

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

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

WE, Sidney A. Flannery, et al., 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 1202.20.1 to permit a sideyard setback of 25 feet in lieu of the required 25 feet and 1201.20.3 to permit a sideyard setback of 10 feet in lieu of the required 10 feet from the center line of the alley in lieu of the required 15 feet for a garage.

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

WE wish to build a ranch type house so that we will not have second story steps, due to Sidney Stark's disability. Sidney has a permanent injury to the left knee that has shortened the leg about one inch. Sidney must walk with the aid of a cane.

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.

Contract purchaser Sidney Stark
Address 7002 Fifth Avenue
Petitioner's Attorney Charles E. Kuntz, Jr.
Protestant's Attorney John W. Heslian, III

ORDERED BY The Zoning Commissioner of Baltimore County, this 15th day of August, 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 the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 15th day of October, 1977, at 10:00 o'clock A.M.

Eric Di Nenna
Zoning Commissioner of Baltimore County.

RE: PETITION FOR VARIANCE
NE/C Tolson Ave. & Fifth Ave.,
12th District
OF BALTIMORE COUNTY
SIDNEY STARK, et al, Petitioners
Case No. 78-71-A

ORDER TO ENTER APPEARANCE

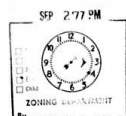
Mr. Commissioner:

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. Kuntz, Jr.
Charles E. Kuntz, Jr.
Deputy People's Counsel
John W. Heslian, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 2nd day of September, 1977, a copy of the foregoing Order was mailed to Mr. and Mrs. Sidney Stark, 7002 Fifth Avenue, Baltimore, Maryland 21222, Petitioners.

John W. Heslian, III



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Di Nenna, Zoning Commissioner Date: September 21, 1977
FROM: Leslie H. Graf, Director of Planning
SUBJECT: Petition #78-71 A. Petition for Variance for Side Yards.
"Northern" corner of Tolson and Fifth Avenues
Petitioner - Sidney Stark and Florence Stark

HEARING: Wednesday, October 5, 1977 (10:00 A.M.)

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

Leslie H. Graf
Leslie H. Graf
Director of Planning

LHG:JGHmw

October 6, 1977

Mr. & Mrs. Sidney Stark
7002 Fifth Avenue
Baltimore, Maryland 21222

RE: Petition for Variances
NE/corner of Tolson and Fifth
Avenues - 12th Election District
Sidney Stark, et al - Petitioners
NO. 78-71-A (Item No. 8)

Dear Mr. & Mrs. Stark:

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
Zoning Commissioner

SED:arl

Attachment

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

LEGAL DESCRIPTION OF PROPERTY

Beginning at a point at the Northeast Intersection of Tolson Avenue and Fifth Avenue on Fifth Avenue, being lots # 29, 30, and 31 of block F of Fairlam as recorded in the land records of Baltimore County in Liber # 6, Folio # 100. Also known as 7002 Fifth Avenue.

Stromberg Publications, Inc.
111 W. Chesapeake Avenue
Towson, Maryland 21204
494-2188

OFFICE OF
THE TIMES
NEWSPAPERS
TOWSON, MD. 21204 September 15 19 77

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Sidney Stark NE/cor. Tolson & Fifth Ave. 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 seven successive weeks before the 15th day of September, 19 77, that is to say, the same was inserted in the issues of September 15, 1977

STROMBERG PUBLICATIONS, INC.
BY Eric Di Nenna

CERTIFICATE OF PUBLICATION

TOWSON, MD. September 15, 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 a week at one time seven weeks before the 15th day of October, 1977, the 15th publication appearing on the 15th day of September, 1977.

Eric Di Nenna
Manager

Cost of Advertisement, \$.....

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
District 12 Date of Posting 9-15-77
Posted for Sidney Stark
Petitioner Sidney Stark
Location of property NE corner of Tolson and Fifth Avenues
Location of Sign 111 W. Chesapeake Avenue
Remarks None
Posted by Eric Di Nenna Date of return 9-22-77

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received & this 29th day of June 1977. Item #.....

Eric Di Nenna
S. Eric Di Nenna, Zoning Commissioner

Petitioner Sidney Stark Submitted by Sidney Stark
Petitioner's Attorney Charles E. Kuntz, Jr. Reviewed by Eric Di Nenna

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

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 Variances 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 17 feet in lieu of the required 25 feet, a side yard setback of 42 feet to the center line of the side street in lieu of the required 50 feet, and a setback of ten feet from the center line of the alley in lieu of the required 15 feet for a garage should be granted.

