

USE PERMIT



IT IS ORDERED by the Director of the Department of Permits, Approvals and Inspections of Baltimore County, this 23 day of April, 2019, that Steve and Roberta Shaw located at 7313 Bellona Ave should be and the

(Individual or business name)
(Street address)

same is hereby granted permission to operate at: In Law Suite
April 23, 2019 Thru April 23, 2021

181932
Permit (or Receipt) Number

Mike Miller
Director, Permits, Approvals and Inspections

Planner's Initials CF

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this 12th day of March 2019, by and between Steven R. Shaw and Roberta J. Shaw (hereinafter referred to as the "Declarants") and the Department of Permits, Approvals and Inspections (hereinafter referred to as "PAI").

Recitals

A. The Declarants who are also the owners of this property have filed an application for a use permit and hearing to convert an existing attached garage to an in-law suite (accessory apartment) within the principal dwelling. This space will consist of a living room, bedroom, kitchen, and bathroom. The property being located at: 7313 Bellona Avenue, Baltimore 21212 and is more particularly described by metes and bounds in Exhibit A (The Property) and Exhibit B (The use permit or hearing plans) attached hereto and made a part hereof. The property is zoned DR 1, which is the particular zone in which the property is located.

B. PAI (or) The Administrative Law Judge has approved the Declaration request to create an Accessory Apartment complete with dedicated bathing and cooking facilities, located on this owner-occupied property. The accessory apartment will be the housing for the property owners, Steven R. Shaw and Roberta J Shaw. The other residents of the property are: the owners' daughter, Kathryn Saliba; the owners' son-in-law, George Saliba; and the owners' granddaughter, Lillian Saliba. These three immediate family members will occupy the main living portion of the dwelling. The use permit must be renewed with PAI every two years by filing a renewal on a PAI approved form, to be dated from the month of the initial approval.

C. As a condition of approval of the Declarant's request, Bill No. 49-11 requires the filing of this Declaration among the Land Records of Baltimore County, to provide notice to any future owners, subsequent bona fide purchasers or users of the Property that no part of any improvements or addition on the Property may be used for separate living quarters and that all such improvements shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PIA.

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledge, the Declarants and PIA hereby declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit. The kitchen for the Accessory Apartment will be constructed as part of the Property and shall be accessory to the principal use of the Property as a single-family residence. The Accessory Apartment shall house only the immediate family member(s) listed in this Declaration and it is not to be used as an independent residential unit; nor is it to be used for

LR -
Declaration/Covenant
Recording Fee 20.00
Declarant Name:
SHAW/SALIBA
Ref:
LR - Surcharge 40.00
Total 60.00
03/27/2019 02:25
CC03-LL
#11858052 CC0301 -
Baltimore
County/CC03.01.06 -

37
rja

compensation, and it shall not be used by any other person or for any other reason. The use permit and this Declaration are subject to the order, conditions or restrictions of any required zoning hearing. The hearing order is to be made part of this Declaration when it is recorded in Land Records.

2. Once the Accessory Apartment is no longer occupied by the persons named in this Declaration or if the property is sold, or the use permit has not been renewed within the 2 year temporary use permit time limit, the use permit shall terminate, and any proposed changes in occupancy to the Accessory Apartment by the property owner or subsequent purchaser shall require a new request for a use permit.

3. Upon use permit termination the permit requires removal of the second kitchen and the former Accessory Apartment space in the principal dwelling to be occupied by the Declarants or subsequent purchaser. The Declarants upon termination of the use permit will provide written notification to PAI for the closing of the Department file.

4. The covenants, conditions, and restrictions stated above shall run with and bind the Property and shall be enforceable by Baltimore County, MD and by the owners of all or any portion of the Property.

5. Enforcement of the Covenants shall be by proceedings at law or in equity against any person or persons violating or attempting to violate any of the covenants, either to restrain the violation or to recover damages.

Steven R. Shaw

Robert J. Shaw

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS: Elizabeth A. Green

Elizabeth A. Green

Monica A. Powers

Monica A. Powers

State of Maryland, County of Baltimore to wit:

I HEREBY CERTIFY that on this 12th day of March 2019, before the Subscriber, a Notary Public of State of Maryland, personally appeared Steven R. Shaw And Robert J. Shaw. The declarants herein, who are also the owners of this property, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument, and who acknowledged that they executed for the foregoing instrument for the purposes therein contained. IN WITNESS WHEREOF, have hereunto set my hand and Notarial Seal.

