

IN RE: PETITION FOR ADMINISTRATIVE VARIANCE* BEFORE THE
NW/Corner Morris & Bellona Avenues
200 Morris Avenue
8th Election District
3rd Councilmanic District
George F. Nixon, Jr., et ux
Petitioners

ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 92-380-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Administrative Variance in which the petitioners request relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 23 feet in lieu of the maximum permitted 15 feet, and from Section 400.1 of the B.C.Z.R. to permit an accessory structure to be located in the side yard in lieu of the required rear yard, for a proposed three-car carriage house in accordance with petitioner's Exhibit 1.

The Petitioners having filed a Petition for Administrative 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.

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 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

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Date 5/19/92
By [Signature]

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant 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 Zoning Commissioner for Baltimore County this 17th day of May, 1992 that the Petition for Administrative Variance requesting relief from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an accessory structure height of 23 feet in lieu of the maximum permitted 15 feet, and from Section 400.1 of the B.C.Z.R. to permit an accessory structure to be located in the side yard in lieu of the required rear yard, for a proposed three-car carriage house, 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.
- 2) Petitioner shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartments. The proposed carriage house shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this order in the event it becomes necessary to do so as a result of a complaint.

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By [Signature]

4) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

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Date 5/19/92
By [Signature]

Baltimore County
Zoning Commission
Office of Planning and Zoning

Suite 113 Courthouse
408 Washington Avenue
Towson, MD 21284

May 7, 1992

(410) 887-1486

Mr. & Mrs. George F. Nixon, Jr.
200 Morris Avenue
Lutherville, Maryland 21093

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/Corner Morris and Bellona Avenues
(200 Morris Avenue)
8th Election District - 3rd Councilmanic District
George F. Nixon, Jr., et ux - Petitioners
Case No. 92-380-A

Dear Mr. & Mrs. Nixon:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 687-3391.

Very truly yours,

[Signature]
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: People's Counsel

file

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

92-380-A

The undersigned, legal owner(s) of the property located 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 400.3 - height of accessory buildings shall not exceed 15 ft. (proposed 23 ft.)
400.1 - to allow for location in side yard.

The design of said structure is in keeping with the character and architectural styles of the Lutherville community; the height is in proportion to the roof pitch.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I/we agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to pay 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

Legal Owner(s):

George F. Nixon Jr.

[Signature]

Pamela S. Nixon

[Signature]

200 Morris Ave. 410-252-5549

Lutherville Md. 21093

L. J. Link Jr.

6777 Brooklandville Md 21022

410-337-9428

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Date 5/19/92

By [Signature]



ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT
IN SUPPORT OF ADMINISTRATIVE VARIANCE

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 that Affiant(s) believe competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) domicile presently reside at 12415 Upper Backleyville Rd.
Hamstead Md. 21074

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Include location or previous address)

The design of said structure is in keeping with the character and architectural styles of the Lutherville community; the height is in proportion to the roof pitch and scale of the proposed garage and the adjacent existing house.

This Affidavit is being filed in support of a petition for an Administrative Variance from the Zoning Regulations of Baltimore County. I/we are the legal owner(s) of the property which is the subject of this petition.

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.

STATE OF MARYLAND, COUNTY OF BALTIMORE, to-wit:

I HEREBY CERTIFY, this 15th day of April, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Lawrence J. Link Jr.

