

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
McLaughlin
KMKwe, Frederick P., & Elizabeth C. legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof.
herby petition for a Variance from Section 402.1 to permit a front building line width of 70 feet and a lot area of 8,750 square feet in lieu of the required building line of 80 feet and lot area of 10,000 square feet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Petitioners have been the owners of this property for a period of time in excess of fifteen years and during the last fifteen years have made piece-meal alterations to their home for the purpose of a two family dwelling and to deny them now the use of their property as a two family dwelling would be an undue hardship and would cause a large financial loss to the petitioners. And for other reasons to be stated at the time of hearing. See attached description

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.

John E. Mudd
Attorney for the petitioners
Address: 22 W. Pennsylvania Avenue, Towson 4, Maryland

Frederick P. McLaughlin
Elizabeth C. McLaughlin
Address: 521 Wilton Road, Towson 4, Maryland

Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 24th day of February 1965, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 7th day of April, 1965, at 10:00 o'clock

Zoning Commissioner of Baltimore County
MICROFILMED
10:00A
4/7/65
10240

FREDERICK E. MCLAUGHLIN and ELIZABETH C. MCLAUGHLIN
vs
WILLIAM S. BALDWIN
W. GILES PARKER
JOHN A. SLOWIK
Constituting the County Board of Appeals of Baltimore County

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
Case #65-270-A

MEMORANDUM OPINION

The Petitioners in this case, Frederick P. McLaughlin and Elizabeth C. McLaughlin, who are the appellants, seek variances from Sections 402.1 and 402.2 of the Zoning Regulations to permit a two family residence on an R-6 lot which contains 8,750 square feet instead of the 10,000 square feet required under regulations. The Petitioners also requested variances from the front and side yard setbacks required under Section 402.2 to permit the continued use of their property as a two family dwelling. The hearing in this matter was held at the same time as was the hearing in Case #68-257-V concerning an alleged zoning violation on the same premises on which the variances were requested and which is known as 521 Wilton Road.

The Zoning Commissioner denied the variances requested and notice of appeal was filed by the Petitioners to the County Board of Appeals. On April 27, 1967, the County Board of Appeals passed an Order denying the variances petitioned for in this proceeding.

In its opinion the Board found from the evidence that the Petitioners around 1959-60 completed an addition to their existing dwelling which added a kitchen and bath to the first floor of the house and a kitchen, bath and living room to the second floor of the house; thus converting the house into a two family dwelling. That the Petitioners advertised the apartment for rent and

presently rent the apartment to a Miss Coleman, who pays \$85.00 per month rental. The Board further found that from the testimony presented before it, the Petitioners did not produce sufficient evidence of a practical difficulty or any reasonable hardship to entitle them to the variances requested.

It seems evident to the Court that there was substantial evidence before the Board of Appeals to support its decision. The scope of appellate review in an appeal from the Board is limited in nature. This Court does not reach its opinion from the weight of the evidence that was produced before the Board and may not substitute its discretion and judgment for that of the Board, the legislative body, if the question decided was fairly debatable. If there is room for reasonable debate as to whether the facts justify the action of the Board, such action must be withheld. Having read the record of the proceedings before the Board and considered argument of counsel, this Court is of the opinion that there was substantial evidence produced at the hearing to support the finding of the Board and the Court therefore is not permitted to substitute its judgment for that of the Board.

For the reasons as above set forth, it is ORDERED by this Court this 1st day of February, 1968, that the decision of the Board of Appeals of April 27, 1967, denying the variances petitioned for by the appellants be and the same is hereby affirmed.

LESTER L. BARRETT
Judge

RE: PETITION FOR VARIANCE from Sections 402.1 and 402.2 of the Zoning Regulations on property located on the S/5 Wilton Road 819.72' East of York Road, 9th District Frederick P. McLaughlin, et al Petitioners

BEFORE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
No. 65-270-A

OPINION

The petitioner in this case, Frederick P. McLaughlin, seeks variances from Sections 402.1 and 402.2 of the Zoning Regulations to permit a two family residence on an R-6 lot which contains 8,750 square feet instead of the 10,000 square feet required by the Regulations. The petitioner also asks variances from the front and side yard setbacks required under Section 402.2 to permit the continued use of his property as a two family dwelling.

