

IN RE: PETITION FOR VARIANCE
NE/Corner Joppa Road and
Morningside Drive
(408 West Joppa Road)
9th Election District
4th Councilmanic District

Monica Rodriquez
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-437-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 408 West Joppa Road, located in the vicinity of Bosley Avenue in Towson. The Petition was filed by the owner of the property, Monica Rodriquez. The Petitioner seeks relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.6.A.1 to permit seven (7) parking spaces in lieu of the required 8, from Section 409.4.A to permit two-way traffic aisle widths of 11 feet, 15 feet, and 16 feet in lieu of the required 20 feet, and from 409.8.A.2 to permit a gravel paved driveway in lieu of the required durable and dustless surface. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Monica Rodriquez, property owner. Appearing as Protestants in the matter were numerous residents of the surrounding community, all of whom signed the Protestant's Sign-In sheet.

Testimony and evidence offered revealed that the subject property consists of a gross area of 13,842 sq.ft., zoned D.R. 5.5, and is improved with a 2.5 story multi-family dwelling containing five apartments, and an attached garage. The Petitioner is desirous of converting this garage to

ORDER RECEIVED FOR FILING
Date 7/17/95
By [Signature]

7/17/95

provide a sixth apartment. In order to proceed with the proposed conversion, the requested variances are necessary.

As noted above, many residents of the surrounding community appeared in opposition. The cumulative testimony of the Protestants was that the subject property is already overburdened as it currently exists. They testified that there is insufficient parking for the five apartments on the property now, and that adding a sixth apartment will only exacerbate parking problems in the neighborhood. Furthermore, the residents offered testimony concerning noise generated by the tenants who have resided on the property. They believe that an additional apartment will only aggravate the situation. Furthermore, they do not believe that the subject property is of sufficient size to support a sixth apartment. Testimony also revealed that the residents are opposed to a gravel driveway in lieu of a paved or durable/dustless surface, in that dust particles will be transmitted into the air and infringe upon the use and enjoyment of the immediately adjoining property owned by Ran Freeman.

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 justice 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.

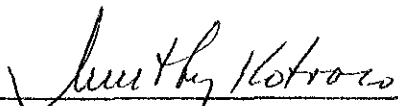
Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

Taking into consideration all of the testimony and evidence presented at the hearing, I find that the Petitioner has failed to satisfy the burden imposed upon her in order to grant the variances requested. In the opinion of this Deputy Zoning Commissioner, the subject property is already overburdened and the addition of a sixth apartment will adversely affect the surrounding community. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.6.A.1 to permit seven (7) parking spaces in lieu of the required 8, from Section 409.4.A to permit two-way traffic aisle widths of 11 feet, 15 feet, and 16 feet in lieu of the required 20 feet, and from 409.8.A.2 to permit a gravel paved driveway in lieu of the required durable and dustless surface, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs



Petition for Variance

75-437-A
to the Zoning Commissioner of Baltimore County

for the property located at 408 West Joppa Rd
which is presently zoned D.R. 5.5

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)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty) I am asking for a variance for 7 parking spaces instead of 8 because there is no where else as space will fit, due to the preexisting sidewalks and walls. @ I am asking for a variance for width of the 2-way traffic distance required, again because it can't be extended any farther due to the preexisting sidewalks & walls. @ Reason for the variance on the gravel drive instead of paved is cost, to keep the property appearance more "home like", to not increase the non-permeable surface area of the property (if @ can't be permitted a time extension would be appreciated due to cost.)

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.

(also if I can't get the approval for the parking variance I don't construct the proposed efficiencies which would help increase property value & help pay the mortgage.)

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.

Legal Owner(s).

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

(Type or Print Name)

City

State

Zipcode

Signature

Attorney for Petitioner:

(Type or Print Name)

Address

Phone No

Signature

City

State

Zipcode

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

Address

Phone No

City

State

Zipcode

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

5-30-95

430

Printed with Soybean Ink
on Recycled Paper

ORDER RECEIVED FOR FILING
Date 7/17/95
By [Signature]

Zoning Administration

RECEIVED JUL 21 1995

VARIANCE REQUEST 95-437-A

409.4.A.; TO PERMIT DRIVEWAYS WITH TWO WAY MOVEMENTS TO HAVE WIDTHS OF 11ft(A), 15ft.(B) AND 16ft(C) IN LIEU OF THE REQUIRED 20ft;

409.6.A.1.; TO PERMIT 7 PARKING SPACES IN LIEU OF THE REQUIRED 8;

409.8.A.2; TO PERMIT GRAVEL DRIVEWAY AND PARKING AREA IN LIEU OF THE REQUIRED "DURABLE AND DUSTLESS" SURFACE.

430

95-437A

THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

LAND SURVEYING

LAND PLANNING

Description of property at
408 West Joppa Road
Baltimore, Maryland

Beginning at a point, said point being at the intersection of the northerly side of Joppa Road and the easterly side of Morningside Drive, thence with the easterly side of Morningside Drive as follows, viz; North 05 05' East 212.11' to a point thence with the following courses and distances, viz; South 70 35' East 158.39', and South 34 00' West 184.44', to a point thence with the northerly line of Joppa Road as follows, viz; North 50 29' West 50.00' to the point and place of beginning.

Being know as 408 West Joppa Road, and containing 13,842 Square feet.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-437-12

District 9th Date of Posting 6/9/95

Posted for: Variance

Petitioner: Monica Rodriguez

Location of property: 408 W. Joppa Rd.

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by M. Healy Date of return: 6/16/95
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 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:

85-437-A (Item 430)
408 W. Joppa Road
NEC Joppa Road and
Morningside Drive
9th Election District
4th Councilmanic

Legal Owner(s):

Monica Rodriguez

HEARING: FRIDAY,

JUNE 30, 1995 at 11:00
a.m. in Rm. 106, County Of-
fice Building.

Variance: to permit drive-
ways with two-way movements
to have widths of 11 feet (A), 15
feet (B), and 16 feet (C) in lieu
of the required 20 feet; to permit
7 parking spaces in lieu of the
required 8; and to permit gravel
driveway and parking area in
lieu of the required "durable
and dustless" surface.

LAWRENCE E. SCHMIDT,

Zoning Commissioner for
Baltimore County

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

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

6/17/95 June 15,

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/16, 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 6/15, 1995.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

~~Signature~~

MICROFILMED



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

430

receipt

95-437-A

Account: R-001-6150

Number

JCM

Date

5-30-95

MONICA RODRIGUEZ _____ 408 W. Joppa₂₀

UAF (020) _____ 250.⁰⁰

POSTING (080) _____ 35.⁰⁰

285.⁰⁰

RECEIVED
BALTIMORE COUNTY
MAY 31 1995

RECEIVED
BALTIMORE COUNTY
MAY 31 1995

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.: 430

Petitioner: Monica Rodriguez

Location: 408 West Joppa Rd Towson MD 21204

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Monica Rodriguez

ADDRESS: 1207 Oakcroft Drive

Lutherville MD 21093

PHONE NUMBER: (410) 821-5447

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
June 15, 1995 Issue - Jeffersonian

Please forward billing to:

Monica Rodriguez
1207 Oakcroft Drive
Lutherville, Maryland 21093
821-5447

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: 95-437-A (Item 430)
408 W. Joppa Road
NEC Joppa Road and Morningside Drive
9th Election District - 4th Councilmanic
Legal Owner(s): Monica Rodriguez
HEARING: FRIDAY, JUNE 30, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit driveways with two-way movements to have widths of 11 feet (A), 15 feet (B), and 16 feet (C) in lieu of the required 20 feet; to permit 7 parking spaces in lieu of the required 8; and to permit gravel driveway and parking area in lieu of the required "durable and dustless" surface.

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

June 8, 1995

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: 95-437-A (Item 430)

408 W. Joppa Road

NEC Joppa Road and Morningside Drive

9th Election District - 4th Councilmanic

Legal Owner(s): Monica Rodriguez

HEARING: FRIDAY, JUNE 30, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit driveways with two-way movements to have widths of 11 feet (A), 15 feet (B), and 16 feet (C) in lieu of the required 20 feet; to permit 7 parking spaces in lieu of the required 8; and to permit gravel driveway and parking area in lieu of the required "durable and dustless" surface.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Monica Rodriguez

- 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, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM

DATE: June 22, 1995

FROM: Pat Keller, Director, OPZ

SUBJECT: 408 West Joppa Road

INFORMATION:

Item Number: 430

Petitioner: Monica Rodriguez

Property Size: _____

Zoning: D.R. 5.5

Requested Action: Variance

Hearing Date: / /

SUMMARY OF RECOMMENDATIONS:

The subject property is located within the Towson Community Plan area and in a location designated as a Community Conservation area.

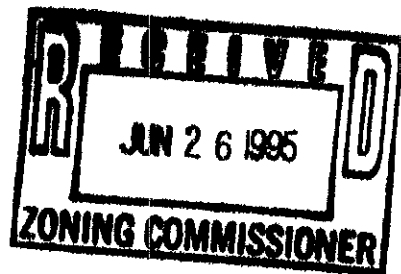
It appears that the proposal is to add a sixth apartment unit to an existing five apartment building. The lot area of the site required, pursuant to Section 402 of the BCZR, is 22,000 sq. ft. for six apartment units; the site appears to have approximately 22,000 net lot acre, but this has not been noted on the plan. Additionally, each unit must have separate cooking and bathroom facilities pursuant to Section 402.2 of the BCZR. The petitioner should submit floor plans for the entire building showing whether the requirements of this Section can be met. If this is not the case, the request for expansion would require a Special Exception for a Boarding or Rooming House.

