

82-159-1 **PETITION FOR ZONING VARIANCE** TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) 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 minimum lot widths of 50 feet instead of the required 55 feet; to permit individual side yard setbacks of 8 feet instead of the required 10 feet.

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

1. Age of subdivision never approved by Planning Commission or Planning Board;
2. Location of property and similar size lots in area;
3. Unreasonable hardship and practical difficulty.

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.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)

Signature: _____
(Type or Print Name)

Address: _____
City and State: _____

Legal Owner(s): _____
(Type or Print Name)

Signature: _____
(Type or Print Name)

Address: _____
City and State: _____

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Name: _____
Address: _____
City and State: _____
Phone No.: _____

Attorney's Telephone No.: 825-1630

ORDERED By The Zoning Commissioner of Baltimore County, this 10th day of November, 1981, 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 19th day of January, 1982, at 9:45 o'clock A.M.

RESCHEDULED TO:
Tuesday, February 2,
1982, at 10:15 A.M.

(over)

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERDER
DIRECTOR

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 #85, Zoning Advisory Committee Meeting, November 10, 1981, are as follows:

Property Owner: Harry Giardina
Location: NW/cor Goucher Avenue and Towson Avenue
Acres: 0.66
District: 8th

This office has reviewed the subject petition and offers the following comments. These comments do not intend 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 site plan must comply with Bureau of Public Service, Fire Department, Traffic Engineering and State Highway Administration requirements.

Very truly yours,
John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

JLW:rh

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 22, 1982

COUNTY OFFICE BLDG.
114 W. Goucher Ave.
Towson, Maryland 21204

cc: _____
Chairman

MEMBERS

Chairman

Members

Members

Members

Members

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S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 85
Petitioner - Harry Giardina
Variance Petition

Dear Mr. DiNenna:

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.

In view of your client's proposal to construct dwellings on these vacant wooded lots, these variances for lot widths and side setbacks are required. As indicated on the site plan, your client is proposing a minimum side yard setback of 8' with the resultant sum of side yard setbacks at least 20'. The fact that you are proposing the 8' setback on either side and not necessarily as shown on the submitted site plan should be clearly discussed at the hearing in order to avoid any possible future problems.

As we discussed in our previous conversations, a turn-around area is required at the end of Goucher Avenue. The revised site plan indicates part of this turn-around area on the state highway right-of-way. In view of the fact that this proposal is different from that of the Fire Department, I suggest that this matter be fully discussed at the scheduled hearing.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
Nicholas B. Commodari, Esq.
NICHOLAS B. COMMODARI, Chairman
Zoning Plans Advisory Committee

Enclosures

cc: Paul Lee Engineering, Inc.
304 W. Pennsylvania Avenue
Towson, Md. 21204



Maryland Department of Transportation
State Highway Administration

Lowell K. Bridwell
Secretary
M. S. Catridge
Administrator

January 21, 1982

Mr. William Hammond
Zoning Commissioner
County Office Bldg.
Towson, Md. 21204

Attention: Mr. N. Commodari

Re: ZAC Meeting of 11-10-81
ITEM: 85.
Property Owner: Harry Giardina
Location: NW/corner Goucher Ave. & Towson Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a minimum lot size of 50' in lieu of the required 55' and to permit an individual side yard setback of 8' in lieu of the required 10'.
Acres: 0.66
District: 8th
Proposed "T" turnaround within S.H.A. R/W for "Luther-villa"

Dear Mr. Hammond:

The State Highway Administration's District #4 Metropolitan Engineer, Mr. Harry J. McCullough, has reviewed the submitted plan and generally approves.

Modification could be required in the S.H.A. R/W line of through highway and this would require Federal Highway Administration review.

Additional comments will be forthcoming at a later date when the Federal Highway Administration responds.

Very truly yours,
Charles Lee, Chief
Bureau of Engineering
Access Permits

By: George Wittman

CL:GW:vr

cc: Mr. H. McCullough
Mr. P. Lee My telephone number is (301) 659-1350
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 U.G. Metro - 1-800-492-5082 Statewide Toll Free
P.O. Box 717 / 707 North Calvert St., Baltimore, Maryland 21203 - 0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond, Zoning Commissioner
TO: Office of Planning and Zoning Date: November 24, 1981

FROM: Ian J. Forrest

SUBJECT: Zoning Variance Items

The Baltimore County Department of Health has reviewed the following zoning variance items, and has no specific comments regarding same:

- Item #80 - Edwin J. & Catherine McHenry
- Item #83 - John Frank, Jr.
- Item #84 - White Marsh Mall, Inc.
- Item #85 - Harry Giardina
- Item #87 - Harold P. & Elaine L. Bolman
- Item #89 - Donald Ray & Dolores F. McCoy
- Item #90 - Betty Lee Dulany, et al
- Item #91 - Karine Oaks
- Item #92 - John W. Butler
- Item #93 - Anna E. E. Schneider
- Item #94 - Cassius D. & Shirley T. Miller
- Item #95 - American Telephone & Telegraph Co.
- Item #96 - American Telephone & Telegraph Co.
- Item #97 - American Telephone & Telegraph Co.
- Item #98 - William Thomas & Dorothy Lee Polkman
- Item #99 - Salvatore Spitaleri
- Item #100 - Clarence & Karen Miller

Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

117/rh



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
625-7310

DAVID H. RENCKE
CHIEF

December 16, 1981

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

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Harry Giardina

Location: NW/Cor. Goucher Avenue and Towson Avenue

Item No.: 85 Zoning Agenda: Meeting of November 10, 1981

Gentlemen:

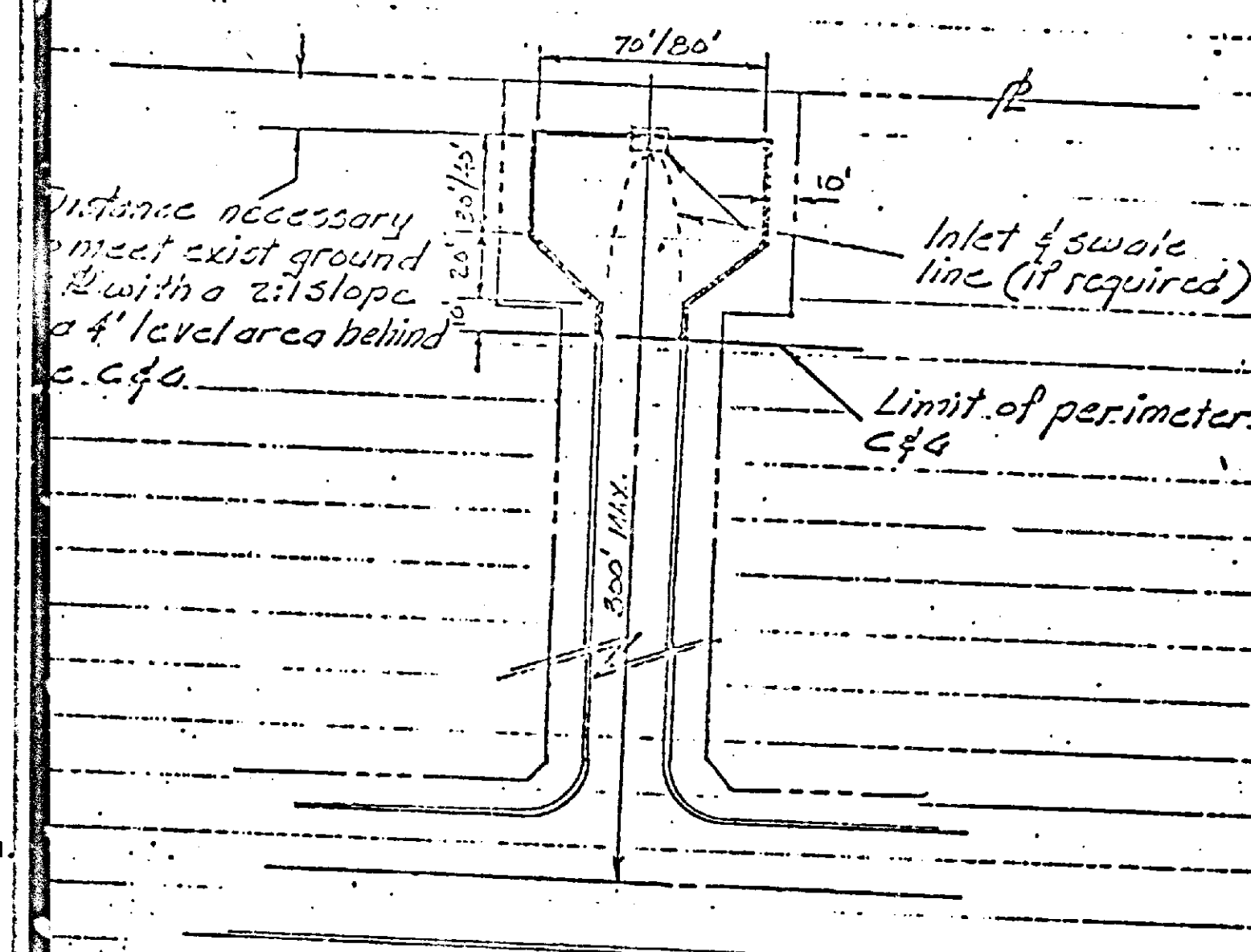
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- (X) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 150 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.
- (X) 3. The vehicle dead end condition shown at dead end at lot #10 exceeds 300 feet allowed by Fire Department. Standard cul-de-sac or hammerhead turn-around required 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 operation.
- (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", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: Ian J. Forrest, Director
Planning Group
Special Inspection Division

JK/mh /cm

PERMANENT "TEE" TURNAROUND



"Tee" to be 30' x 70' with a 4' conc. walk around perimeter or 40' x 60' without the walk.
Guard posts to be placed around perimeter of "tee" & 4' (min) behind c&g where necessary.
No PARKING to be posted within "tee"

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

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

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: _____ Date: November 16, 1981
FROM: Charles E. (Ted) Burnham
Zoning Advisory Committee
SUBJECT: Meeting of November 10, 1981

ITEM NO. 82 See comments.
ITEM NO. 83 Standard Comments
ITEM NO. 84 See Comments
✓ ITEM NO. 85 Standard Comments

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Doherty, Superintendent
Towson, Maryland - 21204

Date: November 6, 1981

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: November 10, 1981

RE: Item No: 82, 83, 84, 85
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
W/S of Goucher Ave., (unimproved) :
157' N of Spring Ave. and the : OF BALTIMORE COUNTY
E/S of Goucher Ave., (unimproved) :
367' N of Spring Ave., 8th District :

HARRY GIARDINA, Petitioner : Case No. 82-159-A

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 therefor, 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
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11th day of January, 1982, a copy of the foregoing Order was mailed to S. Eric DiNenna, Esquire, 406 W. Pennsylvania Avenue, Towson, Maryland 21204, Attorney for Petitioner.

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

RE: PETITION FOR VARIANCES : BEFORE THE
W/S of Goucher Avenue, 137' N of : ZONING COMMISSIONER
Spring Avenue and the E/S of Goucher :
Avenue, 367' N of Spring Avenue : OF
8th Election District :
Harry Giardina - Petitioner :
NO. 82-159-A (Item No. 84) : BALTIMORE COUNTY

The petitioner herein, owner of eleven 50-foot lots (Parcel A) on the east side of Goucher Avenue, north of Towson Avenue (147 feet north of Spring Avenue), and four 50-foot lots (Parcel B) on the west side of Goucher Avenue, south of Towson Avenue (135 feet south of Spring Avenue), as shown on the Plat of Luther-Villa, recorded among the land records of Baltimore County in Plat Book 7, folio 128, seeks to secure variances to permit minimum lot widths of 50 feet in lieu of the required 55 feet and a side yard setback for each individual lot of eight feet in lieu of the required ten feet, in accordance with the site plan prepared by Paul Lee Engineering, Inc., revised December 21, 1981, and marked Petitioner's Exhibit 1. The site plan reveals that Parcel A contains 1.76 acres of land and Parcel B contains 0.64 of an acre of land and that both parcels are zoned D.R.5.5 (Density, Residential). It also discloses that the land on the west side of Goucher Avenue, opposite Lots 2 through 10 (Parcel A), is the right-of-way line of the Baltimore-Harrisburg Expressway (I-83) and, thus, precludes development on that land. A 100-foot-wide lot is located across Goucher Avenue from proposed Lot 1. The land to the east of Lots 19 through 22 (Parcel B) is available for D.R.5.5 development between Towson and Spring Avenues. At this point, it should be noted that the petitioner created Lot 1 as a 100-foot lot with the nine remaining lots being 50 feet each, whereas, in reality, he has sufficient frontage to create ten 55-foot lots in Parcel A. However, the same would not be true for Parcel B since the total frontage is only 200 feet. If the lot widths were increased in Parcel A, the requested side yard variances would not be required, but they would still be required for Parcel B because the lot widths could not be increased.

