

MEMORANDUM

DATE: January 10, 2018
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0107-SPHA – Appeal Period Expired

The appeal period for the above-referenced case expired on January 9, 2018. 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: PETITIONS FOR SPECIAL HEARING *
AND VARIANCE

(40 Caveswood Lane) *
4th Election District *
2nd Council District *

Marcy J. Stempler *
Legal Owner *
Petitioner *

BEFORE THE

OFFICE OF

ADMINISTRATIVE HEARINGS

FOR BALTIMORE COUNTY

Case No. 2018-0107-SPHA

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for consideration of Petitions for Special Hearing and Variance filed on behalf of Marcy J. Stempler, legal owner ("Petitioner"). The Special Hearing was filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R.") to approve an existing breezeway (covered walkway) 52 ft. in length to proposed attached addition (garage). A petition for variance seeks to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard. A site plan was marked and accepted into evidence as Petitioner's Exhibit 1.

Michael Humphrey appeared in support of the requests. There were no protestants or interested citizens in attendance. The Petition was advertised and posted as required by the Baltimore County Zoning Regulations. No substantive Zoning Advisory Committee (ZAC) comments were received from any of the reviewing county agencies.

SPECIAL HEARING

The County Office of Zoning Review (OZR) has adopted a policy whereby an accessory building (usually a garage) will be considered attached to the principal dwelling if connected by a breezeway 20 ft. in length or less. This would allow, for example, an owner to have a garage in the

ORDER RECEIVED FOR FILING

Date 12/8/17

By Sen

front yard without obtaining a variance, provided the garage is connected to the home with a breezeway.

Petitioner has a breezeway (covered walkway) which is 52 ft. in length, connecting her home with the driveway where vehicles are parked. Petitioner proposes to construct a one-story garage on a portion of her driveway, and it would be connected (for aesthetic and structural purposes) to the existing breezeway. The special hearing request seeks to approve an "existing breezeway . . . 52 feet in length." I am unaware of any rule or regulation which would restrict the length of a covered walkway, and thus the petition for special hearing will be granted. Even so, since the breezeway is more than 20 ft. in length, I believe a variance is also required to allow the front yard location of the proposed garage. In other words, as reflected in the order below, the garage will be considered "detached" because the breezeway connecting it to the dwelling exceeds the length permitted under OZR policy.

VARIANCE

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

Petitioner has met this test. The large property has a very irregular shape and is therefore unique. If the Regulations were strictly interpreted Petitioner would experience a practical difficulty because she would be unable to construct the proposed garage. Finally, I find that the variance can be granted in harmony with the spirit and intent of the B.C.Z.R., and in such manner as to grant relief without injury to the public health, safety and general welfare. This is demonstrated

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Date

12/8/17

By

sen

by the lack of community and/or Baltimore County opposition. In addition, the lot is wooded and the nearest home is over 150 ft. away. As such I do not believe granting the petition will have any negative impact whatsoever.

THEREFORE, IT IS ORDERED this 8th day of **December, 2017**, by this Administrative Law Judge, that the Petition for Special Hearing filed pursuant to § 500.7 of the Baltimore County Zoning Regulations ("B.C.Z.R") to approve an existing breezeway (covered walkway) 52 ft. in length to proposed attached addition (garage), be and is hereby GRANTED.

IT IS FURTHER ORDERED that the Petition for Variance seeking to permit a proposed detached (i.e., connected to the principal dwelling with a breezeway greater than 20 ft. in length) accessory structure (garage) to be located in the front yard in lieu of the required rear yard, be and is hereby GRANTED.

The relief granted herein shall be subject to the following:

1. Petitioner may apply for necessary permits and/or licenses upon receipt of this Order. However, Petitioner is hereby made aware that proceeding at this time is at her own risk until 30 days from the date hereof, during which time an appeal can be filed by any party. If for whatever reason this Order is reversed, Petitioner would be required to return the subject property to its original condition.

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



JOHNE. BEVERUNGEN
Administrative Law Judge
for Baltimore County

JEB:slm

ORDER RECEIVED FOR FILING

Date 12/8/17
By slm



PETITION FOR ZONING HEARING(S)

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 40 Coveswood Lane which is presently zoned RC2
Deed References: Z6259/72 10 Digit Tax Account # 1600005548
Property Owner(s) Printed Name(s) MARCY JILL STEPLER

(SELECT THE HEARING(S) BY MARKING X AT THE APPROPRIATE SELECTION AND PRINT OR TYPE THE PETITION REQUEST)

The undersigned legal owner(s) of the property situate in Baltimore County and which is described in the description and plan attached hereto and made a part hereof, hereby petition for:

1. ☒ a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

see attached

2. ☐ a Special Exception under the Zoning Regulations of Baltimore County to use the herein described property for

3. ☒ a Variance from Section(s)

see attached

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons:
(Indicate below your hardship or practical difficulty or indicate below "TO BE PRESENTED AT HEARING". If you need additional space, you may add an attachment to this petition)

to be presented at hearing

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

I, or we, agree to pay expenses of above petition(s), 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.

Legal Owner(s) Affirmation: I / we do so 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 / these Petition(s).

Contract Purchaser/Lessee:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Attorney for Petitioner:

Name- Type or Print

Signature

Mailing Address City State

Zip Code Telephone # Email Address

Legal Owners (Petitioners):

Marcy Jill Stempler
Name #1 - Type or Print Name #2 - Type or Print

Marcy Jill Stempler
Signature #1 Signature #2

40 Coveswood Ln Owings Mills MD
Mailing Address City State

21117 / 410 902 5801 / mjillstempler@gmail.com
Zip Code Telephone # Email Address

Representative to be contacted:

Michael Humphrey
Name - Type or Print

Michael
Signature

518 Spring Ave Lutherville MD
Mailing Address City State

21093 / 410 375 1890 / michaelshumphrey@aol.com
Zip Code Telephone # Email Address

CASE NUMBER 2018-0107-SPHA Filing Date 10/11/17

Do Not Schedule Dates: Reviewer *RD*

ZONING RELIEF REQUEST FOR 40 CAVESWOOD LANE

SPECIAL HEARING – to approve an existing breezeway (covered walkway) 52 feet in length to a proposed attached addition (garage).

