

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE
End of private drive, 100' N of Alvin Ave., 520' NW Linden Ave., 606 Alvin Avenue
1st Election District
1st Councilmanic District
Edward J. Benesch, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) to be located in the front yard, in lieu of the required rear yard; and a height variance of 30 ft. in lieu of the maximum 15 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict

compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 30th day of December, 1992 that the Petition for a Variance from Sections 400.1 and 400.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow an accessory structure (detached garage) to be located in the front yard, in lieu of the required rear yard; and a height variance of 30 ft. in lieu of the maximum 15 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LBS/mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21284

(410) 887-4386

December 29, 1992

Mr. and Mrs. Anthony J. Benesch
606 Alvin Avenue
Baltimore, Maryland 21228

RE: Petition for Administrative Variance
Case No. 93-172-A
606 Alvin Avenue

Dear Mr. and Mrs. Benesch:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
LAWRENCE E. SCHMIDT
Zoning Commissioner

LBS:mm
encl.



Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County

93-172-A 181
for the property located at 606 Alvin Avenue, Baltimore, Maryland 21228
which is presently zoned DR 3.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated 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(s) 400.1, 400.3

To allow an accessory structure (detached garage) to be located in the front yard with a height of 30 ft. in lieu of the required rear yard and maximum 15 ft., respectively.

We wish to construct a garage adjacent to our house as the property to the rear of our house which would be useable is encumbered by our Septic system and drainage field for this system. Although we are filling in portions of the rear property with the help of the Department of Public Works, Bureau of Highways, it is at this time unusable. We also wish to build our garage on the side of our house because we already have an existing driveway at this location. 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.

Contract Purchaser/Lessee
Legal Owner(s)
Edward J. Benesch
Signature
Address
606 Alvin Avenue, Baltimore, Maryland 21228
Phone No. (410) 465-9389

REVIEWED BY: [Signature] DATE: 11-20-92
ESTIMATED POSTING DATE: 12-2-92
ITEM #: 181

93-172-A 181
Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) here competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 606 Alvin Avenue, Baltimore, Maryland 21228

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (please describe in detail)

Our property does not front on a public right of way. We access our property by way of a 20' right-of-way which leads to what is known as Alvin Avenue, however, as shown on the zoning maps. Because of the composition of the land, it is extremely hard to construct any type of driveway, etc., therefore since we already have a driveway and for convenience we are requesting a variance which allows the construction of our garage adjacent to our house as shown on the attached plat. Our property is bounded on the rear and western most side by the Patuxent Valley State Park. Our garage would be built in line with our driveway and would not impact any of my neighbors as it would be built on the State Park side of my property. As previously mentioned, the topography of our land seriously limits the location of our garage and construction of the building anywhere else on our land would increase our cost immensely.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Edward J. Benesch
Joyce A. Benesch

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 11th day of November, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Edward J. Benesch & Joyce A. Benesch

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 11/14

93-172-A 181
Zoning Description
606 Alvin Ave.
Beginning at a point N 08°13' W 100.62' north along a private driveway 20 ft wide such driveway being at a point 520 ft. northwest of Linden Ave. thence running S 79°03' W 188.8 ft, thence S 03° 55' E 96.66', thence S 87° 29' W 575', thence N 09° 19' E 425', thence S 88° 20' 645.28' to the point of beginning containing 5.92002. Also known as 606 Alvin Ave. & located in the 1st Election District.

93-172-A 181

BEGINNING for the same at an iron pin at the beginning of that parcel of land which by Deed dated December 31, 1920, and recorded among the Land Records of Baltimore County in Liber W.P.C. No. 536, folio 157, etc., was granted and conveyed by W.J. Dickey & Sons, Inc. to Frank E. Clark and Ida R. Clark, his wife, and running with the first and part of the second lines of said parcel of land, (1) North 09° 19' East 425' to an iron pin and (2) South 88° 20' East 645.28' to an iron pin, thence running the following three new courses and distances, namely, (3) South 08° 59' East 251.76' to an iron pin and (4) South 79° 31' West 188.8' to an iron pin, and (5) South 03° 55' East 92.66' to an iron pin in the last line of said parcel of land from W.J. Dickey & Sons to Frank E. Clark and wife, thence running with the remainder of said last line, (6) South 87° 29' West 575' to the place of beginning, containing 5.923 Acres of land, more or less. The improvements thereon being known as 606 Alvin Avenue.

