

PEITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Larry & Linda Rehberger, 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 102-2-3-1 to permit setback of front proposed side street property line from thirty feet to thirty feet as shown on the attached plat and to

permit the construction of side street instead 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.)

Lot is corner lot. Lot is 50' wide. I purchased the lot with the intention of building a home for my family and myself in an area where I grew up. Lot was sold out in early 1900's as a acceptable building lot. Changing zoning regulations makes my lot unbuildable at the present time, without a variance.

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 February 28, 1977
Contract Purchaser Larry & Linda Rehberger
Address 444 So. Savage Street
Baltimore, Maryland 21224
Petitioner's Attorney Daniel C. Conkling
32 Baltimore-Annapolis Blvd.
Glen Burnie, Maryland 21061
ORDERED By The Zoning Commissioner of Baltimore County, Maryland, on February 28, 1977 at 10:30 o'clock A.M.

RE: PETITION FOR VARIANCE
NW/C of Oak & Bay Front Rd.,
15th District
LARRY REHBERGER, et al, Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 77-135-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

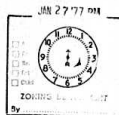
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

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

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

I HEREBY CERTIFY that on this 27th day of January, 1977, a copy of the foregoing Order was mailed to Daniel C. Conkling, Esquire, 32 Baltimore-Annapolis Boulevard, Glen Burnie, Maryland 21225, Attorney for Petitioner.

John W. Hession, III
John W. Hession, III



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: January 28, 1977
FROM: Norman E. Gerber, Acting Director of Planning
SUBJECT: Petition 77-135-A, Petition for Variance for Side Yard.
Northwest corner of Oak and Bay Front Roads
Petitioner - Larry Rehberger and Linda Rehberger

15th District

HEARING: Wednesday, February 2, 1977 (10:30 A.M.)

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

Norman E. Gerber
Norman E. Gerber
Acting Director of Planning

NEC:JGH/rw

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

February 28, 1977

Daniel C. Conkling, Esquire
32 Baltimore-Annapolis Boulevard
Glen Burnie, Maryland 21061

RE: Petition for Variances
NW/corner of Oak and Bay Front
Roads - 15th Election District
Larry Rehberger, et al -
Petitioners
NO. 77-135-A (Item No. 109)

Dear Mr. Conkling:

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/asl

Attachments

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

Item 109

Daniel C. Conkling, Esq.
32 Baltimore-Annapolis Blvd.
Glen Burnie, Maryland 21061

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 28th day of February 1977.

S. Eric DiNenna
S. Eric DiNenna
Zoning Commissioner

Petitioner: Linda & Larry Rehberger

Petitioner's Attorney: Daniel C. Conkling
32 Baltimore-Annapolis Blvd.
Glen Burnie, Md. 21061

Reviewed by: Norman E. Gerber
Norman E. Gerber
Planning & Zoning
Associate III



December 30, 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 #109, Zoning Advisory Committee Meeting, November 30, 1976, are as follows:

Property Owner: Larry and Linda Rehberger
Location: NW/C Bayfront Road and Oak Road
Existing Zoning: D.R.5.5
Proposed Zoning: Variance to permit a setback of 10' from the side street in lieu of the required 25' Acres: 50.00 x 127.28
50.01 165.10'
District: 1H

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
Planner III
Project and Development Planning

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, no adversely affecting the health, safety, and general welfare of the community, the Variance to permit a setback of 11 feet from the proposed side street property line to the required 25 feet and 36 feet from the center line of the side street in lieu of the required 50 feet should be granted.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 28th day of February, 1977, 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.

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 28th day of February, 1977, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

January 26, 1977

COUNTY OFFICE BLDG.
111 S. Calverton Ave.
Towson, Maryland 21204

Nicholas B. Conmadori

MEMBER

OFFICE OF PLANNING AND ZONING

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF PUBLIC WORKS

TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

BOARD OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Daniel C. Conkling, Esq.
32 Baltimore-Annapolis Blvd.
Glen Burnie, Maryland 21225

RE: Variance Petition
Larry & Linda Rubberger - Petitioners
Item 109

Dear Mr. Conkling:

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.