The proposed variance for parking is undesirable, as is the driveway variance.

Prepared by: Jeffrey W. Low

Division Chief: Barry L. Kerns

PK/JL



**PETITION PROBLEMS
AGENDA OF JUNE 12, 1995**

#430 --- JCM

1. No descriptions in folder. (See JCM's memo in file.)

#434 --- MJK

1. Copy of receipt not given to petitioner; still in folder.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: May 30, 1995

TO: Hearing Officer

FROM: Joseph C. Merrey
Planner I, ZADM

SUBJECT: Item #430
408 West Joppa Road

Petitioner will hand deliver 3 sealed zoning descriptions ASAP.

JCM:scj

9/10/95 11:00 AM

RE: PETITION FOR VARIANCE
408 W. Joppa Road, NEC Joppa Road and
Morningside Drive, 9th Election Dist.,
4th Councilmanic

Monica Rodriguez
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 95-437-A

* * * * *

ENTRY OF APPEARANCE

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

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

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 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Monica Rodriguez, 1207 Oakcroft Drive, Lutherville, MD 21093, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

Case 95-437-A

THOMAS E. PHELPS & ASSOCIATES, INC.

945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-0744

LAND SURVEYING

LAND PLANNING

July 11, 1995

Zoning Commissioner
Suite 112 Courthouse
400 Washington Ave
Pawson, MD 21204

Dear Mr. Kotroc:

This letter is in reference to the hearing on 408 West Joppa Road that was held last week. I understand that there is a problem with the neighbors in regards to the added gravel parking area because of dust and being unsightly. This parking area will be behind the building. As you know the owners are not engineers and so could not return more statements. There are three points that I would like to bring to your attention,

1. This will be a short driveway where no speed could be attained so that dust could be minimal.

2. The plan is to plant trees along the property line so that the adjacent owner will not see the parking lot, also this will keep any dust from infiltrating onto the adjacent property.

3. As you may know the parking of the street at this time is at a premium and an additional 10-15 additional on site spaces will relieve some of this.

We thank you for your consideration and hope that these explanations will help you make the best decision for this area.

Thomas E. Phelps

MICROFILMED

PROPERTY LINE SURVEY

PLEASE PRINT CLEARLY

Protestant
PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
RAN FREEMAN *	703 Morningside Dr.
MADLINE MCMAHON	715 " "
Request to Submit Letter to Mr. Kotroco	
J. Michael Burke	712 Morningside Dr.
The Rev. C. Allen Spencer,	724 Morningside Dr.
Richard M. Morse - President	702 Morningside Dr.
Christine McSherry	708 Morningside Dr.

Elmer F. Adler

June 27, 1995

Subject: "Zoning Variance,
701 Morningside Drive"

The possibility that
cars, trucks, motorcycles,
etc. will be going back
& forth at all hours of
the day and night to
gain access to the
street is objectionable
& highly disruptive
to our residential
neighborhood.

It would certainly
cause a depreciation
of value for our
property. We vote against
the variance request.

Elmer F. Adler & Marion Adler
705 Morningside Drive



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Monica Rodriguez

ADDRESS

1207 Oakcroft Dr
Litherville MD 21093

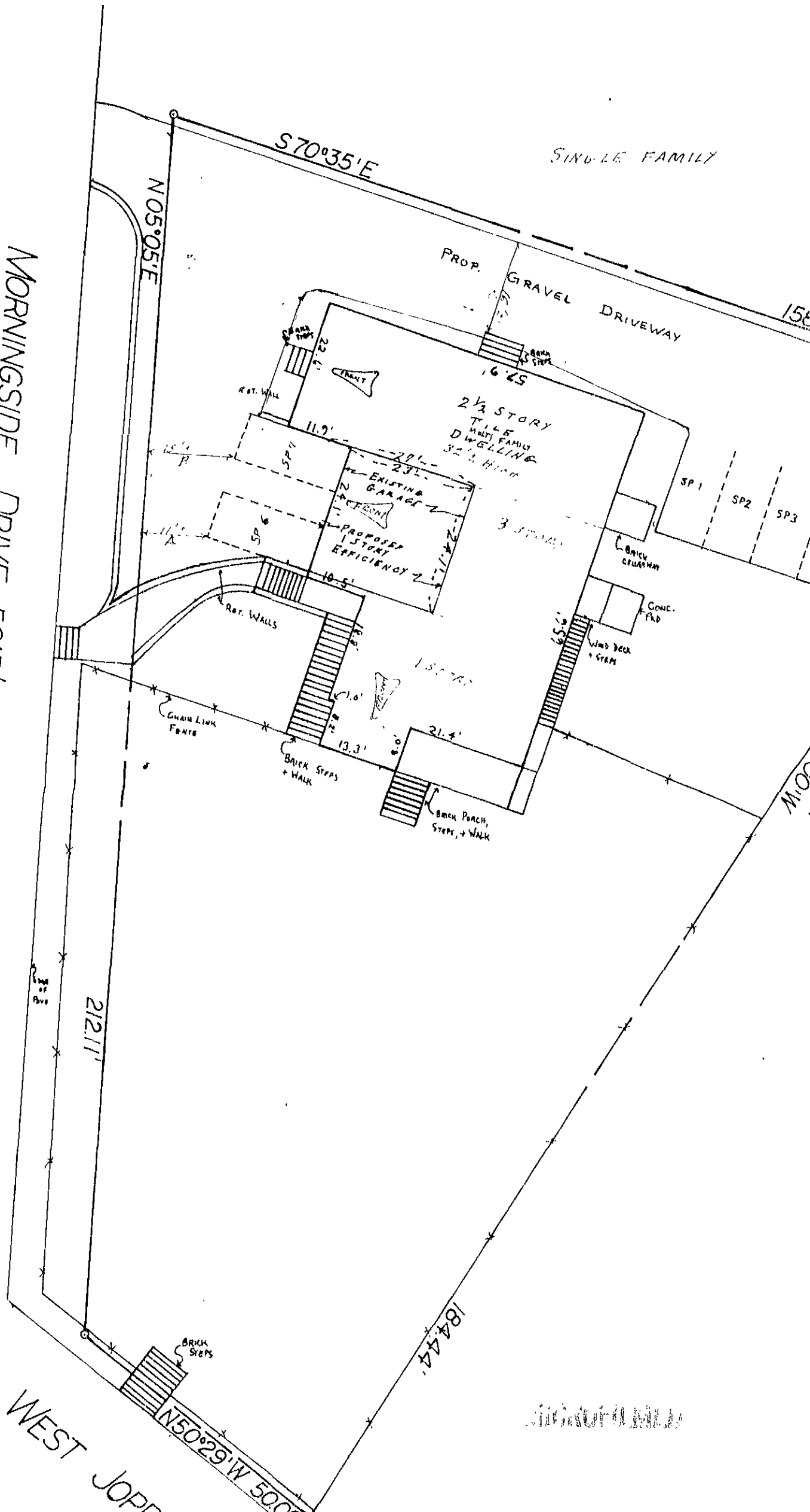


10/23/2011

154

M.O.

WEST JOPE



29 June 1995

PROTESTANT EXHIBIT NO. 1

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Zoning Commissioners Office
400 Washington Avenue, Room 112
Towson, Maryland 21204

Ref: Case # 95-437A
408 West Joppa Road
Towson, Maryland 21204

Dear Mr. Kotroco:

We have received notice that the owner of the apartment building at 408 West Joppa Road has requested certain zoning exceptions for proposed improvements to the property. While all of us on Morningside Drive are very fond of this unique building located at the top of our street, we are also very alarmed by any potential exemption which could serve as precedent to any increase in density or dwelling unit numbers on the property. We have carefully reviewed the proposed exceptions for their impact on the neighborhood, and have detailed our findings below. For the reasons outlined in those findings we must respectfully request that the exceptions be denied.

Please understand that we and the neighbors of Morningside Drive are not obstructionists, but are committed to preserving and protecting the character and scale of our neighborhood. While 408 West Joppa Road does not conform to the requirements of our DR 5.5 zoning, we recognize and accept it in its present form as a unique element in the neighborhood. However, we will resist any attempts to expand or modify the property as a more conventional multifamily apartment building. The absentee landlord has demonstrated in the past, and most recently by the unattractive and architecturally inappropriate porch additions, that this property is simply an investment. That philosophy is at odds with us and our neighbors, to whom Morningside Drive is home.

Zoning Abstract

Use: Apartment Building

Lot zoning: DR 5.5

Allowed density: 1.75 DUs

Lot size: 13,842 sf (0.317 ac)

Existing density: 6 DUs

Issue: Petitioner requests exception for driveways 11', 15' and 16' in width, in lieu of 20' required.

The proposed gravel driveway is located approximately 2' from the side property line and 12' from a residence. There is no provision or adequate space for landscape screening, which would result in a large area of driveway and parking area visible from the street and from 701 Morningside Drive. The addition of these roadway areas would not be consistent with the residential scale and neighborhood character of Morningside Drive.

Issue: Petitioner requests exception for 7 parking spaces in lieu of required 8.

Preface: Several years ago, residential permit parking was instated on Morningside Drive to mitigate the increasing number of workers from the nearby Residential-Office transition zone who could not find nearby parking, on-street or otherwise. The reality of the situation is that these workers continue to park illegally at the top of Morningside Drive near Joppa Road, because parking enforcement is sporadic and

the probability of getting a ticket is low. Our neighborhood of less than 25 houses already feels the burden of our proximity to the R-O transition area, and to the growing town center. Within this small-scale cul-de-sac neighborhood like Morningside Drive the compounded problems of additional on-street parking have a direct and irreversible effect on our quality of life and on the safety of our children.

