IN RE: PETITION FOR ADMIN. VARIANCE S/S Mineral Avenue, 200' E of the c/l

Francis Avenue

(5751 Mineral Avenue)

1<sup>st</sup> Election District

1<sup>st</sup> Council District

Christopher Klemm, et ux Petitioners

- \* BEFORE THE
- \* ZONING COMMISSIONER
- \* OF BALTIMORE COUNTY
- \* Case No. 04-593-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Christopher Klemm and his wife, Bonnie Klemm. The Petitioners seek relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback to the tract boundary of 8.5 feet in lieu of the required 35 feet for a proposed addition, and to amend the Final Development Plan for "Bunny Hill", Lot 4, only, accordingly. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 26-127 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

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PADER RECEIVED FOR FILING

Based upon all of the evidence contained therein, I am persuaded to grant the requested relief. It was indicated that the proposed addition will replace an existing shed and provide much needed storage space for this growing family. There were no adverse comments submitted by any County reviewing agency and the Petitioners submitted signed statements of support from their immediately adjoining neighbors on both sides. Thus, I find that relief can be granted and that there will be no detrimental impact to the surrounding locale.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this About a proposed addition, and setback to the tract boundary of 8.5 feet in lieu of the required 35 feet for a proposed addition, and to amend the Final Development Plan for "Bunny Hill", Lot 4, only, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

#### Zoning Commissioner

Suite 405, County Courts Building 401 Bosley Avenue Towson, Maryland 21204 Tel: 410-887-3868 • Fax: 410-887-3468



#### **Baltimore County**

James T. Smith, Jr., County Executive Lawrence E. Schmidt, Zoning Commissioner

July 21, 2004

Mr. & Mrs. Christopher Klemm 5751 Mineral Avenue Halethorpe, Maryland 21227

RE: PETITION FOR ADMINISTRATIVE VARIANCE S/S Mineral Avenue, 200' E of the c/l Francis Avenue (5751 Mineral Avenue)

1<sup>st</sup> Election District – 1<sup>st</sup> Council District Christopher Klemm, et ux - Petitioners Case No. 04-593-A

Dear Mr. & Mrs. Klemm:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party 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 Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner for Baltimore County

LES:bjs

cc: People's Counsel; Case File





## Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 575/ Mineral Ave.

which is presently zoned DR 3,5

I/We do solemnly declare and affirm, under the penalties of

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802, 38. (802R)

TO PERMIT AN ADDITION WITH A GIDE YARD SETBACK TO TRACT BOUNDARY OF 8.5-FEET IN LIEU OF THE REQUIRED 35-FEET AND TO AMEND THE FOR "BUNNY HILL", LOT 4.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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

I, or we, agree to pay expenses of above Variance, 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.

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# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are

competent to testify thereto in the event that	a public hearing is	scheduled in t	ne future with regar	d thereto.
That the Affiant(s) does/do presently reside	at <u>5751</u>	Mineral	Ave	
; ;	Halethor	pe	MD State	21027 Zip Code
That based upon personal knowledge, the	following are the fa	acts upon which		·
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That the Affiant(s) acknowledge(s) that if	a formal demand	is filed, Affiant	(s) will be required	d to pay a reposting and
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REV 10/25/01	-	``		

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	5751 M	ineral	Ave		i
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# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at 575/Mineral Ave.

which is presently zoned DR 3.5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) (BOQ, DB. (BCZR))

TO PERMIT AN ADDITION WITH A SIDE YARD SETRACK TO TRACT BOUNDARY OF 8.5-FEET IN LIEU OF THE REQUIRED 35-FEET AND TO AMEND THE FOP FOR "BUNNY HILL", LOT 4.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
i, or we, agree to pay expenses of above Variance, 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.

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Company		\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Name	Bonnie L	Buerhaus	(410) 661-0730
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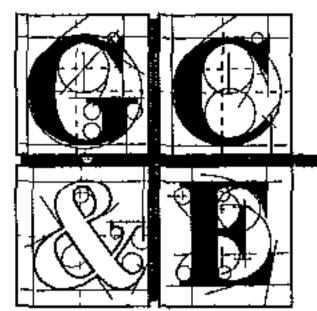
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### Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

#### **CERTIFICATE OF POSTING**

RE: CASE NO. 04-593-A
PETITIONER/DEVELOPER:

Christopher Klemm
DATE OF CLOSING: July 19, 2004

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:

5751 Mineral Avenue

DATE:

June 30, 2004

SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

POSTED ON: June 28, 2004

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

#### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

#### OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number:
Petitioner: KLEmm
Address or Location: 5751 MINERAL AVE.
PLEASE FORWARD ADVERTISING BILL TO:
Name: MR. +MRS. CHRISTOPHER KLEMM
Address: 5751 MINERAL AVE.
HALETHORPE MD 21227
Telephone Number: <u>H10-242-2795</u>

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

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# Department of Permittent Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204





James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

July 19, 2004

Christopher Klemm Bonnie Klemm 5751 Mineral Avenue Halethorpe, Maryland 21227

Dear Mr. and Mrs.Klemm:

RE: Case Number:04-593-A, 5751 Mineral Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 22, 2004.

