

76-221-A #187 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Shirley Ann Matthys, 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 1802.3.C.3 to permit a rear setback of 10' in lieu of the required 30' and to permit a front setback of 23 feet instead of the required 25 feet; and to permit 43 feet from the centerline of proposed Delvale Road instead of the required 50 feet.

As a result of the proposed Delvale Road, petitioner was left with the irregular shaped subject site. Due to its configuration, it is impossible to develop the site without the requested variance.

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 _____ Legal Owner _____
Address: 7214 Birch Avenue
Baltimore, MD 21222
Petitioner's Attorney _____ Protestant's Attorney _____
DATE: April 22, 1976

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of March, 1976, 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 26th day of April, 1976, at 10:00 o'clock.

S. Eric DiNenna
Zoning Commissioner of Baltimore County.

(over)

April 28, 1976

Mrs. Shirley Ann Matthys
7214 Birch Avenue
Baltimore, Maryland 21222

RE: Petition for Variances
N/side of Proposed Delvale Road, 153'
SW of Birch Avenue - 12th Election
District
Shirley Ann Matthys - Petitioner
NO. 76-221-A (Item No. 187)

Dear Mrs. Matthys:

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

Very truly yours,
/s/

GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM/mc

Attachments

cc: Mr. Nicholas Latgis
1250 48th Street
Baltimore, Maryland 21222

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

RE: PETITION FOR VARIANCES
N/side of Proposed Delvale Road
153' SW of Birch Avenue -
12th Election District
Shirley Ann Matthys - Petitioner
NO. 76-221-A (Item No. 187)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for Variances from Sections 1801.2.C.3 and 1802.3C1, to permit a rear yard setback of 10 feet in lieu of the required 30 feet; to permit a front yard setback of 23 feet instead of the required 25 feet; and to permit 43 feet from the centerline of the proposed Delvale Road instead of the required 50 feet.

Testimony presented at the hearing, on behalf of the Petitioner, indicated that a portion of the subject property had been conveyed to Baltimore County in 1968. At this time, the Bureau of Land Acquisition was seeking rights-of-way for the proposed Delvale Road.

Mr. Harry Young, Jr., supervisor of contract negotiations, appeared and testified at the hearing. He stated that he was instrumental in securing such right-of-way and that he had advised Mrs. Matthys that the remaining portion of the property would remain adequate for building usage via zoning office procedures. Further testimony by Mr. Young indicated that possible condemnation of the land in question was indicated prior to the County's acquisition of a part thereof and that no damages were paid by the County on the remaining portion subsequent to the contract.

Nearby residents, in protest, indicated that they feared that closer proximity of the proposed dwelling to their houses, other than the norm, would lower the value of their property.

Without reviewing the evidence further in detail but based on all the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, strict compliance with the Baltimore County Zoning Regulations

would result in practical difficulty and unreasonable hardship upon the Petitioner and the granting of the Variances would not adversely affect the health, safety or general welfare of the community.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 24th day of April, 1976, that the Variances to permit a rear yard setback of 10 feet in lieu of the required 30 feet; to permit a front yard setback of 23 feet instead of the required 25 feet; and to permit 43 feet from the center line of the proposed Delvale Road instead of the required 50 feet should be and the same are hereby 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.

George J. Martinak
Deputy Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING
DATE: April 22, 1976
BY: John P. Barry

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RE: PETITION FOR VARIANCE
North side of the proposed Delvale Road
153 feet SW of Birch Avenue, 12th
District
SHIRLEY ANN MATTHYS, Petitioner

BE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 76-221-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 23rd day of April, 1976, a copy of the foregoing Order was mailed to Ms. Shirley Ann Matthys, 7214 Birch Avenue, Baltimore, Maryland 21222, Petitioner.

