

IN RE: PETITION FOR ZONING VARIANCE  
 N/S Parsonage Road, 700' W  
 of the c/l of Middletown Road  
 (1700 Parsonage Road)  
 6th Election District  
 3rd Councilmanic District

BEFORE THE  
 DEPUTY ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 92-110-A

Michael R. Stupalski, et ux  
 Petitioners

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Petitioners herein request a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 28 feet in lieu of the required 50 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1.

The Petitioners originally filed their request through the administrative variance procedure. After reviewing the case file and the documents submitted, the Zoning Commissioner required that a public hearing be held in order to determine the appropriateness of the request.

At the hearing, the Petitioners, by Michael Stupalski, appeared and testified. Several of Petitioners' neighbors appeared and testified in opposition to the relief requested. In addition, the Hedrick Farm Community Association, Inc., by and through its President and legal counsel, Cliff Robinson, appeared in opposition to Petitioners' request.

Testimony indicated that the subject property, known as 1700 Parsonage Road, consists of 1.079 acres zoned R.C. 5 and is improved with a single family dwelling and two-car garage. Petitioners are desirous of converting the existing garage into living space for Mrs. Stupalski's mother who is in poor health and needs living quarters all on one level to avoid steps. Mr. Stupalski testified that the proposed garage addition is necessary to replace the existing garage as well as to provide protection

for the family's vehicles. Testimony indicated that due to the layout of the existing dwelling and its location on the property, the relief requested is necessary in order to construct the garage in the location shown on Petitioner's Exhibit 1. Petitioner testified that the proposed garage would be most aesthetically satisfying in the location shown on the site plan.

Testifying in opposition to Petitioners' request was Rod Rector who resides directly behind the Petitioners. Mr. Rector is generally opposed to the relief requested and testified he likes the openness the neighborhood currently provides. Mr. Rector believes the Petitioners should be restricted to the building envelope to allow that openness to continue and that no variance should be granted in this matter. It was his opinion that Petitioners have ample room directly behind their home to locate the proposed garage addition and still be contained within their building envelope. Petitioners' Exhibit 1 clearly depicts ample space behind the Petitioners' home to locate the subject garage addition.

Also appearing and testifying in opposition to Petitioners' request was Lonnie Abbott. Mr. Abbott testified that he moved from Texas to this particular neighborhood because of its rural character. He stated that he also likes the openness the neighborhood provides and that allowing the proposed garage to be constructed outside the building envelope would detract from that openness and adversely impact the property values in the community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. In the opinion of this Deputy Zoning Commissioner, the Petitioners have ample space on their property to locate the proposed garage without the need for a variance. Further, the proposed garage could be detached from the existing dwelling and not require a variance. The testimony presented by Petitioner was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26<sup>th</sup> day of November, 1991 that the Petition for Zoning Variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 28 feet in lieu of

the required 50 feet for a proposed garage addition, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

*Timothy M. Kotroco*  
 TIMOTHY M. KOTROCO  
 Deputy Zoning Commissioner  
 for Baltimore County

TMK:ljs

ORDER RECEIVED FOR FILING  
 Date 11/26/91  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 11/26/91  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 11/26/91  
 By [Signature]

ORDER RECEIVED FOR FILING  
 Date 11/26/91  
 By [Signature]

**PETITION FOR RESIDENTIAL VARIANCE**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-110-A

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, petition for a Variance from Section 1A04.3.B.3 to permit a 28 FT SETBACK FOR A PROPOSED ATTACHED GARAGE IN LIEU OF THE REQUIRED 50 FT.

And to amend the last amended Final Development Plan/Use and Zoning of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

My mother in law has a recent condition and severe arthritis in her legs making it a hardship for her to have a building on the first floor since my garage is built in the rear and a ramp would be necessary for her to get to the garage. My driveway is already there.

Property is to be advertised and/or posted as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound 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:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Michael R. Stupalski

(Type or Print Name)

Signature

Nancy - Stupalski

(Type or Print Name)

Signature

1700 Parsonage Rd 343-2177

Address

City/State/Zip Code

Name

Michael R. Stupalski

Address

1700 Parsonage Rd 343-2177

City/State/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this 26<sup>th</sup> day of November, 1991, that the subject matter of this petition be posted on the property on or before the 26<sup>th</sup> day of November, 1991.

