

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER BALTIMORE COUNTY:

I, or we, Harold L. Goldberg, 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 Special Hearing Under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve of the deletion of those restrictions of the Deputy Zoning Commissioner dated June 18, 1958 and the removal of which restrictions would allow your Petitioner to make certain changes to the outside of the present building now located on said property, and that further, said offices may be used for both medical and general office use.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing 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
Harold L. Goldberg
Legal Owner
Address: 3507 Old Court Road
Baltimore, Maryland 21208
Protestant's Attorney
Robert J. Romadka
Address: 809 Eastern Boulevard
Baltimore, Maryland 21221

ORDERED By the Zoning Commissioner of Baltimore County, this 14th day of December 1972, 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 10th day of January 1973, at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Harold L. Goldberg, 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 Sections 1802.2B, (504.V.B.1.d.) to permit a side yard set back of 21 feet instead of the required 25 feet and 409.2b.5 to permit seven (7) parking spaces instead of the required 12 spaces of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Said variances are being requested since it is necessary to enlarge the present building which cannot be moved. That with the enlargement of said building, certain parking spaces will no longer be available and no additional property can be secured for parking.

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
Harold L. Goldberg
Legal Owner
Address: 3507 Old Court Road
Baltimore, Maryland 21208
Protestant's Attorney
Robert J. Romadka
Address: 809 Eastern Boulevard
Baltimore, Maryland 21221

ORDERED By the Zoning Commissioner of Baltimore County, this 14th day of December 1972, 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 10th day of January 1973, at 10:30 o'clock A.M.

Zoning Commissioner of Baltimore County

(over)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. S. Eric DiNanno, Zoning Commissioner Date: January 8, 1973

FROM: Norman E. Gerber, Office of Planning and Zoning

SUBJECT: Petition #73-158-A SPH. Southwest of Liberty Road 461.20 feet South of Liberty Garden Rd. Petition for a Variance for a Side Yard and Off-Street Parking Petition for Special Hearing to Delete Restrictions. Petitioner - Harold L. Goldberg 2nd District

HEARING: Monday, January 8, 1973 (10:30 A.M.)

This site fits the criteria established by the Planning Board for location for professional offices adjacent to commercial areas. These offices are intended from a planning point of view to provide a transition from commercial to residential uses. This addition, if screened properly and of suitable architecture could still provide an acceptable transition and continue to protect the dwellings to the west.

Parking may be more of a problem, however. The regulation requirements are a minimum and needs sometimes exceed the minimum standards in actual practice overloading nearby residential streets.

We would suggest that the petitioner investigate the availability of off-street parking spaces nearby such as the shopping center before this petition is granted. If none are available, this petition should be denied.

The screening plan is acceptable, however, no lighting is identified on the plan. If lights are to be provided, they should be limited to 8' in height.

If the proofs of Sec. 502.1 are met any construction should be conditioned to conformance to an approved site plan.

NEG:rw

RE: PETITION FOR VARIANCE AND SPECIAL HEARING SW/S of Liberty Road, 461.20' S of Liberty Garden Road - 2nd District Harold L. Goldberg - Petitioner NO. 73-158-ASPH (Item No. 67) DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

The Petitioner has, in this case, filed two (2) Petitions. The first being for Variances for parking and setback requirements, the second being a Special Hearing to delete those restrictions placed on the subject property by the granting of the original Special Exception (Case No. 4423-RX).

The property in question is located on the southeast corner of Liberty and Croyden Roads, and consists of a building lot approximately ninety (90) feet across with a one hundred and thirty-four (134) foot depth. The lot is improved with a one (1) story brick dwelling that was converted to medical offices in 1958.

Testimony by the owner and Petitioner, Dr. Harold L. Goldberg, was, in effect, as follows. The existing building is small, thirty-nine (39) feet by twenty-six (26) feet, and in need of modernization and expansion to provide for up to date equipment, sufficient work areas, and waiting space for patients.

The setback Variance was deemed necessary, partly because of the irregular shape of the lot brought about by the curve in Croyden Road, and in part because of the location of the existing dwelling on the lot.