Or in the alternative (if necessary)...

VARIANCE – Section 400.1 – to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard only.

Item # 0107

MARTIN

MARTIN
&
PHILLIPS

&

PHILLIPS

DESIGN ASSOCIATES, INC.

LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOSLEY AVENUE, SUITE B1, TOWSON, MARYLAND 21204

ZONING DESCRIPTION

August 7, 2017

Marcy Jill Stempler Property
40 Caveswood Lane
Owings Mills, MD 21117
Election District 04
Councilmanic District 3

Beginning for the description of Parcel 254 on tax map 58 in Baltimore County, at the centerline intersections of Caves Road having a 60' right of way and Caveswood Lane, 50' wide thence N 26° 06' 53" W 301.75' feet more or less to a point of beginning at the southwestern most corner of the subject address,

Thence the following courses:

- 1) N31° 07' 43" W, 423.81', more or less, thence
- 2) N55° 54' 17" E, 608.92' more or less, thence
- 3) S90° 00' 00" E, 40.28', more or less, thence
- 4) S01° 21' 43" E, 93.35', more or less, thence
- 5) S09° 04' 43" E, 342.40', more or less, thence
- 6) S54° 55' 18" W, 406.19' more or less, back to the point of beginning

Containing 160,736.40 Square Feet or 3.69 Acres of area more or less.

The above bearings are based on the Maryland State Coordinate System (NAD83/91).

NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR CONTRACTS, CONVEYANCES OR AGREEMENTS.



TELEPHONE: 410.321.8444, TOLL FREE: 866.395.8595
FAX: 410.321.1175

Item #0107



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5296065

Sold To:

Marcy Jill Stempler - CU00627871
40 Caveswood Ln
Owings Mills, MD 21117-2914

Bill To:

Marcy Jill Stempler - CU00627871
40 Caveswood Ln
Owings Mills, MD 21117-2914

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Nov 16, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2018-0107-SPHA
40 Caveswood Lane
E/s Caveswood Lane, north of the centerline of Caves Road
4th Election District - 2nd Councilmanic District
Legal Owner(s) Marcy Jill Stempler

Special Hearing to approve an existing breezeway (covered walkway) 52 ft. in length to a proposed attached addition (garage). Variance to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard only.

Hearing: Thursday, December 7, 2017 at 10:00 a.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

11/081 November 16 5296065

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/16/2017

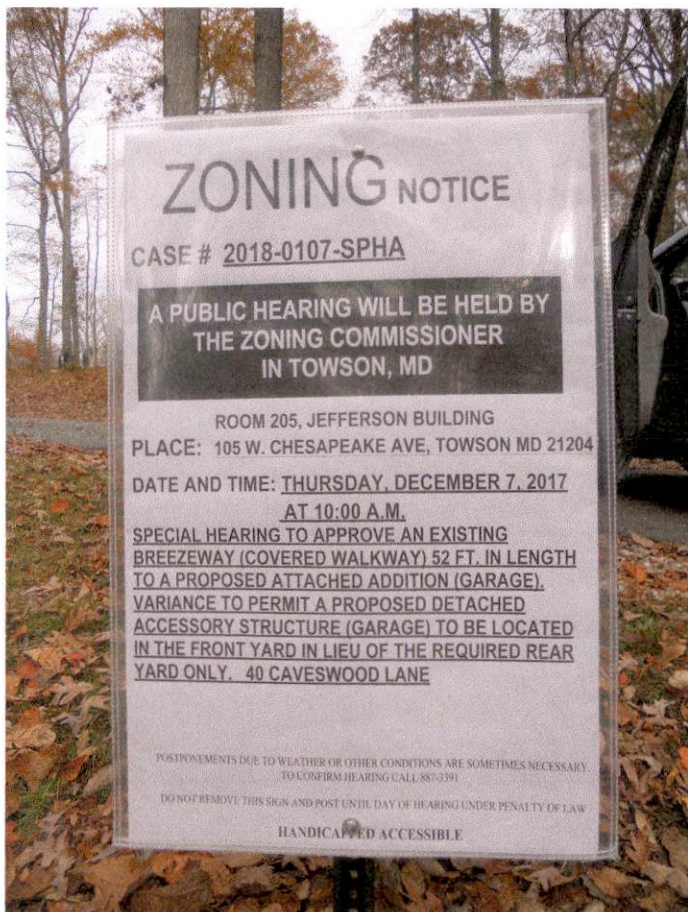
Case Number: 2018-0107-SPHA

Petitioner / Developer: MICHAEL HUMPHREY

Date of Hearing: DECEMBER 7, 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:
40 CAVESWOOD LANE

The sign(s) were posted on: NOVEMBER 15, 2017



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 of Sign Poster)

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



KEVIN KAMENETZ
County Executive

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

October 20, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0107-SPHA

40 Caveswood Lane

E/s Caveswood Lane, north of the centerline of Caves Road

4th Election District – 2nd Councilmanic District

Legal Owners: Marcy Jill Stempler

Special Hearing to approve an existing breezeway (covered walkway) 52 ft. in length to a proposed attached addition (garage). Variance to permit a proposed detached accessory structure (garage) to be located in the front yard in lieu of the required rear yard only.

Hearing: Thursday, December 7, 2017 at 10:00 a.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

A handwritten signature in dark ink, appearing to read "Arnold Jablon", is written over the printed name and title.

