

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

CVACH, his wife,

I, or we, PHILIP E. CVACH and MARY A. CVACH, legal owners 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 Variance from Section 1802.3 B. (VMA) to permit a front yard...

...set back of 0' instead of the required 40'.

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

1. The property is being used by the owners, trading as Cvach Funeral Homes. The nature of the funeral services provided by the Petitioners to the public requires room to provide services in a comfortable and dignified setting; and, in addition, public convenience and safety require an adequate parking area and an area where funeral corteges can be assembled without impeding traffic. Petitioners are faced with a dilemma that their present building is inadequate to provide a comfortable and dignified setting to the public; but, if they expand in any direction except to the front of their property, there will be no room for parking or funeral cortege assembly area without using the public street to the inconvenience of the general public. Granting of the requested variance would provide room to the front of the existing structure to make the necessary modifications leaving the rear and side areas for parking and funeral assembly.

(Continued on attached sheet)

Property is to be posted and advertised as prescribed by Zoning Regulations.

We agree to pay expenses of above Variance advertising, printing, etc., upon filing of this petition and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

By Philip E. Cvach and Mary A. Cvach Petitioners

Address 1211 Chesaco Avenue, Baltimore, Maryland 21237

Contract purchaser Philip E. Cvach and Mary A. Cvach

Address 1211 Chesaco Avenue, Baltimore, Maryland 21237

BY James B. Jackson Petitioner's Attorney

Address 5617 East Lombard Street, 21224

Protector's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day

of January, 1973, 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 property be posted, and that the public hearing be had before the Zoning

Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

County, on the 30th day of January, 1973, at 10:15 o'clock

A. M.

By Philip E. Cvach and Mary A. Cvach

Zoning Commissioner of Baltimore County.

(over)

10:15A 1/31/73

73-153-A

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73-153-A

RE: PETITION FOR VARIANCE : BEFORE THE
SW/S of Chesaco Avenue, 287' N : DEPUTY ZONING
of Pulaski Highway - 15th District : COMMISSIONER
Philip E. Cvach - Petitioner :
NO. 73-153-A (Item No. 85) :
: OF
: BALTIMORE COUNTY

...

This Petition represents a request for a front yard Variance to permit a zero (0) foot setback instead of the required forty (40) feet.

The property in question consists of one (1) residential lot, one hundred and ten (110) feet across and one hundred and fifty (150) feet, more or less, deep. Said lot is situated on the west side of Chesaco Avenue, two hundred and eighty-seven (287) feet north of Pulaski Highway, and was originally improved and used as a residential dwelling. A Special Exception for a funeral home was granted for the subject property by Petition No. 4288 - X in 1957. Since that time, the dwelling has been renovated and a one (1) and one-half (1 1/2) story masonry addition added to the south side. The purpose of this request is to permit expansion in the form of a twenty (20) foot wide addition along part of the front and along the total depth or side of the original dwelling.

Testimony was presented by the Petitioner, Mr. Philip E. Cvach, and his engineer, Mr. Frederick E. Mott Jr., a registered professional engineer. Their testimony was, in effect, as follows.

Mr. Mott explained that, prior to preparing the site plan, the best information obtainable by him was that Chesaco Avenue would be widened to an eighty (80) foot right of way with forty-eight (48) feet of paving. However, since preparing the plans, he has been informed that the improvements will consist of a seventy (70) foot right of way with forty-eight (48) feet of paving, and the alignment of this road will curve away from the subject property. (See Petitioner's Exhibit No. 1.) This will have the effect of lessening the requested Variance by a little more than five (5) feet.

A total of thirty-one (31) parking spaces is required for the subject use including the proposed addition. Twelve (12) spaces have been provided on the site, and nineteen (19) spaces have been acquired on the church parking lot directly across Chesaco Avenue.

If granted, the additional floor area provided by the addition will permit the removal of a garage type structure at the rear and will in turn permit a storage aisle or land for a cortege assembly area without using public streets. This will provide parking spaces for approximately twelve (12) cars.

Mr. William R. Kelley, an area resident who resides at 1213 Chesaco Avenue immediately adjacent to the subject site, appeared in protest to the subject Variance. His testimony was, in essence, as follows.

Mr. Kelley has resided at his present address for approximately eighteen (18) years, will retire soon, and plans to continue living at this address. His home was purchased in 1955, approximately three (3) years before the original request for a Special Exception was granted. He did not object to the funeral home at that time, and has lived in relative harmony with both the business, and Mr. Cvach's family during the time that they resided above the funeral home. However, since that time, Mr. Cvach has moved and no longer resides in the community. An addition has been added, the business and associated activities have increased, i.e., traffic, deliveries, etc. Mr. Kelley stated that the addition to the front of the building would tend to cut-off his light and air, and as such, would be detrimental to his general welfare. He further stated that his only reason for appearing at the hearing was to protest the addition to the front of the existing funeral establishment.

