#### MEMORANDUM

DATE:

September 27, 2013

TO:

Zoning Review Office

FROM:

Office of Administrative Hearings

RE:

Case No. 2014-0019-A - Appeal Period Expired

The appeal period for the above-referenced case expired on September 25, 2013. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

C:

Case File

Office of Administrative Hearings

IN RE: PETITION FOR ADMIN. VARIANCE
(8709 Weitz Manor Lane)

(8709 Weitz Manor Lane)
11th Election District

5<sup>th</sup> Council District

John R. and Sandra L. Stemmer

**Petitioners** 

BEFORE THE

OFFICE OF ADMINISTRATIVE

**HEARINGS FOR** 

BALTIMORE COUNTY

CASE NO. 2014-0019-A

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County for consideration of a Petition for Administrative Variance filed by the legal owners of the property, John R. and Sandra L. Stemmer. The variance request is from Sections 1B02.3, 504, and 301 of the Baltimore County Zoning Regulations ("B.C.Z.R."), and V.B.6.b of the Comprehensive Manual of Development Policies ("CMDP") as follows: (1) to permit an open projection (deck) with a rear setback of 16′ in lieu of the required 22.5′; and (2) to amend the latest Final Development Plan (FDP) of "Weitz Manor" for Lot No. 8 only. The subject property and requested relief is more fully depicted on the site plan that was marked and accepted into evidence as Petitioners' Exhibit 1.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. There were no ZAC comments submitted from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on August 4, 2013, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

ORDER R	ECEIVED FOR FILING	
Date	8-26-13	
	(See	
By		

The Petitioners have filed the supporting affidavits as required by Section 32-3-303 of the Baltimore County Code (B.C.C.). 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 Administrative Law Judge, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this <u>26<sup>th</sup></u> day of August, 2013 by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from Sections 1B02.3, 504, and 301 of the Baltimore County Zoning Regulations ("B.C.Z.R."), and V.B.6.b of the Comprehensive Manual of Development Policies ("CMDP"), as follows: (1) to permit an open projection (deck) with a rear setback of 16′ in lieu of the required 22.5′; and (2) to amend the latest Final Development Plan (FDP) of "Weitz Manor" for Lot No. 8 only, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioners may apply for any appropriate permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at her own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER F	SECEIVED FOR FILING
Date	8-26-13
	60
D.	

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

AWRENCE M. STAHL

Managing Administrative Law Judge for Baltimore County

LMS:dlw

ORDER RECEIVED FOR FILING



KEVIN KAMENETZ County Executive

LAWRENCE M. STAHL
Managing Administrative Law Judge
JOHN E. BEVERUNGEN
Administrative Law Judge

August 26, 2013

John R. Stemmer Sandra L. Stemmer 8709 Weitz Manor Lane Perry Hall, Maryland 21128

RE: PETITION FOR ADMINISTRATIVE VARIANCE

(8709 Weitz Manor Lane) Case No. 2014-0019-A

Dear Mr. and Mrs. Stemmer:

Enclosed please find a copy of the decision rendered in the above-captioned matter

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 Office of Administrative Hearings at 410-887-3868.

Very trally your

LAWRENCE M. STAHL

Managing Administrative Law Judge

for Baltimore County

LMS:dlw Enclosure

# ADMOISTRATIVE ZONING PETOION

CASE NUMBER 2014 - 0019 - A

FOR ADMINISTRATIVE VARIANCE - OR - ADMINISTRATIVE SPECIAL HEARING To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Law of Baltimore County for the property located at:

Address 8709 WEITZ MANOR LANE, ELEV HALL which is presently zoned DR 3, 5

Deed Reference 33595/00172 MD 31138 10 Digit Tax Account # 25 0000 3683 Deed Reference 33595/00172 SANDRA L. Property Owner(s) Printed Name(s) JOHN

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST) Administrative Variances require that the Affidavit on the reverse of this Petition Form be completed / notarized.

