

MEMORANDUM

DATE: August 31, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0329-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on August 30, 2017. 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

IN RE: PETITIONS FOR SPECIAL HEARING *

AND VARIANCE

(805 Bengies Road) *
15th Election District *
6th Council District *

Marsha Noble *
Legal Owner

Robert E. Click *
Contract Purchaser
Petitioners *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2017-0329-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 Marsha Noble, legal owner and Robert E. Click, contract purchaser ("Petitioners"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R) to confirm that a merger with adjacent lots did not occur, and to confirm that the density of the surrounding neighborhood is not being affected.

In addition, a Petition for Variance seeks to permit a lot width of 50 ft., side yard setbacks of 12 ft. minimum with a sum of 24 ft. and a lot area of 9,180 sq. ft. in lieu of the required 100 ft., 15 ft., 40 ft., and 20,000 sq. ft., respectively for a proposed dwelling on an existing lot of record. A site plan was marked and accepted into evidence as Petitioners' Exhibit 1.

Robert Click and David Billingsley appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing county agencies.

ORDER RECEIVED FOR FILING

Date 7/31/17

By Sen

The subject property is approximately 9,180 square feet in size and zoned DR 2. The property is unimproved and there are no sheds, pools or structures of any kind on the lot. Mr. Click proposes to construct a single-family dwelling on the lot but requires zoning relief to do so.

SPECIAL HEARING

The Petition for special hearing seeks confirmation that the subject property did not merge with the property at 803 Bengies Road, which is also owned by Ms. Noble and is her principal residence. As noted above, there are no structures of any kind on the subject property that were or could have been used in conjunction with or to benefit the existing dwelling at 803 Bengies Road. In addition, no testimony was presented at the hearing which would establish or suggest these two properties in essence functioned as a single parcel. As such, there is no basis upon which to determine the properties have merged.

The other aspect of the Petition for special hearing concerns whether the variance would increase the density of the surrounding neighborhood. Under the B.C.Z.R. a variance cannot be granted if it would result in an increase in density. B.C.Z.R. §307. The Department of Planning did not object to the special hearing request, and Lots 45 (known as 803 Bengies Road) & 46 (known as 805 Bengies Road) were created by the plat of Grantleigh, recorded in 1940. Petitioners' Exhibit 8. The grant of the variance would therefore not increase the density beyond that shown on the original plat, and the special hearing request will therefore be granted.

VARIANCES

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or

ORDER RECEIVED FOR FILING

Date 7/31/17

By sen

hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The subject property is narrow and deep (approximately 200 ft. x 50 ft.). As such it is unique. If the Regulations were strictly interpreted Petitioners would experience a practical difficulty because they would be unable to construct the proposed dwelling. Finally, I find that the variances 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.

THEREFORE, IT IS ORDERED this 31st day of **July, 2017**, 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 confirm that a merger with adjacent lots did not occur, and to confirm that the density of the surrounding neighborhood is not being affected, be and is hereby GRANTED.

IT IS FURTHER ORDERED that the petition for variance to permit a lot width of 50 ft., side yard setbacks of 12 ft. minimum with a sum of 24 ft. and a lot area of 9,180 sq. ft. in lieu of the required 100 ft., 15 ft., 40 ft., and 20,000 sq. ft., respectively, for a proposed dwelling on an existing lot of record, be and is hereby GRANTED.

The relief granted herein shall be subject to 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.

ORDER RECEIVED FOR FILING

Date 7/31/17

By sen

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 7/31/17

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 805 BENGIES ROAD which is presently zoned DK 7
 Deed References: L19695 F553 10 Digit Tax Account # 1523000931
 Property Owner(s) Printed Name(s) MARSHA D. NOBLE

(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

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

TO BE PRESENTED AT HEARING

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

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

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

Contract Purchaser/Lessee:

ROBERT E. CLICK

Name- Type or Print

Signature

43 GUNFALLS GARTH BALTO., MO.

Mailing Address

City

State

21220 (443) 600-1085, 106 43 C / 8001

Zip Code

Telephone #

Email Address

COMM

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

BY

City

State

Zip Code

Telephone #

Email Address

Legal Owners (Petitioners):

MARSHA D. NOBLE

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

803 BENGIES RD. BALTO., MD.

Mailing Address

City

State

21220

Zip Code

Telephone #

Email Address

Representative to be contacted:

DAVID BILLINGSLEY

Name - Type or Print

Signature

601 CHARWOOD CT. EDGEWOOD, MD.

Mailing Address

City

State

21040

Zip Code

Telephone #

dwboz09@yahoo.com

CASE NUMBER

2017-0329-SPHA

Filing Date

6/9/2017

Do Not Schedule Dates:

Reviewer

JNP

805 BENGIES ROAD

VARIANCE

SECTION 1B02.3.C.1 TO PERMIT A LOT WIDTH OF 50 FEET, SIDE YARD SETBACKS OF 12 FOOT MINIMUM WITH A SUM OF 24 FEET AND A LOT AREA OF 9,180 SQUARE FEET IN LIEU OF THE REQUIRED 100 FEET, 15 FEET, 40 FEET AND 20,000 SQUARE FEET, RESPECTFULLY FOR A PROPOSED DWELLING ON AN EXISTING LOT OF RECORD.

SPECIAL HEARING

TO CONFIRM THAT A MERGER WITH ADJACENT LOTS DID NOT OCCUR,
AND TO CONFIRM THAT THE DENSITY OF THE SURROUNDING
NEIGHBORHOOD IS NOT BEING AFFECTED

OF RECORD.

ZONING DESCRIPTION

805 BENGIES ROAD

BEGINNING FOR THE SAME AT A POINT ON THE SOUTH SIDE OF BENGIES ROAD (VARIABLE WIDTH), DISTANT 499 FEET WESTERLY FROM ITS INTERSECTION WITH THE CENTER OF BOURQUE RD, THENCE BEING ALL OF LOT 46 AS SHOWN ON THE PLAT ENTITLED GRANTLEIGH RECORDED AMONG THE BALTIMORE COUNTY PLAT RECORDS IN PLAT BOOK 12 FOLIO 84. CONTAINS 9,180 SQUARE FEET OR 0.211 ACRE OF LAND, MORE OR LESS.

BEING KNOWN AS 805 BENGIES ROAD. LOCATED IN THE 15TH ELECTION DISTRICT, 6TH COUNCILMANIC DISTRICT OF BALTIMORE COUNTY, MD.



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 5051365

Sold To:

Robert Click - CU00481875
43 Gunfalls Garth
Nottingham, MD 21236-4836

Bill To:

Robert Click - CU00481875
43 Gunfalls Garth
Nottingham, MD 21236-4836

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

Jul 06, 2017

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: # 2017-0329-SPHA

805 Bengies Road
S/s Bengies Road, 49 ft. w/of Bourque Road (Lot 46)
15th Election District - 6th Councilmanic District
Legal Owner(s) Marsha Noble
Contract Purchaser/Lessee: Robert Click

Special hearing to confirm that a merger with adjacent lots did not occur, and to confirm that the density of the surrounding neighborhood is not being affected. Variance to permit a lot width of 50 ft., side yard setbacks of 12 ft. minimum with a sum of 24 ft. and a lot area of 9,180 sq. ft. in lieu of the required 100 ft., 15 ft., 40 ft. and 20,000 sq. ft. respectively for a proposed dwelling on an existing lot of record.

Hearing: Thursday, July 27, 2017 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.

7/004 July 6

5051365

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

Date: JULY 7, 2017

RE: Project Name: 805 BENGIES RD
Case Number /PAI Number: 2017-0329-SPHA
Petitioner/Developer: ROBERT CLICK
Date of Hearing/Closing: JULY 27, 2017

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 805 BENGIES RD

The sign(s) were posted on JULY 7, 2017
(Month, Day, Year)

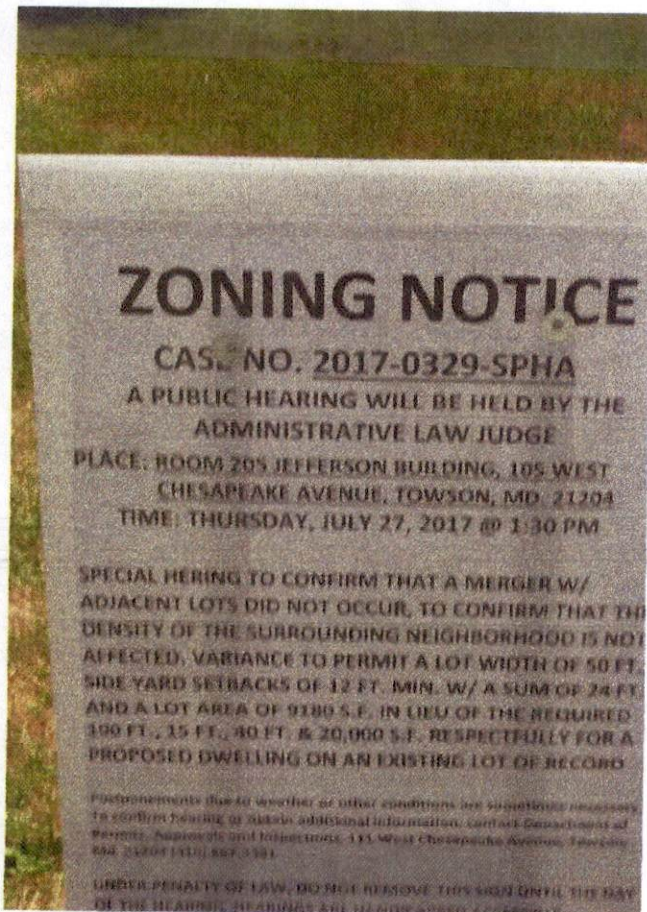
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)





