PETITION FOR ZONING VARIANCE 78-159-1 FROM AREA AND HEIGHT REGULATIONS

NONER OF BALTIMORE COUNTY

only publics for a Variance from Section 1802,301 . To paramit lot widths of 50 feet in lieu of the required 55 feet for Lote 326 thru 330.

instead of the required average 35 feet for Lote, 326,327,328,329 and 3330..... 330

in D.R. 5.5 Zone

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

Subject property is part of an existing Subdivision which compiled with existing regulations at the time of origin, however, it was not recorded. Variance is required in order to obtain building permits.

See attached description

Property is to be pasted and advertised as prescribed by Zoning Regulations.

1, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing at this
idea, and further agree to and are to be bound by the mentar regulations and restrictions of
imore County adopted pursuant to the Zoning Law For Baltimore County.

agreha & shick Ageths Buth Legal Owner 311 Patapaco Avenue Baltimore, Maryland 21237

, 197 7., that the subject matter of this petition to a making a County, in two newspapers of general cir , 1978 at 10130o'cloc

DEC 13 77 AM

Jung. OFFICE OF FLORISMO & ZONNE

0:30 2/6/78 78-159

NE TIM

12-577

3.27



February 14, 1978

Ms. Agatha Huth 311 Patapaco Avenue Baltimore, Maryland 21237

RE: Petition for Variances NE/S of Harewood Rord, 244.18' S of Cumpowder Road - 15th Election District Agatha Huth - Petitioner NO. 78-159-A (Item No. 123)

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

GIM/m

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

RE: PETITION FOR VARIANCES
NE/S of Harewood Road, 244.18' S of
Gunpowder Road - 15th Election District
Agatha Huth - Petitioner
NO. 72-159-A (Item No. 123)

BEFORE THE

COMMISSIONER

OF . BALTIMORE COUNTY

...

This matter comes before the Deputy Zoning Commissioner as a result of Petition for Variances for lot numbers 326 through 330, to permit lot width of 50 feet instead of the regulatory 55 feet and to permit setbacks of 25 feet instead of the required average 35 feet in a D.R.5.5 Zone.

Under current zoning regulations, four dwellings can be constructed on the subject property. Testimony on behalf of the Petitioner indicated that sh had acquired these lots in 1976 and plans to construct five homes thereon.

Variances to the Baltimore County Zoning Regulations may be granted only in cases where strict compliance with the zoning regulations for Baltinore County would result in practical difficulty or unreasonable hardship (Section 307, B. C. Z.R.). Moreover, it has been held that the mere fact that Variances would make a property more profitable does not constitute sufficient

In Gleason v. Keswick Improvement Association, 79A. 2d 164, 167 Md. 46 it was held that: "Where one purchases realty with the intention to apply for Wariance from the regulations imposed by a zoning ordinance, he cannot con end that such restrictions cause him hardship that entitles him to the special

Nor. in the opinion of the Deputy Zoning Commissioner, does this case find shelter under Section 304 - Use of undersized single-family lots (B. C. Z. R. 1955). Attention is specifically called to paragraph "C" of this section conform substantially to the width and area requirements." Attention is also written comment from the Director of Planning dated February 3.

Without reviewing the evidence further in detail but based mon all of the evidence presented at the hearing, in the judgment of the Deputy Zoning Conmissioner, the preremisites of Sections 1802, 301, 303, 1, 304 and 307 have

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this ______ day of February, 1978, that the aforem Variances be and the same are hereby DENIED.

RE: PETITION FOR VARIANCE NE/S of Horawood Rd., 244, 18' S of Gunpowder Rd., 15th District

REFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY

AGATHA HUTH, Petitio

: Case No. 78-159-A

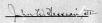
...... ORDER TO ENTER APPEARANCE

Pursuant to the authority contained in Section 524.1 of the Baltimore Count 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. Nessian HT John W. Hessian, III People's Counsel County Office Building Towson, Maryland 21204

I HEREBY CERTIFY that on this 18th day of January, 1978, a copy of the aforegoing Order was mailed to Agatha Huth, 311 Patopsco Avenue, Baltimore, Maryland 21237, Petitioner.





