

71-109-A 43 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE HONORABLE COMMISSIONER OF BALTIMORE COUNTY:

I, Lois K. Thuss, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof.

lawfully petition for a Variance from Section 1201.2.C.1 to permit side and front setbacks of 12 feet and 16 feet, respectively, for proposed dwellings on Lot Nos. 15, 16, and part of 14 and 17 in Block 14, the required 25 feet, Section 1201.2.C.2 - to permit alterations to the centerline of Dutton Ct. of 16 feet for the front and 31 feet for side in line of the required 50 feet for the aforementioned lots.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County; for the following reasons: Baltimore hereby or provided differently)

I purchased these lots to build a home for myself, which I need to occupy as soon as possible, and subsequently to build another home for my son, Robert. The variances are necessary to construct the two houses of adequate size to meet our needs and be compatible with others in the neighborhood.

APR 26 1978
SECTION 1201.2.C.1
15, 16, and part of 14 and 17
BLOCK 14
DUTTON CT.
BALTIMORE COUNTY
MD 21204

Property is to be paid and of, or as provided 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 per-lease

Legal Owner

Address: 8902 MANCHESTER RD

APT. 205

SILVER SPRING MD. 20901

Petitioner's Attorney

1-597-5867

FORWARDED BY THE Zoning Commissioner of Baltimore County, this 29th day of August, 1978.

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 a 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 November, 1978, at 10:30 o'clock A.M.

Alvin L. Kline
Zoning Commissioner of Baltimore County.

(over)

79-109-A
43
114 Forest Ave.
Baltimore, Md. 21208
744-0468

RE: PETITION FOR VARIANCES
S/S of Dutton Court, 120'
W of Dutton Ave., 1st District
LOIS K. THUSS, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 79-109-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 324.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or date which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 19th day of October, 1978, a copy of the foregoing

Order was mailed to Lois K. Thuss, 8902 Manchester Road, Apt. 205, Silver Spring, Maryland 20901, Petitioner.

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

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
201-46-2200
S. Eric DiNenna
Zoning Commissioner
George J. Martinak
Deputy Zoning Commissioner

November 22, 1978

Mr. Lois K. Thuss
Apartment 205
8902 Manchester Road
Silver Spring, Maryland 20901

RE: Petition for Variances
S/S of Dutton Court, 120' W
of Dutton Avenue - 1st
Election District
Lois K. Thuss - Petitioner
NO. 79-109-A (Item No. 43)

Dear Ms. Thuss:

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

Very truly yours,
George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM:mr

Attachments

cc: Mr. William F. Lackey
114 Forest Avenue
Baltimore, Maryland 21228

Mrs. Mary Frances Cochran
1 Dutton Court
Baltimore, Maryland 21228

Mr. John C. Handy
18 Dutton Avenue
Baltimore, Maryland 21228

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
TO: Zoning Commissioner
Leslie H. Graw
FROM: Director of Planning
SUBJECT: Petition 79-109A, Item 43, Petition for Variances for side and front yard setbacks and distance to the centerline
South side of Dutton Court, 120 feet West of Dutton Avenue
Petitioner - Lois K. Thuss

1st District

HEARING: Wednesday, November 8, 1978 (10:30 A.M.)

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

Leslie H. Graw
Leslie H. Graw
Director of Planning

LHG:JGH:rw

One Dutton Court
Catonville, Md. 21228
November 2, 1978

Baltimore County Zoning Commissioners Office
Towson, Maryland 21204
Gentlemen:

REF: Case No. 79-109-A
Item 43
Petitioner - Lois K. Thuss (791033)
Hearing Date: November 8, 1978

I wish to go on record that I plan to appear as a Protester, along with my husband Drew Preston Cochran, on November 8, 1978, to protest the set-back Variance HEARINGS.