Response: It is our understanding that (6) six dwelling units currently exist in this apartment building: (1) Studio, (4) 1-Bedroom, and (1) 2-Bedroom apartments. Off street parking required by BCZR section 409.6-A.1 indicates that 9 parking spaces are actually required as follows:

(1) Studio x 1.25 spaces	1.25
(4) 1-Bedroom x 1.5 spaces	6.00
(1) 2-Bedroom x 1.5 spaces	<u>1.50</u>
	8.75 spaces

with the total rounded to the next whole number.

In actuality, the number of parking spaces utilized by the young non-family tenants who live there exceeds those required. While it is not been made clear to us at this time, from information available we infer that the petitioner will in the near future apply for the conversion of the existing garage to a studio apartment, raising the total of required off-street parking spaces to (10) ten.

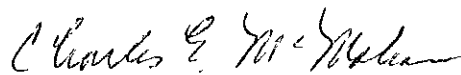
While we feel that the addition of off-street parking for the subject property may improve the parking situation at the top of the street, the vast extent of proposed driveway and parking area coverage is unsympathetic and disproportionate to the small-scale residential character of the Morningside Drive neighborhood. We oppose the exception on the basis that the addition of an off-street parking lot would be an unacceptable prelude to an increase in the number of dwelling units on the property.

Issue: Petitioner requests exception for a gravel driveway and parking area in lieu of required durable and dustless surface.

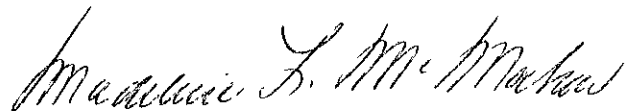
Response: While we hold no objection to the visual impact of gravel material for driveway and parking areas, there is a more practical issue of the parking and driveway surface area which must be addressed. During dry weather, the dust created by vehicle traffic will be a nuisance for the residents of 701 Morningside Drive, located only about 12' from the edge of the proposed driveway. Surface water flows, wheel ruts and plowing of the driveway and parking area in winter will disturb the compaction of the gravel surface, resulting in undesired sediment runoff into the adjoining yard directly downhill.

We ask that you give these issues careful consideration, and we trust that our objections, our common sense and our desire to preserve our neighborhood character will prevail.

Very truly yours,



Charles E. McMahon
715 Morningside Drive
Towson, MD 21204



Madeline L. McMahon
715 Morningside Drive
Towson, MD 21204

NOTE: Please see
attached.

We, the undersigned homeowners/residents of Morningside Drive, Towson, Maryland 21204, object to the requested variance as set forth in letter of June 29 to Mr. Kotroco, Deputy Zoning Commissioner at the hearing on June 30, 1995 at 11:00 AM for 408 Joppa Road.

NAME:

ADDRESS:

Alan & Dorothy Klieg

Top Morningside Dr.

Helga Willeman

725 Morningside Dr.

George and Katherine Shapone

716 Morningside Dr.

Aline + Matthew Censon

718 Morningside Dr

C. Allen + Dawn Spicer

724 Morningside Dr

Mini Holmes

722 Morningside Dr

Frances L. Rietlow

722 Morningside Dr

Patricia Jerry Butzman

719 Morningside Drive

Edward M. Brown

719 Morningside Drive

Ed M. More

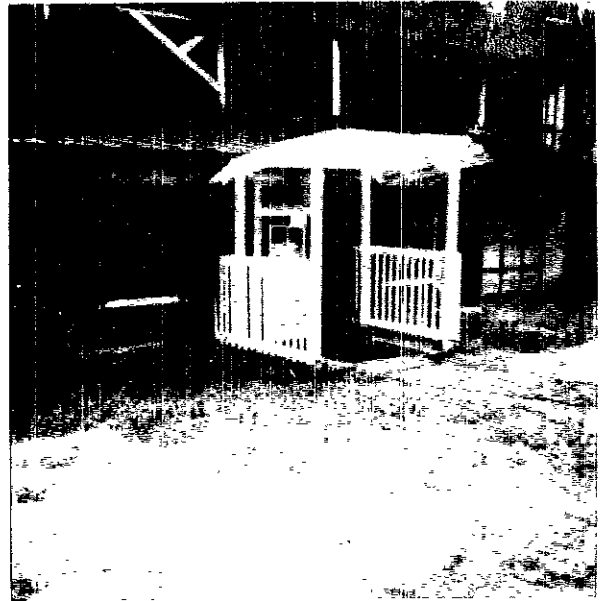
702 Morningside Dr.

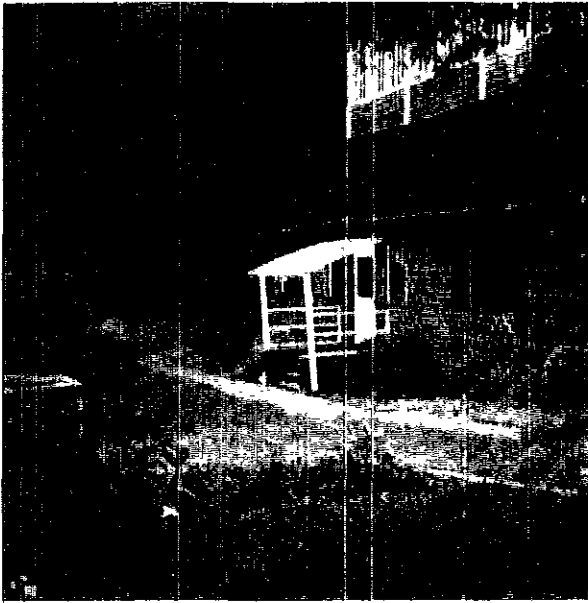
Ran Freeman

703 Morningside Drive

J. Michael Burke

712 Morningside Drive





95-437-A

ZONING NOTICE
Case # 95-437-A

PLANNED IN ACCORDANCE WITH THE ZONING
AND SUBDIVISION ACTS OF THE STATE OF
FLORIDA

PLACE: ROOM 506 COUNTY OFFICE BUILDING
TIME & DATE: FRI. JUN. 30, 1995 AT 11:02 A.M.

VARIANCE
TO BE GRANTED WITH THE PROPOSED DEVELOPMENT
HAVE WITHIN 11 FEET OF THE FRONT AND REAR
YARD SETBACKS AS REQUIRED BY THE ZONING
ORDINANCES AND THE SUBDIVISION ACTS OF THE
STATE OF FLORIDA AND THE COUNTY OF
DADE. THE VARIANCE IS NECESSARY IN ORDER
TO COMPLY WITH THE ZONING ORDINANCES AND
THE SUBDIVISION ACTS OF THE STATE OF
FLORIDA AND THE COUNTY OF DADE.

RECOMMENDED BY THE PLANNING DEPARTMENT ON 06/29/95
FOR THE BOARD OF COUNTY COMMISSIONERS
ON 07/05/95. THE BOARD OF COUNTY COMMISSIONERS
HAS REVIEWED THE VARIANCE AND HAS DEEMED IT
TO BE IN THE BEST INTERESTS OF THE COUNTY
OF DADE AND HAS GRANTED THE VARIANCE.

437

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 17, 1995

Ms. Monica Rodriguez
1207 Oakcroft Drive
Lutherville, Maryland 21093

RE: PETITION FOR VARIANCE
NE/Corner Joppa Road and Morningside Drive
(408 West Joppa Road)
9th Election District - 4th Councilmanic District
Monica Rodriguez - Petitioner
Case No. 95-437-A

Dear Ms. Rodriguez

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied 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 Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Thomas E. Phelps
945 Barron Avenue, Baltimore, Md. 21221

Mr. Ran Freeman, 703 Morningside Drive, Towson, Md. 21204
Mr. J. Michael Burke, 712 Morningside Drive, Towson, Md. 21204
Ms. Madeline McMahon, 715 Morningside Drive, Towson, Md. 21204
The Rev. C. Allen Spicer, Jr., 724 Morningside Dr., Towson, Md. 21204
Mr. Richard M. Morse, 702 Morningside Drive, Towson, Md. 21204
Ms. Christine McSherry, 708 Morningside Drive, Towson, Md. 21204

People's Counsel; Case File





BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1990 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
June 14, 1990

Scale
1" = 1/4 Mile



1.	TOTAL BLDG ROOMS/SPACE	3, 19, 14 #
2.	STUDIO AP:	1
3.	1 BED ROOM	4
4.	2 BED ROOM	1
5.	BATHS	3
6.	NO ZONING VIOLATIONS	NO
7.	NO VIOLATIONS TO ANY	NO
8.	ALL COMPLAINTS RESOLVED	NO
9.	NO	NO
10.	NO	NO
11.	NO	NO
12.	NO	NO
13.	NO	NO
14.	NO	NO
15.	NO	NO
16.	NO	NO
17.	NO	NO
18.	NO	NO
19.	NO	NO
20.	NO	NO
21.	NO	NO
22.	NO	NO
23.	NO	NO
24.	NO	NO
25.	NO	NO
26.	NO	NO
27.	NO	NO
28.	NO	NO
29.	NO	NO
30.	NO	NO
31.	NO	NO
32.	NO	NO
33.	NO	NO
34.	NO	NO
35.	NO	NO
36.	NO	NO
37.	NO	NO
38.	NO	NO
39.	NO	NO
40.	NO	NO
41.	NO	NO
42.	NO	NO
43.	NO	NO
44.	NO	NO
45.	NO	NO
46.	NO	NO
47.	NO	NO
48.	NO	NO
49.	NO	NO
50.	NO	NO
51.	NO	NO
52.	NO	NO
53.	NO	NO
54.	NO	NO
55.	NO	NO
56.	NO	NO
57.	NO	NO
58.	NO	NO
59.	NO	NO
60.	NO	NO
61.	NO	NO
62.	NO	NO
63.	NO	NO
64.	NO	NO
65.	NO	NO
66.	NO	NO
67.	NO	NO
68.	NO	NO
69.	NO	NO
70.	NO	NO
71.	NO	NO
72.	NO	NO
73.	NO	NO
74.	NO	NO
75.	NO	NO
76.	NO	NO
77.	NO	NO
78.	NO	NO
79.	NO	NO
80.	NO	NO
81.	NO	NO
82.	NO	NO
83.	NO	NO
84.	NO	NO
85.	NO	NO
86.	NO	NO
87.	NO	NO
88.	NO	NO
89.	NO	NO
90.	NO	NO
91.	NO	NO
92.	NO	NO
93.	NO	NO
94.	NO	NO
95.	NO	NO
96.	NO	NO
97.	NO	NO
98.	NO	NO
99.	NO	NO
100.	NO	NO

