

IN RE: PETITION FOR ADMIN. VARIANCE
NW/S Woodholme Avenue, 600' SW
of the c/l Reisterstown Road
(16 Woodholme Avenue)
3rd Election District
2nd Council District

Scott H. Berger
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* —
* OF BALTIMORE COUNTY
* Case No. 00-401-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Administrative Variance filed by the owner of the subject property, Scott H. Berger. The Petitioner seeks relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the required 20 feet, a side setback sum of 47 feet in lieu of the required 50 feet, and a rear yard setback of 17 feet in lieu of the required 50 feet, for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

Section 26-127 of the Baltimore County Code authorizes the Zoning Commissioner to grant variance relief without a public hearing in certain circumstances. Specifically, the property owner of an owner-occupied dwelling may seek relief through the administrative variance process. A sign is posted on the property for a period of 15 days advising the public of the relief requested. During that period, any interested property owner, residing within 1,000 feet of the property in question, may request a public hearing. In this case, the property was duly posted as required. The adjacent property owners, Frank A. and Patrice C. Burd, requested a public hearing. Thus, a hearing on the matter was scheduled and conducted on May 19, 2000. Mr. Berger and Diane Miles appeared at that hearing, as did Mr. & Mrs. Burd.

Testimony and evidence presented revealed that the subject property consists of a gross area of 1.04 acres, more or less, zoned D.R.1, and is improved with a split-foyer, single family dwelling. The property is an irregular shaped parcel, approximately 120 feet wide along the front

ORDER RECEIVED FOR FILING

Date 6/5/00

By [Signature]

property line, and tapering to a width of 77 feet along the rear property line; however, it has a significant depth of 460 feet. Access to the site is by way of an asphalt driveway that leads from Woodholme Road. As shown on the site plan, the house is situated on the lot in somewhat of an unusual angle and does not directly front that street. Presently, a 35-foot setback to the western property line and a 26-foot setback to the eastern property line is maintained.

Mr. Berger has owned and resided on the property for the past three years with Ms. Miles. In order to provide additional living space, the Petitioner proposes the construction of an addition on the east side of the property. As shown on the plan, the addition will be 20' x 30' in dimension and will be located 12 feet from the eastern property line, thereby reducing the current 26-foot setback. Moreover, due to the unusual location of the building envelope, the proposed addition will be 17 feet from the rear property line. Arguably, variance relief is necessary from the 50-foot setback required for both the side and rear yards.

Mr. Berger testified that the proposed addition is necessary to provide additional living space. He also indicated that it was not functionally possible to expand from the rear of the dwelling, due to the location of the master bedroom and kitchen. Mr. Berger noted that the house is approximately 30 years old.

Mr. & Mrs. Burd are opposed to the requested relief. As noted above, they reside immediately adjacent to the subject property, on the side of the proposed addition. Testimony indicated that their house sits back from Woodholme Avenue quite a bit further than Mr. Berger's house. Due to the topography of the land, which rises from Woodholme Avenue, Mr. & Mrs. Burd's dwelling looks down on the Berger property. The Burds believe that the proposed addition is too large and will be detrimental to their view. Mr. & Mrs. Burd characterized the addition as an "intrusion" onto their property. Following the hearing, I visited the site and viewed both properties from Woodholme Avenue and specifically, the Berger home from the Burd's driveway. This site inspection was persuasive to my findings as set forth below.

The consideration of a Petition for Variance is guided by Section 307 of the B.C.Z.R. That Section provides that relief can be granted only upon a finding that the property is unique, that a

practical difficulty would be suffered if variance relief were denied, and that relief can be granted without detrimental impact to adjacent properties.

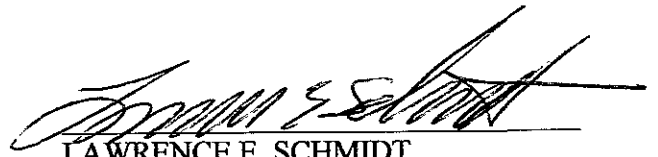
I do find this property unique by virtue of its unusual shape and configuration. As noted above, it is narrow and tapers towards the rear. Additionally, a compelling case can be made that the Petitioner would suffer a practical difficulty if relief were denied. Indeed, Mr. Berger's testimony was persuasive that the proposed location for the addition is the only practical site for expansion, given the layout of the existing dwelling. However, I do agree with Mr. & Mrs. Burd that the proposed addition would be detrimental to the use and enjoyment of their property. This is due to the location of their house, on a hill, overlooking the subject property. The addition would be clearly visible from their home. It is of note that most of the lots in the vicinity appear to be larger than the subject property. In my view, the proposed addition would be out of character with the area, in terms of its proximity to side and rear property lines. Moreover, I find that the proposed addition would be detrimental to the Burd property. Therefore, the Petitioner has not met all of the requirements for variance relief to be granted, and thus, the requested relief must be denied.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth herein, the relief requested shall be denied.

5th THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of June, 2000 that the Petition for Administrative Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the required 20 feet, a side setback sum of 47 feet in lieu of the required 50 feet, and a rear setback of 17 feet in lieu of the required 50 feet, for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

The Petitioner shall have thirty (30) days from the date of this Order to file an appeal of this decision.

LES:bjs


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 5, 2000

Mr. Scott Berger
16 Woodholme Avenue
Baltimore, Maryland 21208

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NW/S Woodholme Avenue, 600' SW of the c/l Reisterstown Road
(16 Woodholme Avenue)
3rd Election District – 2nd Councilmanic District
Scott H. Berger - Petitioner
Case No. 00-401-A

Dear Mr. Berger:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative Variance has been denied, 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 the Department of Permits and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Frank A. Burd
6 Woodholme Avenue, Baltimore, Md. 21208
People's Counsel; Case File



IN RE: PETITION FOR ADMIN. VARIANCE
NW/S Woodholme Avenue, 600' SW
of the c/l Reisterstown Road
(16 Woodholme Avenue)
3rd Election District
2nd Council District

Scott H. Berger
Petitioner

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 00-401-A
*

* * * * *

ORDER ON THE MOTION FOR RECONSIDERATION

WHEREAS, this matter again comes before this Zoning Commissioner on a Motion for Reconsideration of the Findings and Facts and Conclusions of Law and Order issued by me on June 5, 2000. By way of background, the Petitioner sought relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 12 feet in lieu of the required 20 feet, a side setback sum of 47 feet in lieu of the required 50 feet, and a rear yard setback of 17 feet in lieu of the required 50 feet, for a proposed addition, in accordance with the site plan submitted which was accepted into evidence and marked as Petitioner's Exhibit 1.

The Petitioner requested relief through the administrative variance process; however, at the request of the adjoining property owners, Frank A. and Patrice C. Burd, a public hearing was scheduled and conducted on May 19, 2000. Mr. Berger and Diane Miles appeared at that hearing, as did Mr. & Mrs. Burd.

Testimony and evidence presented at that time was that the subject property is an irregular shaped parcel, approximately 120 feet wide along the front property line, and tapering to a width of 77 feet along the rear property line, with a significant depth of 460 feet. As shown on the site plan, the house is oriented on the lot in somewhat of an unusual angle and does not directly front Woodholme Road. Presently, a 35-foot setback to the western property line and a 26-foot setback to the eastern property line is maintained.

ORDER RECEIVED FOR FILING

Date

By

Mr. Berger originally proposed the construction of a 20' x 30' addition on the east side of the property, thereby reducing the current 26-foot setback from the Berger/Burd property line to 12 feet. Moreover, due to the unusual location of the building envelope, the proposed addition would be 17 feet from the rear property line. Arguably, variance relief is necessary from the 50-foot setback required for both the side and rear yards. At the hearing, testimony and evidence was presented by the Protestants that was persuasive to my finding that the relief requested was inappropriate. Thus, by my Order dated June 5, 2000, the relief requested was denied.

Subsequent to the issuance of said Order, Mr. Berger filed a written request that I reconsider my decision in the matter. Apparently, Mr. Berger had his property surveyed and has reconfigured the proposed addition. As shown on the most recent plan submitted by the property owner, received by fax on July 21, 2000, the Petitioner proposes to construct an addition that will maintain a 21-foot setback to the side property line and a 33-foot setback to the rear property line. By reconfiguring the proposed addition, Mr. Berger has eliminated the need for a variance to side yard setback requirements in that 1 foot more than the minimum required 20-foot setback will be provided. Moreover, the reconfiguration of the proposed addition will also eliminate the need for a variance from the sum of the side yard setback requirements.

Remaining at issue, however, is the rear yard setback requirement. A copy of the revised plan was submitted to the neighboring property owners, Mr. & Mrs. Burd, for their review and consideration. By their letter, received by fax on August 2, 2000, the Burds still find fault with the Petitioner's proposal and believe that even if the side setback requirements are met, the proposed addition will result in a detrimental impact on their property.

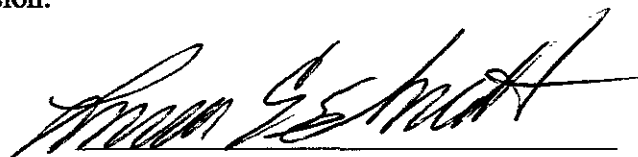
After due consideration of the Petitioner's Motion and revised plan, I am persuaded to grant the variance. In my judgment, the present request does justify variance relief in accordance with Section 307 of the B.C.Z.R. The uniqueness of the property is found in its unusual shape and configuration and the location of the existing dwelling. As noted by the Burds, a variance from rear yard setback requirements is technically needed to legitimize the location of the existing dwelling. Clearly, the dwelling cannot be relocated. Moreover, I do not concur with Mr. & Mrs.

