

IN RE: PETITION FOR VARIANCE  
(Parcel 2, Dyer Avenue)  
4<sup>th</sup> Election District  
3<sup>rd</sup> Councilman District  
Thomas W. & Catherine E. Beares  
*Legal Owners*  
Petitioners

\*

\*

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\*

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BEFORE THE OFFICE  
OF ADMINISTRATIVE  
HEARINGS FOR  
BALTIMORE COUNTY  
CASE NO. 2013-0309-A

\* \* \* \* \*

**OPINION AND ORDER**

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Thomas W. and Catherine E. Beares, the legal owners of the subject property. The Petitioners are requesting Variance relief from Sections 303.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed single family dwelling with a front yard setback of 28.88' and a rear yard setback of 27.88' in lieu of the required front yard average of 59' <sup>1</sup> and rear yard of 30', respectively. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

Appearing at the public hearing in support of the requests was Thomas W. and Catherine E. Beares. Vincent Moskunus, who prepared the site plan, also attended the hearing. The file reveals that the Petition was properly advertised and posted as required by the Baltimore County Zoning Regulations. There were no Protestants or interested citizens in attendance, and the file

<sup>1</sup> Under B.C.Z.R. §303.1 (concerning front yard depths in D.R. zones), "no dwelling shall be required to be set back more than . . . 50 feet in DR 3.5 Zones." In addition, under the small lot table, which is applicable in this case, the front yard requirement is 30 feet. Since the regulations do not expressly state that the provisions of the small lot table trump the front yard averaging rules in § 303, I will use the larger figure; i.e., 50 feet.

**ORDER RECEIVED FOR FILING**

Date 8/28/13

By Sen

does not contain any letters of protest or opposition.

There were no substantive Zoning Advisory Committee (ZAC) comments received.

Testimony and evidence revealed that the subject property is approximately 0.23+/- acres (10,021 square feet) and is zoned DR 3.5. The Petitioners (who live on the adjoining lot) would like to market the property as a building lot, but variance relief is required before they can do so.

Based upon the testimony and evidence presented, I will grant the request for variance relief. Under *Cromwell* and its progeny, to obtain variance relief requires a showing that:

- (1) The property is unique; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

*Trinity Assembly of God v. People's Counsel*, 407 Md. 53, 80 (2008).

Petitioners have met this test. The lot in question was created following Development Review Committee (DRC) approval of an internal lot line adjustment, and thus the property is unique.

If the B.C.Z.R. were strictly enforced, the Petitioners would indeed suffer a practical difficulty, given they would be unable to construct a modern dwelling on the parcel. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety, and general welfare. This is demonstrated by the lack of county and/or community opposition.

Pursuant to the advertisement, posting of the property and public hearing on this Petition, and for the reasons set forth above, the variance relief requested shall be granted

THEREFORE, IT IS ORDERED, this 28th day of August, 2013, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief pursuant to Sections 303.1 and 1B02.3.C.1 of the Baltimore County Zoning Regulations ("B.C.Z.R") to permit a

ORDER RECEIVED FOR FILING

Date 8/28/13 2

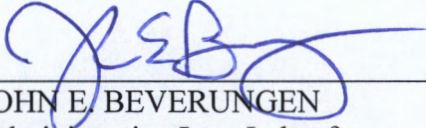
By sen

proposed single family dwelling with a front yard setback of 28.88' and a rear yard setback of 27.88' in lieu of the required front yard average of 50' and rear yard of 30', respectively, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for appropriate permits 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, 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 E. BEVERUNGEN  
Administrative Law Judge for  
Baltimore County

JEB:sln

ORDER RECEIVED FOR FILING

Date 8/28/13  
By sln



KEVIN KAMENETZ  
*County Executive*

LAWRENCE M. STAHL  
*Managing Administrative Law Judge*  
JOHN E. BEVERUNGEN  
*Administrative Law Judge*

August 28, 2013

Thomas and Catherine Beares  
11 Sacred Heart Lane  
Reisterstown, Maryland 21136

RE: Petitions for Variance  
Case No.: 2013-0309-A  
Property: Parcel 2, Dyer Avenue

Dear Mr. and Mrs. Beares:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Office of Administrative Hearings at 410-887-3868.

Sincerely,

A handwritten signature in black ink, appearing to read "JEB", with a stylized flourish extending to the right.

JOHN E. BEVERUNGEN  
Administrative Law Judge  
for Baltimore County

JEB:slh  
Enclosure

c: Vincent Moskunas, 200 E. Joppa Road, Towson, Maryland 21286



## PETITION FOR ZONING HEARING(S)

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address PARCEL #2 DOWNEY AVE. DYER AVE which is presently zoned DR 3.5

Deed References: 29932-296 10 Digit Tax Account # 0403037326

Property Owner(s) Printed Name(s) THOMAS W. BEARES, CATHERINE E. BEARES

(SELECT THE HEARING(S) BY MARKING ☒ AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☐ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s) Sections 303.1 and 1B02.3.C.1 – to permit a proposed single family dwelling with a front yard setback of 28.88 feet and a rear yard setback of 27.88 feet in lieu of the required front yard average of 59 feet and rear yard of 30 feet, respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:  
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

To be presented at hearing

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

### Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address

Zip Code

Telephone #

Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

### Legal Owners (Petitioners):

THOMAS W. BEARES / CATHERINE E. BEARES

Name #1 - Type or Print

Name #2 - Type or Print

Signature #1

Signature #2

11 SACRED HEART LANE BALTO. MD.

Mailing Address

City

State

21136 / 410-833-1584 / N/A

Zip Code

Telephone #

Email Address

### Representative to be contacted:

SITE RITE SURVEYING, INC.

Name - Type or Print

Signature

200 E. JOPPA RD. TOWSON MD.

Mailing Address

City

State

21286 / 410-828-9060 / SITE RITE INC. @AOL.COM

Zip Code

Telephone #

Email Address

CASE NUMBER 2013-0309-A Filing Date 6/19/13

Do Not Schedule Dates: \_\_\_\_\_

Reviewer BD

**ZONING DESCRIPTION**  
**2<sup>ND</sup> PARCEL "DYER AVENUE"**

BEGINNING at a point on the north side of Dyer Avenue 33 feet wide at a distance of 126 feet +/- southeast of the center line of Sacred Heart Lane which is 30 feet wide, thence the following courses and distances: (1) North 15 degrees 36 minutes 48 seconds East 85.77 feet; (2) South 74 degrees 23 minutes 12 seconds East 116.98 feet; (3) South 15 degrees 47 minutes 29 seconds West 85.77 feet and (4) North 74 degrees 23 minutes 12 seconds West 116.71 feet back to Place of Beginning as recorded in Deed 29932/296 containing 0.230 acre. Located in the 4<sup>th</sup> Election District and 3<sup>rd</sup> Councilmanic District.

