



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,

A handwritten signature in black ink, appearing to read "JEB", is written over the typed name.

JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:sln
Enclosure

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

IN RE: PETITION FOR VARIANCE

(8117 Bellona Avenue)

9th Election District

2nd Council District

Gerard & Theresa Athaide

Legal Owners

Petitioners

*

*

*

*

*

BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2015-0176-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance on behalf of the legal owners of the subject property. The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (B.C.Z.R.) §1B02.3.C.1 as follows: (1) to permit a lot width of 95 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 16 ft. in lieu of the required 40 ft. side yard setback sum. The subject property and requested relief is more fully depicted on the site plan that was marked as Petitioners' Exhibit 1.

Owners Gerard & Theresa Athaide appeared in support of the petition. Bruce E. Doak, from Bruce E. Doak Consulting, LLC, whose firm prepared the site plan, appeared on behalf of the Petitioners. The Petition was advertised and posted as required by the B.C.Z.R. Peggy Squitieri, of the Ruxton Riderwood Lake Roland Area Improvement Association, Inc. (RRLRAIA) attended to obtain additional information regarding the requests.

The subject property is approximately 22,506 square feet and is zoned DR 2. The property is improved with a single family dwelling constructed in 1959. The variance relief requested herein is simply to "legitimize" conditions that have existed for over 50 years. This case is a

ORDER RECEIVED FOR FILING

Date 6/5/15

By Sen

companion to Case No. 2015-0175-SPHA, involving the adjoining (unimproved) property on which the Petitioners propose to construct a single family dwelling.

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. Petitioners must contend with long existing site conditions and the property is therefore unique. If the Regulations were strictly interpreted, Petitioners would experience a practical difficulty because they would need to reconfigure their home to comply with current zoning setbacks. 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 Baltimore County and/or community opposition.

THEREFORE, IT IS ORDERED, this 5th day of June, 2015, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations ("B.C.Z.R.") §1B02.3.C.1 as follows: (1) to permit a lot width of 95 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 16 ft. in lieu of the required 40 ft. side yard setback sum, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date

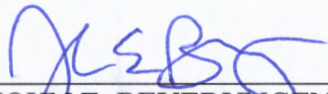
6/5/15

By

Den

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

JEB: sln



JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

ORDER RECEIVED FOR FILING

Date 6/5/15

By sln



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 8117 BELLONA AVENUE TOWSON MD 21204 which is presently zoned DR2
 Deed References: SM 1999/596 10 Digit Tax Account # 0901890001
 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. 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. 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

Signature #1

Signature #2

8117 BELLONA AVENUE TOWSON MD
 Mailing Address City State

21204 / 410-419-4906 / BD0AK@BRUCE5DOAK
 Zip Code Telephone # Email Address
CONSULTING.COM

Representative to be contacted:

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

Signature

3801 BAKER SCHOOLHOUSE ROAD FREDLAND MD
 Mailing Address City State

21053 / 410-419-4906 / BD0AK@BRUCE5DOAK
 Zip Code Telephone # Email Address
CONSULTING.COM

CASE NUMBER 2015-0175-A Filing Date 2/17/18 Do Not Schedule Dates: Reviewer G. H.

#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 10 feet in lieu of the required 25 feet per Section 1B02.3.C.1 BCZR
- To permit a side yard setback sum of 16 feet in lieu of the required 40 foot side yard setback sum per Section 1B02.3.C.1 BCZR

Zoning Description

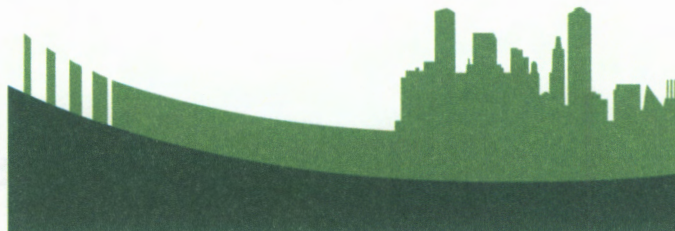
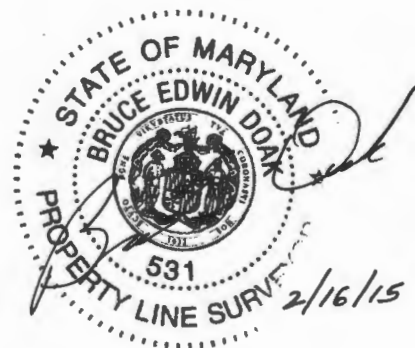
**#8117 Bellona Avenue- 22,506 Square Foot Parcel
Ninth Election District Second Councilmanic District
Baltimore County, Maryland**

