PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

78-51-A
#262

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Albert J. Selby 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 1B02.3C.1 to permit a rear setback of 13 feet in lieu of the required 30 feet. Section 1B01.2C.3 to permit a setback from centerline of Fir Drive of 33 feet in lieu of required 50 feet.

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

Variance will permit enclosure of existing screened porch and allow replacement and relocation of an antiquated oil heater, now located in the crawl space, and more efficient location of other water and electrical facilities within a centralized utility room. Access to crawl space for servicing of heater and other utilities is difficult for owner due to arthritic condition.

See attached description

MAP NE 5 LOCATION DISTRICT 15 DATE 6-27-77 TYPE HEARING Variance ZONING 1B02.3C.1 1B01.2C.3

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

Albert J. Selby
Legal Owner

Address 13 Fir Drive
Middle River, Md. 21220

Petitioner's Attorney

Protestant's Attorney

Address

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of June, 197 7, 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 15th day of August, 197 7, at 11:00 o'clock A.M.

Zoning Commissioner of Baltimore County.

(over)

JUN 21 '77 AM
OFFICE OF PLANNING & ZONING

ORDER RECEIVED FOR FILING
DATE August 15, 1977
BY

ALBERT J. SELBY
13 Fir Drive
Middle River, Md. 21220
78-51-A
Rear setback
Fir Drive 15th

#78-51-A
#262

RE: PETITION FOR VARIANCE
SE/corner of Third Ave. and Fir Dr.,
15th District

ALBERT J. SELBY, Petitioner

: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Case No. 78-51-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.
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 2nd day of August, 1977, a copy of the aforegoing Order was mailed to Mr. Albert J. Selby, 13 Fir Drive, Middle River, Maryland 21220, Petitioner.

John W. Hessian, III

AUG 2 '77 AM

August 18, 1977

Mr. Albert J. Selby
13 Fir Drive
Middle River, Maryland 21220

RE: Petition for Variances
SE/corner of Third Avenue and
Fir Drive - 15th Election District
Albert J. Selby - Petitioner
NO. 78-51-A (Item No. 262)

Dear Mr. Selby:

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

Very truly yours,

GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM/mc

Attachments

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenno, Zoning Commissioner Date August 11, 1977

FROM Leslie H. Graef, Director of Planning

SUBJECT Petition #78-51-A. Petition for Variance for a Rear Yard and Centerline of Street Setback
Southeast corner of Third Avenue and Fir Drive
Petitioner - Albert J. Selby

15th District

HEARING: Monday, August 15, 1977 (11:00 A.M.)

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

Leslie H. Graef
Director of Planning

LHG:JGH:rw

Property Description - 13 Fir Drive

Located on the southeast corner of Third Ave. and Fir Drive and known as lot 168 as shown on plat of Stansbury Manor which is recorded in land records of Baltimore County in Liber 13 folio 138, also known as 13 Fir Drive.

B

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Nicholas B. Commodari
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

August 4, 1977

Mr. Albert J. Selby
13 Fir Drive
Middle River, Md. 21220

RE: Variance Petition
Item No. 262
Petitioner - Albert J. Selby

Dear Mr. Selby:

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, zoned D.R. 5.5 is located on the southeast corner of Third Avenue and Fir Drive in the 15th Election District and is improved with an existing single family dwelling. Adjacent D.R. zoned properties to the south and west are also improved with single family dwellings. The dwelling in question, as well as adjacent dwellings are oriented towards a 5 foot easement instead of Third Avenue or Fir Drive.

This Variance is necessitated by the proposal to enclose an existing open rear porch, maintaining a rear setback of 13 feet in lieu of the required 30 feet, and 33 feet from the centerline of Fir Drive in lieu of the required 50 feet.

Mr. Albert J. Selby
Page 2
Item No. 262
August 4, 1977

The Bureau of Engineering states that Fir Drive has a 30 foot paved width on a 50 foot right-of-way, instead of the 45 feet as shown. Revised plans indicating the 50 foot right-of-way should be filed with your building permit application.

