

IN RE: PETITION FOR ADMIN. VARIANCE
 S/S Davis Avenue, 1281' S of
 Acme Avenue
 (10704 Davis Avenue)
 2nd Election District
 1st Councilmanic District

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 93-350-A

Dale R. Asbury, et ux
 Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance filed by the owners of the subject property, Dale Robert Asbury and his wife, Helen Mary Asbury. The Petitioners request relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 53 feet in lieu of the required 75 feet to the centerline of the roadway for a proposed addition in accordance with Petitioner's Exhibit 1.

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

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 26th day of May, 1993 that the Petition for Administrative Variance requesting relief from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 53 feet in lieu of the required 75 feet to the centerline of the roadway for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioners may apply for their building permit 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, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
 Date 5/28/93
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-3386

May 25, 1993

Mr. & Mrs. Dale R. Asbury
 10704 Davis Avenue
 Woodstock, Maryland 21163

RE: PETITION FOR ADMINISTRATIVE VARIANCE
 S/S Davis Avenue, 1281' S of Acme Avenue
 (10704 Davis Avenue)
 2nd Election District - 1st Councilmanic District
 Dale R. Asbury, et ux - Petitioners
 Case No. 93-350-A

Dear Mr. & Mrs. Asbury:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

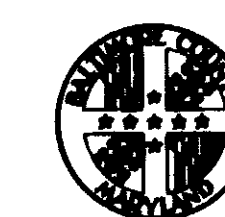
Lawrence E. Schmidt
 LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

LES:bjs

cc: Mr. Malcolm B. Kane
 c/o Commercial and Farmers Bank
 P.O. Box 537, Ellicott City, Md. 21041-0537

People's Counsel

File



Petition for Administrative Variance
 to the Zoning Commissioner of Baltimore County

For the property located at 10704 Davis Avenue
 which is presently zoned RC2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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(s) 1A01, 307 HEIGHT & AREA REGULATIONS, TO PERMIT A FRONT YARD SETBACK OF 53' IN LIEU OF THE REQUIRED 75' TO CENTER LINE OF ROAD.

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

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.

Contract Purchaser/Lessor (Legal Owner)

(Type or Print Name) Dale Robert Asbury

Signature *Dale Robert Asbury*

(Type or Print Name) Helen Mary Asbury

Signature *Helen Mary Asbury*

City State Zipcode 10704 Davis Avenue 461-4615 976-4800

Signature Woodstock, Md. 21163

Name, Address and phone number of representative to be contacted

Commercial and Farmers Bank
 Malcom B. Kane 410-461-9400
 P.O. Box 537, Ellicott City, MD. 21041-0537

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY *REC* DATE 4/11/93
 ESTIMATED POSTING DATE 5/18/93
 ITEM # 362

- 1) We have two children, one female and one male, in order to insure everyone's privacy, more bedrooms are needed.
- 2) The original living room is now being used as a bedroom which also serves as the main entrance to the house.
- 3) The existing house is only 650 sq. ft. and is insufficient and inconvenient to the family's needs.
- 4) The house is 50 1/2 years old and the house was built prior to the existing zoning regulations.
- 5) Due to building code restraints it would be impractical and too costly to build in any other direction.
- 6) The attic, which is currently being used as a bedroom, is entered by fold-down hide-away steps which block the rear entrance to the house.
- 7) The proposed addition would allow for quiet study space which is not currently available.
- 8) The 650 sq. ft. is not adequate for social-holiday occasions.

We, Dale and Helen Asbury, feel that the proposed addition would meet the family's needs for additional living/privacy space and is the most practical option available.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District 2nd Date of Posting 4/28/93

Posted for: Variances

Petitioner: Dale & Helen Asbury

Location of property: 10704 Davis Ave., Towson, Md.

Location of Sign: Front, West Way, on property of Petitioner

Remarks:

Posted by: W. Roberts Date of return: 4/28/93

Number of Signs: 1

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalty of perjury to the Zoning Commissioner of Baltimore County, as follows:
 That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.
 That the Affiant(s) do(es) presently reside at 10704 Davis Avenue

Woodstock, Maryland. 21163
 City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: public hearing or practical difficulty

- 1) We have two children, one female and one male, in order to insure everyone's privacy, more bedrooms are needed.
- 2) The original living room is now being used as a bedroom which also serves as the main entrance to the house.
- 3) The existing house is only 650 sq. ft. and is insufficient and inconvenient to the family's needs.
- 4) The house is 50 1/2 years old and the house was built prior to the existing zoning regulations.
- 5) Due to building code restraints it would be impractical and too costly to build in any other direction.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Dale R. Asbury *Helen M. Asbury*
Dale R. Asbury *Helen M. Asbury*

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:
 I HEREBY CERTIFY, this 11th day of April, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Dale R. Asbury & Helen M. Asbury

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her personal knowledge and belief.

AS WITNESS my hand and Notarial Seal.
4/1/93 *Marjorie Kelley*
 My Commission Expires: 4/23/96

93-350-A
 PROPERTY - ZONING DESCRIPTION

ZONING DESCRIPTION FOR 10704 Davis Avenue, Woodstock, Md 21163.

