

IN RE: PETITION FOR VARIANCE
West Side of Gross Avenue, 40' & 90'
North of c/l of Hughes Avenue
15th Election District
7th Councilmanic District
(2316 & 2316 A Gross Avenue)

Rodney Geisler
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 06-253-A & 06-254-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by Rodney Geisler, Petitioner. The variance request is for property located at 2316 and 2316 A Gross Avenue in the eastern area of Baltimore County. The variance request for 2316 Gross Avenue is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing single family dwelling on a lot having a width at the building line of 50 feet and a side yard of 9 feet in lieu of the required 55 feet and 10 feet respectively. The variance request for 2316 A Gross Avenue is from Section 1B02.3.C.1 and 400.3 of the B.C.Z.R., to permit an existing single family dwelling on a lot having a width at the building line of 50 feet, a side yard of 3 feet and an accessory structure with a height of 20 feet in lieu of the required 55 feet, 10 feet and 15 feet respectively.

The properties were posted with a notice of the public hearing date and time on December 15, 2005 and notice given to the general public by publication in the Jeffersonian Newspaper on December 15, 2005.

Interested Persons

Appearing at the hearing on behalf of the variance requests were Rodney Geisler as well as David Billingsley of Central Drafting & Design, who prepared the site plan. R. T. Mullennax, I.

ORDER RECEIVED FOR PLANNING
Date 1-10-06
By [Signature]

L. Mullenmax and Phil Young appeared in opposition to the requests. Peter Max Zimmerman, People's Counsel, entered his appearance in this case.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: ZAC comments were received by the Bureau of Development Plans Review dated December 5, 2005, and the Department of Environmental Protection and Resource Management (DEPRM), dated December 16, 2005, for both Case Nos. 06-253-A and 06-254-A. In addition, a ZAC comment was received from the Office of Planning dated December 2, 2005 for Case No. 06-254-A. These copies are attached hereto and made a part hereof.

Applicable Law

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

“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.”

Testimony and Evidence

By agreement, all testimony and evidence given in Case No. 06-253-A is equally applicable to Case No. 06-254-A. Both cases were heard simultaneously. No persons other

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-10-00 BY [signature]

than listed on the sign-in sheets appeared for Case No. 06-254-A, which was scheduled one hour later.

Mr. Billingsley indicated that the subject property is Lot 6 of the Chesapeake Terrace subdivision, which was recorded among the land records of the County in 1919. This waterfront lot contains 11,125-sq. ft. and is zoned DR 5.5. The lot has 100 feet of frontage on Gross Avenue. It is presently improved by three (3) dwellings, one of which, the Petitioner plans to discontinue as a dwelling. This structure will be converted to a storage garage but is presently 20 feet high. Thus, the request for the height variance.

The Petitioner indicated that he purchased the property in 2005. He would like to subdivide the property creating two (2) 50-foot wide lots, each of which would be improved by one of the existing dwellings. He indicated that 2316 Gross Avenue would be sold to his brother as his principal residence while the Petitioner would continue to rent 2316 A.

In regard to the variance requests, Mr. Billingsley noted that each simply reflects the existing dwellings on the property. No changes are planned for either which would affect zoning criteria specified in DR 5.5 regulations. As such, the existing dwelling at 2316 requires a variance for the lot width of 50 feet in lieu of the required 55 feet and side yard setback of 9 feet in lieu of the required 10 feet. Mr. Billingsley noted that the dwelling on this lot meets all other DR 5.5 regulations. Similarly, the existing dwelling at 2316 A would have a lot width of 50 feet in lieu of the required 55 feet and side yard of 3 feet in lieu of the required 10 feet. He also noted that the side of the dwelling with the 3-foot setback would be against the adjacent boat marina use.

Mr. Billingsley indicated that his research into the uses on this property disclosed that this lot had no common ownership with adjacent properties since at least 1964. He also admitted that he had been unable to produce evidence that the three (3) dwellings on this lot were legal uses

DATE RECEIVED: 11-10-09
BY: [Signature]

prior to the imposition of zoning hereon. In short, he could not prove that the dwellings were legal non-conforming uses.

