

IN RE: PETITION FOR SPECIAL HEARING
SW/S Mt. Vista Road, 1250 ft.
+/- from c/l Mohr Road
6943 Mount Vista Road
11th Election District
6th Councilmanic District
Theodore E. Turner, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-174-SPH

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing for the property located at 6943 Mount Vista Road in Kingsville. The Petition is filed by Theodore E. Turner and Joyce Turner, property owners. Special Hearing relief is requested to approve an in-law apartment on the subject property. The property and proposed use are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Special Hearing.

Appearing at the requisite public hearing held for this case was Joyce Turner. Also present was her mother, Doris Hopkins. It is proposed that Mrs. Hopkins will occupy the in-law apartment. There were no interested persons or Protestants present.

Testimony and evidence presented was that the subject property is 2.25 acres in area, zoned R.C.5. Mr. and Mrs. Turner acquired the property in June of 1995 and are erecting a single family house thereon. The dwelling is under construction and is to be completed in approximately March of 1996. The structure will be a single family dwelling housing Mr. and Mrs. Turner and their family. An in-law apartment is also proposed within the dwelling; thus the need for special hearing relief. The in-law apartment will be occupied by Mrs. Hopkins. The apartment will contain a kitchen, a bedroom, a bath, and a small dining/entertaining area. It will be interconnected with the house with an interior access thereto. Mrs. Turner indicated that her mother is widowed and desires to reside with her and her family while retaining her independence.

ORDER RECEIVED FOR FILING

Date

By

12/29/95
M. G. G. G.

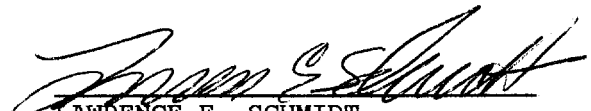
RECEIVED

The subject property is a large lot which can easily accommodate the structure and apartment. Moreover, the apartment will be within the interior of the house and will not be a separate structure. Based on the testimony and evidence presented, I am persuaded that the proposed use will not be detrimental to the health, safety or general welfare of the locale. Thus, the Petition for Special Hearing shall be granted. The relief provided will be restricted, however, so as to permit only Mrs. Hopkins, or other family members, to reside in the apartment. Owing to the character of the proposed apartment, it seems evident that same could not be used as separate quarters for another family, nonetheless, this restriction shall be imposed so as to prohibit that possibility.

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 29th day of December, 1995 that, pursuant to the Petition for Special Hearing, approval to allow an in-law apartment on the subject property, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

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.
2. The occupancy of the in-law apartment shall be restricted to the Petitioner's mother, Doris Hopkins, and/or other family members.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

RECEIVED FOR FILING
Jude
12/29/95
By Mr. Davis

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

January 3, 1996

Mr. and Mrs. Theodore E. Turner
4103 Pinedale Drive
Baltimore, Maryland 21236

RE: Case No. 96-174-SPH
Petition for Special Hearing
Property: 6943 Mount Vista Road, Balto.Md.

Dear Mr. and Mrs. Turner:

Enclosed please find the decision rendered in the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event any party finds the decision rendered 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 Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn
encl.





Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 6943 Mt Vista rd. Balt Co.
which is presently zoned RC5

96-174-SP4

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

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

To permit the use of an in-law apartment.

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

Phone No.

City

State

Zipcode

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.

Legal Owner(s)

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

Phone No

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

10/23/95

MICROFILMED

172

Zoning Description

EXHIBIT A

96-174-SPH
for 6943 mt Vista road
BALTO MD 21087

BEGINNING for the same at a point in and distant, South 63 degrees 46 minutes 53 seconds West 31.19 feet from the beginning of the third or South 63 degrees 46 minutes 53 seconds West 334.85 feet line of that parcel of land conveyed by and described in a deed from Raymond Lee Byer, Sr. and Jean Ann Byer, his wife to Raymond Lee Byer, Sr., dated 12 August 1986 and recorded among the Land Records of Baltimore County, Maryland in Liber SM No. 7385, folio 118, said point being also in the westerly side of a 30 foot road widening parcel of Mount Vista Road, running thence and binding on the remainder of the said third and part of the fourth lines, the two (2) following courses and distances viz:

- 1) South 63 degrees 46 minutes 53 seconds West 297.66 feet, and
- 2) North 06 degrees 39 minutes 48 seconds West 350.63 feet to a point, thence for a new line of division through and across the lands of the herein above named grantor,
- 3) North 79 degrees 11 minutes 56 seconds East 364.47 feet to a point to interest the westerly side of the aforesaid 30 foot road widening parcel, thence binding on the said westerly side,
- 4) South 10 degrees 00 minutes 15 seconds West 289.46 feet to the beginning hereof, containing 2.26 acres of land, more or less.

And including road widening strip described as follows:

BEGINNING for the same at a point in or near the center of Mount Vista Road at the beginning of the third of South 63 degrees 46 minutes 53 seconds West 334.85 feet line of that parcel of land conveyed by and described in a deed from Raymond Lee Byer, Sr. and Jean Ann Byer, his wife to Raymond Lee Byer, Sr., dated 12 August, 1986 and recorded among the Land Records of Baltimore County in Liber SM No. 7385, folio 118, running thence and crossing the said road and binding on part of the said third line.

- 1) South 63 degrees 46 minutes 53 seconds West 31.19 feet to a point thence for new lines of division through and across the land of the herein above named grantor, the two (2) following courses and distances, viz:
- 2) North 10 degrees 00 minutes 15 seconds East, 289.46 feet and
- 3) North 79 degrees 11 minutes 56 seconds East 32.09 feet to a point in or near the center of the aforesaid Mount Vista Road to intersect the second or South 10 degrees 00 minutes 15 seconds West 503.42 feet line of the aforesaid deed recorded in Liber SM No. 7385, folio 118, thence binding on or near the center of the said road and binding on part of the said second line.
- 4) South 10 degrees 00 minutes 15 seconds West 278.89 feet to the beginning hereof, containing 0.20 acre of land, more or less.

#172

WICHITA

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-174-SPH

District 11th

Date of Posting 11/18/95

Posted for: Special Hearing

Petitioner: Joyce & Theo. Turner

Location of property: 6943 Mt. Vista Rd, SN/S

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by M. Haly
Signature

Date of return: 11/24/95

Number of Signs: 1



CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Nov. 21, 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 Nov. 16, 1995.

THE JEFFERSONIAN,

A. Henrickson

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 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: #88-174-SPH
(Item 172)
8843 Mt. Vista Road,
SW/S Mt. Vista Road, 1250' +/-
from c/d Mohr Road
11th Election District
6th Councilmanic
Legal Owner(s):

Joyce Turner and Theodore E. Turner

Hearing: Monday, December 4, 1995 at 9:00 a.m. in Rm. 118, Old Courthouse.

Special Hearing: to permit the use of an in-law apartment.

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 887-3381.

11/192 Nov. 16. C17294

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

NO.

DATE 10-23-95 ACCOUNT R-001-015-000

96-174-SPH AMOUNT \$ 85.00

RECEIVED FROM: TURNER

030-SPH = 50.00

TAKEN BY: JRF

050-SIGN - 35.00

ITEM # 172

FOR:

85.00

10/23/95 JRF

\$85.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

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.: 172 Petitioner: _____

Location: 6943. Mount Vista road.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Theodore E Turner

ADDRESS: 4103 Pinedale Drive
Baltimore Md 21236

PHONE NUMBER: 410 - 256 1035



TO: PUTTOXENT PUBLISHING COMPANY

November 16, 1995 Issue - Jeffersonian

Please forward billing to:

Theodore E. Turner
4103 Pinedale Drive
Baltimore MD 21236
256-1035

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: 96-174-SPH Item 172

6943 Mt. Vista Road

SW/S Mt. Vista Road, 1250'+/- from c/l Mohr Road

11th Election District - 6th Councilmanic

Legal Owner: Joyce Turner and Theodore E. Turner

Special Hearing to permit the use of an in-law apartment.