The parking Variance was deemed necessary in order to comply with the off-street parking requirements of the regulations. That is, medical office buildings require one (1) off-street parking space for each three hundred (300) square feet of total floor area. Dr. Goldberg felt that the necessary paving for seven (7) parking spaces would change the residential character of the lot, and as such, would have a detrimental effect on the surrounding residences. It was his opinion that sufficient off-site parking is available in

the area, many of his patients combine their office visit with shopping in the center across the street, and consequently park on the shopping center parking lot. This parking arrangement has occurred for several years with the mutual agreement of the owner of the center.

Dr. Goldberg has discussed the subject expansion and Variances with his surrounding and/or immediately adjoining neighbors, as well as the community association. There have been no on street parking problem in the immediate vicinity of his office and in particular with the adjoining residences fronting Liberty Road and Croyden Road. Dr. Goldberg stated that it was also the opinion of the adjoining homeowners as well as the community association in general, that the immediately adjoining homes would be affected less, if the lawn area on the subject property, is maintained as it presently exists and the requirement for parking lifted.

With regard to the Special Hearing, Dr. Goldberg felt that since his office has existed on the site since 1958 without creating any problems that the restriction restricting the use to doctor's offices could be deleted without causing any detrimental effect on the neighborhood in general. It was also his opinion that the expansion, if permitted, would be done in a manner that would be in keeping with the residential type structures in the area, and would also be in harmony with the spirit and intent of the regulations.

OPINION

After reviewing the above testimony and making an on site field inspection, it is the opinion of the Deputy Zoning Commissioner that restrictions placed on the above property by Order 4423-RX on April 29, 1958, can now be deleted without being detrimental to the health, safety and general welfare of the locality involved.

With regard to the setback Variances, a hardship exists in that expansion to the rear cannot take place within the contexts of the setback requirements, due to the fixed location of the existing structure and the irregular shape of the lot.

Robert J. Romadka, Esquire
February 23, 1973
Page 2

The second restriction states:

"2. That every attempt be made to maintain the residential character of the structure, and in particular, no changes other than normal maintenance are to be made to the front of the present structure."

My interpretation of structural changes can be interpreted to include replacement of doors and windows which could include double doors or bow windows normally used in residential construction, i.e., solid glass double doors, with a firm's name printed on of the type normally found on commercial buildings, would not be acceptable. As stated above, most other residential type building materials could be used in maintenance or repair to the front of the building.

If you have any further questions concerning this matter, please contact this office.

Very truly yours,

JAMES E. DYER
Deputy Zoning Commissioner

JED:mc

Dear Mr. Romadka:

Your letter of February 20, 1973, requested clarification of two restrictions placed on Dr. Goldberg's property by the above referenced Order. Restriction No. 1 states:

"1. That the seven (7) parking spaces not be installed until such time as need for such spaces has been demonstrated."

It was my intention to delay the installation of parking along the subject property until such time that it was deemed necessary. Since installation of a parking area on the subject property could, very possibly, have an undesirable impact on the adjoining residential properties, and since testimony indicated that parking is not needed at this time, it should not be installed until it is needed. It is my full intention that the parking be installed at any time a need was demonstrated, or for that matter requested, by the Petitioner or owner of the property or by the adjoining or neighborhood residents. I strongly feel that such a request would not be made by either party unless the parking area is required. It is not my intention to require another hearing prior to installing the parking, simply written explanation of reasonable need by any of the above parties will be sufficient.

The Petitioner has also proven that a practical difficulty does exist, in that the adjoining property owners have expressed a desire to have the lawn area maintained as is. There is apparently an abundance of off-street parking in the area, at the present time. The subject property has been utilized for a period of approximately thirteen (13) years without the benefit of on site parking. Therefore, the requested parking Variance should also be granted, with the stipulation that the parking not be installed until such time as the need for said parking has been established.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner this 19th day of January, 1973, that the above Petitioner for Special Hearing to delete the restrictions set forth in Zoning Petition No. 4423-RX; a Variance to permit a side yard setback of twenty-one (21) feet from the west side of Croyden Road instead of the required twenty-five (25) feet; and a Variance to permit seven (7) parking spaces in lieu of the requested twelve (12) spaces, all be GRANTED. Subject, however, to the following restrictions:

1. That the seven (7) parking spaces be installed until such time as need for such spaces has been demonstrated.
2. That every attempt be made to maintain the residential character of the structure, and in particular, no changes other than normal maintenance are to be made to the front of the present structure.
3. Approval of a site plan that is to indicate the parking layout that will be utilized if and when it is required, and/or
4. Approval of a site plan by the State Highway Administration, Bureau of Public Services and the Office of Planning and Zoning.

Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE January 12 1973

BY [Signature]

ORDER RECEIVED FOR FILING

DATE January 19 1973

BY [Signature]

ORDER RECEIVED FOR FILING

DATE January 19 1973

BY [Signature]

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

A. V. Quimby
Acting Director
Baltimore County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204
(410) 321-1111

S. ERIC DIENEN
Zoning Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
(410) 321-1111

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

Dear Mr. DiNenna:

Comments on Item #67, Zoning Advisory Committee Meeting, October 17, 1972, are as follows:

Property Owner: Harold L. Goldberg
Location: 7501 Liberty Road
Present Zoning: D.R.S.5
Proposed Zoning: Variance from Section 1802.28 (504 V.B.I.d.) to permit a side yard setback of 21' instead of required 25' and 409 sq. ft. to permit 7 parking spaces instead of required 12 spaces.

District: 2
No. Acres: 11,545 square feet

The site plan must be revised to show 4 foot screening that will effectively screen the parking area from the adjacent residential properties. Also curbing must be provided around the perimeter of the parking area and an eight foot buffer must be maintained between the parking area and the street property line.

Very truly yours,

John L. Wimbley
John L. Wimbley

Project Planning Division
Office of Planning and Zoning

Baltimore County, Maryland
OFFICE OF THE BUILDINGS ENGINEER
DEPARTMENT OF PERMITS AND LICENCES
TOWSON, MARYLAND 21204

GERARD J. DIETZ
DIRECTOR

November 3, 1972

G. Elmer Hoppert, Jr.
Acting Buildings Engineer

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

Dear Mr. DiNenna:

Comments on Item #67, Zoning Advisory Committee Meeting, October 17, 1972, are as follows:

Property Owner: Harold L. Goldberg
Location: 7501 Liberty Road
Present Zoning: D.R.S.5
Proposed Zoning: Variance from Section 1802.28 (504 V.B.I.d.) to permit a side yard setback of 21' instead of required 25' and 409 sq. ft. to permit 7 parking spaces instead of required 12 spaces.

District: 2
No. Acres: 11,545 square feet

"When any structure is to be constructed, the Petitioner shall comply with all applicable requirements of Baltimore County Building Code and Regulations".

Sincerely,

G. Elmer Hoppert, Jr.

G. Elmer Hoppert, Jr.
Buildings Engineer, (Acting)

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN AVENUE
TOWSON, MARYLAND 21204
(410) 321-1111

ASSOCIATE
BRYAN H. GORDON
CHARLES E. FORD, III
ALFRED H. WALPERT

February 20, 1973

James E. Dyer, Esq.
Deputy Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Petition for Variance and
Special Hearing
Harold L. Goldberg - Petitioner
No. 73-158-ASPH (Item No. 67)

Dear Mr. Dyer:

As you have suggested, I have set out below the two questions that my client, Harold L. Goldberg, has raised concerning the Order you have passed on the above captioned case.

Referring to Paragraph 1 of your Order, which states as follows:

"1. That the seven (7) parking spaces not be installed until such time as need for such spaces has been demonstrated."

It is my understanding in discussing this particular item with you that in order to demonstrate a need for such spaces, that no further hearings would be required and if there was such a need for spaces, that a letter submitted by Dr. Goldberg to your office setting forth his reasons would be sufficient in demonstrating a need for such parking spaces.

The second item of concern is the second paragraph of your Order, which reads as follows:

"2. That every attempt be made to maintain the residential character of the structure, and in particular, no changes other than normal maintenance are to be made to the front of the present structure."



In this particular instance, my client has raised the question of whether or not any structural changes could be made to the front of the building, such as a double door, a bow window, or other alterations, provided that such changes would still allow the front of the building to retain the residential character in its overall structure. It was my understanding in discussing this inquiry with you that these structural changes would be permitted provided the residential character of the structure would be maintained.