Election District 02 Councilmanic District 01
 Beginning at a point on the South side of Davis Avenue which is 30 foot wide at a distance of 1281' South of the centerline of the nearest improved intersecting street Acme Avenue which is 12 foot wide.

"As recorded in Deed Liber 7618, Folio 064. The measurements and directions are as follows in the correct location and order:
 N. 30° 00' 00" W. 195.56, N. 88° 33' 40" E. 559.93',
 S. 50° 15' 00" W. 115.50', S. 29° 15' 00" W. 132.00', N. 88° 57' 37" W. 308.77' to the place of beginning. The improvement thereon being known as 10704 Davis Avenue.

Baltimore County
 Zoning Administration & Development Management
 211 West Chesapeake Avenue
 Towson, Maryland 21286

receipt

Date 4/13/93

DALE & HELEN ASBURY
 10704 DAVIS AVE.
 WOODSTOCK, MD, 21163

010 ADMIN VARIANCE - \$50.00
 020 POSTING - 35.00
 TOTAL \$ 85.00

93-350-A

62402#001947ENRC
 24 APR 1993 11:34:14 13 93

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

May 10, 1993

Mr. and Mrs. Dale Robert Asbury
 10704 Davis Avenue
 Woodstock, MD 21163

RE: Case No. 93-350-A, Item No. 362
 Petitioner: Dale Robert Asbury, et ux
 Petition for Administrative Variance

Dear Mr. and Mrs. Asbury:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 April 13, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitioners filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: May 7, 1993

FROM: Robert M. Bowling, P.E., Senior Engineer
Development Plan Review

RE: Zoning Advisory Committee Meeting
for May 3, 1993
Item No. 362

The Development Plan Review Section has reviewed the subject zoning item and we recommend that a Class A screen be provided along Davis Avenue and the adjacent Collins residence.

RWE:DAK

*Accidental property
I will not
require
landscaping
AES
5/19/93*

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kasoff
Administrator

4-22-92

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. * 362 (LEO)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for *Bob Small*
John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
303-7855 Baltimore Metro - 585-9481 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

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

DATE: May 4, 1993
SUBJECT: 10724 Davis Avenue

INFORMATION:
Item Number: 362
Petitioner: Dale Robert Asbury
Property Size: _____
Zoning: R.C. 2
Requested Action: _____
Hearing Date: _____

SUMMARY OF RECOMMENDATIONS:
Should the applicant's request be granted, staff recommends that approval of the request be subject to a condition that any improvement be generally compatible with the built environment of the neighborhood.

Prepared by: *John W. L.*
Division Chief: *Edy L. Kern*
PK/JL:lw

16" ZAC/7201

Pg. 1

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: *JLJ* for
J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #362
Asbury Property, 10704 Davis Avenue
Zoning Advisory Committee Meeting of April 26, 1993

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands, Floodplains, and Forest Conservation.

JLP:JAW:tm
ASBURY/TXTRMP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
Captain Jerry Pfeifer
Fire Department
DATE: April 29, 1993

FROM: _____

SUBJECT: Comments for 05/03/93 Meeting

- Item 361 No Comments
- Item 362 No Comments
- Item 363 No Comments
- Item 364 No Comments
- Item 365 No Comments
- Item 366 No Comments
- Item 367 No Comments
- Item 368 No Comments
- Item 369 No Comments
- Item 370 Fire Hydrants are required on site. State law requires townhouses, where permit is issued after 07/01/92, to be sprinklered.
- Item 371 No Comments
- Item 372 No Comments
- Item 373 Existing exits shall be maintained to a public way.

RECEIVED
APR 30 1993
ZADM

1/30/93
4/17/93

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204



APRIL 23, 1993
COPY (410) 887-3353

Dale and Helen Asbury
10704 Davis Avenue
Woodstock, Maryland 21163

Re: CASE NUMBER: 93-350-A (Item 362)
10704 Davis Avenue
S/S Davis Avenue, 1281' S of Ross Avenue
2nd Election District - 1st Councilmanic
Petitioner(s): Dale Robert Asbury and Helen Mary Asbury

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a rebuttal regarding the administrative process.

- 1) Your property will be posted on or before May 2, 1993. The closing date (May 17, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the signs and post to this office. They may be returned after the closing date. Failure to return the signs and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Carl Jahn
Arnold
Director

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204



362

Provisional Approval
Permit No: *2160046* DATE: *13 Apr 1993*

LOCATION: *10704 Davis Avenue
Woodstock, Md. 21163*

The issuance of this permit in no way grants or implies approval of any matter relating to this property which is in conflict with the Baltimore County Zoning Regulations.

The issuance of this permit is subject to the following Conditions: (Please check appropriate box(es))

- Owner has filed for a public hearing, Item # *362*.
- Owner must file for a public hearing within _____ days before the Zoning Commissioner requesting relief from all conflicts with the Baltimore County Zoning Regulations.
- Owner/contract purchaser must submit a complete revised site development plan and requested accompanying information within _____ days resolving all possible conflicts with the Baltimore County Zoning Regulations.