David W. Dallas, Jr

CIVIL ENGINEER Registered Professional Engineer & Land Sure

RECEIVED FOR

ORDER F

ZONING DESCRIPTION

FOR VARIANCE

COINTING for the same on the northeasternmont after of Harmond Load (30 factor) and the same (20 factor) and the same (20 factor) and the same (20 factor) and the southwaternmont sale of Gomeonder Road (30 factor) and the southwaternmont sale of Gomeonder Road (30 factor) and the same (20 factor

RMING Lots No. 326, 327, 328, 329 and 330 as shown on the unrecorded Plat of Oliver Reach prepared by E. V. Coonan & Co. on August 4, 1948.

November 25, 1977

BALLIMORE COUNTY, MARYLAND

- 2 -

INTER-OFFICE CORRECT

S. Eric DiNenn TO Zoning Commission Date February 3, 1978

Northeast side of Harewood Road 244.18 feet South of Gunpowder Road Petitioner - Agotha Huth

15th District

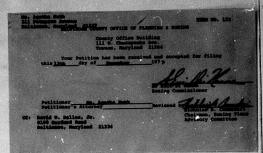
HEARING: Monday, February 6, 1978 (10:30 A.M.)

Adjoins homes (as shown on the patitioner's plot) are built on lots and combination of lots considerably in excess of the width proposed here; 50-fcor wide lots would not be appropriate to the ones. Furthermore, the front yard setback, if granted, would permit the construction of these homes closer to the road than these on either

This office, therefore, appases both of these requests (i.e., front yard setback and lot width).

LHG:JGH:r





BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

DEPARTMENT OF

BUREAU OF

HEALTH DEPARTME PROJECT PLANEIS

BOARD OF EDUCATION

ZONING ADMINISTRATIO

Ms. Agatha Buth 311 Patapaco Avenue Baltimore, Maryland 21237

RE: Variance Petition Item Number 123 Petitioner - Agatha Huth

January 24, 1978

Dear M's. Buth:

The South The Movinory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field impection of the property. The following comments are a result of this review and inspection. These comments are the state of this review and the property of the state of the state of the supercy rate all parties are made aware of plans or problems with regard to the development plans that say have a bearing on this case. The Director Commissioner and file and the state of the s

The subject property, currently sende 0.8. 5.5 and consisting of five unisproved force (add lots, is sended to the consisting of the consistency o

This petition is necessitated by your process to construct dwallings on each of these sets of the first the set of the se

Ms. Agatha Huth Page 2 Item Number 123 January 24, 1978

Particular attention should be afforded the comments of the Department of Permits and Licenses concerning Section 320 of the Baltimore County Building Code.

min petition is accepted for filing on the date of the melcleed filling contributes. 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,

Milely D. Somolan NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee

NBC:rf

cc: David W. Dallas, Jr. Civil Engineer 8108 Harford Road Baltimore, Maryland 21234

January 4, 1978

Zoning Commissioner County Office Building

Item #123 (1977-1978) Property Owner: Agatha Huth
N/ES Harweood Rd. 244.18' 5/K Gunpowder Rd.
Existing Zoning: R8.5.
Proposed Zocing: Variance to permit lot widths of 50'
In lise of the required 55'.
Acres: 1.0904 District 15th

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:

Harewood Road, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way.

The construction of concrete sidewalk, curb and gutter, entrances, aprons, etc. will be the full responsibility of the Petitioner.

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.

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

The majority of this property is below elevation 10 subject to tidal flooding, comprising a swale traversing from the northwest, in a southeasterly direction. Drainage and utility easements and/or reservations are required.

The Petitioner must provide necessary drainage facilities (temporary or personent to prevent creating any naisances or damages to adjacent properties, especially by the concentration of surface vaters. Correction of any probles which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #123 (1977-1978) Property Owner: Agatha Huth Page 2 January 4, 1978

Storm Drains: (Cont'd)

The property to be developed is located edjacent to the water from. The Petitioner is advised that the proper sections of the Battenore County Bailding Code must be followed whereby elevision limitations are placed on first floor levels of residential and commercial development and other special construction features are required.

Water and Sanitary Sewer:

An 8-inch public water main is in Harewood Road. There is an 8-inch public sanitary sewer within a 10-foot right-of-way along the rear of Lot 327 through 330. An extension of this public sanitary sewer, or a private utility essement through Lot 327 would be required to serve Lot 336.

