

IN RE: PETITION FOR ZONING VARIANCE - NW CORNER FALLS ROAD AND GADD ROAD (2212 GADD ROAD)
3RD ELECTION DISTRICT 8TH COUNCILMANIC DISTRICT
GEORGE F. OBRECHT, ET UX, PETITIONER

BEFORE THE
ZONING COMMISSIONER OF BALTIMORE COUNTY
CASE NO.: 90-258-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Variance from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit two accessory structures (a pool house and a swimming pool) to be located in the side yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared and was represented by Robert A. Hoffman, Esquire. There were no protestants.

Mr. Hoffman proffered that the subject site is zoned RC-2 and has an approximate gross acreage of 16.2 acres. Mr. Hoffman testified that constructing the pool and pool house in the side yard in lieu of the rear yard will prevent the accessory structures from being visible by passers-by on Falls Road. Also, if the Petitioners were to place the structures in the rear yard, they would significantly diminish the view of the Worthington Valley area that is now available from the Petitioner's dwelling. Mr. Hoffman further stated that requiring the Petitioner to place the swimming pool in the rear yard would result in a practical difficulty in that such

a location would require extensive grading and the construction of retaining walls to support the pool.

Based upon the testimony and evidence presented at the hearing, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 of the B.C.Z.R. and should therefore be granted. There is no evidence in the record that the subject Variance would adversely affect the healthy, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE IT IS ORDERED, by the Zoning Commissioner for Baltimore County, this 10th day of January, 1990 that the Petition for Zoning Variance to permit two accessory structures (a pool house and a swimming pool) to be located in the side yard in lieu of the required rear yard be and is hereby GRANTED.

J. Robert Haines
Zoning Commissioner for Baltimore County

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PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY

The undersigned, legal owner(s) 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 400.1 to allow two accessory structures (pool house and pool) to be located in the side yard rather than in the rear yard of the property.

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

To be determined at hearing.

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 12-month regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: (Type or Print Name) _____
Signature _____
Address _____
City and State _____
Attorney for Petitioner: (Type or Print Name) _____
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted _____
Name _____
Address _____
City and State _____
Attorney's Telephone No.: _____

ORDERED BY The Zoning Commissioner of Baltimore County, this 11th day of October, 1989, 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 Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 2nd day of January, 1990, at 9:30 o'clock A.M.

ESTIMATED LENGTH OF HEARING 1 1/2 HRS.
AVAILABLE FOR HEARING MON. TUES. WED. - NEXT TWO MONTHS (over)
ALL OTHER
REVIEWED BY: CAM DATE 2/9/89

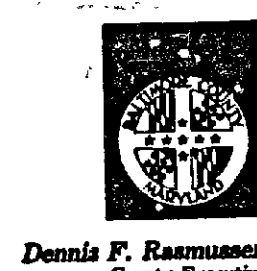
CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 3rd Date of Posting: December 19, 1989
Posted for: Variance
Petitioner: George Obrecht, et ux
Location of property: NW Corner Falls Road and Gadd Road
2212 Gadd Road
Location of Sign: In front of 2212 Gadd Road
Remarks: _____
Posted by: S.J. Grata Date of return: December 15, 1989
Number of Signs: 1

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

Mr. & Mrs. George Obrecht
2212 Gadd Road
Burr Valley, Maryland 21030

DEC 12 1989



CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on December 6, 1989.

TOWSON TIMES.

S. Zebe Olson
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 1989
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 7, 1989.

THE JEFFERSONIAN,

S. Zebe Olson
Publisher

ZONING DESCRIPTION GEORGE F. OBRECHT AND SUZANNE OBRECHT PROPERTY NOT TO BE USED AS A TITLE DESCRIPTION

Beginning for the same at a point at the end of a curve where the northernmost side of Gadd Road, 40 feet wide, intersects the westernmost side of Falls Road, 40 feet wide and thence running with and binding on the westernmost side of Falls Road: (1) north 15 degrees 54 minutes 00 seconds west 377.92 feet to an iron pipe, thence leaving said Falls Road and running (2) north 40 degrees 03 minutes 30 seconds west 89.20 feet to an iron pipe, (3) north 4 degrees 03 minutes 30 seconds west 177.90 feet to an iron pipe set in the west side of Falls Road, thence binding on the west side of Falls Road, (4) north 15 degrees 54 minutes 00 seconds west 109.25 feet to an iron pipe, thence leaving the west side of Falls Road and running (5) north 35 degrees 03 minutes 30 seconds west 170.96 feet, (6) north 1 degree 13 minutes 30 seconds west 16.82 feet, (7) south 83 degrees 11 minutes 36 seconds west 605.37 feet to an iron pipe, (8) south 4 degrees 55 minutes 00 seconds east 931.45 feet to an iron pipe now set on the north side of Gadd Road and running thence and binding on the north side of Gadd Road, (9) south 89 degrees 09 minutes 00 seconds east 215.50 feet to an iron pipe, (10) by a line curving to the left with a radius of 1480.00 feet the distance of 417.46 feet, to an iron pipe, (11) north 74 degrees 41 minutes 20 seconds east 184.17 feet to an iron pipe and (12) by a line curving to the left with a radius of 25.00 feet the distance of 39.53 feet to the place of beginning. Containing 16.233 acres of land, more or less.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

November 30, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 N. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-258-A
NW Corner Falls Road and Gadd Road
2212 Gadd Road
3rd Election District - 8th Councilmanic
Petitioner(s): George Obrecht, et ux
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 9:30 a.m.

Variance to allow two accessory structures (pool house and pool) to be located in the side yard, rather than in the rear yard of the property.

