

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
(8715 Dogwood Road) *
2nd Election District * OFFICE OF ADMINISTRATIVE
4th Council District * HEARINGS FOR
Jerome & Brunilda Stephens * BALTIMORE COUNTY
Petitioners *
* CASE NO. 2017-0268-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) as a Petition for Administrative Variance filed by the legal owners of the property, Jerome and Brunilda Stephens ("Petitioners"). The Petitioners are requesting variance relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (tennis court) to be located on the side of the existing dwelling in lieu of the required in the rear yard. 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 adverse ZAC comments received from any of the County reviewing agencies.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted on April 13, 2017, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

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 and

ORDER RECEIVED FOR FILING

Date 5-5-17

By 192

photographs 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.

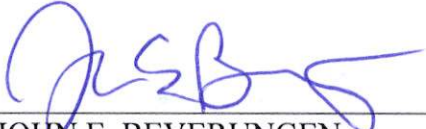
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, this 5th day of **May, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance seeking relief from § 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a proposed accessory structure (tennis court) to be located on the side of the existing dwelling in lieu of the required in the rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

- Petitioners may apply for their appropriate permits 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, Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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



JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw

ORDER RECEIVED FOR FILING

Date 5-5-17
By dlw



KEVIN KAMENETZ
County Executive

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

May 5, 2017

Jerome and Brunilda Stephens
8715 Dogwood Road
Baltimore, MD 21244

RE: Petition for Administrative Variance
Case No. 2017-0268-A
Property: 8715 Dogwood Road

Dear Petitioners:

Enclosed please find a copy of the Order 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 Baltimore County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Baltimore County Office of Administrative Hearings at 410-887-3868.

Sincerely,


JOHN E. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:dlw
Enclosure

c: R. Craig Rodgers, 7024 Greenbank Road, Baltimore, MD 21220



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

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

Address 8715 DOGWOOD ROAD Currently zoned RC2
Deed Reference 36.311 / 170 10 Digit Tax Account # 1800002754
Owner(s) Printed Name(s) JEROME & BRUNILDA STEPHENS

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. X **ADMINISTRATIVE VARIANCE** from Section(s) 400.1 of BCZR to permit a proposed accessory structure (tennis court) to be located on the side yard of the existing dwelling in lieu of the required in the rear yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

Owner(s)/Petitioner(s):

JEROME STEPHENS / BRUNILDA STEPHENS
Name #1 - Type or Print Name #2 - Type or Print

[Signature] [Signature]
Signature #1 Signature #2

8715 DOGWOOD RD. BALTIMORE, MD
Mailing Address City State

21244 / 410-664-5024 / ggcuzollegmail.com
Zip Code Telephone # Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Representative to be contacted:

RCRAIG RODGERS
Name - Type or Print

[Signature]
Signature

7024 GREEN BANK RD BALTIMORE, MD
Mailing Address City State

21220 / 443-677-2007 / craigrodgers200@gmail.com
Zip Code Telephone # Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2017-0268-A Filing Date 4/3/17 Estimated Posting Date 4/16/17 Reviewer AT

Rev 5/5/2016

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 8715 DOGWOOD RD BALTIMORE MD 21244
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

WE UNDERSTAND THAT THIS ADMINISTRATIVE VARIANCE WOULD NOT BE NECESSARY SHOULD THE PROPOSED TENNIS COURT BE CONSTRUCTED IN THE REAR YARD OF OUR HOUSE. HAVING MET WITH A CONSULTANT TO CONSIDER THIS WE FEEL THE REAR LOCATION IS IMPRACTICAL DUE TO THE RESULTING GRADING/DRAINAGE ISSUES. FURTHER, THERE ARE WOODED AREAS WITH MATURE TREES THAT WOULD BE IMPACTED. THE LESS WE WOULD CLEAR, THE MORE LIKELY WE WOULD AFFECT THE EXISTING SEPTIC SYSTEM. THE LOCATION ON THE PLAN SHOWING THE TENNIS COURT IN THE SIDE YARD MINIMIZES THE IMPACT ON THE PROPERTY AS IT IS LOCATED ON A KNOLL CLEARLY VISABLE FROM THE HOUSE SO WE CAN KEEP AN EYE ON OUR SON WHEN HE IS PRACTICING.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

[Signature]
Signature of Owner (Affiant)

JEROME STEPHENS
Name- Print or Type

[Signature]
Signature of Owner (Affiant)

BRUNILDA STEPHENS
Name- Print or 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 30 day of March, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Jerome Stephens and Brunilda Stephens