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

AS WITNESS my hand and Notarial Seal.
4-1-92

My Commission Expires: 11/1/92

92-380-A
DEAR 597 441 95
IN CONSIDERATION
THIS DEED, made this 19th day of February, in the year nineteen hundred and seventy-nine, by and between MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY, a body corporate of the State of Maryland, and MARGARET RIDGELY MARTIN, Personal Representatives of the Estate of ERNA DAVIS BATES, parties of the first part; and CECIL A. GIVEN, III of Mount Airy, North Carolina, parties of the second part.
WHEREAS, ERNA DAVIS BATES departed this life on or about March 18, 1978 seized and possessed of the hereinafter described property, and
WHEREAS, Mercantile-Safe Deposit and Trust Company and Margaret Ridgely Martin were appointed Personal Representatives of her estate, (See Estate #42105 in the office of the Register of Wills for Baltimore County) and
WHEREAS, by Item V of her Last Will and Testament filed in the office of the Register of Wills for Baltimore County she devised the property hereinafter described unto Cecil A. Given, III, and
WHEREAS, by the First Administration Account filed in the office of the Register of Wills for Baltimore County there was distributed to Cecil A. Given, III the property hereinafter described.
NOW THEREFORE in consideration of the premises and in pursuance of the provisions of the Estates and Trusts Article Section 9-105 of the Annotated Code of Maryland, the said MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY and MARGARET RIDGELY MARTIN, Personal Representatives of the Estate of ERNA DAVIS BATES, deceased, do grant and convey to CECIL A. GIVEN, III the following lot of ground and improvements situate and lying in Baltimore County, State of Maryland, and described as follows:
BEGINNING for the same at a crosscut in the concrete driveway at the northeast corner of Morris and Bellona Avenues thence binding on the northeast side of Morris Avenue north sixty-four degrees thirty minutes west one hundred nineteen and seventy-

DEAR 597 441 96
seven one-hundredths feet to a stake distant south sixty-four degrees thirty minutes east fifty-one and twenty-three one-hundredths feet from a stone heretofore set on the northeast side of Morris Avenue thence running for lines of division the two following courses and distances viz north five degrees fifty-two minutes east one hundred nineteen and thirty-eight one-hundredths feet to a stake and north twenty-seven degrees thirty minutes east one hundred twelve and fifty one-hundredths feet to a stake set in the northeast outline of the whole tract of land of which the lot now being described is a part thence binding on said outline south sixty-four degrees thirty minutes east one hundred thirty-two and eighty-two one-hundredths feet to the southwest corner of a parcel of land which by a deed dated April 25th, 1901 and recorded among the Land Records of Baltimore County in Liber MM No. 251, folio 551 was conveyed by Belle Davis and husband to the Board of County School Commissioners of Baltimore County thence running for a line of division south thirteen degrees thirty-six minutes east one hundred fifty-five and sixty-eight one-hundredths feet to the northwest side of Bellona Avenue and thence binding on the northwest side of Bellona Avenue the two following courses and distances viz south seventy-two degrees thirty-six minutes west forty-five feet and south fifty-five degrees thirty-six minutes west eighty-four and forty-one one-hundredths feet to the place of beginning. Containing ninety-two one-hundredths (92/100) of an acre of land, more or less. The improvements thereon being known as No. 200 Morris Avenue.
BEING the same lot of ground which, by Deed dated February 5, 1938 and recorded among the Land Records of Baltimore County in Liber C.W.S.Jr. 1022, folio 332, was granted and conveyed by CLAUDE A. HANLEY, unmarried, to ERNA M. DAVIS, who later married ROBERT BATES and was known at the time of her death as ERNA DAVIS BATES.
TOGETHER with the buildings and improvements thereon; and the rights, alleys, waters, waters, privileges, appurtenances

LETS 997 (REV 137)

and advantages thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said described lot of ground and premises unto and to the use of the said CECIL A. GIVEN, III, his personal representatives and assigns, forever, in fee simple.

WITNESS the corporate seal of MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY, a body corporate, and the signature of Elizabeth M. Lutz, its Vice-President thereof.

WITNESS ALSO the hand and seal of MARGARET RIDGELY MARTIN, Personal Representative of the Estate of Irma Davis Bates, deceased.

MERCANTILE-SAFE DEPOSIT AND TRUST COMPANY
 Elizabeth M. Lutz, Vice-President
 Margaret Ridgely Martin, Personal Representative of the Estate of Irma Davis Bates, deceased

STATE OF MARYLAND, City of Baltimore

I HEREBY CERTIFY that on this 14th day of February in the year nineteen hundred and seventy-nine, before me, the undersigned Notary Public of the State of Maryland, in and for the County of Baltimore, personally appeared Elizabeth M. Lutz, one of the within named Personal Representatives, known to me (or satisfactorily proven) to be the person named in the foregoing instrument and she acknowledged the foregoing Deed (to Cecil A. Given, III) and that she executed the same for the purposes therein stated and in my presence signed and sealed the same and in my presence signed and sealed the instrument.

