IN RE: PETITION FOR ADMIN. VARIANCE SW/Corner of Lake Avenue and Stanton Road 9th Election District 2nd Councilmanic District (1227 W. Lake Avenue)

Robert O. Wilcox, Jr.

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 05-459-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 owner of the subject property, Robert O. Wilcox, Jr. The variance request is for property located at 1227 W. Lake Avenue in Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (shed) to be located on the third of the lot closest to the side street in lieu of the required third of the lot farthest removed from any street. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 8, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare In the opinion of the Deputy Zoning of the public and should therefore be granted. 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

5 CHANGE THE TANK

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 ______ day of May, 2005, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure (shed) to be located on the third of the lot closest to the side street in lieu of the required third of the lot farthest removed from any street, 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.

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:raj

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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

May 2, 2005

Mr. Robert O. Wilcox, Jr. 1227 W. Lake Avenue Baltimore, Maryland 21210

Re: Petition for Administrative Variance Case No. 05-459-A Property: 1227 W. Lake Avenue

Dear Mr. Wilcox:

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:raj Enclosure



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

Sign posting date was missed, now posting + closing olate was assigned.

∰__ ss



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at \$\frac{1227 W. Lake Ave 21210}{\text{which is presently zoned DR3.5}

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) 400.1 (BCZR)

TO PERMIT AN ACCESSORY STRUCTURE (SHED) TO BE LOCATED ON THE THIRD OF THE LOT CLOSEST TO THE SIDE STREET IN LIEU OF THE REQUIRED THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET.

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.

If 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.

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IV 10/25/01			mated Posting	g Date	3/20/05	

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.

competent to testify thereto in the event that a	hand degrald is soliedation in also was with reflate moreto.
That the Affiant(s) does/do presently reside at	x 1227 W. Lake Ave
	Address × Balto, Md 21210
	City State Zip Co
That based upon personal knowledge, the fol Variance at the above address (indicate hards	lowing are the facts upon which I/we base the request for an Administrati hip or practical difficulty):
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Dand the Royal Farm.	K the view of the dumpsters store traffic and noise with a shed.
AT would also like to	outor the shed from Stanton Ave
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3) It also is the area (a truck ntrailer can acsess for deliv
That the Affiant(s) acknowledge(s) that if a	formal demand is filed, Affiant(s) will be required to pay a reposting a
advertising fee and may be required to provide	
Robert D. Wilcox Jr.	
Signature	Signature
Robert D. Wilcox Jr.	
Name - Type or Print	Name - Type or Print
	·
STATE OF MARYLAND, COUNTY OF BALT	4.55
I HEREBY CERTIFY, this 14 day of X of Maryland, in and for the County aforesaid, p	were a Notary Public of the Sta
of Maryland, in and for the County aforesaid, p	ersonally appeared
the Affiant(s) herein, personally known or satis	factorily identified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Motary Rublic

My Complission Expires <u>×</u>

Notary Public. Baltimore City. Maryland
My Commission Expires February 25, 2006

REV 10/25/01

SEAL.

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.

competent to testify thereto in the event that a p	ublic hearing is s	cheduled in t	he future with r	egard thereto.	.(0) 10/0//0
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Signature D. Wilcox Jr. Name - Type or Print			1		
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STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

of Maryland, in and for the County aforesaid, personally appeared

2005, before me, a Notary Public of the State

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

AS WITNESS my hand and Notarial Seal

SEAL.

My Commission Expires _____

REV 10/25/01

JENNY OUTEN
Notary Public. Baltimore City. Maryland
My Commission Expires February 25, 2006



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at $\times 1227$ W. Lake Ave 21210 which is presently zoned D23; 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. | (DCZR)

TO PERMIT AN ACCESSORY STRUCTURE (SHED) TO BE LOCATED ON THE THIRD OF THE LOT CLOSEST TO THE SIDE STREET IN LIEU OF THE REQUIRED THIRD OF THE LOT FARTHEST REMOVED FROM ANY STREET.

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.

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Attorney For Petitlo	ner:		7 3-3	7 W. La	Ke Ave	×410 377-43
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BEGINNING at the end of the second line of that lot of ground which by Deed dated April 29, 1868, and recorded among the Land Records of Baltimore County in Liber No. 58, folio 304, was conveyed by Charles Wiedey and wife to Michael Cooper, and running thence with the lines of said lots of ground north eight degrees west ninety-five and one-quarter feet to the centre of Lake Avenue, thence binding on the same south eighty-seven degrees west, one hundred and eight and nine-tenths feet thence leaving the outlines of said whole lot and running south eight degrees east one hundred and four and five-tenths feet to intersect the said second line of the whole lot and thence running with and binding on the same north eighty and one-half degrees east one hundred and eight and nine-tenths feet to the place of beginning, containing one-quarter of an acre of land more or less. The improvements thereon being known as No. 1227 Lake Avenue.

