

IN RE: PETITION FOR RESIDENTIAL VARIANCE BEFORE THE
 N/S MURDOCK ROAD, 50' W of Edgewood Road
 (638 MURDOCK ROAD)
 9th Election District
 4th Councilmanic District
 Robert D. Eckert, Jr., et ux
 Petitioners

DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 92-28-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 26 feet in lieu of the required front average of 34 feet, for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

It should be noted that the Petitioners originally filed their Petition on July 26, 1991. Upon review of the case file after the closing date of August 26, 1991, it was determined that the Petitioners had not submitted sufficient documentation to support their request and the Petitioners were so advised. Further, the Petitioners, both being Baltimore County employees, were subject to obtaining a resolution from the Baltimore County Council that the requested variance did not contravene the public welfare and was thereby authorized. Said resolution was issued on or about December 16, 1991; however, this Office did not receive a copy of same until March 10, 1992. Hence the delay for issuing the opinion in this matter.

The Petitioners have filed the supporting affidavits as required

by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Furnsuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of March, 1992 that the Petition for Residential Variance from Sections 1B02.3.C.1 and 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 26 feet in lieu of the front yard average of 34 feet, for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

TIMOTHY M. KOTROCKO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

Suite 113 Courthouse
 400 Washington Avenue
 Towson, MD 21284

March 11, 1992

(410) 887-4396

Mr. & Mrs. Robert D. Eckert, Jr.
 638 Murdock Road
 Baltimore, Maryland 21212

RE: PETITION FOR ZONING VARIANCE
 N/S MURDOCK ROAD, 50' W OF EDGEWOOD ROAD
 (638 MURDOCK ROAD)
 9th Election District - 4th Councilmanic District
 Robert D. Eckert, Jr., et ux - Petitioners
 Case No. 92-28-A

Dear Mr. & Mrs. Eckert:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCKO
 Deputy Zoning Commissioner
 for Baltimore County

TMK:bjs

cc: People's Counsel

file

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-28-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1B02.3.C.1 303.1 to allow a front yard setback of 26' in lieu of the front yard average of 34'.

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

1. THE HOUSE HAS 2 BEDROOMS & THE LIVINGROOM IS TOO SMALL FOR OUR FAMILY (3)
2. WE WOULD LIKE TO BUILD ONTO THE FRONT OF THE HOUSE BECAUSE THE CONCRETE ENTRANCE TO THE BASEMENT AT THE BACK OF THE HOUSE WOULD NEED TO BE FILLED AND ANOTHER EXCAVATED. PROPERTY IS TO BE ADVERTISED AND/OR POSTED AS PRESCRIBED BY ZONING REGULATIONS.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, 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/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Address

City/State/Zip Code

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of July, 1992, that the subject matter of this petition be posted on the property on or before the 12th day of July, 1992.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of July, 1992, 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 the property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.

ORDER RECEIVED FOR FILING

Date: 7/26/92

By: bjs

REVIEWED BY: DATE:



ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-28-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 638 MURDOCK RD

BALTO MD 21212
 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

- A. THE HOUSE IS TOO SMALL FOR THE FAMILY - 2 BEDROOMS SMALL LIVINGROOM
- B. BUILDING ONTO THE BACK OF THE HOUSE WOULD BE COSTLY DUE TO BACKFILLING, POOR SOIL COMPACTNESS & RE-EXCAVATING.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

ROBERT D. ECKERT, JR.
 AFFIANT (Handwritten Signature)

ANNE MARCO ECKERT
 AFFIANT (Handwritten Signature)

ROBERT D. ECKERT, JR.
 AFFIANT (Printed Name)

ANNE MARCO ECKERT
 AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 26th day of July, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

ROBERT D. ECKERT, JR. AND ANNE MARCO ECKERT

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of their/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

Notary Public Signature
 My Commission Expires: 11/95

92-28-A 44

BEING KNOWN AND DESIGNATED AS LOTS
 NUMBERS 43 AND 44 BLOCK C AS SHOWN ON
 THE PLAT OF ANNESLIE WHICH PLAT IS RECORDED
 AMONG THE LAND RECORDS OF BALTO. CO. IN
 PLAT BOOK W.P.C. No. 7 FOLIO 40. ALSO
 KNOWN AS HOUSE #638 MURDOCK RD BALTO.
 MD 21212 IN ELECTION DISTRICT 9c4.

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 9c4 Date of Posting: 7/24/92
 Posted for: Variance
 Petitioner: Robert D. Eckert, Jr., et ux
 Location of property: N/S Murdock Rd., 50' W of Edgewood Rd.
 638 Murdock Rd.
 Location of Signs: Front Murdock Rd., across St. Elizabeth St.
 Paper by: Petitioner
 Remarks:
 Posted by: [Signature] Date of return: 7/26/92
 Number of Signs: 1

Baltimore County
 Zoning Commissioner
 County Office Building
 112 West Chesapeake Avenue
 Towson, Maryland 21284

receipt

Account R-001-6150
 Number

PUBLIC USE INFRA FUND 6.00 FRIEDL
 TRANSFERRED TO FUND 111.00 205.00
 TRANSFERRED TO FUND 111.00 205.00
 TRANSFERRED TO FUND 111.00 205.00

0404012541CHRC \$60.00
 BA 000111PM77-24-91
 Please Make Checks Payable To Baltimore County

Other Validation

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 Office of Planning & Zoning

111 West Chesapeake Avenue
 Towson, MD 21284

August 1, 1991 887-5855

Robert and Anne Eckert
 638 Murdock Road
 Baltimore, Maryland 21212

Re: CASE NUMBER: 92-28-A
 LOCATION: N/S Murdock Road, 50' W of Edgewood Road
 638 Murdock Road

COPY

Dear Petitioner(s):
 Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a reaffraser regarding the administrative process.