He presented relevant portions of the Plat of Chesapeake Terrace as Exhibit 4, a 1964 county sewer plan showing the site was improved by two single family dwellings as Exhibit 5 and, a 1941 water plan showing the dwelling at 2316 and likely a garage. He noted that the garage was likely converted to a dwelling sometime after 1941 but before 1964. Upon questioning, he admitted that the property had only one (1) water meter. Mr. Mullennax, the adjacent property owner at 2314, indicated that the dwelling at 2316 A was an old garage originally used just for storage.

Finally, Mr. Billingsley noted that Gross Avenue is very narrow and parking can be a problem, especially when one of the waterfront property owners has a party or family affair. However, by eliminating the apartment over the garage, the Petitioner will be reducing the need for parking.

In the alternative, Mr. Billingsley presented an alternative plan, Exhibit 8, a redline "z" lot plan, in which the lot boundary between 2316 and 2316 A would be zig and zag to create two (2) lots, such that each lot would have 55 feet of width at each existing dwelling. However, this would produce a side yard of 8 feet, which also would require a variance.

Mr. R. T. Mullennax testified against the requests. He owns the adjacent property at 2314 Gross Avenue, which like the subject property is 100 foot wide. He noted that all the lots along the waterfront are 100 feet wide and have been developed as one (1) house on each lot. He indicated that if the subject property were subdivided into two (2) lots, other neighbors might try to do the same thing based on this approval as precedent.

In response, Mr. Billingsley pointed out that the Petitioner could raze one of the houses and then create a "z" lot without the need for any variance.

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Date 1-10-09
By [Signature]

Mr. Young who lives around the corner on Waldman Avenue expressed his concern that eventually there will be two (2) owners of these two lots who will likely erect a fence between the lots which will eliminate the common driveway and parking now existing. This will make parking worse eventually. In response, Mr. Billingsley noted that each lot would have to have two (2) parking spaces under the minor subdivision regulations.

Finally, Mr. I. Mullennax, (Mr. R. Mullennax's brother) indicated that he opposed the variances because subdividing this 100 foot wide lot into two (2) lots will change the neighborhood.

Findings of Fact and Conclusions of Law

As mentioned at the hearing, the general rule is that if a person creates lot lines, which require variances, the hardship is self-created and cannot be approved. See Board of Appeals decision in Case CBA 95-154 and 95-340-SPHA (UMBC Research Park). Similarly, a Petitioner cannot use a self-created hardship as a basis for a variance. See *Cromwell v Ward*, 102 MD 691, 651 A.2d 424.

However, there are several exceptions to this general rule, which this Commission has recognized in the past. One such exception involves existing structures. Perhaps a farm is being subdivided for new homes but for some valid reason, the Petitioner wants to keep an existing barn. Again, perhaps the barn suddenly shows up on the development plan in the side yard of a new home rather than in the rear yard. Or, perhaps it is too tall to meet the height regulations. This Commission has regularly granted variances for such existing structures.

In the subject case, the Petitioner indicates he merely wants to hold onto two (2) existing dwellings on the property. Even though he proposes to subdivide the existing lot into two (2) lots, he argues the existing structures bring the requests for variance into the exception to the general rule.

UNSUBDIVIDED LOT
Date 1-10-06
By [Signature]

However, there is an underlying assumption, which has not been discussed to my knowledge in the barn example above. That assumption is that the barn was erected legally either because it was built before the regulations were imposed or it met the regulations at the time it was erected.

However, the evidence in this case does not point to this conclusion. The information on the 1949 water plan shows a house and garage. The 1964 sewer plan shows two (2) houses. Obviously, some prior owner converted the garage to a dwelling. While I am not ruling that I find the second dwelling illegal, there is no supporting evidence that the conversion of the garage to the second dwelling was according to law. This gives me pause to apply the existing structure exception to the self-created hardship rule in this particular case. Can I recognize a structure as triggering the exception, which perhaps the County could require to be reconverted to a garage?

In addition, clearly the Petitioner creates the new lot line, which divides the existing lot. Therefore, the request for variances to allow 50-foot lots are self-imposed. The Petitioner drew the line. No one forced him to do so.

On the other hand, clearly the request for a 9-foot setback for the dwelling at 2316 and request for the 3-foot setback for the existing "dwelling" on 2316 A is not self-imposed. These simply document the distance from the existing structures to the lot lines. Please note once again I simply make the assumption that the structure on 2316 A is a "dwelling" as the Petitioner asks me to do. (Of course, if it were a garage, it would not need a variance, as a detached accessory building can be 2.5 feet from the lot line.)