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) South 83 degrees 21 minutes West 76.11 feet, thence leaving Bellona Avenue and running on the outlines of the subject property, the three following courses and distances, viz. 2) South 14 degrees 18 minutes East 227.25 feet, 3) South 84 degrees 03 minutes East 62.00 feet and 4) North 05 degrees 22 minutes West 238.89 feet to the point of beginning.

Containing 22,506 square feet or 0.517 of an acre of land, more or less.

Being all of Lot 6 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

2015-0170-4

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

No. **121503**

Date: **2/17/15**

PAY RECEIPT

BUSINESS ACTUAL TIME DPM
 2/18/2015 2/17/2015 11:40:30 2

NOIC WALTON JEN JEE
 RECEIPT # 010771 2/17/2015 OFLA

5 528 FUNDING VERIFICATION
 121503

Recpt Tot **75.00**
 4225.00 CR 4.00 CA
 Baltimore County, Maryland

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				75.00

Total: **75.00**

Rec. From: **Gerard Attridge**

For: **8117 Bellona Avenue**

2015-0176-A

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: 2015-0176-A

Petitioner: Gerard Athaide

Address or Location: 8117 Bellona Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: GERARD ATHAIDE

Address: 8117 BELLONA AVE
TOWSON, MD 21204

Telephone Number: 410 825 0201



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 3143236

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:

Mar 24, 2015

The Baltimore Sun Media Group

By S. Wilkinson

Legal Advertising

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: # 2015-0176-A
8117 Bellona Avenue
SE/s Bellona Avenue, 2064 ft, SW to the centerline of Riverdale Road
9th Election District - 2nd Councilmanic District
Legal Owner(s) 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.

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.

3/8/39 March 24 3143236

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. 2015-0176-A

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 **8117 Bellona Avenue**.

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

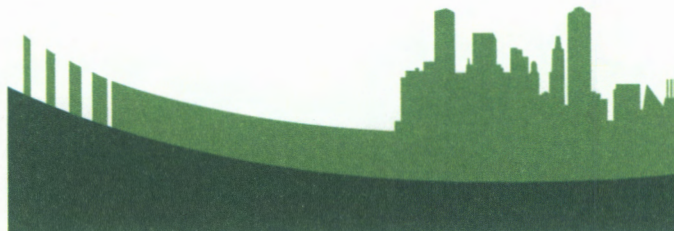
Sincerely,



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. 2015-0176-A

8117 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 2:30 PM

REQUEST:

**VARIANCES TO PERMIT A LOT WIDTH OF 55 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.**

**POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETHING
NECESSARY, TO CONFIRM THE HEARING CALL 410-277-2391**

**DO NOT REMOVE THIS SIGN AND POST UNTIL THE DAY OF THE HEARING UNDER
PENALTY OF LAW.**

THE HEARING IS HANDICAPPED ACCESSIBLE





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: 2015-0176-A

8117 Bellona Avenue

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

9th Election District – 2nd 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: Tuesday, June 2, 2015 at 2:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in black ink, appearing to read "Arnold Jablon", is written over the printed name and title.

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 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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, May 12, 2015 Issue - Jeffersonian

Please forward billing to:
Gerard Athaide
8117 Bellona Avenue
Towson, MD 21204

410-825-0201

NOTICE OF ZONING HEARING

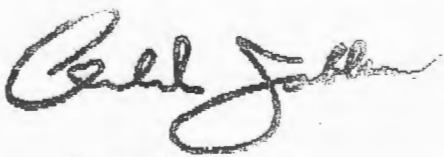
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2015-0176-A

8117 Bellona Avenue
SE/s Bellona Avenue, 2064 ft. SW to the centerline of Riverdale Road
9th Election District – 2nd 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: Tuesday, June 2, 2015 at 2:30 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 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.

