

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Charles F. O'Hara, 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 3-202-306 (Section III (3)(A) Sub. 5, 5) to permit a side setback of 4' instead of the required 7' and a rear setback of 12'8" instead of the required 15'.

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

1. To supply a more adequate sleeping area for my family. At this time my family of five has practically outgrown our present sleeping facilities. We live in a three bedroom dwelling. One room for my daughter, one for my wife and myself, and a 9' x 10' room for my two sons. This additional room would be most helpful in easing our cramped quarters; as it would be made into a bedroom.

2. Our house does not have a kitchen large enough to eat in. Part of the addition would be used to "enlarge our present kitchen thus making it an eat-in kitchen.

See attached description

Property 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.

Charles F. O'Hara

Contract purchaser

Legal Owner
Address: 1202 Birch Ave
Baltimore, Md. 21227

Petitioner's Attorney

Protestant's Attorney

ORDERED BY The Zoning Commissioner of Baltimore County, this 10th day of May 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 108, County Office Building in Towson, Baltimore County, on the 27th day of June, 1977, at 10:00 o'clock A.M.

John W. Hession III
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
E/S of Birch Ave. SE SW of Locust Ave., 13th District : OF BALTIMORE COUNTY
CHARLES F. O'HARA, Petitioner : Case No. 77-256-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. Koutz, Jr.
Charles E. Koutz, 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 21st day of June, 1977, a copy of the aforesaid Order was mailed to Mr. Charles F. O'Hara, 1202 Birch Avenue, Baltimore, Maryland 21227, Petitioner.

John W. Hession III
John W. Hession, III



June 28, 1977

Mr. Charles F. O'Hara
1202 Birch Avenue
Baltimore, Maryland 21227

RE: Petition for Variances
E/S of Birch Avenue, SE SW of Locust Avenue - 13th Election District
Charles F. O'Hara - Petitioner
NO. 77-256-A (Item No. 246)

Dear Mr. O'Hara:

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

GJM/mc

Attachments

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

Baltimore County Deputy Zoning Commissioner
MR. GEORGE J. MARTINAK

Dear Sir,
CONCERNING CASE # 77-256A A REQUEST FOR VARIANCE PLEASE ACCEPT MY APPLICATION FOR A BUILDING PERMIT ON LOT 12 BLOCK C PLATE OF TEIPEWOOD PLAT BOOK 18-117. AS I AM AWARE OF THE THIRTY DAY AREAL PERIOD I AM WILLING TO ACCEPT ALL FINANCIAL RESPONSIBILITY I FURTHER MORE REALIZE IF MY VARIANCE IS DENIED I WILL BE REQUIRED TO REMOVE ANY IMPROVEMENTS I MAKE

Charles F. O'Hara

George J. Martinak
6/30/77

ORDER RECEIVED FOR FILING

DATE June 21, 1977

John W. Hession III
Zoning Commissioner

ORDERED BY The Zoning Commissioner of Baltimore County, this 10th day of May 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 108, County Office Building in Towson, Baltimore County, on the 27th day of June, 1977, at 10:00 o'clock A.M.



(over)

10:00A
6/27/77

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNanno, Zoning Commissioner Date: June 14, 1977

FROM: Norman E. Gerber, Acting Director of Planning

SUBJECT: Petition 77-256-A, Petition for Planning for Side and Rear Yards
East side of Birch Avenue 85 feet Southwest of Locust Avenue
Petitioner - Charles F. O'Hara

13th District

HEARING: Monday, June 27, 1977 (10:00 A.M.)

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

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

NEG:JGH:rw

PETITION FOR A VARIANCE
I, or we, Charles F. O'Hara, 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 3-202-306 (Section III (3)(A) Sub. 5, 5) to permit a side setback of 4' instead of the required 7' and a rear setback of 12'8" instead of the required 15'.

CERTIFICATE OF PUBLICATION

TOWSON MD. JUNE 2, 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. on each of one time before before the 27th day of June, 1977, the first publication appearing on the 27th day of June, 1977.

George J. Martinak
George J. Martinak
Manager

Cost of Advertisement \$.....

