

IN RE: PETITION FOR ADMIN. VARIANCE
S side of Vance Road, 830 feet E of c/l of
Moyer Road
10th Election District
3rd Councilmanic District
(3213 Vance Road)

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* BALTIMORE COUNTY
* CASE NO. 07-258-A

Carolyn J. and E. Rick Gesue
Petitioners

* * * * *

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, Carolyn J. and E. Rick Gesue. The variance request is for property located at 3213 Vance Road. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing and a proposed detached garage each to be in the front yard in lieu of the rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that the new garage will share the existing driveway and concrete pad with the existing garage. Petitioners provided documentation that all eight residences on Vance Road are supportive of their request. The property is the next to the last house on a dead end street. The rear yard contains the well, septic and septic reserve area.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

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

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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 Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on December 15, 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.

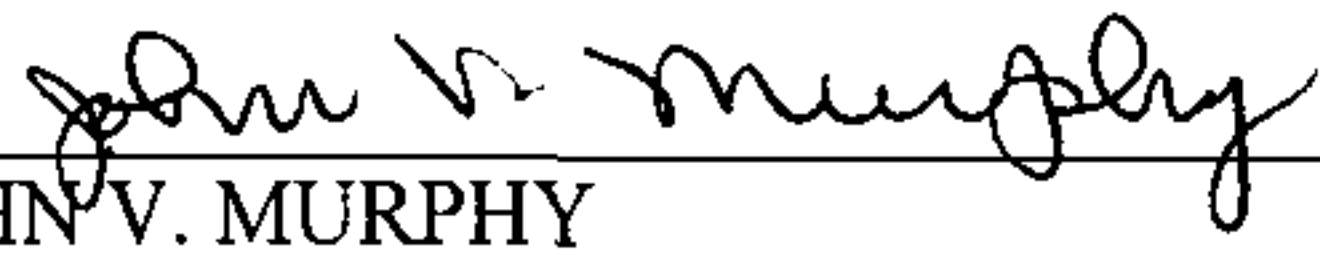
THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 19th day of January, 2007 that a variance from Section 400.1 of the

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P3

Baltimore County Zoning Regulations (B.C.Z.R.) to permit an existing and a proposed detached garage each to be in the front yard in lieu of the rear yard 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.

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:pz

1-19-07
pz



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3213 VANCE ROAD
which is presently zoned RC2

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) 400.1 TO PERMIT AN EXISTING
5' A PROPOSED DECKED GARAGE, EACH TO BE IN THE FRONT YARD.
IN LIEU OF THE REAR YARD.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

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, this 07 day of December, 2006, 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. 07-258-12

Reviewed By [Signature] Date 12-05-06

REV 10/25/01

Estimated Posting Date 12-17-06

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

3213 VANCE ROAD
Address
MONKTON MD 21111
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):

Property is unique & different than surrounding lots:

Large pine trees hide much of the property

Property is next to last house on dead end road (STEEP SLOPES, LARGE TREES + SEPTIC FIELD IN REAR OF HOUSE MAKE

Road becomes valley in front, further limiting view of property LOCATION THERE DIFFICULT)

Has existing garage in front of house - built 1975

Existing Garage:

Solidly built - demolition costly & not prudent

Relocation very costly - can build new for less

Has created new front view of property

Proposed Garage:

Will share existing driveway & concrete pad with existing garage

New driveway & pad in different location would be cost prohibitive

Location is behind new front view of property

Will be landscaped to look evergreen

Baltimore County Environmental has signed off on plan

All 8 residents of Vance Road have signed their approval of proposed garage.

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.

Carolyn J. Gesue
Signature
CAROLYN J. GESUE
Name - Type or Print

E. Rick Gesue
Signature
E. RICK GESUE
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4th day of December, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Carolyn J. Gesue and E. Rick Gesue
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Ann Weible
Notary Public
My Commission Expires 2/11/07

ZONING DESCRIPTION FOR 3213 VANCE ROAD

Beginning at a point on the South side of Vance Road, which is 50 feet wide, at the distance of 830 feet East of the centerline of the nearest improved intersecting street, Troyer Road, which is 60 feet wide.

