IN RE: PETITION FOR ADMIN. VARIANCE W/S of Belair Road, 1,710 ft. S centerline of Mt. Vista Road 11th Election District 3rd Councilmanic District **(11242 Belair Road)** Joshua T. List *Petitioner*	* * * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 05-553-A

* * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Joshua T. List. The administrative variance is requested for property located at 11242 Belair Road in the Kingsville area of Baltimore County. The administrative variance request is from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (garage) with a 2 ft. side setback in lieu of the required 50 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on May 8, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. 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 Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

ORDER RECEIVED FOR FILING
Date 6/3/05
By

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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, by the Deputy Zoning Commissioner for Baltimore County, this 13 day of June, 2005, that a variance from Section 1A04.3B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition (garage) with a 2 ft. side setback in lieu of the required 50 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner 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.

John V. Murphy
JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:raj

ZONING RECEIVED FOR FILING
Date 6/13/05
By

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
William J Wiseman III, Zoning Commissioner

June 3, 2005

Mr. Joshua T. List
11242 Belair Road
Kingsville, Maryland 21087

Re: Petition for Administrative Variance
Case No. 05-553-A
Property: 11242 Belair Road

Dear Mr. List:

Enclosed please find the decision rendered in the above-captioned case. The petition for administrative variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

John V. Murphy

John V. Murphy
Deputy Zoning Commissioner

JVM:raj
Enclosure

Printed on Recycled Paper

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11242 Belair Rd Kingsville, MD 21087
which is presently zoned RC-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) 1A04.3B.2.b. (BCZR)

TO PERMIT AN ADDITION (GARAGE) WITH A 2-FOOT SIDE SETBACK IN LIEU OF THE REQUIRED 50-FEET.

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.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Joshua T. List
Name - Type or Print

Signature

Name - Type or Print

Signature — H: 410-817-6893

11242 Belair Rd — W: 443-622-7713
Address — Telephone No.

Kingsville — MD — 21087
City — State — Zip Code

Representative to be Contacted:

Name

Address — Telephone No

City — State — Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

RECEIVED FOR FILING 6/2/05

CASE NO. 05-553-A

Reviewed By D.T. **Date** 4/27/05

Estimated Posting Date 5/8/05

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 11242 Belair Rd
Address
Kingsville MD 21087
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

Side yard setback of two feet in lieu of 50 feet, section 1A03.6D, building setback in Baltimore County Zoning Regulations.

Possibility of adding a garage to the rear of the existing building is impractical and would produce an undue hardship due to the degree of the natural slope.

Use of a garage would eliminate hardship of motorcycle, boat, and recreational vehicle storage.

The existing building is non-conforming to the side setback as prescribed in the Baltimore County Zoning Regulations for RC-5.

Foundation setback of five feet in lieu of 20 feet from the existing well head.

Use of proposed garage can eliminate unsightly outdoor storage.

Existing house is already 30 feet from the property line, within the 50 foot envelope.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Signature

Signature

Joshua T. List
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of April, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joshua T. List

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

AS WITNESS my hand and Notarial Seal

Mary E. Lee
Notary Public

My Commission Expires May 1, 2007

REV 10/25/01

Affidavit in Support of Administrative Variance

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Address
Kingsville MD 21087
City State Zip Code

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Existing house is already 30 feet from the property line, within the 50 foot envelope.

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Signature

Signature

Joshua T. List
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of April, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joshua T. List

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

AS WITNESS my hand and Notarial Seal

Mary E. Lee
Notary Public

My Commission Expires May 1, 2007

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11242 Belair Rd Kingsville, MD 21087
which is presently zoned RC-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) 1A04.3B.2.b. (BCZR)

TO PERMIT AN ADDITION (GARAGE) WITH A 2-FOOT SIDE SETBACK IN LIEU OF THE REQUIRED 50-FEET.

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.

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

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

Joshua T. List
Name - Type or Print

Signature

Name - Type or Print

Signature — H-410-817-6893

11242 Belair Rd — W-443-622-7713
Address — Telephone No.

Kingsville — MD — 21087
City — State — Zip Code

Representative to be Contacted:

Name

Address — Telephone No.