Mr. Paul Lee, a registered professional engineer, testified that the road improvement, as well as the Metropolitan District water and sewer facilities in Goucher Avenue, terminate at Spring Avenue. The petitioner would have to improve the road and extend the Metropolitan District facilities approximately 700 feet for paved access and service to be provided to the 14 lots. The cost thereof is proposed to be divided among all 14 lots, and it is alleged that to deny the requested variances would create practical difficulty and/or unreasonable hardship. Mr. Lee also testified that there is a small area consisting of 37 lots of the Plat of Luther-Villa which remains undeveloped. In this regard, one of the protestants testified that he believes approximately 90% of the residentially improved lots are 50-foot lots.

Those appearing at the hearing in opposition to the petition expressed concern about the effect that development of the lots would have upon the streets with increased traffic and the extent to which their present drainage problems would be further aggravated. In this regard, all agreed that the property could be developed either as fourteen 50-foot lots, ten 55-foot lots and four 50-foot lots, ten 55-foot lots and three 66-foot lots, or combinations thereof and, as such, would undoubtedly create an increase in traffic and drainage. However, Mr. Lee indicated that the County would address these issues through its public works processing with the intention of negating or minimizing the impact of each.

Consequently, since sufficient land exists in Parcel A to comply with the 55-foot requirement of Section 1B02.3.c(1) of the Baltimore County Zoning Regulations, the requested variances for lot widths and side yard setbacks should not be granted; however, the requested variances for Parcel B for lot widths and side yard setbacks should be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 27th day of April, 1982, that variances to permit minimum lot widths of 50 feet in lieu of the required 55 feet and side yard setbacks of

494-3160

County Board of Appeals

Room 218, Court House
Towson, Maryland 21204

March 16, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108.

CASE NO. 82-159-A

HARRY GIARDINA

For Variances from Section 1B02.3C.1
(Minimum lot widths and side yard setbacks)

W/S Goucher Ave. 137' N. of Spring Ave.
and E/S Goucher Ave. 367' N. Spring Ave.

8th District

4/27/82 - Z.C. GRANTED PETITION (Lots 19 to 22)
Z.C. DENIED PETITION (Lots 2 to 10)

ASSIGNED FOR:

TUESDAY, JULY 19, 1983 at 10 a.m.

cc: S. Eric DiNenna, Esq.

Counsel for Petitioner

Harry Giardina

Petitioner

Mr. and Mrs. D. M. Denhard

Mr. Walter Merrifield, Jr.

Mrs. Lucille Weidner

John W. Hession, III, Esq.

People's Counsel

W. E. Hammond

J. E. Dyer

N. E. Geiber

J. G. Hoswell

Edith T. Eisenhart, Adm. Secretary

eight feet in lieu of the required ten feet for Lots 19 through 22 (Parcel B), as shown on Petitioner's Exhibit 1, are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. Compliance with the comments submitted by the Maryland Department of Transportation, dated January 21, 1982, the Fire Department, dated December 16, 1981, unless written modification of either or both are filed with the Office of Planning and Zoning, and the Department of Public Works, dated February 5, 1982.
2. Parcel A shall be resubdivided in accordance with the subdivision regulations and in keeping with this Order.
3. A revised site plan, incorporating the restrictions set forth above, shall be submitted for approval by the Maryland Department of Transportation, the Fire Department, the Department of Public Works, and the Office of Planning and Zoning.

It is FURTHER ORDERED that variances to permit minimum lot widths of 50 feet in lieu of the required 55 feet and side yard setbacks of eight feet in lieu of the required ten feet for Lots 2 through 10 (Parcel A) are hereby DENIED.

John W. Hession, III
John W. Hession, III
Zoning Commissioner of
Baltimore County

ORDER RECEIVED FOR FILING

DATE *April 27, 1982*
BY *John W. Hession, III*

ORDER RECEIVED FOR FILING

DATE *April 27, 1982*
BY *John W. Hession, III*

IN THE MATTER OF
THE APPLICATION OF
HARRY GIARDINA
For a Variance from Section
1802.3.C.1 to permit minimum
lot widths of 50' in lieu of the
required 55'; to permit individual
side yard setbacks of 8' in lieu
of the required 10' on property
located on the east side of
Goucher Avenue, 367' north of
Spring Avenue - 8th District

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 82-159-A

OPINION

This matter comes before this Board on appeal from an Order of the Zoning Commissioner dated April 27, 1982, denying Petitioner request for a variance.

The subject property consists of ten (10) 50' lots located on the east side of Goucher Avenue, 367' north of Spring Avenue and known as lots 2 through 11 of Parcel A as set forth on the plat of Luther-Villa recorded among the Land Records of Baltimore County in Plat Book 7, page 128. The subject property consists of 1.76 acres and is presently zoned DR 5.5.

Petitioner is requesting a variance to permit 50' lot widths in lieu of the required 55' widths and side yard setbacks of 8' in lieu of the required 10'.

Mr. Paul Lee, a registered professional engineer, testified that he prepared the plot (Petitioner's exhibit #1) setting forth Petitioner's requested variances. He further testified that the land opposite the subject property is an unimproved parcel which is a right-of-way of the Baltimore-Harrisburg Expressway.

Mr. Lee further testified that the road improvement as well as the water and sewer facilities on Goucher Avenue terminate at Spring Avenue. In this regard, he indicated that the cost of providing paved access and service to these lots would be extreme in light of the fact that the costs could not be shared by homes on both sides of the street. Mr. Lee also testified that an existing drainage ditch exists across the subject property thereby necessitating a rerouting of this stream in a manner to be approved by Baltimore County.

Harry Giardina
Case No. 82-159-A

Mr. Lee indicated that approximately 90% of the lots within the existing development have lot widths of 50' or less. He further indicated that unless Petitioner's request for variances were granted, only 9 lots could be developed, which would amount to undue hardship and practical difficulty by reason of the economical considerations of providing roads and utilities for so few lots. Mr. Lee indicated that if Petitioner's variances were granted, he would combine lots 1 and 2, which are located at the intersection of Goucher and Towson Aves. (as proposed) and realize one lot of 130' frontage and 9 lots with 50' frontages. Mr. Lee stated that in his opinion the granting of this variance would not have a detrimental effect on the health, safety and welfare of the citizens of Baltimore County. He further testified that development of the subject property as proposed would allow sufficient setback (25' is required) from the intersection of the cross streets.

People's Counsel did not present any evidence concerning this petition. It is the opinion of this Board that Petitioner's request should be granted for reasons set forth above.

This Board is also of the opinion that the requirements and provisions of Section 22-68 of the Baltimore County Code should not be addressed by this Board at this time and consequently our findings are without consideration of these provisions.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 28th day of September, 1983, by the County Board of Appeals, ORDERED that the variance to permit minimum lot widths of 50' in lieu of the required 55' and the individual side yard setbacks of 8' in lieu of the required 10' be and hereby is GRANTED.

Any appeal from this decision must be in accordance with Rules B-1 thru B-13 of the Maryland Rules of Procedure.

Harry Giardina
Case No. 82-159-A

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Joanne L. Sider, Acting Chairman

Leroy B. Scunior

Patricia Phipps

RE: PETITION FOR VARIANCES
W/S of Goucher Avenue, 137' N of
Spring Avenue and the E/S of Goucher
Avenue, 367' N of Spring Avenue -
8th Election District
Harry Giardina - Petitioner
7500 Harford Road
Baltimore, Maryland 21234
NO. 82-159-A (Item No. 85)

BEFORE THE
ZONING COMMISSIONER
OF
BALTIMORE COUNTY

NOTICE OF APPEAL

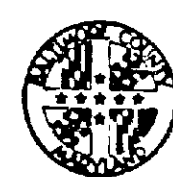
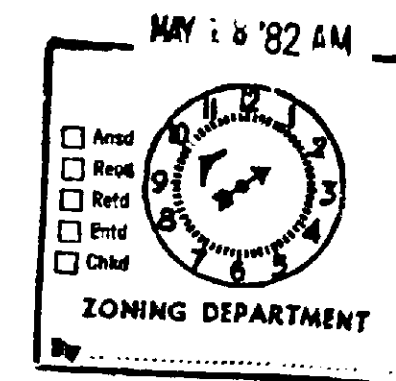
MR. COMMISSIONER:

Please enter an appeal on behalf of the Petitioner, Harry Giardina, with reference to the denial of the Variances requested for Parcel A, only, to the Baltimore County Board of Appeals.

S. ERIC DINENNA, P. A.
406 N. Pennsylvania Avenue
Towson, Maryland 21204
825-1630
Attorneys for Petitioner

I HEREBY CERTIFY that on this 18th day of May, 1982, a copy of the foregoing Notice of Appeal was mailed to John W. Hessian, III, Esquire, People's Counsel for Baltimore County, Room 223, Court House, Towson, Maryland 21204.

S. ERIC DINENNA



County Board of Appeals of Baltimore County
Room 200 Court House (Hearing Room #218)
Towson, Maryland 21204
(301) 494-3180
July 19, 1983

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #59-79

CASE NO. 82-159-A HARRY GIARDINA
For variances from Section 1802.3C.1
(Minimum lot widths and side yd. setbacks)
W/S Goucher Ave., 137' N. of Spring Ave.
and E/S Goucher Ave., 367' N. Spring Ave.

8th District

4/27/82 - Z.C. Granted Petition (lots 19 to 22)
Z.C. Denied Petition (lots 2 to 10)

ASSIGNED FOR: TUESDAY, SEPTEMBER 20, 1983, at 10 a.m.

cc: S. Eric Dinenna, Esq. Counsel for Petitioner
Harry Giardina Petitioner
Mr. & Mrs. D. Denhard
Mrs. Walter Merrifield, Jr.
Mrs. Lucille Weidner
J. W. Hessian, Esq. People's Counsel
W. Hammond
J. Dyer
N. Gerber
J. Hoswell

June Holmen, Secretary

5/28/82 - Following notified as to hearing set on Wednesday, Aug. 4, 1982, at 10 a.m.

S. Eric Dinenna
Harry Giardina
Mr. and Mrs. Donald Denhard
Mrs. Walter Merrifield, Jr.
Mrs. Lucille Weidner
John Hessian, Esq.
J. Dyer
J. Hoswell
W. Hammond
Norman Gerber

9/2/82 - Above were notified of hearing set for Tues., Oct. 19, 1982, at 10 a.m.

10-19-82 Postponed in open hearing. Not to be reset unless requested by Mr. Dinenna

3/16/83 - Above notified of appeal hearing scheduled for TUESDAY, JULY 19, 1983 at 10 a.m.

7/19/83 - Postponed in open hearing. Reset for 9/20/83 at 10 a.m. Above notified.

Paul Lee Engineering, Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
824-5941

December 28, 1981

Mr. George Wittman
State Highway Administration
P. O. Box 717
707 N. Calvert Street
Baltimore, Maryland 21203

Re: Luther-villa

Please find enclosed herewith 3 prints of the zoning plat on which we are showing a "T" turnaround which has been requested by Baltimore County.

As we had indicated by our telephone conversation, we would appreciate your processing my client's request to try and obtain an easement or right-of-way on State property so that a portion of this return can be built.

Sincerely yours,

Paul Lee

PL:tl

Enclosures

cc: Mr. Nicholas Commodari
Mr. S. Eric Dinenna

Engineers - Surveyors - Site Planners

PETITION FOR VARIANCE 8th DISTRICT

ZONING: Petition for Variance
LOCATION: West side of Goucher Avenue (unimproved), 137 ft. North of Spring Avenue and the East side of Goucher Avenue (unimproved) 367 feet North of Spring Avenue
DATE & TIME: Tuesday, January 19, 1982, at 9:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for variances to permit minimum lot widths of 50 feet instead of the required 55 feet, and to permit individual side yard setbacks of 8 feet instead of the required 10 feet.

The Zoning Regulation to be excepted as follows:

Section 1802.3C.1 - Minimum lot widths and side yard setbacks in D.R. 5.5 Zone

All that parcel of land in the Eighth District of Baltimore County

Being the property of Harry Giardina as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, January 19, 1982 at 9:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
824-5911

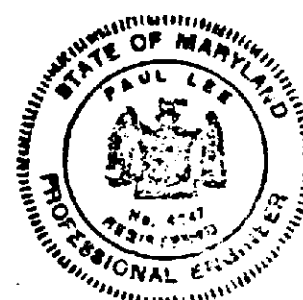
DESCRIPTION

PARCEL "A" - 1.76 ACRE ± PARCEL KNOWN AS LOTS 1 THROUGH 11, BLOCK V,
LUTHER-VILLA, EIGHTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

This Description is for Lot Width and Side Yard Variance

Beginning for the same at a point located at the intersection of the East side of Goucher Avenue, 40 feet wide, and the North side of Towson Avenue, as shown on Plat No. 1 of Luther-Villa and as recorded among the Land Records of Baltimore County in Plat Book 7-128, said point also being located 367' ± Northerly from the centerline of Spring Avenue, thence binding on East side of Goucher Avenue (1) North 04°28'00" E 550.00 feet, thence leaving said East side of Goucher Avenue (2) South 85°32'00" E 140.00 feet and (3) South 04°28'00" E 547.08 feet to the North side of Towson Avenue, thence binding on the North side of Towson Avenue (4) by a curve to the right with a radius of 3800.05 feet for a distance of 140.00 feet to the point of beginning.

