

77-90-A #12 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:
Ervin J. Carveny, 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.
hardy petition for a Variance from Section 1802.28 (504 V.B.2) TO permit a side yard distance between adjacent office buildings of 40 feet in lieu of required 50 feet.

of the Zoning Regulations of Baltimore County, is the Zoning Law of Baltimore County; for the following reasons (indicate hardship or practical difficulty):
1. In order to secure maximum parking spaces, the above variance is requested.

MAP 7-27
SECTION 1802.28
SUBD. 1
10/18/78
10/18/78
10/18/78

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
Address
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 25th day of July, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of October, 1978 at 1:00 o'clock P.M.

(2987)

10 P.M.
10/18/78

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: Eric DiNenna, Zoning Commissioner
From: Leslie H. Graef, Director of Planning
SUBJECT: Petition 77-90-A, Item #12. Petition for Variance for side yard setback
East side of York Road, 75 feet North of Anneslie Road
Petitioner - Ervin J. and Joan West Carveny
9th District
HEARING: Wednesday, October 18, 1978 (1:00 P.M.)

Official use would be appropriate here. However, we share the concerns expressed by the State Highway Administration's representative to the Zoning Advisory Committee. Further, insufficient area has been provided on the plan for the screen planting shown along the rear property line. It is recommended that the subject petition not be granted until revised plans satisfying these comments are submitted.

Leslie H. Graef
Director of Planning

LHG:JGH

RE: PETITION FOR VARIANCE
E/S of York Rd., 75' N of
Anneslie Rd., 9th District
ERVIN J. CERVENY, et al.,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 79-90-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
Deputy People's Counsel
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2148

I HEREBY CERTIFY that on this 22nd day of September, 1978, a copy of the foregoing Order was mailed to Mr. and Mrs. Ervin J. Carveny, 803 Stoneleigh Road, Baltimore, Maryland 21212, Petitioners.

John W. Hession, III



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
201-49-2825
S. ERIC DINENNA
ZONING COMMISSIONER
George J. Martiak
Deputy Zoning Commissioner

November 28, 1978

Mr. & Mrs. Ervin J. Carveny
803 Stoneleigh Road
Baltimore, Maryland 21212

RE: Petition for Variance
E/S of York Road, 75' N of
Anneslie Road - 9th Election
District
Ervin J. Carveny, et al -
Petitioners
NO. 79-90-A (Item No. 12)

Dear Mr. & Mrs. Carveny:

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

Very truly yours,
George J. Martiak
Deputy Zoning Commissioner

GJM:mr

Attachment

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

ZONING DESCRIPTION FOR 6603-6607 YORK ROAD

Beginning for the same at a point distant the two following courses and distances from the intersection formed by the centerline of York Road with the centerline of Anneslie Road, viz: (1) North 12°02'50" East 75.00 feet (2) South 78°56'10" East 45.00 feet thence blinding on the east side of York Road 12°02'50" East 150 feet thence South 78°56'10" East 125.00 feet thence South 12°02'50" West 150 feet thence North 78°56'10" West 125.00 feet to the place of beginning.
Containing 0.430 Acres of land more or less.



THORNTON M. BUCKINGHAM, P.E.
DIRECTOR

August 15, 1978

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

Re: Item #12 (1978-1979)
Property Owner: Ervin J. & Joan West Carveny
E/S York Rd., 75' N. Anneslie Rd.
Existing Zoning: DM 16
Proposed Zoning: Variance to permit a distance between buildings of 40' in lieu of the required 50'.
Acres: 0.43 District: 9th

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.

Comments

The comments supplied in connection with the Zoning Advisory Committee review for items #76 (1978-1979), #102 (1973-1974), #116 (1974-1975), #192 (1974-1975) and #206 (1976-1977) are referred to for your consideration.

Additional fire hydrant protection is required in the vicinity.

