

IN RE: PETITION FOR ADMIN. VARIANCE
W/S Masemore Road, 3,100' N of the c/l
Brandy Springs Road
(17408 Masemore Road)
7th Election District
3rd Council District

Robert B. Stemler, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY

* Case No. 06-469-A

*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owners of the subject property, Robert B. Stemler, Jr., and his wife, Denise R. Stemler. The Petitioners seek relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 19 feet in lieu of the required 35 feet for a proposed addition to the existing dwelling. In addition, relief is requested from Sections 400.1 and 400.3 of the B.C.Z.R. to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, with a height of 22 feet in lieu of the maximum allowed 15 feet. The subject property and requested relief are more particularly described on the site plan submitted with the Petition filed and marked into evidence as Petitioner's Exhibit 1.

The Petition was filed through the administrative variance process, pursuant to Section 32-3-303 of the Baltimore County Code. That Section allows an individual to seek variance relief for an owner-occupied residential property without the need for a public hearing. Under the Code, any property owner residing within 1,000 feet of the property in question who objects to the relief requested has 15 days from the date of the sign posting to demand a public hearing for a determination as to the merits of the request. Additionally, the Zoning Commissioner/Deputy Zoning Commissioner can schedule the matter for a public hearing if deemed appropriate.

In this case, the Petitioners have filed the supporting affidavits as required by Section 32-3-303 (a)(2)(i) of the Baltimore County Code. The subject property having been posted and

ORDER RECEIVED FOR FILING

Date 5-10-09

By [Signature]

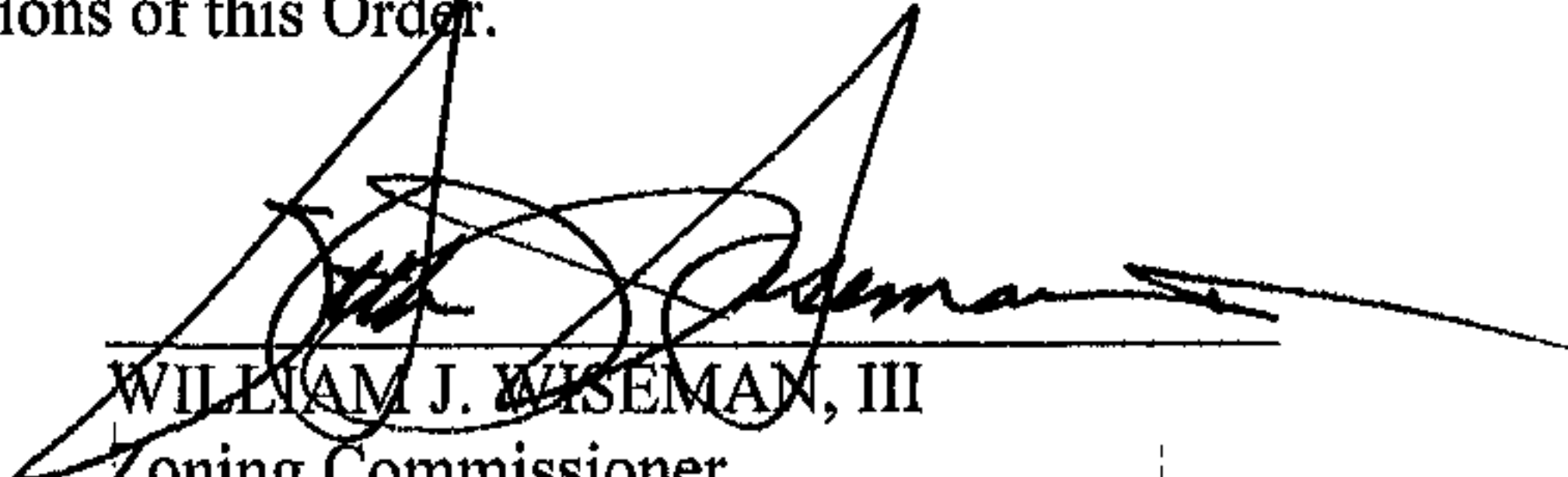
there being no requests for a public hearing, a decision shall be rendered based upon the documentation contained within the case file.

Based upon the evidence contained therein, I am persuaded to grant the requested variance. Relief is necessitated given the layout and location of the existing dwelling. As shown on the site plan, the Petitioners propose to construct a 30' x 26.5' family room addition on the north side of the existing home, which is located 19 feet from the rear property line. Additionally, the septic reserve area for this property is located immediately adjacent to the south side of the house. Thus, any addition to the home would necessitate variance relief. In addition, a 28' x 26' detached garage is proposed to be located in the north side yard, with a height of 22 feet. This structure will meet all setback requirements, but for the height. In this regard, it was indicated that the additional height is necessary due to the pitch of the roof and design details incorporated therein and to provide a storage area above the garage. There were no adverse Zoning Advisory Committee (ZAC) comments submitted by any County reviewing agency and none of the neighbors voiced any objection. Thus, it appears that the relief requested can be granted without detrimental impact to adjacent properties or the surrounding locale.

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

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 10th day of May 2006 that the Petition for Administrative Variance seeking relief Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 19 feet in lieu of the required 35 feet for a proposed addition to the existing dwelling, and from Sections 400.1 and 400.3 of the B.C.Z.R. to permit an accessory structure (detached garage) to be located in the side yard in lieu of the required rear yard, with a height of 22 feet in lieu of the maximum allowed 15 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.
- 2) The garage shall be limited to uses accessory to the residential use of the property. It shall not be used for commercial or business purposes. Moreover, the Petitioner shall not allow or cause the garage to be converted to a second dwelling unit and/or apartments. There shall be no living quarters contained therein, and no kitchen or bathroom facilities.
- 3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

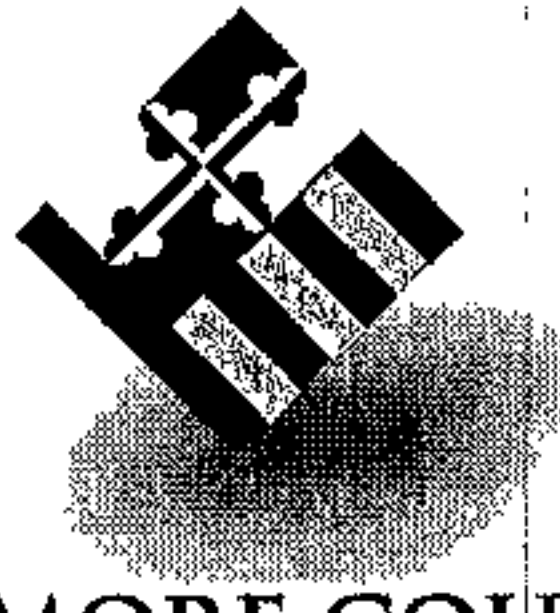

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:bjs

ORDER RECEIVED FOR FILING

Date 5-10-06

By 



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

May 10, 2006

WILLIAM J. WISEMAN III
Zoning Commissioner

Mr. & Mrs. Robert B. Stemler, Jr.
17408 Masemore Road
Parkton, Maryland 21120-9746

