

IN RE: PETITION FOR ADMIN. VARIANCE  
NE/S of Parsonage Road, 1,460 ft. +/- W  
centerline of Middletown Road  
6th Election District  
3rd Councilmanic District  
**(1711 Parsonage Road)**

Phillips Development, LLC  
By: Jerry Phillips, President  
*Petitioners*

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 05-479-A

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Phillips Development, LLC, by Jerry Phillips, President. The administrative variance is requested for property located at 1711 Parsonage Road in the Parkton area of Baltimore County. The administrative variance request is from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the height of an existing garage to be 24 ft. in lieu of the permitted 15 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on April 2, 2005, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

This matter is currently the subject of an active violation case (Case No. 04-0570) in the Division of Code Inspections and Enforcement. A citation for code violation has been issued in this matter for failure to comply with height requirements in the zoning regulations.

It should be noted, for the record, that the fact that a zoning violation is issued is simply ignored in this zoning case. This means that the Petitioner cannot use the fact that a structure has been built to set a precedent in order to allow it to continue. Nor does the fact that a structure

SEARCH RECEIVED FOR PAID  
4/27/05  
By: [Signature]

may be costly to remove or modify come into consideration of the zoning case. The reason for this is that this condition is clearly self-imposed and as such cannot be a basis for the hardship or practical difficulty required by Section 307 of the B.C.Z.R. Conversely, the fact that something may have been done which could violate the law is not held against the Petitioner as some sort of an additional punishment. Zoning enforcement is conducted by the Department of Permits and Development Management, which has the authority to impose fines and other penalties for violation of law. This is not the province of this office.

**Zoning Advisory Committee Comments**

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: A ZAC comment was received from the Office of Planning dated March 18, 2005, a copy of which is attached hereto and made a part hereof.

**Applicable Law**

Section 307 of the B.C.Z.R. – *Variances*.

“The Zoning Commissioner of Baltimore County and the County Board of Appeals, upon appeal, shall have and they are hereby given the power to grant variances from height and area regulations, from off-street parking regulations, and from sign regulations only in cases where special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance request and where strict compliance with the Zoning Regulations for Baltimore County would result in practical difficulty or unreasonable hardship. No increase in residential density beyond that otherwise allowable by the Zoning Regulations shall be permitted as a result of any such grant of a variance from height or area regulations. Furthermore, any such variance shall be granted only if in strict harmony with the spirit and intent of said height, area, off-street parking or sign regulations, and only in such manner as to grant relief without injury to the public health, safety and general welfare. They shall have no power to grant any other variances. Before granting any variance, the Zoning Commissioner shall require public notice to be given and shall hold a public hearing upon any application for a variance in the same manner as in the case of a petition for reclassification. Any order by the Zoning Commissioner or the County Board of Appeals granting a variance shall contain a finding of fact setting forth and specifying the reason or reasons for making such variance.”

Upon review of this Petition which was filed in the name of Phillips Development LLC, the Petitioner was requested to provide information regarding use and ownership of the property because administrative variances are allowed only for owner occupied lots zoned residential.

4/27/05  
Ray

The Petitioner replied in his letter dated April 27, 2005 that he was the owner of the property which is his personal residence.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 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 Deputy 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, I find that the requested variance should be GRANTED.

THEREFORE, IT IS ORDERED, this 27 day of April, 2005, by this Deputy Zoning Commissioner, that the Petitioners' request for variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit the height of an existing garage to be 24 ft. in lieu of the permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

1. Compliance with the ZAC comments submitted by the Office of Planning dated March 18, 2005, a copy of which is attached hereto and made a part hereof. The Petitioners or subsequent owners shall not allow or cause the accessory structure to be converted into a dwelling unit and/or apartment. There shall be no sleeping quarters, living area, kitchen or bathroom facilities in the structure. In addition, the accessory structure shall not be used for commercial purposes;

Any appeal of this decision must be made within thirty (30) days of the date of this Order.

4/27/05  
H. Ray

*John V. Murphy*  
\_\_\_\_\_  
JOHN V. MURPHY  
DEPUTY ZONING COMMISSIONER  
FOR BALTIMORE COUNTY

JVM:raj

COPIES RECEIVED FOR FILMS  
DATE 2/27/65  
BY Raj

## Zoning Commissioner



## Baltimore County

*James T. Smith, Jr., County Executive*  
*William J. Wiseman III, Zoning Commissioner*

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

April 27, 2005

Mr. Jerry R. Phillips  
1711 Parsonage Road  
Middletown, Maryland 21120

Re: Petition for Administrative Variance  
Case No. 05-479  
Property: 1711 Parsonage Road

Dear Mr. Phillips:

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,

*John V. Murphy*  
John V. Murphy  
Zoning Commissioner *raj*

JVM:raj  
Enclosure

c: Henry Maezer, III, 17400 Falls Road, Upperco, MD 21155





# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1711 Parsonage Rd. Middletown MD  
which is presently zoned RC-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 height of accessory building

not to exceed 15ft  
of AN EXISTING GARAGE TO BE 24ft. IN LIEU OF THE PERMITTED 15ft.

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:** NA

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

**Attorney For Petitioner:** NA

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

**Legal Owner(s):**

Phillips Development L.L.C. Jerry Phillips President

Signature Jerry Phillips

Name - Type or Print

Signature

19200 Middletown Rd. 410-329-6801

Address Telephone No.  
Middletown MD 21120  
City State Zip Code

**Representative to be Contacted:**

Henry M. B... Architect

17400 Falls Rd. 443-790-1073

Address Telephone No.  
Upperco MD 21155  
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. 05-479-A

REV 10/25/01

Reviewed By [Signature] Date 3-23-05

Estimated Posting Date 4-3-05

# 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 1711 Parsonage Rd.  
Address  
Middletown MD 2120  
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): *The original permit for the garage called for a 26'-0" high garage for Mr. Phillips to park his large RV. Motor Home. The materials such as brick, trim and shingles match his new home. Originally we were going to connect the garage to the house with a covered breezeway. This is proving to be impractical in that it is 75'-0" long, will look extremely massive and detract from the architectural integrity of the home site. The property is 12.38 acres in size and the garage is partially screened by a forest buffer and is not adjacent to any other properties houses or garages. We respectfully seek relief through the Zoning Commission of Baltimore County.*

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.

Jerry R. Phillips  
Signature

Jerry R. Phillips  
Signature

Jerry Phillips - President Phillips Development LLC  
Name - Type or Print

Jerry Phillips  
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of March 2005, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jerry Phillips  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Suzanne P. Berney  
Notary Public

My Commission Expires 11/01/07

# 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 1711 Parsonage Rd.  
Address  
Middletown MD 2120  
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):

The original permit for the garage called for a 26'-0" high garage for Mr Phillips to park his large R.V. Motor Home. The materials such as brick, trim and shingles match his new home. Originally we were going to connect the garage to the house with a cover breezeway. This is proving to be impractical in that it is 75'-0" long, will look extremely massive and detract from the architectural integrity of the home site. The property is 12.38 acres in size and the building ~~is~~ partially screened by a forest buffer and is not adjacent to any other properties houses or garages. We respectfully seek relief through the Zoning Commission of Baltimore County.

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.

