

IN RE: PETITION FOR VARIANCE
W/S Hillcrest Road, 150' S of
the c/l of Dairy Road
(18930 Hillcrest Road)
7th Election District
3rd Councilmanic District.

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-186-A

Charles P. Asper, Sr., et ux
Petitioners

* * * * *

ORDER ON MOTION FOR RECONSIDERATION

This matter came before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the property, Charles P. Asper, Sr., and his wife, Virginia A. Asper, and their son, Jeffrey S. Asper, as Contract Purchaser. The Petitioners sought relief from Sections 302 and 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 30 feet in lieu of the required 50 feet for a proposed dwelling on the subject property at 18930 Hillcrest Road. Based upon the testimony and evidence presented at the hearing held on December 19, 1994, the relief requested was denied for lack of a more definitive site plan for the subject property by Order issued January 11, 1995. Subsequent to the issuance of that Opinion, the Petitioner hired Mr. Leonard Buerhaus, a Registered Property Line Surveyor, to prepare a more accurate site plan of the property and filed a Motion for Reconsideration by letter dated January 25, 1995. Upon receipt of a revised site plan certified by Mr. Buerhaus, the Motion for Reconsideration was granted and the matter was set for a hearing on the Motion on April 10, 1995.

Appearing at that hearing in support of the request for reconsideration were Jeffrey Asper, Contract Purchaser, and his surveyor, Leonard Buerhaus. Appearing in opposition to the request was Andrew Crosby, the adjoining property owner on the affected side.

ORDER RECEIVED FOR FILING
Date 4/20/95
By [Signature]

MICROFILMED

On behalf of the Petitioner, Mr. Buerhaus introduced the new site plan for the property as Petitioner's Exhibit 2. Said plan depicts the subject property and the existing farmhouse in which Jeffrey Asper's grandfather once resided. Mr. Asper proposes to remove the old farm house and construct a new single family dwelling in its place. Mr. Asper testified that the old house is not salvageable and would be cost prohibitive to renovate. The proposed new dwelling will be located 30 feet from the side property line adjoining Mr. Crosby's property. Testimony indicated that Mr. Asper was forced to situate his dwelling at the proposed location to utilize the septic reserve area to the front of his property. Further testimony revealed that the Petitioner's property is divided down the center by a steep slope. The proposed location of the dwelling would allow Mr. Asper to utilize gravity to flow into this septic reserve area and avoid the need for an ejector pump which would be necessary if the house were located more towards the center of the property and further down the slope.

Appearing in opposition to this request was Mr. Andrew Crosby, who resides immediately adjacent to the subject property. Mr. Crosby is of the opinion that the request for variance is a matter of financial difficulty and not practical difficulty, or the result of a unique characteristic of the subject lot. He believes that Mr. Asper is only trying to avoid the additional expense of an ejector pump. Mr. Crosby presented two cost estimates, which averaged \$3,000 each, for the installation of an ejector pump on the subject property. In the opinion of Mr. Crosby, an ejector pump would allow the Petitioner to situate the proposed dwelling further back towards the center of the property and maintain the full 50-foot setback required from his property line. Mr. Crosby believes the

ORDER RECEIVED FOR FILING

Date

By

Petitioner's efforts to avoid additional building expense is insufficient grounds to warrant a granting of the variance.

After due consideration of the testimony and evidence presented by Mr. Asper and Mr. Crosby at both this hearing and the hearing held in December, 1994, I find that the Petitioner has failed to satisfy the requirements imposed upon him, pursuant to Section 307.1 of the B.C.Z.R. It is clear from the site plan that Mr. Asper could relocate the proposed dwelling and avoid the need for a variance. While testimony indicated that this would involve the need for the installation of an ejector pump, the additional expense which might be incurred is not justification for the granting of a variance.

I was hopeful that the Petitioner and his neighbor would reach an agreement as to the location for the proposed dwelling. Both parties held their respective positions and were not willing to waiver on this issue. Given the opposing testimony offered by Mr. Crosby, which remained consistent throughout the two hearings held in this matter, and the reasons offered by the Petitioner as to the need for the variance, I am not persuaded that the Petitioner has met his burden of proof in this regard.

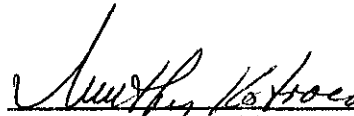
THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 20th day of April, 1995 that the Motion for Reconsideration in the above captioned matter be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Sections 302 and 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 30 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with the re-

ORDER RECEIVED FOR FILING
Date 4/20/95
By [Signature]

APR 20 1995

vised site plan submitted into evidence as Petitioner's Exhibit 2, be and is hereby DENIED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Charles P. Asper, Sr.
18930 Hillcrest Road, Parkton, Md. 21120

Mr. Jeffrey S. Asper
9812 Hilltop Drive, Carney, Md. 21234

Mr. Andrew Crosby
18920 Hillcrest Road, Parkton, Md. 21120

People's Counsel; File

ORDER RECEIVED FOR FILING
Date 7/20/95
By [Signature]

[Faint handwritten notes]

IN RE: PETITION FOR VARIANCE
W/S Hillcrest Road, 150' S of
the c/l of Dairy Road
(18930 Hillcrest Road)
7th Election District
3rd Councilmanic District

Charles P. Asper, Sr., et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-186-A
*
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 18930 Hillcrest Road, located in the Parkton area of northern Baltimore County. The Petition was filed by the owners of the property, Charles P. Asper, Sr., and his wife, Virginia A. Asper, and their son, Jeffrey S. Asper, as Contract Purchaser. The Petitioners seek relief from Sections 302 and 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 30 feet in lieu of the required 50 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Charles and Virginia Asper, property owners, and their son, Jeffrey Asper. Appearing as a Protestant in the matter was Andrew Crosby, adjoining property owner.

Testimony and evidence offered indicated that the property which is the subject of this hearing contains 1.25 acres, zoned M.L.R. and is presently unimproved. Jeffrey Asper testified that he is desirous of developing the property with a single family dwelling. He submitted a site plan of the property depicting the proposed dwelling and adjoining properties. This site plan was marked into evidence as Petitioner's Exhibit 1. Mr. Asper testified that due to the narrow configuration of this lot and the slope of the property on the northwest side, he was forced to position

ORDER RECEIVED FOR FILING
DATE 11/11/95
BY [Signature]

MICROFILMED

the proposed dwelling 30 feet from the southeast property line. Thus, the requested variance is necessary in order to proceed.

Further testimony indicated that the Petitioners own several parcels of land along Hillcrest Road. In fact, the site plan submitted indicates the Petitioners own a larger parcel adjacent to the subject property and that this larger parcel is improved with two dwellings, identified as 18932 and 18930 Hillcrest Road.

Appearing in opposition to the Petitioners' request was Andrew Crosby, adjoining property owner at 18920 Hillcrest Road. Mr. Crosby testified that he has resided next door to the Aspers for the past 8 years. He believes that the subject property is not a buildable lot and he is therefore opposed to the proposed dwelling. Mr. Crosby is also expressed concerned that the proposed septic area for this lot imposes upon Hillcrest Road and does not meet setback requirements.