Dutton Court is a one-lane road without curbs or sidewalks, with an impassable ledge on either hill at one end, necessitating one-way traffic during the ice & snow weather which has continued over two months the past two winters. Courts, in Baltimore County, are not serviced in any way by snow-removal vehicles, and the burden of the tree-shaded (even in winter) condition, snow and ice lay in the area and on the road long after it has melted everywhere else. Unless there is OFF-STREET PARKING, I will not be able to drive out of the court for months in winter without endangering life and property if cars are parked on the edge of the roadway.

The peculiar circumstances of narrow road mandate OFF STREET PARKING, which will not occur if the Variances to permit only a 16-foot setback is granted.

Very truly yours,

Mary Frances Cochran
Mary Frances Cochran
(Mrs. Drew P. Cochran)



Mr. Lois K. Thuss
8902 Manchester Road, Apt. 205
Silver Spring, Maryland 20901

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
171 W. Chesapeake Ave.
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 2nd day of August, 1978.

Alvin L. Kline
S. ERIC DI NENNA
Zoning Commissioner

Petitioner: Thuss
Petitioner's Attorney: *John W. Hession, III*
Reviewed by: *Michael J. Graw*
Michael J. Graw
Chairman, Zoning Plans
Advisory Committee

ORDER RECEIVED FOR FILING

DATE *March 29, 1978*

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 unreasonably hardship upon the Petitioner(s), the Variance should be held and it is further recommended that by reason of the granting of the Variance requested not adversely affecting the health, safety, and general welfare of the community...

Dutton Court is 44 feet for the corner and 21 feet for the side in lieu of the required 50 feet for the proposed driveways on Lot Nos. 15 and 16, and part of Lot No. 17, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *22nd* day of *November*, 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 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 unreasonably hardship...

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this *22nd* day of *November*, 1978, that the aforementioned Variance(s) be and the same is/are hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

October 18, 1978

Mr. Nicholas B. Commodari
Chairman

Ms. Lois K. Thuss
8902 Manchester Road, Apt. 205
Silver Spring, Maryland 20901

RE: Variance Petition
Item No. 43
Petitioner - Thuss

Dear Ms. Thuss:

The Zoning Plans Advisory Committee has reviewed the plan 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.

Please be advised that since the Bureau of Engineering is requiring a 40' right-of-way for Dutton Court, I have changed that petition form to reflect proposed front setbacks of 24' and side street setbacks of 12' from this proposed right-of-way.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of 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/sf

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204

THORNTON M. SCHEIDT, P.E.
DIRECTOR

October 23, 1978

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

Re: Item #43 (1978-1979)
Property Owner: Lois K. Thuss
5/5 Dutton Ct., 120' W. Dutton Ave.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit side setbacks of 12' in lieu of the required 25'.
District: 1st

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.

Highways

Dutton Court, an existing public road, is proposed to be improved in the future as a 40-foot closed section roadway on a 40-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.

The construction of concrete sidewalks, curb and gutter, entrances, aprons, etc. will be the full responsibility of the Petitioner.

Sediment Control

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

Storm Drainage

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 #43 (1978-1979)
Property Owner: Lois K. Thuss
Page 2
October 23, 1978

Water and Sanitary Sewer

There is public 6-inch water main, and 8 and 15-inch sanitary sewerage in Dutton Court.

Additional fire hydrant protection is required in the vicinity.

Very truly yours,

Ellsworth H. Dyer, P.E.
ELLSWORTH H. DYER, P.E.
Chief, Bureau of Engineering

END:BAW/PWS:SE

CC: J. Somers

M. Munchel

P-W: Ray Sheet

10 SW 27 PWS. Sheet

SW 3 C Topo

100 Tax Map

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 954-2211

LESLIE H. GRAFF
DIRECTOR

October 23, 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 #43, Zoning Advisory Committee Meeting, August 29, 1978, are as follows:

Property Owner: Lois K. Thuss
Location: 5/5 Dutton Court 120' W Dutton Ave
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 12' in lieu of the required 25'.
District: 1st

