IN RE: PETITION FOR ADMIN. VARIANCE N/S of Stansbury Mill Road, 950 ft. NE centerline of Manor Road

10th Election District
3rd Councilmanic District
(3900 Stansbury Mill Road)

Kelley A. & W. Brent Davis

Petitioners

BEFORE THE

* ZONING COMMISSIONER

* OF BALTIMORE COUNTY

CASE NO. 04-345-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, Kelley A. and W. Brent Davis. The variance request is for property located at 3900 Stansbury Road in the Monkton area of Baltimore County. The variance request is from Sections 400.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure/open projection (swimming pool and deck) to be located partially within the side yard in lieu of the required rear yard only (for pool) and a lot line setback of 3 ft. in lieu of the minimum required 26.25 ft. (for deck). 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 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 day of March, 2004, that a variance from Sections 400.1 and 301.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an accessory structure/open projection (swimming pool and deck) to be located partially within the side yard in lieu of the required rear yard only (for pool) and a lot line setback of 3 ft. in lieu of the minimum required 26.25 ft. (for deck), 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

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

March 5, 2004

Mr. & Mrs. W. Brent Davis 3900 Stansbury Mill Road Monkton, Maryland 21111

> Re: Petition for Administrative Variance Case No. 04-345-A Property: 3900 Stansbury Mill Road

Dear Mr. & Mrs. Davis:

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,

Lawrence E. Schmidt Zoning Commissioner

LES:raj Enclosure

c: Jay Schreider Maryland Pools 9515 Gerwig Lane, #119 Columbia, MD 21046



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



REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County 3900 STANSTBURY MILL RD for the property located at MONKON, MD 2111

Estimated Posting Date 2804

-		which is presently zoned _	KCZ
This Petition shall be filed with owner(s) of the property situate in made a part hereof, hereby petition an accessory structure within the side yard lot line setback of .	the Department of Permits Baltimore County and which I for a Variance from Section open projection (pool in lieu of the req 3 feet in lieu of	s and Development Management. In is described in the description and points) HOO.I and 301.1, BCZ and concrete deck) to be I wired rear yard only (for the minimum required 2	The undersigned, legal lat attached hereto and it is permit ocated partially and do 6. 25 feet (forde
of the zoning regulations of Baltimo	ore County, to the zoning la	w of Baltimore County, for the reasons	s indicated on the back
Property is to be posted and adver- i, or we, agree to pay expenses of abore regulations and restrictions of Baltimor	ive Variance advertising nosti	ling of and further parameter and are to be	e bounded by the zoning
		I/We do solemnly declare and affirm, a perjury, that I/we are the legal owner(s is the subject of this Petition.	under the penalties of s) of the property which
Contract Purchaser/Lessee:		Legal Owner(s):	
Name - Type or Print	<u> </u>	Name - Type of Print	
Signature		Signature	······································
Address	Telephone No	Name - Type or Print	
City	ite Zip Code	Signature (1.1 Yuu	S HID
Attorney For Petitioner:		3900 STRINSBURY MILL Address	70 666-7178 Telephone No
Name - Tipe or Print		MDNKTON MD	21111
		Representative to be Contact	ate Zip Code
Signature			_ n 1
Compan	1	Jay Johneider 111	1005
Address	Telephone No.	9515 Gerwig Lave +1/	19 410-995-666 Telephone No
Andrews Sta	ite Zip Code	Columbia Ma City Sta	
A Public Regring having been formally o	lemanded and/or found to be re	equired, it is ordered by the Zoning Commiss	signer of Raltimore County
gulations of Baltimore County and that the	Machine Subject Charlet in this	petition be set for a public hearing, advertised	i, as required by the zoning
' W (C)	i	Zoning Commissioner of Baltimor	re County
CASE NO. $04-345$	Revie	wed By JNP Date	1/30/04

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.

