

IN RE: PETITION FOR ADMIN. VARIANCE
N/S of Stansbury Mill Road, 900 ft. W.
centerline of Manor Road
10th Election District
3rd Councilmanic District
(3704 Stansbury Mill Road)

Mary E. & Charles T. Pierce
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 04-094-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Zoning Commissioner as a Petition for Administrative Variance filed by the legal owners of the subject property, Mary E. and Charles T. Pierce. The variance request is for property located at 3704 Stansbury Mill Road in the Phoenix area of Baltimore County. The variance request is from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an addition with a side yard setback of 26 ft. in lieu of the required 35 ft. setback. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

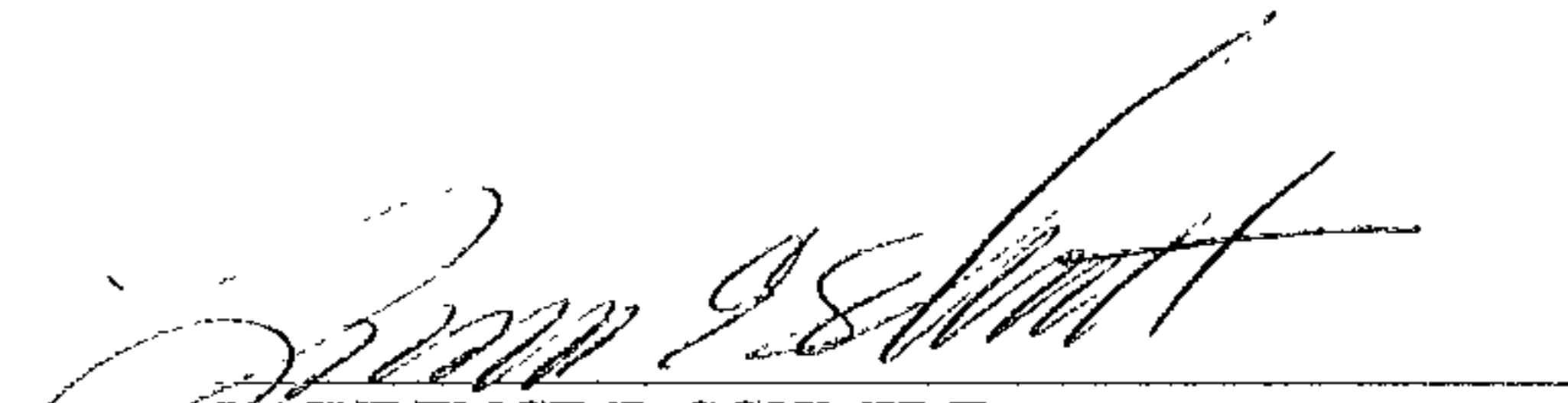
9/29/03
[Signature]

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 Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 9/24/03 day of September, 2003, that a variance Section 1A01.3.B.3 of the B.C.Z.R., to permit an addition with a side yard setback of 26 ft. in lieu of the required 35 ft. setback, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

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.


LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:raj

9/29/03
[Handwritten signature]

Zoning Commissioner

Suite 405, County Courts Building
401 Bosley Avenue
Towson, Maryland 21204
Tel: 410-887-3868 • Fax: 410-887-3468



Baltimore County

James T. Smith, Jr., County Executive
Lawrence E. Schmidt, Zoning Commissioner

September 29, 2003

Mr. & Mrs. Charles T. Pierce
3704 Stansbury Mill Road
Phoenix, Maryland 21131

Re: Petition for Administrative Variance
Case No. 04-094-A
Property: 3704 Stansbury Mill Road

Dear Mr. & Mrs. Pierce:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative 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,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", with a long horizontal flourish extending to the right.

Lawrence E. Schmidt
Zoning Commissioner

LES:raj
Enclosure

Visit the County's Website at www.baltimorecountyonline.info



Affidavit in Support of 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

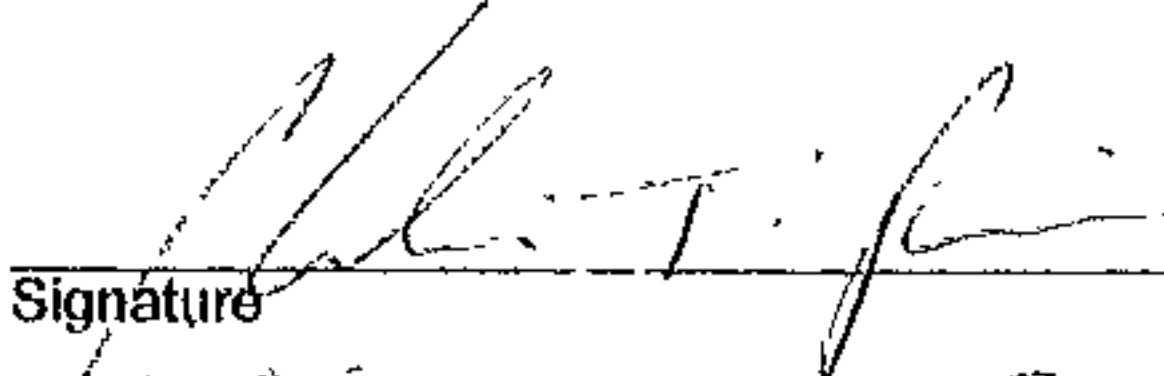
3104 Stansbury Mill Rd.
Address
Phoenix, MD 21151
City State Zip Code

