

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Albert G. Mox, 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.

herby petition for a Variance from Section 1. B. 2.2.3.C.1 to permit lot widths of 50 ft. instead of the required 35 ft.

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

To permit us to build a house with three bedrooms on 50 ft. lot remaining after 50 ft. lot is sold with house.

Our estimated description

Property is to be posted and advertised as prescribed by Zoning Regulations. 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 Albert G. Mox
Address 317 N. Marlyn Ave
BALTO. MD. 21221
Petitioner's Attorney _____
Protestant's Attorney _____

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day

of _____, 197____, 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 108, County Office Building in Towson, Baltimore County, on the _____ day of _____, 197____, at _____ o'clock

John W. Hession, III
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
East side of Marlyn Avenue 435 feet : OF BALTIMORE COUNTY
Northeast of Essex Avenue, 15th District :
ALBERT G. & JANET MOX, Petitioners : Case No. 76-203-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 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. Kountz, Jr.
Charles E. Kountz, Jr.
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of April, 1976, a copy of the foregoing

Order was mailed to Mr. & Mrs. Albert G. Mox, 317 N. Marlyn Avenue, Baltimore, Maryland 21221, Petitioners.

John W. Hession, III
John W. Hession, III



April 6, 1976

Mr. & Mrs. Albert G. Mox
317 N. Marlyn Avenue
Baltimore, Maryland 21221

RE: Petition for Variance
E/S of Marlyn Avenue, 435' NE of
Essex Avenue - 15th Election District
Albert G. Mox, et ux - Petitioners
NO. 76-203-A (Item No. 163)

Dear Mr. & Mrs. Mox:

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

Very truly yours,
George J. Martinak
George J. Martinak
Deputy Zoning Commissioner

GJM/me

Attachments

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

DESCRIPTION FOR VARIANCE

BEGINNING at a point 435 feet Northeast of Essex Ave. and being on the East side of Marlyn Ave., thence running North 25 degrees 33 minutes 100 feet to a point, thence South 64 degrees 33 minutes East 286 feet to a point, thence South 25 degrees 27 minutes 100 feet to a point, thence North 64 degrees 33 minutes West 286 feet to the beginning point.

Also known as 317 N. Marlyn Ave.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: March 17, 1976
FROM: William D. Fromm, Director of Planning
SUBJECT: Petition # 76-203-A. Petition for Variance for Lot Widths.
East side of Marlyn Avenue 435 feet Northeast of Essex Avenue.
Petitioner - Albert G. Mox and Janet D. Mox.

15th District

Hearing: Monday, April 5, 1976 at 10:30 A.M.

There are no comprehensive planning factors requiring comment on this petition.

WDF:JGH:nb

William D. Fromm
William D. Fromm
Director of Planning

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 24, 1976

Mr. Albert G. Mox
317 N. Marlyn Avenue
Baltimore, Md. 21221

RE: Variance Petition
Item 163
Albert & Janet Mox - Petitioners

Dear Mr. Mox:

The enclosed comments are to be included with the Zoning Plans Advisory Committee comments sent you March 17, 1976 under the above referenced subject.

Very truly yours,

Franklin T. Hoggans, Jr.
FRANKLIN T. HOGGANS, JR.
Chairman,
Zoning Plans Advisory Committee

FTH:JD

Enclosure

baltimore county
department of public works
TOWSON, MARYLAND 21204

March 18, 1976

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

Re: Item #163 (1975-1976)
Property Owner: Albert & Janet Mox
E/S Marlyn Ave., 435' N/E of Essex Ave.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of required 35'.
No. of Acres: 100 x 286 District: 15th
100 286

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:

Marlyn Avenue, an existing public road, is proposed to be improved in the future as a 42-foot closed section roadway on a 60-foot right-of-way. Highway improvements are not required at this time. Highway right-of-way widening, including any necessary revertible 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. The submitted 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 #163 (1975-1976)
Property Owner: Albert & Janet Mox
Page 2
March 18, 1976

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist adjacent to this property. Additional fire hydrant protection may be required in the vicinity.

Very truly yours,

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

END:EAM:FWR:ss

cc: J. Trenner
J. Somers
W. Munchel

I-SW Key Sheet
9 NE 29 Pos. Sheet
NE 3 H Topo
90 Tax Map

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 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 lot widths of 50 feet instead of the required 55 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 6th day of April, 1976, that the herein Petition for the aforementioned 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.

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 day of 1976, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

APRIL 6TH 1976

I ALBERT G. MOX DO ASSUME ALL RESPONSIBILITY FOR THE VARIANCE ON PROPERTY LOCATED AT 319 N. MARLYN AVE. I ASSUME THIS FROM APRIL 5TH FOR AS LONG AS THE BALANCE OF THESE PROCEDURES TAKE.

