

IN RE: PETITIONS FOR SPECIAL HEARING & \* BEFORE THE  
ZONING VARIANCE \*  
NE/S Chestnut Road, 600 ft. +/- \* ZONING COMMISSIONER  
NE of Seneca Road \*  
4022 Chestnut Road \* OF BALTIMORE COUNTY  
15th Election District \*  
5th Councilmanic District \*  
Legal Owner: Beatrice N. Funk Case No. 98-325-SPHA  
Lessee: Barbara A. Pierce  
Petitioners

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a joint Petition for Special Hearing and Variance for the property located at 4022 Chestnut Road, in the Bowleys Quarters subdivision of eastern Baltimore County. The Petition was filed by Beatrice N. Funk, property owner, and Barbara A. Pierce, Lessee. Special Hearing relief is requested to allow a new trailer to replace an existing structure (a nonconforming trailer). The Petition further states that the new trailer will be 3.07 times larger in size. Variance relief is requested from Section 104.3 of the Baltimore County Zoning Regulations (BCZR) to allow an expansion greater than 25% of the area of a nonconforming use. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petitions for Special Hearing and Variance.

Appearing at the public hearing held for this case were the Petitioners, Beatrice N. Funk and Barbara A. Pierce. Ms. Funk is the grandmother of Ms. Pierce. There were no Protestants present. Additionally, the Petitioners submitted a signed Petition from several neighbors indicating support of the Petitioner's plans.

An examination of the site plan shows that the subject property is approximately 28,500 sq. ft. in area, zoned R.C.5. The lot is rectangular in shape, 75 ft. in width by 358 ft. in depth. Vehicular access to the property is by way of Chestnut Road which abuts the property on its north

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Date

By

05/19/98  
M. Novak

side. To the south, the property has water frontage on Seneca Creek.

The property is presently improved with an existing framed dwelling which is located near the water. Apparently, the dwelling was constructed many years ago. The property has been in Ms. Funk's family for over 50 years. Ms. Funk presently lives in the dwelling. The subject of the Petition is a 10 ft. x 48 ft. trailer which is located at the other end of the property adjacent to Chestnut Road. Ms. Pierce presently lives in that trailer. Testimony offered was that a trailer was originally moved onto the site near the location of the present trailer in 1945. For many years, that trailer was occupied by another tenant. In 1963, the original trailer was moved off site and replaced by the trailer which is currently on the property. Thus, there has been a trailer on the property continuously for 53 years.

Ms. Pierce proposes replacing the existing the trailer with a newer model. The new model will be 28 ft. in width by 56 ft. in depth, significantly larger than the existing trailer.

Relief is requested to approve a variance from Section 104.3 of the BCZR. That section regulates "nonconforming uses". It is clear that the existence of a trailer on this property is a nonconforming use. A nonconforming use is defined in Section 101 of the BCZR as "A legal use that does not conform to a use regulation for the zone in which it is located or to a special regulation applicable to such a use." Essentially, the nonconforming use designation is applied to legitimize an otherwise illegal use. The nonconforming designation is most often utilized to grandfather an otherwise illegal use. That is, if a particular property has been used in a certain manner prior to the date of the zoning regulation which prohibits that use, the use may remain as nonconforming (i.e. grandfathered).

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Date

By

In view of the fact that a trailer has been situated on this property since 1945, it is clear that same is nonconforming. However, it is to be noted that nonconforming uses are not favored under the law. See McKemy v. Baltimore County, 39 Md. App 257 (1978). Nonconforming uses are to be discouraged in that they are contrary to the zoning scheme.

Section 104.3 of the BCZR provides that no nonconforming building or structure and no nonconforming use of a building structure or parcel of land can be enlarged more than 25% of the ground floor area of the building so used. Basically, this section does not allow a nonconforming use to be expanded more than 25% of its size. The Petitioners seek variance relief from this section.

I do not believe that the Zoning Commissioner is empowered to grant such a variance. Variances may be granted from height, area, sign and parking regulations pursuant to Section 307 of the BCZR. Although Section 104.3 is arguably an area regulation, I do not believe it is the intent of the BCZR to allow the 25% limitation to be varianced. Such a variance would clearly be contrary to the intent of the BCZR; which discourages nonconforming uses, particularly the expansion of same. Therefore, I cannot grant a variance from Section 104.3 of the BCZR to allow a larger trailer. For this reason, the Petition must, therefore, be denied.

However, I cannot but note that the property has been used in its present manner for many years and there is apparently no objection from any member of the neighborhood to the ongoing use. As noted above, there were no Protestants present and the Petitioners submitted a statement signed by many neighbors supporting their request. Moreover, a trailer has been on the property since 1945, apparently without complaint or adverse affect. The Petitioners plan to place a new trailer on the property would actually represent an upgrade of the site and an improvement to

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Date

6/5/98  
By *McGowan*

the neighborhood. In this respect, the Petitioners underlying request has merit.