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):

Reasons why zoning regulations can not be met on our property:

1. Current home already closer than 35 foot regulation
2. Proposed addition does not encroach any closer than existing dwelling to neighbors property
3. Well is located on opposite side of house
4. Attempting to maintain architectural design of existing dwelling

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


Signature
Charles T. Pierce
Name - Type or Print


Signature
Mary Elizabeth Pierce
Name - Type or Print

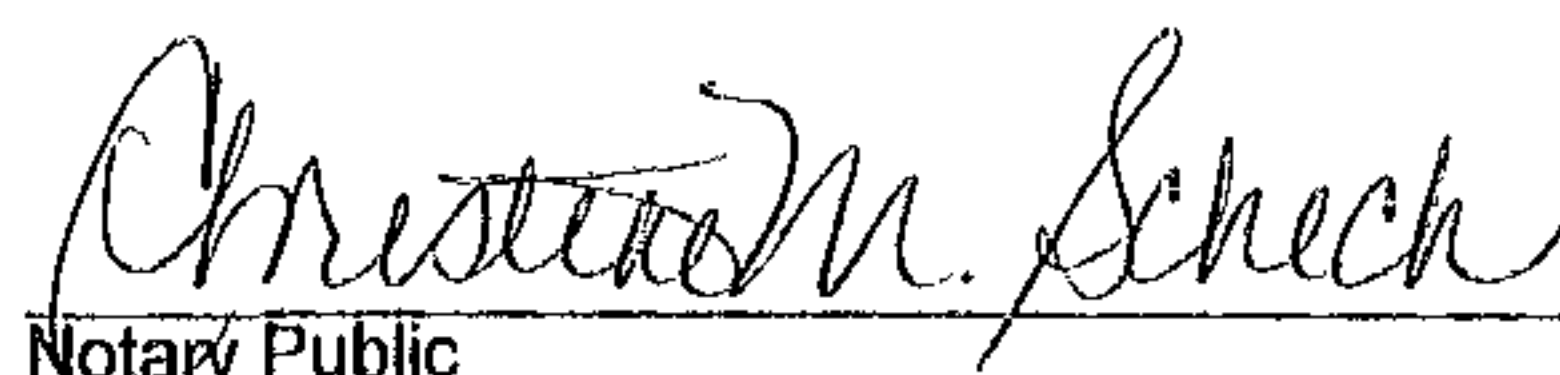
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 14 day of August, 2003, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles T. Pierce and Mary E. Pierce
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

CHRISTINE M. SCHECH
NOTARY PUBLIC STATE OF MARYLAND
County of Baltimore
My Commission Expires June 15, 2005


Notary Public
My Commission Expires 06/15/2005



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 3704 Stansbury Mill Rd. Phoenix, MD
which is presently zoned Residential RG-2

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) 1A01.3.B.3 DCZR

To permit an addition with a side yard setback of 26'
in lieu of the required 35'.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

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):

Charles T. Pierce
Name - Type or Print _____
Signature [Signature] _____
Mary E. Pierce
Name - Type or Print _____
Signature [Signature] _____
3704 Stansbury Mill Rd. # (410) 683-1174
Address _____ Telephone No. _____
Phoenix, MD 21131
City _____ State _____ Zip Code W (410) 207-1566

Representative to be Contacted:

Name _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 04-094-A

REV 10/25/01

Reviewed By JRF Date 8-25-03
Estimated Posting Date 5-7-03

ZONING DESCRIPTION FOR 3704 STANSBURY MILL ROAD
PHOENIX, MD 21131

Beginning at a point on the north side Stansbury Mill Road which is 40' R/W, 20' Paving wide at the distance of 900 feet west of the centerline of the nearest improved intersecting street Manor Road which is 50' R/W, 30' Paving. As recorded in deed Liber 4832, Folio 401, referring all courses of the description of the meridian of said deed, (1) S 78 degrees 50 minutes 00 seconds W 180.00 feet, thence leaving Stansbury Mill Road and running and binding on the second line and on a part of the third line of said deed the two following courses and distances, viz: (2) N 10 degrees 26 minutes E 87.57 feet to a pipe heretofore set end (3) N 16 degrees 25 minutes W 237.52 feet to a pipe now set, thence leading the third line of said deed and running for new lines of division through the property described in the aforesaid, of which the parcel now being described is a part, the two following courses and distance, viz: (4) N 78 degrees 50 minutes E 169.50 feet to a pipe now set and (5) S 11 degrees 10 minutes 00 seconds E 317.94 feet to the place of beginning, containing 1.168 acres of land more or less. Also known as 3704 Stansbury Mill Road and located in the 10th election district, ³/₁₀ councilmanic district.

#094

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 28195

DATE 8-25-03 ACCOUNT 001-006-6150
AMOUNT \$ 65.00

RECEIVED FROM: Charles Pierce
3704 Starbury Mill Rd. ITEM # 094
FOR: AD. VARIANCE Taken by: JRF

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS ACTUAL TIME DEPT
8/25/2003 8/25/2003 09:31:34 2
REG MARK MAIL JLR: JET
RECEIPT # 19150 8/25/2003 OFA
DEPT 5 ZONING VERIFICATION
GR NO. 028195

