



JOHN A. OLSZEWSKI, JR.
County Executive

MAUREEN E. MURPHY
Chief Administrative Law Judge
ANDREW M. BELT
Administrative Law Judge
DEREK J. BAUMGARDNER
Administrative Law Judge

December 30, 2024

Brett and Tera Smith – bresmith@mac.com
716 Stoneleigh Road
Baltimore, MD 21212

RE: Petition for Administrative Variance
Case No. 2024-0250-A
Property: 716 Stoneleigh Road

Dear Petitioners:

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

Pursuant to Baltimore County Code § 32-3-401(a), “a person aggrieved or feeling aggrieved” by this Decision and Order 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.

Sincerely,

A handwritten signature in black ink that reads "Maureen E. Murphy". The signature is written in a cursive, flowing style.

MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw
Enclosure

c: Walter Daniels – danielsarchitects@gmail.com
William & Sally Hermann, 714 Stoneleigh Road, Baltimore, MD 21212

IN RE: PETITION FOR ADMIN. VARIANCE	*	BEFORE THE
(716 Stoneleigh Road)		
9 th Election District	*	OFFICE OF ADMINISTRATIVE
6 th Council District		
Brett & Tera Smith	*	HEARINGS FOR
	*	BALTIMORE COUNTY
Petitioners	*	CASE NO. 2024-0250-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, Brett and Tera Smith (“Petitioners”) for the property located at 716 Stoneleigh Road, Baltimore (the “Property”). The Petitioners are requesting Variance relief from Baltimore County Zoning Regulations (“BCZR”), §1B02.3.C.1, to approve a 2-story addition to an existing dwelling with a 2 ft. left side yard setback in lieu of the required 10 ft., and to approve a 19 ft., 4-inch rear setback in lieu of the required 30 ft. The Property is more fully depicted on the site plan. (Pet. Ex. 1). Street view photographs of the Property were provided. (Pet. Exs. 2A, 2B). A survey of the Property was also admitted. (Pet. Ex. 3). A letter of support from the legal owners of 714 Stoneleigh Rd. namely, William Hermann and Sally Hermann.

Zoning Advisory Committee (“ZAC”) comments were received from Development Plans Review (“DPR”)/Department of Public Works and Transportation (“DPWT”), and Department of Environmental Protection and Sustainability (“DEPS”) which agencies did not oppose the requested relief.

The Petitioners having filed a Petition for Administrative Variance and the Property having been posted on November 30, 2024 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 Affidavit as required by Baltimore County Code (“BCC”), §32-3-303. 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 Affidavit submitted provide sufficient facts that comply with the requirements of BCZR, §307.1. Furthermore, strict compliance with the BCZR 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 BCC and the BCZR, and for the reasons given above, the requested Variance should be granted.

THEREFORE, IT IS ORDERED, this 30th day of **December, 2024**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance relief from the Baltimore County Zoning Regulations (“BCZR”), Baltimore County Code (“BCC”), §1B02.3.C.1, to approve a 2-story addition to an existing dwelling with a 2 ft. left side yard setback, in lieu of the required 10 ft., and to approve a 19 ft., 4-inch rear setback in lieu of the required 30 ft, be, and they are each hereby, **GRANTED**.

The relief granted herein shall be subject to the following:

1. 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.
2. The Site Plan (Pet. Ex. 1), a copy of which is attached hereto, is incorporated herein.