The owner/contract purchaser may proceed at his own risk with the construction indicated in the above-referenced permit.

However, in the event that any or all of the above conditions are not completed as stipulated, and/or the petition for relief has been withdrawn, this provisional approval is rescinded forthwith.

Immediately thereafter the owner/contract purchaser must return the property to the condition it was in prior to the beginning of said construction and accepts full financial liability in the matter.

Carl Jahn
DIRECTOR OF ZONING ADMINISTRATION
AND DEVELOPMENT MANAGEMENT

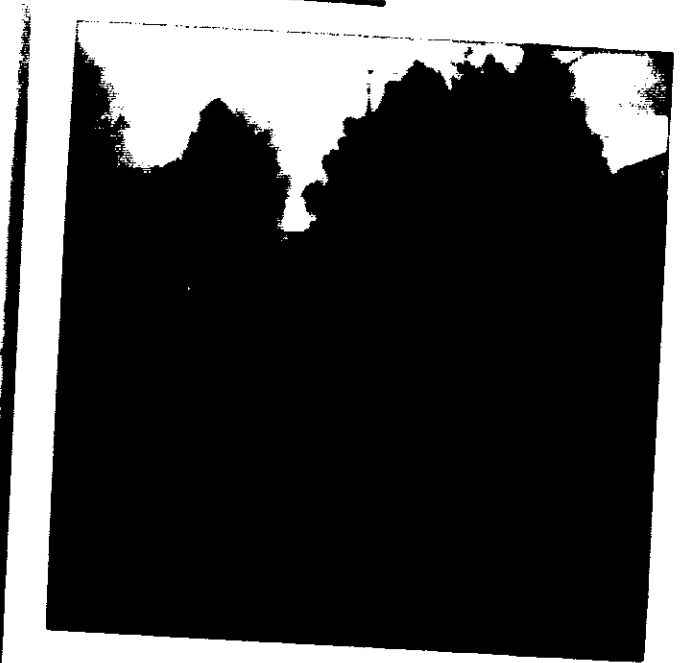
I have read the above statement and I agree to abide by the decision of the Zoning Commissioner if applicable in this matter. I also hereby certify that I the undersigned am in fact the owner and if applicable the contract purchaser and not just an agent for same.

Signed: *Dale Robert Asbury*
Owner
Contract Purchaser
(Please print clearly) (Please print clearly)
Name: *Helen M. Asbury*
Address: *10704 Davis Avenue*
Woodstock, Md. 21163
Work Phone # _____
Home Phone # *410-516-939*

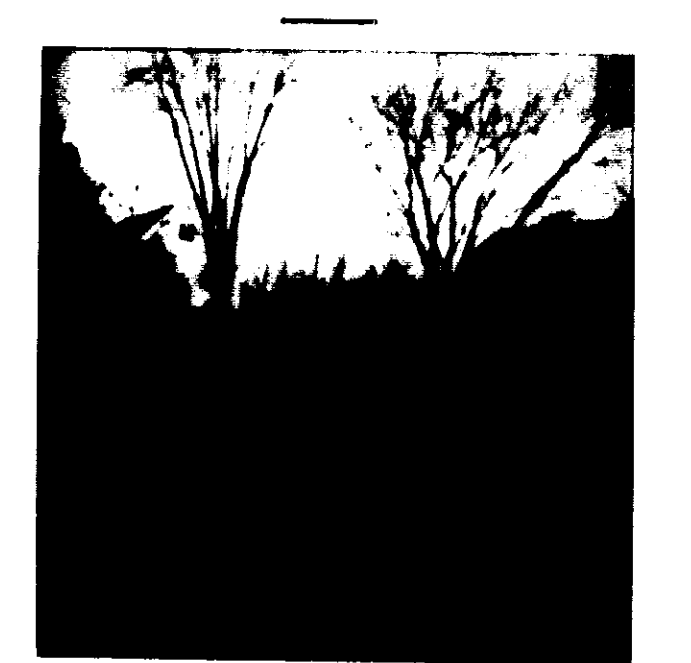
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DATE: 13 Apr 1993

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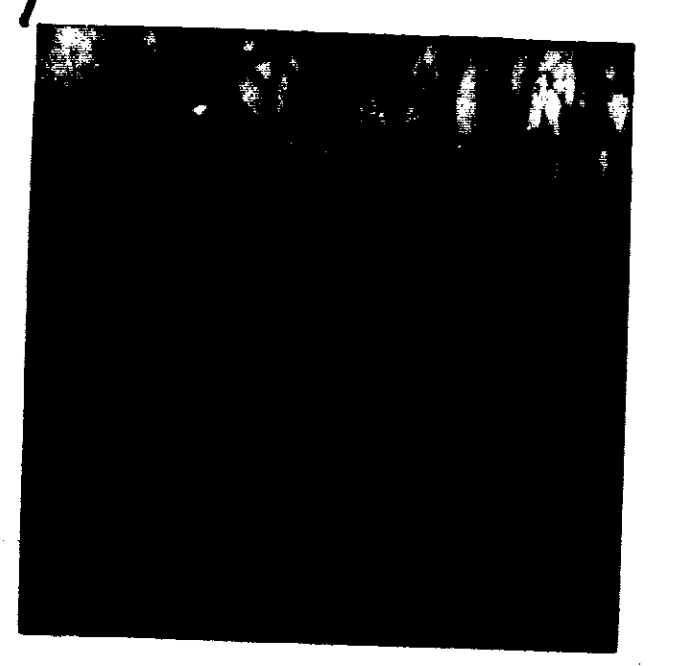
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*200 4/19/93
1764 # 362*