Receipt Tot 362.10
.00 OK 65.00 OK
Baltimore County, Maryland

CASHIER'S VALIDATION

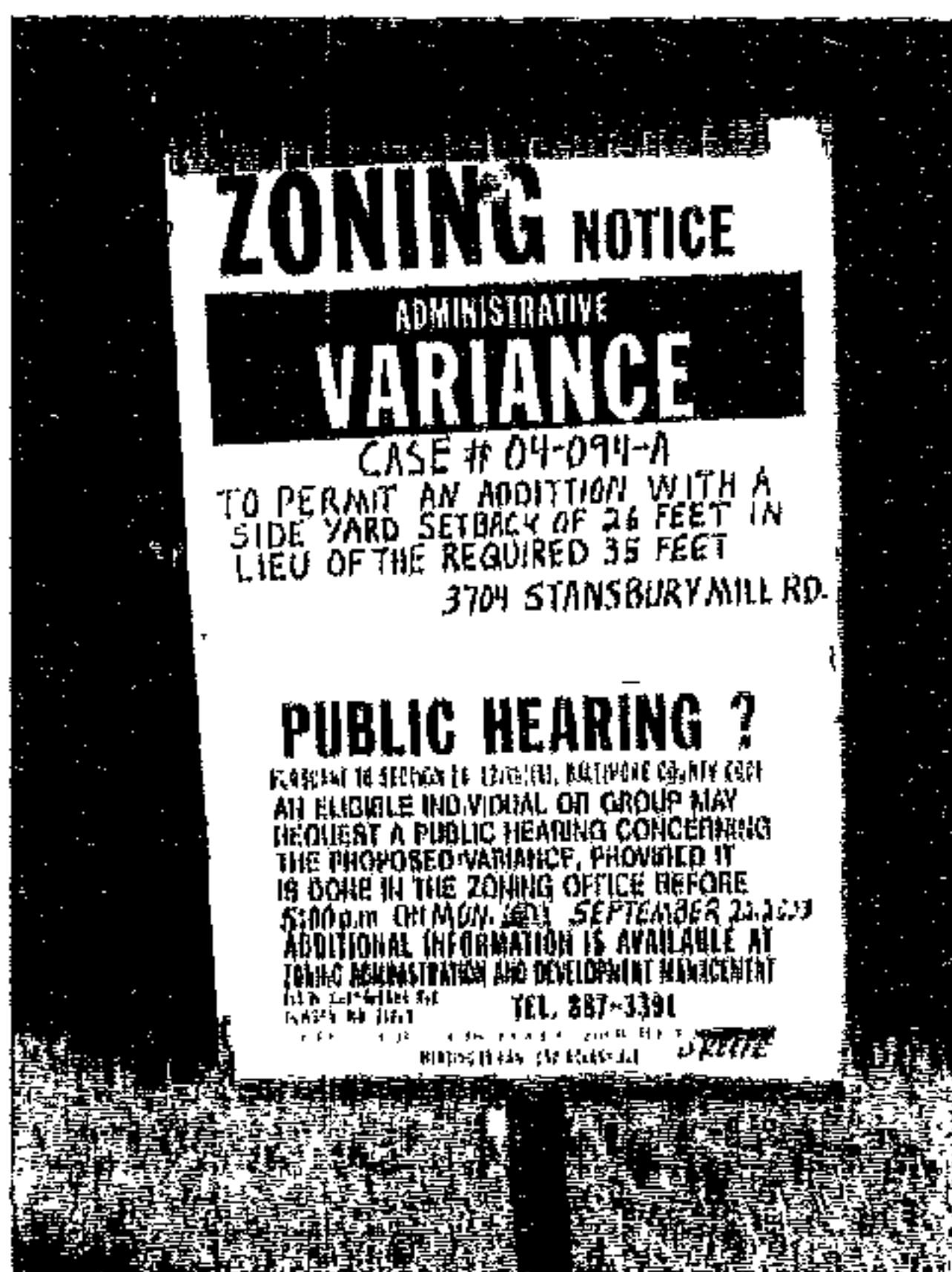
CERTIFICATE OF POSTING

ADMINISTRATIVE Date: September 9, 2003

RE: Case Number 04-094-A
Petitioner/Developer: CHARLES PIERCE
Date of Hearing/Closing: SEPTEMBER 22, 2003

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 3704 Stansbury Mill Road

The sign(s) were posted on September 5, 2003
(Month, Day, Year)



Linda O'Keefe
(Signature of Sign Poster)

LINDA O'KEEFE
(Printed Name of Sign Poster)

523 PENNY LANE
(Street Address of Sign Poster)

HUNT VALLEY MD 21030
(City, State, Zip Code of Sign Poster)

410-666-5366
(Telephone Number of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number ⁰⁴~~03~~ 094 -A Address 3704 STANSBURY MILL RD.

Contact Person: JUN FERNANDO Phone Number: 410-887-3391
Planner: Please Print Your Name

Filing Date: 8-25-03 Posting Date: 9-7-03 Closing Date: 9-22-03

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number

POSTING/COST: The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.

DEADLINE: The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.

ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He 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 of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.

POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing 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.

3-20-03 Amended

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number ⁰⁴~~03~~ 094 -A Address 3704 STANSBURY MILL RD.

Petitioner's Name Charles & Mary Pierce Telephone 410-683-1174

Posting Date: 9-7-03 Closing Date: 9-22-03

Ordering for Sign: To Permit an addition with a side yard setback of 20'
in lieu of the required 35'



Baltimore County
Department of Permits and
Development Management

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

September 15, 2003

Charles Pierce
Mary Pierce
3704 Stansbury Mill Road
Phoenix, MD 21131

Dear Mr. and Mrs. Pierce:

RE: Case Number: 04-094-A, 3704 Stansbury Mill Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on August 25, 2003.

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

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

Very truly yours,

A handwritten signature in black ink that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:klm

Enclosures

c: People's Counsel

Visit the County's Website at www.baltimorecountyonline.info



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on Recycled Paper



**Baltimore County
Fire Department**

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

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

September 2, 2003

ATTENTION: Rebecca Hart

Distribution Meeting of: September 2, 2003

Item No.: 088 ⁰⁹⁴ 097

Dear Ms. Hart:

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 Marshal's Office has no comments at this time.

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

cc: File

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: September 26, 2003

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

SUBJECT: Zoning Advisory Committee Meeting
For September 8, 2003
Item Nos. 088, 089, 090, 091, 092, 093,
094, 096, and 097

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

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: September 4, 2003

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

SUBJECT: Zoning Advisory Petition(s): Case 04-066, 04-067, and 04-094
Administrative Variance

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by:

Mark A. Cunningham

Section Chief:

Lynn Latham

AFK/LL:MAC

RECEIVED

SEP - 4 2003

ZONING COMMISSIONER

Robert L. Ehrlich, Jr., *Governor*
Michael S. Steele, *Lt. Governor*



Robert L. Flanagan, *Secretary*
Neil J. Pedersen, *Administrator*

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: 8.29.03

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

RE: Baltimore County
Item No. 094 JRF

Dear Ms. Hart:

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,

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

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech 1.800.201.7165 Statewide Toll Free

Street Address: 707 North Calvert Street · Baltimore, Maryland 21202 · Phone 410.545.0800 · www.marylandroads.com

