IN RE: PETITION FOR ZONING VARIANCE N/S Tregarone Rd., 620 ft. (+/-) W of Hartfell Rd. 120 Tregarone Road 8th Election District 4th Councilmanic District Susan E. Murphy Petitioner	* * * * *	BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY CASE # 95-73-A

****

RULING ON PRELIMINARY MOTION

The above captioned matter comes before the Zoning Commissioner for reconsideration of the Findings of Facts and Conclusion of Law issued in this case on September 23, 1994. On that date, this Zoning Commissioner granted a Petition for Zoning Variance filed by the property owner, Susan E. Murphy, for the property known as 120 Tregarone Road in the Coachford subdivision of Baltimore County. Variance relief was granted from Section 1B02.3.B of the Baltimore County Zoning Regulations (BCZR) to allow an existing carport to be enclosed with a setback of 7-1/2 ft. in lieu of the required 10 ft.

Immediately after the issuance of that opinion, correspondence was received from an adjoining property owner, Augustine J. Muller, Jr. Mr. Muller sought the incorporation of several restrictions to the relief granted. An exchange of correspondence between this office, the Petitioner and Mr. Muller, failed to result in an agreed settlement of the issues presented. Thus, the matter was set for a hearing to allow both sides the opportunity to appear and present testimony.

Appearing at that public hearing was the Petitioner, Susan E. Murphy. Also present was Enn Veskimets, who also resides on the subject property. Appearing as Protestants/interested persons were Augustine J. Muller, Jr., Mark Harris and Frank Owen.

As noted in my original findings, the Petitioner proposes enclosing a carport which is located on the east side of the property. The subject site is approximately .23 acres in area and is zoned D.R.3.5. The site is im-

proved with an existing split level brick and frame house, a wood deck to the rear and concrete driveway and parking pad. Presently, an open carport exists adjacent to the house over the parking pad. The Petitioner proposes enclosing the carport to make same into a single car garage.

There seems to be no dispute that the conversion of the carport to a garage is appropriate and that the variance should be granted. The Protestants do not object to a grant of the relief, per se, but desire that two restrictions be added to ensure that the property's use is compatible with the neighborhood. First, the Protestants request that the garage not be any higher than the present carport roof. This does not appear to be a problem in that Ms. Murphy indicated that the existing roof would be utilized and that construction will be to enclose the sides of the carport and not alter its height. Thus, this restriction has been agreed to by the parties and will be imposed. Second, the Protestants seek allowance that the garage will not be used for dwelling purposes. They ask for a restriction that no HVAC, plumbing or other improvements be made to the interior of the garage. I will not restrict the Petitioner in precisely this fashion, however, I do agree that the garage should not be used for dwelling purposes. The Petitioner may wish to heat the garage, for example, which would be appropriate. However, conversion of same into living quarters is inappropriate. Moreover, to ensure that the property owner and future property owners comply with this restriction, I shall add a provision allowing a Zoning representative to inspect the property to ensure that the restrictions in this Order are followed.

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 will be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of December, 1994 that the Petition for a Zoning Variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing carport to be enclosed with a setback of 7-1/2 ft., in lieu of the required 10 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The existing roof of the carport shall be utilized as the roof of car garage, thereby resulting in a maximum height of the garage of 13 ft.

3. The Petitioner shall not allow or cause the garage to be converted to living quarters. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

4. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 12/14/94
By M. Gorrell

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 9, 1994

Ms. Susan E. Murphy
120 Tregarone Road
Timonium, Maryland 21093

RE: Ruling on Motion for Reconsideration
Susan E. Murphy, Petitioner
Case No. 95-73-A

Dear Ms. Murphy:

Enclosed please find a copy of my Ruling on Motion for Reconsideration rendered in the above captioned matter.

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
Zoning Commissioner

LES:mmn
att.
cc: Mr. and Mrs. Augustine J. Muller, Jr.
122 Tregarone Road, Timonium, Md. 21093

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE
N/S Tregarone Rd., 620' (+/-) W of c/l Hartfell Rd.
120 Tregarone Road
8th Election District
4th Councilmanic District
Susan E. Murphy
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-73-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Susan E. Murphy for that property known as 120 Tregarone Road in the Coachford subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing carport (to be enclosed) with a setback of 7.5 ft. in lieu of the required 10 ft., as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner 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 Petitioner has 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 Petitioner.

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 23rd day of September, 1994 that the Petition for a Zoning Variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing carport (to be enclosed) with a setback of 7.5 ft., in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn

ORDER RECEIVED FOR FILING
Date 9/23/94
By

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 22, 1994

Mrs. Susan E. Murphy
120 Tregarone Road
Timonium, Maryland 21093

RE: Petition for Administrative Zoning Variance
Case No. 95-73-A
Property: 120 TregaroneRoad

Dear Mrs. Murphy:

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
Zoning Commissioner

LES:mmn
encl.

Petition for Administrative Variance

95-73-A

to the Zoning Commissioner of Baltimore County

for the property located at 120 TREGARONE ROAD

which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate 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)

1B02.3.B (208.3 - Old Regs) ——— To allow an existing carport (to be enclosed) with a setback of 7.5 feet in lieu of the minimum required 10 feet.

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

SEE ATTACHMENT #1

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.

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/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

Legal Owner(s):

SUSAN ELIZABETH MURPHY
(Type or Print Name)

Susan Elizabeth Murphy
Signature

(Type or Print Name)

Signature

H 410-561-0792
120 TREGARONE RD W410-765-3796
Address Phone No.

TIMONIUM MD 21093
City State Zipcode

Name, Address and phone number of representative to be contacted.

ENN VESKIMETS
Name

120 TREGARONE RD H-410-561-1438
Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ___ day of _____, 19___, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be repasted.

Zoning Commissioner of Baltimore County

REVIEWED BY: gf DATE: 8/22/94

ESTIMATED POSTING DATE: 9-4-94

Printed with Soybean Ink on Recycled Paper

ITEM #: 73

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) 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 120 TREGARONE ROAD
address

TIMONIUM MD 21093
City State Zip Code

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: (indicate hardship or practical difficulty)

SEE ATTACHMENT #1

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

Susan Elizabeth Murphy
(signature)

SUSAN ELIZABETH MURPHY
(type or print name)

(signature)

(type or print name)

BALTIMORE COUNTY MARYLAND

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 20 day of August, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Susan Elizabeth Murphy

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiantt(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 his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8-20-94
date

NOTARY PUBLIC

My Commission Expires:

11-1-96

95-73-A

ATTACHMENT #1

Variance is requested to enclose the existing carport where strict compliance with the BCZR would result in practical difficulty.

1. Enclosure of the carport will provide needed security for the owner vehicle and belongings and secure/safe passage from car into/out of dwelling.

2. Strict compliance would result in too narrow a parking area and it is impractical to move the carport or dwelling.

3. Variance to enclose the existing carport by relaxing the distance to the property line would give substantial relief for security and safety.

4. Adding the enclosure to the existing carport will not change the use of the property and it is believed that the spirit of the ordinance will be observed with added safety and security.

#73

Zoning Description 95-73-A

ZONING DESCRIPTION FOR 120 TREGARONE ROAD

Beginning at a point on the NORTH side of TREGARONE ROAD which is 50' R/W wide at the distance of 620' ± WEST of the centerline of the nearest improved intersecting street HARTFELL ROAD which is 60' R/W wide. Being Lot #11, Block J, Section #1 in the subdivision of COACHFORD as recorded in Baltimore County Plat Book #29, Folio #99, containing 10,000 s.f. Also known as #120 TREGARONE ROAD and located in the 8th Election District, 4th Councilmanic District.

#73

95-75-A

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 8th Date of Posting 9/2/94

Posted for: Variance

Petitioner: Susan F. Murphy

Location of property: 120 Tregaron Rd, N/S

Location of Signs: Facing roadway on property being posted

Remarks:

Posted by [signature] Date of return: 9/9/94

Signature

Number of Signs: 1

CERTIFICATE OF POSTING 95-73

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District: 4th Date of Posting: 11/4/94

Posted for: Variance

Petitioner: Susan Fitz. Murphy

Location of property: 120 Tregaron Rd., N/S

Location of Signs: Facing roadway, on property being zoned

Remarks:

Posted by: [signature] Date of return: 11/10/94

Signature

Number of Signs: 1

MICROFILMED

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

95-73-A

Account: R-001-6150

Number #73

Date 8/22/94

Taken by JRF

MURPHY --- 120 Tregarone Rd.

010 --- Variance $ 50.00
080 --- Sign $ 35.00

$ 85.00

MICROFILMED

03A03#0214MICHRC $85.00
BA C011:11AM08-22-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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.: 73

Petitioner: SUSAN ELIZABETH MURPHY

Location: 120 TREGARONE RD TIMONIUM, MD 21093

PLEASE FORWARD ADVERTISING BILL TO:

NAME: SUSAN ELIZABETH MURPHY

ADDRESS: 120 TREGARONE RD
TIMONIUM, MD 21093

PHONE NUMBER: 410-561-0792

MICROFILMED

AJ:ggs

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 6, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Susan Elizabeth Murphy
120 Tregarone Road
Timonium, Maryland 21093

Re: CASE NUMBER: 95-73-A (Item 73)
120 Tregarone Road

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 4, 1994. The closing date (September 19, 1994) 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. They 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 a Baltimore County newspaper. Charges related to the reposting 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 $60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 4, 1994

NOTICE OF REASSIGNMENT

CASE NUMBER: 95-73-A (Item 73)
120 Tregarone Road
N/S Tregarone Road, 620' W of c/l Hatfell Road
8th Election District - 4th Councilmanic
Petitioner(s): Susan Elizabeth Murphy

Variance to allow an existing carport (to be enclosed) with a setback of 7.5 feet in lieu of the minimum required 10 feet.

HEARING: TUESDAY, DECEMBER 6, 1994 at 9:00 a.m. in Room 118, Old Corthouse.

ARNOLD JABLON
DIRECTOR

AJ:ggs
cc: Susan E. Murphy
Augustine J. Muller, Jr.

95-73-A

120 122

Tregarone Rd
Aug 17, 1994

Existing carport & proposed location of garage in relation to property east.

120 122

Tregarone Rd.
Aug 17, 1994

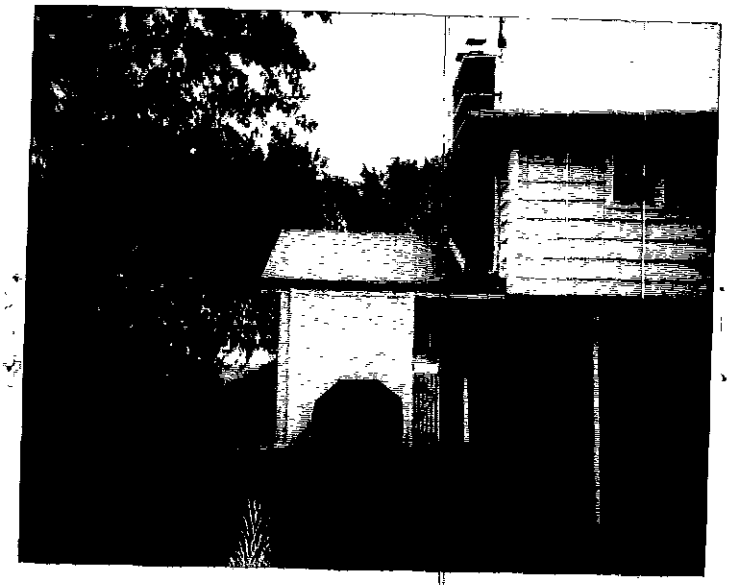
#73

95-73-A

118 120

Tregavone Rd
Aug 17, 1994

Relationship of residence to residence west.