Said Parcel "A" containing 1.76 acres ± of ground.



Engineers — Surveyors — Site Planners

Page 1 10/14/81

Paul Lee Engineering Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204
824-5911

DESCRIPTION

PARCEL "B" - 0.66 ACRE ± PARCEL KNOWN AS LOTS 19 THROUGH 22, BLOCK L,
PLAT 1, LUTHER-VILLA, EIGHTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the West side of Goucher Avenue said point being located 137 feet ± Northerly from the centerline of Spring Avenue thence leaving West side of Goucher Avenue (1) South-westerly 141 feet ± (2) North 04°28'00" E 210.00 feet and (3) South 85°32'00" E 140.00 feet to the West side of Goucher Avenue thence binding on the West side of Goucher Avenue the two following courses and distances (4) South 04°28'00" W 150.00 feet and (5) by a curve to the left with a radius of 730.26 feet for a distance of 50.00 feet to the point of beginning.

Said Parcel "B" containing 0.66 acre ± of ground.



Engineers — Surveyors — Site Planners

Page 2 10/14/81

PETITION FOR VARIANCE

8th DISTRICT

ZONING: Petition for Variance
LOCATION: West side of Goucher Avenue (unimproved), 137 ft. North of Spring Avenue and the East side of Goucher Avenue (unimproved) 367 feet North of Spring Avenue

DATE & TIME: Tuesday, February 2, 1982, at 10:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for variance to permit minimum lot widths of 50 feet instead of the required 55 feet, and to permit individual side yard setbacks of 8 feet instead of the required 10 feet.

The Zoning Regulation to be excepted as follows:

Section 1B02.3C.1 - Minimum lot widths and side yard setbacks in D.R. 5.5 Zone

All that parcel of land in the Eighth District of Baltimore County

Being the property of Harry Giardina as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, February 2, 1982, at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PARCEL "A" - 1.76 ACRE ± PARCEL KNOWN AS LOTS 1 THROUGH 11, BLOCK V,
LUTHER-VILLA, EIGHTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

This Description is for Lot Width and Side Yard Variance

Beginning for the same at a point located at the intersection of the East side of Goucher Avenue, 40 feet wide, and the North side of Towson Avenue, as shown on Plat No. 1 of Luther-Villa and as recorded among the Land Records of Baltimore County in Plat Book 7-128, said point also being located 367' ± Northerly from the centerline of Spring Avenue, thence binding on East side of Goucher Avenue (1) North 04°28'00" E 550.00 feet, thence leaving said East side of Goucher Avenue (2) South 85°32'00" E 140.00 feet and (3) South 04°28'00" E 547.08 feet to the North side of Towson Avenue, thence binding on the North side of Towson Avenue (4) by a curve to the right with a radius of 3800.05 feet for a distance of 140.00 feet to the point of beginning.

Said Parcel "A" containing 1.76 acres ± of ground.

PARCEL "B" - 0.66 ACRE ± PARCEL KNOWN AS LOTS 19 THROUGH 22, BLOCK L,
PLAT 1, LUTHER-VILLA, EIGHTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the West side of Goucher Avenue said point being located 137 feet ± Northerly from the centerline of Spring Avenue thence leaving West side of Goucher Avenue (1) South-westerly 141 feet ± (2) North 04°28'00" E 210.00 feet and (3) South 85°32'00" E 140.00 feet to the West side of Goucher Avenue thence binding on the West side of Goucher Avenue the two following courses and distances (4) South 04°28'00" W 150.00 feet and (5) by a curve to the left with a radius of 730.26 feet for a distance of 50.00 feet to the point of beginning.

Said Parcel "B" containing 0.66 acre ± of ground.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

May 28, 1982

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 82-159-A HARRY GIARDINA
W/s of Goucher Ave., 137' N of Spring Ave.,
and E/s of Goucher Ave., 367' N of Spring Ave.
8th District
Variances—Minimum lot widths and side yard setbacks in DR 5.5
4/27/82 - Z.C.'s Order—Part Granted; Part Denied

ASSIGNED FOR: WEDNESDAY, AUGUST 4, 1982, at 10 a.m.

cc: S. Eric DiNenna, Esq. Counsel for Petitioner
Mr. Harry Giardina Petitioner
Mr. and Mrs. Donald M. Denhard
Mr. Walter Merrifield, Jr.
Mrs. Lucille Weidner
J. W. Hessian, Esq. People's Counsel
J. Dyer
J. Hoswell
W. Hammond
N. Gerber

June Holmen, Secy.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

June 30, 1982

NOTICE OF POSTPONEMENT

CASE NO. 82-159-A HARRY GIARDINA
W/s Goucher Ave. 137' N. of Spring Ave.
and E/s of Goucher Ave. 367' N. Spring Ave.
8th District
Scheduled for hearing on Wednesday, August 4, 1982 at 10 a.m. has been
POSTPONED at the request of counsel for the Petitioner (in court)... Case will be rescheduled at a later date.
cc: S. Eric DiNenna, Esq.
Mr. Harry Giardina
Mr. and Mrs. Donald M. Denhard
Mr. Walter Merrifield, Jr.
Mrs. Lucille Weidner
John W. Hessian, Esq.
Mr. J. E. Dyer
Mr. W. E. Hammond
Mr. N. E. Gerber
Mr. J. G. Hoswell

Edith T. Eisenhart, Adm. Secretary

S. Eric DiNenna, P.A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-425-1630
301-296-6420

June 17, 1982

County Board of Appeals
Room 219, Courthouse
Towson, Maryland 21204

RE: Harry Giardina, Petitioner
W/s of Goucher Ave., 137' N
of Spring Ave., and E/s of
Goucher Ave., 367' N of
Spring Ave.
Case No.: 82-159-A
My File: 81-80

Dear Mr. Chairman:

I am in receipt of your notification of the hearing on the above captioned matter scheduled for August 4, 1982 at 10:00 A. M.

As you probably know, I have been appointed Master in Chancery for the Circuit Court for Baltimore County and will be conducting hearings on that date.

I respectfully request a postponement of this matter for that day and ask that you have your Secretary contact me prior to setting the new date in order that I may coordinate my schedule with her.

I appreciate your cooperation in this matter.

Very truly yours,

S. ERIC DINENNA

SED:wjt

cc: Mr. Harry Giardina
John W. Hessian, Esquire

RECEIVED
BALTIMORE COUNTY
JUN 18 12 10 PM '82
CLERK OF COURTS

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204

September 2, 1982

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH RULE 2(c), COUNTY COUNCIL BILL #108

CASE NO. 82-159-A HARRY GIARDINA
W/s Goucher Ave., 137' N of Spring Ave.,
and E/s of Goucher Ave., 367' N of Spring Ave.
8th District
Variances—Minimum lot widths and side yard setbacks in DR 5.5
4/27/82 - Z.C.'s Order—Part Granted; Part Denied

ASSIGNED FOR: TUESDAY, OCTOBER 19, 1982, at 10 a.m.

cc: S. Eric DiNenna, Esq. Counsel for Petitioner
Mr. Harry Giardina Petitioner
Mr. & Mrs. D. M. Denhard
Mr. Walter Merrifield, Jr.
Mrs. Lucille Weidner
J. W. Hessian, Esq. People's Counsel
J. Dyer
J. Hoswell
W. Hammond
N. Gerber

June Holmen, Secy.



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

WILLIAM E. HAMMOND
ZONING COMMISSIONER

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

January 28, 1982

RE: Petition for Variances
W/s Goucher Ave. (unimproved) 173' N of Spring Ave.
and E/s Goucher Ave. (unimproved) 367' N of Spring
Ave. - 8th District Case #82-159-A
Harry Giardina - Petitioner Item: #85

Dear Mr. DiNenna:

This is to advise you that \$95.75 is due for advertising and
posting of the above property.

Please make check payable to Baltimore County, Maryland, and remit to
Karen Riegel, Room 113, County Office Building, Towson, Maryland 21204
before the hearing.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

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

No. 105744

DATE 3/12/82 ACCOUNT 01-662

AMOUNT \$95.75

RECEIVED FROM S. Eric DiNenna, Esquire
FOR: Posting & Advertising of Case #82-159-A
(Giardina)

33702412 95.75

VALIDATION OR SIGNATURE OF CASHIER

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

December 31, 1981

NOTICE OF HEARING

RE: Petition for Variances
W/s Goucher Ave. (unimproved) 173' N of Spring Ave. and
E/s Goucher Ave. (unimproved) 367' N of Spring Ave.
Harry Giardina - Petitioner
Case #82-159-A

TIME: 10:15 A.M.

DATE: Tuesday, January 19, 1982

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

cc: Paul Lee Engineering, Inc.
304 W. Pennsylvania Ave.
Towson, MD 21204

ZONING COMMISSIONER OF
BALTIMORE COUNTY

S. Eric DiNenna, Esquire
406 W. Pennsylvania Avenue
Towson, Maryland 21204

January 1, 1982

NOTICE OF HEARING

RE: Petition for Variances
W/s Goucher Ave. (unimproved), 137' N of Spring Ave.
E/s Goucher Ave. (unimproved), 367' N of Spring Ave.
Harry Giardina - Petitioner
Case #82-159-A

TIME: 10:15 A.M.

DATE: Tuesday, February 2, 1982

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

cc: Paul Lee Engineering, Inc.
304 W. Pennsylvania Ave.
Towson, Maryland 21204

ZONING COMMISSIONER OF
BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Norman E. Gerber, Director of Planning and Zoning Date: October 18, 1982
FROM: Eugene A. Roher
SUBJECT: Appeal of Case #82-159A

This office has just received the notice of appeal and in our review
it appears that none of the lots are valid under Bill 56-82 (Development
Regulations). Please see attached verification form.

cy: William Hammond
Jim Roswell

Baltimore County Office of Planning and Zoning
County Courts Building, Room 406
Towson, Maryland

REQUEST FOR VERIFICATION - LOT OF RECORD OR PLAT

APPLICANTS: PLEASE COMPLETE PARTS I and II

I. General Information (complete for all requests):

- Name of development (section, etc.) and location: Plot 1
Luther Villa Block 1, Lot 1-14 Block 2, Lots 19-22
Goucher Ave. & Towson Ave.
- Lot number(s): Block 1, Lots 1-14 & Block 2, Lots 19-22
- Owner(s) name: Harry Giardina
- Owner(s) address and phone number: 7360 MacFarland Rd
- Applicant's name, (if other than owner):
- Applicant's address and phone number:
- Liber/folio: 7/128 h. Date recorded: May 2, 1981
- Property number(s):
- Signature of owner or applicant, date:

II. Status of development (complete this part if verification of
Plat is requested):

- Number of lots owned? 14
Do these lots adjoin? Yes 10 & 4
If yes, list which ones adjoin: 1-11 19-22
- Have building permits been issued? yes no
If yes, Building permit number(s):
Issuance date:
Expiration date:
- Has construction of public or private improvements
occurred? yes no
If yes, Public Works Agreement number: NONE
Type of improvement started or completed and percent
completed (list each type separately):

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204
4-4 3353

REQUEST FOR VERIFICATION

March 9, 1982

County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

With regard to Zoning Advisory Meeting of November

10, 1981, the Department of Traffic Engineering has no comment
for item numbers 13, 84 and 85.

Very truly yours,

Michael S. Flanagan
Engineer Associate II

MST/bra

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

William E. Hammond
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
SUBJECT: Zoning Petition No. 82-159-A
Date: January 25, 1982

This office cannot support the petitioner's request; sufficient acreage exists
to meet the current minimal zoning requirements by resubdivision.

Norman E. Gerber, Director

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR February 5, 1982

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

Re: Item #85 (1981-1982)
Property Owner: Harry Giardina
N/W corner Goucher Avenue and Towson Avenue
Acres: 0.66 District: 8th

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.

Highways:

Goucher Avenue and Towson Avenue, unimproved roads in this vicinity, shown
on "Plat 1 Luther-Villa", recorded W.P.C. 7, Folio 128, are proposed to be improved
in the future as 30-foot closed section roadways on 50-foot right-of-way, with fillet
areas for sight distance at their intersection. The proposed improvement of Goucher
Avenue, northerly from Towson Avenue, is to be within a 40-foot right-of-way, with
a standard type roadway termination if not extended to Talbot Avenue.