3-13-03

Mr. Arnold Joblon
Director of PDM
111 West Chesapeake AVE
Towson, MD 21204

RE: Proposal for addition at 3704 Stansbury Mill RD/Phoenix, MD 21131/ RC-2

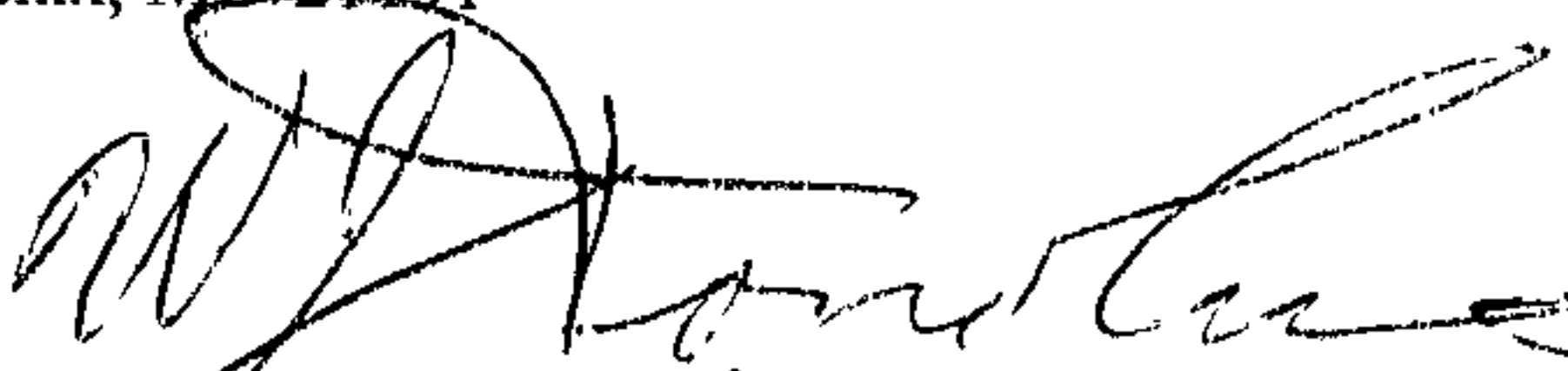
Dear Mr. Joblon:

We live at 3700 Stansbury Mill RD. Our property is adjacent to 3704 Stansbury Mill RD. We understand that the Pierce's plan to add on to the rear of their existing home. The current home is currently closer than the required 35 foot setback and the proposed addition would also be closer than the 35 foot required setback.

We want to inform you that we have no objections to the Pierce's proceeding with their plans to construct an addition that results in a deficient setback.

Sincerely,

Fran and Bill Donohue
3700 Stansbury Mill RD
Phoenix, MD 21131





PROVISIONAL APPROVAL
PERMIT NUMBER: B-527864



Date: 8/12/03

Location: 3704 Stansbury Mill Road, Phoenix, MD 21131

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following **Conditions**:

☐ Owner has filed for a public hearing, Item # ____.

☒ Owner must file for a ^{Variance} ~~public hearing~~ within 30 days before the Zoning Commission requesting relief from all conflicts with the Baltimore County Zoning Regulations.

☐ Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within ____ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been denied, dismissed, or withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter, the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

J. M. P.
ZONING STAFF

Anthony Kotroco
DIRECTOR, PERMITS & DEVELOPMENT MANAGEMENT

I have read the above statement and I agree to abide by the decision of the zoning commissioner, if applicable, in this matter. I also hereby certify that I, the undersigned, am in fact the owner and, if applicable, the contract purchaser and not just an agent for same.

