

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, **Curtis D. Whetzel**, 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 18.0.2.3C.1. to permit a fifty (50) foot lot instead of the required fifty-five (55) feet, for Lots 785, 786 and 787.

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

This subdivision was recorded prior to the adoption of the Zoning Regulations. The majority of the houses in this subdivision are constructed on 50 foot lots. The existing house was built prior to the adoption of the zoning regulations and is also located on a 50 foot lot. The intent is to reserve the adjoining 50 feet for future building.

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: *Curtis D. Whetzel*
 Legal Owner: *Curtis D. Whetzel*
 Address: *2223 Georgia Ave*
Baltimore, Md. 21227
784-5967
 Petitioner's Attorney: _____
 Protestants' Attorney: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 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 _____ day of _____, 1973, at 10:30 o'clock.

Zoning Commissioner of Baltimore County, _____
 (over)

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
 111 W. CAMDEN AVE.
 TOWSON, MARYLAND 21284

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

October 12, 1973

Mr. Curtis D. Whetzel
 2223 Georgia Avenue
 Baltimore, Maryland 21227

RE: Variance Petition
 Item 61
 Curtis D. Whetzel - Petitioner

Dear Mr. Whetzel:

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 Magnolia Avenue - 380 feet east of Rose Avenue, in the 13th District of Baltimore County.

This property is zoned DR 5.5 and consists of four (4) twenty-five (25) foot lots and were originally located in the subdivision known as English Consul Estates. Variances are being requested to permit dwellings on 50 foot lots. Lot Nos 784 and 785 are currently improved with an existing two-story frame dwelling. Lot Nos. 786 and 787 are unimproved at this time and is proposed to be developed with a 28 foot wide dwelling.

Petitioner is currently requesting a Variance to allow 50 foot lots instead of the required 55 feet. It appears that the other properties developed in this area are on 50 foot lots. I

E. F. RAPHEL & ASSOCIATES
 Registered Professional Land Surveyors
 201 COURTLAND AVENUE
 TOWSON, MARYLAND 21284

OFFICE: 825-3900

RESIDENCE: 771-4992

September 11, 1973

DESCRIPTION TO ACCOMPANY PETITION FOR VARIANCES

BEGINNING for the same at a point on the south side of Magnolia Avenue, a distance of 380 feet ± from the intersection formed by the south side of Magnolia Avenue and the northeast side of Rose Avenue, said part being the division line between lots 783 and 784 as shown on the plat of English Consul Estates, Section A, and recorded among the Land Records of Baltimore County in Plat Book 3, folio 108, running thence and binding on the south side of Magnolia Avenue northeasterly 100 feet to the division line between last Lots 787 and 788 as shown on the aforesaid plat; thence leaving the south side of Magnolia Avenue and binding on the division line between Lots 787 and 788 southeasterly 125 feet, running thence and binding on the rear of Lots 787 and 786, 785 and 784 northwesterly 100 feet to the division line between lots 783 and 784, running thence and binding on the division line between lots 785 and 786 northeasterly 125 feet to the place of beginning.

CONTAINING 0.297 acres of land more or less.

BEING lots 786 and 787 as shown on the Plat of English Consul Estates and recorded among the Land Records of Baltimore County in Plat Book 3, folio 108.



E. F. RAPHEL & ASSOCIATES
 Registered Land Surveyor #2246

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: December 26, 1973

FROM: William D. From, Director of Planning

SUBJECT: Petition 74-151-A. South side of Magnolia Avenue 380 feet, more or less, Northeast of Rose Avenue. Petition for Variance for Lot Widths. Petitioner - Curtis D. Whetzel

13th District

HEARING: Monday, January 7, 1974 (10:30 A.M.)

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

William D. From
 William D. From, Director of Planning

WDF:NEG:rv



BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND
 JEFFERSON BUILDING TOWSON, MARYLAND 21284

DEPARTMENT OF TRAFFIC ENGINEERING
 EUGENE J. CLIFFORD, P.E. Director
 Wm. T. HELSEN Deputy Traffic Engineer

September 27, 1973

Mr. S. Eric DiNenna
 County Office Building
 Towson, Maryland 21284

Re: Item 61 - ZAC - September 18, 1973
 Property Owner: Curtis D. Whetzel
 Magnolia Avenue and NE/S Rose Avenue
 Variance to permit a 50 foot lot instead of the required 55 feet District

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to lot width.

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

MSF/pk

- 2 -

Mr. Curtis D. Whetzel
 Item 61
 October 12, 1973

recommend that the petitioner also request variances for the existing dwelling on Lot Nos. 784 and 785 for whatever the setback is on that property. Also, a revised site plan must be submitted prior to scheduling of a hearing that indicates all dwellings within 200 feet of the subject property.

This petition is being withheld from a hearing date until such time as revised plans are received that reflect the comments above, and any comments from other departments as requested.

