

1977 7-12-77 7-12-77 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, ERIC R. BRAGG, and wife 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 12-12-A of the Zoning Regulations of Baltimore County to permit a side setback of 15 feet in lieu of the required 25 feet. Section 12-12-A of the Zoning Regulations of Baltimore County requires a side setback of 25 feet in lieu of the required 25 feet. I, or we, agree to pay expenses of above variance advertising, posting, etc., up to a 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.

proposed swimming pool in front in lieu of rear yard.

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

(1) Practical difficulty

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., up to a 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.

DATE July 19, 1977

Contract purchaser Barbara Kerr Howe

Address 210 West Pennsylvania Avenue

Towson, MD 21204

Protestant's Attorney John W. Heslan, III

Address 210 West Pennsylvania Avenue

Towson, MD 21204

SHRINE ED By The Zoning Commissioner of Baltimore County, this 19th day of July, 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 100, County Office Building in Towson, Baltimore County, on the 25th day of July, 1977, at 10:45 o'clock.

Attest: John W. Heslan, III
Zoning Commissioner of Baltimore County.

RE: PETITION FOR VARIANCE
S/S of Beach Ave. 239 E of
Stevens Rd., 11th District
OF BALTIMORE COUNTY
Case No. 78-12-A

ORDER TO ENTER APPEARANCE

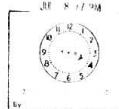
Mr. Commissioner:

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.

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

I HEREBY CERTIFY that on this 18th day of July, 1977, a copy of the foregoing Order was mailed to Barbara Kerr Howe, Attorney, 210 West Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

John W. Heslan, III
John W. Heslan, III



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric D'Nenna
Zoning Commissioner
Date July 19, 1977
To: Leslie H. Goral
FROM: Director of Planning

SUBJECT: Petition #78-12-A. Petition for Variance to Side Yard and an Accessory Structure (swimming pool).
South side of Beach Avenue 239 feet East of Stevens Road.
Petitioner - Eric R. Bragg and Sydney G. Bragg

11th District

HEARING: Monday, July 25, 1977 (10:45 A.M.)

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

Leslie H. Goral
Director of Planning

LHG:JGH:m

GERHOLD, CROSS & ETEL
Registered Professional Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



**PETITION AND SITE PLAN
EVALUATION COMMENTS**

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

July 18, 1977

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
Nicholas B. Commodari
Chairman

Mrs. Barbara Kerr Howe
210 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Variance Petition
Item No. 254
Petitioner - Eric R. Bragg

Dear Mrs. Howe:

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 south side of Beach Avenue approximately 239 feet northeast of Stevens Road, this waterfront property is currently improved with a one story framed dwelling and shed. Adjacent properties on either side of this site and across Beach Avenue are improved with detached dwellings, zone R.C. 2 and not R.D.P. as shown on the submitted site plan.

This Variance is necessitated by your client's proposal to construct a garage addition to the side of the existing dwelling within 5 feet of the property line in lieu of the required 25 feet. Because the type of construction of your addition is not indicated,

Mrs. Barbara Kerr Howe
Page 2
Item No. 254
July 18, 1977

contact with Mr. Ted Burnham, at 494-3957 should be made in order to determine whether the proposed construction will conflict with Section 305.1 of the Baltimore County Building Code. A variance to permit a swimming pool in the front yard in lieu of the required rear yard has been included. Since public water and sewer are not available, a revised site plan, reflecting the comments of the Health Department, must be submitted to this office prior to the scheduled hearing date. Also, the petition forms must be corrected to include the reasons for this combined Variance. In addition to the above it appears that this site may lie within an Environmental Protection Act, as indicated on the Interim Development Control Map, and therefore will be subject to the requirements of Bill 12-77.

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 of the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
Chairman
Zoning Plans Advisory Committee

NR:rf

cc: Gerhold, Cross & Etzel
412 Delaware Avenue
Towson, Maryland 21204

Barbara Kerr Howe, Attorney
210 West Pennsylvania Avenue
Towson, Maryland 21204

September 7, 1977

RE: Petition for Variance
S/S of Beach Avenue, 239 E on Stevens
Road - 11th Election District
Eric R. Bragg - Petitioner
NO. 78-12-A (Item No. 254)

Dear Mrs. Howe:

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

Very truly yours,

George E. Muthlak
Deputy Zoning Commissioner

GJM/mc

Attachments

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

cc: Gerhold, Cross & Eitel
412 Delaware Avenue
Towson, Maryland 21204

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, Variances to permit a side setback of 5 feet instead of the required 25 feet, and an accessory structure (swimming pool) to be located in the front yard instead of the required rear yard should be granted.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County this 27th day of September, 1977, that the herein Petition 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.