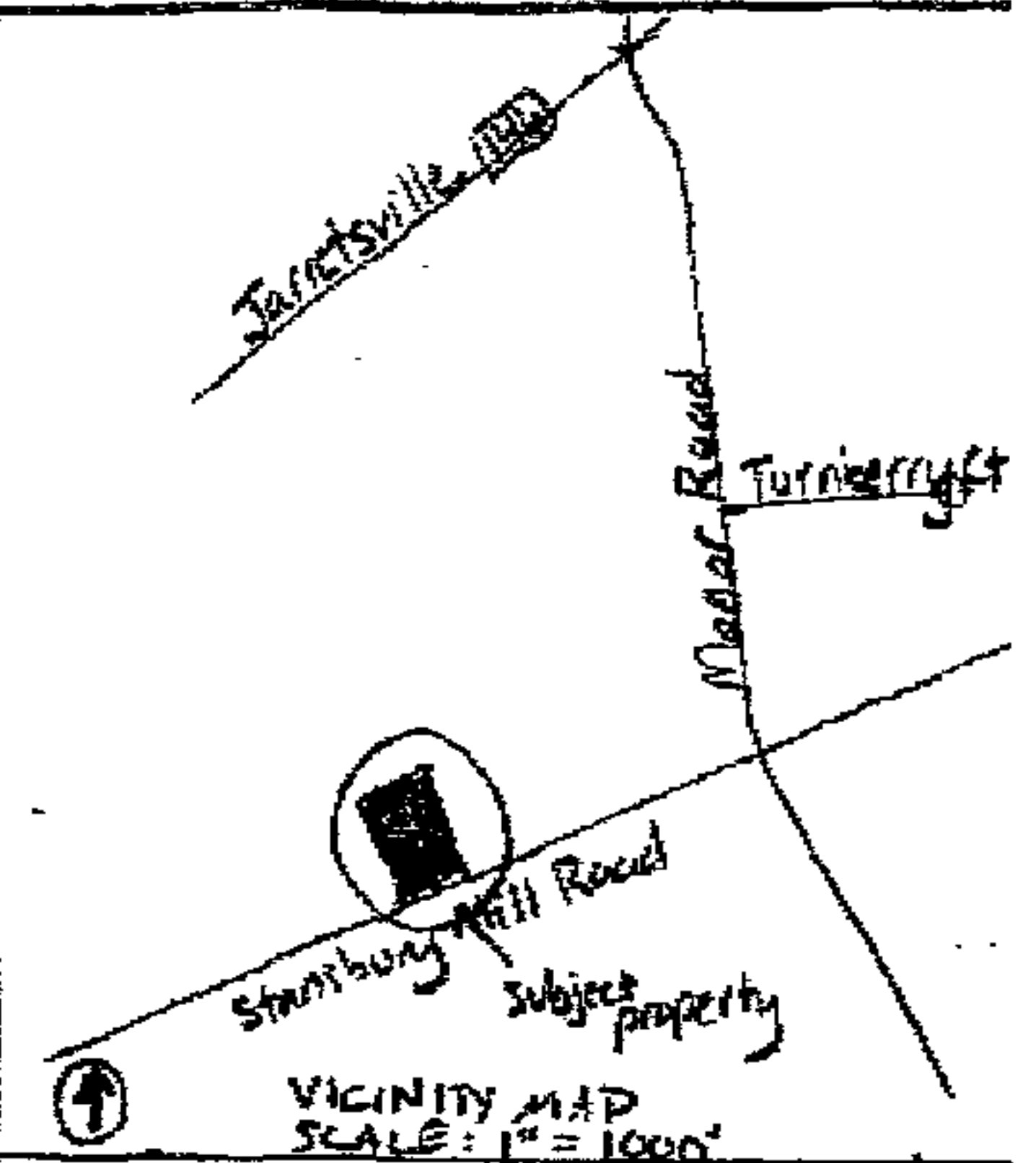
Signed - Owner: Charles T. Pierce Signed - Contract Purchaser: _____
Printed Name: Charles T. Pierce Printed Name: _____
Address: 3704 Stansbury Mill Road Address: _____
Phoenix, MD 21131
Work Phone #: 410-207-1566 Work Phone #: _____

Property Address 3704 Stansbury Mill Rd. / Phoenix, MD 21131
owners Charles T. and Mary E. Pierce

Liber 4832, Folio 401

09/29/2003 10:39 4108675708

3710 - Judy & Mark Lapinski (Tax Act # 1004020350)



LOCATION INFORMATION

ELECTION DISTRICT 10
COUNCILMANIC DISTRICT 103
1" = 200' SCALE MAP # NE 22D
ZONING RESIDENTIAL RC-2
LOT SIZE 1.168
ACREAGE SQUARE FEET

