

PETITION FOR ZONING RE-CLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

I, or we, Ernest B. Murray and Edith R. Murray, his wife, legal owner... 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 (1) that the zoning status of the herein described property be re-classified, pursuant to the Zoning Law of Baltimore County, from an N/A zone to an N/A zone, for the following reasons:

See attached description

and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for Residential use of one trailer on a tract of 3.851 acres, outside the Metropolitan District of Baltimore County

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above re-classification and/or Special Exception 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.

Ernest B. Murray
Contract purchaser
Address Deer Park Road
Edith R. Murray
Legal Owner
Address Deer Park Road
John Brown
Protestant's Attorney
Address 220 P. Co. 2204

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of September, 1974, 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 17th day of October, 1974, at 10:15 o'clock.

(over)

Gregory Richard Dent, Esquire
414 Jefferson Building
Towson, Maryland 21204

RE: Petition for Special Hearing
E/S of Thompson Avenue, 825' N of
Deer Park Road - 4th District
Ernest B. Murray - Petitioner
NO. 75-134-SPH
(NO. 75-80-X, Item No. 28)

Dear Mr. Dent:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,
James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED/me
Attachments

cc: Johnson Bowie, Esquire
22 West Pennsylvania Avenue
Towson, Maryland 21204

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(over)

W. T. SAEGER, INC.

PROPERTY DESCRIPTION TO ACCOMPANY APPLICATION FOR SPECIAL
EXCEPTION FOR A MOBILE HOME IN A RESIDENTIAL AREA.
PROPERTY OF: Ernest B. Murray and Edith R. Murray, his wife.
DATE: July 26, 1974
DESCRIPTION:

All that tract or parcel of ground situate, lying and being in the Fourth Election District, Baltimore County, Maryland, located on the East side of Thompson Avenue, north of Deer Park Road and more particularly described as follows:

Beginning for the same at a point in the existing center of Thompson Avenue (a sixteen foot wide right of way with the use thereof in common with others), said point being approximately 825 feet north of Deer Park Road and running thence along the center of said Thompson Avenue

North 04 degrees 31 minutes 37 seconds East 307.78 feet to a point, thence leaving said road and running with the outlines of the whole tract

South 85 degrees 31 minutes 00 seconds East 560.79 feet,
South 10 degrees 21 minutes 28 seconds West 309.40 feet and
North 85 degrees 31 minutes 00 seconds West 529.36 feet to the place of beginning. Containing 3.851 acres of land, more or less.

Intended to be the remaining portion of the fourteen acre parcel described in a deed dated August 19, 1946 from George H. Murray and Clara H. Murray, his wife, to Ernest B. Murray and Edith R. Murray, his wife, and recorded among the Land Records of Baltimore County in Liber 1465, folio 364.



William T. Saeger
WILLIAM T. SAEGER, INC.
2115 S. 7th St.
Baltimore, Md. 21204

RE: PETITION FOR SPECIAL HEARING : BEFORE THE
E/S of Thompson Avenue, 825' N of : DEPUTY ZONING
Deer Park Road - 4th District : COMMISSIONER
Ernest B. Murray - Petitioner :
NO. 75-134-SPH :
(NO. 75-80-X, Item No. 28) :
: OF
: BALTIMORE COUNTY

This Petition represents a request for a Special Hearing, under Section 500.7, for the purpose of determining whether or not the Deputy Zoning Commissioner should approve a mobile home as a use permitted by Special Exception in a R.S.C. Zone.

The property in question is situated outside the Metropolitan District of Baltimore County, contains 3.5 acres, and is located on the east side of Thompson Avenue, approximately 825 feet north of Deer Park Road.

A Special Exception hearing to determine whether or not a mobile home trailer should be permitted on the subject property was inadvertently filed prior to the discovery that trailers had been omitted from the Special Exception uses listed in the R.S.C. Zone, Section 1A01.2B. That request has been held in abeyance pending the outcome of this hearing.

Testimony proffered by the Petitioner's attorney attempted to establish justification for the Deputy Zoning Commissioner to proceed with the aforementioned Special Exception hearing. The Petitioner's detailed testimony is fully set forth in his brief, filed with and made a part of this Petition, and will not be so repeated in this Opinion. In essence, the testimony did establish, in the opinion of the Deputy Zoning Commissioner, that the Planning Board did intend to permit mobile homes as a Special Exception use, with certain restrictions, in the R.S.C. Zones. The testimony also established, to the satisfaction of the Deputy Zoning Commissioner, that the Planning Board intended to correct the omission of mobile homes from the R.S.C. Zones by adoption of supplementary zoning amendments on March 3, 1971.

