

76-226-A (Rev. No. 109) **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, George Osher, 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 1802.30(1) to permit side yard setbacks of (5) feet on ^{both} ~~each~~ sides in lieu of the required (10) feet respectively.

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

The purpose of the petition is to relieve the hardship occasioned by the setback restrictions in view of the circumstances surrounding the location of the existing property, the proposed new property and the relative situs of the other properties on Oakleigh Road. As the condition of the existing dwelling is beyond repair, the only alternative is to raise the existing structure and replace it with a new single family dwelling. Since it would be practically impossible to construct a single family dwelling with a side to side dimension of under (40) feet, and still be compatible with the other dwellings in the area, refusal to grant the exception will result in a substantial and unnecessary hardship to the applicant.

See attached description

Property is to be posted and advertised as prescribed by Zoning Regulations. 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: George Osher Legal Owner
Address: 28 Walker Avenue
Pikesville, Md. 21208
Petitioner's Attorney: _____
Protestant's Attorney: _____
Address: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 23rd day of March, 1976, 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 28th day of April, 1976, at 7:15 o'clock P.M.
Eric DiNenna
Zoning Commissioner of Baltimore County.

(over)

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NW/S of Oakleigh Road 224.01 feet : OF BALTIMORE COUNTY
NE of Orlando Road, 9th District
GEORGE OSHER, Petitioner : Case No. 76-226-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.

Charles E. Kountz, Jr. John W. Hession, III
Charles E. Kountz, Jr. John W. Hession, III
Deputy People's Counsel People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 23rd day of April, 1976, a copy of the foregoing Order was mailed to Mr. George Osher, 28 Walker Avenue, Pikesville, Maryland 21208, Petitioner.



baltimore county
department of health
TOWSON, MARYLAND 21204
DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

April 30, 1976

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

Dear Mr. DiNenna:

Comments on Item #184, Zoning Advisory Committee Meeting, March 16, 1976, are as follows:

Property Owner: George Osher
Location: NW/S Oakleigh Road 224.01' NE Orlando Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 5' in lieu of the required 10'.
Acres: 50 x 226.09
50.07 x 231.07
District: 9th

Metropolitan water and sewer available.

Very truly yours,

Thomas R. Devlin
Thomas R. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

THD:rsd

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 494-3550
STEPHEN E. COLLINS
DIRECTOR

April 26, 1976

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

Re: Item 184 - ZAC - March 16, 1976
Property Owner: George Osher
Location: NW/S Oakleigh Rd. 224.01' NE Orlando Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 5' in lieu of req. 10'.
Acres: 50 x 226.09
50.07 x 231.07
District: 9th

Dear Mr. DiNenna:

No major traffic engineering problems are anticipated by the requested variance to the side yard setbacks.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

MSF:inc

W. F. SADLER, INC.
458 main street, reiderstown, maryland 21136 301-833-3340
william t. sadler
david a. getkens

Job No. 1342

DESCRIPTION TO ACCOMPANY APPLICATION FOR SPECIAL EXCEPTION FOR
SIDELINE VARIANCE

LOCATION: 8108 OAKLEIGH ROAD, ELECTION DISTRICT NO. 9
BALTIMORE COUNTY, MARYLAND

DATE: MARCH 5, 1976

DESCRIPTION:
Beginning for the same on the Northwest side of Oakleigh Road, 40 feet wide, located 224.01 feet Northeastly from the corner formed by the Northwest side of Oakleigh Road and the Northeast side of Orlando Road, 40 feet wide, said point of beginning also being at the division line between lots nos. 82 and 83 as shown on plat of Hillendale Park recorded among the Land Records of Baltimore County in Plat Book L.M.C.L. 9 Folio 10, and running thence Northeastly binding on the Northwest side of Oakleigh Road 50 feet and running thence North 79 Degrees 48 Minutes 40 Seconds West 226.09 feet, North 68 Degrees 41 Minutes West 2.17 feet, South 18 Degrees 22 Minutes 30 Seconds West 50.07 feet, South 68 Degrees 41 Minutes East 4.59 feet, and South 79 Degrees 48 Minutes 40 Seconds East 231.07 feet to the place of beginning.

Being and intended to be all of lots nos. 83 and 84 and a portion of lots nos. 211 and 212, as shown on plat of Hillendale Park, recorded among the Land Records of Baltimore County in Plat Book L.M.C.L. 9 Folio 10.

Being all the same parcel conveyed by Jessie G. Kyger and wife to George Osher by Assignment dated June 14, 1974 and recorded among the Land Records of Baltimore County in Liber 5454 Folio 914.

