

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND VARIANCE - W/S Belfast Road, * DEPUTY ZONING COMMISSIONER
75' N of the c/l Western Run Rd. (2230 Belfast Road)
5th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District * Case No. 95-150-SPHA
Marie E. Williams *
Petitioner *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 2230 Belfast Road, located in the Butler area of northern Baltimore County. The Petitions were filed by the owner of the property, Marie E. Williams, who seeks approval of the use of a residential trailer on the subject property, zoned R.C. 4, as nonconforming, and a variance from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 15 feet and 35 feet in lieu of the required 50 feet each for said trailer. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petitions were Marie E. Williams, property owner, Sandra Simms, Ms. Williams' niece, Patrick O'Keefe, a development consultant, and James P. Wilson, Esquire, attorney for the Petitioner. Also appearing on behalf of the Petitions were Lenwood Johnson and Jeff Long with the Office of Planning and Zoning. Appearing as a Protestant in the matter was Virginia Downey, a resident of the area.

Testimony and evidence offered revealed that the subject property consists of 2.021 acres, more or less, zoned R.C. 4 and is improved with a residential trailer. The property is roughly rectangular shaped with its widest point across the rear property line of approximately 220 feet and a

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

more narrow width of approximately 100 feet across the front. On behalf of Ms. Williams, Mr. Patrick O'Keefe testified that the subject property has been in the Petitioner's family since 1879, and that, in fact, Ms. Williams was born on the property. He testified that Ms. Williams has resided on the property in a mobile home since the 1950s and that she and her husband acquired the property from her family in 1960. Testimony revealed that Ms. Williams, who is 77 years of age, now resides on the property alone. Approximately 1 year ago, Ms. Williams' family was concerned that the older trailer had become unsafe and decided to replace it with a new unit. Ms. Sandra Simms, the Petitioner's niece, testified that she purchased a 13.5' x 52' trailer to replace the old unit and that the new mobile home was placed in the same location as the old trailer. It should be noted that the site plan submitted shows that this trailer is located towards the front of the property where it is more narrow, thereby necessitating the requested variances.

Further testimony revealed that the septic system which serves this lot is failing. Ms. Williams testified that she and her sister, who resides on the adjacent property, use an outhouse which is located to the rear of her sister's dwelling. However, testimony indicated that the family intends to install a holding tank on the property which will be used on an interim basis until such time as a properly working septic system can be installed. The family is pursuing the installation of a sand-mound system, which can be constructed above-ground, and would meet the needs of the Petitioner. The cost of this system is anticipated to be around \$6,000, the funding for which Ms. Simms testified she has obtained. Ms. Williams has requested the special hearing to permit her to remain on

ORDER RECEIVED FOR FILING

Date

By

MAILED

the property, which has been in her family for over 115 years, for the rest of her life in her new mobile home.

Ms. Virginia Downey, who resides at 2306 Butler Road, appeared as a concerned citizen. Ms. Downey does not object to Ms. Williams residing on the property in her new mobile home for the remainder of her life. However, Ms. Downey is concerned over the failing septic system since there are two streams that run through the property and feed into Western Run. Ms. Downey is concerned that effluent would work its way into the stream and eventually end up in the Loch Raven Reservoir which is the drinking reservoir for most of Baltimore County. Ms. Downey asked that the existing septic system be improved to handle any waste from this property. She is also concerned about what will happen to the property when Ms. Williams no longer resides there, such as who will then live in the mobile home, how many people, and whether the septic system would be sufficient to handle any change in the number of residents of this mobile home. Further discussion on this topic ensued. On behalf of the Office of Planning and Zoning, Mr. Jeff Long recommended that a new public hearing be held to determine the appropriateness of the continued use of the trailer for residential purposes in the event Ms. Williams no longer resides on the property or there is any change in ownership of the mobile home. Therefore, as a condition of approval, I shall impose a restriction to that effect.

Section 101 of the B.C.Z.R. defines a nonconforming use as a legal use that does not conform to a use regulation for the zone in which it is located or to a specific regulation applicable to such a use. In essence, a legal nonconforming use designation can operate to "grandfather" an otherwise prohibited use in a specific location. However, the Petition-

ORDER RECEIVED FOR FILING

Date

By

er must adduce testimony and evidence that any such use existed prior to the effective date of the prohibiting legislation. Moreover, it must be shown that the use has not changed, been abandoned or discontinued for a period of one year or more since the use began. Furthermore, regulations are provided regarding the alteration and/or enlargement of such use.