KEVIN KAMENETZ
County Executive

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

June 23, 2017

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: 2017-0329-SPHA

805 Bengies Road

S/s Bengies Road, 49 ft. w/of Bourque Road (Lot 46)

15th Election District – 6th Councilmanic District

Legal Owners: Marsha Noble

Contract Purchaser/Lessee: Robert Click

Special hearing to confirm that a merger with adjacent lots did not occur, and to confirm that the density of the surrounding neighborhood is not being affected. Variance to permit a lot width of 50 ft., side yard setbacks of 12 ft. minimum with a sum of 24 ft. and a lot area of 9,180 sq. ft. in lieu of the required 100 ft., 15 ft., 40 ft. and 20,000 sq. ft. respectively for a proposed dwelling on an existing lot of record.

Hearing: Thursday, July 27, 2017 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: Robert Click, 43 Gunfalls Garth Road, Baltimore 21220
Marsha Noble, 803 Bengies Road, Baltimore 21220
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, JULY 7, 2018.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, July 6, 2017 Issue - Jeffersonian

Please forward billing to:
Robert Click
43 Gunfalls Road
Nottingham, MD 21236

443-600-1085

NOTICE OF ZONING HEARING

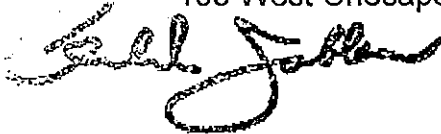
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2017-0329-SPHA

805 Bengies Road
S/s Bengies Road, 49 ft. w/of Bourque Road (Lot 46)
15th Election District – 6th Councilmanic District
Legal Owners: Marsha Noble
Contract Purchaser/Lessee: Robert Click

Special hearing to confirm that a merger with adjacent lots did not occur, and to confirm that the density of the surrounding neighborhood is not being affected. Variance to permit a lot width of 50 ft., side yard setbacks of 12 ft. minimum with a sum of 24 ft. and a lot area of 9,180 sq. ft. in lieu of the required 100 ft., 15 ft., 40 ft. and 20,000 sq. ft. respectively for a proposed dwelling on an existing lot of record.

Hearing: Thursday, July 27, 2017 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 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
803 Bengies Road; S/S Bengies Road, 499' W *
of Bourque Road (Lot 46) * OF ADMINISTRATIVE
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Marsha Noble * HEARINGS FOR
Contract Purchaser(s): Robert E. Click *
Petitioner(s) * BALTIMORE COUNTY
* 2017-329-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.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED

JUN 15 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of June, 2017, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, 601 Charwood Court, Edgewood, Maryland 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2017-0329-SPHA
Property Address: 805 BENGIES ROAD
Property Description: 55 BENGIES RD, 499' W. OF
BOURGUE RD.
Legal Owners (Petitioners): MARSHA D. NOBLE
Contract Purchaser/Lessee: ROBERT CLICK

PLEASE FORWARD ADVERTISING BILL TO:

Name: ROBERT CLICK
Company/Firm (if applicable): _____
Address: 43 GUNFALLS GARTH
NOTTINGHAM, MD. 21236

Telephone Number: 443-600-1085

Revised 7/9/2015

A-42



KEVIN KAMENETZ
County Executive

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

July 20, 2017

Marsha D Noble
803 Bengies Road
Baltimore MD 21220

RE: Case Number: 2017-0329 SPHA, Address: 805 Bengies Road

Dear Ms. Noble:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 9, 2017. This letter is not an approval, but only a **NOTIFICATION**.

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

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

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Robert E Click, 43 Gunfalls Garth, Baltimore MD 21220
David Billingsley, 601 Charwood Court, Edgewood MD 21040

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

NO 153090

Date: **6/9/2017**

Paid Receipt

BUSINESS: **ACTUAL** DATE: **6/12/2017** TIME: **10:15:36** 5
 REG NAME: **WALTON 187**
 PRECEIPT # **894236** 6/09/2017 TEL#
 Dept: **5 526 ZONING VERIFICATION**
 CR NO. **153090**

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				150.00

Receipt Tot **150.00**
 150.00 LF **1.00** Co
 Baltimore County, Maryland

Total: **150.00**

Rec From: **Central Drafting & Design**

For: **Variances - 803 and 805 Bengie Road**
2017-0328 and 2017-0329 (NOBLE)

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
 PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

Larry Hogan, Governor
Boyd K. Rutherford, Lt. Governor

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION

Pete K. Rahn, Secretary
Gregory Slater, Administrator

STATE HIGHWAY
ADMINISTRATION

Date: 6/14/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0329-A

*Special Hearing Variance
Marsha Noble
805 Bengies Road*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

Maryland Department of Transportation
State Highway Administration

320 West Warren Road, Hunt Valley, MD 21030

410.229.2300 | TTY 800.735.2258 | roads.maryland.gov

My telephone number/toll-free number is 866.998.0367

7-27-17
1:30pm

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

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

DATE: 6/26/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-329



INFORMATION:

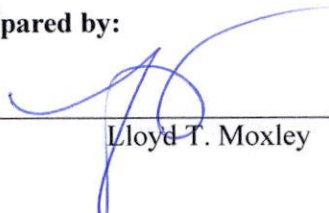
Property Address: 805 Bengies Road
Petitioner: Marsha D. Noble
Zoning: DR 2
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should confirm that a merger with adjacent lots did not occur, and that the density of the surrounding neighborhood is not being affected. The Department also reviewed the petition for variance to permit a lot width of 50 feet, side yard setbacks of 12 foot minimum with a sum of 24 feet and a lot area of 9,180 square feet in lieu of the required 100 feet, 15 feet, 40 feet and 20,000 square feet respectfully for a proposed dwelling on an existing lot of record.

The Department of Planning has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlach

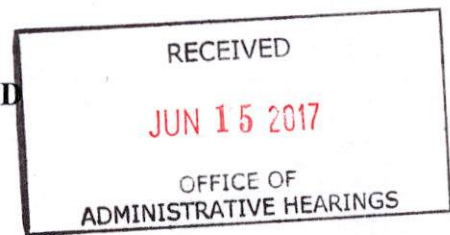
AVA/KS/LTM/ka

c: Ngone Seye Diop
David Billingsley
Office of the Administrative Hearings
People's Counsel for Baltimore County

7-27-17
1:30 PM

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0329-A
Address 805 Bengies Road
(Noble Property)

Zoning Advisory Committee Meeting of **June 19, 2017**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford Date: 6-15-2017

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections
DATE: June 30, 2017

FROM: *me*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For June 19, 2017
Item No. 2017-0319, 0320, 0321, 0323, 0325, 0326, 0328, 0329 and
0331

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

VKD:CEM
cc:file
G:\DevPlanRev\ZAC -No Comments\ZAC06192017.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE MEMORANDUM

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

DATE: 6/26/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 17-329

INFORMATION:

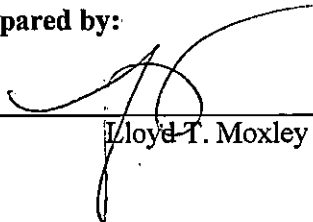
Property Address: 805 Bengies Road
Petitioner: Marsha D. Noble
Zoning: DR 2
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for special hearing to determine whether or not the Administrative Law Judge should confirm that a merger with adjacent lots did not occur, and that the density of the surrounding neighborhood is not being affected. The Department also reviewed the petition for variance to permit a lot width of 50 feet, side yard setbacks of 12 foot minimum with a sum of 24 feet and a lot area of 9,180 square feet in lieu of the required 100 feet, 15 feet, 40 feet and 20,000 square feet respectfully for a proposed dwelling on an existing lot of record.

The Department of Planning has no objection to granting the petitioned zoning relief.