Sediment Control:

Development of this property through striping, 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:

Drainage swales traverse these sites.

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.

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.

82-159-A
1/9

Item #85 (1981-1982)
Property Owner: Harry Giardina
Page 2
February 5, 1982

Water and Sanitary Sewer:

Public water mains, fire hydrant protection and sanitary sewerage can be provided by extensions from the existing utilities in Goucher Avenue.

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: Jack Wimbley
William Munchel

S-SE Key Sheet
47 & 48 NW 4 Pos. Sheets
NW 12 A Topo
60 Tax Map

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

No. 107642

DATE 5/18/82 ACCOUNT 01-662
AMOUNT \$35.00

RECEIVED S. Eric DiNenna, Esquire
FROM Appeal Fee of Case 82-159-A (Harry Giardina)
FOR 35.00

VALIDATION OR SIGNATURE OF CASHIER

S. Eric DiNenna, P. A.
Attorney at Law

406 W. Pennsylvania Avenue
Towson, Maryland 21204

301-623-1910
301-296-6829

May 19, 1982

Office of Zoning
County Office Building
111 Chesapeake Avenue
Towson, Maryland 21204

Attention: Arlene January

RE: No. 82-159-A (Item No. 85)
Petition for Variances - Appeal
W/S Goucher Avenue, 137' N of
Spring Avenue and E/S of
Goucher Avenue, 367' N of
Spring Avenue - 8th Election Dist.

Harry Giardina - Petitioner

Dear Arlene:

Enclosed you will find my check in the amount of \$15.00 pursuant to your request concerning the signs on the above property.

Very truly yours,
Eric
S. ERIC DINENNA

SED:wjt
Enc.

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

No. 107647

DATE 5/20/82 ACCOUNT 01-662
AMOUNT \$15.00

RECEIVED S. Eric DiNenna, Esquire
FROM Posting Signs for Appeal of Case #82-159-A (Harry Giardina)
FOR 15.00

VALIDATION OR SIGNATURE OF CASHIER

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

WILLIAM E. HAMMOND
Zoning Commissioner

May 19, 1982

Mr. & Mrs. Donald M. Denhard
702 Goucher Avenue
Lutherville, Maryland 21093

Re: Petition for Variances
W/S Goucher Ave., 137' N of Spring
Ave. and the E/S of Goucher Ave.,
367' N. of Spring Avenue - 8th District
Harry Giardina - Petitioner
Case No. 82-159-A (Item No. 85)

Dear Mr. & Mrs. Denhard:

Please be advised that an Appeal has been filed by S. Eric DiNenna, Esquire, on behalf of petitioner, Harry Giardina, from the decision rendered by the Zoning Commissioner of Baltimore County in the above captioned matter.

You will be notified of the date and time of the appeal hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

William E. Hammond
William E. Hammond
Zoning Commissioner

WEH:aj

cc: Mr. Walter R. Merrifield, Jr.
614 Spring Avenue
Lutherville, Maryland 21093

Mrs. Lucille Weidner
701 Goucher Avenue
Lutherville, Maryland 21093

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

WILLIAM E. HAMMOND
Zoning Commissioner

April 27, 1982

S. Eric DiNenna, Esquire
406 West Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Variances
W/S of Goucher Avenue, 137' N of
Spring Avenue and the E/S of Goucher
Avenue, 367' N of Spring Avenue -
8th Election District
Harry Giardina - Petitioner
NO. 82-159-A (Item No. 85)

Dear Mr. DiNenna:

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

Attachments

cc: Mr. & Mrs. Donald M. Denhard
702 Goucher Avenue
Lutherville, Maryland 21093

Mr. Walter R. Merrifield, Jr.
614 Spring Avenue
Lutherville, Maryland 21093

Mrs. Lucille Weidner
701 Goucher Avenue
Lutherville, Maryland 21093

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

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
September 28, 1983

S. Eric DiNenna, Esq.
406 W. Pennsylvania Ave.
Towson, Md. 21204

Re: Case No. 82-159-A
Harry Giardina

Dear Mr. DiNenna:

Enclosed herewith is a copy of the Opinion and Order passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

June Holmen
June Holmen, Secretary

Encl.
cc: Harry Giardina
Mr. and Mrs. D. M. Denhard
Mr. Walter Merrifield, Jr.
Mrs. Lucille Weidner
J. W. Hessian, Esq.
J. E. Dyer
J. Howell
N. Gerber
A. Jablon
J. Jung

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8 Date of Posting Dec 30-81
Posted for: Variances
Petitioner: Harry Giardina
Location of property: W/S Goucher Ave. 137' N of Spring Ave. and E/S of Goucher Ave. 367' N of Spring Ave.
Location of Signs: NE Corner of Goucher and Spring Ave. 1/2 sign West side of Goucher Ave. 137' N of Spring Ave. 1/2 sign East side of Goucher Ave. 367' N of Spring Ave.
Remarks: 1/2 sign West side of Goucher Ave. 137' N of Spring Ave. 1/2 sign East side of Goucher Ave. 367' N of Spring Ave.
Posted by: A. J. Arata Date of return: January 5-82
Number of Signs: 3

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 8th Date of Posting Jan 14-1982
Posted for: Variances
Petitioner: Harry Giardina
Location of property: W/S Goucher Ave. 137' N of Spring Ave. and E/S of Goucher Ave. 367' N of Spring Ave.
Location of Signs: NE Corner of Goucher and Spring Ave. 1/2 sign West side of Goucher Ave. 137' N of Spring Ave. 1/2 sign East side of Goucher Ave. 367' N of Spring Ave.
Remarks: 1/2 sign West side of Goucher Ave. 137' N of Spring Ave. 1/2 sign East side of Goucher Ave. 367' N of Spring Ave.
Posted by: A. J. Arata Date of return: Jan 22-82
Number of Signs: 3

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: <u>WRT</u>	Revised Plans: Change in outline or description <u>Yes</u> Map # <u> </u>									
Previous case:										

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

No. 102687.

DATE 12/22/81 ACCOUNT 01-662
AMOUNT \$25.00

RECEIVED S. Eric DiNenna, Esquire
FROM Filing Fee for Case #82-159-A (Giardina)
FOR 25.00

VALIDATION OR SIGNATURE OF CASHIER

CERTIFICATE OF PUBLICATION

TOWSON, MD. December 11, 1981
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 week, for one week, before the 11th day of December, 1981, the first publication appearing on the 11th day of December, 1981.

THE JEFFERSONIAN,
Frank Smith
Manager
Cost of Advertisement, \$

Petition for Variance

8TH DISTRICT
ZONING: Petition for
Variance

LOCATION: West side of
Goucher Avenue (unimproved), 137 ft. North of
Spring Avenue and the
East side of Goucher Avenue
(unimproved) 367 feet
North of Spring Avenue

DATE & TIME: Tuesday,
February 2, 1982, at
10:15 A.M.

PUBLIC HEARING: Room 106,
County Office Building, 111 W. Chesapeake
Avenue, Towson, Maryland

The Zoning Commission
of Baltimore County, by authority of the
Zoning Act and Regulations
of Baltimore County, will hold a public hearing
on the following:

Petition for variance to
permit minimum lot
widths of 50 feet instead of
the required 60 feet, and to
permit individual side yard
setbacks of 5 feet instead of the required 10
feet.

The Zoning Regulation
to be excepted as follows:
Section 1802.5C(1) - Minimum
widths and side yard setbacks in D.R.5.5
Zone.

All that parcel of land in
the 8th District of Baltimore County.

Parcel "A" 1.76 acre ±
parcel known as Lot 1 through 11, Block V, Lutherville, Eighth Election District, Baltimore County, Maryland.

This description is for
lot width and side yard
variance.

Beginning for the same
at a point located at the
intersection of the East side
of Goucher Avenue, 40 feet
wide, and the North side of
Towson Avenue, as shown
on Plat No. 1 of Lutherville
and as recorded among the
Land Records of Baltimore County.

Plat Book 7-128, said point
also being located 367 feet
North from the centerline
of Spring Avenue, thence
binding on the East side
of Goucher Avenue (1) South
04°29'00" E 140.00 feet and
(2) South 88°22'00" E 140.00
feet, thence binding on the
East side of Goucher Avenue
(3) South 88°22'00" E 140.00
feet and (4) South 04°29'00" E
210.00 feet and (5) South
88°22'00" E 140.00 feet to
the North side of Towson
Avenue, thence binding on
the North side of Towson
Avenue (6) by a curve to
the right with a radius of
3800.05 feet for a distance
of 140.00 feet to the point
of beginning.

Said Parcel "A" containing
1.76 acre ± of ground.

Parcel "B" 0.66 acre ±
parcel known as Lot 19
through 22, Block I, Plat 1,
Lutherville, Eighth Election
District, Baltimore County,
Maryland.

Beginning for the same
at a point located on the
West side of Goucher Avenue
said point being located
137 feet ± North from the
centerline of Spring Avenue
thence binding on the West
side of Goucher Avenue (1) South
04°29'00" E 140.00 feet and
(2) South 88°22'00" E 140.00
feet and (3) South 04°29'00" E
210.00 feet and (4) South
88°22'00" E 140.00 feet to
the West side of Goucher
Avenue thence binding on
the West side of Goucher
Avenue the two following
courses and distances (1) South
04°29'00" E 140.00 feet and
(2) South 88°22'00" E 140.00
feet and (3) by a curve to
the left with a radius of
720.26 feet for a distance
of 60.00 feet to the point
of beginning.

Said Parcel "B" containing
0.66 acre ± of ground.

Being the property of
Harry Giardina as shown
on plat plan filed with the
Zoning Department.

Hearing Date: Tuesday,
February 2, 1982, at 10:15
A.M.
Public Hearing: Room 106,
County Office Building,
111 W. Chesapeake Avenue,
Towson, Maryland

The Times

Middle River, Md., Jan 14 1982

This is to Certify, That: annexed

was inserted in The Times, a newspaper printed

and published in Baltimore County, once in each

of successive

weeks before the 13th day of

1982

Sh. D. W. Publisher.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting May 28, 1982

Post for: Appeal

Petitioner: Harry Giardina

Location of property: 137 W. Spring Ave.

And 137 W. Spring Ave.

Location of signs: 137 W. Spring Ave.

Remarks: Signs are posted 137 W. Spring Ave.

Number of Signs: 3

Date of return: Jan 4, 1982

PETITION FOR VARIANCE

8TH DISTRICT

LOCATION: West side of Goucher Avenue (unimproved), 137 ft. North of Spring Avenue and the East side of Goucher Avenue (unimproved) 367 feet North of Spring Avenue

DATE & TIME: Tuesday, February 2, 1982, at 10:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the following:

Petition for variance to permit minimum lot widths of 50 feet instead of the required 60 feet, and to permit individual side yard setbacks of 5 feet instead of the required 10 feet.

The Zoning Regulation to be excepted as follows: Section 1802.5C(1) - Minimum widths and side yard setbacks in D.R.5.5 Zone.

All that parcel of land in the 8th District of Baltimore County.

Parcel "A" 1.76 acre ± parcel known as Lot 1 through 11, Block V, Lutherville, Eighth Election District, Baltimore County, Maryland.

This description is for lot width and side yard variance.

Beginning for the same at a point located at the intersection of the East side of Goucher Avenue, 40 feet wide, and the North side of Towson Avenue, as shown on Plat No. 1 of Lutherville and as recorded among the Land Records of Baltimore County.

Plat Book 7-128, said point also being located 367 feet North from the centerline of Spring Avenue, thence binding on the East side of Goucher Avenue (1) South 04°29'00" E 140.00 feet and (2) South 88°22'00" E 140.00 feet, thence binding on the East side of Goucher Avenue (3) South 88°22'00" E 140.00 feet and (4) South 04°29'00" E 210.00 feet and (5) South 88°22'00" E 140.00 feet to the North side of Towson Avenue, thence binding on the North side of Towson Avenue (6) by a curve to the right with a radius of 3800.05 feet for a distance of 140.00 feet to the point of beginning.

Said Parcel "A" containing 1.76 acre ± of ground.

Parcel "B" 0.66 acre ± parcel known as Lot 19 through 22, Block I, Plat 1, Lutherville, Eighth Election District, Baltimore County, Maryland.

Beginning for the same at a point located on the West side of Goucher Avenue said point being located 137 feet ± North from the centerline of Spring Avenue thence binding on the West side of Goucher Avenue (1) South 04°29'00" E 140.00 feet and (2) South 88°22'00" E 140.00 feet and (3) South 04°29'00" E 210.00 feet and (4) South 88°22'00" E 140.00 feet to the West side of Goucher Avenue thence binding on the West side of Goucher Avenue the two following courses and distances (1) South 04°29'00" E 140.00 feet and (2) South 88°22'00" E 140.00 feet and (3) by a curve to the left with a radius of 720.26 feet for a distance of 60.00 feet to the point of beginning.

