

IN RE: PETITION FOR ADMIN. VARIANCE

S side Stansbury Mill Road, 805 feet

+/- W c/l Manor Road

10th Election District

3rd Councilmanic District

(3709 Stansbury Mill Road)

David A. and Barbara E. Jungers

Petitioners

*

BEFORE THE

*

DEPUTY ZONING COMMISSIONER

*

BALTIMORE COUNTY

*

CASE NO. 07-214-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 owners of the subject property, David A. and Barbara E. Jungers. The variance request is for property located at 3709 Stansbury Mill Road. The variance request is from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (in-law quarters with second kitchen) to have a side yard setback of 30 feet in lieu of the required 50; and to amend the Final Development Plan of Stansbury, Lot 12, only.

The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. The Petitioners state that they are in need of additional space in the home to provide private living quarters for an elderly parent who can no longer live on her own. The most efficient way to accomplish this goal is by adding space to the south side of the property which would require a setback change from 50 feet to 30 feet. The proposed 2-story addition would require such a change whether it was placed to the other side or the rear of the property.

Zoning Advisory Committee Comments

The Zoning Advisory Committee (ZAC) comments are made part of the record of this case and contain the following highlights: None.

2607
Ed

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.”

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on January 8, 2007 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

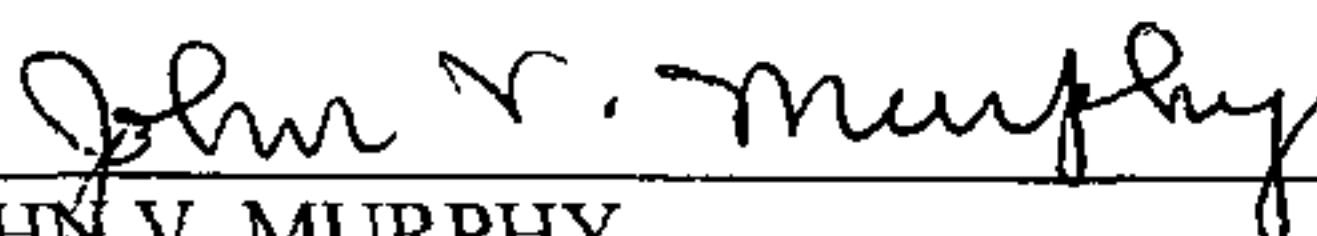
The Petitioners have filed the supporting affidavits and photographs as required by Section 32-3-303 of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare 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 Petitioner.

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 Deputy Zoning Commissioner for Baltimore County, this 6th day of February, 2007 that a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed addition (in-law quarters with second kitchen) to have a side yard setback of 30 feet in lieu of the required 50; and to amend the Final Development Plan of Stansbury, Lot 12, only be and is hereby GRANTED, subject to the following:

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.
2. The Petitioners shall execute and file a Declaration of Understanding for In-Law Quarters with the Department of Permits and Development Management.
3. The in-law quarters must be used only by family members related to the Petitioner and not for rental/income purposes.
4. The Petitioners shall record a copy of this Order in the Land Records of Baltimore County.
5. In the event that the disabled individual no longer resides at the subject dwelling, the residence shall not be converted to a 2-family dwelling.
6. When applying for a building permit, the site plan must reference this case and set forth and address the restrictions of this Order.

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


JOHN V. MURPHY
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

JVM:pz

RECEIVED FOR FILING
2-6-07




BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

February 5, 2007

DAVID A. AND BARBARA E. JUNGERS
3709 STANSBURY MILL ROAD
PHOENIX MD 21131

Re: Petition for Administrative Variance
Case No. 07-214-A
Property: 3709 Stansbury Mill Road

Dear Mr. and Mrs. Jungers:

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 cursive script that reads "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

Enclosure

c: Kitty Daly, HBF Plus Architects, 1777 Reisterstown Road, Suite 118, Baltimore MD 21208

RECEIVED FOR FILE
2-6-07
pz



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 13, 2006

DAVID A. AND BARBARA E. JUNGERS
3709 STANSBURY MILL ROAD
PHOENIX MD 21131

Re: Petition for Administrative Variance
Case No. 07-214-A
Property: 3709 Stansbury Mill Road

Dear Mr. and Mrs. Jungers:

Your request for Administrative Variance has been given to me for review. I note that you propose an addition to accommodate private living quarters for elderly parents. Please write to me to let me know if any kitchen or bathroom facilities are included in the addition. If not, I can make my decision based on the evidence in the file. If there are kitchen and/or bath facilities, we would treat the addition as an in-law apartment and certain other requirements arise. For example, you would be asked to sign an agreement known as a Declaration of Understanding for In-Law Quarters. You can obtain copies of this agreement in the Zoning Office, located at the County Office Building, 111 West Chesapeake Avenue, Room 111, Towson MD 21204. Their telephone number is 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

c: Kitty Daly, HBF Plus Architects, 1777 Reisterstown Road, Suite 118, Baltimore MD 21208
Peoples Counsel



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3709 Stansbury Mill Road
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) 1A04, 3.B.2.6 - to permit

(in-law quarters with second kitchen)
a proposed addition to have a side yard setback of 30 feet in lieu of the required 50; and to amend the final development plan of Stansbury, lot 12 only

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):

David A. Jungers

Name - Type or Print

Signature

Barbara E. Jungers

Name - Type or Print

Signature

3709 Stansbury Mill Rd. 410-666-0571

Address

Telephone No.

Phoenix

MD

21131

City

State

Zip Code

Representative to be Contacted:

Kitty Daly, HBF Plus Architects

Name

1777 Reisterstown Rd.

410-486-0253 Suite 118

Address

Telephone No.

Baltimore

MD

21208

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 07-214-A

REV 9/15/98

Reviewed By RJD

Date

11/9/06

Estimated Posting Date

11/19/06



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3709 Stansbury Mill Road
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) 1A04.3.B.2.b - to permit a

(in-law quarters with second kitchen)
proposed addition to have a side yard setback of 30 feet in lieu of
the required 50; and to amend the final development plan of Stansbury,
lot 12 only

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):

David A. Jungers

Name - Type or Print

Signature

Barbara E. Jungers

Name - Type or Print

Signature

3709 Stansbury Mill Rd. 410-666-0571

Address

Telephone No.

Phoenix

MD

21131

City

State

Zip Code

Representative to be Contacted:

Kitty Daly, HBF Plus Architects

Name

1777 Reisterstown Rd.

410-486-0253

Suite 118

Address

Telephone No.

Baltimore

MD

21208

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO.

07/214/11

Reviewed By

Date

11/9/06

REU 9/15/98

Estimated Posting Date

11/14/06

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 3709 Stansbury Mill Road
Address
Phoenix MD 21131
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):

We are in need of additional space in our home to provide private living quarters for an elderly parent who can no longer live on her own. The most efficient way to accomplish this goal is by adding space to the south side of the property which would require a setback change from 50' to 30'. The addition would require such a change whether we placed it to the other side or the rear of the property.

