

76-268-A # 217 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Calvin Gilbert & Mary Lee Gilbert 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 1000.30, L. 10. PATROL A & B Road side setback in lieu of required 10 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (Indicate hardship or practical difficulty) We have approached the owners of the empty lot adjoining our property and have offered to purchase this property to allow us to expand our living quarters. The owners of the lot at first were in verbal agreement to sell the lot to us, but later changed their mind and declined to sell, thereby creating a very difficult situation for us.

Based on their verbal agreement to sell the lot to us, we had made arrangements for my wife's parents to come live with us due to their failing health and inability to care for themselves. We felt the need for additional living space was required, as we have 3 children living at home and with my wife's parents coming to live with us also we need another bedroom and a dining room.

With all the plans that had been made through the verbal agreement by the lot owners and now their refusal to follow this agreement, we are now attempting to follow the only route open to us and that is to ask for this variance to allow us to expand to gain the room sorely needed for my wife's parents.

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 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 of Baltimore County.

Contract purchase: Calvin Gilbert
Mary Lee Gilbert
Address: 406 Third Avenue
Landsdowne, Md 21227

Petitioner's Attorney: _____
Protestant's Attorney: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this 15th day of June 1978, 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 15th day of June, 1978, at 10:00 o'clock A.M.

S. Eric DiNenna
Zoning Commissioner of Baltimore County.

RE: PETITION FOR VARIANCE
N/S of Third St., 300' E of
Saratoga St., 13th District
CALVIN GILBERT, et al, Petitioners
Case No. 76-268-A

BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 76-268-A

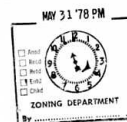
ORDER TO ENTER APPEARANCE

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.

Peter Max Zimmerman
Peter Max Zimmerman
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 26th day of May, 1978, a copy of the foregoing Order was mailed to Mr. and Mrs. Calvin Gilbert, 406 Third Avenue, Landsdowne, Maryland 21227, Petitioners.



baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
001-494-2363

S. ERIC DINENNA
ZONING COMMISSIONER

June 20, 1978

Mr. & Mrs. Calvin Gilbert
406 Third Avenue
Landsdowne, Maryland 21227

RE: Petition for Variance
N/S of Third Street, 300'
E of Saratoga Street - 13th
Election District
Calvin Gilbert, et al -
Petitioners
NO. 76-268-A (Item No. 217)

Dear Mr. & Mrs. Gilbert:

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

Very truly yours,
S. ERIC DINENNA
Zoning Commissioner

SED/jhm

Attachments

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

Description for Variance for
Calvin and Mary Lee Gilbert

Located on north side of 3rd Street approximately 300 feet east of Saratoga Street in the 13th Election District. Also known as lots nos. 977 and 978 as shown on Plat of Landsdowne which is recorded in Land Records of Baltimore County in Liber 1 folio 49.

Also known as 406 Third Avenue.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna
Zoning Commissioner
Leila H. Gropf
FROM: Director of Planning
SUBJECT: Petition 76-268-A, Item No. 217.
Petition for Variance for side yard setback
Northside of Third Street, 300 feet East of Saratoga Street
Petitioner - Calvin and Mary Lee Gilbert
13th District
Wednesday, June 14, 1978 (10:00 A.M.)

Although a variance for a residence to a sideyard setback variance is not normally a concern of this office, the subject request to permit a setback of 0' does concern us. It is suggested that particular consideration be given to not only the undesirability of a windowless wall on the proposed addition but also the impact such an addition might have on the development of the adjacent property.

Leila H. Gropf
Director of Planning

LHG:JGH/w

BOUND. SHORT & EAGAN

8043 MAIN STREET
ELLCOTT CITY, MARYLAND 21043
485-7100
October 5, 1977
465-7100

and Mrs. Calvin N. Gilbert
406 Third Avenue
Landsdowne, Maryland 21227

Re: Martini - Gilbert
Sale of Lot 979 and all of
Lot 969 South of Line Dividing
Lot 968 and 979

Dear Mr. and Mrs. Gilbert:

Please be advised that this office represent Mr. and Mrs. William J. Martini of 419 Second Avenue, the owners of the above mentioned property. It is my understanding that you wish to purchase the above described lots from the Martini's as they adjoin your property, Lots 977 and 978.

As I mentioned to Mrs. Gilbert on the telephone, Mr. and Mrs. Martini are unfamiliar with the market value of the property. However, I will pass along the information Mrs. Gilbert supplied that your realtor indicated that \$2,000.00 would be a fair price.

As I mentioned to Mrs. Gilbert on the telephone, I have recommended to Mr. and Mrs. Martini that any contract for the sale of the above described property should include provisions that the purchaser pay all the costs of the transfer, including all transfer and recording taxes and stamps and all other costs of settlement.

Please have your attorney give me a call, or call me yourself in a week or ten days, by which time I hope to have been in communication with Mr. and Mrs. Martini.

