

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, John T. Clemens, 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 1-803.36 (1) to permit a lot width of 50 ft. instead of the required 55 feet for lots 88 and 88A, subdivision of Rosedale Terrace, Plan C. Liber 3 folio 90 also known as 822 and 824 Rosedale Avenue.

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

Said lot as been purchased and mortgage has been obtained.
Ninety percent of lots in area are 50 foot wide.

see attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I 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 John T. Clemens
Address 824 Rosedale Avenue
Petitioner's Attorney Frank J. Bubczyk, III
Protestant's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day

November 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 2nd day of December, 1974, at 11:30 o'clock

Zoning Commissioner of Baltimore County.

(over)

December 5, 1974

Messrs. John T. Clemens and
Frank J. Bubczyk, III
822 Rosedale Avenue
Baltimore, Maryland 21237

RE: Petition for Variances
E/S of Rosedale Avenue, 50'
SE of Elmhurst Avenue - 15th
Election District
John T. Clemens, et al -
Petitioners
NO. 75-115-A (Item No. 81)

Dear Messrs. Clemens and Bubczyk:

I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

SED/scw

Attachments

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: November 26, 1974

FROM: William D. From, Director of Planning

SUBJECT: Petition #75-115-A, Petition for Variance for Lot Widths

East side of Rosedale Avenue 50 feet Southeast of
Elmhurst Avenue
Petitioner: John T. Clemens and Frank J. Bubczyk

15th District

HEARING: Thursday, December 5, 1974 (11:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer.

The granting of this request would not be inconsistent with the character of the surrounding development.

William D. From
Director of Planning

WDF:REG:rw

BALTIMORE COUNTY, MARYLAND

JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

WM. T. MELTZER
DEPUTY TRAFFIC ENGINEER

November 25, 1974

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

Re: Item 81 - 2AC - October 15, 1974
Property Owner: Frank J. Bubczyk III & John T. Clemens
Location: E/S of Rosedale Ave. 50 ft. SE of Elmhurst Ave.
Existing Zoning: OA S.5
Proposed Zoning: VARIANCE from Sec. 1802.3C (1) to permit 2 lot widths of 50.9 in lieu of the required 55 ft.
No. of Acres: Lot A 50.06 x 217.68 Lot B 50.06 x 220.50
District: 15th 50.06 214.88 50.06 217.69

Dear Mr. DiNenna:

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

Very truly yours,

Michael S. Flanagan
Asst. Traffic Engineer

MSF/bza

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item 81

Mr. John T. Clemens
822 Rosedale Avenue
Baltimore, Md. 21237

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Let

Your Petition has been received and accepted for filing this _____ day of _____ 1974.

Frank J. Bubczyk, III and
John T. Clemens

S. ERIC DINENNA,
Zoning Commissioner

cc: Mr. Frank J. Bubczyk, III
822 Rosedale Avenue
Baltimore, Md. 21237

Petitioner's Attorney

Reviewed by James B. Barnes, Jr.
Chairman,
Zoning Advisory Committee

Baltimore County Fire Department

J. Austin Deitz
Chief

Towson, Maryland 21204

823-7300

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Frank J. Bubczyk III & John T. Clemens

Location: E/S of Rosedale Ave. 50 ft. SE of Elmhurst Ave.

Item No. 81

Zoning Agenda October 15, 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 _____
- () 4. EXCEEDS 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. 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 by ATJ Noted and
Planning Group Approved:
Special Inspection Division Deputy Chief
Fire Prevention Bureau

JAN 23, 1975

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 Variances should be had; and it further appearing that by reason of the granting of the Variances requested, not adversely affecting the health, safety, and general welfare of the community, the Variances to permit lot widths of fifty (50) feet in lieu of the required fifty-five (55) feet for Lot Nos. 88 and 88A should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of December, 1974, that the herein Petition for Variances to permit lot widths of fifty (50) feet in lieu of the required fifty-five (55) feet for Lot Nos. 88 and 88A 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 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 Variances should be had; and it further appearing that by reason of the granting of the Variances requested, not adversely affecting the health, safety, and general welfare of the community, the Variances to permit lot widths of fifty (50) feet in lieu of the required fifty-five (55) feet for Lot Nos. 88 and 88A should be granted.

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of December, 1974, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

November 14, 1974

JAMES B. BYRNES, III
Chairman

MEMBERS

ZONING ADMINISTRATION

HEALTH DEPARTMENT

BUREAU OF FIRE PROTECTION

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ATTORNEY

PROJECT AND DEVELOPMENT PLANNING

BUREAU OF ENGINEERING

INDUSTRIAL DEVELOPMENT COMMISSION

BOARD OF EDUCATION

OFFICE OF THE METROPOLITAN ENGINEER

Mr. John T. Clemens
822 Rosedale Avenue
Baltimore, Maryland 21237

RE: Variance Petition

Item 81

Frank J. Bubczyk, III and

John T. Clemens - Petitioners

Dear Mr. Clemens:

The Zoning Plans 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 northeast side of Rosedale Avenue, approximately 50 feet southeast of Elmhurst Avenue, in the 15th Election District of Baltimore County, and is presently improved with a one-story frame dwelling. All of the surrounding properties are improved with various one and 1-1/2 story residences.