Said Parcel "B" containing 0.66 acre ± of ground.

Being the property of Harry Giardina as shown on plat plan filed with the Zoning Department.

Hearing Date: Tuesday, February 2, 1982, at 10:15 A.M.

Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD., January 14, 1982

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 successive weeks before the 13th day of January, 1982, the first publication appearing on the 11th day of January

1982.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, \$ 36.75



BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received this 29 day of Oct 1982

Filing Fee \$ 25.00 Received:

Check

Cash

Other

Submitted by: Harry Giardina

William E. Hammond, Zoning Commissioner

Reviewed by: [Signature]

Petitioner's Attorney: [Signature]

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

S. Eric Williams, Manager
106 W. Pennsylvania Ave
Towson, Md. 21204

Paul Lee Engineering, Inc.
74 W. Pennsylvania Ave
Towson, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

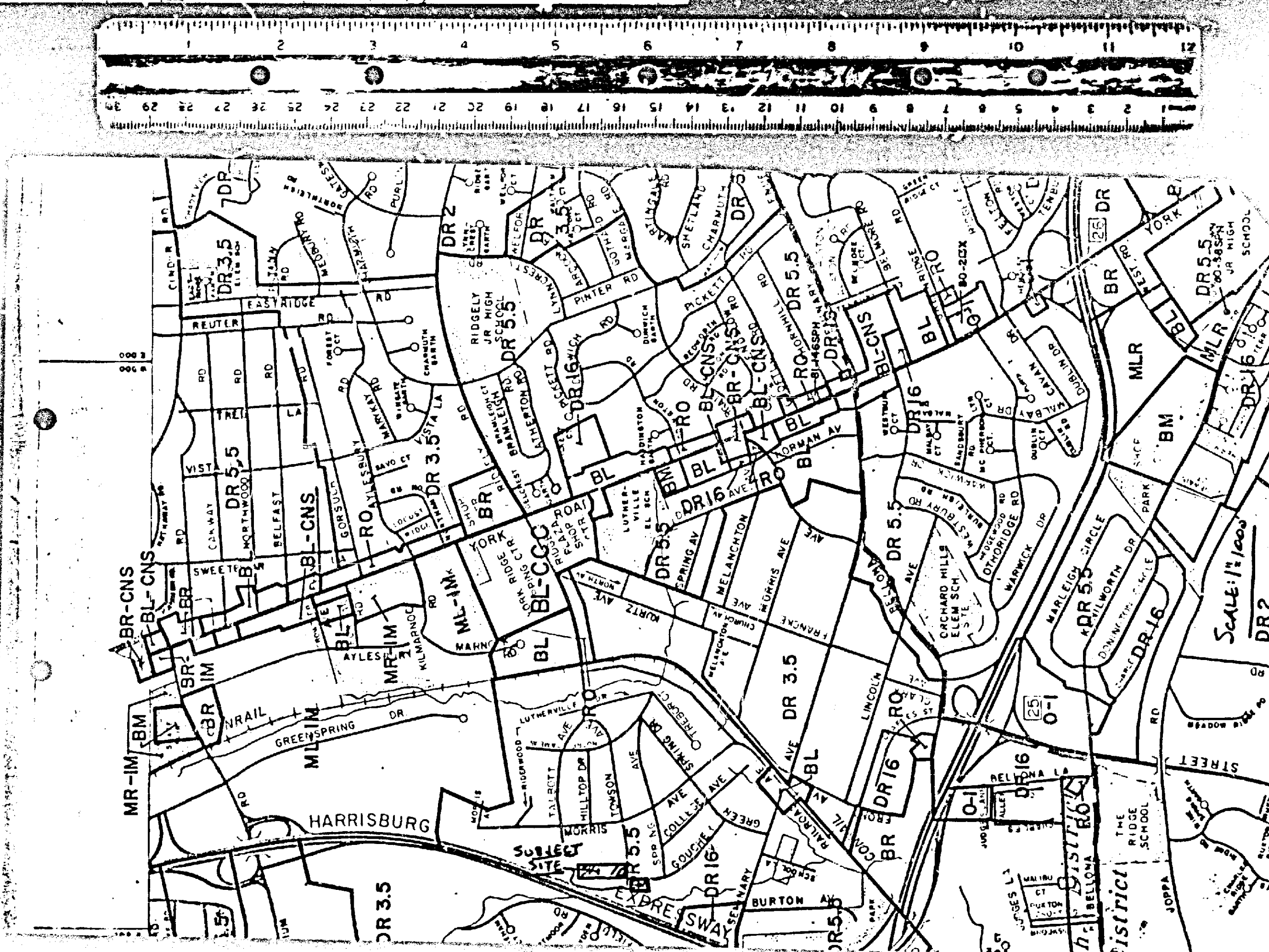
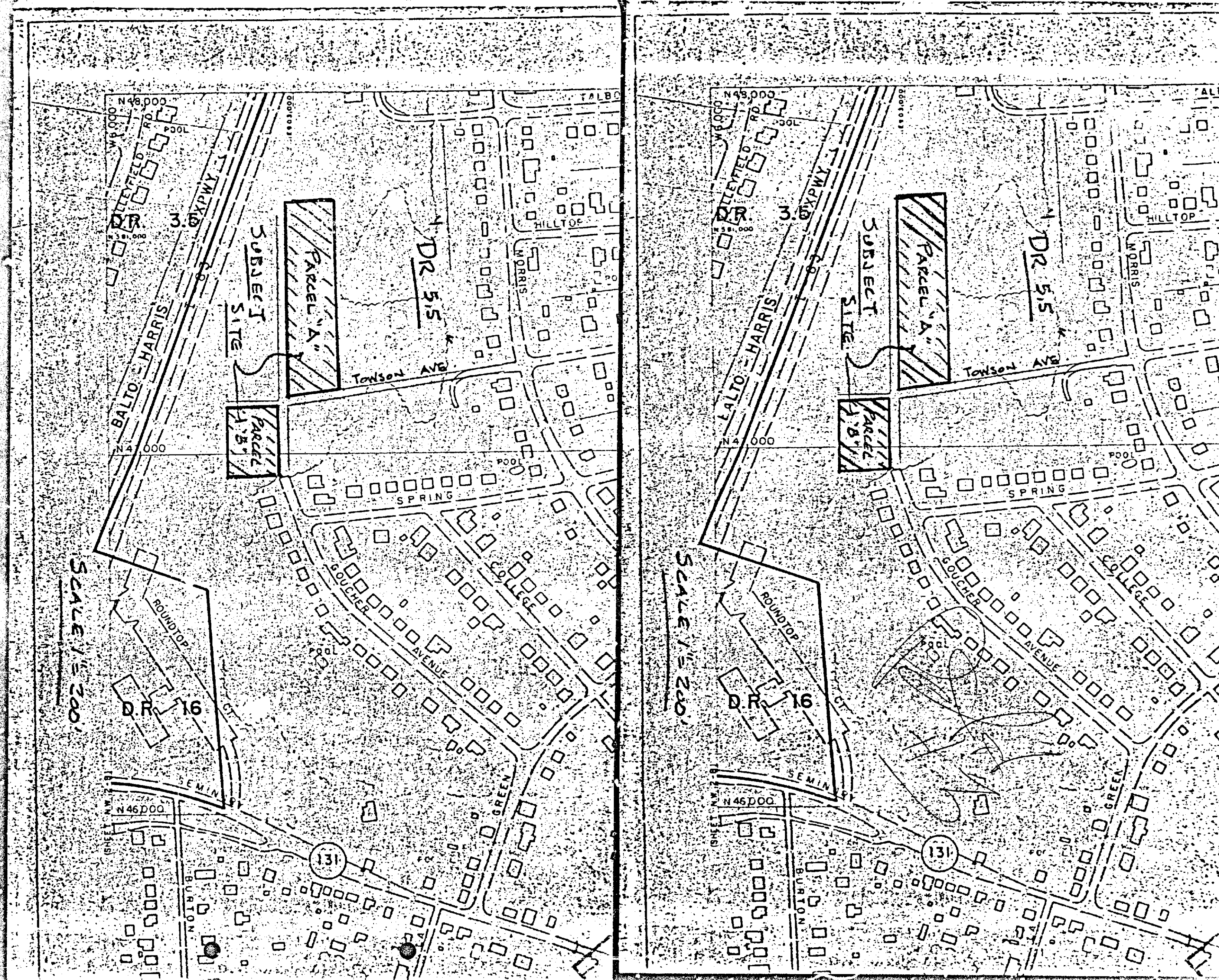
Your Petition has been received and accepted for filing this 10th day of November 1982