- 1) Your property will be posted on or before August 11, 1991. The closing date is August 26, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very Truly Yours,

G. G. Stephens
 (301) 887-3391

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 19, 1991

Mr. & Mrs. Robert D. Eckert
638 Murdock Road
Baltimore, MD 21212

RE: Item No. 44, Case No. 92-28-A
Petitioner: Robert D. Eckert, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Eckert:

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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 26th day of July, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Robert D. Eckert, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 16, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Walker Property, Item No. 505
Parsons Property, Item No. 9
Donovan Property, Item No. 10
Wolf Property, Item No. 17
Pearson Property, Item No. 19
Stifler Property, Item No. 22
Felts Property, Item No. 24
Welch Property, Item No. 25
Faulkner Property, Item No. 27
McJilton Property, Item No. 32
Horne Property, Item No. 33
Elsnic Property, Item No. 38
Wufrage Property, Item No. 39
Copeland Property, Item No. 42
Eckert Property, Item No. 44
Hartel Property, Item No. 50
Gimbel/Gaffney Property, Item No. 51

In reference to the Petitioners' requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/pat
NUMEROUS.ITM/ZAC1

Rec'd 8/16/91

Baltimore County Government
Fire Department

700 East Joppa Road, Suite 901
Towson, MD 21284-5500

(301) 887-4500

AUGUST 6, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: ROBERT D. ECKERT, JR.
Location: #638 MURDOCK ROAD
Item No.: #44 Zoning Agenda: AUGUST 6, 1991

Gentlemen:

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

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", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Long* 8-7-91 Noted and Approved
Special Inspection Division Fire Prevention Bureau

JR/FFK

Rec'd 8/16/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: September 11, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 6, 1991

This office has no comments for item numbers 25, 28, 32, 33, 34, 35, 39, 40, 42, 43 and 44.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 20, 1991
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for August 6, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 25, 28, 32, 33, 34, 36, 39, 40, 42, 43 and 44.

For Item 483 (Case No. 91-494-A), the previous minor subdivision comments are applicable.

For Items 35 and 37, revised County Review Group Plans are required.

Robert W. Bowling / DAK
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

BWB:s

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
LEGISLATIVE SESSION 1991, LEGISLATIVE DAY NO. 23
RESOLUTION NO. 96-91

MR. DOUGLAS B. RILEY, COUNCILMAN

BY THE COUNTY COUNCIL, DECEMBER 16, 1991

A RESOLUTION concerning the public disclosure of Robert Eckert, an employee of the Baltimore County Department of Recreation and Parks.

WHEREAS, Robert Eckert intends to file a request for a zoning variance for the construction of a two-story addition to his existing home located in the Fourth Councilmanic District of Baltimore County; and

WHEREAS, this Resolution is intended to provide full public disclosure of his interest in the proceeding before the Zoning Commissioner under Section 26-3(d) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED by the County Council of Baltimore County, Maryland that the filing of a zoning variance and related requests in connection therewith by Robert Eckert does not contravene the public welfare and is hereby authorized.

RECEIVED
MAR - 10 1992
ZONING COMMISSIONER

92-28-A
(item # 44)

9/22/91

WE THE UNDERSIGNED HAVE SEEN THE VARIANCE SIGN POSTED AT 638 MURDOCK ROAD. WE UNDERSTAND THE SIGN IS FOR A 12'X10' ADDITION TO BE ADDED TO THE FRONT OF THE HOUSE

Robert J. Dyer Sr. (301) 377-5435
638 Murdock Rd. Baltimore MD 21212

Arthur J. Marston (301) 377-9713
639 Murdock Rd. Baltimore Md 21212

Paul B. McLean (301) 377-0967
640 Murdock Rd. Baltimore Md 21212

Mark Keillor (301) 377-0801
657 Murdock Rd., Balt., MD. 21212-2022



APREHENSIVE ZONING MAP
 by the Baltimore County Council
 Oct. 13, 1988
 15-88, 17-88, 147-88, 148-88, 149-88, 150-88
 Mayor, County Council

92-28-A BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 OFFICIAL ZONING MAP

SHEET NE 7A

NE A 8

#44

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 638 MURDOCK RD BALTO MD 21212 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: ANNESLIE

plat book # 1 lot # 142 section # C

OWNER: ROBERT D. ECKERT Jr & ANNIE NAVARRO ECKERT

92-28-A

Vicinity Map
 scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 9

Election District: 4

1"=200' scale map: NE BA

Zoning: Dr. S.5

Lot size: .12 acreage 6,280 square feet

SEWER:

WATER:

Chesapeake Bay Critical Area:

Prior Zoning Hearings: 1/10/88

Zoning Office USE ONLY!

reviewed by: [Signature] ITEM #: 44 CASE#:

North
 date: 7/24/91
 prepared by: A.W. ECKERT Scale of Drawing: 1"=30'

Photographs
 Case # 92-28-A