For further information concerning the matters stated herein, please contact Ngone Seye Diop at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Ngone Seye Diop
David Billingsley
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: June 15, 2017

SUBJECT: DEPS Comment for Zoning Item # 2017-0329-A
Address 805 Bengies Road
(Noble Property)

Zoning Advisory Committee Meeting of **June 19, 2017**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 6-15-2017

CASE NAME 805 BINGIES RD
CASE NUMBER 8 2017-03295 PHA
DATE 7/27/17

[illegible]

CHECKLIST

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>6/30</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>no Comment</u>
<u>6/15</u>	DEPS (if not received, date e-mail sent _____)	<u>no Comment</u>
	FIRE DEPARTMENT	
<u>6/29</u>	PLANNING (if not received, date e-mail sent _____)	<u>no Oly</u>
<u>6/14</u>	STATE HIGHWAY ADMINISTRATION	<u>no Oly</u>
	TRAFFIC ENGINEERING	
	COMMUNITY ASSOCIATION	
	ADJACENT PROPERTY OWNERS	
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: <u>7/6/17</u>	
SIGN POSTING	Date: <u>7/7/17</u> by <u>Beelingsley</u>	
PEOPLE'S COUNSEL APPEARANCE	Yes ☒ No ☐	
PEOPLE'S COUNSEL COMMENT LETTER	Yes ☐ No ☐	

Comments, if any: _____

Real Property Data Search

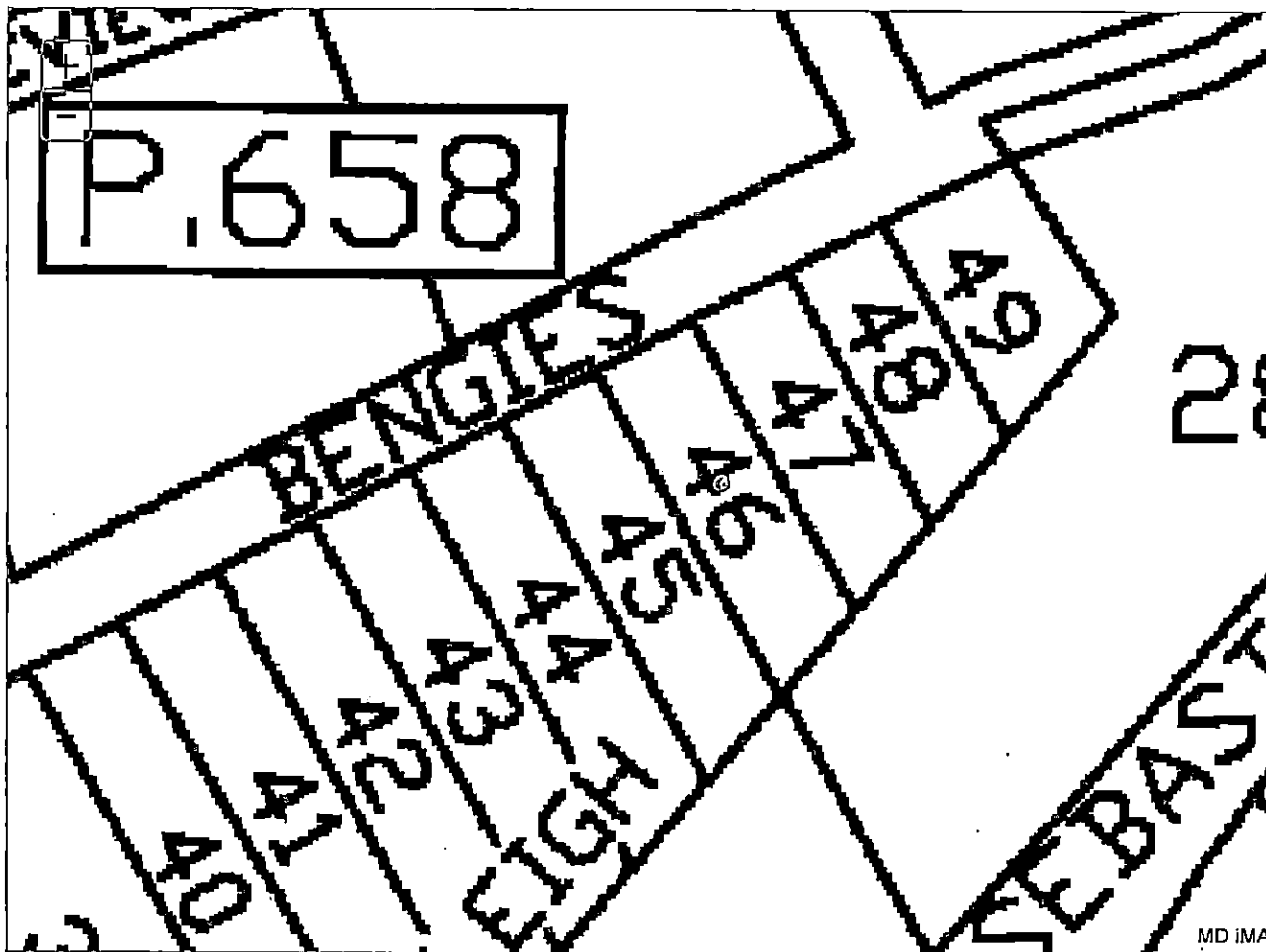
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1523000931			
Owner Information					
Owner Name:	NOBLE MARSHA D		Use:	RESIDENTIAL	
Mailing Address:	803 BENGIES RD BALTIMORE MD 21220-1904		Principal Residence:	NO	
			Deed Reference:	/10645/ 00041	
Location & Structure Information					
Premises Address:	BENGIES RD 0-0000		Legal Description:		
GRANTLEIGH					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0090	0006	0658		0000	46 2015 0012/0084
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area		Finished Basement Area	Property Land Area	County Use
				9,180 SF	04
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
Value Information					
	Base Value		Value		Phase-in Assessments
			As of		As of
			01/01/2015		07/01/2016
Land:	6,800		6,800		As of 07/01/2017
Improvements	0		0		
Total:	6,800		6,800		6,800
Preferential Land:	0				0
Transfer Information					
Seller: FERRAN RAFAEL		Date: 03/05/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10645/ 00041		Deed2:	
Seller: KAHLINE DOROTHY W		Date: 07/12/1994		Price: \$100,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /10645/ 00041		Deed2:	
Seller: WALTERS HARRY		Date: 04/27/1979		Price: \$4,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06013/ 00761		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

Baltimore County

New Search (<http://sdat.dat.maryland.gov/RealProperty>)

District: 15 Account Number: 1523000931



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

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

Property maps provided courtesy of the Maryland Department of Planning.

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>).

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration						
Account Identifier:		District - 15 Account Number - 1511000340								
Owner Information										
Owner Name:		NOBLE MARSHA D		Use:	RESIDENTIAL					
				Principal Residence:	YES					
Mailing Address:		803 BENGIES RD BALTIMORE MD 21220-1904		Deed Reference:	/19695/ 00553					
Location & Structure Information										
Premises Address:		803 BENGIES RD 0-0000		Legal Description:						
				GRANTLEIGH						
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0090	0006	0658		0000			45	2015	Plat Ref:	0012/0084
Special Tax Areas:				Town:		NONE				
				Ad Valorem:						
				Tax Class:						
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1957		1,224 SF				10,200 SF		04		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation				
1 1/2	YES	STANDARD UNIT	SIDING	1 full						
Value Information										
		Base Value	Value		Phase-in Assessments					
			As of		As of		As of			
			01/01/2015		07/01/2016		07/01/2017			
Land:		80,500	80,500							
Improvements		74,000	62,000							
Total:		154,500	142,500		142,500		142,500			
Preferential Land:		0					0			
Transfer Information										
Seller: FERRAN RAFAEL		Date: 03/05/2004		Price: \$0						
Type: NON-ARMS LENGTH OTHER		Deed1: /19695/ 00553		Deed2:						
Seller: KAHLINE DOROTHY M W		Date: 07/12/1994		Price: \$100,000						
Type: ARMS LENGTH MULTIPLE		Deed1: /10645/ 00041		Deed2:						
Seller:		Date:		Price:						
Type:		Deed1:		Deed2:						
Exemption Information										
Partial Exempt Assessments:		Class	07/01/2016		07/01/2017					
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: Approved 12/18/2012										
Homeowners' Tax Credit Application Informatic										
Homeowners' Tax Credit Application Status: No Application						Date:		PETITIONER'S		

PETITIONER'S
EXHIBIT NO. 2

Real Property Data Search (w1)

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 15 Account Number - 1523000931			
Owner Information					
Owner Name:		NOBLE MARSHA D		Use:	RESIDENTIAL
Mailing Address:		803 BENGIES RD BALTIMORE MD 21220-1904		Principal Residence:	NO
				Deed Reference:	/10645/ 00041
Location & Structure Information					
Premises Address:		BENGIES RD 0-0000		Legal Description:	
GRANTLEIGH					
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0090	0006	0658		0000	
					Block:
					46
					Lot:
					2015
					Assessment Year:
					Plat No:
					0012/
					Plat Ref:
					0084
Special Tax Areas:			Town:		
			NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
			9,180 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
		Base Value	Value	Phase-in Assessments	
			As of	As of	As of
			01/01/2015	07/01/2016	07/01/2017
Land:		6,800	6,800		
Improvements		0	0		
Total:		6,800	6,800	6,800	6,800
Preferential Land:		0			0
Transfer Information					
Seller: FERRAN RAFAEL		Date: 03/05/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10645/ 00041		Deed2:	
Seller: KAHLINE DOROTHY W		Date: 07/12/1994		Price: \$100,000	
Type: ARMS LENGTH MULTIPLE		Deed1: /10645/ 00041		Deed2:	
Seller: WALTERS HARRY		Date: 04/27/1979		Price: \$4,000	
Type: ARMS LENGTH IMPROVED		Deed1: /06013/ 00761		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2016	07/01/2017
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					
Homeowners' Tax Credit Application Information					
Homeowners' Tax Credit Application Status: No Application				Date:	

