IN RE: PETITION FOR ADMIN. VARIANCE
S/S Maple Avenue, 260' E
centerline of Old Harford Road
9th Election District
5th Councilmanic District

(2703 Maple Avenue)

Nancy A. Benton **and**James S. Benton, Deceased

Petitioner

BEFORE THE

DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY

\* CASE NO. 03-597-A

### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before this Deputy Zoning Commissioner as a Petition for Administrative Variance filed by the legal owner of the subject property, Nancy A. Benton and James S. Benton, Deceased. The variance request is for property located at 2703 Maple Avenue in the eastern area of Baltimore County. The variance request is from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have a rear yard setback of 19 ft. and side yard setbacks of 9 ft. and 7 ft. in lieu of the required 30 ft. and 10 ft. respectively. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioner 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 Petitioner has 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

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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 Petitioner.

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 15 day of July, 2003, that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit an existing single-family dwelling with addition to have a rear yard setback of 19 ft. and side yard setbacks of 9 ft. and 7 ft. in lieu of the required 30 ft. and 10 ft. respectively, be and is hereby GRANTED, subject, however, to the following restriction which is a condition precedent to the relief granted herein:

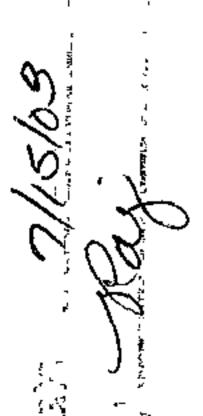
1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order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

OHN V. MURPHY

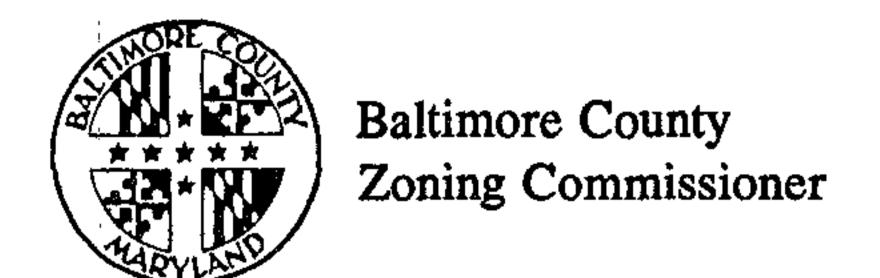
DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

JVM:rai



The state of the s



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

Fax: 410-887-3468

July 15, 2003

Ms. Nancy A. Benton 2703 Maple Avenue Baltimore, Maryland 21234

Re: Petition for Administrative Variance

Case No. 03-597-A

Property: 2703 Maple Avenue

Dear Ms. Benton:

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,

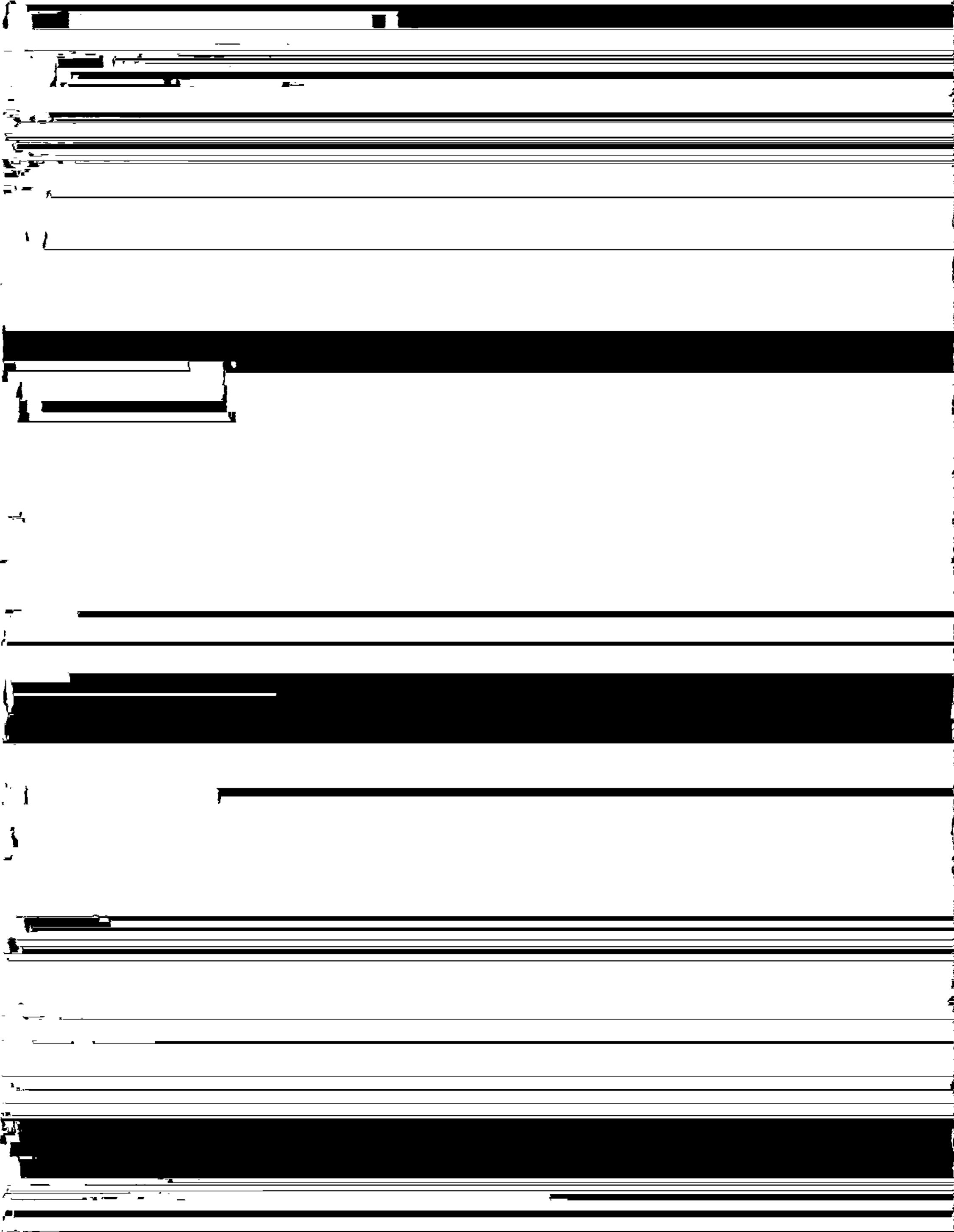
John V. Murphy

Deputy Zoning Commissioner

John V-merkhy

JVM:raj Enclosure

c: Anthony Alcarese 1110 Wiseburg Road White Hall, MD 21161



# 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.

competent to testify thereto in the event that a public	Hearing is some		regard thereto.	
That the Affiant(s) does/do presently reside at	2703	Maple A	ve	
Add	ress 11-0	MD	212=	34
Ċiŧ\$	<u> </u>	State		Zip Code
That based upon personal knowledge, the following Variance at the above address (indicate hardship or particular)	are the facts up practical difficult	oon which I/we base th y):	e request for an Adm	ninistrative
to Inchemise hong	SPACE-	Atwo.	belian	
house with no do	isety is	to su	466	
FOR RAIGING HARE	= 50m	· >		
That the Affiant(s) acknowledge(s) that if a formal advertising fee and may be required to provide additi			equired to pay a repo	osting and
Name & Rutan				
Signature ( )	Sign	nature		
Name - Type or Print ()	Nan	ne - Type or Print		
STATE OF MARYLAND, COUNTY OF BALTIMORE	E, to wit:			
I HEREBY CERTIFY, this 29H day of May of May of Maryland, in and for the County aforesaid, personal			me, a Notary Public o	f the State
the Affiant(s) herein, personally known or satisfactori	ly identified to m	e as such Affiant(s).		
AS WITNESS my hand and Notarial Seal				
rio ilittico my nama ana ilotana ocai				
	Notary Pub	lic ssion Expires	arc	
	My Commis	ssion Expires	11/04	

# Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties follows: That the information herein given is within the competent to testify thereto in the event that a public here	of perjury to the Zoning Commissioner of Baltimore County, as ne personal knowledge of the Affiant(s) and that Affiant(s) is/are aring is scheduled in the future with regard thereto.
That the Affiant(s) does/do presently reside at Address	2703 // Japle Clue 21234 Zip Code
That based upon personal knowledge, the following are Variance at the above address (indicate hardship or pra	the facts upon which I/we base the request for an Administrative ctical difficulty):
to meneration Inque	3 SPACE A two bedroom
	onety in foo small
for RAISING Hunce	5cm 5
That the Affiant(s) acknowledge(s) that if a formal deadvertising fee and may be required to provide additional	emand is filed, Affiant(s) will be required to pay a reposting and all information.
Nancy & Benton	
Noncy A. Benton	Signature
Name - Type or Print	Name - Type or Print
STATE OF MARYLAND, COUNTY OF BALTIMORE, to	
I HEREBY CERTIFY, this 29th day of Moy, of Maryland, in and for the County aforesaid, personally	, $2003$ , before me, a Notary Public of the State appeared
the Affiant(s) herein, personally known or satisfactorily in	lentified to me as such Affiant(s).
AS WITNESS my hand and Notarial Seal	
	Notary Public A. Start
	My Commission Expires 5/1/04

My Commission Expires

REV 10/25/01



REV 10/25/01

# Petition for Administrative Variance

# to the Zoning Commissioner of Baltimore County

for the property located at _	2703	MAPLE	AVE
	presently	zoned	R 5.5

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) 1802.3.6.1 (8026)

TO PERMIT AN EXISTING SINGLE FAMILY DWELLING WITH ADDITION TO HAVE A REAR YARD SETBACK OF 19' AND SIDEYARD SETBACKS OF 9'AND7' IN LIEU OF THE REQUIRED 30' AND 10' RESPECTIVELY

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	<u>Lessee:</u>		<u>Legal Owner(s):</u>
			Nancy A : Ronton
Name - Type or Print			Name - Type or Print
Signature			Signature S. Penton
Address		Telephone No.	Name - Type or Print
City	State	Zip Code	Signature
Attorney For Petition	ner:		2103 Made Que
			Address Telephone N
Name - Type or Print			City State Zip Cod
			Representative to be Contacted:
Signature			Anthony ALLARESE
Company			Name 1110 WIGEDURG RE BOH-72
Address	· · · · · · · · · · · · · · · · · · ·	Telephone No.	Address Telephone No
City	Ctata	7:- C-d-	White HALL MD ZILLI
Only	State	Zip Code	City State Zip Code
A Public Hearing having be this day of regulations of Baltimore Count	en formally deman th ty and that the prope	ded and/or found to be nat the subject matter of t erty be reposted.	required, it is ordered by the Zoning Commissioner of Baltimore Count his petition be set for a public hearing, advertised, as required by the zoning
			Zoning Commissioner of Baltimore County
CASE NO	3-597-	^ -	
CASE NO.	, , , , , , ,	Rev	iewed By <u>C777</u> Date <u>6/19/63</u>

Estimated Posting Date \_\_\_\_\_ 6/29/03

# ZOHING DESCRIPTION FOR 2703 MAPLE ALLE BALTIMORE MD 21234

BEGINAING AT A point on the south side of MAPLE AVE which is twenty feet wide at the distance of two hundred sixty feet east of the centerline of the nearest improved intersecting street - Old HARFORD RG.

Which is thirty feet wide.

BEING bot # 2 Sextion F in the subdivision of Maple Ridge as RECORDED in Bantimore County Plat Book # 12 Folio # 26

Containing 3600 Soft. Also known as 2703 Maple Ave Bantimore, MD 21234 AND located in the election dictrict of, Council Manic district of.

DATE_	19/63	ACCOUNT 12001006 6150
		AMOUNT \$ (5500)
RECEIVED FROM:		REMTON
FOR:	<u>\</u>	CIA. ICC
•		
DISTRIBUTION WHITE - CASHIER	PINK - AGENCY	YELLOW - CUSTOMER

CATO RECEIPT

BUSINESS ACTUAL TIME DRAW

6/19/2003 6/19/2003 11:36:43 5

PEG MASOS WALKIN WHEL WAN

>> ELEIPT # 313312 6/19/2003 OFLE

Dept 5 528 ZONING VERIFICATION

CR NO. 025019

Recept Tot \$45.00

65.00 CK .00 CA

Baltimore County, Maryland

CASHIER'S VALIDATION

# CERTIFICATE OF POSTING

Date: July 1, 2003
RE: Case Number: 03-597-A  Petitioner/Developer: BENTON  Date of Hearing/Closing: JULY 14, 2003
This is to certify under the penalties of perjury that the necessary sing(s) required by law were posted conspicuously $n$ the property located at $\frac{7703}{MAPLE}$ AUE.
The sign(s) were posted on JUNE Z8, Z003  (Month, Day, Year)