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


MAUREEN E. MURPHY
Chief Administrative Law Judge
for Baltimore County

MEM:dlw

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ ADMINISTRATIVE VARIANCE ☐ SPECIAL HEARING

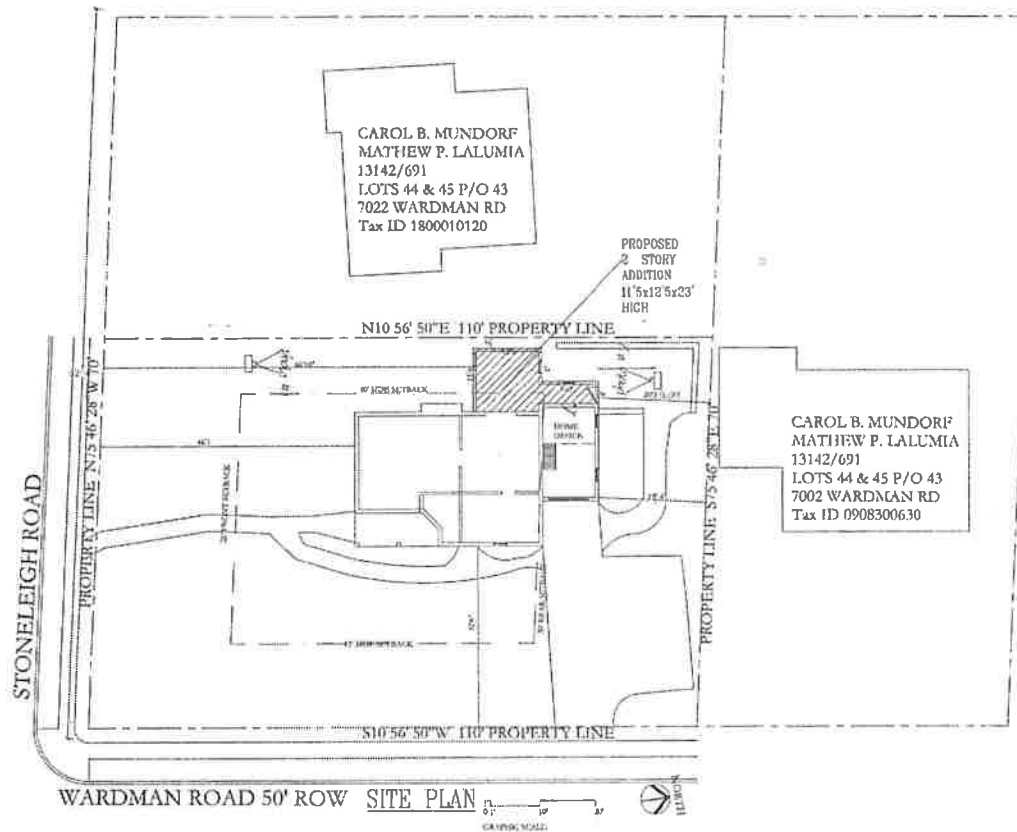
PROPERTY ADDRESS: 716 STONELEIGH ROAD, BALTIMORE, MD 21212

SUBDIVISION NAME: STONELEIGH BLOCK 7 LOT 59

DEED REFERENCE: 41753/0087

OWNERS: SMITH, BRETT J., SMITH, TERA P - 716 STONELEIGH ROAD, BALTIMORE, MD 21212

TAX ID 0913200830



CAROL B. MUNDORF
MATHEW P. LALUMIA
13142/691
LOTS 44 & 45 P/O 43
7022 WARDMAN RD
Tax ID 1800010120

CAROL B. MUNDORF
MATHEW P. LALUMIA
13142/691
LOTS 44 & 45 P/O 43
7002 WARDMAN RD
Tax ID 0908300630



Councilmanic District : 6

Election District: 9

Zoning scale map: OBOA

Zoning: DR 5.5

Lot Size: 7,770 SF

Sewer: PUBLIC

Water: PUBLIC

Chesapeake Bay Critical Area: No

100 Year Flood Plain: NONE

FEMA MAP:

Historic Property: No

Prior Zoning Hearings: None

SEE 1/2" VARIANCE FOR A NEW ADDITION

716 STONELEIGH ROAD

DATE: 10-15-20

Date: 10-15-20

Revisions
No. Date Reference

Drawing Title

SITE PLAN

Scale 1"=10'-0"

Drawing Number

2024-0250-9

SITE



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 716 Stoneleigh Road, Baltimore MD Currently Zoned DR5.5
Deed Reference 41753 / 0087 10 Digit Tax Account # 0913200830
Owner(s) Printed Name(s) SMITH BRETT J. SMITH TERA P

(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. ☒ **ADMINISTRATIVE VARIANCE** from Section(s)

BCZR 1B02.3.C.1 To approve a 2-story addition to an existing dwelling with a 2 ft left side yard setback in lieu of the required 10 ft and to approve a 19 ft 4 inch rear setback in lieu of the required 30 ft

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 zoning regulations of Baltimore County, to the zoning 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):

☒ BRETT SMITH
Name #1 - Type or Print

[Signature]
Signature #1

716 Stoneleigh Rd
Mailing Address

21212 404 312 7807
Zip Code Telephone #'s (Cell and Home)

☒ Tera P. Smith
Name # 2 - Type or Print

[Signature]
Signature # 2

Baltimore MD
City State

BRESMITH@mac.com
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:

WALTER DANIELS

Name - Type or Print

Walter Daniel
Signature

1113 Ivy Hill Rd Cockeysville MD
Mailing Address City State

21031 4105603588 daniel@architects
Zip Code Telephone # Email Address

@gmail.com

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 2024-0250-A Filing Date 11/19/2024 Estimated Posting Date 12/1/2024 Reviewer CP

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: 716 Stoneleigh Rd Baltimore MD 21212
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)

WHEN ORIGINALLY BUILT, THE HOUSE WAS
PLACED VERY FAR BACK ON THIS CORNER
LOT, LEAVING LITTLE ROOM FOR EXPANSION.
A MODERN 2ND FLOOR MASTER BATH AND 1ST FLOOR
POWDER ROOM IS NEEDED.

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

X [Signature]
Signature of Owner (Affiant)

BRETT SMITH

Name - Print or Type

X

[Signature]
Signature of Owner (Affiant)

Tera P. Smith

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 4 day of October, 2024, before me a Notary of Maryland, in
and for the County aforesaid, personally appeared:

Print name(s) here: Melicia Labriel

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

2-5-27

My Commission Expires



2024-0250-A

ZONING PROPERTY DESCRIPTION FOR 716 STONELEIGH RD, BALTIMORE MD 21212

Beginning at a point on the north west corner of the intersection of Stoneleigh Road (50'R.O.W) and Wardman Road (50'R.O.W), Thence following the courses and distances from 1st point of call N75 56' 28"W 70.0' to 2ND POC, N10 56' 50"E 110.0' to 3rd POC, S 75 46' 28"E to 4th POC, S 10 56' 50"W to 1st Point of beginning as recorded in Deed Liber 41753, Folio 87 containing 7770 square feet or 0.18 acres. Located in the 9th Election District and 6th Council District.

2024-0250-A

BALTIMORE COUNTY DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number: 2024 - 0250 -A Address 716 Stoneleigh Rd

Contact Person: Christina Frink Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 11-19-2024 Posting Date: 12-1-2024 Closing Date: 12-16-2024

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

- POSTING/COST:** The petitioner must use one of the sign posters on the approved list 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 a neighbor (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 Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
- 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 Administrative Law Judge), 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.

Petitioner: This Part of the Form is for the Sign Poster Only (Detach Along Dotted Line)

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number: 2024 - 0250 -A Address 716 Stoneleigh Rd

Petitioner's Name: Brett and Tera Smith Telephone (Cell) 404-312-7807

Posting Date: 12-1-2024 Closing Date: 12-16-2024

Wording for Sign: To Permit a 2 story addition to an existing dwelling with a 2 ft left side setback in lieu of the required 30 ft and to approve a 19 ft 4 inch rear setback in lieu of the required 30 ft

**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/ 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 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: 2024-0250-A
Property Address: 716 STONBLEIGH RD
Legal Owners (Petitioners): SMITH, BRETT + SMITH TERA
Contract Purchaser/Lessee: _____

PLEASE FORWARD ADVERTISING BILL TO:

Name: Company/Firm (if applicable): DANIELS ARCHITECTS
Address: 1113 IVY HILL RD
COCKEYSVILLE MD 21030

Telephone Number: 410 493 8550

*Failure to advertise and/or post a sign on the property within the designated time will result in the Hearing request being delayed. The delayed Hearing Case will be cycled to the end of pending case files and rescheduled in the order that it is received. Also, a \$250.00 rescheduling fee may be required after two failed advertisings and/or postings.

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

No. **234671**

Date: **11-19-2024**

Fund	Dept	Unit	Sub Unit	Rev	Sub	Obj	Sub Obj	Dept	Obj	BS Acct	Amount
				Source/	Rev/						
001	806	000		6150							75.00
Total:											75.00

Rec From: **716 Stoneleigh Rd**

For: **2024-0250-A**

DR5.5

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
VALIDATION**

CF 24-1027

HOLD TO LIGHT TO VIEW TRUE WATERMARK IN PAPER. HEAT SENSITIVE RED LOCK DISAPPEARS WHEN HEATED.		7-11/520	1314
DANIELS & ASSOCIATES ARCHITECTS LTD			
1113 IVY HILL RD COCKEYSVILLE, MD 21030		DATE	10.26.24
PAY TO THE ORDER OF	BALTIMORE COUNTY MD	\$	75-
	Seventy Five AND 00/100		DOLLARS
M&T Bank			
Admin VARIANCE			
716 Stoneleigh		Wana M	
MEMO			

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Peter Gutwald, Director
Department of Permits, Approvals

DATE: December 2, 2024

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
Case 2024-0250-A

The Bureau of Development Plans Review has reviewed the subject zoning items and we have the following comments.

