

# 74-117-9 7-10-58 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, David S. Nesbitt, Jr. & Jacqueline A. Nesbitt, 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 1802.3C.1 to permit a rear yard of 8.7' instead of the required 30.0'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty.)  
We wish to put an addition on our house because we need a larger house and do not want to move. We need a larger house because we have only two small bedrooms and we are expecting our second child in December. We do not want to move for several reasons: 1) We live next door to S & W Construction Co., Inc., where I have been employed for fourteen years. 2) It is extremely difficult to buy or sell a house with the present mortgage money situation. 3) Our house has an apartment upstairs in which my mother-in-law lives. She is a widow and we would like her to remain close to us.

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 David S. Nesbitt, Jr. Legal Owner  
Address 2-A Riverside Road  
Baltimore, Maryland 21201  
Robert E. Carney, Jr., Esq. Petitioner's Attorney  
Address 406 Jefferson Building  
Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of September, 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 5th day of November, 1973, at 11:00 o'clock.

(over)

## **LEGAL DESCRIPTION OF PROPERTY OF DAVID S. NESBITT, JR. AND JACQUELINE A. NESBITT**

BEGINNING for the same at a point on the southeast side of Riverside Road at a point located 180 feet west of the intersection of the south side of Riverside Road and Terrace Road as shown on the Plat entitled, "Eastern Terrace" and being more particularly known and designated as Lot No. 21 as shown on the Plat of "Eastern Terrace", which Plat is recorded among the Land Records of Baltimore County in C.W.B. No. 12, folio 45. The improvements thereon being known as 2A Riverside Drive.

## **Baltimore County, Maryland Department Of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204**

Bureau of Engineering  
ELLSWORTH H. DYER, P. E. CHIEF

November 6, 1973

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

Re: Item #58 (1973-1974)  
Property Owner: David S. & Jacqueline A. Nesbitt, Jr.  
S/S of Riverside Rd. and Terrace Rd.  
Existing Zoning: D.B. 5.5  
Proposed Zoning: Variance to permit a rear yard setback of 8.7' instead of the required 30'  
District: 15th

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.

### **Comments:**

Baltimore County Highway and utility improvements are not directly involved. However, Wagner Avenue, a 30-foot right-of-way at the rear of this property, as shown on various recorded plats of Eastern Terrace and the plat of the Full Estate (W.P. 3 Folio 42) and particularly Plat 21, Eastern Terrace (C.W.B. No. 12 Folio 45) of which the Petitioner's Lot 21, Block "B" is a part, is maintained by Baltimore County as a public road. Baltimore County maintains an 8-inch water main, fire hydrants, an 18-inch outfall sanitary sewer, and various storm drains including a 16-inch storm drain crossing within this right-of-way.

Further, Baltimore County maintains an 8-inch public sanitary sewer within a 10-foot utility easement along the property line between this Lot 21 and Lot 20 to the west.

The Petitioner is cautioned that no encroachment by construction of any structure, including footings, will be permitted within County utility easements and rights-of-way. During the course of grading or construction on this site, protection must be afforded by the contractor to protect the utilities and prevent any damage thereto. Any damage sustained would be the full responsibility of the Petitioner.

The plan must be revised to indicate the existing easement and 8-inch and 18-inch sanitary sewers (Drawings #10-0116 and 17-0207, File 1), and 16-inch storm drain (Drawings #51-0654 and 52-0098, File 1).

## **BALTIMORE COUNTY ZONING ADVISORY COMMITTEE**

October 10, 1973

COUNTY OFFICE BLDG.  
111 S. CALVERT ST.  
TOWSON, MARYLAND 21204

JOHN J. DILLON, JR.  
Chairman

MEMBERS  
BUREAU OF ENGINEERING  
DEPARTMENT OF  
TRAFFIC ENGINEERING  
STATE ROADS COMMISSION  
BUREAU OF  
FIRE PREVENTION  
HEALTH DEPARTMENT  
PROJECT PLANNING  
BUILDING DEPARTMENT  
BOARD OF EDUCATION  
ZONING ADMINISTRATION  
INDUSTRIAL  
DEVELOPMENT

Robert E. Carney, Jr., Esq.  
406 Jefferson Building  
Towson, Maryland 21204

RE: Variance Petition  
Item 58  
David S. Jr., & Jacqueline A. Nesbitt -  
Petitioners

Dear Mr. Carney:

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 this case. 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 south side of Riverside Road and Terrace Road, in the 15th District of Baltimore County. This property, which is part of the Eastern Terrace subdivision, was developed sometime in the early 1940's. This particular property was improved with a two-story brick dwelling with full basement. At the time of construction it was built as a two-family dwelling. Access to the second floor apartment is via side entrance. There are existing proper fire escapes out from the rear of the property.