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]
Signature

David A. Jungers
Name - Type or Print

[Signature]
Signature

Barbara E. Jungers
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of November, 2006, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

DAVID A. JUNGERS and BARBARA E. JUNGERS
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

November 8, 2006
Date

[Signature]
Notary Public

My Commission Expires 5/1/07

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21759

DATE 11/9/06 ACCOUNT R001 006 6150

AMOUNT \$ 115.00

RECEIVED FROM: _____

FOR: Zoning hearing case # C17-214-A

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

BUSINESS	ACTUAL	TIME	DR#
11/13/2006	11/09/2006	14:40:57	1
REG H901	WALKIN JRIC JMR		
>>RECEIPT # 308522 11/09/2006			
Dept	5	528 ZONING VERIFICATION	DFLM
CR NO.	021759		

Receipt Tot \$115.00
\$115.00 CK \$.00 CA
Baltimore County, Maryland

CASHIER'S VALIDATION

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 21759

DATE 11/9/06 ACCOUNT 2001 006 6150

AMOUNT \$ 115.00

RECEIVED
FROM:

FOR: Zoning Hearing case # C7-214 A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAYEE'S NAME

11/9/06

11/9/06

11/9/06

11/9/06

11/9/06

11/9/06

11/9/06

11/9/06

11/9/06

CASHIER'S VALIDATION

ZONING DESCRIPTION FOR 3709 STANSBURY MILL ROAD
BEGINNING AT A POINT ON THE SOUTH SIDE OF
STANSBURY MILL ROAD WHICH IS 50' WIDE AT THE
DISTANCE OF 805' ($\frac{1}{2}$) WEST OF THE CENTERLINE OF THE
NEAREST IMPROVED INTERSECTING STREET MANOR ROAD
WHICH IS 70' WIDE. BEING LOT # 12 IN THE SUBDIVISION
OF STANSBURY. AS RECORDED IN BALTIMORE COUNTY
PLAT BOOK # 56, FOLIO # 50, CONTAINING 1.29 ACRES.
ALSO KNOWN AS 3709 STANSBURY MILL ROAD AND
LOCATED IN THE 10th ELECTION DISTRICT, 3RD COUNCILMANIC
DISTRICT.

Item # 214



Gerhold, Cross & Etzel, Ltd.
Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 07-214-A
PETITIONER/DEVELOPER:
DAVID JUNGERS
DATE OF CLOSING: Dec. 4, 2006

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

ATTENTION: KRISTEN MATTHEWS

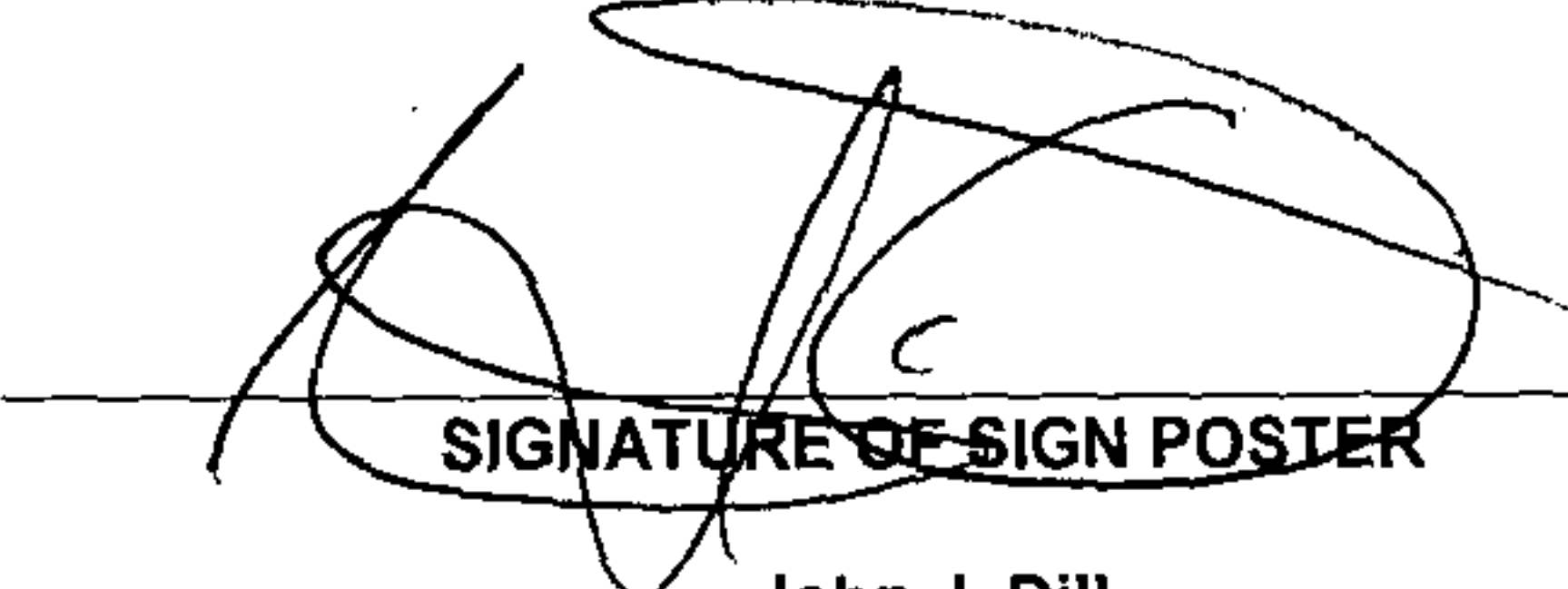
LADIES AND GENTLEMEN:

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

(see page 2 for full size photo)

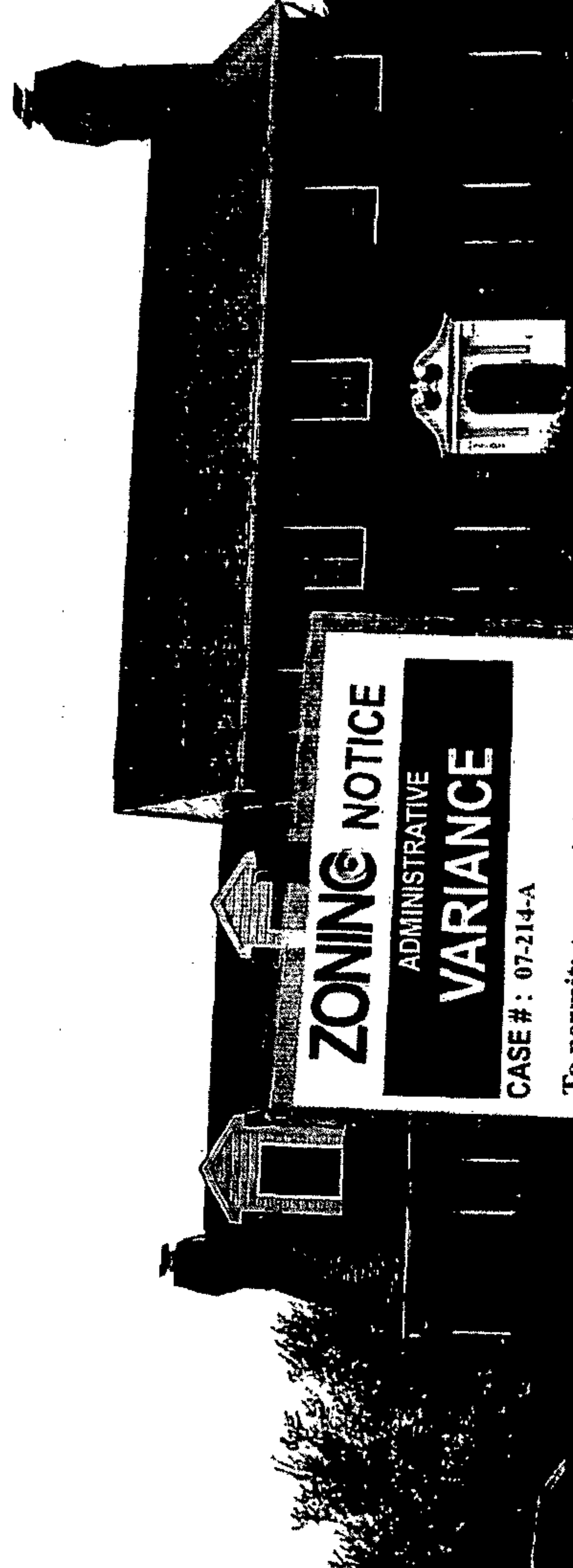
LOCATION:

3709 Stansbury Mill Road


SIGNATURE OF SIGN POSTER
John J. Dill

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

POSTED ON: November 16, 2006



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #: 07-214-A

To permit: A proposed addition to have a side yard setback of 30 feet in lieu of the required 50; and to amend the Final Development Plan of Stansbury, lot 12 only.

