

79-185-A #141 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Ida & William J. Matters, Jr., 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,

herby petition for a Variance from Section 1 B 02-3 C.1 to allow lot widths of
50 feet for lots 36 and 37, and lots 38 and 39 in lieu of the required 55'
and a side yard setback of 65' in lieu of the required 100'
under the provisions of the Baltimore County Zoning Ordinance on lots 36 and 37 for an
existing dwelling (B.R.5.5)

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

Since the house on lots 36 and 37 was built before zoning laws were put into effect, we are asking for a variance for the side setback requirements on the house. Also, we are asking for a variance on lots 38 and 39 for the purpose of erecting a single family house whereas the code requires 55', we are asking for 50' variance.

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.

DATE: March 4, 1979
Contract purchaser
426 Shipley Road
Linthicum, Maryland 21070
Address: 2920 New York Avenue
Baltimore, Maryland 21227
Petitioner's Attorney
Investment's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 26th day

of December, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 5th day of March, 1979, at 10:00 o'clock A.M.
S. Eric DiNenna
Zoning Commissioner of Baltimore County
(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna
Zoning Commissioner
Lailie H. Green, Director
Office of Planning and Zoning
FROM: Petition 79-185-A, Item # 141
SUBJECT: Petition for Variance for lot widths and side yard setback
North side of New York Avenue, 125 feet West of Washington Street
Petitioner - William J. and Ida Matters, Jr.
13th District

HEARING: Monday, March 5, 1979 (10:00 A.M.)

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

Lailie H. Green
Lailie H. Green, Director
Office of Planning and Zoning

LHG:JGH:rw

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
N/5 of New York Ave., 125'
W of Washington St., 13th District : OF BALTIMORE COUNTY

WILLIAM J. MATTERS, JR., et al, : Case No. 79-185-A
Petitioners

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

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 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 13th day of February, 1979, a copy of the foregoing Order was mailed to Mr. and Mrs. William J. Matters, 2920 New York Avenue, Baltimore, Maryland 21227, Petitioners.

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



March 4, 1979

Mr. & Mrs. William J. Matters, Jr.
2920 New York Avenue
Baltimore, Maryland 21227

RE: Petition for Variances
N/5 of New York Avenue, 125'
W of Washington Street - 13th
Election District
William J. Matters, Jr., et al -
Petitioners
NO. 79-185-A (Item No. 141)

Dear Mr. & Mrs. Matters:

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

Very truly yours,
S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

SED:ar

Attachment

cc: Mr. Charles E. Kelley
426 Shipley Road
Linthicum, Maryland 21070

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 16, 1979

CLERK OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204
S. Eric DiNenna
Chairman
Nicholas B. Commodari
Chairman
Board of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. William J. Matters, Jr.
2920 New York Avenue
Baltimore, Maryland 21227

RE: Item No. 141
Petitioner - Matters
Variance Petition

Dear Mr. & Mrs. Matters:

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 no 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

cc: Lewis & Selby Surveyors
1205 Hillshire Road
Baltimore, Maryland 21227

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received and accepted for filing
this 26th day of December, 1978

S. Eric DiNenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner - Matters

Mr. & Mrs. William J. Matters, Jr.
2920 New York Avenue
Baltimore, Maryland 21227

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

cc: Lewis & Selby Surveyors
1205 Hillshire Road
Baltimore, Maryland 21227

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),

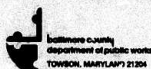
the Variance(s), should be had; and it further appearing that by reason of the granting of the Variance(s) requested not adversely affecting the health, safety, and general welfare of the community, the Variance(s) to permit lot widths of 50 feet in lieu of the required 55 feet for lots Nos. 36, 37, 38, and 39, and a side yard setback of 10 feet in lieu of the required 15 feet for an existing dwelling, for lots Nos. 36 and 37, should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of March, 1979, that the herein Petition for the aforementioned Variance(s) should be and the same is/are GRANTED, 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 19th day of March, 1979, that the aforementioned Variance(s) be and the same is/are hereby DENIED.

Zoning Commissioner of Baltimore County



THOMAS M. MCGRAW, P.E.
DIRECTOR

February 7, 1979

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

Re: Item #141 (1979-1079)
Property Owner: William J. & Ida A. Matten
N/S New York Ave. 125' W. Washington St.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' and a side setback of 1.5' in lieu of the required 10' for an existing dwelling on lots 36 and 37.
Acres: 0.287 District: 13th

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:

New York Avenue, an existing public road, is proposed to be further improved in the future as a 30-foot closed section roadway on the present 50-foot right-of-way.

