

79-224-A
126

1:00 P.M.
4/4/79

John W. Hessian, III

November 1, 1978

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

Julie H. Graff, Pittsfield

MR. Wm. G. L. H. H. H.
MRS.

WITNESSES
Robert S. Wayland
James S. Wayland

MR. James E. Smith
MRS. Everett Jean Smith

James F. Whitcomb

EVALUATION COMMENTS

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 had 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 17 parking spaces in lieu of the required 38 spaces for Lot No. 1 should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of April, 1979, 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

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10th day of April, 1979, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

March 22, 1979

Ms. Frances L. Weyland
6198 Marlyn Avenue
Baltimore, Maryland 21221

RE: Item No. 26
Petitioner - Frances L. Weyland
Variance Petition

Dear Ms. Weyland:

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.

Located on the east side of Marlyn Avenue, approximately 365' south of Homberg Avenue, in the 15th Election District, this elongated property is zoned both B.L. and D.R. 5.5, and is improved with a T.V. shop and restaurant in the B.L. zoned portion, and a dwelling and sheds in the D.R. 5.5 portion.

Because of your proposal to subdivide this property into five lots, this Variance is required. Please note that the petition forms have been revised to request 17 parking spaces in lieu of the required 38 spaces, and the side yard Variance request has been deleted. Particular attention should be afforded the Department of Permits & Licenses concerning Section 320 of the Baltimore County Building Code.

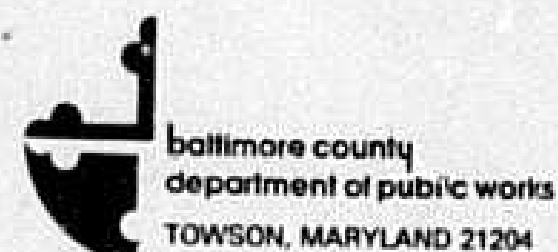
Enclosed are all comments submitted from the Committee to this office. The remaining members felt that no comment was warranted. This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30 nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

NBG/sf

cc: David W. Dallas, Jr. & Sons
7006 Harford Road
Baltimore, Maryland 21234



THOMAS M. MOURING, P.E.
DIRECTOR

January 18, 1979

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

Re: Item #126 (1978-1979)
Property Owner: Frances L. Weyland
E/S Marlyn Ave. 365' S. Homberg Ave.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a side setback of 1' in lieu of the required 20' and to permit 21 parking spaces for Lot 1 in lieu of the required 38 spaces.
Acres: 5.1799 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:

Comments were supplied for this DR 5.5 zoned property for Project IDCA 78-19. Subdivision of property within Baltimore County is subject to Baltimore County Subdivision Regulations.

Highways:

Marlyn Avenue, an existing public road, is proposed to be improved in the future as a 50-foot closed section roadway on a 70-foot right-of-way. Highway right-of-way widening, including any necessary revertible easements for slopes, will be required in connection with any further development of, or grading or building permit applications for this property.

The entrance locations are subject to approval by the Department of Traffic Engineering, and shall be constructed in accordance with Baltimore County Standards.

The means of access (public road or parhandles), and other requirements in connection with the further development of this property and the similar property contiguous to the south, will be determined upon review by the Joint Subdivision Planning Committee.

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.

Item #126 (1978-1979)
Property Owner: Frances L. Weyland
Page 2
January 18, 1979

Storm Drains:

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

This property encompasses portions of Deep Creek.

In accordance with the drainage policy, the Petitioner is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall.

Open stream drainage requires a drainage reservation or easement with sufficient width to cover the flood plain of a 100-year design storm. However, a minimum width of 50 feet is required.

The property to be developed is located adjacent to the water front. The Petitioner 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.

The United States Department of Housing and Urban Development F.I.A. Map 67 indicates this property subject to tidal flooding of Deep Creek, with a 100-year flood elevation of approximately 10 feet above M.L.W. (Baltimore County datum).

