

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
 S/S Moreland Avenue, 450 ft.  
 +/- W of c/l Baker Avenue  
 3101 Moreland Avenue  
 14th Election District  
 6th Councilmanic District  
 Charles E. Saunders, et ux  
 Petitioners

\* BEFORE THE  
 \* ZONING COMMISSIONER  
 \* OF BALTIMORE COUNTY  
 \* Case No. 96-506-A  
 \*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Charles E. Saunders and Patricia Saunders, his wife, for that property known as 3101 Moreland Avenue in the Noll Manor subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Section III-C.2 (1952 regulations) of the Baltimore County Zoning Regulations (BCZR) to allow an average front yard setback of 20 ft. in lieu of the average front yard setback of 28 ft., for an enclosed porch. The property and relief sought are more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of

ORDER RECEIVED FOR FILING  
 Date 7/18/96  
 By M. Spivak

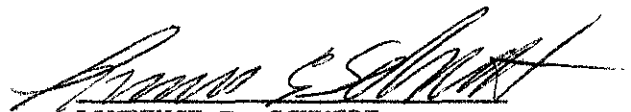
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Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18<sup>th</sup> day of July, 1996 that the Petition for a Zoning Variance from Section III-C.2 (1952 regulations) of the Baltimore County Zoning Regulations (BCZR) to allow an average front yard setback of 20 ft. in lieu of the average front yard setback of 28 ft., for an enclosed porch, be and is hereby GRANTED, subject, however, to the following restriction:

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  
Zoning Commissioner  
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING  
Date 7/18/96  
By M. D. Noah

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

July 18, 1996

Mr. and Mrs. Charles E. Saunders  
3101 Moreland Avenue  
Baltimore, Maryland 21234

RE: Petition for Administrative Variance  
Case No. 96-506-A  
Property: 3101 Moreland Avenue

Dear Mr. and Mrs. Saunders:

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

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

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

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmn  
encl.

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# Affidavit in support of 96-506-A Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 3101 Maryland Ave  
address  
Baltimore MD 21234  
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

Inclose existing open porch (8'x12') with ~~existing~~  
7'x12' Patio room made of glass and aluminum.  
There will be no disturbance of existing property or  
construction.

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

James E Saenz  
(signature)  
James E Saenz  
(type or print name)



\_\_\_\_\_  
(signature)  
 \_\_\_\_\_  
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 21<sup>ST</sup> day of June, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

James Saenz

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

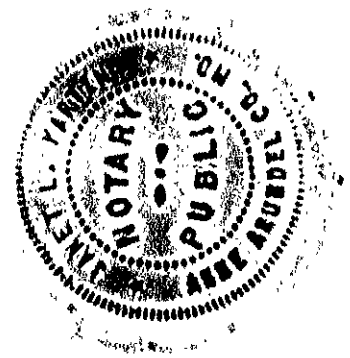
AS WITNESS my hand and Notarial Seal.

6/21/96  
date

Opriet Martin  
NOTARY PUBLIC

My Commission Expires: 12-1-99

#508  
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# EXAMPLE 3 -- Zoning Description

96-506-A  
3 COPIES

Three copies of the zoning description of your property are required. This is a sample to help you with the description - DO NOT USE THIS FORM FOR "FILL-IN THE BLANK". Type or print the description on 8-1/2" x 11" paper. COPIES OF DEEDS CANNOT BE USED FOR THE DESCRIPTION. The zoning description must be in the following form:

ZONING DESCRIPTION FOR 3101 Moreland Ave  
(address)

Beginning at a point on the South side of  
(north, south, east or west)  
Moreland Ave which is 50'  
name of street on which property fronts) (number of feet of right-of-way width)  
wide at the distance of 450' +/- of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street Baker Ave  
(name of street)

which is 40' wide. \*Being Lot # 1,  
(number of feet of right-of-way width)

Block \_\_\_\_\_, Section # \_\_\_\_\_ in the subdivision of No 11 Manor  
(name of subdivision)

as recorded in Baltimore County Plat Book # 17, Folio # 68,

containing 11,068 Also known as 3101 Moreland Ave  
(square feet or acres) (property address)

and located in the 14 Election District, 6 Councilmanic District.