Arnold Jablon
Director

AJ:kl

C: Michael Humphrey, 518 Spring Avenue, Lutherville 21093

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY FRIDAY, NOVEMBER 17, 2017 .**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Thursday, November 16, 2017 Issue - Jeffersonian

Please forward billing to:
Marcy Jill Stempler
40 Caveswood Lane
Owings Mills, MD 21117

410-902-5801

NOTICE OF ZONING HEARING

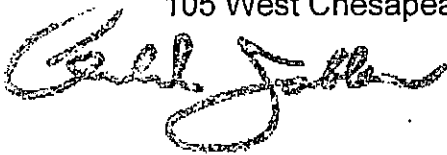
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E/s Caveswood Lane, north of the centerline of Caves Road
4th Election District – 2nd Councilmanic District
Legal Owners: Marcy Jill Stempler

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Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

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- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

RE: PETITION FOR SPECIAL HEARING * BEFORE THE OFFICE
AND VARIANCE *
40 Caveswood Lane; E/S Caveswood Lane, * OF ADMINISTRATIVE
420' N of c/line of Caves Road *
4th Election & 2nd Councilmanic Districts * HEARINGS FOR
Legal Owner(s): Marcy J. Stempler *
Petitioner(s) * BALTIMORE COUNTY
* 2018-107-SPHA

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

RECEIVED
OCT 17 2017

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of October, 2017, a copy of the foregoing Entry of Appearance was mailed to Michael Humphrey, 518 Spring Avenue, Lutherville, Maryland 21093, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighbor 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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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:

Case Number: 2018-0107-SPHA

Property Address: 40 Caveswood Lane

Property Description: east side of Caveswood Lane, 1/2-420' north
of Caves Road

Legal Owners (Petitioners): _____

Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Till Stenker

Company/Firm (if applicable): _____

Address: 40 Caveswood Lane
Owings Mills, MD 21117

Telephone Number: 410-907-5801

Revised 7/9/2015

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

NO 157277

Date: 10/11/17

Fund	Dept	Unit	Sub Unit	Rev		Sub Obj	Dept Obj	BS Acct	Amount
				Source/	Rev/				
001	806	0000		6150					8150

Total: 8150

Rec From: J Stempke

For: zoning hearing - case # 2018-0107-SPHA

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING
PLEASE PRESS HARD!!!!

PAID RECEIPT

BUSINESS ACTUAL TIME DRN
10/11/2017 10/11/2017 11:18:12 3
REG #303 WALKIN CAM
>>RECEIPT # 749878 10/11/2017 OFLR
Dept 5 528 ZONING VERIFICATION
CR NO. 157277
Recpt Tot \$150.00
\$150.00 CK \$1.00 CA
Baltimore County, Maryland

CASHIER'S
VALIDATION



KEVIN KAMENETZ
County Executive

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

November 30, 2017

Marcy Jill Stempler
40 Caveswood Road
Owings Mills MD 21117

RE: Case Number: 2018-0107 SPHA, Address: 40 Caveswood Road

Dear Ms. Stempler:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on October 11, 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.", is written over a horizontal line.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Michael Humphrey, 518 Spring Avenue, Lutherville MD 21093

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 10/16/17

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

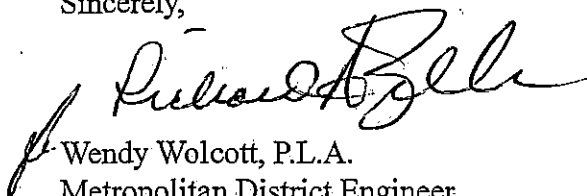
Dear Ms. Lewis:

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. 2018-0107-SPHA -

*Special Hearing Variance
Mancy J. Stampler
40 Coveswood Lane.*

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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ



MARYLAND DEPARTMENT
OF TRANSPORTATION

STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

Pete K. Rahn
Secretary

Gregory Slater
Administrator

Date: 10/16/17

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

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*Special Hearing Variance
Mancy J. Stomper
40 Coveswood Lane.*

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, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 11/2/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-107



INFORMATION:

Property Address: 40 Caveswood Road
Petitioner: Marcy Jill Stempler
Zoning: RC 2
Requested Action: Special Hearing, Variance

The Department of Planning has reviewed the petition for a special hearing to approve an existing breezeway (covered walkway) which is 52 feet in length to a proposed attached addition (garage) and also the petition for a variance filed in the alternative to permit a proposed detached accessory structure to be located in the front yard in lieu of the required rear yard only.

A site visit was conducted on October 26, 2017.

The Department has no objection to granting the petitioned zoning relief.

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

Prepared by:

Lloyd T. Moxley

Division Chief:

Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
Michael Humphrey
Office of the Administrative Hearings
People's Counsel for Baltimore County

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

DATE: October 23, 2017

FROM: *me*
Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 26, 2017
Item No. 2018-0103-SPH, 0104-A, 0106-A and 0107-SPHA

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

*

*

*

*

*

VKD: efc
cc: file

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE MEMORANDUM

TO: Arnold Jablon
Deputy Administrative Officer and
Director of Permits, Approvals and Inspections

DATE: 11/2/2017

FROM: Andrea Van Arsdale
Director, Department of Planning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS
Case Number: 18-107

INFORMATION:

Property Address: 40 Caveswood Road
Petitioner: Marcy Jill Stempler
Zoning: RC 2
Requested Action: Special Hearing, Variance

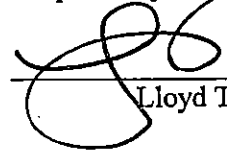
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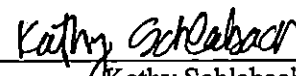
For further information concerning the matters stated herein, please contact Wally Lippincott at 410-887-3480.

Prepared by:



Lloyd T. Moxley

Division Chief:



Kathy Schlabach

AVA/KS/LTM/ka

c: Wally Lippincott
Michael Humphrey
Office of the Administrative Hearings
People's Counsel for Baltimore County

CHECKLISTComment
ReceivedDepartmentSupport/Oppose/
Conditions/
Comments/
No Comment

10/23

DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)

no comments

DEPS
(if not received, date e-mail sent _____)

FIRE DEPARTMENT

11/3/17

PLANNING
(if not received, date e-mail sent _____)

no obj

10/16

STATE HIGHWAY ADMINISTRATION

no obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

11/16/17

SIGN POSTING

Date:

11/15/17

by

O'Keefe

PEOPLE'S COUNSEL APPEARANCE

Yes



No



PEOPLE'S COUNSEL COMMENT LETTER

Yes



No



Comments, if any: _____

CASE #2018-0107-SPHA

NOTE TO FILE

To Hearing Officer:

In the past our office has allowed breezeways, connecting a structure to a dwelling, as long as 20 feet before it would be considered detached. Hence the need for a Special Hearing (and in the alternate a Variance) – to determine under what circumstances would a garage make an addition or a detached structure?