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

JJDjr.:JJD

Enclosure
 cc: E. F. Raphael & Associates
 201 Courtland Avenue
 Towson, Maryland 21204

Bureau of Engineering
 ELLEWORTH H. DIVER, P. E. CHIEF

October 15, 1973

Mr. S. Eric DiNenna
 Zoning Commissioner
 County Office Building
 Towson, Maryland 21284

Re: Item #61 (1973-1974)
 Property Owner: Curtis D. Whetzel
 Magnolia Ave. and W/S of Rose Ave.
 Existing Zoning: D.R. 5.5
 Proposed Zoning: Variance to permit a 50' lot instead of the required 55'
 District: 13th

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:
 Magnolia Avenue, an existing public road, is proposed to be improved in the future as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way. Highway improvements are not required at this time. Highway right-of-way widening including any necessary reversible assessments for slopes will be required in connection with any grading or building permit application.

Storm Drains:

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

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in Magnolia Avenue and serve the existing dwelling.

Very truly yours,
Elleworth H. Diver
 ELLEWORTH H. DIVER, P.E.
 Chief, Bureau of Engineering

END:RAN:FW:Rss
 cc: J. Seners

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 EXISTENCE OF the Variations requested not adversely affecting the health, safety, and general welfare of the community, the Variations to permit lot widths of fifty (50) feet in lieu of the required fifty-five (55) feet for Lot Nos. 784, 785, 786, and 787 should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 21st day of JANUARY, 1974, that the herein Petition for Variations to permit lot widths of fifty (50) feet in lieu of the required fifty-five (55) feet for Lot Nos. 784, 785, 786, and 787 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 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 day of 196.... that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING TOWSON, MARYLAND 21204 September 26, 1973 DONALD J. KOOP, 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 61, Zoning Advisory Committee Meeting September 18, 1973, are as follows:

Property Owner: Curtis D. Whetzel
 Location: Magnolia Avenue and NE/S of Rose Avenue
 Present Zoning: D.R. 5.5
 Proposed Zoning: Variance to permit a 50' lot instead of required 55'
 District: 13

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:msf

WILLIAM O. FROMM DIRECTOR
 S. ERIC DINENNA ZONING COMMISSIONER

September 18, 1973

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

Dear Mr. DiNenna:
 Comments on Item #61, Zoning Advisory Committee Meeting, September 18, 1973, are as follows:

Property Owner: Curtis D. Whetzel
 Location: Magnolia Avenue and NE/S of Rose Avenue
 Existing Zoning: D.R. 5.5
 Proposed Zoning: Variance to permit a fifty (50) foot lot instead of the required fifty-five (55) feet.

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 Division

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
 SUITE 301 JEFFERSON BUILDING 108 WEST CHEESAPEAKE AVENUE TOWSON, MARYLAND 21204
 AREA CODE 301 PLANNING 484-3811 ZONING 484-3361

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

Re: Tom 61
 Property Owner: Curtis D. Whetzel
 Location: Magnolia Avenue and NE/S of Rose Avenue
 Present Zoning: D.R. 5.5
 Proposed Zoning: Variance to permit a fifty (50) foot lot instead of the required fifty-five (55) feet.

District: 13th
 No. Across:

Dear Mr. DiNenna:
 No bearing on student population.

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

H. ENGLISH PARKS, JOSEPH E. HESS, ROBERT L. SENEY, MARCUS M. HOFFMAN, JOSEPH N. MORGAN, ALVIN LORICK, JUDITH M. WHEELER, T. BAYARD WELLS, RICHARD W. TRACY, JR., WES. RICHARD K. HOFFMAN

ORDER RECEIVED FOR FILING
 DATE: 10/1/73

PETITION FOR A VARIANCE
 The Board of Education of Baltimore County, by authority of the Board of Education, do hereby certify that the following is a true and correct copy of the petition for a variance to the Baltimore County Zoning Regulations, as amended, filed with the Board of Education on the 10th day of January, 1974, at Towson, Maryland, and that the same is hereby published in the Baltimore County Zoning Regulations, as amended, for the purpose of giving notice to all persons who may be affected by the same.

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 10, 1974.
 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 one time before the 20th day of January, 1974, the first publication appearing on the 10th day of January 1974.

THE JEFFERSONIAN
R. L. Smith
 Manager

Cost of Advertisement, \$.....