Deputy 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 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11W Date of Posting 7-2-77
Posted for: Hearing on July 25, 1977 at 10:00 A.M.
Petitioner: Eric R. Bragg
Location of property: 16.4 Bush Cr. 239 E. & Stearns Rd.
Location of Signs: 1 Sign posted on Bush Cr. at 1622.7 feet
Remarks: Bush Cr.
Posted by: Phil H. [Signature] Date of return: 7-15-77

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 7, 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 of one time, successive weeks before the 25th day of July, 1977, the first publication appearing on the 7th day of July.

THE JEFFERSONIAN

A. Frank [Signature] Manager

Cost of Advertisement, \$

MICROFILMED

BALTIMORE COUNTY, MARYLAND No. 51820
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Date: June 30, 1977 ACCOUNT 01-662
AMOUNT \$25.00
RECEIVED Eric Robert Bragg, Box 1027 Beach Ave., White Marsh, Md. 21162
FOR Petition for Variance #78-12-A

MICROFILMED
25.00 MSK

VALIDATION OR SIGNATURE OF CASHIER

PETITION FOR A VARIANCE

200-118-100000
Petitioner for Variance
for Side Yard and an Accessory
Structure
LOCATION: South side of Bush
Cr. at 1622.7 feet from
Stearns Rd.
25.1877 at 10:00 A.M.
PUBLIC HEARING: Room 106
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland

The Zoning Commissioner of
Baltimore County, by authority of
the Zoning and Planning
Department of Baltimore County, will hold a
public hearing

Petitioner for Variance from the
Zoning Regulations of Baltimore
County to permit a side setback of
5 feet instead of the required 25
feet, and to permit an accessory
structure (swimming pool) to be
located in the front yard instead of
the required rear yard.

The Zoning Regulations to be
varied are: Section 100-1-1, Sec.
100-1-2, and Sec. 100-1-3.

Section 100-1-1, Accessory
Structures - Located only in the
rear yard and
as the barrier of land in the
Eastern District of Baltimore
County

Beginning for the same on the
south side of Bush Avenue at the
northwest corner of Lot
100-1-1, the line of the
4.4 acre parcel of land known as
the "Bush Cr. at 1622.7 feet from
Stearns Rd." of Baltimore
County, 100-1-1, and

beginning for the same on the
south side of Bush Avenue at the
northwest corner of Lot
100-1-1, the line of the
4.4 acre parcel of land known as
the "Bush Cr. at 1622.7 feet from
Stearns Rd." of Baltimore
County, 100-1-1, and

beginning for the same on the
south side of Bush Avenue at the
northwest corner of Lot
100-1-1, the line of the
4.4 acre parcel of land known as
the "Bush Cr. at 1622.7 feet from
Stearns Rd." of Baltimore
County, 100-1-1, and

beginning for the same on the
south side of Bush Avenue at the
northwest corner of Lot
100-1-1, the line of the
4.4 acre parcel of land known as
the "Bush Cr. at 1622.7 feet from
Stearns Rd." of Baltimore
County, 100-1-1, and

BALTIMORE COUNTY, MARYLAND No. 51856
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Date: July 25, 1977 ACCOUNT 01-662
AMOUNT \$60.25
RECEIVED Messrs. Kerr & Howe, 210 E. Penna. Ave. Towson, Md. 21204
FOR Advertising and posting of property for Edgar Bragg #78-12-A

MICROFILMED
60.25 MSK

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 27th day of MAY 1977. Filing Fee \$ 25.00 Received X Check

MICROFILMED

S. Eric Dinenna,
Zoning Commissioner

Petitioner ERIC BRAGG Submitted by ERIC & SYDNEY BRAGG

Petitioner's Attorney BARBARA HOWE Reviewed by J.P.

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



THORNTON M. MOURING, P.E.
DIRECTOR

June 16, 1977

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

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

Beach Avenue, an existing public road, is proposed to be improved in the future as a 60-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 nuisance 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 #254 (1976-1977)
Property Owner: Eric R. Bragg
Page 2
June 16, 1977

Water and Sanitary Sewers

Public water supply and sanitary sewerage are not available to serve this property, which is utilizing private onsite facilities. The Baltimore County Comprehensive Water and Sewerage Plan, adopted January 1976, indicates this property is beyond the Urban-Rural Separation Line, with public water supply in "Final Planning" and public sewerage "Planned Service in 11 to 30 years".