Site Rite Surveying, Inc.  
200 E. Joppa Road  
Suite 101  
Towson MD 21286  
(410) 828-9060

**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.**

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**For Newspaper Advertising:**

Item Number or Case Number: 2013-0309-A

Petitioner: CATHERINE BEARES

Address or Location: PARCEL #2 DWYER AVENUE

PLEASE FORWARD ADVERTISING BILL TO:

Name: CATHERINE BEARES

Address: # 11 SACRED HEART LANE.

REISTERSTOWN, MD. 21136

Telephone Number: 410 - 833 - 1584

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET AND FINANCE  
MISCELLANEOUS CASH RECEIPT

No. **099646**

Date: June 19 2013

PAID RECEIPT

BUSINESS ACTUAL TIME MON  
6/20/2013 6/19/2013 10:24:34 2

REC US02 MAIL JUNA JEE  
>> RECEIPT # 829155 6/19/2013 OPEN

5 520 ZONING VERIFICATION  
10 NO. 099646

Recpt Tot \$75.00  
\$75.00 CR \$1.00 CR  
Baltimore County, Maryland

| Fund | Dept | Unit | Sub Unit | Rev Source/ Obj | Sub Rev/ Obj | Dept Obj | BS Acct | Amount |
|------|------|------|----------|-----------------|--------------|----------|---------|--------|
| 001  | 806  | 0000 |          | 650             |              |          |         | 5.75   |
|      |      |      |          |                 |              |          |         |        |
|      |      |      |          |                 |              |          |         |        |
|      |      |      |          |                 |              |          |         |        |
|      |      |      |          |                 |              |          |         |        |

Total: \$75.00

Rec From:

For:

zoning hearing - case # 2013-0309-A

CERTIFICATE OF POSTING  
CERTIFICATE OF POSTING

RE: CASE NO: 2013-0309-A

PETITIONER/DEVELOPER \_\_\_\_\_

STE RITE SURVEYING INC

DATE OF HEARING/CLOSING: \_\_\_\_\_

8/22/13

BALTIMORE COUNTY DEPARTMENT OF  
PERMITS AND DEVELOPMENT MANAGEMENT  
COUNTY OFFICE BUILDING, ROOM 111  
111 WEST CHESAPEAKE AVENUE

ATTENTION:

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 AT \_\_\_\_\_

PARCEL #2 DYER AVENUE

THIS SIGN(S) WERE POSTED ON \_\_\_\_\_

July 24, 2013  
(MONTH, DAY, YEAR)

SINCERELY,

Martin Ogle 7/24/13  
SIGNATURE OF SIGN POSTER AND DATE:

MARTIN OGLE  
(SIGN POSTER)  
60 CHELMSFORD COURT  
BALTIMORE, MD 21220  
(ADDRESS)  
PHONE NUMBER: 443-629-3411

# ZONING

## NOTICE

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MARYLAND

Case #: **2013-0309-A**

PLACE: **ROOM 206, JEFFERSON BUILDING 105 WEST  
CHESAPEAKE AVENUE, TOWSON 21204**

TIME & DATE: **THURSDAY, AUGUST 22, 2013  
AT 1:30 P.M.**

**VARIANCE TO PERMIT A PROPOSED SINGLE FAMILY DWELLING  
WITH A FRONT YARD SETBACK OF 29.89 FT AND A REAR YARD  
SETBACK OF 27.89 FT IN LIEU OF THE REQUIRED FRONT YARD  
AVERAGE OF 59 FT. AND REAR YARD OF 30 FT. RESPECTIVELY.**

Information for use in addition to other conditions are contained elsewhere  
in the zoning ordinance. Call 410-327-1387 for more information.

**DO NOT REMOVE THIS SIGN  
UNTIL THE DAY OF THE HEARING,  
UNDER PENALTY OF LAW**

HEARDING ARE HANDICAPPED ACCESSIBLE

*madm086 7/24/13*



## THE BALTIMORE SUN MEDIA GROUP

Baltimore, Maryland 21278-0001

August 1, 2013

THIS IS TO CERTIFY, that the annexed advertisement was published in the following newspaper published in Baltimore County, Maryland, ONE TIME, said publication appearing on August 1, 2013

☐ The Jeffersonian

THE BALTIMORE SUN MEDIA GROUP

By: Susan Wilkinson

*Susan Wilkinson*

### NOTICE OF ZONING HEARING

The Administrative Law Judges of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

**Case: #2013-0309-A**

Parcel #2, Dyer Avenue

N/s Dyer Avenue, 126 ft. SE of the centerline of Sacred Heart Lane

4th Election District - 3rd Councilmanic District

Legal Owner(s): Thomas & Catherine Beares

**Variance:** to permit a proposed single family dwelling with a front yard setback of 28.88 ft. and a rear yard setback of 27.88 ft. in lieu of the required front yard average of 59 ft. and rear yard of 30 ft. respectively.

**Hearing: Thursday, August 22, 2013 at 1:30 p.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.**

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.  
08/011 August 1 937342



KEVIN KAMENETZ  
County Executive

ARNOLD JABLON  
Deputy Administrative Officer  
Director, Department of Permits,  
Approvals & Inspections

July 8, 2013

## NOTICE OF ZONING HEARING

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**CASE NUMBER: 2013-0309-A**

Parcel #2, Dyer Avenue

N/s Dyer Avenue, 126 ft. SE of the centerline of Sacred Heart Lane

4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District

Legal Owners: Thomas & Catherine Beares

Variance to permit a proposed single family dwelling with a front yard setback of 28.88 ft. and a rear yard setback of 27.88 ft. in lieu of the required front yard average of 59 ft. and rear yard of 30 ft., respectively.

Hearing: Thursday, August 22, 2013 at 1:30 p.m. in Room 205, Jefferson Building,  
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon  
Director

AJ:kl

C: Mr. & Mrs. Beares, 11 Sacred Heart Lane, Baltimore 21136  
Site Rite Surveying, 200 E. Joppa Road, Rm. 101, Towson 21286

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, AUGUST 2, 2013.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY  
Thursday, August 1, 2013 Issue - Jeffersonian

Please forward billing to:  
Catherine Beares  
11 Sacred Heart Lane  
Baltimore, MD 21136

410-833-1584

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## NOTICE OF ZONING HEARING

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N/s Dyer Avenue, 126 ft. SE of the centerline of Sacred Heart Lane  
4<sup>th</sup> Election District – 3<sup>rd</sup> Councilmanic District  
Legal Owners: Thomas & Catherine Beares

Variance to permit a proposed single family dwelling with a front yard setback of 28.88 ft. and a rear yard setback of 27.88 ft. in lieu of the required front yard average of 59 ft. and rear yard of 30 ft., respectively.