Prior to reaching a decision on this matter, I found it necessary to determine what property the Petitioners actually own. As noted earlier, the Aspers own several parcels of land along Hillcrest Road. There appear to be approximately five or six separate lots owned by the Aspers at this particular location. The documentary evidence submitted by the Petitioners was somewhat contradictory and it was nearly impossible to determine the exact size and dimensions of the property which is the subject of this variance request. In fact, subsequent to the hearing, Jeffrey Asper submitted a copy of a tax map and old survey of the subject property in an attempt to further clarify the lot lines of the property he intends to develop. After reviewing these documents, I am not satisfied that he has submitted an accurate site plan for his property and am therefore inclined to deny the requested variance. The site plan submitted by the Petitioners

ORDER RECEIVED FOR FILING

Date

By

RECORDED

depicts the subject lot as being 1.25 acres in size. The zoning description which was attached to the Petitioners' request for variance makes reference to a deed being located in the Land Records of Baltimore County in Liber 1303, Folio 55. I took the time to visit the Land Records to pull that deed and found that there are two parcels of land described therein, neither of which refers to a parcel containing 1.25 acres. The deed does not clarify the matter, and in fact, only serves to further confuse the issue. It is evident Mr. Asper is attempting to develop this property without engaging the services of a Registered Land Surveyor, Property Line Surveyor, Engineer or Attorney. Some citizens have been successful in obtaining permits in this fashion; however, given the complexity of the properties owned by his family in this area, I believe he should engage an expert to assist him in determining just how much property is owned by his family, and the exact lot lines and configuration of each of those parcels. This would better prepare the Petitioner in any future attempts to develop this property with a dwelling.

Pursuant to the advertising and posting of the property and the public hearing held thereon, and for the reasons given above, the requested relief must be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of January, 1995 that the Petition for Variance seeking relief from Sections 302 and 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a lot line setback of 30 feet in lieu of the required 50 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner

ORDER RECEIVED FOR FILING

Date 1/11/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 11, 1995

Mr. & Mrs. Charles P. Asper, Sr.
18930 Hillcrest Road
Parkton, Maryland 21120

RE: PETITION FOR VARIANCE
W/S Hillcrest Road, 150' S of the c/l of Dairy Road
(18930 Hillcrest Road)
7th Election District - 3rd Councilmanic District
Charles P. Asper, Sr., et ux - Petitioners
Case No. 95-186-A

Dear Mr. & Mrs. Asper:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Jeffrey S. Asper
9812 Hilltop Drive, Carney, Md. 21234

Mr. Andrew Crosby
18920 Hillcrest Road, Parkton, Md. 21120

People's Counsel

File

Handwritten note: See also Petition for Variance.





Petition for Variance

to the Zoning Commissioner of Baltimore County

95-186-A

for the property located at 18930 Hillcrest Rd.
which is presently zoned MLR

This Petition shall be filed with the Office of Zoning Administration & Development Management.
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(s) 302 and 1A04.3.B.3. to permit a 30' setback in lieu of 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
The proposed dwelling needs to be kept high on the sloping property in order to comply with Health department regulations for the septic and well locations. The existing dwelling on property shares a well and has no septic area.

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/Lessee:
JEFFERY S. ASPER
(Type or Print Name)
Jeffery S. Asper
Signature
9812 Hilltop Dr.
Address
CARNEY MD 21234
City State Zipcode

Legal Owner(s):
Virginia A. Asper
(Type or Print Name)
Virginia A. Asper
Signature
CHARLES P. ASPER SR.
(Type or Print Name)
Charles P. Asper Sr
Signature
BOX 314
18930 Hillcrest Rd. 410-
Address Phone No
343-1842
PARKTON, MD 21120
City State Zipcode
Name, Address and phone number of representative to be contacted.

Attorney for Petitioner:
(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Name _____
Address _____ Phone No. _____
OFFICE USE ONLY
ESTIMATED LENGTH OF HEARING 1/2 hr.
unavailable for Hearing _____
the following dates _____ Next Two Months
ALL OTHER _____
REVIEWED BY: mtk DATE 11/16/99



Printed with Soybean Ink on Recycled Paper

ORDER RECEIVED FOR FILING
Date 11/16/99
By [Signature]

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-186-A

District 2th Date of Posting 12/4/94

Posted for: Variance

Petitioner: Virginia & Charles Asper & Jeffrey Asper

Location of property: 18930 Hillcrest Rd, w/s

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by M. Stealy Date of return: 12/9/94
Signature

Number of Signs: 1

12/9/94



CERTIFICATE OF PUBLICATION

TOWSON, MD., Dec. 2, 1994

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 Dec. 1, 1994

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

~~Indefinite~~

NOTICE OF HEARING

The Zoning Commission 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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #95-168-A
(Item 181)
18930 Hillcrest Road
W/S Hillcrest Road, 180' S
of rd Dairy Road
7th Election District
3rd Councilmanic
Legal Owner(s):

Virginia A. Asper and
Charles P. Asper, Sr.
Contract Purchaser(s):
Jeffrey S. Asper
Hearing: Monday,
December 19, 1994 at
10:00 a.m. in Rm. 118, Old
Courthouse.

Variance to permit a 30-foot setback in lieu of 50 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations, Please Call 887-3353.

(2) For information concerning this file and/or hearing, please call 887-3391.
12/064 December 1.

12/19/94 10:00 AM



Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

receipt
 95-186-A

Account: R-001-6150

Number

Date 11/16/94

Taken In By: WJIC
 Item : 181

Aspcr, Jeffrey S. ~~MANAGER~~ - 18930 Hillcrest Rd

010 - Zoning Variance - \$50.00

080 - 1 sign posting - \$35.00

\$ 85.00

MICROFILMED

DJAOLN0164MICRRC
 BA 0012:02PMLL-16-94

\$85.00

Please Make Checks Payable To: Baltimore County

Cashier Validation



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 181

Petitioner: Jeffery S. Asper

Location: 18930 Hillcrest Rd

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Jeffery Asper

ADDRESS: 9812 Hilltop Rd Carver Md 21234

PHONE NUMBER: 410-668-4453

AJ:ggs

(Revised 04/09/93)



Printed on Recycled Paper

MICROFILMED

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

WILSON

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 28, 1994

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-186-A (Item 181)
18930 Hillcrest Road
W/S Hillcrest Road, 150' S of c/l Dairy Road
7th Election District - 3rd Councilmanic
Legal Owner(s): Virginia A. Asper and Charles P. Asper, Sr.
Contract Purchaser(s): Jeffrey S. Asper
HEARING: MONDAY, DECEMBER 19, 1994 at 10:00 a.m. in Room 118, Old Courthouse.

Variance to permit a 30-foot setback in lieu of 50 feet.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Charles and Virginia Asper
Jeffrey Asper

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

December 13, 1994

Mr. Jeffrey S. Asper
9812 Hilltop Drive
Carney, Maryland 21234

RE: Item Number: 181
Case Number: 95-181-A
Petitioner: Mr. Asper

Dear Mr. Asper:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Zoning Administration and Development Management (ZADM), Development Control, on November 16, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce N. Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)

MICROFILMED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

11-25-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204
ATTN: MS. JOYCE WATSON
Dear Ms. Winiarski:

Re: Baltimore County
Item No.: \$ 101 (MJK)

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 project.

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,

Ronald Burns, Chief
Engineering Access Permits
Division

BS/

MICROFILMED

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Dec. 5, 1994
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for December 5, 1994
Items 179, 180, and 181

The Developers Engineering Section has reviewed
the subject zoning items and we have no comments.

