

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner Date: February 20, 1987

Norman E. Gerber, AICP, Director
FROM: Office of Planning and Zoning

SUBJECT: Zoning Petitions No. 87-352-A, 87-353-A, 87-356-SpHA, 87-357-A, 87-361-A and 87-374-A

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

NEG:JGH:slb

Norman E. Gerber, AICP
Director

RECEIVED
FEB 20 1987
ZONING OFFICE



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

March 3, 1987

Mr. & Mrs. Klon R. Ervin
4101 Morgan Mill Road
Glen Arm, Maryland 21057

RE: Petition for Zoning Variance
S/S Morgan Mill Road,
670' W of Manor Road
11th Election District
Case No. 87-352-A

Dear Mr. & Mrs. Ervin:

Enclosed please find a copy of the decision rendered on the above-referenced case. Your Petition for Zoning Variance has been Granted subject to the restriction noted in the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

Jean M. H. Jung
Deputy Zoning Commissioner

JMH:bjs

Enclosures

cc: People's Counsel

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 400-1 to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

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

400-1 to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard.
Rob Powell of Baltimore County Health Department requires garage to be on concrete pad with block construction up to joists.

Properly 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 of 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

Legal Owner(s):
Klon R. Ervin
(Type or Print Name)
Signature
Eleanor M. S. Ervin
(Type or Print Name)
Signature
City and State

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Mr. and Mrs. Klon R. Ervin
4101 Morgan Mill Road
Glen Arm, Maryland 21057 661-1063
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of January 1987, 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 23rd day of March, 1987, at 9:30 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

87-352-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 19th day of January, 1987.

ARNOLD JABLON
Zoning Commissioner

Received by: James E. Lyer

Petitioner Klon R. Ervin, et ux
Petitioner's Attorney

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 19, 1987

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

Chairman

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

Mr. Klon R. Ervin
4101 Morgan Mill Road
Glen Arm, Maryland 21057

RE: Item No. 233 - Case No. 87-352-A
Petitioner: Klon R. Ervin, et ux
Petition for Zoning Variance

Dear Mr. Ervin:

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 / KKB
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

Zoning Item # 233 Zoning Advisory Committee Meeting of 12-23-86
Page 2

- () Prior to razing of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 494-3768.
- () Soil percolation tests (have been/must be) conducted.
 - { } The results are valid until _____
 - { } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
 - { } shall be valid until _____
 - { } is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.
- () Others: variance is acceptable with 10' buffer strip with stipulation that the proposed sewage system be constructed on concrete pad with black side walls to preclude termite infestation.

Ian J. Forrest
BUREAU OF ENVIRONMENTAL SERVICES

WWQ 2 4/86



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
294-3211

NORMAN E. GERBER
DIRECTOR

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

JANUARY 30, 1987

Re: Zoning Advisory Meeting of DECEMBER 23, 1986
Item # 233
Property Owner: Klon R. Ervin, et ux
Location: S/S Morgan Mill Rd. 670' W. Manor Rd.

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.
- ☒ 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 _____
- ☒ 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 _____
- ☒ 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 Services Areas are re-evaluated annually

IN RE: PETITION FOR ZONING VARIANCE
S/S Morgan Mill Road,
670' W of Manor Road
(4101 Morgan Mill Road)
11th Election District
Klon R. Ervin, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-352-A

The Petitioners herein request a zoning variance to permit an accessory structure (garage) to be located in the front yard in lieu of the required rear yard.

Testimony by the Petitioners indicated that they purchased the subject property in 1963 and built their home in 1975 following the granting of side yard variances. The property is adjacent to the Loch Raven watershed owned by Baltimore City. A 32' x 38' garage is proposed for the storage of passenger vehicles of this six-person family as well as the Petitioners' large pick-up truck. Electricity and maybe cold water will be provided in the garage; there will be a drain in the floor. The property slopes steeply toward the rear and there is a stream and a large septic area in the rear yard, all of which negate the possibility of building the garage without a variance.