This is a companion case to Case #65-257-V which was heard and decided by the Board simultaneously with the instant case.

The facts of the case are that Mr. McLaughlin, about 1959 to 1960, completed an addition to his existing dwelling which added a kitchen and bath to the first floor of the house; and a kitchen, bath, and living room to the second floor of the house; thus, converting the house into a two family dwelling. Mr. McLaughlin advertised the apartment for rent, and presently rents the apartment to a Miss Coleman who has a separate telephone, electric meter, and kitchen, and pays \$85.00 per month rental.

From the testimony presented before the Board, the petitioner did not produce sufficient evidence of a practical difficulty or unreasonable hardship to entitle him to the variance requested.

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Frederick P. McLaughlin, et al - #65-270-A

ORDER

For the reasons set forth in the foregoing Opinion, it is this 27th day of April, 1967 by the County Board of Appeals, ORDERED that the variances petitioned for, be and the same are hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY
William S. Baldwin, Chairman
W. Giles Parker
John A. Slowik



PETITION FOR VARIANCE - ZONING DEPARTMENT BEFORE THE ZONING COMMISSIONER
Sec. 402.1 of Zoning Regulations
521 Wilton Road, 9th Dist., Fred P. McLaughlin, et al
OF BALTIMORE COUNTY #65-270-A

NOTICE OF APPEAL

Please note an appeal in the above entitled matter to the Order of the Zoning Commissioner of Baltimore County dated May 25, 1965.

John E. Mudd
22 W. Pennsylvania Avenue
Towson 4, Maryland
VA 3-4111
Attorney for Petitioners

February 8, 1965
Frederick Philip McLaughlin and Elizabeth Catherine McLaughlin

Beginning for the same on the south side of Wilton Road (formerly called San Sebastian Road) forty (40') feet wide at the distance of eight hundred nineteen and seventy-two one hundredths (819.72') feet easterly from the corner formed by the intersection of the south side of Wilton Road, with the southeast side of York Road and running thence easterly binding on the South side of Wilton Road seventy (70') feet thence southerly at right angles to Wilton Road (125') one hundred twenty-five feet, thence westerly parallel with Wilton Road seventy (70') feet to intersect the line drawn southerly at right angles to Wilton Road from the place of beginning, thence northerly reversing said line so drawn and binding thereon one hundred twenty-five (125') feet to the place of beginning. The improvements thereon being at present known as 521 Wilton Road.

BEING lot No. 105 as shown on Plat No. 1 of Wiltondale, said Plat being recorded among the Plat Records of Baltimore County in Plat Book W.P.C. Co. 8, Folio 57.

Frederick P. McLaughlin
Elizabeth C. McLaughlin

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April 2, 1965
Mr. John G. Rose
Zoning Commissioner for Baltimore County
County Office Building
Towson, Maryland 21204

Re: Petition for Variance for Frederick P. McLaughlin #65-270A #65-257-V

Dear Mr. Rose:
Confirming our conversation of Thursday, April 1, 1965, kindly postpone the hearing on the above matter which is now scheduled for Wednesday, April 7, 1965.

I am amending the petition so that it will conform with the comments made by Mr. Gavrelis of the Planning and Zoning Department. The petition will be amended in the very next few days, at which time I would ask that you readvertise and repost a date for the hearing of this petition and the alleged violation.

A copy of this letter is being sent to Mr. Nolan, counsel for the Wiltondale Improvement Association.

Very truly yours,
John E. Mudd
John E. Mudd

JEM:rm
c.c.: James D. Nolan, Esquire

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: May 7, 1965

FROM: George E. Gavrellis, Director of Planning

SUBJECT: Petition No. 270-A. Variance to permit a front building line width of 70 feet and a lot area of 8,750 square feet in lieu of the required front building line of 80 feet and a lot area of 10,000 square feet...

9th District

HEARING: Tuesday, May 18, 1965 (10:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments: these are similar to the comments we submitted March 19th, 1965, but without item 2:

We understand that the actual purpose of this petition is to legalize the conversion of a one-family dwelling to two-family use.

