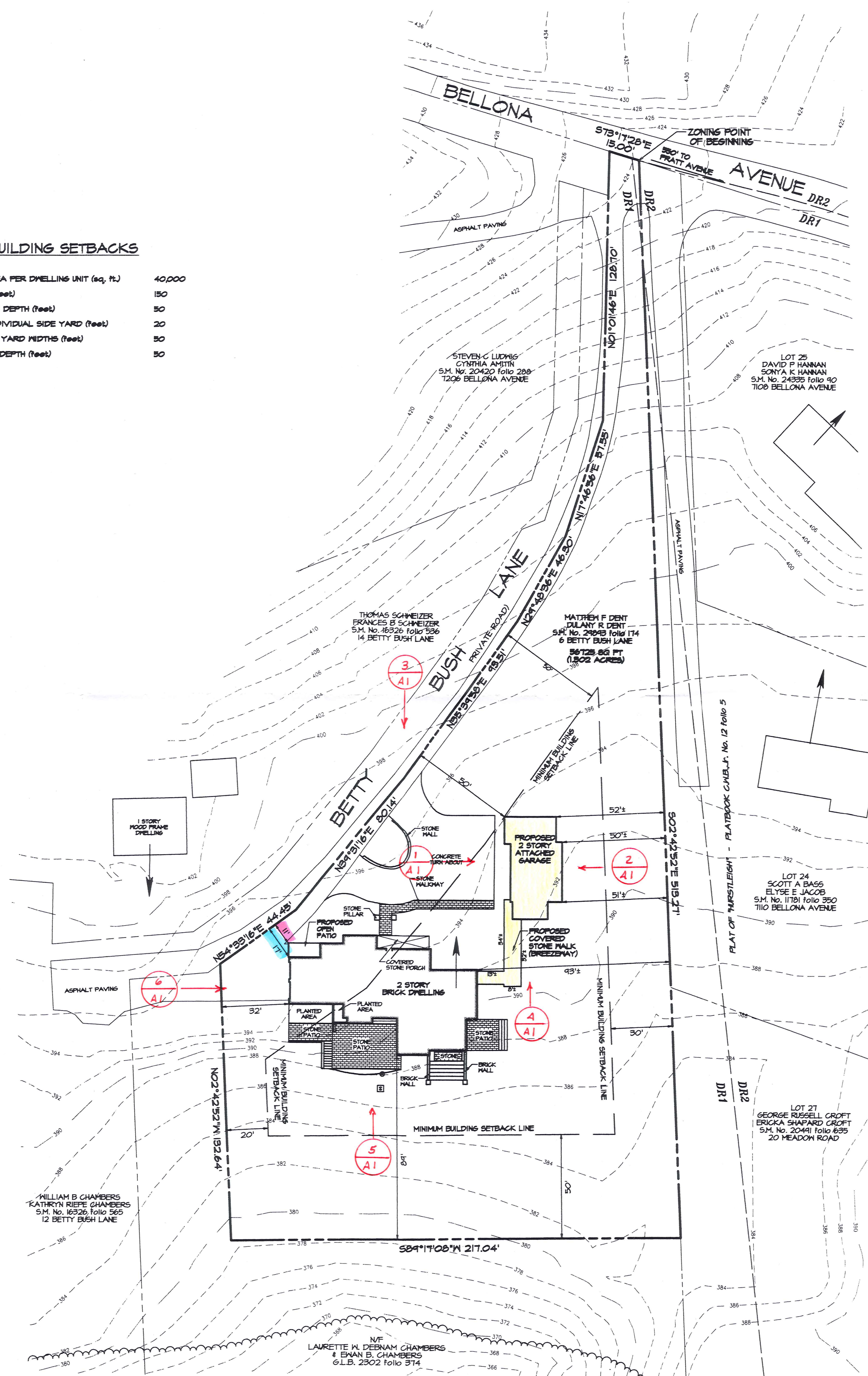
David & Sonya Hannan

Protestant's 1C
SC



D.R. 1 BUILDING SETBACKS

MINIMUM NET LOT AREA PER DWELLING UNIT (sq. ft.)	40,000
MINIMUM LOT WIDTH (feet)	150
MINIMUM FRONT YARD DEPTH (feet)	50
MINIMUM WIDTH OF INDIVIDUAL SIDE YARD (feet)	20
MINIMUM SUM OF SIDE YARD WIDTHS (feet)	50
MINIMUM REAR YARD DEPTH (feet)	50