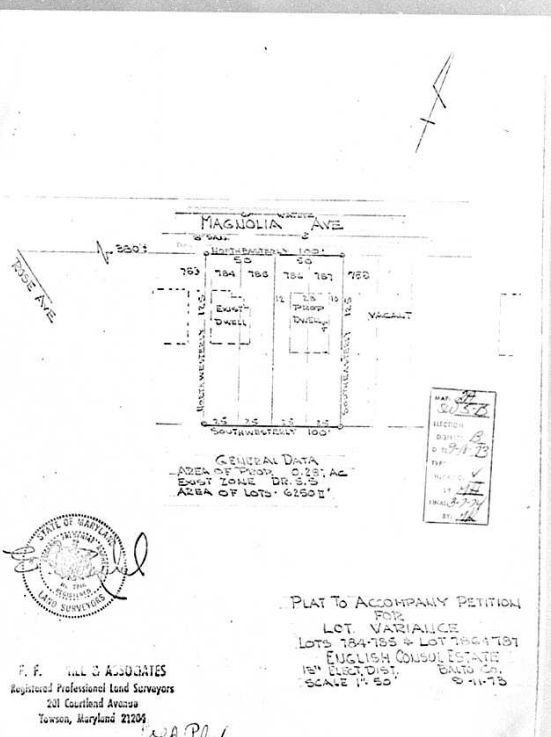
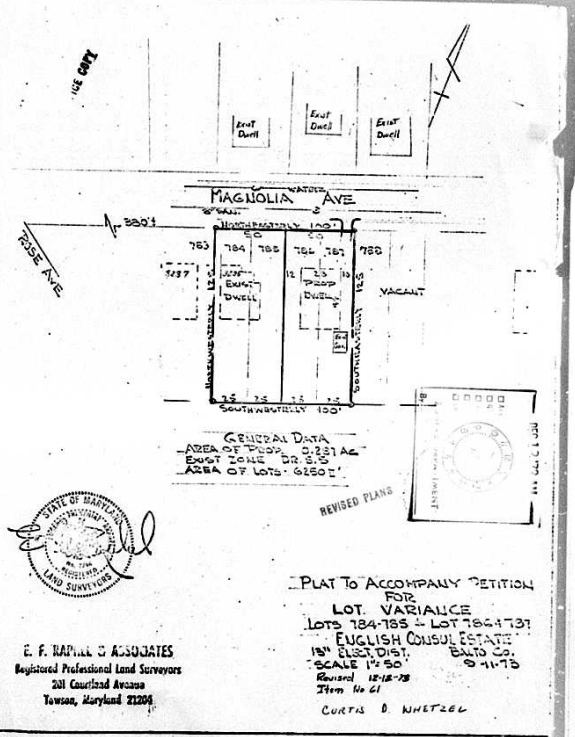
PETITION FOR A VARIANCE
 The Board of Education of Baltimore County, by authority of the Board of Education, do hereby certify that the following is a true and correct copy of the petition for a variance to the Baltimore County Zoning Regulations, as amended, filed with the Board of Education on the 20th day of December, 1973, at Towson, Maryland, and that the same is hereby published in the Baltimore County Zoning Regulations, as amended, for the purpose of giving notice to all persons who may be affected by the same.

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 20, 1973.
 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 one time before the 21st day of January, 1974, the first publication appearing on the 20th day of December 1973.

THE JEFFERSONIAN
R. L. Smith
 Manager

Cost of Advertisement, \$.....



1-5160 74-151-A
CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 13th Date of Posting: Dec. 22, 1973
 Posted for: PETITION FOR VARIANCE
 Petitioner: CURTIS D. WHETZEL
 Location of property: S/S of MAGNOLIA Ave. 380' NE of Rose Ave.
 Location of Sign: S/S of MAGNOLIA Ave 440' +/- NE of Rose Ave
 Remarks: _____
 Posted by: Thomas K. Beland Date of return: Dec. 28, 1973
 Signature

1-5160 74-151-A
CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 13th Date of Posting: JAN. 12, 1974
 Posted for: PETITION FOR VARIANCE
 Petitioner: CURTIS D. WHETZEL
 Location of property: S/S of MAGNOLIA Ave. 380' NE of Rose Ave.
 Location of Sign: S/S of MAGNOLIA Ave 440' +/- NE of Rose Ave
 Remarks: _____
 Posted by: Thomas K. Beland Date of return: JAN. 18, 1974
 Signature

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: <u>[Signature]</u>					Revised Plans: Change in outline or description <u>Yes</u> _____ No					
Previous case: <u>[Signature]</u>					Map # <u>2 A.</u>					

Curtis D. Whetzel
 23 Georgia Avenue
 Baltimore, Maryland 21227

Form 61

SALTIMORE 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 22nd day of December 1973

[Signature]
 S. ERIC WILSON,
 Zoning Commissioner

Petitioner Curtis D. Whetzel

cc: S. P. O'Connell & Associates
 391 Courtland Avenue (21204)

Reviewed by: [Signature]
 Chairman,
 Zoning Advisory Committee

BALTIMORE COUNTY, MARYLAND No. 13022
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE Dec. 11, 1973 ACCOUNT 01-662

AMOUNT \$25.00

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Curtis Whetzel
 2923 Georgia Ave.
 Baltimore, Md. 21227
 Petition for Variance
 #74-151-A 17 250.00 REC

BALTIMORE COUNTY, MARYLAND No. 13071
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE Jan. 28, 1974 ACCOUNT 01-662

AMOUNT \$60.00

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

Curtis Whetzel
 2923 Georgia Ave.
 Baltimore, Md. 21227
 Advertising and posting of property
 #74-151-A 17 600.00 REC