

IN RE: PETITION FOR ZONING VARIANCE  
 W/S Ivy Hill Road, 1540' NE  
 of the c/1 of Falls Road  
 (1434 Ivy Hill Road)  
 8th Election District  
 3rd Councilmanic District  
 John Oertel, et ux  
 Petitioners

BEFORE THE  
 DEPUTY ZONING COMMISSIONER  
 OF BALTIMORE COUNTY  
 Case No. 93-1-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Zoning Variance filed by the legal owners of the subject property, John and Beverly Oertel. The Petitioners request relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 35 feet and 40 feet in lieu of the required 50 feet for each for a proposed dwelling in accordance with Petitioner's Exhibits 1 and 4.

Appearing on behalf of the Petition were John Oertel, property owner, Thomas and Patricia Snyder, Contract Purchasers of the subject property, Barbara S. Frack, Eugene F. Raphael, Registered Land Surveyor, and Lewis L. Fleury, Esquire. Appearing in opposition to the Petitioners' request were Elliot and Sharon Leban, George and Gloria Baldauf, Milan Trpis, and Marjorie P. Foud, adjoining property owners.

Testimony indicated that the subject property, known as 1434 Ivy Hill Road, consists of 1.01 acres, more or less, zoned R.C. 5 and is presently unimproved. The Petitioners have contracted to sell the subject property to Thomas and Patricia Snyder who are desirous of constructing a single family dwelling thereon. Testimony indicated that the subject property, also known as Lot 10 of the New Gloucester subdivision, is of a triangular shape with a panhandle drive which extends in an easterly direc-

tion between Lots 7 and 8 to Ivy Hill Road as depicted on Petitioner's Exhibit 1. Mr. Oertel testified that when he purchased the property in 1976, water wells were not required to exist. In 1980, Mr. Oertel began drilling for a well and after approximately 9 to 11 drills, at an average expense of \$3,000 each, was finally successful in establishing a well with an appropriate yield. Said well is located in approximately the front center of the lot in its widest area as depicted on Petitioner's Exhibit 4, a site plan of the property prepared by Eugene F. Raphael.

Baltimore County law requires that all structures be located at least 30 feet from a well. As a result of this requirement, the Petitioner was forced to locate the proposed dwelling outside this 30-foot diameter. Consequently, the only suitable location for the proposed dwelling is towards the rear where the lot comes to a point. In addition, there are binding covenants and restrictions governing New Gloucester which require that each lot owner construct a dwelling of a certain size, as more specifically described in Paragraph 22 of said Restrictions which were entered into evidence as Petitioner's Exhibit 2. Given the constraints imposed by said Restrictions, the configuration of the lot, the location of the water well, and the fact that the proposed dwelling can only be located in the narrow section of this triangular lot, it is clear that practical difficulty and unreasonably hardship exists and the requested variances are necessary.

Thomas Snyder, Contract Purchaser, appeared and testified in support of the relief requested. Mr. Snyder stated that he and his wife searched at great length to find building plans for a home that would meet their needs and accommodate the limitations of the building envelope on the subject lot. Mr. Snyder submitted into evidence as Petitioner's Exhibit

it 3, a copy of the building plans for the home they propose to build. Appearing and testifying in opposition to the Petitioners' request was Milan Trpis. Mr. Trpis resides on the adjoining property known as 1504 Ivy Hill Road, or Lot 11 as depicted on Petitioner's Exhibit 4. Mr. Trpis testified that he is opposed to any variance being granted for the subject property because the location of the proposed dwelling would infringe upon his living space on his own property. He stated that his bedroom and kitchen are located in plain view from where the proposed dwelling is to be constructed. Given this, he is opposed to a variance being granted which would allow the proposed dwelling to be located where one would have visible access to his bedroom and kitchen.

On cross-examination by Mr. Fleury, it was revealed that Mr. Trpis was the beneficiary of a variance which permitted his dwelling to be located approximately 35 feet from the property line adjoining the subject lot.

Also appearing and testifying in opposition to the Petitioners' request was Elliot Leban. Mr. Leban resides on the adjoining property known as 1432 Ivy Hill Road, or Lot 9 as shown on Petitioner's Exhibit 4. Mr. Leban testified that he is opposed to the granting of a variance which would allow a home to be constructed in such close proximity to his dwelling. He also stated concern, as did Mr. Trpis, regarding the low water levels in the area and the possibility that the subject well would eventually run dry, leaving the proposed dwelling substantially without value. Mr. Leban testified that several homes in the area barely produce well yields that satisfy Baltimore County requirements which has caused the value of those homes to substantially decrease. He believes that this could be the situation in the instant case and is therefore opposed to the requested variances.

ORDER RECEIVED FOR FILING  
 Date 8/31/92  
 By [Signature]

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

- 1) whether strict compliance with requirements 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
- 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).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R. and will not result in any injury to the public health, safety or general welfare.