In regard to the height of the existing garage, I again make the assumption that the garage is allowed under the regulations but do not so find. The Petitioner asserts it is a legal garage and I will not doubt him. The height of the garage is not self-imposed. Therefore, I will grant this request.

UPPER MERIDIAN FOR FUTURE
Date 1-10-06
By [Signature]

Finally, I acknowledge that the pattern of development of this neighborhood would clearly change if this 100-foot lot were subdivided into two (2) 50-foot lots. Unlike so many waterfront subdivisions laid out in the early 20th century on the east side of the County, this subdivision clearly depicts wide lots for lots 1 through 10 along the waterfront perhaps with the exception of Lot 7. See Exhibit 4. All the evidence presented indicates that the neighborhood along the waterfront on these ten (10) lots is one (1) house per lot, which of course is the subject property as the exception. Lots 7 and 8 are developed as a marina.

Finally, I note that the Petitioner submitted Exhibit 8 as an alternative to the above requests. Two "z" lots would be created which would meet the 55-foot lot width at the building but the dwelling on 2316 would be 8 rather than 10 feet from the new lot line. While this request is not formally before me, I note that the 8-foot dimension is from the lot line created by the Petitioner. By definition it would be self-imposed.

For those variances which are not self-imposed, I find the subject property is a lot in a subdivision which was created many years before the DR regulations were imposed and therefore affect this lot differently from lots in the area created after the regulations were imposed. Consequently, I find the property unique in a zoning sense. I further find that these variances can be granted within the spirit and intent of the regulations and will not adversely affect the neighborhood.

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 in part and denied in part.

THEREFORE, IT IS ORDERED, in Case No. 06-253-A by the Deputy Zoning Commissioner for Baltimore County, this 10 day of January 2006, that the variance request from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing

single family dwelling with a side yard of 9 feet in lieu of the required 10 feet, be and is hereby GRANTED subject however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner's shall comply with the ZAC comments from the Bureau of Development Plans Review dated December 5, 2005;
2. The Petitioner's shall comply with the ZAC comments from the Department of Environmental Protection and Resource Management (DEPRM) dated December 16, 2005;
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED in Case No. 06-253-A that the variance request from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing single family dwelling on a lot having a width at the building line of 50 feet in lieu of the required 55 feet, be and is hereby DENIED; and

IT IS FURTHER ORDERED that in Case No. 06-254-A I make no ruling or finding as to whether the structure known as 2316 A Gross Avenue is or is not a legal single family dwelling; and

IT IS FURTHER ORDERED, in Case No. 06-254-A that a variance request from 1B02.3.C.1 and 400.3 of the B.C.Z.R., (if, in fact, the structure known as 2316 A Gross Avenue is a legal existing single family dwelling), a side yard of 3 feet and an accessory structure with a height of 20 feet in lieu of the required 10 feet and 15 feet respectively, be and is hereby GRANTED; subject however, to the following restrictions which are conditions precedent to the relief granted herein:

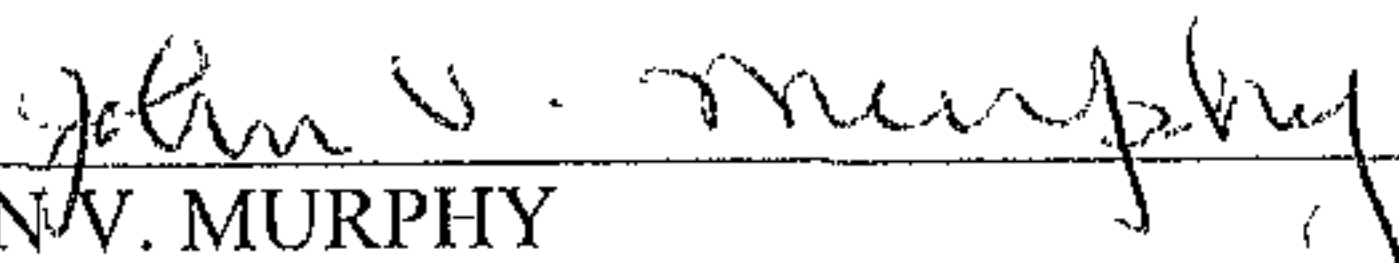
4. The Petitioner's shall comply with the ZAC comments from the Bureau of Development Plans Review dated December 5, 2005;
5. The Petitioner's shall comply with the ZAC comments from the Department of Environmental Protection and Resource Management (DEPRM) dated December 16, 2005;

