IN RE: PETITION FOR ZONING VARIANCE
S/S Manor Brook Road, 1320' W c/l of Monkton Road
19 Manor Brook Road
10th Election District
3rd Councilmanic District

Lawrence Edward Hiner, III, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-395-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A03.4.B.6 (1A00.3.B.3 1970) to permit a side yard setback of 23 feet in lieu of the required 50 feet, as more particularly described on Petitioner's Exhibit No. 3.

The Petitioners, Lawrence and Cherie Hiner, appeared and testified. Appearing as Protestants were Joseph and JoAnn Bishop.

Testimony indicated that the subject property, known as 19 Manor Brook Road consists of 1.003 acres +/-, zoned R.C.4 and is improved with an existing single family dwelling.

Testimony indicated that the Petitioners currently reside in Virginia and are attempting to sell the subject property. The Petitioners testified that they have been advised by their real estate agent that their house would be significantly more marketable if they were to construct an attached two car garage, as indicated on Petitioners' Exhibit #3. The Petitioners testified that, prior to the construction of their home, they failed to have a professional survey conducted, and staked the lot themselves. They further testified that the house was ultimately located 2-1/2 feet outside of the building envelope.

ORDER RECEIVED FOR FILING
Date 3/9/90
By M. Brook

Mr. and Mrs. Joseph Bishop testified that they own the 17.5 acres to the south and southwest of the subject site and are concerned that the improvements will reduce the market value of their property. They also own two of the three panhandles adjoining Petitioner's property, as indicated on Petitioners' Exhibit No. 3. The Bishops testified that, in their opinion, the requested relief is not consistent with the esthetic integrity of this community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, in part, that such relief would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good. However, regarding that portion of the variance relief that would accommodate the proposed garage, there is insufficient evidence to allow a finding

ORDER RECEIVED FOR FILING
Date 3/9/90
By M. Brook

that the Petitioners would experience practical difficulty or unreasonable hardship if this portion of the requested relief was denied. The testimony presented by the Petitioners was in support of a matter of preference rather than of necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the land or be unnecessarily burdensome. Therefore, this portion of the variance relief must be denied.

However, after due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if a portion of the variance relief were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance relief granted herein will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of March, 1990 that the Petition for a Zoning Variance to permit a side yard setback of 23 feet in lieu of the required 50 feet, in accordance with Petitioners' Exhibit No. 3, is hereby DENIED; and

IT IS FURTHER ORDERED that a side yard setback of 47 feet in lieu of the required 50 feet is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the aforegoing relief:

> 1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until

ORDER RECEIVED FOR FILING
Date 3/9/90
By M. Brook

> such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
>
> 2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.
>
> 3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mmn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 3/9/90
By M. Brook

Item # 256

PETITION FOR ZONING VARIANCE

90-395-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A03.4.B.6.(1A00.3.B.3.,1970) to permit a side yard setback of 23' in lieu of the required 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. An error on the original site plan with regard to the location of the existing well and a health dept. requirement for the distance of the well to the house resulted in the present location of the house and its deviance from the required setback.

2. A variance is needed to permit the construction of an attached garage on the east side of the house to conform to the quality of all other houses in the sub-division of Manor Brook.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:

Legal Owner(s):
Lawrence Edward Hiner III
(Type or Print Name)
Lawrence Edward Hiner III
Signature
Cherie Denise Hiner
(Type or Print Name)
Cherie Denise Hiner
Signature
19 Manor Brook Road
Address
Monkton, MD 21111
City and State
Phone No.

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Larry Hiner (703)222-0949
Name
13811 Springstone Dr., Clifton, VA 22024
Address
Phone No.

MAP NE 26A
B-2
BY KEK 10TH
DATE 12/5/89
ZONE
TOTAL
BY G.E.S.

ORDERED By The Zoning Commissioner of Baltimore County, this 28 day of Feb, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18 day of April, 1990 at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date
By

mtk 2/7/90
est time ½ hr.
avail anytime

256

90-395-A

ZONING DESCRIPTION

Beginning at a point on the south side of Manor Brook Road which is 50 feet wide at the distance of 1,320 feet west of the centerline of Monkton Road which is 50 feet wide. Being Lot #28, in the subdivision of Manor Brook, as recorded in Baltimore County Platt Book #36, Folio #141, containing 1.002 acres. Also known as 19 Manor Brook Road, located in the 10th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-395-A

Date of Posting 4/1/90
District 10th
Posted for: Variance
Petitioner: Lawrence Edward Hiner III et ux
Location of property: S/S Manor Brook Rd, 1320' W/Monkton Rd
19 Manor Brook Rd
Location of Signs: Facing Manor Brook Rd, approx 8' Fr. Roadway
On property of Pet'tioner
Remarks:
Posted by: Signature
Date of return: 4/6/90
Number of Signs: 1

$102.41

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 28, 1990.

TOWSON TIMES,
S. Zeke Orlow
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case number: 90-395-A
S/S Manor Brook Road, 1320' W of of Monkton Road
19 Manor Brook Road
10th Election District
3rd Councilmanic
Petitioner(s): Lawrence Edward Hiner, III, et ux
Hearing Date: Wednesday, Apr. 18, 1990 at 9:30 a.m.
Variance: to permit a side yard setback of 23 ft. in lieu of the required 50 ft.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TJ/3-476 Mar. 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 29, 1990.

THE JEFFERSONIAN,
S. Zeke Orlow
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case number: 90-395-A
S/S Manor Brook Road, 1320' W of of Monkton Road
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Petitioner(s): Lawrence Edward Hiner, III, et ux
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TJ/3-476 Mar. 29.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

DATE 4-5-90

Mr. & Mrs. Laurence Edward Hiner, III
19 Manor Brook Road
Monkton, Maryland 21111

Re: Petition for Zoning Variance
CASE NUMBER: 90-395-A
S/S Manor Brook Road, 1320' W c/l of Monkton Road
19 Manor Brook Road
10th Election District - 3rd Councilmanic
Petitioner(s): Laurence Edward Hiner, III, et ux
HEARING: WEDNESDAY, APRIL 18, 1990 at 9:30 a.m.

