

M E M O R A N D U M

DATE: December 19, 2017
TO: Zoning Review Office
FROM: Office of Administrative Hearings
RE: Case No. 2018-0089-A – Appeal Period Expired

The appeal period for the above-referenced case expired on December 18, 2017. There being no appeal filed, the subject file is ready for return to the Zoning Review Office and is placed in the 'pick up box.'

c: ✓ Case File
Office of Administrative Hearings

IN RE: PETITION FOR VARIANCE

(309 W. Chesapeake Avenue)

9th Election District

5th Council District

Joseph & Michaela Moran

Legal Owners

Petitioners

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BEFORE THE OFFICE

OF ADMINISTRATIVE

HEARINGS FOR

BALTIMORE COUNTY

CASE NO. 2018-0089-A

* * * * *

OPINION AND ORDER

This matter comes before the Office of Administrative Hearings (OAH) for Baltimore County as a Petition for Variance filed by Joseph & Michaela Moran, the legal owners of the subject property ("Petitioners"). Petitioners are requesting variance relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.): (1) to permit a principal building having a side of building to public street right-of-way setback of 10 ft. in lieu of the required 25 ft.; and (2) together with any required modification of the relief granted in the prior case and such additional relief as the nature of this case may require for approval of the proposed improvements shown on the plan which accompanied this petition. A site plan was marked as Petitioners' Exhibit 1.

Owner Joseph Moran and professional engineer John Motsco appeared in support of the petition. Michael Ruby (a neighbor) opposed the request. The Petition was advertised and posted as required by the B.C.Z.R. There were no substantive Zoning Advisory Committee (ZAC) comments received from any of the reviewing County agencies.

The site is approximately 8,750 sq. ft. in size and zoned DR 5.5. The property is improved with a single-family dwelling constructed in 1932. The dwelling was enlarged at some time prior to 1989, at which time a special exception was granted to permit the operation of a law office.

ORDER RECEIVED FOR FILING

Date

11/17/17

By

ser

See Case No. 1989-0534-X. The law office use continued until 2003, at which time the Petitioners purchased the home. Petitioners reside in the home and care for an elderly parent who lives with them. They seek a variance to construct a first floor bathroom to accommodate his disability.

A variance request involves a two-step process, summarized as follows:

- (1) It must be shown the property is unique in a manner which makes it unlike surrounding properties, and that uniqueness or peculiarity must necessitate variance relief; and
- (2) If variance relief is denied, Petitioner will experience a practical difficulty or hardship.

Cromwell v. Ward, 102 Md. App. 691 (1995).

The property is essentially rectangular and is similar in shape and size to surrounding properties. While it is a corner lot, it does not have any distinguishing or defining features not found on other properties in the neighborhood. As such, I do not believe it is unique in a zoning sense. Under Maryland law, variances should be granted "sparingly" since it is "an authorization for [that] ...which is prohibited by a zoning ordinance." *Cromwell*, 102 Md. App. at 699.

But as discussed at the hearing, it is doubtful a variance is needed in the first instance. This property is situated in the Southland Hills subdivision. The plat for that community was recorded in 1926 (PB 8/56), and the subject property is shown thereon as Lot 1 in Block 4. Given the age of the subdivision, this property fits the description in B.C.Z.R. §1B02.3.A.5, as a lot "which is in a duly recorded subdivision plat not approved by the Baltimore County Planning Board or Planning Commission."

That regulation also states "contrary provisions of this article (i.e., Article 1B) notwithstanding...this subsection (i.e., 1B02.3) shall apply to the use, occupancy and development of; alteration or expansion of structures upon" a lot described in §1B02.3.A.5. The subject property is zoned DR 5.5, which requires a "minimum width of individual side yard" of 10 feet. B.C.Z.R.

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Date

11/17/17

By

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§1B02.3.C.1. Petitioners propose a 10 ft. side yard, which would satisfy this requirement.

Mr. Motsco indicated he was unsure whether the 25 ft. "street setback" requirement was contained within the B.C.Z.R. or Zoning Commissioner's Policy Manual (Z.C.P.M.). I do not believe that requirement is found in the Regulations. The Z.C.P.M. contains a section entitled "Method of Measuring Setbacks" which appears to indicate an increased setback is required in cases where the yard in question adjoins a public street. Z.C.P.M. §§ 1-1.3.a & 1B-26.2. But as with most things in the Z.C.P.M., this is far from clear; calling it cryptic might be generous. That Manual was adopted in 1992 and has not been updated or amended since that time, even though the B.C.Z.R. has been amended twice (i.e., 1998 and 2008 Editions) and is supplemented routinely with legislative updates enacted by the County Council. As such I do not believe the Manual is a reliable resource for interpreting the Regulations.

Petitioners submitted the site plan from the 1989 special exception case (Petitioners' Exhibit 2), and it clearly reflects the Florida Road side yard setback at that time was 14 ft. The Zoning Commissioner granted the petition for special exception and approved the site plan, and a side yard variance was not deemed necessary.

Petitioners also submitted the site plan from a 2004 zoning case involving the subject property. Petitioners' Exhibit 3. In that case Mr. Moran sought a special exception to operate at the subject property a real estate appraisal company. Although that petition was ultimately withdrawn, the site plan which was reviewed by the zoning office clearly indicated the Florida Road setback was 14 ft. The County did not impose a 25 ft. setback requirement, and Petitioners were not instructed to obtain a variance for that condition. As such, while I do not believe a 25 ft. setback is applicable, Baltimore County should at this point be equitably estopped from imposing such a requirement in this case. *Permanent Financial Corp. v. Montgomery County*, 308 Md. 239

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Date 11/17/17
By Sen

(1986).

Moreover, even if one assumes the Z.C.P.M. imposes an enhanced setback for street frontages, I do not believe that requirement can be enforced in this case. Under familiar legal principles, a policy is enforceable when it interprets or explains a requirement set forth in a detailed regulation or statute. Indeed, in a section concerning enforcement of the zoning regulations the County Code expressly provides a civil penalty for violation of the "Baltimore County Zoning Regulations, policies, rules, or regulations *interpreting* the zoning regulations." B.C.C. § 32-3-602 (emphasis added). In this case the Z.C.P.M. goes beyond an interpretation of the Regulations or explaining how setbacks are measured; the Manual in fact creates a substantive requirement not found in the B.C.Z.R.

THEREFORE, IT IS ORDERED, this 17th day of **November, 2017**, by the Administrative Law Judge for Baltimore County, that the Petition for Variance: (1) to permit a principal building having a side of building to public street right-of-way setback of 10 ft. in lieu of the required 25 ft, be and is hereby DENIED.

IT IS FURTHER ORDERED that the applicable side yard setback (adjoining Florida Ave.) is 10 feet, per B.C.Z.R. §1B02.3.C.1.

Any appeal of this decision must be made within thirty (30) days of the date of this Order.


JOHN E. BEVERUNGEN
Administrative Law Judge for
Baltimore County

JEB:slh

ORDER RECEIVED FOR FILING

Date 11/17/17

By slh



ADMINISTRATIVE ZONING PETITION

FOR ADMINISTRATIVE VARIANCE – OR – ADMINISTRATIVE SPECIAL HEARING

To be filed with the Department of Permits, Approvals and Inspections

To the Office of Administrative Hearings for Baltimore County for the property located at:

Address 309 W. CHESAPEAKE AVENUE

Currently zoned DR 5.5

Deed Reference 19007 / 516

10 Digit Tax Account # 0 9 2 3 0 0 6 7 7 4

Owner(s) Printed Name(s) JOSEPH MORAN AND MICHAELA MORAN

(SELECT THE HEARING(S) BY MARKING **X** AT THE APPROPRIATE SELECTION(S) AND ADDING THE PETITION REQUEST)

For Administrative Variances, the Affidavit on the reverse of this Petition form must be completed and notarized.

The undersigned, who own and occupy the property situate in Baltimore County and which is described in the plan/plat attached hereto and made a part hereof, hereby petition for an:

1. **X** **ADMINISTRATIVE VARIANCE** from Section(s)
SEE ATTACHMENT #1.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County.

2. **ADMINISTRATIVE SPECIAL HEARING** to approve a waiver pursuant to Section 32-4-107(b) of the Baltimore County Code: (indicate type of work in this space: i.e., to raze, alter or construct addition to building)

of the Baltimore County Code, to the development law of Baltimore County.

Property is to be posted and advertised as prescribed by the zoning regulations.

I/we agree to pay expenses of above petition(s), advertising, posting, etc. and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

ORDER RECEIVED FOR FILING
 Date 11/17/17
 By [Signature]

Owner(s)/Petitioner(s):

JOSEPH MORAN

MICHAELA MORAN

Name #1 – Type or Print

Name #2 – Type or Print

[Signature]
Signature #1

[Signature]
Signature #2

309 W. CHESAPEAKE AVE.

TOWSON

MD

Mailing Address

City

State

21204

(410) 294-0023

jmoran@

moran-properties.com

Zip Code

Telephone #

Email Address

Attorney for Owner(s)/Petitioner(s):

Name- Type or Print

Signature

Mailing Address

City

State

Zip Code

Telephone #

Email Address

Representative to be contacted:

LITTLE & ASSOCIATES, INC., JOHN MOTSCO

Name – Type or Print

[Signature]
Signature

1055 TAYLOR AVENUE

SUITE 307

TOWSON

MD

Mailing Address

City

State

21286

(410) 296-1636

johnm@littleassociates.com

Zip Code

Telephone #

Email Address

A PUBLIC HEARING having been formally demanded and/or found to be required, it is ordered by the Office of Administrative Hearings for Baltimore County, this _____ day of _____, that the subject matter of this petition be set for a public hearing, advertised, and re-posted as required by the zoning regulations of Baltimore County.

Administrative Law Judge for Baltimore County

CASE NUMBER 2018-0089-A

Filing Date 9/21/17

Estimated Posting Date 10/1/17

Reviewer JS

ATTACHMENT #1
REQUESTED RELIEF

I. VARIANCES FROM BCZR§ 1B02.3 AS FOLLOWS:

"A" VARIANCE FROM BCZR§ 1B02.3.C.1 TO PERMIT A PRINCIPAL BUILDING
HAVING A SIDE OF BUILDING TO PUBLIC STREET RIGHT-OF-WAY
SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 25 FEET;

TOGETHER WITH ANY REQUIRED MODIFICATION OF THE RELIEF GRANTED IN
THE PRIOR CASE AND SUCH ADDITIONAL RELIEF AS THE NATURE OF THIS CASE
MAY REQUIRE FOR APPROVAL OF THE PROPOSED IMPROVEMENTS SHOWN ON
THE PLAN WHICH ACCOMPANIED THIS PETITION.

Affidavit in Support of Administrative Variance

(THIS AFFIDAVIT IS NOT REQUIRED FOR AN HISTORIC ADMINISTRATIVE SPECIAL HEARING)

The undersigned hereby affirms under the penalties of perjury and upon personal knowledge to the Administrative Law Judge for Baltimore County, that the information herein given is true and correct and that the undersigned is/are competent to testify in the event that a public hearing is scheduled in the future with regard thereto. In addition, the undersigned hereby affirms that the property is not the subject of an active Code Enforcement case and that the residential property described below is owned and occupied by the undersigned.

