

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 SW/S Mispillion Road, 160' NW \* ZONING COMMISSIONER  
 of the c/l of Bluestone Lane (4225 Mispillion Road)  
 11th Election District \* OF BALTIMORE COUNTY  
 5th Councilmanic District \* Case No. 92-488-A  
 Michael Myers, et ux \*  
 Petitioners \*

RULING ON MOTION FOR RECONSIDERATION

This matter came before me as a Petition for Zoning Variance in which the Petitioners requested relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of one (1) foot in lieu of the minimum required 8 feet, and a sum of the side yard setbacks of 11 feet in lieu of the minimum required 20 feet, for an existing deck and proposed roof in accordance with the plan submitted and identified as Petitioner's Exhibit 1.

At the hearing, Mr. Myers appeared and testified in support of his Petition, and the adjoining property owners, William and Shirley Smith, appeared and testified in opposition.

After due consideration of the testimony and evidence presented by both sides, it was mutually agreed that a resizing of the deck and proposed awning would be agreeable to both parties and a modified relief was granted by Order issued September 4, 1992.

Subsequently, this Office received a request for reconsideration from Ms. Shirley M. Smith, dated September 17, 1992, in which she raises other issues concerning the Petitioners' use of their property. While the concerns cited in Ms. Smith's letter are valid, the primary thrust of their objection to the Petitioners' request was as to water runoff and damage to their basement. I am therefore not persuaded to reconsider my

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 Date 9/18/92  
 By [Signature]

decision on the basis of additional evidence which was not presented at the hearing. It should be noted that an appeal hearing before the County Board of Appeals would be heard de novo and both the Petitioners and the Protestants could present new testimony and evidence in support of their respective positions at that time.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of September, 1992 that the Request for Reconsideration submitted in the above-captioned matter be and the same is hereby DENIED.

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bjs  
 cc: Mr. & Mrs. Michael Myers  
 4225 Mispillion Road, Perry Hall, Md. 21236  
 Mr. & Mrs. William Smith  
 4223 Mispillion Road, Perry Hall, Md. 21236  
 People's Counsel  
 File

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IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
 SW/S Mispillion Road, 160' NW \* ZONING COMMISSIONER  
 of the c/l of Bluestone Lane (4225 Mispillion Road)  
 11th Election District \* OF BALTIMORE COUNTY  
 5th Councilmanic District \* Case No. 92-488-A  
 Michael Myers, et ux \*  
 Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for Baltimore County as a Petition for Zoning Variance filed by the legal owners of the subject property, Michael and Virginia Myers. The Petitioners request relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of one (1) foot in lieu of the minimum required 8 feet, and a sum of the side yard setbacks of 11 feet in lieu of the minimum required 20 feet, for an existing deck and proposed roof in accordance with Petitioner's Exhibit 1.

The Petitioners originally filed their request through the Administrative Variance procedure which allows consideration of a variance without a public hearing. Subsequent to the filing of the Petition and posting of the property, a letter of protest was received from the adjoining property owner, Shirley M. Smith, and as a result, a public hearing was scheduled.

Appearing on behalf of the Petition were Michael Myers, property owner, and Gary Sipes with Patio Enclosures, Inc. Appearing as Protestants in the matter were William and Shirley Smith, adjoining property owners.

Testimony indicated that the subject property, known as 4225 Mispillion Road, consists of 11,036 sq.ft., zoned D.R. 5.5 and is improved with a single family dwelling and an attached wrap-around deck which is

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 Date 9/18/92  
 By [Signature]

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bjs

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 Date 9/18/92  
 By [Signature]

The subject of this hearing. The Petitioners are desirous of installing a roof/awning over this deck. The deck extends along a significant portion of the rear of the dwelling and along one side adjacent to the Smith's property. Mr. Myers testified that the deck was constructed in that fashion because there was no access to the rear yard from the dwelling. Specifically, the deck was built to enable the property owners to exit from a side door directly onto the deck. The dimensions and size of the deck are clearly shown on both the site plan for the property, marked Petitioner's Exhibit 1, and photographs submitted at the hearing. It is to be particularly noted, moreover, that the deck extends 9 feet from the side of the dwelling towards the side property line adjoining the Smith property.

Mr. Myers also testified that the deck was built without first obtaining the requisite permit. He stated that he was unaware that a permit was required. In any event he now proposes to construct a permanent awning over the deck to provide protection from the weather and permit extended use of the deck. Gary Sipes with Patio Enclosures, Inc. fully described the awning's composition and design. He testified that there will be no side walls so that the deck will remain open and that gutters and rainspouts will be employed to collect rain from the roof and direct same away from the Smith's property.

In opposition to the requested relief, Mr. & Mrs. Smith testified they are mainly concerned about existing water problems in their basement. They believe an exacerbation of that problem will result if the proposed awning is added. Notwithstanding Mr. Sipes' testimony, the Smiths remain doubtful that additional rainwater would not wash onto their property and cause additional flooding.

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 Date 9/18/92  
 By [Signature]

After the testimony of both parties was presented at the hearing, it was mutually agreed that a resizing of the deck and proposed awning for same would be agreeable to all concerned. As can be seen in the photographs submitted, a concrete walk extends from the Myers' driveway along the side of the house to the steps leading up to the deck. This walkway is clearly seen in the photograph marked Petitioner's Exhibit 2A. Said walkway appears to be approximately 4 feet from the Myer/Smith property line. Mr. Myers agreed that the side portion of his deck could be reduced to a width consistent with that of the sidewalk pavement. That is, if a line was continued from the edge of said pavement to the rear property line, reconfiguration of the deck along that line would result in a greater setback distance from the adjoining property line. Further, with proper gutters and rainspouts on the roof and the increased setback distance, the Smith's fears as to water runoff into their property would be allayed. It was therefore agreed by both parties that the relief requested, as modified herein, should be granted.

It should also be noted that the site plan submitted into evidence as Petitioner's Exhibit 1 incorrectly identified the adjoining properties on either side of the subject site. Therefore, a revised site plan must be submitted to correct the error and to reflect the modified relief granted herein. Said revised plan must be submitted as a condition of this relief, prior to the issuance of any permits.

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:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

ORDER RECEIVED FOR FILING  
 Date 9/18/92  
 By [Signature]

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).

It is clear from the testimony that if the variance is granted, as modified, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance, as modified herein, is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as modified herein, should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of September, 1992 that a variance from Sec-

ORDER RECEIVED FOR FILING  
 Date 9/18/92  
 By [Signature]

tion 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback 4 feet in lieu of the minimum required 8 feet, and a sum of the side yard setbacks of 11 feet in lieu of the minimum required 20 feet, for an existing deck and proposed roof, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject to the following restrictions:

- 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) Within thirty (30) days of the date of this Order, and prior to the issuance of any permits, a revised site plan shall be submitted which correctly identifies the adjoining properties on either side of the subject site and incorporates the modified relief granted herein.
- 3) The relief granted herein is limited to an open deck with a roof. Said deck shall remain open on the three exposed sides.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

ORDER RECEIVED FOR FILING  
 Date 9/18/92  
 By [Signature]

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning



Suite 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21204

September 4, 1992

(410) 887-4386

Mr. & Mrs. Michael Myers  
 4225 Mispillion Road  
 Perry Hall, Maryland 21236

RE: PETITION FOR ZONING VARIANCE  
 SW/S Mispillion Road, 160' NW of the c/l of Bluestone Lane  
 (4225 Mispillion Road)  
 11th Election District - 5th Councilmanic District  
 Michael Myers, et ux - Petitioners  
 Case No. 92-488-A

Dear Mr. & Mrs. Myers:

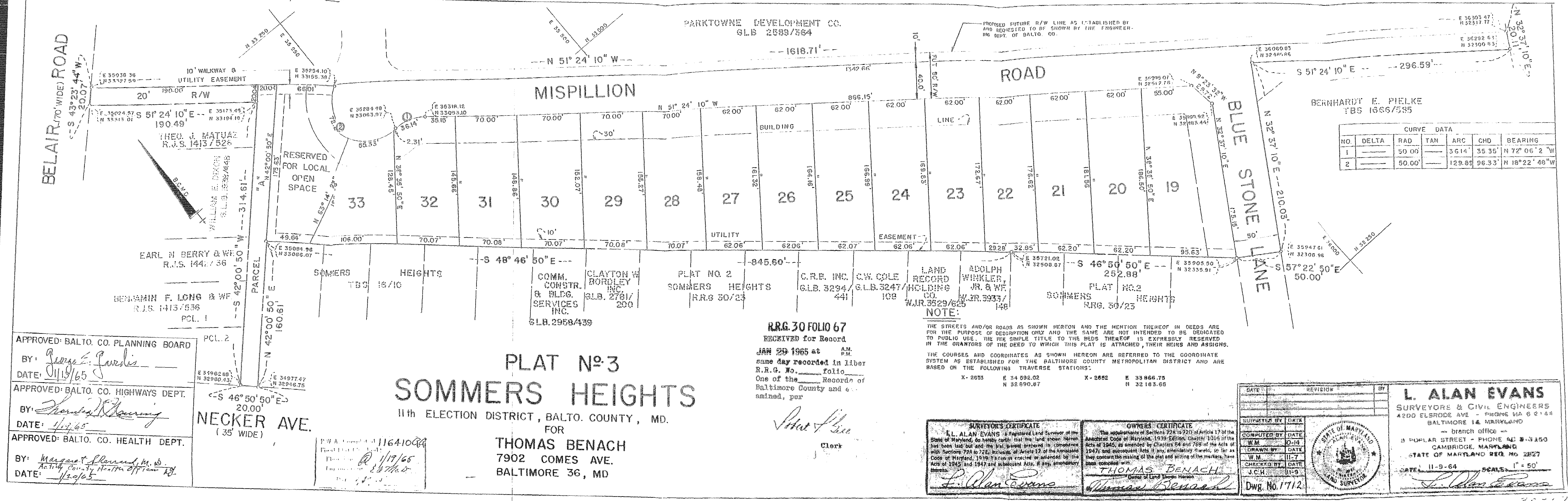
Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance, as modified, has been granted in accordance with the attached Order.

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 887-3351.