Setback Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public buildings 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 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.

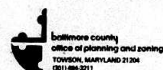
Water and Sanitary Sewer:

There is a public 6-inch water main and public 8-inch sanitary sewerage in New York Avenue (Drawings 436-0005, File 3 and 50-1003, File 1, respectively). The only fire hydrant along New York Avenue is located approximately 600 feet easterly at Baltimore Street.

Very truly yours,
Edward H. Menn, Jr.
Chief, Bureau of Engineering

END: EAM: PWB:es
cc: W. Munchall

C-WE Key Sheet
24 2H 5 Pos. Sheet
DW 6 B Topo
109 Tex Map



LESLIE H. ORF
DIRECTOR

February 16, 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 #141, Zoning Advisory Committee Meeting, December 26, 1978, are as follows:

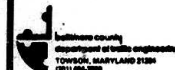
Property Owner: William J. & Ida A. Matten
Location: N/S New York Avenue 125' W. Washington St.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' and a side setback of 1.5' in lieu of the required 10' for an existing dwelling on lots 36 and 37.
Acres: 0.287
District: 13th

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 ensure 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. Winkley
John L. Winkley
Planner III
Current Planning and Development



STEPHEN E. COLLIER
DIRECTOR

January 18, 1979

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

Item No. 141 - DEC - December 26, 1978
Property Owner: William J. & Ida A. Matten
Location: N/S New York Ave. 125' W. Washington St.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' and a side setback of 1.5' in lieu of the required 10' for an existing dwelling on lots 36 and 37.
Acres: 0.287
District: 13th

Dear Mr. DiNenna:

No traffic problems are anticipated by the requested variance to the lot widths.

Very truly yours,

Stephen E. Weber
Engineer I

HSE/SEN/nd



JOHN S. SEVIER
DIRECTOR

January 23, 1979

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

Dear Mr. DiNenna:

Comments on Item #141 Zoning Advisory Committee Meeting, December 26, 1978

Property Owner: William J. & Ida A. Matten
Location: N/S New York Ave. 125' W. Washington St.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' and a side setback of 1.5' in lieu of the required 10' for an existing dwelling on lots 36 and 37.
Acres: 0.287
District: 13th

The time checked below are applicable:

1. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building and Code 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 or - regular attention 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 seal will be required to file an application for a building permit.
7. 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.
8. Requester authorizes variance conflicts with the Baltimore County Building Code. See Section 505.1
9. No Comment.
10. Comments: (Building could be made to comply), if properly constructed.

Very truly yours,
Charles E. Jordan
Chief, Review Staff



Paul H. Reinke
CHIEF

January 18, 1979

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

Attention: Mr. Cosmodari, Chairman
Zoning Advisory Committee

Re: Property Owner: William J. & Ida A. Matten

Location: N/S New York Ave. 125' W. Washington St.

Item No. 141 Zoning Agenda Meeting of 12/26/78

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 _____ 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", 1975 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 Division
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau



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

January 31, 1979

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

Dear Mr. DiNenna:

Comments on Item #141, Zoning Advisory Committee Meeting of December 26, 1978, are as follows:

Property Owner: William J. & Ida A. Matten
Location: N/S New York Ave. 125' W. Washington St.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' and a side setback of 1.5' in lieu of the required 10' for an existing dwelling on lots 36 and 37.
Acres: 0.287
District: 13th

Metropolitan water and sewer are available.

Very truly yours,

Jan J. Fossel, Acting Director
BUREAU OF ENVIRONMENTAL SERVICES

137/138/139

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: January 2, 1979

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

S.A.C. Meeting of: December 26, 1978

RE: Item No. 141
Property Owner: William J. & Ida A. Matten
Location: N/S New York Ave. 125' W. Washington street
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' and a side setback of 1.5' in lieu of the required 10' for an existing dwelling on lots 36 and 37.

District: 13th
No. Acres: 0.287

Dear Mr. DiNenna:

No hearing on student population.

Very truly yours,

W. Nick Petrovich
Field Representative

JOSEPH H. McGRAW, President
T. EDWARD WILLIAMS, Jr., Vice-President
MARCEL H. BENTON

THOMAS H. GUYER
WESLEY L. GUYER
ROBERT H. NAYDEN

ALVIN LORANCE
PETER WILSON & SONS, Jr.
RICHARD W. TRACY, Jr.

PETITION FOR VARIANCE
 The Baltimore County Commission of Baltimore County, by resolution, has granted a variance to the zoning ordinance of Baltimore County, which was adopted on the 14th day of March, 1976, and which is hereby published for the information of the public.