Very truly yours,

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

DMT:KAM:FWL:as

cc: J. Somers

W-NE Key Sheet
33 NE 39 Post Sheet
NE 9 J TPO
75 Tax Map



July 11, 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 #254, Zoning Advisory Committee Meeting, June 14, 1977, are as follows:

Property Owner: Eric R. Bragg
Location: S/S Beach Avenue 239' NE Stevens Road
Existing Zoning: R-C-2
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 50' and a rear setback of 5' in lieu of the required 50' and to permit a proposed swimming pool in the front yard in lieu of the required rear yard.
Acres: 0.50
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,

John L. Wimbly
John L. Wimbly
Planner III
Project and Development Planning



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

July 8, 1977

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

Dear Mr. DiNenna:

Comments on Item #254, Zoning Advisory Committee Meeting, June 14, 1977, are as follows:

Property Owner: Eric R. Bragg
Location: S/S Beach Avenue 239' NE Stevens Road
Existing Zoning: R-C-2
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 50' and a rear setback of 5' in lieu of the required 50' and to permit a proposed swimming pool in the front yard in lieu of the required rear yard.

Acres: 0.50
District: 11th

If public water and sewers are not available, a plot plan must be submitted showing locations of pool, bathroom, parking area, water well, sewerage system and method of disposing filter backwash water. Where utilities are available, the location of same should be shown on plot plan as well as other items listed.

Very truly yours,

Thomas M. Deane
THOMAS M. DEANE, Director
BUREAU OF ENVIRONMENTAL SERVICES

TMD:KAS:nb



Paul H. Hencke
Chief

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

Attention: Nicholas B. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Eric R. Bragg
Location: S/S Beach Ave, 239' NE Stevens Rd.

Item No. 254, Zoning Agenda June 14, 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 incorporated 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.
- () 7. The Fire Prevention Bureau has no comments, at this time.

Planning Group
Special Inspection Division

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



JOHN D. SEVITT
DIRECTOR

June 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 # 254, Zoning Advisory Committee Meeting, June 14, 1977 are as follows:

Property Owner: Eric R. Bragg
Location: S/S Beach Ave 239' NE Stevens Road
Existing Zoning: R-C-2
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 50' and a rear setback of 5' in lieu of the required 50' and to permit a proposed swimming pool in the front yard in lieu of the required rear yard.
Acres: 0.50
District: 11th

The items checked below are applicable:

- ☒ A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- ☒ B. Building permit shall be required before construction can begin. Also fence is required around pool.
- ☒ C. Three sets of construction drawings will be required to file an application for a building permit. (For garage)
- ☒ 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. (For Pool)
- ☒ E. Wood frame walls are not permitted within 3'0" of a party 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 305.1 (Same as "D" above)

Very truly yours,

Charles E. Tarnish

Charles E. Tarnish
Plan Review Chief
CET:PC:458

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: June 9, 1977

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

I.A.C. Meeting of: June 14, 1977

RE: Item No: 254
Property Owner: Eric R. Bragg
Location: S/S Beach Ave, 239' NE Stevens Road
Present Zoning: R-C-2
Proposed Zoning: Variance to permit a side setback of 25' in lieu of the required 50' and a rear setback of 5' in lieu of the required 50' and to permit a proposed swimming pool in the front yard in lieu of the required rear yard.

District: 11th
No. Acres: 0.50

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

APPROVED BY BALTIMORE COUNTY
F. BARBARA MILLER, JR., CLERK
WILLIAM W. BARNES, JR.

APPROVED BY STATE
MRS. J. LOUISE F. CONNOR
JUDITH B. HARTMAN

APPROVED BY
WILLIAM W. BARNES, JR.
RICHARD W. TRACY, D.D.M.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Mr. Nathan Ezra Bero
210 West Pennsylvania Avenue
Towson, Maryland 21204

County Office Building
111 S. Chesapeake Ave.
Towson, Maryland 21204

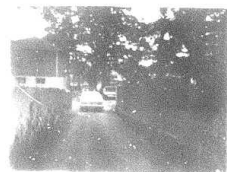
Item No. 254

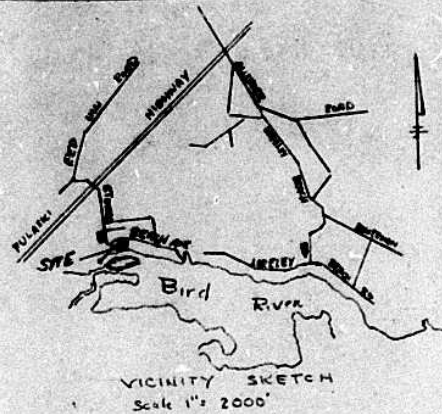
Your Petition has been received and accepted for filing
this 14th day of June, 1977.

