

80-32-A 299 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Della V. Dunklin, legal owner...of the property situate in Balt'ore 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 lot widths of 50' in lieu of the required 55' for Lots 27 & 28 to permit a side yard setback of 5' in lieu of the required 10' for the proposed dwelling on Lot 28 and Section 1B02.1 to permit side yard setback of 2' in lieu of the required 2 1/2' for an existing garage on Lot 28.

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

It would be an undue financial hardship if Ms. Dunklin was not allowed to sell said property. Many other houses in this area are built on 50' lots.

MAILED
15
JUL 15 1979
BALTIMORE COUNTY

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.

Everett A. Orr
Contract purchaser
226 Oberle Ave.
Baltimore, Md. 21221
Petitioner's Attorney

Della V. Dunklin
Legal Owner
513 Franklin Ave.
Baltimore, Md. 21221
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day

of July, 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 106, County Office Building in Towson, Baltimore County, on the 7th day of August, 1979, at 10:30 o'clock A.M.

William E. Hammond
Zoning Commissioner of Baltimore County.

(over)

8/7/79
10:30 A.M.

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
S/S of Franklin Ave. 500' :
W of Woodward Dr., 15th District : OF BALTIMORE COUNTY
DELLA V. DUNKLIN, Petitioner : Case No. 80-32-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
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 24th day of July, 1979, a copy of the foregoing Order was mailed to Della V. Dunklin, 513 Franklin Avenue, Baltimore, Maryland 21221, Petitioner.

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

August 22, 1979

Mr. & Mrs. Everett A. Orr
226 Oberle Avenue
Baltimore, Maryland 21221

and

Mr. & Mrs. Gerald J. Sauter
513 Franklin Avenue
Baltimore, Maryland 21221

RE: Petition for Variances
S/S of Franklin Avenue, 500' W of
Woodward Drive - 15th Election
District
Della V. Dunklin - Petitioner
NO. 80-32-A (Item No. 229)

Ladies and Gentlemen:

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/arl

Attachments

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

DESCRIPTION FOR VARIANCE # 513 FRANKLIN AVENUE

Beginning on the south side of Franklin Avenue, approximately 500 feet west of Woodward Drive known as lots # 27 & 28 as shown on Plat of Essex which is recorded in land records of Baltimore County in Liber 3 Folio 15.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond
Zoning Commissioner
John D. Seyffert
FROM: Director of Planning
SUBJECT: Petition #80-32-A. Item #229

Date: July 30, 1979

Petition for Variance for side yard setback and lot widths
South side of Franklin Avenue 500 feet West of Woodward Drive
Petitioner - Della V. Dunklin

15th District

HEARING: Tuesday, August 7, 1979 (10:30 A.M.)

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

John D. Seyffert
John D. Seyffert
Director of Planning and Zoning

JDS:JGH:rw

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

D. Della V. Dunklin
513 Franklin Avenue
Baltimore, Maryland 21221

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing this 13th day of June, 1979.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Della V. Dunklin
Petitioner's Attorney: _____

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

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 24, 1979

cc: Nicholas J. Commodari
Chairman

Ms. Della V. Dunklin
513 Franklin Avenue
Baltimore, Maryland 21221

RE: Item No: 229
Petitioners - Della V. Dunklin

Dear Ms. Dunklin:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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.

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 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:hk

Enclosures

ORDER RECEIVED FOR FILING
DATE August 23, 1979
BY [Signature]

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 Variance(s) requested will not adversely affect the health, safety, and general welfare of the community, and, therefore, the Variance(s) should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 22nd day of August, 1979, that the herein Petition for Variances to permit lot widths of 50 feet in lieu of the required 55 feet for Lots 27 and 28 and side yard setbacks of 5 feet in lieu of the required 10 feet for the proposed dwelling and 2 feet in lieu of the required 2.5 feet for the existing garage both on Lot 28 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.