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105 West Chesapeake Avenue, Towson 21204



Arnold Jablon  
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

## MEMORANDUM

DATE: October 1, 2013  
TO: Zoning Review Office  
FROM: Office of Administrative Hearings  
RE: Case No. 2013-0309-A – Appeal Period Expired

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The appeal period for the above-referenced case expired on September 27, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File  
Office of Administrative Hearings

RE: PETITION FOR VARIANCE \* BEFORE THE OFFICE  
Parcel 2 Dyer Avenue; N/S Dyer Avenue, \*  
126' SE c/line Sacred Heart Lane \* OF ADMINISTRATIVE  
4<sup>th</sup> Election & 3<sup>rd</sup> Councilmanic Districts \*  
Legal Owner(s): Thomas & Catherine Beares \* HEARINGS FOR  
Petitioner(s) \* BALTIMORE COUNTY  
\* 2013-309-A

\* \* \* \* \*

**ENTRY OF APPEARANCE**

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

JUN 27 2013

.....

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*

CAROLE S. DEMILIO  
Deputy People's Counsel  
Jefferson Building, Room 204  
105 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-2188

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 27th day of June, 2013, a copy of the foregoing Entry of Appearance was mailed to Site Rite Surveying, 200 East Joppa Road, Towson, MD 21286 , Representative for Petitioner(s).

*Peter Max Zimmerman*

PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

8/22  
30

CASE NO. 2013-0309-A

# CHECKLIST

| <u>Comment Received</u>         | <u>Department</u>                                                     | <u>Support/Oppose/ Conditions/ Comments/ No Comment</u> |
|---------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------|
| <u>7/3/13</u>                   | DEVELOPMENT PLANS REVIEW<br>(if not received, date e-mail sent _____) | <u>N/C</u>                                              |
| <u>7/3/13</u>                   | DEPS<br>(if not received, date e-mail sent _____)                     | <u>N/C</u>                                              |
| _____                           | FIRE DEPARTMENT                                                       | _____                                                   |
| _____                           | PLANNING<br>(if not received, date e-mail sent _____)                 | _____                                                   |
| <u>6/24/13</u>                  | STATE HIGHWAY ADMINISTRATION                                          | <u>No Obj</u>                                           |
| _____                           | TRAFFIC ENGINEERING                                                   | _____                                                   |
| _____                           | COMMUNITY ASSOCIATION                                                 | _____                                                   |
| _____                           | ADJACENT PROPERTY OWNERS                                              | _____                                                   |
| <hr/>                           |                                                                       |                                                         |
| ZONING VIOLATION                | (Case No. _____)                                                      |                                                         |
| PRIOR ZONING                    | (Case No. _____)                                                      |                                                         |
| <hr/>                           |                                                                       |                                                         |
| NEWSPAPER ADVERTISEMENT         | Date: <u>8/1/13</u>                                                   |                                                         |
| SIGN POSTING                    | Date: <u>7/26/13</u> by <u>Ogle</u>                                   |                                                         |
| <hr/>                           |                                                                       |                                                         |
| PEOPLE'S COUNSEL APPEARANCE     | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>   |                                                         |
| PEOPLE'S COUNSEL COMMENT LETTER | Yes <input type="checkbox"/> No <input type="checkbox"/>              |                                                         |

Comments, if any: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**BALTIMORE COUNTY, MARYLAND**  
**INTEROFFICE CORRESPONDENCE**

**TO:** Arnold Jablon, Director  
Department of Permits, Approvals  
And Inspections

**DATE:** July 3, 2013

**FROM:** Dennis A. Kennedy<sup>DAK</sup>, Supervisor  
Bureau of Development Plans  
Review

**SUBJECT:** Zoning Advisory Committee Meeting  
For July 01, 2013  
Item Nos. 2013- 0297, 0309, 0310, 0311 and 0312.

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

DAK:CEN  
Cc: file

**BALTIMORE COUNTY, MARYLAND**

**Inter-Office Correspondence**

**RECEIVED**



**JUL 08 2013**

**OFFICE OF ADMINISTRATIVE HEARINGS**

**TO:** Hon. Lawrence M. Stahl; Managing Administrative Law Judge  
Office of Administrative Hearings

**FROM:** David Lykens, Department of Environmental Protection and Sustainability  
(DEPS) - Development Coordination

**DATE:** July 3, 2013

**SUBJECT:** DEPS Comment for Zoning Item # 2013-0309-A  
Address Parcel 2, Dyer Avenue  
(Beares Property)

Zoning Advisory Committee Meeting of June 24, 2013.

X The Department of Environmental Protection and Sustainability has no comment on the above-referenced zoning item.

**Reviewer:** *Jeff Livingston – Development Coordination*



KEVIN KAMENETZ  
County Executive

ARNOLD JABLON  
Deputy Administrative Officer  
Director, Department of Permits,  
Approvals & Inspections

August 14, 2013

Thomas W & Catherine E Beares  
11 Sacred Heart Lane  
Baltimore MD 21136

RE: Case Number: 2013-0309 A, Address: Parcel #2, Dyer Avenue

Dear Mr. & Ms. Beares:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on June 19, 2013. This letter is not an approval, but only a **NOTIFICATION**.

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 that reads "W. Carl Richards, Jr." The signature is written in a cursive, flowing style.

W. Carl Richards, Jr.  
Supervisor, Zoning Review

WCR: jaf

Enclosures

c: People's Counsel  
Vincent J Moskunas, Site Rite Surveying Inc, 200 E Joppa Road, Towson MD 21286

Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor



James T. Smith, Jr., Secretary  
Melinda B. Peters, Administrator

Date: 6-24-13

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

RE: Baltimore County  
Item No 2013-0309-A  
Variance  
Thomas W. & Catherine E.  
Beares  
Parcel 2 Dyer Avenue

Dear Ms. Lewis:

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. 2013-0309-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief  
Access Management Division

