IN RE: PETITION FOR ADMIN. VARIANCE SE/S of Bellvue Avenue, 820 ft. NE centerline of Bradshaw Road 11th Election District 3rd Councilmanic District **(11715 Bellvue Avenue)** David Asher Geer *Petitioner*	* * * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 06-076-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, David Asher Geer. The administrative variance is requested for property located at 11715 Bellvue Avenue in the Kingsville area of Baltimore County. The administrative variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (detached garage) with a height of 21 ft. in lieu of the maximum allowed 15 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 August 13, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated August 18, 2005, a copy of which is attached hereto and made a part hereof.

Applicable Law

Section 307 of the B.C.Z.R. – ***Variances***.

ORDER RECEIVED FOR FILING
Date 9/2/05
By

"The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance."

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

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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this 2 day of September, 2005, by this Deputy Zoning Commissioner, that the Petitioner's request for administrative variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a proposed accessory building (detached garage) with a height of 21 ft. in lieu of the maximum allowed 15 ft., be and

ORDER RECEIVED FOR FILING
Date 9/2/05
By

is hereby GRANTED, subject, however, to the following restrictions which are conditions 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;

2. The Petitioner shall comply with the ZAC comments submitted by the Office of Planning dated August 18, 2005, wherein it is stated that:

   (1) The Petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities;
   (2) The accessory structure shall not be used for commercial purposes; and
   (3) The Petitioner shall submit building elevations (all sides) of the proposed accessory structure to the Office of Planning for review and approval prior to building permit. The proposed accessory structure shall be compatible in size and architectural detail as that of the primary structure.

3. When applying for a building permit, the site plan field must reference this case and set forth and address the restrictions of this Order.

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

ORDER RECEIVED FOR FILING
Date 9/2/05
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

September 2, 2005

Mr. David Asher Geer
11715 Bellvue Avenue
Kingsville, Maryland 21087

Re: Petition for Administrative Variance
Case No. 06-076-A
Property: 11715 Bellvue Avenue

Dear Mr. Geer:

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

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11715 Bellvue Ave

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) 400.3, BCZR, to permit a proposed accessory building (detached garage) with a height of 21 feet in lieu of the maximum allowed 15 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):

DAVID Asher Geer

Name - Type or Print

Signature

Name - Type or Print

Signature H (410)937-1868

11715 Bellvue Ave W (410) 335-3172

Address Telephone No.

Kingsville MD 21087

City State Zip Code

Representative to be Contacted:

Name

Address Telephone No.

City State Zip Code

ORDER RECEIVED FOR FILING 8/8/05

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. 06-076-A

Reviewed By JNP **Date** 8/4/05

Estimated Posting Date 8/14/05

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 11715 Bellvue Ave
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):

1) I would like to build a garage that is architecturally compatable with my home.
   a) My home is a Cape Cod Style structure with a 12/12 roof Pitch and dormer windows. I would like the garage to match my home.
   b) Proposed garage is 28'x24' 24' High
   c) Storage space has been exhausted inside of house Additional height is required to create a loft for storage and at the same time provide out of weather vehicle parkin

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

DAVID GEER
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3 day of August, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David Geer

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

AS WITNESS my hand and Notarial Seal

Claire Ann Grozzyk
Notary Public

My Commission Expires 8/1/07

REV 10/25/01

Zoning description for
11715 Bellvue ave Kingsville
MD 21087.

Beginning at a point on the South east side of Bellvue ave which is 50 ft wide at the distance of 820 feet north East of Bradshaw Road which is 70 feet wide. Being Tax parcell #499, grid #2, map #64 as recorded in the Baltimore County [redacted] Deed book #20941, page #184, containing 0.704 acres. Also Known as 11715 Bellvue Ave, Kingsville, MD 21087 and is located in the 11th Election district, 3rd Council-manic District.

