

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Jack R. A. Daft, 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 204 (V.B.S.R.) to permit a distance of 5 feet in lieu of the required 15 feet from a window to a property line.

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

1. An error was made in not making the center line of an adjacent R.O.W. the property line which should have allowed for a 15 foot window setback.
2. The lots are too small to allow for any adjustment of location.
3. No other window or structure can be built within 170 feet of the proposed windows.

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: Jack R. Daft
Address: 302 E. Joppa Rd. Towson, Md. 21204
Petitioner's Attorney: [Signature]
Protestant's Attorney: [Signature]

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day of September 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 29th day of September 1975 at 10:15 o'clock.

Zoning Commissioner of Baltimore County.
(over)

RE: PETITION FOR VARIANCE
North side of Metfield Road
909 feet North of Tempfield Road,
9th District
JACK R. DAFT, Petitioner
Case No. 76-64-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 534.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kowitz, Jr.
Deputy People's Counsel
John W. Hessian, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2588

I hereby certify that on this 22nd day of September, 1975, a copy of the foregoing Order was mailed to Mr. Jack R. Daft, 302 E. Joppa Road, Towson, Maryland 21204, Petitioner.



RE: PETITION FOR VARIANCE
N/S of Metfield Road, 909' N of
Tempfield Road - 9th Election
District
Jack R. Daft - Petitioner
NO. 76-64-A (Item No. 26)
BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This Petition represents a request for a Variance that would permit a window in a residential dwelling to be located within five feet of a property line in lieu of the required fifteen feet. The property in question consists of Lot 4A, as shown on the Resubdivision Plat of Section 1, "The Beeches," and recorded among the Land Records of Baltimore County, Maryland, in Plat Book E.H.K. Jr. 37, Folio 139.

The testimony presented established that the lot in question is extremely irregular in shape creating practical difficulty and/or hardship in siting the dwelling on the property in compliance with the required regulations. Testimony also established that the subject property lies adjacent to a fifteen foot wide utility easement beyond which a local open space tract exists.

For the above reasons, it is the opinion of the Deputy Zoning Commissioner that hardship and practical difficulty does exist, and the granting of the requested Variance will not be detrimental to the health, safety and general welfare of the locality involved.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 30th day of October, 1975, that the herein requested Variance to permit a five foot setback from a property line in lieu of the required fifteen feet should be and the same is hereby GRANTED. Said granting is 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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric D'Innocenzo, Zoning Commissioner Date: September 29, 1975

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition # 76-64-A. Petition for Variance for Distance between Window. North side of Metfield Road 909 feet North of Tempfield Road. Petitioner - Jack R. Daft and Jimmie M. Daft

9th District

HEARING: Monday, September 29, 1975 at 10:15 A.M.

The staff of the Office of Planning and Zoning will offer no comment on this petition at this time.

William D. Fromm, Director
Office of Planning and Zoning



DAFT-MCCUNE-WALKER, INC.

Hampton
300 East Joppa Road
Suite 1102 Towson, Md. 21204
Telephone: 301-296-3333
Land Planning Consultants
Landscape Architects
Engineers

Description to Accompany Variance For
Sideyard At Windows
Lot 4A, The Beeches
Ninth Election District
Baltimore County, Maryland

Beginning for the same at a point on the north side of Metfield Road at a distance of 909 feet more or less northerly from the northeast side of Tempfield Road, and being all of Lot 4A as shown on the plat entitled "Resubdivision of Lots 1 and 2 of Third Revised Plat, Section One, The Beeches", said plat being recorded among the Land Records of Baltimore County, Maryland in Plat Book E.H.K. Jr. 37, Folio 139.

William F. Duten
Reg. Land Surveyor, No. 2493



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 M. Chesapeake Avenue
Towson, Maryland 21204
Franklin T. Hoggans, Jr.

September 16, 1975

Messrs. Jack R. and
Jimmie W. Daft
302 E. Joppa Road
Towson, Maryland 21204

RE: Variance Petition
Item 26
Jack R. & Jimmie M. Daft -
Petitioners

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 north side of Metfield Road, 909 feet northeast of Tempfield Road, and is currently unimproved and wooded. This property comprises a lot within the approved Final Development Plan for the "Beeches", and it is on this lot that the petitioner proposes to construct a one family semi-detached dwelling. The petitioner is requesting a Variance to permit a distance of 5 feet from a window to property line in lieu of the required 15 feet.

Adjacent properties to the rear are improved with townhouse condominium construction. The properties to the east, west and south are unimproved.