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3900 STANSBU	IRY MILL RD	
MONKTON	MD	21)11 Zip Code
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ormal demand is filed, additional information.	Affiant(s) will be required	I to pay a reposting and
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actorily identified to me a	as such Affiant(s).	<u></u>
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Notary Public	mæ Dunc	nach
	Address MDN KYON City In a rethe facts upon ip or practical difficulty): have an Kyard; howe accurent. The tially on Signature and Signatur	Address MDNKTON City State wing are the facts upon which I/we base the required proportical difficulty): have an inground south the separate with the separate with the separate with the side of

My Commission Expires November 1,2004

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 Afficient(s) decodes proposity regist	70 0	SBURY MILL	
That the Affiant(s) does/do presently resid	Address		2///
	City	State	Zip Code
That based upon personal knowledge, the Variance at the above address (indicate h	ardship or practical difficult	y):	
Would like	to have a	n in-9 500mo	Swimming pool
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area prohibita	c placement	There four	e, requesting
deckt pool to be hous	built par	tielly on	the side
the hous	se,		
That the Affiant(s) acknowledge(s) that advertising fee and may be required to pro- Signature W. BRENT DAVIS Name - Type or Print	Sign	id, Affiant(s) will be required. August A. Cone - Type or Print	Days reposting and
I HEREBY CERTIFY, this 2 day of of Maryland, in and for the County aforesatthe Affiant(s) herein, personally known or	aid, personally appeared		e, a Notary Public of the State
	•		
AS WITNESS my hand and Notarial Seal			
		us S	uchachi
	Notary Pub	lic	ember 1, 2004
	My Commis	ssion Expires _//_	ember 1, 2004



CASE NO.

REV 10/25/01

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

29m STANCRUPY MILL RA

MRYLAND	for the property located at MONKTON, MD 21111	
	which is presently zoned <u>RC 2</u>	_

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)

(400.1 and 301.1, BCZR, to permit on accessory structure open projection (bool and concrete deck) to be located partially within the side yard in lieu of the required rear yard only (for pool) and a lot line set back of 3 feet in lieu of the minimum required 26.25 feet (for deck).

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 a perjury, that I/we are the legistry is the subject of this Petition	gal owner(s) of the	
Contract Purchaser/Lesse	<u>e:</u>		Legal Owner(s):		
Name - Type or Print		7 <u>4</u>	Name - Type of Fint	AV15	<u></u>
Signature	·	v 7	Signature		
Address		Telephone No	Name - Type of Print	4V15	
City	State	Zip Code	Signature)/ 1/11 DI	410
Attorney For Petitioner:			3900 STANSBUK Address	MILLE	Telephone No
Name - Type or Print			MONKTON	State	Zip Code
Signature	· · · · · · · · · · · · · · · · · · ·		Representative to be	Λ. Ι	A faile
Company			Name	ane #119	410-995-6600
Address	·\$-F-1-1	Telephone No	Address Columbia	Md.	Telephone No
City	State	Zip Code	City	State	Zip Code
A Public Hearing having been formathis day of, egulations of Baltimore County and the	ally demanded that that the the property b	and/or found to be ne subject matter of the ne reposted	required, it is ordered by the Zoninis petition be set for a public hearing	ng Commissioner of g, advertised, as requ	Baltimore County, uired by the zoning
			Zoning Commissione	r of Baltimore County	<u></u>

Reviewed By

Estimated Posting Date

ZONING DESCRIPTION FOR 3900 Stansbury Mill Road

Beginning at a point on the Northwest side of Stansbury Mill Road, which is 28 feet wide at the distance of 950 feet, Northeast of the centerline of the nearest improved intersecting street of Manor Road, which is 38 feet wide, containing 1.0008 Acres. Also known as 3900 Stansbury Mill Road and located in the 10th Election District, 3rd Councilmanic District.