RWB:sw

RECORDED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 30, 1994

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 178, 179, 180, 181, 182, 183, 185, 187, 188 and 189

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 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Kern

PK/JL

NOV 30 1994

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

January 26, 1995

(410) 887-4386

Mr. Jeffrey S. Asper
9812 Hilltop Drive
Baltimore, Maryland 21234

RE: PETITION FOR VARIANCE
W/S Hillcrest Road, 150' S of the c/l of Dairy Road
(18930 Hillcrest Road)
7th Election District - 3rd Councilmanic District
Charles P. Asper, Sr., et ux - Petitioners
Case No. 95-186-A

Dear Mr. Asper:

This letter will serve as a follow-up to our recent telephone conversation and your letter requesting a reconsideration of the decision rendered in the above-captioned matter.

As we discussed by telephone, a decision on your request for reconsideration will be held in abeyance until such time as your Surveyor has completed his inspection of the subject property and prepared a certified site plan for my review. If, upon completion of my review, I deny your request for reconsideration and affirm my original decision in this matter, the thirty-day appeal period will run from the date of my Order on your Motion for Reconsideration.

By copy of this letter to the adjoining property owner, Mr. Andrew Crosby has been advised of your Motion for Reconsideration and the fact that until such time as I rule on that Motion, the decision rendered in the above-captioned matter is stayed.

Should you or Mr. Crosby have any further questions on the subject, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Andrew Crosby
18920 Hillcrest Road, Parkton, Md. 21120

People's Counsel; File ✓

Handwritten note: Bill [unclear]



County Council of Baltimore County

Court House, Towson, Maryland 21204

(410) 887-3196

Fax (410) 887-5791

Stephen G. Samuel Moxley
FIRST DISTRICT

Kevin Kamanetz
SECOND DISTRICT

T. Bryan McIntire
THIRD DISTRICT

Douglas B. Riley
FOURTH DISTRICT

Vincent J. Gardina
FIFTH DISTRICT

Joseph Bartenfelder
SIXTH DISTRICT

Louis L. DePazzo
SEVENTH DISTRICT

Thomas J. Peddicord, Jr.
LEGISLATIVE COUNSEL
SECRETARY

December 20, 1994

Lawrence E. Schmidt
Baltimore County Zoning Commissioner
Court House
Towson, Maryland 21204

Dear Mr. Schmidt:

Attached please find a copy of Resolution 103-94 concerning the public disclosure of Jeffery S. Asper, an employee of the Baltimore County Fire Department. Mr. Asper has applied for a zoning variance in order to situate a residence closer to a property line than normally permitted.

This Resolution was unanimously approved by the County Council at its December 19, 1994 meeting and is being forwarded to you for appropriate action.

Sincerely,

Thomas J. Peddicord, Jr.
Legislative Counsel/Secretary

TJP:dp
R10394/DAPTJP
cc: Jeffery S. Asper

MICROFILMED

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1994, LEGISLATIVE DAY NO. 23
RESOLUTION NO. 103-94

Mr. T. Bryan McIntire, Councilman

BY THE COUNTY COUNCIL, December 19, 1994

A RESOLUTION concerning the public disclosure of Jeffery S. Asper, an employee of the Baltimore County Fire Department.

WHEREAS, Jeffery S. Asper, an employee of Baltimore County, has applied for a zoning variance in order to situate a residence closer to a property line than normally permitted, said residence to be located on Hillcrest Avenue in Parkton, Maryland 21120; and

WHEREAS, this Resolution is intended to provide full disclosure under Section 26-3(e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the application for a variance filed by Jeffery S. Asper does not contravene the public welfare and is hereby authorized.

R10394/RES94

30880965 881111-10

Hearing 12/19

RE: PETITION FOR VARIANCE	*	BEFORE THE
18930 Hillcrest Road, W/S Hillcrest	*	ZONING COMMISSIONER
Road, 150' S of c/l Dairy Road, 7th	*	OF BALTIMORE COUNTY
Election District, 3rd Councilmanic	*	CASE NO. 95-186-A
Virginia A. and Charles P. Asper, Sr.	*	
Petitioners	*	
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of December, 1994, a copy of the foregoing Entry of Appearance was mailed to Virginia A. Asper and Charles P. Asper, Sr., 18930 Hillcrest Road, Box 314, Parkton, MD 21120, Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

Note to the hearing officer:

The petitioner is applying for a variance on part of a noncontiguous parcel which is one acre. I advised him that for the hearing, he should illustrate the deeds for proof that this is a building lot and that the other parts of the parcel can not occupy dwellings. Any questions, let me know

Mitch

11/16/24

DEED-FEE SIMPLE-INDIVIDUAL GRANTOR-LONG FORM

NO TITLE SEARCH
NO TRANSFER TAX

THIS DEED, MADE THIS *22nd* day of *December*
in the year one thousand nine hundred and ninety-three by and between EARL
ENSOR, Grantor, party of the first part, and VIRGINIA ASPER and CHARLES F.
ASPER, SR., Grantees, parties of the second part.

WITNESSETH, That in consideration of the sum of NO CONSIDERATION and
other good and valuable consideration, the said party of the first part
does grant and convey to the said parties of the second part, the personal
representatives and assigns of the survivor of them, as tenants by the
entireties, in fee simple.

All those two continuous tracts or parcels of land situate, lying, and
being in the 7th District of Baltimore County and described as follows,
that is to say:

BEGINNING for the first thereof Beginning for the same at the end of the
10 1/2 perches on the twenty-fourth line of Lot No. 1 mentioned in a deed
from Talbott Denmead to Elias Livesey dated the 14th day of August 1867
and recorded in Liber E H A No. 59 folio 189 one of the Land Records of
Baltimore County mentioned in a deed from Noah E. Grove unmarried to John
W. Frush and Myrtle M. Frush his wife dated the 14th day of February 1941
and recorded in Liber G V B Jr. No. 1141 folio 324 one of the Land Records
of Baltimore County thence running with and bounding on part of said
twenty-fourth line South 76 1/4 degrees West 17 1/2 perches to a stone
thence South 23 1/4 degrees East 41 perches to a stone thence North 68 3/4
degrees East 17 1/2 perches to the centre of an avenue 33 feet wide thence
running with and bounding on the centre of said avenue North 23 1/4
degrees West 38 perches to the place of beginning CONTAINING four acres
and thirty square feet of land more or less subject to the leaving open a
space 16 1/2 feet wide along the last line as the one-half of an avenue 33
feet wide.

BEGINNING for the second thereof Beginning for the same on the County Road
said place of beginning being the place of beginning of the lot of ground
conveyed by Elias Livesey and wife to Rachel Purkey et al by deed dated
April 11, 1896 and recorded in Liber L N B No. 218 folio 585 one of the
Land Records of Baltimore County thence running and bounding on the lot
mentioned in said deed South 21 1/4 degrees East 41-8/10 perches to a
stone thence North 70 degrees East 14-2/3 perches to a stone thence North
4 1/2 degrees West 10-21/100 perches to a stone thence South 79 1/2
degrees West 5-45/100 perches bounding on the County Road thence North
bounding on said County Road 24 1/4 degrees West 29 1/2 perches to a stone
thence South bounding on the County Road first mentioned above 78 1/2
degrees West 10-9/10 perches to the place of beginning, also being known
as 18930 Hillcrest Road, Parkton, Maryland 21120.

BEING the same two tracts of land which by deed dated July 30, 1943 and
recorded among the Land Records of Baltimore County in Liber 1303, folio
55 was granted and conveyed by John W. Frush and Myrtle M. Frush to Earl
Ensor and Rhoda V. Ensor, his wife, the said Rhoda V. Ensor having died
the 24th day of December, 1981.