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

AS WITNESS my hand and Notaries Seal

[Signature]
Notary Public

My Commission Expires 8/28/2017

REV. 5/5/2016

2017-0268-A

100

7-2650-7106

ZONING DESCRIPTION FOR 8715 DOGWOOD ROAD

BEGINNING AT A POINT IN THE CENTERLINE OF DOGWOOD ROAD WHICH IS 50 FEET WIDE AT THE DISTANCE OF 888 FEET NORTH OF THIS CENTERLINE OF WILLOW RUN ROAD WHICH IS 50 FEET WIDE, THENCE THE FOLLOWING COURSES AND DISTANCES: N49°39'20"W 140.93' ALONG THE CENTERLINE OF DOGWOOD, THENCE LEAVING THE CENTER OF DOGWOOD ROAD, S70°39'41"W 223.89', N49°39'20"W 304.05', S70°39'41"W 1320.29', S36°59'22"E 688.62', N53°01'16"E 493.20', N54°46'10"E 442.77', N70°32'34"E 664.15' BACK TO THE POINT OF BEGINNING AS RECORDED IN DEED LIBER 36,311, FOLIO 170, CONTAINING 15.735 ACRES, MORE OR LESS LOCATED IN THE SECOND ELECTION DISTRICT AND FOURTH COUNCIL DISTRICT.

2017-0268-A

4-250-1705

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

NO 151415

Date:

4/3/17

Rev Sub
Source/ Rev/

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
001	806	0000		6150				\$75-
								\$75

Total:

\$75

Rec

From:

A & A CONSTRUCTION AND UTILITIES, INC

For:

8715 DOGWOOD RD

2017-0268-A

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRU

4/03/2017 4/03/2017 10:05:16 2

REG #502 MAIL JEE

>>RECEIPT # 005294 3/31/2017 OFLN

Dept 5 528 ZONING VERIFICATION

CR NO. 151415

Recpt Tot \$75.00

\$75.00 CK \$1.00 CA

Baltimore County, Maryland

CASHIER'S
VALIDATION

CERTIFICATE OF POSTING

Date: APRIL 13, 2017

RE: Project Name: 8715 DOGWOOD ROAD
Case Number /PAI Number: 2017-0268-A
Petitioner/Developer: JEROME STEPHENS
Date of Hearing/Closing: MAY 1, 2017

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 8715 DOGWOOD ROAD

The sign(s) were posted on APRIL 13, 2017
(Month, Day, Year)

David Billingsley
(Signature of Sign Poster)

DAVID W. BILLINGSLEY
(Printed Name of Sign Poster)

601 CHARWOOD COURT
(Street Address of Sign Poster)

EDGEWOOD, MD. 21040
(City, State, Zip Code of Sign Poster)

(410) 679-8719
(Telephone Number of Sign Poster)



BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2017- 0268 - A Address 8715 Dogwood Road

Contact Person: Aaron Tsui Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 04/03/17 Posting Date: 04/16/17 Closing Date: 05/01/17

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, 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 2017- 0268 -A Address 8715 Dogwood Road

Petitioner's Name: Jerome Stephens Telephone 410-664-5024

Posting Date: 04/16/17 Closing Date: 05/01/2017

Wording for Sign: To permit a proposed accessory structure (tennis court) to be located on the side yard of the existing dwelling in lieu of the required in the rear yard.

Revised 8/9/16



KEVIN KAMENETZ
County Executive

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

May 2, 2017

Jerome & Brunilda Stephens
8715 Dogwood Road
Baltimore MD 21244

RE: Case Number: 2017-0268 A, Address: 8715 Dogwood Road

Dear Mr. & Ms. Stephens:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on April 3, 2017. 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,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
R Craig Rodgers, 7024 Greenbank Road, Baltimore MD 21220

Date: 4/5/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. 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 Case No. 2017-0268-A

*Administrative Variance
Jerome & Brunilda Stephens
8715 Dogwood Road.*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, PLA
Metropolitan District Engineer – District 4
Baltimore & Harford Counties

WW/RAZ

20BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: April 10, 2017

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

SUBJECT: Zoning Advisory Committee Meeting
For April 3, 2017
Item No. 2017-0257, 0258, 0259, 0260, 0262, 0263, 0264, 0265, 0267
and 0268

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

DAK:CEN
cc:file

G:\DevPlanRev\ZAC -No Comments\ZAC04102017.doc

M E M O R A N D U M

DATE: June 6, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2017-0268-A – Appeal Period Expired

The appeal period for the above-referenced case expired on June 5, 2017. 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

16' RW 194/274 AND BALTIMORE COUNTY ACCE

GRAVEL DRIVE

UTILITIES 21,800/499

EX STONE DRIVE

OWNERS:
JEROME & BRUNHILDA
STEPHENS
8715 DOGWOOD RD.
BALTIMORE, MD 21244

CASE #2017-0268-A

SUSAN CARL
TA# 180000
DEED REF 2
864

ANTHONY DIPAVLA, JR.
JEANN MURPHY
A# 0204350350
DEED REF 13,155/237

#8715
EX. DWELLING
2 1/2 STORY
BRICK & FRAME
DWELLING
2860 S.F.
HGT = 35'