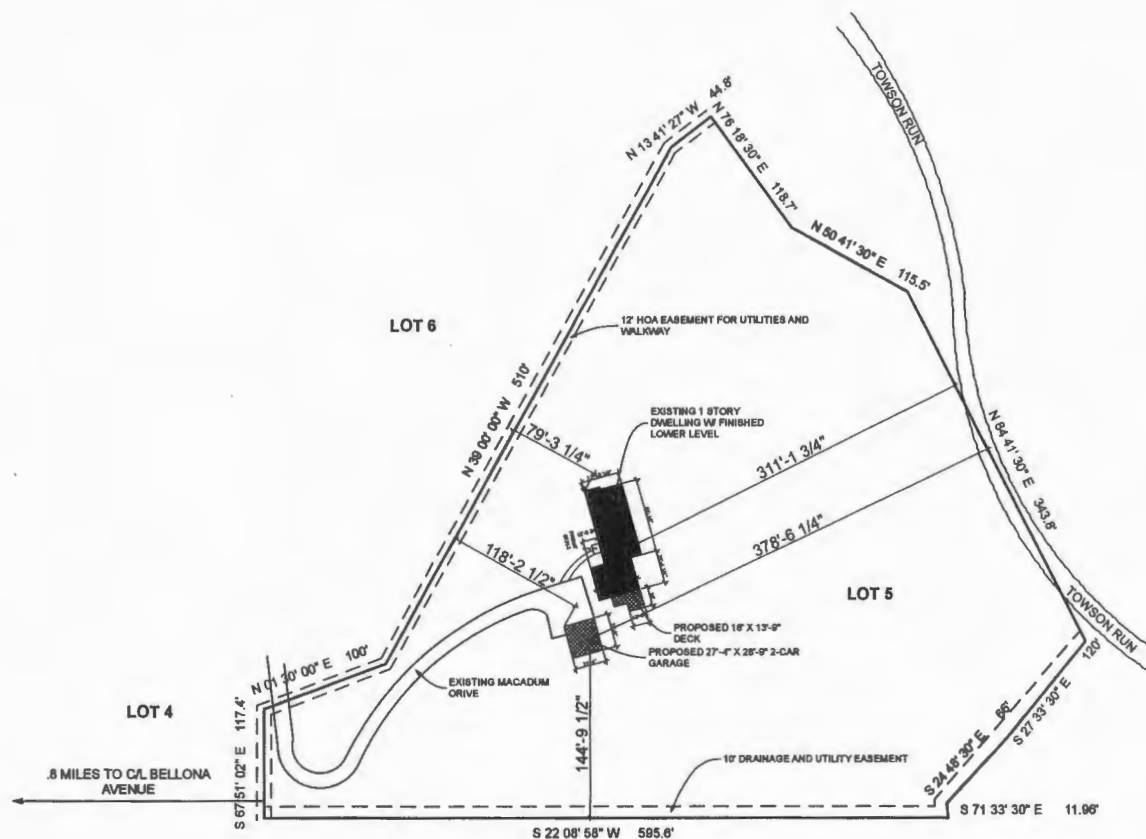
My Commission Expires:



Monica A. Powers
Notary Public

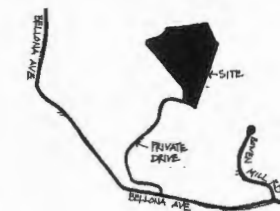
ZONING HEARING PLAN FOR VARIANCE _____ FOR SPECIAL HEARING _____

ADDRESS: 7313 BELLONA AVENUE OWNERS NAMES: STEVEN AND ROBERTA SHAW
 SUBDIVISION NAME: MARTIN'S CHOICE LOT#: 5 BLOCK#: N/A SECTION#: N/A
 PLAT BOOK#: 039 FOLIO#: 109 10 DIGIT TAX #: 1700008226 DEED REF. #: 40916/212



PLAN DRAWN BY: BRIAN THIM, CID DATE: MARCH 8, 2019 SCALE: 1" = 50'-0"

