

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 NEC Maple and Marsh Roads * ZONING COMMISSIONER
 1009 Maple Road *
 15th Election District * OF BALTIMORE COUNTY
 5th Councilmanic District *
 Gerald E. Jones * Case No. 96-315-A
 Petitioner *
 * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 1009 Maple Road in the Cedar Beach subdivision of eastern Baltimore County. The Petition is filed by Gerald E. Jones, property owner. Variance relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a proposed dwelling with a 55 ft. front yard setback to a street centerline and a side yard setback of 45 ft., also to a center line, both in lieu of the required 75 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

Appearing at the requisite public hearing held for this case was the aforementioned property owner, Gerald E. Jones. There were no Protestants or other interested persons present.

At the hearing, Mr. Jones requested an amendment of the Petition which shall be approved and incorporated herein. Specifically, he indicated that the house would be situated further towards the rear of the lot and that the front yard setback provided would be 61 ft., as opposed to 55 ft. as stated in the Petition. In that this amendment constitutes a lesser variance request, the amendment will be approved.

Further testimony and evidence offered was that the subject site is .516 acres in area zoned R.C.5. This is a corner lot, located at the northeast corner of the intersection of Maple Road and Marsh Road. The

ORDER RECEIVED FOR FILING
 Date 4/4/96
 By [Signature]

MICROFILMED

property is presently unimproved and is 150 ft. x 150 ft. in dimension. Mr. Evans indicated that he has owned the property for less than one year, having acquired same from his father who purchased the property approximately 5 years ago.

The Petitioner intends on developing the property with a single family dwelling, as shown on the site plan. That dwelling will front Maple Road and the side of the dwelling will face Marsh Road. Both of these roads are single lane roadways. The subject property is located in the Cedar Beach subdivision. This is an older subdivision, near Cedar Creek in eastern Baltimore County. Typical of many older subdivisions in this portion of the County, the roads are rather narrow.

Mr. Jones also indicated that the reason that the property was not previously developed was that soil conditions were insufficient to allow for the property to pass a percolation test. However, recently, public sewer and water has been extended and the property is now served with these utilities. Thus, the Petitioner proposes to construct a single family dwelling as aforesaid.

An examination of the site plan and photographs submitted at the hearing show that the setback proposed will be equal to or greater than setbacks of other houses in the vicinity. In fact, other houses in the immediate area features setbacks as little as 39 ft. to the roadway and in most cases closer to 40 ft. This front yard setback of 61 ft. proposed by the Petitioner is entirely consistent with the area. The side yard setback of 45 ft. is occasioned by the fact that this is a corner lot. The house immediately to the rear of the site, also a corner property, maintains a 40 ft. side yard setback.

Based on the testimony and evidence, all of which is uncontradicted, I am persuaded that the Petition for Variance should be granted. The

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Date

4/4/96

By

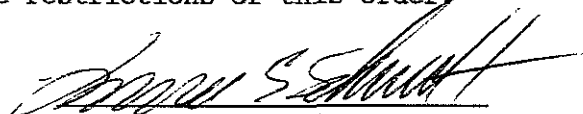
M. G. Gorch

until 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. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated March 6, 1996, attached hereto and made a part thereof.

3. The Petitioner shall submit, for review and approval by the Office of Planning, architectural elevation drawings of the proposed dwelling.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING

Date

4/4/96

By

M. D. Darr

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

April 3, 1996

Mr. Gerald E. Jones
3 Kerria Lane
Baltimore, Maryland 21220

RE: Case No. 96-315-A
Petition for Zoning Variance
Property: 1009 Maple Road

Dear Mr. Jones:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions.

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 887-3353.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-315-A

1009 Maple Rd.

which is presently zoned

R.C.5

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) 1A04.3.B.3

To allow a proposed dwelling with a 55-ft. setback to the street centerline and a side setback of 45 ft. to the street centerline in lieu of the minimum required 75 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) *I want to build a house 28'x60' but the lot is 150'x150' so I will only have 45' on each end of house, instead of the required 55' for R.C. 5 zoning. Therefore I am asking for the 5' extra needed on each end of the 60' house. I also ask that the dwelling could have a front setback of 55' to the street centerline in lieu of required 75' which compared to my neighbors in the same area, house will still set back 5' or further then they are.*

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

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

Legal Owner(s).

Gerald Elsworth Jones
(Type or Print Name)

Gerald Elsworth Jones
Signature

(Type or Print Name)

Signature

3 Kerria Ln. (410) 780 0818
Address Phone No.

Balto. Md. 21220
City State Zipcode
Name, Address and phone number of representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 3/4 hrs.
unavailable for Hearing

the following dates _____ Next Two Months

ALL OTHER

REVIEWED BY: [Signature] DATE 2-16-96

315



Printed with Soybean Ink on Recycled Paper



Zoning Description

315

96-315-A

Zoning Description for

Beginning at a point on the northeast corner of Maple and Marsh Rds. lots run northerly fronting 150 feet on the east side of Maple Rd. with an even depth easterly on the north side of Marsh Rd of 150 feet. Being lots # 207, 208, 209, 210, 211 & 212 Block 1000 Section 1 in the subdivision of Plat. of Cedar Beach Inc. as recorded in Balto. County Plat Book W.P.C. No. 7 Folio # 186, containing 22500 square feet, located in the 15th Election District of Baltimore County, Maryland.

96-315A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 3/8/96

Posted for: Variance

Petitioner: Gerald E. Jones

Location of property: Maple Ave & Marsh Rd.

Location of Signs: At above intersection on East

Remarks: _____

Posted by: Raymond Date of return: 3/8/96
Signature

Number of Signs: 1



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 108 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 #93-315-A
(Item 315)
1009 Maple Road
NEC Maple and Marsh Roads
15th Election District
5th Councilmanic
Legal Owner(s):
Gerald Esivorth Jones

Varient: to allow a proposed dwelling with a 65 foot setback to street, cantinae and a side setback of 45 feet to the street centerline in lieu of the minimum required 75 feet.
Hearing: Tuesday, March 27, 1996 at 10:00 a.m. in Rm. 118, Old Courthouse.

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 the file and/or hearing, Please Call 887-3991.

2/29/96 Feb. 29 234628

CERTIFICATE OF PUBLICATION

TOWSON, MD., 2/29, 1996

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 2/29, 1996.

THE JEFFERSONIAN,
A. H. Erickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Item No. 96-315
013007

DATE 2-16-96 ACCOUNT R-001-6150

96-315-A
AMOUNT \$ 85.00

RECEIVED FROM: Gerald E. Jones - owner

#010 - Residential Variance Filing fee - 50.00
#080 - Sign & Posting 35.00
+ 35.00

FOR: site: 1009 Maple Rd. Total: \$85.00

DISTRIBUTION: WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted
for filing by J. J. [Signature] on 2-16-96
Date (A)

A sign indicating the proposed Building must be posted on the property for
fifteen (15) days before a decision can be rendered. The cost of filing is
\$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period,
a decision can be expected within approximately four weeks. However, if a valid
demand is received by the closing date, then the decision shall only be rendered
after the required public special hearing.