Very truly yours,
Ellsworth H. Dyer, P.E.
Chief, Bureau of Engineering

ENC. 241/PWR:iss

cc: W. M. Murchal

W-SK Key Sheet
29 W. 2 Pos. Sheet
88 S. A. Topo
80 Tax Map

Attachments

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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 25th day of July, 1978.

Eric J. Carveny
Zoning Commissioner

Petitioner: Carveny
Petitioner's Attorney

Reviewed by: Nicholas B. Commodore
Chairman, Zoning Plans
Advisory Committee

Mr. & Mrs. Ervin J. Carveny
803 Stoneleigh Road
Baltimore, Maryland 21212

Item No. 12

MAR 22 1979

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 the proposed variance 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 distance between adjacent office buildings of forty feet in lieu of the required fifty feet should be

Deputy
IS ORDERED by the Zoning Commissioner of Baltimore County, this 26th day of November, 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 Highway Administration, the Department of Public Works, and the Office of Planning and Zoning, to include landscaping approval by the Current Planning and Development Division.

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 10th day of November, 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 BUILDING
111 W. Chesapeake Ave.
TOWSON, MARYLAND 21204

also
Nicholas B. Commodari
Chairman

MEMBERS

Bureau of Engineering

Department of Traffic Engineering

State Roads Commission

Bureau of Fire Protection

Health Department

Public Planning

Sanitation Department

Board of Education

Zoning Administration

Industrial Development

September 29, 1978

Mr. & Mrs. Ervin J. Cerveney
803 Stoneleigh Road
Baltimore, Maryland 21212

RE: Variance Petition
Item No. 12
Petitioner - Cerveney

Dear Mr. & Mrs. Cerveney:

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 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 east side of York Road approximately 75' north of Anneslie Road in the 9th Election District, the subject property is presently improved with a frame dwelling and garage in the rear. Immediately contiguous properties to the north and south are zoned D.R.16, as is the subject property and are improved with office buildings resulting from previous Special Exceptions.

This property was the subject of a previous zoning hearing, Case No. 77-201-XA, in which a Special Exception for a proposed office building and a side yard Variance was granted. Because of your present proposal to change the configuration of the office building that was originally requested, this Variance to permit a distance between the proposed building and the existing building, known as 6607 York Road, is required.

Mr. & Mrs. Cerveney
Page 2
September 29, 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 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
Chairman
Zoning Plans Advisory Committee

NBCiamr
Enclosure

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
NICHOLAS B. COMMODARI, P.E.
DIRECTOR

October 9, 1978

Mr. & Mrs. Ervin J. Cerveney
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #12 (1978-1979)
Property Owner: Ervin J. & Joan West Cerveney
803 York Rd. 75' N. Anneslie Rd.
Existing Zoning: DR 16
Proposed Zoning: Variance to permit a distance between buildings of 40' in lieu of the required 50'.
Acres: 0.43 District: 9th

Dear Mr. Cerveney:

The following additional comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

The Petitioner has objected, by telephone, to the Bureau of Engineering Comments of August 16, 1978 for zoning item #12 (1978-1979) in regard to the statement therein, "Additional fire hydrant protection is required in the vicinity."

As a result, further review of existing fire hydrant locations in the vicinity of this property in "Anneslie" has been made, and a clarification of that Bureau of Engineering comment follows.

The location of the existing fire hydrant on Dunkirk Road east of York, approximately 150 feet north of this specific site, is adequate in relation to this property. No additional fire hydrant protection is required for this site.

Very truly yours,

Ellsworth M. Dyer, P.E.
Chief, Bureau of Engineering

END/AM/PMB:SS

cc: W. Marshall

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

January 25, 1979

Bureau of Engineering
ELLSWORTH M. DYER, P.E. CHIEF

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

Re: Item #102 (1973-1978)
Property Owner: Ruth A. Genger
803 York Road, S. of Dunkirk Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to allow a front yard setback of 23' instead of the required 30' and a side yard of 1' and 0' respectively instead of required 25'. Special Exception for office use.
No. of Acres: 0.43 District: 9th

Dear Mr. DiMenna:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

York Road is a State Road; therefore, all improvements, intersections, entrances and driveway improvements as they affect the road come under the jurisdiction of the Maryland Highway Administration. Any utility construction within the State Road Right-of-Way will be subject to the standards, specifications and approval of the State in addition to those of Baltimore County.