VICINITY MAP
1" = 300'

GENERAL NOTES

1. THE BOUNDARY SHOWN HEREON IS FROM A SURVEY BY GERHOLD, CROSS & ETZEL, LTD.
2. THE TOPOGRAPHY SHOWN HEREON WAS TAKEN FROM BALTIMORE COUNTY GIS TILE 069C3.
3. THERE ARE NO KNOWN PRIOR ZONING CASES ON THE SUBJECT PROPERTY.
4. THE SUBJECT PROPERTY IS NEITHER HISTORIC NOR WITHIN A HISTORIC DISTRICT.
5. THE SUBJECT PROPERTY IS NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA.
6. THE SUBJECT PROPERTY IS NOT WITHIN A 100 YEAR FLOOD PLAIN.
7. ALL LOTS SHOWN HEREON ARE TO BE SERVED BY PUBLIC WATER AND SEPTIC SYSTEMS.

VARIANCES REQUESTED

BALTIMORE COUNTY ZONING REGULATIONS,
SECTION 1802.3.C.1

TO ALLOW A FRONT YARD SETBACK OF 11'
IN LIEU OF THE REQUIRED 50' FOR AN EXISTING
DWELLING.

SECTION 301.1

TO ALLOW A FRONT YARD SETBACK OF 11'
IN LIEU OF THE REQUIRED 50' FOR A PROPOSED
OPEN PATIO.

SECTION 401.1

TO ALLOW A GARAGE IN THE FRONT YARD
IN LIEU OF THE REQUIRED REAR YARD,
(IF NECESSARY)

SECTION 401.3

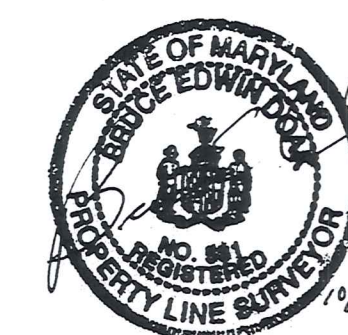
TO ALLOW A GARAGE WITH A HEIGHT
OF 25' IN LIEU OF THE REQUIRED
MAXIMUM HEIGHT OF 15',
(IF NECESSARY)

SPECIAL HEARING REQUESTED

TO APPROVE A FUNCTIONAL BREEZEWAY OF 41 FEET
MORE OR LESS ATTACHED BY COMMON WALLS AS
SHOWN HEREON.

PLAN TO ACCOMPANY PROPOSED ELEVATIONS

PLAN TO ACCOMPANY A PETITION FOR A VARIANCE & SPECIAL HEARING FOR THE DENT PROPERTY



OWNER
MATTHEW F DENT
DULANY R DENT
6 BETTY BUSH LANE
BALTIMORE, MD 21212

6 BETTY BUSH LANE
Deed Ref: S.M. No. 24893 folio 174
Tax Account No.: 09-12-004950
Zoned DR-1; GIS Tile 069C3
Tax Map 69; Grid 23; Parcel 988
9th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Scale: 1"=30'

DATE: OCTOBER 19, 2010

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100
320 East Townsontown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE

