

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
South East Side of Raymond Avenue, 500'		
North of centerline of North Point Road	*	DEPUTY ZONING COMMISSIONER
15th Election District		
7th Councilmanic District	*	OF BALTIMORE COUNTY
 (8111 Raymond Avenue)	*	 CASE NO. 06-314-A
 Robert W. and Carrie Sears	*	
<i>Petitioners</i>		

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Robert W. and Carrie Sears. The variance request is for property located at 8111 Raymond Avenue in the Dundalk area of Baltimore County. The variance request is from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow an accessory building (proposed storage building) in the side yard in lieu of the rear yard. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1.

Zoning Advisory Committee

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated December 30, 2005, a copy attached hereto and made a part hereof.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 1, 2006, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

In this case, the Petitioners have 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

ORDER RECEIVED FOR FILING
 Date 1-12-06
 By [Signature]

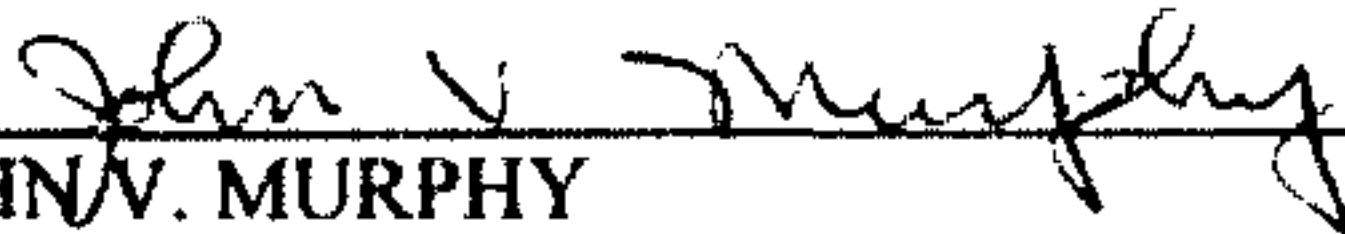
in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply 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 19 day of January, 2006, that a variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R), to allow an accessory building (proposed storage building) in the side yard in lieu of the rear yard, be and is hereby GRANTED, subject, however, to the following restrictions 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.
2. The Petitioners must be in compliance with the ZAC comments submitted by the Office of Planning dated December 30, 2005, a copy of which is attached hereto and made a part hereof.

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:dlw



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

January 19, 2006

Robert W. Sears
Carrie Sears
8111 Raymond Avenue
Baltimore, Maryland 21222

Re: Petition for Administrative Variance
Case No. 06-314-A
Property: 8111 Raymond Avenue

Dear Mr. and Mrs. Sears:

Enclosed please find the decision rendered in the above-captioned case. The petition for Administrative Variance has been granted with restrictions 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, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner
for Baltimore County

JVM:dlw
Enclosure

c: People's Counsel; Case File



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8111 RAYMOND AVE 21222
which is presently zoned DR 5.5

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 BCZR TO ALLOW AN ACCESSORY BUILDING IN THE SIDE YARD IN LIEU OF THE REAR YARD (PROPOSED STORAGE BUILDING)

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, 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. 06-314-A

REV 10/25/01

Reviewed By JL Date 12/20/05

Estimated Posting Date 01/01/06

RECEIVED FOR FILING

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 8111 Raymond Ave
Address
Dundalk 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):

* REAR YARD FROM DECK TO PROP. LINE IS ONLY 12' NOT LARGE ENOUGH TO PUT BEHIND HOUSE

* NEED STORAGE FOR PERSONAL BELONGINGS THAT CANNOT BE EXPOSED TO WEATHER.

