

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, Curt A. H. Jeschke, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and make a part hereof, hereby petition for a Variance from Section 1407.404 to permit a setback to the center line of the road (Masemore Road) of 65 feet in lieu of the required 100 feet

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

The depth of the lot will not permit the required 100 ft. setback from Rd. and at any point along Masemore Road. The location of the proposed dwelling as shown on the attached plat has been situated so that a private sewage disposal area will be serviceable and at this location a front yard setback of 65' is sufficient. A variance of 100' to 65' is therefore requested.

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.

John W. Hessman, III
Deputy People's Counsel
Address: 1023 North Calvert Street, Baltimore, Maryland 21202

Eric Di Nenna
Zoning Commissioner
Address: 1023 North Calvert Street, Baltimore, Maryland 21202

ORDERED By The Zoning Commissioner of Baltimore County, this 11 day of January, 1979, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 12 day of January, 1979, at 10:00 o'clock A.M.

(over)

BALTIMORE COUNTY, MARYLAND

INTRA-OFFICE CORRESPONDENCE

S. Eric Di Nenna
Zoning Commissioner
Date: January 11, 1979

TO: Leslie H. Grief

FROM: Director of Planning and Zoning

SUBJECT: Petition 79-157A. Petition for Variance for setback to center line, North side of Masemore Road, 1426 feet West of Bunker Hill Road. Petitioner - Curt A. H. Jeschke and William D. Purdum

7th District

HEARING: Monday, January 29, 1979 (10:00 A.M.)

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

Leslie H. Grief
Leslie H. Grief, Director
Office of Planning and Zoning

LHG:JGH:hw

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S of Masemore Rd., 1426'
W of Bunker Hill Rd.,
7th District : OF BALTIMORE COUNTY

CURT A. H. JESCHKE, et al. : Case No. 79-157-A
Petitioners

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.

John W. Hessman, III
Deputy People's Counsel
Address: 1023 North Calvert Street, Baltimore, Maryland 21202

I HEREBY CERTIFY that on this 16th day of January, 1979, a copy of the foregoing Order was mailed to Mr. Curt A. H. Jeschke and M. William D. Purdum, 1023 N. Calvert Street, Baltimore, Maryland 21202, Petitioners.

John W. Hessman, III

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-2800

S. ERIC DINENNA
ZONING COMMISSIONER

January 30, 1979

Messrs. Curt A. H. Jeschke and
William D. Purdum
1023 North Calvert Street
Baltimore, Maryland 21202

RE: Petition for Variance
N/S of Masemore Road, 1426' W
of Bunker Hill Road - 7th
Election District
Curt A. H. Jeschke, et al.
Petitioners
NO. 79-157-A (Item No. 100)

Gentlemen:

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

Very truly yours,

Eric Di Nenna
Zoning Commissioner

SED:mr

Attachments

cc: Mr. Donald T. Kosdemba
7614 Oakleigh Road
Baltimore, Maryland 21234

Mrs. W. K. Rice
17921 Masemore Road
Parkton, Maryland 21120

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

Description for Variance for Curt A. H. Jeschke & William D. Purdum
7th Election District

Beginning at a point in the center of Masemore Road, 1426.43 feet West of Bunker Hill Road, and running along the center of Masemore Road the four courses and distances: North 45° 23' 30" East, 1' 11 feet; thence North 65° 26' 40" East, 229.00 feet; thence North 0° 27' 53" East, 765.30 feet; thence North 25° 13' 10" East, 291.00 feet to the centerline of Bunker Hill Road and thence North 34° 11' 00" West, 26.20 feet; thence running South 0° 30' 15" West, 1345.18 feet; thence South 0° 37' 30" East, 172.33 feet to the point of beginning.

Containing 3.477 acres of land, more or less.

79-157-A
File
S. Eric Di Nenna
Zoning Commissioner
111 W. Chesapeake Avenue
Towson, Maryland

RE: 79-157-A

January 24, 1979

Dear Sir
This letter is written out of concern and protest of the variance request for a 65' setback instead of the required 100' on Masemore Road, Case # 79-157-A, Parkton, MD.

First, let me say that all the new homes built in the area had to meet the 100' setback requirement and did so without exception.

The property in question is a narrow strip fronting on Masemore Road backing up to two three story high tension towers.

This request for an exception is not out of context for the environment or a desire not to disturb the land scape, but instead to make an undesirable strip of land profitable for the present owner. An unsuspecting buyer may not be able to visualize what this undesirable would look like perched on a slope with high tension wires behind them and only 65' from the road.

The County in the past has been careful to control indiscriminate building through very specific quality laws and of course this is always the justified exception. However, this is neither reasonable nor justified.

If the normal procedure before granting a variance is a site appraisal, then it will no longer be necessary, if however this is not normally done, please make an attempt to view the property.

in order to make the fairest decision.

