

# 79-98-A 36 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Rene F. Daniel, 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 301.1 to permit a side yard setback for open carport of 33.46' instead of required 37.5'.

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

The width of the lot and the placement of the existing house makes it impossible to add a proposed carport and respect the building set back line.

|          |          |
|----------|----------|
| NO.      | 1270     |
| SECTION  |          |
| DISTRICT |          |
| FILED    |          |
| DATE     | 10/30/78 |
| BY       |          |

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 D.S. Thaler & Associates  
Address 3402 Nancy Ellen Way  
Owings Mills, Maryland 21117  
Petitioner's Attorney D.S. Thaler & Associates  
Address 3809 Clarke Lane  
Baltimore, Maryland 21215  
Protestant's Attorney \_\_\_\_\_  
Address \_\_\_\_\_  
ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of August, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of October, 1978, at 10:30 o'clock A.M.

(over)

RE: PETITION FOR VARIANCE  
S/S of Nancy Ellen Way, 502' E of Garrison Forest Rd., 4th District  
OF BALTIMORE COUNTY  
Case No. 79-98-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 Zimmernum  
Peter Max Zimmernum  
Deputy People's Counsel

John W. Heslian, III  
John W. Heslian, III  
People's Counsel  
County Office Building  
Towson, Maryland 21204  
474-2188

I HEREBY CERTIFY that on this 6th day of October, 1978, a copy of the foregoing Order was mailed to Rene F. Daniel, 3407 Nancy Ellen Way, Owings Mills, Maryland 21117, Petitioner.

John W. Heslian, III  
John W. Heslian, III

**Baltimore County**  
Office of Planning and Zoning  
TOWSON, MARYLAND 21204  
(201) 464-2363  
S. ERIC DINENNO  
ZONING COMMISSIONER  
George J. Maritnak  
Deputy Zoning Commissioner

October 31, 1978

Mr. & Mrs. Rene F. Daniel  
3407 Nancy Ellen Way  
Owings Mills, Maryland 21117

RE: Petition for Variance  
S/S of Nancy Ellen Way, 502' E of Garrison Forest Road - 4th Election District  
Rene F. Daniel - Petitioner  
NO. 79-98-A (Item No. 36)

Dear Mr. & Mrs. Daniel:

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

Very truly yours,  
George J. Maritnak  
George J. Maritnak  
Deputy Zoning Commissioner

GJM:mr  
Attachment

cc: D. S. Thaler & Associates  
3809 Clarke Lane  
Baltimore, Maryland 21215  
John W. Heslian, III, Esquire  
People's Counsel

## **D. S. THALER & ASSOCIATES**

A DIVISION OF  
OMEGA INDUSTRIES, INCORPORATED  
3800 CLARK LANE • BALTIMORE, MD. 21215 • (301) 358-1100

July 13, 1978

## **DESCRIPTION TO ACCOMPANY REQUEST FOR ZONING VARIANCE DANIEL RESIDENCE**

Beginning for the same at a point on the south side of Nancy Ellen Way, said point located 562 feet more or less, easterly from the centerline of Garrison Forest Road, and running thence and binding on said south side of Nancy Ellen Way by a curve to the left having a radius of 325.00' for a length of 105.93 feet, thence leaving Nancy Ellen Way and running the five following courses and distances viz: South 42°24'46" East 150.14 feet South 66°48'00" East 240.00 feet South 88°25'47" West 157.25 feet North 06°48'00" West 224.00 feet North 23°43'53" West 86.61 feet to the place of beginning.

Containing 1.166 acres of land more or less.

Being the same lot of ground known as Lot 4, Block "C" as shown on Plat No. 1 Timberfield in the Valley and recorded in the land records of Baltimore County in Liber E.H.K. Jr. 37 folio 136.



CIVIL ENGINEERS • SITE PLANNERS

## **BALTIMORE COUNTY, MARYLAND**

### **INTER-OFFICE CORRESPONDENCE**

S. Eric DiNenna  
Zoning Commissioner  
TO: Leslie H. Grief  
FROM: Director of Planning  
SUBJECT: Petition 79-98-A, ITEM 36  
Petition for Variance for side yard setback  
South side of Nancy Ellen Way, 502 feet East of Garrison Forest Road  
Petitioner - Rene F. Daniel

4th District

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

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

Leslie H. Grief  
Leslie H. Grief  
Director of Planning

LHG:JGH:mr

## **BALTIMORE COUNTY**

### **ZONING PLANS**

### **ADVISORY COMMITTEE**



### **PETITION AND SITE PLAN**

### **EVALUATION COMMENTS**

### **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 22th day of August, 1978.

S. Eric DiNenna  
S. ERIC DINENNO  
Zoning Commissioner

Petitioner: Daniel  
Petitioner's Attorney \_\_\_\_\_

Mr. Rene F. Daniel  
3407 Nancy Ellen Way  
Baltimore, Maryland 21117

cc: D. S. Thaler & Associates  
3809 Clarke Lane  
Baltimore, Maryland 21215

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

## **BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

October 4, 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 Route Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

Mr. Rene F. Daniel  
3407 Nancy Ellen Way  
Owings Mills, Maryland 21117

RE: Variance Petition  
Item No. 36  
Petitioner - Daniel

Dear Mr. Daniel:

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.