HEARING: MONDAY, DECEMBER 4, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 7, 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: 96-174-SPH Item 172
6943 Mt. Vista Road
SW/S Mt. Vista Road, 1250'+/- from c/l Mohr Road
11th Election District - 6th Councilmanic
Legal Owner: Joyce Turner and Theodore E. Turner

Special Hearing to permit the use of an in-law apartment.

HEARING: MONDAY, DECEMBER 4, 1995 at 9:00 a.m. in Room 118, Old Courthouse.

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

Arnold Jablon
Director

cc: Theodore and Joyce Turner

- 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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

November 28, 1995

Mr. and Mrs. Theodore Turner
4103 Pinedale Drive
Baltimore, MD 21236

RE: Item No.: 172
Case No.: 96-174-SPH
Petitioner: T. Turner, et ux

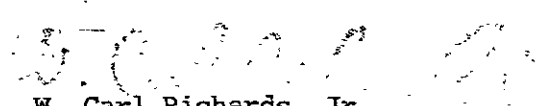
Dear Mr. and Mrs. Turner:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on October 23, 1995.

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 (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.
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
November 14, 1995

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #172 - Turner Property
6943 Mt. Vista Road
Zoning Advisory Committee Meeting of November 6, 1995

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

Ground Water Management

If approval is granted for "in-law apartment", the septic system recommendations for the house currently under construction for this lot will need to be revised to require a separate septic tank to receive the waste flow from the apartment.

✓
JLP:TE:sp

TURNER/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM

DATE: November 7, 1995

FROM: Pat Keller, Director, OP

SUBJECT: 6943 Mt. Vista Rd.

INFORMATION:

Item Number: 172

Petitioner: Turner Property

Property Size: _____

Zoning: RC-5

Requested Action: Special Hearing

Hearing Date: _____ / _____ / _____

SUMMARY OF RECOMMENDATIONS:

Staff does not oppose the applicant's request; however, the dwelling should once again function as a single-family residence at such time as a family member ceases to reside in the in-law apartment.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kerns

PK/JL

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

TO: Arnold Jablon, Director DATE: Nov. 16, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for November 13, 1995
Items 172, 173, 176, and 180

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government
Fire Department



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

(410) 887-4500

DATE: 11/07/95

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

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF NOV. 6, 1995

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

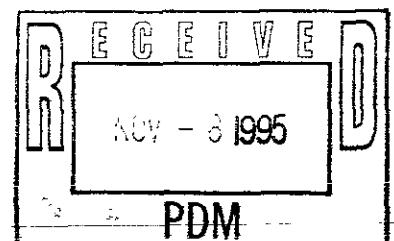
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 172, 173, 174, 175, 176,
180 AND 182. **S**

REVIEWER: M. ROBERT P. SOUVERWALD
Fire Marshal Office, PHONE 887-4881, MS 1105F



Printed on Recycled Paper





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

11-6-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 172 (TRF)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

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

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

Handwritten signature/initials

RE: PETITION FOR SPECIAL HEARING
6943 Mt. Vista Road, SW/S Mt. Vista Rd,
1250'+/- from c/l Mohr Road
11th Election District, 6th Councilmanic

Theodore E. and Joyce Turner
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-174-SPH

* * * * *

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 30th day of November, 1995, a copy of the foregoing Entry of Appearance was mailed to Theodore E. and Joyce Turner, 4103 Pinedale Drive, Baltimore, MD 21236, Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

