

IN RE: PETITIONS FOR SPECIAL HEARING & * BEFORE THE
 ZONING VARIANCE *
 E/S Belair Road, 4000' N of c/l * ZONING COMMISSIONER
 Sunshine Avenue *
 12341 Belair Road * OF BALTIMORE COUNTY
 11th Election District *
 5th Councilmanic District * Case No. 95-235-SPHA
 Joseph M. Moran, et ux *
 Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner on Petitions for Special Hearing and Variance for the property located at 12341 Belair Road near the Kingsville section of Baltimore County. The Petition is filed by Joseph M. Moran and Michaela D. Moran, his wife, property owners. As to the Petition for Special Hearing, the Petitioners seek a determination as to whether the subject structure is a 2 unit dwelling and, if so, whether the Zoning Commissioner should approve same in an R.C.5 zone. The Petition for Zoning Variance requests relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to permit a 40 ft. setback in lieu of the required 50 ft. All of the subject property and requested relief are more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Zoning Variance.

Appearing at the requisite public hearing were the property owners, Joseph M. Moran and Michaela D. Moran. There were no Protestants or other interested persons present.

Testimony and evidence offered was that the subject site is part of a larger tract which is 7.21 acres in area. The Petitioners own this larger tract and intend on subdividing same so as to create three building lots. The subject property will be known as lot No. 1 and will be 2.26 acres. Lot No. 2 will be 1.26 acres in size and lot No. 3 will be 3.54 acres in area. The Petitioners have owned the subject property for a little less than one year. They reside in an existing one story framed dwelling locat-

ORDER RECEIVED FOR FILING
 Date 2/9/95
 By [Signature]

MICROFILMED

ed on Lot No. 1. They anticipate selling the additional two lots. Vehicular access to these lots will be by way of a panhandle driveway.

As to the Petition for Special Hearing, the Petitioners testified that lot No. 1 was previously improved by two buildings, each of which was a single dwelling unit. These buildings were close together, separated by just 16 ft. Subsequent to the Petitioners' acquisition of the property, an addition was built so as to connect the two dwelling units and combine them into one unit. The Petitioners now reside within this single dwelling. As shown on the site plan, the dwelling, as it presently exists, is a one story framed dwelling with a shallow depth, yet large width. Vehicular access to this dwelling will be by way of a proposed driveway leading from Belair Road.

In answer to the query contained within the Petition for Special Hearing, it is clear that the subject structure is no longer a two unit dwelling. The Petitioners' construction and use of the property has clearly transformed the previously existing two dwellings into one dwelling unit. Thus, the Petition for Special Hearing must be answered in the negative; to wit, the subject structure is not a two dwelling unit. However, it is clear that the Petitioners have the right under the BCZR to continue to occupy the dwelling on lot No. 1 as a single family dwelling unit.

As to the Petition for Variance, same is requested to allow a side yard setback of 40 ft. in lieu of the required 50 ft. This distance is not measured from the side of this dwelling to the property line but to the edge of the panhandle driveway which is to be created. It is clear, therefore, that a distance sufficient to comply with the regulations will exist from the side wall of the building to the property line. This factor is significant in deciding that there will be no adverse affect on surrounding properties if the variance is granted.

2/9/95
M. Good

Moreover, I am persuaded that the Petitioners have satisfied the other requirements at law to obtain variance relief. That is, the unusual configuration and size of the property present unique factors which justify the relief requested pursuant to the tests enunciated in Section 307 of the BCZR and the case law.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied, in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of February 1995, that, pursuant to the Petition for Special Hearing, approval for a determination as to whether the subject structure is a 2 unit dwelling and, if so, whether the Zoning Commissioner should approve same in an R.C.5 zone, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing that the subject dwelling on lot No. 1 be and is hereby declared a single family dwelling unit; and,

IT IS FURTHER ORDERED that a variance from Section 1A04.3.B.3 of the of the Baltimore County Zoning Regulations (BCZR) to permit a 40 ft. setback, in lieu of the required 50 ft., be and is hereby GRANTED, subject, however to the following restriction, and in accordance with the site plan.


1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date

By

2/9/95
R. Spook



LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

February 8, 1995

Mr. and Mrs. Joseph M. Moran
12341 Belair Road
Kingsville, Maryland 21087

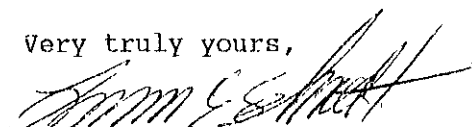
RE: Petitions for Special Hearing and Variance
Case No. 95-235-SPHA
Property: 12341 Belair Road

Dear Mr. and Mrs. Moran:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning 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 887-3353.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.

