

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Mr. & Mrs. Genaro Fullano, 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 400.1 - to permit an accessory structure (swimming pool) to be built in the side yard rather than the required rear yard.

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

Because of the extreme grade together with a minimum amount of space in the back of the house, we feel that it would be impractical to excavate and build in that location.

See attached description

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.

Contract purchaser: Genaro N. Fullano
Legal Owner: Genaro N. Fullano
Address: 6000 Point Pleasant Road
Baltimore, Maryland 21206
Petitioner's Attorney: _____
Protestant's Attorney: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 7th day

of October, 1975, 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 17th day of November, 1975, at 10:30 o'clock

A.M.
Zoning Commissioner of Baltimore County.
(over)

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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A.M.
Zoning Commissioner of Baltimore County.
(over)

RE: PETITION FOR VARIANCE
Northwest side of Point Pleasant Road
184.46 feet North of Daybreak Terrace,
14th District
GENARO FULLANO, Petitioner
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 76-107-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

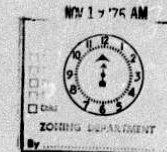
Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Charles E. Kountz, Jr.
Charles E. Kountz, Jr.
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel
County Office Building
Towson, Maryland 21204
494-2188

I hereby certify that on this 14th day of November, 1975, a copy of the foregoing Order was mailed to Mr. Genaro Fullano, 6000 Point Pleasant Road, Baltimore, Maryland 21237, Petitioner.

John W. Hession, III



November 18, 1975

Mr. & Mrs. Genaro Fullano
6000 Point Pleasant Road
Baltimore, Maryland 21206

RE: Petition for Variance
NW/S of Point Pleasant Road, 184.46'
N of Daybreak Terrace - 14th Election
District
Genaro Fullano, et ux - Petitioners
NO. 76-107-A (Item No. 8)

Dear Mr. & Mrs. Fullano:

I have this date passed my Order in the above captioned matter in accordance with the attached.

Very truly yours,

George J. Martinak
GEORGE J. MARTINAK
Deputy Zoning Commissioner

GJM:mcc

Attachments

cc: Ira C. Rigger, Inc.
10100 Marble Court
Cockeysville, Maryland 21230

John W. Hession, III, Esquire
People's Counsel

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: S. Eric DiNenna, Zoning Commissioner Date: November 14, 1975
FROM: William D. From
DIRECTOR OF PLANNING
SUBJECT: Petition #76-107-A, Petition for Variance for an Accessory Structure Northwest side of Point Pleasant Road 184.46 feet North of Daybreak Terrace.
Petitioner - Genaro Fullano and Marilyn A. Fullano

14th District

HEARING: Monday, November 17, 1975 (10:30 A.M.)

The staff of the Office of Planning and Zoning has reviewed the subject petition and has determined that there are no comprehensive planning factors requiring comments on this petition at this time.

William D. From
William D. From
Director of Planning

WDF:NEG:rv

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

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

November 17, 1975

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

Re: Item #80 (1975-1976)
Property Owner: Mr. and Mrs. Genaro Fullano
N/W of Point Pleasant Rd., 184.46' N. of the
intersection of Point Pleasant Rd. & Daybreak
Terrace
Existing Zoning: DR 5.5
Proposed Zoning: Variance from Sec. 400.1 to permit
an accessory structure (swimming pool) to be built
in the side yard rather than the required rear yard.
No. of Acres: 0.594 District: 14th

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:

Point Pleasant Road, an existing inadequate public road, is proposed to be improved in the future on a 50-foot right-of-way. Highway improvements are not required at this time. However, highway right-of-way widening, including any necessary reversible easements for slopes, will be required in connection with any grading or building permit application. Further information may be obtained from the Baltimore County Bureau of Engineering. The submitted plan should be revised to indicate the existing roadway which lies within this site, and the proposed highway right-of-way.

Sediment Control:

Development of this property through stripping, 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 stripping of top soil.

