

IN RE: PETITION FOR ADMIN. VARIANCE

W/S Jay Dee Avenue, 280' N
centerline of German Hill Road
15th Election District
7th Councilmanic District
(856 Jay Dee Avenue)

Anna M. & Patrick H. Bauer
Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

OF BALTIMORE COUNTY

*

CASE NO. 03-081-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, Anna M. and Patrick H. Bauer. The variance request is for property located at 856 Jay Dee Avenue in the eastern area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a newly constructed detached accessory structure (shed) to be located on the side of the principle dwelling in lieu of the required rear and to allow said structure to have a setback of 0 ft. in lieu of the minimum required 2 ½ ft. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, 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 as required by Section 26-127 (b)(1) 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

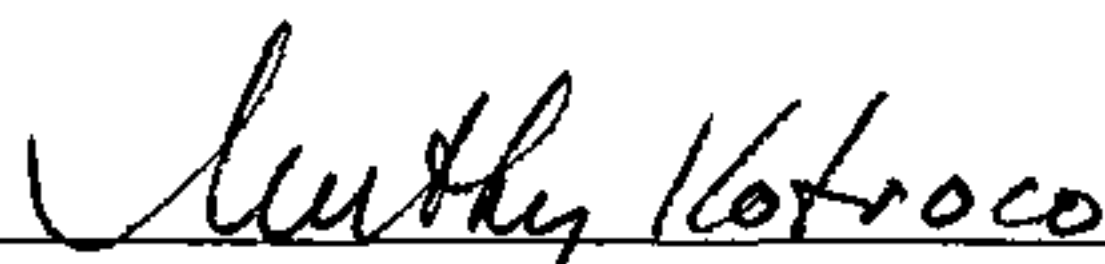
9/16/02
R. O. [Signature]
[Signature]

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 Petitioners.

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 16th day of September, 2002, that a variance from 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow a newly constructed detached accessory structure (shed) to be located on the side of the principle dwelling in lieu of the required rear and to allow said structure to have a setback of 0 ft. in lieu of the minimum required 2 ½ ft., be and is hereby GRANTED, subject, however, to the following restriction 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.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

DATE 9/16/02
BY [Signature]
COUNTY DEPARTMENT OF ZONING



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 16, 2002

Mr. & Mrs. Patrick N. Bauer
856 Jay Dee Avenue
Baltimore, Maryland 21222

Re: Petition for Administrative Variance
Case No. 03-081-A
Property: 856 Jay Dee Avenue

Dear Mr. & Mrs. Bauer:

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 black ink, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

Come visit the County's Website at www.co.ba.md.us





Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 856 Jay Dee Ave
which is presently zoned DR 10.5

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) 400.1 to allow a newly constructed detached accessory structure (shed) to be located on the side of the principle dwelling in lieu of the required rear and to allow said structure to have a setback of 0 feet in lieu of the minimum 2 1/2 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:

Legal Owner(s):

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

Name - Type or Print

Signature

Name - Type or Print

Signature

856 Jay Dee Ave. 410-288-9427
Address Telephone No.

Baltimore Maryland 21222
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 9/16/02 day of September 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. 03-081-A

Reviewed By RJD Date 8-14-02

Estimated Posting Date 8-26-02

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) does/do presently reside at

856 Jay Dee Ave
Address
Baltimore Md. 21222
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):

Needed more space. Old one blocked cellar steps Hard to get things in and out. New one By moving up to front side could make a little longer for stuff. Old one was blocking to close to Elec. meter. Old one someone climbed on and broke in to house through bedroom window. Old one needed to be replaced because wood was getting rotten.
Gives us some privacy on the side from front street and neighbor across street

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.