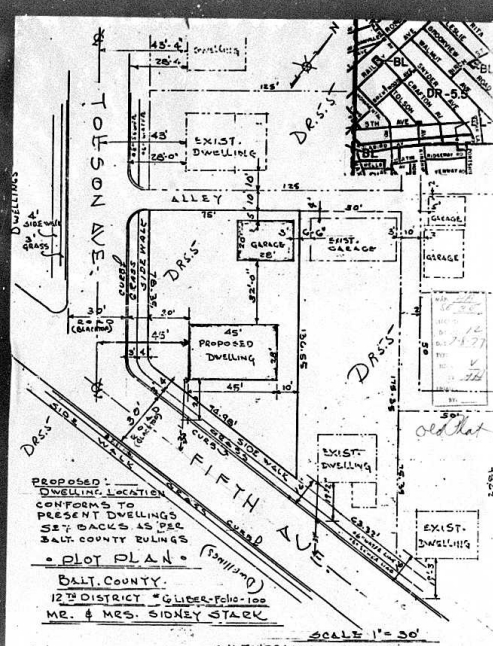
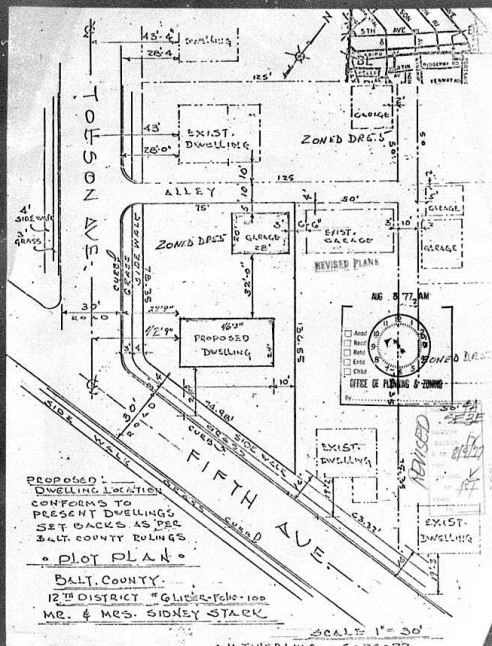
IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of October, 1977, that the herein Petition for the aforementioned Variances should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the 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 above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 16th day of October, 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE

PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. Sidney Stark
Mrs. Florence Stark
7002 Fifth Avenue
Baltimore, MD. BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
21222

ITEM # 8

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

Your Petition has been received and accepted for filing
this 8th day of August 1977.

Eric Di Nenna
S. ERIC DI NENNA
Zoning Commissioner

Petitioner Mr. & Mrs. Stark
Petitioner's Attorney

Reviewed by *Nicholas B. Connojiari*
NICHOLAS B. CONNOJIARI
Chairman, Zoning Plans
Advisory Committee

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

No. 51897

DATE: Aug. 25, 1977 ACCOUNT: 662

AMOUNT: \$85.00

RECEIVED FROM: S. A. Stark 7002 Fifth Ave., Balto., Md. 21222

FOR: Petition for Variance #70-71-4

2500 ML

VALIDATION OR SIGNATURE OF CASHIER

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

No. 57198

DATE: Oct. 5, 1977 ACCOUNT: 91-662

AMOUNT: \$47.25

RECEIVED FROM: S. A. Stark 7002 Fifth Ave., Balto., Md. 21222

FOR: Advertising and posting of property #70-71-4

4725 ML

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

September 22, 1977

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

Nicholas B. Connojiari
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

Mr. Sidney Stark
Mrs. Florence Stark
7002 Fifth Avenue
Baltimore, Maryland 21222

RE: Variance Petition
Item Number 8
Petitioner - Sidney Stark
Florence Stark

Dear Mr. & Mrs. Stark:

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.

This currently vacant D.R. 5.5 zoned site is located on the northeast corner of Tolson and Fifth Avenues in the 12th Election District. Adjacent properties are similarly zoned and are improved with detached dwellings.

This Variance is necessitated by your proposal to construct a dwelling within 17 feet to the side street property line in lieu of the required 25 feet and in addition to construct a garage in the rear within 10 feet of the centerline of the alley in lieu

Mr. Sidney Stark
Mrs. Florence Stark
Page 2
Item Number 8
September 22, 1977

of the required 15 feet as provided for in Section 400.2 of the Zoning Regulations.

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. Connojiari
NICHOLAS B. CONNOJIARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

THOMSON H. MOURING, P.E.
DIRECTOR

July 29, 1977

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

Re: Item #8 (1977-1978)
Property Owner: Sidney & Florence Stark
Location: NW/4 Tolson Ave. & Fifth Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 20' in lieu of the required 25', a setback of 45' to the center of the street in lieu of the required 50' and a setback of 10' from the center of the alley in lieu of the required 15' for a garage.
Acres: 0.185
District: 12th

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 #8 (1977-1978).

