IN RE: PETITION FOR ADMIN. VARIANCE

S/S of Bonaparte Avenue, north of

Harford Road

11<sup>th</sup> Election District

3<sup>rd</sup> Councilmanic District

(6215 Bonaparte Avenue)

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Robert Daniel Smith & Denise Bamford Smith \*\*

\*Petitioners\*

CASE NO. 06-622-A

\* \* \* \* \* \* \* \* \* \* \*

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## 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, Robert Daniel Smith and Denise Bamford Smith. The variance request is for property located at 6215 Bonaparte Avenue. The variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (detached garage) with a height of 19 feet in lieu of the required 15 feet. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

The Petitioners states that the original home located on the property predates 1900 and has only a miniature basement and attic which is insufficient to store outdoor furniture, swimming pool equipment, toys, bicycles, lawn and garden tools and equipment and other seasonal items. The proposed garage with storage loft will permit the Petitioners to remove these items from public view and protect them. The proposed detached garage measures 24 feet x 40 feet x 19 feet in size.

# **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 letter was received from the Office of

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Planning dated June 29, 2006 and contains restrictions. A ZAC comment letter was received from the Department of Environmental Planning and Resource Management dated June 27, 2006 and contains a restriction. Copies of which are attached hereto and a made a part hereof.

#### Applicable Law

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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."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on June 18 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits and photographs 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 12<sup>th</sup> day of July, 2006, that a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R), to permit an accessory structure (detached garage) with a height of 19 feet in lieu of the required 15 feet be and is hereby GRANTED, subject to the following:

- 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 proposed garage must be 20 feet from the septic system and 30 feet from the well.
- 3. 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.
- 4. The accessory structure shall not be used for commercial purposes.

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

OHNV. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

July 12, 2006

ROBERT DANIEL SMITH AND DENISE BAMFORD SMITH 6215 BONAPARTE AVENUE GLEN ARM MD 21057

Re: Petition for Administrative Variance

Case No. 06-622-A

Property: 6215 Bonaparte Avenue

Dear Mr. and Mrs. Smith:

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

Deputy Zoning Commissioner

JVM:pz

Enclosure





# to the Zoning Commissioner of Baltimore County

	h is presen		RC-2	
for the property located at	6215	Bonaparte	Avenue	21057

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

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 BCZR

To permit an accessory structure coloraded garage) with a height of 19' in lieu of the required is!

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.

perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser/Lessee: Legal Owner(s): Robert Daniel Smith Name - Type or Print Name - Type or Print Signature, Signature Denise Bamford Smith Telephone No. Address Namer Type or Print Signature City State Zip Code Attorney For Petitioner: 410-592-3216 6215 Bonaparte Avenue Address Telephone No. 21057 MD Glen Arm Zip Code City State Name - Type or Print Representative to be Contacted: Signature Robert D. Smith" Name Company 410-592-3216 6215 Bonaparte Avenue Telephone No. Telephone No. Address Address 21057 Glen Arm MD Zip Code City State State Zip Code City 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 this day of regulations of Baltimore County and that the property be reposted. Zoning Commissioner of Baltimore County Reviewed By

Estimated Posting Date \_\_\_\_\_

# Affida Vit 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 6215 Address	Bonapar	rte Avenue	
	Glen	Arm	MD	21057
•	City	· ·	State	Zip Code
That based upon personal knowledge, the Variance at the above address (indicate har a nonly a miniature bas furniture, swimming toys, bicycles, lawn items. The proposed the owners to remove	dship or practic dated on the sent and pool equipond garde with the series and the series are also and the series and the series and the series and the seri	the propattic, attic, oment () and tools ith mode	perty pre-dates 19 insufficient to s hoses, covers, steps/equipment and other storage loft we move the public view and set in the set of the se	00 and has a tore outdoor ps, etc.), her seasonal ill permit protect them.
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remain in open view.				
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That the Affiant(s) acknowledge(s) that if advertising fee and may be required to prove	a formal dem ide additional ii	and is filed oformation	a, Affiant(s) will be required	to pay a reposting and
	nue additional il	illoittiation.		
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Signature		Sign	ature /	
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Robert Daniel Smith	<u> </u>	<u> </u>	Denise Bamford S	mith
Name - Type or Print		Nam	e - Type or Print	
		•		
STATE OF MARYLAND, COUNTY OF BA	LT(MORE, to v	vit:		
	1		100/ hafava ma a h	latory Dublic of the State
I HEREBY CERTIFY, this day of day of of Maryland, in and for the County aforesaid	nerconally an	neared	<i>02006</i> , before me, a N	iolary Public of the State
of Maryland, in and for the County aloresan				
Tobert Smeith And	1 Lot Vise	3 D.	muth	
the Affiant(s) herein, personally known or s	atisfactorily ide	ntified to m	e as such Affiant(s).	
			. ~	