Water and Sanitary Sewer:

There is a public 10-inch water main and public 8-inch sanitary sewerage in Marlyn Avenue. A public sanitary sewerage extension within a drainage and utility easement will be required to serve the proposed lots. There is a fire hydrant at the Homberg-Marlyn Avenue intersection.

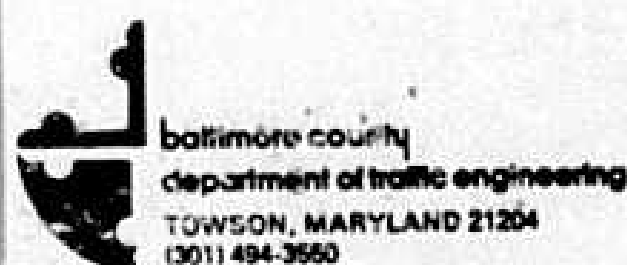
Very truly yours,

ELIASWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWH:SS

cc: J. Wimbley
S. Vellestri
J. Somers
W. Munchel

I-SW Key Sheet
2 NE 29, 30 and 31 Pos. Sheets
NE 1 H Topo
97 Tax Map



STEPHEN E. JILLINS
DIRECTOR

February 27, 1979

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

Item No. 126 - ZNC - December 5, 1978
Property Owner: Frances L. Weyland
Location: E/S Marlyn Ave. 365' S. Homberg Avenue
D.R. 5.5
Variance to permit a side setback of 1' in lieu of the required 20' and to permit 17 parking spaces for Lot 1 in lieu of the required 38 spaces.
Acres: 5.1799
District: 15th

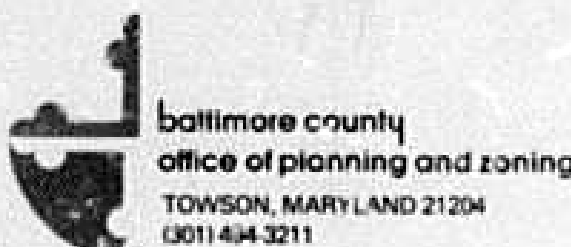
Dear Mr. DiNenna:

The requested variance to parking can be expected to cause parking problems.

Very truly yours,

Michael S. Flanagan
Engineer Associate II

MSF/hnd



LESLIE H. GRAF
DIRECTOR

February 6, 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 #126, Zoning Advisory Committee Meeting, December 5, 1978, are as follows:

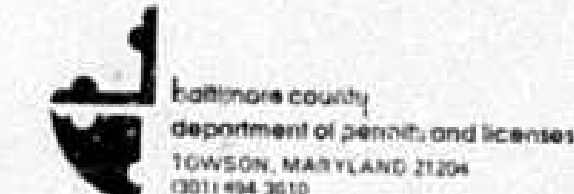
Property Owner: Frances L. Weyland
Location: E/S Marlyn Ave 365' S. Homberg Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 1' in lieu of the required 20' and to permit 21 parking spaces for Lot 1 in lieu of the required 38 spaces
Acres: 5.1799
District: 15th

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.

The property has been reviewed by the Chief of this Division and appears to be acceptable.

Very truly yours,

John L. Wimbley
Planner III
Current Planning and Development



JOHN D. SEYFFERT
DIRECTOR

January 4, 1979

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

Dear Mr. DiNenna:

Comments on Item # 126 Zoning Advisory Committee Meeting, are as follows:

Property Owner: Frances L. Weyland
Location: E/S Marlyn Ave. 365' S. Homberg Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 1' in lieu of the required 20' and to permit 21 parking spaces for Lot 1 in lieu of the required 38 spaces
Acres: 5.1799
District: 15th

The items checked below are applicable:

- XI. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Handicapped and aged and other applicable codes.
- XII. A building permit shall be required before construction can begin.
- XIII. Additional Miscellaneous Permits shall be required.
- D. Building shall be upgraded to new use - requires alteration permit.
- XIV. Three sets of construction drawings will be required to file an application for a building permit, for any new residential construction.
- XV. 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 for any new commercial construction.
- XVI. 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.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section .
- I. No Comment.
- XVII. Comment: If any new construction proposed has a floor level below elevation 10 it shall comply with Section 320.0 of the Baltimore County Supplement to the Building Code.