ADMINISTRATIVE TRANSFER TAX
NOT APPLICABLE

SIGNATURE *JW* DATE *4/6/94*

RECEIVED FOR TRANSFER :
State Department of
Assessment & Taxation
for Baltimore County

J. Weckler 4/6/94
By

1 perch = 16.5 ft

MLR

RECORDED

Saving and excepting all that lot or parcel of land which by Deed dated November 20, 1946 and recorded among the Land Records of Baltimore County in Liber 1503, folio 288 was granted and conveyed from Earl Ensor and Rhoda V. Ensor, his wife, to the Black Manufacturing Company, a Maryland corporation, containing 3.84 acres of land more or less, and further

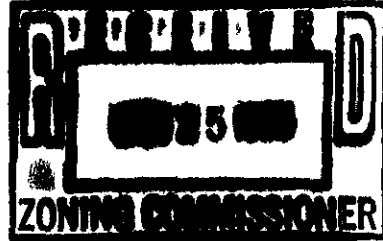
Saving and excepting all that lot or parcel of land which by Deed dated January 20, 1967 and recorded among the Land Records of Baltimore County in Liber 4177, folio 280 was granted and conveyed from Earl Ensor and Rhoda V. Ensor, his wife, to Charles Preston Asper, Sr. and Virginia Ann Ensor Asper, his wife, containing 0.627 acres of land more or less, and further

Saving and excepting all that lot or parcel of land which by Deed dated June 11, 1973 and recorded among the Land Records of Baltimore County in Liber 5365, folio 413 was granted and conveyed from Earl Ensor and Rhoda V. Ensor, his wife, to Charles Preston Asper and Virginia Ann Ensor Asper, his wife, containing 0.932 acres of land, more or less.

January 25, 1995

Jeffery S. Asper
9812 Hilltop Drive
Baltimore, MD 21234
Case Number: 95-186-A

Mr. Timothy M. Kotroco
Deputy Zoning Commissioner
Suite 112 Courthouse
400 Washington Ave.
Towson, MD 21204



Dear Mr. Kotroco,

I received your letter denying my petition for variance and I find your decision unfavorable. My petition is to seek relief from Baltimore County Zoning regulations to permit a lot line setback of 30 feet in lieu of the required 50 feet. This property is located at 18930 Hillcrest Ave., Parkton, MD 21120.

I am requesting that you reconsider my Petition. Following the direction in your letter, I contacted Gwen at the zoning office today (887-3391) to get further information on filing an appeal. After I explained my case to her, she suggested that I write to you requesting a reconsideration of your decision. If this procedure of requesting a reconsideration is not acceptable to you, please contact me at 410-668-4453 home, 351-5593 Pager, or at work 887-5358 so that I can comply with the procedures to appeal.

I am requesting a reconsideration because it appears that the testimony and evidence that I provided during our hearing has been misinterpreted. For example, your letter stated that you were searching for a 1.25 acre lot in the land records. I specifically stated at the hearing that this 1.25 acres (see Petitioner's Exhibit 1) would be the result after a line adjustment is made on Partial #71. This partial is located at 18930 Hillcrest Ave, consists of 1.9 acres and currently has a single family dwelling on it. Since no line adjustment has been made, your statement claiming that the lot is currently unimproved is false. It is my plan to replace the existing home on this lot in a more appropriate location. This location has already been approved by the Baltimore County Health Department.

There are other statements in your letter that misrepresent the properties in question, 18930 and 18932 Hillcrest Ave. There is one dwelling on 18930 (partial 71) and one dwelling on 18932 (partial 117).

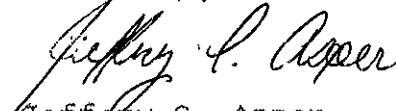
Mr Andrew Crosby, the adjoining property owner at 18920 Hillcrest Ave, has expressed his concerns that the proposed

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septic area for this lot does not meet setback requirements. His concerns are not valid since my proposed septic area has already been approved by the Baltimore County Health Department. I provided you with this documentation during our hearing.

I hope that you will reevaluate my petition. If you have any questions or concerns please contact me at the numbers given above. I look forward to hearing from you soon.

Sincerely,



Jeffery S. Asper

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Andrew W. Crosby

18920 Hillcrest Rd.

Lined area for writing names.

Lined area for writing addresses.



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Andrew Crosby

18920 Hillcrest Ave.
Piketon, MD 21120



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Virginia A. Asper

18932 Hillcrest Ave.
Parkton, Md. 21121 Box

Charles S. Asper Sr.

18932 Hillcrest Ave.
Parkton, Md. 21121 Box 314

Jeffrey L. Asper

9812 Hilltop Dr.
Baltimore MD. 21234

Mtg - w/ Jim
Len Burkhaus

surveyor

2/24, 11 AM

95-186-A

to submit
revised plans -
if approved by
M&E will resubmit
for another day
2/24/95



E. M. Hoover, President

R. M. Hoover, Vice President



MARYLAND SEPTIC TANK AND SEWER COMPANY

COMPLETE SEWAGE DISPOSAL SYSTEMS • DESIGNING • INSTALLATIONS
SEWAGE TREATMENT PLANTS • SANITARY SEWERS AND STORM DRAINS COMPLETELY INSTALLED
4105 AMOS AVENUE • BALTIMORE, MD 21215 • PHONE: 358-4100

March 21st, 1995

REF: Hillcrest Road,
Parkton, Md.

Dear Mr. Crosby:

Based on the plan which you have submitted we estimate that the additional cost for a force main septic system vs a standard gravity fed system to be \$2500.00 to \$3000.00. This added cost would include a 1000 gallon precast concrete pump chamber, a duplex grinder/ejector pump system designed for approximately 35' of head at 100'. Failure alarm system (wired by your electrician), 100 feet of 2" force main and a modified distribution box.

Please call if we can be of further assistance.

Very truly yours:

A handwritten signature in cursive script that reads "Mike Hoover".

Mike Hoover
Vice President

PROTESTANT'S EXHIBIT NO. 1

WE DIG AMERICA



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HARRY O. SHANEYBROOK, INC.

144 WILKINSON ROAD
REISTERSTOWN, MARYLAND 21088
833 3820 OR 833 0441

March 22, 1995

REF: Hillcrest Road

Mr. Crosby
15 West Aylesbury Road
Timonium, Maryland 21093

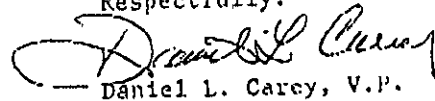
Mr. Crosby:

We have reviewed the preliminary plan which you provided, and would offer the following cost estimate to upgrade a standard gravity fed septic system to a force main system located at the lower side of the property.

- Add 1000 gallon water tight pump chamber
- Install duplex pumping system with alarm. Pumps to accomodate 35 feet of head at 100 feet.
- 100 + of 2" force main
- Distribution box riser

The total cost for these upgrades should not exceed \$3,200.00. If we can be of additional assistance please don't hesitate to contact this office.

Respectfully,



Daniel L. Carey, V.P.

HARRY O. SHANEYBROOK, INC.

**PROTESTANT'S
EXHIBIT NO. 2**

Handwritten note: 3/22/95

Andrew W. Crosby
18920 Hillcrest Road
Parkton, MD 21120
Home 343-1194
Office 252-4222

March 20, 1995

Mr. J. Robert Powell, Supervisor
Baltimore County DEPRM
Division of Groundwater Management
401 Bosley Avenue
Towson, MD 21204

Re: 18930 Hillcrest Road
Election Dist. 7

PROTESTANT'S EXHIBIT NO. 3

Dear Mr. Powell,

Pursuant to my meeting today with Mr. Tom Ernst, I would appreciate your review of the septic system design which was submitted by Mr. Jeff Asper and approved by your department. I am the adjacent property owner, and I feel that Mr. Asper is attempting to construct a new house on property which does not "work" with his designed layout. In addition to a questionable septic design the lot requires a variance from the Zoning department to construct as designed.