Jerry R. Phillips  
Signature

Signature

Jerry Phillips - President Phillips Development LLC.  
Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 10 day of March, 2005 before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Jerry Phillips  
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Suzanne P. Berry  
Notary Public

My Commission Expires 11/01/07





# Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1711 Parsonage RD. MIDDLETOWN MD  
which is presently zoned RC-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 HEIGHT OF ACCESSORY BUILDING

~~NOT TO EXCEED 15 FT~~  
EXISTING GARAGE TO BE 24ft. IN LIEU OF THE PERMITTED 15ft. 400.3 TO PERMIT THE HEIGHT OF AN

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:** N.A.

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Legal Owner(s):** Phillips Development L.L.C. Larry Phillips President

Name - Type or Print \_\_\_\_\_  
Signature Larry Phillips  
Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Address 19200 MIDDLETOWN RD Telephone No. 410-329-6801  
City MIDDLETOWN State MD Zip Code 21120

**Attorney For Petitioner:** N.A.

Name - Type or Print \_\_\_\_\_  
Signature \_\_\_\_\_  
Company \_\_\_\_\_  
Address \_\_\_\_\_ Telephone No. \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

**Representative to be Contacted:** HENRY MAUSER, II - Architect

Name \_\_\_\_\_  
Address 17400 Falls RD. E Telephone No. 443-770-1013  
City Clippersco State MD Zip Code 21155

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. 05-479-A

Reviewed By JUM Date 3.23.05

REV 10/25/01

Estimated Posting Date 4.3.05

Zoning description for 1711 Parsonage Rd. Middletown, MD 21120

Beginning at a point on the northeast side of Parsonage Rd. which is 50'-0" wide at the distance of 1460' west of the centerline of the nearest improved intersecting street, Middletown Road, which is 70'-0" wide. Being Lot # 11 Section #2, in the subdivision of Phillips Purchase as recorded in Baltimore County Plot Book #74, Folio # 56, containing 12.38 Acres. Also known as 1711 Parsonage Rd, Middletown, MD 21120, and located in the 6<sup>th</sup> Election District, 1<sup>st</sup> Councilmanic District.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 443812

479

DATE

3-23-05

ACCOUNT

1011 - 6116 - 6150

AMOUNT

\$ 65.00

RECEIVED FROM:

H. M. ...

1711 ...

FOR:

...

PAID RECEIPT

...

...

...

...

...

...

...

...

...

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

Date: April 4, 2005

RE. Case Number 05-479-A

Petitioner/Developer: JERRY PHILIPS/HENRY MAESER-ARCHITECT

Date of Hearing (Closing) April 18, 2005

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 1711 PARSONAGE ROAD

The sign(s) were posted on April 2, 2005  
(Month, Day, Year)

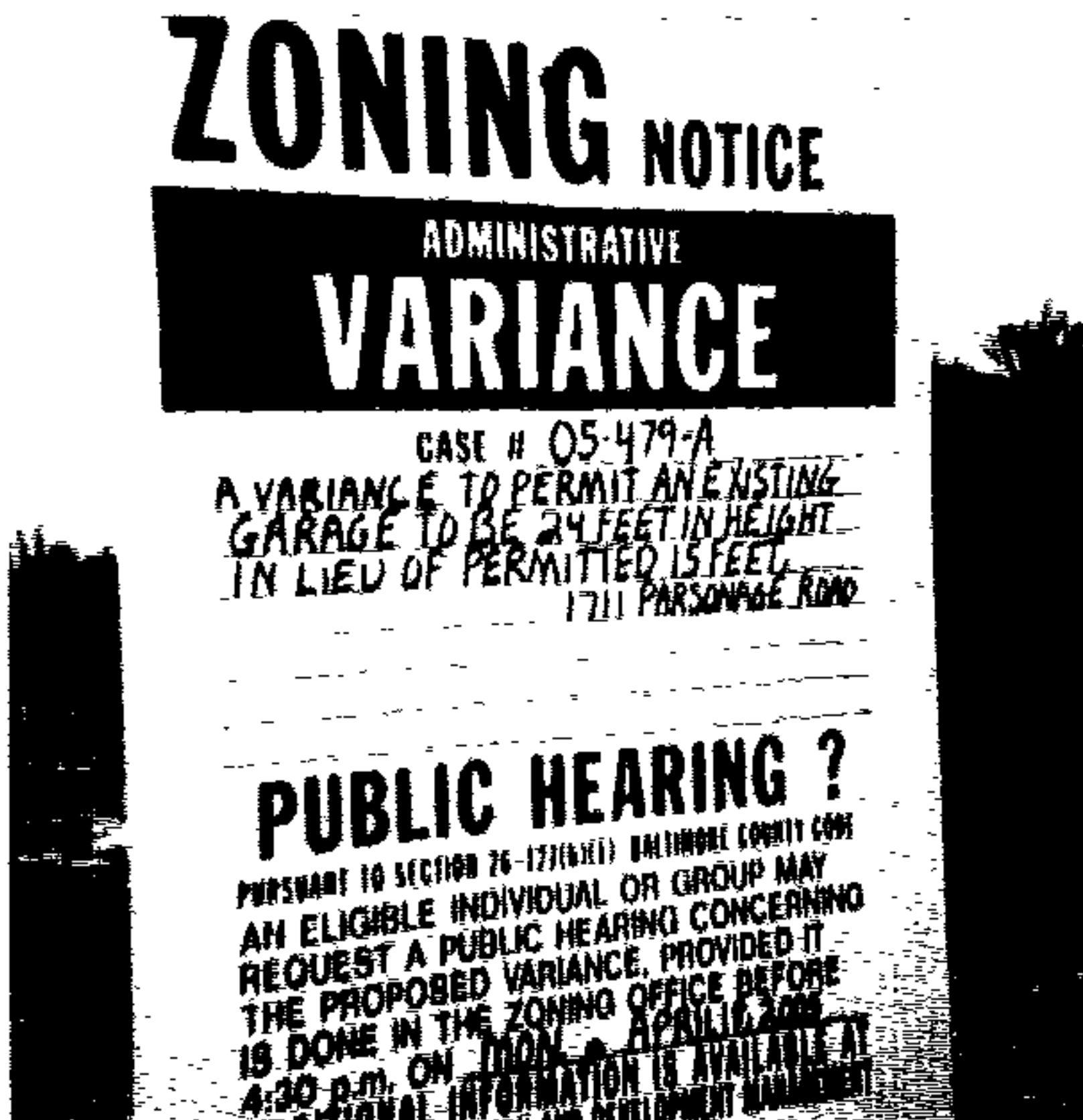
Linda O'Keefe  
(Signature of Sign Poster)

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 05- 479 -A Address 1711 PARSONAGE Rd.  
Contact Person: J. Meppery Phone Number: 410-887-3391  
Planner, Please Print Your Name

Filing Date: 3-23-05 Posting Date: 4-3-05 Closing Date: 4-18-05

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.

(Detach Along Dotted Line)

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

**USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT**

Case Number 05- 479 -A Address 1711 PARSONAGE Rd.  
Petitioner's Name Jerry Phillips Telephone 410-329-6801  
Posting Date: 4-3-05 Closing Date: 4-18-05  
Wording for Sign: A VARIANCE  
To Permit AN EXISTING GARAGE TO BE  
24ft. IN Height IN LIEN OF PERMITTED 15ft.