S 57° 40' 00" W 106.23, N 41° 14' 00" W 283.30,
N 48° 29' 30" E 105.00, S 41° 14' 00 E 300.33

06-076-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 448677

DATE 8/4/05 ACCOUNT R-001-006-6150

AMOUNT $ 65.00

RECEIVED FROM: David Asher Geer

FOR: Administrative Variance - 11715 Bellevue Ave
D6-076-A (GEER)

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACCOUNT	TIME	DRW
8/04/2005	8/04/2005	07:30:31	4

TO WHO: WALKIN, WALKIN

RECEIPT			
[illegible]	R [illegible]	8/04/2005	[illegible]

[illegible] ZONING VERIFICATION

R 80, 448677

Recpt Tot	$65.00	
CHQ	$65.00	CK

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No: 06-076-A

Petitioner/Developer:
ASHGEER

Date Of Hearing/Closing: 8/29/05

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

Attention:

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 at 11715 BELLEVUE RD
KINGSVILLE.

This sign(s) were posted on August 13, 2005.
(Month, Day, Year)

Sincerely,

Martin Ogle 8/13/05
(Signature of sign Poster and Date)

Martin Ogle
Sign Poster
16 Salix Court
Address
Balto. Md 21220
(443-629 3411)

im000383 (576x432x24b jpeg)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 06-076-A

[illegible]

[illegible] 15'

PUBLIC HEARING ?

[illegible] AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON [illegible] ADDITIONAL INFORMATION IS AVAILABLE AT [illegible] TEL: 887-3391

Martin Ogle 8/13/05

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 076 -A Address 11715 Bellvue Avenue

Contact Person: Jeffrey Perlow Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8/4/05 **Posting Date:** 8/14/05 **Closing Date:** 8/29/05

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 06- 076 -A Address 11715 Bellvue Avenue

Petitioner's Name David Asher Geer Telephone 410-937-1868 410-335-3172

Posting Date: 8/14/05 **Closing Date:** 8/29/05

Wording for Sign: To Permit a proposed accessory building (detached garage) with a height of 21 feet in lieu of the maximum allowed 15 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

August 29, 2005

David Asher Greer
11715 Bellvue Avenue
Kingsville, Maryland 21087

Dear Mr. Greer:

RE: Case Number: 06-076-A, 11715 Bellvue Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 4, 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

Printed on Recycled Paper

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

August 10, 2005

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

ATTENTION: Zoning Review planners

Distribution Meeting of: August 15, 2005

Item No.: 067-076

1. The fire marshal's office has no comments at this time.

Pursuant to your request, this Bureau has reviewed the referenced plan(s) and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

Acting Lieutenant David Heath
Fire Marshal's Office
410-887-4881
MS-1102F

cc: File

Printed on Recycled Paper

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

SHA
Driven to Excel
State Highway Administration
Maryland Department of Transportation

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

Date: 8-9-05

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

RE: Baltimore County
Item No. 076 JAP

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,

S. D. Foster

Steven D. Foster, Chief
Engineering Access Permits Division

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Tim Kotroco

FROM: R. Bruce Seeley

DATE: September 7, 2005

SUBJECT: Zoning Items # See List Below

Zoning Advisory Committee Meeting of August 15, 2005

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

06-068
06-070
06-071
06-074
06-075
06-076

Reviewers: Sue Farinetti, Dave Lykens

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: August 18, 2005

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

SUBJECT: 11715 Bellvue Avenue

INFORMATION:

Item Number: 6-076

Petitioner: David Asher Geer

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 21 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.
3. Photographs of existing dwellings.
4. Submit building elevations (all sides) of the proposed accessory structure to this office for review and approval prior to building permit. The proposed accessory structure shall be compatible in size and architectural detail as that of the primary structure.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey with the Office of Planning at 410-887-3480.

