

**PETITION FOR ZONING VARIANCE
FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
J. Edward Tierney
I, or we, the 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,

herby petition for a Variance from Section 1-102, 2B, (III) C. 3. of the Zoning Regulations of Baltimore County to permit a side yard setback of 21' instead of the 30' as detailed on the attached description.

The roof is existing and if it has to be rebuilt to zoning specifications, it would divide the concrete slab in half, rendering it useless as a patio or for other use.

It would also cause a financial loss on cost of slab and roof.

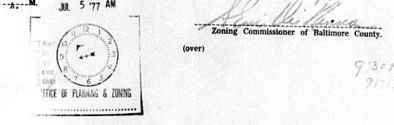
This roof is also used as protection from the elements for an antique car. It would create a hardship if it were exposed and decrease its value. This house is in a flood plain area that is scheduled to be bought by the county within 60 days.

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.

Contract purchaser: J. Edward Tierney Legal Owner
Address: 823 Silver Creek Road
Pikesville, Md. 21086
Petitioner's Attorney: _____
Protestant's Attorney: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this 5th 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12th day of September, 1977, at 9:30 o'clock.

M. 5 77 AM
Zoning Commissioner of Baltimore County.



ORDER RECEIVED FOR FILING
DATE: September 7, 1977

RECEIVED
SEP 11 1977
PLANNING & ZONING

9:30 AM
9/11/77

7-15-77
4-15-77

RE: PETITION FOR VARIANCE BEFORE THE ZONING COMMISSIONER
E/S of Silver Creek Rd. 528' N of Leafydale Terrace, 3rd District OF BALTIMORE COUNTY
J. EDWARD TIERNEY, et ux, Petitioners : Case No. 78-59-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. Kautz, Jr.
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21284
494-2188

I HEREBY CERTIFY that on this 12th day of August, 1977, a copy of the foregoing Order was mailed to Mr. and Mrs. J. Edward Tierney, 823 Silver Creek Road, Pikesville, Maryland 21086, Petitioners.

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



September 8, 1977

Mr. & Mrs. J. Edward Tierney
823 Silver Creek Road
Pikesville, Maryland 21086

RE: Petition for Variance Item Number 4
E/S of Silver Creek Road, 528' N of Leafydale Terrace - 3rd Election District
J. Edward Tierney, et ux - Petitioners
NO. 78-59-A (Item No. 4)

Dear Mr. & Mrs. Tierney:
I have this date passed my Order in the above referenced matter. A copy of said Order is attached.

Very truly yours,
S. Eric Di Nenna
S. ERIC DI NENNA
Zoning Commissioner

SED/arl
Attachments
cc: John W. Hession, III, Esquire
People's Counsel

PERSON'S DESCRIPTION
Beginning at a point 528 feet north of the intersection of Leafydale Terrace and Silver Creek Road on the east side of Silver Creek Road, being lot number 30 of section II, block K of Silver Creek, as recorded in the land records of Baltimore County in Liber #17, Folio 92 and 93. Also known as 823 Silver Creek Road.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
Zoning Commissioner
Date: August 22, 1977
TO: _____
FROM: Leslie H. Groff
Director of Planning
SUBJECT: Petition 78-59-A, Petition for Variance for a Side Yard
East side of Silver Creek Road 528 Feet North of Leafydale Terrace
Petitioner - J. Edward Tierney and L. Jane Tierney

3rd District

HEARING: Wednesday, September 7, 1977 (9:30 A.M.)

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

Leslie H. Groff
Director of Planning

LHG:JGH:rv

TO WHOM IT MAY CONCERN:

As owners and residents of 821 Silver Creek Road, we do not object to the side yard patio roof on 823 Silver Creek Road which is adjacent to our property.

Phillip Keck
Moore Keck
Moore Keck

Witness:
Shelley Plaine

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

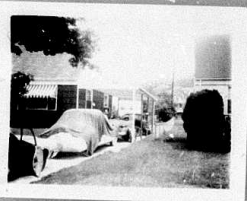
August 25, 1977

Chairman: Mr. J. Edward Tierney
Mrs. L. Jane Tierney
823 Silver Creek Road
Pikesville, Maryland 21086

MEMBERS:
BUREAU OF ENGINEERING
DEPARTMENT OF TRAFFIC ENGINEERING
STATE BOARD COMMISSIONER
BUREAU OF FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL DEVELOPMENT

