

PETITION FOR ZONING VARIANCE 85-327-A

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

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 1.1 B02.3.B (1. B01.2.C.4) to permit a minimum side yard setback of 7'9" instead of the required 12' and a sum of both sides of 15'9" instead of the required 20'. and to amend the second amended Partial Dev. Plan, Plat 2 & 3, Section One, Lot 28, of Upton Village, North, to allow the dwelling to be located outside of the building envelope of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The owners were presented with an approved survey of Lot 28, Upton Village North at the time of settlement and this survey reflected less than the required side yard set back. The single family home was built upon the lot in accordance with the approved survey and the owners now live in that house. The owners are requesting a zoning variance for hardship and practical difficulty to bring the property in accordance with applicable laws and regulations of Baltimore County.

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

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

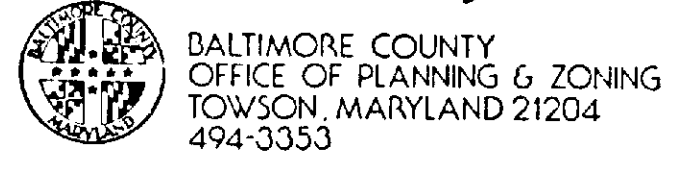
I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property, which is the subject of this Petition.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) (Type or Print Name)
Signature _____ Signature _____
Address _____ Address _____
City and State _____ City and State _____
Attorney for Petitioner: _____
Robert E. Carney, Jr. (Type or Print Name)
Address _____ Phone No. _____
Baltimore, Maryland 21204
City and State _____
Signature _____
406 Jefferson Building
Address _____
Towson, Maryland 21204
City and State _____
Attorney's Telephone No.: 828-7100
Address _____ Phone No. _____

ORDERED By The Zoning Commissioner of Baltimore County, this 15th day of April, 1985, 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 held before the Zoning Commissioner of Baltimore County in Room 105, County Office Building in Towson, Baltimore County, at the 21st day of May, 1985, at 9:30 o'clock a.m.

ADMINISTRATIVE ACTION

Very truly yours,
Zoning Commissioner of Baltimore County.



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3333

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

September 11, 1985

Francis John Gorman, Esquire
406 Jefferson Building
105 West Chesapeake Avenue
Towson, Maryland 21204

Dear Mr. Gorman:

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

Very truly yours,
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:tg
Attachments

People's Counsel

Gregory P. Barbini, et ux
W/S Orbital Rd., 315' W from
Shady Creek Way (9302 Orbital Rd.) 11th

85-327-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 15th day of April, 1985.

Petitioner: Gregory P. Barbini, et ux
Petitioner's Attorney: Robert E. Carney, Jr., Esquire

Received by: Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 9, 1985

Robert E. Carney, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

RE: Item No. 283 - Case No. 85-327-A
Petitioner - Gregory P. Barbini, et ux
Variance Petition

Dear Mr. Carney:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development 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 suitability of the requested zoning.

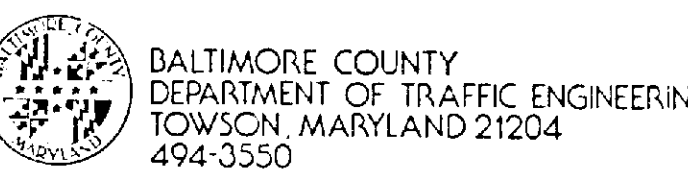
In view of your proposal to legalize the setbacks of the existing dwelling, this hearing is required.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received it will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
Chairman, Zoning Plans Advisory Committee

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3330

STEPHEN E. COLLINS
DIRECTOR

April 8, 1985

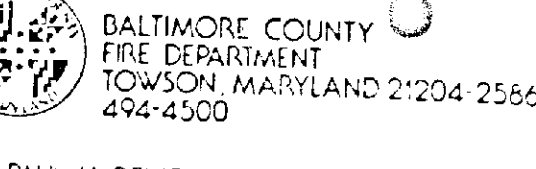
Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Item No. 281, 282, 283, 284, 286, and 287. ZAC - Meeting of April 9, 1985
Property Owner: _____
Location: _____
Existing Zoning: _____
Proposed Zoning: _____

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for item numbers 281, 282, 283, 284, 286, and 287.