There may be at least two approaches that the Petitioners may use to obtain such relief. It is to be noted that trailers are defined in Section 101 of the BCZR. These are not considered "dwellings", in that that word has its own definition. Thus, there is a dwelling and a trailer on this property as opposed to two (2) dwellings. Therefore, the existence of a trailer on the subject property in addition to the existing frame house would not be contrary to Section 1A04.3B.6 of the BCZR, which permits only one dwelling on any lot in the R.C.5 zone.

It is also to be noted that the R.C.5 zone use regulations permit a trailer as a special exception. See Section 1A04.2B(19). In view of this language, the Petitioners might resubmit a plan and file same under a Petition for Special Exception. The special exception request would seek approval for a trailer in an R.C.5 zone. Moreover, without subdividing the lot, the property could be shown as containing a separate area to support the special exception (trailer) use.

The above is but one approach. The Petitioners might also submit a Petition for Special Hearing seeking a finding that the area of the nonconforming use is larger than the footprint of the trailer, itself. That is, if a portion of the lot is determined to be nonconforming, which is large enough to accommodate the proposed trailer; it could be argued that the "nonconforming use area" was not being enlarged by 25%, for so long as the trailer fits in that area. This approach would obviously be based upon the historic use of the site, including the footprint of the trailer and the adjacent ground thereto which was used in conjunction with same.

There may be other approaches which I have not considered. However, no Petition is before me for Special Exception or Special Hearing as outlined above, other than the request for variance from Section 104.3.

ORDER RECEIVED FOR FILING

Date

By

6/5/68  
M. Spahr

In view of my conclusions regarding same, as set forth above, I must deny the Petition before me.

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

IT IS, THEREFORE, ORDERED, this 5<sup>th</sup> day of June 1998, that approval to allow a second trailer to replace an existing trailer (a nonconforming use), be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a variance from Section 104.3 of the BCZR to allow a new trailer 3.07 times larger than the existing trailer (an expansion of a nonconforming use greater than 25%), be and is hereby DENIED.

Any appeal from this decision must be taken in accordance with the applicable provisions set forth in Section 26-132 of the Baltimore County Code.

  
LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 6/5/98  
By McGowan

LES:mmm



Baltimore County  
Zoning Commissioner  
Office of Planning

Suite 405, County Courts Bldg.  
401 Bosley Avenue  
Towson, Maryland 21204  
410-887-4386

June 4, 1998

Ms. Barbara Pierce  
Ms. Beatrice Funk  
4022 Chestnut Road  
Baltimore, Maryland 21220

RE: Petitions for Special Hearing and Variance  
Property: 4022 Chestnut Road  
Case No. 98-325-SPHA

Dear Ms. Pierce and Ms. Funk:

Enclosed please find the decision rendered in the above captioned case. The Joint Petition for Special Hearing and Variance have been denied, 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 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt  
Zoning Commissioner

LES:mmm  
att.





CBCA

# Petition for Special Hearing AND VARIANCE

to the Zoning Commissioner of Baltimore County

for the property located at 4022 CHESTNUT RD.  
which is presently zoned RC-21220

This Petition shall be filed with the Department of Permits & 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 allow a second dwelling to replace an  
existing dwelling (a non-conforming trailer).

The old trailer to be replaced by a  
new trailer which is 3.07 times larger, a  
variance of section 104.3 which allows 25%  
expansion

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Contract Purchaser/Lessee

Barbara Ann Pierce

(Type or Print Name)

Barbara Ann Pierce

Signature

4022 Chestnut Rd

Address

Balto MD 21220

City

State

Zipcode

H 410-335-5610

W 410-522-2255

Attorney for Petitioner

Legal Owner(s).

BEATRICE-N- FUNK

(Type or Print Name)

Beatrice n Funk

Signature

(Type or Print Name)

Signature

4022 CHESTNUT RD.

Address

Phone No 410-335-5737

BALTO

City

MD

State

21220

Zipcode

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

(Type or Print Name)

Signature

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: [Signature]

DATE 3-10-98



Revised 9/5/95

98-325-5PHA

325

**ZONING DESCRIPTION FOR: 4022 Chestnut Road Balto 21220**

Beginning on the northeast side of Chestnut Road 30 feet wide, and at the dividing line between Lots No. 135 and 136 as shown on Plat No. 2 of Bowleys Quarter, said place of beginning being at the distance of 490 feet south, 62 degrees 59 minutes east from a stone heretofore planted on the northeast side of Chestnut Road at the division line between Lots Nos. 124 and 125 on the aforesaid plat, and running and binding on the northeast side of Chestnut Road north 62 degrees 59 minutes west 75 feet, thence north 26 degrees 31 minutes east 380 feet to the waters of Seneca Creek, thence southeasterly binding on the waters of said creek 75 feet to intersect a line drawn north 26 degrees 31 minutes east from the place of beginning, and thence reversing said line so drawn and binding thereon south 26 degrees 31 minutes west 380 feet to the place of beginning.

✓ Being all of Lot # 135 and the southeast half of Lot # 134 as recorded in Baltimore County Plat Book # 7, Folio # 13, containing 28,500 square feet. Also known as 4022 Chestnut Road and located in the 15<sup>th</sup> election district, 5<sup>th</sup> Councilmanic District.