This unimproved lot, zoned D.R. 5.5, is located on the northwest corner of Bay Front & Oak Roads in the 15th Election District. Adjacent property to the east and west consist of vacant land, while residences exist to the north and south across Bay Front Road.

This Variance is to permit a side street setback of 11 feet from the proposed widening line in lieu of the required 25 feet and 36 feet from the center line of Oak Road in lieu of the required 50 feet. It should be noted that through conversation with the builder, the front or main entrance will be located on Bay Front Road and, therefore, this Variance for a side setback in lieu of a front setback is correct. In addition,

Daniel C. Conkling, Esq.
Re: Item 109
January 26, 1977
Page 2

conversation revealed that this lot had been under one ownership since before 1970, thereby eliminating the necessity of including a Variance for lot width also.

The site plan should be revised prior to the hearing to indicate the proposed widening line of Oak Road, as noted in the comments of Bureau of Engineering. In addition, particular attention should be afforded the comments of Mr. Charles Burnham, concerning Section 320.2 of the Baltimore County Building Code.

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,

Nicholas B. Conmadori

NICHOLAS B. CONMADORI,
Acting Chairman, Zoning
Plans Advisory Committee

NBC:JD

Enclosure

cc: Marshall Engineering, Inc.
660 Covington Avenue
Glen Burnie, Maryland 21061



Paul H. Reincke
Chief

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

Attention: Mr. Nicholas B. Conmadori
Zoning Advisory Committee

Re: Property Owner: Larry & Linda Rubberger

Location: 1700 Bayfront Rd. & Oak Rd.

Item No. 109

Zoning Agents 11/3/76

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "r" 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 in intervals or 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 [redacted] is not in accordance with 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 building 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.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED

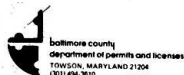
Planning Group

Special Inspection Division

Noted and approved

Metallion Chief

Fire Prevention Bureau



JOHN D. SEVITT
DIRECTOR

November 24, 1976

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

Dear Mr. DiMenna:

Comments on Item # 109 Zoning Advisory Committee Meeting, November 30, 1976 are as follows:

Property Owner: Larry & Linda Rubberger
Location: 1700 Bayfront Road & Oak Road
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a setback of 16' from the side street in lieu of the required 25'.

Acres: 50.00
District: 15th

The items checked below are applicable:

- Structure shall conform to Baltimore County Building Code (B.C.C.A.) 1970 Edition and the 1971 Supplement and other applicable codes. See specifically Section 300.2 of Baltimore County Supplement attached.
- A building permit shall be required before construction can begin.
- Three sets of construction drawings will be required to file an application for a building permit.
- Three sets of construction drawings with a registered Maryland Architect or Engineer's original seal will be required to file an application for a building permit.
- Wood frame walls are not permitted within 3' of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- No comment.
- Requested setback variance conflicts with the Baltimore County Building Code. See Section [redacted].

Very truly yours,

Charles E. Burnham

Charles E. Burnham
Plans Review Chief
CEB:rvj

Subsection 320.2 Areas Subject to Foundation by Tides

a. Where buildings are built in areas subject to foundation by tides, the first or main floor elevation shall not be lower than 10 feet above mean low tide. Such buildings shall be supported on other approved means of support.

b. Where basements or other floors are constructed below 10 feet above mean low tide, the enclosure walls and floor construction and specifically designed for water-tightness and hydraulic pressure, as certified by a Professional Engineer registered in the State of Maryland. Such walls shall be made watertight by membrane waterproofing on the exterior face and the membrane protected by 1 inch minimum cement plaster coating. All floors below 10 feet above mean low tide shall be made watertight by membrane waterproofing on 3 inch minimum concrete sub-base.

c. All areas for windows, doors, and other openings below 10 feet above mean low tide shall be made watertight as required for walls and floors as set forth in this Code.