SDF/raz

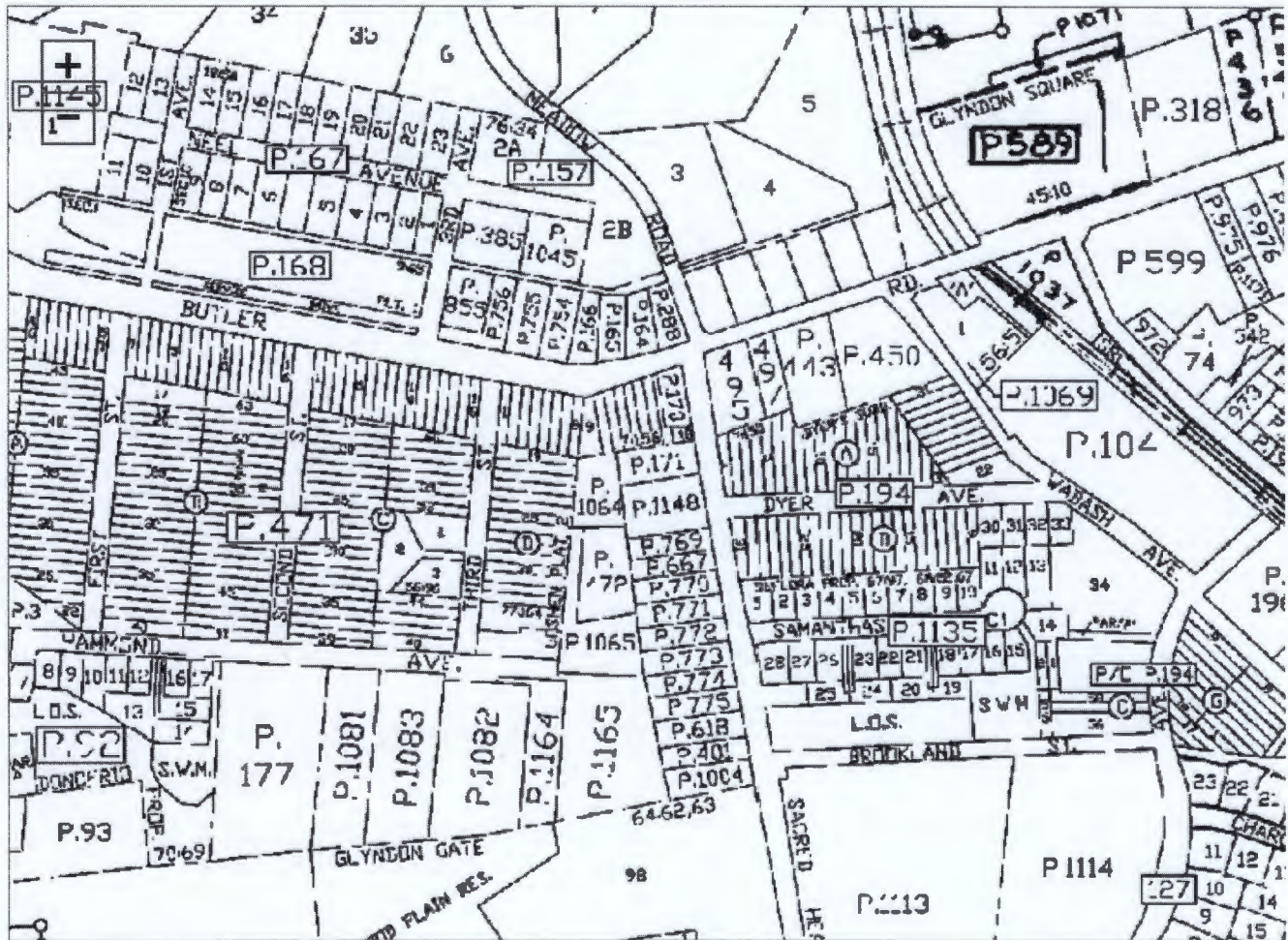
Real Property Data Search ( w1)

[Search Help](#)

Search Result for BALTIMORE COUNTY

|                                                          |                                                  |                                                                                                 |
|----------------------------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <a href="#">View Map</a>                                 | <a href="#">View GroundRent Redemption</a>       | <a href="#">View GroundRent Registration</a>                                                    |
| <b>Account Identifier:</b>                               | <b>District - 04 Account Number - 0403037326</b> |                                                                                                 |
| Owner Information                                        |                                                  |                                                                                                 |
| <b>Owner Name:</b>                                       | BEARES THOMAS W<br>BEARES CATHERINE E            | <b>Use:</b> RESIDENTIAL<br><b>Principal Residence:</b> YES                                      |
| <b>Mailing Address:</b>                                  | 11 SACRED HEART LN<br>REISTERSTOWN MD 21136-1106 | <b>Deed Reference:</b> 1) /29932/ 00289<br>2)                                                   |
| Location & Structure Information                         |                                                  |                                                                                                 |
| <b>Premises Address:</b>                                 | 11 SACRED HEART LN<br>0-0000                     | <b>Legal Description:</b> IMPS .232AC PART OF LOTS 1,2,3,4,5<br>11 SACRED HEART LN<br>DYER PLAT |
| <b>Map:</b> 0048                                         | <b>Grid:</b> 0011                                | <b>Parcel:</b> 0194                                                                             |
| <b>Sub District:</b>                                     | <b>Subdivision:</b> 0000                         | <b>Section:</b> A                                                                               |
| <b>Block:</b>                                            | <b>Lot:</b> 1                                    | <b>Assessment Year:</b> 2013                                                                    |
| <b>Plat No:</b>                                          | <b>Plat Ref:</b> 0007/ 0150                      |                                                                                                 |
| <b>Special Tax Areas:</b>                                | <b>Town:</b>                                     | <b>Ad Valorem:</b> NONE                                                                         |
| <b>Tax Class:</b>                                        |                                                  |                                                                                                 |
| <b>Primary Structure Built</b>                           | <b>Above Grade Enclosed Area</b>                 | <b>Finished Basement Area</b>                                                                   |
| 1946                                                     | 1,295 SF                                         | 10,114 SF                                                                                       |
| <b>Property Land Area</b>                                | <b>County Use</b>                                |                                                                                                 |
| 10,114 SF                                                | 04                                               |                                                                                                 |
| <b>Stories</b>                                           | <b>Basement</b>                                  | <b>Type</b>                                                                                     |
| 1.000000                                                 | YES                                              | STANDARD UNIT                                                                                   |
| <b>Exterior</b>                                          | <b>Full/Half Bath</b>                            | <b>Garage</b>                                                                                   |
| STUCCO                                                   | 1 full                                           |                                                                                                 |
| <b>Last Major Renovation</b>                             |                                                  |                                                                                                 |
|                                                          |                                                  |                                                                                                 |
| Value Information                                        |                                                  |                                                                                                 |
|                                                          | <b>Base Value</b>                                | <b>Value</b>                                                                                    |
|                                                          |                                                  | <b>As of</b>                                                                                    |
|                                                          |                                                  | 01/01/2013                                                                                      |
| <b>Land:</b>                                             | 90,000                                           | 68,000                                                                                          |
| <b>Improvements</b>                                      | 68,500                                           | 72,300                                                                                          |
| <b>Total:</b>                                            | 158,500                                          | 140,300                                                                                         |
| <b>Preferential Land:</b>                                | 0                                                | 0                                                                                               |
| Transfer Information                                     |                                                  |                                                                                                 |
| <b>Seller:</b> BEARES THOMAS W                           | <b>Date:</b> 09/28/2010                          | <b>Price:</b> \$0                                                                               |
| <b>Type:</b> NON-ARMS LENGTH OTHER                       | <b>Deed1:</b> /29932/ 00289                      | <b>Deed2:</b>                                                                                   |
| <b>Seller:</b> BEARES EMMA MARIE                         | <b>Date:</b> 04/29/2004                          | <b>Price:</b> \$0                                                                               |
| <b>Type:</b> ARMS LENGTH MULTIPLE                        | <b>Deed1:</b> /19977/ 00560                      | <b>Deed2:</b>                                                                                   |
| <b>Seller:</b> BEARES EARL SNAVELY, JR                   | <b>Date:</b> 09/22/1998                          | <b>Price:</b> \$0                                                                               |
| <b>Type:</b> NON-ARMS LENGTH OTHER                       | <b>Deed1:</b> /13164/ 00234                      | <b>Deed2:</b>                                                                                   |
| Exemption Information                                    |                                                  |                                                                                                 |
| <b>Partial Exempt Assessments:</b> Class                 | 07/01/2012                                       | 07/01/2013                                                                                      |
| <b>County:</b> 000                                       | 0.00                                             |                                                                                                 |
| <b>State:</b> 000                                        | 0.00                                             |                                                                                                 |
| <b>Municipal:</b> 000                                    | 0.00 0.00                                        | 0.00 0.00                                                                                       |
| <b>Tax Exempt:</b>                                       | <b>Special Tax Recapture:</b>                    |                                                                                                 |
| <b>Exempt Class:</b>                                     | NONE                                             |                                                                                                 |
| Homestead Application Information                        |                                                  |                                                                                                 |
| <b>Homestead Application Status:</b> Approved 07/25/2008 |                                                  |                                                                                                 |