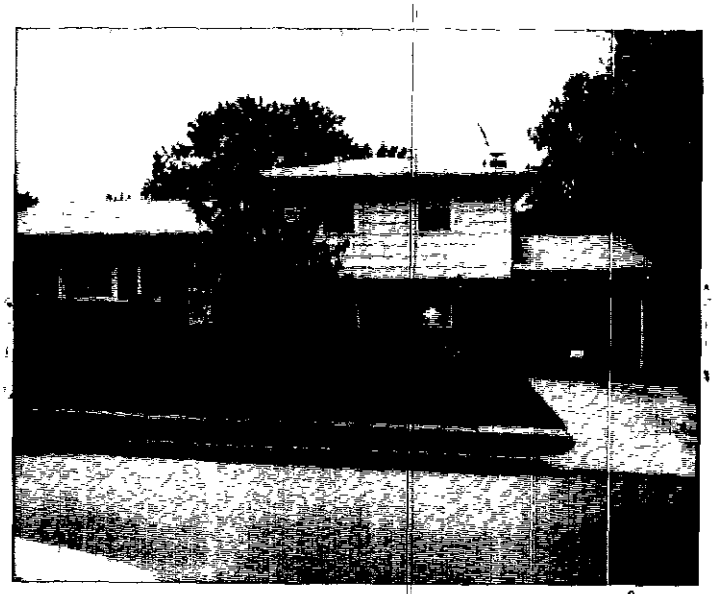


120 Tregavone Rd Aug 17, 1994
rear of carport.

73

Rear view of existing carport + proposed location of carage

95-73-A



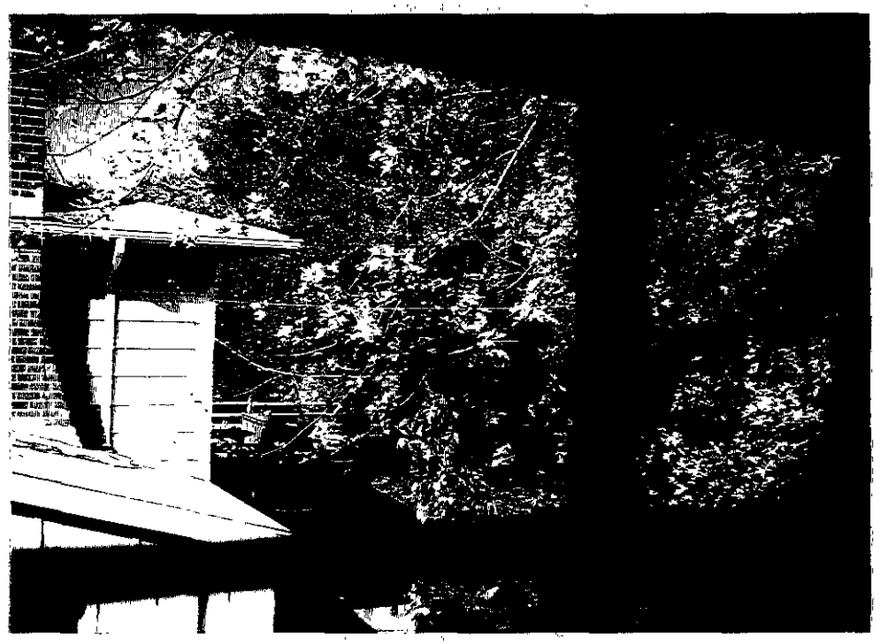
120 Tregarone Rd
Aug 17, 1994

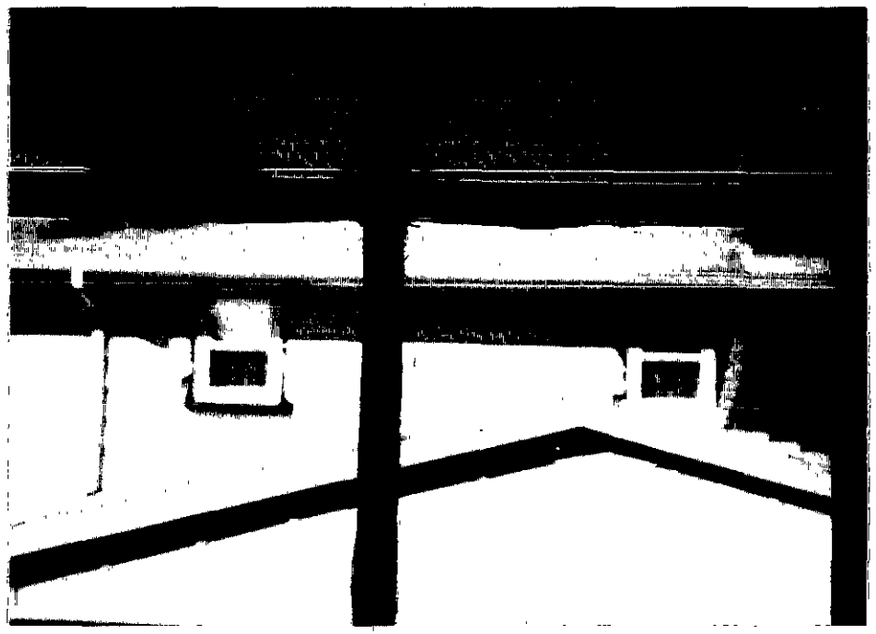
Existing carport + proposed location of carage.

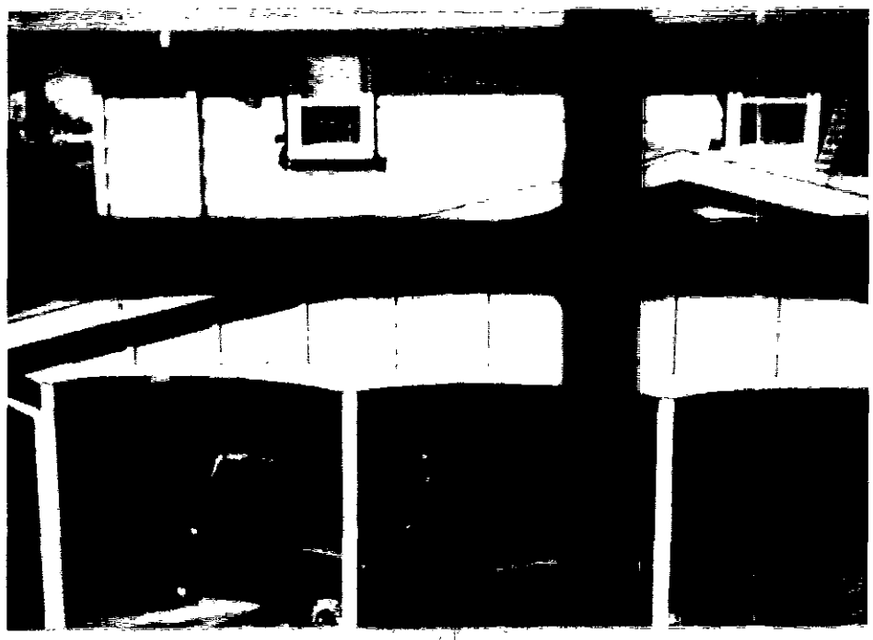
120 Tregarone Rd
17 Aug 94

MICROFILMED

#73







Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP. 21 1994

Susan Elizabeth Murphy
120 Tregarone Road
Timonium, Maryland 21093

RE: Item No. 73, Case No. 95-73-A
Petitioner: Susan Elizabeth Murphy

Dear Ms. Murphy:

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 August 22, 1994.

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.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards Jr.

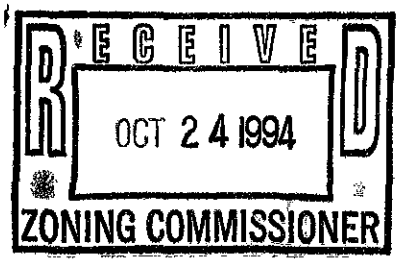
W. Carl Richards, Jr.,
Zoning Coordinator

WCR:ggs

MICROFILMED

Mr. Lawrence E. Schmidt
Zoning Commissioner
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

October 24, 1994



Re. Case No. 95-73-A
Property 120 Tregarone Road
Petition for Administrative Variance

Dear Mr. Schmidt:

In your letter to Mr. Augustine J. Muller, Jr. dated October 18, 1994 and I a copy received by me on October 22, 1994, you asked that I review the correspondence and contact you promptly regarding my position in this matter. I appreciate the opportunity to address my position on these issues.

On October 24, 1994 my personal representative Mr. Erin Veskimets contacted your office to discuss this matter and provide preliminary information to you on the issues addressed by Mr. Muller.

My review of Mr. Muller's correspondence letters dated September 1, 1994 and October 5, 1994 resulted in the following:

1. Both letters state that Mr. Muller has no objection to enclosing the existing carport at 120 Tregarone Road as per Petition for Administrative Variance Case No. 95-73-A.

2. Both letters also state some conditions or restrictions he wishes placed on the property at 120 Tregarone Road which are not related to the specifics of the Petition For Administrative Variance.

3. The Application For Permit by my contractor includes items necessary to enclose the existing carport in accordance with the permitted variance of the setback and all the requirements of the Baltimore County Zoning Regulations (BCZR) and codes.

4. Existing codes allow construction within the building limit lines. It appears that Mr. Muller's listed conditions or restrictions as pertaining to possible future actions would also apply to other neighborhood properties. Why restrict that which is already allowed? Why single out my property at 120 Tregarone Road?

5. A potential problem would be generated if Mr. Muller's conditions or restrictions would cause conflicts or result in non-compliance with the BCZR and codes now or in the future.

6. Any possible concerns of Mr. Muller regarding future changes to the neighborhood properties would be governed by the BCZR and codes. Otherwise, the variance process would come into effect at that time.

Re: Case No. 95-73-A
Property: 120 Tregarone Road
Petition for Administrative Variance

October 24, 1994

(Continued)

7. Mr. Muller's listed conditions or restrictions would adversely affect my property value. Who would buy a property which has been singled out to conform to specific conditions or restrictions since property is already covered by the BCZR and codes?

8. It is not appropriate that I should have conditions or restrictions placed on my property because Mr. Muller infers that some future owner of my property may perceive the ability to modify the property. What a successor owner may or may not do is no reason for placing restraints.

It is requested that Mr. Muller's listed conditions or restrictions **not** be added to the Petition For Administrative Zoning Variance, Case No. 95-73-A, because of the reasons listed above. Any future actions will be covered under the BCZR and codes and any potential actions which could adversely affect Mr. Muller's property will fall under the variance process. Further, any future permits are reviewed by Zoning where the Case No. 95-73-A for 120 Tregarone Road will remain on record.

Should you require further information on this matter, please contact my personal representative, Mr. Enn Veskimets at (410)561-1438, or myself at (410)765-5796 (work) or (410)561-0792 (home).

Sincerely yours,

Susan L. Murphy

Susan L. Murphy

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 23, 1995

Mr. Enn Veskimets
120 Tregarone Road
Timonium, MD 21093

RE: Administrative Variance
120 Tregarone Road
Susan E. Murphy-Petitioner
Case No.: 95-73-A

Dear Mr. Veskimets:

As of January 23, 1995, no appeal has been filed in regards to the zoning commissioner's decision dated December 14, 1994 for case number 95-73-A.

Should you have any additional questions, do not hesitate to contact me at 887-3353.

Sincerely,

Julie A. Winiarski

Julie A. Winiarski

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: Sept. 15, 1994

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept. 6

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 73
74
75
76
78
79
80
81

L.S:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: September 12, 1994

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 12, 1994
Items 73, 74, 76, 77, 79, 80 and 81

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-2-94

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.: * 73 (JRF)

95-73

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 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

for David Ramsey, Acting 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

9/7/94
TO JWD

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 09/01/94

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.: SEE BELOW 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: 73, 74, 76, 77, 79, 80 AND 81.

RECEIVED
SEP 2 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

9/19

To: Arnold Jablon, Director
Zoning Administration and
Development Management

From: Pat Keller, Director
Office of Planning & Zoning

Date: August 31,1994

Subject: ZAC comments

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

Item Nos. 73, 76, 79, and 81.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning and Zoning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Klaus

JL

PRACTICE/PZONE/TXTLLF

BALTIMORE COUNTY, MARYLAND

Inter-office Correspondence

TO: Gwen Stephens
Docket Clerk, Office of Zoning

DATE: October 26, 1994

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Case No. 95-73-A
Petitioner: Susan E. Murphy

Please set the attached case in for hearing. Treat this case as if the Zoning Commissioner requested the hearing and not have any advertising cost. I just want it to be posted. The County should pay for the posting cost. If this cannot be done, please talk to me about it.

If you have any questions, call me.

LES:mmn
att.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 26, 1994

Ms. Susan E. Murphy
c/o Enn Veskimets
120 Tregarone Road
Timonium, Maryland 21093

RE: Petition for Administrative Variance
Case No. 95-73-A
Property: 120 Tregarone Road

Dear Ms. Murphy:

This is to acknowledge receipt of your fax dated October 24, 1994. Therein, you indicate that the restrictions and conditions which Mr. Muller requested within his letter of October 5, 1994 not be attached to the approval of your Petition for Zoning Variance. In view of your position and consistent with my letter dated October 18, 1994, I will, therefore, schedule this matter for public hearing. The property will be reposted with notice of the hearing and I will make sure that a copy of the notice is sent to you and Mr. Muller.