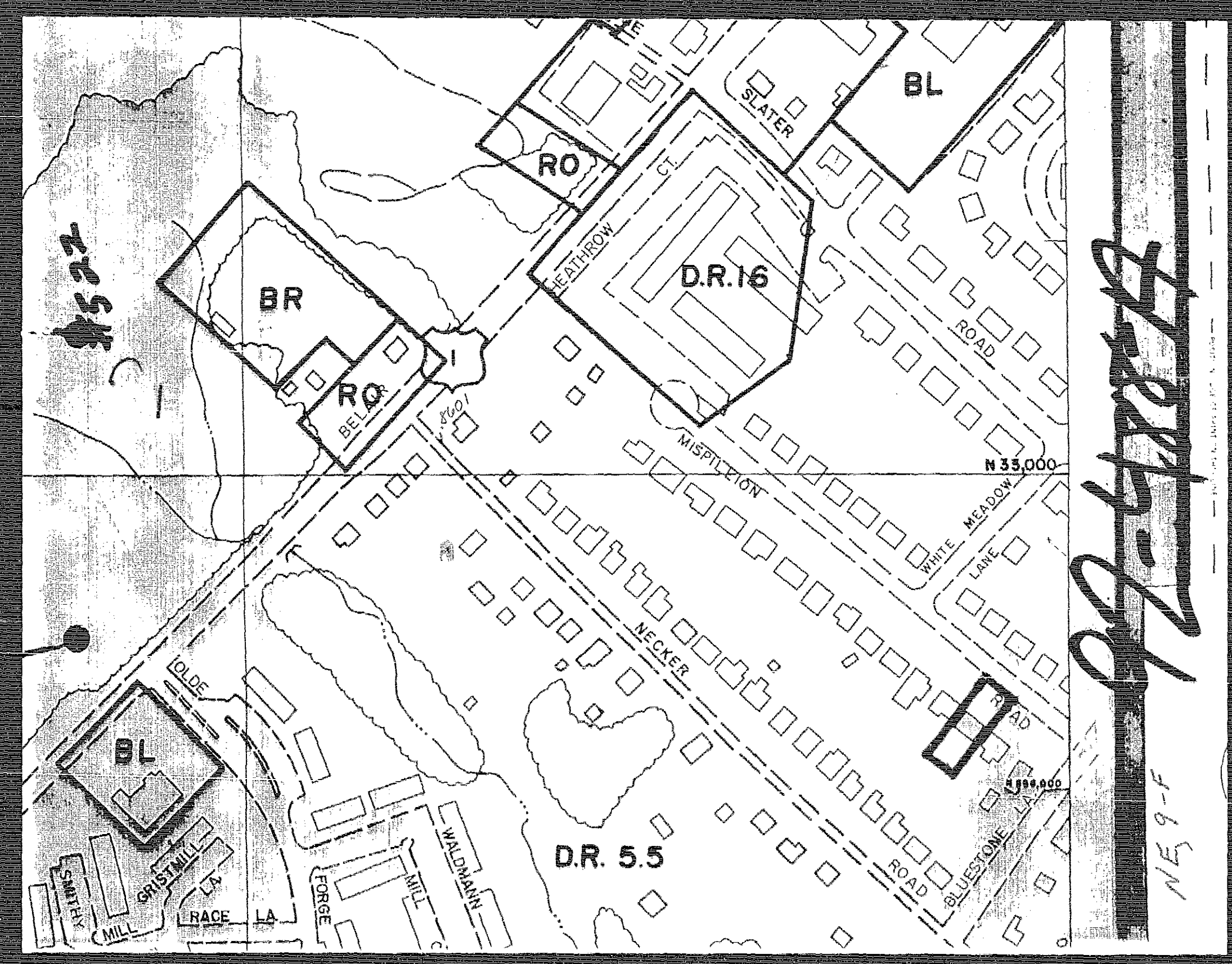
Very truly yours,

*Lawrence E. Schmidt*  
 LAWRENCE E. SCHMIDT  
 Zoning Commissioner  
 for Baltimore County

LES:bjs  
 cc: Mr. & Mrs. William Smith  
 4223 Mispillion Road, Perry Hall, Md. 21236  
 People's Counsel  
 File



92-488-A



SCALE  
1" = 200' ±

DATE OF PHOTOGRAPHY  
JANUARY 1986

LOCATION  
PERRY HALL

SHEET  
N.E.  
9-F

#522

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-488A
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 1802.3.B. (211.3 old R-6) To allow a side yard setback of one (1) foot and a sum of side yard setbacks of 11 feet in lieu of the minimum required 8 feet and 20 feet respectively.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hereby or practical difficulty)
1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. INSULATE AND REDUCE HEATING BILLS.
3. REDUCE OUTSIDE NOISE.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER
5. IMPROVE APPEARANCE OF HOUSE.

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, as further agreed 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: MICHAEL MYERS and Virginia Myers
Signature: Michael Myers, Virginia Myers
Address: 4225 Mispillion Rd

Legal Owner(s): MICHAEL MYERS
Signature: Michael Myers
Address: 4225 MISPILLION ROAD 256-3819

VIRGINIA MYERS and Michael Myers
Signature: Virginia Myers, Michael Myers
Address: 4225 Mispillion Road

Perry Hall, Maryland 21236
Address: 224 8th Avenue, N.W. 760-1919

ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of June, 1992, that the subject matter of this petition be posted on the property on or before the 28th day of June, 1992.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of June, 1992, 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 reported, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 12th day of June, 1992, at 2:00 o'clock, P.M.

ORDER RECEIVED FOR FILING
Date: 6/12/92
By: [Signature]

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING 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 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 4225 MISPILLION ROAD PERRY HALL, MD. 21236 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hereby or practical difficulty)

- 1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. INSULATE AND REDUCE HEATING BILLS.
3. REDUCE OUTSIDE NOISE.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER
5. IMPROVE APPEARANCE OF HOUSE.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Legal Owner(s): MICHAEL MYERS
Signature: Michael Myers
Address: 4225 MISPILLION ROAD

VIRGINIA MYERS and Michael Myers
Signature: Virginia Myers, Michael Myers
Address: 4225 Mispillion Road

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 11th day of June, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Michael A. Myers and Virginia M. Myers

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
June 11, 1992
Notary Public: [Signature]

92-488A

LEGAL DESCRIPTION OF PROPERTY
BEGINNING ON THE S.W. SIDE OF MISPILLION ROAD 40', AT A DISTANCE OF 160' N.W. OF THE CENTERLINE OF BLUE STONE LANE. BEING LOT 21 IN THE SUBDIVISION OF SOMMERS HEIGHTS. BOOK 30, FOLIO 67. ALSO, KNOWN AS 4225 MISPILLION ROAD, IN THE 11th ELECTION DISTRICT.

CERTIFICATE OF POSTING

District: 11th
Posted for: Variance
Petitioner: Michael & Virginia Myers
Location of property: 4225 Mispillion Rd, on SW side, 160' NW of Blue Stone Lane
Location of signs: Facing Mispillion Rd, on the property of Petitioner
Date of Posting: 6/12/92
Date of return: 7/1/92

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 11th
Posted for: Variance
Petitioner: Michael Myers, et al
Location of property: 4225 Mispillion Rd, on SW side, 160' NW of Blue Stone Lane
Location of signs: Facing Mispillion Rd, on the property of Petitioner
Date of Posting: 6/24/92
Date of return: 7/1/92

Baltimore County Zoning Commissioner
Date: 6-12-92
Residential (Administrative) Zoning Variance
MR & MRS Michael Myers
4225 Mispillion Rd.
21236
Filing fee \$ 50.00
Sign & posting 35.00
Total \$ 85.00

Baltimore County Zoning Commissioner
Date: 6/12/92
PUBLIC HEARING FEES
010 - ZONING VARIANCE (1PL) 1 X \$50.00
080 - POSTING SIGNS / ADVERTISING 1 X \$35.00
TOTAL: \$85.00

Baltimore County Zoning Commissioner
Date: 8/31/92
PUBLIC HEARING FEES
080 - POSTING SIGNS / ADVERTISING 1 X \$69.79
TOTAL: \$69.79

Baltimore County Government Office of Zoning Administration and Development Management
Date: 8/2/92
Michael & Virginia Myers
4225 Mispillion Road
Perry Hall, Maryland 21236
Dear Petitioner(s):
Please be advised that \$ 69.79 is due for advertising and posting of the above captioned property and hearing date.

Baltimore County Government Office of Zoning Administration and Development Management
Date: JULY 21, 1992
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, 111 West Chesapeake Avenue in Towson, Maryland 21284 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:
PUBLIC HEARING DATE: 7/13/92
CASE 92-488-A (Item 522)
80/8 Mispillion Road, 160' NW of c/l Blue Stone Lane
Petitioner(s): Michael and Virginia Myers
HEARING: WEDNESDAY, AUGUST 26, 1992 at 2:00 p.m. in Rm. 106, Office Bldg.

Baltimore County Government Office of Zoning Administration and Development Management
Date: July 2, 1992
Mr. & Mrs. Michael Myers
4225 Mispillion Road
Perry Hall, MD 21236
RE: Item No. 522, Case No. 92-488-A
Petitioner: Michael Myers, et al
Petition for Residential Variance
Dear Mr. & Mrs. Myers:
The Zoning Plans Advisory Committee (ZAC) has reviewed the petition submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Your petition has been received and accepted for filing this  
12th day of June, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Michael Myers, et ux  
Petitioner's Attorney:

Development Review Committee Response Form  
Authorized signature *Arnold Jablon* Date *6/29/92*

Project Name: Stonegate at Patapsco (Aerial Property)  
File Number: 90476  
ZON DED: TE (Waiting for developer to submit plans first)

COUNT 1

✓ Joan R. McMahon	FRS-1	6-22-92	NC
DED DEPRM RP STP TE			
BBC Associates	511		Comment
DED DEPRM RP STP TE			
Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman	512		Comment
DED DEPRM RP STP TE			
Fox Chevrolet, Inc.	513		Comment
DED DEPRM RP STP TE			
✓ Covenant of Grace Presbyterian Church	515		NC
DED DEPRM RP STP TE			
✓ Frederick J. And Michelle V. Burgesen	517		NC
DED DEPRM RP STP TE			
✓ David Marc And Paul C.S. Rosen	518		NC
DED DEPRM RP STP TE			
✓ David W. And Debra L. Gordon	519		NC
DED DEPRM RP STP TE			
✓ Raymond F. And Nancy A. Plum	520		NC
DED DEPRM RP STP TE			
✓ Sebastian T. Rosselli	521		NC
DED DEPRM RP STP TE			
✓ Michael And Virginia Myers			NC

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

DATE: June 24, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 22, 1992

The Office of Planning and Zoning has no comments on the following petitions:

- Leroy Merritt - Item 511
- Silvergate East - Item 512
- Frederick & Michelle Burgesen - Item 517
- David & Paula Rosen - Item 518
- David & Debra Gordon - Item 519
- Michael & Virginia Myers - [redacted]

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

6.22.92.txt  
Pctins.txt

Development Review Committee Response Form  
Authorized signature *Rachel Family* Date *6/29/92*

Project Name: Stonegate at Patapsco (Aerial Property)  
File Number: 90476  
ZON DED: TE (Waiting for developer to submit plans first)

COUNT 1

Joan R. McMahon	FRS-1		NC
DED DEPRM RP STP TE			
✓ BBC Associates	511		NC
DED DEPRM RP STP TE			
✓ Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman	512		NC
DED DEPRM RP STP TE			
✓ Fox Chevrolet, Inc.	513		NC
DED DEPRM RP STP TE			
✓ Covenant of Grace Presbyterian Church	515		NC
DED DEPRM RP STP TE			
✓ Frederick J. And Michelle V. Burgesen	517		NC
DED DEPRM RP STP TE			
✓ David Marc And Paul C.S. Rosen	518		NC
DED DEPRM RP STP TE			
✓ David W. And Debra L. Gordon	519		NC
DED DEPRM RP STP TE			
✓ Raymond F. And Nancy A. Plum	520		NC
DED DEPRM RP STP TE			
✓ Sebastian T. Rosselli	521		NC
DED DEPRM RP STP TE			
✓ Michael And Virginia Myers			NC

