

RE: VARIANCE FROM SECTION 400.1
OF THE BALTIMORE COUNTY
ZONING REGULATIONS
Northwest Corner of Sagamore Road
and Caradoc Drive
14th District
Martin and Louise Weitzel
Petitioners

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 69-196-A

OPINION

The Petitioner in this case seeks variances from Section 400.1 of the Zoning Regulations of Baltimore County to permit the construction of a swimming pool located outside of the required one-third rear yard area as required under the Regulations, and to permit a side yard setback of 28 feet instead of the required 39 feet under the Regulations.

The Petitioner proposes to construct a swimming pool in his rear yard located as shown on Petitioner's Exhibit No. 2. The Petitioner alleges that this is the only practical location for the swimming pool and the most desirable one. In addition, there was testimony that the pool, if it were relocated as proposed on Petitioner's Exhibit No. 5, would cost \$1,500.00 more to construct. The Protestants produced Exhibit "C", which showed a third proposed location for the pool that would not require any variances. The Petitioner's neighbors objecting to the requested variances all testified that they had no objection to Mr. Weitzel constructing a swimming pool on his property but they did not think that the variance is necessary.

Without going into detail as to the testimony of all the witnesses, the Board finds that the Petitioner has not met the heavy burden required by Section 307 of the Regulations in proving that the denial of the variances would result in practical difficulty or unreasonable hardship to him. Indeed, it appears to the Board that the main reason for the Petitioner's request is so that he can locate the pool in the manner that will be most aesthetically pleasing to him.

Martin and Louise Weitzel
No. 69-196-A

ORDER

For the reasons set forth in the foregoing Opinion, it is this 26th day of September, 1969, by the County Board of Appeals, ORDERED, that the variances petitioned for be and the same are hereby DENIED.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of the Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

William S. Baldwin, Chairman

John A. Slowik

John A. Miller

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. John G. Rose, Zoning Commissioner Date: March 14, 1969

FROM: George E. Corvelli, Director of Planning

SUBJECT: Petition #69-196-A. Variance to permit an accessory structure outside of the required 1/3 of the rear yard of a corner lot and to permit a side yard setback of 28 feet instead of the required 39 feet. Northwest corner of Sagamore Road and Caradoc Drive.

14th District

HEARING: Monday, March 24, 1969 (11:00 A.M.)

The planning staff of the Office of Planning and Zoning will offer no comment on the subject petition.



Flasura Pools

828 DULANEY VALLEY RD.

821-5770

by EDWARD D. HAMMERSLA, INC.
BALTIMORE, MD. 21204

DESCRIPTION OF PROPERTY KNOWN AS 8110 SAGAMORE ROAD

BEGINNING ON WEST SIDE OF SAGAMORE ROAD AND NORTH WEST CORNER OF CARADOC DRIVE AND BEING KNOWN AS LOT # 21 IN THE DEVELOPMENT OF CAMELOT AND RECORDED ALONG LAND RECORDS OF BALTIMORE COUNTY IN THE YEAR 1967, LIBER 29, FOLIO 34, IN THE 14TH DISTRICT.

PROPERTY CONTAINS 7456.60 SQUARE FEET MORE OR LESS.

ACCOUNT # 19009 MARTIN G. WEITZEL SR. & LOUISE C. WEITZEL

EDWARD D. HAMMERSLA, INC.



Member National Swimming Pool Institute

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

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

MEMBERS

BUREAU OF ENGINEERING

BUREAU OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

February 28, 1969

Mr. Martin A. Weitzel, Sr.,
8110 Sagamore Road
Baltimore, Maryland 21237

RE: Type of Hearings: Variance for
Side Yard Setback
Location: NW Corner of Caradoc
Drive and Sagamore Road
14th District
Petitioner: Martin A. Weitzel
Committee Meeting of Feb. 18, 1969
Item 191

Dear Sir:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

The subject property is located in a solidly residential area. The homes are one to one and a half story cottages, masonry and frame. It would appear that the entire swimming pool would be kept back in line with the existing foundation walls of the home.