RE: PETITION FOR VARIANCE * BEFORE THE OFFICE
8117 Bellona Avenue; SE/S Bellona Avenue, * OF ADMINISTRATIVE
2064' SW of c/line Ridervale Road *
9th Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Gerard & Theresa Athaide *
Petitioner(s) * BALTIMORE COUNTY
* 2015-176-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

01 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).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: 2015-0176-A

8117 Bellona Avenue

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

9th Election District – 2nd 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", is written over the printed name and title.

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.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, March 24, 2015 Issue - Jeffersonian

Please forward billing to:
Gerard Athaide
8117 Bellona Avenue
Towson, MD 21204

410-825-0201

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
9th Election District – 2nd 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



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: July 7, 2015
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2015-0176-A – Appeal Period Expired

The appeal period for the above-referenced case expired on July 6, 2015. 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



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

RECEIVED

JUN 03 2015

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

OFFICE OF ADMINISTRATIVE HEARINGS

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:

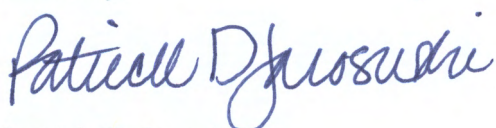
Section 3 (Land Preservation) of the RRLRAIA 2001 Community Plan (which is still in effect) states: *"Privately owned parcels within the community are under tremendous pressure to develop. Again the community opposes variance requests or zoning changes that enable development. Seeking alternatives to 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

CASE NO. 2015- 0176-A

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

3/26/15

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

no obj

2/25/15

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

5/12/15

SIGN POSTING

Date:

5/12/15

by

Doak

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

May 29, 2015

Gerard & Theresa Athaide
8117 Bellona Avenue
Towson, MD 21204

RE: Case Number: 2015-0176-A, Address: 8117 Bellona Avenue

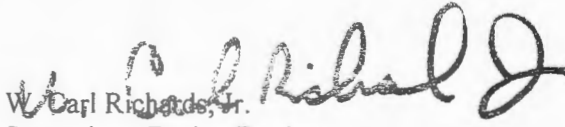
Dear Mr. & Mrs. Athaide:

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

3/31/15
we

MAR 30 2015

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: March 26, 2015

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: 8117 Bellona Avenue

INFORMATION:

Item Number: 15-176 (See also 15-175)

Petitioner: Gerard & Theresa Athaide

Zoning: DR 2

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Department of Planning has reviewed the petitioned request for a Variance to permit a D.R.2 zoned lot having a width of 95 feet, a side yard setback of 2 feet and a sum of side yards of 17 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 deficient setbacks are to a single family dwelling now existing on site. The plan shows no further improvements are slated for this dwelling. Because all conditions are existing, the Department of Planning has no objection to the grant of the petitioned variance relief.

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

Division Chief:
AVA/LTM

Kathy Schlander

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: March 9, 2015

FROM: ^{DAK} Dennis A. 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 2015-0176-A
Variance
Gerard & Theresa Attardo
8117 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. 2015-0176-A.

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,

A handwritten signature in black ink, appearing to read "Steven D. Foster".

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

SDF/raz



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 3268960

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

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: # 2015-0176-A
8117 Bellona Avenue
SE/s Bellona Avenue, 2064 ft. SW to the centerline of Riverdale Road
9th Election District - 2nd Councilmanic District
Legal Owner(s): 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: Tuesday, June 2, 2015 at 2:30 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 5/675 May 12 3268960



6/2
2:30 PM

Case No.: 2015-0176-A

Exhibit Sheet

Petitioner/Developer

BW
1-7-15

Protestants

6/5/15
slw

No. 1	Plan (redlined)	
No. 2		
No. 3		
No. 4		
No. 5		
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		

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.