TOGETHER with and especially the right to use a 20 foot roadway leading from the aforesaid property to the public road known as Alvin Avenue, which said Right-of-Way is more particularly described as follows:

BEGINNING for the same at an iron pin at the end of the third line of the above described parcel of land (said iron pin being 5' westerly from the easternmost side of said roadway), and running with a part of the fourth line of said parcel above described (1) South 79° 31' West 15' to an iron pin, thence (2) South 08° 59' East 117.43' to an iron pin (set to the south of Alvin Avenue) driven in the last line of the aforesaid Deed from W.J. Dickey & Sons, Inc. to Frank E. Clark and wife, thence running reversely with a part of said line (3) North 87° 29' East 20' (passing over an iron pin set 5' westerly from the easternmost side of said roadway), thence (4) North 08° 59' West 120.24' to a point, North 79° 31' East 5' from the beginning of this described roadway, thence (5) South 79° 31' West 5' to the place of beginning.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st
Posted for: Variance
Petitioner: Edward J. & Joyce A. Benesch
Location of property: 100' N. Alvin Ave. (606) N.W. 520' of Linden Ave.
Location of Sign: N.E. corner of driveway leading to property of Petitioner
Remarks:
Posted by: [Signature]
Date of return: 12/4/92
Number of Signs: 1

93-172-A 181
Baltimore County Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21286
Date: 11-20-92
Edw. J. Benesch
606 Alvin Ave.
(21228)
Residential Variance (ADMS) Filing fee - \$50.00
Sign + posting - \$35.00
\$ 85.00
Please Make Checks Payable To: Baltimore County

93-172-A 181
Baltimore County Zoning Administration & Development Management
111 West Chesapeake Avenue
Towson, Maryland 21286
Date: 11/13/92
PUBLIC HEARING FEES
TOTAL: \$85.00
Please Make Checks Payable To: Baltimore County

111 West Chesapeake Avenue
Towson, MD 21204

December 7, 1992

(410) 887-3353

Mr. and Mrs. Edward J. Benesch
606 Alvin Avenue
Baltimore, MD 21228

RE: Case No. 93-172-A, Item No. 181
Petitioner: Edward J. Benesch, et ux
Petition for Administrative Variance

Dear Mr. and Mrs. Benesch:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this 20th day of November 1992.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
W. Carl Richards Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Edward J. Benesch, et ux

Petitioner's Attorney:

93-172-A 12-21

DPW/Developers Engineering Division (Public Services) 12/01/92
Development Review Committee Response Form
Authorized signature *Dennis D. Ramsey* Date 12/7/92

| File Number | Waiver Number | Zoning Issue | Meeting Date |
|-------------------------------------|---------------|--------------|--------------|
| ✓ Venice K. Paterakis | | 176 | 11-30-92 NC |
| DED DEPRM RP STP TE | | | |
| ✓ John and Constance Morabito | | 179 | NC |
| DED DEPRM RP STP TE | | | |
| ✓ Edward J. and Joyce A. Benesch | | 181 | NC |
| DED DEPRM RP STP TE | | | |
| ✓ Edward T. and Leigh Ann Schneider | | 182 | NC |
| DED DEPRM RP STP TE | | | |
| ✓ Dale and Sue Chambers | | 183 | NC |
| DED DEPRM RP STP TE | | | |
| ✓ COUNT 5 | | 185 | NC |

Stonegate at Patapsco (Aerial Property)
90476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

FINAL TOTALS

COUNT 6

*** END OF REPORT ***

O. James Lighthizer
Secretary
Hal Kasloff
Administrator

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. 181 (JJS)
Edward J. Benesch & Joyce A. Benesch

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey 1/27/92
John Contestabile, Chief
Engineering Access Permits
Division

Rec'd 12/1/92

My telephone number is _____
Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5882 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management DATE: December 3, 1992

FROM: Ervin Mc Daniel, Chief
Office of Planning and Zoning
Development Review Section

SUBJECT: Petitions from Zoning Advisory Committee
(November 30, 1992)

The Office of Planning and Zoning has no comments on the following petitions:

Venice K. Paterakis, Item No. 176 ✓
John and Constance Morabito, Item No. 179 ✓
Edward and Joyce Benesch, Item No. 181 ✓
Edward and Leigh Ann Schneider, Item 182 ✓
Dale and Sue Chambers, Item No. 183 ✓

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 887-3211.