Signature

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5 day of JULY, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Patrick Bauer ; Anna Bauer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Opmer A. Cavner
Notary Public

My Commission Expires 9/1/03

Zoning Description

Beginning at a point on the west side of Jay Dee Avenue which is 60 feet wide at a distance of 220 feet south of the centerline of the nearest improved intersecting street Rabon Avenue which is 60 feet wide, being lot 15, block D, section 2 in the subdivision known as Gary Manor Homes Inc., as recorded in Baltimore County plat book 18, folio 107, containing 2641 square feet, also known as 856 Jay Dee Avenue and located in the 12th Election District, 7th Councilmanic District

Item # 081

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 16459

DATE 8-14-02 ACCOUNT 001 006 6150
AMOUNT \$ 50.00

RECEIVED
FROM: _____

FOR: Variance Case # 03-081-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

DATA RECEIPT
FBI RECEIPT

BUSINESS ACTUAL TIME
8/15/2002 8/14/2002 12:15:38

REG 4605 WALKIN REOS LRB DRAWER 5
-> RECEIPT # 287894 8/14/2002 DFLN
Dept 5 528 ZONING VERIFICATION
CR NO. 016459

Recpt Tot \$50.00
.00 CK 60.00 CA
10.00 CG

Baltimore County, Maryland

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 03-081-A

Petitioner/Developer: PATRICK +

ANNA BAUER

Date of Hearing/Closing: 9/9/02

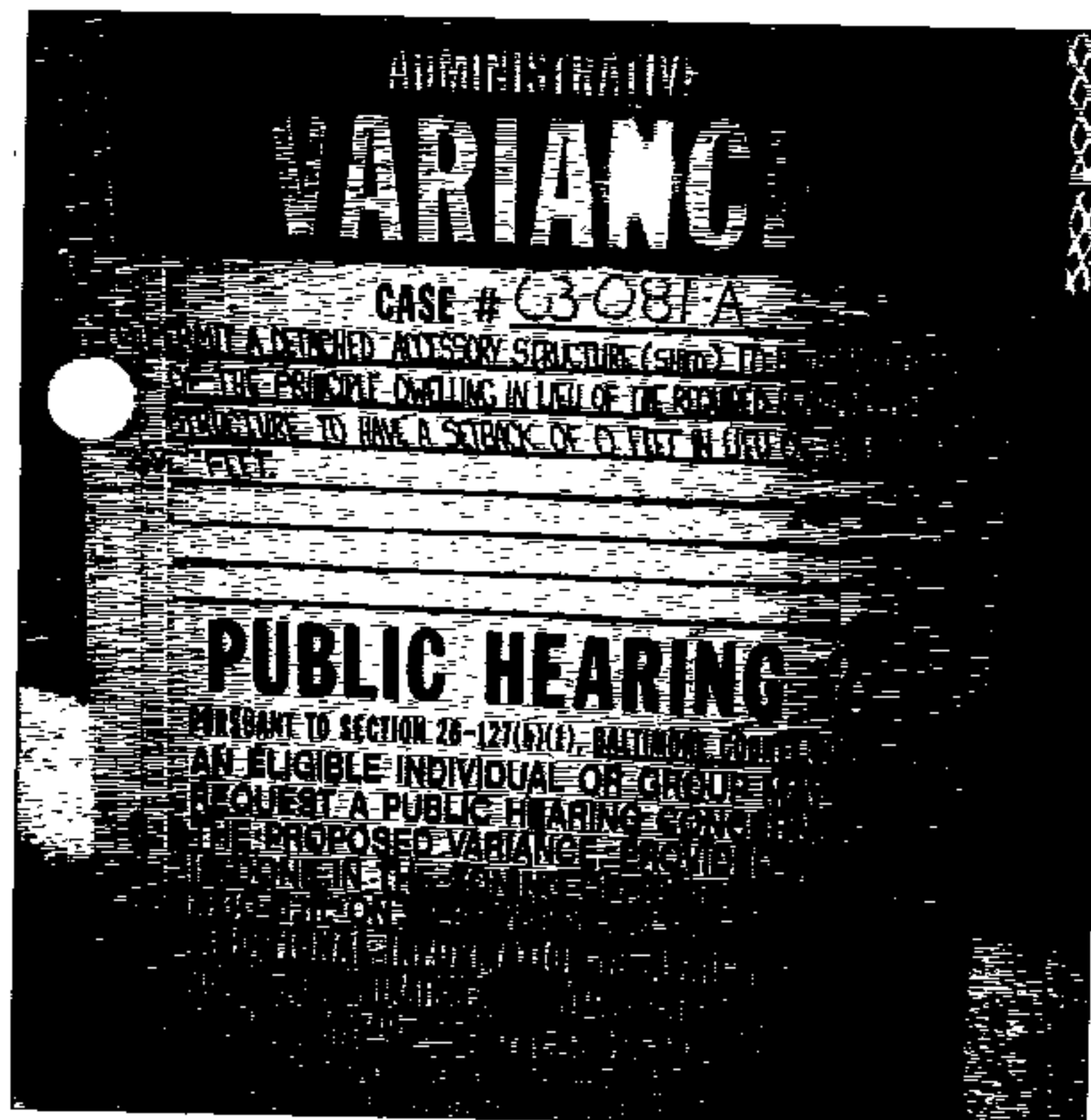
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

