

M E M O R A N D U M

DATE: January 5, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0116-A - Appeal Period Expired

The appeal period for the above-referenced case expired on January 4, 2018. 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: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(7211 Bellona Avenue)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
2 nd Council District		
Jonathan W. and Constance A. E. Thayer	*	HEARINGS FOR
Petitioners		
	*	BALTIMORE COUNTY
	*	CASE NO. 2018-0116-A

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter comes before the Office of Administrative Hearings for Baltimore County as a Motion for Reconsideration filed by Timothy M. Kotroco, Esq. on behalf of Petitioners Jonathan W and Constance A. E. Thayer. The Petitioners originally filed an Administrative Variance for property located at 7211 Bellona Avenue. The relief was requested from §§ 1B01.2.B.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R), to permit a proposed dwelling addition (garage and attached breezeway connection) to have a breezeway length of 48 ft. or, in the alternative, to permit a detached accessory building (garage) with a height of 30 ft. in lieu of the maximum allowed 15 ft., and to amend the latest Final Development Plan ("FDP") for Oakhill, Lot 1 only.

By Opinion and Order dated November 24, 2017, the undersigned granted the Administrative Variance request, with conditions, in accordance with the site plan and documentation within the case file.

On December 4, 2017, Mr. Kotroco filed a timely Motion for Reconsideration of the November 24, 2017 Order. In the Motion, Mr. Kotroco raised concern about Condition No. 2; the prohibition of bathroom facilities in the garage.

ORDER RECEIVED FOR FILING

Date 12-5-17

By DW

After due consideration of the arguments raised by Mr. Kotroco, I will strike from the Order the restriction pertaining to bathroom facilities in the garage.

THEREFORE, IT IS ORDERED, by the Administrative Law Judge for Baltimore County, this 5th day of **December, 2017**, that the Motion for Reconsideration, be and is hereby GRANTED, such that Condition No. 2 shall be reworded as follows:

- Petitioners or subsequent owners shall not convert the proposed detached garage into a dwelling unit or apartment. The proposed detached garage shall not contain any sleeping quarters, living area, or kitchen facilities.

IT IS FURTHER ORDERED that all other terms and conditions of the Order dated November 24, 2017 shall remain in full force and effect, subject to the following:

1. Petitioners shall include the following statement on all permit applications:

“Garage shall be for PRIVATE RESIDENTIAL USE ONLY. No commercial, business or professional activity of any kind shall be permitted.”

2. The bathroom facility permitted in the garage shall be limited to a “toilet” and “hand washing sink” only.

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 12-5-17

By [Signature]



KEVIN KAMENETZ
County Executive

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

December 5, 2017

Timothy M. Kotroco, Esq.
305 Washington Avenue, Suite 502
Towson, MD 21204

RE: **MOTION FOR RECONSIDERATION** – Petition for Administrative Variance
Case No. 2018-0116-A
Property: 7211 Bellona Avenue

Dear Mr. Kotroco:

Enclosed please find a copy of the Order 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:dlw
Enclosure

c: Jonathan W. and Constance A. E. Thayer, 7211 Bellona Avenue, Baltimore, MD 21212
Susan Harrington, 10404 Stevenson Road, Stevenson, MD 21153



KEVIN KAMENETZ
County Executive

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

November 24, 2017

Jonathan W. and Constance A. E. Thayer
7211 Bellona Avenue
Baltimore, MD 21212

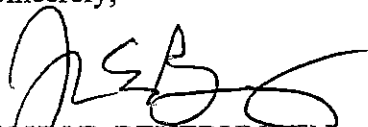
RE: Petition for Administrative Variance
Case No. 2018-0116-A
Property: 7211 Bellona Avenue

Dear Petitioners:

Enclosed please find a copy of the Order 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:dlw
Enclosure

c: Susan Harrington, 10404 Stevenson Road, Stevenson, MD 21153

IN RE: PETITION FOR ADMIN. VARIANCE *
(7211 Bellona Avenue)
9th Election District *
2nd Council District
Jonathan W. and Constance A. E. Thayer *
Petitioners

BEFORE THE
OFFICE OF ADMINISTRATIVE
HEARINGS FOR
BALTIMORE COUNTY
CASE NO. 2018-0116-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings ("OAH") for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, Jonathan W. and Constance A. E. Thayer ("Petitioners"). The Petitioners are requesting Variance relief pursuant to §§ 1B01.2.B.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed dwelling addition (garage and attached breezeway connection) to have a breezeway length of 48 ft. or, in the alternative, to permit a detached accessory building (garage) with a height of 30 ft. in lieu of the maximum allowed 15 ft., and to amend the latest Final Development Plan ("FDP") for Oakhill, Lot 1 only. 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.

The Zoning Advisory Committee ("ZAC") comments were received and are made part of the record of this case. There were no adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on November 5, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING

Date 11-24-17

By [Signature]

The Petitioners have filed the supporting affidavits as required by § 32-3-303 of the Baltimore County Code ("B.C.C."). Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of § 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Although the Department of Planning did not make any recommendations related to the proposed detached garage's height and usage, I will impose conditions that the garage shall not be converted into a dwelling unit or apartment, not contain any sleeping quarters, living area, kitchen or bathroom facilities, or used for commercial purposes.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 24th day of **November, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from §§ 1B01.2.B.1, 400.1 and 400.3 of the Baltimore County Zoning Regulations ("B.C.Z.R."), to permit a proposed dwelling addition (garage and attached breezeway connection) to have a breezeway length of 48 ft. or, in the alternative, to permit a detached accessory building (garage) with a height of 30 ft. in lieu of the maximum allowed 15 ft., and to amend the latest Final Development Plan ("FDP") for Oakhill, Lot 1 only, be and is hereby GRANTED.

ORDER RECEIVED FOR FILING

Date 11-24-17

By EW

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.
2. Petitioners or subsequent owners shall not convert the proposed detached garage into a dwelling unit or apartment. The proposed detached garage shall not contain any sleeping quarters, living area, and kitchen or bathroom facilities.
3. The proposed detached garage shall not be used for commercial purposes.

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 11-24-17

By dlw



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

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

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

Address 7211 Bellona Ave. Baltimore, MD 21212 Currently zoned DR1
Deed Reference _____ 10 Digit Tax Account # 2000009774
Owner(s) Printed Name(s) Jonathan & Constance Thayer

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

- ☒ **ADMINISTRATIVE VARIANCE** from Section(s) 1B01, 2.B.1, 400.1 & 400.3, BC2R, to permit a proposed dwelling addition (garage and attached breezeway connection) to have a breezeway of 48 feet or, in the alternative, to permit a detached accessory building (garage) with a height of 30 feet in lieu of the maximum allowed 15 feet and of the zoning regulations of Baltimore County, to the zoning law of Baltimore County To amend the latest Final Development Plan for Oakhill, Lot 1 only.
- ☐ **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

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

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

Owner(s)/Petitioner(s):

Jonathan Thayer : Constance Thayer
Name #1 - Type or Print Name #2 - Type or Print
[Signature] : [Signature]
Signature #1 Signature #2
7211 Bellona Ave, Baltimore, MD
Mailing Address City State
21212 / 410-925-4418 / ashleythayer@comcast.net
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____
BY _____
Date 11-24-17

Representative to be contacted:

Susan Harrington
Name - Type or Print _____
[Signature]
Signature _____
10404 Stevenson Rd, Stevenson, MD
Mailing Address City State
21153 / 410-484-7010 / susan@ratcliffe.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, It is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0116-A Filing Date 10/24/2017 Estimated Posting Date 11/5/2017 Reviewer JNP

