

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, James M. and Carolyn Boyle, 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 1202.2C.1 to permit a 3' side setback and setback from proposed widening lines in lieu of the required 25 feet, and, 1202.2C.2 to permit a setback of 20 feet from centerline of street in lieu of required 50 feet, and, Section 400.1 to permit an accessory structure to be located outside of the lot farthest removed from side street, of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: As follows:

Having purchased land with existing structure and having signed contract for proposed dwelling with the intention of having dwelling constructed facing Birdwood Avenue in line with existing garage it was then determined that dwelling must be constructed facing the Riverman Avenue Right-of-Way, thus requiring this Petition for Zoning Variance because of footage regulations.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expense 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.

DATE January 11, 1977
 Contract purchaser Carolyn Jean Boyle
James M. Boyle Legal Owner
 Address 5720 Cedonia Avenue
Baltimore, Md. 21206
 Petitioner's Attorney _____
 Address _____
 Protester's Attorney _____
 Address _____

CONSIDERED By The Zoning Commissioner of Baltimore County, this 16th 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 3rd day of January, 1977, at 10:00 o'clock A.
Eric S. DiMenna
 Zoning Commissioner of Baltimore County.

(over)

Mr. James M. Boyle
 Re: Item 90
 December 22, 1976
 Page 2

is also being requested.

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 W. Chowdhury
 NICHOLAS W. CHOWDHURY,
 Acting Chairman,
 Zoning Plans Advisory Committee

NBC:JD

Enclosure

Baltimore County
 Department of Public Works
 TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
 DIRECTOR

December 7, 1976

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

Re: Item #90 (1976-1977)
 Property Owner: James M. & Carolyn Boyle
 5700 Cedar Avenue, & Riverman Ave.
 Existing Zoning: DR 5.5
 Proposed Zoning: Variance to permit a 3' side setback from the proposed widening line in lieu of the required 25' and a setback of 20' from the centerline of the street in lieu of the required 50' to permit an accessory structure to be located outside of the lot farthest removed from the side street.
 Acres: 76.05' x 125' District: 15th

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.

Highways

Birdwood Avenue, an existing public road, and Riverman Avenue, unimproved along the frontage of this property, are proposed to be improved in the future as 30-foot closed section roadways on 50-foot right-of-way. Highway improvements including highway right-of-way widenings together with a fill-in area for right distance at the intersection and any necessary reversible easements for slopes will be required in connection with any grading or building permit application.

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.

Item #90
 Mr. James M. Boyle
 5720 Cedonia Avenue
 Baltimore, Md. 21206
 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 16th day of November, 1976.

Eric S. DiMenna
 Zoning Commissioner

Petitioner James M. Boyle

Petitioner's Attorney _____

Reviewed by Nicholas W. Chowdhury
 Associate III

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

December 22, 1976

COUNTY OFFICE BLDG.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204
 Nicholas W. Chowdhury
 Acting Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Mr. James M. Boyle
 5720 Cedonia Avenue
 Baltimore, Maryland 21206

RE: Variance Petition
 Item 90
 James M. & Carolyn Boyle -
 Petitioners

Dear Mr. Boyle:

The Zoning Plans Advisory Committee has reviewed the plat 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, consisting of three 25 foot lots and improved with a one-story masonry garage, is located on the southwest corner of Birdwood Avenue and Riverman Avenue, in the 15th Election District. Adjacent properties to the north, east and southwest are improved with single family dwellings, while properties to the west, south and southeast consist of vacant land.

The Variances are necessitated by your proposal to construct a dwelling fronting on Riverman Avenue which would, in effect, cause the existing garage to be in violation of Section 400.1 of the Zoning Regulations. In light of this, an additional Variance to this section

Item #90 (1976-1977)
 Property Owner: James M. & Carolyn Boyle
 Page 2
 December 7, 1976

Water and Sanitary Sewer

An 8-inch public water main exists in Riverman Avenue across the frontage of this property. A public sanitary sewer extension can be constructed from the intersection of Birdwood and Riverman Avenues, across the frontage of this property to serve the proposed dwelling (See Drawing: #65-1029, File 3 and #68-0255, File 1).