[Signature]
Zoning Commissioner of Baltimore County

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, the Variance(s) should not be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the herein Petition for the Variance(s) to permit

Zoning Commissioner of Baltimore County

baltimore county
department of public works
TOWSON, MARYLAND 21204

THORNTON M. MOURING, P.E.
DIRECTOR

I-SW Key Sheet
5 NE 27 Pos. Sheet
NE 2 G Topo
97 Tax Map

June 13, 1979

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #229 (1978-1979)
Property Owner: Della V. Dunklin
S/S Franklin Ave. 500' W. Woodward Dr.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' for lots 27 & 28 and to permit a setback of 2' in lieu of the required 2.5' for an existing garage.
Acres: 0.3329 District: 15th

Dear Mr. Hammond:

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:

Baltimore County highway and utility improvements exist and are not directly involved.

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.

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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #229 (1978-1979).

Very truly yours,

[Signature]
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:SS

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211

LESLIE H. GRAEF
DIRECTOR

July 13, 1979

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #229, Zoning Advisory Committee Meeting, May 1, 1979, are as follows:

Property Owner: Della V. Dunklin
Location: S/S Franklin Avenue 500' W. Woodward Drive
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' for lots 27 and 28 and to permit a setback of 2' in lieu of the required 2.5' for an existing garage
Acres: 0.3329
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.

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

Very truly yours,

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

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550

STEPHEN E. COLLINS
DIRECTOR

July 11, 1979

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

This department has no comments about item numbers 225, 228, and 229.

Very truly yours,

[Signature]
Michael S. Flanigan
Engineer Associate II

MSF/mja

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
Date: June 14, 1979

FROM: Lt. Thomas Kelly
Fire Prevention Bureau

SUBJECT: Zoning Advisory Committee Meeting of May 1, 1979

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

ITEM # 225 Property Owner: Raymond J. & Ida M. Castrilli
Location: N/S Timonium Rd. 190' E. Suburban Greens Dr.
No Comments

ITEM # 226 Property Owner: John S. Huff
Location: 300' E York Rd. 550' N Ashland Rd.
No Comments

ITEM # 227 Property Owner: Bobby Boyd's Hooligan's, Inc.
Location: N/S Pennsylvania Ave. 100.75' W York Rd.
No Comments

ITEM # 228 Property Owner: Goldentree Development Co.
Location: N/S Orens Rd. (Relocated) 200' E Sunnyside Va.
No Comments

ITEM # 229 Property Owner: Della V. Dunklin
Location: S/S Franklin Ave. 500' W Woodward Dr.
No Comments

baltimore county
department of permits and licenses
TOWSON, MARYLAND 21204
(301) 494-3610

JOHN D. SEEVERT
DIRECTOR

May 18, 1979

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

Dear Mr. DiNenna:

Comments on Item # 229 Zoning Advisory Committee Meeting, May 1, 1979 are as follows:

Property Owner: Della V. Dunklin
Location: S/S Franklin Ave. 500' W Woodward Drive
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit lot widths of 50' in lieu of the required 55' for lots 27 and 28 and to permit a setback of 2' in lieu of the required 2.5' for an existing garage.
Acres: 0.3329
District: 15th

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.

X G. 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. Please note the wall 5'-0" from the interior lot line shall be a 3/4 hour fire rated wall.

H. Requested setback conflicts with the Baltimore County Building Code. See Section _____

I. No Comment.

X J. Comments: If any floor is below elevation 10'-0" Section 320.0 of the Baltimore County Supplement is applicable - Please see the attached Section 320.0

Very truly yours,

[Signature]
Charles E. Durban
Plans Review Chief

CEB:rrj

Section 320.0 Construction in Areas Subject to Flooding

Subsection 320.1 General Requirements. All buildings and structures hereafter erected or moved in areas in Baltimore County as designated by the Department of Public Works of Baltimore County running streams shall have floor elevations and watertightness as set forth in this Code.