RECORDED





Petition for Special Hearing

95-235-SHA

to the Zoning Commissioner of Baltimore County

for the property located at 12341 BELAIR RD.
which is presently zoned RC-5

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

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

SUBJECT STRUCTURE IS A TWO-UNIT DWELLING AND IF SO, WHETHER THE ZONING COMMISSIONER SHOULD APPROVE SAME IN AN RC-5 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

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City State Zipcode

Legal Owner(s).

JOSEPH M. MORAN
(Type or Print Name)

J. M. Moran
Signature

MICHAELA D. MORAN
(Type or Print Name)

Michaela D. Moran
Signature

12341 BELAIR RD. 592-7982
Address Phone No

KINGSVILLE MD 21087
City State Zipcode

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

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



MICROFILMED



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 12341 BELAIR Rd
which is presently zoned RC5

95-235-5 PHA

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)

1.04.3.B.3. to permit a 40' setback in lieu of 50'.

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

To be determined at hearing Jmm

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):

JOSEPH M. MORAN
(Type or Print Name)

Joseph M. Moran
Signature

MICHAELA D. MORAN
(Type or Print Name)

Michael D. Moran
Signature

12341 BELAIR Rd (410) 592-7982
Address Phone No

KINGSVILLE, MD 21087
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

Address Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr.
unavailable for Hearing

the following dates _____ Next Two Months

ALL OTHER

REVIEWED BY: JMM DATE 12/21/94



95-235-SQHA

ZONING DESCRIPTION
FOR 12341 BELAIR ROAD
11th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND

Beginning at a point on the easterly side of U.S. Route One, Belair Road, proposed highway widening of 20.00 feet at a distance of 4,000.00 ± north of the centerline of the nearest improved intersection of Sunshine Avenue; thence departing said point and binding on said highway widening

- 1) South 23° 41' 08" West, 320.79 feet, thence departing said highway widening
- 2) South 36° 40' 44" East, 141.13 feet
- 3) North 71° 47' 16" East, 327.57 feet
- 4) North 18° 12' 44" West, 219.47 feet
- 5) North 64° 06' 44" West, 220.09 feet to the point beginning

Containing 2.26 acres of land, more or less

Being Lot 1 as shown on a plat of minor subdivision entitled " MORAN PROPERTY " as designated as 94152-MP, also being a portion of the land as conveyed by a deed dated *MAY 9, 1994* and recorded among the Land Records of Baltimore County, Maryland in Liber *10588* at Folio *655*.

Prepared by: Gary J. Thurman, RPLS
5 Harvel Court
Baltimore, MD 21220

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Townson, Maryland

95-235-SPH A

District: 11th Date of Posting: 1/22/95

Posted for: Special Hearing & Variance

Petitioner: Joseph & Michaela Moran

Location of property: 12341 Belair Rd., F/S

Location of Signs: Fluorine road way on property being zoned

Remarks: _____

Posted by: [Signature] Date of return: 1/25/95
Signature

Number of Signs: 1



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 108 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: #95-235-SPHA
(Item 220)

12341 Belair Road
E/S Belair Road, 4000' N of
c/ Sunshine Avenue
11th Election District
5th Councilmanic

Legal Owner(s):

Joseph M. Moran and
Michaela D. Moran

Hearing: Monday,
February 8, 1995 at 9:00
a.m. in Rm. 118, Old
Courthouse.

Special Hearing to determine whether or not the subject structure is a two-unit dwelling and, if so, whether the Zoning Commissioner should approve same in an RC-5 zone. **Variance** to permit a 40-foot setback in lieu of 50 feet.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Hand-capped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

1/181 January 19.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Jan. 20, 1995

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 Jan. 19, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON



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

220

receipt

95-235-59HA

Account: R-001-6150

Number

JCM

Date

1-5-95

JOL MORAN _____ 12341 BELAIR RD.

SPEC HRG. (030) _____ 50.00

MICROFILMED

(Supplemental) (Date Paid Receipt)

Please Make Checks Payable To: Baltimore County

Cashier Validation



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

receipt
 95-235-SPHA

Account: R-001-6150

Number

Item: 200

Taken on by 2005

Date 12-21-94

Moran, Joseph - 12341 Belair Rd

010 - Fee for Zoning Var. -- \$ 50.00

080 - 1 sign posting -- \$ 35.00

Total -- \$ 85.00

RECORDED

Please Make Checks Payable To: Baltimore County

Cashier Validation



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.: 220

Petitioner: Joseph M. Moran

Location: 12341 Belair Rd.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Joseph M. Moran

ADDRESS: 12341 Belair Rd.