SITE VICINITY MAP



N
 MAP IS NOT TO SCALE

ZONING MAP #: 069C3

SITE ZONED: DR-1

ELECTION DISTRICT: 9

COUNCIL DISTRICT: 02

LOT ACREAGE: 6.08

OR SQ FT: 264844.8

HISTORIC? NO

IN CBCA? NO

IN FLOOD PLAIN? NO

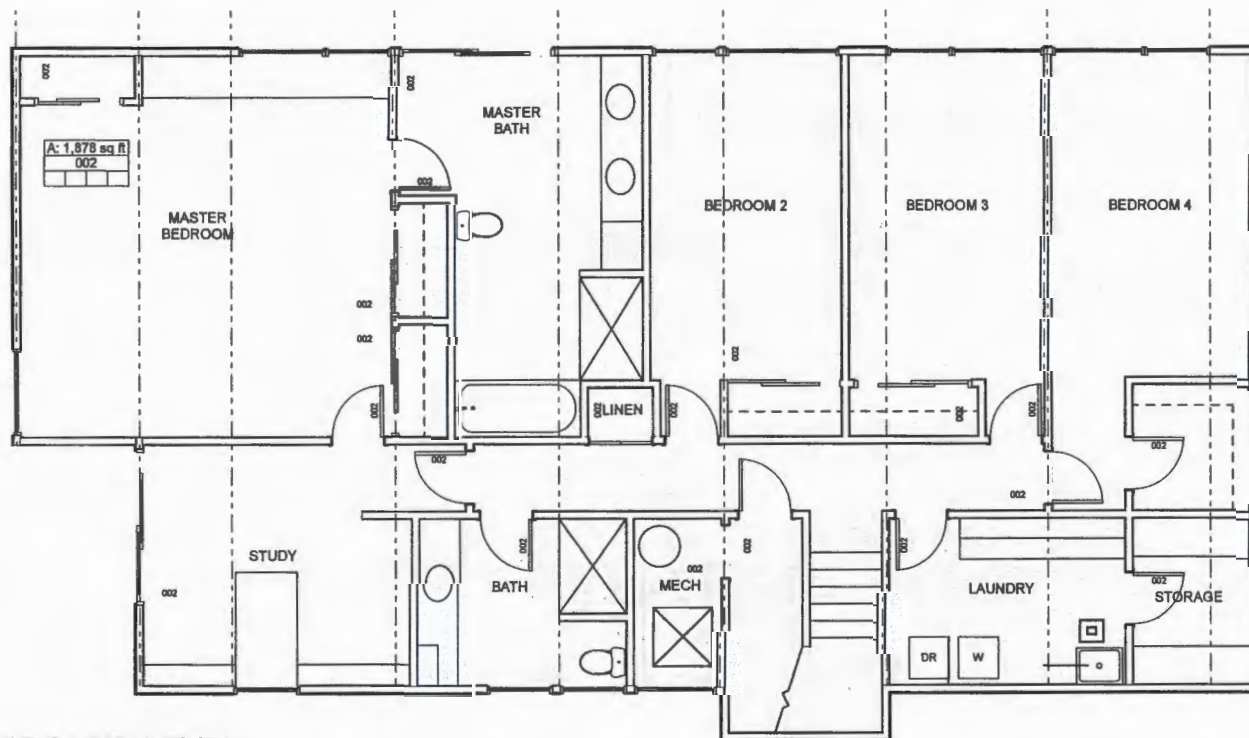
UTILITIES? MARK WITH X

WATER IS:
 PUBLIC: X PRIVATE:

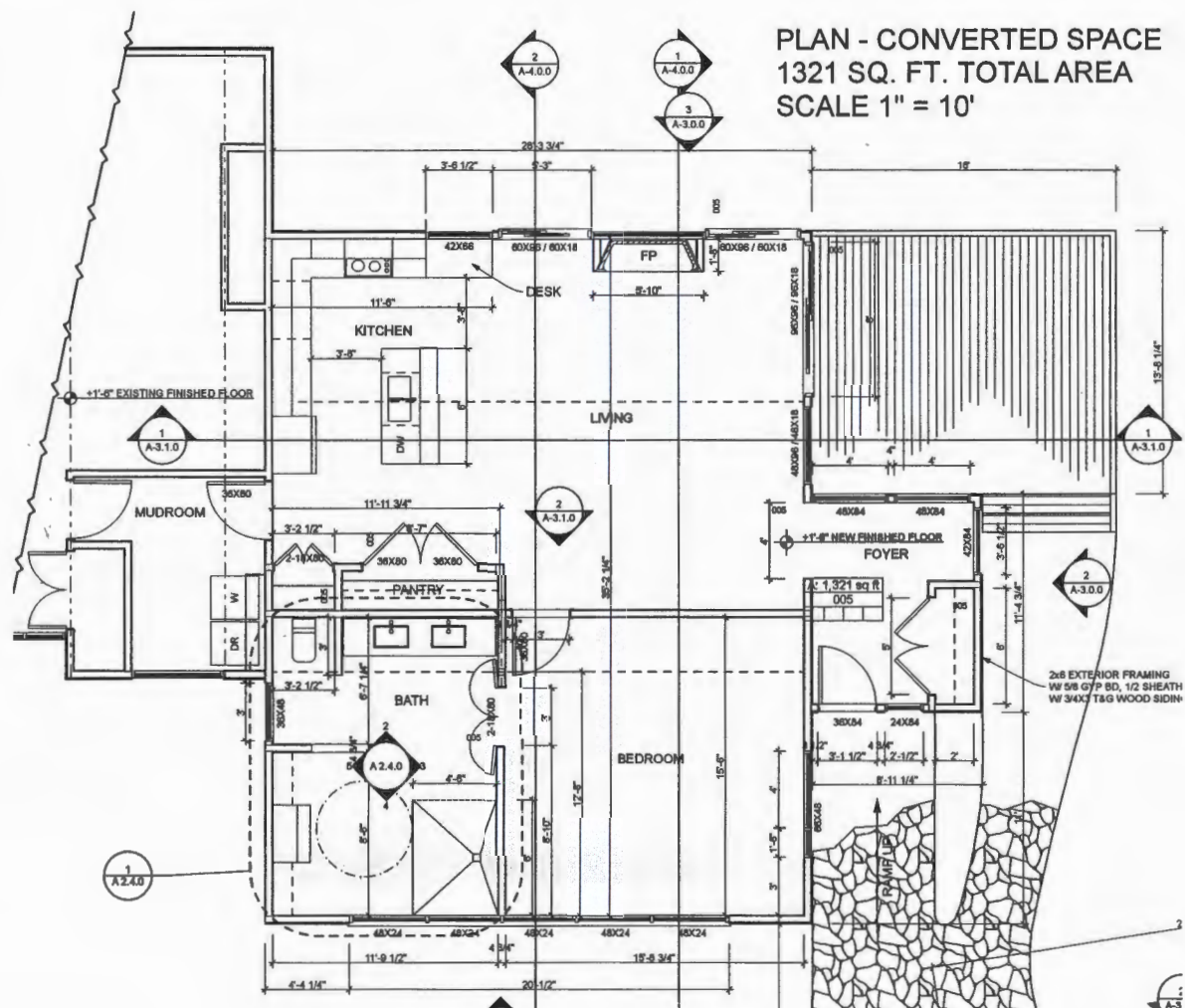
SEWER IS:
 PUBLIC: X PRIVATE

PRIOR HEARING: NO
 IF SO GIVE CASE NUMBER
 AND ORDER RESULT BELOW

VIOLATION CASE INFO:



GROUND LEVEL	1878 SQ. FT.
MAIN LEVEL	<u>3158 SQ. FT.</u>
TOTAL	5036 SQ. FT.
IN-LAW SUITE	1321 SQ. FT.
PERCENTAGE OF TOTAL SPACE - 26%	





Looking north from existing garage. Property drops significantly in grade at back of structure towards Towson Run.

Community Association Approval

See screenshot of email with Martin's Choice Association Approval to project designer Brian Thim. Please note that Mike Mangan is the Martin's Choice HOA Architectural Review Committee chair and a resident at 7309 Bellona Ave.

From: Mike Mangan [mailto:mdmangan@aol.com]

Sent: Sunday, January 27, 2019 4:04 PM

To: Brian Thim

Cc: 'Mike Mangan'

Subject: RE: Shaw Residence 7313

Brian – I have solicited approval from the Association members, and have not received any objections or concerns. The Architectural Committee hereby approves the project. Best of luck with the project. Regards, Mike

2019-0273-A

CASHIER'S VALIDATION



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 7313 Bellona Ave

Currently zoned PR-1

Deed Reference Book 409116 p 212

10 Digit Tax Account # 1700008266

Owner(s), Printed Name(s) Steven R Shaw, Trustee and Roberta J Shaw, Trustee

(SELECT THE HEARING(S) BY MARKING ☒ 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) 400.1 BCZ2 TO APPROVE AN ACCESSORY STRUCTURE (garage) in the FRONT side yard in Lieu of the Required Rear yard

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

- ☐ 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): trustee

Steven R Shaw, Trustee Roberta J Shaw, Trustee

Name #1 – Type or Print

Name #2 – Type or Print

in R 32a Trustee Roberta J Shaw, Trustee

Signature #1

Signature #2

7313 Bellona Ave Baltimore, MD

Mailing Address

City

State

21212, 505-695-9253, SRKSHAW@MSN.COM

Zip Code

Telephone #

Email Address

com

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

Representative to be contacted:

Name- Type or Print

Name – Type or Print

Signature

Signature

Mailing Address

City

State

Mailing Address

City

State

Zip Code

Telephone #

Email Address

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 2019-0273-A

Filing Date 3/19/19

Estimated Posting Date 3/31/19

Reviewer CP

Rev 5/5/2016

Zoning Petition Property Description

PART A: ZONING PROPERTY DESCRIPTION FOR 7313 Bellona Avenue Baltimore 21212.

Beginning at a point on the north side of Bellona Avenue which is 37 feet wide at a distance of 580 feet northwest of the centerline of the nearest improved intersecting street Brightside Road which is 30 feet wide.

PART B - OPTION 2 (Subdivision Lot – lot is part of record plat):

Being Lot #5, in the subdivision of Martin's Choice as recorded in Baltimore County Plat Book #39, Folio #109, containing 6.08 acres. Located in the 9th Election District and 2nd Council District.

2019-0273-1A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2019- 0273 -A Address 7313 Bellona Ave
Contact Person: Christine Fink Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3-19-19 Posting Date: 3-31-19 Closing Date: 4-15-19

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

1. **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.
2. **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.
3. **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.
4. **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 2019- 0273 -A Address 7313 Bellona Ave
Petitioner's Name Steve & Robert Shaw Telephone 505-695-9253
Posting Date: 3-31-19 Closing Date: 4-15-19
Wording for Sign: To Permit An Accessory Structure (garage) in Front
Yard in Lieu of The Required Rearyard