*SUGGESTED POSTING DATE 2-26-96 D (15 Days Before C)

DATE POSTED _____

HEARING REQUESTED-YES _____ NO _____ -DATE _____

CLOSING DAY (LAST DAY FOR HEARING DEMAND) 3-12-96 C (B-3 Work Days)

TENTATIVE DECISION DATE 3-17-96 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____

Location of property: _____

Posted by: _____ Date of Posting: _____
Signature

Number of Signs: _____

RECORDED



Baltimore County
 Department of Permits and
 Development Management

Development Processing
 County Office Building
 111 West Chesapeake Avenue
 Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property 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.: 315
 Petitioner: Gerald E. Jones
 Location: 1009 Maple Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Gerald E Jones
 ADDRESS: 3 Kerria Ln. Balto 21220

PHONE NUMBER: 780 0818

AJ:ggs

(Revised 04/09/93)

TO: PUPUXENT PUBLISHING COMPANY
February 29, 1996 Issue - Jeffersonian

Please forward billing to:

Gerald E. Jones
3 Kerria Lane
Baltimore, MD 21220
780-0818

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: 96-315-A (Item 315)
1009 Maple Road
NEC Maple and Marsh Roads
15th Election District - 5th Councilmanic
Legal Owners: Gerald Elsworth Jones

Variance to allow a proposed dwelling with a 55 foot setback to street centerline and a side setback of 45 feet to the street centerline in lieu of the minimum required 75 feet.

HEARING: TUESDAY, MARCH 27, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

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 THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 26, 1996

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
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HEARING: TUESDAY, MARCH 27, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Gerald Elsworth Jones

- 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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 21, 1996

Mr. Gerald Elsworth Jones
3 Kerria Lane
Baltimore, Maryland 21220

RE: Item No.: 315
Case No.: 96-315-A
Petitioner: G. E. Jones

Dear Mr. Jones:

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 Permits and Development Management (PDM), Zoning Review, on February 16, 1996.

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 Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: March 1, 1996

FROM: *RWB* Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for March 4, 1996
Item No. 315

The Development Plans Review Division has reviewed the subject zoning item. Maple Road is an existing County road which shall ultimately be improved as a 30-foot street cross section on a 40-foot right-of-way.

RWB:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 29, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 305, 306, 307, 308, 310, 311, 313, 314, and 315

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:

Darryl L. Keens

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/27/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 26, 1996

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

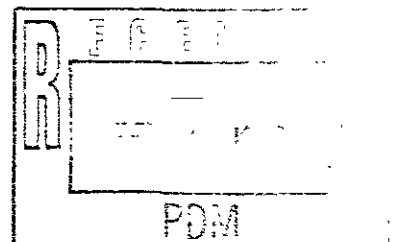
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 305, 306, 307, 308, 311, 312,
313, 314 & 315.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed with Soybean Ink
on Recycled Paper





**Maryland Department of Transportation
State Highway Administration**

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-27-96

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

RE: Baltimore County
Item No. 315 (JJS)



Dear Ms. Watson:

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 affected 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  Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

Microfilm

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

RE: PETITION FOR VARIANCE	*	BEFORE THE
1009 Maple Road, NEC Maple and Marsh Rds.		
15th Election District, 5th Councilmanic	*	ZONING COMMISSIONER
Legal Owners: Gerald Elsworth Jones	*	OF BALTIMORE COUNTY
Petitioner	*	CASE NO. 96-315-A

* * * * *

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 22nd day of March, 1996, a copy of the foregoing Entry of Appearance was mailed to Gerald Elsworth Jones, 3 Kerria Lane, Baltimore, MD 21220, Petitioner.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

[Faint handwritten text]

Plat to accompany Petition for Zoning Variance Special Hearing

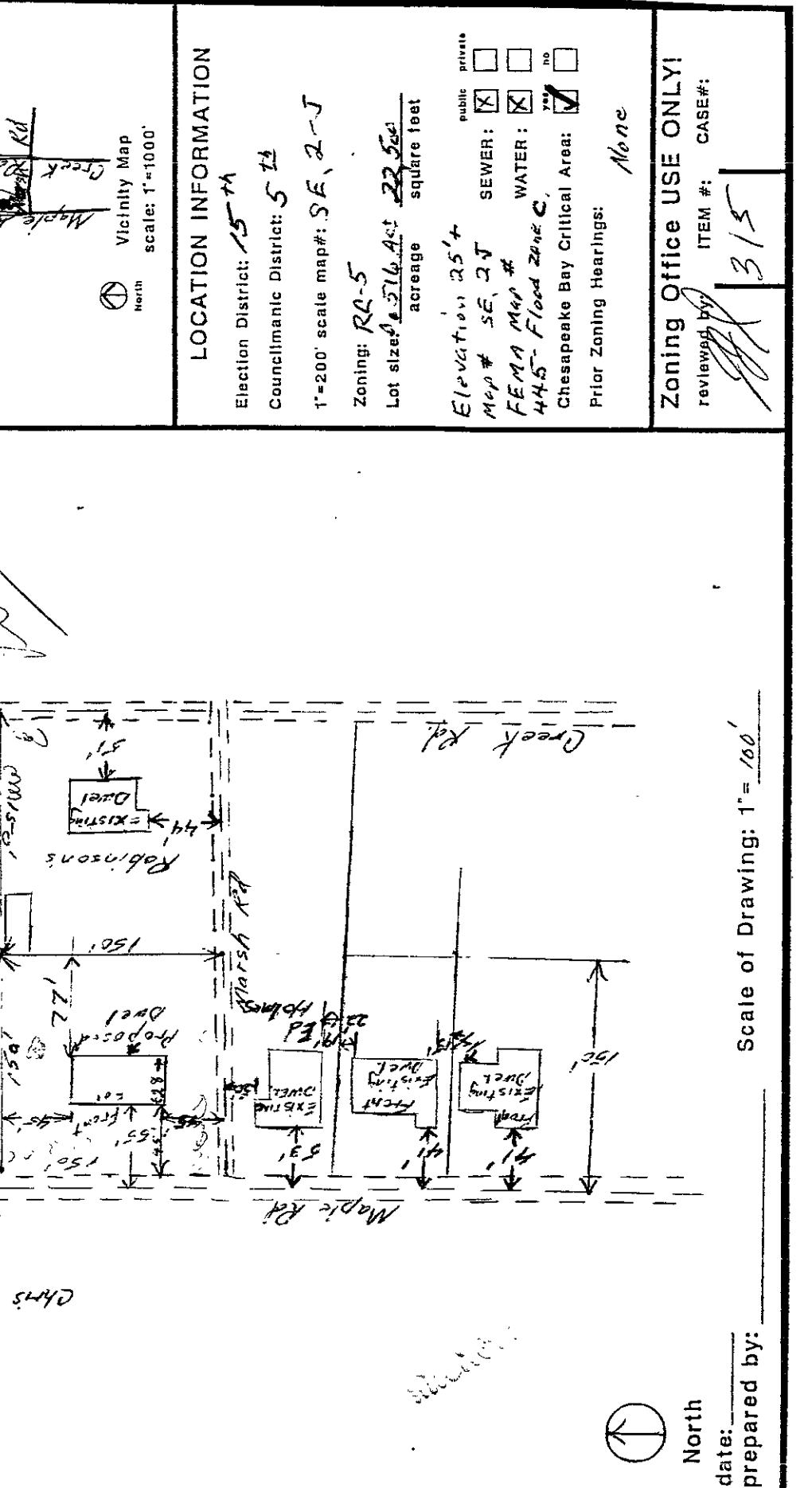
PROPERTY ADDRESS: 1009 Maple Rd. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Plat of Cedar Beach Inc.

plat book # 1, folio # 286, lot # 207, section # 1

OWNER: Gerald E. Jones

96-315-A



LOCATION INFORMATION

Election District: 15th

Councilmanic District: 5th

1"=200' scale map #: SE, 2-J

Zoning: RC-5

Lot size: 0.516 Act 22.5 ac
acreage square feet

Elevation: 25'

Map # SE, 2J SEWER: public private

FEMA Map # WATER:

445 Flood Zone C

Chesapeake Bay Critical Area: yes no

Prior Zoning Hearings: None

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 315 CASE #:



North

date: _____
prepared by: _____

Scale of Drawing: 1"=100'



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: _____ Petitioner: _____

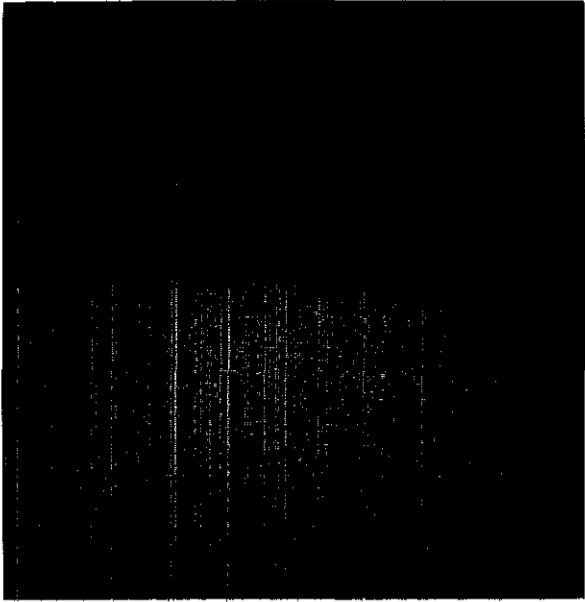
Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

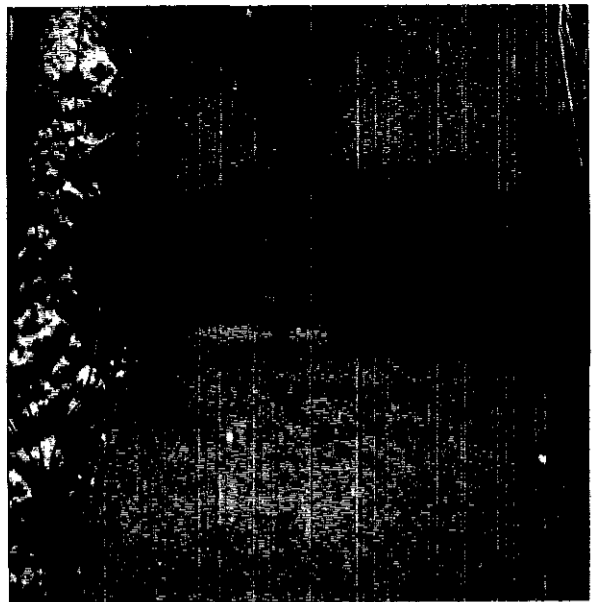
NAME: _____

ADDRESS: _____

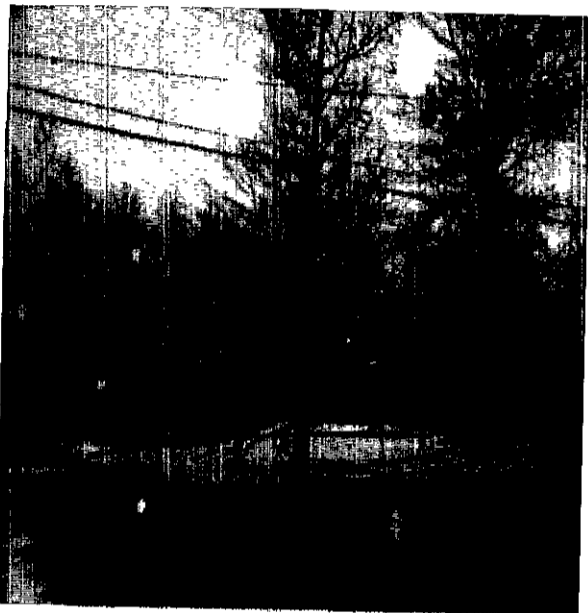
PHONE NUMBER: _____



Frontage space of 1004 across from my lot rear of my truck is at maple Rd.



Frontage of 1115 & 1117 on Maple Rd.



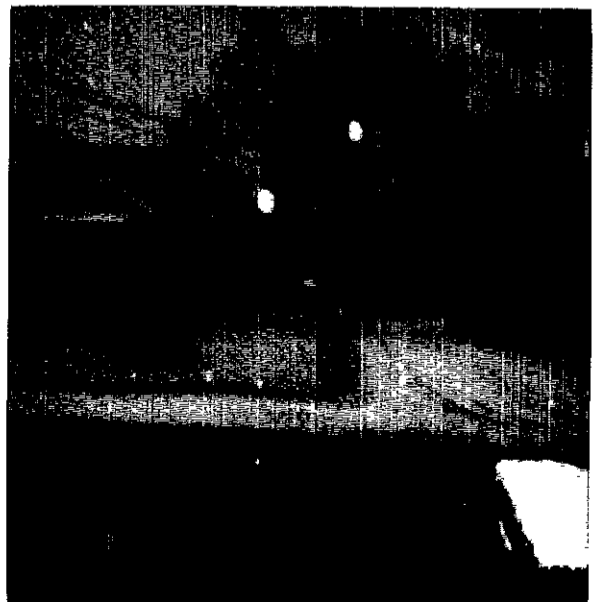
distance of space my home will be from maple Rd, compare to neighbors PROPOSED DWELLING



my lot ¹⁰⁰⁹ at corner of Maple Rd & Marsh Rd 150' x 150'



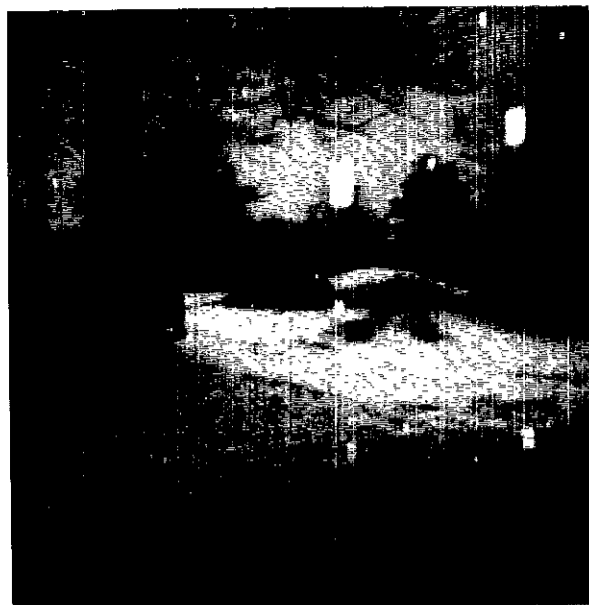
NE corner of my lot 1009 showing house next door, how close it is to maple road at 1113



distance between homes on Maple road 1115 & 1117 No 2 & 3 houses up from NE corner of Marsh road



Space showing how far 1115
& 1117 stick out closer to Maple
Rd. than 1113 does.