Because the proposed dwelling must be situated in the location shown on Petitioner's Exhibits 1 and 4, the Petitioner shall be required to landscape the property along the property line adjoining the Trpis and Leban properties in a manner deemed appropriate by the Office of Planning

ORDER RECEIVED FOR FILING  
 Date 8/31/92  
 By [Signature]

PETITION FOR ZONING VARIANCE  
 TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 93-1-A

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 1A04.3.B.3 of the Baltimore County Zoning Regulations to allow side yard setbacks of 35' and 40' in lieu of the required 50'.

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

The constraints imposed by the triangular configuration and the topography of the subject lot, the only available location of the water well as shown on the attached plat, and the restrictive covenants of the development subdivision prohibit the use of the subject lot without the requested variances.

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	Legal Owner(s): JOHN OERTEL (Type or Print Name) Signature BEVERLY R. OERTEL (Type or Print Name) Signature Beverly R. Oertel
Attorney for Petitioner: (Type or Print Name) Address City and State	2806 ELLENHARD AVE. 494-0952 TOWSON, MD. 21284
Name, address and phone number of legal owner, contract purchaser or representative to be contacted	Lewis L. Fleury
Attorney's Telephone No.	410-825-9200

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

Zoning Commissioner of Baltimore County.

ORDER RECEIVED FOR FILING  
 Date 8/31/92  
 By [Signature]

#2

in order to mitigate any adverse effects that may be caused by the proposed development. Therefore, the granting of the relief requested shall be contingent upon Petitioners' compliance.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 31<sup>st</sup> day of August, 1992 that the Petition for Zoning Variance requesting relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 35 feet and 40 feet in lieu of the required 50 feet for each for a proposed dwelling in accordance with Petitioner's Exhibits 1 and 4, be and is hereby GRANTED, subject to the following restrictions:

- 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.
- 2) Prior to the issuance of any building permits, Petitioners shall submit a landscape plan incorporating the conditions of the relief granted herein for approval by the Deputy Director of Planning and the Landscape Planner for Baltimore County. A copy of the approved plan shall be submitted to this Office for inclusion in the case file prior to the issuance of any occupancy permits.
- 3) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

[Signature]  
 TIMOTHY M. KOTROCCO  
 Deputy Zoning Commissioner  
 for Baltimore County

Baltimore County Government  
 Zoning Commissioner  
 Office of Planning and Zoning

Suite 113 Courthouse  
 400 Washington Avenue  
 Towson, MD 21284 August 31, 1992 (410) 887-4386

Lewis L. Fleury, Esquire  
 424 Woodbine Avenue  
 Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE  
 W/S Ivy Hill Road, 1540' NE of the c/1 of Falls Road  
 (1434 Ivy Hill Road)  
 8th Election District - 3rd Councilmanic District  
 John Oertel, et ux - Petitioners  
 Case No. 93-1-A

Dear Mr. Fleury:

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 887-3351.

Very truly yours,

[Signature]  
 TIMOTHY M. KOTROCCO  
 Deputy Zoning Commissioner  
 for Baltimore County

TMK:bjs

- cc: Mr. & Mrs. Thomas Snyder  
 7613 Stoney Harbor Court, Pasadena, Md. 21122
- Mr. & Mrs. Elliot M. Leban  
 1432 Ivy Hill Road, Cockeysville, Md. 21030
- Mr. Milan Trpis  
 1504 Ivy Hill Road, Cockeysville, Md. 21030
- Mr. & Mrs. George Baldauf  
 1500 Ivy Hill Road, Cockeysville, Md. 21030
- Ms. Marjorie P. Foud  
 1429 Ivy Hill Road, Cockeysville, Md. 21030
- People's Counsel; jfk

ORDER RECEIVED FOR FILING  
 Date 8/31/92  
 By [Signature]

OFFICE: 889-8900

RESIDENCE: 771-4882

DESCRIPTION TO ACCOMPANY ZONING  
 PETITION FOR VARIANCE  
 #1434 IVY HILL ROAD

June 16, 1992

Beginning at a point on the east Right of Way Line of Ivy Hill Road at the division of Lot 7 and Lot 10 as shown on the plat entitled "New Gloucester" and recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. 37, folio 71, said point being located 1540' ± easterly and northerly along Ivy Hill Road from the intersection formed by the center of Ivy Hill Road, and the center of Falls Road.

Being all of Lot 10 as shown on the plat entitled "New Gloucester", and recorded among the Land Records of Baltimore County in Plat Book E.H.K. Jr. 37, folio 71, and containing 1.01 Acres ±.

Being also known as #1434 Ivy Hill Road.