98-325-SPHA

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 4/9/, 1998

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 4/9/, 1998.

THE JEFFERSONIAN,

*A. Henrichson*  
LEGAL AD. - TOWSON

### NOTICE OF PUBLIC HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: #98-325-SPH-A  
4022 Chestnut Road  
NE/S Chestnut Road, 600 +/-  
NE Seneca Road  
15th Election District  
5th Councilmanic District  
Legal Owner(s):  
Beatrice N. Funk  
Contract Purchaser:  
Barbara Ann Pierce  
Special Hearing: to allow a second dwelling to replace an existing dwelling (a non-conforming trailer).  
Variance: to allow a 300% expansion in lieu of the allowed 25% (Section 104.3).  
Hearing: Tuesday, April 28, 1998 at 9:00 a.m. in Room 407, County Courts Bldg., 401 Bosley Avenue.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are Handicapped Accessible, for special accommodations. Please Call (410) 887-3353.  
(2) For information concerning the File and/or Hearing. Please Call (410) 887-3391.

4/141 April 9 C219569

BALTIMORE COUNTY, MARYLAND  
OFFICE OF BUDGET & FINANCE  
MISCELLANEOUS RECEIPT

No. 048628

DATE 3-10-98 ACCOUNT R-001-6150

AMOUNT \$ 100.00

RECEIVED FROM: Barbara Pierce

FOR: Residential Special Hearing + Variance  
Location: 4022 E. Chestnut Rd. (21220)

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

PAID RECEIPT

PROCESS ACTUAL TIME  
3/10/1998 3/10/1998 10:42:36

PIC W803 CASHIER UNIT ULN DPWCR 5

5 MISCELLANEOUS CASH RECEIPT

Receipt # 037929

CR NO. 048628

100.00 CHECK

Baltimore County, Maryland

98-325-SPHA

CASHIER'S VALIDATION

|                                          |   |                      |
|------------------------------------------|---|----------------------|
| RE: PETITION FOR SPECIAL HEARING         | * | BEFORE THE           |
| PETITION FOR VARIANCE                    |   |                      |
| 4022 Chestnut Road, NE/S Chestnut        | * | ZONING COMMISSIONER  |
| Road, 600'± NE Seneca Road               |   |                      |
| 15th Election District, 5th Councilmanic | * | OF BALTIMORE COUNTY  |
| Legal Owner: Beatrice N. Funk            | * | CASE NO. 98-325-SPHA |
| Contract Purchaser: Barbara A. Pierce    |   |                      |
| Petitioners                              | * |                      |
| * * * * *                                |   |                      |

ENTRY OF APPEARANCE

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

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of April, 1998, a copy of the foregoing Entry of Appearance was mailed to Legal Owner Beatrice N. Funk, 4022 E. Chestnut Road, Baltimore, MD 21220, and to Contract Purchaser Barbara A. Pierce, 4022 E. Chestnut Road, Baltimore, MD 21220, Petitioners.

Peter Max Zimmerman  
PETER MAX ZIMMERMAN

**CERTIFICATE OF POSTING**

**RE: Case No. 98-325-SPHA  
Petitioner/Developer:  
(Barbara Ann Price)  
Date of Hearing/Closing:  
(Apr. 28, 1998)**

**Baltimore County Department of  
Permits and Development Management  
County Office Building, Room 111  
111 West Chesapeake Avenue  
Towson, Maryland 21204**

**Attention : Ms. Gwendolyn Stephens**

**Ladies and Gentleman:**

**This letter is to certify under the penalties of perjury that the necessary sign(s) required by  
law were posted conspicuously on the property located at \_\_\_\_\_**