PUBLIC HEARING?

PURSUANT TO SECTION 26-122(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 p.m. ON DECEMBER 04, 2006

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

111 W. CHESAPEAKE AVE. TEL. 410-887-3391
TOWSON, MD 21204

HEARINGS ARE HANDLED BY THE ZONING OFFICE

01 20 2000 21:24



Gerhold, Cross & Etzel, Ltd.

Registered Professional Land Surveyors • Established 1906

Suite 100 • 320 East Towsontown Boulevard • Towson, Maryland 21286
Phone: (410) 823-4470 • Fax: (410) 823-4473 • www.gcelimited.com

CERTIFICATE OF POSTING

RE: CASE# 07-214-A
PETITIONER/DEVELOPER:
David & Barbra Jungers
DATE OF CLOSING: Jan. 29, 2007

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

ATTENTION: KRISTEN MATTHEWS

LADIES AND GENTLEMEN:

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

(see page 2 for full size photo)

LOCATION:

3709 Stansbury Mill Road

SIGNATURE OF SIGN-POSTER

John J. Dill

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

POSTED ON: January 8, 2007

ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASE #: 07-214-A

To permit: A proposed addition (in-law quarters with second kitchen) to have a side setback of 30 feet in lieu of the required 50; and to amend the Final Development Plan of Stansbury, lot 12 only.

PUBLIC HEARING?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED IT IS DONE IN THE ZONING OFFICE BEFORE 4:30 P.M. ON JANUARY 29, 2007.

ADDITIONAL INFORMATION IS AVAILABLE AT ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT

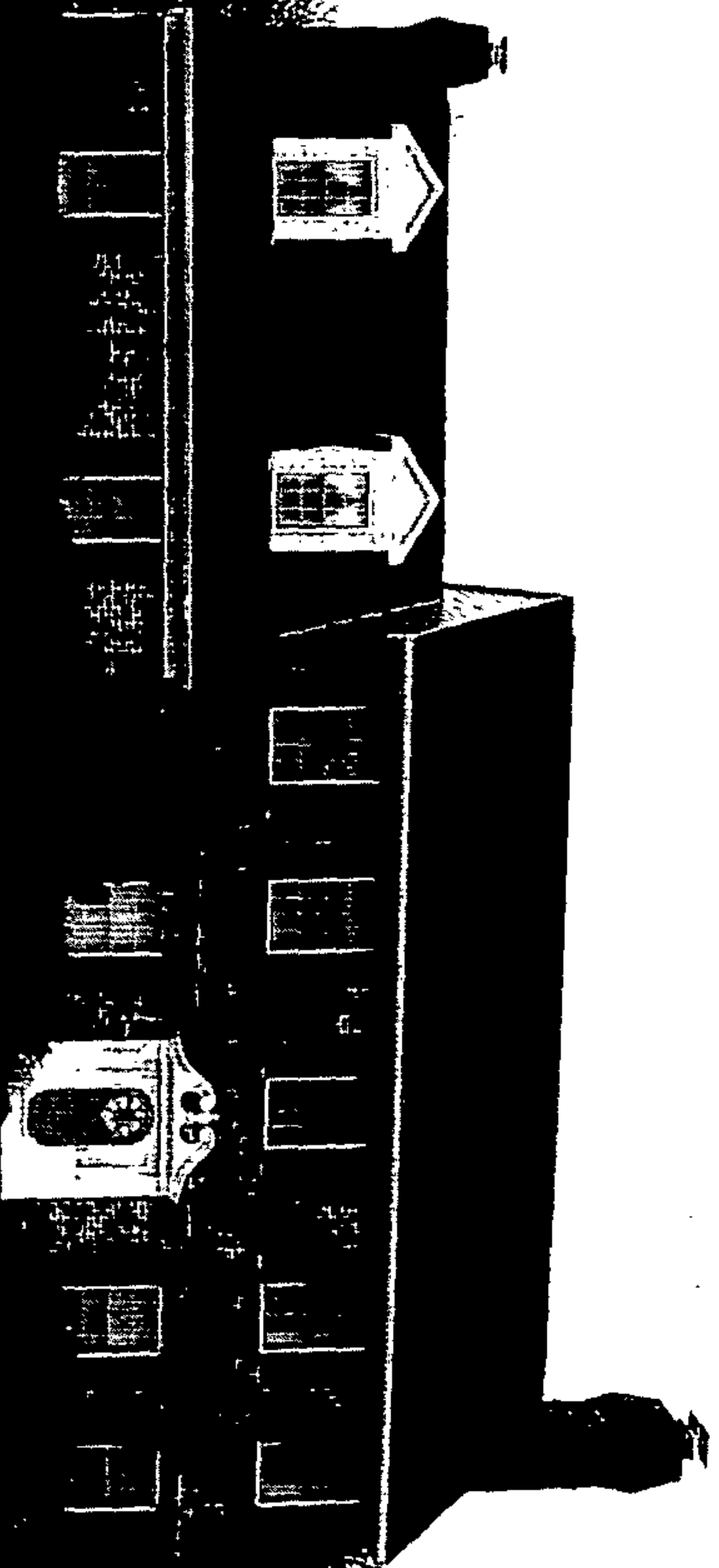
100 W. CHESAPEAKE AVE.
BOWEN, MD 21034

TEL. 410 837-3391

FOR MORE INFORMATION, VISIT OUR WEBSITE AT

WWW.BALTIMORECOUNTYMD.GOV

OR CALL 410 837-3391
AND ACCESS OUR



ZONING NOTICE

ADMINISTRATIVE VARIANCE

CASES: 6-116-1

To permit: proposed addition to the rear of the existing building to be used as a parking lot for the use of the building. The use is not in the same zone as the existing building. The use is not in the same zone as the existing building.

PUBLIC HEARING?

ACCORDING TO THE ZONING ORDINANCE, A PUBLIC HEARING IS REQUIRED FOR ALL ADMINISTRATIVE VARIANCES. THE PUBLIC HEARING WILL BE HELD AT THE ZONING OFFICE, 1000 N. 10TH ST., SUITE 100, ON MONDAY, JUNE 11, 2007, AT 10:00 AM. THE PUBLIC HEARING IS OPEN TO THE PUBLIC. THE ZONING OFFICE WILL BE CLOSED FOR THE PUBLIC HEARING. THE ZONING OFFICE WILL BE CLOSED FOR THE PUBLIC HEARING.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADJUSTED
ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 07- 214 -A Address 3709 Stansbury Mill Road

Contact Person: R. David Duvall Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11/9/06 Re-^{Adjusted} Posting Date: 1/14/07 Re-^{Adjusted} Closing Date: 1/29/07

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 07- 214 -A Address 3709 Stansbury Mill Road

Petitioner's Name David & Barbara Jungers Telephone 410-666-0571

Re-^{Adjusted} Posting Date: 1/14/07 Re-^{Adjusted} Closing Date: 1/29/07

Wording for Sign: To Permit a proposed addition (in-law quarters with second kitchen) to have a side setback of 30 feet in lieu of the required 50 feet; and to amend the Final Development Plan of Stansbury, Lot 12 only.

