

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Mildred C. Vaeth, 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 1802.3C.1 to permit it

to a lot width of 50 feet in lieu of 55 feet on Lot 65 and a side yard setback of 6 feet in lieu of 10 feet on the existing dwelling on Lot 64 as shown on the plat accompanying this petition

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

This is an old subdivision recorded July 8, 1913 of lots having a width of 50 feet; the zoning requirements of this date, 1976, require a minimum of 55 feet in width and at the time the existing adjacent homes to Lot 65 were built a side yard setback of 10 feet was not required; for these reasons it is impossible to comply with the present zoning regulations and we respectfully request the above 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 Mildred C. Vaeth

Legal Owner Mildred C. Vaeth

Address 5234 BENSON AVENUE

BALTIMORE, MARYLAND 21204

Petitioner's Attorney _____

Freestant's Attorney _____

Address _____

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

of _____, 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 through-

out 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 _____ day of _____, 1976, at _____ o'clock

A.M.

Mildred C. Vaeth

Zoning Commissioner of Baltimore County,

(over)

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BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

August 11, 1976

COUNTY OFFICE BLDG.
111 W. Calverton Ave.
Towson, Maryland 21204

MEMBERS:

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROAD COMMISSION

BUREAU OF FIRE PROTECTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Mrs. Mildred C. Vaeth
5234 Benson Avenue
Baltimore, Maryland 21204

RE: Variance: Petition

Item 11

Mildred C. Vaeth - Petitioner

Dear M's. Vaeth:

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 property in question, currently zoned D.R. 5.5 is located on the west side of Benson Avenue, approximately 350 feet south of Maryland Avenue, in the 13th Election District of the county.

This site consists of three 50 foot lots, currently improved with a single family dwelling and garage in the rear. All other properties surrounding this site are also zoned D.R. 5.5 and are improved with similar type dwellings.

The petitioner is requesting Variances to permit the construction of a dwelling on a 50 foot lot, and to allow the existing dwelling, a resultant 6 foot setback in lieu of the required 10 feet from the newly created property line.

It was suggested to the petitioner that the construction of an additional dwelling on Lot No. 63

M's. Mildred C. Vaeth
Re: Item 11
August 11, 1976
Page 2

be included within the Variance request; however, he decided against this.

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,

Nicholas B. Connolly
NICHOLAS B. CONNOLLY,
Planning & Zoning Associate III

NBC:JD

Enclosure

cc: Gerhold, Cross & Stael
412 Delaware Avenue
Towson, Md. 21204

Item 11 (1976-1977)
Property Owner: Mildred C. Vaeth
Page 2
August 11, 1976

Water and Sanitary Sewer.

Public water supply and sanitary sewerage exist in Benson Avenue. 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: SAN: PWS:BS

CC: J. TREMPER
J. BOWERS
W. HUNCH

G-SW Key Sheet
18 SW 14 Row. Sheet
28 S 10 Type
101 Tax Map

August 11, 1976

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

Re: Item 11 (1976-1977)

Property Owner: Mildred C. Vaeth
W/S Benson Ave., 350' S. Maryland Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of required 55' on Lot 65 and a side setback of 6' in lieu of required 10' on Lot 64 as shown on plat.
Acres: 150 x 150 District: 13th

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

Benson Avenue, an existing public road, is proposed to be improved in the future as a 44-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 reversible 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.

Sediment Control

Development of this property through striping, 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 striping 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.

baltimore county
department of public works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204
(301) 494-3500

STEPHEN COLLINS
DIRECTOR

July 26, 1976

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

Re: Item 11 - SAC - July 20, 1976

Property Owner: Mildred C. Vaeth
Location: W/S Benson Ave., 350' S. Maryland Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of required 55' on Lot 65 and a side setback of 6' in lieu of required 10' on Lot 64 as shown on plat.
Acres: 150 x 150
District: 13th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to permit a lot 50 feet wide and the variance to the side yard.

Very truly yours,

Nicholas B. Connolly
NICHOLAS B. CONNOLLY
Traffic Engineer Associate

NST/asa

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211

WILLIAM D. FROMM
DIRECTOR

August 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 #11, Zoning Advisory Committee Meeting: July 20, 1976, are as follows:

Property Owner: Mildred C. Vaeth
Location: W/S Benson Ave 350' S. Maryland Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of required 55' on Lot 65 and a side setback of 6' in lieu of required 10' on Lot 64 as shown on plat
Acres: 150 x 150
District: 13th

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
Planner III
Project and Development Planning

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, the Variance to permit a lot width of 50 feet in lieu of the required 55 feet on Lot 65 and a side yard setback of six feet for the existing dwelling in lieu of the required ten feet on Lot 64 should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 25th day of August, 1976, that the herein Petition for the aforementioned Variance 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, Zoning Commissioner of Baltimore County 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 August, 1976, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: July 25, 1976

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

Z.A.C. Meeting of: July 20, 1976

Re: Item 11
Property Owner: Mildred C. Vaeth
Location: W/S Benson Ave. 350' S. Maryland Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of required 55' on Lot 65 and a side setback of 6' in lieu of required 10' on Lot 64 as shown on plat.

