IN RE: PETITION FOR ADMIN. VARIANCE
S/S of Georgia Bell Drive, 124 feet +/West of Autumn Glow Court
11th Election District
5th Councilmanic District
(9315 Georgia Bell Drive)

David R. Burns and Tracey M. Burns Petitioners BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

*

CASE NO. 07-033-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 owners of the subject property, David R. Burns and Tracey M. Burns. The variance request is for property located at 9315 Georgia Bell Drive. The variance request is from Sections 259.9.B.4.e.(1) and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (unroofed deck) with a rear yard setback of 33 feet in lieu of the minimum required 37.5 feet and to amend the Final Development Plan for Forge Landing, Lot 48. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state the excessive slope of the rear yard makes the yard unusable. The existing rear bump out of the houses does not allow the deck to be wider along the back of the house.

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 Planning dated August 9, 2006 which contains restrictions. That office does not oppose the Petitioner's request.

TO SOLVE SOL

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."

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on August 4, 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 11th day of September, 2006, that a variance from Sections 259.9.B.4.e.(1) and 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open projection (unroofed deck) with a rear yard setback of 33 feet in lieu of the minimum required 37.5 feet and to amend the Final Development Plan for Forge Landing, Lot 48 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 deck must be constructed of materials consistent with the neighboring rear project deck located at 9313 Georgia Bell Drive.
- 3. Architectural details showing the materials being used for the construction of the deck shall be submitted and approved by the Office of Planning prior to the issuance of any building permits.

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

JOHNW. MURPHY

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:pz

3



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9315 GEORGIA BELL DRIVE which is presently zoned DR 3.5 H

made a part hereof, hereby petition for	a Variance from Secti	i near yard setback of 33 feet in lieu and to amend the Final Development
an open projection (unroote	d dear) with a	rear gard serback of so leer in her
Of the minimum requir	ed J'/Z teet,	and to amend the I mai reveropment
for Forge Landing, Lot 4	-8.	
of the zoning regulations of Baltimore (County, to the zoning I	law of Baltimore County, for the reasons indicated on the back
of this petition form.		
Property is to be posted and advertised I, or we, agree to pay expenses of above V regulations and restrictions of Baltimore Co	/ariance, advertising, po	sting, etc. and further agree to and are to be bounded by the zoning
•		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:	-	Legal Owner(s):
Name - Type or Print		DAVID R. Burns Name - Type on Print A A A A A A A A A A A A A
Signature		Stenature
Address	Telephone No.	Name-Type or Print Many Type or Print Many Many Many Many Many Many Many Many
City	Zip Code	Signature
Attorney For Petitioner:	and the second s	9315 SEORGIA BELL DRIVIZ - 410 529 1469 Address Telephone No. TERRY Hall MD Z1128
Name - Type or Print		City State Zip Code
Signature		Representative to be Contacted:
Company		David R. BUR115 Name 443 Colle Co104
Address	Telephone No.	9315 GEORGIA BELL DRIVE 410 529 1461 Address Telephone No.
City	Zip Code	PERRY HALL MD 21128 City State Zip Code
		required, it is ordered by the Zoning Commissioner of Baltimore County,
this day of regulations of Baltimore County and that the pro-		this petition be set for a public hearing, advertised, as required by the zoning
·		Zoning Commissioner of Baltimore County
CASE NO. 233	-A Rev	riewed By JNP Date 7/25/86
REV 10/25/01	0\v/ Est	imated Posting Date, 8/6/06

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

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	9315 61	EORGIA	BELL DRIV	/E
	Address	114	M D State	Z1128 Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardship	owing are the fac	ts upon whificulty):		·
1. Excessive Slope of REAZ. Z. Existing Rear Bump out of Along Back of the House.	HOUSE DOG	CAKES Y	ARD UNUSA	to be whose
	• :	•	-	
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a signature. **Signature** **DAULD R. BURNS** Name - Type or Print**	ormal demand i	s filed, Affia	ant(s) will be rec	
STATE OF MARYLAND, COUNTY OF BALTIN			4	
of Maryland, in and for the County aforesaid, per the Affiant(s) herein, personally known or satisfa	ersonally appeared to the second of the seco	Suuns		ne, a Notary Public of the State
AS WITNESS my hand and Notarial Seal	\ \L	, O e '	marie.	Boteler
in the second se	Notan	/ Public		2/1/28

My Commission Expires _

REV 10/25/01



CASE NO

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 9315 Georg'in 13:11 DRIVE which is presently zoned DR 3.5 H

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) 259, 9, B, 4, e, (1) & 301, 1, A, BCZR to permit an open projection (unroofed deck) with a rear yard setback of 33 feet in lieu of the minimum required 37½ feet, and to amend the Final Development Plan for Forge Landing, Lot 48.

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: Legal Owner(s): DAVID R. BURNS Name - Typ∉ on Print Name - Type or Print Signature Signature Telephone No. Name - Type or Print Address City State Zip Code Signature SEORGIA BELL 10 529 1461 DRIVE Attorney For Petitioner: Address Telephone No. MD 21128 PERRY Hall City Zip Code Name - Type or Print State Representative to be Contacted: Signature David R. BURNS Name Company 4436166104 410 529 146 9315 GEORGIA BELL DRIVE Address Telephone No. Address Telephone No. PERRY 21128 HALL 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

Estimated Posting Date

Affida Vit in Support of Administrative Variance

The undersigned	hereby affirms under the	penalties of	perjury to the	Zoning Commis	sioner of Baltimor	re County, as
follows: That the	information herein given	is within the	personal knowl	ledge of the Affi	ant(s) and that Ai	rtiant(s) is/are
competent to testi	fy thereto in the event that	a public heari	ng is scheduled	in the future with	regard thereto.	