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Date 1-10-09
By [Signature]

6. The Petitioner's shall comply with the ZAC comments from the Office of Planning dated December 2, 2005; and
7. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order; and

IT IS FURTHER ORDERED in Case No. 06-253-A that the variance request from 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an existing single family dwelling on a lot having a width at the building line of 50 feet in lieu of the required 55 feet, be and is hereby DENIED.

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



JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:dlw

RECEIVED FOR FILING
Date 1-10-06
By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 10, 2006

Rodney Geisler
P.O. Box 999
Abingdon, Maryland 21009

Re: Petition for Variance
Case Nos. 06-253-A & 06-254-A
Property: 2316 & 2316 A Gross Avenue

Dear Mr. Geisler:

Enclosed please find the decision rendered in the above-captioned case. The petition for Variance has been granted in part and denied in part 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,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: David Billingsley, Central Drafting & Design, Inc., 601 Charwood Ct.,
Edgewood, MD 21040
R.T. Mullennax, 2314 Gross Avenue, Baltimore, MD 21219
I. L. Mullennax, 8409 Kavanagh Road, Baltimore, MD 21222
Phil Young, 7201 Waldman Avenue, Baltimore, MD 21219
People's Counsel; Case File # 06-0011



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 2316 AGROSS AVENUE

which is presently zoned ORS.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)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(indicate hardship or practical difficulty)

SEE ATTACHED

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

City

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

RODNEY GEISLER

Name - Type or Print

Signature

Name - Type or Print

Signature

P.O. BOX 999 (410) 598-9955

Address

Telephone No.

ABINGDON MD.

21009-0999

State

Zip Code

Representative to be Contacted:

DAVID BILLINGSLEY
CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD MD.

21040

City

State

Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

UNAVAILABLE FOR HEARING

Reviewed By

LTm

Date

11/9/05

Case No. 06-254-A

ORDER RECEIVED FOR FILING

Date

By

REV 9/15/98

1B02.3.C.1 AND 400.3 (BCZR) TO PERMIT AN EXISTING SINGLE FAMILY DWELLING ON A LOT HAVING A WIDTH AT THE BUILDING LINE OF 50 FEET, A SIDE YARD OF 3 FEET AND AN ACCESSORY STRUCTURE WITH A HEIGHT OF 20 FEET IN LIEU OF THE REQUIRED 55 FEET, 10 FEET AND 15 FEET RESPECTIVELY

#254

REASON FOR VARIANCE REQUEST

2316 AND 2316A GROSS AVENUE

THE SUBJECT PROPERTY IS A 100 FOOT WIDE LOT AND IS IMPROVED WITH TWO (2) SINGLE FAMILY DWELLINGS. THE ORIGINAL DWELLING (2316 GROSS AVENUE) WAS CONSTRUCTED IN 1934. THE SECOND DWELLING (2316A GROSS AVENUE) WAS CONSTRUCTED SOMETIME AROUND 1941 AS A TENANT RESIDENCE AND ENLARGED OVER THE NEXT 20 YEARS. THE PETITIONER PURCHASED THE PROPERTY IN JANUARY 2005 AND WOULD LIKE TO CREATE A VALID LOT FOR EACH DWELLING. OTHER THAN THE REQUESTED LOT WIDTH OF 50 FEET AND THE EXISTING NON-CONFORMING SIDE YARDS, THE LOTS WILL COMPLY WITH ALL AREA AND SETBACK REQUIREMENTS. THE APARTMENT ABOVE THE EXISTING GARAGE WILL BE REMOVED AND THE AREA USED FOR STORAGE ONLY.

#254

ZONING DESCRIPTION

2316A GROSS AVENUE

Beginning for the same at a point on the west side of Gross Avenue (30 feet wide) said point being distant northerly 90 feet from it's intersection with the extension of the center of Hughes Avenue (30 feet wide), thence being the northernmost ½ of lot 6 as shown of the plat entitled Chesapeake Terrace, Section B recorded in plat book 5 folio 36. Containing 9,975 square feet or 0.229 acre of land, more or less.