Being Lot # 5 in the subdivision of Vance Valley, as recorded in Baltimore County Plat Book # 35, Folio # 138, containing 6.10 Acres. Also known as 3213 Vance Road and located in the 10th Election District, ~~8~~ Councilmanic District, 3

07-258-A

07258A
No. 22994

No. 22994

DATE 12-25-66 ACCOUNT 7001000000

ACCOUNT R.001.000.0150

	AMOUNT
\$	90

RECEIVED
FROM: Rich. Gesue

OR: 3313 JAMES LTD

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

570

[Illegible handwritten notes]

[illegible]

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATHHEWS

DATE: 12/19/06

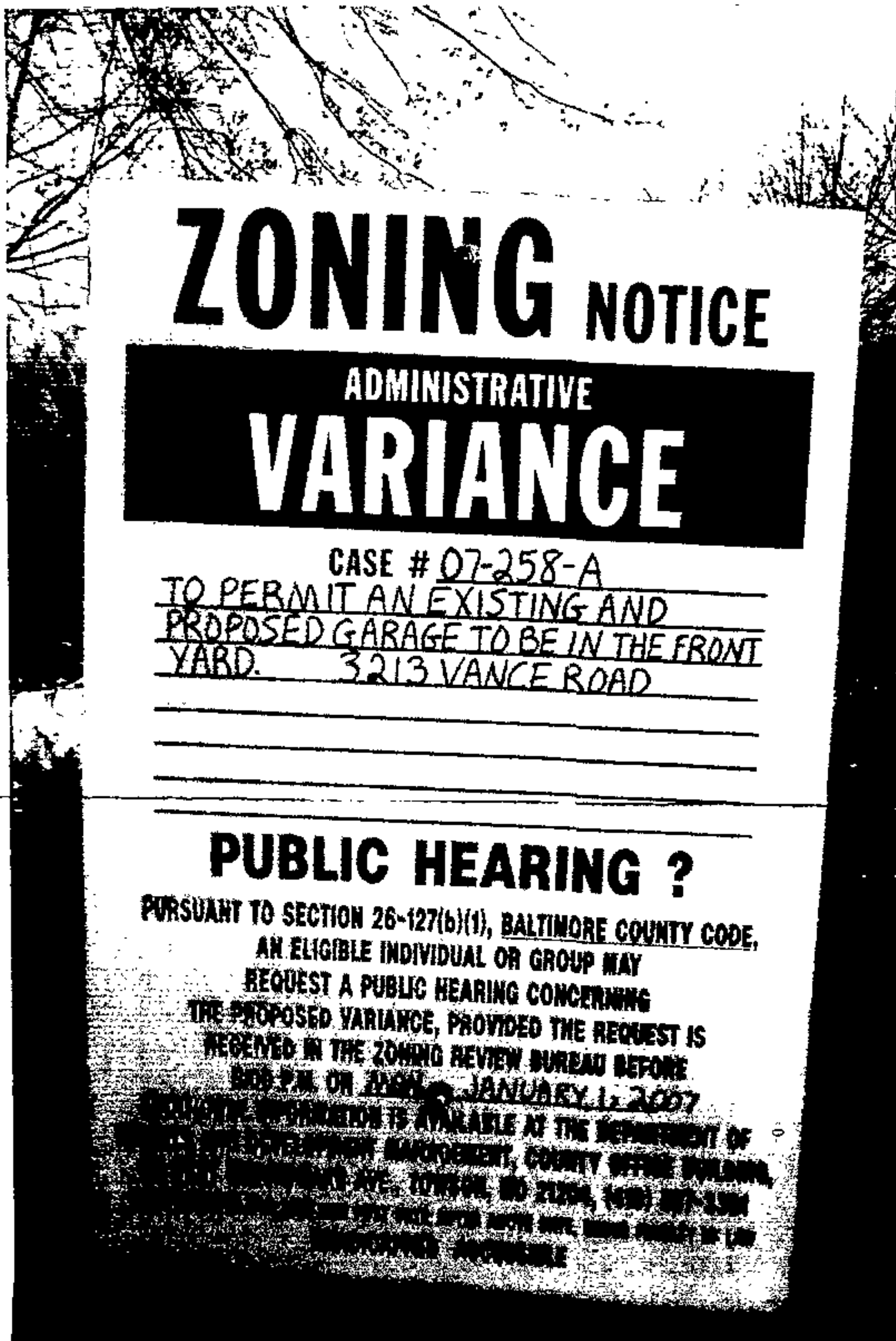
Case Number: 07-258-A

Petitioner/Developer: CAROLYN & RICK GESUE

Date of Hearing (Closing): 1/01/07

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at: 3213 VANCE ROAD

The sign(s) were posted on: 12/15/06



Linda O'Keefe
(Signature of Sign Poster)