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

JRH:gs
cc: Mr. & Mrs. Obrecht
John B. Howard, Esq.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 19, 1989

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

John B. Howard, Esquire
210 Allegheny Avenue
Towson, MD 21204

RE: Item No. 118, Case No. 90-258-A
Petitioner: George Obrecht et al
Petition for Zoning Variance

Dear Mr. Howard:

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 problems with regard to the development of plans that may have a bearing on this case. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

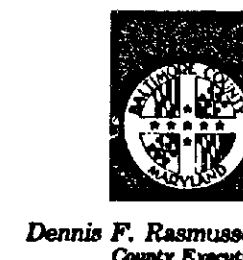
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. George Obrecht
2212 Gadd Road
Hunt Valley, MD 21030

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 11th day of October, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: George Obrecht, et ux
Petitioner's Attorney: John B. Howard

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 12, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: George Obrecht, et ux, Item 118
Zoning Petition No. 90-258A

The Petitioners request a variance to permit accessory structures to be located in the side yard.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

RECEIVED
NOV 16 1989



Dennis F. Rasmussen
County Executive

ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 110, 111, 112, 113, 114, 115, 116, 117, and 118.

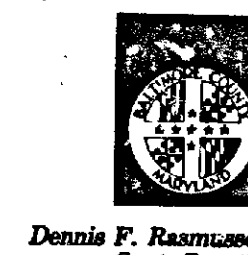
Very truly yours,

Michael S. Flanagan
Michael S. Flanagan,
Traffic Engineer Associate II

MSF/lab

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500
Paul H. Reincke
Chief

OCTOBER 9, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
TOWSON, MD 21204

RE: Property Owner: GEORGE OBRECHT
Location: 2212 GADD ROAD

Item No.: 118 Zoning Agenda: OCTOBER 10, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1988 edition prior to occupancy.

REVIEWER: *Paul H. Reincke* Noted and Approved
Planning Group
Special Inspection Division

JK/KEK

OCT 11 1989

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

John B. Howard, Esquire
210 Allegheny Avenue
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NW/Corner Falls Road and Gadd Road
(2212 Gadd Road)
8th Election District - 3rd Councilmanic District
George Obrecht, et ux - Petitioners
Case No. 90-258-A

Dear Mr. Howard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Harlan J. Williams, Jr.
14640 Falls Road
Butler, Maryland 21023

September 15, 1989

Mr. George F. Obrecht
2212 Gadd Road
Hunt Valley, Maryland 21031

Re: Proposed Pool Installation
North Side Yard
2212 Gadd Road
Hunt Valley, Maryland 21031

Dear George:

I understand that you are proposing to install a swimming pool in the north side yard of your house which is adjacent to my property.

This correspondence will confirm that I have no objections to the proposed pool.

Sincerely yours,

Harlan J. Williams, Jr.
Harlan J. Williams, Jr.

Petitioner's
Exhibit 2

Clark MacKenzie, Sr.
2404 Gadd Road
Cockeysville, Maryland 21030

September 15, 1989

Mr. George F. Obrecht
2212 Gadd Road
Hunt Valley, Maryland 21031

Re: Proposed Pool Installation
North Side Yard
2212 Gadd Road
Hunt Valley, Maryland 21031

Dear George:

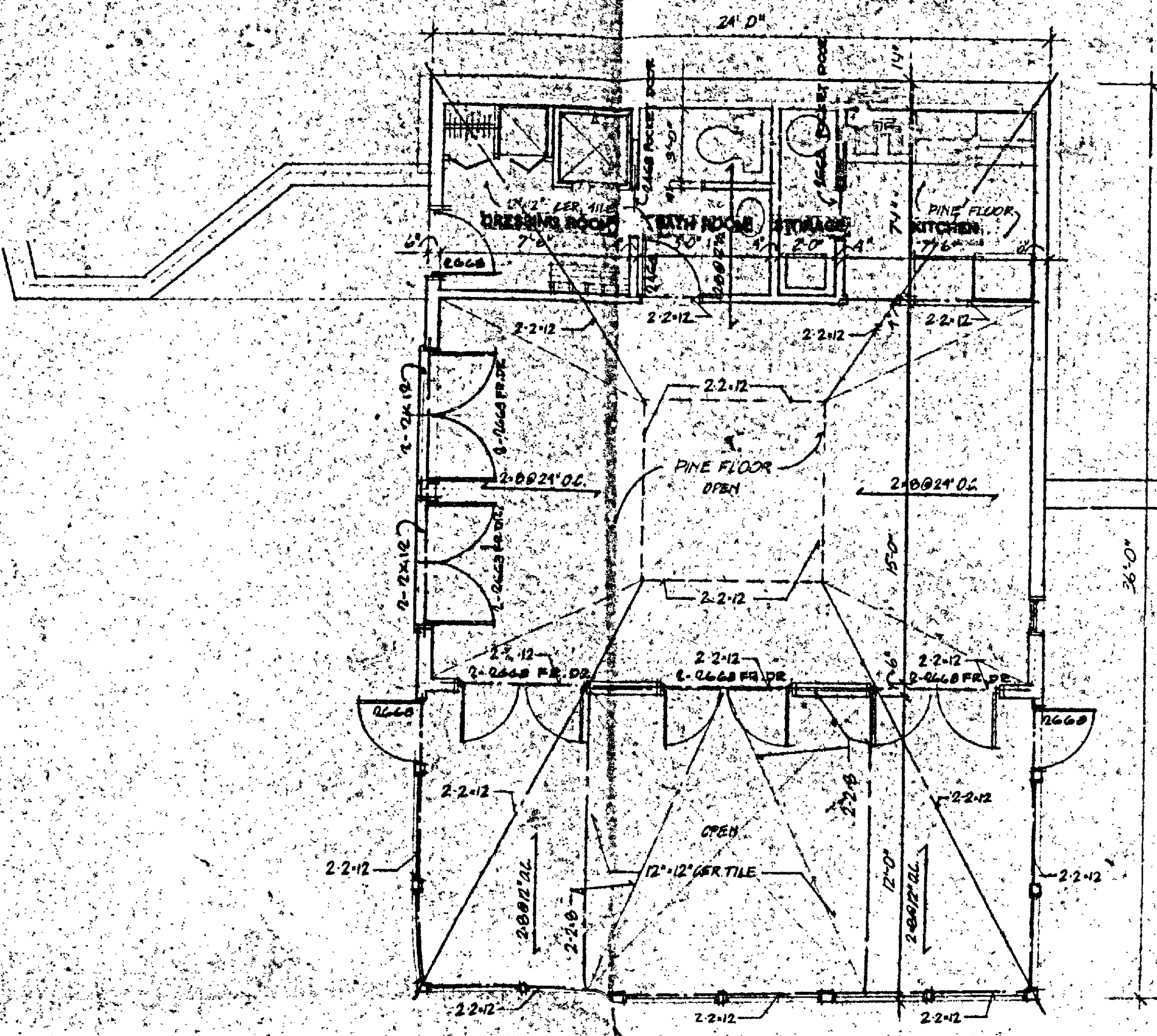
I understand that you are proposing to install a swimming pool in the north side yard of your house which is adjacent to my property.

