

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Frederick H. Habicht, legal owner 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 1A90.3B (3) to permit side yard setbacks of 11'-8" and 11'-9" in lieu of the required 50 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) Existing Development in this area with lesser setbacks.
- (2) Existing house too small.
- (3) Exist. house originally built for summer use only.
- (4) Desire to improve house and property for year-round living.

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.

DATE: October 20, 1975
 Contract purchaser: Frederick H. Habicht
 Address: Rt. 13 - Box 460 - Barrison Point Road - Baltimore, MD 21212
 Petitioner's Attorney: Protestant's Attorney
 Address: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 9th day of September, 1975, that the subject matter of this petition be advertised as provided by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of October, 1975, at 10:00 o'clock.

Eric Di Nenna
 Zoning Commissioner of Baltimore County.

Mr. Frederick H. Habicht
 Route 13, Box 460
 Barrison Point Road
 Baltimore, Maryland 21212

RE: Petition for Variances
 SE/S of Barrison Point Road, 6700'
 NE of Back River Neck Road - 15th
 Election District
 Frederick H. Habicht - Petitioner
 NO. 76-79-A (Item No. 35)

Dear Mr. Habicht:
 I have this date passed my Order in the above referenced matter. Copy of said Order is attached.

Very truly yours,
 S. ERIC DI NENNA
 Zoning Commissioner

SED/szl
 cc: John W. Hession, III, Esquire
 People's Council

RE: PETITION FOR VARIANCE
 Southeast side of Barrison Point Road
 6700 feet Northeast of Back River
 Neck Road, 15th District
 FREDERICK H. HABICHT, Petitioner

BEFORE THE ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 76-79-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 presence of any preliminary or final Order in connection therewith.

Charles E. Kowitz, Jr.
 Deputy People's Counsel

John W. Hession, III
 People's Council
 County Office Building
 Towson, Maryland 21204
 494-2188

I hereby certify that on this 2nd day of October, 1975, a copy of the foregoing Order was mailed to Mr. Frederick H. Habicht, Route 13, Box 460, Barrison Point Road, Baltimore, Maryland 21212, Petitioner.



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: October 14, 1975
 FROM: William D. Fraum, Director of Planning
 SUBJECT: Petition # 76-79-A. Petition for Variance for Side Yard.
Southeast side of Barrison Point Road 6700 feet more or less, northeast of Back River Neck Road.
Petitioner - Frederick H. Habicht

15th District

HEARING: Thursday, October 16, 1975 at 10:00 A.M.

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

William D. Fraum
 William D. Fraum,
 Director of Planning

WDF:NEG:mb



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 23, 1975

COUNTY OFFICE BLDG.
 111 W. Chesapeake Avenue
 Towson, Maryland 21284

Franklin T. Hogans, Jr.
 Chairman

- BOARD OF ADMINISTRATION
- HEALTH DEPARTMENT
- BUREAU OF FIRE PREVENTION
- DEPARTMENT OF TRAFFIC ENGINEERING
- STATE HIGHWAY ADMINISTRATION
- BUREAU OF ENGINEERING
- PROJECT AND DEVELOPMENT PLANNING
- INDUSTRIAL DEVELOPMENT COMMISSION
- BOARD OF EDUCATION
- OFFICE OF THE BUILDING OFFICER

Mr. Frederick H. Habicht
 Rte 13, Box 460
 Barrison Point Road
 Baltimore, Maryland 21212

RE: Variance Petition
 Item 35
 Frederick H. Habicht - Petitioner

Dear Mr. Habicht:

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 Commissioner with recommendations as to the appropriateness of the requested zoning.

The subject property is located on the southeast side of Barrison Point Road, 6700' northeast of Back River Neck Road, and is currently improved with a single family residence fronting on Hawk Cove.

The petitioner is requesting a Variance to permit additions to the front and rear of the existing building in this RDP zone. Adjacent properties are improved with single family residences on water front properties.

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

Mr. Frederick H. Habicht
 Re: Item 35
 September 23, 1975
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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. Hogans, Jr.
 FRANKLIN T. HOGANS, JR.
 Chairman, Zoning Plans
 Advisory Committee

FTH:JD
 Enclosure

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



**PETITION AND SITE PLAN
 EVALUATION COMMENTS**

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 Petitioner.

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, the Variance to permit side yards of 11 feet, 8 inches and 11 feet, 9 inches in lieu of the required 50 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 20th day of October, 1975, that the herein Petition for the aforementioned Variance should be and the same is GRANTED, from and after the date of this Order, subject to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

[Signature]
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

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.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND
JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLIFFORD, P.E. Wm. T. MILLER
DIRECTOR DEPUTY TRAFFIC ENGINEER

September 4, 1975

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

Re: Item 35 - ZAC - August 26, 1975
Property Owner: Frederick H. Habicht
Location: SE/S of Barrison Point Rd. 6700 NE of Back River Neck Rd.
Existing Zoning: RDP
Proposed Zoning: Variance from Sec. 1A00.3B (3) to permit side yard setbacks of 11'8" & 11'9" in lieu of the required 50'.
No. of Acres:
District: 14th

Dear Mr. DiNenna:
No traffic engineering problems are anticipated by the requested variance to the side yard.