ORDER RECEIVED FOR FILING
Date 8/21/00
By [Signature]

Burd's assessment that there should be no improvement permitted to the dwelling. The Petitioner has eliminated the need for a side yard setback variance and has increased the distance between the proposed addition and the Burd/Berger property line. In my view, the Petitioner's latest proposal is appropriate and relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of August, 2000 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 33 feet in lieu of the required 50 feet, for a proposed addition, in accordance with the revised site plan submitted via fax on July 21, 2000, which has been marked into evidence as Petitioner's Exhibit 1A, be and is hereby approved, and as such, the Petitioner's Motion for Reconsideration be and is hereby GRANTED; and

IT IS FURTHER ORDERED that any party to this case shall have thirty (30) days from the date of this Order to file an appeal of this decision.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Scott Berger
16 Woodholme Avenue, Baltimore, Md. 21208
Mr. & Mrs. Frank A. Burd
6 Woodholme Avenue, Baltimore, Md. 21208
People's Counsel; Case File

ORDER RECEIVED FOR FILING

Date 8/21/00

By [Signature]



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16 WOODHOLME AVE. 21208
which is presently zoned D.R. 1

This Petition shall be filed with the Department of Permits and Development Management. 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(s)

1302.3.C.1 to permit a side setback of 12 ft, a side setback sum of 47 ft, and a rear setback of 17 ft in lieu of 20 ft, 50 ft, and 50 ft, respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____ that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Representative to be Contacted:

Name

Address

Telephone No.

City

State

Zip Code

Zoning Commissioner of Baltimore County

CASE NO. 00-401-A

Reviewed By MJK Date 3/29/08

Estimated Posting Date 4/9/08

ORDER RECEIVED FOR FILING
Date 4/15/08

9/15/98

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

16 Woodholme Ave
Address
Baltimore MD 21208
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- ① Existing Dwelling sits on an Acre to the lot.
- ② Need more storage & living space.
- ③ Lot is narrow and deep, but additional forecloses
most be built on side.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
Scott H. Berger
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of March, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Scott H. Berger
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

3/28/00
Date

[Signature]
Notary Public

My Commission Expires 7/1/03

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at

16 WOODHOLME AVE
Address
BALTIMORE MD 21205
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address (indicate hardship or practical difficulty):

- ① EXISTING DWELLING STR not ADAPTABLE TO THE LOT
- ② NEED MORE STORAGE & LIVING SPACE
- ③ LOT IS NARROW AND DEEP LOT ADDITIONAL FUNCTIONALITY MUST BE ADDED ON SIDE.

That the Affiant(s) acknowledge(s) that if a formal demand is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

[Signature]
Signature
SCOTT H. BERGER
Name - Type or Print

Signature

Name - Type or Print

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 28th day of March, 2000, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Scott H. Berger
the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal

3/28/00
Date

Carol D. Boyce
Notary Public

My Commission Expires 7/1/03



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 16 Woodholme Ave 21208
which is presently zoned D.R.1

This Petition shall be filed with the Department of Permits and Development Management. 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(s)

1B02.3.C.1. to permit a side setback of 12 ft, a side setback sum of 47 ft, and a rear setback of 17 ft in lieu of 20 ft, 50 ft, and 50 ft, respectively.

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded 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/Lessee:

Name - Type or Print

Signature

Address Telephone No.

City State Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address Telephone No.

City State Zip Code

Legal Owner(s):

Name - Type or Print

Signature

Name - Type or Print

Signature

Address

City

16 Woodholme Ave

410.602.8249

Telephone No

Baltimore MD.

City State

21208

Zip Code

Representative to be Contacted:

Name

Address

City

a box

Telephone No.

State Zip Code

A Public Hearing having been formally demanded and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this day of , that the subject matter of this petition be set for a public hearing, advertised, as required by the zoning regulations of Baltimore County and that the property be reposted.

Zoning Commissioner of Baltimore County

CASE NO. 60-401-A

Reviewed By MJA

Date 3/21/01

REU 9/15/98

Estimated Posting Date

4/9/01

Beginning on the northwest side of Woolholme Avenue being 600 feet southwest of the centerline of Reisterstown Road. Containing 1.64 acres in the 3rd Election District and 2nd Councilmanic District and known as 16 Woolholme Avenue.

401
00-401-A

**BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT**

No. **080426**

DATE 3/27/06

ACCOUNT 001-6150

2400 401
137 2000

AMOUNT \$ 50.00

RECEIVED State Budget - 16 hrs (h/w) M.C.

FOR: Olo-Ris Venn \$ 50.00

DISTRIBUTION
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER

00-401-A

CASHIER'S VALIDATION

PAID RECEIPT
FORM NO. 00106
5/29/2000 3/29/2004 11/17/06
REF 0002 CASHIER DATE 000 00000000
DEPT 5 REP ZIMMERMAN EIGHTHUR
RECEIPT # 120205
EX. NO. 00000000
RECEIVED FOR
Baltimore County, Maryland
DEPT
NO. 000 00

A-104-00

CERTIFICATE OF POSTING

**RE: CASE # 00-401-A
PETITIONER/DEVELOPER
(Scott Boger)
DATE OF Closing
(4-24-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

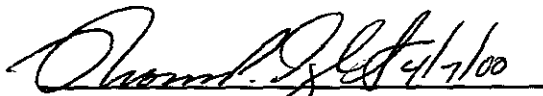
LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

16 Woodholme Ave. Baltimore, Maryland 21208_____

THE SIGN(S) WERE POSTED ON_____ **4-7-00** _____
(MONTH, DAY, YEAR)

SINCERELY,


(SIGNATURE OF SIGN POSTER & DATE)

_____ **THOMAS P. OGLE SR.** _____

_____ **325 NICHOLSON ROAD** _____

_____ **BALTIMORE, MARYLAND 21221** _____

_____ **410-687-8405** _____
(TELEPHONE NUMBER)



FORMAL DEMAND FOR HEARING

CASE NUMBER: DO-461-A

Address: 16 WOODHOLME AVE, Pikesville 21208

Petitioner(s): Scott Berger

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I/We FRANK A BURD & Patrice C BURD
Name - Type or Print

(☒) Legal Owner OR (☐) Resident of

6 Woodholme Ave
Address

Pikesville MD 21208
City State Zip Code

410-484-0971
Telephone Number

(Adjacent)

which is located approximately 200 feet from the property, which is the subject of the above petition, **do hereby formally demand that a public hearing be set in this matter.**

ATTACHED IS THE REQUIRED PROCESSING FEE FOR THIS DEMAND.

[Signature] 4/18/00
Signature Date

[Signature] 4/18/00
Signature Date
Revised 9/18/98 - wcr/scj

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. **080846**

DATE 4/18/2000 ACCOUNT Rec'd - C/S

AMOUNT \$ 40.00

RECEIVED FROM: _____

FOR: Goods for a Capital Project

DISTRIBUTION
 WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

PAID RECEIPT

PAID TO: W/DC 0000 4/18/2000 40.00
 BY: W/DC 0000 4/18/2000 40.00
 FOR: W/DC 0000 4/18/2000 40.00
 RECEIPT NO. 144774
 ER NO. 000000
 RECEIVED BY: W/DC 0000
 RECEIVED FOR: W/DC 0000

CASHIER'S VALIDATION

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland, on the property identified herein as follows:

Case #00-401-A

16 Woodholme Avenue

NW/3 Woodholme Avenue, 600' SW of centerline

Reisterstown Road

3rd Election District - 2nd Councilmanic District

Legal Owner(s): Scott H. Berger

Administrative Variance: to permit a side setback of 12 feet, a side setback sum of 47 feet and a rear setback of 17 feet in lieu of 20 feet, 50 feet and 50 feet, respectively.

Hearing: Friday, May 18, 2000 at 9:00 a.m. in Room 407, County Courts Building, 407 Bosley Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible for special accommodations. Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

6/23/00 May 4

C388371

CERTIFICATE OF PUBLICATION

TOWSON, MD, 5/4/, 2000

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 5/4/, 2000.

THE JEFFERSONIAN,
J. William Sr.

LEGAL ADVERTISING

CERTIFICATE OF POSTING

**RE: CASE # 00-401-A
PETITIONER/DEVELOPER
(Scott Boger)
DATE OF Hearing
(5-19-00)**

**BALTIMORE COUNTY DEPARTMENT OF
PERMITS AND DEVELOPMENT MANAGEMENT
COUNTY OFFICE BUILDING, ROOM 111
111 WEST CHESAPEAKE AVE.
TOWSON, MARYLAND 21204**

ATTENTION : MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

**THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY THAT THE NECESSARY
SIGNS(S) REQUIRED BY LAW WERE POSTED CONSPICUOUSLY ON THE PROPERTY LOCATED AT**

16 Woodholme Ave. Baltimore, Maryland 21208_____

THE SIGN(S) WERE POSTED ON _____ 5-2-00 _____
(MONTH, DAY, YEAR)