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,

u. Callille

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

Bonnie Buerhaus 9922 Nearbrook Lane Baltimore 21234

N N Visit the County's Website at www.baltimorecountyonline.info

# Fire Department

700 East Joppa Road Towson, Maryland 21286-5500 Tel: 410-887-4500



### **Baltimore County**

James T. Smith, Jr., County Executive John J. Hohman, Chief

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 1, 2004

ATTENTION: Kristen Mathews

Distribution Meeting of: July 1, 2004

Item No.:

585, 592-596, 598-609

Dear Ms. Mathews:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

6. The Fire Marshal's Office has no comments at this time.

LIEUTENANT JIM MEZICK Fire Marshal's Office PHONE 887-4881 MS-1102F

cc: File



Robert L. Ehrlich, Jr., Governor Michael S. Steele, Lt. Governor

Robert L. Flanagan, Secretary Neil J. Pedersen, Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

7.2.04

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

RE:

**Baltimore County** 

Item No. 593

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

1. 1 theell

## BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr

DATE:

July 30, 2004

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of July 19, 2004

\_\_X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

04-585

04-592

04-593

04-594

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Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

## BALTIMORE COUNTY, MARYLAND

#### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management **DATE:** July 8, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

JUL - 8 2004

ZONING COMMISSIONER

Zoning Advisory Petition(s): Case(s) 4-593 and 4-595

Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Division Chief:

MAC/LL

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 23, 2004

Department of Permits & Development Management

FROM:

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For July 12, 2004

Item Nos. 585, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 605,

606, 607, 608, and 609

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

RWB:CEN:jrb

cc: File

## BONNIE L. BUERHAUS

May 5, 2004

To whom it may concern,	
1, ARTHUR E. VALC (name of property owner)	who currently reside
at 5753 MINERAL ALE, do not object to the standards of property owner)	height, square footage
or footprint, of proposed ADD1770W  (type of proposed construction)	to be
constructed at 5757 MINGAR AUG.	

(address of proposed construction)

Subscriber and sworm to before me, in my presence, this in and for the account of the Motory Public Manual Motory Public Motory

# **BONNIE L. BUERHAUS** 98 12 April 150 V Lane Esterior Mile 1994 \* (maiorall)) (65: 50: 35: 36: Call (115)363 知的。 To . (11.1) Carl (1/2 = May 5, 2004 To whom it may concern, 1, Renée Lemley + WILLIAM GRay (name of property owner) at 5747 MINERAL AVENUE do not object to the height, square footage, (address of property owner) ADDITION or footprint, of proposed \_\_\_\_\_ to be (type of proposed construction) constructed at 5751 NINERAL AVENUE (address of proposed construction)

Subscribed and sworn to before me, in my presence, this day of the Color of Andrew Police of Andrew Police of Andrew Public Notary Public Notary Public 20 05

## 

May 5, 2004

To whom it may concern,

I, Frank McGurL who currently reside (name of property owner)

at 5749 Mineral Ave do not object to the height, square footage, (address of property owner)

or footprint, of proposed Addition to be (type of proposed construction)