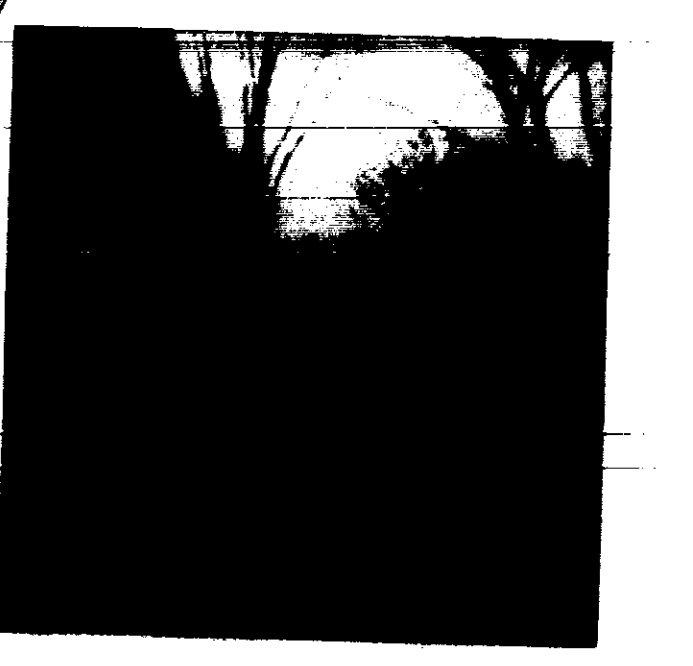
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1764 # 362*



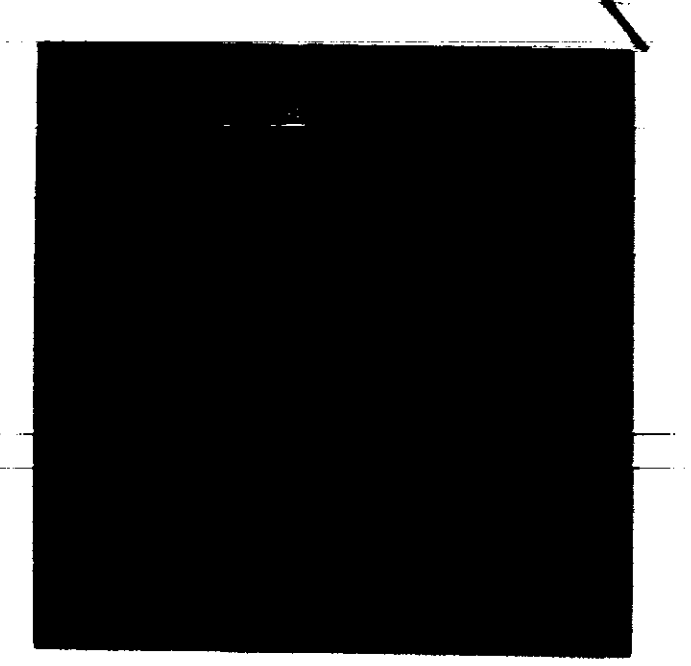
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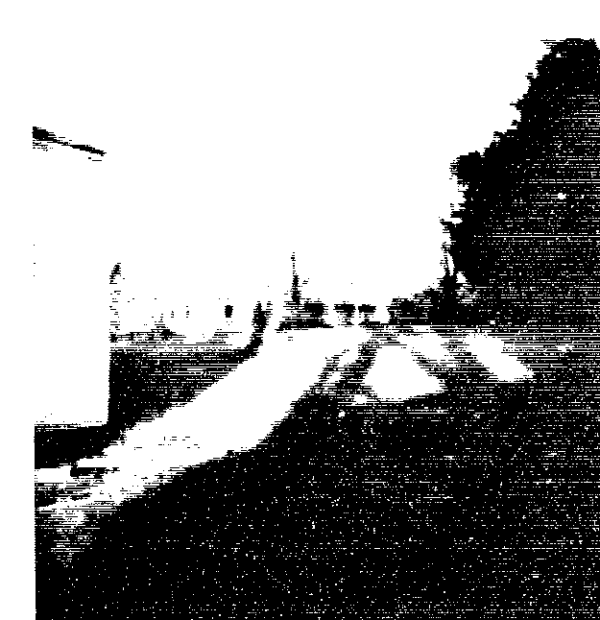
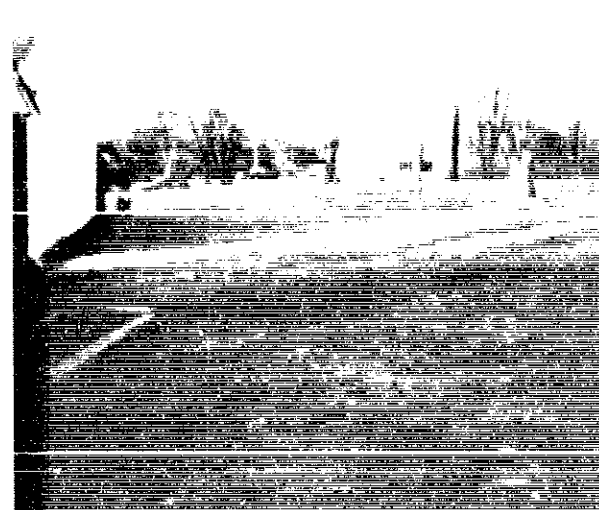
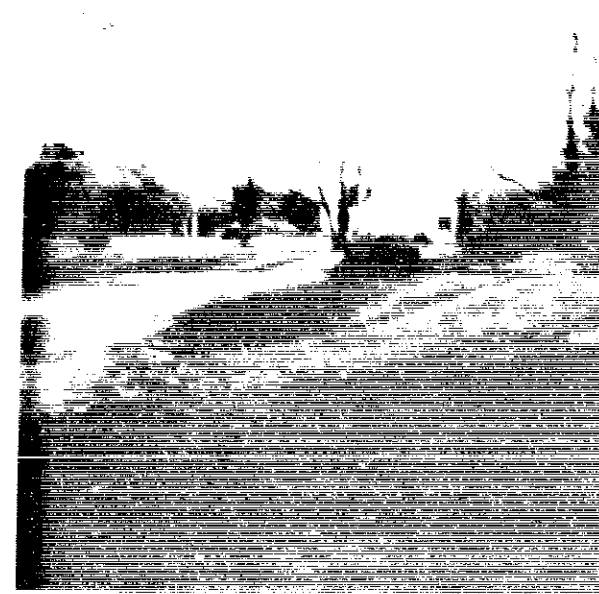