This correspondence will confirm that I have no objections to the proposed pool.

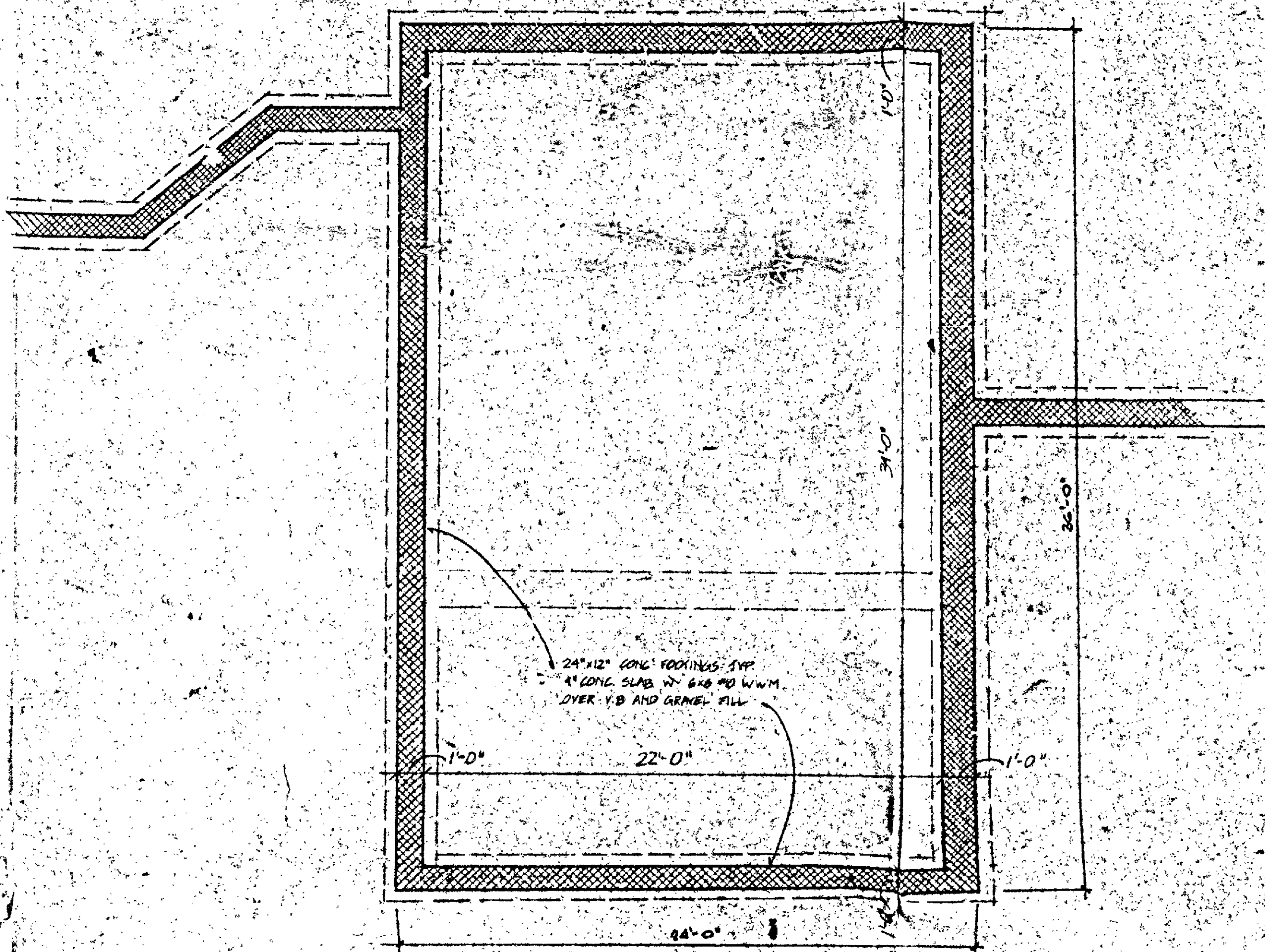
Sincerely yours,

Clark MacKenzie, Sr.
Clark MacKenzie, Sr.

