

86-154-A **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 1802.3C.1, 301.1 to permit a side setback of 2 feet instead of the required 7.5 feet for an open projection.

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

1. Financial Hardship
2. Appearance of deck would be ruined
3. deck is not a hazard
4. Previous structure was on same site as deck (greenhouse connected to house)

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.

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:
(Type or Print Name)
Signature
Address
City and State
Attorney for Petitioner:
(Type or Print Name)
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Attorney's Telephone No.:
Address
Phone No.

Legal Owner(s):
Charles Edward Mooney
(Type or Print Name)
Signature
Address
City and State
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of September, 1985, 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 19th day of October, 1985, at 2:00 o'clock P.M.

Calvin J. Jahn
Zoning Commissioner of Baltimore County.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 15, 1985

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

Mr. & Mrs. Charles E. Mooney
4510 Leeds Avenue
Baltimore, Maryland 21229

RE: PETITION FOR VARIANCE
W/S Leeds Avenue, N of
Elmridge Avenue
(4510 Leeds Avenue) -
13th Election District
Charles E. Mooney, et ux,
Petitioners
Case No. 86-154-A

Dear Mr. & Mrs. Mooney:

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

Very truly yours,
Jean M. H. Jung
Deputy Zoning Commissioner

JMHJ:bg

Attachments

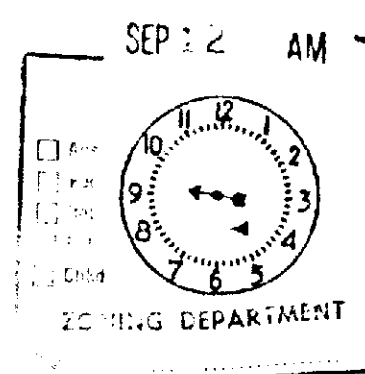
cc: People's Counsel

Charles E. Mooney, et ux
W/S Leeds Ave., 76' N of Elmridge Ave.,
(4510 Leeds Ave.)
13th Dist.

RE: PETITION FOR VARIANCE
W/S Leeds Ave., 76'
N of Elmridge Ave. (4510
Leeds Ave.), 13th District
Charles E. MOONEY, et ux,
Petitioners
Case No. 86-154-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

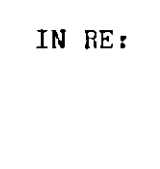


Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 11th day of September, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Charles E. Mooney, 4510 Leeds Ave., Arbutus, MD 21229, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Charles E. Mooney, et ux,
Petitioners

The Petitioners herein request a variance to permit a side yard setback of 2 feet in lieu of the required 7 1/2 feet for an open projection (deck).

Testimony by and on behalf of the Petitioners indicated that when they purchased the existing home seven years ago, there was a greenhouse attached to the rear of the house and extending to within four to five feet of the property line. In 1983 the Petitioners removed the greenhouse and in 1985 they themselves built a large and very handsome two-tiered deck. They were unaware that a permit was required. Any attempt to reduce the size of either portion of the deck would present extensive structural problems and, indeed, most likely destroy the deck. There were no protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of the variance requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variance should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 15th day of October, 1985, that the herein Petition for Variance to permit a side yard setback of 2 feet in lieu of the required 7 1/2 feet for an open projection (deck), in accordance with the plan prepared by John C. Mellem, Jr., Inc., dated July 30, 1985, is hereby GRANTED, from and after the date of this Order.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

ORDER RECORDED FOR FILING
DATE 10/15/85 BY JMHJ:bg



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JABLON
ZONING COMMISSIONER

October 3, 1985

Mr. & Mrs. Charles E. Mooney
4510 Leeds Avenue
Arbutus, Maryland 21229

Re: Petition for Variance
W/S Leeds Ave., 76' N/Elmridge Ave.
(4510 Leeds Avenue)
13th Election District
Charles E. Mooney, et ux, Petitioners
Case #86-154-A

Dear Mr. & Mrs. Mooney:

This is to advise you that \$44.49 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

This fee must be paid and the zoning sign and post returned on the day of the hearing. Do not remove sign until day of the hearing.

