

75-173-A PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Tilden A. Cushing
I, or we, Tilden A. Cushing, et ux, 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,

herely petition for a Variance from Section 1B02.3C(1) to permit lot widths of 50' in lieu of required 55' for Lot Nos. 9 and 10, and to

permit side yard setbacks of 5' on both sides of the proposed

dwellings on Lot Nos. 9 and 10 in lieu of the required 10' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Due to the nature of the neighborhood and the surrounding homes, we are forced to build a 40 foot house on each of these lots in order to protect our investment. Most of the homes on this road are on 50 foot lots and many of the houses run close to the boundary lines. The particular home we wish to have constructed has a 40 foot front and with the amount of cost we have incurred so far, we feel this would be a hardship on us if the variance is not granted.

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
Address: 712 Mace Ave.
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day

of JANUARY 1975, 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 19th day of February 1975, at 10:15 o'clock

A. M.
Zoning Commissioner of Baltimore County.

(over)

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

February 19, 1975

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

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

Re: Item #11 (1975-1975)
Property Owner: Thomas A. Cushing
N/S of Upperlanding Rd., 200' W. of Mace Ave.
Existing Zoning: D.M. 5-5
Proposed Zoning: Variance from Sec. 1B02.3C(1) to permit lot widths of 50' in lieu of required 55' for lots 9 and 10, and to permit side yard setbacks of 5' on both sides of the proposed dwellings on lots 9 and 10 in lieu of the required 10'.
No. of Acres: 100 x 323
District: 15th

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:

Upperlanding Road, an existing public road, is proposed to be improved in the future as a 36-foot closed section roadway on a 50-foot right-of-way. Highway improvements will be required in connection with any grading or building permit application (See Drawings #56-2000 and 2001, File 5).

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.

RE: PETITION FOR VARIANCES
N/S of Upperlanding Road, 200' W of Mace Avenue - 15th Election District
Tilden A. Cushing, et ux - Petitioners
NO. 75-173-A (Item No. 141)
BALTIMORE COUNTY

The Petitioners request Variance from the Baltimore County Zoning Regulations, Section 1B02.3c.1., to permit lot widths of 50 feet in lieu of the required 55 feet for Lot Nos. 9 and 10 and side yard setbacks of 5 feet, on both sides of the proposed dwellings on Lot Nos. 9 and 10, in lieu of the required 10 feet. Said property is located on the north side of Upperlanding Road, 200 feet west of Mace Avenue, in the Fifteenth Election District of Baltimore County.

Without reviewing the evidence in detail but based on all the evidence presented at the hearing, in the judgment of the Zoning Commissioner, strict enforcement of the Baltimore County Zoning Regulations would create practical difficulty or unreasonable hardship upon the Petitioners, with reference to lot width Variances, and, therefore, should be granted. Strict enforcement of the Baltimore County Zoning Regulations would not create practical difficulty or unreasonable hardship upon the Petitioners, with reference to side yard setback Variances, and, therefore, should be denied.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11 day of April, 1975, that the Variances to permit lot widths of 50 feet in lieu of the required 55 feet for Lot Nos. 9 and 10 should be and the same are 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.

It is further ORDERED that the Variances to permit side yard setbacks of 5 feet, on both sides of the proposed dwellings on Lot Nos. 9 and 10, in lieu of the required 10 feet should be and the same are hereby DENIED.

S. Eric DiNenna
Zoning Commissioner of Baltimore County

April 11, 1975

Mr. & Mrs. Tilden A. Cushing
712 Mace Avenue
Baltimore, Maryland 21221

RE: Petition for Variance,
N/S of Upperlanding Road, 200' W of Mace Avenue - 15th Election District
Tilden A. Cushing, et ux - Petitioners
NO. 75-173-A (Item No. 141)

Dear Mr. & Mrs. Cushing:

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

Very truly yours,

S. ERIC DINENNA
Zoning Commissioner

SED/scw

Attachments

cc: Mr. & Mrs. William Vondracek
363 Upperlanding Road
Baltimore, Maryland 21221

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: February 14, 1975

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #75-173-A. Petition for Variance for Lot Widths and Side Yard North side of Upperlanding Road 200 feet West of Mace Avenue Petitioner-Tilden A. and Beulah E. Cushing

15th District

Hearing: Wednesday, February 19, 1975 (10:15 A.M.)

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

The granting of this request would not be inconsistent with the policies of the 1960 Guideplan.

