IN RE: PETITION FOR VARIANCE S/S Franklinville Road, 1,250' SW centerline of Reynolds Road 15th Election District 5th Councilmanic District (11725 Franklinville Road) Chris M. Demastus *Petitioner*	* * * * * *	BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY CASE NO. 03-041-A

* * * * * * * * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Variance filed by the legal owner of the subject property, Chris M. Demastus. The Petitioner is requesting variance relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) for property he owns at 11725 Franklinville Road, located in the Kingsville area of Baltimore County. The variance request is to allow an existing accessory structure (garage) to have a height of 22 ft. in lieu of the maximum permitted height of 15 ft.

Appearing at the hearing on behalf of the request were Chris Demastus, owner of the property and Bruce Doak, a representative of Gerhold, Cross & Etzel, who prepared the site plan of the property. There were no others in attendance.

Testimony and evidence indicated that the property, which is the subject of this variance request, consists of 4.182 acres of land, more or less, zoned R.C.5. The subject property is improved with an existing one-story, brick and frame dwelling and two accessory garages. The property is located on the south side of Franklinville Road, west of its intersection with Reynolds Road in Kingsville. The purpose of the variance request is to approve the height of an existing 1 ½ -story garage. The subject garage has been on the Petitioner's property since 1998. No one has any opposition to the height of the garage. In fact, many of the surrounding neighbors signed a petition in support of approving this variance request. That petition was submitted into

ORDER RECEIVED FOR FILING
Date 9/19/02
By JP Jameson

evidence as Petitioner's Exhibit No. 3. After considering the testimony and evidence offered at the hearing, the support of the neighbors around the Petitioner's property, as well as the lack of opposition to this request, I find that the variance relief should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to 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 permitted purpose or render conformance unnecessarily burdensome;

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

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

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

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the property which is the subject of this 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 relief requested will not cause any injury to the public health, safety or general welfare, and meets 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 after considering the testimony and evidence offered by the Petitioner, I find that the Petitioner's variance request should be granted.

9/19/02 J. Jameson

THEREFORE, IT IS ORDERED this 19th day of September, 2002, by this Deputy Zoning Commissioner, that the Petitioner's request for variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to allow an existing accessory structure (garage) to have a height of 22 ft. in lieu of the maximum permitted height of 15 ft., be and is hereby GRANTED, subject, however, to the to the following restrictions which are conditions precedent to the relief granted herein:

1) The Petitioner shall be prohibited from converting the subject garage into a dwelling unit.

2) The Petitioner shall not be allowed to store any excavation, contractor's equipment or tree trimming equipment openly on the property.

IT IS FURTHER ORDERED, that any appeal of this decision must be made within thirty (30) days of the date of this Order.

Timothy Kotroco

TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECEIVED FOR FILING
Date 9/19/02
By R. Jameson

Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 19, 2002

Mr. Chris M. Demastus
11725 Franklinville Road
Upper Falls, Maryland 21156

Re: Petition for Variance
Case No. 03-041-A
Property: 11725 Franklinville Road

Dear Mr. Demastus:

Enclosed please find the decision rendered in the above-captioned case. The petition for variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy Kotroco

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Bruce E. Doak
Gerhold, Cross & Etzel
320 E. Towsontown Blvd.
Towson, MD 21286

Printed with Soybean Ink
on Recycled Paper

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 11725 FRANKLINVILLE ROAD

which is presently zoned R.C. 5

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 400.3 B.C.Z.R.

TO ALLOW AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 22' IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 15'

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

THE SUBJECT GARAGE WAS BUILT AND COMPLETED WITHOUT THE KNOWLEDGE OF A ZONING HEIGHT RESTRICTION. THE GARAGE WAS BUILT TO PROVIDE THE HEIGHT NEEDED FOR A TRUCK AND ALSO PROVIDE STORAGE OVERHEAD. THE GARAGE CAN NOT BE SEEN FROM ANYONE ELSE'S DWELLING OR FROM THE ROAD.

Property is to be posted and advertised as prescribed by the zoning regulations.
I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address — Telephone No.

City — State — Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address — Telephone No.

City — State — Zip Code

Legal Owner(s):

CHRIS M. DEMASTUS
Name - Type or Print

Chris M. Demastus
Signature

Name - Type or Print

Signature

11725 FRANKLINVILLE ROAD — 410-592-9743
Address — Telephone No.

UPPER FALLS — MD — 21156
City — State — Zip Code

Representative to be Contacted:

BRUCE E. DOAK
GERHOLD, CROSS & ETZEL, LTD
Name

320 E. TOWSONTOWN BLVD. — 410-823-4470
Address — Telephone No.

TOWSON, — MD — 21286
City — State — Zip Code

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING _____

UNAVAILABLE FOR HEARING
Reviewed By CTM Date 7/23/02

Case No. 03-041-A

ORDER RECEIVED FOR FILING
Date 9/19/02
By
RED 9/15/98

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

July 19, 2002

ZONING DESCRIPTION
11725 FRANKLINVILLE ROAD

2160+/-

Beginning at a point in or near the centerline of Franklinville Road at the distance of ~~1,250~~ feet, more or less, southwesterly along the centerline of Franklinville Road from the centerline of Reynolds Road, thence leaving the centerline of Franklinville Road and running, the three following courses and distances, viz: (1) South 26 degrees 35 minutes East 745.76 feet, (2) South 71 degrees 19 minutes 14 seconds West 251.31 feet, and (3) North 26 degrees 35 minutes West 718.09 feet to a point in or near the centerline of Franklinville Road, thence running in or near said centerline, (4) North 65 degrees East 249.02 feet to the place of beginning.

Containing 4.182 Acres of land, more or less.

Note: This description only satisfies the requirements of the Office of Zoning and is not to be used for the purposes of conveyance.

STATE OF MARYLAND
BRUCE EDWIN DONALDSON
No. 534
REGISTERED
PROPERTY LINE SURVEYOR
7/22/02

#041

demastuszoningdesc.

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 14474

DATE 7/24/02 ACCOUNT 1-001-650

AMOUNT $ 50.00

RECEIVED FROM: Carl Ruppersberger

FOR: 10 Variance

CASE # 03-041-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT
PAID RECEIPT
BUSINESS ACTUAL TIME
7/24/2002 7/25/2002 15:44:47
MISC 0005 UNITED SIGN DRIVER
RECEIPT # 246245 7/24/2002 UNITE
DEPT 5 528 ZONING VERIFICATION
CR NO. 014474
Recpt Tot $50.00
50.00 CK .00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

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

Case: #03-041-A
11725 Franklinville Road
S/side Franklinville Road, 1,250 feet southwest of centerline of Reynolds Road
11th Election District
5th Councilmanic District
Legal Owner(s): Chris M. Demastus
Variance: to allow an existing accessory structure (garage) to have a height of 22' *in lieu of the maximum* permitted height of 15'.
Hearing: Thursday, September 12, 2002, at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County
NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.
JT/8/750 Aug. 27 C559005

CERTIFICATE OF PUBLICATION

8/29/, 2002

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/27/, 2002.