**4022 Chestnut Road Baltimore, Maryland 21220 \_\_\_\_\_**

**The sign(s) were posted on \_\_\_\_\_ Apr. 10, 1998 \_\_\_\_\_  
(Month, Day, Year)**

**Sincerely,**

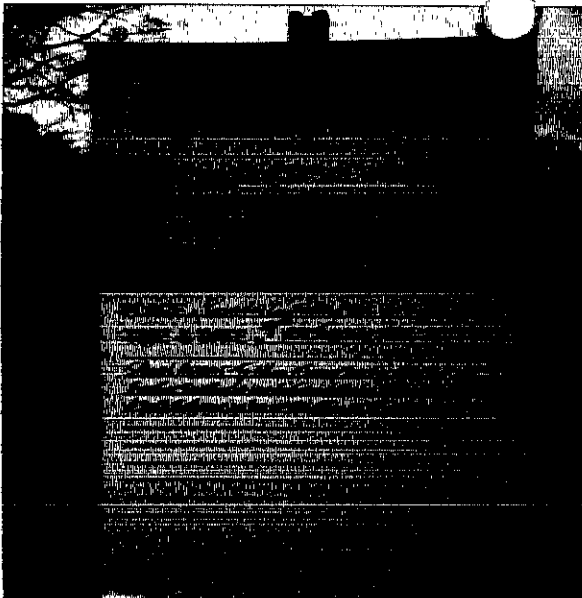
  
**(Signature of Sign Poster & Date)**

**\_\_\_\_\_ Thomas P. Ogle, Sr. \_\_\_\_\_**

**\_\_\_\_\_ 325 Nicholson Road \_\_\_\_\_**

**\_\_\_\_\_ Baltimore, Maryland 21221 \_\_\_\_\_**

**\_\_\_\_\_ (410)-687-8405 \_\_\_\_\_  
(Telephone Number)**





Baltimore County  
Department of Permits and  
Development Management

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

March 23, 1998

## NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 98-325-SPHA  
4022 Chestnut Road  
NE/S Chestnut Road, 600' +/- NE Seneca Road  
15th Election District - 5th Councilmanic District  
Legal Owner: Beatrice N. Funk  
Contract Purchaser: Barbara Ann Pierce

Special Hearing to allow a second dwelling to replace an existing dwelling (a non-conforming trailer). Variance to allow a 300% expansion in lieu of the allowed 25% (Section 104.3).

HEARING: Tuesday, April 28, 1998 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue

A handwritten signature in black ink, appearing to read "Arnold Jablon". Below the signature is the handwritten text "sc)".

sc)

Arnold Jablon  
Director

c: Beatrice N. Funk  
Barbara Ann Pierce

- NOTES: (1) **YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY APRIL 13, 1998.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



TO: PATUXENT PUBLISHING COMPANY  
April 9, 1998 Issue - Jeffersonian

Please forward billing to:

Barbara Pierce 410-335-5610  
4022 E. Chestnut Road  
Baltimore, MD 21220

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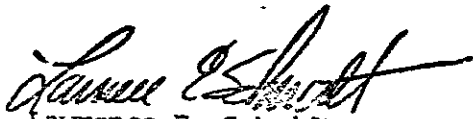
**NOTICE OF ZONING HEARING**

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4022 Chestnut Road  
NE/S Chestnut Road, 600' +/- NE Seneca Road  
15th Election District - 5th Councilmanic District  
Legal Owner: Beatrice N. Funk  
Contract Purchaser: Barbara Ann Pierce

Special Hearing to allow a second dwelling to replace an existing dwelling (a non-conforming trailer). Variance to allow a 300% expansion in lieu of the allowed 25% (Section 104.3).

HEARING: Tuesday, April 28, 1998 at 9:00 a.m. in Room 407, County Courts Building,  
401 Bosley Avenue



Lawrence E. Schmidt

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS  
PLEASE CALL 410-887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-  
887-3391.

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
ZONING REVIEW**

**ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS**

The Baltimore County Zoning Regulations (BCZR) 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 (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

**OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.**

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**For Newspaper Advertising:**

Item Number or Case Number: 98-325-SPHA  
Petitioner: Beatrice N. Funk  
Address or Location: 4022 ~~X~~ Chestnut Rd.

PLEASE FORWARD ADVERTISING BILL TO:

Name: BARBARA Pierce  
Address: 4022 E. Chestnut Rd.  
BALTO., MD. 21220  
Telephone Number: (410) 335-5610

Request for Zoning: Variance *and* Special Exception *or* Special Hearing

Date to be Posted: Anytime before but no later than \_\_\_\_\_.

Format for Sign Printing, Black Letters on White Background:

## ZONING NOTICE

Case No.: 98-325-SPHA

A PUBLIC HEARING WILL BE HELD BY  
THE ZONING COMMISSIONER  
IN TOWSON, MD

PLACE: \_\_\_\_\_

DATE AND TIME: \_\_\_\_\_

REQUEST: A special Hearing to allow a non-conforming  
use of a trailer (a 2<sup>nd</sup> dwelling) and a variance  
to allow a new trailer which an expansion of  
300% in lieu of the maximum permitted  
25%.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.  
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



Baltimore County  
Department of Permits and  
Development Management

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

April 22, 1998

Ms. Barbara Ann Pierce  
4022 Chestnut Road  
Baltimore, MD 20220

RE:

Item No.: 325  
Case No.: 98-325-SPHA  
Petitioner: Beatrice N. Funk  
Location: 4022 E. Chestnut Road

Dear Ms. Pierce:

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 March 10, 1998.

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 Gwendolyn Stephens in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR:ggs  
Attachment(s)



Due Date: March 30, 1998

TO: Arnold Jablon

FROM: R. Bruce Seeley *RS/JP*

SUBJECT: Zoning Item #325

Funk Property, 4022 E. Chestnut Road

Zoning Advisory Committee Meeting of March 23, 1998

----- The Department of Environmental Protection and Resource Management has no comments on the above-referenced zoning item.

----- The Department of Environmental Protection and Resource Management requests an extension for the review of the above-referenced zoning item to determine the extent to which environmental regulations apply to the site.

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

----- Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

----- Development of this property must comply with the Forest Conservation Regulations (Section 14-401 through 14-422 of the Baltimore County Code).