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 7211 Bellona Avenue Baltimore MD 21212
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

The existing house at 7211 Bellona Avenue was constructed in approximately 1900 and does not have a garage. Therefore, in order to accommodate modern day living practicalities, the owners would like to add a detached garage. However, they would like to match the scale and massing of the existing architecture of the house. In order to do so, they require a variance in the height limitation of 15'-0" for an accessory structure, so that the appropriate scale and massing can be achieved in the new structure. The owners are requesting a variance for a new maximum building height for the detached garage of 30'-0" in order to develop an architecturally appropriate design solution for this new garage structure that is complementary to the architecture of the house.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Signature of Owner (Affiant)

Name- Print or Type

Signature of Owner (Affiant)

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

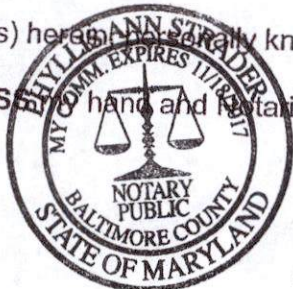
I HEREBY CERTIFY, this 18th day of Oct, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here:

Jonathan Thayer Constance Thayer

the Affiant(s) hereon personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal



Notary Public

11/18/2017
My Commission Expires

ZONING PROPERTY DESCRIPTION FOR:
7211 BELLONA AVENUE

Beginning for the same at a point on the East side of Bellona Avenue which is 70 feet wide at a distance of ±330 feet N68°04'53"W of the centerline of the nearest improved intersecting street Bowen Mill Road which is 40 feet wide.

Being Lot #1 shown on a Plat entitled "Amended Plat Oakhill" as recorded among land records of Baltimore County in Liber EHK, Jr. No. 55, folio 84, containing 4.45 acres of lot. Located in the 9th election district and the 2nd council district.

The above property description was taken from the Deed recorded on March 31, 2003 in Book 18213, Page 669 & the Plat plan recorded October 15, 1986 by Baltimore County Circuit Court Plat Book EHK, Jr. 55, p. 84 MSA_c2136_7359

2018-0116-A

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/6/2017

Case Number: 2018-0116-A

Petitioner / Developer: RATCLIFF ARCHITECTS ~
JONATHAN & CONSTANCE THAYLER

Date of Hearing (Closing): NOVEMBER 20, 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:
7211 BELLONA AVENUE

The sign(s) were posted on: NOVEMBER 5, 2017



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley, Maryland 21030
(City, State, Zip of Sign Poster)

410 - 666 - 5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0116 -A Address 7211 Bellona Ave.
Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 10/24/2017 Posting Date: 11/5/2017 Closing Date: 11/20/2017

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
- DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
- ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
- POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2018- 0116 -A Address 7211 Bellona Avenue
Petitioner's Name Jonathan & Constance Thayer Telephone 410-925-4418
Posting Date: 11/5/2017 Closing Date: 11/20/2017
Wording for Sign: To Permit a proposed dwelling addition (garage and attached breezeway of 48 feet) with a breezeway length of 48 feet or, in the alternative, to permit a detached accessory building (garage) with a height of 30 feet in lieu of the maximum allowed 15 feet, and to amend the latest Final Development Plan for Oakhill, Lot 1 only.

Revised 6/30/2018

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

NO. 160511

Date: 10/24/17

Fund	Dept	Unit	Sub Unit	Rev	Sub	Dept	Obj	BS Acct	Amount
				Source/	Rev/				
001	206	0000		6150					150.00

Total: 150.00

Rec From: Thayer

For: Adm Un. inc - 7211 Rollman Ave.
2018-0116-A (Thayer)

DISTRIBUTION

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

PAID RECEIPT

BUSINESS ACTUAL TIME DEN
 10/24/2017 10/24/2017 11:35:10
 REG NS01 - WALKIN TLR
 RECEIPT # 757873 10/24/2017 (FLR)
 Dept 5- 328 ZONING VERIFICATION
 CR NO. 160511
 Recpt Tot 4150.00
 4150.00 CR 4.00 CA
 Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

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

November 21, 2017

Jonathan & Constance Thayer
7211 Bellona Avenue
Baltimore MD 21212

RE: Case Number: 2018-0116 A, Address: 7211 Bellona Avenue

Dear Mr. & Ms. Thayer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 24, 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
Susan Harrington, 10404 Stevenson Road, Stevenson MD 21153

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: October 25, 2018

SUBJECT: DEPS Comment for Zoning Item # 2019-0116-A
Address 7611 Fitch Lane
(Fitch Property)

Zoning Advisory Committee Meeting of **October 29, 2018**.

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

Reviewer: Steve Ford

Date: 10/22/18

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

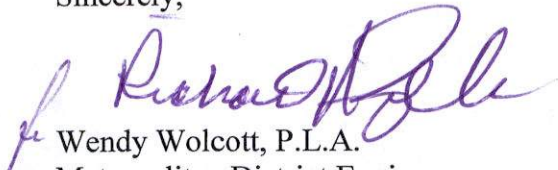
Dear Ms. Lewis:

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. 2019-0116-A

Variance
Thomas Fitch
7611 Fitch Lane

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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

Date: 11/3/17

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. 2018-0116-A.

*Administrative Variance
For Nathan & Constance Thayer
7211 Bellona Avenue.*

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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

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

SUBJECT: Zoning Advisory Committee Meeting
For November 6, 2017
Item No. 2018-0114 SPHA, 0115-A and 0116-A

DATE: November 3, 2017

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

* * * * *

VKD: cen
cc: file

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: November 1, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0116-A
Address 7211 Bellona Avenue
(Thayer Property)

Zoning Advisory Committee Meeting of **November 6, 2017**.

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

Reviewer: Steve Ford Date: 11-1-2017

Debra Wiley

From: Debra Wiley
Sent: Friday, December 08, 2017 1:45 PM
To: Timothy M. Kotroco Esq. (tkotroco@gmail.com)
Subject: Case No. 2018-0116-A (Admin. Var.) - Spirit and Intent Letter
Attachments: 20171208134937871.pdf

Mr. Kotroco,

In reference to the above matter, please find attached a Spirit and Intent letter which has been approved by ALJ Beverungen today.

Since this letter is being forwarded via email, we ask if you could please advise the Petitioners of this approval.

Thank you.

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

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Friday, December 08, 2017 1:50 PM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 12.08.2017 13:49:37, (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov

Debra Wiley

From: Timothy M. Kotroco <tkotroco@gmail.com>
Sent: Sunday, December 03, 2017 9:43 PM
To: John E. Beverungen
Cc: Debra Wiley
Subject: Request for Modification of Decision in Case No. 2018-0116-A
Attachments: Thayer-Motion for Reconsideration of Order.pdf

Dear Judge Beverungen,

Attached to this email, please find my Motion to reconsider and modify your previous decision rendered in the above captioned case. Please let me know if you need any additional information regarding this request.

Thank you.

Tim K.
Timothy M. Kotroco, Esquire
305 Washington Ave., Suite 502
Towson, Maryland 21204
410-299-2943



This communication, including attachments, is confidential, may be subject to legal privileges, and is intended for the sole use of the addressee. Any use, duplication, disclosure or dissemination of this communication, other than by the addressee, is prohibited. If you have received this communication in error, please notify the sender immediately and delete or destroy this communication and all copies.

TIMOTHY M. KOTROCO, Esq.