OPINION

At the close of the hearing, both the attorney for the Petitioner and Mr. Kelley indicated that they had no objection to an on site field inspection by the Deputy Zoning Commissioner prior to rendering a decision in this case.

- 2 -

The subject property is flanked on the north and south by two (2) residential structures, the addresses of which are 1213 and 1209 Chesaco Avenue. The dwelling at 1209 is presently being advertised for sale. Mr. Kelley resides at 1213. Both Mr. Kelley's home and the subject property are well maintained, and can be considered a credit to the area. The addition, as proposed and indicated on the Petitioner's site plan, is L shaped and will extend along the total length of the side of the structure, and approximately across one-half (1/2) the length of the front of the building. The addition to the front would project approximately seven (7) feet in front of the dwelling at 1213 and twenty-four (24) feet in front of the dwelling at 1209 Chesaco Avenue.

The addition along the side of the building is substantial and can be accomplished within the context of the Zoning Regulations without the necessity of a Variance. However, the addition to the front of the building, would, in the opinion of the Deputy Zoning Commissioner, violate the spirit and intent of the Zoning Regulations, overcrowd the lot, and be detrimental to the health, safety, and general welfare of the adjoining residences.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 18th day of January, 1973, that the above Variance be and the same is hereby DENIED.

James B. Jackson
Deputy Zoning Commissioner of
Baltimore County

PROPERTY DESCRIPTION

1211 Chesaco Avenue, more particularly described as follows:

BEGINNING for the same at a point on the southwest side of Chesaco Avenue at a distance of 287 feet more or less from Pulaski Highway, and thence running north westerly along the southwest side of Chesaco Avenue North 42 degrees 15 minutes west 110 feet more or less; thence running south 62 degrees 20 minutes west 151.40 feet and thence turning parallel to Chesaco Avenue south 42 degrees 15 minutes east 116 feet more or less to the center of a roadway 20 feet wide, and thence northeasterly along the center of said roadway to be used in common by the owners of the land abutting thereon north 60 degrees 6 minutes east 150 feet more or less to the place of beginning.

ST. CLEMENT RECTORY
1200 CHESACO AVENUE
BALTIMORE, MARYLAND 21237

26 October 1972

Cvach Funeral Home
Philip E. Cvach
1211 Chesaco Avenue
Baltimore, Maryland 21237

Dear Mr. Cvach:

This is to certify that your patrons may use the parking facilities of this Church during and for the normal operation of your funeral services from this date, October 26, 1972, until January 1, 1983. Parking accommodations will be available for at least twenty five cars.

Sincerely,

Reverend Joseph A. Kaiser
Reverend Joseph A. Kaiser
Administrator

JAK:mb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNenna, Zoning Commissioner Date: January 2, 1973
FROM: Norman E. Gerber, Office of Planning
SUBJECT: Petition 73-153-A, SW 1/4 Chesaco Avenue, 287' N. Pulaski Highway
Petition for variance to permit 0' front yard setback in lieu of required 40'
Petitioner - Philip E. and Mary A. Cvach
15th District

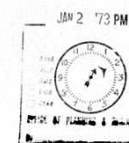
HEARING: Wednesday, January 3, 1973 (10:15 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer.

The plot seems to be in error. If this is so, it appears that the request should be for a variance to permit a 10' front yard set back instead of 0' foot front yard set back.

The staff will offer no objections to a 10' set back at this time.

NEG:rw



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

December 14, 1972

James B. Carson, Esq.,
3517 East Toward Street
Baltimore, Maryland 21204

Re: Variance Petition
Item 85
Philip E. Cvech and Mary A. Cvech -
Petitioners

Dear Mr. Carson:

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 side of Chesaco Avenue, 227 feet north of Pulaski Highway, in the 15th District of Baltimore County. This 0.4, 5.5 property is presently improved with a 2 1/2 story funeral home. In the rear of the property, on the west, there is an existing wooded lot. The lots immediately adjacent to the north and south of this property are improved with one-family dwellings. On the east side of Chesaco Avenue, directly opposite this property, is the St. Clement's Catholic Church and parking facilities.

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.

Very truly yours,

JOHN D. DILLON, Esq.,
Chairman,
Zoning Advisory Committee

Encl: 2

Encl: 2

Baltimore County, Maryland Department of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

December 5, 1972

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

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

Re: Item #85 (1972-1973)
Property Owner: Philip E. and Mary A. Cvech
S.W. Chesaco Ave., 287' N. Pulaski Hwy.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Section 1802.38 to permit a 0' front yard setback instead of required 40' District: 15th No. Acres: 116' x 151'

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.