As with all nonconforming use cases, the first task is to determine whether a lawful nonconforming use existed on the subject property prior to the year in which a change in the zoning regulations affected such use. The controlling year in this instance is 1964. Testimony was clear that a mobile home or residential trailer has existed on the property since at least the 1950s.

The second principle to be applied, as specified in Section 104.1, is whether or not there has been a change in the use of the subject property. A determination must be made as to whether or not the change is a different use, and therefore, breaks the continued nature of the nonconforming use. If the change in use is found to be different than the original use, the current use of the property shall not be considered nonconforming. See McKemy v. Baltimore County, Md., 39 Md. App.257, 385 A2d. 96 (1978).

When the claimed nonconforming use has changed, or expanded, then the Zoning Commissioner must determine whether or not the current use represents a permissible intensification of the original use or an actual change from the prior legal use. In order to decide whether or not the current activity is within the scope of the nonconforming use, the Zoning Commissioner should consider the following factors:

"(a) To what extent does the current use of these lots reflect the nature and purpose of the original nonconforming use;

ORDER RECEIVED FOR FILING

Date

By

(b) Is the current use merely a different manner of utilizing the original nonconforming use or does it constitute a use different in character, nature, and kind;

(c) Does the current use have a substantially different effect upon the neighborhood;

(d) Is the current use a "drastic enlargement or extension" of the original nonconforming use."

McKemy v. Baltimore County, Md., Supra.

After due consideration of the testimony and evidence presented, it appears that the relief requested should be granted. It is clear that a mobile home/trailer has existed on the property since prior to the effective date of legislation which denied such use, and that its use for residential purposes has been continuous and without interruption. Therefore, a legal, nonconforming use of the subject trailer exists.

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

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

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

ORDER RECEIVED FOR FILING

Date

By

Based upon the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare and is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing and variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 12th day of December that the Petition for Special Hearing to approve as nonconforming the use of a residential trailer on the subject property, zoned R.C. 4, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1A03.4.B.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 15 feet and 35 feet in lieu of the required 50 feet each for the existing trailer, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

ORDER RECEIVED FOR FILING

Date

By

2) Within six (6) months of the date of this Order, an adequate septic system for this property shall be provided. The Petitioner shall continue to pursue the installation of either the holding tank or the sand-mound (above-ground) system so that there are no adverse environmental effects by virtue of this mobile home existing on the property.

3) In the event Ms. Williams no longer resides in the mobile home on this property, and two or more persons either purchase or lease this mobile home for residential purposes, a new public hearing must be held to determine the appropriateness of this mobile home being inhabited by two or more people, given the sensitive nature of the septic system for this site.

4) Upon request and reasonable notice, the Petitioner, her heirs, or assigns, shall permit a representative of the Zoning Enforcement Division to make an inspection of the property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

5) When applying for any permits for this property, the site plan filed must reference this case and set forth and address the restrictions of this Order.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 12/12/94
By [Signature]

SEE PAGE 2

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

December 12, 1994

James P. Wilson, Esquire
529 Penny Lane
Hunt Valley, Maryland 21030

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE
W/S Belfast Road, 75' N of the c/l Western Run Road
(2230 Belfast Road)
5th Election District - 3rd Councilmanic District
Marie E. Williams - Petitioner
Case No. 95-150-SPHA

Dear Mr. Wilson:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script that reads "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Ms. Marie E. Williams
2230 Belfast Road, Butler, Md. 21152

Mr. Patrick O'Keefe
523 Penny Lane, Hunt Valley, Md. 21030

Ms. Virginia Downey
2306 Butler Road, Butler, Md. 21152

People's Counsel; File





Petition for Special Hearing

95-150-S PHA
to the Zoning Commissioner of Baltimore County

for the property located at # 2230 BELFAST RD.

which is presently zoned RC-4

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 Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

TO PERMIT A CONTINUING NON-CONFORMING USE OF
A RESIDENTIAL TRAILER IN A RC-4 ZONE

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

I, or we, agree to pay expenses of above Special Hearing 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

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

#2230 BELFAST RD. 472-4930

Address

Phone No.

BUTLER, MD. 21152

City

State

Zipcode

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

PATRICK O'KEEFE

Name

523 PENNY LA 21030

Address

Phone No. 666-5366

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

JAMES P. WILSON, ESQ.

James P. Wilson

529 PENNY LANE 410-666-5149

HUNT VALLEY, MD 21030

ORDER RECEIVED FOR FILING

Date

By



MICROFILMED



ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: SNA DATE 10-18-94

146.