Charles E. Merritt 9831 Magledt Road Baltimore, MD 21234 410-665-5562

(Slanature of Slan Moster)

ADMINISTRATIVE

PROBLEM ROLL OF GROUP AND A SECOND STATE OF THE SECOND STATE OF TH

# ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 03-	597	-A Address _	2703	MAPLE AVE	4
Contact Person: _	<del></del>	T. MOXLEY		Phone Number: 410-88	37-3391
Filing Date: 6		Posting Date:	0/29/03	Closing Date: 7	14/0

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

- 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 costing date noted above. It should remain there through the closing date.
- 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.
- 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.
- 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.

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case humber 03- 597 Address 2703 MAPLE AVEHUE
Petitioners Name FIANCY A. BELITON Telephone 410 882 9011
Posting Date: 6/29/03 Closing Date: 7/14/03
Wording for Sign To Permit AN EXISTING SINGLE FAMILY DWELLING
WITH ADDITION TO HAVE A REARYAND SETBACK OF 19 AND A
SIDEYARD SETBACKS OF 9'AMD7' IN LIEU OF THE REQUIRED
30' AND 10' RESPECTIVELY

WDR - Revised 6,28 00

RECE

# DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT

## **ZONING REVIEW**

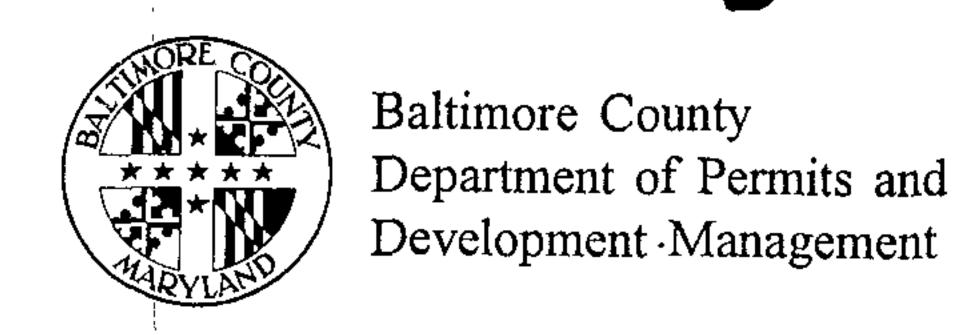
# ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (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 News	paper Adv	ertising:					
ltem Num	ber or Case	Number	03	3-59	7-4		
Petitioner	NAI	لادع	BENfON				
		-			BALTIMORE	mD	21234
PLEASE F	FORWARD	ADVERT	ISING BILL	TO			
Name:	KANCY	BEN	itori	· · · · · · · · · · · · · · · · · · ·			
Address:	2703	MAP	LE AVE	<del>_</del>			_
	BAL	timorza	= mO		1234		
	<u> </u>						
Telephone	e Number:	410	882	19011			



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

July 14, 2003

Nancy Benton 2703 Maple Avenue Baltimore, MD 21234

Dear Mrs. Benton:

RE: Case Number: 03-597-A, 2703 Maple Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on June 19, 2003.

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,

U. Callibal) W. Carl Richards, Jr.

Supervisor, Zoning Review

: WCR:klm

Enclosures

People's Counsel Anthony Allarese, 1110 Wiseburg Road, White Hall MD 21161 Robert L. Ehrlich, Jr., Governor : Michael S. Steele, Lt. Governor :



Robert L. Flanagan, Secretary
Neil J. Pedersen, Acting Administrator

#### MARYLAND DEPARTMENT OF TRANSPORTATION

Date:

7.1.03

Ms. Rebecca Hart Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204 RE:

Baltimore County

Item No.