Address: 309 W. CHESAPEAKE AVENUE TOWSON MD 21204
Print or Type Address of property City State Zip Code

Based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Clearly state practical difficulty or hardship here)

SEE ATTACHMENT #2.

(If additional space for the petition request or the above statement is needed, label and attach it to this Form)

Joseph M Moran
Signature of Owner (Affiant)

JOSEPH MORAN

Name- Print or Type

Michael D. Moran
Signature of Owner (Affiant)

MICHAELA MORAN

Name- Print or Type

The following information is to be completed by a Notary Public of the State of Maryland

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8 day of September, 2017, before me a Notary of Maryland, in and for the County aforesaid, personally appeared:

Print name(s) here: Joseph Moran and Michaela Moran

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s).

AS WITNESS my hand and Notaries Seal

Christopher J. Cavallaro
Notary Public

CHRISTOPHER J. CAVALLARO
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires January 30, 2021

My Commission Expires

ATTACHMENT #2

The owners of the property, which is also their primary residence, wish to add to the existing one story addition on the west building face. The proposed extension to the addition will allow the entire area to be utilized as living space for an elderly family member. Currently, there is no private living space on the first floor of dwelling.

The proposed extension of the one story addition would be comparable to additions constructed on adjacent dwellings along West Chesapeake Avenue. The location of the original 2 ½ story brick dwelling, built in 1932, creates hardship for additions to this dwelling on the west property line which requires a setback of at least 35 feet because this property line is the right-of-way for Florida Road. Adjacent properties have at least a 10 feet setback to the property lines because they are not inhibited by side yards that require a greater setback distance because they adjoin a street right-of-way. The owners of the property will conform to a 10 feet setback from the right-of-way of Florida Road, as the adjacent dwellings have been able to utilize. The proposed extension of the one story addition would not be a danger to public health, safety or the general welfare of the community, nor would it conflict with the spirit and intent of the BCZR.

(NO SEPARATE APARTMENT)

September 7, 2017

**ZONING DESCRIPTION FOR
#309 WEST CHESAPEAKE AVENUE**

Beginning at a point on the south side of West Chesapeake Avenue, which is 60 feet wide, at the distance of 31 feet east of the centerline of Florida Road, which is 50 feet wide. Being Lot 1, Block 4 in the subdivision of Southland Hills as recorded in Baltimore County Plat Book No. 8, Folio 56, containing 8,750 square feet of land, more or less. Located in the Ninth Election District and Fifth Council District.



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5259147

Sold To:

Joseph Moran - CU00624885
305 W Chesapeake Ave
Ste 208
Towson, MD 21204-4447

Bill To:

Joseph Moran - CU00624885
305 W Chesapeake Ave
Ste 208
Towson, MD 21204-4447

Was published in "Jeffersonian", "Bi-Weekly", a newspaper printed and published in Baltimore County on the following dates:

Oct 24, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: # 2018-0089-A
309 W. Chesapeake Avenue
SE corner of intersection of W. Chesapeake Avenue and Florida Road
9th Election District - 5th Councilmanic District
Legal Owner(s) Joseph & Michaela Moran

Variance to permit a principal building having a side of building to public street right-of-way setback of 10 ft. in lieu of the required 25 ft. Together with any required modification of the relief granted in the prior case and such additional relief as the nature of this case may require for approval of the proposed improvements shown on the plan which accompanied this petition.

Hearing: Monday, November 13, 2017 at 1:30 p.m. in Room 205, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

ARNOLD JABLON, DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS FOR BALTIMORE COUNTY

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Administrative Hearings Office at (410) 887-3868.
(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

IT 10-761 October 24 5259147

The Baltimore Sun Media Group

By *S. Wilkinson*
Legal Advertising

CERTIFICATE OF POSTING

Date: 10-24-17

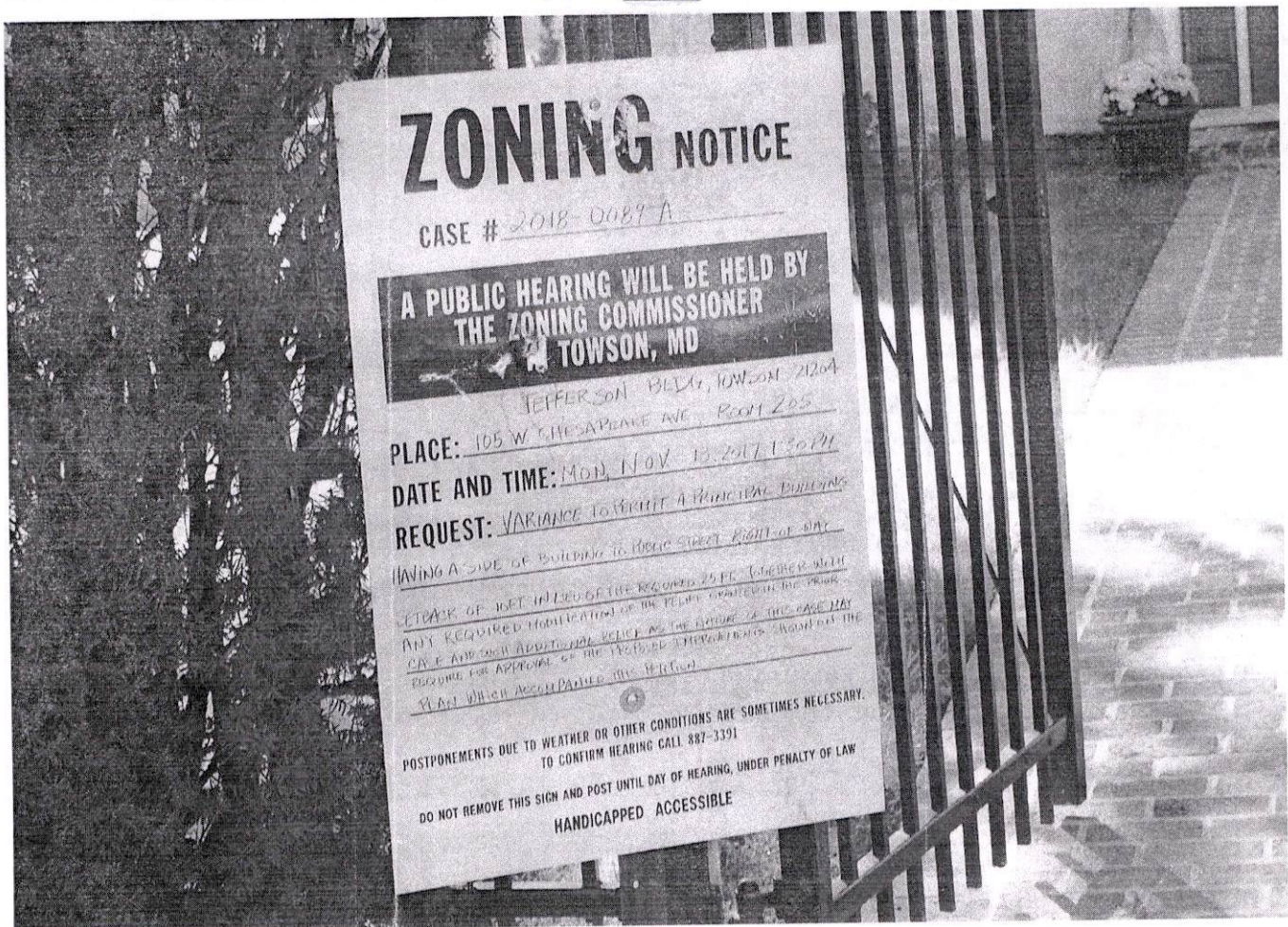
RE: Case Number: 2018-0089A

Petitioner/Developer: Joseph Moran

Date of Hearing/Closing: 11-13-17

This is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 309 W. Chesapeake Ave

The sign(s) were posted on 10-24-17





FORMAL DEMAND FOR HEARING

CASE NUMBER: 2018-0089-A

Address: 309 W CHESAPEAKE AVE

Petitioner(s): JOSEPH MORAN

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We MICHAEL RUBY
Name - Type or Print

() Legal Owner OR (☒) Resident of

7 FLORIDA RD
Address

TOWSON MD 21204
City State Zip Code

410-494-1882
Telephone Number

which is located approximately _____ feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**
ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

[Signature] 6 Oct 2017
Signature Date



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
*Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections*

October 16, 2017

NOTICE OF ZONING HEARING

The Administrative Law Judge 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: 2018-0089-A

309 W. Chesapeake Avenue

SE corner of intersection of W. Chesapeake Avenue and Florida Road

9th Election District – 5th Councilmanic District

Legal Owners: Joseph & Michaela Moran

Variance to permit a principal building having a side of building to public street right-of-way setback of 10 ft. in lieu of the required 25 ft. Together with any required modification of the relief granted in the prior case and such additional relief as the nature of this case may require for approval of the proposed improvements shown on the plan which accompanied this petition.

Hearing: Monday, November 13, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

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

Arnold Jablon
Director

AJ:kl

C: Mr. & Mrs. Moran, 309 W. Chesapeake Avenue, Towson 21204
John Motsco, 1055 Taylor Avenue, Ste. 307, Towson 21286
Michael Ruby, 7 Florida Road, Towson 21204

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY TUESDAY, OCTOBER 24, 2017.**
- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

TO: PATUXENT PUBLISHING COMPANY
Tuesday, October 24, 2017 Issue - Jeffersonian

Please forward billing to:

Joseph Moran
309 W. Chesapeake Avenue
Towson, MD 21204

410-294-0023

NOTICE OF ZONING HEARING

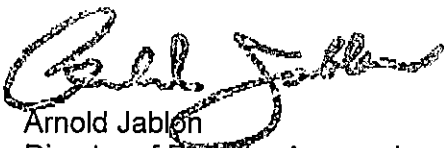
The Administrative Law Judge of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2018-0089-A

309 W. Chesapeake Avenue
SE corner of intersection of W. Chesapeake Avenue and Florida Road
9th Election District – 5th Councilmanic District
Legal Owners: Joseph & Michaela Moran

Variance to permit a principal building having a side of building to public street right-of-way setback of 10 ft. in lieu of the required 25 ft. Together with any required modification of the relief granted in the prior case and such additional relief as the nature of this case may require for approval of the proposed improvements shown on the plan which accompanied this petition.

Hearing: Monday, November 13, 2017 at 1:30 p.m. in Room 205, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



Arnold Jablon
Director of Permits, Approvals and Inspections for Baltimore County

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ADMINISTRATIVE HEARINGS OFFICE AT 410-887-3868.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

CERTIFICATE OF POSTING

Date: 10-1-17

RE: Case Number: 2018-0089-A



ZONING NOTICE
VARIANCE
ADMINISTRATIVE

CASE # 2018-0089-A
TO PERMIT A SIDE YARD ADDITION WITH A
SIDE SETBACK TO THE PUBLIC STREET RIGHT OF
WAY OF 10 FEET IN LIEU OF THE REQUIRED 25 FEET

PUBLIC HEARING ?
PURSUANT TO SECTION 26-127(b)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS
RECEIVED IN THE ZONING REVIEW BUREAU BEFORE
5:00 P.M. ON 10/16/17
ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING,
111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391
WITH THE SIGN AND POST UNTIL AFTER ABOVE DATE, UNDER PENALTY OF LAW

Essary sign(s) required

1 of W Chesapeake Ave

ear)

cc Pilson
of Sign Poster)

NCE PILSON
ine of Sign Poster)

Barn Road
less of Sign Poster)

MD 21120
ip Code of Sign Poster)

1443
mber of Sign Poster)

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 2018- 0089 -A Address 309 W. CHESAPEAKE AVE.