WCR - Revised 6/25/04

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: 07-214-A

Petitioner: DAVID & BARBARA JUNGERS

Address or Location: 3709 STANSBURY MILL ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: HBF PLUS ARCHITECTS.

Address: SUITE 118

1777 REISTERSTOWN ROAD

BALTIMORE MD 21208

Telephone Number: 410 486 0253



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

December 5, 2006

David A. Jungers
Barbara E. Jungers
3709 Stansbury Mill Road
Phoenix, MD 21131

Dear Mr. and Mrs. Jungers:

RE: Case Number: 07-214-A, 3709 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 November 9, 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.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:amf

Enclosures

c: People's Counsel
Kitty Daly, HBF Plus Architects 1777 Reisterstown Road Suite 118 Baltimore 21208



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

State Highway
Administration

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

MARYLAND DEPARTMENT OF TRANSPORTATION

Date: November 20, 2006

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

RE: Baltimore County
Item No. 7-214A
3709 STANSBURY MILL RD
JUNGERS PROPERTY
VARIANCE - PROPOSED ADDITION
IN LIEU OF SIDEYARD SETBACK

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 7-214A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

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

November 22, 2006

ATTENTION: Zoning Review Planners

Distribution Meeting Of: November 20, 2006

214

Item Number(s): 213 through 228

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



BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

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

DATE: November 28, 2006

FROM: Dennis A. Kennedy^{DAK}, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For November 27, 2006
Item Nos. 07-72, 139, 213, 214, 215, 216,
217, 218, 219, 220, 221, 222, 223, 224,
226, 227, and 228.

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-11272006.doc

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: November 28, 2006

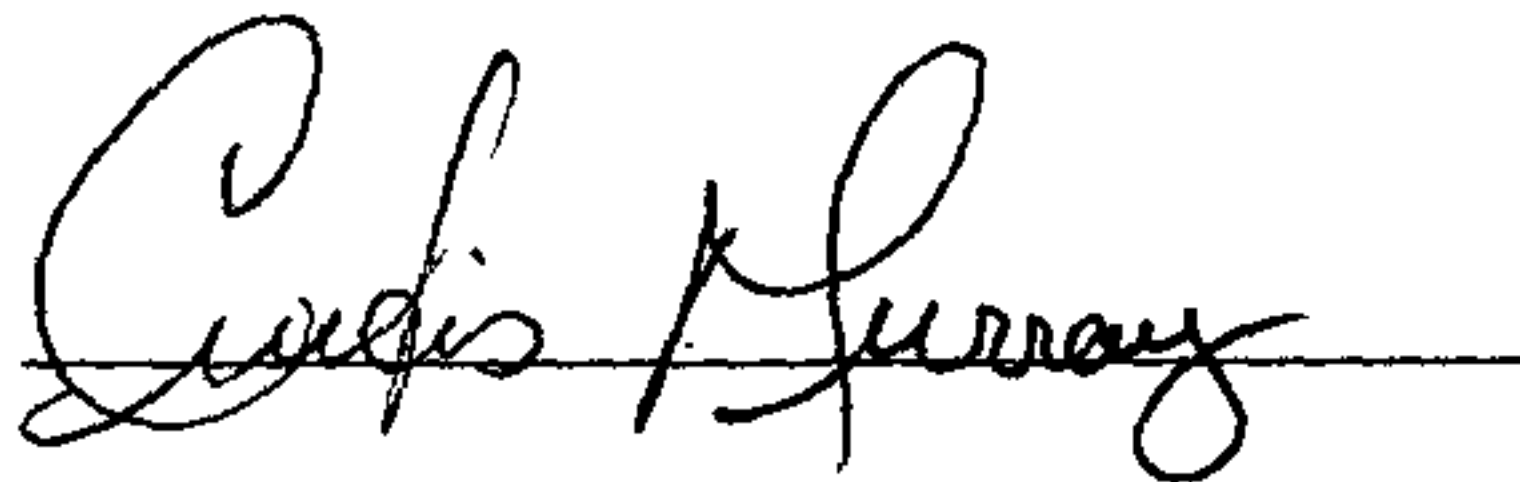
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): Case(s) 7-214- Administrative Variance

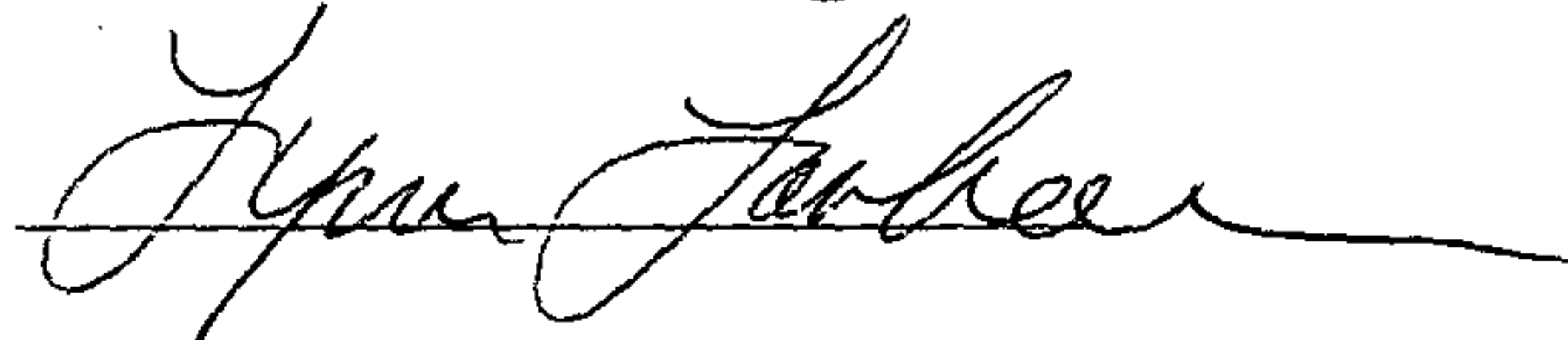
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Bill Hughey in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:



CM/LL

RECEIVED

DEC 6 4 2006

ZONING COMMISSIONER

Design Reach

December 20, 2006

John V. Murphy
Deputy Zoning Commissioner
County Courts Building
401 Bosley Avenue
Suite 405
Towson, Maryland 21204

Re: Petition for Administrative Variance
Case No. 07-214-A
Property: 3709 Stansbury Mill Road

Dear Commissioner Murphy:

I am in receipt of your letter of December 13, 2006 concerning the above referenced project. The addition will include a kitchen and a bath and is therefore subject to a Declaration of Understanding with the DPM. I have drafted the Declaration and supporting documents and sent them to the Owners for their signatures, notarization, and to send to Timothy Kotroco, Director of PDM. Copies of those documents are attached.

If you are in need of any further information or documentation, please do not hesitate to contact me.