Storm Drains:

This property is adjacent to Red House Run, for which a "Drainage and Utility Easement" and "Flood Control Strip", of varying widths exist as shown on the plats of "Resubdivision of, and Addition to Section One Point Pleasant" and "Section 2 Hazelwood Manor", as recorded in W.J.R. 27, Folio 42 and W.J.R. 26, Folio 108, respectively.

Item #80 (1975-1976)
Property Owner: Mr. and Mrs. Genaro Fullano
Page 2
November 17, 1975

Storm Drains: (Cont'd)

However, a portion of this property may lie within the flood plain of a 100-year design storm.

Open stream drainage requires a drainage reservation or easement of sufficient width to cover the flood plain of a 100-year design storm.

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.

Water:

Public water supply is serving this property. Additional fire hydrant protection may be required in the vicinity.

Sanitary Sewer:

Public sanitary sewerage is serving this property. There is also an existing 21-inch sanitary interceptor sewer traversing this property within a 10-foot utility easement (NW 28-423), see Drawings #29-0010, 0018 and #70-0605, File 1. The Petitioner is cautioned that no encroachment by construction of any structure, including footings will be permitted within County rights-of-way or utility easements. During the course of grading or construction on this site protection must be afforded by the contractor to protect the existing 21-inch sanitary sewer within the drainage and utility easement, and to prevent any damage thereto. Any damage sustained would be the full responsibility of the Petitioner. The submitted plan must be revised to indicate this existing 21-inch sanitary interceptor sewer and utility easement.

Very truly yours,

Ellsworth N. Diven
ELLSWORTH N. DIVEN, P.E.
Chief, Bureau of Engineering

END:EAM:FW:ss

cc: D. Grise, S. Bellestri, W. Munchel, J. Somers, G. Reier (Pleasant Prospect)
R. Cowahy

J-NE Key Sheet
18 NE 19 Pos. Sheet
NE 5 E Topo
89 Tax Map

JAN 30 1976

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners

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, a Variance to permit an accessory structure (swimming pool) to be built in the side yard instead of the required rear yard should be granted.

Deputy
IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of November 1975, that the herein Petition for the aforementioned 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 1975, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioners

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, a Variance to permit an accessory structure (swimming pool) to be built in the side yard instead of the required rear yard should be granted.

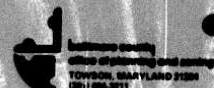
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IT IS ORDERED by the Zoning Commissioner of Baltimore County this 16th day of November 1975, that the herein Petition for the aforementioned Variance should be and the same is GRANTED from and after the date of this Order, subject to the approval of 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 1975, that the above Variance be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County



WILLIAM D. PROSSER
DIRECTOR

November 13, 1975

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

Dear Mr. DiNenna:

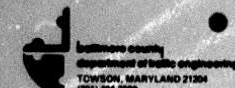
Comments on Item #80, Zoning Advisory Committee Meeting, October 21, 1975, are as follows:

Property Owner: Mr. and Mrs. Genaro Fullano
Location: NW/4 of Point Pleasant Road 184.46' N of the intersection of Point Pleasant Road and Daybreak Terrace
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance from Sec. 400.1 to permit an accessory structure (swimming pool) to be built in the side yard rather than the required rear yard
No. of Acres: 0.594
District: 14th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no site-planning factors requiring comment.