Possible house to be built
at #8115 Bellona Avenue

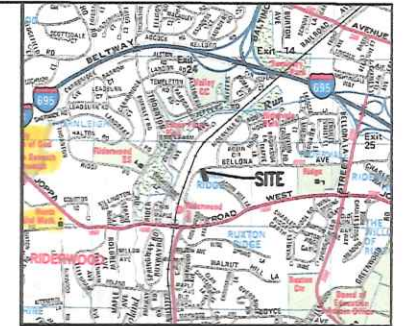
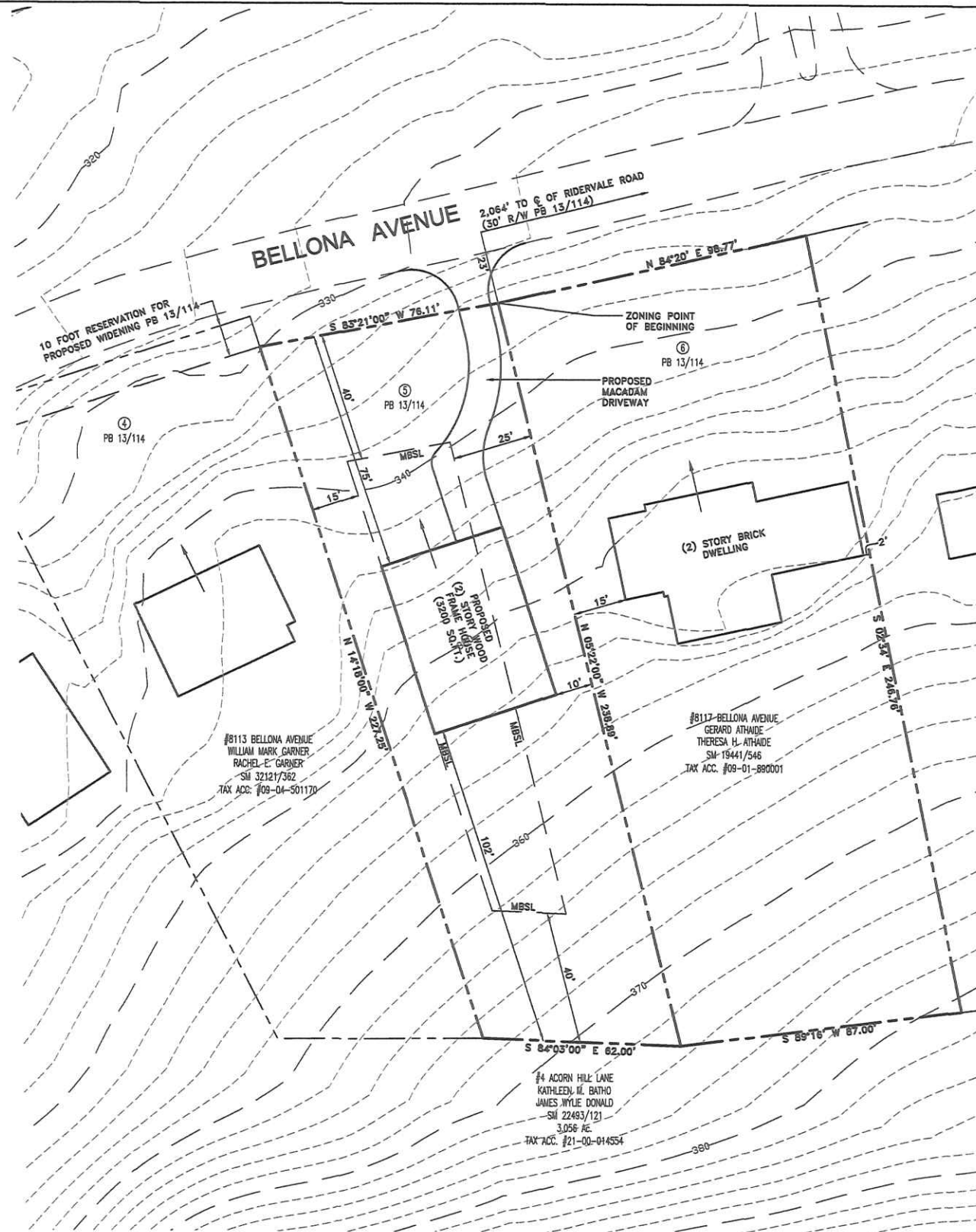
FRONT ELEVATION



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 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

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- 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