The petitioner is requesting a Variance for an 8.7 foot rear yard in lieu of the required 30 feet. It should be noted that the actual property line of this property is well inside of the fence line, which the petitioner is using as part of his property, and this is noted on the submitted site plan.

Item #58 (1973-1974)  
Property Owner: David S. & Jacqueline A. Nesbitt, Jr.  
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November 6, 1973

General (Cont'd)

The revision is also to indicate the existing steel fire escape on the rear of the dwelling, and the concrete loading dock, etc. on the adjoining property to the east. As the Petitioner stated that his survey incorrectly located his chain-link fence, it would appear that the fence should properly be relocated by the Petitioner to his property line. It is his responsibility to ascertain and clarify his rights within Wagner Avenue.

Very truly yours,

*Ellsworth H. Dyer*  
ELLSWORTH H. DYER, P.E.  
Chief, Bureau of Engineering

ENCLOSURE

cc: J. Sonora  
1-24 Top Sheet  
3-25 Top Sheet  
WE 11 Topo  
97 Tax Map

- 2 -

Robert E. Carney, Jr., Esq.  
Item 58  
October 10, 1973

There are other residences to the north and west of the subject site. To the east of the subject site there is an existing office and garage which is used in connection with a contracting company. This property is zoned Business Local.

A revised site plan must be filed that indicates the proximity of ramps, loading docks, and an entrance from the alley, which is actually Wagner Avenue to the rear of this property. Special attention should be paid to the comments of the Bureau of Engineering with regard to this case.

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: Albert E. Pohmer  
2 E. Lexington Street  
Baltimore, Md. 21202

74-117-9  
7-10-58

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**  
County Office Building  
101 W. Calverton Avenue  
Towson, Maryland 21204

Your Petition has been received and accepted for filing  
DATE 11-06-73 TIME 11:00 DAY OF November 1973

*Robert E. Carney, Jr.*  
Robert E. Carney, Jr., Esq.  
Petitioner's Attorney  
cc: Albert E. Pohmer, 2 E. Lexington St., (21202)

*John J. Dillon, Jr.*  
John J. Dillon, Jr., Chairman  
Zoning Advisory Committee

JAN 23 1974

ORDER RECEIVED FOR FRUIT

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 unnecessary 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. A Variance to permit a rear yard of 8.7 feet instead of the required thirty (30) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 18th day of November, 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 rear yard of 8.7 feet instead of the required thirty (30) 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 18th day of November, 1973, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND  
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

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

September 27, 1973

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

Re: Item 58 - ZAC - September 18, 1973  
Property Owner: David S. and Jacqueline A. Nesbitt, Jr.  
S/S of Riverside Road and Terrace Road  
Variance to permit a rear yard setback of 8.7 feet instead of the required thirty (30) feet  
District 15

Dear Mr. DiNenna:

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

Very truly yours,

Michael S. Flanigan  
Traffic Engineer Associate

MSF/gk

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF HEALTH

JEFFERSON BUILDING  
TOWSON, MARYLAND 21204

September 26, 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 58, Zoning Advisory Committee Meeting  
September 19, 1973, are as follows:

Property Owner: David S. & Jacqueline A. Nesbitt, Jr.  
Location: S/S Riverside Road and Terrace Road  
Present Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit rear yard setbacks of 8.7' instead of required 30'  
District: 15

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

Very truly yours,

Thomas H. Devlin, Director  
BUREAU OF ENVIRONMENTAL SERVICES

HVS:mg

WILLIAM D. FROMM  
DIRECTOR

S. ERIC DINENNA  
ZONING COMMISSIONER

September 18, 1973

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 #58, Zoning Advisory Committee Meeting, September 18, 1973, are as follows:

Property Owner: David S. and Jacqueline A. Nesbitt, Jr.  
Location: S/S of Riverside Road and Terrace Road  
Existing Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit a rear yard setback of 8.7 feet instead of the required thirty (30) feet.  
No. of Acres:  
District: 15