[Signature]  
 E. F. RAPHEL  
 Reg. Prof. Land Surveyor  
 #2246

**CERTIFICATE OF POSTING**  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2. 1st Date of Posting: July 24, 1992

Posted for: Variances

Petitioner: John and Beverly R. Oertel

Location of property: 1/3 Ivy Hill Road, 1540' NE of c/1 Falls Road, 1.734 Ivy Hill Road

Location of signs: W. of Ivy Hill Road in front of subject property

Remarks: \_\_\_\_\_

Posted by: L. J. Grate Date of return: July 31, 1992

Number of Signs: 1

**receipt**

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21284

Date: \_\_\_\_\_ Account: R-001-6150  
Number: \_\_\_\_\_

PAID PER HAND-WRITTEN RECEIPT DATED 7/1/92

7/02/92	HP300002
PUBLIC HEARING FEES	QTY PRICE
010 - ZONING VARIANCE (IRL)	1 X \$50.00
TOTAL: \$50.00	

LAST NAME OF OWNER: OERTEL

Please Make Checks Payable To: Baltimore County

Cashier Validation \_\_\_\_\_

**receipt**

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21284

Date: \_\_\_\_\_ Account: R-001-6150  
Number: \_\_\_\_\_

93-1

344040071M1CHR 57.80  
SA 000151AM08-03-92  
Please Make Checks Payable To: Baltimore County

Cashier Validation \_\_\_\_\_

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

DATE: 7.27.92

John and Beverly Oertel  
7806 Ellinham Avenue  
Towson, Maryland 21284

RE: CASE #93-1-4 (Item 2)  
1/3 Ivy Hill Road, 1540' NE of c/1 Falls Road  
1.734 Ivy Hill Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): John and Beverly Oertel  
HEARING: THURSDAY, AUGUST 13, 1992 at 11:00 a.m. in Rm. 118, Courthouse.

Dear Petitioner(s):

Please be advised that \$ 67.80 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE SIGNING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE CHECK SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

cc: Lewis L. Fleury, Esq.

**CERTIFICATE OF PUBLICATION**

TOWSON, MD. July 24, 1992

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 July 23, 1992

THE JEFFERSONIAN,  
S. Zake Orlow  
Publisher

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

No. 107403  
ITEM #2

DATE: 7-1-92 ACCOUNT: R001-6150

AMOUNT \$ 50.00

RECEIVED FROM: Raphel & Assoc.

FOR: OERTEL PV. PETITION

344040030M1CHR 50.00  
VALIDATION OR SIGNATURE OF CASHIER

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

JULY 10, 1992

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE #93-1-4 (Item 2)  
1/3 Ivy Hill Road, 1540' NE of c/1 Falls Road  
1.734 Ivy Hill Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): John and Beverly Oertel  
HEARING: THURSDAY, AUGUST 13, 1992 at 11:00 a.m. in Rm. 118, Courthouse.

Variance to allow side yard setbacks of 35 feet and 40 feet in lieu of the required 50 feet.

Lawrence E. Schmidt  
Lawrence E. Schmidt  
Zoning Commissioner of Baltimore County

cc: John and Beverly Oertel  
Lewis L. Fleury, Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 August 6, 1992 (410) 887-3353

Lewis L. Fleury, Esquire  
424 Woodbine Avenue  
Towson, MD 21204

RE: Item No. 2, Case No. 93-1-A  
Petitioner: John Oertel, et ux  
Petition for Zoning Variance

Dear Mr. Fleury:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning

111 West Chesapeake Avenue  
Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 30th day of June, 1992

Arnold Jarlow  
ARNOLD JARLOW  
DIRECTOR

Received By:  
W. Carl Richards Jr.  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: John Oertel, et ux  
Petitioner's Attorney: Lewis L. Fleury

DPW/Developers Engineering Division (Public Services)  
Development Review Committee Response Form  
Authorized signature: Theresa A. Mahlstedt Date: 7/20/92

File Number	Waiver Number	Zoning Issue	Meeting Date
90476		Stonagate at Patapsco (Azreal Property)	6-1-92
ZON DED TE (Waiting for developer to submit plans first)			
COUNT 1			
✓ Baltimore County - Southwestern Bell Mobile Systems			
DED STP	533		6-29-92 NC
COUNT 1			
Highlands Limited Partnership			7-13-92 Comment
DED DEPRM RP STP TE		Charles C. Campbell, Sr.	
DED DEPRM RP STP TE	1		Comment
✓ John and Beverly R. Oertel	2		NC
DED DEPRM RP STP TE		William W. And Donna M. O'Rourke	
DED DEPRM RP STP TE	3		Comment
✓ Theresa A. Mahlstedt	4		NC
DED DEPRM RP STP TE			
COUNT 5			
FINAL TOTALS			
COUNT 7			

\*\*\* END OF REPORT \*\*\*

OFFICE OF PLANNING AND ZONING  
New Courts Building  
401 Bosley Avenue  
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

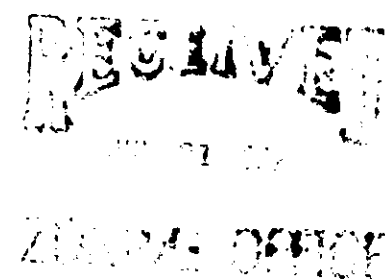
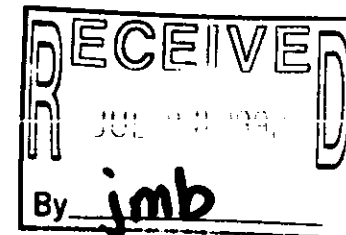
DATE: JULY 16, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - July 13, 1992