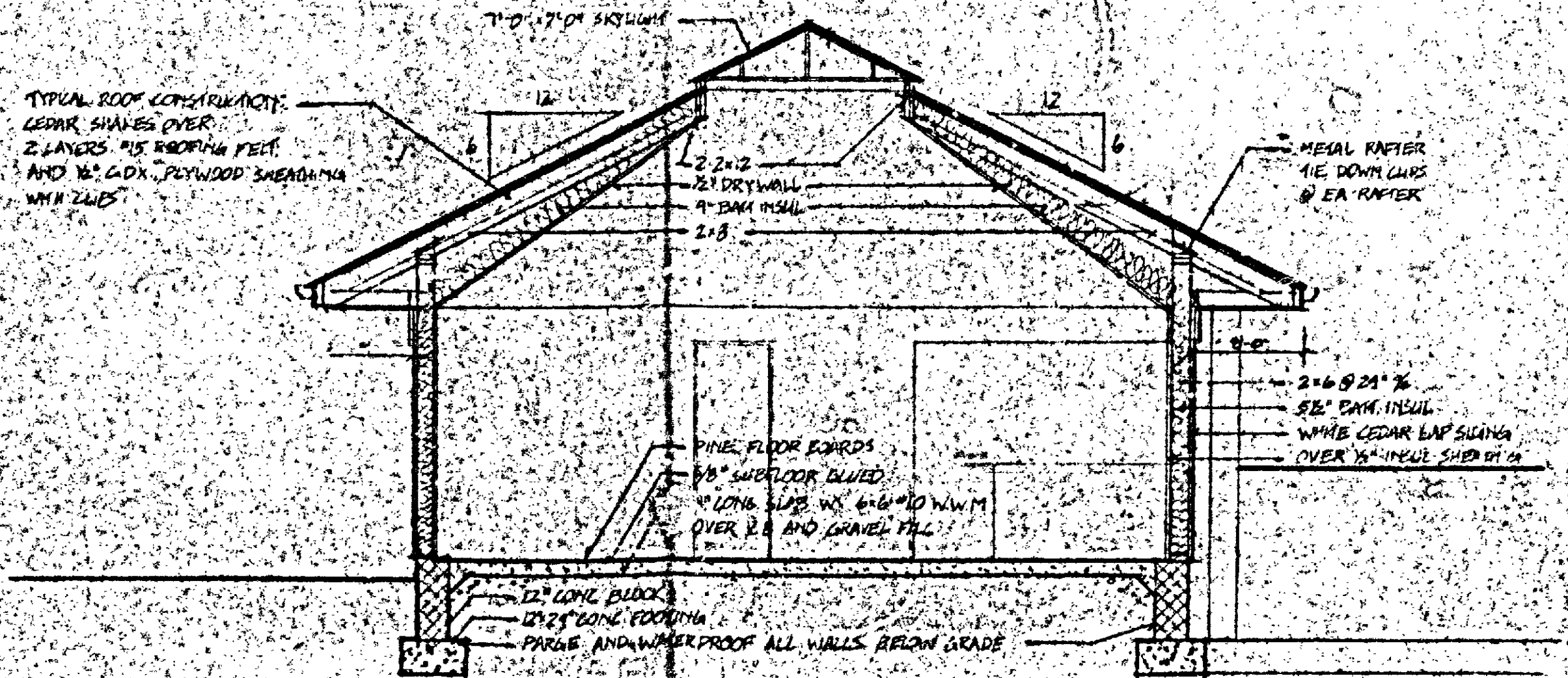
Petitioner's
Exhibit 3



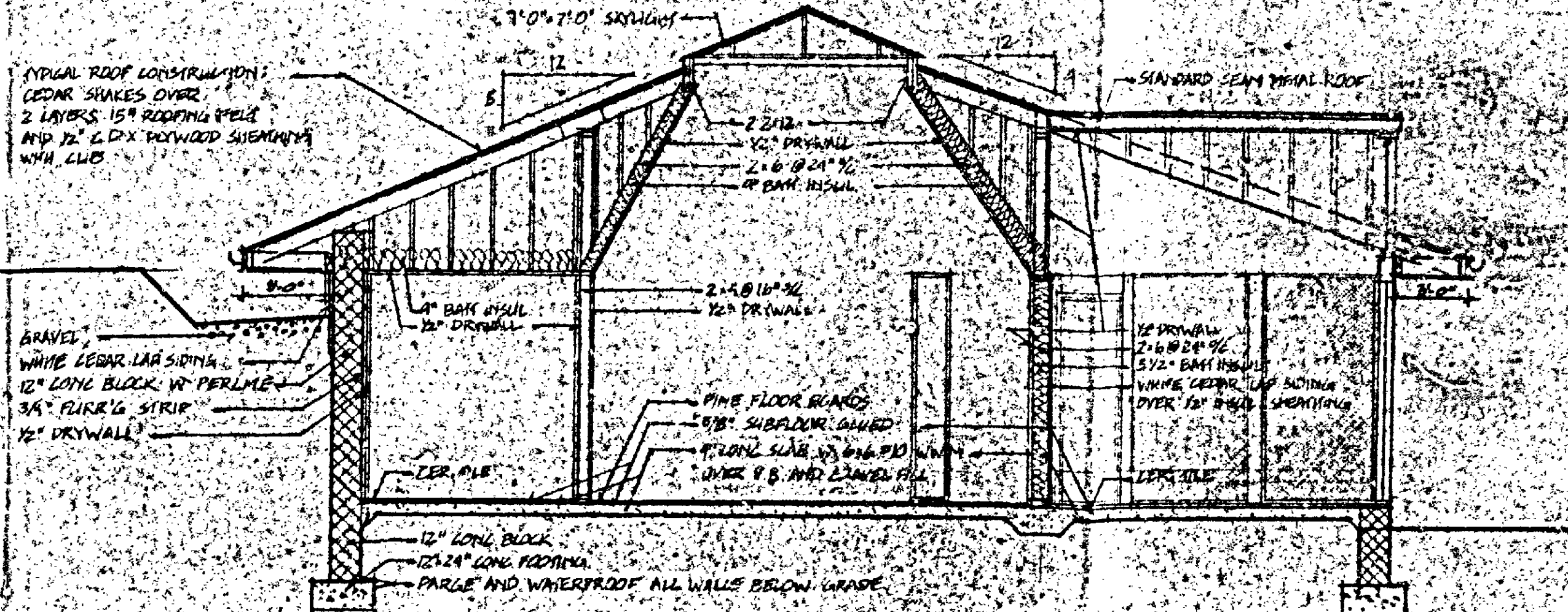
FLOOR PLAN SCALE: 1/4" = 1'-0"