Contact Person: JASON SEIDELMAN Phone Number: 410-887-3391
Planner, Please Print Your Name

Filing Date: 9/21/17 Posting Date: 10/1/17 Closing Date: 10/16/17

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for a neighbor (occupant or owner) within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the Administrative Law Judge. The judge may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. If all County/State agencies' comments are received, you will receive written notification as to whether the petition has been granted, denied, or will proceed to a public hearing. This decision is usually made within 10 days of the closing date. The written order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the Administrative Law Judge), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 2018- 0089 -A Address 309 W. CHESAPEAKE

Petitioner's Name MORAN Telephone 410-294-0023

Posting Date: 10/1/17 Closing Date: 10/16/17

Wording for Sign: TO PERMIT A SIDE YARD ADDITION WITH A SIDE SET BACK TO THE
PUBLIC STREET RIGHT OF WAY OF 10 FEET IN LIEU OF THE REQUIRED
25 FEET.

Revised 6/30/2018

**DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS
ZONING REVIEW OFFICE**

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 legal owner/petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least twenty (20) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the legal owner/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.

For Newspaper Advertising:

Case Number: 2018-0089-A
Property Address: 309 WEST CHESAPEAKE AVENUE
Property Description: LOT 1 OF BLOCK 4 OF THE SUBDIVISION
OF SOUTHLAND HILLS
Legal Owners (Petitioners): JOSEPH MORAN & MICHAELA MORAN
Contract Purchaser/Lessee: N/A

PLEASE FORWARD ADVERTISING BILL TO:

Name: JOSEPH MORAN
Company/Firm (if applicable): _____
Address: 309 WEST CHESAPEAKE AVENUE
TOWSON, MD 21204
Telephone Number: (410) 294-0023

Revised 7/9/2015

REF ID: A660276

Date: 10/5/11

Fund	Dept	Unit	Sub Unit	Obj	Sub Obj	Dept Obj	BS Acct	Amount
------	------	------	----------	-----	---------	----------	---------	--------

(m)	706	0000		6 150				100 ⁰⁰

Total: 100

For:

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

PAY RECEIPT

BUSINESS ACTUAL TIME IN

10/10/2017 10/06/2017 15:27:53

REG 4501 - WALKIN' LIPS

RECEIPT # 755151 10/06/2017 0FL

Dept 3 523 ZERNING VERIFICATION

CR NO. 159276.

Recpt Tot \$100.00

1.00 CK \$100.00 CA

Baltimore County, Maryland

**CASHIER'S
VALIDATION**



KEVIN KAMENETZ
County Executive

ARNOLD JABLON
Deputy Administrative Officer
Director, Department of Permits,
Approvals & Inspections

October 17, 2017

Joseph & Michaela Moran
309 W Chesapeake Avenue
Towson MD 21204

RE: Case Number: 2018-0089 A, Address: 309 W Chesapeake Avenue

Dear Mr. & Ms. Moran:

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits, Approvals, and Inspection (PAI) on September 21, 2017. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure 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. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in black ink, reading "W. Carl Richards, Jr.", written in a cursive style.

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR: jaw

Enclosures

c: People's Counsel
Little & Associates, Inc., John Motsco, 1055 Taylor Avenue, Suite 307, Towson MD 21204

MDOT
MARYLAND DEPARTMENT
OF TRANSPORTATION
STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 9/25/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0089-A

*Administrative Variance
Joseph & Michael Myron
309 W. Chesapeake Avenue*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,



Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ



STATE HIGHWAY
ADMINISTRATION

Larry Hogan
Governor
Boyd K. Rutherford
Lt. Governor
Pete K. Rahn
Secretary
Gregory Slater
Administrator

Date: 9/25/17

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

Dear Ms. Lewis:

Thank you for the opportunity to review your referral request on the subject of the Case number referenced below. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Case No. 2018-0089-A

*Administrative Variance
Joseph & Michael Maron
309 W. Chesapeake Avenue*

Should you have any questions regarding this matter, please contact Mr. Richard Zeller at 410-229-2332 or 1-866-998-0367 (in Maryland only) extension 2332, or by email at (rzeller@sha.state.md.us).

Sincerely,

Wendy Wolcott, P.L.A.
Metropolitan District Engineer
Maryland Department of Transportation
State Highway Administration
District 4 - Baltimore and Harford Counties

WW/RAZ

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits, Approvals
And Inspections

DATE: October 11, 2017

FROM: Vishnu Desai, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For October 2, 2017
Item No. 2018-0084-SPH, 0086-A, 0088-A and 0089-A

The Bureau of Development Plans Review has reviewed the subject zoning
Items and we have no comments.

*

*

*

*

*

VKD: CEN
cc: file

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



TO: Hon. Lawrence M. Stahl; Managing Administrative Law Judge
Office of Administrative Hearings

FROM: Jeff Livingston, Department of Environmental Protection and
Sustainability (EPS) - Development Coordination

DATE: September 27, 2017

SUBJECT: DEPS Comment for Zoning Item # 2018-0089-A
Address 309 West Chesapeake Avenue
(Moran Property)

Zoning Advisory Committee Meeting of **October 2, 2017**.

X The Department of Environmental Protection and Sustainability has no
comment on the above-referenced zoning item.

Reviewer: Steve Ford

Date: 9-27-2017

DATE _____

11-13-17

[illegible]

CASE NAME 2018-0089-A
CASE NUMBER _____
DATE 13 NOV 2017

[illegible]

IN RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
S/S Chesapeake Avenue, 25' E *
of Florida Road * DEPUTY ZONING COMMISSIONER
(309 W. Chesapeake Avenue) *
9th Election District, * OF BALTIMORE COUNTY
4th Councilmanic District *
Russell J. White, et ux * Case No. 89-534-X
Petitioners *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special exception to permit a law office consisting of one resident attorney, one non-resident associate attorney, and two non-resident employees on the subject property zoned D.R. 5.5, as more particularly described in Petitioner's Exhibit 1. The original Petition requested permission for one non-resident employee; however, an amendment was filed requesting two non-resident employees as provided for in the zoning regulations.

The Petitioners, Russell White and Mirta White, his wife, appeared, testified, and were represented by S. Eric DiNenna, Esquire. Also appearing on behalf of the Petition were Susan McMillan Davis, Esquire, an attorney associated with Mr. White; E. J. Fitzsimmons, Jr. and Michael Ruby, residents of the area; and Robert E. Spellman, Registered Professional Land Surveyor. Appearing as Protestants in the matter were Mical Wilmoth on behalf of the West Towson Neighborhood Association; Timothy C. Kolarick, Past President, and Sue Schenning, President, on behalf of the Southland Hills Improvement Association, Bert Boehm, Robert W. Lindsay, Charles Culbertson, and Mary Laura Kalista, all residents of the area. Phyllis Freidman, Esquire, People's Counsel for Baltimore County, appeared and expressed the concerns of People's Counsel.

ORDER RECEIVED FOR FILING

Date

By

8/3/89
By *Robert J. Schuman*

practice in conjunction with Mr. White's will not create a sizable amount of traffic, the same cannot be determined at this time as to the impact on the community a substitute attorney would create. Further, while Counsel for Petitioner may be correct in his opinion that parking regulations are inapplicable in this instance, Section 502.1 requirements cover the need for parking concerns to be considered. The restrictions imposed hereinafter address the Protestants' concerns and are designed to prevent any traffic congestion and/or detrimental impact on the community by eliminating the potential for overuse of the offices and a parking lot.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of August, 1989 that the Petition for Special Exception to permit a law office consisting of one resident attorney, one non-resident associate attorney, and two non-resident, non-professional employees on the subject property zoned D.R. 5.5, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his 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 Petitioner would be required to return, and be responsible for returning, said property to its original condition.

ORDER RECEIVED FOR FILING

Date

By

2) The Special Exception granted herein is limited to the practice of law by the Petitioner, Russell J. White, while the subject property is his principal residence.

3) Petitioner shall use no more than the 900 sq. ft. of the basement level as set forth in Petitioner's Exhibit 1 for office space.

4) The principal practice of the one non-residential attorney permitted to share office space with the Petitioner shall be limited to Susan McMillan Davis unless, after written request by Petitioners, a substitute attorney is approved by the Zoning Commissioner and/or Deputy Zoning Commissioner, which may be accomplished without a public hearing provided the associate principally assists Mr. White in his practice.

5) No attorneys other than the Petitioner, Russell White, and an associate as permitted under Restriction No. 4, may use office space on the subject site, whether temporarily and/or on an occasional basis.

6) Petitioner shall not have more than two non-professional employees working on the premises at any one time. This shall include full time, part time or independent contract employees.

7) Prior to the issuance of occupancy permits for office use, Petitioners shall submit the following:

a) provide the name, addresses, tag numbers of all vehicles of all non-resident employees working out of the premises. In the event of a change in personnel or the vehicles driven by same, Petitioner shall notify the Zoning Office in writing by certified mail within ten (10) days of such change.

b) the tag numbers of all vehicles owned by Petitioners.

c) submit to the Baltimore County Landscape Planner for approval a landscaping plan which provides screening and/or landscaping of the subject property along Florida Avenue, Chesapeake Avenue and the rear property line. The screening required may exceed the requirements of the Landscaping Manual. A copy of the approved plan shall be submitted to the Deputy Zoning Commissioner for final approval prior to the issuance of any occupancy permits.

ORDER RECEIVED FOR FILING

Date

By

8) The landscaping as approved under Restriction 7.c) shall be completed within ninety (90) days of the date of approval, unless extended for documented good cause, and shall be maintained by Petitioners as long as the basement portion of the property is used as an office.

9) When applying for an occupancy permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

10) Petitioners shall provide a minimum of four (4) standard parking spaces on-site, or six (6) stacked spaces.

11) Petitioners agree to take any and all steps necessary to abide by and insure compliance of the restrictions set forth in this Order and when requested by the Zoning Office shall:

a) provide a notarized statement verifying that each of the requirements have been at all times followed and enforced by Petitioners;

b) upon reasonable notice, permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

12) Petitioners agree to record the restrictions herein in the Land Records of Baltimore County.

