

IN RE: PETITION FOR ADMIN. VARIANCE

N/S Maplehurst Lane, 850' E
centerline of Hereford Road
7th Election District
3rd Councilmanic District
(710 Maplehurst Lane)

Kathleen E. & David G. Ashby
Petitioners

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* * * * *

BEFORE THE

DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 01-306-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an Administrative Variance filed by Kathleen and David Ashby, legal owners of that property known as 710 Maplehurst Lane in the Monkton area of Baltimore County. The Petitioners herein seek relief from Section 1A04.3.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 35 ft. side yard setback in lieu of the required 50 ft. side yard setback to construct an addition. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

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

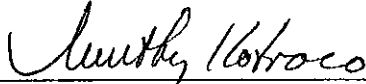
The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public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

FILED
1996
R. Jenson

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 26th day of February, 2001, that a variance from Section 1A04.3.B.2 of the B.C.Z.R., to permit a 35 ft. side yard setback in lieu of the required 50 ft. side yard setback to construct an addition., be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.


TIMOTHY M. KOTROCO
DEPUTY ZONING COMMISSIONER
FOR BALTIMORE COUNTY

TMK:raj

ORDER RECORDED FOR FILING
DATE 2/26/01
BY R. J. JENSEN



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

February 26, 2001

Mr. & Mrs. David G. Ashby
710 Maplehurst Lane
Monkton, Maryland 21111-1427

Re: Petition for Administrative Variance
Case No. 01-306-A
Property: 710 Maplehurst Lane

Dear Mr. & Mrs. Ashby:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the Department of Permits and Development Management. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

Timothy M. Kotroco
Deputy Zoning Commissioner

TMK:raj
Enclosure

c: Mr. Steve Costello
Forty West Builders, Inc.
3230 Bethany Lane
Ellicott City, MD 21042

★ Census 2000 ★ For You, For Baltimore County ★ Census 2000 ★



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on Recycled Paper

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Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 710 Maplehurst Lane - Monkton MD 21111-1427
which is presently zoned R.C. 5

This Petition shall be filed with the Department of Permits and 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)

B.C.Z.R. Section 1A04.3, B.2., To Permit a 35-foot side yard in lieu of the required 50-foot side yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

David G. Ashby
Name - Type or Print
Signature
Kathleen E. Ashby
Name - Type or Print
Signature
710 Maplehurst Lane 410-329-8026
Address Telephone No.
Monkton MD 21111-1427
City State Zip Code

Representative to be Contacted:

STEVE COSTELLO 410-461-5184 NKHT
Name
FORTY WEST BUILDERS INC.
Address Telephone No.
3230 Bethany Lane 410-203-9980 day
City Ellicott City State MD Zip Code 21042

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 01-306-SP1A

RE 9/15/98

Reviewed By DR Date 1/30/01

Estimated Posting Date 2/11/01

ORDER RECEIVED FOR FILING
Date 1/30/01
By

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 710 Maplehurst Lane

Address		
Monkton	MD	21111-1427
City	State	Zip Code

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

The constraints of the topography of the existing property - which slopes downward in a northwesterly to a southeasterly direction, and the location of the existing well and the on-site septic disposal area, creates a practical difficulty to expansion of the existing dwelling.

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

Signature

Signature

David G. Ashby

Kathleen E. Ashby

Name - Type or Print

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of January, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Date

Notary Public

My Commission Expires

James Larry Beavers, Notary Public
Harford County
State of Maryland
My Commission Expires Oct. 15, 2001

REU 09/15/98

Affidavit in Support of Administrative Variance

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That the Affiant(s) does/do presently reside at 710 Maplehurst Lane
Address
Monkton MD 21111-1427
City State Zip Code

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

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Signature

David G. Ashby
Name - Type or Print

Signature

Kathleen E. Ashby
Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 29th day of January, 2001, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

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

AS WITNESS my hand and Notarial Seal

Date

Notary Public

My Commission Expires

Jan. 29, 2001

James L. Beavers

REN 09/15/98

James L. Beavers, Notary Public
Harford County
State of Maryland
My Commission Expires Oct. 15, 2001



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 710 Maplehurst Lane - Monkton MD 21111-
which is presently zoned R.C. 5 ¹⁴²⁷