Kingsville, MD 21087

PHONE NUMBER: (410) 592-7982

AJ:ggs

Handwritten initials

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
January 19, 1995 Issue - Jeffersonian

Please forward billing to:

Joseph M. Moran
12341 Belair Road
Kingsville, Maryland 21087
410-592-7982

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: 95-235-SPHA (Item 220)
12341 Belair Road
E/S Belair Road, 4000'N of c/l Sunshine Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Joseph M. Moran and Michaela D. Moran
HEARING: MONDAY, FEBRUARY 6, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to determine whether or not the subject structure is a two-unit dwelling and, if so, whether the Zoning Commissioner should approve same in an RC-5 zone.
Variance to permit a 40-foot setback in lieu of 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.

WILSON

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

JANUARY 10, 1995

(410) 887-3353

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: 95-235-SPHA (Item 220)

12341 Belair Road

E/S Belair Road, 4000'N of c/l Sunshine Avenue

11th Election District - 5th Councilmanic

Legal Owner(s): Joseph M. Moran and Michaela D. Moran

HEARING: MONDAY, FEBRUARY 6, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to determine whether or not the subject structure is a two-unit dwelling and, if so, whether the Zoning Commissioner should approve same in an RC-5 zone.
Variance to permit a 40-foot setback in lieu of 50 feet.

A handwritten signature in cursive script that reads "Arnold Jablon".

Arnold Jablon
Director

cc: Joseph and Michaela Moran

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



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

January 30, 1995

Mr. and Mrs. Joseph M. Moran
12341 Belair Road
Kingsville, Maryland 21087

RE: Item No.: 220
Case No.: 95-235-SPHA
Petitioner: Mr. J. M. Moran, et ux

Dear Mr. and Mrs. Moran:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 21, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Bureau of Engineering Services

TO: ZADM
Joe Merrey

DATE: 1/11/95

PROJECT NAME: Moran Property
TYPE OF PLAN: Minor Subdivision (Revised)
PLAN/REVISION DATE: Rev. date 11/28/94

The above-referenced plan has been reviewed by Development Coordination of the Bureau of Engineering Services and the following recommendations are made:

APPROVED

DISAPPROVED

Comments:

- 1) Label perc tests properly. (I attached a copy of correct test labeling)
- 2) The septic system must be repaired on Lot 1 prior to approval of subdivision. The existing SCS must be pumped & properly abandoned. Show all components of the exist. septic system.
- 3) Show the proposed house locations on Lots 2 & 3.
- 4) The existing hand dug well must be properly abandoned by a licensed well driller and a well abandonment report must be submitted to this office prior to subdivision approval.
- 5) Show the newly drilled well as existing.
- 6) The perimeter of the well area on Lot 2 must be 100' from the SRA on Lot 1.

REVIEWER: Letty Sonn

TELEPHONE: (410) 887-3980

SHL.SED/DEPRM/TXTS8P

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 01/18/95

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 JAN. 3, 1995.

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.

B. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 217, 218, 219 AND 220.

RECEIVED

JAN 19 1995

ZADM

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

cc: File




BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: January 9, 1995

From: Pat Keller, Director 
Office of Planning and Zoning

Subject: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comment on the following petitions:

Item Nos. 218, 220, 222, 223, and 224

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

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kerns

JL NC218/PZONE/TXTJWL

MICROFILMED

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration
and Development Management

Date: January 9, 1995

FROM: *RWB* Robert W. Bowling, Chief
Developers Engineering Section

SUBJECT: Zoning Advisory Committee Meeting
for January 9, 1995
Item Nos. 218, 219, 220, & 221

The Developers Engineering Section has reviewed the subject zoning item. There are no comments for subject items.