Please make the check payable to Baltimore County, Maryland, City Office Building, Room 106, Towson, MD 21204.

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

No. 012526

DATE 10-8-85 ACCOUNT 0-01-015-000

AMOUNT \$ 44.49

RECEIVED FROM Marie Mooney

FOR Advertising and Posting 86-154-A

VALIDATION OR SIGNATURE OF CASHIER

Petition for Variance
13th Election District

LOCATION: West side of Leeds Avenue, 76' North of Elmridge Avenue (4510 Leeds Avenue)

DATE AND TIME: Wednesday, October 9, 1985 at 2:00 p.m.

PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

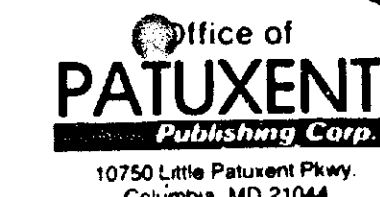
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance from Section 1802.3C.1 and 301.1 to permit a side setback of 2 feet instead of the required 7.5 feet for an open projection.

Being the property of Charles E. Mooney, et ux as shown on the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY



September 19 19 85

THIS IS TO CERTIFY, that the annexed advertisement of
Petition for Variance

was inserted in the following:

☐ Catonsville Times

☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 20 day of September 19 85 that is to say, the same was inserted in the issues of

September 19, 1985

PATUXENT PUBLISHING CORP.
By [Signature]

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

VS.

Defendant

CERTIFICATE OF PUBLICATION OF

APR 7 1986

Mr. & Mrs. Charles E. Mooney
4510 Leeds Avenue
Arbutus, Maryland 21229

September 6, 1985

NOTICE OF HEARING

RE: PETITION FOR VARIANCE
W/S Leeds Ave., 76' N/Elmridge Ave.
(4510 Leeds Avenue)
13th Election District
Charles E. Mooney, et ux, Petitioners
Case No. 86-154-A

TIME: 2:00 p.m.

DATE: Wednesday, October 9, 1985

PLACE: Room 110, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

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

DATE: 9/17/85 ACCOUNT: 201-445-1111

RECEIVED FROM: NICKIE MOONEY

AMOUNT: \$ 35.00

FOR: 201-445-1111

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 27, 1985

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Zoning Administration
Industrial Development

Mr. and Mrs. Charles E. Mooney
4510 Leeds Avenue
Arbutus, Maryland 21229

RE: Item No. 61 - Case No. 86-154-A
Petitioners - Charles E. Mooney, et ux
Variance Petition

Dear Mr. and Mrs. Mooney:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following 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 suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER, JR.
Chairman
Zoning Plans Advisory Committee

JED:mr

Enclosures

cc: John C. Mellema, Sr., Inc.
6100 Baltimore National Pike
Baltimore, Maryland 21228

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

September 23, 1985

Re: Zoning Advisory Meeting of August 27, 1985
Item # 61
Property Owner: CHARLES EDWARD MOONEY, et ux
Location: W/S LEADS AVE., 76' N. OF ELMRIDGE AVE.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ The parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on [blank].
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Service Areas are re-evaluated annually by the County Council.
- ☐ Additional comments: [blank]

cc: James Hoswell

Eugene A. Bober
Chief, Current Planning and Development

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS
DIRECTOR

September 24, 1985

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. -2AC- Meeting of August 27, 1985
Property Owner: [blank]
Location: [blank]
Existing Zoning: [blank]
Proposed Zoning: [blank]

Acres: [blank]
District: [blank]

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items numbers 60, 61, 62, 63, & 68.

Michael S. Flanigan
Michael S. Flanigan

MSF/blid

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

August 30, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Charles Edward Mooney, et ux

Location: W/S Leeds Avenue, 76' N of Elmridge Avenue

Item No.: 61 Zoning Agenda: Meeting of August 27, 1985

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 [blank] 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 [blank] EXCEEDS the maximum allowed by the Fire Department.

- ☐ 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- ☒ 5. 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 "Life Safety Code", 1976 edition prior to occupancy.

- ☐ 6. Site plans are approved, as drawn.