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,
Chairman
Zoning Plans Advisory Committee

M'S DIANA ITTER
Planning & Zoning Associate III

NBC:DI:rf

ORDER RECEIVED FOR FILING
DATE August 8, 1977
BY Stella R. Lowery

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 effecting the health, safety, and general welfare of the community, Variances to permit a rear setback of 13 feet instead of the required 30 feet and a setback from the centerline of the street of 33 feet instead of the required 50 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this 18th day of August, 197 7, 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 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

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baltimore county
department of public works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

July 5, 1977

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

Re: Item #262 (1976-1977)
Property Owner: Albert J. Selby
S/E cor. Third Rd. & Fir Dr.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a rear setback of 13' in lieu of the required 30' and a setback from the center of Fir Dr. of 33' in lieu of the required 50'.
Acres: 0.144 District: 15th

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:

Fir Drive and Third Road, existing public roads are proposed to be improved in the future as 30-foot closed section roadways on 50-foot and 40-foot rights-of-way, respectively. Highway rights-of-way widenings, including a fillet area for sight distance at the intersection and any necessary revertible 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 #262 (1976-1977)
Property Owner: Albert J. Selby
Page 2
July 5, 1977

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are serving this property.

Very truly yours,

ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Somers

I-SE Key Sheet
8 NE 37 Pos. Sheet
NE 2 J Topo
91 Tax Map

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baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211

July 27, 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 #262, Zoning Advisory Committee Meeting, June 21, 1977, are as follows:

Property Owner: Albert J. Selby
Location: Se/c Third Avenue and Fir Drive
Existing Zoning: D.R.5.5
Proposed Zoning: Variance to permit a rear setback of 13' in lieu of the required 30' and a setback from the center of Fir Drive of 33' in lieu of the required 50'.
Acres: 0.144
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
Planner III
Project and Development Planning

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baltimore county
department of health
TOWSON, MARYLAND 21204

DONALD J. ROOP, 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 #262, Zoning Advisory Committee Meeting, June 21, 1977, are as follows:

Property Owner: Albert J. Selby
Location: SE/C Third Ave. & Fir Dr.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a rear setback of 13' in lieu of the required 30' and a setback from the center of Fir Drive of 33' in lieu of the required 50'.
Acres: 0.144
District: 15th

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

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD:KAS:pb

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baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

August 1, 1977

Mr. Eric S. DiNenna
Zoning Commissioner
1st Floor, County Office Building
Towson, Maryland 21204

Re: Item 262 - ZAC - June 21, 1977
Property Owner: Albert J. Selby
Location: NE/C Lochearn Dr. & Carol Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a rear setback of 13' in lieu of the required 30' and a setback from the center of Fir Drive of 33' in lieu of the required 50'.
Acres: 0.144
District: 15th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variances to the setback from the front and side streets.

Sincerely,

Michael S. Flanigan
Associate Traffic Engineer

MSF/slf

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baltimore county
fire department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reincke
CHIEF

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

Attention: Nicholas B. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Albert J. Selby

Location: SE/C Third Ave. & Fir Dr.

Item No. 262 Zoning Agenda June 21, 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 or ____ 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.

(x) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: ____ Planning Group, Special Inspection Division

Noted and Approved: George M. Kegandt, Deputy Chief, Fire Prevention Bureau

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baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 494-3610

JOHN D. SEYFFERT
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 # 262 Zoning Advisory Committee Meeting, June 21, 1977 are as follows:

Property Owner: Albert J. Selby
Location: S/E/C Third Ave. & Fir Dr.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a rear setback of 13' in lieu of the required 30' and a setback from the center of Fir Drive of 33' in lieu of the required 50'.
Acres: 0.144
District: 15th

The items checked below are applicable:

(X) A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes.

(X) 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 Section ____.

Very truly yours,

Charles E. Burnham
Plans Review Chief
CEB:rrj

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: June 16, 1977

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

Z.A.C. Meeting of: June 21. 1977

RE: Item No: 262
Property Owner: Albert J. Selby
Location: SE/C Third Ave. & Fir Dr.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a rear setback of 13' in lieu of the required 30' and a setback from the center of Fir Drive of 33' in lieu of the required 50'.