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

ROBERT W SEARS
Name - Type or Print

Carrie Sears
Signature

CARRIE SEARS
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 19 day of DEC., 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Robert W Sears & Carrie Sears
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

May A. Salamony
Notary Public

My Commission Expires 8/1/06

Zoning Description For 8111 RAYMOND Ave. 21222
RS

Beginning at a point on the ^{SOUTH EAST} ~~North~~ Side of RAYMOND Ave
Which is 16' wide at the distance of 520' North of
the centerline of the nearest improved intersecting
street NORTH POINT RD. which is 20' wide.

314

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

314 No. 2516

DATE 12/20/05 ACCOUNT CP1 006 6150

AMOUNT \$ 65.00

RECEIVED FROM

Cash

FOR RV 9111 RAYMOND AVE

DATE RECEIVED
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Paid Receipt

00534555 (4.00) 0775 0714
12/21/2005 12/21/05 00534555
PER 0504 00534555 00534555
00534555 00534555 00534555
Dept. 05 00534555 00534555
OR MR. 00534555

Receipt Total \$65.00
\$65.00
Balance Forward \$65.00

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

RE: Case No.: 06-314-A

Petitioner/Developer: ROBERT &

CARRIE SEARS

Date of Hearing/Closing: 1/16/06

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

ATTN: 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:

8111 RAYMOND AVE

The sign(s) were posted on 1/1/06
(Month, Day, Year)

Sincerely,

Robert Black 1/2/06
(Signature of Sign Poster) (Date)

SSG Robert Black

(Print Name)

1508 Leslie Road

(Address)

Dundalk, Maryland 21222

(City, State, Zip Code)

(410) 282-7940

(Telephone Number)

8111 RAYMOND AVE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 314 -A Address 8111 RAYMOND AVE

Contact Person: JOHN LEWIS Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 12/20/05 Posting Date: 01/01/06 Closing Date: 01/16/06

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 06- 314 -A Address 8111 RAYMOND AVE
Petitioner's Name ROBERT + CARRIE SEARS Telephone 410 443 271 5079
Posting Date: 01/01/06 Closing Date: 01/16/06
Wording for Sign: To Permit A PROPOSED ACCESSORY BUILDING (FOR STORAGE)
IN THE SIDE YARD IN LIEU OF THE REAR YARD

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 06-314-A

Petitioner SEARS

Address or Location 8111 RAYMOND AVE

PLEASE FORWARD ADVERTISING BILL TO

Name ROBERT SEARS

Address 8111 RAYMOND AVE

BALTIMORE MD 21222

Telephone Number 410-477-3232

**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

January 16, 2006

Robert W. Sears
Carrie Sears
8111 Raymond Avenue
Dundalk, Maryland 21222

Dear Mr. Sears:

RE: Case Number: 06-314-A, 8111 Raymond Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on December 20, 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.

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: clb

Enclosures

c: People's Counsel



County Office Building, Room 111

december 28, 2005

Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Zoning Review planners

Distribution Meeting of: December 19, 2005

Item No.: 6-306-A thru 6-314-A

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

Acting Lieutenant David Heath
Fire Marshal's Office
(O) 410-887-4881
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: January 3, 2006

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

SUBJECT: Zoning Advisory Committee Meeting
For December 26, 2005
Item Nos: 306, 307, 308, 311, 312, 313, and 314

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-01032006 doc

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: R. Bruce Seeley, DEPRM
DATE: January 19, 2006
SUBJECT: Zoning Item # 06-314-A
Address 8111 Raymond Avenue
(Sears Property)

Zoning Advisory Committee Meeting of December 19, 2006

- _____ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.
- X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:
- _____ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).
- _____ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).
- X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: Glenn Shaffer