- ☐ 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *John F. Dwyer* Noted and Approved: *John F. Dwyer*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

September 18, 1985

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 61 Zoning Advisory Committee Meeting are as follows:
Property Owner: Charles Edward Mooney, et ux
Location: W/S Leeds Avenue, 76' N of Elmridge Avenue
District: 13th.

APPLICABLE CODES ARE COMMENTED

- ☒ All structures shall conform to the Baltimore County Building Code as adopted by Council Bill 417-85. The Maryland Code for the Handicapped and Age (AMC) 11-1-1 - 1981 and other applicable Codes and Standards.
- ☒ A building and other miscellaneous permits shall be required before the start of any construction.
- ☒ Permits: Two sets of construction drawings are required to file a permit application. The seal of a registered Professional Architect or Engineer is not required on plans and technical data.
- ☒ Permits: Three sets of construction drawings sealed and signed by a registered Professional Architect or Engineer shall be required to file with a permit application. Registered seals are not acceptable.
- ☒ All the above except the Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls. Other than 1 hour fire rating, no wall shall be less than 4" thick. Any wall built on an interior lot line shall require a fire of party wall. See Table 101, Section 101.1, Section 101.2 and Table 101.2. No openings are permitted in an exterior wall within 3'-6" of an interior lot line.
- ☒ The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 101 and 505 and have your architect/engineer contact this department.
- ☒ The requested variance appears to conflict with Section(s) [blank] of the Baltimore County Building Code.
- ☒ When filing for a revised Change of the Occupancy Permit, an alteration permit application shall also be filed along with three sets of amended construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of the Group are from use [blank] to use [blank] or to mixed use [blank]. See Section 312 of the Building Code.
- ☒ The proposed project appears to be located in a Flood Plain, Flood Hazard. Please see the attached copy of Section 216.2 of the Building Code as adopted by Bill 417-85. Site plans shall show the correct elevations above sea level for the lot and the Flood Hazard level including basement.
- ☒ Comments: Porch/Deck construction shall comply with Code Memo #1. See attached copy. Floor shall be designed to support a 60 lb. live load.
- ☒ These abbreviated comments reflect only the information provided by the drawings submitted to the Office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, the applicant may obtain additional information by visiting Room 110 of the County Office Building at 111 West Chesapeake Avenue, Towson, Maryland 21204.