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. : WILFRED T. MELZER
DIRECTOR : DEPUTY TRAFFIC ENGINEER

September 27, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 28 -ZAC- August 6, 1974
Property Owner: Ernest B. Murray & Edith R. Murray
Location: E/S of Thompson Ave., 825' N of Deer Park Road
Existing Zoning: R.S.C.
Proposed Zoning: Special Exception for residential use of one trailer on a tract of 3.851 acres, outside the Metropolitan District of Baltimore County.
No. of Acres: 10.048
District: 4th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested special exception for a trailer.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Asso.

HSF/ls

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: October 4, 1974
FROM: William D. Fromm, Director of Planning
SUBJECT: Petition #75-80-X, East side of Thompson Avenue 825 feet, more or less, North of Deer Park Road.
Petitioner - Ernest B. Murray and Edith R. Murray

4th District

HEARING: Thursday, October 17, 1974 (10:15 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comment to offer.

The granting of this request would not be inconsistent with policies of the 1980 Guideplan.

William D. Fromm
William D. Fromm
Director of Planning

WDF:NEG:rw

The facts in this case are crystal clear, leaving no need for an interpretation or definition of a mobile home, as well as in which zones and under what conditions mobile homes are presently permitted by the Baltimore County Zoning Regulations.

Had the regulations listed mobile homes as a Special Exception use in the R.S.C. Zone when originally submitted to the County Council for approval the Council would have, in all probability, approved the regulations as submitted. Notwithstanding this assumption, the decision to approve or disapprove such regulations is that of the County Council and has not been delegated to the Zoning Commissioners. The Zoning Commissioners have been delegated the authority to make certain changes under certain conditions with regard to zoning designations on the Comprehensive Zoning Map to grant Variances to height and area regulations and to make interpretations considered necessary for the proper enforcement for all zoning regulations. As previously stated, the facts in this case are crystal clear leaving no need for an interpretation. To rule in favor of the Petitioner's request would, in the opinion of the Deputy Zoning Commissioner, be beyond the jurisdiction and power of the Deputy Zoning Commissioner. For this reason, the Petitioner's request must be denied.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 15th day of January, 1975, that a mobile home is not a permitted use in a R.S.C. Zone, and that the Deputy Zoning Commissioner does not, under the conditions presented in this case, have the authority to permit such a use.

It is further ORDERED that Special Exception Case No. 75-80-X was improperly filed, cannot be considered, and is, therefore, Dismissed. The Petitioner's filing fee, under these conditions, should be returned.

William D. Fromm
Deputy Zoning Commissioner of
Baltimore County

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BALTIMORE COUNTY
ZONING PLANS
ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLENWORTH N. DYER, P. E. CHIEF

August 23, 1974

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #28 (1974-1975)
Property Owner: Ernest B. Murray & Edith B. Murray
E/S of Thompson Ave., 825' N. of Deer Park Rd.
Existing Zoning: S.C.
Proposed Zoning: Special Exception for residential use
of one trailer on a tract of 3.851 acres, outside the
Metropolitan District of Baltimore County
No. of Acres: 3.851 District: 4th

Dear Mr. DiNenna:

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:

Thompson Avenue, an existing public road, is proposed to be improved in the future as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. Highway improvements are not required at this time. Highway right-of-way widening, including any necessary reversible easements for slopes will be required in connection with any grading or building per dit application. Further information may be obtained from the Baltimore County Bureau of Engineering and the plan must be revised accordingly.

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 Drains:

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.

Item 28

George B. Johns, Esq.
104 Jefferson Bldg.,
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted
for filing this 33th day of September 1974.

S. Eric DiNenna
S. ERIC DINENNA,
Zoning Commissioner

Petitioner Ernest B. Murray & Edith B. Murray

Petitioner's Attorney George B. Johns Reviewed by James B. Johns
cc: W. T. Sadler, Inc., Surveyors Chairman,
450 Main Street, Reisterstown, Md. 21136 Zoning Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204

James B. Johns, III
Chairman

September 16, 1974

George B. Johns, Esq.
104 Jefferson Bldg.,
Towson, Maryland 21204

RE: Special Exception Petition
Item 28
Ernest B. Murray & Edith B. Murray -
Petitioners

Dear Mr. Johns:

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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the east side of Thompson Avenue, approximately 825 feet north of Deer Park Road, in the 4th Election District of Baltimore County. It is presently unimproved and approximately half lies wooded.

