

IN RE: PETITION FOR ADMIN. VARIANCE

S side of Ashton Valley Way, 542 feet E of
c/l intersection of Amore Circle
1st Election District
1st Councilmanic District
(7507 Ashton Valley Way)

Michael and Sharon Loving
Petitioners

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* FOR BALTIMORE COUNTY
* **Case No. 2009-0002-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 owners of the subject property, Michael and Sharon Loving for property located at 7507 Ashton Valley Way. The variance request is from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) To permit a two-story addition with a front setback of 20 feet 7 inches in lieu of the required 25 feet, and to amend the last revision of the Final Development Plan of Ashton Valley for Lot 51 only. The subject property and requested relief are more particularly described on Petitioners' Exhibit No. 1. Petitioners wish to construct a second-story living space above the front porch to create a dedicated work/study area. The proposed addition measures 6 feet x 11 feet 3 inches in size. The Petitioners' home is approximately 5 feet closer to Ashton Valley Way than the neighbors' house at 7509 Ashton Valley Way.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. The comments indicate no opposition or other recommendations concerning the requested relief.

SEARCHED INDEXED FOR FILED

81108

m

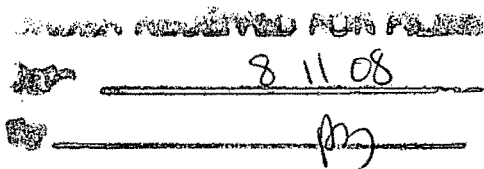
The Petitioner having filed a Petition for Administrative Variance and the subject property having been posted on July 19, 2008 and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioner has filed the supporting affidavits as required by Section 32-3-303 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 Petitioner.

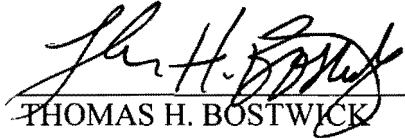
Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED, by the Deputy Zoning Commissioner for Baltimore County, this 11th day of August, 2008 that a variance from Section 1B01.2.C.1.b of the Baltimore County Zoning Regulations (B.C.Z.R.) To permit a two-story addition with a front setback of 20 feet 7 inches in lieu of the required 25 feet, and to amend the last revision of the Final Development Plan of Ashton Valley for Lot 51 only is hereby GRANTED, subject to the following:

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.

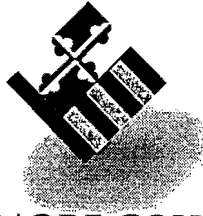

8 11 08

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

RECEIVED FOR FILED
8.11.08
B



BALTIMORE COUNTY
MARYLAND

JAMES T. SMITH, JR.
County Executive

THOMAS H. BOSTWICK
Deputy Zoning Commissioner

August 11, 2008

MICHAEL AND SHARON LOVING
7507 ASHTON VALLEY
CATONSVILLE MD 21228

Re: Petition for Administrative Variance
Case No. 2009-0002-A
Property: 7507 Ashton Valley

Dear Mr. and Mrs. Loving:

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 black ink, appearing to read "Th. H. Bostwick".

THOMAS H. BOSTWICK
Deputy Zoning Commissioner
for Baltimore County

THB:pz

Enclosure



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 7507 Ashton Valley Way
which is presently zoned Residential

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) 1B01.2.C.1.b

To permit a proposed two story addition with a front setback of 20-feet 7-inches in lieu of the required 25-feet and to amend the last revision of the Final Development Plan of "Ashton Valley" for Lot 51 only.

