

73-303-A 206-10-24 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Edward & Mary L. O'Neill, 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 Variance from Section 1802.38 (1945, III.C.3) to permit a side yard setback of three (3) feet instead of the ~~four~~ required sixteen (7) feet.

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

Due to family being to large (6 in the family) and to many appliances in a small kitchen.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. We agree to pay expenses of above Variance advertising, posting, 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 June 14, 1973
Contract purchaser Edward & Mary L. O'Neill
Address 1816 Wilhelm Avenue
Baltimore County 21237
Petitioner's Attorney _____
Protestant's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day of May, 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 through-out 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 13th day of June, 1973, at 10:30 o'clock.

John J. Dillon, Jr.
Zoning Commissioner of Baltimore County
(over)

73-303-A
206-10-24

73-303-A
206-10-24

RE: PETITION FOR VARIANCE
from Section 1802.38
(1945 III.C.3) of the
Zoning Regulations
S/S of Wilhelm Avenue 452'
W. of Longview Avenue
14th District
Edward T. O'Neill, et ux,
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 73-303-A

OPINION

This case comes before the Board on an appeal by a Protestor from an Order of the Zoning Commissioner which granted a variance in this instance. The subject property is located at 1816 Wilhelm Avenue, some being on the south side of Wilhelm Avenue approximately 452 feet west of Longview Avenue, in the Fourteenth Election District of Baltimore County. The petition requests a variance from Section 1802.38 (1945 III.C.3) to permit a side yard setback of 3 feet instead of the required 7 feet. The unreasonable hardship and practical difficulty indicated on the petition as originally filed in this case, was that due to a large family (6) and to the need for many appliances in a small kitchen that a larger kitchen was necessary. The Zoning Commissioner granted a variance of five feet instead of the required seven feet. It is from this Order that the appeal in this instance arises.

The Board heard from the petitioner who described his house and the residents thereof. Cross-examination indicated that there is a swimming pool in the rear yard. The petitioner seeks this variance so that he might expand his kitchen and apparently because of the swimming pool in the rear yard, the addition in that direction would no longer be feasible.

The protestant was Mrs. J. Wanda Murphy who resides next-door to the subject property. Mrs. Murphy told the Board that due to the layout of the properties, her front door would be immediately across from the kitchen door if the proposed kitchen expansion were allowed. The protestant also thought that if the variance were granted her property would be adversely affected and that the light and air between the houses would be reduced. Her property sits lower than the subject property, and she was also fearful that any changes in the topography could result in additional water runoff onto her property.

Edward T. O'Neill, et ux - #73-303-A

2.

The Courts have held that to grant a variance, the Board must find from the testimony and evidence more than that to allow said variance would be suitable or desirable or could do no harm or would be convenient for its owner. The Board must find proof of urgent necessity; i.e., unreasonable hardship peculiar to the particular property involved and/or a practical difficulty that would place a burden upon the property owner not justified by the public health, safety and welfare. The petitioner must show that strict compliance with the Zoning Regulations would result in such a practical difficulty or unreasonable hardship. Considering and reflecting upon the testimony and evidence offered in this case, the Board can find no such proof. Therefore, the variance will be denied.

ORDER

For the reasons set forth in the foregoing Opinion, the Board reverses the Order of the Zoning Commissioner, dated June 16, 1973, and it is this 27th day of November, 1973, by the County Board of Appeals, ORDERED that the variance petitioned for, be and the same is hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr.
Walter A. Reiter, Jr., Acting Chairman

W. Giles Parker
W. Giles Parker

Robert L. Gifford
Robert L. Gifford

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 25, 1973

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

JOHN J. DILLON, JR.
Chairman

MEMBERS

BUREAU OF
ENGINEERING

DEPARTMENT OF
TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF
HIGHWAY PRESENTATION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL
DEVELOPMENT

Mr. Edward T. O'Neill
1816 Wilhelm Avenue
Baltimore, Maryland 21237

RE: Variance Petition
Item 204
Edward & Mary L. O'Neill - Petitioners

Dear Mr. O'Neill:

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.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the south side of Wilhelm Avenue, 452 feet west of Longview Avenue, in the 14th District of Baltimore County. This property is located on Lot 18, Block A, Section A of the subdivision known as Rosedale Manor.

The petitioner is requesting a side yard variance of 3 feet instead of the required 7 feet, which was the required setback at the time the subdivision was created.

There are existing dwellings on either side of this property and on the north side of Wilhelm Avenue. Curb and gutter exists along Wilhelm Avenue at this location.