\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_, Folio \_\_" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Typical metes and bounds: N.87 12' 13" E. 321.1 ft., S.18 27' 03" E. 87.2 ft., S.62 19' 00" W. 318 ft., and N.08 15' 22" W. 80 ft. to the place of beginning.

# 508

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
**Towson, Maryland**

96-506-A

District: 1444 Verinia Date of Posting: 4/18/96

Posted for: \_\_\_\_\_

Petitioner: Charles & Patricia Saunders

Location of property: 3101 Moreland Ave

Location of Sign: Facing road way on property being zoned

Remarks: \_\_\_\_\_

Posted by: Matthew Date of return: 7/5/96  
Signature

Number of Signs: 1

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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 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.: 508 Petitioner: Charles Saunders

Location: 3101 Moreland Ave

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Appleby Systems Inc.

ADDRESS: 1558 Sulpher Spring Rd.  
Baltimore MD 21227

PHONE NUMBER: (410) 242-5970

**MICROFILMED**





Baltimore County  
Department of Permits and  
Development Management

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

June 27, 1996

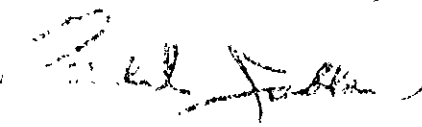
NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-506-A (Item 508)  
3101 Moreland Avenue  
S/S Moreland Avenue, 450'+/- W of c/l Baker Avenue  
14th Election District - 6th Councilmanic  
Legal Owner(s): Charles E. Saunders and Patricia Saunders

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

- 1) Your property will be posted on or before June 30, 1996. The closing date (July 15, 1996) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

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

  
Arnold Jablon  
Director

cc: Charles and Patricia Saunders  
Appleby Systems, Inc.

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Baltimore County  
Department of Permits and  
Development Management

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

July 10, 1996

Charles and Patricia Saunders  
3101 Moreland Avenue  
Baltimore, MD 21234

RE: Item No.: 508  
Case No.: 96-506-A  
Petitioner: Charles Saunders, et ux

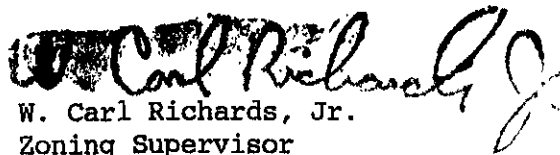
Dear Mr. and Mrs. Saunders:

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 June 21, 1996.

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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

  
W. Carl Richards, Jr.  
Zoning Supervisor

WCR/re  
Attachment(s)

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Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 07/03/96

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 JULY 01, 1996.

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: 500, 502, 503, 504, 505, 506,  
507 AND 508.

1996

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

cc: File

UNCLASSIFIED



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Department of Permits & Development  
Management

Date: July 5, 1996

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

SUBJECT: Zoning Advisory Committee Meeting  
For July 8, 1996  
Item Nos. 502, 504, 506, 507 & 508

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

RWB:HJO:jrb

cc: file

ZONE16

*(Handwritten signature)*

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

TO: PDM

DATE: 7-1-96

FROM: R. Bruce Seeley  
Permits and Development Review  
DEPRM

SUBJECT: Zoning Advisory Committee  
Meeting Date: JULY 1, 1996

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

Item #'s: 501

502

504

506

507

508

*Bruce Seeley*

RBS:sp

BRUCE2/DEPRM/TXTSBP

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B A L T I M O R E   C O U N T Y ,   M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

**TO:** Arnold Jablon, Director  
Permits and Development  
Management

**DATE:** June 27, 1996

**FROM:** Pat Keller, Director  
Office of Planning

**SUBJECT:** Petitions from Zoning Advisory Committee

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

Item No. Item Nos. 491, 500, 502, 503, 504, 505, 506, 507, and 508

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

*Jeffrey W. Long*

Division Chief:

*Gary L. Kerns*

PK/JL

ITEM491/PZONE/ZAC1

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**Maryland Department of Transportation**  
**State Highway Administration**

David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

6-28-96

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

RE: Baltimore County  
Item No. 508 (JRF)

Dear Ms. Watson:

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

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

*for* *Bob Small*  
Ronald Burns, Chief  
Engineering Access Permits  
Division

BS

My telephone number is \_\_\_\_\_

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

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 787 North Calvert Street • Baltimore, Maryland 21202

# PETITION PROBLEMS

## #500 --- RT

1. No telephone number for legal owner.

## #507 --- JRF

1. Legal owner signature - trustee for who? Need authorization for this person to sign for legal owner.
2. Contract purchaser - need typed name and title.