Revised 6/30/2019

Viewsheds from house at 7313 Bellona Aven

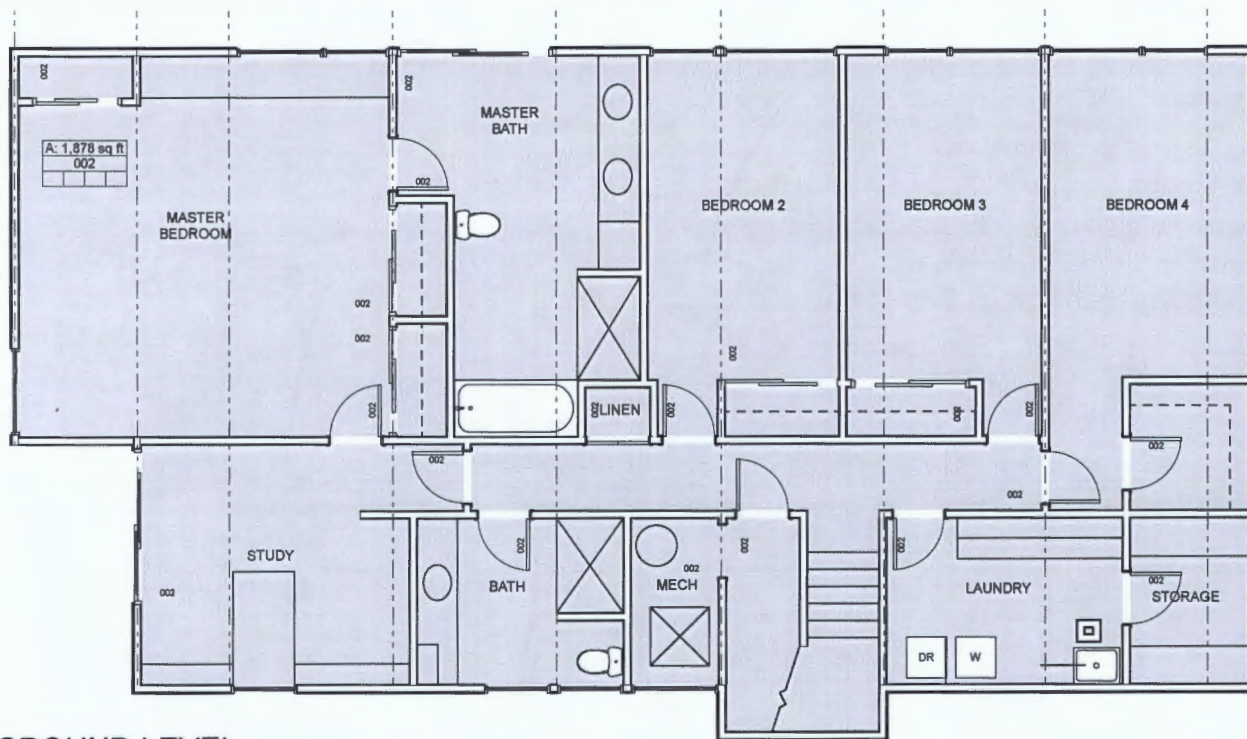


Looking south from existing garage towards 7311 and 7315 Bellona Ave. Long driveway and steep grade buffer views from adjacent properties



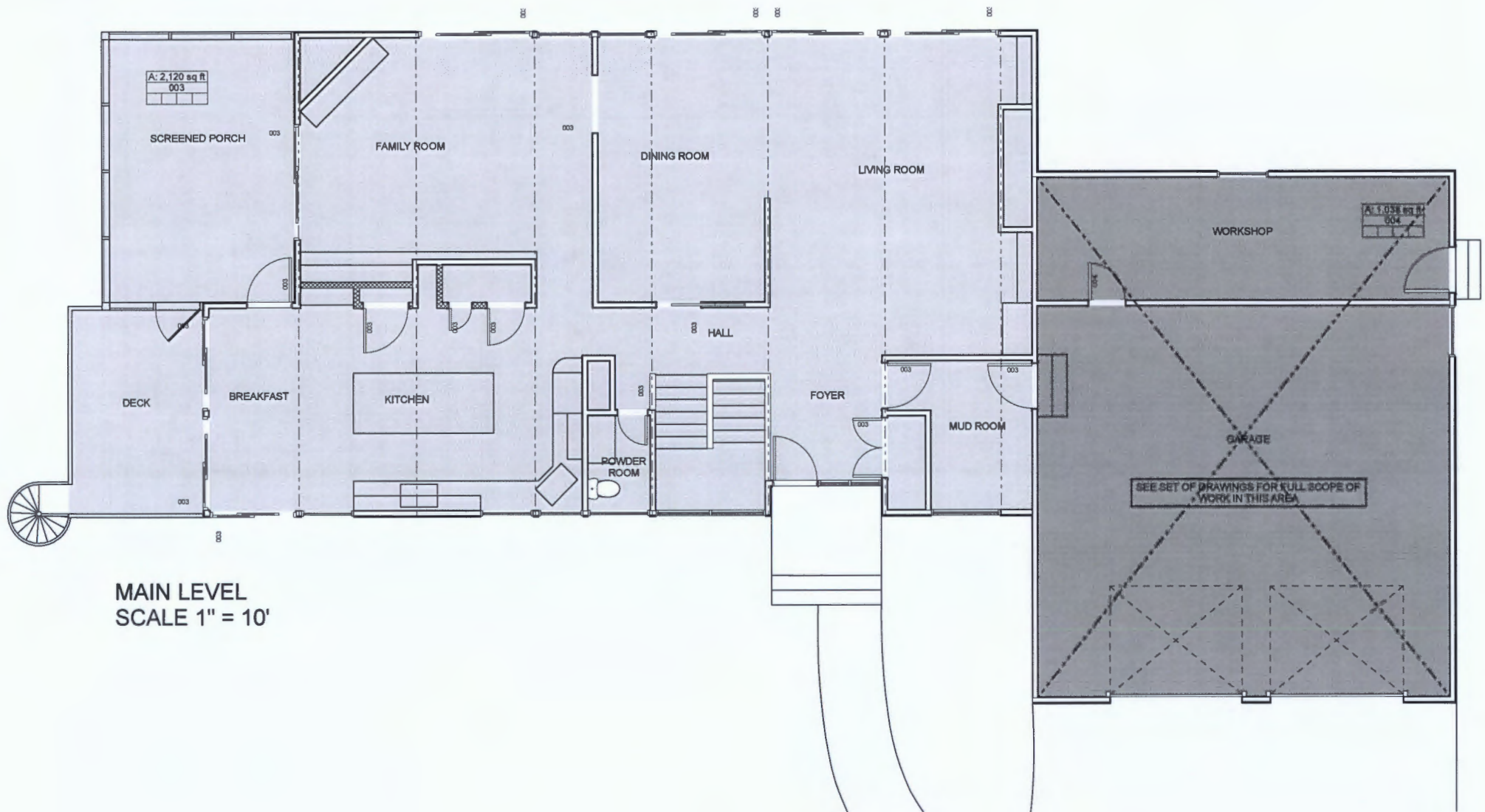
Looking east from existing garage to location of proposed two car detached garage to go where basketball hoop sits. Large, wooded hill buffers this property from adjacent property to the east.