AS WITNESS my hand and Notarial Seal

Notary Public

My Commission Expires \_\_\_\_

Marsha Alexander



ZONING DESCRIPTION FOR 6215 Bonaparte Avenue, Glen Arm, Maryland, As recorded in Deed Liber 00985, Folio 0570:

All that piece of parcel of land, situate, lying, and being in the Eleventh Election District of Baltimore County, Sate of Maryland, and described more particularly as follows to wit:

Beginning for the same at the beginning of the first parcel of land which by a deed dated May 19, 1940 and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr., No 1126 folio 390, was granted and conveyed by Herman Rufenacht to Elsie A. Pierce, and running thence and binding on part of the first line of said conveyance,

- 1) North 65 degrees 02 minutes West, 315 feet more or less to the end of the second or South 12 degrees 25 minutes West, 111.46 feet line of that parcel of land which by a deed dated January 31, 1980 and recorded among the Land Records of Baltimore County in Liber O.T.G. No 5088 folio 471, was granted and conveyed by Elsie A. Pierce Grover and Oscar C. Grover, her husband, to Lorin L. Johnson and Mildred L. Johnson, his wife, thence running and binding reversly on said second line,
- 2) North 12 degrees 25 minutes East, 111.46 feet to intersect the third line of the aforesaid first parcel at the end of the third or South 89 ½ degrees West 254 feet line of the second parcel of the aforesaid conveyance from Rufenacht to Pierce, thence running and binding reversly on the third, second, first, and part of the fourth line of said second parcel;
- 3) North 89 and 1/2 degrees East, 254 feet
- 4) South 74 and 1/2 degrees East, 186 feet,
- 5) South 25 degrees West, 54.5 feet, and,
- 6) North 75 and ½ degrees West, 45 feet more or less to the beginning of the fourth line of the aforesaid first parcel, thence running and binding on the fourth and fifth lines of said first parcel;
- 7) South 31 degrees 15 minutes West, 127 feet, and,
- 8) South 48 degrees 00 minutes West, 67.5 feet more or less to the point of beginning.

CONTAINING 1.57 acres of land more or less.

Being part of the first parcel, and all of the second parcel of land which by a deed dated May 19, 1940 and recorded among the Land Records of Baltimore County in Liber C.W.B., Jr., No. 1126 folio 390, was granted and conveyed by Herman Rufenacht to Elsie A. Pierce.

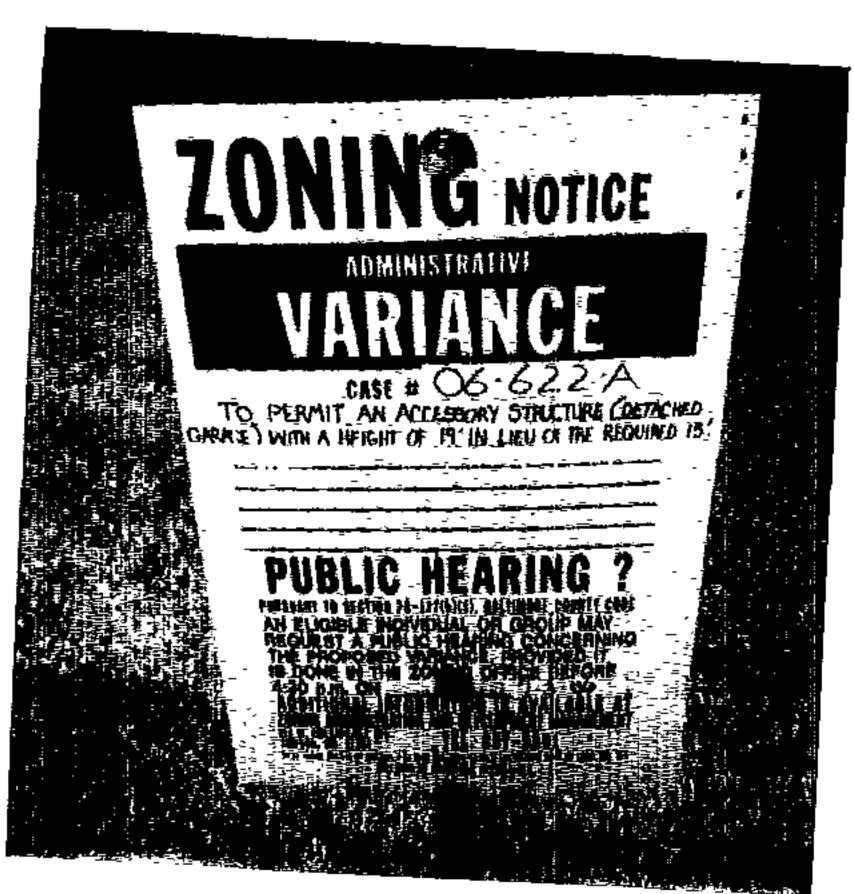
Also known as 6215 Bonaparte Avenue and located in the Eleventh Election District, Third Councilmanic District.