MSF/cmm
Michael S. Flanagan
Traffic Engineering Assoc. II



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204 2566
494-4500

PAUL H. REINCKE
CHIEF

April 15, 1985

Mr. Arnold Jablon
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: Gregory P. Barbini, et ux
Location: N/S Orbital Rd. 315' W. from c/l Shady Creek Way
Item No. 283

Zoning Agenda: Meeting of 4/9/85

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 or 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 operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED BY: [Signature]
Planning Group
Special Inspection Division

NOTED AND APPROVED BY: [Signature]
Fire Prevention Bureau

Very truly yours,
Charles E. Borman, Chief
Plans Review



BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204
494-3610

April 15, 1985

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item #283 Zoning Advisory Committee Meeting are as follows:

Property Owner: Gregory P. Barbini, et ux
Location: N/S Orbital Rd. 315' W. from c/l Shady Creek Way
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit a side yard setback of 7'9" in lieu of the required 12', a sum of both sides of 15'9" in lieu of the required 20' and to amend the 2nd. amended Part. Dev. Plan, Plat 2 & 3, Sec. 1 Lot 28 of Upton Village to allow the dwelling to be located outside of the building envelope.

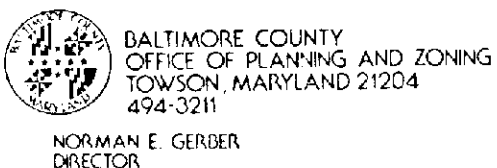
Acres: 60 x 121.82
District: 11th.

The items checked below are applicable:

- A. All structures shall conform to the Baltimore County Building Code 1981/Council Bill L-22 State of the Maryland Code for the handicapped and Age, and other applicable Codes.
- B. Building/other permit shall be required before beginning construction.
- C. Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is/is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.
- D. Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.
- E. An exterior wall erected within 6'0" for commercial uses or 3'0" for one & two family use group of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A fire wall is required if construction is on the lot line, see Code 101, Line 3, Section 1107 and Table 1102, also Section 503.2.
- F. Request a variance appears to conflict with the Baltimore County Building Code, Section/s _____
- G. A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.
- H. Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 205 and the required construction classification of Table 101.
- I. Comments

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,
Charles E. Borman, Chief
Plans Review



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3311

NORMAN E. GERBER
DIRECTOR

Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Jablon:

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are applicable.

- A. There are no site planning factors requiring comment.
- B. A County Review Group Meeting is required.
- C. A County Review Group Meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- D. This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- E. A record plat will be required and must be recorded prior to issuance of a building permit.
- F. The access is not satisfactory.
- G. The circulation on this site is not satisfactory.
- H. The parking arrangement is not satisfactory.
- I. Parking calculations must be shown on the plan.
- J. This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- K. Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-58 of the Development Regulations.
- L. Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- M. The amended Development Plan was approved by the Planning Board on _____
- N. Landscaping: Must comply with Baltimore County Landscape Manual.
- O. The property is located in a deficient service area as defined by 211 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is _____
- P. The property is located in a traffic area controlled by a "Y" level intersection as defined by 211 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- Q. Additional comments: _____

cc: James Roswell

Eugene A. Boser
Chief, Current Planning and Development

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will not adversely affect the health, safety, and general welfare of the community, the variance(s) should ~~not~~ be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 11th day of September, 1985, that the herein Petition for Variance(s) to permit a minimum side yard setback of 7.5' instead of the required 12' and a sum of both sides of 15'9" instead of the required 20', and to amend the Second Amended Partial Development Plan, plat 2 and 3, Section One, Lot 28, of Upton Village North, to allow the dwelling to be located outside of the building envelope, in accordance with the plan submitted and filed herein marked Petitioner's Exhibit 1, is hereby GRANTED, from and after the date of this Order.

John M. H. Jones
Deputy Zoning Commissioner
of Baltimore County

JMH:jbg

ORDER RECEIVED FOR POSTING
DATE Sept. 11, 1985
BY Robert E. Carney, Jr.

