

78-173A PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Johnnie & Louise Mathis, 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 220.1 (111-2-3) and 201.1 of the Zoning Regulations of Baltimore County, to permit a side setback of 1.5' instead of the required 5.25' for an open carport.

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

I need a carport to shelter my automobile for two main reasons: Safety; because my car was hit during the time it was parked on the street two years ago. I believe my car insurance will decrease if I use a shelter for the car.

See attached description

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

For 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 Johnnie & Louise Mathis
 Address 3211 Elba Drive
 Baltimore, Maryland 21207
 Petitioner's Attorney _____
 Protestor's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this... day

of December 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 106, County Office Building in Towson, Baltimore County, on the 22nd day of February, 1978, at 10:45 A.M.

Eric D. Nienna
 Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric D. Nienna, Zoning Commissioner Date: February 3, 1978

FROM: Leslie H. Grael, Director of Planning

SUBJECT: Petition 78-173-A. Petition for Variance for a Side Setback

Southeast side of Elba Drive 381.19 feet North of Paris Road
 Petitioner - John and Louise Mathis

2nd District

HEARING: Wednesday, February 22, 1978 (10:45 A.M.)

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

Leslie H. Grael
 Director of Planning

LHG:JGH/rw

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 SE/S of Elba Drive 381.19' : OF BALTIMORE COUNTY
 N of Paris Rd., 2nd District
 JOHNNIE MATHIS, et ux, Petitioners : Case No. 78-173-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.
 Charles E. Kountz, Jr.
 Deputy People's Counsel
John W. Heslian, III
 John W. Heslian, III
 People's Counsel
 County Office Building
 Towson, Maryland 21204
 494-2188

I HEREBY CERTIFY that on this 31st day of January, 1978, a copy of the foregoing Order was mailed to Mr. and Mrs. Johnnie Mathis, 3211 Elba Drive, Baltimore, Maryland 21207, Petitioners.



February 28, 1978

Mr. & Mrs. Johnnie Mathis
 3211 Elba Drive
 Baltimore, Maryland 21207

RE: Petition for Variance
 SE/S of Elba Drive, 381.19' N of
 Paris Road - 2nd Election District
 Johnnie Mathis, et ux - Petitioners
 NO. 78-173-A (Item No. 125)

Dear Mr. & Mrs. Mathis:

I have this date passed my Order in the above referenced matter. A copy of said Order is attached.

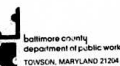
Very truly yours,

S. ERIC D. NIENNA
 Zoning Commissioner

SED/srl

Attachment

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



THOMAS M. MOURING, P.E.
 DIRECTOR

January 13, 1978

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

Mr. & Mrs. Johnnie Mathis
 3211 Elba Drive
 Balto., MD. BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
 21207

ITEM # 125

Your Petition has been received and accepted for filing this 20th day of December 1977.

S. Eric D. Nienna
 Zoning Commissioner

Petitioner's Attorney

cc: General Surveying Co.
 Land & Topographic Surveys
 9 Lake Forest Court
 Balto., MD 21214

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

Re: Item #125 (1977-1978)
 Property Owner: Johnnie & Louise Mathis
 3211 Elba Dr. 381.19' N/E Paris Rd.
 Existing Zoning: D.M. 5.5
 Proposed Zoning: Variance to permit a side setback of 1.5' in lieu of the required 5.25' for an open carport.
 Acres: 65.03 167.95 District: 2nd
 76.00 188.13

Dear Mr. Nienna:

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.

Additional fire hydrant protection is required in the vicinity.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this item #125 (1977-1978).

Very truly yours,
Edmund W. Davis, Jr.
 Chief, Bureau of Engineering

END:JAM:FKH:88

cc: W. Marshall
 1-SE Key Sheet
 15 NW 24 Box Sheet
 NW 4 P Topo
 89 Tax Map

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

ORDER RECEIVED FOR FILING
February 27, 1978
DATE: *Staff*

Pursuant to the advertisement, posting of property and public hearing on the 1978 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 one foot in lieu of the required 5.25 feet for an open carport, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *24th* day of *February*, 1978, 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 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 *day* of *February*, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE Bldg.
111 W. Thompson St.
Towson, Maryland 21204

John
Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Route Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Johnnie Mathis
Mrs. Louise Mathis
3111 Elba Drive
Baltimore, Maryland 21207

February 9, 1978

RE: Variance Petition
Item Number 125
Petitioner - Johnnie and Louise Mathis

Dear Mr. & Mrs. Mathis:

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 suitability of the requested zoning.

Located on the southeast side of Elba Drive, northeast of Paris Road in the 2nd Election District, this property is presently improved with a brick and frame dwelling. Adjacent properties to the north and south are improved with similar type uses zoned D.R. 5.5, as is the subject property, while the Woodmoor Elementary School exists to the west.

