PETITION FOR ADMIN. VARIANCE IN RE:

NE/S Stemmers Run Road, 1,080' NW

of the c/l of Eastern Boulevard *

(214 Stemmers Run Road) 15th Election District

5th Councilmanic District

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

Case No. 97-499-A

BEFORE THE

Charles R. Davenport, et ux

Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Administrative Variance for that property known as 214 Stemmers Run Road, located in the vicinity of Eastern Boule-The Petition was filed by the owners of the property, vard in Essex. Charles R. and Lois J. Davenport. The Petitioners seek relief from Section 427.A and 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6-foot high fence in a side yard, 2 feet from the neighbor's front yard, in lieu of the required distance of 30 feet. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The subject property having been posted and there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the surrounding community and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide

PROPERTY OF THE PARTY OF THE INC.

sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

Baltimore County this 30 day of May, 1997 that the Petition for Administrative Variance seeking relief from Section 427.A and 427.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a 6-foot high fence in a side yard, 2 feet from the neighbor's front yard, in lieu of the required distance of 30 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, 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 relief granted herein shall be rescinded.

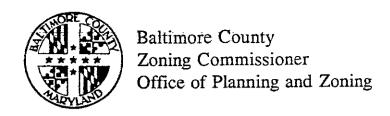
TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County

TMK:bjs





Suite 112, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-4386

May 30, 1997

Mr. & Mrs. Charles R. Davenport 214 Stemmers Run Road Baltimore, Maryland 21221

RE: PETITION FOR ADMINISTRATIVE VARIANCE

NE/S Stemmers Run Road, 1,080' NW of the c/l of Eastern Boulevard

(214 Stemmers Run Road)

15th Election District - 5th Councilmanic District

Charles R. Davenport, et ux- Petitioners

Case No. 97-499-A

Dear Mr. & Mrs. Davenport:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance 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 the Permits and Development Management Office at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

lunthy Hotroco

for Baltimore County

TMK:bjs

cc: People's Counsel

File

N. 6. 2H



Petition for Administrative Variance

97-499-A to the Zoning Commissioner of Baltimore County

for the property located at

214 STEMMERS RUN R

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 427. A and 427.3 TO Allow Reme Yord in lies of the Regulard 30'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Back

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., 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.

Y	State	Zipcode	Address	<u> </u>	Priorie No
ress	Phone	No	Name		
ature			City Name, Address and phone numbe	State er of representative to be	Zipcode contactec
go or inn yantej			BALTU	mo	2122
pe or Print Name)			214 STEM	MERS RU	N RO
rney for Petitioner	Jule	zipcode	Signature	0	
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oe or Print Name)			(Type or Print (Mame)		OV.
			CHARLES	2. DA	VENPOR
ntract Purchaser/Lessee			Legal Owner(s)		
			i/We oo solemnly dectare and af legal owner(s) of the property while	ch is the subject of this Per	ittion

Zoning Commissioner of Baltimore County REVIEWED BY

circulation inroughout Battimore County, and that the property be reposted

A Public Hearing having been requested and/or found to be required it is ordered by the Loning Commissioner of Baltimore County, this _

Printed with Soybean Ink on Recycled Paper

that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, in two newspapers of general

day of

Affidavit in support of 97-499-A Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside	at 214: 57	EMMERS,	CVN RD	
	_	ma	21221	
	BALTO	· State	Zip Code	
that based upon personal knowledge, the for triance at the above address: (indicate hardship time Beface Brivoling)	p or practical difficulty) - JH / S	: professy E school a	WAS VACANT FUL HILDREN VSED TH	75
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	and the same of saids and the said of saids and saids and said of saids and saids and saids and saids and saids			
That Affiant(s) acknowledge(s) that if a pro- nay be required to provide additional inform land R. Harris R. DAVIM type or print name)	Par May Larin	(signature)	Donagest AVCNPOLA	
STATE OF MARYLAND, COUNTY OF B				
i HEREBY CERTIFY, this 22 day of Maryland, in and for the County aforesaid Churles, R. Daven	of <u>Assil</u> 1. persopality appeared pot and (. 19 <u>97</u> , before me.	Notary Public of the State	
he Affiants(s) herein, personally known or shat the matters and facts hereinabove set for	satisfactorily identified to me a	s such Afrianti(s), and n	ade oath in due form of law wledge and belief.	
AS WITNESS my hand and Notarial Seal. $4-22-97$	ره ر	ephine !	Berner	
date	,,,,,,	pluc ion Expires: OU		