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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Name - Type or Print _____
Signature _____
Company _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Legal Owner(s):

Michael J Loving
Name - Type or Print _____
Michael J Loving
Signature _____
Sharon L Loving
Name - Type or Print _____
Sharon L Loving
Signature _____
7507 Ashton Valley Way
Address _____ Telephone No. _____
Catonsville MD 21228
City _____ State _____ Zip Code _____

Representative to be Contacted:

Michael Loving
Name _____
7507 Ashton Valley Way
Address _____ Telephone No. 410-744-4750
Catonsville MD 21228
City _____ State _____ Zip Code _____

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. 2009-0002-A

REV 10/25/01

Reviewed By [Signature] Date 7/7/08

Estimated Posting Date 7/20/08

MAILED 8/11/08
[Signature]

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

Address 7507 Ashton Valley Way
City Catonsville State MD Zip Code 21228

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):

^{will}
Porch extends into the 25 foot set back by $2\frac{1}{2}$ feet
4.3'

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 Michael J Loving
Name - Type or Print Michael J Loving

Signature Sharon L Loving
Name - Type or Print Sharon L Loving

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

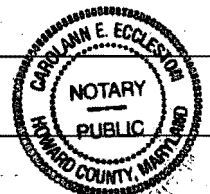
I HEREBY CERTIFY, this 4 day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael J. Loving, Sharon L. Loving
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Carlawn E. Eccleston
Notary Public

My Commission Expires 8-10-08



My Commission Expires 8/10/2008

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

7507 Ashton Valley Way
Address
Catonsville MD 21228
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):

^{will}
Porch extends into the 25 foot set back by $2\frac{1}{2}$ feet
4.3'

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.

Michael J Loving
Signature
Michael J Loving
Name - Type or Print

Sharon L Loving
Signature
Sharon L Loving
Name - Type or Print

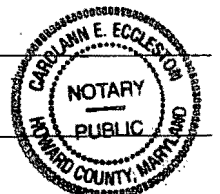
STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 4 day of July, 2008, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Michael J. Loving Sharon L. Loving
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notarial Seal

Carlann E. Eccleston
Notary Public
My Commission Expires 8-10-08



Petition for Administrative Variance

Adding a second story living space above the porch to the front of the house, will create a dedicated working study area for my wife.

2009-0002-A

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS RECEIPT

No. **18418**

PAID RECEIPT

Date: **7/7/08**

BUSINESS ACTUAL TIME
 07/2008 7/07/2008 11:25:55

Fund	Agcy	Orgn	Sub Orgn	Rev Source	Sub Rev	Rept Catg	BS Acct	Amount
001	006			6150				115.00

Total: **115.00**

Rec
From:

Michelle Louins

2009-0002-A

For:

*7507 ~~Accting~~ Ashton Valley Way
 Bkto. Md 21778*

REG 1306 WALKIN KENT LNE
 RECEIPT # 633432 7/07/2008
 5 520 JIMING VERIFICATION
 CR N 018418

Recpt Tot \$115.00
 \$120.00 OF
 Baltimore County, Maryland

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

**CASHIER'S
 VALIDATION**

ZONING DESCRIPTION FOR 7507 ASHTON VALLEY WAY

Beginning at a point on the South side of Ashton Valley Way which is 50 feet wide at the distance of 542 feet East of the centerline of the nearest improved intersection street, Amore Circle, which is 50 feet wide. Being Lot No. 51 in the subdivision of Ashton Valley, Plat 1 of 2 as recorded in Baltimore County Plat Book No. S.M.66, Folio No. 28, containing 13,116 sq.ft. or 0.301 acres. Also known as 7507 Ashton Valley Way and located in the First Election District, First Councilmanic District.

CERTIFICATE OF POSTING

Date: 7-19-08

RE: Case Number: 09-0002-4

Petitioner/Developer: Michael Loving

Date of Hearing/Closing: 8-4-08

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 7507 Ashton Valley

Way

The signs(s) were posted on 7-19-08
(Month, Day, Year)

J. Lawrence Pilson
(Signature of Sign Poster)

J. LAWRENCE PILSON
(Printed Name of Sign Poster)

ATTACH PHOTOGRAPH

1015 Old Barn Road
(Street Address of Sign Poster)

Parkton, MD 21120
(City, State, Zip Code of Sign Poster)

410-343-1443
(Telephone Number of Sign Poster)