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief



Paul H. Heinke
CHIEF

December 8, 1978

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

Attention: N. Commodari, Chairman
Zoning Advisory Committee

Re: Property Owner: Frances L. Weyland

Location: E/S Marlyn Ave. 365' S. Homberg Ave.

Item No. 126 Zoning Agenda Meeting of 12/05/78

Gentlemen:

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.

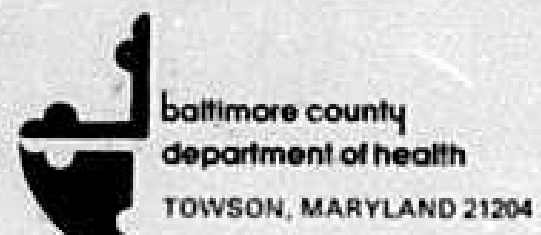
- (x) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 300 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- (x) 2. A second means of vehicle access is required for the site. Road width on plan is substandard and should be at least 24 feet in width.
- () 3. The vehicle dead end condition shown at _____ minimum.

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.
- (x) 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", 1974 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

Reviewed: [Signature] 12/13/78
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau



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

December 18, 1978

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

Dear Mr. DiNenna:

Comments on Item #126, Zoning Advisory Committee Meeting of
December 5, 1978, are as follows:

Property Owner: Frances L. Wayland
Location: E/S Marlyn Ave. 365' S Homberg Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 1' in
lieu of the required 20' and to permit 21
parking spaces for lot 1 in lieu of the
required 38 spaces.
Jars: 5.1700
District: 15th

Metropolitan water and sewer are available.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD/JP/fth

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: December 1, 1978

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

Z.A.C. Meeting of: December 5, 1978

RE: Item No: 126
Property Owner: Frances L. Wayland
Location: E/S Marlyn Ave. 365' S Homberg Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 1' in lieu of the
required 20' and to permit 21 parking spaces for lot
1 in lieu of the required 38 spaces.

District: 15th
No. Acres: 5.1799

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich,
Field Representative

JOSEPH N. MCGOWAN, PRESIDENT
T. DAYARD WILLIAMS, JR., VICE-PRESIDENT
MARCUS M. BUTARIS

THOMAS H. BOYER
MRS. LORRAINE F. CHIRCO
ROGER B. HAYDEN

ROBERT V. DUBIEL, SUPERINTENDENT

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

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 February, 1979

S. ERIC DINENNA
Zoning Commissioner

Petitioner: Weyland
Petitioner's Attorney:

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

Frances L. Weyland
6198 Marlyn Avenue
Baltimore, Maryland 21201

cc: David W. Dallas, Jr. & Sons
7006 Harford Road
Baltimore, Maryland 21234

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15 Date of Posting: 3/19/79
Posted for: Petitioner's Attorney
Petitioner: Frances L. Weyland
Location of property: E/S Marlyn Ave. 365' S Homberg Ave.
Location of Signs: front of property (49 Marlyn Ave.)
Remarks:
Posted by: Sam Coleman
Signature: 1 sign

Date of return: 3/16/79

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					11-27	JP				
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>JP</u>	Revised Plans:				Change in outline or description: Yes					
Previous case:	Map # <u>NE 1-4</u>				No					

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 21 day of
Nov 1978. Filing Fee \$ 25. Received Check

Cash

Other

S. ERIC DINENNA
Zoning Commissioner

Petitioner: Frances L. Weyland Submitted by: Sam Coleman

Petitioner's Attorney: Reviewed by: JP

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

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 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., once in each
of one time successive weeks before the 16th
day of April, 1979, the 16th publication
appearing on the 15th day of March
1979.