ZONING DESCRIPTION FOR #2230 BELFAST ROAD

BEGINNING AT A POINT ON THE WEST SIDE OF BELFAST ROAD WHICH IS 30 FEET WIDE AT THE DISTANCE OF 75.0 FEET NORTH OF THE CENTERLINE OF THE NEAREST IMPROVED STREET WESTERN RUN ROAD, WHICH IS 30 FEET WIDE.

THE FOLLOWING COURSES AND DISTANCES:

1. NORTH - 21 DEGREES - 44 MINUTES - EAST - 62.5 FEET
 2. NORTH - 13 DEGREES - 42 MINUTES - WEST - 215.07 FEET
 3. SOUTH - 73 DEGREES - 42 MINUTES - WEST - 16.5 FEET
 4. NORTH - 34 DEGREES - 55 MINUTES - WEST - 437.99 FEET
 5. SOUTH - 80 DEGREES - 22 MINUTES - WEST - 160.88 FEET
 6. SOUTH - 13 DEGREES - 45 MINUTES - EAST - 21.46 FEET
 - ~~7.~~ SOUTH - 38 DEGREES - 48 MINUTES - WEST - 60.0 FEET
 8. SOUTH - 48 DEGREES - 54 MINUTES - 30 SECONDS - EAST - 515.6 FEET
 9. SOUTH - 38 DEGREES - 16 MINUTES - EAST - 106.55 FEET
 10. SOUTH - 16 DEGREES - 22 MINUTES - 30 SECONDS - EAST - 108.65 FEET
- TO THE POINT OF THE BEGINNING.

AS RECORDED IN BALTIMORE COUNTY DEED LIBER # 3737 FOLIO # 464
CONTAINING 2.021 ACRES. ALSO KNOWN AS #2230 BELFAST ROAD AND
LOCATED IN THE 5TH ELECTION DISTRICT 3 RD COUNCILMANIC DISTRICT

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-150-SPHA

District: 628 Date of Posting: 10/30/94
Posted for: Special Hearing & Variance
Petitioner: Marie F. Williams
Location of property: 2230 Belkrest Rd
Location of Signs: Facing road way for property being zoned
Remarks: No pole used
Posted by: M. H. Haly Date of return: 11/4/94
Signature
Number of Signs: 1 MICROFILMED



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:
98-180-SPHA (Item 146)
2230 Belfast Road
W/S Belfast Road, 75'
N of Western Run Road
Blt. Election District
3rd Councilmanic
Petitioner(s):

Marie E. Williams
HEARING: FRIDAY
NOVEMBER 18, 1994 at
10:00 a.m. in Rm. 106,
County Office Building.

Special Hearing: to permit a continuing non-conforming use of a residential trailer. Variance: to allow 15 feet and 35 feet side yard setbacks in lieu of the required 50 feet.

LAWRENCE E. SCHMIDT,
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped accessible for special accommodations. Please Call 887-8353.

(2) For information concerning the File and/or Hearing, Please Call 887-8381.

11/087 November 8

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Nov. 4, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Nov. 3, 1994.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

MICROFILMED



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

Date 10-18-94.

OKEEFE TEN MARIE WILLIAMS.
2230 BELFAST RD.

010 R/VANCE. 50

030 R. SPEC. VANCE 50

080 X 2 SIGNS
@ \$35 EA 70

\$170

receipt

95-150-SPTA

Account: R-01-6150

Number

146.

STLA

MICROFILMED

02A0280179N1CHRE
BA 0011:32AM 10-18-94

\$170.00

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/neighbor 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 assessed 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.: _____

Petitioner: MARIE E. WILLIAMS

Location: #2230 BELFAST RD.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JAMES P. WILSON.

ADDRESS: 529 PENNY LANE

HUNT VALLEY MD. 21030.

PHONE NUMBER: 666 - 5149.

AJ:ggs

(Revised 04/09/93)

MICROFILMED

146.