- [x] The Jeffersonian
- [ ] Arbutus Times
- [ ] Catonsville Times
- [ ] Towson Times
- [ ] Owings Mills Times
- [ ] NE Booster/Reporter
- [ ] North County News

S. Wilkinson

LEGAL ADVERTISING

Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906
Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE # 03-041-A
PETITIONER/DEVELOPER
Chris M. Demastus
DATE OF HEARING
September 12, 2002

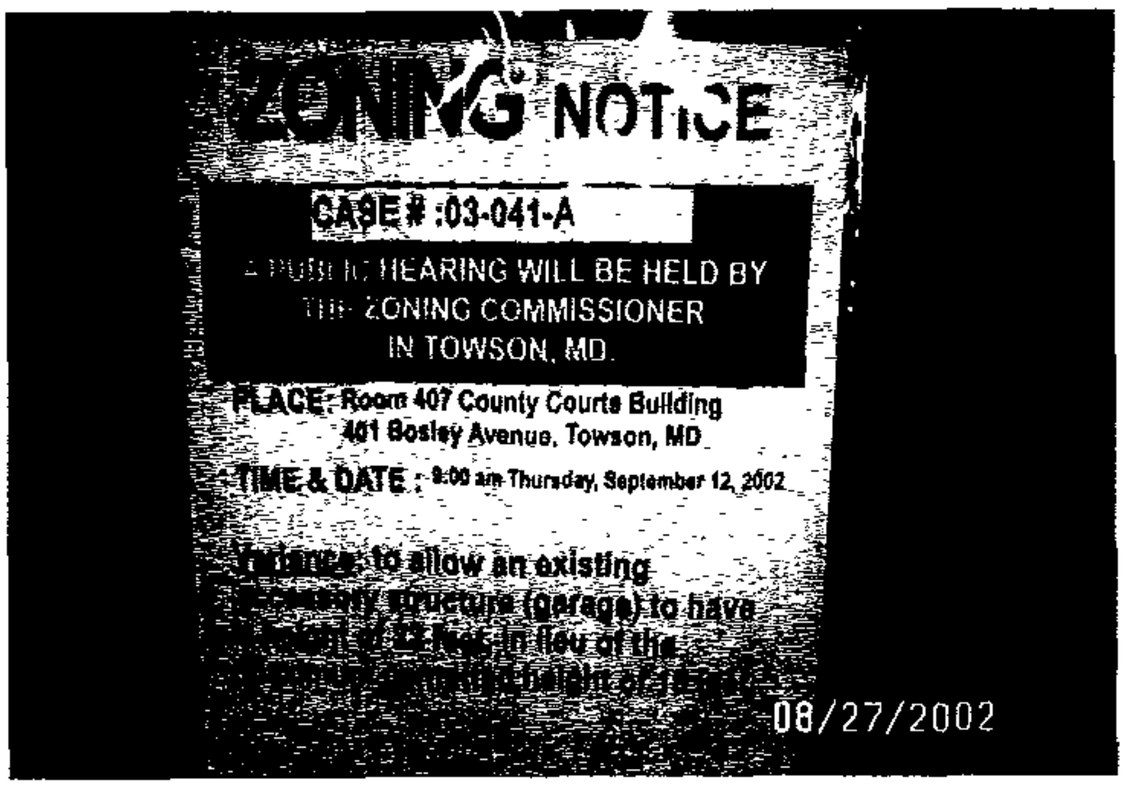
BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

ATTENTION: GEORGE ZAHNER

LADIES AND GENTLEMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY SIGN(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT

LOCATION
11725 Franklinville Road



POSTED ON August 27, 2002

DATE
August 30, 2002

Bruce E. Doak
SIGNATURE OF SIGN POSTER

BRUCE DOAK

GERHOLD, CROSS & ETZEL, LTD
SUITE 100
320EAST TOWSONTOWN BLVD
TOWSON, MARYLAND 21286
410-823-4470 PHONE
410-823-4473 FAX

RE:	PETITION FOR VARIANCE. 11725 Franklinville Road S/side Franklinville Rd., 1250' SW of ctrl Reynolds Road 11th Election District 5th Councilmanic District Legal Owner: Chris M. Demastus Petitioner	* * * * * *	BEFORE THE ZONING COMMISSIONER FOR BALTIMORE COUNTY 03-041-A

* * * * * * * * * * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Old Courthouse, Room 47
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of August, 2002, a copy of the foregoing Entry of Appearance was mailed to Chris Demastus, 11725 Franklinville Road, Upper Falls, Maryland 21156 Petitioner(s).

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

TO: PATUXENT PUBLISHING COMPANY
Tuesday, August 27, 2002 Issue – Jeffersonian

Please forward billing to:
Chris M. Demastus 410-592-9743
11725 Franklinville Road
Upper Falls, MD 21156

NOTICE OF ZONING HEARING

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

CASE NUMBER: 03-041-A
11725 Franklinville Road
S/side Franklinville Road, 1,250 feet southwest of centerline of Reynolds Road
11th Election District – 5th Councilmanic District
Legal Owner: Chris M. Demastus

Variance to allow an existing accessory structure (garage) to have a height of 22' in lieu of the maximum permitted height of 15'.

HEARING: Thursday, September 12, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Lawrence E. Schmidt

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Baltimore County
Department of Permits and
Development Management

Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

August 2, 2002

NOTICE OF ZONING HEARING

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

CASE NUMBER: 03-041-A
11725 Franklinville Road
S/side Franklinville Road, 1,250 feet southwest of centerline of Reynolds Road
11th Election District – 5th Councilmanic District
Legal Owner: Chris M. Demastus

Variance to allow an existing accessory structure (garage) to have a height of 22' in lieu of the maximum permitted height of 15'.

HEARING: Thursday, September 12, 2002 at 9:00 a.m. in Room 407, County Courts Building, 401 Bosley Avenue

Arnold Jablon
Director

C: Chris M. Demastus, 11725 Franklinville Road, Upper Falls 21156
Bruce E. Doak, Gerhold, Cross & Etzel, 320 E. Towsontown Blvd., Towson 21286
Code Enforcement Officer

NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY WEDNESDAY, AUGUST 28, 2002.**
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

Printed with Soybean Ink
on Recycled Paper

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 03-041-A

Petitioner: CHRIS M. DEMASTUS

Address or Location: 11725 FRANKLINVILLE RD, UPPER FALLS MD 21156

PLEASE FORWARD ADVERTISING BILL TO:

Name: CHRIS M. DEMASTUS

Address: 11725 FRANKLINVILLE RD.
UPPER FALLS, MD 21156

Telephone Number: 410-592-9743

Revised 2/20/98 - SCJ

Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

September 6, 2002

Chris M Demastus
11725 Franklinville Road
Upper Falls MD 21156

Dear Mr. Demastus:

RE: Case Number: 03-041-A, 11725 Franklinville Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 23, 2002.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr. GDZ
Supervisor, Zoning Review

WCR: gdz

Enclosures

c: Bruce E Doak, Gerhold Cross & Etzel, 320 E Towsontown Blvd, Towson 21286
Code Enforcement Officer
People's Counsel

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on Recycled Paper

Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

July 30, 2002

ATTENTION: George Zahner

RE:

Property Owner:

Location: 11725 Franklinville Rd.

Item No.: 041

Dear Mr. Zahner:

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.

4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 200 Edition prior to occupancy.