NOTICE TO ADVERTISERS
The Baltimore County Office of Finance Revenue Division is responsible for the collection of the Baltimore County Advertisers' Tax. This tax is levied on all advertisements published in any newspaper, magazine, or other publication within Baltimore County, Maryland. The tax is based on the number of insertions and the circulation of the publication. The tax is due on the 15th day of the month following the month of publication. Failure to pay this tax may result in the suspension of advertising privileges. For more information, please contact the Office of Finance Revenue Division, Room 108, County Office Building, Towson, Maryland 21204. Telephone: 494-2188.



TOWSON, MD 21204 June 4 1977

THIS IS TO CERTIFY that the annexed advertisement of PETITION FOR VARIANCE - CHARLES F. O'HARA was inserted in the following:

- Catonsville Times
- Dundalk Times
- Essex Times
- Suburban Times East
- Towson Times
- Arbutus Times
- Community Times
- Suburban Times West

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the last day of June, 1977, that is to say, the same was inserted in the issues of June 4, 1977.

STROMBERG PUBLICATIONS, INC.
BY Barbara Singer

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 134 Date of Posting June 11, 1977
Posted for Petition For Variance
Petitioner: Charles F. O'Hara
Location of property: E/S of Birch Ave. SE SW of Locust Ave.
Location of Sign: FRONT 1202 BIRCH AVE

Remarks: Norman E. Gerber
Posted by Norman E. Gerber Date of return June 14, 1977

BALTIMORE COUNTY, MARYLAND No. 51813
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE June 27, 1977 AMOUNT 01-662
AMOUNT \$10.75
RECEIVED Charles F. O'Hara, 1202 Birch Ave., Balto., Md. 21227
FOR Advertising and posting of property 77-256-A

BALTIMORE COUNTY, MARYLAND No. 51772
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE June 3, 1977 AMOUNT 01-662
AMOUNT \$25.00
RECEIVED Charles F. O'Hara, 1202 Birch Ave., Balto., Md. 21227
FOR Petition for Variance 77-256-A

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 not adversely affecting the health, safety and general welfare of the community, Variances to permit a side yard setback of 4 feet instead of the required 7 feet and to permit a rear yard setback of 12 feet 8 inches instead of the required 15 feet should be granted.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County this 24th day of June, 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.

Deputy [Signature]
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

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 197___, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE

June 28 1977
[Signature]

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 N. Chesapeake Ave.
Towson, Maryland 21286
Nicholas
c/o B.
Commodari
Chairman

June 17, 1977

Mr. Charles F. O'Hara
1702 Birch Avenue
Baltimore, Maryland 21227

RE: Variance Petition
Item No. 240
Petitioner - Charles F. O'Hara

Dear Mr. O'Hara:

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 Commission's with recommendations as to the appropriateness of the requested zoning.

Located on the east side of Birch Avenue, approximately 85 feet southwest of Locust Avenue, this D.R. 5.5 zoned site is currently improved with a two story detached dwelling. Adjacent properties are also zoned D.R. 5.5 and improved with similar type uses.

This Variance is necessitated by your proposal to construct an addition to the side of the existing dwelling and, because of the configuration of this property, side and rear yard Variances are required.

Particular attention should be afforded the comments of the Department of Permits and Licenses.

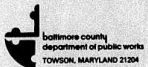
Mr. Charles F. O'Hara
Page 2
Item No. 240
June 17, 1977

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

NBR:cfr

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
Form # 240
County Office Building
111 N. Chesapeake Ave.
Towson, Maryland 21286
Your Petition has been received and accepted for filing this 17th day of June 1977.
Reviewed by
Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee



THORNTON M. MOURING, P.E.
DIRECTOR

May 26, 1977

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21286

Re: Item #240 (1976-1977)
Property Owner: Charles F. O'Hara
Location: E/S Birch Ave. 85' E/W Locust Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 4' in lieu of the required 7' and a rear setback of 12' 8" in lieu of the required 15'.
Address: 0.123 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.

General:

Baltimore County highway and utility improvements are not directly involved.
Additional fire hydrant protection is required in the vicinity. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #240 (1976-1977).