SEWER ☒ PRIVATE
WATER ☒ PRIVATE

CHESAPEAKE BAY CRITICAL AREA ☒ NO

100 YEAR FLOOD PLAIN ☒ NO

HISTORIC PROPERTY/BUILDING ☒ NO

PRIOR ZONING HEARING NONE

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

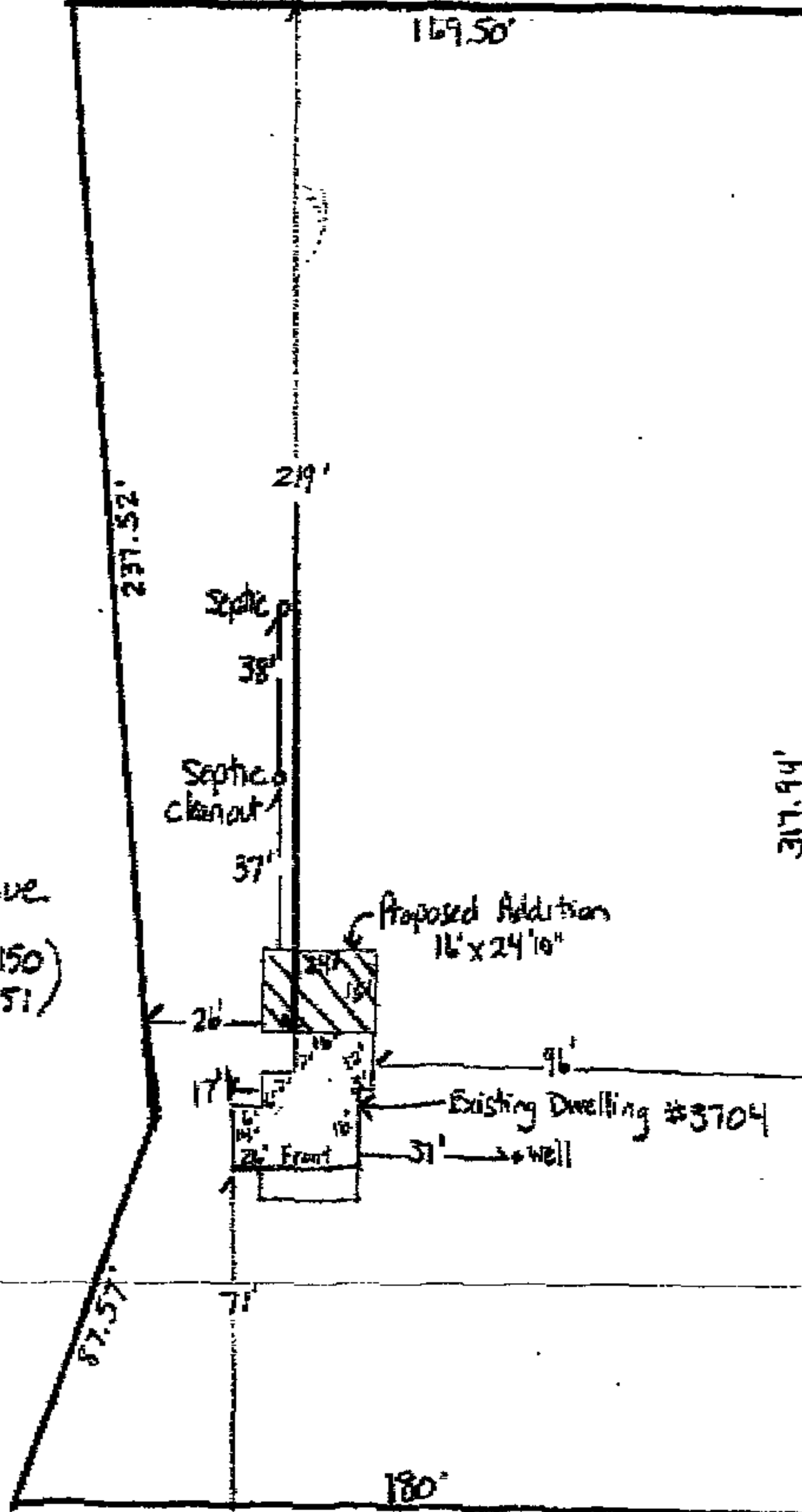
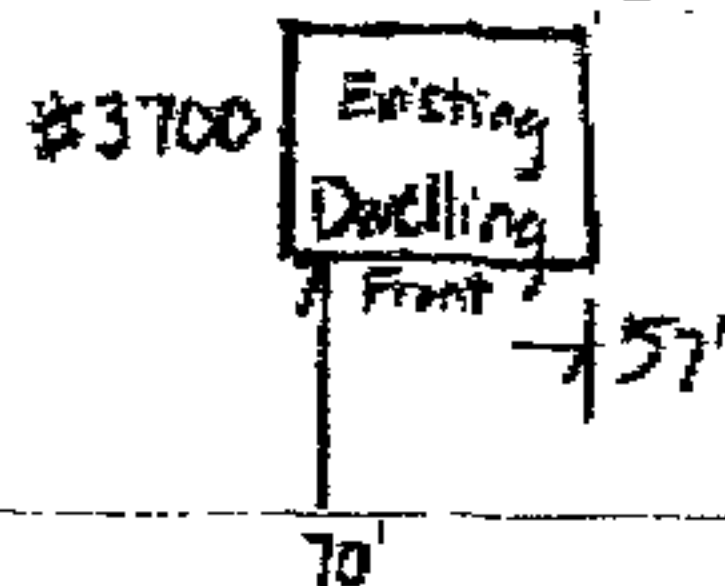
JRE