RWB:jrb

cc: File

RWB12

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
 PETITION FOR VARIANCE * ZONING COMMISSIONER
 12341 Belair Road, E/S Belair Road, 4000' *
 N of c/l Sunshine Avenue, 11th Election * OF BALTIMORE COUNTY
 District - 5th Councilmanic *
 Joseph M. and Michaela D. Moran * CASE NO. 95-235-SPHA
 Petitioners *
 * * * * *

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 24th day of January, 1995, a copy of the foregoing Entry of Appearance was mailed to Joseph M. and Michaela D. Moran, 12341 Balair Road, Kingsville, MD 21087, Petitioners.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

JOSEPH M. MORAN

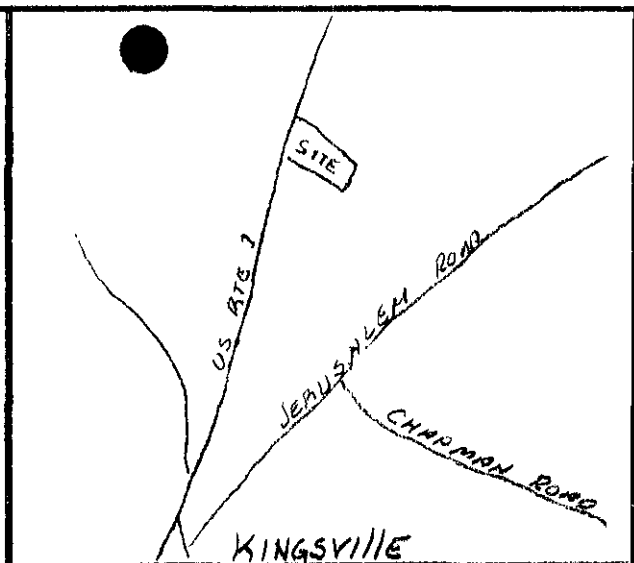
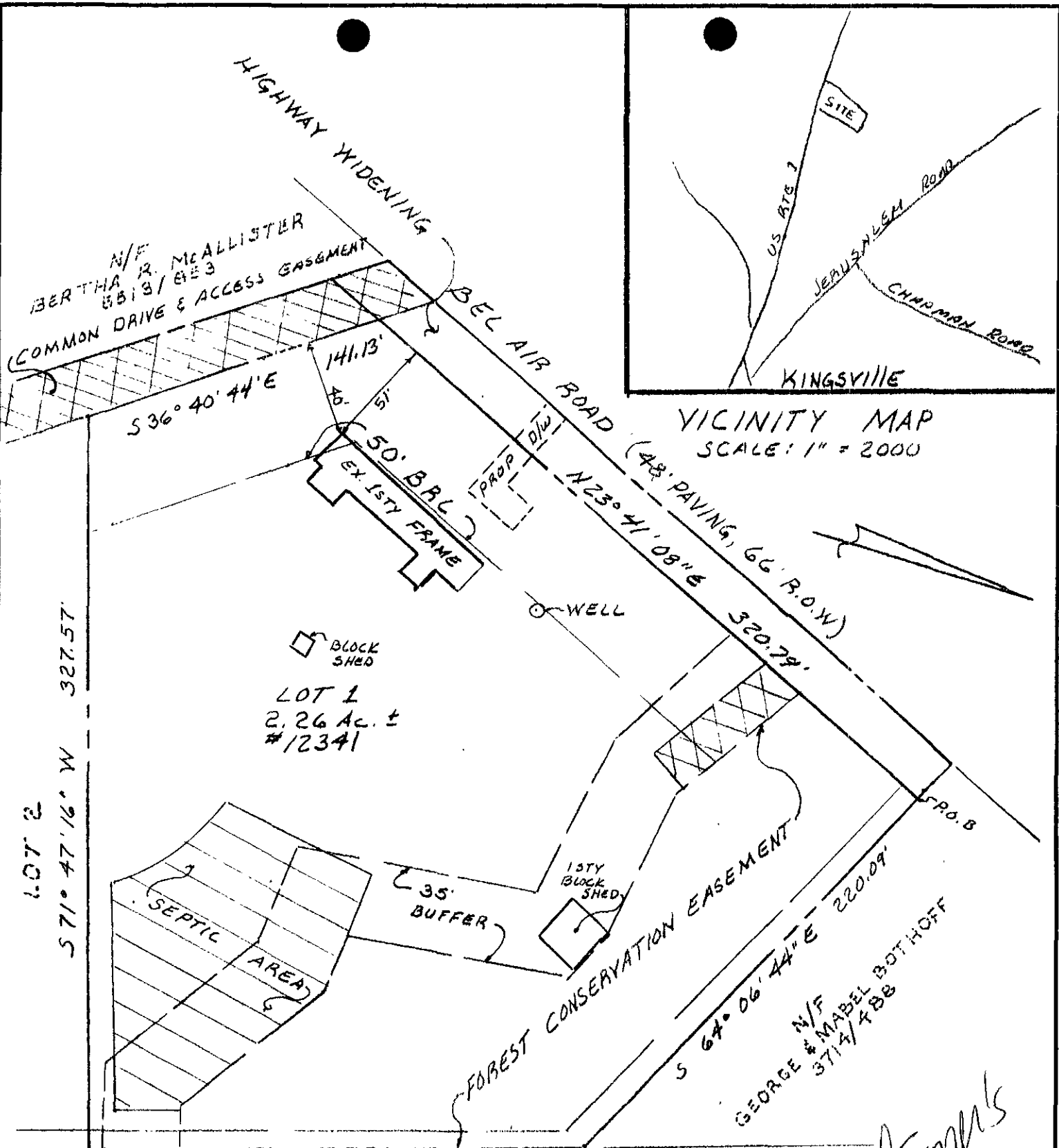
12341 BELAIR Rd., KINGSVILLE, MD
21087

