

IN RE: PETITION FOR VARIANCE
(1306 and 1308 Bellona Avenue)
8th Election District
3rd Councilmanic District
Beltway Investors
Legal Owner
Petitioner

* BEFORE THE OFFICE
* OF ADMINISTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* **CASE NO. 2014-0177-A**

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by David H. Karceski, Esquire, of Venable, LLP on behalf of the legal owner, Beltway Investors, Petitioner. The Variance was filed pursuant to §§ 238.1 and 303.2 of the Baltimore County Zoning Regulations ("B.C.Z.R") to allow a front yard depth of 15 ft. in lieu of the required 56.5 ft. (as determined by the front yard averaging regulations). The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the public hearing in support of the requests was Greg Pinkard, Nicole Reedy and Matt Bishop from Morris & Ritchie Associates, Inc., the firm that prepared the site plan. David H. Karceski, Esquire and Justin Williams, Esquire with Venable, LLP, appeared as counsel and represented the Petitioner. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations.

The only substantive Zoning Advisory Committee (ZAC) comment was received from the Department of Planning (DOP) dated April 7, 2014, indicating that agency supports the Petitioner's request.

Testimony and evidence revealed that the subject property is approximately 5.14 acres

ORDER RECEIVED FOR FILING

Date 5/6/14

By ser

and is split- zoned BR and DR 16. The property is improved with a large office building, which has been vacant for over a year. The Petitioner would like to modernize the building and construct an addition onto the structure, to increase its marketability. To do so requires variance relief.

Based upon the testimony and evidence presented, I will grant the petition for variance.

To obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Trinity Assembly of God v. People's Counsel, 407 Md. 53, 80 (2008).

Petitioner has met this test. Mr. Bishop, a licensed Professional Engineer who was accepted as an expert, testified (via proffer) that the property is irregularly shaped, split-zoned and contains a 20' $\pm$ grade change from the rear to the front of the site. I believe these factors make the property unique.

If the B.C.Z.R. were strictly interpreted the Petitioner would suffer a practical difficulty, since it would be forced to construct the addition in an undesirable location, set back from the other adjoining buildings also owned by Petitioner. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the absence of County and/or community opposition.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted

THEREFORE, IT IS ORDERED, this 6th day of May, 2014, by the Administrative Law Judge for Baltimore County, that the Petition for Variance be granted pursuant to §§ 238.1

ORDER RECEIVED FOR FILING

Date

5/6/14

By

sln

and 303.2 of the Baltimore County Zoning Regulations ("B.C.Z.R") to allow a front yard depth of 15 ft. in lieu of the required 56.5 ft., be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for appropriate permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its 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.


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB: sln

ORDER RECEIVED FOR FILING

Date 5/6/14
By sln

KEVIN KAMENETZ
County Executive



LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

May 6, 2014

David Karceski, Esquire
Justin Williams, Esquire
Venable, LLP
210 W. Pennsylvania Avenue
Suite 500
Towson, Maryland 21204

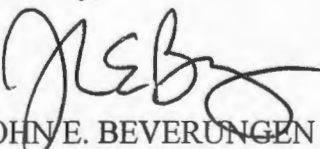
RE: Petition for Variance
Property: 1306 and 1308 Bellona Avenue
Case No.: 2014-0177-A

Dear Counsel:

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 Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure



PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 1306 and 1308 Bellona Avenue which is presently zoned BR, DR16

Deed References: 5332-531 10 Digit Tax Account # 0823017030

Property Owner(s) Printed Name(s) Beltway Investors

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

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

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s) 238.1 and 303.2 of the Baltimore County Zoning Regulations to allow a front yard depth of 15 feet in lieu of the required 56.5 feet.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

TO BE PRESENTED AT HEARING.

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

David H. Karceski, Esquire

Name- Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6285 / dhkarceski@venable.com

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Beltway Investors

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

100 Light Street, Suite 1400, Baltimore, MD

Mailing Address City State

21202-1188

Zip Code Telephone # Email Address

Representative to be contacted:

David H. Karceski, Esquire

Name - Type or Print

Signature Venable LLP

210 W. Pennsylvania Ave., Ste. 500 Towson MD

Mailing Address City State

21204 / 410-494-6285 / dhkarceski@venable.com

Zip Code Telephone # Email Address

CASE NUMBER 2014-0177-A Filing Date 2/28/2014

Do Not Schedule Dates: _____

Reviewer W

ORDER RECEIVED FOR FILING

Date 5/16/14

By Den

MORRIS & RITCHIE ASSOCIATES, INC.

ARCHITECTS, ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



Zoning Description

Beginning at a point located on the north side of Bellona Avenue which has a width of ± 40 feet at the distance of ± 0 feet northerly of the centerline of the nearest intersecting street, Bellona Avenue which has a width of ± 27 feet to a point thence the following courses and distances, referred to the Maryland Coordinate System (NAD '83/91):

North 03 degrees 08 minutes 00 seconds East for a distance of 17.60 feet to a point; South 80 degrees 51 minutes 30 seconds East 146.83 feet to a point; North 85 degrees 06 minutes 29 seconds East 80.05 feet to a point; North 07 degrees 51 minutes 48 seconds East 247.68 feet to a point; North 71 degrees 57 minutes 30 seconds West 184.76 feet to a point; North 71 degrees 53 minutes 00 seconds West 31.58 feet to a point, North 71 degrees 53 minutes 0 seconds West 118.41 feet to a point; South 17 degrees 58 minutes 0 seconds West 102.89 feet to a point; North 68 degrees 13 minutes 27 seconds West 306.16 feet to a point; South 5 degrees 29 minutes 16 seconds West 71.02 feet to a point; North 81 degrees 40 minutes 0 seconds 109.38 feet to a point; South 10 degrees 41 minutes 20 seconds West 196.82 feet to a point; Arc length of 73.60 feet with a radius of 7,739.49 feet to a point; South 21 degrees 30 minutes 11 seconds West 29.23 feet to a point, Arc length 248.30 feet with a radius of 7,764.49 feet to a point; South 80 degrees 50 minutes 40 seconds East 145.61 feet to a point; South 80 degrees 50 minutes 40 seconds East 20.66 feet to a point; South 87 degrees 44 minutes 30 seconds East 45.36 feet to a point and the place of beginning.