COMPUTED: JTM DRAWN: JTM/KTP
CHECKED: B.E.D. FILE: X:\VDP

PETITIONER'S

EXHIBIT NO. 28



7
A1
VIEW LOOKING WEST
EXISTING PHOTOS



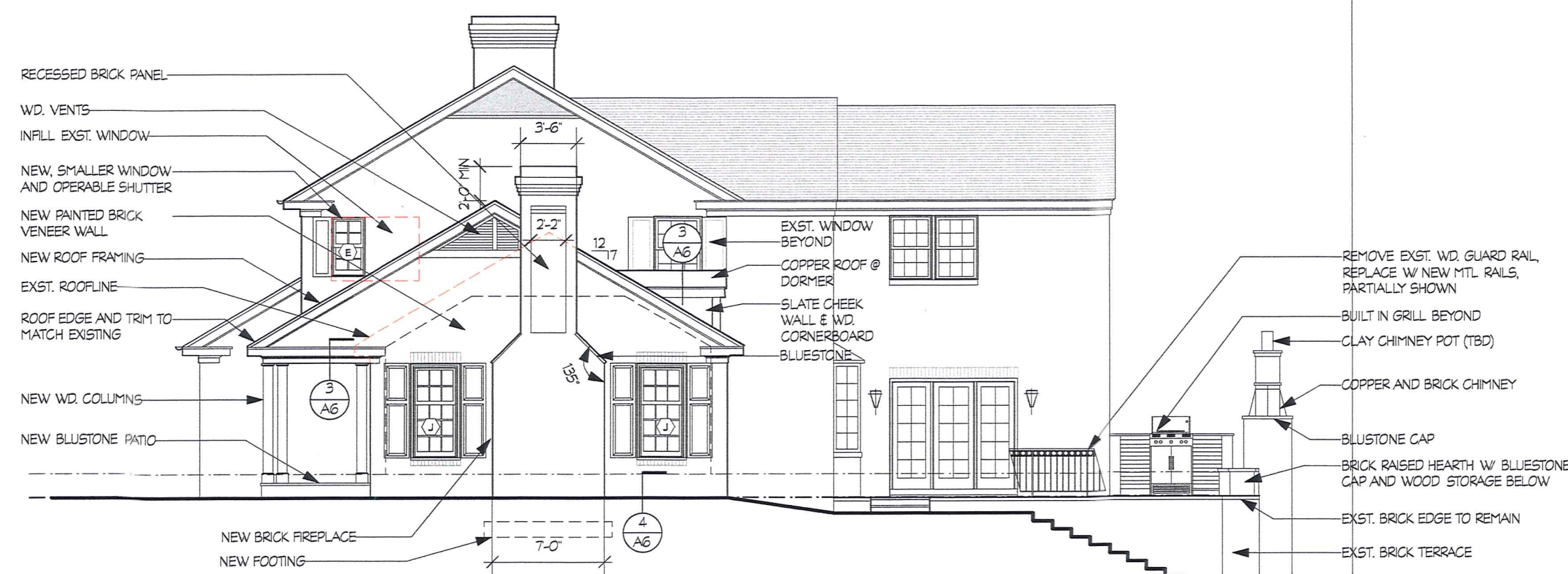
VIEW LOOKING SOUTH WEST



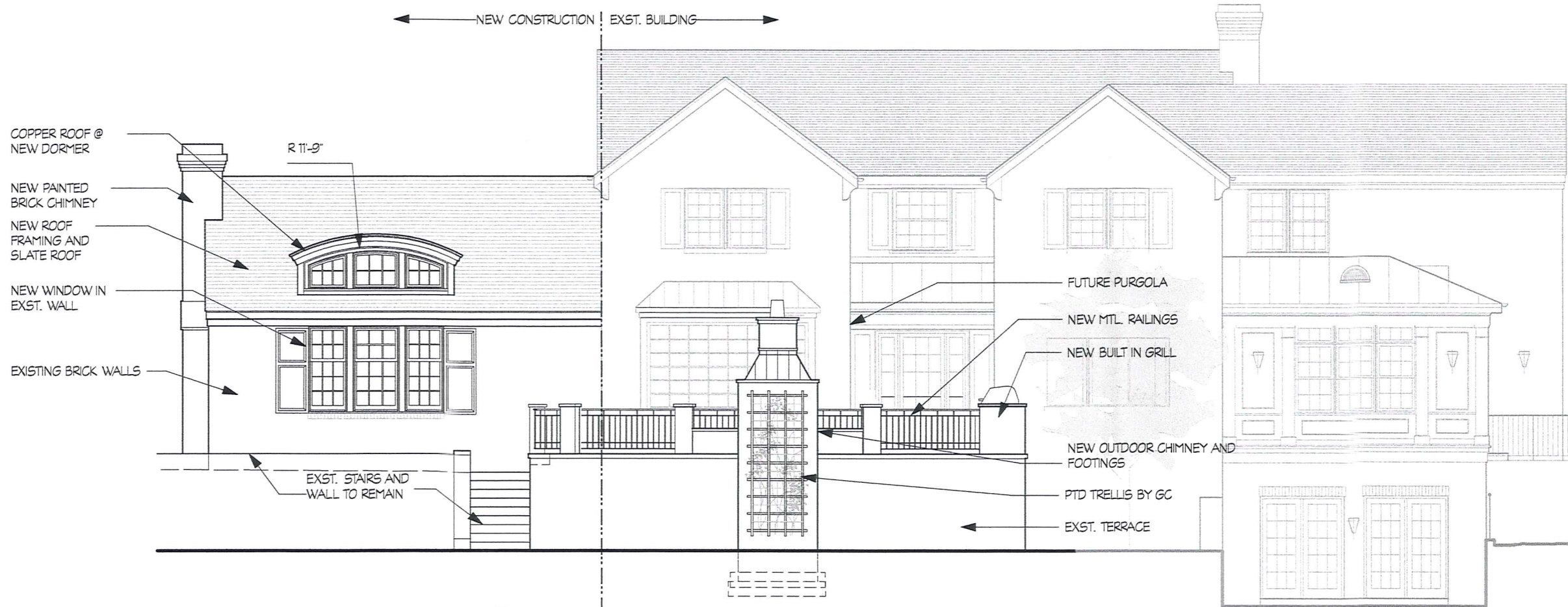
VIEW LOOKING SOUTH