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Sign 9/12

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: August 23, 2002

FROM: Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For August 5, 2002
Item Nos. 031, 032, 033, 034, 036, 037,
039, 040, and 041

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

RWB:CEN:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley RBS ITGT

DATE: August 16, 2002

Zoning Petitions

Zoning Advisory Committee Meeting of July 29, 2002

SUBJECT: NO COMMENTS FOR THE FOLLOWING ZONING ITEMS:

31-37, 40(41)

Sign 9/12

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: August 2, 2002

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

SUBJECT: 11725 Franklinville Road

INFORMATION:

Item Number: 03-041

Petitioner: Chris M. Demastus

Zoning: RC 5

Requested Action: Variance

SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to allow an existing structure to have a height of 22 feet in lieu of the maximum permitted 15 feet, provided said structure is not used as a dwelling at any time.

Prepared by: Mark A Cunningham

Section Chief: Lynn Lanham

AFK/LL:MAC:

Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 7-29-02

Mr. George Zahner
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 041 LTM

Dear. Mr. Zahner:

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

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

L. F. Gredlein

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MDP
Maryland Department of Planning

Parris N. Glendening
Governor
Kathleen Kennedy Townsend
Lt. Governor

Roy W. Kienitz
Secretary
Mary Abrams
Deputy Secretary

July 30, 2002

Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop #1105
Towson MD 21204

Re: **Zoning Advisory Committee Agenda - case numbers 03-031-A, 03-032-A, 03-033-SPH, 03-034-SPHA, 03-035-SPH, 03-036-A, 03-037-A, 03-038-A, 03-039-A, 03-040-SPH & 03-041-A**

To whom it may concern:

The Maryland Department of Planning has received the above-referenced information on 7/29/02. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto
Manager
Metropolitan Planning
Local Planning Assistance Unit

cc: Mike Nortrup

301 West Preston Street • Suite 1101 • Baltimore, Maryland 21201-2365
Telephone: 410.767.4500 • Fax: 410.767.4480 • Toll Free: 1.877.767.6272 • TTY Users: Maryland Relay
Internet: www.MDP.state.md.us

BALTIMORE COUNTY MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: July 30, 2002

TO: W. Carl Richards, Jr.
Zoning Review Supervisor

FROM: Rick Wisnom, Chief
Division of Code Inspections & Enforcement

SUBJECT:	Item No.:	041
	Legal Owner/Petitioner	Chris M. Demastus
	Contract Purchaser:	n/a
	Property Address:	11725 Franklinville Rd.
	Location Description:	s/side Franklinville Rd. 1250 ft. s/w center line Reynolds Rd.
VIIOLATION INFORMATION:	Case No.	02-3053
	Defendants:	Lorraine I Dawson

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s) regarding the hearing date:

NAME ADDRESS

In addition, please find attached a duplicate copy of the following pertinent documents relative to the violation case, for review by the Zoning Commissioner's Office:

X 1. Complaint letter/memo/email/fax (if applicable)
X 2. Complaint Intake Form/Code Enforcement Officer's report and notes
X 3. State Tax Assessment printout
☐ 4. State Tax Parcel Map (if applicable)
☐ 5. MVA Registration printout (if applicable)
☐ 6. Deed (if applicable)
☐ 7. Lease-Residential or Commercial (if applicable)
☐ 8. Photographs including dates taken
X 9. Correction Notice/Code Violation Notice
☐ 10. Citation and Proof of Service (if applicable)
☐ 11. Certified Mail Receipt (if applicable)
☐ 12. Final Order of the Code Official/Hearing Officer (if applicable)
☐ 13. Office of Budget & Finance Billing Notice/Property Lien Sheet (if applicable)
☐ 14. Complete Chronology of Events, beginning with the first complaint through the Billing Notice/Property Lien Sheet (if applicable).

After the public hearing is held, please send a copy of the Zoning Commissioner's order to Helene Kehring in Room 113 in order that the appropriate action may be taken relative to the violation case.

RSW/gb
C: Code Enforcement Officer

5/9/02
JT
Y

To Whom it May Concern,

We want to report a property that is doing construction and running several business from this property. In the past year, they have built a 2 story 6 car garage. They have added an addition of a new kitchen and is starting an addition in the back of the house.

We think this is very unfair since everyone else needs to have permits to work and have a business on our property.

The address is 11725 Franklinville Road

We think this needs to be known to the correct person.

02-1637
MAY 9 2002

6B

CODE ENFORCEMENT REPORT ~~02-3053~~

DATE: 5 / 18 / 02 INTAKE BY: JR CASE #: 02-3053 INSPEC: 16

COMPLAINT LOCATION: 11725 Franklinville Rd

ZIP CODE: 21156 DIST:

COMPLAINANT NAME: Aron Letter PHONE #: (H) (W)

ADDRESS: ZIP CODE:

PROBLEM: several businesses from a residence, built additions, see letter, no permits issued

IS THIS A RENTAL UNIT? YES ____ NO ____

IF YES, IS THIS SECTION 8? YES ____ NO ____

OWNER/TENANT INFORMATION:

TAX ACCOUNT #: 11-04-000727 ZONING:

INSPECTION: 5-14-02 INSPECTED SITE - 2 STORY GAR, LOOKS TO BE 1 OR 2 YEARS OLD. SMALL EXCAVATION ON REAR OF HOUSE. SEVERAL PIECES OF TREE TRIM. EQUIPMENT. NEED TO LOOK INTO

C-5

JB

REINSPECTION: ZONE. OF PROP. RE-INSP. FOR POP-UP 5-16

GB

REINSPECTION: 5-20-02 - COR NOTICE GIVEN TO OWNER AT SITE - FOR 7 VOLATIONS, COPY ALSO MAILED SAME DAY. POP-UP 6-3-02 NO COMPLAINT TO CALL. G Berry

KA

GB

REINSPECTION:

RA1001B

DATE: 05/10/2002 STANDARD ASSESSMENT INQUIRY (1)
TIME: 12:07:06

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
11 04 000727	11	3-3	04-00	H	NO		12/12/01

DAWSON LORRAINE I
DESC-1.. IMPS4.182 AC WS
DESC-2.. 2640 N CHAPMAN RD
11725 FRANKLINVILLE RD PREMISE. 11725 FRANKLINVILLE RD
00000-0000
UPPER FALLS MD 21156-0245 FORMER OWNER: DAWSON RAYMOND A

---------- FCV ----------			---------- PHASED IN ----------		
	PRIOR	PROPOSED		CURR FCV	CURR ASSESS	PRIOR ASSESS
LAND:	65,900	65,900				
IMPV:	66,720	68,420	TOTAL..	134,320	134,320	133,752
TOTL:	132,620	134,320	PREF...	0	0	0
PREF:	0	0	CURT...	134,320	134,320	133,752
CURT:	132,620	134,320	EXEMPT.		0	0
DATE:	06/96	01/99				

---- TAXABLE BASIS ----		FM DATE
02/03 ASSESS:	134,320	05/30/01
01/02 ASSESS:	133,752	06/01/01
00/01 ASSESS:	53,270	06/01/00

ENTER-INQUIRY2 PA1-PRINT PF4-MENU PF5-QUIT PF7-CROSS REF

Baltimore Co
Department of Permits and
Development Management

Code Inspections and Enfo ent
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Code Enforcement:	410-887-3351	Plumbing Inspection:	410-887-3620
Building Inspection:	410-887-3953	Electrical Inspection:	410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No.	Zoning:
02-3053	1104 000727	RC-5

Name(s): LORRAINE I DAWSON

Address: 11725 FRANKLINVILLE Rd.

Violation Location: SAME

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

IRC 105.7 ① PERMIT REQ FOR TWO STORY FREE STANDING GARAGE
② PERMIT REQ FOR ANY CONSTRUCTION OR REPAIR IN EXCAVATED AREA IN REAR OF HOUSE.