094

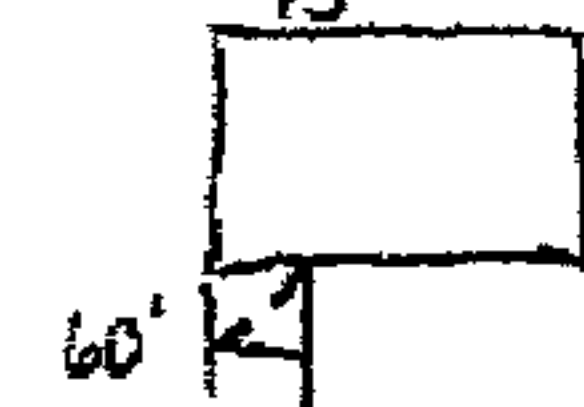
PAGE 01/02

Ref. #1

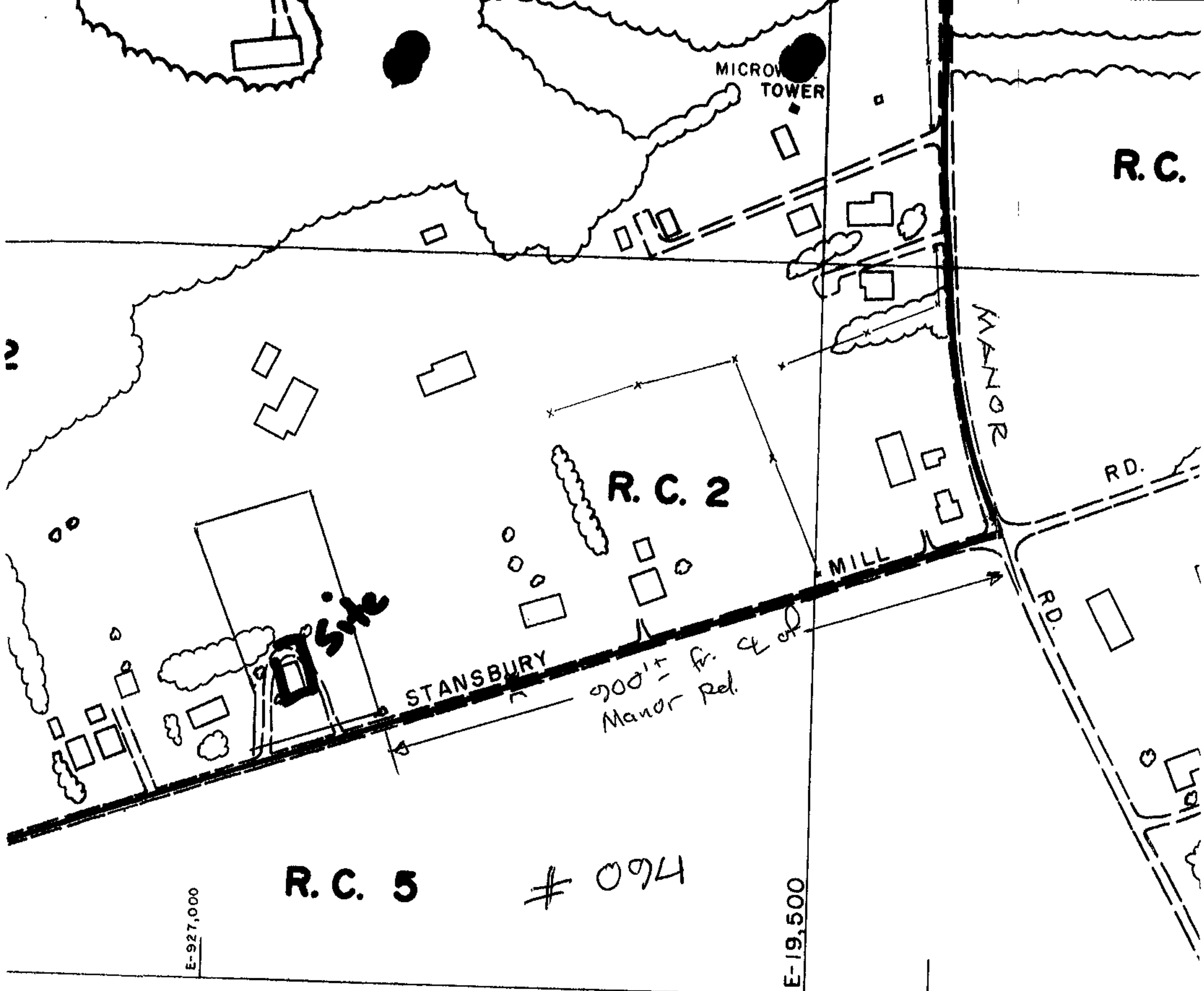
William and Frances Donahue
(Tax Act # 1026040150)
1026040151



(Tax Act # 1013055721)
Mary & Myron Sadowsky



STANSBURY MILL ROAD (40' R/W, 20' paved width) - 900' to E of Manor Road



2000 COMPREHENSIVE ZONING MAP

ADOPTED BY

THE BALTIMORE COUNTY COUNCIL

OCTOBER 10, 2000

Bills Nos. 87-00, 88-00, 89-00, 90-00, 91-00, 92-00, 93-00,

D IN SELECTED AREAS.
PHOTOGRAMMETRIC METHODS
LTIMORE, MD. 21210

Joseph E. Ballenger
Chairman, County Council

NE 22 D
11'-200'

