S. Eric DiNenna
S. ERIC DI NENNA
Zoning Commissioner

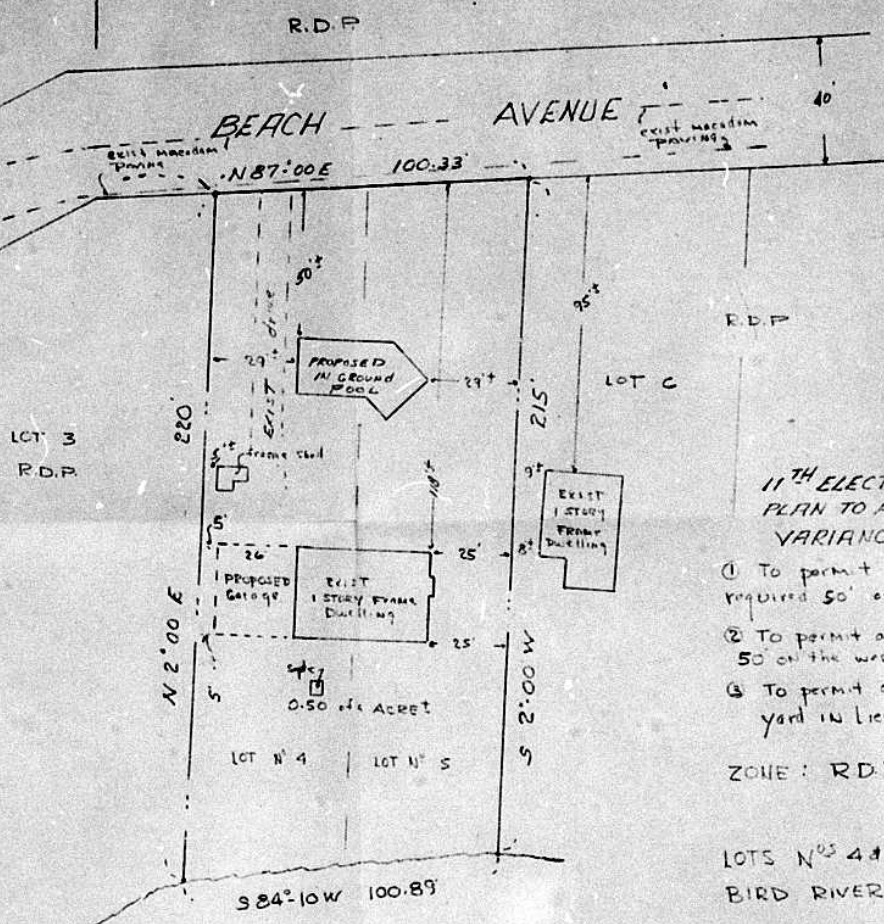
Petitioner: Nathan Ezra Bero

Petitioner's Attorney: Nathan Ezra Bero reviewed by Nicholas B. Commodari
cc: Cordell, Gross & Shiel
414 Delaware Avenue
Towson, Maryland 21204
Chairman, Zoning Plans
Advisory Committee





STEVENS ROAD
TO PULASKI HIGHWAY



11TH ELECTION DISTRICT BALTIMORE COUNTY, MD.
PLAN TO ACCOMPANY ZONING PETITION FOR
VARIANCES:

- ① To permit a sideyard setback of 25' in lieu of required 50' on the east lot line (1A00-3 B-3) (existing house)
- ② To permit a sideyard setback of 5' in lieu of required 50' on the west line (1A00-3 B-3) (for proposed garage)
- ③ To permit a proposed swimming pool in the front yard in lieu of rear yard

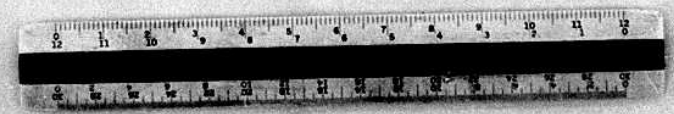
ZONE: R.D.P.