PETITION FOR VARIANCES
11th Election District
LOCATION: North side of Orbitan Road, 315' W from the centerline of Shady Creek Way (9302 Orbitan Road).
DATE AND TIME: Tuesday, May 21, 1985 at 8:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance(s) to permit a minimum side yard setback of 7.5' instead of the required 12', and a sum of both sides of 15'9" instead of the required 20', and to amend the Second Amended Partial Development Plan, Plat 2 and 3, Section One, Lot 28 of Upton Village North, to allow the dwelling to be located outside of the building envelope. Being the property of Gregory P. Barbini, et ux, as shown on the plat filed with the Zoning Office. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period if good cause is shown. Such request must be received in writing by the date of the hearing and made at the hearing.
By Order of
Arnold J. Adlon
Zoning Commissioner
of Baltimore County

85-327-A
CERTIFICATE OF PUBLICATION

TOWSON, MD., May 2, 1985
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on May 2, 1985

THE JEFFERSONIAN,

18 Kenton

Publisher

Cost of Advertising

30.25

ZONING DESCRIPTION

Located on the N/Side of Orbitan Road 315' W of the C/L of Shady Creek Way. Being known as Lot No. 2, Plat Two, Section One, "Upton Village North" recorded among the Land Records of Baltimore County, Maryland in Plat Book E.H.R., Jr. No. 45, Folio 31. The improvements thereon being known as 9302 Orbitan Road, Baltimore County, Maryland.

Petition for Variances

11th Election District
LOCATION: North side of Orbitan Road, 315' W from the centerline of Shady Creek Way (9302 Orbitan Road).
DATE AND TIME: Tuesday, May 21, 1985 at 8:00 a.m.
PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Variance(s) to permit a minimum side yard setback of 7.5' instead of the required 12', and a sum of both sides of 15'9" instead of the required 20', and to amend the Second Amended Partial Development Plan, Plat 2 and 3, Section One, Lot 28 of Upton Village North, to allow the dwelling to be located outside of the building envelope. Being the property of Gregory P. Barbini, et ux, as shown on the plat filed with the Zoning Office. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period if good cause is shown. Such request must be received in writing by the date of the hearing and made at the hearing.
By Order of
Arnold J. Adlon
Zoning Commissioner
of Baltimore County

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 11th Date of Posting 5/1/85
Posted for: Gregory P. Barbini, et ux
Petitioner: Gregory P. Barbini, et ux
Location of property: N/S Orbitan Rd., 315' W from Shady Creek Way, 9302 Orbitan Rd.
Location of Signs: Property, Orbitan Rd., between 13th & 14th Aves.
Remarks: None
Posted by: John M. H. Jones Date of return: 5/1/85
Number of Signs: 2

RE: PETITION FOR VARIANCES : BEFORE THE ZONING COMMISSIONER
N/S Orbitan Rd., 315' W from the Centerline of Shady Creek Way (9302 Orbitan Rd.), 11th Dist. : OF BALTIMORE COUNTY
GREGORY P. BARBINI, et ux, : Case No. 85-327-A
Petitioners : : : : :
: : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Rm. 223, Court House
Towson, MD 21204
494-2188

I HEREBY CERTIFY that on this 1st day of May, 1985, a copy of the foregoing Entry of Appearance was mailed to Robert E. Carney, Jr., Esquire, 406 Jefferson Bldg., Towson, MD 21204, Attorney for Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

April 23, 1985

Robert E. Carney, Esquire
406 Jefferson Building
Towson, Maryland 21204

NOTICE OF HEARING

RE: Petition for Variance
N/S Orbitan Road, 315' W from the centerline of Shady Creek Way (9302 Orbitan Road)
Gregory P. Barbini - Petitioner
Case No. 85-327-A

TIME: 9:30 a.m.

DATE: Tuesday, May 21, 1985

PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

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

No. 005352

Commissioner
of Baltimore County

DATE: _____ ACCOUNT: _____
AMOUNT: \$ _____
RECEIVED FROM: _____
FOR: _____
VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353

ARNOLD JADON
ZONING COMMISSIONER

May 15, 1985

Robert E. Carney, Jr., Esquire
406 Jefferson Building
Towson, Maryland 21204

RE: Petition for Variances
N/S Orbitan Rd., 315' W from the c/l of Shady Creek Way (9302 Orbitan Road)
Gregory P. Barbini, et ux - Petitioners
Case No. 85-327-A

Dear Mr. Carney:

This is to advise you that \$58.40 is due for advertising and posting of the above property.