City — State — Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted

Zoning Commissioner of Baltimore County

CASE NO. 05-553-A

Reviewed By D.T. **Date** 4/27/05

Estimated Posting Date 5/8/05

REV 10/25/01

Zoning Description for 11242 Belair Rd. Kingsville, MD 21087

Beginning at a point on the west side of US Route 1, Belair Rd.which is 111 feet wide at a distance of 1710 feet south of the centerline of the nearest improved intersecting street Mt. Vista Rd.which is 60 feet wide. As recorded in Deed Liber # 16258, Folio # 625, N 58 15'E 77.5 ft., S 30 22' E 573ft. S 67 47'W 75.5 ft., and N 30 31' W 562.16 ft to the place of beginning, containing 0.93 acres. Also known as 11242 Belair Rd. Kingsville, MD 21087 and located in the 11th Election District, 3rd Councilmanic District.

05-553-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 443564

DATE 4/27/05 ACCOUNT 001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: JOSHUA T. LIST

FOR: ITEM # 558 05-558-A

1430 BELAIR RD. BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS DATE	ACTUAL DATE	TIME	TRAN
4/27/2005	4/27/2005	10:09:18	5

CSH1 WEBW ADMIN KNOX KAR
RECEIPT # 443564 4/27/2005 OPLR
4 558 ZONING VERIFICATION
ACCT NO. 6150
Recpt Tot $65.00
$.00 CH $65.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 05-553-A

Petitioner/Developer: LIST

Date of Hearing/Closing: 5/23/05

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTN: Kristen Matthews {(410) 887-3394}

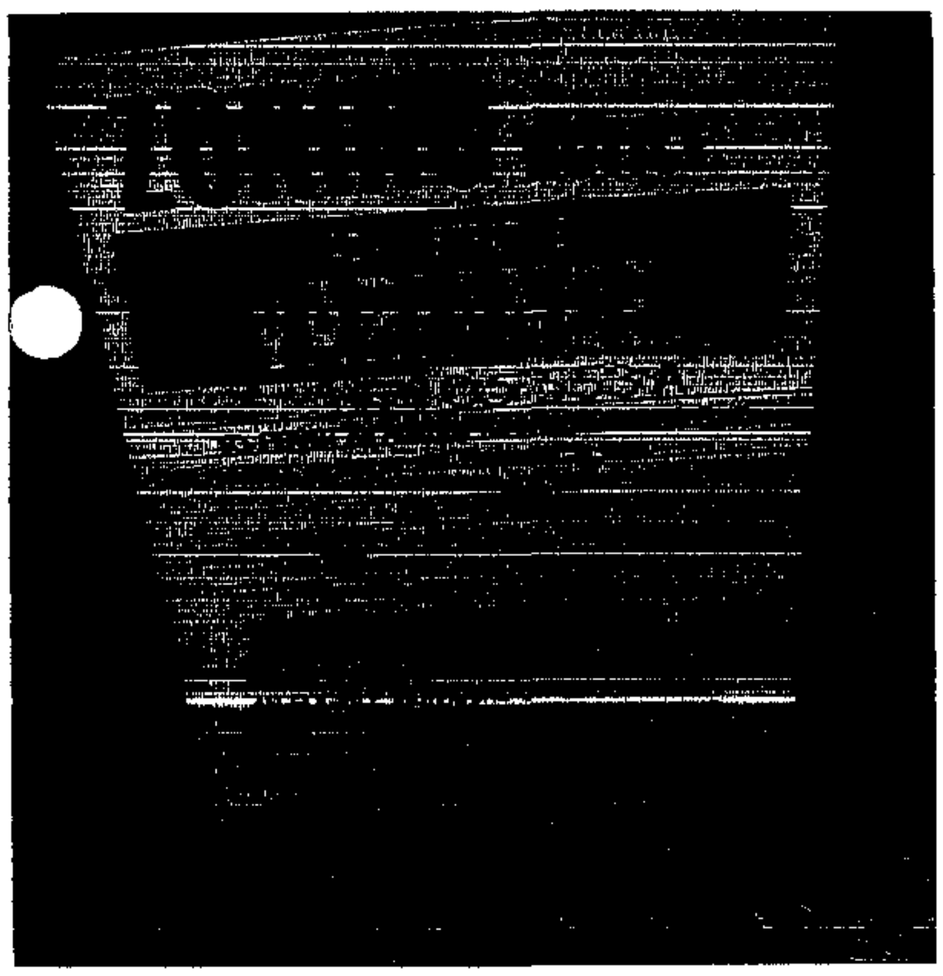
Ladies and Gentlemen:

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:

11242 BELAIR RD

The sign(s) were posted on 5/8/05
(Month, Day, Year)

Sincerely,



Robert Black 5/10/05
(Signature of Sign Poster) (Date)

SSG Robert Black
(Print Name)

1508 Leslie Road
(Address)

Dundalk, Maryland 21222
(City, State, Zip Code)

(410) 282-7940
(Telephone Number)

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

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 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: 05-553-A

Petitioner: LIST

Address or Location: 11242 BELAIR RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSHUA T. LIST

Address: 11242 BELAIR RD.
KINGSVILLE, MD 21087

Telephone Number: 410-817-6893

Revised 2/20/98 - SCJ

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 05-553 -A Address 11242 BELAIR RD

Contact Person: DONNA THOMPSON Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 4/27/05 **Posting Date:** 5/8/05 **Closing Date:** 5/23/05

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 (on the reverse side of this form) 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 an 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 zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The 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 zoning or deputy zoning commissioner), 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 05-553 -A Address 11242 BELAIR RD.

Petitioner's Name LIST Telephone 410-817-6893

Posting Date: 5/8/05 **Closing Date:** 5/23/05

Wording for Sign: *To Permit* AN ADDITION (GARAGE) WITH A 2-FOOT SIDE SETBACK IN LIEU OF THE PERMITTED 50-FEET.

WCR - Revised 6/25/04

Department of Permits and Development Management

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

Baltimore County

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

May 23, 2005

Joshua T. List
11242 Belair Road
Kingsville, Maryland 21087

Dear Mr. List:

RE: Case Number: 05-553-A, 11242 Belair Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on April 27, 2005.

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,

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: May 16, 2005

FROM: Dennis A. Kennedy, Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 16, 2005
Item No. 542, 543, 545, 550, 552, 553, 554, 555, 563

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

Dak:CEN:clw
cc: file
ZAC-NO COMMENTS-05162005.doc

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development Management

DATE: May 17, 2005

FROM: Dennis A. Kennedy, DAK Acting Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For May 9, 2005
Item No. *529, 530, 532, 536, 541, and 553.*

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

DAK:CEN:clw
cc: file
ZAC-NO COMMENTS-05172005.doc

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco
PDM

FROM: John D. Oltman, Jr
DEPRM

DATE: June 3, 2005

SUBJECT: Zoning Item # 05-553
Address 11242 Belair Road

Zoning Advisory Committee Meeting of May 9, 2005

_____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

__X__ The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

_____ Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

_____ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

Additional Comments:

A variance request to allow for construction of a garage within the 30-foot well set-back is currently under review by the Groundwater Management section of this Department.

Reviewer: Sue Farinetti Date: June 3, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: May 23, 2005

RECEIVED
MAY 24 2005
ZONING COMMISSIONER

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 5-543 and 5-553**
Administrative Variance(s)

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 Cunningham in the Office of Planning at 410-887-3480.

Prepared By: _____

Division Chief: _____

MAC/LL

W:\DEVREV\ZAC\nocomment.doc

Date: 5·6·05

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

RE: Baltimore County
Item No. 553 DT

Dear Ms. Matthews:

We have reviewed the referenced item and have no objection to approval. Our review has determined that no construction is required within the State Highway Administration's right-of-way.

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).