RE: PETITION FOR ADMINISTRATIVE VARIANCE
W/S Masemore Road, 3100' N of the c/l Brandy Springs Road
(17408 Masemore Road)
7th Election District – 3rd Council District
Robert B. Stemler, Jr., et ux - Petitioners
Case No. 06-469-A

Dear Mr. & Mrs. Stemler:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "William J. Wiseman III", written over a horizontal line.
WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

cc: Office of Planning; People's Counsel; Case File



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 17408 MASEMORE ROAD, PARKTON
which is presently zoned RC-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)

see attached

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):

DENISE R. STEMLER
Name - Type or Print _____
[Signature]
Signature _____
ROBERT B. STEMLER, JR.
Name - Type or Print _____
[Signature]
Signature _____
17408 MASEMORE ROAD 410343-0270
Address _____ Telephone No. _____
PARKTON MD 21120-9746
City _____ State _____ Zip Code _____

Representative to be Contacted:

JOE GEODES (PARKTON CUSTOM HOMES)
Name _____
P.O. Box 409 410-808-9628
Address _____ Telephone No. _____
JARRETSVILLE MD 21084
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. 06-469-A

Reviewed By BA Date 3/27/06

Estimated Posting Date 4/9/06

REV 10/25/01

RECEIVED FOR FILING

Date _____
By _____

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

17408 MASEMORE ROAD
Address
PARKTON MD 21120-9746
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):

3) GAMBRER
GARAGE
ROOF
W/STORAGE
WITH HEIGHT
APPROX. 22'
TALL.

A PROPOSED FAMILY ROOM ADDITION AND DETACHED GARAGE ADDITION ENCROACHES THE CURRENT REAR SETBACK REQUIREMENTS. THE ZONING REGULATIONS CANNOT BE MET ON THE PROPERTY BECAUSE OF THE FOLLOWING:

- 1) THE EXISTING HOME DOES NOT MEET CURRENT SETBACK
- 2) THE EXISTING HOME'S LOCATION DOES NOT ALLOW ROOM REQUIREMENTS FOR A DETACHED GARAGE TO BE PLACED BEHIND THE HOME.

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.

X Denise R. Stember
Signature
DENISE R. STEMER
Name - Type or Print

X Robert B. Stember, Jr.
Signature
ROBERT B. STEMER, JR.
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 23 day of MARCH 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Maryland, Denise R. Stember and Robert B. Stember Jr.
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal



Jeanne C. Bruckman
Notary Public
My Commission Expires 05.10.08

1A01.3.3 to permit a rear yard setback of 19 ft. in lieu of the required 35 ft. for an addition, and Sections 400.1 and 400.3 to permit an accessory structure (garage) be located in the side yard with a height of 22 ft. in lieu of the required rear yard and 15 ft. height.

ZONING DESCRIPTION FOR:

17408 MASEMORE ROAD, PARKTON, MD 21220

Beginning at a point on the west side of Masemore Road which is 60' wide at the distance of 3,100' north of the centerline of the nearest improved intersecting street Brandy Springs Road, which is 50' wide. Being *tract* # A as recorded in Baltimore County Plat Book # 38, Folio 46, containing 1.640 acres. Also known as 17408 Masemore Road and located in the 7th Election District, 3rd Councilmanic District.