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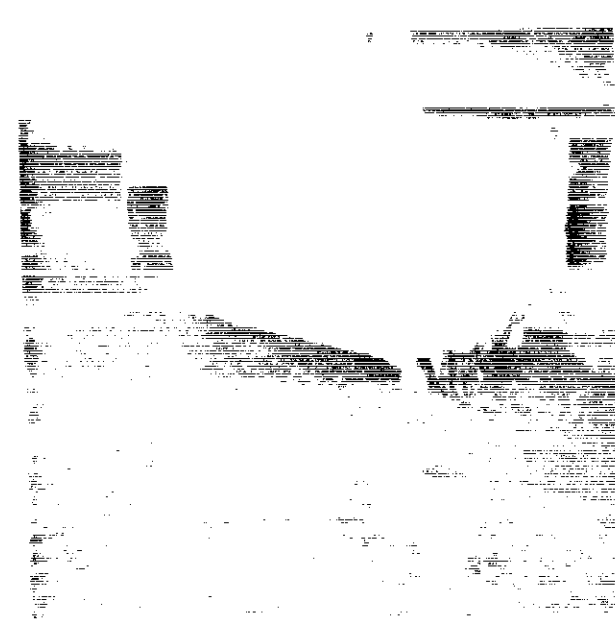
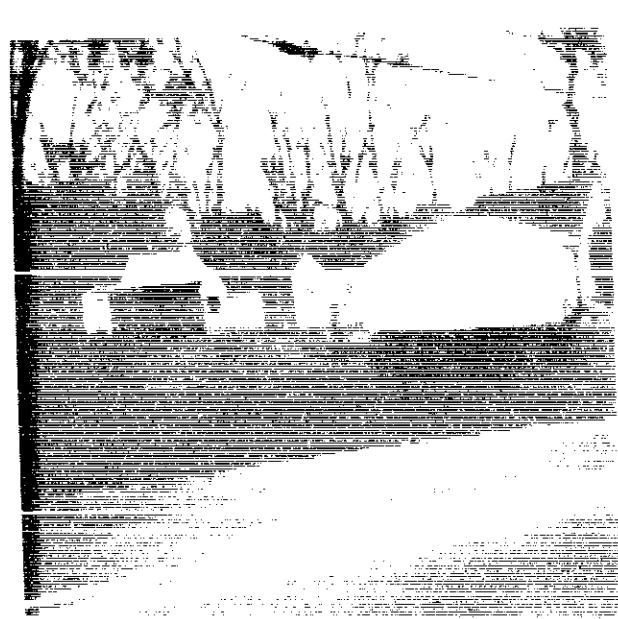
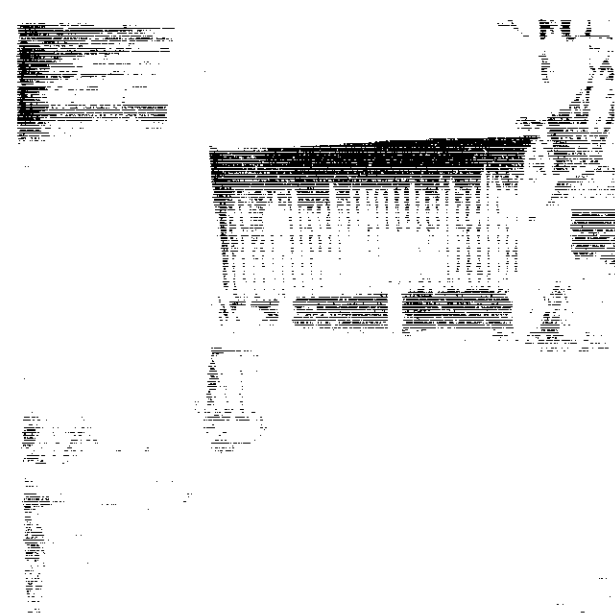
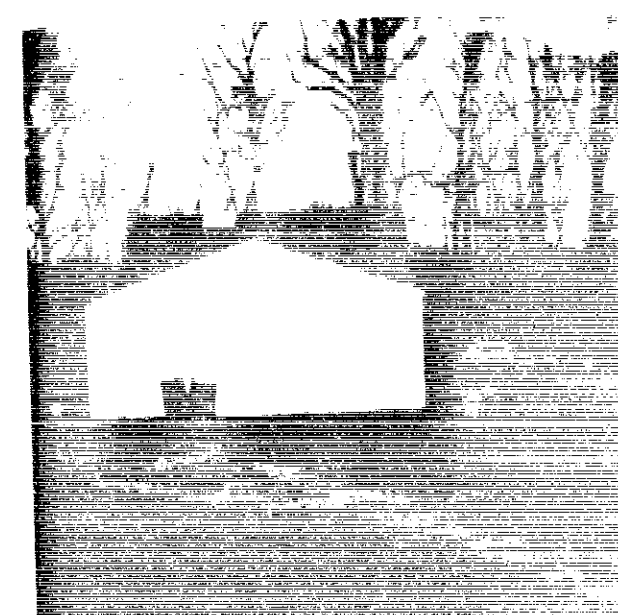