Messrs. Jack R. and
Jimmie W. Daft
Re: Item 26
September 16, 1975
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,
Franklin T. Hoggans, Jr.
FRANKLIN T. HOGGANS, JR.,
Chairman, Zoning Plans
Advisory Committee

PTH:JD

Enclosure

cc: Daft-McCune-Walker, Inc.
Hampton Plaza, Suite 1102
300 East Joppa Road
Towson, Maryland 21204

October 3, 1975

Mr. Jack R. Daft
302 East Joppa Road
Towson, Maryland 21204

RE: Petition for Variance
N/S of Metfield Road, 909' N of
Tempfield Road - 9th Election District
Jack R. Daft, et al - Petitioners
NO. 76-64-A (Item No. 26)

Dear Mr. Daft:

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: John W. Hessian, III, Esquire
People's Counsel

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

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

August 29, 1975

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

Re: Item #26 (1975-1976)
Property Owner: Jack R. and Jimmie M. Daft
N/S of Metfield Rd., 909' N/E of Tempfield Rd.
Existing Zoning: D.R. 1
Proposed Zoning: Variance from Sec. 504 (V.B. 6b) to permit a distance of 5' in lieu of the required 15' from a window to a property line.
No. of Acres: 0.3615 District: 9th

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.

General:

Baltimore County utilities and highway improvements, although not directly involved, exist or are as secured by Public Works Agreement #97304 executed in conjunction with the development of "The Beeches" (Formerly Beechwood).

The Petitioner is cautioned that no encroachment by construction of any structure, including footings will be permitted within County rights-of-way or utility easements. During the course of grading or construction on this site, protection must be afforded by the contractor to protect the existing sanitary sewerage within the utility easements, and to prevent any damage thereto. Any damage sustained would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #26 (1975-1976).

Very truly yours,

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

END:RAM:FWR:ss

cc: G. Reier (File The Beeches)
C. Warfield

R-SW Key Sheet
1/3 NE 10 & 11 Pos. Sheets
NE 11 C Topo
61 & 70 Tax Maps

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 15, 1975

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

Z.A.C. Meeting of: August 12, 1975

Re: Item 26
Property Owner: Jack R. & Jimmie M. Daft
Location: N/S of Metfield Rd. 909' N.E. of Tempfield Road
Present Zoning: D.R. 1
Proposed Zoning: Variance from Section 504(V.B. 6B) to permit a distance of 5' in lieu of the required 15' from a window to a property line.

District: 9th
No. Acres: 0.3615

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich

WNP/ml

W. Nick Petrovich,
Field Representative.

H. EMBLE PARKS, President
EUGENE C. HESS, Vice-President
MR. ROBERT L. BERNY

MARCUS M. BOTSARIS
JOSEPH N. MCGOWAN
ALVIN LORECK
JOSHUA B. WHEELER, Superintendent

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACY, V.M.D.
MRS. RICHARD K. HUERTEL

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTOR

WM. T. MELZER
DEPUTY TRAFFIC ENGINEER

August 19, 1975

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

Re: Item 26 - ZAC - August 12, 1975
Property Owner: Jack R. & Jimmie M. Daft
Location: N/S of Metfield Rd. 909' NE of Tempfield Rd.
Existing Zoning: DRI
Proposed Zoning: Variance from Sec. 504 (V.B. 6b) to permit a distance of 5' in lieu of the required 15' from a window to a property line.
No. of Acres: 0.3615
District: 9th

Dear Mr. DiNenna:

The requested variance to permit a distance of 5' in lieu of the required 15 feet from a window to a property line is not expected to cause any traffic problems.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineering Associate

NSF/Dea

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

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

August 4, 1975

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

Dear Mr. DiNenna:

Comments on Item #26, Zoning Advisory Committee Meeting,
August 12, 1975, are as follows:

Property Owner: Jack R. & Jimmie M. Daft
Location: N/S of Metfield Rd. 909' NE of Tempfield Rd.
Existing Zoning: D.R. 1
Proposed Zoning: Variance from Sec. 504 (V.B. 6b) to permit a distance of 5' in lieu of the required 15' from a window to a property line.
No. of Acres: 0.3615
District: 9th

Re: Item #26

Reimbursement under and over are available.

Thom H. Dyer

Thom H. Dyer, M.D., M.P.H.
County Health Officer

NSF/Dea

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



August 27, 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 #26, Zoning Advisory Committee Meeting, August 12, 1975, are as follows:

Property Owner: Jack R. and Jimmie M. Daft
Location: N/S of Metfield Road 909' NE of Tempfield Rd.
Existing Zoning: D.R. 1
Proposed Zoning: Variance from Sec. 504 (V.B. 6b) to permit a distance of 5' in lieu of the required 15' from a window to a property line.
No. of Acres: 0.3615
District: 9th

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 108 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 444-2211 ZONING 444-2211

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

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

Your Petition has been received and accepted for
filing this 26th day of August 1975

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner: Jack R. & Jimmie M. Daft

Petitioner's Attorney
Mr. S. Eric DiNenna, Zoning Commissioner
County Office Building
Towson, Md. 21204

Reviewed by
Franklin T. Hogan, Jr.
Chairman,
Zoning Plans
Advisory Committee

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

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

August 29, 1975

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

Re: Item #26 (1975-1976)
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No. of Acres: 0.3615 District: 9th

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.

