

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Wallace G. Berger and Katherine G. Berger, 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,

herby petition for a Variance from Section 400.1 to permit an accessory structure (swimming pool) to be located outside of the third of the lot farthest removed from both streets.

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

Four large trees. The legal owners are not responsible for any expenses involved upon the filing of this petition.

The Gold Seal Company must pay all expenses of the Petition for Zoning Variance from Area and Height Regulations, advertising, posting, etc. and any or all expenses involved upon the filing of this petition.

see attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. Gold Seal Company, 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 Wallace G. Berger Legal Owner
Address 8401 Oakleigh Ave.
Baltimore, Md. 21234
Petitioner's Attorney _____
Protestant's Attorney _____

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day

of May 1975, 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 proper notice 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 26th day of May 1975, at 10:15 o'clock.

James E. Dyer
Zoning Commissioner of Baltimore County.

RE: PETITION FOR VARIANCE TO PERMIT AN ACCESSORY STRUCTURE (SWIMMING POOL) TO BE LOCATED OUTSIDE OF THE THIRD OF THE LOT FARTHEST REMOVED FROM BOTH STREETS.
Northeast corner of Oakleigh Road and Wildwood Avenue 9th District.
WALLACE BERGER
Case No. 75-268-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 therefore, and of the passage of any preliminary or final Order in connection therewith.



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

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.
Deputy People's Counsel
County Office Building
Towson, Maryland 21204
494-3211

I HEREBY CERTIFY That a copy of the foregoing Order was mailed this 20th day of May, 1975 to Wallace and Katherine Berger, 8401 Oakleigh Avenue, Baltimore, Maryland 21234, Legal Owners.

John W. Hessian, III
John W. Hessian, III

I will not attend. JWH.

DESCRIPTION FOR VARIANCE

Beginning at a point northeast corner of Oakleigh Road and Wildwood Avenue and being Lot #49 and #50 of Plat of Hillendale Farms, recorded among land records of Baltimore County, Liber 8, Folio 92 and 93.

Also known as 8401 Oakleigh Road.



Petition for Variance
Accessory Structure (Swimming Pool)
8401 OAKLEIGH - 75-268-A
Wallace & Katherine Berger

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiMenna, Zoning Commissioner Date: May 23, 1975

FROM: William D. Fromm, Director of Planning

SUBJECT: Petition #75-268-A, Northeast corner of Oakleigh Road and Wildwood Ave.
Petition for Variance to permit an accessory structure
Petitioner - Wallace Berger

9th District

HEARING: Monday, May 26, 1975 (10:15 A.M.)

The staff of the Office of Planning and Zoning will offer no comment on this petition at this time.

William D. Fromm
William D. Fromm
Director of Planning

WDF:REG:ru



BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING

EUGENE J. CLIFFORD, P.E. Wm. T. WALZER
CHIEF ENGINEER SENIOR TRAFFIC ENGINEER

May 15, 1975

Mr. S. Eric DiMenna
Zoning Commissioner
County Office Building
Towson, Maryland - 21204

Re: Item 197 - ZAC - April 22, 1975
Property Owner: Wallace G. & Katherine G. Berger
Location: SE/C of Oakleigh Rd. & Wildwood Ave.
Existing Zoning: O. E. 3.5
Proposed Zoning: Variance from Sec. 400.1 to permit an accessory structure (swimming pool) to be located outside of the third of the lot farthest removed from both streets.
No. of Acres: 100 x 200
70.5 202
District: 9th

Dear Mr. DiMenna:

No traffic problems are expected from the requested Variance to permit an accessory structure to be located outside the third of the lot farthest removed from the street.

Very truly yours,

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc.

MSF/ha

Mr. & Mrs. Wallace G. Berger
8401 Oakleigh Avenue
Baltimore, Maryland 21234

Dear Mr. & Mrs. Berger:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

James E. Dyer
JAMES E. DYER
Deputy Zoning Commissioner

FED/me

Attachments

cc: Mr. John C. Bumsberger
Gold Seal Building & Supply Company, Inc.
414 Grain Highway, South
Glen Burnie, Maryland 21061

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 that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners

the above Variance should be had, and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety and general welfare of the community

to permit an accessory structure (swimming pool) to be located outside of the third of the lot farthest removed from both streets should be granted

Deputy Zoning Commissioner of Baltimore County this 27th day of May, 1975, that the herein Petition for a Variance should be and the same is granted, from and after the date of this order, subject to the approval of a site plan Department of Public Works and the Office of Planning and Zoning.