SINCERELY,

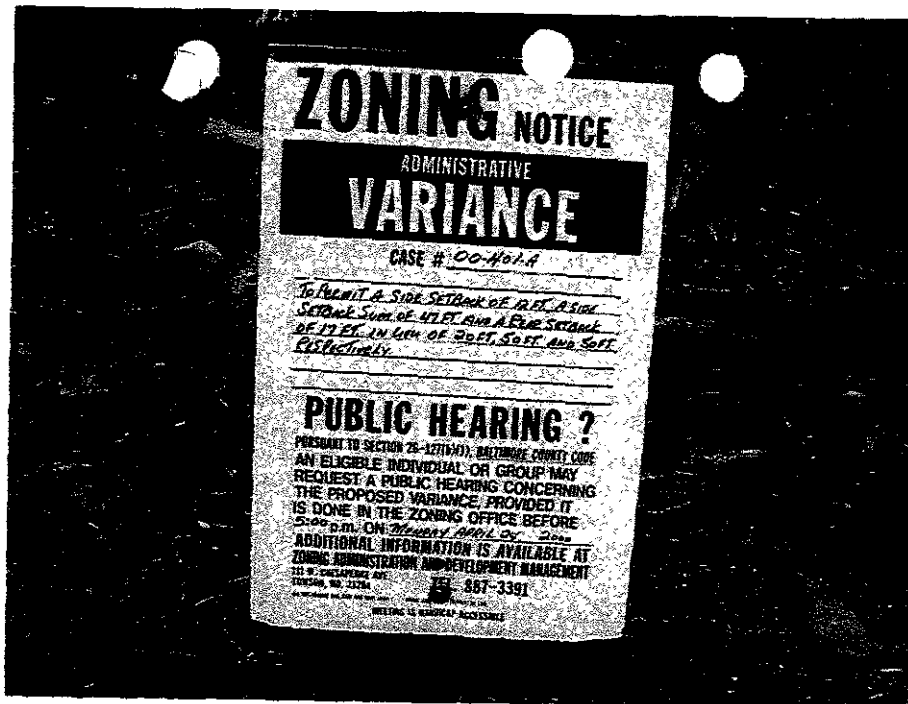

(SIGNATURE OF SIGN POSTER & DATE)

_____ THOMAS P. OGLE SR. _____

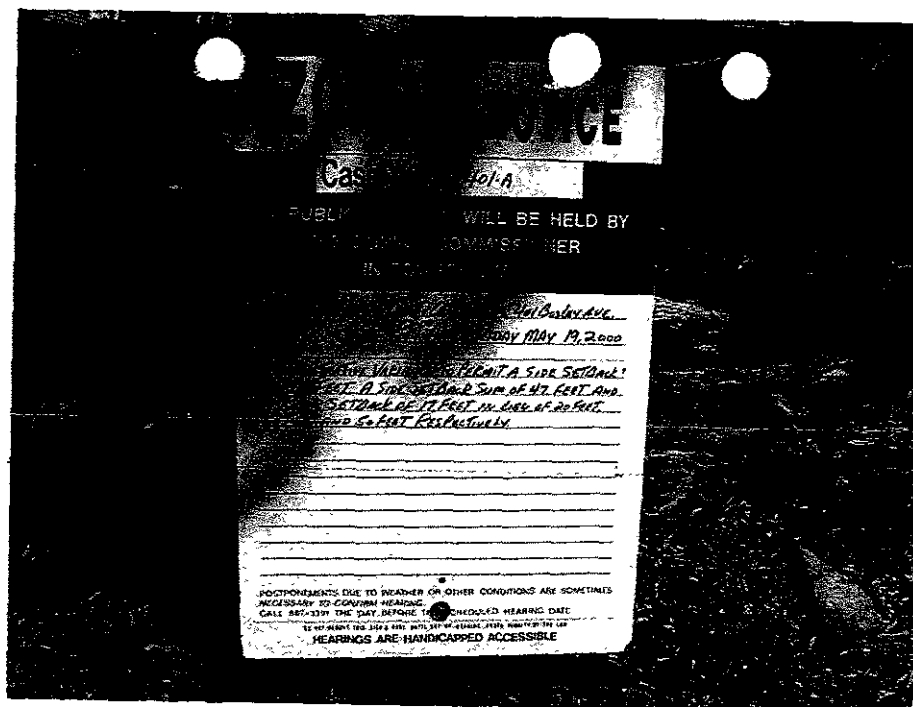
_____ 325 NICHOLSON ROAD _____

_____ BALTIMORE, MARYLAND 21221 _____

_____ 410-687-8405 _____
(TELEPHONE NUMBER)



Posted on 16 Woodholme Ave.



Posted at 16 Woodholme Ave.



Baltimore County
Department of Permits and
Development Management

APR 27

5/19
Director's Office
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
410-887-3353
Fax: 410-887-5708

April 26, 2000

2C -
FYI

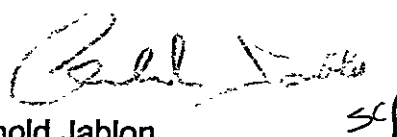
NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-401-A
16 Woodholme Avenue
NW/S Woodholme Avenue, 600' SW of centerline Reisterstown Road
3rd Election District – 2nd Councilmanic District
Legal Owner: Scott H. Berger

Administrative Variance to permit a side setback of 12 feet, a side setback sum of 47 feet and a rear setback of 17 feet in lieu of 20 feet, 50 feet, and 50 feet, respectively.

HEARING: Friday, May 19, 2000 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Arnold Jablon
Director

C: Scott Berger, 16 Woodholme Avenue, Baltimore 21208
Patrice & Frank Burd, 6 Woodholme Avenue, Pikesville 21208

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MAY 4, 2000.**
(2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
(3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**



TO: PATUXENT PUBLISHING COMPANY
Thursday, May 4, 2000 Issue – Jeffersonian

Please forward billing to:

Scott Berger
16 Woodholme Avenue
Baltimore, MD 21208

410-602-8249

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 00-401-A

16 Woodholme Avenue

NW/S Woodholme Avenue, 600' SW of centerline Reisterstown Road

3rd Election District – 2nd Councilmanic District

Legal Owner: Scott H. Berger

Administrative Variance to permit a side setback of 12 feet, a side setback sum of 47 feet and a rear setback of 17 feet in lieu of 20 feet, 50 feet, and 50 feet, respectively.

HEARING: Friday, May 19, 2000 at 9:00 a.m. in Room 407, County Courts Building,
401 Bosley Avenue


Lawrence E. Schmidt
54

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.

ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 00- 401 -A Address 16 Woolholme Ave
Contact Person: Mitch Kellman Phone Number: 410-887-3391
Planner, Please Print Your Name
Filing Date: 3/29/08 Posting Date: 4/9/08 Closing Date: 4/24/08

Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.

1. **POSTING/COST:** The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. Any reposting must be done only by one of the sign posters on the approved list and the petitioner is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. **DEADLINE:** The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
3. **ORDER:** After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c) order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted, denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. **POSSIBLE PUBLIC HEARING AND REPOSTING:** In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.

(Detach Along Dotted Line)

Petitioner: This Part of the Form is for the Sign Poster Only

USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT

Case Number 00- 401 -A Address 16 Woolholme Ave
Petitioner's Name Scott Berger Telephone 410-602-8249
Posting Date: 4/9/08 Closing Date: 4/24/08
Wording for Sign: To Permit a side setback of 12 ft, a side setback
sum of 47 ft, and a rear setback of 17 ft in lieu
of 20 ft, 50 ft, and 50 ft, respectively.

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW

APPROVED SIGN POSTERS

Stacy Gardner
Shannon-Baum Signs, Inc.
105 Competitive Goals Drive
Eldersburg, MD 21784

Telephone: 410-781-4000
Toll Free: 800-368-2295
Fax: 410-781-4673

Richard Hoffman
904 Dellwood Drive
Fallston, MD 21047

Telephone: 410-879-3122

Garland E. Moore
3225 Ryerson Circle
Baltimore, MD 21227

Telephone: 410-242-4263
Mobile: 410-382-4470

Tom Ogle
325 Nicholson Road
Baltimore, MD 21221

Telephone: 410-687-8405
Mobile: 410-262-8163
Fax: 410-687-4381

Patrick M. O'Keefe, Sr.
523 Penny Lane
Hunt Valley, MD 21030

Telephone: 410-666-5366
Cell: 410-905-8571
Fax: 410-628-2574
410-882-2469

Linda M. Jones
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, MD 21286

Telephone: 410-296-3333
Fax: 410-296-4705

Staff Sergeant Robert A. Black
1508 Leslie Road
Dundalk, MD 21222

Telephone: 410-282-7940
Cell: 410-499-7940
Pager: 410-373-9662
Work: 410-288-3284

THE PETITIONER MUST USE ONE OF THE SIGN POSTERS ON THIS APPROVAL LIST. ANY REPOSTING MUST ALSO BE DONE BY ONE OF THESE APPROVED POSTERS. IF YOU WISH TO SELECT A POSTER NOT SHOWN ON THE LIST ABOVE, PRIOR APPROVAL BY THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT/ZONING REVIEW IS REQUIRED.

THIS DEPARTMENT IS NOT ASSOCIATED WITH ANY OF THE ABOVE POSTERS, NOR DO WE RECOMMEND ANY SPECIFIC ONE. WE DO SUGGEST THAT YOU CONTACT A NUMBER OF THEM TO COMPARE PRICES SINCE THEIR CHARGES MAY VARY.

WCR – Revised 11/17/99

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 00-401-A

Petitioner: Scott Berger

Address or Location: 16 Woolholme Avenue

PLEASE FORWARD ADVERTISING BILL TO:

Name: Scott Berger

Address: 16 Woolholme Avenue

Balto. MD 21208

Telephone Number: (410) 602-8249



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

May 12, 2000

Mr. Scott H. Berger
16 Woodholme Avenue
Baltimore MD 21208

Dear Mr. Berger:

RE: Case Number 00-401-A , 16 Woodholme Avenue

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 29, 2000.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor
Zoning Review

WCR:ggs

Enclosures



Census 2000



For You, For Baltimore County



Census 2000



Printed with Soybean Ink
on Recycled Paper

Come visit the County's Website at www.co.ba.md.us

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development Mgmt.

