



JOHN A. OLSZEWSKI, JR.
County Executive

PAUL M. MAYHEW
Managing Administrative Law Judge
MAUREEN E. MURPHY
Administrative Law Judge

October 23, 2023

David H. Gracias – graciasfamily@yahoo.com
Rael A. Gracias
6916 Bellona Avenue
Baltimore, MD 21212

RE: Petition for Administrative Variance
Case No. 2023-0162-A
Property: 6916 Bellona Avenue

Dear Petitioners:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

Pursuant to Baltimore County Code § 32-3-401(a), "a person aggrieved or feeling aggrieved" by this Decision and Order may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in dark ink that reads "Maureen E. Murphy". The signature is fluid and cursive, with the first name "Maureen" being more prominent.

MAUREEN E. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlw

Enclosure

C: Ally Marie, Allie Marie Custom Designs – allymariecustomdesigns@gmail.com

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(6916 Bellona Avenue)		
9th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
David & Rael Gracias	*	HEARINGS FOR
Petitioners	*	BALTIMORE COUNTY
	*	CASE NO. 2023-0162-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (“OAH”) as a Petition for Administrative Variance filed by the legal owners of the property, David and Rael Gracias (“Petitioners”) for the property located at 6916 Bellona Avenue, (the “Property”). The Petitioners are requesting Variance relief from the Baltimore County Zoning Regulations (“BCZR”), §1B02.3.C.1: to permit a rear yard dwelling addition with a 10 ft. rear setback in lieu of the required 30 ft. The Property and requested relief are more fully depicted on the site plan that was marked and accepted into evidence (the “Site Plan”). (Pet. Ex. 1). Street view photographs were marked and accepted into evidence. (Pet. Ex. 2A-2G). There were no adverse Zoning Advisory Committee (“ZAC”) comments submitted by any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on September 16, 2023, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented. The Petitioners have filed the supporting affidavits as required by §32-3-303 of the Baltimore County Code (“BCC”).

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 BCZR, §307.1. Furthermore, strict compliance with the BCZR would result in practical difficulty and/or unreasonable hardship upon the Petitioners. I also find that the requested relief is within the spirit and intent of the BCZR, particularly in light of the lack of opposition.

Pursuant to the posting of the property and the provisions of both the BCC and the BCZR, and for the reasons given above, the requested Variance will be granted.

THEREFORE, IT IS ORDERED, this 23rd day of **October, 2023**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance from the BCZR§1B02.3.C.1: to permit a rear yard dwelling addition with a 10 ft. rear setback in lieu of the required 30 ft., be and it is hereby **GRANTED**.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for their appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



MAUREEN M. MURPHY
Administrative Law Judge
for Baltimore County

MEM:dlm



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 6916 Bellona Ave, Baltimore, MD 21212 Currently Zoned 5.5
Deed Reference 3551 / 0055 10 Digit Tax Account # 0 9 1 8 3 0 0 1 2 0
Owner(s) Printed Name(s) David H. Gracias and Rael A. Gracias

(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:

1. X **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR: 1B02.3.C.1. → To permit a rear yard addition with a 10' rear setback in lieu of the required 30'.

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

2. **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 zoning regulations of Baltimore County, to the zoning 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):

David H. Gracias		Rael A. Gracias	
Name #1 – Type or Print		Name #2 – Type or Print	
		<u>Rael Gracias</u>	
Signature #1		Signature #2	
6916 Bellona Ave		Baltimore MD	
Mailing Address		City State	
21212 / 4433868260		graciasfamily@yahoo.com	
Zip Code Telephone #'s (Cell and Home)		Email Address	

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

Name - Type or Print _____
Signature _____
Mailing Address _____ City _____ State _____
Zip Code _____ Telephone # _____ Email Address _____

Representative to be Contacted:

Ally Marie, Allie Marie Custom Designs
Name - Type or Print _____
Signature
41 Regester Ave, Baltimore MD
Mailing Address _____ City _____ State _____
21212 / 4435625088 allymariecustomdesigns@gmail.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 2023-0167-A Filing Date 8 / 3 / 23 Estimated Posting Date 8 / 13 / 23 Reviewer JSS

Revised 8/2022

6916 Bellona Avenue

(09-18-300120)

2023-0162-A

Property Description

Located on the South corner of the intersection of Bellona Avenue (55' row), and Haddon Avenue (45' row).