Very truly yours,

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

DWT:EAM:FWR:es

cc: W. Munchel

0-SW Key Sheet
17 & 18 SW 17 Pos. Sheets
SW 5 E Topo
103 Top Map



May 20, 1977

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

Dear Mr. DiNenna:

Comments on Item #240, Zoning Advisory Committee Meeting, May 10, 1977, are as follows:

Property Owner: Charles F. O'Hara
Location: E/S Birch Avenue 85' SW Locust Avenue
Existing Zoning: D.R. 5.5.
Proposed Zoning: Variance to permit a side setback of 4' in lieu of the required 7' and a rear setback of 12' 8" in lieu of the required 15'.
Acres: 0.123
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 ensure 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



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

June 1, 1977

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

Dear Mr. DiNenna:

Comments on Item #240, Zoning Advisory Committee Meeting, May 10, 1977, are as follows:

Property Owner: Charles F. O'Hara
Location: E/S Birch Ave. 85' SW Locust Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 4' in lieu of the required 7' and a rear setback of 12' 8" in lieu of the required 15'.
Acres: 0.123
District: 13th
Metropolitan water and sewer exist.

Very truly yours,

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

TED/BJW/rth



SHEPHERD COLLINS
DIRECTOR

May 18 1977

Mr. Eric S. DiNenna
Zoning Commissioner
2nd Floor, Courthouse
Towson, Maryland 21286

Re: Item No. 240 - 217 - May 0, 1977
Property Owner: Charles F. O'Hara
Location: E/S Birch Avenue 85 feet SW Locust Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 4 feet in lieu of the required 7 feet and a rear setback of 12 feet 8 inches in lieu of the required 15 feet.
Acres: 0.123
District: 13th

Dear Mr. DiNenna:

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

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineer Associate

MSF/1jo



Baltimore County
The Department
TOWSON, MARYLAND 21284
(301) 825-7310

Paul H. Reincke
CHIEF

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21284

Attention: Nicholas E. Comodari
Zoning Advisory Committee

Re: Property Owner: Charles F. O'Haro

Location: E/S Birch Ave. 85' SW Locust Avenue

Item No. 240 Zoning Agenda May 10, 1977

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 _____
_____ ~~violates~~ 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 HT Kelly
Planning Group
Special Inspection Division

Noted and
Approved: George M. Negomatt
Fire Prevention Bureau



Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21284
(301) 494-3610

JOHN D. SEYFFERT
DIRECTOR

May 10, 1977

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

Dear Mr. DiNenna:

Comments on Item # 240 Zoning Advisory Committee Meeting, May 10, 1977
are as follows:

Property Owner: Charles F. O'Haro
Location: E/S Birch Ave. 85' S/W Locust Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 4' in lieu of the required 7' and a rear setback of 12' 8" in lieu of the required 15'.

Acres: 0.123
District: 13th

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 "E" Above.

Very truly yours,

Charles E. Burnham

Charles E. Burnham
Plans Review Chief
CEB:rrj

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21284

Date: May 9, 1977

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

Z.A.C. Meeting of: May 10, 1977

RE: Item No: 240
Property Owner: Charles F. O'Haro
Location: E/S Birch Ave. 85' SW Locust Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 4' in lieu of the required 7' and a rear setback of 12' 8" in lieu of the required 15'.

District: 13th
No. Acres: 0.123

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich

W. Nick Petrovich,
Field Representative

MNP/bp

JOSEPH H. MCGOWAN, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. BOTSBARIS

THOMAS H. BOYER
MRS. LORRAINE F. CHIRCUS
ROGER B. HAYDEN

ROBERT J. DUBEL, SUPERINTENDENT

ALVIN LORECK
MRS. MILTON R. SMITH, JR.
RICHARD W. TRALEY, D.V.M.

Election Dist. 13

Lot 12 Block C Zoning DR 5.5

Plat of

TEIPEWOOD

Plat Book 18-117

Public Utilities Existing
in road.