THE JEFFERSONIAN
 A weekly newspaper published in Baltimore County, Maryland, on the 14th day of March, 1976, at the office of the publisher, William J. Matterson, Jr., at the corner of North Avenue and North Street, Baltimore, Maryland.

THE JEFFERSONIAN
 A weekly newspaper published in Baltimore County, Maryland, on the 14th day of March, 1976, at the office of the publisher, William J. Matterson, Jr., at the corner of North Avenue and North Street, Baltimore, Maryland.

CERTIFICATE OF PUBLICATION

TOWSON, MD. February 15, 1979

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 15th day of February, 1979, at the office of the publisher, William J. Matterson, Jr., at the corner of North Avenue and North Street, Baltimore, Maryland.

W. J. Matterson, Jr.
 Manager

Cost of Advertisement, \$.....



OFFICE OF

THE TIMES
 NEWSPAPERS

TOWSON, MD. 21204 February 15 19 79

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - William J. Matterson, Jr., et al was inserted in the following:

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

weekly newspapers published in Baltimore County, Maryland, once a week for one successive weeks before the 16th day of February, 1979, that is to say, the same was inserted in the issues of February 15, 1979

STROMBERG PUBLICATIONS, INC.

By Esther Bunge

PETITION MAPPING PROGRESS SHEET

FUNCTION	Well Map		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 ZC, BA, CC, CA										
Reviewed by <u>DE</u>										
Previous case:										

Revised Plans:
 Change in outline or description Yes
 Map # _____

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 2 day of Nov 1976. Filing Fee \$ 25.00 Received ☒ Cash ☐ Other

S. Eric McInnes
 Zoning Commissioner

Petitioner William J. Matterson, Jr. Submitted by Charles Kelly
 Petitioner's Attorney _____ Reviewed by per

* 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 13-4 Date of Posting Feb. 17, 1979
 Posted for Petition for Variance
 Petitioner: William J. Matterson, Jr.
 Location of property: 115 New York Ave. 125' W. of Washington St.
 Location of Signs: 115 New York Ave. 150' W. of Washington St.
 Remarks: None
 Posted by William J. Matterson, Jr. Date of return: Feb. 23, 1979

1-SIGN

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

No. 78559

DATE March 2, 1979 ACCOUNT 01-52
 AMOUNT \$13.71

RECEIVED William J. Matterson, Jr.
 FOR Cost of Advertising and Filing Case No. 79-185-A

204-2PR 2 4371M

VALIDATION OR SIGNATURE OF CASHIER

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

No. 76116

DATE 11-2-78 ACCOUNT 01-52
 AMOUNT 21.00

RECEIVED Charles Kelly
 FOR 21.00

436 21.00
 25.00

VALIDATION OR SIGNATURE OF CASHIER

5 25,000
150' 0" 0"

BALTIMORE HIGHLANDS
SECTION "E"

OHIO AVENUE (50' WIDE)

BALTIMORE HIGHLANDS
SECTION "F"

BALTIMORE HIGHLANDS
SECTION "G"

BALTIMORE HIGHLANDS
SECTION "H"

BALTIMORE HIGHLANDS
SECTION "I"

WASHINGTON STREET (50' WIDE)

110 108

40 50

45 47

45 47

45 47

NEW YORK AVENUE (50' WIDE)



VICINITY MAP
SCALE: 1" = 2000'

200' TO EAST SIDE
OF BRIAN ST. (80' WIDE)

EXIST. 6" WATER

EXIST. 8" SAN. SEWER

EXIST. M.H. 19176

PROPOSED DWELLING

EXIST. M.H. 19175
INV. EL. 28.00' - TOP 30.25'

EXIST. MAC.

5 25,000
150' 0" 0"



SUBMITTAL
LEWIS & SELBY SURVEYORS
1208 HILLSHIRE RD.
BALTO., MD. 21222
282-0562

6" WATER - 36-004 & 36-005
8" SAN. SEWER - 80-1082

5 25,000
150' 0" 0"



EXISTING ZONING - R-1

PLAT OF PROPERTY FOR
MR. CHARLES E. KELLEY
426 SHIPLEY ROAD
LIMBICUM HEIGHTS, MD. 21090
LOTS NOS. 38 & 39
SECTION "G"
13TH ELECTION DIST.
SCALE: 1" = 50'
BALTIMORE HIGHLANDS
BALTO. COUNTY, MD.
OCT. 25, 1978