

79-106-4 b7d # 81-201-66 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, George W. Koehler, 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 190-20-01 (D.R.S.-5) to permit a side yard setback of 3 feet in lieu of the required 10 feet.

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

To provide two (2) extra bedrooms to house three (3) children of a forthcoming marriage.

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 _____
Protestor's Attorney _____

ORDERED BY The Zoning Commissioner of Baltimore County, this _____ day

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 through-

out Baltimore County, 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 _____ day of _____, 1978, at 11:00 o'clock

A. M.

Eric Di Nenna
Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

To: S. Eric Di Nenna
Zoning Commissioner
Date: October 31, 1978
FROM: Leslie H. Graef
Director of Planning

SUBJECT: Petition 79-106-A, Item #49. Petition for Variance for side yard setback
southwest side of Chesapeake Avenue, 172.5 feet Southwest of Chester Road
Petitioner - George W. Koehler

15th District

HEARING: Monday, November 6, 1978 (11:00 A.M.)

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

Leslie H. Graef
Director of Planning

LHG:JGH

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
SE/S of Chesapeake Ave., 172.5' :
SW of Chester Rd., 15th District : OF BALTIMORE COUNTY
GEORGE W. KOEHLER, Petitioner : Case No. 79-106-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 therefor, 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. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 18th day of October, 1978, a copy of the foregoing Order was mailed to Mr. George W. Koehler, Route 15, Box 265, Baltimore, Maryland 21220, Petitioner.

John W. Hession, III
John W. Hession, III

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
4101 904 2388
S. ERIC DI NENNA
ZONING COMMISSIONER
George J. Martynak
Deputy Zoning Commissioner

November 9, 1978

Mr. George W. Koehler
Route 15, Box 265
Baltimore, Maryland 21220

RE: Petition for Variance
SE/S of Chesapeake Avenue, 172.5'
SW of Chester Road - 15th Election
District
George W. Koehler - Petitioner
NO. 79-106-A (Item No. 49)

Dear Mr. Koehler:

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

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

GJM:mr

Attachment

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

County Office Bldg.
111 W. Chesapeake Ave.
Towson, Maryland 21204

TO:

Mr. George W. Koehler
Rt. 15 Box 265
Baltimore, Maryland 21220

FROM:

Members:
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Services
Health Department
Pension Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

October 18, 1978

RE: Variance Petition
Item No. 49
Petitioner - Koehler

Dear Mr. Koehler:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on-site 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 item, which will be held not less than 30 nor more than 90 days after the date of the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Nicholas B. Commodaki
NICHOLAS B. COMMODAKI
Chairman
Zoning Plans Advisory Committee

NBC:mr
Enclosure

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN EVALUATION COMMENTS

Mr. George W. Koehler
Rt. 15 Box 265
Baltimore, Maryland 21220

Item No. 49

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 27th day of August 1978.

S. Eric Di Nenna
S. ERIC DI NENNA
Zoning Commissioner

Petitioner Koehler
Petitioner's Attorney
Reviewed by Nicholas B. Commodaki
Chairman, Zoning Plans
Advisory Committee

MAR 12 1979

ORDER RECEIVED FOR FILING
DATE 10/24/78
FILED 10/24/78

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 granted, 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 three feet in lieu of the required ten feet should be granted.

Deputy
IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th 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 Department of Public Works 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

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of November, 1978, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



THOMAS H. MCGOWAN, P.E.
DIRECTOR

October 16, 1978

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

Re: Item #49 (1978-1979)
Property Owner: George W. Kohler
81/8 Chesapeake Ave. 172.5' SW Chester Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 10'.
District: 15th

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.

General:

This property comprises Lot 233 of the subdivision "Long Beach Estates" (M.P.C. 5, Page 631), subdivision of property within Baltimore County is subject to Baltimore County Subdivision Regulations.

Highways:

Chesapeake Avenue, 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. 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 Drainage:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage to adjacent properties, especially by the concentration of surface water. 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 #49 (1978-1979)
Property Owner: George W. Kohler
Page 2
October 16, 1978

Storm Drainage (Cont'd)

The property to be developed is located adjacent to the water front. The Developer is advised that the proper sections of the Baltimore County Building Code must be followed whereby elevation limitations are placed on first floor levels and other special construction features are required.

Water:

An 8-inch public water main exists in Chesapeake Avenue. Additional fire hydrant protection is required in the vicinity.

Sanitary Sewer:

Public sanitary sewer is not available to serve this property, which is utilizing private onsite sewage disposal.