FOUNDATION PLAN SCALE: 1/4" = 1'-0"



SECTION SCALE: 1/4" = 1'-0"



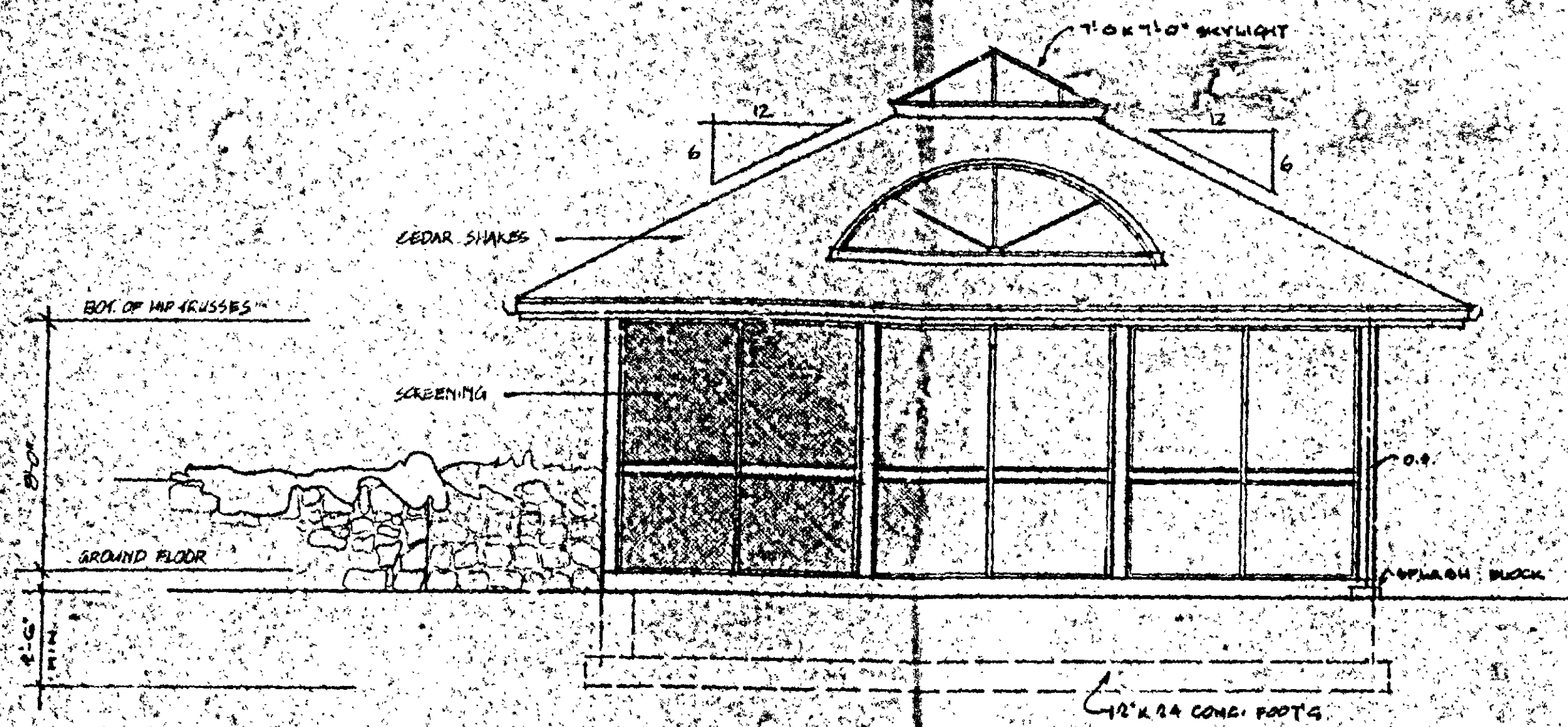
SECTION SCALE: 1/4" = 1'-0"