It was the intent of Sub-sections 402.1 and 402.2 of the Zoning Regulations to allow the conversion of large, older houses, provided they met higher area standards. The latter were set forth in order to maintain a desirable neighborhood character and to prevent overcrowding of land and undue concentration of population.

In this case the lot area provided would be 12.5% less than would be required under the Zoning Regulations; to comply with the regulations the petitioner should be providing over 14% more area than the lot contains. Permitted gross density in the R-6 zone for two-family dwellings is 6 families per acre. The density requested is over 8 1/2 families per acre.

From a planning viewpoint the subject proposal would, in fact, tend to be incompatible with the present, desirable neighborhood character and could have a debilitating effect on surrounding property.

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: March 19, 1965

FROM: George E. Gavrellis, Director

SUBJECT: # 65-270-A. Variance to permit a front building line width of 70 feet and a lot area of 8,750 square feet instead of the required building line of 80 feet and a lot area of 10,000 square feet. South side Wilton Road, 819.72 feet East of York Road. Being the property of Frederick P. McLaughlin and Elizabeth C. McLaughlin.

9th District

Hearing: Wednesday, April 7, 1965 (10:00 A.M.)

The planning staff of the Office of Planning and Zoning has reviewed the subject petition and offers the following comments:

1. We understand that the actual purpose of this petition is to legalize the conversion of a one-family dwelling to two-family use.

The intent of Subsections 402.1 and 402.2 of the Zoning Regulations was to allow the conversion of older houses too large to be practical as single-family dwellings, provided they met higher area standards. The latter were set forth in order to maintain a desirable neighborhood character and to prevent overcrowding.

In this case the lot area provided would be 12.5% less than would be required under the Zoning Regulations; to comply with the Regulations the petitioner should be providing over 14% more area than the lot contains. Permitted density in the R-6 Zone for one-family dwellings is 7.26 families per acre. The density requested for the two-family dwelling is nearly 10 families per acre.

From a planning viewpoint, the subject proposal would, in fact, tend to be incompatible with the present, desirable neighborhood character and would result in overcrowding.

2. As shown on the petitioner's plat, side yards on the subject property would be 12 feet and 19'6", totalling 31'6". Subsection 402.2 of the Zoning Regulations would require no less than 15 feet for a side yard, and a minimum total of 35 feet for both yards. The petition, however, does not request a side-yard variance. In view of this, we question its validity and whether it has been properly advertised.

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 94 Date of Posting: 4-27-65
Posted for: Hearing held May 18, 65 at 10:00 A.M.
Petitioner: Frederick P. McLaughlin
Location of property: 819.72' E. of York Rd.
Location of Sign: On front lawn of 4821 Wilton Rd.
Remarks:
Posted by: Robert L. Bullis Date of return: 5-6-65

MICROFILMED

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9 Date of Posting: 3-18-65
Posted for: Hearing held April 7, 65 at 10:00 A.M.
Petitioner: Frederick P. McLaughlin
Location of property: 819.72' E. of York Rd.
Location of Sign: On front lawn of 4821 Wilton Rd.
Remarks:
Posted by: Robert L. Bullis Date of return: 3-24-65

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 18, 1965
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks before the 18th day of April, 1965, the first publication appearing on the 18th day of March, 1965.

THE JEFFERSONIAN, G. Frank Strickland, Manager.

Cost of Advertisement, \$ 25.00
MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 18, 1965
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks before the 18th day of April, 1965, the first publication appearing on the 18th day of March, 1965.

THE JEFFERSONIAN, G. Frank Strickland, Manager.

Cost of Advertisement, \$ 25.00
MICROFILMED

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. April 28, 1965
THIS IS TO CERTIFY, that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md., once in each of one successive weeks before the 18th day of May, 1965, the first publication appearing on the 29th day of April, 1965.

THE TIMES

Manager: John M. Martin
Cost of Advertisement \$ 25.00
Purchase Order A9506
Requisition No. P430

MICROFILMED

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD. March 18, 1965
THIS IS TO CERTIFY, that the annexed advertisement was published in THE TIMES, a weekly newspaper printed and published in Baltimore County, Md., once in each of one successive weeks before the 7th day of April, 1965, the first publication appearing on the 18th day of March, 1965.