BUREAU OF ENGINEERING:

Roads, water, sewer, and storm drains exist for this residence.

The owner must provide necessary drainage facilities (temporary or otherwise) 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 other drainage facilities, would be the full responsibility of the owner.

PROJECT PLANNING DIVISION:

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

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Martin A. Weitzel, Sr., legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 of the Zoning Regulations of Baltimore County to permit a side yard setback of 28 feet instead of the required 39 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- Would necessitate the installation of retaining walls on the rear and side property line at an additional cost.
- 2- Height of retaining walls would create a safety hazard for children in the neighborhood.
- 3- The existing patio and storage shed in the rear yard would have to be removed.

See attached description

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
Address
Legal Owner
Address
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 18th day of February, 1969.

196.2, 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 held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 25th day of March, 1969, at 11:00 o'clock A.M.



Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing, that by reason of the following finding of facts:

the above Variance should be had; and it further appearing that by reason of:

a Variance should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County this

day of February, 1969, that the herein Petition for a Variance should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of failure to show practical difficulty or unreasonable hardship:

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 10 day of April, 1969, that the above Variance be and the same is hereby DENIED.

DEPUTY Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
DATE 4/10/69
BY [Signature]

MICROFILM

Martin G. Weitzel Sr.
Martin G. Weitzel Sr.,
8110 Sagamore Road
Baltimore, Md. 21237
Petitioner

TELEPHONE 823-3000 EXT. 367	INVOICE	NO. 62109
BALTIMORE COUNTY, MARYLAND		DATE <u>March 24, 1969</u>
OFFICE OF FINANCE		
Division of Collection and Receipts		
COURT HOUSE		
TOWSON, MARYLAND 21204		BILLED BY
TO:	Zoning Dept. of Baltimore County	
Martin G. Weitzel, Sr. 8119 Sagamore Rd. 21237, Baltimore, Md.		
REPORT TO ACCOUNT NO. <u>01-622</u>	RETURN THIS PORTION WITH YOUR REMITTANCE	TOTAL AMOUNT <u>244.00</u>
QUANTITY	DETACH ALONG PERFORATION	DATE
Advertising and posting of property #69-156-A		44.00

Appeal

#69-196-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting *May - 15 - 69*

District *14th*

Posted for: *Morton and Laurie Whitish*

Petitioner: *M. W. Gorman, Sagamore Rd. & Cascade House*

Location of property: *N. W. Corner*

Location of Sign: *1st in South in front of residence No. of Name*

8110

Remarks: *Mr. H. Weiss*

Posted by: *Signature*

Date of return: *May - 21 - 69*

TELEPHONE B22-36341 EXT. 387	INVOICE	No. 60871
BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE		DATE 3/28/66
Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		BILLED BY
To: Martin C. Witznel, Sr. 9110 Sagamore Road Baltimore, Md. 21237	Billing Dept. of Baltimore County	
REPORT TO ACCOUNT NO. 00-622	TOTAL AMOUNT \$25.00	
QUANTITY	DETACH ALONG PERFORATION AND KEEP THIS PORTION FOR YOUR RECORDS	COUNT
1 Billion for Variance #60-196-A		25.00

TELEPHONE 823-3000 EXT. 387		INVOICE BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE Division of Collection and Receipts COURT HOUSE TOWSON, MARYLAND 21204		No. 62190
TO: Mr. Martin G. Watson, Sr., 8110 Sagamore Road, Baltimore, Md. 21237		Office of Planning & Zoning 14 County office Bldg., Towson, Md. 21204		DATE April 29, 1964
SUBMIT TO ACCOUNT NO. <u>01-72</u>		RETURN THIS PORTION WITH YOUR REMITTANCE		TOTAL AMOUNT <u>\$48.00</u>
QUANTITY	DETACH SLONG PERFORMANCE AND REEP THIS PORTION FOR YOUR RECORDS			COST
1	Cost of Appeal - N/W Cor. Sagamore & Caradoc Drive No. 69-196-A 1 sign			\$45.00 <u>5.00</u> 40.00