It is my understanding that the County approved the proposed septic design based on Mr. Asper's statement that the proposed building lot is a lot of record which was recorded prior to 1972. Although the original lot was recorded prior to 1972, there have been subdivisions of the recorded lot since 1972. Per Mr. Ernst, these subdivisions should result in the enforcement of a 10,000 sf disposal area for the new construction which cannot be provided under Mr. Asper's design.

The lot in question was recorded in 1943 (L 1305/ F55) as 4± acres. It was subdivided in 1967 (L 4717/ F280) and again in 1973 (L5365/ F413). As the property was subdivided after the septic system regulation changes were enacted in 1972, the remaining portion of the original lot should be subject to the minimum disposal area requirement of 10,000 sf.

When the property is subject to the 10,000 sf minimum disposal area requirement, the topography of the site creates an impediment to providing a suitable area for the disposal system. I have enclosed a copy of a portion of a plan prepared by Mr. Asper's

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surveyor, which has been submitted to the Zoning Commissioners office relevant to the Request for Variance. As you can see from the plan, the property is divided by a steep slope running from East to West, which per the topography noted on the plan (and the actual site conditions) ranges from 25% to 33% (I have hi-lited the slope as it did not copy clearly from the original plan). C.O.M.A.R. regulation 10.17.02.04-J requires that a 25' horizontal separation distance must be maintained between the disposal area and steep slopes (25%). Per the plan that was submitted to DEPRM by Mr. Asper for septic approval, the proposed disposal area bordered on this slope. Mr. Asper's septic plan also does not provide the required set-back from the Right-of Way (Hillcrest Rd.)

Based on the surveyor's plan that was submitted to the Zoning department, the need for 10,000sf of disposal area, and the steep slope on the site, Mr. Asper cannot construct a septic system which meets County and State requirements with the designed layout. It appears that the with the required set-backs from the steep slope, our joint property line and the Right of Way, the maximum disposal area as designed will be approximately 7,000 sf (as hi-lited on the attached plan).

I would greatly appreciate your review of this application and a reversal of your approval of the septic design based on the actual lot recordation documents and the field run topography. Construction of the proposed house should not be allowed when it requires deviation from the Wastewater Code requirements and a Zoning Variance. If I can be of additional assistance in your review, please don't hesitate to contact me.

I thank you in advance for your review of this matter.

Very Truly,



Andrew W. Crosby

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE SPECIAL HEARING

PROPERTY ADDRESS: 18930 Hillcrest Rd.

see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: NANCY
 plat book # 1303, folio # 55, page # 17, section # -

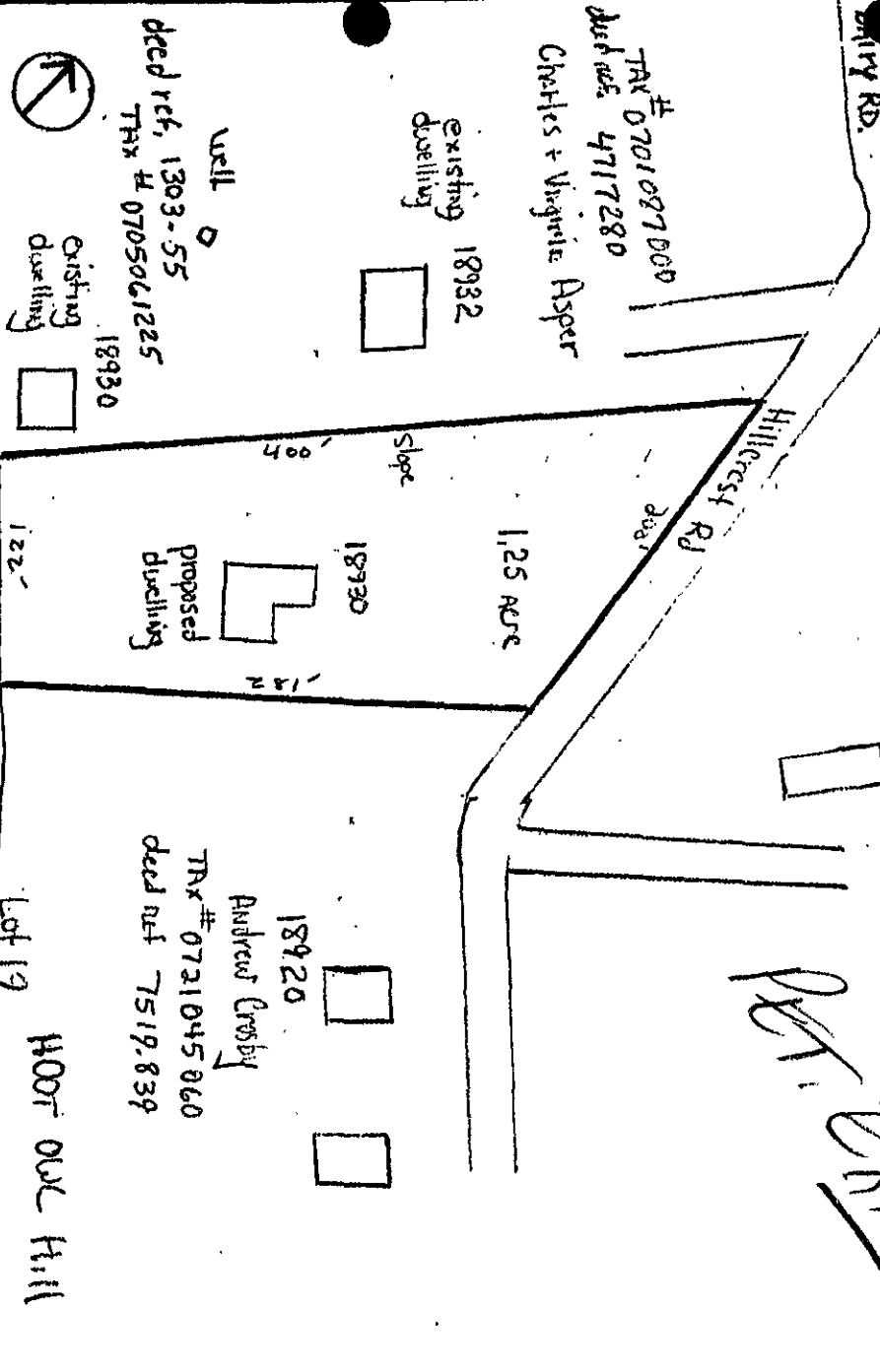
95-186-A

OWNER: Virginia A. Asper

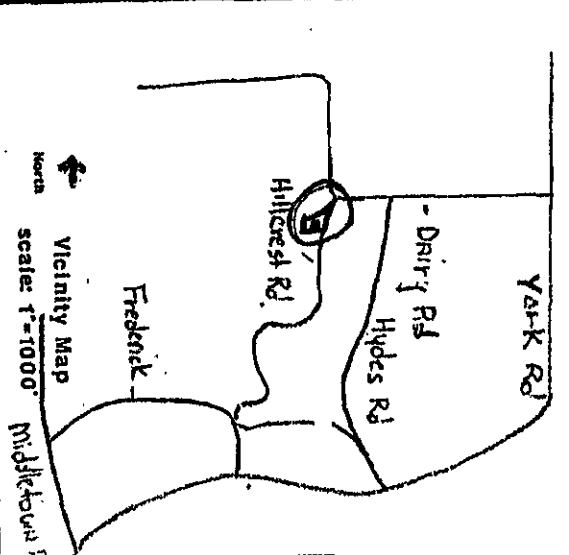
Tax # 0707000190
 deed ref. 5504-331

Herbert Ford
 18925

PT. 5th



North
 date: 11-14
 prepared by: Jeffrey S. Asper Scale of Drawing: 1" = 100'
 #6 Lounsbury G
 Billie T. Blankenship