7-13 92-488-A

Department of Environmental Protection & Resource Management  
Development Review Committee Response Form  
Authorized signature \_\_\_\_\_ Date *07/06/92*

Project Name: Stonegate at Patapsco (Aerial Property)  
File Number: 90476  
ZON DED: TE (Waiting for developer to submit plans first)

COUNT 6

Rita M. and Edward R. Raab, Sr.	514	6-29-92	NC
DED DEPRM RP STP TE			
Jeffrey J. and Deanna L. Deegan	523		IP
DED DEPRM RP STP TE			
Charles M. and Virginia H. Loane	524		
DED DEPRM RP STP TE			
Herschel and Ruth Polakoff	525		
DED DEPRM RP STP TE			
Francis D. and Patricia M. Mull	526		
DED DEPRM RP STP TE			
RMS Nominee, Inc.	527		
DED DEPRM RP STP TE			
Juanita L. Cottrell	529		
DED DEPRM RP STP TE			
The Middle River Baptist Church	530		
DED DEPRM RP STP TE			
Merritt E. and Joann R. Olsen	531		
DED DEPRM RP STP TE			
Michael J. and Eugenia G. Zavodny	532		NC

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: MICHAEL MYERS AND VIRGINIA MYERS  
Location: 4225 MISPILLION ROAD  
Item No.: \*522 (JJS) Zoning Agenda: JUNE 22, 1992

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: *Carl P. Ryan*  
Planning Group  
Special Inspection Division

JP/REK

RECEIVED  
JUN 22 1992  
ZONING OFFICE

92-488-A 7-13

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature \_\_\_\_\_ Date *7/1/92*

Project Name: Stonegate at Patapsco (Aerial Property)  
File Number: 90476  
ZON DED: TE (Waiting for developer to submit plans first)

COUNT 11

Joan R. McMahon	FRS-1	6-22-92	
DED DEPRM RP STP TE			
BBC Associates	511		No Comment
DED DEPRM RP STP TE			
Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman	512		No Comment
DED DEPRM RP STP TE			
Fox Chevrolet, Inc.	513		No Comment
DED DEPRM RP STP TE			
Covenant of Grace Presbyterian Church	515		No Comment
DED DEPRM RP STP TE			
Frederick J. And Michelle V. Burgesen	517		No Comment
DED DEPRM RP STP TE			
David Marc And Paul C.S. Rosen	518		No Comment
DED DEPRM RP STP TE			
David W. And Debra L. Gordon	519		No Comment
DED DEPRM RP STP TE			
Raymond F. And Nancy A. Plum	520		No Comment
DED DEPRM RP STP TE			
Sebastian T. Rosselli	521		No Comment
DED DEPRM RP STP TE			
Michael And Virginia Myers			No Comment

Michael & Virginia Myers  
4225 Mispillion Road  
Perry Hall, Maryland 21226

Re: CASE NUMBER: 92-488-A

Dear Petitioners:

Please be informed that your file has been reviewed. The Commissioner's Office did not grant or deny the requested relief. Instead it was determined that this matter be set in for public hearing.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in two local newspapers and that you will be billed for the reposting and 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  
of Baltimore County, Maryland

cc: Patio Enclosures, Inc.

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

111 West Chesapeake Avenue  
Towson, MD 21204

June 17, 1992 (410) 887-3353

Michael Myers and Virginia Myers  
4225 Mispillion Road  
Perry Hall, Maryland 21236

Case NUMBER: 92-488-A  
LOCATION: SW/4 Mispillion Road, 160' NW of c/s Bluestone Lane  
4225 Mispillion Road  
11th Election District - 5th Councilmanic

Dear Petitioner(s):  
Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.

- Your property will be posted on or before June 28, 1992. The closing date is July 13, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).
- Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Shirley M. Smith*  
Zoning Commissioner, Baltimore County

cc: Patio Enclosures, Inc.

SHIRLEY M. SMITH  
4223 MISPILLION ROAD  
BALTIMORE, MARYLAND 21236  
(410) 256-8147



July 1, 1992

Mr. Lawrence Schmidt  
Zoning Commissioner  
Court House, Room 113  
400 Washington Avenue  
Towson, MD 21204

RE: Variance Request #92-488A *N/A to Claims*  
The Meyers Residence, 4225 Mispillion Road, Baltimore, MD 21236

Dear Mr. Schmidt,

I am writing this letter to protest the variance requested by The Meyer's. My property is adjoining their property.

The deck they are trying to get the variance for was built on memorial day. It is six inches from my property line. The deck extends from the side of their house around the entire back of their house.

The Meyer's are planning on putting an awning, or roof, all the way around the house over the deck, which will extend into my yard. This will present a problem for me. My cellar way is on the side near their deck. It is approximately four feet from their side near their deck. I have always had a problem with flooding from the water running from a low spot into my basement. To prevent this from happening I have built-up this area with stone, and it did not work. I then removed the stone, and put a dump of fill dirt in the area to redirect the drainage. I anticipate the water in the area to redirect the drainage. I have a heart condition, and can not bail the water out of the basement because of the Meyer's neglect to follow zoning regulations.

Please send an inspector out to see the deck, and my property. I have already voiced my concerns to my neighbors, The Meyer's. Thank you for your attention to this matter.

Sincerely,  
*Shirley M. Smith*  
Shirley M. Smith

Mr. Lawrence E. Schmidt  
Zoning Commissioner for  
Baltimore County

Re Mr. & Mrs. Michael Myers  
4225 Mispillion Rd.  
Case No. 92-488 A

Dear Sir:

Please reconsider your decision for a zoning variance for Mr. & Mrs. Myers.

Prior to the Myers purchasing this home, there was a deck and an awning on the side of their house. Has been there for years and was used daily by a family of five.

When Mrs Myers moved in the neighborhood she told me, she had a day care and this side door was perfect for her job. The entrance provided an excellent means for the children to go directly to the basement.

There is no unreasonable hardship from not being able to put a deck on this side door, they had one and removed it.

Sir, is there any possible way I can ask you please reconsider this decision? I cannot afford to pay \$210.00 or miss a day of work to appeal your decision.

My husband and I have done no wrong, then why do I feel like the victim, why do I have to accept the porch under my bedroom windows, when the little people arrive at 6:30 A.M. and run up and down the side deck, why did I have to fight to keep water out of my basement?

Please reconsider, all I ask is for the side deck be according to the law, a side yard setback of the minium required 8 Feet.

Thank you for your time,

*Shirley M. Smith*  
Shirley M. Smith  
4223 Mispillion Road  
Baltimore, Maryland 21236

September 17, 1992



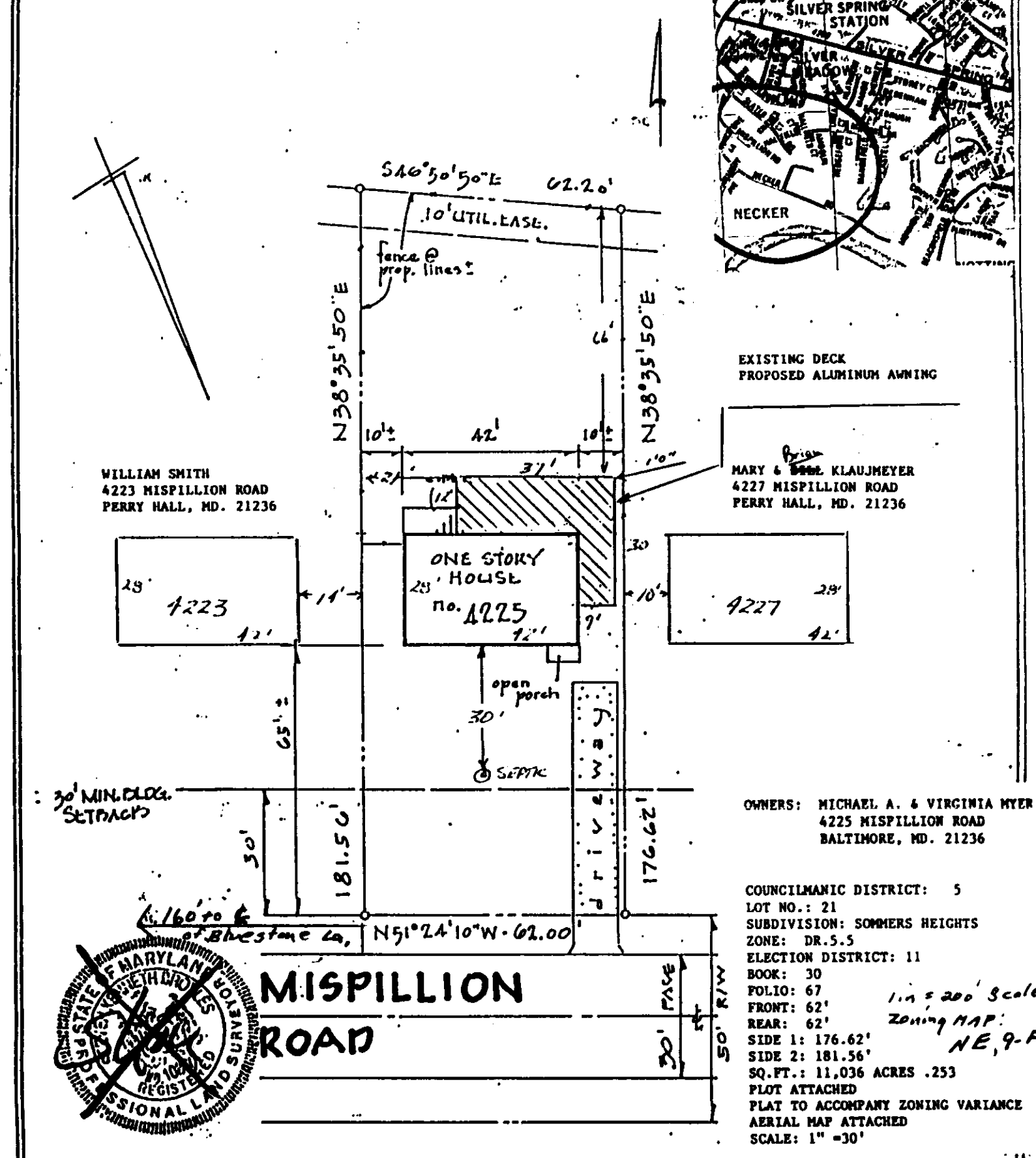
BROYLES, HAYES & ASSOC.  
ENGINEERS-DESIGNERS-SURVEYORS

1022 MIDDLEBOROUGH RD.  
BALTO, MD. 21221  
301-574-2227

CERTIFICATION: THIS IS TO CERTIFY THAT THE IMPROVEMENTS INDICATED HEREON ARE LOCATED AS SHOWN. THIS IS NOT A PROPERTY LINE SURVEY AND SHOULD NOT BE USED AS SUCH.