Prepared By: Curtis Murray

Division Chief: Lynn Lanham
CM/LL

W:\DEVREV\ZAC\6-076.doc

ORDER RECEIVED FOR FILING
Date 9/2/05
By

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: August 19, 2005

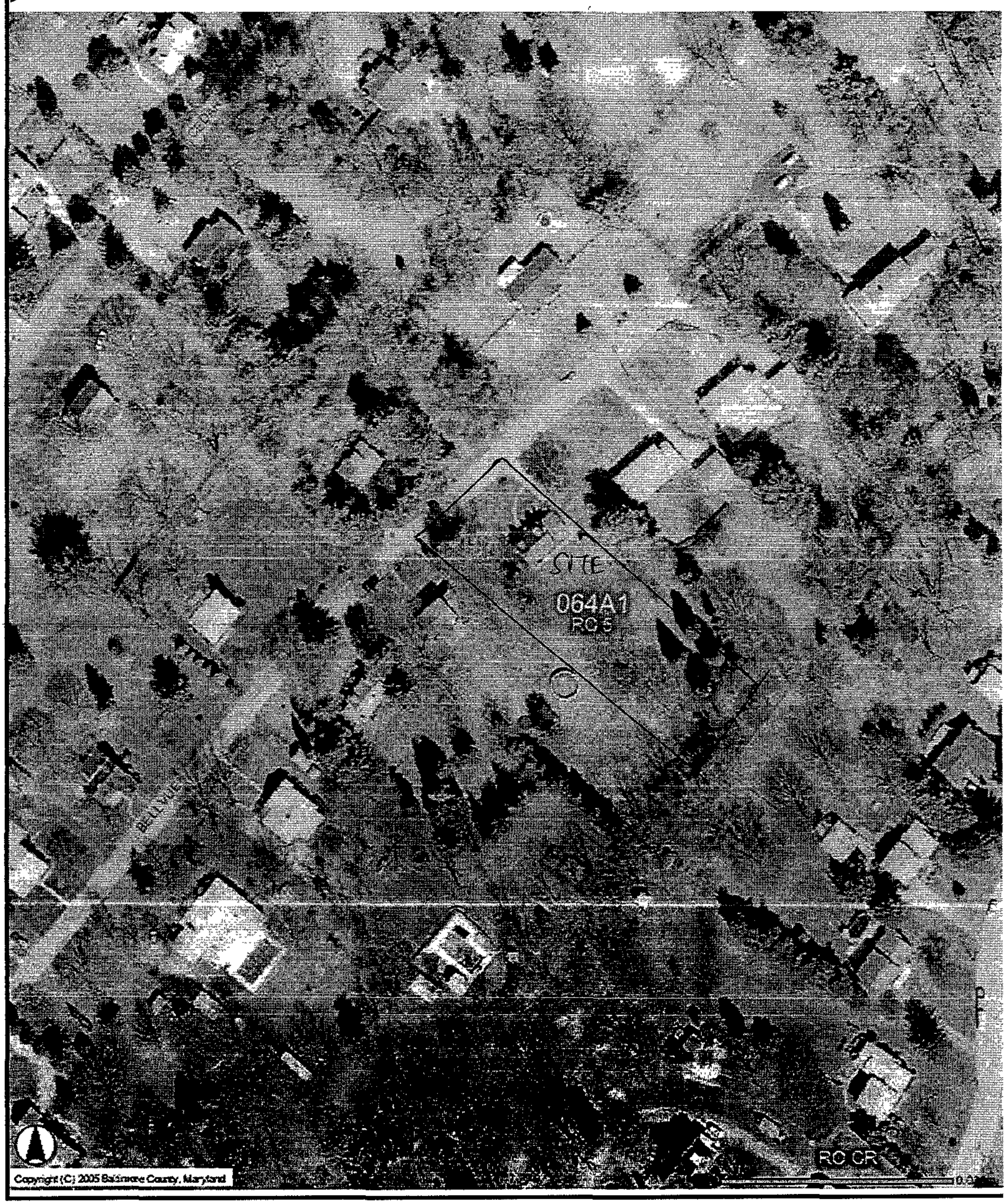
FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 22, 2005
Item No's: 070, 071, 072, 073, 074, 075, and 076