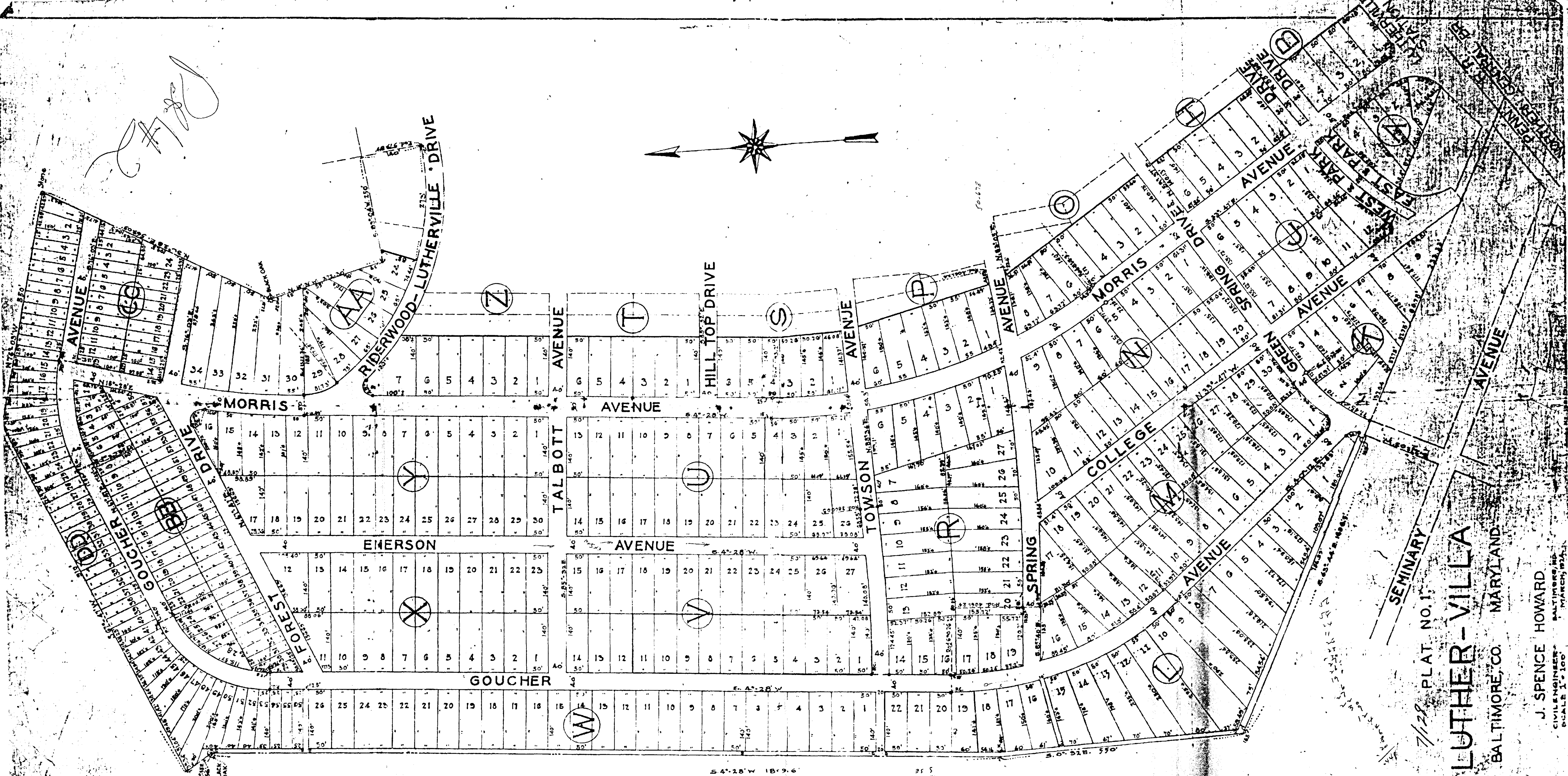
William E. Hammond
Zoning Commissioner

Petitioner: Harry Giardina

Petitioner's Attorney: S. Eric Williams, Manager

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



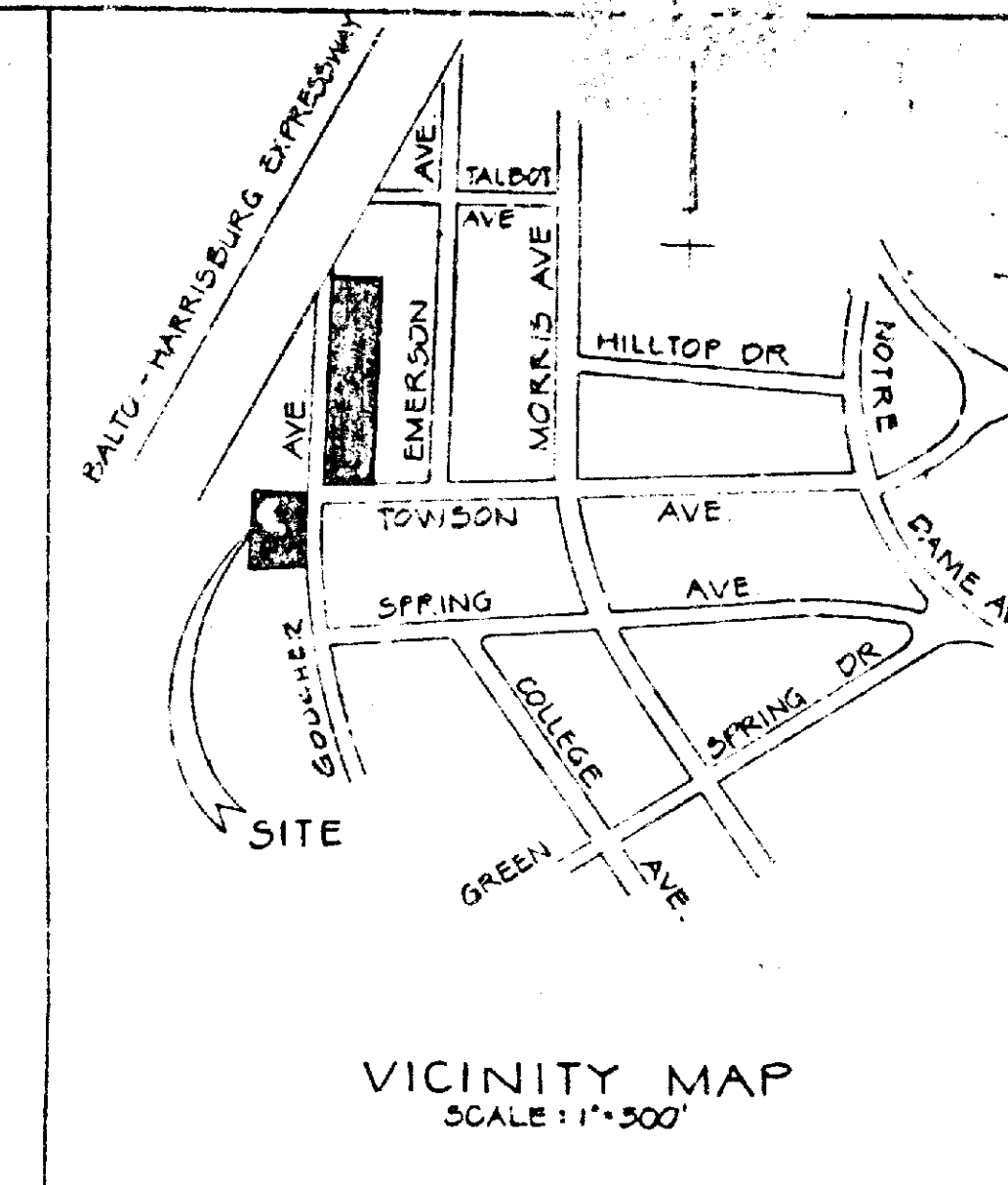


1129 PLAT NO. 1

LUTHER-VILLA

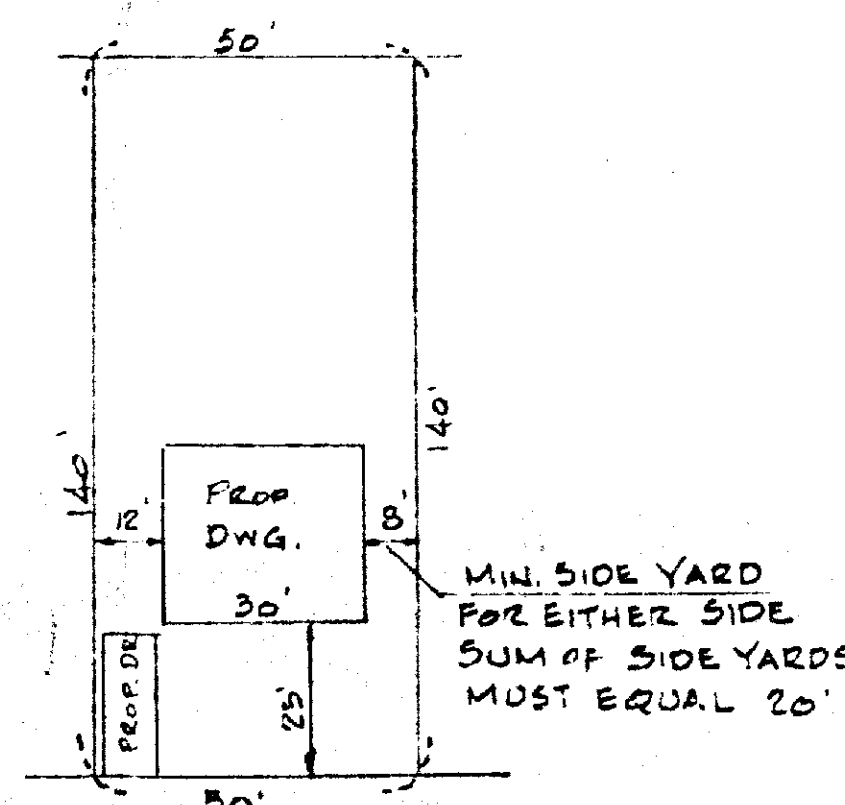
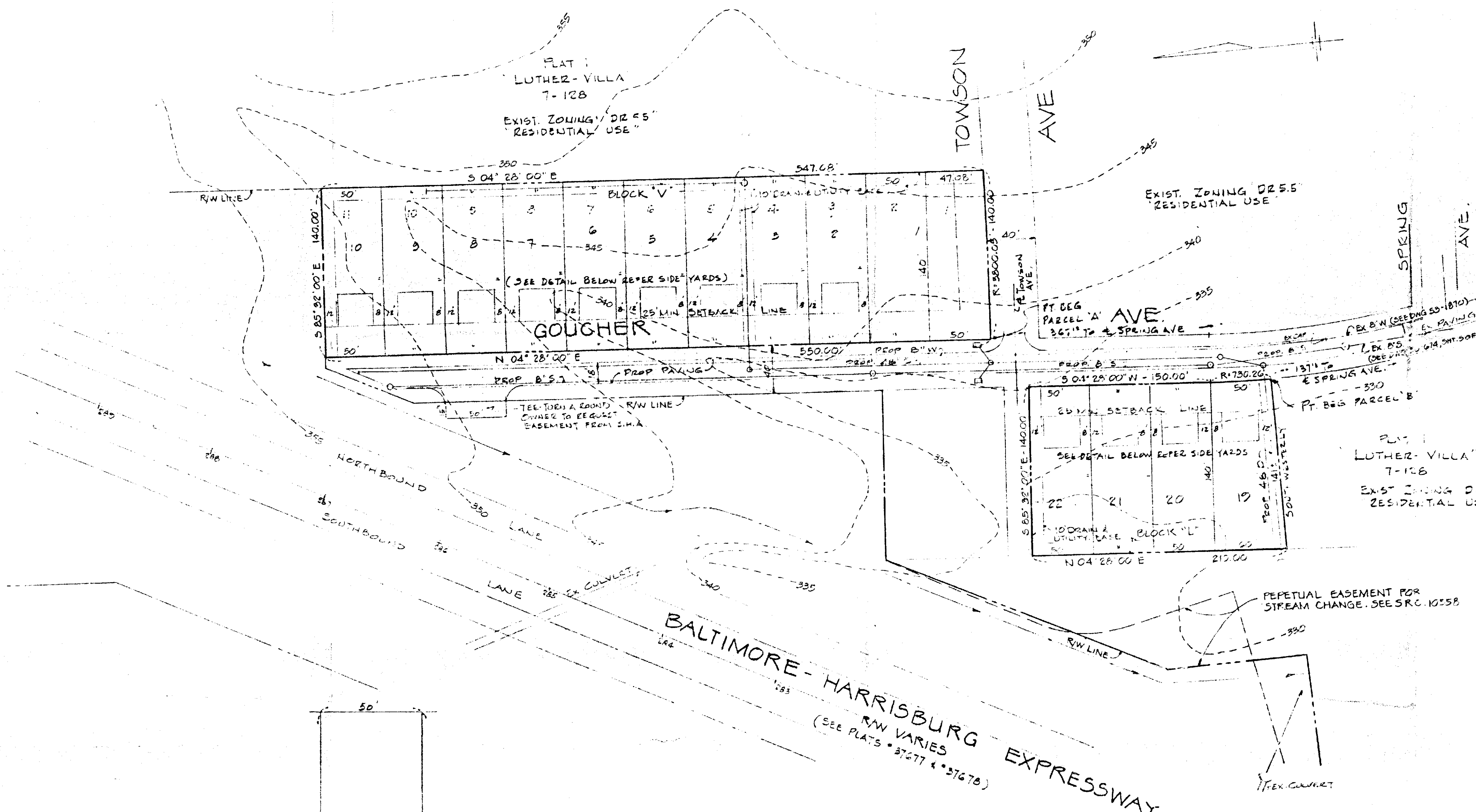
BALTIMORE, CO. MARYLAND

J. SPENCE HOWARD
CIVIL ENGINEER
BALTIMORE, MD.
MARCH, 1924



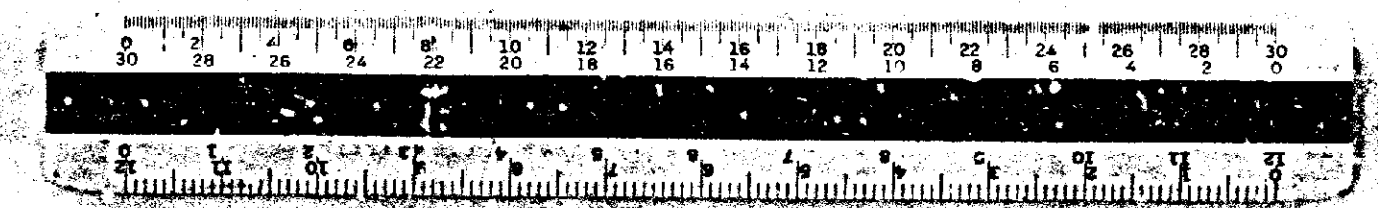
GENERAL NOTES

1. AREA PARCEL "A" = 1.76 AC., PARCEL "B" = 0.66 AC.
2. EXISTING ZONING = DR B.5"
3. EXISTING USE OF SITE = "RESIDENTIAL"
4. PROP. ZONING OF SITE = "DR B.5"
5. " USE OF SITE = "RESIDENTIAL"
6. PETITIONER IS REQUESTING A VARIANCE TO SECTION 1502.3 C (1) TO PERMIT A MIN. LOT WIDTH OF 50' INSTEAD OF THE REQ'D. 55' & TO PERMIT A MINIMUM WIDTH OF EITHER INDIVIDUAL SIDE YARDS OF 8' INSTEAD OF THE REQ'D. 10', SUM OF THE SIDE YARD TO EQUAL 20'
7. MINIMUM LOT AREA = 7,000 SQ.
8. OFF-STREET PARKING SHALL BE 1 SPACE/LOT
9. PUBLIC SEWER & WATER AVAILABLE TO SITE