Containing an area of $\pm 202,216$ square feet or ± 4.64 acres of land, more or less and being located in the Eighth Election District of Baltimore County, Maryland.



2014-0177-A

1220-C East Joppa Road, Suite 505, Towson, MD 21286 (410) 821-1690 Fax: (410) 821-1748 www.mragta.com

Abingdon, MD
(410) 515-9000

Laurel, MD
(410) 792-9792

Towson, MD
(410) 821-1690

Georgetown, DE
(302) 855-5734

Wilmington, DE
(302) 326-2200

York, PA
(717) 751-6073

DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS

ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbors 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: 2014-0177-A
Petitioner: Beltway Investors, LLC
Address or Location: 1306 Bellona Ave

PLEASE FORWARD ADVERTISING BILL TO:

Name: Barbara Lukasevich
Address: Venable
210 W. Pennsylvania Ave, Ste 500
Towson, MD 21207
Telephone Number: (410) 494-6200

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

No. **108007**

Date: **2/28/14**

PAID RECEIPT

BUSINESS ACTUAL TIME DAY
 3/4/2014 2/28/2014 14:39:53 L

RECEIPT # 657449 2/28/2014 9FLR

Fund	Dept	Unit	Sub Unit	Rev Source/Obj	Sub Rev/Obj	Dept Obj	BS Acct	Amount	Dept
001	806	0000		6150				500.00	

\$ 550 MISCELLANEOUS -- IN
 108007
 Recpt Tot \$500.00
 \$500.00 CK \$1.00 CA
 Baltimore County, Maryland

Total: **500.00**

Rec From: **Venable**

For: **1306 Bellona Ave**

2014 - 0177-A

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

CERTIFICATE OF POSTING

2014-0177-A

RE: Case No.: _____

Petitioner/Developer: _____

Beltway Investors

May 2, 2014

Date of Hearing/Closing: _____

Baltimore County Department of
Permits, Approvals and Inspections
County Office Building, Room 100
111 West Chesapeake Avenue
Towson, Maryland 21204

Attn: Karen Lewis:

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: _____

1306 & 1308 Bellona Ave

April 12, 2014

The sign(s) were posted on _____
(Month, Day, Year)



Sincerely,

April 12, 2014

(Signature of Sign Poster)

(Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)



THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

April 10, 2014

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on April 10th, 2014

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

Susan Wilkinson

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: #2014-0177-A

1306 & 1308 Bellona Avenue
N/s Bellona Avenue, 682 ft. w/of North Charles Street
8th Election District - 3rd Councilmanic District
Legal Owner(s): Beltway Investors

Variance to allow a front yard depth of 15 feet in lieu of the required 56.5 feet

Hearing: Friday, May 2, 2014 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
4/13/14 April 10 975175



KEVIN KAMENETZ
County Executive

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

March 24, 2014

NOTICE OF ZONING HEARING

The Administrative Law Judges 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: 2014-0177-A

1306 & 1308 Bellona Avenue

N/s Bellona Avenue, 682 ft. w/of North Charles Street

8th Election District – 3rd Councilmanic District

Legal Owners: Beltway Investors

Variance to allow a front yard depth of 15 feet in lieu of the required 56.5 feet.

Hearing: Friday, May 2, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

AJ:kl

C: David Karceski, 210 W. Pennsylvania Avenue, Ste. 500, Towson 21204
Beltway Investors, 100 Light Street, Ste. 1400, Baltimore 21202

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY SATURDAY, APRIL 12, 2014.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, April 10, 2014 Issue - Jeffersonian

Please forward billing to:

Barbara Lukasevich

410-494-6200

Venable

210 W. Pennsylvania Ave., Ste. 500

Towson, MD 21204

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2014-0177-A

1306 & 1308 Bellona Avenue

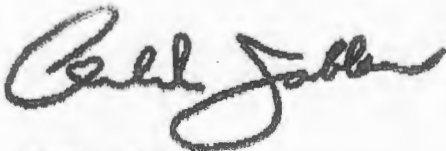
N/s Bellona Avenue, 682 ft. w/of North Charles Street

8th Election District – 3rd Councilmanic District

Legal Owners: Beltway Investors

Variance to allow a front yard depth of 15 feet in lieu of the required 56.5 feet.

Hearing: Friday, May 2, 2014 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon

Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

MEMORANDUM

DATE: June 9, 2014
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2014-0177-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 5, 2014. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

RE: PETITION FOR VARIANCE
1306 & 1308 Bellona Avenue; N/S Bellona
Avenue, 682' W of N. Charles Street
8th Election & 3rd Councilmanic Districts
Legal Owner(s): Beltway Investors
Petitioner(s)

* BEFORE THE OFFICE
* OF ADMINSTRATIVE
* HEARINGS FOR
* BALTIMORE COUNTY
* 2014-177-A

* * * * *

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

MAR 24 2014

.....