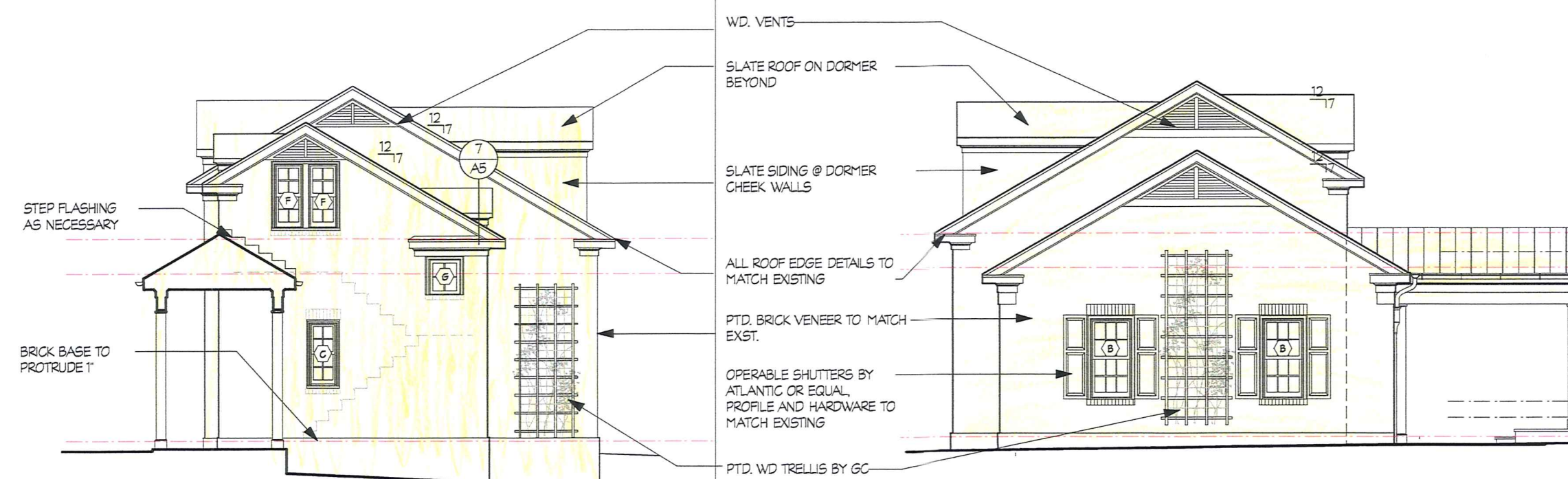
VIEW LOOKING EAST



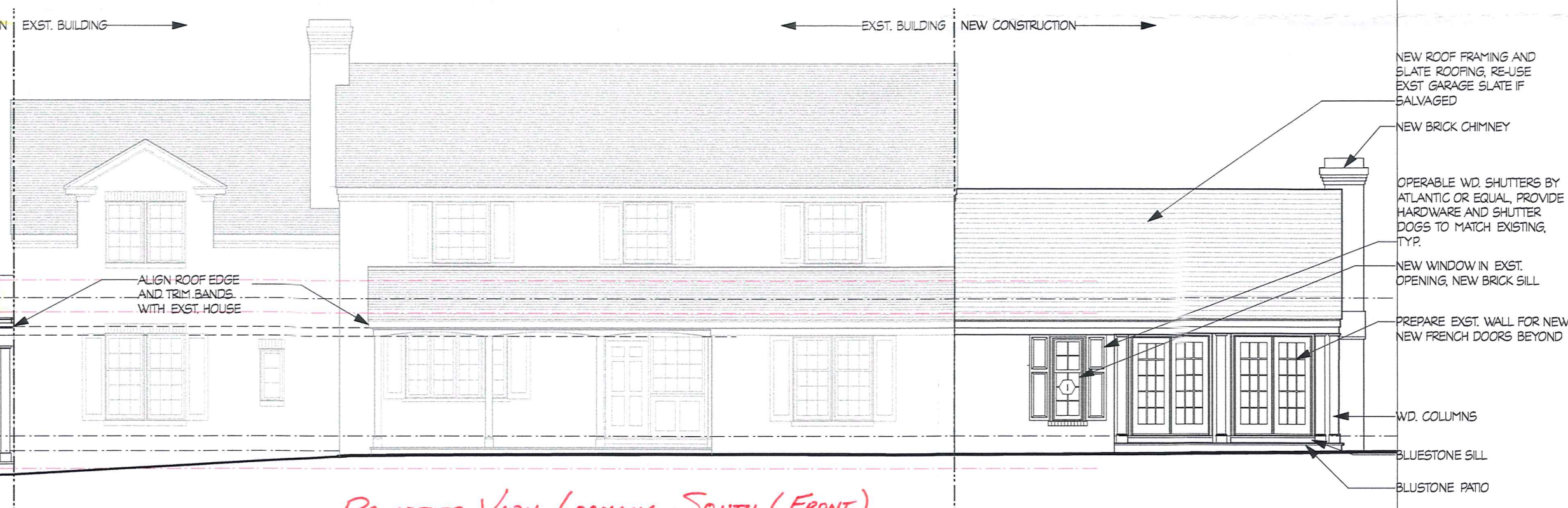
6
A1
WEST ELEVATION
SCALE: 1/8" = 1'-0"



