

**PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS**

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, David Habicht, legal owner of the property situate in Baltimore County and which is described in the description and plat attached hereto and make a part hereof, hereby petition for a Variance from Section 400-1 to permit an accessory structure, with the swimming pool, to be located outside third of the lot farthest removed from the side street. (Manor Road)

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

The innermost third of the lot is occupied currently by the septic and drain field which serve the residence. The center third is free from any such encumbrances and would therefore allow the owners to install an inground concrete retaining pool for their use without having to disturb the existing septic system.

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 Habicht, Marilyn Habicht  
 Address: 1 Wineberry Court, Glen Arm, Md 21057  
 Petitioner's Attorney: \_\_\_\_\_  
 Protestor's Attorney: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ 5th \_\_\_\_\_ day of \_\_\_\_\_ 1978.

December 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 held before the Zoning Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of February, 1978, at 10:00 o'clock a.m.

(over)

9-03-78  
#123

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER  
 SE corner of Manor Rd. and :  
 Wineberry Ct., 11th District : OF BALTIMORE COUNTY

DAVID HABICHT, et ux, Petitioners : Case No. 79-183-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.

Peter Max Zimmerman : John W. Hession, III  
 Peter Max Zimmerman : John W. Hession, III  
 Deputy People's Counsel : People's Counsel  
 County Office Building : County Office Building  
 Towson, Maryland 21284 : Towson, Maryland 21284  
 494-2188 : 494-2188

I HEREBY CERTIFY that on this 12th day of February, 1979, a copy of the foregoing Order was mailed to Mr. & Mrs. David Habicht, 1 Wineberry Court, Glen Arm, Maryland 21057, Petitioners.

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

Baltimore County  
 Office of Planning and Zoning  
 TOWSON, MARYLAND 21284  
 494-3563

S. ERIC DINENNA  
 ZONING COMMISSIONER

February 28, 1979

Mr. & Mrs. David Habicht  
 1 Wineberry Court  
 Glen Arm, Maryland 21057

RE: Petition for Variance  
 SE corner of Manor Road  
 and Wineberry Court - 11th  
 Election District  
 David Habicht, et ux -  
 Petitioners  
 NO. 79-183-A (Item No. 123)

Dear Mr. & Mrs. Habicht:

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

Very truly yours,  
S. ERIC DINENNA  
 Zoning Commissioner

SED:mr

Attachment

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

**VARIANCE DESCRIPTION**

Beginning at a point on the South East corner of Manor Road and Wineberry Court and known as lot 18, of The Addition to Manor Woods, and recorded among the land records of Baltimore County in plat book 37 folio 147.

Also known as 1 Wineberry Court.

UNDER RECEIVED FOR FILING

**BALTIMORE COUNTY, MARYLAND**

**INTER-OFFICE CORRESPONDENCE**

S. Eric Dinenna,  
 Zoning Commissioner Date: February 14, 1979  
 TO: Lettie H. Gray, Director  
 Office of Planning and Zoning  
 FROM: Petition #79-183-A, Item 123  
 SUBJECT: Petition for Variance  
 Southeast corner of Manor Road and Wineberry Court  
 Petitioner - David and Marilyn Habicht  
 11th District

HEARING: Wednesday, February 28, 1979 (10:30 A.M.)

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

Lettie H. Gray  
 Lettie H. Gray, Director  
 Office of Planning and Zoning

LHG:GHW

**BALTIMORE COUNTY  
 ZONING PLANS  
 ADVISORY COMMITTEE**



**PETITION AND SITE PLAN**

**EVALUATION COMMENTS**

**BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE**

COUNTY OFFICE BLDG.  
 111 W. Chesapeake Ave.  
 Towson, Maryland 21286

February 9, 1979

**BALTIMORE COUNTY OFFICE OF PLANNING & ZONING**

County Office Building  
 111 W. Chesapeake Ave.  
 Towson, Maryland 21284

Your Petition has been received and accepted for filing  
 this 5th day of December, 1978

S. ERIC DINENNA  
 Zoning Commissioner

Petitioner: David Habicht, et ux  
 Petitioner's Attorney: \_\_\_\_\_

Reviewed by: Nicholas B. Commodari  
 Chairman, Zoning Plans  
 Advisory Committee

Mr. & Mrs. David Habicht  
 1 Wineberry Court  
 Glen Arm, Maryland 21057

Nicholas B. Commodari  
 Chairman

Mr. & Mrs. David Habicht  
 1 Wineberry Court  
 Glen Arm, Maryland 21057

RE: Item No. 123  
 Petitioner - Habicht  
 Variance Petition

Dear Mr. & Mrs. Habicht:

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 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. Commodari  
 NICHOLAS B. COMMODARI  
 Chairman  
 Zoning Plans Advisory Committee

NBC:af

February 27, 1979

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

Item No. 123 - DEC - December 5, 1978  
Property Owner: David Habicht, et ux  
Location: SE/C Manor Rd. & Wineberry Ct.  
R.C. 2  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit an accessory structure to be located outside the rear third of the lot farthest removed from the side street.  
Acres: 1.0  
District: 11th

Dear Mr. DiNenna:  
No traffic problems are anticipated by the requested variance to permit accessory structure to be located outside the rear third of the lot farthest removed from the street.