THE JEFFERSONIAN

L. Frank Struthers
Manager

Cost of Advertisement, \$

PETITION FOR VARIANCE 15A DISTRICT

ZONING: Petition for Variance for
parking.
LOCATION: East side of Marlyn
Avenue, 365 feet South of Homberg
Avenue.

DATE & TIME: Wednesday, April
4, 1979 at 1:00 P.M.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland.

The Zoning/Deputy Zoning Com-
missioner of Baltimore County, by
authority of the Zoning Act and
Regulations of Baltimore County,
will hold a public hearing:

Petition for Variance to permit 21
parking spaces for lot No. 1 instead
of the required 38 spaces.

The Zoning Regulations to be re-
vised as follows:
Section 508.2 (3 & 4) - Minimum re-
quired number of parking spaces.
All that parcel of land in the Fif-
teenth District of Baltimore County
beginning for the same on the

easternmost side of Marlyn Avenue
160 feet wide at a point distant 365
feet more or less measured in a
southerly direction from the center
of Homberg Avenue (60 feet wide),

thence heading (1) to the easternmost
side of said Marlyn Avenue north
12 degrees 25 minutes 30 seconds
east 115.25 feet, thence heading said
Avenue and running on outline
the corner following course and di-
stances north 77 degrees 25 minutes
30 seconds east 128.05 feet, north
29 degrees 50 minutes 30 seconds
east 18.90 feet and north 77 de-
grees 35 minutes 30 seconds west
185.25 feet to the place of begin-
ning.

Containing 5.1799 acres of land
more or less.
Being the property of Frances L.
Wayland, as shown on plat filed
with the Zoning Department.
Hearing Date: Wednesday, April
4, 1979 at 1:00 P.M.

Public Hearing, Room 106, Coun-
ty Office Building, 111 W. Ches-
apeake Avenue, Towson, Maryland.
By Order of:
S. ERIC DINENNA,
Zoning Commissioner
of Baltimore County
Mar. 15.



TOWSON, MD. 21204 March 15 1979

THIS IS TO CERTIFY, that the annexed advertisement of
PETITION FOR VARIANCE - Frances L. Wayland

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
16th day of March 1979, that is to say, the same
was inserted in the issues of March 15, 1979.

STROMBERG PUBLICATIONS, INC.

BY: Esther Bringer

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

No. 76149

DATE: 11-21-78 ACCOUNT: 01-662

AMOUNT: \$5.23

RECEIVED FROM: James Wayland

FOR: Zoning Department

Cash

James Wayland
552 Bay Drive

1800 2nd Ave. NE #1 21220 25.00 MS

VALIDATION OR SIGNATURE OF CASHIER

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

No. 78626

DATE: April 9, 1979 ACCOUNT: 01-662

AMOUNT: \$16.23

RECEIVED FROM: Frances Wayland

FOR: Cost of Advertising and Posting Case No. 79-221-A

VALIDATION OR SIGNATURE OF CASHIER

HOMBERG AVE.

MARLYN AVENUE

Beginning of Zoning Description

Storage Oil Trucks & Cars
James E. Smith - Oil Co.

