

73-190-A #124 PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Roy Joseph Giacubeno, legal owner 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 1801.2.C.4 to permit a 34' setback from centerline of Elk Road instead 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)

See attached description

MAP
SECTION
SHEET
DATE
BY
CHECKED
BY

Property is to be posted and advertised as prescribed by Zoning Regulations. 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.

Contract purchaser
Address
Petitioner's Attorney
Protestant's Attorney

ORDERED By The Zoning Commissioner of Baltimore County, this 12th day

of January 1973, 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 Commission of Baltimore County in Room 106, County Office Building in Towson, Baltimore

on the 26th day of February, 1973, at 10:00 o'clock

Zoning Commissioner of Baltimore County.

(over)

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE



PETITION AND SITE PLAN

EXPLANATION COMMENTS

BALTIMORE COUNTY ZONING ADVISORY COMMITTEE

February 5, 1973

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

John J. Dillon, Jr.
Chairman

MEMBERS

BUREAU OF ENGINEERING

DEPARTMENT OF TRAFFIC ENGINEERING

STATE ROADS COMMISSION

BUREAU OF FIRE PREVENTION

HEALTH DEPARTMENT

PROJECT PLANNING

BUILDING DEPARTMENT

DEPARTMENT OF EDUCATION

ZONING ADMINISTRATION

INDUSTRIAL DEVELOPMENT

Mr. Roy J. Giacubeno
1046 Foxwood Lane
Baltimore, Maryland 21221

RE: Variance Petition
Item 124
Roy Joseph Giacubeno - Petitioner

Dear Mr. Giacubeno:

The Zoning Advisory Committee has reviewed the plans submitted with the above referenced petition and has made an on site field inspection of the property. The following comments are a result of this review and inspection.

These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations on the appropriateness of the requested zoning.

The subject property is located on the northwest corner of Middleborough Road and Elk Road, in the 15th District of Baltimore County. This residential (D.R. 5.5) property is currently unimproved. The properties in the immediate vicinity are improved with single family dwellings. There is no curb and gutter existing along either road and public water and sewer facilities are available to serve this property.

This petition is accepted for filing on the date of the enclosed filing certificate. Notice of the hearing date and time, which will be held not less than 30, nor more than 30 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

John J. Dillon, Jr.
Chairman
Zoning Advisory Committee

JJDjr:GAE:JB

(Enclosure)

BALTIMORE COUNTY, MARYLAND JEFFERSON BUILDING TOWSON, MARYLAND 21204

DEPARTMENT OF TRAFFIC ENGINEERING
EUGENE J. CLYFORD, P.E.
DIRECTOR
WILLIAM T. MILLER
DEPUTY TRAFFIC ENGINEER

January 17, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 124 - 7AC - January 9, 1973
Property Owner: Roy Joseph Giacubeno
NW corner Middleborough Rd. & Elk Road
Variance from Section 1801.2.C.4 to permit a 34' setback from centerline of Elk Road instead of required 50' - District 15

Dear Mr. DiNenna:

No major traffic problems are anticipated by the requested variance to a front yard.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

Baltimore County, Maryland Department of Public Works COUNTY OFFICE BUILDING TOWSON, MARYLAND 21204

Bureau of Engineering
ELLSWORTH N. DYER, P.E. CHIEF

January 25, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #124 (1972-1973)
Property Owner: Roy Joseph Giacubeno
N/W cor. of Middleborough Rd. and Elk Rd.
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Section 1801.2.C.4 to permit a 34' setback from centerline of Elk Road instead of required 50'
Dist. Lot: 15th No. Acres: 91' x 275'

Dear Mr. DiNenna:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Middleborough Road, an existing County road, is proposed to be improved in the future as a 40-foot closed-type roadway cross-section on a 60-foot right-of-way.

Elk Road, an existing public road, is proposed to be improved as a 30-foot closed-type roadway cross-section on a 50-foot right-of-way.

Highway improvements are not required at this time. However, highway right-of-way widening based upon the present centerlines, including a fillet area for sight distance at the intersection, and any necessary reversible easements for slopes, will be required in connection with any grading or building permit application.