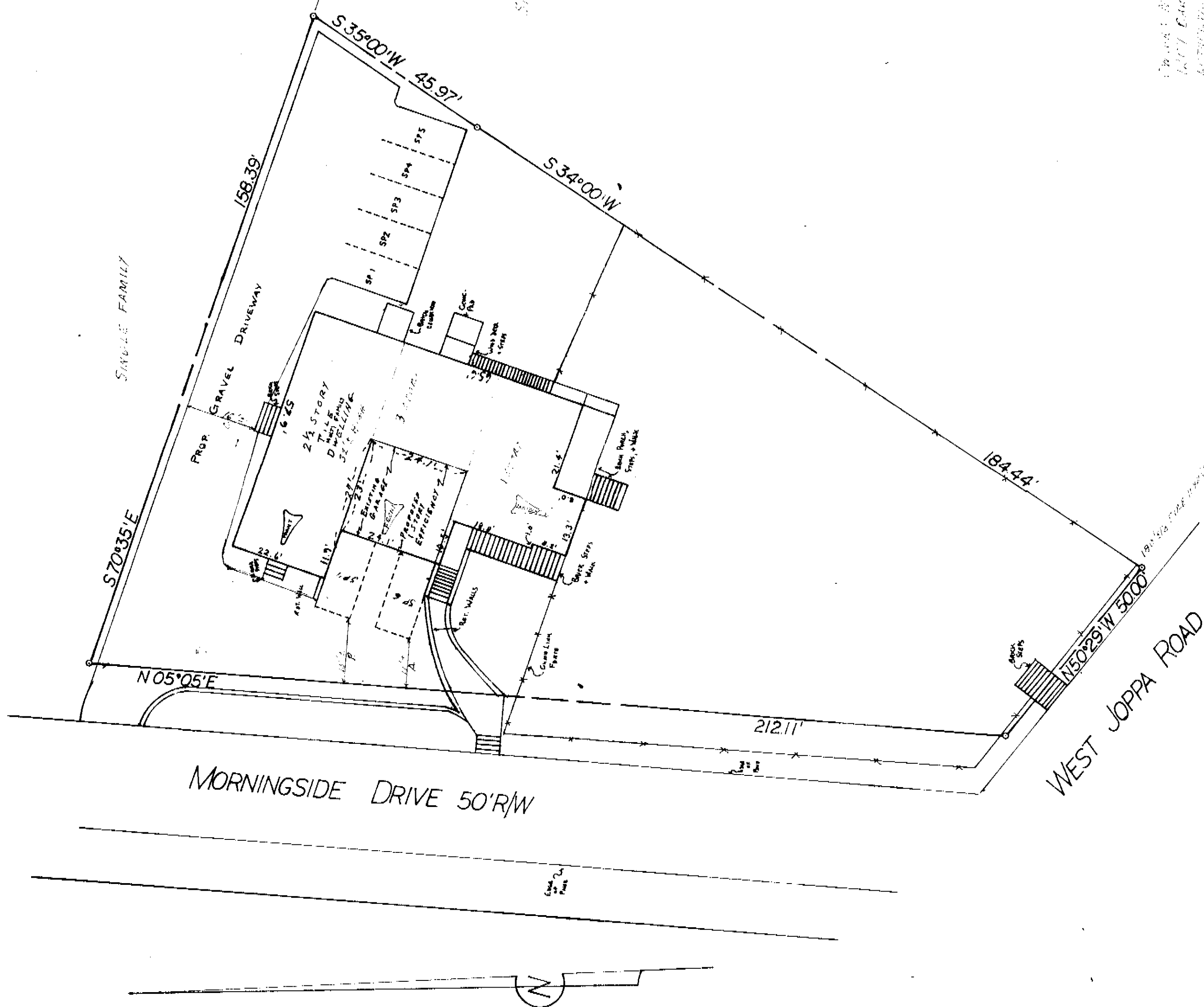
MICROFILMED

**PETITIONER'S
EXHIBIT NO. 1**

THOMAS E. PHELPS & ASSO., INC.
*** 945 BARRON AVENUE**
BALTIMORE, MARYLAND
PHONE (410) 574 - 6744

REVISIONS			
No.	DESC.	DATE	
1	Account Notes	5/20/95	

SITE PLAN OF ADDITIONAL PARKING # 408 WEST JOPPA ROAD BALTIMORE, MARYLAND	
DRAWN BY: TAV	SCALE: 1"=20'
CHECKED BY: T.E.P.	DATE: 1-25-95



Wm. Howard Forester,
1214 Oak Street,
Cincinnati, Mo. 1904

IN RE: PETITION FOR VARIANCE
NE Corner Joppa Road and
Morningside Drive
(408 West Joppa Road)
9th Election District
4th Councilmanic District
Monica Rodriguez
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 95-437-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 408 West Joppa Road, located in the vicinity of Bosley Avenue in Towson. The Petition was filed by the owner of the property, Monica Rodriguez. The Petitioner seeks relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.6.A.1 to permit seven (7) parking spaces in lieu of the required 8, from Section 409.4.A to permit two-way traffic aisle widths of 11 feet, 15 feet, and 16 feet in lieu of the required 20 feet, and from 409.8.A.2 to permit a gravel paved driveway in lieu of the required durable and dustless surface. The subject property and relief sought are more particularly described on the site plan submitted and accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition was Monica Rodriguez, property owner. Appearing as Protestants in the matter were numerous residents of the surrounding community, all of whom signed the Protestant's Sign-In sheet.

Testimony and evidence offered revealed that the subject property consists of a gross area of 13,842 sq.ft., zoned D.R. 5.5, and is improved with a 2.5 story multi-family dwelling containing five apartments, and an attached garage. The Petitioner is desirous of converting this garage to

provide a sixth apartment. In order to proceed with the proposed conversion, the requested variances are necessary.

As noted above, many residents of the surrounding community appeared in opposition. The cumulative testimony of the Protestants was that the subject property is already overburdened as it currently exists. They testified that there is insufficient parking for the five apartments on the property now, and that adding a sixth apartment will only exacerbate parking problems in the neighborhood. Furthermore, the residents offered testimony concerning noise generated by the tenants who have resided on the property. They believe that an additional apartment will only aggravate the situation. Furthermore, they do not believe that the subject property is of sufficient size to support a sixth apartment. Testimony also revealed that the residents are opposed to a gravel driveway in lieu of a paved or durable/dustless surface, in that dust particles will be transmitted into the air and infringe upon the use and enjoyment of the immediately adjoining property owned by Ran Freeman.

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 justice 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.

- 2 -

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

Taking into consideration all of the testimony and evidence presented at the hearing, I find that the Petitioner has failed to satisfy the burden imposed upon her in order to grant the variances requested. In the opinion of this Deputy Zoning Commissioner, the subject property is already overburdened and the addition of a sixth apartment will adversely affect the surrounding community. The Petitioner has failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 17th day of July, 1995 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.6.A.1 to permit seven (7) parking spaces in lieu of the required 8, from Section 409.4.A to permit two-way traffic aisle widths of 11 feet, 15 feet, and 16 feet in lieu of the required 20 feet, and from 409.8.A.2 to permit a gravel paved driveway in lieu of the required durable and dustless surface, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.

TMK:bjs

- 3 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

July 17, 1995

(410) 887-4386

Ms. Monica Rodriguez
1207 Oakcroft Drive
Lutherville, Maryland 21093

RE: PETITION FOR VARIANCE
NE Corner Joppa Road and Morningside Drive
(408 West Joppa Road)
9th Election District - 4th Councilmanic District
Monica Rodriguez - Petitioner
Case No. 95-437-A

Dear Ms. Rodriguez

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied 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 Permits and Development Management office at 887-3391.