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 (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, in the opinion of the Deputy Zoning Commissioner, the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 3rd day of March, 1987 that the herein request for an accessory structure to be located in the front yard, in accordance with the plan submitted

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 033 Zoning Advisory Committee Meeting are as follows:

Property Owners:
Locations:
Districts:

APPLICABLE ITEMS ARE CIRCLED:

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #17-1 - 1980) and other applicable codes and standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except R-1 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0" to an interior lot line. See Use Groups R-1 and R-2. A one hour wall is closer than 6'-0" to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Use Groups R-1 and R-2. Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0" of an interior lot line.
- F. 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 505 and 506 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____, of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable 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 Use Groups are from Use _____ to Use _____ or to Mixed Use _____. See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments:
- K. These abbreviated comments reflect only on 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 221 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Arnold E. Jablon
Mr. C. E. Burdick, Chief
Building Plans Review

L/22/86

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

PAUL H. REINCKE
CHIEF

December 23, 1986

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

RE: Property Owner: Klon R. Ervin, et ux

Location: S/S Morgan Mill Rd., 670 ft. W Manor Rd.

Item No.: 233 Zoning Agenda: Meeting of 12/23/86

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 _____

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. O'Neill*
Planning Group
Special Inspection Division

/mb

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS
DIRECTOR

January 21, 1987

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 233, 234, 235, 237, 238, 239, 240, 241, 243, 244, 246, 249, 249, and 250.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate II

MSF:lt

RECEIVED
FEB 3 1987
TRAFFIC ENGINEERING

RE: PETITION FOR VARIANCE
S/S Morgan Mill Rd., 670' W of
Manor Rd. (4101 Morgan Mill Rd.):
11th District
Klon R. ERVIN, et ux,
Petitioners

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 87-352-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 date or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 30th day of January, 1987, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Klon R. Ervin, 4101 Morgan Mill Rd., Glen Arm, MD 21057, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

FEB 5 1987

ZONING OFFICE

PETITION FOR ZONING VARIANCE

11th Election District

Case No. 87-352-A

LOCATION: South Side of Morgan Mill Road, 670 feet West of Manor Road
(4101 Morgan Mill Road)

DATE AND TIME: Monday, March 2, 1987, at 9:30 a.m.

PUBLIC HEARING: Room 301, 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:

Petition for Zoning Variance to permit an accessory structure (garage) in the front yard in lieu of the required rear yard

Being the property of Klon R. Ervin, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

ZONING DESCRIPTION

All that parcel of land in the Eleventh District of Baltimore County beginning at a point in the center of Morgan Mill Road, said point being distant 670 feet more or less, northwest of Manor Road, thence running S 34° 00' W 417 feet, thence N 47° 00' N 121.43 feet, thence N 34° 00' E 417 feet to the center of Morgan Mill Road, and thence running and binding along the center of said road S 47° 00' E 121.43 feet to the point of beginning. Containing 1.15 acres of land, more or less.

Also refer to Zoning Variance 74-226-A, Item # 123.

