IN RE: PETITION FOR SPECIAL HEARING
W/S Eastview Drive, opposite
N/end of Fitch Avenue
[15058 Eastview Drive)
4th Election District
3rd Councilmanic District · BEFORE THE DEPUTY ZONING COMMISSIONER . OF BALTIMORE COUNTY . Care No. 94-305-SPH Dean E. Abbott, et ux Petitioners . . . . . . . . . . . .

## AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came before the Deputy Zoning Commissioner as a Petition for Special Hearing seeking approval to subdivide the subject property, also known as Lot 6 of The Ernest E. Mooden Property, to create two lots in accordance with the plan submitted into evidence as Potitioner's

By Order issued April 1, 1994, the reliof requested was granted, subject to certain restrictions.

Subsequently, the Petitioner requested that the Order be amended to reflect the available density associated with the relief granted therein, and to permit an amendment to the final development plan for Lot 6 of the Ernest E. Wooden property, accordingly.

NOW, THEREFORE, in consideration of the request for amendment, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this  $24^{\%}$  day of May, 1994 that the Order issued April 1, 1994 be and the same is hereby AMENDED to reflect the following:

1) That there is sufficient density attributed to the subject property to permit is subdivision into two lots, namely, Lots 6A and 6A and that as a result, lot An is permitted to the subdivision with the subdivision of subdivision to the subdivision of the sub

That the Final Development Plan for the Ernest E. Wooden Property, Lot 6, shall be amended to reflect the density attributable thereto.

IT IS FURTHER ORDERED that all other terms and conditions of the Order toward South 1 1994 shall remain in full force and affect

cc: Mr. & Mrs. Dean Abbott 15058 Rastview Drive, Upperco, Md. 21155 Mr. Albert L. Snyder 1911 Hanover Pike, Hannstead, Md. 21074

December of Counsel

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. . . . . . . . . . . . FINDINGS OF FACT AND CONCLUSIONS OF LAW

DEPUTY ZONING COUNTSSIONES

OF BALTIMORE COUNTY

\* Case No. 94-305-SPR

IN RE: PETITION FOR SPECIAL HEARING
W/S Eastview Drive, opposite
N/end of Fifth Avenue

(15058 Eastview Drive)
4th Election District
3rd Councilmanic District

Dean E. Abbott, et ux Petitioners

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing for the subject property known as 15058 Eastview Prive, located in the Upperco area of northern Baltimore County. The Petitioners seek approval to subdivide Lot 6 of The Ernest E. Mooden Property to create two lots in accordance with Patitioner's Exhibit 1.

Appearing on behalf of the Petition were Dean and Margaret Abbott, property owners, and A. L. Snyder, Registered Property Line Surveyor.

Testimony revealed that the subject property consists of 3.93771 acres, more or less, zoned R.C. 2 and is improved with a 2.5 story single family dwelling. The Petitioners seek to subdivide the property to create two lots, known as 6A and 6B. Proposed Lot 6B would contain the existing improvements and retain 2.85692 acres, while proposed Lot 6A would contain the remaining 1.08079 acres. The Petitioners testified that they wish to develop proposed Lot 6A with a new single family dwelling for themselves and offer for sale the existing improvements on Lot 6B. The relief requested is necessary in order to proceed with the proposed improvements.

After due consideration of the testimony and evidence presented it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Detitioner seeks rulef would unduly restrict the use of the land due to the special conditions unique to this particular parcel. Furthermore, the Petitioners own sufficient acreage in the R.C. 2 zone to support the proposed subdivision and development on Lot 6A. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition he'd, and for the recsons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commiss' oner for Baltimore County this / 54 day of April, 1994 that the Petition for Special Hearing to permit a subdivision of Lot 6 of The Ernest E. Mooden Property to create two lots in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

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 irom this Order has expired. If, for whatever reason, this Order is reversed, the reclinded therein shall be received.

2) There shall be no further subdivision of either

3) Within sixty (60) days of the date of this Order and prior to the issuance of any occupancy permits thy Pettitioners shall cause a copy of this Order to be recorded in the Land Records of Baltimore County so that any potential purchaser of either of the subject lots will be made ewere that no further subdivision of either lot shall be premitted.

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

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TMK:bjs

TIMOTHY H. KOTROL

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. 2.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

..

