

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Lin-Mar Development Corp. 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 1.100A.3-C.1 to allow a 14 ft. side yard setback instead of the required 25 foot and Sec. 1B02.3C(2) (504-VB.2) to permit a distance of 29' from the centerlines of the street in lieu of the required 50'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: Indicate hardship or practical difficulty.

If the required setback is held, the maximum width of a house built on the property would be 15 ft. Adjacent property is not available for purchase.

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.

Lin-Mar Development Corp.
Legal Owner
Address: 2543 Green Road
Baldwin, Maryland 21013
Baldwin, Maryland 21013
Petitioner's Attorney
Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 11th day of February 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of March, 1975, at 9:45 o'clock.

(over)

April 29, 1975

R. Bruce Alderman, Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Variances
NE/Corner of Birdwood and Gundale Avenues - 15th Election District
Lin-Mar Development Corporation -
Petitioner
NO. 75-210-A (Item No. 153)

Dear Mr. Alderman:

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

Very truly yours,

James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

JED/mc

Attachments

cc: Mr. Paul F. Matto
Route 14, Box 317
6932 Gunder Road
Baltimore, Maryland 21220

Mr. Gerald F. Dana
2543 Greene Road
Baldwin, Maryland 21013

John W. Hession, III, Esquire
People's Counsel

ALA OFFICE
ALTA PAE
Registered Surveyor
Phone 730-8080

TOWSON OFFICE
HUDKINS ASSOCIATES, INC.
Engineers, Surveyors and
Landscape Architects
200 EAST JOPPA ROAD
ROOM 101 SHELL BUILDING
TOWSON, MARYLAND 21204
PHONE 828-8000

REL. AIN
L. GERALD WOLFE
Landscape Architect
Phone 838-0888

December 23, 1974

ZONING DESCRIPTION, N. E. CORNER GUNDALE AND BIRDWOOD AVENUES:

Beginning for the same at a point on the east side of Gundale Avenue, said point being the two following courses and distances from the centerline intersection of said Gundale Avenue (30 feet wide) and Birdwood Avenue (30 feet wide) viz: (1) North 38° 49' East 15.00 feet (2) South 51° 11' East 15.00 feet thence along the said east side of said Gundale Avenue North 38° 49' East 126.00 feet thence perpendicular to said Gundale Avenue South 51° 11' East 50.00 feet thence South 38° 49' West 126.00 feet to the north side of said Birdwood Avenue thence along said north side North 51° 11' West 50.00 feet to the place of beginning.

Containing 6,300 square feet of land more or less.



Malcolm E. Hudkins
Registered Surveyor #5095

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: March 14, 1975
FROM: William D. Fromm, Director of Planning
SUBJECT: Petition #75-210-A, Northeast corner of Birdwood and Gundale Avenues.
Petition for a Variance for 50' Side Yard.
Petitioner - Lin-Mar Development Corp.

15th District

HEARING: Tuesday, March 18, 1975 at 9:45 A.M.

There are no Master Plan factors concerning this petition which requires Office of Planning and Zoning staff comment.

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

WDF:NEG:nb

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 26, 1975

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

XXXXXXXXXXXXXXXXXXXX
Chairman
Franklin T. Hogans, Jr.

MEMBER
HUMAN ADMINISTRATION
HEALTH DEPARTMENT
BUREAU OF FIRE PREVENTION
DEPARTMENT OF TRAFFIC ENGINEERING
STATE HIGHWAY ADMINISTRATION
BUREAU OF ENGINEERING
PROJECT AND DEVELOPMENT PLANNING
INDUSTRIAL DEVELOPMENT COMMISSION
BOARD OF EDUCATION
OFFICE OF THE BUILDINGS ENGINEER

Lin-Mar Development Corp.
2543 Green Road
Baldwin, Maryland 21013

RE: Variance Petition
Item 153
Lin-Mar Development Corp. -
Petitioner

Gentlemen:

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 corner of Gundale and Birdwood Avenues. It is presently in a vacant semi-cleared and graded state.

The petitioner is requesting variances on the corner side street in order that a dwelling may be built on this 50 foot corner lot. The lots immediately adjacent to the southeast are currently vacant. However, the subject property lies within an area of existing residential development.

As per the comments of the Project and Development Planning division, the ownership of

Lin-Mar Development Corp.
Re: Item 153
February 26, 1975

Page 2

of the adjacent Lot No. 248 should be indicated on the site plan, as well as any road widenings proposed.