**Department of Permits and  
Development Management**

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



**Baltimore County**

*James T. Smith, Jr., County Executive  
Timothy M. Kotroco, Director*

April 18, 2005

Phillips Development, LLC.  
Jerry Phillips  
19200 Middletown Road  
Middletown, Maryland 21120

Dear Mr. Phillips:

RE: Case Number: 05-479-A, 1711 Parsonage Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 23, 2005.

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: clb

Enclosures

c: People's Counsel  
Henry Maeser 17400 Falls Road Upperco 21155

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



**Fire Department**

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



**Baltimore County**

*James T. Smith, Jr., County Executive*  
*John J. Hohman, Chief*

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

March 29, 2005

ATTENTION: Zoning Review Planners

Distribution Meeting of April 11, 2005

Item No. 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484

Pursuant to your request, the above referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

**The Fire Marshal's Office has no comment at this time.**

Acting Lt. Warren T. Moffitt  
Fire Marshal's Office  
410-887-4880  
MS-1102F

Cc:file

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director                      DATE: April 20, 2005  
Department of Permits & Development  
Management

FROM: <sup>DAK</sup> Dennis A. Kennedy, Acting Supervisor  
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting  
for April 11, 2005  
Item No. 473, 474, 476, 477, 478,  
479, 480, 481, 482

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

DAK:CEN:clw  
cc: file  
ZAC-NO COMMENTS-04202005.doc



# BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

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

**DATE:** March 18, 2005

RECEIVED

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

MAR 31 2005

**SUBJECT:** 5-479 – Administrative Variance

ZONING COMMISSIONER

The Office of Planning does not oppose the petitioner's request to permit an accessory structure with a height of 24 feet in lieu of the maximum permitted 15 feet provided the following conditions are met:

1. The petitioner or subsequent owners shall not convert the subject accessory structure into a dwelling unit or apartment. The structure shall not contain any sleeping quarters, living area, kitchen or bathroom facilities.
2. The accessory structure shall not be used for commercial purposes.

For further information concerning the matters stated herein, please contact Bill Hughey at 410-887-3480.

Prepared by:

Mark A. Cunniff

Section Chief:

[Signature]

AFK/LL: MAC

4/27/05  
[Handwritten notes and signatures in the left margin]



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

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

Maryland Department of Transportation

Date: 3.25.05

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

RE: Baltimore County  
Item No. 479 JCM

Dear Ms. Matthews:

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,

Steven D. Foster, Chief  
Engineering Access Permits Division

## 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*  
*William J. Wiseman III, Zoning Commissioner*

April 22, 2005

Phillips Development, LLC  
c/o Jerry Phillips, President  
19200 Middletown Road  
Middletown, Maryland 21120

Re: Petition for Administrative Variance  
Case No. 05-479-A  
Property: 1711 Parsonage Road

Dear Mr. Phillips:

I have been given Phillips Development LLC's request for administrative variance to allow a garage 24 ft. in height in lieu of the required 15 ft. It would be appreciated if you would clarify a question for me in regard to the ownership of the subject property.

As you can see by the attached, Code Section 32-3-303(a)(1) allows administrative variances only for owner occupied lots zoned residential. I am not sure Phillips Development, LLC would qualify for this expedited zoning process.

If the LLC does not qualify for this process, I will set the matter in for public hearing. Please let me hear from you in writing in this regard at your earliest convenience.

Very truly yours,

A handwritten signature in black ink that reads "John V. Murphy".

John V. Murphy  
Deputy Zoning Commissioner

JVM:raj  
Enclosure

c: Henry Maeser, III, 17400 Falls Road, Upperco, MD 21155

Visit the County's Website at [www.baltimorecountyonline.info](http://www.baltimorecountyonline.info)



(2) The notice shall provide:

(i) The address of the property under petition or, if not available, a description of the property; and

(ii) The action requested by the petition.

(c) *Referral to Director of Planning.* Once a hearing date for a petition is established, the Department of Permits and Development Management shall promptly forward a copy of the petition to the Director or Deputy Director of the Office of Planning for consideration and a written report containing findings relating to planning factors.

(1988 Code, § 26-127) (Bill No. 18, 1990, § 2; Bill No. 91, 1990, § 2; Bill No. 1, 1992, § 2; Bill No. 103-02, § 2, 7-1-2004)

**§ 32-3-303. SAME – ADMINISTRATIVE SPECIAL HEARING.**

(a) *In general.*

(1) Notwithstanding the hearing requirements under § 32-3-302 of this subtitle, the Zoning Commissioner may grant variances from area and height regulations without a public hearing if the variance petition involves an owner-occupied lot zoned residential, as defined by the Baltimore County Zoning Regulations.

(2) (i) In order to receive a variance without a hearing, the petitioner shall file a supporting affidavit with the petition under oath made on the personal knowledge of the petitioner that sets forth facts that would otherwise satisfy the petitioner's burden of proof if a hearing were to be required.

(ii) The affidavit is in addition to the information required by the Zoning Commissioner on the petition.

(3) The Zoning Commissioner may not grant a variance under this section unless notice of the petition is conspicuously posted on the property for a period of at least 15 days following the filing of the application in accordance with the requirement of the Department of Permits and Development Management.

(b) *Request for public hearing.*

(1) Within the 15 day posting period required under subsection (a)(3) of this section, an occupant or owner within 1,000 feet of the lot in question may file a written request for a public hearing with the Department of Permits and Development Management .

(2) The Department of Permits and Development Management shall schedule a hearing to be held on a date within 75 days after receiving a request for a public hearing.

April 27, 2005

Baltimore County Zoning Commission  
Rm. 405 County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

Attn: Mr. John Murphy / Deputy zoning Commissioner

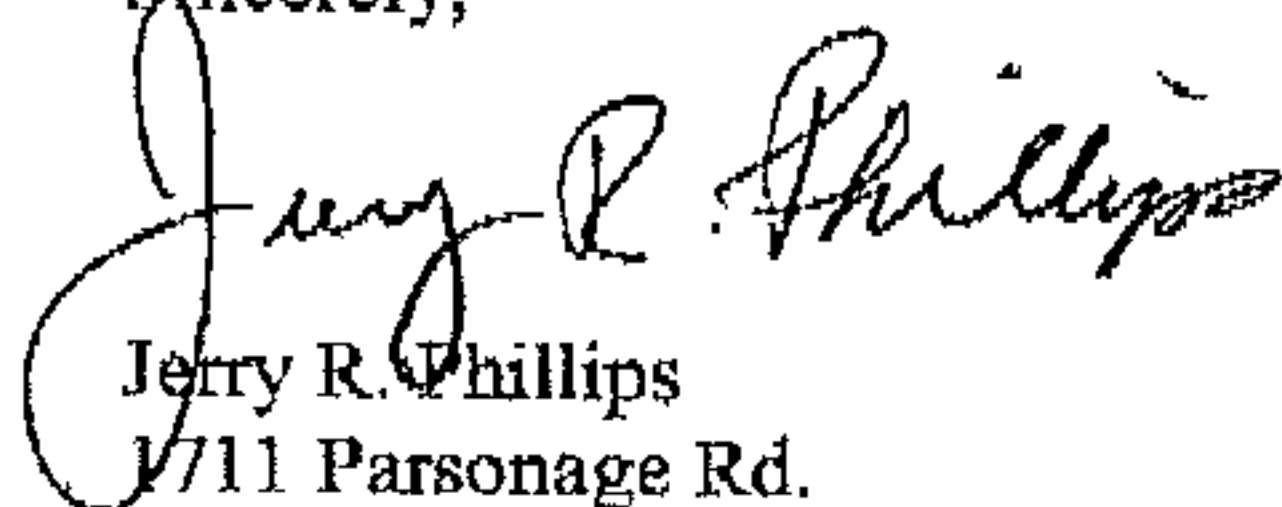
Re: Case No. 05-479-A  
1711 Parsonage Road  
Parkton, Md. 21120

