

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Robert J. and Molly D. Murphy, 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 1B02.3c(1) to permit a sideyard setback for each side of ten (10) feet and sum of twenty (20) feet in lieu of the required ten (10) feet and fifteen (15) feet, sum of twenty-five (25) feet.

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

The dimensions of the subject property are such as to only permit construction of an addition to the residence as specified on the attached plat. To require otherwise would result in practical difficulty and hardship.

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.

Robert J. Murphy
Contract purchaser
Molly D. Murphy
Molly D. Murphy, legal owner
Address: 1406 Malvern Avenue
Ruxton, Maryland 21204

John B. Howard
Petitioner's Attorney
Address: 408 Washington Avenue
Towson, Maryland 21204

Protestant's Attorney
Address: 408 Washington Avenue
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 14th day

of December 1971, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 31st day of January, 1972, at 10:30 o'clock.

Eric D. DiNenna
Zoning Commissioner of Baltimore County.

LEGAL DESCRIPTION

Beginning for the same on the south side of Millard Avenue, 325.91' west of Ruxton Road in accordance with plat showing lots numbers 283, 284, 285 and 286, Malvern Avenue, as shown on plat of Ruxton Heights, recorded among the Land Records of Baltimore County, Maryland, in Plat Book J.W.S. No. 1, Folio 64.

1406 Malvern Avenue
Ruxton, Maryland 21204

February 21, 1972

Mr. S. Eric DiNenna
Zoning Commissioner-Baltimore County
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. DiNenna:

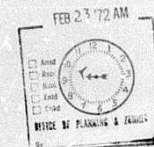
Mr. Myers informed my architect that I may make application for a building permit if I absolve Baltimore County of all responsibility and take it upon myself, personally, should the zoning order on this property be appealed and we'd be unable to obtain a building permit.

I do hereby take any and all responsibility—legal, financial, and otherwise—for this building permit application and trust that it can be processed with dispatch.

Sincerely,

Robert J. Murphy
Robert J. Murphy

RJM:hmb
cc: Mr. Emory H. Niles, Jr.
Architectural Affiliate



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNenna, Zoning Commissioner Date: January 31, 1972
FROM: George E. Gavelis, Director of Planning
SUBJECT: Petition #72-169-A. South side of Millard Avenue 325.91 feet west of Ruxton Road.
Petition for Variance for side yard.
Robert J. Murphy - Petitioner
9th District
HEARING: Monday, January 31, 1972 (10:30 A.M.)

The staff of the Office of Planning and Zoning has no comment to offer on the subject petition.

GEG:NEG:msh



THIS IS TO CERTIFY, that the annexed advertisement of S. Eric DiNenna, Zoning Commissioner of Baltimore County was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 17 day of January, 1972, that is to say, the same was inserted in the issue of January 13, 1972.

By: Ruth Morgan

COOK, MUDD, MURRAY & HOWARD
108 WASHINGTON AVENUE
TOWSON, MARYLAND 21204

January 5, 1972

Baltimore County Zoning Advisory Committee
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: Type of Hearing: Variance
Location: N/S Malvern Avenue, 530' W of Ruxton Road
Petitioner: Robert J. & Molly D. Murphy
Committee Meeting of December 14, 1971
9th District
Item #95

Gentlemen:
I am in receipt of your comments under date of December 30, 1971 regarding the above-captioned variance petition.

With respect to the Bureau of Engineering comments, the paragraph entitled "Highways", there is a statement to the effect that Malvern Avenue is proposed to be improved and that highway right-of-way with any reversible slope easement will be required with any grading or building permit application.

Obviously, if Baltimore County intends to widen Malvern Avenue, it will have to resort to eminent domain. I assume from talking to various County officials that this proposed widening is to take place at a future uncertain date.

