

77-346-A \$222 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I or we, Rodney L. Bauer & Donna D. Bauer, 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 400.1 to permit an accessory structure to be located outside of the third of the lot farthest removed from the side street

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

1. The width of the property does not allow this size garage (24' x 24') to be constructed with the proper street set back.
2. This garage has been constructed and replaces a smaller old garage.

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 5110 Old Philadelphia Rd.

21231

Petitioner's Attorney

Protestant's Attorney

CONSIDERED By The Zoning Commissioner of Baltimore County, this 12th day

of April, 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 June, 1977, at 10:30 o'clock

at 11:00 A.M.

(over)

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 1977, Legislative Day No. 8

RESOLUTION NO. 11-77

Mr. Rodney L. Gallagher, Councilman

By the County Council, April 3, 1977

WHEREAS, Rodney L. Bauer, an employee in the Baltimore County Department of Public Works, and Donna D. Bauer, his wife, are the owners of a parcel of land and improvements thereon known as 8110 Old Philadelphia Road, in the Fifteenth Election District of Baltimore County; and

WHEREAS, Mr. Bauer engaged a contractor to construct a garage on said property and relied upon the contractor to handle all details relating thereto; and

WHEREAS, the garage was constructed without a building permit and upon learning of this fact the garage as inspection by a County Buildings Inspector, Mr. Bauer immediately applied for said permit; and

WHEREAS, in connection with said application, the Zoning Office advised Mr. Bauer he must apply for a variance to comply with certain setback requirements; and

WHEREAS, Mr. and Mrs. Bauer are filing a petition for a Variance with the Zoning Commissioner in connection with the garage that has been constructed on their property; and

WHEREAS, pursuant to Section 1001 (a) and (b) of the Baltimore County Charter, Rodney L. Bauer states that by this resolution, he will have made a full public disclosure of all pertinent facts to the respective members of the County Council of Baltimore County,

BE IT RESOLVED by the County Council of Baltimore County, Maryland, that based solely on the foregoing statements and facts, the interest of Rodney L. Bauer does not violate the public interest.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW/corner of Old Philadelphia Rd. and : OF BALTIMORE COUNTY
Hesse Ave., 15th District :
RODNEY L. BAUER, et ux, Petitioner : Case No. 77-246-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

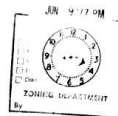
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefor, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kuntz, Jr.
Charles E. Kuntz, Jr.,
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 24th day of June, 1977, a copy of the foregoing Order was mailed to Mr. and Mrs. Rodney L. Bauer, 8110 Old Philadelphia Road, Baltimore, Maryland 21237, Petitioners.

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



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Eric DiMenna, Zoning Commissioner Date: May 31, 1977
FROM: Norman S. Serber, Acting Director of Planning
SUBJECT: Petition 77-246-A, Petition for a Variance for an Accessory Building (Garage)
Northwest corner of Old Philadelphia Road and Hesse Ave.
Petitioner - Rodney L. Bauer and Donna D. Bauer

15th District

REMARKS: Monday, June 13, 1977 (10:30 A.M.)

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

Norman S. Serber
Norman S. Serber
Acting Director of Planning

WHS:GIF:W

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Beginning on the north side of Old Philadelphia Road running south eighty-four degrees, fifty-nine minutes west, thirty-seven and thirty-six hundredths feet (S 84° 59' W 37.36') to the easterly side of Hesse Avenue and running north thirteen degrees, forty-one minutes west, one hundred sixty-one and twenty-five one hundredths feet (N 13° 41' W 161.25') thence leaving the said easterly side of Hesse Avenue and running north seventy-eight degrees, fifty-five minutes thirty seconds east, forty-nine and fifty one hundredths feet (N 78° 55' 30" E 49.51') thence running south nine degrees, twenty minutes east, one hundred sixty-five and sixty-three one hundredths feet (S 09° 20' E 165.63') to place of beginning.