GAVE COR. NOTICE TO HOME HOWEOWNER AT SITE

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
6-4-02	5-20-02

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: A. GLENN BERRY

INSPECTOR: A. Glenn Berry

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:

INSPECTOR: _____

AGENCY

Baltimore County
Department of Permits and
Development Management

Code Inspections and Enforcement
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

DIST 11

Code Enforcement:	410-887-3351	Plumbing Inspection:	410-887-3620
Building Inspection:	410-887-3953	Electrical Inspection:	410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No.	Property No.	Zoning:
02-3053	1104000727	RC-5

Name(s): LORRAINE I DAWSON

Address: 11725 FRANKLINVILLE RD.

Violation Location: SAME

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

BZR 101, 102.1, 1B01.1A, 428, 410A, 431
IPC 105.7

CEASE THE FOLLOWING:

(1.) OPERATION OF CONTRACTOR STORAGE YARD. (EQUIPMENT)
(2.) OPERATION OF ILLEGAL HOME OCCUPATION (LANDSCAPING, FIREWOOD, MASONARY, MOBILE WOOD LINING(S.)
(3.) OPERATION OF CLASS II TRUCKING FACILITY - REMOVE OVERSEA CONTAINER
(4.) ILLEGAL PARKING OF COMMERCIAL VEHICLE.
(5.) STORAGE - (OUTSIDE) OF ALL UNLICENSED INOPERABLE MOTOR VEHICLES.

YOU ARE HEREBY ORDERED TO CORRECT THESE VIOLATION(S) ON OR BEFORE:

On or Before:	Date Issued:
6-4-02	5-20-02

FAILURE TO COMPLY WITH THE DEADLINE STATED IS A MISDEMEANOR. A CONVICTION FOR EACH VIOLATION SUBJECTS YOU TO POTENTIAL FINES OF $200, $500, OR $1000 PER DAY, PER VIOLATION, DEPENDING ON VIOLATION, OR 90 DAYS IN JAIL, OR BOTH.

Print Name: A. GLENN BERRY

INSPECTOR: A. Glenn Berry

STOP WORK NOTICE

PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

Not Later Than:	Date Issued:

INSPECTOR: _____

AGENCY

AS OF 7-17-02 ALL VIOLATIONS WITH
THE EXCEPTION OF 2 STORY GARAGE
WITHOUT PERMIT HAVE BEE CORRECTED

GLENN BERRY

To whom it may concern,

The garage at 11725 Franklinville road , Upper Falls, MD 21156, Is not an Eye soar and will help to rase the value of the property in the area.

ROBERT OPDYKE	11847 FRANKLINVILLE RD. Upper FALLS, MD 21156
STAN SCHALL	11841 FRANKLINVILLE
Michael Sorin	11844 FRANKLINVILLE RD. 21156
Emily Clarke	11831 Franklinville Rd 21156
GEORGE CLARKE	11831 FRANKLINVILLE RD. 21156
Mary Pigliet	11811 Franklinville Rd 21156
[illegible]	11808 Franklinville Rd 21156
[illegible]	PO Box 237 Upper Falls MD 21156
Ron Miller	PO Box 11 Upper Falls Md. 21156
Nancy Miller	P.O Box 11 Upper Falls, Md. 21156
[illegible]	11740 FRANKLINVILLE RD Upper FALLS MD 21156
Sam J Barnum	11728 Franklinville Rd
[illegible]	11632 Franklinville Rd
[illegible]	11630 FRANKLINVILLE Rd
David Bowman	11527 Franklinville Rd

If you would like more information on this garage please see the sign in the front yard.

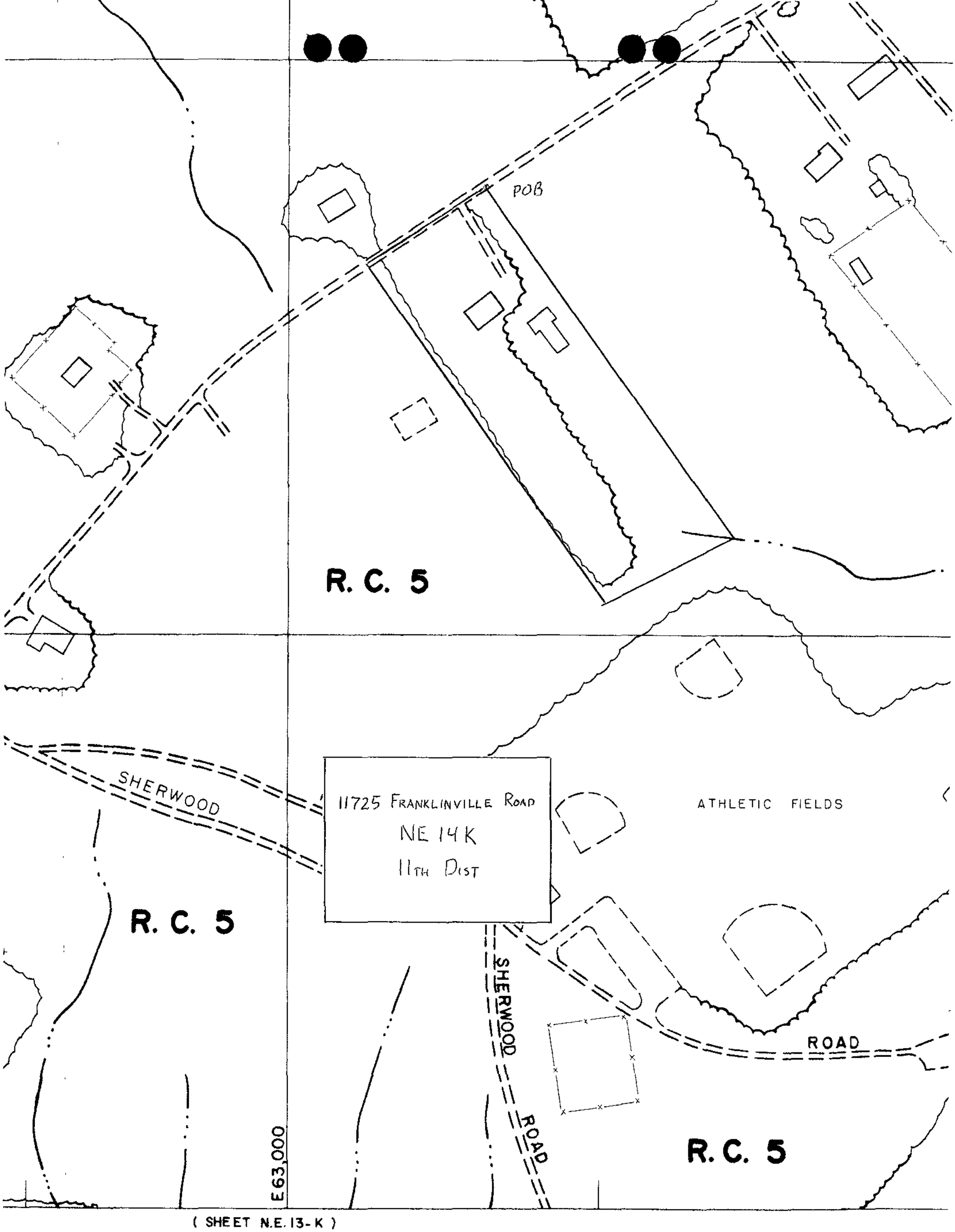
Thank You

Chris Demastus

Pet Ex #3

Jane Olson

11535 Franklinville Rd 21156


POB
R. C. 5
SHERWOOD
11725 FRANKLINVILLE ROAD
NE 14 K
11TH DIST
ATHLETIC FIELDS
R. C. 5
SHERWOOD ROAD
ROAD
R. C. 5
E 63,000
(SHEET N.E. 13-K)