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 24th day of March, 2014, a copy of the foregoing Entry of Appearance was mailed to David Karceski, Esquire, 210 W. Pennsylvania Avenue, Suite 500, Towson, Maryland 21204, Attorney for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CHECKLIST

Support/Oppose/
Conditions/
Comments/
No Comment

Comment
Received

Department

3/21/14

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

N/C

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

4/7/14

PLANNING
(if not received, date e-mail sent _____)

C

3/21/14

STATE HIGHWAY ADMINISTRATION

No Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT Date: 4/10/14

SIGN POSTING Date: 4/12/14

by Black

PEOPLE'S COUNSEL APPEARANCE Yes ☒ No ☐

PEOPLE'S COUNSEL COMMENT LETTER Yes ☐ No ☐

Comments, if any: _____



KEVIN KAMENETZ
County Executive

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

April 25, 2014

Beltway Investors
100 Light Street
Suite 1400
Baltimore MD 21202

RE: Case Number: 2014-0177 A, Address: 1306 and 1308 Bellona Avenue

To Whom It May Concern:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on February 28, 2014. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel
David H. Karceski, Esquire, 210 W Pennsylvania Avenue, Suite 500, Towson MD 21204

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



James T. Smith, Jr., Secretary
Melinda B. Peters, Administrator

Date: 3-21-14

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

RE: Baltimore County
Item No 2014-0177-A
Variance
Beltway Investors
1306 & 1308 Bellows Avenue

Dear Ms. Lewis:

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. 2014-0177-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Zeller', is written over the typed name 'Steven D. Foster'.

Steven D. Foster, Chief/
Development Manager
Access Management Division

SDF/raz

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.roads.maryland.gov

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: March 21, 2014

FROM: Dennis A. Kennedy, ^{DAK}Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For March 24, 2014
Item No. 2014-0177, 0179, 0180, 0181, 0182, 0183, 0184, 0185, 0186,
and 0187.

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

DAK:CEN.
Cc: file

G:\DevPlanRev\ZAC -No Comments\ZAC03242014 -.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: April 7, 2014

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 1306 & 1308 Bellona Avenue

RECEIVED

INFORMATION:

Item Number: 14-177

APR 09 2014

Petitioner: Beltway Investors

OFFICE OF ADMINISTRATIVE HEARINGS

Zoning: BR, DR 16

Requested Action: Variance

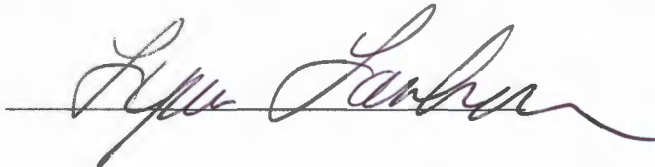
SUMMARY OF RECOMMENDATIONS:

The petitioner is requesting a variance from Section 238.1 and 303.2 of the BCZR to allow a front yard depth of 15 feet in lieu of the required 56.5 feet.

The Department of Planning supports the petitioner's request for variance. The petitioner is seeking to build a proposed medical office addition to an existing 2-story building. In Case No. 1998-0112-A, a variance was approved to permit front yard setbacks of 47 feet, 49 feet, 40 feet, and 24 feet in lieu of the required 50 feet. This will allow the addition to have the same front yard setback as the existing building. From a visual and planning aspect, this will be more appealing than if it were not aligned with the front of the existing building, of which variances were already granted.

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

Division Chief:
AVA/LL



Real Property Data Search (w4)

Your feed back is important to us. [Please take our short survey.](#)

Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Register
Account Identifier:	District - 08 Account Number - 0823017030	
Owner Information		
Owner Name:	BELTWAY INVESTORS	Use: COMMERCIAL
Mailing Address:	P O BOX 1485 BROOKLANDVILLE MD 21022-	Principal Residence: NO
		Deed Reference: 1) /05332/ 00531 2)
Location & Structure Information		
Premises Address:	1306 BELLONA AVE 0-0000	Legal Description: 1.67 AC 1306-1308 BEL 700 W CLARK
Map: 0060	Grid: 0023	Parcel: 0715
Sub District:	Subdivision: 0000	Section:
Block:	Lot:	Assessment Year: 2014
Special Tax Areas:	Town: NONE	Ad Valorem:
	Tax Class:	
Primary Structure Built 1966	Above Grade Enclosed Area 19820	Finished Basement Area 72,745 SF
Stories	Basement	Type
		OFFICE BUILDING
Exterior	Full/Half Bath	Garage
Last Major Ren		
Value Information		
	Base Value	Value
		As of 01/01/2014
Land:	722,700	722,700
Improvements	1,591,700	1,731,400
Total:	2,314,400	2,454,100
Preferential Land:	0	0
		Phase-in Assessments
		As of 07/01/2013
		As of 07/01/2014
Transfer Information		
Seller: WELL-BELLONA INC	Date: 01/29/1973	Price:
Type: NON-ARMS LENGTH OTHER	Deed1: /05332/ 00531	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments:	Class	07/01/2013
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00
Tax Exempt:	Special Tax Recapture:	0.00 0.00
Exempt Class:	NONE	
Homestead Application Information		
Homestead Application Status:	No Application	

Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty/>)District: **08** Account Number: **0823017030**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

CASE NAME Beltway Inmates
CASE NUMBER 2014-0177-A
DATE 9/5/14

[illegible]

5/2/2014

Case No.: 2014-0177-A

Exhibit Sheet

Petitioner/Developer

Respondent

192
6-9-14

SLR
5-6-14

No. 1	Site Plan (colorized)	
No. 2	Bishop CV	
No. 3	Aerial Photo	
No. 4	Color Photo	
No. 5	Illustrative Elevation	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

**MATTHEW A. BISHOP, RLA,
LEED AP BD+C**

Sr. Landscape Architect

PROJECT ASSIGNMENT:

Expert Witness, Landscape Architect

YEARS OF EXPERIENCE:

MRA: 8
Other Firms: 5

EDUCATION:

B.S. Landscape Architecture / 2001 /
University of Connecticut
M.S. Plant Science / 2005 / University
of Connecticut

ACTIVE REGISTRATION:

Landscape Architect:
Maryland, 2006, #3365
North Dakota, 2013, #80

L.E.E.D. Accredited Professional
(2008)

PROFESSIONAL AFFILIATIONS:

American Society of Landscape
Architects (ASLA)
U.S. Green Building Council
(USGBC), Maryland Chapter
Homebuilders Association of
Maryland, Baltimore County
Chapter

QUALIFICATIONS:

Mr. Bishop is a Sr. Landscape Architect with MRA's Towson office. His experience includes a variety of projects ranging in scale from site specific to regional planning including streetscapes, neighborhood parks, mixed-use and residential development. The scope of Mr. Bishop's project involvement includes site analysis through construction documents; applications and permitting; graphic renderings; grading; and cost estimating. His experience also includes working with various government agencies, private interest groups, and project related consultants including: architects; civil engineers; traffic engineers; and City, State, and County environmental and planning agencies.

