

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Zoning Advisory Meeting of 1/24/84
Item # 176
Property Owner: Howard S. Bauserman, et ux
Location: Weisburg Rd., Bernoudy Rd.

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- ☒ A record plat will be required and must be recorded prior to issuance of a building permit.
- ☒ The access is not satisfactory.
- ☒ The circulation on this site is not satisfactory.
- ☒ The parking arrangement is not satisfactory.
- ☒ Parking calculations must be shown on the plan.
- ☒ This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- ☒ Construction on or alteration of the Floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- ☒ Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- ☒ The amended Development Plan was approved by the Planning Board on _____.
- ☒ Landscaping should be provided on this site and shown on the plan.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____.
- ☒ The property is located in a traffic area controlled by a "0" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☐ Additional comments: _____

James G. Howell
Chief, Current Planning and Development

cc: James Howell

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: January 26, 1984

Mr. Arnold Jablon
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: January 24, 1984

RE: Item No: 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, & 190.
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

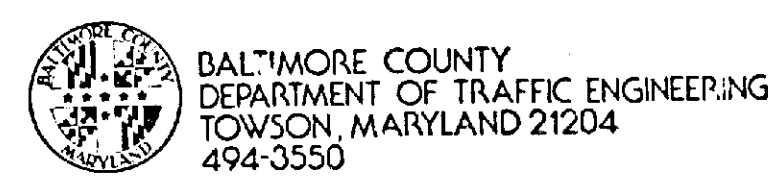
Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,
Wm. Nick Petrovich
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/1h

Enclosures - 17



STEPHEN E. COLLINS
DIRECTOR

February 9, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 174, 175, 176, 177, 178, 181, 182, 183, 184, 187, 188, 189, & 190 ZAC-Meeting of Jan. 24, 1984
Property Owner:
Location:
Existing Zoning:
Proposed Zoning:

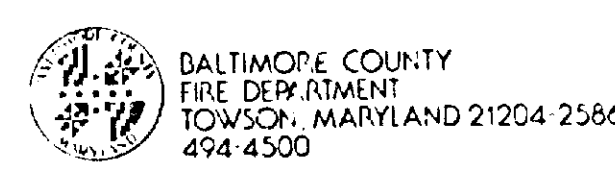
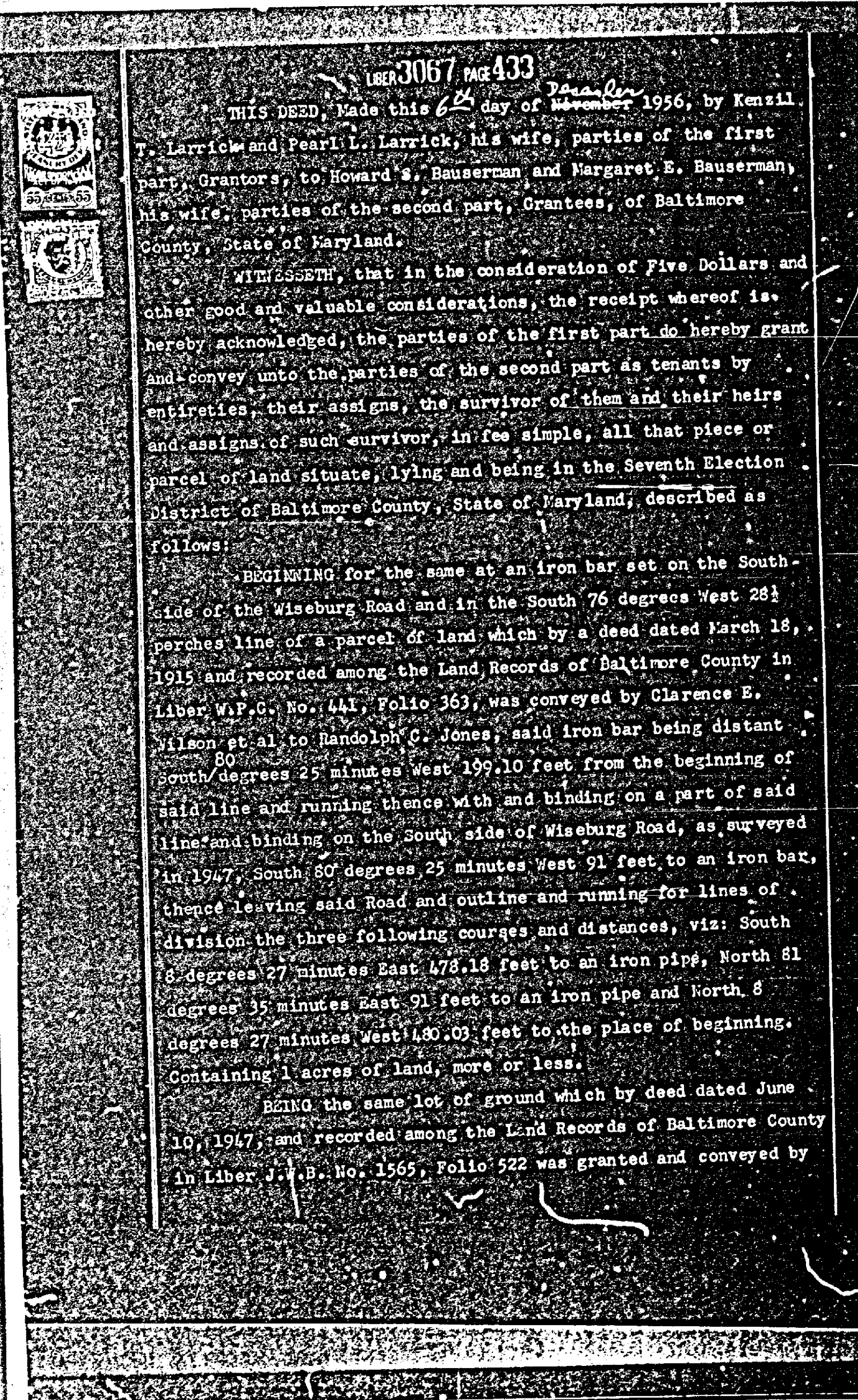
Acres:
District:

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 176, 177, 179, 182, 183, 184, 187, 188, 189, and 190.

Michael S. Flanagan
Michael S. Flanagan
Traffic Engineering Assoc. II

MSE/cmm



PAUL H. RENCKE
CHIEF

February 14, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Howard S. Bauserman, et ux

Location: 200' E. from c/l Bernoudy Rd. 1130' S/E from c/l Weisburg Rd

Item No.: 176 Zoning Agenda: Meeting of January 24, 1984

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 _____

EXCEEDS the maximum allowed by the Fire Department.

(X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. Paved roadway shall have a minimum width of 16 feet and support 50,000 # fire.

- () 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", 1976 Edition prior to occupancy.

- () 6. Site plans are approved, as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Paul H. Rencke* Noted and Approved: *Stephen M. Commodari*
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

February 28, 1984

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

cc: Nicholas B. Commodari

Chairman

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Public Planning
Building Department
Board of Education
County Administration
Industrial Development

Mr. & Mrs. Howard S. Bauserman
1003 Weisburg Road
White Hall, Maryland 21161

RE: Case No. 84-229-A (Item No. 176)
Petitioner - Howard S. Bauserman, et ux
Variance Petition

Dear Mr. & Mrs. Bauserman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. 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.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

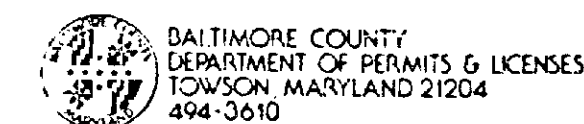
Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:bsc

Enclosures

cc: Gerhold, Cross & Etzel
112 Delaware Avenue
Towson, Maryland 21204



HARRY J. PISTEL P.E.
DIRECTOR

February 1, 1984

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 176 Zoning Advisory Committee Meeting are as follows:

Property Owner: Howard S. Bauserman, et ux
Location: 200' E. from c/l Bernoudy Rd. 1130' S/E from c/l Weisburg Road
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side yard setback of 15' in lieu of the required 50'.