Date: December 28, 2005

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: December 30, 2005

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

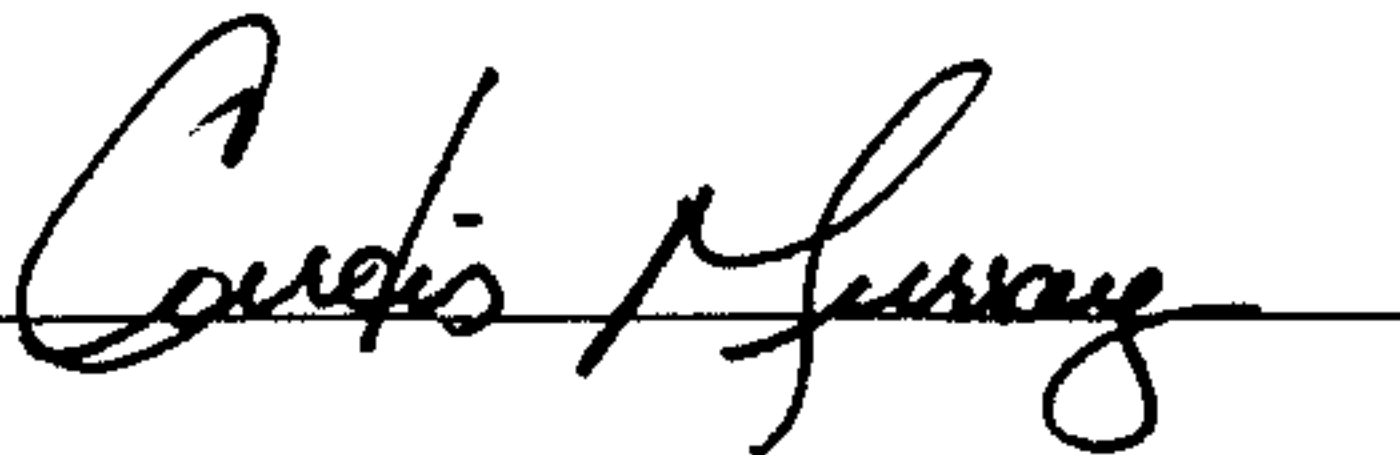
SUBJECT: 6-314 – Administrative Variance

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) to be located in the side yard lieu of the required rear yard provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Diana Itter at 410-887-3480.

Prepared by:



Section Chief:



AFK/LL: CM

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



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

Maryland Department of Transportation

Date: 1.3.06

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

RE: Baltimore County
Item No. 314 JLL

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

I UNDERSTAND I NEED ^{TO INCLUDE} LABELED PHOTO'S
FOR ADMINISTRATIVE VARIANCE NO LATER THEN
12/23/05


ROBERT SEARS

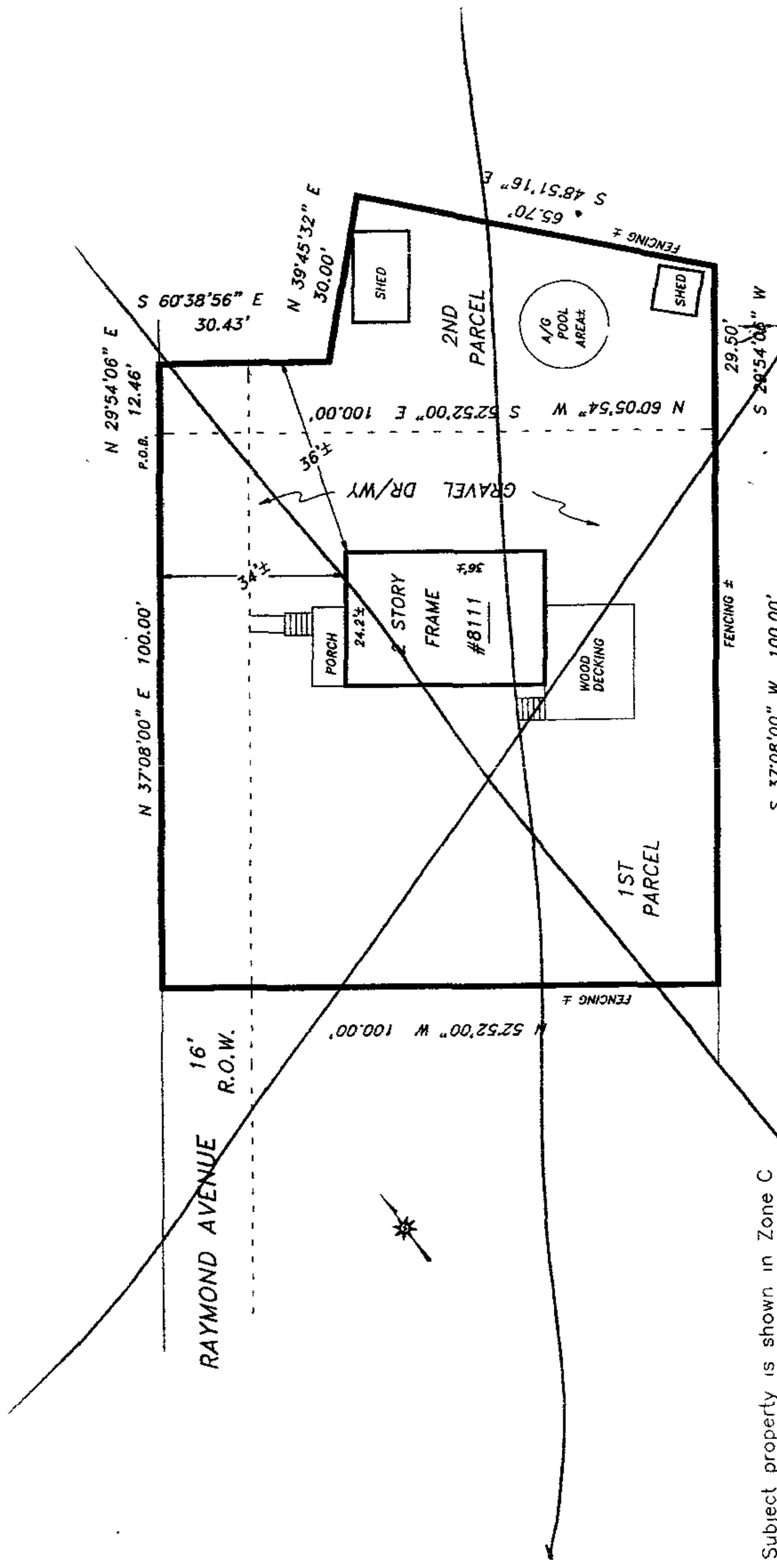
FILE IN CASE

06 314 A

until Photos Included
By applicant.

NOTES:

- 1) B.R.L. information, if shown, was obtained from existing record plat or local agencies and is not guaranteed by NTT, Inc.
- 2) Building line and/or Flood Zone information is subject to the interpretation of the originator
- 3) NTT, Inc. does not certify to unshown or unrecorded encroachments or overlaps
- 4) Property markers NOT found, or guaranteed by this location.
- 5) Salsback distance accuracy 2 ft



