

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Howard G. Garland and
Phyllis Garland, 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 1802.20.1.19, PB#138, 105, WAD#38 of 50 feet in lieu of the required 55 feet for Lots Numbers 28 and 39 (#809 and #811 Silver Avenue, respectively) and Section 1802.30.1.1.

To permit a front yard setback of 12 feet in lieu of the required 25 feet, from the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County for the following reasons: (indicate hardship or practical difficulty)

- Existing lots do not conform to the present D.R. 5.5 Zoning classification for lot width;
- Existing dwelling on lot #39 violates the front yard setback requirements under the present D.R. 5.5 Zoning classification.

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.

Howard G. Garland
Contract purchaser
Phyllis Garland
Legal Owners
Address: 811 SILVER AVENUE
Baltimore, Maryland, 21221

Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 17th day

of 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 18th day of July, 1977, at 10:30 o'clock.

By: *John W. Hession, III*
Zoning Commissioner of Baltimore County.



RE: PETITION FOR VARIANCE
S/S of Silver Ave. 300' W of
Maryln Ave., 15th District
OF BALTIMORE COUNTY
HOWARD GARLAND, et ux, Petitioners : Case No. 78-3-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. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 6th day of July, 1977, a copy of the foregoing Order was mailed to Mr. and Mrs. Howard Garland, 811 Silver Avenue, Essex, Maryland 21221, Petitioners.

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



Description of #809 and #811 Silver Avenue (Lots #38 & 39, respectively)

Beginning for the same at a point on the southernmost side of Silver Avenue at a distance of 300 feet more or less, measured westerly from the intersection of the south side of Silver Avenue with the west side of Maryln Avenue (formerly Deep Creek Avenue), and known as lots 38 & 39 as shown on the plat of "Glascot", said plat being recorded among the Land Records of Baltimore County in Plat Book W. P. C. 7, Folio 115.

Mr. & Mrs. Howard G. Garland
811 Silver Avenue
Baltimore, Maryland 21221

RE: Petition for Variances
S/S of Silver Avenue, 100' W of
Maryln Avenue - 15th Election
District
Howard G. Garland, et ux -
Petitioners
NO. 78-3-A (Item No. 244)

De: Mr. & Mrs. Garland:

I have this date passed my Order in the above referenced matter. A copy of said Order is attached.

Very truly yours,

S. FRIC DENNEN
Zoning Commissioner

SED/srl

Attachments

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

July 21, 1977

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Eric Dillema, Zoning Commissioner
FROM: Norman C. Sawyer, Acting Director of Planning
SUBJECT: Petition #78-3-A, Petition for Variance for Lot Width and Front Yard, South side of Silver Avenue 300 feet West of Maryln Avenue, Petitioner - Howard G. Garland and Phyllis Garland

15th District

RECAPTION: Monday, July 18, 1977 (10:30 A.M.)

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

Norman C. Sawyer
Norman C. Sawyer
Acting Director of Planning

NR01:20Hrw

BALTIMORE COUNTY

ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

July 8, 1977

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Baltimore, Maryland 21204
Nicholas B. Conncardi
Chairman

MEMBERS
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF FIRE PROTECTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

Mr. Howard G. Garland
Mrs. Phyllis Garland
811 Silver Avenue
Essex, Maryland 21221

RE: Variance Petition
Item No. 244
Petitioner - Howard Garland
Phyllis Garland

Dear Mr. & Mrs. Garland:

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.

The subject property, consisting of two 50 foot lots improved with a dwelling, is located on the south side of Silver Avenue approximately 300 feet west of Maryln Avenue in the 15th Election District. Adjacent properties are also zoned D.R. 5.5 and are improved with detached dwellings. This Variance is necessitated by your proposal to construct a dwelling on one of the aforementioned lots and thereby creating lot widths for both the existing and proposed dwelling of 50 feet in lieu of the required 55 feet. Based on the orientation of the proposed dwelling on the submitted site plan, it should be noted that the entrance must be located off of Silver Avenue.

Mr. Howard G. Garland
Mrs. Phyllis Garland
Page 2
Item No. 244
July 8, 1977

Particular attention should be afforded the comments of the Bureau of Engineering concerning the proposed 40 foot right-of-way of Silver Avenue as well as the comments from the Department of Permits and Licenses concerning Section 320.2 of the Baltimore County Building Code.

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. Conncardi
NICHOLAS B. CONNCARDI
Chairman
Zoning Plans Advisory Committee

NBC:cif

cc: McKee Engineering, Inc.
1824 Ridge Road
Reisterstown, Maryland 21136

UNDER REVIEW FOR FILING
DATE 5/24/77 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 Petitioner.