(STATE OF MARYLAND)
COUNTY OF BALTIMORE

I hereby certify that, on this 6th day of April 1976 before me, the subscriber, Notary Public of the County of Baltimore, personally appeared Albert G. Mox and made oath in due form of law that the matter and facts stated in the foregoing are true as therein set forth.

Notary Public
MY COMMISSION EXPIRES JULY 1, 1978
Balto. Md. 21221

TO WHOM IT MAY CONCERN:

I, Albert G. Mox, of 317 N. Marlyn Avenue, Baltimore County, Maryland, agree to assume responsibilities for variance property 319 N. Marlyn Avenue from April 5, 1976 through May 5, 1976.

Albert G. Mox
ALBERT G. MOX

Sworn to and subscribed to before me, this 2nd day of April, 1976.

Delores J. Brooks
Delores J. Brooks Notary Public

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: March 17, 1976

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition # 76-203-A. Petition for Variance for Lot Widths. East side of Marlyn Avenue 435 feet Northeast of Essex Avenue. Petitioner - Albert G. Mox and Janet D. Mox.

15th District

Hearing: Monday, April 5, 1976 at 10:30 A.M.

There are no comprehensive planning factors requiring comment on this petition.

William D. Fromm
Director of Planning

WDF:JGH:nb

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. Albert G. Mox
317 N. Marlyn Avenue
Baltimore, MD. 21221

Item 163

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

Your Petition has been received and accepted for filing this 24th day of February 1976

S. Eric DiNenna
Zoning Commissioner

Petitioner Albert & Janet Mox

Petitioner's Attorney

Reviewed by Franklin T. Rogans, Jr.
Chairman,
Zoning Advisory
Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

March 17, 1976

Mr. Albert G. Mox
317 N. Marlyn Avenue
Baltimore, Maryland 21221

RE: Variance Petition
Item 163
Albert & Janet Mox - Petitioners

Dear Mr. Mox:

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 east side of Marlyn Avenue, situate 435 feet northeast of Essex Avenue and consists of two 50 foot lots, one of which is improved with a single family detached dwelling, known as 317 North Marlyn Avenue.

The petitioner is requesting a Variance to permit two 50 foot lots in lieu of the required 55 feet, respectively, in order that another single family dwelling may be constructed on the vacant lot now utilized as a side yard area for 317 North Marlyn Avenue. Adjacent properties are improved with single family dwellings.

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

Mr. Albert G. Mox
Re: Item 163
March 17, 1976
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. Rogans, Jr.
Chairman, Zoning Plans
Advisory Committee

FTH:JD

Enclosure

Paul H. Reincke
CHIEF

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

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Albert & Janet Mox

Location: E/S Marlyn Ave. 435' NE of Essex Ave.

Item No. 163 Zoning Agenda February 17, 1976

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 x-proved 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.

(XX) 6. Site plans are approved as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

Reviewed by: *John L. Wimbley* Noted and Approved: *Thomas H. Devlin*
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

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

April 7, 1976

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

Dear Mr. DiNenna:

Comments on Item #163, Zoning Advisory Committee Meeting, February 17, 1976, are as follows:

Property Owner: Albert & Janet Mox
Location: E/S Marlyn Ave. 435' NE of Essex Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of required 55'

Acres: 100 X 286
District: 15th

Metropolitan water and sewer are available.

Very truly yours,

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

RJW:phd

WILLIAM D. FROMM
DIRECTOR

March 15, 1976

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 #163, Zoning Advisory Committee Meeting, February 17, 1976, are as follows:

Property Owner: Albert Mox
Location: E/S Marlyn Ave. 435' NE of Essex Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55'
Acres: 100 X 286
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.

The petitioner should indicate ownership of adjacent property.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planning Specialist II
Project and Development Planning

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: February 19, 1976

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

Z.A.C. Meeting of: February 17, 1976

Re: Item 163
Property Owner: Albert & Janet Mox
Location: E/S Marlyn Ave. 435' NE of Essex Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of required 55'

District: 15th
No. Acres: 100 X 286
100 X 286

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

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

H. ENSLEY PARKS, PRESIDENT
EUGENE C. HESS, VICE-PRESIDENT
MRS. ROBERT L. BERNY

MARCUS H. BOISANIS
JOSEPH N. MCGOWAN
ALVIN LORICK
JOSHUA R. WHEELER, SECRETARY

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



TOWSON, MD. 21204

March 17, 1976

THIS IS TO CERTIFY, that the annexed advertisement of
Petition for a Variance-- Mox
was inserted in the following:

- | | |
|--|--|
| ☐ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☐ Essex Times | ☐ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore, County, Maryland,
once a week for one increasing week before the
5th day of April 1976, that is to say, the same
was inserted in the issues of March 17, 1976.