June 20, 1977

Mr. & Mrs. Rodney L. Bauer
8110 Old Philadelphia Road
Baltimore, Maryland 21237

RE: Petition for Variance
NW/corner of Old Philadelphia Road
and Hesse Avenue - 15th Election
District
Rodney L. Bauer, et ux - Petitioners
NO. 77-246-A (Item No. 222)

Dear Mr. & Mrs. Bauer:

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

Very truly yours,

George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GPA/mc

Attachments

cc: Mr. & Mrs. George J. Single
1228 Hesse Avenue
Baltimore, Maryland 21237

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

Mr. & Mrs. Rodney L. Bauer
8110 Old Philadelphia Road
Baltimore, Maryland 21237
COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Item NO: 222

Your Petition has been received and accepted for filing this 18th day of April, 1977.

Eric DiMenna
Eric DiMenna
Zoning Commissioner

Petitioner: Rodney & Donna Bauer

Petitioner's Attorney

Reviewed by Nicholas S. Conodari
Nicholas S. Conodari
Planning & Zoning
Associate III

ORDER RECEIVED FOR FILING
DATE *Jan 28 1977*

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 Variance requested not adversely affecting the health, safety and general welfare of the community, a Variance to permit an accessory structure (garage) to be located outside of the third of the lot farthest removed from the side street should be granted.

Deputy
IS ORDERED by the Zoning Commissioner of Baltimore County this *28* day of *June*, 1977, that the herein Petition for the aforementioned Variance 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 following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *28* day of *June*, 1977, that the above Variance be and the same is hereby DENIED.

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 E. Chestnut Ave.
TOWSON, MARYLAND 21204
Commander
Nicholas B. Commodari
Chairman
MEMBERS
BUREAU OF
ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROAD COMMISSION
BUREAU OF
FIRE PROTECTION
HEALTH DEPARTMENT
PROJECT PLANNING
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL
DEVELOPMENT

Mr. Rodney L. Bauer
Mrs. Donna D. Bauer
8110 Old Philadelphia Road
Baltimore, Maryland 21237

June 6, 1977

Re: Variance Petition
Item No. 222
Petitioner - Rodney L. Bauer
Donna D. Bauer

Dear Mr. & Mrs. Bauer:

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.

Located on the northeast corner of Old Philadelphia Road and Hesse Avenue in the 15th Election District, this D.R. 5.5 zoned site is currently improved with a single family dwelling and detached garage in the rear yard which is the subject of this petition. Adjacent properties are similarly zoned and also improved with single family dwellings.

This Variance is necessitated in order to "legalize" the location of the existing garage as provided for in Section 400.1 in the zoning regulations.

Mr. Rodney L. Bauer
Mrs. Donna D. Bauer
Page 2
Item No. 222
June 6, 1977

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
Chairman
Zoning Plans Advisory Committee

NBC:rf

baltimore county
department of public works
TOWSON, MARYLAND 21204
THORNTON M. MOWBRAY, P.E.
DIRECTOR

May 9, 1977

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

Re: Item #222 (1976-1977)
Property Owner: Rodney L. & Donna D. Bauer
1/8 cor. Old Philadelphia Rd. & Hesse Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit an accessory structure to be located outside of the rear third of the lot farthest removed from the side street.
Acres: *37.36* x *161.25* District: 15th
49.51 *165.63*

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. Highway right-of-way widening, consisting of a fillet area for eight feet distance at the intersection of Hesse Avenue and Old Philadelphia Road (rel. 7), will be required in connection with any grading or building permit application.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Additional fire hydrant protection is required in the vicinity.

Very truly yours,

Donald W. Tucker, P.E.
DONALD W. TUCKER, P.E.
Acting Chief, Bureau of Engineering

DWT:EAM/PMB:ES
cc: J. Somers/W. Manche
I-SW & J-SE Key Sheet
10 NE 20 & 21 Pos. Sheets
NE 3 E & 3 F Page
89 Tax Map

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 484-3211

May 20, 1977

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 222, Zoning Advisory Committee Meeting, April 12, 1977, are as follows:

Property Owner: Rodney L. and Donna D. Bauer
Location: NE/C Old Philadelphia Road and Hesse Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit an accessory structure to be located outside of the rear third of the lot farthest removed from the side street
Acres: *37.36* *161.25*
49.51 *165.63*
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 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

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 484-3500
STEPHENE COLLINS
DIRECTOR

May 18, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, MD 21204

Re: Item 222 - SAC - April 22, 1977
Property Owner: Rodney L. & Donna D. Bauer
Location: NE/C Old Philadelphia Rd. & Hesse Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit an accessory structure to be located outside of the rear third of the lot farthest removed from the side street.
Acres: *37.36* *161.25*
49.51 *165.63*
District: 15th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to permit an accessory structure to be located outside of the rear third of the lot.