The Office of Planning and Zoning has no comments on the following petitions:

John Oertel - Item # 2  
Theresa A. Mahstedt - Item # 4

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



DPW/Traffic Engineering  
Development Review Committee Response Form  
Authorized signature: *Rabe & Family* Date: 7/20/92

Project Name Waiver Number Zoning Issue Meeting Date

Stonegate at Patapasco (A2real Property) 6-1-92

90476 ZON DED TE (Waiting for developer to submit plans first)

COUNT 1

✓ Highlands Limited Partnership N/C 7-13-92

DED DEPRM RP STP TE

✓ Charles C. Campbell, Sr. 1 N/C

DED DEPRM RP STP TE

✓ John And Beverly R. Oertel 2 N/C

DED DEPRM RP STP TE

✓ William W. And Donna M. O'Rourke 3 N/C

DED DEPRM RP STP TE

✓ Theresa A. Mahstedt 4 N/C

DED DEPRM RP STP TE

COUNT 5

FINAL TOTALS

COUNT 6

\*\*\* END OF REPORT \*\*\*

TO: Mr. Arnold Jablon, Director Zoning Administration and Development Management DATE: July 16, 1992

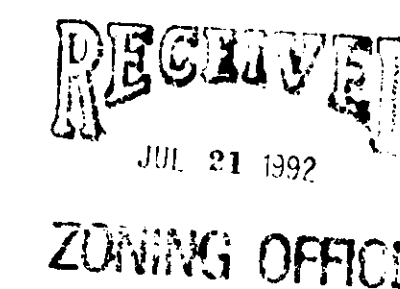
FROM: J. Lawrence Pilon Development Coordinator, DEPRM

SUBJECT: Zoning Item 2  
#1434 Ivy Hill Road  
1718 Greenspring Valley Road  
Zoning Advisory Committee Meeting of July 13, 1992

In accordance with the letter of 9/27/91 to E.F. Raphael, a variance has been granted to allow the sewage disposal area to be located 1 ft. from the property line. Accurate location of the test pits, sewage disposal reserve area, proposed dwelling, well location and dry well attempts must be submitted prior to final approval.

JLP:sp

JABLON/S/TXTSBP



700 East Joppa Road Suite 901  
Towson, MD 21204-5500

JULY 13, 1992

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: JOHN OERTEL AND BEVERLY P. CERTEL

Location: #1434 IVY HILL ROAD

Item No.: 2 (JCM) Zoning Agenda: JULY 13, 1992

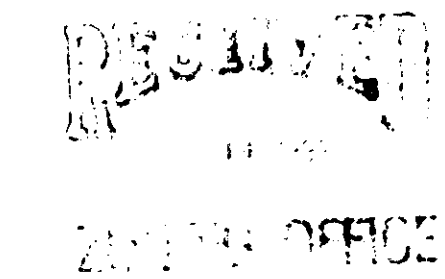
Gentlemen:

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.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK



Development Review Committee Response Form  
Authorized signature: *[Signature]* Date: 7/20/92

Project Name Waiver Number Zoning Issue Meeting Date

Highlands Limited Partnership 7-13-92

DED DEPRM RP STP TE No Comment

✓ Charles C. Campbell, Sr. 1

DED DEPRM RP STP TE No Comment

✓ John And Beverly R. Oertel

DED DEPRM RP STP TE No Comment

✓ William W. And Donna M. O'Rourke 3

DED DEPRM RP STP TE No Comment

✓ Theresa A. Mahstedt 4

DED DEPRM RP STP TE No Comment

DED DEPRM RP STP TE No Comment

COUNT 5

W. Claymore And Carol H. Sieck 541 7-6-92

DEPRM RP No Comment

COUNT 1

FINAL TOTALS

COUNT 6

\*\*\* END OF REPORT \*\*\*

TO: Timothy M. Kotroco Deputy Zoning Commissioner for Baltimore County Date: May 4, 1993

FROM: E. Avery Harden, Landscape Coordinator Development Plan Review

SUBJECT: CASE NO. 93-1-A  
1434 IVY HILL ROAD

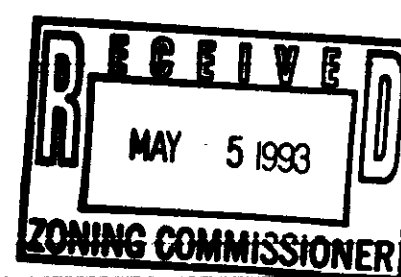
I recently made a site visit to the subject address in order to determine what landscape planting requirements would be appropriate to satisfy your zoning order requirement for a landscape plan.

In my opinion, sufficient evergreen trees of an appropriate size have already been provided along two property lines that will eventually provide the buffer you required for the two adjacent neighbors.

Therefore, it is my recommendation that no landscape plan be required and no additional landscaping be required.