Being known as 2316A Gross Avenue. Located in the 15th Election District, 7th Councilmanic District

#254

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 1035

DATE 11/9/05 ACCOUNT 0001 CCG 6150

AMOUNT \$ 65.00

RECEIVED FROM: CENTRAL DRAFTING - DISIGN

FOR: CC-254-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

DATE RECEIVED ACTUAL TIME INK
11/09/2005 11:00 AM 10:52:00
RECEIPT # 261435 11/09/2005 GFL
Dept 5 525 FUNDING DEPARTMENT
CR 15. 001035

Receipt # 4
\$65.00
\$65.00
Baltimore County, Maryland

CASHIER'S VALIDATION

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #06-264-A

2316/A Gross Avenue
West side of Gross Avenue,
90 feet north of centerline
of Hughes Avenue
15th Election District

7th Councilmanic District

Legal Owner(s): Rodney Gelsler

Variance: to permit an existing single family dwelling on a lot having a width at the building line of 50 feet, a side yard of 3 feet and an accessory structure with a height of 20 feet in lieu of the required 55 feet, 10 feet and 15 feet respectively.

Hearing: Friday, December 30, 2005 at 10:00 a.m.

In Room 407, County
Courts Building, 401
Bosley Avenue, Towson
21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible;
for special accommoda-
tions Please Contact the
Zoning Commissioner's Of-
fice at (410) 887-4386.

(2) For information con-
cerning the File and/or
Hearing, Contact the Zon-
ing Review Office at (410)
887-3391.

12/148 Dec. 15 78068

CERTIFICATE OF PUBLICATION

12/16/2005

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 12/15/2005.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News

S. Wilkinson

LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No: 06-254-A

Petitioner/Developer: RODNEY
GEISLER

Date Of Hearing/Closing: 12/30/05

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 2316 A GROSS AVENUE

This sign(s) were posted on December 15, 2005
(Month, Day, Year)

Sincerely,

Martin Ogle 12/15/05
(Signature of sign Poster and Date)

Martin Ogle

Sign Poster

16 Salix Court

Address

Balto. Md 21220

(443-629 3411)

[illegible]

Westerlo 12/15/05

**Department of Permits and
Development Management**

Director's Office
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Tel: 410-887-3353 • Fax: 410-887-5708



Baltimore County

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

November 25, 2005

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-254-A

2316 A Gross Avenue
West side of Gross Avenue, 90 feet north of centerline of Hughes Avenue
15th Election District – 7th Councilmanic District
Legal Owner: Rodney Geisler

Variance to permit an existing single family dwelling on a lot having a width at the building line of 50 feet, a side yard of 3 feet and an accessory structure with a height of 20 feet in lieu of the required 55 feet, 10 feet and 15 feet respectively.

Hearing: Friday, December 30, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204

A handwritten signature in black ink, reading "Timothy Kotroco".

Timothy Kotroco
Director

TK:klm

C: Rodney Geisler, P.O. Box 999, Abingdon 21009-0999
David Billingsley, 601 Charwood Court, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY THURSDAY, DECEMBER 15, 2005.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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