The public hearing will be held to provide all interested persons with a chance to express their views as to the merits of this case. Moreover, as indicated in my initial letter to Mr. Muller of October 18, 1994, I will stay the finality of my initial decision and the appeal timeframe therefrom to the County Board of Appeals. That is, this matter shall remain within my jurisdiction until resolved at the public hearing to be scheduled.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Mr. Augustine J. Muller, Jr.
cc: Ms. Gwen Stephens, Docket Clerk
Office of Zoning Administration and Development Management

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 18, 1994

Mr. Augustine J. Muller, Jr.
1101 St. Paul Street
St. Paul at Chase, Suite 307
Baltimore, Maryland 21202

RE: Case No. 95-73-A
Property: 120 Tregarone Road
Petition for Administrative Variance

Dear Mr. Muller:

This is to acknowledge receipt of your letter dated October 5, 1994 received by this office on October 17, 1994.

In reviewing the case file, it appears that your initial letter of September 16, 1994 was not in the file when the decision was rendered by me on September 23, 1994. As you will note from the above letterhead, my office is located in a building separate and apart from the Zoning Administration and Development Management office and, unfortunately, your initial correspondence did not catch up to the file until after the decision was rendered.

In any event, I have read both letters and concur that restrictions on the use of the subject property as you have proposed might be appropriate. However, prior to instituting such restrictions, I further note that your letters were not copied to Ms. Murphy, the property owner. Clearly, she may have a position regarding these issues which should be considered.

Under the circumstances, I am forwarding to her a copy of this letter, as well as a copy of your correspondence dated September 15, 1994 and October 5, 1994. I ask that she review same and contact me regarding her position promptly. If she is agreeable to the restrictions which you have requested, I shall issue an amended Order incorporating those restrictions. If she does not agree, I will schedule the matter for a brief public hearing where both sides may present whatever testimony and argument they deem appropriate on this issue. Moreover, I have accepted your most recent correspondence as a Motion for Reconsideration and will, therefore, stay the finality of my initial decision and the appeal timeframe for any appeal to be filed to the County Board of Appeals. That is, this matter shall remain within my jurisdiction until resolved in either of the manners outlined above.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: Ms. Susan E. Murphy, with enclosures

1/19/95

233-95

January 18, 1995

Development Control
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Room 109
Towson, MD 21204

ATTN: Appeals Clerk (Julie)

Re: Case No. 95-73-A
Property: 120 Tregarone Rd
Petition for Administrative Variance

During the telephone conversation, January 17, 1995 between Julie of your office and Mr. Enn Veskimets we were informed that there are no appeals on the reference Case No. 95-73-A.

It is requested that you confirm this in writing such that there will be no future actions/appeals regarding case No. 95-73-A.

Personal Rep. for Susan E. Murphy
Enn Veskimets
Enn Veskimets
120 Tregarone Road
Timonium, MD 21093

October 25, 1994

To: Mr. Laurence E. Schmidt
c/o Betty 887-4386
FAX 887-3468

From: Susan Murphy
Erin Veskerides

RE: Case No. 95-73-A
Property: 120 Tregarone Rd.
Petition For Administrative Variance

Mr. & Mrs. Augustine J. Muller, Jr.
122 Tregrone Road
Timonium, Maryland 21093
(410) 561-0969

October 5, 1994

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
Towson, MD 21204

RE: Case Number 95-73-A, Zoning Variance to 120 Tregarone Road, Timonium, Maryland

Dear Mr. Schmidt:

In the matter of the above case, I am in receipt of your notice of waiver of a public hearing and issuance of preliminary approval of the proposed variance. As the notice makes no reference to conditions or restrictions to which I referred in my letter of September 15, 1994 addressed to Mr. Arnold Jablon, ZADM, a copy of which is attached, I find myself forced to appeal the decision as it has been rendered.

As I stipulated in my letter of September 15, I have no objection to my neighbor's desire for an enclosed garage per se, The absence of a conditioned approval would adversely impact on the future value of my property, notwithstanding the current owner's plan or intent, but because, in the absence of such condition, a successor owner may perceive the ability to improve, add or modify the property to my detriment.

The requested conditions or restrictions are as follows:

1) No plumbing or HVAC may be installed now or in the future so as to permit the use of the space for any purpose but storage.

2) The garage may not exceed fifteen feet at its highest point.

I wish to be assured that any zoning variances will prohibit the construction of any structure in excess of fifteen feet now or in the future. Any such structure in excess of a single story would impinge upon our view from the windows of our house that face westerly toward 120 Tregarone Road and overlook the existing carport.

In view of the above, I again request that the variance approval be granted in the strictest terms to permit enclosing the existing carport into a garage only and <u>explicitly</u> prohibit any improvements, additions or modifications that would either

permit or imply use of the area as a living space or obstruct the view from the windows of our house.

I still hope that this appeal will not prevent your final approval of the application, but trust that it may be issued with the necessary conditions to protect our property interests also. Please advise me as to what I might do to expedite this matter to a satisfactory conclusion so that Ms. Murphy may proceed at her convenience.

Please acknowledge receipt of this letter and provide to me a copy of any correspondence relevant to our interest in this matter. Thank you for your consideration in this regard.

Sincerely yours,

Augustine J. Muller, Jr.

4590-94

9/16/94
JOBS
file

AUGUSTINE J. MULLER, JR.
CERTIFIED PUBLIC ACCOUNTANT
ST. PAUL AT CHASE
1101 ST. PAUL STREET
SUITE 307
BALTIMORE, MARYLAND 21202
410 - 752-4245
HOME 410 - 561-0969

MEMBER:
AMERICAN INSTITUTE OF
CERTIFIED PUBLIC ACCOUNTANTS

MARYLAND ASSOCIATION OF
CERTIFIED PUBLIC ACCOUNTANTS

September 15, 1994

Mr. Arnold Jablon, Director
Z A D M
111 W. Chesapeake Avenue
Towson, MD 21204

95-73

FACSIMILE: 887-5708

RE: Case Number 9573, Zoning Variance to 120 Tregarone Road, Timonium, Maryland

Dear Mr. Jablon:

In the matter of the above case, I reside at 122 Tregarone Road and wish to go on record in the matter of a waiver of the existing 10-foot setback to allow a 7.5-foot setback to permit enclosing the existing carport into a one-car garage. I have no objection conditional upon the following:

1) No plumbing or HVAC may be installed now or in the future so as to permit the use of the space for any purpose but storage.

2) It is my understanding that a garage may not exceed fifteen feet in height, and I wish to be assured that any zoning variances will prohibit the construction of any structure in excess of fifteen feet now or in the future. Any such structure in excess of a single story would impinge upon our view from the windows of our house that face westerly toward 120 Tregarone Road and overlook the existing carport.

In view of the above, I request that any variance approval would be granted in the strictest terms to permit enclosing the existing carport into a garage only, as requested by the application, and specifically prohibit any improvements, additions or modifications that would either permit or imply use of the area as a living space or obstruct the view from the windows of our house. The absence of such a conditioned approval would adversely impact on the future value of my property, notwithstanding the current owner's plan or intent, but because, in the absence of such condition, a successor owner may perceive

the ability to improve, add or modify the property to my detriment.

I hope that you will favorably consider my qualified protest of the application by approving the application with the necessary conditions, and I hope this may be accomplished without the need for a public hearing. I am prepared, however, to appear before the Zoning Commissioner if any additional discussion or explanation is necessary.

Please acknowledge receipt of this letter and provide to me a copy of the Zoning Commission's decision in this matter for my (and any subsequent owner's) future records. Thank you for your consideration in this regard.

Sincerely yours,

Augustine J. Muller, Jr.

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
SUSAN E. MURPHY	120 TREGARONE RD. 21093

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Augustine J Muller Jr	122 Tregaron Rd Towson MD
Mark Harris	10 Maymont 21093

MICROFILMED

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

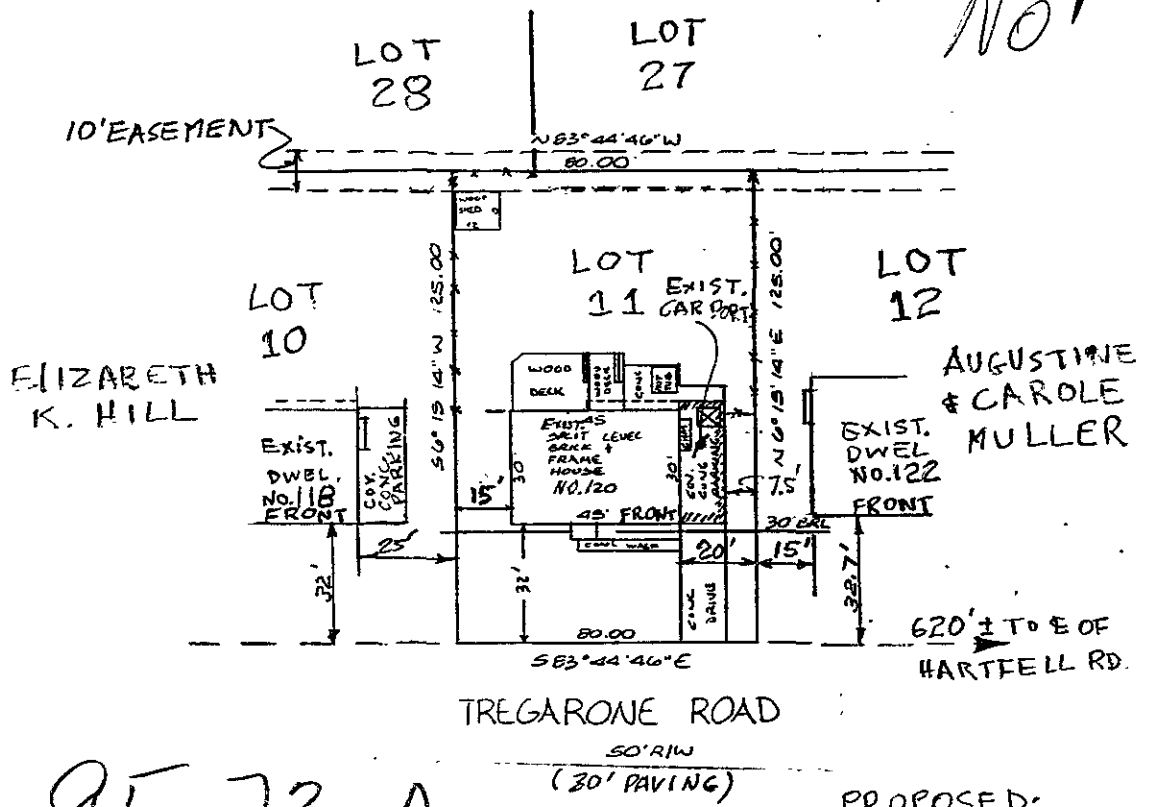
PROPERTY ADDRESS: 120 TREGARONE ROAD

Subdivision name: COACHFORD

plat book# 29 **,folio#** 99 **,lot#** 11 **,section#** 1

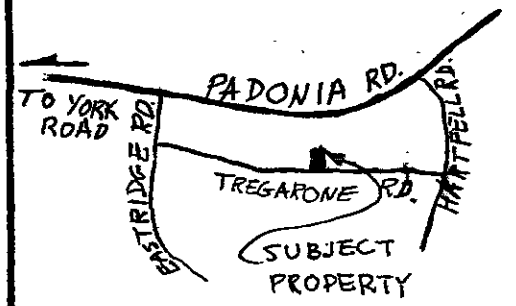
OWNER: SUSAN ELIZABETH MURPHY

Pet No 1



95-73-A

PROPOSED:
ENCLOSE EXISTING
32'± x 12.5± CARPORT



North

Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 8

Councilmanic District: 4

1"=200' scale map#: NW 15A

Zoning: D.R. 3.5

Lot size: 0.23 acreage 10,000 square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐

	yes	no
Chesapeake Bay Critical Area:	☐	☒

Prior Zoning Hearings: NONE

MICROFILMED

Zoning Office USE ONLY!