Dear Mr. & Mrs. Hiner:

...advised that $ 127.41 is due for advertising and posting of ...property.

...ETURN & POST SET(S) ...RESSUE.

Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

receipt
Account: R-001-6150
Number № 2177

4/18/90 90-395

PUBLIC HEARING FEES M9000693
080 -POSTING SIGNS / ADVERTISING 1 X $127.41
LAST NAME OF OWNER: HINER TOTAL: $127.41

Cashier Validation:
B 8024****12741:a 4188F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 1, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petiiton for Zoning Variance
CASE NUMBER: 90-395-A
S/S Manor Brook Road, 1320' W c/l of Monkton Road
19 Manor Brook Road
10th Election District - 3rd Councilmanic
Petitioner(s): Laurence Edward Hiner, III, et ux
HEARING: WEDNESDAY, APRIL 18, 1990 at 9:30 a.m.

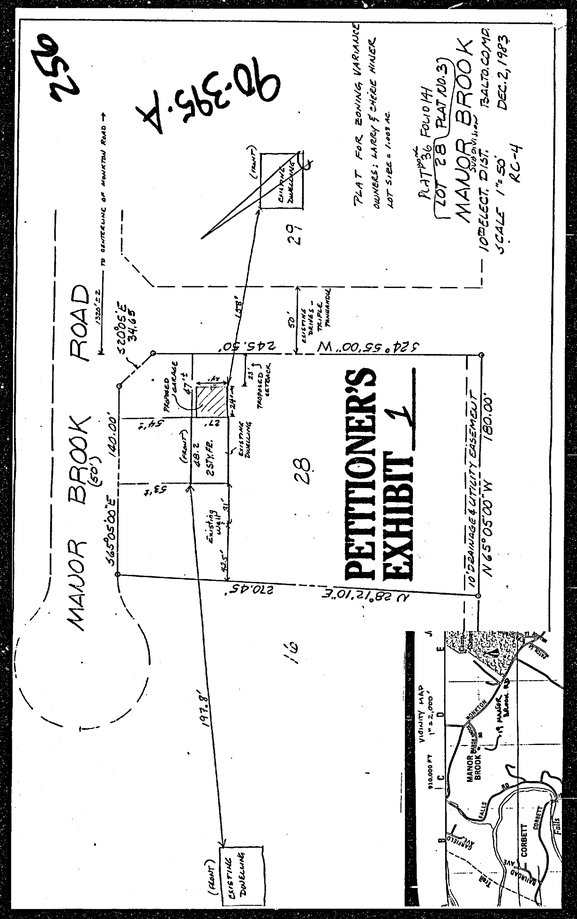
Variance to permit a side yard setback of 23 ft. in lieu of the required 50 ft.

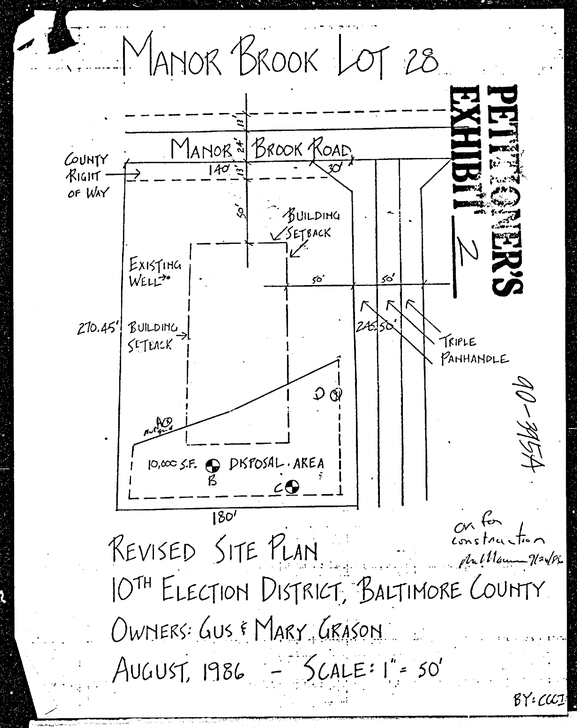
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Laurence Hiner, III, et ux
Larry Hiner





APPLICATION FOR SOIL PERCOLATION TESTS
BALTIMORE COUNTY, MARYLAND

DISTRICT 10

Please Print
Location of Property

Lot #28 on Plat #3, aka 17 Manor Brook Road

Manor Brook subdivision Monkton, MD 21111
(Road name, direction & distance to nearest intersection)

Subdivision Name Manor Brook Section ___ Block ___ Lot/s #28

Owner's Name Gus & Mary Grason Phone 472-8881
Print

Proposed Use: New X Existing ___ Residential X Commercial ___ Industrial ___

Water Supply: Individual Well X Existing X Proposed ___ (Or) Metropolitan ___

Direct Correspondence to: Name Gus & Mary Grason Address 21 Manor Brook Road
Print Print

City Monkton State Maryland Zip 21111 Phone 472-8881
Print

Special Notes:
This application is hereby made for a standard percolation test to determine suitability of the above referenced site for installation of an individual sewage disposal system in accordance with Baltimore County Council Bill #54 effective July 1, 1964. This is not a permit to install the system.

Need revised plan

Signature

(1) One plot plan must accompany this application. The plot plan must be drawn to a minimum scale of 1" = 100'. The existing and/or proposed property boundaries shall be shown, as well as locations of proposed water supplies, buildings and sewage disposal areas. Any existing wells, septic systems and/or streams within 100' of property must be shown.

(2) A fee of $10.00 is required for each lot. Make check payable to "BALTIMORE COUNTY, MARYLAND".

Note: Application expires one year from date of issue.