Dear Mr. Murphy,

This letter is to notify you that I Jerry R. Phillips am the sole owner of the Property and Dwelling located at 1711 Parsonage Road Parkton MD. 21120. This property is my personal residence.

Also, this property is not a part of Phillips Fields Development . If there are further questions or concerns please do not hesitate to call on me.

Sincerely,



Jerry R. Phillips  
1711 Parsonage Rd.  
Parkton, MD 21120  
(410) 329-6801

Adjacent Property Owners to  
1711 Parsonage Rd.  
Middletown, MD 21120

1707, 1711, 1715 Parsonage Rd. (Parcel 408)  
Phillips Development L.L.C.  
19200 Middletown Rd.  
Middletown, MD 21120  
Attn: Jerry Phillips 410329-6801

1733 Parsonage Rd. (Parcel 265)  
Sharon L. Devin  
1733 Parsonage Rd.  
Middletown, MD 21120

1801 Parsonage Rd. (Parcel 265)  
John T. McKeegan  
1801 Parsonage Rd.  
Middletown, MD 21120

BALTIMORE COUNTY MARYLAND  
INTER-OFFICE CORRESPONDENCE

DATE: April 5, 2005

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

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

SUBJECT: Item No.: 479  
Legal Owner/Petitioner: Phillips Development, LLC  
Contract Purchaser: N/A  
Property Address: 1711 Parsonage Rd  
Location Description: N/E side of Parsonage Rd. 1,460' +/- W.  
Of centerline of Middletown Rd.

VIOLATION INFORMATION: Case No. 04-0570  
Defendants: Phillips Development, LLC

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:

1. Complaint letter/memo/email/fax (if applicable)
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/ak  
C: Code Enforcement Officer

DATE: 04/04/2005

STANDARD ASSESSMENT INQUIRY (1)

TIME: 14:29:54

PROPERTY NO.	DIST	GROUP	CLASS	OCC.	HISTORIC	DEL	LOAD DATE
23 00 012467	06	2-0	04-00	N	NO		02/15/05
PHILLIPS DEVELOPMENT LLC				DESC-1..		12.377 AC	
				DESC-2..		PHILLIPS PURCHASE	
19200 MIDDLETOWN RD				PREMISE. 01711		PARSONAGE	
						RD	00000-0000

PARKTON MD 21120-9693 FORMER OWNER:

----- FCV -----		----- PHASED IN -----				
	PRIOR	PROPOSED		CURR	CURR	PRIOR
LAND:	70,760	141,520		FCV	ASSESS	ASSESS
IMPV:	0	0	TOTAL..	94,346	94,346	70,760
TOTL:	70,760	141,520	PREF...	0	0	0
PREF:	0	0	CURT...	0	0	0
CURT:	0	0	EXEMPT.		0	0
DATE:	10/01	06/04				

----- TAXABLE BASIS -----	FM DATE
ASSESS: 94,346	11/11/04
ASSESS: 70,760	
ASSESS: 0	

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

Case #  
04-0570





Baltimore County  
 Department of Permits and  
 Development Management

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

65152

Code Enforcement: 410-887-3351  
 Building Inspection: 410-887-3953

Plumbing Inspection: 410-887-3620  
 Electrical Inspection: 410-887-3960

BALTIMORE COUNTY UNIFORM CODE ENFORCEMENT CORRECTION NOTICE

Citation/Case No. 04-0570	Property No. 2300012467	Zoning
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Name(s): Phillips Development LLC

Address: 19200 Middletown Rd.

Violation Location: 1711 PARSONAGE RD

DID UNLAWFULLY VIOLATE THE FOLLOWING BALTIMORE COUNTY LAWS:

I.B.C. 2000 Section R 105-R 105.3  
 Application for Permits  
 Failure to comply with  
 building permit # 507380

BCZR 102.1 - Non-Compliance with  
 Zoning Regulation

BCZR Section 400.3.  
 Height of Acc. Bldg. Not  
 To Exceed (15-0 Feet) in Height  
 Reduce Height or Apply For Variance  
 Before the Zoning Commission