BEGINNING FOR THE SAME at a pipe now set at a point of intersection on the southwest side of Bellona Avenue and the Southeast side of Haddon Avenue now widened to 40 feet; thence running and binding on the southeast side of Haddon Avenue South 28 degrees 29 minutes West 250 feet to a pipe set at the Northeast side of a 20 foot avenue; thence running and binding on Northeast side of said 20 foot avenue, with the use thereof in common, South 44 degrees 3 minutes East 106.21 feet to a pipe set at the southwest corner of Lot No. 3 of Woodbrook Highlands No. 2, said Plat being filed among the Land Records of Baltimore County in Plat Book No. 1, folio 207, thence running and binding on said Lot No. 3 and parallel to Haddon Avenue North 28 degrees 29 minutes East 253.84 feet to a pipe on the southwest side of Bellona Avenue, thence running and binding on the side of Bellona Avenue North 44 degrees 43 minutes West 46.33 feet and North 47 degrees 13 minutes West 58.85 feet to the place of beginning.

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: 6916 Bellona Ave	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)**

We would like to request permission to construct a room at the exterior of our house on Bellona Ave. We have lived here since 2007, and our house is relatively modest in size. As the size of our family has increased (growing child and dog) and with the new home office expectations following the recent COVID pandemic, we have encountered some hardship and need some additional space for a home office/room.

We only seek to add a small extension at the rear of the house which is already fenced in and at a fair distance on the interior of the fence on our property.

Please accept our hardship request for building this extension. We thank you in advance for your kind consideration to this matter. Sincerely, David & Rael Gracias

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


Signature of Owner (Affiant)

DAVID H. GRACIAS
Name - Print or Type


Signature of Owner (Affiant)

RAEL A. GRACIAS
Name - Print or Type

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

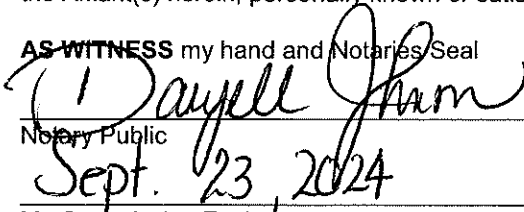
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26 day of July, 2023, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: David H Gracias Rael A Gracias

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

AS WITNESS my hand and Notaries Seal


Notary Public

Sept. 23, 2024
My Commission Expires

DANYELL JOHNSON Notary Public Baltimore City Maryland My Commission Expires Sept. 23, 2024

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

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2023-0162-A Address 6916 BELLONA AVENUE

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/3/23 Posting Date: 8/13/23 Closing Date: 8/28/23

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.

Petitioner: This Part of the Form is for the Sign Poster Only. (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2023-0162-A Address 6916 BELLONA AVENUE

Petitioner's Name: GRACIAS Telephone (Cell): ALLY MARIE 443-562-5088

Posting Date: 8/13/23 Closing Date: 8/28/23

Wording for Sign _____

_____ To permit a rear yard addition with a 10' rear setback in lieu of the required 30'. _____

Revised 1/2022

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: 2023-0162-A
Property Address: 6916 BELLONA AVENUE
Legal Owners (Petitioners): DAVID + RAEL GRACIAS
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): ALLY MARIE, ALLIE MARIE CUSTOM DESIGNS
Address: 41 REGISTER AVE.
BALTIMORE, MD 21212

Telephone Number: 443-562-5088

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

Revised 3/2022

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Paul M. Mayhew; Managing Administrative Law Judge
Office of Administrative Hearings

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

DATE: August 22, 2023

SUBJECT: DEPS Comment for Zoning Item # 2023-0162-A
Address: 6916 BELLONA AVE
Legal Owner: David & Rael Gracias

Zoning Advisory Committee Meeting of August 14, 2023.