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 856 JAY DEE AVE

The sign(s) were posted on 8/24/02
(Month, Day, Year)



Sincerely,

[Signature] 8/24/02
(Signature of Sign Poster and Date)

SSG ROBERT BLACK

(Printed Name)

1508 Leslie Rd

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03- 081 -A Address 856 Jay Dee Ave

Contact Person: David Davall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 8-14-02 Posting Date: 8/24 Closing Date: 9/9

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 03- 081 -A Address 856 Jay Dee Ave

Petitioner's Name Patrick + Anna Bauer Telephone 410 283 9427

Posting Date: 8-26-02 Closing Date: 9-9-02

Wording for Sign: To Permit a detached accessory structure (shed) to be located on the side of the principle dwelling in lieu of the required rear and to permit said structure to have a setback of 0 feet in lieu of the minimum 2 1/2 feet

WCR - Revised 6/28/00

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: # 03-081-A
Petitioner: Richard and Anna Bauer
Address or Location: 856 Jay Dee Ave, 21222

PLEASE FORWARD ADVERTISING BILL TO:

Name: Richard and Anna Bauer
Address: 856 Jay Dee Ave.
Dundalk Md 21222
Telephone Number: 410 288 9427

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

856 Jay Dee Ave
Address
Balto Md. 21222
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):

Needed more space. Old one blocked cellar steps hard to get things in and out. New one by moving up to front side could make a little longer for stuff. Old one was blocking to close to Elec meter. Old one some one climbed on got on back roof and broke into house. Old one needed replaced the wood was getting rotten. Give some privacy from across street and front street

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.

Signature

Signature

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 5 day of JULY, 2002, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Patrick Bauer & Anna Bauer
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Daniel A. Cawman
Notary Public

My Commission Expires 9/1/03



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 856 Jay Dee Ave
which is presently zoned DR 10.5

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) 400.1 to allow a newly constructed detached accessory structure (shed) to be located on the side of the principle dwelling in lieu of the required rear and to allow said structure to have a setback of 0 feet in lieu of the minimum 2 1/2 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:

Legal Owner(s):

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

Patrick H. Bauer
Name - Type or Print

Patrick H. Bauer
Signature

Anna M. Bauer
Name - Type or Print

Anna M. Bauer
Signature

856 Jay Dee Ave 410-288-9427
Address Telephone No.

Baltimore Maryland 21220
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 03 day of August, 2002, 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. 03-081-A

Reviewed By RDD Date 8-14-02

REV 10/25/01

Estimated Posting Date 8-26-02



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 9, 2002

Mr. & Mrs. Patrick H Bauer
856 Jay Dee Avenue
Baltimore MD 21222

Dear Mr. & Mrs. Bauer:

RE: Case Number: 03-081-A, 856 Jay Dee Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 14, 2002.

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.

W. Carl Richards, Jr. G DZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: People's Counsel

Come visit the County's Website at www.co.ba.md.us





**Baltimore County
Fire Department**

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

August 30, 2002

ATTENTION: George Zahner

Property Owner:

Location:

Item No.:

Dear Mr. Zahner:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time, in reference to the following items:

081-085, 088, 090-093

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



Printed with Soybean Ink
on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits &
Development Management

DATE: October 21, 2002

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For September 3, 2002
Item Nos. 081, 082, 083, 084, 085,
086, 088, 089, 091, 092, and 093

The Bureau of Development Plans Review has reviewed the subject-zoning items, and we have no comments.