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

On or Before:	Date Issued:
---------------	--------------

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

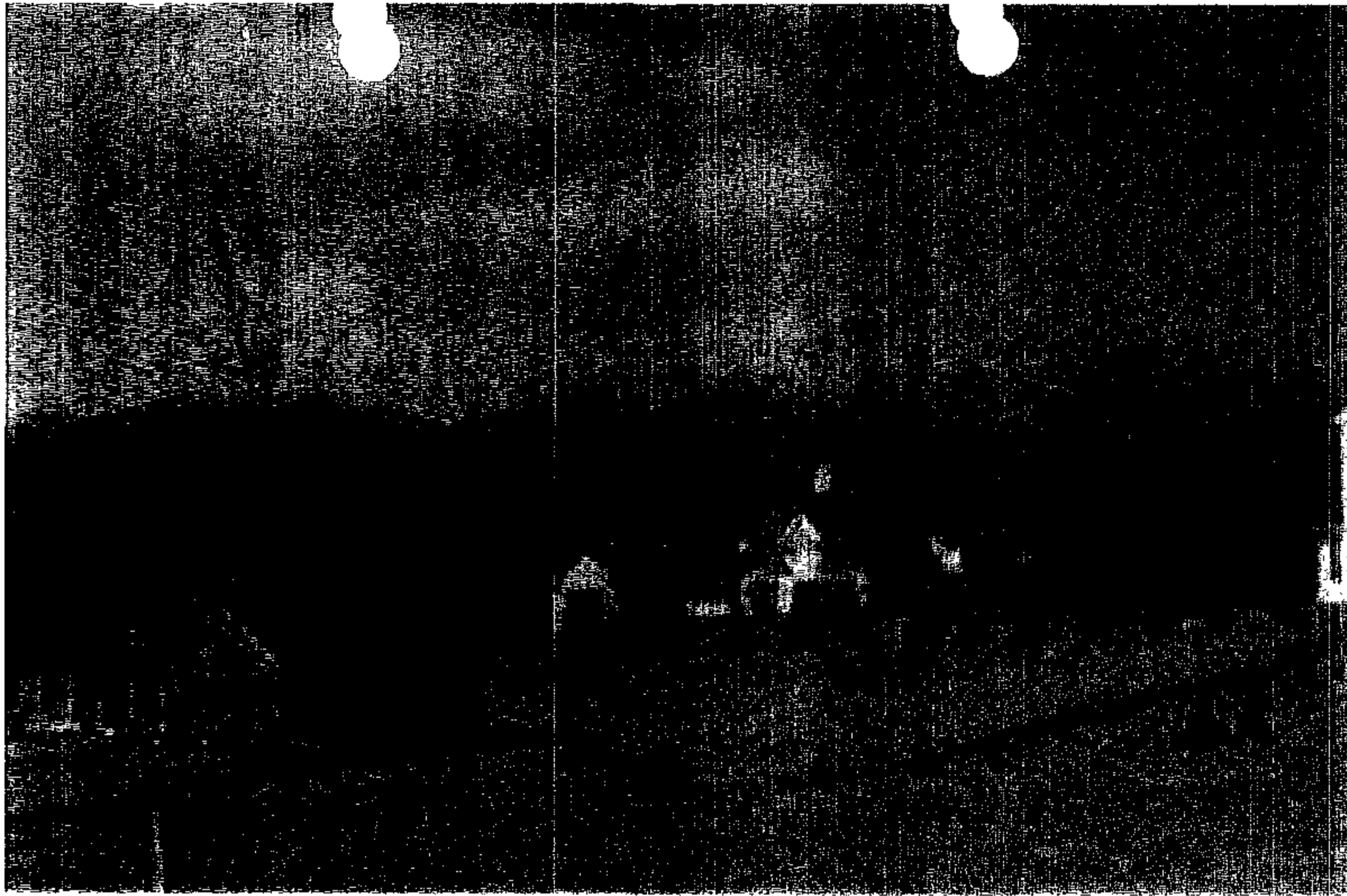
INSPECTOR: **STOP WORK NOTICE**

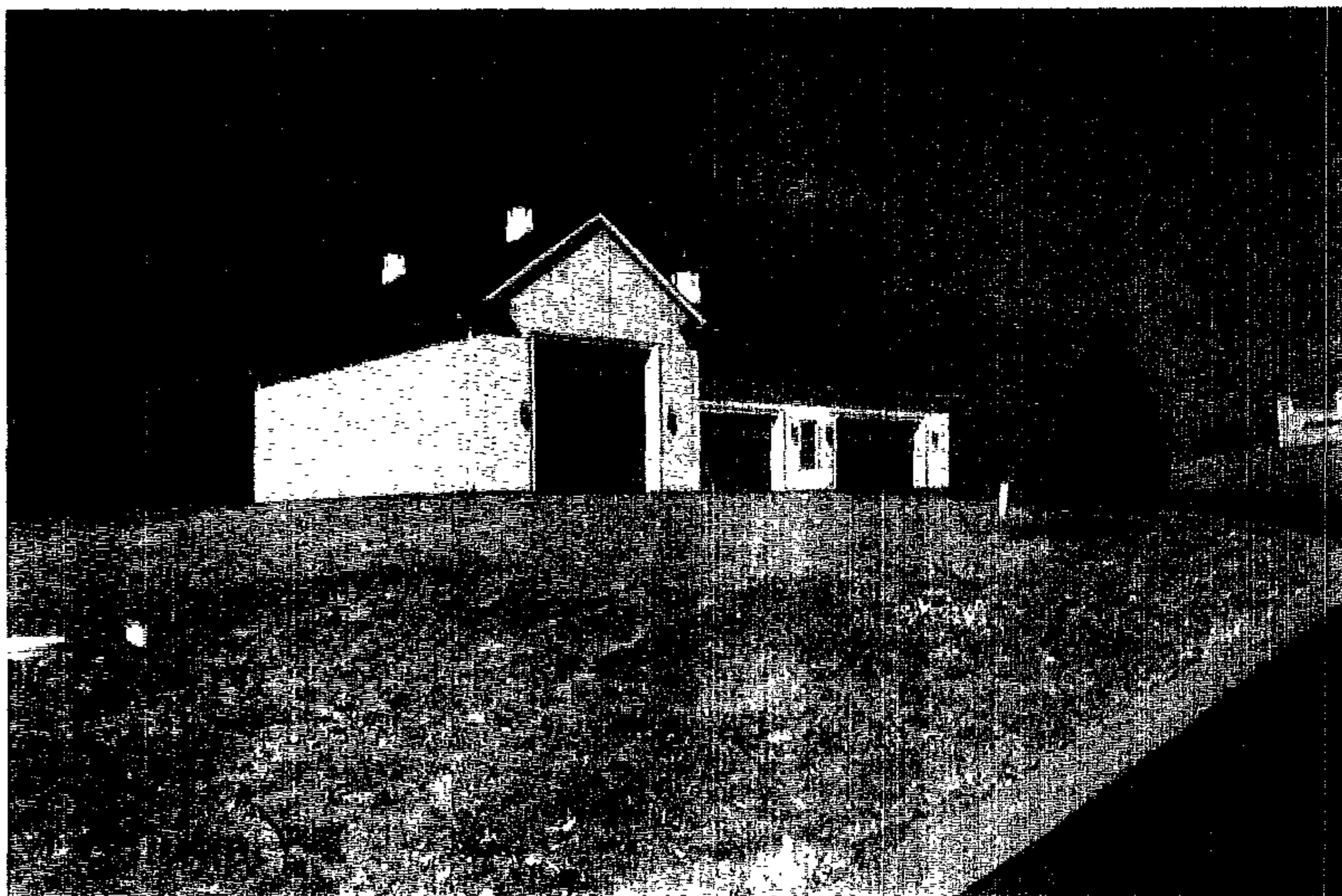
PURSUANT TO INSPECTION OF THE FOREGOING VIOLATIONS, YOU SHALL CEASE ALL WORK UNTIL THE VIOLATIONS ARE CORRECTED AND/OR PROPER PERMITS OBTAINED. WORK CAN RESUME WITH THE APPROVAL OF THE DIVISION OF CODE INSPECTIONS AND ENFORCEMENT. THESE CONDITIONS MUST BE CORRECTED NOT LATER THAN:

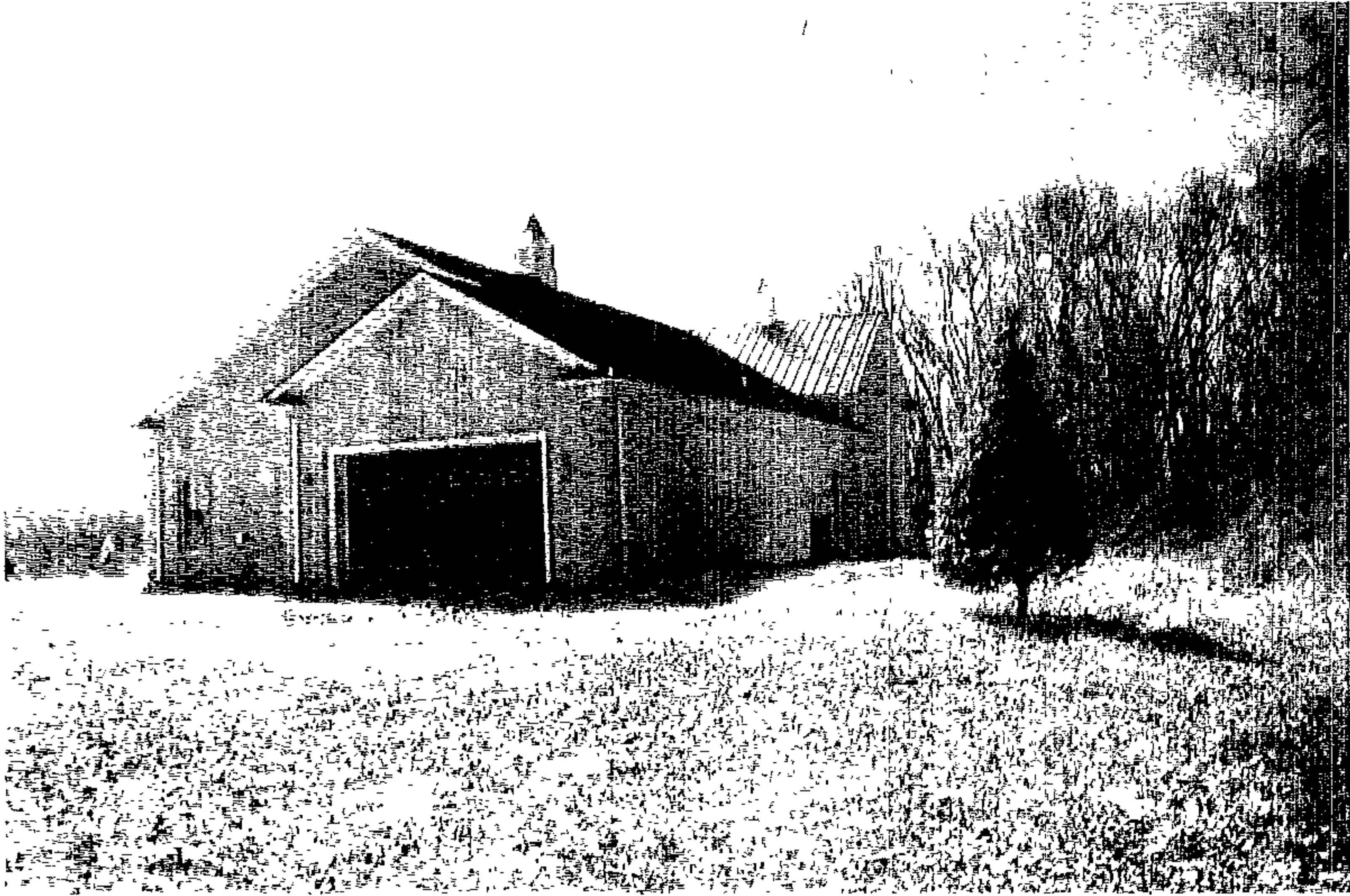
Not Later Than:	Date Issued:
-----------------	--------------