Very truly yours,

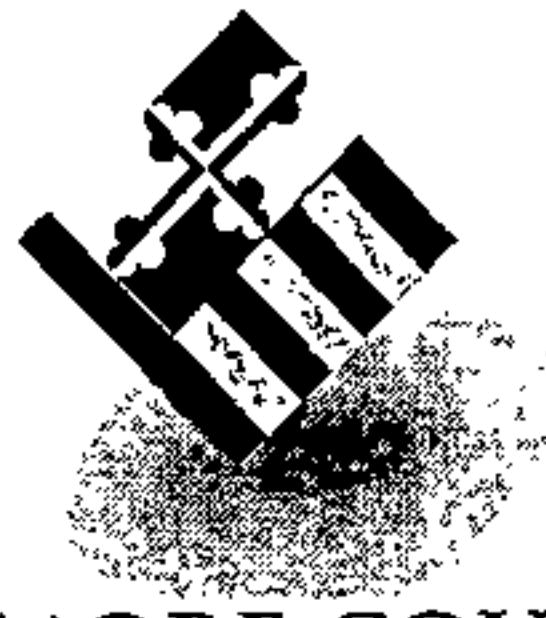


Kitty Daly
encl

cc: Barbara and David Jungers

HB F^{plus}
ARCHITECTS

COPIES
26-07
B



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

December 13, 2006

DAVID A. AND BARBARA E. JUNGERS
3709 STANSBURY MILL ROAD
PHOENIX MD 21131

Re: Petition for Administrative Variance
Case No. 07-214-A
Property: 3709 Stansbury Mill Road

Dear Mr. and Mrs. Jungers:

Your request for Administrative Variance has been given to me for review. I note that you propose an addition to accommodate private living quarters for elderly parents. Please write to me to let me know if any kitchen or bathroom facilities are included in the addition. If not, I can make my decision based on the evidence in the file. If there are kitchen and/or bath facilities, we would treat the addition as an in-law apartment and certain other requirements arise. For example, you would be asked to sign an agreement known as a Declaration of Understanding for In-Law Quarters. You can obtain copies of this agreement in the Zoning Office, located at the County Office Building, 111 West Chesapeake Avenue, Room 111, Towson MD 21204. Their telephone number is 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "John V. Murphy".

John V. Murphy
Deputy Zoning Commissioner

JVM:pz

c: Kitty Daly, HBF Plus Architects, 1777 Reisterstown Road, Suite 118, Baltimore MD 21208
Peoples Counsel

RECEIVED FOR FILED
2607
1095
CJ

DECLARATION OF UNDERSTANDING

THIS DECLARATION OF UNDERSTANDING (hereinafter referred to as "Declaration") is made on this _____ day of _____, 20____, by and between David and Barbara Jungers (hereinafter referred to as the Declarant) and the Department of Permits and Development Management (hereinafter referred to as "PDM").

Recitals

A. The Declarant has filed an application for an Administrative Variance with PDM requesting approval to construct an addition to the improvements on the property located at 3709 Stansbury Mill Road, Phoenix, Maryland 21131 and more particularly described in Exhibit "A" (the "Property") and attached hereto and made a part hereof. The property is zoned RC5, which is the particular zone in which the property is located.

B. PDM has approved the request to build an in-law addition, complete with kitchen, provided the improvement and addition are used as a single-family residence. The addition will be the housing for the Declarants' elder, widowed parent with the benefit of being attached to her family. The second kitchen will be removed and the addition's living space will be taken over by the Declarants upon the death of the in-law, if the in-law leaves or moves from the residence, or the Declarant moves or sells the property, whichever occurs first.

C. As a condition to its approval of the Declarant's request, PDM has required the filing of the Declaration among the Land Records of Baltimore County to provide notice to any future owners, subsequent bona fide purchasers or users of this Property that no part of any improvement or addition on the Property may be used for separate living quarters and that all such improvement shall only be used as a single-family residence, unless otherwise approved by and at the discretion of PDM.

DECLARATIONS

NOW, THEREFORE, in consideration of the premises and other goods and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Declarant and PDM declare as follows:

1. Any and all improvements now existing or to be constructed on the Property shall be used only as a single-family residence. No such improvements or additions shall ever be used as a separate living quarter or second residential unit.

2. The kitchen for the in-law will be constructed as part of the addition to the Property shall be accessory uses to the principal use of the Property as a single-family residence. Living quarters for the in-law shall be used only by the in-law and not as an independent residential unit, and shall not be used by any other person or for any other reason.

3. Upon the death of the in-law, if the in-law leaves or otherwise vacates, or the Declarant moves or sells the Property, whichever occurs first, the living space of the addition will be incorporated into the living space of the single-family residential unit for the exclusive use of the Declarant or subsequent purchaser or user and the second kitchen removed.

IN WITNESS WHEREOF, the parties hereto have duly executed this Declaration under seal on the date first above written.

WITNESS:

David A. Jungers

Barbara E. Jungers

State of Maryland, County of Baltimore: to wit:

I HEREBY CERTIFY that on this _____ day of _____, 20____,
before the Subscriber, a Notary Public of the State of Maryland, personally appeared

_____,
the DeclarantS herein, known to me (or satisfactorily proven) to be the persons whose names are
subscribed to the within instrument, and they acknowledged that they executed for the foregoing
instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal.

Notary Public

My commission expires: _____

Department of Permits and
Development Management
of Baltimore County

WITNESS:

_____ By: _____
Director

State of Maryland, County of Baltimore: to wit:

I HEREBY CERTIFY that on this _____ day of _____, 20____,
before the Subscriber, a Notary Public of the State of Maryland, personally appeared

_____,
the DeclarantS herein, known to me (or satisfactorily proven) to be the persons whose names are
subscribed to the within instrument, and they acknowledged that they executed for the foregoing
instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and Notary Seal.