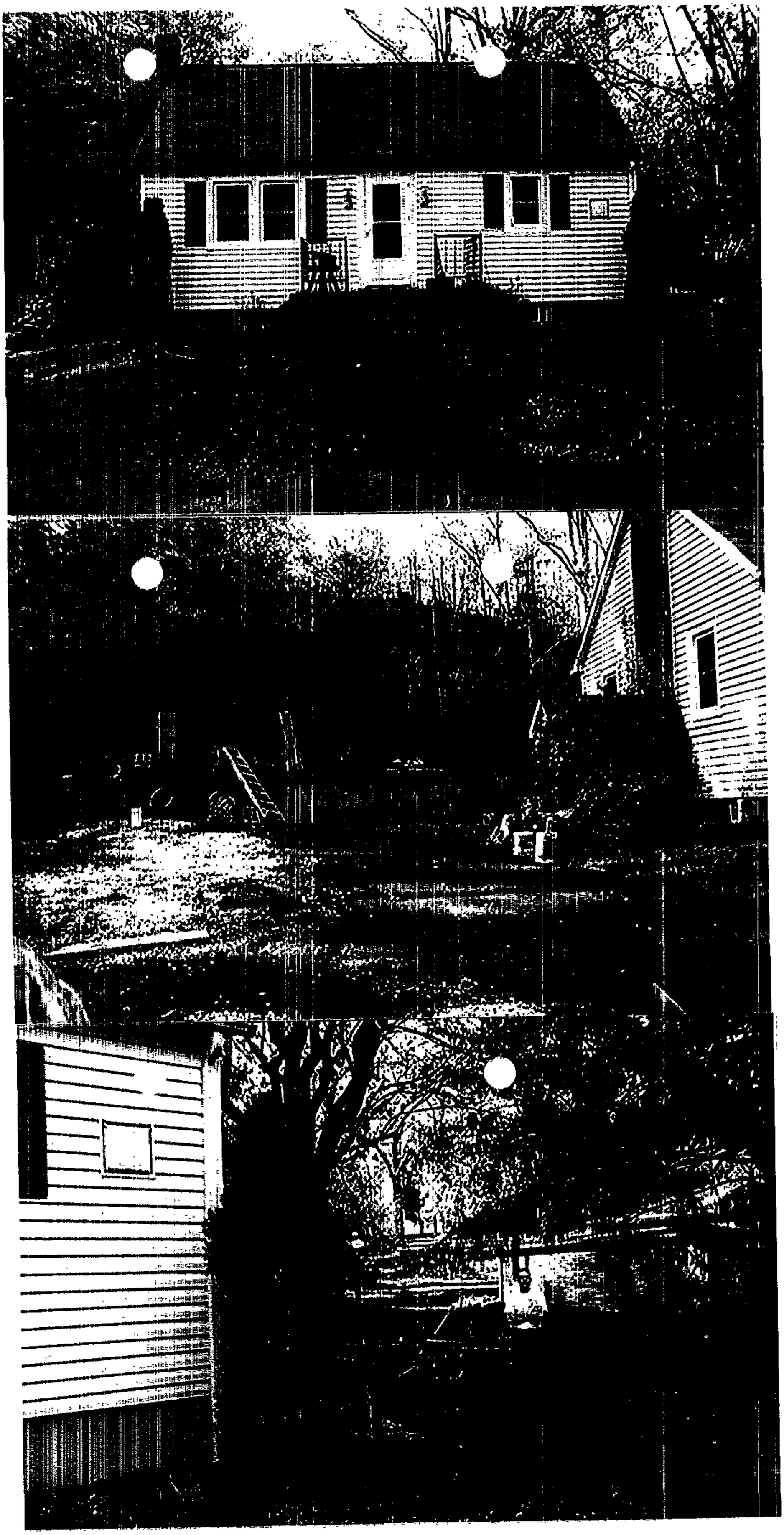
Very truly yours,

L. A. Gredlein

Steven D. Foster, Chief
Engineering Access Permits Division

05-553-A

1



(2)