## Baltimore County

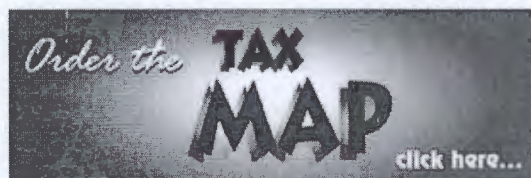
New Search (<http://sdat.resiusa.org/RealProperty>)District: **04** Account Number: **0403037326**

The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at [www.plats.net](http://www.plats.net) (<http://www.plats.net>).

Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at [www.mdp.state.md.us/OurProducts/OurProducts.shtml](http://www.mdp.state.md.us/OurProducts/OurProducts.shtml) (<http://www.mdp.state.md.us/OurProducts/OurProducts.shtml>).



(<http://imsweb05.mdp.state.md.us/website/mosp/>)

☒ Loading... Please

Loading... Please Wait.

\_\_\_\_\_

\_\_\_\_\_

CASE NAME \_\_\_\_\_  
CASE NUMBER 2013-309  
DATE 8-22-13

## CITIZEN'S SIGN-IN SHEET

[illegible]

CASE NAME PARCEL #2  
CASE NUMBER 2013-309-A  
DATE 8/22/13

[illegible]

Case No.:

2013-309-A

Exhibit Sheet

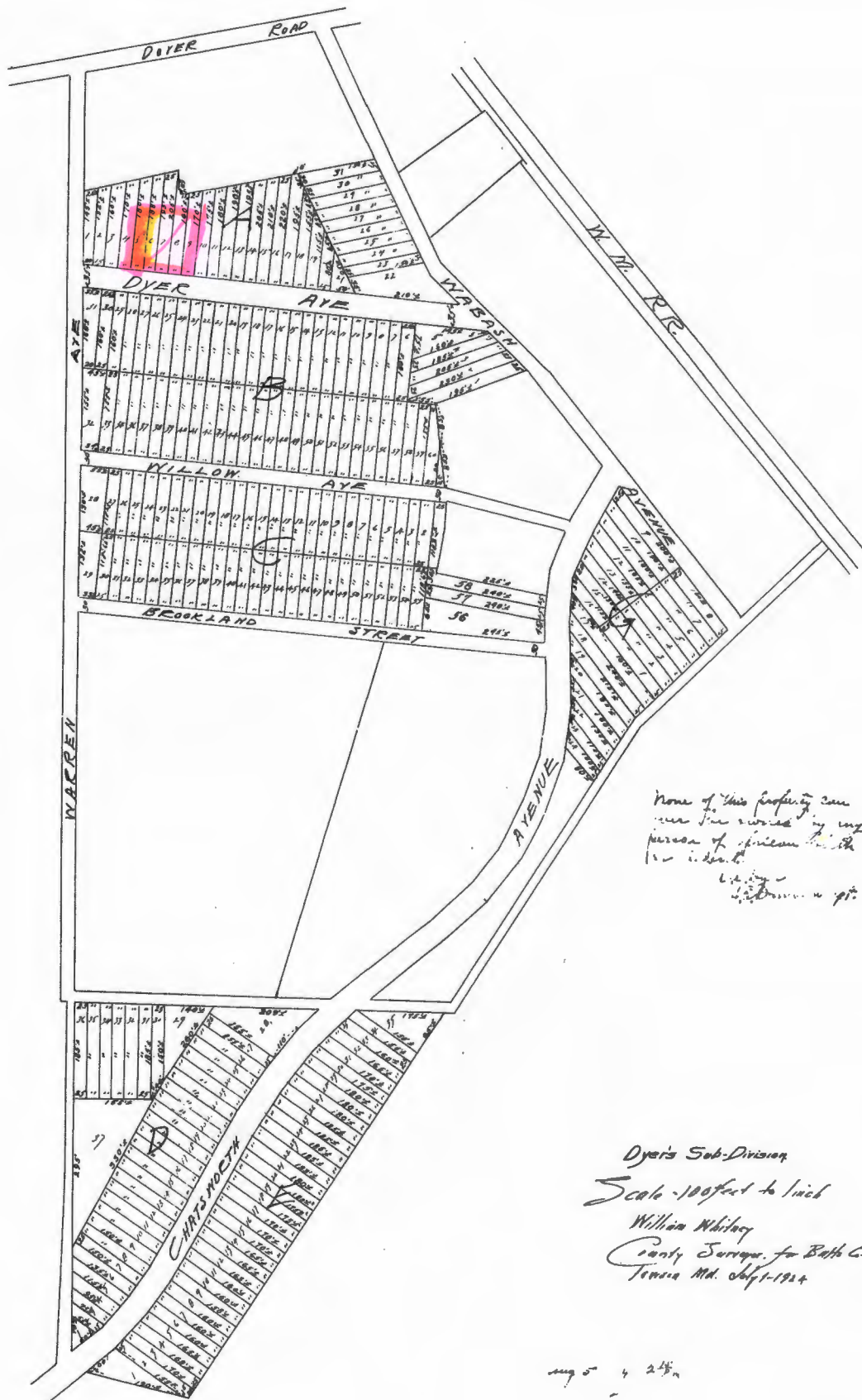
Petitioner/Developer

10-1-13

Protestant

slm  
8-28-13

|        |                         |  |
|--------|-------------------------|--|
| No. 1  | Site plan               |  |
| No. 2  | Dyer's Subdivision Plat |  |
| No. 3  | GIS Topo Map            |  |
| No. 4  |                         |  |
| No. 5  |                         |  |
| No. 6  |                         |  |
| No. 7  |                         |  |
| No. 8  |                         |  |
| No. 9  |                         |  |
| No. 10 |                         |  |
| No. 11 |                         |  |
| No. 12 |                         |  |



Dyer's Sub-Division  
Scale - 100 feet to inch  
William Whitley  
County Surveyor for Bell Co.  
Tenn. Md. July 1-1914

Aug 5 4 24

x 30 00  
per

EX. 2

# Dyer Avenue



Publication Date: 6/19/2013



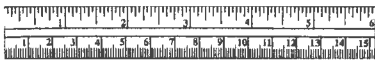
Publication Agency: Permits, Approvals & Inspections  
Projection/Datum: Maryland State Plane,  
FIPS 1900, NAD 1983/91 HARN, US Foot



0 12.5 25 50 75 100 Feet

1 inch = 50 feet

Item #0309



Dyer's Sub-Division  
Scale - 100 feet to inch  
William Whitley  
County Surveyor, for Bolivar  
Tenn. Md. July 1, 1924

Aug 20 4 2 1/2

36 00  
per

Item #0309

**SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESIDENCE ZONES**

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

303.1 --In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.

|   |       |     |
|---|-------|-----|
| A | _____ | FT. |
| B | _____ | FT. |
| C | 40    | FT. |
| D | 78    | FT. |
| E | _____ | FT. |
| F | _____ | FT. |

TOTAL ( 118 ) ÷ ( 2 ) = 59

# of dwellings

REQUIRED FRONT SETBACK (averaged)