Very truly yours,
[Signature]
Michael S. Flanigan
Traffic Engineering Associate

NSF/bza

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

September 5, 1975

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

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

Dear Mr. DiNenna:

Comments on Item #35, Zoning Advisory Committee Meeting, August 26, 1975, are as follows:

Property Owner: Frederick H. Habicht
Location: SE/S of Barrison Point Rd. 6700' NE of Back River Neck Road
Existing Zoning: RDP
Proposed Zoning: Variance from Sec. 1A00.3B (3) to permit side yard setbacks of 11'8" & 11'9" in lieu of the required 50'.
No. of Acres:
District: 15th

The septic system is apparently functioning properly since no evidence of an overflow could be found.

The existing drilled water well is in good physical condition.

Very truly yours,

[Signature]
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

EHVB:dls

Baltimore County, Maryland
Department of Public Works
COUNTY OFFICE BUILDING
TOWSON, MARYLAND 21204

Chief of Engineering
EUGENE W. DYER, P.E., C.E.

September 19, 1975

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

Re: Item #35 (1975-1976)
Property Owner: Frederick H. Habicht
S/SE of Barrison Point Rd., 6,700' N/E of Back River Neck Rd.
Existing Zoning: RDP
Proposed Zoning: Variance from Sec. 1A00.3B(3) to permit side yard setbacks of 11' 8" and 11' 9" in lieu of the required 50'.
District: 15th

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.

General:

The submitted plan must be revised to indicate that this property is situated in the 15th Election District of Baltimore County, not the 14th as shown. Further, another reference as to location of this 50-foot lot, perhaps in relation to Rocky Point Road rather than Back River Neck Road, over a mile away, would be helpful, together with its Property Parcel Number as appears on Tax Map No. 105.

Highways:

Barrison Point Road, an existing public road, is proposed to be improved in the future as a 30-foot closed section roadway on a 50-foot right-of-way. Highway improvements are not required at this time. Highway right-of-way widening, including any necessary reversible easements for slopes will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering; the submitted plan must 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.

WNP/ml

H. EMILE PARKS, PRESIDENT
LUCIENE C. HENB, VICE-PRESIDENT
MR. ROBERT J. BERNIEY

MARQUE M. ROTZGAR
JOSEPH W. MCGOWAN
ALVIN LEVICKY
JOSHUA B. WICKLER, SECRETARY

F. RAYARD WILLIAMS, JR.
REHARD W. TRACY, V.M.D.
MR. RICHARD E. WOFFERL

Item #35 (1975-1976)
Property Owner: Frederick H. Habicht
Page 2
September 19, 1975

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage 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.

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are not available to serve this property which is utilizing private onsite facilities. This property is beyond the Urban Rural Reassessment Line and the Baltimore County Comprehensive Water and Sewerage Plan indicates "Planned Service" in the area in 11 to 30 years.

Very truly yours,

[Signature]
EUGENE W. DYER, P.E.
Chief, Bureau of Engineering

END:RAH:FW:es

cc: John J. Trenner
John Somers

ZZ-SW Key Sheet
12 SE 41 Pcc. Sheet
SE 3 K Topo
105 Tax Map

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: August 26, 1975

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

Z.A.C. Meeting of: August 26, 1975

Re: Item 35
Property Owner: Frederick H. Habicht
Location: SE/S of Barrison Point Rd. 6700' N.E. of Back River Neck Rd.
Present Zoning: RDP
Proposed Zoning: Variance from Sec. 1A00.3B(3) to permit side yard setbacks of 11'8" & 11'9" in lieu of the required 50'.

District: 14th
No. Acres:

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

[Signature]

W. Nick Petrovich,
Field Representative.

WILLIAM D. FROMM
DIRECTOR
S. ERIC DINENNA
ZONING COMMISSIONER



September 18, 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 #35, Zoning Advisory Committee Meeting, August 26, 1975, are as follows:

Property Owner: Frederick H. Habicht
Location: SE/S of Barrison Point Road 5100' NE of Back River Neck Road
Existing Zoning: R.D.P.
Proposed Zoning: Variance from Sec. 1A00.3B(3) to permit side yard setbacks of 11'5" and 11'9" in lieu of the required 50'.
No. of Acres:
District: 14th

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,

[Signature]
John L. Wimbley
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 494-3211 ZONING 494-3381