EAH:pab

cc: File



LEWIS L. FLEURY  
ATTORNEY AT LAW  
424 WOODBINE AVENUE  
TOWSON, MARYLAND 21284  
(410) 888-0800

July 15, 1992

Ms. Gwen Stephens  
Office of Zoning Administration  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 93-1-A (Item 2)  
W/S Ivy Hill Road, 1540' NE of c/1 Falls Road  
1434 Ivy Hill Road  
8th Election District - 3rd Councilmanic  
Petitioners: John and Beverly Oertel

Dear Ms. Stephens:

This will confirm our telephone conversation on July 13th in which I advised you that I have a court assignment conflict with a hearing date of August 13, 1992 at 11:00 a.m.; and, at your suggestion, we agreed to reassign this matter for hearing in Room 118 Courthouse, on Thursday, August 13, 1992 at 3:00 p.m.

Thank you very much for your cooperation in this matter.

Very truly yours,

*[Signature]*  
Lewis L. Fleury

LLF/bg  
37/08RTBL.GS

cc: Mr. and Mrs. John Oertel  
Mr. Eugene F. Raphael  
Mrs. Barbara Frack



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME ADDRESS

*[Handwritten list of names and addresses]*

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME ADDRESS

*[Handwritten list of names and addresses]*

P-2

LIB 5474 00851

EXHIBIT A

NEW GLOUCESTER RESTRICTIONS

1. That the said lots hereinbefore mentioned and any building or structures now or hereafter erected thereon, shall be occupied and used for residential purposes only.

(a) To make certain that said restrictions shall apply uniformly to all lots in said subdivisions to the mutual advantage of the Declarants and to others who may in the future claim title through the Declarants, except and provided, however, as follows.

(b) Real estate sales and construction offices (or trailers) may be erected, maintained and operated on any part of said land and/or in any building or structure now or hereafter erected thereon, provided such offices are used or operated in connection with the development of said land or the construction of improvements on said land or sale of any part of said land or of improvements now or hereafter erected thereon.

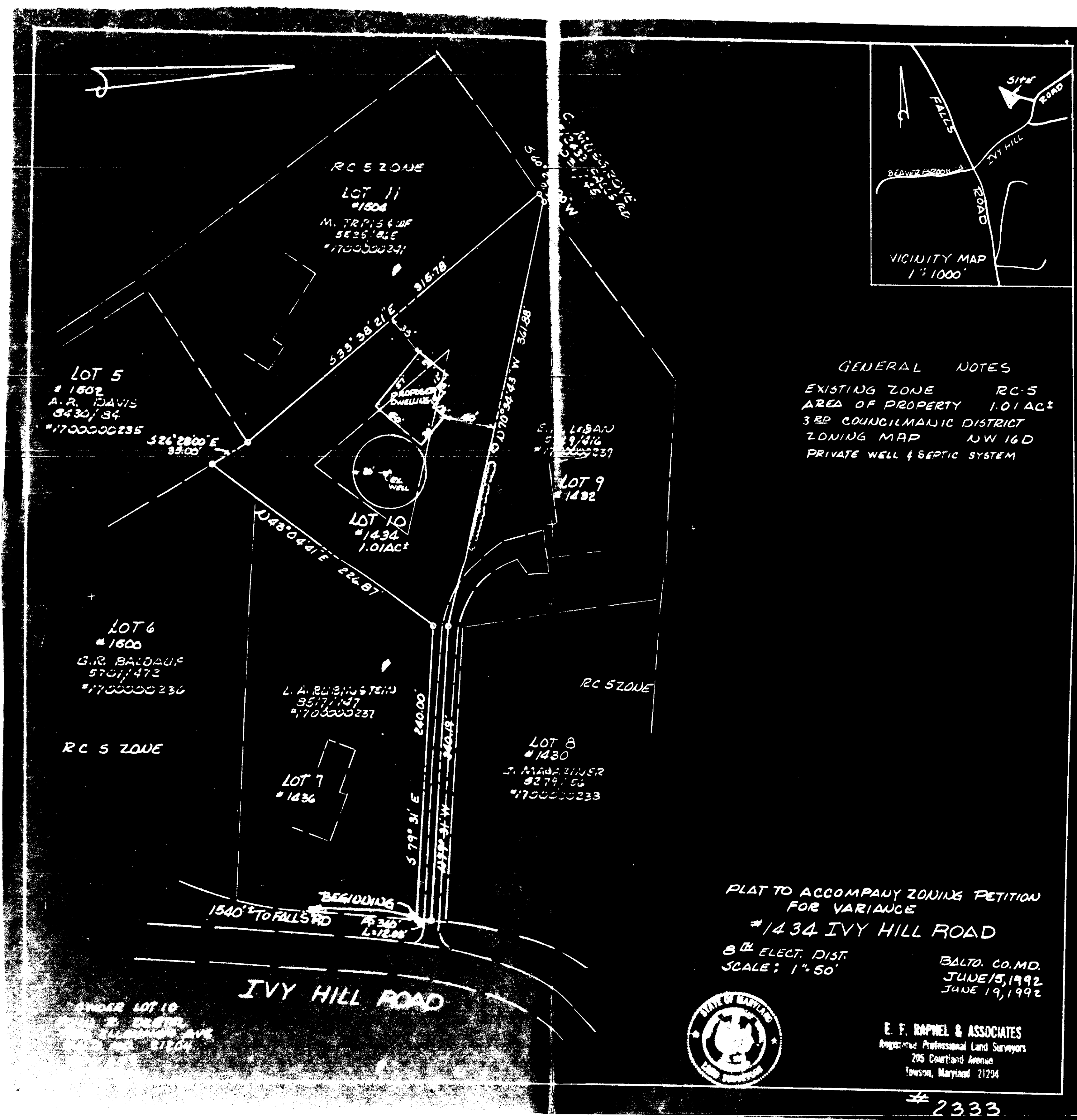
2. The following definitions shall apply as to terms used herein:

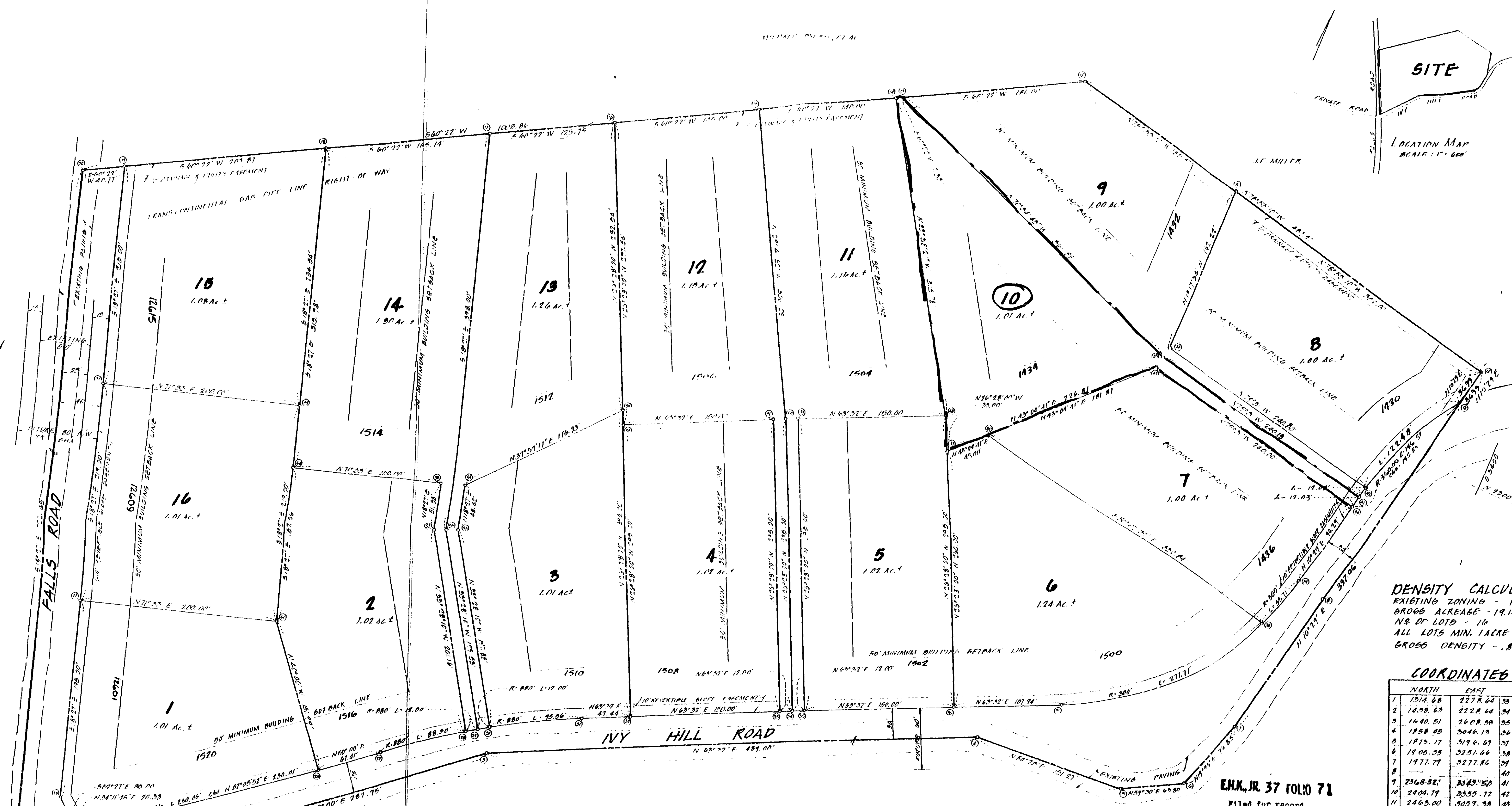
(a) The word "street" is intended to mean any street, highway or other thoroughfare shown on said plats, whether designated as street, avenue, road, place, court, alley, lane, path, way or otherwise.

(b) The word "Plot" is mentioned to mean any piece of land on which in accordance with the provisions hereof or of any deed from the Declarants hereafter transferring title thereto, the Grantee shall have the right to erect a building.