The undersigned leg				Baltimore County ar			e description and
1. X ADMINISTRA	TIVE VARIAN	CE from secti	ion(s)		•	1	
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of the zoning regulation Property is to be posted and I, or we, agree to pay exper restrictions of Baltimore Con Legal Owner(s) Affirmation is the subject of this / these	I advertised as pro- uses of above peti- unty adopted purs n: I / we do so so	escribed by the z tion(s), advertising uant to the zonin	oning regula ig, posting, e g law for Ba	ations. etc. and further agree to a ltimore County.	and are to be bound		
Contract Purchaser/	Lessee:			Legal Owners:			15
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Signature		,		Signature #1 8209 WEIT	2 MANOR	Signature # 2	BERY HALL, M
Mailing Address / Zip Code Teleph	City	Email Address	State	Mailing Address	ELL Ci	ty	State Ira.sTemmer@
Attorney for Petition  Name-Type or Prier Ri  ORDER RI				Representative	ek 410.605	2544	il Address carefinsto
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A PUBLIC HEARING have thisday of regulations of Baltimore Co		that the su	bject matter ested.	equired, it is ordered by of this petition be set for issued in the set is set is set in the set is set is set in the set is set in the set is set in the	a public hearing, a		

Filling Date 7,25, 2013 Estimated Posting Date 8,4,13

# Affidavit in Support ( \ \ \dministrative Variance (THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE S \ \ AL HEARING)

The undersigned hereby affirms under the penalties of perjury to the Administrative Law Judge of Baltimore County, the following: That the information herein given is within the personal knowledge of the Affiant(s) and that the 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 property is not under an active zoning violation citation and Affiant(s) is/are the resident home owner(s) of this residential lot, or is/are the contract purchaser(s) of this residential lot, who will, upon purchase, reside at the existing dwelling on said property located at:

Address: 8709 WEITZ MANOR LANE PERRY HALL MD 2//38 Print or Type Address of property City State Zip Code
Print or Type Address of property City State Zip Code
Based upon personal knowledge, the following are the facts which I/we base the request for an Administrative Variance at the above address. (Clearly state <u>practical difficulty or hardship</u> here)
CULLENT SETBACK REQUIREMENTS PROHIBIT THE 28 WIDE BY 14 DEE!
DECK ON BACK OF OUR RESIDENCE AND ONLY ALLOWS FOR A
7' DEEP DECK. WE FEEL 7' ALLOWS LITTLE TO NO ROOM
FOR A TABLE SEATING AREA TO BE COMFORTABLE. WE DO
NOT FEEL THE REQUESTED SIZE DECK WOULD INFRINGE
UPON OUR NEIGHBORS SINCE THE VIEW OF OUR DECK WOUL
BE ADJACENT TO ONLY I NEIGHBOR WHOSE BACK YARD IS
GROUND LEVEL AND FACES NORTH WHILE OUR DECK WOULD
FACE EAST. ALSO, THEY HAVE ALINE OF TREES PLANTED ALONG
THE SIDE OF THEIR YARD BETWEEN OUR HOUSES.
(If additional space for the petition request or the above statement is needed, label and attach it to this Form)
1 - 1
Who A Thomas Sandru & Hemmer
Signature of Affiant Signature of Affiant
Town P Steward Samon / Steward
Name-Print or Type  SANDRA L. STEMMER  Name-Print or Type
Name-Print of Type
The following information is to be completed by a Notary Public of the State of Maryland
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 24 day of July , 2013, before me a Notary of Maryland, in
1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1, 1
and for the County aforesaid, personally appeared
Baltimore County
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s) (Print name(s) here)
AS WITNESS my hand and Notaries Seal
Notary Public (11) 3114/2017
My Commission Expires

#### ZONING PROPERTY DESCRIPTION FOR 8709 WEITZ MANOR LANE, PERRY HALL, MD 21128

Beginning at a point on the east side of Weitz Manor Lane which is 40 feet wide at the distance of 370 feet north of the centerline of the nearest improved intersection street, Silver Spring Road, which is 60 feet wide.

Being Lot #8, Block N/A, Section # N/A in the Subdivision of Weitz Manor as recorded in Baltimore County Plat Book #78, Folio #322, containing 7,230 sf / .1660 acres. Located in the 11 Election District and 5 Council District.

2014-0019-A

Fund Dept Unit Sub Unit Obj Sub Obj Dept Obj BS Acct Amount	7/25/2013	7/26/2013 7/25/2013 0 PER MSD4 WALKIN SHIL SA	5/13 1	7/2	No.		- 3	D FINANC RECEIPT			
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## **Letter of Transmittal**

### William D. Gulick, Jr.

Consultant to Land Development and Industry Commercial and Residential 2944 Edgewood Avenue Baltimore, MD 21234 Phone - 410-530-6293 E-mail - wdgjr@comcast.net

To: Balto. Co. PAI, Zoning office, Attn.: Ms. Kristen Lewis

Remarks: 8709 Weitz Manor Lane

1 Aug. 4, 2013 Certificate Of Posting 2 Aug. 4, 2013 Site Photos
Z Aug. 4, 2013 Site Photos

William D. Gulick, Jr.