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration				
Account Identifier:		District - 04 Account Number - 1600005548								
Owner Information										
Owner Name:		STEMPLER MARCY JILL				Use:		RESIDENTIAL		
Mailing Address:		40 CAVESWOOD LN OWINGS MILLS MD 21117-2914				Principal Residence:		YES		
						Deed Reference:		/26259/ 00072		
Location & Structure Information										
Premises Address:		40 CAVESWOOD LN OWINGS MILLS 21117-2914				Legal Description:		PT PARCEL B 3.698 AC 40 CAVES LN CAVESWOOD		
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0058	0018	0254		0000	B			2016	Plat Ref:	0020/0028
Special Tax Areas:					Town:		NONE			
					Ad Valorem:					
					Tax Class:					
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
1956		6,352 SF		1241 SF		3.6900 AC		04		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
1	NO	STANDARD UNIT		FRAME	5 full/ 1 half	1 Carport	2016			
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2016		07/01/2017		07/01/2018		
Land:		228,400		228,400						
Improvements		627,700		655,900						
Total:		856,100		884,300		874,900		884,300		
Preferential Land:		0						0		
Transfer Information										
Seller: STEMLER GARY B				Date: 10/11/2007			Price: \$0			
Type: NON-ARMS LENGTH OTHER				Deed1: /26259/ 00072			Deed2:			
Seller: MINKEN STANLEY				Date: 12/27/2002			Price: \$739,000			
Type: ARMS LENGTH MULTIPLE				Deed1: /17290/ 00001			Deed2:			
Seller: ROTHSCHILD STANFORD Z,JR				Date: 01/28/1972			Price: \$90,000			
Type: ARMS LENGTH IMPROVED				Deed1: /05246/ 00283			Deed2:			
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Homestead Application Information										
Homestead Application Status: No Application										
Homeowners' Tax Credit Application Information										

Real Property Data Search (w3)

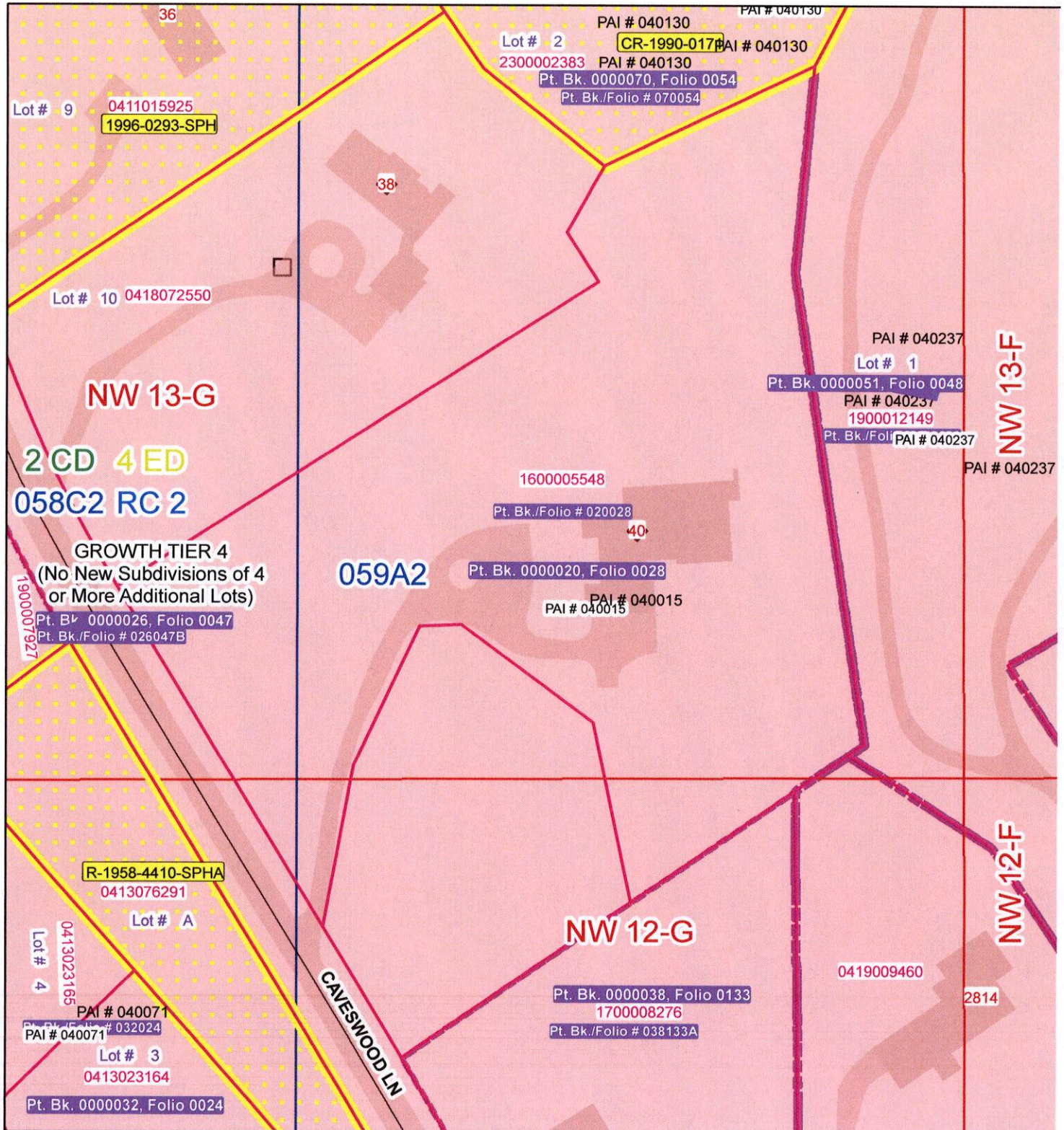
Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption				View GroundRent Registration			
Account Identifier:		District - 04 Account Number - 1600005548							
Owner Information									
Owner Name:		STEMPLER MARCY JILL				Use:		RESIDENTIAL	
						Principal Residence:		YES	
Mailing Address:		40 CAVESWOOD LN OWINGS MILLS MD 21117-2914				Deed Reference:		/26259/ 00072	
Location & Structure Information									
Premises Address:		40 CAVESWOOD LN OWINGS MILLS 21117-2914				Legal Description:		PT PARCEL B 3.698 AC 40 CAVES LN CAVESWOOD	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0058	0018	0254		0000	B			2016	Plat Ref: 0020/0028
Special Tax Areas:					Town:		NONE		
					Ad Valorem:				
					Tax Class:				
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
1956		6,352 SF		1241 SF		3.6900 AC		04	
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation		
1	NO	STANDARD UNIT		FRAME	5 full/ 1 half	1 Carport	2016		
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
				01/01/2016		07/01/2017		07/01/2018	
Land:		228,400		228,400					
Improvements		627,700		655,900					
Total:		856,100		884,300		874,900		884,300	
Preferential Land:		0						0	
Transfer Information									
Seller: STEMLER GARY B				Date: 10/11/2007			Price: \$0		
Type: NON-ARMS LENGTH OTHER				Deed1: /26259/ 00072			Deed2:		
Seller: MINKEN STANLEY				Date: 12/27/2002			Price: \$739,000		
Type: ARMS LENGTH MULTIPLE				Deed1: /17290/ 00001			Deed2:		
Seller: ROTHSCHILD STANFORD Z,JR				Date: 01/28/1972			Price: \$90,000		
Type: ARMS LENGTH IMPROVED				Deed1: /05246/ 00283			Deed2:		
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2017		07/01/2018			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Tax Exempt:				Special Tax Recapture:					
Exempt Class:				NONE					
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									