Linda O'Keefe
(Printed Name of Sign Poster)

523 Penny Lane
(Street Address of Sign Poster)

Hunt Valley Maryland 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 258 -A Address 3213 VANCE RD.
Contact Person: JOHN R. ALEXANDER Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 12-05-06 Posting Date: 12-17-06 Closing Date: 1-1-07

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

- 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.
- 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.
- 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.
- 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 07- 258 -A Address 3213 VANCE RD.
Petitioner's Name CAROLYN J. GESUE Telephone _____
Posting Date: 12-17-06 Closing Date: 1-1-07
Wording for Sign: To Permit AN EXISTING & PROPOSED GARAGE
TO BE IN THE FRONT YARD.

WCR - Revised 6/25/04

**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: 07-258-A
Petitioner: CAROLYN J. GESUE
Address or Location: 3213 VANCE ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: CAROLYN J. GESUE
Address: 3213 VANCE ROAD
MONKTON, MD 21111

Telephone Number: 410-472-4333

Revised 7/11/05 - SCJ

07-258-A



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

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

January 17, 2007

Carolyn J. Gesue
E. Rick Gesue
3213 Vance Road
Monkton, MD 21111

Dear Mr. and Mrs. Gesue:

RE: Case Number: 07-258-A, 3213 Vance Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 5, 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,

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

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel



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

State Highway
Administration

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

Maryland Department of Transportation

Date: 12-13-2006

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

RE: Baltimore County
Item No. 7-258-A
3213 VANCE ROAD
GESHE PROPERTY
VARIANCE - PERMIT AN EXISTING
& PROPOSED DETACHED GARAGE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-258-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com

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

December 12, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: December 11, 2006

Item No.: 252, 253, 254, 255, 256, 257, 258, 259, 261, 262, 263, 264 and 265.

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

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 19, 2007

CAROLYN J. AND E. RICK GESUE
3213 VANCE ROAD
MONKTON MD 21111

Re: Petition for Administrative Variance
Case No. 07-258-A
Property: 3213 Vance Road

Dear Mr. and Mrs. Gesue:

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,

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

John V. Murphy
Deputy Zoning Commissioner

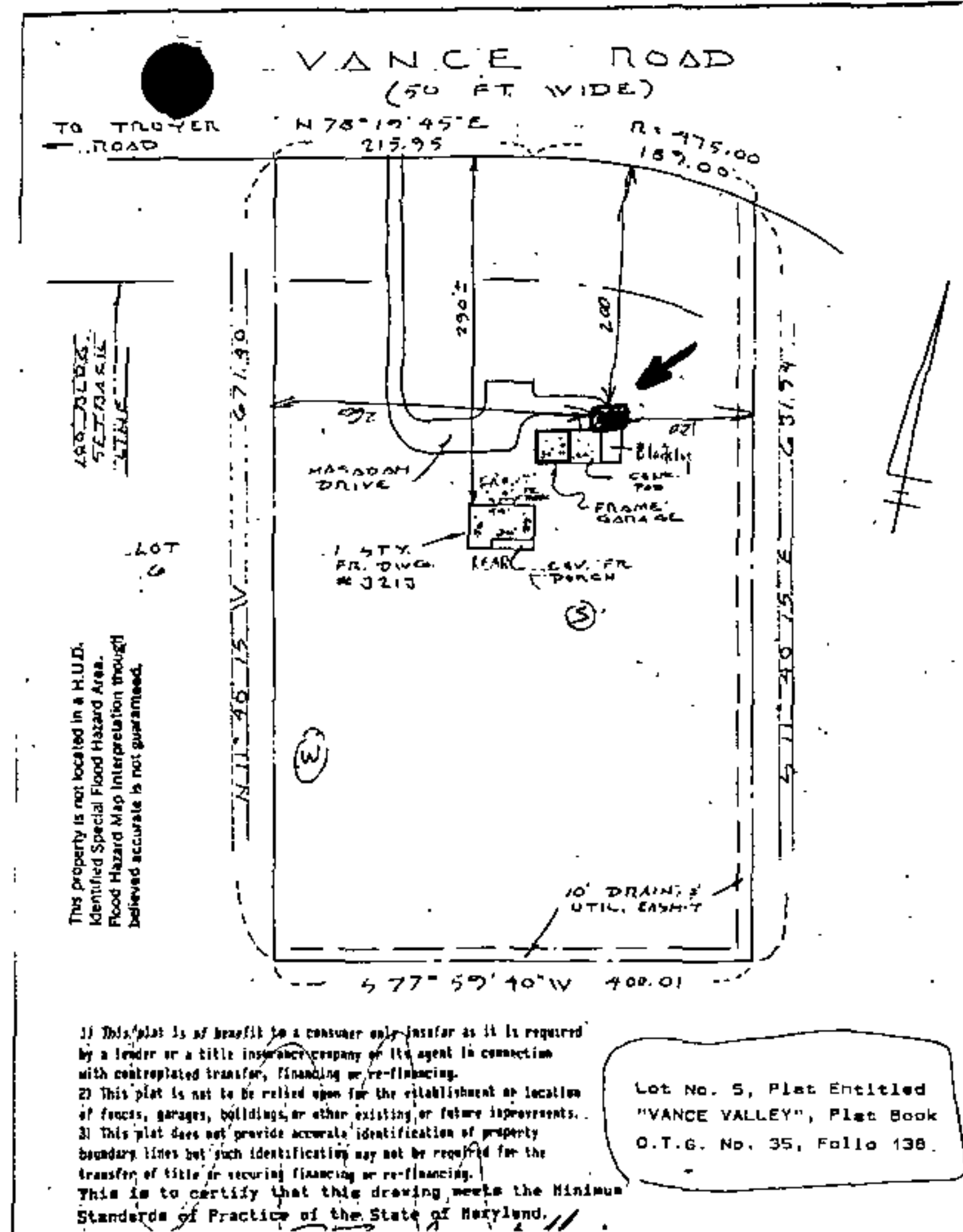
JVM:pz

Enclosure

FILED
1-19-07
Jat

3213 VANCE ROAD

WE, THE UNDERSIGNED, APPROVE
OF THE LOCATION OF THE NEW
GARAGE PROPOSED BY CAROLYN
AND RICK GESUE, AS INDICATED
BY THE ADJOINING PLAT.



SICK

3220 VANCE ROAD

[Signature] 11-25-06

GREGORY 3207 VANCE ROAD

[Signature] 11-24-06

WARREN 3212 VANCE ROAD

[Signature] 11-20-06

ROWAN 3201 VANCE ROAD

[Signature] 11/20/06

MORELAND 3205 VANCE ROAD

[Signature] 11/19/06

RODEWALD 3231 VANCE ROAD

[Signature] 11/19/06

BEEVER 3216 VANCE ROAD

[Signature] 11/24/06

URBINA 3206 VANCE ROAD

[Signature] 11/19/06

07-258-A

ZAC AGENDA

Item Number: 258 **Case Number:** 7-258-A **Primary Use:** Residential **Reviewer:** JRA

Type: Administrative Variance

Legal Owner: Carolyn J. and E. Rick Gesue

Contract Purchaser:

Critical Area: No **Flood Plain:** No **Historic:** No **Election Dist:** 10th **Councilmanic Dist:** 3rd

Property Address: 3213 Vance Road

Location: South side of Vance Road, 830 feet east of centerline of Moyer Road.

Existing Zoning: RC - 2 **Area:** 6.1 acres +/-

Proposed Zoning: ADMINISTRATIVE VARIANCE To permit an existing and a proposed detached garage, each to be in the front yard in lieu of the rear yard.

Attorney:

Miscellaneous:

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
William J. Wiseman III, Zoning Commissioner

FAX COVER SHEET

DATE: 1-19-07

NO. OF PAGES INCLUDING COVER SHEET: 5

TO:

Rich

FROM:

Patti

PHONE: 410-472-4333

PHONE: 410-887-3868

FAX NO.: 410-472-3050

FAX NO.: _____

C: _____

REMARKS: ☐ URGENT ☒ FOR YOUR REVIEW ☐ REPLY ASAP ☐ PLEASE COMMENT



PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

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

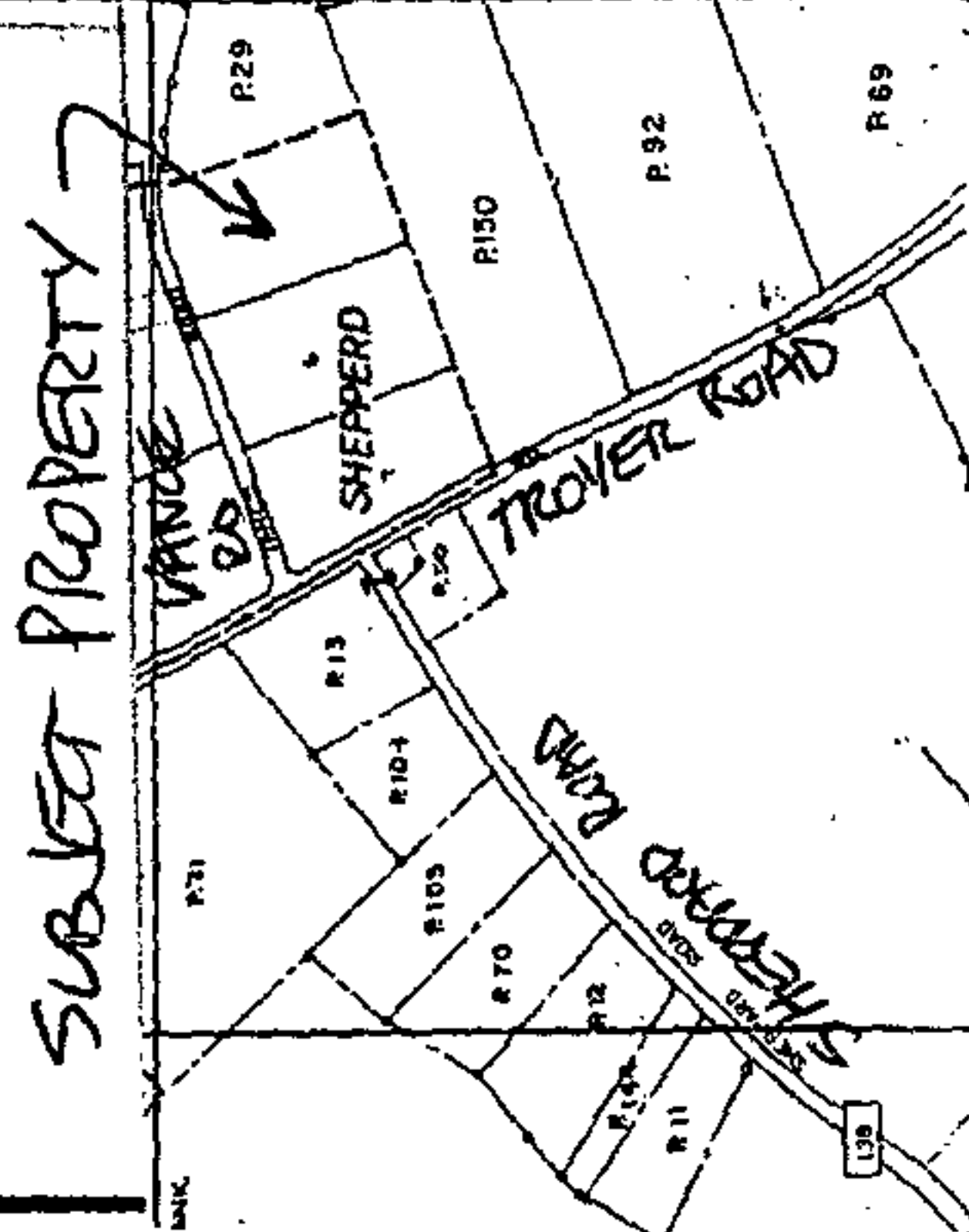
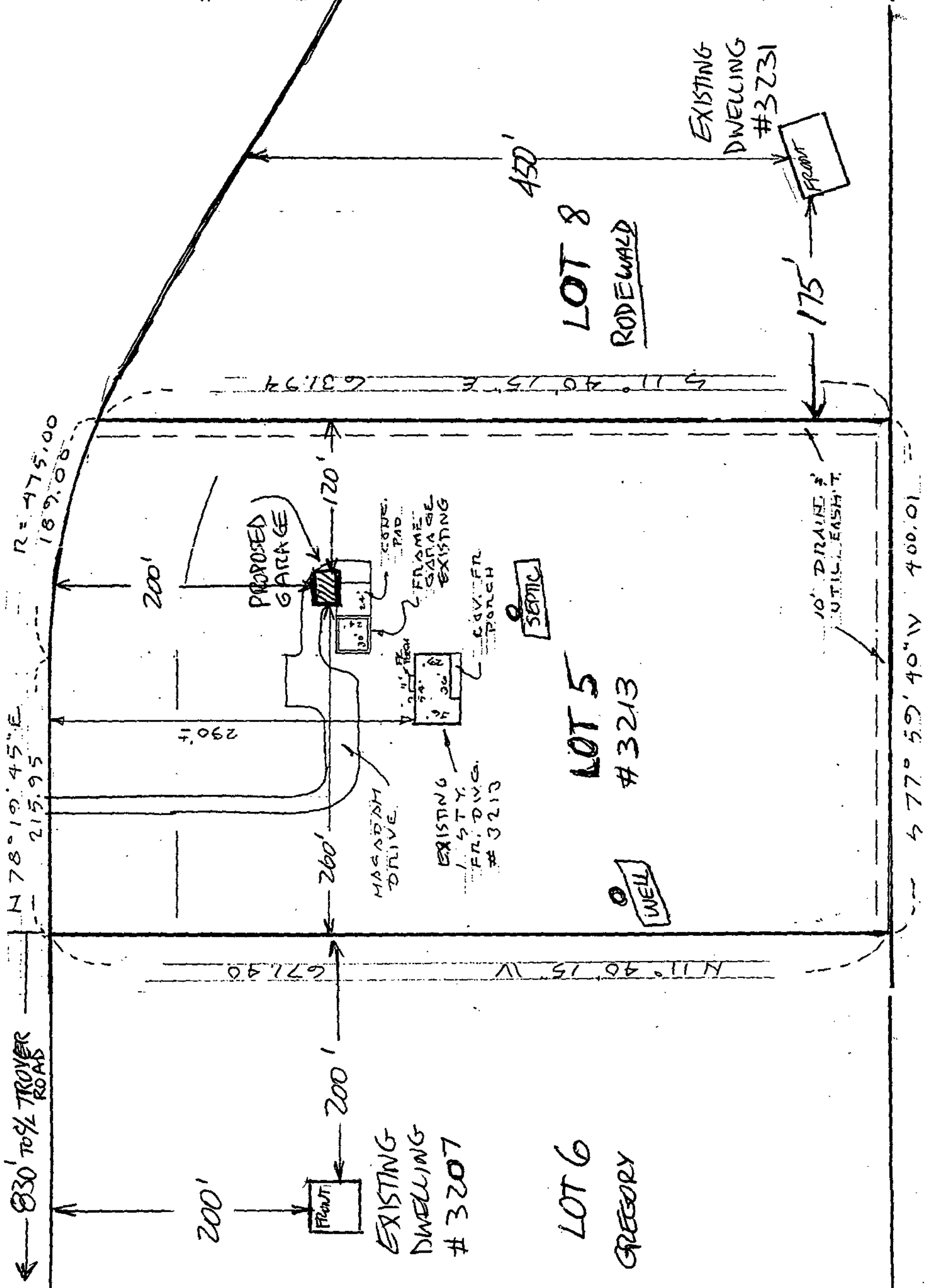
PROPERTY ADDRESS 3213 VANCE ROAD

SUBDIVISION NAME VANCE VALLEY

PLAT BOOK # 35 FOLIO # 138 LOT # 5 SECTION #

OWNER CAROLYN J. GESUE

VANCE ROAD
(50 FT. WIDE)



LOCATION INFORMATION	
ELECTION DISTRICT	10
COUNCILMANIC DISTRICT	3
3" = 200' SCALE MAP #	02302
ZONING	RCZ
LOT SIZE	6.1
SQUARE FEET	
SEWER	PUBLIC ☐ PRIVATE ☒
WATER	☐
CHESAPEAKE BAY CRITICAL AREA	YES ☐ NO ☒
100 YEAR FLOOD PLAIN	☐
HISTORIC PROPERTY / BUILDING	☐
PRIOR ZONING HEARING	None
ZONING OFFICE USE ONLY	
REVIEWED BY	ITEM #
808	107258-A



PREPARED BY ERS





BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: December 15, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 18, 2006
Item Nos. 07-252, 253, 257, 258, 260,
261, 262, 263, 264, and 265

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-12132006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 19, 2006

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

SUBJECT: Zoning Advisory Petition(s): **Case(s) 7-258- Administrative Variance**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

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

Prepared By:



Division Chief:



CM/LL