PETITIONER'S
EXHIBIT NO. 3

345.041

BLT#94223

Tax Id. [15] 15-11-000340 Lot 45
[15] 15-23-000931 Lot 46

THIS DEED made this 6th day of July, in the year one thousand nine hundred and ninety-four, by and between, Philip M. Kahline and Helen Lenzenweger, Personal Representatives to the Estate of Dorothy W. Kahline who died on or about December 1, 1993 (Estate No. 79998) parties of the first part, and Rafael Ferran and Marsha D. Noble parties of the second part;

Witnessed: that in consideration of the sum One Hundred Thousand Dollars (\$100,000.00) of the parties of the first part hereby grant unto the parties of the second part, as Joint Tenants in fee simple, all that piece or parcel of land, together with improvements, rights, privileges and appurtenances to the same belonging, situate in the County of Baltimore, State of Maryland, described as follows to wit:

BEING KNOWN AND DESIGNATED as Lot 45 and Lot 46 on Plat of Grantleigh, which plat is recorded among the Land Records of Baltimore County in Plat Book C.W.B.Jr., Liber C.W.B., Jr. No. 12, folio 84.

BEING same property conveyed in Deed dated April 20, 1979 and recorded in Liber 6013 folio 761.

Together with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages thereto belonging, or in anywise appertaining.

And pursuant to the provisions of Ch. 197 of The Laws of Maryland, 1988, effective July 1, 1988 [Annotated Code of Maryland, Article-Tax-Property, Section 13-203(b)] the undersigned Grantee hereby make oath that the residence on the property described in the within Deed will be occupied by the Grantees.

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE

DATE

RECEIVED FOR TRANSFER

PETITIONER'S
EXHIBIT NO. 4

Bentham
Land title and escrow corporation
28 Alleyway Ave. • Suite 1210 • Towson, MD 21204

THIS DEED

15-1511000340

Tax Account No./Parcel Identifier

Made this 24th day of November, 2003, by and between Rafael Ferran and Marsha D. Noble, joint tenants, parties of the first part, and Marsha D. Noble, sole owner, party of the second part.

The within conveyance is a transfer of property between spouse or former spouse as part of a marital settlement agreement or judgment for divorce and is, therefore, not subject to recordation or transfer tax by reason of sections 12-108(d) and 13-403 of the Tax-Property Article of the Annotated Code of Maryland.

WITNESSETH, that in consideration of the sum of \$0, receipt of which is hereby acknowledged and which parties of the first part certify under the penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or deed of trust outstanding, the said parties of the first part do grant and convey unto the party of the second part in fee simple as sole owner, all that property situate in BALTIMORE COUNTY, State of Maryland, described as:

BEING KNOWN AND DESIGNATED AS LOT 45 AND LOT 46 ON PLAT OF GRANTLEIGH, WHICH PLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN PLAT BOOK C.W.B. JR., LIBER C.W.B., JR. NO. 12, FOLIO 84.

SUBJECT to covenants, easements and restrictions of record.

TO HAVE AND TO HOLD said land and premises above described or mentioned and hereby intended to be conveyed, together with the buildings and improvements thereupon erected, made or being, and all and every title, right, privileges, appurtenances and advantages thereunto belonging, or in anywise appertaining, unto and for the proper use only, benefit and behalf forever of said party of the second part in fee simple.

Being the same property described in LIBER 10645, FOLIO 041, among the said Land Records.

AND the said parties of the first part covenant that they will warrant specially the property hereby conveyed and that they will execute such further assurances of said land as may be requisite or necessary.