Sample projects managed by Mr. Bishop include the following:

Firestone Auto Care Center, Baltimore County, Maryland - Located in Perry Hall on the east side of Belair Road, this commercial auto care facility included 5,000 sf of service and retail space with associated parking, signage, and landscape improvements. Served as project manager in the preparation of all Baltimore County required plans including a Special Exception Plan, Development Plan, Grading Plan, Site Plan, ESC Plan, Utility Plans, and Landscape Plans. Served as expert witness at the Special Exception hearing.

Gunpowder Overlook, Baltimore County, Maryland - Located in Perry Hall on the east side of Belair Road, this residential community includes 48 single family detached residential homes with associated open space, stormwater management facilities, environmental conservation areas, public roads and utilities. Served as project manager in the preparation of Concept Plans, a Development Plan, a Pattern Book, and coordination of a Community Input Meeting. Provided expert witness testimony at the Administrative Law Judge Hearing.

5737 Allender Road, Baltimore County, Maryland - Located on the east side of Baltimore County in White Marsh this development incorporates 121 homes situated around an extensive network of community open spaces. Served as project landscape architect in the design and preparation of planning related design products including Concept Plan, Development Plan, Pattern Book, and Final Development Plan. Also provided expert witness testimony for a Variance hearing to reduce side and rear yard building setbacks.

Red Lion Farm, Baltimore County, Maryland - Located on the east side of Baltimore County in White Marsh this development incorporates 61 homes. Provided expert witness testimony for a variance hearing to reduce rear yard building setbacks.

Windlass Run, Baltimore County, Maryland - Located on the east side of Baltimore County south of White Marsh Boulevard this Planned Unit Development incorporates 424 homes situated around an extensive network of community open spaces including a clubhouse, pool, and children's play equipment. Served as project landscape architect in the design and preparation of planning related design products including Concept Plan, Development Plan, Pattern Book, and Final Development Plan. Also designed and prepared detailed landscape architecture related design products including Active Open Space areas, Passive Open Space areas, Entry features, and Club house/pool area.

Towson Manor, Towson, Maryland - Located south of downtown Towson, on the east side of York Road, this Planned Unit Development incorporates 109 townhouses and an assisted living facility on ±8.22 acres. The project is a redevelopment of an existing single family residential community which had fallen into disrepair. Served as project