AS WITNESS my hand and Notarial Seal.

Paul B. Muehle, Notary Public

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: PH Date of Posting: 4-17-92

Posted for: Residential Variance

Petitioner: George F. Nixon, Jr. & Pamela S. Nixon

Location of property: 4441 North of Morris Avenue and Patton St. Towson, Maryland

Location of Signs: On East of Patton Avenue

Remarks: _____

Posted by: [Signature] Date of return: _____

Number of Signs: 7

4/06/92

PUBLIC HEARING FEES	QTY	PRICE
2010 - ZONING VARIANCE (1HL)	1 X	\$50
250 - HOBBLING SIGNS / ADVERTISING 1		

Please Note: _____

NAME OF OWNER: NIXON

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

111 West Chesapeake Avenue
 Towson, MD 21201

April 30, 1992 (410) 887-3353

Mr. & Mrs. George F. Nixon
 200 Morris Avenue
 Lutherville, MD 21093

RE: Item No. 408, Case No. 92-380-A
 Petitioner: George F. Nixon, et ux
 Petition for Administrative Variance

Dear Mr. & Mrs. Nixon:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

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

111 West Chesapeake Avenue
 Towson, MD 21201

(410) 887-3353

Your petition has been received and accepted for filing this 26th day of April, 1992.

[Signature]
 ARNOLD JABLON
 DIRECTOR

Received by:
[Signature]
 Chairman,
 Zoning Plans Advisory Committee

Petitioner: George F. Nixon, et ux
 Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

DATE: April 14, 1992

TO: Arnold Jablon, Director
 Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief
 Development Review Section
 Office of Planning and Zoning

SUBJECT: PETITIONS FROM ZONING
 ADVISORY COMMITTEE - APRIL 13, 1992

The Office of Planning and Zoning has no comments on the following petitions:

Paul R. Rochlin	-	Item No. 392
Ronald W. Chapman	-	Item No. 394
Rose L. Mroy	-	Item No. 396
Rose L. Mroy	-	Item No. 397
Charles G. Scherr	-	Item No. 398
Charles G. Scherr	-	Item No. 399
Louis H. Young	-	Item No. 400
Robert L. Jones	-	Item No. 403
S. Edward Hargest	-	Item No. 404
GARY W. Hohn	-	Item No. 405
George F. Nixon	-	Item No. 408
Steven R. Goff	-	Item No. 413

jm
 PETITNS1.ZON

RECEIVED
 ZONING OFFICE

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

DATE: April 16, 1992

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

FROM: Stephen E. Weber

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 13, 1992

This office has no comments for item numbers 392, 396, 397, 398, 399, 401, 404, 406, 407, 408, 417 and 418.

[Signature]
 Stephen E. Weber, P.E.
 Assistant Traffic Engineer

SEW/dm

BALTIMORE COUNTY, MARYLAND
 DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
 INTER-OFFICE CORRESPONDENCE

April 15, 1992

TO: Arnold Jablon, Director
 Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Comments

The agenda for the zoning advisory committee meeting of April 13, 1992 has been reviewed by the Department of the Environmental Protection and Resource Management staff.

There is no comment for the following item numbers:

- 392
- 398
- 399
- 400
- 401
- 404
- 407
- 408
- 413
- 414
- 417

SSF:rmp

ZNG.NCS/GWRMP

RECEIVED
 APR 21 1992
 ZONING OFFICE

Baltimore County Government
 Fire Department

700 East Joppa Road, Suite 901
 Towson, MD 21204 5500

(410) 887-1500

APRIL 15, 1992

Arnold Jablon
 Director
 Zoning Administration and
 Development Management
 Baltimore County Office Building
 Towson, MD 21204

RE: Property Owner: GEORGE F. NIXON, JR. & PAMELA S. NIXON
 Location: #200 NORRIS AVENUE
 Item No.: *408 (RT) Zoning Agenda: APRIL 13, 1992

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.

