

6-11-58
4429-V
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
BEFORE
COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY
No. 4429-V

OPINION

The petitioners herein requested two variances; the first, from the requirements of Section 235.1 and 303.2 of the Zoning Regulations, such sections having to do with front setbacks, and, second, from the requirements of 409.2 of the said Regulations, having to do with off-street parking.

At the initial hearing, the Board having indicated lack of sympathy for the first variance, the Petitioner voluntarily withdrew his request in that respect and offered to submit a revised plot plan which would obviate the necessity for that variance.

The revised plot plan having now been submitted and testimony having been taken pertaining to it, the Board feels that the requested variance as to parking is in compliance with the spirit and intent of the Zoning Regulations and that it would not detrimentally affect the public health, safety and the general welfare.

For the reasons set forth above the conditions of Section 409.4 are waived in respect to the proposed improvement of the subject property.

OFFICE OF PLANNING
Inter-Office Correspondence

From: George E. Carrells
To: Mr. William H. Adams, Zoning Commissioner
Subject: 4429-V Zoning Variance to permit front yard of 0 feet instead of 15 feet and 6 parking spaces instead of 22. North side of Chesapeake Avenue. 213 ft. east of Washington Avenue. 9th District.

The Office of Planning has reviewed the subject petition for zoning variances and has the following comment to make:

1/ The Variance to Permit a 0-foot Front Yard.

The plan does not indicate detail with respect to the location of buildings to the east and west of the petitioner's property. Examination in the field indicates that the Jennifer Building to the west and the shoe repair shop to the east of the subject petition are situated in close proximity to the northern east of Chesapeake Avenue. The Office of Planning recommends that the Zoning Commissioner require the petitioner to submit details on the location of the buildings located on the two adjacent properties before granting a variance to the front yard setback. The variance should be granted on the basis of the establishment of a front yard no closer to the right-of-way of Chesapeake Avenue than either of the existing adjacent buildings.

Our reason for recommending the granting of a variance to the front yard requirements is based on the obvious hardship placed by the regulations on a property situated between two existing buildings in close proximity to Chesapeake Avenue.

2/ The Variance on Parking Requirements.

The Office of Planning is not opposed to the granting of a variance.

Date: 12/4/58

COUNTY BOARD OF APPEALS OF
BALTIMORE COUNTY

James T. Grant
Nathaniel W. Hefner
Charles H. Hefner

IN THE MATTER OF PETITION
FOR VARIANCE TO ZONING
REGULATIONS - W/o of
Chesapeake Ave. beg. 213'
E. of Washington Ave. -
9th District - Winfrey M.
Ashby - Petitioner

BEFORE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
No. 4429-V

Pursuant to advertisement, posting of property and public hearing on the above petition for a variance to the Zoning Regulations, after having heard the testimony and having seen the area, which is the subject of this petition, to permit a front yard of 0 feet instead of the required 15 feet, and to permit 6 parking spaces instead of the required 22 parking spaces, would be detrimental to the safety and the general welfare of the community, therefore, the petition should be denied.

Further, the Office of Planning with cooperation of the Townsman Association are planning at this time to do something about the parking situation in this area, and to continue to allow these business uses to increase without the proper off-street parking would be detrimental to the general welfare of the community, as stated above.

It is, therefore, this 12th day of June, 1958, by the Zoning Commissioner of Baltimore County, ORDERED that the aforesaid petition for a variance to the Zoning Regulations be denied for the above reasons.

John H. Adams
Zoning Commissioner
of Baltimore County

IN THE MATTER OF
CATHERINE D. & WINFREY M. ASHBY
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY

For Variance to the Zoning Regulations
To the Zoning Commissioner of Baltimore County

Catherine D. & Winfrey M. Ashby
Legal Owners
of the property hereinafter described hereby petition for a
Variance to the Zoning Regulations of Baltimore County

The Zoning Regulations to be excepted are as follows:

Section 235.1 - Front Yard - 15 feet
Section 409.2 - Parking Space - 1 space for each 50 square feet of total floor area of Restaurant.

The Reasons for Variances:

To permit a front yard of 0 feet instead of required 15 feet
To permit 6 parking spaces instead of required 22 parking spaces.

Property situated:

All that parcel of land in the Ninth District of Baltimore County on the North side of Chesapeake Avenue, beginning 213 feet East of centerline of Washington Avenue; thence Easterly and binding on the Northernmost side of Chesapeake Avenue thirty (30) feet with a rectangular depth Northerly of 160 feet, being known as 42 W. Chesapeake Avenue, as shown on plat plans filed with the Zoning Department, being property of Catherine D. Ashby, et al.

Catherine D. & Winfrey M. Ashby
LEGAL OWNERS

4429-V
10/30
1, 2, 3, 4
ADDRESS

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 9th
Posted for: variance to Zoning Regulations
Petitioner: Catherine Ashby
Location of property: 715 ft. of Chesapeake Ave. beg. 213 ft. E. of W. of Washington Ave. known as 42 W. Chesapeake Avenue
Location of Sign: Posted on property known as 42 W. Chesapeake Avenue
Remarks: George E. Carrells
Posted by: George E. Carrells
Date of return: 5-22-58

CERTIFICATE OF PUBLICATION

TOWSON, MD., 4429-22-1958-8
THIS IS TO CERTIFY That the annexed advertisement was published in THE UNION NEWS, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 28 successive weeks before the 24th day of June, 1958, the first publication appearing on the 16th day of May, 1958.

The UNION NEWS
Manager

4429-V
RECEIVED OF Catherine D. Ashby, petitioner, the sum of Thirty (\$30.00) dollars, being cost of petition, advertising and posting property, situate - North side of Chesapeake Avenue, beginning 213 feet East of centerline of Washington Avenue - 9th District of Baltimore County.
Thank you.

Zoning Commissioner
of Baltimore County

HEARINGS

Wednesday, June 4, 1958
at 10:30 a.m.

Room 103
County Office Building
111 W. Chesapeake Avenue
Towson 4, Maryland

RECEIVED
MAY 12 1958
COMMISSIONER'S OFFICE

4429-V
RECEIVED OF John T. Walsh, Attorney for Winfrey M. Ashby, petitioner, the sum of Thirty (\$30.00) dollars being cost of appeal to the Board of Appeals from the decision of the Zoning Commissioner denying petition for Variance to Zoning Regulations - North side of Chesapeake Avenue beg. 213' East of Washington Avenue - 9th District of Baltimore County.
Thank you

Zoning Commissioner
of Baltimore County

RECEIVED
JUN 11 1958
COMPTROLLER'S OFFICE

01.621-13000

01.622-13000

17.0' ALLEY

30.0'

9.0' 12.0' 9.0'

22.0'

160.0'

160.0'

2.75' 14.25' 12.00'

EXISTING BLDG.

PROPOSED ADDITION

30.0'

PROP. LINE

213.0' To
NASH. AVE.

EXISTING SW.

EXISTING CURB

CHESAPEAKE AVE.

22 PARKING SPACES
REQ'D BY ZONING
REGS. - 6 PROVIDED

PLAT ACCOMPANYING
PETITION FOR VAR-
IANCE FROM FRONT YARD
AND PARKING REQUIRE-
MENTS - PROPERTY OF
CATHERINE D. ASHBY &
HUSBAND - 42 W. CHES-
APEAKE AVE. TOWSON.
7TH DIST. BALT. CO. MD.

J. MAUDUIT BERRY
ARCHITECT

SCALE: 1" = 20.0'
4-1-58