Very truly yours,

William H. Dyer, P.E.
WILLIAM H. DYER, P.E.
Chief, Bureau of Engineering

END:EAH:PMH:R

P-SE Key Sheet
9 SE 17 Pos. Elnet
SE 3 & 7-9
103 Tax Map

August 11, 1977

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

Dear Mr. DiNenna:

Comments on Item #8, Zoning Advisory Committee Meeting, July 5, 1977, are as follows:

Property Owner: Sidney & Florence Stark
Location: NW/4 Tolson Avenue and Fifth Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 20' in lieu of the required 25', a setback of 45' to the center of the street in lieu of the required 50' and a setback of 10' from the center of the alley in lieu of the required 15' for a garage.
Acres: 0.185
District: 12th

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

STEPHEN J. COLLINS
DIRECTOR

July 26, 1977

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

Re: Item #8 - SAC - July 5, 1977
Property Owner: Sidney & Florence Stark
Location: NW/4 Tolson Ave. & Fifth Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 20' in lieu of the required 25', a setback of 45' to the center of the street in lieu of the required 50' and a setback of 10' from the center of the alley in lieu of the required 15' for a garage.
Acres: 0.185
District: 12th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variances to the side setback, the center of the road, and the setback from the alley.

Sincerely,

Michael S. Flanagan
Michael S. Flanagan
Associate Traffic Engineer

NE7/11f

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

Property Owner: Sidney & Florence Stark
Location: NW/4 Tolson Ave. & Fifth Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 20' in lieu of the required 25', a setback of 45' to the center of the street in lieu of the required 50' and a setback of 10' from the center of the alley in lieu of the required 15' for a garage.
Acres: 0.185
District: 12th

Since metropolitan water and sewer is available, no health hazard is anticipated.

Very truly yours,

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

THD/AS/ruc

Paul H. Reinecke
CHIEF

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

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

Re: Property Owner: Sidney & Florence Stark
Location: NW/4 Tolson Ave. & Fifth Ave.

Item No. 8 Zoning Agenda July 5, 1977

Comments:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below noted with an "a" are applicable and required to be corrected or incorporated into the final plans for the property.

- (1) The fire hydrants for the referenced property are required and shall be located at intervals of 100 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 as: _____
NOTES 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 on proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 1, "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.

Noted and
Approved: *Boyd C. Neel, Jr.*
Boyd C. Neel, Jr.
Special Inspection Division
Acting Chief, Fire Prevention Bureau

JOHN D. SEVIER
DIRECTOR

July 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 #8 Zoning Advisory Committee Meeting, July 5, 1977 are as follows:

Property Owner: Sidney & Florence Stark
Location: NW/4 Tolson Ave. & Fifth Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 20' in lieu of the required 25', a setback of 45' to the center of the street in lieu of the required 50' and a setback of 10' from the center of the alley in lieu of the required 15' for a garage.
Acres: 0.185
District: 12th

The items checked below are applicable:

- ☒ A. Structures 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 _____.

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Senior Review Chief
CDB/rjr

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: July 8, 1977

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

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

RE: Item No. 8
Property Owner: Sidney & Florence Stark
Location: NW/4 Tolson Ave. & Fifth Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 20' in lieu of the required 25', a setback of 45' to the center of the street in lieu of the required 50' and a setback of 10' from the center of the alley in lieu of the required 15' for a garage.
District: 12th
No. Acres: 0.185

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Public Representative

NE7/tp

JOSEPH H. McLEOD, PRESIDENT
V. BRADY HOLMES, JR., VICE-PRESIDENT
MARCOUS H. ROYLAND

THOMAS H. ROYER
MRS. LORRAINE F. CHURCH
ROBERT A. HAYES
ROBERT V. DUBEL, ADMINISTRATOR

ALVIN LAROCK
MRS. HILTON M. SMITH, JR.
RICHARD W. TRACY, D.V.M.

JOHN D. SEVIER
DIRECTOR

August 16, 1977

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

Dear Mr. DiNenna:

REVISED
Comments on Item #8 Zoning Advisory Committee Meeting, August 16, 1977 are as follows:

Property Owner: Sidney & Florence Stark
Location: NW/4 Tolson Ave. & Fifth Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 20' in lieu of the required 25', a setback of 45' to the center of the street in lieu of the required 50' and a setback of 10' from the center of the alley in lieu of the required 15' for a garage.
Acres: 0.185
District: 12th

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 _____.

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Senior Review Chief
CDB/rjr