90-258-A
#118

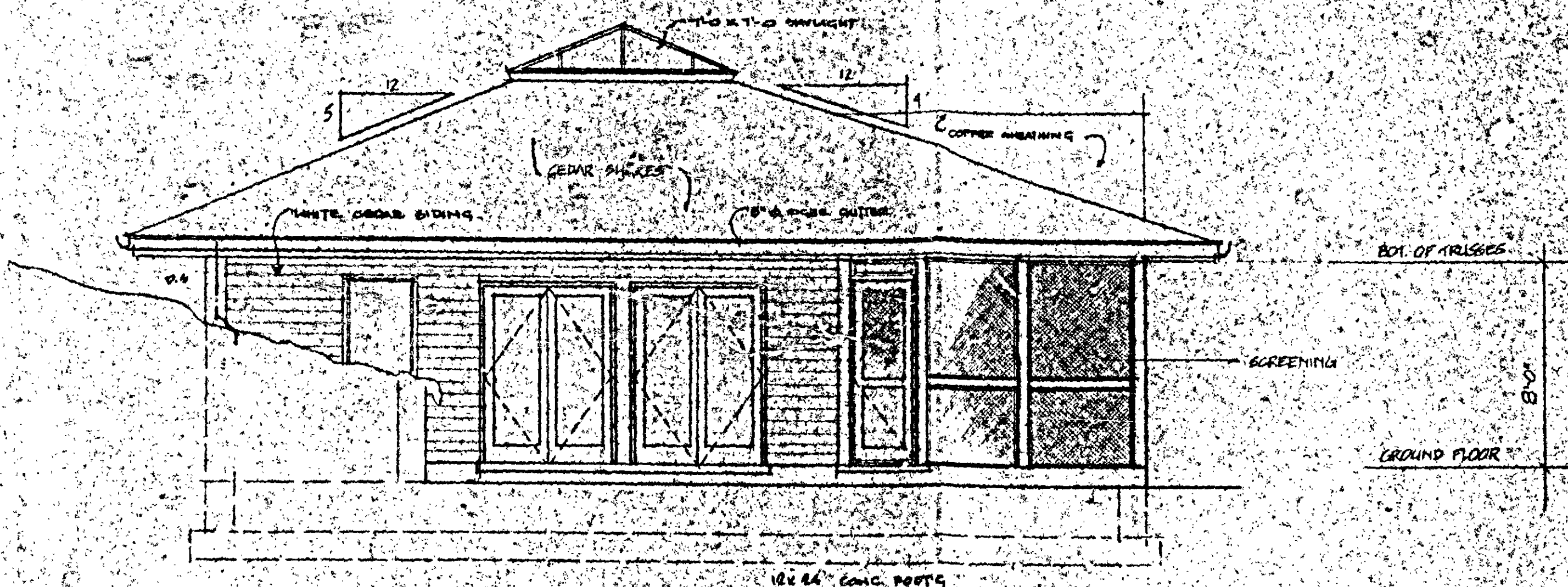
DONALD B. RATCLIFFE & ASSOC.
Architects and Engineers
10405 Stevenson Road, Stevenson, Maryland 21153
410-770-0000

Home House for Residence of:
MR. & MRS. GEORGE OBRECHT
Cadd Road
Butler, Maryland

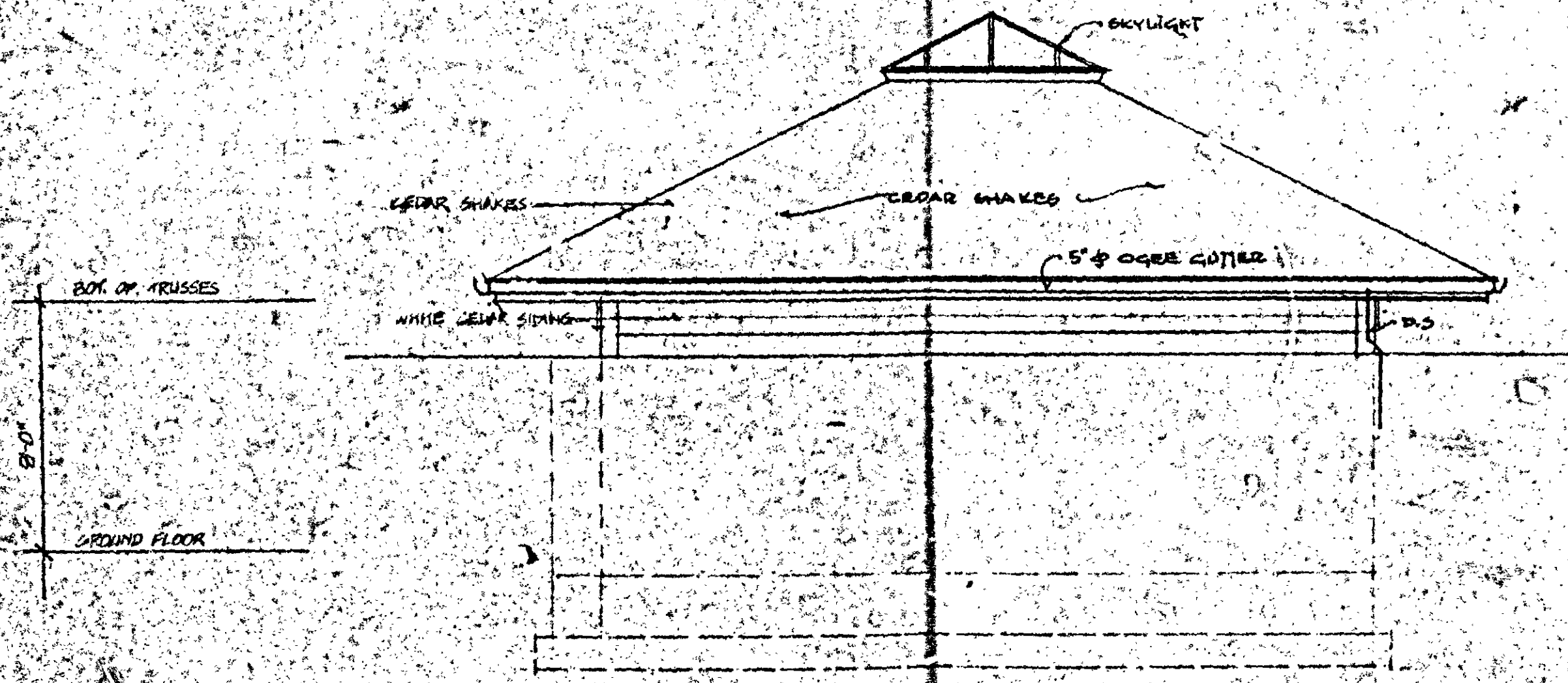
Revised: _____
Date: _____
Drawing: _____