RE: Variance Petition
Petitioner - J. Edward Tierney
L. Jane Tierney

Dear Mr. & Mrs. Tierney:
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, currently improved with a 1-1/2 story dwelling and attached carport which is the subject of this petition, is located on the east side of Silver Creek Road, 528 feet north of Leafydale Terrace in the 3rd Election District. Adjacent properties are also improved with similar type uses to the north and south, while a park exist to the west across Leafydale Terrace.
This Variance is necessitated in order to legalize the existing carport which, as indicated on the submitted site plan is within two feet of the side property line. At the time of field inspection,



Mr. J. Edward Tierney
Mrs. L. Jane Tierney
823 Silver Creek Road
Pikesville, Maryland 21208

Page 2
Item Number 4
August 25, 1977

two (2) partially dismantled vehicles were located below the existing carport. It should be noted that these are in violation of the existing zoning regulations, and should be removed.

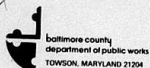
Particular attention should be afforded the comments of the Department of Permits and Licenses concerning this request.

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 10 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

BNCR:f



THORNTON M. MOURING, P.E.
DIRECTOR

July 27, 1977

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

Re: Item #4 (1977-1978)
Property Owner: J. Edward & L. Jane Tierney
E/S Silver Creek Rd. 528' N. Leafdale Terr.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 5.25'.
Acre: 0.156 District: 3rd

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. This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #4 (1977-1978).

Very truly yours,

William H. Javer, P.E.
WILLIAM H. JAVER, P.E.
Chief, Bureau of Engineering

END:EM:RMR:ss

P-SE Key Sheet
25 NW 24 Pos. Sheet
NW 7 F Logo
78 Tax Map



August 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 #4, Zoning Advisory Committee Meeting, July 5, 1977, are as follows:

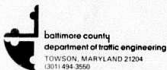
Property Owner: J. Edward & L. Jane Tierney
Location: E/S Silver Creek Road 528' N. Leafdale Terrace
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 5.25'.
Acre: 0.156
District: 3rd

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



STEPHEN E. COLLINS
DIRECTOR

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

Re: Item 4 - 2AC - July 5, 1977
Property Owner: J. Edward & L. Jane Tierney
Location: E/S Silver Creek Rd. 528' N Leafdale Terr.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 5.25'.
Acre: 0.156
District: 3rd

Dear Mr. DiNenna:

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

Sincerely,

Michael S. Flanigan
Michael S. Flanigan
Associate Traffic Engineer

MSP/31f



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

July 25, 1977

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

Dear Mr. DiNenna:

Comments on Item #4, Zoning Advisory Committee Meeting, July 5, 1977, are as follows:

Property Owner: J. Edward & L. Jane Tierney
Location: E/S Silver Creek Rd. 528' N Leafdale Terr.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 5.25'.
Acre: 0.156
District: 3rd

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

Very truly yours,

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

THD/kz/rbc



Paul H. Reinke
Chief

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

Attention: Mr. Nicholas B. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: J. Edward & L. Jane Tierney

Location: E/S Silver Creek Rd. 528' N. Leafdale Terr.
Item No. 4 Zoning Agenda July 5, 1977

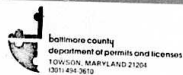
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked "1" 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 _____ 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) Eave planes are approved as drawn.
- (7) The Fire Prevention Bureau has no comments, at this time.

APPROVED: *John J. Kelly*
Planning and Zoning
Special Inspection Division

Noted and Approved: *Robert P. Zwick, Jr.*
Acting Deputy Chief
Fire, Fire Warden Bureau



JOHN D. SEIFFERT
DIRECTOR

July 5, 1977

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

Dear Mr. DiNenna:

Comments on Item #4 Zoning Advisory Committee Meeting, July 5, 1977 are as follows:

Property Owner: J. Edward & L. Jane Tierney
Location: E/S Silver Creek Rd 528' N Leafdale Terrace
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 5.25'.
Acre: 0.156
District: 3rd

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 Section "B2" above. Section 305.11 B.C.C.A. Code.

Very truly yours,

Charles E. Burnham

Charles E. Burnham
Plans Review Chief
CDH:rj

**BOARD OF EDUCATION
OF BALTIMORE COUNTY**

TOWSON, MARYLAND - 21204

Date: July 8, 1977

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

Z.A.C. Meeting of: July 5, 1977

RE: Item No: 4
Property Owner: J. Edward & L. Jane Tierney
Location: E/S Silver Creek Rd. 528' N. Leafydale Terr.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 2' in lieu of the required 5.25'.

District: 3rd
No. Acres: 0.156

Dear Mr. Dikenna:
No bearing on student population.