2019-0273-A



GROUND LEVEL
SCALE 1" = 10'

GROUND LEVEL	1878 SQ. FT.
MAIN LEVEL	<u>3158 SQ. FT.</u>
TOTAL	5036 SQ. FT.
IN-LAW SUITE	1321 SQ. FT
PERCENTAGE OF TOTAL SPACE - 26%	



MAIN LEVEL
SCALE 1" = 10'

PLAN - CONVERTED SPACE
1321 SQ. FT. TOTAL AREA
SCALE 1" = 10'

Key features and dimensions include:

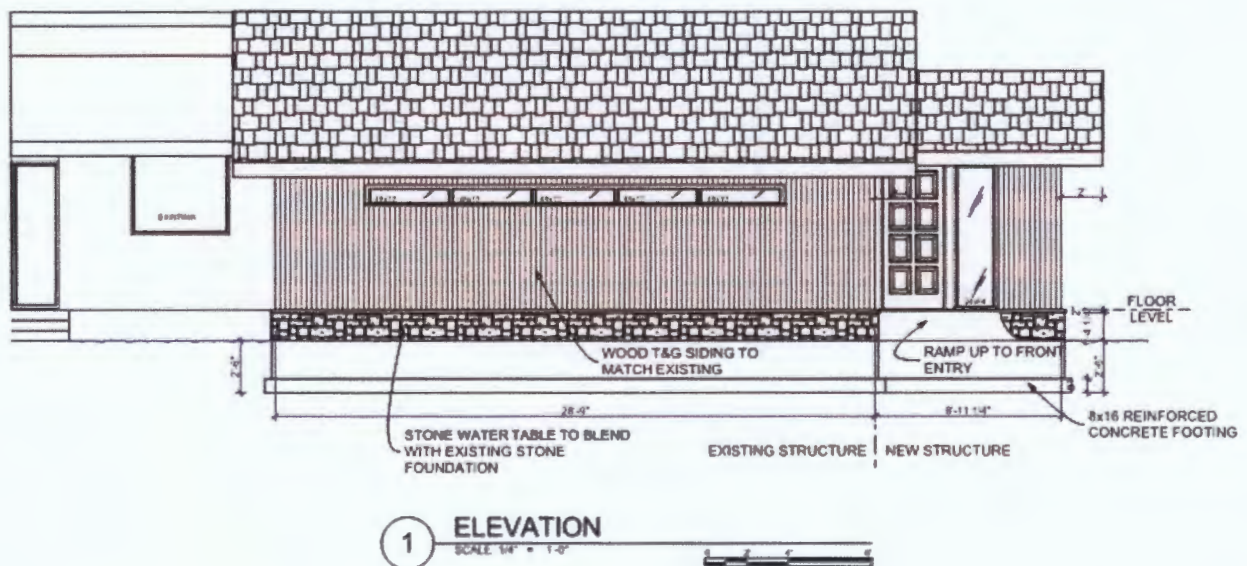
- Rooms:** KITCHEN, LIVING, DINING, FOYER, BATH, BEDROOM, MUDROOM, PANTRY, DESK, FP (Fireplace).
- Dimensions:** Overall dimensions are 28'-3 3/4" by 13'-8 1/4". Room-specific dimensions are provided throughout the plan.
- Notes:**
 - 1'-6" EXISTING FINISHED FLOOR
 - 2x6 EXTERIOR FRAMING W/ 5/8 GYP BD, 1/2 SHEATHING W/ 3/4"X T&G WOOD SIDING
 - 1. 1321 sq ft
- Orientation:** North arrow pointing towards the top of the page.