Baltimore County Zoning Advisory Committee -2- January 5, 1972

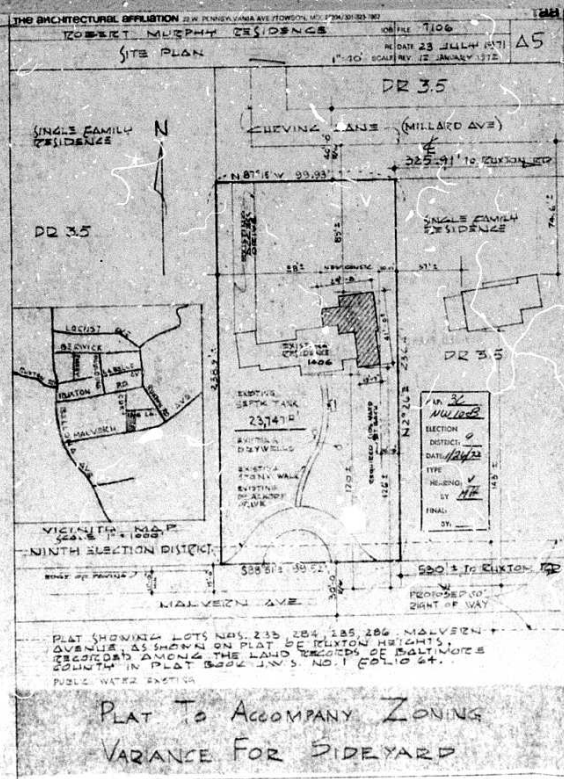
I realize that these comments are simply advisory but this letter will serve to put the County on notice that Mr. Murphy, simply by virtue of his desire to build a small addition to his home, has no intention of relinquishing a part of his property without just compensation.

Very truly yours,

John E. Howard
John E. Howard

JBH:tj

cc: Mr. Robert J. Murphy



PETITION FOR ZONING VARIANCE FOR SIDEYARD
LOCATION: South side of Millard Avenue 325.91 feet west of Ruxton Road.
DATE: January 31, 1972 at 10:30 A.M.
PUBLIC HEARING: Monday, January 31, 1972 at 10:30 A.M.
County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for Variance from the Zoning Regulations of Baltimore County to permit a side yard setback for each side of ten (10) feet and the sum of twenty (20) feet in lieu of the required ten (10) feet and fifteen (15) feet, sum of twenty-five (25) feet, on the subject property located on the south side of Millard Avenue, 325.91 feet west of Ruxton Road, as shown on a plat of Ruxton Heights, recorded among the Land Records of Baltimore County, in Plat Book J.W.S. No. 1, Folio 64.
All this parcel of land in the 9th District of Baltimore County, beginning for the same on the south side of Millard Avenue, 325.91 feet west of Ruxton Road, with side yard setbacks of ten (10) feet and the sum of twenty (20) feet in lieu of the required ten (10) feet and fifteen (15) feet, sum of twenty-five (25) feet, as shown on a plat of Ruxton Heights, recorded among the Land Records of Baltimore County, in Plat Book J.W.S. No. 1, Folio 64.
Being the property of Robert J. and Molly D. Murphy, as shown on the plat of Ruxton Heights, recorded among the Land Records of Baltimore County, in Plat Book J.W.S. No. 1, Folio 64.
Public Hearing: Monday, January 31, 1972 at 10:30 A.M.
County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.
By order of the Zoning Commissioner of Baltimore County
S. ERIC DINENNA
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 13, 1972.
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 a week for one week before the 13th day of January, 1972, that is to say, the first publication appearing on the 13th day of January, 1972.

THE JEFFERSONIAN
Richard L. Smith
Manager

Cost of Advertisement, \$.....

APR 25 1972

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appears that by reason of the following finding of facts strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested will not adversely affect the health, safety, and general welfare of the community

to permit a side yard setback for each side of ten (10') feet and the sum of twenty (20') feet instead of the required ten (10') feet and fifteen (15') feet, sum of twenty-five (25') feet

IT IS ORDERED by the Zoning Commissioner of Baltimore County this

day of February, 1972, that the herein Petition for a Variance should be and the

same is granted, from and after the date of this order, to permit a side yard setback for each side of ten (10') feet and the sum of twenty (20') feet instead of the required ten (10') feet and fifteen (15') feet,

sum of twenty-five (25') feet subject to the approval of a site plan by Deputy Zoning Commissioner of Baltimore County to the State Highway Administration, Bureau of Public Services and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this

day of February, 1972, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

December 30, 1971

COUNTY OFFICE BUILDING
1111 Chassepaine Avenue
Towson, Maryland 21204

OLIVER L. MYERS
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROAD COMMISSIONER