Project Manager

## **Certificate of Posting**

Department of Permits, Approval, and Inspections Baltimore County 111 W. Chesapeake Avenue Room 111 Towson, MD 21204

Date:

Aug. 4, 2013

Attention:

Ms. Kristen Lewis

Re:

Case Number:

2014-0019-A

Petitioner/Developer:

John & Sandy Stemmer

Date of Hearing/Closing:

Aug. 19, 2013

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: 8709 Weitz Manor Lane

The sign(s) were posted on: Aug. 4, 2013

William D Gulick In

2944 Edgewood Avenue Baltimore, MD 21234

(410) 530-6293



CASE NO. 2014- 0019-A

### CHECKLIST

Comment Received	<u>Department</u>			Conditions/ Comments/ No Comment
8-1	DEVELOPMENT PLAN (if not received, date e-ma			No
No.	DEPS (if not received, date e-ma	ail sent		
	FIRE DEPARTMENT			
	PLANNING (if not received, date e-ma	ail sent	)	
7-30	STATE HIGHWAY ADM	MINISTR	ATION	No objection
	TRAFFIC ENGINEERIN	ſG		
	COMMUNITY ASSOCIA	ATION		
	ADJACENT PROPERTY	OWNER	RS	
ZONING VIOLA	TION (Case No.			
PRIOR ZONING	(Case No.			)
NEWSPAPER AL	VERTISEMENT Date	te:		
SIGN POSTING	Dat	te:	8-4-13	by Julick
	SEL APPEARANCE	Yes	□ No □	
PEOPLE'S COUN	SEL COMMENT LETTER	Yes	L No L	
Comments, if any:				

ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET INDIDATES
Case Number 2014 0019 -A Address 8709 Wortz MANOR LANCE
Contact Person: LEONARD WASILEWSKI Phone Number: 410-887-3391
Filing Date: 7 25/13 Posting Date: 8/4/13 Closing Date: 8/19/13
Any contact made with this office regarding the status of the administrative variance should be hrough 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, usually within 10 days of the closing date if all County agencies' comments are received, 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 2014 0019 -A Address 8709 Weitz Monor Lane
Petitioner's Name John & Sandy Stemmer Telephone 410-967-6997
Posting Date: 8/4/13 / Closing Date: 8/19/13
Wording for Sign:  To permit an open projection (deck) with a rear setback of 16 feet in lieu of the required 22.5 feet, and to amend the latest final development plan of "Weitz Manor" for lot number 8 only.



KEVIN KAMENETZ County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

August 20, 2013

John R. & Sandra L. Stemmer 8709 Weitz Manor Lane Perry Hall MD 21128

RE: Case Number: 2014-0019 A, Address: 8709 Weitz Manor Lane

Dear Mr. & Ms. Stemmer:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on July 25, 2013. This letter is not an approval, but only a **NOTIFICATION**.

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,

N. Carl Richards In

W. Carl Richards, Jr. Supervisor, Zoning Review

WCR: jaf

**Enclosures** 

c: People's Counsel



Martin O'Malley, Governor Anthony G. Brown, Lt. Governor James T. Smith, Jr., Secretary Melinda B. Peters, Administrator

7-30-13

RE:

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

**Baltimore County** Item No 2014-0019-A. Administrative Variance John P. 2 Sondral Stemmer 8709 Weitz Manor Lone.

Dear Ms. Lewis:

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. 2014-0019-A.

Should you have any questions regarding this matter, please contact Richard Zeller at 410-545-5598 or 1-800-876-4742 extension 5598. Also, you may E-mail him at (rzeller@sha.state.md.us).

Sincerely,

Steven D. Foster, Chief Development Manager

Access Management Division

SDF/raz.

### Debra Wiley - Administrative Variance - Case No. 2014-0019-A

From:

Debra Wiley

To:

sandra.stemmer@carefirst.com

Date:

8/27/2013 2:07 PM

Subject:

Administrative Variance - Case No. 2014-0019-A

Attachments: 20130827135342086.pdf

Mrs. Stemmer,

Per our telephone conversation, please find attached the cover letter and Order regarding the above referenced matter. As stated, please keep in mind that there is a 30-day appeal process; this will not preclude you from applying for your permit but keep in mind that it is always possible someone could appeal.