(c) The words "tract of land" are intended to mean all the land shown on and included in said plats filed for record as hereinbefore stated.

3. That the said plots shall be used exclusively for private house dwelling purposes; that no structure shall be erected, altered, placed or permitted to remain on any residential building plot other





**DENSITY CALCULATIONS**  
 EXISTING ZONING - R.D.P.  
 GROSS ACREAGE - 19.142 AC.  
 NR. OF LOTS - 16  
 ALL LOTS MIN. 1 ACRE  
 GROSS DENSITY - .85

**COORDINATES TABLE**

	NORTH	EAST	NORTH	EAST
1	1514.68	2278.64	35	2278.64
2	1498.63	2278.64	36	1846.55
3	1640.51	2608.38	37	2608.38
4	1858.45	3046.18	38	1878.75
5	1875.17	3174.61	39	1924.85
6	1908.55	3251.66	40	2087.00
7	1977.77	3277.86	41	2140.80
8	2368.32	3449.55	42	2245.00
9	2404.79	3555.72	43	2252.20
10	2465.00	3609.58	44	2252.20
11	2478.84	3676.71	45	2289.03
12	2407.36	3719.08	46	2277.21
13	2405.74	3719.21	47	2144.57
14	2336.48	3691.92	48	2111.00
15	2264.77	3668.48	49	2142.85
16	2202.61	3656.18	50	2075.98
17	2120.96	3622.64	51	2070.65
18	2020.10	3585.44	52	2045.28
19	2000.00	3500.00	53	1998.25
20	1816.21	3403.48	54	2011.86
21	1608.47	3272.79	55	1876.30
22	1425.49	3124.00	56	1820.37
23	1408.16	3062.25	57	1825.07
24	1403.16	3062.25	58	1819.77
25	1355.54	3044.21	59	1819.77
26	1298.66	2911.84	60	1819.00
27	1261.98	2822.21	61	1821.22
28	1261.98	2822.21	62	1821.22
29	1261.98	2822.21	63	1821.22
30	1645.18	2602.25	64	1671.77
31	1712.52	2685.50	65	1727.36
32	1754.32	2727.36		

**SUBDIVISION PLAT OF  
 NEW GLOUCESTER**

8<sup>TH</sup> ELECTION DISTRICT  
 BALTIMORE COUNTY, MD.  
 SCALE: 1"=50' OCT. 1973

OWNER & DEVELOPER  
 E. SCOTT MOORE  
 JEFFERSON BUILDING  
 TOWSON, MD. 21284

ENR. JR. 37 FOLIO 71  
 Filed for record  
 Date: JAN 25 1974  
 Test:  
 Clerk  
 EDWIN J. KIRBY & ASSOCIATES  
 21 COURT STREET  
 WESTMINSTER, MD. 21157

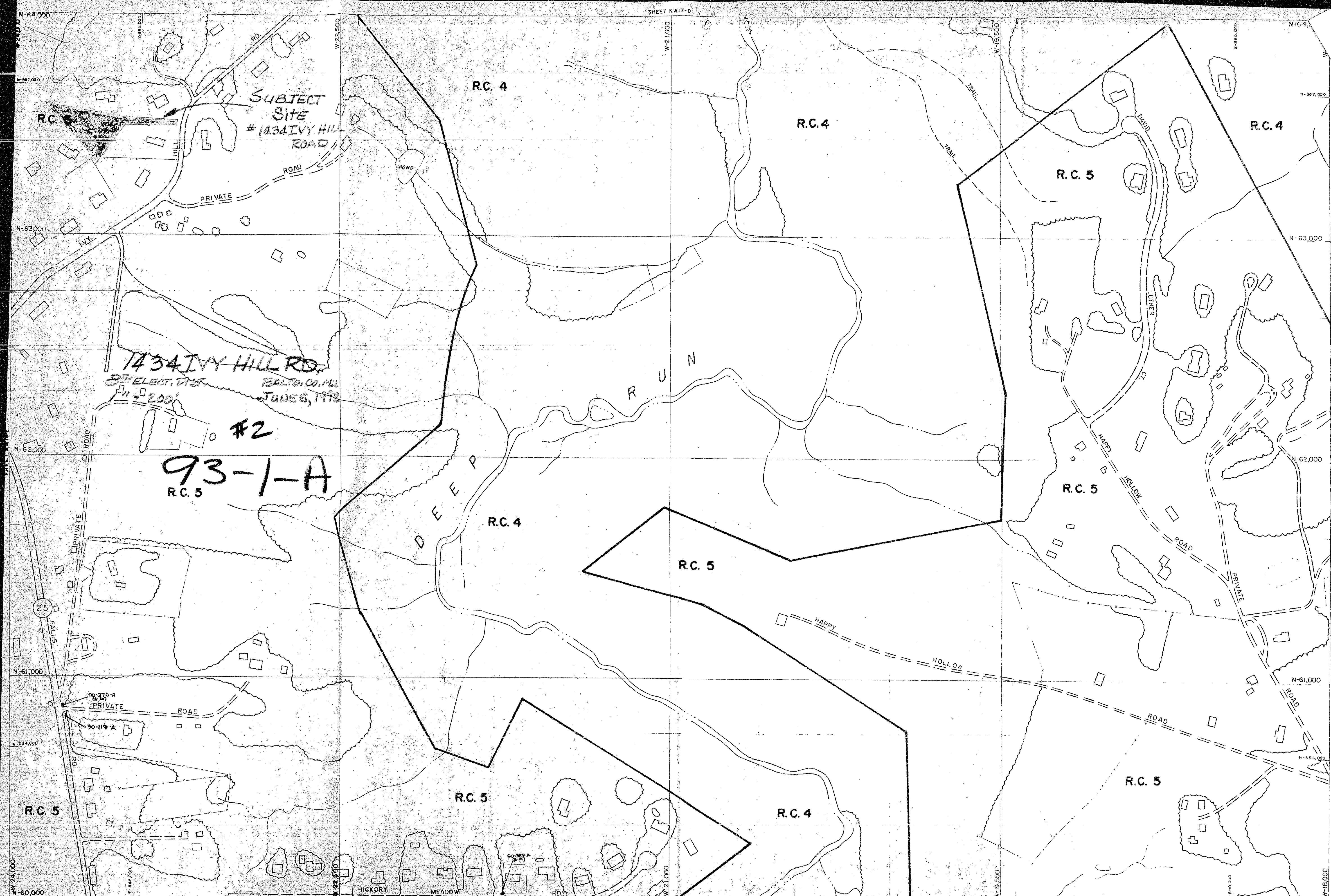
P. W. A. Campbell, P.E. O.E.L.  
 Final Plat Checked  
 Plying  
 Engineering Co. 11-31-73  
 State No. O.E.L.