## #508 --- JRF

1. Who signed the back of the petition? (Not the legal owner)

> Contractor  
JRF

June 25, 1996

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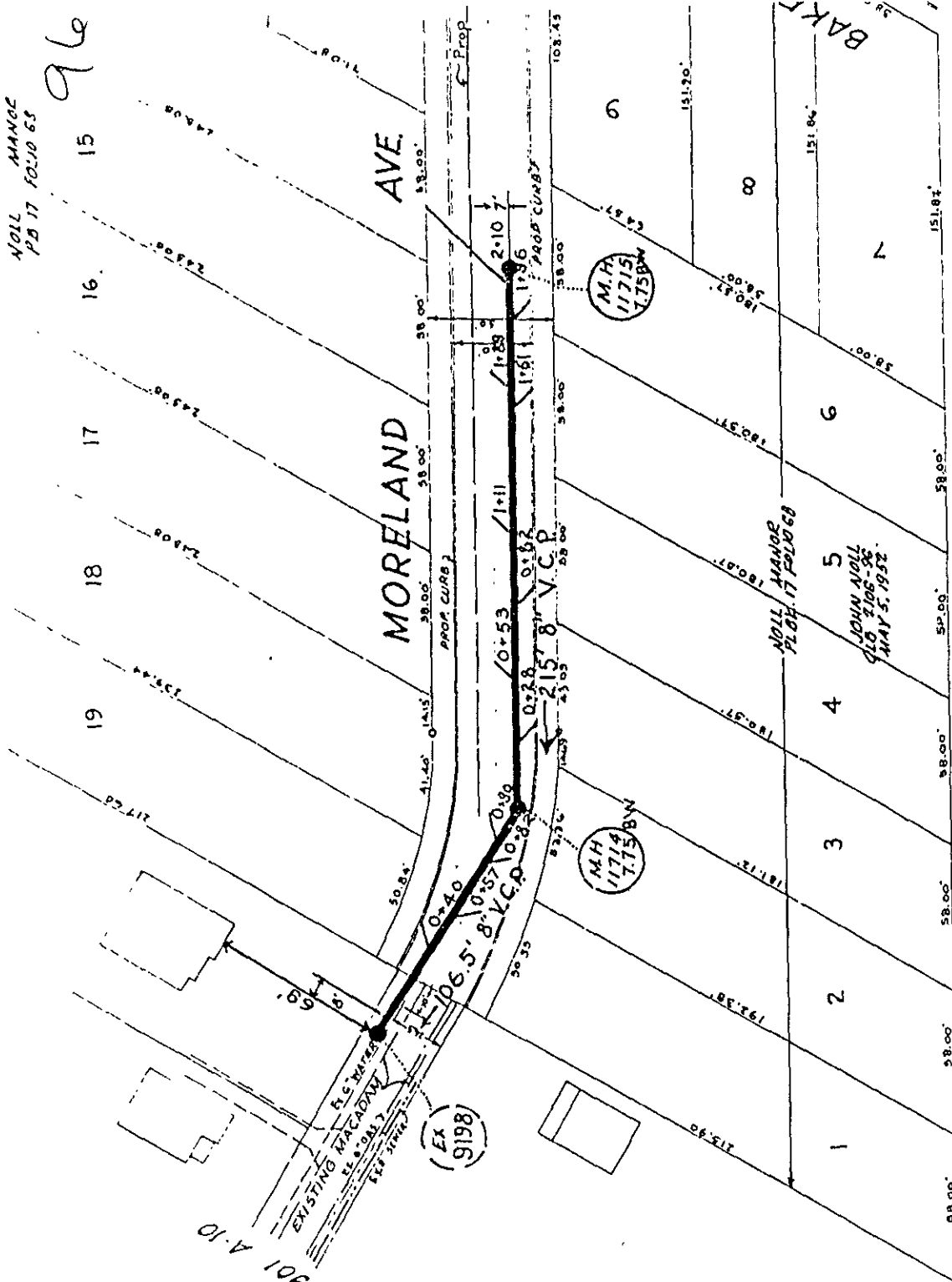
38.00' 38.00' 38.00' 38.00' 38.00' 38.00' 38.00' 38.00' 38.00' 38.00'