Sincerely,

Michael S. Plantman
Michael S. Plantman
Associate Traffic Engineer

MSF:jlt

baltimore county
department of health
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

April 14, 1977

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

Dear Mr. DiNenna:

Comments on Item #222, Zoning Advisory Committee Meeting, April 12, 1977, are as follows:

Property Owner: Rodney L. & Donna D. Bauer
Location: NE/C Old Philadelphia Rd. & Hesse Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit an accessory structure to be located outside of the rear third of the lot farthest removed from the side street.
Acres: *37.36* *161.25*
49.51 *165.63*
District: 15th

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

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

ES:mahe

baltimore county
fire department
TOWSON, MARYLAND 21204
(410) 825-7210
Paul H. Heinicke
CHIEF

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

Attention: Nicholas B. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Rodney L. & Donna D. Bauer
Location: NE/C Old Philadelphia Rd. & Hesse Ave.

Item No. 222 Zoning Agenda April 12, 1977

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "R" 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 *100* 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 *XXXXXX* 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 Standards 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.

REVIEWED: *Paul H. Heinicke* Noted and Approved: *James M. Gorman*
Special Inspection Division Station Officer
Fire Prevention Bureau

AUG 02 1977

April 13, 1977

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

Dear Mr. DiNenna:

Comments on Item # 222 Zoning Advisory Committee Meeting, April 12, 1977
are as follows:

Property Owner: Rodney L. & Donna D. Bauer
Location: 3 1/2 C Old Philadelphia Road & Hesse Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit an accessory structure to be located outside of the rear third of the lot farthest removed from the side street.
Acres: 37.36 161.25
10.51 165.83
District: 15th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.O.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 may 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 Item "G" above.

Very truly yours,

Charles E. Durban
Charles E. Durban
Plans Review Chief
CSD:raj

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 12, 1977

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

Z.A.C. Meeting of: April 12, 1977

RE: Item No: 222
Property Owner: Rodney L. & Donna D. Bauer
Location: 3 1/2 C Old Philadelphia Rd. & Hesse Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit an accessory structure to be located outside of the rear third of the lot farthest removed from the side street.

District: 15th
No. Acres: 37.36 x 161.25
49.51 165.83

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

NSP/tp

JOSEPH H. WOODWARD, PRESIDENT
T. BARBAR WILLIAMS, JR., VICE-PRESIDENT
MARION M. ROTUNDO

THOMAS H. BOWER
MRS. LORRAINE F. CHICKEN
ROGER B. HATTON

ALVIN LOFFICE
MRS. MILTON B. SMITH, JR.
ROBERT M. TAYLOR, JR.



TOWSON, MD. 21204 June 3 19 77

Petition for Variance-15th Dist.

THIS IS TO CERTIFY, that the annexed advertisement of

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 1 successive weeks before the 13th day of June 19 77, that is to say, the same was inserted in the issues of

May 25, 1977

STROMBERG PUBLICATIONS, INC.

BY *CHS*

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

77-246-A

District: 15th Date of Posting: 5-22-77
Posted for: Hearing Monday, June 13, 1977, 8:15 AM
Petitioner: Rodney L. Bauer
Location of property: 3 1/2 C Old Phila. Rd. & Hesse Ave.
Location of Sign: 1 sign posted on 3 1/2 C Old Phila. Rd. facing Phila. Rd.
Remarks:
Posted by: Mark H. Hane

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

No. 51751

DATE: May 23, 1977 ACCOUNT: 01-666

AMOUNT: \$25.00

RECEIVED Rodney L. Bauer, 5110 Old Phila. Rd., Balto., Md. 21237

FOR: Petition Fee Variance #77-246-A

7072 REC 24 25.00 REC

VALIDATION OR SIGNATURE OF CASHIER

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

No. 51788

DATE: June 10, 1977 ACCOUNT: 01-666

AMOUNT: \$50.50

RECEIVED Rodney L. Bauer, 5110 Old Phila. Rd., Balto., Md. 21237

FOR: Advertising and posting of property #77-246-A

7072 REC 10 50.50 REC

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 26, 1977

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, on one time, successive weeks before the 13th day of June 19 77, the last publication appearing on the 26th day of May 19 77.