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF APPEALS

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

John B. Howard, Esq.,
409 Washington Avenue
Towson, Maryland 21204

RE: Type of Hearings: Variance
Location: N/S Halvern Ave., 530' W. of
Ruxton Road
Petitioners: Robert J. & Holly D. Murphy
Committee Meeting of Dec. 14, 1971
9th District
Item #95

Dear Sirs:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located on the north side of Halvern Avenue, 530 feet west of Ruxton Road. The property is presently improved with a large two story frame dwelling. To the rear of the site is Curving Lane and to each side and the front, opposite Halvern Avenue, are similar two story frame dwellings. The dwelling to the west of the property is approximately 200 feet distant, while the dwelling to the side east, and subject of this petition is approximately 35 feet distant. The site is serviced by public water and private sewage system. There is no curb and gutter existing.

BUREAU OF ENGINEERING

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Halvern Avenue and Curving Lane (Millard Avenue) are existing roads. Halvern Avenue is proposed to be ultimately improved as a 36-foot closed type roadway cross section on a 50-foot right-of-way. Highway improvements are not required at this time. However, highway right-of-way and widening together with any necessary reversible slope assessment will be required in connection with any grading or building permit application. Highway improvements are not proposed and highway right-of-way widening is not required for Curving Lane.

John B. Howard, Esq.,
Page 2
Item #95
December 30, 1971

The plan should be revised to indicate the proposed highway right-of-way and widening for Halvern Avenue.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drainage:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water:

Public water supply is available and serving this property.

Sanitary Sewers:

Public sanitary sewerage is not available to serve this property which is utilizing private on site sewerage.

PROJECT PLANNING DIVISION:

This plan has been reviewed and there are no site planning factors requiring comment.

HEALTH DEPARTMENT:

Metropolitan water is available to the site.

No evidence of failure in private sewage disposal system.

FIRE DEPARTMENT:

This office has no comment on the proposed site.

John B. Howard, Esq.,
Page 3
Item #95
December 30, 1971

DEPT. OF TRAFFIC DEPARTMENT:

No traffic problems are anticipated at this site.

ZONING ADMINISTRATION DIVISION:

The subject petition is accepted for filing. However, revised plans indicating the proposed driveway and proposed widening for Halvern Avenue should be submitted prior to the hearing.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 60 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Oliver L. Myers
OLIVER L. MYERS, Chairman

JBH:JD
Enc.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 9th Date of Posting: Jan. 17, 1972

Posted by: Veronica

Petitioner: Robert J. & Holly D. Murphy

Location of property: 530' W. of Halvern Ave. 325 ft. 9th St. of

Location of Signs: #1226 Halvern Ave.

Remarks: Charles H. Myers

Posted by: Charles H. Myers Date of return: Jan. 23, 1972

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: JLM	Revised Plans: Change in outline or description Yes No									
Previous case: #9-3C	Map # 9-3C									

John B. Howard, Esq.,
409 Washington Avenue
Towson, Maryland 21204

Item #95

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
1111 W. Chassepaine Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing

this 30th day of December 1971

Petitioners: Robert J. & Holly D. Murphy

Petitioner's Attorney: John B. Howard

John B. Howard, Esq.,
Chairman of
Zoning Commission

Reviewed by: Oliver L. Myers
Chairman of
Advisory Committee

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

No. 1521

DATE: Jan. 31, 1972

AMOUNT: \$50.25

WHITE - CASHIER
RECEIVED: Hudd, Murray & Howard
409 Washington Ave.
Towson, Md. 21204
Advertising and posting of property for Robert J. Murphy
#72-169-A

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

No. 1481

DATE: Jan. 18, 1972

AMOUNT: \$25.00

WHITE - CASHIER
RECEIVED: Cook, Hudd, Murray & Howard
409 Washington Ave.
Towson, Md. 21204
Petition for Variance for Robert Murphy
#72-169-A