

Baltimore County Government
County Executive's Office

Roger B. Hayden
County Executive

400 Washington Avenue
Towson, Maryland 21204
(410) 887-2450

94-455 A

May 5, 1994

Mr. Thomas D. Mull
714 Chesaco Avenue
Baltimore, Maryland 21237

RE: 6511 Upland Road
11th Election District

Dear Mr. Mull:

I am in receipt of your letter, dated May 2, 1994.

Please be advised that I have reviewed the approved plan, as you requested. This office agrees that your lot is subject to the "grandfathering" provision you cite, Section 1A04.3B.5. The lot purchased is shown on the plan, was recorded as such in the land records of Baltimore County, and approved by the Office of Planning prior to 1975.

However, your lot may only be developed in accordance with the regulations in effect at the time of the lot recordation.

Sincerely,

ARNOLD JABLON
Director

AD:enh

Printed on Recycled Paper

Key in ZC's
file #440

94-455 A

714 Chesaco Ave
Baltimore Maryland 21237

May 3, 1994

Mr. Arnold Jablon
Director, Zoning Administration
and Development Management
Baltimore County

Dear Mr. Jablon:

I, the undersigned, legal owner of the property located in Baltimore County, which is described in the description and plot attached, request an exemption from zoning section 1A043B stating that any principal building constructed in an RC-5 zone shall be situated at least 75 feet from the centerline of any street. I am requesting this exemption under bill no. 98, 1975 Zoning section 1A04.3B5.

The lot has boundaries duly recorded in land records of Baltimore County, and the parcel of land called out as the Hudgins property can be found on, but not a part of, the Ragwood subdivision plat stamped and approved by Baltimore County office of Planning, dated Nov. 1, 1956. With your approval, I can continue with my building permit of said property. Thank you for your time

Sincerely,

Thomas D. Mull

DEDUCT \$40 from filing fee

#440

SITE PLAN

PROPERTY ADDRESS: 12537 MERRITT AVE 94-455 A

Subdivision name: Not Part of Subdivision

Lot No. — Sheet — Plan — Liber 10270 Folio 420

OWNER: THOMAS D. MULL

UPPER IN LOCAL DWELLING HOUSE #6500

UPPLAND RD

HOUSE #12658

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LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

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ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 74

Petitioner:

Location:

PLEASE FORWARD ADVERTISING BILL TO:

NAME:

ADDRESS:

PHONE NUMBER:

MUST BE SUPPLIED

TO: PUTNEY PUBLISHING COMPANY
May 26, 1994 Issue - Jeffersonian

Please forward billing to:

Thomas D. Mull
6405 Golden Ring Road
Baltimore, Maryland 21237
866-3464

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-455-A (Item 440)

6511 Upland Road
SEC Upland Road and Merritt Avenue

11th Election District - 6th Councilmanic

Legal Owner(s): Thomas D. Mull

HEARING: WEDNESDAY, JUNE 22, 1994 at 2:00 p.m., Rm. 106 County Office Bldg.

Variance to allow a front setback of 55 feet to the street centerline in lieu of the required 75 feet.

LAWRENCE E. SCHULTZ
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

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SEC Upland Road and Merritt Avenue

11th Election District - 6th Councilmanic

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Variance to allow a front setback of 55 feet to the street centerline in lieu of the required 75 feet.

ARNOLD JABLON
Director

cc: Thomas D. Mull

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 13, 1994

Mr. Thomas D. Mull
714 Chesaco Avenue
Baltimore, Maryland 21237

RE: Case No. 94-455-A, Item No. 440
Petitioner: Thomas D. Mull
Petition for Variance

Dear Mr. Mull:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on May 13, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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.



O. James Lighthizer
Secretary
Hal Kassoff
Administrator

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

Re: Baltimore County
Item No. 94-455-A (JSS)

Dear Ms. Minton:

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,

Bob Small
DAYTON H. RAYSEY, ACTING CHIEF
John Constable, Chief
Engineering Access Permits
Division

BS/

My telephone number is

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 - Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 1, 1994

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 429, 440, 444, 445, 449, 450, 453 and 454.

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 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

ZAC-440/PZONE/ZAC1

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/20/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SECBELDU

Zoning Agenda:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 429, 431, 432, 433, 434, 435, 436, 437, 438, 440, 441, 442, AND 443.

REVIEWER: LT. ROBERT P. SAUERWOLD
Fire Marshal Office, PHONE 887-4891, MB-1102F

cc: File

Printed on Recycled Paper

RE: PETITION FOR VARIANCE
6511 Upland Road
SEC Upland Road and Merritt Avenue
11th Election Dist., 6th Councilmanic Dist.
Thomas D. Mull
Petitioner

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY
CASE NO.: 94-455-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Charles S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of May, 1994, a copy of the foregoing Entry of Appearance was mailed to Thomas D. Mull, 714 Chesaco Avenue, Baltimore, MD 21237, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

IN RE: PETITION FOR VARIANCE
SE/Corner Upland Road and
Merritt Avenue
(6511 Upland Road)
11th Election District
6th Councilmanic District
Thomas D. Mull
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-455-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 6511 Upland Road, located in the Parkville area of eastern Baltimore County. The Petition was filed by the owner of the property, Thomas D. Mull, seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback to the street centerline of 55 feet in lieu of the required 75 feet for a proposed dwelling. The subject property and relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition was Thomas Mull, property owner. There were no Protestants present.

Testimony and evidence presented revealed that the subject property consists of 0.489 acres, more or less, zoned R.C. 5 and is presently unimproved. The Petitioner is desirous of developing the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Due to the location of the septic drain field and well on the property, the proposed dwelling must be situated closer to the front property line, thereby necessitating the requested variance. There being no opposition to the Petitioner's request from any adjoining property owner, nor any adverse

comments from any Baltimore County reviewing agency, it appears the relief requested should be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Peti-

tioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 21st day of July, 1994 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front setback to the street centerline of 55 feet in lieu of the required 75 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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 relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

July 21, 1994

(410) 887-4386

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

Mr. Thomas Mull
6405 Golden Ring Road
Baltimore, Maryland 21237

RE: PETITION FOR VARIANCE
SE/Corner Upland Road and Merritt Avenue
(6511 Upland Road)
11th Election District - 6th Councilmanic District
Thomas D. Mull - Petitioner
Case No. 94-455-A

Dear Mr. Mull:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File ✓

ORDER RECEIVED FOR FILING
Date 7/21/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/21/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/21/94
By [Signature]

- 2 -

- 3 -



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6511 Upland Road
which is presently zoned RC-5

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) 1A04.3.B.3 (Building setbacks) of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty.)
My present building constructed in an RC-5 zone shall be situated at least 75' from the centerline of my street. To allow a front yard setback of 55' in the street centerline in lieu of the required 75'.

The lot can not meet the 75' setback from E of Road to proposed dwelling. Due to the size of the lot, and the location of the well and septic system, well & septic area were not well separated by 75'. The lot was created in the mid 50's when RC-5 was not a zoning law.

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.

(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.)

Contact Person: Owner

Legal Owner(s)

Signature: Thomas D. Mull

Signature: Thomas D. Mull

Address:

City or Post Name:

State:

Zip Code:

Signature:

Signature:

Address:

City or Post Name:

State:

Zip Code:

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