District: 15th
No. Acres: 0.144

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
Field Representative

WNP/bp

JOSEPH N. McGOWAN, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. BOTSARIS
THOMAS H. BOYER
MRS. LORRAINE F. CHIRCUS
ROGER B. HAYDEN
ALVIN LORECK
MRS. MILTON R. SMITH, JR.
RICHARD W. TRACEY, D.V.M.
ROBERT Y. DUBEL, SUPERINTENDENT

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

78-51-A

District 15th Date of Posting 7-28-77
Posted for: Hearing Monday Aug 15th 1977 @ 11:00 A.M.
Petitioner: Albert J. Selby
Location of property: SE/Cor. of Third ave. & Fir Drive
Location of Signs: 1 Sign Posted @ #13 Fir Drive
Remarks:
Posted by Mel K. Hess Signature Date of return: 8-4-77

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

Mr. Albert J. Selby
13 Fir Drive
Middle River, Md. 21220

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

Item No. 262

Your Petition has been received and accepted for filing this 21st day of June 197 .

S. ERIC DI NENNA
Zoning Commissioner

Petitioner Albert J. Selby
Petitioner's Attorney

Reviewed by
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 8 day of June 1977. Filing Fee $ 25. Received ✓ Check
Cash
Other

S. Eric DiNenna,
Zoning Commissioner

Petitioner Selby Submitted by
Petitioner's Attorney Reviewed by

* 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. 51886

DATE Aug. 15, 1977 ACCOUNT 01-662
AMOUNT $40.75
RECEIVED Albert J. Selby, 13 Fir Drive Middle River, Md. 21220
FOR Advertising and posting of property #78-51-A

B 897 PAID 15 40.75 MSC

VALIDATION OR SIGNATURE OF CASHIER

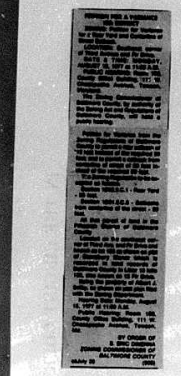
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 51850

DATE July 25, 1977 ACCOUNT 01-662
AMOUNT $25.00
RECEIVED FROM Albert J. Selby, 12 Fir Drive, Balto., Md. 21220
FOR Petition for Variance #78-51-A

B 827 PAID 25 25.00 MSC

VALIDATION OR SIGNATURE OF CASHIER



OFFICE OF
THE TIMES
NEWSPAPERS

TOWSON, MD. 21204 July 28 19 77

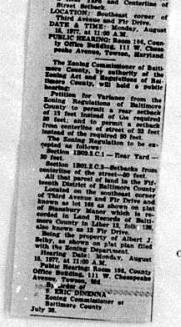
THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Albert J. Selby - SE/Cor. Third Avenue & Fir Drive was inserted in the following:

- ☐ 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 29th day of July 19 77, that is to say, the same was inserted in the issues of July 28, 1977

STROMBERG PUBLICATIONS, INC.

BY Beth Burger



PETITION FOR A VARIANCE
15th DISTRICT

ZONING: Petition for Variance for a Rear Yard and Centerline of Street Setback.
LOCATION: Southeast corner of Third Avenue and Fir Drive.
DATE AND TIME: Monday, August 15, 1977, at 11:00 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 Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance from the Zoning Regulations of Baltimore County to permit rear setback of 13 feet instead of the required 30 feet; and to permit a setback from centerline of street of 33 feet instead of the required 50 feet.

The Zoning Regulation to be excepted as follows:

Section 1B02.3.C.1 — Rear Yard — 30 feet.

Section 1B02.3.C.3—Setbacks from centerline of the street—50 feet.

All that parcel of land in the Fifteenth District of Baltimore County

Located on the southeast corner of Third Avenue and Fir Drive and known as lot 103 as shown on plat of Stansbury Manor which is recorded in Land Records of Baltimore County in Liber 17, folio 138, and known as 12 Fir Drive.

Being the property of Albert J. Selby, as shown on plat plan filed with the Zoning Department.

Hearing Date: Monday, August 15, 1977, at 11:00 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Md.