For sign posting - when a time and place is
determined as to where the hearing will take place,
send that information to the Representative Mr.
Plumphyre and not the Petitioner Ms Stampler

Jane: KRISTEN:

40 Caveswood Lane



Publication Date: 9/25/2017



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



0 25 50 100 150 200 Feet

1 inch = 100 feet

Item #0107



PHOTO # 1



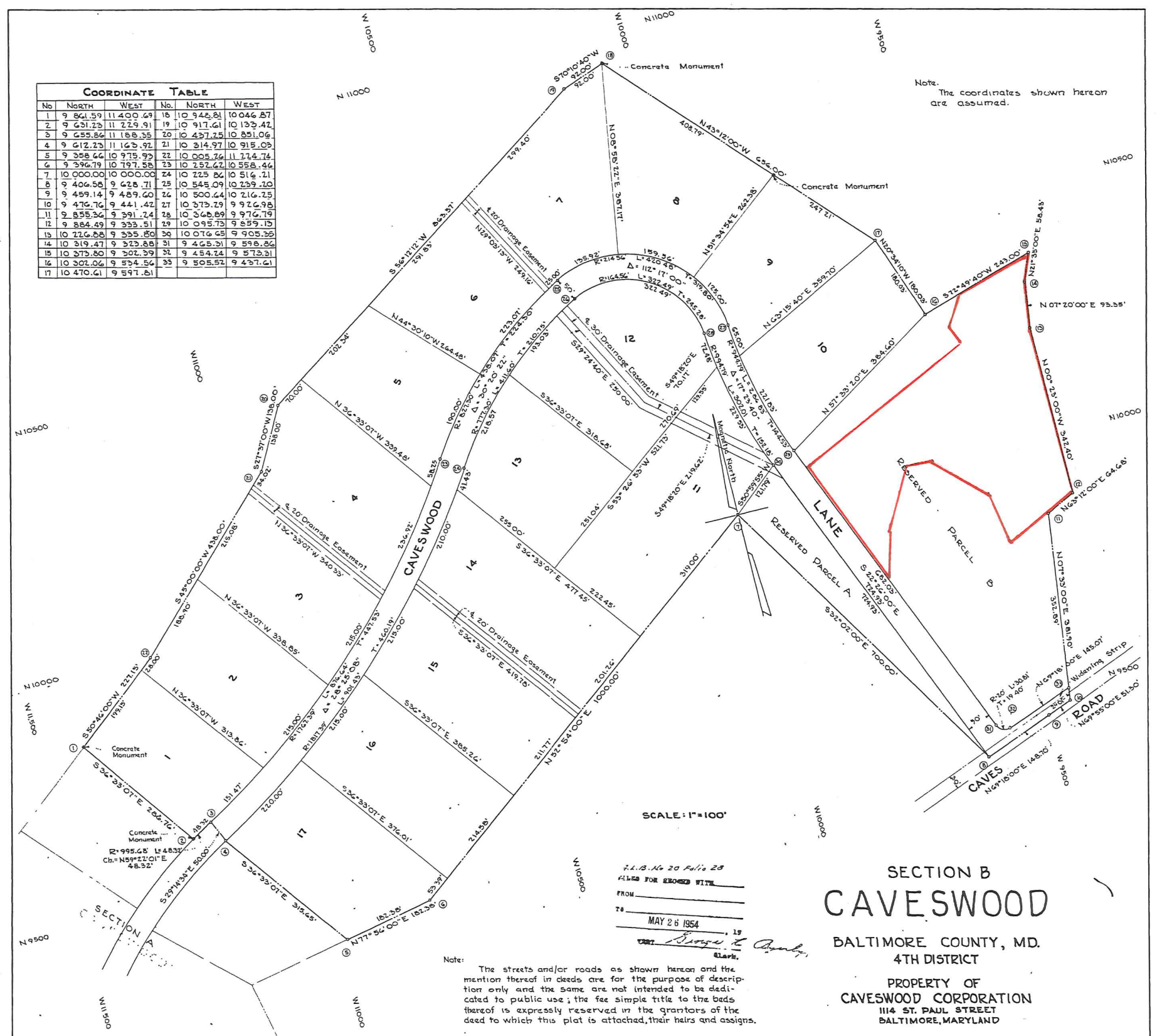
Photo #2



Photo # 3



COORDINATE TABLE					
No.	NORTH	WEST	No.	NORTH	WEST
1	9 861.59	11 400.69	18	10 942.81	10 046.27
2	9 631.23	11 225.91	19	10 911.61	10 133.42
3	9 655.86	11 188.35	20	10 457.25	10 351.06
4	9 612.23	11 125.92	21	10 314.97	10 315.03
5	9 358.66	10 975.92	22	10 005.24	11 114.14
6	9 336.19	10 797.58	23	10 252.62	10 558.44
7	10 000.00	10 000.00	24	10 225.86	10 516.21
8	9 406.58	9 628.71	25	10 545.09	10 239.20
9	9 459.14	9 489.60	26	10 500.44	10 216.25
10	9 476.76	9 441.42	27	10 375.29	9 976.98
11	9 855.26	9 391.24	28	10 368.89	9 976.79
12	9 884.49	9 333.51	29	10 095.73	9 859.15
13	10 226.88	9 335.80	30	10 076.65	9 905.25
14	10 319.47	9 323.88	31	9 465.31	9 598.86
15	10 275.80	9 302.39	32	9 454.24	9 573.31
16	10 302.06	9 534.56	33	9 505.52	9 457.61
17	10 470.61	9 597.81			