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:mr  
Enclosure

cc: D. S. Thaler & Associates  
3809 Clarke Lane  
Baltimore, Maryland 21215

Pursuant to the advertisement, posting of property, and public hearing on the 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(s),

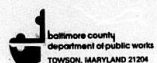
the Variance(s) should be had; and it further appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance to permit a side yard setback of 32.4 feet in lieu of the required 37.5 feet, for an open carport, should be granted.

IT IS ORDERED by the Deputy Commissioner of Baltimore County, this 3rd day of October, 1978, that the herein Petition for the aforementioned Variance should be and the same is/are GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works, the Department of Traffic Engineering, and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 1st day of October, 1978, that the aforementioned Variance(s) be and the same is/are hereby DENIED.

Zoning Commissioner of Baltimore County



THOMAS H. ROOP, P.E.  
DIRECTOR

October 3, 1978

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

Re: Item #36 (1978-1979)  
Property Owner: Rene F. Daniel  
S/S Nancy Ellen Way 502' E Garrison Forest Rd.  
Existing Zoning: RC-5  
Proposed Zoning: Variance to permit a side setback of 32.4' in lieu of the required 37.5' for an open carport.  
Acre: 1.160 District: 4th

Dear Mr. DiMenna:

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 and are as secured by Public Works Agreement #4740, executed in conjunction with the development of "Timberfield in the Valley", of which this property is lot 4, Block "C" of Plat 1, Timberfield in the Valley, recorded E.N.R., Jr. 37, Folio 150.

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.

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. Direction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Public water supply and sanitary sewerage are not available to serve this property, which though not indicated, in utilizing private onsite facilities.

Very truly yours,

Elsworth H. Diver, P.E.  
Chief, Bureau of Engineering

END/EAM/PMB:SS  
cc: H. Shalowitz



LESLIE H. GRAFT  
DIRECTOR

October 6, 1978

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

Dear Mr. DiMenna:

Comments on Item #36, Zoning Advisory Committee Meeting, August 22, 1978, are as follows:

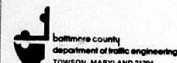
Property Owner: Rene F. Daniel  
Location: S/S Nancy Ellen Way 502' E Garrison Forest Rd.  
Existing Zoning: RC-5  
Proposed Zoning: Variance to permit a side setback of 32.4' in lieu of the required 37.5' for an open carport.  
Area: 1.160  
District: 4th

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. Wimbey, Jr.  
Planner III  
Current Planning and Development



STEPHEN E. COLLINS  
DIRECTOR

October 20, 1978

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

Item No. 36 - ZAC - Meeting of August 22, 1978  
Property Owner: Rene F. Daniel  
Location: S/S Nancy Ellen Way 502' E Garrison Forest Rd.  
Existing Zoning: RC-5  
Proposed Zoning: Variance to permit a side setback of 32.4' in lieu of the required 37.5' for an open carport.

Acre: 1.160  
District: 4th

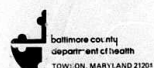
Dear Mr. DiMenna:

No traffic problems are anticipated by the requested variance to the site setback.

Very truly yours,

Michael S. Flanagan  
Engineer Associate II

TSF/mjm



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

September 21, 1978

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

Dear Mr. DiMenna:

Comments on Item #36, Zoning Advisory Committee meeting, August 22, 1978, are as follows:

Property Owner: Rene F. Daniel  
Location: S/S Nancy Ellen Way 502' E Garrison Forest Rd.  
Existing Zoning: RC-5  
Proposed Zoning: Variance to permit a side setback of 32.4' in lieu of the required 37.5' for an open carport.  
Acre: 1.160  
District: 4th

The proposed variance will not interfere with the location of the existing well or sewage disposal area, therefore no health hazards are anticipated.

Very truly yours,

Thomas H. Devlin, Director  
Bureau of Environmental Services

THD/REP:ab



Paul H. Heinke  
CHIEF

October 3, 1978

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

Attention: H. Commodore, Chairman  
Zoning Advisory Committee

Re: Property Owner: Rene F. Daniel  
Location: S/S Nancy Ellen Way 502' E Garrison Forest Rd.

Item No. 36 Zoning Agenda Meeting of 09/22/78

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. 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 Standard 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 \_\_\_\_\_ exceeds 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.

REVIEWED BY: Thomas H. Devlin, Director  
Planning Group  
Special Inspection Division

Noted and Approved: George M. Wagonet  
Fire Prevention Bureau



JOHN L. WIMBEY, JR.  
DIRECTOR

September 22, 1978

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

Dear Mr. DiMenna:

Comments on Item #36 Zoning Advisory Committee Meeting, August 22, 1978 are as follows:

Property Owner: Rene F. Daniel  
Location: S/S Nancy Ellen Way 502' E Garrison Forest Rd.  
Existing Zoning: RC-5  
Proposed Zoning: Variance to permit a side setback of 32.4' in lieu of the required 37.5' for an open carport.  
Acre: 1.160  
District: 4th

The items checked below are applicable:

X1. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, and other applicable codes.

