

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
South Side of Belle Forte Road, 672'		
East of Centerline of Bonnie Brae Road	*	DEPUTY ZONING COMMISSIONER
2nd Election District		
2nd Councilmanic District	*	OF BALTIMORE COUNTY
 (4737 Belle Forte Road)	*	 CASE NO. 06-303-A
 Houston D. Elvoid	*	
<i>Petitioners</i>		

* * * * *

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 owners of the subject property, Houston D. Elvoid. The variance request is for property located at 4737 Belle Forte Road in the Pikesville area of Baltimore County. The variance request is from Section 1B02.3B of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an addition (garage) with a 2-foot side yard setback in lieu of the required 8-feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

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 from the Office of Planning dated December 30, 2005, a copy of which is attached hereto and made a part hereof.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 24, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER RECEIVED FOR FILING
 Date 1-11-06
 By [Signature]

In this case, the Petitioners have 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.

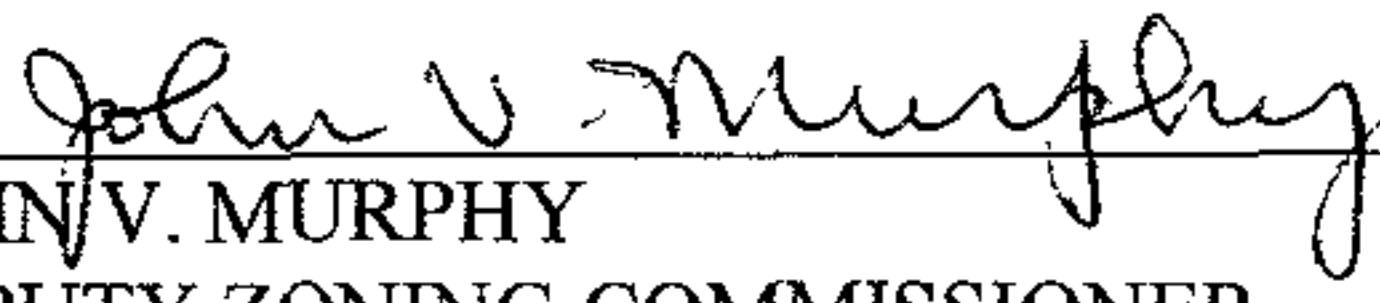
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11 day of January, 2006, that a variance from Section 1B02.3B of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an addition (garage) with a 2-foot side yard setback in lieu of the required 8-feet, be and is hereby GRANTED, subject, however, to the following restrictions which is a condition precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners must be in compliance with the ZAC comments submitted by the Office of Planning dated December 30, 2005, a copy of which is attached hereto and made a part hereof.
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; and

ORDER RECEIVED FOR FILING
Date 1-11-06
By [Signature]

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

ORDER RECEIVED FOR FILING
Date 1-11-00
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 11, 2006

Houston D. Elvoid
4737 Belle Forte Road
Pikesville, Maryland 21208

Re: Petition for Administrative Variance
Case No. 06-303-A
Property: 4737 Belle Forte Road

Dear Mr. Elvoid:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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,

A handwritten signature in cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 4737 BELLE FORTE RD.
which is presently zoned P.R.5.5

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) 1802.3B. (BCZR)

TO PERMIT AN ADDITION (GARAGE) WITH A 2-FOOT SIDE YARD SETBACK
IN LIEU OF THE REQUIRED 8-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:

N/A
Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

HOUSTON D. ELVOID
Name - Type or Print

Signature

Name - Type or Print

Signature

4737 BELLE FORTE ROAD 410 922-1229
Address Telephone No.

PIKESVILLE, MARYLAND 21208
City State Zip Code

Representative to be Contacted:

N/A
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, 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. 06-303-A

Reviewed By DT Date 12/12/05

Estimated Posting Date 12/25/05

ORDER RECEIVED FOR FILING

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) do do presently reside at

4737 BELLE FORTE ROAD
Address
PIKESVILLE, MARYLAND 21208
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):

I plan to enclose the existing carport to
create a garage for storage space. The
house is so small and the basement is now
storage space which can become additional living
space.