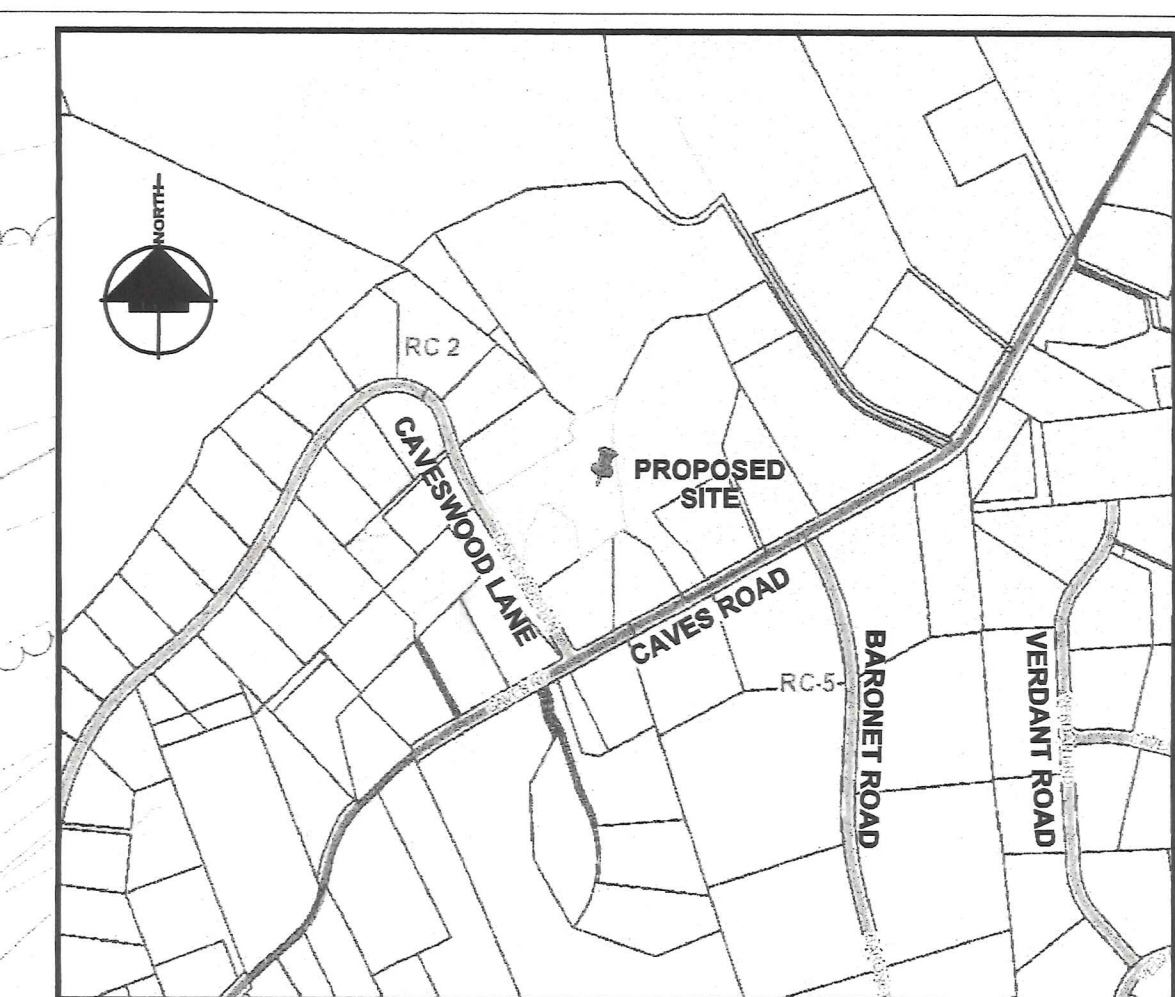
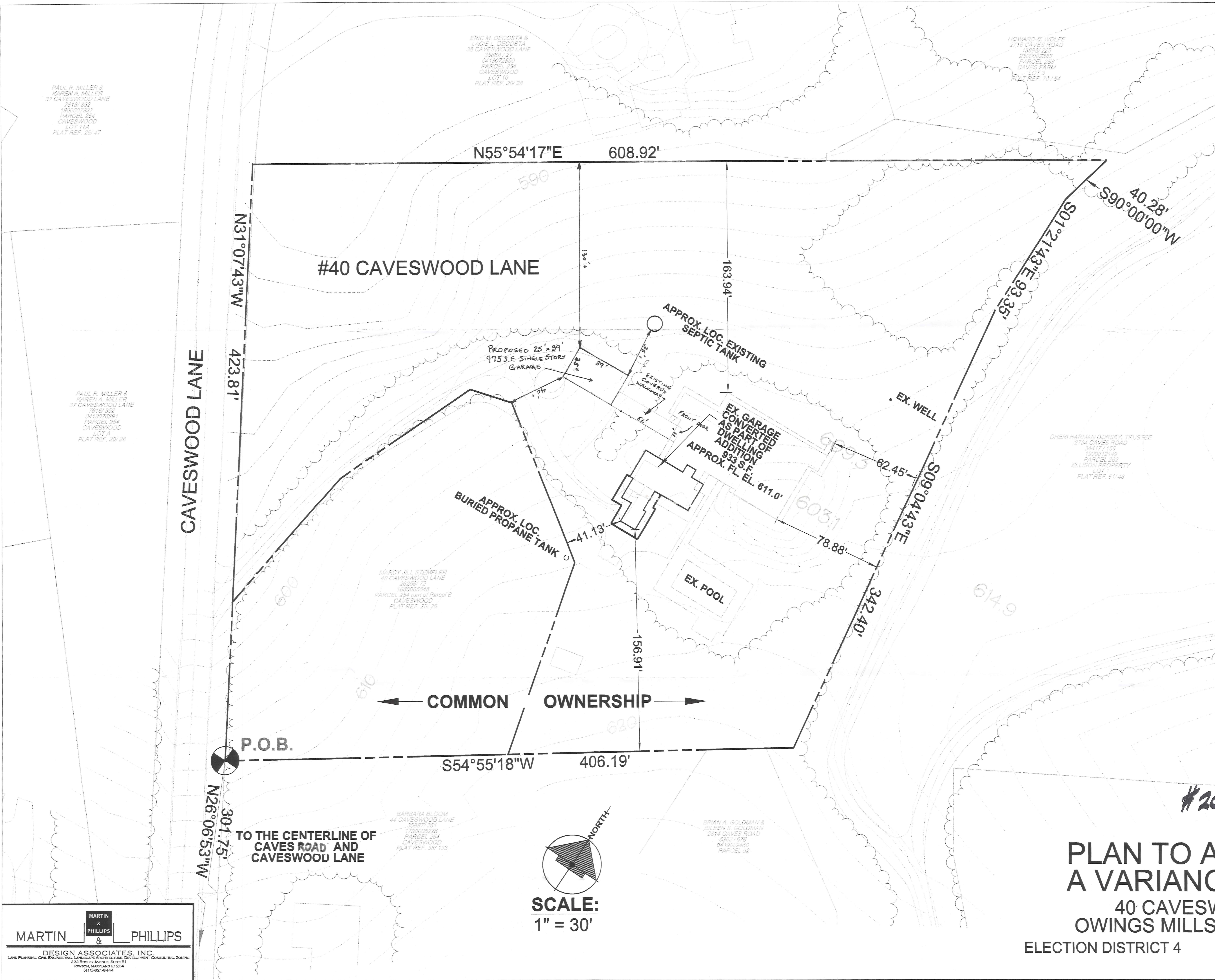
FILED FOR RECORD WITH
FROM
TO
MAY 26 1954
By *George E. Purdum*
Surveyor