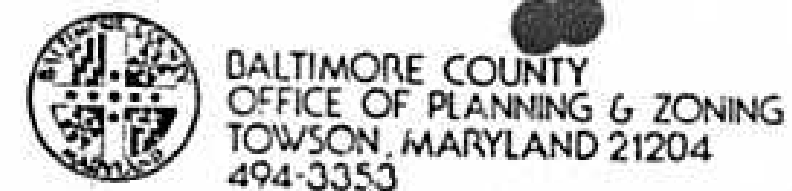
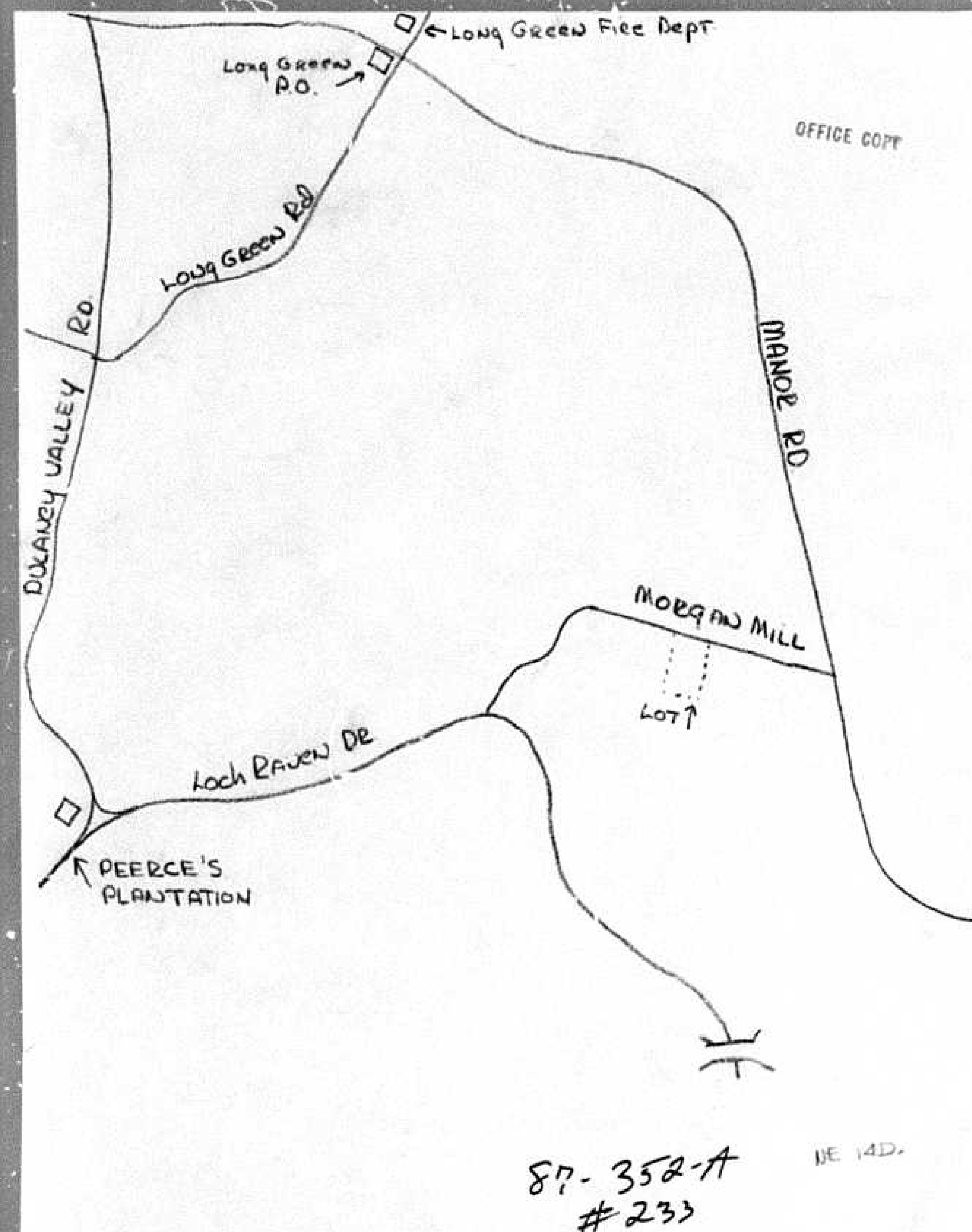
and identified as Petitioner's Exhibit 1, be and is hereby GRANTED from and after the date of this Order, subject, however, to the following restriction:

The garage may not be used for any living purposes.

