

77-6-A 77-6-A-1 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Gerald and Genevieve Clarke, 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 1600.1 to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required front yard.

For the following reasons: (Indicate hardship or practical difficulty)

Because our backyard is too narrow to install an inground 16' x 32' swimming pool, we are petitioning for a variance to install a pool in our side yard as this is the only area available to a pool.

See attached plot plan.

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 Gerald and Genevieve Clarke
Address 2330 Foster Ave.
Baltimore, MD 21234
Petitioner's Attorney Mr. Eric D. Nenna
Address 1000 N. Howard St.

On this 18th day of July, 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 held before the Zoning Commission of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 6th day of July, 1976, at 11:15 o'clock A.M.

Eric D. Nenna
Zoning Commissioner of Baltimore County
(over)

RE: PETITION FOR VARIANCE
W/S of Foster Ave., 1000 feet N of
Hoerner Avenue, 9th District
CLARKE, GERALD & GENEVIEVE,
Petitioners
Case No. 77-6-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. Kuntz, Jr.
Charles E. Kuntz, Jr.
Deputy People's Counsel

I HEREBY CERTIFY that a copy of the foregoing Order was mailed on this 1st day of July, 1976, to Mr. and Mrs. Gerald Clarke, 2330 Foster Avenue, Baltimore, Maryland 21234, Petitioners.

John W. Hession, III
People's Counsel



July 8, 1976

Mr. & Mrs. Gerald Clarke
2330 Foster Avenue
Baltimore, Maryland 21234

RE: Petition for Variance
W/S of Foster Avenue, 1000' N of
Hoerner Avenue - 9th Election Dis-
trict
Gerald Clarke, et al - Petitioners
FO. 77-6-A (Item No. 234)

Dear Mr. & Mrs. Clarke:

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:svl

Attachments

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

DESCRIPTION FOR VARIANCE

BEGINNING at a point on the SW/side of the Baltimore County Beltway, at its intersection with the west side of right of way of the Old Harford Road overpass, and running S 4° 30' W 137 feet to the north side of Foster Avenue, thence S 86° 19' 08" W 75 feet, thence northeasterly 55 feet as shown on S.M.C. Plat No. 21246, to the point of BEGINNING.

Also known as 2330 Foster Avenue.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric D. Nenna, Zoning Commissioner Date: June 24, 1976
FROM: William D. From, Director of Planning

SUBJECT: Petition 77-6-A, Petition for Variance for an Accessory Structure (swimming pool).
West side of Foster Avenue 1000 feet, more or less, North of Hoerner Avenue.
Petitioner - Gerald Clarke and Genevieve Clarke

8th District

HEARING: Tuesday, July 6, 1976 (11:15 A.M.)

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

William D. From
Director of Planning

WDF:JGH:rw

To Whom It May Concern,

In order that we can begin immediate installation of our pool we are releasing any and all employees of Baltimore County and L. C. Mohne Contractors, Inc from all responsibilities if any appeals are made and granted by the zoning commission. We as the owners will accept all responsibilities and obligations during this thirty day period.

Gerald L. Clarke
Owner

Genevieve M. Clarke
Owner

Witness

Date



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

July 1, 1976

Re: Item #234 (1975-1976)
Property Owner: Gerald & Genevieve Clarke
W/S Foster Ave., 1000' N. Hoerner Rd.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a pool to be located in the side yard in lieu of the required rear yard.
District: 9th

Dear Mr. D. Nenna:

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 comprises part of Lot 22 of the record-d subdivision plat "Grinden Little Farms" (M.P.C. #, Folio 34). Baltimore County highway and utility improvements are not directly involved.

Highways:

Foster Avenue, an existing public street 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 revertible 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.

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.

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, the Variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the rear yard should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23 day of July, 1976, 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 Zoning Commissioner of Baltimore County Office of Planning and Zoning.

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 23 day of July, 1976, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Mr. Gerald Clark
2330 Foster Avenue
Baltimore, Md. 21204

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing
this 23rd day of July, 1976.