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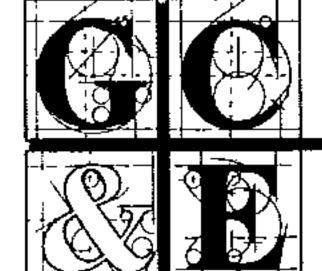
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LIMITE

Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286 Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE NO. #05-459-A
PETITIONER/DEVELOPER:

Robert O. Wilcox, Jr.

DATE OF CLOSING: 04/25/05

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVE. TOWSON, MARYLAND 21204

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION:

1227 West Lake Ave.

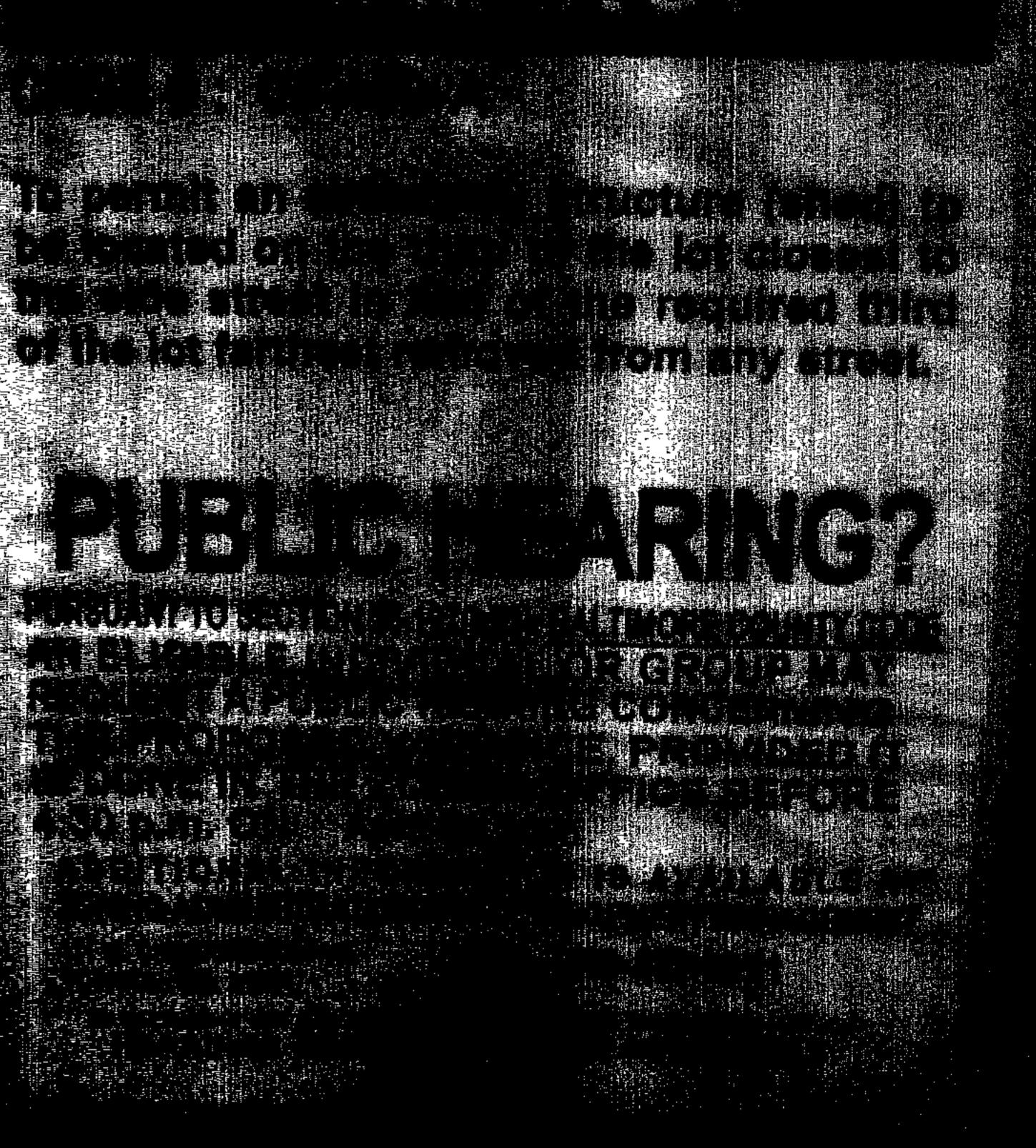
(See page 2 for full size print)

SIGNATURE OF SIGN POSTER

BRUSE DOAK

GERHOLD, CROSS & ETZEL, LTD SUITE 100 320EAST TOWSONTOWN BLVD TOWSON, MARYLAND 21286 410-823-4470 PHONE 410-823-4473 FAX

STED ON: 04/08/05



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.