Highways:

Chesaco Avenue, an existing County road, is proposed to be improved in the future as a 44-foot closed-type roadway cross-section on a 70-foot right-of-way and realigned in the vicinity of this property. Highway improvements are not required at this time. However, highway right-of-way, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application. Further information regarding the proposed realignment of Chesaco Avenue and the right-of-way required can be obtained from the Baltimore County Bureau of Engineering. The plan should be revised accordingly.

Construction or reconstruction of any sidewalk, curb and gutter, entrance, apron, etc., in connection with the further development of this site will be the full responsibility of the Petitioner.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #85 (1972-1973)
Property Owner: Philip E. and Mary A. Cvech
Page 2
December 5, 1972

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are available and serving this property.

Very truly yours,

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

END:EAH:PM:ess

cc: John J. Trenner

J-CE Key Sheet
9 NE 20 Position
RE 3 E Topo
By Tax Map

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204



DEPARTMENT OF TRAFFIC ENGINEERING EUGENE J. CLIFFORD, P.E. WM. T. MELZER DIRECTOR SENIOR TRAFFIC ENGINEER

December 1, 1972

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

Re: Item 85 - ZAC - November 21, 1972
Property Owner: Philip E. & Mary A. Cvech
Chesaco Avenue N of Pulaski Highway
Variance from Section 1802.38 to permit a 0' front yard setback instead of required 40 feet District 15

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to a front yard setback.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

Baltimore County Fire Department



Towson, Maryland 21204

913-7318

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Acting
Zoning Advisory Committee

Re: Property Owner: Philip E. and Mary A. Cvech

Location: SW/S Chesaco Avenue, 287' N Pulaski Highway

Item No. 85

Zoning Agenda Tuesday, November 21, 1972

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of 100 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at

- () 4. EXCEEDS the maximum allowed by the Fire Department. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewer:

Planning Group
Special Inspection Division

Noted and

Approved:

Deputy Chief
Fire Prevention Bureau

ms
4/25/72

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

November 22, 1972

DONALD J. ROOP, 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 85, Zoning Advisory Committee Meeting November 21, 1972, are as follows:

Property Owner: Philip E. and Mary A. Cvech
Location: SW/S Chesaco Avenue, 287' N Pulaski Hwy.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Section 1802.38 to permit a 0' front yard setback instead of required 40'.
District: 15
No. Acres: 116' x 151'

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

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mn

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

A. V. Quimby
Acting Director

JEFFERSON BUILDING
111 W. Chesapeake Ave.
Towson, Md. 21204
(410) 331-1111

December 5, 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:

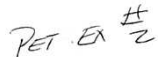
Comments on Item #85, Zoning Advisory Committee Meeting, November 21, 1972, are as follows:

Property Owner: Philip E. and Mary A. Cvech
Location: SW/S Chesaco Avenue, 287' N. Pulaski Highway
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Section 1802.38 to permit a 0' front yard setback instead of required 40'.
District: 15
No. Acres: 116' x 151'

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

Very truly yours,

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



BY ORDER OF
S. ERIC DINENNA
ZONING COMMISSIONER 02
BALTIMORE COUNTY
Dec. 14

OFFICE OF

ESSEX, MD. 21221 December 18 - 19 72

STROMBERG PUBLICATIONS, Inc.

By Ruth Mayan

Dec. 14. Baltimore County

TOWSON, MD. December 14 1972

Cost of Advertisement, \$_____

THE JEFFERSONIAN,
W. L. Smith
 Manager

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

No. 5885

DATE Jan. 10, 1973 ACCOUNT 01-662

AMOUNT \$46.25

DISTRIBUTION

WHITE - CASHIER	PINK - AGENCY	YELLOW - CUSTOMER
Mosses, Pa. Inna and Carson 3517 Lombard Street, East Baltimore, Md. 21220 Advertising and posting of property for Philip M Cvach - 713-153-A		

BALTIMORE COUNTY, MARYLAND

OFFICE OF FIN. & REVENUE DIVISION

MISCELLANEOUS CHECK RECEIPT

No. 5841

DATE: Dec. 11, 1972 ACCOUNT: 01-662

AMOUNT \$25.00

DISTRIBUTION

WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Messers, Fellows and Carson

3417 N. Lombard St.

Baltimore, Md. 21224

Petition for Summons for Philip R. Carson

7/3-53-A 2 5.00 PK

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received* it's the 3rd day of December, 1972. Item # .

SP. D. 76
S. Eric M. Hanna
Zoning Commissioner

Petitioner CYACH Submitted by MATT
Petitioner's Attorney CARSON Reviewed by JDH/HR

* This is not to be interpreted as acceptance of the Petition for assignment of a hearing.