96-506-A

JOHN NOLL  
P.L. 2106-96  
MAY 5, 1952

NOLL MANAGE  
P.B. 17 10-10-63

15 16 17 18 19



PLAN  
SCALE 1" = 50'

# 508

MICROFILMED

96-506-A

SITE PLAN TO BE USED IN DETERMINING FRONT YARD DEPTHS IN RESILIENCE ZONES

WHEN THE IMMEDIATE ADJOINING LOTS ARE NOT IMPROVED

Reference - Section 303.1 Baltimore County Zoning Regulations

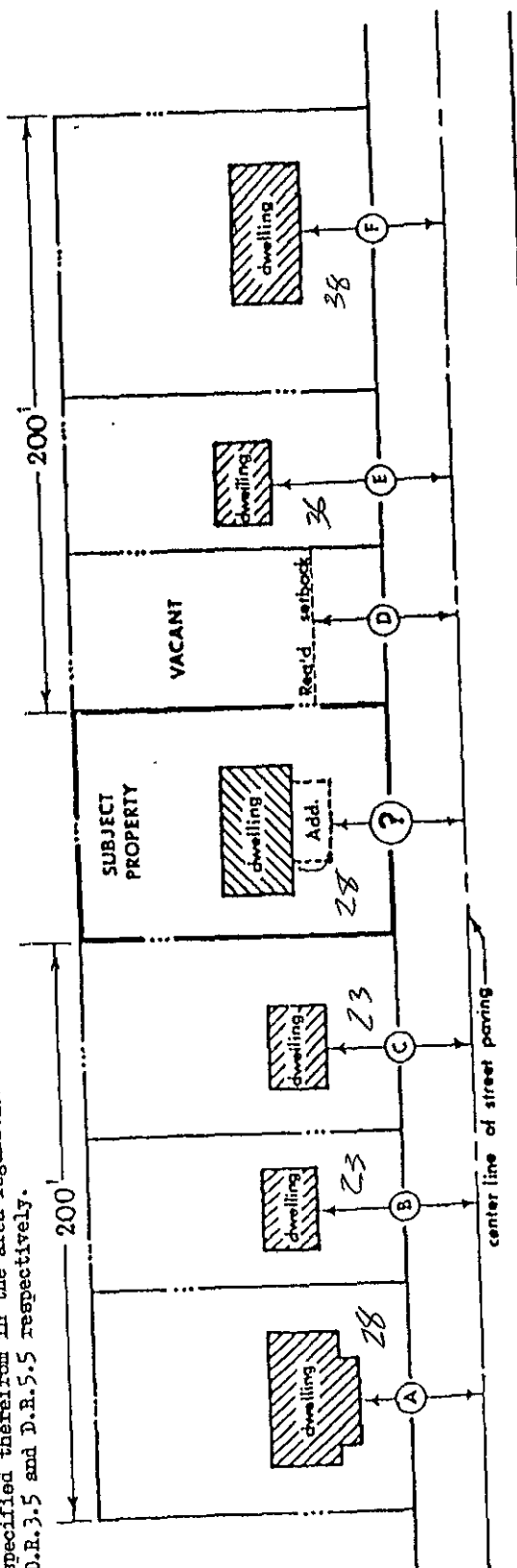
Charles Saunders  
 applicant's name  
 3101 Meribond Ave  
 building address  
 6-19-96  
 date

A	28'	FI.
B	23'	FI.
C	23'	FI.
D	25'	FI.
E	36'	FI.
F	38'	FI.

TOTAL ( 173' ) ÷ ( 6 ) = 28'  
 # of dwellings  
 REQUIRED FRONT SETBACK (averaged)

NORMAL REQUIRED SETBACKS  
 D.R.2 - 65 ft.  
 D.R.3.5- 55 ft.  
 D.R.5.5- 50 ft.

303.1 - In D.R.2, D.R.3.5 and D.R.5.5 Zones the front yard depth of any building or other structure hereafter erected shall be the average of the front yard depths of the lots immediately adjoining on each side provided such adjoining lots are improved with principal buildings situate within 200 feet of the joint side property line, but where said immediately adjoining lots are not both so improved, then the depth of the front yard of any building hereafter erected shall be not less than the average depth of the front yards of all improved lots within 200 feet on each side thereof, provided that no dwelling shall be required to be set back more than 60 feet in D.R.2 zones, 50 feet in D.R.3.5 zones and 40 feet in D.R.5.5 zones. In no case, however, shall nonresidential principal buildings have front yards of less depth than those specified therefrom in the area regulations for D.R.2, D.R.3.5 and D.R.5.5 respectively.