If the above written statements I have made indicate your interpretation of the two paragraphs in your Zoning Order, I would appreciate your acknowledging this letter by a written reply. As I had stated to you, while it is not my client's intention at this time to install off-street parking or make any changes to the front of his building, he felt that it may become necessary sometime in the future to do this work and not having any guarantees that you will always be in this office, some other Zoning Commissioner may place a different interpretation on your Order.

Therefore, I would appreciate hearing from you in this matter.

Very truly yours,

Robert J. Romadka
Robert J. Romadka

RJR/dsl

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 21, 1972

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on December 21, 1972, before the 21st day of December, 1972, the last publication appearing on the 21st day of December, 1972.

THE JEFFERSONIAN,
Manager.

Cost of Advertisement, \$ 42.00

CERTIFICATE OF PUBLICATION

Pikesville, Md., December 21, 1972

THIS IS TO CERTIFY, that the annexed advertisement was published in THE NORTHWEST STAR, a weekly newspaper printed and published in Pikesville, Baltimore County, Maryland, once in each of one time before the 21st day of January, 1973, the first publication appearing on the 21st day of January, 1973.

THE NORTHWEST STAR

Donald L. Landon
Manager

Cost of Advertisement, \$ 42.00

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
Robert J. Romadka, Esq.
809 Eastern Blvd.,
Baltimore, Maryland 21204

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

Item 67

Your Petition has been received and accepted for filing
this 10th day of December 1972.

S. Eric DiNenna
S. ERIC DIENEN,
Zoning Commissioner

Petitioner: Harold L. Goldberg
Petitioner's Attorney: Robert J. Romadka

Reviewed by: *J. E. Dyer*
J. E. DYER,
Deputy Zoning Commissioner

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, RA, CC, CA					
Reviewed by: <i>JBR</i>					
Revised Plans: Change in outline or description					
Previous case:					
Map #					

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

DATE: January 9, 1973 ACCOUNT: 01-669

AMOUNT: \$83.50

WHITE - CASHIER
DR. HAROLD L. GOLDBERG
7501 LIBERTY ROAD
BALTIMORE, MD. 21207
Advertising and posting of property - 73-158-ASPH 350 REC

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

DATE: Dec. 19, 1972 ACCOUNT: 01-660

AMOUNT: \$85.00

WHITE - CASHIER
DR. HAROLD L. GOLDBERG
7501 LIBERTY ROAD
BALTIMORE, MD. 21207
Petition for Variance and Special Hearing for Harold L. Goldberg - 73-158-ASPH 350 REC

LIBERTY

ZONED
DR 16 (SPECIAL EXCEPTION)

52°-31'-10" E
223.00'

15.0'
SIDE YARD

60'-0"
N.T.

EXISTING 1.5 STORY
BUILDING USED FOR
OFFICES

39'-0"

ONE STORY BRICK
ADDITION FOR OFFICES

3' CONC WALKS CONC WALK

21'-0" VARIANCE REQ'D

31°-51'-50" W
102.33'

24' 0" PROPOSED
DRIVEWAY ENTRANCE

ASPHALT DRIVE

(5' CROWN AND BASE AT 2'-1" SPACES BETWEEN CONC)

10' 0" UTILITY EASEMENT



beginning for the proposed widening strip, 17 feet wide, which widening strip is contiguous and parallel with the existing southwest side of Liberty Road, 80 feet wide, said beginning is also at the distance of 461.80 feet, measured southeasterly from the east side of Liberty Garden Roads.

THENCE RUNNING AND BINDING ON THE SOUTHWEST SIDE OF SAID WIDENING STRIP $S 65^{\circ} 37' 10'' E$ 65.15 FEET TO INTERSECT THE NORTHWEST SIDE OF CROYDEN ROAD, 60 FEET WIDE;

