

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

79-243-A
#56

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Helen K. Harden, 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 1B02.3.C.1 to permit a side street setback of 5' from Ruby Ave. (unimproved) and a front setback of 15' from Handy Ave. in lieu of the required 25' average of 37' and Section 1B01.2.C.3 to permit setbacks of 25' and 40' from centerlines of these roads in lieu of the required 50'.

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

Lot 118, Douglas Park, is a corner lot situated in such a manner as to restrict the footage of the front and side of the lot for construction. The front measures 60' and the front side line travels from 152.73' on an angle of just 30' in the rear slicing off the required 25' footage as it travels to the rear.

The setback of the above requested footage would hopefully allow for construction.

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.

Helen K. Harden
Contract purchaser
Address 1310 North Bentalou Street
Legal Owner
Address Baltimore, Maryland 21216
Petitioner's Attorney
Protestant's Attorney
Address

ORDERED BY The Zoning Commissioner of Baltimore County, this 5th day of April, 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 had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 18th day of June, 1979, at 10:00 o'clock A.M.

William E. Hammond
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
SE corner of Handy Ave. & Ruby Ave., : OF BALTIMORE COUNTY
1st Election District

HELEN K. HARDEN, Petitioner : Case No. 79-243-A

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 John W. Hessian, III
Peter Max Zimmerman : John W. Hessian, III
Deputy People's Counsel : People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 31st day of May, 1979, a copy of the foregoing Order was mailed to Helen K. Harden, 1310 Bentalou Street, Baltimore, Maryland 21216, Petitioner.

John W. Hessian, III
John W. Hessian, III

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

WILLIAM E. HAMMOND
ZONING COMMISSIONER

June 27, 1979

Ms. Helen K. Harden
1310 North Bentalou Street
Baltimore, Maryland 21216

RE: Petition for Variances
SE/corner of Handy and Ruby Ave-
nues - 1st Election District
Helen K. Harden - Petitioner
NO. 79-243-A (Item No. 56)

Dear Mr. Harden:

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

Very truly yours,

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachment

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

DESCRIPTION FOR VARIANCE FOR HELEN K. HARDEN

Located on the southeast corner of Handy Avenue and Ruby Avenue (unimproved) and known as lot #118 as shown on Plat of Douglas Park, which is recorded in Land Records of Baltimore County in Liber 7 folio 170.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
Zoning Commissioner
TO: Norman E. Gerber, Acting Director
FROM: Office of Planning and Zoning
SUBJECT: Petition #79-243-A, Item No. 56

Date: June 4, 1979

Southeast corner of Handy Ave. & Ruby Ave.
Petition for Variance: for side, front and center line setbacks
Petitioner - Helen K. Harden

1st District

HEARING: Monday, June 18, 1979 (10:00 A.M.)

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

Norman E. Gerber
Norman E. Gerber, Acting Director
Office of Planning and Zoning

NEG:JGH:aw

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Ms. Helen K. Harden
1310 North Bentalou Street
Baltimore, Maryland 21216

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 5th day of April, 1979.

S. Eric Dinenna
S. ERIC DINENNA
Zoning Commissioner

Petitioner Helen K. Harden
Petitioner's Attorney

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

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your petition does not meet the Zoning Commissioner's requirements for filing, as per attached.

S. Eric Dinenna
S. ERIC DINENNA,
Zoning Commissioner

Owner(s) Name: Helen K. Harden

Reviewed by: Nicholas B. Commodari

Ms. Helen K. Harden
1310 North Bentalou Street
Baltimore, Maryland 21216

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 4, 1979

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

Chairman
Nicholas B. Commodari

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
County Administration
Industrial Development

Ms. Helen K. Harden
1310 North Bentalou Street
Baltimore, Maryland 21216

RE: Item No. 56
Petitioner - Harden
Variance Petition

Dear Ms. Harden:

In accordance with our meeting on the above referenced matter, the Petition forms have been revised to accurately reflect your proposed request.

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
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:mr

Enclosures

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 appears that the granting of the Variances requested will not adversely affect the health, safety, and general welfare of the community, and, therefore, the Variances to permit a side yard setback of 5 feet from Ruby Avenue (unimproved) in lieu of the required 25 feet, a front yard setback of 15 feet from Handy Avenue in lieu of the required average of 37 feet, and setbacks of 25 feet and 40 feet from the center lines of Ruby and Handy Avenues, respectively, in lieu of the required 50 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of June, 1978, 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, Zoning Commissioner of Baltimore County 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 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

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Nicholas B. Commodari
Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Route Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

November 30, 1978

Ms. Helen K. Harden
1310 North Bentalou Street
Baltimore, Maryland 21216

RE: Item No. 56
Petitioner - Harden
Variance Petition

Dear Ms. Harden:

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.

As indicated in our previous telephone conversation, I was awaiting the comments of the Bureau of Engineering prior to the scheduling of a hearing date. As indicated in these comments, Ruby Avenue is proposed to be improved in the future with a 50' right-of-way. In order to assure that the petition is advertised correctly, I request that you schedule a meeting with me at your convenience. You may contact me at 494-3391.