BY: William T. Sadler DATE: 3-5-1976
William T. Sadler P.L.S. 7730

April 30, 1976

Mr. George Osher
28 Walker Avenue
Baltimore, Maryland 21208

RE: Petition for Variances
NW/S of Oakleigh Road, 224.01'
NE of Orlando Road - 9th Elec-
tion District
George Osher - Petitioner
NO. 76-226-A (Item No. 184)

Dear Mr. Osher:

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

Very truly yours,

S. ERIC DINENNA
S. ERIC DINENNA
Zoning Commissioner

SED/scw

Attachments

cc: Mr. Oliver Clemens
8110 Oakleigh Road
Baltimore, Maryland 21234

John W. Hession, III, Esquire
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: April 19, 1976

FROM: William D. Fromm, Director of Planning
Petition #76-226-A.

SUBJECT: Petition for Variance for Side Yards.
Northwest side of Oakleigh Road 224.01 feet Northeast of Orlando Road
Petitioner - George Osher

9th District

HEARING: Wednesday, April 28, 1976 (7:15 P.M.)

There are no comprehensive planning factors requiring comment on this petition.

William D. Fromm
William D. Fromm, Director
Office of Planning

WDF:JGH:rw

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

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 197 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 Variances to permit side yard setbacks of five feet on both sides in lieu of the required ten feet should NOT BE GRANTED.

BY IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day

of April 1976, that the above Variances be and the same are hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
George Osher
28 Walker Avenue
Pikesville, Md. 21083
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
Item 184
Your Petition has been received and accepted for
filing this 30th day of March 1976
S. Eric DiNenna
Zoning Commissioner
Petitioner George Osher
Petitioner's Attorney Reviewed by
W. T. Sadler, Inc.
458 Main Street
Reisterstown, Md. 21136
Franklin T. Hogans, Jr.
Chairman,
Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

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

Franklin T. Hogans, Jr.
Chairman

MEMBERS
BUREAU OF
ENGINEERING
DEPARTMENT OF
TRAFFIC ENGINEERING
STATE ROADS COMMISSION
BUREAU OF
FIRE PREVENTION
HEALTH DEPARTMENT
PROJECT PLANNING
BUILDING DEPARTMENT
BOARD OF EDUCATION
ZONING ADMINISTRATION
INDUSTRIAL
DEVELOPMENT

April 12, 1976

Mr. George Osher
28 Walker Avenue
Pikesville, Maryland 21083

RE: Variance Petition
Item 184
George Osher - Petitioner

Dear Mr. Osher:

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 northwest side of Oakleigh Road, 224.01 feet northeast of Orlando Road, and is currently improved with a single family detached dwelling, located in the extreme rear of the property. The petitioner is requesting side yard Variances of 5 feet for each side in lieu of the required 10 feet in order that a single family detached dwelling may be constructed at a distance of 50 feet from Oakleigh Road. In conjunction with this construction the petitioner proposes to remove the existing dwelling to the rear. Adjacent properties are improved with single family detached dwellings on the west side of Oakleigh Road.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the

Mr. George Osher
Re: Item 184
April 12, 1976
Page 2

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. Hogans, Jr.
FRANKLIN T. HOGANS, JR.
Chairman, Zoning Plans
Advisory Committee

FTH:JD

cc: W. T. Sadler, Inc.
458 Main Street
Reisterstown, Md. 21136

baltimore county
department of public works
TOWSON, MARYLAND 21204

April 9, 1976

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

Re: Item #184 (1975-1976)
Property Owner: George Osher
N/WS Oakleigh Rd., 224.01' N/E Orlando Rd.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks
of 5' in lieu of the required 10'.
Acres: 50 x 226.09 District: 9th
50.07 231.07

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, an existing public road, is proposed to be improved in the future as a 40-foot closed section roadway on a 60-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.

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 #184 (1975-1976)
Property Owner: George Osher
Page 2
April 9, 1976

Water and Sanitary Sewer:

Public water supply and sanitary sewerage exist in Oakleigh Road.

The Petitioner is responsible for the cost of capping any water main connection and plugging any sanitary sewer house connection not used to serve the proposed dwelling.

Additional fire hydrant protection may be required in the vicinity.