Subsection 320.2 Areas Subject to Inundation by Tidelaters
a. Where buildings are built in areas subject to inundation by tidelaters, the first or main floor elevation shall not be lower than piles, reinforced concrete piers, monolithic concrete foundations or other approved means of support.

b. Where basements or other floors are constructed below 10 feet above mean low tide, the enclosure walls and floor construction shall be of monolithic construction of concrete of sufficient strength and specifically designed for watertightness and hydrostatic pressure, as certified by a Professional Engineer registered in the State of Maryland. Such walls shall be made watertight by membrane waterproofing on the exterior face and the membrane protected by 1 inch minimum cement plaster coating. All floors below 10 feet above mean low tide shall be made watertight by membrane waterproofing on 3 inch minimum concrete floor sub-base.

c. All arcways for windows, doors, and other openings below 10 feet above mean low tide shall be made watertight as required for walls and floors as set forth in this Code.

d. All arcways for windows, doors, and other openings below 10 feet above mean low tide shall be connected by service weight cast iron soil pipe to an adequate sump pump located in the basement and discharging to elevation not less than 10 feet above mean low tide; the said pump shall have a discharge capacity of not less than 15 gallons per minute.

e. Crawl spaces under floors of buildings or structures below 10 feet above mean low tide shall have enclosure walls conforming to the requirements of this Code except such enclosing walls may be of concrete masonry units set in mortar and shall be capable of withstanding the hydrostatic pressure. All openings to the crawl spaces, including access doors, shall be enclosed to an elevation of not less than 8 1/2 feet above mean low tide. The crawl space areas and enclosures shall be drained by cast iron soil pipe with a proper backwater valve, and shall discharge to the adjacent grade or into an approved drainage system.

Subsection 320.3 Areas Subject to Inundation by Surface Waters or Running Streams.

a. The first or main floor elevation of buildings subject to inundation by surface water or streams shall be not less than 2 feet above the flood level as determined by the Department of Public Works of Baltimore County, or at such elevation as may be necessary to grade a lot to prevent flooding of the same. Construction shall be in conformity with the requirements set forth in this Code, titled "Areas Subject to Inundation by Tidelaters."

b. All basement or other floors below the first or main floor shall be in conformity with the requirements set forth in this Code titled "Areas Subject to Inundation by Tidelaters."

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: April 30, 1979

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

Z.A.C. Meeting of: May 1, 1979

RE: Item No: 224, 225, 226, 227, 228, 229
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. DiNenna:

All of the above have no bearing on student population.

Very truly yours,

[Signature]
W. Rick Petrovich,
Field Representative

RNP/vp

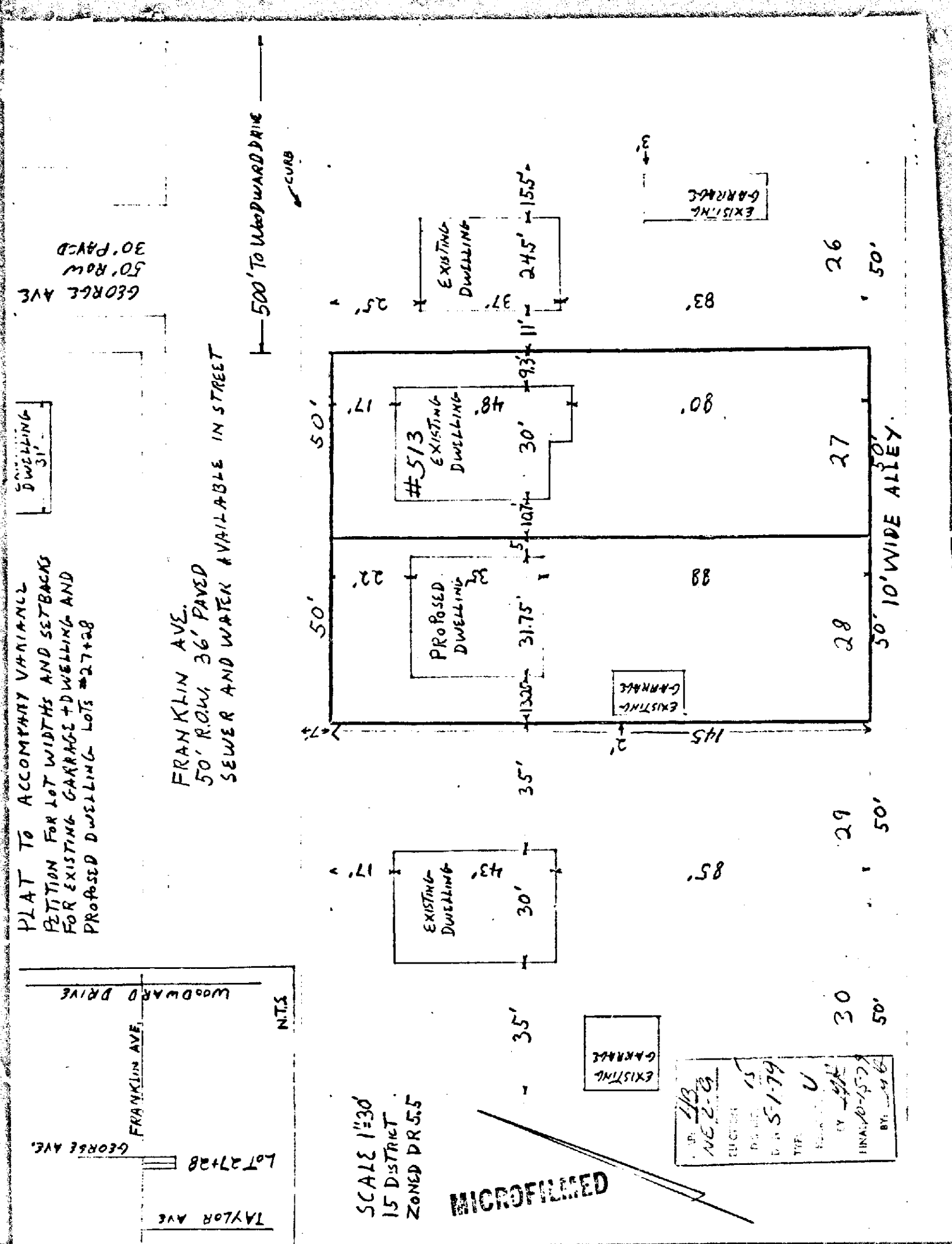
JOSEPH H. McDONALD, PRESIDENT
T. HAROLD WILLIAMS, JR., VICE-PRESIDENT
MARCELO M. PETERSON