Very truly yours,

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

TMK:bjs

cc: Mr. Thomas E. Phelps
945 Barron Avenue, Baltimore, Md. 21221

Mr. Ran Freeman, 703 Morningside Drive, Towson, Md. 21204
Mr. J. Michael Burke, 712 Morningside Drive, Towson, Md. 21204
Ms. Madeline McMahon, 715 Morningside Drive, Towson, Md. 21204
The Rev. C. Allan Spicer, Jr., 724 Morningside Dr., Towson, Md. 21204
Mr. Richard M. Morse, 702 Morningside Drive, Towson, Md. 21204
Ms. Christine McSherry, 708 Morningside Drive, Towson, Md. 21204

People's Counsel; Case File

Printed with Soybean Ink
on Recycled Paper



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 408 West Joppa Rd
which is presently zoned D.R. 5.5

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)

SEE ATTACHED

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
I am asking for a variance for 7 parking spaces instead of 8 because there is no where else as per w. 11 ft, due to the pre-existing sidewalks and walls. I am asking for a variance for width of the 2-way traffic driveway because it is extended any further due to the pre-existing sidewalks and walls. Reason for the variance on the gravel drive instead of paved is cost, to keep the property appearance more "home like", to not mow the non permeable surface area of the property as I cannot be permitted a home extension would be appreciated due to cost.
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.
Also if at any time the applicant to the petition variances does not construct the proposed improvements which would help meron property value & help the manager.

I, or we, 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

Legal Owner(s):
Name: Monica Rodriguez
Signature: [Signature]
Address: 1207 Oakcroft Dr
City: Lutherville State: MD Zipcode: 21093

Attorney for Petitioner:
Name: Ran Freeman Address: 703 Morningside Dr City: Towson State: MD Zipcode: 21204

Name: Monica Rodriguez Address: 1207 Oakcroft Dr City: Lutherville State: MD Zipcode: 21093

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Name: Monica Rodriguez Address: 1207 Oakcroft Dr City: Lutherville State: MD Zipcode: 21093

VARIANCE REQUEST 95-437-A

409.4.A; TO PERMIT DRIVEWAYS WITH
TWO WAY MOVEMENTS TO HAVE
WIDTHS OF 11ft(A), 15ft(B) AND
16ft(C) IN LIEU OF THE REQUIRED 20ft;

409.6.A.1; TO PERMIT 7 PARKING SPACES IN
LIEU OF THE REQUIRED 8;

409.8.A.2; TO PERMIT GRAVEL DRIVEWAY AND
PARKING AREA IN LIEU OF THE
REQUIRED DURABLE AND DUSTLESS
SURFACE.

430

LAND SURVEYING

THOMAS E. PHELPS & ASSOCIATES, INC.
945 Barron Avenue
Baltimore, Maryland 21221-5202
(301) 574-6744

LAND PLANNING

Description of property at
408 West Joppa Road
Baltimore, Maryland

Beginning at a point, said point being at the intersection of the northerly side of Joppa Road and the easterly side of Drive as follows, viz: North 05° 05' East 212.11' to a point thence with the following courses and distances, viz: South 70° 35' East 158.39' and South 34° 00' West 184.44', to a point thence with the northerly line of Joppa Road as follows, viz: North 50° 29' West 50.00' to the point and place of beginning.

Being know as 408 West Joppa Road, and containing 13,842 Square feet.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-437-A

District: 9th Date of Posting: 6/19/95
Posted for: Variance
Petitioner: Monica Rodriguez
Location of property: 408 W. Joppa Rd.
Location of Sign: Public Hearing on property being zoned
Remarks: Method
Posted by: [Signature] Date of return: 6/16/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 6/16, 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 6/5, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

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 a property situated in Baltimore County, Maryland, at the County Office Building, located at 111 W. Baltimore Avenue, Towson, Maryland 21204, on the following date and time: JUNE 20, 1995, at 11:00 A.M. in Room 105, County Office Building.

Case Number: 95-437-A (Item 430)
408 W. Joppa Road
NEC Joppa Road and Morningside Drive
9th Election District
4th Councilmanic District
Legal Owner(s): Monica Rodriguez
ADDRESS: 1207 OAKCROFT DRIVE
JUNE 20, 1995, at 11:00 A.M. in Room 105, County Office Building.

Variance: to permit driveways with two-way movements to have widths of 11 feet (A), 15 feet (B), and 16 feet (C) in lieu of the required 20 feet to permit 7 parking spaces in lieu of the required 8, and to permit gravel driveway and parking area in lieu of the required durable and dustless surface.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are held on a regular basis for special accommodations. Please call 887-3391.
For information concerning the file and/or hearing, please call 887-3391.
2/77 June 15.

430 receipt
95-437-A
Account: R001-6150
Number: JCM

Date: 5-30-95

MONICA RODRIGUEZ 408 W. Joppa Rd
UAR (020) 250.00
Posting (080) 35.00
285.00

Please Make Checks Payable To: Baltimore County

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

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

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be 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.: 430
Petitioner: Monica Rodriguez
Location: 408 West Joppa Rd Towson MD 21204
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Monica Rodriguez
ADDRESS: 1203 Oakcroft Drive
Lutherville MD 21093
PHONE NUMBER: (410) 821-5447

AJ:ggg (Revised 04/09/93)

TO: PETITIONER PUBLISHING COMPANY
June 15, 1995 Issue - Jeffersonian

Please forward billing to:
Monica Rodriguez
1203 Oakcroft Drive
Lutherville, Maryland 21093
821-5447

NOTICE OF HEARING

The Zoning Commission 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: 95-437-A (Item 430)
408 W. Joppa Road
NEC Joppa Road and Morningside Drive
9th Election District - 4th Councilmanic
Legal Owner(s): Monica Rodriguez
HEARING: FRIDAY, JUNE 30, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit driveways with two-way movements to have widths of 11 feet (A), 15 feet (B), and 16 feet (C) in lieu of the required 20 feet; to permit 7 parking spaces in lieu of the required 8; and to permit gravel driveway and parking area in lieu of the required "durable and dustless" surface.

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 (410) 887-3353

June 8, 1995

NOTICE OF HEARING

The Zoning Commission 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: 95-437-A (Item 430)
408 W. Joppa Road
NEC Joppa Road and Morningside Drive
9th Election District - 4th Councilmanic
Legal Owner(s): Monica Rodriguez
HEARING: FRIDAY, JUNE 30, 1995 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit driveways with two-way movements to have widths of 11 feet (A), 15 feet (B), and 16 feet (C) in lieu of the required 20 feet; to permit 7 parking spaces in lieu of the required 8; and to permit gravel driveway and parking area in lieu of the required "durable and dustless" surface.

Arnold Jablon
Director

cc: Monica Rodriguez

NOTES: (1) HEARING 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, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, ZADM DATE: June 22, 1995
FROM: Pat Keller, Director, OPZ
SUBJECT: 408 West Joppa Road

INFORMATION:
Item Number: 430
Petitioner: Monica Rodriguez
Property Size: _____
Zoning: D.R. 5.5
Requested Action: Variance
Hearing Date: 6/1/95

SUMMARY OF RECOMMENDATIONS:
The subject property is located within the Towson Community Plan area and in a location designated as a Community Conservation area.

It appears that the proposal is to add a sixth apartment unit to an existing five apartment building. The lot area of the site required, pursuant to Section 402 of the BCZR, is 22,000 sq. ft. for six apartment units; the site appears to have approximately 22,000 net lot acre, but this has not been noted on the plan. Additionally, each unit must have separate cooking and bathroom facilities pursuant to Section 402.2 of the BCZR. The petitioner should submit floor plans for the entire building showing whether the requirements of this Section can be met. If this is not the case, the request for expansion would require a Special Exception for a Boarding or Rooming House.

The proposed variance for parking is undesirable, as is the driveway variance.

Prepared by: Jeffery W. Low
Division Chief: Barry L. Venn
PK/JL

RECEIVED
JUN 26 1995
ZONING COMMISSIONER

**PETITION PROBLEMS
AGENDA OF JUNE 12, 1995**

#430 — JCM
1. No descriptions in folder. (See JCM's memo in file.)

#434 — MJK
1. Copy of receipt not given to petitioner; still in folder.

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: May 30, 1995
TO: Hearing Officer
FROM: Joseph C. Merrey
Planner I, ZADM
SUBJECT: Item #430
408 West Joppa Road

Petitioner will hand deliver 3 sealed zoning descriptions ASAP.

JCM:scj

RE: PETITION FOR VARIANCE
408 W. Joppa Road, NEC Joppa Road and
Morningside Drive, 9th Election Dist.,
4th Councilmanic
Monica Rodriguez
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-437-A

ENTRY OF APPEARANCE

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

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

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 26th day of June, 1995, a copy of the foregoing Entry of Appearance was mailed to Monica Rodriguez, 1207 Oakcroft Drive, Lutherville, MD 21093, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

July 11, 1995

Zoning Commissioner
Suite 112 Courthouse
400 Washington Ave
Towson, MD. 21204

Dear Mr. Kotroco:

This letter is in reference to the hearing on 408 West Joppa Road that was held last week. I understand that there is a problem with the neighbors in regards to the added gravel parking area making a lot of dust and being unsightly. This parking area will be behind the building. As you know the owners are not engineers and so could not refute these statements. There are three points that I would like to bring to your attention;

1. This will be a short driveway where no speed could be attained so that dust would be minimal.

2. The owner plans to plant trees along the property line so that the adjacent owner will not have to look at the parking lot, also this will keep any dust from infiltrating onto the adjacent property.

3. As you may know the parking of the street at this time is at a premium and hazardous, so that these additional on site spaces will relieve some of this

We thank you for your kind consideration and hope that these explanations will help you look favorably on this matter.

Thomas E. Phelps

REGISTERED PROPERTY LINE SURVEYOR MD #174

Case 95-437-A

Elmer F. Adler

June 27, 1995

Subject: Zoning Variance
705 Morningside Drive

The possibility that cars, trucks, motorcycles, etc. will be going back & forth at all hours of the day and night to gain access to the street is objectionable & highly disruptive to our residential neighborhood.