*Steven K. Broyles*  
STEVEN K. BROYLES MD, REG. NO 10060



LIBER 6276 FOLIO 015  
BEING KNOWN AS LOT 21 BLOCK 4 SECTION 4 PLAT 4 AS SHOWN ON A PLAT ENTITLED PLAT NO. 3 SOMMERS HEIGHTS

HOUSE LOCATION FOR  
4225 MISPILLION ROAD  
BALTIMORE COUNTY, MARYLAND

RECORDED IN THE LAND RECORDS OF BALTIMORE COUNTY, MARYLAND IN PLAT BOOK REG 30 FOLIO 67 FILE NO. DATE: 4-17-1991 B.H. NO. VT01041-154

SCALE: 1" = 30'  
DATE: 4-17-1991 B.H. NO. VT01041-154

92-488-A #522

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS

*Mr & Mrs William Smith* *4225 Mispillion Rd*  
*Phone 256-8147* *Baltimore, Md 21236*

PLEASE PRINT CLEARLY

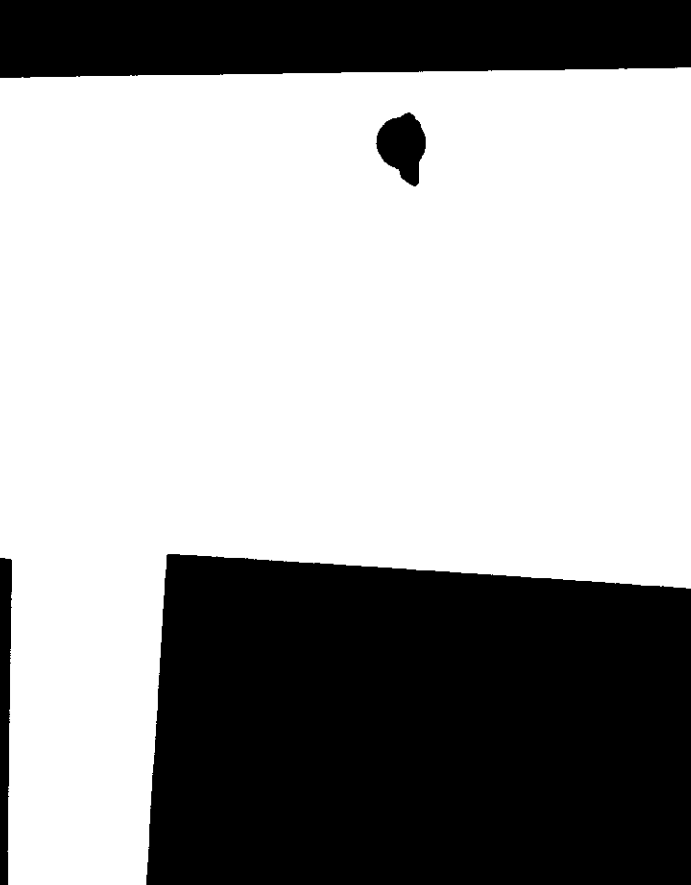
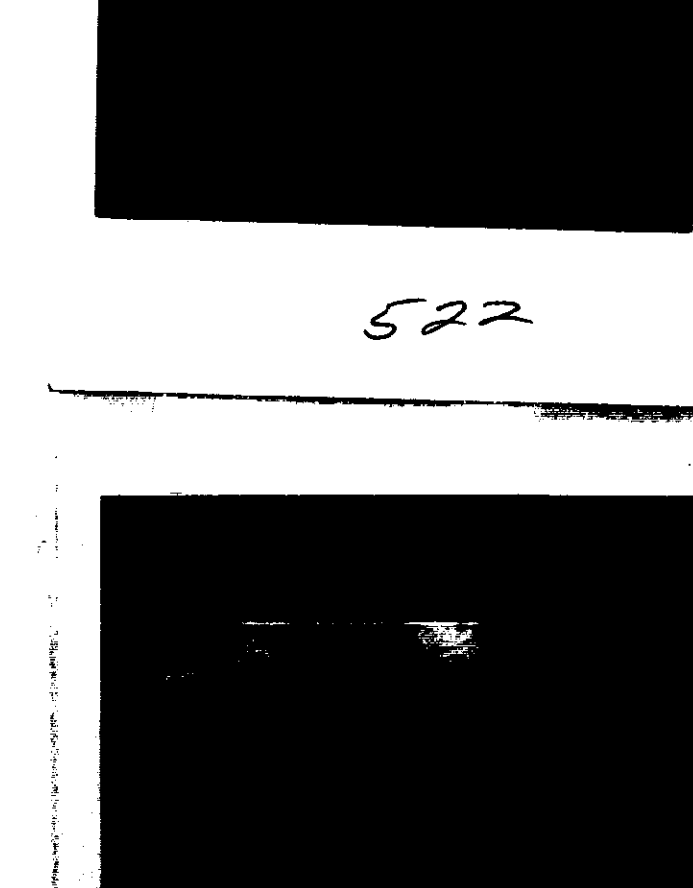
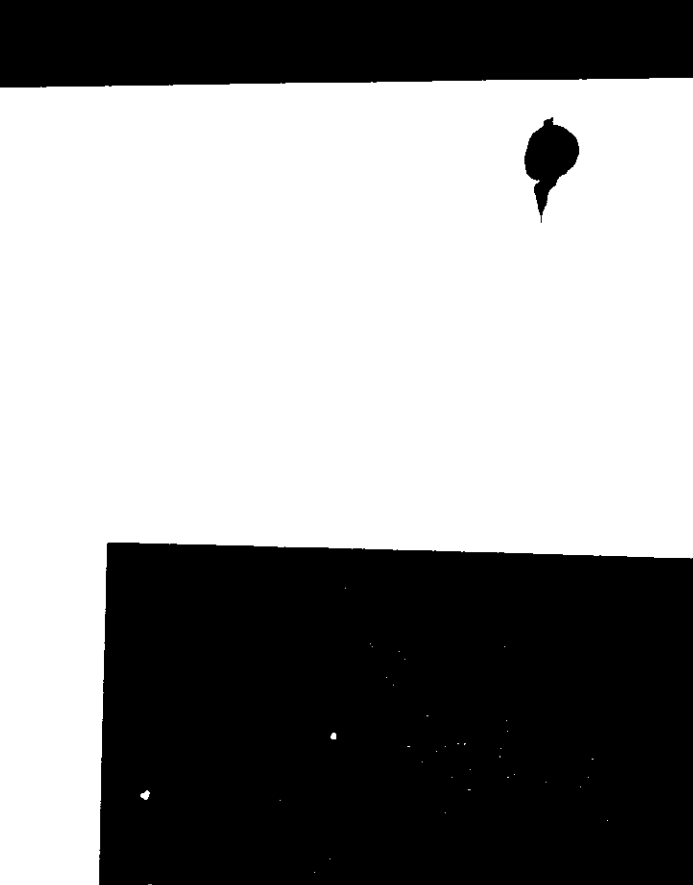
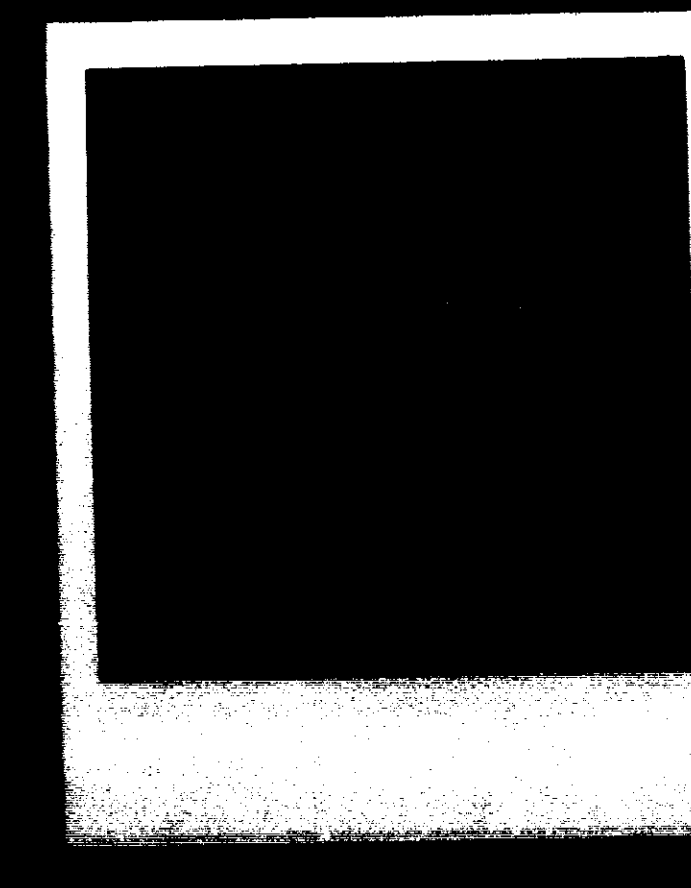
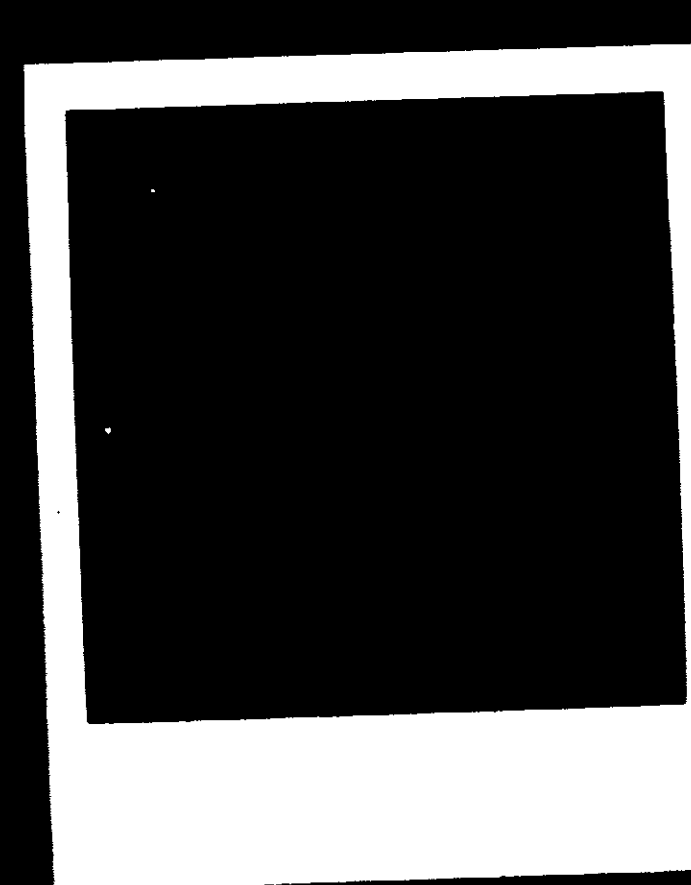
PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS

*Michael Myers* *4225 MISPILLION RD*  
*Cary Sipes c/o Patio Enclosures Inc.* *334 8th Ave NW, Glen Burnie MD 21061*

*Petitioner's Exhibit 10A*

*Photographs*  
*92-488-A*



*Photographs in Case*  
*92-488-A*

92-488-A



IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
SW/S Mispillion Road, 160' NW \* ZONING COMMISSIONER  
of the c/l of Bluestone Lane (4225 Mispillion Road)  
11th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District \* Case No. 92-488-A  
Michael Myers, et ux \*  
Petitioners \*

RULING ON MOTION FOR RECONSIDERATION

This matter came before me as a Petition for Zoning Variance in which the Petitioners requested relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of one (1) foot in lieu of the minimum required 8 feet, and a sum of the side yard setbacks of 11 feet in lieu of the minimum required 20 feet, for an existing deck and proposed roof in accordance with the plan submitted and identified as Petitioner's Exhibit 1.