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, this 26<sup>th</sup> day of November, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 109, County Office Building in Towson, Baltimore County.

ORDER RECEIVED FOR FILING

Date 11/26/91

By [Signature]

REVIEWED BY: DATE:

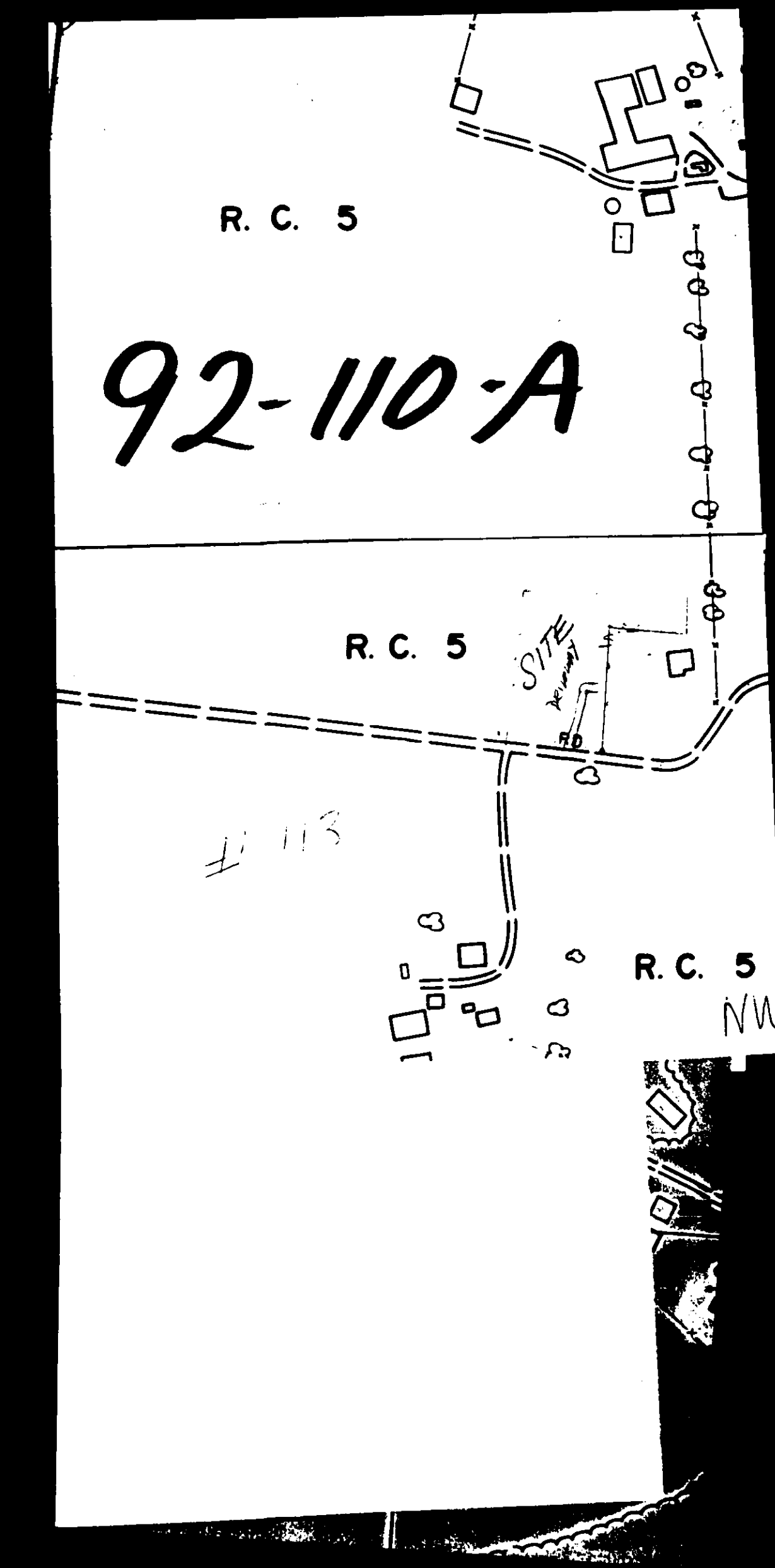
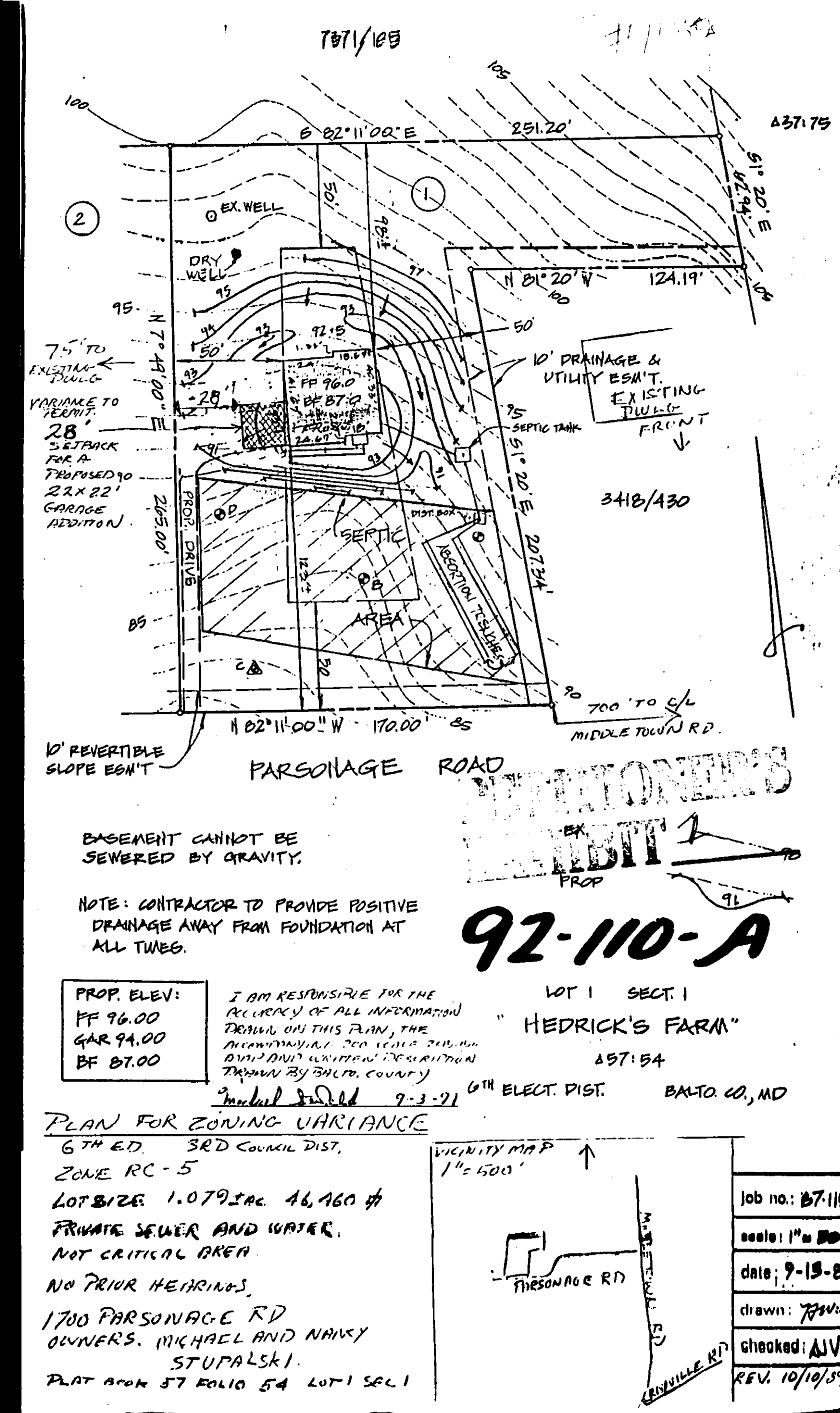