This hearing is necessitated by your proposal to construct a carport over the existing driveway within one foot of the side property line in lieu of the required 5.25 feet. Particular attention should be afforded the comments of the Department of Permits and Licenses concerning the proposed construction and its relation to the Baltimore County Building Code. If you have any questions on this matter, you may contact Mr. Charles Burnham at 494-3987.

Item Number 125
Mr. Johnnie Mathis
Mrs. Louise Mathis
Page 2
February 9, 1978

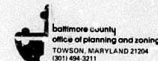
This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 10 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:rf

cc: General Surveying Company
Land and Topographic Surveys
9 Lake Forest Court
Baltimore, Maryland 21236



December 21, 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 #125, Zoning Advisory Committee Meeting, December 20, 1977, are as follows:

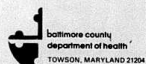
Property Owner: Johnnie and Louise Mathis
Location: SE/S Elba Drive 381.19' NE Paris Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 1.5' in lieu of the required 5.25' for an open carport
Acres: 65.03 x 167.95
76.00 x 188.13
District: 2nd

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



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

January 12, 1978

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

Dear Mr. DiNenna:

The following are comments on Item # 125, Zoning Advisory Committee Meeting of December 20, 1977:

Property Owner: Johnnie & Louise Mathis
Location: SE/S Elba Dr. 381.19' NE Paris Rd.
Acres: 65.03/16.00 x 167.95/188.13
District: 2nd

Metropolitan water and sewer are available, therefore no health hazards are anticipated.

Very truly yours,

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



Paul H. Reinke
CHEF

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Johnnie & Louise Mathis
Location: SE/S Elba Dr. 381.19' NE Paris Rd.
Item No. 125
Zoning Agenda Meeting of 12/20/77

Comments:

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 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 at *XXXXXX* 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.

Thomas H. Devlin
Noted and Approved:
Planning Division
Special Inspection Division

Fire Prevention Bureau



JOHN D. SEEVERT
DIRECTOR

December 21, 1977

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

Dear Mr. DiNenna:

Comments on Item # 125 Zoning Advisory Committee Meeting, December 20, 1977 are as follows:

Property Owner: Johnnie & Louise Mathis
Location: SE/S Elba Dr. 381.19' NE Paris Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 1.5' in lieu of the required 5.25' for an open carport
Acres: 65.03 x 167.95
76.00 x 188.13
District: 2nd

The items checked below are applicable:

- (x) A. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement and other applicable codes.
- (x) B. A building permit shall be required before construction can begin.
- (x) C. Three sets of construction drawings will be required to file an application for a building permit showing the construction conforms to Building Code - See "B" below.
- () 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.
- (x) 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 *XXXXXX*.

Very truly yours,

Charles E. Burnham

Charles E. Burnham
Plans Review Chief
CBB:rf

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: December 28, 1977

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

Z.A.C. Meeting of: December 10, 1977

Re: Item No. 125
Property Owner: Johnnie & Louise Mathis
Location: SE/S Elba Dr. 381.19' NE Paris Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 1.5' in lieu of the required 5.25' for an open carport.

District: 2nd
No. Acres: 65.03 x 167.95
76.00 x 188.13

Dear Mr. DiNenna:

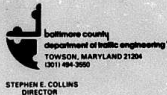
No bearing on student population.

Very truly yours,

W. Nick Putovich
W. Nick Putovich
Field Representative

NBP/rg

JOSEPH M. HUGHMAN, PRESIDENT
V. HAROLD WILLIAMS, JR., VICE PRESIDENT
LAWRENCE M. ROTUNDO
THOMAS H. REYER
R. LEBLANC P. THOMAS
ROGER B. HAYDON
ALVIN LORUCK
TERRY J. OLSON & DAUGHTER
RICHARD W. TRACY, DVM
ROBERT V. DUPEL, SUPERINTENDENT



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

Item No. 125 - ZAC December 20, 1977
Property Owner: Johnnie & Louise Mathis
Location: SE/4 Elba Dr. 381.19' NE Paris Rd.
Existing Zoning: D.M. 5.5
Proposed Zoning: Variance to permit a side setback of 1.5' in lieu of the required 5.25' for an open carport.
Acre: 65.03/76.00 x 167.95/186.13
District: 2nd

Dear Mr. DiMenna:

No traffic problems are anticipated by the requested variance to permit a carport.