X3. A building permit shall be required before construction can begin.

C. Additional \_\_\_\_\_ permits shall be required.

X2. Building shall be upgraded to new use - requires alteration permit.

X2. Three sets of construction drawings will be required to file an application for a building permit.

F. 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.

G. Wood frame walls are not permitted within 3' of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.

E. Requested setback variance conflicts with the Baltimore County Building Code. See Section \_\_\_\_\_.

I. No Comment.

J. Comment:

Very truly yours,  
Charles E. Dunham  
Plans Review Chief

## BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 16, 1978

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

Z.A.C. Meeting of: August 22, 1978

RE: Item No. 36  
Property Owner: Rene F. Daniel  
Location: S/S Nancy Ellen Way 502' E Garrison Forest Rd.  
Present Zoning: RC-5  
Proposed Zoning: Variance to permit a side setback of 32.4' in lieu of the required 37.5' for an open carport.

District: 4th  
No. Acres: 1.160

Dear Mr. DiMenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich  
Field Representative

JOSEPH H. MCGOWAN, PRESIDENT  
T. WAYNE WILLIAMS, JR., VICE-PRESIDENT  
MARLON M. BUTLER

THOMAS H. BOWEN  
WES. LORRAINE F. CHURCH  
ANDREW S. BATHEN

ALVIN LOFFER  
MRS. MILTON S. SMITH, JR.  
RICHARD W. PRICKE, D.V.M.

ROBERT V. JONES, SUPERVISOR



**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 4th Date of Posting: Oct. 14, 1978

Posted for: PETITION FOR VARIANCE  
Petitioner: RENE F. DANIEL

Location of property: S/S of Nancy Ellen Way, Sec 2 E. of Garrison Forest Rd  
Location of Sign: FRONT NANCY ELLEN WAY

Remarks: Theresa R. DeLand  
Posted by: Signature Date of return: Oct. 17, 1978

1-516W

**PETITION MAP** **PROGRESS SHEET**

| FUNCTION                                        | Wall                                                                                                         |    | Original |    | Duplicate |    | Tracing |    | 200 Sheet |    |
|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------|----|----------|----|-----------|----|---------|----|-----------|----|
|                                                 | date                                                                                                         | by | date     | by | date      | by | date    | by | date      | by |
| Descriptions checked and outline plotted on map |                                                                                                              |    |          |    |           |    |         |    |           |    |
| Petition number added to outline                |                                                                                                              |    |          |    |           |    |         |    |           |    |
| Denied                                          |                                                                                                              |    |          |    |           |    |         |    |           |    |
| Granted by<br>ZC, BA, CC, CA                    |                                                                                                              |    |          |    |           |    |         |    |           |    |
| Reviewed by: <u>cap</u>                         | Revised Plans:<br>Charge in outline or description: Yes <input type="checkbox"/> No <input type="checkbox"/> |    |          |    |           |    |         |    |           |    |
| Previous case:                                  | Map # <u>610157</u>                                                                                          |    |          |    |           |    |         |    |           |    |

**THE TIMES**  
NEWSPAPERS

TOWSON, MD. 21204 October 12 1978

THIS IS TO CERTIFY, that the annexed advertisement of  
PETITION FOR VARIANCE - Rene F. Daniel

was inserted in the following:

☐ Catonsville Times ☐ Towson Times  
☐ Dandak Times ☐ Arbutus Times  
☐ Essex Times ☒ Community Times  
☐ Suburban Times East ☐ Sunburban Times West

weekly newspapers published in Baltimore, County, Maryland,  
once a week for 508 successive weeks before the  
13th day of October, 1978, that is to say, the same  
was inserted in the issues of October 12, 1978

STROMBERG PUBLICATIONS, INC.  
By Esther Burger

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received \* this 7 day of  
1978 Filing Fee \$ 2.00 Received ☒ Check  
☐ Cash  
☐ Other

S. Eric Dineen  
Zoning Commissioner

Petitioner Rene F. Daniel Submitted by R. L.  
Petitioner's Attorney Reviewed by cap

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

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

No. 76104

DATE October 30, 1978 ACCOUNT 01-662

AMOUNT \$ 51.06

RECEIVED FROM Rene F. Daniel 3/07 Nancy Ellen Way  
FOR Posting & Advertising Property Case No. 75-96-A

51060

VALIDATION OR SIGNATURE OF CASHIER

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. October 32, 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., once each  
week on line successive weeks before the 30th  
day of October, 1978, the 508th publication  
appearing on the 32th day of October  
1978.

THE JEFFERSONIAN  
Richard M. Stroman  
Manager

Cost of Advertisement, \$ \_\_\_\_\_

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

No. 76057

DATE October 4, 1978 ACCOUNT 01-662

AMOUNT \$ 95.00

RECEIVED FROM D.G. Thaler & Associates  
FOR Filing Fee for Case No. 75-96-A

25000

VALIDATION OR SIGNATURE OF CASHIER