At the hearing, Mr. Myers appeared and testified in support of his Petition, and the adjoining property owners, William and Shirley Smith, appeared and testified in opposition.

After due consideration of the testimony and evidence presented by both sides, it was mutually agreed that a resizing of the deck and proposed awning would be agreeable to both parties and a modified relief was granted by Order issued September 4, 1992.

Subsequently, this Office received a request for reconsideration from Ms. Shirley M. Smith, dated September 17, 1992, in which she raises other issues concerning the Petitioners' use of their property. While the concerns cited in Ms. Smith's letter are valid, the primary thrust of their objection to the Petitioners' request was as to water runoff and damage to their basement. I am therefore not persuaded to reconsider my

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Date 9/18/92  
By [Signature]

decision on the basis of additional evidence which was not presented at the hearing. It should be noted that an appeal hearing before the County Board of Appeals would be heard de novo and both the Petitioners and the Protestants could present new testimony and evidence in support of their respective positions at that time.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of September, 1992 that the Request for Reconsideration submitted in the above-captioned matter be and the same is hereby DENIED.

LES:bjs

cc: Mr. & Mrs. Michael Myers  
4225 Mispillion Road, Perry Hall, Md. 21236  
Mr. & Mrs. William Smith  
4223 Mispillion Road, Perry Hall, Md. 21236  
People's Counsel  
File

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 9/18/92  
By [Signature]

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
SW/S Mispillion Road, 160' NW \* ZONING COMMISSIONER  
of the c/l of Bluestone Lane (4225 Mispillion Road)  
11th Election District \* OF BALTIMORE COUNTY  
5th Councilmanic District \* Case No. 92-488-A  
Michael Myers, et ux \*  
Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for Baltimore County as a Petition for Zoning Variance filed by the legal owners of the subject property, Michael and Virginia Myers. The Petitioners request relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of one (1) foot in lieu of the minimum required 8 feet, and a sum of the side yard setbacks of 11 feet in lieu of the minimum required 20 feet, for an existing deck and proposed roof in accordance with Petitioner's Exhibit 1.

The Petitioners originally filed their request through the Administrative Variance procedure which allows consideration of a variance without a public hearing. Subsequent to the filing of the Petition and posting of the property, a letter of protest was received from the adjoining property owner, Shirley M. Smith, and as a result, a public hearing was scheduled.

Appearing on behalf of the Petition were Michael Myers, property owner, and Gary Sipes with Patio Enclosures, Inc. Appearing as Protestants in the matter were William and Shirley Smith, adjoining property owners.

Testimony indicated that the subject property, known as 4225 Mispillion Road, consists of 11,036 sq.ft., zoned D.R. 5.5 and is improved with a single family dwelling and an attached wrap-around deck which is

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Date 9/18/92  
By [Signature]

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 9/18/92  
By [Signature]

The subject of this hearing. The Petitioners are desirous of installing a roof/awning over this deck. The deck extends along a significant portion of the rear of the dwelling and along one side adjacent to the Smith's property. Mr. Myers testified that the deck was constructed in that fashion because there was no access to the rear yard from the dwelling. Specifically, the deck was built to enable the property owners to exit from a side door directly onto the deck. The dimensions and size of the deck are clearly shown on both the site plan for the property, marked Petitioner's Exhibit 1, and photographs submitted at the hearing. It is to be particularly noted, moreover, that the deck extends 9 feet from the side of the dwelling towards the side property line adjoining the Smith property.

Mr. Myers also testified that the deck was built without first obtaining the requisite permit. He stated that he was unaware that a permit was required. In any event he now proposes to construct a permanent awning over the deck to provide protection from the weather and permit extended use of the deck. Gary Sipes with Patio Enclosures, Inc. fully described the awning's composition and design. He testified that there will be no side walls so that the deck will remain open and that gutters and rainspouts will be employed to collect rain from the roof and direct same away from the Smith's property.

In opposition to the requested relief, Mr. & Mrs. Smith testified they are mainly concerned about existing water problems in their basement. They believe an exacerbation of that problem will result if the proposed awning is added. Notwithstanding Mr. Sipes' testimony, the Smiths remain doubtful that additional rainwater would not wash onto their property and cause additional flooding.

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Date 9/18/92  
By [Signature]

After the testimony of both parties was presented at the hearing, it was mutually agreed that a resizing of the deck and proposed awning for same would be agreeable to all concerned. As can be seen in the photographs submitted, a concrete walk extends from the Myers' driveway along the side of the house to the steps leading up to the deck. This walkway is clearly seen in the photograph marked Petitioner's Exhibit 2A. Said walkway appears to be approximately 4 feet from the Myer/Smith property line. Mr. Myers agreed that the side portion of his deck could be reduced to a width consistent with that of the sidewalk pavement. That is, if a line was continued from the edge of said pavement to the rear property line, reconfiguration of the deck along that line would result in a greater setback distance from the adjoining property line. Further, with proper gutters and rainspouts on the roof and the increased setback distance, the Smith's fears as to water runoff into their property would be allayed. It was therefore agreed by both parties that the relief requested, as modified herein, should be granted.

It should also be noted that the site plan submitted into evidence as Petitioner's Exhibit 1 incorrectly identified the adjoining properties on either side of the subject site. Therefore, a revised site plan must be submitted to correct the error and to reflect the modified relief granted herein. Said revised plan must be submitted as a condition of this relief, prior to the issuance of any permits.

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:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

ORDER RECEIVED FOR FILING  
Date 9/18/92  
By [Signature]

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).

It is clear from the testimony that if the variance is granted, as modified, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance, as modified herein, is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested, as modified herein, should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of September, 1992 that a variance from Sec-

ORDER RECEIVED FOR FILING  
Date 9/18/92  
By [Signature]

tion 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback 4 feet in lieu of the minimum required 8 feet, and a sum of the side yard setbacks of 11 feet in lieu of the minimum required 20 feet, for an existing deck and proposed roof, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject to the following restrictions:

- 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) Within thirty (30) days of the date of this Order, and prior to the issuance of any permits, a revised site plan shall be submitted which correctly identifies the adjoining properties on either side of the subject site and incorporates the modified relief granted herein.
- 3) The relief granted herein is limited to an open deck with a roof. Said deck shall remain open on the three exposed sides.
- 4) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LES:bjs

ORDER RECEIVED FOR FILING  
Date 9/18/92  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

September 4, 1992

(410) 887-4386

Mr. & Mrs. Michael Myers  
4225 Mispillion Road  
Perry Hall, Maryland 21236

RE: PETITION FOR ZONING VARIANCE  
SW/S Mispillion Road, 160' NW of the c/l of Bluestone Lane  
(4225 Mispillion Road)  
11th Election District - 5th Councilmanic District  
Michael Myers, et ux - Petitioners  
Case No. 92-488-A

Dear Mr. & Mrs. Myers:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance, as modified, has been granted 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 887-3351.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:bjs

cc: Mr. & Mrs. William Smith  
4223 Mispillion Road, Perry Hall, Md. 21236

People's Counsel

File

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 92-488A
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 1802.3.B. (211.3 old R-6) To allow a side yard setback of one (1) foot and a sum of side yard setbacks of 11 feet in lieu of the minimum required 8 feet and 20 feet respectively.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hereby or practical difficulty)
1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.
2. INSULATE AND REDUCE HEATING BILLS.
3. REDUCE OUTSIDE NOISE.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER
5. IMPROVE APPEARANCE OF HOUSE.

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, as further agreed 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: MICHAEL MYERS and Virginia Myers
Type or Print Name: MICHAEL MYERS
Signature: [Signature]
Address: 4225 MISPELLION RD

Legal Owner(s): MICHAEL MYERS
Type or Print Name: MICHAEL MYERS
Signature: [Signature]
Address: 4225 MISPELLION ROAD 256-3819

VIRGINIA MYERS and Michael Myers
Type or Print Name: VIRGINIA MYERS
Signature: [Signature]
Address: 4225 Mispillion Road

Perry Hall, Maryland 21236
Address: 224 8th AVENUE, N.W. 760-1919

ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of June, 1992, that the subject matter of this petition be posted on the property on or before the 28th day of June, 1992.

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_ day of \_\_\_, 19\_\_\_, 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 reported, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_ day of \_\_\_, 19\_\_\_, at \_\_\_ o'clock, \_\_\_.

ORDER RECEIVED FOR FILING
Date: 6/12/92
By: [Signature]

AFFIDAVIT

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 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 4225 MISPELLION ROAD
PERRY HALL, MD. 21236 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hereby or practical difficulty)
1. THIS AREA LENDS ITSELF TO THE UTILIZATION OF EXISTING FACILITIES AND LAND WITHOUT INTERRUPTION OR MAJOR ALTERATIONS TO THE PRESENT FLOOR PLAN PATTERNS.

- 2. INSULATE AND REDUCE HEATING BILLS.
3. REDUCE OUTSIDE NOISE.
4. A PLACE TO SIT OUT AND NOT BE CONCERNED WITH THE WEATHER
5. IMPROVE APPEARANCE OF HOUSE.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Legal Owner(s): MICHAEL MYERS
Type or Print Name: MICHAEL MYERS
Signature: [Signature]
Address: 4225 MISPELLION ROAD

VIRGINIA MYERS and Michael Myers
Type or Print Name: VIRGINIA MYERS
Signature: [Signature]
Address: 4225 Mispillion Road

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 11th day of June, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Michael A. Myers and Virginia M. Myers

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.
June 11, 1992
Notary Public: [Signature]

522

92-488A

LEGAL DESCRIPTION OF PROPERTY
BEGINNING ON THE S.W. SIDE OF MISPELLION ROAD 40', AT A DISTANCE OF 160' N.W. OF THE CENTERLINE OF BLUE STONE LANE. BEING LOT 21 IN THE SUBDIVISION OF SOMMERS HEIGHTS. BOOK 30, FOLIO 67. ALSO, KNOWN AS 4225 MISPELLION ROAD, IN THE 11th ELECTION DISTRICT.