William D. Fromm
Director
Office of Planning

WDF:REG:rw

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 28, 1975

COUNTY OFFICE BUILDING
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204XXXXXXXXXXXXXXXXXXXX
CHAIRMANZONING ADMINISTRATION
HEALTH DEPARTMENT
BUREAU OF FIRE PREVENTIONDEPARTMENT OF TRAFFIC ENGINEERING
STATE HIGHWAY ADMINISTRATION
BUREAU OF ENGINEERINGPROJECT AND DEVELOPMENT PLANNING
INDUSTRIAL DEVELOPMENT COMMISSION
BOARD OF EDUCATION

OFFICE OF THE BUILDINGS ENGINEER

Mr. Tilden A. Cushing
712 Mace Avenue
Baltimore, Maryland 21221RE: Variance Petition
Item 141
Thomas A. Cushing - Petitioner

Dear Mr. Cushing:

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 north side of Upperlanding Road, 200 feet west of Mace Avenue, and consists of two presently vacant 50 foot lots. Adjacent properties are improved with single family dwellings.

The petitioner is requesting Variances for lot widths as well as setbacks of five feet for side yards for proposed two single family detached dwellings.

Please note the comments of Bureau of Engineering.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice

Mr. Tilden A. Cushing
Item 141
January 28, 1975

Page 2

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,

Franklin T. Hogans, Jr.
FRANKLIN T. HOGANS, JR.
Chairman,
Zoning Plans Advisory Committee

FTH:JD

Enclosure

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: January 21, 1975

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

Z.A.C. Meeting of: January 14, 1975

Re: Item 141

Property Owner: Thomas A. Cushing

Location: N.S. of Upperlanding Road, 200' W. of Mace Avenue

Present Zoning: D.R. 5.5

Proposed Zoning: Variance from Section 1802.3C(1) to permit lot widths of 50' in lieu of required 55' for lot Nos. 9 & 10, and to permit side yard setbacks of 5' on both sides of the proposed dwellings on lot Nos. 9 & 10 in lieu of the required 10'.

District: 15th

No. Acres: 100 x 323
120 x 387

Dear Mr. DiNenna:

No hearing on student population.

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

WNP/ml

W. NICK PETROVICH, FIELD REPRESENTATIVE
EDWARD C. HESS, CHAIRMAN
MR. ROBERT L. HATNEY

MARSHALL W. WIGGINS
JEROME H. HUGHES
ALVIN A. LUCAS
JEROME H. WHEELER, CHAIRMAN

EDWARD C. HESS, CHAIRMAN
MR. ROBERT L. HATNEY
JEROME H. WHEELER, CHAIRMAN

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Item 141

Mr. Tilden A. Cushing
712 Mace Avenue
Baltimore, Maryland 21221County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 17th day of January 1975

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner: Thomas A. Cushing

Petitioner's Attorney:

Reviewed by:

Franklin T. Hogans, Jr.
Franklin T. Hogans, Jr.,
Chairman,
Zoning Plans
Advisory Committee

WILLIAM D. FROMM
DIRECTORS. ERIC DINENNA
ZONING COMMISSIONER

February 7, 1975

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 #141, Zoning Advisory Committee Meeting, January 14, 1975, are as follows:

Property Owner: Thomas A. Cushing
Location: N.S. of Upperlanding Road 200' W. of Mace Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 1802.3C(1) to permit lot widths of 50' in lieu of required 55' for Lot Nos. 9 & 10, and to permit side yard setbacks of 5' on both sides of the proposed dwellings on Lot Nos. 9 & 10 in lieu of the required 10'.
No. of Acres: 100 x 323
120 x 387
District: 15th

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 301 PLANNING AREA 301 ZONING AREA 301

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTHJEFFERSON BUILDING
TOWSON, MARYLAND 21204DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

January 30, 1975

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

Dear Mr. DiNenna:

Comments on Item 141, Zoning Advisory Committee Meeting, January 14, 1975, are as follows:

Property Owner: Thomas A. Cushing
Location: N.S. of Upperlanding Rd. 200' W. of Mace Ave.
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No. of Acres: 100 x 323
120 x 387
District: 15th

Metropolitan water and sewer are available.

Very truly yours,

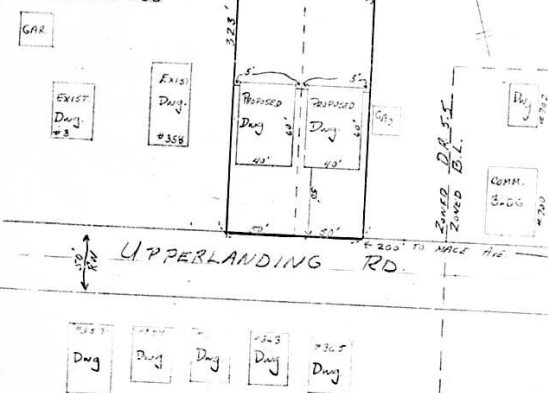
Thomas R. Devlin
Thomas R. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

TNRB/mcc

LOCATED ON THE WORKSIDE OF UPPERLANDING ROAD APPROXIMATELY 200 FEET WEST OF MACE AVENUE AND KNOWN AS LOTS 9 & 10 AS SHOWN ON PLAT OF BACK RIVER HIGHLANDS WHICH IS RECORDED AMONG LAND RECORDS OF BALTIMORE COUNTY IN LIBER 1, FOLIO 64-65.