DATE: May 16, 2000

FROM: *RWB* Robert W. Bowling, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
for April 17, 2000
Item Nos. 398, 399, 400, 401, 402,
403, 405, 406, 408, 409, 410

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION & RESOURCE MANAGEMENT

TO: Arnold Jablon

FROM: R. Bruce Seeley

RBS/AC

DATE: May 12, 2000

RECEIVED MAY 24 2000

SUBJECT: Zoning Petitions
Zoning Advisory Committee Meeting of April 10, 2000

DEPRM has no comments for the following zoning petitions:

Item #	Address
399	4823 Vicky Road
401	16 Woodholme Avenue
402	9 Van Yerrell Court
403	1220 East Joppa Road
404	4 Fourth Street
405	1908 Leland Avenue
406	2120 Turkey Point Road
407	5413-5417 East Drive
408	320 Bonnie Meadow Circle
409	8605 David Avenue
410	Lots 163-165 Walnut Street

Hearing
Demanded AV
4/24

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits and
Development Management

DATE: April 19, 2000

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

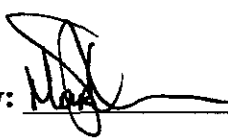
APR 19

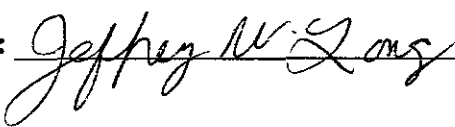
SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comments on the following petitions(s):

Item No(s): **401/402/417**

For any further questions or additional information concerning the matters stated herein,
please contact Mark A. Cunningham in the Office of Planning at 410-887-3480.

Prepared by: 

Section Chief: 

AFK/JL:MAC



Maryland Department of Transportation
State Highway Administration

Parris N. Glendening
Governor

John D. Porcari
Secretary

Parker F. Williams
Administrator

Date: 4.10.00

Ms. Ronnay Jackson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 401 MSK

Dear Ms. Jackson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

/s/ Kenneth A. McDonald Jr., Chief
Engineering Access Permits Division

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

April 25, 2000

APR 28

Scott H. Berger
16 Woodholme Avenue
Baltimore, MD 21208

Dear Mr. Berger:

RE: Demand for Public Hearing, Administrative Variance, Case Number 00-401-A

The purpose of this letter is to officially notify you that the posting of the subject property has resulted in a timely demand on April 18, 2000 for a public hearing concerning the above proposed administrative procedure.

As soon as the hearing has been scheduled, you will receive a notice of public hearing indicating the date, time and location of the hearing. This notice will also contain the date that the sign must be reposted with the hearing information.

As a result of the above, the property must be reposted with the hearing date, time and location. This notification will be published in the Jeffersonian and you will be billed directly by Patuxent Publishing for this.

If you need any further explanation or additional information, please feel free to contact me at 410-887-3391.

Very truly yours,

W. Carl Richards, Jr.
Supervisor
Zoning Review

WCR:scj

C: Patrice & Frank Burd, 6 Woodholme Avenue, Pikesville 21208

2C-
Closing was 4/24/00





Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

June 21, 2000

Mr. Scott Berger
16 Woodholme Avenue
Baltimore, Maryland 21208

RE: PETITION FOR ADMINISTRATIVE VARIANCE
(16 Woodholme Avenue)
Case No. 00-401-A

Dear Mr. Berger:

In response to your request for reconsideration of the decision rendered in the above-captioned matter, by your letter dated June 14, 2000 (received June 16, 2000), the following comments are offered.

Pursuant to the Rules of Practice and Procedure before the Zoning Commissioner, Appendix G thereof, I have the authority to reconsider my decisions upon receipt of any timely filed request ("Motion") for reconsideration. However, such requests for reconsideration must be filed within thirty (30) days of the date a decision is rendered. Moreover, I must make a decision on the Motion within thirty (30) days of the date the Motion was accepted for filing.

The decision rendered in the above-captioned matter was issued on June 5, 2000. Thus, your request for reconsideration is timely filed. However, in order to provide you the maximum amount of time in which to resolve the boundary issue, I will consider your Motion as being accepted for filing as of July 5, 2000. Thus, I will be required to make a decision on your Motion by August 4, 2000. Therefore, any supporting documents you wish to submit must be received by me as soon as possible so that a decision can be rendered before that date.

It is also suggested that you share any documentation you submit with Mr. & Mrs. Burd to insure that they have every opportunity to respond. Your letter does not indicate that you have notified them of your request for reconsideration. Therefore, by copy of this letter, I am advising the Burds of your Motion so that they are fully aware of this new development in your case. In the meantime, should you have any further questions on the subject, please do not hesitate to call me.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. & Mrs. Frank A. Burd
6 Woodholme Avenue, Baltimore, Md. 21208

People's Counsel: Case File

Census 2000

For You, For Baltimore County

Census 2000



16 Woodholme Avenue
Baltimore, MD 21208
June 14, 2000

JUN 16

Mr. Lawrence E. Schmidt
Zoning Commissioner for Baltimore County
401 Bosley Avenue
County Courts Building, Suite 401
Towson, MD 21204

Dear Commissioner Schmidt:

I formally request reconsideration of Case No. 00-401-A. The original Petition for Administrative Variance was based on a location drawing by J. Carl Hudgins dated 11/25/96. Because this drawing was not an actual boundary survey, I believe that some of the dimensions are not accurate. I am currently working with a surveyor to complete a boundary survey within the next few weeks. I strongly believe that once this survey is completed, it will clearly show that my 20' x 30' addition will be within the 20-foot side-yard setback.

I hereby request that my original Petition be placed as a pending matter until my boundary survey is completed. The results of that survey will be immediately submitted to you for review. If you need to discuss this matter further, please give me a call on (410) 602-8249.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Berger', written over a circular stamp or mark.

Scott Berger



Baltimore County
Zoning Commissioner

Suite 405, County Courts Bldg.
401 Bosley Avenue
Towson, Maryland 21204
410-887-4386
Fax: 410-887-3468

September 13, 2000

Mr. & Mrs. Frank A. Burd
6 Woodholme Avenue
Baltimore, Maryland 21208

RE: PETITION FOR ADMINISTRATIVE VARIANCE
(16 Woodholme Avenue)
Scott Berger – Petitioner; Case No. 00-401-A

Dear Mr. Burd:

In response to your letter dated August 22, 2000, which shall be considered a Motion for Reconsideration of my latest decision in the above-captioned matter, the following comments are offered.

As you know, I initially denied Mr. Berger's request for variance due to the fact that his proposed addition would be 12 feet from the side property line adjoining your property, and 17 feet from his rear property line. The zoning regulations require minimum setbacks of 20 feet from the side and 50 feet from the rear property lines. Subsequent to the issuance of my Order of June 5, 2000 denying his request, Mr. Berger filed a Motion for Reconsideration and submitted a revised site plan. Apparently, he had his property surveyed and adjusted the location of the proposed addition to the extent that a 21-foot side setback as well as a 33-foot rear setback would now be maintained. After due consideration of his revised site plan, I granted his Motion by my Order dated August 4, 2000.

You now come before me seeking a reconsideration of my latest decision. In consideration of the arguments presented in your letter, I am not persuaded to grant your request. As noted above, the recent survey allowed for a slight adjustment in the location of the proposed addition, which ultimately eliminated the need for a side setback variance. Although the proposed addition will still be located on the side adjacent to your property, its location 21 feet from the side property line exceeds the minimum required setback of 20 feet and thus, must be permitted. Moreover, the proposed addition will maintain the same setback to the rear property line as the existing dwelling. Clearly, the required rear property line setback cannot be met, due to the location of the existing dwelling, and as such, a practical difficulty and unreasonable hardship would result to the Petitioner if relief were denied on that basis.

As to the accuracy of the survey, I cannot make a finding relative to the location of property lines and/or deed disputes. Such disputes can only be resolved by a Judge of the Circuit Court for Baltimore County. Thus, if you believe that an error has been made, you must seek relief through the Circuit Court. In the meantime, should you wish to file an appeal of my August 4, 2000 decision, you must contact the Department of Permits and Development Management within thirty (30) days of the date of this letter.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Scott Berger

16 Woodholme Avenue, Baltimore, Md. 21208

Census 2000

For You, For Baltimore County

Census 2000



To: Lawrence E. Schmidt
Zoning Commissioner For Baltimore County

From: Mr. and Mrs. Frank A. Burd

Subject: Petition For Administrative Variance
(16 Woodholme Avenue)

Date: August 22, 2000

AUG 28

We respectfully request that you reconsider your decision of August 4, 2000.

We'd like to clear the air with respect to misunderstandings about our attitude and thinking on this matter as they appear in the conclusion of the August 4, order. The order reads, "As noted by the Burd's, a variance from rear yard setback requirement is technically needed to legitimize the location of the existing dwelling. Clearly the dwelling cannot be relocated. Moreover, I do not concur with Mr. and Mrs. Burd's assessment that there should be no improvement permitted to the dwelling." These sentences are presented as if they were in refutation of our arguments. In fact, never have we expressed either of these views. In fact, we believe that the existing dwelling appears to have been sited and constructed with careful attention to county setback requirements. Further, we do not object to any improvement by Mr. Berger. Our objection is to the specific addition under consideration.

We are concerned that the two arguments attributed to us, and never made by us, imply rigidity and silliness; and thus tend to trivialize our concerns. Concluding sentences spent rejecting these imagined arguments also tend to take the focus away from our real arguments.