CERTIFICATE OF POSTING

District: 11th
Posted for: Variance
Petitioner: Michael & Virginia Myers
Location of property: 4225 Mispillion Rd, on SW side, 160' NW of Blue Stone Lane
Location of signs: Facing Mispillion Rd, on the property of Petitioner
Date of Posting: 6/12/92
Date of return: 7/1/92

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District: 11th
Posted for: Variance
Petitioner: Michael Myers, et al
Location of property: 4225 Mispillion Rd, on SW side, 160' NW of Blue Stone Lane
Location of signs: Facing Mispillion Rd, on the property of Petitioner
Date of Posting: 6/24/92
Date of return: 7/1/92

Baltimore County Zoning Commissioner

Date: 6-12-92
Residential (Administrative) Zoning Variance
MR & MRS Michael Myers
4225 Mispillion Rd.
21236
Filing fee \$ 50.00
Sign & posting 35.00
Total \$ 85.00

Baltimore County Zoning Commissioner

Date: 6/12/92
PUBLIC HEARING FEES
010 - ZONING VARIANCE (1PL) 1 X \$50.00
080 - POSTING SIGNS / ADVERTISING 1 X \$35.00
TOTAL: \$85.00
LAST NAME OF OWNER: MYERS

Baltimore County Zoning Commissioner

Date: 8/31/92
PUBLIC HEARING FEES
080 - POSTING SIGNS / ADVERTISING 1 X \$69.79
TOTAL: \$69.79
LAST NAME OF OWNER: MYERS

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21284 (410) 887-3353
Date: 8/2/92
Michael & Virginia Myers
4225 Mispillion Road
Perry Hall, Maryland 21236
CASE 92-488-A (Item 522)
80/8 Mispillion Road, 160' NW of c/l Blue Stone Lane
11th Election District - 5th Commission
Petitioner(s): Michael and Virginia Myers
HEARING: WEDNESDAY, AUGUST 26, 1992 at 2:00 p.m. in Rm. 108, Office Bldg.

PLEASE BE ADVISED THAT \$ 69.79 is due for advertising and posting of the above captioned property and hearing date.
THIS FEE MUST BE PAID AND THE CHECKS AND POSTAGE RECEIPTS OF THE DAY OF THE HEARING OR THE CHECK MUST BE DEPOSITED TO THE ZONING & POSTAGE FUND FROM THE PROPERTY WITHIN THE DAY OF THE HEARING.

PLEASE FORWARD YOUR CHECK VIA AIRMAIL MAIL TO THE ZONING OFFICE, COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 108, TOWSON, MARYLAND 21284. PLEASE HAVE THE CHECK AND MAKE MADE PAYABLE TO BALTIMORE COUNTY, MARYLAND. IN ORDER TO AVOID DELAY OF THE ISSUANCE OF PROPER CREDIT AND/OR YOUR ORDER, IMMEDIATE ATTENTION TO THIS MATTER IS REQUESTED.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353
JULY 21, 1992
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 108 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:
PUBLIC HEARING DATE: 7/13/92
CASE 92-488-A (Item 522)
80/8 Mispillion Road, 160' NW of c/l Blue Stone Lane
11th Election District - 5th Commission
Petitioner(s): Michael and Virginia Myers
HEARING: WEDNESDAY, AUGUST 26, 1992 at 2:00 p.m. in Rm. 108, Office Bldg.

Variance to allow a side yard setback of one (1) foot and a sum of side yard setbacks of 11 feet in lieu of the minimum required 8 feet and 20 feet respectively.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

Baltimore County Government Office of Zoning Administration and Development Management

111 West Chesapeake Avenue Towson, MD 21204 (410) 887-3353
July 2, 1992
Mr. & Mrs. Michael Myers
4225 Mispillion Road
Perry Hall, MD 21236
RE: Item No. 522, Case No. 92-488-A
Petitioner: Michael Myers, et al
Petition for Residential Variance

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.



Your petition has been received and accepted for filing this  
12th day of June, 1992

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Michael Myers, et ux  
Petitioner's Attorney:

Development Review Committee Response Form  
Authorized signature *Arnold Jablon* Date 6/29/92

Project Name Waiver Number Zoning Issue Meeting Date  
Stonegate at Patapsco (Aerial Property) 6-1-92  
90476  
ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

✓ Joan R. McMahon	FRS-1	6-22-92	NC
DED DEPRM RP STP TE			
✓ BBC Associates	511		Comment
DED DEPRM RP STP TE			
✓ Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman	512		Comment
DED DEPRM RP STP TE			
✓ Fox Chevrolet, Inc.	513		Comment
DED DEPRM RP STP TE			
✓ Covenant of Grace Presbyterian Church	515		NC
DED DEPRM RP STP TE			
✓ Frederick J. And Michelle V. Burgesen	517		NC
DED DEPRM RP STP TE			
✓ David Marc And Paul C.S. Rosen	518		NC
DED DEPRM RP STP TE			
✓ David W. And Debra L. Gordon	519		NC
DED DEPRM RP STP TE			
✓ Raymond F. And Nancy A. Plum	520		NC
DED DEPRM RP STP TE			
✓ Sebastian T. Rosselli	521		NC
DED DEPRM RP STP TE			
✓ Michael And Virginia Myers			NC
DED DEPRM RP STP TE			

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief  
Development Review Section  
Office of Planning and Zoning

DATE: June 24, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - June 22, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Leroy Merritt - Item 511  
Silvergate East - Item 512  
Frederick & Michelle Burgesen - Item 517  
David & Paula Rosen - Item 518  
David & Debra Gordon - Item 519  
Michael & Virginia Myers - ~~Item 519~~

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

6.22.92.txt  
Pctins.txt

Development Review Committee Response Form  
Authorized signature *Arnold Jablon* Date 6/29/92

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DED DEPRM RP STP TE			
✓ Michael And Virginia Myers			NC
DED DEPRM RP STP TE			

7-13 92-488-A

Department of Environmental Protection & Resource Management  
Development Review Committee Response Form  
Authorized signature \_\_\_\_\_ Date 07/06/92

Project Name Waiver Number Zoning Issue Meeting Date  
Raymond F. And Nancy A. Plum 520 6-22-92  
DEPRM STP  
Michael And Virginia Myers  
DEPRM

COUNT 6

Rita M. and Edward R. Raab, Sr.	514	6-29-92	NC
DED DEPRM RP STP TE			
Jeffrey J. and Deanna L. Deegan	523		IP
DED DEPRM RP STP TE			
Charles M. and Virginia H. Loane	524		
DED DEPRM RP STP TE			
Herschel and Ruth Polakoff	525		
DED DEPRM RP STP TE			
Francis D. and Patricia M. Mull	526		
DED DEPRM RP STP TE			
RMS Nominee, Inc.	527		
DED DEPRM RP STP TE			
Juanita L. Cottrell	529		
DED DEPRM RP STP TE			
The Middle River Baptist Church	530		
DED DEPRM RP STP TE			
Merritt E. and Joann R. Olsen	531		
DED DEPRM RP STP TE			
Michael J. and Eugenia G. Zavodny	532		NC
DED DEPRM RP STP TE			

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500 (410) 887-4500

JUNE 19, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: MICHAEL MYERS AND VIRGINIA MYERS  
Location: 4225 MISPILLION ROAD  
Item No.: \*522 (JJS) Zoning Agenda: JUNE 22, 1992

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: *Carl P. Rosen*  
Planning Group  
Special Inspection Division

JP/ERK

RECEIVED  
JUN 22 1992  
ZONING OFFICE

Department of Recreation and Parks  
Development Review Committee Response Form  
Authorized signature \_\_\_\_\_ Date 7/1/92

Project Name Waiver Number Zoning Issue Meeting Date  
Joan R. McMahon FRS-1 6-22-92  
DED DEPRM RP STP TE  
BBC Associates  
DED DEPRM RP STP TE  
Charles W. And Helen K. Mauerhan/Ronald W. And Diane H. Chapman  
DED DEPRM RP STP TE  
Fox Chevrolet, Inc.  
DED DEPRM RP STP TE  
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Frederick J. And Michelle V. Burgesen  
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David Marc And Paul C.S. Rosen  
DED DEPRM RP STP TE  
David W. And Debra L. Gordon  
DED DEPRM RP STP TE  
Raymond F. And Nancy A. Plum  
DED DEPRM RP STP TE  
Sebastian T. Rosselli  
DED DEPRM RP STP TE  
Michael And Virginia Myers  
DED DEPRM RP STP TE

COUNT 11

111 West Chesapeake Avenue  
Towson, MD 21204

July 21, 1992 (410) 887-3353

Michael & Virginia Myers  
4225 Mispillion Road  
Perry Hall, Maryland 21236

Re: CASE NUMBER: 92-488-A

Dear Petitioners:

Please be informed that your file has been reviewed. The Commissioner's Office did not grant or deny the requested relief. Instead it was determined that this matter be set in for public hearing.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in two local newspapers and that you will be billed for the reposting and 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  
of Baltimore County, Maryland

cc: Patio Enclosures, Inc.

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

111 West Chesapeake Avenue  
Towson, MD 21284

June 17, 1992 (410) 887-3353

Michael Myers and Virginia Myers  
4225 Mispillion Road  
Perry Hall, Maryland 21236

RE: CASE NUMBER: 92-488-A  
LOCATION: 50/5 Mispillion Road, 160' NW of c/l Bluestone Lane  
4225 Mispillion Road  
11th Election District - 5th Councilmatic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before June 28, 1992. The closing date is July 13, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commission), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

*Shirley M. Smith*  
Zoning Commissioner, Baltimore County

cc: Patio Enclosures, Inc.

SHIRLEY M. SMITH  
4223 MISPILLION ROAD  
BALTIMORE, MARYLAND 21236  
(410) 256-8147



July 1, 1992

Mr. Lawrence Schmidt  
Zoning Commissioner  
Court House, Room 113  
400 Washington Avenue  
Towson, MD 21204

RE: Variance Request #92-488A *11/22/92 Closing*  
The Meyers Residence, 4225 Mispillion Road, Baltimore, MD 21236

Dear Mr. Schmidt,

I am writing this letter to protest the variance requested by The Meyer's. My property is adjoining their property.

The deck they are trying to get the variance for was built on memorial day. It is six inches from my property line. The deck extends from the side of their house around the entire back of their house.

The Meyer's are planning on putting an awning, or roof, all the way around the house over the deck, which will extend into my yard. This will present a problem for me. My cellar way is on the side near their deck. It is approximately four feet from their side near their deck. I have always had a problem with flooding from the water running from a low spot into my basement. To prevent this from happening I have built-up this area with stone, and it did not work. I then removed the stone, and put a dump of fill dirt in the area to redirect the drainage. I anticipate the water in the area to redirect the drainage. I anticipate the water can not flood my basement. My husband has a heart condition, and can not bail the water out of the basement because of the Meyer's neglect to follow zoning regulations.

Please send an inspector out to see the deck, and my property. I have already voiced my concerns to my neighbors, The Meyer's. Thank you for your attention to this matter.

Sincerely,

*Shirley M. Smith*  
Shirley M. Smith  
4223 Mispillion Road  
Baltimore, Maryland 21236

September 17, 1992

Mr. Lawrence E. Schmidt  
Zoning Commissioner for  
Baltimore County

Re Mr. & Mrs. Michael Myers  
4225 Mispillion Rd.  
Case No. 92-488 A

Dear Sir:

Please reconsider your decision for a zoning variance for Mr. & Mrs. Myers.

Prior to the Myers purchasing this home, there was a deck and an awning on the side of their house. Has been there for years and was used daily by a family of five.

When Mrs Myers moved in the neighborhood she told me, she had a day care and this side door was perfect for her job. The entrance provided an excellent means for the children to go directly to the basement.

There is no unreasonable hardship from not being able to put a deck on this side door, they had one and removed it.

Sir, is there any possible way I can ask you please reconsider this decision? I cannot afford to pay \$210.00 or miss a day of work to appeal your decision.

