

79-17-A #240 **PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Mr. & Mrs. David Gjerde, owners 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 4001 to permit an accessory structure (tennis court) to be located in the front yard in lieu of the required rear yard.

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

Due to the contour of the existing land it would be impossible to locate the tennis court in any other part of the property.

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: David Gjerde
Walter Gjerde Legal Owner
Address: 10923 Cateridge Road
Cockeysville, Md. 21030

Petitioner's Attorney: _____
Protestant's Attorney: _____
Address: _____

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

of _____, 1978, 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 _____ day of July, 1978, at _____ o'clock _____ M.

George J. Martinak
Deputy Zoning Commissioner of Baltimore County.
(over)



Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
(301) 494-3383

S. ERIC DINENBA
ZONING COMMISSIONER
George J. Martinak
Deputy Zoning Commissioner

August 11, 1978

Mr. & Mrs. David Gjerde
8 Clipping Tree Lane
Baltimore, Maryland 21030

RE: Petition for Variance
N/S of Clipping Tree Lane,
535.53' NE of Greencroft Lane -
8th Election District.
David Gjerde, et ux - Petitioners
NO. 79-17-A (Item No. 240)

Dear Mr. & Mrs. Gjerde:

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

Very truly yours,

George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM:mr

Attachments

cc: Robert B. Haldeman, Esquire
Maryland National Bank Building
Baltimore, Maryland 21202

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

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
N/S of Clipping Tree Lane, 535.53' :
NE of Greencroft Lane, 8th District : OF BALTIMORE COUNTY
DAVID GJERDE, et ux, Petitioners : Case No. 79-17-A

ORDER TO ENTER APPEARANCE

Mr. Commissioners:

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.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2138

I HEREBY CERTIFY that on this 14th day of July, 1978, a copy of the foregoing Order was mailed to Mr. and Mrs. David Gjerde, 10923 Cateridge Road, Cockeysville, Maryland 21030, Baltimore ..

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



RE: PETITION FOR VARIANCE : BEFORE THE
N/S of Clipping Tree Lane, 535.53' NE : DEPUTY ZONING
of Greencroft Lane - 8th Election District : COMMISSIONER
David Gjerde, et ux - Petitioners :
NO. 79-17-A (Item No. 240) : OF
BALTIMORE COUNTY

This matter comes before the Deputy Zoning Commissioner as a result of a Petition for a Variance to permit the construction of a tennis court to be located in the front and side yards in lieu of the required rear yard. The subject property is a lot consisting of 2.63 acres, more or less, and is of irregular shape.

Testimony by the Petitioner indicated that the Variance was sought due to the contour of the land and that it would be impossible to locate the tennis court on any other part of the property. The Petitioner stated that the proposed location had been determined by her contractor, who was not present at the hearing.

A nearby resident, whose property adjoins the subject tract, testified, in protest, that the proposed location of the tennis court would place it within ten feet of his property line and approximately 90 feet from his house, and that it would obstruct his view. He further testified that he would not oppose the structure if it were placed elsewhere on the property.

Without reviewing the evidence further in detail but based upon all of the evidence presented at the hearing, in the judgment of the Deputy Zoning Commissioner, hardship and/or practical difficulty was not proven by the Petitioner and the Variance should not be granted. While there was testimony regarding the contour of the land, none was offered to substantiate that claim, nor was there any substantial evidence that the tennis court could not be located elsewhere, perhaps as a result of more extensive grading than that which would be required at the desired location.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric Dinenna, Zoning Commissioner Date: July 5, 1978
FROM: Leslie H. Graef, Director of Planning
SUBJECT: Petition 79-17-A. Petition for Variance for front and side yard setbacks North side of Clipping Tree Lane, 535.53 feet Northeast of Greencroft Lane Petitioner - David and Alice Gjerde

8th District

HEARING: Monday, July 24, 1978 (9:45 A.M.)

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

Leslie H. Graef
Leslie H. Graef
Director of Planning

LHG:JGH:dee

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 11th day of August, 1978, that the aforementioned Variance should be and the same is hereby DENIED.

George J. Martinak
Deputy Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

DATE: August 11, 1978
BY: John W. Hession, III
BALTIMORE COUNTY

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BALTIMORE COUNTY

ZONING PLANS ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

OCT 05 1978

M. & Mrs. David Gjerde
16933 Cateridge Road
Cockeysville, Maryland 21031

Item No. 240

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

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

Your Petition has been received and accepted for filing
this 14th day of May 1978.

Eric DiNenna
S. ERIC DI NENNA
Zoning Commissioner

Petitioner: Gjerde
Petitioner's Attorney

Reviewed by *Nicholas B. Commadori*
NICHOLAS B. COMMADORI
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

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

Chairman
Nicholas B. Commadori

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

July 13, 1978

Mr. & Mrs. David Gjerde
16933 Cateridge Road
Cockeysville, Maryland 21030

RE: Variance Petition
Item No. 240
Petitioner - Gjerde

Dear Mr. & Mrs. Gjerde:

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 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 suitability of the requested zoning.