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. 4987

DATE 11/11/11 ACCOUNT 11-000000-6130

AMOUNT \$ 65.00

RECEIVED FROM 11-000000-6130

FOR Baltimore Water

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

CASHIER'S VALIDATION

PAID RECEIPT
PAID TO THE

RECEIVED BY THE

DATE 11/11/11

FOR 11-000000-6130

AMOUNT 65.00

PAID TO THE

DATE 11/11/11

FOR 11-000000-6130

AMOUNT 65.00

PAID TO THE

DATE 11/11/11

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DATE 11/11/11

FOR 11-000000-6130

AMOUNT 65.00

CERTIFICATE OF POSTING

ATTENTION: KRISTEN MATTHEWS

DATE: 4/11/07

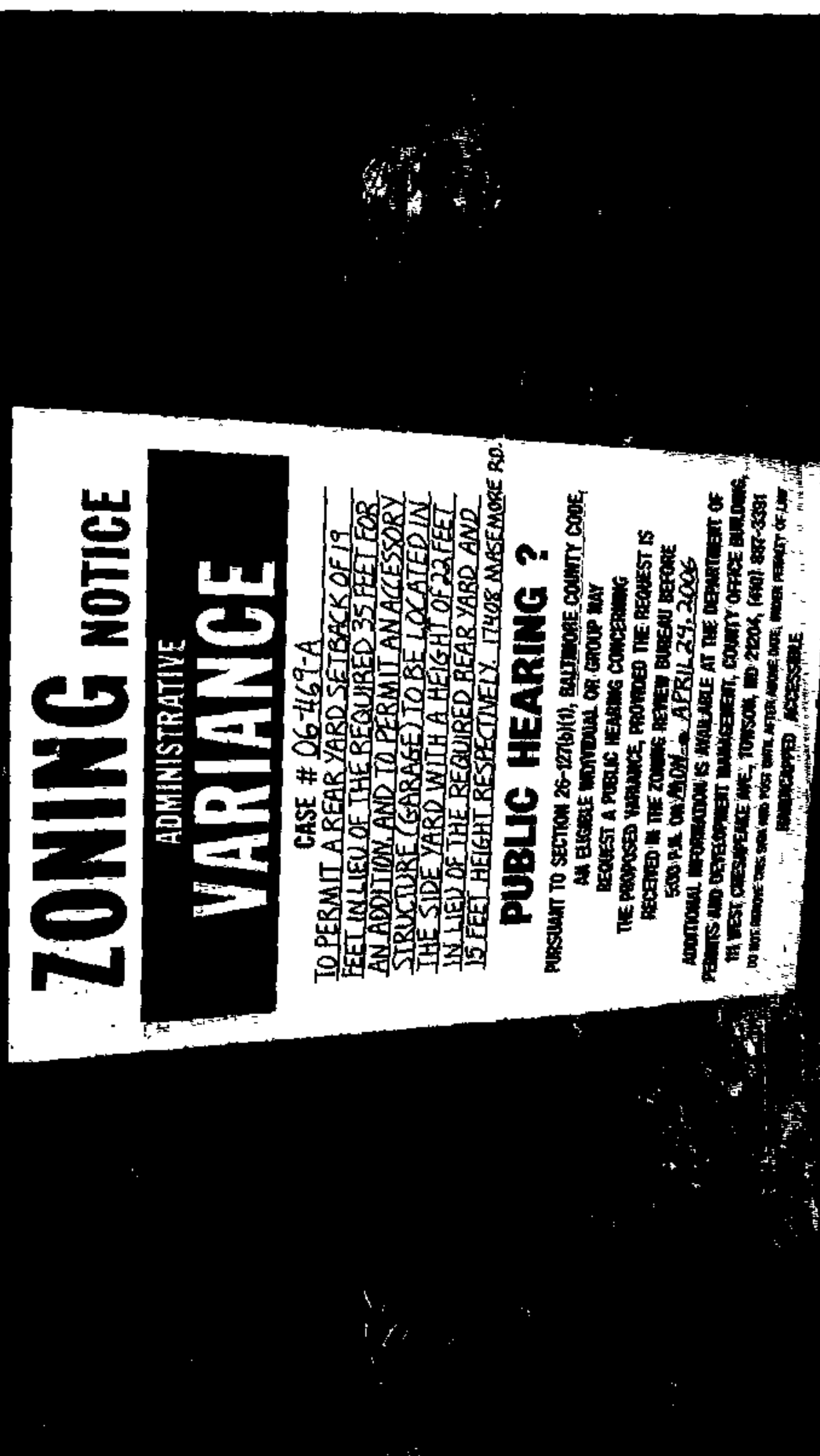
Case Number: 06-469-A

Petitioner/Developer: DENISE & ROBERT STEMLER-JEFF GEDDES OF PARAGON CUSTOM HOMES, LLC

Date of Hearing (Closing): 04/24/06

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: 17408 MASEMORE ROAD

The sign(s) were posted on: 4/8/06



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 Maryland 21030
(City, State, Zip Code of Sign Poster)

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

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: 06-469-A
Petitioner: ROBERT • DENISE STEMLER
Address or Location: 17408 MASEMORE ROAD, PARKTON MD 21226

PLEASE FORWARD ADVERTISING BILL TO:

Name: JEFF GENDES (PARAGON CUSTOM HOMES, LLC)
Address: 383 WATERS ROAD
NEW PARK, PA 17352
Telephone Number: 410-808-9628

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 06- 469 -A Address 17408 Mase-more Rd.

Contact Person: Bruno Rudaitis Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 3/27/06 Posting Date: 4/9/06 Closing Date: 4/24/06

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

1. **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.
2. **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.
3. **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.
4. **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 06- 469 -A Address 17408 Mase-more Rd.

Petitioner's Name Denise & Robert Stemler Telephone 410-343-0270

Posting Date: 4/9/06 Closing Date: 4/24/06

Wording for Sign: To Permit a rear yard setback of 19 ft. in lieu of the
required 35 ft. for an addition, and to permit an accessory
structure (garage) be located in the side yard with a height of 22 ft.
in lieu of the required rear yard and 15 ft. height, respectively.

WCR - Revised 6/25/04

**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 24, 2006

Denise R. Stemler
Robert B. Stemler, Jr.
17408 Masemore Road
Parkton, MD 21120-9746

Dear Mr. and Mrs. Stemler:

RE: Case Number: 06-469-A, 17408 Masemore Road

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 27, 2006.

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, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Jeff Geddes Parkton Custom Homes P.O.Box 409 Jarrettsville 21084

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: April 3, 2006

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

SUBJECT: 17408 Masemore Road

INFORMATION:

Item Number: 6-469

Petitioner: Denise R. Stemler

Zoning: RC 2

Requested Action: Administrative Variance

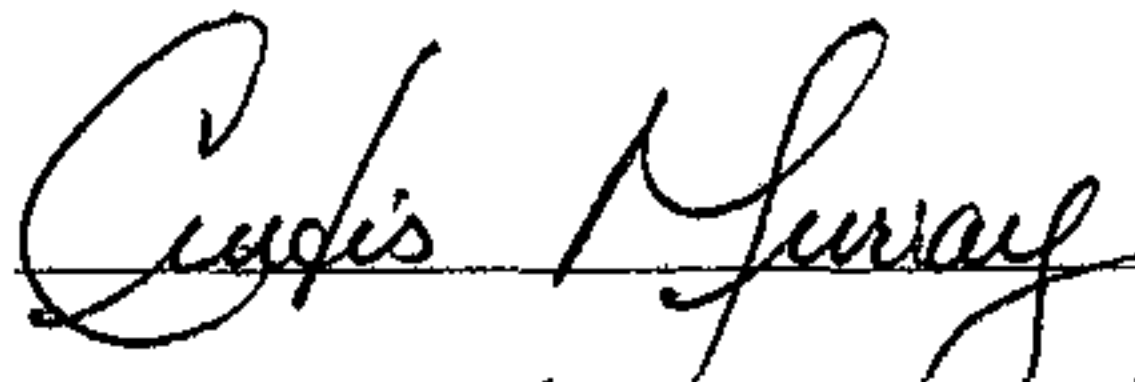
SUMMARY OF RECOMMENDATIONS:

The Office of Planning does not oppose the petitioner's request to permit an accessory structure (garage) with a height of 22 feet in lieu of the maximum permitted 15 feet and to be located in the side yard in lieu of the required rear yard 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 here in, please contact Bill Hughey at 410-887-3480.