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

Additional Comments:

Reviewer: Earl D. Wrenn

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

No. 222573

Date: 8/3/23

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		650				\$ 75.00

Total: \$ 75.00

Rec:
 From: GRACIAS

For: 2023-0162-A

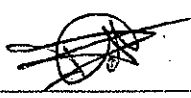
6916 BELLONA AVE.

JSS 23-0698

DISTRIBUTION

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

**CASHIER'S
 VALIDATION**

DAVID GRACIAS 6916 BELLONA AVE BALTIMORE, MD 21212		7-163-520 EZShield™ Check Fraud Protection	2612 7/26 23
Pay To The Order Of <u>BALTIMORE COUNTY</u>		\$ <u>75/-</u>	
<u>Seventy five only</u>		Dollars	
BANK OF AMERICA ACH R/T 052001633 6916 Bellona Ave			
For <u>Zoning Variance fee</u>		MP	
⑆052001633⑆ 004464461388⑈ 2612			



1st Sign
 Posted @ 6916 Bellona Avenue ~ 9/16/2023
CASE # 2023-0162-A

2nd Sign

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 9/16/2023

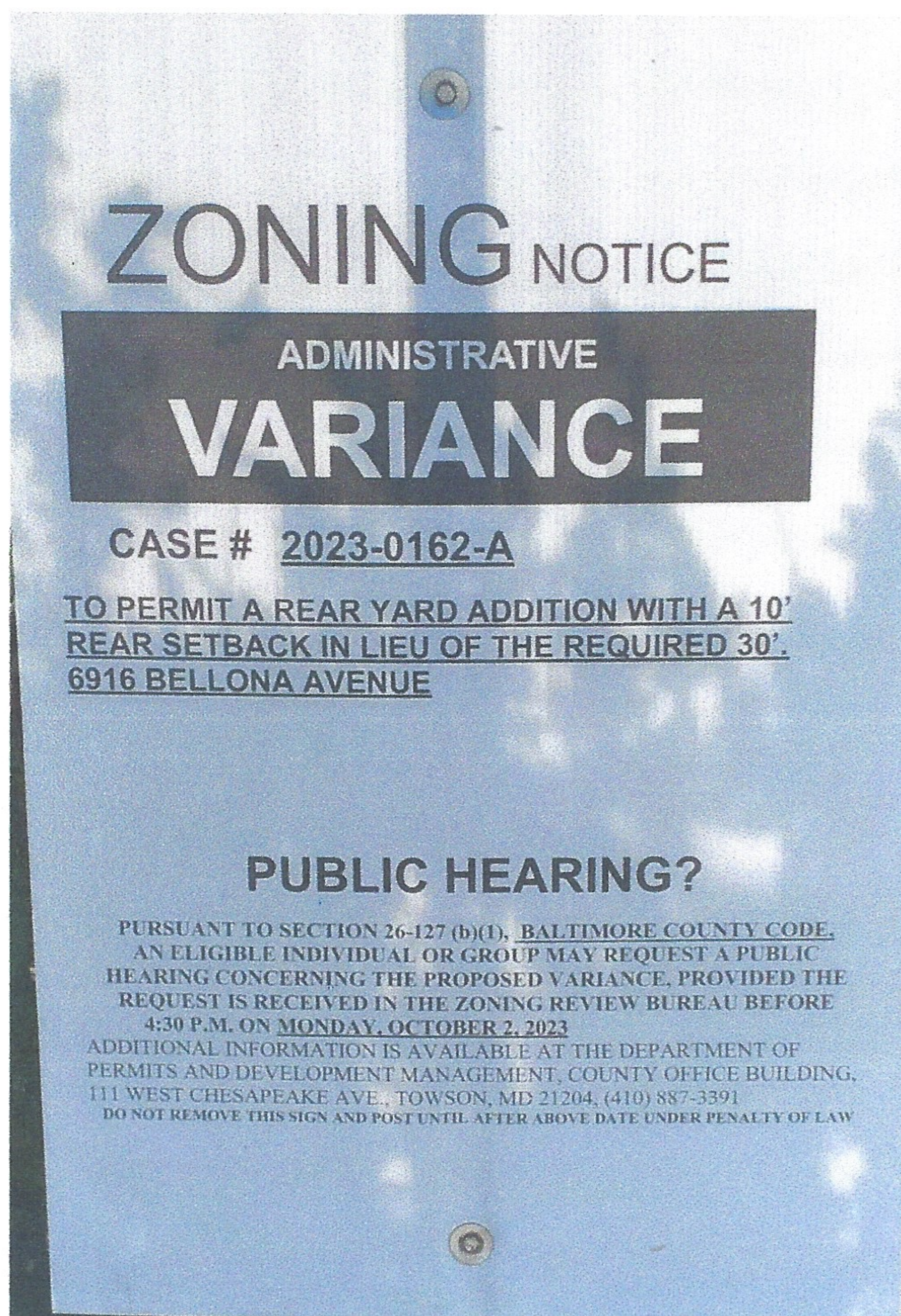
Case Number: 2023-0162-A

Petitioner / Developer: ALLY MARIE ~ GRACIAS

Date of Closing: OCTOBER 2, 2023

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:
6916 BELLONA AVENUE

The sign(s) were posted on: SEPTEMBER 16, 2023



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

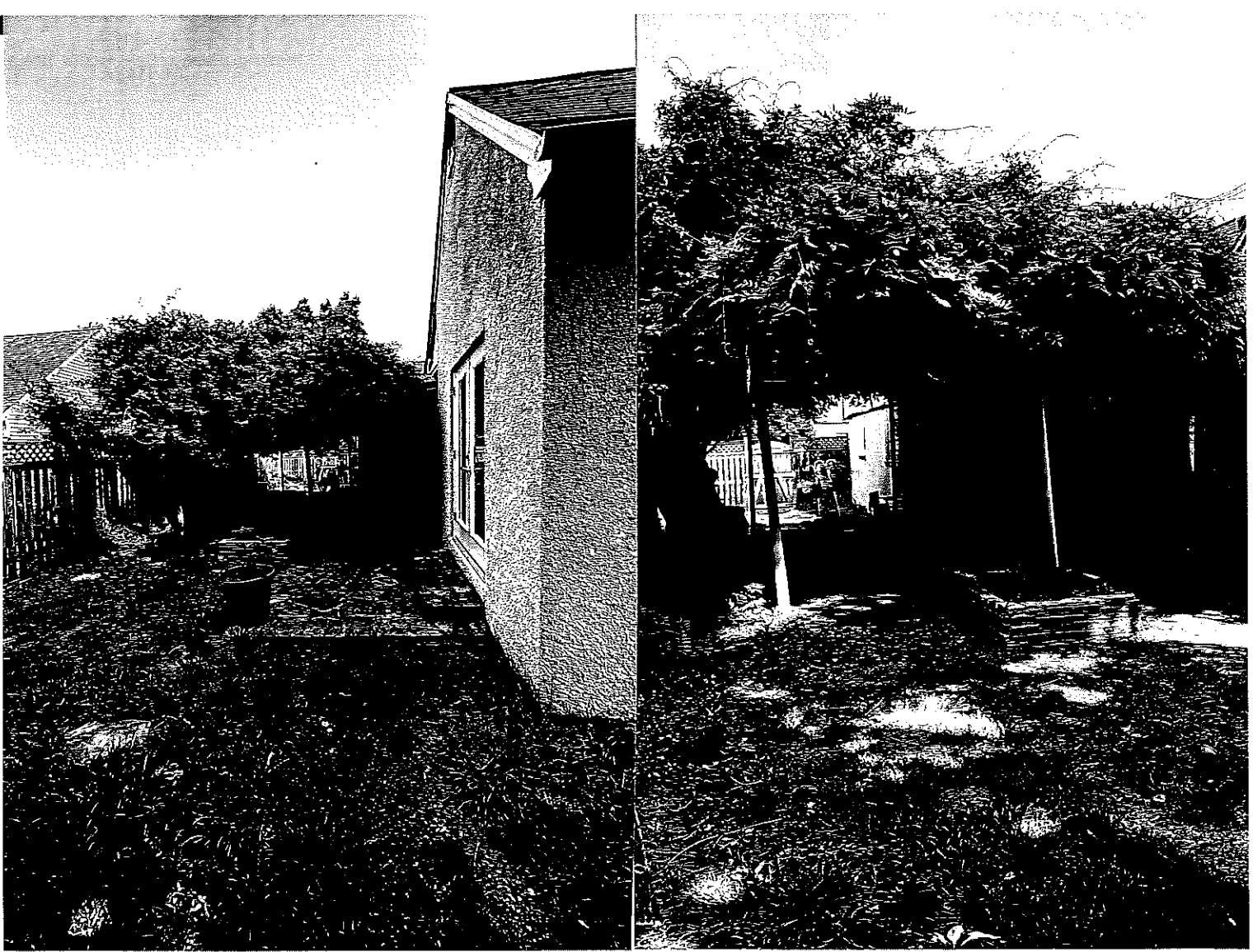
523 Penny Lane
(Street Address of Sign Poster)