305 Washington Avenue, Suite 502

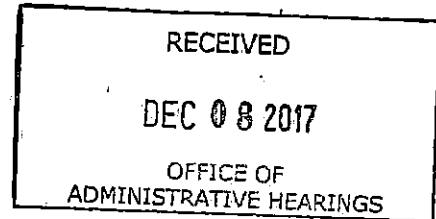
Towson, Maryland 21204

410-299-2943

Tkotroco@gmail.com

December 7, 2017

The Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204



Re: Case No. 2018-0116-A, Petition for Administrative Variance
Request to Amend Language of Restriction No. 2

Dear Judge Beverungen:

I write to you on behalf of my clients, Jonathan and Constance Thayer. Thank you for your recent decision granting my Motion for Reconsideration which amended your original decision which was dated the 24th day of November, 2017. Upon my request for reconsideration, you amended your original Order to allow my clients to install bathroom facilities on the second floor of their new garage. However, restriction no. 2 of your most recent decision dated the 5th day of December, 2017 limited my clients to installing only a toilet and sink.

My clients are hoping to be able to install a full bathroom, which includes a toilet, sink and tub/shower insert. I have attached an architectural rendering of the bathroom to be installed. I believe that the tub/shower insert is within the spirit and intent of your latest approval and hereby request your confirmation that it would be acceptable for my clients to construct the bathroom as shown on the attached rendering as being within the spirit and intent of your decision.

If you agree, I respectfully request that you sign the statement at the bottom of this letter affirming same. Thank you for your time and consideration of this matter.

Very Truly Yours,

A handwritten signature in cursive script, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco

The Petitioners, Jonathan and Constance Thayer shall be permitted to install a full bathroom containing a toilet, sink and tub/shower insert as shown on the architectural rendering attached hereto.

A handwritten signature in cursive script, appearing to read "John E. Beverungen".

John E. Beverungen, ALJ

TIMOTHY M. KOTROCO, Esq.

305 Washington Avenue, Suite 502

Towson, Maryland 21204

410-299-2943

Tkotroco@gmail.com

December 4, 2017

The Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204



**Re: Petition for Administrative Variance
Case No. 2018-0116-A, 7211 Bellona Avenue
Request for Modification of Order**

Dear Judge Beverungen:

You may recall issuing an Order approving the administrative variance for the above referenced property. The property is owned by Jonathan and Constance Thayer. They requested a variance to allow them to construct a garage on their property. On the second floor of their garage, the Thayers are proposing to install a home office and a play area for their children. In addition, they wish to install a bathroom facility for their convenience and the convenience of their children.

The Thayers neglected to mention the bathroom in their request and did not know that a bathroom would be prohibited in your order. There was no opposition from any neighbor or from any Baltimore County reviewing agency.

It is respectfully requested that restriction #2 of your order, previously issued on November 24, 2017 be modified or amended to allow a bathroom facility to be installed within the garage addition.

Thank you for your kind consideration of this request. Should you require any additional information, please do not hesitate to contact me.

Respectfully Submitted,

A handwritten signature in black ink that reads "Timothy M. Kotroco".

Timothy M. Kotroco

TMK/tk

C H E C K L I S T

<u>Comment Received</u>	<u>Department</u>	<u>Support/Oppose/ Conditions/ Comments/ No Comment</u>
<u>11-3</u>	DEVELOPMENT PLANS REVIEW (if not received, date e-mail sent _____)	<u>NC</u>
<u>11-1</u>	DEPS (if not received, date e-mail sent _____)	<u>NC</u>
_____	FIRE DEPARTMENT	_____
_____	PLANNING (if not received, date e-mail sent _____)	_____
<u>11-3</u>	STATE HIGHWAY ADMINISTRATION	<u>No objection</u>
_____	TRAFFIC ENGINEERING	_____
_____	COMMUNITY ASSOCIATION	_____
_____	ADJACENT PROPERTY OWNERS	_____
ZONING VIOLATION	(Case No. _____)	
PRIOR ZONING	(Case No. _____)	
NEWSPAPER ADVERTISEMENT	Date: _____	
SIGN POSTING	Date: <u>11-5-17</u> by <u>O'Keefe</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 - 09 Account Number - 2000009774							
Owner Information									
Owner Name:		THAYER JONATHAN W THAYER CONSTANCE A E				Use: Principal Residence:		RESIDENTIAL YES	
Mailing Address:		7211 BELLONA AVE BALTIMORE MD 21212-1006				Deed Reference:		/39542/ 00054	
Location & Structure Information									
Premises Address:		7211 BELLONA AVE BALTIMORE 21212-				Legal Description:		4.456 AC 7211 BELLONA AVE OAKHILL	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0069	0023	0171		0000			1	2017	Plat Ref: 0055/0084
Special Tax Areas:					Town: NONE				
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1900		10,627 SF		4276 SF		4.4500 AC		04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation			
2 1/2	YES	STANDARD UNIT	STONE	7 full/ 2 half	1 Attached				
Value Information									
			Base Value	Value	Phase-in Assessments				
				As of 01/01/2017	As of 07/01/2017		As of 07/01/2018		
Land:			1,047,000	1,047,000					
Improvements			1,736,500	1,779,500					
Total:			2,783,500	2,826,500	2,797,833		2,812,167		
Preferential Land:			0				0		
Transfer Information									
Seller: BROADUS THOMAS H 3RD				Date: 10/24/2017		Price: \$3,400,000			
Type: ARMS LENGTH IMPROVED				Deed1: /39542/ 00054		Deed2:			
Seller: BROADUS ELIZABETH H				Date: 06/17/2003		Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /18213/ 00669		Deed2:			
Seller: FRANK ROBERT A				Date: 06/27/2001		Price: \$2,000,000			
Type: ARMS LENGTH IMPROVED				Deed1: /15350/ 00065		Deed2:			
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
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:			

Debra Wiley

From: Timothy M. Kotroco <tkotroco@gmail.com>
Sent: Thursday, December 07, 2017 9:24 PM
To: John E. Beverungen
Cc: Debra Wiley
Subject: Case No. 2018-0116-A, 7211 Bellona Avenue
Attachments: Thayer-Spirit & Intent Request.pdf



Dear Judge Beverungen,

Please see the attached spirit & intent letter that we discussed on the phone today. Please let me know if you require any additional information.

Regards,

Tim K.
Timothy M. Kotroco, Esquire
305 Washington Ave., Suite 502
Towson, Maryland 21204
410-299-2943

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TIMOTHY M. KOTROCO, Esq.

305 Washington Avenue, Suite 502

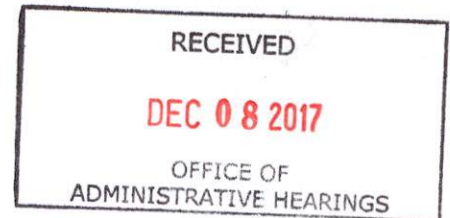
Towson, Maryland 21204

410-299-2943

Tkotroco@gmail.com

December 7, 2017

The Honorable John E. Beverungen
Administrative Law Judge for Baltimore County
105 West Chesapeake Avenue, Suite 103
Towson, Maryland 21204



**Re: Case No. 2018-0116-A, Petition for Administrative Variance
Request to Amend Language of Restriction No. 2**

Dear Judge Beverungen:

I write to you on behalf of my clients, Jonathan and Constance Thayer. Thank you for your recent decision granting my Motion for Reconsideration which amended your original decision which was dated the 24th day of November, 2017. Upon my request for reconsideration, you amended your original Order to allow my clients to install bathroom facilities on the second floor of their new garage. However, restriction no. 2 of your most recent decision dated the 5th day of December, 2017 limited my clients to installing only a toilet and sink.