This Petition shall be filed with the Department of Permits and 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)

B.C.Z.R. Section 1A04.3, B.2., To Permit a 35-foot side yard in lieu of
the required 50-foot side yard.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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:

N/A
Name - Type or Print
Signature
Address Telephone No.
City State Zip Code

Attorney For Petitioner:

N/A
Name - Type or Print
Signature
Company
Address Telephone No.
City State Zip Code

Legal Owner(s):

David G. Ashby
Name - Type or Print
Signature
Kathleen E. Ashby
Name - Type or Print
Signature
710 Maplehurst Lane 410-329-8026
Address Telephone No.
Monkton MD 21111-1427
City State Zip Code

Representative to be Contacted:

STEVE COSTELLO 410-461-5184 NIGHT
Name
FORTY WEST BUILDERS INC.
Address Telephone No.
3230 Bethany Lane 410-203-9980 day
City Ellicott City State MD Zip Code 21042

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 01-306-A

REC 9/15/98

Reviewed By BR Date 1/30/01

Estimated Posting Date 2/11/01



HICKS ENGINEERING COMPANY, INC.

ZONING DESCRIPTION FOR
NO. 710 MAPLEHURST LANE
MONKTON, MD

BEGINNING at a point on the north right of way line of Maplehurst Lane, fifty feet wide right of way, at the distance of 850 feet east of the centerline of Hereford Road, sixty feet wide right of way. Being Lot No. 12, in the subdivision of "Section Two, Wyndstone Farm Estates", as recorded in Baltimore County Plat Book E.H.K., Jr. 55 at Folio 006, containing 1.484 acres, more or less. Also known as No. 710 Maplehurst Lane and located in the 7th Election District, 3rd Councilmanic District.

01-306-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 9068

DATE 1/30/01 ACCOUNT 1004-6150
AMOUNT \$ 50.00

RECEIVED FROM: Wack Engineering Co. Inc

FOR: Zoning Administration variance

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

Item # 306

PAID RECEIPT
PAYMENT BY CASH TOL
RECEIVED 1/30/2001 10:12:05
REG. NO. 00000000000000000000
DATE 1/30/2001 10:12:05
Receipt # 00000000000000000000
CPAC. 000000
Receipt Tot 50.00
50.00 100.00
Baltimore County, Maryland

01-306-A

CASHIER'S VALIDATION

CERTIFICATE OF POSTING

ADMIN

RE: Case No 01-306-A

Petitioner/Developer ASHBY, ETAL

Date of Hearing/Closing 2/26/01

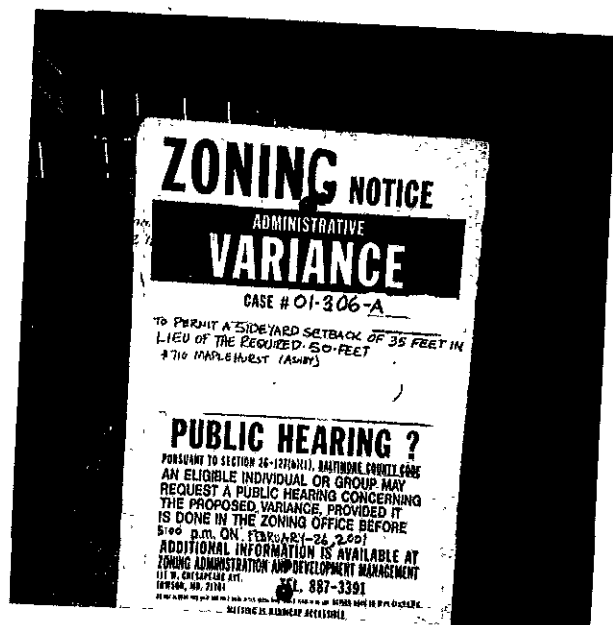
Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms Gwendolyn Stephens

Ladies and Gentlemen,

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #710 MAPLEHURST RD.

The sign(s) were posted on 2/3/01
(Month, Day, Year)



Sincerely,

Patrick M. O'Keefe, SR 2/6/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)

01-306-A
710-Maplehurst ASHBY
2/26/01

CERTIFICATE OF POSTING

ADMIN.