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

REVIEWER: [Signature] Noted and Approved
 Planning Group Fire Prevention Bureau
 Special Inspection Division

JP/KEK

[Stamp]

BALTIMORE COUNTY, MARYLAND
Interoffice Correspondence

TO: Arnold Jablon, Director DATE: April 24, 1992
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

SUBJECT: Zoning Advisory Committee Meeting
for April 15, 1992

The Developers Engineering Division has reviewed the zoning items for the subject meeting and we have no comments for the following items:

- No. 392
- No. 396
- No. 397
- No. 398
- No. 399
- No. 400
- No. 403
- No. 404
- No. 406
- No. 407
- No. 408
- No. 413
- No. 417
- No. 418
- No. 419

RWB:s

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

111 West Chesapeake Avenue
Towson, MD 21286

April 10, 1992 (410) 887-3353

George and Pamela Nixon
200 Morris Avenue
Baltimore, Maryland 21204

RE: CASE NUMBER: 92-380-A
LOCATION: Mc Morris and Bellona Avenues
200 Morris Avenue
8th Election District - 3rd Councilmanic

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 referendum regarding the administrative process.

1) Your property will be posted on or before April 19, 1992. The closing date is May 4, 1992. 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 reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting 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.

Lawrence E. Schlicht
Lawrence E. Schlicht
Zoning Commissioner, Baltimore County

Printed on Recycled Paper

Lutherville Advisory Committee
Baltimore County Landmarks Preservation Commission

March 12, 1992

Mr. John McGrain, Director
Baltimore County Landmarks Preservation Commission
Office of Planning and Zoning
New Courts Building/ Room 406
401 Bosley Avenue
Towson, Maryland 21204

RE: Proposed Accessory Building (3-car Carriage House)
Property of Mr. and Mrs. George F. Nixon, Jr.
200 Morris Avenue

Dear Mr. McGrain:

The Lutherville Advisory Committee has reviewed the drawings required for application for a work permit for the above-referenced project located within the Historic District of Lutherville. We recommend that you approve this application based on these drawings. The Carriage House building has been successfully designed to enhance the Victorian character of the overall property.

During our conversations with the Owner, Mr. Nixon, we requested that additional information be provided concerning the exact windows to be used. It was our feeling that commercially-available casement windows (such as Andersen, Pella, Peachtree or their equal) would be appropriate without any accessory mouldings. This would be compatible with the one-over-one double hung windows on the main house and is consistent with the Owner's intentions. The submitted drawings should reflect this request.

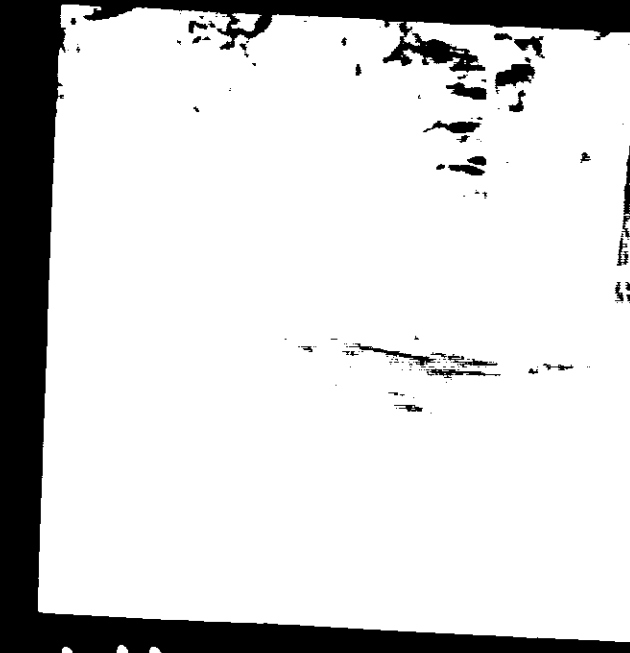
If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Robert P. Wingard
Robert P. Wingard AIA
Chair and Resident Architectural Advisor, IAC
214 Morris Avenue
Lutherville, Maryland 21093
(410) 252-1074 (C) 528-8600

cc: Mr. and Mrs. George F. Nixon, Jr.
File

92-380-A



Klingelhofer
taken from front.