**MORRIS & RITCHIE
ASSOCIATES, INC.**

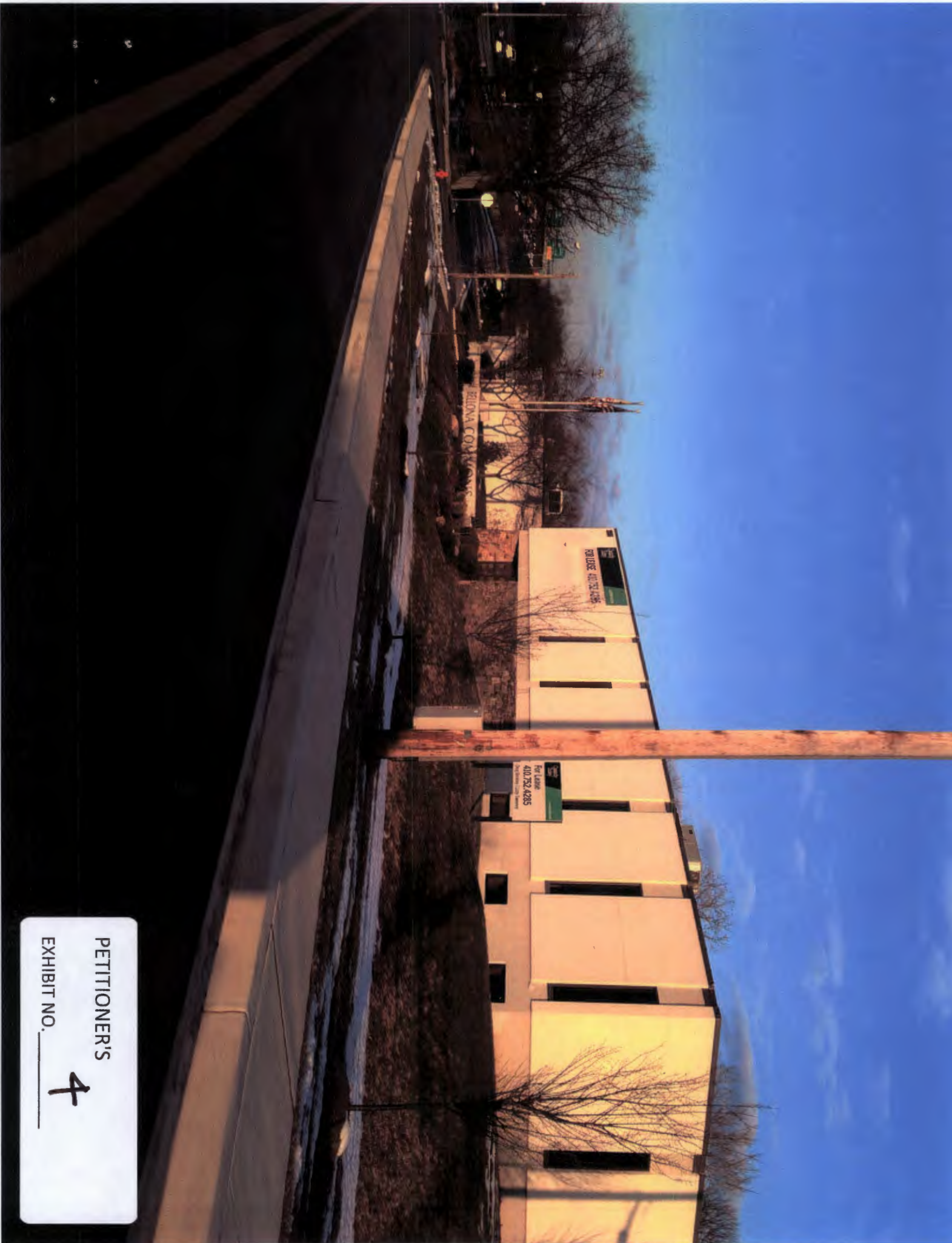
C:\USERS\

PETITIONER'S

EXHIBIT NO. 2

MATTHEW A. BISHOP, RLA, LEED AP BD+C - Page 2 of 2

landscape architect in the design and preparation of Baltimore County required Concept Plan, Development Plan, Pattern Book, Final Development Plan, Grading Plan, Landscape Plan / Cost Estimates, and Stormwater Management Plan. Also designed and prepared landscape construction drawings for a highly visible centrally located Bio-Retention facility that will be used not only as a functional stormwater treatment facility but also as a visually appealing community open space. The design incorporated native plant species chosen for both functional and aesthetic qualities while also meeting the strict specifications of Baltimore County DEPS and the Maryland Stormwater Design Manual