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.

Houston D. Elvord
Signature

Signature

Houston D. Elvord
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12 day of December, 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

[Signature]
Notary Public

My Commission Expires 6-17-2008

Zoning Description for **4737 Belle Forte Road**

Beginning at a point on the south side of Belle Forte Road which has a 50-foot right-of-way and being 672-feet east of the centerline of Bonnie Brae Road. Being Lot #13, Section G in the subdivision known as "Belle Farm Estates" as recorded in Baltimore County Plat Book #25, Folio #96, containing 7,326 square feet. Also known as 4737 Belle Forte Road and located in the 2nd Election District, 2nd Councilmanic District.

06-308-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 2507

DATE 12/12/05

ACCOUNT 0010060150

AMOUNT \$ 65.00

RECEIVED

HUSTON D. KELYD

FROM:

FOR:

ITEM # 203 06-303-4

41921 BELLE FOOTE RD. BY D. THOMPSON

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

ISSUED BY

DATE

12/12/05

RECEIVED BY

12/12/05

DEPT 3

0100

65.00

421.00

BALANCE

CASHIER'S VALIDATION

RE: Case No.: 06-303-A

Petitioner/Developer: _____

ELVOID

Date of ~~Posting~~/Closing: 1/9/06

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

4737 BELLE FORTE RD

The sign(s) were posted on 12/24/05
(Month, Day, Year)

CASE # 06-303-A

Sincerely,

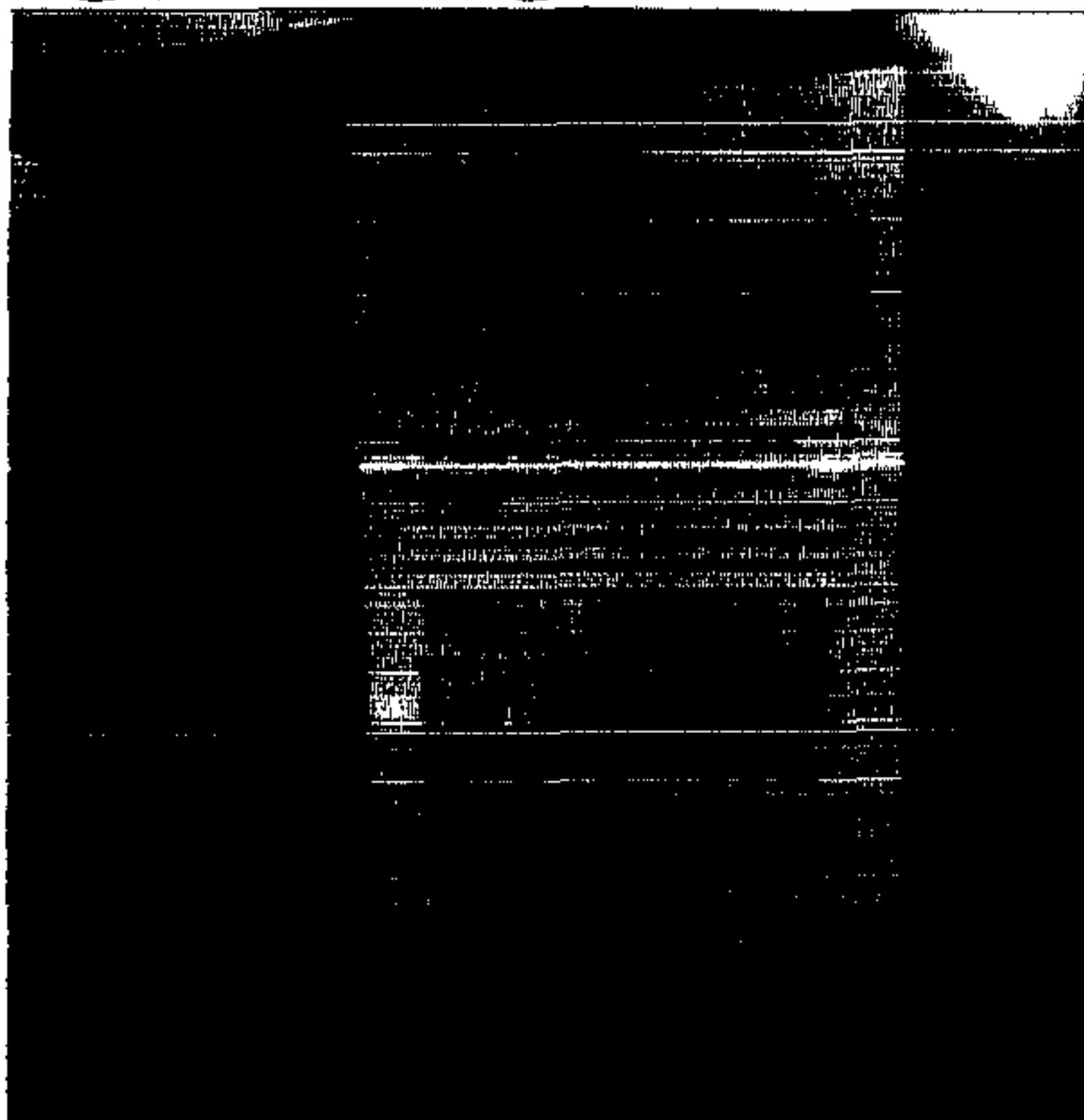
Richard E. Hoffman 12/24/05
(Signature of Sign Poster and Date)