DO NOT WRITE BELOW THIS LINE

CLEARING OFFICE: Preliminary to Sub. approval ___ Existing lot record ___ By ___

DEPT. OF PUBLIC WORKS: Master S&W Plan S ___ W ___ F.P. ___ By ___

DEPT. OF PERMITS & LICENSES: Tax Account # ___ Date ___

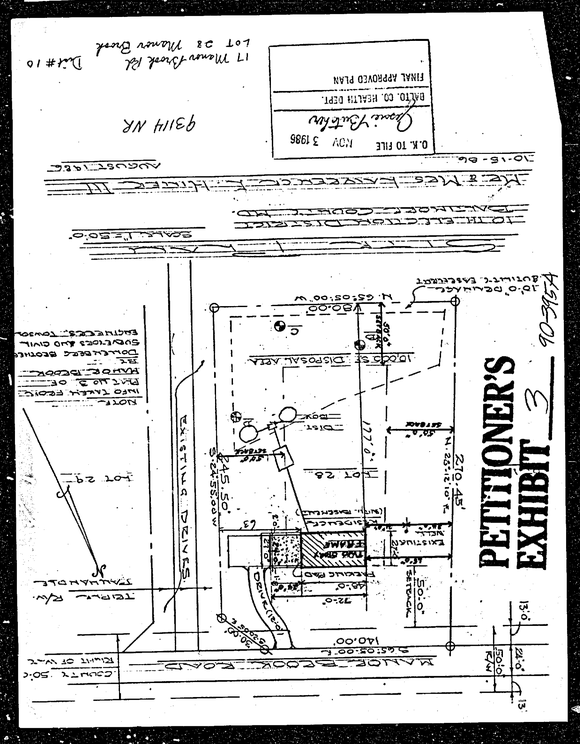
Cash Slip # ___ Amount ___ By ___

HEALTH DEPT.: Review ___

Appointment Time 11:00 Date 6/7/86 Sanitarian

Contractor: D Lawson Phone ___

COMMENTS:
✓ A clay 0-4 BW 4 - Rock
✓ B clay 0-3 BW 3 - 16'
✓ C clay 0-13 BW 13 - 16'
✓ D clay 0-3 BW 3 - 14' Rock



Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number № 1298

Date

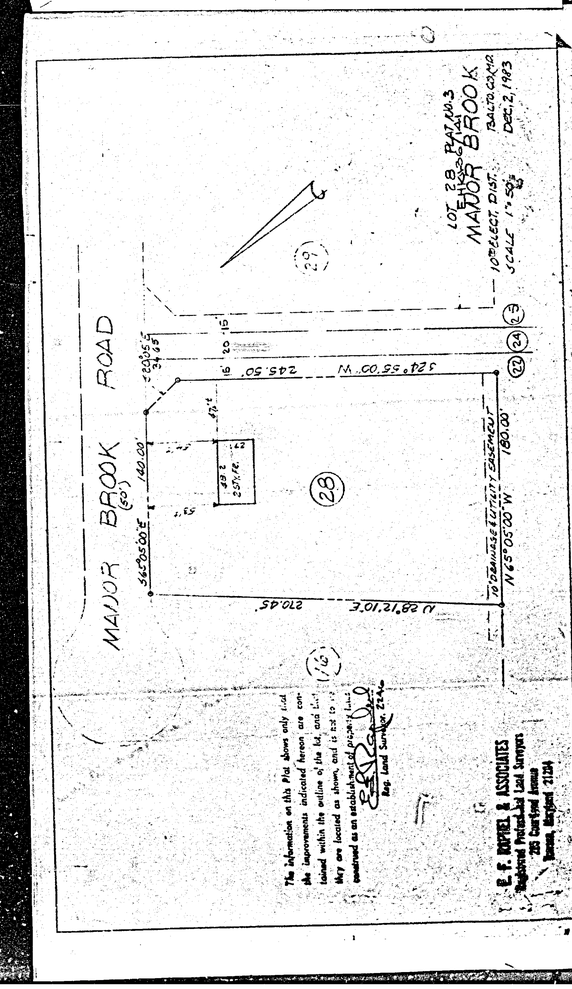
2/07/90 H6000256

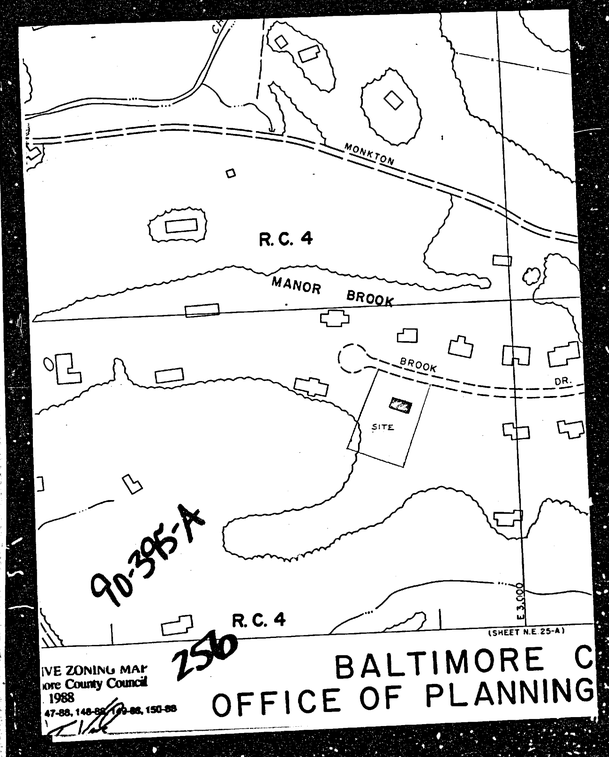
	QTY.	PRICE
PUBLIC HEARING FEES		
010 -ZONING VARIANCE (IRL)	1 x	$35.00
LAST NAME OF OWNER: HINER	TOTAL:	$35.00

B 6151 ****3500:a 2086F

Cashier Validation

Please make checks payable to: Baltimore County





Joseph L. Bishop, Jr.
Jo-Ann M. Bishop
15 Manor Brook Road
Monkton, Maryland 21111

April 17, 1990

Zoning Commissioner of Baltimore County
Re: Petition #90-395-A

Dear Sir:

We are the owners of three contiguous parcels of land in the Manor Brook subdivision, one of which adjoins #19 Manor Brook Road. While we agree that the subject dwelling needs immediate improvement to conform to the quality of adjacent properties we take exception to a variance on the east side of said property. It may improve the appearance of the house but aesthetically it would encroach upon our property line. In our opinion the proposed attempt to correct the mistake at our expense is unacceptable. We ask that you reject this petition for variance and suggest that said garage might be constructed on the west side where there is more than ample space.