My clients are hoping to be able to install a full bathroom, which includes a toilet, sink and tub/shower insert. I have attached an architectural rendering of the bathroom to be installed. I believe that the tub/shower insert is within the spirit and intent of your latest approval and hereby request your confirmation that it would be acceptable for my clients to construct the bathroom as shown on the attached rendering as being within the spirit and intent of your decision.

If you agree, I respectfully request that you sign the statement at the bottom of this letter affirming same. Thank you for your time and consideration of this matter.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Timothy M. Kotroco".

Timothy M. Kotroco

The Petitioners, Jonathan and Constance Thayer shall be permitted to install a full bathroom containing a toilet, sink and tub/shower insert as shown on the architectural rendering attached hereto.

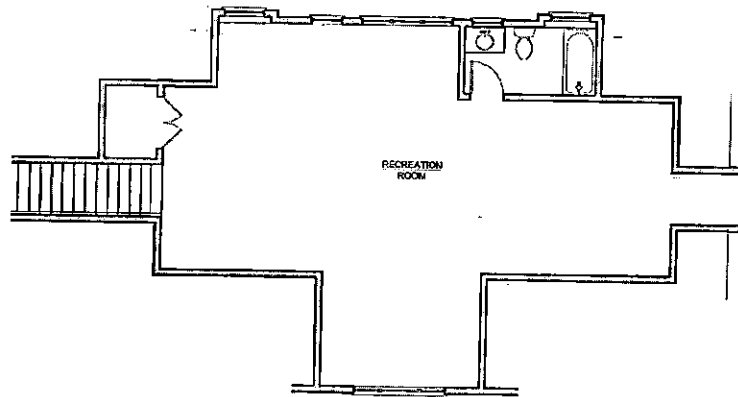
A handwritten signature in black ink, appearing to read "John E. Beverungen".