PROPOSED
TENNIS
COURT

688.62'
8717 DOGWOOD ROAD, L
JONATHAN HERBST
TA# 2500000525
25743/57

50' ACCESS EASEMENT
(MINOR SUBPLAT 06-009M)
-9' 22" E

50' RW FOR INGRESS, EGRESS, ACCESS &

570' 39' 41" W

182'

78'

36'

139'

172'

DRIVE

103'

210

25743/57

2

1

1008'

972'

442.77'

N 54° 46' 10" E

493.20'

JO
TA
DE

N 53° 01' 16" E



①



②



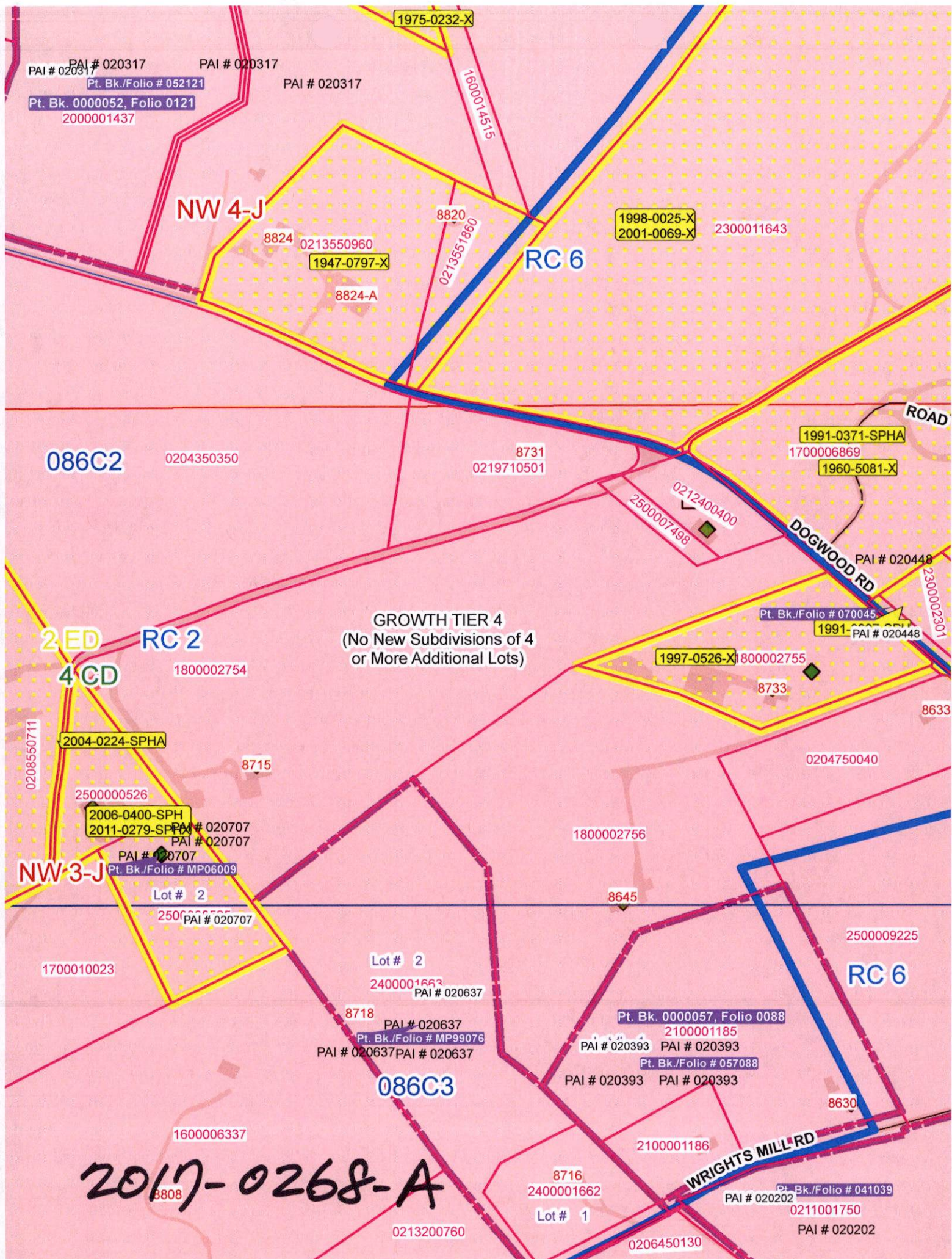
3



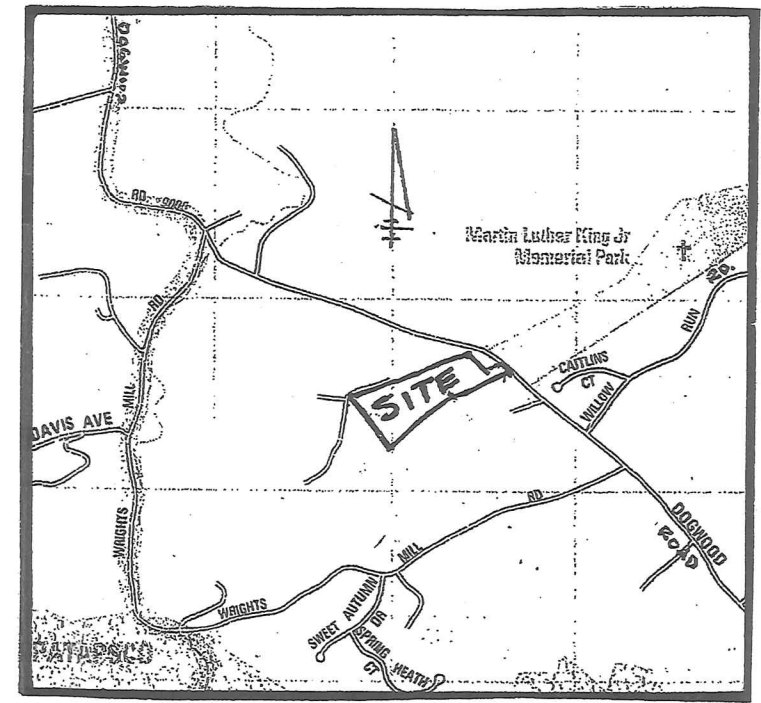
④



5



4-2053-1102



VICINITY MAP
1" = 2000'

HOWARD & APRIL
GLANVILLE
TA# 0219110501
DEED REF 19,344/471
#8731

MALLORY & MARION
BLAND
TA# 0212400400
DEED REF 32,761/156
#8719

JOSEPH & DAWN
VONELLA
TA# 1800002755
DEED REF 22,772/411
#8733

SUSAN CARLSON
TA# 1800002756
DEED REF 22,595
#8645

OWNERS:
JEROME & BRUNHILDA
STEPHENS
8715 DOGWOOD RD.
BALTIMORE, MD 21244

JOHN & JOYCE FITZ
TA# 2400001063
DEED REF 16,709/264
#8718 WRIGHTS
MILL RD.

ANTHONY D'PAULA, JR.
SUE ANN MURPHY
TA# 0204350350
DEED REF 13,155/237

#8715
EX. DWELLING
2 1/2 STORY
BRICK & FRAME
DWELLING
2860 S.F.