We would hope that our presentation would be viewed on the basis of our straight forward argument and not through the lens of attitudes attributed to us, but not held or expressed by us. We do not say this with disrespect, but with concern over what appears to be a drift of focus and a trivialization of our seriousness. As we said, we just want to clear the air on this, and focus on the fundamental argument concerning Mr. Berger's proposed addition.

Your findings of June 5, rested on two elemental considerations. First, "I do agree with Mr. and Mrs. Burd that the proposed addition would be detrimental to the use and enjoyment of their property". You developed this in terms of the Burd view of the proposed addition. Second, you wrote, "in my view, the proposed addition would be out of character with the area, in terms of its proximity to side and rear property lines."

On July 21 and 24, Mr. Berger presented an answer to these two factors in the form of a plat of survey showing the size of the proposed addition and the location of the addition relative to the

existing dwelling and to side and rear setbacks. The Berger submission does not reconfigure or relocate the proposed addition. The new survey affects setbacks only. It is not identical to Mr. Berger's May submission and to his deed. It has a longer front line, greater acreage, and is reoriented, and thus allows different setback measurements. The only change between May and the July 21/24 submission is the new survey and Mr. Berger's measurements associated with it.

The detrimental factor. Mr. Berger's submissions of 7/21 and 7/24 do not change the "detrimental factor" which you developed in your June opinion. The proposed addition is still 20' x 30'. It is still attached to the existing dwelling exactly as it was in Mr. Berger's May presentation (Petitioner's Exhibit 1). Its' siting is exactly as you viewed prior to your June opinion in which you determined it to be "detrimental to the use and enjoyment of [the Burd] property.

We are concerned that an illusion of change in the proposed addition itself or in its siting seems to have been worked into the order of August 4, 2000. It says "Mr. Berger. . . . had reconfigured the proposed addition"; that "by reconfiguring the proposed addition, Mr. Berger has eliminated the need for a variance"; and "moreover, the reconfiguration of the proposed addition will also eliminate the need". We must repeat, there is absolutely no reconfiguration of the proposed addition. It still would be of the exact size and sit in the exact position which you judged to be detrimental. This physical reality is unchanged. If the proposed addition was detrimental on June 4, 2000, it is detrimental today.

Setbacks. The second determining factor of the June finding was that "the proposed addition would be out of character with the area, in terms of its proximity to side and rear property lines. Out of character clearly implies a local expectation that there be careful adherence to setback requirements designed to maintain a neighborhood and property character.

Mr. Berger's submission of July 21, sited the proposed addition on a survey dated July, 2000. According to this site plan and Mr. Berger's measuring, the proposed addition would have a side setback of 18' and a rear setback of 30'. A resubmission of July 24, measured the distances to be 21' and 33'. If the boundary lines of the survey are correct, and if Mr. Berger's measurements are correct, the legal site setback requirement would be met. However, even using the July 2000 survey, and Mr. Berger's measurement, the rear setback of the proposed addition is in violation of county law by 17'. Certainly a 17' violation is "out of character with the area, in terms of its proximity to side and rear property lines".

The concluding argument of August 4, 2000, for overturning the June 5, 2000 decision is expressed in one sentence, "The Petitioner has eliminated the need for a side yard setback and increased the distance between the proposed addition and the Burd/Berger property line".

This sentence leaves standing the two fundamental arguments of the June 5, 2000 findings; namely that "the proposed addition would be detrimental to the Burd property" and that "the proposed addition would be out of character with the area, in terms of its proximity to side and rear setback lines". (*italics added*). Hence, we believe that the conclusion that "the Petitioner has not met all of the requirement for variance relief to be granted" still stands.

The July 2000, survey. Whatever merit Mr. Berger's argument has lies not in an imagined reconfiguration. Rather it lies in modified setbacks from the Berger/Burd property line as based on Mr. Berger's July 2000 survey.

As we indicated in our letter of August 1st, written from Maine, under the pressure of the August 4th, deadline, not being able to view Mr. Berger's survey stakes and without access to relevant documents, we were troubled by the July survey because the boundary line appeared inconsistent with a surveyor's stake which we had always assumed was on the boundary line.

Upon getting home and looking at the matter more closely, we became more deeply concerned about the survey not only for its location of the Burd/Berger property line in this matter, but also by the fact that the survey does not appear to be consistent with Mr. Berger's own deed and that has far reaching consequences.

One needs only to compare the July 2000, survey to the survey submitted by Mr. Berger in May (which is consistent with his deed).

The July 2000 survey increases the length of Mr. Berger's front property line from 120' to 124.96'. It increases his acreage from 1.04 acres to 1.0665 acres. It changes the compass directions of every one of the Berger property lines, thus reorienting the property lines relative the fixed position of the existing dwelling and proposed addition. This expansion and shifting of the Berger property alone accounts for his "meeting" side setback requirements and reducing the rear setback distance.

It is troubling to us, as ordinary property owners, that the July 2000 survey does not seem to follow Mr. Berger's deed. We do not know how it was created and Mr. Berger told Mr. Burd that he has no report on it beyond the July 21/24 submission; but we know it did not take into account the surveyor's stake which lies on what we had thought was the Burd/Berger property line.

We respectfully ask you to include in your reconsideration whether it is reasonable to base an opinion on property lines derived from a survey which is inconsistent with Mr. Berger's deed. If the survey implies Mr. Berger's deed is wrong, so is mine and at least the Kirschman, Bernstein, and the Woodholme County Club deeds.. These deeds and their predecessors have been used for over 100 years and are tied into all Baltimore County land records and actions for over a century.

Mr. Lawrence E. Schmidt

-4-

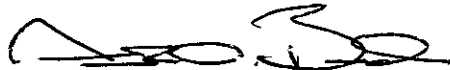
August 22, 2000

In sum, we believe that our case stands regardless of the survey/deed issue. However, we further believe that setbacks, in any case, should not be measured from lines established from a survey which is inconsistent with Mr. Berger's deed.

We request that you uphold your findings of June 5, 2000; and that no progress toward a building permit be allowed during the appeal period.

Respectfully submitted,

Patricia C. Buel

A handwritten signature, likely of Patricia C. Buel, consisting of stylized cursive letters.

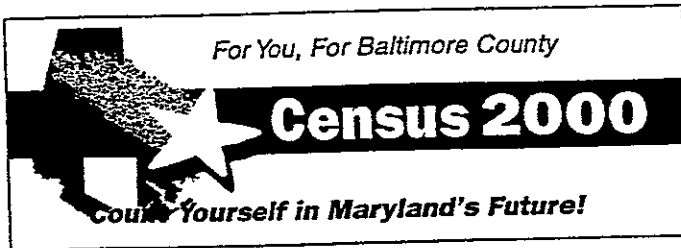
TRANSMISSION VERIFICATION REPORT

TIME: 07/28/2000 13:17
NAME: ZONING COMM OFFICE
FAX: 410-887-3468
TEL :

DATE, TIME	07/28 13:16
FAX ID./NAME	912079678695
DURATION	00:01:15
PAGE(S)	02
RESULT	OK
MODE	STANDARD



FAX COVER SHEET



Date:

7/28/00

Number of Pages including cover sheet:

2

To:

Phone:

Fax #

c:

From:

Phone:

Fax #

REMARKS:

☐ Urgent

☐ For your review

☐ Reply ASAP

☐ Please comment

Post-it Fax Note	7671	Date	7/28	# of pages	1
To	Frank Burd	From	Bette		
Co./Dept.		Co.	Spring		
Phone #		Phone #			
Fax #	207-967-8695				

AUG - 2

TO: MR LAURENCE E. SCHMIDT
FROM: FRANK A AND PATRICE C BURD
SUBJECT: RECONSIDERATION OF THE DECISION
RENDERED IN CASE NO. 60-401-A
DATE: AUGUST 1, 2000

WE APOLOGIZE FOR THE APPEARANCE OF
THIS COMMUNICATION, BUT WE ARE ON
VACATION WITHOUT IMMEDIATE ACCESS TO
A COMPUTER OR TYPEWRITER.

WE RECEIVED COPIES OF MR BERGER'S
"REVISED SITE PLAN/PROPOSAL" OF 7/21/00
AND HIS "LATEST PROPOSAL" OF 7/24/00 IN
THE MAIL YESTERDAY, HAVING RECEIVED
THE SECOND BY FAX LAST WEEK.

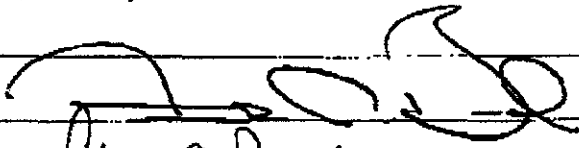
OF COURSE, THE FIRST REVISION
IS NOT A SITE PLAN REVISION, IT IS A
NEW LAND SURVEY WHICH WOULD MODIFY
THE REQUIRED VARIANCES. THE SECOND
REVISION MERELY MOVES THE PROPOSED 600'
ADDITION FORWARD 3', AGAIN MODIFYING
THE REQUIRED VARIANCES.

WHILE THE NEW SURVEY AND THE 3'
MOVEMENT AFFECT THE EXTENT TO WHICH
THE PROPOSED STRUCTURE IS IN VIOLATION
OF COUNTY LAW, THEY DO NOT CHANGE
~~THE~~ IN THE SLIGHTEST THE BASIC
FACTORS. (1) THE LARGE 600 SQUARE FOOT
ADDITION LOOKS BEFORE OUR HOUSE AND
WOULD BE A VERY SIGNIFICANT INTRODUCTION

UPON OUR PROPERTY (2) IT ^{UNDER COUNTY LAW} WOULD BE A
VIOLATION OF OUR EXPECTATION WHEN WE
PURCHASED OUR PROPERTY (3) MR. BERGER'S
SITE PLAN REMAINS ~~IN~~ IN
VIOLATION OF THE SPECIFIC ~~REQUIREMENTS~~ ^{SETBACK REQUIREMENT}
OF THE COUNTY ZONING LAW.