LJZ:mr

Charles E. Mooney
Charles E. Mooney, Chief
Building Plans Review

BALTIMORE COUNTY BUILDING CODE

1984 BOCA, SECTION 110.6

CODE MEMORANDUM #1

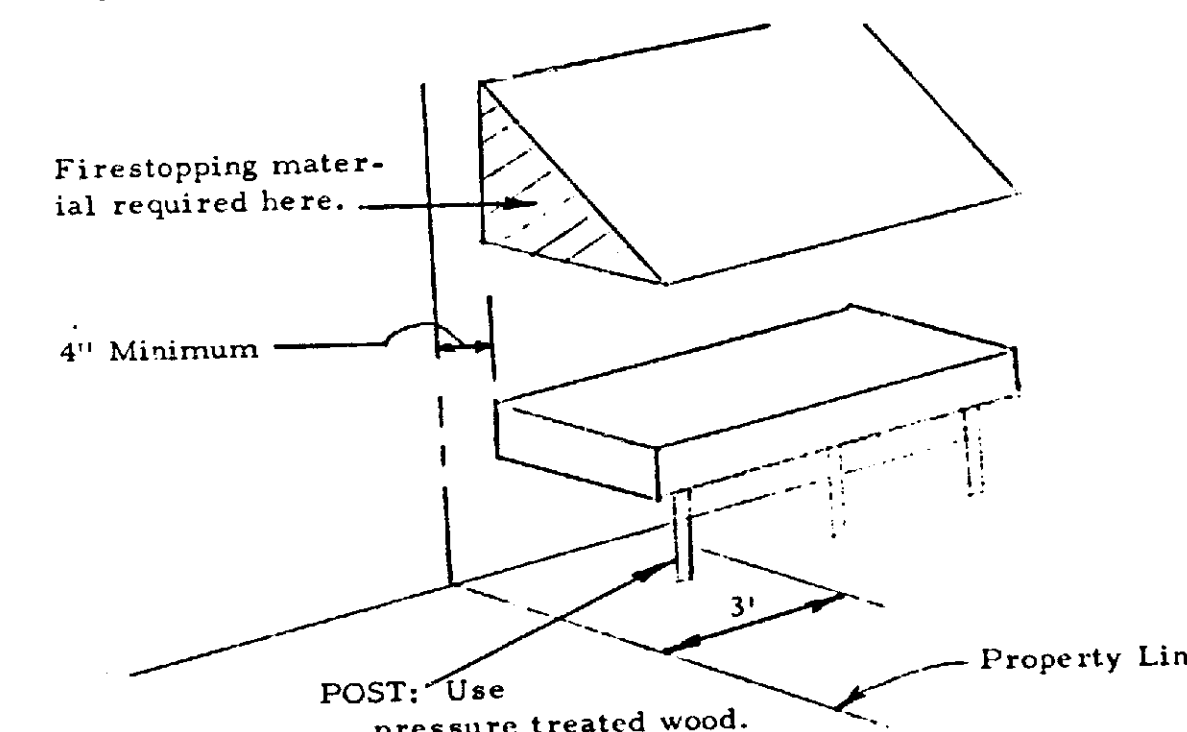
Effective 4-22-85

SUBJECT:

A. Rear Porches

Rear open porches may be constructed of combustible materials up to 3 feet from a property line without any additional fire protection requirements.

Rear open porches may be constructed of combustible materials up to 4" from a property line if facing surfaces shown (see diagram) are protected by a layer of drywall, fire retardant treated plywood, or other approved firestopping material and any exposed supporting members within 3 feet are non-combustible, or pressure treated wood.



Property Line.

POST: Use pressure treated wood.

OVER

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
Zoning Commissioner
Norman E. Gerber, Director
Office of Planning and Zoning

Date: September 26, 1985
By: [blank]
ZONING DEPARTMENT

SUBJECT: Zoning Petitions No. 86-145-A, 86-146-A, 86-147-A, 86-148-A, 86-149-A, 86-150-A, 86-151-A, 86-152-A, 86-153-A, 86-154-A, 86-155-A, 86-156-A, 86-157-A, 86-158-A, 86-159-A, 86-160-A, 86-161-A and 86-162-XA

There are no comprehensive planning factors requiring comment on these petitions.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JOH:slm

APR 7 1985

CODE MEMORANDUM #1 (Cont'd.)

B. Front Porches

Front awnings and porches may be continuous across property lines and of combustible construction if:

1. They are properly fire stopped with non-combustible materials at each interior property line.
2. They have no combustible or untreated supporting members within 36" of the interior property line.
3. They are limited to one story in height.
4. The adjoining owners agree in writing.
5. The porch is open front and sides.

Drywall and sheet metal are examples of non-combustible materials which are acceptable for fire stopping.

C. All Porches

If any porch is to be closed, it shall be considered a habitable part of the dwelling's interior and shall be subjected to all of the applicable requirements that pertain to one and two family dwellings in the Baltimore County Building Code.

This does not in any way waive any requirements, such as setbacks of other County or State Departments, which may also be applicable.

JRR
John R. Reisinger, P. E.
Buildings Engineer

JRR:es

Case No. 86-154-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your petition has been received and accepted for filing this
3rd day of September, 1985.

Arnold Jablon
ARNOLD JABLON
Zoning Commissioner

Petitioner Charles E. Mooney, et ux
Petitioner's
Attorney

Received by: JAMES E. DYER, Chairman
Zoning Plans Advisory Committee

86-154-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., September 19, 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on September 19, 1985.

THE JEFFERSONIAN,

18 Venetian
Publisher

Date of Advertising
22.00

86-154-A
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th Date of Posting September 22, 1985

Posted for: Variance

Petitioner: Charles E. Mooney, et ux

Location of property: W/S of Leeds Ave., 76' N. Bridge Ave. 4510
Leeds Ave.

Location of Signs: In front of 4510 Leeds Ave.

Remarks:

Posted by S. J. Arata
Signature

Date of return: September 22, 1985

Number of Signs: 1