557

LTM

Dear. Ms. Hart:

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,

p

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



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

County Office Building, Room 111 Mail Stop #1105 111 West Chesapeake Avenue Towson, Maryland 21204

July 1, 2002

ATTENTION: Rebecca Hart

Distribution Meeting of: June 30, 2003

Item No.: 577-580, 583-588, 590-601

Dear Ms. Hart:

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 incomporated into the final plans for the property.

7. The Fire Marshal's Office has no comments at this time.

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

cc: File

# BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

**DATE:** July 7, 2003

Department of Permits and Development Management

FROM:

Arnold F. 'Pat' Keller, III

Director, Office of Planning

**SUBJECT:** 

2703 Maple Avenue

**INFORMATION:** 

Item Number:

03-597

**Petitioner:** 

Nancy A. Benton

Zoning:

DR 5.5

Requested Action:

Administrative Variance

#### SUMMARY OF RECOMMENDATIONS:

The Office of Planning supports the petitioner's request to permit an existing dwelling with an addition to have a rear yard setback of 19 feet and side yard setbacks of 7 feet and 9 feet in lieu of the minimum required 30 feet and 10 feet respectively.

Section Chief: Leany Tollaback

AFK/LL:MAC:

JUL - 9 2003

ZONING COMMISSIONER

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Timothy M. Kotroco, Director

Department of Permits &

Development Management

**DATE:** September 5, 2003

Robert W. Bowling, Supervisor Bureau of Development Plans

Review

**SUBJECT:** 

Zoning Advisory Committee Meeting

For July 7, 2003

Item Nos. 577, 578, 580, 581, 587, 589, 590, 593, 594, 595, 596, 597, 598, 599, and 600

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

RWB:CEN:jrb

cc: File

# To Whom It May Concern:

We have been made aware of the construction to take place at 2703 Maple Ave, the residence of Nancy Benton. We have no problem with the proposed construction. The residents of 2701 Maple Avenue, Jeff and Amy Miller.

Amy Miller Jeff Miller

#597

McDonnell Family 2705 Maple Avenue Baltimore, MD 21234

June 29, 2003

To Whom It May Concern:

We understand that the Benton family is in the process of securing a contractor to implement a kitchen addition and renewal of their home. This letter is to inform those in charge and concerned about the construction process that we, as a property-line sharing neighbor, fully support this remodeling project.

If you have any questions regarding our support of the Benton family kitchen construction and renewal, please feel free to contact us at 410-665-2803. Thank you for your time.

Marie McDonnell

Richard McDonnell

# 507

# Administrative Variances Check List

### Case Number

03-597-A

### Location

2703 Maple ave

### Zoning

DR 5,5

# Request

Rear Y SB 19 pt initial 30 ft Side Y SB 9 & 7 peet inistead of 10 Zoning Regs

1 BO2.3. C1

### Verify sign posting

6/28 +15 = 7/14 OR

# Plan - support

# Reason for request

- small house - kettern

### Site Plan

- 40 boot wide lots

## **Pictures**

sone available of

## **Opinion**

ok - Neegerlow suith

Robert L. Ehrlich, Jr. Governor



Audrey E Scott
Secretary

Florence E. Burlan
Deputy Secretary

Michael S. Steele Lt. Governor

July 1, 2003

Ms. Rebecca Hart
Baltimore County Department of Permits and Development Management
County Office Building
111 West Chesapeake Avenue
Room 111, Mail Stop # 1105
Towson MD 21204

Zoning Advisory Committee Agenda, 07/07/03 re: case numbers 03-577-A, 03-578-A, 03-579-SPH, 03-580-SPHA, 03-583-A, 03-584-A, 03-585-SPHXA, 03-586-SPH, 03-587-A, 03-588-A, 03-589-SPH, 03-590-A, 03-591-A, 03-592-A, 03-593-A, 03-594-A, 03-595-SPH, 03-596-SPH, 03-597-A, 03-598-SPHA, 03-599-A, 03-600-HAS & 03-601-A

Dear Ms. Hart:

The Maryland Department of Planning has received the above-referenced information on 07/01/03. The information has been submitted to Mr. Mike Nortrup.

Thank you for your cooperation in this review process. Please contact me at 410.767.4550 or the above noted reviewer if you have any questions.

Sincerely,

James R. Gatto

Manager

Metropolitan Planning Planning Services

cc: Mike Nortrup