Prepared by:



Division Chief:
AFK/LL: CM



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: April 6, 2006

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 10, 2006
Item Nos. 446, 457, 458, 459, 462, 463,
464, 465, 467, 468, 469, and 470

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-04062006.doc

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

April 4, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting of: April 3, 2006

Item Numbers: 446, 457-470

469

Pursuant to your request, the 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.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

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



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



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

Maryland Department of Transportation

Date: 3.31.06

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

RE: Baltimore County
Item No. 469 BPR

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,

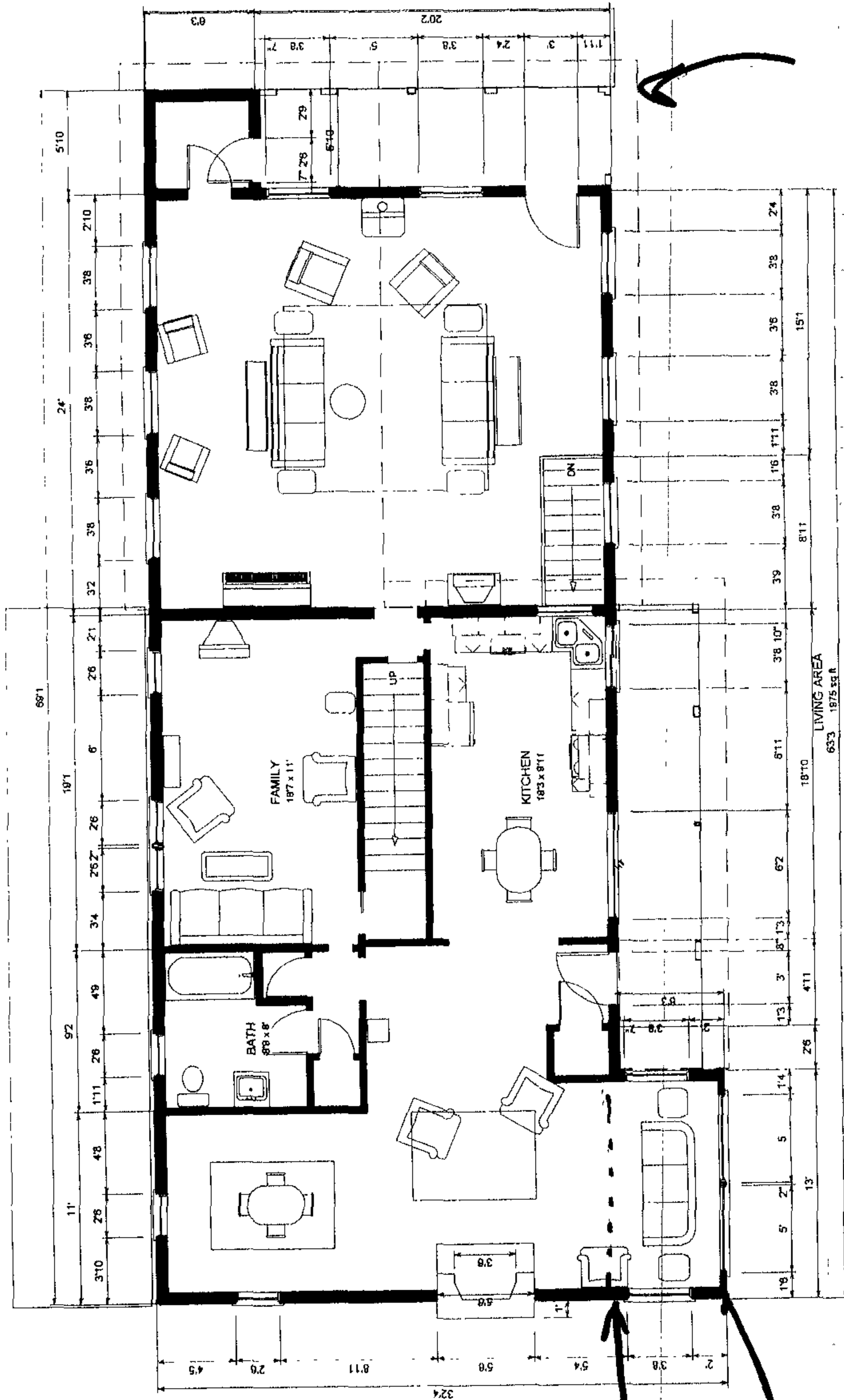
Steven D. Foster, Chief
Engineering Access Permits Division

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone 410.545.0300 • www.marylandroads.com