Notary Public

My commission expires: _____

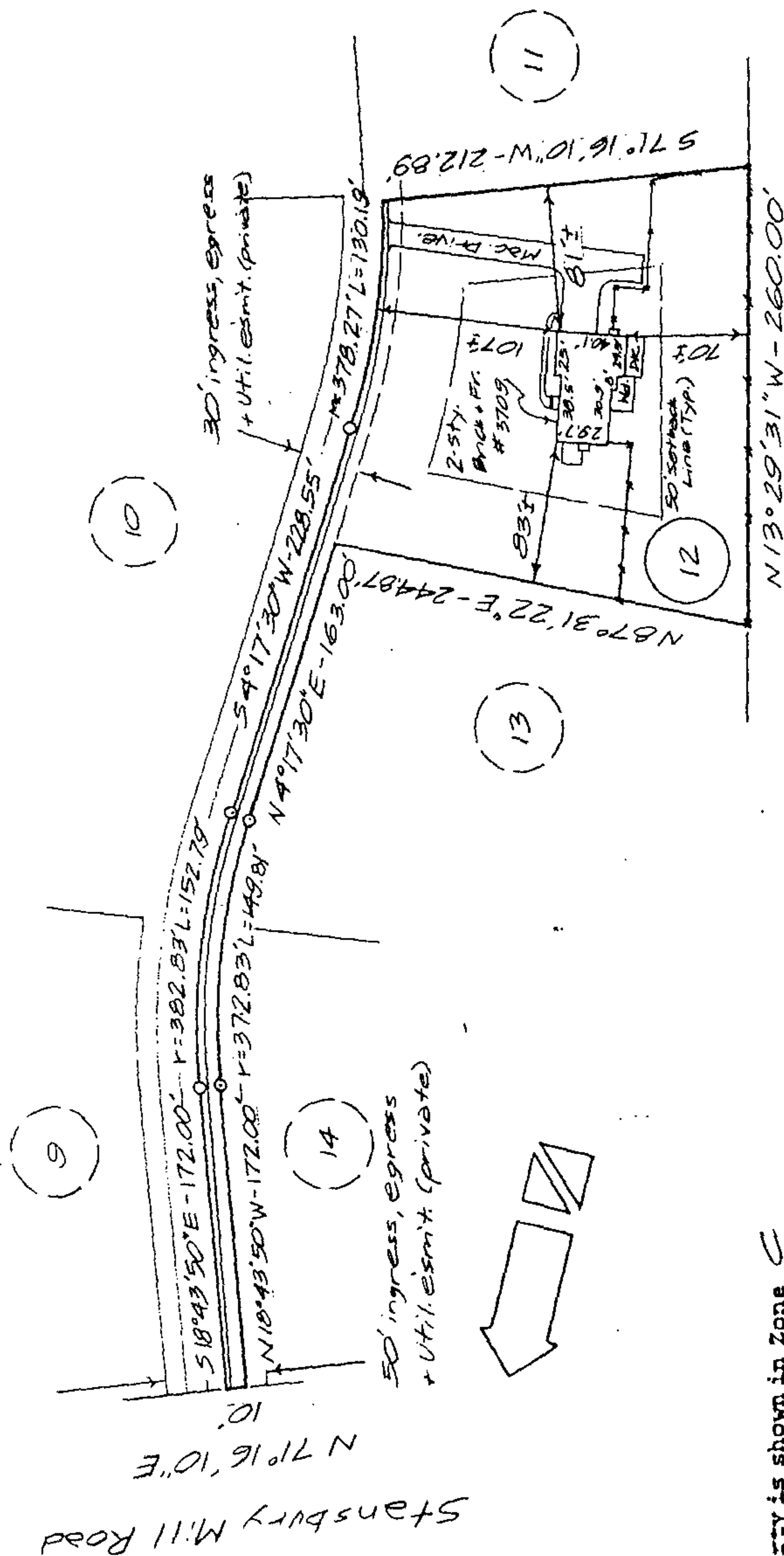
EXHIBIT "A"

BEING KNOWN AND DESIGNATED as Lot No. 12, as shown on the Plat entitled "PLAT 2 of STANSBURY", which plat is recorded among the Land Records of Baltimore County, Maryland in Plat Book SM No.56, folio 149.

The improvements thereon being known as No. 3709 Stansbury Mill Road.

BEING the same property which by Deed dated September 1, 1989 and recorded among the Land Records of Baltimore County in Liber 8265 folio 357 which was granted and conveyed by ARAMA INC. unto DAVID A. AND BARBARA E. JUNGERS.

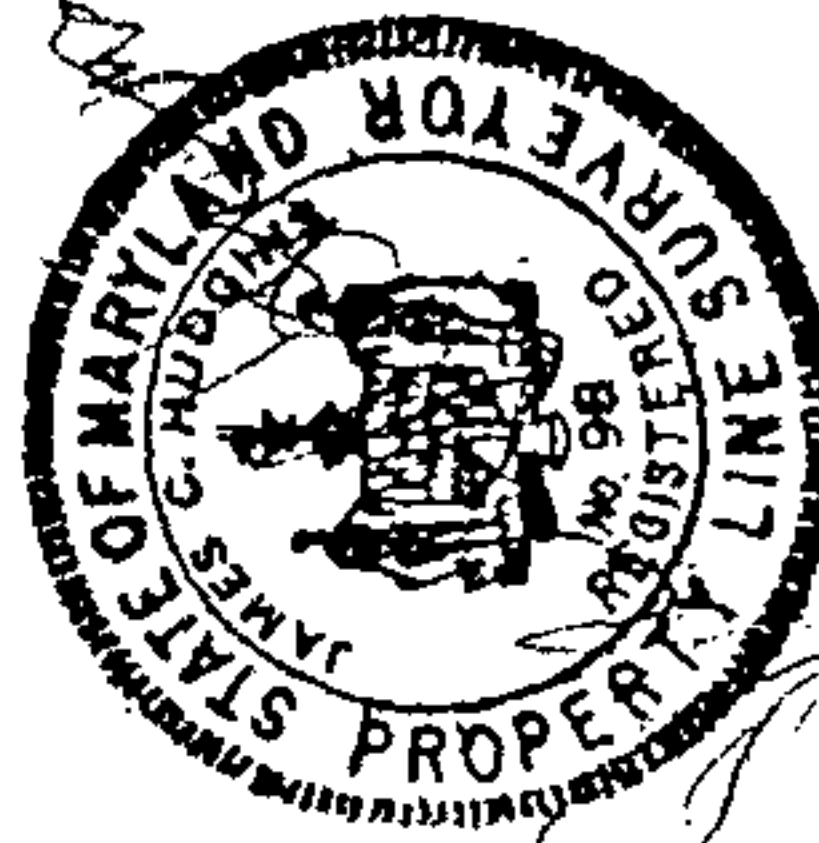
EXHIBIT "B" EXISTING



Subject property is shown in Zone C
on the National Flood Insurance Program
Flood Insurance Rate Map of Ba/10.
County Maryland. Panel# 150
Community Panel# 240000150 R
Effective Date: March 2, 1981

This is to certify that I have surveyed the property known as 'Lot-12, as shown on the plat of "Plat 2 of Stensbury" sheet - of - recorded in Plat Book M-56 Folio-50 among the Land Records of Baltimore County, Maryland for the purpose of locating the improvements thereon.

THIS PLAT SHOWS ONLY THAT THE IMPROVEMENTS ARE
CONTAINED WITHIN THE OUTLINES OF THE LOT AND IS
NOT TO BE USED TO ESTABLISH PROPERTY LINES.



J. Carl Hudgins PLS#96

LOCATION SURVEY

3709 Stansbury Mill Road

Stansbury

Elec. Dist. 10 Balto. Co., Md.

NTT ASSOCIATES, INC.

16205 Old Frederick Road
Mt. Airy, Maryland 21771

Phone 442-2031

Scale: 1" = 100'

Date: 2-14-92

Field By , V/H

Drawn By: W. H.
Drawing # 123-0007

Plat to accompany Petition for Zoning

☒ Variance

☐ Special Hearing

PROPERTY ADDRESS: 3709 STANSBURY MILL ROAD, PHOENIX, MD 21131

Subdivision Name: STANSBURY

Plat Book: 2 Plat Ref: 56/50

Deed Ref.: 8265/357

Map: 36 Grid: 13 Parcel: 24 Lot: 12

OWNER: DAVID & BARBARA JUNGERS

TAX ACCT: 20000133303

AND AMEND FDP STANSBURY, Lot 12

PHOTO #3
3715 STANSBURY MILL ROAD
DONALD & PHYLLIS HICKS
LOT 10 STANSBURY
TAX ACCT # 2000013301
282± TO SUBJECT PROPERTY

PHOTO #2
3707 STANSBURY MILL ROAD
B BRUCE & DIANA LONGBOTTOM
LOT 13 STANSBURY
TAX ACCT # 200013304
135± TO SUBJECT PROPERTY

PHOTO #5
3713 STANSBURY MILL ROAD
WILLIAM D. & SHARON B. DORSCH
LOT 1 STANSBURY
TAX ACCT # 2000013292
290± TO SUBJECT PROPERTY