RE: Case No

01-306-A

Petitioner/Developer

ASHBY, ETAL

Date of Hearing/Closing

2/26/01

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms Gwendolyn Stephens

Ladies and Gentlemen

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at # 710 - MAPLEHURST RD.

The sign(s) were posted on

2/1/01

(Month, Day, Year)

Sincerely,

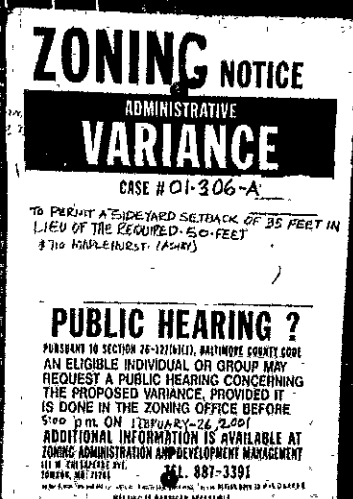
Patrick M. O'Keefe 2/10/01
(Signature of Sign Poster and Date)

PATRICK M. O'KEEFE
(Printed Name)

523 PENNY LANE
(Address)

HUNT VALLEY, MD. 21030
(City, State, Zip Code)

410-666-5366 ; CELL 410-905-8571
(Telephone Number)



01-306-A

710 MAPLEHURST

2/26/01

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 01- 306 -A

Address 710 Maplehurst Lane

Contact Person: Bruno Rudaitis
Planner, Please Print Your Name

Phone Number: 410-887-3391

Filing Date: 1/30/01

Posting Date: 2/11/01

Closing Date: 2/26/01

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

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 01- 306 -A

Address 710 Maplehurst Lane

Petitioner's Name David & Kathleen Ashby

Telephone 410-329-8026

Posting Date: 2/11/01

Closing Date: 2/26/01

Wording for Sign: To Permit a side yard setback of 35 ft. in lieu of the required 50 feet.

DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 01-306-A

Petitioner: DAVID G. ASHBY & KATHLEEN E. ASHBY

Address or Location: NO. 710 MAPLEHURST LANE

PLEASE FORWARD ADVERTISING BILL TO:

Name: MR. AND MRS. DAVIS G. ASHBY

Address: NO. 710 MAPLEHURST LANE

MONKTON, MD 21111-1427

Telephone Number: 410-329-8026

Revised 2/20/98 - SCJ



Baltimore County
Department of Permits and
Development Management

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

February 26, 2001

Kathleen E & David G Ashby
710 Maplehurst Lane
Monkton MD 21111

Dear Mr. & Mrs. Ashby:

RE: Case Number: 01-306-A,

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on January 30, 2001.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

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

WCR: gdz

Enclosures

c: Steve Costello, Forty West Builders Inc, 3230 Bethany Lane, Ellicott City 21042
People's Counsel



AV
2/26

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

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

DATE: February 20, 2001

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 01-306**

The Office of Planning has reviewed the above referenced case(s) and has no comments to offer. For further questions or additional information concerning the matters stated herein, please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: Mark A. Cunningham

Section Chief: Jeffrey W. Long

AFK/JL:MAC

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley *MB*

DATE: March 19, 2001

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of February 12, 2001

DEPRM has no comments for the following zoning petitions:

Item #	Address
305	2516 Summerson Road
306	710 Maplehurst Lane
307	14921 Tanyard Road
310	11701 Reisterstown Road
311	10812 Reisterstown Road
312	6324 Baltimore National Pike
314	1229 North Rolling Road

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: March 7, 2001

FROM:  Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For February 20, 2001
Item Nos. 305, 306, 307, 309, 310, 311,
and 312

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Baltimore County
Fire Department

700 East Joppa Road
Towson, Maryland 21286-5500
410-887-4500

February 13, 2001

Department of Permits and
Development Management (PDM)
County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: Gwen Stephens

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF February 12, 2001

Item No.: See Below

Dear Ms. Stephens:

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, 309, 310, 311, 312, 313,

REVIEWER: LIEUTENANT JIM MEZICK, Fire Marshal's Office
PHONE 887-4881, MS-1102F

cc: File

Come visit the County's Website at www.co.ba.md.us



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on Recycled Paper



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 2.13.01

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

RE: Baltimore County
Item No. 306 BR

Dear Ms. Jackson:

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.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

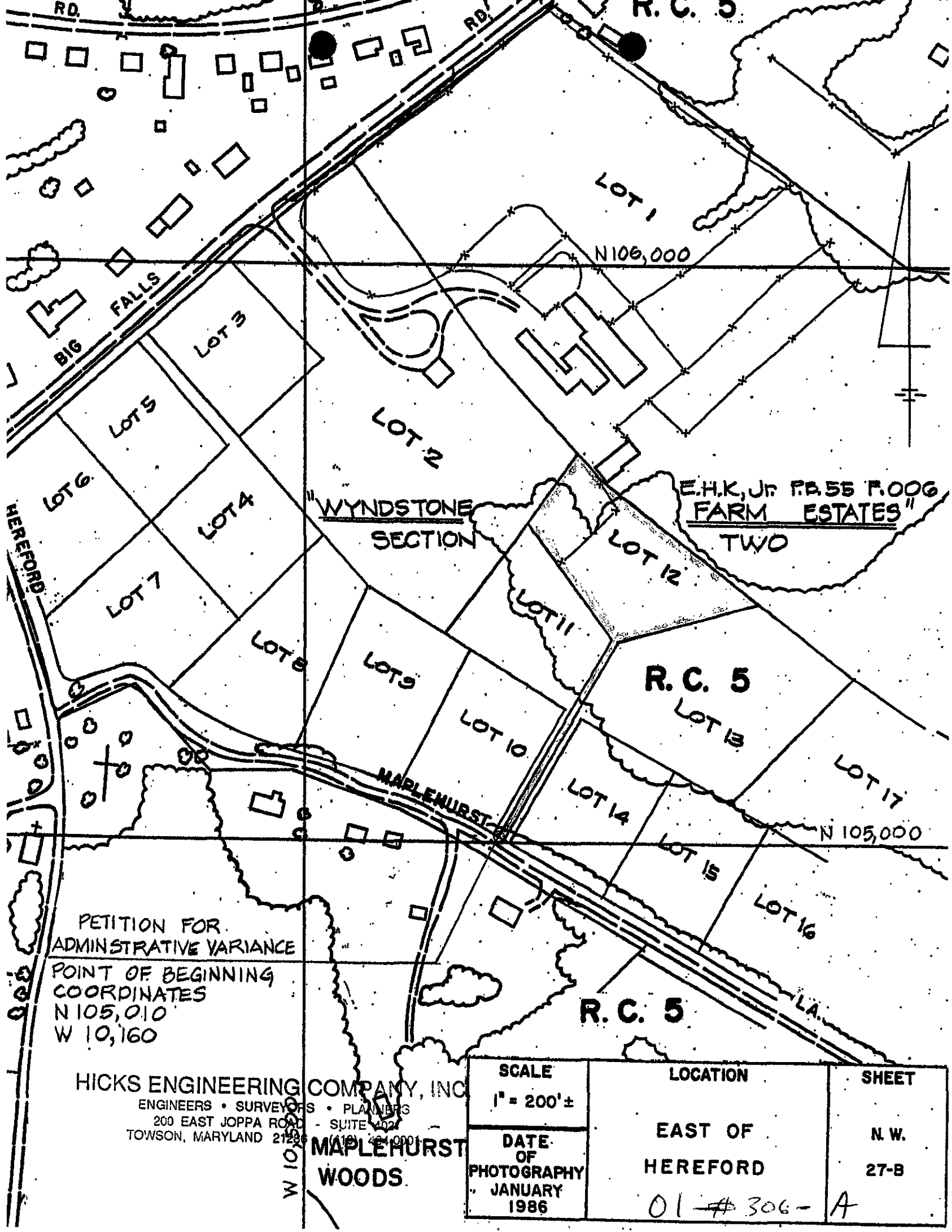
Very truly yours,

for Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

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



ascf0002 (1280x960x24b jpeg)



FRAME NO.2

#306

dscf0003 (1280x960x24b jpeg)



FRAME NO. 3

306

dscf0006 (1280x960x24b jpeg)



FRAME NO. 6

306

dscf0004 (1280x960x24b jpeg)



FRAME NO.4

306

dscf0005 (1280x960x24b jpeg)