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

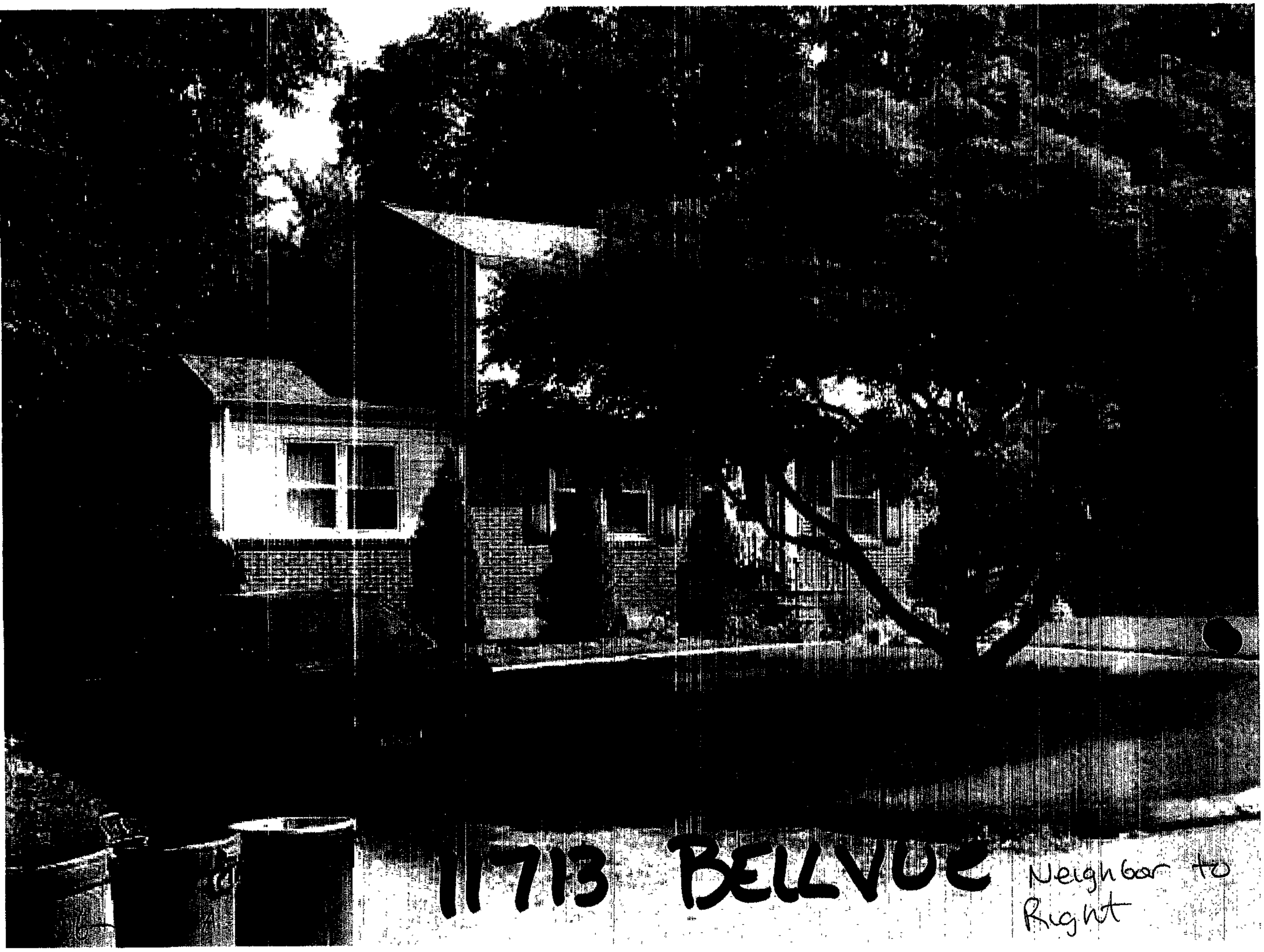
DAK:CEN:clw
cc: File
ZAC-NO COMMENTS-08192005.doc