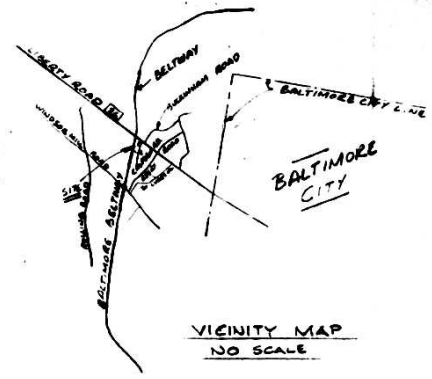
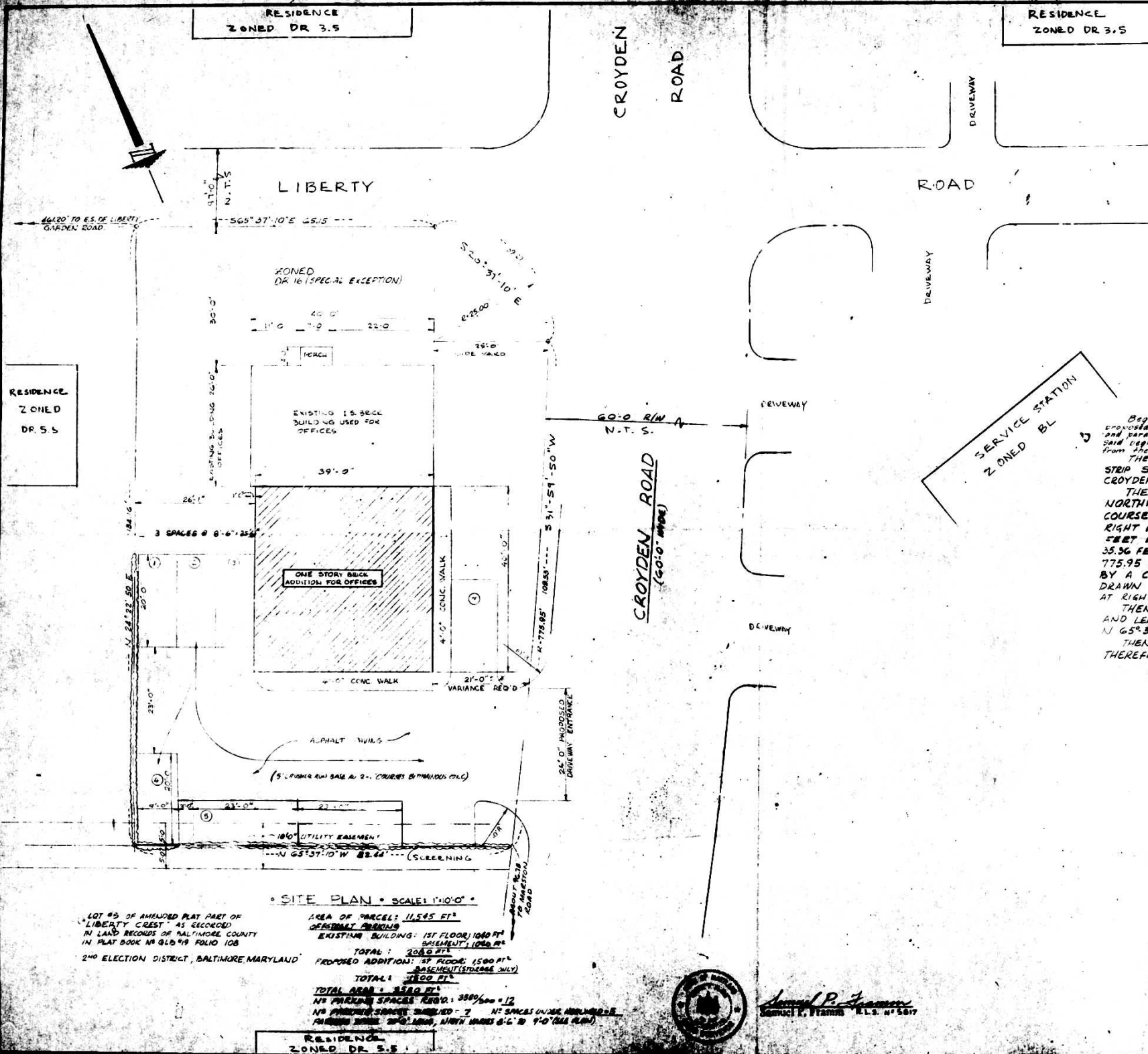
THENCE LEAVING SAID WIDENING STRIP AND BINDING ON THE NORTHWEST SIDE OF SAID CROYDEN ROAD, THE TWO(2) FOLLOWING COURSES AND DISTANCES, NAMELY: (1) BY A LINE CURVING TO THE RIGHT WITH A RADIUS OF 25.00 FEET, THE ARC DISTANCE OF 39.27 FEET, WHICH ARC IS SUBTENDED BY A CHORD BEARING $S 20^{\circ} 37' 10'' E$ 35.36 FEET; AND (2) BY A LINE CURVING TO THE RIGHT WITH A RADIUS OF 775.95 FEET, THE ARC DISTANCES OF 109.53 FEET, WHICH ARC IS SUBTENDED BY A CHORD BEARING $S 31^{\circ} 59' 50'' W$ 105.70 FEET TO INTERSECT A LINE DRAWN PARALLEL WITH AND AT THE DISTANCE OF 134.15 FEET MEASURED AT RIGHT ANGLES FROM THE FIRST LINE OF THIS DESCRIPTION;