DPR: No comment.

DPW-T: No exception taken.

Landscaping: No comment.

Recreations & Parks: No comment LOS & No Greenways affected.

CERTIFICATE OF POSTING

ATTENTION: KRISTEN LEWIS

DATE: 11/30/2024

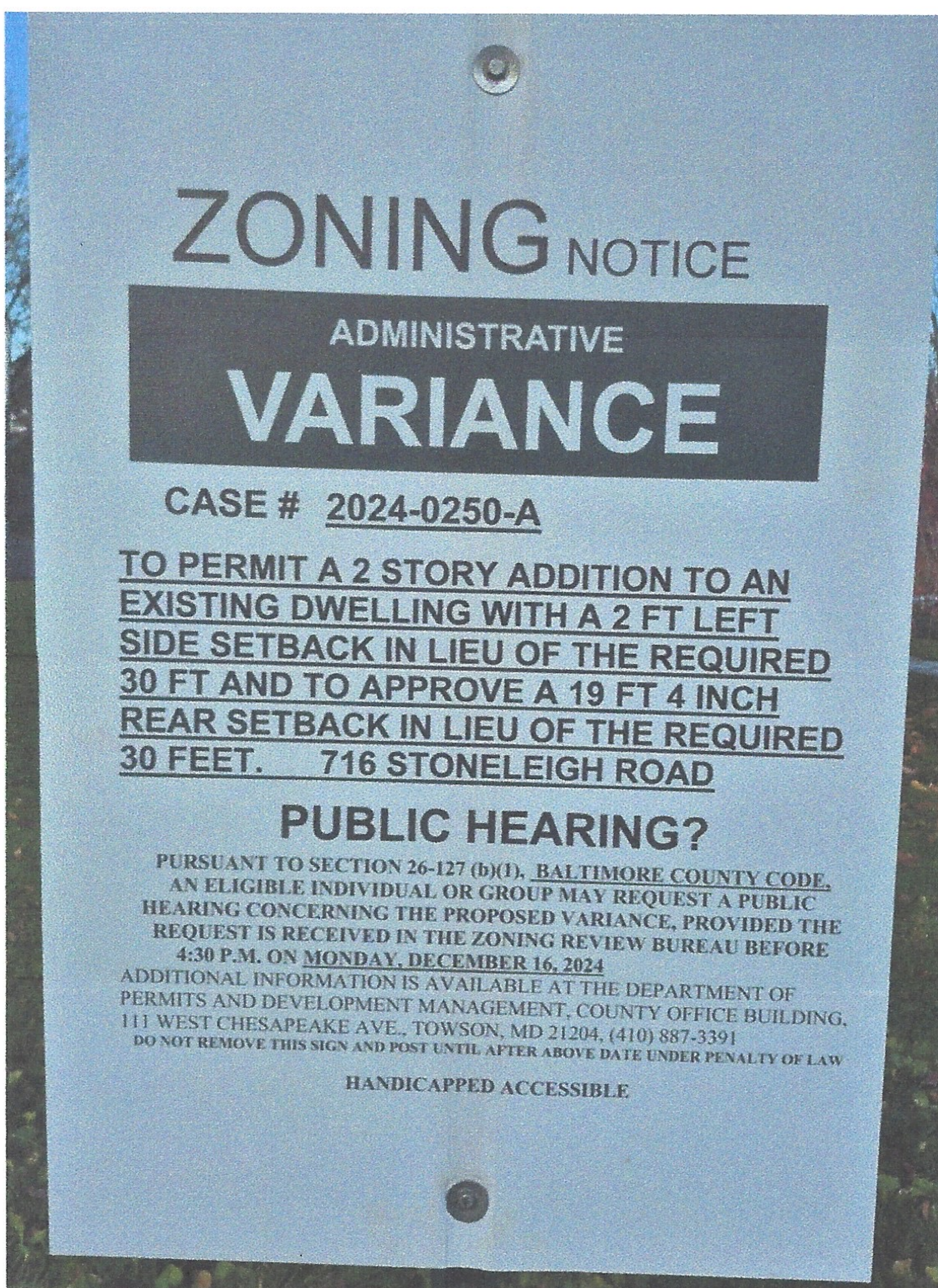
Case Number: 2024-0250-A

Petitioner / Developer: WALTER DANIELS, ~ BRETT & TERA SMITH

Date of Closing: DECEMBER 16, 2024

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:
716 STONELEIGH ROAD

The sign(s) were posted on: NOVEMBER 30, 2024



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, MD 21030
(City, State, Zip of Sign Poster)