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 26-436 through 26-461, and other Sections, of the Baltimore County Code).

X Ground Water Management: Septic inspection required. 20 ft. setback required from septic.

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

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

Date: March 30, 1998

FROM: *RWB* Robert W. Bowling, Chief  
Bureau of Developer's Plans Review

SUBJECT: Zoning Advisory Committee Meeting  
for March 30, 1998  
Item Nos. 320, 323, 324, (325), 329,  
330, 331, 332, 333, and 335

The Bureau of Developer's Plans Review has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

Res  
4/28

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

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

**DATE:** March 31, 1998

**FROM:** Arnold F. 'Pat' Keller, III, Director  
Office of Planning

**SUBJECT:** 4022 E. Chestnut Road

**INFORMATION**

Item Number: 325  
Petitioner: Funk Property  
Zoning: RC-5  
Requested Action: Special Hearing and Variance

**Summary of Recommendations:**

The applicant requests a Variance to Section 104.3 of the Baltimore County Zoning Regulations to permit a new residential trailer 3.07 times larger than the former trailer which would far exceed the permitted increase of 25% of the floor area of any structure. The Office of Planning does not view this limitation as a height or area requirement. Also, staff questions how the subject trailer was ever permitted to be located on this site. In addition, it would appear that the property presently contains two principal structures on single lot of record in an RC-5 zone. Section 1A04.6 of the BCZR states that no more than one dwelling is permitted on any lot in a RC-5 zone. For the reasons stated above, the Office of Planning recommends that the applicant's request be denied.

Prepared by: Jeffrey W. Lee  
Division Chief: Gary L. Kerns

AFK/JL

**BALTIMORE COUNTY, MARYLAND**  
**Inter-Office Memorandum**

DATE: March 10, 1998

TO: Zoning Commissioner/Deputy Zoning Commissioner

FROM: John J. Sullivan  
Planner II  
Zoning Review, PDM

SUBJECT: Item #325  
4022 Chestnut Road

At today's 10:00 a.m. petition filing appointment, I informed the applicant, Ms. Barbara Pierce, that a request for a new trailer, which would be an increase in size of over 300%, would be difficult to be granted as the zoning commissioner is bound by Section 104.3, BCZR, which states the maximum non-conforming use expansion is 25%. Ms. Pierce stated that she wished to proceed anyway. I also advised her to see Mr. Reg Tanguilig while she was here as the site is in Flood Zone A.

JJS:scj

98-325-SPHA



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

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

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

RE: Baltimore County 3-20 9 ✓  
Item No. 329 JCC

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Ronald Burns, Chief  
Engineering Access Permits  
Division

LG

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



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

David L. Winstead  
Secretary  
Parker F. Williams  
Administrator

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

RE: Baltimore County 3-20-5 ✓  
Item No. 325 JDS

Dear Ms. Eubanks:

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 Larry Gredlein at 410-545-5606 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

LG

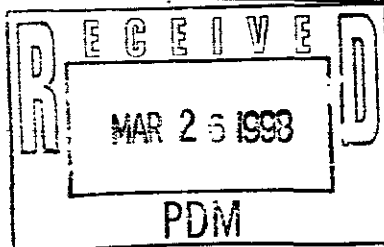
My telephone number is \_\_\_\_\_

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



Baltimore County  
Fire Department



Office of the Fire Marshal  
700 East Joppa Road  
Towson, Maryland 21286-5500  
410-887-4880

March 23, 1998

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 MARCH 23, 1998

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:

320, 322, 323, 324, 325, 326, 329, 330, 332, 333, 335  
AND USE PERMIT FOR FARMER'S ROADSIDE STAND (DAEYL C.  
DUTRO)

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





IN REFERENCE TO MR HARRY GUNTHER  
Box #691 CHESTNUT RD RT 15  
BARTON 21220 MD

TO WHOM IT MAY CONCERN

THIS IS TO VERIFY THAT MR GUNTHER  
HAS HAD A MOBILE HOME AT LOCATION, ON  
FOUNDATIONS, CONNECTED TO METROPOLITAN WATER  
AND PRIVATE SEWERAGE.

THIS MOBILE HOME HAS SERVED AS HIS LIVING  
QUARTERS FROM JUNE 1965 TO PRESENT.

SIGNED *John J. Wunder*  
||  
SIGNED *W V Larkin*

NOTE THIS HOUSE TRAILER REPAIRED ONE THAT  
WAS AT LOCATION 311-1 YEAR OF 1962 THAT HAD  
BEEN ADDED - X-10

ZONING CASE NO. 98-325-SPHA  
4022 CHESTNUT RD  
LEGAL OWNER: BEATRICE FUNK  
CONTRACT PURCHASER: BARBARA PIERCE

SPECIAL HEARING TO ALLOW A SECOND DWELLING TO REPLACE AN  
EXISTING DWELLING (A NON-CONFORMING TRAILER). VARIANCE TO  
ALLOW A 300% EXPANSION IN LIEU OF THE ALLOWED 25% (SECTION 104.3).