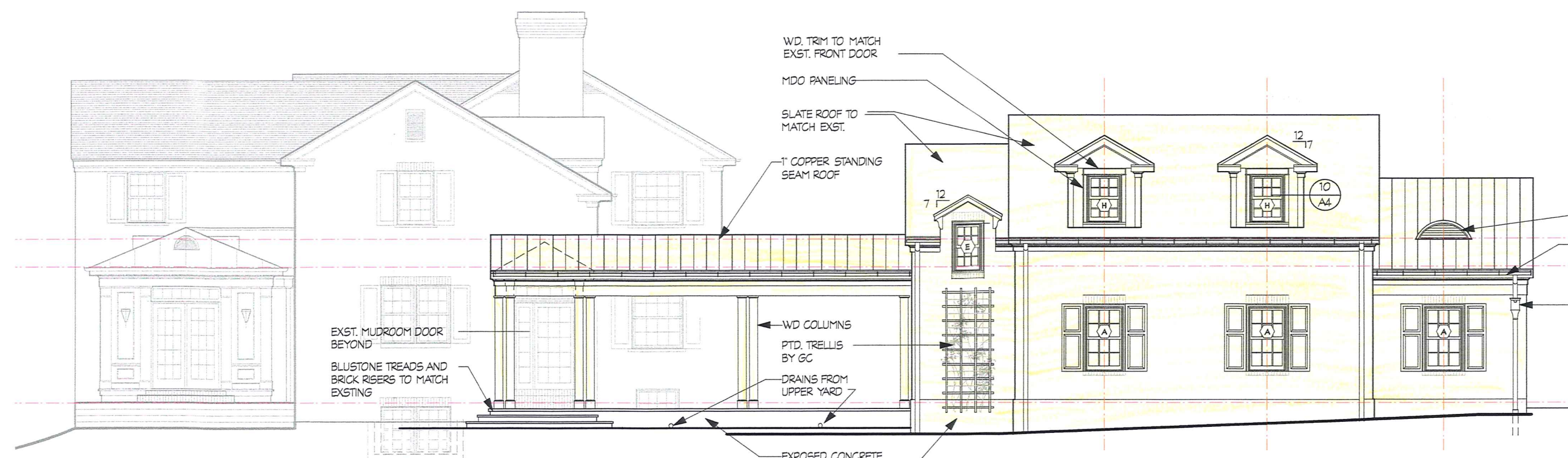
5
A1
SOUTH ELEVATION (REAR)
SCALE: 1/8" = 1'-0"