#03-041
9/12/02

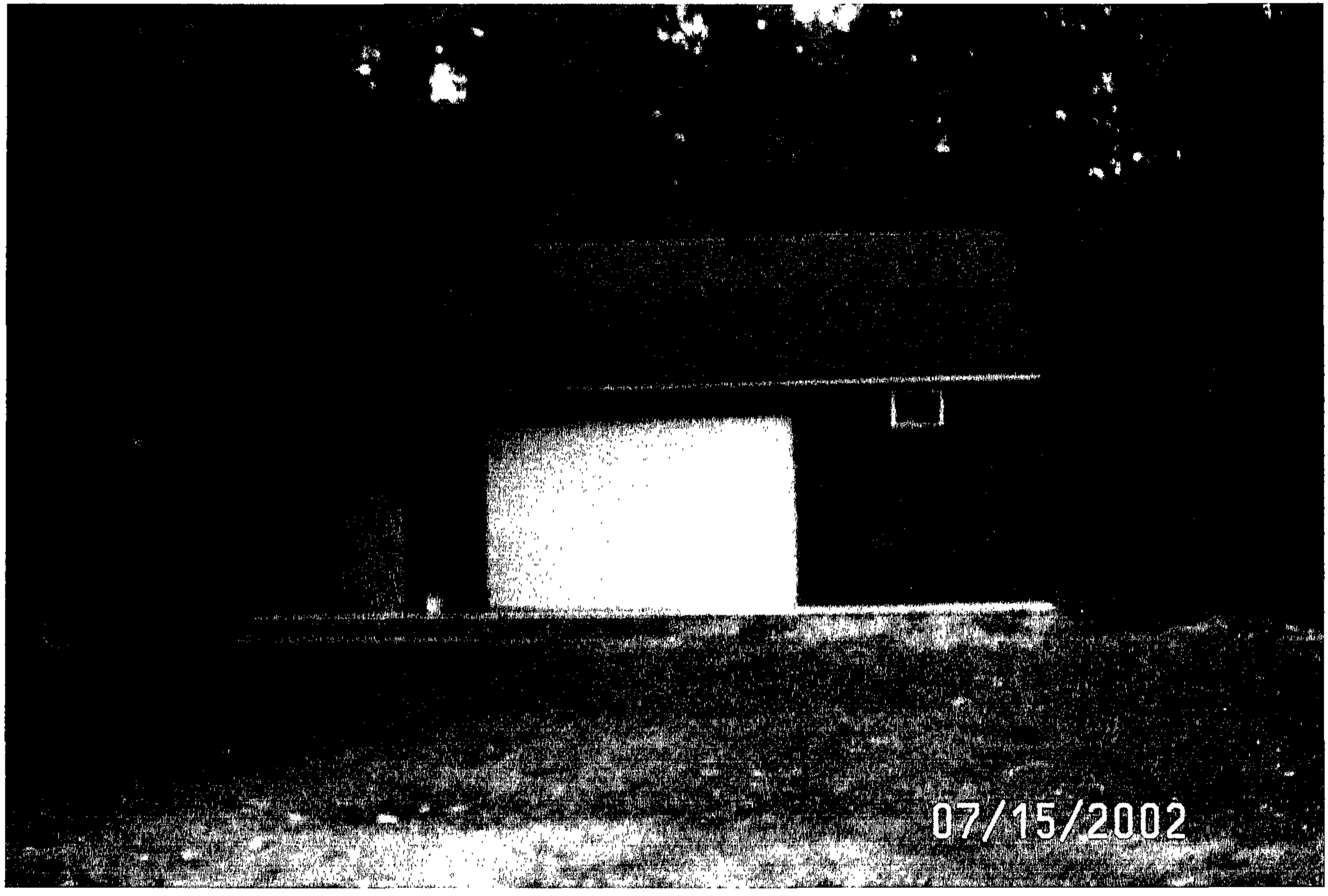
PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

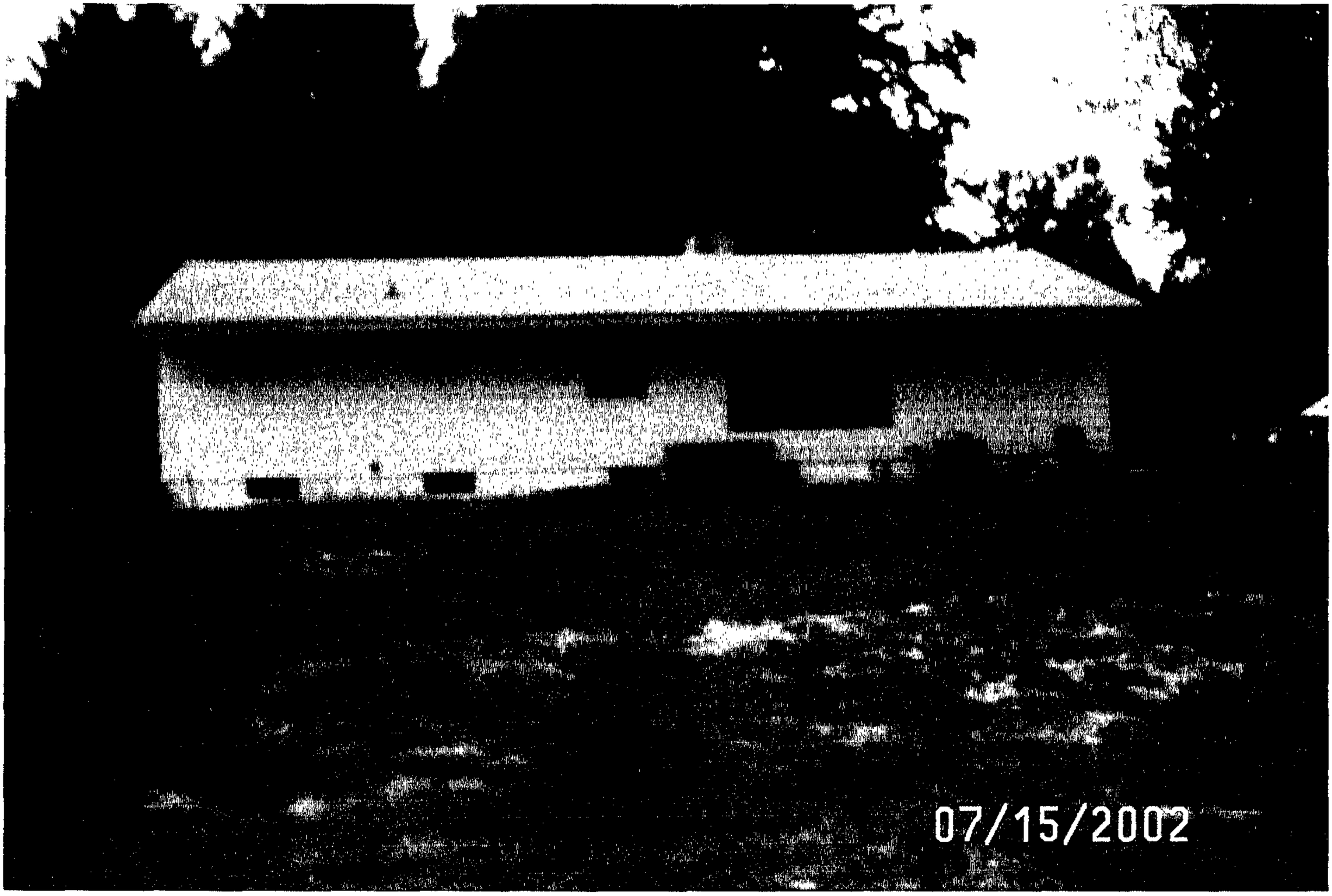
NAME	ADDRESS
BRUCE E. DOAK	
GERWOLD CROSS & EZFL	320 E. TOWSONTOWN BLVD TOWSON MD 21286
Chief Ellis Demastus	11225 FRANKLINVILLE RD.