April 1, 1994

Mr. & Mrs. Dean Abbott 15058 Eastview Drive Upperco, Maryland 21155

RE: PETITION FOR SPECIAL HEARING M/S Eastview Drive, opposite end of Fifth Avenue (18058 Eastview Drive) 4th Election District - 3rd Councilmanic District Deam E. Asbott, et ux - Petitioners Case No. 94-305-87H

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

able, any party finds the decision rendered is unfewor-ney party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information and filing an appeal, please contact the Zoning Administration and Development Maragement Citic est 80%-130%.

Very truly yours, Suntly Kotron TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bis

cc: People's Counsel A110

**Petition for Special Hearing** to the Zoning Commissioner of Baltimore County for the property located at 15058 Eastview Drive Usperco, Nd. " THE SUBDIVISIES OF LOT " OF THE ETENISST E. WOODEN PROPERTY

- 2-

Property is to be posted and advertised as presc.  L or we, agree to pay expenses of above tipecial Hearing advere to be bound by the zoning regulations and reskictions of the state of th	critised by Zorsking Fliegulisticies. resising, posting, etc., upon tiling of this petition, and further agree to and fallimore County adopted pursuant to the Zorsking Law for Baltimore County.
	Who do industry declare and affirm, under the possibles of peopley, 9 of time are the logal passengs of the properly which is the subject of this Publish.
Contact Purchased contra	Lagar Co-compt
Pipe ii Pat Hand	Personnet N. Abbott
<del></del>	Margant x aunt
ш	Deen E. Abbott
a, E	Dear F. Affold
Alexany be Delivere	15058 Eastview Drive (410) 429-8998
Para Mariana .	Opportory Maryland 800 21155. Note: About and place made of logs man, control purchase in separation.
	Deen E. Abbott
Maria Carlo	15058 Eastview Drive (410) 429-8998
- N-	SELECTION CONTRACTOR CONTRACTOR CONT
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•	100 m JC m 001 2-9-94
•	7 309

A. L. Snyder Same S. 1911 Hanner Pilo Hampstond, Maryland 21074 (410) 374-9695 94-305-SPH

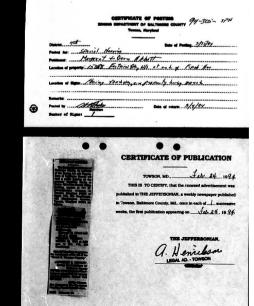
15050 Partyley Orlan Beginning for the same on the west side of Eastview Drive (45 feet wide opposite the morth side end of Fifth Avenue (45 feet wide) and running

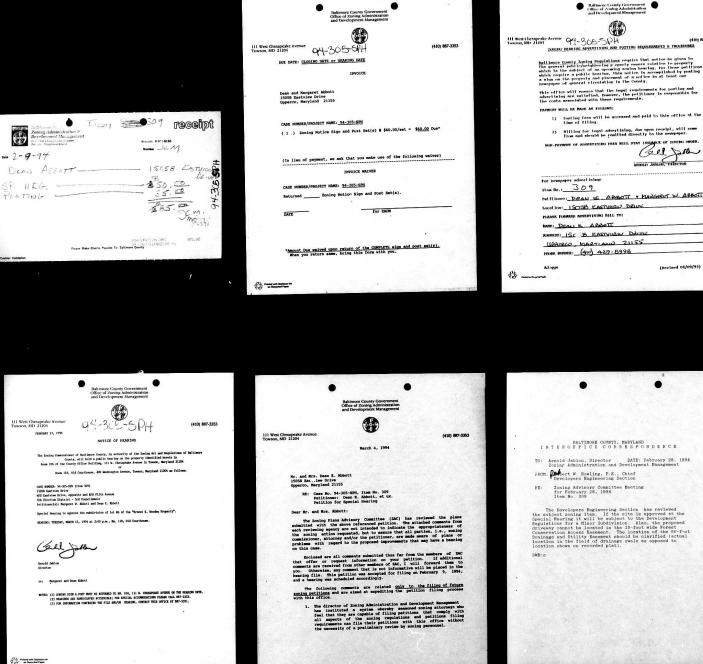
> 1.) S 8° 01' 06" W 678.33 feet, 2.1 S 83° 47' 26" W 246,97 feet. 3.1 N 7° 34' 37" E 737.16 feet, 4.1 g 82° 25' 23" R 245.08 feet to the place of

Crotaining 3.93771 acres, more or less,

Being the same Lot which was conveyed from Paul F. Mooden and Irina R Mooden, his wife, to Margaret W. Abbott and Deen E. Abbott, her husband, by deed dated Pebruary 25, 1988 and recorded among the Land Records of Baltimore County, Maryland in Liber S.M. 7809 folio 245 etc., and being designated as Lot 6 on a plat entitled " Ernest W. Mooden Property Section II " recorded among the aforesaid Land Records in Plat Book E.H.K., Jr. No. 49 folio 132.