*200 4/19/93
1764 # 362*

93-350-A



93-350-A



PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE

PROPERTY ADDRESS: 10704 DAVIS AVE
OWNER: MRS. DALE ASBURY

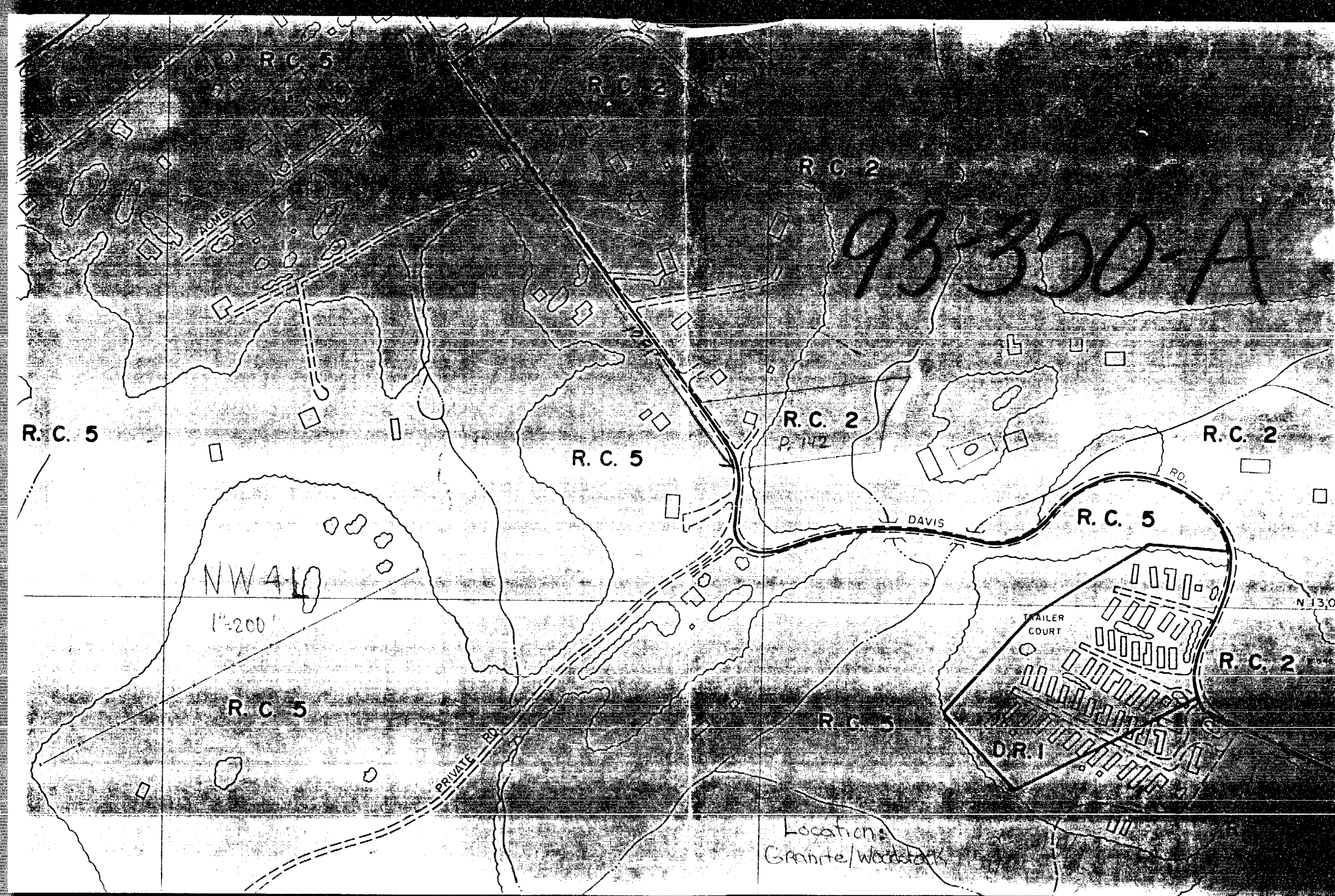
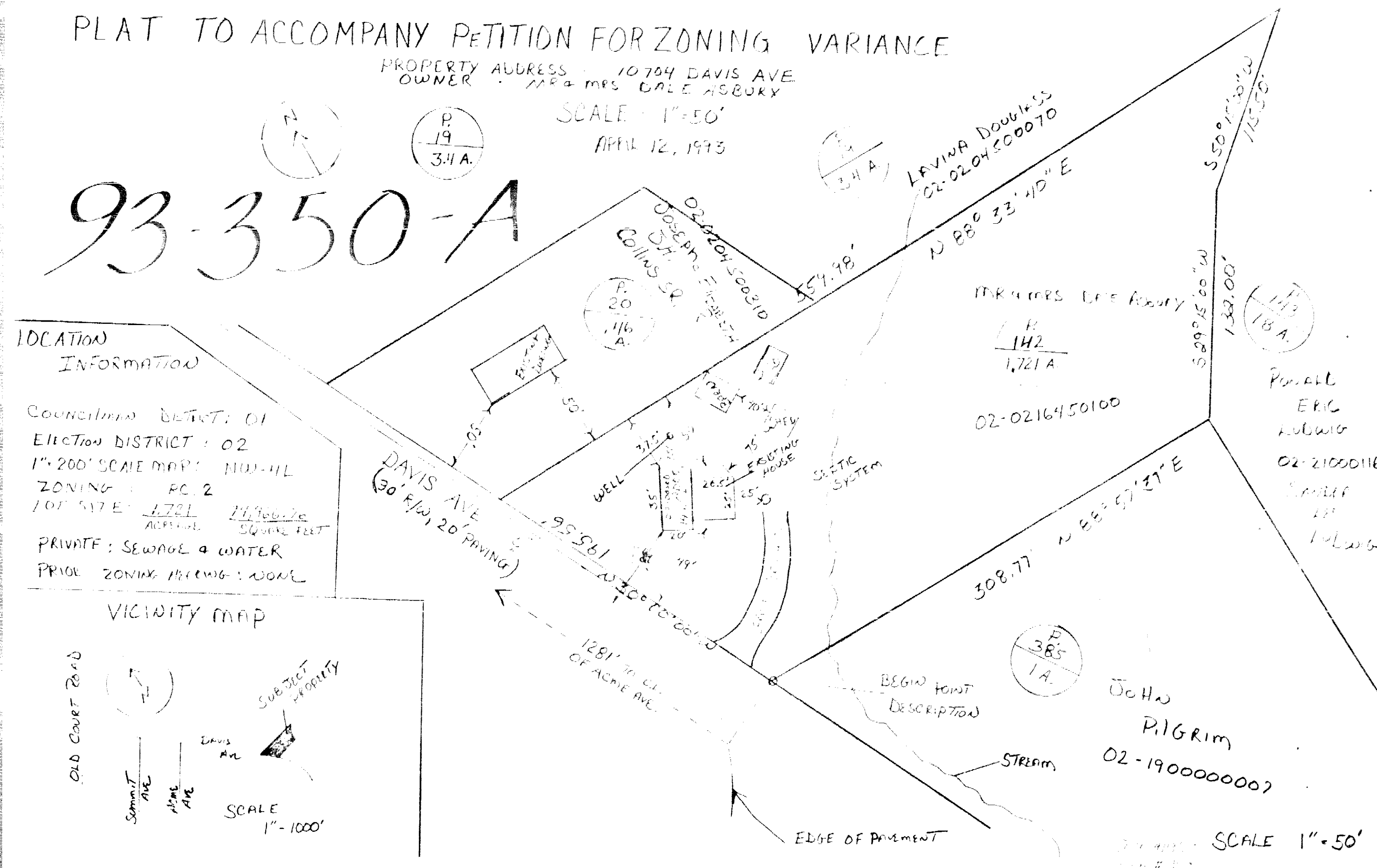
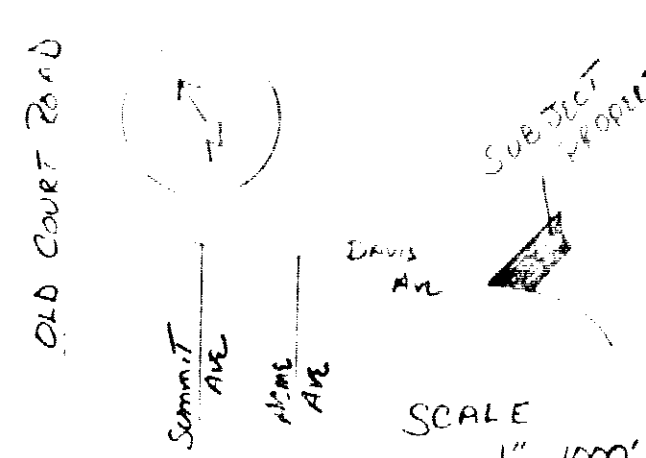
SCALE: 1"=50'
APRIL 12, 1973