Sediment Control:

Development of this property through striping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the striping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #124 (1972-1973)
Property Owner: Roy Joseph Giacubeno
Page 2
January 25, 1973

Water and Sanitary Sewer:

Public water supply and sanitary sewerage are available to serve this property. However, it appears that additional fire hydrant protection may be required in the vicinity.

Very truly yours,

Ellsworth N. Dyer, P.E.
Chief, Bureau of Engineering

END:HAM:PW:ras

cc: John A. Somers
John F. Loos, Jr.

1-25 Key Sheet
4 NW 35 Position Sheet
NE 1-1 Topo Sheet
97 Tax Map

BALTIMORE COUNTY, MARYLAND DEPARTMENT OF HEALTH

JEFFERSON BUILDING
TOWSON, MARYLAND 21204

January 10, 1973

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE AND COUNTY HEALTH OFFICER

Mr. S. Eric DiNenna, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item 124, Zoning Advisory Committee Meeting January 9, 1973, are as follows:

Property Owner: Roy Joseph Giacubeno
Location: N/W corner of Middleborough and Elk Roads
Present Zoning: D.R. 5.5
Proposed Zoning: Variance from Section 1801.2.C.4 to permit a 34' setback from centerline of Elk Road instead of required 50'
District: 15
No. Acres: 91' x 275'

Since metropolitan water and sewer are available, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

HVB:mgc

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: January 10, 1973

Mr. S. Eric DiNenna
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item 124
Property Owner: Roy Joseph Giacubeno
Location: N/W corner of Middleborough Road and Elk Road
Dist. 5.5
Present Zoning: Variance from Section 1801.2.C.4 to permit a 34' setback from centerline of Elk Road instead of required 50'

District: 15
No. Acres: 91' x 275'

Dear Mr. DiNenna:

No bearing on student population

Very truly yours,

W. Nick Petrovich
Field Representative

WNP:ml

H. EMBLE PARKS, President
EUGENE C. HESS, Vice President
MRS. ROBERT L. BERNY

MARCUS M. BOTANIS
JOSEPH N. McDOWAN
ALVIN LORICK
JOHN J. WHEELER, Superintendent

T. BAYARD WILLIAMS, JR.
RICHARD W. TRACEY, VMD.
MRS. RICHARD K. MURFEL

MAY 05 1973

the above Variance should be had; and it further appearing that by reason of the granting of the Variance requested not adversely affecting the health, safety and general welfare of the community

day of March, 1973, that the herein Petition for a Variance should be and the same is granted, from and after the date of this order, subject to the approval of a site plan by the department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that by reason of.....

the above Variance should NOT BE GRANTED.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this _____ day
of _____, 197 __, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

A. V. Quimby
Acting Director
Jefferson Building
Suite 301
Towson, Md. 21204
410-3211

January 22, 1973

S. ERIC DINENHA
Eating Commissioner
County Office Building
111 W. Chesapeake Ave.
Towson, Md. 21204
(410) 321-1111

Mr. S. Eric DiNenna, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. DiNenna:

Comments on Item #124, Zoning Advisory Committee Meeting, January 9, 1973, are as follows:

Property Owner: Roy Joseph Giacobeno
Location: N/W corner of Middleborough Road and Elk Road
Present Zoning: D.R.5.5
Proposed Zoning: Variance from Section 1801.2.C4 to permit a 34' setback from centerline of Elk Road instead of required 50'
District: 15
No. Acres: 91' X 275'

This appears to be a subdivision of a larger tract of land; therefore, the subdivision process must be completed before any building permits could be endorsed by this office.