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:es

cc: J. Trenner
J. Somers
W. Munchel

N-NE Key Sheet
32 NE 11 Pos. Sheet
NE S C Topo
70 Tax Map

baltimore county
fire department
TOWSON, MARYLAND 21204
(301) 825-7310

Paul H. Reincke
CHIEF

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: George Osher

Location: NW/S Oakleigh Road 224.01' NE Orlando Road

Item No. 184 Zoning Agenda March 16, 1976

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- (XXX) 6. Site plans are approved as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

Reviewer: Planning Group Special Inspection Division Noted and Approved: Acting Deputy Chief Fire Prevention Bureau

baltimore county
office of planning and zoning
TOWSON, MARYLAND 21204
(301) 494-3211
WILLIAM D. FROMM
DIRECTOR

April 2, 1976

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 #184, Zoning Advisory Committee Meeting, March 16, 1976, are as follows:

Property Owner: George Osher
Location: NW/S Oakleigh Road 224.01' NE Orlando Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 5' in lieu of the required 10'
Acres: 50 x 226.09
50.07 231.07
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
John L. Wimbley
Planning Specialist II
Project and Development Planning

BOARD OF EDUCATION
OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: March 16, 1976

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

Z.A.C. Meeting of: March 16, 1976

Re: Item 184
Property Owner: George Osher
Location: NW/4 Oakleigh Rd. 224.01' N.E. Orlando Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 5' in lieu of the required 10'.

District: 9th
No. Acres: 50.07 x 226.09
251.07

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

Wick Petrowich
W. Nick Petrowich,
Field Representative.

WNP/ml

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 8th day of Mar 1976. Filing Fee \$ 25. Received check
Cash
Other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner Osher Submitted by Wick Petrowich
Petitioner's Attorney Wick Petrowich Reviewed by Wick Petrowich

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



TOWSON, MD. 21204

April 8, 1976

THIS IS TO CERTIFY, that the annexed advertisement of Petition for a Variance-- Osher was inserted in the following:

- | | |
|--|--|
| ☐ Catonsville Times | ☐ Towson Times |
| ☐ Dundalk Times | ☐ Arbutus Times |
| ☐ Essex Times | ☐ Community Times |
| ☐ Suburban Times East | ☐ Suburban Times West |

weekly newspapers published in Baltimore, County, Maryland, once a week for one ~~several~~ weeks before the 28th day of April 1976, that is to say, the same was inserted in the issues of April 8, 1976.

STROMBERG PUBLICATIONS, INC.

By E. Patricia Stromberg

PETITION FOR A VARIANCE

SECTION: Petition for Variance from the Zoning Regulations of Baltimore County. LOCATION: Northwest side of Oakleigh Road, 224.01' N.E. Orlando Rd. DATE & TIME: Wednesday, April 14, 1976 at 7:15 P.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.

Petition for Variance from the Zoning Regulations of Baltimore County. LOCATION: Northwest side of Oakleigh Road, 224.01' N.E. Orlando Rd. DATE & TIME: Wednesday, April 14, 1976 at 7:15 P.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.

CERTIFICATE OF PUBLICATION

TOWSON, MD. April 8, 1976

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 one time ~~several~~ weeks before the 28th day of April, 1976, the 8th publication appearing on the 8th day of April 1976.

THE JEFFERSONIAN,

Manager.

Cost of Advertisement, \$.....

Posted (2 times)

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#76-226-A

District 9th Date of Posting 4/8 & 4/14/76
Posted for: Hearing, Md. Code, 224.01' N.E. Orlando Rd.
Petitioner: George Osher
Location of property: NW/4 of Oakleigh Road, 224.01' N.E. Orlando Rd.
Location of Signs: 1 Sign, Posted @ 8108 Oakleigh Rd.

Remarks: Mal. H. Hues Date of return 4/15/76
Posted by Mal. H. Hues Signature

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

No. 33318

DATE April 5, 1976 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED FROM Mayfair Realty Co., 28 Walker Ave., Pikesville, Md. 21208