17408 MASEMORE ROAD



Addition

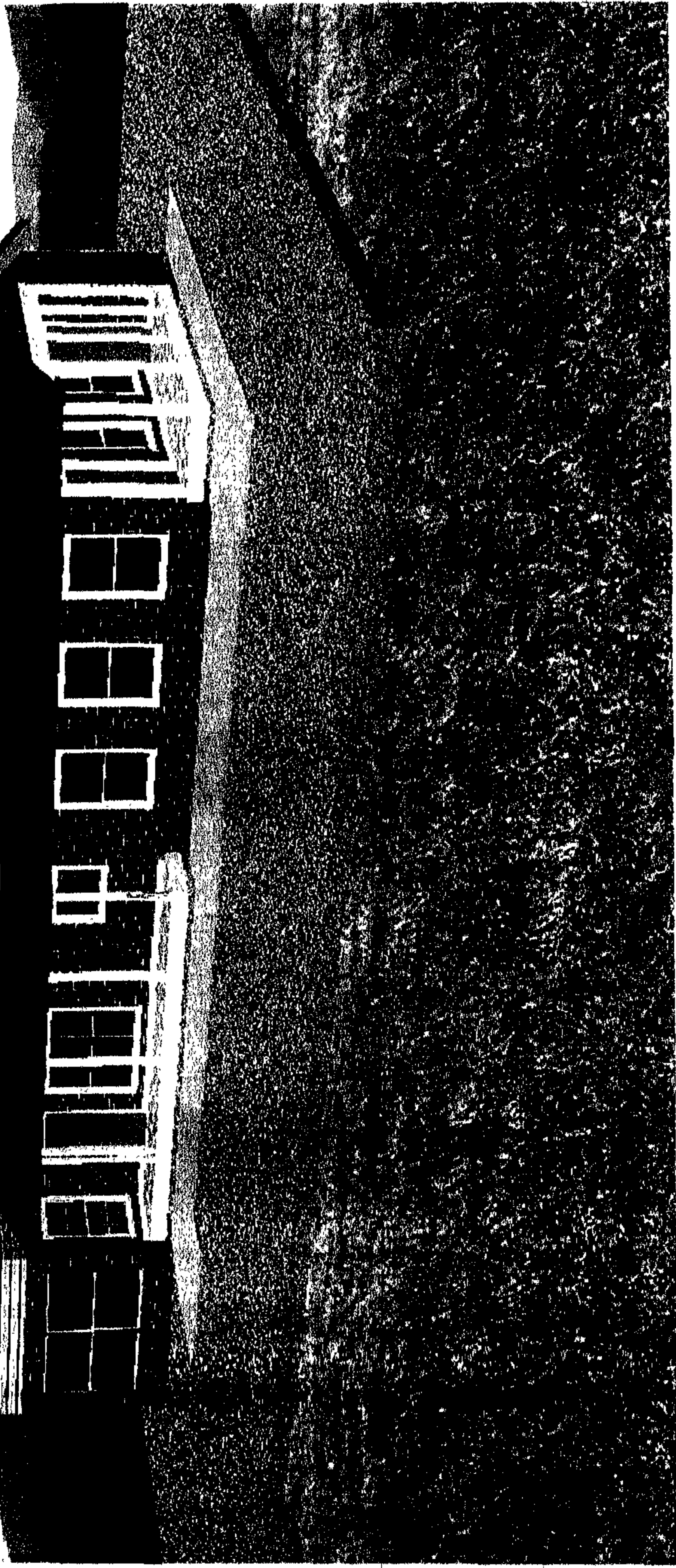
Flout

STEMMER ADDITION

7-0-1
ADDITION
2-5-2

7' Addition

Addition

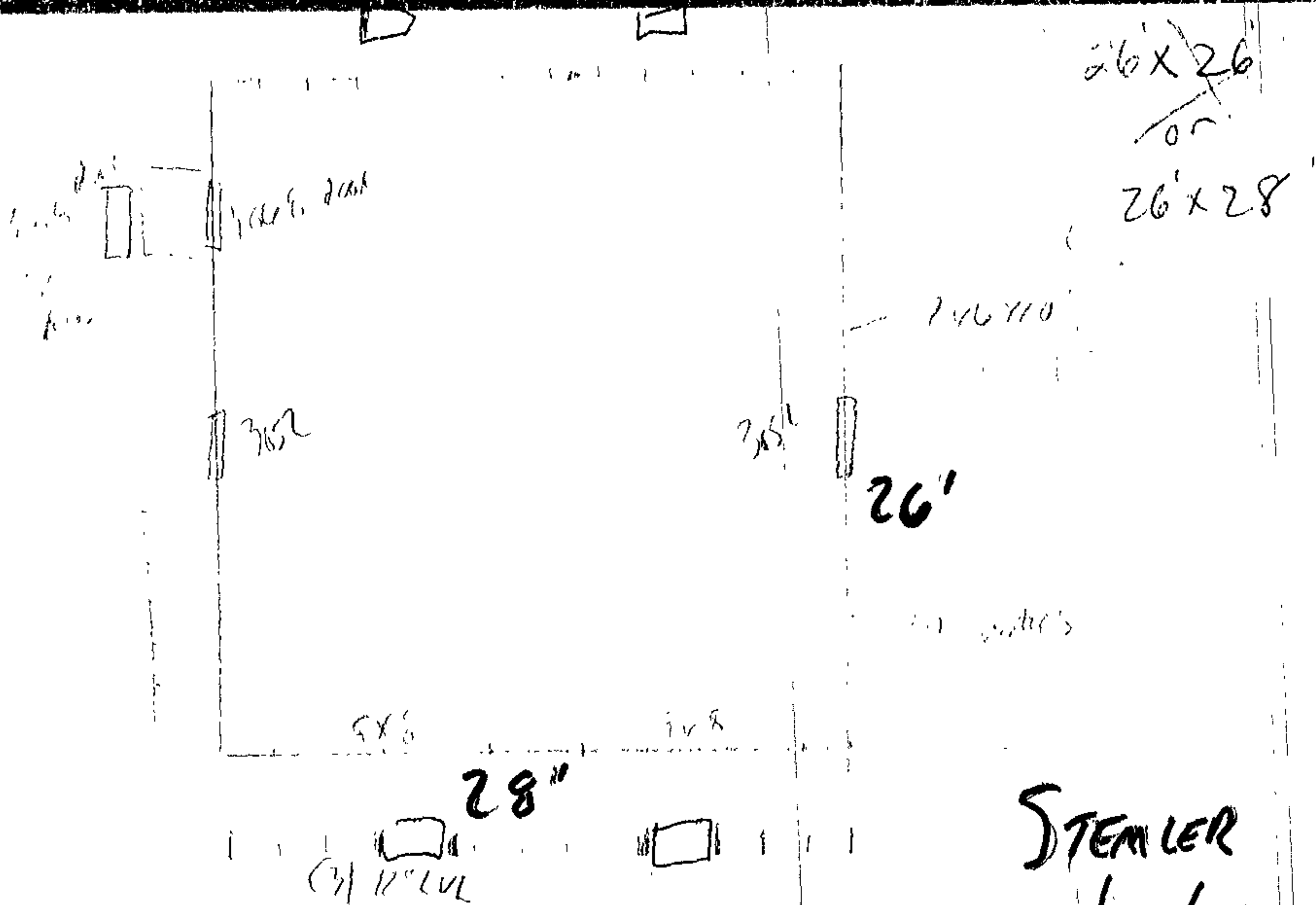
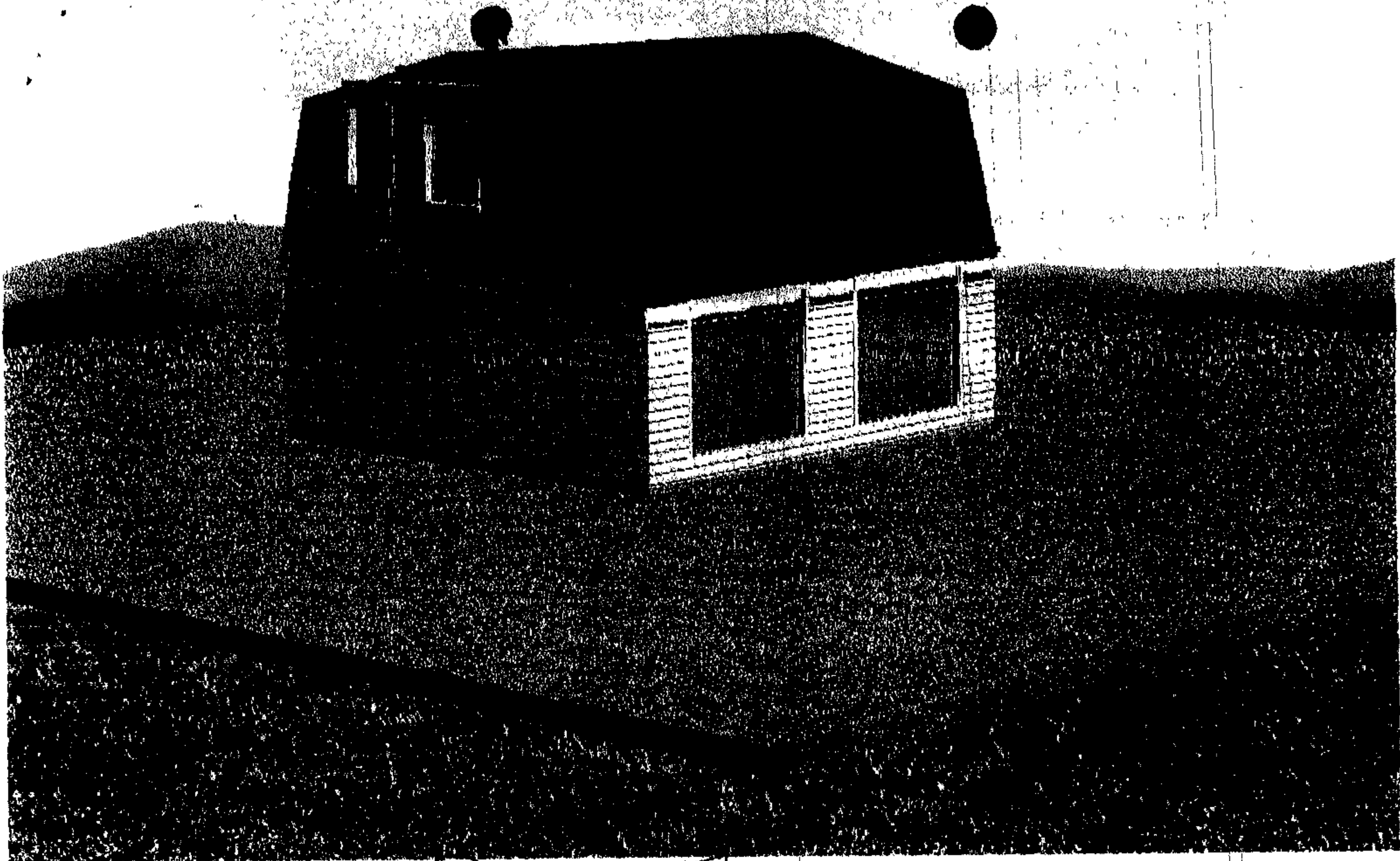