MICHAELA D. MORAN

"

"

Handwritten text at the bottom of the page, possibly a date or signature.



OWNER: JOSEPH & MICHEALA MORAN

95-235-SPHA # 220

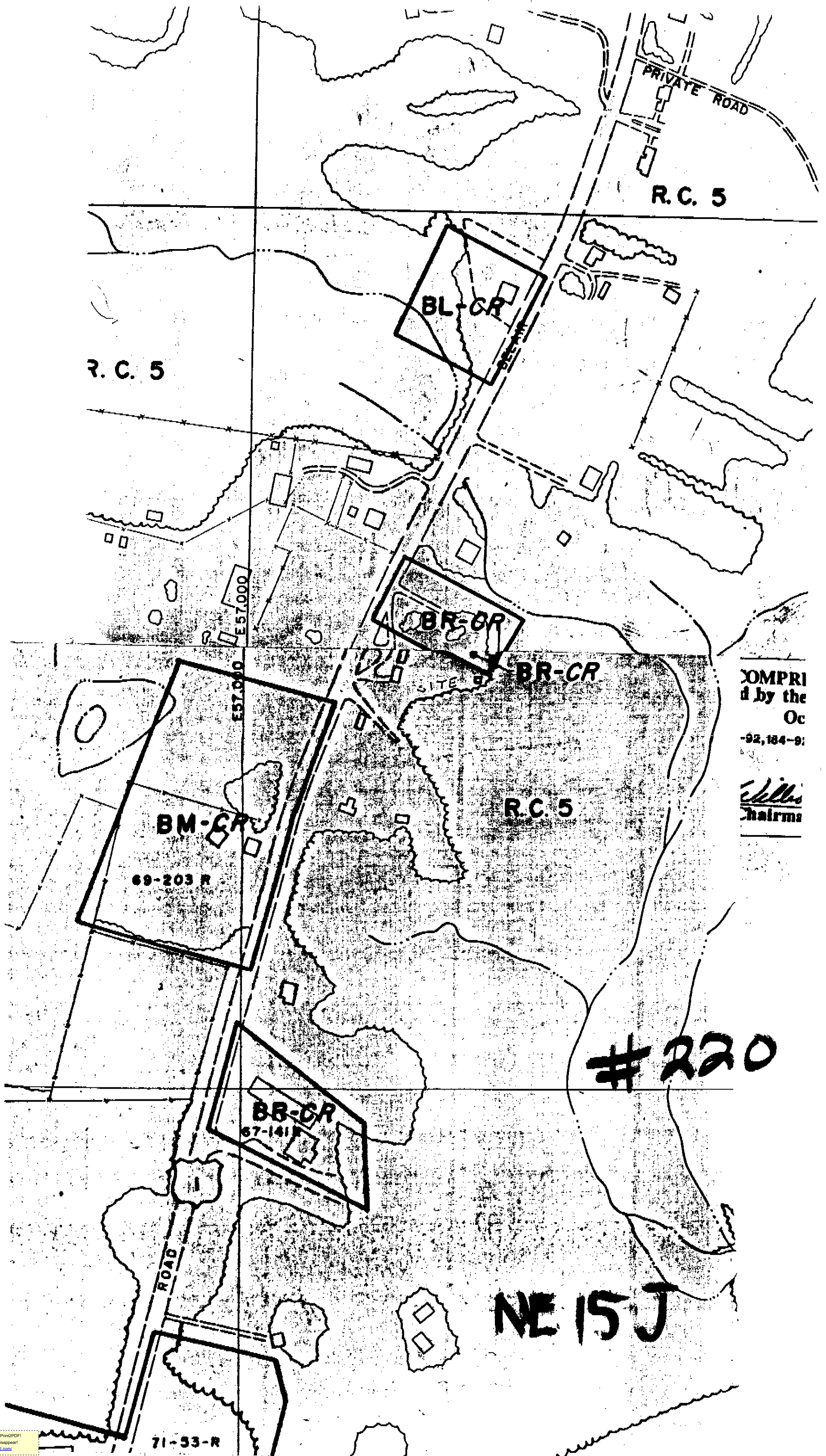
PLAT TO ACCOMPANY
 PETITION FOR
 ZONING VARIANCE
 LOT 1
 "MORAN PROPERTY"
 5TH COUNCILMANIC DISTRICT
 ZONING: R.C. 5
 11th ELECTION DISTRICT
 BALTIMORE COUNTY, MD
 SCALE: 1" = 60'