FOR Petition for Variance George Osher #76-226-A

48051 APR 6 2 50 C MDC

VALIDATION OR SIGNATURE OF CASHIER

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

No. 33363

DATE April 27, 1976 ACCOUNT 01-662

AMOUNT \$57.25

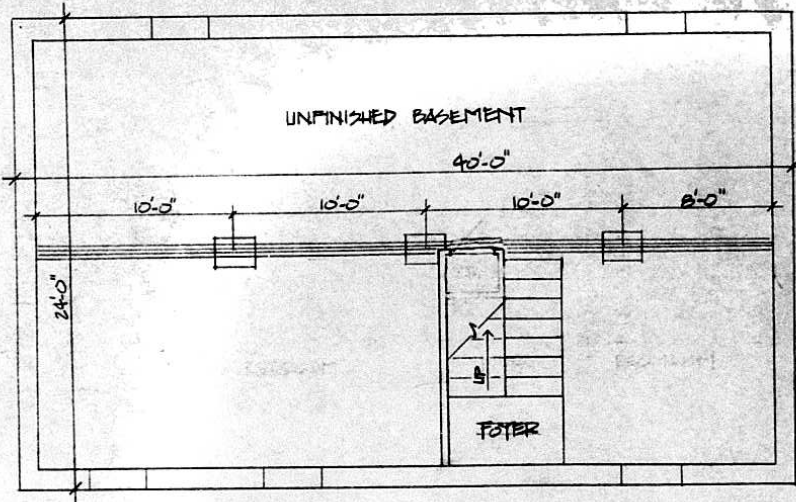
RECEIVED FROM Mayfair Realty Co., 28 Walker Ave., Pikesville, Md. 21208

FOR Advertising and posting of property #76-226-A

48053 APR 28 57.25 MDC

VALIDATION OR SIGNATURE OF CASHIER





BASEMENT PLAN

SC: 1/4" = 1'-0"

240# ASPHALT SHINGLES,
150 FELT, 1/2" PLYWOOD

TRE-PAD TRUSS

ALU. GUTTER

VENTED SOFFIT

ALUMINUM SIDING,
1/2" CELESTEX, 2x4 STUDS,
INSULATION, 1/2" DRYWALL

2x10's @ 16" o.c.

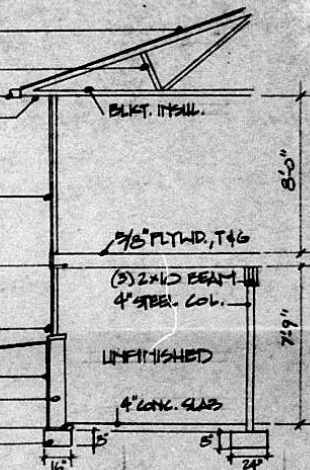
ALUMINUM SIDING,
1/2" CELESTEX, 2x4 STUDS,
INSULATION,
APPROX. GRADE

WATERPROOFING

8" POURED FOUNDATION

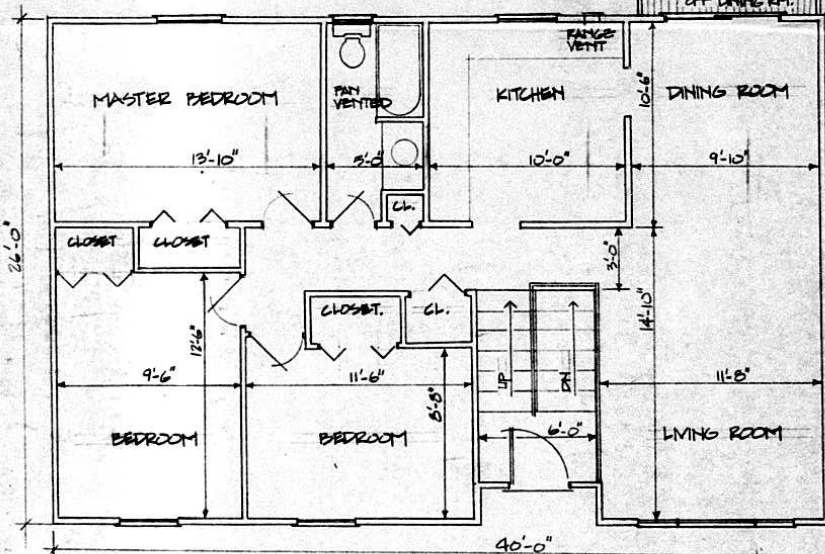
4" DRAIN

CONC. FTG



TYPICAL SECTION

SC: 1/4" = 1'-0"