HEARING: TUESDAY APRIL 28 AT 9:00 AM

We, the neighbors of 4022 Chestnut Rd. have no objection to case  
no. 98-325-spha

| NAME:                     | ADDRESS:                 |
|---------------------------|--------------------------|
| 1. <i>Barbara Cook</i>    | <i>4016 Chestnut Ave</i> |
| 2. <i>Jeffer Pini</i>     | <i>4016 Chestnut Rd</i>  |
| 3. <i>David B. Watz</i>   | <i>4020 Chestnut Rd</i>  |
| 4. <i>Doris M. Lacher</i> | <i>4026 Chestnut Rd</i>  |
| 5. _____                  | _____                    |
| 6. _____                  | _____                    |
| 7. _____                  | _____                    |
| 8. _____                  | _____                    |
| 9. _____                  | _____                    |
| 10. _____                 | _____                    |
| 11. _____                 | _____                    |
| 12. _____                 | _____                    |

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Barbara Pierce

4022 Chestnut Rd. 21220

Beatrice Funk

" " " "



Must Be Prepared  
in Duplicate

**BALTIMORE COUNTY, MARYLAND**  
**DEPARTMENT OF PERMITS AND LICENSES**  
County Office Building  
TOWSON, MARYLAND 21204

Cash receipt # \_\_\_\_\_ Date paid \_\_\_\_\_ Fee \$ \_\_\_\_\_ District \_\_\_\_\_  
Application No. \_\_\_\_\_ Owners Phone Number 335-5737  
TYPE: New ( ) Renewal ( ☒ ) Temporary occupancy ( ) Extended occupancy ( ☒ )

**TRAILER PERMIT APPLICATION**

Location of trailer 4022 CHESTNUT RD.  
Name of occupant EMIL H. FUNK JR. Address 4022 CHESTNUT RD. Zip Code 21220  
Owner of property EMIL H. FUNK JR. Address 4022 CHESTNUT RD. Zip Code 21220  
Size of lot 75x390 Acreage APPROX 3/4 Corner lot \_\_\_\_\_ Interior lot ☒  
Front setback from property line 60 feet Side setbacks 30' x 315'  
Size of trailer 10' x 50' How long trailer been parked JUNE 6, 1963  
Residential use of trailer RESIDENTIAL  
Business or Industrial use of trailer NONE  
Metro ☒ Existing ☒ Metro \_\_\_\_\_ Existing ☒  
WATER: Private \_\_\_\_\_ Proposed \_\_\_\_\_ SEWER: Private ☒ Proposed \_\_\_\_\_  
(Plot Plan showing setbacks from property lines required with application)  
Emil H. Funk, Jr.  
Signature of occupant  
Emil H. Funk, Jr.  
Signature of owner

**APPROVED:**

\_\_\_\_\_ Date \_\_\_\_\_  
Buildings Engineer  
\_\_\_\_\_ Date \_\_\_\_\_  
Chief Plumbing Inspector  
\_\_\_\_\_ Date \_\_\_\_\_  
Fire Bureau  
\_\_\_\_\_ Date \_\_\_\_\_  
Department of Health  
\_\_\_\_\_ Date \_\_\_\_\_  
Zoning Commissioner

Permit No. \_\_\_\_\_ issued \_\_\_\_\_

Director,  
Department of Permits and Licenses

TELEPHONE 276.1930  
276.6271

# AMERICAN ALLOY FOUNDRY, INC.

## ALUMINUM, BRONZE AND BRASS CASTINGS

112-120 SOUTH EDEN STREET  
P. O. BOX 13145  
BALTIMORE, MARYLAND 21203

NO. 0 9415

DATE November 21, 1980

TERMS Net

EXEMPT

TO

E. Hamilton Funk  
Chestnut Road

Howley's Quarters

Baltimore, Maryland 21220

1 1963 Floor 50 x 10 0164 House Trailer

\$1000.00

*Per J. S. O'Leary  
11/21/80  
Checked \$600.85  
C. H. H. H.*

"Seller represents that with respect to the production of the articles and/or the performance of the services covered by this invoice, it has fully complied with Sections 12(c) and 13(c) of the Fair Labor Standards Act of 1938, as amended."

PERMIT NO. 5-B



YEAR 1997-98

TRAILER PERMIT

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT  
TOWSON, MARYLAND 21204

BEATRICE N FUNK  
4022 CHESTNUT RD  
BALTO MD 21220

Date Issued January 2, 1997

Type Extended Occupancy

Use Residential

A permit is hereby granted to Barbara Pierce to park a  
trailer on the property of Beatrice N. Funk located

at 4022 Chestnut Road, 21220

This Permit Expires: Dec. 31, 1998

  
Director

**BALTIMORE COUNTY, MARYLAND**

**DEPARTMENT OF PERMITS AND LICENSES**

County Office Building

Towson, Maryland 21204

1977-78

YEAR

PERMIT #181

**TRAILER PERMIT**

Date issued November 29, 1977

A Permit is hereby granted to Harry Gunther to park a trailer on the property of Emil H. Funk, Jr. located at Box 691

Chestnut Road, Rt. 15, 21220 in accordance with Baltimore County Council Bill

No. 109, 1964 Session.

