



KEVIN KAMENETZ  
*County Executive*

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

June 5, 2015

Bruce E. Doak  
Bruce E. Doak Consulting LLC  
3801 Baker Schoolhouse Road  
Freeland, Maryland 21053

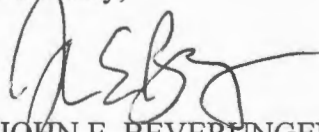
RE: Petitions for Special Hearing and Variance  
Petition for Variance  
Property: 8115 & 8117 Bellona Road  
Case No.: 2015-0175-SPHA & 2015-0176-A

Dear Mr. Doak:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

  
JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:sln  
Enclosure

c: Peggy, Scutieri, P.O. Box 204, Riderwood, Maryland 21139

IN RE: PETITIONS FOR SPECIAL HEARING \*  
AND VARIANCE

(8115 Bellona Avenue) \*

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

2<sup>nd</sup> Council District \*

Gerard & Theresa Athaide \*

Petitioners \*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0175-SPHA

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of the legal owners. The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an undersized lot with an area of 18,792 sq. ft. in lieu of the required 20,000 sq. ft. In addition, a Petition for Variance pursuant to B.C.Z.R. §1B02.3.C.1 seeks the following: (1) to permit a lot width of 85 ft. in lieu of the required 100 ft.; (2) to permit a side yard setback of 10 ft. in lieu of the required 25 ft.; and (3) to permit a side yard setback sum of 25 ft. in lieu of the required sum of 40 ft. side yard setbacks. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Gerard & Theresa Athaide. Bruce E. Doak from Bruce E. Doak Consulting, LLC, whose firm prepared the site plan appeared and represented the Petitioners. Peggy Squitieri, of the Ruxton Riderwood Lake Roland Area Improvement Association, Inc. (RRLRAIA) attended to obtain additional information regarding the requests. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. A substantive Zoning Advisory Committee (ZAC) comment was submitted by the Department of Planning (DOP), which opposed the requests.

ORDER RECEIVED FOR FILING

Date 6/5/15

By Sen

### PETITION FOR SPECIAL HEARING

The subject property is shown as lot #5 on the plat of "Woodlands," recorded in 1945. Exhibit 5. That plat created a 12 lot subdivision, and lot #5 is the only lot which has not been improved with a single family dwelling. In 2004, the property was downzoned from D.R. 3.5 (which contains a 10,000 sq. ft. minimum lot size) to D.R. 2 (which contains a 20,000 sq. ft. minimum lot size). The Petitioners' lot is just shy of that figure (approximately 5% deficient in area), and if the request was granted the permitted density would not exceed that shown on the original plat. As such, the petition for special hearing will be granted.

### 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).

Petitioners have met this test. The lot is narrow and deep and is therefore unique. If the B.C.Z.R. were strictly interpreted, Petitioners would experience a practical difficulty, given they would be unable to construct a single family dwelling on the lot. 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 lack of community opposition. The RRLRAIA indicated it was not opposed to the requests, and the parties agreed to certain restrictions which will be included in the Order below. Though 4,000 square feet was suggested as an appropriate maximum size for the proposed dwelling, I believe that 3,000 square feet (the size of the dwelling at 8117 Bellona Ave.) is a more appropriate figure considering this is one of the smaller lots in the subdivision.

ORDER RECEIVED FOR FILING

Date

6/5/15

By

Sen

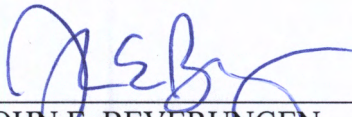
THEREFORE, IT IS ORDERED this 5<sup>th</sup> day of June, 2015, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to approve an undersized lot with an area of 18,792 sq. ft. in lieu of the required 20,000 sq. ft., be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance pursuant to B.C.Z.R. §1B02.3.C.1 seeking: (1) to permit a lot width of 85 ft. in lieu of the required 100 ft.; (2) to permit a side yard setback of 10 ft. in lieu of the required 25 ft.; and (3) to permit a side yard setback sum of 25 ft. in lieu of the required sum of 40 ft. side yard setbacks, be and is hereby GRANTED.

The relief granted herein shall be subject to and conditioned upon the following:

1. Petitioners may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioners are hereby made aware that proceeding at this time is at their own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioners would be required to return the subject property to its original condition.
2. Prior to issuance of permits for construction of a single family dwelling, Petitioners must secure approval of the Baltimore County Design Review Panel.
3. Any single family dwelling constructed on the lot shall be restricted to 35 ft. height, 40 ft. width and a maximum of 3,000 square feet of above-grade enclosed area.

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 6/5/15

By sln





KEVIN KAMENETZ  
*County Executive*

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

June 25, 2015

Bruce E. Doak  
Bruce E. Doak Consulting LLC  
3801 Baker Schoolhouse Road  
Freeland, Maryland 21053

RE: **MOTION FOR RECONSIDERATION**  
Petitions for Special Hearing and Variance  
Property: 8115 Bellona Road  
Case No.: 2015-0175-SPHA

Dear Mr. Doak:

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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", is written over the printed name of John E. Beverungen.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:dlw  
Enclosure

c: Peggy Squitieri, P.O. Box 204, Riderwood, Maryland 21139

IN RE: PETITIONS FOR SPECIAL HEARING \*

AND VARIANCE

(8115 Bellona Avenue) \*

9<sup>th</sup> Election District

2<sup>nd</sup> Council District \*

Gerard & Theresa Athaide

Petitioners \*

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2015-0175-SPHA

\* \* \* \* \*

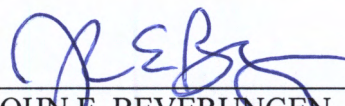
**ORDER ON MOTION FOR RECONSIDERATION**

Now pending is a Motion for Reconsideration filed by Bruce E. Doak from Bruce E. Doak Consulting, LLC, whose firm prepared the site plan. The Motion will be denied, as explained below.

While I understand the community association may not object to a 4,000 sq. ft. home, "zoning is not a plebiscite." Entzian v. Prince George's County, 32 Md. App. 256, 262 (1976). The restriction was based upon the size of neighboring homes, and a 3,000 sq. ft. home is more than sufficient for Petitioners to "accommodate their elderly parent." In addition, as noted in the original Order, the subject property is one of the smaller lots in the subdivision, and it would be counter-intuitive to construct a larger dwelling on a smaller lot.

THEREFORE, IT IS ORDERED by the Administrative Law Judge for Baltimore County, this 25<sup>th</sup> day of **June, 2015**, that the Motion for Reconsideration, be and is hereby DENIED.

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:dlw

**ORDER RECEIVED FOR FILING**

Date 6-25-15

By (signature)

**Bruce E. Doak Consulting, LLC**

3801 Baker Schoolhouse Road  
Freeland, MD 21053  
o 443-900-5535 m 410-419-4906  
bdoak@bruceedoakconsulting.com

**CERTIFICATE OF POSTING**

March 26, 2015

Re:

Zoning Case No. 2015-0176-A

Petitioner / Owner: Gerard & Theresa Athaide

Date of Hearing: April 13, 2015

Baltimore County Department of Permits, Approvals & Inspections  
County Office Building  
111 West Chesapeake Avenue, Room 111  
111 West Chesapeake Avenue Towson, MD 21204

Attention: Kristen 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 **8117 Bellona Avenue**.

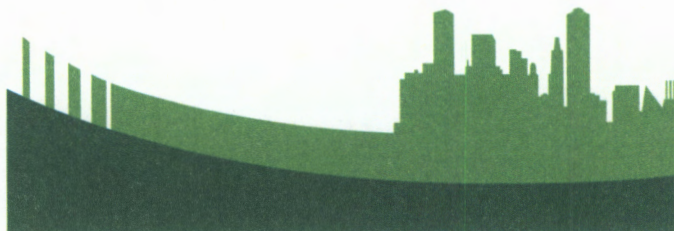
The sign(s) were posted on **March 23, 2015**.

Sincerely,



Bruce E. Doak  
MD Property Line Surveyor #531

**See the attached sheet(s) for the photos of the posted sign(s)**



Land Use Expert and Surveyor



# ZONING NOTICE

CASE NO. 2015-0176-A

8117 Ballona Avenue

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE  
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING  
102 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Monday April 13, 2015 11:00 AM

## REQUEST:

VARIANCES TO PERMIT A LOT WIDTH OF 36 FT. IN LIEU OF THE  
REQUIRED 100 FT.; TO PERMIT A SIDE YARD SETBACK OF 8 FT.  
IN LIEU OF THE REQUIRED 20 FT. AND TO PERMIT A SIDE YARD  
SETBACK SUM OF 17 FT. IN LIEU OF THE REQUIRED 40 FT. SIDE  
YARD SETBACK SUM.

FOOTCOURTMENTS ARE TO MEET THE OTHER CONDITIONS ARE NOTED  
NECESSARY TO COMPLY THE REQUIRED LOTS AND SETBACKS

DO NOT REMOVE THIS SIGN AND POSTERS. THE JOB OF THE CHAIRMAN UNDER  
PUNISHMENT IN LAW.