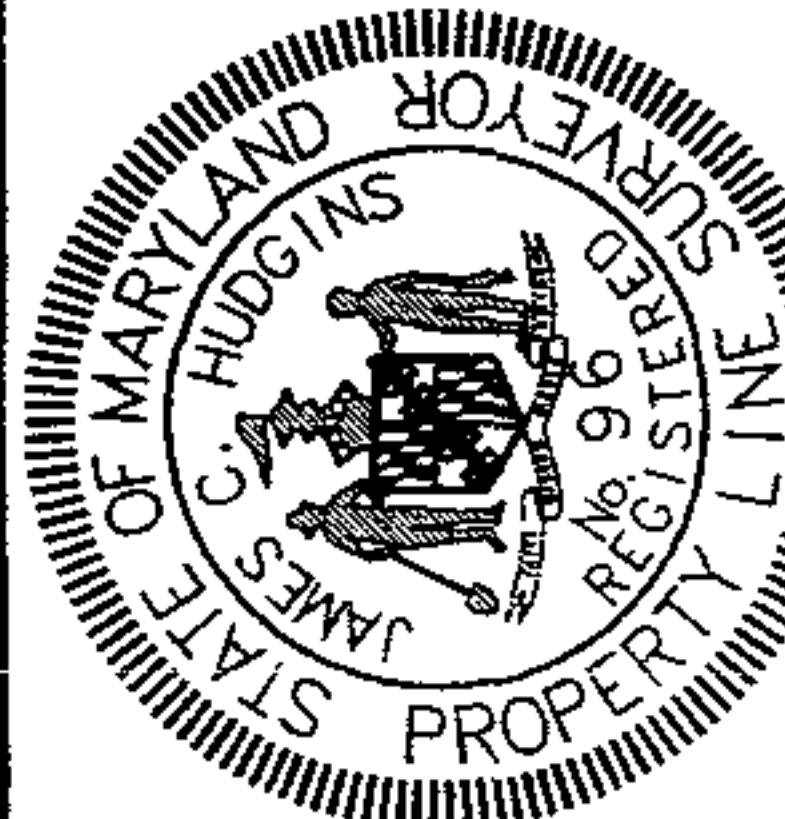
Subject property is shown in Zone C on the FIRM Map of Baltimore County, Maryland on Community Panel 240010 0440 B Effective MARCH 2, 1981

This is to certify that I have surveyed the property shown hereon, being known as #8111 RAYMOND AVENUE AS DESCRIBED and recorded among the land records of Baltimore County, Maryland in LIBER 13575, folio 330 for the purpose of locating the improvements thereon

* This plat is of benefit to the consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing purposes

* This plat is not to be relied upon for the establishment of location of fences, garages, buildings, or other existing or future structures.

* This plat does not provide for the accurate identification of property boundaries lines, but such identification may not be required for the transfer of title or for securing financing or refinancing.



J Carl Hudgins PLS #96

LOCATION DRAWING
#8111 RAYMOND AVENUE
BALTIMORE COUNTY, MARYLAND

15TH ELECTION DISTRICT

NTT Associates, Inc.
16205 Old Frederick Road
Mt. Airy, Maryland 21771
Ph. (410)442-2031
Fax No. (410)442-1315