My husband and I have done no wrong, then why do I feel like the victim, why do I have to accept the porch under my bedroom windows, when the little people arrive at 6:30 A.M. and run up and down the side deck, why did I have to fight to keep water out of my basement?

Please reconsider, all I ask is for the side deck be according to the law, a side yard setback of the minium required 8 Feet.

Thank you for your time,

*Shirley M. Smith*  
Shirley M. Smith  
4223 Mispillion Road  
Baltimore, Maryland 21236

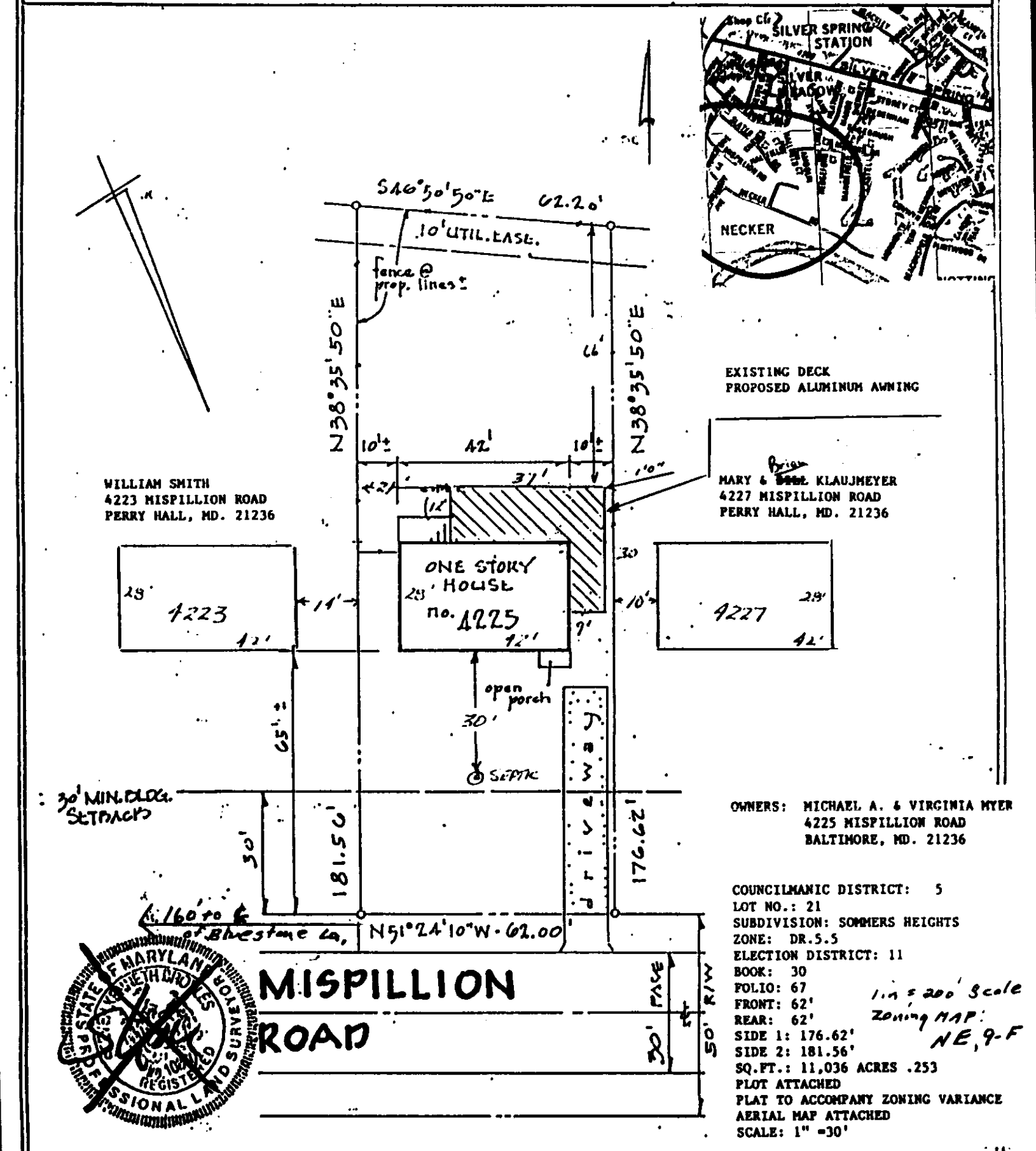


BROYLES, HAYES & ASSOC.  
ENGINEERS-DESIGNERS-SURVEYORS

1022 MIDDLEBOROUGH RD.  
BALTO, MD. 21221  
301-574-2227

CERTIFICATION: THIS IS TO CERTIFY THAT THE IMPROVEMENTS INDICATED HEREON ARE LOCATED AS SHOWN. THIS IS NOT A PROPERTY LINE SURVEY AND SHOULD NOT BE USED AS SUCH.

*Steven K. Broyles*  
STEVEN K. BROYLES MD. REG. NO 10060



OWNERS: MICHAEL A. & VIRGINIA MYER  
4225 MISPILLION ROAD  
BALTIMORE, MD. 21236

COUNCILMATIC DISTRICT: 5  
LOT NO.: 21  
SUBDIVISION: SOMMERS HEIGHTS  
ZONE: SR-5.5  
ELECTION DISTRICT: 11  
BOOK: 30  
FOLIO: 67  
FRONT: 62'  
REAR: 62'  
SIDE 1: 176.62'  
SIDE 2: 181.56'  
SQ. FT.: 11,026 ACRES .253  
PLAT ATTACHED  
AERIAL MAP ATTACHED  
SCALE: 1" = 30'

LIBER 6176 FOLIO 615  
BEING KNOWN AS LOT 21 BLOCK 3 SECTION 4 PLAT 3  
AS SHOWN ON A PLAT ENTITLED PLAT NO. 3  
SOMMERS HEIGHTS