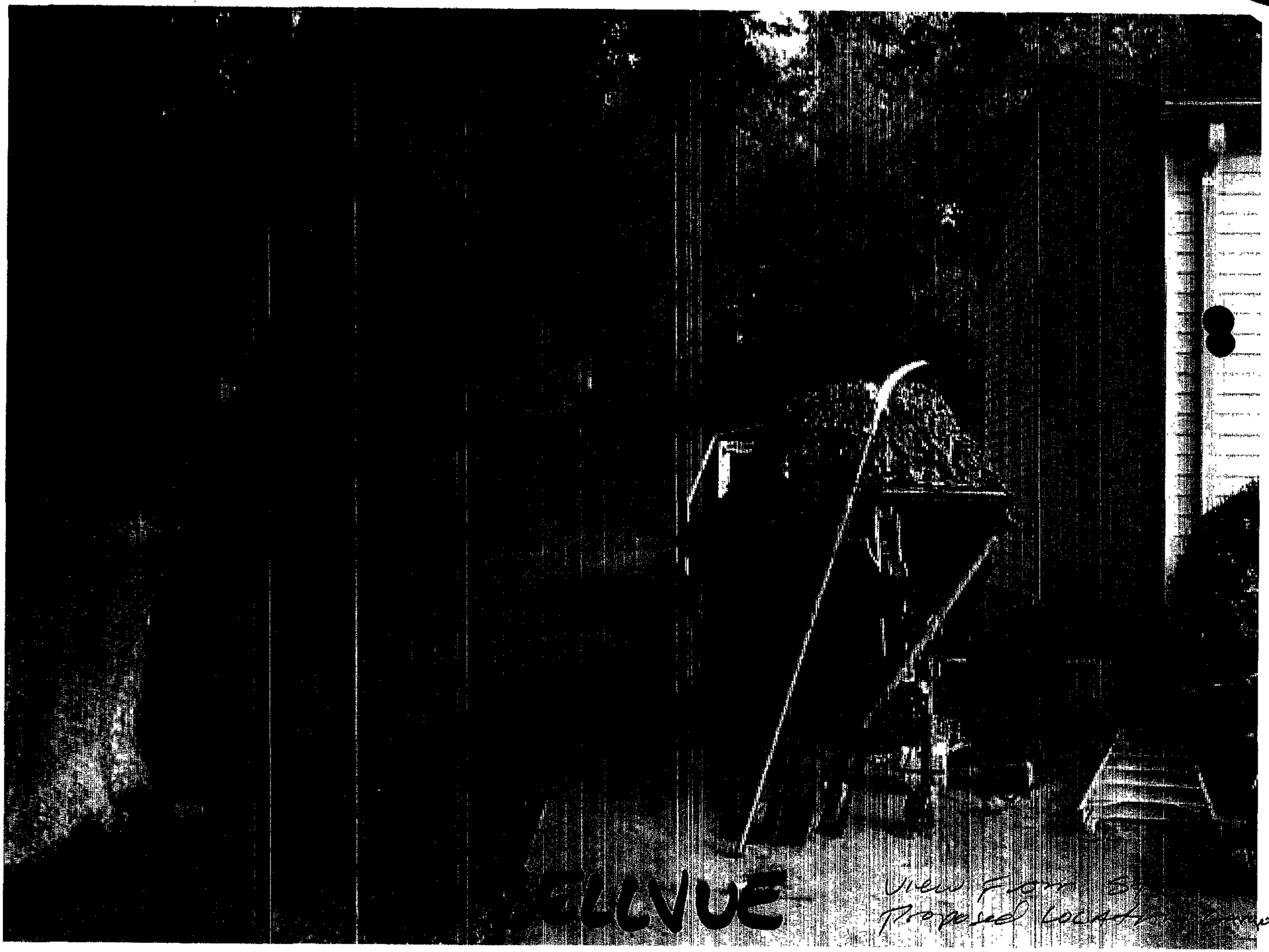
Baltimore County - My Neighborhood

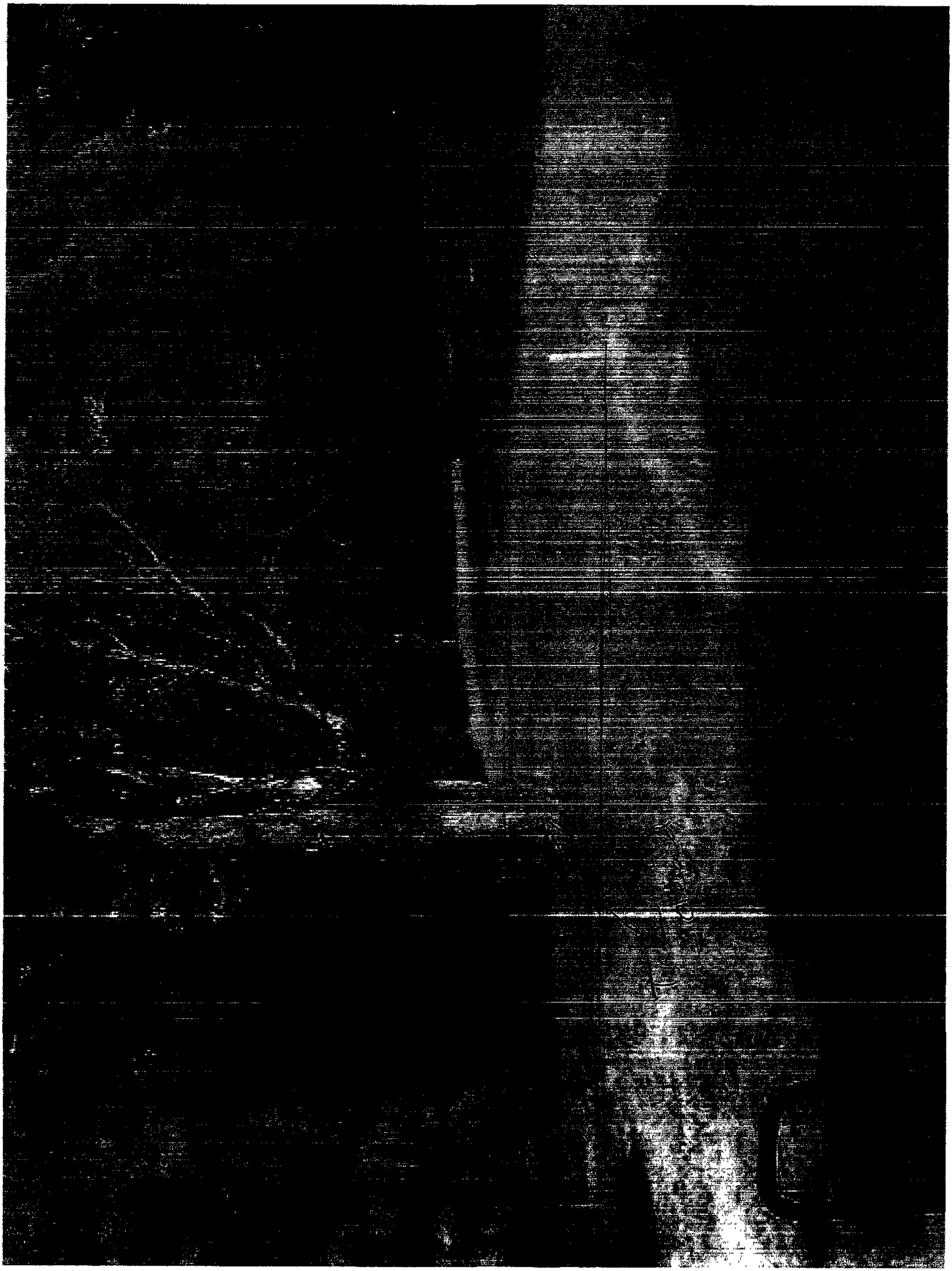


06-076-A

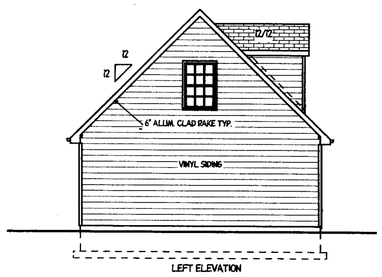
06-076-A


11713 BELVOC
Neighbor to
Right