Because we only learned of this petition on April 16th, and had prior commitments to our employment we are unable to appear in person for this hearing. Please accept this letter as our formal opposition to this proposal.

Respectfully Yours,

Joseph L. Bishop, Jr.

Jo-Ann M. Bishop

cc: A. J. Tampieri, Esq.
cc: File

RECEIVED
APR 18 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 3, 1990

Dennis F. Rasmussen
County Executive

Mr. Lawrence E. Hiner, III
13811 Springstone Drive
Clifton, VA 22024

RE: Item No. 256, Case No. 90-395-A
Petitioner: Lawrence E. Hiner, et ux
Petition for Zoning Variance

Dear Mr. Hiner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

28th day of February, 1989.

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Lawrence E. Hiner, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: February 15, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Lawrence E. Hiner, III, Item 256

The Petitioner requests a setback Variance for an addition to the principal structure.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

FEB 2 1 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

Dennis F. Rasmussen
County Executive

March 9, 1990

J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 252, 253, 254, 255, ~~256~~, 257 and 258.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

MAR 2 1 1990

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

FEBRUARY 14, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LAWRENCE EDWARD HINER, III

Location: #19 MANOR BROOK ROAD

Item No.: 256 Zoning Agenda: FEBRUARY 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. Joseph Kelly 2-14-90 Noted and Approved
Planning Group
Special Inspection Division

Fire Prevention Bureau

JK/KEK

MAR 1 5 1990

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 27, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 252, 253, 255, 256, 257 and 258.

Item 254 is subject to the previous County Review Group comments for this site.

Item 128 is subject to the prior comments.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

MAR 0 8 1990

90-395A

PLEASE PRINT CLEARLY

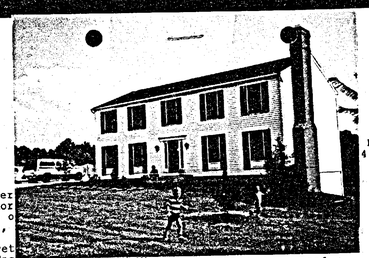
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
LARRY HINER	13811 SPRINGSTONE DRIVE
CHERIE HINER	13811 SPRINGSTONE DRIVE
	CLIFTON, VA 22024

90-395A

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Jo-Ann Bishop	15 Manor Brook Rd. Monkton Md 21111
Joseph F. Bishop Jr.	"



Dr.

J. Rober
Baltimor
Office o
Towson,

Re: Pet
Cas
S/S Manor Brook Rd., 1320' W c/l of Monkton Road
19 Manor Brook Road
10th Election District - 3rd Councilmanic
Petitioner(s): Lawrence E. Hiner, III and Cherie D. Hiner
HEARING: Wed., April 18, 1990 at 9:30 a.m.

Dear Mr. Haines:

At our zoning hearing 9 days ago, you stated that you would hold our case open for two weeks to allow us to submit certification from a licenced surveyor as to the accuracy of the location of our house on the site plan which was submitted at the hearing. This morning I was finally able to reach the surveyor, Mr. Gene Raphael, who prepared the core part of the site plan which was submitted. Mr. Raphael said that he would deliver the requested certification on Monday, April 30, 1990. I would appreciate it if your office could contact me if it is not delivered by the close of business on Monday and I will follow-up with him as necessary.

Enclosed is a picture of our house that you requested at the hearing.(This is the best that I could come up with from what we had available!) The proposed garage would be built on the left side of the house where the cars are parked in the picture. As you can see, this area is currently enclosed on 2 sides with a privacy fence. Since the proposed garage would be within the existed fenced area, no further "encroachment" on the Bishop's driveway would occur other than what currently exists.

Thank you for holding our case open to allow for this additional evidence to be presented. We will anxiously await your decision.

Sincerely,
Larry and Cherie Hiner/cd
Larry and Cherie Hiner

RECEIVED
MAY 1 1990
ZONING OFFICE

13811 Springstone Dr.
Clifton, VA 22024
February 23, 1990

90-395-A

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Sir/Madam:

We have recently petitioned for a variance of Section 1A03.4.B.6 (1A00.3.B.3.) (R.O.P) to permit a 23' side-setback in lieu of the required 50' setback to allow for the existence of our home in its present location and to permit the construction of an attached garage. Within the past year, a change in my husband's employment necessitated that we move out of state. We temporarily rented out our home in Monkton, anticipating a possible return to Maryland. Our return to Maryland now appears unlikely, however, and we need to sell our home in order to permanently relocate. We have been advised that in order to sell our home this variance is necessary. Conducting these negotiations long distance presents a hardship as does the fact that within two months our present renters may be moving out, leaving our home vacant, and leaving us with a mortgage payment on top of our current living expenses. This makes it imperative that we sell our home as soon as possible. In order to expedite this process we request an early hearing of our case.

Thank you for your consideration of our request.

Sincerely,
Larry & Cherie Hiner
Larry and Cherie Hiner
Item # H9000256

RECEIVED
FEB 27 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 7, 1990

Mr. and Mrs. Lawrence Edward Hiner, III
13811 Springstone Drive
Clifton, Virginia 22024

RE: Petition for Zoning Variance
Case No. 90-395-A

Dear Mr. and Mrs. Hiner:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in part and denied in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
att.
cc: Peoples Counsel

IN RE: PETITION FOR ZONING VARIANCE
S/S Manor Brook Road, 1320' W c/l of Monkton Road
19 Manor Brook Road
10th Election District
3rd Councilmanic District

Lawrence Edward Hiner, III, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-395-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A03.4.B.6 (1A00.3.B.3 1970) to permit a side yard setback of 23 feet in lieu of the required 50 feet, as more particularly described on Petitioner's Exhibit No. 3.

