

RE: PETITION FOR VARIANCE TO
ZONING REGULATIONS N.W.
Cor. Delvalle Place and
Bismiller Ave., 12th Dist.,
Michael J. Bartko,
Petitioner
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
NO. 4777-7

OPINION

The petitioner herein seeks a variance to permit the construction of a ranch type home with a rear yard of 5 feet instead of the required 30 feet on the northeast corner of Delvalle Place and Bismiller Avenue in the Twelfth District.

The contract builder for the petitioner had applied in the Spring of 1959 for a permit to erect a smaller home on the subject property. The size of this smaller residence would allow sufficient setback for the rear yard. The builder has now changed his plans and desires to build a ranch-type home which would be 54 feet long. This would bring the house to within 5 feet of the property line and approximately 30 feet from the residence of the adjoining neighbor who has protested the granting of this variance request.

Section 307 of the Zoning Regulations for Baltimore County provides for variance from area and height regulations where strict compliance with the Zoning Regulations would result in practical difficulty or unreasonable hardship. The petitioner in this case would have no difficulty in constructing a home of the proper size on this lot and any hardship involved has been of his own making and has not been brought about by the Zoning Regulations. The variance is, therefore, denied.

ORDER

For the reasons set forth above in the foregoing opinion, it is this 18th day of February, 1960, by the County Board of Appeals, ORDERED that the variance request be and the same is hereby denied.

Any appeal from this decision must be in accordance with Rule No. 1101 of the Rules of Practice and Procedure of the Court of Appeals of Maryland.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

John G. Rose
For 2 Gys

IN THE MATTER OF : BEFORE THE ZONING COMMISSIONER

A PETITION FOR VARIANCE TO :
ZONING REGULATIONS - :
N.W. CORNER, DELVALLE PLACE and :
BISMILLER AVENUE :
Twelfth District : BALTIMORE COUNTY
Michael J. Bartko, :
Petitioner :
:

MR. COMMISSIONER:

Please note an Appeal from the decision of John G. Rose, Deputy Zoning Commissioner, of November 10, 1959, to the County Board of Appeals on behalf of Mr. Andrew G. Uhl, protestant.

W. Lee Thomas
W. Lee Thomas



PROCTOR, ROYSTON &
MULLER
BULLOCK
CAREFUL, STURGEON
WATKINS & CO.
VALLEY 2-1800

ORDERED by the Zoning Commissioner of Baltimore County
this 29th day of September, 1959,
that the subject matter of this petition be advertised in a newspaper of general circulation throughout Baltimore County and that the property be posted, as required by the Zoning Regulations and Act of Assembly aforesaid, and that a public hearing thereon be had in the office of the Zoning Commissioner of Baltimore County, Maryland, on the 9th day of November, 1959, at 3:00 o'clock P. M.

Zoning Commissioner
of Baltimore County

Upon hearing on the above petition for a variance to the Zoning Regulations of Baltimore County to permit a rear yard of 5 feet instead of the required 30 feet as required by Section 211.4, and it appearing that the Regulations would result in practical difficulty and unnecessary hardship upon the petitioner and a variance to said Regulations would grant relief without substantial injury to the public health, safety, and the general welfare of the locality involved, the variance should be granted, therefore.

It is this 10th day of November, 1959, by the Deputy Zoning Commissioner of Baltimore County, ORDERED that the aforesaid variance should be and the same is hereby granted which permits a rear yard of 5 feet instead of the required 30 feet.

W. Lee Thomas
Deputy Zoning Commissioner
of Baltimore County

PETITION FOR VARIANCE TO THE ZONING REGULATIONS
IN THE MATTER OF :
Michael Bartko, Jr. :
: ZONING COMMISSIONER
: OF BALTIMORE COUNTY
:

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

Michael Bartko, Jr. Legal Owner
of the property hereinafter described hereby petition for a Variance to the Zoning Regulations of Baltimore County.

The Zoning Regulation to be excepted as follows:
Section 211.4 - Rear yard - 30 feet

The Reasons for Variances:
To permit a rear yard of 5 feet instead of the required 30 feet.

Property situated:
All that parcel of land in the Twelfth District of Baltimore County on the Northwest corner of Delvalle Place and Bismiller Avenue; thence running Northwesterly and binding on the East side of Delvalle Place 152.24 feet; thence North 57 degrees 00 minutes East 88.69 feet to the West side of Bismiller Avenue; thence Southeasterly and binding on the West side of Bismiller Avenue 159.13 feet to the place of beginning. Being lot #4 Block "A" Flat of Delvalle Manor.

