

79-135-A #42 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Cecil R. Walker, 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 1802.3C.1 to permit lot width of 50' in lieu of required 55' for lots 22, 23, 24, 25.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
The Petitioner is the owner of the property and has been in possession of the property for over 10 years. Without the variance I cannot get a building permit.

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: Cecil R. Walker
Address: 6701 University Drive, Baltimore, Md. 21220
Petitioner's Attorney: John W. Hession, III
Address: 111 W. Chesapeake Ave., Towson, Md. 21204

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of November, 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 19th day of December, 1978, at 10:00 o'clock A.M.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner
FROM: Letitia H. Gray, Director of Planning
SUBJECT: Petition # 79-135-A, Item #42

Petition for Variance for lot width, Northwest side of Cherwin Avenue, 75 feet Northeast of Birdwood Place
Petitioner - Cecil Walker and Terrill L. Cagle

15th District

HEARING: Monday, December 18, 1978 (10:00 A.M.)

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

Letitia H. Gray
Director of Planning and Zoning

LHG:JGHw

RE: PETITION FOR VARIANCE
NW/5 of Cherwin Ave., 75'
NE of Birdwood Pl., 15th District
CECIL WALKER, et al, Petitioners
Case No. 79-135-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 the 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. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 5th day of December, 1978, a copy of the foregoing Order was mailed to Mr. Cecil R. Walker, 6701 University Drive, Baltimore, Maryland 21220, Petitioner.

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

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
201-684-3636
S. ERIC DI NENNA
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

December 20, 1978

Mr. Cecil R. Walker
6701 University Drive
Baltimore, Maryland 21220

and
Mr. Terrill L. Cagle
13204 Cherwin Avenue
Baltimore, Maryland 21220

RE: Petition for Variance
NW/5 of Cherwin Avenue, 75'
NE of Birdwood Place - 15th
Election District
Cecil R. Walker, et al -
Petitioners
NO. 79-135-A (Item No. 42)

Dear Sirs:

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

Very truly yours,
S. ERIC DI NENNA
Zoning Commissioner

SED:mr

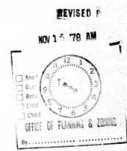
Attachment

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

E. V. COOMAN & CO.
SURVEYORS & CIVIL ENGINEERS
1309 E. THIRTY SIX STREET
Baltimore, Maryland 21202
October 5, 1978

Description of Property to Accompany request for Variance

Beginning for the same at a point on the northwest side of Cherwin Avenue at the distance North 23 degrees 01 minutes East 75 ft from the intersection formed by the northwest side of Cherwin and the Easterly side of Birdwood place as shown on the plat of Twin River Beach recorded in the Land Records of Balto County 1st plat book 8/13 and running thence on Cherwin Ave North 23 degrees 01 minutes East 100 ft thence North 66 degrees 59 minutes West 248 ft to the waters of Bird River thence on said waters South 23 degrees 43 minutes West 100 ft thence South 66 degrees 59 minutes East 248 ft to the place of beginning.
Being lots 22, 23, 24, 25 shown as above mentioned plat.



BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 22, 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 Protection
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
and Social Development

Mr. Cecil R. Walker
6701 University Drive
Baltimore, Maryland 21220

RE: Item No. 42
Petitioner - Walker
Variance Petition

Dear Mr. Walker:

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.

The subjects of these petitions are two 50' wide lots, improved with an individual dwelling (lots #24 & 25), and located on the west side of Cherwin Avenue, approximately 75' northeast of Birdwood Place in the 15th Election District. This area has been the subject of a number of similar Variance requests in the past.

Because these two 50' lots were owned by one owner and sold separately without benefit of the required Variances, this request is necessitated in order to legalize the location of the existing dwelling and allow an additional dwelling to be constructed on the remaining 50' lots (#22 & 23).

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/sf

cc: Edward V. Cooman & Co.
1209 East 36th Street
Baltimore, Maryland 21218

MAR 13 1979

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),

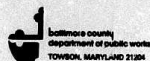
the Variance(s) should be granted; and it further appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance(s) to permit lot widths of 50 feet in lieu of the required 55 feet, for Lot Nos. 22, 23, 24, and 25, should be granted.

It is ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of December, 1978, that the herein Petition for the aforementioned Variance(s) 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, Planning and Zoning, Baltimore County Office Building, Towson, Maryland 21204.

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 20th day of December, 1978, that the aforementioned Variance(s) be and the same is/are hereby DENIED.

Zoning Commissioner of Baltimore County



THOMSON M. MOURING, P.E.
DIRECTOR
October 3, 1978

Re: Item #42 (15/0-1978)
Property Owner: Cecil R. Walker
Location: NW/4 Chervin Ave. 75' NE Birdwood Pl.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55'.
Acres: 0.2847 District: 15th

Dear Mr. DiNanno:

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:

Chervin 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 stripping of top soil.