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 09-0002-A

TO PERMIT A 2-STORY ADDITION WITH
A FRONT SETBACK OF 20' 7" IN LIEU
OF THE REQUIRED 25 FEET AND TO
AMEND FDP FOR 'ASHTON VALLEY'
ON LOT 51 ONLY

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE,
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE VARIANCE, PROVIDED THE REQUEST IS
REVIEWED BY THE PLANNING AND ZONING REVIEW BUREAU BEFORE

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATESCase Number 09- 0002 -AAddress 7507 Ashton Valley WayContact Person: LEONARD WASILEWSKIPhone Number: 410-887-3391

Planner, Please Print Your Name

Filing Date: 7/7/08Posting Date: 7/20/08Closing Date: 8/4/08

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.

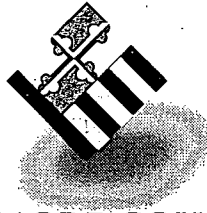
(Detach Along Dotted Line)

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

USE THE ADMINISTRATIVE VARIANCE SIGN FORMATCase Number 09- 0002 -AAddress 7507 Ashton Valley WayPetitioner's Name Michael J and Sharon L. LOVINGTelephone 410 747 4750Posting Date: 7/20/08Closing Date: 8/4/08

Wording for Sign: To Permit A Two Story addition with a front set back of 20 feet 7 inches in lieu of the required 25 ft. and to Amend the Final Development plan for "Ashton Valley" on lot 51 only.

WCR - Revised 6/25/04



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

August 4, 2008

Michael J. Sharon L. Loving
7507 Ashton Valley Way
Catonsville, MD 21228

Dear: Michael J. Sharon L. Loving

RE: Case Number 2009-0002-A, 7507 Ashton Valley Way

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on July 7, 2008. This letter is not an approval, but only a **NOTIFICATION**.

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,

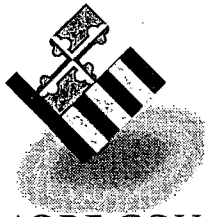
A handwritten signature in black ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

July 22, 2008

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

ATTENTION: Zoning Review planners

Distribution Meeting of: July 21, 2008

Item No.: 2008-0570-A, 2008-0588-SPH, 2008-0600-SPHA, 2009-001-A,
2009-0002-A, 2009-0003-A, 2009-0004-A, 2009-0005-A,
2009-0006-A, 2009-0008-A, 2009-0009-A and 2009-0010-A

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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

Don W. Muddiman, Acting Lieutenant
Fire Marshal's Office
(Office) 410-887-4880
MS-1102F

cc: File



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor

State Highway
Administration

John D. Porcari, Secretary
Neil J. Pedersen, Administrator

Maryland Department of Transportation

Date: 7-29-2008

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

RE: Baltimore County
Item No 2009-0002-A
7507 ASHTON VALLEY WAY
LOVING PROPERTY
ADMINISTRATIVE VARIANCE

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2009-0002-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-2803 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,

Foster
Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/MB

My telephone number/toll-free number is _____

Maryland Relay Service for Impaired Hearing or Speech: 1.800.735.2258 Statewide Toll Free

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202 • Phone: 410.545.0300 • www.marylandroads.com



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: July 31, 2008

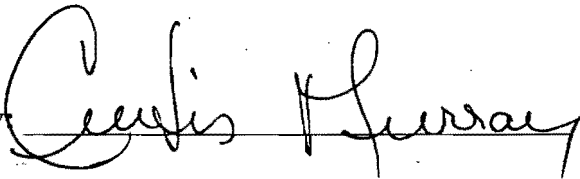
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): ⁰⁹⁻⁰⁰² Case(s) ~~09~~-002- Administrative Variance

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 Dennis Wertz in the Office of Planning at 410-887-3480.

