

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Edward J. and Angela D. Scharr, legal owner... hereby petition for a Variance from Section 1B02.3B (2)(1.3) to permit a sidewalk setback for a corner lot of 11' from the property line and 41' from the centerline of the street instead of the required 25' and 50' respectively.

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

See attached description.

MAP	2F
SECTION	1B02.3B
PROPERTY	
OWNER	
DATE	11/21/72
BY	

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, printing, 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.

DATE: November 21, 1972

Contract purchaser: Edward J. Scharr, Angela D. Scharr
Address: 7129 Fairbrook Rd, Catonsville, Md. 21207

Petitioner's Attorney: _____
Protestant's Attorney: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this 26th day

of October 1972, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 104, County Office Building in Towson, Baltimore County, on the 20th day of November, 1972, at 10:00 o'clock.

Zoning Commissioner of Baltimore County.

73-128-A
796

Beginning for the same at a point on the Southeast Corner of Fairbrook Road and Elsey Circle. Designated as Lot No. 2, Block C As shown on the Plat of Chadwick Manor, Sec. II-A which plat is recorded among the Land Records of Baltimore County in Plat Book G. L. B. No. 28 folio 3.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric Dilenna, Zoning Commissioner Date: November 17, 1972

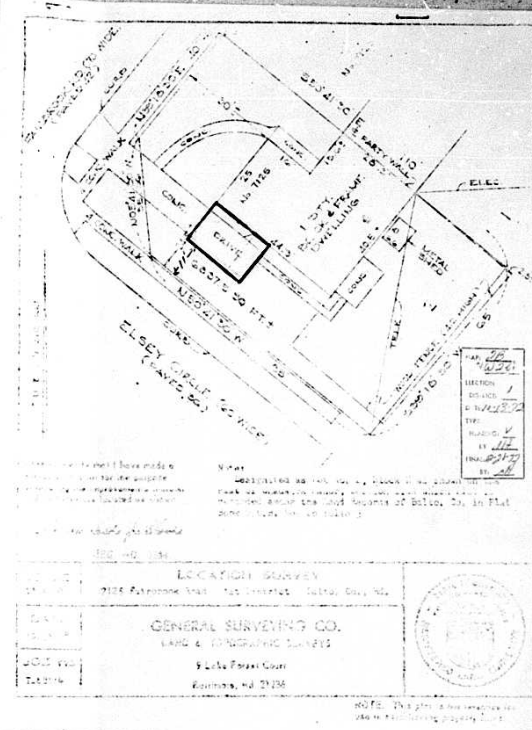
FROM: Norman E. Gerber, Office of Planning

SUBJECT: Petition #73-128-A. Southeast corner of Fairbrook Road and Elsey Circle. Petition for variance for side yard. Petitioner - Edward J. and Angela D. Scharr

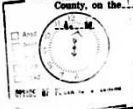
1st District

HEARING: Monday, November 20, 1972 (10:00 A. M.)

The staff of the Office of Planning and Zoning will offer no comment on this petition at this time.



FILED FOR FILING



My husband age 71 and myself age 64 are Senior Citizens purchasing our home in Baltimore County. I feel because of high crime rate today, our lives and our car would be safer if we had a garage. We have a driveway to the kitchen door and merely want to enclose the end of it using automatic doors. This action would also serve off cold wind on this side of the house and prevent freezing of water pipes in extreme cold weather. Baltimore County zoning office refuses to issue a permit for these improvements. The only reason being my building line would be twelve feet from the sidewalk instead of the required twenty five feet. They could give me no reason why such rules were adopted. They claim I live in a corner house but I do not agree. The street, if in fact it can be called that, is 150 ft long, is blockaded with a reflectorized fence which runs in line with my rear property line. The County owns but does not maintain this area. It could be sold as a building lot and would be 7127 Fairbrook Road. My neighbor across that area is 7129 Fairbrook Road. Beyond the fence blockade are situated a group of apartments.

Perhaps one long block from the "Boarded Fence", just beyond the apartment group is a high chain-link fence guarding Highway 70th. This area shown on the county zoning map as Elsey Circle was physically closed with the construction of 70th several years ago. This information came from another department in the County Office Building in Towson. However it is the basis for labeling my home as a corner lot.