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner: Gerald & Genevieve Clarke

Petitioner's Attorney: _____

Reviewed by: *Franklin T. Hoagans, Jr.*
Franklin T. Hoagans, Jr.,
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

June 23, 1976

Mr. Gerald Clark
2330 Foster Avenue
Baltimore, Maryland 21204

RE: Zoning Variance Petition

Item 234
Gerald & Genevieve Clarke - Petitioners

Dear Mr. Clark:

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 north side of Foster Avenue, 1800 feet east of Hoerner Avenue, and is currently improved with a two-story dwelling. This property abuts to the right-of-way of the Baltimore Beltway, and on its easternmost side the right-of-way of the relocated Old Harford Road and its overpass at the Beltway. The petitioner is requesting a Variance to permit the construction of a swimming pool in the side yard instead of the required rear yard.

Adjacent properties are improved with similar single family dwellings.

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

Mr. Gerald Clark
Re: Item 234
June 23, 1976
Page 2

the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. Hoagans, Jr.
FRANKLIN T. HOAGANS, JR.
Chairman, Zoning Plans
Advisory Committee

FTH:JD

Enclosure



Paul H. Reincke
Chief

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

Attention: Mr. Frank Hoagans, Chairman
Zoning Advisory Committee

Re: Property Owner: Gerald & Genevieve Clarke

Location: N/S Foster Ave. 1000' E Hoerner Rd.

Item No. 234

Zoning Agenda June 1, 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 _____ around 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 prior to occupancy.
- () 6. Site plans are approved as drawn.
- (x) 7. The Fire Prevention Bureau has no comments, at this time.

Reviewed by: *Franklin T. Hoagans, Jr.* Noted and Approved: *James A. Brady*
Planning Group Zoning Deputy Chief
Special Inspection Division Fire Prevention Bureau

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND 21204

Date: June 1, 1976

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

Z.A.C. Meeting of: June 1, 1976

Re: Item 234

Property Owner: Gerald & Genevieve Clarke

Location: N/S Foster Ave. 1000' E. Hoerner Rd.

Present Zoning: D.R. 5.5

Proposed Zoning/Variance to permit a pool to be located in the side yard in lieu of the required rear yard.

District: 9th

No. Acres:

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

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

WNP/ml

JOSEPH M. WOODWARD, SECRETARY
TOWSON, MARYLAND 21204
(301) 484-3211

MICHAEL W. WOODWARD, SECRETARY
TOWSON, MARYLAND 21204
(301) 484-3211



WILLIAM D. FROMM
DIRECTOR

June 23, 1976

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

Dear Mr. DiNenna:

Comments on Item #234, Zoning Advisory Committee Meeting, June 1, 1976, are as follows:

Property Owner: Gerald and Genevieve Clarke
Location: N/S Foster Avenue, 1000' E. Hoerner Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a pool to be located in the side yard in lieu of the required rear yard

Acres:

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 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 petition.

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

Very truly yours,

John L. Winkley
John L. Winkley
Planning Specialist II
Project and Development Planning

SEP 10 1976

baltimore county
department of traffic engineering
TOWSON, MARYLAND 21204
(301) 434-3550
STEPHEN E. COLLINS
DIRECTOR

June 24, 1976

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

Re: Item 234 - ZAC - June 1, 1976
Property owner: Gerald & Genevieve Clarke
Location: N/S Foster Ave., 1000' E Hoerner Rd.
Existing Zoning: D. R. 5.5
Proposed Zoning: Variance to permit a pool to be located in the side yard in lieu of the required rear yard.
Acres:
District: 9th

Dear Mr. DiNenna:

No traffic engineering problems are anticipated by the requested variance to permit a swimming pool in the side yard.

Very truly yours,

Michael S. Planigan
Michael S. Planigan
Traffic Engineer Associate

MSF/bza

OFFICE OF
THE TIMES
NEWSPAPERS

TOWSON, MD. 21204

June 17, 1976

THIS IS TO CERTIFY, that the annexed advertisement of
Petition for a Variance-- Clarke
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
6th day of July 1976, that is to say, the same
was inserted in the issues of June 17, 1976.

STROMBERG PUBLICATIONS, INC.

BY *[Signature]*

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 17, 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., once a week
one time successive weeks before the 6th
day of July 1976, the first publication
appearing on the 17th day of June
1976.

THE JEFFERSONIAN,

[Signature]
Manager.

Cost of Advertisement, \$.....