PETITIONER'S
EXHIBIT NO. 5

REVIEWED SDAT
TS 3/4/04
DATE

BENGIES
ROAD

#801

#803

#805

#807

#809

PETITIONER'S
EXHIBIT NO. 6

Imagery Date: 2/27/2017

2110123

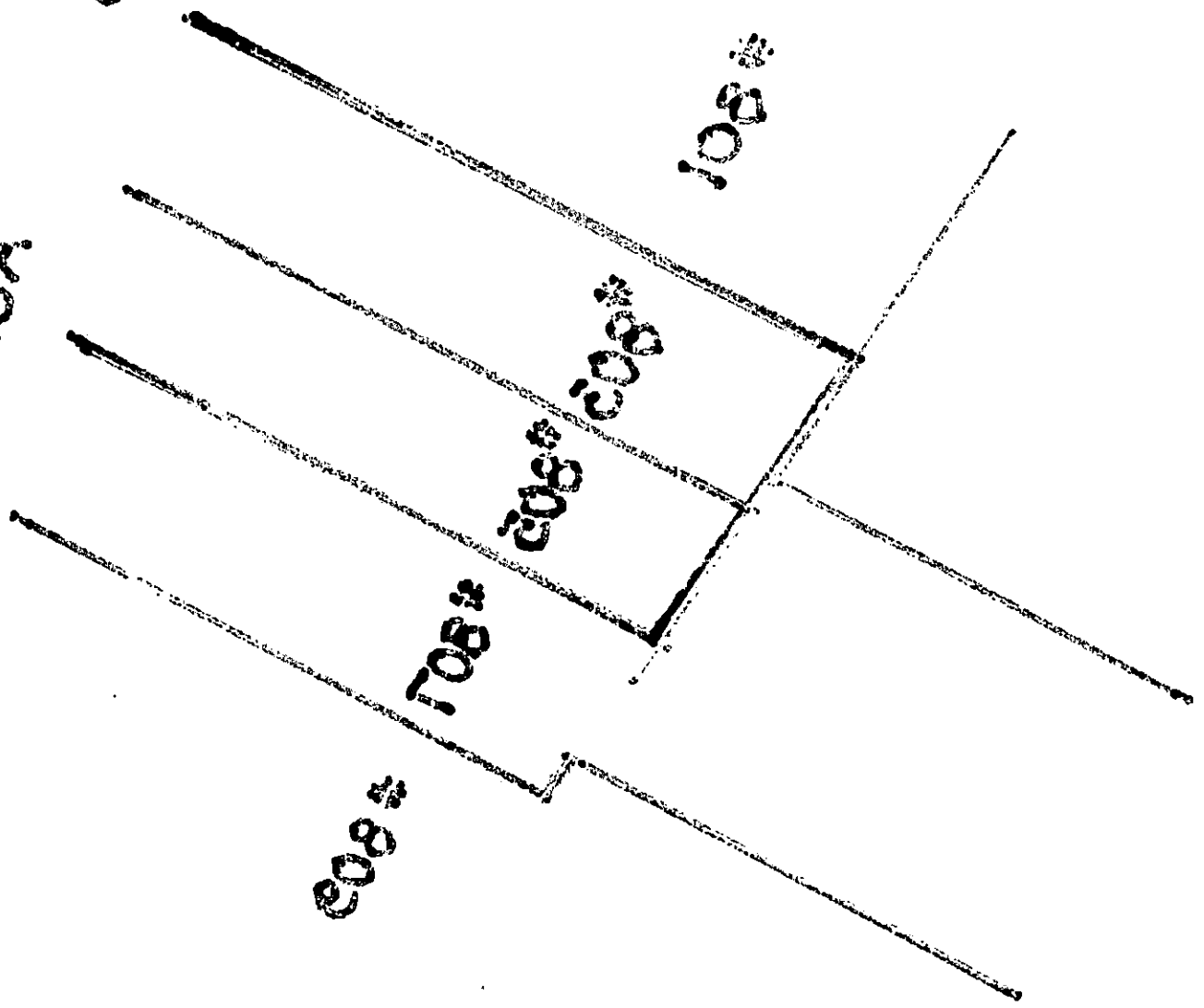
108#

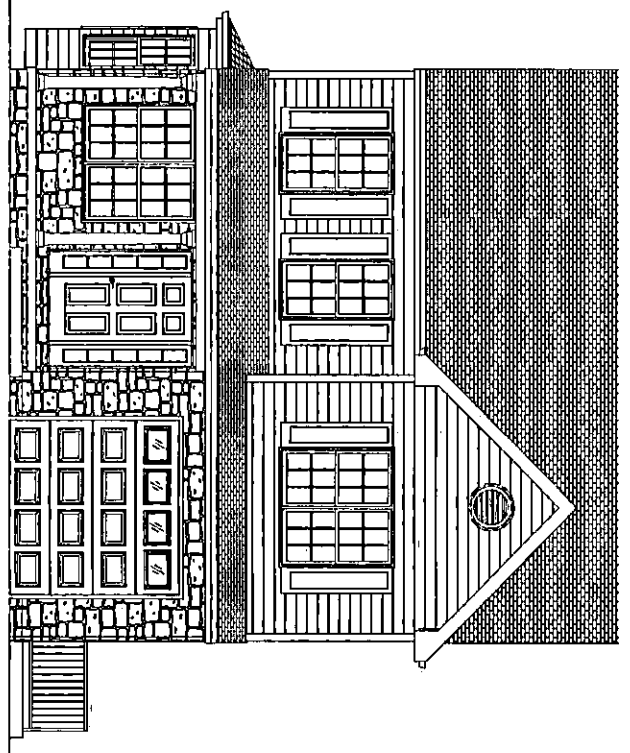
0404

208# 208#

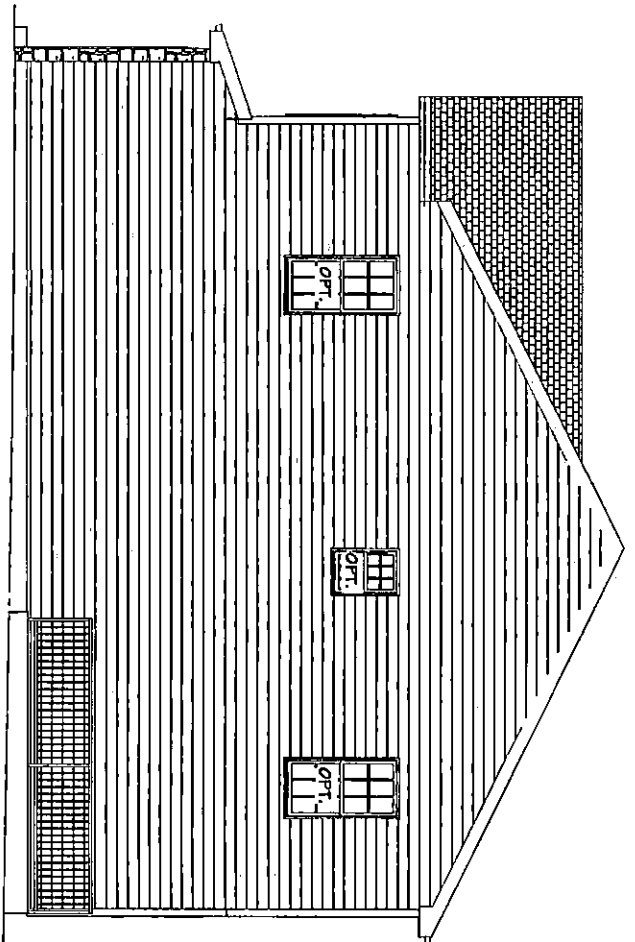
108#

208#

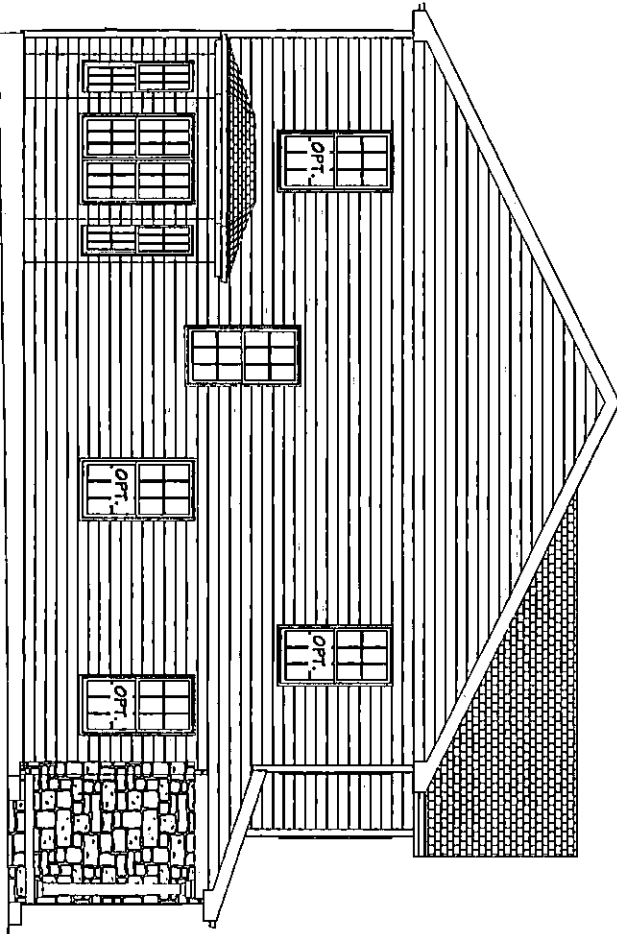




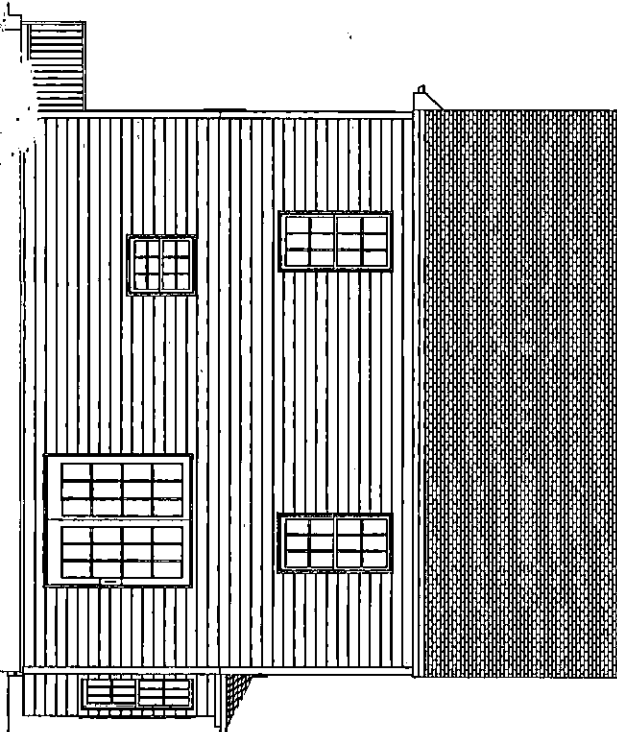
FRONT ELEVATION



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION



REAR ELEVATION

PETITIONER'S
EXHIBIT NO. **7**

ILDERS LLC
OLIA AVENUE
LL, MD, 21128
10-5844
uilders.com

SHEET TITLE:

ELEVATIONS

4TH GENERATION DESIGNS LLC
7603 OLD HARFORD ROAD
BALTIMORE, MD, 21234
443-425-0941
WILLIAM SKIP STORM

DATE

4/23/2015

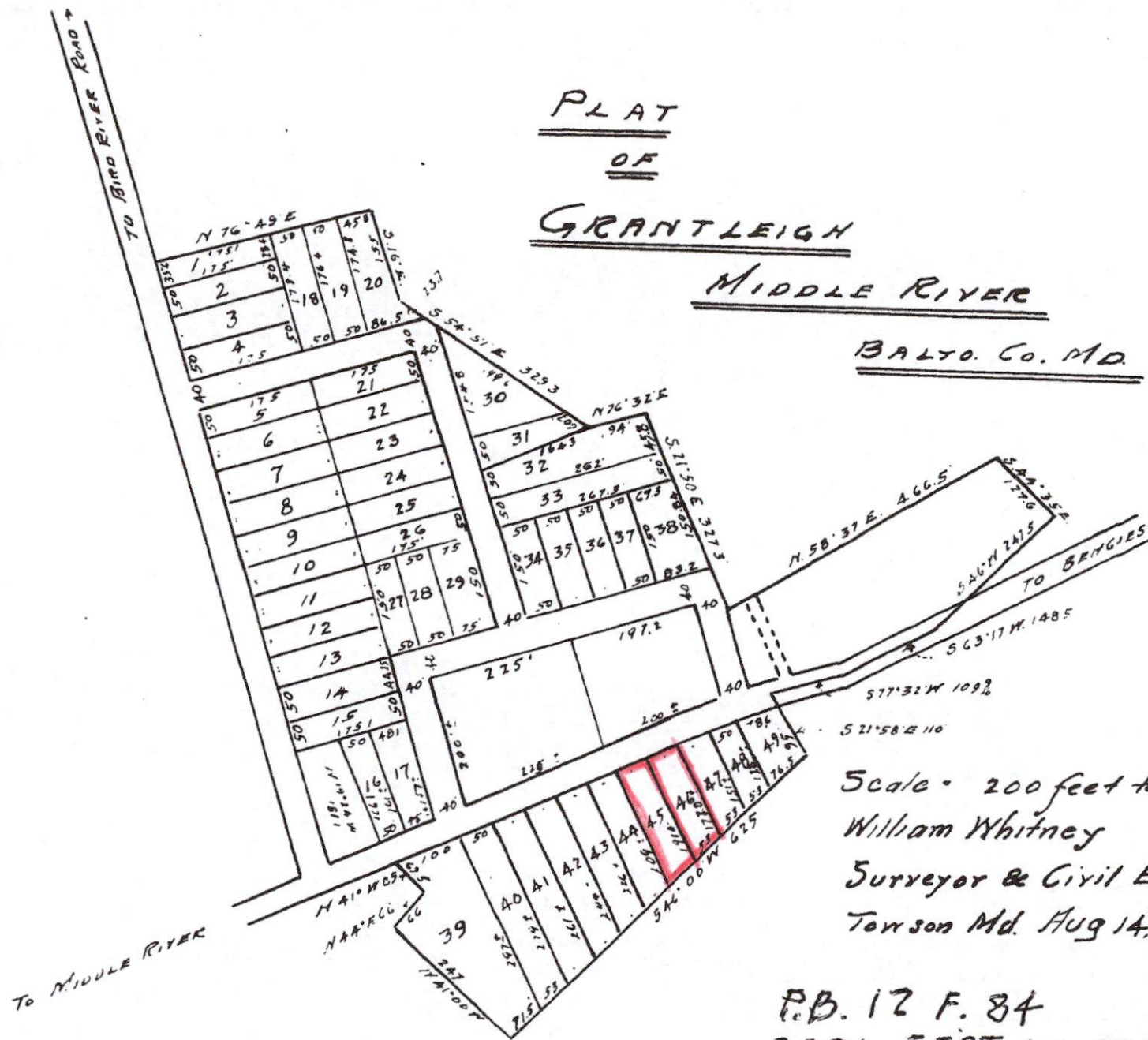
SCALE

3/4" = 1'

SHEET

A-1

PETITIONER'S
EXHIBIT NO. 8



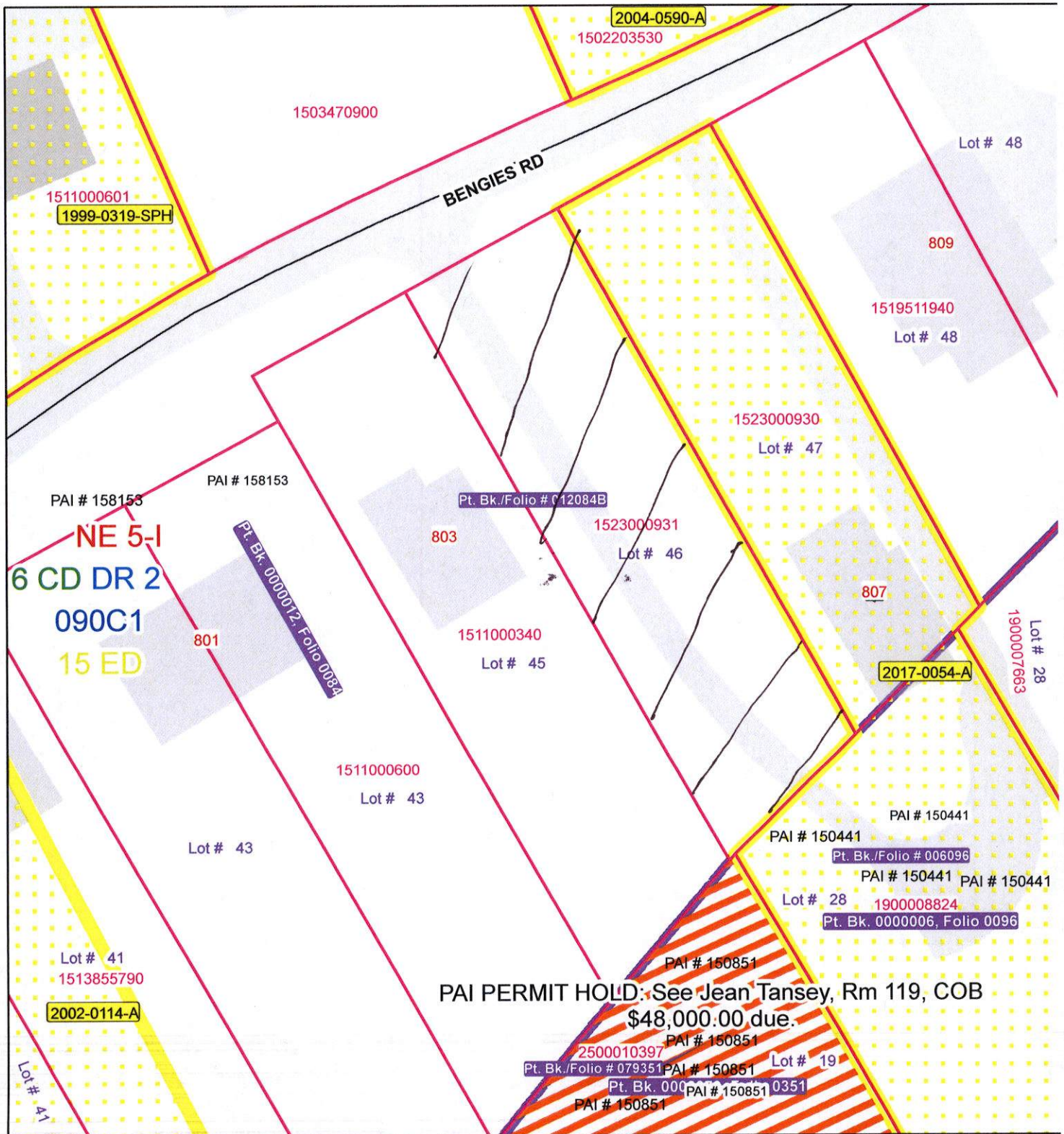
PETITIONER'S EXHIBITS

193
8-31-17
Den
7-31-17

**803 – 805 BENGIES ROAD
CASE NOS. 2017-0328-A AND 2017-0329-SPHA**

- 1. PLAT TO ACCOMPANY PETITION DATED MAY 8, 2017 (NO CHANGES)**
- 2. SDAT REAL PROPERTY DATA SEARCH FOR 803 BENGIES ROAD**
- 3. SDAT REAL PROPERTY DATA SEARCH FOR 805 BENGIES ROAD**
- 4. DEED OF RECORD L.10645 F.041 DATED JULY 6, 1994**
- 5. DEED OF RECORD L.19695 F.553 DATED NOVEMBER 24, 2003**
- 6. AERIAL PHOTO**
- 7. BUILDING ELEVATIONS**
- 8. PLAT OF GRANTLEIGH P.B. 12 F. 84 RECORDED SEPT. 17, 1940**