#469

17408 MASCENE ROAD

STEMER ADDITIONS

1/25/06



17408 MASEMORE
PO

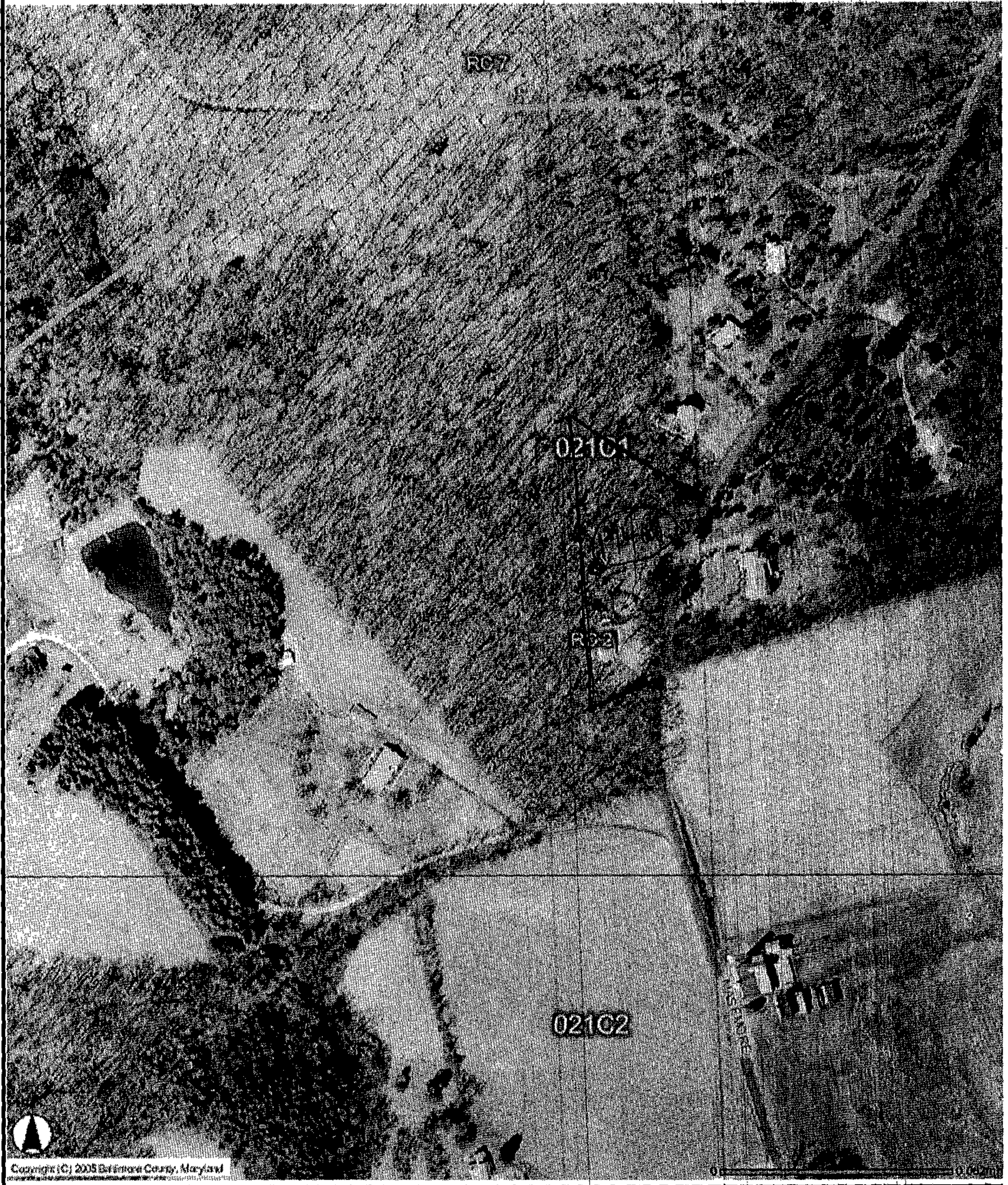
FRONT
GARAGE ADDITION

STENLER
1/25/06

#469

17408 MASEMORE ROAD PARKTON MD 21220

Baltimore County - My Neighborhood



#469

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 17408 Maseville Road SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