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. Wimbler
JOHN L. WIMBLER
Planner III
Current Planning and Development

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

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

September 25, 1978

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

Dear Mr. DiNenna:

Comments on Item #43, Zoning Advisory Committee Meeting, August 29, 1978, are as follows:

Property Owner: Lois K. Thuss
Location: 5/5 Dutton Ct. 120' W Dutton Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 12' in lieu of the required 25'.
Acreage: 1st
District: 1st

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

Very truly yours,

Thomas R. Hewlin
THOMAS R. HEWLIN, Director
BUREAU OF ENVIRONMENTAL SERVICE

THD:jfp:jlc

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
(301) 954-2211

STEPHEN COLLINS
DIRECTOR

October 20, 1978

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

Item No. 41 - SAC - Meeting of August 29, 1978
Property Owner: Lois K. Thuss
Location: 5/5 Dutton Ct. 120' W Dutton Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 12' in lieu of the required 25'.

Acreage: 1st
District: 1st

Dear Mr. DiNenna:

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

Very truly yours,

Michael S. Flanagan
MICHAEL S. FLANAGAN
Engineer Associate II

MSF/mjs

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
(301) 954-2211

Paul H. Reincke
CHIEF

October 2, 1978

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Lois K. Thuss

Location: 5/5 Dutton Ct. 120' W Dutton Ave.

Item No. 45 Zoning Agenda Meeting of 08/29/78

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 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 load and condition shown at shall be 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: *George M. Hagan*
Special Inspection Division

Noted and Approved: *George M. Hagan*
Fire Prevention Bureau

September 22, 1978

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

Dear Mr. DiHenna:
Comments on Item #43 Zoning Advisory Committee Meeting, August 7, 1978 are as follows:

Property Owner: LOIS K. THUSS
Location: Dutton Court 120' W Dutton Ave.
Existing Zoning: D.R. 5.5
Proposed: Side setback variance to permit side setbacks of 17' in lieu of the required 25'.

Access:
District: 1st.

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. Additional _____ permits shall be required.
- X. D. Building shall be upgraded to new use - requires alteration permit.
- X. E. Three sets of construction drawings will be required to file an application for a building permit.
- X. F. Three sets of construction drawings (to a registered Maryland Architect or Engineer's original seal) will be required to file an application for a building permit.
- X. G. Wood frame walls are not permitted within 1' of a property line. Contact Building Department if distance is between 1' and 6" of property line.
- X. H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- X. I. No Comment.
- X. J. Comment:

Very truly yours,

Charles E. Bentley
Charles E. Bentley
Planning Review Chief

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 28, 1978

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

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

RE: Item No: 43
Property Owner: Lois K. Thuss
Location: S/S Dutton Ct. 120' W. Dutton Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 17' in lieu of the required 25'.

District: 1st
No. Acres:

Dear Mr. DiHenna:

No bearing on student population.

Very truly yours,

Wick Petronick
Wick Petronick
Field Representative

WUP/tp

JOSEPH H. BLOOMER, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARION H. BOWMAN

THOMAS H. BOYER
WILLIAM L. BOWEN, P. CHAIRMAN
ROBERT S. HATHEN
ROBERT V. CUBEL, SUPERVISOR

OFFICE OF THE TIMES NEWSPAPERS

TOWSON, MD. 21204 October 19, 1978

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Lois K. Thuss 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 _____ successive weeks before the 20th day of _____ 1978, that is to say, the same was inserted in the issues of October 19, 1978

STROMBERG PUBLICATIONS, INC.

BY *Exhibit B*

CERTIFICATE OF PUBLICATION

TOWSON, MD. _____ 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. _____ day of _____ 1978, the _____ day of _____ 1978, the _____ day of _____ 1978, appearing on the _____ day of _____ 1978.