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

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Maureen E. Murphy; Chief Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: December 3, 2024

SUBJECT: DEPS Comment for Zoning Item # 2024-0250-A
Address: 716 STONELEIGH ROAD
Legal Owner: Brett & Tera Smith

Zoning Advisory Committee Meeting of December 3, 2024.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Additional Comments:

Reviewer: Earl D. Wrenn

Real Property Data Search ()
Search Result for BALTIMORE COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
--------------------------	--	--

Special Tax Recapture: None

Account Identifier: District - 09 Account Number - 0913200836

Owner Information

Owner Name: SMITH BRETT J
SMITH TERA P

Mailing Address: 716 STONELEIGH RD
BALTIMORE MD 21212-1647

Use: RESIDENTIAL
Principal Residence: YES
Deed Reference: /41753/ 00087

Location & Structure Information

Premises Address: 716 STONELEIGH RD
BALTIMORE 21212-1647

Legal Description: PT LT 39-43
716 STONELEIGH RD
STONELEIGH

Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:
0080 0002 0130 9090094.04 0000 7 39 2023 Plat Ref: 0007/ 0087

Town: None

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1930	1,596 SF	500 SF	7,700 SF	04

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	BRICK/	5	2 full	1 Attached	

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2024	07/01/2025
Land:	154,700	161,500		
Improvements	344,300	408,200		
Total:	499,000	569,700	546,133	569,700
Preferential Land:	0	0		

Transfer Information

Seller: NOVAK LAUREN F	Date: 08/15/2019	Price: \$524,000
Type: ARMS LENGTH IMPROVED	Deed1: /41753/ 00087	Deed2:
Seller: SCHWARTZ ROBERT P	Date: 02/05/2003	Price: \$400,000
Type: ARMS LENGTH IMPROVED	Deed1: /17495/ 00680	Deed2:
Seller: GEORGE NANCY FOX	Date: 06/23/1989	Price: \$215,000
Type: ARMS LENGTH IMPROVED	Deed1: /08207/ 00436	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: Approved 09/30/2019