4
A1
PROPOSED VIEW LOOKING NORTH INTO GARAGE ONLY
GARAGE SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



3
A1
PROPOSED VIEW LOOKING SOUTH (FRONT)
NORTH ELEVATION
SCALE: 1/8" = 1'-0"



2
A1
GARAGE EAST ELEVATION
SCALE: 1/8" = 1'-0"

PROPOSED VIEW LOOKING WEST



1
A1
GARAGE WEST ELEVATION
SCALE: 1/8" = 1'-0"

PROPOSED VIEW LOOKING EAST INTO GARAGE ONLY

Melville Thomas Architects, Inc.
ARCHITECTURE AND PLANNING

600 Wyndhurst Ave. # SUITE 245 • Baltimore, MD 21210
TEL: 410.433.4400 FAX: 410.433.4719
www.mtara.com

Dent Residence
6 Betty Bush Lane
Baltimore, Maryland

PROJECT

PROPOSED ELEVATIONS
TITLE

AKN
DRAWN BY

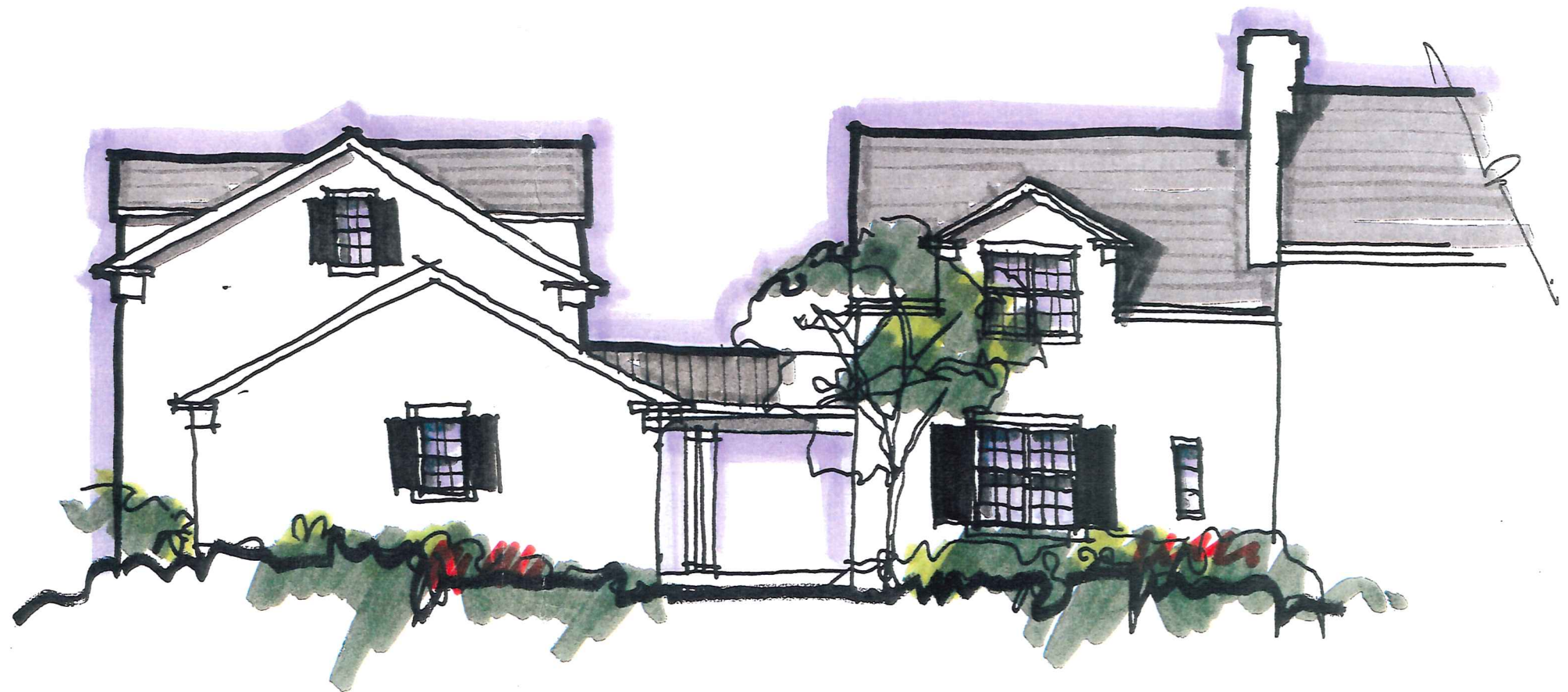
CONSTRUCTION SET

12.6.10
ISSUE DATE

A1

PETITIONER'S

EXHIBIT NO. 3



Melville Thomas Architects, Inc.
ARCHITECTURE & PLANNING

600 Wyndhurst Ave # SUITE 245 Baltimore, MD 21210
TEL: 410.433.4400 FAX: 410.433.4719
www.mtarx.com

A PROPOSED PARTIAL FRONT ELEVATION
DENT RESIDENCE 7.22.10

PETITIONER'S

EXHIBIT NO. 4