NOTE FOR PARALLEL LOTS  
 EDGE COLLECTION, SNOW REMOVAL AND  
 ROAD MAINTENANCE ARE PROVIDED TO  
 THE JUNCTION OF THE PARALLEL AND  
 THE RIGHT-OF-WAY ONLY AND NOT ONTO  
 THE PARALLEL LOT DRIVEWAY.

BEARINGS AND MAGNETIC COORDINATES ARE ASSUMED

APPROVAL OF THE BALTIMORE COUNTY HEALTH DEPARTMENT 11/16/73 DEPUTY STATE AND COUNTY HEALTH OFFICER	APPROVAL OF THE BALTIMORE COUNTY PLANNING BOARD 11/24/73 WILLIAM H. HARRIS PLANNING DIRECTOR	APPROVAL FOR ALIGNMENT AND LOCATION OF STREETS 11/29/73 CHRISTOPHER H. HARRIS ROADS ENGINEER	THE STREETS AND ROADS AS SHOWN HEREON AND THE ADJACENT THEREOF ARE HEREBY SET ASIDE FOR THE PURPOSES OF THE PLAT THEREOF AND THE SAME SHALL BE DEEMED TO BE DEDICATED TO PUBLIC USE AND TO BE SUBJECT TO THE POWERS THEREOF AS IMPROVED OR OTHERWISE RESERVED IN THE PLAT THEREOF IN WHICHEVER YEAR OR YEARS THE PLAT IS ATTACHED, THEIR HEIRS AND ASSIGNS.	OWNERS CERTIFICATE CERTIFICATION IS HEREBY MADE THAT ALL THE REQUIREMENTS OF SECTION 17-A ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND (1947) AND ALL SUPPLEMENTAL THERETO HAVE BEEN COMPLIED WITH IN THE PLAT. 10-18-73 OWNER OF LAND SHOWN HEREON	EDWIN J. KIRBY, JR. SURVEYOR OF THE STATE OF MARYLAND, A REGISTERED LAND SURVEYOR OF THE STATE OF MARYLAND, DO HEREBY CERTIFY THAT THE LAND SHOWN HEREON HAS BEEN PLATTED AND THE PLAT THEREOF PREPARED IN ACCORDANCE WITH SECTION 17-A TO 17-E, INCLUSIVE OF ARTICLE 17 OF THE ANNOTATED CODE OF MARYLAND (1947 EDITION), AS AMENDED OR AMENDMENT BY THE ACTS OF 1948 AND 1949 AND SUBSEQUENT ACTS, IF ANY, AMENDATORY THEREOF. 10-18-73 REGISTERED LAND SURVEYOR NO. 3787
--	---	---	---	--	--





V - SW  
S - NW

1980 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
Map No. 150-20, 150-21, 150-22, 150-23, 150-24, 150-25, 150-26, 150-27, 150-28, 150-29, 150-30

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200' ±	DEEP RUN	N.W.
DATE OF PHOTOGRAPHY		16-D
JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

93-1-A 2

#2

#1434 IVY HILL ROAD  
8<sup>TH</sup> ELEC. DIST. BALTO. CO. MD.  
1" = 200'  
JUNE 15, 1982

PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200'

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION

DEEP RUN

SHEET

NW  
16 D