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

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

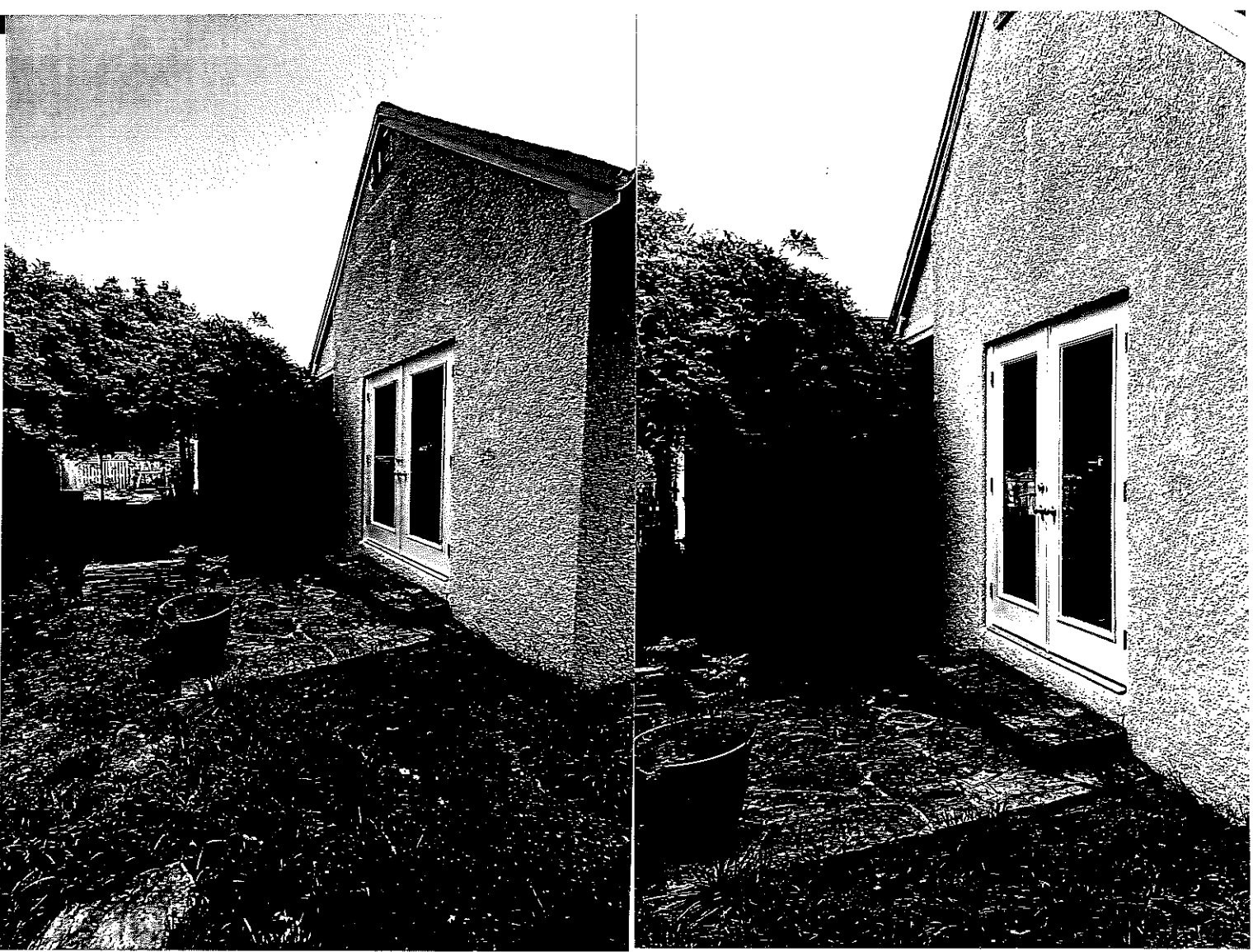
Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 09 Account Number - 0918300120	
Owner Information		
Owner Name:	GRACIAS DAVID H GRACIAS RAE A	Use: RESIDENTIAL Principal Residence: YES
Mailing Address:	6916 BELLONA AVE BALTIMORE MD 21212-1108	Deed Reference: /35551/ 00055
Location & Structure Information		
Premises Address:	6916 BELLONA AVE BALTIMORE 21212-1108	Legal Description: PT LTS 1,2 6916 BELLONA AVE WOODBROOK HIGHLANDS
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:		
0079 0006 0205 9050065.04 0000 1 2023 Plat Ref: 0001/ 0207		
Town: None		
Primary Structure Built	Above Grade Living Area	Finished Basement Area Property Land Area County Use
1951	1,215 SF	400 SF 5,460 SF 04
Stories	Basement Type	Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
1	YES STANDARD UNIT	STUCCO/5 1 full 1 Attached
Value Information		
	Base Value	Value Phase-in Assessments
		As of As of
		01/01/2023 07/01/2023 07/01/2024
Land:	108,600	108,500
Improvements	155,800	186,800
Total:	262,400	295,300 273,367 284,333
Preferential Land:	0	0
Transfer Information		
Seller: GRACIAS DAVID H	Date: 11/10/2014	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /35551/ 00055	Deed2:
Seller: OSTERMEIER MARC ALAN	Date: 11/01/2006	Price: \$330,000
Type: ARMS LENGTH IMPROVED	Deed1: /24705/ 00539	Deed2:
Seller: JOHNSON ERIK D	Date: 08/04/2000	Price: \$199,000
Type: ARMS LENGTH IMPROVED	Deed1: /14617/ 00567	Deed2:
Exemption Information		
Partial Exempt Assessments: Class	07/01/2023	07/01/2024
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00 0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 10/04/2011		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application Date:		



2023-0167-A

(ORIGINAL PICTURES IN FILE)