competent to testify thereto in the event that a p	-		
That the Affiant(s) does/do presently reside at	9315 GEOR	COIA BELL DRI	V É
	Address PERRY HAL	n mp	21128
•	City	State	Zip Code
That based upon personal knowledge, the followariance at the above address (indicate hardsh	wing are the facts up or practical difficult	pon which I/we base the ty):	e request for an Administrative
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2. Existing Rear Bumpout of Alung Back of the House	MODAL DOGS N		
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That the Affiant(s) acknowledge(s) that if a formation and may be required to provide	ormal demand is file	ed, Affiant(s) will be re	equired to pay a reposting and
advertising fee and may be required to provide		''. - 1	
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Signature		nature	
Name - Type or Print	Na Na	me - Type or Pfint	nuns
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STATE OF MARYLAND, COUNTY OF BALTIM	MORE. to wit:		
		1006 hefore	me, a Notary Public of the State
I HEREBY CERTIFY, this 17th day of of Maryland, in and for the County aforesaid, pe	rsonally appeared		ino, a rectary r done or the otate
awid R. Burns & Strace	y.M.Burus	Do on Such Affiont(s)	····
the Affiant(s) herein, personally known or satisfa	actorily identified to n	ne as such Amani(s).	
AS WITNESS my hand and Notarial Seal	•		
	KONO	lie Marie 1	Boteler
	Notary Pul		1

My Commission Expires

REV 10/25/01

ZONING DESCRIPTION FOR <u>9315 GEORGIA BELL DRIVE, PERRY HALL, MD</u> <u>21128.</u>

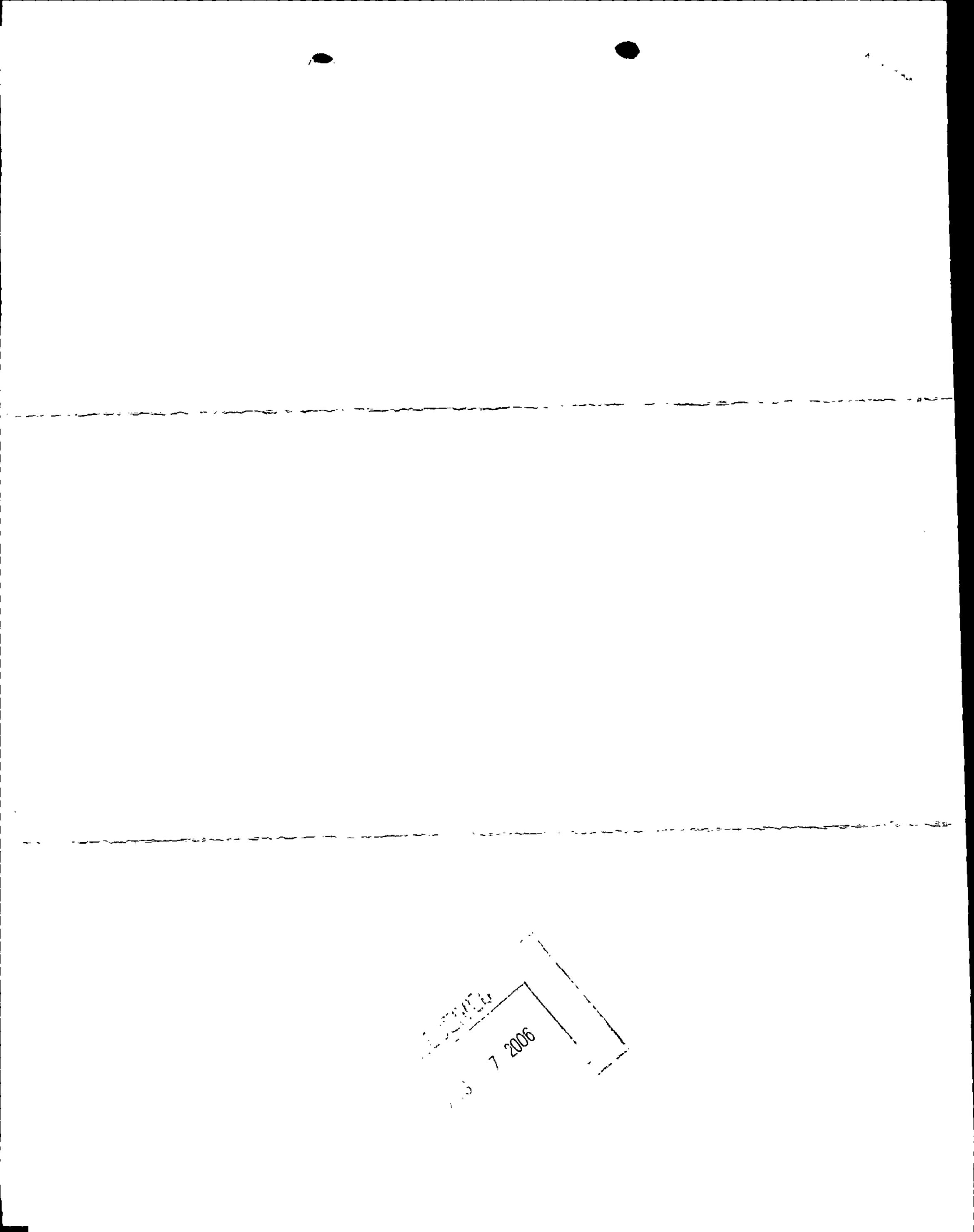
Beginning at a point on the South side of Georgia Bell Drive, which is 50'0" (right of way) wide at the distance of 124 west of the centerline of the nearest improved intersecting street, Autumn Glow Court, which is 50 (right of way) wide. Being Lot #48, in the subdivision of Forge Landing as recorded in Baltimore County Plat Book # S.M.77, Folio# 5, containing 8189 square feet. Also known as 9315 Georgia Bell Drive and located in the 11th Election District, 5 Councilmanic District.

