

THIS IMAGE PAGE INCORRECTLY DISPLAYS THE CASE ADDRESS AS 530 WINDWOOD ROAD. THE CORRECT CASE ADDRESS IS 3220 HUNTING TWEED DRIVE

IN RE: PETITION FOR ZONING VARIANCE
N/S Hunting Tweed Drive, 160'
W of the c/l of Huntwood Lane
(530 Windwood Road)
4th Election District
3rd Councilmanic District
David Berg, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 90-303-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 42 feet in lieu of the required 50 feet and an amendment to the Final Development Plan of "Huntington" Section Two as more particularly described in Petitioner's Exhibit 1.

The Petitioners, by David Berg, appeared, testified, and were represented by John H. Denick, Esquire. Also appearing on behalf of the Petition was John Markowski, Architect. There were no Protestants.

Testimony indicated that the subject property, known as 530 Windwood Road, consists of 2.35 acres zoned R.C. 5 and is currently unimproved. Petitioners propose to construct a single family dwelling with attached three car garage as depicted in Petitioner's Exhibit 1. Testimony indicated that due to the shape of the lot and the location of the existing well and septic drainage fields thereon, the requested variance is necessary. Petitioners contend the variance requested is nominal and that the granting of same will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)

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and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, 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 on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 2nd day of February, 1990 that the Petition for Zoning Variance to permit a side yard setback of 42 feet in lieu of the required 50 feet and an amendment to the Final Development Plan of "Huntington" Section Two, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

ORDER RECEIVED FOR FILING
Date 11/15/89
By J. Robert Haines

THIS IMAGE PAGE INCORRECTLY DISPLAYS THE CASE ADDRESS AS 530 WINDWOOD ROAD. THE CORRECT CASE ADDRESS IS 3220 HUNTING TWEED DRIVE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3553
J. Robert Haines
Zoning Commissioner

February 2, 1990



Dennis F. Baumgartner
County Executive

John H. Denick, Esquire
201 North Charles Street, Suite 1702
Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE
N/S Hunting Tweed Drive, 160' W of the c/l of Huntwood Lane
(530 Windwood Road)
4th Election District - 3rd Councilmanic District
David Berg, et ux - Petitioners
Case No. 90-303-A

Dear Mr. Denick:

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,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: People's Counsel

File

THIS IMAGE PAGE INCORRECTLY DISPLAYS THE CASE ADDRESS AS 530 WINDWOOD ROAD. THE CORRECT CASE ADDRESS IS 3220 HUNTING TWEED DRIVE

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-303-A

The undersigned, legal owner(s) 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 1A043.B.3 to permit a 42' side yard setback in lieu of the minimum 50' and an amendment to the final development plan of "Huntington" Section Two.

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

We require a large three car garage. Due to the trapezoidal shape of the lot, the garage cannot be constructed as designed within the 50' side yard setback line.

In addition, we require a deck on the side of our house. Due to the shape of the lot, the deck where our children will play will protrude into the side yard setback.

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.

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:

JOHN H. DENICK

(Type or Print Name)

Address

City and State

201 North Charles Street

Suite 1702

Baltimore, Maryland 21201

City and State

Attorney's Telephone No.: (301) 727-6900

904 North Calvert Street

Baltimore, MD 21201

Phone No. 685-1910

ORDERED By The Zoning Commissioner of Baltimore County, this 29 day

of 11/15/89, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out 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 1st day of Feb., 1990, at 11:30 o'clock

A.M.

J. Robert Haines

Zoning Commissioner of Baltimore County

(over)

DENICK & HYMAN

ATTORNEYS AT LAW

801 NORTH CHARLES STREET SUITE 1702

BALTIMORE, MARYLAND 21201

JOHN H. DENICK

TELEPHONE (301) 727-6900

FAX (301) 727-6904

11/15/89

PRICE

PUBLIC HEARING FEE

010 - ZONING VARIANCE FEE

TOTAL \$35.00

LAST NAME OF OWNER: BERG

11/15/89

11/15/89

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BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

January 18, 1990

COUNTY OFFICE P.O.
111 W. Chesapeake Ave.
Towson, Maryland 21204

John N. Denick, Esquire
201 North Charles Street, Suite 1702
Baltimore, MD 21201

RE: Item No. 165, Case No. 90-303-A
Petitioner: David Berg, et ux
Petition for Zoning Variance

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Road Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Dear Mr. Denick:

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 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 WINIARSKI. 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. David Berg
John V. Markowski, Architect

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
29th day of November, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: David Berg, et ux
Petitioner's Attorney: John H. Denick

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 20, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: David Berg, et ux, Item 165
Zoning Petition No. 90-303A

The Petitioners request a Variance to side yard setback requirements and to amend the final development plan.

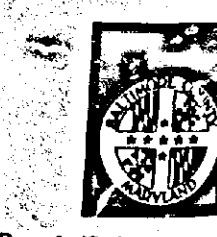
In reference to this request, staff offers no comment.