John W. Hession, III



baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

Case 76-221-A
17th 187
4-26-76 10:PM

April 26, 1976

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

Re: Item 187 - ZAC - March 16, 1976
Property Owner: Shirley Ann Matthys
Location: N/S Delvale Rd. (proposed) 153' SW Birch Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit rear yard setback of 10' in lieu of required 30'

Acres:
District: 12th

Dear Mr. DiNenna:

The requested variance to the rear yard setback is not expected to cause any traffic problems.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

DESCRIPTION FOR VARIANCE

Beginning on the North side of the proposed Delvale Road approximately 153 feet Southwest of Birch Avenue and running North 19 degrees 06 minutes 40 seconds East 73 feet, thence South 50 degrees 08 minutes 40 seconds East 71.24 feet, thence South 69 degrees 47 minutes East 76.53 feet, thence South 20 degrees 13 minutes West 23 feet, thence South 83 degrees 16 minutes 28 seconds West 153 feet to the place of the beginning.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: April 13, 1976
FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #76-221-A - Petition for a Variance for Front and Rear Yard North side of the proposed Delvale Road 153 feet Southwest of Birch Avenue.
Petitioner: Shirley Ann Matthys

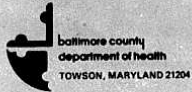
12th District

HEARING: Monday, April 26, 1976 (10:00 A.M.)

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

William D. Fromm
William D. Fromm
Director
Office of Planning

WDF:JGH:rw



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

April 30, 1976

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

Dear Mr. DiNenna:

Comments on Item #187, Zoning Advisory Committee Meeting, March 16, 1976, are as follows:

Property Owner: Shirley Ann Matthys
Location: N/S Delvale Road (proposed) 153' SW Birch Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit rear yard setback of 10' in lieu of the required 30'.

Acres:
District: 12th

Metropolitan water and sewer are available.

Very truly yours,

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

RJW:rsG

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

April 9, 1976

M's. Shirley Ann Matthys
7214 Birch Avenue
Baltimore, Maryland 21222

RE: Variance Petition
Item 187
Shirley Ann Matthys - Petitioner

Dear M's. Matthys:

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 Delvale Avenue (proposed), 153 feet southwest of Birch Avenue, and is currently a vacant residual parcel of land created by the acquisition of the right-of-way of Delvale Avenue. The petitioner is requesting a Variance to permit a rear yard setback of 10 feet in lieu of the required 30 feet, in order that a dwelling may be constructed on the site.

The petitioner should note with particular interest the comments of the Bureau of Engineering.

The 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

M's. Shirley Ann Matthys
Re: Item 187
April 9, 1976
Page 2

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

FTH:JD



April 14, 1976

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

Re: Item #187 (1975-1976)
Property Owner: Shirley Ann Matthys
N/S Delvale Ave. (proposed) 153' S/W Birch Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit rear yard setback of 10' in lieu of the required 30'.
District: 12th

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:

The submitted plan must be revised to correctly indicate the existing right-of-way, for this proposed section of Delvale Avenue, as being 80 feet in width, not 40 feet; the Birch Avenue right-of-way width is 60 feet, not 40 feet; the existing slope areas for both roads, see RW 67-109-3A; the proposed road improvements; the relationship of onsite and adjacent property improvements, i.e. dwellings, shed, garage, block wall, etc. see highway construction drawing #67-0765 (5); the location of existing public 8-inch water main and fire hydrant in Birch Avenue, approximately 125 feet southerly from this site (Drawing #65-1053, file 3); the existing public 8-inch sanitary sewer and the 10-foot drainage and utility easement along the east side of this property (Drawing #67-0434, file 1).

Highways:

This property presently does not, as yet, have any improved public road frontage. However, Delvale Avenue, a County road, is proposed to be completed in this vicinity as a 42-foot closed section roadway on the present 80-foot right-of-way (which severed this overall property) with accompanying slope easements. The Birch Avenue highway improvements as a 36-foot closed section roadway at the intersection on the present 60-foot right-of-way with accompanying slope easements will be completed in conjunction with the aforesaid Delvale Avenue construction, see highway construction drawing #67-0765 (5), Job Order 5-43-4 in the Baltimore County Bureau of Engineering.