Printed with Soybean Ink
on Recycled Paper

8



2002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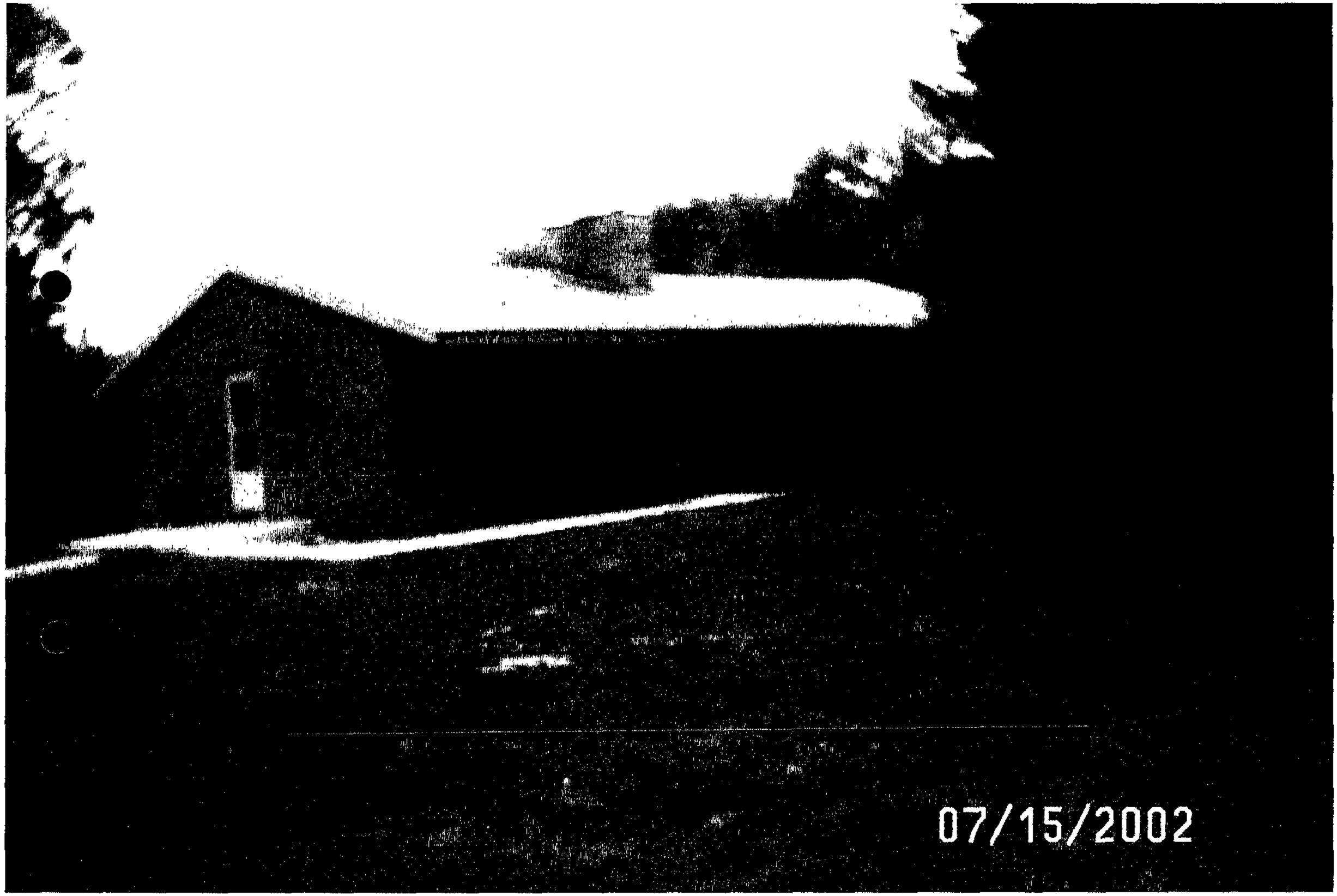
07/15/2002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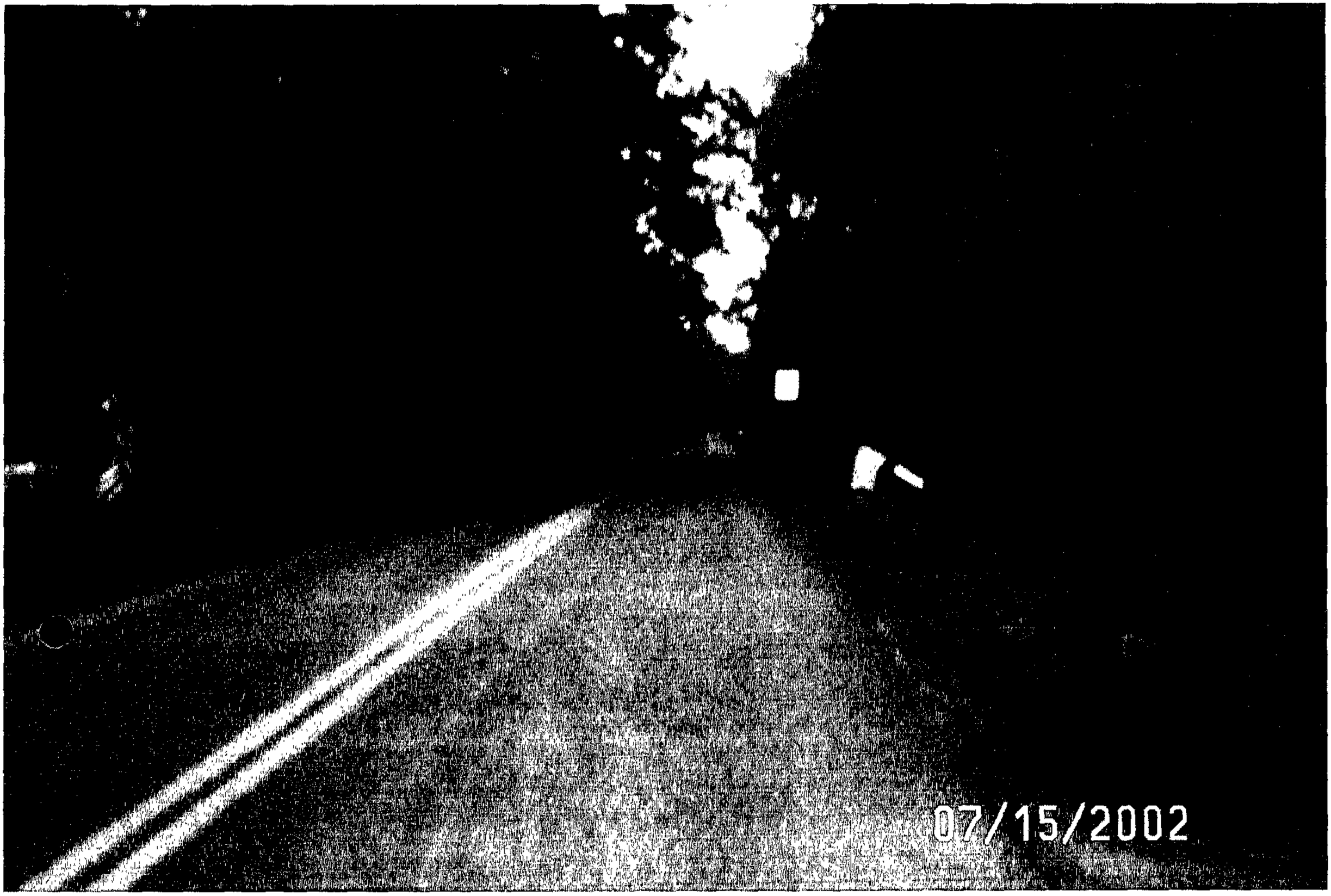
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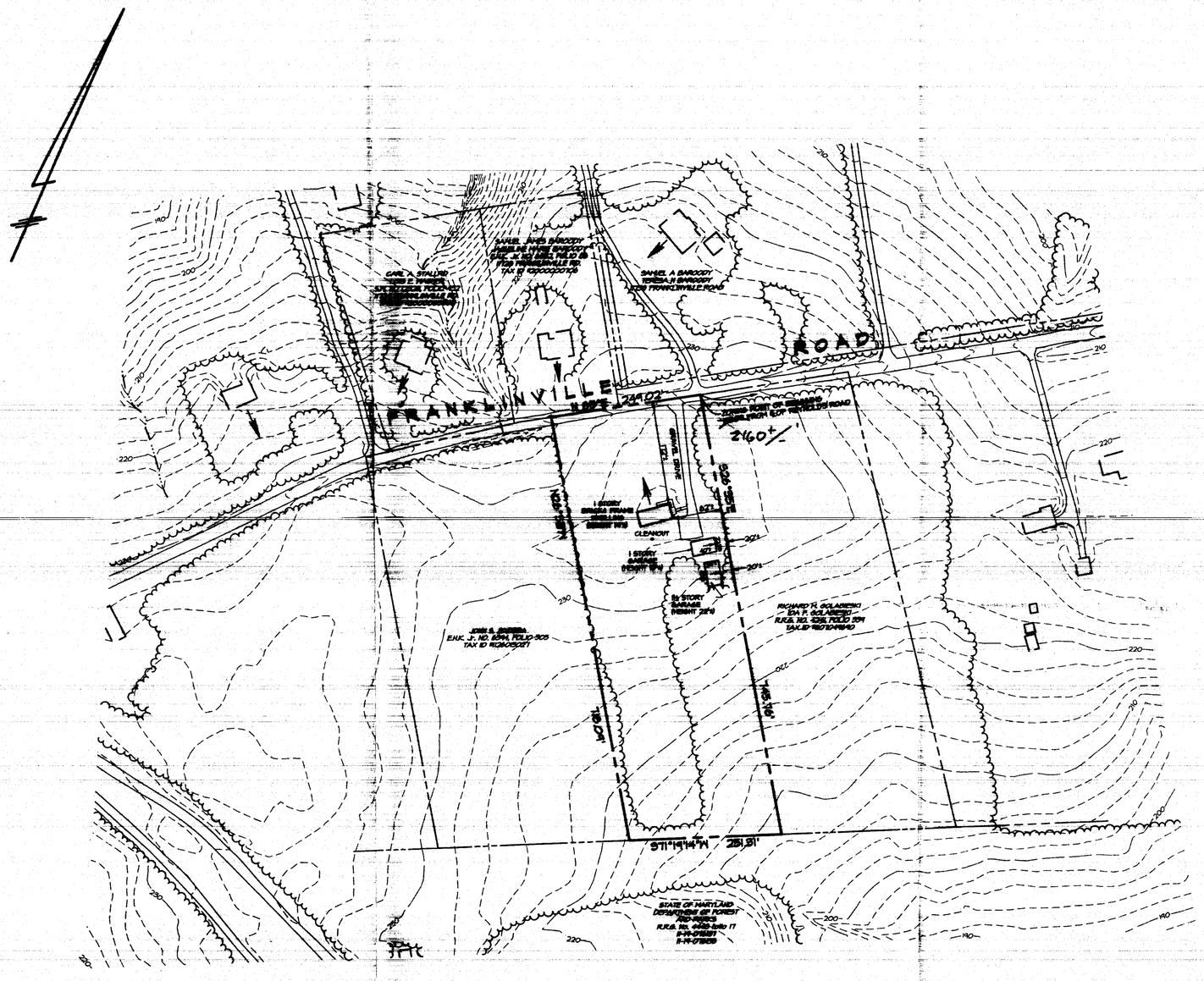