SECTION B
CAVESWOOD
BALTIMORE COUNTY, MD.
4TH DISTRICT
PROPERTY OF
CAVESWOOD CORPORATION
1114 ST. PAUL STREET
BALTIMORE, MARYLAND

Note: The streets and/or roads as shown hereon and the mention thereof in deeds are for the purpose of description only and the same are not intended to be dedicated to public use; the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached, their heirs and assigns.

APPROVED: <i>May 2, 1954</i> DATE <i>Robert L. Higgins</i> COUNTY RECORDS ENGINEER	OWNERS CERTIFICATE: The requirements of Section 72 B, Article 17 of the Annotated Code of Maryland (Black 1947 Supplement) as far as they relate to the making of this plat have been complied with. CAVESWOOD CORPORATION <i>By President</i>	ENGINEERS CERTIFICATE: I, William D. Purdum, a registered Professional Engineer and Land Surveyor of the State of Maryland do hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill 453 Chapter 106 of the Acts of 1945 and subsequent Acts amendatory thereto. <i>April 23, 1954</i> <i>William D. Purdum</i>	PURDUM AND JESCHKE ENGINEERS 2415 MARYLAND AVENUE BALTIMORE-18, MARYLAND
APPROVED: <i>June 6, 1954</i> DATE <i>James D. Davis</i> DIRECTOR OF PLANNING COMMISSION			

Item #0107



VICINITY MAP

1" = 1000'

SITE DATA

OWNER: MARCY JILL STEMPLER
PROPERTY ADDRESS: 40 CAVESWOOD LANE, OWINGS MILLS, MD. 21117-2914
DEED REFERENCE: 26259/72
TAX MAP 58 GRID 18 PARCEL 254
PLAT REF: 20/28
ZONING MAP 058C2
GROSS LOT AREA: 3.698 AC.
ZONED: R.C. 2
TAX ACCOUNT # 1600005548

PROPERTY IS NOT LOCATED IN A 100 YEAR FLOODPLAIN
PROPERTY HAS NO WETLAND OR JURISDICTIONAL ENVIRONMENTAL RESOURCES.

THIS PROPERTY DOES NOT LIE WITHIN THE CHESAPEAKE BAY CRITICAL AREA.

THERE IS NO GRADING INVOLVED AND THE DISTURBED AREA IS LESS THAN 5,000 S.F. (936S.F.)