Very truly yours,

Michael S. Flahgan
Traffic Engineer Associate

MSF/ma

1-SIGN 78-173-A

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 2nd Date of Posting: Feb. 3, 1978
Posted for: PETITION FOR VARIANCE
Petitioner: JOHNNIE & LOUISE MATHIS
Location of property: SE/4 ELBA DRIVE, 381.19' N.E. PARIS RD.
Location of Sign: FRONT 3411 ELBA DRIVE
Remarks: THOMAS G. BOHANNON
Posted by: THOMAS G. BOHANNON Date of return: FEB. 10, 1978

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

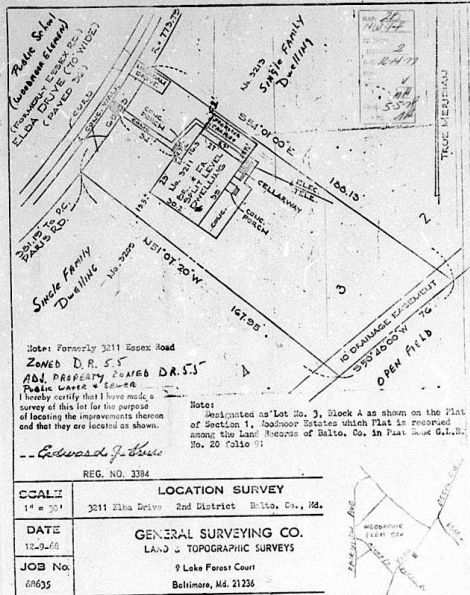
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 7th day of

DEC 1977. Filing Fee \$ 25.00 Received X Check Cash Other

Petitioner: JOHN MATHIS
Submitted by: S. Eric DiMenna
Petitioner's Attorney: Reviewed by: J.P.

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



PETITION FOR A VARIANCE
AND SETBACK
The Board of Planning and Zoning
of Baltimore County, Maryland
has received a petition for a variance
and setback from the
Petitioner, Johnnie & Louise Mathis,
of Baltimore County, Maryland,
for a variance from the
setback requirements of the
Baltimore County Zoning Ordinance,
Chapter 21, Article 10, Section 10-1,
which requires a minimum setback
of 5.25 feet from the rear property
line for a single detached dwelling
unit, to a minimum setback of 1.5 feet
from the rear property line for a
single detached dwelling unit, and
for a variance from the setback
requirements of the Baltimore County
Zoning Ordinance, Chapter 21, Article
10, Section 10-1, which requires a
minimum setback of 5.25 feet from the
rear property line for a single detached
dwelling unit, to a minimum setback of
1.5 feet from the rear property line
for a single detached dwelling unit,
and for a variance from the setback
requirements of the Baltimore County
Zoning Ordinance, Chapter 21, Article
10, Section 10-1, which requires a
minimum setback of 5.25 feet from the
rear property line for a single detached
dwelling unit, to a minimum setback of
1.5 feet from the rear property line
for a single detached dwelling unit.

CERTIFICATE OF PUBLICATION

TOWSON, MD., FEBRUARY 2, 1978

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 each day of one time, successive weeks before the 20th day of February, 1978, the day of the said publication appearing on the 20th day of February, 1978.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, \$

PETITION FOR A VARIANCE
AND SETBACK
The Board of Planning and Zoning
of Baltimore County, Maryland
has received a petition for a variance
and setback from the
Petitioner, Johnnie & Louise Mathis,
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for a variance from the
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unit, to a minimum setback of 1.5 feet
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single detached dwelling unit, and
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Zoning Ordinance, Chapter 21, Article
10, Section 10-1, which requires a
minimum setback of 5.25 feet from the
rear property line for a single detached
dwelling unit, to a minimum setback of
1.5 feet from the rear property line
for a single detached dwelling unit.

OFFICE OF
THE TIMES
NEWSPAPERS
TOWSON, MD. 21204 Feb. 2, 1978

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE/Johnnie Mathis H-06147 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 2nd day of Feb., 1978, that is to say, the same was inserted in the issues of Feb. 1, 1978.

STROMBERG PUBLICATIONS, INC.

By Stromberg Publications

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 54458
DATE: Feb. 27, 1978 ACCOUNT: 01-662
AMOUNT: \$10.00
RECEIVED FROM: Johnnie V. Mathis, 3211 Elba Dr., Balto., Md.
FOR: 2207
Advertising and posting of property
#78-173-A
\$53.4200 44.0000
VALIDATION OR SIGNATURE OF CASHIER

PETITION MAPPING PROGRESS SHEET									
FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet
	date	by	date	by	date	by	date	by	
Descriptions checked and outline plotted on map									
Petition number added to outline									
Denied									
Granted by ZC, BA, CC, CA									
Reviewed by: <u>J.P.</u>	Revised Plans:				Change in outline or description				
Previous case: <u>NONE</u>					Yes _____ No _____				
Map # <u>NEW 4E</u>									

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 10422
DATE: January 27, 1978 ACCOUNT: 01-664
AMOUNT: \$25.00
RECEIVED FROM: Johnnie V. Mathis, 3211 Elba Drive, Balto., Md.
FOR: 2207
Petition for Variance #78-173-A
\$53.4200 25.0000
VALIDATION OR SIGNATURE OF CASHIER