As Recorded in Deed Liber 18049, Folio 457.

metes and bounds

N.19°53'56"W. 170.00'
N.68° 22'04" E. 25. 01'
N.23° 21' 55"W. 136.02'
N. 88° 35'21" E. 226.51'
S.21°32'56'W. 306.45'
S. 68°59'04"W. 50.00' to the place of beginning

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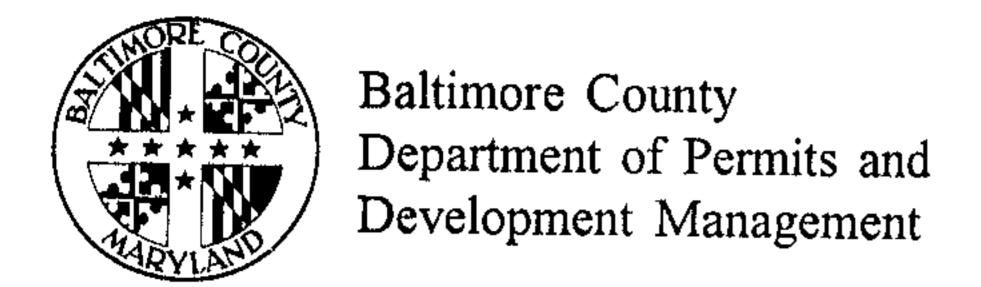
CERTIFICATE OF STING

POSTED 2/8/04 Subultable 2/5/04

	RE: Case No.: 04-345-A
	Petitioner/Developer:
	BRENTY KERLY DAVIS
	Date of Hearing/Closing: 2/23/04
Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Avenue Towson, MD 21204	
Attention: KRISTEN MATTHERUS	
Ladies and Gentlemen:	•
This letter is to certify under the penalties of perwere posted conspicuously on the property local	
	USBURY MILL RO
	TO DETE TO THE RELA
The sign(s) were posted on	2/8/04
	Month, Day, Year)
455+ 04-345-4	Sincerely,
	Signature of Sign Poster and Date)
	RICHARD E. HOFFMAN (Printed Name)
	904 DELLWood DR. (Address)
	— /—ДСС 5 72 Д. / // 21047 (City, State, Zip Code)
	(Telephone Number)
00 STANSBURY MILL ROS	

<u>ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES</u>

Case	Number	0#	345	-A	Address	3900 Star	nsbury Mill Rog	d
Conta	ct Perso	n:	Jeffre	r, Perlow	Mame		Phone Number: 41	0-887-3391
Filing	Date: _	1	30/04	Post		2/8/04	Closing Date:	2/23/04
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2.	a forma	l rec	uest for a	public hearing	g. Please	understand	or owner within 1,00 that even if there is e closing date.	
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			USE THE	ADMINISTRA	ATIVE VAR	IANCE SIGN	N FORMAT	
Case	Number	04	345	-A Addr	ress <u>390</u>	0 Stansbu	ry Mill Road	
Petitio	ner's Na	me _	Brent & 1	Telley Dav	د7.	T	elephone <u>4/0 - 66</u>	6-7178
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Wordi	ng for Si	gn: _	To Permit	uh accessory	structur	e lopen pr	ojection (pool and	concrete dech
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							WCR - R	evised 6/28/00



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

February 23, 2004

W. Bryant Davis Kelley A. Davis 3900 Stansbury Mill Road Monkton, Maryland 21111

Dear Mr. and Mrs. Bryant:

RE: Case Number:04-345-A, 3900 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 January 30, 2004

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,

u. Callibal)

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR:clb

Enclosures

c: People's Counsel Jay Schreider, MD Pools 9515 Gerwig Lane # 119 Columbia 21046

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO:

Tim Kotroco

FROM:

R. Bruce Seeley

DATE:

March 10, 2004

SUBJECT:

Zoning Item # 04-345

Address

3900 Stansbury Mill Road

Davis Property

Zoning Advisory Committee Meeting of February 9, 2004

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

The pool must be at least twenty feet (20') from the septic reserve area.