my lot at 1009 showing land
elevation & where house will
be built

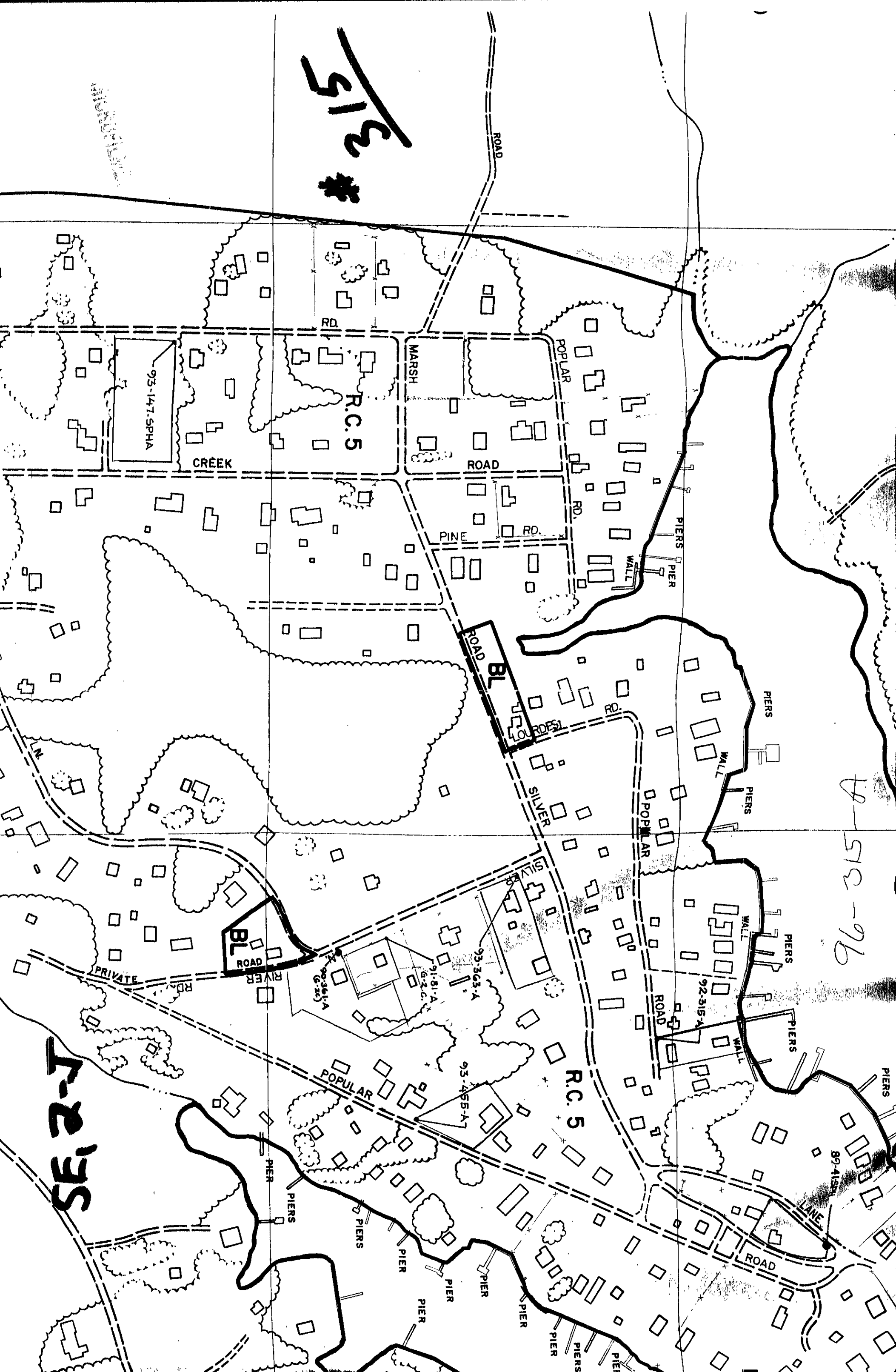


distance between homes at 1113
& 1115 or maple rd.



distance my neighbor
behind my house is from
Margan Rd.

513



96-315-A

PIERS

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
 NEC Maple and Marsh Roads * ZONING COMMISSIONER
 1009 Maple Road * OF BALTIMORE COUNTY
 15th Election District *
 5th Councilmanic District *
 Gerald E. Jones * Case No. 96-315-A
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The Petitioner intends on developing the property with a single family dwelling, as shown on the site plan. That dwelling will front Maple Road and the side of the dwelling will face Marsh Road. Both of these roads are single lane roadways. The subject property is located in the Cedar Beach subdivision. This is an older subdivision, near Cedar Creek in eastern Baltimore County. Typical of many older subdivisions in this portion of the County, the roads are rather narrow.

Mr. Jones also indicated that the reason that the property was not previously developed was that soil conditions were insufficient to allow for the property to pass a percolation test. However, recently, public sewer and water has been extended and the property is now served with these utilities. Thus, the Petitioner proposes to construct a single family dwelling as aforesaid.

An examination of the site plan and photographs submitted at the hearing show that the setback proposed will be equal to or greater than setbacks of other houses in the vicinity. In fact, other houses in the immediate area feature setbacks as little as 39 ft. to the roadway and in most cases closer to 40 ft. This front yard setback of 61 ft. proposed by the Petitioner is entirely consistent with the area. The side yard setback of 45 ft. is occasioned by the fact that this is a corner lot. The house immediately to the rear of the site, also a corner property, maintains a 40 ft. side yard setback.

Based on the testimony and evidence, all of which is uncontradicted, I am persuaded that the Petition for Variance should be granted. The

unique site constraints associated with this property justify the variance. It is clear that a practical difficulty would result if the variance relief were denied. Moreover, the proposed construction will not be detrimental to the surrounding locale.

Notwithstanding the grant of the variance relief, two conditions, however, will be imposed to safeguard the interest of the community. First, I will require the Petitioner to comply with the Zoning Plans Advisory Committee (ZAC) comment submitted by the Department of Environmental Protection and Resource Management (DEPRM). That agency has advised that the property is within the Chesapeake Bay Critical Area and that development must be in accordance with the terms of those regulations. Secondly, I will require the Petitioner to submit, for review and approval by the Office of Planning, elevation and architectural drawings of the proposed house. This is to ensure that the dwelling will be consistent with the existing neighborhood.

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.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of April, 1996 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a proposed dwelling with a 53 ft. front yard setback to a street centerline and a side yard setback of 45 ft., also to a center line, both in lieu of the required 75 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk

ORDER RECEIVED FOR FILING
 Date 4/4/96
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 4/4/96
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 4/4/96
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 4/4/96
 By [Signature]

until 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. The Petitioner shall comply with all requirements of the Department of Environmental Protection and Resource Management as set forth in their comments dated March 6, 1996, attached hereto and made a part thereof.

3. The Petitioner shall submit, for review and approval by the Office of Planning, architectural elevation drawings of the proposed dwelling.

4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

[Signature]
 LAWRENCE E. SCHMIDT
 Zoning Commissioner
 for Baltimore County

LES/mm

ORDER RECEIVED FOR FILING
 Date 4/4/96
 By [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning
 Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21286
 (410) 887-4386
 April 3, 1996

Mr. Gerald E. Jones
 3 Kerria Lane
 Baltimore, Maryland 21220
 RE: Case No. 96-315-A
 Petition for Zoning Variance
 Property: 1009 Maple Road

Dear Mr. Jones:
 Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted, with restrictions.

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 887-3353.

Very truly yours,
 [Signature]
 Lawrence E. Schmidt
 Zoning Commissioner

LES:mm
 att.

Petition for Variance
 to the Zoning Commissioner of Baltimore County

for the property located at 1009 Maple Rd
96-315-A which is presently zoned R.C.5

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) 1A04.3.B.3

To allow a proposed dwelling with a 55-ft. setback to the street centerline and a side setback of 45 ft. to the street centerline in lieu of the minimum required 75 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) I want to build a house 28' x 60' but the lot is 150' x 150'. I will only have 25' on each end of house, instead of the required 50' for R.C.5 zoning. Also for lawn mowing for the 5' center line on each end of the 60' house. I do not believe a dwelling could have a front setback of 55' to the street centerline in lieu of required 75' which compared to my neighbors in the same area, they will still set back 5' or 10' more than they are.