Acres: 1.0
District: 7th.

The items checked below are applicable:

- ☒ All structures shall conform to the Baltimore County Building Code 1981/Council Bill 8-82. _____
- ☒ A building or other _____ permit shall be required before beginning construction.
- ☒ Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- ☒ Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- ☒ An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot line. A fire wall is required if construction is on the lot line, see Table 101, Line 2, Section 1107 and Table 102, also Section 503.2.
- ☒ Requested variance appears to conflict with the Baltimore County Building Code, Section _____.
- ☒ A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- ☒ Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

I. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 M. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Burman
Charles E. Burman, Chief
Plans Review

CBE:es



HARRY J. PISTEL P.E.
DIRECTOR

February 29, 1984

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Item #176 (1983-1984)
Property Owner: Howard S. Bauserman, et ux
200' E. from centerline Bernoudy Rd. 1130' S/E from centerline Weisburg Rd.
Acres: 1.0 District: 7th

Dear Mr. Jablon:

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:

Weisburg Road, an existing public road, is proposed to be further improved in the future on a 60-foot right-of-way.

The indicated 12-foot road, if improved in the future as a County road, would be on a 50-foot right-of-way.

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.

Item #176 (1983-1984)
Property Owner: Howard S. Bauserman, et ux
Page 2
February 29, 1984

Water and Sanitary Sewer:

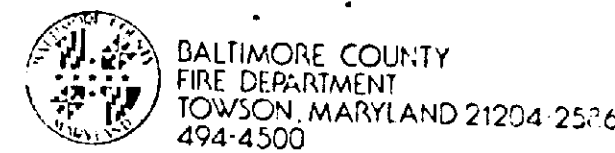
Public water supply and sanitary sewerage are not available to serve this property, which is beyond the Baltimore County Metropolitan District and the Comprehensive Metropolitan Facilities Planning Area. The Baltimore County Water Supply and Sewerage Plans W and S-4B, as amended through January 1982, indicate "No Planned Service" in the area.

Very truly yours,

Robert A. Morton
ROBERT A. MORTON, P.E., Chief
Bureau of Public Works

RAM:EAM:FWR:as

HH-NE Key Sheet
120 NW 6 Pos. Sheet
NW 30 B topo
17 Tax Map



PAUL H. REINCKE
CHIEF

February 14, 1984

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Howard S. Bauserman, et ux

Location: 200' E. from c/l Bernoudy Rd. 1130' S/E from c/l Wiseburg Rd

Item No.: 176

Agenda: Meeting of January 24, 1984

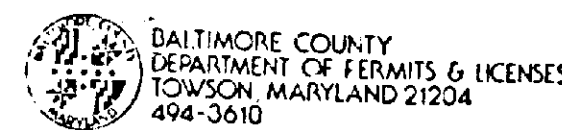
Gentlemen:

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 _____ EXCEEDS the maximum allowed by the Fire Department.
- (X) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of construction. Paved roadway shall have a minimum width of 16 feet and support 30,000 # fire.
- () 5. The buildings and structures existing or proposed on the site shall apparatus. comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: *Charles E. Bauserman* Noted and Approved
Planning Section Fire Prevention Bureau
Special Inspection Division

/mb



MR. JABLON, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

February 1, 1984

Re: Mr. Jablon

Comments on Item #176 Zoning Advisory Committee Meeting are as follows:

Property Owner: Howard S. Bauserman, et ux
Location: 200' E. from CL Bernoudy Road 1130' S/E from CL Wiseburg Road
Existing Zoning: R.C. 4
Proposed Zoning: Variance to permit a side yard setback of 15' in lieu of the required 50'.

Acres: 1.0
District: 7th.

The items checked below are applicable:

- (X) A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill 1-85 except as noted on the drawings and other applicable codes.
- (X) B. A building/structure shall be required before beginning construction.
- (X) C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/are not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for Commercial uses or 3'0" for One & Two Family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 601, line 2, Section 1107 and Table 1102, also Section 201.2.
- F. Requested variance appears to conflict with the Baltimore County Building Code, Section/s _____.
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, turn the services of a Registered in Maryland Architect or Engineer certify to this office, that, the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 101.

I. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 112 (Plan Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Bauserman
Charles E. Bauserman, Chief
Plan Review

CED:es

BALTIMORE COUNTY DEPARTMENT OF HEALTH

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

Zoning Item # 176, Zoning Advisory Committee Meeting of Jan 24, 1984

Property Owner: *Howard S. Bauserman, et ux*

Location: *200' E. from c/l Bernoudy Road* District *7*

Water Supply *private* Sewage Disposal *private*

COMMENTS ARE AS FOLLOWS:

- () Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plan Review Section, Environmental Support Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 191-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Division of Air Pollution Control is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plan Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Health for review and approval. For more complete information, contact the Recreational Hygiene Section, Division of Environmental Support Services.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Zoning Item # 176 Zoning Advisory Committee Meeting of Jan 24, 1984
Page 2

- () Prior to raising of existing structure/s, petitioner must contact the Division of Water Quality and Waste Management at 191-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and either be removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Water Quality and Waste Management at 191-3768.
- (X) Soil percolation tests (have been/must be) conducted.
{ } The results are valid until _____
{ } Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether additional tests are required.
- (X) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test { } shall be valid until _____ is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- (X) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- (X) Others *This site is vacant at this time. An application for soil percolation test is in file in this office and expires on JAN 9, 1985.*

John J. Forrest
John J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

SS 20 1283 (2) R

IN RE: PETITION FOR VARIANCES
Begin. 200' NE of Bernoudy Rd.,
1,130' S of Wiseburg Rd.
7th Election District
Howard S. Bauserman, et ux
OF BALTIMORE COUNTY
Petitioners
Case No. 84-223-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of 15 feet instead of the required 50 feet. The purpose of their request is to permit the construction of a house on the subject site, as is more fully described on Petitioner's Exhibit 1.

The Petitioner, Howard Bauserman, appeared with his grandson, James Crager, and testified. Mr. and Mrs. Dale Wood, neighbors, appeared as Protestants.

Testimony indicated that the Petitioners had owned the subject lot and had owned and lived on the adjoining lot 3 since 1947. The property is now zoned R.C.4. The Petitioners propose to construct a house on lot 4, the parcel under consideration here, which will allow the grandson to be near. The property is 91' x 478' and faces Wiseburg Road. In order to construct the 42' x 24', ranch type with basement house, with an attached garage planned for the future, adding 20 feet to the width of the house, the side yard setbacks are required. Even if the future addition of the garage was not considered, without variances the site would be useless inasmuch as the required side yard setbacks are 50 feet.

The Petitioners amended their petition to request a side yard setback of 5 feet to the property line between lots 3 and 4 and 25 feet between lots 4 and 5 instead of 15 feet each.

The Protestants are concerned that the Petitioners' proposed house will adversely effect their own attempt to construct another house on their property sometime in the future. They fear that the house will impact on water and septic systems. Their

3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 1st day of March, 1984, that the Petition for Variances to permit a side yard setback of 5 feet to the property line between lots 3 and 4 and 25 feet between lots 4 and 5 instead of 15 feet each, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restriction:

1. The Petitioners may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Charles E. Bauserman
Zoning Commissioner of
Baltimore County

(3)

PETITION FOR VARIANCE

7th Election District

ZONING: Petition for Variance
LOCATION: Beginning 200 ft. Northeast of Bernoudy Road, 1,130 ft. South of Wiseburg Road
DATE & TIME: Monday, March 12, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit side yard setbacks of 15 ft. instead of the required 50 ft.

Being the property of Howard S. Bauserman, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

hope to develop their property with a dwelling has no, yet been confirmed but is only a future projection. They have no evidence that the Petitioners' proposed house would in any way adversely effect the water table.