LOTS N^{OS} 4 & 5 Revised & Amended Plat of
BIRD RIVER BEACH Platbook W.R.C. N^o 7 July 1976

PROPERTY OF
ERIC R. BRAGG & WIFE
BOX 1027 BEECH AVENUE
WHITE MARSH, MARYLAND 21162

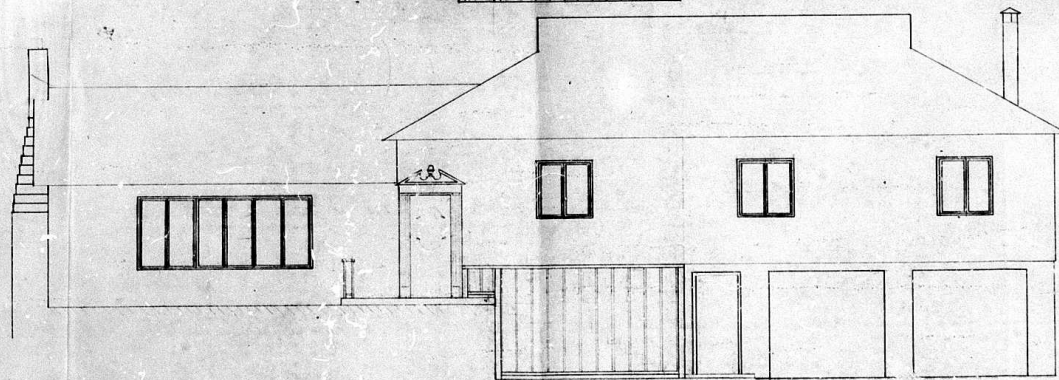
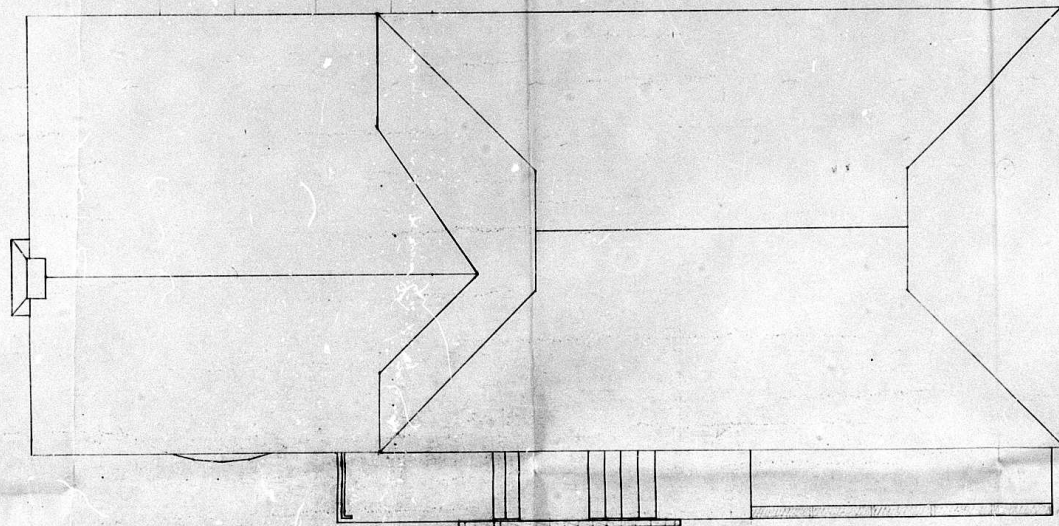
MAP	11
SECTION	11
D.T.	62477
TYP.	
BY	4/8
DATE	

Note:
NO Public water
NO Public sewer

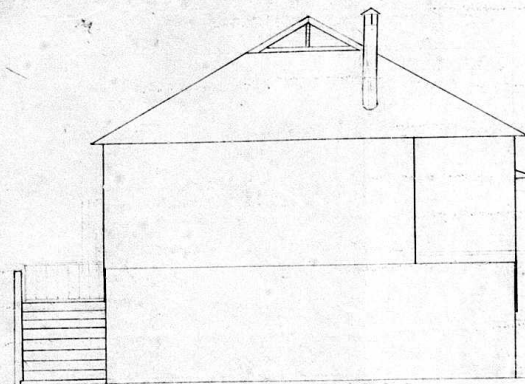


Scale 1" = 30' October 27, 1976

GERHOLD, CROSS & ETZEL
Registered Land Surveyors
412 Delaware Avenue
Towson, Maryland 21204



FRONT ELEVATION



WEST SIDE ELEVATION

PETITIONER'S
EXHIBIT 1



SCALE: $\frac{1}{4}$ " = 1'-0"
DIMENSION FOR REFERENCE ONLY

Mrs & Mrs ERIC R BRAGG, OWNERS
1027 BEACH AVENUE
WHITE MARSH, MARYLAND, 21162
DRAWN BY: J. L. WITTEL 4-14-77