RICHARD E. HOFFMAN
(Printed Name)

904 DELLWOOD DR.
(Address)

FALLSTON, MD 21047
(City, State, Zip Code)

(410) 879-3122
(Telephone Number)



4737 BELLE FORTE RD
POSTED 12/24/05
Richard E. Hoffman 12/24/05

**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: 06-303-A

Petitioner: ELVOID

Address or Location: 4737 BELLE FORTE RD.

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. HOUSTON D. ELVOID

Address: 4737 BELLE FORTE RD.

PIKESVILLE, MD 21208

Telephone Number: 410-922-1229

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 303 -A Address 4737 BELLE FORTE RD.

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

Filing Date: 12/12/05 Posting Date: 12/25/05 Closing Date: 1/9/06

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- 303 -A Address 4737 BELLE FORTE RD

Petitioner's Name ELVOID Telephone 410-922-1229

Posting Date: 12/25/05 Closing Date: 1/9/06

Wording for Sign: To Permit AN ADDITION WITH ^A 2 - FOOT SIDE SETBACK IN
REU OF THE REQUIRED 8- FEET.

**Department of Permits &
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

January 9, 2006

Houston D. Elvoid
4737 Belle Forte Road
Pikesville, Maryland 21208

Dear Mr. Elvoid:

RE: Case Number: 06-303-A, 4737 Belle Forte Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 12, 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,

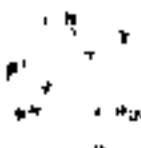
A handwritten signature in black ink, reading "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 30, 2005

RECEIVED

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

JAN 6 2006

PLANNING COMMISSIONER

SUBJECT: 4737 Belle Forte Road

INFORMATION:

Item Number: 6-303

Petitioner: Houston D. Elvoid

Zoning: DR 5.5

Requested Action: Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request provided architectural elevations are submitted to the Office of Planning for review and approval prior to the issuance of any building permits.

For further information concerning the matters stated here in, please contact Diana Itter at 410-887-3480.