THENCE RUNNING AND BINDING REVERSELY ON SAID LINES, SO DRAWN AND LEAVING THE NORTHWEST SIDE OF SAID CROYDEN ROAD, $N 65^{\circ} 37' 10'' W$ 82.44 FEET;

THENCE LEAVING SAID LINE SO DRAWN, AND RUNNING AT RIGHT ANGLES THEREFROM, $N 24^{\circ} 22' 50'' E$ 134.16 FEET TO THE PLACE OF BEGINNING.

Samuel P. Framm
Samuel P. Framm
R.L.S. 5817





Beginning for the same at a point on the southwest side of a proposed widening strip, 17 feet wide, which widening strip is contiguous and parallel with the existing southwest side of Liberty Road, 80 feet wide, said beginning is also at the distance of 461.20 feet, measured southeasterly from the east side of Liberty Garden Road.

THENCE RUNNING AND BINDING ON THE SOUTHWEST SIDE OF SAID WIDENING STRIP 565° 37' 10" E 65.15 FEET TO INTERSECT THE NORTHWEST SIDE OF CROYDEN ROAD, 60 FEET WIDE.

THENCE LEAVING SAID WIDENING STRIP AND BINDING ON THE NORTHWEST SIDE OF SAID CROYDEN ROAD, THE TWO(2) FOLLOWING COURSES AND DISTANCES, NAMELY: (1) BY A LINE CURVING TO THE RIGHT WITH A RADIUS OF 25.00 FEET, THE ARC DISTANCE OF 35.36 FEET WHICH ARC IS SUSTAINED BY A CHORD BEARING S 31° 59' 50" W 77.95 FEET, THE ARC DISTANCE OF 109.53 FEET, WHICH ARC IS SUSTAINED BY A CHORD BEARING S 31° 59' 50" W 105.70 FEET TO INTERSECT A LINE DRAWN PARALLEL WITH AND AT THE DISTANCE OF 134.15 FEET MEASURED AT RIGHT ANGLES FROM THE FIRST LINE OF THIS DESCRIPTION;

THENCE RUNNING AND BINDING REVERSELY ON SAID LINES, SO DRAWN AND LEAVING THE NORTHWEST SIDE OF SAID CROYDEN ROAD, N 65° 37' 10" W 82.64 FEET.

THENCE LEAVING SAID LINE SO DRAWN, AND RUNNING AT RIGHT ANGLES THEREFROM, N 24° 22' 50" E 134.16 FEET TO THE PLACE OF BEGINNING.

NO.	DATE	BY	REVISION
1	10/11/72	W. SHATT	PREPARED
2	10/11/72	W. SHATT	REVISED
3	10/11/72	W. SHATT	REVISED
4	10/11/72	W. SHATT	REVISED

REVISIONS

NO.	DATE	BY	REVISION
1	10/11/72	W. SHATT	PREPARED
2	10/11/72	W. SHATT	REVISED
3	10/11/72	W. SHATT	REVISED
4	10/11/72	W. SHATT	REVISED

SILBERMAN, GEMMANN & ASSOCIATES
CONSULTING ENGINEERS
302 WEST 30TH STREET, BALTIMORE, MD. 21201
TEL. 301-241-2800 AND 301-241-2801

OFFICE LOCATION
DR. HARVEY SILBERMAN
7501 LIBERTY ROAD
BALTIMORE, MARYLAND 21201

CITY PLAN
DESIGNED BY: HARVEY SILBERMAN
DRAWN BY: W. SHATT
TRACED BY: W. SHATT

Harvey P. Shatt
COUNCIL ENGINEER
E.L.S. N° 5077

