

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

NOW we, Jack C. & Sara P. Henry, legal owners 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 400.3 to permit an average height of 15 feet in the side yard instead of the required 25 feet; and to permit an average height of 15 feet in the side yard instead of the required 25 feet; and to permit an average height of 15 feet in the side yard instead of the required 25 feet.

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 an existing above ground garage and beneath ground storage building now under construction to complete construction to a height as indicated above so as to maintain a 16/12 pitch to conform with the design of adjacent residence. Permission is also requested to permit owners to build living quarters under the roof lines (living, sleeping and bath; NO COOKING facilities) for the purpose of emergency accommodations for either spouse's elderly mother to temporarily reside out from beneath us and our children's for an occasional overnight guest. Property is to be posted and advertised as prescribed by Zoning Regulations. 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 of Baltimore County.

Contract purchaser: Jack C. Henry, Sara P. Henry, Legal Owners
 Address: 8110 Bellona Avenue, Towson, MD 21204 296-0773
 Petitioner's Attorney: R.C. Morrison, 400 Wood Ave., 21204

ORDERED BY The Zoning Commissioner of Baltimore County, this 19th day of October, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 22nd day of November, 1976, at 10:30 AM.

Mr. Jack C. Henry
 Re: Item 53
 November 12, 1976
 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,
 Nicholas B. Comodari,
 Acting Chairman, Zoning
 Plans Advisory Committee

NBC:JD

Enclosure

END: EAM: PNL: NS
 cc: Robert Norton (31D, 4754)
 S-SE Key Sheet
 42 x 43 NW 6 Pos. Sheet
 NW 11 & 12
 60 Tax Map

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Mr. Jack C. Henry
 8110 Bellona Avenue
 Towson, Md. 21204

Your Petition has been received and accepted for filing this 19th day of October 1976.

S. Eric DiMenna
 Zoning Commissioner

Petitioner: Jack C. & Sara P. Henry
 Petitioner's Attorney:

Reviewed by: Nicholas B. Comodari,
 Planning & Zoning
 Associate III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

November 12, 1976

COUNTY OFFICE BLDG.
 117 Chesapeake Ave.
 Towson, Maryland 21204

Nicholas B. Comodari
 Chairman

Mr. Jack C. Henry
 8110 Bellona Avenue
 Towson, Maryland 21204

RE: Variance Petition
 Item 53
 Jack C. & Sara P. Henry -
 Petitioners

Dear Mr. Henry:

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.

This triangular shaped property, located on the northwest side of Bellona Avenue, approximately 468 feet west of Ridervale Road, in the 8th Election District, is improved with a 2-1/2 story frame dwelling and partially constructed garage in the side yard. This garage, which is the subject of this petition, is being built adjacent to Bellona Avenue on the side of a hill. Adjacent properties surrounding this site consist of residences on large wooded tracts of land, with a railroad abutting the property to the rear.

This Variance is necessitated by the petitioner's proposal to extend the garage to a total average height of 25-1/2 feet in lieu of the required average height of 15 feet. It should be noted that the petitioner intends to locate a bedroom and bath in the garage, however, does not plan on providing any cooking facilities.

Baltimore County
 Department of Public Works
 TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
 DIRECTOR

October 26, 1976

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

Re: Item #53 (1976-1977)
 Property Owner: Jack C. & Sara P. Henry
 N/W Bellona Ave., 468.60' W. Ridervale Rd.
 Existing Zoning: DR 2 & DR 3.5
 Proposed Zoning: Variance to permit a height for an accessory structure of 19' in lieu of the required 15'.
 Acres: 0.353 District: 8th

Dear Mr. DiMenna:

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 highway and utility improvements are not directly involved. However, public sanitary sewerage exists within the indicated 10-foot drainage and utility easements, see Drawing #61-0248, File 1.

The Petitioner is cautioned that no encroachment by construction of any structure, including footings is permitted within County rights-of-way or utility easements. During the course of any grading or construction on this site protection must be afforded by the Contractor to protect the existing 8-inch sanitary sewerage. Any damage sustained would be the full responsibility of the Petitioner.

Additional fire hydrant protection appears required in the vicinity.