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: Shirley Ann Matthys

Location: N/S Delvale Road (proposed) 153' SW Birch Avenue

Item No. 187

Zoning Agenda March 16, 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 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 _____ 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.

6. Site plans are approved as drawn.

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

Reviewed: *P. Hoggans* Noted and Approved: *Paul H. Reincke*
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau

Item #187 (1975-1976)
Property Owner: Shirley Ann Matthys
Page 2
April 14, 1976

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.

Water:

A public water main extension is required to serve this property from the existing 8-inch public water main in Birch Avenue, see construction drawing #67-0620 (3) in the Baltimore County Bureau of Engineering. A future 12-inch water main is proposed to be constructed in the proposed extension of Delvale Avenue, also as indicated on Drawing #67-0620 (3).

Sanitary Sewer:

There is an existing 8-inch sanitary sewer within a 10-foot drainage and utility easement along the easternmost side of this property, see Drawing #67-0434, File 1.

Very truly yours,

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

END:EAM:FWR:SS

cc: J. Trenner
J. Somers
J. Loos

F-NE Key Sheet
7 SE 18 Pos. Sheet
SE 2 E Topo
103 Tax Map

April 2, 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 #187, Zoning Advisory Committee Meeting, March 16, 1976, are as follows:

Property Owner: Shirley Ann Matthys
Location: N/S Delvale Road (proposed) 153' SW Birch Avenue
Existing Zoning: D.R.5.5
Proposed Zoning: Variance to permit rear yard setback of 10' in lieu of the required 30'
Acres:
District: 12th

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

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 16, 1976

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

Z.A.C. Meeting of: March 16, 1976

Re: Item 187

Property Owner: Shirley Ann Matthys

Location: N/S Delvale Rd. (proposed) 153' S.W. Birch Avenue.

Present Zoning: D.R. 5.5

Proposed Zoning: Variance to permit rear yard setback of 10' in lieu of the required 30'.

District: 12th

No. Acres:

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

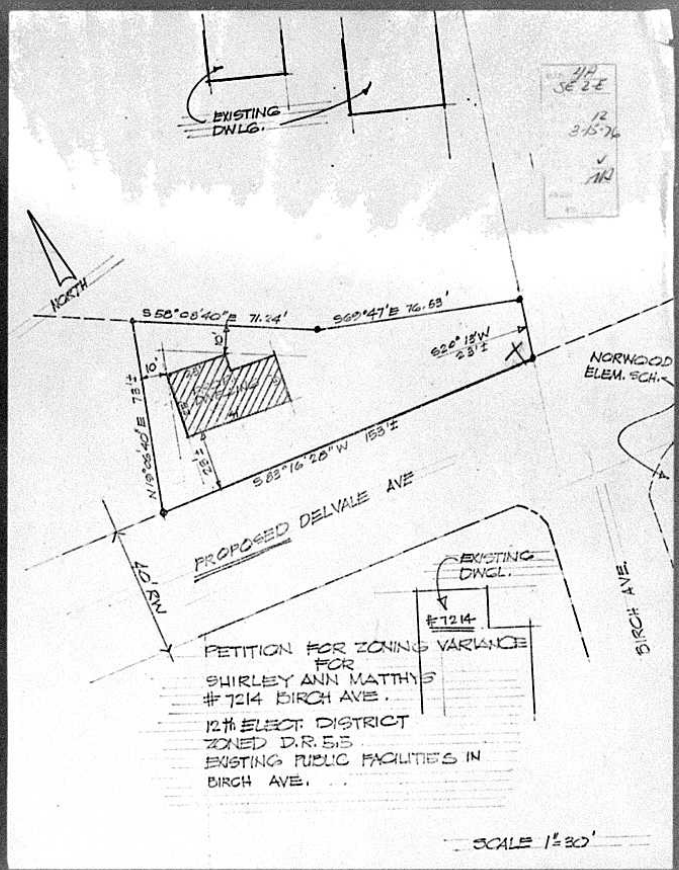
W. Nick Petrovich
W. Nick Petrovich,
Field Representative.