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

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

Your Petition has been received * this 30 day of
Apr 1976 Filing Fee \$ 25 Received ✓ Check
Cash
Other

[Signature]
S. Eric DiNenna,
Zoning Commissioner

Petitioner CLARK Submitted by ALMOR
Petitioner's Attorney Reviewed by ATN

* This is not to be interpreted as acceptance of the Petition for
assignment of a hearing date.
Home 668-1500

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#77-6-A

District 9th Date of Posting 6-12-76
Posted for: Filed in Towson July 6th 1976 at 11:15 A.M.
Petitioner: Gerald L. Clarke
Location of property: N/S Foster Ave. 1000' N. of Hoerner Ave.
Location of Signs: 1000' Foster Ave. 2330 Foster Ave.
Remarks:
Posted by: Michael H. Huse Date of return: 6-24-76
Signature

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

No. 33438

DATE June 11, 1976 ACCOUNT 08-662

AMOUNT \$25.00

RECEIVED FROM: L.G. Mohr Cont., Inc. 9000 Harford Rd., Balto., Md. 21234

FOR: Petition for Variance for Gerald L. Clarke - #77-6-A

461 JUN 14 250 CASH

VALIDATION OR SIGNATURE OF CASHIER

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

No. 33489

DATE July 6, 1976 ACCOUNT 01-662

AMOUNT \$42.50

RECEIVED FROM: Gerald L. Clarke 2330 Foster Ave., Balto., Md. 21234

FOR: Advertising and posting of property #77-6-A

4807 JUL 6 4250 CASH

VALIDATION OR SIGNATURE OF CASHIER





baltimore county
department of health
TOWSON, MARYLAND 21204

CASE 77-6-A
M.D. 7/6/76

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

October 8, 1976

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

Dear Mr. DiNenna:

Comments on Item #234, Zoning Advisory Committee Meeting, June 1, 1976,
are as follows:

Property Owner:	Gerald and Genevieve Clarke
Location:	N/S Foster Ave. 1000' E. Hoerner Road
Existing Zoning:	D.R. 5.5
Proposed Zoning:	Variance to permit a pool to be located in the side yard in lieu of the required rear yard.

Acres:
District: 9th

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 H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

THJ:HER/B:EG

CC: J. A. Messina

PROPOSED POOL FOR
MR + MRS GERALD CLARK
2330 FOSTER AVE
BALD. MD 21234

Scale 1"=10'
ZONED RA 5.5

EXISTING
DWELLING

NEIGHBORS
HOUSE
16'

THAT MEANS

2-STORY HOUSE

#2330

PORCH

EXISTING FENCE

125' P R

N 51°23'43"W
141' 11"

PROPOSED POOL

PROPOSED FENCE

Point of Beginning

CULVERT

Slope

OLD HARFORD Rd OVERPASS

POOL SCHEDULES LOT LINES OF:

LOT A - BOOK 07 FOLIO 034
09-04 500 730

LOT B - BOOK 07 FOLIO 034
09-04 500-731

TRANSFER FROM SELLER:
AUGUST & ELIZABETH DOHRMANN

PART OF LOT 22 (A)

PART OF LOT 22 (B)

PROPOSED
10' STREET RIGHT AWAY

FIRE HYDRANT

S86°17'03"W 75'

1000' TO HOERNER

PROPOSED
STREET SEWER

FOSTER AVE

8" S

8" W

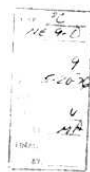
WATER MAIN

CURVES
TO ELLEN
AVE
447'

DEAD
END

ELLEN AVE.