Plat to accompany Petition for Zoning ☐ Variance ☒ Special Hearing

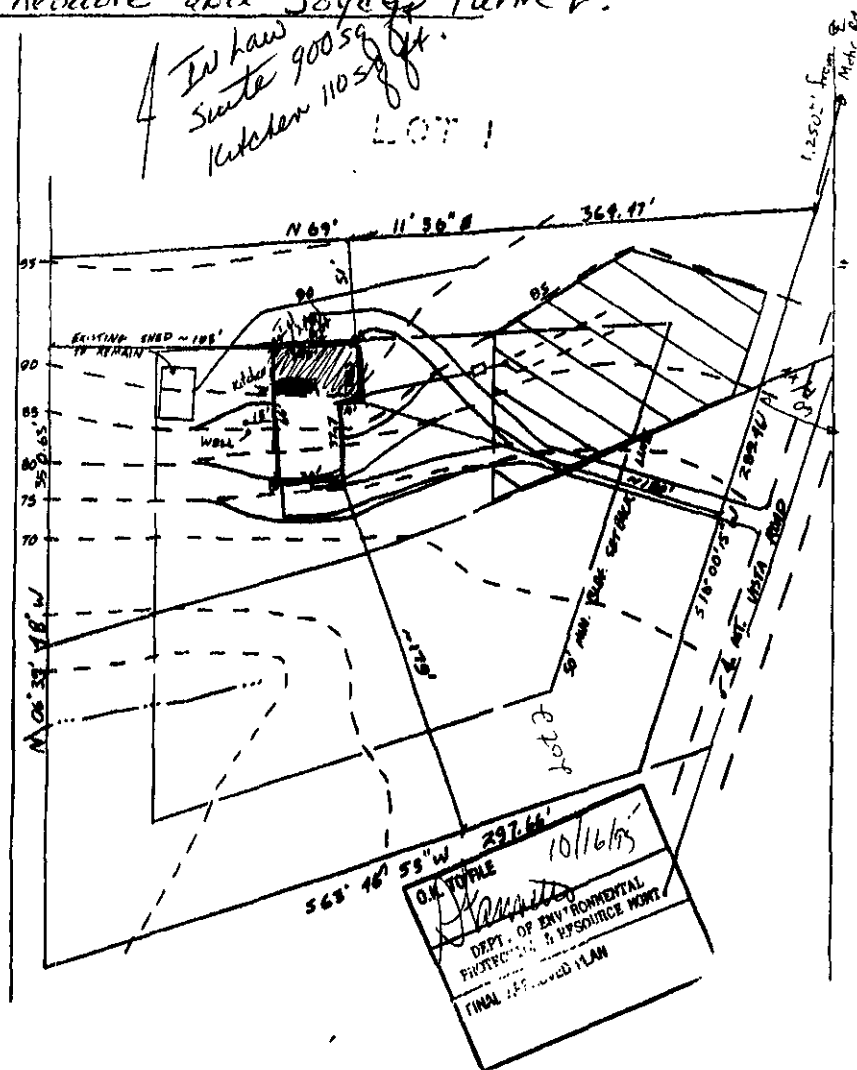
PROPERTY ADDRESS: 6943 Mount Vista Road see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: _____

plat book# _____, folio# _____, lot# _____, section# _____

96-174-SPH

OWNER: Theodore and Joyce Turner



Plot No 1

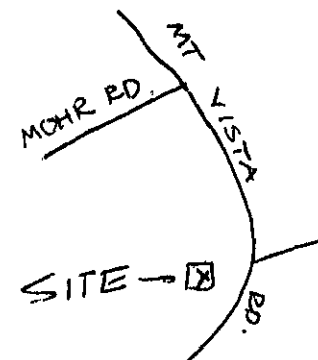


North

date: 10/95

prepared by: Joyce Turner

Scale of Drawing: 1" = 80'



Vicinity Map
scale: 1"=1000'