Thank you for contacting our office.

Debbie Wiley Legal Administrative Secretary Office of Administrative Hearings 105 West Chesapeake Avenue, Suite 103 Towson, Md. 21204 410-887-3868 410-887-3468 (fax) dwiley@baltimorecountymd.gov

>>> <officeofhearings@baltimorecountymd.gov> 8/27/2013 1:53 PM >>> This E-mail was sent from "zoneprt1" (Aficio MP 2852).

Scan Date: 08.27.2013 13:53:41 (-0400)

Oueries to: officeofhearings@baltimorecountymd.gov

# BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

DATE: August 1, 2013

Department of Permits, Approvals

And Inspections

FROM:

Dennis A. Kennedy, Supervisor

Bureau of Development Plans Review

SUBJECT:

**Zoning Advisory Committee Meeting** 

For July 29, 2013

Item Nos. 2014-0010, 0011, 0012, 0013, 0015, 0016, 0017, 0018 and

0019.

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

DAK cc:file

Search Help

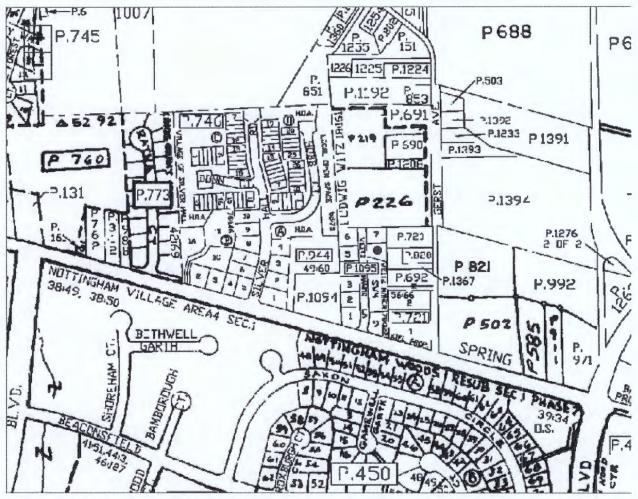
Real Property Data Search (w1)

View Map	View GroundRent Redem	ption	View GroundRe	ent Registration	
Account Identifier:	District - 11 Account	Number - 2500003683			
	0	wner Information			
Owner Name:	STEMMER JOHN R STEMMER SANDR				
Mailing Address:	8709 WEITZ MANO PERRY HALL MD 2	Dood Matera	ence: 1) /33595 2)	05/ 00172	
	Location	& Structure Information	on		
Premises Address:	8709 WEITZ MANO PERRY HALL 21128			EITZ MANOR LN ES MANOR	
Map: Grid: Parcel: S 0072 0021 1095	Sub District: Subdivision: 0000	Section: Block: Lot:	Assessment Year: 2012	Plat No: Plat Ref: 0078/0322	
Special Tax Areas:	•	Town: Ad Valorem: Tax Class:		NONE	
Primary Structure Built 2013	Above Grade Enclosed Are 1,976 SF	Finished Basemer 500 SF	nt Area Property 7,230 SF	Land Area County Use 04	
Stories Basement 2.000000 YES	Type Exte STANDARD UNIT SIDI		Garage Las 2 Attached	t Major Renovation	
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		As of	As of	As of	
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Exempt Class:					

**New Search** 

#### **Baltimore County**

Account Number: 2500003683 District: 11



The information shown on this map has been compiled from deed descriptions and plats and is not a property survey. The map should not be used for legal descriptions. Users noting errors are urged to notify the Maryland Department of Planning Mapping, 301 W. Preston Street, Baltimore MD 21201.