Affidavit in support of 97-499-A Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 2/4 STEMMERS Run ERD
BACTO MO 21221 City State Zip Code
That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty) THIS PROPERTY WAS VACANT FULL A Low TIME BEFARE BULLOUNG TOOK PLACE. THE SCHOOL CHUDGEN USED THIS SECTION TO CUT THEN THE FENCE TO THEE A SHORT CUT. THEY HAV
SECTION TO CUT THEN THE FENCE TO THE IT STORE CON COME UP
BEEN PUNNING ALL OVER THE PROPERTY. EVEN THEM OUT IN TO PARCH AREA. THE ONLY WAY TO FELL THEM OUT IN
TO BUILD A 6 HAGE PENCE ALCOND REAK, HE STOCKETY
BELTION TO ENT THER THE FLATE TO THE HE SHOW THAT COME UP BELLT RUNNING BUT OVER THE PROPERTY. EVEN HAVE COME UP TO PRESENT AREA. THE ONLY WAY TO FEEL THEM OUT WE TO BUT UP A 6 PT HIGH PENCE AROUND REAR, AND SIDES, WHEN YOU THEN TO CORRECT THEM FROM COMING ON THE PROPERTY UP THEY WOULD CURSE YOU, THEOUR THINGS AT YOU ETC.
That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information. Affiant(s) acknowledge(s) acknowledge(s
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
1 HEREBY CERTIFY, this 22nd day of Grand 1997, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Churles R. Davenport and Lois J. Wavenport.
the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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. 4-22-97 Volume (III)
My Commission Expires: Qet 1,1999

EXAMPLE 3-- Zoning Description

97-499-A

3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 214 STEMMERS RUN RD (address)
Beginning at a point on the side of
name of street on which property fronts) which is (number of feet of right-of-way width)
name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance ofof theof theof the
centerline of the nearest improved intersecting street (name of street)
which iswide. *Being Lot #2, (number of feet of right-of-way width)
Block,Section # in the subdivision of <i>m in 0.45 &x</i> (name of subdivision)
as recorded in Baltimore County Plat Book # 5m1 , Folio # 103
containing 12,000 Also known as 214 STEMMERS (BUN RO (property address)
and located in the / Election District, S Councilmanic District.

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber ___, Folio __" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E.87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

1 COPY 47 Q 口中 ROAD FOUND D _N 3 7,000 U O GBREENHOUSE 00 0 D.R. 5.5 N 36,000 SCALE LOCATION SHEET 1" = 200" : N.E. PERRY HALL DATE OF 10 - G PHOTOGRAPHY JANUARY 1986

US 6 5 7 7 CEANS OF 5 JIN R 5392 DOL 5 512 ZINING VERTEINTING ON ON P. N-1-9 UNITHOUS COUNTY MAY JOINE OF EACH OF BACKET R FIRME		CASHIER'S VALIDATION
BALTIMORE COUNTY, MARYLAND OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT ACCOUNT AMOUNT \$ 50.00	FOR: PC/M 2 Jac FOR: ACM 2 Jac 214 Stewmark Row Rel	

ASSESSED ASSESSED TO THE PARTY OF THE PROPERTY OF THE PROPERTY

CERTIFICATE OF POSTING

RE: Case # 97-499-A

Petitioner/Developer: (Charles Davenport) Date of West (Closing: (May 27, 1997)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, Maryland 21284

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the pe	naities of perjury that the necessary sign(s) r	equired by law
were posted conspicuously on the p	property located at	
214 Stemmers Run Road Baltin	nore, Maryland 21221	
The sign(s) were posted on		
	(Month, Day, Year)	

Sincerely,



(Signature of Sign Poster & Date)

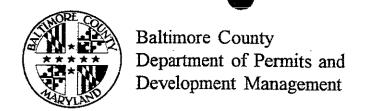
Thomas P. Ogle, Sr. (Printed Name)

325 Nicholson Road (Address)

Baltimore, Maryland 21221

(410)-687-8405
(Telephone Number)

97-499-1



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

May 12, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-499-A
214 Stemmers Run Road
NE/S Stemmers Run Road, 1080 NW Eastern Boulevard
15th Election District - 5th Councilmanic
Legal Owner(s): Charles R. Davemport and Lois J. Davemport
Post by Date: 05/12/97
Closing Date: 05/27/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND TAHT ON THE CLOSING DATE, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS NOT DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon

Director

cc: Charles and Lois Davemport



Printed with Soybean Ink on Recycled Paper Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than $\frac{*5/12/9}{}$

Format for Sign Printing, Black Letters on a White Background:

ADMINISTRATIVE VARIANCE Case No. 97-499-A To Allow A 6 feace 2 from Neighbors Front yard in lieu of the Required 30

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b) (1), <u>BALTIMORE COUNTY CODE</u>, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON

ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391

DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County Department of Permits and Development Management