Very truly yours,

NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC/ef



THORNTON M. MOURING, P.E.
DIRECTOR

November 28, 1978

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

Re: Item #56 (1978-1979)
Property Owner: Helen K. Harden
S/E cor. Handy Ave. and Ruby Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side setback of 9' from Ruby Ave. and a front setback of 20' from Handy Ave. in lieu of the required 25' and to permit setbacks from the centerlines of 21.5' and 40' in lieu of the required 50'.
Acres: 0.1722 District: 1st

Dear Mr. DiNanna:

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:

Ruby and Handy Avenues, shown on the plat of Douglas Park (W.P.C. 7, Folio 170) are proposed to be improved in the future as public roads with 30-foot closed section roadways on 40 and 50-foot rights-of-way, respectively.

Highway rights-of-way widenings, including a fillet 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. A drainage and utility easement is required through this site. There is a stream traversing northeasterly through this property. Storm drains, which will be required in connection with any development of this property, are to be designed and constructed in accordance with Baltimore County Standards and Specifications.

Item #56 (1978-1979)
Property Owner: Helen K. Harden
Page 2
November 28, 1978

Storm Drains: (Cont'd)

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:

There is a public 8-inch water main in Handy Avenue, and public 8-inch sanitary sewerage in Handy and Ruby Avenues. There is a fire hydrant located approximately 400 feet southerly, at Handy Avenue and Pearl Road (Drawing #57-0540, File 3).

Very truly yours,

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

END:EAM:PWR:SS

CC: J. Somers
J. Trener
D. Grise
W. Munchel

H-NE Key Sheet
4 SW 25 Fog. Sheet
SW 1 G Topp
94 Twp Map

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: September 20, 1978

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

Z.A.C. Meeting of: September 19, 1978

RE: Item No. 56
Property Owner: Helen K. Harden
Location: SE/C Handy Ave. & Ruby Ave.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side street setback of 9' from Ruby Ave. and a front setback of 20' from Handy Ave. in lieu of the required 25' and to permit setbacks from the centerlines of 21.5' and 40' in lieu of the required 50'.

District: 1st
No. Acres: 0.1722

Dear Mr. DiNanna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich
Field Representative

WNP/bp

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

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

ALVIN LORICK
RICHARD W. TRACY, D.V.

SECRET & DUPLICATE SUPERINTENDENT



LESLIE H. GRAFT
DIRECTOR

October 24, 1978

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

Dear Mr. DiNanna:

Comments on Item #56, Zoning Advisory Committee Meeting, September 19, 1978, are as follows:

Property Owner: Helen K. Harden
Location: SE/C Handy Avenue and Ruby Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side street setback of 9' from Ruby Avenue and a front setback of 20' from Handy Ave. in lieu of the required 25' and to permit setbacks from the center lines of 21.5' and 40' in lieu of the required 50'.

Acres: 0.1722
District: 1st

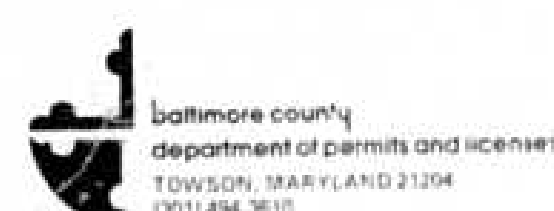
This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,

John L. Wimbley, Jr.
John L. Wimbley
Planner III
Current Planning and Development

September 25, 1978



JOHN D. SEEVERT
DIRECTOR

Mr. S. E. DiNanna
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNanna:
Comments on Item #56 Zoning Advisory Committee Meeting, September 19, 1978 are as follows:

Property Owner: Helen K. Harden
Location: S/E/C Handy Ave. & Ruby Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side street setback of 9' from Ruby Ave. and a front setback of 20' from Handy Ave. in lieu of the required 25' and to permit setbacks from the centerlines of 21.5' and 40' in lieu of the required 50'.
Acres: 0.1722
District: 1st

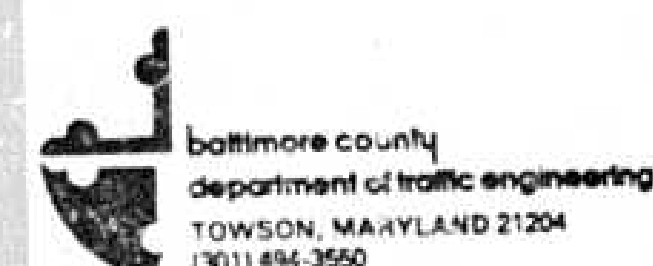
The items checked below are applicable:

- X A. Structure shall conform to Baltimore County Building Code (B.O.C.A.) 1970 Edition and the 1971 Supplement, and other applicable codes.
- X B. A building permit shall be required before construction can begin.
- C. Additional _____ permits shall be required.
- 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.
- F. 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.
- G. Wood frame walls are not permitted within 3' of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H. Requested setback variance conflicts with the Baltimore County Building Code. See Section _____.
- I. No Comment.
- J. Comment:

Very truly yours,

Charles F. Burdum
Plans Review Chief

CBS:ef



STEPHEN F. COLLINS
DIRECTOR

October 20, 1978

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

Item No. 56 - ZAC - September 19, 1978
Property Owner: Helen K. Harden
Location: S/E C Handy Avenue & Ruby Ave.
Existing Zoning: D. R. 5.5
Proposed Zoning: Variance to permit a side street setback of 9' from Ruby Ave. and a front setback of 20' from Handy Ave. in lieu of the required 25' and to permit setbacks from the centerlines of 21.5' and 40' in lieu of the required 50'.
Acres: 0.1722
District: 1st

Dear Mr. DiNanna:

No traffic problems are anticipated by the requested variances to the side street and side setbacks.

Very truly yours,

Michael S. Flanigan
Engineer Associate II

MSF/bza