Ed. J. Zabinian & Wife
EHC# 5352-80

Zoned DR 5.5

S 77° 25' 30" W 1245.32

N 77° 25' 30" E 1838.05

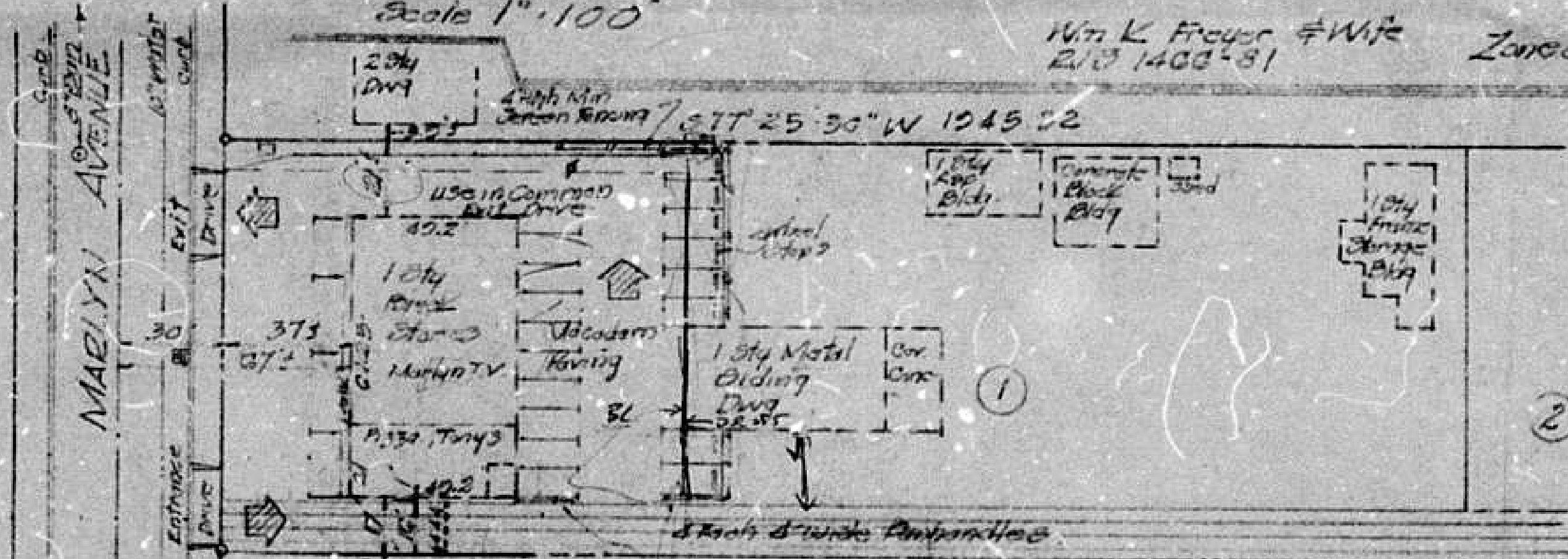
Wm. K. Freyer & Wife
EHC# 1408-81

Zoned DR 5.5

S 77° 25' 30" W 1245.22

PLAN
Scale 1"=100'

MARLYN AVENUE



DETAIL Lot N-1
Scale 1"=40'

N 77° 25' 30" E 1838.05
ZONING DATA

1. Gross Acreage of Tract 5.1790 AC
2. Existing Zoning of Tract DR 5.5
3. Allowable Number of Lots 5.1790 x 55 = 28.5 Lots
4. Proposed Number of Lots 5 Lots
5. All Utilities Available
6. Required Parking
Lot N-1 Marilyn TV 6125-402/310 - 15.07 Spaces
P331 21-432/30 - 20.07 Spaces
Dng 2 Spaces
Total 35.14 Spaces
Lot 2, 3, 4 & 5 3 Spaces x 4 Lots = 12 Spaces
7. Proposed Parking Lot N-1 21 Spaces
Lots 2, 3, 4 & 5 - 2 Spaces Each

REQUESTED VARIANCE to allow a side yard setback of 1 foot instead of the required 20 feet for all other than principal structure to allow 21 parking spaces for Lot N-1 instead of the required 33 spaces Lot 400.5

610 MARLYN AVENUE
ZONING PLAT

WAYLAND PROPERTY

15th Election District
Scale As Shown

Baltimore County, Md
Nov 1, 1973

Developer & Owner
James Wayland Etal
552 Bay Drive
Baltimore Quarters Md
21220 Phone 335-8555