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
Towson, Maryland 21204
(301) 887-3534

November 29, 1989



Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 163, 164, 165, 166, 168, & 169.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSP/lw

RECEIVED
NOV 30 1989
COUNTY OFFICE

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

DECEMBER 1, 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: DAVID BERG

Location: #3320 HUNTING TWEED DRIVE

Item No.: 165 Zoning Agenda: NOVEMBER 28, 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: *John M. 12-4-89*
Planning Group
Special Inspection Division

Noted and Approved
John M. 12-4-89
Fire Prevention Bureau

JK/REK

DEC 05 1989

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for November 28, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 163, 164, 165, 166, 167, and 168.

For Item 169 the property dimensions shown do not agree with plat 13/86.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:m

DEC 27 1989

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 4th
Posted for: Variance
Petitioner: David Berg et ux
Location of property: 3320 Hunting Tweed Drive, 166 W. of 4th St. of Hunting Tweed Drive
Location of Signs: On part of subject property 3320 Hunting Tweed Drive
Remarks: *J. P. Keller*
Posted by: *J. P. Keller*
Number of Signs: 1
Date of Posting: 1-11-90
Date of return: 1-18-90

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
Account: R-001-4150
Number: 1202

1/31/90
PUBLIC HEARING FEES
080 - POSTING SIGNS / ADVERTISING 1 X \$121.56
TOTAL: \$121.56
LAST NAME OF OWNER: BERG

Customer Validation

8 053*****121561a 2016F
Please make checks payable to: Baltimore County

receipt
Account: R-001-4150
Number: 1202
90-303-A
1/31/90
PUBLIC HEARING FEES
080 - POSTING SIGNS / ADVERTISING 1 X
TOTAL: \$121.56
LAST NAME OF OWNER: BERG

MICHAEL J. KANDEL
JOANN KANDEL
3218 HUNTING TWEED DRIVE
OWINGS MILLS, MARYLAND 21117
(301) 55-0485

January 31, 1990

David and Jody Berg
2825 Baneberry Court
Baltimore, Maryland 21209

RE: 3220 Hunting Tweed Drive (Lot No. 21)
Pending Zoning Variance

Dear David and Jody:

I am writing to confirm our recent telephone conversations concerning your pending zoning variance. Specifically, we discussed the fact that your current building plans call for a portion of your garage to be located approximately 10 feet or so within one of the 50 foot side set backs of your lot.

Based upon my review of a copy of your site plan, I have seen that your garage shall be located on the side of your lot which is furthest away from my house. Since that is the case, I certainly would raise no objection to the granting of your pending zoning variance as it relates to the location of your garage.

Please stop by sometime soon so that our families can meet. We look forward to having our first true neighbors!!

Very truly yours,

Michael J. Kandel

MJK:bbg

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 4, 1990

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 Jan 4, 1990.

THE JEFFERSONIAN,

S. Zebe Orlum
Publisher

Petitioners SIGN-IN SHEET

NAME	ADDRESS
JOHN DENICK	201 N CHARLA STREET
DAVID BERG	2825 Baneberry Ct
JOHN MACKOWSKI	404 N Calvert St

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

DATE 1/16/90

J. & Mrs. David Berg
2825 Baneberry Court
Baltimore, Maryland 21209

Re: Petition for Zoning Variance
CASE NUMBER: 90-303-A
N/S Hunting Tweed Drive, 160' W of c/l of Holly Lane
3320 Hunting Tweed Drive
4th Election District - 3rd Councilmanic
Petitioner(s): David Berg, et ux
HEARING: THURSDAY, FEBRUARY 1, 1990 at 11:30 a.m.

Dear Mr. & Mrs. Berg:

Please be advised that \$12.56 is due for advertising and posting of the above captioned property.
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.
Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,
J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

cc: John H. Denick, Esq.

NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3331 to confirm hearing date.)

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

December 14, 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 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-303-A
N/S Hunting Tweed Drive, 160' W of c/l of Holly Lane
3320 Hunting Tweed Drive
4th Election District - 3rd Councilmanic
Petitioner(s): David Berg, et ux
HEARING: THURSDAY, FEBRUARY 1, 1990 at 11:30 a.m.

Variance to permit a 62 ft. side yard setback in lieu of the minimum 50 ft. and an amendment to the Final Development Plan at Huntington Section Two.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission 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.
NOTE:
(If "PHASE II" of the "SNOW EMERGENCY PLAN" is in effect in Baltimore County on the above hearing date, the hearing will be postponed. In the event of snow, telephone 887-3331 to confirm hearing date.)

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Berg
John H. Denick, Esq.

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 4, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Jan 4, 1990.

OWINGS MILLS TIMES,

S. Zebe Orlum
Publisher

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3320 Hunting Tweed Drive
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J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Berg
John H. Denick, Esq.

[illegible]

MINOR C.K. JONES
LMCLM 899.146
(VACANT)

LOT 22
#3210

EXIST. DWELLING
(APPROX. LOCATION)

90-303-A