TYPICAL LOT PLAN
NO SCALE

OWNER
HARRY GIARDINA
7500 HARFORD RD.
BALTO. MD. 21234



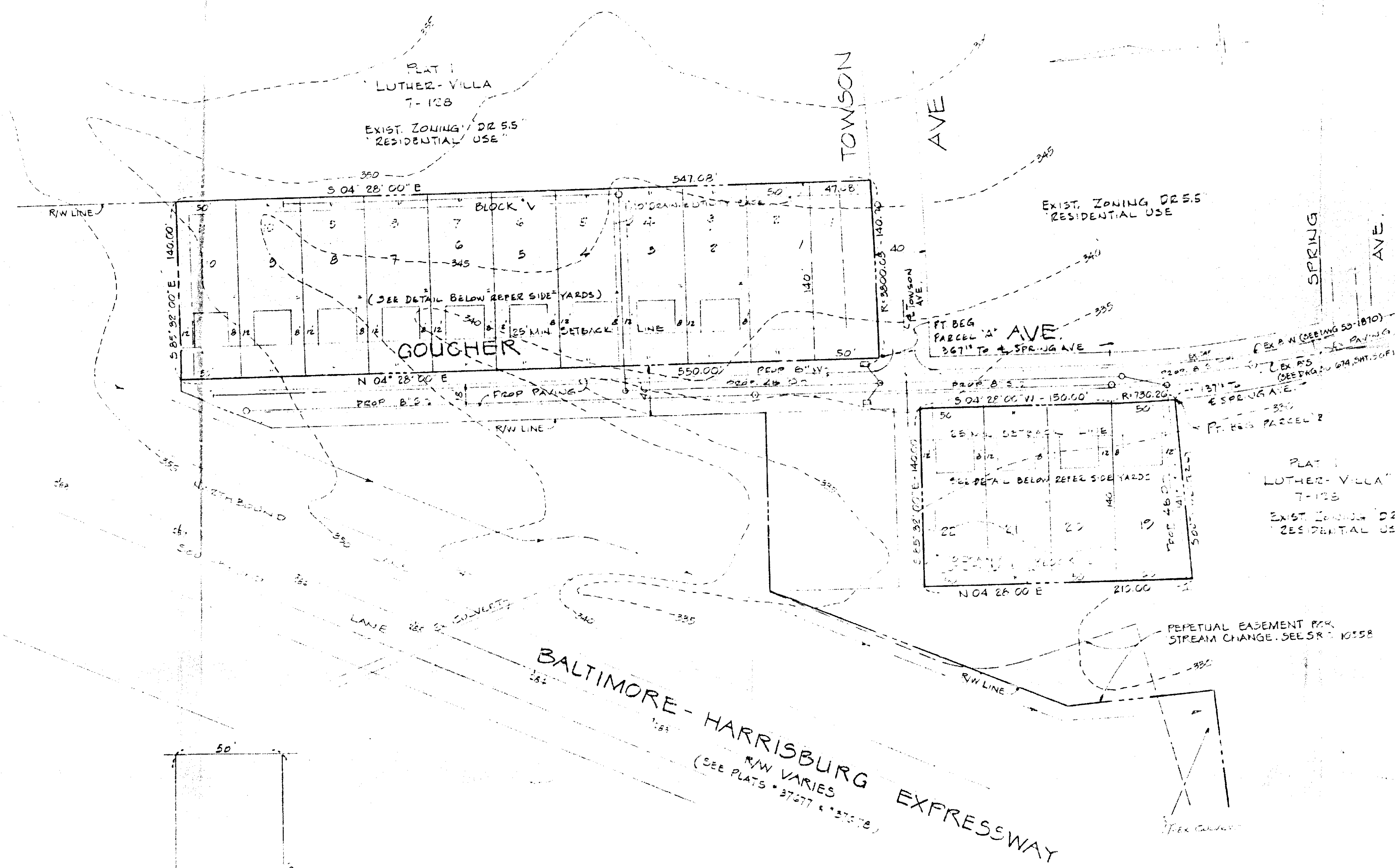
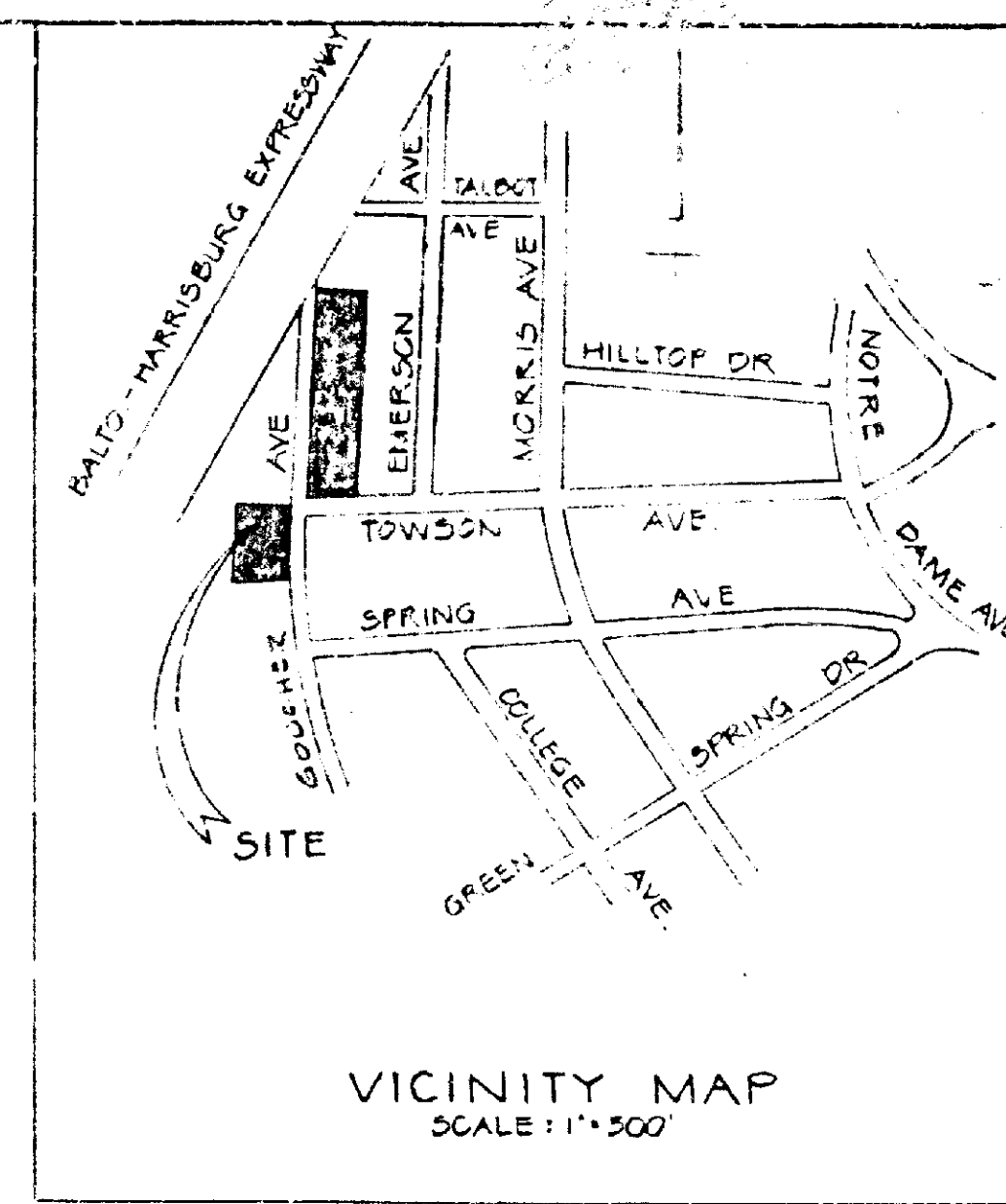
PLAT TO ACCOMPANY PETITION
FOR
LOT WIDTH VARIANCE
PLAT OF A PORTION OF PLAT 1
LUTHER-VILLA
(LOTS 1-11, 19-22 INCL.)

ELECTION DISTRICT NO 8
SCALE: 1" = 50'

BALTIMORE COUNTY, MD.
OCT. 12, 1981
REV. DEC. 21, 1981

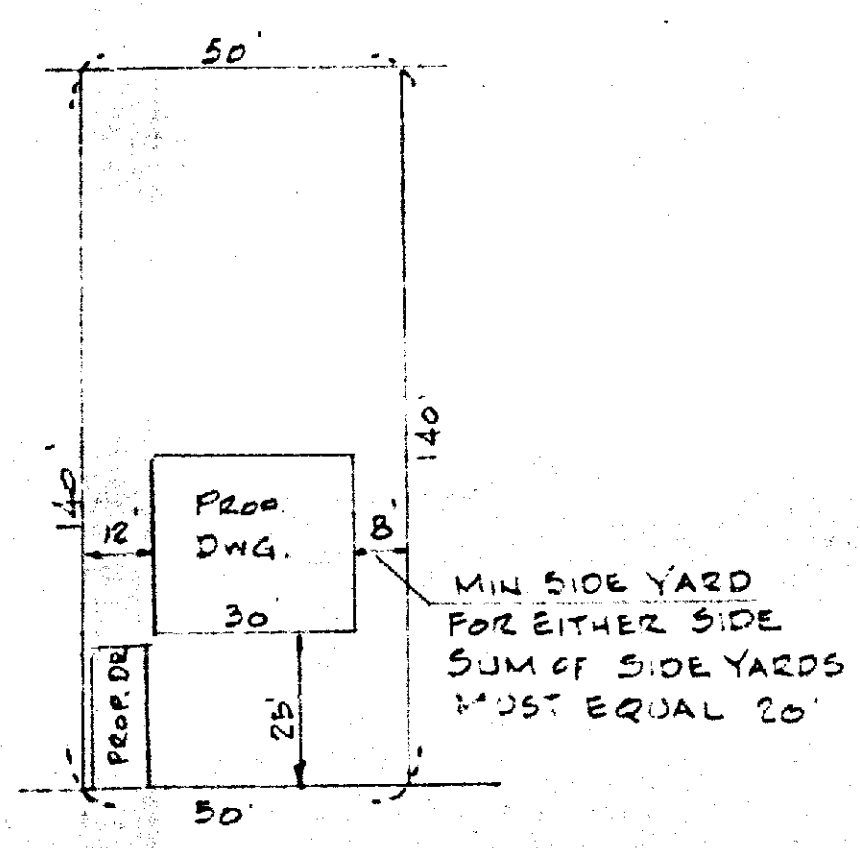
JRM/HJS

State of Maryland
Department of Transportation
Baltimore District Office



GENERAL NOTES

1. AREA PARCEL A: 1.76 AC., PARCEL B: 0.66 AC.
2. EXISTING ZONING = DR 5.5
3. EXISTING USE OF SITE = RESIDENTIAL
4. PROP. ZONING OF SITE = DR 5.5
5. USE OF SITE = RESIDENTIAL
6. PETITIONER IS REQUESTING A VARIANCE TO SECTION 1502.3C(1) TO PERMIT A MIN. LOT WIDTH OF 50' INSTEAD OF THE REQ'D. 55' & TO PERMIT A MINIMUM WIDTH OF EITHER INDIVIDUAL SIDE YARDS OF 8' INSTEAD OF THE REQ'D. 10', SUM OF THE SIDE YARD TO EQUAL 20'
7. MINIMUM LOT AREA = 7,000 SF
8. OFF-STREET PARKING SHALL BE 1 SPACE/LOT
9. PUBLIC SEWER & WATER AVAILABLE TO SITE

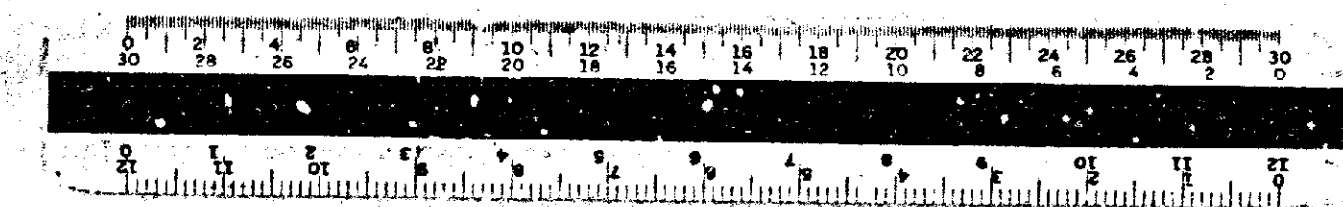


PLAT TO ACCOMPANY PETITION
FOR
LOT WIDTH VARIANCE
PLAT OF A PORTION OF PLAT 1
LUTHER-VILLA
(LOTS 1-11, 13-22 INCL.)

ELECTION DISTRICT NO. 8
SCALE: 1" = 50'

BALTIMORE COUNTY MD.
OCT. 12, 1981

OLD Plat
ITEM #45



VICINITY MAP
SCALE: 1"=500'

1. AREA PARCEL "A" = 1.76 AC[±], PARCEL "B" = 0.66 AC[±]
2. EXISTING ZONING = "DR 0.5"
3. EXISTING USE OF SITE = "RESIDENTIAL"
4. PROP. ZONING OF SITE = "DR 0.5"
5. "USE OF SITE = "RESIDENTIAL"
6. PETITIONER IS REQUESTING A VARIANCE TO SECTION 1802.3C(1) TO PERMIT A MIN. LOT WIDTH OF 50' INSTEAD OF THE REQ'D. 55' & TO PERMIT A MINIMUM WIDTH OF EITHER INDIVIDUAL SIDE YARDS OF 8' INSTEAD OF THE REQ'D. 10', SUM OF THE SIDE YARD TO EQUAL 20'
7. MINIMUM LOT AREA = 7,000 SF.
8. OFF-STREET PARKING SHALL BE 1 SPACE/LOT
9. PUBLIC SEWER & WATER AVAILABLE TO SITE

PLAT TO ACCOMPANY PETITION
FOR
LOT WIDTH VARIANCE
PLAT OF A PORTION OF PLAT 1
LUTHER-VILLA
(LOTS 1-11, 19-22 INCL.)