The Protestants agree that they are not opposed to the new house, only that it might be too close to lot 5. The Protestants own lot 5 and 6, and their house, which is close to Wiseburg Road, straddles both lots. They are thinking of resubdividing with the hope of building another home in the rear of the lots for one of their children. If they are able to comply with the zoning requirements, it would seem that the location of the Petitioners' proposed dwelling could in no way adversely impact on their plans. The Petitioners are willing to compromise and place the new dwelling closer to their house than equidistant to the Protestants' home, and thus amend their petition to allow for 25 feet between the new dwelling and lot 5.

The Petitioners seek relief from Section 1A03.4.B.4, pursuant to Section 307, of the Baltimore County Zoning Regulations (BCZR). At issue also is whether Section 1A03.4.B.6 is applicable in that the lots in question here were created and recorded prior to the adoption of the 1955 regulations. If so, the regulations in effect at that time would be applicable; however, is so, a variance would still be required.

An area variance may be granted where strict application of the zoning regulation to the Petitioners and their property would cause practical difficulty. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioners must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

(2)

IN RE: PETITION FOR VARIANCES
Begin. 200' NE of Bernoudy Rd.,
1,130' S of Wiseburg Rd.,
7th Election District
Howard S. Bauserman, et ux
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 84-229-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit side yard setbacks of 15 feet instead of the required 50 feet. The purpose of their request is to permit the construction of a house on the subject site, as is more fully described on Petitioner's Exhibit 1.

The Petitioner, Howard Bauserman, appeared with his grandson, James Crazer, and testified. Mr. and Mrs. Dale Wood, neighbors, appeared as Protestants.

Testimony indicated that the Petitioners had owned the subject lot and had owned and lived on the adjoining lot 3 since 1947. The property is now zoned R.C.4. The Petitioners propose to construct a house on lot 4, the parcel under consideration here, which will allow the grandson to be near. The property is 91' x 478' and faces Wiseburg Road. In order to construct the 42' x 24', ranch type with basement house, with an attached garage planned for the future, adding 20 feet to the width of the house, the side yard setbacks are required. Even if the future addition of the garage was not considered, without variances the site would be useless inasmuch as the required side yard setbacks are 50 feet.

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The Protestants are concerned that the Petitioners' proposed house will adversely effect their own attempt to construct another house on their property sometime in the future. They fear that the house will impact on water and septic systems. Their

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement the Petitioner seeks relief from here would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 14th day of March, 1984, that the Petition for Variances to permit a side yard setback of 5 feet to the property line between lots 3 and 4 and 25 feet between lots 4 and 5 instead of 15 feet each, is hereby GRANTED, from and after the date of this Order, subject, however, to the following restriction:

1. The Petitioners may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

[Signature]
Zoning Commissioner of
Baltimore County

(3)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
Norman E. Gerber, Director
FROM: Office of Planning and Zoning
Howard S. Bauserman, et ux
SUBJECT: 84-229-A

Date: March 7, 1984

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

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG/JGH/sf

February 14, 1984

Mr. & Mrs. Howard S. Bauserman
1003 Wiseburg Road
White Hall, Maryland 21161

NOTICE OF HEARING

Re: Petition for Variance
Beginning 200' NE of Bernoudy Rd.,
1,130' S of Wiseburg Road
Howard S. Bauserman, et ux - Petitioners
Case No. 84-229-A

TIME: 10:00 A.M.

DATE: Monday, March 12, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

[Signature]
Zoning Commissioner
of Baltimore County

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

No. 124038

DATE 1/12/84 ACCOUNT R-01-615-000

AMOUNT \$35.00

RECEIVED Howard S. Bauserman Item 176

FOR [Signature]

6 050*****350010 5092A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-0353

ARNOLD JABLON
ZONING COMMISSIONER

March 8, 1984

Mr. & Mrs. Howard S. Bauserman
1003 Wiseburg Road
White Hall, Maryland 21161

Re: Petition for Variance
Beg. 200' NE of Bernoudy Rd., 1,130'
S of Wiseburg Road
Howard S. Bauserman, et ux - Petitioners
Case No. 84-229-A

Dear Mr. & Mrs. Bauserman:

This is to advise you that \$41.72 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