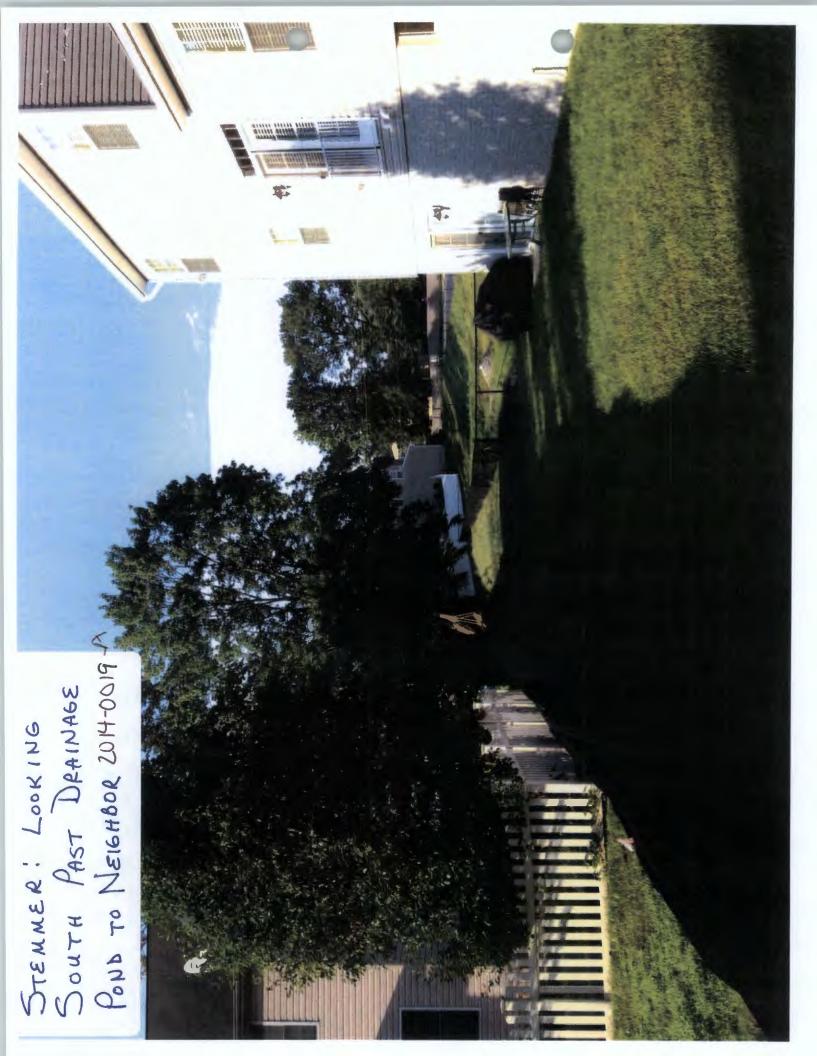
If a plat for a property is needed, contact the local Land Records office where the property is located. Plats are also available online through the Maryland State Archives at www.plats.net

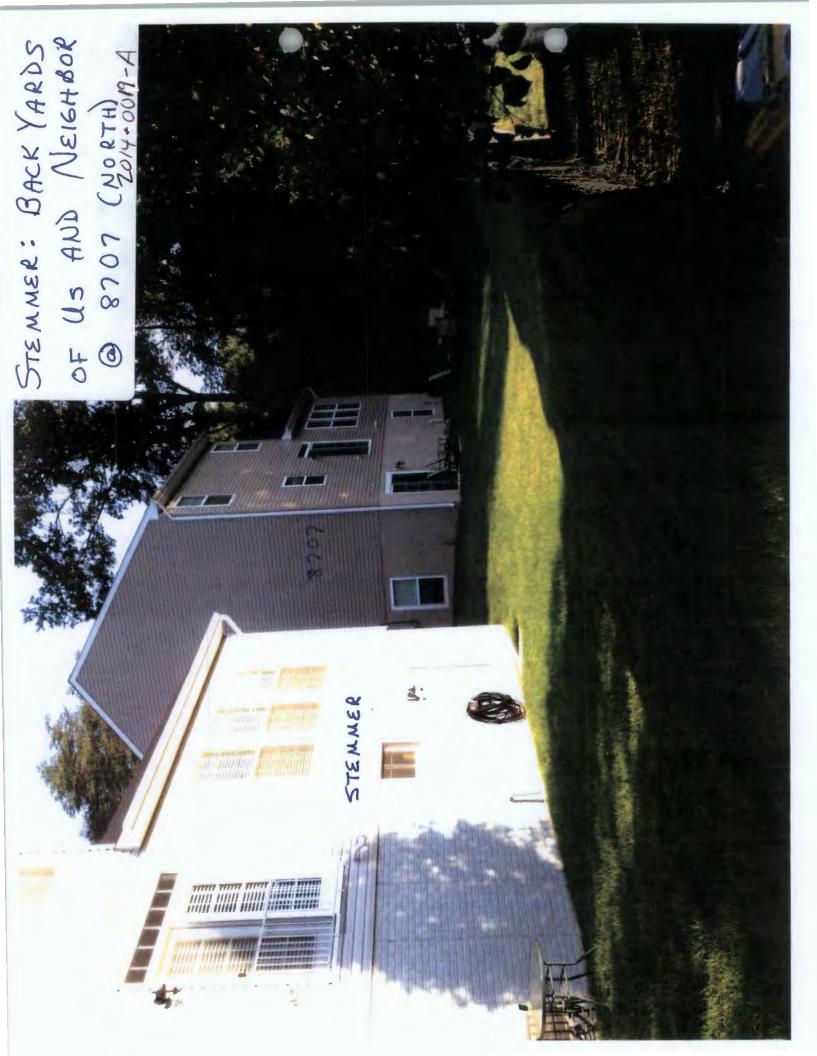
Property maps provided courtesy of the Maryland Department of Planning ©2011.