THE BOARD OF ZONING ADJUSTMENTS

# ZONING NOTICE

CASE NO. 2015-0176-A

8117 Ballona Avenue

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE  
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING  
102 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Monday April 13, 2015 11:00 AM

## REQUEST:

VARIANCES TO PERMIT A LOT WIDTH OF 36 FT. IN LIEU OF THE  
REQUIRED 100 FT.; TO PERMIT A SIDE YARD SETBACK OF 8 FT.  
IN LIEU OF THE REQUIRED 20 FT. AND TO PERMIT A SIDE YARD  
SETBACK SUM OF 17 FT. IN LIEU OF THE REQUIRED 40 FT. SIDE  
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FOOTCOURTMENTS ARE TO MEET THE OTHER CONDITIONS ARE NOTED  
NECESSARY TO COMPLY THE REQUIRED LOTS AND SETBACKS

DO NOT REMOVE THIS SIGN AND POSTERS. THE JOB OF THE CHAIRMAN UNDER  
PUNISHMENT IN LAW.

THE BOARD OF ZONING ADJUSTMENTS





KEVIN KAMENETZ  
County Executive

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

March 3, 2015

## 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: 2015-0176-A**

8117 Bellona Avenue

SE/s Bellona Avenue, 2064 ft. SW to the centerline of Riverdale Road

9<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Gerard & Theresa Athaide

Variance to permit a lot width of 95 ft. in lieu of the required 100 ft.; to permit a side yard setback of 2 ft. in lieu of the required 25 ft. and to permit a side yard setback sum of 17 ft. in lieu of the required 40 ft. side yard setback sum.

Hearing: Monday, April 13, 2015 at 11:00 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: Gerard & Theresa Athaide, 8117 Bellona Avenue, Towson 21204  
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 24, 2015.**
- (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.



# 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 8115 BELLONA AVENUE TOWSON MD 21204 which is presently zoned DR2  
 Deed References: SM 19491/546 10 Digit Tax Account # 0901890000  
 Property Owner(s) Printed Name(s) GERARDO ATHAIDE & THERESA H. ATHAIDE

(SELECT THE HEARING(S) BY MARKING **X** 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. X a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

SEE ATTACHED PAGE

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

3. X a Variance from Section(s)

SEE ATTACHED PAGE

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 THE 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:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

## Legal Owners (Petitioners):

GERARDO ATHAIDE / THERESA H. ATHAIDE  
 Name #1 - Type or Print Name #2 - Type or Print

x Athaide / x Theresa H. Athaide  
 Signature #1 Signature #2

8115 BELLONA AVENUE TOWSON MD  
 Mailing Address City State

21204 / 910-419-4906 / BDOAK@BRUCESDOAK  
 Zip Code Telephone # Email Address  
CONSULTING.COM

## Representative to be contacted:

BRUCE E. DOAK  
BRUCE E. DOAK CONSULTING LLC  
 Name - Type or Print

BRUCE E. DOAK  
 Signature

3801 BAKER SCHOOLHOUSE ROAD FREELAND MD  
 Mailing Address City State

21053 / 910-919-4906 / BDOAK@BRUCESDOAK  
 Zip Code Telephone # Email Address  
CONSULTING.COM

CASE NUMBER 2015-0175-SP4A Filing Date 2/17/15

Do Not Schedule Dates: \_\_\_\_\_

Reviewer G.A

## PETITION REQUESTS

### #8115 Bellona Avenue

#### Special Hearing Requested:

- To allow a lot area of 18,792 square feet in lieu of the required 20,000 square feet per Section 1B02.3.C.1 BCZR *over all density will not be affected.*

#### Variances Requested:

- To permit a lot width of 85 feet in lieu of the required 100 feet per Section 1B02.3.C.1 BCZR
- To permit a side yard setback of 10 feet in lieu of the required 25 feet per Section 1B02.3.C.1 BCZR
- To permit a side yard setback sum of 25 feet in lieu of the required 40 foot side yard setback sum per Section 1B02.3.C.1 BCZR



**Bruce L. Doak Consulting, LLC**

3801 Baker Schoolhouse Road  
Freeland, MD 21053  
o 443-900-5535 m 410-419-4906  
bdoak@bruceedoakconsulting.com

**Zoning Description**

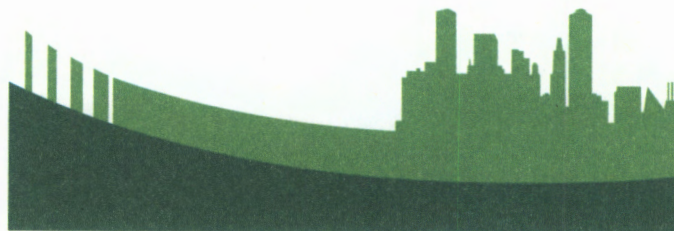
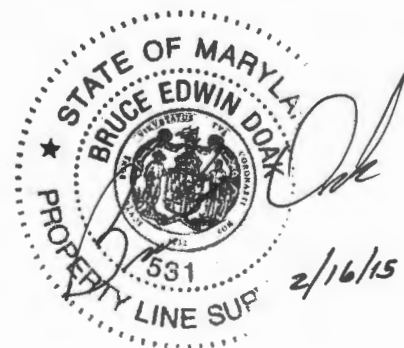
#8115 Bellona Avenue- 18,792 Square Foot Parcel  
Ninth Election District Second Councilmanic District  
Baltimore County, Maryland

Beginning at a point on the southeast side of Bellona Avenue, being 23 feet, plus or minus, from the centerline of Bellona Avenue and said point on the centerline of Bellona Avenue being 2064 feet, plus or minus, from the center line of Ridervale Road, thence running on the southeast side of Bellona Avenue 1) North 84 degrees 20 minutes East 98.77 feet, thence leaving Bellona Avenue and running on the outlines of the subject property, the three following courses and distances, viz. 2) South 02 degrees 34 minutes East 246.76 feet, 3) South 89 degrees 16 minutes West 87.00 feet and 4) North 05 degrees 22 minutes West 238.89 feet to the point of beginning.

Containing 18,792 square feet or 0.431 of an acre of land, more or less.

Being all of Lot 5 as shown on the plat entitled "Woodlands" dated September 18, 1945 and recorded in the Land Records of Baltimore County in Plat Book 13, page 114.

**This description is part of a zoning petition and is not intended for any conveyance purposes.**



Land Use Expert and Surveyor

2015-0175-SPHA

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

No. 121502

Date: 2/17/15

PAID RECEIPT

BUSINESS ACTUAL TIME DRW

2/18/2015 2/17/2015 11:40:34

RE: WSO2 WALKIN DEVA JEE

RECEIPT # 211778 2/17/2015

5 520 ZINING VERIFICATION

NO. 121502

Rec'd Tot \$150.00  
1225.00 CR \$1.00 CA  
Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/Obj | Sub Rev/Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|----------------|-------------|----------|---------|--------|
| 001  | 800  | 0000 |          | 6150           |             |          |         | 150.00 |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |
|      |      |      |          |                |             |          |         |        |

Total: 150.00

Rec From: Gerard Athaide

For: 8115 Bellona Avenue

2015-0175 SPHA

DISTRIBUTION

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

PLEASE PRESS HARD!!!!

CASHIER'S  
VALIDATION

# 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/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: 2015-0175-SPHA

Petitioner: Gerard Athaide

Address or Location: 8115 Bellona Avenue

#### PLEASE FORWARD ADVERTISING BILL TO:

Name: GERARD ATHAIDE

Address: 8117 BELLONA AVE

TOWSON MD 21204

Telephone Number: 410 825 0201



**Bruce E. Doak Consulting, LLC**  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
o 443-900-5535 m 410-419-4906  
bdoak@bruceedoakconsulting.com

## CERTIFICATE OF POSTING

May 15, 2015

Re:

Zoning Case No. 2015-0175-SPHA

Petitioner / Owner: Gerard & Theresa Athaide

Date of Hearing: June 2, 2015

Baltimore County Department of Permits, Approvals & Inspections  
County Office Building  
111 West Chesapeake Avenue, Room 111  
111 West Chesapeake Avenue Towson, MD 21204

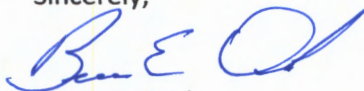
Attention: Kristen Lewis

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 **8115 Bellona Avenue**.

The sign(s) were posted on **May 12, 2015**.

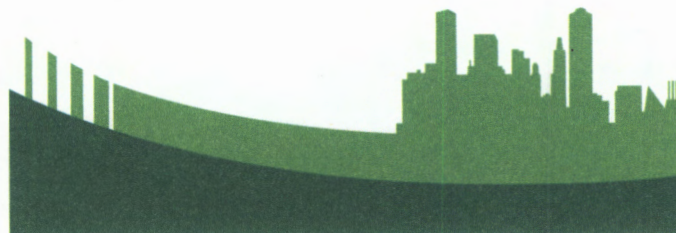
Sincerely,



Bruce E. Doak

MD Property Line Surveyor #531

See the attached sheet(s) for the photos of the posted sign(s)



Land Use Expert and Surveyor

# ZONING NOTICE

CASE NO. 2015-0175-SPHA

8115 Bellona Avenue

A PUBLIC HEARING WILL BE HELD BY THE ADMINISTRATIVE  
LAW JUDGE IN TOWSON MARYLAND

PLACE: Room 205 JEFFERSON BUILDING  
105 W. CHESAPEAKE AVENUE TOWSON, MD 21204

DATE & TIME: Tuesday June 2, 2015 1:30 PM

REQUEST:  
SPECIAL HEARING TO ALLOW A LOT AREA OF 18,792 SQ. FT. IN LIEU  
OF THE REQUIRED 20,000 SQ. FT. (OVER-ALL DENSITY WILL NOT BE  
AFFECTED).