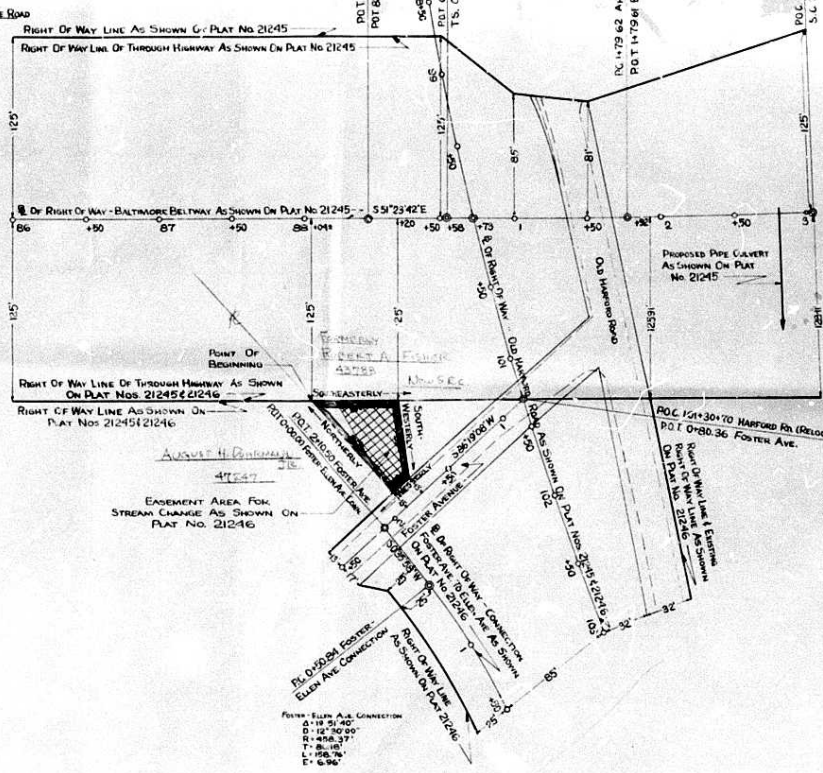
30' EXISTING
PAVING WIDTH



LEGEND FOR DRAINAGE STRUCTURES
DRAINAGE STRUCTURES CALLED FOR IN THE DEED OR DEEDS TO THE STATE OF MARYLAND TO THE USE OF THE STATE ROADS COMMISSION ARE PLANNED AT APPROXIMATELY THE FOLLOWING STATION LOCATIONS; HOWEVER, THE COMMISSION RESERVES THE RIGHT TO LOCATE OR LATER MOVE SAID DRAINAGE STRUCTURES NOT MORE THAN TWENTY-FIVE (25) FEET, PLUS OR MINUS, FROM SAID DESIGNATED STATIONS.

Sta. 2+50.00

To COMWELL DRIVE ROAD



PART OF THIS RIGHT OF WAY IS FOR AN EXPRESSWAY, AND NO ACCESS EITHER VEHICULAR, PEDESTRIAN AND/OR ANIMAL WILL BE PERMITTED ACROSS THE LINES DESIGNATED RIGHT OF WAY LINE OF THROUGH HIGHWAY EXCEPT BY MEANS OF SUCH PUBLIC ROAD CONNECTIONS AS THE COMMISSION MAY CONSTRUCT OR PERMIT TO BE CONSTRUCTED.

C. & M. MEASURED SINE RESECTION
A = 17° 22' 15"
B = 2° 30' 00"
C = 139° 01' 00"
T = 191.11
L = 954.84
E = 26.74

E. OF RIGHT OF WAY - BALTIMORE BELTWAY
A = 10° 05' 00"
B = 1° 00' 00"
C = 286° 17' 00"
T = 286.40
L = 735.14
E = 23.74

To HARFORD ROAD

NAMES OF REPORTED PROPERTY OWNERS AS SHOWN ON THIS PLAT ARE THOSE OF ORIGINAL GRANTORS TO THE COMMISSION. THE APPROXIMATE PROPERTY LINES SHOWN WERE NOT ESTABLISHED BY ACTUAL SURVEY BUT ARE INTENDED FOR AN APPROXIMATE GUIDE ONLY.