The Petitioners, Lawrence and Cherie Hiner, appeared and testified. Appearing as Protestants were Joseph and JoAnn Bishop.

Testimony indicated that the subject property, known as 19 Manor Brook Road consists of 1.003 acres +/-, zoned R.C.4 and is improved with an existing single family dwelling.

Testimony indicated that the Petitioners currently reside in Virginia and are attempting to sell the subject property. The Petitioners testified that they have been advised by their real estate agent that their house would be significantly more marketable if they were to construct an attached two car garage, as indicated on Petitioners' Exhibit #3. The Petitioners testified that, prior to the construction of their home, they failed to have a professional survey conducted, and staked the lot themselves. They further testified that the house was ultimately located 2-1/2 feet outside of the building envelope.

ORDER RECEIVED FOR FILING
Date 3/9/90
By M. Brook

Mr. and Mrs. Joseph Bishop testified that they own the 17.5 acres to the south and southwest of the subject site and are concerned that the improvements will reduce the market value of their property. They also own two of the three panhandles adjoining Petitioner's property, as indicated on Petitioners' Exhibit No. 3. The Bishops testified that, in their opinion, the requested relief is not consistent with the esthetic integrity of this community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
>
> 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
>
> 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, in part, that such relief would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good. However, regarding that portion of the variance relief that would accommodate the proposed garage, there is insufficient evidence to allow a finding

ORDER RECEIVED FOR FILING
Date 3/9/90
By M. Brook

that the Petitioners would experience practical difficulty or unreasonable hardship if this portion of the requested relief was denied. The testimony presented by the Petitioners was in support of a matter of preference rather than of necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the land or be unnecessarily burdensome. Therefore, this portion of the variance relief must be denied.

However, after due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if a portion of the variance relief were not granted. It has been established that the requirements from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance relief granted herein will not be detrimental to the public health, safety and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 9th day of March, 1990 that the Petition for a Zoning Variance to permit a side yard setback of 23 feet in lieu of the required 50 feet, in accordance with Petitioners' Exhibit No. 3, is hereby DENIED; and

IT IS FURTHER ORDERED that a side yard setback of 47 feet in lieu of the required 50 feet is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the aforegoing relief:

> 1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until

ORDER RECEIVED FOR FILING
Date 3/9/90
By M. Brook

> such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
>
> 2. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZAC), which are adopted in their entirety and made a part of this Order.
>
> 3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH/mmn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 3/9/90
By M. Brook

Item # 256

PETITION FOR ZONING VARIANCE

90-395-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A03.4.B.6.(1A00.3.B.3.,1970) to permit a side yard setback of 23' in lieu of the required 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. An error on the original site plan with regard to the location of the existing well and a health dept. requirement for the distance of the well to the house resulted in the present location of the house and its deviance from the required setback.

2. A variance is needed to permit the construction of an attached garage on the east side of the house to conform to the quality of all other houses in the sub-division of Manor Brook.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:

Legal Owner(s):
Lawrence Edward Hiner III
(Type or Print Name)
Lawrence Edward Hiner III
Signature
Cherie Denise Hiner
(Type or Print Name)
Cherie Denise Hiner
Signature
19 Manor Brook Road
Address
Monkton, MD 21111
City and State
Phone No.

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.
Larry Hiner (703)222-0949
Name
13811 Springstone Dr., Clifton, VA 22024
Address
Phone No.

MAP NE 26A
B-2
BY KEK 10TH
DATE 12/5/89
ZONE
TOTAL
BY G.E.S.

ORDERED By The Zoning Commissioner of Baltimore County, this 28 day of Feb, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18 day of April, 1990 at 9:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

ORDER RECEIVED FOR FILING
Date
By

mtk 2/7/90
est time ½ hr.
avail anytime

256

90-395-A

ZONING DESCRIPTION

Beginning at a point on the south side of Manor Brook Road which is 50 feet wide at the distance of 1,320 feet west of the centerline of Monkton Road which is 50 feet wide. Being Lot #28, in the subdivision of Manor Brook, as recorded in Baltimore County Platt Book #36, Folio #141, containing 1.002 acres. Also known as 19 Manor Brook Road, located in the 10th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

90-395-A

Date of Posting 4/1/90
District 10th
Posted for: Variance
Petitioner: Lawrence Edward Hiner III et ux
Location of property: S/S Manor Brook Rd, 1320' W/Monkton Rd
19 Manor Brook Rd
Location of Signs: Facing Manor Brook Rd, approx 8' Fr. Roadway
On property of Pet'tioner
Remarks:
Posted by: Signature
Date of return: 4/6/90
Number of Signs: 1

$102.41

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 28, 1990.

TOWSON TIMES,
S. Zeke Orlow
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case number: 90-395-A
S/S Manor Brook Road, 1320' W of of Monkton Road
19 Manor Brook Road
10th Election District
3rd Councilmanic
Petitioner(s): Lawrence Edward Hiner, III, et ux
Hearing Date: Wednesday, Apr. 18, 1990 at 9:30 a.m.
Variance: to permit a side yard setback of 23 ft. in lieu of the required 50 ft.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TJ/3-476 Mar. 28.

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 30, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 29, 1990.

THE JEFFERSONIAN,
S. Zeke Orlow
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Petition for Zoning Variance
Case number: 90-395-A
S/S Manor Brook Road, 1320' W of of Monkton Road
19 Manor Brook Road
10th Election District
3rd Councilmanic
Petitioner(s): Lawrence Edward Hiner, III, et ux
Hearing Date: Wednesday, Apr. 18, 1990 at 9:30 a.m.
Variance: to permit a side yard setback of 23 ft. in lieu of the required 50 ft.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
TJ/3-476 Mar. 29.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

DATE 4-5-90

Mr. & Mrs. Laurence Edward Hiner, III
19 Manor Brook Road
Monkton, Maryland 21111

Re: Petition for Zoning Variance
CASE NUMBER: 90-395-A
S/S Manor Brook Road, 1320' W c/l of Monkton Road
19 Manor Brook Road
10th Election District - 3rd Councilmanic
Petitioner(s): Laurence Edward Hiner, III, et ux
HEARING: WEDNESDAY, APRIL 18, 1990 at 9:30 a.m.