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

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

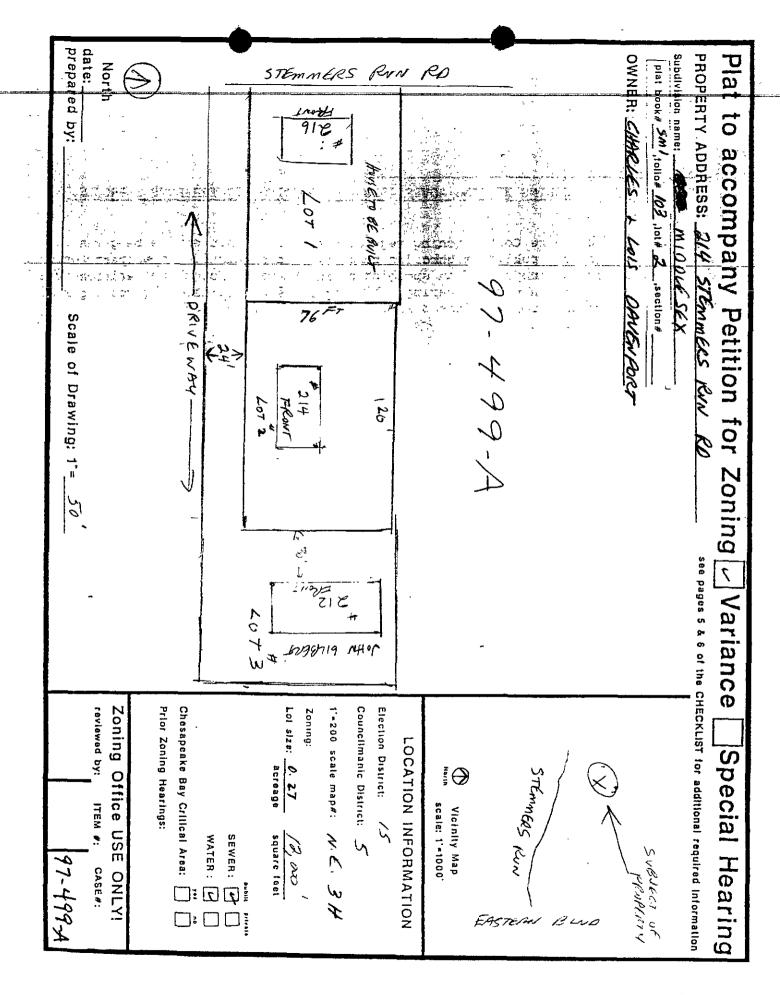
Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

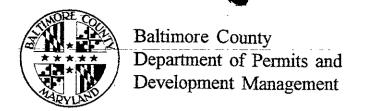
NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR
For newspaper advertising:
Item No.: 499
Petitioner: DAVEN DORT
Location: 214 Stenners Run Rd
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Chaples Daven Dort
ADDRESS: 214 Stenners Pur Rd
Baltimore Md 21221
PHONE NUMBER: 410-391-6517
M:ggs

499-16-

(Revised 09/24/96)





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

May 28, 1997

Mr. and Mrs. Charles Davenport 214 Stemmers Run Road Baltimore, MD 21221

> RF.: Item No.: 499

> > Case No.: 97-499-A

Petitioner: Charles Davenport, et ux

Dear Mr. and Mrs. Davenport:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 2, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

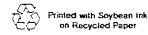
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely.

l Richards y W. Carl Richards, Jr.

Zoning Supervisor

WCR/re Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits and Development Management DATE: May 8, 1997

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

SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

Item Nos. 488, 489, 490, 491, 492, 493, 494, and 499

If there should be any questions or if this office can provide additional information. please contact Jeffrey Long in the Office of Planning at (401) 887-3495

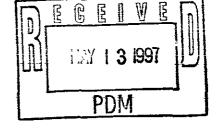
Prepared by: Jeffry W-Long

Division Chief: Oary L. Leur

AFK/JL

Baltimore County Government Fire Department





700 East Joppa Road Suite 901 Towson, MD 21286-5500

(410) 887-4500

May 12, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF May 12. 1997

Item No.: SEE BELOW Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

488, 489, 490, 491, 492, 493, 494, 495, 496. 497. and 499

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marehal Office. PHONE 887-4881. MS-1102F
cc: File



BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

PDM

DATE: 5/12/97

FROM:

R. Bruce Seeley Post/yr

Permits and Development Review

SUBJECT: Zoning Advisory Committee

Meeting Date: Mu 12

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

RBS:sp

BRUCE2/DEPRM/TXTSBP



David L. Winstead Secretary Parker F. Williams Administrator

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

RE: Baltimore County 5・9・9フ

Item No. 499 (AM

Dear Ms. Eubanks:

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

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

I. J. J. J.L. Jor Ronald Burns, Chief

Engineering Access Permits

Division

LG

97-499-A	prepared by: Scale of Drawing: 1'= 30
);; TEM #;	したけん
Zoning Office USE ONLY	() DOL SPICT
Prior Zoning Hearings:	District Oluch
Chesapeake Bay Critical Area: (1)	1080 C DRIVENAY-
WATER: C	
SEWER: Public private	· .
acreage s	207 2
Lot size: 0. 27 /3, oxo	107 / 214 / 107 /
1'-200' scale map#: N.C. 3 H	212
Councilmanic District: 5	
Election District: 15	house to all and 1
LOCATION INFORMATION	
Vicinity Map scale: 1'=1000'	
	Dol Cert
STEMMERS KILL	
ano	
11.1100,101	OWNER: CHIRCLES + LOIS DAVENDORY (4-200-1)
s 5 & 6 of the CHECKLIST for additional required information	14 STEMMERS KIN RO SEE PAGE
e Special Hearing	Plat to accompany Petition for Zoning Variance