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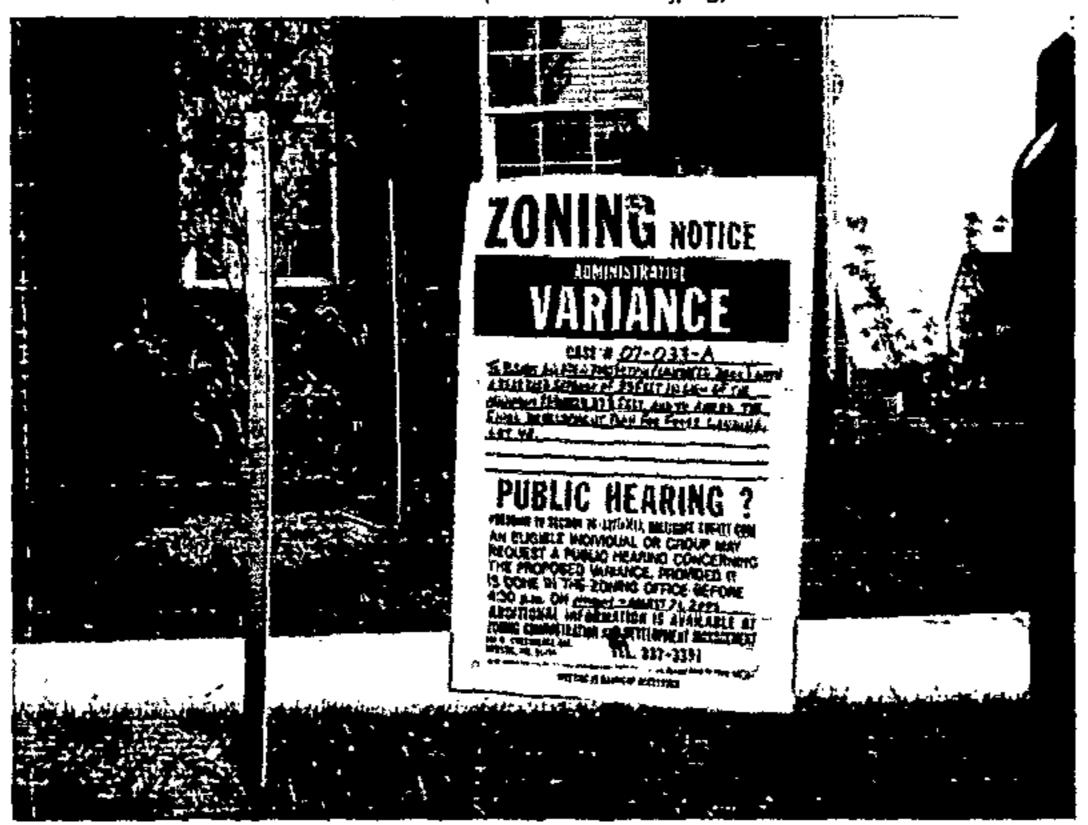
CERTIFICATE OF POSTING

RE: Case No: 07-033-1

	Petitioner/Developer: DAVID &
	Date Of Hearing/Closing: 8/21/06
-	· -
Baltimore County Department of Permits and Development Mana County Office Building, Room 111 West Chesapeake Avenue	gement
Attention:	
Ladies and Gentlemen:	
sign(s) required by law were pos	penalties of perjury that the necessary ted conspicuously on the property bulk
This sign(s) were posted on	August 4 2006
	(Month, Day, Year) Sincerely,
	Martin le 8/4/06
•	(Signature of sign Pester and Date)
	Martin Ogle
	Sign Poster
	16 Salix Court Address
	Balto. Md 21220
	(443-629 3411)



im000758 (1152x864x24b jpeg)



Mouturègle 8/4/06

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Nu	umber 07-	033	-A	Address 9315	Georgia	Bell Prive
Contact	Person: _	Jettr Planner	ey Perlac Please Print Your N		Phone	Number: 410-887-339
Filing D	ate:	125/06	•	ng Date: 8/6	<u>/06</u> CI6	osing Date: 8/21/01
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a	formal rec	juest for a p	ublic hearing:		tand that eve	r within 1,000 feet to file en if there is no forma date
or (ty	ommissione rder that th ypically with	er. He may: ne matter be nin 7 to 10 da	(a) grant the set in for a sys of the clos	requested relief; public hearing.	(b) deny the You will rec hether the pe	oning or deputy zoning requested relief; or (cleave) written notification tition has been granted First Class mail.
(W cd p	vhether due ommissione hanged givi	e to a neigh er), notification ng notice of t	bor's formal r n will be forw he hearing da	request or by or varded to you. te, time and local	der of the zo The sign on tion. As wher	oning or deputy zoning the property must be not the sign was originally in must be forwarded to
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		USE THE	DMINISTRAT	IVE VARIANCE	SIGN FORMA	AT
Case Nu	ımber 07-[٥33 - ٨	Addre	ss 9315 Geo	rgia Bell	Orive
				<u> </u>		e 410-529-1461
		1 \		Closing [7	•
Wording	for Sign:	To Permit a	n open projec	tion (unrocted de	ck) with a 1	rear yard setback of amend the Final
33 tee	et in lieu	1 of the	minimum re	quired 375 +	feet, and to	amend the Final
Develo	oment!	lautor fo	orge Landis	19, Lot 48,		<u> </u>
			· 			_ <u></u>

To Whom It May Concern:

I have reviewed the proposed plans for a rear deck to be constructed at 9315 Georgia Bell Drive. Current zoning allows a 12'6" deep deck on this property, in order to meet the setback. I am aware that the deck will extend approximately 16'6" from the rear of the house, which will require a variance from Baltimore County. I have no objections to the variance or the size of this deck.