John E. Beverungen, ALJ

ORDER RECEIVED FOR FILING

Date 12-8-17

By kw



RA RATCLIFFE
ARCHITECTS

Detached Garage Variance
Thayer Residence

7211 Bellona Avenue, Baltimore, MD 21212

Garage Second Floor Plan

SCALE: 1/8" = 1'-0"
DATE: 10.17.2017

COPYRIGHT © 2017 Ratcliffe Architects

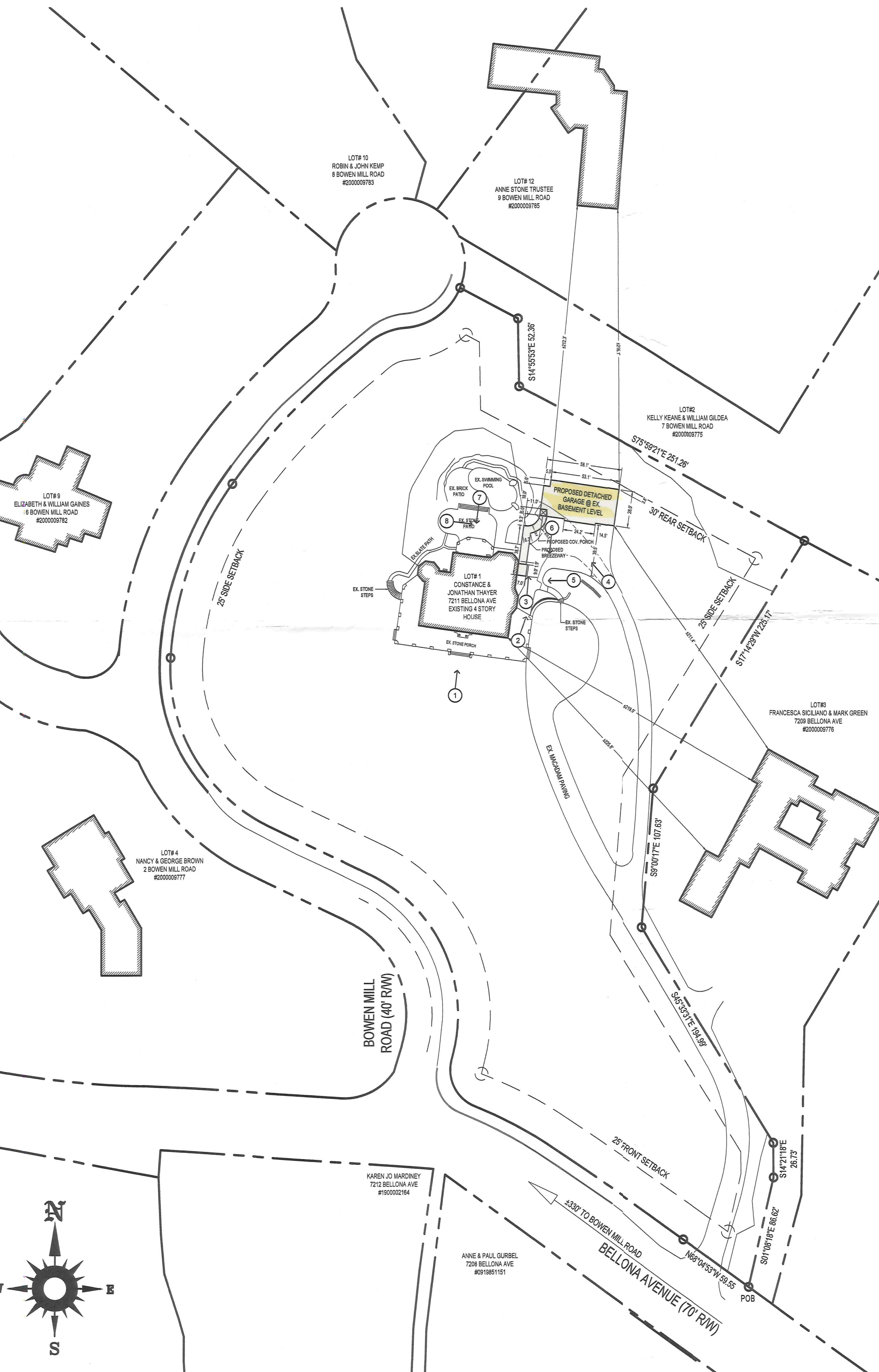
NING HEARING PLAN FOR ADMINISTRATIVE VARIANCE _____ YES

R SPECIAL HEARING _____ N/A

DRESS _____ 7211 BELLONA AVE _____ OWNER NAME _____ CONSTANCE & JONATHAN THAYER

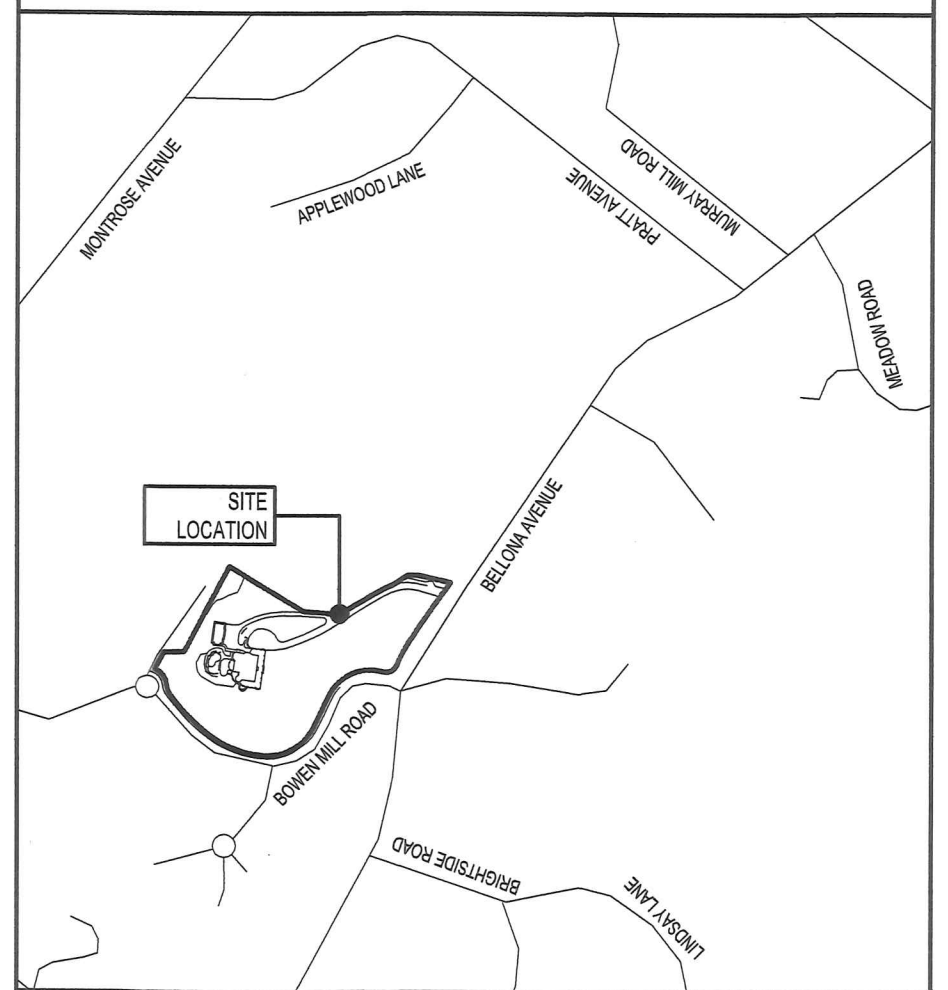
BDIVISION _____ AMEN. PLAT OAKHILL _____ LOT # _____ 1 _____ MAP# _____ 0069 _____ GRID # _____ 0023 _____ PARCEL# _____ 0171

AT BOOK # _____ 0055 _____ FOLIO # _____ 0084 _____ 10 DIGIT TAX # _____ 2000009774 _____ DEED REF # _____ 18213 / 669



VICINITY MAP

1"=500'



ZONING MAP _____ 0069

SITE ZONED _____ DR1

ELECTION DISTRICT _____ 9

COUNCIL DISTRICT _____ 2

LOT AREA ACREAGE _____ 4.45

OR SQUARE FEET _____ N/A

HISTORIC _____ NO

IN CBCA _____ NO

IN FLOOD PLAIN _____ NO

UTILITIES MARK WITH "X"

WATER IS:
PUBLIC ☒ PRIVATE _____

SEWER IS:
PUBLIC ☒ PRIVATE _____

PRIOR HEARING _____ NO

IF SO GIVE CASE NUMBER

AND SHOW RESULT BELOW

_____ N/A

_____ N/A

_____ N/A

_____ N/A



RATCLIFFE
ARCHITECTS

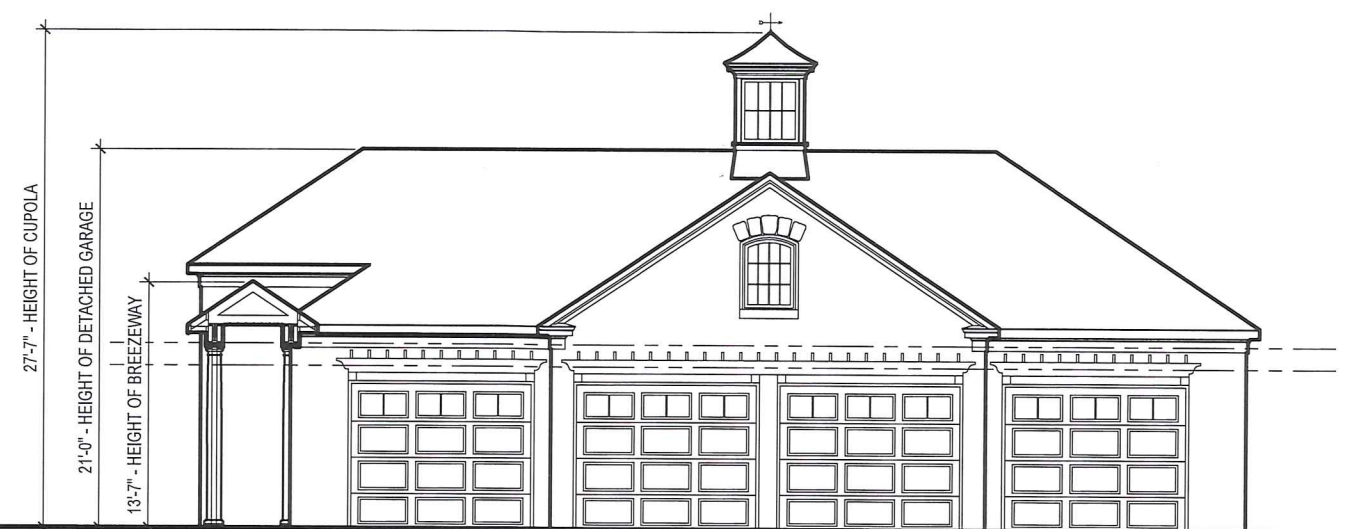
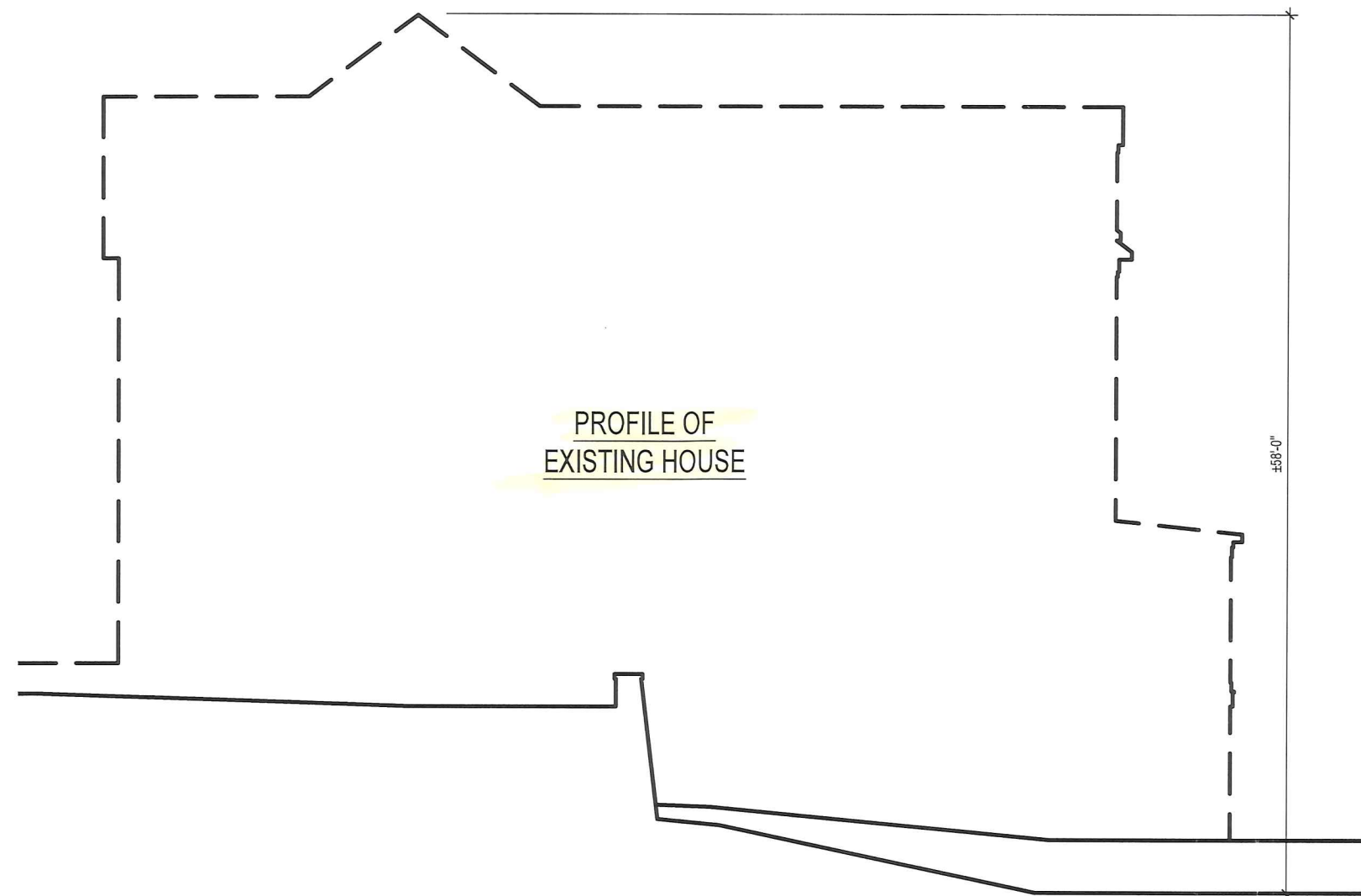
Detached Garage Variance
Thayer Residence