VARIANCES TO PERMIT A LOT WIDTH OF 83 FT. IN LIEU OF THE  
REQUIRED 100 FT.; TO PERMIT A SIDE YARD SETBACK OF 10 FT. IN  
LIEU OF THE REQUIRED 25 FT. AND TO PERMIT A SIDE YARD  
SETBACK SUM OF 25 FT. IN LIEU OF THE REQUIRED SUM OF 40 FT.  
SIDE YARD SETBACKS.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES  
NECESSARY. TO CANCEL THE HEARING CALL 410-587-1295.





501 N. Calvert St., P.O. Box 1377  
Baltimore, Maryland 21278-0001  
tel: 410/332-6000  
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 3269065

**Sold To:**

Gerard Athaide - CU00430716  
8117 Bellona Ave  
Towson, MD 21204

**Bill To:**

Gerard Athaide - CU00430716  
8117 Bellona Ave  
Towson, MD 21204

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

May 12, 2015

The Baltimore Sun Media Group

By *S. Wilkinson*  
Legal Advertising

**CORRECTED 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: # 2015-0175-SPHA**  
8115 Bellona Avenue  
SE/s Bellona Avenue, 2064 ft. SW to centerline of Riverdale Road  
9th Election District - 2nd Councilmanic District  
Legal Owner(s) Gerard & Theresa Athaide

**Special Hearing** to allow a lot area of 18,792 sq. ft. in lieu of the required 20,000 sq. ft. (over-all density will not be affected). Variance to permit a lot width of 85 ft. in lieu of the required 100 ft.; to permit a side yard setback of 10 ft. in lieu of the required 25 ft. and to permit a side yard setback sum of 25 ft. in lieu of the required sum of 40 ft. side yard setbacks.

**Hearing: Tuesday, June 2, 2015 at 1:30 p.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.

JT 5/676 May 12 3269065



|                                                                   |   |                   |
|-------------------------------------------------------------------|---|-------------------|
| RE: PETITION FOR SPECIAL HEARING                                  | * | BEFORE THE OFFICE |
| AND VARIANCE                                                      |   |                   |
| 8115 Bellona Avenue; SE/S Bellona Avenue,                         | * | OF ADMINISTRATIVE |
| 2064' SW of c/line Ridervale Road                                 |   |                   |
| 9 <sup>th</sup> Election & 2 <sup>nd</sup> Councilmanic Districts | * | HEARINGS FOR      |
| Legal Owner(s): Gerard & Theresa Athaide                          | * | BALTIMORE COUNTY  |
| Petitioner(s)                                                     | * |                   |
|                                                                   | * | 2015-175-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

03 2015

.....

*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 3rd day of March, 2015, a copy of the foregoing Entry of Appearance was mailed to Bruce Doak, 3801 Baker Schoolhouse Road, Freeland, Maryland 21053, Representative 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 3, 2015

## 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: 2015-0175-SPHA**

8165 Bellona Avenue

SE/s Bellona Avenue, 2064 ft. SW to centerline of Riverdale Road

9<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District

Legal Owners: Gerard & Theresa Athaide

**Special Hearing** to allow a lot area of 18,792 sq. ft. in lieu of the required 20,000 sq. ft. (over-all density will not be affected). **Variance** to permit a lot width of 85 ft. in lieu of the required 100 ft.; to permit a side yard setback of 10 ft. in lieu of the required 25 ft. and to permit a side yard setback sum of 25 ft. in lieu of the required sum of 40 ft. side yard setbacks.

Hearing: Monday, April 13, 2015 at 10:00 a.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

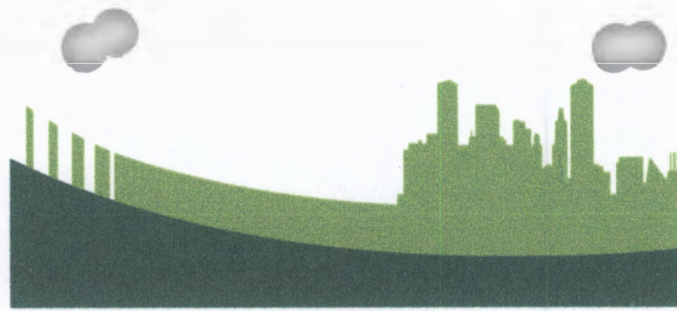
A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

AJ:kl

C: Mr. & Mrs. Athaide, 8117 Bellona Avenue, Towson 21204  
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, MARCH 24, 2015.**
- (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.**



4/1/15  
OK  
to write

April 1, 2015

Carl Richards  
Baltimore County Office of Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

Re: Zoning Case #2015-0175-SPHA & Case # 2015-0176-A

Dear Mr. Richards,

My clients would like to postpone the hearing for each of the two cases cited above. They are working with the community association to gain their support. They have met with the association's representatives and the two sides are committed to coming up with mutually agreeable terms and conditions.

Once the agreement between the parties is reached, we will ask your office to reschedule the two hearings.

I will write postponed on each of the posted signs and will take them down after the original hearing date.

Thank you for your help in this matter.

With regards,

Bruce E. Doak

Bruce E. Doak Consulting, LLC  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
410-419-4906 cell / 443-900-5535 office  
bdoak@bruceedoakconsulting.com





KEVIN KAMENETZ  
County Executive

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

April 23, 2015

## NEW 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: 2015-0175-SPHA**

8115 Bellona Avenue  
SE/s Bellona Avenue, 2064 ft. SW to centerline of Riverdale Road  
9<sup>th</sup> Election District – 2<sup>nd</sup> Councilmanic District  
Legal Owners: Gerard & Theresa Athaide

**Special Hearing** to allow a lot area of 18,792 sq. ft. in lieu of the required 20,000 sq. ft. (over-all density will not be affected). **Variance** to permit a lot width of 85 ft. in lieu of the required 100 ft.; to permit a side yard setback of 10 ft. in lieu of the required 25 ft. and to permit a side yard setback sum of 25 ft. in lieu of the required sum of 40 ft. side yard setbacks.

Hearing: Tuesday, June 2, 2015 at 1:30 p.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: Mr. & Mrs. Athaide, 8117 Bellona Avenue, Towson 21204  
Bruce Doak, 3801 Baker Schoolhouse Road, Freeland 21053

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, MAY 13, 2015.**
- (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.

Case No.: 2015-0175-SPHA

6/2

1:30 PM

Exhibit Sheet

Petitioner/Developer

LDW  
7-28-15

Protestants

Sen  
6/5/15

|        |                                     |  |
|--------|-------------------------------------|--|
| No. 1  | Plan (redlined)                     |  |
| No. 2  | Aerial photo                        |  |
| No. 3  | Zoning map                          |  |
| No. 4  | 4A-4C<br>renderings - proposed home |  |
| No. 5  | Plat - "Woodlands"                  |  |
| No. 6  |                                     |  |
| No. 7  |                                     |  |
| No. 8  |                                     |  |
| No. 9  |                                     |  |
| No. 10 |                                     |  |
| No. 11 |                                     |  |
| No. 12 |                                     |  |





PETITIONER' S

EXHIBIT NO. 2





My Neighborhood Map

Created By  
Baltimore County  
My Neighborhood



This data is inaccurate warrant the regard to t implied, of County, Ma but not lim attorneys' from or in connection with the use of or reliance on this data may be

PETITIONER'S

EXHIBIT NO. 3

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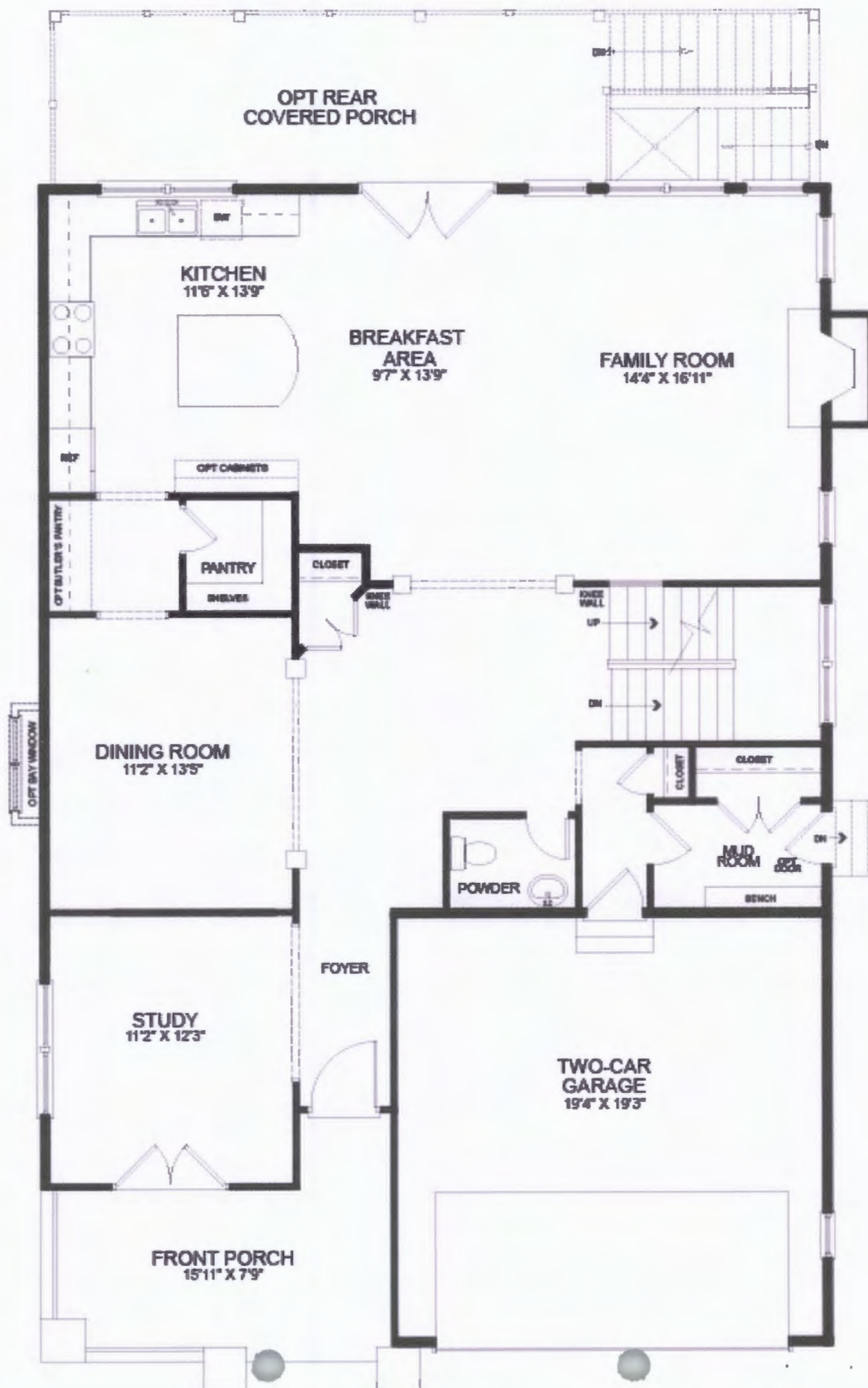
**AWARD  
WINNING  
MODEL**