MEMBER: MA Sec. of Surveyors + W. Ye. Assoc of Land You





 nilling for legal advertising, due upon receipt, will come from and should be resitted directly to the newspaper. HOH-PAYMENT OF ADVERTISING PEES MILL STAY ISSUANCE OF ZOHING ORDER. COLLAND For hewspaper advertising: 11mm Ho.: 309 Nettlioner: DEAN E. ABBOTT & MARGREST W. ABBOTT Local Ion: 15050 FACTURED DRIVE PLEASE FORMARD ADVERTISING BILL TO: HAME: DEAL E. ABBOTT ADMRESS: ISC & EASTYLEW DAVIS 1100-200, KIARTIAND 21155 MKHIR MINISER: (410) 429-8998 (Revised 04/09/93) BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE TO: Arnold Jablon, Director DATE: February 28, 1994 Zoning Administration and Development Management FROM: Powbert W. Bowling, P.E., Chief Developers Engineering Section Zoning Advisory Committee Meeting for February 28, 1994 Item No. 309 The Developers Engineering Section has reviewed the subject soning item. If the site is approved at the Begulations for a Minor Subject soning item. He had been subject to the proposed driveway cannot be located in the 10-foot wide Forest Developers of the Section Section 1 to 10-foot wide Forest Section 1 to 10-foot subject to 10-foot subject to 10-foot wide Forest Section 1 to 10-foot subject to 10-foot wide Forest Section 1 to 10-foot subject to 10-foot subject

Baltimore County Government
Office of Zonling Administration
and Development Management

(410) 887-3353

Please found hilling to:

94-305-SPH

CASE MERRE: 94-305-SPM (then 307)
15006 Eastwine Forler
40% Eastwine Drive, opposite and R/F Fifth Avenue
40% Election Subtrict - 3rd Commolimatic
Puttlioner(s)\* Respect VM. Subott and Dann I. Abbott
RAMINENT TREASER, RAMINET 15, 1984 42-200 p.m., No. 118, Old Comethouse.

LAMBSHOE'E. SCHOOT
WESTERSTORE FOR BALLYJHORE COUNTY

Stantal Magrino to accrove the subdivision of lot \$6 of the "Expest E. Moodon Property"

NOTES: (1) NEARINGS ARE PARTICIPATED ACCESSIBLE; FOR SPECIAL ACCOMMENDATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERING THE FILE ANY/ON MEANING, PLEASE CALL 887-3351.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Sct and Regulations of Baltimore County, will hold a public bearing on the property identified berein in Boom 10t of the County office building, ill N. Champaeks Associe In Towns, Reguland 1204

Maryland Department of Transportation State Highwa: Administration

Hal Kassoff 2-16-94

Zoning Administration and Development Management County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

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 project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