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,

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

PTH:JD

Enclosure

cc: Hudkins Associates, Inc.
101 Shell Building
200 E. Joppa Road
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH



DONALD J. ROUP, 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 153, Zoning Advisory Committee Meeting, January 28, 1975, are as follows:

Property Owner: Lin-Mar Development Corp.
Location: NE/C of Gundale and Birdwood Avenues.
Existing Zoning: DE 5.3
Proposed Zoning: Variance from Sec. 1B02.3-C.1 to allow a 14' side yard setback instead of the required 25' & Sec. 1B02.3C(2) (504-VB.2) to permit a distance of 29' from the centerlines of the street in lieu of the required 50'.

No. of Acres: 6,300 sq. ft.
District: 15th

Metropolitan water and sewer are available.

Very truly yours,

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

SHVB:nc

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. Variances to permit a 14 foot side yard setback instead of the required 25 feet and a distance of 29 feet from the center line of the street instead of the required 50 feet should be granted.

IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of April, 1975, that the herein Petition for a Variance 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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1975, that the above Variance be and the same is hereby DENIED.

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E. WM. T. MELTZER
DIRECTOR DEPUTY TRAFFIC ENGINEER

March 3, 1975

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

Re: Item 153 - ZAC - January 28, 1975
Property Owner: Lin-Mar Development Corp.
Location: NE/C of Gundale and Birdwood Avenues.
Existing Zoning: DR 5.5
Proposed Zoning: Variance from Sec. 1802.3-C.1 to allow a 14' side yard setback instead of the required 25' & Sec. 1802.3-C.2 (504-VB.2) to permit a distance of 29' from the centerlines of the street in lieu of the required 50'.
No. of Acres: 6,300 sq. ft.
District: 5th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variances.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Assoc.

NSF/bza

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

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

February 27, 1975

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

Re: Item #153 (1974-1975)
Property Owner: Lin-Mar Development Corp.
R/R cor. of Gundale and Birdwood Avenues
Existing Zoning: DR 5.5
Proposed Zoning: Variance from Sec. 1802.3-C.1 to allow a 14' side yard setback instead of the required 25' and Sec. 1802.3-C.2 (504-VB.2) to permit a distance of 29' from the centerlines of the street in lieu of the required 50'.
No. of Acres: 6,300 sq. ft. 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:

Gundale and Birdwood Avenues, existing public roads, are proposed to be improved in the future as 30-foot closed section roadways on 40-foot and 50-foot rights-of-way, respectively. Highway improvements are not required at this time. However, highway right-of-way widening, including a fillet area for sight distance at the intersection and any necessary reversible easements for slopes will be required in connection with any grading or building permit application.

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 #153 (1974-1975)
Property Owner: Lin-Mar Development Corp.
Page 2
February 27, 1975

Storm Drains: (Cont'd)

The property to be developed is located adjacent to the water front. The Petitioner is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels of residential and commercial development and other special construction features are required.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist adjacent to this property.

Very truly yours,

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

END:RAM/PWR:as

cc: J. Somers

100-49 Key Sheet
30 NE 49 Pos. Sheet
NR 8 M Topo
St. Tax Map

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



February 24, 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 #153, Zoning Advisory Committee Meeting, January 28, 1975, are as follows:

Property Owner: Lin-Mar Development Corp.
Location: NE/C of Gundale and Birdwood Avenues
Existing Zoning: DR 5.5
Proposed Zoning: Variance from Sec. 18-2.3-C.1 to allow a 14' side yard setback instead of the required 25' and Sec. 1801.3C(2) (504-VB.2) to permit a distance of 29' from the centerline of the street in lieu of the required 50'.
No. of Acres: 6,300 sq. ft.
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.

All road widenings should be shown on the site plan.

The ownership of Lot 248 should be indicated on the site plan.

Very truly yours,

John L. Wimbly
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 424-3211 ZONING 424-3211

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: January 30, 1975

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

Z.A.C. Meeting of: January 28, 1975

Re: Item 153
Property Owner: Lin-Mar Development Corporation
Location: NE/C of Gundale and Birdwood Avenues
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 1802.3-C.1 to allow a 14' side yard setback instead of the required 25' & Sec. 1802.3-C.2 (504-VB.2) to permit a distance of 29' from the centerlines of the street in lieu of the required 50'.
District: 15th
No. Acres: 6,300 sq. ft.

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petravich,
Field Representative.