13



Guam
242-7017

TO: PUTUXENT PUBLISHING COMPANY
November 3, 1994 Issue - Jeffersonian

Please forward billing to:

James P. Wilson
529 Penny Lane
Hunt Valley, Maryland 21030
666-5149

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-150-SPHA (Item 146)
2230 Belfast Road
W/S Belfast Road, 75' N of c/l Western Run Road
5th Election District - 3rd Councilmanic
Petitioner(s): Marie E. Williams

HEARING: FRIDAY, NOVEMBER 18, 1994 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to permit a continuing non-conforming use of a residential trailer.
Variance to allow 15 feet and 35 feet side yard setbacks in lieu of the required 50 feet.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

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

MICROFILMED

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 28, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-150-SPHA (Item 146)
2230 Belfast Road
W/S Belfast Road, 75' N of c/l Western Run Road
5th Election District - 3rd Councilmanic
Petitioner(s): Marie E. Williams

HEARING: FRIDAY, NOVEMBER 18, 1994 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to permit a continuing non-conforming use of a residential trailer.
Variance to allow 15 feet and 35 feet side yard setbacks in lieu of the required 50 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Marie Williams
James P. Wilson, Esq.
Patrick O'Keefe
Virginia Downey

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

5 OCT 31 1994



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

James P. Wilson, Esq.
529 Penny Lane
Hunt Valley, Maryland 21030

NOV. 9 1994

RE: Case No. 95-150SPHA , Item No. 146
Petitioner: Marie Williams

Dear Mr. Wilson:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on October 18, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

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

The following is 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 the Office of Zoning Administration and Development Management has instituted a system whereby 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 the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Those individuals 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.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr.", written over a horizontal line.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jnw
Enclosure(s)

MICROFILMED



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 DATE: Nov. 7, 1994
Zoning Administration and Development Management

FROM *[Signature]* Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for Nov. 7, 1994
Item No. 146

The Developers Engineering Section has reviewed the subject zoning item. This site is located within the limits of the 100-year flood plain along Blackrock Run. A 20-foot minimum building setback is required from the riverine flood plain freeboard line. This setback applies to front, rear and side of structures. See Plate D-19 in the Baltimore County Design Manual.

In conformance with Federal Flood Insurance requirements the first floor or basement floor must be at least one foot over the flood plain elevation in all construction.

RWB:sw

[Handwritten signature]



**Maryland Department of Transportation
State Highway Administration**

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

11-4-94

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109

111 W. Chesapeake Avenue
Towson, Maryland 21204

ATTENTION: MS. JOYCE WATSON

Dear Ms. Winiarski:

Re: Baltimore County

Item No.: \$ 146 (JRA)

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

Ronald Burns, 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

RECEIVED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 11/02/94

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF OCT. 31, 1994

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: 143, 144, 146, 147, 148,
149, 151 AND 152.

RECEIVED
NOV 4 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4281, MS-1102F

cc: File



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: November 2, 1994

SUBJECT: 2230 Belfast Rd

INFORMATION:

Item Number: 146
Petitioner: E. Marie Williams
Property Size: 2.021 acres
Zoning: R.C.-4
Requested Action: Variance and Special Hearing
Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

Over the past five years, the Office of Planning, Office of Minority Affairs, Department of Community Development, Landmarks Preservation Commission and D.E.P.R.M. have all worked to assist the residents of this minor subdivision.

The residents of this subdivision are all related and can trace their freed progenitor roots in Northern Baltimore County back to the turn of the 19th Century.

County agencies have been successful in having one of the three housing units in the subdivision rehabilitated through the efforts of the housing rehabilitation program. We are still working with the residents in order to have a suitable septic system installed.

A family member who has worked with County agencies to improve the property was instrumental in helping the Petitioner, Mrs. Williams, replace her forty year old mobile home with a new affordable unit.

Mrs. Williams earns her living by doing "days work" and it would create a hardship to be placed in the position of having to locate affordable housing elsewhere in Baltimore County. Moreover, her family moved to this site nearly forty years ago because of impending development in the Beaver Dam / Cockeysville area, and to be displaced from her home after so many years would be disruptive.

MICROFILMED

The Office of Planning and Zoning, through the efforts of Lenwood Johnson, African American Communities Coordinator, will continue to work with the property owners to upgrade this site, and we recommend that Mrs. Williams be permitted to continue to reside in the subject mobile home. At such time as she no longer lives there, it may be advisable to reexamine the appropriateness of the location of the mobile home.

Prepared by:

Jeffrey W. Long

Lenwood Johnson

Division Chief:

Camille Lewis

PK/JL

RECEIVED



Zoning

Enforcement

Baltimore County
Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
(410) 887-3351

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Larry E. Schmidt
Zoning Commissioner

DATE: October 20, 1994

FROM: James H. Thompson - DT
Zoning Enforcement Supervisor

SUBJECT: ITEM NO.: 146
PETITIONER: E. Marie Williams

VIOLATION CASE NO.: C-94-1196

LOCATION OF VIOLATION: 2230 Belfast Road
Sparks, Maryland 21152
5th Election District

DEFENDANTS: E. Marie Williams
2230 Belfast Road
Sparks, Maryland 21152

Please be advised that the aforementioned petition is the subject of an active violation case. When the petition is scheduled for a public hearing, please notify the following person(s):

NAME

ADDRESS

Mrs. Virginia Downey

2306 Butler Road
Butler, Maryland 21023

After the public hearing is held, please send a copy of the Zoning Commissioner's Order to the Zoning Enforcement Supervisor, so that the appropriate action may be taken relative to the violation case.