2x6 EXTERIOR FRAMING
W/ 5/8 GYP BD, 1/2 SHEATHING
W/ 3/4x3 T&G WOOD SIDING

Existing front elevation of house and attached garage



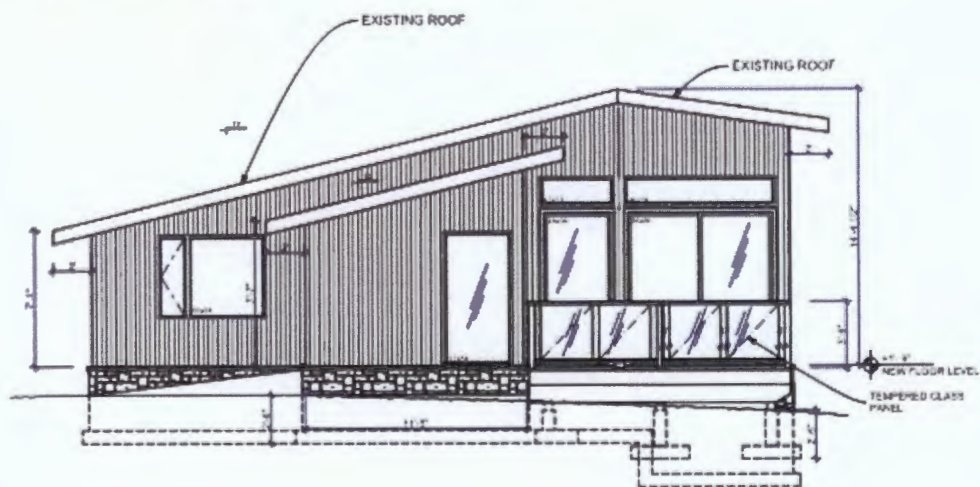
Proposed front elevation after renovation of garage area



Existing east facing elevation of garage area to be renovated



Proposed east facing elevation after renovation

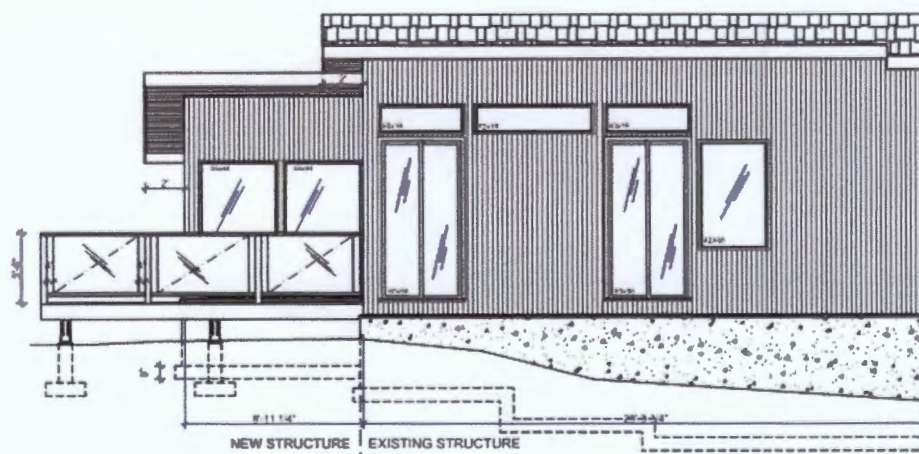


2 ELEVATION
SCALE 1/4" = 1'-0"

Existing north facing elevation of garage area to be renovated



Proposed north facing elevation after renovation



March 12, 2019

To: Ms. Jennifer Nugent
Baltimore County Department of Planning

From: George Saliba

CC: Steven and Roberta Shaw

RE: Background Information on 7313 Bellona Avenue and Design Review Panel (DRP) Applicability

Ms. Nugent,

I am writing to provide background information on a property that my wife's elderly parents own at 7313 Bellona Avenue located within the Martin's Choice community. They are in the process of applying for permits to renovate the existing attached garage into livable space and to add a new detached, two car garage. The renovation adds 102 sf of enclosed space to the existing attached garage footprint for an entry vestibule. The detached garage addition is proposed to be built just to the east of the house and is 786 sf.

Included in this package are an aerial site map with pictures and elevations showing existing conditions and proposed changes along with viewsheds from each direction. Also included is an approval email from the HOA architectural review committee which is required to review and approve the alterations per the deed covenants of the community. Multiple properties within Martin's Choice have detached garages so the addition of this garage keeps with design precedents in the community.

The house at 7313 is not visible from any public road and isn't fully visible from any adjacent dwelling unit as shown in the pictures. The community is heavily wooded, all adjacent properties are multi-acre in size, and the property sits significantly lower than adjacent properties. The designer for this project has been very conscious to design the renovated elevations to match the style of the existing house. Exterior materials for the renovation include wood tongue and groove siding and glazing to match the existing house, and wood decking and glass panels for a small outdoor deck. The materials for the new detached garage include a concrete block and CMU base with wood tongue and groove siding, and certainteed asphalt shingles to match the house along with the entry doors and side windows.