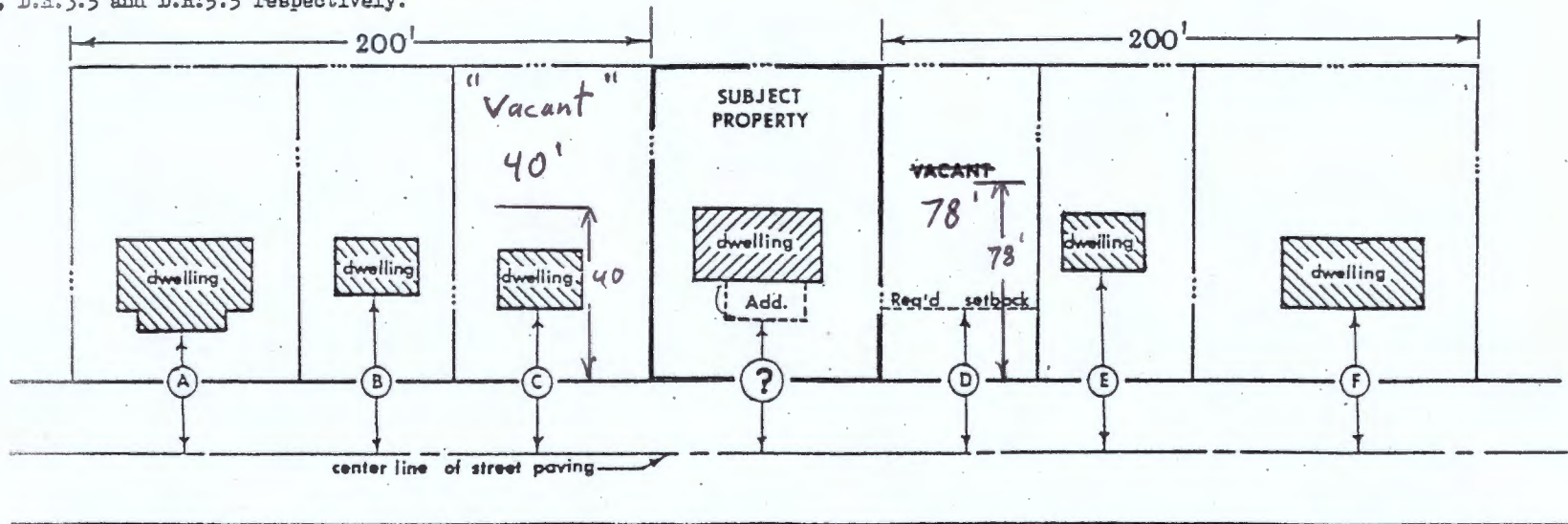
T+C Beares  
applicant's name

Dyer Ave  
building address

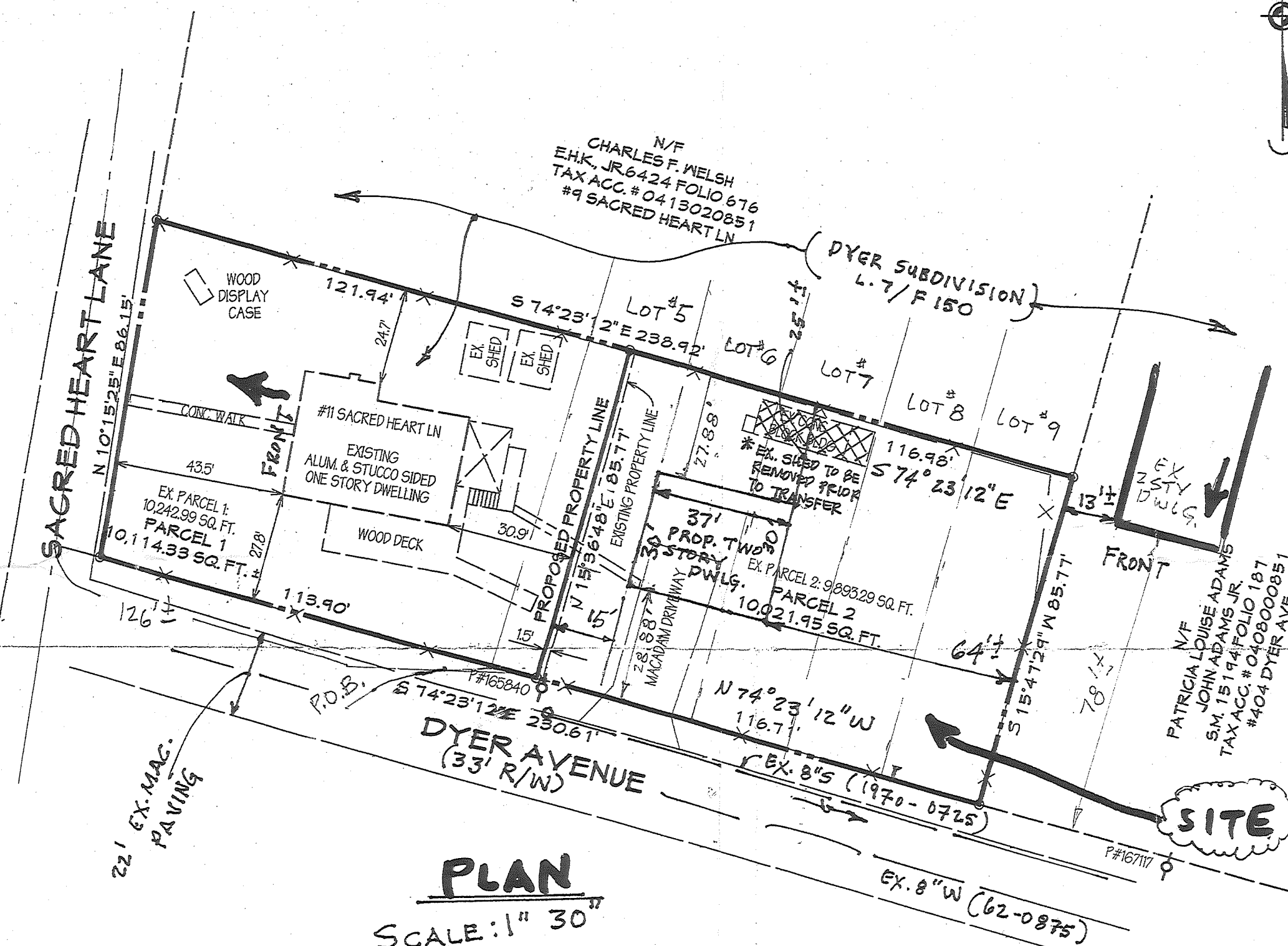
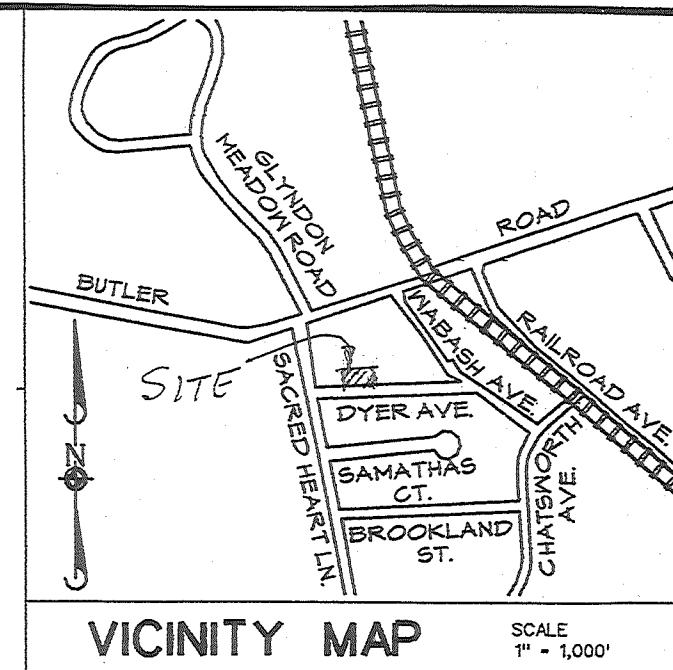
6/19/13  
date

**NORMAL REQUIRED SETBACKS**

D.R.2 - 65 ft.  
D.R.3.5- 55 ft.  
D.R.5.5- 50 ft.



Item #0309



- GENERAL NOTES:**
1. EXISTING ZONING: D.R.3.5
  2. 200' SCALE MAP: 048C1
  3. LOT AREA: 10021.95 S.F. or 0.23 Ac +/-
  4. PUBLIC WATER AND SEWER
  5. NOT LOCATED IN THE CHESAPEAKE BAY CRITICAL AREA
  6. NOT LOCATED IN THE 100 YEAR FLOOD PLAIN AREA  
COMMUNITY PANEL NO. 2400100205 F ZONE: "X"
  7. NOT LOCATED IN AN HISTORIC AREA
  8. NO PRIOR ZONING HEARING
  9. SAME OWNERSHIP SINCE 2004
  10. EXISTING USE: VACANT  
PROPOSED USE: SINGLE FAMILY DWELLING
  11. EXISTING STRUCTURE TO BE RAZED
  12. ALL DOWNSPOUTS SHALL DISCHARGE RAINWATER ACROSS THE LAWN
  13. DRC HEARING APPROVED 06-1107 C

CLSI  
Mr. Keith Heindel  
439 East Main Street  
Westminster, MD 21157

RE: Beares Property  
11 Sacred Heart Lane  
DRC Number 061107C; Dist. 4C3

Dear Mr. Heindel:

Pursuant to Article 25A, Section 5 (U) of the Annotated Code of Maryland, and as provided in Section 602 (d) of the Baltimore County Charter, and Sections 32-1-101, 32-3-401, and 32-3-517 of the Baltimore County Code, this letter constitutes an administrative order and decision on the request for issuance, renewal, or modification of a license, permit, approval, exemption, waiver, or other form of permission you filed with this department.

Your request has been submitted for careful review and consideration to the Development Review Committee (DRC), which is composed of representatives from each of those departments involved in land-use decisions. These representatives are designees of the directors of these departments. The purpose of the DRC is to ensure compliance with Section 32-4-106 and Section 32-4-262 of the Baltimore County Code and to make recommendations to the Director, Department of Permits and Development Management (PDM).

The DRC has, in fact, met in an open meeting on August 27, 2007, and made the following recommendations:

The DRC has determined that your project meets the requirements of a limited exemption under Section 32-4-106(a)(1)(viii).

I have reviewed the recommendations carefully, and I have determined to adopt the recommendations set forth above. It is this 7th day of September, ordered and decided that the recommendations of the DRC are hereby adopted.