.01101

Homeowner: Kury

ROBSER R DURHAM

Address:

2 AUTUMA BILOW ST

Date:

LOT 49



JAMES T. SMITH, JR. County Executive

TIMOTHY M. KOTROCO, Director

Department of Permits and
Development Management

David R. Burns Tracey M. Burns 9315 Georgia Bell Drive Perry Hall, MD 21128

Dear Mr. and Mrs. Burns:

RE: Case Number: 07-033-A, 9315 Georgia Bell Drive

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 25, 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,

W. Carl Richards, Jr.

Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 9, 2006

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT:

9315 Georgia Bell Drive

RECEIVED

INFORMATION:

Item Number:

7-033

AUG 1 8 2006

Petitioner:

David R. Burns

ZONING COMMISSIONER

Zoning:

DR 3.5H

Requested Action:

Administrative Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request for an open projection deck with a rear yard setback of 33 feet in lieu of the required 37.5 feet provided that the proposed deck is constructed of materials consistent with the neighboring rear projection deck (e.g. 9313 Georgia Bell Drive). Architectural details showing the materials being used for the construction of the proposed deck shall be submitted and approved by this office prior to the issuance of any building permits.

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

Prepared by:

Division Chief:

AFK/LL: CM

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: August 4, 2006

Department of Permits & Development

Management

ON

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For August 7, 2006

Item Nos. 06-492, 07-015, 024, 025, 027,

029, 030, 032, and 033)

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-08012006.doc



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

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

Maryland Department of Transportation

Date: 8.

8.1.06

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

RE:

Baltimore County

Item No. 033

7 7

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

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

August 1,2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: July 31,2006

Item No.: 492, 015, 024, 025, 027, 028, 029, 030, 032, 033, 034 and 035.

Pursuant to your request, the referenced plan(s) have been reviewed by the Fire Marshal's Office 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



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



JAMES T. SMITH, JR. County Executive

WILLIAM J. WISEMAN III

Zoning Commissioner

September 11, 2006

DAVID R. BURNS AND TRACEY M. BURNS 9315 GEORGIA BELL DRIVE PERRY HALL MD 21128

Re: Petition for Administrative Variance

Case No. 07-033-A

Property: 9315 Georgia Bell Drive

Dear Mr. and Mrs. Burns:

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,

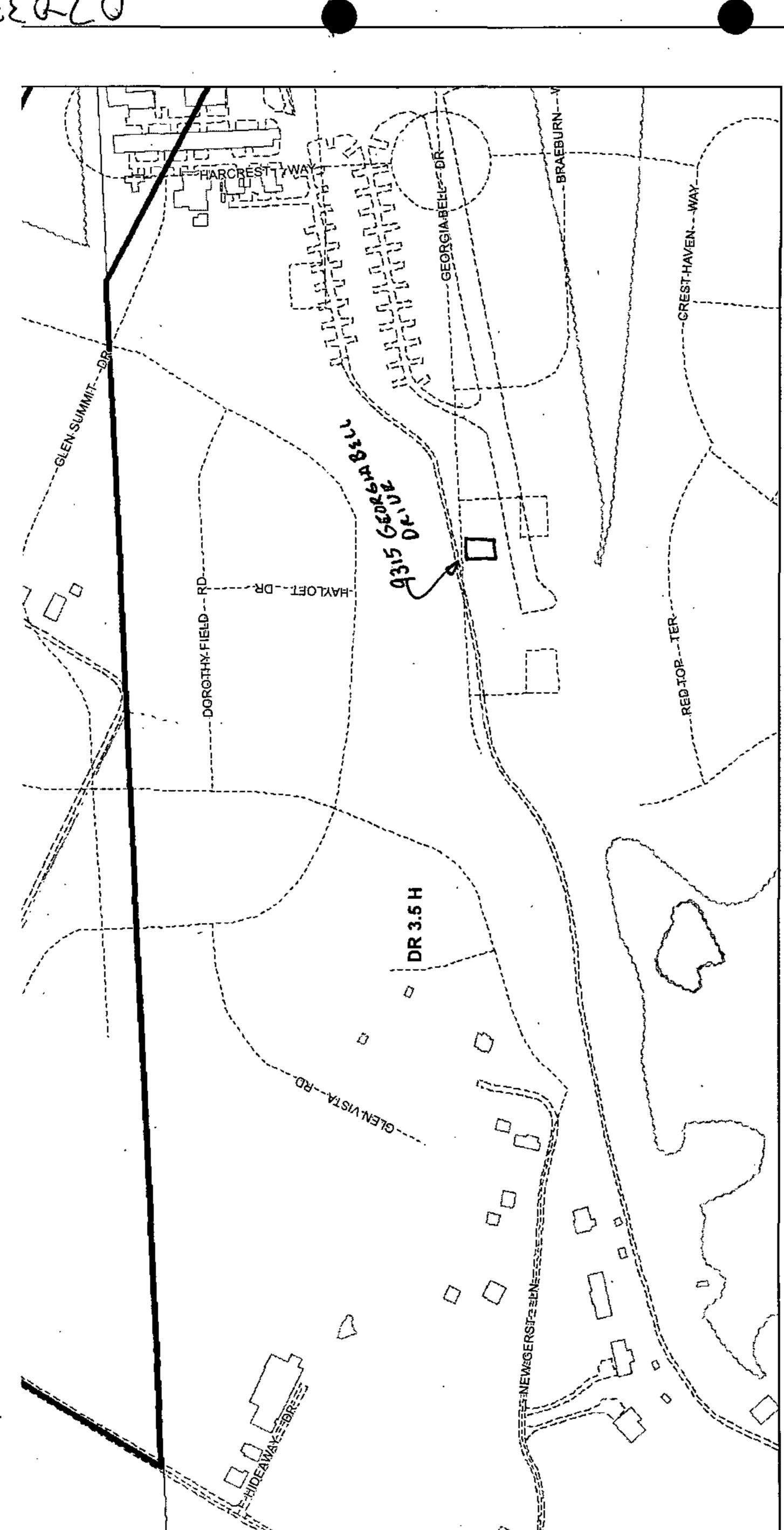
John V. Murphy

Deputy Zoning Commissioner

JVM:pz

Enclosure

07-033-4 SPECIAL HEARING ONLY CASE # 5 CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION PRIVATE LOCATION INFORMATION SUBJECT PROPERTY, 9 SOUARE 1"=200' SCALE MAP # 072C! 1000, OFFICE USE VICINITY MAP PRIOR ZONING HEARING 00 B 10550M てて 41 COUNCILMANIC DISTRICT エ 03 3.5-HISTORIC PROPERTY/ BUILDING 100 YEAR FLOOD PL ELECTION DISTRICT SCALE BAY AREA W 7738 ZONÍNG REVIEWED BY ZONING D.R. GEORGIA CHESAPEAKE CRITICAL # SEWER WATER LOT SIZE AGGOC ARIANCE TAUGO WOLD OMUTUA 13 50' K/W (30' PAVING) DRAWING: TION FOR ZONING FRONT SEE PAGES Ex. DWELLING P #1 SCALE SECTION PROPERTY ADDRESS 9315 GEORGIA BEL `æ 221014 #48 FRONT Ex. Dwalling 101 COMPANY g DRIVE TORGE FOL10 # BEL SUBDIVISION NAME S.M. 77 Lot 48-1 TO AC GEORGIA OWNER DAVID Ex. DUEITING #4313 VINCE PASTURE WENDY BOAD PREPARED BY Lor 47 NORTH



nning and Zoning
Zoning Map

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064A3	073A1	073A2
063C3		20220;
063B3	072B1	072B2
063A3	072A1	072A2
		-

400 Feet

= 200'

100 200

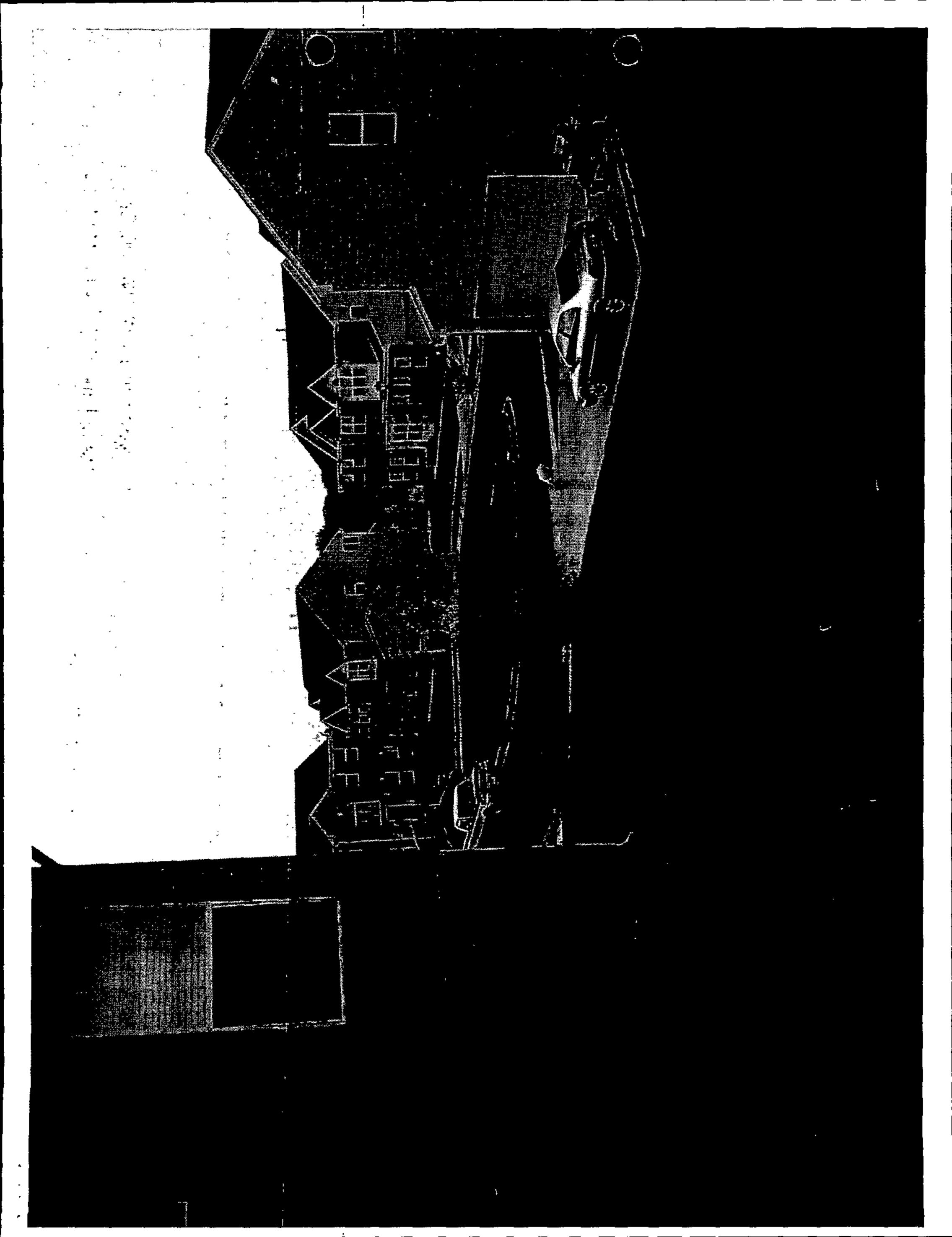
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Scale