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

No. 128224

DATE March 12, 1984 ACCOUNT R-01-615-000

AMOUNT \$41.72

RECEIVED Howard S. Bauserman

FROM REVENUE Advertising & Posting Case #84-229-A

FOR [Signature]

6 044*****417210 5192A

VALIDATION OR SIGNATURE OF CASHIER

GERHOLD, CROSS & ETZEL
Registered Professional Land Surveyors
412 DELAWARE AVENUE
TOWSON, MARYLAND 21204
823-4470

EMERITUS
PAUL H. DOLLARBERG
FRED H. DOLLARBERG

December 29, 1983

Zoning Description

All that piece or parcel of land situate, lying and being in the Seventh Election District of Baltimore County, State of Maryland and described as follows to wit:

Beginning for the same on the north side of a 12 Foot Road distant North 81 degrees 35 minutes East 200 feet measured along the north side of said 12 Foot Road from the center of Bernoudy Road, said point being distant 1130 feet measured southeasterly along the center of Bernoudy Road from the center line intersection of Bernoudy Road and Wiseburg Road and running thence from said place of beginning and binding on the north side of said 12 Foot Road, North 61 degrees 35 minutes East 91 feet, thence leaving said road and binding on the property line of the petitioners herein, North 8 degrees 27 minutes West 150.03 feet to the south side of Wiseburg Road, thence binding on the south side of Wiseburg Road, South 80 degrees 25 minutes West 91 feet and thence leaving said road and binding on the property line of the petitioners herein, South 6 degrees 27 minutes East 178.18 feet to the place of beginning.

Containing 1.0 Acre of land more or less.



PETITION FOR VARIANCE

7th Election District

ZONING: Petition for Variance
LOCATION: Beginning 200 ft. Northeast of Bernoudy Road, 1,130 ft. South of Wiseburg Road
DATE & TIME: Monday, March 12, 1984 at 10:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit side yard setbacks of 15 ft. instead of the required 50 ft.

Being the property of Howard S. Bauserman, et ux, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY.

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People's Counsel

Howard S. Bauserman *et al.*

The Protestants are concerned that the Petitioners' proposed house will adversely effect their own attempt to construct another house on their property sometime in the future. They fear that the house will impact on water and septic systems. Their

(2)


Zoning Commissioner of
Baltimore County

THE JEFF
G. Frank
Cost of Advertisement \$ 18.20

THE JEFFERSONIAN,
L. Frank Siefert

 Manager

Cost of Advertisement \$ 15.00

PETITION FOR VARIANCE
Location: Section 10, Township 36 North, Range 10 East
NOTING: Petition for Variance
LOCATION: Burlington for Various
 Northeast of Perchency R.
 South of Highway 2
DATE & TIME: Monday, May
 14, 1967, 8:00 a.m.
PUBLIC HEARING: Room
 County Office Building, 111
 Chambers Avenue, Towson,
 Maryland.

The zoning Commissioner of
 Annapolis County, by authority of
 the Board of Appeals and the
 Board of Zoning, will hold a public
 hearing:

for the purpose of Variance to be
 side yard setbacks of 15 ft. line
 of the property.

Being the property of Howard
 Bannerman, et al, as shown on
 the map of the property.