For Newspaper Advertising:
Item Number or Case Number: 05-459-A
Petitioner: WILCOX
Address or Location: 1227 W. LAKE AVE.
PLEASE FORWARD ADVERTISING BILL TO: Name:MR ROBERT O. WILCOX JR.
Address: 1221 W. LAKE ME.
BALTO. MD 21210
Telephone Number:

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Address JOS ME.
Contact Person: DONNA THOMPSON Planner, Please Print Your Name Phone Number: 410-887-3391
Filing Date: 3 14 04 Posting Date: 3 15 15 Closing Date: 4 15 10
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)
etitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 05- 459 -A Address 1227 W. LAKE AVE.
Petitioner's Name ROBERT O. WILCOX JR. Telephone NO-377-4342
osting Date:31 05 107
Vording for Sign: To Permit AN ACCESSORY STRUCTURE (SHED) TO BE FORTIED
LOCATED OF THE LOT CLOSEST TO THE SIDE STREET
IN LIEU OF THE REQUIREP THIRD OF THE LOT FARTHEST REMOVED
FROM ANY STREET.
WCR - Revised 6/25/04

Department of Permits and Development Management

Development Processing County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204



Baltimore County

James T. Smith, Jr., County Executive Timothy M. Kotroco, Director

April 11, 2005

Robert O. Wilcox, Jr. 1227 W. Lake Avenue Baltimore, Maryland 21210

Dear Mr. Wilcox:

RE: Case Number: 05-459-A, 1227 W. Lake Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 15, 2005.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

W. Carl Roll D.

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: clb

Enclosures

c: People's Counsel



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

Fire Department

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





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

March 29,2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 4, 2005

Item No. 458, 459, 460, 464, 465, 466, 467, 468, 469, 470, 471, 472,

Pursuant to your request, the above 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 site shall be made to comply with all applicable parts of the Baltimore County Fire Prevention Code prior to occupancy or beginning of operation.

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

Acting Lt. Warren T. Moffitt Fire Marshal's Office 410-887-4880 MS-1102F

Cc:file

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

DATE: April 19, 2005

Department of Permits & Development

Management

FROM:

Dennis A. Kennedy, Acting Supervisor

Bureau of Development Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

For April 2002

Item No. (459), 463, 464, 465, 467,

469, 470, 472

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

DAK:CEN cc: file

ZAC-NO COMMENTS-04192005.doc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

John D. Oltman, Jr 😘

DATE:

April 13, 2005

SUBJECT:

Zoning Items # See List Below

Zoning Advisory Committee Meeting of March 28, 2005

X The Department of Environmental Protection and Resource Management has no comments on the following zoning items:

05-458 05-459

05-460

05-464

05-465

05-471

05-472

Reviewers:

Sue Farinetti, Dave Lykens

S:\Devcoord\ZAC SHELL 11-20-03.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: April 4, 2005

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 5-459- 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 Mark Cunningham in the Office of Planning at 410-887-3480.

Prepared By:

Division Chief:

MAC/LL





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

Maryland Department of Transportation

Date:

3.25.05

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

Robert L. Ehrlich, Jr., Governor

Michael S. Steele, Lt. Governor

RE:

Baltimore County
Item No.

DT

Dear. Ms. Matthews:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

Steven D. Foster, Chief

1. J. Gredh

Engineering Access Permits Division

From:

Roberta Jameson

To:

Cunningham, Mark

Subject:

05-459-A

When you get a chance, I need ZAC comments for the above-captioned admin. variance that closed on 4/25/05. It had an original closing date of 4/11/05, but the property had not been posted properly.

Petitioners is Robert Wilcox for property located at 1227 W. Lake Avenue.

Thanks.