Prepared by: *James Morsey*

Division Chief: _____

EMcD/PM:rdn

176.ZAC/ZAC1

DPW/Traffic Engineering
Development Review Committee Response Form 12/01/92
Authorized signature *Arnold Jablon* Date 12/1/92

| File Number | Waiver Number | Zoning Issue | Meeting Date |
|-------------------------------------|---------------|--------------|--------------|
| ✓ Venice K. Paterakis | | 176 | 11-30-92 |
| DED DEPRM RP STP TE | | | |
| ✓ John and Constance Morabito | | 179 | NC |
| DED DEPRM RP STP TE | | | |
| ✓ Edward J. and Joyce A. Benesch | | 181 | NC |
| DED DEPRM RP STP TE | | | |
| ✓ Edward T. and Leigh Ann Schneider | | 182 | NC |
| DED DEPRM RP STP TE | | | |
| ✓ Dale and Sue Chambers | | 183 | NC |
| DED DEPRM RP STP TE | | | |

Stonegate at Patapsco (Aerial Property)
90476
ZON DED TE (Waiting for developer to submit plans first) 6-1-92

COUNT 1

FINAL TOTALS

COUNT 6

*** END OF REPORT ***

93-172-A

Department of Environmental Protection and Resource Management 12/14/92
Development Review Committee Response Form
Authorized signature *Arnold Jablon* Date 12-14-92

| File Number | Waiver Number | Zoning Issue | Meeting Date |
|-----------------------------------|---------------|--------------|-------------------------------------|
| Salvo Road Limited Partnership | | 177 | 11-23-92 <i>written comments</i> |
| DEPRM RP STP | | | |
| COUNT 7 | | | |
| Venice K. Paterakis | | 176 | 11-30-92 <i>written comments</i> |
| DED DEPRM RP STP TE | | | |
| John and Constance Morabito | | 179 | <i>NO comments</i> |
| DED DEPRM RP STP TE | | | |
| Edward J. and Joyce A. Benesch | | 181 | <i>NO comments</i> |
| DED DEPRM RP STP TE | | | |
| Edward T. and Leigh Ann Schneider | | 182 | <i>NO comments</i> |
| DED DEPRM RP STP TE | | | |
| Dale and Sue Chambers | | 183 | <i>written comments</i> |
| DED DEPRM RP STP TE | | | |

COUNT 5

Richard M. Diotte
DEPRM RP 155 11-9-92
In process

COUNT 1

Preakness Silver Mill, Inc.
DED DEPRM RP STP TE 180 12-7-92
In process

Satyr Limited Partnership
DED DEPRM RP STP TE 184
In process

Timothy L. and Meredith L. Scott
DED DEPRM RP STP TE 186
In process

700 East Joppa Road Suite 901
Towson, MD 21286-5500

DECEMBER 1, 1992

(410) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: EDWARD J. BENESCH AND JOYCE A. BENESCH

Location: #606 ALVIN AVENUE

Item No.: #181 (JJS) Zoning Agenda: NOVEMBER 30, 1992

Gentlemen:

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

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Carl James Fisher* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

Rec'd 12/7/92

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21284

November 25, 1992 (410) 887-3353

Edward and Joyce Bensch
606 Alvin Avenue
Baltimore, Maryland 21228

Case Number: 93-172-A
Location: 606 Alvin Avenue
1st Election District - 1st Councilmanic

COPY

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a referee regarding the administrative process.

1) Your property will be posted on or before December 1, 1992. The closing date (December 21, 1992) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an order will issue. This order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commission), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Carl Jahn
Arnold Jahn
Director

Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 606 Alvin Ave, Catonsville, Md. see pages 5 & 6 of the CHECKLIST for additional required information.

Subdivision name: N/A
plat book # 7466 job # 31228 sections #

OWNER: Edward J. Bensch & Joyce A.

State Park

93-172-A

North
date: 11/22/92
prepared by: Duvall

Scale of Drawing: 1"=100'

LOCATION INFORMATION

Councilmanic District: 1
Election District: 1
1"=200' scale maps: 500, 2-11
Zoning: DC 3-5
Lot size: 5,920 sq. ft.