Deputy 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

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of 1975, that the above Variance be and the same is hereby DENIED.

ng Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
115 W. Chesapeake Avenue
Towson, Maryland 21204

May 19, 1975

Franklin T. Hoggans, Jr.
XXXXXXXXXXXXXXXXXXXX
Chairman

Mr. Wallace G. Berger
8401 Oakleigh Avenue
Baltimore, Maryland 21234

RE: Variance Petition
Item 197
Wallace G. & Katherine C. Berger -
Petitioners

Dear Mr. Berger:

The Zoning Plans 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.

These 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 Commission with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the northeast corner of Oakleigh Road and Wildwood Avenue, and is currently improved with a single family dwelling and a swimming pool in the rear yard, which is the subject of this petition. The petitioner is requesting a Variance to permit the aforesaid swimming pool to be located outside of the rear third of the lot farthest removed from both streets.

Adjacent properties in this area are improved with single family detached dwellings.

The plan should be revised prior to the hearing to indicate the extent of the rear third

Mr. Wallace G. Berger
8401 Oakleigh Avenue
Item 197
May 19, 1975
Page 2

of the lot farthest removed from both streets.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. Hoggans, Jr.
FRANKLIN T. HOGGANS, JR.
Chairman,
Zoning Plans Advisory Committee

PTH:JD

Enclosure

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: April 17, 1975

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

Z.A.C. Meeting of: April 22, 1975

Re: Item 197

Property Owner: Wallace G. & Katherine C. Berger

Location: NE/C of Oakleigh Road & Wildwood Avenue

Present Zoning: D.R. 5.5

Proposed Zoning: Variance from Section 400.1 to permit an accessory structure (swimming pool) to be located outside of the third of the lot farthest removed from both streets.

District: 9th

No. of Acres: 100 x 200
70.5 202

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich, Jr.
W. Nick Petrovich, Jr.
Field Representative.

WP/ni

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH



JEFFERSON BUILDING
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH SERVICES

April 17, 1975

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

Dear Mr. DiNenna:

Comments on Item #197, Zoning Advisory Committee Meeting, April 22, 1975, are as follows:

Property Owner: Wallace G. & Katherine C. Berger
Location: NE/C of Oakleigh Rd. & Wildwood Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 400.1 to permit an accessory structure (swimming pool) to be located outside of the third of the lot farthest removed from both streets.

No. of Acres: 100 x 200
70.5 202

District: 9th

Comments: Since this is a variance for a swimming pool and metropolitan water and sewer are available, no health hazards are anticipated.

Very truly yours,

Thomas W. Davis, Director
BUREAU OF ENVIRONMENTAL SERVICES

BV:mc

WILLIAM D. FROMM
DIRECTOR

S. ERIC DINENNA
ZONING COMMISSIONER



April 24, 1975

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 # 197, Zoning Advisory Committee Meeting, April 22, 1975, are as follows:

Property Owner: Wallace G. and Katherine C. Berger
Location: NE/C of Oakleigh Road and Wildwood Avenue
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 400.1 to permit an accessory structure (swimming pool) to be located outside of the third of the lot farthest removed from both streets.
No. of Acres: 100 X 200
70.5 202
District: 9th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

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

Very truly yours,

John L. Wimbley
Planning Specialist II
Project and Development Planning

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING
SUITE 301 JEFFERSON BUILDING 105 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204
AREA CODE 301 PLANNING 466-3251 ZONING 466-3251

Baltimore County, Maryland Department of Public Works

COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Bureau of Engineering
ELLENWORTH H. DIVER, P. E. CHIEF

June 2, 1975

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

Re: Item #197 (1974-1975)
Property Owner: Wallace G. & Katherine C. Berger
N/E cor. of Oakleigh Rd. & Wildwood Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 400.1 to permit an accessory structure (swimming pool) to be located outside of the third of the lot farthest removed from both streets.
No. of Acres: 100 x 200
70.5 202
District: 9th

Dear Mr. DiNenna:

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:

Oakleigh Road and Wildwood Avenue, existing County roads, are proposed to be improved in the future as 40-foot and 30-foot closed section roadways on 60-foot and 50-foot right-of-way, respectively. Highway improvements are not required at this time. Highway right-of-way widening including a fillet area for sight distance at the intersection and any necessary reversible easements for slopes, will be required in connection with any grading, building or other permit application. Further information may be obtained from the Baltimore County Bureau of Engineering; the submitted plan should be revised accordingly.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

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.

Item #197 (1974-1975)
Property Owner: Wallace G. & Katherine C. Berger
Page 2
June 2, 1975

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are serving this property.

Very truly yours,

Ellenwirth H. Diver, P.E.
Chief, Bureau of Engineering

END:RAM:FW:iss

cc: J. Trimmer
J. Somers

N-WE Key Sheet
3L NE 11 Pos. Sheet
NE 9 C Topo
70 Tax Map

PETITION FOR A VARIANCE 9TH DISTRICT

ZONING: Petition for Variance for an Accessory Structure (Swimming Pool).