TYPE OF PERMIT Extended Occupancy

USE OF TRAILER Residential

THIS PERMIT EXPIRES December 31, 1978

Director

*John D. Seppert*  
Director

8/20

# Plat to accompany Petition for Zoning ☒ Variance ☒ Special Hearing

PROPERTY ADDRESS: 4032 CHESTNUT ROAD

Subdivision name: at Bowleys Quarter

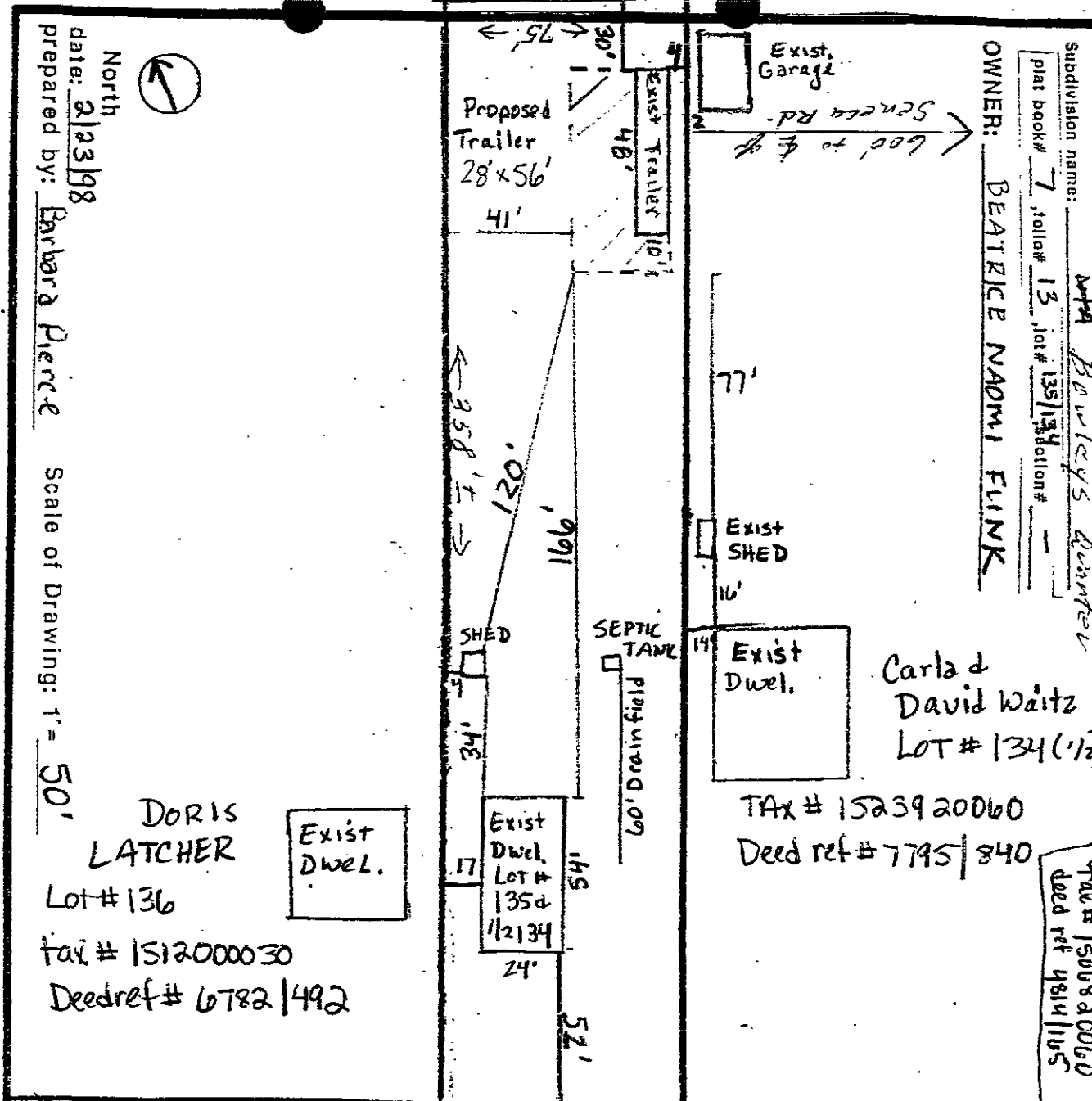
plat book # 7, folio # 13, lot # 135/134

OWNER: BEATRICE NAOMI FUNK

Carla & David Waitz  
LOT # 134 (1/2)

TAX # 1523920060  
Deed ref # 7795/840

see pages 5 & 6 of the CHECKLIST for additional required information  
tax # 1508820060  
deed ref 4814/1165



North  
date: 8/23/98  
prepared by: Barbara Pierce

Scale of Drawing: 1" = 50'

DORIS LATCHER  
Lot # 136  
Tax # 1512000030  
Deed ref # 6782/492

Exist Dwel.