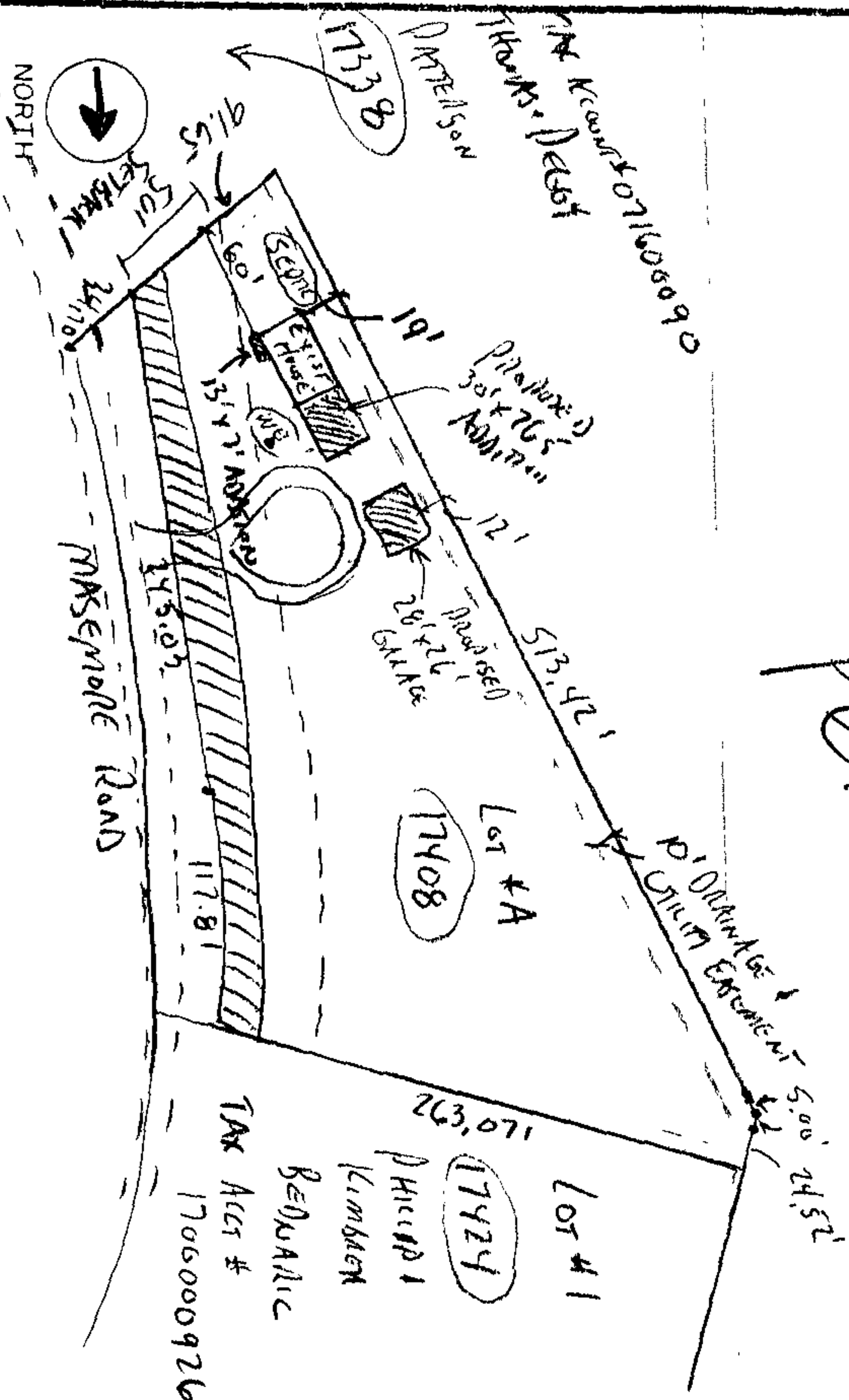
SUBDIVISION NAME Gunpowder Park Estates

PLAT BOOK # 38 FOLIO # 46 ^{Tract # A} SECTION # 1

OWNER Robert + Denise Stentler

TAX Account # 1700000929

Plat 1



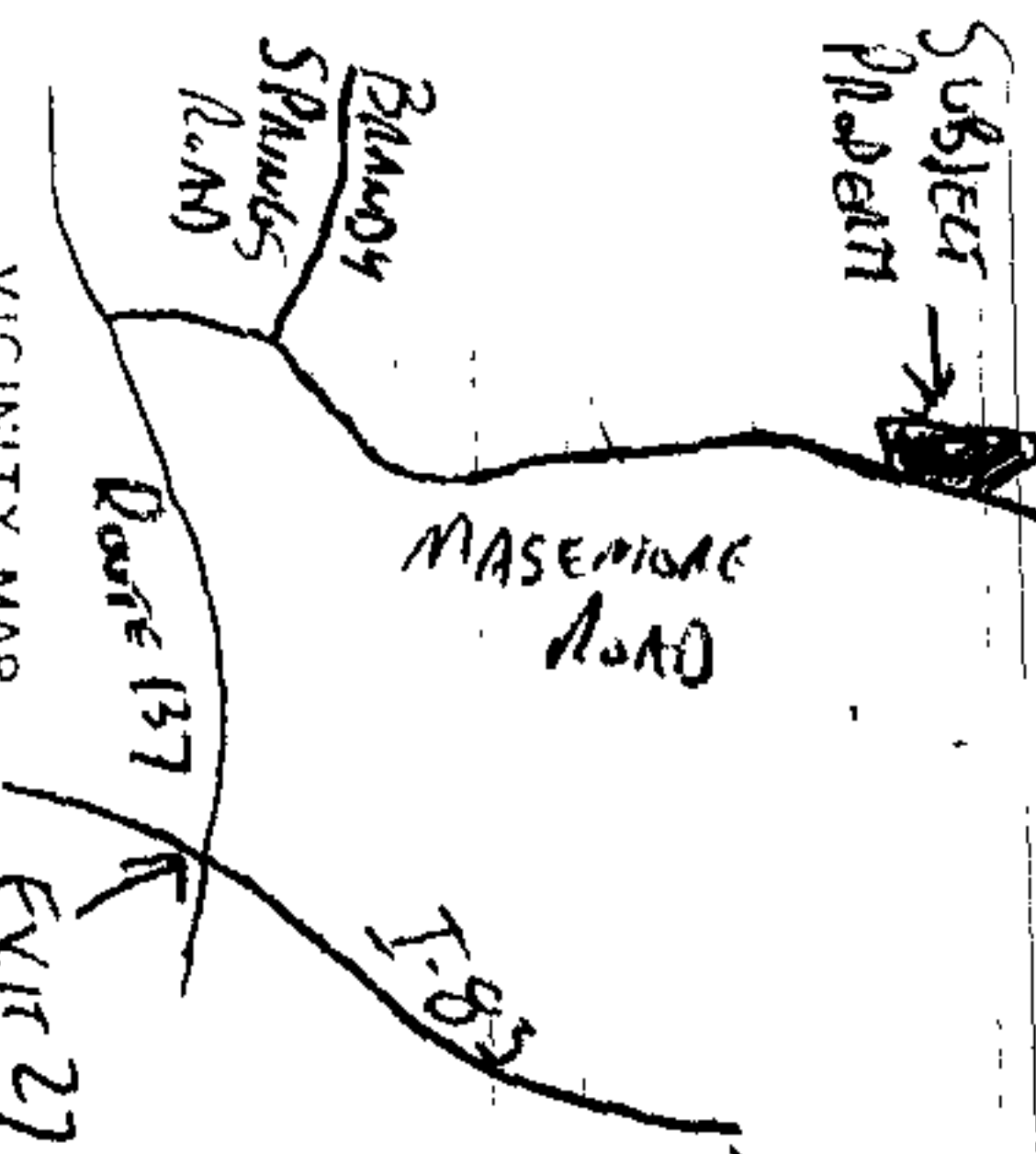
PREPARED BY Jen

Grades

SCALE OF DRAWING: 1" = 100'



VICINITY MAP
SCALE 1" = 1000'



LOCATION INFORMATION

ELECTION DISTRICT 7TH

COUNCILMANIC DISTRICT 3RD