13) Petitioners understand that in the event neighborhood parking problems which can be directly related to the operation of this office result or Petitioners fail to abide by the spirit and intent of these restrictions, a loss of the special exception granted herein may result. Petitioners agree, upon reasonable notice, to cooperate in any hearing called for by the Zoning Commissioner and/or Deputy Zoning Commissioner, pursuant to Section 500.7 of the B.C.Z.R., to determine whether or not the office use has exceeded the stated intensity insofar as traffic and/or parking generated by such use or the restrictions imposed have not been followed or have been violated.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

IN RE: PETITION FOR SPECIAL
S/S Chesapeake Avenue,
25' E of Florida Road
(309 W. Chesapeake Ave.)
9th Election District
4th Councilmanic District
Russell J. White, et ux.
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No.: 89-534-X

ORDER OF APPEAL

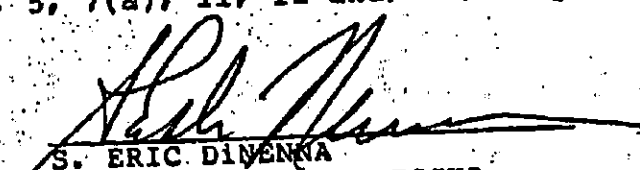
MR. COMMISSIONER:

Russell J. White, et ux., 309 W. Chesapeake Avenue, by
their attorneys, DiNenna, Mann & Breschi and S. Eric DiNenna,
enter an Order of Appeal from certain restrictions imposed in
the Findings of Fact and Conclusions of Law issued by the Deputy
Zoning Commissioner for Baltimore County on August 3, 1989, as
follows:

A. Restriction No. 2, 4, 5, 7(a), 11, 12 and, 13, only.

RECEIVED
PAYMENT

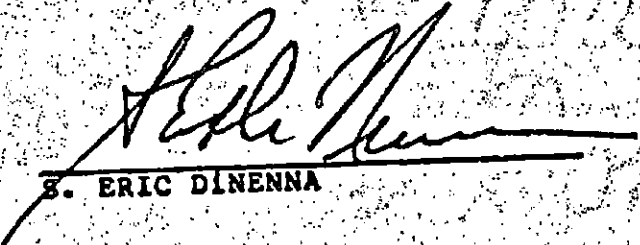
9-1-89 (C-0-K)
ZONING OFFICE


S. ERIC DINENNA
DINENNA, MANN & BRESCHI
P.O. Box 10508
Towson, Maryland 21285-0508
(301) 296-6820

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 1st day of Sept.
1989, a copy of the foregoing Order of Appeal was mailed,
postage prepaid, to Susan A. Schenning, Esquire, Court House,
Towson, Maryland 21204; and, Phyllis Friedman, Esquire,
People's Counsel, 409 Washington Avenue, Suite 900, Towson,
Maryland 21204; John C. Murphy, 516 N. Charles Street,

Baltimore, Maryland 21201, Attorney for Protestants and
Appellants.


S. ERIC DINENNA

special exception statute so limits the office use. We do believe it proper, however, to provide the zoning officials with the authority to monitor this special exception to insure its compliance with the regulations and this Order. For the foregoing reasons, this Board shall grant the special exception and will so order.

ORDER

For the reasons as stated above, it is therefore this 2nd day of July, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Special Exception in Case No. 89-534-X be and is hereby GRANTED subject to the following restrictions:

1. Petitioner shall use no more than the 900 square feet of the basement level as set forth in Petitioner's Exhibit No. 1 for office space.
2. Petitioner shall not have more than two nonprofessional employees working on the premises at any one time. This shall include full-time, part-time, or independent contract employees.
3. Prior to the issuance of occupancy permits for office use, Petitioners shall submit the tag numbers of all vehicles owned by Petitioners.
4. Prior to the issuance of occupancy permits for office use, Petitioners shall submit to the Baltimore County Landscape Planner for approval a landscaping plan which provides screening and/or landscaping of the subject project along Florida Avenue, Chesapeake Avenue and the rear property line. The screening required may exceed the requirements of the Landscaping Manual. A copy of the approved plan shall be submitted to the Deputy Zoning Commissioner for final approval prior to the issuance of any occupancy permits.
5. The landscaping as approved under Restriction No. 4 shall be completed within ninety (90) days of the date of approval, unless extended for documented good cause.

Russell J. White, et al. Case No. 89-534-X

and shall be maintained by Petitioners as long as the basement portion of the property is used as an office.

6. Petitioners shall provide a minimum of four (4) standard parking spaces on-site, or six (6) stacked spaces.

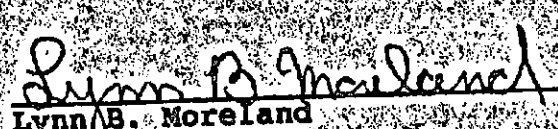
7. Petitioners agree to take any and all steps necessary to abide by and insure compliance of the restrictions set forth in this Order and when requested by the Zoning Office shall, upon reasonable notice, permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY


Lawrence E. Schmidt, Acting Chairman


John G. Disney


Lynn B. Moreland

RE: PETITION FOR SPECIAL HEARING * BEFORE THE
AND SPECIAL EXCEPTION *
309 W. Chesapeake Avenue; S/side of W * ZONING COMMISSIONER
Chesapeake Ave, 39' SE c/line of Florida Rd *
9th Election & 5th Councilmanic Districts * FOR
Legal Owner(s): Joseph & Michaela Moran *
Petitioner(s) * BALTIMORE COUNTY
* 04-514-SPHX

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent/ documentation filed in the case.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 19th day of May, 2004, a copy of the foregoing Entry of Appearance was mailed to David M. Hausner, Esquire, Kramon & Graham, P.A. One South Street, Suite 2600, Baltimore, MD 21202, Attorney for Petitioner(s).

RECEIVED

MAY 19 2004

Per.....

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 309 W. CHESAPEAKE AVE
which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits and 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

A REAL ESTATE APPRAISER AS A PROFESSIONAL PERSON PURSUANT TO
§ 1801.C.12, BCZR.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Special Hearing, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

DAVID M. HAUSER, ESQ.
Name - Type or Print _____
Signature _____
Company KRAMER & GRAHAM, P.A.
ONE SOUTH STREET, SUITE 2600 410 752 6030
Address _____ Telephone No. _____
BALTIMORE MD 21202-3201
City _____ State _____ Zip Code _____

Legal Owner(s):

JOSEPH M. MORAN
Name - Type or Print _____
Signature Joseph M Moran
MICHAELA D. MORAN
Name - Type or Print _____
Signature Michaela D Moran
309 W. CHESAPEAKE AVE 410 256-8650
Address _____ Telephone No. _____
TOWSON MD 21204-4406
City _____ State _____ Zip Code _____

Representative to be Contacted:

DAVID M. HAUSER, ESQ.
Name _____
SAME
Address _____ Telephone No. _____
SAME
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1.5 hr

UNAVAILABLE FOR HEARING _____

Case No. 04-514 XA

Reviewed By [Signature] Date 5-06-04



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at 309 W. Chesapeake Ave

which is presently zoned D.R. 5.5

This Petition shall be filed with the Department of Permits and 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 Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Petitioner, Joseph M. Moran, seeks a special exception pursuant to Section 1B01.1(C)(12) to use less than 25% of his primary residence as an office for his real estate appraisal company. Petitioner's company shall not employ more than one nonresident professional associate nor two other nonresident employees.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Special Exception, advertising, posting, etc. and further agree to and are to be bounded 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:

Name - Type or Print _____
Signature _____
Address _____ Telephone No. _____
City _____ State _____ Zip Code _____

Attorney For Petitioner:

Jeffrey H. Scherr
Name - Type or Print _____ City _____
Signature _____
Kramon & Graham, P.A.
Company _____
One South Street, Suite 2600 (410)752-6030
Address _____ Telephone No. _____
Baltimore, Maryland 21202-3201
City _____ State _____ Zip Code _____

Legal Owner(s):

Joseph M. Moran
Name - Type or Print _____
Signature _____
Michaela D. Moran
Name - Type or Print _____
Signature _____
309 W. Chesapeake Ave (410) 256-8650
Address _____ Telephone No. _____
Towson, Maryland 21204-4406
State _____ Zip Code _____

Representative to be Contacted:

Jeffrey H. Scherr
Name _____
Same
Address _____ Telephone No. _____
Same
City _____ State _____ Zip Code _____

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING 1 hr
UNAVAILABLE FOR HEARING _____

Reviewed By [Signature] Date 5-06-04

Case No. 04-514XSPH

LAW OFFICES
KRAMON & GRAHAM, P. A.
ONE SOUTH STREET
SUITE 2600
BALTIMORE, MARYLAND 21202-3201

DAVID M. HAUSNER, CPA
DIRECT DIAL
(410) 347-7409

TELEPHONE: (410) 752-6030
FACSIMILE: (410) 539-1269
www.kramonandgraham.com

E-MAIL
dhausner@kg-law.com

July 19, 2004

Mr. Timothy Kotroco
Director, Permits & Development Management
Development Processing
County Office Building
111 West Chesapeake Avenue, Room 111
Towson, Maryland 21204

Re: Withdrawal of Case No. 04-514-SPHX

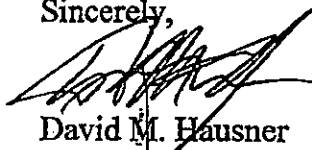
Dear Mr. Kotroco:

Petitioners, Joseph M. and Michaela D. Moran, hereby withdraw their Petitions for Special Exception and Special Hearing in the above captioned matter. The hearing in this case was originally set for July 13, 2004; however, the hearing was rescheduled for August 16, 2004, at 2:00 p.m.

Petitioners sought to obtain the right to use a portion of their primary residence located at 309 W. Chesapeake Avenue as an office for a real estate appraisal company. Subsequent to the filing of the Petitions in this case, Petitioners decided to abandon their plans to operate the real estate appraisal company from their residence. Accordingly, Petitioners are providing this notice to allow for a timely withdrawal of their Petitions.

If any additional information is necessary to facilitate this withdrawal, please give me a call.

Sincerely,



David M. Hausner

DMH:hmd

cc: Joseph M. Moran (via facsimile)

**Department of Permits and
Development Management**

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



Baltimore County

*James T. Smith, Jr., County Executive
Timothy M. Kotroco, Director*

July 22, 2004

David Hausner
Kramon & Graham, P.A.
One South Street, Ste. 2600
Baltimore, MD 21202-3201

Dear Mr. Hausner:

Re: 309 W. Chesapeake Avenue, 04-514-SPHX

In receipt of your letter to Mr. Kotroco, Director of Permits and Development Management, we are withdrawing the above-mentioned case at your request. This office received this notice in sufficient time to do so. This case is hereby withdrawn and null and void.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kristen Matthews".