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:JJD
(Enclosure)
cc: Purdon and Jeschke
2415 Maryland Avenue (21219)

Baltimore County, Maryland Department Of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

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

May 10, 1973

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

Re: Item #204 (1972 - 1973)
Property Owner: Edward and Mary O'Neill
1816 Wilhelm Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Section 1802.38 to permit a side yard setback of 3' instead of required 7'
District: 14th No. Acres: 561 x 110'

Dear Mr. DiNenna:

Baltimore County utilities and highway improvements are not involved. It appears that additional fire hydrant protection may be required in the vicinity.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #204 (1972 - 1973).

Very truly yours,
Ellsworth N. Diver
Ellsworth N. Diver, P.E.
Chief, Bureau of Engineering

END:RAM:PAR:SS
J-SE Key Sheet
7 NE 18 Pos. Sheet
NE 2 E Topo
89 Tax Map

cc: J. Loea

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Wm. T. NELSON
DIRECTOR DEPUTY TRAFFIC ENGINEER

May 30, 1973

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

Re: Item 204 - ZAC - April 24, 1973
Property Owner: Edward and Mary O'Neill
1816 Wilhelm Avenue
Variance from Section 1802.38 to permit a side yard setback of 3' instead of required 7'
District 14

Dear Mr. DiNenna:

No major traffic problems are anticipated by the requested variance to the side yard.

Very truly yours,
Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF/pk

Mr. Edward T. O'Neill
1816 Wilhelm Avenue
Baltimore, Maryland 21237

Item 204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing

this 12th day of May, 1973

John J. Dillon, Jr.
John J. Dillon, Jr.
Zoning Commissioner

Petitioner Edward & Mary L. O'Neill

Petitioner's Attorney _____

cc: Purdon and Jeschke
2415 Maryland Avenue (21219)

Reviewed by John J. Dillon, Jr.
John J. Dillon, Jr.
Zoning Advisory Committee

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 Petitioners.

the above Variance should be had, and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community.

It is ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of June, 1973, that the herein Petition for a Variance should be and the same is granted, from and after the date of this Order, to permit a side yard setback of five (5) feet instead of the required seven (7) feet.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 14th day of June, 1973, that the herein Petition for a Variance should be and the same is granted, from and after the date of this Order, to permit a side yard setback of five (5) feet instead of the required seven (7) feet, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

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 14th day of June, 1973, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

1814 Wilhelm Avenue
Baltimore, Maryland 21237
July 10, 1973

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

RE: Petition for Variance
S/S of Wilhelm Avenue, 452 feet
W of Longview Avenue - 14th District
Edward T. O'Neill, et ux -
Petitioners
NO. 73-303-A (Item No. 204)

Dear Mr. DiNenna:

Please note an appeal from your Order, dated June 14, 1973, on behalf of the undersigned, to the Baltimore County Board of Appeals.

Enclosed herewith is my check in the amount of Fifty Dollars (\$50.00) to cover the costs of this Appeal and the posting of the property.

Very truly yours,

Wanda Murphy (Mrs.)



Baltimore County Fire Department

J. Austin Deitz
Chief



Towson, Maryland 21204
873-7310

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Edward and Mary O'Neill

Location: 1816 Wilhelm Avenue

Item No. 204 Zoning Agenda Tuesday, April 24, 1973

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. The maximum allowed by the Fire Department.
- () 5. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 6. 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.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: *William D. Fromm* Noted and Approved: *Paul H. Reincke*
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

WJS
4/16/73

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

April 25, 1973

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 204, Zoning Advisory Committee Meeting April 24, 1973, are as follows:

Property Owner: Edward and Mary O'Neill
Location: 1816 Wilhelm Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 1802.3B to permit a side yard setback of 3' instead of required 7'
District: 14
No. Acres: 56' x 110'

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

Very truly yours,

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

HVB:mno

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: May 1, 1973

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

Z.A.C. Meeting of: Tuesday April 24, 1973

Re: Item 204
Property Owner: Edward and Mary O'Neill
Location: 1816 Wilhelm Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Section 1802.3B to permit a side yard setback of 3' instead of required 7'

District: 14
No. Acres: 56' x 110'

Dear Mr. DiNenna:

No effect on student population.

Very truly yours,
W. Nick Petrovich
W. Nick Petrovich
Field Representative

H. ENSLEY PARKS, President
J. ENSLEY PARKS, Vice President
W. ROBERT A. BERNY

MARSHALL M. BOSTON
J. ENSLEY PARKS, Vice President
ALVIN L. BOWEN

F. HARTMAN WILLIAMS, Jr.
RICHARD W. FRISCH, M.D.
W. ROBERT A. BERNY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: June 5, 1973

FROM: William D. Fromm, Director

SUBJECT: Petition #73-303-A. South side of Wilhelm Avenue 452 feet West of Longview Ave.
Petition for Variance for a Side Yard.