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

2024-0250-A

PLAT TO ACCOMPANY PETITION FOR ZONING ☒ADMINISTRATIVE VARIANCE ☐SPECIAL HEARING

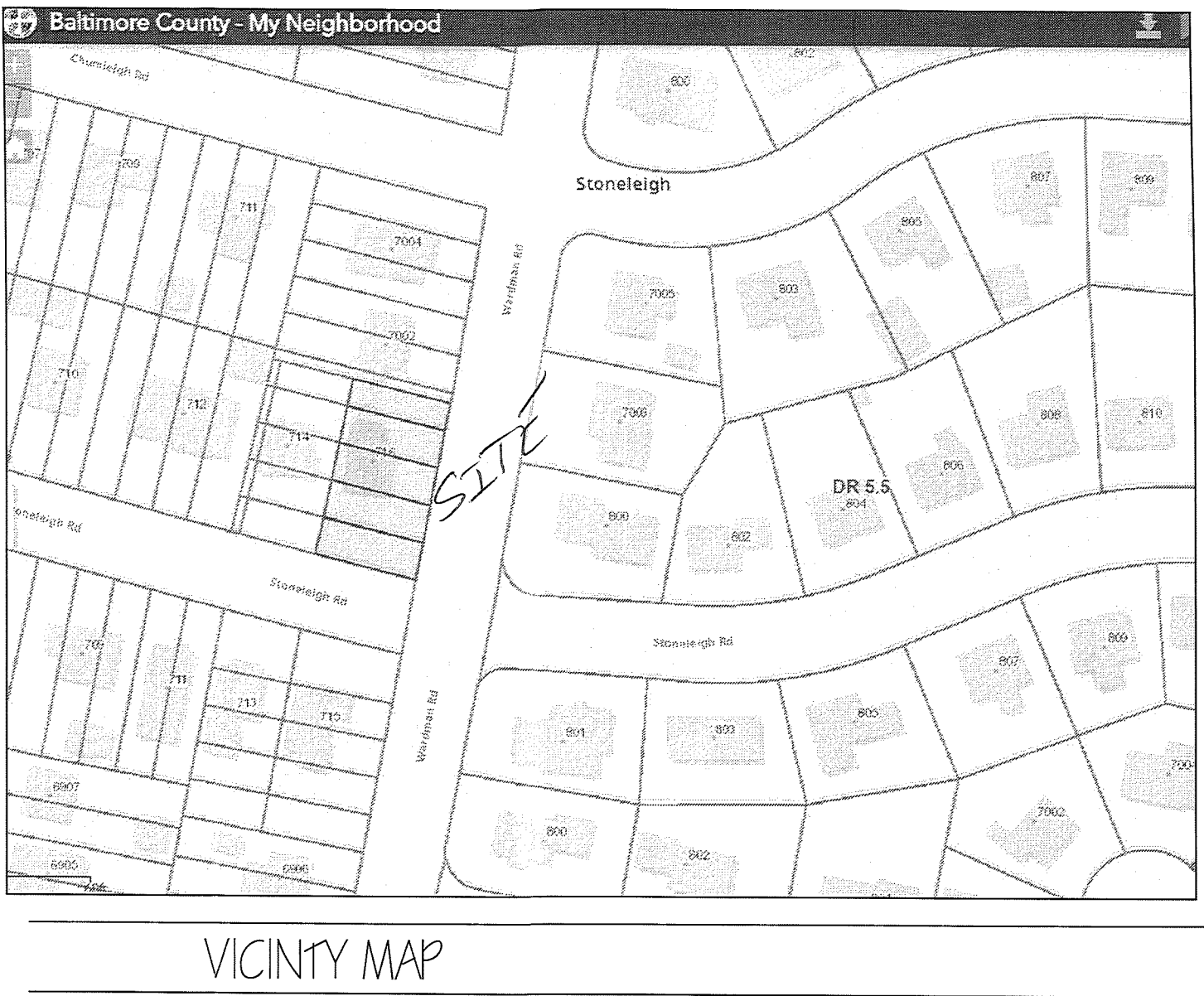
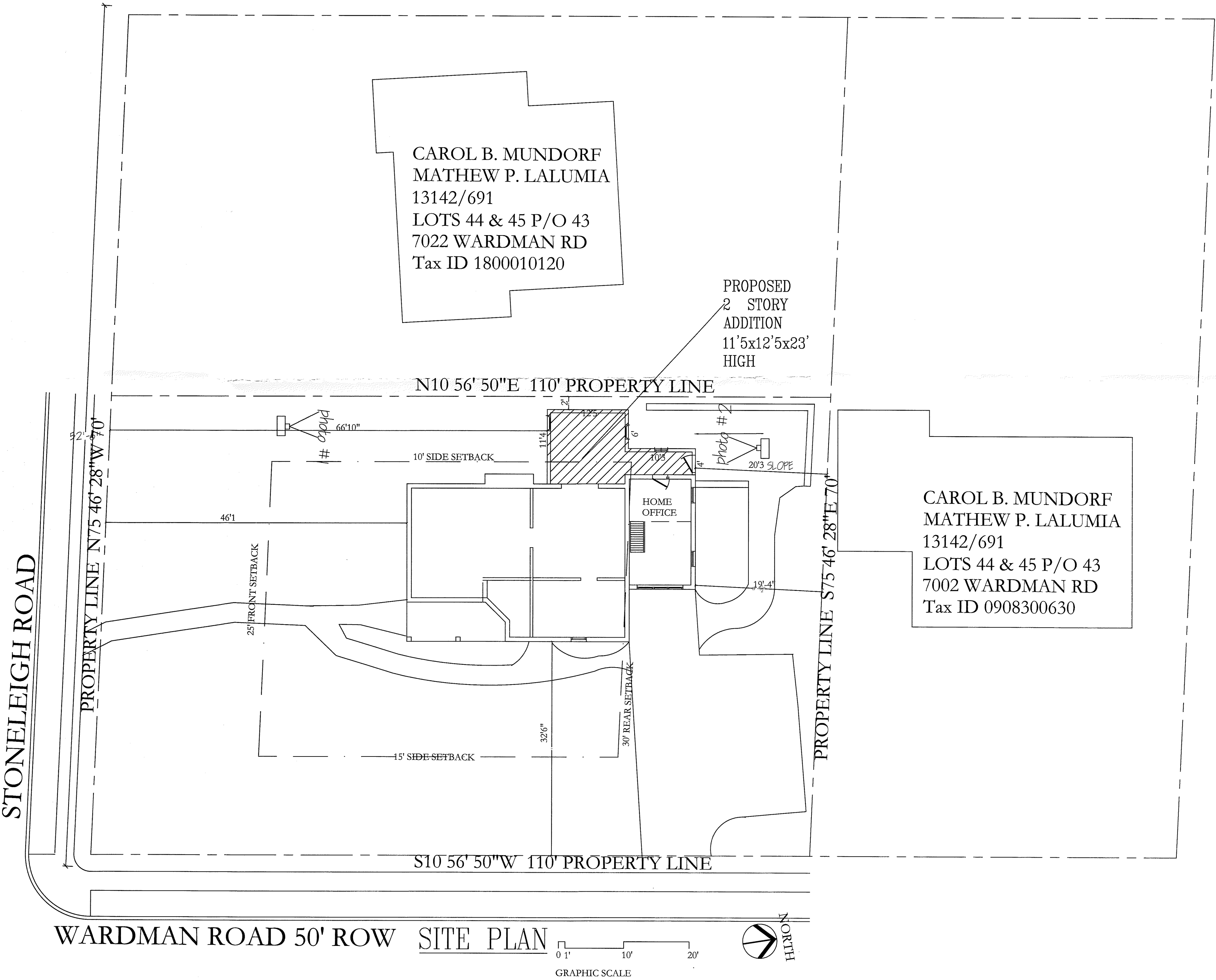
PROPERTY ADDRESS: 716 STONELEIGH ROAD, BALTIMORE, MD 21212