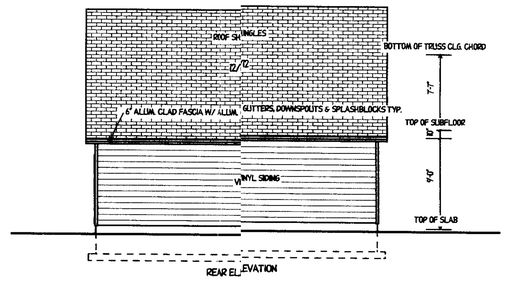

View from
Proposed Location



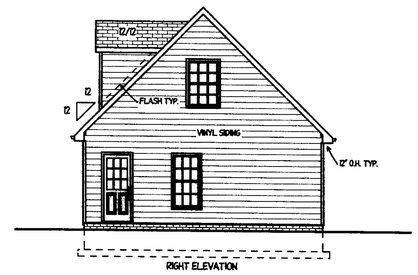
06-076-A



LEFT ELEVATION

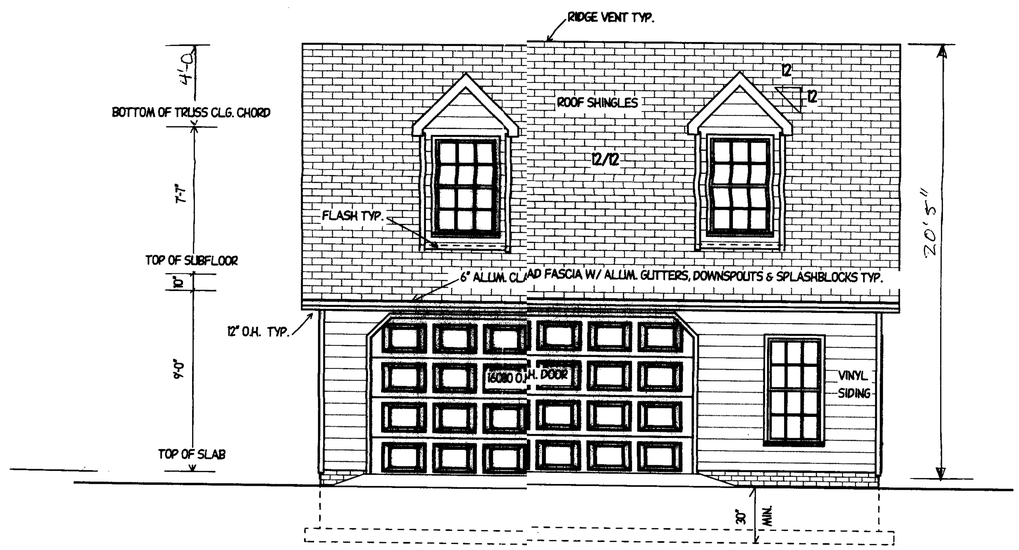


REAR ELEVATION



RIGHT ELEVATION

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



FRONT ELEVATION

GEER GARAGE		
11715 BELLVUE AVENUE KINGSVILLE, MARYLAND 21087		
SCALE: 1/4" = 1'-0"		DRAWN BY
DATE: 6-15-2005		DRP
ELEVATIONS		
SHEET 2 OF 2		1034-05