Kristen Matthews
Zoning Review

C: Joseph Moran, 309 W. Chesapeake Avenue, Towson 21204
Donald Gerding, 335 Old Trail, Baltimore 21212

C H E C K L I S TSupport/Oppose/
Conditions/
Comments/
No CommentComment
ReceivedDepartment10/11DEVELOPMENT PLANS REVIEW
(if not received, date e-mail sent _____)no comments9/27DEPS
(if not received, date e-mail sent _____)no comment

FIRE DEPARTMENT

PLANNING
(if not received, date e-mail sent _____)9/25

STATE HIGHWAY ADMINISTRATION

no Obj

TRAFFIC ENGINEERING

COMMUNITY ASSOCIATION

ADJACENT PROPERTY OWNERS

ZONING VIOLATION (Case No. _____)

PRIOR ZONING (Case No. _____)

NEWSPAPER ADVERTISEMENT

Date:

10/24/17

SIGN POSTING

Date:

11/13/17by Pulson

PEOPLE'S COUNSEL APPEARANCE

Yes

☐

No

☐

PEOPLE'S COUNSEL COMMENT LETTER

Yes

☐

No

☐

Comments, if any: _____

Real Property Data Search

Search Result for BALTIMORE COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 09 Account Number - 0923006774			
Owner Information					
Owner Name:	MORAN JOSEPH M MORAN MICHAELA D		Use:	RESIDENTIAL	
Mailing Address:	309 W CHESAPEAKE AVE TOWSON MD 21204-4406		Principal Residence:	YES	
			Deed Reference:	/19007/ 00516	
Location & Structure Information					
Premises Address:		309 W CHESAPEAKE AVE 0-0000		Legal Description:	309 W CHESAPEAKE AVE SS SOUTHLAND HILLS
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot: Assessment Year: Plat No: Plat Ref:
0070	0013	0763		0000	4 1 2017 0008/0056
Special Tax Areas:			Town: NONE		
			Ad Valorem:		
			Tax Class:		
Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use	
1932	3,570 SF	493 SF	8,750 SF	04	
Stories	Basement	Type	Exterior	Full/Half Bath	Garage Last Major Renovation
2 1/2	YES	STANDARD UNIT	BRICK	3 full/ 2 half	1 Detached
Value Information					
	Base Value	Value	Phase-in Assessments		
		As of 01/01/2017	As of 07/01/2017	As of 07/01/2018	
Land:	122,100	122,100			
Improvements	358,600	400,500			
Total:	480,700	522,600	494,667	508,633	
Preferential Land:	0			0	
Transfer Information					
Seller: WHITE RUSSELL J		Date: 10/22/2003		Price: \$465,500	
Type: ARMS LENGTH IMPROVED		Deed1: /19007/ 00516		Deed2:	
Seller: WHITE RUSSELL		Date: 01/19/1996		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /11389/ 00749		Deed2:	
Seller: WHITE RUSSELL J		Date: 07/18/1994		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /10654/ 00065		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2017		07/01/2018	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:		Special Tax Recapture:			
Exempt Class:		NONE			
Homestead Application Information					
Homestead Application Status: Approved 07/31/2009					
Homeowners' Tax Credit Application Information					

Debra Wiley

From: Debra Wiley
Sent: Monday, November 06, 2017 11:34 AM
To: Kristen L Lewis; June Wisnom
Cc: Sherry Nuffer (snuffer@baltimorecountymd.gov)
Subject: Case No. 2018-0089-A
Attachments: 20171106114849797.pdf

Good Morning,

Please find attached a copy of correspondence received this morning. This was originally an admin. var. that closed on 10/16; however, it is my understanding that Mike Ruby filed a formal demand and the case file was returned to Zoning on 10/18.

Could you please place this in the case file; original is in pick-up box.

Thanks in advance.

-----Original Message-----

From: adminhearingscpr@baltimorecountymd.gov [mailto:adminhearingscpr@baltimorecountymd.gov]
Sent: Monday, November 06, 2017 11:49 AM
To: Debra Wiley <dwiley@baltimorecountymd.gov>
Subject: Admin Hearings Copier

This E-mail was sent from "RNP002673903BB1" (MP 3054).

Scan Date: 11.06.2017 11:48:49 (-0500)
Queries to: adminhearingscpr@baltimorecountymd.gov



Ross Bregel, O.D.
Dean Gogerdchi, O.D.
1029 Light Street
Baltimore, MD 21230
410.752.8208
www.federalhilleyecare.com



2018-0089-A
(AV) 10-14-17
Formal Demand -
Mike Ruby
File note to
 zoning 10-18-17

11/3/17

DEAR MR BEVERUNGEN:

I am writing in support of the proposed project of my next door neighbor Joe Moran who lives at 309 W. Chesapeake Ave. My wife and I have resided directly across Florida Ave from the Morans at 401 W. Chesapeake Ave since 1982. The proposed addition will be directly in our eastern sightline but the plan Mr Moran presents will, as all the other work he's done, be tastefully done in keeping with the rest of our neighborhood. I cannot imagine a scenario where this would cause an issue for any of our neighbors in any sense, functionally or cosmetically.

The Morans have been model neighbors since they moved in and again, I am in full support of their proposed addition. Should you wish to discuss this matter further please call me at 410 371 7945 or my wife Dotsie at 410 371 4458. Sincerely, Ross + Dotsie

Case No.: 2018-0089-A

Exhibit Sheet

Petitioner/Developer

DW
12-19-17

Protestants

sen
11-17-17

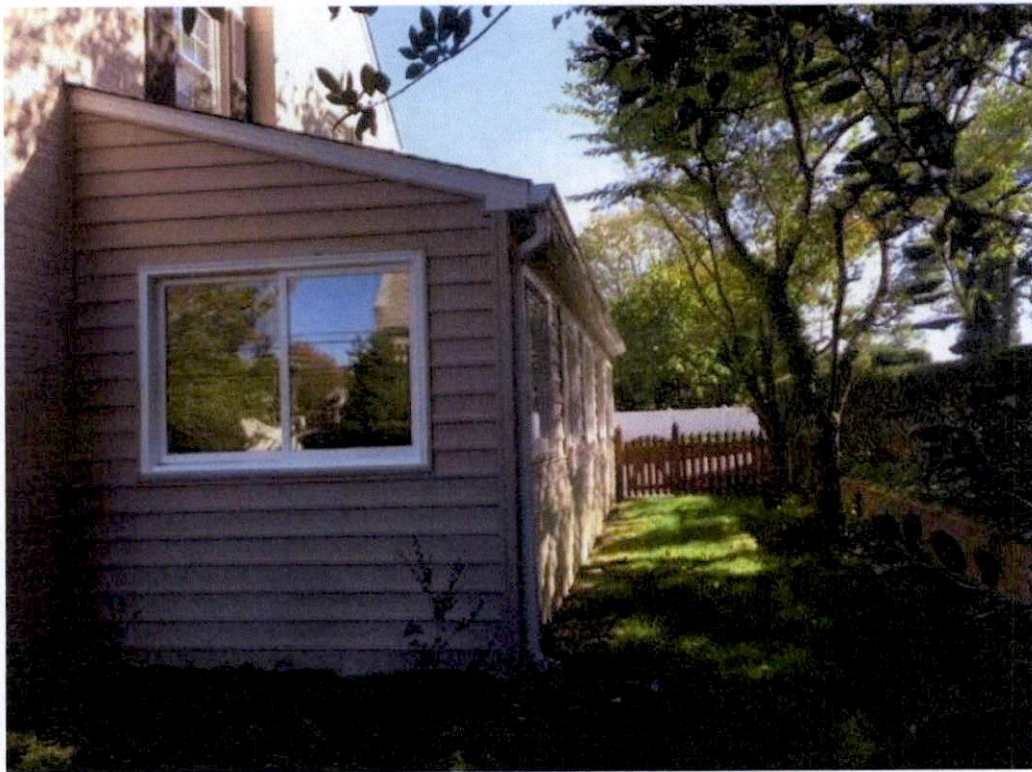
No. 1	Site plan	
No. 2	site plan - 1989 special exception case	
No. 3	site plan - 2004 special exception case	
No. 4	Photo - along Florida Rd.	
No. 5	"Zoning Variance Site photos"	
No. 6		
No. 7		
No. 8		
No. 9		
No. 10		
No. 11		
No. 12		



Pet. ~~11~~ Ex. 4



Front of residence, #309 W. Chesapeake Avenue, with existing addition on west building face.

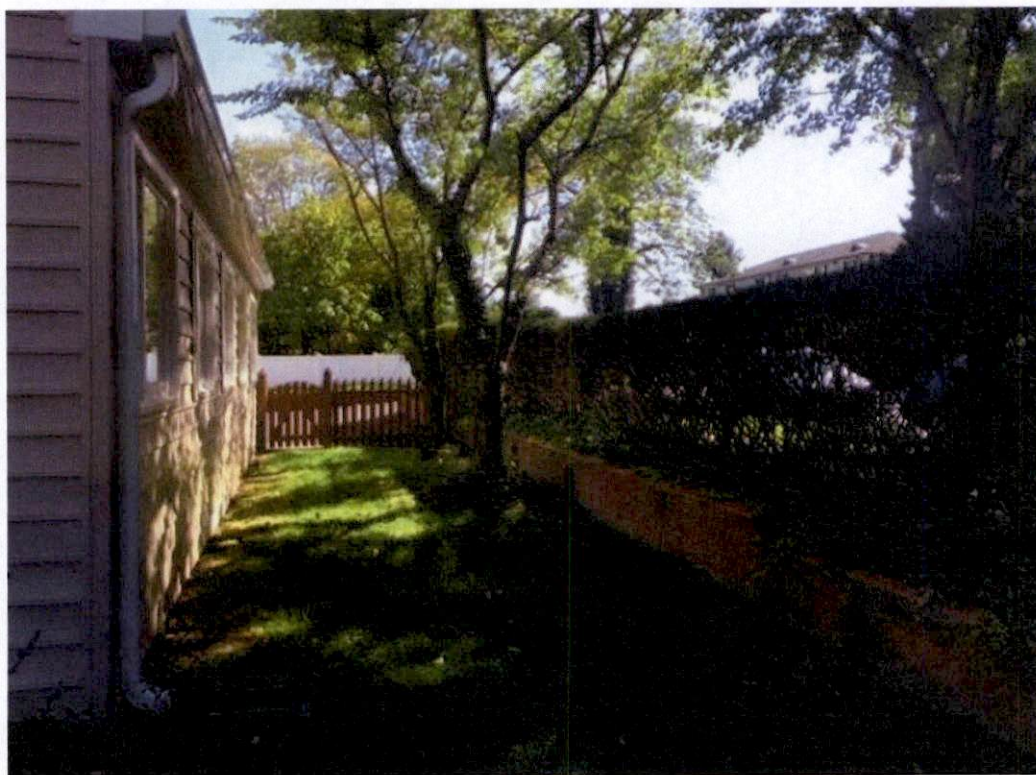


Existing addition on west building face and side yard.

PET. EX. 5



Existing addition on west building face.



Side yard, retaining wall and screening adjacent to existing addition.



Existing addition from the rear of the residence.



Rear of residence with existing addition on west building face and existing paved area.



Adjacent dwelling; #307 W. Chesapeake Avenue.