THOMAS H. ROYER
RUSSELL L. HARRIS, JR., CLERK
ROBERT B. HAYES, JR.

ROBERT F. DICKER, REPRESENTATIVE

ALVIN LORFCK
MRS. KATHLEEN R. CATHLE, JR.
RICHARD W. TRACY, DVM.

NOV 07 1979



CERTIFICATE OF PUBLICATION

TOWSON, MD., July 19, 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 each week, on one time, ~~successive~~ weeks before the 7th day of August, 1979, the first publication appearing on the 12th day of July, 1979.

THE JEFFERSONIAN
L. Leach, Jr., Manager

Cost of Advertisement, \$

OFFICE OF THE TIMES NEWSPAPERS

TOWSON, MD. 21204 July 19 1979

THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE - Della V. Dunklin 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 20th day of July 1979, that is to say, the same was inserted in the issues of July 19, 1979.

STROMBERG PUBLICATIONS, INC.
MICROFILMED BY Esther Burge

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall 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: DI										
Previous case: none										
Revised Plans: Change in outline or description										
Map #										

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15 Date of Posting: 7/11/79

Posted for: Petition for Variance

Petitioner: Della V. Dunklin

Location of property: 513 Franklin Ave., 500' W. of Woodward Drive

Location of Signs: front of property (west to 513 Woodward Dr.)

Remarks: 1 sign

Posted by: [Signature] Date of return: 7/17/79

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received * this 17th day of April 1979. Filing Fee \$ 25.00 Received ☒ Check ☐ Cash ☐ Other

S. Eric Dinenna, Zoning Commissioner

Petitioner: Della V. Dunklin Submitted by Everett A. Orr

Petitioner's Attorney: [Signature] Reviewed by [Signature] DI

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

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

No. 78768

DATE: July 9, 1979 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: [Signature] M. Orr

FOR: Advertising and Posting for Case #30-32-A

25.00

VALIDATION OR SIGNATURE OF CASHIER

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

No. 83096

DATE: August 7, 1979 ACCOUNT: 01-662

AMOUNT: \$51.19

RECEIVED FROM: Everett A. Orr

FOR: Advertising and Posting for Case #30-32-A

41.15

VALIDATION OR SIGNATURE OF CASHIER