HGT = 35'

50' ACCESS EASEMENT
(MINOR SUB PLAT 06-009M)
--536° 59' 22" E
#8721
THEL MOORE
TA# 2500000526
DEED REF 25,342/521
LOT 1
MINOR SUB PLAT 06-009M
BAGBY PROPERTY

688.62' ---
8717 DOGWOOD ROAD, LL
JONATHAN HERBST
TA# 2500000525
DEED 35743/57
LOT 2
MINOR SUB PLAT 06-009M
BAGBY PROPERTY

ZONING MAP #086C2
SITE ZONED: RC2
ELECTION DISTRICT: 2
COUNCIL DISTRICT: 4
LOT AREA: 15.735 AC.±
HISTORIC: NO
UTILITIES:
WATER IS PRIVATE
SEWER IS PRIVATE
IN CBCA: NO
IN FLOOD PLAIN: NO
PRIOR HEARING: NO
VIOLATION CASE INFO.: N/A

NO DWELLING WITHIN 100' OF
SUBJECT PROPERTY

ZONING PLAT TO ACCOMPANY AN
ADMINISTRATIVE VARIANCE FOR A
TENNIS COURT AT 8715 DOGWOOD ROAD
ZONING PLAN FOR: ADMINISTRATIVE VARIANCE
ADDRESS: 8715 DOGWOOD ROAD
OWNER NAMES: JEROME & BRUNHILDA STEPHENS
SUBDIVISION NAME: N/A
TAX ACCT. NO.: 1800002754
DEED REF.: 36,311/170
TAX MAP NO.: 86 GRID 18 PARCEL 368

DATE: 3/31/17

SCALE 1" = 100'

PLAN DRAWN BY:
CRAIG CONSULTING, LLC
7024 GREENBANK RD.
BALTIMORE, MD 21220
443-677-2007

Pet. Ex. 1
2017-0268-A