Frame dwellings abut the site to both the north and south, as well as opposite the site on Thompson Avenue.

The petitioner is requesting a Special Exception for a mobile home and proposes to locate a 12'x70' unit in the center of the site.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice

George B. Johns, Esq.
Item 28
Page 2

September 16, 1974

of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

JAMES B. BYRNES, III
Chairman,
Zoning Advisory Committee

JBB:JD

Enclosure

cc: W. T. Sadler, Inc., Surveyors
450 Main Street
Reisterstown, Maryland 21136

Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
923-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Ernest B. Murray & Edith B. Murray

Location: E/S of Thompson Avenue, 825' N of Deer Park Road

Item No. 28 Zoning Agenda August 6, 1974

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at

- () 4. EXCEEDS the maximum allowed by the Fire Department.
- () 5. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 6. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.

- () 7. Site plans are approved as drawn.
- () 8. The Fire Prevention Bureau has no comments at this time.

Reviewed: J. Austin Deitz Noted and Approved: Paul H. Reincke
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

August 9, 1974

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 28, Zoning Advisory Committee Meeting, August 6, 1974, are as follows:

Property Owner: Ernest B. Murray & Edith B. Murray
Location: E/S of Thompson Ave., 825' N of Deer Park Rd.
Existing Zoning: S.C.
Proposed Zoning: Special Exception for residential use
of one trailer on a tract of 3.851 acres,
outside the Metropolitan District of
Baltimore County.
No. of Acres: 3.851
District: 4th

Comments: Complete soil evaluation must be conducted and approved prior to issuance of a trailer permit. Approved water well must be provided.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

BVBW/ac

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 494-7211 ZONING 494-3251

H. EMBLE PARKS, PRESIDENT
EUGENE C. HESS, VICE-PRESIDENT
MRS. ROBERT L. BENNEY

MARCUS M. BOTSARIS
JOSEPH N. McDONNAN
ALVIN LORECK
FLA N. WHEELER

RICHARD W. TRACEY, V.M.D.
MRS. RICHARD W. TRACEY

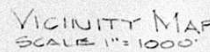
L. Frank Smith
Manager.

1000

75-80-X

WHITE - CASHIER DISTRIBUTION
PINK - AGENCY YELLOW - CUSTOMER

Messrs. Smith, Johns and Smith
143 Main Street
Reisterstown, Md. 21136
Advertising and posting of property for Ernest
Murray 75-80-X



LEWIS CLARK
RJS-1465-163

ZONING R.S.C. (RESIDENTIAL)

THOMPSON AV
N04031071E

825' ± TO
TO DEER PARK E

WEST. MACADAM
10 FT. WIDE.

EXIST. DRIVE

EXIST.
DWELLING

EXIST. GARAGE

585°31'00"E 560.79

5.

PROPOSED WELL

PROPOSED DRIVEWAY

PROPOSED MOBILE HOME (70'x12')

PROPOSED
SEPTIC SYSTEM

510° 21' 28" W 30940.

ZONING RISC. (UNIMPROVED)

N 85° 31' 00" W 529.36

ELIAS J. & ALICE E THOMAS
4239-13

ZONING R.S.C. (RESIDENTIAL)

EXIST.
DWLG

EXIST. DRIVE

EXIST.
DWG.

EXIST. DRIVE

PROPERTY DATA:

ZONING - R.S.C.

OWNER - ERNEST B. MURRAY & EDITH E. MURRAY, WIFE

DEED REFERENCE - 1485-364.

AREA - 3.851 ACRES



1. PLOT PLAN
TO ACCOMPANY APPLICATION FOR
SPECIAL EXCEPTION FOR A TRAILER
IN A RESIDENTIAL AREA

4TH ELECTION DISTRICT, BALTIMORE CO., MD.
SCALE 1" = 50' JULY 1, 1974

PREPARED BY:
W.T. SADLER INC.
158 MAIN STREET
REISTERSTOWN, MD. 21136

PROJECT NO.
171

INFORMATION SHOWN HEREON TAKEN FROM DEEDS, RECORDS & FIELD SURVEYS.

BY: William T. Sadler DATE: 2/10/24
WILLIAM T. SADLER P.L.S. 7736