H. EMILIE PARKS, President
EUGENE D. HESS, Vice-President
MRS. ROBERT L. BERRY
MARCUS M. BOTSARIS
JOSEPH M. MADDAM
ALVIN LORECK
JOSHUA R. WHEELER, Superintendent
T. RAYMOND WILLIAMS, JR.
RICHARD W. TRACY, V.M.D.
WMS. WICHARD R. WICKFEL

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 27, 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., on or about

one line, appearing before the 18th day of March, 1975, the first publication appearing on the 27th day of February, 1975.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$

PETITION FOR A VARIANCE

15th DISTRICT

ZONING: Petition for a Variance

LOCATION: Northeast corner of

Birdwood and Gundale Avenues

DATE & TIME: TUESDAY,

MARCH 18, 1975 at 9:00 A.M.

PUBLIC HEARING: Room 106,

County Office Building, 111 W.

Chesapeake Avenue, Towson,

Maryland.

The Zoning Commissioner of

Baltimore County, by authority

of the Zoning Act and

Regulations of Baltimore County,

will hold a public hearing

on the following Petition for

Variance from the Zoning

Regulations of Baltimore

County to permit a 14' side

yard setback instead of the

required 25 feet, and to

permit a distance of 29 feet

from the centerline of the

street in lieu of the required

50 feet.

The Zoning Regulation to be

varied is Section 1802.3-C.1

Side

Yards 25 feet.

Section 1802.3-C.2

Centerline of the Street 50 feet.

All that parcel of land in the

Fifteenth District of Baltimore

County

Beginning for the site of a

road on the east side of Gundale

Avenue, and east of the

intersection of Gundale Avenue

and Birdwood Avenue (30 feet

side yard set back) to 11' North

East 12.00 feet (25' North 27' 11"

and east side of said Gundale

Avenue North 30' 49' East

12.00 feet there perpendicular

to 11' East 20.00 feet, thence

South 89' 49' West 18.00 feet to

the north side of said Birdwood

side North 31' 11' West 30.00

feet to the place of beginning

of land more or less.

Being the property of Lin

Mar Development Corp., as

shown on plat filed with the

Zoning Department.

Hearing Date: Tuesday,

March 18, 1975 at 9:00 A.M.

Public Hearing: Room 106,

County Office Building, 111 W.

Chesapeake Avenue, Towson,

Md.

BY ORDER OF

S. ERIC DINENNA

ZONING COMMISSIONER OF

BALTIMORE COUNTY

CERTIFICATE OF PUBLICATION

ROSEDALE, MD. February 27, 1975

THIS IS TO CERTIFY, that the annexed advertisement was published in THE OBSERVER, a weekly newspaper published in Rosedale, Baltimore County, Md., one time before the 18th day of March, 1975, the publication appearing on the 27th day of February, 1975.

THE OBSERVER,
Advertising Mgr.

Cost of Advertisement, \$20.00

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#75-210-A

District 15th Date of Posting 2-27-75
Posted for: Advertising, Two Month, 12:00 P.M. to 5:00 P.M.
Petitioner: Lin-Mar Dev. Corp.
Location of property: 2543 Green Road, Baldwin, Md. 21013
Location of Signs: Signs on both sides of Green Road
Remarks: _____
Posted by: Eric DiNenna Date of return: 3-6-75
Signature

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

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

No. 17916

DATE March 6, 1975 ACCOUNT 01-562

AMOUNT \$50.30

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Lin-Mar Development Corp.
2543 Green Road
Baldwin, Md. 21013
Advertising and posting of property #75-210-A
3.0000 7 50.3000

Item 153
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Lin-Mar Development Corp.
2543 Green Road
Baldwin, Maryland 21013

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

Your Petition has been received and accepted for
filing this 14th day of February 1975

Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner Lin-Mar Development Corp.

Petitioner's Attorney _____ Reviewed by Franklin T. Hopkins, Jr.
Chairman, Zoning Plans
Advisory Committee

cc: **Hudkins Associates, Inc.**
101 Shell Bldg.
200 S. Joppa Rd.
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 17th day of

Jan.

1975. Item # _____

Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner Lin-Mar Dev. Corp. Submitted by Hudkins
Petitioner's Attorney _____ Reviewed by F. Hopkins

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

Don Kreepel 296-9000

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

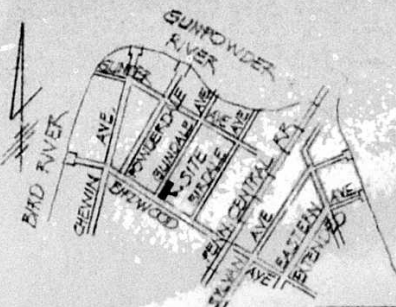
No. 17498

DATE Feb. 19, 1975 ACCOUNT 01-662

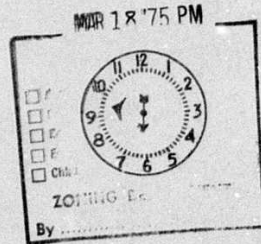
AMOUNT \$25.00

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER
Hudkins Associates, Inc.
200 E. Joppa Rd.
Towson, Md. 21204
Petition for Variance for Lin-Mar Dev. Co.
#75-210-A 3.01 50.30 15 25.0000