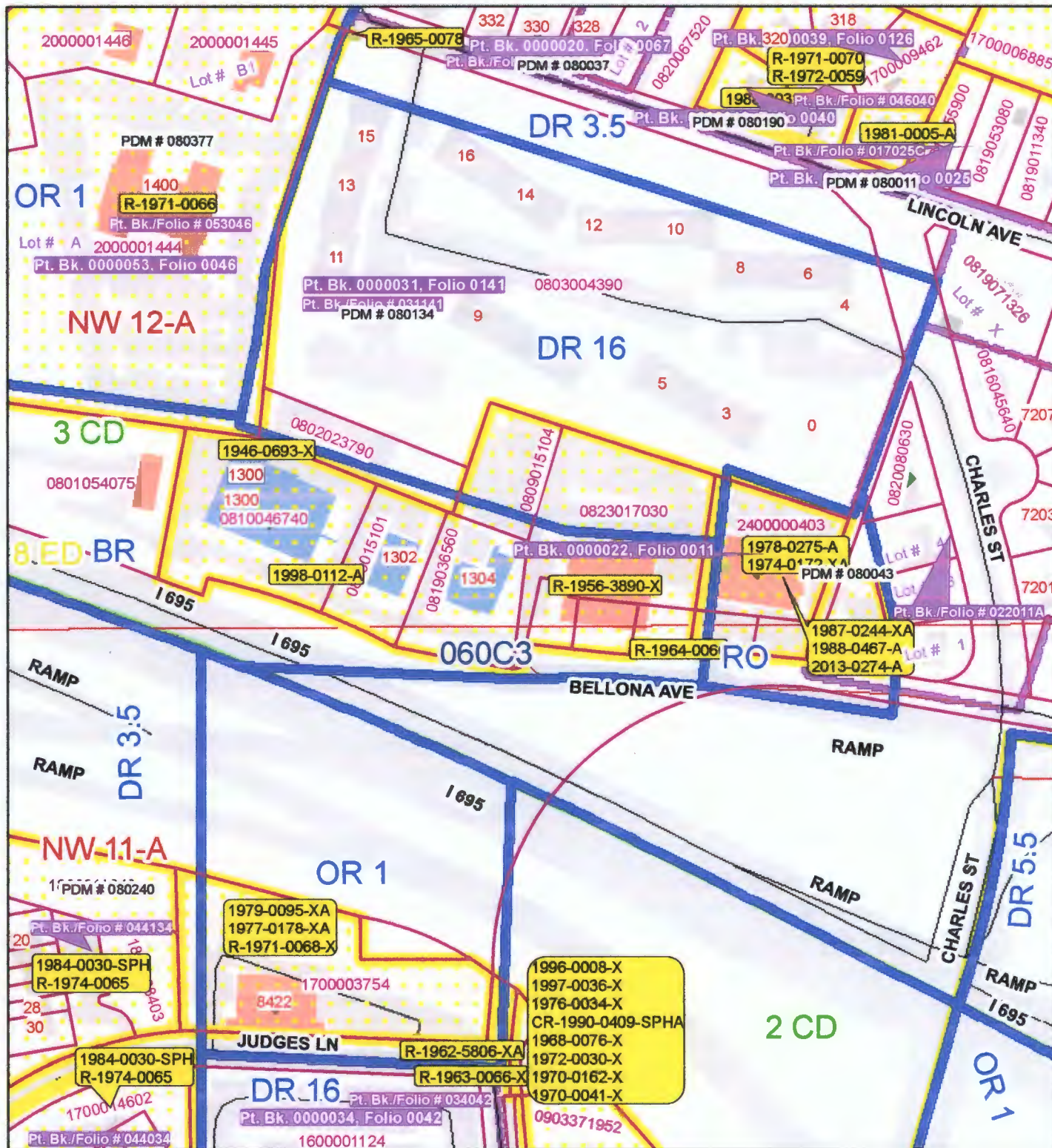


PETITIONER'S

EXHIBIT NO. _____

4

1306-1308 Bellona Avenue 2014-0177-A



Publication Date: 2/28/2014

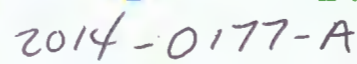


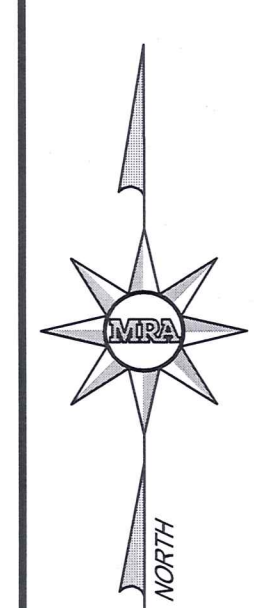
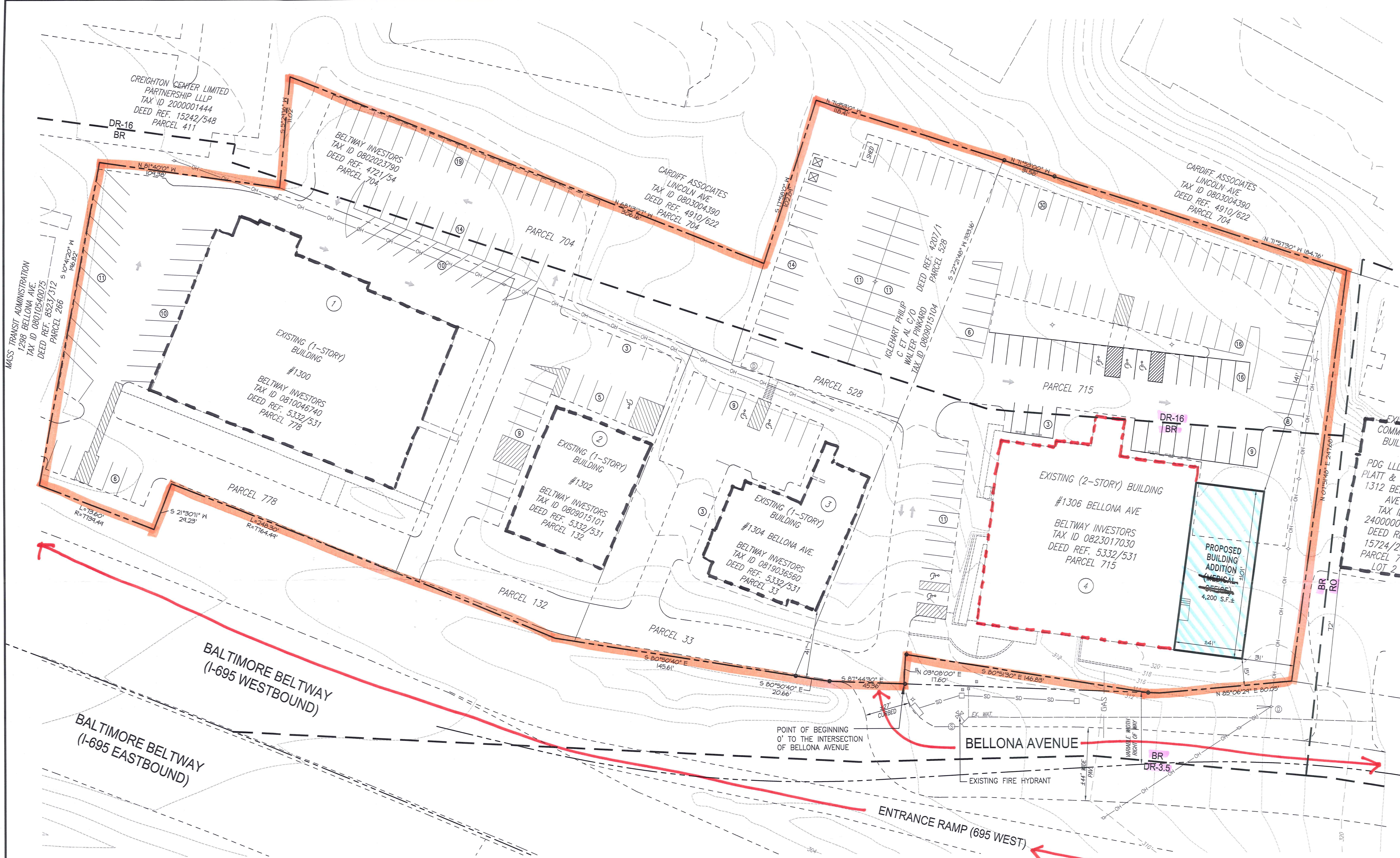
Publication Agency: Permits, Approvals & Inspections
 Projection/Datum: Maryland State Plane,
 FIPS 1900, NAD 1983/91 HARN, US Foot



0 50 100 200 300 400 Feet

1 inch = 200 feet





PLAN
SCALE: 1" = 30'

PARKING TABULATIONS CHART (PARKING SPACES REQUIRED BY BCZR SECTION 409.6.A)			
USE	GROSS S.F.	PARKING RATE	PARKING SPACES REQUIRED PER SECTION 409
BUILDING #1300	16,311	4.5/1,000	73.4
BUILDING #1302	4,500	4.5/1,000	20.3
BUILDING #1304	5,300	4.5/1,000	23.9
BUILDING #1306	23,768	4.5/1,000	107.0
GRAND TOTAL BUILDING S.F.	45,462	-	-
TOTAL PARKING REQUIRED			225
TOTAL PARKING PROVIDED			228

LEGEND

- EX. PROPERTY LINE
- EX. ADJACENT PROPERTY LINE
- PROP. RIGHT OF WAY LINE
- EX. BUILDING
- PROP. BUILDING
- EX. CONCRETE
- EX. PAVEMENT
- PROP. PAVEMENT
- EX. CURB
- PROP. CURB
- EX. SANITARY SEWER
- EX. STORM DRAIN
- EX. WATER
- EX. GAS
- EX. OVERHEAD LINE
- EX. LIGHT POLE
- EX. UTILITY POLE
- ZONING LINE