Prepared By
CM/LL



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits &
Development Management

DATE: July 28, 2008

FROM: Dennis A. Kennedy, Supervisor
Bureau of Development Plans
Review

SUBJECT: Zoning Advisory Committee Meeting
For July 28, 2008
Item Nos. 2008-0588, 2009-0001, 0002, 0004,
0005, 0006, 0007, 0008, 0009, and 0010

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

DAK:CEN:lrk

cc: File

ZAC-07282008-NO COMMENTS

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination *JWL*
DATE: August 19, 2008
SUBJECT: Zoning Item # 09-002-A
Address 7507 Ashton Valley Way
(Loving Property)

RECEIVED
AUG 19 2008

BY:.....

Zoning Advisory Committee Meeting of July 21, 2008

☒ The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

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

☐ Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 33-3-101 through 33-3-120 of the Baltimore County Code).

☐ Development of this property must comply with the Forest Conservation Regulations (Sections 33-6-101 through 33-6-122 of the Baltimore County Code).

☐ Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

Reviewer: J. Livingston

Date: August 19, 2008

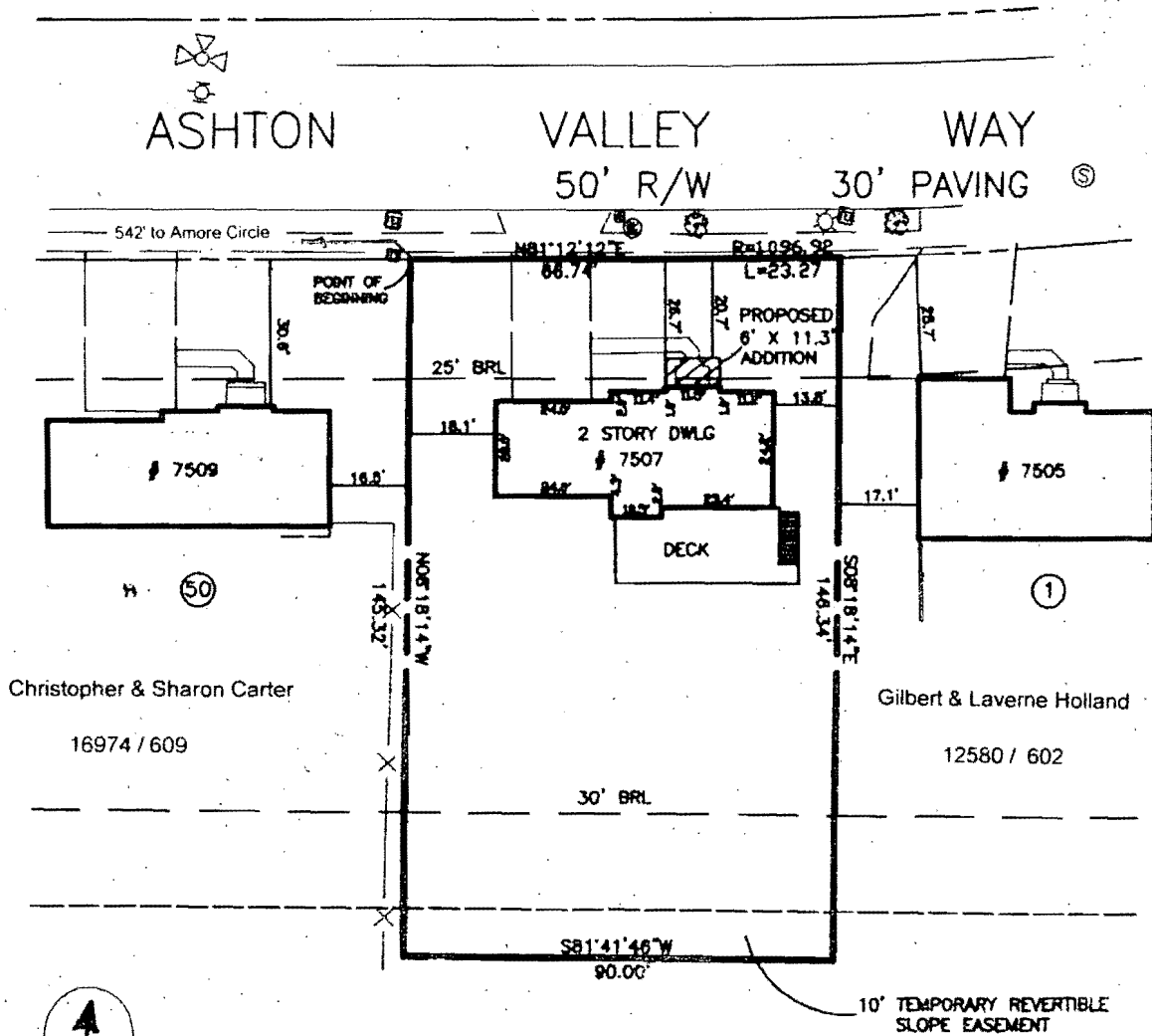
PLAT TO ACCOMPANY PETITION FOR ZONING ☒ VARIANCE ☐ SPECIAL HEARING