Very truly yours,

Eric S. DiMenna
 Chief, Bureau of Engineering

ENCLOSURE

cc: R. Morton

J. Somers

S. Bolles

MS-5M Key Sheet

29 NE 50 Pos. Sheet

NE 8 N Topo

84 Tax Map

Baltimore County
 Department of Public Works
 TOWSON, MARYLAND 21204
 (301) 496-2600

STEPHEN E. COLLINS
 DIRECTOR

November 17, 1976

Mr. Eric S. DiMenna
 Zoning Commissioner
 2nd Floor, Courthouse
 Towson, Maryland 21204

Re: Item 90 - ZAC - November 9, 1976

Property Owner: James M. & Carolyn Boyle

Location: SW/C Birdwood Ave. & Riverman Ave.

Existing Zoning: D.M. 5.5

Proposed Zoning: Variance to permit a 3' side setback from the proposed widening line in lieu of the req. 25' and a setback of 20' from the centerline of the street in lieu of the required 50' and to permit an accessory structure to be located outside of the lot farthest removed from the side street

Area: 76.05' x 125'

District: 15th

Dear Mr. DiMenna:

No traffic engineering problems are anticipated by the requested variances to the required setback.

Very truly yours,

Michael S. Flanigan
 Michael S. Flanigan
 Traffic Engineer Associate

NSP:nc

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 Variances requested, no adversely affecting the health, safety, and general welfare of the community. Variances to permit a 3' side street setback from the proposed widening lines instead of the required 25', a setback of 28' from the centerline of the street instead of the required 50', and an accessory structure to be located outside of the lot farthest removed from side street should be granted.

Deputy Zoning Commissioner of Baltimore County this 11/7/76 day of JANUARY 1977, that the herein Petition for the aforementioned Variances 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 1977, 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: November 10th, 1976

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

Z.A.C. Meeting of: November 9, 1976

Re: Item 90
Property Owner: James M. & Carolyn Boyle
Location: S/C Birdwood Ave. & Riverman Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a 3' side setback from the proposed widening line in lieu of the required 25' and a setback of 28' from the centerline of the street in lieu of the required 50' and to permit an accessory structure to be located outside of the lot farthest removed from the side street.

District: 15th
No. Acres: 76.05' x 125'

Dear Mr. DiNenna:

This has no bearing on the student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Public Representative.

NNP/ml

Baltimore County
Department of Health
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

November 15, 1976

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

Dear Mr. DiNenna:

Comments on Item #90, Zoning Advisory Committee Meeting, November 9, 1976, are as follows:

Property Owner: James M. & Carolyn Boyle
Location: SW/C Birdwood Ave. & Riverman Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a 3' side setback from the proposed widening line in lieu of the required 25' and a setback of 28' from the centerline of the street in lieu of the required 50' and to permit an accessory structure to be located outside of the lot farthest removed from the side street.
Acres: 76.05' x 125'
District: 15th

Water and sewer are existing; no health hazards are anticipated.

Very truly yours,

Thomas E. Devlin
THOMAS E. DEVLIN, DIRECTOR
BUREAU OF ENVIRONMENTAL SERVICES

TED:RW:EG

Baltimore County
Fire Department
TOWSON, MARYLAND 21204
(410) 825-7310
Paul H. Reinecke
Chief

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

Attention: Nicholas B. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: James M. & Carolyn Boyle
Location: SW/C Birdwood Ave. & Riverman Ave.

Item No. 90 Toning Agenda 11/9/76

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 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as shown.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *St. J. Kelly*
Planning Group
Special Inspecting Division

Noted and Approved: *George M. Bartonak*
Bureau Chief
Fire Prevention Bureau

Baltimore County
Department of permits and licenses
TOWSON, MARYLAND 21204
(410) 494-3610

JOHN D. SEIFFERT
DIRECTOR

November 1, 1976

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

Dear Mr. DiNenna:

Comments on Item # 90 Zoning Advisory Committee Meeting, November 9, 1976 are as follows:

Property Owner: James M. & Carolyn Boyle
Location: S/W/C Birdwood Ave. & Riverman Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a 3' side setback from the proposed widening line in lieu of the required 25' and a setback of 28' from the centerline of the street in lieu of the required 50' and to permit an accessory structure to be located outside of the lot farthest removed from the side street.
Acres: 76.05' x 125'
District: 15th

The items checked below are applicable:

- ☐ 1. Structure shall conform to Baltimore County Building Code (B.C.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☐ 2. A building permit shall be required before construction can begin. If the shed is of wood - Ridge's of metal are permit exempted up to 100 Sq Ft in area.
- ☐ 3. Three sets of construction drawings will be required to file an application for a building permit.
- ☐ 4. 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.
- ☒ 5. 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. A 3/4 hour fire rated wall is required.
- ☐ 6. No comment.
- ☐ 7. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.