JHT/DT/hek

10/20/94

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
PETITION FOR VARIANCE		
2230 Belfast Road, W/S Belfast Road, 75'	*	ZONING COMMISSIONER
N of c/l Western Run Road, 5th Election		
District, 3rd Councilmanic	*	OF BALTIMORE COUNTY
Marie E. Williams	*	CASE NO. 95-150-SPHA
Petitioner		
* * * * *		

ENTRY OF APPEARANCE

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

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of November, 1994, a copy of the foregoing Entry of Appearance was mailed to James P. Wilson, Esquire, 529 Penny Lane, Hunt Valley, MD 21030, attorney for Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

11/9/94 5305-94
8
70 68

JAMES P. WILSON
ATTORNEY AT LAW
529 PENNY LANE
HUNT VALLEY, MARYLAND 21030

November 2, 1994

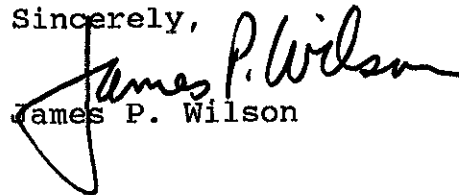
Mr. Arnold Jablon
Director
Office of Zoning Administration
and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Jablon:

Reference Case No. 95-150-SPHA (Item 146), the Petitioner has yet to execute a representation agreement with this Attorney-of-Record, therefore the undersigned respectfully withdraws his name as Attorney-of-Record and from any appearances in this matter.

Additionally, I am requesting that the Petitioner be contacted immediately to determine if she would desire a postponement in order to seek legal representation. The Petitioner is an elderly citizen who has very serious rights to be protected.

Sincerely,


James P. Wilson

cc: Marie Williams
Pat O'Keefe

RECEIVED
NOV 9 1994
ZADM

MICROFILM

Baltimore County Government
Office of Zoning Administration
and Development Management



Received 11/2/94

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

OCTOBER 28, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-150-SPHA (Item 146)
2230 Belfast Road
W/S Belfast Road, 75' N of c/l Western Run Road
5th Election District - 3rd Councilmanic
Petitioner(s): Marie E. Williams

HEARING: FRIDAY, NOVEMBER 18, 1994 at 10:00 a.m. in Room 106, County Office Building.

Special Hearing to permit a continuing non-conforming use of a residential trailer.
Variance to allow 15 feet and 35 feet side yard setbacks in lieu of the required 50 feet.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Marie Williams
James P. Wilson, Esq.
Patrick O'Keefe
Virginia Downey