Prepared by:



Division 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: 12.16.05

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

RE: Baltimore County
Item No. 303 DT

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

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

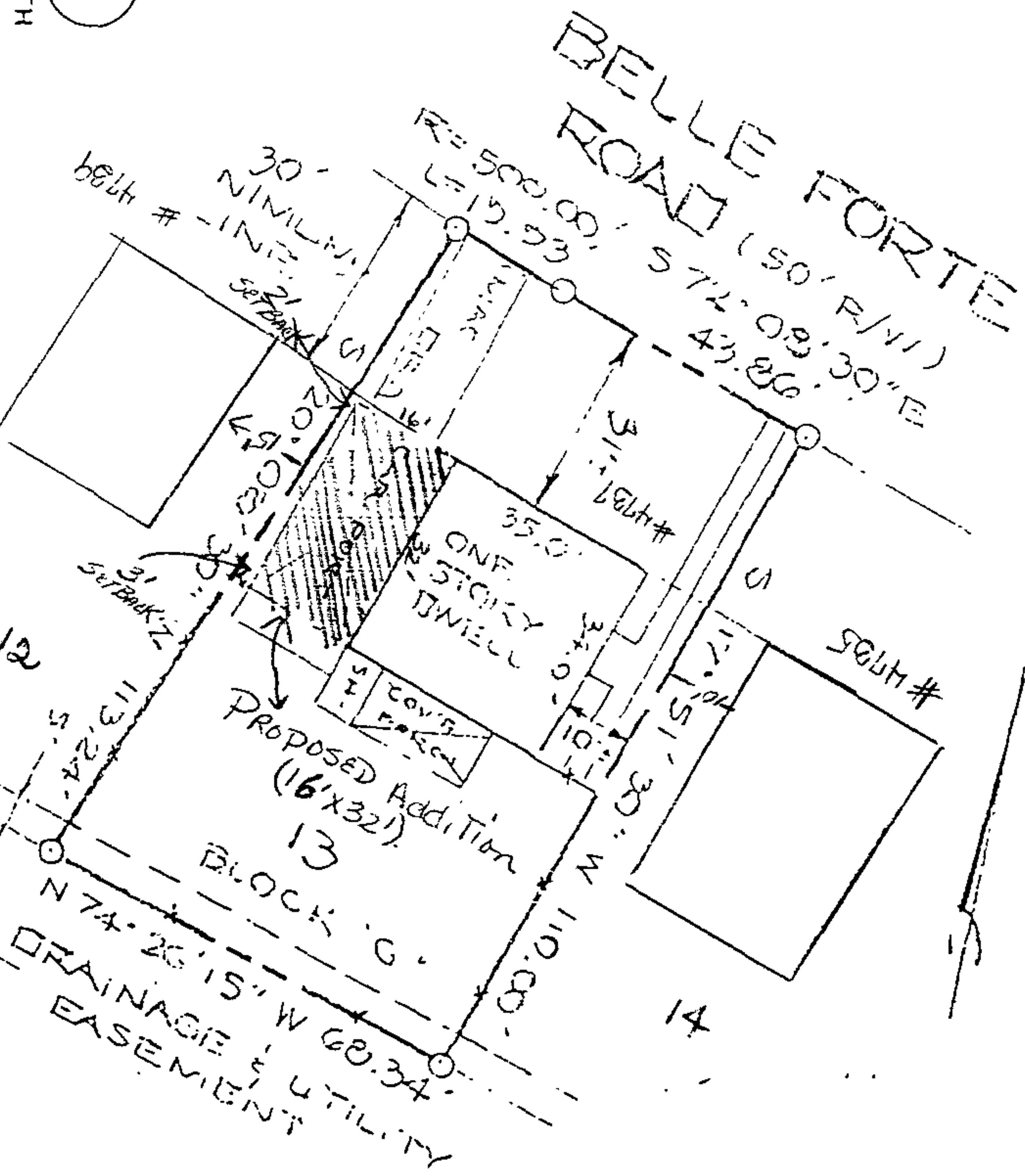