It would certainly cause a depreciation of value for our property. We vote against the variance request.
Elmer F. Adler
705 Morningside Drive

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

Monica Rodriguez

ADDRESS

1207 Oakcraft Dr
Wethersville MD 21093

PLEASE PRINT CLEARLY

Petitioner
SIGN-IN SHEET

NAME

KAR FREEMAN

ADDRESS

1031 Morningside Dr

MADLINE KIRKMAN

75 " "

Tracy to Soler St

to Mr. Kotroco

J. Michael

112 Morningside Dr

Mr. C. Adler

724 Morningside Dr

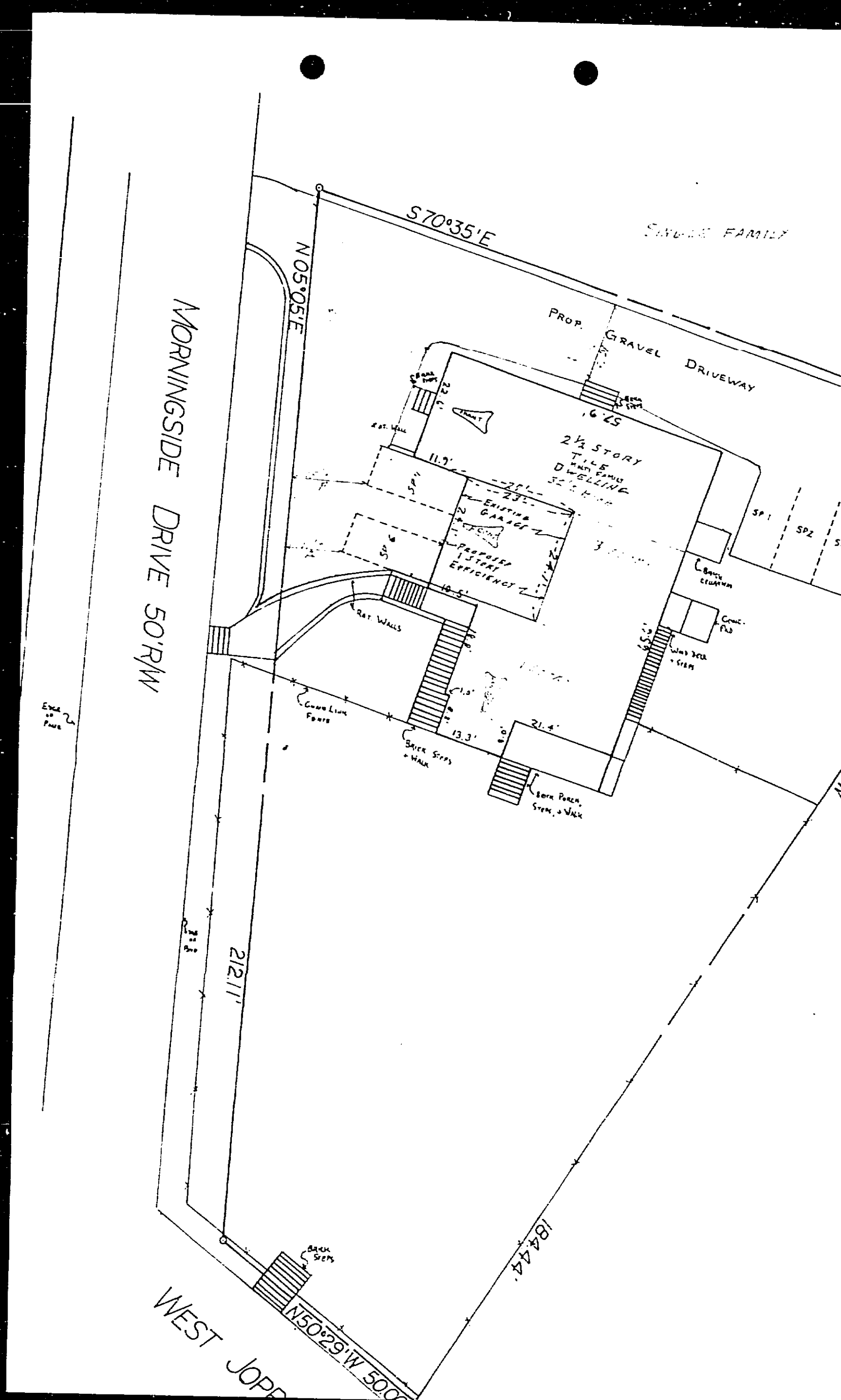
Richard M. McKee - President

702 Morningside Dr

ROBERT FREEMAN

708 Morningside Dr

Printed with Soybean Ink
on Recycled Paper



29 June 1995

Mr. Timothy Kotroco
Deputy Zoning Commissioner
Zoning Commissioners Office
400 Washington Avenue, Room 112
Towson, Maryland 21204

Ref: Case # 95-437A
408 West Joppa Road
Towson, Maryland 21204

Dear Mr. Kotroco:

We have received notice that the owner of the apartment building at 408 West Joppa Road has requested certain zoning exceptions for proposed improvements to the property. While all of us on Morningside Drive are very fond of this unique building located at the top of our street, we are also very alarmed by any potential exemption which could serve as precedent to any increase in density or dwelling unit numbers on the property. We have carefully reviewed the proposed exceptions for their impact on the neighborhood, and have detailed our findings below. For the reasons outlined in those findings we must respectfully request that the exceptions be denied.

Please understand that we and the neighbors of Morningside Drive are not obstructionists, but are committed to preserving and protecting the character and scale of our neighborhood. While 408 West Joppa Road does not conform to the requirements of our DR 5.5 zoning, we recognize and accept it in its present form as a unique element in the neighborhood. However, we will resist any attempts to expand or modify the property as a more conventional multifamily apartment building. The absentee landlord has demonstrated in the past, and most recently by the unattractive and architecturally inappropriate porch additions, that this property is simply an investment. That philosophy is at odds with us and our neighbors, to whom Morningside Drive is home.

Zoning Abstract

Use: Apartment Building

Lot zoning: DR 5.5

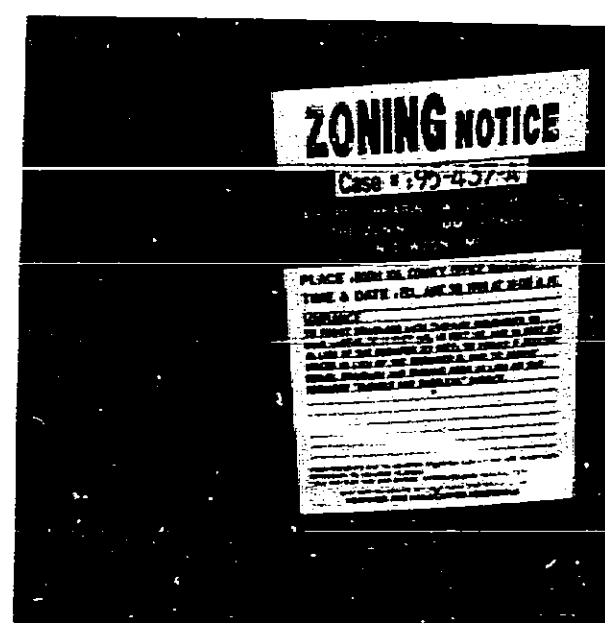
Lot size: 13,842 sf (0.317 ac)