NNP/ml

JOSEPH M. MCCORMACK, PRESIDENT
THOMAS M. BOYER
MRS. LORRAINE F. CHOCOS
JOSHUA S. WHEELER, SUPERINTENDENT

MARCUS M. BOTSANIS
THOMAS M. BOYER
MRS. LORRAINE F. CHOCOS
JOSHUA S. WHEELER, SUPERINTENDENT

ROBERT S. HAYDEN
ALVIN LORICK
LEONARD W. TRACY, D.V.M.



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 20 day of FEB 1976. Filing Fee \$ 25. Received ☒ Check ☐ Cash ☐ Other

Shirley Ann Matthys
S. Eric DiNenna,
Zoning Commissioner

Petitioner MATTHYS Submitted by MATTHYS
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. 33309

DATE April 5, 1976 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED Shirley Ann Matthys, 7214 Birch Ave., Balto., Md. 21222

FOR Petition for Variance #76-221-A

80472 APR 6 25.00 CASH

VALIDATION OR SIGNATURE OF CASHIER



TOWSON, MD. 21204 April 8, 1976

THIS IS TO CERTIFY, that the annexed advertisement of
Petition for a Variance-- Matthys
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 successive weeks before the
26th day of April 1976, that is to say, the same
was inserted in the issues of April 8, 1976.

STROMBERG PUBLICATIONS, INC.

BY E. Patricia Smith

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 8, 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~~
~~at one time~~ on the 26th
day of April, 1976, the first publication
appearing on the 8th day of April
1976.

THE JEFFERSONIAN,
Shirley Ann Matthys
Manager.

Cost of Advertisement, \$.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

#76-221-A

District 12th Date of Posting 4-8-76
Posted for Neary, Mrs. 26 1976, B. 10' 2' 2' A.D.
Petitioner: Shirley Ann Matthys
Location of property: N/S of the Proposed Delvale Rd. 153' S.W. of
Birch Ave.
Location of Sign: Sign Posted on Lot West of 7214 N/S of Proposed
Delvale Ave.
Remarks: _____
Posted by Michael H. Hines Date of return: 4-15-76
Signature

EXEMPTION FROM A VARIANCE
ZONING: Petition for a Variance for
Front and Rear Yards.
LOCATION: North side of the
proposed Delvale Road 153' West
of Birch Avenue, April 16,
1976 at 10:00 A.M.
PUBLIC HEARING: None. 100
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.
The Zoning Commissioner of
Baltimore County, at authority of the
Zoning Act and Regulations of
Baltimore County, on this date
has received the petition for a
variance from the Zoning
Department of Baltimore County to
permit a rear yard setback of 10
feet instead of the required 30 feet
and to permit 25 feet from the
centerline of the proposed Delvale
Road instead of the required 50 feet.
The Zoning Department is to be
advised on or before
April 16, 1976 at 10:00 A.M.
Public Hearing: None. 100
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.
By order of
S. ERIC DINENNA
Zoning Commissioner of
Baltimore County
April 8, 1976

PETITION FOR A VARIANCE
ZONING: Petition for a Variance for
Front and Rear Yards.
LOCATION: North side of the
proposed Delvale Road 153' West
of Birch Avenue, April 16,
1976 at 10:00 A.M.
PUBLIC HEARING: None. 100
County Office Building, 111 W.
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Road instead of the required 50 feet.
The Zoning Department is to be
advised on or before
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Public Hearing: None. 100
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.
By order of
S. ERIC DINENNA
Zoning Commissioner of
Baltimore County
April 8, 1976