SEWER:
WATER:
Chesapeake Bay Critical Area:
Prior Zoning Hearings: _____

Zoning Office USE ONLY!
reviewed by: ITEM #: CASE#:
JH 181

93-172-A

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF LAND ACQUISITION

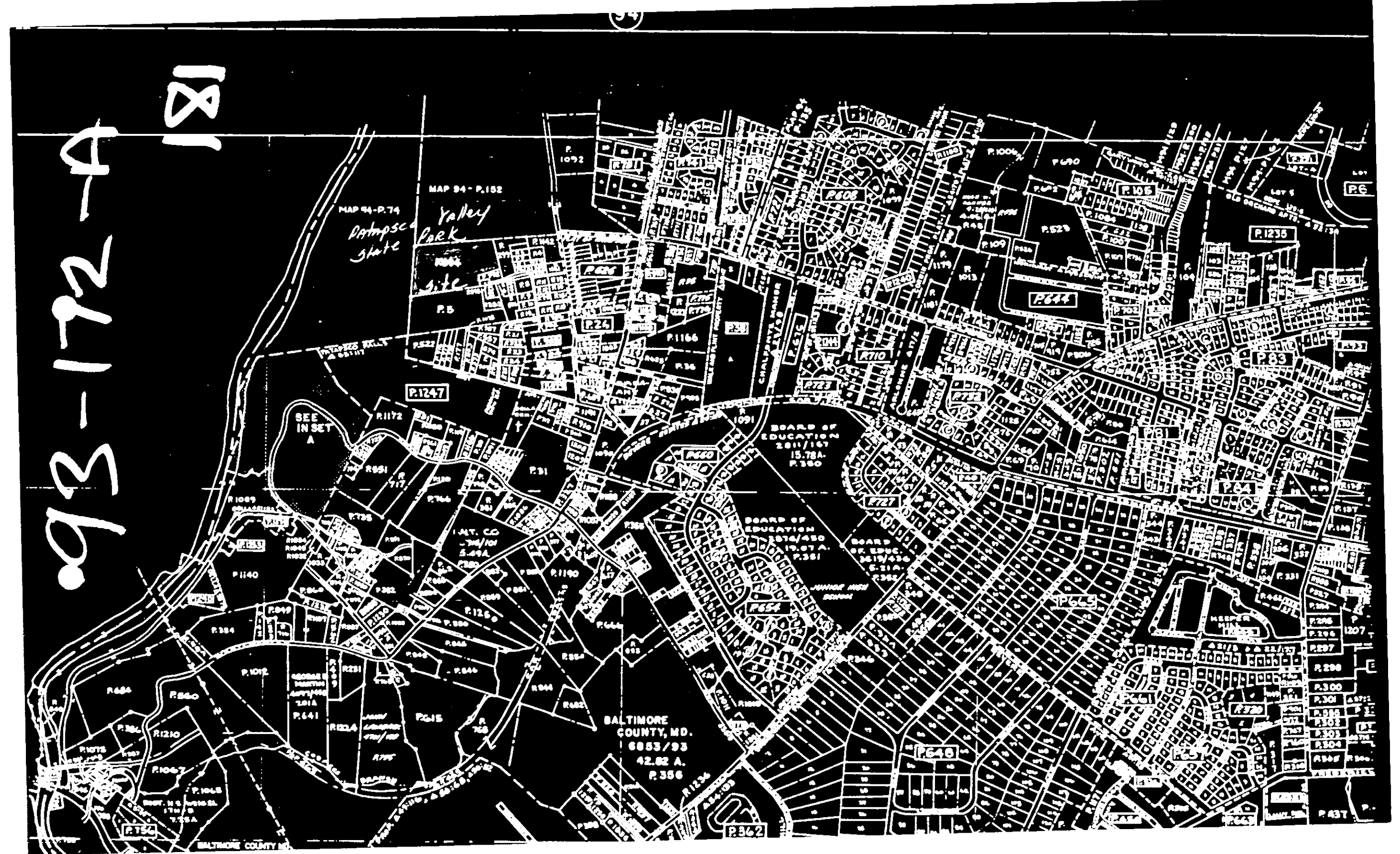
| | | |
|--------------|-----------------------------------|----------------------|
| DISTRICT NO. | POSITION SHEET NO. | FEDERAL PROJECT NO. |
| | CONSTRUCTION PLAN NO. | LANDLORD PROJECT NO. |
| APPROVED | DIRECTOR OF PUBLIC WORKS | DATE |
| DATE | | REVISIONS |
| APPROVED | BUREAU OF LAND ACQUISITION | DATE |
| DATE | | REVISIONS |
| APPROVED | SUPERVISOR, DIVISION OF SURVEYING | DATE |
| DATE | | REVISIONS |