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

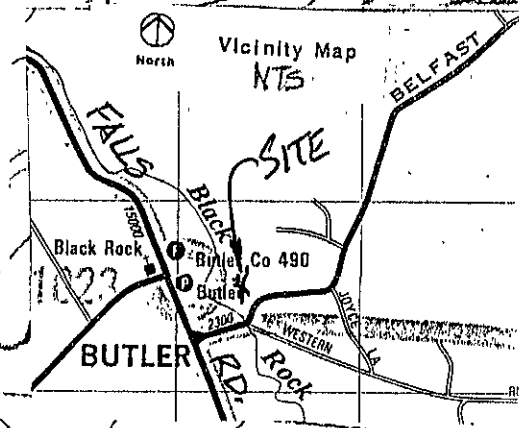
Plat to accompany Petition for Zoning

☒ Variance ☒ Special Hearing

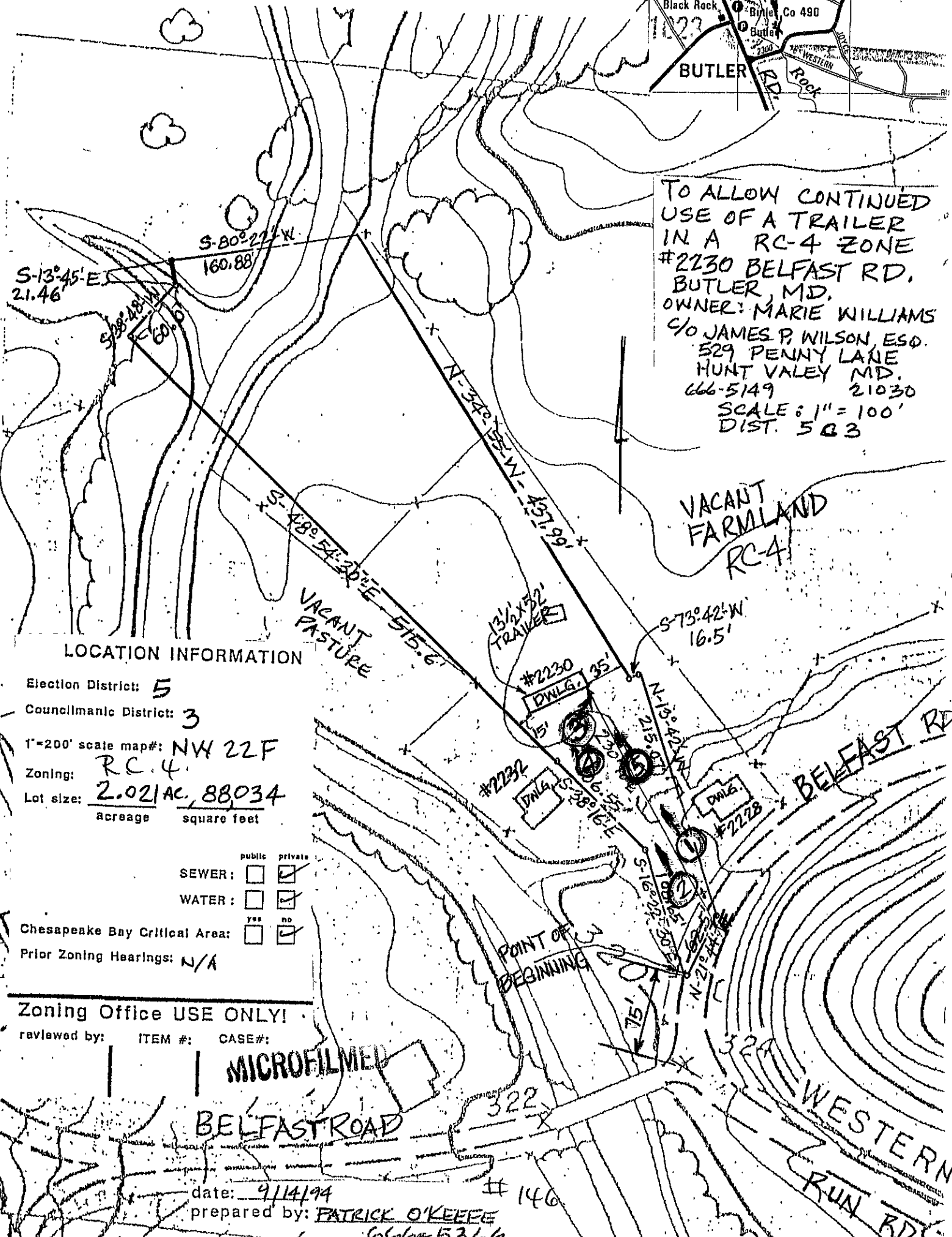
PROPERTY ADDRESS: #2230 BELFAST ROAD

Subdivision name: BUTLER VIC.
LIBER. #3737, folio #464, lot #, section #

OWNER: MARIE E. WILLIAMS



TO ALLOW CONTINUED
USE OF A TRAILER
IN A RC-4 ZONE
#2230 BELFAST RD.
BUTLER, MD.
OWNER: MARIE WILLIAMS
C/O JAMES P. WILSON, ESQ.
529 PENNY LANE
HUNT VALEY MD.
666-5149 21030
SCALE: 1" = 100'
DIST. 583



LOCATION INFORMATION

Election District: 5
Councilmanic District: 3
1"=200' scale map#: NW 22F
Zoning: RC-4
Lot size: 2.02 AC, 88034
acreage square feet

public private
SEWER: ☐ ☒
WATER: ☐ ☒
Chesapeake Bay Critical Area: ☐ ☒
Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#:

MICROFILMED

BELFAST ROAD

date: 9/14/94
prepared by: PATRICK O'KEEFE
666-5366

95-150-SPA

Plat to accompany Petition for Zoning

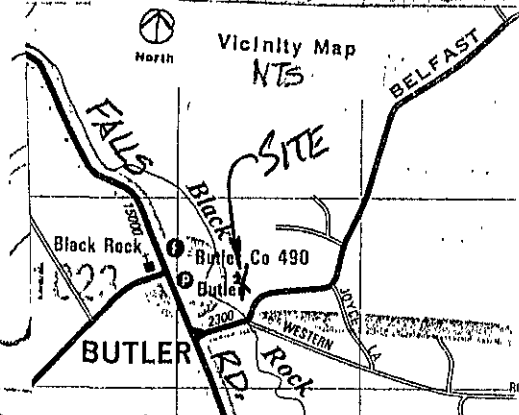
☒ Variance ☒ Special Hearing

PROPERTY ADDRESS: #2230 BELFAST ROAD

Subdivision name: BUTLER VIC.

