

# 74-10-A #223 7-10-73 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Ruth M. Niemyer and LeRoy Larkin Niemyer, Jr.  
I, or we, the legal owner... 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 180A.2.C.2 to permit a setback of 40 feet from the centerline of a street instead of the required 50 feet and to permit a corner side street setback of 15' in lieu of required 25'.

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

1. The adjacent property is owned by and has a house built on it by another person.
2. The property is also restricted on the other side by Bayside Avenue where the variance is required.
3. Expansion in the easterly and westerly directions would offer no relief.
4. A small house is to be built for the widow R.M. Niemyer

See attached description

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

Contract purchaser

*Ruth M. Niemyer*  
*LeRoy Larkin Niemyer, Jr.*  
Address 3609 Gibbons Ave.  
Baltimore, Md. 21214

Petitioner's Attorney

Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of July, 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 the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore, Maryland, on the 16th day of July, 1973, at 10:30 o'clock.

*Eric DiMenna*  
Zoning Commissioner of Baltimore County, 10/30/73  
(over) 7/11/73

## **BALTIMORE COUNTY ZONING ADVISORY COMMITTEE**

July 2, 1973

COUNTY OFFICE BUILDING  
121 W. CHESAPEAKE AVE.  
TOWSON, MARYLAND 21204

JOHN J. DILLON, JR.  
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

BUREAU OF PLANNING

PLANNING DEPARTMENT

BOARD OF EDUCATION

INDUSTRIAL DEVELOPMENT

Mrs. M. Niemyer  
3609 Gibbons Avenue  
Baltimore, Maryland 21214

RE: Variance Petition

Item 223

Ruth M. Niemyer and LeRoy Larkin Niemyer, Jr. - Petitioners

Dear Mrs. Niemyer:

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 of the property. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the southwest corner of Bayside Avenue and Todd Avenue, in the 12th District of Baltimore County. The subject property is currently unimproved and is directly adjacent to a dwelling on the west side. There are homes that front on Bayside and Todd Avenue in this area. The property directly behind is also unimproved and fronts on Howard Avenue. No curb and gutter exists at Bayside or Todd 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

Mrs. M. Niemyer  
Item 223  
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July 2, 1973

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

JJDjr:JJD

Enclosure

## **Baltimore County, Maryland Department of Public Works**

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

June 4, 1973

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

Re: Item #223 (1972-1973)  
Property Owner: Ruth M. and Leroy Niemyer, Jr.  
S/E corner of Todd and Bayside Avenues  
Present Zoning: D.R. 5.5  
Proposed Zoning: Variance from Section 180A.2.C.3 to permit a setback of 40' from the centerline of a street instead of required 50' and to permit a corner side street setback of 15' instead of required 25'  
District: 15th No. Acres: 50' x 120'

Dear Mr. DiMenna:

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:**

Todd and Bayside Avenues, existing public roads, are proposed to be improved in the future as 30-foot closed-type roadway cross-sections on 50-foot rights-of-way. Highway improvements are not required at this time. However, highway right-of-way widening for Todd Avenue including a fillet area at the intersection, and any necessary reversible easements for slopes, will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering. The plan should be revised accordingly.

### **Sediment Control:**

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

### **Storm Drains:**

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance 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.

The property to be developed is located adjacent to the water front. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential or commercial development and other special construction features are required.

Item #223 (1972-1973)  
Property Owner: Ruth M. and Leroy Niemyer, Jr.  
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June 4, 1973

### **Water and Sanitary Sewer:**

Public water supply and sanitary sewers are available to serve this property.

Very truly yours,

*Ellsworth N. Diver*  
ELLSWORTH N. DIVER, P.E.  
Chief, Bureau of Engineering

END/ENR:FW/iss

cc: J. Somers  
J. Trenner

A-SE Key Sheet  
33 SE 33 Pos. Sheet  
SE 9 I Topo  
115 Tax Map

## **BALTIMORE COUNTY, MARYLAND**

JEFFERSON BUILDING TOWSON, MARYLAND 21204

## **DEPARTMENT OF TRAFFIC ENGINEERING**

ELLSWORTH N. DIVER, P.E.  
DIRECTOR

WILLIAM T. MILLER  
DEPUTY TRAFFIC ENGINEER

May 30, 1973

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

Re: Item 223 - ZAC - May 22, 1973

Property Owner: Ruth M. and Leroy Niemyer, Jr.  
S/E corner of Todd and Bayside Avenues  
Variance from Section 180A.2.C.3 to permit a setback of 40' from the centerline of a street instead of required 50' and to permit a corner side street setback of 15' instead of required 25'  
District 15

Dear Mr. DiMenna:

No major traffic problems are anticipated by a requested variance.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Associate

MSF/pk

## **BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH**

JEFFERSON BUILDING  
TOWSON, MARYLAND 21204

May 23, 1973

DONALD J. ROOP, M.D., M.P.H.  
DEPUTY STATE AND COUNTY HEALTH OFFICER

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

Dear Mr. DiMenna:

Comments on Item 223, Zoning Advisory Committee Meeting May 22, 1973, are as follows:

Property Owner: Ruth M. and Leroy Niemyer, Jr.  
Location: S/E corner Todd and Bayside Avenues  
Present Zoning: D.R. 5.5  
Proposed Zoning: Variance from Section 180A.2.C.3 to permit a setback of 40' from the centerline of a street instead of required 50' and to permit a corner side street setback of 15' instead of required 25'  
District: 15  
No. Acres: 50' x 120'

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

Very truly yours,

*Thomas A. Devlin*  
Thomas A. Devlin, Director  
BUREAU OF ENVIRONMENTAL SERVICES

HVS:nn

Zoning Commissioner of Baltimore County

Very truly yours,  
  
 John L. Wimbley  
 Planning Specialist II  
 Project Planning Division  
 Office of Planning and Zoning

**BALTIMORE<sup>17</sup> COUNTY OFFICE OF PLANNING AND ZONING**  
SUITE 301 JEFFERSON BUILDING 108 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204  
AREA CODE 301 PLANNING 484-3511 ZONING 484-3381

## WNP/01

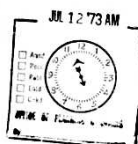
Very truly yours,  
*W. Nick Petrovich*  
 W. Nick Petrovich  
 Field Representative

H. ENSLIE PARKS, PRESIDENT  
EUGENE C. HESS, VICE-PRESIDENT  
MRG. ROBERT L. BERNET

MARCUS M. BOTSARIS  
JOSEPH N. MCGOWAN  
ALVIN A. ZIECK

T. BAYARD WILLIAMS, JR.  
RICHARD W. TRACEY, V.M.D.  
M. B. RICHARDS, D.D.S.

## WDF:NEG:rw



THE JEFFERSONIAN,  
*S. Frank Smith*  
 Manager.  
 Cost of Advertisement, \$ \_\_\_\_\_

Cost of Advertisement, \$\_\_\_\_\_

[illegible]

**STROMBERG PUBLICATIONS, Inc.**

By Ruth Morgan

District: 15<sup>th</sup> Date of Posting: 06-30-73  
 Posted for: Heaven's Wonder, July 16, 1973 @ 10:30 AM  
 Position: July 1. Kings' Run  
 Location of property: 0.5 km. E. Todd & Boyd on  
 Location of Sign: 1 km. South on 1/2 km. E. Todd & Boyd on  
 Remarks:  
 Posted by: Paul H. Kim Date of return: 7/20/73

The map shows a coastal area with several land parcels. Key features include:

- DR.55**: Multiple parcels designated as DR.55, located in the upper left, center, and lower middle.
- BL**: Various parcels designated as BL, including one labeled **PUBLIC BL** near the center and another labeled **BL-2** near the bottom center.
- DR.35**: A parcel designated as DR.35 in the upper right.
- MLR-1M**: A parcel designated as MLR-1M in the upper right, near a diagonal road.
- BL-CNS**: A parcel designated as BL-CNS in the upper center.
- 72-298A**: A specific parcel designation near the center.
- PUBLIC BL**: A parcel designated as PUBLIC BL near the center.
- BL-2**: A parcel designated as BL-2 near the bottom center.
- DR.55**: A parcel designated as DR.55 near the bottom center.
- BL**: A parcel designated as BL near the bottom center.
- FORT HOWARD PUBLIC**: A large area at the bottom labeled FORT HOWARD PUBLIC.
- DUNDAS**: The name of the bay, written in large letters at the bottom right.
- SHALLOW CREEK**: A body of water on the right side of the map.
- OLD ROAD BAY**: A label on the left side of the map.
- Diagonal Road**: A road running diagonally from the upper right towards the center.
- Other Roads**: Several other roads are shown, including one labeled "FRONT RD" and another labeled "ROAD" near the top left.



SECTION B

DISCONTINUED RAILWAY

|         |         |
|---------|---------|
| MAP     | 44      |
| SECTION | SE 42   |
| DATE    | 5-17-23 |
| BY      | CL      |
| FINAL   |         |
| BY      |         |

TO OLD ROAD BAY (WATER FRONT)

ENTRANCES INDICATED  
BY →

VARIANCE FROM  
25' TO 15'  
REQUESTED

EXISTING PAVING  
TODD AVE

EXISTING PAVING

BAYSIDE AVE

HOWARD AVE

UNITED

CHESAPEAKE AVE

8" SEWER & 8" WATER

SECTION C

SCALE: 1" = 50'  
ELECTION DISTRICT: 15<sup>TH</sup>  
ZONED: DR 5-5 (ALL SHOWN)  
AREA: 6300 FT<sup>2</sup>  
PURPOSE: 1 FAMILY DWELLING  
NO PROPOSED PAVING  
STANDARD 35" ENTRANCE  
SEE SHEETS 2 & 3 FOR  
PROPERTY & DWELLING  
DIMENSION DETAIL  
PUBLIC WATER & SEWER  
AVAILABLE

NORTH POINT TERRACE  
BALTO. COUNTY  
SHEET 1 OF 3