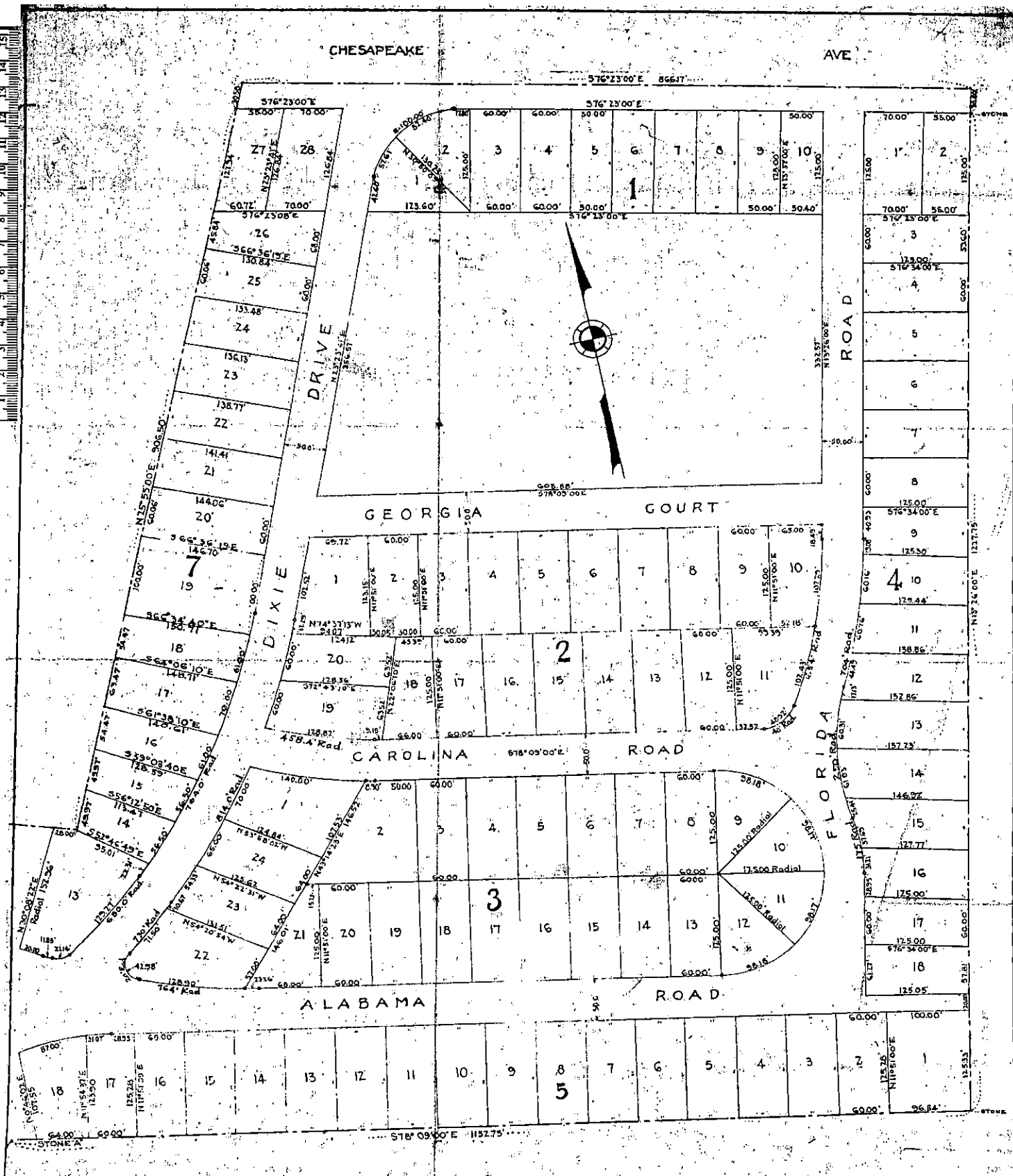
Existing addition of #307 W. Chesapeake Avenue and side yard.



#407 W. Chesapeake Avenue



Existing addition of #407 W. Chesapeake Avenue, side yard and screening.



HIGHLAND AVE DR 3.5

R-1969-0277-X

0908301452

0905610130

ROA

ALLEY ALLEY

0919510300

0920550604

0908300560

1983-0081

0908300540

1979-0075-XA

ALLEY ALLEY

0902650480

0903476520

1979-0126-XA

312

PAI # 088045

Pt. Bk./Folio # MPXX169
PAI # 088045

1965-0012-SPHA
1985-0176-SPH
1991-0063-A
1988-0185-X

0920660240

400

5 CD 9 ED

NE 10-A

070A2

0923006773

401

R-1974-0061-X

Lot # 10

Urban Side of URDL *

Lot # 1

0923006774

1989-0534-X
2004-0514-SPHX

R-1979-0006_2-XA
R-1979-0195-XA
1983-0063-X
R-1986-0340
1984-0052-X
R-1989-0459

0906350080

Lot # 2

DR 5.5

Lot # 3

0923006775

1

2007-0293-A 0923006776

Lot # 4

Pt. Bk. 0000007, Folio 0187

0920001580

Lot # 5

Lot # 6

0908005091

1989-0410-XA

PAI # 098032
PAI # 098032

Pt. Bk./Folio # 012030

1955-3624-X
1988-0004-SPH
2005-0222-SPH

Lot # 11

0916750120

Pt. Bk. 0000008, Folio 0056

305

1958-4466-X
1964-0102-SPH

0902471220

RO

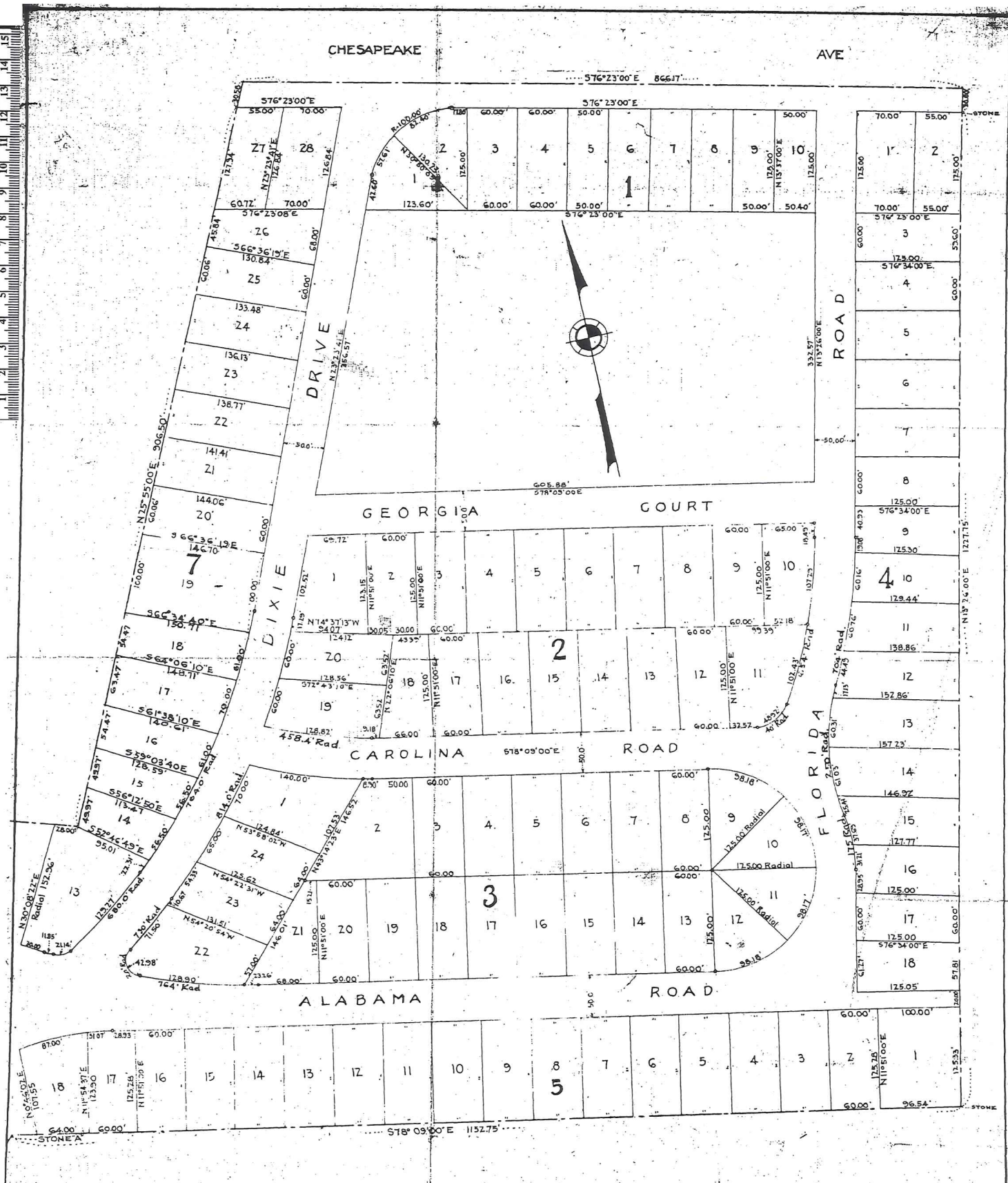
PAI # 090828
PAI # 090828

Pt. Bk. 0000079, Folio 0231

1979-0125-X
2008-0111-SPH

1958-4467-X
1953-2751-X
2011-0241-SPH

PAI # 090828
PAI # 090828



A. CASE NO. 89-534-X
GRANTED AUGUST 3, 1989
APPEAL GRANTED JULY 2, 1990

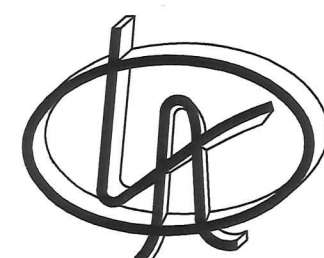
SPECIAL EXCEPTION TO PERMIT A LAW OFFICE
CONSISTING OF ONE RESIDENT ATTORNEY, ONE
NON-RESIDENT ASSOCIATE ATTORNEY, AND TWO
NON-RESIDENT EMPLOYEES WITHIN THE PETITIONER'S
SINGLE FAMILY DWELLING LOCATED ON THE SUBJECT
PROPERTY.

THE FOLLOWING RESTRICTIONS WERE CONDITIONS OF
THE RELIEF GRANTED:

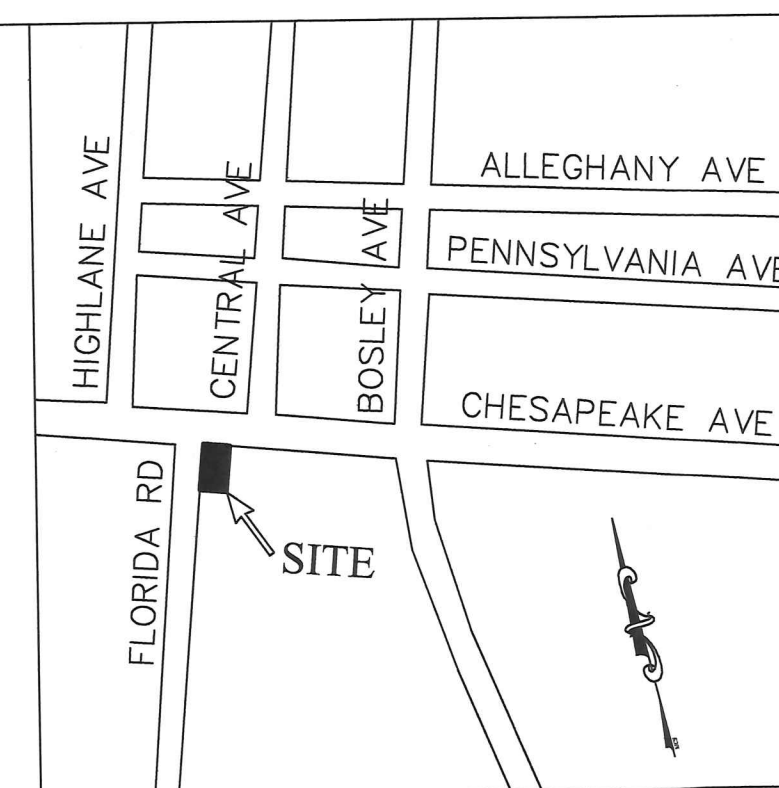
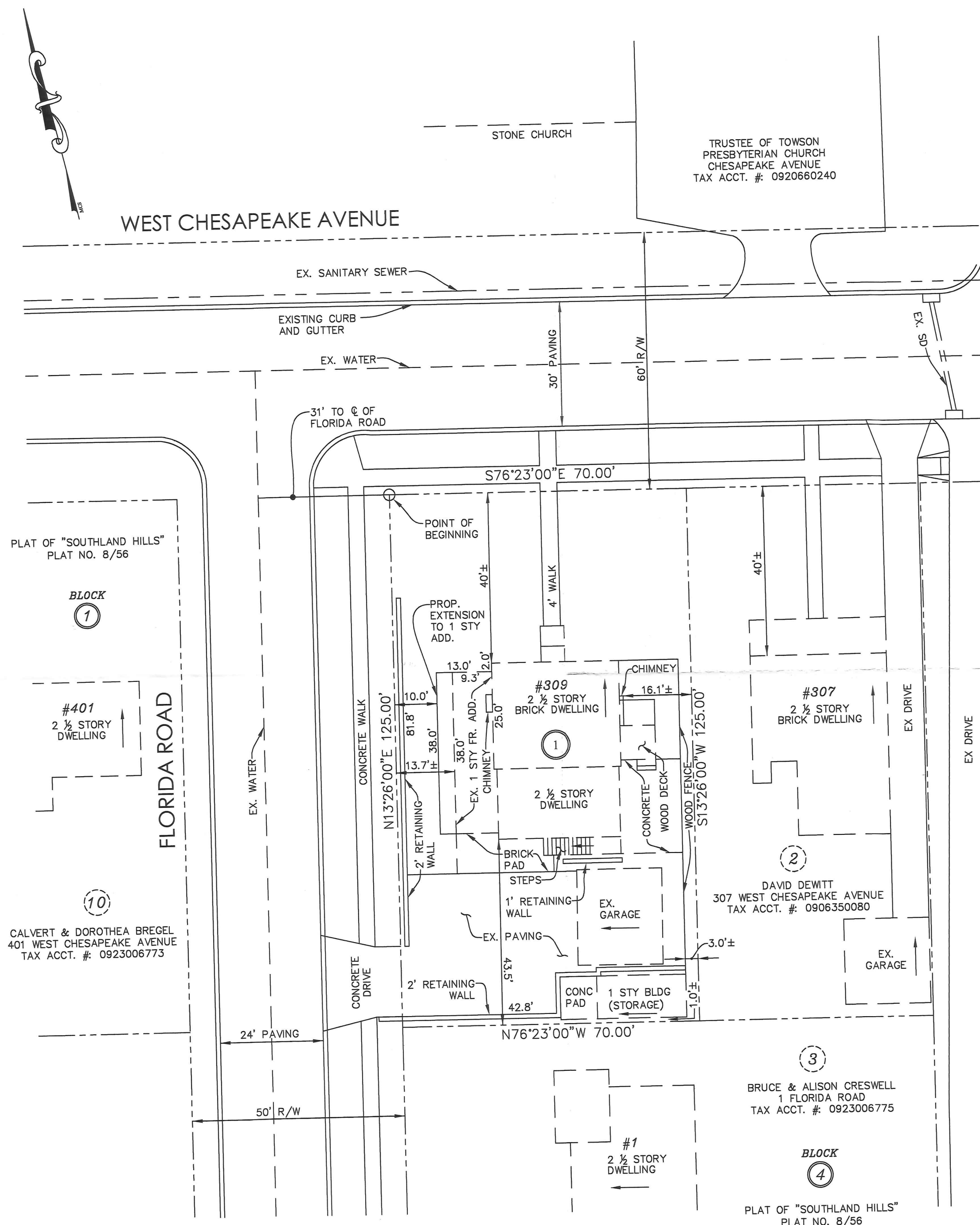
- 1) PETITIONER SHALL USE NO MORE THAN THE 900 SF OF THE BASEMENT LEVEL.
- 2) PETITIONER SHALL NOT HAVE MORE THAN TWO NON-PROFESSIONAL EMPLOYEES WORKING ON THE PREMISES AT ANY ONE TIME. THIS SHALL INCLUDE FULL-TIME, PART-TIME, OR INDEPENDENT CONTRACT EMPLOYEES.
- 3) PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR OFFICE USE, PETITIONERS SHALL SUBMIT THE TAG NUMBERS OF ALL VEHICLES OWNED BY PETITIONERS.
- 4) PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR OFFICE USE, PETITIONERS SHALL SUBMIT TO THE BALTIMORE COUNTY LANDSCAPE PLANNER FOR APPROVAL A LANDSCAPING PLAN WHICH PROVIDES SCREENING AND/OR LANDSCAPING OF THE SUBJECT PROJECT ALONG FLORIDA AVENUE, CHESAPEAKE AVENUE AND THE REAR PROPERTY LINE. THE SCREENING REQUIRED MAY EXCEED THE REQUIREMENTS OF THE LANDSCAPING MANUAL. A COPY OF THE APPROVED PLAN SHALL BE SUBMITTED TO THE DEPUTY ZONING COMMISSIONER FOR FINAL APPROVAL.
- 5) THE LANDSCAPING AS APPROVED UNDER RESTRICTION NO. 4 SHALL BE COMPLETED WITHIN NINETY DAYS OF THE DATE OF APPROVAL, UNLESS EXTENDED FOR DOCUMENTED GOOD CAUSE, AND SHALL BE MAINTAINED BY PETITIONERS AS LONG AS THE BASEMENT PORTION OF THE PROPERTY IS USED AS AN OFFICE.
- 6) PETITIONERS SHALL PROVIDE A MINIMUM OF FOUR STANDARD PARKING SPACES ON-SITE, OR SIX STACKED SPACES.
- 7) PETITIONERS AGREE TO TAKE ANY AND ALL STEPS NECESSARY TO ABIDE BY AND INSURE COMPLIANCE OF THE RESTRICTIONS SET FORTH IN THIS ORDER AND WHEN REQUESTED BY THE ZONING OFFICE SHALL, UPON REASONABLE NOTICE, PERMIT A REPRESENTATIVE OF THE ZONING ENFORCEMENT DIVISION TO MAKE AN INSPECTION OF THE SUBJECT PROPERTY TO INSURE COMPLIANCE WITH THIS ORDER.

B. CASE NO. 04-514-SPHX
WITHDRAWN AND NULL AND VOID JULY 22, 2004

SPECIAL EXCEPTION AND SPECIAL HEARING TO PERMIT THE USE OF LESS THAN 25% OF THE PETITIONER'S PRIMARY RESIDENCE AS AN OFFICE FOR A REAL ESTATE APPRAISAL COMPANY. THE COMPANY SHALL NOT EMPLOY MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE, NOR TWO OTHER NON-RESIDENT EMPLOYEES.



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639



VICINITY MAP
1"=500'

1. OWNERSHIP
JOSEPH M. MORAN AND MICHAELA D. MORAN
309 W. CHESAPEAKE AVE
TOWSON, MD 21204-4406
DEED REF: 19007/516
TAX ACCT. #: 0923006774

1. SITE DATA:
PLAT: 8/56 BLOCK 4 LOT 1
TOTAL SITE AREA: 8,750 SF/0.201 AC
ELECTION DISTRICT: 9TH
COUNCILMANIC DISTRICT: 5TH
ZONING: DR 5.5 (MAP # 070A2)
WATERSHED: JONES FALLS
EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL
2. THERE IS NO KNOWN FLOOD PLAIN ON SITE.
3. THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.

I. VARIANCES FROM SECTION 1802.3 BCZR AS FOLLOWS:

"A" VARIANCE FROM SECTION 1802.3.C.1 BCZR, TO PERMIT A PRINCIPAL BUILDING HAVING A SIDE OF BUILDING TO PUBLIC STREET RIGHT-OF-WAY SETBACK OF 10 FEET IN LIEU OF THE REQUIRED 35 FEET.

CASE NO.: 2018-0089-A

PLAN TO ACCOMPANY PETITION FOR VARIANCE

#309 W. CHESAPEAKE AVENUE

DISTRICT 9c5
SCALE: 1"=20'
PLAT #: 08/56

BALTIMORE COUNTY, MD
SEPTEMBER 6, 2017

Pet. Ex.

PRIOR ZONING HISTORY

A. CASE NO. 89-534-X
GRANTED AUGUST 3, 1989
APPEAL GRANTED JULY 2, 1990

SPECIAL EXCEPTION TO PERMIT A LAW OFFICE CONSISTING OF ONE RESIDENT ATTORNEY, ONE NON-RESIDENT ASSOCIATE ATTORNEY, AND TWO NON-RESIDENT EMPLOYEES WITHIN THE PETITIONER'S SINGLE FAMILY DWELLING LOCATED ON THE SUBJECT PROPERTY.

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B. CASE NO. 04-514-SPHX
WITHDRAWN AND NULL AND VOID JULY 22, 2004

SPECIAL EXCEPTION AND SPECIAL HEARING TO PERMIT THE USE OF LESS THAN 25% OF THE PETITIONER'S PRIMARY RESIDENCE AS AN OFFICE FOR A REAL ESTATE APPRAISAL COMPANY. THE COMPANY SHALL NOT EMPLOY MORE THAN ONE NON-RESIDENT PROFESSIONAL ASSOCIATE, NOR TWO OTHER NON-RESIDENT EMPLOYEES.