This Variance is required as a result of your proposal to construct a tennis court in the front and side yard in lieu of the required rear yard. A revised plot plan showing the location of the well and septic system must be submitted to this office prior to the scheduled hearing.

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. Commadori
NICHOLAS B. COMMADORI
Chairman
Zoning Plans Advisory Committee

NBC:amw

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
JOHN H. GRAFT
DIRECTOR

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

July 11, 1978

Re: Item #240 (1977-1978)

Property Owner: David & Alice Gjerde
N/S Clipping Tree La. 535.53' N/S Greencroft La.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.
Acres: 2.83 District: 8th

Dear Mr. DiNenna:

The following comments are furnished in regard to the plot submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

Baltimore County highway and utility improvements are not directly involved.

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 stripping of top soils.

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. Obstruction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item #240 (1977-1978).

Very truly yours,

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

END:RAN:PM:ms

cc: C. Warfield

V-M Key Sheet
78 x 79 MM 13 Pos. sheets
HW 10 x 70 up
41 Tax Map

Baltimore County
Office of Planning and Zoning
TOWSON, MARYLAND 21204
JOHN H. GRAFT
DIRECTOR

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

Dear Mr. DiNenna:

Comments on Item #240, Zoning Advisory Committee Meeting, May 16, 1978, are as follows:

Property Owner: David & Alice Gjerde
Location: N/S Clipping Tree Lane 535.53' NE Greencroft Lane
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.
Acres: 2.83
District: 8th

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
Current Planning and Development

Baltimore County
Department of Health
TOWSON, MARYLAND 21204

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

July 5, 1978

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

Dear Mr. DiNenna:

Comments on Item #240, Zoning Advisory Committee Meeting of May 16, 1978, are as follows:

Property Owner: David & Alice Gjerde
Location: N/S Clipping Tree La. 535.53' NE Greencroft La.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.
Acres: 2.83
District: 8th

A revised plot plan showing the well location must be submitted prior to commenting on the proposed variance.

Very truly yours,

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

TSD/JRP/tlc

Baltimore County
Department of Public Engineering
TOWSON, MARYLAND 21204
STEPHEN E. COLLINS
DIRECTOR

May 24, 1978

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

Item No. 240
Property Owner: David & Alice Gjerde
Location: N/S Clipping Tree La. 535.53' NE Greencroft La.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.

Acres: 2.83
District: 8th

Dear Mr. DiNenna:

This variance should have no effect on traffic.

Very truly yours,

Stephen E. Weber
Stephen E. Weber
Engineer I

SEW/dms

Baltimore County
Department of Public Works
TOWSON, MARYLAND 21204
PAUL H. REINKE
CHIEF

Paul H. Reinke
Chief

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204
Attention: E. Commadori, Chairman
Zoning Advisory Committee

Re: Property Owner: David & Alice Gjerde

Location: N/S Clipping Tree La. 535.53' NE Greencroft La.

Item No. 240

Zoning Agenda Meeting of 05/16/78

Comments:

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

REVIEWER *John P. Kelly*
Planning Group
Special Inspection Division

Noted and Approved: *George M. Kuper*
George M. Kuper
Fire Prevention Bureau

Baltimore County
Department of Permits and Licenses
TOWSON, MARYLAND 21204
JOHN SEVIER
DIRECTOR

June 1, 1978

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

Dear Mr. DiNenna:

Comments on Item #240 Zoning Advisory Committee Meeting, May 16, 1978

are as follows:

Property Owner: David & Alice Gjerde
Location: N/S Clipping Tree La. 535.53' NE Greencroft La.
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit an accessory structure to be located in the front yard in lieu of the required rear yard.

Acres: 2.83
District: 8th

The items checked below are applicable:

- x 1. Structure shall conform to Baltimore County Building Code (B.C.B.C.) 1970 Edition and the 1971 Supplement, State of Maryland Code for the Building and other applicable codes.
- x 2. A building permit shall be required before construction can begin.
- C. Additional _____ Permits shall be required.
- B. Building shall be upgraded to new use - require alteration permit.
- E. Three sets of construction drawings will be required to file an application for a building permit.
- F. Four 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.
- G. Wood frame walls are not permitted within 10' of a property line. Contact Building Department if distance is between 10' and 50' of property line.
- H. Reversal setback variance conflicts with the Baltimore County Building Code. See Section _____
- I. No Comment.
- x 4. Comments: Height of fence shall be governed by Section 39.2 of the Baltimore County Supplement to the Basic Building Code as to property line setbacks.

Very truly yours,

Charles E. Burnham
Charles E. Burnham
Plans Review Chief

CEB/rj

001 05 1978