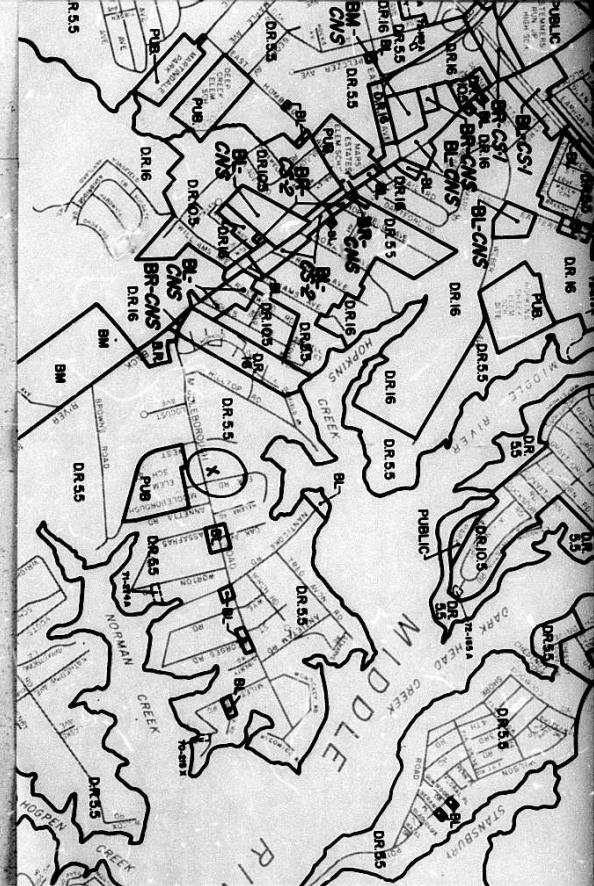
Very truly yours,

John L. Wimbley
John L. Wimbley
Planner I
Project Planning Division
Office of Planning and Zoning

Being known as the parcel of land located on the northwest corner of Middleborough Road and Elk Road, owned by Roy J. Geacubeno and wife.

The property is described as follows:

Beginning at the intersection of Middleborough Road and Elk Road, thence westerly 91' along the north side of Middleborough Road to a point, thence northerly 275' to a point, thence easterly 91' to a point, thence southerly 275' along the west side of Elk Road to the place of beginning.



INTER-OFFICE CORRESPONDENCE

TO S. Eric DiNenna, Zoning Commissioner Date February 23, 1973

FROM Norman E. Gerber
Office of Planning and Zoning

SUBJECT Petition #73-190-A, Northwest corner of Middleborough and Elk Roads.
Petition for Variance for a setback from the center line of the street.
Petitioner - Roy J. Giacubeno

15th District

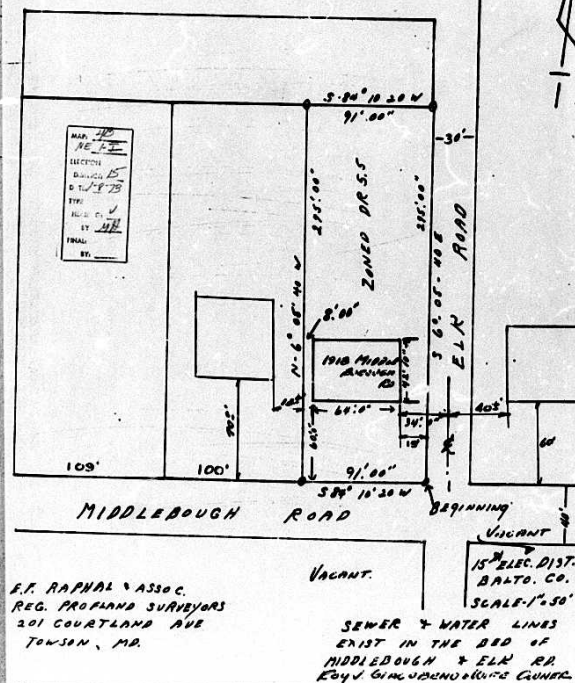
HEARING: Monday, February 26, 1973 (10:00 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has the following comments to offer.

A resubdivision of Lot #113 plat of Middleborough will be required. This resubdivision should be approved and recorded before any variances are granted.

William D. From
Director

WDF:NEG:rw



March 5, 1973

Dear Sir,

Due to hardship, I would like to waive a 30 day appeal period on my Variance Permit # 93-190-A (22). I accept all responsibility for damages & cost which may arise from an appeal. Perhaps, I would like to file my application for a Building Permit, so that construction may begin as soon as possible.

Thank you

Ray Chambers

My Commission expires July 1, 1974
Garrett H. Bindas

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>[Signature]</i>					Revised Plans: Change in outline or description _____ Yes _____ No					
Previous case: <i>[Signature]</i>					Map # _____					