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

Very truly yours,

John L. Wimbley  
John L. Wimbley  
Planning Specialist II  
Project & Development Planning Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING  
SUITE 201 JEFFERSON BUILDING 108 WEST CHEESAPEAKE AVENUE TOWSON, MARYLAND 21204  
AREA CODE 301 PLANNING 466-5811 ZONING 466-5811

BOARD OF EDUCATION  
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: September 20, 1973

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

Z.A.C. Meeting of: September 18, 1973

Re: Item 58  
Property Owner: David S. and Jacqueline A. Nesbitt, Jr.  
Location: S/S of Riverside Road and Terrace Road  
Present Zoning: D.R. 5.5  
Proposed Zoning: Variance to permit a rear yard setback of 8.7 feet instead of the required thirty (30) feet.

District: 15  
No. Acres:

Dear Mr. DiNenna:

No bearing on student population.

WMP/al

Very truly yours,  
W. Nick Petrovich  
Field Representative

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: November 2, 1973

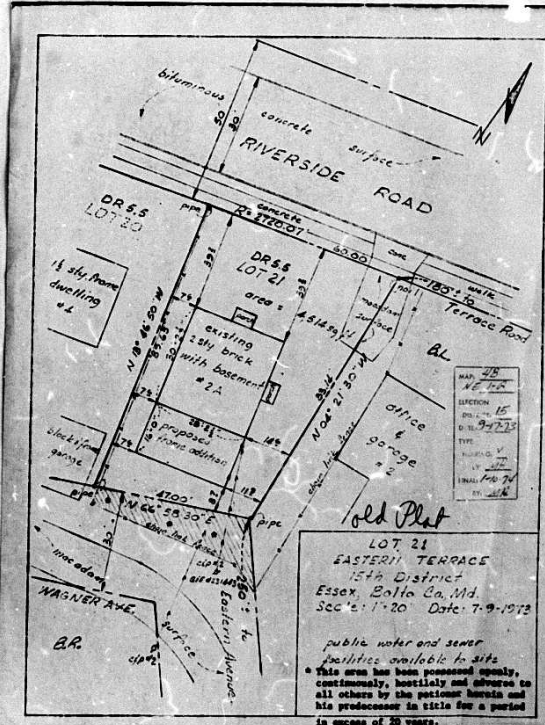
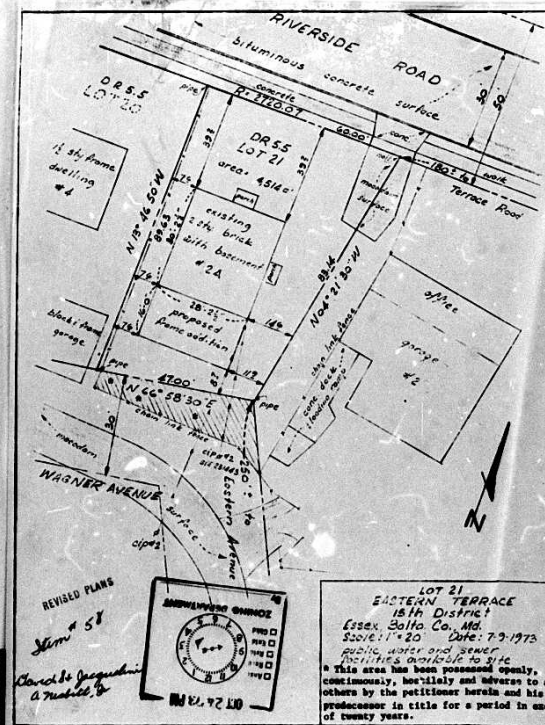
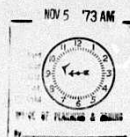
FROM: William D. Fromm, Director of Planning  
Petition #74-117-A  
SUBJECT: Petition for Variance for a Rear Yard  
Southeast side of Riverside Road 180 feet West of Terrace Road.  
Petitioner - David S. and Jacqueline A. Nesbitt  
15th District

HEARING: Monday, November 5, 1973 (11:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has no comment to make at this time.

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

WDF:REG:IV



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

**Robert E. Gandy, Jr., Mgr.**  
**146 Jefferson Building**  
**Des Moines, IA. 50314**  
**Advertising and Printing of property for David -**