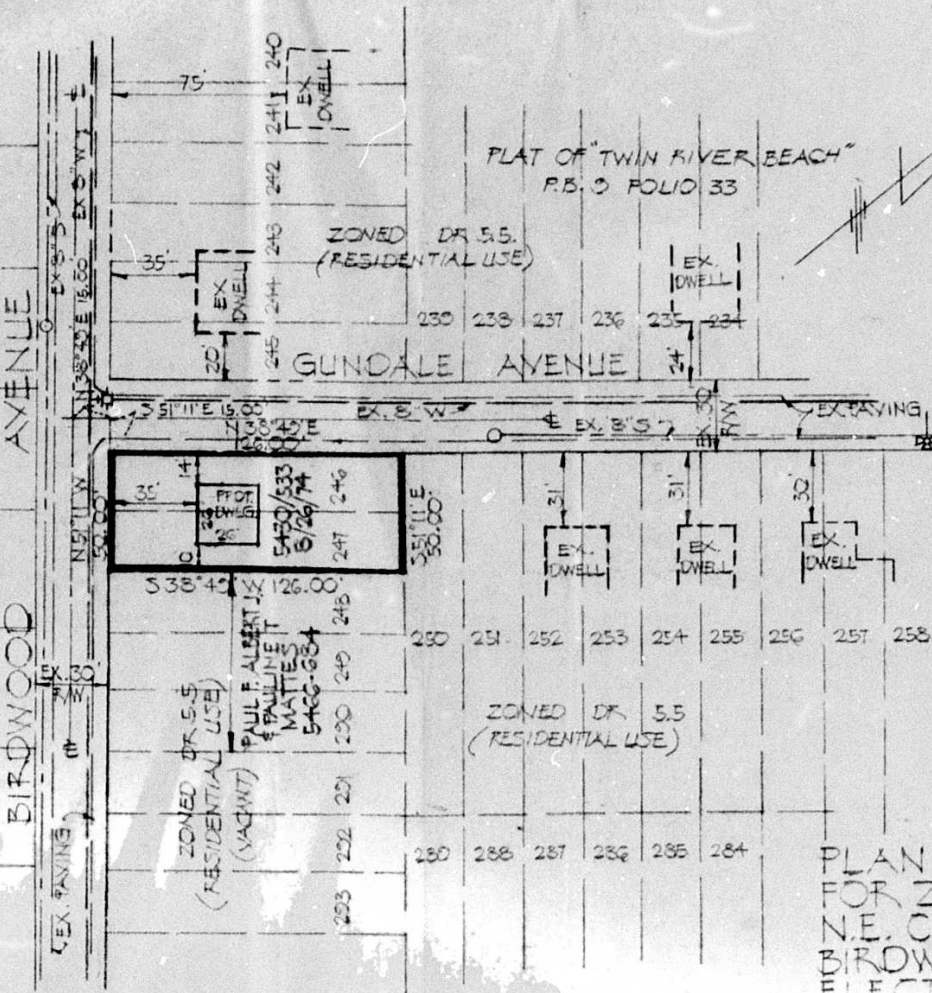
REVISED PLANS



VICINITY MAP
SCALE 1" = 300'



- NOTES:
1. EX. ZONING DR 5.5
 2. AREA OF TRACT - 6,300 ±
 3. EX. USE - VACANT
 4. PROP. USE - RESIDENTIAL
 5. VARIANCE REQUESTED TO ALLOW 14' SIDE YARD INSTEAD OF THE REQUIRED 25'.