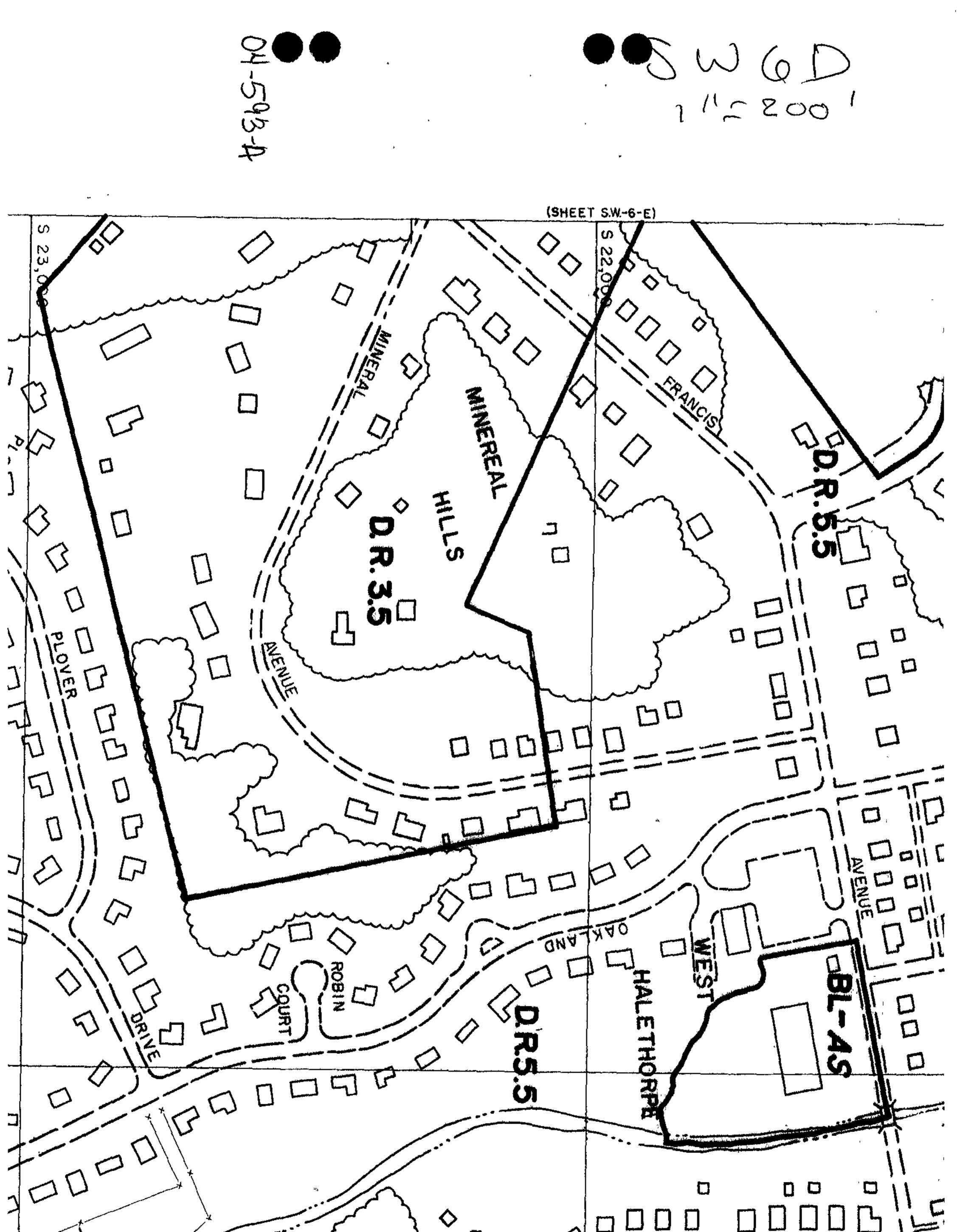
(address of proposed construction)