Data Sources:
Planametric Data - Battimore County
OIT/GIS Services Unit
1:2400, from 1995/96 photography
Zoning - Baltimore County Office of Planning
1:2400, 2004

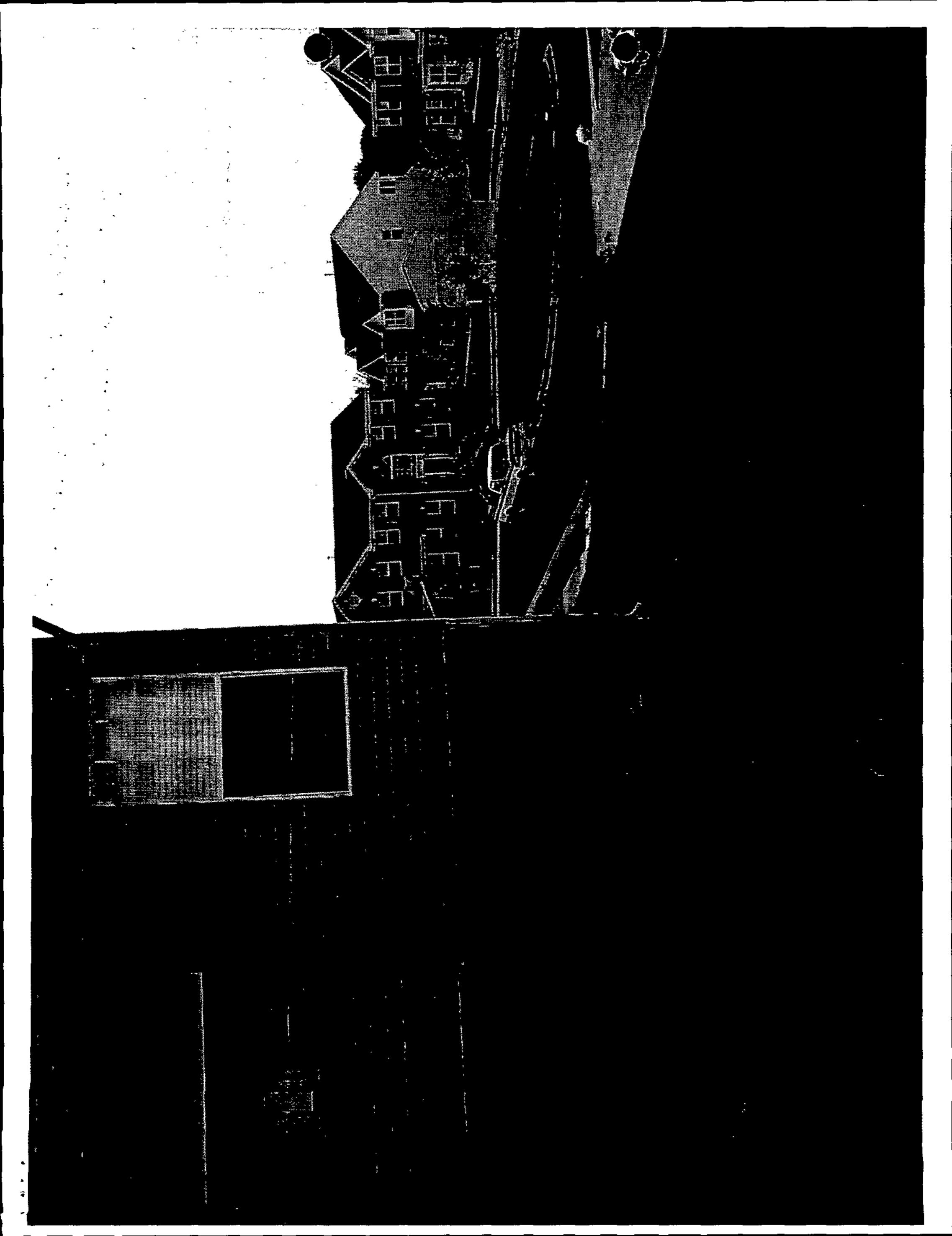