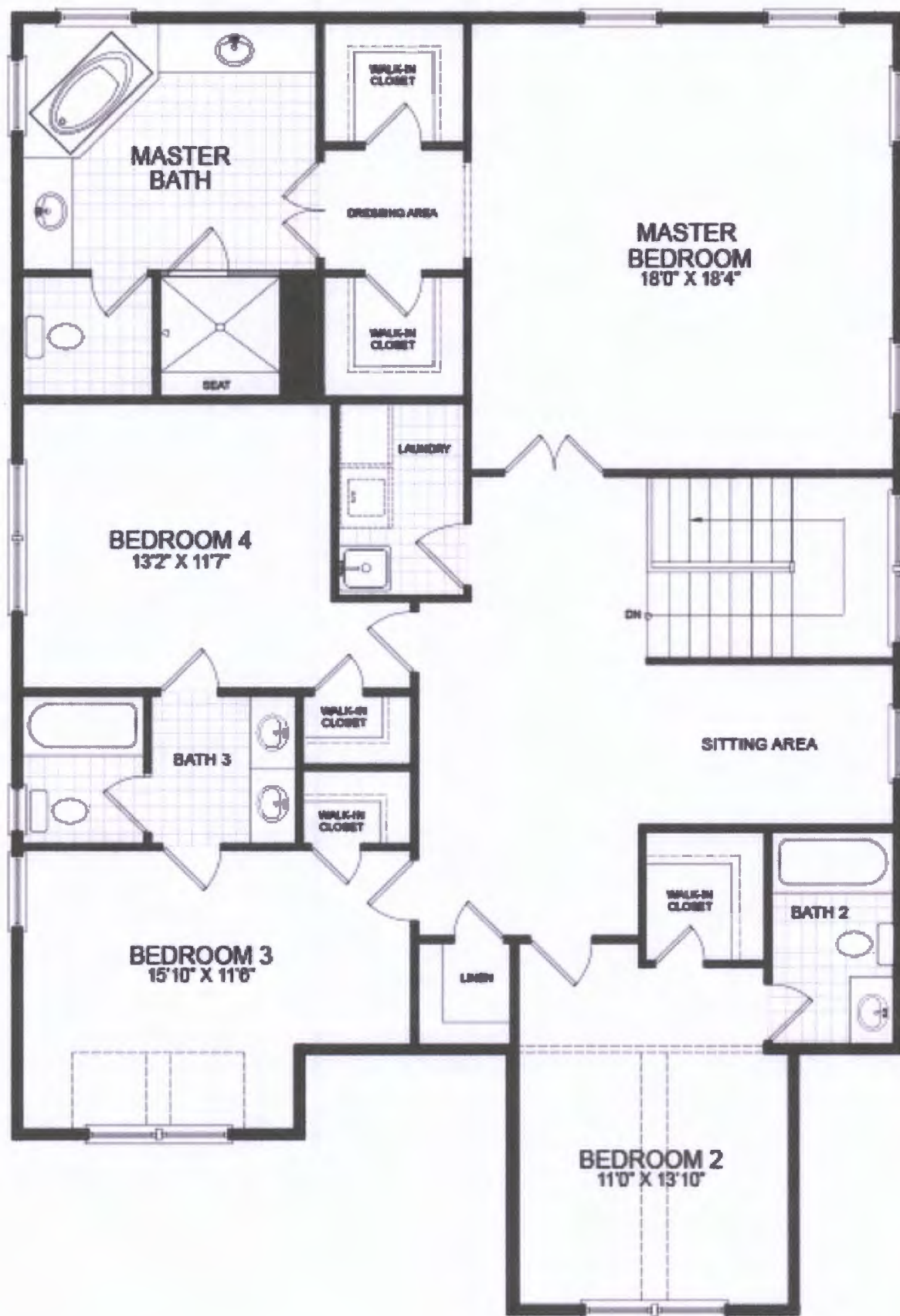
**PETITIONER' S**

**EXHIBIT NO. 49-c**









## John E. Beverungen

---

**From:** Bruce E Doak <doakfarm@gmail.com>  
**Sent:** Tuesday, June 02, 2015 3:19 PM  
**To:** John E. Beverungen  
**Subject:** Case 2015-0175-spha & 0176

We agreed with the association for you to impose the following restrictions:

Maximum 40' wide house

Maximum 35' high

Maximum 4000 square feet of above grade living space

Bruce

Sent from my iPad

CASE NAME 8115 + 8117 Bellona Ave.  
CASE NUMBER 2015 - 0175  
DATE May June 2, 2015  
**LET**

CASE NAME 8115 + 8117 Bellona Ave.  
CASE NUMBER 2015 - 0175  
DATE May June 2, 2015  
**LET**

[illegible]



2015-0175- SPHA  
CASE NAME 2015-0176-A  
CASE NUMBER 8115+8117 Bellona Ave  
DATE 6/24/5

[illegible]

CASE NO. 2015- 0175-SPHA

CHECKLIST

Comment  
Received

Department

Support/Oppose/  
Conditions/  
Comments/  
No Comment

3/9/15

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

N/C

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

FIRE DEPARTMENT

3/25/15

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

C

2/25/15

STATE HIGHWAY ADMINISTRATION

no Obj

TRAFFIC ENGINEERING

5/28/15

COMMUNITY ASSOCIATION  
ADJACENT PROPERTY OWNERS

let from Patrick Gutowski  
RRLRAIA no objection  
N/C

ZONING VIOLATION (Case No. \_\_\_\_\_)

PRIOR ZONING (Case No. \_\_\_\_\_)

NEWSPAPER ADVERTISEMENT

Date:

5/12/15

SIGN POSTING

Date:

5/12/15

by

DocuK

PEOPLE'S COUNSEL APPEARANCE

Yes

☒

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: \_\_\_\_\_

## Real Property Data Search ( w4)

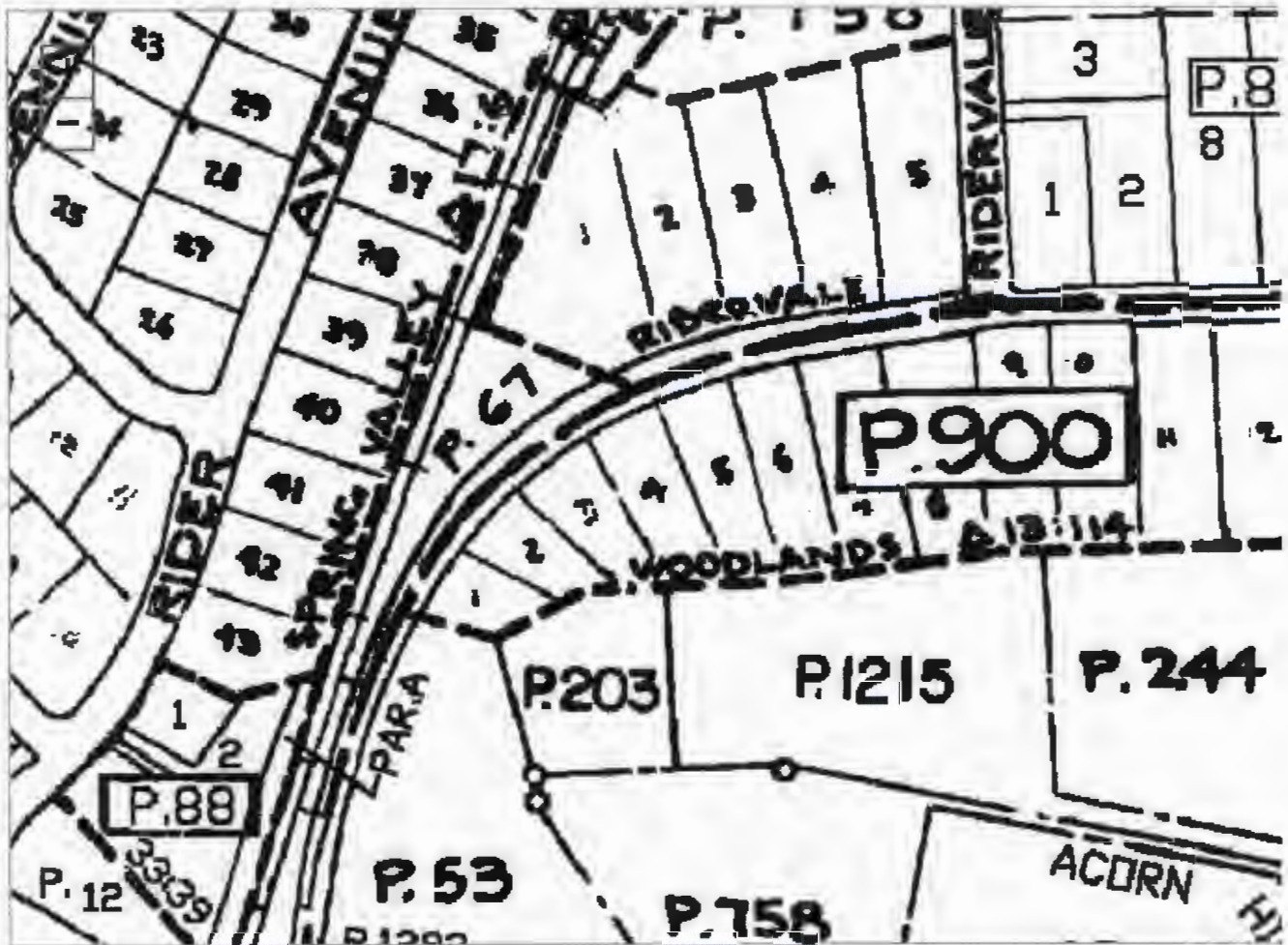
## Guide to searching the database

## Search Result for BALTIMORE COUNTY

| View Map                                     |                                          | View GroundRent Redemption                |                        | View GroundRent Registration                           |                                                          |
|----------------------------------------------|------------------------------------------|-------------------------------------------|------------------------|--------------------------------------------------------|----------------------------------------------------------|
| Account Identifier:                          |                                          | District - 09 Account Number - 0901890000 |                        |                                                        |                                                          |
| Owner Information                            |                                          |                                           |                        |                                                        |                                                          |
| Owner Name:                                  | ATHAIDE GERARD<br>ATHAIDE THERESA H      |                                           | Use:                   | RESIDENTIAL<br>NO                                      |                                                          |
| Mailing Address:                             | 8117 BELLONA AVE<br>TOWSON MD 21204-1957 |                                           | Principal Residence:   | Deed Reference: /19441/ 00546                          |                                                          |
| Location & Structure Information             |                                          |                                           |                        |                                                        |                                                          |
| Premises Address:                            | 8117 BELLONA AVE<br>0-0000               |                                           | Legal Description:     | WOODLANDS                                              |                                                          |
| Map:                                         | Grid:                                    | Parcel:                                   | Sub District:          | Subdivision:                                           | Section: Block: Lot: Assessment Year: Plat No: Plat Ref: |
| 0069                                         | 0004                                     | 0900                                      |                        | 0000                                                   | 5 2014 0013/0114                                         |
| Special Tax Areas:                           |                                          |                                           | Town:                  | NONE                                                   |                                                          |
|                                              |                                          |                                           | Ad Valorem:            |                                                        |                                                          |
|                                              |                                          |                                           | Tax Class:             |                                                        |                                                          |
| Primary Structure Built                      | Above Grade Enclosed Area                | Finished Basement Area                    | Property Land Area     | County Use                                             |                                                          |
|                                              |                                          |                                           | 18,792 SF              | 04                                                     |                                                          |
| Stories                                      | Basement                                 | Type                                      | Exterior               | Full/Half Bath                                         | Garage Last Major Renovation                             |
| Value Information                            |                                          |                                           |                        |                                                        |                                                          |
|                                              |                                          | Base Value                                | Value As of 01/01/2014 | Phase-in Assessments As of 07/01/2014 As of 07/01/2015 |                                                          |
| Land:                                        |                                          | 131,100                                   | 131,100                |                                                        |                                                          |
| Improvements                                 |                                          | 0                                         | 0                      |                                                        |                                                          |
| Total:                                       |                                          | 131,100                                   | 131,100                | 131,100                                                | 131,100                                                  |
| Preferential Land:                           |                                          | 0                                         |                        |                                                        | 0                                                        |
| Transfer Information                         |                                          |                                           |                        |                                                        |                                                          |
| Seller: ATKINSON GRANVILLE F                 |                                          | Date: 01/14/2004                          |                        | Price: \$360,000                                       |                                                          |
| Type: ARMS LENGTH MULTIPLE                   |                                          | Deed1: /19441/ 00546                      |                        | Deed2:                                                 |                                                          |
| Seller: ATKINSON GRANVILLE F                 |                                          | Date: 12/12/1976                          |                        | Price: \$0                                             |                                                          |
| Type: NON-ARMS LENGTH OTHER                  |                                          | Deed1: /05592/ 00613                      |                        | Deed2:                                                 |                                                          |
| Seller:                                      |                                          | Date:                                     |                        | Price:                                                 |                                                          |
| Type:                                        |                                          | Deed1:                                    |                        | Deed2:                                                 |                                                          |
| Exemption Information                        |                                          |                                           |                        |                                                        |                                                          |
| Partial Exempt Assessments:                  | Class                                    | 07/01/2014                                |                        | 07/01/2015                                             |                                                          |
| County:                                      | 000                                      | 0.00                                      |                        |                                                        |                                                          |
| State:                                       | 000                                      | 0.00                                      |                        |                                                        |                                                          |
| Municipal:                                   | 000                                      | 0.00 0.00                                 |                        | 0.00 0.00                                              |                                                          |
| Tax Exempt:                                  | Special Tax Recapture:                   |                                           |                        |                                                        |                                                          |
| Exempt Class:                                | NONE                                     |                                           |                        |                                                        |                                                          |
| Homestead Application Information            |                                          |                                           |                        |                                                        |                                                          |
| Homestead Application Status: No Application |                                          |                                           |                        |                                                        |                                                          |



## Baltimore County

New Search (<http://sdat.resiusa.org/RealProperty>)District: **09** Account Number: **0901890000**

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) (<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://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



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

☐ Loading... Please Wait. Loading... Please Wait.

-->



6/2 1:30 +  
2:30 PM

**Debra Wiley**

---

**From:** RRLRAIA <rrlraia@comcast.net>  
**Sent:** Thursday, May 28, 2015 11:13 AM  
**To:** Administrative Hearings  
**Subject:** 8115 and 8117 Bellona Avenue  
**Attachments:** Scan1.PDF

Please see attached letter

>  
>

**RRLRAIA**

THE RUXTON \* RIDERWOOD \* LAKE ROLAND AREA IMPROVEMENT ASSOCIATION, INC.

P.O. Box 204 • Riderwood, Maryland 21139 • Phone/Fax 410-494-7757 • office@rrlraia.org • www.rrlraia.org

May 28, 2015  
VIA USPS and  
administrativehearings@baltimorecountymd.gov

The Honorable John E. Beverungen  
Administrative Law Judge  
Office of Administrative Hearings  
Jefferson Building  
105 W. Chesapeake Avenue  
Towson, MD 21204

Dear Judge Beverungen:

**RE: 8117 Bellona Avenue Improved Lot**

Case Number: 2015-0176-A

Variances:

1. To permit a lot width of 95 ft. in lieu of the required 100 ft.
2. To permit a side yard setback of 2 ft. in lieu of the required 25 ft.
3. To permit a side yard setback sum of 17 ft. in lieu of the required 40 ft. side yard setback sum.

**8115 Bellona Avenue Unimproved Lot**

Case Number: 2015-0175-SPHA

Special Hearing to allow a lot area of 18,792 sq. ft. in lieu of the required 20,000 sq. ft. (overall density will not be affected).

Variances:

1. To permit a lot width of 85 ft. in lieu of the required 100 ft.
2. To permit a side yard setback of 10 ft. in lieu of the required 25 ft.
3. To permit a side yard setback sum of 25 ft. in lieu of the required sum of 40 ft. side yard setbacks.

These properties are part of a subdivision called "Woodlands" created in 1945 which predates the adoption of Baltimore County Zoning Regulations. The lot at 8115 Bellona Avenue appears to be the only undeveloped lot in the subdivision. In the 2004



The Honorable John E. Beverungen  
Page Two  
May 28, 2015

Comprehensive Zoning Map Process (CZMP) the lot was downzoned from DR 3.5 to DR 2. This downzoning was part of a broader effort on the part of RRLRAIA to prevent subdivision of large lots; it was not targeted at this lot. Prior to 2004, the proposed residence on 8115 Bellona Avenue could have been built without the need for variances/special hearing.

Baltimore County Department of Planning noted that requested variances are in conflict with our community plan, see below excerpt from the 2001 Community Plan:

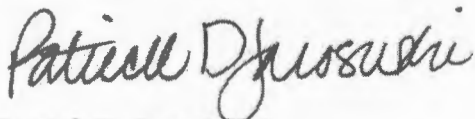
Section 3 (Land Preservation) of the RRLRAIA 2001 Community Plan (which is still in effect) states: *"Privately owned parcels within the community are under tremendous pressure to develop. Again the community opposes variance requests or zoning changes that enable development. Seeking alternatives to development in order to preserve open spaces, natural environment, and the rural character is highly encouraged."*

In this particular case, the development of this lot as proposed by the owners is compatible with the surrounding community and the original subdivision. Conceivably, the owner could propose to demolish the existing residence, combine the two lots and build a large incompatible residence which is not a desired outcome. We very much appreciate the Department of Planning's attention to our community plan, however, in this case we feel that the requested variances are in keeping with our community plan's goals of preventing *inappropriate* infill development. For the reasons set forth above, The Ruxton-Riderwood-Lake Roland Area Improvement Association does not oppose the subject requests for variance relief. We do, however, request that any approval of the variance requests be granted only for the current property owners and only for a house they plan to occupy.