RECORDED IN THE LAND RECORDS OF  
BALTIMORE COUNTY, MARYLAND IN  
PLAT BOOK REG 30 FOLIO 67

HOUSE LOCATION FOR  
4225 MISPILLION ROAD  
BALTIMORE COUNTY, MARYLAND

FLOOD ZONE: C  
SCALE: 1" = 30'  
DATE: 4-17-1991 B.H. NO. VT@1041-154

92-488-A #522

PROTESTANT(S) SIGN-IN SHEET

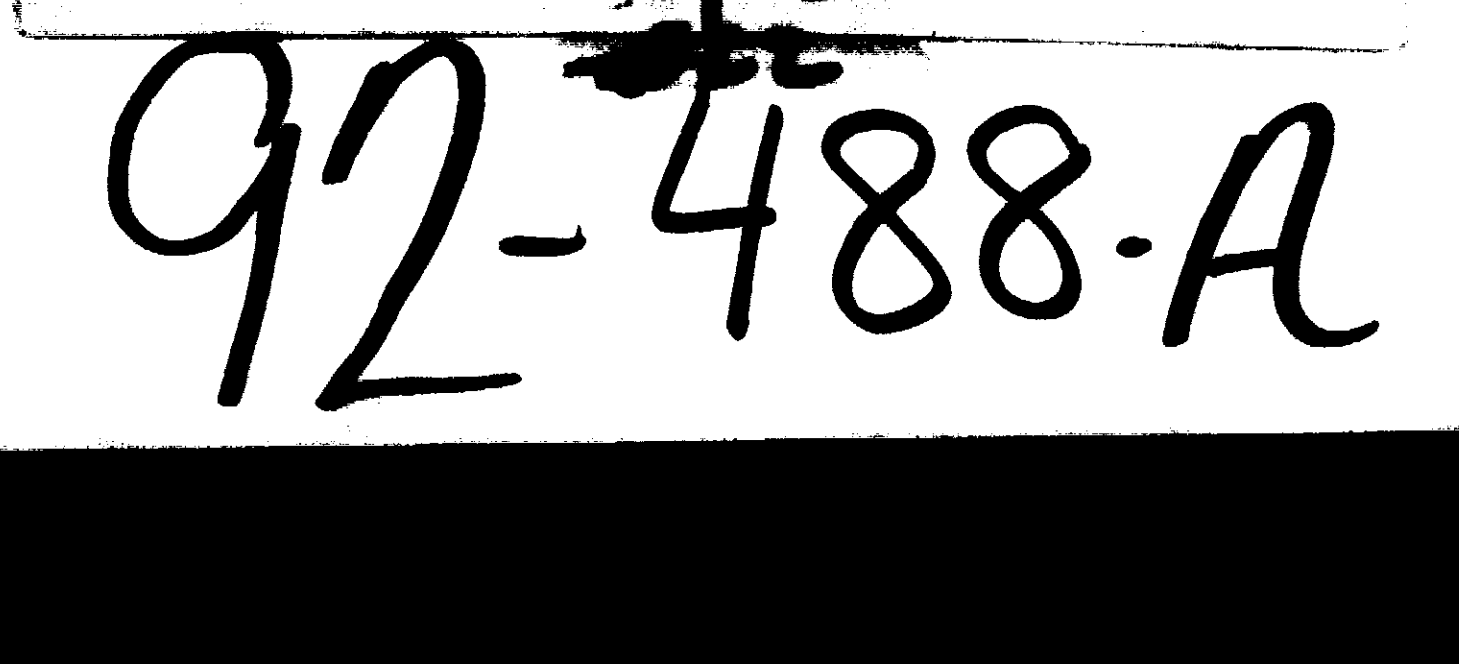
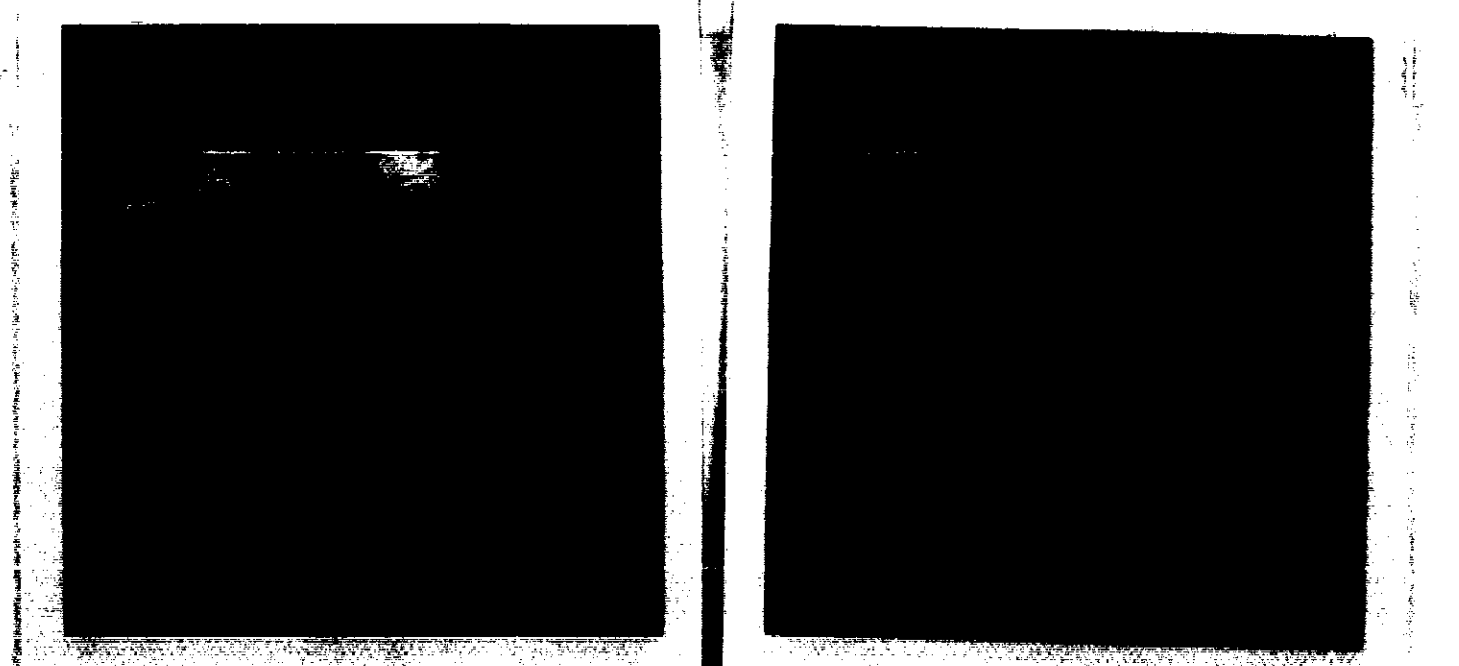
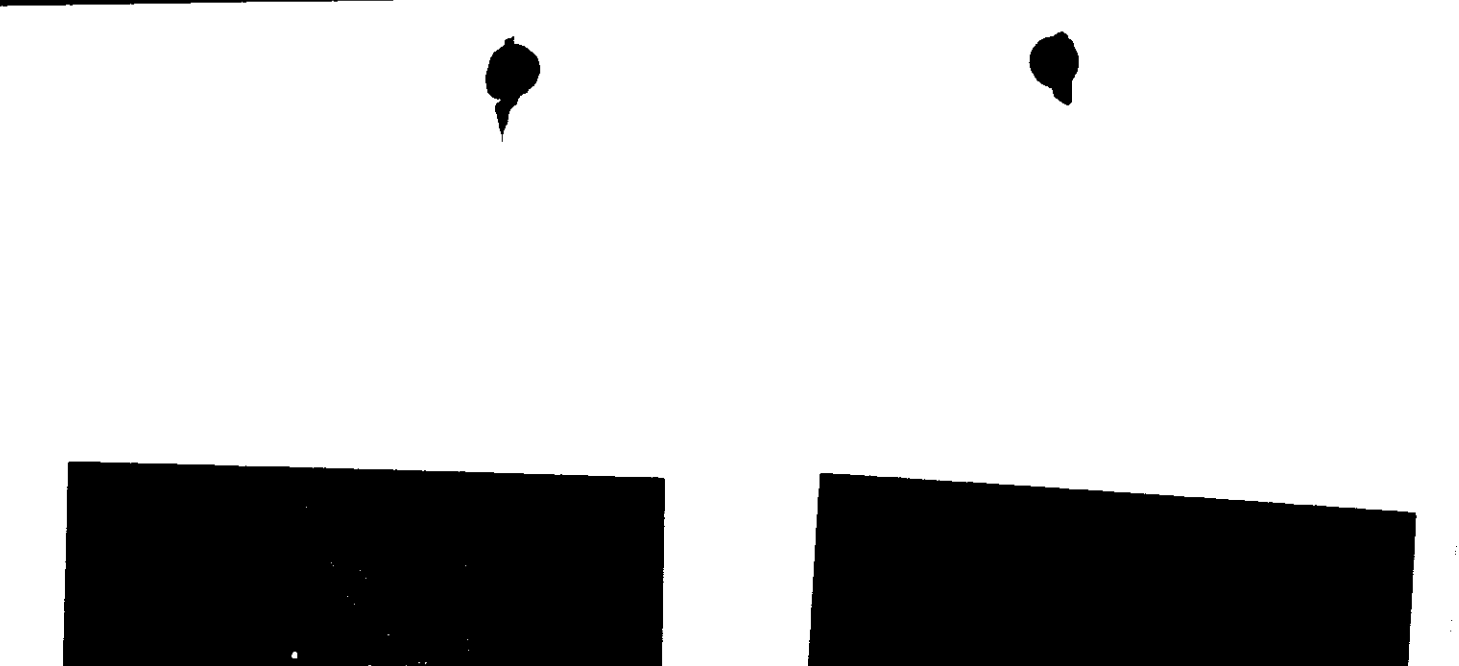
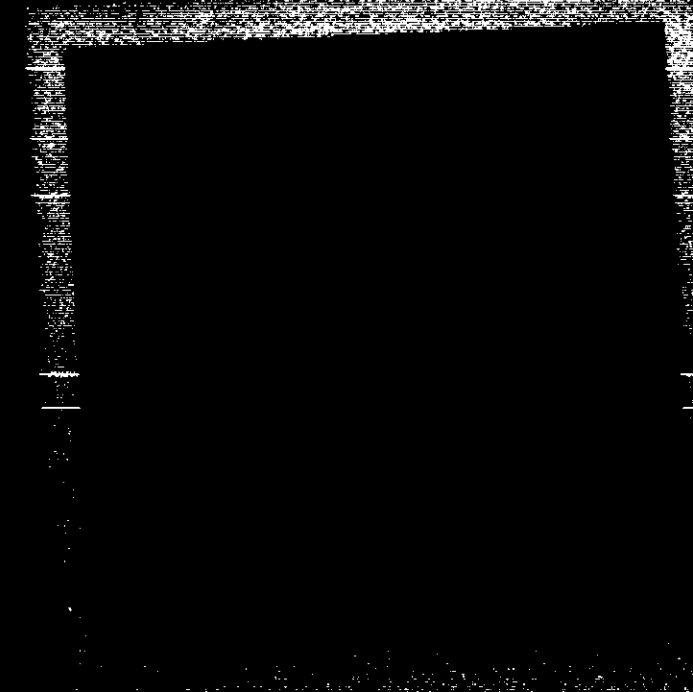
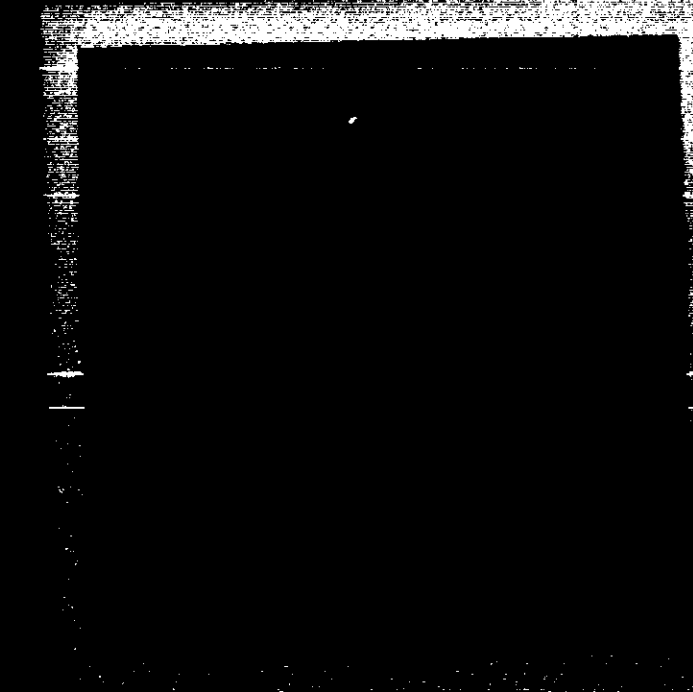
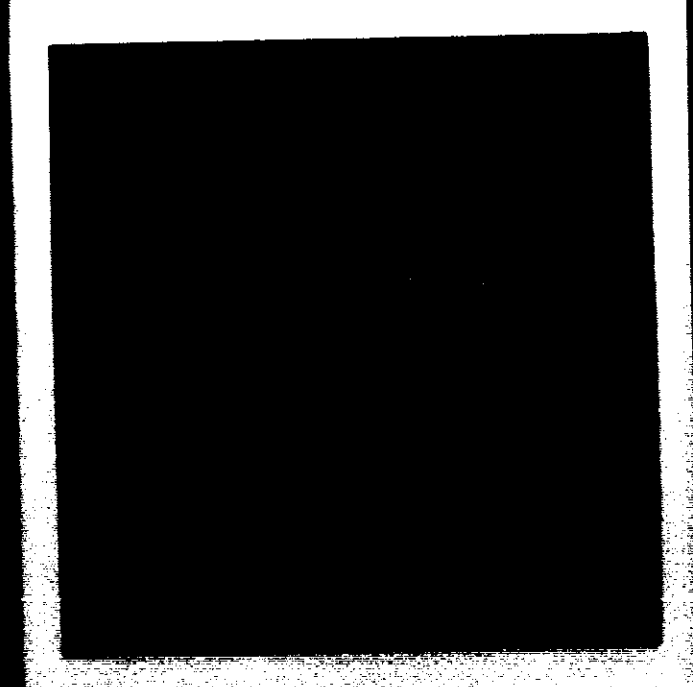
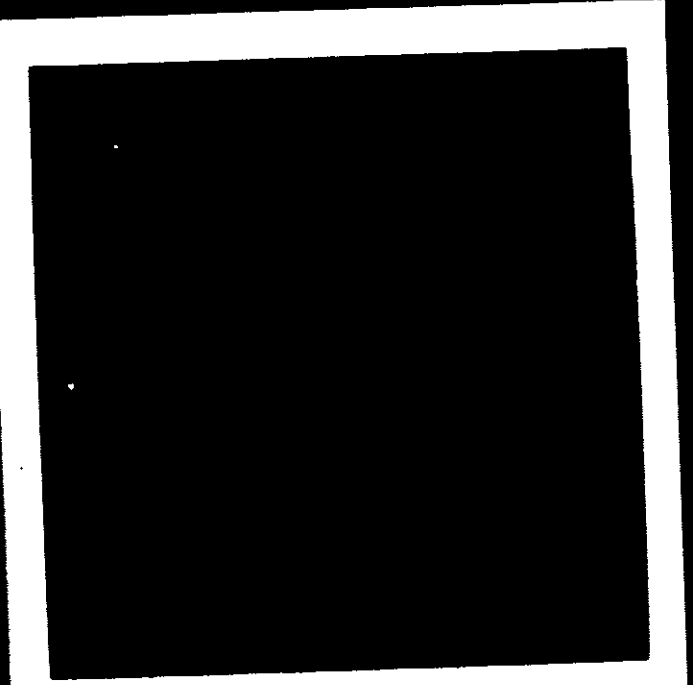
NAME	ADDRESS
<i>Mr &amp; Mrs William Smith</i>	<i>4225 Mispillion Rd</i>
<i>Phone 256-8147</i>	<i>Baltimore, Md 21236</i>

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Michael Myers</i>	<i>4225 MISPILLION RD</i>
<i>Gary Sipes c/o Patio Enclosures, Inc.</i>	<i>224 8th Ave NW, Glen Burnie MD 21061</i>

*Petitioner's Exhibit OA*  
*Photographs*  
*92-488-A*



522  
op. side 522  
92-488-A

*Photographs in Case*  
*92-488-A*