TO: PATUXENT PUBLISHING COMPANY
Thursday, December 15, 2005 Issue - Jeffersonian

Please forward billing to:
Rodney Geisler
P.O. Box 999
Abingdon, MD 21009-0999

410-598-9955

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 06-254-A

2316 A Gross Avenue

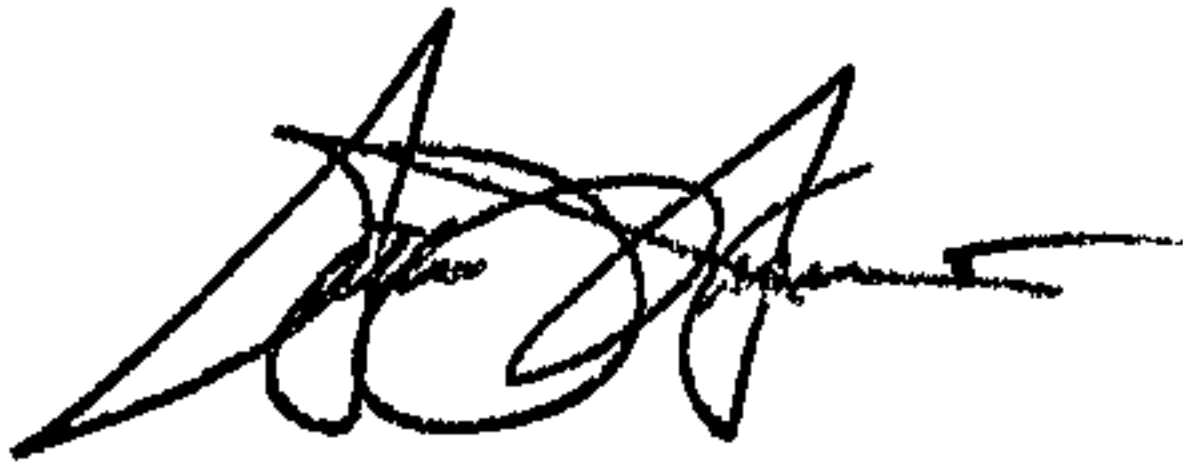
West side of Gross Avenue, 90 feet north of centerline of Hughes Avenue

15th Election District – 7th Councilmanic District

Legal Owner: Rodney Geisler

Variance to permit an existing single family dwelling on a lot having a width at the building line of 50 feet, a side yard of 3 feet and an accessory structure with a height of 20 feet in lieu of the required 55 feet, 10 feet and 15 feet respectively.

Hearing: Friday, December 30, 2005 at 10:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue, Towson 21204



WILLIAM J WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

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/neighborhood 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 06 - 254 - A

Petitioner RODNEY GEISLER

Address or Location: 2316 A GROSS AVENUE

PLEASE FORWARD ADVERTISING BILL TO

Name: RODNEY GEISLER

Address PO BOX 999 /

ABINGDON, MD. 21009 - 0999

Telephone Number: (410) 598-9955

**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*

December 26, 2005

Rodney Geisler
P.O. Box 999
Abingdon, Maryland 21009

Dear Mr. Geisler

RE: Case Number: 06-254-A, 2316 A Gross Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on November 9, 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,

A handwritten signature in black ink that reads "W. Carl Richards, Jr." The signature is stylized with a large, looped "W" and a cursive "J" at the end.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel
David Billingsley Central Drafting & Design 601 Charwood Court Edgewood 21040

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

November 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of: November 14, 2005

Item No.: 250, 252, 253, (254), 255, 256, 257, 258, 260, 262.

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

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

Acting Lieutenant Don W. Muddiman
Fire Marshal's Office
410-887-4880
MS-1102F

cc: File

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



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 5, 2005

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 21, 2005
Item No. 254

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 9.4 Baltimore County Datum.

The flood protection elevation for this site is 10.4 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the requirement of B.O.C.A. International Building Code adopted by the county.

DAK:CEN:clw

cc: File

ZAC-ITEM NO 254-12062005.doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: R. Bruce Seeley, DEPRM
DATE: December 16, 2005
SUBJECT: Zoning Item # 06-254
Address 2316A Gross Avenue
(Geisler Property)

Zoning Advisory Committee Meeting of November 14, 2005

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

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Property is located within the Limited Development Area (LDA) of the Chesapeake Bay Critical Area (CBCA). LDA regulations deal with impervious surface area and tree cover. Buffer Management Area regulations also apply.