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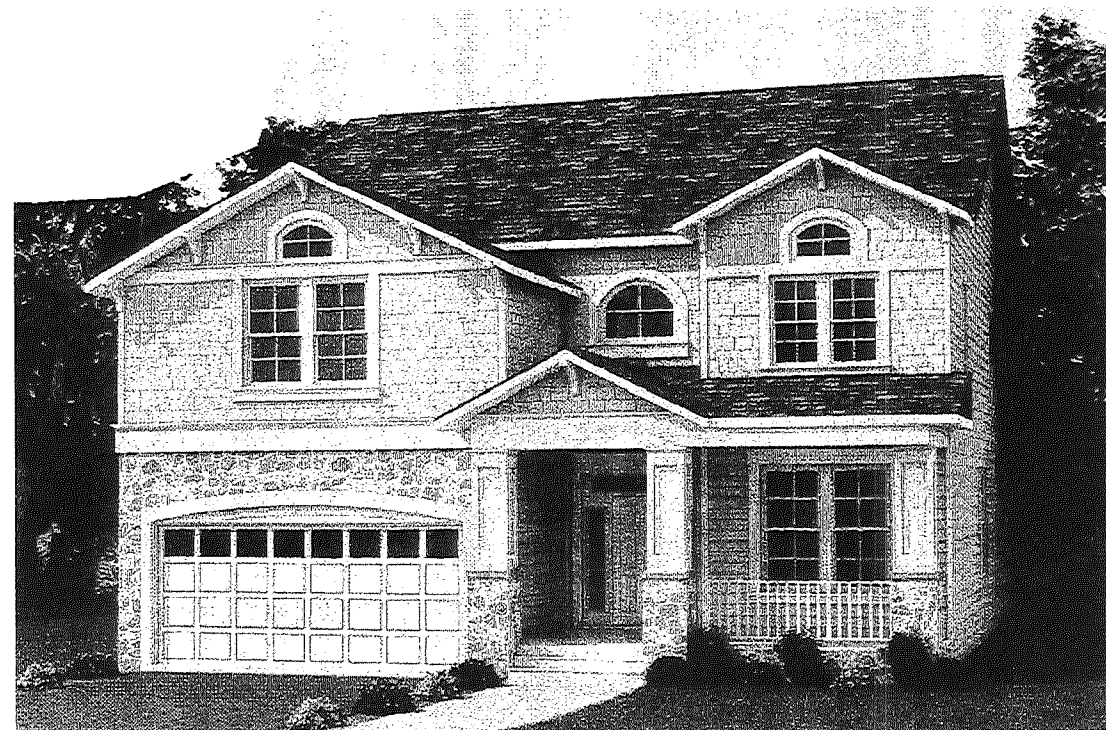
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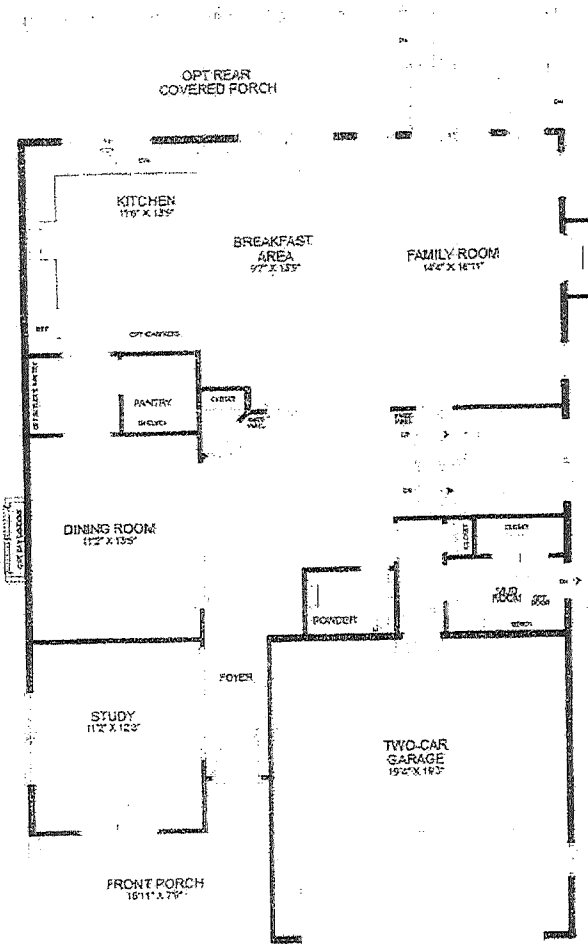
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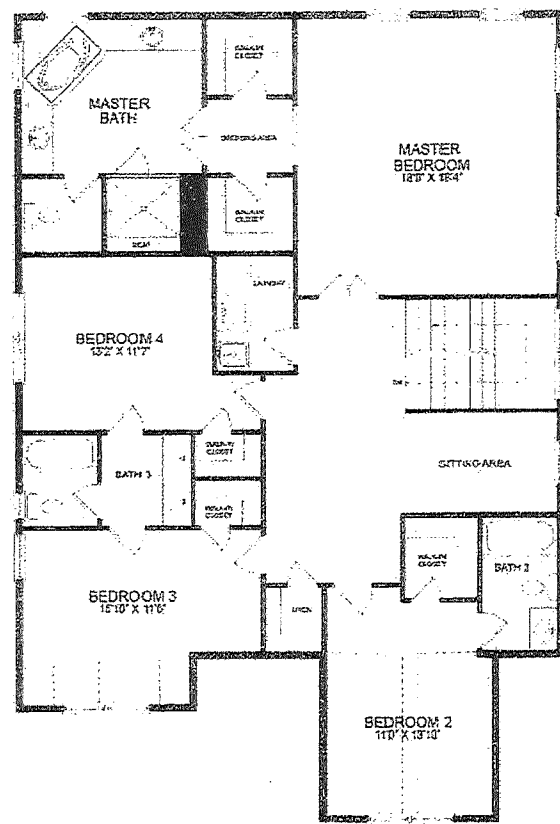