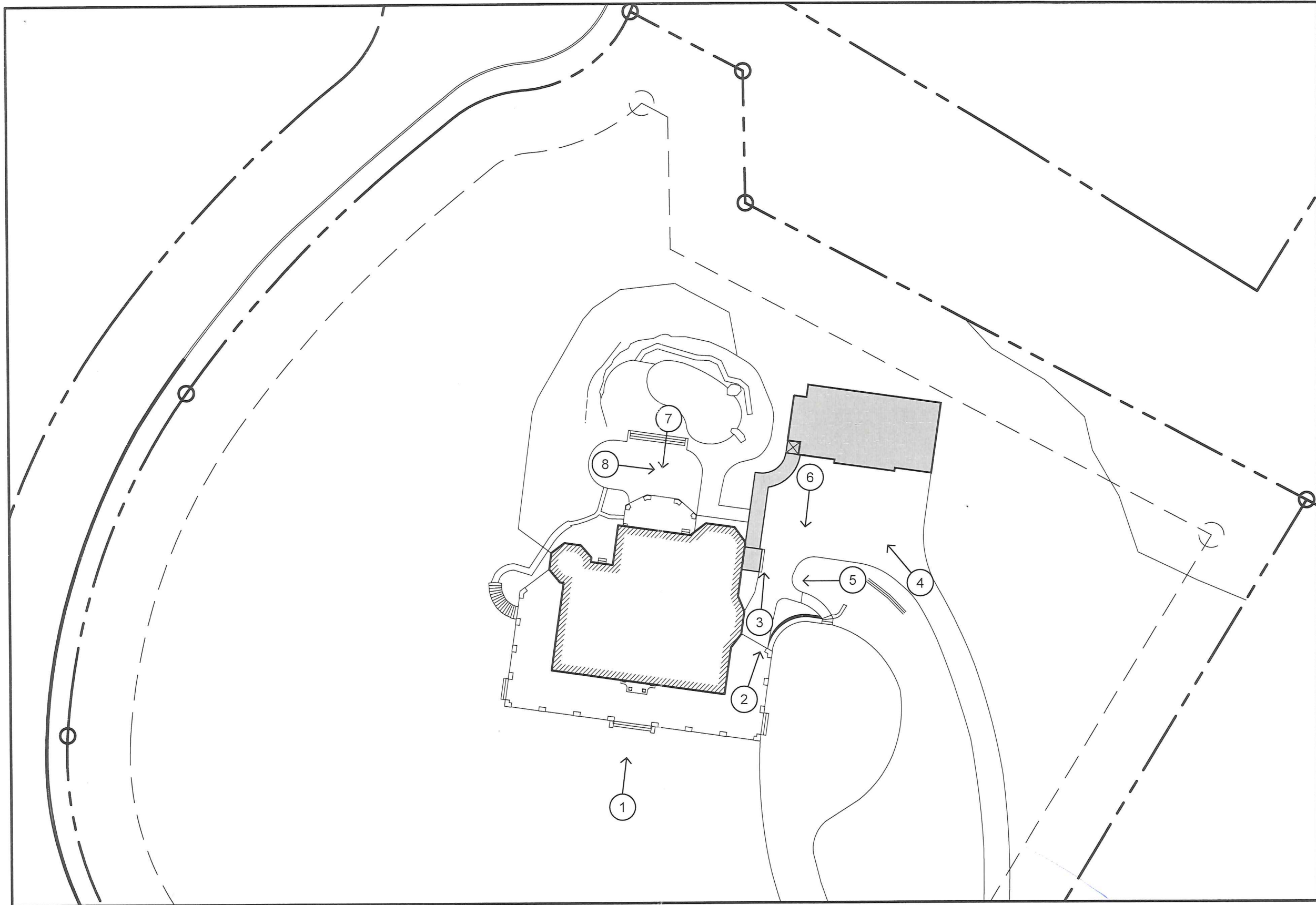
7211 Bellona Avenue, Baltimore, MD
21212

ARCHITECTURAL SITE PLAN

SCALE: 1" = 60'
DRAWN BY: ROBERT SHUMAN
DATE: 10.23.2017
COPYRIGHT © 2017 Ratcliffe Architects