Petition No. 1

This does not constitute a lot survey, this will certify to that I have located the existing improvements on the above lot(s) as established by methods accepted by the Maryland Society of Surveyors - 1985 Guidelines in accordance with the plat and/or deed of records. This plat was prepared without a title report and does not purport to reflect all easements, encumbrances or other circumstances affecting the title to the shown lot(s).

Registered Surveyor _____ Date _____
 Reference: MINDA SUBDIVISION No. 94152 MP
 date _____ drawn by: _____ checked by: _____
 Wall Check _____
 Final _____

GARY J. THURMAN
 REGISTERED PROPERTY LINE SURVEYOR
 5 HARVEL COURT BALTIMORE, MARYLAND 21220
 301-335-7644



COMPRI
d by the
Oc
-92, 184-91
Wells
Chairman

220

NE 15 J

95-235-SPH7

R. C. 5

R. C. 5

BL-CR

BR-CR

BR-CR

BM-CR

69-203 R

R.C. 5

BB-CR

67-141

71-53-R

IN RE: PETITIONS FOR SPECIAL HEARING & ZONING VARIANCE
 E/S Belair Road, 4000' N of c/1 Sunshine Avenue
 12341 Belair Road
 11th Election District
 5th Councilmanic District
 Joseph M. Moran, et ux
 Petitioners

BEFORE THE
 ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 95-235-SPHA

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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Testimony and evidence offered was that the subject site is part of a larger tract which is 7.21 acres in area. The Petitioners own this larger tract and intend on subdividing same so as to create three building lots. The subject property will be known as lot No. 1 and will be 2.26 acres. Lot No. 2 will be 1.26 acres in size and lot No. 3 will be 3.54 acres in area. The Petitioners have owned the subject property for a little less than one year. They reside in an existing one story framed dwelling locat-

ed on Lot No. 1. They anticipate selling the additional two lots. Vehicular access to these lots will be by way of a panhandle driveway.

As to the Petition for Special Hearing, the Petitioners testified that lot No. 1 was previously improved by two buildings, each of which was a single dwelling unit. These buildings were close together, separated by just 16 ft. Subsequent to the Petitioners' acquisition of the property, an addition was built so as to connect the two dwelling units and combine them into one unit. The Petitioners now reside within this single dwelling. As shown on the site plan, the dwelling, as it presently exists, is a one story framed dwelling with a shallow depth, yet large width. Vehicular access to this dwelling will be by way of a proposed driveway leading from Belair Road.

In answer to the query contained within the Petition for Special Hearing, it is clear that the subject structure is no longer a two unit dwelling. The Petitioners' construction and use of the property has clearly transformed the previously existing two dwellings into one dwelling unit. Thus, the Petition for Special Hearing must be answered in the negative; to wit, the subject structure is not a two dwelling unit. However, it is clear that the Petitioners have the right under the BCZR to continue to occupy the dwelling on lot No. 1 as a single family dwelling unit.

As to the Petition for Variance, same is requested to allow a side yard setback of 40 ft. in lieu of the required 50 ft. This distance is not measured from the side of this dwelling to the property line but to the edge of the panhandle driveway which is to be created. It is clear, therefore, that a distance sufficient to comply with the regulations will exist from the side wall of the building to the property line. This factor is significant in deciding that there will be no adverse affect on surrounding properties if the variance is granted.

Moreover, I am persuaded that the Petitioners have satisfied the other requirements at law to obtain variance relief. That is, the unusual configuration and size of the property present unique factors which justify the relief requested pursuant to the tests enunciated in Section 307 of the BCZR and the case law.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be denied, in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 9th day of February 1995, that, pursuant to the Petition for Special Hearing, approval for a determination as to whether the subject structure is a 2 unit dwelling and, if so, whether the Zoning Commissioner should approve same in an R.C.5 zone, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that, pursuant to the Petition for Special Hearing that the subject dwelling on lot No. 1 be and is hereby declared a single family dwelling unit; and,

IT IS FURTHER ORDERED that a variance from Section 1A04.3.B.3 of the of the Baltimore County Zoning Regulations (BCZR) to permit a 40 ft. setback, in lieu of the required 50 ft., be and is hereby GRANTED, subject, however to the following restriction, and in accordance with the site plan.