INCIDENTALLY WE DO WISH TO REVIEW
THE NEW SURVEY UPON OUR RETURN FROM
VACATION, AT LEAST FOR OUR OWN SENSE
OF CLARITY. ~~THE~~ THE NEW SURVEY APPEARS
TO NULLIFY AN EXISTING IRON ALONG
THE DIVIDING PROPERTY LINE ^{WE BELIEVE} AND OUR
DEED SHOWS ~~THE~~ SLIGHTLY VARYING DIRECTIONS
FOR THE TWO PARTS OF THE DIVIDING LINE
AND THE NEW SURVEY SHOWS THE SAME
DIRECTION FOR BOTH PARTS.

HOWEVER, EVEN IF THE SIDE SETBACK
IS MET, THE REAR SETBACK IS IN
CLEAR VIOLATION OF COUNTY LAW. THE
PROPOSED ADDITION'S SITE IS UNCHANGED
^{WOULD HAVE}
AND STILL ~~BE~~ A DETRIMENTAL
IMPACT ON OUR ENJOYMENT AND
PROPERTY VALUE.


Robin C Bued

IMPORTANT MESSAGE

FOR My DATE 7/20 TIME A.M. P.M.

M. Paul OF President of Board PHONE 404-404-1111 AREA CODE 404 EXTENSION 1111

☐ FAX ☐ MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	PLEASE CALL
WANTED TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION

MESSAGE U. S. State Dept. to
My - U. S. State Dept. to
my country, I told him to
and not to put me in the
news show so I can be there
and I will be there
and I will be there

TOPS FOR A LITTLE U.S.A. MADE IN U.S.A.

IMPORTANT MESSAGE

FOR Patricia A.M. 2:45 P.M.

DATE 7/21 TIME 2

M Just Berger

OF _____

PHONE _____ AREA CODE _____ NUMBER _____ EXTENSION _____

☐ FAX _____

☐ MOBILE _____ AREA CODE _____ NUMBER _____ TIME TO CALL _____

TELEPHONED	PLEASE CALL
CAME TO SEE YOU	WILL CALL AGAIN
WANTS TO SEE YOU	RUSH
RETURNED YOUR CALL	SPECIAL ATTENTION

MESSAGE

Just H. Plan

Forwarded by engineer.

We only need new speed

setback.

SIGNED _____

Tops FORM 3002P
MADE IN U.S.A.

9/20/00

~~10:35 AM~~

3:05 PM

To

SCOTT BERGER

410 602 4045

3 PAGES + COVER

IMPORTANT MESSAGE

FOR Me DATE 7/31 TIME 11:30 AM

M. Mark Bond

OF 00-401-11

PHONE AREA CODE NUMBER EXTENSION
☐ FAX AREA CODE NUMBER EXTENSION
☐ MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE

*Still passed to insurance
 relative with is still an
 unknown with the wife's
 requirements questioned the
 business of Bond's ability
 and to live the better*

SIGNED



FORM 3002P
 MADE IN U.S.A.

Important is →

IMPORTANT MESSAGE

FOR Bundy DATE 7/21 TIME 10:45 A.M.

M. Scott Bond

PHONE AREA CODE NUMBER EXTENSION
☐ FAX AREA CODE NUMBER EXTENSION
☐ MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE

*Still passed to insurance
 all attached documents -
 all passed to Bond and
 told Bond to be back
 by the end of next week.*

SIGNED



FORM 3002P
 MADE IN U.S.A.

NOTES:
 1. All information & amounts were obtained from existing record plat or local agencies and is not guaranteed by NTL inc.
 2. NTL does not certify to uniformity or correctness of measurements or calculations.
 3. NTL does not assume any liability for errors or omissions.
 4. NTL does not assume any liability for damages or injuries to persons or property.

WOOD HOLME COUNTRY CLUB

N60°28'E

SAVING EXCEPTING
 533°55'E 40'
 560°28'W 3'
 N33°55'W 40'
 N60°28'E 3'

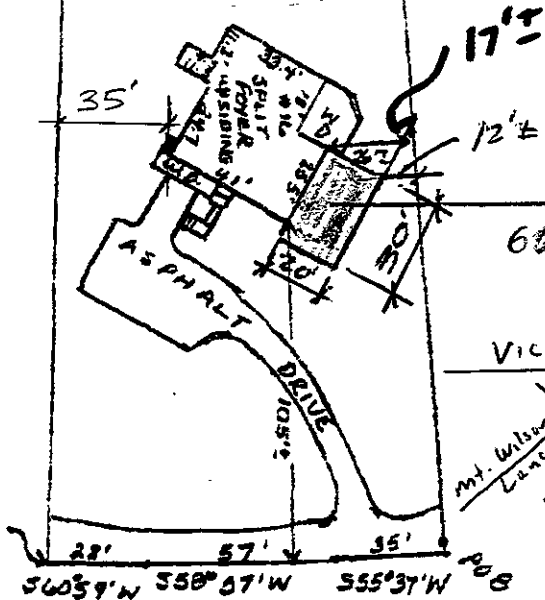
Nearest House
 Over 200' Away

1.04 Act

ZONING - DR-1

Side YARD -
 20' Min.
 50' Min. Sum

Nearest House
 Over 200' Away



WOODHOLME AVENUE
 (public utilities)

Plan for Zoning Variance

00-401-A

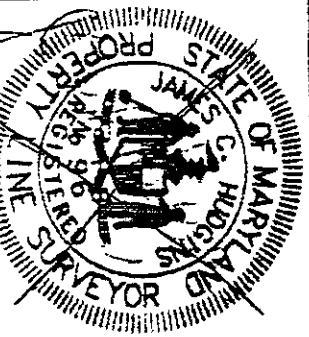
NOTE: DEED FAILS TO CLOSE BY 6.1'
 RECEIPT OF COPY IS HEREBY ACKNOWLEDGED
 THIS 6TH DAY OF DECEMBER, 1996.
 J. Carl Hudgins PLS #96

#401

Property is shown in Zone ZONE C
 in the FIRM Map of Baltimore County
 Maryland on Community Panel 0240B
 240010 0240B Effective MARCH 2, 1981
 as is to certify that I have surveyed the property shown hereon,
 and recorded among the land records of Baltimore County,
 Maryland in 1996, folio 071
 for the purpose of locating the improvements thereon.

16 WOODHOLME AVENUE

LOCATION DRAWING
 16 WOODHOLME AVENUE
 BALTIMORE COUNTY, MARYLAND
 3RD ELECTION DISTRICT



NTI Associates, Inc.
 16205 Old Frederick Road
 Mt. Airy, Maryland 21771
 Ph (410)442-2031
 Fax No. (410)442-1315

1" = 60' SCALE
 Date: 11-25-96
 FIELD: GRIF
 DRAWN: GRIF
 Drawing: AEC 5026

SIGNED _____

MESSAGE _____

TELEPHONED		PLEASE CALL	
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

PHONE _____

Q FAX _____

OF _____

M _____

DATE _____

FOR _____

IMPORTANT MESSAGE

Handwritten signature

207-967-8095

AREA CODE

NUMBER

TIME TO CALL

AREA CODE

NUMBER

EXTENSION

OLD PILMICO
ROAD

SCOTT BERGER

1

410 602 4045

A-104-00

Surveyor's Notes

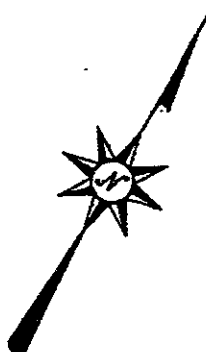
For

JACK COOPER

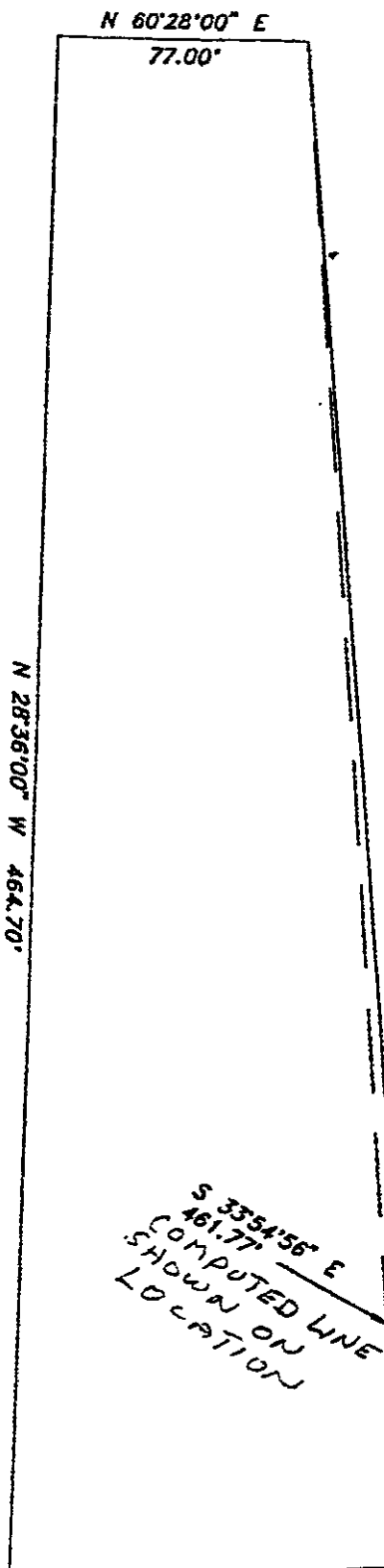
From

Call

FYI



1"=60'



S 34°33'00" E DEED CALL
458.70'

To close S 24°40'37" W
5.95'

NOTE: COURSES SHOWN HEREON ARE BASED ON MAGNETIC BEARING TAKEN IN JUNE, 2000 COORDINATES ARE ASSUMED DATUM

WOODHOLME COUNTRY CLUB
646/225

REBAR & CAP SET
74.00' N 72°28'37" E
REBAR & CAP SET 171.39'
S 22°32'23" E
40.00'
REBAR & CAP SET
3.00' N 72°28'37" E
REBAR & CAP SET

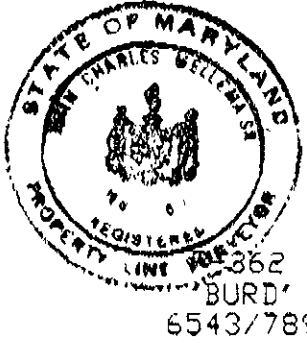
STONE FOUND

PIN FOUND ON LINE

I HEREBY VERIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT I HAVE MADE A TRANSIT AND TAPE SURVEY OF THE PROPERTY SHOWN HEREON FOR THE PURPOSE OF ESTABLISHING BOUNDARY LINES AND HAVE FOUND THE INFORMATION SHOWN HERE TO BE CORRECT.