STROMBERG PUBLICATIONS, INC.

BY *Patricia Smalle*

STEPHEN E. COLLINS
DIRECTOR

March 3, 1976

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

Re: Item 163 - ZAC - February 17, 1976
Property Owner: Albert & Janet Mox
Location: E/S Marlyn Ave. 435' NE of Essex Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of required 55'
No. of Acres: 100 X 286
100 X 286
District: 15th

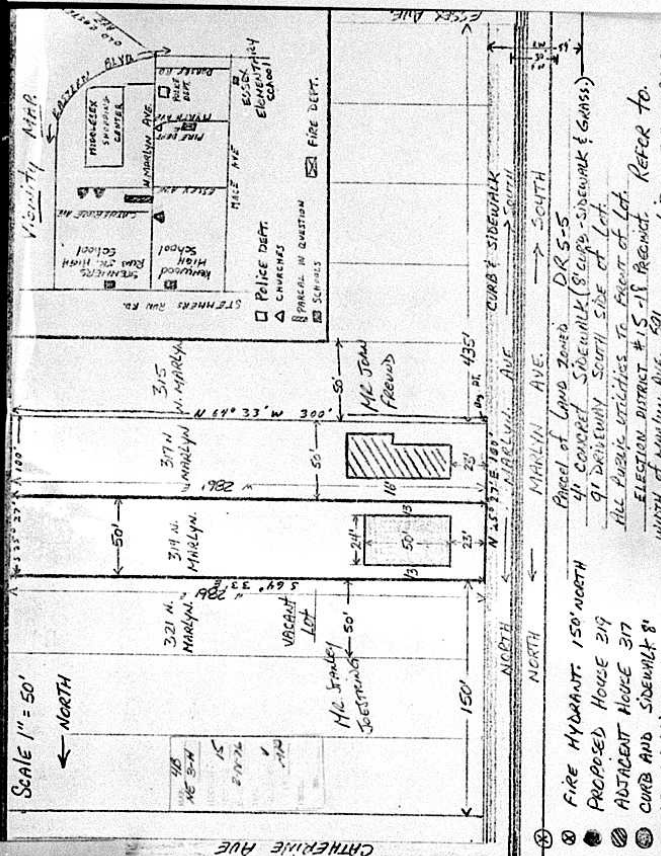
Dear Mr. DiNenna:

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

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

NSF:DC



PETITION FOR A VARIANCE
ZONING DEPARTMENT OF BALTIMORE COUNTY
TOWSON, MARYLAND
LOCATION: East side of Marlyn Avenue 435' NE of Essex Avenue
EXISTING ZONING: D.R. 5.5
PROPOSED ZONING: Variance to permit lot widths of 50' in lieu of required 55'
ACRES: 100 X 286
DISTRICT: 15th
The Zoning Commissioner of Baltimore County, by authority of the Zoning Ordinance of Baltimore County, do hereby certify that the above described property is located within the District of 15th and is zoned D.R. 5.5. The proposed variance is to permit lot widths of 50' in lieu of the required 55'. The variance is to be used for the purpose of the proposed development. The variance is to be used for the purpose of the proposed development. The variance is to be used for the purpose of the proposed development.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th
Posted for: Hearing on April 5, 1976 at 10:30 A.M.
Petitioner: Albert G. Mox
Location of property: E/S Marlyn Ave. 435' NE of Essex Ave.
Location of Sign: Sign posted at corner of 312th & 319th Sts.
Remarks: Mark H. Mox
Posted by: Mark H. Mox
Date of return: 3-24-76

CERTIFICATE OF PUBLICATION

TOWSON, MD. March 18, 1976
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 the 18th day of March, 1976, the first publication appearing on the 18th day of March, 1976.

S. Eric DiNenna
S. Eric DiNenna, Zoning Commissioner

Cost of Advertisement, \$

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 Feb 1976. Filing Fee \$ 25. Received Check Cash Other
S. Eric DiNenna
S. Eric DiNenna, Zoning Commissioner
Petitioner: Albert & Janet Mox Submitted by Albert Mox
Petitioner's Attorney Reviewed by DJT
* 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
No. 31605
DATE: Feb 9, 1976 ACCOUNT: 01-662
AMOUNT: \$25.00
RECEIVED Cash - Albert Mox
FOR: Petition for a Variance
VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
No. 33307
DATE: April 5, 1976 ACCOUNT: 01-662
AMOUNT: \$39.25
RECEIVED Cash - Albert G. Mox
FOR: Petition for Variance #76-203-A
VALIDATION OR SIGNATURE OF CARRIER