ORIGINAL

DETENTION FOR A
VIOLATION
1490 CHESAPEAKE
CONVICTED OF VIOLATING THE VIOLENCE
INJURY ACT, MAY 1968.
RECEIVED - NORTHWEST CORNER OF
THE JAILHOUSE
**DATE & TIME - MONDAY,
MARCH 10, 1969 AT 12:00 PM.**
PUBLIC HEARING: ROOM 104,
TOWSON POLICE STATION,
TOWSON, MARYLAND.
The County Commission of
Baltimore County, the authority of
the Jailhouse and Receptacle at
1490 Chesapeake, Towson, Md.,
on May 1968, had a public
hearing on the case of
James Earl Ray, Variance now
being Registered of Baltimore
County, on receipt of an affidavit
of the year 1967 of a letterhead
from the Baltimore County Jailhouse
and Receptacle, dated March 10, 1969,
which reads as follows:
Section "601.1 - Accusatory
Statement" - The following is the
accusatory statement of the person
so accused who is the more or less
known as James Earl Ray, Variance
now being Registered of Baltimore
County, on receipt of an affidavit
of the year 1967 of a letterhead
from the Baltimore County Jailhouse
and Receptacle, dated March 10, 1969,
which reads as follows:
All that shall be true in the
affidavit of the year 1967 of a
letterhead from the Baltimore County
Jailhouse and Receptacle, dated
March 10, 1969, which reads as
follows:
BEGINNING ON WEST SIDE OF
SEASIDE AVENUE AND ENDING
NORTH - WEST CORNER OF
PARADISE DRIVE AND BEING
KNOWN AS LOT NO. II IN THE
DEVELOPMENT OF CANALCO
INCORPORATED, BALTIMORE COUNTY,
RECORDS OF BALTIMORE COUNTY,
IN THE YEAR 1965,
LATA DISTRICT COURT AND REAR
SQUARE FEET MORE OR LESS.
Being the property of
BALTIMORE COUNTY, BALTIMORE
COUNTY, and Louise C. WHELAN, et al,
shown on said deed filed with the
deed records of Baltimore County,
meaning Date: May 1968, Mar-24,
1969 at 11:00 AM.
By _____, Clerk
County Office Building, 115
South Calverton Avenue,
Baltimore, Maryland 21204
BY ORDER OF
THE COMMISSIONERS
OF BALTIMORE COUNTY
March 10, 1969

OFFICE OF
TOWSON TIMES

TOWSON, MD 21204 **March 10,** 19 **69**

THIS IS TO CERTIFY, that the annexed declaration of
John G. Rose, Acting Commissioner of
Baltimore County

was inserted in THE TOWSON TIMES, once a weekly newspaper published in
Baltimore County, Maryland, since a week for One times
week before the 10th day of March, 19 69 that is to say, the same
was inserted in the issue of March 6, 1969.

STROMBERG PUBLICATIONS, Inc.

By *Beth Morgan*

CERTIFICATE OF PUBLICATION

TOWSON, MD. MAR 6 1969 19____
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 _____ 24th
day of _____, 1969, the last publication
appearing on the _____ day of March
1969.

THE JEFFERSONIAN,
L. Leand. Strickland
Manager.

1491

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#68-196-A

District: 14A

Posted for: Henry M. March 24, 1968 C. 11:00 A.M.

Petitioner: Martin G. Westphal, Jr.

Location of property: N.W. Cor. of Legumines Rd. & Canada Drive

Location of Signs: ①. Posted in yard of House No. 8110

Remarks:

Posted by: Merl B. Hines

Signature

Date of return: March 12th 1968