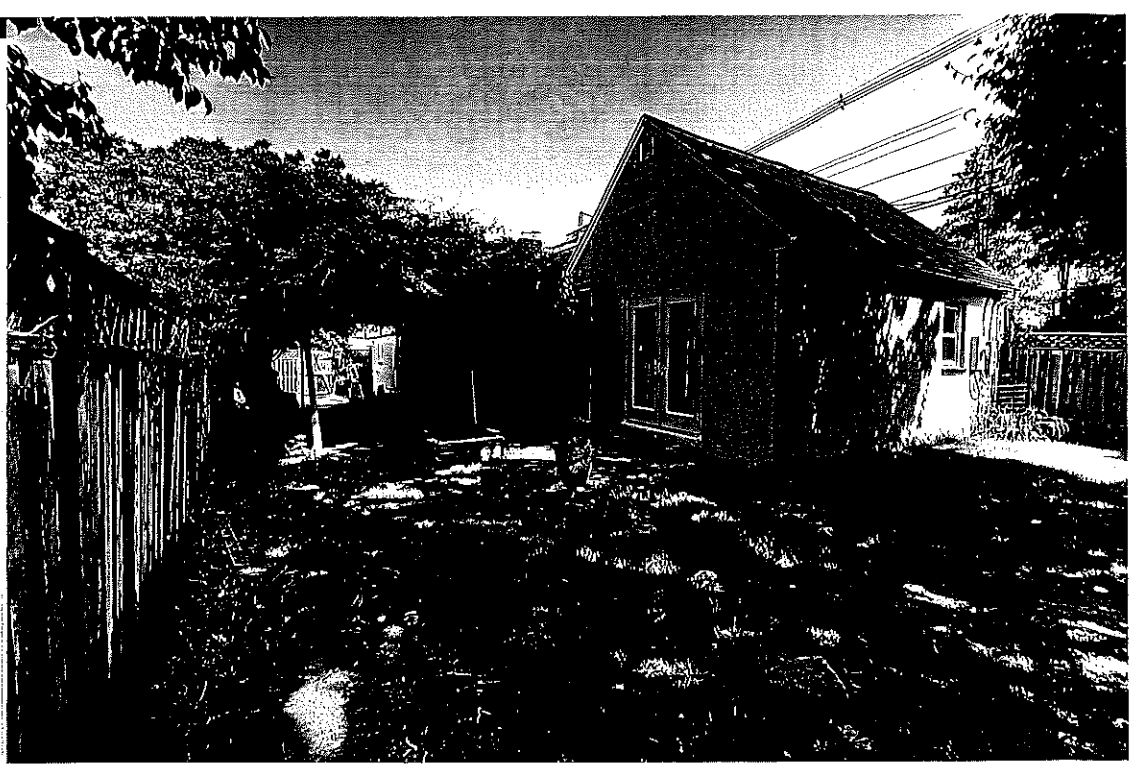


2073-0162-A

(ORIGINAL PICTURES IN FILE)



2073-0162-A
(ORIGINAL PICTURES IN FILE)



2003-0160-A
(ORIGINAL PICTURES IN FILE)