LOCATION INFORMATION

Election District: 744
 Councilmanic District: 3rd
 1"-200' scale map #: NW 32-C

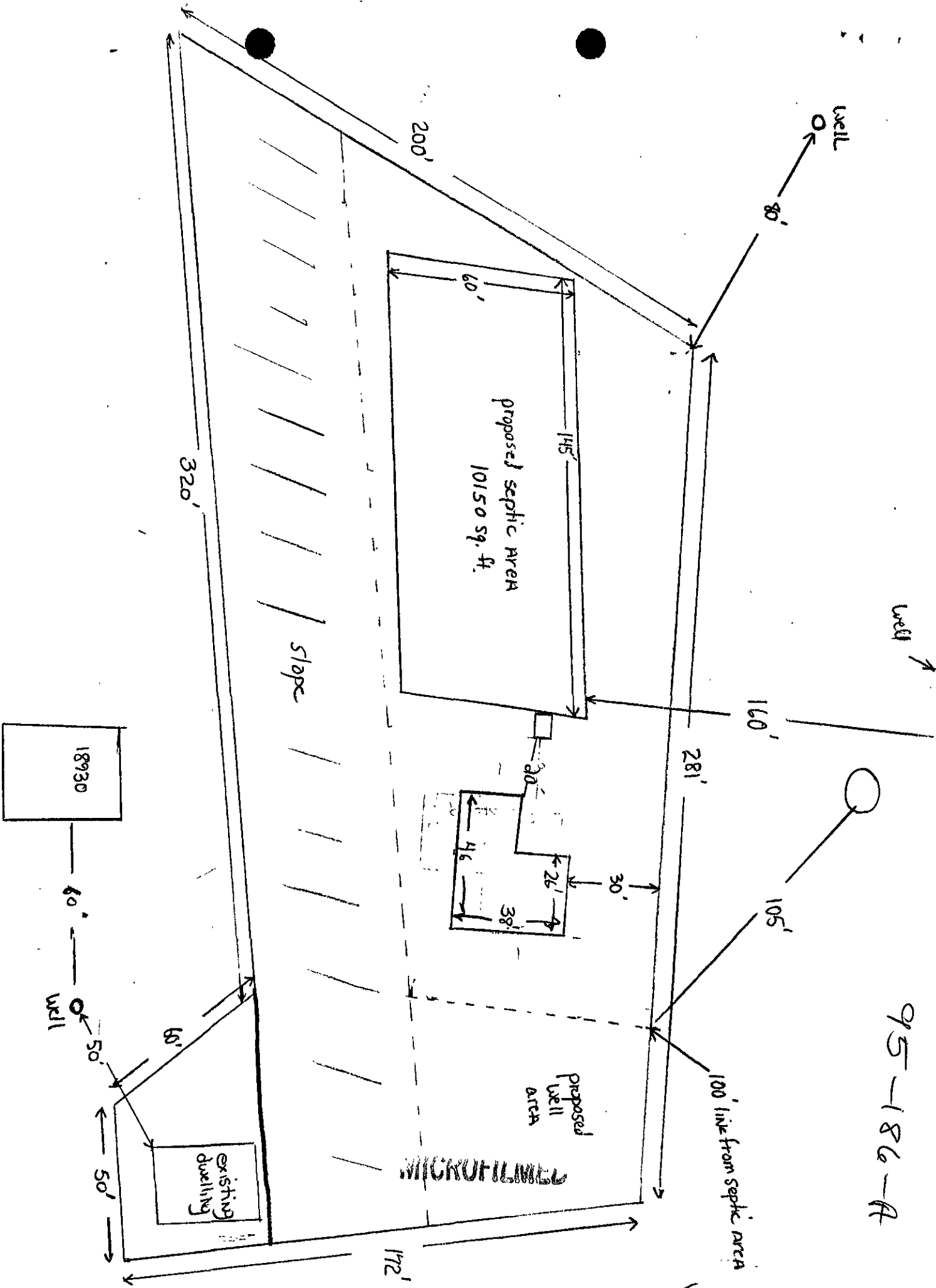
Zoning: MLR
 Lot size: 1.25 acreage 54820.5 square feet

Chesapeake Bay Critical Area: YES NO
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: MDK ITEM #: 181 CASE#:

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ML

R.C. 4

NW
32-C



ML

PENNSYLVANIA

RD.

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MLR

12/175

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DAIRY

C. 4

154

117

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R.C. 4

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HILLCREST

R.C. 5

HIDE

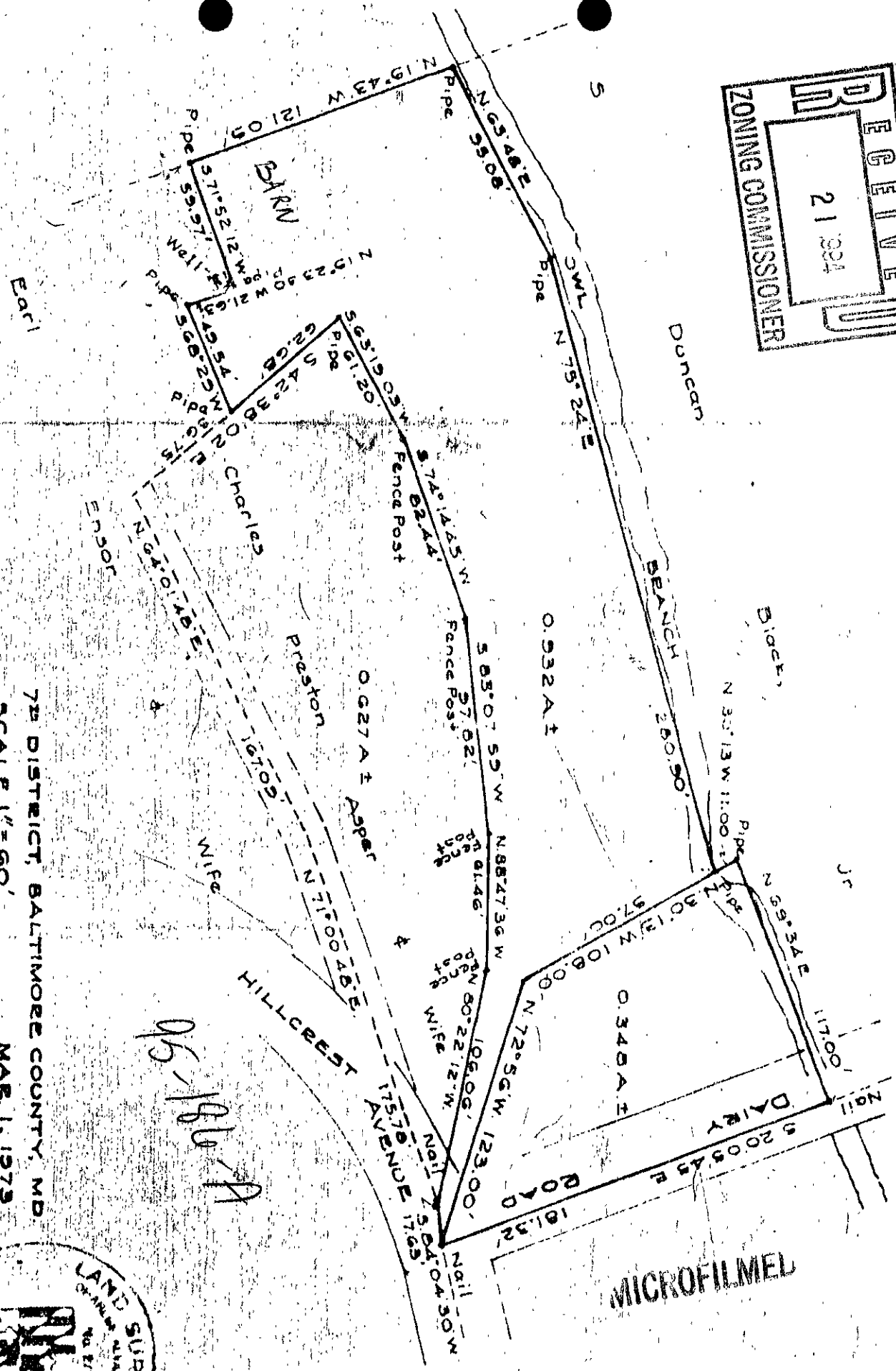
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S NW 32-C