Should you submit an application for any permits that may be required for this project, your application will be processed subject to the conditions set forth above and any plans, securities, or non-county permits that may be required in accordance with County, State, or Federal regulations.

Sincerely,  
Justin Kotroge  
EX. 1

**PLAT TO ACCOMPANY PETITION FOR  
FRONT & REAR SETBACK VARIANCES  
PARCEL #2 DYER AVENUE  
PART OF LOTS 5, 6, 7, 8 & 9  
DYER'S SUBDIVISION 7/150  
ELECTION DISTRICT NO. 4  
COUNCILMANIC DISTRICT NO. 3  
BALTIMORE COUNTY, MARYLAND  
SCALE: 1" = 30'  
JUNE 8, 2013  
JOB #10180**

TAX ACCT. # 250000 8272  
DEED: 29932/0296

**OWNER/DEVELOPER**

CATHERINE BEARES  
11 SACRED HEART LANE  
REISTERSTOWN, MD 21136  
PHONE: (410) 628-3818

C- (410) 833-1584

#2013-0309-A  
RM

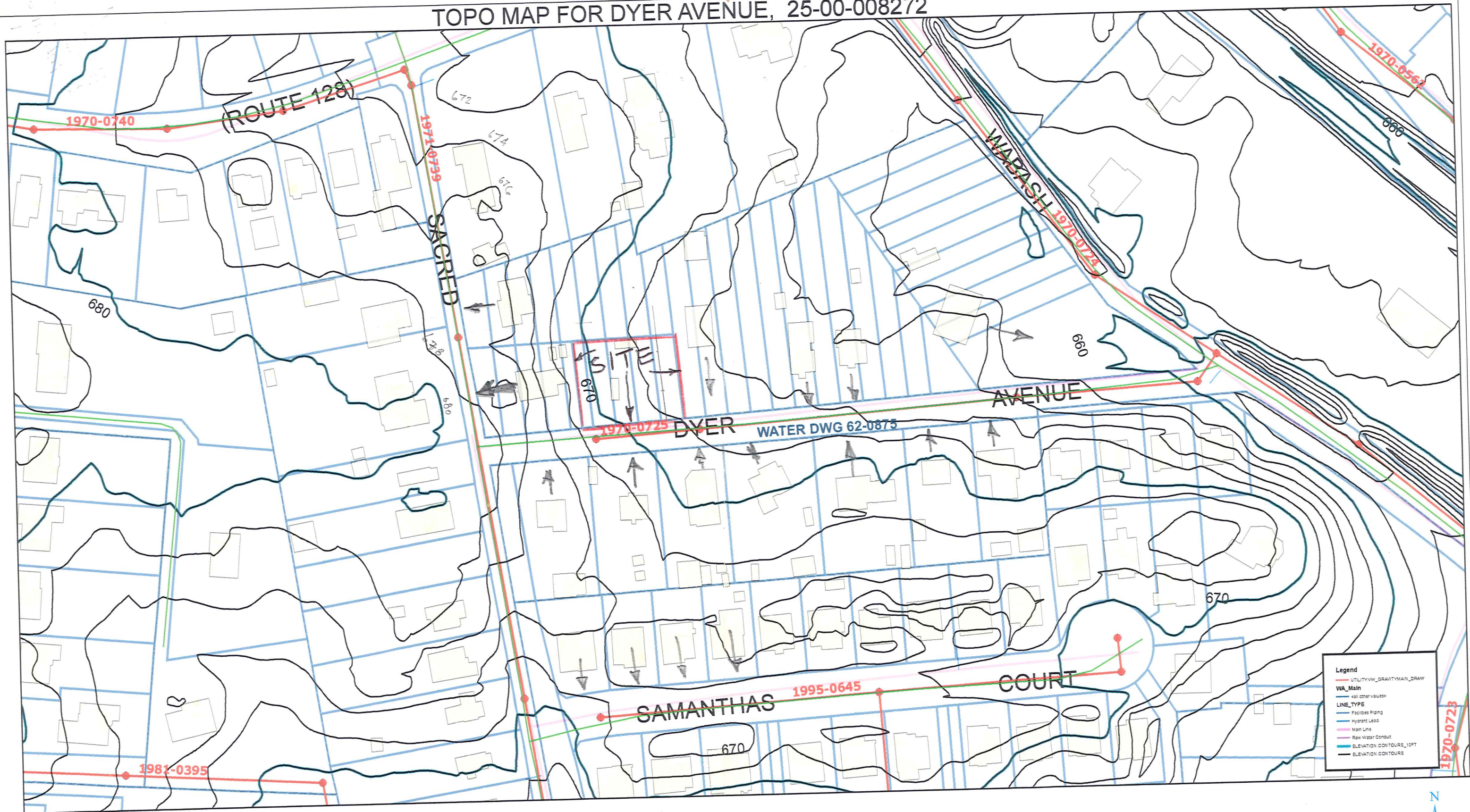


Vincent J. Moskunas  
President  
200 E. Joppa Road  
Shell Building, Suite 101  
Towson, MD 21286

tel. 410.828.9060  
fax. 410.828.9066  
email: siteriteinc@aol.com

A LICENSED MARYLAND SURVEYOR EITHER PERSONALLY PREPARED THIS PLAT OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEYING WORK REFLECTED IN IT, IN COMPLIANCE WITH THE MARYLAND MINIMUM STANDARDS OF PRACTICE FOR LAND SURVEYING.

# TOPO MAP FOR DYER AVENUE, 25-00-008272



Coordinate System:  
Maryland State Plane: NAD83/91 Horizontal Datum  
Elevations in Feet: NAVD88 Vertical Datum

Date of Data Capture: March 2008  
Scale of Date Capture: 1" = 100'

Date of Aerial Photography: March 2008

For internal use only.  
The cadastral information on this plot was compiled from existing deed information. This information is not to be considered authoritative. This survey information was not field checked and certified by a licensed land surveyor.

Baltimore County, MD  
Department of Public Works  
GIS Services

The utility (sanitary sewer and/or storm drain) location information shown is not guaranteed correct and should only be used as a reference. Locations of appurtenances should be verified using construction drawings, which are available in room 206 of the Baltimore County Office Building, or, through actual field investigations.

1 inch = 100 feet

Note:  
Floodplain elevation data from  
FEMA Flood Insurance Rate Map  
2400100205F is based on  
NAVD 88.

Prepared By:  
Robin Hurley, EA III  
PAI, Dev. Plans Review  
April 18, 2013

Ex. 3

28.08  
27.5.08

85.77  
30.  
2556.77  
27.88