PROPERTY ADDRESS 4737 Belle Fort Rd

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

SUBDIVISION NAME Belle Area Estates

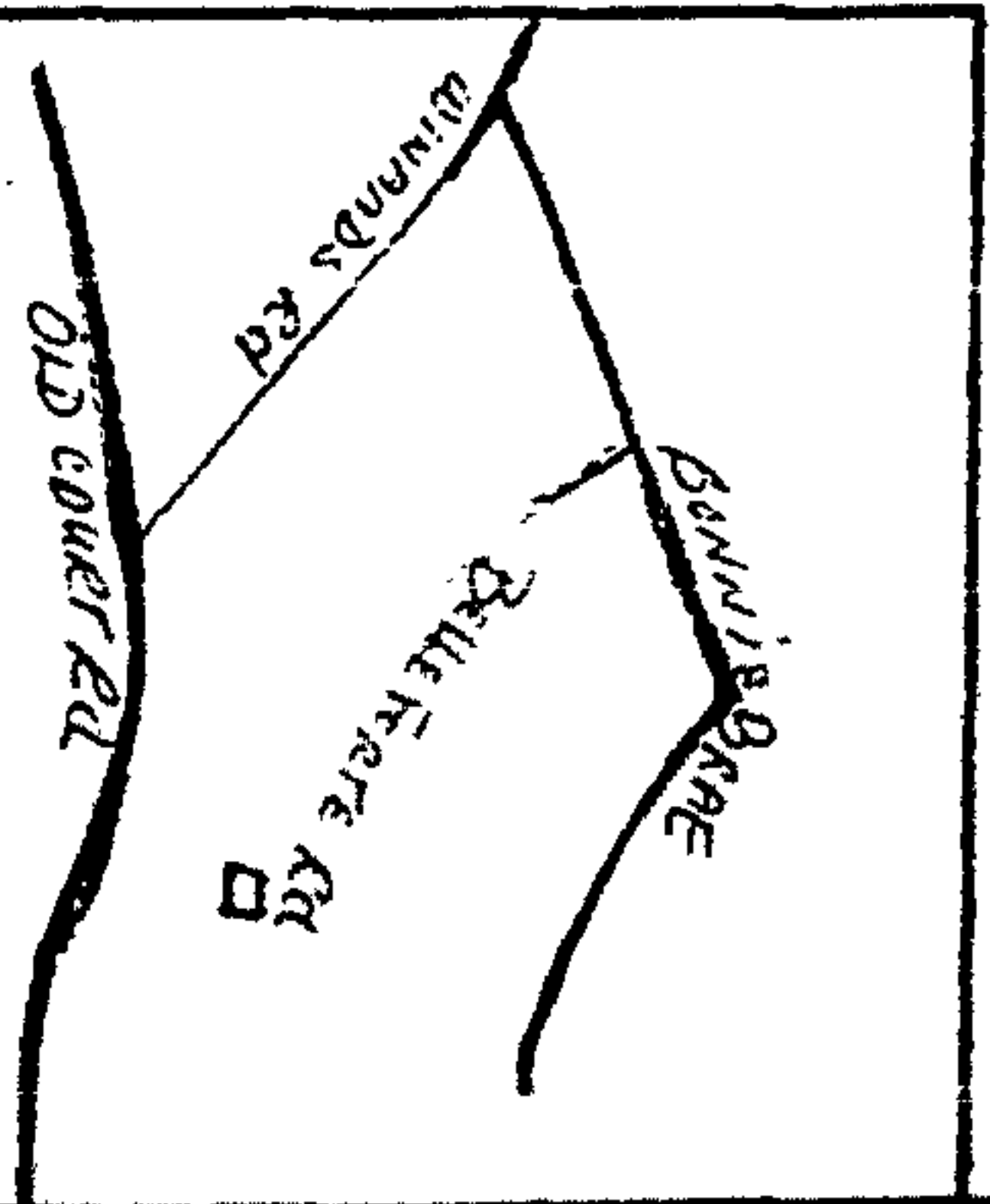
PLAT BOOK # 25 FOLIO # 96 LOT # 13 SECTION # 6

OWNER Houston D. Elucid



PREPARED BY K-270

SCALE OF DRAWING: 1" = 30'



VICINITY MAP
SCALE: 1" = 1500'