Reviewer: K. Brittingham

Date: December 15, 2005

9/12/30

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 2, 2005

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

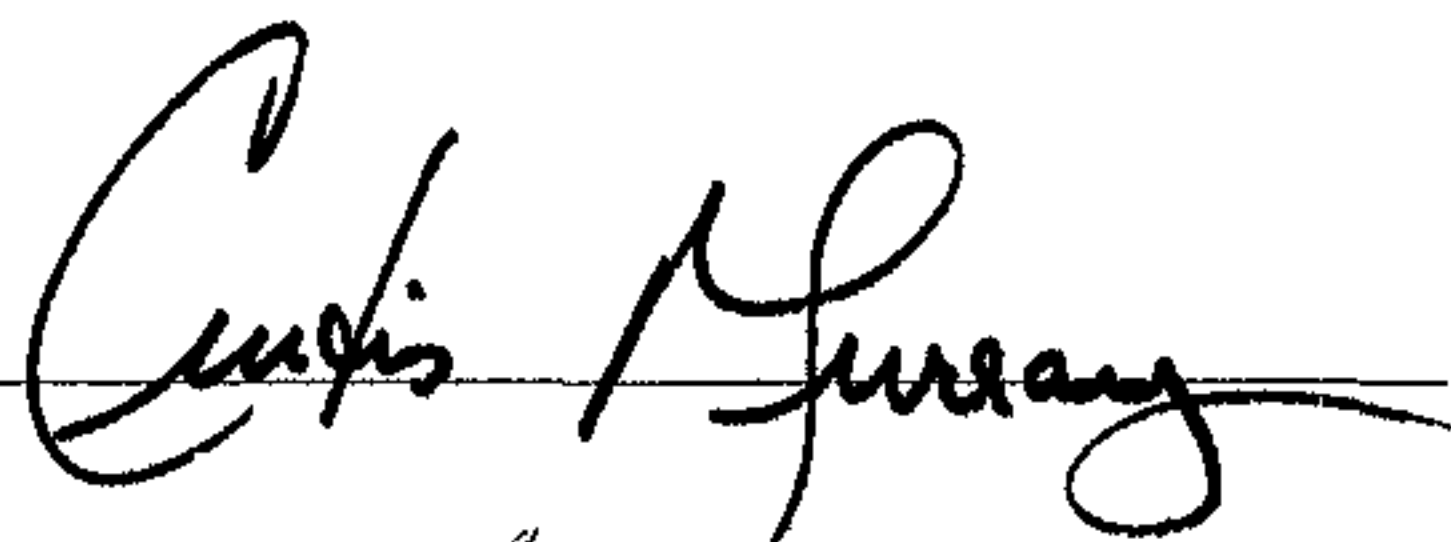
SUBJECT: 6-254 -Variance

The Office of Planning does not oppose the petitioner's request including the permission of an accessory structure (garage) with a height of 20 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

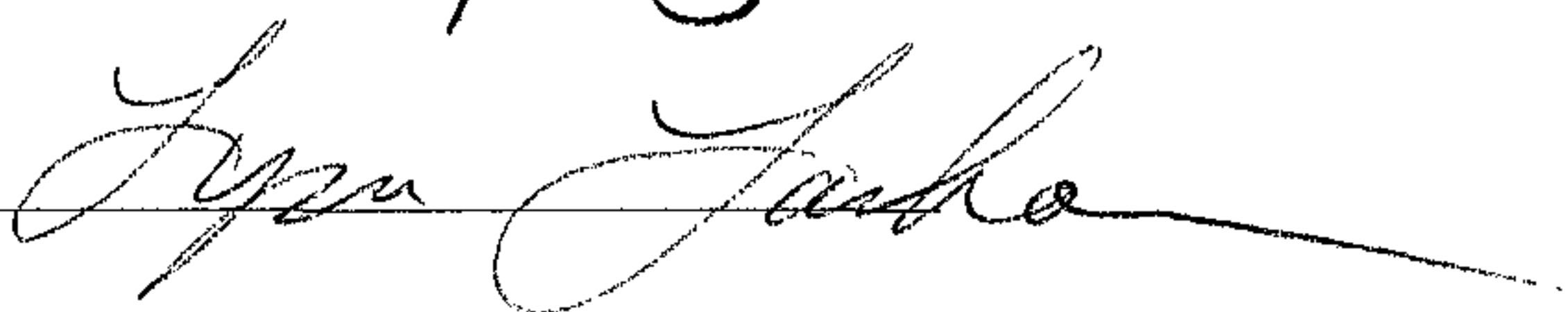
1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Amy Mantay at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM



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

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

Maryland Department of Transportation

Date: 11-28-05

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

RE: Baltimore County
Item No. 254 LTM

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,

Steven D. Foster, Chief
Engineering Access Permits Division

RE: PETITION FOR VARIANCE
2316A Gross Avenue; W/S Gross Avenue,
90' N Hughes Avenue
15th Election & 7th Councilmanic Districts
Legal Owner(s): Rodney Geisler
Petitioner(s)

* BEFORE THE
* ZONING COMMISSIONER
* FOR
* BALTIMORE COUNTY
* 06-254-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of November, 2005, a copy of the foregoing Entry of Appearance was mailed to, David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

RECEIVED

NOV 29 2005

Per *Rh*.....