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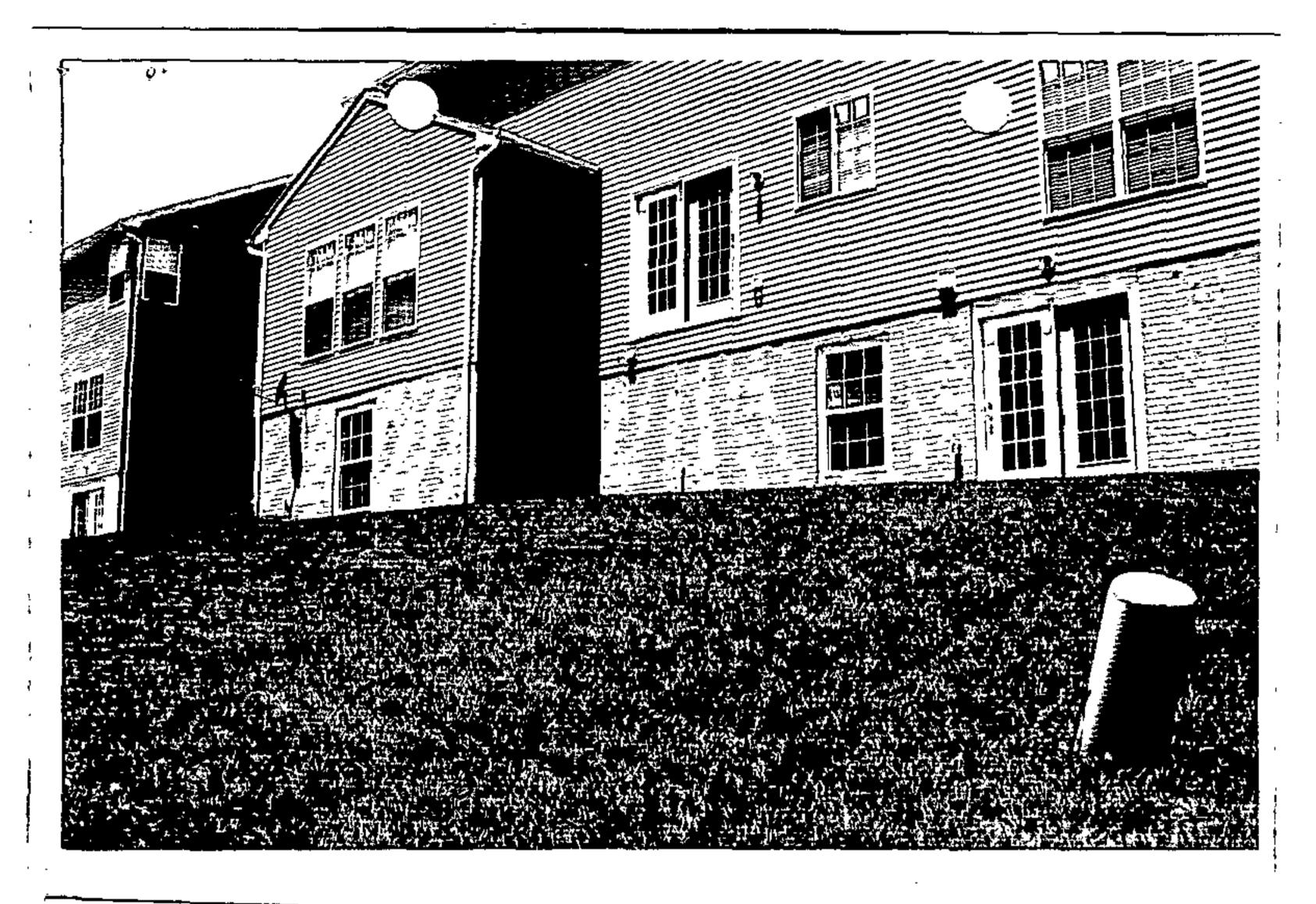
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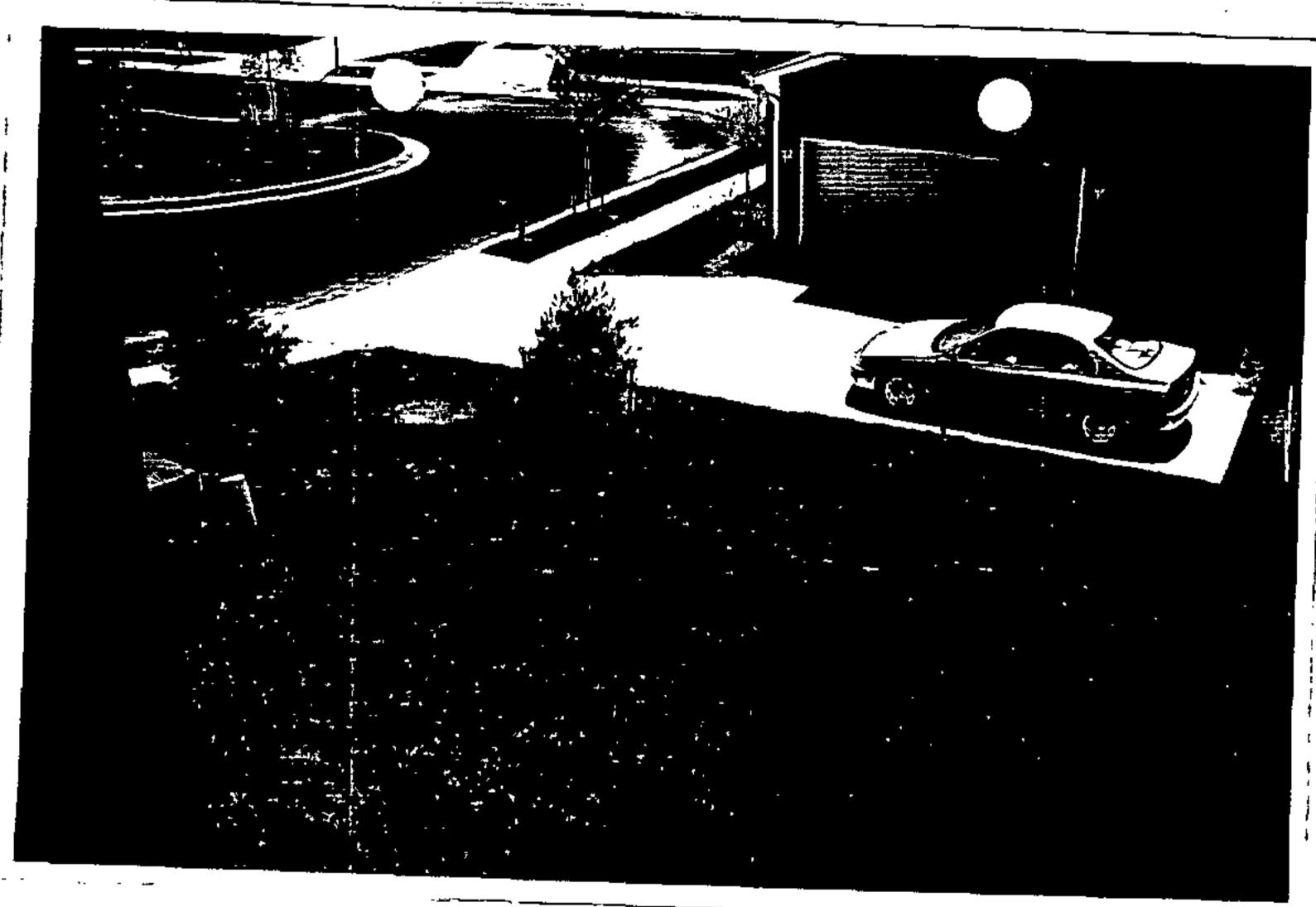