# 622

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# CERTIFICATE OF POSTING

ı×	RE: Case No.: 06-622 A
•	Petitioner/Developer: RoBERT
	AND DENISE SMITH
	Date of Hearing/Closing: 7-3-06
Baltimore County Department of Permits and Development Management County Office Building, Room 111 11 West Chesapeake Avenue Cowson, Maryland 21204	
ATTN: Kristen Matthews {(410) 887-3394}	
Ladies and Gentlemen:	
This letter is to certify under the penalties of perjury toosted conspicuously on the property located at:	hat the necessary sign(s) required by law were
· 6215 BOWAPA	RIE AVENUE
	·
he sign(s) were posted on	18-06
(Mon	th, Day, Year)
Since	rely,



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

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

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

Item Number or Case Number:	06~622~A		
Petitioner: Robert Sm	t 7-t	· · · · · · · · · · · · · · · · · · ·	
Address or Location: 6215	BODAPANTE AVE	Guen Arm 210	s 7_
PLEASE FORWARD ADVERTIS			
Name: Losent Smit	7 <del>+</del>		
Name: Rosent Smit Address: 6215 Bong Grow Ann	BANTE AVE		
Address: 6215 Bony	BANTE ANE MAD 21057		

# <u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

		<del></del>	1				
Case	Number 06-	622	-A	Address	6215	BONAPARTE	AVE
Conta	ct Person: _		Please Print Your N		<del></del>	Phone Numbe	er: 410-887-3391
Filing	Date:	7-06	_ Posti	ng Date:	G-18-0	Closing E	Date: <u>7-3-</u> で
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2.	a formal red	quest for a p	ublic hearing.	Please	understan	nt or owner within d that even if th the closing date.	1,000 feet to file ere is no formal
3.	commission order that the commission of the comm	er. He may: he matter be hin 7 to 10 da	(a) grant the set in for a ays of the clos	requested public he sing date)	d relief; (b) aring. You as to whet	by the zoning of deny the reque will receive when the petition had been to you by First Cl	sted relief; or (c) ritten notification as been granted,
4.	(whether du commissione changed giv	e to a neigher), notification in the second terms of the second te	bor's formal n will be for the hearing da	request of warded to ite, time a	by order you. The hold location	es that must go to of the zoning of e sign on the p of As when the sign must	or deputy zoning property must be ign was originally
			(Detach	n Along Dotted I	_ine)		
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		USE THE	ADMINISTRA	TIVE VAR	ANCE SIG	ON FORMAT	
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JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director
Department of Permits and
Development Management

July 3, 2006

Robert Smith Denise Smith 6215 Bonaparte Ave. Glen Arm, MD 21057

Dear: Mr. & Mrs. Smith,

RE: Case Number: 06-622-A, 6215 Bonaparte Ave.

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 7, 2006.

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,

Call Richall S

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:sma

Enclosures

c: People's Counsel





Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 410-887-4880

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204 June 20,2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: June 19, 2006

Item Numbers: Item Number 622

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.

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

Lieutenant Roland P Bosley Jr. Fire Marshal's Office 410-887-4881 (C)443-829-2946 MS-1102F

cc: File

## BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 27, 2006

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For June 21, 2006 Item Nos. 611, 621, 622, 623, 624, 626, 627, 628, 632, 633, 635, 636, 637, 640,

641, 642, and 643

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- 06272006.doc

### BALTIMORE COUNTY, MARYLAND

## Inter-Office Correspondence



TO: Timothy M. Kotroco

FROM: Dave Lykens, DEPRM - Development Coordination JWL

DATE: June 27, 2006

SUBJECT: Zoning Item # 06-622-A

Address 6215 Bonaparte Avenue

Zoning Advisory Committee Meeting of June 19, 2006

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

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

The proposed garage must be 20 feet from the septic system and 30 feet from the well.

Reviewer: S. Farinetti Date: June 27, 2006

# BALTIMORE COUNTY, MARYLAND

# INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** June 29, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: 6

6-622 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 19 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 Bill Hughey 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: 6. 20.64

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

RE:

Baltimore County

Item No. 622

JRF

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

PREPARED BY ROBERT D STATE SCALE OF DRAWING: 1" = 100	NORTH	MARIA ORGANIA	BONNERALIE NIE STAIN BOOK STAIN BISCHOFF & WAS SON BISCHOFF & SON		10 12 0 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	FOLIO # LOT # SECTION # SECTION #	O ACCOMPA
JF 622 06-622-	REVIEWED BY ITEM # CASE #	CRITICAL AREA  100 YEAR FLOOD PLAIN  HISTORIC PROPERTY/ BUILDING  PRIOR ZONING HEARING  AOME  PRIOR ZONING HEARING	Say Say Ava Say Say Say Say Say Say Say Say Say Sa	N INFOR	SCALE: 1" = 1000'	GLEN ARN	E SPECIAL HEARING