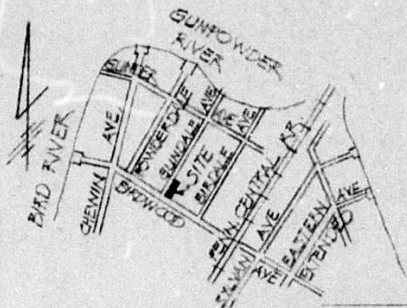
PLAN TO ACCOMPANY APPLICATION
FOR ZONING VARIANCE
N.E. CORNER GUNDALE &
BIRDWOOD AVENUES
ELECTION DISTRICT 15
BALTIMORE CO., MARYLAND
SCALE 1" = 50'
DEC. 20, 1974
REV. MARCH 17, 1975

OWNER
LIN-MAR DEVELOPMENT CORP.
2543 GREEN RD.
BALDWIN, MD. 21013



HUDKINS ASSOCIATES, INC.
101 SHELL BUILDING
200 E. JOPPA ROAD
TOWSON, MARYLAND 21204





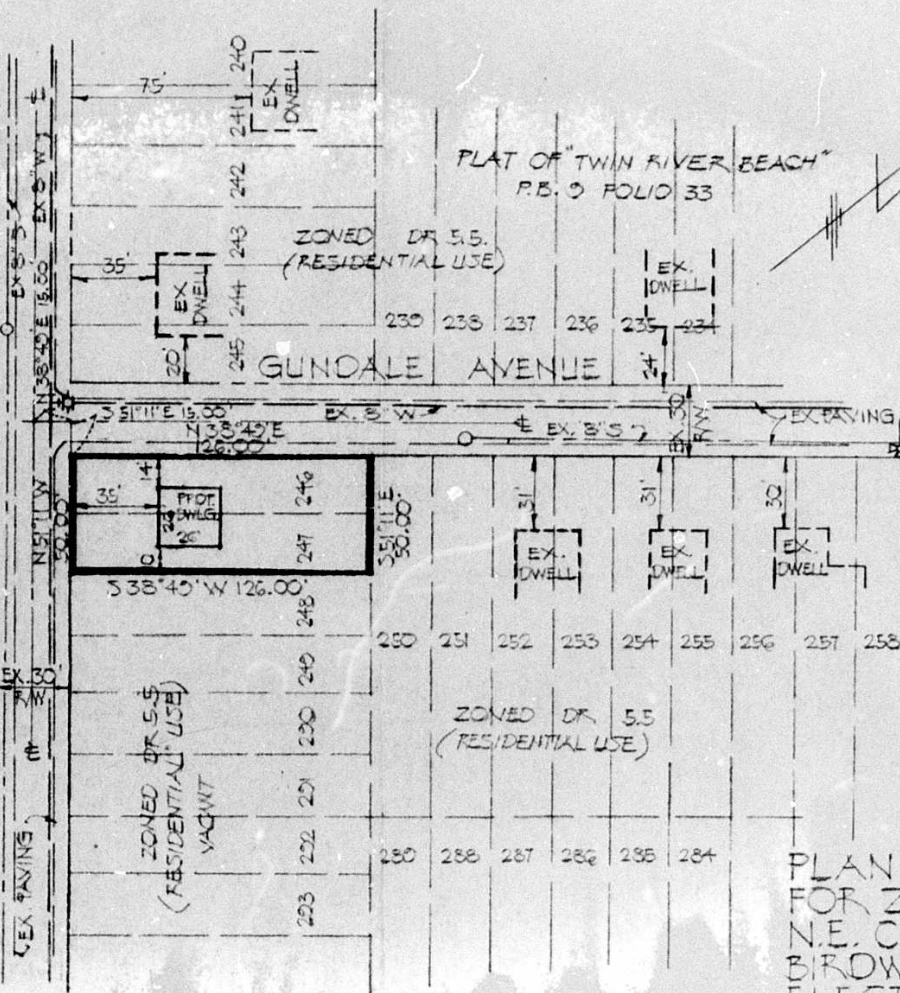
VICINITY MAP
SCALE 1" = 300'



HUDKINS ASSOCIATES, INC.
101 SHELL BUILDING
200 E. JOPPA ROAD
TOWSON, MARYLAND 21204

MAP 5B
NEB-14
15
12-75
6-18-75
BY: [Signature]

BIRDWOOD AVENUE



NOTES:

1. EX. ZONING DR 5.5
2. AREA OF TRACT - 6,300 ±
3. EX. USE - VACANT
4. PROP. USE - RESIDENTIAL
5. VARIANCE REQUESTED TO ALLOW 14' SIDE YARD INSTEAD OF THE REQUIRED 25'.

PLAN TO ACCOMPANY APPLICATION
FOR ZONING VARIANCE
N.E. CORNER GUNDALE &
BIRDWOOD AVENUES
ELECTION DISTRICT 15
BALTIMORE CO., MARYLAND
SCALE 1" = 50'
DEC. 20, 1974

OWNER
LIN-MAR DEVELOPMENT CORP.
2543 GREEN RD
BALDWIN, MD. 21013