Reviewer:

Sue Farinetti

Date: February 9, 2004

S:\Devcoord\ZAC04-345.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits and Development Management DATE: February 19, 2004

RECEIVED

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

FEB 2 3 2004

ZONING COMMISSIONER

SUBJECT:

Zoning Advisory Petition(s): Case 4-345 and 40348

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

Section Chief:

AFK/LL



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

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

2.6.04

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

RE:

Baltimore County

Item No.

345

JHP

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,

1~

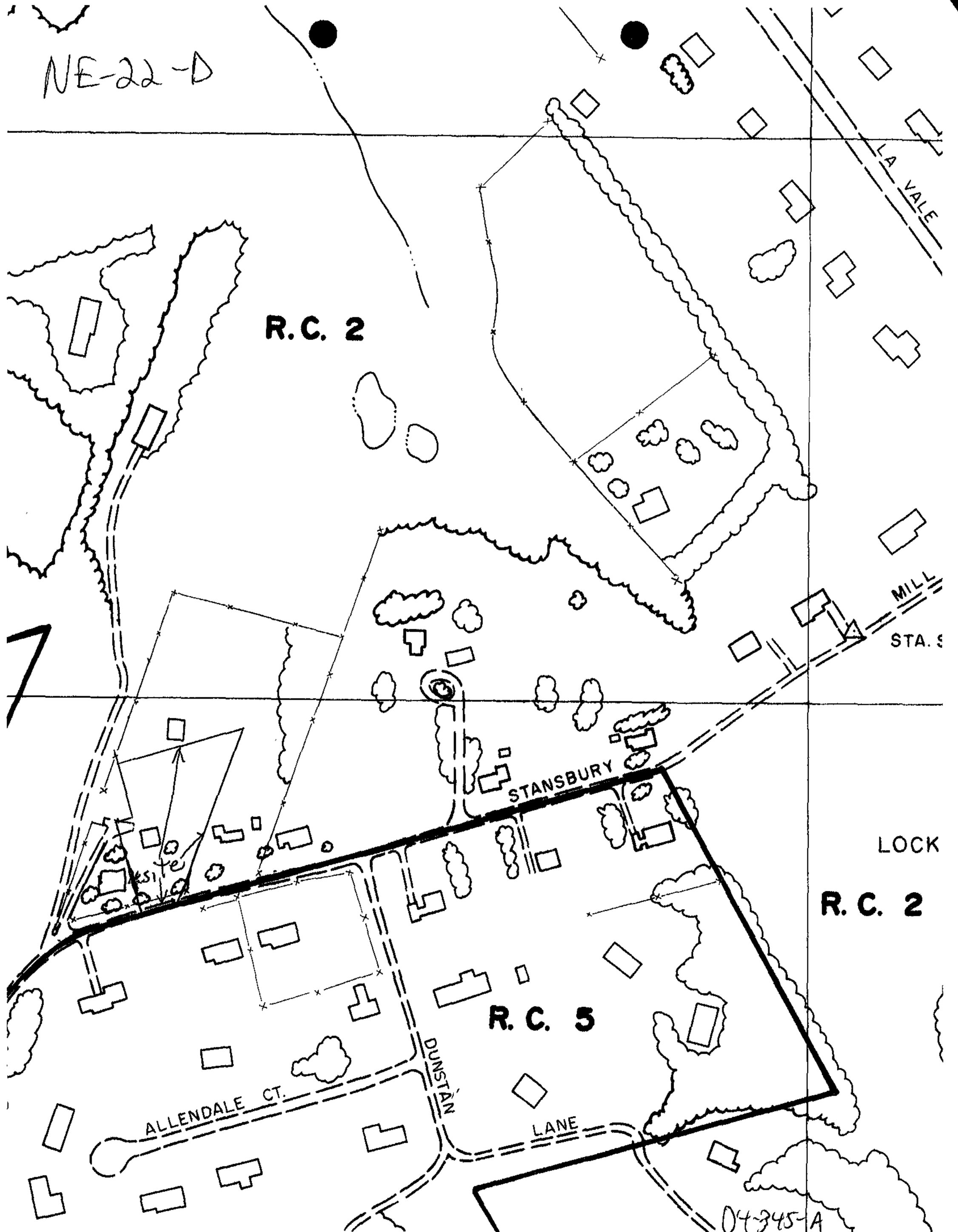
Kenneth A. McDonald Jr., Chief Engineering Access Permits Division