06-076-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

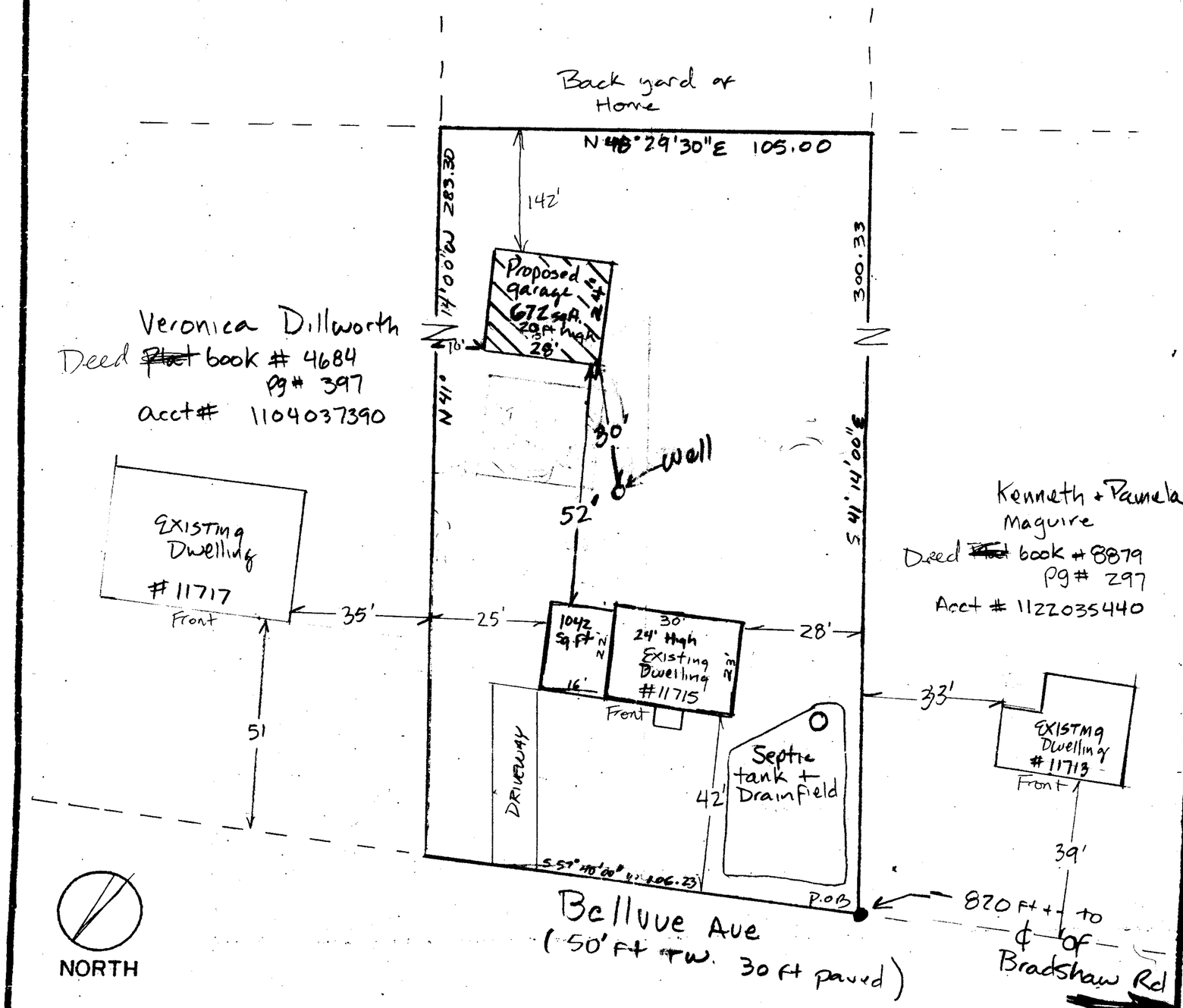
PROPERTY ADDRESS 11715 BELLVUE AVE

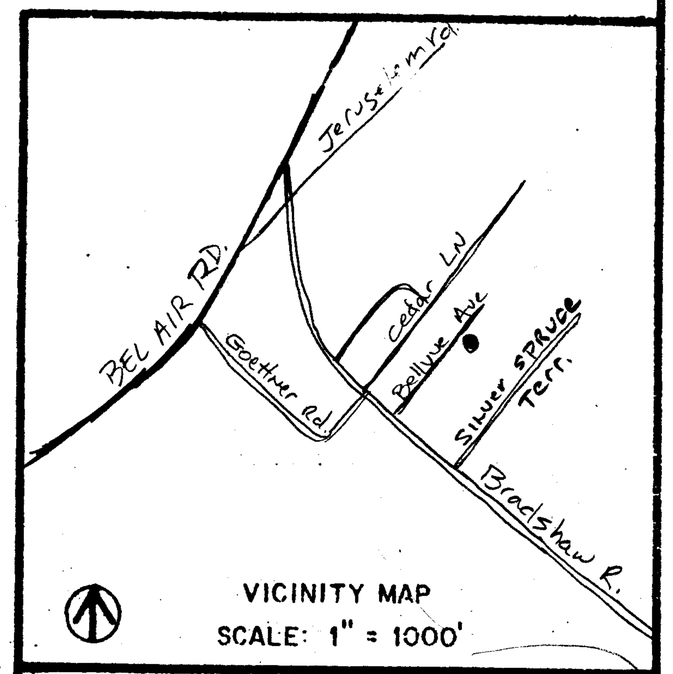
SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME

Deed ~~PLAT~~ BOOK # 20941 FOLIO # 184 LOT # ____ SECTION # ____

OWNER DAVID A. GEER





LOCATION INFORMATION

ELECTION DISTRICT 11

COUNCILMANIC DISTRICT 3

1" = 200' SCALE MAP # 064A1

ZONING RC5

LOT SIZE 0.704 ACREAGE 30666 SQUARE FEET

	PUBLIC	PRIVATE
SEWER	☐	☒
WATER	☐	☒

Elevation 265 ft.

	YES	NO
CHESAPEAKE BAY CRITICAL AREA	☐	☒
100 YEAR FLOOD PLAIN	☐	☒
HISTORIC PROPERTY/ BUILDING	☐	☒

PRIOR ZONING HEARING None

ZONING OFFICE USE ONLY

REVIEWED BY	ITEM #	CASE #
JNP	076	06-076-A

PREPARED BY DAVID Geer

SCALE OF DRAWING: 1" = 20 ft

-15-

Pet Ex #1