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. Variance to permit lot widths of 50 feet in lieu of the required 55 feet for Lot Nos. 38 and 39 and a front yard of 12 feet in lieu of the required 25 feet for Lot No. 39 should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of July, 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 Zoning Commissioner of Baltimore County 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 Petitioner.

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 21st day of July, 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
DONALD J. ROOP, 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 #244, Zoning Advisory Committee Meeting, May 17, 1977, are as follows:

Property Owner: Howard G. & Phyllis Garland
Location: 5/5 Silver Ave. 300' W. Marilyn Ave.
Existing Zoning: D.B. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' for lots 38 & 39 and a front setback of 12' in lieu of the required 25' for lot 39.
Acres: 2 lots @ 7500 sq. ft.
District: 15th

Metropolitan water and sewer are available.

Very truly yours,

[signature]
THOMAS H. DEWILL, Director
BUREAU OF ENVIRONMENTAL SERVICES

TED/AN/1th

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
THORNTON M. MOURMAGL, P.E.
DIRECTOR

June 8, 1977

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

Re: Item #244 (1976-1977)
Property Owner: Howard G. & Phyllis Garland
Location: 5/5 Silver Ave. 300' W. Marilyn Ave.
Existing Zoning: D.B. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' for lots 38 & 39 and a front setback of 12' in lieu of the required 25' for lot 39.
Acres: 2 lots @ 7500 sq. ft.

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.

Highways:

Silver Avenue, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a minimum 40-foot right-of-way. Highway right-of-way widening, including 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 stripping, 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 stripping 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 #244 (1976-1977)
Property Owner: Howard G. & Phyllis Garland
Page 2
June 8, 1977

Water and Sanitary Sewer:

Public water main and sanitary sewer exist in Silver Avenue and serve the existing residence on Lot 39 of the plat of Glasco, recorded W.P.C. 7, Folio 115. Additional fire hydrant protection is required in the vicinity.

Very truly yours,

[signature]
DONALD W. TUCKER, P.E.
Acting Chief, Bureau of Engineering

CMF:EAM/PWR:as

cc: J. Somers
W. Munch:

I-2W Key Sheet
4 x 5 NE 29 Ros. Sheets
NE 1 & 2 S Topo
97 Tax Map

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

June 6, 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 #244, Zoning Advisory Committee Meeting, May 17, 1977, are as follows:

Property Owner: Howard G. & Phyllis Garland
Location: 5/5 Silver Avenue 300' W. Marilyn Avenue
Existing Zoning: D.B. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' for lots 38 and 39 and a front setback of 12' in lieu of the required 25' for lot 39.
Acres: 2 lots @ 7500 sq. ft.
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,

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

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3850
STEPHEN E. COLLINS
DIRECTOR

June 14, 1977

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

Re: Item #244 - ZAC - May 17, 1977
Property Owner: Howard G. & Phyllis Garland
Location: 5/5 Silver Ave. 300' W. Marilyn Ave.
Existing Zoning: D.B. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' for lots 38 & 39 and a front setback of 12' in lieu of the required 25' for lot 39.
Acres: 2 lots @ 7500 sq. ft.
District: 15th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variances to permit lot widths of 50 feet in lieu of the required 55 feet.

Sincerely,

[signature]
Michael S. Flanagan
Traffic Engineer Associate

MEF/jlf

Baltimore County
The Department
TOWSON, MARYLAND 21204
(301) 825-7310
Paul H. Reinecke
CHIEF

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

Attention: Mr. Nicholas Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Howard G. & Phyllis Garland

Location: 5/5 Silver Ave. 300' W. Marilyn Ave.

Item No. 244

Zoning Agenda May 17, 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) x 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) x A second means of vehicle access is required for the site.
- (3) x The vehicle load and condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- (4) x The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (5) x 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) x Site plans are approved as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: [signature]
Planning Bureau
Special Inspection Division

Noted and Approved: [signature]
Fire Prevention Bureau

Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
(301) 494-3610
JOHN D. SEEVER
DIRECTOR

May 16, 1977

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

Dear Mr. DiNenna:

Comments on Item #244 Zoning Advisory Committee Meeting, May 17, 1977 are as follows:

Property Owner: Howard G. & Phyllis Garland
Location: 5/5 Silver Ave. 300' W. Marilyn Ave.
Existing Zoning: D.B. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' for lots 38 and 39 and a front setback of 12' in lieu of the required 25' for lot 39.
Acres: 2 lots @ 7500 sq. ft.
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.
- ☒ 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.
- ☒ 6. Be aware of Section 390.2 Areas subject to inundation by tide waters (Baltimore County supplement to code).
- ☐ 7. Requested setback variance conflicts with the Baltimore County Building Code. Use Section _____.