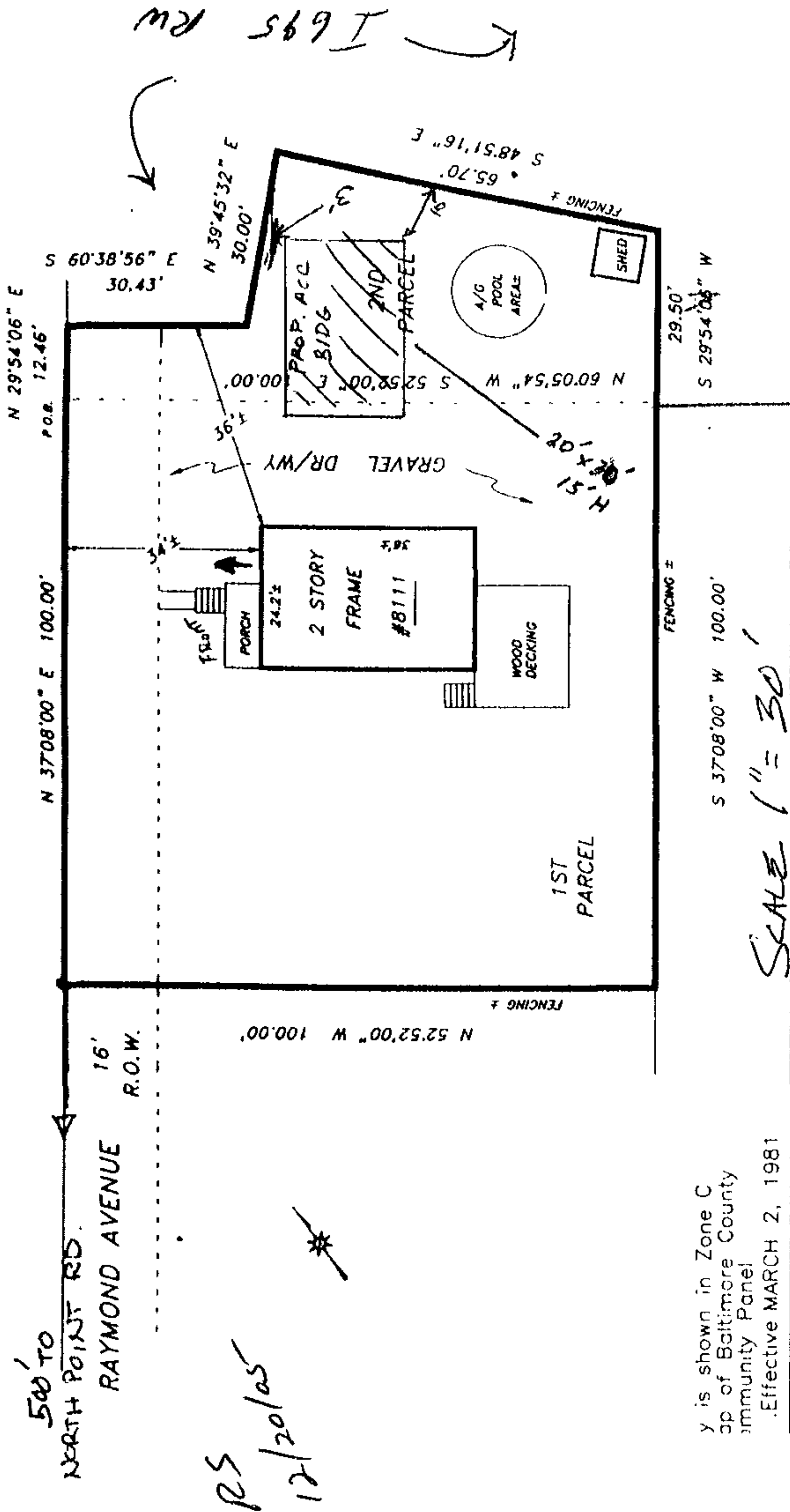
Scale: 1" = 30'
Date: 10-28-85
Field By: MITCH
Drawn By: MITCH
Drawing # 2077GRM

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE

PROPERTY ADDRESS 8111 RAYMOND AVE SEE PAGES 5 & 6 OF THE CHECKLIST FOR

Good zoning information is subject to the interpretation of the original surveyor. It is not intended to be a guarantee of accuracy or a warranty of any kind. The information is provided for informational purposes only.

8111 RAYMOND AVE
OWNERS: ROBERT & CARRIE SEARS



Property is shown in Zone C
City of Baltimore County
Community Panel
Effective MARCH 2, 1981