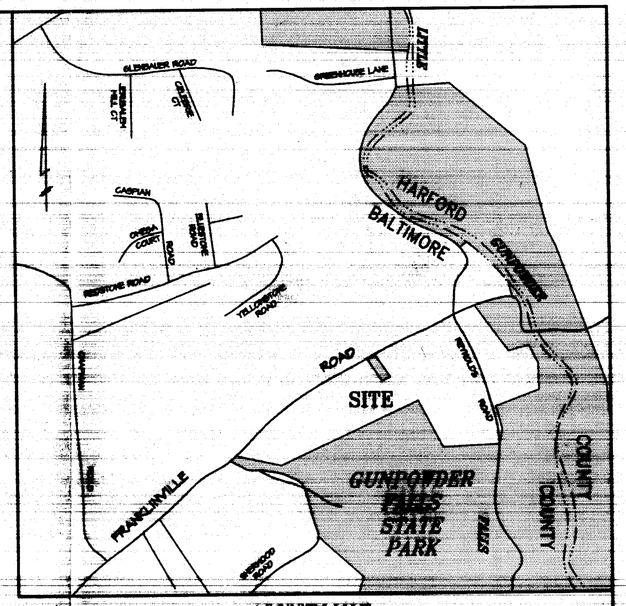

VICINITY MAP
SCALE: 1" = 1000'

GENERAL NOTES

1. OWNER: [illegible]
2. TAX ACCOUNT NO. 11-04-000727
3. TITLE DEED S.M.H. 15011, folio 681
   TOTAL AREA = 4.683 AC.
4. THE PROPERTY IS ZONED R.C. 5; MAP NE 14K.
5. 2000' SCALE ZONING MAP No. NE 14 K.
6. THE BOUNDARY SHOWN HEREON IS FROM THE TITLE DEED. A BOUNDARY WAS NOT PERFORMED BY GERHOLD CROSS & ETZEL LTD.
7. FEATURES SHOWN HEREON WERE TAKEN FROM BALTIMORE COUNTY GIS PANEL 64GI AND FIELD LOCATIONS.
8. CENSUS TRACT 4062.03 A.D.C. MAP & GRID 22 E 11
   SCHOOL DISTRICT 08 REGIONAL PLANNING DISTRICT 513
9. THIS SITE IS SERVED BY PRIVATE WELL AND SEPTIC.
10. THIS SITE IS NOT IN THE CHESAPEAKE BAY CRITICAL AREA.
11. NO PRIOR ZONING CASES.
12. THIS SITE IS NOT WITHIN A 100 YEAR FLOODPLAIN.
13. THIS REQUEST PERTAINS TO VIOLATION CASE #02-6093.