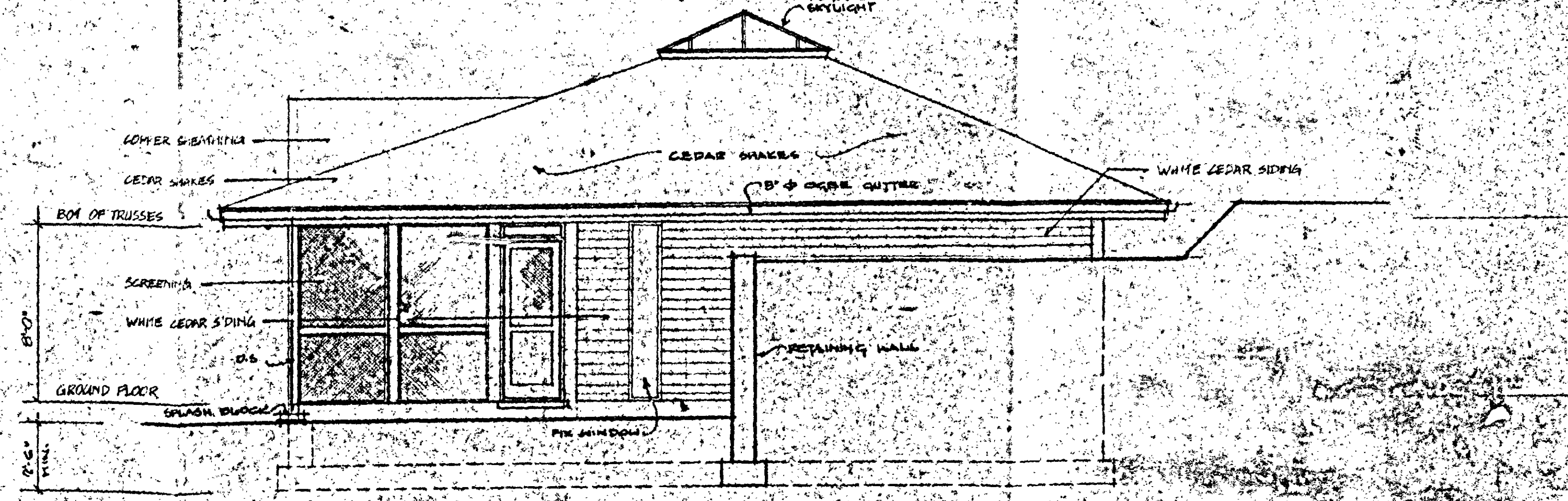
FRONT ELEVATION SCALE: 1/4" = 1'-0"



LEFT ELEVATION SCALE: 1/4" = 1'-0"



REAR ELEVATION SCALE: 1/4" = 1'-0"