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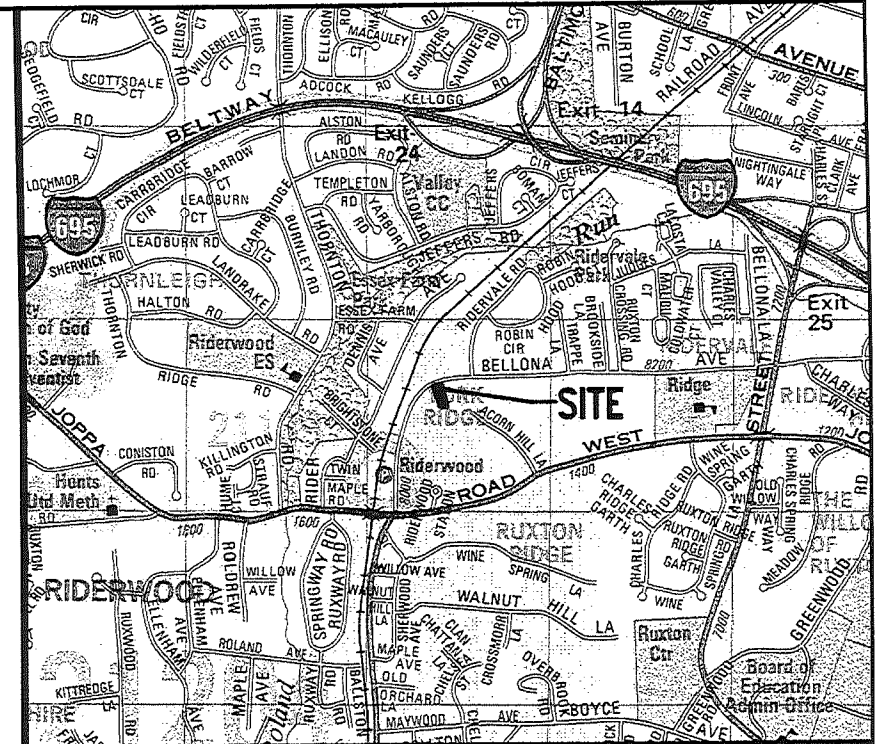
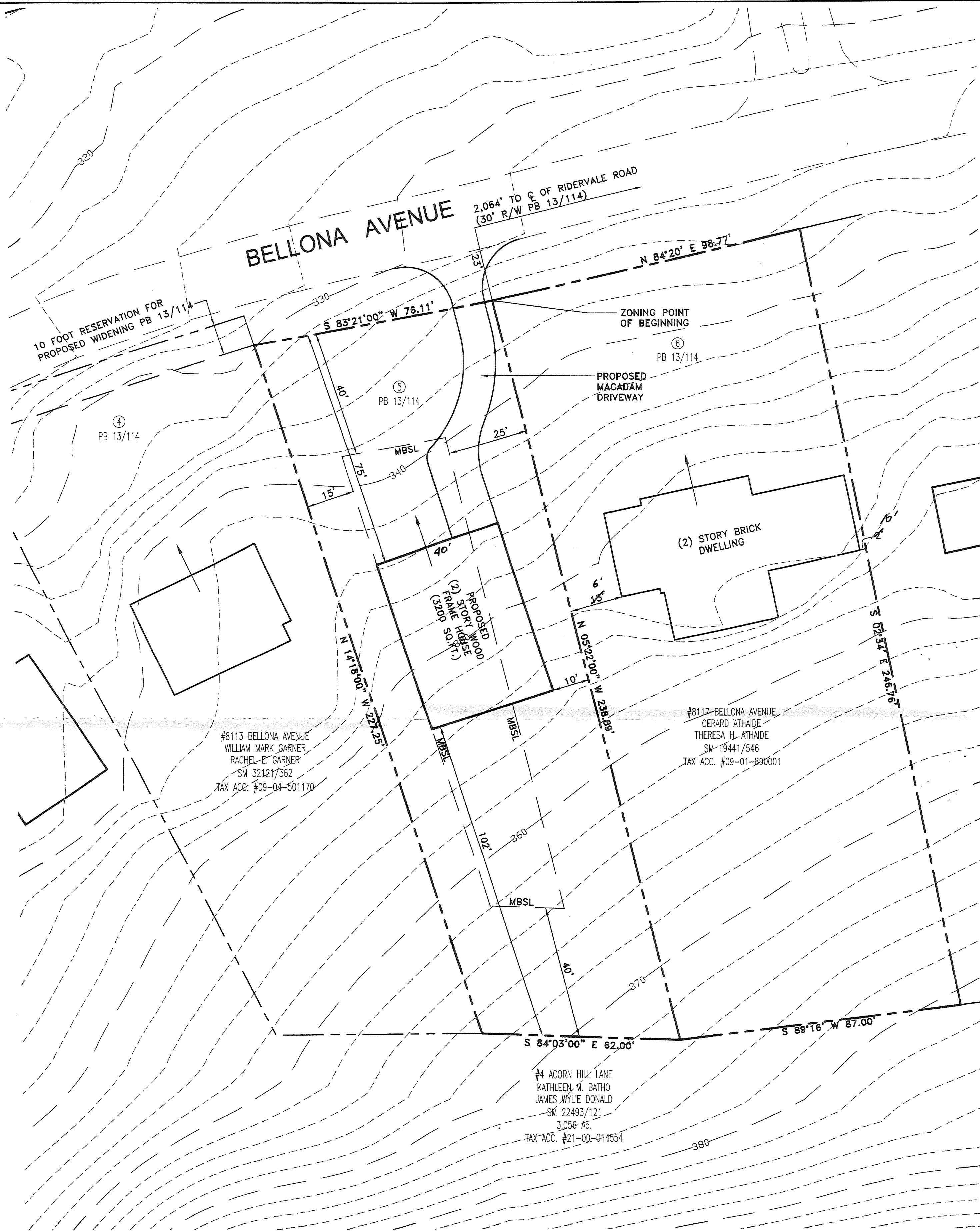
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#8117 Bellona Avenue

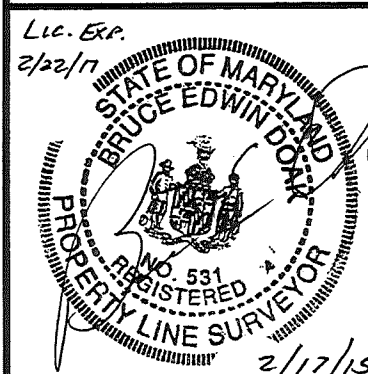
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IN REPLY TO AMENDMENTS 6/6/15
B. DOAK

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

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PROPERTY OF
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