Order of
S. ERIC DINENNA
Zoning Commissioner of
Baltimore County

July 28

CERTIFICATE OF PUBLICATION

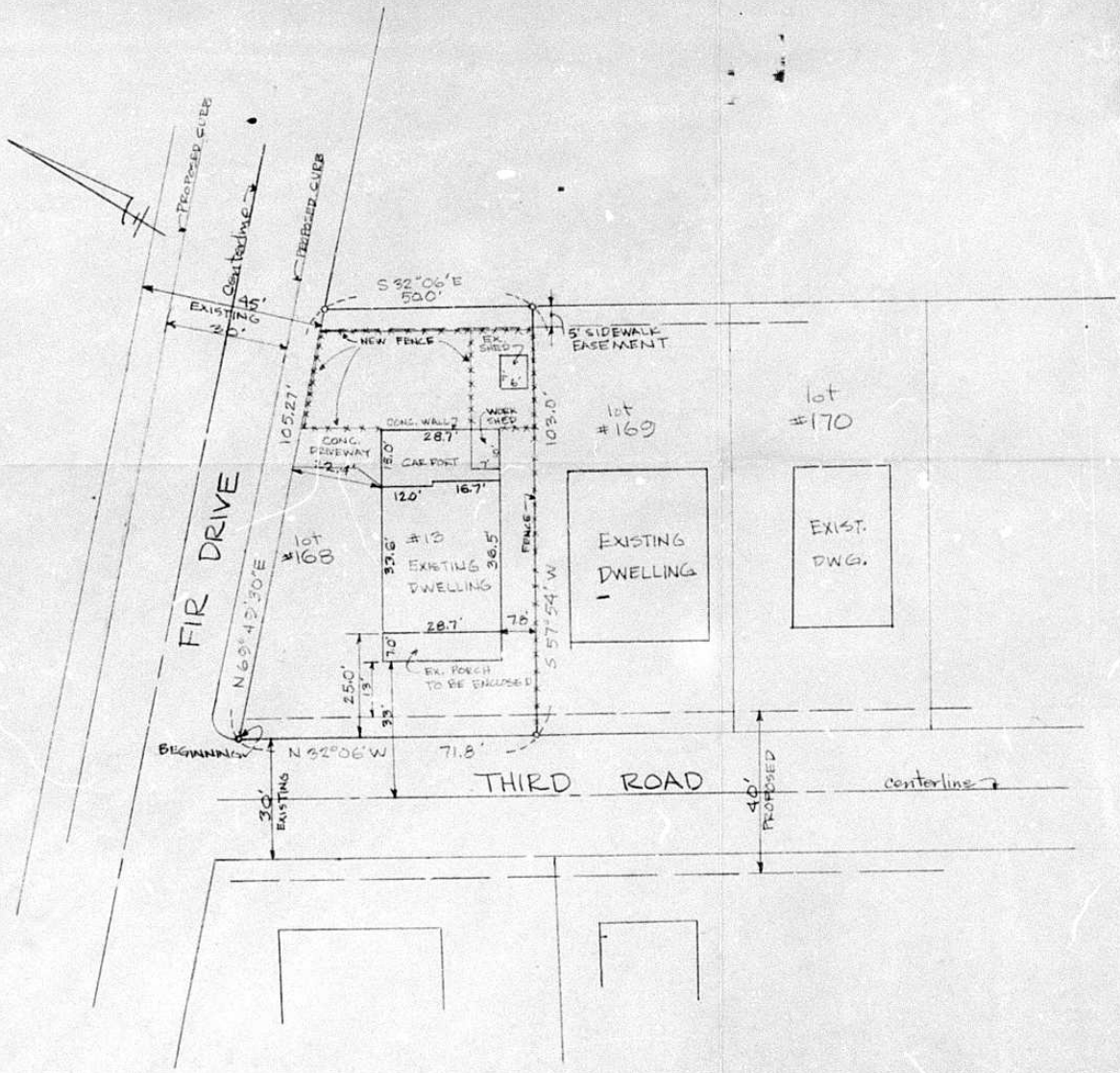
TOWSON, MD., July 28, 19 77

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~~ one time ~~successive weeks~~ before the 15th day of August 19 77, the first publication appearing on the 26th day of July 19 77

THE JEFFERSONIAN

L. Leland Stubblefield
Manager.

Cost of Advertisement, $



VICINITY - 1" = 2000'

NORTH

NOTES:

ZONING - D.R.5.5

USE - 1 FAMILY DWELLING

PROPOSED - ENCLOSE PORCH

PUBLIC UTILITIES ARE EXISTING IN STREETS.

ELECTION DISTRICT - 15

SCALE - 1" = 20'

MAP 44 NE 25
ELECTION DISTRICT 15
D TO 6-22-77
TYPE
HEARING
BY
FINAL
BY

13 FIR DRIVE

Plat for Variance

OWNER - Albert J. Selby

Baltimore County, Md. 21220

LOT 168 - STANSBURY MANOR - SECT. IV - 13/138

GE 6/77

20'