Very truly yours,
John L. Winkley
John L. Winkley
Planning Specialist II
Project and Development Planning



STEPHEN E. COLLINS
DIRECTOR

November 12, 1975

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

Re: Item 80 - ZAC - October 21, 1975
Property Owner: Mr. & Mrs. Genaro Fullano
Location: NW/4 Point Pleasant Rd. N. of the intersection of Point Pleasant Rd. & Daybreak Terrace
Existing Zoning: DR 5.5
Proposed Zoning: Var. from Sec. 400.1 to permit an accessory structure (swimming pool) to be built in the side yard rather than the req. rear yard
No. of Acres: 0.594
District: 14th

Dear Mr. DiNenna:

No Traffic Engineering problems are anticipated by the requested variance to permit a swimming pool to be built in the side yard.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate

MSF:nc

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

Item 80
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
Mr. Genaro N. Fullano
4000 Point Pleasant Road
Baltimore, MD. 21206
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 14th day of November 1975

S. Eric DiNenna
Zoning Commissioner

Petitioner Genaro N. & Marilyn A. Fullano

Petitioner's Attorney
c/o: Mrs. G. G. G. G.
10000 Maple Court
Cockeysville, MD. 21030

Reviewed by Franklin T. HOGANS, Jr.
Chairman,
Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BUILDING
111 W. Chesapeake Avenue
Towson, Maryland 21204
Franklin T. HOGANS, Jr.
Chairman

November 6, 1975

Mr. Genaro N. Fullano
4000 Point Pleasant Road
Baltimore, Maryland 21206

RE: Variance Petition
Item 80
Genaro N. & Marilyn A. Fullano -
Petitioner

Dear Mr. Fullano:

The Zoning Plans 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 as to the appropriateness of the requested zoning.

The subject property is located on the northwest side of Point Pleasant Road, 184.46' north of the intersection of Point Pleasant Road and Daybreak Terrace, and is currently improved with a single family residence

Adjacent properties are improved with single family detached dwellings, zoned D.R. 5.5.

The petitioner is requesting a Variance to permit an accessory structure (swimming pool) in the side yard in lieu of the required rear yard. This property abuts along its northwesternmost

Mr. Genaro N. Fullano
Item 80
November 6, 1975
Page 2

property line the "proposed" Radake Avenue right-of-way.

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 90 days after the date on the filing certificate, will be forwarded to you in the near future.

Very truly yours,

Franklin T. HOGANS, Jr.
FRANKLIN T. HOGANS, JR.
Chairman, Zoning Plans
Advisory Committee

FTH:JD

c/o: Ira C. Rigger, Inc.
10100 Marble Court
Cockeysville, Maryland 21030

Baltimore County Fire Department

PAUL H. BRINGER
Fire Chief



Towson, Maryland 21204
875-7310

Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Mr. Jack Dillon, Chairman
Zoning Advisory Committee

Re: Property Owner: Mr. & Mrs. Genaro Fullano

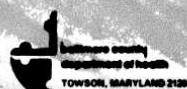
Location: NW/4 of Point Pleasant Rd. 184.46' N of the intersection of
Point Pleasant Road & Daybreak Terrace
Item No. 80
Zoning Agenda October 21, 1975

Gentlemen:

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

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead-end condition shown at _____ exceeds the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "The Life Safety Code", 1970 Edition prior to occupancy.
- () 6. Site plans are approved as drawn.
- (X) 7. The Fire Prevention Bureau has no comments at this time.

Reviewed: H. J. Kelly Noted and Approved: James M. Murphy
Planning Group Acting Deputy Chief
Special Inspection Division Fire Prevention Bureau



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

October 24, 1975

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

Dear Mr. DiNenna:

Comments on Item #80, Zoning Advisory Committee Meeting,
October 21, 1975, are as follows:

Property Owner: Mr. & Mrs. Genaro Fullano
Location: NW/4 of Point Pleasant Rd. 184.46' N of the
intersection of Point Pleasant Rd. & Daybreak
Terrace.

Existing Zoning: DR 3.5

Proposed Zoning: Variance from Sec. 400.1 to permit an
accessory structure (swimming pool) to
be built in the side yard rather than
the required rear yard.

No. of Acres: 0.594
District: 14th

Since this is a variance for a swimming pool, and metro-
politan water and sewer are existing, no health hazard is anticipated.