I am told I must file three copies of a Petition for zoning Variance from Area and Height Regulations plus ten copies of a surveyors plat and seven copies of a surveyors description. In addition I must pay a \$25.00 filing fee plus advertising and posting. These papers must reach the zoning Board before September 27th because of Cycle zoning which we do not understand. It could take from four months to a year with no assurance that a permit would be granted. We feel this is discrimination against Senior Citizens struggling to meet higher living costs out of our pensions. Maybe it is just Bureaucracy in action.

Below are occurrences in the area of my home.

1. - a car was stolen from the driveway just like ours at 7129 Fairbrook Road (rust door) and never recovered.
2. - a group of young men parked at the street entrance to my home, came up to tamper with my car. threatened my husband who did but should not have opened our kitchen door. later tossed a carton of empty beer bottles on our lawn and drove off at very high speed.
3. - a group driving motorcycles continuously congregates in the contested area.
4. - It is a "Lovers Lane" from dusk to daylight.
5. - I called for the Radio Car three times one evening. (A girl about fifteen or a man, slightly older were having sexual relations on the grass area just inside the curb. This on the grass area just inside the curb. This after a heavy rain. He arrived on a motorcycle and we don't know how she reached the area) The desk off in each call (the first two we saw no treatable signs of an answer) did not know where Elsey Circle was located. The third call at 10 P.M. the car arrived five minutes too late.
6. - Prevalence of petty vandalism of cars and property in the area.

BOARD OF EDUCATION OF BALTIMORE COUNTY

TO ZONING, MARYLAND - 21204

Date: October 27, 1972

Mr. S. Eric Dilenna
Zoning Commissioner
County Office Building
Towson, Maryland 21286

Re: Item #76 ZAC meeting on October 24, 1972
Property Owner: Edward J. and Angela Scharr
Location: S/E corner of Fairbrook Rd. and Elsey Circle
Present Zoning: D.R. S-5
Proposed Zoning: Variance from Section 1B02.3B (211.3) to permit a side yard setback for a corner lot of 11' from the property line and 41' from the center of the street instead of required 25' and 50' respectively
District: 1
No. Acres: 6837.5 sq. ft.

Dear Mr. Dilenna:
No bearing on student population

Very truly yours,
W. Nick Petrovich
Field Representative

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner

the above Variance should be had; and it further appearing that by reason of the existing of the Variance requested not adversely affecting the health, safety and general welfare of the community, a Variance to permit a side yard setback for a corner lot of eleven (11) feet from the property line and forty-one (41) feet from the center-line of the street instead of the required twenty-five (25) feet and fifty (50) feet respectively, should be granted.

IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 21st day of November, 1972, that the herein Petition for a Variance should be and the same is granted, from and after the date of this Order, subject to the approval of a site plan by the Bureau of Public Services and the Office of Planning and Zoning.

James E. Hoff
Deputy Zoning Commissioner, Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of November, 1972, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 9, 1972

John J. Scharr, Jr.
Chairman

Mr. Edward J. Scharr
7125 Fairbrook Road
Baltimore, Maryland 21207

RE: Variance Petition
Item 76
Edward J. & Angela D. Scharr - Petitioners

Dear Mr. Scharr:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located on the southeast corner of Fairbrook Road and Eley Circle, in the 1st District of Baltimore County. This attractive semi-detached home is well maintained and is proposing an enclosed garage on the south side of the property. Eley Circle is a 36 foot wide road on a 60 foot right of way that extends only the depth of the subject property and terminates. It will apparently never be continued in the future. There are other residential homes in this vicinity that are well maintained and would not appear to be affected by this variance.

This variance is requested for filing on the date of the enclosed filing certificate. Notice of the hearing will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,
John J. Scharr, Jr.
Chairman
Zoning Advisory Committee

JJS:JU
Enclosure

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING

November 9, 1972

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Item 76 - ZAC - October 24, 1972
Property Owner: Edward J. & Angela Scharr
SE corner Fairbrook Road & Eley Circle
Variance from Section 1802.3B (211.3) to permit a side yard setback - District 1

Dear Mr. DiNenna:

No traffic problems are expected from the requested variance.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF:nc

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. HOOP, M.D., M.P.H.
County Health Officer

November 1, 1972

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 76, Zoning Advisory Committee Meeting, October 31, 1972, are as follows:

Property Owner: Edward J. and Angela Scharr
Location: S/E corner of Fairbrook Road and Eley Circle
Present Zoning: D.R. 5-5
Proposed Zoning: Variance from Section 1802.3B(211.3) to permit a side yard setback for a corner lot of 11' from the property line and 41' from the center of the street instead of required 25' and 50' respectively.
District: 1
No. Acres: 6837.5 sq.ft.