Very truly yours,

Edmund H. Dwyer, Jr.
EDMUND H. DWYER, Jr., P.E.
Chief, Bureau of Engineering

END:EAH/PWR:as

cc: J. Wimbley, J. Somers, W. Munchel

2-2W Joy Sheet
4 NE 42 Pos. Sheet
NE 2 K200
58 Tax Map



LESLIE H. GRAFF
DIRECTOR

October 24, 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 #49, Zoning Advisory Committee Meeting, August 24, 1978, are as follows:

Property Owner: George W. Kohler
Location: SE/S Chesapeake Avenue 172.5' SW Chester Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 10'.
District: 15th

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, Jr.
JOHN L. WIMBLEY, JR.
Planner III
Current Planning and Development



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

September 26, 1978

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

Dear Mr. DiNenna:

Comments on Item #49, Zoning Advisory Committee Meeting of August 29, 1978 are as follows:

Property Owner: George W. Kohler
Location: SE/S Chesapeake Ave. 172.5' SW Chester Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 10'.
Acres: 15th
District: 15th

Metropolitan water exists and the proposed addition will not interfere with the location of the septic system. The dwelling should remain a single family residence.

Very truly yours,

Thomas H. Jewell, Director
THOMAS H. JEWELL, DIRECTOR
BUREAU OF ENVIRONMENTAL SERVICES

THD:JRP:jlrg



STEPHEN E. COLLINS
DIRECTOR

October 20, 1978

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

Item No. 49 - SAC - Meeting of August 29, 1978
Property Owner: George W. Kohler
Location: SE/S Chesapeake Ave. 172.5' SW Chester Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 10'.
Acres: 15th
District: 15th

Dear Mr. DiNenna:

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

Very truly yours,

Michael S. Flanagan
MICHAEL S. FLANAGAN
Engineer Associate II

MSF/wjm



Paul H. Reincke
Chief

October 30, 1978

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

Attention: Mr. Edmund H. Dwyer, Jr.
Zoning Advisory Committee

Re: Property Owner: George W. Kohler

Location: SE/S Chesapeake Ave. 172.5' SW Chester Rd.

Item No. 49 Zoning Agenda Meeting of August 29, 1978

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 carried over or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals or 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 [redacted] within 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.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: [Signature]
Planning Group
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 28, 1978

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

Z.A.C. Meeting of: August 29, 1978

RE: Item No. 49
Property Owner: George W. Kohler
Location: SE/S Chesapeake Ave. 172.5' SW Chester Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 3' in lieu of the required 10'.

District: 15th
No. Acres:

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. NICK PETROVICH
Field Representative

JOSEPH H. MCGOWAN, President
T. BAYARD WILLIAMS, Jr., Vice President
MARCUS H. BUTENBERG

THOMAS H. ROYER
MRS. LOREANE F. CHANCELLOR
ROGER H. HARTSON

WILLIAM T. DUBIEL, Representative

ALVIN L. CREECH
MRS. WILTON B. SMITH, JR.
MICHAEL W. TRACY, D.V.

MAR 12 1979

Baltimore County
Department of Planning and Zoning
TOWSON, MARYLAND 21204
(410) 326-3000

JOHN E. BISHOP
DIRECTOR

September 22, 1978

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

Dear Mr. Bishara:

Comments on Map # 49 Zoning Advisory Committee Meeting, August 29, 1978 are as follows:

Property Owner: George W. Koehler
Location: 333 Chesapeake Ave. 172-51 SW Chester Road
Building Design: D.B. 5-5
Proposed Action: Variance to permit a side setback of 3' in lieu of the required 10'.

Amount: 15th

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.

X2. A building permit shall be required before construction can begin.

X3. Additional permits shall be required.

X4. Building shall be upgraded to new use - require alteration permit.

X5. Three sets of construction drawings will be required to file an application for a building permit.

X6. 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.

X7. 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. Building appears to be only 3'-0" from property line.

X8. Requested action variance conflicts with the Baltimore County Building Code. See Section _____.

1. No Comment.

X9. Comment: Please be aware of Section 300.3 of the Building Code Supplement if the floor of the basement or 1st floor would be below elevation 14.

Very truly yours,
Charles E. Hummel
Charles E. Hummel
Planning Series 2147

CEB:ryj

Section 320.0 Construction in Areas Subject to Flooding

Subsection 320.1 General Requirements. All buildings and structures hereafter erected or moved in areas in Baltimore County as designated by the Department of Public Works of Baltimore County and which are subject to inundation by tidewater, surface water or running streams shall have floor elevations and watertightness as set forth in this Code.