taken towards side



taken from front.



taken towards side

92-380-A

92-380-A



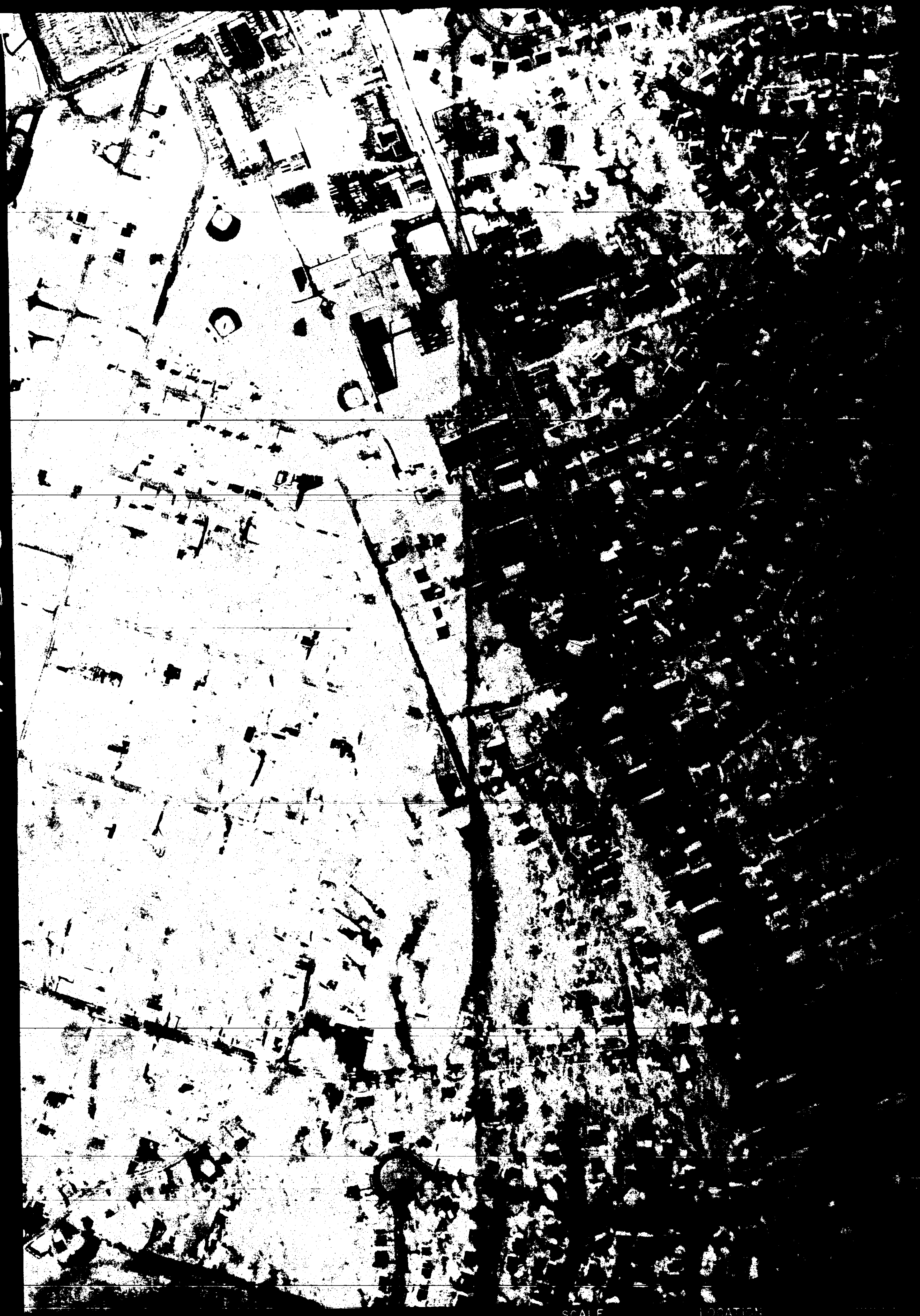
taken from front.



NIXON RESIDENCE

92-380-A

COUNTY
AND ZONING
MAP



NIXON RESIDENCE

92-380-A