Ret. Exp. 1





RATCLIFFE
ARCHITECTS

Detached Garage Variance
Thayer Residence

7211 Bellona Avenue, Baltimore, MD 21212

SITE PHOTO REFERENCE PLAN

SCALE: 1" = 40'
10.17.2017

2018-0116-A

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#1



#2



#3



#4



#5



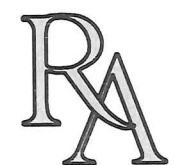
#6



#7



#8



RATCLIFFE
ARCHITECTS

Detached Garage Variance Thayer Residence

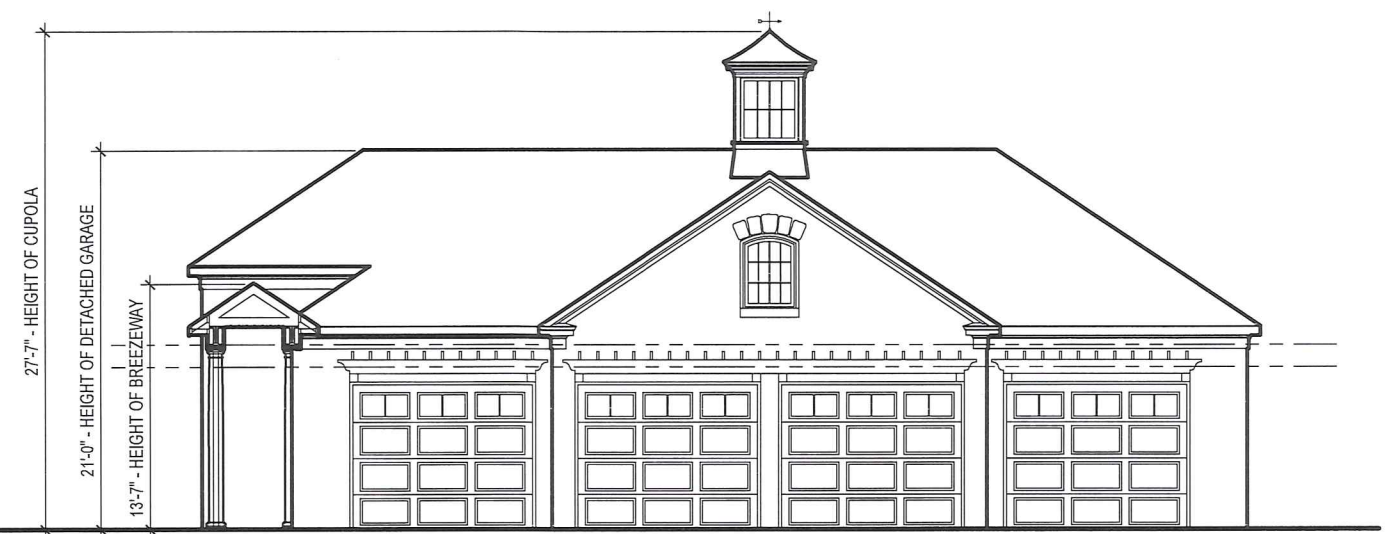
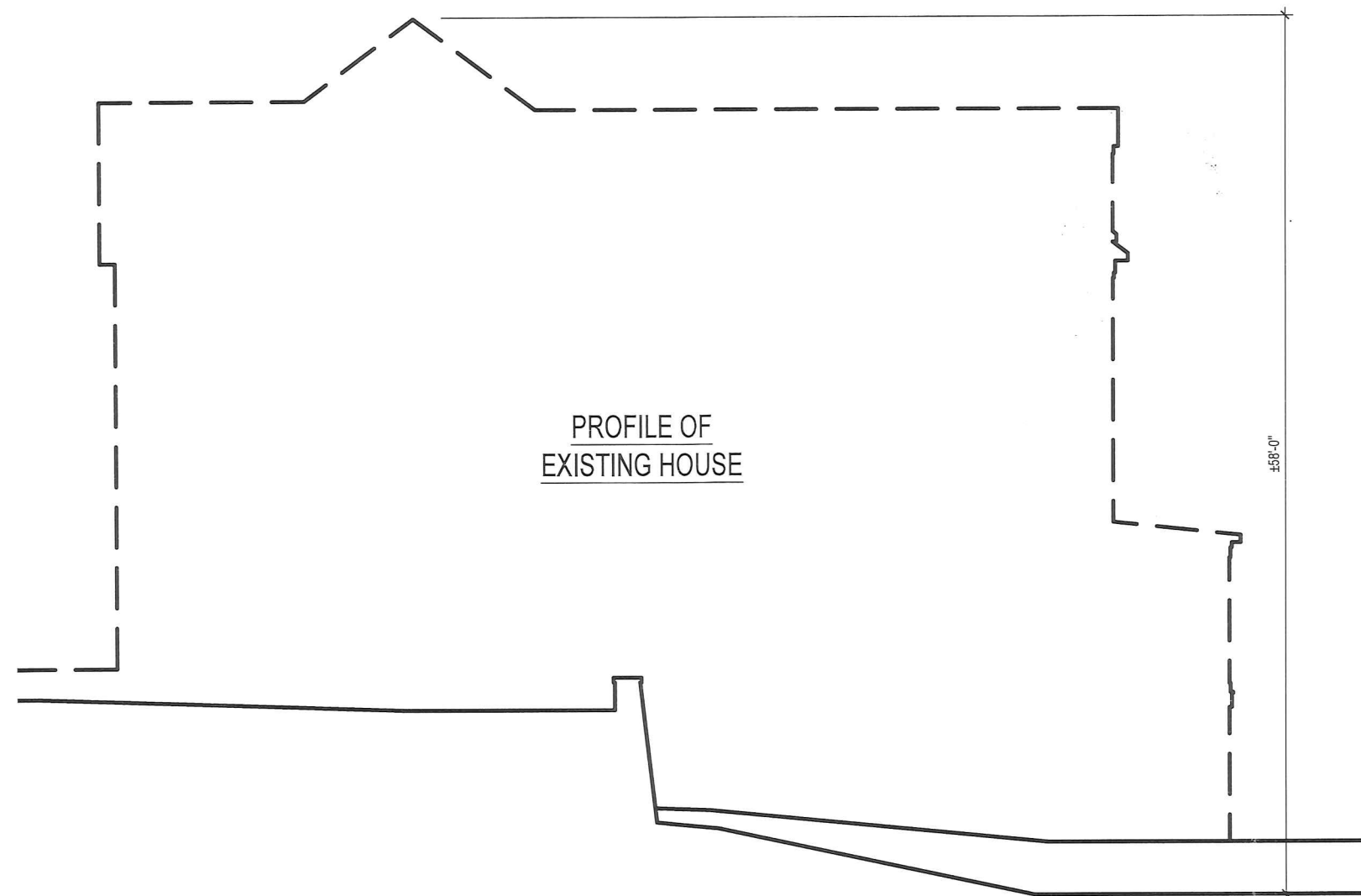
7211 Bellona Avenue, Baltimore, MD 21212