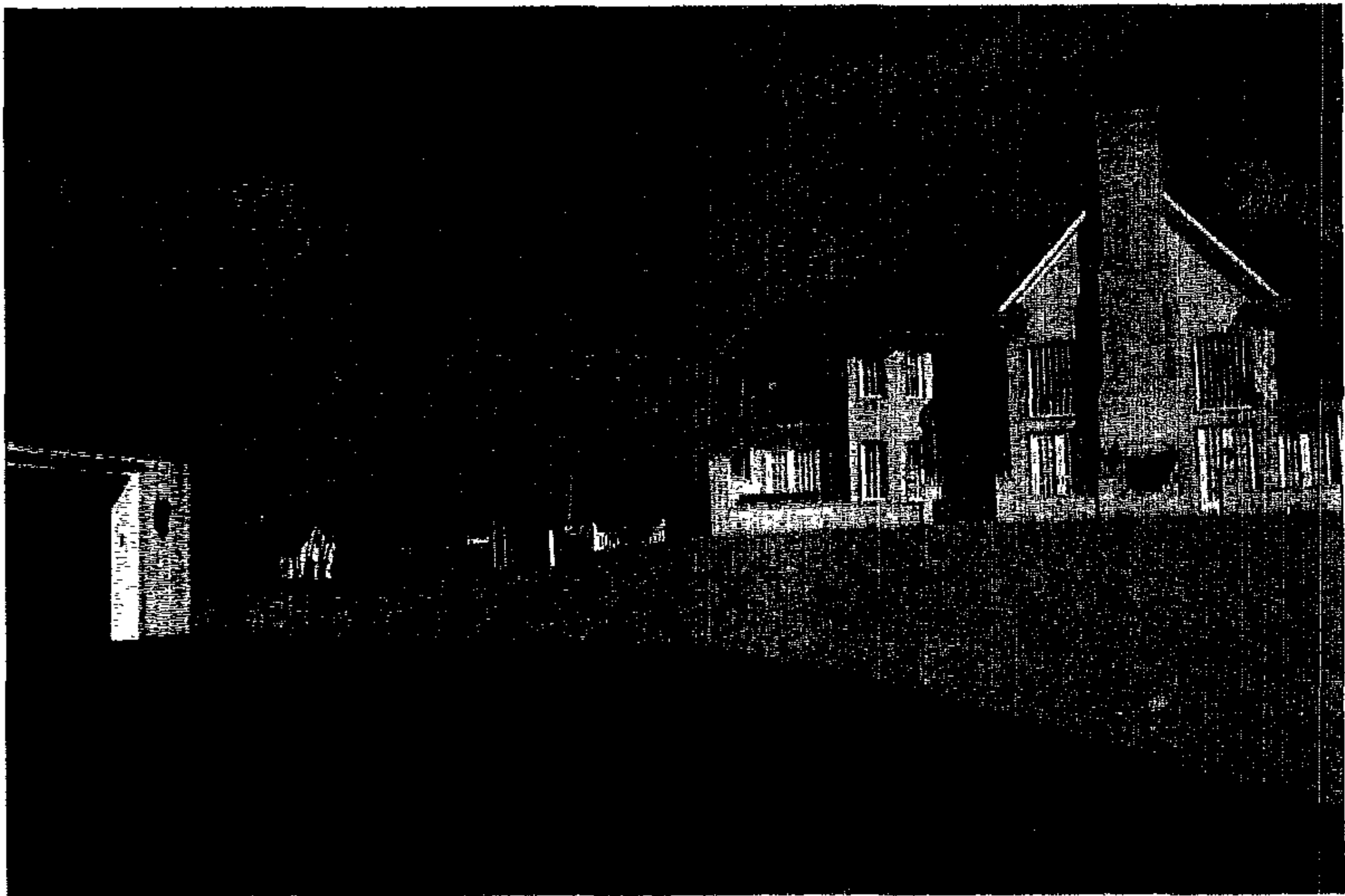
INSPECTOR: Tim Kidd

DEFENDANT







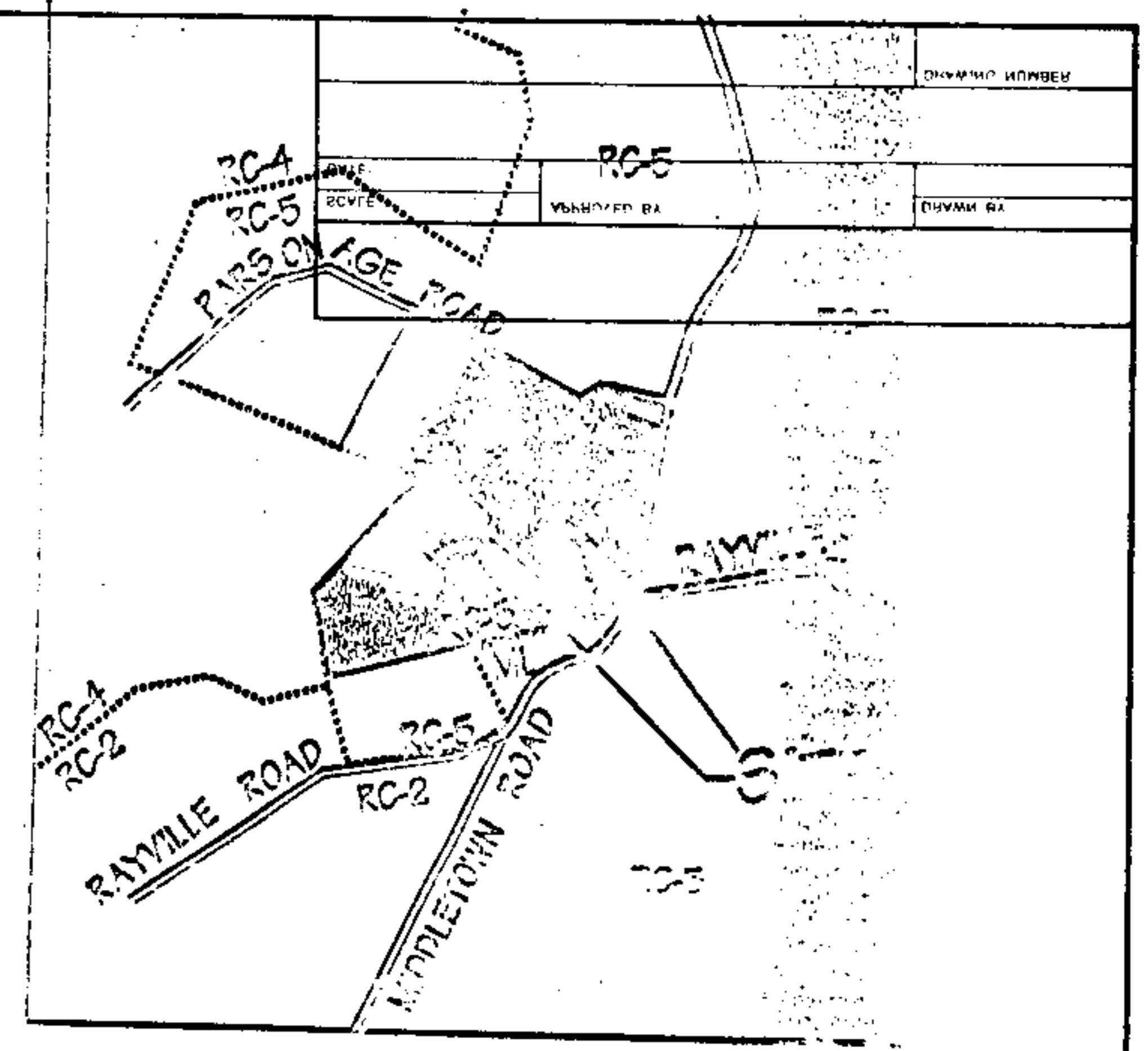


RC 5 ZONE  
 "HEDRICK'S FARM"  
 SM 57154

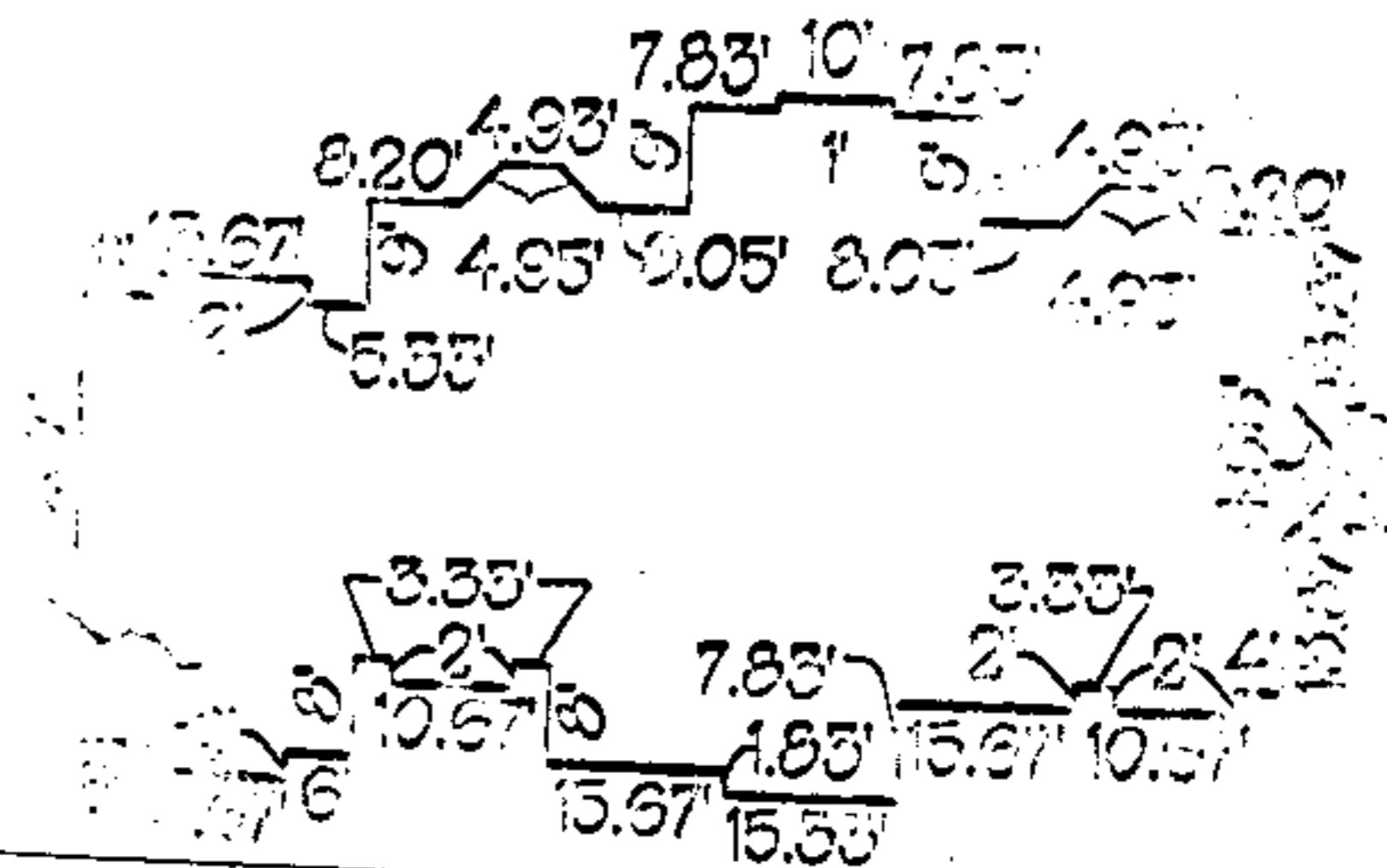
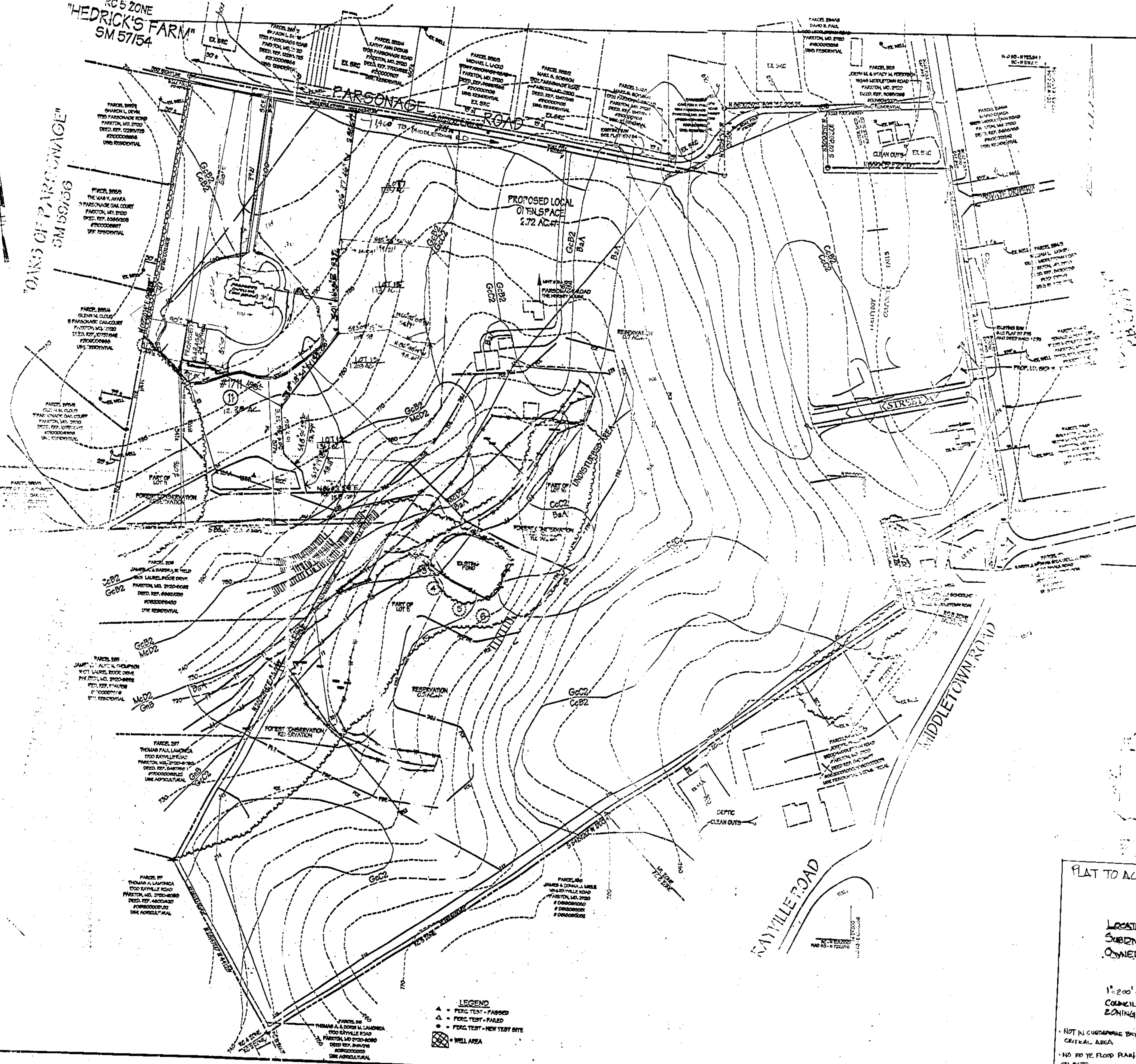
"TOWN OF PARSONAGE"  
 SM 59136

PARSONAGE ROAD

PROPOSED LOCAL  
 OPEN SPACE  
 2.72 AC.



VICINITY MAP  
 SCALE: 1" = 100'



- LEGEND**
- ▲ PERG. TEST - PASSED
  - △ PERG. TEST - FAILED
  - PERG. TEST - NEW TEST SITE
  - ⊗ WELL AREA

PLAT TO ACCOMPANY PETITION FOR ZONING  VARIANCE  SPECIAL HANDLING

LOCATION: 1711 Freestone Road  
 SUBDIVISION: Phillips Tract  
 OWNER: PHILLIPS DEVELOPMENT, LLC  
 17200 MIDDLETOWN ROAD  
 MIDDLETOWN, MD. 21120

- NOT IN GUARANTEE BY CRITICAL AREA
- NO 10 YR. FLOOD PLANS ON SITE
- IS NOT A HISTORIC PROPERTY SITE

**"PHILLIPS RESIDENCE"**  
 5TH. ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND  