ZONING COMMISSIONER OF BALTIMORE COUNTY

**ZONING DESCRIPTION**

92-110-A

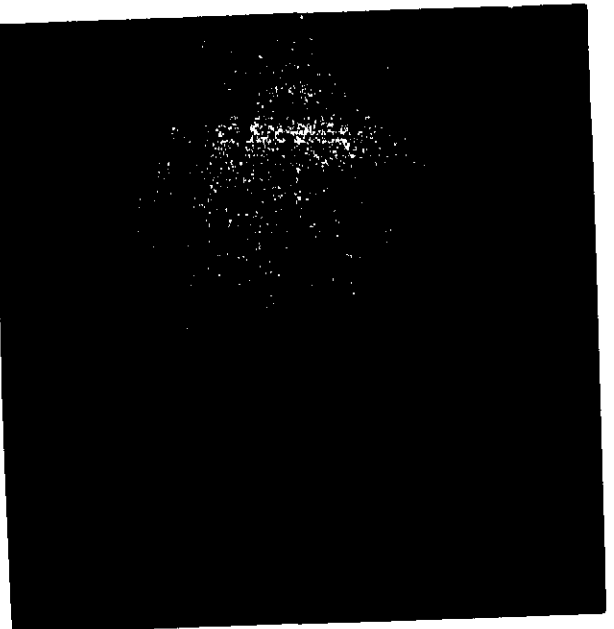
Beginning at a point on the north side of Parsonage Road at a distance of 700 feet (+/-) west of the centerline of Middletown Road. Being known as Lot 1, Section 1 of Hedricks Farm in the 6th Election District consisting of 1.079 (+/-) acres. 1700 Parsonage Road



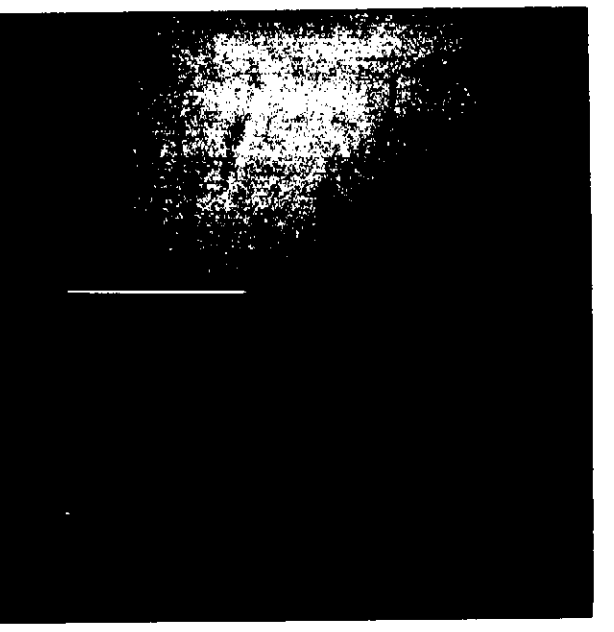
job no: 07-115  
 scale: 1"=50'  
 date: 9-18-89  
 drawn: [Signature]  
 checked: AJV  
 REV. 10/10/89

CASE NUMBER 92-110-A

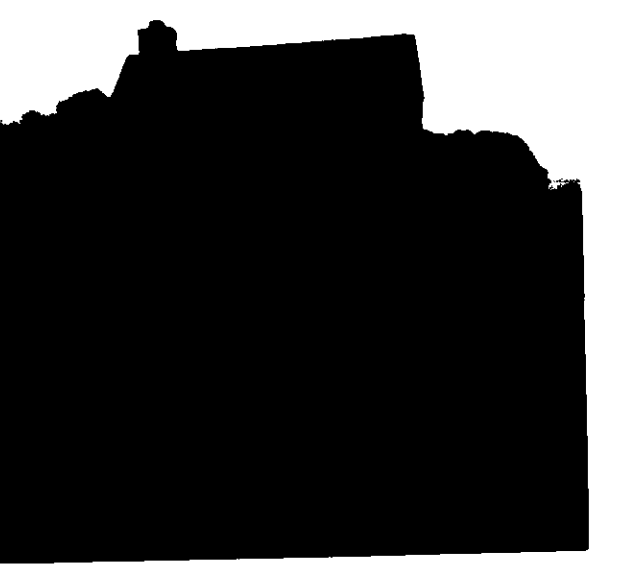
**PETITIONER'S EXHIBIT #**



113



113



113

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. 10/24, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/24, 1991.