Locust Drive exists as a 16-foot macadam residential alley south of Dunkirk Road.

North of Dunkirk Road, Locust Drive was improved with an 18-foot curb and gutter cross-section to function for both residential and commercial access, to provide a functional surface water way and to separate and give identity to the separate residential and commercial neighborhoods.

Locust Drive south of Dunkirk Road requires, on the basis of existing and proposed land uses, improvement at least commensurate with the existing improvements north of Dunkirk Road. Sidewalks should be provided through the commercial frontage.

Storm Drains:

The areas of Baltimore County to which this property is tributary are subject to flooding and storm drainage damage.

Item #12 (1973-1978)
Property Owner: Ruth A. Genger
Page 2
January 25, 1979

Storm Drains: (Cont'd):

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.

Sanitary Sewer and Water:

This property is within the Towson Fourth Zone of Water Service and the West Branch Herring Run Sewer Service Area.

Public facilities exist in the area of this site.

Very truly yours,

Ellsworth M. Dyer, P.E.
Chief, Bureau of Engineering

END/AM/PMB:SS

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

May 27, 1975

Bureau of Engineering
ELLSWORTH M. DYER, P.E. CHIEF

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

Re: Item #102 (1973-1975)
Property Owner: Ervin J. & Joan West Cerveney
803 York Rd., 75' N. of Anneslie Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Special Hearing to approve an amendment to the Code of the Zoning Ordinance of the City of Baltimore to permit the construction of a two-story building with basement for use as an office building and a Variance from Sec. 1202.23 (1970-75) to permit a side yard setback of 1' in lieu of the required 25' and a 5' side yard previously granted. No. of Acres: 0.43 District: 9th

Dear Mr. DiMenna:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Comments:

The comments supplied in connection with the Zoning Advisory Committee review of this site for Item #102 (1973-1975) remain valid and applicable to this Item #102 (1973-1975) and are referred to for your consideration.

Very truly yours,

Ellsworth M. Dyer, P.E.
Chief, Bureau of Engineering

END/AM/PMB:SS

cc: Mr. Marshall

W-41 Key Sheet
25 W 2 Pch. Sheet
W 8 A Topo
80 Tax Map

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

Re: Item #206 (1976-1977)
Property Owner: Ervin J. & Joan Cerveney
803 York Rd. 75' N. of Anneslie Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Special Exception for office.
Acres: 0.43 District: 9th

Dear Mr. DiMenna:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The comments which were supplied in connection with the Zoning Advisory Committee review for Item #206 (1976-1977), #102 (1973-1975), #116 (1974-1975) and #192 (1974-1975) remain applicable to this Item #206 (1976-1977), and are referred to for your consideration.

Additional fire hydrant protection is required in the vicinity.

Very truly yours,

Ellsworth M. Dyer, P.E.
Chief, Bureau of Engineering

END/AM/PMB:SS

cc: Mr. Marshall

W-41 Key Sheet
25 W 2 Pch. Sheet
W 8 A Topo
80 Tax Map

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

January 14, 1975

Division of Engineering
ELLENWORTH W. DIVER, P.E., Chief

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

Re: Item #116 (1974-1975)
Property Owner: Ervin J. & Joan West Cerweny
E/S of York Rd., 75' N. of Anneslie Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance from Sec. 1802.28 (5th-7th) to permit a side yard setback of 14' in lieu of the required 25'. Special hearing to permit the construction of a 2 story building with basement for use as professional offices.
Acres: 0.43 District: 9th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plan submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

The submitted plan must be revised to indicate that the County maintained 30-foot public right-of-way in "Locust Drive". The existing County storm drain and inlets, and existing County sanitary sewer located thereon are also to be indicated.