Scale 1"=20'

Use single family Residence

4

27.50

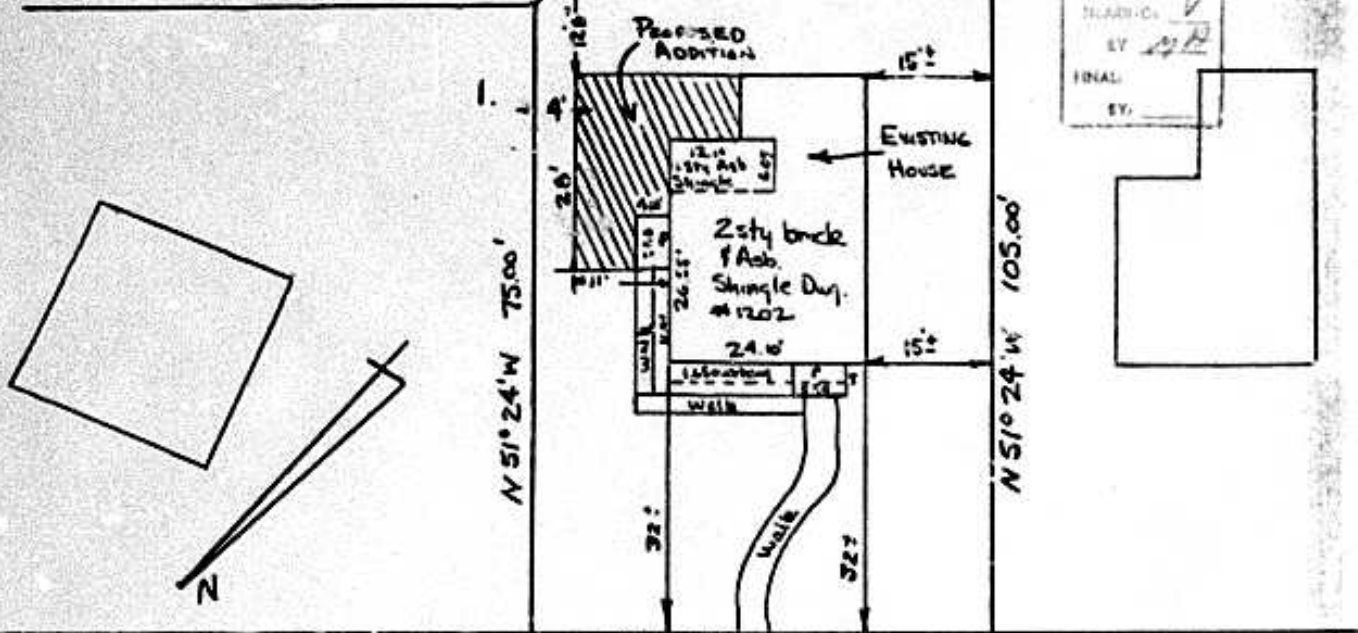
N38°36'E

58°32'23"E 40.70'

12.

11.

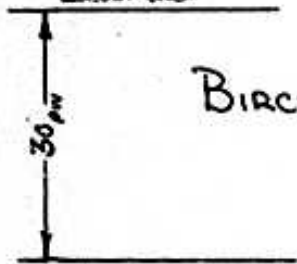
M.P.	219
S.E.	55
RECORD	
DATE	12-22
BY	MR
FINAL	
BY	



Boysing R.
Approx. 50' to
Locust Ave.

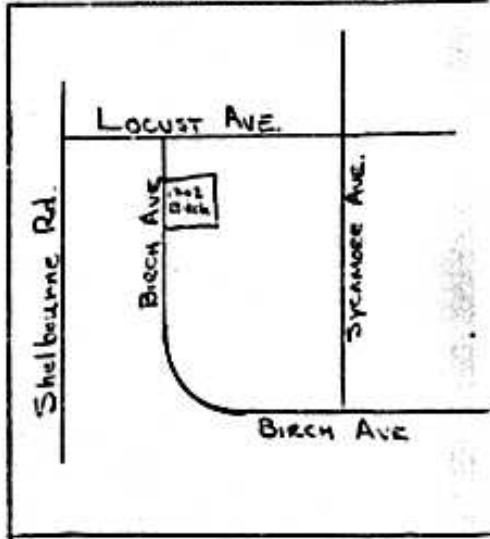
N38°36'E 55.00'

50' RW



BIRCH AVE.

LOCATION PLAN



Use single family Residence