John C. Mellema
JOHN C. MELLEMA SR. (REG. NO. 107)

DATE
July 2000



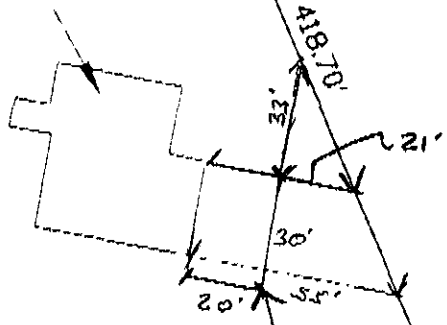
1.0665 ACRES±
46456.88 SQ. FT.±

CNE# 00.401.A

Scott Barber
410.600.8249

P-109
'KIRSCHMAN'
1789/206

EXISTING DWELLING



REBAR & CAP SET

PIPE FOUND

300'

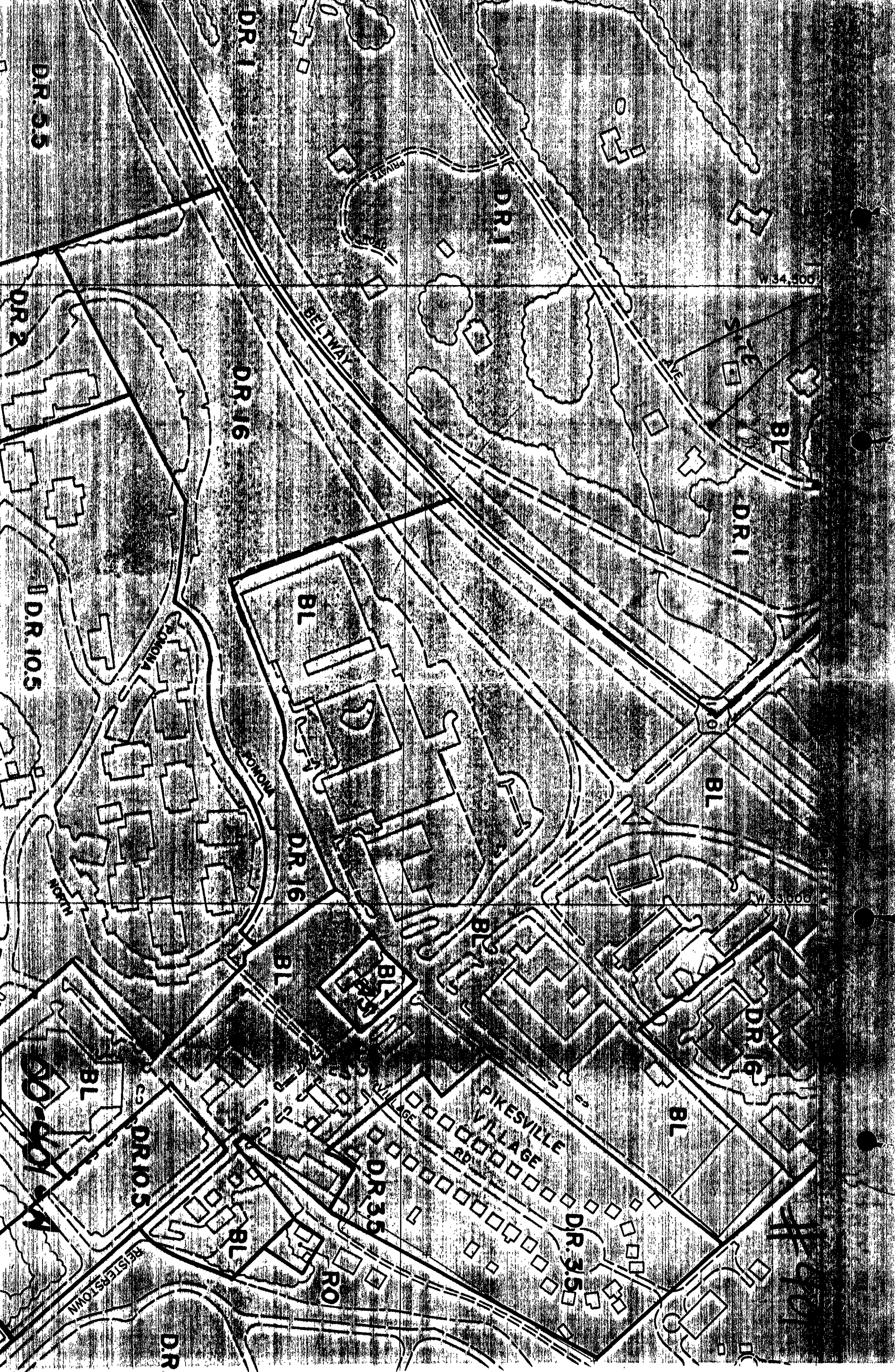
EXISTING PAVING

WOODHOLME AVENUE

PREPARED BY:
JOHN C. MELLEMA SR., INC.
LAND SURVEYORS
5409 EAST DR. BALTO. CO., MD. 21227
TEL: 410-247-7488 FAX: 410-247-2507

PLAT OF SURVEY
#16 WOODHOLME AVE.
TAX MAP 68 PARCEL 180
BALTIMORE CO., MARYLAND
DEED REF. 11944/652
SCALE: 1"=50' DATE: JULY, 2000

ORDER RECEIVED FOR FILING
Date *7/21/00*
By *[Signature]*





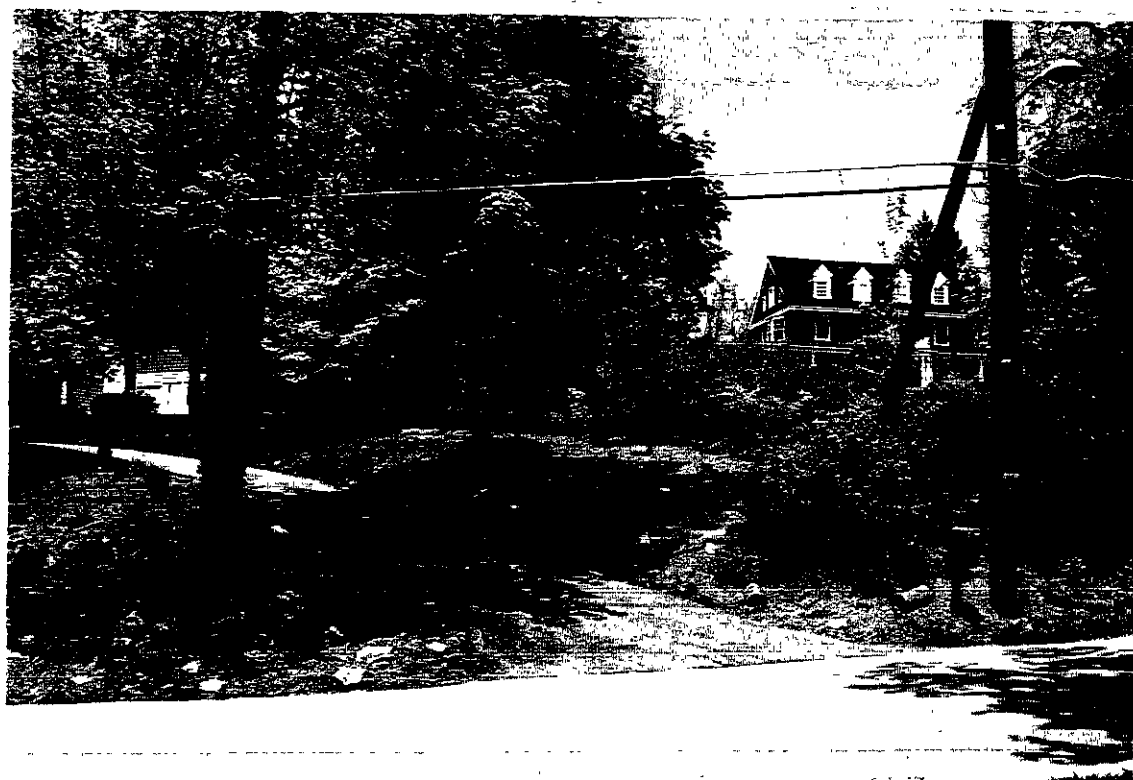
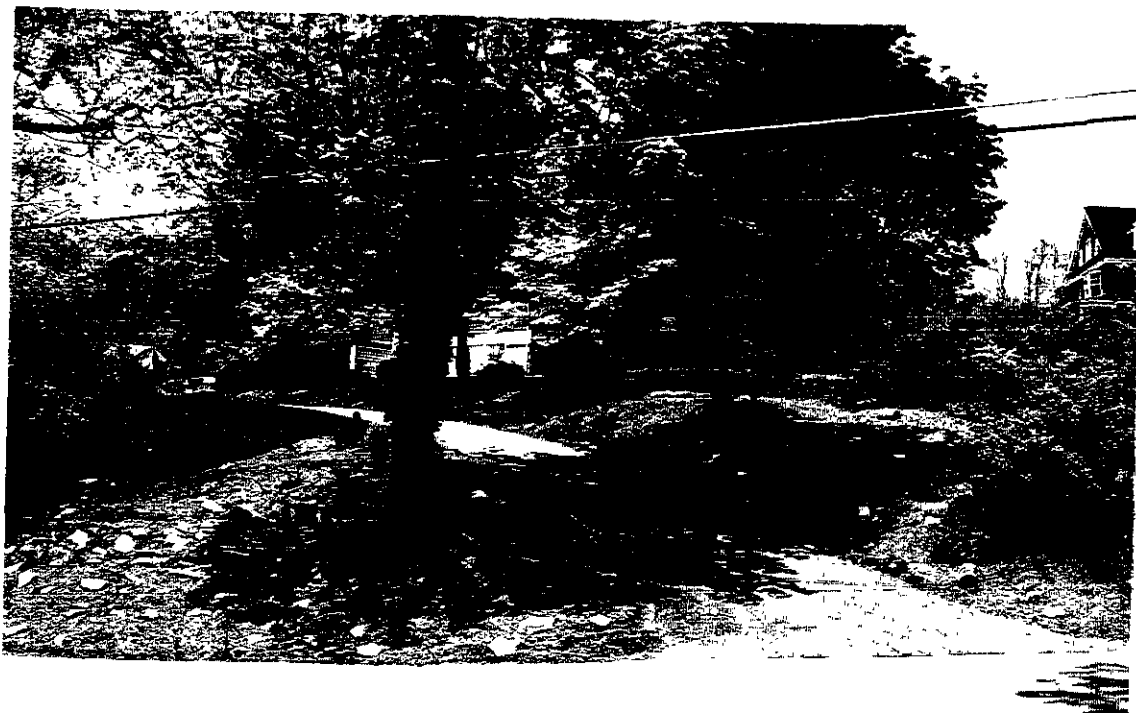
16 Woodholme Avenue
Baltimore, MD 21208