reviewed by:	ITEM #:	CASE#:
JJ	73	

North

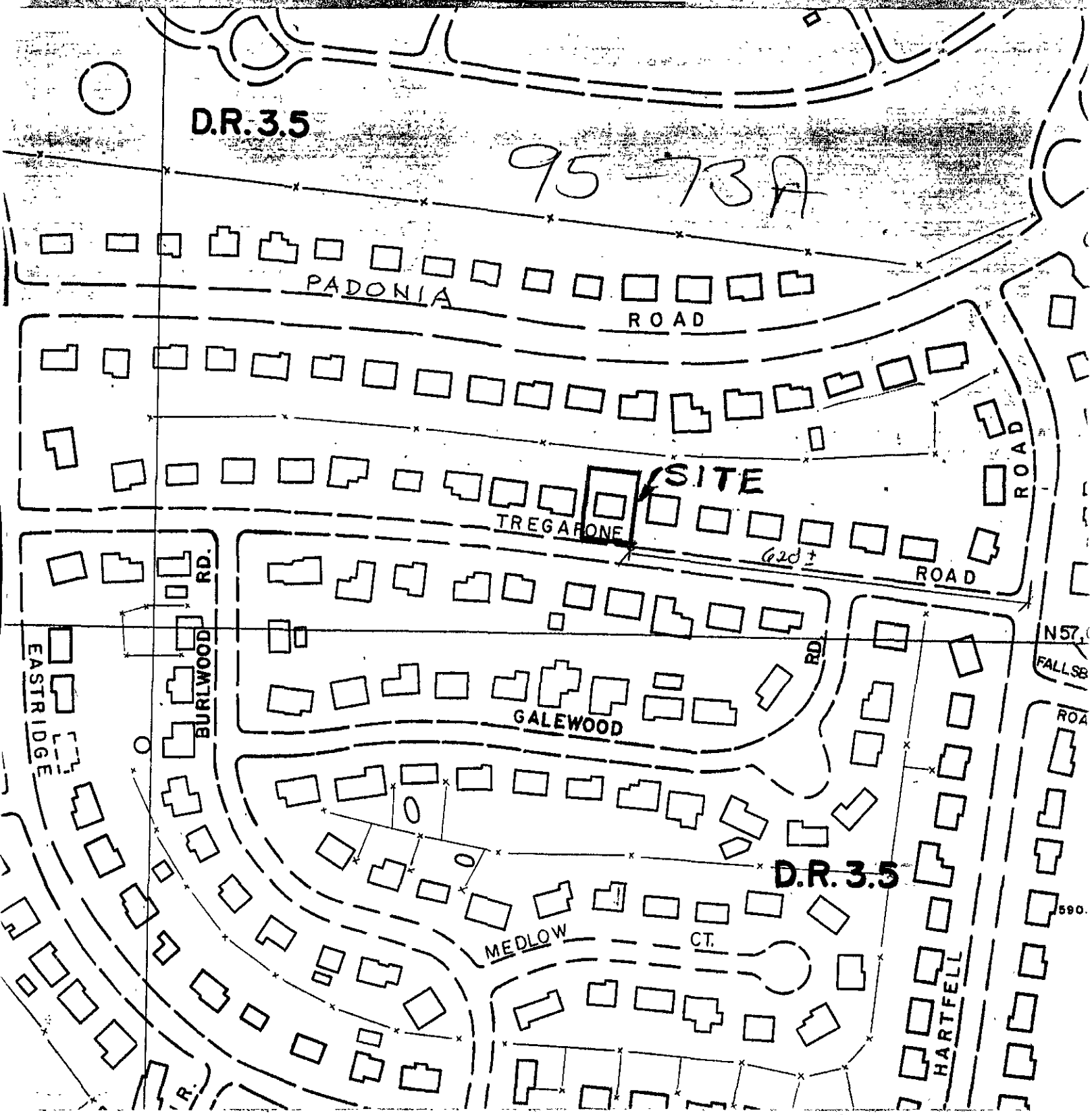
date: 8/11/94

prepared by: E.V.

Scale of Drawing: 1"= 50'

12

Zoning Map



SCALE	LOCATION	SHEET
1" = 200'±	Padonia	N.W. 15A
DATE OF PHOTOGRAPHY JANUARY 1986		

MICROFILMED

#73

HEARING: TUESDAY, DECEMBER 6, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

CASE NUMBER: 95-73-A (Item 73)
120 Tregarone Road
N/S Tregarone Road, 620' w of c/l Hartfell Road
8th Election District - 4th Councilmanic
Petitioner(s): Susan Elizabeth Murphy

Variance to allow existing carport (to be enclosed) with a setback of 7.5 feet in lieu of the minimum required 10 feet.

CONTENTS

Signed copy

I

SUMMARY OF PROCESS
(w enclosures)

SUMMARY OF PROCESS (w enclosures) 1 of

CASE NUMBER: 95-73-A (Item 73)

Aug 3, 94 Enn Veskimets (EV) for Susan E. Murphy contacted Baltimore County Building Code 887-3987 and Building Permits 887-3900 (3' min. from property to addition of building). Transferred to Zoning for additional requirements. (887-3391) 10' to property line for development approved 1963. Informed that a variance can be applied for County Office Bldg 111 Chesapeake Ave. Room 109. Cost of filing $85.

Aug 10, 94 E.V. Pick up Variance package and Zoning Map. Sheet N.W. 15A.

Aug 11, 94 E.V. prepare Variance package and make appointment for submittal on Aug 22, 1994 11:00 Am.

Aug. 15, 94. E.V. Called all listed County offices to assure code & reg. complia.

Aug. 22, 94 Submittal of Variance package taken by JRF Paid $85 receipt #73. JRF wrote the wording for... "petition for a Variance from Section(s)." added onto the Petition for Administrative Variance. JRF also put a dimension of 620' on Zoning Map in red.
Sign would be put up "No later than Sep 4, 94"

EV. Talked to Mrs. Hill & Mr. Muller regarding enclosing carport. Both stated no objection.

Sep. 6, 94 Notice of Case Number Assignment
Deadline for a neighbor to file a formal request for a public hearing - Sept 19, 1994

Sep 20, 94 E.V. returned sign to County

Sep. 21, 94 Letter from Zoning Coordinator providing Zoning Plans Advisory Committee comments all with no objection.

Sep. 26, 94 E.V. Called to request info - was told Should get letter from Commissioner by Wednesday - if not - call them.

Sep. 26, 94 Letter from Zoning Commissioner, Sep 22, 94, "Administrative Variance has been granted. on 23rd day of Sept, 1994.
30 days for any party to file appeal to County Board of Appeals.

Oct. 13, 94 E.V called Appeals Clerk at 887-3391 at 8:30 AM. No appeals.

Oct. 20, 94 Aries Bldrs Applied and was issued. Permit # B215980 Date Issued: 10/20/94. Enclose EX carport to be used as
1 CAR GARAGE
REFER TO CASE 95-73-A
Further Mr. J.A. Arkuszeski, Jr. Aries Builders asked if there were any items against the variance - Answer was "None"

Oct. 24, 94 Ms. Murphy got copy of letter. Zoning Commissioner to Mr. Augustine J. Mullen with enclosures. (Dated Oct. 18, 1994) Ultimatum issued to Ms Murphy. Agree to Mr. Mullen's restrictions

or

Brief public hearing where both may present whatever testimony and argument.....

Oct. 24, 94 EV contacted Mr. Schmidt office and was informed that a meeting will be scheduled since Ms. Murphy has no reason to accept the restrictions.

Oct 25, 94 Ms. Murphy FAXED letter to Mr. Schmidt

Oct. 26, 94 Letter to Ms. Murphy (cc. Mr. Muller) Public Hearing will be scheduled.

Oct. 31, 94 E.V. Called Docket Clerk. Sign will be posted. Mtg. week of Dec 5

Nov. 4, 94 Notice of Reassignment.
Tuesday, December 6, 1994 9:00 AM
Room 118, Old Courthouse.

Dec. 5, 94 Called Gwen Stephens 887-3391 verify Hearing.
9:05 AM - Not in.
1:15 PM - "As far as she knows still on"

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150

Number #73

Date 8/22/94

Taken by JRF

MURPHY -- 120 Tragarona Rd.

010 --- Variance $ 50.00
080 --- Sign $ 35.00

$ 85.00

03A03#0214MICHRC $85.00
5A C011:11AM08-22-94

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

September 6, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Susan Elizabeth Murphy
120 Tregarone Road
Timonium, Maryland 21093

Re: CASE NUMBER: 95-73-A (Item 73)
120 Tregarone Road

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 4, 1994. The closing date (September 19, 1994) 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. They 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 a Baltimore County newspaper. Charges related to the reposting 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 $60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

SEP. 2 ? 1994

Susan Elizabeth Murphy
120 Tregarone Road
Timonium, Maryland 21093

RE: Item No. 73, Case No. 95-73-A
Petitioner: Susan Elizabeth Murphy

Dear Ms. Murphy:

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 August 22, 1994.

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.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggs

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: September 12, 1994

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 12, 1994
Items 73, 74, 76, 77, 79, 80 and 81

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: Sept. 15, 1994

TO: ZADM

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept. 6

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 73
74
75
76
78
79
80
81

LS:sp

LETTY2/DEPRM/TXTSBP

9/7/94
TO JCW

Baltimore County Government
Fire Department

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

(410) 887-4500

DATE: 09/01/94

Donald 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.: SEE BELOW 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: 73, 74, 76, 77, 79, 80 AND 81.

RECEIVED
SEP 2 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

To: Arnold Jablon, Director
Zoning Administration and
Development Management

From: Pat Keller, Director
Office of Planning & Zoning

Date: August 31,1994

Subject: ZAC comments

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

Item Nos. 73, 76, 79, and 81.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning and Zoning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kerns

JL

PRACTICE/PZONE/TXTLLF

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-2-94

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.: * 73 (JRF)

95-73

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 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

for David Ramsey, Acting 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 Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 22, 1994

Mrs. Susan E. Murphy
120 Tregarone Road
Timonium, Maryland 21093

RE: Petition for Administrative Zoning Variance
Case No. 95-73-A
Property: 120 TregaroneRoad

Dear Mrs. Murphy:

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
Zoning Commissioner

LES:mmn
encl.

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE N/S Tregarone Rd., 620' (+/-) W of c/l Hartfell Rd. 120 Tregarone Road 8th Election District 4th Councilmanic District Susan E. Murphy Petitioner	* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 95-73-A	

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Susan E. Murphy for that property known as 120 Tregarone Road in the Coachford subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing carport (to be enclosed) with a setback of 7.5 ft. in lieu of the required 10 ft., as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner 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 Petitioner has 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 Petitioner.

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 23rd day of September, 1994 that the Petition for a Zoning Variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing carport (to be enclosed) with a setback of 7.5 ft., in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: B215980 CONTROL #: MR DIST: 08 PREC: 12
DATE ISSUED: 10/20/94 TAX ACCOUNT #: 0818051560 CLASS: 04

PLANS: CONST 00 PLOT 1 R PLAT 0 DATA 0 ELEC YES PLUM NO
LOCATION: 120 TREGARONE RD
SUBDIVISION: COACHFORD

OWNERS INFORMATION
NAME: MARPHY, SUSAN
ADDR: 120 TREGARONE RD 21093

TENANT:
CONTR: ARIES BLDRS
ENGNR:
SELLR:
WORK: ENCLOSE EX CARPORT ON SIDE OF SFD TO BE USED AS 1 CAR GARAGE. 12'X31'X13'=372SF REFER TO CASE 95-73-A

BLDG. CODE: 1 AND 2 FAM. CODE
RESIDENTIAL CATEGORY: DETACHED OWNERSHIP: PRIVATELY OWNED

ESTIMATED $ 12,000.00 PROPOSED USE: SFD & GARAGE
EXISTING USE: SFD & CARPORT

TYPE OF IMPRV: ADDITION
USE: ONE FAMILY
FOUNDATION: BLOCK BASEMENT: NONE
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 0080.00 X 0125.00
FRONT STREET:
SIDE STREET:
FRONT SETB: NC
SIDE SETB: NC/7'6"
SIDE STR SETB:
REAR SETB: NC

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

**** I M P O R T A N T N O T E S ****

APPROVED PLANS MUST BE ON SITE FOR INSPECTION, INCLUDING COMMENTS.

ANY INFORMATION SUPPLIED FOR THIS PERMIT THAT IS FOUND TO BE ERRONEOUS OR INCOMPLETE COULD RESULT IN THE SUSPENSION OR REVOCATION OF YOUR PERMIT.

YOU MUST HAVE THE FOLLOWING INFORMATION TO CALL FOR AN INSPECTION:
PERMIT NUMBER, DISTRICT, PRECINCT AND STREET ADDRESS.

SEPARATE PERMITS REQUIRED FOR PLUMBING AND ELECTRICAL WORK
PLUMBING AND ELECTRICAL INSPECTIONS MUST BE CALLED FOR BY REGISTERED, LICENSED PERSONNEL.

INSPECTIONS SHALL BE CALLED FOR BEFORE 2:30 P.M. WITH ONE-DAY NOTICE ON ALL INSPECTIONS.