Elloworth M. Dive / Come ELLEWORTH N. DIVER, P.E.

S. Bellestri

December 21 1977

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

Comments on Item #123, Zoning Advisory Committee Meeting, December 13, 1977, are as follows:

Property Owner: Agatha Huth Location: NE/S Harswood Road 244,18' SE Gunpowder Road Existing Zoning: C.R.5.5 Proposed Zoning: Variance Acres: 1.0904 Variance to permit lot widths of 50' in lieu of the required 55'

This office has reviewed the subject petition and offers the following comments. These comments are not intended to inclicate the appropriatenes of the zoning in question, but are to usuare that all parties are made aware of plans or problems with regard to development plans that may have a

This plan has been reviewed end there are no site-planning factors requiring comment.

Very truly yours.

John Zee the John L. Wimbley Project and Development Plannie

TOWSON, MARYLAND 2120

DONALD J. ROOP, M.D., M.P.H

January 11, 1978

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

The following are comments on Item # 123, Zoning Advisory Committee Meeting of Doomber 13, 1977:

Property Owner: Agatha Buth

WR/S Harewood Rd. 2hh. 18' SE Cumpowder Rd. Locarton

1.090

District: 15th

Metropolitar water and sever are available, therefore no health hazards are

Very truly yours.

Others M. Deples Thomas H. Devlin, Director BUREAU OF ENVIRONMENTAL SERVICES

THD/KS/pc SEC 35 118



Office of Planning and Zoning Baltimore County Office Building Torson, Maryland 21/204

Attention: N. Commoderi, Chairman Zoning Advisory Committee

Res Property Omer: Agatha Huth

location: NE/S Harewood Rd. 244.18' SE Gunpowder Rd. Zoning Agenda Meeting of 12/13/77 Itom No. 123

Pursuant to your request, the referenced property has been surveyed by this Durous and the comments below marked with an "x" are applicable and required to be expected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are grequired and shall be located at intervals of feet along an approved read in accordance with Baltimore County Standards as published by the Department of Rublic Norks.

() 2. A second means of vehicle access is required for the site.

() 5. The vehicle dead-end condition shown at____

KINDS 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 oxisting or proposed on the sice shall comply with all applicable requirements of the Mational Pire Protection Association Standard No. 101 "Mife Safety Code", 1970 Edition prior to occupancy.

() 6. Site plans are approved as drawn.

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

Planning Group Special Imspection Division

Motod and Rilleran



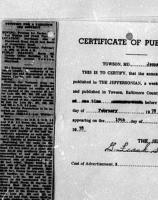
Mr. S. Eric DiMenna Zoning Commissioner County Office Building Pirst Ploor

Item No. 123 - EAC - December 13, 1977
Property Owner: Apaths Nuth
EACH SECOND 13, 1977
ENGINE SOLID
EACH SECOND 14, 124-18 SE Campowder Nd.
EXCHAINS COMPANY
ACRES 1.0004
Listicut 13th

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

Wery truly yours,

Audie S. Flanigan
Traffic Engineer Associate



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., omender, appearing on the 19th day of January



December 9, 1977

its on Item # 123 Zoning Advisory Committee Meeting, December 13, 1977

er: Ageths Buth
18/8/8 Exrevood Road - 200,18' 5/E Cumpowder Road
18/8/8 Exrevood Road - 200,18' 5/E Cumpowder Road
18/9/8.5.5' ingefariance to permit lot widths of 50' in lieu of the
required 55'.

The items checked below are applicable:

A. Structure shall conform to Baltimore County Bullding Code (B.O.C.A.)
1970 Edition and the 1971 Supplement and other applicable codes. See Section
320 of the Baltimore County Supplement to the B.O.C.A. Basic Building Code.

C. A. building permit shall be required before construction can begin.

C. Three sets of construction drawings will be required to file an amplication 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. Made & Sumbon



OFFICE OF HUMBS TOWSON, MD. 21204 January 19

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Agatha Huth - NE/S of Marwood Road 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 20th day of January 19.78, that is to say, the same was inserted in the issues of Japuary 19, 1978

> STROMBERG PUBLICATIONS, INC. BY Esthe Burger

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON MARYLAND - 21204

Date: December 7, 1977

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

Z.A.C. Meeting of: December 13, 1977

RE: Item No; 123
Property Owner: Agatha Nuth
Location: NR/S Narewood Rd. 244-18' SE Compowdry Rd.
Present Zoning: D.R. 5.5
Present Zoning: O.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of
the required 55';

District: 15th No. Acres: 1.0904

No bearing on student population.