Notified:
George D. Edwards, Esquire
219 Dundee Bldg.
Baltimore 22, Md.
At - 5:00 PM

Michael J. Bartko, Jr.
Legal Owner
W. Lee Thomas
Address



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

COUNTY OFFICE BUILDING
111 W. CONGRESS AVE.
BALTIMORE 20, MARYLAND
VA. 2-3000

WILLIAM H. ADAMS
ZONING COMMISSIONER

Michael J. Bartko, Jr.
204 Adams Ave.
Baltimore 22, Md.

NOTICE OF HEARING

Re: NW Cor. Delvalle Place & Bismiller Ave.
12th District
Michael Bartko, Jr. - Petitioner

TIME: 3:00 P.M.
DATE: Monday, November 9, 1959
PLACE: Room 106, County Office Building, 111 W. Congress Ave., Baltimore, Maryland

Zoning Commissioner
of Baltimore County

RECEIPT

Date: 10/22/59

RECEIVED of: Delvalle Development Corp.

LOCATION OF PROPERTY: NW Cor. Delvalle Place & Bismiller Ave., 12th District

AMOUNT: \$ 30.00

10-22-59 1:00 P.M. • • • TIL • 3:00

01622030

Zoning Commissioner
of Baltimore County

\$30.00

10-22-59 1:00 P.M. • • • TIL • 3:00
10-22-59 8:45 P.M. • • • TIL • 3:00

Zoning Commissioner
PAID - Baltimore City, Md. - Office of Finance

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 12th Date of Posting: 10-28-59
Posted for: Variance to Zoning Regulations
Petitioner: Michael J. Bartko, Jr.
Location of property: NW Cor. Delvalle Place and Bismiller Ave.
Location of Signs: Northwest corner of Delvalle Place and Bismiller Avenue
Remarks: None
Posted by: W. Lee Thomas Date of return: 10-28-59

NOTICE OF ZONING HEARING
The public is hereby notified that there will be a hearing before the Zoning Commissioner of Baltimore County on the petition of Michael J. Bartko, Jr. for a variance to the Zoning Regulations of Baltimore County, to permit a rear yard of 5 feet instead of the required 30 feet, on the Northwest corner of Delvalle Place and Bismiller Avenue, 12th District, Baltimore County, Maryland, on the 9th day of November, 1959, at 3:00 P.M.

The purpose of this hearing is to determine whether or not the proposed variance is in the public interest. The hearing will be held at the County Office Building, 111 W. Congress Avenue, Baltimore, Maryland, on the 9th day of November, 1959, at 3:00 P.M. The petitioner is advised that he should appear at the hearing and be prepared to explain the reasons for his petition. The Zoning Commissioner of Baltimore County is authorized to grant or deny the variance. The Regulations to be excepted as follows: Section 211.4 - Rear yard - 30 feet. The reason for the variance is that the proposed variance would result in practical difficulty and unnecessary hardship upon the petitioner and a variance to said Regulations would grant relief without substantial injury to the public health, safety, and the general welfare of the locality involved. The variance should be granted, therefore. It is the order of the Zoning Commissioner of Baltimore County that the aforesaid variance should be and the same is hereby granted which permits a rear yard of 5 feet instead of the required 30 feet.

OFFICE OF THE BALTIMORE COUNTEAN

THE COMMUNITY NEWS
Baltimore, Md. THE HERALD-ANGUS
Catonville, Md.
No. 1 Newburg Avenue CATONVILLE, MD.

October 31, 1959.

THIS IS TO CERTIFY, that the annexed advertisement of Willie Adams, Zoning Commissioner of Baltimore County

was inserted in THE BALTIMORE COUNTEAN, a group of three weekly newspapers published in Baltimore County, Maryland, once a week for 2 successive weeks before the 31st day of October, 1959, that is to say the same was inserted in the issues of October 23 - 30, 1959.

THE BALTIMORE COUNTEAN

By Paul J. Morgan
Baltimore, Md.

#4777

PLOT PLAN

LOT 4

BLOCK B

DELVALE MANOR

12TH ELECT DIST. BALTO CO. MD.

SCALE 1" = 30'

AUG 31, 1959

BLOCK B
WJR 26-37

LOT 3

S 37° 08' 15" W 88.60

AVE

15' WIDE

45'-0"

28'-0"

45'-0"

25'

LOT 4

S 12° 26' 25" E

159.13

N 40° 20' 03" W 129.42

22.82

R = 175'

14.97
S 49° 20' 51" W

DELVALE PLACE

50

OK dec 10/6/59
65/64/8 038 70
65/64/8 028 70

PET. EX #1