Peter Max Zimmerman

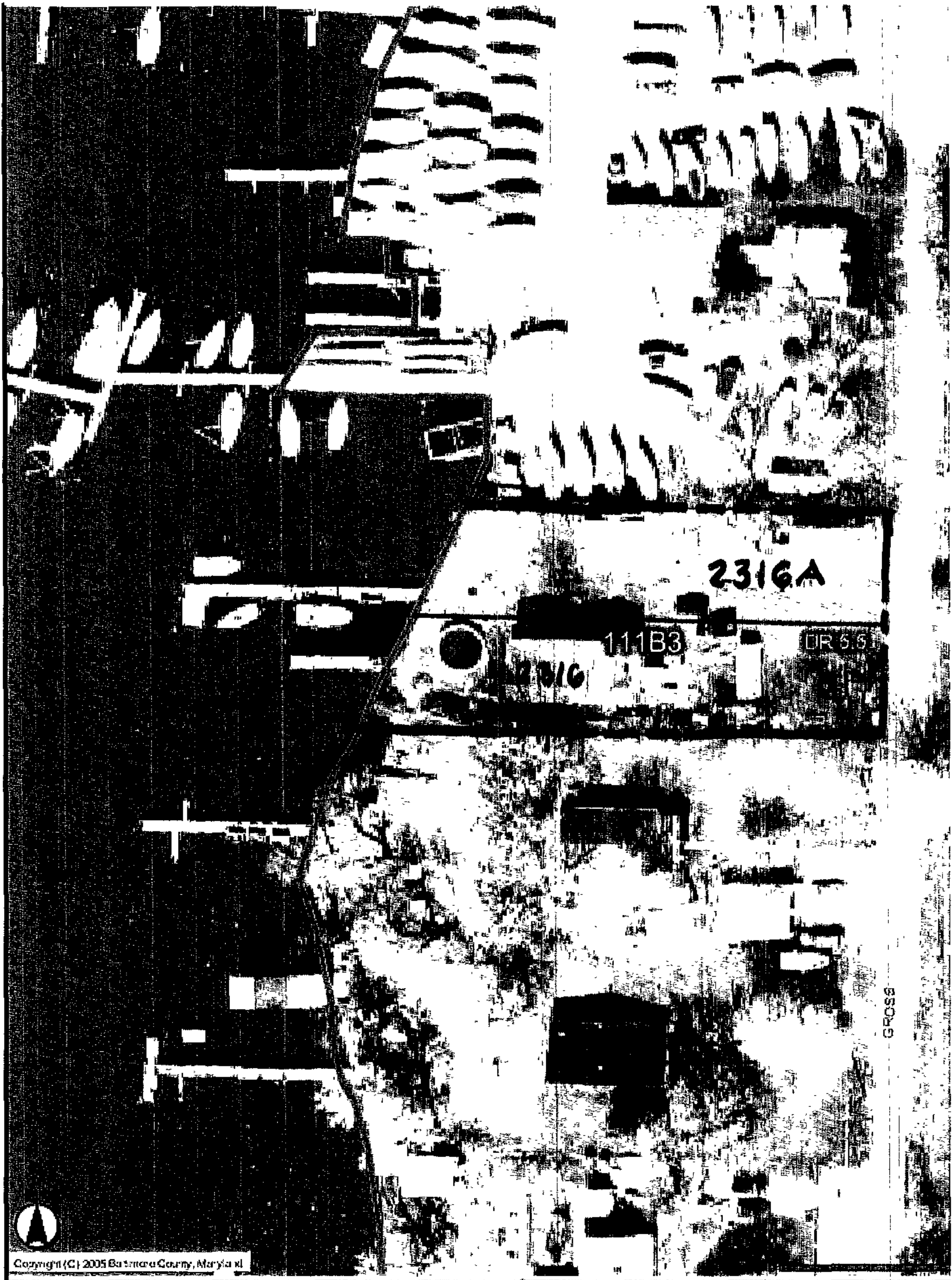
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 23/GA GROSS AVE
CASE NUMBER 06-254-A
DATE 12/30/05

PETITIONER'S SIGN-IN SHEET

[illegible]

DS2 #



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