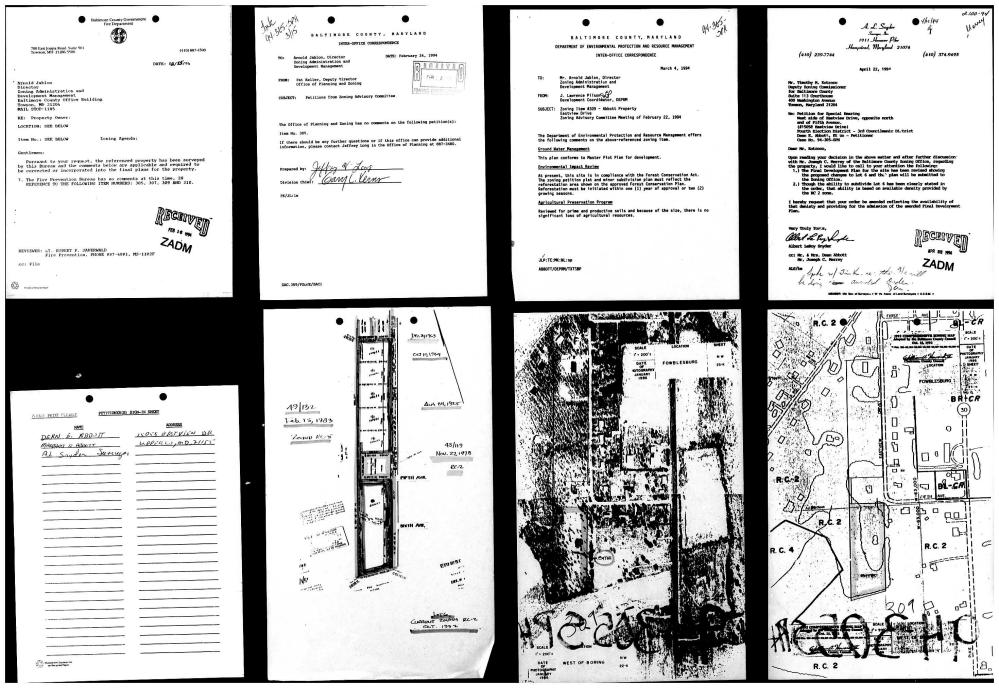
Very truly yours Balo Amall

DAVIO N. RAMSEY, ACTING CHIEF Engineering Access Permits

Re: Baltimore County
Item No.: & 309 (JCM)

Mr Charlotte Minton

Maryland Relay Service for Impaired Hearing or Speech 1-800-735-2258 Statewide Toll Free Mailing Address. P.O. Box 717 - Saltimore, MD 21203-0717 Street Address: 707 North Calvert Street - Saltimore, Maryland 21202





J. L. Sayler 1911 Hamer Pile Thompstond, Illinghand 21074

(410) 230.7744

(410) 374.9695

August 16, 1993

Mr. Joseph C. Merrey Baltimore County Zoning Office 111 West Chesapeake Avenue Towson, Marylani 21204

Re: Zoning Verification and Approval "The Ernest E. Wooden Property" Dean E. Abbott & Margaret W. Abbott 15056 Eastview Drive Urperco, Haryland 21155

Dear Mr. Merrey,

On Jurgett 24, 1925, Pricett C, Western and Lofa B, Mooden, bila ville, acquired Lofa L, 2, 1 and 4 of the "Subdivisition of The Beary Behavior, Tree-city" free levery Behavior, and American Sectionary, July Lofe, recorded in the Land Devoker II block #4.C. 68 folio 554 etc. (the Subdivision of the Behaviorah Pricetty) seconds in "Block #4.C. 601 folio 554 etc. (the Subdivision of the Behaviorah Pricetty).

On December 20, 1963 a part of hole 3 and 4 Block B are conveyed from Errest E. Blody and Jean V. Blody. Block B are conveyed from Errest E. Blody and Jean V. Blody. Block B and Conveyed B are conveyed from Errest E. Blody and Jean V. Blody. Block B and Conveyed B and Addition B. Secolem, black Wife, to deeme E. Blody and Jean Conveyed B and Conveye

On February 15, 1983 a plat  $\operatorname{cut}(\operatorname{Hord}$  "Ernest E. Wooden Property" Section II was recorded as Lots 1 through 6 (Zoned EC-5).

On August 4, 1983 Lot 6 of "The Ernest E. Mooben Property" was consequed from Enterth E. Mooben to heal fr. Mooben and Izina R. Mooben, this wife, and recorded Property "More Compared by Defender, 25, 1980 Lot 6 of "The Romest E. Mooben Property" was consequed by Defender, 25, 1980 Lot 6 of "The Romest E. Mooben Property" was consequed by Defender, 25, 1980 Lot 6 of "The Romest E. Mooben, 25, 1980 Lot 6, 1980 L

STUBER Me See of Serveyors + W Vs Asset of Land Serveyors + ACSM +

PETITION FOR SPECIAL HEARING N/S Sparks Farm Road, 465' E of the c/l of Sparks Station Road DEPUTY ZONING COMMISSIONED 10th Election District . OF BALTINGRE COUNTY

Richard M. Price Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

. . . . . . . . . . . .

The Petitioner herein requests a special hearing to approve an amendment to the previously approved Development Plan for Lot 23 of Mission Ridge as a result of a reclassification of the subject property from R.C. 2 to R.C. 4 in the 1988 Comprehensive Zoning Map, in accordance with Peti-

The Petitioner, by Tom Pittman, Contract Purchaser, appeared, testified, and was represented by Newton Williams, Esquire. Also appearing of the Petition was Arnold Fleischmann, attorney for Dr. Myron and D anne Pomerantz, adjoining property owners south and east Lot 23. Also appearing on behalf of the Petition were Bernard Wille-McCarty, owners of Lot 19. There were no Protestants.

Testimony Indicated that the subject property consists of 66 376 acres more or less split zoned R.C.2 and R.C.4. Said property was origior less were good R.C. 2. The original development blan was zoned portion of the site and 22 lots were established on the R.C. 4 zoned portion of the site. The 2 lots zoned R.C. 2 are known as

MICROFILMED