LOCATION INFORMATION

ELECTION DISTRICT 2

COUNCILMANIC DISTRICT 2

1" = 200' SCALE MAP # CITCO

ZONING D.R.S.5

LOT SIZE 0.17

ACREAGE 7.32 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE

WATER ☒ ☐

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

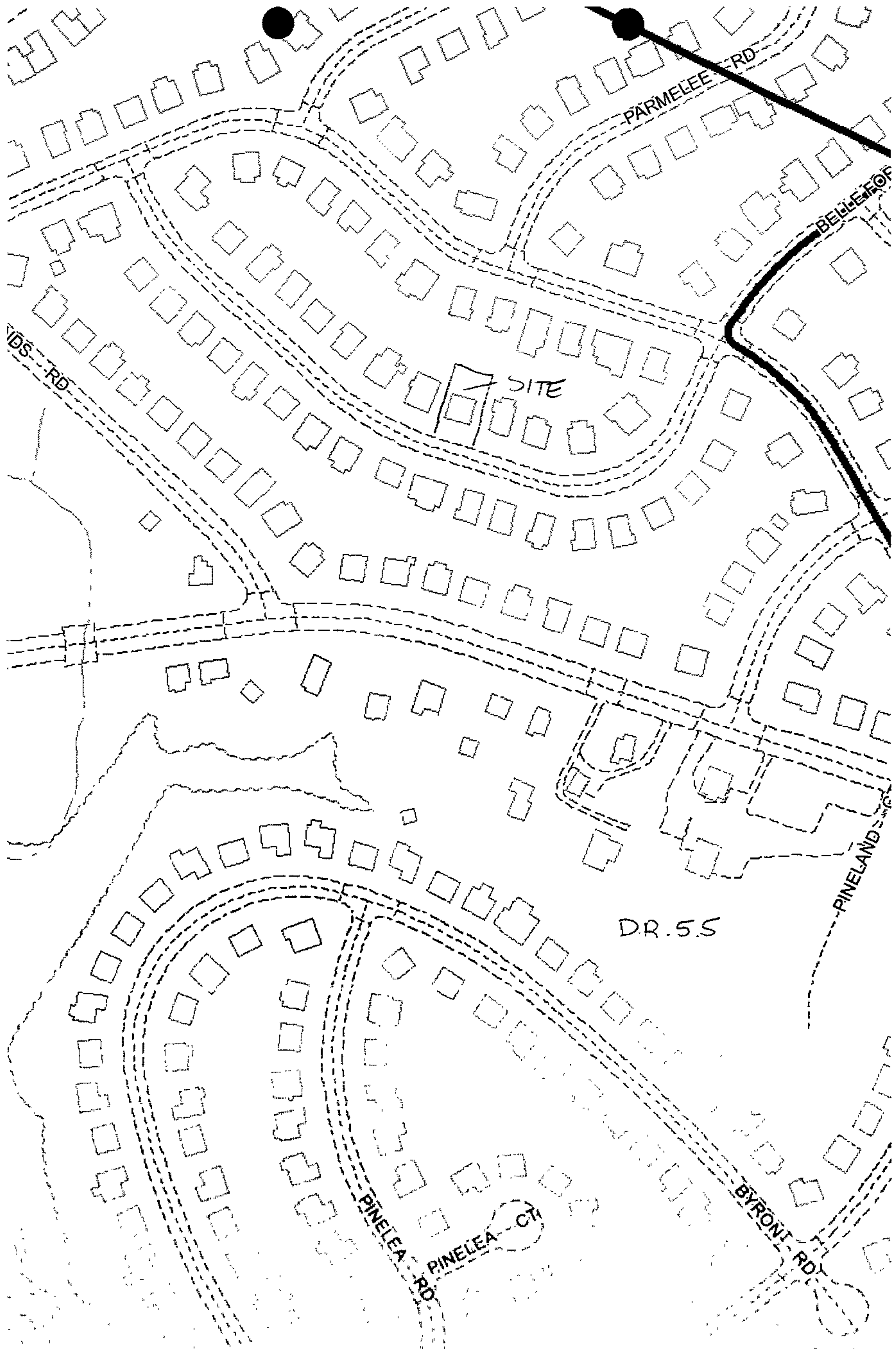
100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARINGS None

ZONING OFFICE USE ONLY
REVIEWED BY ITEM # CASE #

D.T. 303 06-303-A



07102