****

THE FOLLOWING INSPECTIONS ARE REQUIRED FOR CONSTRUCTION INDICATED:

1. FOOTING INSPECTION: shall be called for as soon as the trenches are completed and steel in place if required and concrete encased electrode is in place before pouring concrete.
2. FOUNDATION INSPECTION: shall be called for when the foundation has been waterproofed and before backfilling with earth.
3. SLAB INSPECTION: shall be called for when all reinforcing, piping, wiring, weepholes, drain tile, etc., are in place or completed and inspected by Plumbing/Electrical inspection and before pouring concrete. (Residential basement slabs do not require building inspections).
4. FRAMING INSPECTION: shall be called for when all structural members are in place, electric and plumbing roughed in, chimney and duct work installed and before covering with lathe, insulation or drywall. All fire stopping to be installed. A separate ceiling grid inspection to be determined by inspector.
5. INSULATION INSPECTION: after framing inspection, but prior to sheetrock.
6. OCCUPANCY OR FINAL INSPECTION: shall be called for before the structure is used or occupied.

NEW BUILDINGS & ADDITIONS:	6 Inspections Required: Footing - Foundation - Slab - Framing - Insulation - Occupancy
ALTERATIONS:	3 Inspections Required: Framing - Insulation - Occupancy or Final
FACTORY BUILT FIREPLACE AND STOVES:	2 Inspections Required: Framing with thimble in place - Final
MASONRY FIREPLACE:	3 Inspections Required: Footing - Throat/Framing - Inspection shall be called for when the throat/framing of the unit is complete, but prior to the erection of the chimney - Final
TANKS:	3 Inspections Required: Hydrostatic (Fire Dept) Excavation with tank, bedding & piping in place prior to backfill (Bldg Insp) - Final
TANK REMOVAL:	1 Inspection Required: Tank removed and hole sterilized prior to backfill
SWIMMING POOLS:	2 Inspections Required: Steel in place - fence erected, if needed prior to Final
FENCING, RAZING, GRADING AND TEMPORARIES	1 Inspection Required: Final - when all work completed per permit

* WELL INSPECTION MUST BE MADE TWO WEEKS BEFORE OCCUPANCY OR FINAL INSPECTION IS TO BE CALLED FOR - 887-2762

* MECHANICAL WORK: Depends on type or extent of work. Contact Inspector after or during preliminary inspection.

*** NUMBERS TO CALL FOR INSPECTIONS ***

BUILDING	PLUMBING	ELECTRICAL	FIRE DEPT.
887-3953	887-3620	887-3960	887-3985

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 18, 1994

Mr. Augustine J. Muller, Jr.
1101 St. Paul Street
St. Paul at Chase, Suite 307
Baltimore, Maryland 21202

RE: Case No. 95-73-A
Property: 120 Tregarone Road
Petition for Administrative Variance

Dear Mr. Muller:

This is to acknowledge receipt of your letter dated October 5, 1994 received by this office on October 17, 1994.

In reviewing the case file, it appears that your initial letter of September 16, 1994 was not in the file when the decision was rendered by me on September 23, 1994. As you will note from the above letterhead, my office is located in a building separate and apart from the Zoning Administration and Development Management office and, unfortunately, your initial correspondence did not catch up to the file until after the decision was rendered.

In any event, I have read both letters and concur that restrictions on the use of the subject property as you have proposed might be appropriate. However, prior to instituting such restrictions, I further note that your letters were not copied to Ms. Murphy, the property owner. Clearly, she may have a position regarding these issues which should be considered.

Under the circumstances, I am forwarding to her a copy of this letter, as well as a copy of your correspondence dated September 15, 1994 and October 5, 1994. I ask that she review same and contact me regarding her position promptly. If she is agreeable to the restrictions which you have requested, I shall issue an amended Order incorporating those restrictions. If she does not agree, I will schedule the matter for a brief public hearing where both sides may present whatever testimony and argument they deem appropriate on this issue. Moreover, I have accepted your most recent correspondence as a Motion for Reconsideration and will, therefore, stay the finality of my initial decision and the appeal timeframe for any appeal to be filed to the County Board of Appeals. That is, this matter shall remain within my jurisdiction until resolved in either of the manners outlined above.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: Ms. Susan E. Murphy, with enclosures

Mr. & Mrs. Augustine J. Muller, Jr.
122 Tregrone Road
Timonium, Maryland 21093
(410) 561-0969

October 5, 1994

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
Towson, MD 21204

RE: Case Number 95-73-A, Zoning Variance to 120 Tregarone Road, Timonium, Maryland

Dear Mr. Schmidt:

In the matter of the above case, I am in receipt of your notice of waiver of a public hearing and issuance of preliminary approval of the proposed variance. As the notice makes no reference to conditions or restrictions to which I referred in my letter of September 15, 1994 addressed to Mr. Arnold Jablon, ZADM, a copy of which is attached, I find myself forced to appeal the decision as it has been rendered.

As I stipulated in my letter of September 15, I have no objection to my neighbor's desire for an enclosed garage per se, The absence of a conditioned approval would adversely impact on the future value of my property, notwithstanding the current owner's plan or intent, but because, in the absence of such condition, a successor owner may perceive the ability to improve, add or modify the property to my detriment.

The requested conditions or restrictions are as follows:

1) No plumbing or HVAC may be installed now or in the future so as to permit the use of the space for any purpose but storage.

2) The garage may not exceed fifteen feet at its highest point.

I wish to be assured that any zoning variances will prohibit the construction of any structure in excess of fifteen feet now or in the future. Any such structure in excess of a single story would impinge upon our view from the windows of our house that face westerly toward 120 Tregarone Road and overlook the existing carport.

In view of the above, I again request that the variance approval be granted in the strictest terms to permit enclosing the existing carport into a garage only and <u>explicitly</u> prohibit any improvements, additions or modifications that would either

permit or imply use of the area as a living space or obstruct the view from the windows of our house.

I still hope that this appeal will not prevent your final approval of the application, but trust that it may be issued with the necessary conditions to protect our property interests also. Please advise me as to what I might do to expedite this matter to a satisfactory conclusion so that Ms. Murphy may proceed at her convenience.

Please acknowledge receipt of this letter and provide to me a copy of any correspondence relevant to our interest in this matter. Thank you for your consideration in this regard.

Sincerely yours,

Augustine J. Muller, Jr.

9/16/94 4581-94

8 to file

AUGUSTINE J. MULLER, JR.
CERTIFIED PUBLIC ACCOUNTANT
ST. PAUL AT CHASE
1101 ST PAUL STREET
SUITE 307
BALTIMORE, MARYLAND 21202
410 - 752-4245
HOME 410 - 561-0969

RECEIVED
SEP 26 1994
ZONING COMMISSIONER

MEMBER:
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
MARYLAND ASSOCIATION OF CERTIFIED PUBLIC ACCOUNTANTS

September 15, 1994

Mr. Arnold Jablon, Director
Z A D M
111 W. Chesapeake Avenue
Towson, MD 21204

FACSIMILE: 887-5708 ?

RE: Case Number 9573, Zoning Variance to 120 Tregarone Road, ~~Timonium, Maryland~~

Dear Mr. Jablon:

In the matter of the above case, I reside at 122 Tregarone Road and wish to go on record in the matter of a waiver of the existing 10-foot setback to allow a 7.5-foot setback to permit enclosing the existing carport into a one-car garage. I have no objection conditional upon the following:

1) No plumbing or HVAC may be installed now or in the future so as to permit the use of the space for any purpose but storage.

2) It is my understanding that [illegible] garage may not exceed fifteen feet in height, and I [illegible] be assured that any zoning variance will prohibit [illegible] construction of any structure in excess of fifteen [illegible] the future. Any such structure in [illegible] impinge upon our view from the [illegible] dows of our house [illegible] westerly toward 120 Tregarone Road and [illegible] carport.

In view of [illegible] above [illegible] ance approval would be granted in the st[illegible] nclosing the existing carport into a garage [illegible] the application, and specifically [illegible] nts, additions or modificati[illegible] imply use of the area as a living [illegible] from the windows of our house. [illegible] approval would adversely impact on the future [illegible] notwithstanding the current owner's plan[illegible] because, in the absence of such condition, a successor owner may perceive

the ability to improve, add or modify the property to my detriment.

I hope that you will favorably consider my qualified protest of the application by approving the application with the necessary conditions, and I hope this may be accomplished without the need for a public hearing. I am prepared, however, to appear before the Zoning Commissioner if any additional discussion or explanation is necessary.

Please acknowledge receipt of this letter and provide to me a copy of the Zoning Commission's decision in this matter for my (and any subsequent owner's) future records. Thank you for your consideration in this regard.

Sincerely yours,

Augustine J. Muller, Jr.

October 25, 1994

To: Mr. Lawrence E. Schmidt
c/o Betty 887-4386
FAX 887-3468

From: Susan Murphy
Ann Veskridets

RE: Case No. 95-73-A
Property: 120 Tregarone Rd.
Petition For Administrative Variance

Mr. Lawrence E. Schmidt
Zoning Commissioner
Suite 112 Courthouse
400 Washington Avenue
Towson, Maryland 21204

October 24, 1994

Re: Case No. 95-73-A
Property: 120 Tregarone Road
Petition for Administrative Variance

Dear Mr. Schmidt:

In your letter to Mr. Augustine J. Muller, Jr. dated October 18, 1994 and a copy received by me on October 22, 1994, you asked that I review the correspondence and contact you promptly regarding my position in this matter. I appreciate the opportunity to address my position on these issues.

On October 24, 1994 my personal representative, Mr. Enn Veskimets, contacted your office to discuss this matter and provide preliminary information to you on the issues addressed by Mr. Muller.

My review of Mr. Muller's correspondence letters dated September 15, 1994 and October 5, 1994 resulted in the following:

1. Both letters state that Mr. Muller has no objection to enclosing the existing carport at 120 Tregarone Road as per Petition For Administrative Variance Case No. 95-73-A.

2. Both letters also state some conditions or restrictions he wishes placed on the property at 120 Tregarone Road which are not related to the specifics of the Petition For Administrative Variance.

3. The Application For Permit by my contractor includes items necessary to enclose the existing carport in accordance with the permitted variance of the setback and all the requirements of the Baltimore County Zoning Regulations (BCZR) and codes.

4. Existing codes allow construction within the building limit lines. It appears that Mr. Muller's listed conditions or restrictions as pertaining to possible future actions would also apply to other neighborhood properties. Why restrict that which is already allowed? Why single out my property at 120 Tregarone Road?

5. A potential problem would be generated if Mr. Muller's conditions or restrictions would cause conflicts or result in non-compliance with the BCZR and codes now or in the future.

6. Any possible concerns of Mr. Muller regarding future changes to the neighborhood properties would be governed by the BCZR and codes. Otherwise, the variance process would come into effect at that time.

Re: Case No. 95-73-A
Property: 120 Tregarone Road
Petition for Administrative Variance

October 24, 1994

(Continued)

7. Mr. Muller's listed conditions or restrictions would adversely affect my property value. Who would buy a property which has been singled out to conform to specific conditions or restrictions since property is already covered by the BCZR and codes?

8. It is not appropriate that I should have conditions or restrictions placed on my property because Mr. Muller infers that some future owner of my property may perceive the ability to modify the property. What a successor owner may or may not do is no reason for placing restraints.

It is requested that Mr. Muller's listed conditions or restrictions **not** be added to the Petition For Administrative Zoning Variance, Case No. 95-73-A, because of the reasons listed above. Any future actions will be covered under the BCZR and codes, and any potential actions which could adversely affect Mr. Muller's property will fall under the variance process. Further, any future permits are reviewed by Zoning where the Case No. 95-73-A for 120 Tregarone Road will remain on record.

Should you require further information on this matter, please contact my personal representative, Mr. Enn Veskimets at (410)561-1438, or myself at (410)765-3796 (work) or (410)561-0792 (home).

Sincerely yours,

Susan E. Murphy

Susan E. Murphy

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 26, 1994

Ms. Susan E. Murphy
c/o Enn Veskimets
120 Tregarone Road
Timonium, Maryland 21093

RE: Petition for Administrative Variance
Case No. 95-73-A
Property: 120 Tregarone Road

Dear Ms. Murphy:

This is to acknowledge receipt of your fax dated October 24, 1994. Therein, you indicate that the restrictions and conditions which Mr. Muller requested within his letter of October 5, 1994 not be attached to the approval of your Petition for Zoning Variance. In view of your position and consistent with my letter dated October 18, 1994, I will, therefore, schedule this matter for public hearing. The property will be reposted with notice of the hearing and I will make sure that a copy of the notice is sent to you and Mr. Muller.

The public hearing will be held to provide all interested persons with a chance to express their views as to the merits of this case. Moreover, as indicated in my initial letter to Mr. Muller of October 18, 1994, I will stay the finality of my initial decision and the appeal timeframe therefrom to the County Board of Appeals. That is, this matter shall remain within my jurisdiction until resolved at the public hearing to be scheduled.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Mr. Augustine J. Muller, Jr.
cc: Ms. Gwen Stephens, Docket Clerk
Office of Zoning Administration and Development Management

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

NOVEMBER 4, 1994

NOTICE OF REASSIGNMENT

CASE NUMBER: 95-73-A (Item 73)
120 Tregarone Road
N/S Tregarone Road, 620' W of c/l Hatfell Road
8th Election District - 4th Councilmanic
Petitioner(s): Susan Elizabeth Murphy

Variance to allow an existing carport (to be enclosed) with a setback of 7.5 feet in lieu of the minimum required 10 feet.

