

76-243-A #209 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, James D. & Sara H. Koogle, 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, hereby petition for a Variance from Section 1802.38 (Section III G. 3. (Amendment 1953)) to permit a side setback of 8.8 feet in lieu of the required 10 feet and a sum of the side yard setbacks of 16.1 feet in lieu of the required 17 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (citing hardship in practical difficulty):

There is an existing structure on this property which structure was built in 1976 whereupon an addition was added to the said structure and it is now in violation of the zoning code. The parties hereto are desirous of transforming the said property which said settlement is to take place on or before May 21, 1976. Therefore we would appreciate a variance to this problem. The said parties of the third part are in the process of constructing a new home, which would cause extreme difficulties and hardship on the parties involved herein.

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 be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser _____ Legal Owner _____
Address _____
Petitioner's Attorney _____
Protestant's Attorney _____
Address _____

On this _____ day of _____, 1976, the Zoning Commissioner of Baltimore County, this _____ day of _____, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1976, at _____ o'clock.

Eric DiNenna
Zoning Commissioner of Baltimore County
(over)

RE: PETITION FOR VARIANCE
5/5 of Tollgate Rd. 634 feet W of
Lingate Lane, 4th District
JAMES D. & SARA H. KOOGLE
Petitioners
: BEFORE THE ZONING COMMISSIONER
: OF BALTIMORE COUNTY
: Case No. 76-243-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.
Deputy People's Counsel

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

I HEREBY CERTIFY that on this 20th day of May, 1976, a copy of the foregoing

Order was mailed to Mr. & Mrs. James D. Koogle, 119 Tollgate Road, Owings Mills, Maryland 21117, Petitioners.

John W. Hession, III

June 7, 1976

Mr. & Mrs. James D. Koogle
119 Tollgate Road
Owings Mills, Maryland 21117

RE: Petition for Variances
8/5 of Tollgate Road, 634' W of
Lingate Lane - 4th Election District
Jamm: D. Koogle, et ux - Petitioners
NO. 76-243-A (Item No. 209)

Dear Mr. & Mrs. Koogle:

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

Very truly yours,

GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM/mc

Attachments

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

DESCRIPTION FOR VARIANCE

Located on the South Side of Tollgate Road approximately 6 1/2 feet West of Lingate Lane and known as lot 11 as shown on Plat of Tollgate which is recorded among the Land Records of Baltimore County in Liber 19, Folio 131.

Also known as 119 Tollgate Road.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

S. Eric DiNenna
TO: Zoning Commissioner _____ Date: May 17, 1976
William D. Fromm
FROM: Director of Planning _____

SUBJECT: Petition 76-243-A - Petition for Variance from the Zoning Regulations of Baltimore County to permit a side yard of 8.8 feet instead of the required 10 feet and a sum of the side yard setbacks of 16.1 feet instead of the required 17 feet. Petitioner - James D. Koogle and Sara H. Koogle

4th District

Hearing: Wednesday, June 2, 1976 at 10:15 A.M.

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

William D. Fromm
Director of Planning

WDF/JGH/mec

baltimore county
department of public works
TOWSON, MARYLAND 21204
(301) 494-3900
STEPHENE COLLINS
DIRECTOR

May 12, 1976

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

Re: Item 209 - EAC - April 20, 1976
Property Owner: James D. & Sara H. Koogle
Location: 5/5 Tollgate Rd. 634' W Lingate Lane
Existing Zoning: D.R. 3.5
Proposed Zoning: Variance to permit side setback of 8.8' in lieu of the required 10' and a sum of both sideyards of 16.1' in lieu of the required 17'

Dear Mr. DiNenna:

The requested variances to the sideyard setbacks are not expected to cause any major traffic problems.

Very truly yours,

Richard D. Hungen
Traffic Engineer Associate

MSF:mc

baltimore county
department of public works
TOWSON, MARYLAND 21204

June 17, 1976

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

Re: Item #209 (1975-1976)
Property Owner: James D. & Sara H. Koogle
5/5 Tollgate Rd., 634' W. Lingate Lane
Existing Zoning: DR 3.5
Proposed Zoning: V. allow to permit side setback of 8.8' in lieu of the required 10' and a sum of both sideyards of 16.1' in lieu of the required 17'.