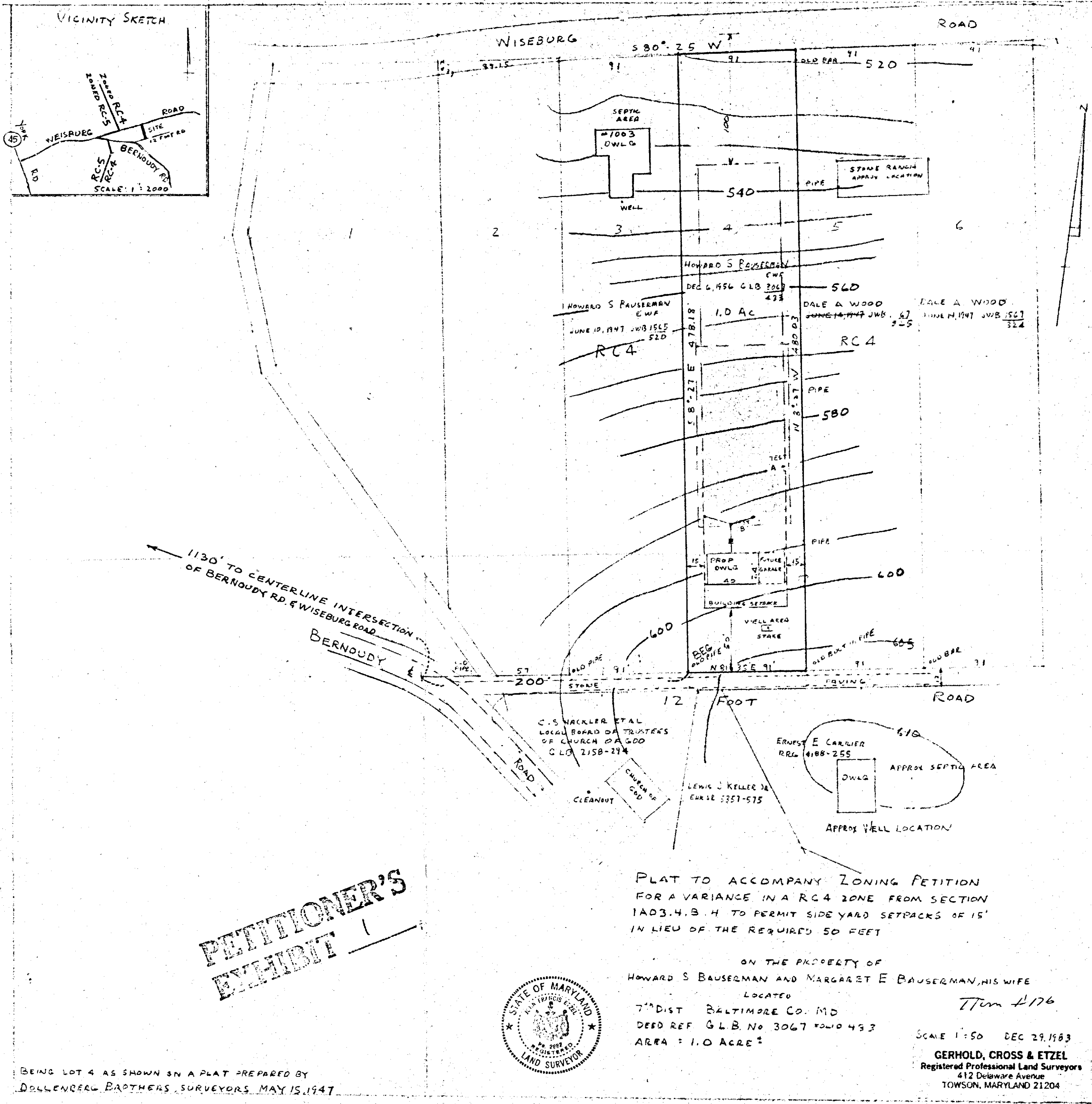
It is the duty of the zoning
 Commission to grant that this Petition
 granted, a building permit was
 issued within the thirty (30)
 days of the date of the hearing
 requested by the owner. The Com-
 missioner will, however, ascertain
 whether or not a stay of the Com-
 missioner's decision has been granted
 for a period of thirty (30) days
 of said permit. If not, the Com-
 missioner will, however, ascertain
 the date of the hearing set above
 and the date of the hearing.