HEARING: TUESDAY, DECEMBER 6, 1994 at 9:00 a.m. in Room 118, Old Corthouse.

ARNOLD JABLON
DIRECTOR

AJ:ggs
cc: Susan E. Murphy
Augustine J. Muller, Jr.

II

PLAN
120 TREGARONE ROAD

III

DISCUSSION

DISCUSSION

1. Summary of Process.

The summary provides a chronological listing of events and items for ready reference. The enclosure of Affidavit in Support of Administrative Variance is not included as the original is on file with the Zoning Commissioner of Baltimore County.

2. Plan.- 120 Tregaron Road

This plan was prepared to show the relationship of the existing conditions, zoning requirements, code requirements and administrative variance petition. The following is compiled from information obtained from various Baltimore County Offices and regulations. Any corrections and additions should be made at the hearing.

a. Main structure expansion limits appear to be allowed within shown limits to 50' height by zoning regulations; however, limited by code to 35' height and 3' from property line.

b. Detached garage limits are 15' max height, 1' behind rear foundation of main building, 2½' from rear and

DISCUSSION (CONT.)

sides of property, smaller than main building and not more than 40% of rear yard. The code requirement of 3' from property line and not being placed on the easement would be followed.

c. The existing covered parking may be 25% closer to the set back requirement.

The Administrative Variance Petition (Case No: 95-73-A requests to enclose the portion of the existing covered parking (carport) by 2½' on the North and South sides and 3' on the East side.

It should be noted that all of the above information is reviewed against the zoning and code requirements prior to issuance of a building permit and further inspected during construction.

DISCUSSION (CONT.)

3. Conclusions:

My letter, October 24, 1994, requests that Mr. Muller's listed conditions or restrictions not be added to the Petition for Administative Zoning Variance, Case No. 95-73-A for the reasons as listed in the letter.

Further:

1. This Plan - 120 Tregarone Road and pursuing discussion clearly demonstrate that the most efficient and practical way to provide for security of owner vehicle and belongings and secure/safe passage from car into/out of dwelling is by enclosi the existing carport (covered parking). This variance will not change the use of the property as allowed by zoning and code requirements and it is believed that the spirit of the ordinance will be observed

2. The variance process has clearly shown that the neighborhood has no objections. More specificall the neighbors on each side have indicated the followi Mr. Muller has both verbally and in writing stated that he has no objection to enclosing the carport and Mrs. H. has verbally stated no objection to the variance request

DISCUSSION (CONT.)

3. It appears that Mr. Muller's "conditions or restrictions" copied here from his October 5, 1994 letter as follows:

The requested conditions or restrictions are as follows:

1) No plumbing or HVAC may be installed now or in the future so as to permit the use of the space for any purpose but storage.

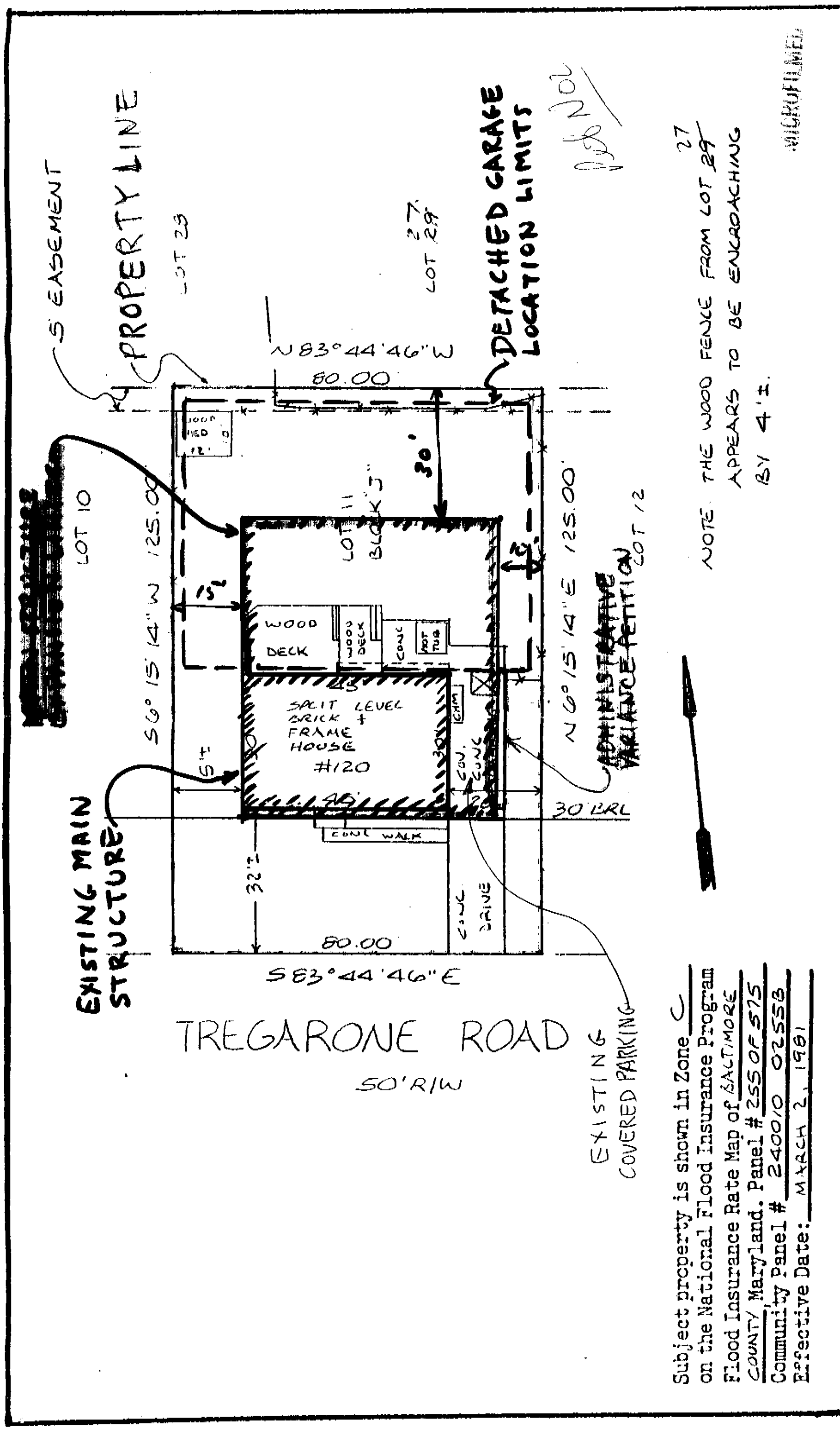
2) The garage may not exceed fifteen feet at its highest point.

are worded such as to potentially apply to the entire and any part of the property at 120 Tregarone Road. Any "conditions or restrictions" placed on a property to attempt to control future use of the property beyond the BCZR and codes has no basis and is of questionable "Legality."

If it is Mr. Muller's intent to restrict that which is already allowed by BCZR and code, then he should consider filing for a petition with the Zoning Commissioner and follow the appropriate procedures to have the restrictions placed on all neighborhood properties.

End.

Susan E. Murphy (owner) - Dec. 6, 1994
Eric Vesterman (Representative) - Dec. 6, 1994



IN RE: PETITION FOR ZONING VARIANCE
N/S Tregarone Rd., 620 ft.
(+/-) W of Hartfell Rd.
120 Tregarone Road
8th Election District
4th Councilmanic District
Susan E. Murphy
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE # 95-73-A

****

RULING ON PRELIMINARY MOTION

The above captioned matter comes before the Zoning Commissioner for reconsideration of the Findings of Facts and Conclusion of Law issued in this case on September 23, 1994. On that date, this Zoning Commissioner granted a Petition for Zoning Variance filed by the property owner, Susan E. Murphy, for the property known as 120 Tregarone Road in the Coachford subdivision of Baltimore County. Variance relief was granted from Section 1B02.3.B of the Baltimore County Zoning Regulations (BCZR) to allow an existing carport to be enclosed with a setback of 7-1/2 ft. in lieu of the required 10 ft.

Immediately after the issuance of that opinion, correspondence was received from an adjoining property owner, Augustine J. Muller, Jr. Mr. Muller sought the incorporation of several restrictions to the relief granted. An exchange of correspondence between this office, the Petitioner and Mr. Muller, failed to result in an agreed settlement of the issues presented. Thus, the matter was set for a hearing to allow both sides the opportunity to appear and present testimony.

Appearing at that public hearing was the Petitioner, Susan E. Murphy. Also present was Enn Veskimets, who also resides on the subject property. Appearing as Protestants/interested persons were Augustine J. Muller, Jr., Mark Harris and Frank Owen.

As noted in my original findings, the Petitioner proposes enclosing a carport which is located on the east side of the property. The subject site is approximately .23 acres in area and is zoned D.R.3.5. The site is improved with an existing split level brick and frame house, a wood deck to the rear and concrete driveway and parking pad. Presently, an open carport exists adjacent to the house over the parking pad. The Petitioner proposes enclosing the carport to make same into a single car garage.

There seems to be no dispute that the conversion of the carport to a garage is appropriate and that the variance should be granted. The Protestants do not object to a grant of the relief, per se, but desire that two restrictions be added to ensure that the property's use is compatible with the neighborhood. First, the Protestants request that the garage not be any higher than the present carport roof. This does not appear to be a problem in that Ms. Murphy indicated that the existing roof would be utilized and that construction will be to enclose the sides of the carport and not alter its height. Thus, this restriction has been agreed to by the parties and will be imposed. Second, the Protestants seek allowance that the garage will not be used for dwelling purposes. They ask for a restriction that no HVAC, plumbing or other improvements be made to the interior of the garage. I will not restrict the Petitioner in precisely this fashion, however, I do agree that the garage should not be used for dwelling purposes. The Petitioner may wish to heat the garage, for example, which would be appropriate. However, conversion of same into living quarters is inappropriate. Moreover, to ensure that the property owner and future property owners comply with this restriction, I shall add a provision allowing a Zoning representative to inspect the property to ensure that the restrictions in this Order are followed.

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 will be granted.

ORDER RECEIVED FOR FILING
Date 12/14/94
By M. Torrent

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 14th day of December, 1994 that the Petition for a Zoning Variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing carport to be enclosed with a setback of 7-1/2 ft., in lieu of the required 10 ft., in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The existing roof of the carport shall be utilized as the roof of car garage, thereby resulting in a maximum height of the garage of 13 ft.

3. The Petitioner shall not allow or cause the garage to be converted to living quarters. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

4. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to ensure compliance with this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 12/14/94
By M. Torrent

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 9, 1994

Ms. Susan E. Murphy
120 Tregarone Road
Timonium, Maryland 21093

RE: Ruling on Motion for Reconsideration
Susan E. Murphy, Petitioner
Case No. 95-73-A

Dear Ms. Murphy:

Enclosed please find a copy of my Ruling on Motion for Reconsideration rendered in the above captioned matter.

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
Zoning Commissioner

LES:mmn
att.
cc: Mr. and Mrs. Augustine J. Muller, Jr.
122 Tregarone Road, Timonium, Md. 21093

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE
N/S Tregarone Rd., 620' (+/-) W of c/l Hartfell Rd.
120 Tregarone Road
8th Election District
4th Councilmanic District
Susan E. Murphy
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-73-A

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Susan E. Murphy for that property known as 120 Tregarone Road in the Coachford subdivision of Baltimore County. The Petitioner herein seeks a variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing carport (to be enclosed) with a setback of 7.5 ft. in lieu of the required 10 ft., as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

The Petitioner 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 Petitioner has 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 Petitioner.

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 23rd day of September, 1994 that the Petition for a Zoning Variance from Section 1B02.3.B. of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an existing carport (to be enclosed) with a setback of 7.5 ft., in lieu of the required 10 ft., be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

LES:mmn

ORDER RECEIVED FOR FILING
Date 9/23/94
By M. Torrent

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 22, 1994

Mrs. Susan E. Murphy
120 Tregarone Road
Timonium, Maryland 21093

RE: Petition for Administrative Zoning Variance
Case No. 95-73-A
Property: 120 TregaroneRoad

Dear Mrs. Murphy:

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
Zoning Commissioner

LES:mmn
encl.