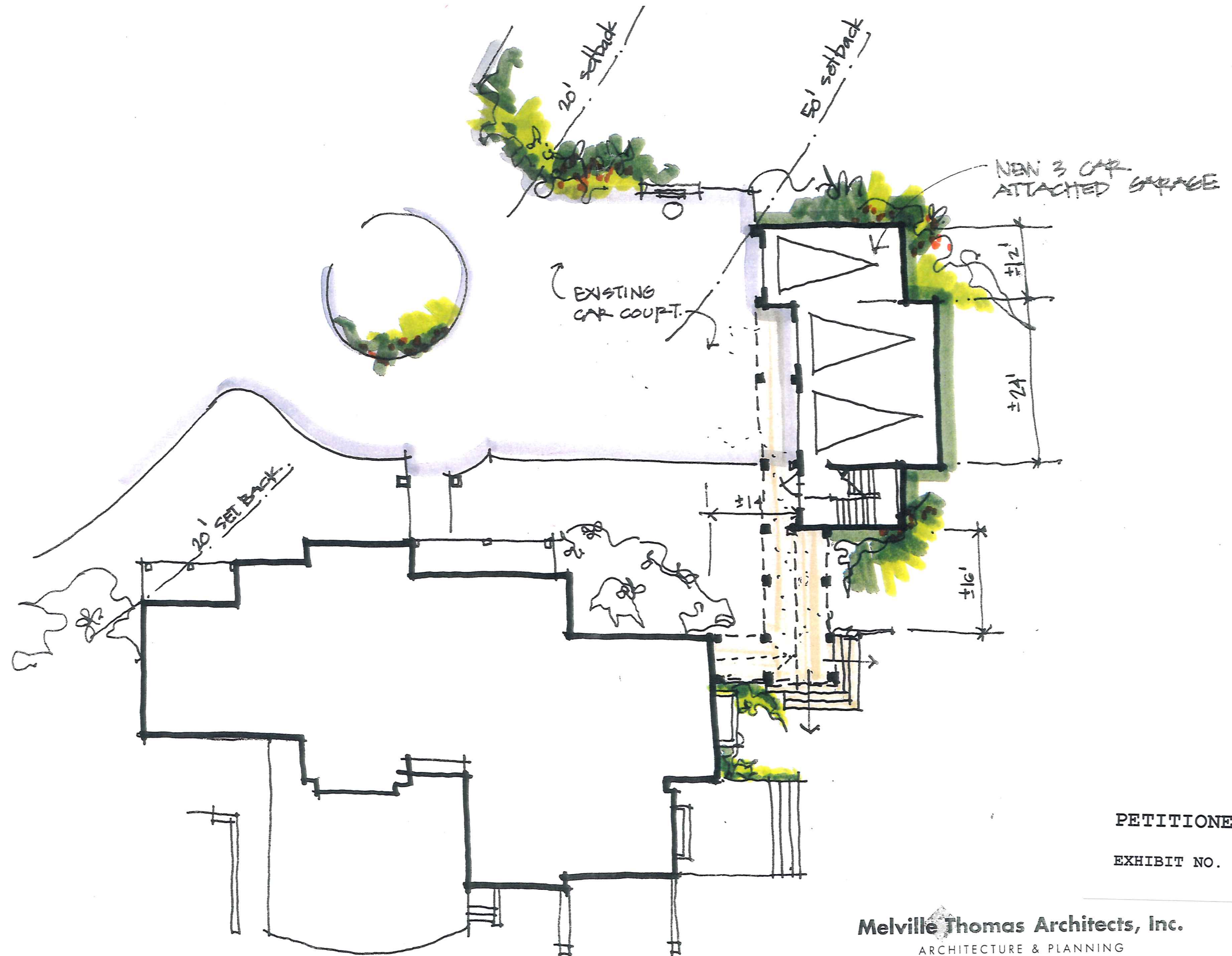
(A) PROPOSED WEST ELEVATION
DENT RESIDENCE 7.22.10

Melville Thomas Architects, Inc.
ARCHITECTURE & PLANNING

600 Wyndhurst Ave. ■ SUITE 245 ■ Baltimore, MD 21210
TEL: 410.433.4400 FAX: 410.433.4719
www.mtarx.com

PETITIONER'S

EXHIBIT NO. 43A-E



PETITIONER'S

EXHIBIT NO. _____

Melville Thomas Architects, Inc.
ARCHITECTURE & PLANNING

600 Wyndhurst Ave. SUITE 245 Baltimore, MD 21210
TEL: 410.433.4400 FAX: 410.433.4719
www.mtarx.com

A PROPOSED SITE PLAN $1/16"=1'-0"$
DENT RESIDENCE 7.22.10



(B) PROPOSED FRONT ELEVATION
DENT RESIDENCE. 7.22.10

Melville Thomas Architects, Inc.
ARCHITECTURE & PLANNING

600 Wyndhurst Ave ■ SUITE 245 ■ Baltimore, MD 21210
TEL: 410.433.4400 FAX: 410.433.4719
www.mtarx.com

PETITIONER'S

EXHIBIT NO. _____



Melville Thomas Architects, Inc.
ARCHITECTURE & PLANNING

600 Wyndhurst Ave. # SUITE 245 Baltimore, MD 21210
TEL: 410.433.4400 FAX: 410.433.4719
www.mtarx.com

(A) PROPOSED EAST ELEVATION
DENT RESIDENCE 7.22.10

PETITIONER'S

EXHIBIT NO. _____