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/Lessee: _____
 (Type or Print Name)
 Signature: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Attorney for Petitioner: _____
 (Type or Print Name)
 Signature: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Name: _____ Address and phone number of representative to be contacted: _____
 City: _____ State: _____ Zip: _____

ESTIMATED LENGTH OF HEARING: 34 min
 ESTIMATED LENGTH OF HEARING: 34 min
 ALL INFORMATION RECEIVED BY THE ZONING COMMISSIONER IS TO BE KEPT CONFIDENTIAL
 RECEIVED BY: [Signature] DATE: 2-16-96

Zoning Description (915)
 96-315-A
 Zoning Description for
 Beginning at a point on the northeast corner of
 Maple and Marsh Rds, lot's run northerly fronting
 150 feet on the east side of Maple Rd with an
 even depth easterly on the north side of Marsh Rd
 of 150 feet. Being lot's # 207, 208, 209, 211 & 212
 Block 1000 Section 1 in the subdivision of
 Plat of Cedar Beach Inc. as recorded in Baltimore
 County Plat Book WPC No 7, Folio 186, containing
 22,500 square feet. Located in the 15th Election District
 of Baltimore County, Maryland.

96-315A
CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland
 District: 15 Date of Posting: 3/8/96
 Posted for: Variance
 Petitioner: Gerald E. Jones
 Location of property: Maple Ave & Marsh Rd.
 Location of Sign: At above intersection on lot
 Remarks: [Signature]
 Posted by: [Signature] Date of return: 3/8/96
 Number of Signs: 1

CERTIFICATE OF PUBLICATION
 TOWSON, MD., 2/29, 1996
 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 2/29, 1996.
 THE JEFFERSONIAN,
 A. Henshaw
 LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Item No. 013607

DATE 2-16-96 ACCOUNT R-001-6150

96-315-A AMOUNT \$ 85.00

RECEIVED FROM: Gerald E. Jones - owner

#010 - Residential Variance Filing fee - 50.00

#080 - Sign Posting - 35.00

TOTAL \$ 85.00

FOR: site: 1009 Maple Rd. Total \$ 85.00

VALIDATION OR SIGNATURE OF CASHIER

SCHEDULED DATES, CERTIFICATE OF FILING AND POSTING
FOR A BUILDING PERMIT APPLICATION PURSUANT TO SECTION 304.2
DEPARTMENT OF PERMITS & DEVELOPMENT MANAGEMENT
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

The application for your proposed Building Permit Application has been accepted for filing by [Signature] on 2-16-96 Date (A)

A sign indicating the proposed Building must be posted on the property for fifteen (15) days before a decision can be rendered. The cost of filing is \$50.00 and posting \$35.00; total \$85.00.

In the absence of a request for public hearing during the 15-day posting period, a decision can be expected within approximately four weeks. However, if a valid demand is received by the closing date, then the decision shall only be rendered after the required public special hearing.

*SUGGESTED POSTING DATE 2-26-96 D (15 Days Before C)

DATE POSTED _____
HEARING REQUESTED-YES NO -DATE _____
CLOSING DAY (LAST DAY FOR HEARING DEMAND) 3-12-96 C (B-3 Work Days)
TENTATIVE DECISION DATE 3-17-96 B (A + 30 Days)

*Usually within 15 days of filing

CERTIFICATE OF POSTING

District _____
Location of property: _____
Posted by: _____ Date of Posting: _____
Signature _____
Number of Signs: _____



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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 FEE: WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 315
Petitioner: Gerald E. Jones
Location: 1009 Maple Rd.
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Gerald E. Jones
ADDRESS: 3 Kerria Ln. Balto 21220
PHONE NUMBER: 890 0518

AJ:ggg

(Revised 04/09/93)



Printed with Soybean Ink on Recycled Paper

TO: PULVERLY PUBLISHING COMPANY
February 23, 1996 Issue - Jeffersonian
Please forward billing to:
Gerald E. Jones
3 Kerria Lane
Baltimore, MD 21220
780-0818

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: 96-315-A (Item 315)
1009 Maple Road
NEC Maple and Marsh Roads
15th Election District - 5th Councilmanic
Legal Owner: Gerald Elsworth Jones

Variance to allow a proposed dwelling with a 55 foot setback to street centerline and a side setback of 45 feet to the street centerline in lieu of the minimum required 75 feet.

HEARING: TUESDAY, MARCH 27, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

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 THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 26, 1996

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: 96-315-A (Item 315)
1009 Maple Road
NEC Maple and Marsh Roads
15th Election District - 5th Councilmanic
Legal Owner: Gerald Elsworth Jones

Variance to allow a proposed dwelling with a 55 foot setback to street centerline and a side setback of 45 feet to the street centerline in lieu of the minimum required 75 feet.

HEARING: TUESDAY, MARCH 27, 1996 at 10:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon

Arnold Jablon
Director

cc: Gerald Elsworth Jones

NOTES: (1) ZONING SIGN AND 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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

March 21, 1996

Mr. Gerald Elsworth Jones
3 Kerria Lane
Baltimore, Maryland 21220

RE: Item No.: 315
Case No.: 96-315-A
Petitioner: G. E. Jones

Dear Mr. Jones:

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 Permits and Development Management (PDM), Zoning Review, on February 16, 1996.

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 Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)



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

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
March 6, 1996

FROM: Patricia M. Farr
DEPRM

SUBJECT: Zoning Item #315 - Jones Property
1009 Maple Road
Zoning Advisory Committee Meeting of February 26, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

PMF:SA:sp

c: Mr. Gerald E. Jones

JONES/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management
Date: March 1, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

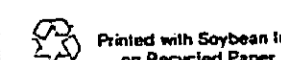
SUBJECT: Zoning Advisory Committee Meeting
for March 4, 1996
Item No. 315

The Development Plans Review Division has reviewed the subject zoning item. Maple Road is an existing County road which shall ultimately be improved as a 30-foot street cross section on a 40-foot right-of-way.

RWB:jrb

cc: File

2315



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BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 29, 1996

FROM: Fat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):
Item Nos. 305, 306, 307, 308, 310, 311, 313, 314, and 315

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: Wayne L. Keene

PK/JL

ITEM305A/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/27/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
Location: DISTRIBUTION MEETING OF FEB. 26, 1996

Item No.: SEE BELOW Zoning Agenda:

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.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 305, 306, 307, 308, 311, 312, 313, 314 & 315.

REVIEWER: LT. ROBERT P. SAUERHALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File
Printed with Soybean Ink
on Recycled Paper

Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-27-96

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

RE: Baltimore County
Item No. 315 (JJS)

Dear Ms. Watson:

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 affected 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,
Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717

RE: PETITION FOR VARIANCE
1009 Maple Road, NEC Maple and Marsh Rds.
15th Election District, 5th Councilmanic

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Legal Owners: Gerald Elsworth Jones
Petitioner

CASE NO. 96-315-A

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

Charles S. Demilio
CHARLES 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 27th day of March, 1996, a copy of the foregoing Entry of Appearance was mailed to Gerald Elsworth Jones, 3 Kerria Lane, Baltimore, MD 21220, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1009 Maple Rd. see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Plat of Cedar Branch Tr.