805 Bengies Drive



Publication Date: 6/9/2017



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

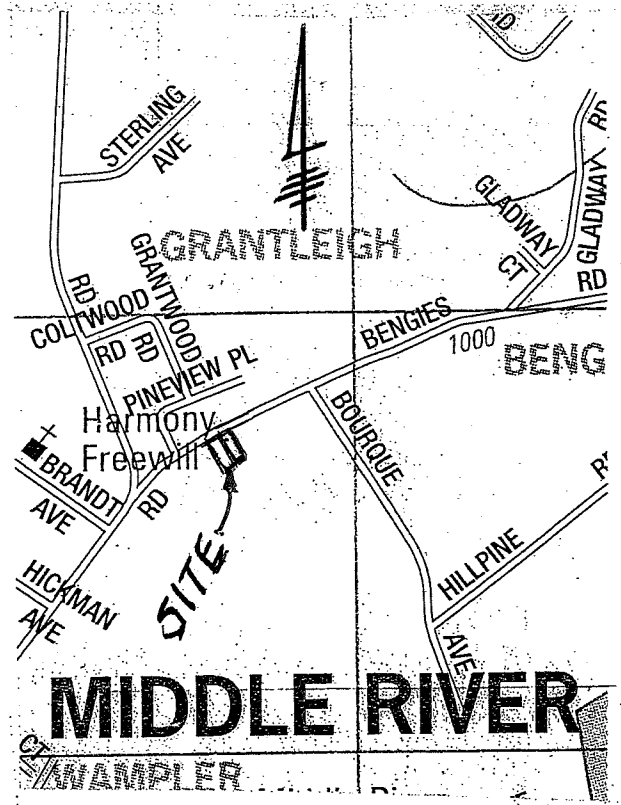
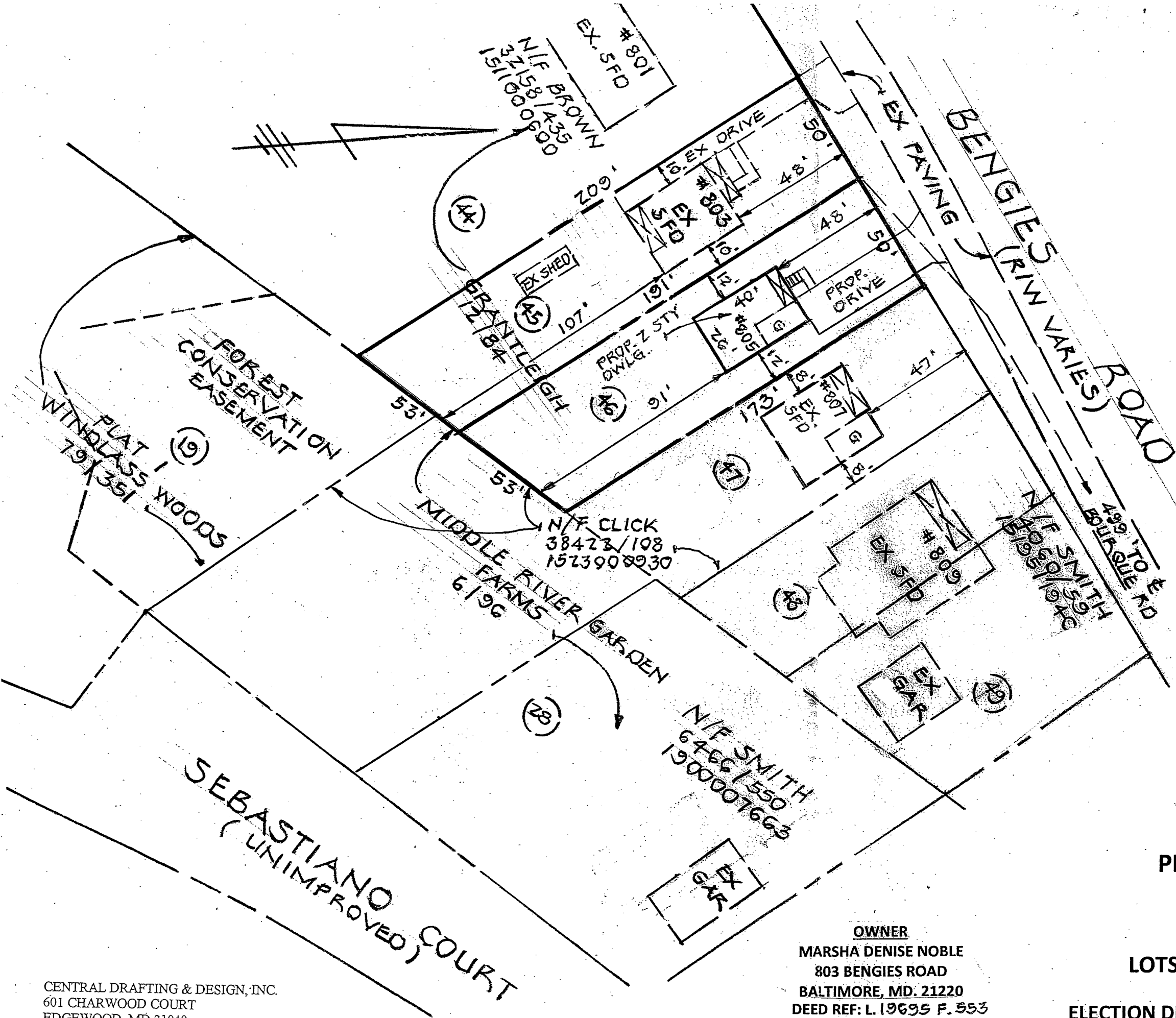


0 10 20 40 60 80 Feet

1 inch = 40 feet

2017-0328-SPH

11/11/11



MIDDLE RIVER

VICINITY MAP
SCALE: 1"=1000'

NOTES

1. ZONING.....DR 2 (MAP 090C1)
2. AREA....# 803 = 10,200 S.F. = 0.234 ACRE +/-
805 = 9,180 S.F. = 0.211 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS NOT LOCATED IN A 100 FLOOD ZONE OR CHESAPEAKE BAY CRITICAL AREA
5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
6. TO THE PREPARER'S KNOWLEDGE, NO CRITICAL AREAS, HISTORIC SITES OR STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST

2017-0239-**SPHA**

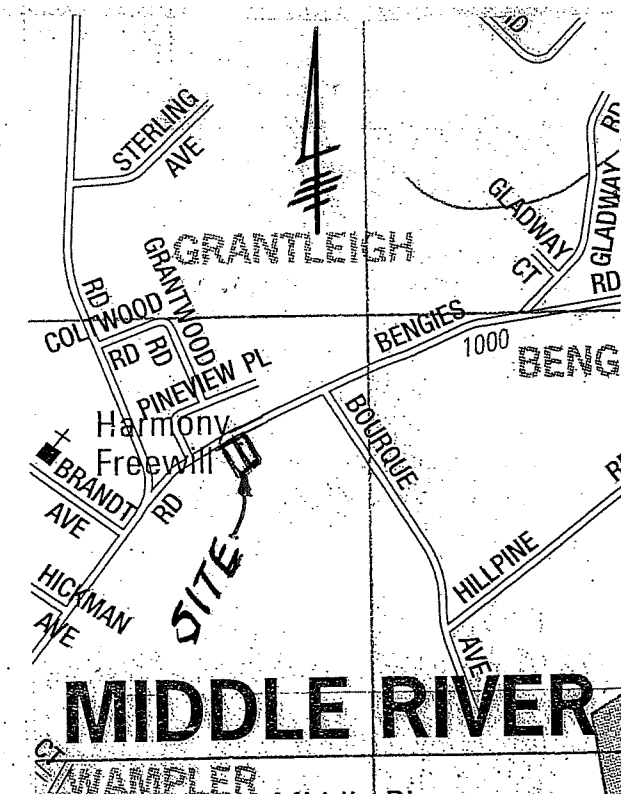
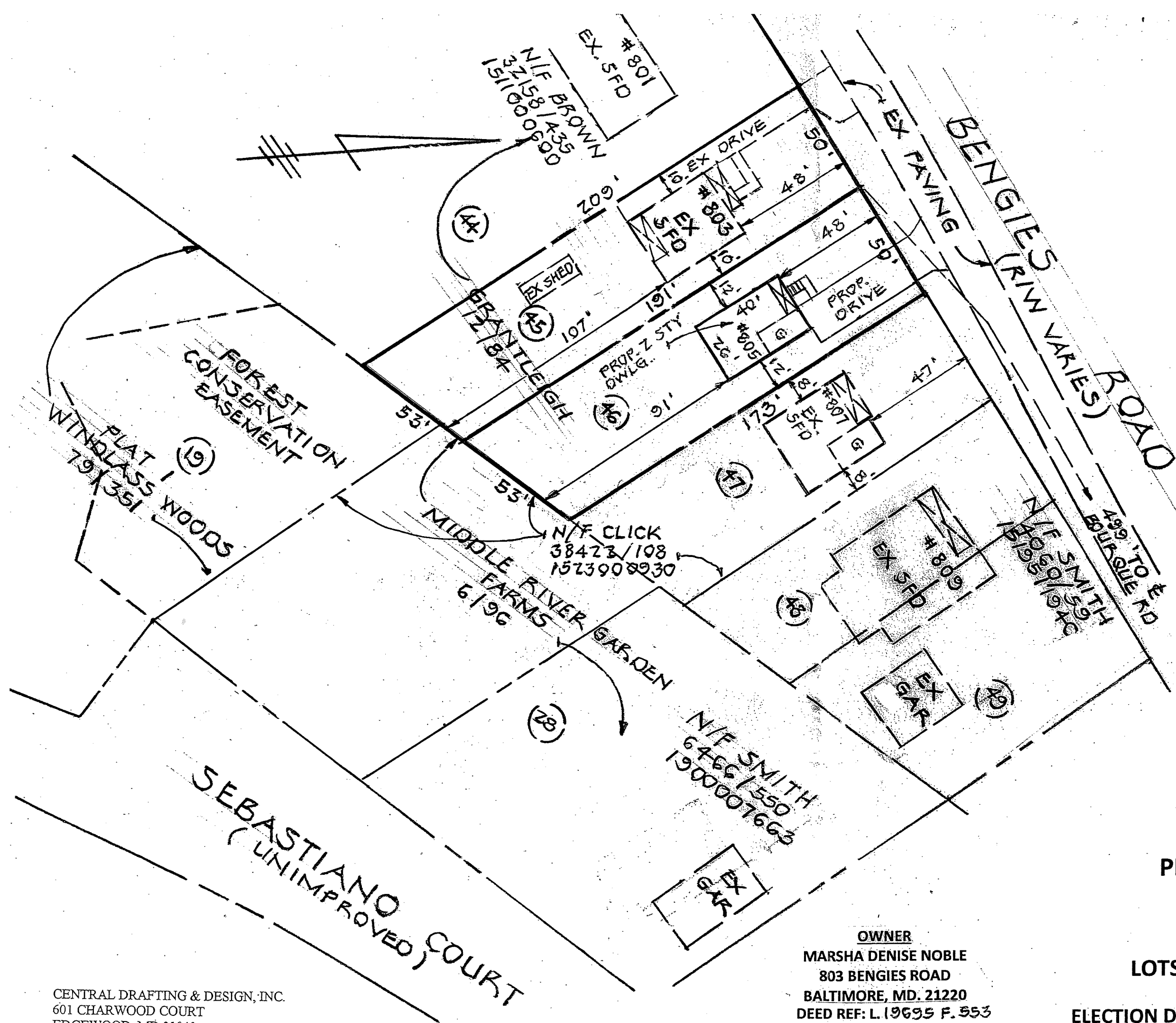
**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE & SPECIAL
HEARING**