Allowed density: 1.75 DUs

Existing density: 6 DUs

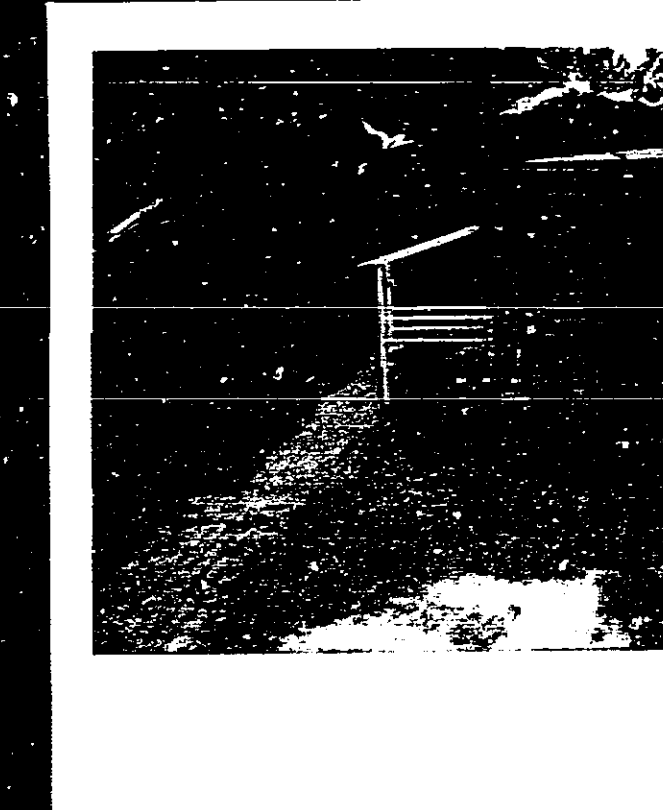
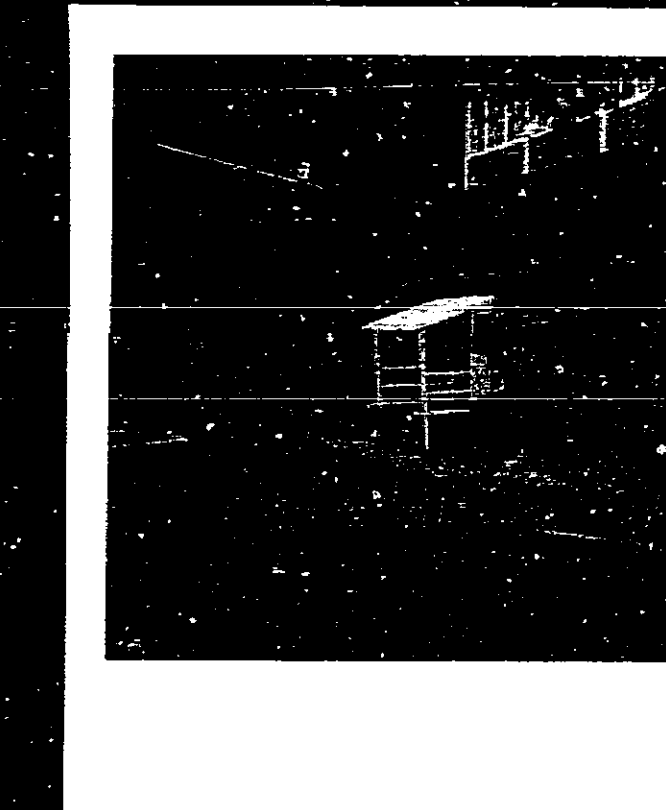
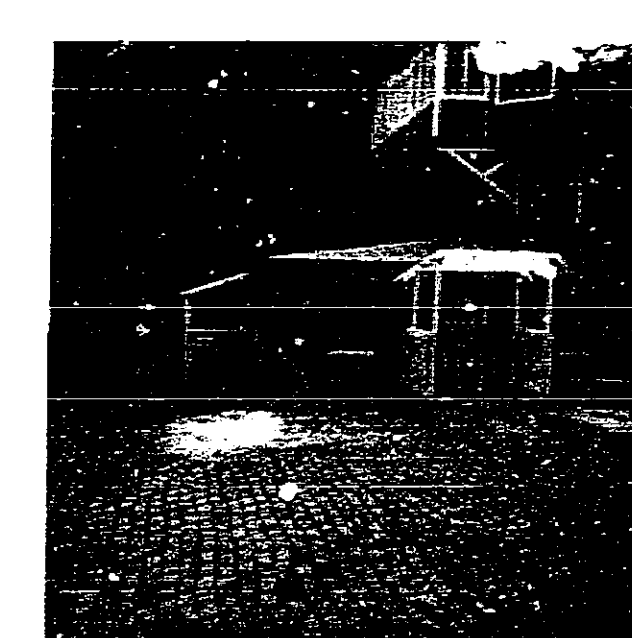
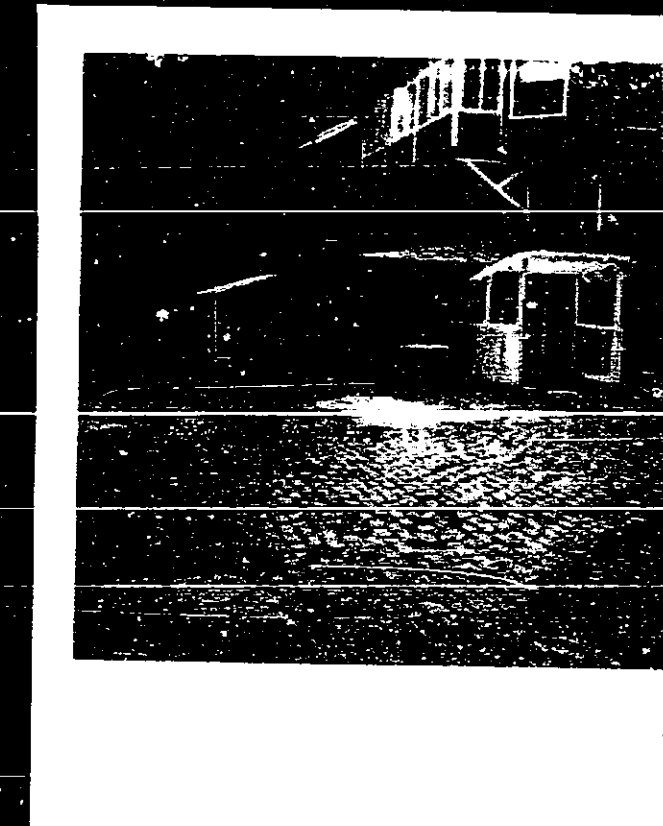
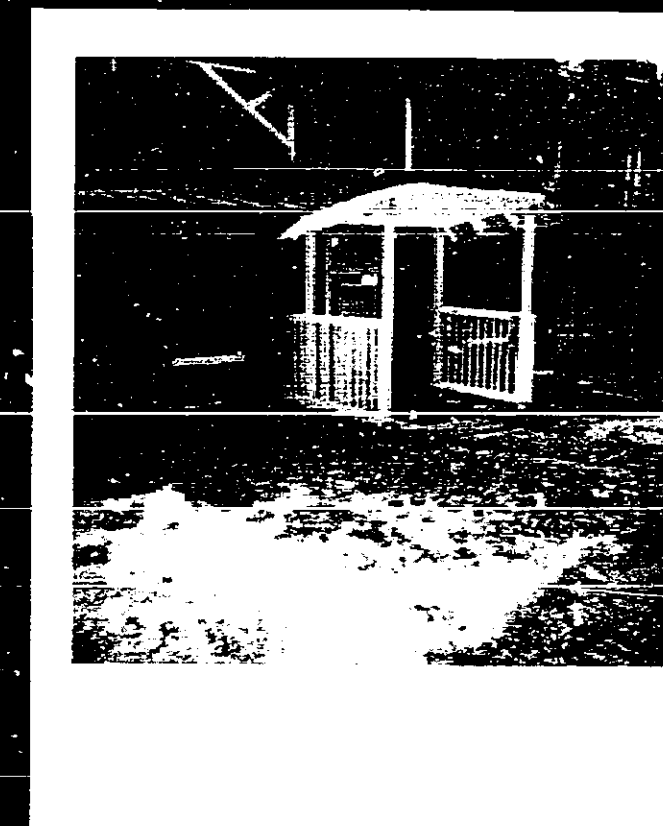
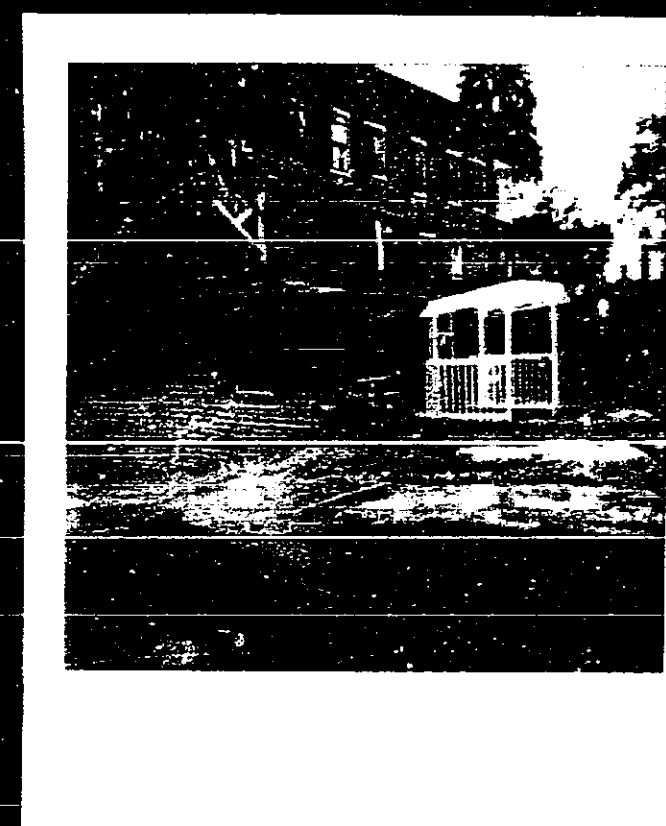
Issue: Petitioner requests exception for driveways 11', 15' and 16' in width, in lieu of 20' required. The proposed gravel driveway is located approximately 2' from the side property line and 12' from a residence. There is no provision or adequate space for landscape screening, which would result in a large area of driveway and parking area visible from the street and from 701 Morningside Drive. The addition of these roadway areas would not be consistent with the residential scale and neighborhood character of Morningside Drive.