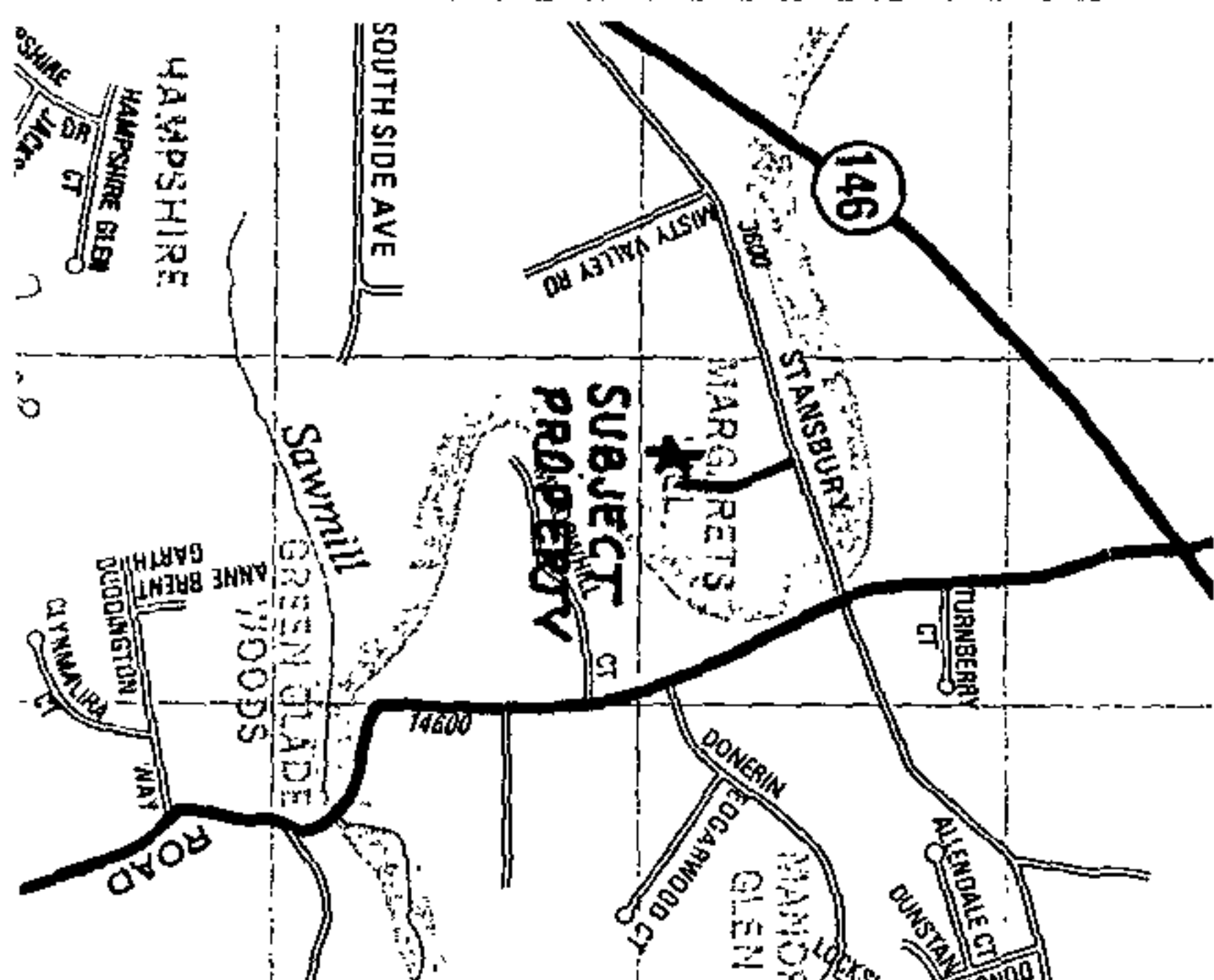
PHOTO #1
3711 STANSBURY MILL ROAD
JOHN D. & NANCY TURCO
LOT 11 STANSBURY
TAX ACCT # 2000013302
170± TO SUBJECT PROPERTY

PHOTO #6
SUBJECT PROPERTY
3709 STANSBURY MILL ROAD
LOT 12 STANSBURY
TAX ACCT # 2000013303

PHOTO #4
3718 STANSBURY MILL ROAD
DENNIS & CAROL HEFFERNAN
LOT 18 STANSBURY
TAX ACCT # 2000013309
113± TO SUBJECT PROPERTY

NOTE: LOCATION PLAN BASED ON
LOCATION CERTIFICATION PREPARED
BY NTT ASSOCIATES
2/14/1992

Vicinity Map
scale: 1" = 1000'



LOCATION INFORMATION

Councilmanic District: 3

Election District: 10

1"=200' scale map#: 036A2

Zoning: R05

Lot Size: 1.28 ACRES

Sewer: Private

Water: Private

Chesapeake Bay Critical Area: No

100 Year Flood Plain: No

Historic Poperty/Building: No

Prior Zoning Hearings: None

Zoning Office USE ONLY!

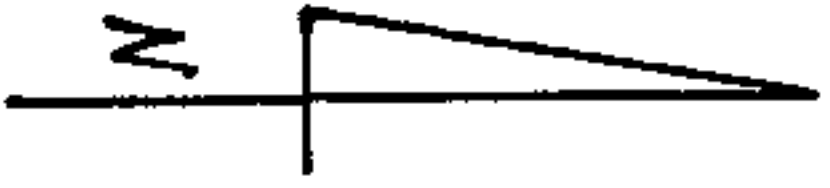
reviewed by: ITEM #:

CASE #:

07-214-A

SCALE: 1" = 50'
DATE: 11/3/2006
PREPARED BY: HBF PLUS ARCHITECTS

MAP 036A2



SITE

MEADOWHILL C

RC 5

Item # 214

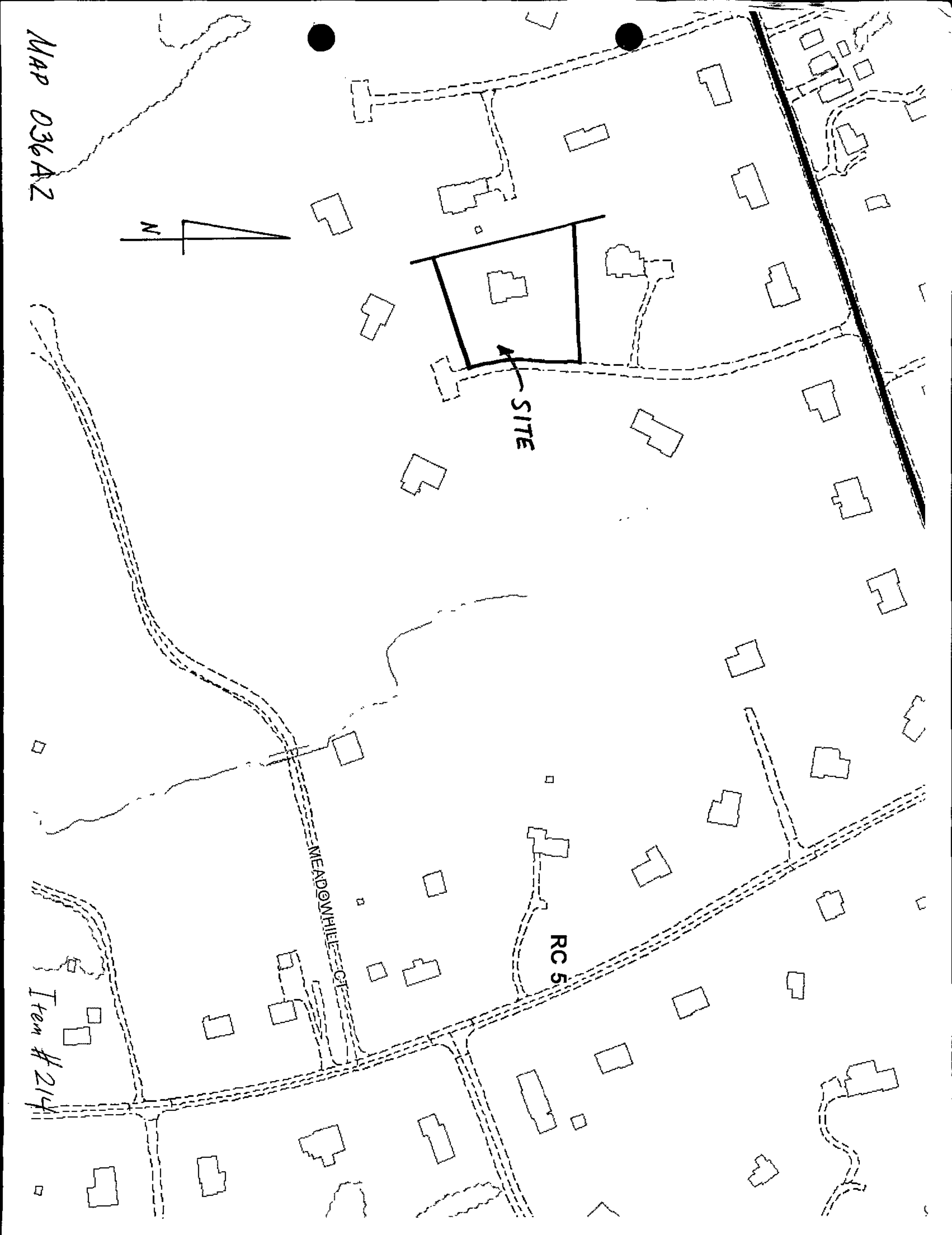






PHOTO #3
 3715 STANSBURY MILL ROAD
 DONALD & PHYLLIS HICKS
 LOT 10 STANSBURY
 TAX ACCT # 2000013301
 282'± TO SUBJECT PROPERTY



PHOTO #4
 3718 STANSBURY MILL ROAD
 DENNIS & CAROL HEFFERNAN
 LOT 18 STANSBURY
 TAX ACCT # 2000013301
 413'± TO SUBJECT PROPERTY

PHOTO #1
3711 STANSBURY MILL ROAD
JOHN D. & NANCY TURCO
LOT 11 STANSBURY
TAX ACCT # 2000013302
170'± TO SUBJECT PROPERTY



PHOTO # 5
3713 STANSBURY MILL ROAD
WILLIAM D. & SHARON B. DORSCH
LOT 1 STANSBURY
TAX ACCT # 2000013292
290'± TO SUBJECT PROPERTY



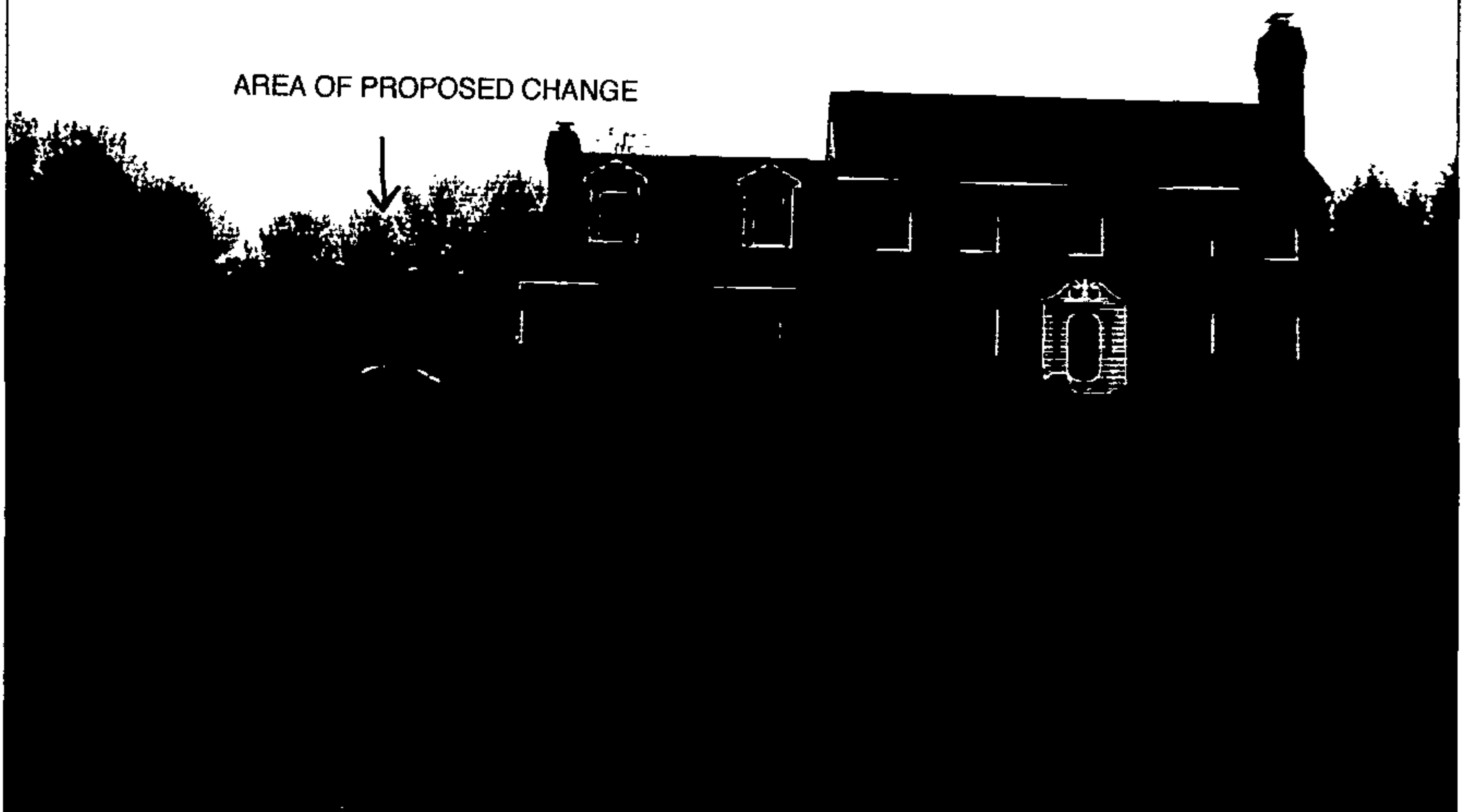
Item # 214

PHOTO # 2
3707 STANSBURY MILL ROAD
B BRUCE & DIANA LONGBOTTOM
LOT 13 STANSBURY
TAX ACCT # 200013304
135± TO SUBJECT PROPERTY



PHOTO # 6
SUBJECT PROPERTY
3709 STANSBURY MILL ROAD
LOT 12 STANSBURY
TAX ACCT# 2000013303

AREA OF PROPOSED CHANGE



Item # 214