Storm Drains:

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.

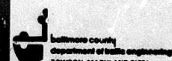
Water and Sanitary Sewer:

Public 8-inch water main and 8-inch sanitary sewerage exist in Chervin Avenue.

Very truly yours,

Thomson M. Mouring, P.E.
Director, Bureau of Engineering

END:EMH:PMH:as
MM-SW Key Sheet
30 NE 49 Pos. Sheet
NE SW Topo
84 Tax Map



STEPHEN E. COLLINS
DIRECTOR

October 20, 1978

Re: Item #42 (15/0-1978)
Property Owner: Cecil R. Walker
Location: NW/4 Chervin Ave. 75' NE Birdwood Pl.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55'.
Acres: 0.2847 District: 15th

Meeting of August 22, 1978
Cecil R. Walker
NW/4 Chervin Ave. 75' NE Birdwood Place
D.R. 5.5
Variance to permit a lot width of 50' in lieu of the required 55'.

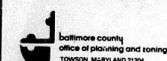
Dear Mr. DiNanno:

No traffic problems are anticipated by the requested variance to permit a lot width of 50 feet.

Very truly yours,

Michael S. Flanagan
Engineer Associate II

MSF/mjn



LESLIE H. GRAY
DIRECTOR

October 23, 1978

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

Dear Mr. DiNanno:

Comments on Item #42, Zoning Advisory Committee Meeting, August 22, 1978, are as follows:

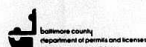
Property Owner: Cecil R. Walker
Location: NW/4 Chervin Ave. 75' NE Birdwood Place
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55'.
Acres: 0.2847
District: 15th

This office has reviewed the subject petition and offers the following comments. These comments are intended to indicate the appropriateness of the zoning in question, but are not to be construed as an endorsement of the plan or the project. 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



JOHN D. SEITZ
DIRECTOR

September 22, 1978

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

Dear Mr. DiNanno:

Comments on Item # 42 Zoning Advisory Committee Meeting, August 22, 1978 are as follows:

Property Owner: Cecil R. Walker
Location: NW/4 Chervin Ave. 75' NE Birdwood Place
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55'.

Acres: 0.2847
District: 15th

The items checked below are applicable:

1. A structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1975 Supplement, and other applicable codes.
2. A building permit shall be required before construction can begin.
3. Additional permits shall be required.
4. Building shall be upgraded to new use - requires alteration permit.
5. Three sets of construction drawings will be required to file an application for a building permit.
6. Three sets of construction drawings with a registered Maryland architect or Engineer's original, and will be required to file an application for a building permit.
7. Wood frame walls are not permitted within 30' of a property line. Contact Building Department if distance is between 30' and 60' of property line.
8. Proposed setback variance conflicts with the Baltimore County Building Code. See Section 10.1.
9. No Comment.
10. Comment: Please be aware of the Code requirements in areas subject to tidal inundation Section 10.2 as attached - Engineer's drawings may be required.

Very truly yours,

John D. Seitz
John D. Seitz
Planning Director



Paul H. Heinicke
Chief

December 14, 1978

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

Attention: Mr. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Cecil R. Walker

Location: NW/4 Chervin Ave. 75' NE Birdwood Pl.

Item # 42 Revised Zoning Agenda Meeting of 8/22/78

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 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 _____ exceeds the maximum allowed by the Fire Department.

The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

- (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 BY: [Signature] Planning Group
[Signature] Special Inspection Division
[Signature] Fire Prevention Bureau



Paul H. Heinicke
Chief

October 3, 1978

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

Attention: Mr. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Cecil R. Walker

Location: NW/4 Chervin Ave. 75' NE Birdwood Pl.

Item # 42 Zoning Agenda Meeting of 08/22/78

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 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 _____ 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.
- (7) The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] Planning Group
[Signature] Special Inspection Division
[Signature] Fire Prevention Bureau



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

September 11, 1978

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

Dear Mr. DiNanno:

Comments on Item #42, Zoning Advisory Committee Meeting of August 22, 1978, are as follows:

Property Owner: Cecil R. Walker
Location: NW/4 Chervin Ave. 75' NE Birdwood Pl.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55'.
Acres: 0.2847
District: 15th

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

Very truly yours,

John H. Davis, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD/HE/PLG

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 16, 1978

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

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

RE: Item No: 42
Property Owner: Cecil R. Walker
Location: NW/4 Cherwin Ave. 75' NE Birdwood Pl.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a lot width of 50' in lieu of the required 55'.