For more information on electronic mapping applications, visit the Maryland Department of Planning web site at www.mdp.state.md.us/OurProducts/OurProducts.shtml.

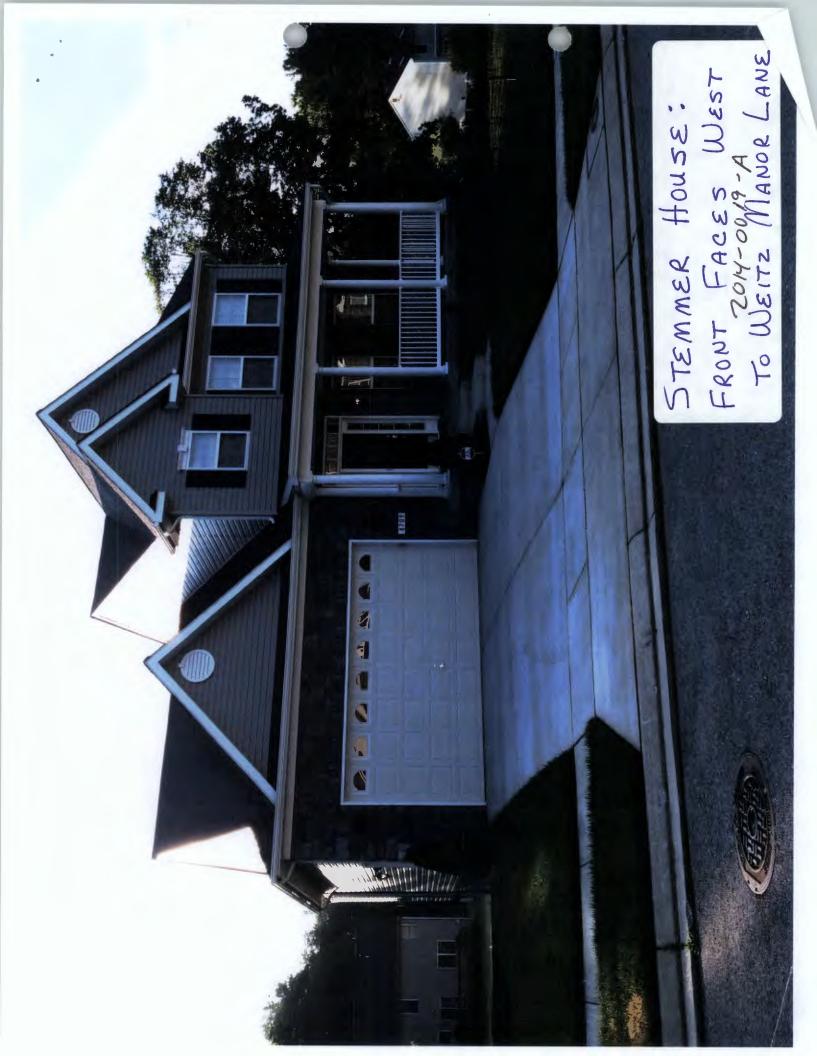


x Loading... Please Wait. Loading... Please Wait.





2014-0019-A JTEMMER , DACK AND Sibe OF OUR House (LOOKING NORTH)



### 8709 Weitz Manor Lane 2014-0019-A



Publication Agency: Permits, Approvals & Inspections Projection/Datum: Maryland State Plane, FIPS 1900, NAD 1983/91 HARN, US Foot



0 15 30 Feet

1 inch = 67.806268 feet