VARIANCE PET for
- MR. & MRS. CUSHING -
15th ELECTION DIST.
ZONED D.R. 5.5
EXISTING PUBLIC FACILITIES
IN UPPERLANDING RD.

SCALE 1"=50'



PETITION FOR A VARIANCE
10th DISTRICT

ZONING: Petition for Variance for a Lot Width and Side Yard.

LOCATION: North side of Upperland Road 300 feet West of New Avenue.

DATE & TIME: Wednesday, February 19, 1975 at 10:15 A.M.

PUBLIC HEARING: Room 10, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland.

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Variance from the Zoning Regulations of Baltimore County to permit lot widths of 30 feet instead of the required 50 feet for Lots Nos. 9 and 10, to be given both sides on Lot Nos. 9 and 10 instead of the required 50 feet.

Section 1803.1C.1 - Lot Widths: 30 feet.

All that parcel of land in the Pittsburgh District of Baltimore County, located on the north side of Upperland Road approximately 300 feet west of New Avenue, known as Lot 9 & 10 as shown on the plat and recorded in the Office of the Zoning Commissioner in Liber 4, Folio 6445.

Being the property of Tilden A. Cushing, as shown on plat also filed with the Zoning Department.

Public Hearing: Room 10, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

By Order of
S. ERIC DINENNA
Zoning Commissioner of Baltimore County
Jan. 28

CERTIFICATE OF PUBLICATION

TOWSON, MD. JANUARY 30, 1975

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of one (1) successive weeks before the 19th day of February, 1975, the 19th publication appearing on the 19th day of January 1975.

THE JEFFERSONIAN,

L. L. Jefferson
Manager.

Cost of Advertisement, \$ _____

PETITION FOR A VARIANCE
10th DISTRICT

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Being the property of Tilden A. Cushing, as shown on plat also filed with the Zoning Department.

Public Hearing: Room 10, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

By Order of
S. ERIC DINENNA
Zoning Commissioner of Baltimore County
Jan. 28

CERTIFICATE OF PUBLICATION

OFFICE OF

Essex Times

809 Eastern Blvd
Essex, Md. 21221

January 30 1975

THIS IS TO CERTIFY, that the annexed advertisement of PETITION - NORTH SIDE OF UPPERLANDING ROAD, was inserted in **ESSEX TIMES** a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 19th day of February 1975; that is to say, the same was inserted in the issues of January 30, 1975

Stromberg Publications, Inc.

Publisher.

By *C. C. Stromberg*

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 9th day of Jan 1975. Item # _____

S. Eric Dinenna
S. Eric Dinenna, C
Zoning Commissioner

Petitioner CUSHING Submitted by CUSHING
Petitioner's Attorney _____ Reviewed by NBL

* 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. 17901

DATE Feb. 25, 1975 ACCOUNT 01-662

AMOUNT \$23.00

WHITE - CASHIER DISTRIBUTION
PINK - AGENCY YELLOW - CUSTOMER
Tilden A. Cushing
712 Macale Ave.
Baltimore, Md. 21201
Advertising and posting of property -----#75-173-A

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>7BC</u>										
Previous case:										

Revised Plans:
Change in outline or description Yes _____ No _____
Map # _____

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#75-173A

District 1-5A Date of Posting 1-24-75
Posted for: Henry Hobbs 19th Feb 1975 8:16 AM
Petitioner: Tilden A. Cushing
Location of property: 815 of Upperland Rd. 300' West of New Ave.
Location of Sign: Sign posted on 215 of Upperland Rd. on 2 Feb 75
Remarks: _____
Posted by: Paul H. Kiser Date of return: 2/6/75
Signature

BALTIMORE COUNTY, MARYLAND No. 17902

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE Feb. 25, 1975 ACCOUNT 01-662

AMOUNT \$23.00

WHITE - CASHIER DISTRIBUTION
PINK - AGENCY YELLOW - CUSTOMER
Beulah E. Cushing
712 Macale Ave.
Baltimore, Md. 21201
Advertising and posting of property for
Tilden A. Cushing -----#75-173-A

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

No. 17461

DATE Jan. 27, 1975 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER DISTRIBUTION
PINK - AGENCY YELLOW - CUSTOMER
Tilden A. Cushing
712 Macale Ave.
Baltimore, Md. 21201
Petition for Variance -----#75-173-A