AREA TO BE CONVEYED 2,450 Sq Ft*SHOWN THUS

LOCATED IN BALTIMORE COUNTY

PREPARED BY
RIGHT OF WAY DIVISION - PLAT SECTION

Arthur L. Perkins
CHIEF, BUREAU R/W PLATS & DESCRIPTIONS

REVISIONS

STATE ROADS COMMISSION
OF MARYLAND

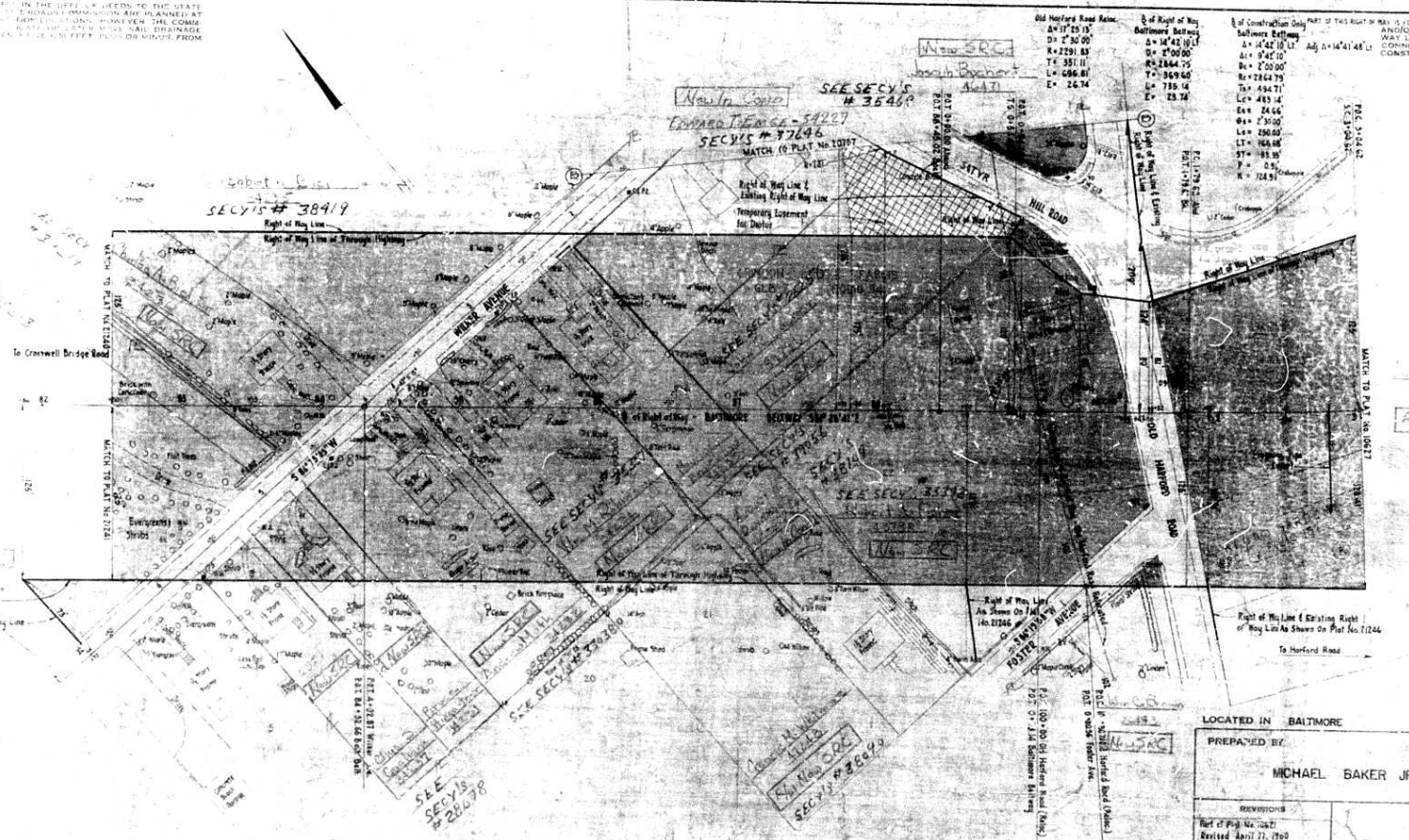
LOCH RAVEN BOULEVARD TO OLD HARFORD ROAD
CONTRACT No. B 635-6-420

SCALE
ISSUED August 15, 1961
S. L. & M. 2001
CHIEF, R/W DIVISION

PLAT No. 25528

LEGEND FOR DRAINAGE STRUCTURES
 DRAINAGE STRUCTURES CALLED FOR IN THE LEFT COLUMN TO THE STATE OF MARYLAND TO THE RIGHT COLUMN. THE DRAINAGE COMMISSION MAY PLAN AT APPROXIMATELY THE APPROXIMATE DRAINAGE STRUCTURES. HOWEVER, THE COMMISSION RESERVES THE RIGHT TO CHANGE THE DRAINAGE STRUCTURES AT ANY TIME WITHOUT NOTICE. THE DRAINAGE STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DRAINAGE ACT, CHAPTER 10, § 10-101, AND THE DRAINAGE COMMISSION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE DRAINAGE STRUCTURES.

Names of persons, property owner, as shown on this plat are those of the grantors to the commission. The approximate boundaries shown here are not established by actual survey and are intended for an approximate guide only.



LOCATED IN BALTIMORE COUNTY	
PREPARED BY MICHAEL BAKER JR., INC.	
REVISIONS Part of Plat No. 21245 Revised April 21, 1960	STATE ROADS COMMISSION OF MARYLAND BALTIMORE LOCH RAVEN BOULEVARD TO OLD HARFORD ROAD SCALE: 1"=50' ISSUED: [] CONTRACT No. 6-635-6-4-0 PLAT No. 21245