The petitioner is requesting a Variance to permit lot widths of 50 feet instead of the required 55 feet, and proposes to erect a new dwelling. This Committee questions the necessity for the 96 foot front yard setback which would give front yard vision to the rear of existing houses to each side.

Mr. John T. Clemens
Re: Item 81
November 14, 1974

Page 2

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,

JAMES B. BYRNES, III
Chairman,
Zoning Plans Advisory Committee

JBB:JD

Enclosure

cc: Mr. Frank J. Bubczyk, III
821 Chesaco Avenue
Baltimore, Maryland 21237

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 17, 1974

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

Re: Item 81

Z.A.C. Meeting of: October 15, 1974

Property Owners: Frank J. Bubczyk III & John T. Clemens

Location: E/S of Rosedale Ave., 50 ft. S.E. of Elmhurst Avenue

Present Zoning: D.R. 5.5

Proposed Zoning: Variance from Section 1802.3C (1) to permit 2 lot widths of 50.9 in lieu of the required 55 ft.

District: 15th

No. Acres: Lot A 50.06 x 217.69 Lot B 50.06 x 220.50
50.06 x 214.88 50.06 x 217.69

Dear Mr. DiNenna:

No bearing on student population.

WNP/ml

H. EMILIE PARNELL, M.D.
LUCIANA C. HENK, M.D.
MRS. ROBERT L. KERNLEY

MARGARET M. HOFFMAN
JOSEPH W. MCGOWAN
ALVIN LORICK
JOSEPH W. WICKELER

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

WILLIAM G. FROMM
DIRECTOR

S. ERIC DINENNA
ZONING COMMISSIONER



November 1, 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 #81, Zoning Advisory Committee Meeting, October 15, 1974, are as follows:

Property Owners: Frank J. Bubczyk III and John T. Clemens
Location: E/S of Rosedale Avenue 50 ft. S.E. of Elmhurst Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 1802.3C (1) to permit 2 lots widths of 50.9 in lieu of the required 55 ft.
No. of Acres: Lot A 50.06 x 217.69 Lot B 50.06 x 220.50
50.06 x 214.88 50.06 x 217.69
Districts: 15

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
John L. Wimbley
Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 901 PLANNING 263211 ZONING 263221

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

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

November 4, 1974

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

Re: Item #81 (1974-1975)

Property Owner: Frank J. Bubczyk, III & John T. Clemens
E/S of Rosedale Ave., 50' S/E of Elmhurst Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 1802.3C (1) to permit 2 lot widths of 50.9 in lieu of the required 55'.

No. of Acres: Lot A 50.06 x 217.69 Lot B 50.06 x 220.50
50.06 x 214.88 50.06 x 217.69
District: 15th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Rosedale Avenue, an existing County road, is proposed to be improved in the future as a 30-foot closed section roadway on a 50-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. The submitted plan must be revised to indicate the proposed highway right-of-way widening.

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.

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

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

October 31, 1974

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

Dear Mr. DiNenna:

Comments on Item 81, Zoning Advisory Committee Meeting, October 15, 1974, are as follows:

Property Owner: Frank J. Bubczyk III & John T. Clemens
Location: E/S of Rosedale Ave. 50 ft. SE of Elmhurst Ave.
Existing Zoning: DR 5.5
Proposed Zoning: VARIANCE from Sec. 1802.3C (1) to permit 2 lot widths of 50.9 in lieu of the required 55 ft.
No. of Acres: Lot A 50.06 x 217.69 Lot B 50.06 x 220.50
50.06 x 214.88 50.06 x 217.69
Districts: 15th

Comments: Metropolitan water and sewer are available.

Very truly yours,

Thomas H. Deville, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB/ncp

[illegible]

THE JEFFERSONIAN,
G. Lusk Smith
Manager

Cost of Advertisement, \$.....

[illegible]

THE OBSERVER.
Robert A. Limbaker
 Advertising Mgr.

Cost of Advertisement \$16.00

M75-115-A

District 154
 Posted for Henry Lee - 2-1974 @ 11:30 AM
 Date of Posting 11-14-74
 Postman John L. Chesser
 Location of job Elk. f. Roadside on 50' S.E. of Elkhorn Rd.
 Location of Sign 1/2 mi. North Bottom Driveway & Road House
50' S.E. of Elkhorn Rd. on Elk. f. Roadside Rd.
 Remarks
 Posted by Mal. H. Wheeler
 Date of return 11-21-74

PETITION MAPPING PROGRESS SHEET										
FUNCTION	Well 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: FAH Revised Plans:
Change in outline or description _____ Yes
_____ No

Previous case: _____ Map # _____

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

Your Petition has been received * this 7th day of October, 1974. Item # _____.

S. Eric DiNenna,
S. ERIC DINENNA,
Zoning Commissioner

Petitioner Cleaver / Budge Submitted by Royal Construction Co.
Petitioner's Attorney _____ Reviewed by F. Hughes

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

17153

127400 21 38.50

No. 17000

AMOUNT \$25.00

WHITE - CASHIER DISTRIBUTION PINK - AGENCY YELLOW - CUSTOMER

WHITE - CASHIER
Pink - AGENCY
YELLOW - CUSTOMER

Boyd Construction Co.
9808 Foxhill Rd.

Perry Hall, Md. 21128
Petition for Variance for John T. Clemens, et al
#75-115-4