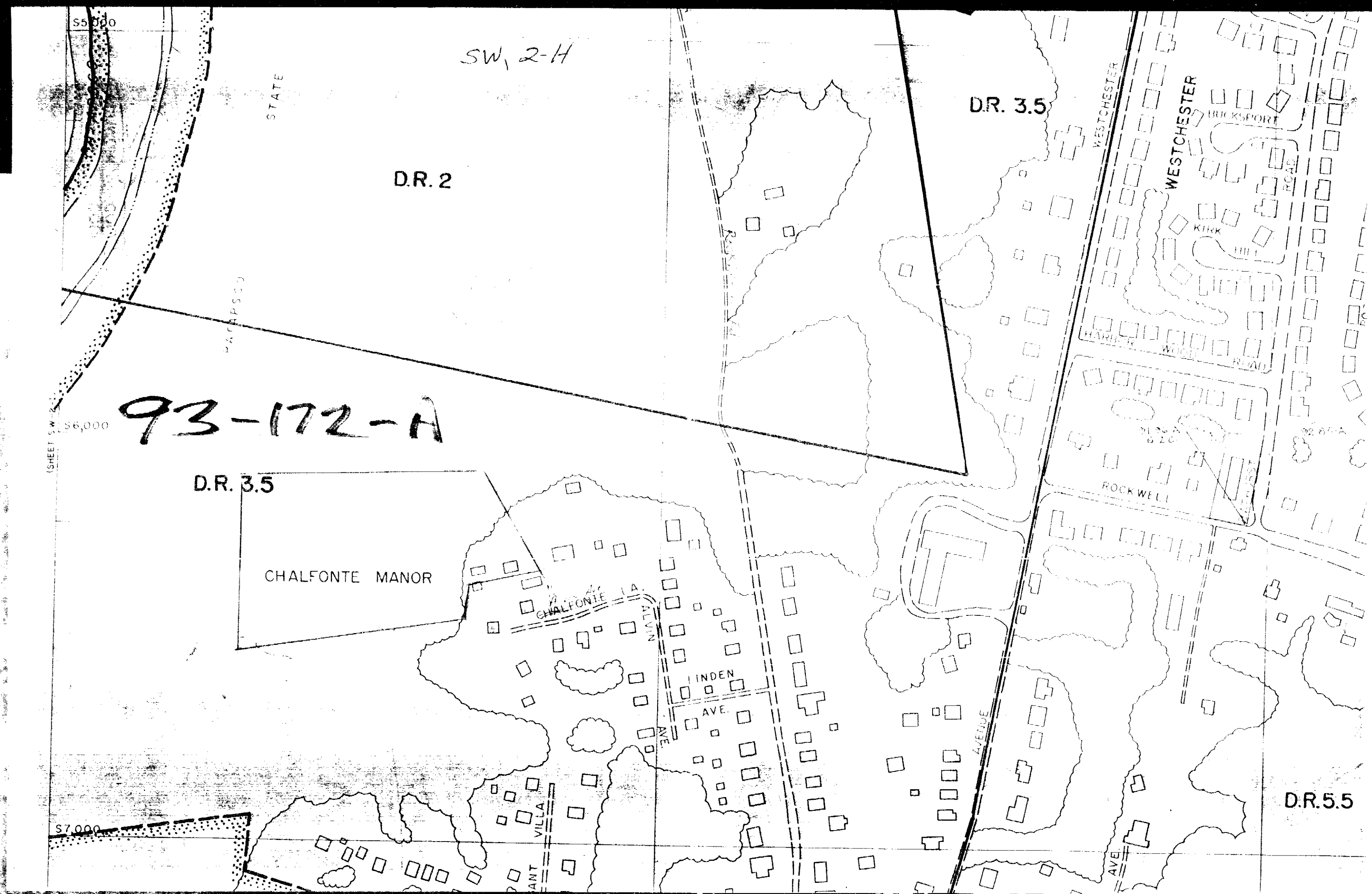
93-172-A

182

BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS BUREAU OF LAND ACQUISITION

| | | |
|--------------|-----------------------------------|----------------------|
| DISTRICT NO. | POSITION SHEET NO. | FEDERAL PROJECT NO. |
| | CONSTRUCTION PLAN NO. | LANDLORD PROJECT NO. |
| APPROVED | DIRECTOR OF PUBLIC WORKS | DATE |
| DATE | | REVISIONS |
| APPROVED | BUREAU OF LAND ACQUISITION | DATE |
| DATE | | REVISIONS |
| APPROVED | SUPERVISOR, DIVISION OF SURVEYING | DATE |
| DATE | | REVISIONS |





BALTIMORE COUNTY
 OFFICE OF PLANNING AND ZONING
 PHOTOGRAPHIC MAP

| | | |
|---------------------|-------------|-------|
| SCALE | LOCATION | SHEET |
| 1" = 200' | WESTCHESTER | SW |
| DATE OF PHOTOGRAPHY | | 2-H |
| JANUARY 1966 | | |

PREPARED BY AIR PHOTOGRAPHICS, INC.
 MARTINSBURG, W. V. 25401

#187
 93-172-A