NOT IN HISTORICAL DISTRICT

#2018-0107-SPHA

**PLAN TO ACCOMPANY
A VARIANCE REQUEST**

**40 CAVESWOOD LANE
OWINGS MILLS, MD 21117-2914**

ELECTION DISTRICT 4 COUNCILMANIC DISTRICT 3

PAUL R. MILLER &
KAREN A. MILLER
37 CAVESWOOD LANE
7618, 352
041307297
PARCEL 254
CAVESWOOD
LOT 1A
PLAT REF. 20/28

PAUL R. MILLER &
KAREN A. MILLER
37 CAVESWOOD LANE
7618, 352
041307297
PARCEL 254
CAVESWOOD
LOT 1A
PLAT REF. 20/28

ERIC M. DECOSTA &
LACIE L. DECOSTA
38 CAVESWOOD LANE
38661, 27
041807250
PARCEL 254
CAVESWOOD
LOT 10
PLAT REF. 20/28

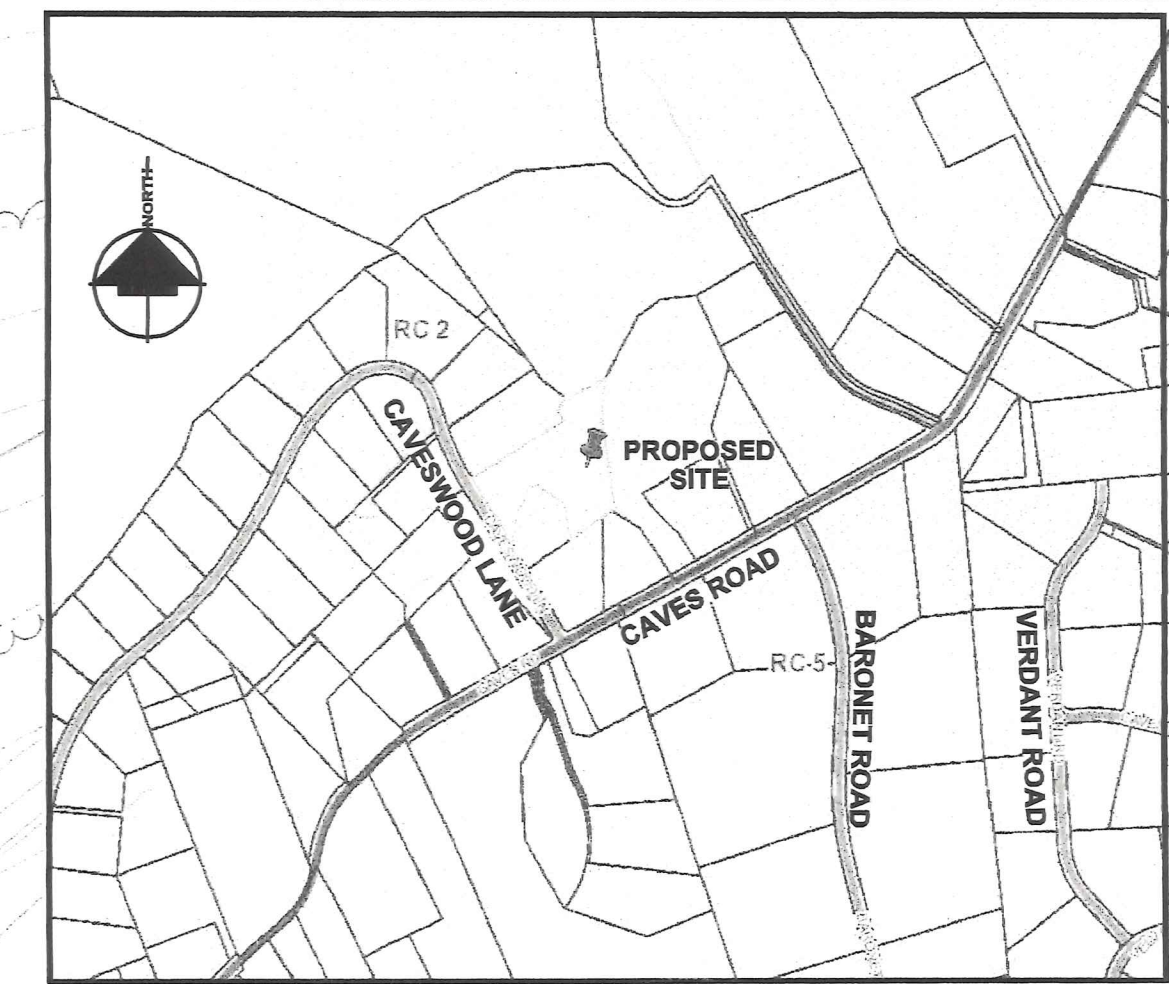
HOWARD G. WOLFE
2716 CAVES ROAD
13359, 223
230002993
PARCEL 253
CAVES FARM
LOT 19
PLAT REF. 70/154

CHERI HARMAN DORSEY, TRUSTEE
2734 CAVES ROAD
34417, 159
1300012149
PARCEL 258
ELLISON PROPERTY
LOT 1
PLAT REF. 51/48

MARCY JILL STEMLER
40 CAVESWOOD LANE
26259, 72
1600005548
PARCEL 254 part of Parcel B
CAVESWOOD
PLAT REF. 20/28

BARBARA BLOOM
44 CAVESWOOD LANE
85397, 261
1700008216
PARCEL 254
CAVESWOOD
PLAT REF. 38/123

BRIAN A. GOLDMAN &
BILLEN S. GOLDMAN
2814 CAVES ROAD
6860, 878
0415002480
PARCEL 32



VICINITY MAP

1" = 1000'

CAVESWOOD LANE

#40 CAVESWOOD LANE

N31°07'43"W 423.81'

N55°54'17"E 608.92'

S90°00'00"W 40.28'

S01°21'43"E 93.35'

PROPOSED 25'x39'
973 S.F. SINGLE STORY
GARAGE

APPROX. LOC. EXISTING
SEPTIC TANK

EX. GARAGE
CONVERTED
AS PART OF
DWELLING
ADDITION
933 S.F.
APPROX. FL. EL. 611.0'

APPROX. LOC.
BURIED PROPANE TANK

EX. POOL

EX. WELL

S09°04'43"E 62.45'

342.40'

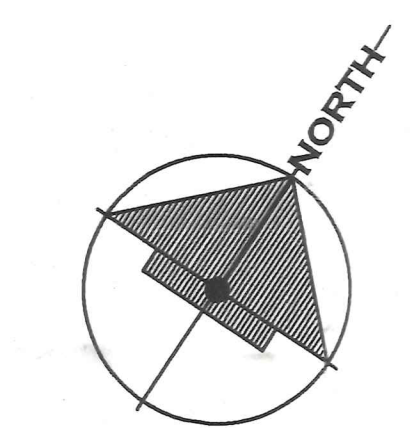
COMMON OWNERSHIP

S54°55'18"W 406.19'

P.O.B.

N26°06'53"W 301.75'

TO THE CENTERLINE OF
CAVES ROAD AND
CAVESWOOD LANE



SCALE:
1" = 30'

SITE DATA

OWNER: MARCY JILL STEMLER

PROPERTY ADDRESS: 40 CAVESWOOD LANE
OWINGS MILLS, MD. 21117-2914

DEED REFERENCE: 26259/72
TAX MAP 58 GRID 18 PARCEL 254
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**PLAN TO ACCOMPANY
A VARIANCE REQUEST**

40 CAVESWOOD LANE
OWINGS MILLS, MD 21117-2914

ELECTION DISTRICT 4

COUNCILMANIC DISTRICT 3

PETITIONER'S

EXHIBIT NO. 1

MARTIN & PHILLIPS
DESIGN ASSOCIATES, INC.
LAND PLANNING, CIVIL ENGINEERING, LANDSCAPE ARCHITECTURE, DEVELOPMENT CONSULTING, ZONING
222 BOULDER AVENUE, SUITE 81
TOWSON, MARYLAND 21204
(410) 321-8444