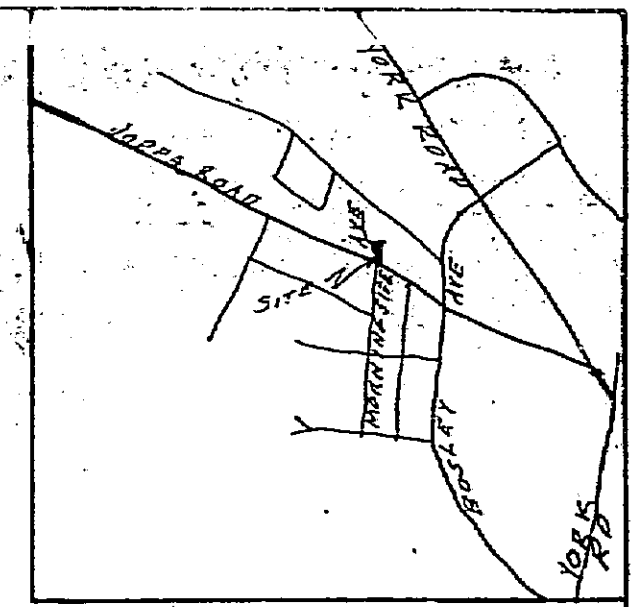
Issue: Petitioner requests exception for 7 parking spaces in lieu of required 8.
Preface: Several years ago, residential permit parking was initiated on Morningside Drive to mitigate the increasing number of workers from the nearby Residential-Office transition zone who could not find nearby parking, on-street or otherwise. The reality of the situation is that these workers continue to park illegally at the top of Morningside Drive near Joppa Road, because parking enforcement is sporadic and



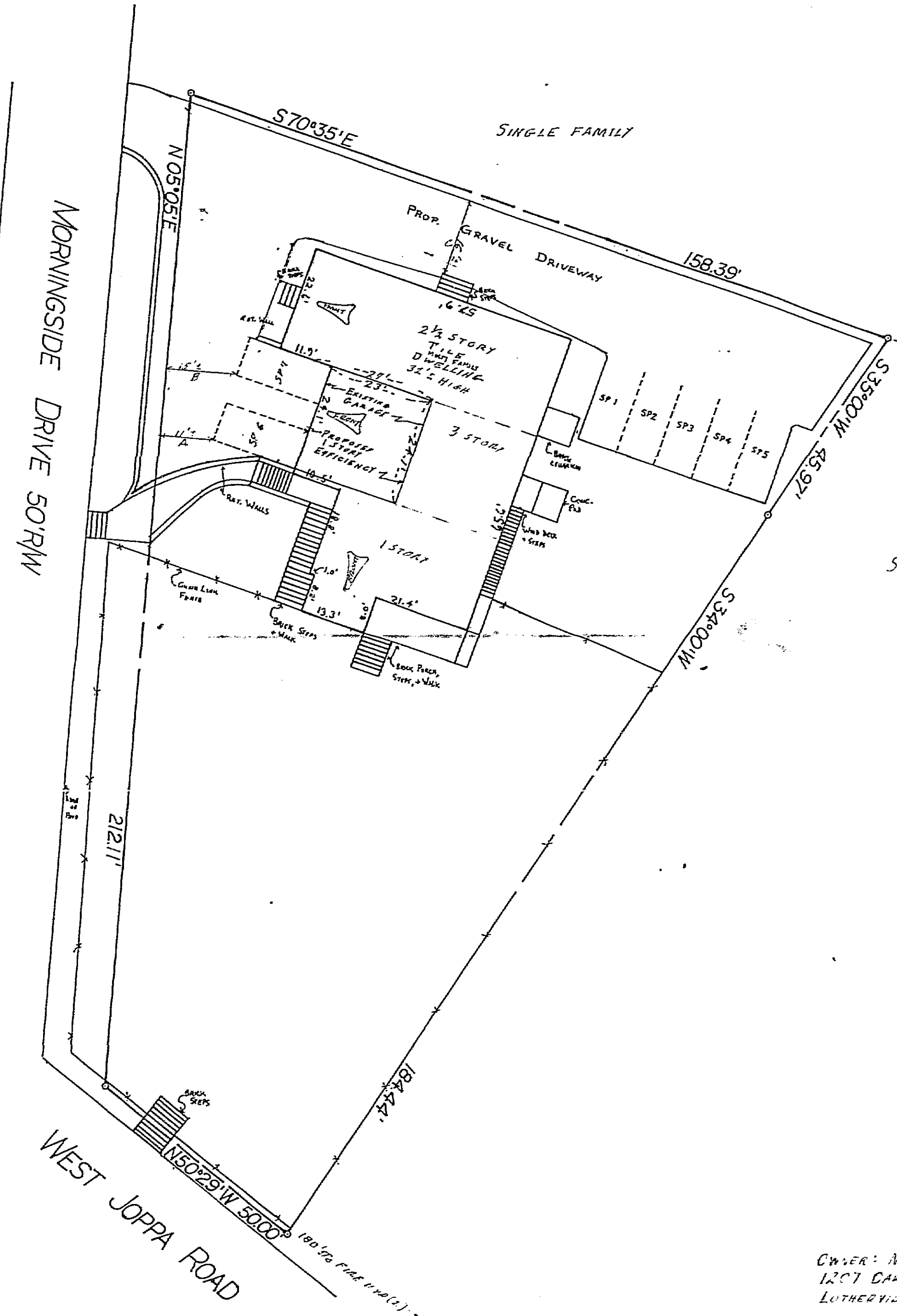
95-437-A

photographs
Case 95-437-A





430



- 1- TOTAL BLDG FLOOR SPACE 3,814 #
- 2 STUDIO APP 1
- 3 1 BED ROOM 4
- 4 2 BED ROOM 1
- 5 ELECTION DIST-9 COUNCIL DIST-4
- 6 NO ZONING HEARINGS
- 7 PROPERTY ZONED DR 5.5
- 8 ALL PARKING SPACES - 9'x18'
- NR YARD SPACE FOR PARKING 75'x10' 8 REQUIRED
- NR YARDSPACE FOR DRIVEWAY WIDTH 20' REQUIRED
- NR 30'x14'x11' 8'15' 16' NR
- 11 FLOOR AREA RATIO 3,814 ÷ 13,842 = 27 %

95-437-A

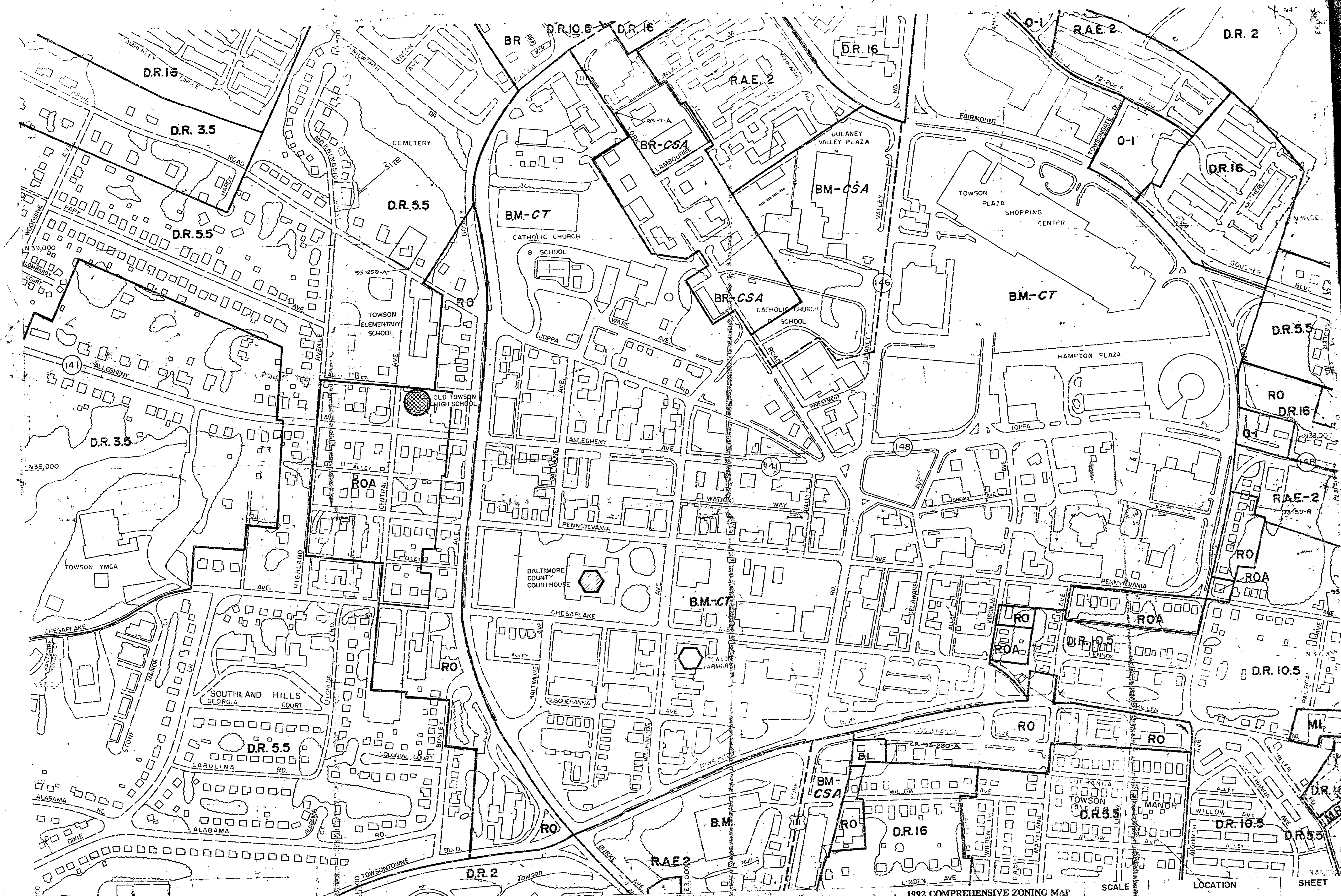
**PETITIONER'S
EXHIBIT NO. 1**

THOMAS E. PHELPS & ASSO., INC.
* 945 BARRON AVENUE
BALTIMORE, MARYLAND
PHONE (410) 574-6744

OWNER: MONICA J. RODRIGUES
1207 DAR CROFT DR
LUTHERVILLE, MD., 21093

REVISIONS		
No.	DESC.	DATE
1	Added Notes	5/14/95

SITE PLAN OF ADDITIONAL PARKING # 408 WEST JOPPA ROAD BALTIMORE, MARYLAND	
DRAWN BY: T.A.V.	SCALE: 1"=20'
CHECKED BY: T.E.P.	DATE: 1-25-95



0-NE N-NW
S-SE R-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN INC. BALTIMORE MD 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

William A. Howard
Chairman, County Council

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
TOWSON
SHEET
N.E.
O-A