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:

This property appears as a part of Parcel 277 on Tax Map 58, not Parcel 279.

Baltimore county highway and utility improvements are not directly involved. However, Tollgate Road is proposed to be improved in the future as a 40-foot closed section roadway on a 60-foot right-of-way. Any additional highway right-of-way widening or reversible easements for slopes as may be necessary will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering.

Very truly yours,

William D. Fromm
ELLENWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END: EAM: PWR: ss

cc: J. Trener
J. Sowers
7-SW Key Sheet
46 SW 14 Post Sheet
58 Tax Map
SW 12 1 Topo

baltimore county
department of health
TOWSON, MARYLAND 21204

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

June 17, 1976

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

Dear Mr. DiNenna:

Comments on Item #209, Zoning Advisory Committee Meeting, April 20, 1976, are as follows:

Property owner: James D. & Sara H. Koogle
Location: 5/5 Tollgate Rd. 634' W. Lingate Ln.
Existing Zoning: D.R. 3.5
Proposed Zoning: Variance to permit side setback of 8.8' in lieu of the required 10' and a sum of both sideyards of 16.1' in lieu of the required 17'.

Acres: 61.10 167.59
64.29 187.60
District: 4th

Metropolitan water and sewer are available.

Very truly yours,

Thomas S. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HSR:pb

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 a side yard of 8.8 feet instead of the required 10 feet and a sum of the side yard setbacks of 16.1 feet should be granted. Instead of the required 17 feet. IT IS ORDERED by the Zoning Commissioner of Baltimore County this 7th day of June 1976 that the herein Petition for the aforementioned Variances be and the same are 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.

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 1976, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

May 13, 1976

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

Franklin T. Wynne, Jr.
Chairman

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

Mr. James D. Koogle
119 Tollgate Road
Owings Mills, Maryland 21117

RE: Variance Petition
Item 209
James D. & Sara H. Koogle -
Petitioners

Dear Mr. Koogle:

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 south side of Tollgate Road, 634 feet west of Lingate Lane, and is currently improved with a one-story frame structure. The petitioner is requesting a Variance to permit what appears to be an existing deficient setback situation. According to the petitioner's petition, the addition constructed in 1974 apparently causes this zoning problem, and the problem has now surfaced to jeopardize the transfer of clear and unencumbered title of the property.

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.

Mr. James D. Koogle
Re: Item 209
May 13, 1976
Page 2

will be forwarded to you in the near future.

Very truly yours,

Franklin T. Wynne, Jr.
Chairman, Zoning Plans
Advisory Committee

FTH:DD
Enclosure

cc: The Wilson T. Ballard Co.
17 Gwynn Mill Court
Owings Mills, Md. 21117



Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Attention: Mr. James D. Koogle
Zoning Advisory Committee

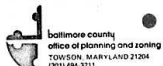
Re: Property Owner: James D. & Sara H. Koogle
Location: S/S Tollgate Road (34') W Lingate Lane

Item No. 209 Zoning Agenda

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 accepted 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 "Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as shown.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

Reviewed: [Signature] Dated and Approved: [Signature]
Planning Group / Acting Deputy Chief
Special Inspection Division / Fire Prevention Bureau



WILLIAM D. FROMM
DIRECTOR
May 11, 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 #209, Zoning Advisory Committee Meeting, April 20, 1976, are as follows:

Property Owner: James D and Sara H Koogle
Location: S/S Tollgate Road 634' W. Lingate Lane
Existing Zoning: D.R.3.5
Proposed Zoning: Variance to permit side setback of 8.8' in lieu of the required 10' and a sum of both sideyards of 16.1' in lieu of the required 17'

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 ensure 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. Winkler
Planning Specialist
Project and Development Planning

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: April 22, 1976

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

Z.A.C. Meeting of: April 20, 1976

Re: Item 209
Property Owner: James D. & Sara H. Koogle
Location: S/S Tollgate Rd. 634' W. Lingate Lane
Present Zoning: D.R. 3.5
Proposed Zoning: Variance to permit side setback of 8.8' in lieu of the required 10' and a sum of both sideyards of 16.1' in lieu of the required 17'.