LOCATION INFORMATION

Election District: 11

Councilmanic District: C-6

1"=200' scale map#: NE 14 I

Zoning: RC5

Lot size: 2.25 acreage 98,010 sq square feet

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

Prior Zoning Hearings:

none

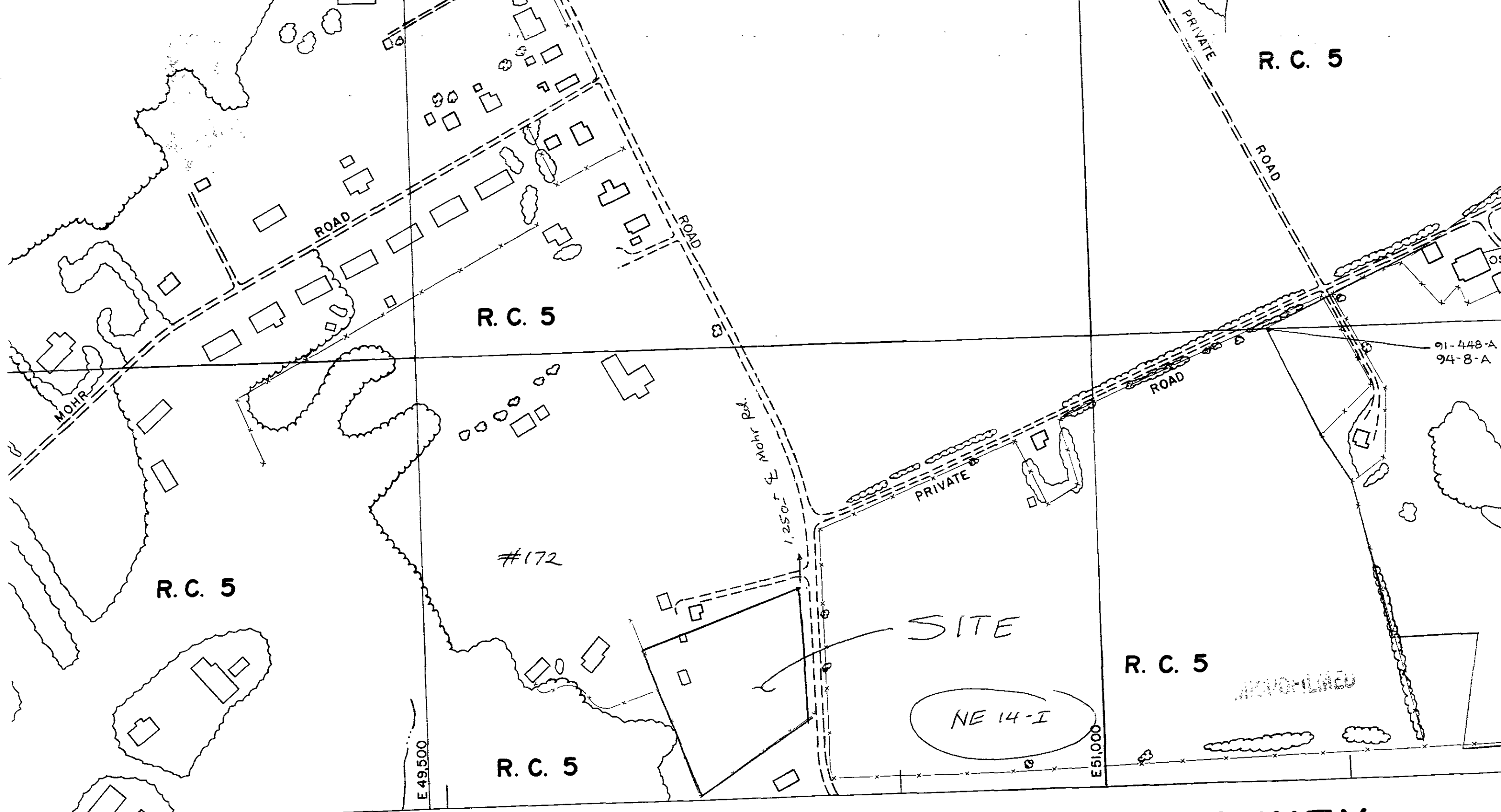
Zoning Office USE ONLY!

reviewed by: _____ ITEM #: _____ CASE #: _____

[Signature]

172

RECORDED



96-174-SHA

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
Bm Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

Dale L. Voss
Chairman, County Council

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

ECTED AREAS.
GRAMMETRIC METHODS