Dear Mr. & Mrs. Hiner:

...advised that $ 127.41 is due for advertising and posting of ...property.

...ETURN & POST SET(S) ...RESSUE.

Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

receipt
Account: R-001-6150
Number № 2177

4/18/90 90-395

PUBLIC HEARING FEES M9000693
080 -POSTING SIGNS / ADVERTISING 1 X $127.41
LAST NAME OF OWNER: HINER TOTAL: $127.41

Cashier Validation:
B 8024****12741:a 4188F
Please make checks payable to: Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

March 1, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petiiton for Zoning Variance
CASE NUMBER: 90-395-A
S/S Manor Brook Road, 1320' W c/l of Monkton Road
19 Manor Brook Road
10th Election District - 3rd Councilmanic
Petitioner(s): Laurence Edward Hiner, III, et ux
HEARING: WEDNESDAY, APRIL 18, 1990 at 9:30 a.m.

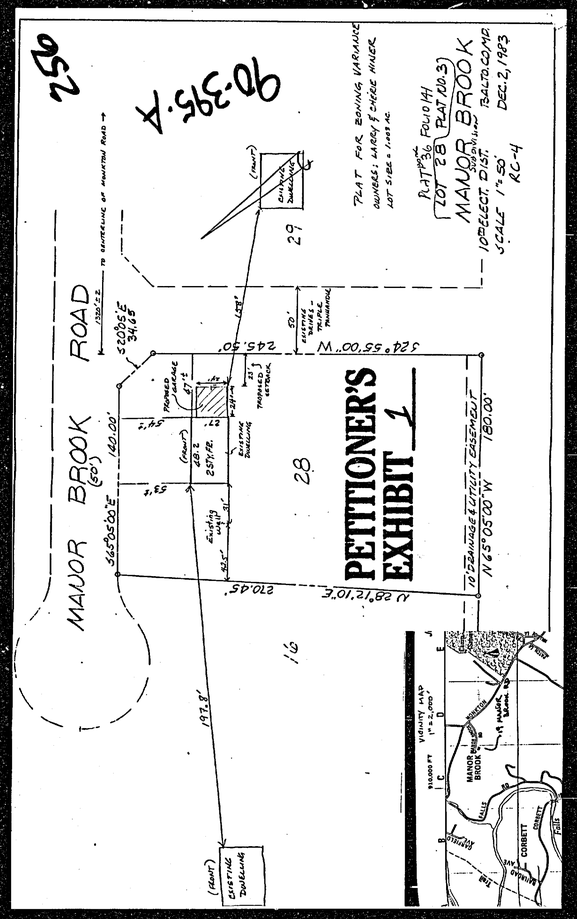
Variance to permit a side yard setback of 23 ft. in lieu of the required 50 ft.

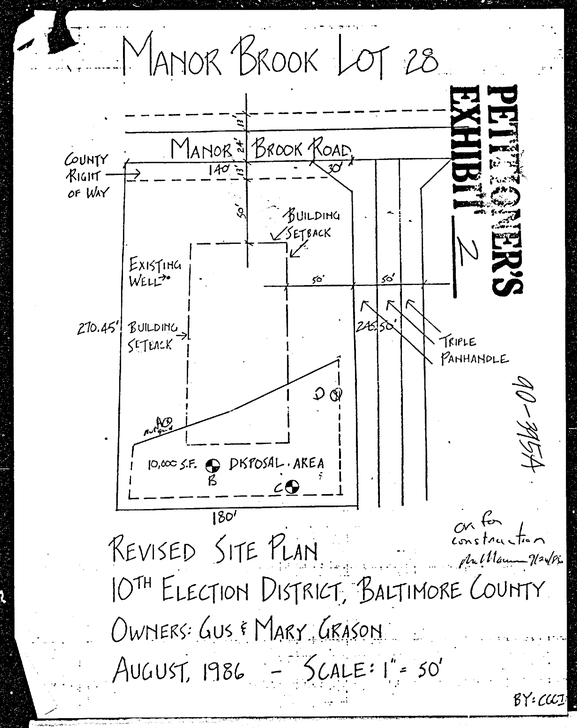
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Laurence Hiner, III, et ux
Larry Hiner





APPLICATION FOR SOIL PERCOLATION TESTS
BALTIMORE COUNTY, MARYLAND

DISTRICT 10

Please Print
Location of Property

Lot #28 on Plat #3, aka 17 Manor Brook Road

Manor Brook subdivision Monkton, MD 21111
(Road name, direction & distance to nearest intersection)

Subdivision Name Manor Brook Section ___ Block ___ Lot/s #28

Owner's Name Gus & Mary Grason Phone 472-8881
Print

Proposed Use: New X Existing ___ Residential X Commercial ___ Industrial ___

Water Supply: Individual Well X Existing X Proposed ___ (Or) Metropolitan ___

Direct Correspondence to: Name Gus & Mary Grason Address 21 Manor Brook Road
Print Print

City Monkton State Maryland Zip 21111 Phone 472-8881
Print

Special Notes:
This application is hereby made for a standard percolation test to determine suitability of the above referenced site for installation of an individual sewage disposal system in accordance with Baltimore County Council Bill #54 effective July 1, 1964. This is not a permit to install the system.

Need revised plan

Signature

(1) One plot plan must accompany this application. The plot plan must be drawn to a minimum scale of 1" = 100'. The existing and/or proposed property boundaries shall be shown, as well as locations of proposed water supplies, buildings and sewage disposal areas. Any existing wells, septic systems and/or streams within 100' of property must be shown.

(2) A fee of $10.00 is required for each lot. Make check payable to "BALTIMORE COUNTY, MARYLAND".

Note: Application expires one year from date of issue.

