

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, JOHN M. & ALICE C. SMITH, 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 1A00.3B.3 to permit side yard setbacks of thirty-six (36) feet instead of the required fifty (50) feet.

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

Subject lot consists of one (1) acre of land, more or less, with one hundred (100) feet of frontage on Sunshine Avenue and one hundred and twenty-two (122) feet of width at the front building line. We respectfully request this variance be allowed since lots on each side of the subject lot are fully improved and the acquisition of additional land is impossible.

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.

CHARLES F. FREIMILLER
Contract purchaser S
Address: 3329 SUMMIT AVENUE
BALTIMORE, MD. 21234
Petitioner's Attorney

JOHN M. SMITH
ALICE C. SMITH Legal Owner S
Address: 118 DIO DRIVE #5
LAS VEGAS, NEVADA 89109
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day

August, 1974, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 17th day of September, 1974, at 11:00 o'clock

Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

September 19, 1974

Mr. John M. Smith
118 Dio Drive #5
Las Vegas, Nevada 89109

RE: Petition for Variance
S/S of Sunshine Avenue, 5400' W of
Belair Road - 11th District
John M. Smith - Petitioner
NO. 75-69-A (Item No. 21)

Dear Mr. Smith:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

JAMES E. DYER
Deputy Zoning Commissioner

JED/mc

Attachments

cc: Mr. Charles F. Freimiller
3329 Summit Avenue
Baltimore, Maryland 21234

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 15, 1974

Mr. John M. Smith
118 Dio Drive #5
Las Vegas, Nevada 89109

RE: Variance Petition
Item 21
John M. & Alice C. Smith -
Petitioners

Dear Mr. Smith:

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 at the south side of Sunshine Avenue, approximately 5400 feet west of Belair Road, in the 11th Election District of Baltimore County, and is presently unimproved.

Existing dwellings abut the property on both the east and west as well as opposite the site on Sunshine Avenue.

The petitioner requests a Variance to permit side yard setbacks of 36 feet instead of the required 50 feet, and proposes to erect a 26'x50' dwelling.

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

DESCRIPTION FOR VARIANCE 11TH ELECTION DISTRICT

Beginning at a point on the south side of Sunshine Avenue, approximately fifty-four hundred (5400) feet west of Belair Road and thence running the six (6) following courses and distances:

1. S 24° 55' W 150.12'
2. S 60° 45' W 64.18'
3. S 64° 07' W 161.28'
4. N 03° 35' W 56.41'
5. N 28° 46' E 280.13'
6. and S 68° 31' E 100' to the place of beginning.

Containing one (1) acre of land, more or less.

Mr. John M. Smith
Re: Item 21
Page 2

August 15, 1974

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,

JAMES B. BYRNES, III
Chairman
Zoning Advisory Committee

JBB:JD

Enclosure

cc: Charles F. Freimiller
3329 Summit Avenue
Baltimore, Maryland 21234

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: August 29, 1974
FROM: William D. Fromm, Director of Planning
SUBJECT: Zoning Petition No. 75-69-A
Petitioners: John M. and Alice C. Smith
Location: S/S of Sunshine Avenue, 5,400' W. of Belair Road
Request for variances to side yard setbacks

HEARING: Tuesday, September 17, 1974 at 11:00 A.M.

The staff of the Office of Planning and Zoning has reviewed the subject application and offers the following comment.

This petition is not in conflict with the Baltimore County 1980 Guideplan, the official county master plan.

William D. Fromm
Director of Planning

WDF/JGH:m

Baltimore County Fire Department



J. Austin Deitz
Chief

Towson, Maryland 21204

875-7316

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owners: John M. & Alice C. Smith

Location: S/S of Sunshine Avenue, 5,400' W of Belair Road

Item No. 21 Zoning Agenda July 23, 1974

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

Reviewed: [Signature] Dated and Approved: Paul H. Reinke
Planning Group Deputy Chief
Special Inspection Division Fire Prevention Bureau

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 Petitioner

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.

to permit side yard setbacks of 36 feet instead of the 50 feet required. 50 feet should be granted.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County this 19th day of September, 1974, that the herein Petition for a Variance 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.

Deputy Zoning Commissioner of Baltimore County

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 19th day of September, 1974, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

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

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

August 12, 1974

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

Re: Item #21 (1974-1975)
Property Owner: John M. & Alice C. Smith
S/S of Sunshine Ave., 5400' W. of Belair Rd.
Existing Zoning: R.D.P.
Proposed Zoning: Variance from Section 1A00.3B.3 to permit side yard setbacks of 36' instead of the required 50'.
No. of Acres: 1 District: 11th

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:

Sunshine Avenue, an existing County road is proposed to be improved in the future as a 50-foot closed-type roadway cross-section on a 70-foot right-of-way. Highway improvements are not required at this time. Highway right-of-way widening including 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 and the plan must 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 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 #21 (1974-1975)
Property Owner: John M. & Alice C. Smith
Page 2
August 12, 1974

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property which is located beyond the limits of the Baltimore County Metropolitan District and the Urban Rural Demarcation Line. The Baltimore County Comprehensive Water and Sewerage Plan, Amended July 1973, indicates "Planned Service" in the area in 11 to 30 years.