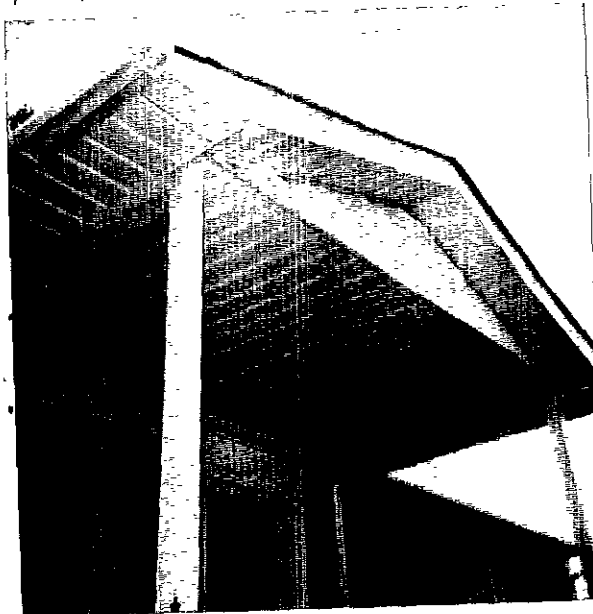
NOT FILLED

# 508

PETITIONER(S) EXHIBIT ( )



*Saunders*



*Saunders*

#508

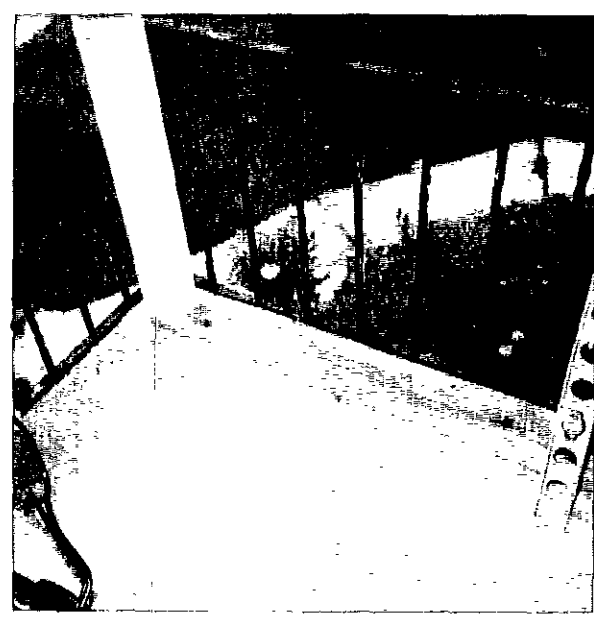
*Existing front porch to be enclosed*

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PETITIONER(S) EXHIBIT ( )



*Saunders*



# 508

*Saunders*

Existing front porch to be inclosed

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# Petition for Administrative Variance

## to the Zoning Commissioner of Baltimore County

for the property located at

3101 Moreland Ave.

which is presently zoned DE 5.5

96-506-A

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) BCZR Sec III - C.2 (1952 Regulations)

To allow an average front yard setback of 20' (for an enclosed porch) in lieu of the average front yard setback of 28'.

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

*Open front porch to be inclosed. No construction will exceed existing. Porch to be inclosed with aluminium framing and glass windows and door.*

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):

Charles E. Saunders  
(Type or Print Name)

Charles E. Saunders  
Signature

Patricia Saunders  
(Type or Print Name)

Patricia Saunders  
Signature

3101 Moreland Ave (410)665-0517  
Address Phone No.

Baltimore MD 21234  
City State Zipcode

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

Appleby Systems Inc.  
Name

1558 Sulpher Spring Rd. Balt. MD 21227  
Address Phone No.

(410) 242-5970

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

Zoning Commissioner of Baltimore County

REVIEWED BY: JA

DATE: 6-21-96

ESTIMATED POSTING DATE: 6/30/96



Printed with Soybean Ink on Recycled Paper

ITEM #: 508

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