Petitioners - Edward T. and Mary Lou O'Neill

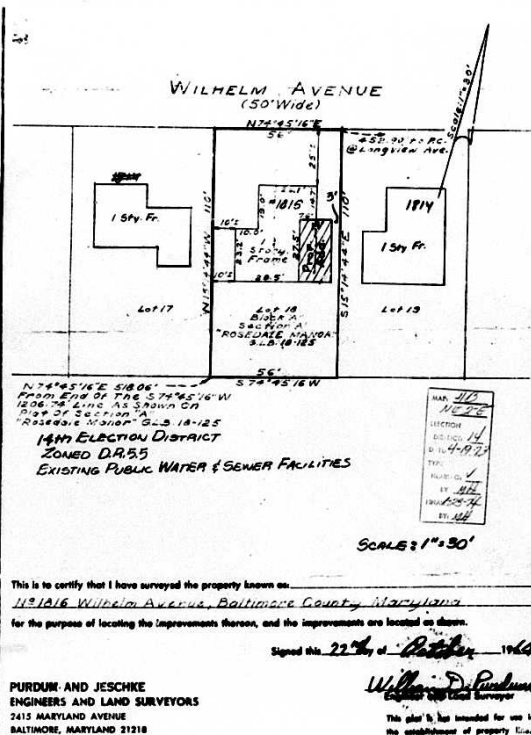
14th District

HEARING: Wednesday, June 13, 1973 (10:30 A.M.)

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

William D. Fromm
William D. Fromm, Director
Office of Planning and Zoning

WDF:NEG:rw



This is to certify that I have surveyed the property known as
1816 Wilhelm Avenue, Baltimore County, Maryland
for the purpose of locating the improvements thereon, and the improvements are located as shown.
Signed this 22nd day of *October* 1964
William D. Fromm
Purdum and Jeschke
ENGINEERS AND LAND SURVEYORS
2415 MARYLAND AVENUE
BALTIMORE, MARYLAND 21218
This plan is intended for use in the establishment of property lines.

Description for Variance
Being located on the south side of Wilhelm Avenue, approximately 452 feet west side of Longview Avenue and known as Lot No 18 of Block A, Section A, of the Plat of Rosedale Manor and recorded amongst the Land Records of Baltimore County in Plat Book G.L.B. No 18, folio 125.

[illegible]

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Teton, Baltimore County, Md., once in each of one time, successive weeks before the 13th day of June, 1973, the first publication appearing on the 24th day of Nov. 1973.

THE JEFFERSONIAN

Cost of Advertisement, \$.....

ORIGINAL

OFFICE OF

Essex Times

809 Eastern Blvd.
Essex, Md. 21221

May 28 -19 73

THIS IS TO CERTIFY, that the annexed advertisement of
J. Eric Blumens
Zoning Commissioner of Baltimore County
was inserted in **ESSEX TIMES** a weekly news-
paper published in Baltimore County, Maryland, once a week
for one ~~successive~~ weeks before the
28 day of May 1973; that is to say,
the same was inserted in the issues of May 24, 1973.

Stromberg Publications, Inc.**Publisher**

B7 Ruth Morgan

PETITION MAPPING PROGRESS SHEET

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: 			Revised Plans: Change in outline or description						Yes No	
Previous case: 			Map #							

Mr. Edward T. O'Mall
1046 Wilfr's Avenue
Baltimore, Maryland 21239

1999 2004

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing

this 19th day of May 1973

[Signature]
S. ERIC DINWIDDIE,
Zoning Commissioner

Petitioner Edward & Mary L. O'Malley

Petitioner's Attorney _____
c/o Pardon and Justice
2015 Maryland Avenue (21202)

Reviewed by [Signature]
Chairman,
Zoning Advisory Committee

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

No. 8388

DATE May 18, 1973 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER DISTRIBUTION YELLOW - CUSTOMER
PINK - AGENCY

Edward T. O'Neil
1816 Wilhelm Ave.
Baltimore, Md. 21237
Petition for Variance for Edward T. O'Neil
673-3034

10892 FM 18

25.0 C HSC

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

No. 14102

DATE July 11, 1973 ACCOUNT 01-662

AMOUNT \$25.00

AMOUNT \$40.00

WHITE - CASHIER **DISTRIBUTION** YELLOW - CUSTOMER
PINK - AGENCY

Mrs. J. Wanda Murphy
Cost of an Appeal and Posting Property of Edward T.
O'Neil, et ux
S/S of Wilhelm Avenue, 452' W of Longview Avenue,
14th District
Case No. 73-303-A

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

No. 10832

DATE **June 12, 1973** **01-462**

AMOUNT \$39.50

WHITE - CASHIER DISTRIBUTION YELLOW - CUSTOMER
PINK - AGENCY

Edward T. O'Neil
1816 Wilhelm Ave.
Baltimore, Md. 21237
Administrator and meeting of members - ST-202-A

Advertising and posting of property--#73-303-A 39.50