SUBDIVISION NAME: STONELEIGH BLOCK 7 LOT 39

DEED REFERENCE: 41753/0087

OWNERS: SMITH, BRETT J., SMITH, TERA P - 716 STONELEIGH ROAD, BALTIMORE, MD 21212

TAX ID 0913200830



Councilmanic District : 6
Election District: 9
Zoning scale map: O80A1
Zoning: DR 5.5
Lot Size: 7,770 SF
Sewer : PUBLIC
Water: PUBLIC
Chesapeake Bay Critical Area: No
100 Year Flood Plain : NONE
FEMA MAP:
Historic Property: No
Prior Zoning Hearings: None

Zoning Office Use Only		
reviewed by:	item #:	case #:

DANIELS & ASSOCIATES
ARCHITECTS, Ltd.

1113 Ivy Hill Road
Hunt Valley, MD 21030
(410) 560-3588
Suite #100

716 STONELEIGH ROAD

BALTIMORE, BALTIMORE COUNTY, MARYLAND 21212

DATE: 10-25-24

Revisions

No.	Date	Reference

Drawing Title
SITE PLAN
Scale 1" =10'-0"

Drawing Number
SITE



0923870061

711

Lot # 46

Lot # 46

7004

0903004390

Lot # 46

0915100220

Lot # 49

Lot # 44

7002

Lot # 44

0908300630

Lot # 35

Lot # 44

Lot # 39

Lot # 39

Lot # 39

712

Lot # 35

1900004302

NE 8-A

DR 5.5

080A1

9 ED

Pt. Bk. 000007, Folio 0087

Lot # 35

714

Lot # 39

Lot # 39

716

Pt. Bk./Folio # 007087

Lot # 39

PAI # 090105

1800010120

Lot # 39

PAI # 090105

Lot # 39

0913200830

Lot # 39

Lot # 39

WARDMAN RD

6 CD

0907582010

Lot # 17

0916750210

Lot # 1

Pt. Bk./Folio # 020136

Pt. Bk. 0000020, Folio 0136

Lot # 23

Pt. Bk. 000007, Folio 0053

0919450170

0919329280

Lot # 18

Lot # 18

0911570150

Lot # 18

713

Lot # 18

Lot # 18

Lot # 18

Lot # 31

0919510590

801

2024-0250-A



PHOTO # 1

2024-0250-A



PHOTO # 2

2024-0250-A