Very truly yours,

Ellsworth H. Diver, P.E.
Chief, Bureau of Engineering

ENCLOSURES:

cc: J. Tremmer
G. Reier

C-W & U-S-E Key Sheets
60 & 61 NE 36 Pct. Sheets
VE 16 & 16 I Top
SH Tax Map

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

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

August 9, 1974

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

Dear Mr. DiNenna:

Comments on Item 21, Zoning Advisory Committee Meeting, July 23, 1974, are as follows:

Property Owner: John M. & Alice C. Smith
Location: S/S of Sunshine Avenue, 5400' W of Belair Road

Existing Zoning: R.D.P.
Proposed Zoning: Variance from Section 1A00.3B.3 to permit side yard setbacks of 36' instead of the required 50'.

No. of Acres: 1
District: 11th

Comments: Complete soil evaluation needed; approved water supply must be provided.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

DJBV/n

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



August 6, 1974

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 #21, Zoning Advisory Committee Meeting, July 23, 1974, are as follows:

Property Owner: John M. and Alice C. Smith
Location: S/S of Sunshine Avenue, 5400' W of Belair Road
Existing Zoning: R.D.P.
Proposed Zoning: Variance from Section 1A00.3B.3 to permit side yard setbacks of 36' instead of the required 50'.
No. of Acres: 1
District: 11th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

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

Very truly yours,

John L. Wimbley
Planning Specialist II
Project & Development Planning

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 29, 1974

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

Z.A.C. Meeting of: July 23, 1974

Re: Item 21

Property Owner: John M. & Alice C. Smith

Location: S/S of Sunshine Avenue, 5400' W. of Belair Road

Present Zoning: R.D.P.

Proposed Zoning: Variance from Section 1A00.3B.3 to permit side yard setbacks of 36' instead of the required 50'.

District: 11th

No. Acres: 1

Dear Mr. DiNenna:

No bearing on student population.

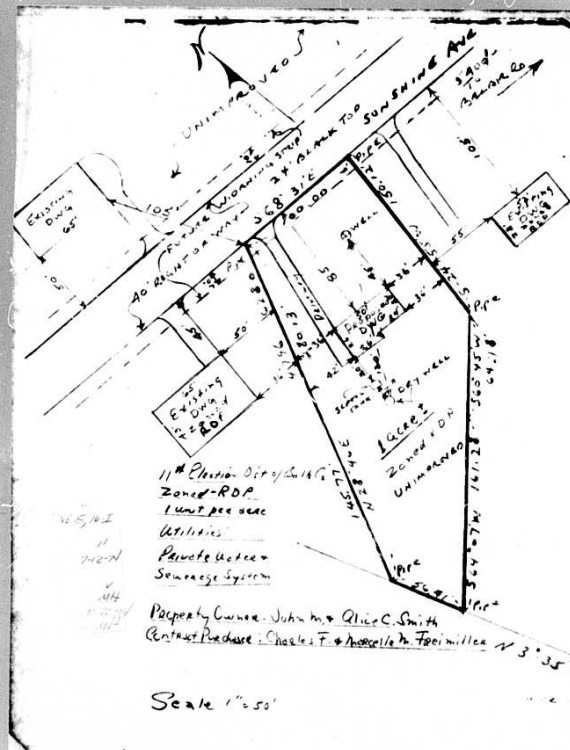
Very truly yours,
W. Nick Petrovich,
Field Representative.

WNP/nl

WILLIAM D. FROMM, DIRECTOR
TOWSON, MARYLAND 21204

MARKUS W. BOGDANSKI
JESSICA M. WILSON
TOWSON, MARYLAND 21204

T. RAYMOND HARRIS, JR.
RICHARD M. THOMAS, JR.
TOWSON, MARYLAND 21204



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: <u>JLS</u>	Revised Plans: Change in outline or description ☐ Yes ☐ No									
Previous case: _____	Map # _____									

Item 21
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Mr. John M. Smith
118 Dio Drive #5
Las Vegas, Nevada 89109

Your Petition has been received and accepted
for filing this 15th day of August 1974.

S. Eric DiNenna
S. ERIC DINENNA,
Zoning Commissioner

Petitioner John M. & Alice C. Smith

Petitioner's Attorney _____ Reviewed by James B. Byrnes, III
Chairman,
Zoning Advisory Committee

cc: Charles F. Freiniller
3329 Summit Avenue
Baltimore, Maryland 21234

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 5th day of July 1974. Item # _____

S. Eric DiNenna
S. ERIC DINENNA,
Zoning Commissioner

Petitioner Smith Submitted by _____

Petitioner's Attorney _____ Reviewed by JLS

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

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

No. 15138

DATE August 14, 1974 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER

Mrs. Marcella Freiniller
3329 Summit Ave.
Baltimore, Md. 21234
Petition for Variance for John Smith
#75-69-A

25.00

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

No. 15172

DATE Sept. 17, 1974 ACCOUNT 01-662

AMOUNT \$12.52

WHITE - CASHIER
DISTRIBUTION
PINK - AGENCY
YELLOW - CUSTOMER

Coach (Al Jones)
Advertising and posting of property for John M. Smith
#75-69-A

12.52