Very truly yours,

[signature]
Charles E. Rumbach
Plans Review Chief
CBP:rvj

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: May 31, 1977

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

Z.A.C. Meeting of: May 17, 1977

RE: Item No: 244
Property Owner: Howard G. & Phyllis Garland
Location: 511 Silver Avenue 300' W. Marilyn Avenue
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' for lots 38 and 39 and a front setback of 12' in lieu of the required 25' for lot 39.

District: 15th
No. Acres: 2 lots @ 7500 sq. ft.

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

N. Nick Petrovich
N. Nick Petrovich,
Field Representative

WNP/dp

JOSEPH N. MCGOWAN, PRESIDENT
T. BAYARD HILLIARD, JR., VICE-PRESIDENT
MARCOUS H. ROTUNDE

THOMAS H. BOYER
WILLIAM L. LINDBERG, JR., CHAIRMAN
ROGER B. HAYDEN
ROBERT T. DUBEL, SUPERINTENDENT

ALVIN LORECK
WILLIAM W. SMITH, JR.
RICHARD W. TRACY, DVM

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
Mr. Howard Garland
Mrs. Phyllis Garland
511 Silver Avenue
Towson, Maryland 21204
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

Item No. 844

Your Petition has been received and accepted for filing
this 17th day of May 1977.

S. Eric DiNenna
S. Eric DiNenna
Zoning Commissioner

Petitioner: "Howard Garland-Phyllis Garland"
Petitioner's Attorney: *Richard S. Combs*

Reviewed by: *Richard S. Combs*
Nicholas S. Commodari
Chairman, Zoning Plans
Advisory Committee

cc: Nelson Engineering, Inc.
1824 Ridge Road
Beltsville, Maryland 21106

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 20, 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 in each week for successive weeks before the day of June 19, 1977 the said publication appearing on the 20th day of June 1977.

THE JEFFERSONIAN

H. L. Smith
Manager

Cost of Advertisement, \$



OFFICE OF
TOWSON, MD. 21204 July 30 1977

THIS IS TO CERTIFY that the annexed advertisement of Petition for Variance for Variano - 15th Dist. - South side of Silver Avenue 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 one successive week before the day of July 19, 1977, that is to say, the same was inserted in the issues of June 30, 1977.

STROMBERG PUBLICATIONS, INC.

BY: *Erica Burge*

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

4-15-3-B

District: 15th
Posted for: *Henry Mundy July 18, 1977, 9:15 AM*
Petitioner: *Howard Garland*
Location of property: *511 Silver Avenue, Dist. 15, Towson, Md.*
Location of Sign: *1824 Ridge Road, Dist. 15, Beltsville, Md.*
Remarks:
Posted by: *Paul H. Hise*
Date of return: 7-2-77

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 5 day of June 1977. Filing Fee \$ 25 Received ☒ Cash ☐ Other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

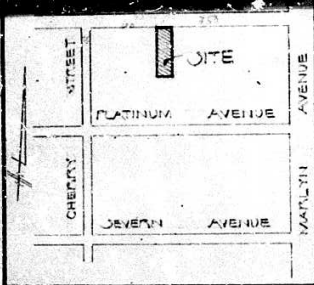
Petitioner: *Howard Garland*
Submitted by: *M. Brown*
Petitioner's Attorney: *Richard S. Combs*
Reviewed by: *Nick*