THE TIMES

Manager: John M. Martin
Cost of Advertisement \$ 25.00
Purchase Order A7936
Requisition No. P2667

MICROFILMED

PETITION FOR VARIANCE 9th DISTRICT

ZONING: Petition for Variance for width and area, side yards. LOCATION: South side of Wilton Road 819.72 feet East of York Road. DATE & TIME: TUESDAY, MAY 18, 1965 at 10:00 A.M. PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

Beginning for the same on the South side of Wilton Road (formerly called San Sebastian Road) forty (40) feet wide at the distance of eight hundred nineteen and seventy-two one hundredths (819.72) feet easterly from the corner formed by the intersection of said South side of Wilton Road with the Southeast side of York Road and running thence easterly along the South side of Wilton Road seventy (70) feet thence southerly at right angles to Wilton Road (125) feet thence westerly parallel with Wilton Road seventy (70) feet to intersect the line drawn southerly at right angle to Wilton Road from the place of beginning, thence southerly reversing said line so drawn and binding thereon one hundred twenty-five (125) feet to the place of beginning. The improvements thereon being as shown on Plat No. 1 of Wiltondale, said Plat being recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 8, Folio 57.

Hearing Date: Tuesday, May 18, 1965 at 10:00 A.M. Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order Of John G. Rose, Zoning Commissioner Of Baltimore County

PETITION FOR VARIANCE 9th DISTRICT

ZONING: Petition for Variance for Front Building Line Width and Lot Area. LOCATION: S/S Wilton Road 819.72 feet East of York Road. DATE & TIME: WEDNESDAY, APRIL 7, 1965 at 10:00 A.M. PUBLIC HEARING: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

Beginning for the same on the South side of Wilton Road (formerly called San Sebastian Road) forty (40) feet wide at the distance of eight hundred nineteen and seventy-two one hundredths (819.72) feet easterly from the corner formed by the intersection of said South side of Wilton Road with the Southeast side of York Road and running thence easterly along the South side of Wilton Road seventy (70) feet thence southerly at right angles to Wilton Road (125) feet thence westerly parallel with Wilton Road seventy (70) feet to intersect the line drawn southerly at right angle to Wilton Road from the place of beginning, thence southerly reversing said line so drawn and binding thereon one hundred twenty-five (125) feet to the place of beginning. The improvements thereon being as shown on Plat No. 1 of Wiltondale, said Plat being recorded among the Plat Records of Baltimore County in Plat Book W.P.C. No. 8, Folio 57.

Hearing Date: Wednesday, April 7, 1965 at 10:00 A.M. Public Hearing: Room 108, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

By Order Of John G. Rose, Zoning Commissioner Of Baltimore County

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE No. 31918 DATE 6/29/65

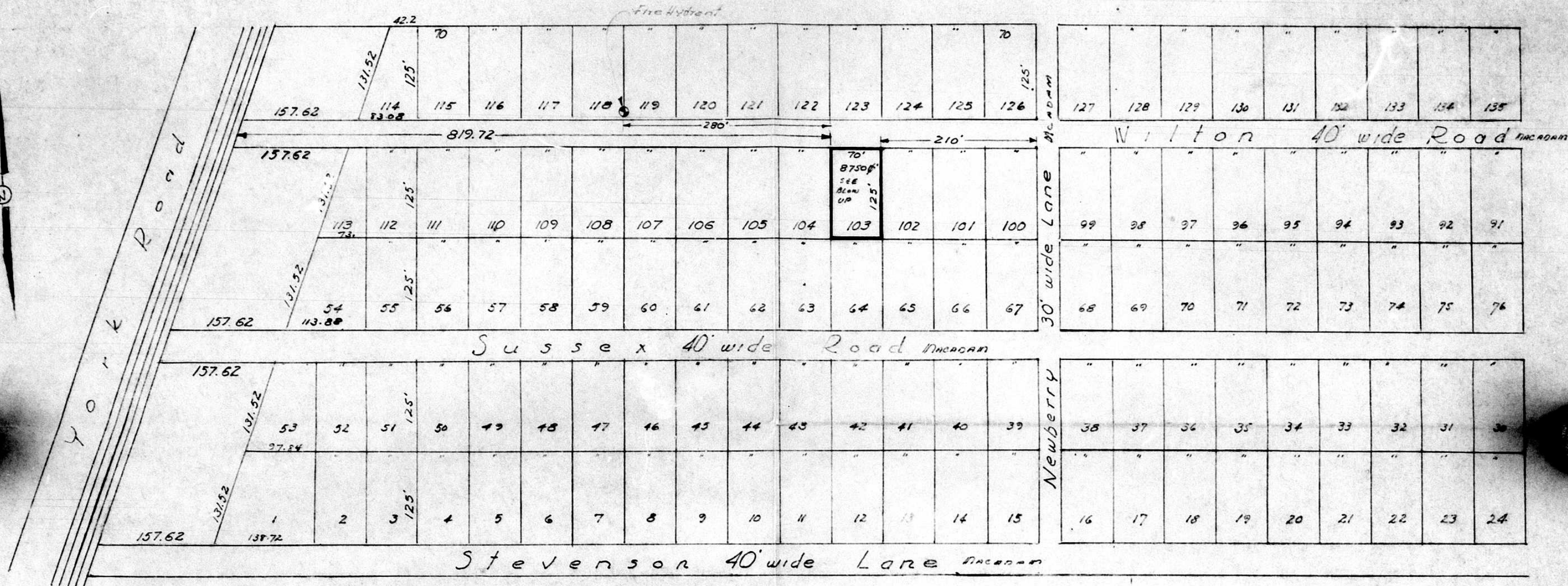
INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE No. 31918 DATE 6/29/65

INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE No. 30600 DATE 5/29/65

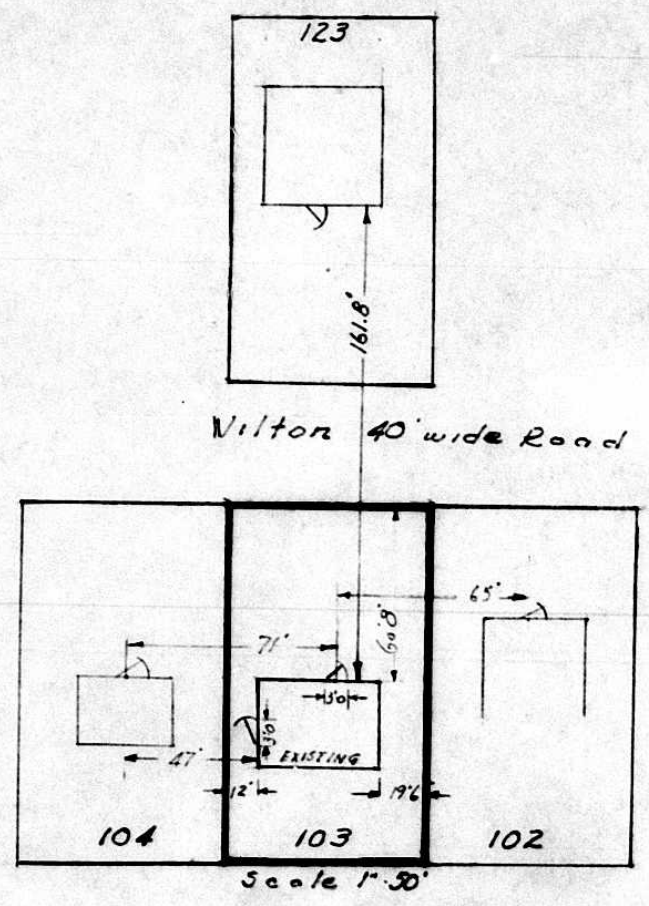
INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE No. 28608 DATE 5/29/65

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Vertical text on the right edge of the page, including 'PETITION FOR VARIANCE' and 'ZONING: Petition for Variance'.



Election District 9th
Precinct 26



Scale 1"=30'

MICROFILMED

Plat No. 1
Part of Street & Lot Plat
for
Wiltondale - Scale 1"=100'
The Southland Co.
125E. Baltimore St. - Dec. 7, 1926
W.P.C. NO. 8-57

FREDERICK PHILIP Mc LAUGHLIN
&
ELIZABETH CATHERINE Mc LAUGHLIN
521 Wilton Rd.
F.M.L. - 1965