**803 AND 805 BENGIES ROAD
LOTS 45 AND 46 GRANTLEIGH PB 12 F 84**

**ELECTION DISTRICT 15C6 BATIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET MAY 8, 2017**

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
MARSHA DENISE NOBLE
803 BENGIES ROAD
BALTIMORE, MD. 21220
DEED REF: L. 19695 F. 553
ACCT. NO: #803 - 1511000340
805 - 1523000931



- NOTES**
1. ZONING.....DR 2 (MAP 090C1)
 2. AREA....# 803 = 10,200 S.F. = 0.234 ACRE +/-
805 = 9,180 S.F. = 0.211 ACRE +/-
 3. PUBLIC WATER AND SEWER
 4. SITE IS NOT LOCATED IN A 100 FLOOD ZONE OR CHESAPEAKE BAY CRITICAL AREA
 5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
 6. TO THE PREPARER'S KNOWLEDGE, NO CRITICAL AREAS, HISTORIC SITES OR STRUCTURES OR UNDERGROUND STORAGE TANKS EXIST

2017-0239-SPMA

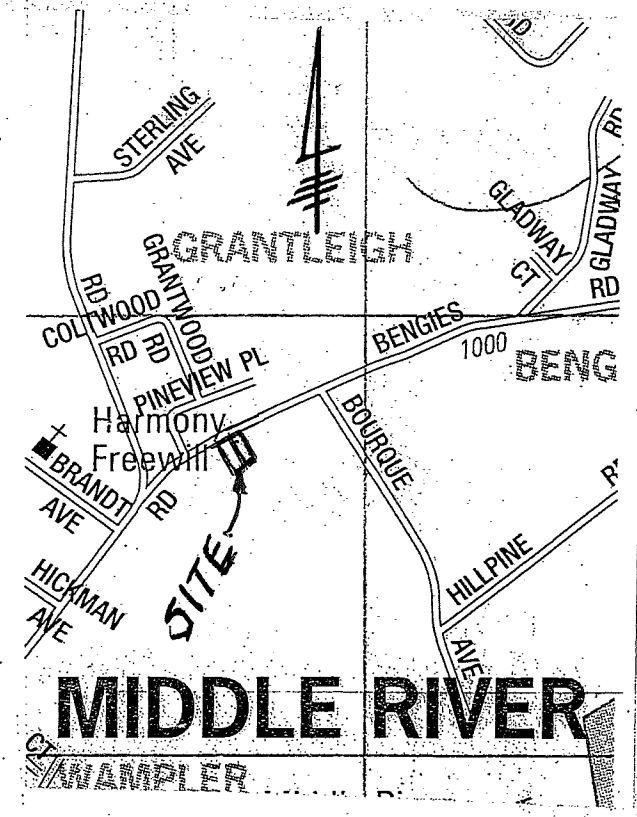
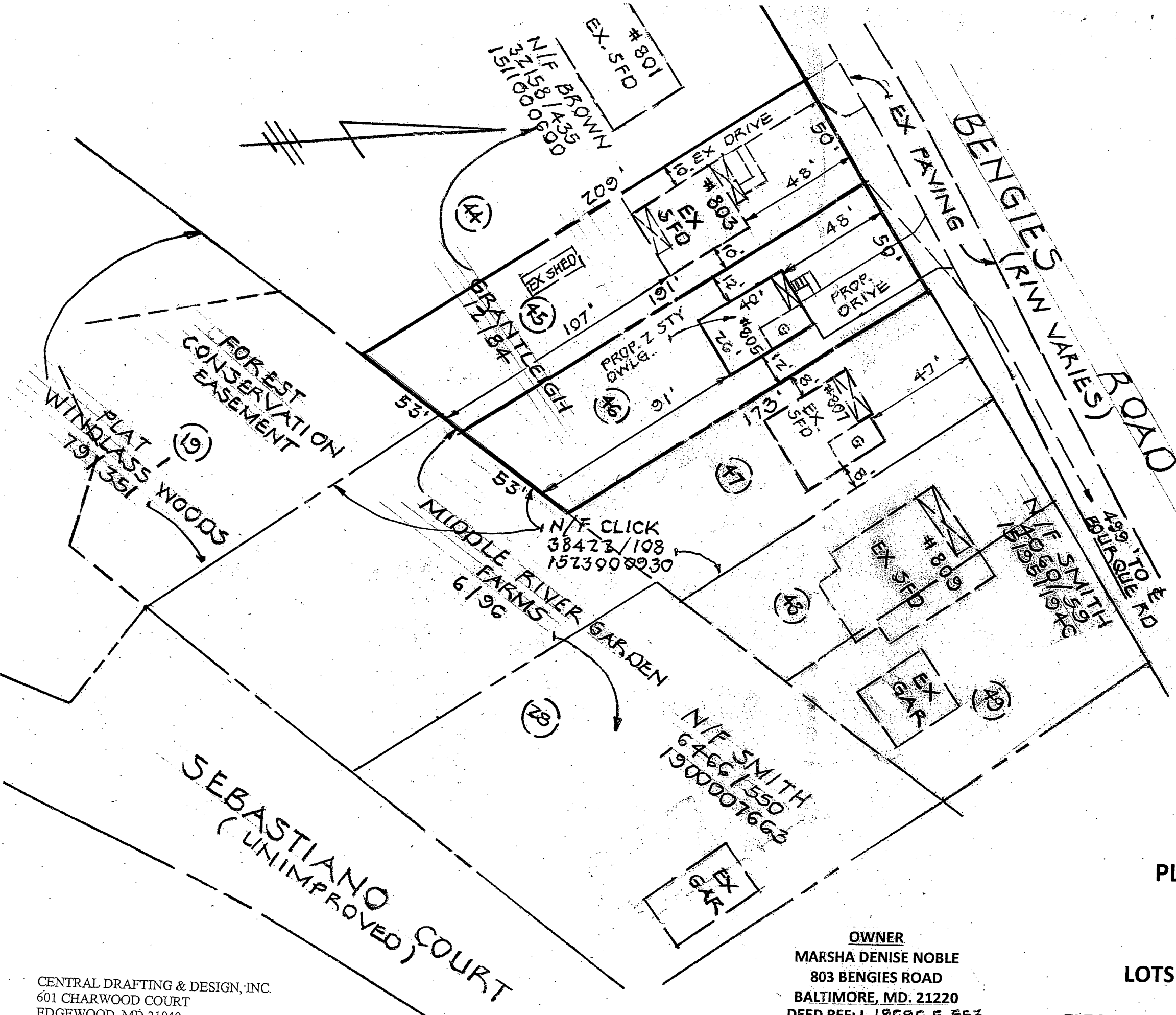
**PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE & SPECIAL
HEARING**

**803 AND 805 BENGIES ROAD
LOTS 45 AND 46 GRANTLEIGH PB 12 F 84**

**ELECTION DISTRICT 15C6 BATIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET MAY 8, 2017**

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
MARSHA DENISE NOBLE
803 BENGIES ROAD
BALTIMORE, MD. 21220
DEED REF: L. 19695 F. 553
ACCT. NO: #803 - 1511000340
805 - 1523000931



MIDDLE RIVER

VICINITY MAP
SCALE: 1"=1000'

NOTES

1. ZONING.....DR 2 (MAP 090C1)
2. AREA....# 803 = 10,200 S.F. = 0.234 ACRE +/-
805 = 9,180 S.F. = 0.211 ACRE +/-
3. PUBLIC WATER AND SEWER
4. SITE IS NOT LOCATED IN A 100 FLOOD ZONE OR CHESAPEAKE BAY CRITICAL AREA
5. NO PREVIOUS ZONING HISTORY OR VIOLATIONS ARE KNOWN TO EXIST
6. TO THE PREPARER'S KNOWLEDGE, NO CRITICAL AREAS, HISTORIC SITES OR STORAGE TANKS EXIST

PETITIONER'S
EXHIBIT NO. 1

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

803 AND 805 BENGIES ROAD
LOTS 45 AND 46 GRANTLEIGH PB 12 F 84

ELECTION DISTRICT 15C6 BATIMORE COUNTY, MARYLAND
SCALE: 1 INCH = 40 FEET MAY 8, 2017

CENTRAL DRAFTING & DESIGN, INC.
601 CHARWOOD COURT
EDGEWOOD, MD 21040
(410) 679-8719

OWNER
MARSHA DENISE NOBLE
803 BENGIES ROAD
BALTIMORE, MD. 21220
DEED REF: L. 19695 F. 553
ACCT. NO: #803 - 1511000340
805 - 1523000931