LOCATION: Northeast corner of Oak Ridge Road and Wildwood Avenue.

DATE & TIME: Monday, May 26, 1975 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 on the following:

Petition for Variance from the Zoning Regulations of Baltimore County to permit an accessory structure (swimming pool) to be located outside of the third of the lot that is removed from both streets.

The Zoning Regulations to be exempted as follows:

Section 480-1-A Accessory Building - On corner lots they shall be located only in the third of the lot (lot) removed from any street and shall occupy not more than 20% of such third.

All that parcel of land in the North District of Baltimore County beginning at a point northeast corner Oakleigh Road and Wildwood Avenue and being Lot No. 43 and No. 44 of Plat of Hillendale Farms, recorded among land records of Baltimore County, Liber 8, Folio 92 and 93.

Also known as 8401 Oakleigh Road.

Being the property of Wallace G. Berger and Katherine C. Berger, as Joint Tenants in fee, and filed with the Zoning Department.

Hearing Date: Monday, May 26, 1975 at 10:15 A.M.

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

By order of

S. ERIC DINENNA
Zoning Commissioner of Baltimore County

May 9.

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 9, 1975

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., announced on May 9, 1975, successive weeks before the 26th day of May, 1975, the first publication appearing on the 26th day of May, 1975.

THE JEFFERSONIAN.

S. L. Smith, Jr.
Manager

Cost of Advertisement, \$ _____

PETITION FOR A VARIANCE 9TH DISTRICT

ZONING: Petition for Variance for an Accessory Structure (Swimming Pool).

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Also known as 8401 Oakleigh Road.

Being the property of Wallace G. Berger and Katherine C. Berger, as Joint Tenants in fee, and filed with the Zoning Department.

Hearing Date: Monday, May 26, 1975 at 10:15 A.M.

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

By order of

S. ERIC DINENNA
Zoning Commissioner of Baltimore County

May 9.

THE TOWSON TIMES

TOWSON, MD. 21204 May 9 1975

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION - NORTHEAST CORNER OF OAKLEIGH ROAD

was inserted in THE TOWSON TIMES, a weekly newspaper published in Baltimore County, Maryland, once a week for one successive weeks before the 26 day of May 1975 that is to say, the same was inserted in the issues of May 9, 1975

STROMBERG PUBLICATIONS, INC.

By C. Razzan

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 9th

Posted for Monday, May 26, 1975 at 10:15 A.M.

Petitioner: Wallace Berger

Location of property: NE. Cor. of Oakleigh Rd. & Wildwood Ave.

Location of Signs: 1 Sign posted on 3rd of 8401 Oakleigh Rd.

Remarks: _____

Posted by Franklin T. Hovans, Jr. Signature _____ Date of return: 5-15-75

BALTIMORE COUNTY, MARYLAND No. 20254
OFFICE OF FIN. & REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE May 2, 1975 ACCOUNT 01-662

AMOUNT \$25.00

WHITE - CASHIER
DISTRIBUTION
PINK - AGENT
YELLOW - CUSTOMER

Gold Seal Building & Supply Co., Inc.
444 Crain Highway, South
Glen Burnie, Md. 21061

Petition for Variance for Wallace Berger

#75-205-4

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>PH</u>			Revised Plans:		Change in outline or description		Yes		No	
Previous case:			Map #							

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this _____ day of _____ 1975. Filing Fee \$ 25. Received ✓ Check _____ Cash _____ Other _____

S. Eric Dinenna
S. Eric Dinenna,
Zoning Commissioner

Petitioner Berger Submitted by Gold Seal Bldg

Petitioner's Attorney _____ Reviewed by PH

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

Mr. Wallace G. Berger
8401 Oakleigh Avenue
Baltimore, Md. 21204

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

Item 137

Your Petition has been received and accepted for filing this 21 day of April 1975

S. Eric Dinenna
S. Eric Dinenna,
Zoning Commissioner

Petitioner Wallace G. & Katherine C. Berger

Petitioner's Attorney _____ Reviewed by Franklin T. Hovans, Jr.
Chairman,
Zoning Advisory
Committee

BALTIMORE COUNTY, MARYLAND No. 20299
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE May 26, 1975 ACCOUNT 01-662

AMOUNT \$47.75

WHITE - CASHIER
DISTRIBUTION
PINK - AGENT
YELLOW - CUSTOMER

Gold Seal Building & Supply Co., Inc.
444 Crain Highway, South
Glen Burnie, Md. 21061

Advertising and posting of property for Wallace Berger

#75-205-4



