

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
E/S Ridgely Oak Road, 90 ft. N
of Taylor Avenue
7901 Ridgely Oak Road
9th Election District
6th Councilmanic District
John P. Morgan, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-142-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by John P. and Brenda J. Morgan, for that property known as 7901 Ridgely Oak Road in the Hillendale Park Subdivision of Baltimore County. The Petitioners herein seek a variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) with a height of 18 ft., in lieu of the maximum permitted 15 ft., as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a 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 variance 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, photographs, 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.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 8th day of December, 1992 that the Petition for a Zoning Variance from Section 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (garage) with a height of 18 ft., in lieu of the maximum permitted 15 ft., be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The 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. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:mmm

ORDER RECEIVED FOR FILING
Date 12/8/92
By *John P. Morgan*

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 8, 1992

Mr. and Mrs. John P. Morgan
7901 Ridgely Oak Road
Baltimore, Maryland 21234

RE: Petition for Administrative Zoning Variance
Case No. 93-142-A
7901 Ridgely Oak Road

Dear Mr. and Mrs. Morgan:

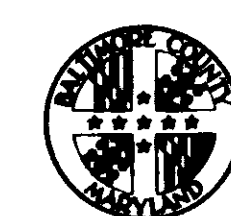
Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance 93-142-A to the Zoning Commissioner of Baltimore County

for the property located at 7901 Ridgely Oak Road
which is presently zoned 21234

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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, hereby petition for a Variance from Section(s) 400.3 To allow an accessory structure with a height of 18 ft. in lieu of the maximum permitted 15 ft.

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

We would like to go an additional 3 feet in height to make the garage uniform in appearance; so we can utilize the added storage space.

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.

Contact Purchaser/Lessor

(Type or Print Name)

Signature

Address

City

(Type or Print Name)

Signature

Address

City

(We do solemnly declare and affirm, under the penalties of perjury that we are the legal owner(s) of the property which is the subject of this Petition.)

Legal Owner(s)

John P. Morgan

John P. Morgan

Brenda J. Morgan

Brenda J. Morgan

7901 RIDGELY OAK RD. 665-4447

BALTIMORE MD 21234

JOHN P. MORGAN

7901 RIDGELY OAK RD. 665-4447

BALTIMORE MD 21234

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BALTIMORE MD 21234

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

NOVEMBER 4, 1992 (410) 887-3353

John and Brenda Morgan
7901 Ridgely Oak Road
Baltimore, Maryland 21234

Re: CASE NUMBER: 93-142-A
LOCATION: 2/3 Ridgely Oak Road, 90' W of Taylor Avenue
7901 Ridgely Oak Road
9th Election District - 6th 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 refresher regarding the administrative process.

1) Your property will be posted on or before November 15, 1992. The closing date is November 30, 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 a Baltimore County newspaper. Charges related to the reporting and newspaper 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 S. Schulz
Lawrence S. Schulz
Zoning Commissioner, Baltimore County

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

111 West Chesapeake Avenue
Towson, MD 21204

November 16, 1992 (410) 887-3353

Mr. and Mrs. John P. Morgan
7901 Ridgely Oak Road
Baltimore, MD 21234

RE: Case No. 93-142-A, Item No. 152
Petitioner: John P. Morgan, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Morgan:

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 indicate the appropriateness of the zoning action requested, but 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 21204

(410) 887-3353

Your petition has been received and accepted for filing this 30th day of October, 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: John P. Morgan, et ux
Petitioner's Attorney:

DPW/Development Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature: *David B. Ramsey* Date: 11/16/92

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Anthony J. and Susan M. DiBartolomeo	140		11-9-92 NC
✓ Irving R. and Joyce L. Bauer	149		11-9-92 NC
✓ Andrew I. David	150		11-9-92 NC
Baltimore Cnty. Landsdowne Vol Fire Dept.	151		11-9-92 NC
✓ John P. and Brenda J. Morgan	152		11-9-92 Comment
✓ Michael and Nadine Bertazon	153		11-9-92 NC
✓ Richard M. Diotte	155		11-9-92 Comment

COUNT 7
Stonegate at Patapsco (Aerial Property)
90476 TE (Waiting for developer to submit plans first) 6-1-92
ZON DED

COUNT 1
FINAL TOTALS
COUNT 8
*** END OF REPORT ***
Rec'd 11/17/92

SHA Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 152 (J35)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.
Thank you for the opportunity to review this item.