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

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

ORDERED FOR FILING
 Date: 2/10/95
 By: [Signature]

Baltimore County Government
 Zoning Commissioner
 Office of Planning and Zoning



Suite 112 Courthouse
 400 Washington Avenue
 Towson, MD 21204

(410) 887-4386

February 8, 1995

Mr. and Mrs. Joseph M. Moran
 12341 Belair Road
 Kingsville, Maryland 21087

RE: Petitions for Special Hearing and Variance
 Case No. 95-235-SPHA
 Property: 12341 Belair Road

Dear Mr. and Mrs. Moran:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning 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 887-3353.

Very truly yours,

Lawrence E. Schmidt
 Lawrence E. Schmidt
 Zoning Commissioner

LES:mmn
 encl.

Printed with Soybean Ink on Recycled Paper

Petition for Special Hearing
 to the Zoning Commissioner of Baltimore County
 for the property located at 12341 Belair Rd.
 which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property 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 1A04.3.B.3 of the Zoning Regulations of Baltimore County, to determine whether or not the

SUBJECT STRUCTURE IS A TWO-UNIT DWELLING AND IF SO, WHETHER THE ZONING COMMISSIONER SHOULD APPROVE SAME IN AN RC-5 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.

Contract Purchaser/Lessee:
 (Type or Print Name)
 Signature
 Address
 City State Zipcode
 Attorney for Petitioner:
 (Type or Print Name)
 Signature
 Address
 City State Zipcode

Legal Owner:
 JOSEPH M. MORAN
 MICHAELA D. MORAN
 12341 Belair Rd. 592-7982
 Kingsville MD 21087

OFFICE USE ONLY
 ESTIMATED LENGTH OF HEARING: _____
 (the following date) _____ available for hearing
 ALL OTHER: _____
 REVIEWED BY: _____ DATE: _____

Petition for Variance
 to the Zoning Commissioner of Baltimore County
 for the property located at 12341 Belair Rd.
 which is presently zoned RC-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property 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 1A04.3.B.3 of the Zoning Regulations of Baltimore County, to determine whether or not the

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

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.

Contract Purchaser/Lessee:
 (Type or Print Name)
 Signature
 Address
 City State Zipcode
 Attorney for Petitioner:
 (Type or Print Name)
 Signature
 Address
 City State Zipcode

Legal Owner:
 JOSEPH M. MORAN
 MICHAELA D. MORAN
 12341 Belair Rd. (410) 592-7982
 Kingsville, MD 21087

OFFICE USE ONLY
 ESTIMATED LENGTH OF HEARING: _____
 (the following date) _____ available for hearing
 ALL OTHER: _____
 REVIEWED BY: _____ DATE: _____

ZONING DESCRIPTION
 FOR 12341 BELAIR ROAD
 11th ELECTION DISTRICT
 5th COUNCILMANIC DISTRICT
 BALTIMORE COUNTY, MARYLAND

Beginning at a point on the easterly side of U.S. Route One, Belair Road, proposed highway widening of 20.00 feet at a distance of 4,000.00 ± north of the centerline of the nearest improved intersection of Sunshine Avenue; thence departing said point and binding on said highway widening

- 1) South 23° 41' 08" West, 320.79 feet, thence departing said highway widening
- 2) South 36° 40' 44" East, 141.13 feet
- 3) North 71° 47' 16" East, 327.57 feet
- 4) North 18° 12' 44" West, 219.47 feet
- 5) North 64° 06' 44" West, 220.09 feet to the point beginning

Containing 2.26 acres of land, more or less

Being Lot 1 as shown on a plat of minor subdivision entitled "MORAN PROPERTY" as designated as 94152-HP, also being a portion of the land as conveyed by a deed dated MAY 9, 1991 and recorded among the Land Records of Baltimore County, Maryland in Liber 2558 at Folio 555.