General:

Baltimore County utilities and highway improvements, although not directly involved, exist or are as secured by Public Works Agreement #97304 executed in conjunction with the development of "The Beeches" (Formerly Beechwood).

The Petitioner is cautioned that no encroachment by construction of any structure, including footings will be permitted within County rights-of-way or utility easements. During the course of grading or construction on this site, protection must be afforded by the contractor to protect the existing sanitary sewerage within the utility easements, and to prevent any damage thereto. Any damage sustained would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #26 (1975-1976).

Very truly yours,

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

END:RAM:FWR:ss

cc: G. Reier (File The Beeches)
C. Warfield

R-SW Key Sheet
1/3 NE 10 & 11 Pos. Sheets
NE 11 C Topo
61 & 70 Tax Maps

DEC 17 1975

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 16, 1975

COUNTY OFFICE BUILDING
121 N. Chesapeake Avenue
Towson, Maryland 21204
Franklin T. Hogans, Jr.
XXXXXXXXXXXXXXXXXXXX

Messrs. Jack R. and
Jimmie W. Daft
302 E. Joppa Road
Towson, Maryland 21204

RE: Variance Petition
Item 26
Jack R. & Jimmie M. Daft -
Petitioners

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 north side of Metfield Road, 909 feet northeast of Tempfield Road, and is currently unimproved and wooded. This property comprises a lot within the approved Final Development Plan for the "Beeches", and it is on this lot that the petitioner proposes to construct a one family semi-detached dwelling. The petitioner is requesting a Variance to permit a distance of 5 feet from a window to property line in lieu of the required 15 feet.

Adjacent properties to the rear are improved with townhouse condominium construction. The properties to the east, west and south are unimproved.

Messrs. Jack R. and
Jimmie W. Daft
Re: Item 26
September 16, 1975
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,

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

FTH:JD

Enclosure

cc: Daft-McCune-Walker, Inc.
Hampton Plaza, Suite 1102
300 East Joppa Road
Towson, Maryland 21204

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E.
DIRECTORWILLIAM T. MULLER
DEPUTY TRAFFIC ENGINEER

August 19, 1975

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

Re: Item 26 - SAC - August 12, 1975
Property Owner: Jack R. & Jimmie M. Daft
Location: N/S of Metfield Rd. 909' NE of Tempfield Rd.
Existing Zoning: DRI
Proposed Zoning: Variance from Sec. 504 (V.B. 6b) to permit a distance of 5' in lieu of the required 15' from a window to a property line.
No. of Acres: 0.3615
District: 9th

Dear Mr. DiNenna:

The requested variance to permit a distance of 5' in lieu of the required 15' feet from a window to a property line is not expected to cause any traffic problems.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Associate

MSP/dsa

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

August 6, 1975

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

Dear Mr. DiNenna:

Comments on Item #26, Zoning Advisory Committee Meeting, August 12, 1975, are as follows:

Property Owner: Jack R. & Jimmie M. Daft
Location: N/S of Metfield Rd. 909' NE of Tempfield Rd.
Existing Zoning: DRI
Proposed Zoning: Variance from Sec. 504 (V.B. 6b) to permit a distance of 5' in lieu of the required 15' from a window to a property line.
No. of Acres: 0.3615
District: 9th

Metropolitan water and sewer are available.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, R.S., Director
Bureau of Environmental Services

DHV/sk:

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



August 27, 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 #26, Zoning Advisory Committee Meeting, August 12, 1975, are as follows:

Property Owner: Jack R. and Jimmie M. Daft
Location: N/S of Metfield Road 909' NE of Tempfield Road
Existing Zoning: D.R.1
Proposed Zoning: Variance from Sec. 504 (V.B. 6b) to permit a distance of 5' in lieu of the required 15' from a window to a property line
No. of Acres: 0.3615
District: 9th

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 494-7211 ZONING 494-3351

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 15, 1975

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

Z.A.C. Meeting of: August 12, 1975

Re: Item 26
Property Owner: Jack R. & Jimmie M. Daft
Location: N/S of Metfield Rd. 909' N.E. of Tempfield Road
Present Zoning: D.R.1
Proposed Zoning: Variance from Section 504 (V.B. 6b) to permit a distance of 5' in lieu of the required 15' from a window to a property line.

District: 9th
No. Acres: 0.3615

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative.

MNP/ml

W. EUGENE PARKS, President
EUGENE C. HESS, Vice-President
MRS. ROBERT L. BERNY

MARCUS M. NOTARIS
JOSEPH N. MCGOWAN
ALVIN L. BRECK
JOSHUA R. WHEELER, Superintendent

T. GAYARD WILLIAMS, JR.
RICHARD W. TRACEY, VMD
MRS. RICHARD A. WILFELT

DEC 17 1975

DEC 17 1975