We have informed surrounding neighbors of the variance requests and the date, time and place of the hearing.

Thank you for your consideration.

Sincerely,



Patrick D. Jarosinski  
President



KEVIN KAMENETZ  
*County Executive*

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

May 29, 2015

Gerard & Theresa Athaide  
8117 Bellona Avenue  
Towson, MD 21204

RE: Case Number: 2015-0175-SPHA, Address: 8115 Bellona Avenue

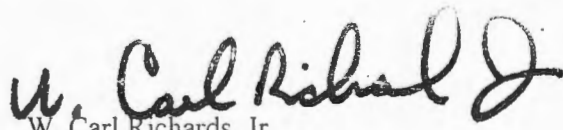
Dear Mr. & Mrs. Athaide:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on, 2015. 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/kl

Enclosures

c: People's Counsel

**BALTIMORE COUNTY, MARYLAND**

**INTEROFFICE CORRESPONDENCE**

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

**DATE:** March 9, 2015

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

**SUBJECT:** Zoning Advisory Committee Meeting  
For March 2, 2015  
Item No. 2015-0173, 0174, 0175, 0176, 0179, 0180, 0181 and 0182

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\ZAC03022015.doc



Lawrence J. Hogan, Jr., Governor  
Boyd K. Rutherford, Lt. Governor



Pete K. Rahn, Acting Secretary  
Melinda B. Peters, Administrator

Date: 2/25/15

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

RE: Baltimore County  
Item No 2015-0175-APHA  
Special Hearing Variance  
Gerard Athaide  
8165 Bellona 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. 2015-0175-SPHA.

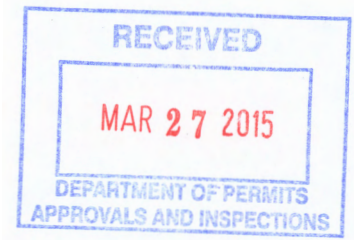
Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-545-5598 or 1-800-876-4742 (in Maryland only) extension 5598, or by email at (rzeller@sha.state.md.us).

Sincerely,

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

SDF/raz

3/30/15  
wcr



**BALTIMORE COUNTY, MARYLAND**  
**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** March 25, 2015

**FROM:** Andrea Van Arsdale  
Director, Department of Planning

**SUBJECT:** 8115 Bellona Avenue

**INFORMATION:**

**Item Number:** 15-175 (See also 15-176)  
**Petitioner:** Gerard & Theresa Athaide  
**Zoning:** DR 2  
**Requested Action:** Variance, Special Hearing

**SUMMARY OF RECOMMENDATIONS:**

The Department of Planning has reviewed the petitioned request for a Special Hearing to allow a D.R. 2 zoned lot having an area of 18,792 sq. ft. in lieu of the required 20,000 sq. ft. and a Variance to permit a lot width of 85 feet, a side yard setback of 10 feet and a sum of side yards of 25 feet in lieu of the required 100 feet, 25 feet and 40 feet respectively. The property is located within the Ruxton-Riderwood/Lake Roland Design Review Panel area.

The Department of Planning recommends that the requested relief is contrary to the goals of the Ruxton-Ryderwood/Lake Roland Area Community Plan 2001 which states that "overdevelopment is perceived by area residents to be among the foremost threats to the character of the community." These threats include variances to county regulations involving structural additions to residential properties...and infill development which is considered inappropriate." (see RRLRA Plan 2001 p. 11)

For the reasons stated in the community plan referenced above, the Department of Planning does not support the granting of the petitioned Special Hearing and Variance relief.

In the event that the Administrative Law Judge grants the request, please be advised that any new principal dwelling will be subject to review by the Baltimore County Design Review Panel.

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

**Division Chief** Kristy Schuman  
AVA/LTM



## SITE INFORMATION

- Ownership: Gerard Athaide & Theresa H. Athaide  
8117 Bellona Avenue Towson, MD 21204
- Address of Subject Property: 8115 Bellona Avenue  
8117 Bellona Avenue
- Deed references: SM 19441 / 546 (first & second lot)
- Area: 8115 - 18,792 sq. ft. / 0.431 acre (per SDAT)  
8117 - 22,506 sq. ft. / 0.517 acre (per SDAT)
- Tax Map / Parcel / Tax account #: 69 / 900 / 09-01-890000 (8115)  
69 / 900 / 09-01-890001 (8117)
- Election District: 9 Councilmanic District: 2  
ADC Map: 4578J4GIS tiles: 069B1 Position sheets: 42NW6 & 43NW6  
Census tract: 490500 Census block: 240054905001000  
Schools: Ridervood ES Dumbarton MS Towson HS
- The boundary shown hereon is from the plat of Woodlands recorded Plat Book 13, page 114 in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 069B1 and the information provided by Baltimore County on the internet.
- Proposed improvement: Single family dwelling & driveway.

## ZONING

Zoning: DR 2 There are no previous zoning cases on the subject property.

### DR 2 Setbacks for Residential Buildings

Lot width (at house front): 100'  
Front: 40 feet from the street right of way / 65' from street centerline  
Side: 15 feet from the property line / 40 feet- sum of side yards  
Rear: 40 feet from the property line

## ENVIRONMENTAL / UTILITIES

- The existing dwelling is serviced by public water and sewer within Bellona Avenue
- There are no underground storage tanks on the subject property
- The subject property is not in the Chesapeake Bay Critical Area
- The subject property is not located within a 100 year flood plain.

## PLANNING

Regional Planning District: Ruxton District Code: 314

- The subject property is not in a historic district.



FRONT ELEVATION

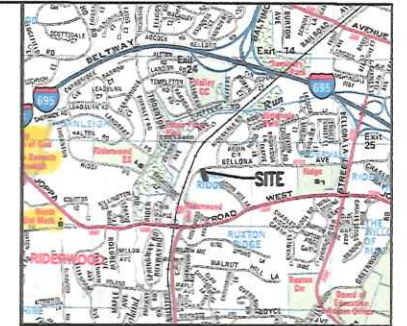
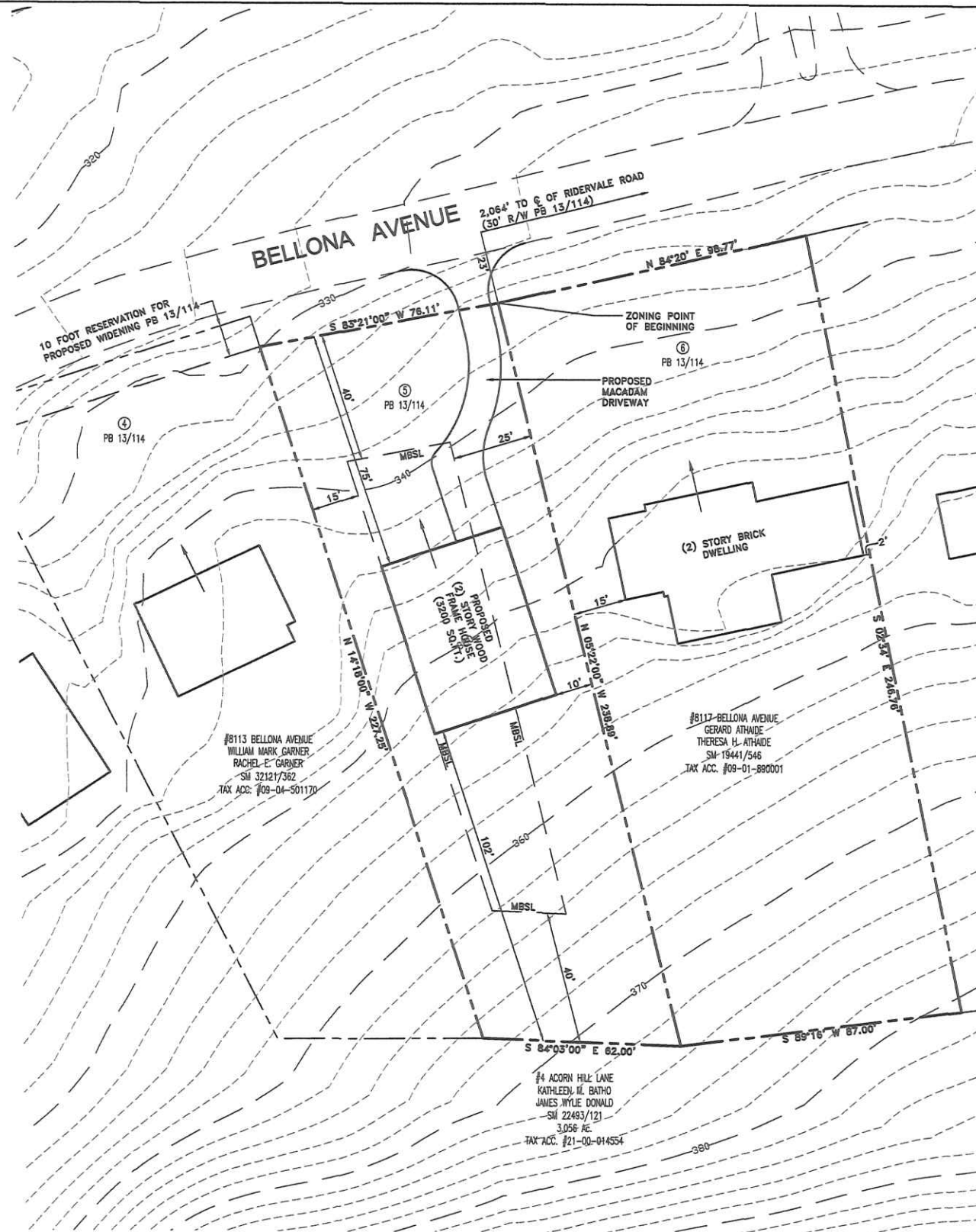
Possible house to be built  
at #8115 Bellona Avenue