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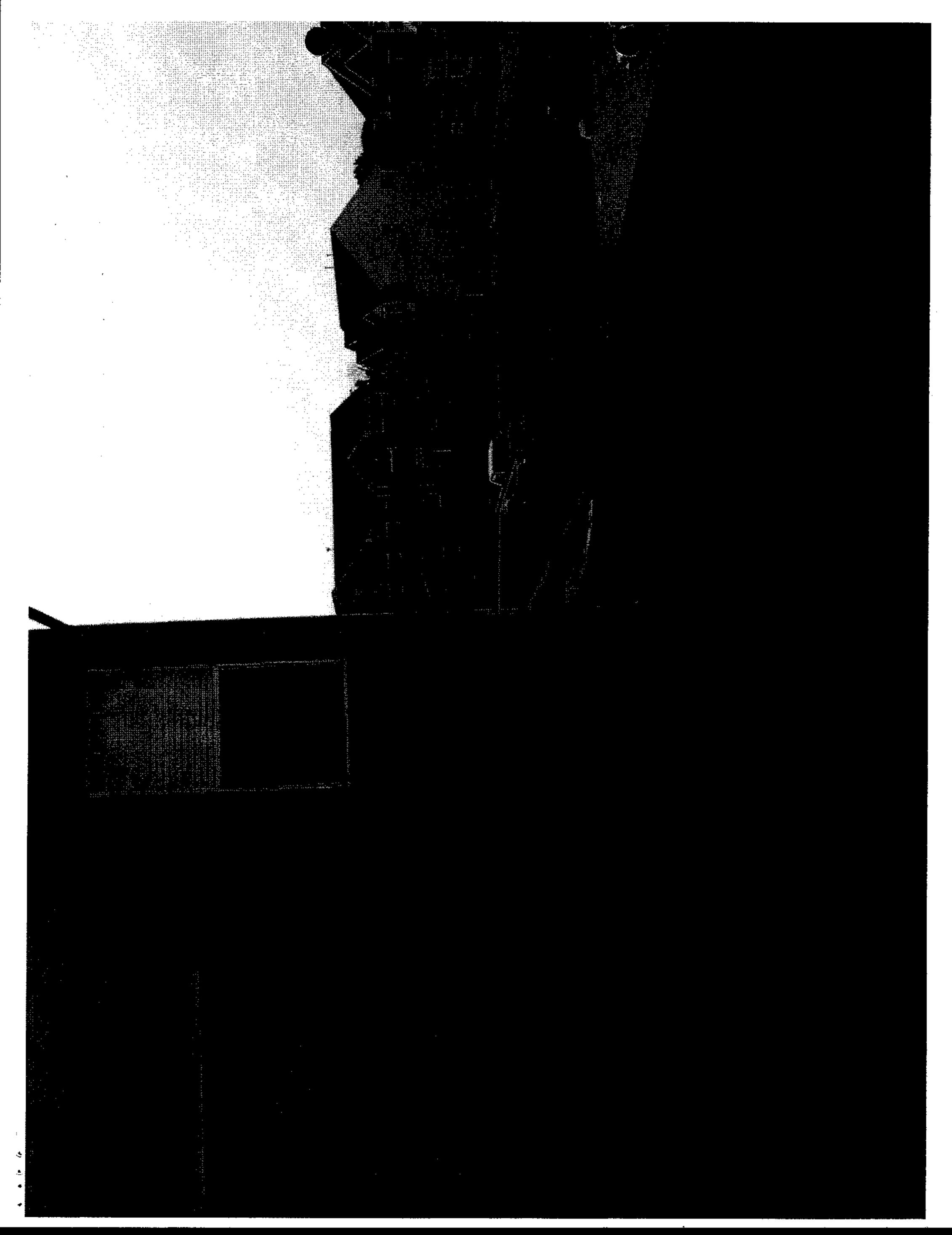
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TAKEN FROM SIDE OF HOUSE, SHOWING Slope of Yard 9315 GEORGIA BELLI DRÎNS