6916 Bellona Avenue



Publication Date: 8/3/2023



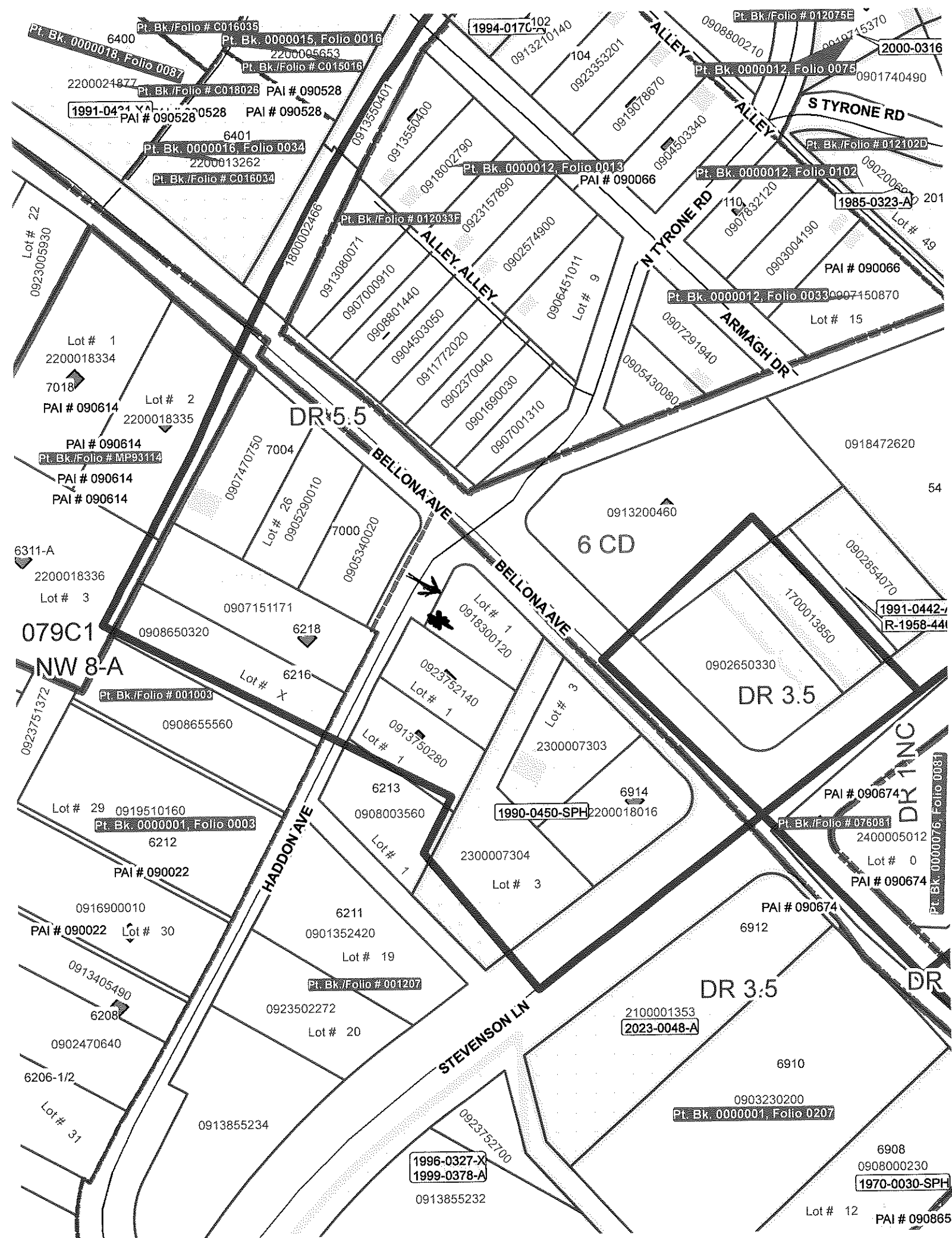
Publication Agency: Permits, Approvals & Inspections
Projection/Datum: Maryland State Plane,
FIPS 1900, NAD 1983/91 HARN, US Foot



0 5 10 20 30 40 Feet

1 inch = 25 feet





↓
see Deed attached
on separate page

↑

Zoning Map # _____
Zoning 5.5
Election District 09
Council District 006
Lot Area Acreage 5460 SF
Lot Square Footage _____
Historic (Yes or No) no
CBCA (Yes or No) no
Flood Plain (Yes or No) no
Utilities – Mark with (X)
Water is:
Public X Private _____
Sewer is:
Public X Private _____
Prior Hearing (Yes or No) _____
If (Yes) list Case Number(s)
and order result(s) below:

Violation Case Number(s)



Plan Drawn By

Guan Wivell

Date _____

7/26/23

Scale: 1 inch =

Feet