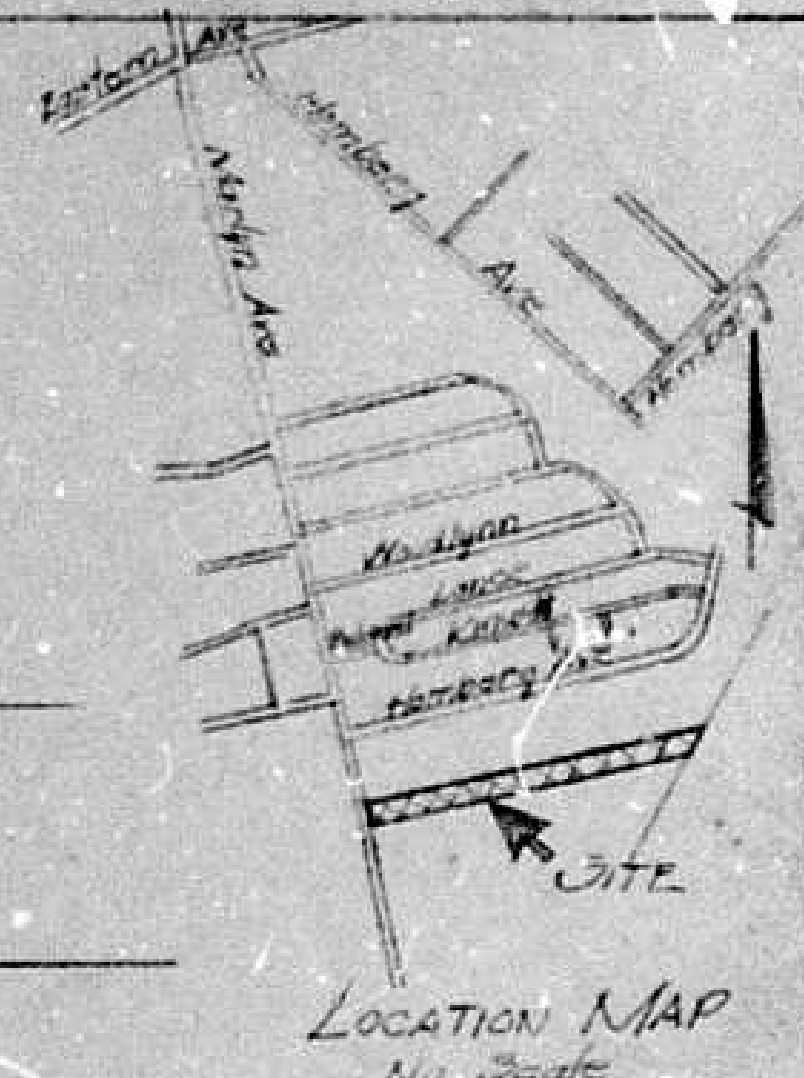
Deed
Charles L. Wayland & Wife
GLD 2325-330