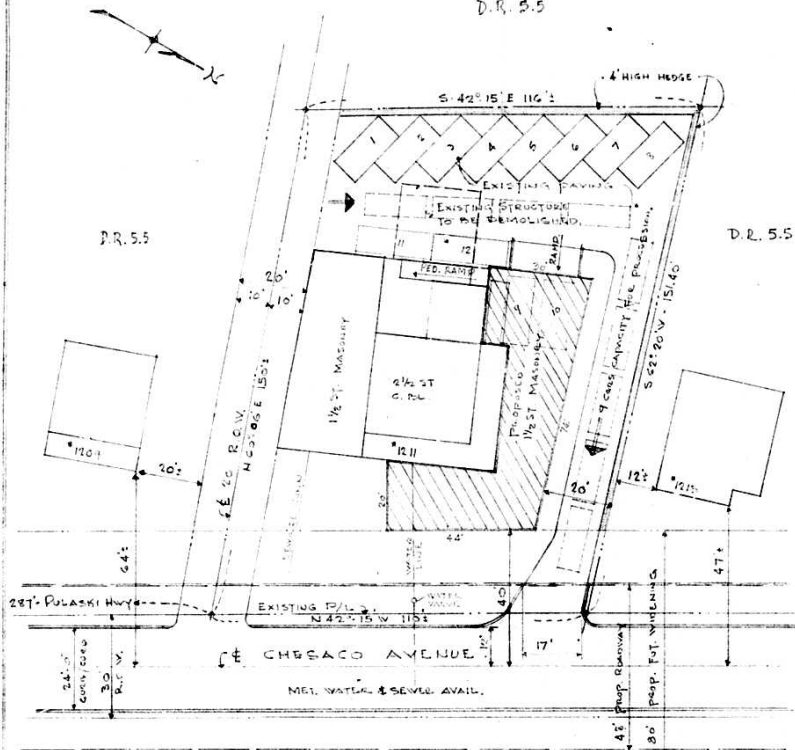
PETITION MAPPING PROGRESS SHEET

FUNCTION	Wait 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										

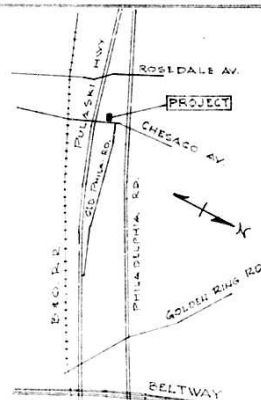
Reviewed by: JBH Revised Plans: _____
 Change in outline or description Yes _____
 No _____

Previous case: 4239-X Map # _____

D.R. 5.5



D.R. 5.5



VICINITY MAP

MAP	15
RECORD	15
DATE	15
BY	15
FOR	15
BY	15
FOR	15
BY	15
FOR	15

DATA

1. ELECTION DISTRICT: 15th, BALTO. CO., MARYLAND.
2. EXISTING USE: FUNERAL HOME (SEE SPECIAL EXCEPTION APPROVAL, NOV. 20, 1957, NO. 4280-X, MAP 15-A.)
3. PROPOSED USE: NO CHANGE.
4. AREA OF PROPERTY: 17,029 S.F.
5. AREA OF PROPOSED ADDITION: 3555 S.F.
FLOOR AREA OF EXISTING BLDG.: 5700 S.F.
TOTAL FLOOR AREA: 9255 S.F.
6. PARKING REQUIREMENT:
9255 S.F. ÷ 200 = 46 SPACES
No. SPACES ON LOT = 12 SPACES
No. SPACES OFF LOT = 17 SPACES
*SEE LETTER DATED 25 OCT. 1972 PROVIDING 25 SPACES ON CHURCH PARKING LOT FOR USE BY FUNERAL HOME.

NOTE: SURVEY DATA FROM PLAT BY W.M. LEE #155 (7-21-64)

CHURCH PARKING

ST. CLEMENT'S
CATHOLIC
CHURCH

NOTE:

CHURCH PARKING AREA CONSISTS OF PAVED SURFACE MARKED FOR 499 PARKING SPACES + AREAS UNMARKED FOR RECREATION AND BUSING. SIMULTANEOUS USE BY CHURCH ACTIVITIES, BUS USE, OUTDOOR RECREATION, AND FUNERAL HOME REQUIREMENT IS NOT EXPECTED TO OCCUR.

PRELIMINARY SITE PLAN

SCALE: 1" = 20'



PRELIMINARY SITE PLAN

PROPOSED ADDITION TO
ROSEDALE FUNERAL HOME -
15th ELECTION DISTRICT - BALTO. CO., MD.
FREDERICK E. MOTT, JR., P.E.
CONSULTING ENGINEER

SCALE: 1" = 20'
DATE: 6-20-72

DWG. No. 1