RS
12/20/05

REAR OF NEIGHBOR

LOCATION INFORMATION

ELECTION DISTRICT 15

COUNCILMANIC DISTRICT 7

1" = 200' SCALE MAP # 154

ZONING DR 5-5

LOT SIZE 29 12,856 SQUARE FEET

ACREAGE 0.29

SEWER ☒ PUBLIC ☒ PRIVATE ☐

WATER ☒ PUBLIC ☒ PRIVATE ☐

CHESAPEAKE BAY CRITICAL AREA ☒

100 YEAR FLOODPLAIN ☒

HISTORIC PROPERTY / BUILDING ☐

PRIOR ZONING HEARING None

Baltimore County - My Neighborhood

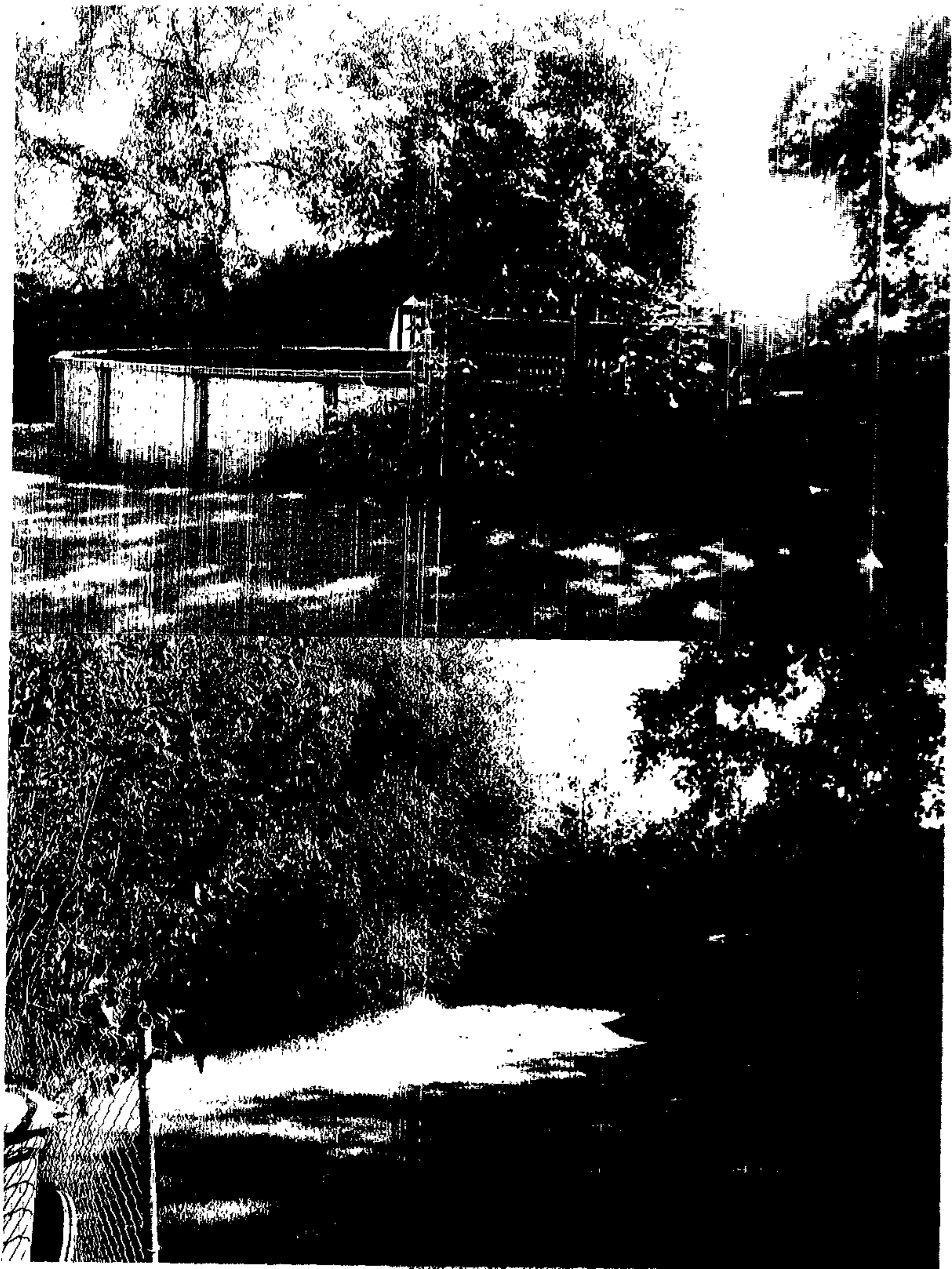


Photos For Case # 06-314-A
Please put in file

To: John Lewis

3-3X5 Photos

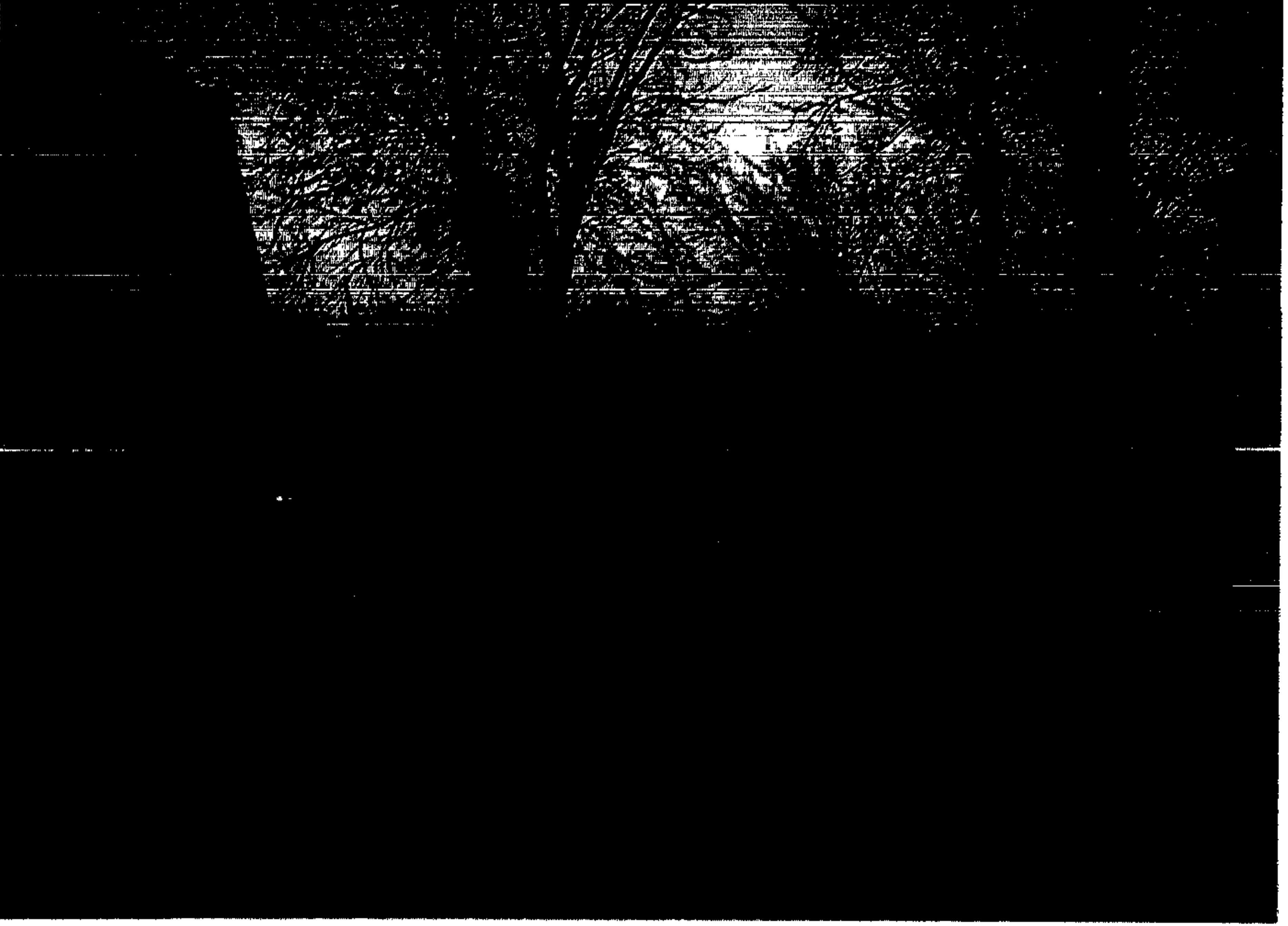
Show Area of
YARD Where Bldg
Would Be Erected



FRONT OF HOUSE LOOKING AT
695



REAR YARD SHOWING DISTANCE
FROM REAR OF HOUSE TO FENCE



L/side of House
Red Flags show location
of Building



FACING 695- Red F/Flags
Show Building Location