Jan M. Denny
Deputy Zoning Commissioner
of Baltimore County

OFFICE COPY

RECEIVED FOR FILING
Date 2



ARNOLD JARLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

February 25, 1987

Mr. Klon R. Ervin
Mrs. Eleanor M. S. Ervin
4101 Morgan Mill Road
Glen Arm, Maryland 21057

RE: PETITION FOR ZONING VARIANCE
S/S Morgan Mill Rd., 670' W of Manor Rd.
(4101 Morgan Mill Rd.)
11th Election District - 6th Councilmanic District
Klon R. Ervin, et ux - Petitioners
Case No. 87-352-A

Dear Mr. and Mrs. Ervin:

This is to advise you that \$83.74 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 OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing.

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

No. 33047

DATE 3/2/87 ACCOUNT P-01-615-000

SIGN & POST RETURNED

AMOUNT \$ 83.74

Mr. Klon R. Ervin, 4101 Morgan Mill Rd., Glen Arm, Md. 21057

RECEIVED FROM

ADVERTISING & POSTING COSTS RE CASE #87-352-A

FOR

8 8010*****8374:8 80287

VALIDATION OR SIGNATURE OF CASHIER

Mr. Klon R. Ervin
Mrs. Eleanor M. S. Ervin
4101 Morgan Mill Road
Glen Arm, Maryland 21057

January 23, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
S/S Morgan Mill Rd., 670' W of Manor Rd.
(4101 Morgan Mill Rd.)
11th Election District
Klon R. Ervin, et ux - Petitioners
Case No. 87-352-A

TIME: 9:30 a.m.

DATE: Monday, March 2, 1987

PLACE: Room 301, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 2

DATE 12/2/86 ACCOUNT 01-615

AMOUNT \$ 35.00

RECEIVED FROM Klon R. Ervin

FOR FILING FEE FOR VARIANCE ITEM 233

8 8024*****3500:8 80087

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 1124 Date of Posting 9/6/87

Posted for Variance

Petitioner: Klon R. Ervin, et ux

Location of property: S/S Morgan Mill Rd., 670' W of Manor Rd.
4101 Morgan Mill Rd.

Location of Sign: 1111 Morgan Mill Rd., 1111 W of Manor Rd., 1111 W of Manor Rd.

Remarks: Property of Petitioner

Posted by *[Signature]* Date of return: 9/12/87

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 12, 1987

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 February 12, 1987.

THE JEFFERSONIAN,

[Signature]