**THE JEFFERSONIAN,**  
S. Zeke Orlov  
Publisher  
\$89.91

**Baltimore County Zoning Commissioner**  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21284

Account: R-001-4150  
Number: 1020012

DATE	10/24/91
NO. OF HEARING FEES	100.00
NO. OF HEARING SCHEDULE FEES	100.00
NO. OF HEARING SIGNATURE ADVERTISING FEES	100.00
NO. OF HEARING SIGNATURE ADVERTISING FEES	100.00
NAME OF OWNER: STUPALSKI	100.00

0440400P7M1CHRC \$60.00  
BA C010153AM09-03-91  
Please Make Checks Payable To: Baltimore County

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD. 21284

887-4554

DATE: \_\_\_\_\_

**COPY**

Michael and Nancy Stupalski  
1700 Parsonage Road  
Parkton, Maryland 21120-9689

RE: CASE NUMBER: 92-110-A  
N/S Parsonage Road, 700' (+/-) W of c/j Millieton Road  
1700 Parsonage Road  
6th Election District - 3rd Councilmanic  
Petitioner(s): Michael Stupalski, et al  
HEARING: WEDNESDAY, NOVEMBER 13, 1991 at 10:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 100.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE HEARING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21284. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD. 21284

887-4554

OCTOBER 22, 1991

**COPY**

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21284 as follows:

CASE NUMBER: 91-466-1  
123' SW of Intersection of c/j I-83 and Beaver Dam Road  
8th Election District - 3rd Councilmanic  
Legal Owner: Signal Development Corporation  
Contract Purchaser: Hunt Valley Presbyterian Church  
HEARING: THURSDAY, NOVEMBER 21, 1991 at 10:00 a.m.

Special Exception for a church and an amendment to the Final Development Plan for Bishop's Road to permit a church on Lot 1.

*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner of  
Baltimore County

cc: Signal Development Corporation  
Hunt Valley Presbyterian Church  
John R. Howard, Esq.  
Listings per Petitioner's & Protestants' Sign-In Sheets

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD. 21284

887-4554

October 17, 1991

**COPY**

Michael and Nancy Stupalski  
1700 Parsonage Road  
Parkton, Maryland 21120-9689

Re: CASE NUMBER: 92-110-A

Dear Petitioners:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case.

As you recall, this matter must now go through the regular hearing process; the property must be reposted and notice of the hearing will be placed in two local newspapers. You will be billed for these advertising costs.

Formal notification of the hearing date will be forwarded to you shortly.

Very truly yours,  
*Lawrence E. Schmidt*  
Lawrence E. Schmidt  
Zoning Commissioner  
Baltimore County, Maryland

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 6th Date of Posting: 8-24-91

Posted for: Residential, Warehouse

Petitioner: Michael N. Stupalski et al

Location of property: N/S of Parsonage Road, 700' W of Millieton Road, 1700 Parsonage Road

Location of Sign: at front of 1700 Parsonage Road

Remarks: \_\_\_\_\_

Posted by: [Signature] Date of return: 8-27-91

Number of Signs: 1



Petitioner's Exhibit 2  
Photographs (6)  
Case 92-110-A

**REQUEST FOR HEARING**

TO THE ZONING COMMISSIONER FOR BALTIMORE COUNTY:

Re: Case Number: 92-110

Petitioner(s): Michael & Nancy Stupalski

Location: 1700 Parsonage Rd. #100

I, Helmut Fava Community Assoc. Inc.  
(Type or Print) Cliff Robinson, President  
(Legal Owner / Resident, of \_\_\_\_\_)

8 Hodges Ct  
Baltimore, MD 21202 (887-6610)

Parkton, MD 21120 (887-1917)  
City/State/Zip

which is located approximately \_\_\_\_\_ feet from the property which is the subject of the above petition, do hereby formally request that a public hearing be set in this matter.

*Cliff Robinson* 10/17/91  
Signature Cliff Robinson Date  
Helmut Fava Community Assoc. Inc.