District: 13th
No. Acres: 150 x 150

Esqr. Mr. DiNenna:

No bearing on student population.

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

JOSEPH M. POLLOCK, President
T. ALBERT, Vice President
WILLIAM H. L. STUBBS

MARLENE M. TORRES
THOMAS H. JENSEN
MRS. LORRAINE P. STUBBS

ROBERT A. HUBER
ALVIN KOSOVE
J. EDWARD W. TRACY, JR.

JOSEPH M. WINDLEY, Chairman

Baltimore County
The Department
TOWSON, MARYLAND 21204
(410) 321-3100
Paul H. Heinicke
Chief

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

Attention: Mr. Frank Rogers, Chairman
Zoning Advisory Committee

Re: Property Owner: Mildred C. Vaeth

Location: W/S Benson Ave. 350' S Maryland Avenue

Item No. 11

Soning Agenda July 20, 1976

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with "a" and "b" 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 EXHIBIT 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 "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.

REVISION: Planning Group
Special Inspection Division

Noted and Approved: George M. Wagonet
Baltimore Chief
Fire Prevention Bureau

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. S. Eric DiNenna

To: Zoning Commissioner

Date: August 9, 1976

FROM: Norman E. Gerber, Acting Director of Planning

SUBJECT: Petition #77-43-A. Petition for variance for lot width and side yard, West side of Benson Avenue 350 feet southwest of Maryland Avenue

13th District

Hearing: Monday, August 23, 1976 at 10:15 A.M.

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

NEG/JGH/as

Norman E. Gerber
Acting Director of Planning

RE: PETITION FOR VARIANCE
W/S of Benson Ave. 350' SW of
Maryland Ave., 13th District
MILDRED C. VAETH, Petitioner

: BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
: Case No. 77-43-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. Kuntz, Jr.
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 13th day of August, 1976, a copy of the foregoing Order was mailed to Ms. Mildred C. Vaeth, 5234 Benson Avenue, Baltimore, Maryland 21227, Petitioner.

John W. Hession, III

Mrs. Mildred C. Vaeth
5234 Benson Avenue
Baltimore, Maryland 21227

RE: Petition for Variances
W/S of Benson Avenue, 350' SW
of Maryland Avenue - 13th Elec-
tion District
Mildred C. Vaeth - Defendant
NO. 77-43-A (Item No. 11)

Dear Mr. Vaeth:

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

Very truly yours,

S. ERIC DI NENNA
Zoning Commissioner

RED/srl

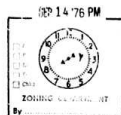
Attachment:

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

TO WHOM IT MAY CONCERN:
BALTIMORE CO. MD.

I hereby agree that I will take all responsibility for any costs incurred if a protest to the variance is filed. This letter is in reference to Lot 65 of Abetars (5232 BENSON AVE). I agree not to hold BALTIMORE Co. responsible for any loss whatsoever.

Yours Truly
H. Beckhaus Jr.
OTO H. Beckhaus Jr.



Could you call me if
this letter is O.K.
-Hans.
Carl



NOV 15 1976

October 5, 1976

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

Dear Mr. DiNenna:

Comments on Item #11, Zoning Advisory Committee Meeting, July 20, 1976
are as follows:

Property Owner: Mildred C. Vaeth
Location: W/O Benson Avenue 350' S. Maryland Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu
of required 55' on lot 65 and a side setback
of 6' in lieu of required 10' on lot 64 as shown
on plat.
Acre: 150 x 150
District: 13th

Metropolitan sewer and water are available, therefore, no health problems
are anticipated.

Very truly yours,

Thomas A. DiNenna
Thomas A. DiNenna, Director
BUREAU OF ENVIRONMENTAL SERVICES

TED:100/346

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 5, 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 August 5,
at one line, somewhere between the 13th and 14th
day of August, 1976, the 1976 publication
appearing on the 5th day of August
1976.

THE JEFFERSONIAN,
L. L. L. L. L.
Manager.

Cut of Advertisement, \$.....