SITE PHOTOS

SCALE: N.T.S.
10.17.2017

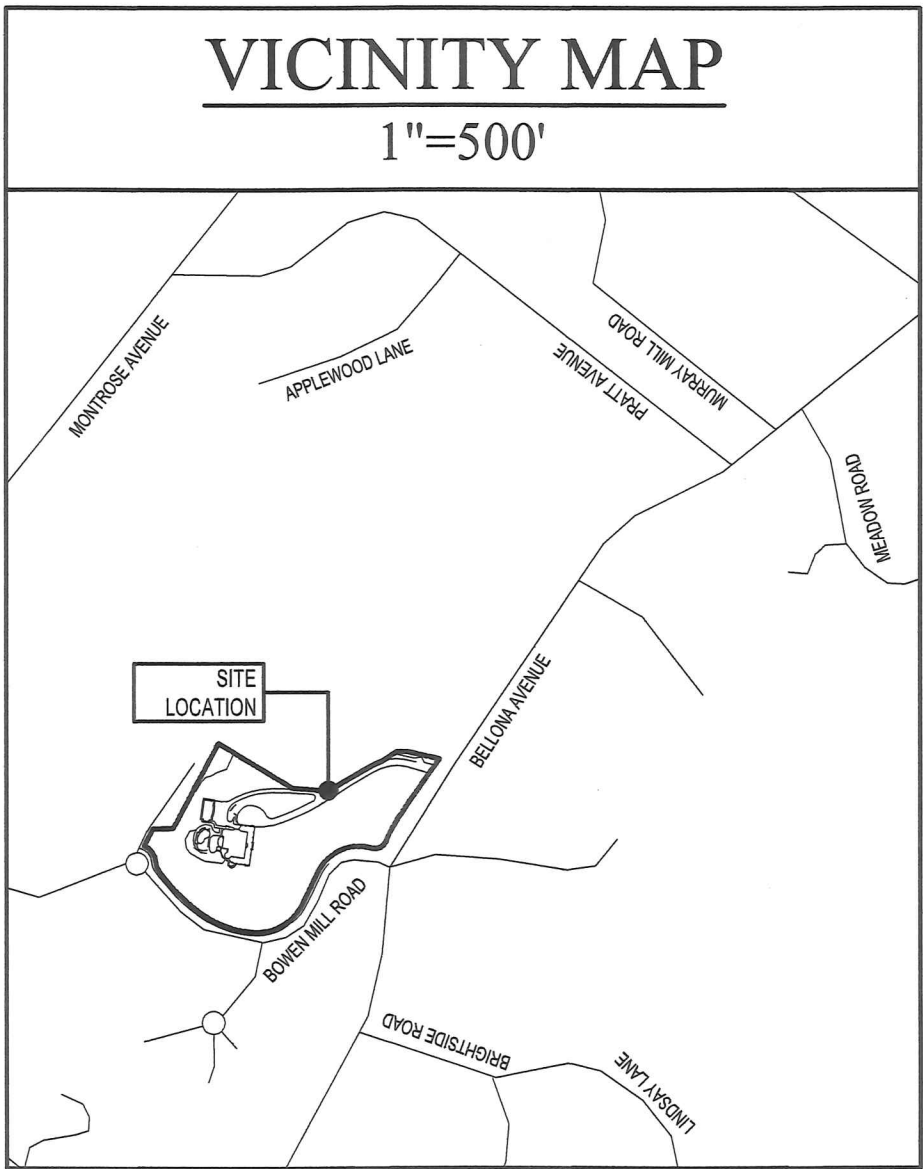
2018-0116-A

COPYRIGHT © 2017 Ratcliffe Architects

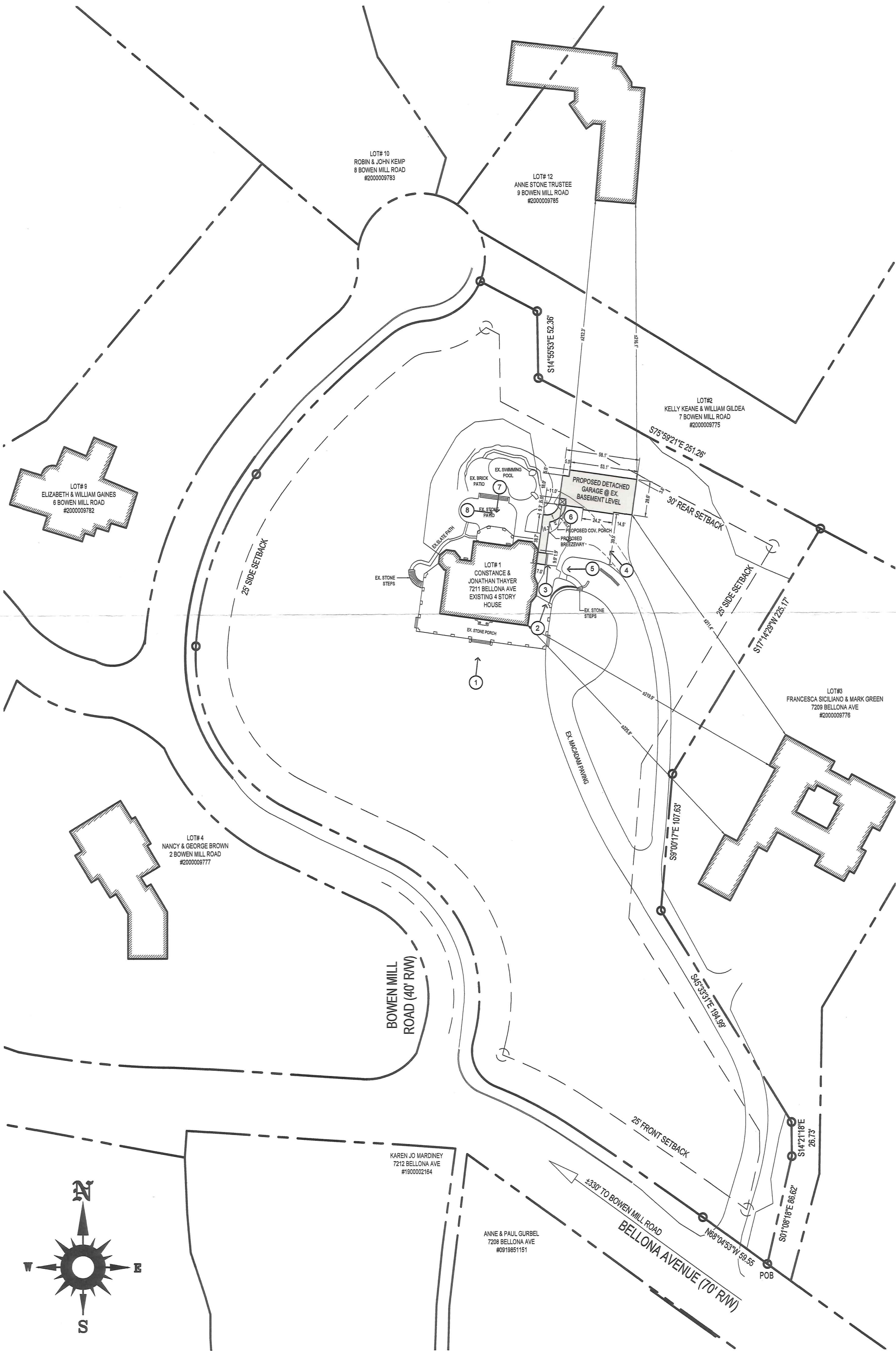


ZONING HEARING PLAN FOR ADMINISTRATIVE VARIANCE _____ YES
FOR SPECIAL HEARING _____ N/A

ADDRESS _____ 7211 BELLONA AVE _____ OWNER NAME _____ CONSTANCE & JONATHAN THAYER
SUBDIVISION _____ AMEN. PLAT OAKHILL _____ LOT # _____ 1 _____ MAP# _____ 0069 _____ GRID # _____ 0023 _____ PARCEL# _____ 0171
PLAT BOOK # _____ 0055 _____ FOLIO # _____ 0084 _____ 10 DIGIT TAX # _____ 2000009774 _____ DEED REF # _____ 18213 / 669



ZONING MAP _____ 0069
SITE ZONED _____ DR1
ELECTION DISTRICT _____ 9
COUNCIL DISTRICT _____ 2
LOT AREA ACREAGE _____ 4.45
OR SQUARE FEET _____ N/A
HISTORIC _____ NO
IN CBCA _____ NO
IN FLOOD PLAIN _____ NO
UTILITIES MARK WITH "X"
WATER IS: PUBLIC ☒ PRIVATE _____
SEWER IS: PUBLIC ☒ PRIVATE _____
PRIOR HEARING _____ NO
IF SO GIVE CASE NUMBER _____
AND SHOW RESULT BELOW _____



RATCLIFFE
ARCHITECTS

Detached Garage Variance
Thayer Residence
7211 Bellona Avenue, Baltimore, MD
21212

ARCHITECTURAL SITE PLAN
SCALE: 1" = 60'
DRAWN BY: ROBERT SHUMAN
DATE: 10.23.2017
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Baltimore County - My Neighborhood



October 19, 2017

- Legend
- | | | | |
|--|------------------------|--|-----------------|
| | <all other values> | | Zoning |
| | RESIDENTIAL BUILDING | | Property |
| | INSTITUTIONAL BUILDING | | County Boundary |
| | COMMERCIAL BUILDING | | |
| | House Numbers | | |
| | Zoning History Cases | | |

0 0.015 Miles
1 inch = 188 feet

2018-0116-A