Since metropolitan water and sewer are available to the site, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mnc

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 27, 1972

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Item #76 ZAC meeting on October 24, 1972
Property Owners: Edward J. and Angela Scharr
Location: S/E corner of Fairbrook Rd. and Eley Circle
Present Zoning: D.R. 5-5
Proposed Zoning: Variance from Section 1802.3B (211.3) to permit a side yard setback for a corner lot of 11' from the property line and 41' from the center of the street instead of required 25' and 50' respectively
District: 1
No. Acres: 6837.5 sq.ft.

Dear Mr. DiNenna:

No hearing on student population

Very truly yours,

W. Kirk Stewart
W. Kirk Stewart
Field Representative

WKS:rd

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

A. V. Wimbley
Acting Director
JEFFERSON BUILDING
JEFFERSON BUILDING
JEFFERSON BUILDING
Jefferson Building
Suite 201
Towson, Md. 21204
48-2311

November 13, 1972

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #76, Zoning Advisory Committee Meeting, October 24, 1972, are as follows:

Property Owners: Edward J. and Angela Scharr
Location: S/E corner of Fairbrook Road and Eley Circle
Present Zoning: D.R. 5-5
Proposed Zoning: Variance from Section 1802.3B(211.3) to permit a side yard setback for a corner lot of 11' from the property line and 41' from the center of the street instead of required 25' and 50' respectively
District: 1
No. Acres: 6837.5 square feet

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner I
Project Planning Division
Office of Planning and Zoning

*1725 Fairbrook Rd
Baltimore, Md.
Nov 20, 1972*

*S. Eric DiNenna
Zoning Commissioner
111 W. Chesapeake Ave
Towson, Md 21204*

RE: Variance Petition
72-120-19

We hereby accept responsibility for any appeals that are received during the 30-day appeal period.

*Edward J. Scharr
Angela D. Scharr*

*Edward J. Scharr
Nov 20, 1972*



Mr. Edward J. Scharr
7125 Fairbrook Road
Towson, Maryland 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted for filing
this 26th day of October 1972.

E. Eric DiNenna
Eric DiNenna
Zoning Commissioner

Petitioner Edward J. & Angela D. Scharr

Petitioner's Attorney John J. Dillon, Jr. Reviewed by John J. Dillon, Jr.
Zoning Advisory Committee

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>[Signature]</i>			Revised Plans: Change in outline or description	Yes	No					
Previous case:			Map #							

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 5731

DATE October 1, 1972 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER DISTRIBUTION YELLOW - CUSTOMER
PINK - AGENCY

Angela D. Scharr
7125 Fairbrook Road
Baltimore, Md. 21207
Petition For Variance
#73-120-A

25.00 CASH

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 5793

DATE Nov. 13, 1972 ACCOUNT 01-662

AMOUNT \$4.25

WHITE - CASHIER DISTRIBUTION YELLOW - CUSTOMER
PINK - AGENCY

Edward J. Scharr
7125 Fairbrook Road
Baltimore, Md. 21207
Advertising and posting of property
#73-103-A

4.25 CASH

ORIGINAL

OFFICE OF
THE CATONSVILLE TIMES

CATONSVILLE, MD. 21228 November 6 - 1972

THIS IS TO CERTIFY, that the annexed advertisement of
S. Eric DiNenna
Zoning Commissioner of Baltimore County
was inserted in THE CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the date of November 7, 1972 that is to say, the same was inserted in the issue of November 3, 1972.

STROMBERG PUBLICATIONS, Inc.

Bill Meyer

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 2, 1972.

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the date of November 2, 1972, the first publication appearing on the 2nd day of November 1972.

THE JEFFERSONIAN
[Signature]
Manager

Cost of Advertisement: \$.....

Mr. Edward J. Scharr
7125 Fairbrook Road
Baltimore, Maryland 21207

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted for filing
this 26th day of October 1972.