Very truly yours,

Thornton M. Mouring, P.E.
 Chief, Bureau of Engineering

Baltimore County
 Department of Public Engineering
 TOWSON, MARYLAND 21204
 (301) 424-3500

STEPHEN COLLINS
 DIRECTOR

September 23, 1976

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

Re: Item 53 - ZAC - September 28, 1976
 Property Owner: Jack C. & Sara P. Henry
 Location: NW/4 Bellona Avenue 468.60' W. Ridervale Rd.
 Existing Zoning: D.R. 2 & D.R. 3.5
 Proposed Zoning: Variance to permit a height for an accessory structure of 19' in lieu of the req. 15'
 Acres: 0.343
 District: 8th

Dear Mr. DiMenna:

No traffic problems are anticipated by the requested variance to permit an accessory structure 19 feet high.

Very truly yours,

Stephen Collins
 Traffic Engineer Associate

NSP:nc

Baltimore County
 Department of Health
 TOWSON, MARYLAND 21204

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

September 29, 1976

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

Dear Mr. DiMenna:

Comments on Item #53, Zoning Advisory Committee Meeting, September 28, 1976, are as follows:

Property Owner: Jack C. and Sara P. Henry
 Location: NW/4 Bellona Ave. 468.60' W. Ridervale Rd.
 Existing Zoning: D.R. 2 and D.R. 3.5
 Proposed Zoning: Variance to permit a height for an accessory structure of 19' in lieu of the required 15' (0.34)
 Acres: 0.343
 District: 8th

Since this is a variance to permit a height for an accessory structure of 19' in lieu of the required 15', and metropolitan water and sewer are available, no health based is anticipated.

Very truly yours,

Thomas H. Swin, Director
 Bureau of Environmental Services

TID:JTB:8

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

the above Variance should be had, and it further appearing that by reason of

a Variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this day of 1977, that the herein Petition for a Variance should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to show practical difficulty and unreasonableness of hardship, Variances to permit an accessory structure in the side yard instead of the required rear yard and an average height of 25.5 feet instead of the required 15 feet should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 6th day of December, 1976, that the above Variance be and the same is hereby DENIED.

Deputy Zoning Commissioner of Baltimore County

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: Sept. 24, 1976

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

Z.A.C. Meeting of: Sept. 28, 1976

Re: Item 53
Property Owner: Jack C. & Sara P. Henry
Location: NW/4 of Ballona Ave. 468.60' W of
Ridervale Road - 8th Election District
Present Zoning: D.R.2 and D.R.3.5
Proposed Zoning: Var.

District: 8
No. Acres: 0.343

Dear Mr. DiNenna:

No hearing on student population.

KSP/ml

JOSEPH M. WILSON, President
T. BAYARD WILSON, Jr., Vice President
VOLA BAYARD, Secretary

MARCUS W. BISHOP
THOMAS H. BISHOP
WILLIAM W. BISHOP

ROGER B. BISHOP
JAMES B. BISHOP
ROBERT W. TRACY, Jr.

Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
(410) 386-2000
JOHN D. SEVIER
DIRECTOR

September 21, 1976

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

Dear Mr. DiNenna:

Comments on Item # 53 Zoning Advisory Committee Meeting, 9-21-76
are as follows:

Property Owner: Jack C. & Sara P. Henry
Location: NW/4 of Ballona Ave. 468.60' W of Ridervale Rd.
Existing Zoning: DR 2 and DR 3.5
Proposed Zoning: Variance to permit a height for an accessory structure of 19' in lieu of the required 15'.

Acres: 0.343
District: 8th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. A building permit shall be required before construction can begin.
- ☐ C. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ D. Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- ☒ E. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- ☐ F. No comment.
- ☐ G. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Burnham
Plans Review Chief

January 8, 1976

Mr. & Mrs. Jack C. Henry
8113 Ballona Avenue
Towson, Maryland 21204

RE: Petition for Variances
W/S of Ballona Avenue, 468.60' W of
Ridervale Road - 8th Election District
Jack Henry, et al - Petitioners
NO. 77-93-A (Item No. 53)

Dear Mr. & Mrs. Henry:

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

Very truly yours,

George J. Martinak
Deputy Zoning Commissioner

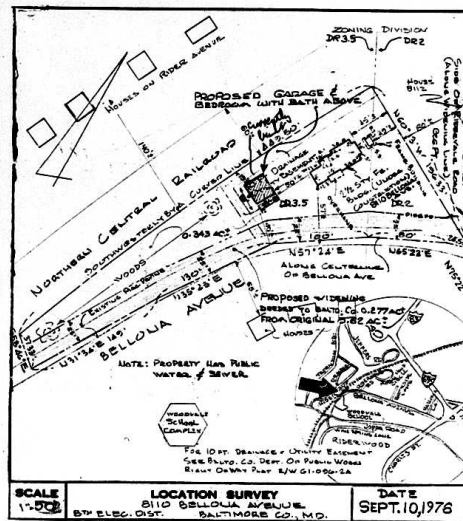
GJM/mc

cc: Richard C. Murray, Esquire
409 Washington Avenue
Towson, Maryland 21204

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

Very truly yours,

W. Nick Petrovich
Field Representative



SCALE 1"=20'
LOCATION SURVEY
8113 BALLONA AVENUE
BALTIMORE CO., MD.
DATE SEPT. 10, 1976

Mr. & Mrs. Jack C. Henry
8113 Ballona Avenue
Towson, Maryland 21204

RE: Petition for Variances
W/S of Ballona Avenue, 468.60' W of
Ridervale Road - 8th Election District
Jack Henry, et al - Petitioners
NO. 77-93-A (Item No. 53)

Dear Mr. Henry:

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

Very truly yours,

George J. Martinak
Deputy Zoning Commissioner

GJM/mc

cc: Richard C. Murray, Esquire
409 Washington Avenue
Towson, Maryland 21204

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

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 386-3211
Norman E. Gerber
Acting Director

October 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 #53, Zoning Advisory Committee Meeting, September 28, 1976, are as follows:

Property Owner: Jack C. & Sara P. Henry
Location: NW/4 of Ballona Ave. 468.60' W of Ridervale Road
Existing Zoning: D.R.2 and D.R.3.5
Proposed Zoning: Variance to permit a height for an accessory structure of 19' in lieu of the required 15'
Acres: 0.343
District: 8th

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 II
Project and Development Planning

RE: PETITION FOR VARIANCES
W/S of Ballona Avenue, 468.60' W of
Ridervale Road - 8th Election District
Jack Henry, et al - Petitioners
NO. 77-93-A (Item No. 53)

BEFORE THE
DEPUTY ZONING
COMMISSIONER
OF
BALTIMORE COUNTY

AMENDED ORDER NUNC PRO TUNC

It is hereby ORDERED by the Deputy Zoning Commissioner of Baltimore

County, this 6th day of January, 1977, that the Order, dated December 8, 1976, passed in this matter should be and the same is hereby AMENDED.

NUNC PRO TUNC, to read as follows:

"Pursuant to the advertisement, posting of property, and public hearing on the petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner, a Variance to permit an accessory structure in the side yard instead of the required rear yard should be granted.

It further appearing that, by reason of failure to show practical difficulty and unreasonable hardship, a Variance to permit an average height of 25.5 feet instead of the required 15 feet should not be granted.

Therefore, IT IS ORDERED that the herein petition for a Variance to permit an accessory structure in the side yard instead of the required rear yard should be and the same is CRANTED, 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.

It is further ORDERED that the Variance to permit an average height of 25.5 feet instead of the required 15 feet be and the same is hereby DENIED."

George J. Martinak
Deputy Zoning Commissioner
Baltimore County

PROPERTY DESCRIPTION

Baltimore County, Maryland
 Eight Election District
 North Precinct
 Known As: 8110 Bellona Avenue
 Riderswood, Maryland 21204
 Owners: Jack C. & Sara P. Henry
 Land Parcel: 0.343 Acres ±
 Zoned DR 3.5 & DR 2
 Beginning at a point 468.60 feet from the West side of Ridervale Road, in the center of Bellona Avenue and thence running North 60° 13' West 196.33 feet, thence along a Southwesterly curved line 449.50 feet, thence South 56° 46' East 37.33 feet, thence North 31° 34' East 149 feet, thence North 35° 25' East 130 feet, thence North 57° 24' East 100 feet, thence North 62° 23' East 80 feet to the beginning point saving that portion of land taken by Baltimore County for road widening. Also known as 8110 Bellona Avenue.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. George J. Martinak
 TO: Deputy Zoning Commissioner
 Mr. Nicholas B. Commodari
 FROM: Planning & Zoning Associate III
 SUBJECT: Variance Petition No. 77-93-A (Item No. 53)
 Date: December 16, 1976

A letter review of your Order in the above referenced case, I believe the location of the proposed garage should be clarified.