FIRST FLOOR PLAN



SECOND FLOOR PLAN



Vicinity Map - Scale: 1" = 2000'  
ADC The Map People - Permitted Use # 20612205

## PETITION REQUESTS

### #8115 Bellona Avenue

#### Special Hearing Requested:

- To allow a lot area of 18,792 square feet in lieu of the required 20,000 square feet per Section 1802.3.C.1 BCZR

#### Variances Requested:

- To permit a lot width of 85 feet in lieu of the required 100 feet per Section 1802.3.C.1 BCZR
- To permit a side yard setback of 10 feet in lieu of the required 25 feet per Section 1802.3.C.1 BCZR
- To permit a side yard setback sum of 25 feet in lieu of the required 40 foot side yard setback sum per Section 1802.3.C.1 BCZR

### #8117 Bellona Avenue

#### Variances Requested:

- To permit a lot width of 95 feet in lieu of the required 100 feet per Section 1802.3.C.1 BCZR
- To permit a side yard setback of 2 feet in lieu of the required 25 feet per Section 1802.3.C.1 BCZR
- To permit a side yard setback sum of 17 feet in lieu of the required 40 foot side yard setback sum per Section 1802.3.C.1 BCZR

Bruce E. Doak Consulting, LLC  
Land Use Expert and Surveyor  
3801 Baker Schoolhouse Road  
Freeland, MD 21053  
o 443-900-5535 m 410-419-4906  
bdoak@brucedoakconsulting.com

## PLAN TO ACCOMPANY A PETITION

PROPERTY OF

GERARD ATHAIDE AND THERESA H. ATHAIDE

#8115 & #8117 BELLONA AVENUE

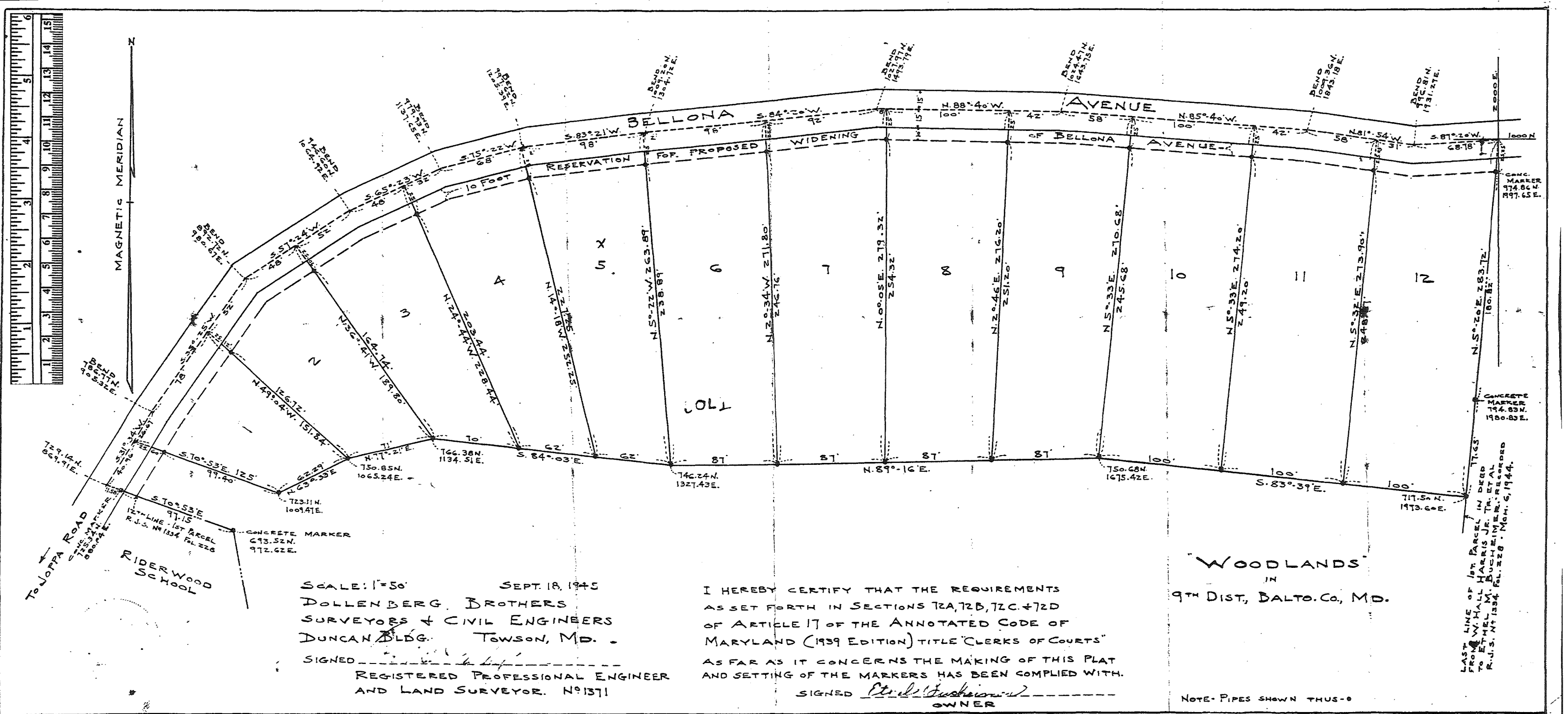
BALTIMORE COUNTY, MARYLAND

9th ELECTION DISTRICT 2nd COUNCILMANIC DISTRICT

Date: 1/29/2015

Scale: AS SHOWN





PETITIONER'S  
EXHIBIT NO. 5

2015-0175-SP1A

SITE INFORMATION

- Ownership: Gerard Athaide & Theresa H. Athaide  
8117 Bellona Avenue Towson, MD 21204
- Address of Subject Property: 8115 Bellona Avenue  
8117 Bellona Avenue
- Deed references: SM 19441 / 546 (first & second lot)
- Area: 8115 - 18,792 sq. ft. / 0.431 acre (per SDAT)  
8117- 22,506 sq. ft. / 0.517 acre (per SDAT)
- Tax Map / Parcel / Tax account #: 69 / 900 / 09-01-890000 (8115)  
69 / 900 / 09-01-890001 (8117)
- Election District: 9 Councilmanic District: 2  
ADC Map: 45781AGIS tiles: 069B1 Position sheets: 42NW6 & 43NW6  
Census tract: 490500 Census block: 240054905001000  
Schools: Riderwood ES Dumbarton MS Towson HS
- The boundary shown hereon is from the plat of Woodlands recorded Plat Book 13, page 114 in the Land Records of Baltimore County. All other information shown hereon was taken from Baltimore County GIS tile 069B1 and the information provided by Baltimore County on the internet.
- Proposed improvement: Single family dwelling & driveway.

ZONING

Zoning: DR 2 There are no previous zoning cases on the subject property.

DR 2 Setbacks for Residential Buildings

Lot width (at house front): 100'  
Front: 40 feet from the street right of way / 65' from street centerline  
Side: 15 feet from the property line / 40 feet- sum of side yards  
Rear: 40 feet from the property line

ENVIRONMENTAL / UTILITIES

- The existing dwelling is serviced by public water and sewer within Bellona Avenue
- There are no underground storage tanks on the subject property
- The subject property is not in the Chesapeake Bay Critical Area
- The subject property is not located within a 100 year flood plain.

PLANNING

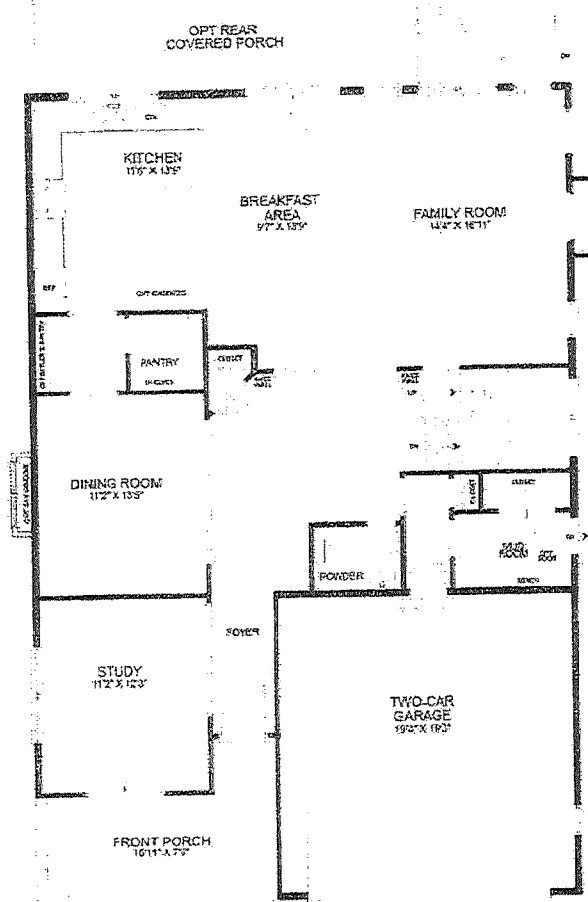
Regional Planning District: Ruxton District Code: 314

- The subject property is not in a historic district.