District: 15th
No. Acres: 0.2847

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative

NNP/bp

JOSEPH H. MCGOWAN, PRESIDENT
T. BAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS H. BOTTSBARD

THOMAS H. BOYER
MRS. LORRAINE F. CHIRPUS
ROGER S. HATHORN
ROBERT T. DUBEL, SUPERINTENDENT

ALVIN LORECK
MRS. MILTON R. SMITH, JR.
RICHARD W. TRACY, D.M.

OFFICE OF
THE TIMES
NEWSPAPERS
TOWSON, MD. 21204 November 30 1978

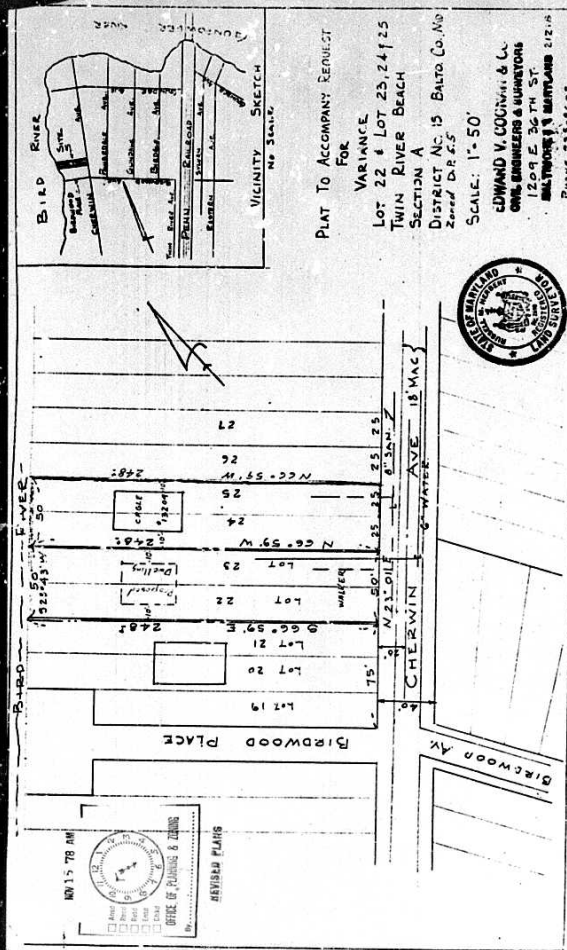
THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE - Cecil Walker & Terrill L.
Castle was inserted in the following:

- | | |
|--|--|
| ☐ 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
1st day of December 1978, that is to say, the same
was inserted in the issues of November 30, 1978

STROMBERG PUBLICATIONS, INC.

BY: *Esther Burger*



PLAT TO ACCOMPANY RESOLUT
FOR

VARIANCE
LOT 22 & LOT 23, 24 & 25
TWIN RIVER BEACH
SECTION A
DISTRICT NO. 15 BALTO Co. Md.
2nd Ed. 2.5
SCALE: 1" = 50'



EDWARD V. COUGHLIN & CO.
ENGINEERS & SURVEYORS
1201 E. 36TH ST
BALTIMORE, MARYLAND 21214
Phone 233-1608

78-135-A

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15
Posted for: Petition for variance
Petitioner: Cecil Walker, et al
Location of property: 75' NE of Birdwood Pl.
Location of Sign: front of property (1201 E. 36th St.)
Remarks: _____
Posted by: Sec. DiNenna
Date of return: 12/3
1 sign

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		20% 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 ZC, B., CC, CA										
Reviewed by: <u>CD</u>	Revised Plans:				Change in outline or description: Yes ☐ No ☐					
Previous case:	Map #									

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
August 1978. Filing Fee \$ 75.00. Received Check
Cash
Other

Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner: Cecil Walker Submitted by: Michael
Petitioner's Attorney: _____ Reviewed by: CD

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

CERTIFICATE OF PUBLICATION

TOWSON, MD. November 30, 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 in each of one two successive weeks before the 15th day of December, 1978, the 19th publication appearing on the 30th day of November 1978.

THE JEFFERSONIAN
Richard L. Sturges
Manager

Cost of Advertisement, \$ _____

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 73075

DATE: 10-11-78 ACCOUNT: 01-662

RECEIVED FROM: CECIL WALKER

FOR: CECIL WALKER
7501 MARYLAND
7501 MARYLAND

AMOUNT: 25.00

2500.00

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 76197

DATE: December 18, 1978 ACCOUNT: 01-662

RECEIVED FROM: Mr. Cecil Walker

FOR: Cost of Advertising and Posting Case No. 78-135-A

AMOUNT: \$62.97

62.97

VALIDATION OR SIGNATURE OF CASHIER