Very truly yours,  
*Michael S. Flanagan*  
Michael S. Flanagan  
Engineer Associate II

MSF/hmd

January 17, 1979

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

Re: Item 123 (1978-1979)  
Property Owner: David Habicht, et ux  
S/E cor. Manor Rd. & Wineberry Ct.  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit an accessory structure to be located outside the rear third of the lot farthest removed from the side street.  
Address: 1.0 District: 11th

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:**  
Baltimore County highway and utility improvements are not directly involved and are as shown by Public Works Agreement #117407, executed in conjunction with the development of "Manor Woods Addition", of which this property is lot 18 of the plat "Addition to Manor Woods", recorded E.H.F., Jr. 37, folio 147.

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 the road.

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisance or damage 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.

This office has no further comment in regard to the plan submitted for Zoning Advisory Committee review in connection with this Item 123 (1978-1979).

Very truly yours,  
*William N. Diver, P.E.*  
WILLIAM N. DIVER, P.E.  
Chief, Bureau of Engineering

END: EAM: PWR:ms  
R-NE Pay Sheet, 52 & 53 NE 16 Pos. Sheets  
NE 13 / 14 D Topo, 62 Tax Map

February 6, 1979

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 #123, Zoning Advisory Committee Meeting, December 5, 1978, are as follows:

Property Owner: David Habicht, et ux  
Location: SE/C Manor Road and Wineberry Ct.  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit an accessory structure to be located outside the rear third of the lot farthest removed from the side street  
Acres: 1.0  
District: 11th

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

December 15, 1978

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

Dear Mr. DiNenna:  
Comments on Item #123 Zoning Advisory Committee Meeting, December 5, 1978, are as follows:

Property Owner: David Habicht, et ux  
Location: SE/C Manor Road & Wineberry Court  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit an accessory structure to be located outside the rear third of the lot farthest removed from the side street.  
Acres: 1.0  
District: 11th

The items checked below are applicable:

- X 1. Structure shall conform to Baltimore County Building Code (B.C.C.) 1970 Edition and the 1977 Supplement and other applicable codes.
- X 2. A building permit shall be required before construction can begin.
- C 3. Additional \_\_\_\_\_ permits shall be required.
- D 4. Building shall be upgraded to one use - require alteration permit.
- X 5. Three sets of construction drawings will be required to file an application for a building permit.
- F 6. 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.
- G 7. Wood frame walls are not permitted within 3'0" of a property line. Contact Building Department if distance is between 3'0" and 6'0" of property line.
- H 8. Requested setback variances conflict with the Baltimore County Building Code. See Section \_\_\_\_\_.
- I 9. No Comment.
- X 10. Comment: An inground structural pool may require the seal of a registered Maryland engineer for the construction drawings.

Very truly yours,  
*Charles E. Adams*  
Charles E. Adams  
Plans Review Chief

CEB:rsj

December 15, 1978

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

Dear Mr. DiNenna:  
Comments on Item #123, Zoning Advisory Committee Meeting of December 5, 1978, are as follows:

Property Owner: David Habicht, et ux  
Location: SE/C Manor Rd. & Wineberry Ct.  
Existing Zoning: R.C. 2  
Proposed Zoning: Variance to permit an accessory structure to be located outside the rear third of the lot farthest removed from the side street.  
Acres: 1.0  
District: 11th

The proposed pool location will not interfere with the location of either the sewage disposal system or well.

Very truly yours,  
*Richard E. Devin*  
Richard E. Devin, Director  
BUREAU OF ENVIRONMENTAL SERVICES

RD/ED/ctf

December 8, 1978

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

Attention: N. Commodari, Chairman  
Zoning Advisory Committee

Re: Property Owner: David Habicht, et ux  
Location: SE/C Manor Rd. & Wineberry Ct.  
Item No. 123 Zoning Agenda Meeting of 12/05/78

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", 1975 Edition prior to occupancy.
- ( ) 6. Site plans are approved as drawn.
- (X) 7. The Fire Prevention Bureau has no comments, at this time.

Approved: *Richard E. Devin*  
Richard E. Devin, Director  
Bureau of Environmental Services  
Approved: *George W. McLaughlin*  
George W. McLaughlin, Director  
Fire Prevention Bureau

BOARD OF EDUCATION  
OF BALTIMORE COUNTY  
TOWSON, MARYLAND - 21204

Date: December 1, 1978

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

Z.A.C. Meeting of: December 5, 1978

RE: Item No. 123  
Property Owner: David Habicht, et ux  
Location: SE/C Manor Rd. & Wineberry Ct.  
Present Zoning: R.C. 2  
Proposed Zoning: Variance to permit an accessory structure to be located outside the rear third of the lot farthest removed from the side street.

District: 11th  
No. Acres: 1.0

Dear Mr. DiNenna:  
No hearing on student population.

Very truly yours,  
*W. Eric Petrowski*  
W. Eric Petrowski,  
Field Representative

WHP/tp  
JOSEPH H. MCCORMACK, PRESIDENT  
D. BAYARD WILLIAMS, JR., VICE-PRESIDENT  
MARCUS M. ROTHSCHILD  
THOMAS H. BRYER  
MRS. L. MARIE P. SPACUC  
ROGER S. FAYSON  
ALVIN LEBECK  
MR. WILSON R. WIRTH, JR.  
RICHARD W. TRACY, D.V.M.