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 21 1924
 ZONING COMMISSIONER

Stamē Walnut Tree



7th DISTRICT, BALTIMORE COUNTY, MD
 SCALE 1"=60'
 MAR 1, 1973

C. A. MYERS, SURVEYOR
 UPPERCRO, MD, 21159 - 429-5079

95-1807A

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T - MAP DIVISION - 1967
OF ASSESS. & TAX.

890

BASE MAP
FROM 19 QUAD
PLANIMETRY REV. TO:
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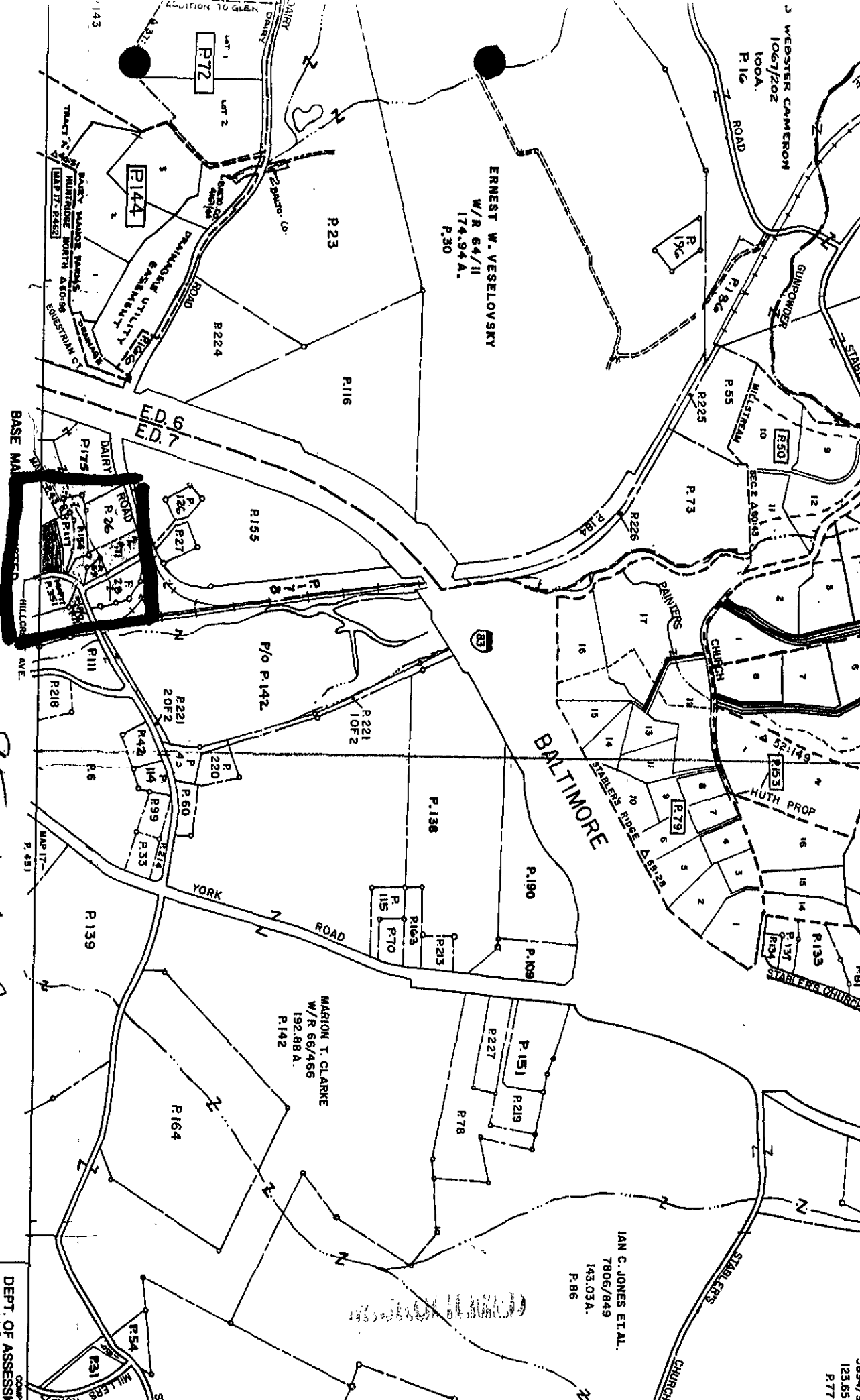
DEPT. OF ASSESSMENT
PROPERTY MAP
THE INFORMATION SHOWN
FROM AERIAL PHOTOGRAPHS
SURVEY IT SHOULD NOT BE
CONSIDERED AS A GUARANTEE
BY THE AGENCY AT 301 W. FRED
MD 21201.

REVISED TO: MARCH

181

(17)

95-186-A



ERNEST W. VESELOVSKY
W/R 64/11
174.94 A.
P.30

MARION T. CLARKE
W/R 66/466
192.88 A.
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IAN C. JONES ET AL.
7806/849
143.03 A.
P.86

WESTER CAMERON
1067/202
100 A.
P.16

HUTH PROP

STABLES CHURCH

123.65
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W/R 64/11
174.94 A.
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BALTO. CO.