Very truly yours, W. Wil Feliant

MNP/bp

CENTRACATE OF POSTING DEPARTMENT OF BALTIMORE COUNTY #78-159- A Date 1 15 4 Date of Parish 1978 C 10:50 AND Parish For Against Bull. Lett. 1978 C 10:50 AND Parisher Agastia Bull. Date of Posting 1- 19-78 Location of property. NE/S of Versewood Rd 244.16 Lo & Surfandes Rd Location at Same I Sujan Robert on Valent State Collision to

Posted by Must It I less Date of roturn 1-28-78

Revised Plans: Change in outline or description____

65439

58.75 mc

Map # NE 7-19

PETITION MAPPING PROGRESS SHEET

Well Man | Original | Due

FUNCTION

Descriptions checked and

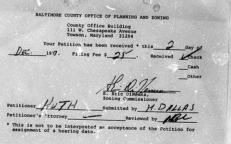
Granted by ZC, BA, CC, CA

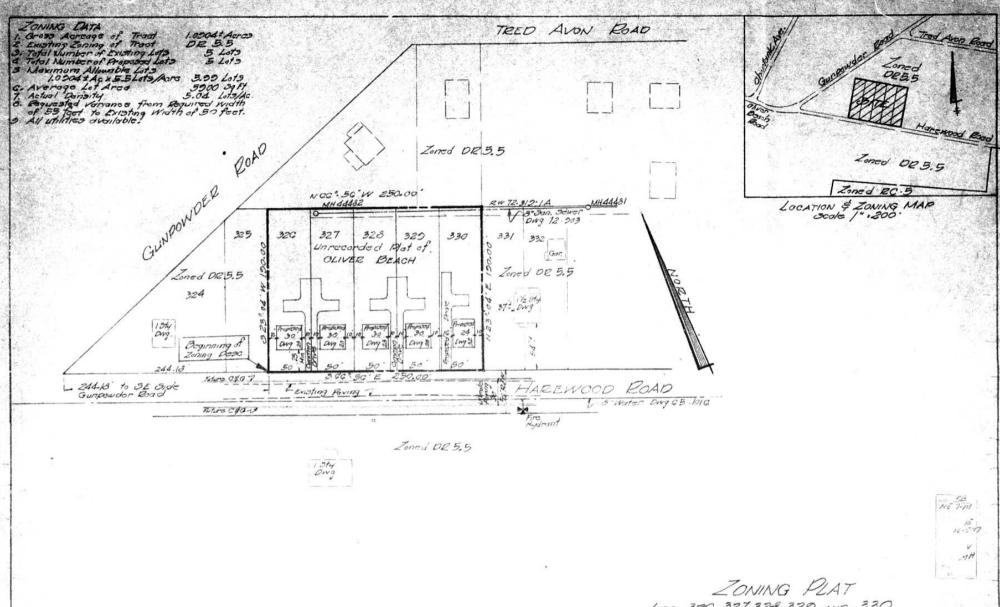
Previous case:

Reviewed by:

	BALTIMORE COUNTY, MARYLAND
this 2 day of	OFFICE OF FINANCE - REVENUE DIVISION MISCELLAMEOUS CASH RECEIPT
ReceivedCheck	DATE Pak 6, 1978 ACCOUNTS - CE
Other	ANGUNT 850.
201	Acceived Coath - Agestica Beth
Néma, missioner	ros Atrortining and pasting of par
riewed by ARL	280 6 OFFEE 6
viewed by MBC	
ce of the Potition for	VALIDATION CO CONTATURE OF C







ZONING PLAT

LOTO 326, 321, 328, 329 AND 330

LINELCORDED PLAT OF

OLIVER BEACH

Property of

AGATHA K. HUTH

313 Fortoposo AVE

BOMINGE NO 2237

Phone 080 4337

PLEGUESTED VARIANCE FROM

55 WIDTH TO EXISTING 50 WIDTH

DAVID W. DATLAS, M.
CIVEL ENSINEER

BIOT HARFORD RD., RALTO., MD. 21234
665-7422