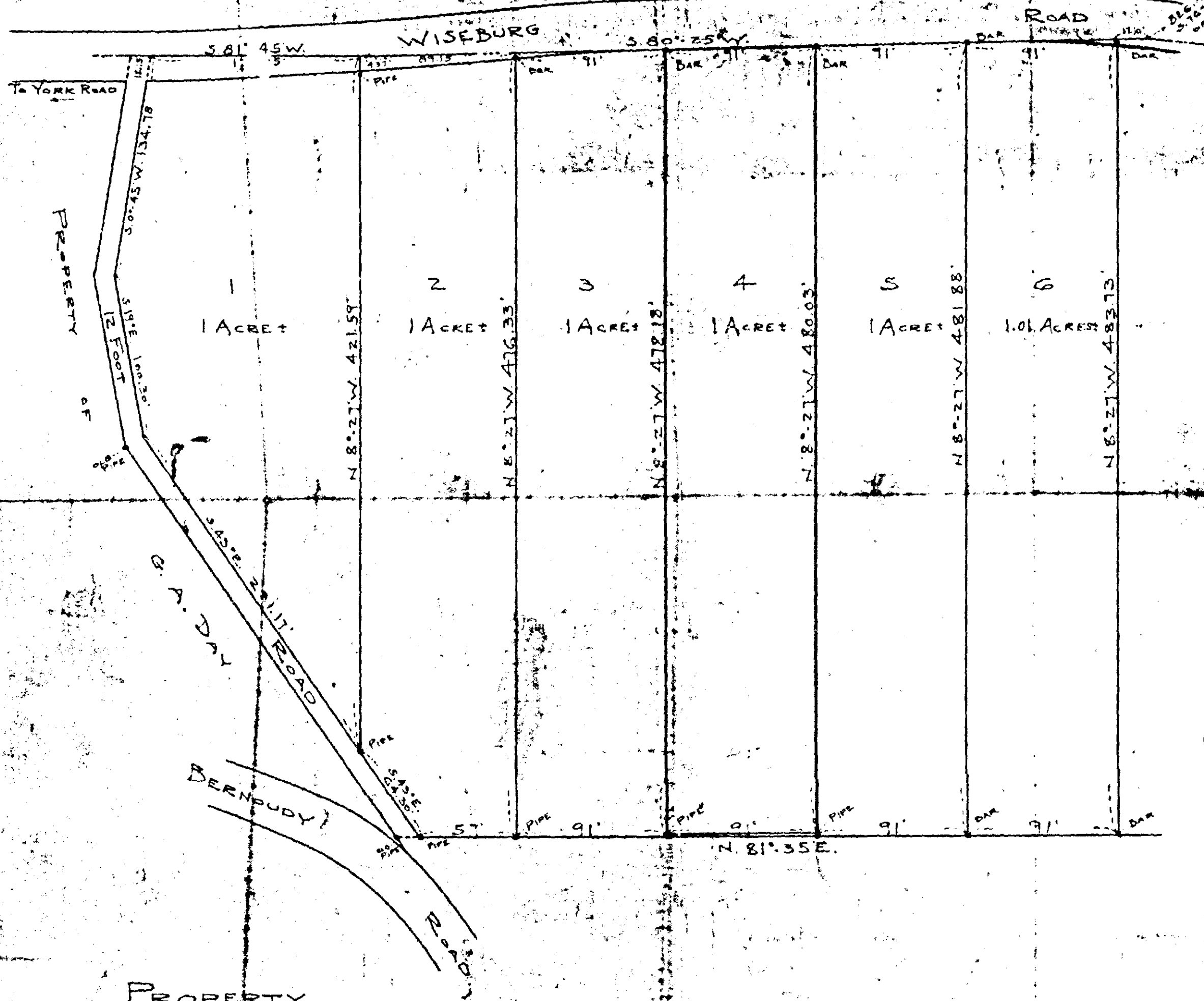
By Order of:

ARNOLD FARJON,
 Zoning Commissioner
 of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Yonkers, Maryland

District	7	Date of Posting	3/16/34
Posted for	Letter to Parents		
Petitioner	Edward S. Zimmerman et al.		
Location of property	Highway 300 ft. W. of Broadway		
City	St. Paul, Minn.		
Location of Signs	along E. side Highway from Highway		
	to		
Remarks			
Posted by	Edw. S. Zimmerman	Date of return	3/1/34
Number of Signs	Signs		





SCALE: 1"=60'
MAY 15, 1947.
DOLLENBERG BROTHERS
SURVEYORS & CIVIL ENGINEERS
DUNCAN BLDG. TOWSON, MD.