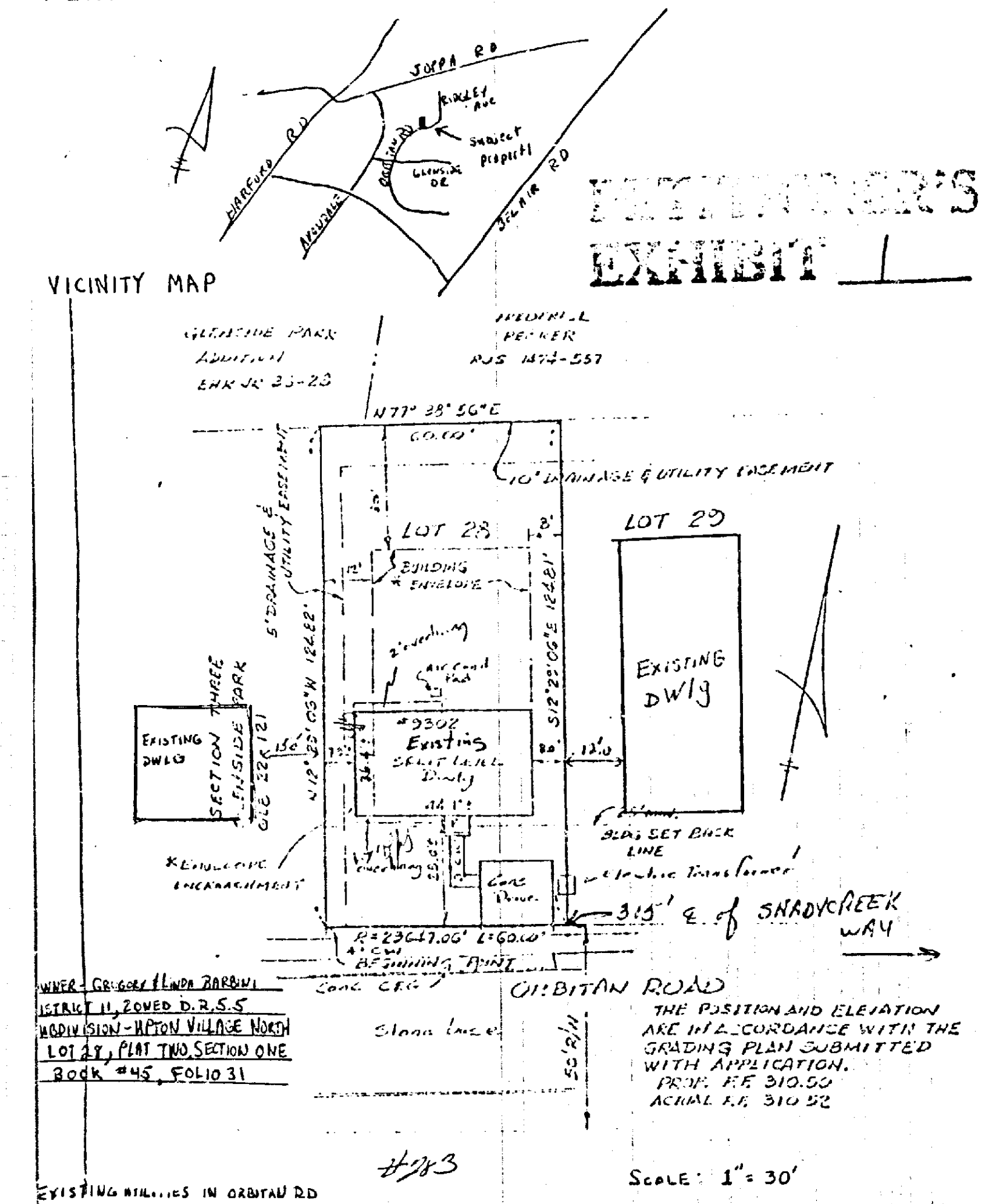
This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 007421
DATE: 5/22/85 ACCOUNT: 85-01-615-000
AMOUNT: \$ 58.40
RECEIVED FROM: Robert E. Carney Jr., Esquire
FOR: Advertising and Posting Case 85-327-A
VALIDATION OR SIGNATURE OF CASHIER

PLAT FOR ZONING VARIANCE ONLY



APR 9 1985