WELL N/A PROPERTY OWNER: WILLA	NY PETITION FOR ZONING VARIANCE STANSBURY MILL ROAD Closest d / 60 - Gt. a N88'35'21"E 226	welling at least
TO BE REDISTRIBUTED TO ALLOW FOR INSTALLATION OF SWIMMING POOL.		
TO ALLOW FOR INSTALLATION OF SWIMMING POOL. 700 Sq.Ft., BROOM 6	ACCESS SCIENTIFICATION OF THE PROPERTY OF THE	
FINISHED CONCRETE DECK (BY MPI) 19' X 40'6 BAHIA POOL 160 Ln.Ft. 48" HIGH WOOD FENCE TO CODE	EXISTING RESIDENCE #3	WOOD WOOD SE'S
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Councilmanic Districto 3 20Ning of RC 2320 B Lot Size of AC, 43,560 st dwe Sower of Private dwe Water of Private Davis leas William + Kelley Davis 3900 Stansbury Mill Rd.	Iling a l	
Cockeysville, MD. 21030 CB Critical Avea-No Prior Zoning 100 yr. flood Plain-No Heaving- Prepared by 8 Tay Schreider Manyland Pools Mio-2949-3124 1"=40"		MILL RD. 18' Paving) NORTH
	Pet Gy#1	04-345-A

ZONING HEARING FILE INTERNAL CHECKLIST Zoning Case No. 04-345-4

Date Completed/Initials	
2.10,04	PREPARE HEARING FILE (put case number on all papers; hole punch and place appropriately; put label and case number on folder; complete information on stamp on front of folder)
	DETERMINE HEARING DATE (schedule within 45 days of filing; post and advertise at least 15 days prior to hearing)
	TYPE HEARING NOTICE AND ADVERTISING NOTICE (type according to sample, taking billing information for advertising from advertising form in file; make appropriate copies; mail original and copies of hearing notice; place original advertising notice in Patuxent's box; file copies of both notices in hearing file; update ZAC in computer for hearing date, time and place)
	UPDATE ZONING COMMISSIONER'S HEARING CALENDAR (keep original in "red" folder; mail copy to zoning commissioner's office)
	COMPLETE FILE (write hearing date, time, and room on front of hearing folder; file in numerical order in cabinet next to copier until it is pulled for sending to zoning commissioner's office)
	POSTPONEMENTS (type postponement letter; make appropriate copies; mail original and copies; send copy to zoning commissioner; file copy in hearing file; update hearing calendar and ZAC in computer)
	RESCHEDULING (determine hearing date; type letter confirming new date; make appropriate copies; mail original and copies; file copy in hearing file; update hearing calendar and ZAC in computer; refile hearing folder)
	INDEX CARDS (prepare index cards, according to sample; file cards in cabinet)
/ /	ADVERTISING/POSTING CERTIFICATES (check off on front of hearing file; put certificates in file)
2/23/04	COMMENTS (check off agency comments received on front of hearing file; make copies; type comments letter; mail original to petitioner; file copy in hearing file)
	FILES TO ZONING COMMISSIONER'S OFFICE (pull the files for the following week every Friday and administrative files on Tuesday; verify that checklist on front of hearing file has been completed; secure all papers under clips in file; send files for hearings to zoning commissioner's office by noon on Friday and files for administrative on Tuesday marriage.

on Tuesday morning)





Davisieft side of
l'ouse & neighbor
behind

04-345-A





Private Kind
left of house
shot from the Front

94-345A



Nauls-Josest neighbor (front Iside) shot From the private voad this the trees,

04-345-A