Prepared by: Gary J. Thurman, RPLS
 5 Harvel Court
 Baltimore, MD 21220

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 11th Date of Posting: 1/22/95
 Posted for: Special Hearing & Variance
 Petitioner: Joseph M. Moran & Michaela D. Moran
 Location of property: 12341 Belair Rd., #15
 Location of Sign: 12341 Belair Rd., on proposed highway widening
 Remarks:
 Posted by: [Signature] Date of return: 1/27/95
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Jan 20, 1995
 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 Jan 19, 1995

THE JEFFERSONIAN,
 A. Henikoff
 LEGAL AD. - TOWSON

220 receipt
95-235-SPHA
Account: R-001-6150
Number JCM

Date 1-5-95

JOE MORAN 12341 BELAIR RD.
SPEC HRG. (030) SC-22

(SPECIAL) (SEE PLAN REVISION)

Please Make Checks Payable To: Baltimore County

receipt
95-235-SPHA
Account: R-001-6150
Number

Date 12-21-94

Moran, Joseph - 12341 Belair Rd
010 - Pet for Zoning Var - \$ 50.00
020 - 1 sign permit - \$ 35.00
Total - \$ 85.00

Please Make Checks Payable To: Baltimore County

#220

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:

- Posting fees will be assessed and paid to this office at the time of filing.
- 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
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 220
Petitioner: Joseph M Moran
Location: 12341 Belair Rd
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Joseph M Moran
ADDRESS: 12341 Belair Rd.
Kingsville, MD 21087
PHONE NUMBER: (410) 592-7982

AJ:ggs (Revised 04/09/93)

TO: POTVEDDY PUBLISHING COMPANY
January 19, 1995 Issue - Jeffersonian

Please forward billing to:
Joseph M. Moran
12341 Belair Road
Kingsville, Maryland 21087
410-592-7982

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: 95-235-SPHA (Item 220)
12341 Belair Road
E/S Belair Road, 4000'W of c/l Sunshine Avenue
11th Election District - 5th Councilmanic
Legal Owner(s): Joseph M. Moran and Michaela D. Moran
HEARING: MONDAY, FEBRUARY 6, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

Special Hearing to determine whether or not the subject structure is a two-unit dwelling and, if so, whether the Zoning Commissioner should approve same in an RC-5 zone. Variance to permit a 40-foot setback in lieu of 50 feet.

Special Hearing to determine whether or not the subject structure is a two-unit dwelling and, if so, whether the Zoning Commissioner should approve same in an RC-5 zone. Variance to permit a 40-foot setback in lieu of 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.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204
JANUARY 10, 1995 (410) 887-3353

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:

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Arnold Jablon
Arnold Jablon
Director

cc: Joseph and Michaela Moran

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

Baltimore County Government
Office of Zoning Administration
and Development Management

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

January 30, 1995

Mr. and Mrs. Joseph M. Moran
12341 Belair Road
Kingsville, Maryland 21087

RE: Item No.: 220
Case No.: 95-235-SPHA
Petitioner: Mr. J. M. Moran, et ux

Dear Mr. and Mrs. Moran:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on December 21, 1994.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management January 24, 1995

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #220 - Moran Property
12341 Bel Air Road
Zoning Advisory Committee Meeting of January 3, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Environmental Impact Review
Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (see minor subdivision plan for details).

Development Coordination
The Minor Subdivision Comments dated 1/11/95 (attached) apply to this site.

JLP:KK:LS:sp
MORAN/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
Bureau of Engineering Services

TO: ZADM
Joe Merrey DATE: 1/11/95

PROJECT NAME: Moran Property
TYPE OF PLAN: Minor Subdivision (Revised)
PLAN/REVISION DATE: Rev. date 1/10/95

The above-referenced plan has been reviewed by Development Coordination of the Bureau of Engineering Services and the following recommendations are made:

APPROVED DISAPPROVED

Comments:
1) Label perc tests properly. (I attached a copy of)

2) The septic system must be repaired or replaced in accordance with approval of the subdivision. The existing SRA must be properly checked and all components of the existing septic system

3) Show the proposed house locations on lots 2 & 3.

4) The existing hand-dug well must be properly checked by a licensed well driller and a well abandonment report must be submitted to this office prior to subdivision approval.

5) Show the newly drilled well location.

6) The perimeter of the well area on lot 2 must be 100' from the SRA on det 1.

REVIEWER: *Cathy Sonn* TELEPHONE: (410) 887-3980
EHL, SED/DEPRM/TXTSBP

Baltimore County Government
Fire Department 1/18/95 JW

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 01/18/95

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

RE: Property Owner: SEE BELOW
LOCATION: DISTRIBUTION MEETING OF JAN. 3, 1995.

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.

B. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 217, 218, 219 AND 220.

RECEIVED
JAN 19 1995
ZADM

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

cc: File