d. All areas for windows, doors, and other openings below 10 feet above mean low tide shall be covered by service weight cast iron mill pipe in an adequate sump pump located in the basement and discharging to elevation not less than 10 feet above mean low tide; the said pump shall have a discharge capacity of not less than 15 gallons per minute.

e. Crawl spaces under floors of buildings or structures below 10 feet above mean low tide shall have enclosure walls conforming to the requirements of this Code except such enclosure walls may be of concrete masonry units set in mortar and shall be capable of withstanding the hydrostatic pressure. All openings to the crawl space, including access doors, shall be enclosed in an elevation of not less than 10 feet above mean low tide. The crawl space areas and water valve, and shall discharge to the adjacent grade or into an approved drainage system.



THOMTON M. MOURING, P.E.
DIRECTOR

January 13, 1977

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

Re: Item #109 (1976-1977)

Property Owner: Larry & Linda Rubberger
1700 Bay Front Rd. & Oak Rd.
Existing Zoning: DR 5.5
Proposed Zoning: Variance to permit a setback of 16' from the side street in lieu of the required 25'.
Acres: 50.00 x 150.28 District: 15th
50.61 155.10

Dear Mr. DiMenna:

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

Bay Front Road and Oak Road, existing public roads, are proposed to be improved in the future as 4-lane divided and 2-lane divided or 30-foot rights-of-way, respectively. Highway improvements are not required at this time. Highway rights-of-way widenings, 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 or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering.

Sediment Control

Development of this property through striping, 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 striping 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 #109 (1976-1977)
Property Owner: Larry & Linda Rubberger
Page 2
January 13, 1977

Water

A 6-inch public water main exists in Oak Road (Drawing #41-0819, File 3), southerly from North Point Creek Road and terminating approximately 10 feet south of the north property line (S. 84° 14' E. 50.0') of this lot 1063 of Lodge Forest (L.M.C.M. 10, follow 76 & 77). There is also a 6-inch public water main in Bay Front Road (Drawing #42-1086, File 3) terminating at the easternmost property line of lot 1060, approximately 105 feet west of the west property line (N. 7° 46' E. 165.10') of this lot 1061. These public water mains should be extended and connected so as to provide a looped circuit and provide the additional fire hydrant protection which is required in the vicinity.

Sanitary Sewer

Public sanitary sewerage must be extended to serve this property. There are 8-inch sanitary sewers in Oak Road and Bay Front Road, Drawings 869-0927 and 857-0385, File 1, respectively.

Very truly yours,

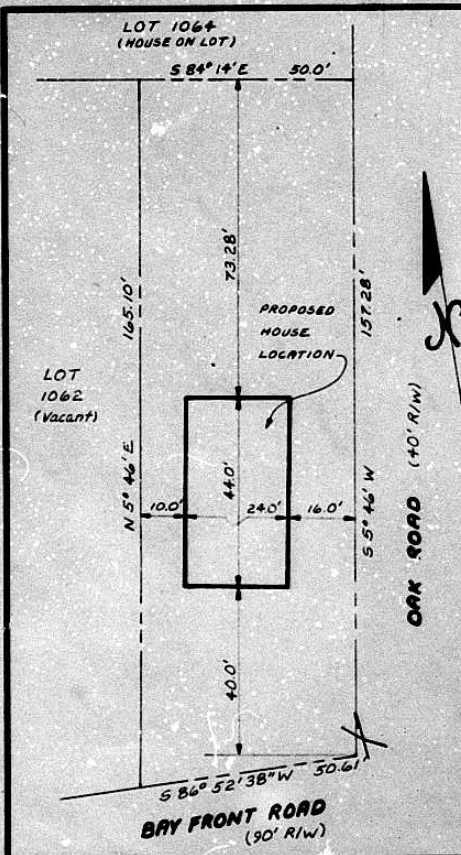
Charles E. Burnham
Chief, Bureau of Engineering