Very truly yours,
David M. Ramsey 11/5/92
John Contestabile, Chief
Engineering Access Permits
Division

Rec'd 11/5/92

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
365-7555 Baltimore Metro - 565-0461 D.C. Metro - 1-800-495-5656 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-6717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: November 12, 1992

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

SUBJECT: Petitions from Zoning Advisory Committee
(November 9, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):
Anthony and Susan DiBartolomeo, Item No. 140 ✓
Irving and Joyce Bauer, Item No. 149
Andrew I. David, Item No. 150
John and Brenda Morgan, Item No. 152
Michael and Nadine Bertazon, Item No. 153

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

Prepared by: *Francis Morsey*
Division Chief: *Ervin McDaniel*
EKd/VM:rdn

140/53.ZAC/ZAC1

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature: *David B. Ramsey* Date: 11/16/92

Project Name	Waiver Number	Zoning Issue	Meeting Date
Edward L. And Linda M. Gittings	134	W/C	11-2-92
DEPRM RP STP TE			
✓ Anthony J. and Susan M. DiBartolomeo	140	N/C	11-9-92
DED DEPRM RP STP TE			
✓ Irving R. and Joyce L. Bauer	149	N/C	
DED DEPRM RP STP TE			
✓ Andrew I. David	150	N/C	
DED DEPRM RP STP TE			
Baltimore Cnty Landsdowne Vol Fire Dept.	151	MT	
DED DEPRM RP STP TE			
✓ John P. and Brenda J. Morgan	152	N/C	
DED DEPRM RP STP TE			
✓ Michael and Nadine Bertazon	153	N/C	
DED DEPRM RP STP TE			
✓ Richard M. Diotte	155	W/C	
DED DEPRM RP STP TE			

COUNT 7
Stonegate at Patapsco (Aerial Property)
90476 TE (Waiting for developer to submit plans first) 6-1-92
ZON DED

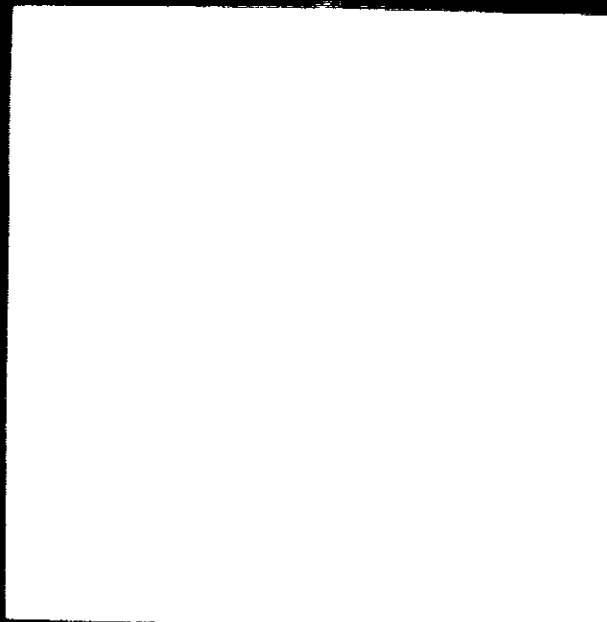
FINAL TOTALS
COUNT 8
Rec'd 11/17/92

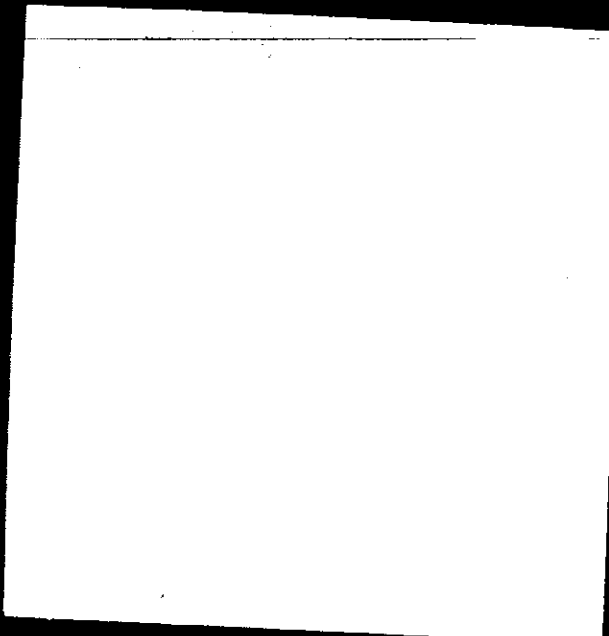
Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature: *David B. Ramsey* Date: 11/30/92