Petition for Administrative Variance
95-73-A
to the Zoning Commissioner of Baltimore County

for the property located at 120 TREGARONE ROAD which is presently zoned D.R. 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate 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)

1B02.3.B (208.3 - Old Regs) ——— To allow an existing carport (to be enclosed) with a setback of 7.5 feet in lieu of the minimum required 10 feet.

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

SEE ATTACHMENT #1

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.

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/Lessee:
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner:
(Type or Print Name)
Signature
Address Phone No.
City State Zipcode

Legal Owner(s):
(Type or Print Name) SUSAN ELIZABETH MURPHY
Signature Susan Elizabeth Murphy
(Type or Print Name)
Signature
H 410-561-0792
120 TREGARONE RD W 410-765-3796
Address Phone No.
TIMONIUM MD 21093
City State Zipcode
Name, Address and phone number of representative to be contacted.
Name ENN VESKIMETS
120 TREGARONE RD H-410-561-1438
Address Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19__, that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: JJ DATE 8/22/94
ESTIMATED POSTING DATE 9-4-94

ITEM #: 73

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) 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
120 TREGARONE ROAD
address
TIMONIUM MD 21093
City State Zip Code

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: (indicate hardship or practical difficulty)

SEE ATTACHMENT #1

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

Susan Elizabeth Murphy
(signature) (signature)
SUSAN ELIZABETH MURPHY
Type or print name) (type or print name)

BALTIMORE COUNTY MARYLAND

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 30 day of August, 19 94, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Susan Elizabeth Murphy

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 his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8/30/94
date

NOTARY PUBLIC
My Commission Expires 11-1-96

95-73-A

ATTACHMENT #1

Variance is requested to enclose the existing carport where strict compliance with the BCZR would result in practical difficulty.

1. Enclosure of the carport will provide needed security for the owner vehicle and belongings and secure/safe passage from car into/out of dwelling.
2. Strict compliance would result in too narrow a parking area and it is impractical to move the carport or dwelling.
3. Variance to enclose the existing carport by relaxing the distance to the property line would give substantial relief for security and safety.
4. Adding the enclosure to the existing carport will not change the use of the property and it is believed that the spirit of the ordinance will be observed with added safety and security.

#73

Zoning Description 95-73-A

ZONING DESCRIPTION FOR 120 TREGARONE ROAD

Beginning at a point on the NORTH side of TREGARONE ROAD which is 50' R/W wide at the distance of 620'± WEST of the centerline of the nearest improved intersecting street HARTFELL ROAD which is 60' R/W wide. Being Lot #11, Block J, Section #1 in the subdivision of COACHFORD as recorded in Baltimore County Plat Book #29, Folio #99, containing 10,000 s.f. Also known as #120 TREGARONE ROAD and located in the 8th Election District, 4th Councilmanic District.

#73

CERTIFICATE OF POSTING 95-73
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 4th Date of Posting 11/4/94
Posted for: Variance
Petitioner: Susan Eliz. Murphy
Location of property: 120 Tregarone Rd., N/S
Location of Signs: Facing roadway on property being posted
Remarks:
Posted by [signature] Signature Date of return: 11/10/94
Number of Signs: 1

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt 95-73-A

Date 8/22/94 Account: R-001-6150
Number #73

MURPHY -- 120 Tregarone Rd. Taken by JRF

010 -- Variance $ 50.00
080 -- Sign $ 35.00

$ 85.00

03A03#0214MICHRC $85.00
BA C011:11AM08-22-94
Please Make Checks Payable To: Baltimore County
Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring 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.: 73
Petitioner: SUSAN ELIZABETH MURPHY
Location: 120 TREGARONE RD TIMONIUM MD 21093

PLEASE FORWARD ADVERTISING BILL TO:
NAME: SUSAN ELIZABETH MURPHY
ADDRESS: 120 TREGARONE RD
TIMONIUM, MD 21093
PHONE NUMBER: 410-561-0792

AJ:ggs (Revised 04/09/93)

13

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

September 6, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Susan Elizabeth Murphy
120 Tregarone Road
Timonium, Maryland 21093

Re: CASE NUMBER: 95-73-A (Item 73)
120 Tregarone Road

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 4, 1994. The closing date (September 19, 1994) 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. They 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 a Baltimore County newspaper. Charges related to the reposting 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 $60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOVEMBER 4, 1994

NOTICE OF REASSIGNMENT

CASE NUMBER: 95-73-A (Item 73)
120 Tregarone Road
N/S Tregarone Road, 620' W of c/l Hatfell Road
8th Election District - 4th Councilmanic
Petitioner(s): Susan Elizabeth Murphy

Variance to allow an existing carport (to be enclosed) with a setback of 7.5 feet in lieu of the minimum required 10 feet.

HEARING: TUESDAY, DECEMBER 6, 1994 at 9:00 a.m. in Room 118, Old Corthouse.

ARNOLD JABLON
DIRECTOR

AJ:ggs
cc: Susan E. Murphy
Augustine J. Muller, Jr.

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

SEP. 21 1994

Susan Elizabeth Murphy
120 Tregarone Road
Timonium, Maryland 21093

RE: Item No. 73, Case No. 95-73-A
Petitioner: Susan Elizabeth Murphy

Dear Mr. Murphy:

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 ensure 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 August 22, 1994.

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.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture/loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
Zoning Coordinator

WCR:ggs

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BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: Sept. 15, 1994

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: Sept 6

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 73
74
75
76
78
79
80
81

LS:sp

LETTY2/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: September 12, 1994

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for September 12, 1994
Items 73, 74, 76, 77, 79, 80 and 81

The Developers Engineering Section has reviewed the subject zoning items and we have no comments.

RWB:sw

RECEIVED
SEP 12 1994
ZADM

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

9-2-94

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.: #73 (JRF)

95-73

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 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
for David Ramsey, Acting 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 Government
Fire Department

9/7/94
JRF
TO JW

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

(410) 887-4500

DATE: 09/01/94

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.: SEE BELOW 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: 73, 74, 75, 77, 79, 80 AND 81.

RECEIVED
SEP 2 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

9/19

To: Arnold Jablon, Director
Zoning Administration and
Development Management

From: Pat Keller, Director
Office of Planning & Zoning

Date: August 31,1994

Subject: ZAC comments

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

Item Nos. 73, 76, 79, and 81.

If there should be any questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning and Zoning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carl L. Kess

JL

PRACTICE/PZONE/TXTLLF

BALTIMORE COUNTY, MARYLAND

Inter-office Correspondence

TO: Gwen Stephens
Docket Clerk, Office of Zoning

DATE: October 26, 1994

FROM: Lawrence E. Schmidt
Zoning Commissioner

SUBJECT: Case No. 95-73-A
Petitioner: Susan E. Murphy

Please set the attached case in for hearing. Treat this case as if the Zoning Commissioner requested the hearing and not have any advertising cost. I just want it to be posted. The County should pay for the posting cost. If this cannot be done, please talk to me about it.

If you have any questions, call me.

LES:mmn
att.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 26, 1994

(410) 887-4386

Ms. Susan E. Murphy
c/o Enn Veskimets
120 Tregarone Road
Timonium, Maryland 21093

RE: Petition for Administrative Variance
Case No. 95-73-A
Property: 120 Tregarone Road

Dear Ms. Murphy:

This is to acknowledge receipt of your fax dated October 24, 1994. Therein, you indicate that the restrictions and conditions which Mr. Muller requested within his letter of October 5, 1994 not be attached to the approval of your Petition for Zoning Variance. In view of your position and consistent with my letter dated October 18, 1994, I will, therefore, schedule this matter for public hearing. The property will be reposted with notice of the hearing and I will make sure that a copy of the notice is sent to you and Mr. Muller.

The public hearing will be held to provide all interested persons with a chance to express their views as to the merits of this case. Moreover, as indicated in my initial letter to Mr. Muller of October 18, 1994, I will stay the finality of my initial decision and the appeal timeframe therefrom to the County Board of Appeals. That is, this matter shall remain within my jurisdiction until resolved at the public hearing to be scheduled.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

cc: Mr. Augustine J. Muller, Jr.
cc: Ms. Gwen Stephens, Docket Clerk
Office of Zoning Administration and Development Management

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Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 18, 1994

(410) 887-4386

Mr. Augustine J. Muller, Jr.
1101 St. Paul Street
St. Paul at Chase, Suite 307
Baltimore, Maryland 21202

RE: Case No. 95-73-A
Property: 120 Tregarone Road
Petition for Administrative Variance

Dear Mr. Muller:

This is to acknowledge receipt of your letter dated October 5, 1994 received by this office on October 17, 1994.

In reviewing the case file, it appears that your initial letter of September 16, 1994 was not in the file when the decision was rendered by me on September 23, 1994. As you will note from the above letterhead, my office is located in a building separate and apart from the Zoning Administration and Development Management office and, unfortunately, your initial correspondence did not catch up to the file until after the decision was rendered.

In any event, I have read both letters and concur that restrictions on the use of the subject property as you have proposed might be appropriate. However, prior to instituting such restrictions, I further note that your letters were not copied to Ms. Murphy, the property owner. Clearly, she may have a position regarding these issues which should be considered.

Under the circumstances, I am forwarding to her a copy of this letter, as well as a copy of your correspondence dated September 15, 1994 and October 5, 1994. I ask that she review same and contact me regarding her position promptly. If she is agreeable to the restrictions which you have requested, I shall issue an amended Order incorporating those restrictions. If she does not agree, I will schedule the matter for a brief public hearing where both sides may present whatever testimony and argument they deem appropriate on this issue. Moreover, I have accepted your most recent correspondence as a Motion for Reconsideration and will, therefore, stay the finality of my initial decision and the appeal timeframe for any appeal to be filed to the County Board of Appeals. That is, this matter shall remain within my jurisdiction until resolved in either of the manners outlined above.

Very truly yours,
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
cc: Ms. Susan E. Murphy, with enclosures

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1/19/95

0233-95

January 18, 1995

Development Control
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Room 109
Towson, MD 21204

ATTN: Appeals Clerk (Julie)

Re: Case No. 95-73-A
Property: 120 Tregarone Rd
Petition for Administrative Variance

During the telephone conversation, January 17, 1995 between Julie of your office and Mr. Enn Veskimets we were informed that there are no appeals on the reference Case No. 95-73-A.

It is requested that you confirm this in writing such that there will be no future actions/appeals regarding case No. 95-73-A.

RECEIVED
JAN 19 1995
ZADM

Personal Rep. for Susan E. Murphy
Enn Veskimets
Enn Veskimets
120 Tregarone Road
Timonium, MD 21093

OCT 25 '94 10:18 FROM COPY CTR 421 MS 1207 TO 98873468 PAGE.001

October 25, 1994

To: Mr. Lawrence E. Schmidt
c/o Betty 887-4386
FAX 887-3468

From: Susan Murphy
Enn Veskimets

RE: Case No. 95-73-A
Property: 120 Tregarone Rd.
Petition For Administrative Variance

Mr. & Mrs. Augustine J. Muller, Jr.
122 Tregrone Road
Timonium, Maryland 21093
(410) 561-0969

October 5, 1994

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
Office of Planning and Zoning
Towson, MD 21204

RE: Case Number 95-73-A, Zoning Variance to 120 Tregarone Road, Timonium, Maryland

Dear Mr. Schmidt:

In the matter of the above case, I am in receipt of your notice of waiver of a public hearing and issuance of preliminary approval of the proposed variance. As the notice makes no reference to conditions or restrictions to which I referred in my letter of September 15, 1994 addressed to Mr. Arnold Jablon, ZADM, a copy of which is attached, I find myself forced to appeal the decision as it has been rendered.

As I stipulated in my letter of September 15, I have no objection to my neighbor's desire for an enclosed garage per se. The absence of a conditioned approval would adversely impact on the future value of my property, notwithstanding the current owner's plan or intent, but because, in the absence of such condition, a successor owner may perceive the ability to improve, add or modify the property to my detriment.

The requested conditions or restrictions are as follows:

1) No plumbing or HVAC may be installed now or in the future so as to permit the use of the space for any purpose but storage.

2) The garage may not exceed fifteen feet at its highest point.

I wish to be assured that any zoning variances will prohibit the construction of any structure in excess of fifteen feet now or in the future. Any such structure in excess of a single story would impinge upon our view from the windows of our house that face westerly toward 120 Tregarone Road and overlook the existing carport.

