

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Earl S. Sauer and Mildred Sauer, 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 100C.3.2 to permit a side setback of five feet instead of the required eight feet and to permit the sum of both side yards of 15 feet instead of the required 20 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 install an attached garage of approximately 13.5 feet by 24.2 feet with a 3.5 foot front setback. We contend that the ten foot setback access owned by Baltimore County makes this situation unique and that it merits consideration for a special exception. Consideration has been given to narrower garages but in view of the estimated expenditure of \$3500 we cannot justify a narrow garage which would be a nuisance in getting into and out of the car. However, only the first 5 feet of the 24.2 foot long garage falls to comply with the required eight foot side setback.

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 Earl S. Sauer
Address 7 Old Court
Baltimore, Maryland 21225
Petitioner's Attorney Mildred Sauer
Protestant's Attorney Mildred Sauer

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

of November, 1977, 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 13th day of December, 1977, at 10:00 o'clock A.M.

Eric S. DiNenna
Zoning Commissioner of Baltimore County.

(over)

Mr. Earl S. Sauer
Re: Item 86
December 7, 1976
Page 2

of the proposed garage to the sanitary sewer located in the walkway easement adjacent to this site.

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. Commodari
NICHOLAS B. COMMODARI,
Acting Chairman, Zoning
Plans Advisory Committee

NBC:JD
Enclosure

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. Earl S. Sauer
7 Old Court
Baltimore, Md. 21225

Item 86

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

Your Petition has been received and accepted for filing this 24th day of November, 1976.

Eric S. DiNenna
Zoning Commissioner

Petitioner Earl S. and Mildred Sauer
Petitioner's Attorney _____

Reviewed by Nicholas B. Commodari
Planning & Zoning
Associate III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

December 7, 1976

Nicholas B. Commodari
Acting Chairman

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROAD COMMISSION
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
CIVILIAN DEVELOPMENT

Mr. Earl S. Sauer
7 Old Court
Baltimore, Maryland 21225

RE: Variance Petition
Item 86
Earl S. and Mildred Sauer -
Petitioners

Dear Mr. Sauer:

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 site, zoned D.R. 5.5 and improved with a dwelling and partially constructed swimming pool in the rear, is located on the south side of Old Court (cul-de-sac) approximately 315 feet southeast of Perry Hall Blvd., in the 11th Election District. Adjacent properties are similarly zoned and improved with dwellings on the east and west side, and vacant land to the south.

This Variance is necessitated by your proposal to construct a garage attached to the house within 5 feet of the side property line in lieu of the required 8 feet.

The petitioner should make note of the comments of the Bureau of Engineering regarding the proximity



THOMAS M. MORTON, P.E.
DIRECTOR

December 6, 1976

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

Re: Item 86 (1976-1977)
Property Owner: Earl S. & Mildred Sauer
8/5 Old Ct., 315.55' S/E Perry Hall Blvd.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 8'.
Acre: 39.34 x 116.26 District: 11th
145.44 x 132.22

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 highway and utility improvements are not directly involved and are as secured by Public Works Agreement #116809 executed in connection with "Flat Two, Section One, Chapel Manor".

There is an 8-inch public sanitary sewer within the indicated Baltimore County 10-foot Drainage and Utility and Walkway Easement contiguous to the northwest side of this lot 12, Block "D" of Flat Two, Section One, Chapel Manor, recorded C.T.C. 33, Folio 65, (see Drawing #68-1086, 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 construction on this site protection must be afforded by the Contractor for the 8-inch public sanitary sewer and house connections. Any damage sustained would be the full responsibility of the Petitioner.

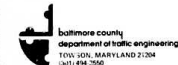
This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 86 (1976-1977).

Very truly yours,

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

END:EAM:PMR:ss

cc: R. Morton (Chapel Manor)
P. Koch



STEPHENE COLLINS
DIRECTOR

November 17, 1976

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

Re: Item 86 - ZAC - November 7, 1976
Property Owner: Earl S. & Mildred Sauer
Location: 8/5 Old Ct. 31.55' SE Perry Hall Blvd.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a side setback of 5' in lieu of req. 8'
Acre: 39.34 x 116.26
145.44 x 132.22
District: 11th

Dear Mr. DiNenna:

No traffic engineering problems are anticipated by the requested variance to the side yard setback.