Subsection 320.2 Areas Subject to Inundation by Tidewaters

a. Where buildings are built in areas subject to inundation by tidewaters, the first or main floor elevation shall not be lower than 240 feet above mean low tide. Such buildings shall be supported on piles, reinforced concrete piers, monolithic concrete foundations or other approved means of support.

b. Where basements or other floors are constructed below 10 feet above mean low tide, the enclosure walls and floor construction shall be of monolithic construction of concrete of sufficient strength and specifically designed for watertightness and hydrostatic pressure, as certified by a Professional Engineer registered in the State of Maryland. Such walls shall be made watertight by membrane waterproofing on the exterior face and the membrane protected by 1 inch minimum cement plaster casting. All floors below 10 feet above mean low tide shall be made watertight by membrane waterproofing on 3 inch minimum concrete floor sub-base.

c. All airways for windows, doors, and other openings below 10 feet above mean low tide shall be made watertight as required for walls and floors as set forth in this Code.

d. All airways for windows, doors, and other openings below 10 feet above mean low tide shall be connected to service weight cast iron soil pipe to an adequate sump pump located in the basement and discharging to elevation not less than 10 feet above mean low tide; the said pump shall have a discharge capacity of not less than 15 gallons per minute.

e. Crawl spaces under floors of buildings or structures below 10 feet above mean low tide shall have enclosure walls conforming to the requirements of this Code except such enclosing walls may be of concrete masonry unit set in mortar and shall be capable of withstanding the hydrostatic pressure. All openings to the crawl spaces, including access doors, shall be enclosed to an elevation of not less than 8 1/2 feet above mean low tide. The crawl space area and enclosure shall be drained by cast iron soil pipe with a proper backwater valve, and shall discharge to the adjacent grade or into an approved drainage system.

Subsection 320.3 Areas Subject to Inundation by Surface Waters on Running Streams.

a. The first or main floor elevation of buildings subject to inundation by surface water or streams shall be not less than 2 feet above the flood level as determined by the Department of Public Works of Baltimore County, or at such elevation as may be necessary to grade a lot to prevent flooding at the same. Construction shall be in conformity with the requirements set forth in this Code, titled "Areas Subject to Inundation by Tidewaters."

b. All basement or other floors below the first or main floor shall be in conformity with the requirements set forth in this Code.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 10/12

Posted for: *George W. Koehler*

Petitioner: *George W. Koehler*

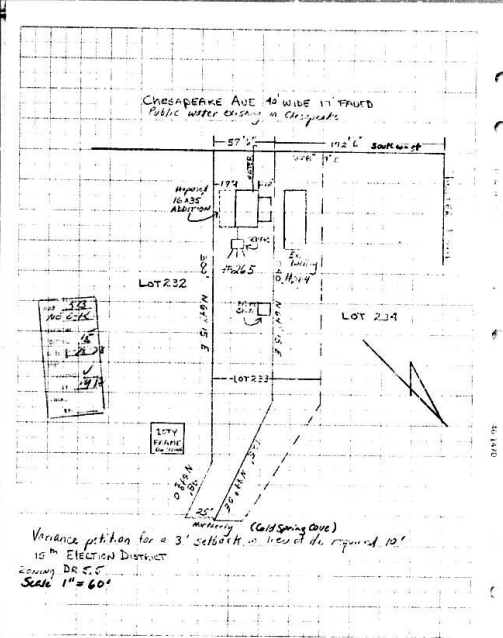
Location of property: *333 Chesapeake Ave. 172-51 SW*

Location of Signs: *front of property*

Remarks:

Posted by: *Sharon C. Korman* Date of return: 10/12

No. of Signs: 1



OFFICE OF THE TIMES
THE TIMES
NEWSPAPERS

TOWSON, MD 21204 October 19 1978

THIS IS TO CERTIFY that the annexed advertisement of PETITION FOR VARIANCE - George W. Koehler was inserted in the following

☐ Catonsville Times ☐ Towson Times
☐ Dundalk Times ☐ Arbutus Times
☐ Essex Times ☐ Community Times
☐ Suburban Times East ☐ Suburban Times West

weekly newspapers published in Baltimore, County, Maryland, once a week for one successive weeks before the 20th day of October 1978, that is to say, the same was inserted in the issues of October 19, 1978

STROMBERG PUBLICATIONS, INC.
BY *Esther Ringer*

CERTIFICATE OF PUBLICATION

TOWSON, MD 21204 October 19, 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 the 19th day of November, 1978, the first publication appearing on the 19th day of October, 1978.

THE JEFFERSONIAN
Manager

Cost of Advertisement \$ _____

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 21st day of August 1978. Filing Fee \$ 25.00 Received ☒ Cash ☐ Check ☐ Other

George W. Koehler Submitted by *George W. Koehler*
Petitioner's Attorney Reviewed by *Sharon C. Korman*

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. 76127

DATE: November 8, 1978 ACCOUNT: 01-662

AMOUNT: \$10.12

RECEIVED FROM: George W. Koehler

FOR: Cost of Advertising and Posting for Case No. 79-106

\$10.12 0 4.0426

VALIDATION OR SIGNATURE OF CASHIER

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

No. 76070

DATE: October 10, 1978 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: George W. Koehler

FOR: Filing Fee for Case No. 79-106-A

\$25.00 0 4.0426

VALIDATION OR SIGNATURE OF CASHIER