DESIGN & DRAWING BASED ON
MARYLAND COORDINATE SYSTEM:
HORIZONTAL NAD 83 (1991)
VERTICAL NAVD 88

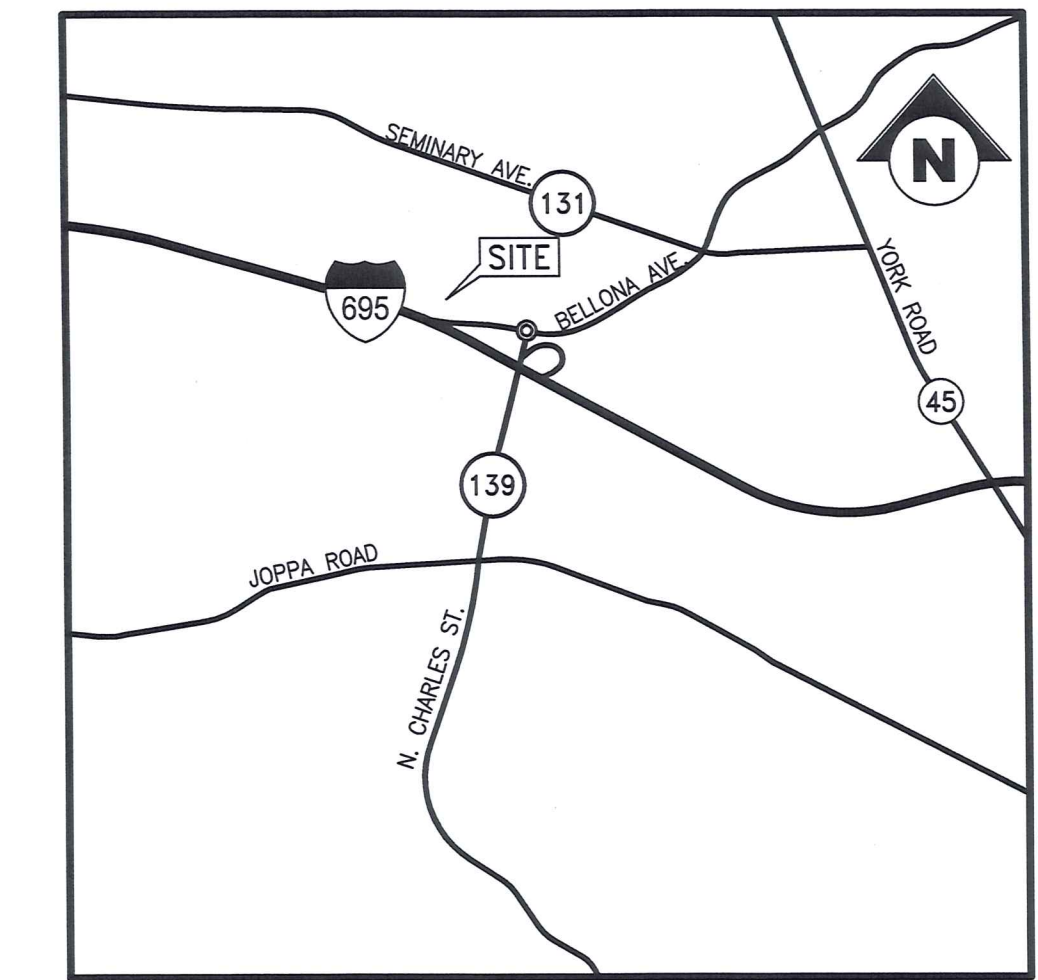
PROFESSIONAL
CERTIFICATION

I HEREBY CERTIFY THAT THESE
DOCUMENTS WERE PREPARED OR
APPROVED BY ME, AND THAT I AM
A DULY LICENSED PROFESSIONAL
LANDSCAPE ARCHITECT UNDER THE
LAWS OF THE STATE OF MARYLAND,
LICENSE NO. 3385 EXPIRATION
DATE: 08/20/2014.

OWNER

BELTWAY INVESTORS, LLC
PINKARD PROPERTIES, LLC (AGENT)
P.O. BOX 1485
BROOKLANDVILLE, MARYLAND 21022
ATTN: MR. GREG PINKARD
PHONE: (443) 841-7882
EMAIL: gpinkard@pinkardproperties.com

THE CORRECTNESS OR COMPLETENESS OF EXISTING INFORMATION SHOWN ON THE
DRAWINGS IS NOT WARRANTED OR GUARANTEED. THE CONTRACTOR SHALL VERIFY THE
LOCATION OF UTILITIES AND UNDERGROUND FACILITIES, BY TEST PITS OR OTHER
METHODS APPROVED BY THE OWNER'S REPRESENTATIVE, AS REQUIRED TO VERIFY EXACT
LOCATIONS AND DEPTHS WITHIN THE LIMIT OF DISTURBANCE. ALL DISCREPANCIES
BETWEEN INFORMATION SHOWN ON THE DRAWINGS AND THAT VERIFIED IN THE FIELD
SHALL BE REPORTED TO THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING WORK.