H. Leach
THE JEFFERSONIAN
Manager

Cost of Advertisement, \$.....



TOWSON, MD. 21204 June 3 19 77

Petition for Variance-15th Dist.

THIS IS TO CERTIFY, that the annexed advertisement of

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 1 successive weeks before the 13th day of June 19 77, that is to say, the same was inserted in the issues of

May 25, 1977

STROMBERG PUBLICATIONS, INC.

BY *CHS*

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 6th day of April 1977. Filing Fee \$ 25.00. Received ☒ Check ☐ Cash ☐ Other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

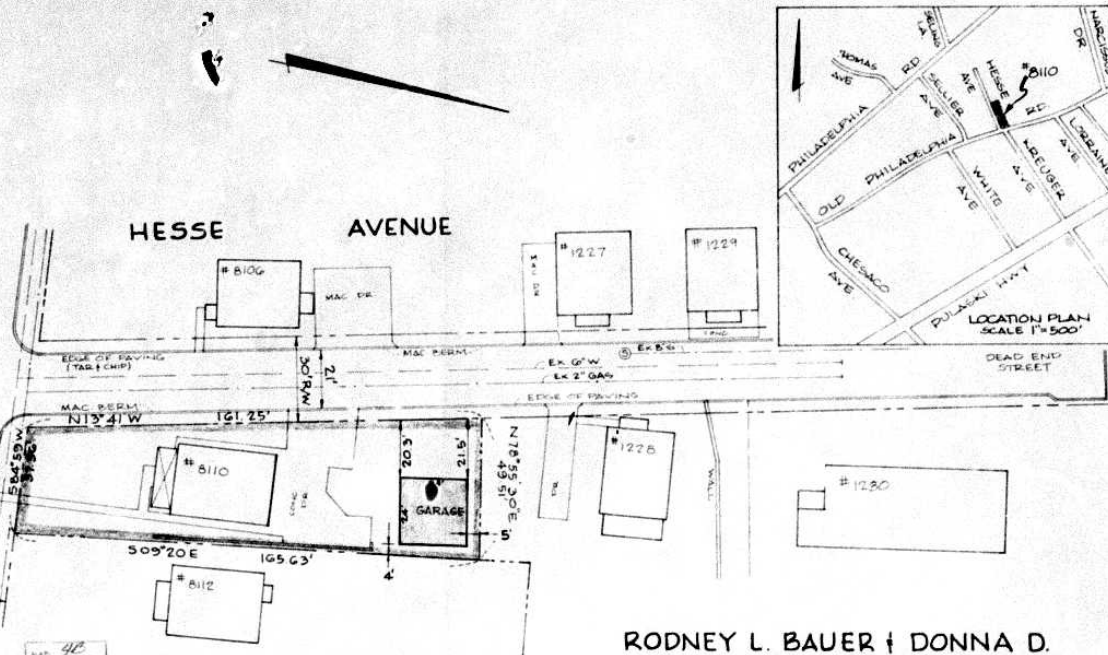
Petitioner: Rodney L. Bauer Submitted by: Rodney L. Bauer
Petitioner's Attorney: Reviewed by: John Mason

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

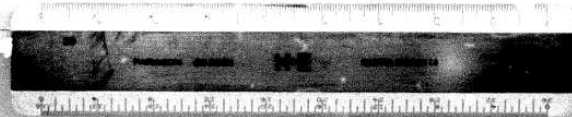


AUG 02 1977

PHILADELPHIA ROAD
KREUGER AVENUE
OLD



RODNEY L. BAUER & DONNA D.
8110 OLD PHILADELPHIA ROAD
DIST. 15
ZONED D.R. 5.5
SCALE 1"=30'



AUG 02 1977