END:ENR:PM:SS

cc: J. Somers

W. Runchel

A-NE Key Sheet
24 & 29 SE 32 & 33 Pos. Sheets
SE 7 & 8 I Topo
111 Tax Map



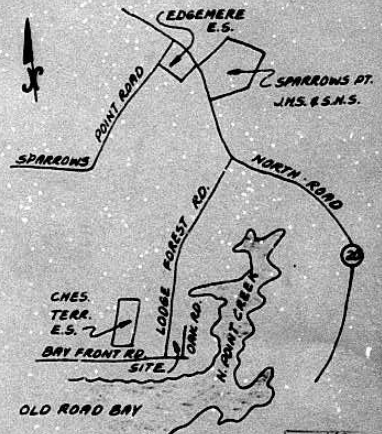
NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL WILL BE PUBLIC.
2. ENTIRE AREA IS FLAT.
3. STREETS ARE ASPHALT PAVED WITHOUT CURBS AND GUTTERS.
4. ELECTION DISTRICT = 15.
5. ZONING OF PARCEL AND ADJACENT PROPERTIES = PR 5.5.

PREPARED BY:

Marshall Engineering, Inc.
660 COVINGTON AVENUE
GLEN BURNIE, MARYLAND

John P. Marshall 11/11/76
JOHN P. MARSHALL, P.E. DATE

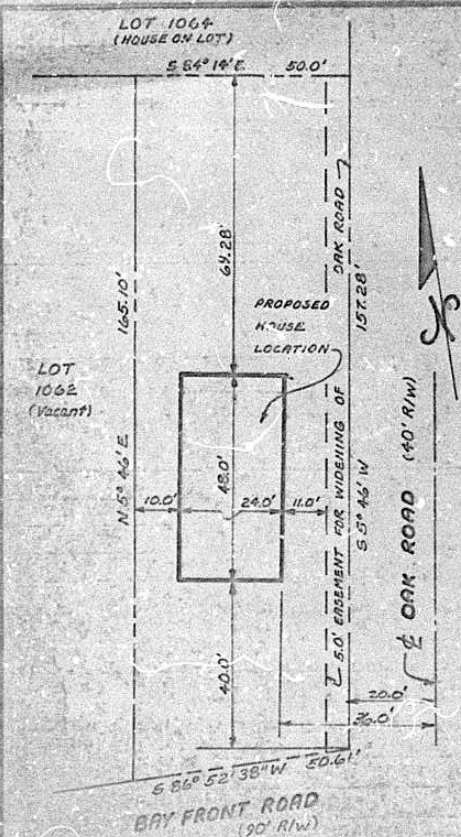


VICINITY MAP
SCALE: 1" = 2000'

MAP	440
SE 7-2	
ELECTION	15
D.	11-22-76
TITLE	
PLANNED BY	J.P.M.
DATE	11/11/76
BY	

SITE PLAN

SCALE 1" = 20'	APPROVED BY J.P. MARSHALL	DRAWN BY D.DAVIS
DATE NOV. 11, 1976		
LOT 1063 - LODGE FOREST BALTIMORE COUNTY, MARYLAND		
76071-1		



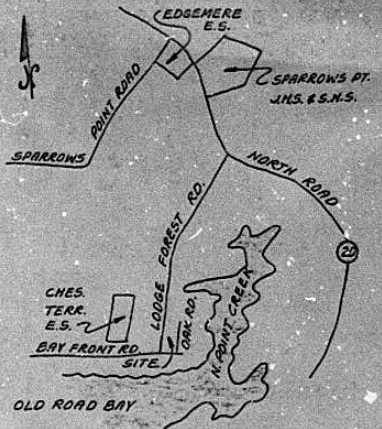
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PREPARED BY:

Marshall Engineering, Inc.
660 COVINGTON AVENUE
GLEN BURNIE, MARYLAND

John P. Marshall 11/11/76
JOHN P. MARSHALL, P.E. DATE



VICINITY MAP
SCALE: 1" = 2000'

SITE PLAN

SCALE 1" = 20'	APPROVED BY J.P. MARSHALL	DRAWN BY D.DAVIS
DATE NOV. 11, 1976		
LOT 1063 - LODGE FOREST BALTIMORE COUNTY, MARYLAND		
DRAWING NUMBER 76071-1		