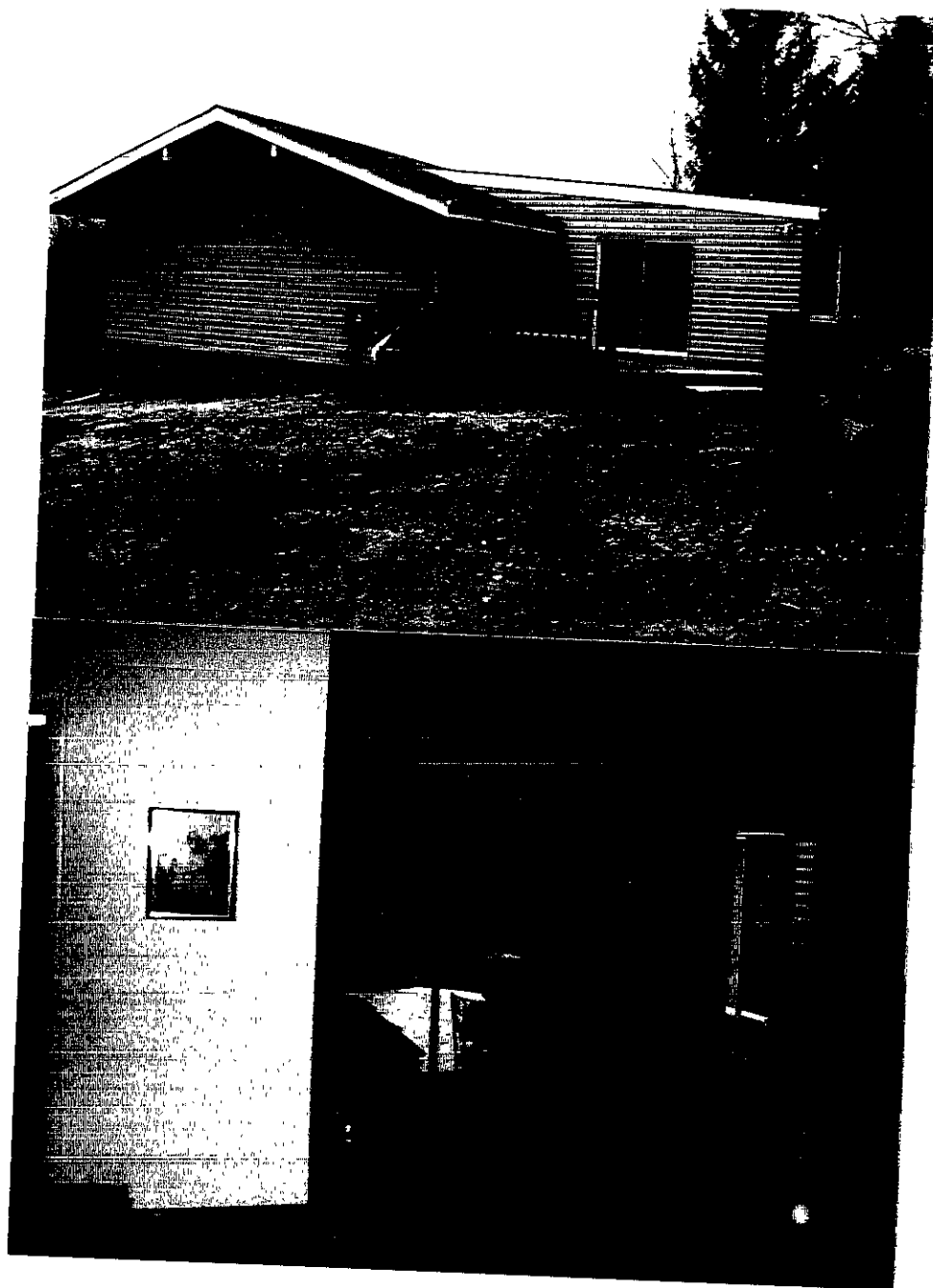


16 Woodholme Avenue
Baltimore, MD 21208

photos

#00-401-A















'94 1 30

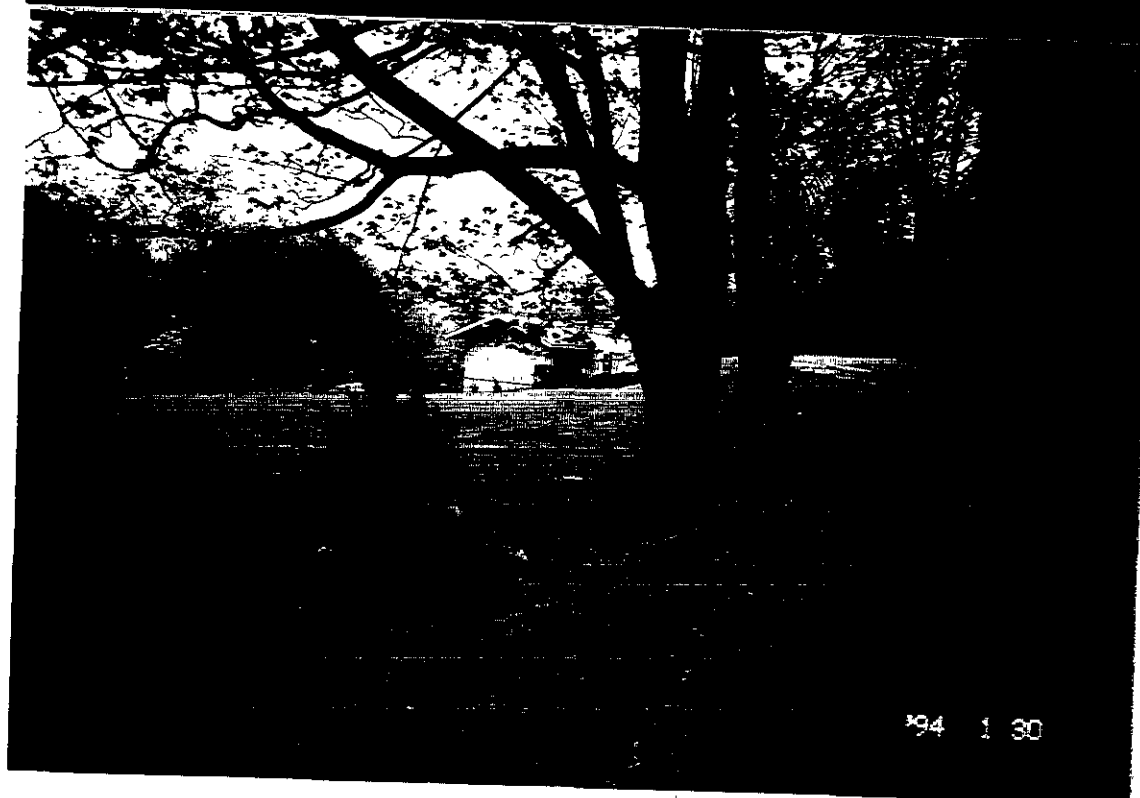


'94 1 30





'94 1 30



'94 1 30