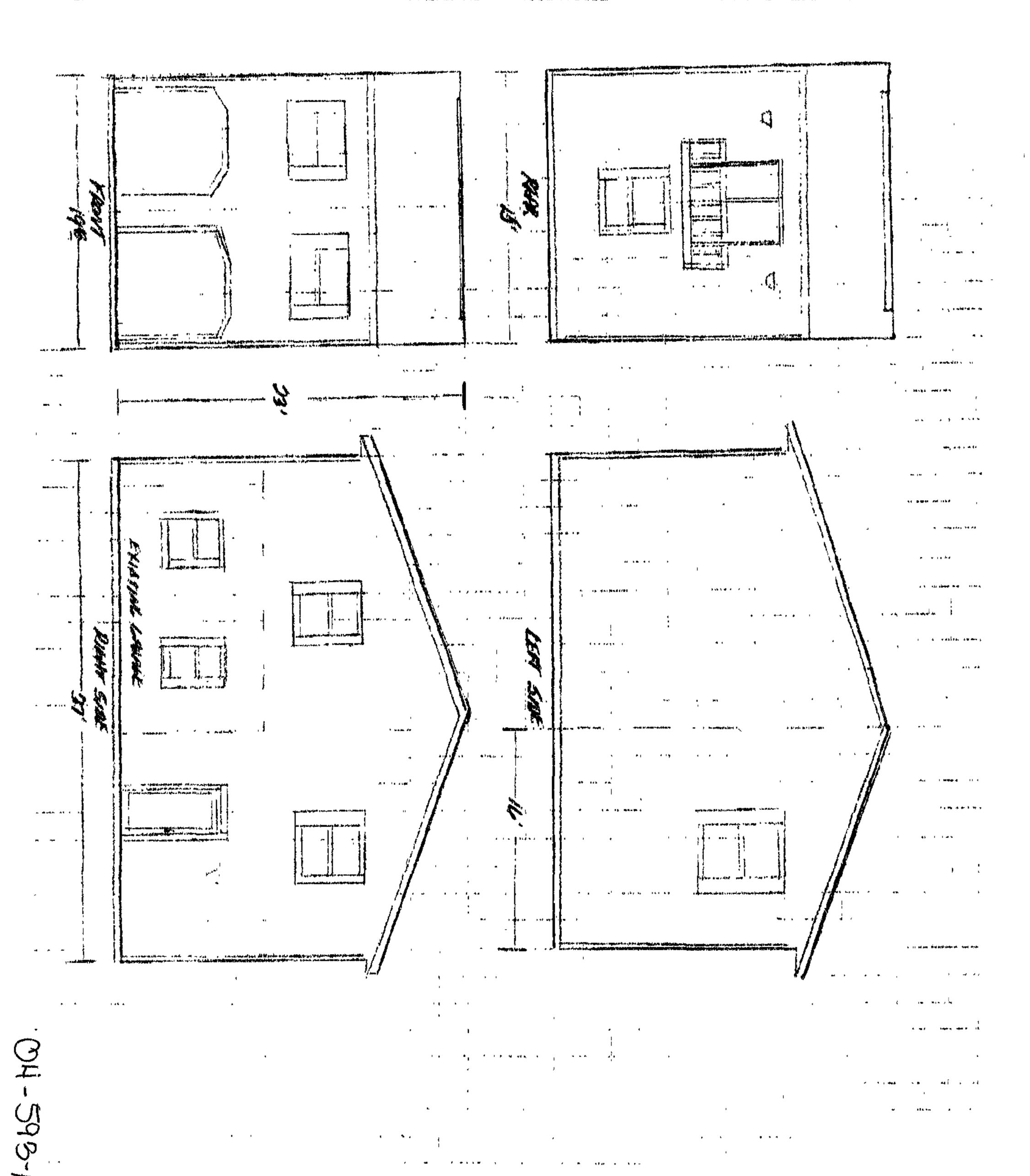
SIGNATURE: MANNE MELL DATE: May 4, 200

Subscribed and supen to before me, in my presence, this in and for the COUNTY Of ANNOTARY Public Nothing Nothi

# BONNIE L. BUERHAUS De Bankson, Bur Paragram 1 1 The Carlette Control 1 - 1 - (11 + 12 + - 1 + 2) 1,10 (3,51, (3,51, 2) May 5, 2004 To whom it may concern, (name of property owner) do not object to the height, square footage, (address of property owner) or footprint, of proposed Addition to be (type of proposed construction) constructed at 5751 Mineral Ave Halethorpe MD 21227 (address of proposed construction) Subspribed and swarm to before me, in my presence, this 2004, a Notary Public N M O CHINCLE in and for my

04-593-A





the state of the second community of the second person.

PHONE NO. : 4102478652

H-892-HO

FROM:



1105 Francis Ave.

04-593-A



575/ Mineral Ave Texisting wood shed to be removed-Side (Southwest) Second story to be added to attached garage to meet the peak of second story on house (will not exceed PHISTING PECKS



# Kine

的方向中国

04-593-A





50751 Mineral Ave. Existing affached garage (Northwest)

04-593-A



5751 Mineral Aco.

South west

f.31 J.s. F. i F. i F. j J. j

04-599A









1105 Francis Ave. 



5747 Mineral Ave. 151 45 Ki Ki Ki

04-593-A



5747 Mineral Ave. Side  $\beta_{\lambda}^{m}$ 

04-593-A



5747 Mineral Ave. Sido **建建工作品等**  $\hat{f}_{\infty}^{i,j}f$ 



5053 Mineral Loe. 5ide/rear Southeast)



553 Mineral Luc.

rear (south)



5053 Mineral Age. Side (west)



5747 Mineral Ave: NOT **的表。位表的基** 



5753 Mineral Avo. Sidl (east)



5753 Mineral Aye.

front (North)



5649 Mineral Doe. Side (eAst)



5749 Mineral Ave.

reat

(South