Mr. & Mrs. Michael R. Stupalski  
1700 Parsonage Road  
Parkton, MD 21120-9689

RE: Item No. 113, Case No. 92-110-A  
Petitioner: Michael R. Stupalski, et ux  
Petition for Residential Variance

Dear Mr. & Mrs. Stupalski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw  
Enclosures

Your petition has been received and accepted for filing this 3rd day of September, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Michael R. Stupalski, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 25, 1991  
Zoning Administration and  
Development Management

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Christ-Lutheran Church, Item No. 71  
Fitzpatrick Property, Item No. 82  
Lorenz Construction Co., Item No. 105  
Botzler Associates, Item No. 109  
Stupalski Property, Item No. 113  
Trent Property, Item No. 119  
Boggs Property, Item No. 123  
Duvall Property, Item No. 126

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat  
ITEMNO26/TXTROZ

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21284

RE: Property Owner: MICHAEL R. STUPALSKI  
Location: #1700 PARSONAGE ROAD  
Item No.: 113 Zoning Agency: SEPTEMBER 17, 1991

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

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *James E. Dyer* Noted and Approved  
Planning & Zoning Fire Prevention Bureau  
Special Inspection Division

JL/RR

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 24, 1991  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for September 17, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 105, 113, 116, and 117.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E. Chief  
Developers Engineering Division

RWB:s

PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>MICHAEL STUPALSKI</i>	<i>1700 PARSONAGE RD</i>

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<i>STEPHEN BISLE</i>	<i>1712 WEDDINGVALE RD 21120</i>
<i>ROD RECTOR</i>	<i>3 HEDRICKS CT. 21120</i>
<i>LAURENCE KOPYTA</i>	<i>1710 PARSONAGE RD 21120</i>
<i>LUNNE ABBOTT</i>	<i>12 SCOTTS MANOR CT 21053</i>
<i>JOAN STRESEWSKI</i>	<i>1716 PARSONAGE RD 21120</i>
<i>FRANK GRACZYK</i>	<i>14 HEDRICKS CT 21120</i>
<i>JUDY ANN GRACZYK</i>	<i>" " " "</i>
<i>ROSELYN FLYNN-KETTERING</i>	<i>16 HEDRICKS CT 21120</i>
<i>PETER W. SEIFERT</i>	<i>9 HEDRICKS CT 21120</i>

<i>Lisa Robinson</i>	<i>8 Heinsick Ct</i>
<i>Lisa Prince</i>	<i>1712 Parsonage Rd.</i>
<i>Ellen Oregon</i>	<i>1 Hedricks Ct</i>
<i>Judene Braggart</i>	<i>14 Hedricks Ct.</i>
<i>Tom Kiper</i>	<i>9 Hedricks Ct</i>
<i>Lore Flynn-Kettering</i>	<i>16 Hedricks Ct.</i>
<i>Bertina Rector</i>	<i>3 Hedricks Ct</i>
<i>Brian Kirby</i>	<i>2 Hedricks Ct</i>
<i>Wibbie Straszewski</i>	<i>1716 Parsonage Rd</i>
<i>Millie Abbott</i>	<i>12 Scotts Manor</i>
<i>Deborah Kopyta</i>	<i>1710 Parsonage Rd.</i>
<i>John Kuter</i>	<i>1702 Parsonage Rd.</i>
<i>Donna Kuter</i>	<i>" " " "</i>
<i>Mike Laska</i>	<i>1704 Parsonage Rd</i>
<i>Teresa Laska</i>	<i>" " " "</i>
<i>Wan Bruby</i>	<i>10 Scotts Manor</i>
<i>Karen Bruby</i>	<i>" " " "</i>
<i>Sandy Walker</i>	<i>8 Scotts Manor</i>
<i>Sue Walker</i>	<i>" " " "</i>
<i>Tom Oregon</i>	<i>1 Hedricks Ct.</i>

Mr. & Mrs. Michael R. Stupalski  
1700 Parsonage Road  
Parkton, Maryland 21120

RE: PETITION FOR ZONING VARIANCE  
N/S Parsonage Road, 700' W of the c/l of Middletown Road  
(1700 Parsonage Road)  
6th Election District - 3rd Councilmanic District  
Michael R. Stupalski, et ux - Petitioners  
Case No. 92-127-A

Dear Mr. & Mrs. Stupalski:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

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 Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Cliff Robinson, Esquire  
8 Hedricks Court, Parkton, Md. 21120

Mr. Rod Rector  
3 Hedricks Court, Parkton, Md. 21120

Mr. Lonnie Abbott  
12 Scotts Manor Court, Freeland, Md. 21053

People's Counsel

file