Plat books: 2 (folios 286, 287, sections 1)

OWNER: Gerald E. Jones

96-315-A

LOCATION INFORMATION

Election District: 15th

Councilmanic District: 5th

1"=200' scale map: SE 2-5

Zoning: RA-5

Lot size: 576 sq. ft. 22.56 square feet

Elevation: 25'

Map: SE 2-5

FEMA Map: 2

455' Flood Zone:

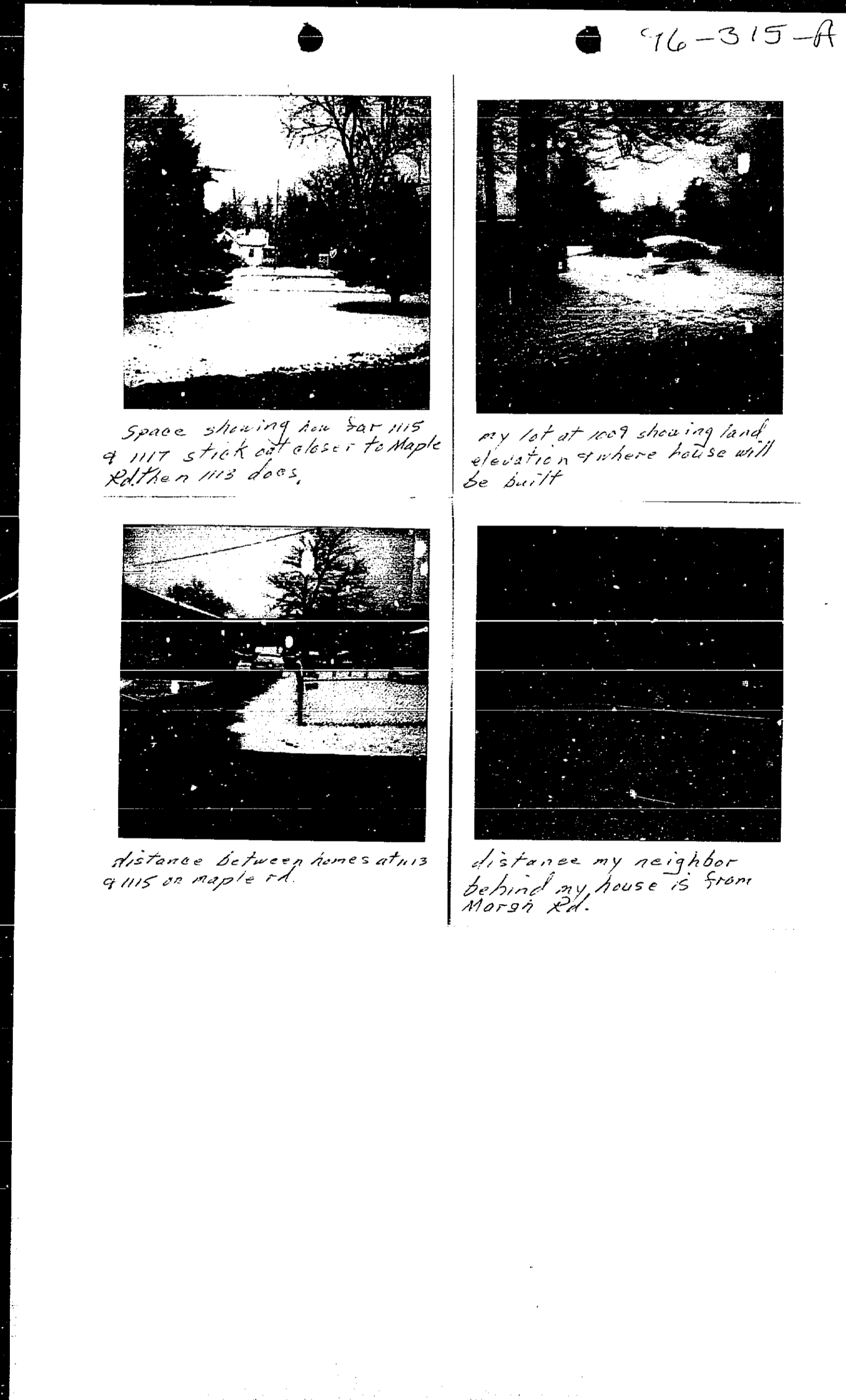
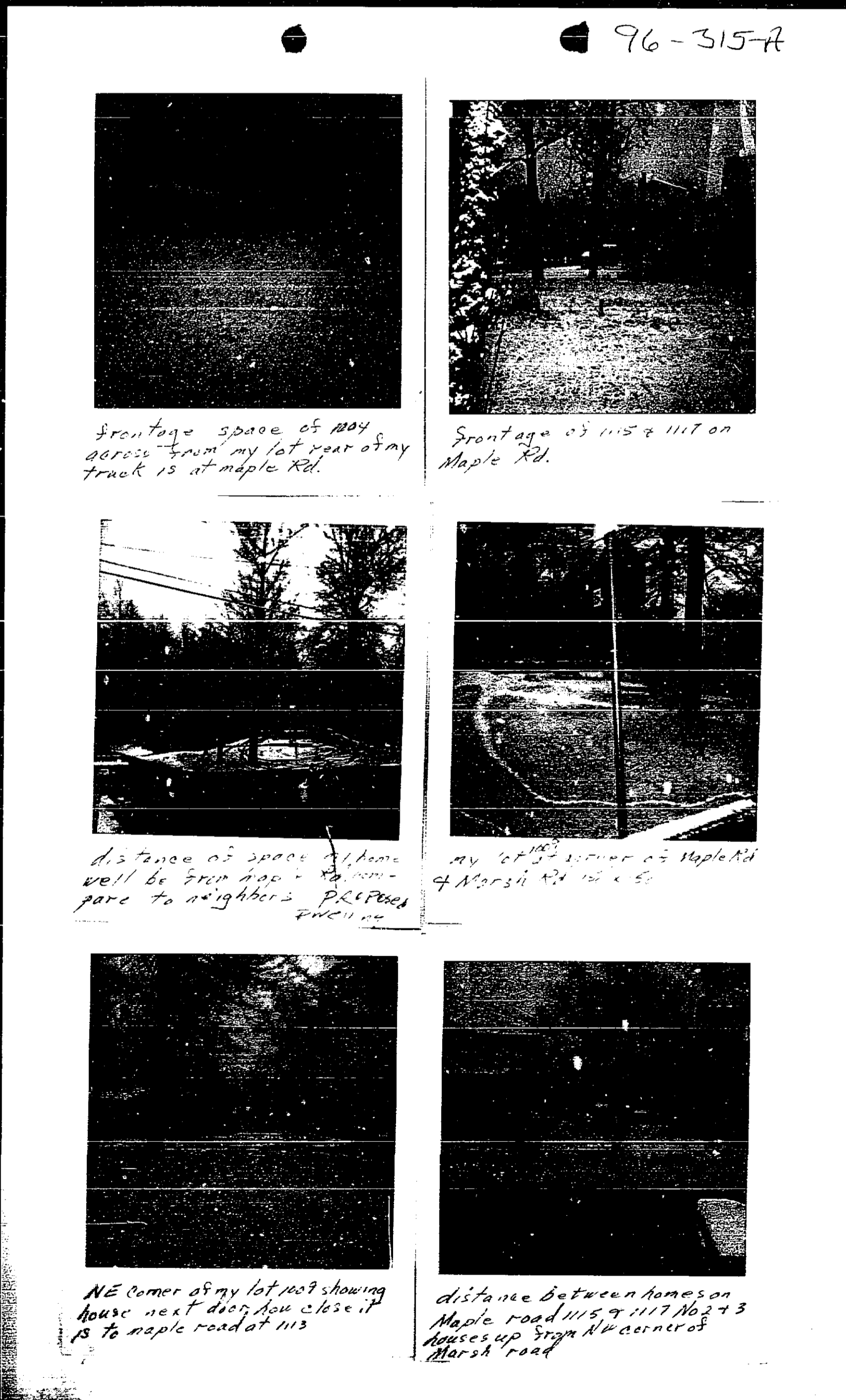
Chesapeake Bay Critical Area:

Prior Zoning Hearings: None

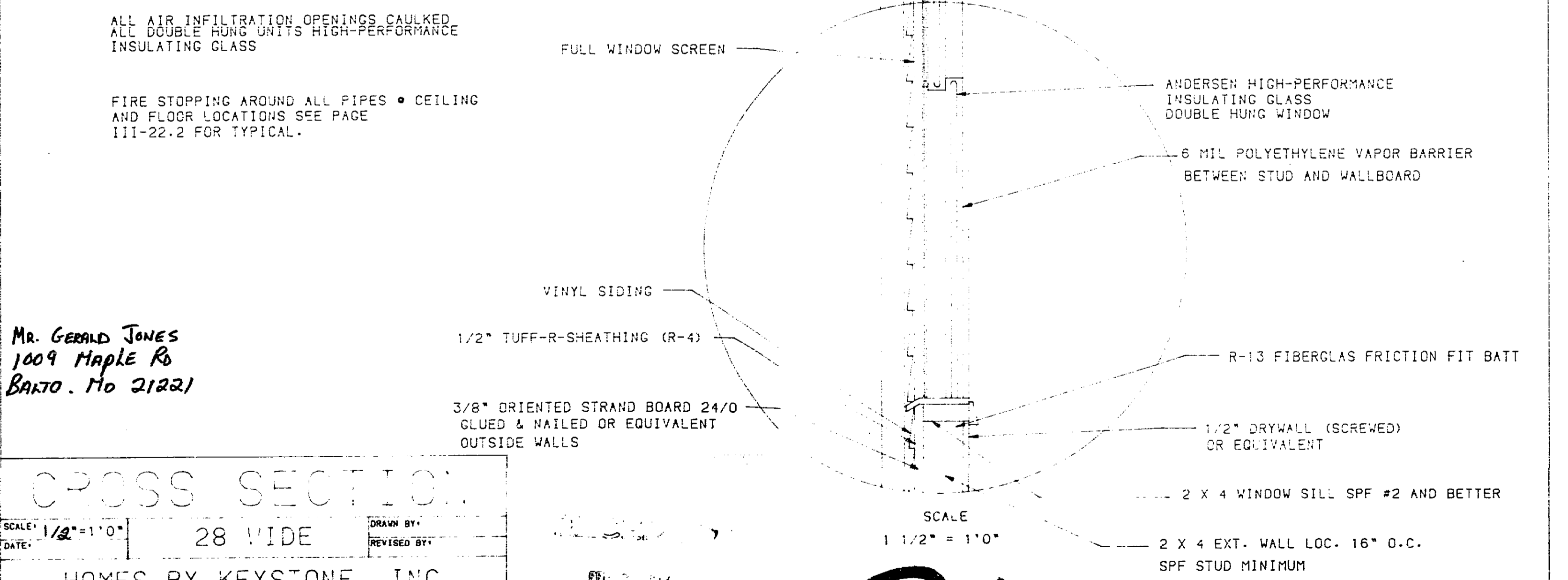
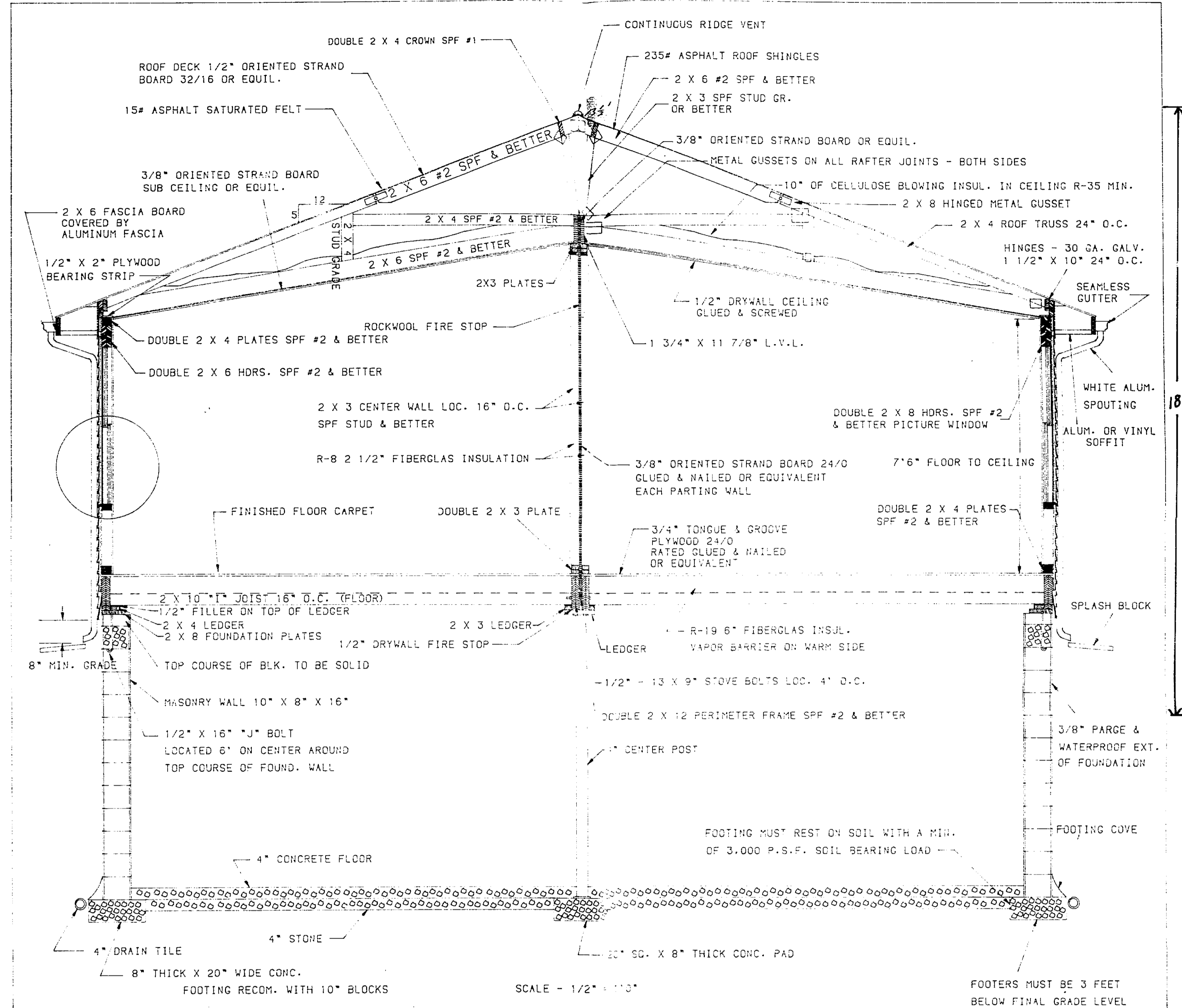
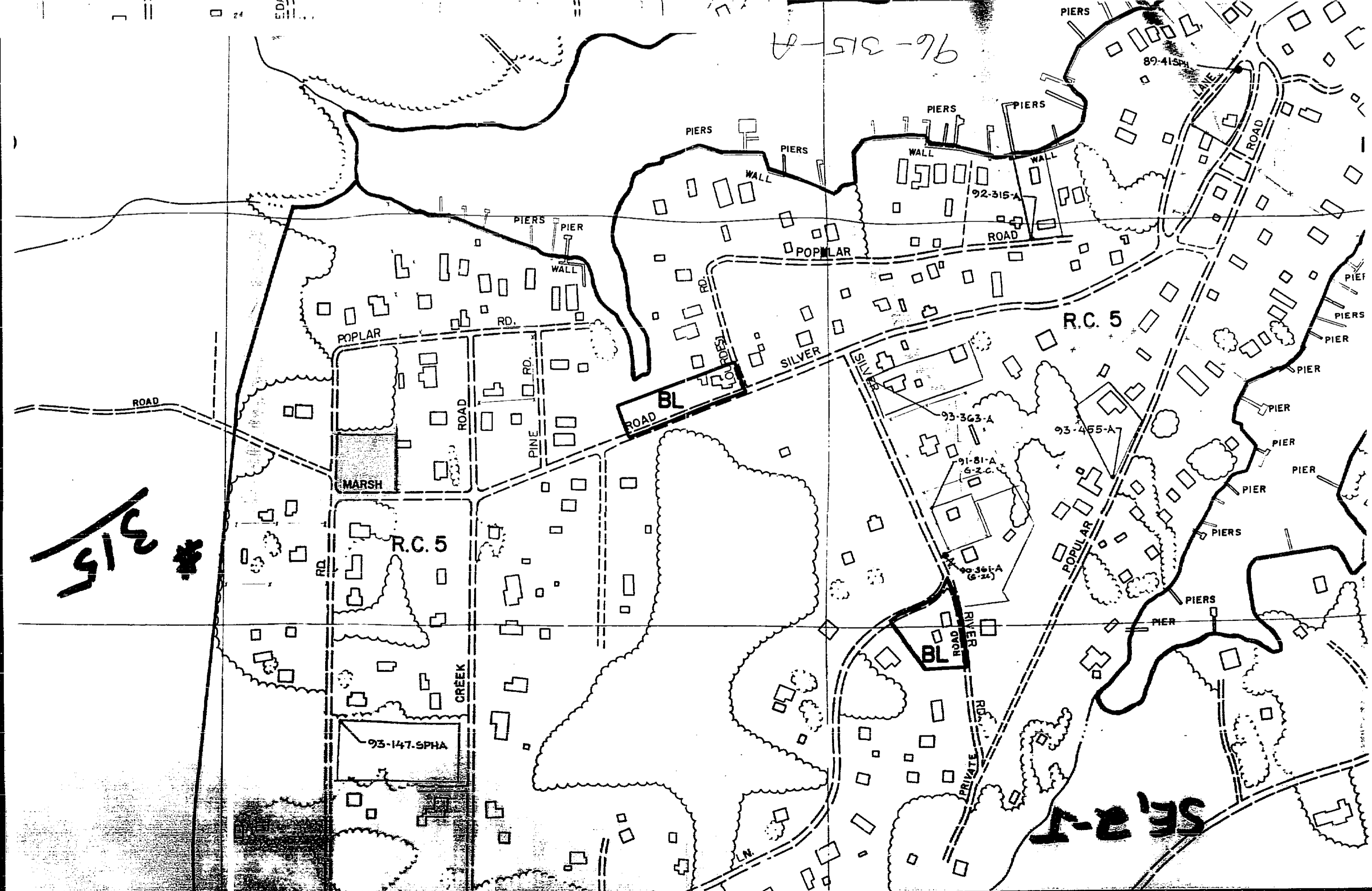
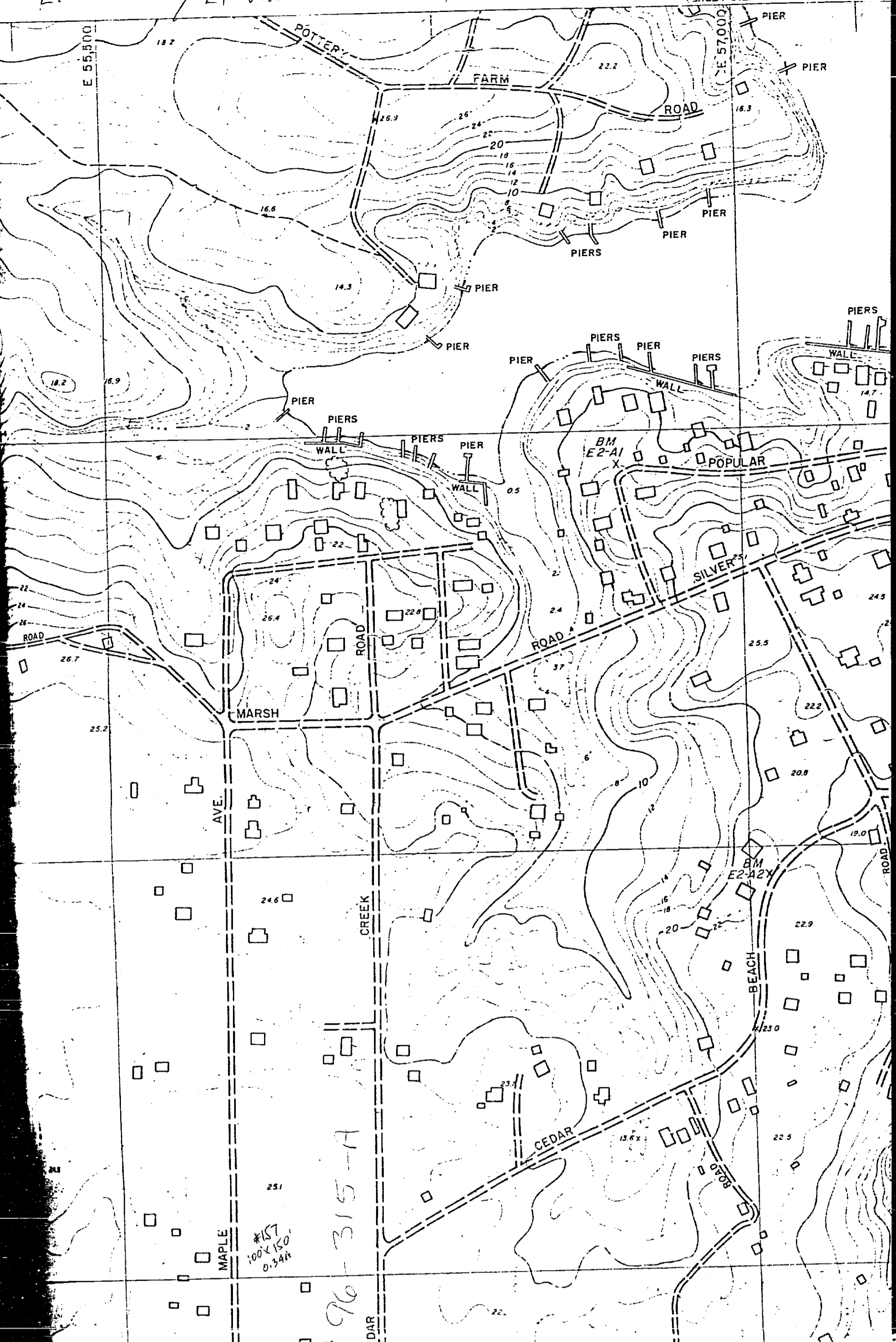
Zoning Office USE ONLY!

reviewed by: PK ITEM #: 315 CASE#:

Scale of Drawing: 1"=100'



Elevation 25' Elevation Map # SE, 2-J Flood Zone B, FEMA No # 445-1



Mr. Gerald Jones
 1009 Maple Rd
 Barto, Mo 21221

CROSS SECTION		SCALE 1 1/2" = 1'-0"	
SCALE 1/2" = 1'-0"	28 WIDE	DRAWN BY	REVISED BY
HOMES BY KEYSTONE, INC.		DRAWING NUMBER	
REVISED			

96-315-A