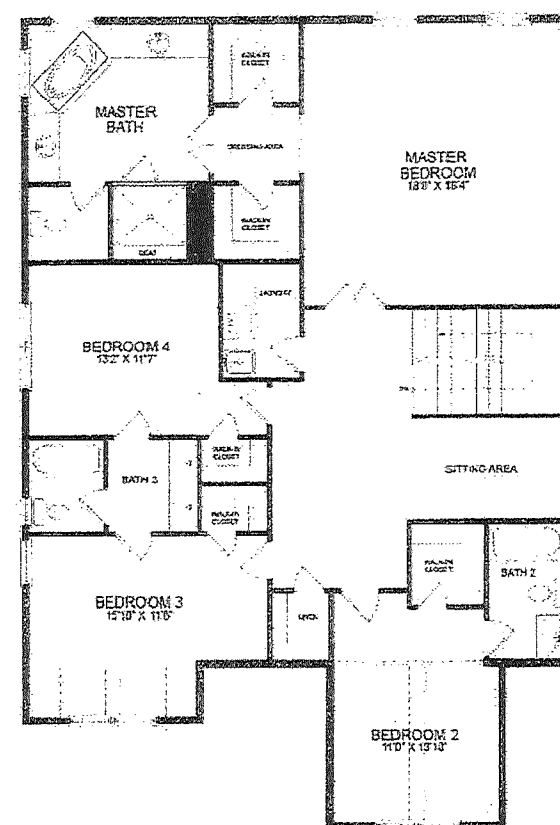


Possible house to be built  
at #8115 Bellona Avenue

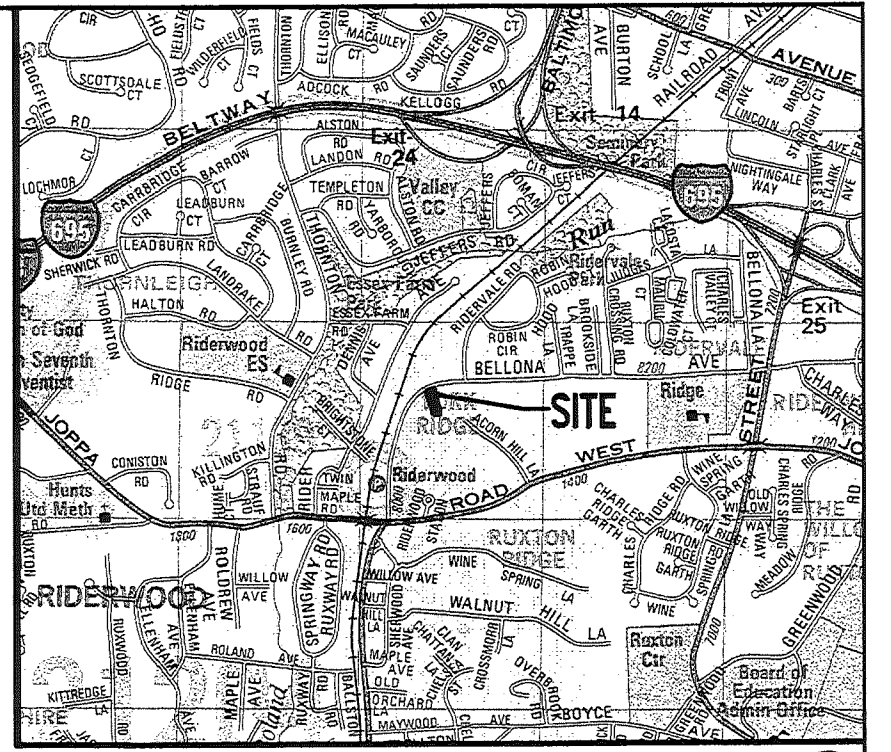
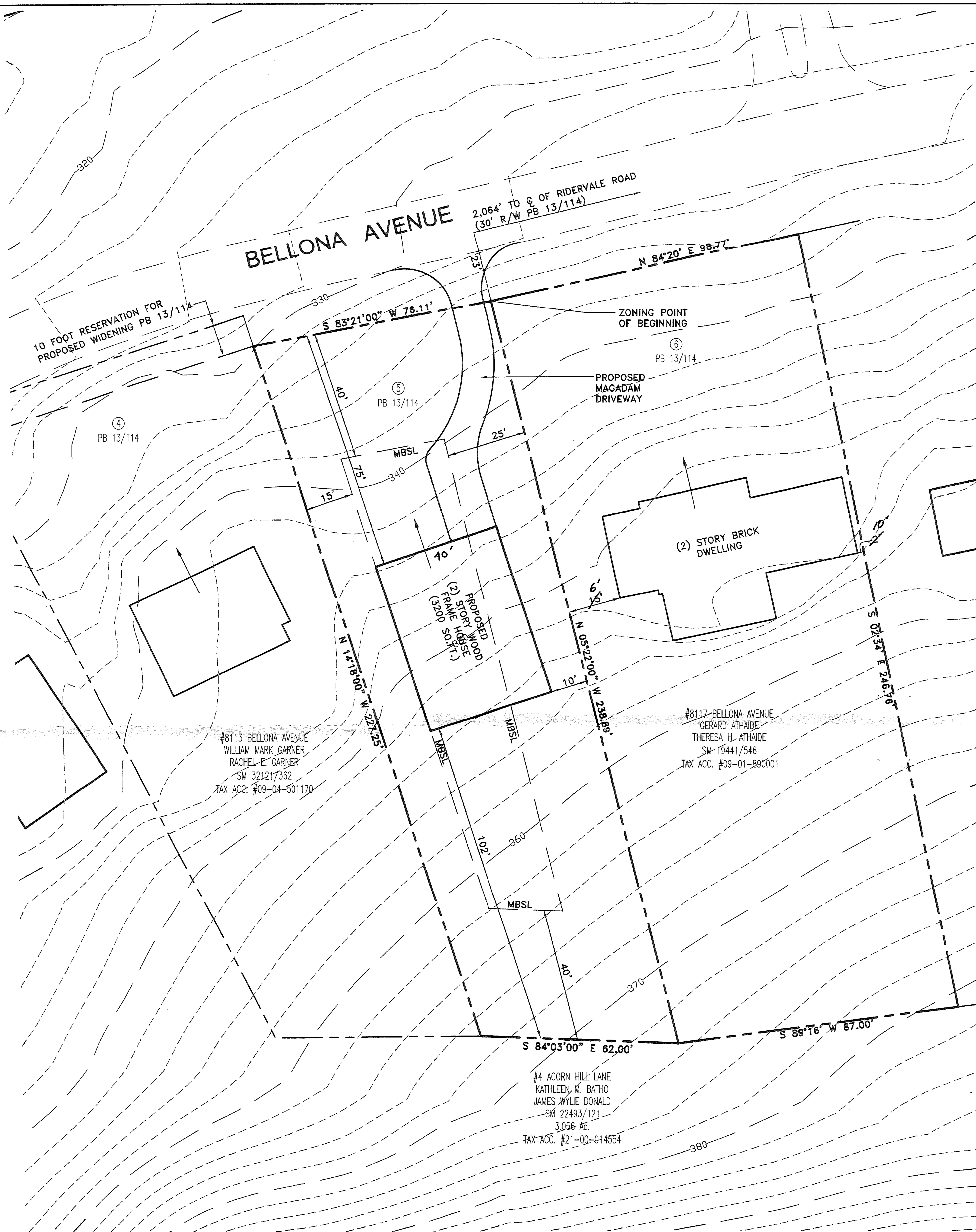
FRONT ELEVATION



FIRST FLOOR PLAN



SECOND FLOOR PLAN



Vicinity Map - Scale: 1' = 2000'  
ADC The Map People - Permitted Use # 20612205

PETITION REQUESTS

#8115 Bellona Avenue

- Special Hearing Requested:
- To allow a lot area of 18,792 square feet in lieu of the required 20,000 square feet per Section 1B02.3.C.1 BCZR

Variances Requested:

- To permit a lot width of 85 feet in lieu of the required 100 feet per Section 1B02.3.C.1 BCZR
- To permit a side yard setback of 10 feet in lieu of the required 25 feet per Section 1B02.3.C.1 BCZR
- To permit a side yard setback sum of 25 feet in lieu of the required 40 foot side yard setback sum per Section 1B02.3.C.1 BCZR

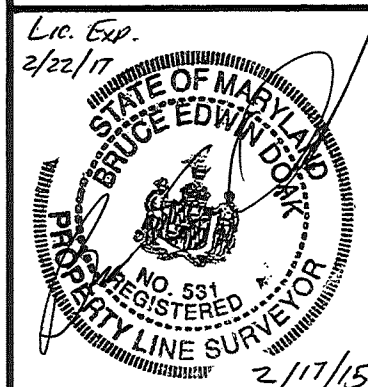
#8117 Bellona Avenue

- Variances Requested:
- To permit a lot width of 95 feet in lieu of the required 100 feet per Section 1B02.3.C.1 BCZR
  - To permit a side yard setback of 21 feet in lieu of the required 25 feet per Section 1B02.3.C.1 BCZR
  - To permit a side yard setback sum of 17 feet in lieu of the required 40 foot side yard setback sum per Section 1B02.3.C.1 BCZR

14 Rev Amendments 6/6/15  
B. Doak

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