MAP 413
NET-A
ELECTOR
15
11-27-73
V
H#

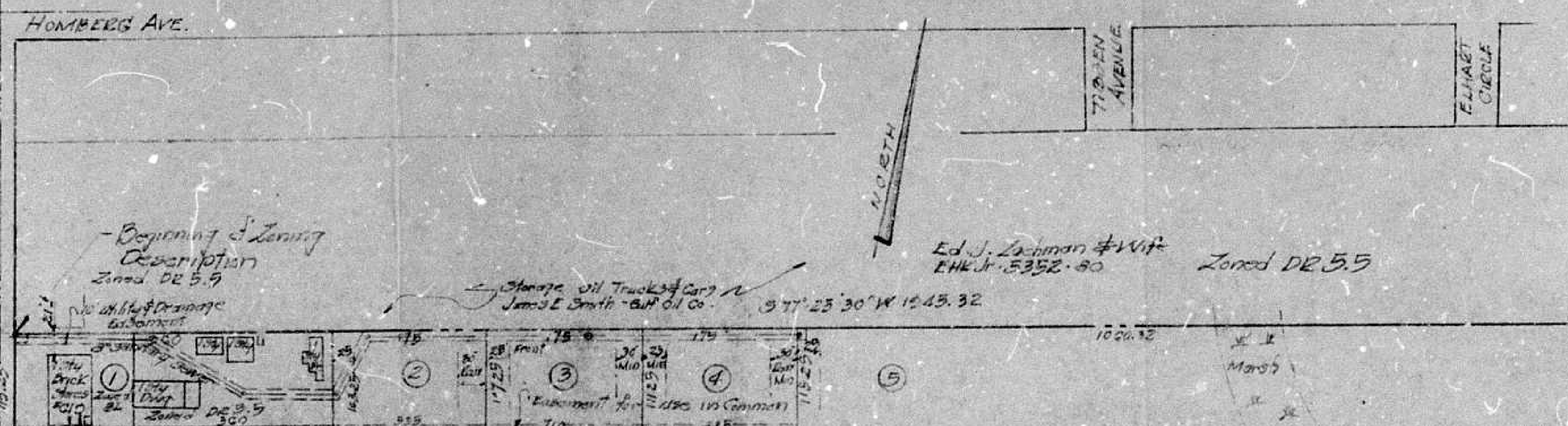


DAVID W. DALLAS, JR. & SONS
CIVIL ENGINEERS
7036 KIRKWOOD RD., BALTO., MD 21234
284-2555

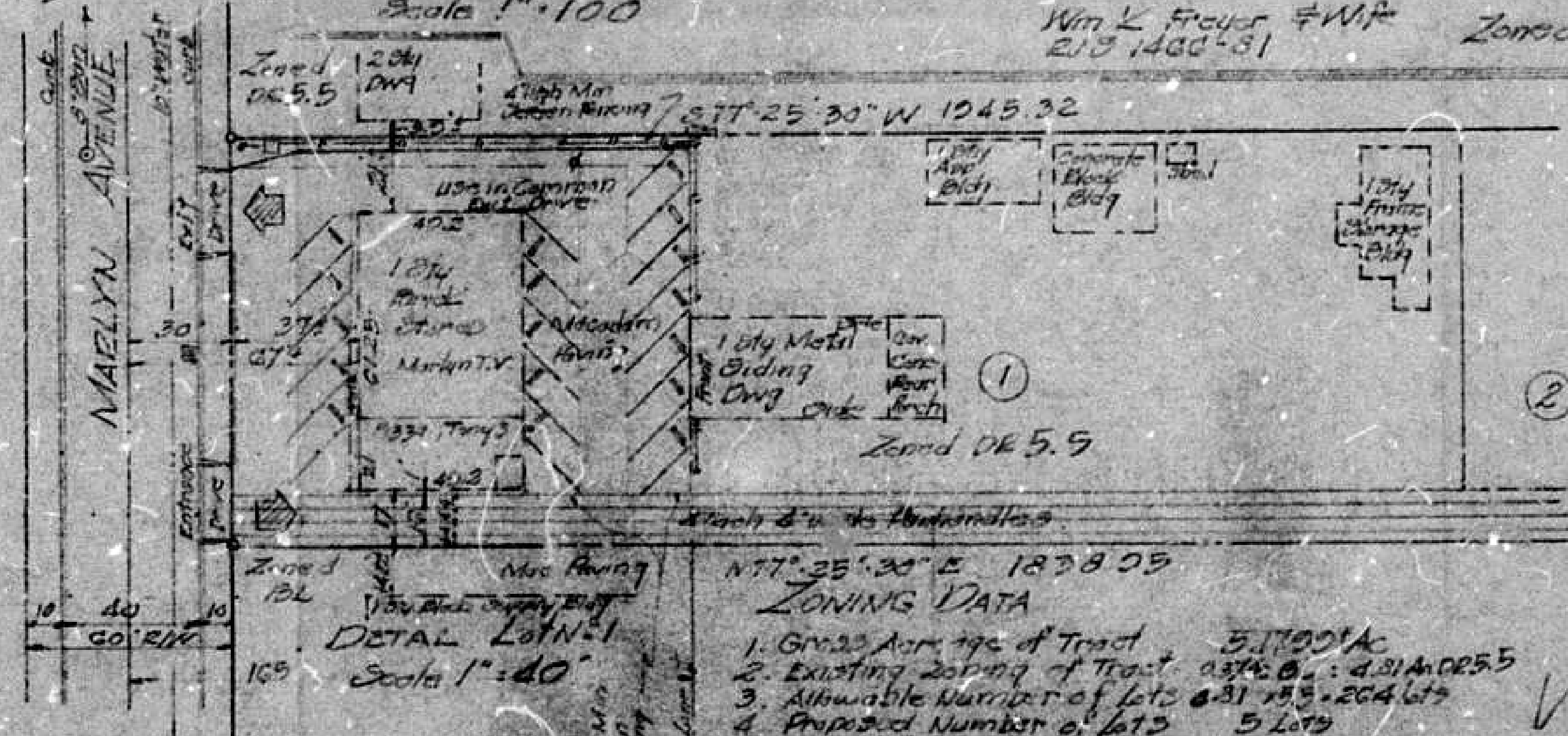




LOCATION MAP
No Scale



PLAN
Scale 1"=100'



DETAIL Lot N-1
Scale 1"=40'

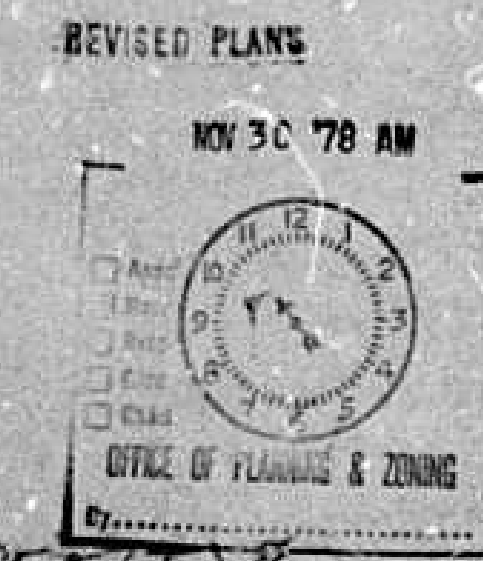
- NTT 25° 30' E 1838.05
- ZONING DATA**
1. Gross Area of Tract 5.1700 AC
 2. Existing Zoning of Tract 0.31 AC - 4.81 AC DR 5.5
 3. Allowable Number of Lots 0.31 AC - 204 lots
 4. Proposed Number of Lots 5 lots
 5. All Utilities Available
 6. Required Parking
 Lot N-1 Mainly TV 0.25-422/200 15.07 spaces
 Plaza 31 x 49.2/200 20.67 spaces
 Dwg 2 spaces
 Total 35.74 spaces
 Lot 2, 3, 4 & 5 3 spaces x 4 lots = 12 spaces
 7. Proposed Parking Lot N-1 17 spaces
 Lots 2, 3, 4 & 5 3 spaces each

REQUESTED VARIANCE to allow 17 parking spaces for Lot N-1 instead of the required 35 spaces. DR 5.5

G10 MAELYN AVENUE ZONING PLAT WAYLAND PROPERTY

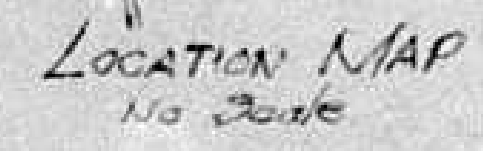
15th Election District - Baltimore County, Md
Scale AS SHOWN
Developer & Owner: James Wayland Etal
552 Bay Drive
Baltimore, Md 21203
Phone 335-8555

Dated
Charles L. Wayland & Wife
GLO 2325-330



DAVID W. DALLAS, R. & S.
CIVIL ENGINEERS
7008 HARFORD RD., BALTO., MD. 21206
254-4555

Zoning Plat No. 14



Field checked April 1972 Zoning Plat NE-1H