In view of the above, I again request that the variance approval be granted in the strictest terms to permit enclosing the existing carport into a garage only and explicitly prohibit any improvements, additions or modifications that would either

---

4590-94

AUGUSTINE J. MULLER, JR.
CERTIFIED PUBLIC ACCOUNTANT
ST. PAUL AT CHASE
1101 ST. PAUL STREET
SUITE 307
BALTIMORE, MARYLAND 21202
410 - 752-4245
HOME 410 - 561-0969

MEMBER:
AMERICAN INSTITUTE OF CERTIFIED PUBLIC ACCOUNTANTS
MARYLAND ASSOCIATION OF CERTIFIED PUBLIC ACCOUNTANTS

RECEIVED

September 15, 1994

Mr. Arnold Jablon, Director
Z A D M
111 W. Chesapeake Avenue
Towson, MD 21204

95-73

FACSIMILE: 887-5708

RE: Case Number 9573, Zoning Variance to 120 Tregarone Road, Timonium, Maryland

Dear Mr. Jablon:

In the matter of the above case, I reside at 122 Tregarone Road and wish to go on record in the matter of a waiver of the existing 10-foot setback to allow a 7.5-foot setback to permit enclosing the existing carport into a one-car garage. I have no objection conditional upon the following:

1) No plumbing or HVAC may be installed now or in the future so as to permit the use of the space for any purpose but storage.

2) It is my understanding that a garage may not exceed fifteen feet in height, and I wish to be assured that any zoning variances will prohibit the construction of any structure in excess of fifteen feet now or in the future. Any such structure in excess of a single story would impinge upon our view from the windows of our house that face westerly toward 120 Tregarone Road and overlook the existing carport.

In view of the above, I request that any variance approval would be granted in the strictest terms to permit enclosing the existing carport into a garage only, as requested by the application, and specifically prohibit any improvements, additions or modifications that would either permit or imply use of the area as a living space or obstruct the view from the windows of our house. The absence of such a conditioned approval would adversely impact on the future value of my property, notwithstanding the current owner's plan or intent, but because, in the absence of such condition, a successor owner may perceive

---

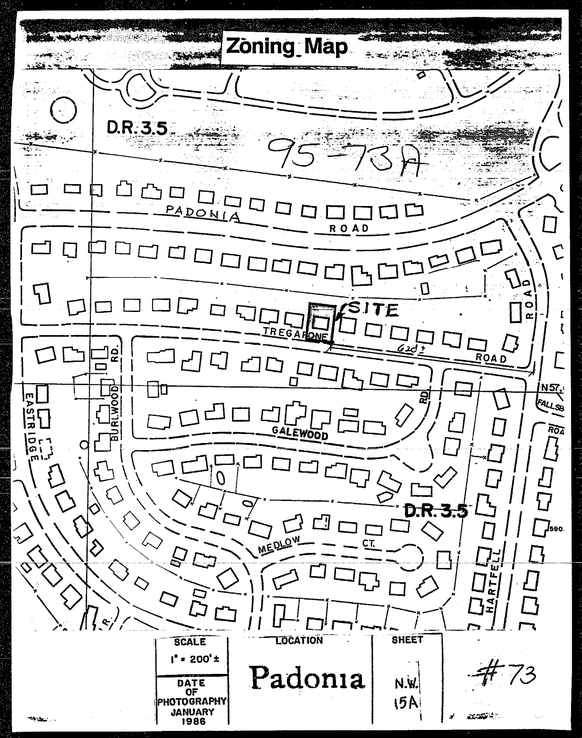
PLEASE PRINT CLEARLY — PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
SUSAN E. MURPHY	120 TREGARONE RD. 21093

Printed with Soybean Ink on Recycled Paper

PLEASE PRINT CLEARLY — PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Augustine J Muller Jr	122 Tregarone Rd Timonium MD
Mark Harris	10 Mayport 21093



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

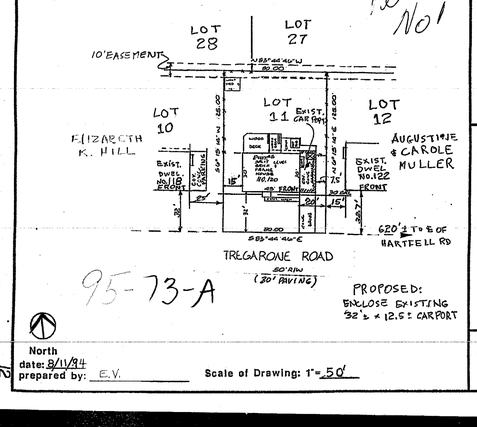
see pages 5 & 6 of the CHECKLIST for additional required information

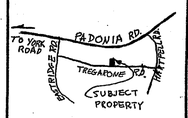
PROPERTY ADDRESS: 120 TREGARONE ROAD

Subdivision name: COACHFORD
plat book# 29 folio# 99 lot# 11 section# 1

OWNER: SUSAN ELIZABETH MURPHY

Plat No 1





Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 8
Councilmanic District: 4
1"=200' scale map#: NW 15A
Zoning: D.R. 3.5
Lot size: 0.23 acreage 10,000 square feet

	public	private
SEWER:	☒	☐
WATER:	☒	☐
Chesapeake Bay Critical Area:	☐	☒

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!
reviewed by: JJ ITEM #: 73 CASE#:

North
date: 8/11/94
prepared by: E.V.
Scale of Drawing: 1"=50'

HEARING: TUESDAY, DECEMBER 6, 1994 at 9:00 a.m. in Room 118, Old Courthouse.

CASE NUMBER: 95-73-A (Item 73)
120 Tregarone Road
N/S Tregarone Road, 620' W of c/l Hartfell Road
8th Election District - 4th Councilmanic
Petitioner(s): Susan Elizabeth Murphy

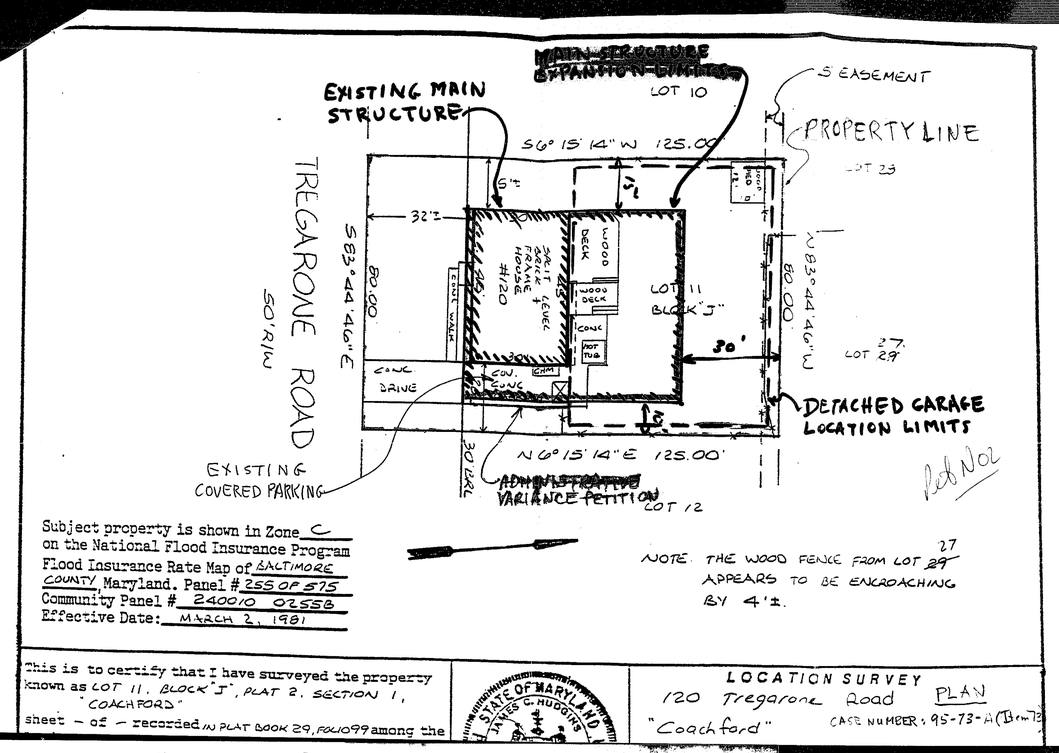
Variance to allow existing carport (to be enclosed) with a setback of 7.5 feet in lieu of the minimum required 10 feet.

CONTENTS

Signed copy

I

SUMMARY OF PROCESS
(w enclosures)



III

DISCUSSION

95-73-A

120 Tregarone Rd 122
Aug 17, 1994

Existing carport & proposed location of carage in relation to property east.

95-73-A

115 Tregarone Rd 120
Aug 17, 1994

Relationship of residence to residence west.

95-73-A

120 Tregarone Rd
Aug 17, 1994

Existing carport & proposed location of carage.

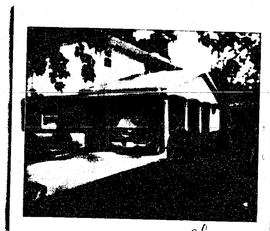
120 Tregarone Rd. 122
Aug 17, 1994

73

120 Tregarone Rd Aug 17, 1994
rear of carport.

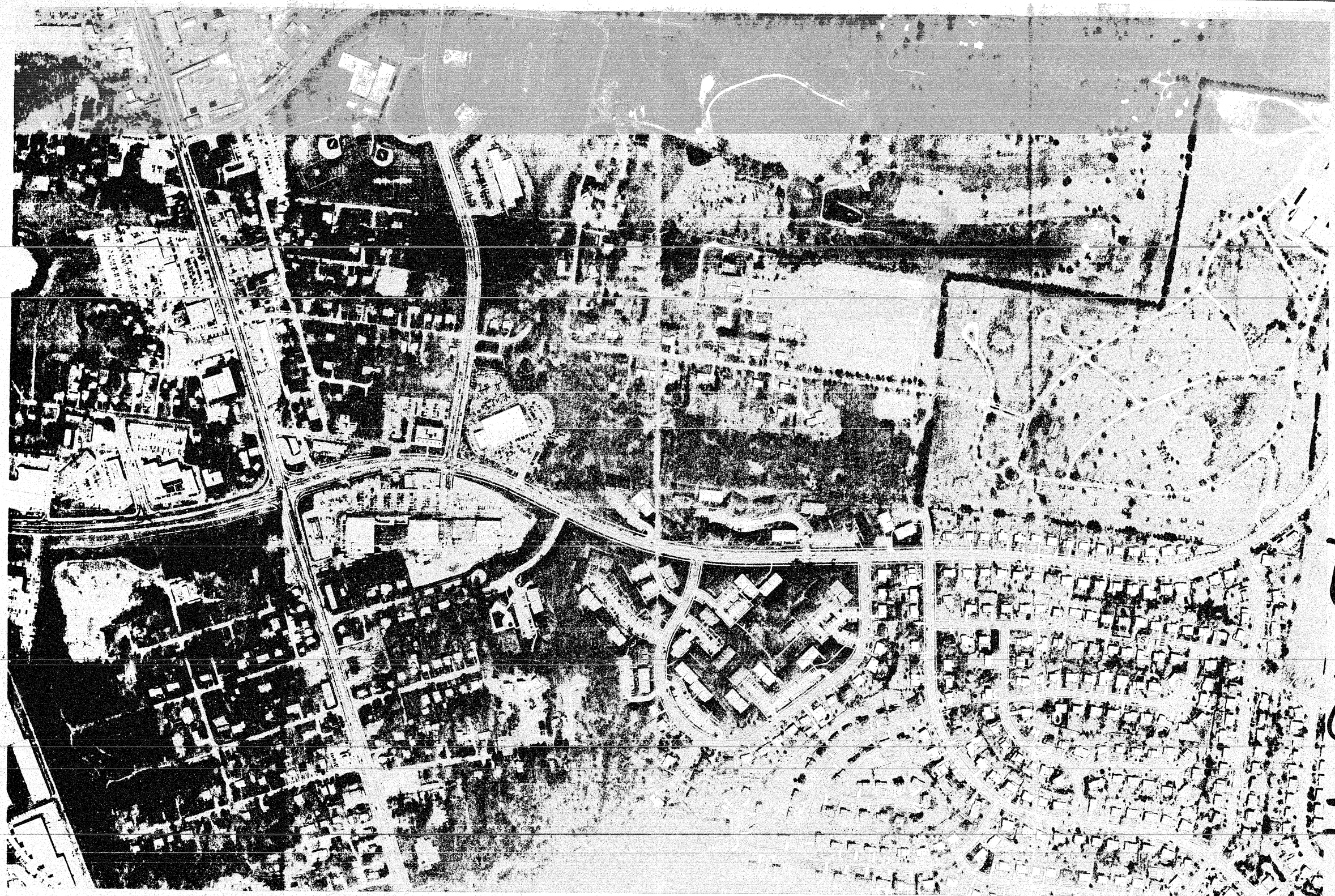
73

Rear view of existing carport & proposed location of carage



120 Tregarone Rd
17 Aug 94

73



85-73-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'±	PADONIA	N.W. 15-A
DATE OF PHOTOGRAPHY JANUARY 1986		

#73

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401