Pet. Ex #1

PLAN TO ACCOMPANY A PETITION FOR A VARIANCE REQUEST OF THE DEMASTUS PROPERTY

11725 FRANKLINVILLE ROAD
Deed Ref: LIBER S.M. 15011 FOLIO 681
Tax Account No.11-04-000727
Zoned: R.C. 5; Map NE 14K
Tax Map 64; Grid 4; Parcel 48
11th ELECTION DISTRICT
8th COMMISSIONER DISTRICT
BALTIMORE COUNTY, MARYLAND

7/23/02

Scale: 1" = 100' July 2, 2002

VARIANCE REQUEST

SECTION 400.3 B.C.Z.R.:
TO ALLOW AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 22'± IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 15'.

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
520 East Joppatown Boulevard
Towson, Maryland 21286
(410) 823-4470

REVISION	DATE	DRAWN: K.WEISFELDER	CHECKED: S.A.L.	FILE NAME: K:\demastus\A03066.dgn

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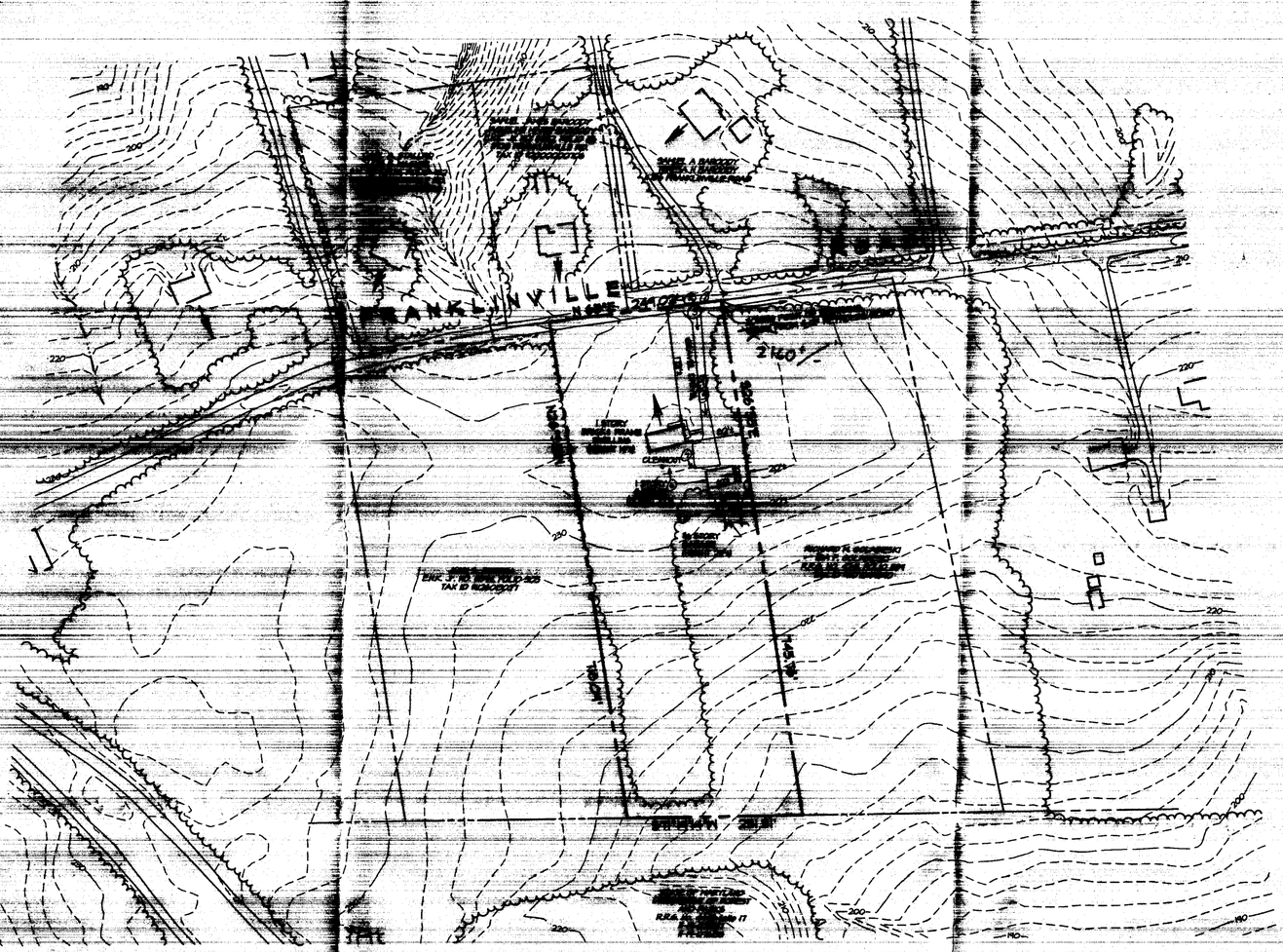
THIS PLAT IS PROPERTY OF GERHOLD, CROSS AND ETZEL LTD. THE USE OF THIS PRODUCT IS STRICTLY PROHIBITED WITHOUT THE WRITTEN PERMISSION OF GERHOLD, CROSS & ETZEL LTD.

#041 LTM



VICINITY MAP
SCALE: 1" = 2000'

GENERAL NOTES

1. [illegible]
2. TAX ACCOUNT No. 1-04-000727
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible] GERHOLD, CROSS & ETZEL, LTD.
7. [illegible] BALTIMORE COUNTY [illegible] PANEL 0-[illegible]
8. [illegible] 22.5' [illegible]
9. THIS SITE IS SERVED BY PRIVATE WELL AND SEPTIC.
10. THIS SITE IS OUTSIDE OF THE CHESAPEAKE BAY CRITICAL AREA.
11. NO FENCE [illegible]
12. THIS SITE IS NOT WITHIN A 100 YEAR FLOODPLAIN.

Pet Ex #2

Plan to Accompany Photographs

PLAN TO ACCOMPANY A PETITION FOR AN ADMINISTRATIVE VARIANCE REQUEST

OF THE

DEMASTUS PROPERTY

11725 FRANKLINVILLE ROAD
Deed Ref.: LIBER S.M. 15011 FOLIO 681
Tax Account No.11-04-000727
Zoned: R.C. 5; Map NE 14K
Tax Map 64; Grid 4; Parcel 48
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

7/22/02

Scale: 1" = 100'

July 2, 2002

ADMINISTRATIVE VARIANCE REQUEST

SECTION 400.3 B.C.Z.R.
TO ALLOW AN EXISTING ACCESSORY STRUCTURE (GARAGE) TO HAVE A HEIGHT OF 22±' IN LIEU OF THE MAXIMUM PERMITTED HEIGHT OF 15'.

GERHOLD, CROSS & ETZEL, LTD
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
520 East Joppatowne Boulevard
Towson, Maryland 21286
(410) 828-4410

REVISION	DATE	DRAWN: K.DANNENFELSER	CHECKED: S.A.L.	FILE NAME: X:\demastus\A20886.pro

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