RWB:CEN:jrb

cc: File

AV
9/9

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

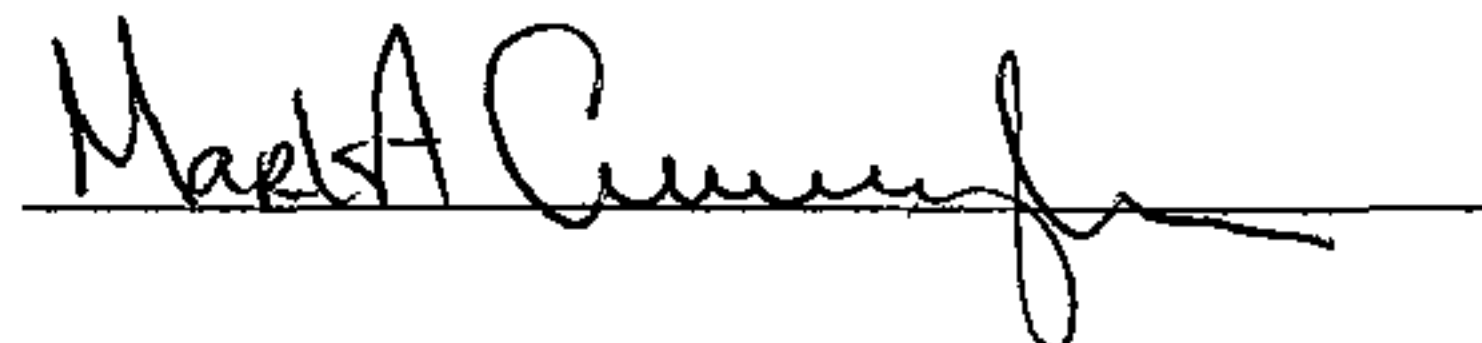
DATE: September 10, 2002

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

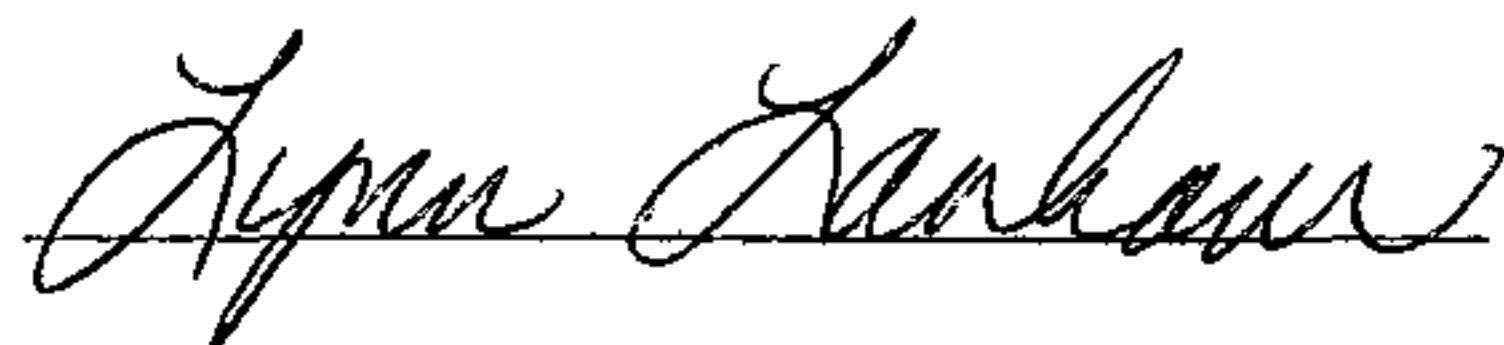
SUBJECT: Zoning Advisory Petition(s): Case(s) 03-081, 03-096, & 03-097

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 Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 8.29.02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 081 RDD

Dear Mr. Zahner:

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,

Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

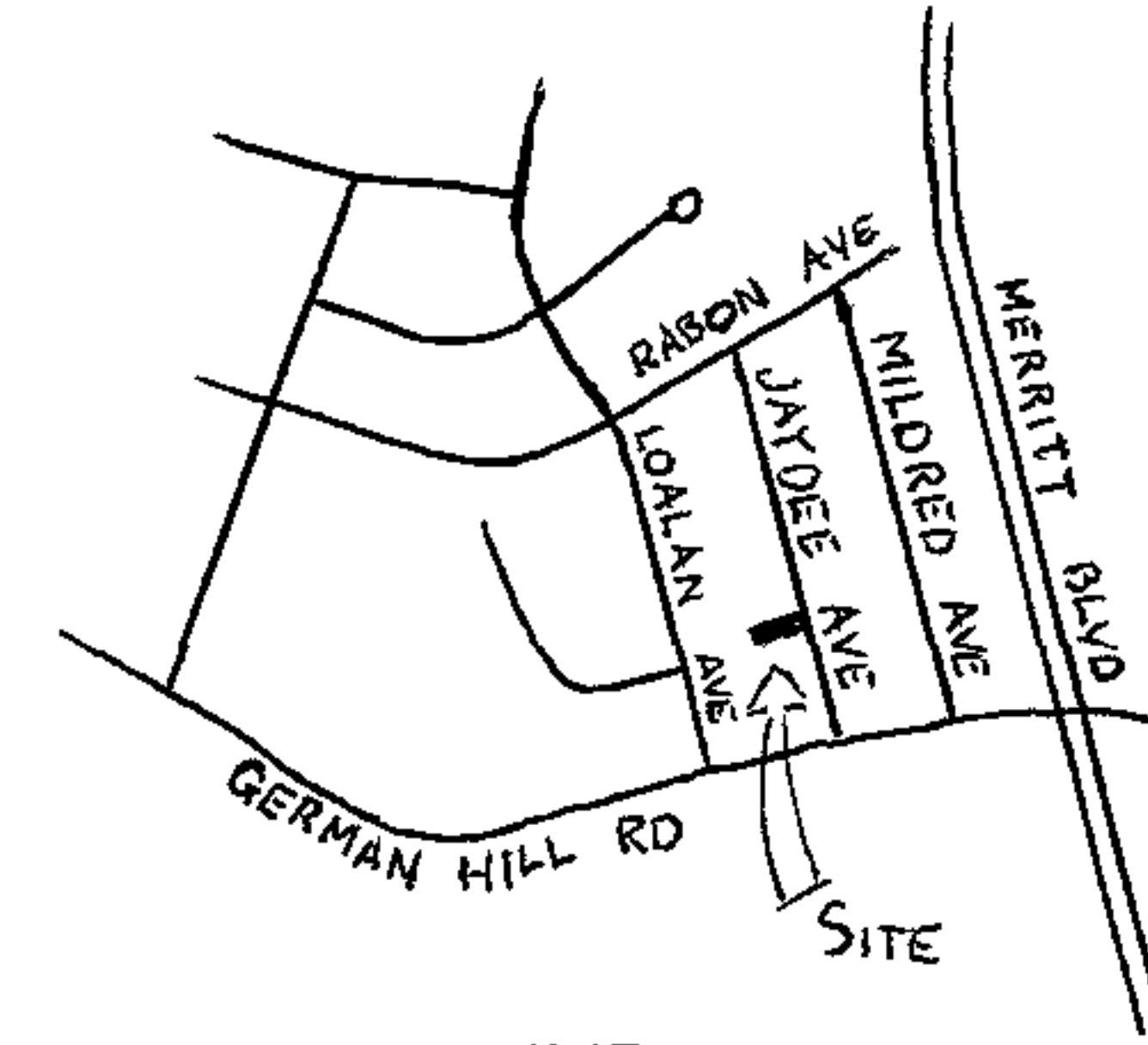
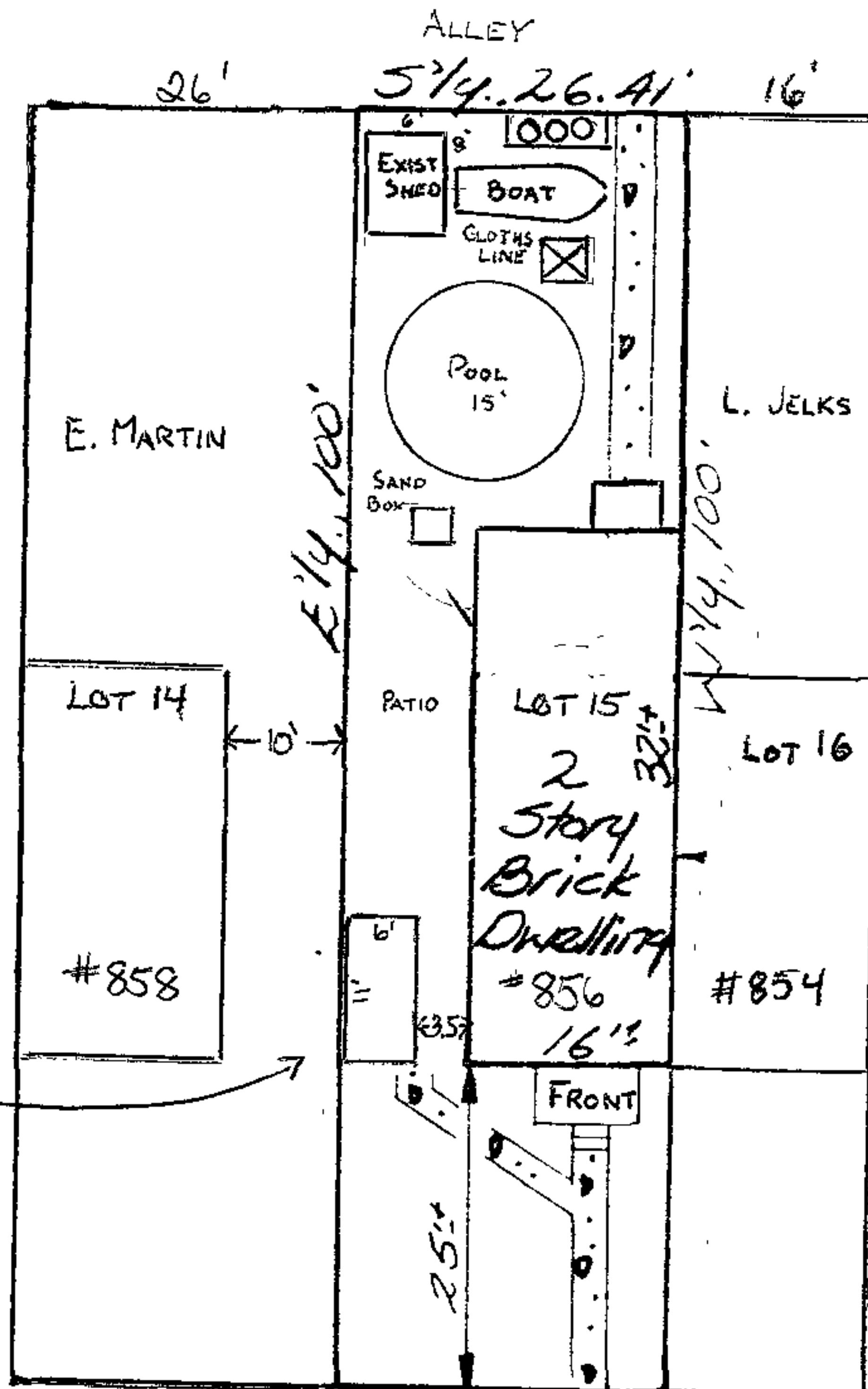
PROPERTY ADDRESS 856 JAY DEE AVE