Very truly yours,

Thomas H. Devlin
THOMAS H. DEVLIN
Traffic Engineering Associate

MEF:ec



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

December 15, 1976

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

Dear Mr. DiNenna:

Comments on Item #86, Zoning Advisory Committee Meeting, November 2, 1976, are as follows:

Property Owner: Earl S. and Mildred Sauer
Location: 8/5 Old Ct. 315.55' SE Perry Hall Blvd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 8'.
Acre: 39.34/115.44 x 116.26/132.22
District: 11th

Metropolitan water and sewer are existing; no health hazards are anticipated.

Very truly yours,

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

TED:JMB

ORDER RECEIVED FOR FILING

DATE: January 3, 1977

BY: [Signature]

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 Variances requested not adversely affecting the health, safety, and general welfare of the community. Variances to permit a side setback of five (5) feet instead of the required eight (8) feet and the sum of both side yards of fifteen (15) feet instead of the required twenty (20) feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 3rd day of January, 1977, that the herein Petitioner for the aforementioned Variances 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 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:

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 3rd day of January, 1977, that the above Variance be and the same is hereby DENIED.

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3211

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 #86, Zoning Advisory Committee Meeting, November 2, 1976, are as follows:

Property Owner: Earl S. and Mildred Sauer
Location: S/S Ode Ct. 315.55' SE Perry Hall Blvd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 8'
Acres: 39.34 x 116.26
145.44 132.22
District: 11th

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,

[Signature]
John L. Wimbley
Planner III
Project and Development Planning

Baltimore County
The Department
TOWSON, MARYLAND 21204
(301) 494-3211
Paul H. Balchuk
Chief

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

Attention: Nicholas B. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Earl S. & Mildred Sauer

Location: S/S Ode Ct. 315.55' SE Perry Hall Blvd.

Item No. 86 Zoning Agenda 11/2/76

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with "a" 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 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.

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

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Action Chief
Special Inspection Division Fire Prevention Bureau

Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3211

JOHN D. SEVITT
DIRECTOR

October 29, 1976

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

Dear Mr. DiNenna:

Comments on Item # 86 Zoning Advisory Committee Meeting, November 2, 1976 are as follows:

Property Owner: Earl S. & Mildred Sauer
Location: S/S Ode Ct. 315.55' SE Perry Hall Blvd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 8'
29.34 x 116.26
Acres: 145.44 x 132.22
District: 11th

The items checked below are applicable:

- (X) A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- (X) 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 Engineer/Architect or Engineer's original seal will be required to file an application for a building permit.
- (X) 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,

[Signature]
Charles E. Durbin
Plans Review Chief
DB-111

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: October 28, 1976

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

I.A.C. Meeting of: November 2, 1976

Re: Item 86
Property Owner: Earl S. & Mildred Sauer
Location: S/S Ode Ct. 315.55' SE Perry Hall Blvd.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 5' in lieu of the required 8'

District: 11th
No. Acres: 39.34 116.26
145.44 132.22

Dear Mr. DiNenna:

This has no bearing on the student population.

Very truly yours,

[Signature]
W. Neil Peterson
Field Representative

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: December 9, 1976

FROM: Norman E. Gerber, Acting Director

SUBJECT: Petition #77-106-A. Petitioner for a Variance for Side Yards South side of Ode Court 315.55 feet Southeast of Perry Hall Blvd. Petitioner - Earl S. Sauer and Mildred Sauer.

11th District

HEARING: Monday, December 13, 1976 (10:00 A.M.)

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

[Signature]
Norman E. Gerber
Acting Director of Planning

NEG:JDM/rw

January 3, 1977

Mr. & Mrs. Earl S. Sauer
7 Ode Court
Baltimore, Maryland 21216

RE: Petition for Variances
S/S of Ode Court. 315.55' SE of Perry Hall Blvd. - 11th Election District
Earl S. Sauer, et al - Petitioners
NO. 77-106-A (Item 86)

Dear Mr. & Mrs. Sauer:

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

Very truly yours,

[Signature]
S. ERIC DI NENNA
Zoning Commissioner

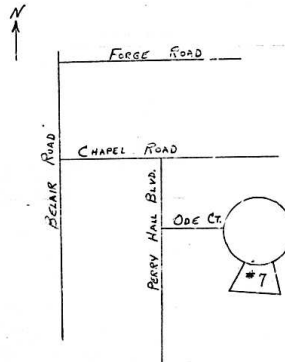
SED/mc

Attachments

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

DESCRIPTION- LOCATION PLAN

Beginning point approximately 315.55 feet southeast of intersection of Perry Hall Boulevard and Ode Court, the property known as Lot No. 12, also known as No. 7 site must in the Chapel Manor Development of Perry Hall, Md. as shown on the Land Records of Baltimore County in lots: 33, Polio 65.



RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S of Ode Court 315.53' SE of Perry Hall Blvd., 11th District : OF BALTIMORE COUNTY
EARL S. SAUER, et ux, Petitioners : Case No. 77-106-A

1111111

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. Kowitz, Jr.
Charles E. Kowitz, 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 7th day of December, 1976, a copy of the foregoing Order was mailed to Mr. and Mrs. Earl S. Sauer, 7 Ode Court, Baltimore, Maryland 21236, Petitioners.

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



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

Your Petition has been received * this 13 day of Dec 1976. Filing Fee \$ 25.00. Received Check Cash Other

Earl S. Sauer
Petitioner *Earl S. Sauer* Submitted by *M. J.*
S. Eric Dillman, Zoning Commissioner
Petitioner's Attorney Reviewed by *Earl*
* 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

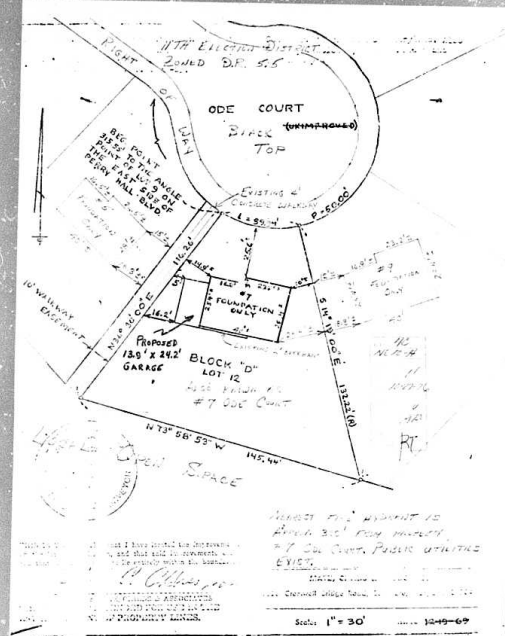
District 11th Date of Posting 11-24-76
Posted for: Heavy Mowdy No. 124 1936 @ 11:00 AM
Petitioner: Earl S. Sauer
Location of property: S/S of Ode Court 315.53' SE of Perry Hall Blvd
Location of Sign: Sign Post 1.0 7.7 Ode Court
Remarks:
Posted by: Paul H. Hession Date of return: 12-1-76
Signature



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 40477
DATE Nov. 19, 1976 ACCOUNT 01-662
AMOUNT \$25.00
RECEIVED BY Earl S. Sauer, 7 Ode Court, Balto., Md. 21236
FROM Petition for Variance - 77-106-A
10368 REV 22 25.00 NC
VALIDATION OR SIGNATURE OF CARRIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 42813
DATE Dec. 14, 1976 ACCOUNT 01-662
AMOUNT \$12.50
RECEIVED BY Earl S. Sauer 7 Ode Court, Balto., Md. 21236
FROM Advertising and posting of property - 77-106-A
14707 REV 22 425.00 NC
VALIDATION OR SIGNATURE OF CARRIER

OFFICE OF
THE BALTIMORE TIMES
ESSEX
ELICOTT CITY, MD. Nov. 25, 1976
THIS IS TO CERTIFY, that the annexed advertisement of Petition for a Variance-- Sauer was inserted in THE BALTIMORE TIMES, a weekly newspaper printed and published in Baltimore County, Maryland, once a week for one successive weeks before the 13th day of Dec. 1976, that is to say the same was inserted in the issues of November 25, 1976.
STROMBERG PUBLICATIONS, Inc.
Pat Stromberg



CERTIFICATE OF PUBLICATION
TOWSON, MD. NOVEMBER 25, 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 successive weeks before the 13th day of December 1976, the first publication appearing on the 25th day of November 1976.
THE JEFFERSONIAN
L. L. Smith
Publisher
Cost of Advertisement, \$.....