Very truly yours,
W. Neil Petovich
W. Neil Petovich,
Field Representative

NDP/jbp

JOSEPH N. MCGUIRE, PRESIDENT
Y. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS N. BOUTRIS
THOMAS H. ROYER
MRS. LORRAINE F. CHIRIAC
ROGER R. HAYDEN
ALVIN LORECK
MRS. MILTON B. SMITH, JR.
RICHARD W. TRACY, D.V.M.
ROBERT Y. BUBEL, SUPERINTENDENT

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, the Variance to permit a side-yard setback of two feet in lieu of the required 5.1 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 8th day of September, 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.

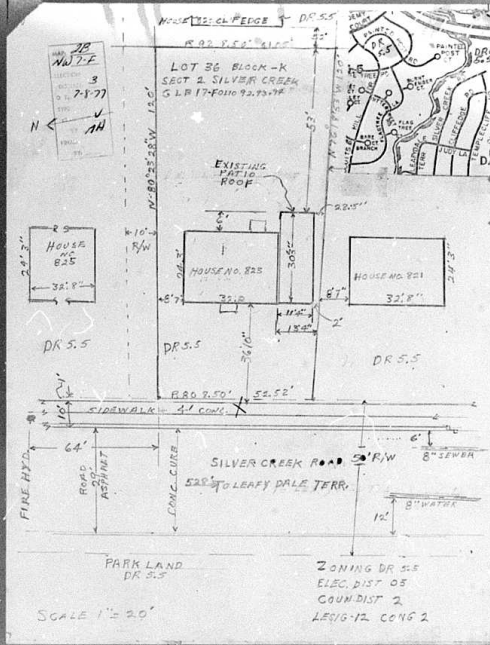
Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of August, 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE August 22, 1977
BY [Signature]



OFFICE OF
THE TIMES
NEWSPAPERS
TOWSON, MD. 21204 August 19 1977

THIS IS TO CERTIFY that the annexed advertisement of PETITION FOR VARIANCE - J. Edward Tierney E/S of Silver Creek Road was inserted in the following:

- Catonsville Times
- Dundalk Times
- Essex 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 19th day of August 1977, that is to say, the same was inserted in the issues of August 15, 1977

STROMBERG PUBLICATIONS, INC.
By *Esther Singer*

CERTIFICATE OF PUBLICATION

TOWSON, MD. August 18, 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 the 18th day of August, 1977, before the 17th day of August, 1977, the date of publication appearing on the 18th day of August, 1977.

THE JEFFERSONIAN
L. Frank Smith
Manager

Cost of advertisement \$ _____

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: August 20, 1977
Posted for: PETITION FOR VARIANCE
Petitioner: J. EDWARD TIERNEY
Location of property: E/S of SILVER CREEK RD. 528' N of LEAFYDALE TERRACE
Location of Sign: Front 823 Silver Creek Rd.

Remarks: *Thomas R. Nolane*
Posted by: *Thomas R. Nolane* Date of return: August 26, 1977

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 19 day of JUNE 1977. Filing Fee \$ 25. Received Check Cash Other

S. Eric Dikenna
S. Eric Dikenna
Zoning Commissioner

Petitioner: *J. Edward Tierney* Submitted by: *Tierney*
Petitioner's Attorney: Reviewed by: *[Signature]*

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

Mr. J. Edward Tierney
Mrs. L. Jane Tierney
823 Silver Creek Road
Pikesville
Maryland 21208
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Ave.
Towson, Maryland 21204

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

S. Eric Dikenna
S. Eric Dikenna
Zoning Commissioner

Petitioner: *J. Edward Tierney* Reviewed by: *Nicholas B. Commodari*
Petitioner's Attorney: Reviewed by: *Nicholas B. Commodari*
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND No. 51875
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE August 10, 1977 ACCOUNT 01-662
AMOUNT \$25.00
RECEIVED J. Edward Tierney 823 Silver Creek Rd.
Pikesville, Md. 21208
for Petition for Variance #78-59-4
667138 30 2500 REC
VALIDATION OF SIGNATURE OF CASHER

BALTIMORE COUNTY, MARYLAND No. 57154
OFFICE OF FINANCE REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE Aug. 26, 1977 ACCOUNT 01-662
AMOUNT \$17.00
RECEIVED J. Edward Tierney 823 Silver Creek Rd., Pikesville
Md. 21208
for Advertising and posting of property
#78-59-4
667138 20 4700 REC
VALIDATION OF SIGNATURE OF CASHER