Very truly yours,

Thomas H. Devlin
Thomas H. Devlin, Director
BUREAU OF ENVIRONMENTAL SERVICES

DNB:dlac

BOARD OF EDUCATION OF BALTIMORE COUNTY

TOWSON, MARYLAND - 21204

Date: October 21, 1975

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

Z.A.C. Meeting of: October 21, 1975

Re: Item 80

Property Owner: Mr. & Mrs. Genaro Fullano

Location: NW/4 of Point Pleasant Rd. 184.46' N. of the intersection of
Point Pleasant Road & Daybreak Terrace.

Present Zoning: D.R. 3.5

Proposed Zoning: Variance from Section 400.1 to permit an accessory structure
(swimming pool) to be built in the side yard rather than the
required rear yard.

District: 14th

No. Acres: 0.594

Dear Mr. DiNenna:

No bearing on student population.

Very truly yours,

W. Nick Petrovich
W. Nick Petrovich,
Field Representative.

H. EMILIE PARKS, PRESIDENT
EUGENE C. HESS, VICE-PRESIDENT
MRS. ROBERT L. BERNY

MARCUS H. ROTGANS
JOSEPH H. MCGOWAN
ALVIN LOBECK
JOSHUA B. WHEELER, SUPERINTENDENT

T. DAYARD WILLIAMS, JR.
RICHARD W. TRACEY, V.M.
MRS. RICHARD V. JUREL

CERTIFICATE OF PUBLICATION

ROSEDALE, MD., Nov. 5, 1975

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE OBSERVER, a weekly newspaper published
in Rosedale, Baltimore County, Md., on _____ day of _____
1975, the publication
appearing on the _____ day of _____ 1975.

THE OBSERVER.

Robert A. Fairbank
Advertising Mgr.

Cost of Advertisement \$20.80

CERTIFICATE OF PUBLICATION

TOWSON, MD., October 30, 1975

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., on _____
at _____ o'clock before the _____
day of _____, 1975, the 10th publication
appearing on the _____ day of _____
1975.

THE JEFFERSONIAN

Robert A. Fairbank
Manager

Cost of Advertisement, \$ _____

CERTIFICATE OF POSTING

SENIOR DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

#76-107-A

District: 14th Date of Posting: 10/30/75

Posted for: Henry, Mandy, Nov. 12, 1975 @ 10:30 A.M.

Petitioner: Genaro Fullano

Location of property: NW/4 of Point Pleasant Rd. 184.46' N. of

Daybreak Terrace

Location of sign: 1 sign posted @ 6000 Point Pleasant Rd.

Remarks:

Posted by: M. H. H. Date of return: 11/16/75

PETITION MAPPING PROGRESS SHEET

FUNCTION	Visit Map		Original		Duplicate		Tracing		GEO 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: <u>D. I.</u>	Revised Plans:		Change in outline or description		Yes		No			
Previous case:	Map #									

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received * this 29th day of
September 1975. Filing Fee \$25.00. Received ☒ Check
Cash
Other

S. Eric DiNenna
S. Eric DiNenna,
Zoning Commissioner

Petitioner: Genaro Fullano Submitted by: Paul D. McCarty
Petitioner's Attorney: _____ Reviewed by: Paul D. McCarty

* This is not to be interpreted as acceptance of the Petition for
assignment of a hearing date.

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

DATE: Nov. 27, 1975 ACCOUNT: 03-662

AMOUNT: \$4.80

RECEIVED: Gen. Fullano (Cash) 6000 Point Pleasant Rd.
BALTIMORE, MD. 21204 Advertising and posting of
signage

88472817 466048

VALIDATION OR SIGNATURE OF CARRIER

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

DATE: Nov. 27, 1975 ACCOUNT: 03-662

AMOUNT: \$25.00

RECEIVED: Paul D. McCarty, 1111 Middle Rd., Suburbanville, Md.
FOR: Publication Fee Towson Ave Genaro Fullano

843820128 250048

VALIDATION OR SIGNATURE OF CARRIER