Thank you for your time

Mrs. Margaret Anne Trade
17984 Bunker Hill Rd.
Parkton, Md 21120

JUN 14 1979

ORDER RECEIVED FOR FILING
DATE: January 15, 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 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 setback to the center line of Massacre Road of 65 feet in lieu of the required 100 feet should be granted,.....

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 30th day of JANUARY, 1979, that the herein Petition for the aforementioned Variance(s) 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 unreasonable hardship,.....

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1979, that the aforementioned Variance(s) be and the same is/are hereby DENIED.

Zoning Commissioner of Baltimore County

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 7th day of November, 1978.

Nicholas B. Commodari
S. ERIC DINENNA
Zoning Commissioner

Petitioner, Curt A. H. Jeschke, et al
Petitioner's Attorney

Messrs. Curt A. H. Jeschke
and William D. Purdum
1023 North Calvert Street
Baltimore, Maryland 21202

Reviewed by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Chairman
Nicholas B. Commodari

Members
Bureau of Planning
Department of Traffic Engineering

State Roads Commission
Bureau of Fire Prevention

Health Department
Project Planning
Building Department

Board of Education
Zoning Administration
Industrial Development

January 16, 1979

Messrs. Curt A. H. Jeschke
and William D. Purdum
1023 North Calvert Street
Baltimore, Maryland 21202

RE: Item No. 100
Petitioners - Jeschke, et al
Variance Petition

Dear Mr. Jeschke:

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/af



THORNTON M. MAURING, P.E.
DIRECTOR

January 3, 1979

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

Re: Item #100 (1978-1979)
Property Owner: Curt A. H. Jeschke, et al
N/S Massacre Rd. 1426' W. Bunker Hill Rd.
Existing Zoning: RC-4
Proposed Zoning: Variance to permit a front setback of 65' to the centerline in lieu of the required 100'.
Acres: 3.473 District: 7th

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:

As indicated on the submitted plan, there is an A.T. & T. Co. right-of-way traversing this site which contains buried cables.

Highways:

Bunker Hill and Massacre Roads, existing public roads, are proposed to be improved in the future as 40-foot closed section roadways on 60-foot rights-of-way. Highway rights-of-way widening, including a fill area for sight distance at the intersection and 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 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 Drains:

Provisions for accommodating storm water or drainage have not been indicated on the submitted plan.

Future drainage and utility easements are required along a portion of the frontage and along the westernmost side of this property.

Item #100 (1978-1979)
Property Owner: Curt A. H. Jeschke, et al
Page 2
January 3, 1979

Storm Drains: (Cont'd)

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 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 water supply and sanitary sewerage are not available to serve this property, which proposes to utilize private onsite facilities.

This property is beyond the Baltimore County Metropolitan District and the Urban-Rural Demarcation Line. Baltimore County Water and Sewerage Plans W and S-48, as amended, indicate "No Planned Service" in the area. This property is tributary to Loch Raven Reservoir via Gunpowder Falls.

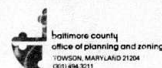
Very truly yours,

Edmund H. Dyer, P.E.
EDMUND H. DYER, P.E.
Chief, Bureau of Engineering

END:DHM:WHS

cc: J. Treaner
D. Giese
J. Somers

TH-20 Hwy Sheet
117 NW 12 & 13 Pos. sheets
SW 30 C & D 1000
16 Tax Map



LESLIE H. GRAFF
DIRECTOR

January 15, 1979

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

Dear Mr. Dinenna:

Comments on Item #100, Zoning Advisory Committee Meeting, November 7, 1978, are as follows:

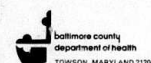
Property Owner: Curt A. H. Jeschke, et al
Location: N/S Massacre Road 1426' W. Bunker Hill Road
Existing Zoning: RC-4
Proposed Zoning: Variance to permit a front setback of 65' to the centerline in lieu of the required 100'
Acres: 3.473
District: 7th

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
John L. Wimbley
Planner III
Current Planning and Development



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

December 8, 1978

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

Dear Mr. Dinenna:

Comments on Item #100, Zoning Advisory Committee Meeting of November 7, 1978, are as follows:

Property Owner: Curt A. H. Jeschke, et al
Location: S/S Massacre Rd. 1426' W. Bunker Hill Rd.
Existing Zoning: P.C. 4
Proposed Zoning: Variance to permit a front setback of 65' to the centerline in lieu of the required 100'.
Acres: 3.473
District: 7th

A private water well and sewage disposal system are proposed.

Prior to the approval of a building permit, soil percolation tests must be conducted to determine the suitability of the soil for underground sewage disposal. An adequate source of potable water must also be obtained.

Very truly yours,

Thomas H. Berlin
THOMAS H. BERLIN, Director
BUREAU OF ENVIRONMENTAL SERVICES

TBD/212/rth

JUN 14 1979