Very truly yours,

Charles E. Durban

Charles E. Durban
Plans Review Chief
CSD:rlj

Baltimore County
Office of Planning
TOWSON, MARYLAND
(410) 494-3211

December 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 #90, Zoning Advisory Committee Meeting, November 9, 1976, are as follows:

Property Owner: James M. & Carolyn Boyle
Location: SW/C Birdwood Avenue and Riverman Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a 3' side setback from the proposed widening line in lieu of the required 25' and a setback of 28' from the centerline of the street in lieu of the required 50' and to permit an accessory structure to be located outside of the lot farthest removed from the side street
Acres: 76.05' x 125'
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 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

DESCRIPTION

The Southwest corner of Birdwood Avenue and Riverman Avenue, and known as Lots 572, 573 and 574, and shown on the Plat of Twin River Beach, Section A, which is recorded in the Land Records of Baltimore County, with Libra Number 9 and Folio Number 33.

January 11, 1977

Mr. & Mrs. James M. Boyle
7717 Cadonia Avenue
Baltimore, Maryland 21206

RE: Petition for Variances
SW/Corner of Birdwood and Riverman
Avenues - 15th Election District
James M. Boyle, et ux - Petitioners
NO. 77-111-A (Item No. 90)

Dear Mr. & Mrs. Boyle:

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

Very truly yours,

George M. Bartonak
GEORGE M. BARTONAK
Deputy Zoning Commissioner

GJM/mc

Attachments

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

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SW/C of Birdwood and Rivervan Aves., : OF BALTIMORE COUNTY
15th District
JAMES M. BOYLE, et ux, Petitioners : Case No. 77-111-A

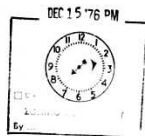
ORDER TO ENTER APPEARANCE

Mr. Commissioners:

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.
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 15th day of December, 1976, a copy of the foregoing Order was mailed to Mr. and Mrs. James M. Boyle, 5727 D Cedania Avenue, Baltimore, Maryland 21206, Petitioners.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiMenna, Zoning Commissioner Date: December 12, 1976
FROM: Norman E. Gerber, Acting Director of Planning
SUBJECT: Petition #77-111-A. Petition for Variance for Front and Side Yards and Accessory Structure.
Southwest corner of Birdwood and Rivervan Avenues
Petitioner - Carolyn Jean Boyle and James M. Boyle

15th District

HEARING: Monday, January 3, 1977 (10:00 A.M.)

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

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

NEC:JGH:rw

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 12-16-76
Posted for: *James M. Boyle*
Petitioner: *James M. Boyle*
Location of property: *SW corner of Birdwood & Rivervan Aves.*
Location of Sign: *Sign posted on Birdwood on West side of lot*
Remarks: *See above*
Posted by: *Michael H. Ross* Date of return: *12-21-76*

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 29 day of Dec. 1976. Filing Fee \$ 25 Received ☒ Cash ☐ Other ☐

S. Eric DiMenna
S. Eric DiMenna,
Zoning Commissioner
Petitioner BOYLE Submitted by MR. BOYLE
Petitioner's Attorney --- Reviewed by NBC

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

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 16, 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 one time December 16, 1976 before the 1977 day of JANUARY 1977, the 1977 publication appearing on the 16th day of December 1976.

THE JEFFERSONIAN,
L. Leach
Manager

Cost of Advertisement, \$.....

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 2803
DATE: Dec. 7, 1976 ACCOUNT: 01-662
AMOUNT: \$25.00
RECEIVED: James M. Boyle, 5727 D Cedania Ave., Balto., Md. 21206
FOR: Petition for Variance #77-111-A
8877 DEC 9 25.00
VALIDATION OR SIGNATURE OF CASHIER



BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 42832
DATE: Jan. 3, 1977 ACCOUNT: 01-662
AMOUNT: \$42.75
RECEIVED: James M. Boyle, 5727 D Cedania Ave., Balto., Md. 21206
FOR: Advertising and posting of property #77-111-A
8877 JAN 3 42.75
VALIDATION OR SIGNATURE OF CASHIER