1" = 200' SCALE MAP # 021C1

ZONING RC-2

LOT SIZE 1.640 ACRES 71,438 SQ. FT.

SEWER ☐ PUBLIC ☒ PRIVATE

WATER ☐ ☒

CHESAPEAKE BAY CRITICAL AREA ☐ YES ☒ NO

100 YEAR FLOOD PLAIN ☐ YES ☒ NO

HISTORIC PROPERTY / BUILDING ☐ YES ☒ NO

PRIOR ZONING HEARINGS N/A

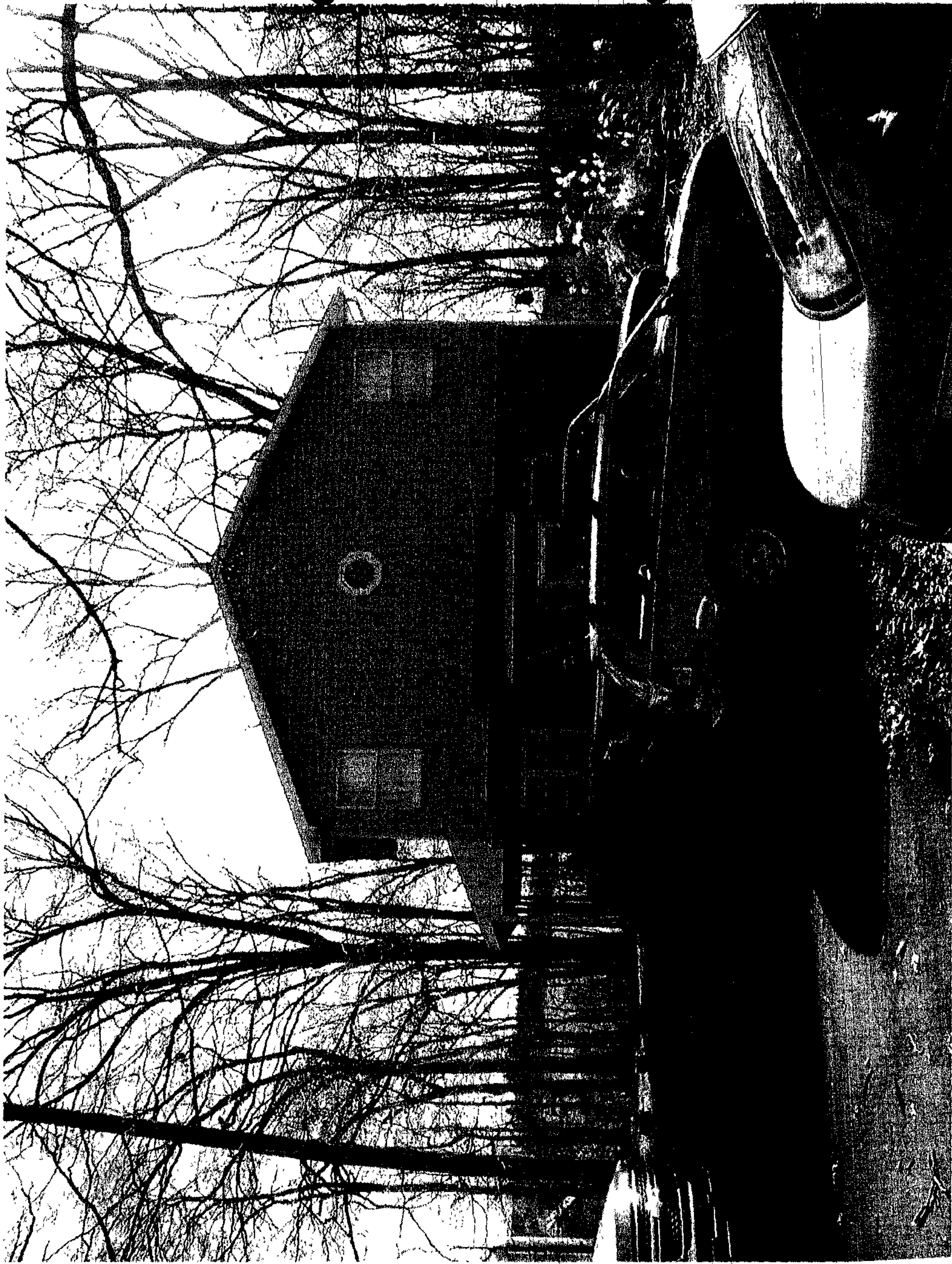
ZONING OFFICE USE ONLY
REVIEWED BY JN ITEM # 469 CASE # 06-469-A

Page #1









697 #