FRAME NO.5

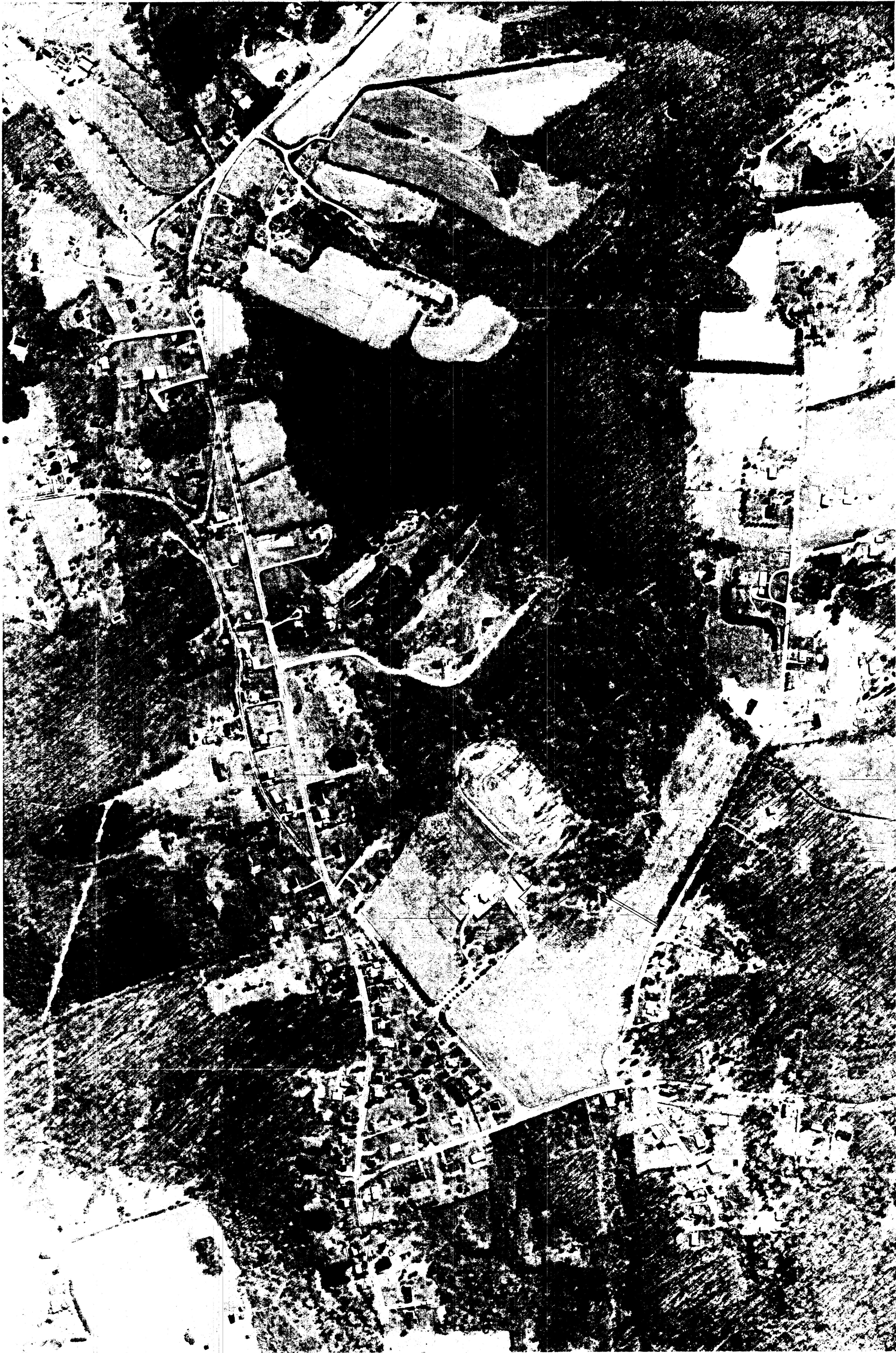
306

dscf0009 (1280x960x24b jpeg)



FRAME NO.9

306



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION		SHEET		MICROFILMED	
1" = 200' ±		EAST OF HEREFORD		NW 27-B		Ol # 306-A	
DATE OF PHOTOGRAPHY JANUARY 1986							