LIBER #3737, folio #464, lot #, section #

OWNER: MARIE E. WILLIAMS



PETITIONER'S EXHIBIT NO. 1

TO ALLOW CONTINUED
USE OF A TRAILER
IN A RC-4 ZONE
#2230 BELFAST RD.
BUTLER, MD.
OWNER: MARIE WILLIAMS
C/O JAMES P. WILSON, ESQ.
529 PENNY LAKE
HUNT VALEY MD.
666-5149 21030
SCALE: 1" = 100'
DIST. 503

LOCATION INFORMATION

Election District: 5

Councilmanic District: 3

1"=200' scale map#: NW 22F

Zoning: RC-4
Lot size: 2.02 AC, 88034
acreage square feet

	public	private
SEWER:	☐	☒
WATER:	☐	☒

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: N/A

Zoning Office USE ONLY!

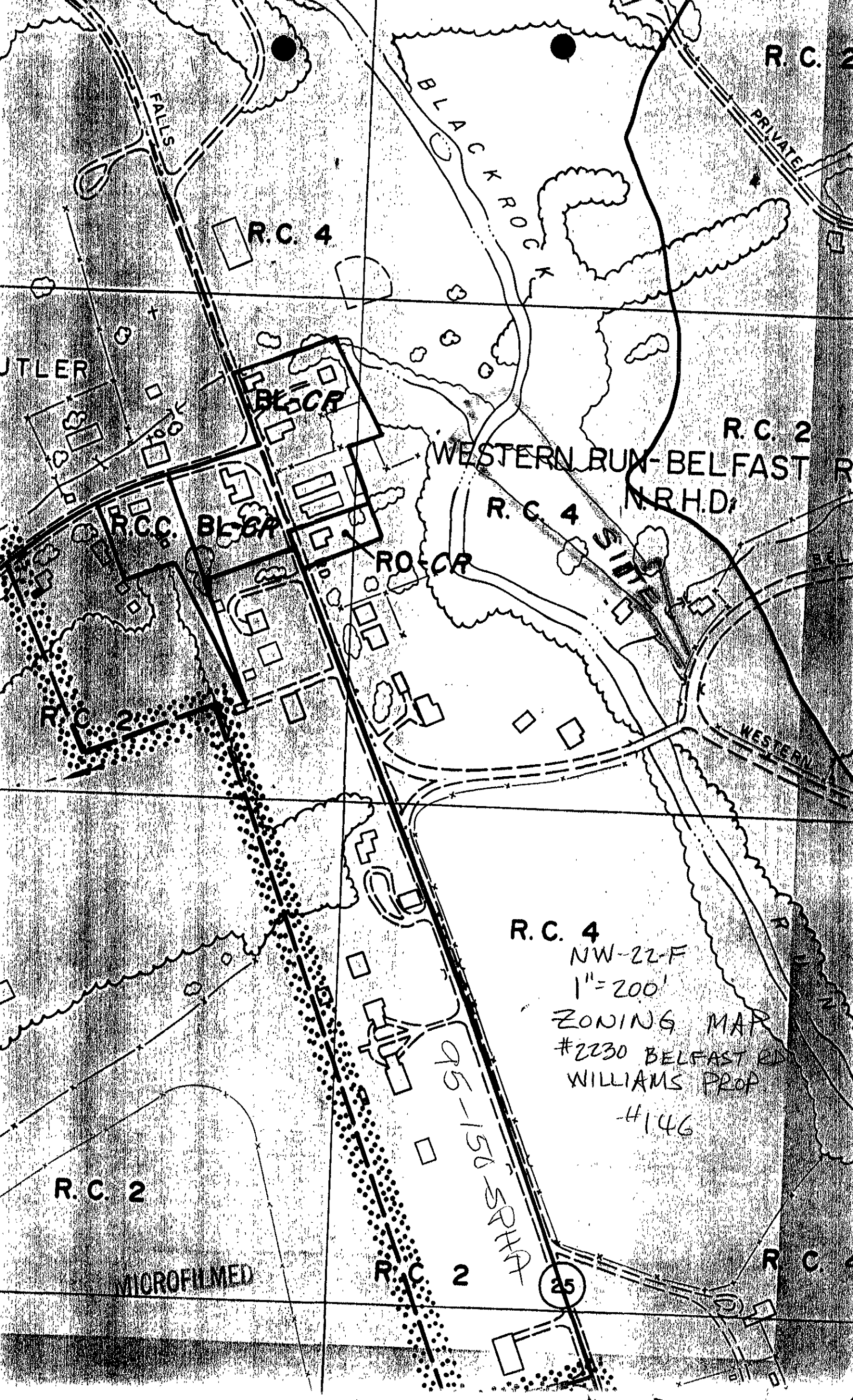
reviewed by: ITEM #: CASE#:

BELFAST ROAD

date: 9/14/94

prepared by: PATRICK O'KEEFE

666-5366



R.C. 2

PRIVATE

BLACK ROCK

R.C. 4

UTLER

R.C.C. B-1

R.C. 2

WESTERN RUN-BELFAST R

N.R.H.D.

R.C. 4

R.C. 4

R.C. 2

R.C. 4

NW-22-F

1"=200'

ZONING MAP

#2230 BELFAST ED

WILLIAMS PROP

H146

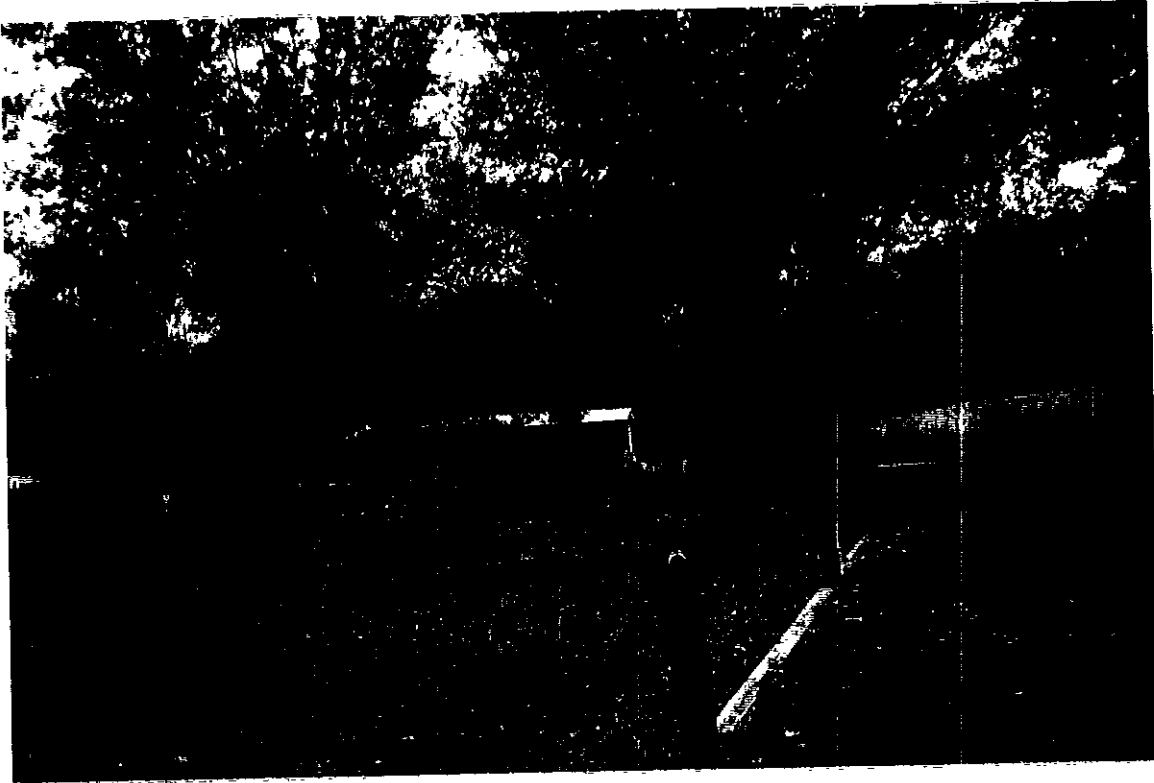
R.C. 2

MICROFILMED

R.C. 2

25

R.C. 4



MICROFILMED

PETITIONER'S
EXHIBIT NO. 2



ENCLOSURE