FLOORPLAN

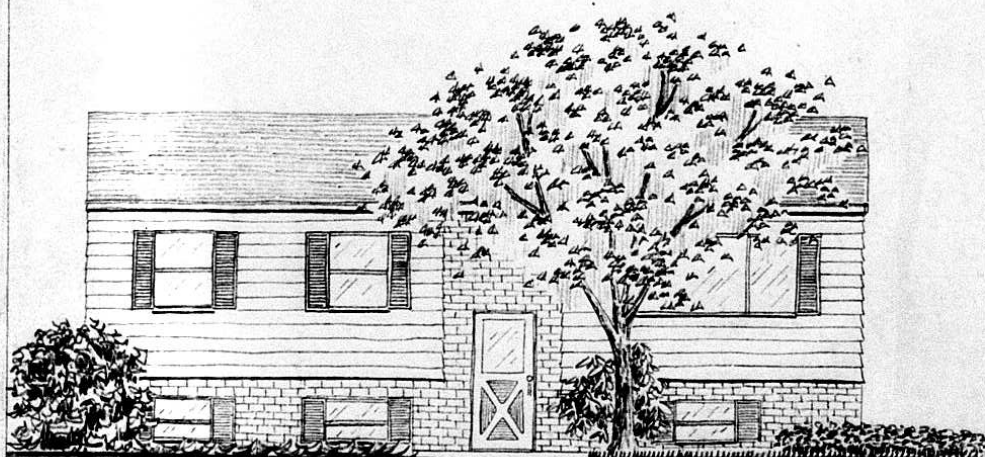
SC: 1/4" = 1'-0"

K & E CONSTRUCTION CORP.

ART WARD, PRESIDENT

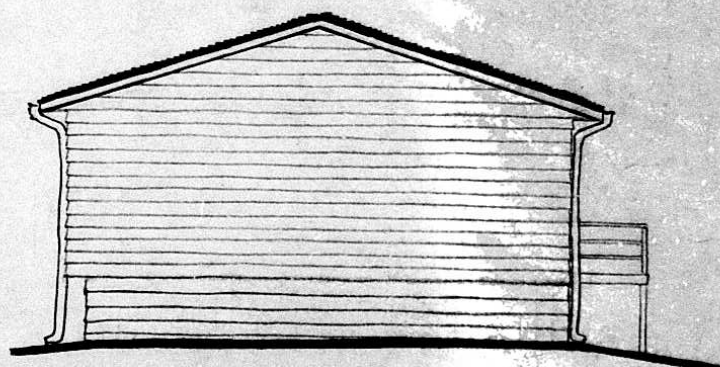
P.O. BOX 175

HAMPSTEAD, MARYLAND 21074



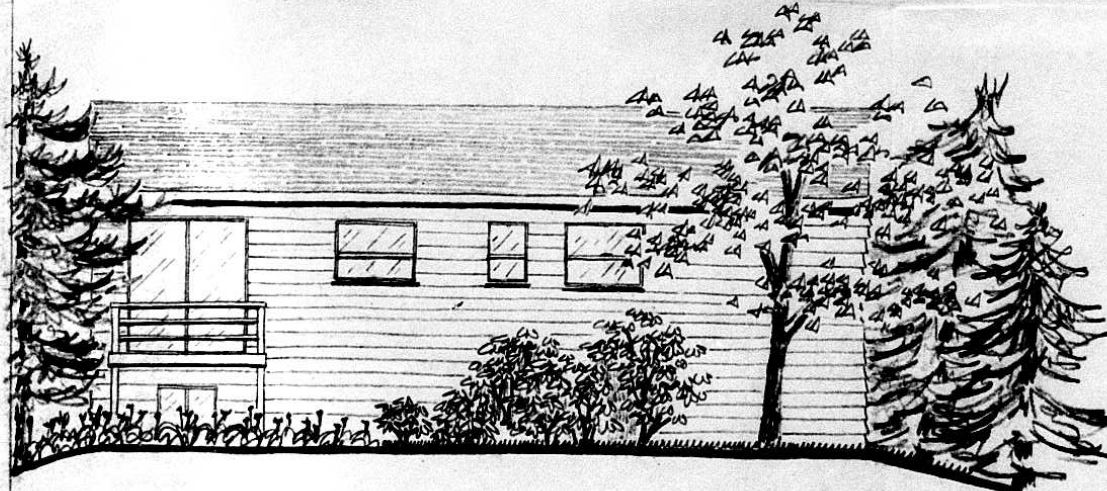
FRONT ELEVATION

SC: 1/4" = 1'-0"



TYPICAL END ELEVATION

SC: 1/4" = 1'-0"



REAR ELEVATION

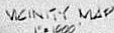
SC: 1/4" = 1'-0"

K & E CONSTRUCTION CORP.

ART WARD, PRESIDENT

P.O. BOX 175

HAMPSTEAD, MARYLAND 21074



PC-100
01/10/10



3C
 NE8-C
 9
 3-15-76
 ✓
 6-8-76
 11A

EX ZONING: Q2-52

W.T. BADLER, INC.
OVERSEAS
255 MAIN STREET
WILMINGTON, DELAWARE



OWNER
GEORGE OCHER
20 HALLER AVENUE
MILLSVILLE, MARYLAND
21108