Robin

4 HEARING 2110 "PY 05-459 ONLY SOLARE FEE Precini ADDITIONAL REQUIRED INFORMATION PRIVATE LOCATION INFORMATION = 1000 USE ₩Vb OFFICE L PUBLIC 0 COUNCIL MANIC DISTRICT 100 YEAR FLOOD PLAIN PRIOR ZONING HEARING SCALE MAP # S S VICINITY SPECIAL HISTORIC PROPERTY/ BUHLDING LOT SIZE ACREAGE notnotz ELECTION DISTRICT SCALE: CHESAPEAKE BAY CRITICAL AREA ZONING REVIEWED BY SEWER WATER f" = 200' SONING Mombtiff VARIANCE THE CHECKLIST FOR arcel 103 OF DRAWING: ITION FOR ZONING Map 79 PET Store ACCOMPANY FOLIO # L ADDRESS SUBDIVISION NAME Stantolas PLAT BOOK # 1 PREPARED BY OWNER



25 of 1227 W. Lake Ave) 3 From Free on hight 27 W. Lake Are Are Fairs Rd. corner trom 122 Chayal. Solver 2000 Man Deters an South

NOW!

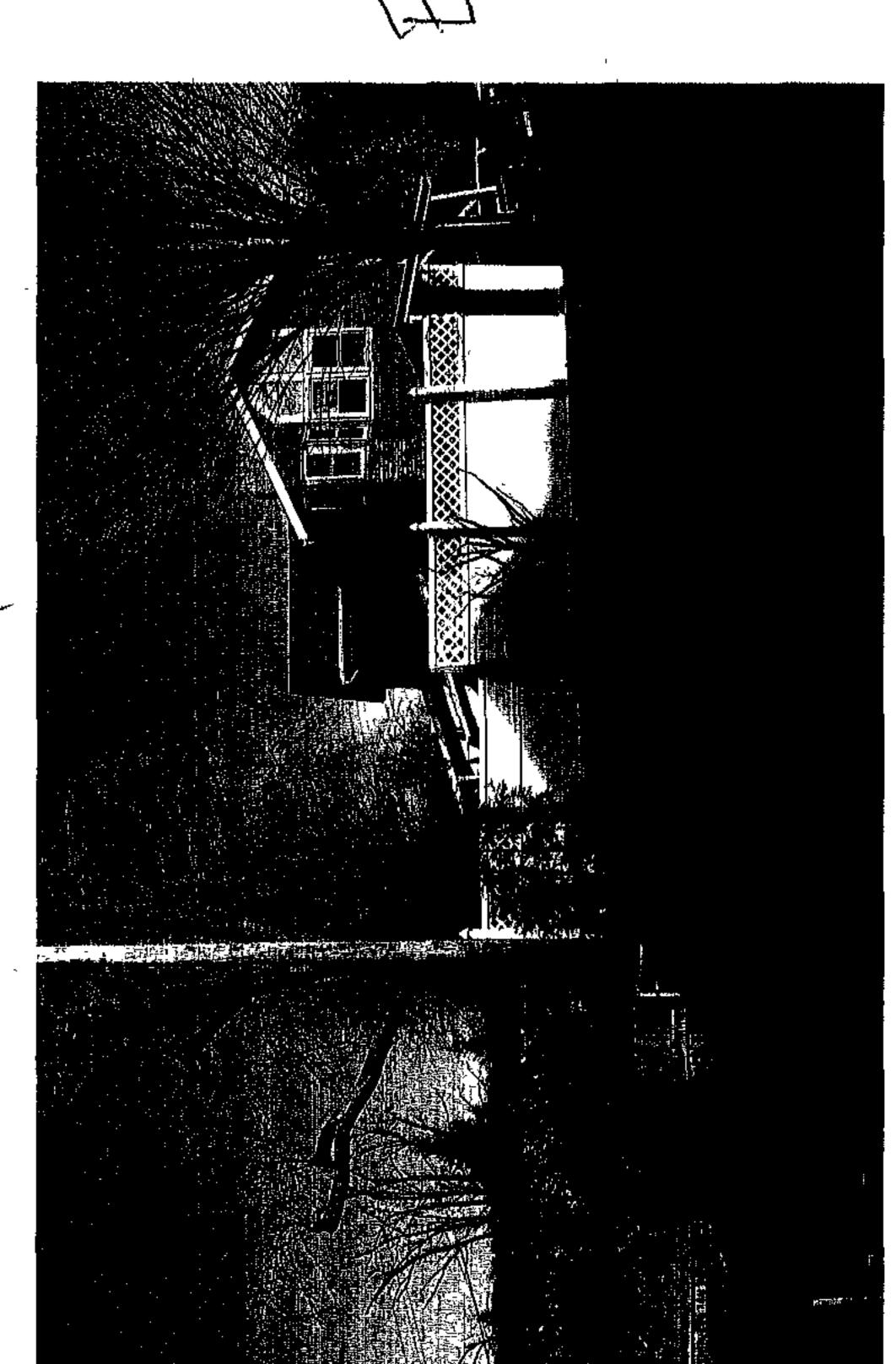
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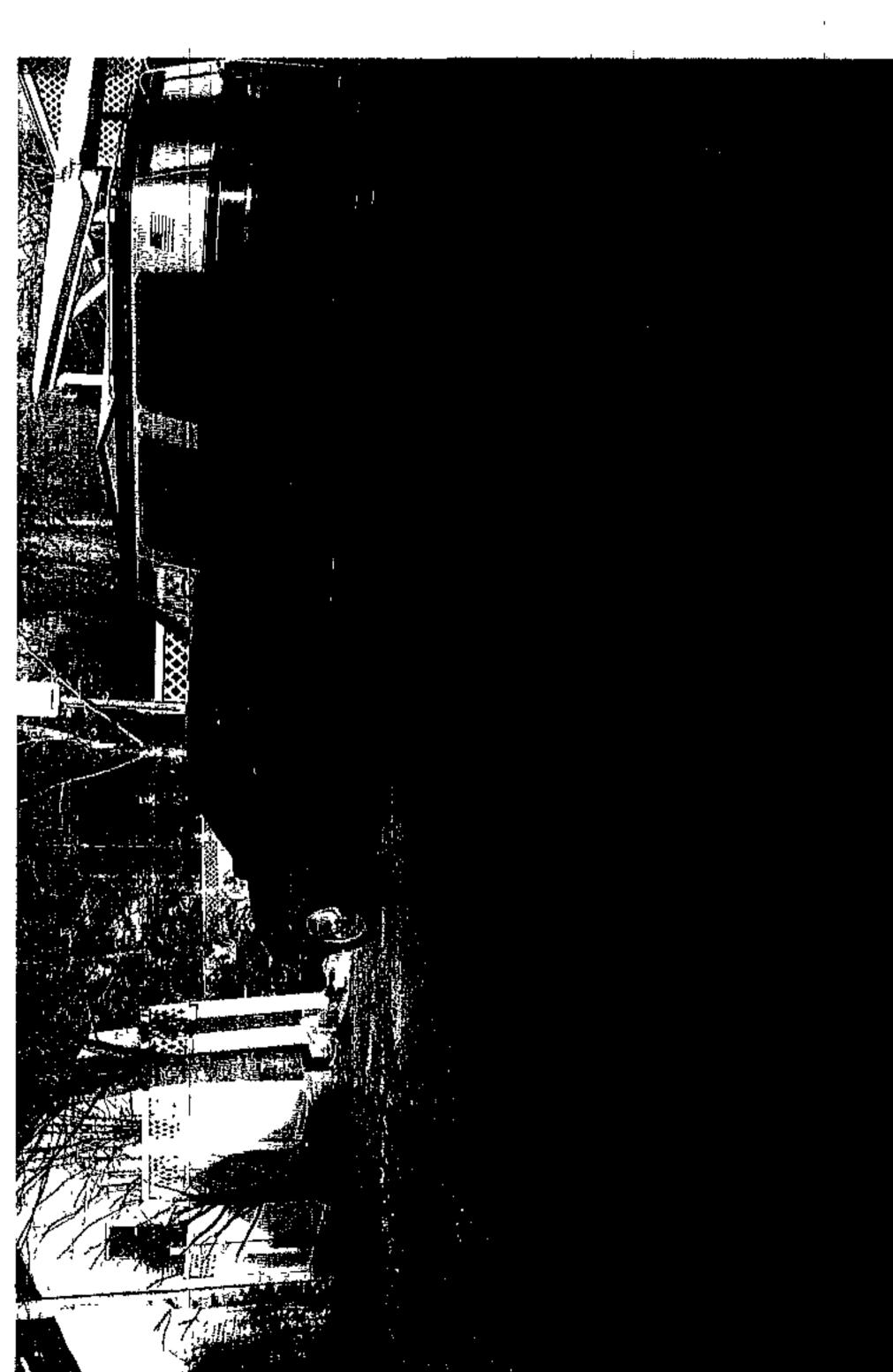
V. Lake the East @ right Dumpsterbin @ Royal Faum Store Locking North @ 1227

JX ON



Looking West across yard of 1327 W. Lake Ave From Stanton Ave & Parking Arrea Shed to be placed directly in Front of vehicles

Thou Z



Looking North at 1227 W. Lake Ave.

From Parking lot with dismysters @ Royal Fava Store.

Shed to be placed behind white tence on right or Eastside.

7



HS H

@ Loyal Farms Store 6053 Palls Pd. white tence Front of dumpster bins to be placed behind n 2201 Nerth at 200King, From Fished.

5



Tess V