DO NOT WRITE BELOW THIS LINE

CLEARING OFFICE: Preliminary to Sub. approval ___ Existing lot record ___ By ___

DEPT. OF PUBLIC WORKS: Master S&W Plan S ___ W ___ F.P. ___ By ___

DEPT. OF PERMITS & LICENSES: Tax Account # ___ Date ___

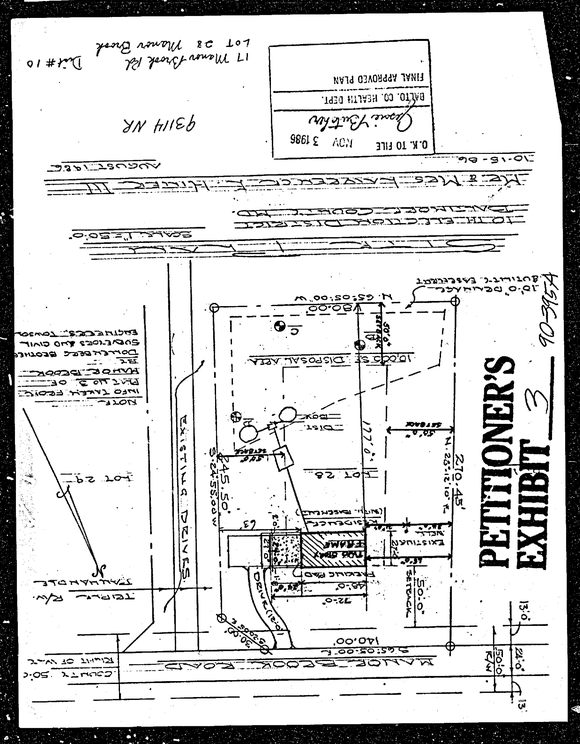
Cash Slip # ___ Amount ___ By ___

HEALTH DEPT.: Review ___

Appointment Time 11:00 Date 6/7/86 Sanitarian

Contractor: D Lawson Phone ___

COMMENTS:
✓ A clay 0-4 BW 4 - Rock
✓ B clay 0-3 BW 3 - 16'
✓ C clay 0-13 BW 13 - 16'
✓ D clay 0-3 BW 3 - 14' Rock



Baltimore County
Zoning Commisioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number № 1298

Date

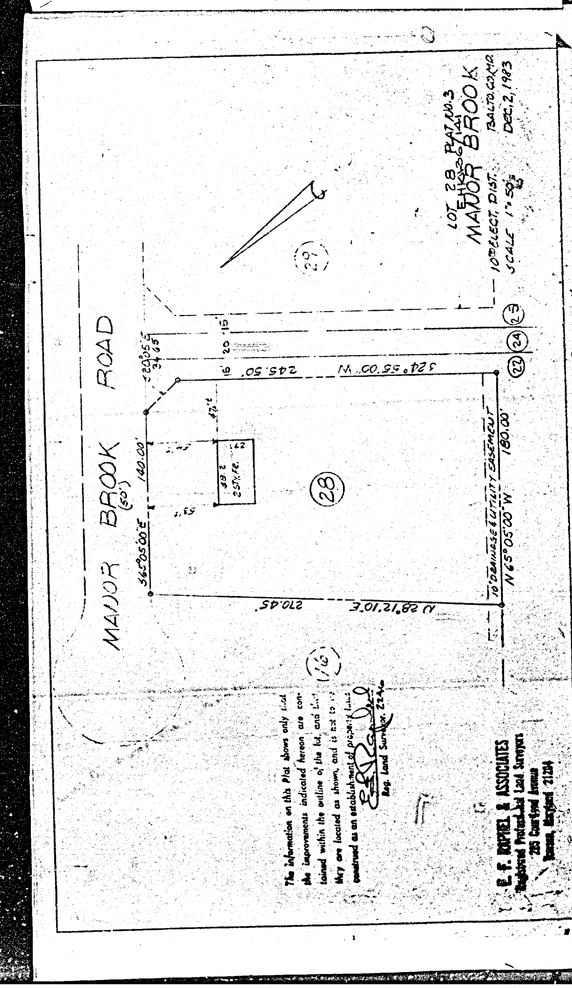
2/07/90 H6000256

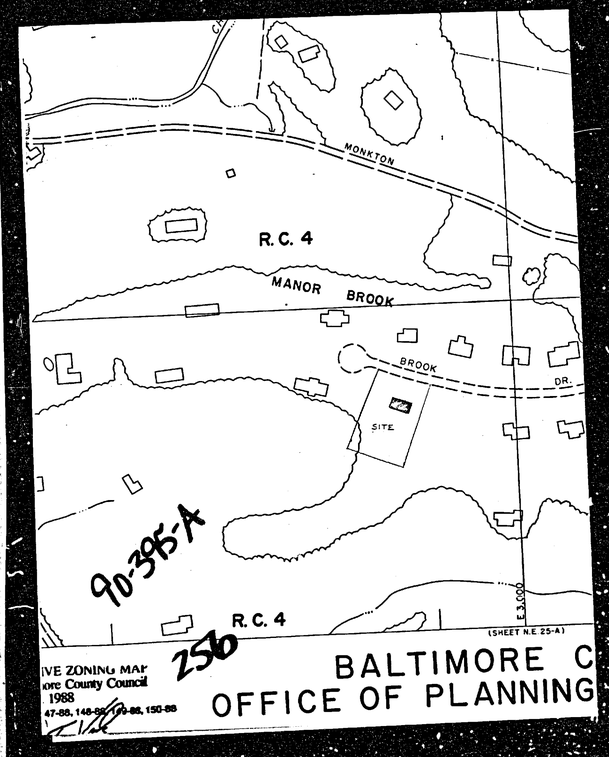
	QTY.	PRICE
PUBLIC HEARING FEES		
010 -ZONING VARIANCE (IRL)	1 x	$35.00
LAST NAME OF OWNER: HINER	TOTAL:	$35.00

B 6151 ****3500:a 2086F

Cashier Validation

Please make checks payable to: Baltimore County





Joseph L. Bishop, Jr.
Jo-Ann M. Bishop
15 Manor Brook Road
Monkton, Maryland 21111

April 17, 1990

Zoning Commissioner of Baltimore County
Re: Petition #90-395-A

Dear Sir:

We are the owners of three contiguous parcels of land in the Manor Brook subdivision, one of which adjoins #19 Manor Brook Road. While we agree that the subject dwelling needs immediate improvement to conform to the quality of adjacent properties we take exception to a variance on the east side of said property. It may improve the appearance of the house but aesthetically it would encroach upon our property line. In our opinion the proposed attempt to correct the mistake at our expense is unacceptable. We ask that you reject this petition for variance and suggest that said garage might be constructed on the west side where there is more than ample space.