District:
No. Acres:

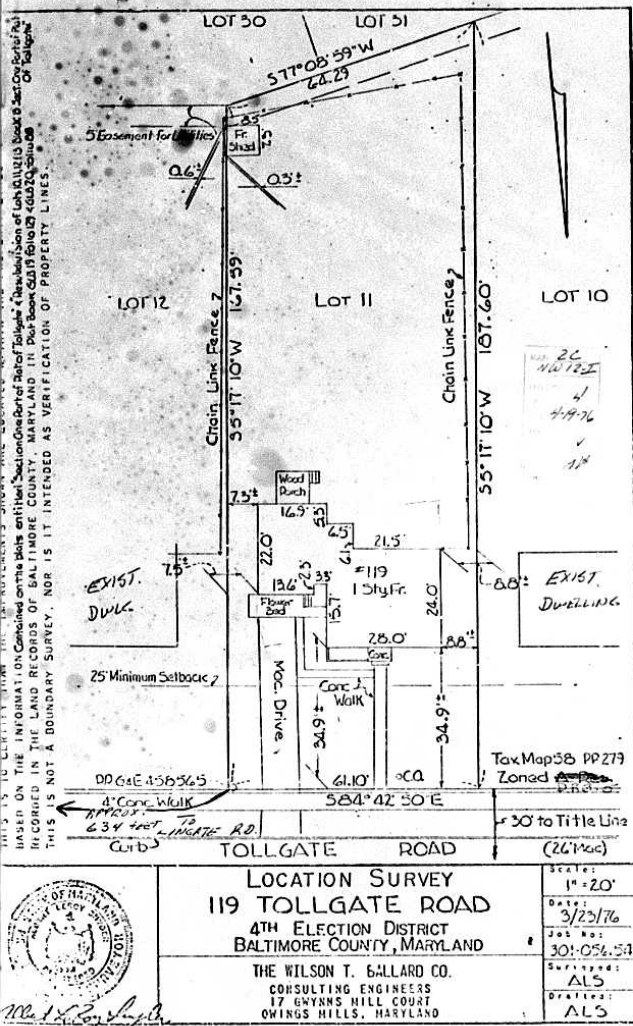
Dear Mr. DiNenna:

No zoning consultant present.

Very truly yours,

[Signature]
W. Nick Petrowsky
Field Representative

WSP/ml



CERTIFICATE OF PUBLICATION

TOWSON, MD. May 13, 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~~ on one time ~~before the 2nd~~ before the 2nd day of June, 1976, the first publication appearing on the 13th day of May, 1976.

THE JEFFERSONIAN
Shirley A. Shuster
Manager.

Cost of Advertisement, \$ _____

OFFICE OF THE TIMES THE TIMES NEWSPAPERS

TOWSON, MD. 21204 May 13, 1976

THIS IS TO CERTIFY, that the annexed advertisement of Petition for a Variance-- Koozle 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 successive weeks before the 2nd day of June, 1976, that is to say, the same was inserted in the issues of May 13, 1976.

STROMBERG PUBLICATIONS, INC.
By: *E. Stromberg*

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: May 14, 1976

Posted for: PETITION FOR VARIANCE

Petitioner: JAMES D. KOOZLE

Location of property: 95.5' E. TOLLGATE RD. 6.34' W. E. LINGATE RD.

Location of Signs: FRONT 119 TOLLGATE RD.

Remarks: _____

Posted by: Shirley A. Shuster Date of return: MAY 21, 1976

Signature

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 15 day of Apr, 1976. Filing Fee \$ 25. Received ☒ Check ☐ Cash ☐ Other

Petitioner: KOOZLE Submitted by: HE. KOOZLE

Petitioner's Attorney: _____ Reviewed by: NBC

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

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

No. 33336

DATE: April 15, 1976 ACCOUNT: 01-662

AMOUNT: \$25.00

RECEIVED FROM: Cash - James D. Koozle

FOR: Petition for Variance

VALIDATION OR SIGNATURE OF CASHIER

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

No. 33426

DATE: June 7, 1976 ACCOUNT: 01-662

AMOUNT: \$39.25

RECEIVED FROM: James Koozle, 119 Tollgate Rd., Owings Mills, Md. 21117

FOR: Advertising and posting of property - 7/6-21, 3-1

VALIDATION OR SIGNATURE OF CASHIER