E. Eric DiNenna
Eric DiNenna
Zoning Commissioner

Petitioner Edward J. & Angela D. Scharr

Petitioner's Attorney John J. Dillon, Jr. Reviewed by John J. Dillon, Jr.
Zoning Advisory Committee

15160 73-120-A

BALTIMORE COUNTY, MARYLAND
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 151 Date of Posting Nov. 4, 1972

Posted for: VARIANCE

Petitioner: ED. SCHARR

Location of property: SE COR. OF FAIRBROOK RD + ELAY CIRCLE

Location of Sign: 7125 FAIRBROOK RD.

Remarks:

Posted by: Charles P. Neal Date of return: Nov. 18, 1972
Secretary

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 8, 1972

COUNTY OFFICE BUILDING
111 W. Chesapeake Ave.
Towson, Maryland 21204

John J. Dillon, Jr.
Chairman

MEMBERS:

BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF PARK PROTECTION
HEATER DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

Mr. Edward J. Scharr
7125 Fairbrook Road
Baltimore, Maryland 21207

RE: Variance Petition
Item 76
Edward J. & Angela D. Scharr - Petitioners

Dear Mr. Scharr:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located on the southeast corner of Fairbrook Road and Elsay Circle, in the 1st District of Baltimore County. This attractive semi-detached home is well maintained and is proposing an enclosed garage on the south side of the property. Elsay Circle is a 36 foot wide road on a 60 foot right of way that extends only the depth of the subject property and terminates. It will apparently never be continued in the future. There are other residential homes in this vicinity that are well maintained and would not appear to be affected by this Variance.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,
John J. Dillon, Jr.
John J. Dillon, Jr.,
Chairman,
Zoning Advisory Committee

JJD:JD
Enclosure

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLYBURN, P.E. Wm. T. Mullen
CHIEF DEPUTY TRAFFIC ENGINEER

November 9, 1972

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 76 - ZAC - October 24, 1972
Property Owners: Ed. & J. & Angela Scharr
SE corner Fairbrook Road & Elsay Circle
Variance from Section 1802.3B (211.33) to permit a side yard setback - District 1

Dear Mr. DiNenna:

No traffic problems are expected from the requested variance.

Very truly yours,
William T. Mullen
William T. Mullen
Traffic Engineer Associate

HSF:nc

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

November 13, 1972

A. V. Culey
Acting Director
6837.5 SQUARE FEET

5. ERIC DINENNA
Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
#42321

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #76, Zoning Advisory Committee Meeting, October 26, 1972, are as follows:

Property Owner: Edward J. and Angela Scharr
Location: S/E corner of Fairbrook Road and Elsay Circle
Present Zoning: D.R.S.5
Proposed Zoning: Variance from Section 1802.3B(211.33) to permit a side yard setback for a corner lot of 11' from the property line and 41' from the center of the street instead of required 25' and 50' respectively

6' x 11' = 66 sq. ft.
Acres: 6837.5 square feet

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planner I
Project Planning Division
Office of Planning and Zoning

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

November 1, 1972

Donald J. Roof, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 76, Zoning Advisory Committee Meeting, October 31, 1972, are as follows:

Property Owner: Edward J. and Angela Scharr
Location: S/E corner of Fairbrook Road and Elsay Circle
Present Zoning: D.R.S.5
Proposed Zoning: Variance from Section 1802.3B(211.33) to permit a side yard setback for a corner lot of 11' from the property line and 41' from the center of the street instead of required 25' and 50' respectively

District: 1
No. Acres: 6837.5 sq. ft.

Since metropolitan water and sewer are available to the site, no health hazard is anticipated.

Very truly yours,
Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HSV:ms

No. _____

Baltimore County, Maryland
Department Of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering

ELLSWORTH N. DIVER, P. E., CHIEF

November 27, 1972

Handwritten: 76
73-128-A -

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #76 (1972-1973)
Property Owner: Edward J. and Angela Scharr
S/E corner of Fairbrook Rd. and Elsey Circle
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Section 1B02.3B (211.3)
to permit a side yard setback for a corner lot of 11' from the
property line and 41' from the center of the street instead
of required 25' and 50' respectively
District: 1st No. Acres: 6837.5 sq. ft.

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Since no further highway improvements are required and all public utilities exist, this office has no further comment in regard to this Zoning Item #76 (1972-1973).

Very truly yours,



ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

L-SE Key Sheet
5 NW 27 Position Sheet
NW 2 G Topc
9L Tax Map