ROAD

DRAINAGE & UTILITY
EASEMENT

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ED.7

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DAIRY MANOR FARMS
HUNTRIDGE NORTH Δ60:98
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DAIRY ROAD

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HUNTRIDGE NORTH
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Δ60:47 Struis

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HOOT OWL HILLS SEC. 2 Δ41:54

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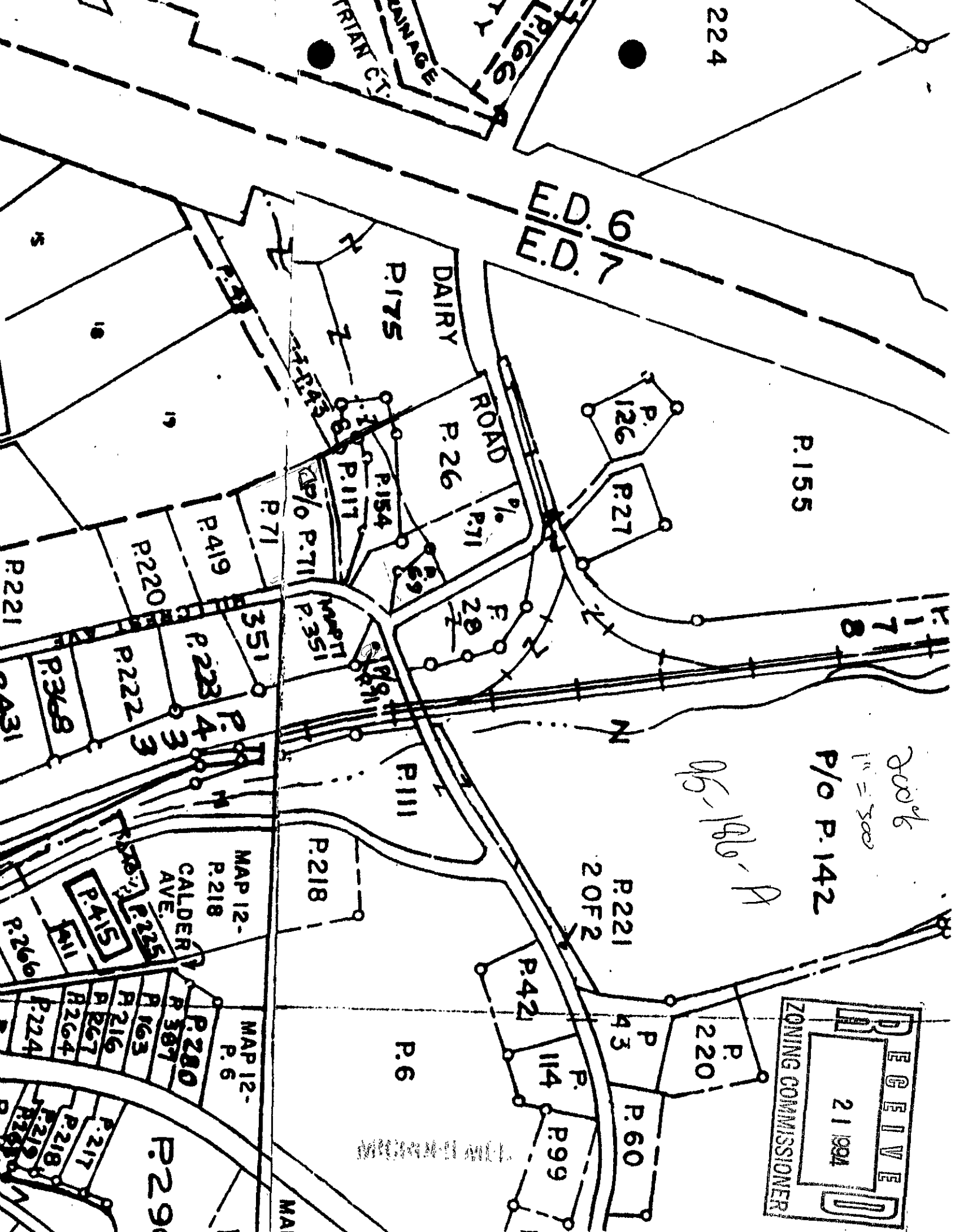
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PARKTON VIEW

E.L.CHEYNEY
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2006
1" = 300'
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DAIRY ROAD

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MAP 12-
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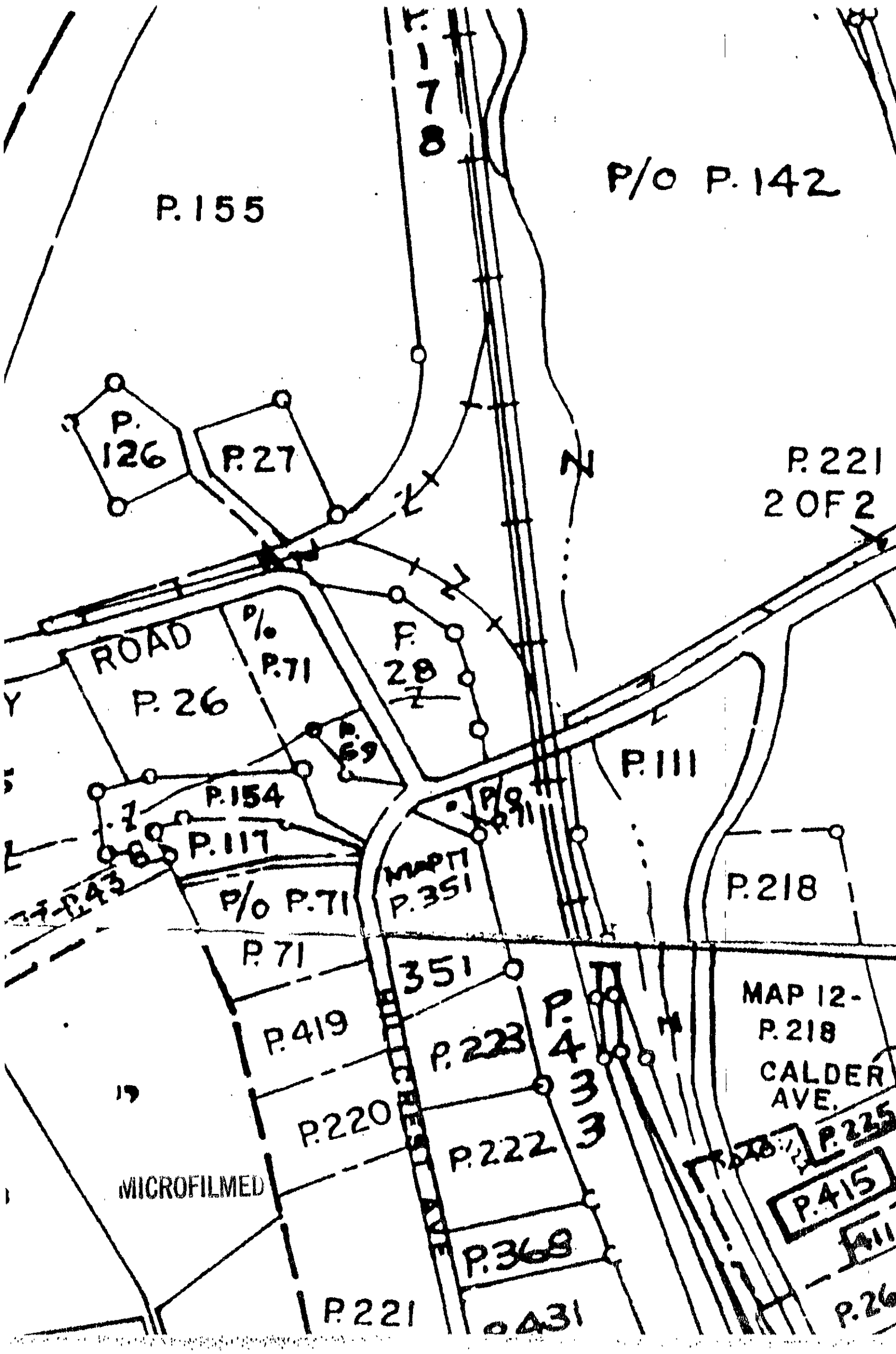
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AVE.

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