Exist Dwel.  
Lot # 135 & 112/134

## LOCATION INFORMATION

Election District: 15  
Councilmanic District: 5

"-200' scale map: NE-3L

Zoning: RC-S

Lot size: 28,500 square feet

acreage

SEWER: ☐ public ☒ private

WATER: ☒ yes ☐ no

Chesapeake Bay Critical Area: ☒ yes ☐ no

Prior Zoning Hearings: N/A

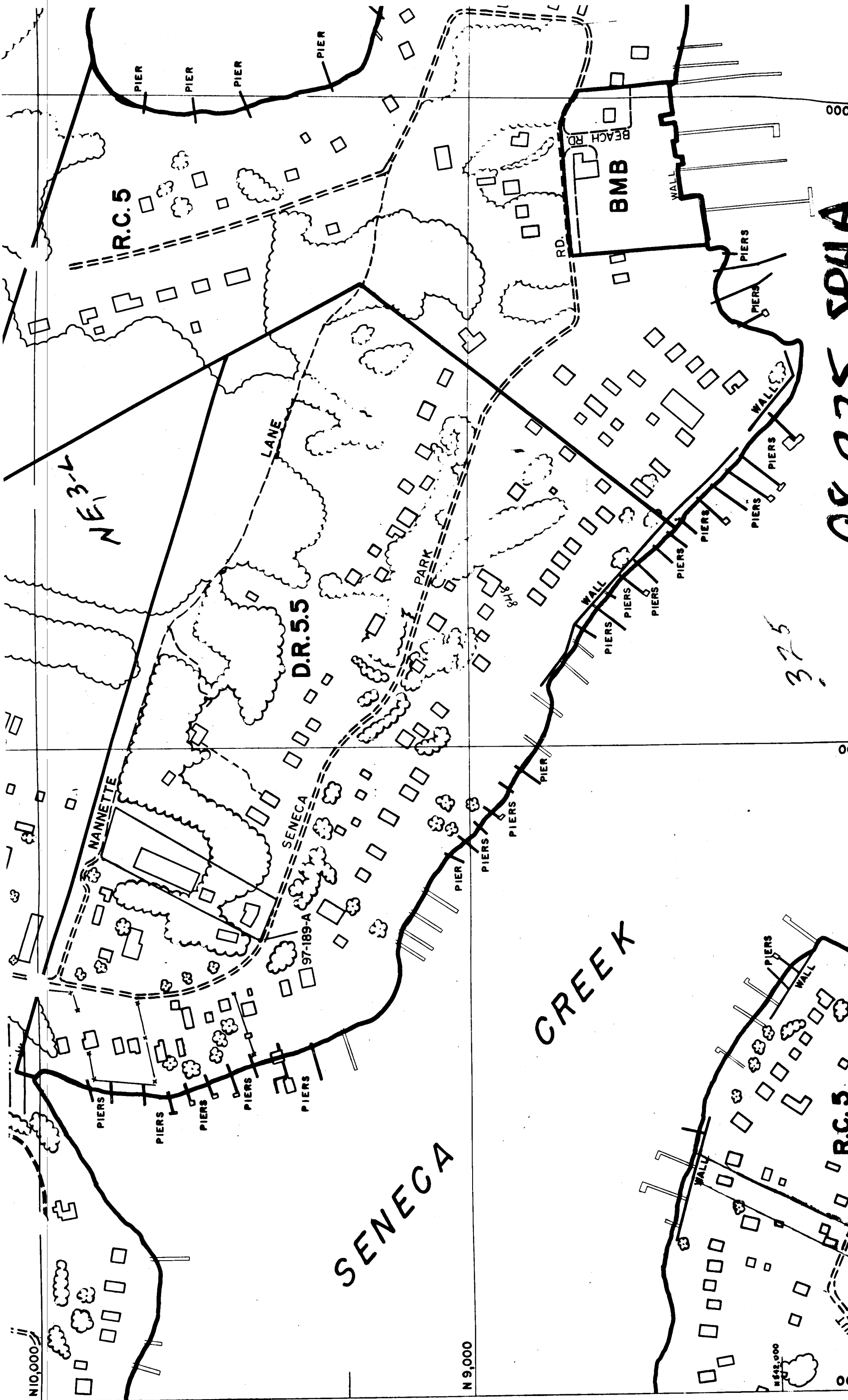
## Zoning Office USE ONLY

reviewed by: [Signature] ITEM #: 325 CASE #:

48-325-SPH A







N10,000

N 9,000

N 642,000

SENECA

CREEK

R.C.5

D.R.5.5

NANNETTE

LANE

PARK

BMB

BEACH RD.

PIER

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08 025 SP1A

R.C.5



SITE 135

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

|                                              |                         |                      |
|----------------------------------------------|-------------------------|----------------------|
| SCALE<br>1" = 200' ±                         | LOCATION<br>SENECA PARK | SHEET<br>N.E.<br>3-L |
| DATE<br>OF<br>PHOTOGRAPHY<br>JANUARY<br>1986 |                         |                      |

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

98-325-SPHA