 SCALE: 1" = 100' DATE: AUGUST 24, 2004



*Ret. C. #1*



Plan Sheet: 01B3

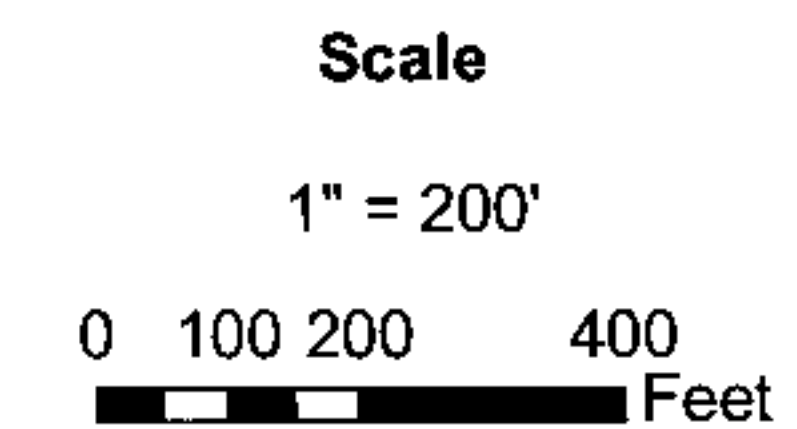
Note:  
 Section 32-3-202 of the Baltimore County, 2003 Code establishes the zoning geodatabase. This map represents the actions of the Baltimore County Council on August 31, 2004 (Bills 82-04, 83-04, 84-04, 85-04, 86-04, 87-04, 88-04, and 89-04) effective September 3, 2004.

**Legend**

- Zoning
- Streams
- Roads
- Buildings
- Vegetation

**Baltimore County  
 Office of Planning and Zoning  
 Official Zoning Map**

010C2	011A2	011B2	011C2	012A2
010C3	011A3	011B3	011C3	012A3
015C1	016A1	016B1	016C1	017A1



**1**

Data Sources:  
 Planimetric Data - Baltimore County  
 OIT/GIS Services Unit  
 1:2400, from 1995/96 photography  
 Zoning - Baltimore County Office of Planning  
 1:2400, 2004