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

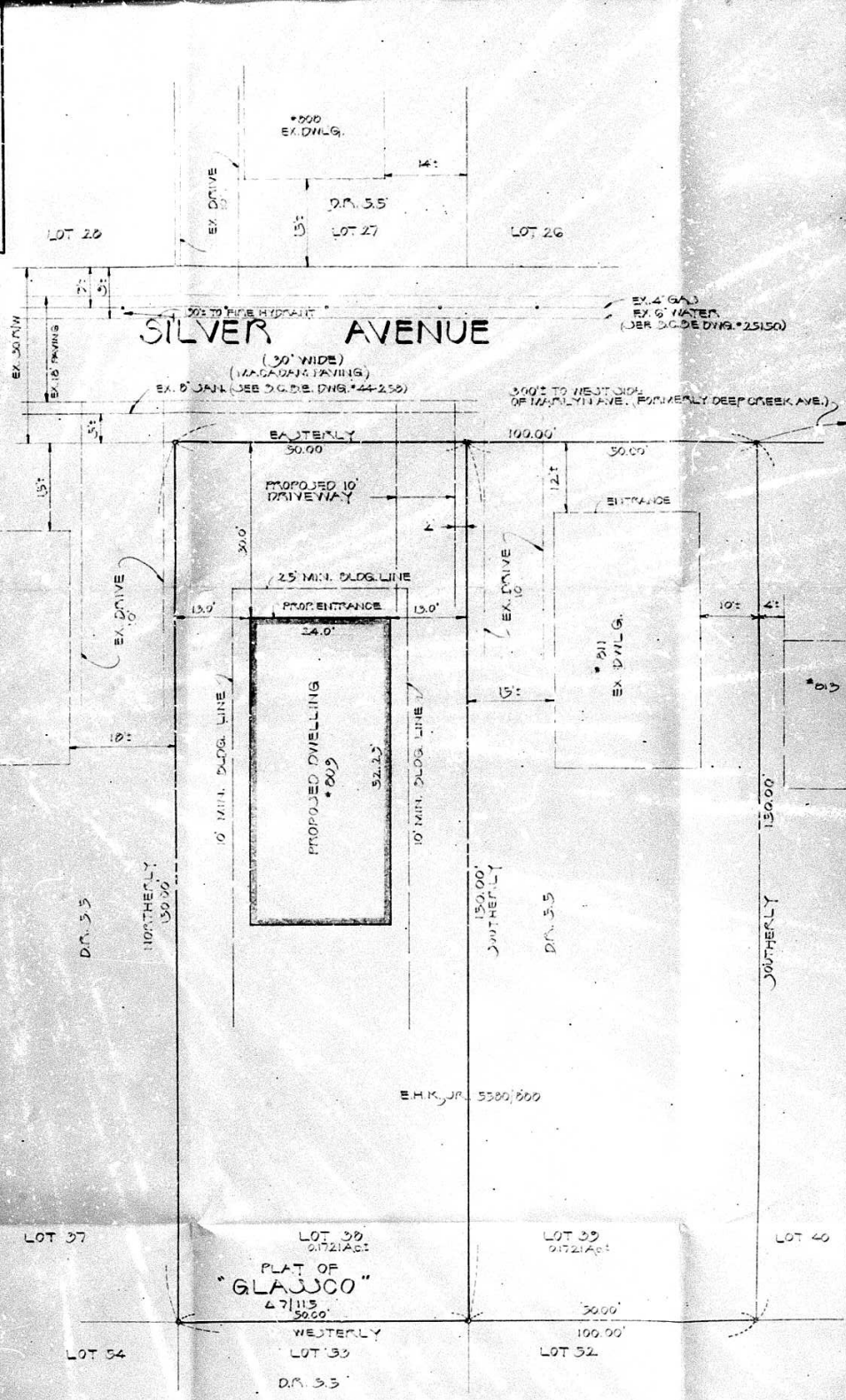


BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 51839
DATE: July 18, 1977 ACCOUNT: 01-662
AMOUNT: \$4.25
RECEIVED: Howard G. Garland 511 Silver Ave., Balto., Md.
FOR: Accounting and posting of property
770-3-4
\$4.25 JUL 18 4 42 PM '77
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 51808
DATE: June 24, 1977 ACCOUNT: 01-679
AMOUNT: \$25.00
RECEIVED: Howard G. Garland 511 Silver Ave., Balto., Md.
FOR: Petition for Variance
770-3-4
\$25.00 JUN 27 2 50 PM '77
VALIDATION OR SIGNATURE OF CASHIER



LOCATION MAP
SCALE: 1"=200'



GENERAL NOTES:

1. EXISTING ZONING: D.R. 3.3
2. PROPOSED USE: RESIDENTIAL WITH A VARIANCE TO SECTION 100.2.361 OF THE ZONING REGULATIONS TO PERMIT A LOT WIDTH OF 30 FEET IN LIEU OF THE REQUIRED 55 FEET, FOR LOTS 30 & 32, AND A VARIANCE FOR LOT 30 TO FRONT YARD REQUIREMENTS TO ALLOW A 12' FRONT YARD SETBACK IN LIEU OF THE REQUIRED 25'.

PLAT TO ACCOMPANY
PETITION FOR
VARIANCE TO ZONING

AT
"809-11 SILVER AVENUE"

15TH ELECTION D. 01 BALTIMORE COUNTY, MD.
SCALE: 1"=10' MAY 5, 1977

J. W. McKee
JAMES W. MCKEE
(MD. REG. NO. 3012)

4/16/77
DATE

McKee ENGINEERING, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1024 RIDGE RD.
BELLESTOWN, MARYLAND
21136

MAP	DATE
SECTION	15
BY	JW
FILED	15
BY	JW
DATE	15

FOR
HOWARD GARLAND
811 SILVER AVENUE
BALTIMORE, MD.
21221