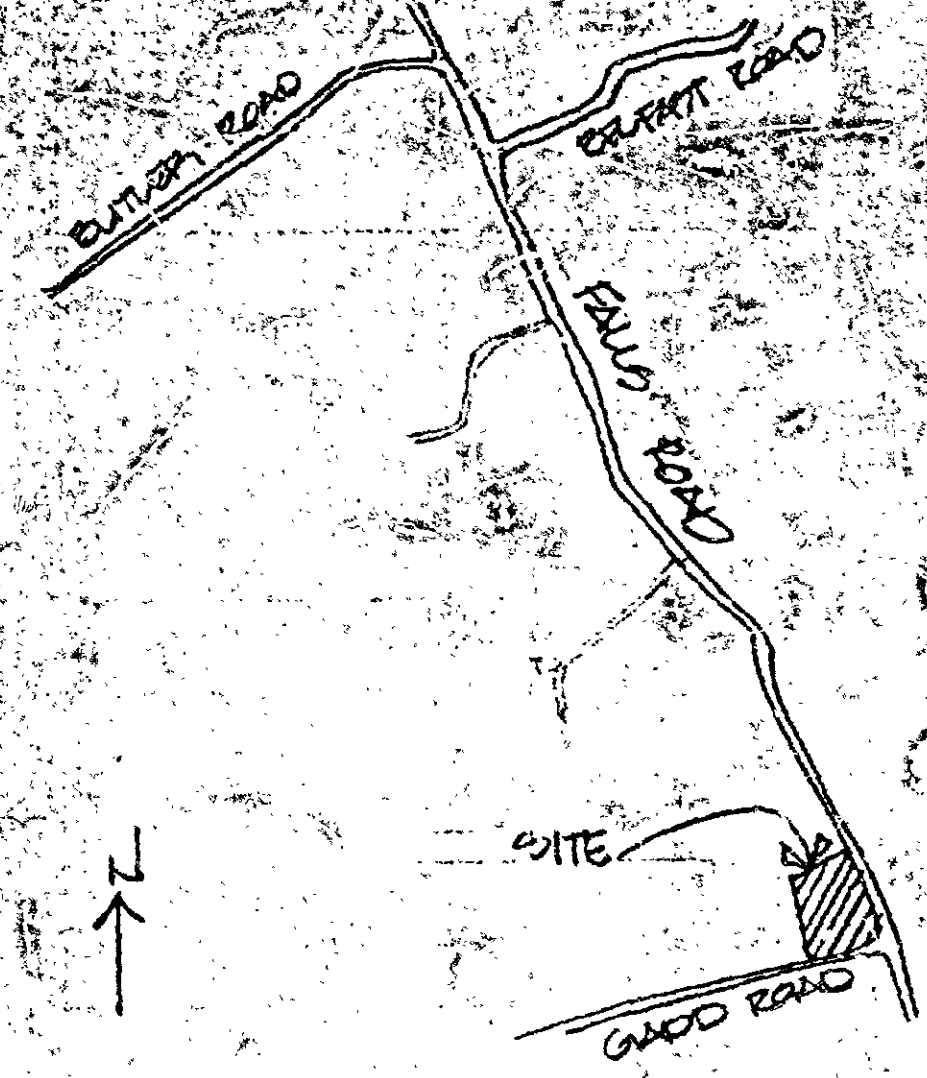


RIGHT ELEVATION SCALE: 1/4" = 1'-0"

DONALD B. RATCLIFFE & ASSOC.
 Architects and Planners
 10401 Blayden Road, Stevenson, Maryland 21153
 410-7010

Pool House for Residence of:
MR. & MRS. GEORGE OBRECHT
 Gadd Road
 Butler, Maryland

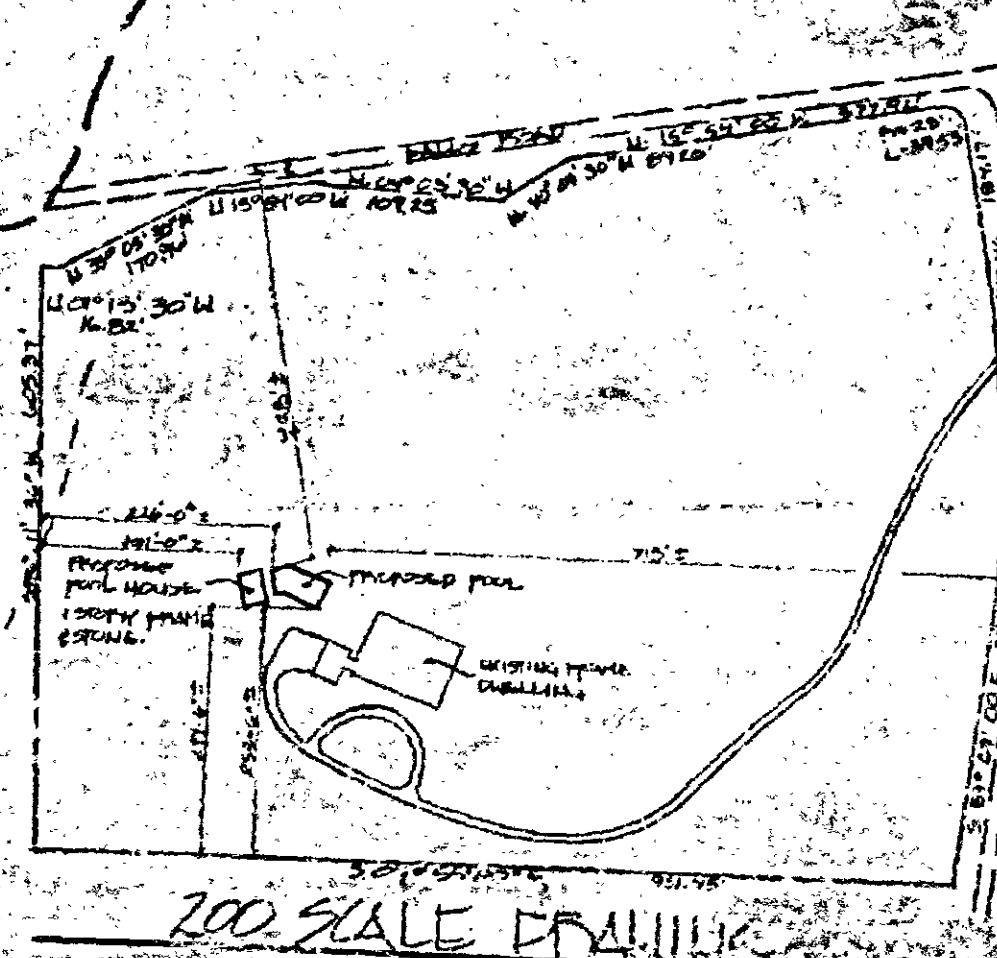
Sheet Title	ELEVATIONS
Project No.	10401-1
Revised	10401-1
Drawn by	DRB



VICINITY MAP 1"=1000'

ZONING NOTES:

AREA OF PROPERTY 16.23 AC.
 EXISTING ZONING RC-2
 PROPOSED ZONING RC-2 WITH VARIANCE TO SECTION 40.1 TO ALLOW A SWIMMING POOL IN SIDE YARD.
 EXISTING USE RESIDENTIAL
 PROPOSED USE RESIDENTIAL
 PRIVATE SEWER & WATER
 MINIMUM SETBACK REQUIREMENTS
 75' FRONT & OF ROAD
 50' FROM ANY OTHER PROPERTY LINE



*Petitioned
Exhibit 1*

TAX MAP 33 GRID 15 PARCEL 239	PLAN TO ACCOMPANY VARIANCE PETITION MR & MRS GEORGE F. KORECHT 2212 GARD ROAD 6TH ELECTION DISTRICT HUNTS VALLEY, MD. 21030	POOL SITE PLAN D.V. 9/15/84 DATE 3/14/85
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SWIMMING POOL PLANS FOR
GEORGE & SUZANNE KORECHT
 2212 GARD ROAD
 HUNTS VALLEY MD 21030