WEST CHESAPEAKE AVENUE

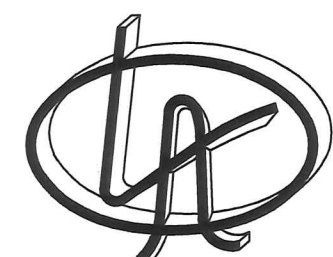
PLAT OF "SOUTHLAND HILLS"
PLAT NO. 8/56

BLOCK
1

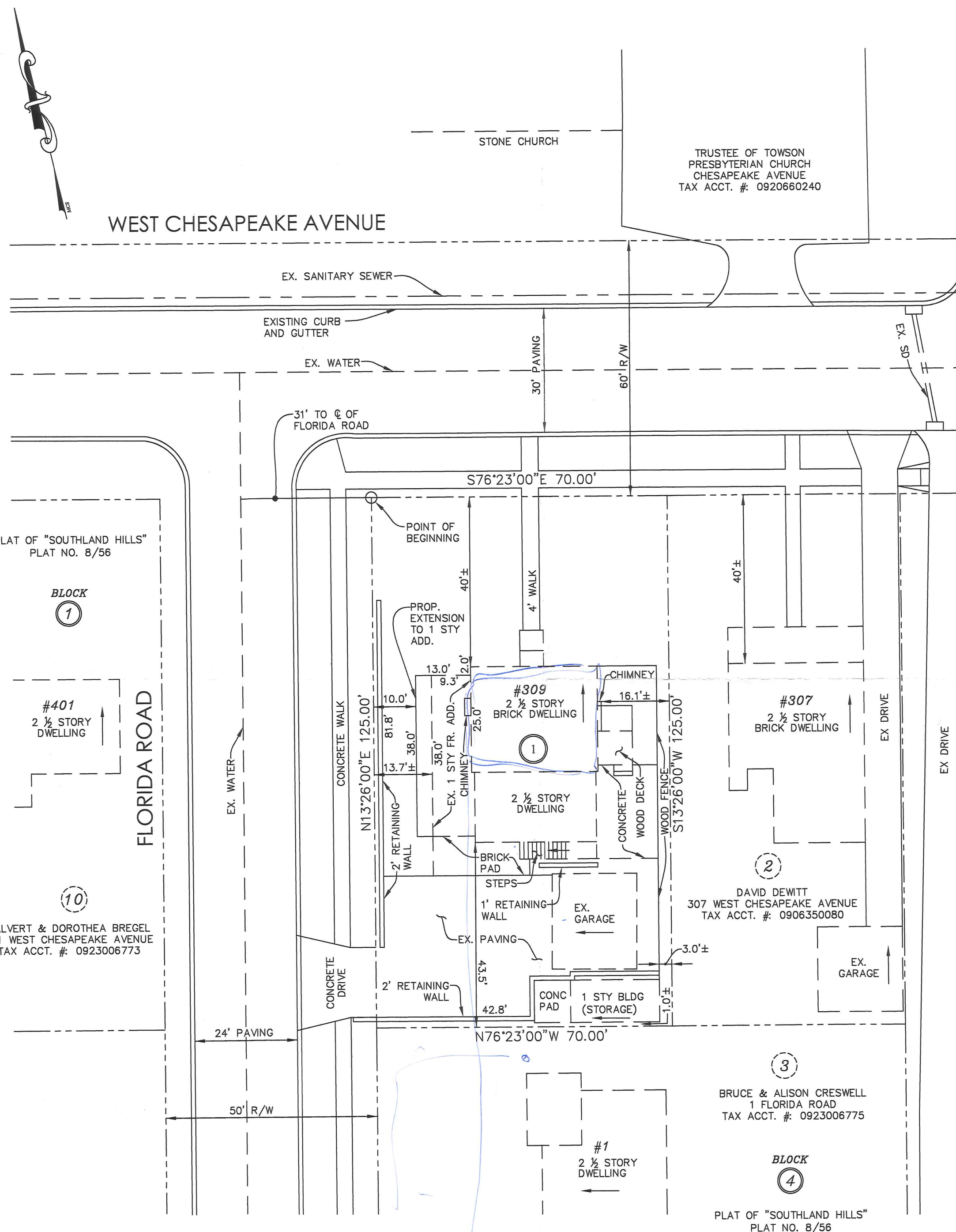
#401
2 1/2 STORY
DWELLING

10

CALVERT & DOROTHEA BREGEL
401 WEST CHESAPEAKE AVENUE
TAX ACCT. #: 0923006773



LITTLE & ASSOCIATES, INC.
ENGINEERS~~LAND PLANNERS~~SURVEYORS
1055 TAYLOR AVENUE, SUITE 307
TOWSON, MARYLAND 21286
PHONE: (410)296-1636 FAX: (410)296-1639



GENERAL NOTES

- OWNERSHIP
JOSEPH M. MORAN AND MICHAELA D. MORAN
309 W. CHESAPEAKE AVE
TOWSON, MD 21204-4406
DEED REF: 19007/516
TAX ACCT. #: 0923006774
- SITE DATA:
PLAT: 8/56 BLOCK 4 LOT 1
TOTAL SITE AREA: 8,750 SF/0.201 AC
ELECTION DISTRICT: 9TH
COUNCILMANIC DISTRICT: 5TH
ZONING: DR 5.5 (MAP # 070A2)
WATERSHED: JONES FALLS
EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL
- THERE IS NO KNOWN FLOOD PLAIN ON SITE.
- THIS SITE IS NOT LOCATED WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
- THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.

ZONING VARIANCE REQUEST

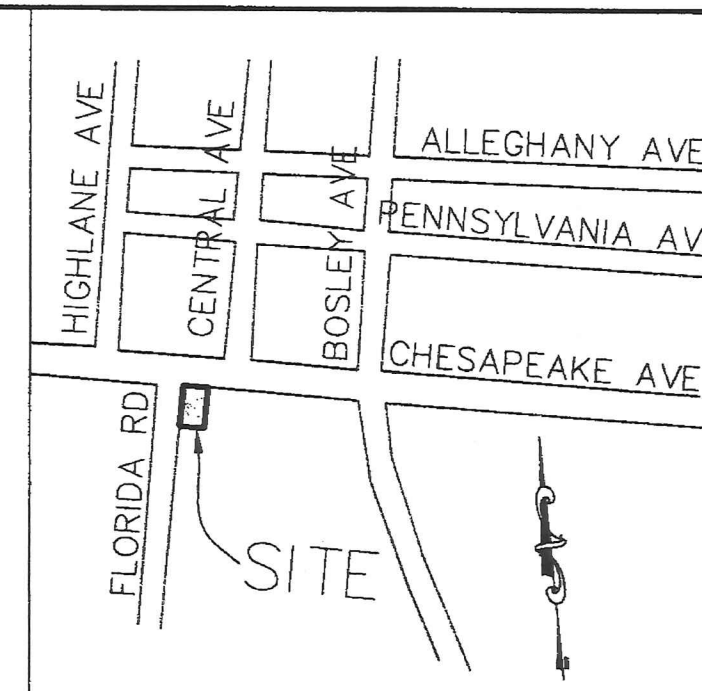
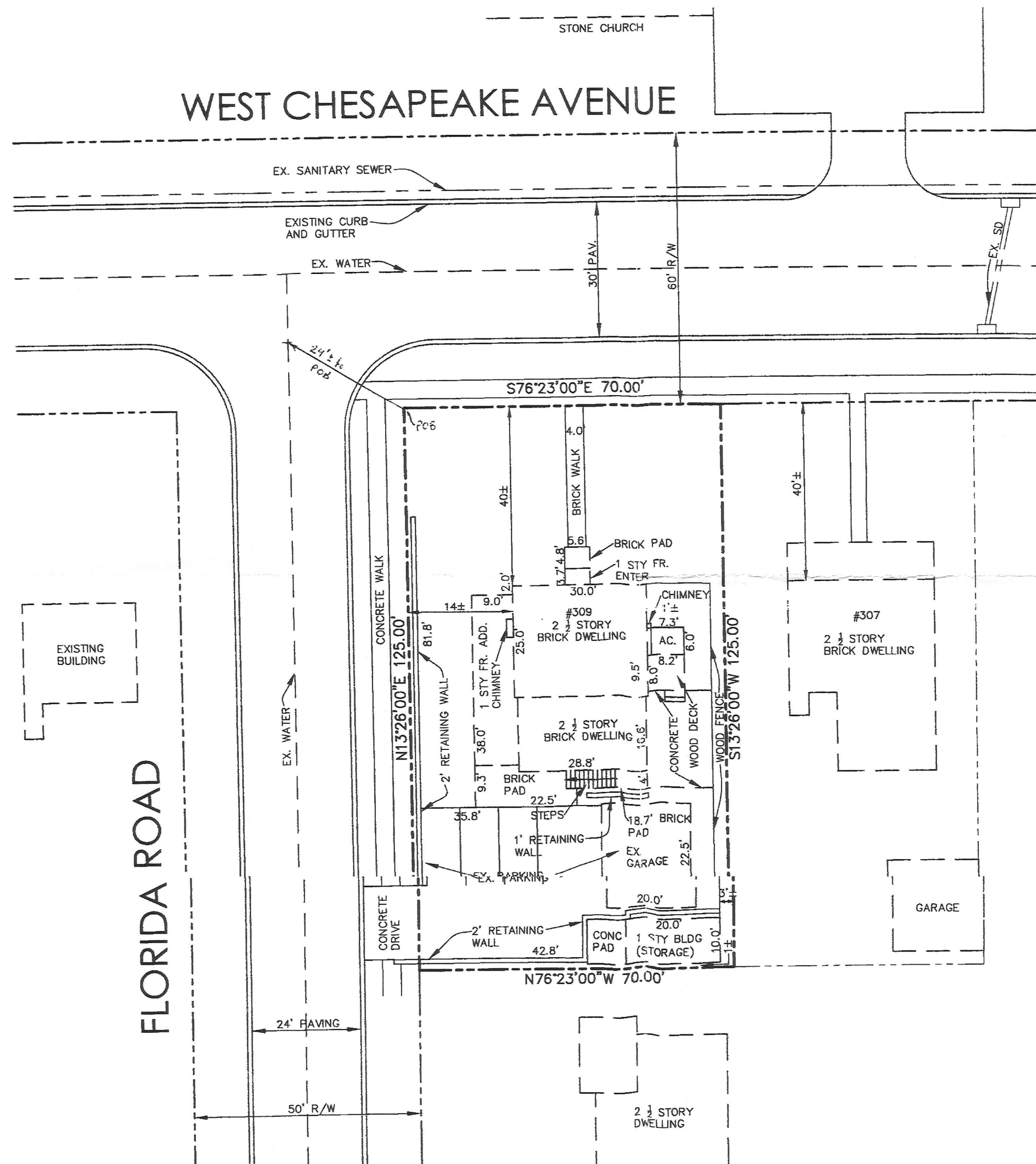
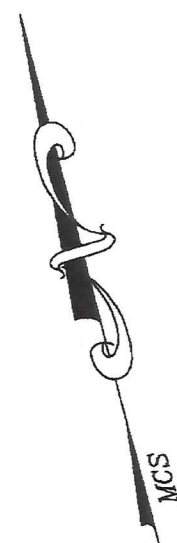
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CASE NO.: 2018-0089-A

PLAN TO ACCOMPANY
PETITION FOR VARIANCE
#309 W. CHESAPEAKE AVENUE

DISTRICT 9c5
SCALE: 1"=20'
PLAT #: 08/56

BALTIMORE COUNTY, MD
SEPTEMBER 6, 2017



VICINITY MAP
1"=500'

GENERAL NOTES

- OWNERSHIP
JOSEPH M. MORAN AND MICHAELA D. MORAN
309 W. CHESAPEAKE AVE
TOWSON, MD 21204-4406
DEED REF: 11389/749
- SITE DATA:
PLAT: 8/56 LOT 1
TOTAL SITE AREA: 8,750 SF
ELECTION DISTRICT: 9TH
COUNCILMANIC DISTRICT: 5TH
ZONING: DR 5.5 (MAP # N. E. 10-A)
EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL - 3470± SF
OFFICE - 900± SF
PARKING REQUIRED:
A) RESIDENTIAL: 2 PARKING SPACES
B) OFFICE: 3 PARKING SPACES
(900 SF. x 3.3/1000 SF.)
TOTAL REQUIRED = 5 PARKING SPACES
PARKING PROVIDED = 5 PARKING SPACES
- THERE IS NO KNOWN FLOOD PLAIN ON SITE.
- THERE ARE NO KNOWN ENDANGERED SPECIES HABITATS, ARCHAEOLOGICAL OR HISTORICAL SITES, OR CONTAMINATED AREAS ON THE SUBJECT PROPERTY.
- PRIOR ZONING HISTORY: CASE NO. 89-534-X TO ALLOW FOR PROFESSIONAL OFFICE.
- PROPERTY OUTLINE SHOWN IS BASED ON A BOUNDARY SURVEY BY SPELLMAN, LARSON & ASSOCIATES, INC. DATED APRIL 20, 1989

PLAT TO ACCOMPANY
PETITION FOR SPECIAL EXCEPTION
#309 W. CHESAPEAKE AVENUE

DISTRICT 09C5
SCALE: 1"=20'
BALTIMORE COUNTY, MD
APRIL 16, 2004



LITTLE & ASSOCIATES, INC.
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PET. EX. 3