While the property falls within the Ruxton Riderwood Lake Roland Area Community Plan, it does not seem to meet the threshold of a "substantial addition or change to an existing development plan", per page 2 of the DRP handbook. The addition of the entry vestibule and the detached garage totals 888 sf. This is significantly less than 50% of the gross square footage of the existing dwelling unit, listed as 3,110 sf in SDAT, which is one of the criteria per the DRP handbook to be considered a "substantial" addition. We have received approval from the Martin's Choice HOA architectural review committee for the renovation and new detached garage. The renovated exterior elevations and detached garage will not be visible from any public road or adjacent dwelling units. The renovations and new garage have been designed in a manner to complement the character of the existing house using like materials.

For these reasons, we respectfully request a determination from Baltimore County Planning and Zoning on whether the renovation and garage addition project outlined in this package will require DRP review prior to seeking a building permit from Baltimore County.

Sincerely,

George Saliba
gmsaliba@gmail.com
520-360-0870

Attachments: Exhibits include maps, pictures, elevations, community approval email

State of Maryland Land Instrument Intake Sheet

☐ Baltimore City ☒ County: Baltimore Co
 Information provided is for the use of the Clerk's Office, State Department of Assessments and Taxation, and County Finance Office Only.
 (Type or Print in Black Ink Only—All Copies Must Be Legible)

Space Reserved for Circuit Court Clerk Recording Validation

1	Type(s) of Instruments	☐ Check Box if addendum Intake Form is Attached.)						
		☐ Deed ☐ Deed of Trust	☐ Mortgage ☐ Lease	☒ Other <u>Deed</u>	☐ Other _____			
2	Conveyance Type Check Box	☐ Improved Sale Arms-Length [1]	☐ Unimproved Sale Arms-Length [2]	☐ Multiple Accounts Arms-Length [3]	☐ Not an Arms- Length Sale [9]			
3	Tax Exemptions (if applicable) Cite or Explain Authority	Recordation _____ State Transfer _____ County Transfer _____						
4	Consideration and Tax Calculations:	Consideration Amount:			Finance Office Use Only Transfer and Recordation Tax Consideration			
Purchase Price/Consideration		\$	<u>5</u>	Transfer Tax Consideration	\$			
Any New Mortgage		\$		X () % =	\$			
Balance of Existing Mortgage		\$		Less Exemption Amount	\$			
Other:		\$		Total Transfer Tax	\$			
Other:		\$		Recordation Tax Consideration	\$			
Full Cash Value:		\$		X () per \$500 =	\$			
		TOTAL DUE			\$			
5	Fees <u>DEC</u>	Amount of Fees		Doc. 1	Doc. 2	Agent: <u>KP</u> Tax Bill: C.B. Credit: Ag. Tax/Other:		
Recording Charge		\$		\$				
Surcharge		\$		\$				
State Recordation Tax		\$		\$				
State Transfer Tax		\$		\$				
County Transfer Tax		\$		\$				
Other		\$		\$				
Other		\$		\$				
6	Description of Property SDAT requires submission of all applicable information. A maximum of 40 characters will be indexed in accordance with the priority cited in Real Property Article Section 3-104(g)(3)(i).	District	Property Tax ID No. (1)	Grantor Liber/Folio	Map	Parcel No.	Var. LO	
<u>09</u>		<u>1700008226</u>	<u>40916-212</u>					
Subdivision Name		Lot (3a)	Block (3b)	Sect/AR (3c)	Plat Ref.	SqFt/Acreage		
Location/Address of Property Being Conveyed (2)								
<u>7313 Bellona Avenue Baltimore MD 21212</u>								
Other Property Identifiers (if applicable)						Water Meter Account No.		
Residential ☒ or Non-Residential ☐ Fee Simple ☒ or Ground Rent ☐ Amount: _____ Partial Conveyance? ☐ Yes ☒ No Description/Amt. of SqFt/Acreage Transferred: _____								
If Partial Conveyance, List Improvements Conveyed: _____								
7		Transferred From	Doc. 1 – Grantor(s) Name(s)			Doc. 2 – Grantor(s) Name(s)		
			<u>Steven R. Shaw</u> <u>Roberta J. Shaw</u>					
		Doc. 1 – Owner(s) of Record, if Different from Grantor(s)			Doc. 2 – Owner(s) of Record, if Different from Grantor(s)			
8	Transferred To	Doc. 1 – Grantee(s) Name(s)			Doc. 2 – Grantee(s) Name(s)			
		<u>Dept of Permits, Approvals, & Inspections</u>						
		New Owner's (Grantee) Mailing Address						
9	Other Names to Be Indexed	Doc. 1 – Additional Names to be Indexed (Optional)			Doc. 2 – Additional Names to be Indexed (Optional)			
10	Contact/Mail Information	Instrument Submitted By or Contact Person					☒ Return to Contact Person	
		Name: <u>Steven R Shaw</u>					☐ Hold for Pickup	
		Firm _____						
		Address: <u>7313 Bellona Ave</u> <u>Baltimore MD 21212</u> Phone: <u>(505)-695-9253</u>					☐ Return Address Provided	
11	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER Will the property being conveyed be the grantee's principal residence? ☒ Yes ☐ No Does transfer include personal property? If yes, identify: _____							