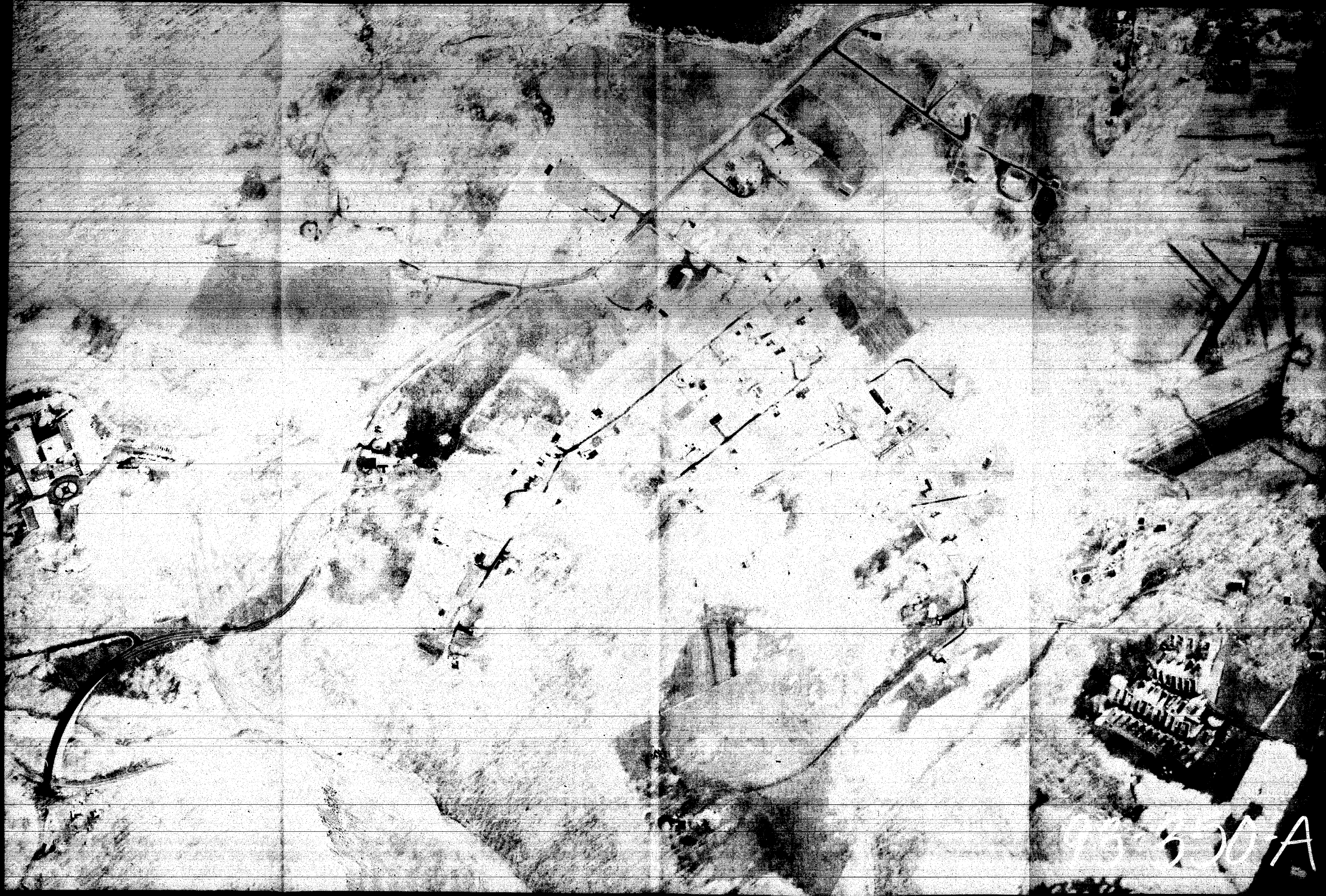
93-350-A

LOCATION INFORMATION

COUNCILMAN DISTRICT: 01
ELECTION DISTRICT: 02
1"=200' SCALE MAP: M-11-11
ZONING: R.C. 2
101' 57" E. 1/2 222' 1/2 ACRES
PRIVATE: SEWER & WATER
PRIOR ZONING: RESID. 1.5000'

VICINITY MAP





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE 1" = 200'
LOCATION
SHEET
DATE OF PHOTOGRAPHY
JANUARY 1986

95 500 A

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401