A building permit was issued by this office to construct the garage in the "rear yard", as shown on the submitted site plan. As defined in Section 101 of the Zoning Regulations, the rear yard is that portion of the lot extending across the full width of the lot between the rear lot line and the rear foundation wall of the building. Upon a closer review of the configuration of the existing dwelling and based on previous interpretation, it was our opinion that the rear foundation wall could be determined in three ways. It was for this reason that the permit was issued.

The original request for the Variance hearing was to allow a height in excess of fifteen feet; however, as Chairman of the Zoning Plans Advisory Committee, I decided that a Variance for the location of the garage should also be included in order to cover any future questions as to whether the structure was actually in the rear yard.

Because of the wording of the Variance Petition, and as indicated in the final Order, the present location of the garage, as previously approved by our office, was denied.

In light of the above, I respectfully request that you reconsider the facts and write an Amended Order if, in your opinion, it is warranted.

Nicholas B. Commodari
 NICHOLAS B. COMMODARI
 Planning & Zoning Associate III

NBC/acw

cc: Mr. S. Eric DiNenna, Zoning Commissioner
 Mr. James E. Dyer, Zoning Supervisor

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna, Zoning Commissioner
 TO: Deputy Zoning Commissioner
 Norman E. Gerber, Acting Director
 FROM: Planning & Zoning Associate III
 SUBJECT: Petition #77-93 A, Petition for Variance and Accessory Structure.
 West side of Bellona Avenue 468.60 feet West of Ridervale Road.
 Petitioner - Jack C. Henry and Sara P. Henry
 Date: November 17, 1976

8th District

HEARING: Monday, November 22, 1976 (10:30)

This office questions the provision of living quarters in a separate structure on this 0.343 acre property zoned for low-density residential use. Additionally, we are puzzled by the request for a variance to permit a height of 18 feet on the petition that is described as 25 1/2 feet in the Zoning Advisory Committee comments.

Norman E. Gerber
 Norman E. Gerber
 Acting Director of Planning

NEG:JGH:rv

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna, Zoning Commissioner
 TO: Deputy Zoning Commissioner
 Norman E. Gerber, Acting Director
 FROM: Planning & Zoning Associate III
 SUBJECT: Petition #77-93 A, Petition for Variance and Accessory Structure.
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Norman E. Gerber
 Norman E. Gerber
 Acting Director of Planning

NEG:JGH:rv

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 W/2 of Bellona Ave. 468.60' W of
 Ridervale Rd., 8th District : OF BALTIMORE COUNTY
 JACK C. HENRY, et ux, Petitioners : Case No. 77-93-A

ORDER TO ENTER APPEARANCE

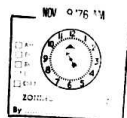
Mr. Commissioner:

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

I HEREBY CERTIFY that on this 9th day of November, 1976, a copy of the foregoing Order was mailed to Mr. & Mrs. Jack C. Henry, 8110 Bellona Avenue, Riderswood, Maryland 21139, Petitioners.

John W. Heslin, III



BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 17 day of Sept 1976. Filing Fee \$ 25 Received Check

S. Eric DiNenna
 S. Eric DiNenna
 Zoning Commissioner

Petitioner Jack C. Henry, et ux Submitted by Jack C. Henry
 Petitioner's Attorney Charles E. Kountz, Jr. Reviewed by SEP

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

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 8th Date of Posting: Nov. 5, 1976
 Posted for: Variance for Variance
 Petitioner: JACK HENRY
 Location of property: W/2 of Bellona Ave. 468.60' W of Ridervale Rd.
 Location of Sign: Front, 8110 Bellona Ave.
 Remarks: None
 Posted by: Thomas E. Blund Date of return: Nov. 12, 1976

OFFICE OF

THE **TIMES**
 EDITION: NOV. 4, 1976

THIS IS TO CERTIFY, that the annexed advertisement of Petition for a Variance-- Holt was inserted in THE **HOLTSVILLE TIMES**, a weekly newspaper printed and published in Baltimore County, Maryland, once a week for one successive weeks before the 22nd day of Nov. 1976 that is to say the same was inserted in the issues of Nov. 4, 1976.

STROMBERG PUBLICATIONS, INC.

By: *DeSmile*

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 4, 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. once a week for one time before the 22nd day of November 1976, the 1976 publication appearing on the 11th day of November 1976.

H. L. Smith
 H. L. Smith
 Manager

Cost of Advertisement, \$.....