Very truly yours,

James K. Eagan, III
James K. Eagan, III

JKE:pmv

cc: Mr. and Mrs. William J. Martini

BOUND. SHORT & EAGAN

8043 MAIN STREET
ELLCOTT CITY, MARYLAND 21043
485-7100
October 26, 1977

Mr. and Mrs. Calvin N. Gilbert
406 Third Avenue
Landsdowne, Maryland 21227

Re: Martini - Gilbert
Sale of Lot 979 and all of
Lot 969 South of Line Dividing
Lot 968 and 979

Dear Mr. and Mrs. Gilbert:

I have received correspondence from Mr. and Mrs. Martini indicating that they wish to obtain additional information as to the value of the property before agreeing to a price. We should have sufficient information in several weeks time.

In the meantime, I have advised Mr. and Mrs. Martini not to accept any deposit until a Contract of Sale has been negotiated and signed by all the parties.

Very truly yours,

James K. Eagan, III
James K. Eagan, III

JKE:pmv

cc: Mr. and Mrs. William J. Martini
Mrs. Marcella Edman
Rev. Robert J. Muller

BOUND. SHORT & EAGAN

8043 MAIN STREET
ELLCOTT CITY, MARYLAND 21043
485-7100
February 22, 1978

Mr. and Mrs. Calvin N. Gilbert
406 Third Avenue
Landsdowne, Maryland 21227

Re: Martini - Gilbert

Dear Mr. and Mrs. Gilbert:

Please be advised that Mr. and Mrs. Martini do not wish to sell the lot adjoining your respective properties which you wished to purchase.

If you have any questions about this matter, don't hesitate to give me a call.

Very truly yours,

James K. Eagan, III
James K. Eagan, III

JKE:pmc

cc: Mr. and Mrs. William J. Martini
Rev. Robert J. Muller
Mrs. Marcella Edman

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 findings 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 ten feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of June, 1978, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from the date of this Order, subject to the approval of a site plan by the Department of Public Work, 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 failure to show practical difficulty and unreasonable hardship, the Variance to permit a side yard setback of two feet in lieu of the required ten feet should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of June, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE June 20, 1978
BY *John L. Wimbley*
ADMINISTRATIVE ASSISTANT

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
THORNTON M. MOURING, P.E.
DIRECTOR

May 25, 1973

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

Re: Item #217 (1977-1978)
Property Owner: Calvin & Mary Lee Gilbert
N/S 3rd St. 300' E. Saratoga St.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 0' in lieu of the required 10'.
Acre: 5,000 sq. ft. District: 13th

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

Third Avenue, an existing public road, is proposed to be improved in the future as a 36-foot closed section roadway on a 60-foot right-of-way (30-foot minimum) in this vicinity. Highway right-of-way widening, including any necessary reversible easements for slopes will be required in connection with any grading or building permit application.

Sediment Control

Development of this property through striping, 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 striping of top soil.

Storm Drains

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

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.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

Item #217 (1977-1978)
Property Owner: Calvin & Mary Lee Gilbert
Page 2
May 25, 1978

Water and Sanitary Sewer

Public water supply and sanitary sewerage are serving this property. Additional fire hydrant protection is required in this vicinity.

Very truly yours,

William H. Diver, P.E.
WILLIAM H. DIVER, P.E.
Chief, Bureau of Engineering

RE: ZONING PLAN

cc: J. Somers
M. Munchel

C-SW Key Sheet
20 SW 2 Top Sheet
SW 5 B Topo
109 Tax Map

Mr. Calvin & Mary Lee Gilbert
406 Third Avenue
Lansdowne, Maryland 21227

Item # 217

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing
this 18th day of April 1978.

Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner: Calvin & Mary Lee Gilbert
Petitioner's Attorney:

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

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 474-7111

LESLIE H. GRAF
DIRECTOR

May 31, 1978

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 #217, Zoning Advisory Committee Meeting, April 18, 1978, are as follows:

Property Owner: Calvin and Mary Lee Gilbert
Location: N/S 3rd St. 300' E. Saratoga Street
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 0' in lieu of the required 10'.
Acre: 5,000 sq. ft.
District: 13th

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
Current Planning and Development

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 1, 1978

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

cc: 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

Mr. Calvin & Mary Lee Gilbert
406 Third Avenue
Lansdowne, Maryland 21227

RE: Variance Petition
Item Number 217
Petitioners - Calvin & Mary Lee Gilbert

Dear Mr. & Mrs. Gilbert:

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 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 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.

This Variance is required because of your proposal to construct a living room/bedroom addition to the side of the existing dwelling on the easterly property line. Particular attention should be afforded the comments of the Department of Permits & Licenses and Fire Department concerning the type of construction required and the proposed bedroom.

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
NICHOLAS B. COMMODARI
Chairman, Zoning Plans
Advisory Committee

NBC:smw

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

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

May 17, 1978

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

Dear Mr. DiNenna:

Comments on Item #217, Zoning Advisory Committee Meeting, April 18, 1978, are as follows:

Property Owner: Calvin & Mary Lee Gilbert
Location: N/S 3rd St. 300' E. Saratoga St.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 0' in lieu of the required 10'.
Acre: 5,000 sq. ft.
District: 13th

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

Very truly yours,

Thomas H. Devitt
THOMAS H. DEVITT, Director
BUREAU OF ENVIRONMENTAL SERVICES

TBD/JRP/fth