THE JEFFERSONIAN
Richard L. Stricker
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 18th day of August 1978. Filing Fee \$ 25.00. Received ☒ Check ☐ Cash ☐ Other

Petitioner Lois K. Thuss Submitted by William L. Bowen
Petitioner's Attorney _____ Reviewed by DiHenna

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

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: OCT. 23, 1978

Posted for: PETITION FOR VARIANCE

Petitioner: LOIS K. THUSS

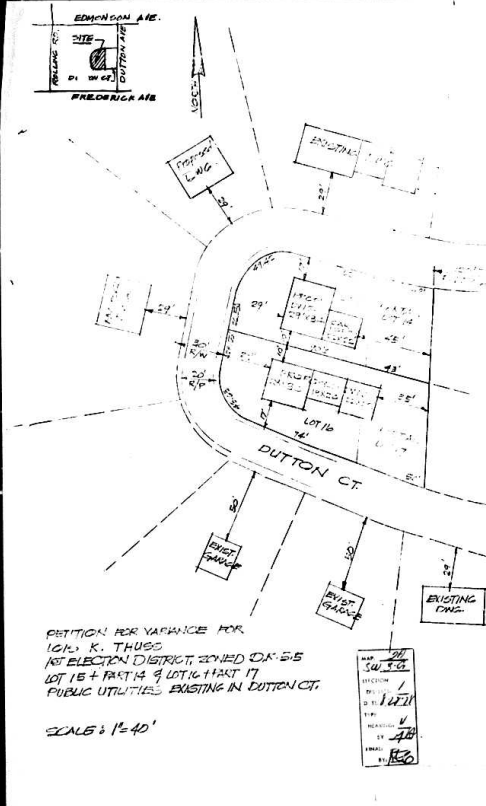
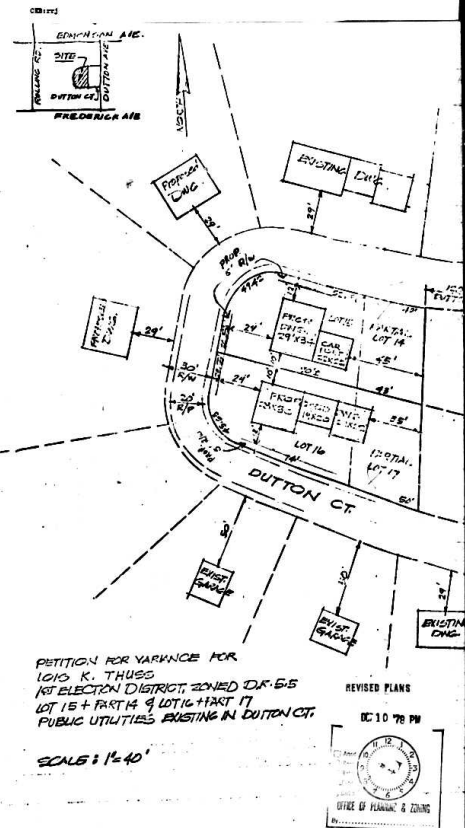
Location of property: 513 E. DUTTON CT. 120' W. OF DUTTON AVE.

Location of signed: 513 E. DUTTON CT. 120' W. OF DUTTON AVE.

Remarks: LOIS K. THUSS

Posted by: William L. Bowen Date of return: OCT. 26, 1978

2-S-605



BALTIMORE COUNTY, MARYLAND No. 76141
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: SEP. 15, 1978 ACCOUNT: 01-668
AMOUNT: \$25.00
RECEIVED BY: W. P. Loney, 111 Forest Ave., Balto., Md.
FOR: 21204 Cost of Advertising and Posting Case No. 78-109-A
VALIDATION OR SIGNATURE OF CARRIER: 52506

BALTIMORE COUNTY, MARYLAND No. 76074
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: October 10, 1978 ACCOUNT: 01-668
AMOUNT: \$25.00
RECEIVED BY: William F. Smith
FOR: Filing Fee for Case No. 78-109-A
VALIDATION OR SIGNATURE OF CARRIER: 25006