Because we only learned of this petition on April 16th, and had prior commitments to our employment we are unable to appear in person for this hearing. Please accept this letter as our formal opposition to this proposal.

Respectfully Yours,

Joseph L. Bishop, Jr.

Jo-Ann M. Bishop

cc: A. J. Tampieri, Esq.
cc: File

RECEIVED
APR 18 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

April 3, 1990

Dennis F. Rasmussen
County Executive

Mr. Lawrence E. Hiner, III
13811 Springstone Drive
Clifton, VA 22024

RE: Item No. 256, Case No. 90-395-A
Petitioner: Lawrence E. Hiner, et ux
Petition for Zoning Variance

Dear Mr. Hiner:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this

28th day of February, 1989.

J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

Chairman,
Zoning Plans Advisory Committee

Petitioner: Lawrence E. Hiner, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: February 15, 1990

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Lawrence E. Hiner, III, Item 256

The Petitioner requests a setback Variance for an addition to the principal structure.

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

FEB 2 1 1990

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

Dennis F. Rasmussen
County Executive

March 9, 1990

J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 252, 253, 254, 255, ~~256~~, 257 and 258.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Assoc. II

MSF/lab

MAR 2 1 1990

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

FEBRUARY 14, 1990

Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: LAWRENCE EDWARD HINER, III

Location: #19 MANOR BROOK ROAD

Item No.: 256 Zoning Agenda: FEBRUARY 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Capt. Joseph Kelly 2-14-90 Noted and Approved
Planning Group
Special Inspection Division

Fire Prevention Bureau

JK/KEK

MAR 1 5 1990

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for February 27, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 252, 253, 255, 256, 257 and 258.

Item 254 is subject to the previous County Review Group comments for this site.

Item 128 is subject to the prior comments.

ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

MAR 0 8 1990

90-395A

PLEASE PRINT CLEARLY

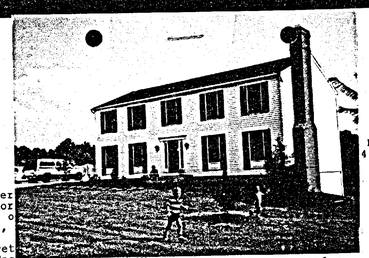
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
LARRY HINER	13811 SPRINGSTONE DRIVE
CHERIE HINER	13811 SPRINGSTONE DRIVE
	CLIFTON, VA 22024

90-395A

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Jo-Ann Bishop	15 Manor Brook Rd. Monkton Md 21111
Joseph F. Bishop Jr.	"



Dr.

J. Rober
Baltimor
Office o
Towson,

Re: Pet
Cas
S/S Manor Brook Rd., 1320' W c/l of Monkton Road
19 Manor Brook Road
10th Election District - 3rd Councilmanic
Petitioner(s): Lawrence E. Hiner, III and Cherie D. Hiner
HEARING: Wed., April 18, 1990 at 9:30 a.m.

Dear Mr. Haines:

At our zoning hearing 9 days ago, you stated that you would hold our case open for two weeks to allow us to submit certification from a licenced surveyor as to the accuracy of the location of our house on the site plan which was submitted at the hearing. This morning I was finally able to reach the surveyor, Mr. Gene Raphael, who prepared the core part of the site plan which was submitted. Mr. Raphael said that he would deliver the requested certification on Monday, April 30, 1990. I would appreciate it if your office could contact me if it is not delivered by the close of business on Monday and I will follow-up with him as necessary.

Enclosed is a picture of our house that you requested at the hearing.(This is the best that I could come up with from what we had available!) The proposed garage would be built on the left side of the house where the cars are parked in the picture. As you can see, this area is currently enclosed on 2 sides with a privacy fence. Since the proposed garage would be within the existed fenced area, no further "encroachment" on the Bishop's driveway would occur other than what currently exists.

Thank you for holding our case open to allow for this additional evidence to be presented. We will anxiously await your decision.

Sincerely,
Larry and Cherie Hiner/cd
Larry and Cherie Hiner

RECEIVED
MAY 1 1990
ZONING OFFICE

13811 Springstone Dr.
Clifton, VA 22024
February 23, 1990

90-395-A

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Sir/Madam:

We have recently petitioned for a variance of Section 1A03.4.B.6 (1A00.3.B.3.) (R.O.P) to permit a 23' side-setback in lieu of the required 50' setback to allow for the existence of our home in its present location and to permit the construction of an attached garage. Within the past year, a change in my husband's employment necessitated that we move out of state. We temporarily rented out our home in Monkton, anticipating a possible return to Maryland. Our return to Maryland now appears unlikely, however, and we need to sell our home in order to permanently relocate. We have been advised that in order to sell our home this variance is necessary. Conducting these negotiations long distance presents a hardship as does the fact that within two months our present renters may be moving out, leaving our home vacant, and leaving us with a mortgage payment on top of our current living expenses. This makes it imperative that we sell our home as soon as possible. In order to expedite this process we request an early hearing of our case.

Thank you for your consideration of our request.

Sincerely,
Larry & Cherie Hiner
Larry and Cherie Hiner
Item # H9000256

RECEIVED
FEB 27 1990
ZONING OFFICE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Dennis F. Rasmussen
County Executive

May 7, 1990

Mr. and Mrs. Lawrence Edward Hiner, III
13811 Springstone Drive
Clifton, Virginia 22024

RE: Petition for Zoning Variance
Case No. 90-395-A

Dear Mr. and Mrs. Hiner:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in part and denied in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
att.
cc: Peoples Counsel