Publisher

Cost of Advertising

28.96

CERTIFICATE OF PUBLICATION

TOWSON, MD., February 11, 1987

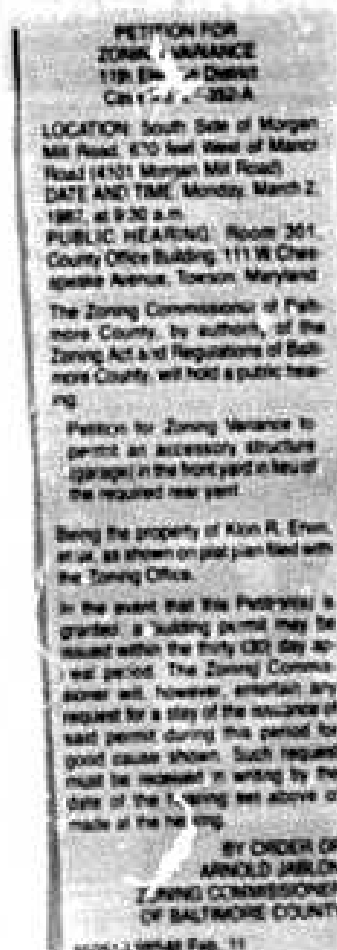
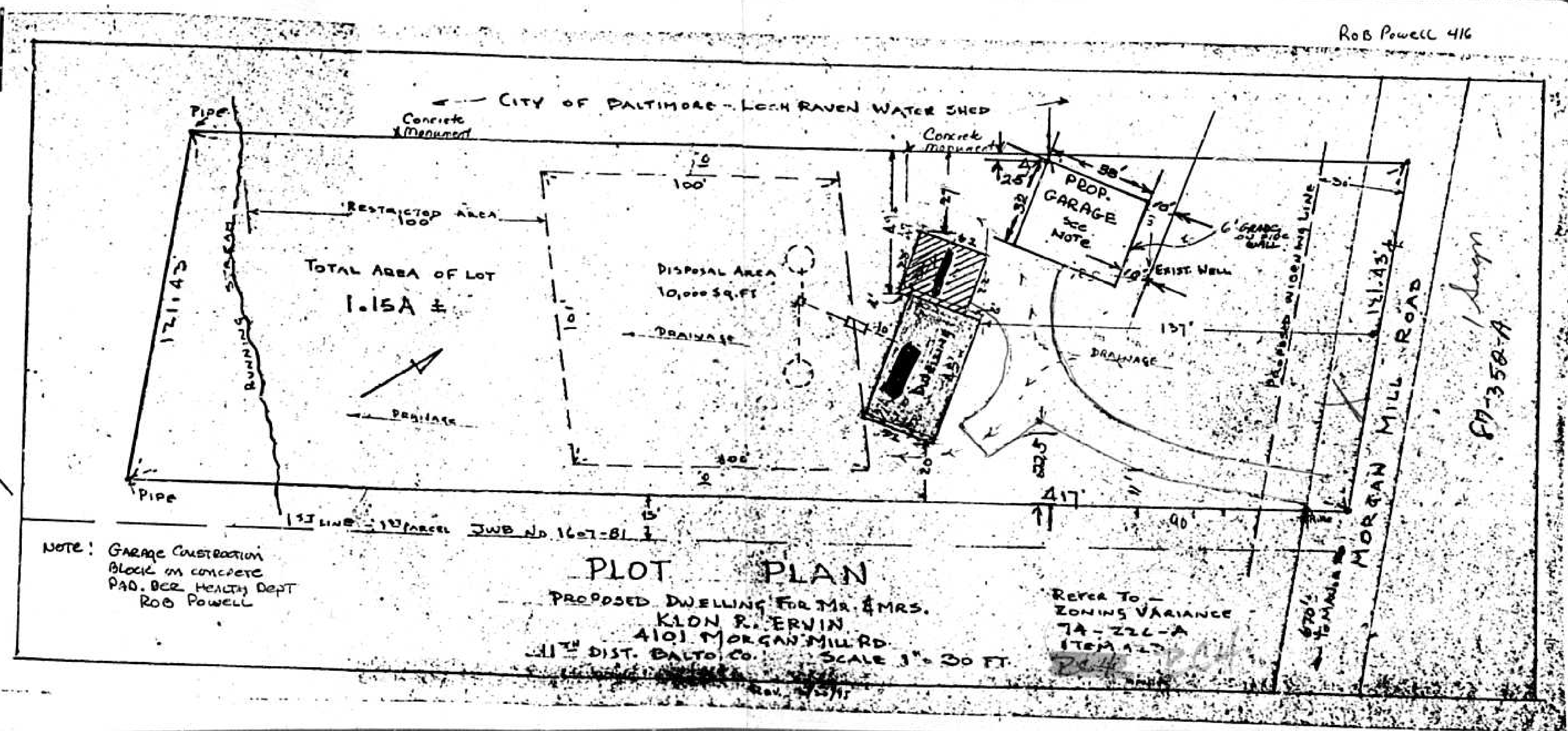
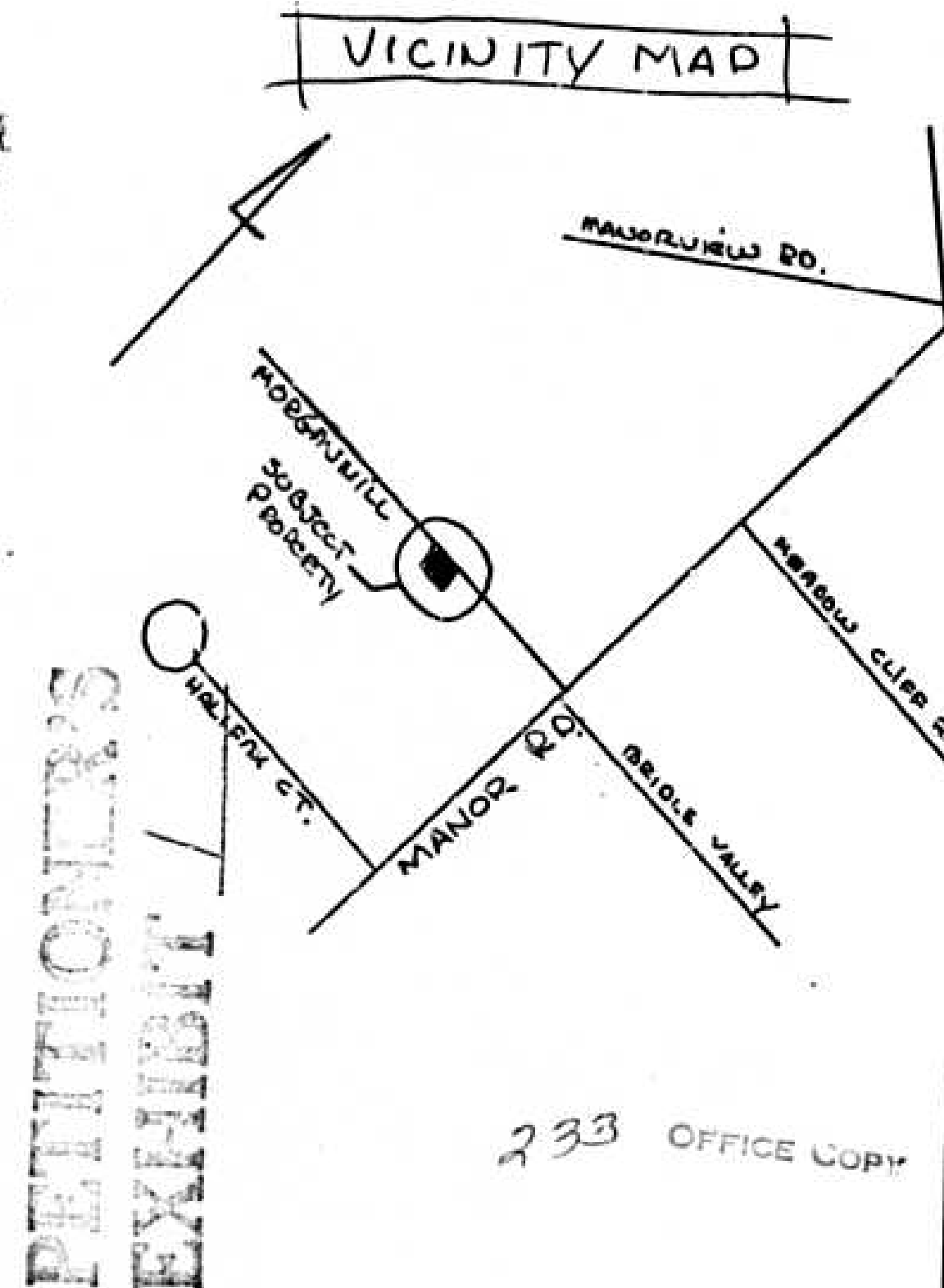
THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on February 11, 1987.

TOWSON TIMES,

[Signature]

Publisher

39.78



PETITION FOR ZONING VARIANCE
11th Election District
Case No. 87-352-A

LOCATION: South Side of Morgan Mill Road, 670 feet West of Manor Road (4101 Morgan Mill Road) DATE AND TIME: Monday, March 2, 1987, at 9:30 a.m. PUBLIC HEARING: Room 301, 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 Zoning Variance to permit an accessory structure (garage) in the front yard to be of the required rear yard.

Being the property of Klon R. Ervin, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petitioner 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 JARLON
Zoning Commissioner
of Baltimore County
1001-10848 Feb. 11