PROPERTY ADDRESS 7507 ASHTON VALLEY WAY SEE PAGES 5 & 6 OF THE CHECKLIST FOR ADDITIONAL REQUIRED INFORMATION

SUBDIVISION NAME ASHTON VALLEY

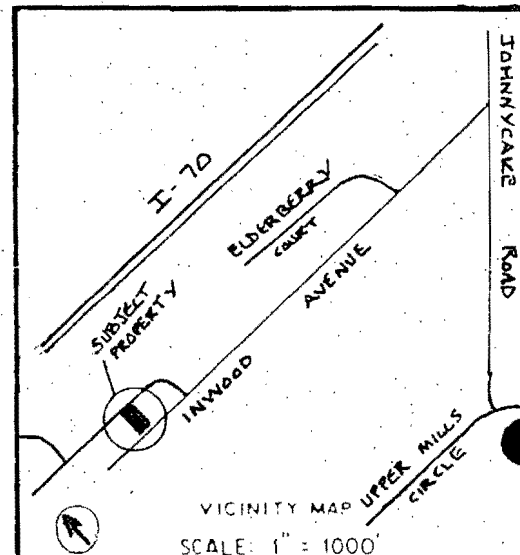
PLAT BOOK # 66 FOLIO # 29 LOT # 51 SECTION # —

OWNER MICHAEL & SHARON LOVING



NORTH

PREPARED BY: D.S. THALER & ASSOCIATES, INC. SCALE OF DRAWING: 1" = 40'



LOCATION INFORMATION

ELECTION DISTRICT 1

COUNCILMANIC DISTRICT

1" = 200' SCALE MAP # 094B.1

ZONING DR Z

LOT SIZE 0.301 13,116
ACREAGE SQUARE FEET

SEWER PUBLIC PRIVATE
☒ ☐

WATER ☒ ☐

CHESAPEAKE BAY
CRITICAL AREA

YES ☐ NO ☒

100 YEAR FLOOD PLAIN ☐ ☒

HISTORIC PROPERTY/
BUILDING ☐ ☒

PRIOR ZONING HEARING ☐ ☒

ZONING OFFICE USE ONLY

REVIEWED BY ITEM # CASE #

M | 2009 | 0002-A



2009-0002-A



0102001778

2200017134

2200018250

2200018249

2200018248

2200018247

2200018246

2200018245

Pt. Bk. 66 Folio 28
2200018272

094B1

7506

7504

7514

7512

7510

7508

ASHTON VALLEY (PDM File/Project # 1-410)
PDM # 010410

ASHTON VALLEY WAY

Flood Zone X

1 ED
NW 1-H
1 CD

7509

2200018270

DR 2

7507

7505

2200018242

7503

2200018243

2200018244
7501

DR 3.5

Pt. Bk. 56 Folio 139
2000014669
PDM # 010283

INWOOD RD

INWOOD RD

7601

0101500030

7519

0109350890

7515

094B2

7513

1900005123

2009-0002-A

7523

2000000335

0106001210

7509

HAWKLAND PROPERTY (PDM File/Project # MS 00006)
2200018342
2300010072
7505
7507