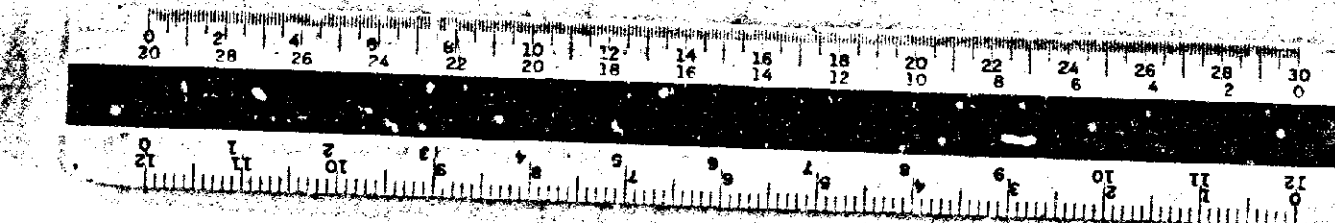
ELECTION DISTRICT NO 8
SCALE: 1" = 50'

BALTIMORE COUNTY, MD.
OCT. 12, 1981
REV. DEC. 21, 1981

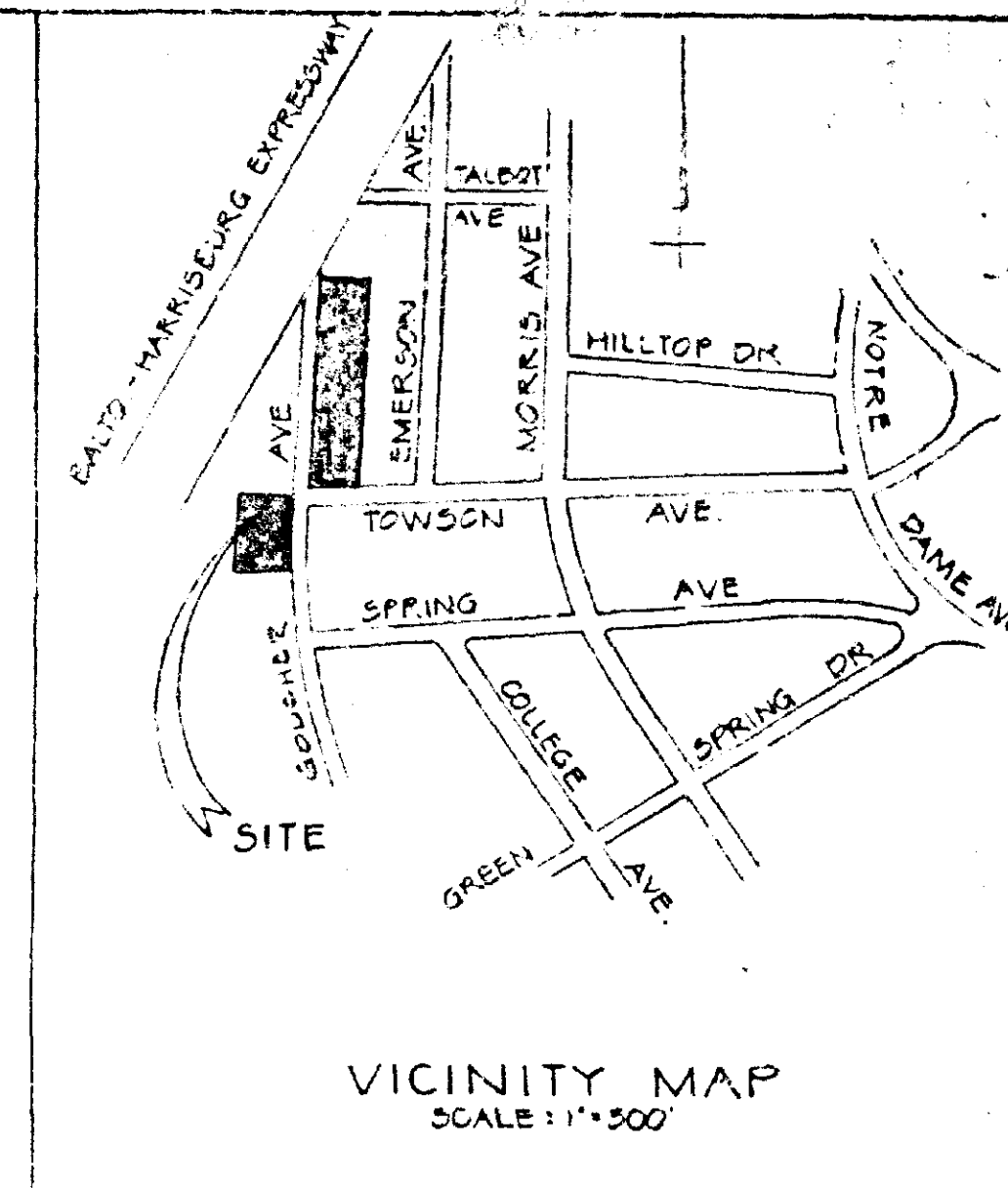
TYPICAL LOT PLAN
NO SCALE

OWNER
HARRY GIARDINA
7500 HARFLOD RD.
BALTO. MD. 21234

MIN. SIDE YARD
FOR EITHER SIDE
SUM OF SIDE YARDS
MUST EQUAL 20'

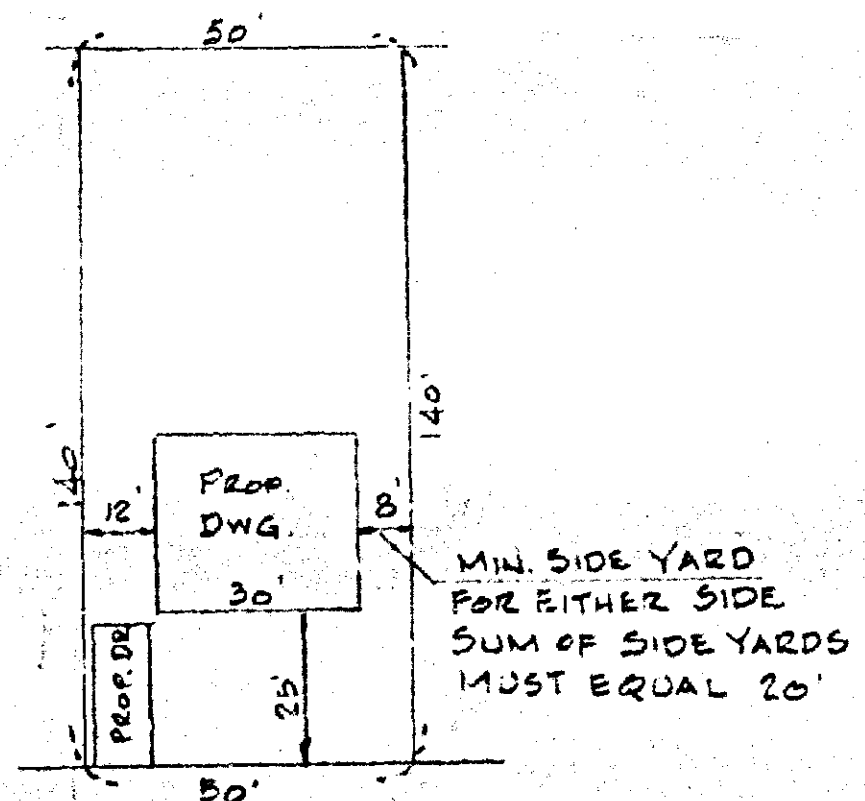
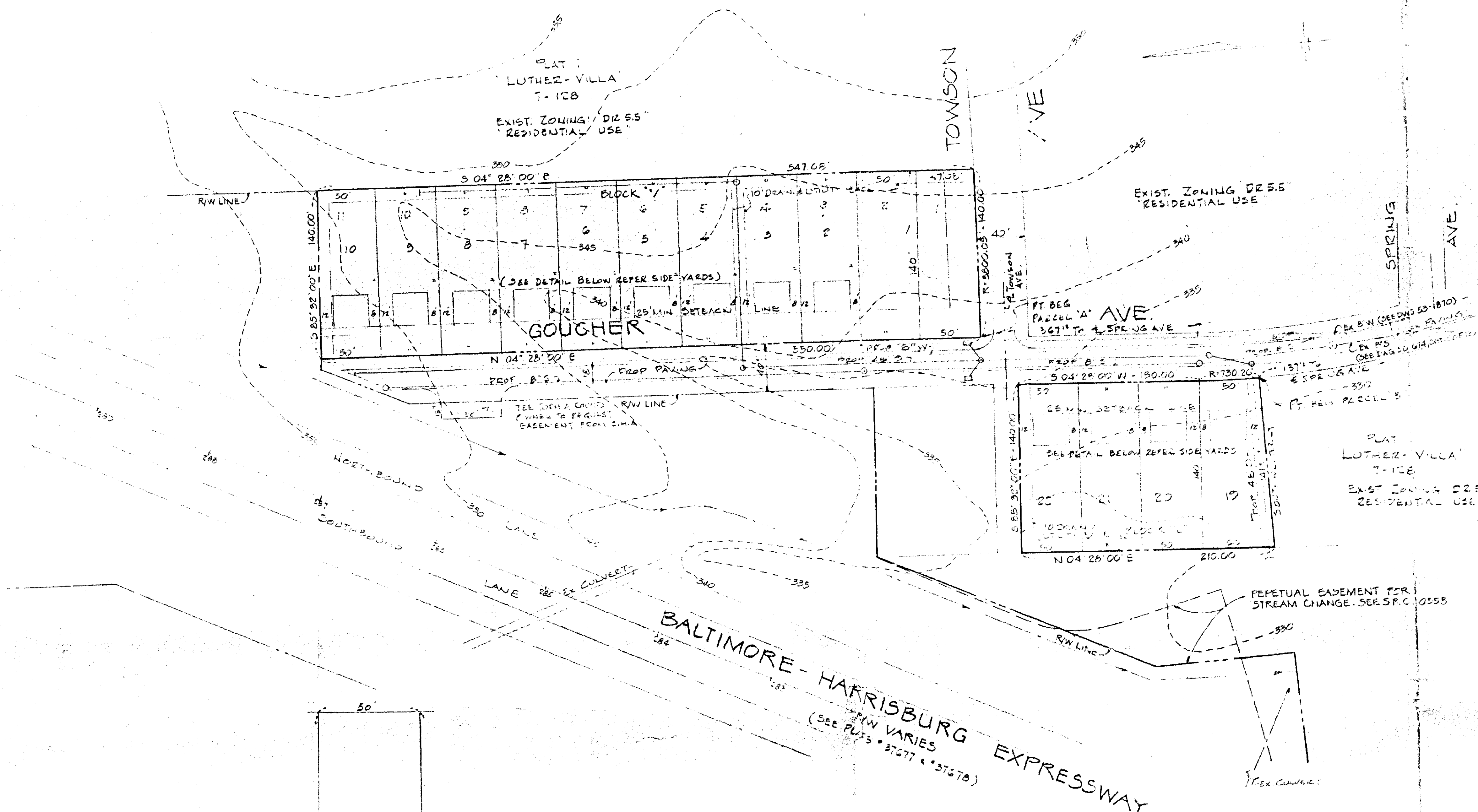


PLAT #1



GENERAL NOTES

1. AREA PARCEL 'A' 1.75 AC., PARCEL 'B' 0.66 AC.
2. EXISTING ZONING = DC 5.5"
3. EXISTING USE OF SITE = "RESIDENTIAL"
4. PROP. ZONING OF SITE = "DC 5.5"
5. USE OF SITE = "RESIDENTIAL"
6. PETITIONER IS REQUESTING A VARIANCE TO SECTION 1 B02.3C (1) TO PERMIT A MIN. LOT WIDTH OF 50' INSTEAD OF THE REQ'D. 55' & TO PERMIT A MINIMUM WIDTH OF EITHER INDIVIDUAL SIDE YARDS OF 8' INSTEAD OF THE REQ'D. 10', SUM OF THE SIDE YARD TO EQUAL 20'.
7. MINIMUM LOT AREA = 7,000 SF.
8. OFF-STREET PARKING SHALL BE 1 SPACE/LOT
9. PUBLIC SEWER & WATER AVAILABLE TO SITE



PLAT TO ACCOMPANY PETITION
FOR
LOT WIDTH VARIANCE
PLAT OF A PORTION OF PLAT 1
LUTHER-VILLA
(LOTS 1-11, 19-22 INCL.)

ELECTION DISTRICT NO 8
SCALE: 1" = 50'

BALTIMORE COUNTY, MD.
OCT. 12, 1981
REV. DEC. 21, 1981



004 1
000 2