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

SUBDIVISION NAME BERKSHIRE - GARY MANOR HOMES INC

PLAT BOOK # 18 FOLIO # 107 LOT # 15 SECTION # 2

OWNER PATRICK H BAUER



VICINITY MAP
SCALE: 1" = 1000'

LOCATION INFORMATION

ELECTION DISTRICT 12

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # SE 2 F

ZONING DR 10.5

LOT SIZE 2641
ACREAGE 0.06 SQUARE FEET

SEWER ☒ PUBLIC ☐ PRIVATE
WATER ☒ PUBLIC ☐ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO
100 YEAR FLOOD PLAIN ☐ YES ☒ NO
HISTORIC PROPERTY/BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARING

ZONING OFFICE USE ONLY

REVIEWED BY RD ITEM # 081 CASE # 03-081-A

PREPARED BY RD

SCALE OF DRAWING: 1" = 20'

S 5000

DURWOOD

ROAD

AVENUE

BL

RABON

JAYDEE

MILDRED

GRAY

MANOR

LOALAN

D.R. 10.5

AVENUE

AVENUE

88

(SHEET S.E. 2-E)

S 6,000

BL

BM-AS

BM

HAJEWSKI
PLAT

856 JAY DEC AVE
SE 2 F
12TH DIST

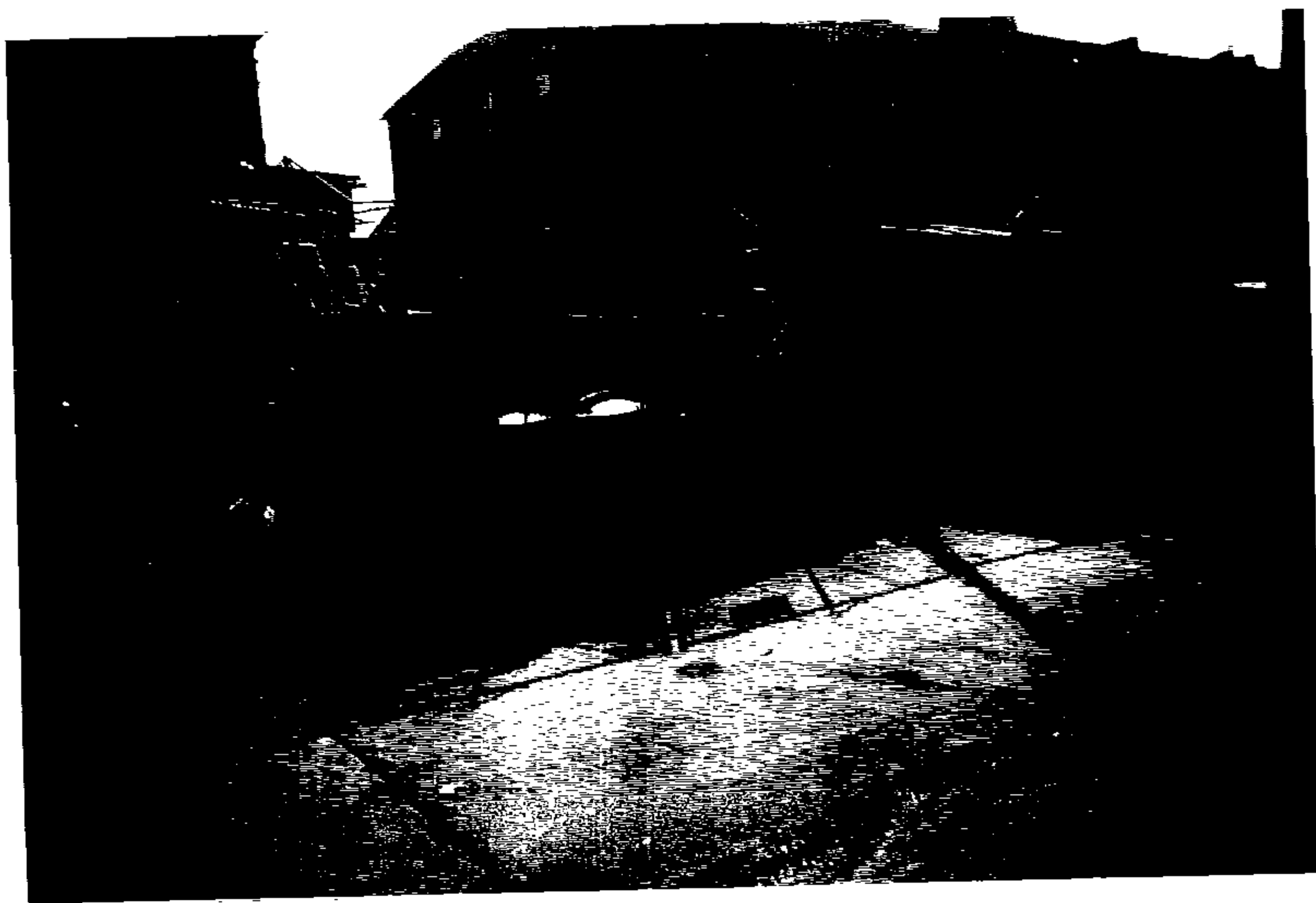
Item #081

BM-CCC

S 7,000







Pictures
from Patrick Bauer

Item #081