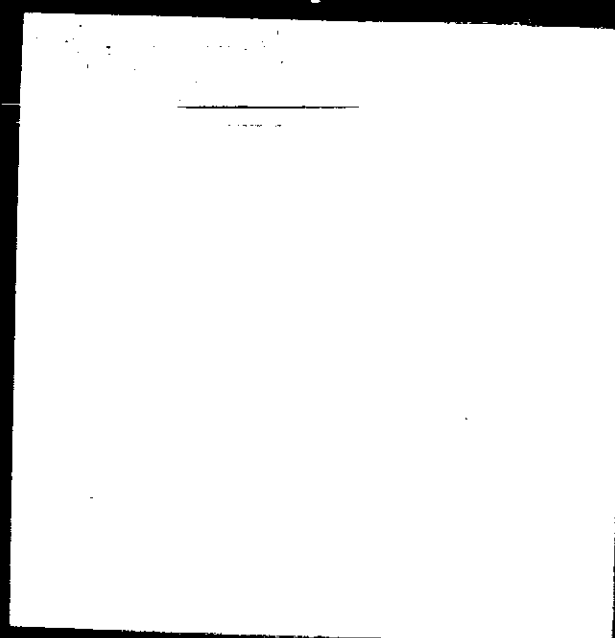
Project Name	Waiver Number	Zoning Issue	Meeting Date
Roscoe Phipps	166		11-23-92
DED DEPRM RP STP TE			
American Legion Dept. of MD	167		11-23-92 IN PROCESS
DED DEPRM RP STP TE			
✓ Cecelia Escalante	168		11-23-92 NO COMMENTS
DED DEPRM RP STP TE			
✓ Michael J. and Peggy L. Navarre	172		11-23-92 NO COMMENTS
DED DEPRM RP STP TE			
Pulte Home Corporation	173		11-23-92 IN PROCESS
DED DEPRM RP STP TE			
Clinton and Erika Routh	174		11-23-92 IN PROCESS
DED DEPRM RP STP TE			
Goldenwood Associates	175		11-23-92 IN PROCESS
DED DEPRM RP STP TE			
Salvo Road Limited Partnership	177		11-23-92 IN PROCESS
DED DEPRM RP STP TE			
✓ Ronald R. and Janet Lee Gaspari	178		11-23-92 NO COMMENTS
DED DEPRM RP STP TE			

COUNT 11
✓ John P. and Brenda J. Morgan
DEPRM RP 152 11-9-92
Richard M. Diotte
DED DEPRM RP 155 IN PROCESS

93-142-A


Proposed garage
152


Proposed
garage
152


Proposed garage
152

DEED - FEE SIMPLE - INDIVIDUAL GRANTOR - LONG FORM

RECORDED 989 MAR 6 1966

This Deed, MADE THIS 8th day of February

in the year one thousand nine hundred and seventy-four by and between

CHARLES H. PARKS-----

of Baltimore County, in the State of Maryland----- of the first part, and

JOHN P. MORGAN and BRENDA J. MORGAN, his wife of Baltimore County, in the State of Maryland----- of the second part.

WITNESSETH, That in consideration of the sum of Twenty Thousand (\$20,000.00) Dollars and other good and valuable considerations, the receipt and contents of which are hereby acknowledged-----

the said CHARLES H. PARKS-----

doth-- grant and convey to the said JOHN P. MORGAN and BRENDA J. MORGAN, his wife as tenants by the entireties, their assigns and heirs the certain lot or lots of his or her-----, in fee simple, all of which are hereby acknowledged-----

lot 8-- of ground situate in Baltimore County, in the State of Maryland and described as follows, that is to say:

BEING known and designated as Lots C18, C19, C20 and the North half of Lot C19, as shown on the Plat of Hillen, et al., and recorded as such on the Plat Records of Baltimore County in Plat No. 244 dated February 1, 1960, Folio 10. The improvements thereon being a single detached house and of Ridgely Oak Road.

BEING the same lots of ground which by Deed No. 100,000, dated February 1, 1960, were conveyed to the said JOHN P. MORGAN and BRENDA J. MORGAN, his wife by CHARLES H. PARKS, as Grantor.

Plat to accompany Petition for Zoning ☒ **Variance** ☐ **Special Hearing**

PROPERTY ADDRESS: 1901 RIDGELY OAK RD see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: MILLCROFT PARK
plot books: 2, folios 10, 11, 16, 17 sections --

OWNER: JENNIFER L. MORGAN

LOCATION INFORMATION

Councilman's District: 6th
 Election District: 9th
 1"-200' scale map: NE B-C
 Zoning: DR 55
 Lot size: 0.286 acreage 12,462 square feet

SEWER:	☒	☐	☐
WATER:	☐	☐	☐
Chesapeake Bay Critical Area:	☐	☐	☐
Prior Zoning Hearings:	<u>None</u>		

Zoning Office USE ONLY!
 reviewed by: ITEM 4 CASE#:
PA 152

Date: _____
date: _____
prepared by: [Signature] **Scale of Drawing:** 1" = 40' Exhibit H