The comments supplied in connection with Item #76 (10-9-1970) and Item #102 (1971-1974) remain applicable to this Item #116 (1974-1975) and are referred to for your consideration.

The entrance location on Locust Drive is subject to approval by the Department of Traffic Engineering and shall be constructed in accordance with Baltimore County Standards.

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.

Item #116 (1974-1975)
Property Owner: Ervin J. & Joan West Cerweny
E/S of York Rd., 75' N. of Anneslie Rd.
January 14, 1975

General (Cont'd)

It appears that additional fire hydrant protection may be required in the vicinity.

Very truly yours,

ELLENWORTH W. DIVER, P.E.
Chief, Bureau of Engineering

END/116/118

W-11 Key Sheet
29 W-2 Top Sheet
W-2 A Top
80 Tax Map

Maryland Department of Transportation
State Highway Administration

Harmon K. Housh
Secretary
400 Capitol
Baltimore, Maryland

July 27, 1978

Mr. George J. Martinak
Deputy Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: Z.A.C. Meeting, July 25, 1978
Item: 12
Property Owner: Ervin J. & Joan West Cerweny
Location: E/S York Rd. (Route 35) 75' N. Anneslie Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a distance between buildings of 40' in lieu of the required 50'.
Acres: 0.43
District: 9th

Dear Mr. Martinak:

At present, vehicles entering the site from York Road come straight into the parking lot; however, the proposal is to establish parking spaces along the south side of the existing building. This will require an awkward "S" turn from the entrance to the back parking lots. We believe that the present arrangement should be retained.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering,
Access Permits

By: John E. Meyers

CLJEM:rvd

cc: Mr. J.L. Wambley

My telephone number is 383-4320

P.O. Box 717 / 300 West Preston Street, Baltimore, Maryland 21203

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 386-3211

LESLIE H. GRAY
DIRECTOR

July 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 #12, Zoning Advisory Committee Meeting, July 25, 1978, are as follows:

Property Owner: Ervin J. & Joan West Cerweny
Location: E/S York Road 75' N. Anneslie Road
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a distance between buildings of 40' in lieu of the required 50'.
Acres: 0.43
District: 9th

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. Wambley
John L. Wambley
Current Planning and Development

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
(410) 386-3200

STEPHEN E. COLLINS
DIRECTOR

July 28, 1978

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

Item No. 12 - SAC - Meeting of July 15, 1978
Property Owner: Ervin J. & Joan West Cerweny
Location: E/S York Road 75' N. Anneslie Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a distance between buildings of 40' in lieu of the required 50'.

Acres: 0.43
District: 9th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to the distances between buildings.

Sincerely yours,

Mike S. Flanigan
Mike S. Flanigan
Traffic Engineering Associate II

MSF/mjn

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

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

September 19, 1978

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

Dear Mr. DiNenna:

Comments on Item #12, Zoning Advisory Committee Meeting, July 25, 1978, are as follows:

Property Owner: Ervin J. & Joan West Cerweny
Location: E/S York Rd. 75' N. Anneslie Rd.
Existing Zoning: D.R. 16
Proposed Zoning: Variance to permit a distance between buildings of 40' in lieu of the required 50'.
Acres: 0.43
District: 9th

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

Very truly yours,

Thomas H. Berlin, Director
THB/HMB
BUREAU OF ENVIRONMENTAL SERVICES

THB/HMB

Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 386-3210

Paul H. Reincke
CHIEF

July 27, 1978

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Ervin J. & Joan West Cerweny

Location: E/S York Rd. 75' N. Anneslie Rd.

Item No. 12 Zoning Agenda Meeting of 7/25/78

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) 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) 2. A second means of vehicle access is required for the site.
- (3) 3. The vehicle dead end condition shown at _____ ~~violates~~ the maximum allowed by the Fire Department.
- (4) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- (x) 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) 6. Site plans are approved as drawn.
- (7) 7. The Fire Prevention Bureau has no comments, at this time.

STY/12/78
Planning Division
Special Inspection Division

Noted and Approved: George M. Housh
Fire Prevention Bureau