VICINITY MAP
SCALE: 1" = 500'

GENERAL NOTES

- PROPERTY INFORMATION:
A. PROPERTY ADDRESS: 1306 BELLONA AVENUE
B. SITE AREA: 223,965 SQUARE FEET = 5.14 AC.±
C. GROSS: 202,216 SQUARE FEET = 4.64 AC.±
D. NET: 8
E. ELECTION DISTRICT: 3
F. COUNCILMANIC DISTRICT: 4478 & 4579
G. ADC MAP: 408800
H. TAX MAP: 60
I. TAX ACCOUNT NO.: 0823017030 (PARCEL 715)
0819036560; 0809015101; 0810046740;
0802023780; 0809015104
- ZONING: BR (BUSINESS ROADSIDE)
DR16 (DENSITY RESIDENTIAL)
- ZONING MAP / GIS TILE NO.: 060C3
- EXISTING LAND USE: MEDICAL OFFICE
PROPOSED LAND USE: MEDICAL OFFICE
- PROPOSED BUILDING HEIGHT: = ±30'
- THIS SITE IS SERVICED BY PUBLIC WATER AND SEWER.
- SCREENING AND LANDSCAPING SHALL COMPLY WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL.
- THE SITE IS NOT LOCATED IN A 100 YEAR FLOODPLAIN, OR THE CBCA.
- THE SITE IS NOT LOCATED IN ANY FAILED BASIC SERVICES AREAS.
- THERE ARE NO KNOWN EXISTING WELLS OR SEPTIC FIELDS ON THIS PROPERTY.
- NO PREVIOUS COMMERCIAL PERMIT HISTORY WAS FOUND.
- TO THE BEST OF OUR KNOWLEDGE THE SITE IS NOT LOCATED WITHIN ANY HISTORIC DISTRICTS.
- ANY FIXTURE USED TO ILLUMINATE AN OFF-STREET PARKING AREA SHALL BE ARRANGED AS TO REFLECT THE LIGHT AWAY FROM ADJACENT RESIDENTIAL SITE AND PUBLIC STREETS.
- NO LIGHTING IS PROPOSED AT THIS TIME.
- BUILDING SETBACKS
REQUIRED SETBACKS (AS PER APPROVED VARIANCE CASE NO. 1998-0112-A AND PER BM7A §238)
FRONT 25' FROM ALL OTHER FRONT PROPERTY LINES AND NOT LESS THAN 50' FROM THE CENTERLINE OF ANY STREET, EXCEPT AS SPECIFIED IN SECTION 303.2.
REAR 30' FROM THE CENTERLINE OF ANY STREET, EXCEPT AS SPECIFIED IN SECTION 303.2.
SIDE 30' FROM THE CENTERLINE OF ANY STREET, EXCEPT AS SPECIFIED IN SECTION 303.2.
PROVIDED SETBACKS (FOR BUILDING ADDITION ONLY)
FRONT 15'
REAR ±15'
SIDE ±31'
- FLOOR AREA RATIO (45,462/223,965) = .21
- PAVING
ALL EXISTING AND PROPOSED PARKING IS MACADAM, A DURABLE AND DUSTLESS SURFACE.
- ALL SIGNS WILL COMPLY WITH SECTION 450 OF THE BCZR OR A VARIANCE/S WILL BE REQUESTED.

ZONING HISTORY

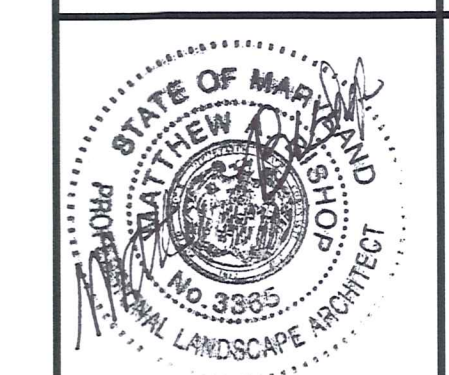
CASE NO. 1956-3890-X
THE RECLASSIFICATION OF A PORTION OF THE PROPERTY FROM R-10 TO BR WAS APPROVED BY THE BOARD OF ZONING APPEALS ON JANUARY 10, 1957.

CASE NO. 1998-0112-A
A VARIANCE WAS APPROVED ON NOVEMBER 19, 1997 TO PERMIT FRONT YARD SETBACKS OF 47', 49', 40', AND 24' FOR COMMERCIAL BUILDINGS IN A BR ZONE FRONTING A DUAL HIGHWAY IN LIEU OF THE REQUIRED 50 FEET, AND TO PERMIT A BUILDING-TO-BUILDING SEPARATION OF 59 FEET FOR ADJACENT BUILDINGS IN THE BR ZONE IN LIEU OF THE REQUIRED 60 FEET FOR BUILDINGS 2 AND 3.

CASE NO. 2014-0177-A



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
1220-C EAST JOPPA ROAD, SUITE 505
TOWSON, MARYLAND 21286
(410) 821-1690
FAX (410) 821-1748
MRA@MRA.COM



PLAN TO ACCOMPANY
VARIANCE PETITION
#1306 BELLONA AVENUE
8TH ELECTION DISTRICT
3RD COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

DATE	REVISIONS	JOB NO.:	16352.02
		SCALE:	1" = 30'
		DATE:	02/28/2014
		DRAWN BY:	M.J.S.
		DESIGN BY:	M.A.B.
		REVIEW BY:	M.A.B.
		SHEET:	01 OF 01

PETITIONER'S
EXHIBIT NO. 1



My Neighborhood Map

Created By
Baltimore County
My Neighborhood



This data is only for general information purposes only. This data may be inaccurate or contain errors or omissions. Baltimore County, Maryland does not warrant the accuracy or reliability of the data and disclaims all warranties with regard to the data, including but not limited to, all warranties, express or implied, of merchantability and fitness for any particular purpose. Baltimore County, Maryland disclaims all obligation and liability for damages, including but not limited to, actual, special, indirect, and consequential damages, attorneys' and experts' fees, and court costs incurred as a result of, arising from or in connection with the use of or reliance upon this data.

Printed 1/30/2014



* FOR ILLUSTRATIVE
PURPOSES ONLY

PINKARD PROPERTIES

1306 BELLONA AVENUE CURB APPEAL STUDY - VIEW FROM SOUTHEAST
NOVEMBER 2013

PETITIONER'S

EXHIBIT NO. 5