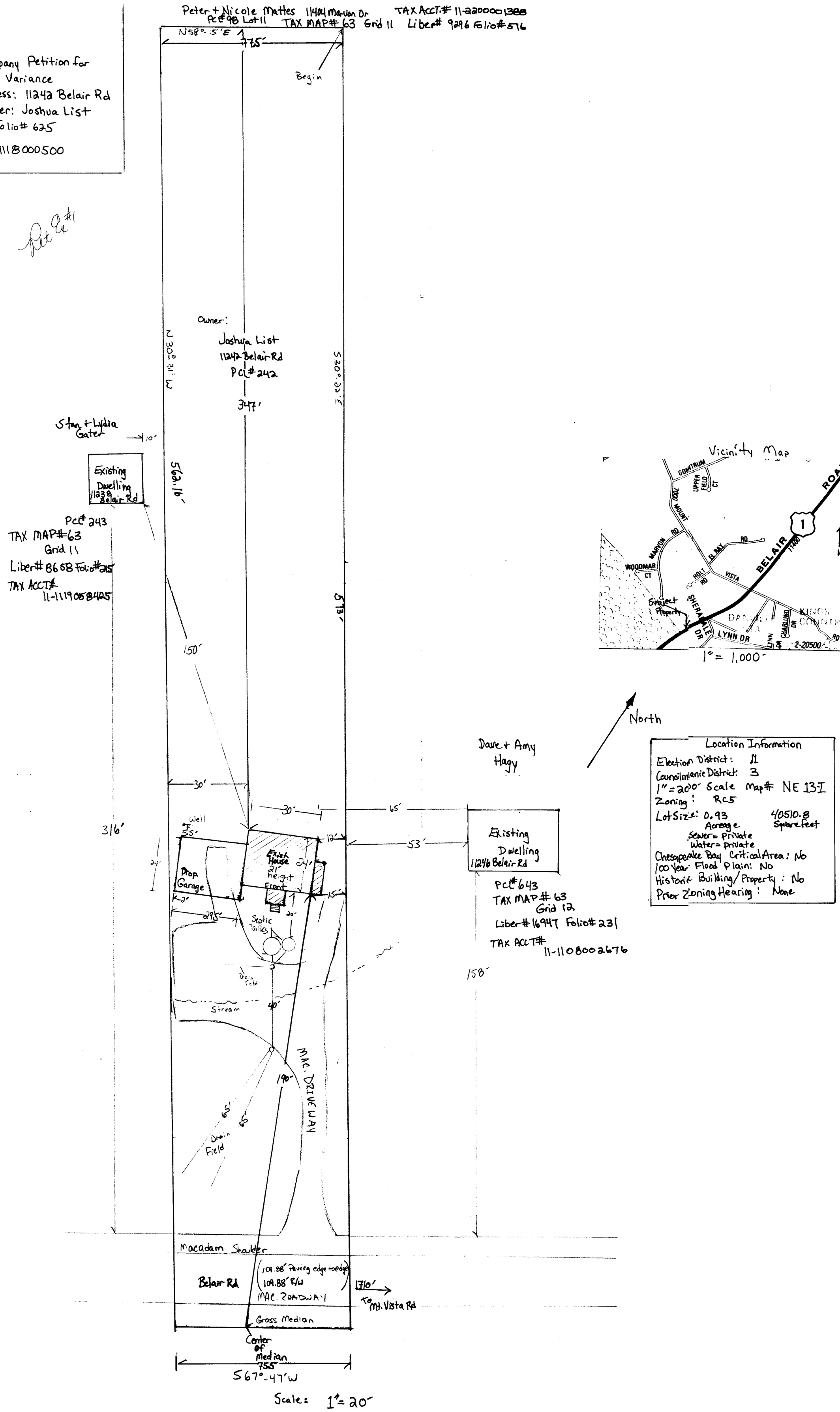
05-553-A

(3)

05-553-A

Plan to Accompany Petition for
Zoning Variance
Property Address: 11242 Belair Rd
Owner: Joshua List
Liber# 16258 Folio# 625
Tax Acct# 11-1118000500

Pet Ex #1



Scale: 1" = 20'