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

No. 38928

DATE: July 30, 1976 ACCOUNT: 91-662

AMOUNT: \$25.00

RECEIVED: Unshold, Cross & Steel, 412 Delaware Ave., Towson, Md.
21204
FOR: Petition for Variance for Mildred C. Vaeth
977-13-A

439-2788 2 25.00 REC

VALIDATION OR SIGNATURE OF CASHIER

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

No. 38961

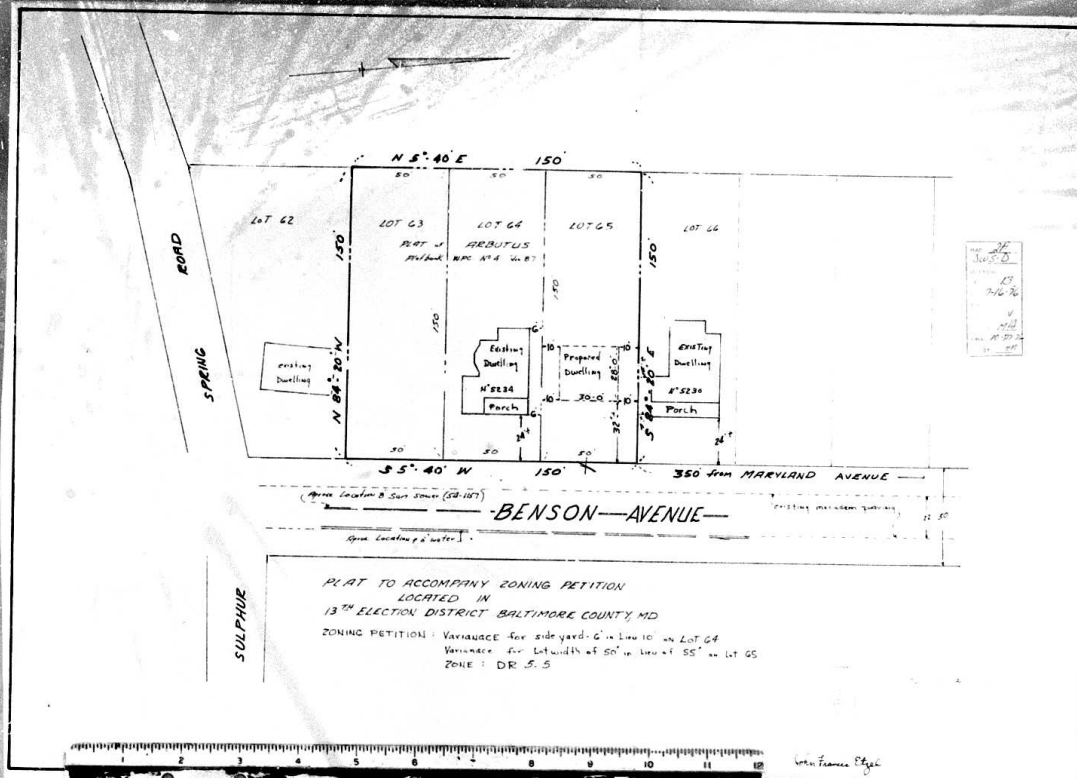
DATE: Aug. 23, 1976 ACCOUNT: 01-662

AMOUNT: \$27.50

RECEIVED: M. Pat or Otto H. Backhaus, Jr., 159 Cornfield
Md. Pasadena, Md. 21107
FOR: Advertising and posting of property for Mildred
C. Vaeth 977-13-A

434-0342 23 47.50 REC

VALIDATION OR SIGNATURE OF CASHIER



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13th Date of Posting: Aug. 5, 1976

Posted for: Mildred C. Vaeth

Petitioner: Mildred C. Vaeth

Location of property: 350' S. Benson Ave. 150' W. of Maryland Ave.

Location of Sign: 412 Delaware Ave. 150' S. of Maryland Ave.

Remarks: Mildred C. Vaeth

Posted by: Mildred C. Vaeth Date of return: Aug. 13, 1976

Signature

Mildred C. Vaeth
14 Benson Avenue
Towson, Maryland 21207

Form 11

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

this 13th day of July 1976.

Your Petition has been received and accepted for filing

S. Eric DiNenna
S. Eric DiNenna
Zoning Commissioner

Petitioner: Mildred C. Vaeth

Petitioner's Attorney: Reviewed by: *Franklin T. Rogers, Jr.*
or: Gerhold, Cross & Steel Franklin T. Rogers, Jr.
412 Delaware Avenue Chairman, Zoning Plans
Towson, Md. 21204 Advisory Committee

