

PETITION FOR ZONING VARIANCE 85-336-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 1802.3.B (1801.2.C.4) to permit a rear yard setback of 20 ft. instead of the required 40 ft. And to amend the final Development Plan of Jacobo Property, Lot # 7 of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. House with a dimension of 63ft X 50ft won't fit in the bldg. envelope
2. The space provided for this was for Storm Water Management which was waived by the county and is an open space at the rear.

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: Process V. Jacobo Legal Owner(s): Nestor V. Jacobo
(Type or Print Name) (Type or Print Name)
Signature: Process V. Jacobo Signature: Nestor V. Jacobo
6 JACOBO LANE TOWSON, MD 21204
City and State
Attorney for Petitioner: 6 JACOBO LANE 21204
(Type or Print Name) Address Phone No.
Signature: TOWSON, MD 21204 City and State
Address Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State Name Address Phone No.
Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 1st day of May, 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 106, County Office Building in Towson, Baltimore County, on the 3rd day of June, 1985, at 10:00 o'clock.

(over)

IN RE: PETITION ZONING VARIANCE
End of Jacobo Lane, 590' S of
Goucher Boulevard (11 Jacobo
Lane) - 9th Election District
Nestor V. Jacobo, et ux,
Petitioners
BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-336-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 20 feet instead of the required 40 feet and, additionally, to amend the final development plan of Jacobo Property, Lot 7, as more particularly described on Petitioners' Exhibit 1.

The Petitioner, Nestor V. Jacobo, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, zoned D.R.2, was approved for development by the JSPC on June 7, 1979 and a final plat was recorded in the Land Records of Baltimore County, Liber 47, folio 99, on April 7, 1981. The subject lot is vacant, as are the surrounding lots, and has been sold. The Petitioners want to move the envelope back to within 20 feet of the rear property line in order to satisfy the Contract Purchaser who wants a walk-out basement. The property slopes to the rear and a walk-out basement would be impossible with the envelope in its present location, and the house would require a sump pump due to the lack of drainage capacity. However, if this variance were granted, a sump pump would not be necessary as the slope would permit better run-off and drainage. The drainage and utility reservation is adjacent to the rear of the property and no house will be located thereon.

The Petitioners seek relief from Section 1802.3.B (1801.2.C.4), pursuant to Section 307, and from Section 1801.3.A.7.c, Baltimore County Zoning Regulations (BCZ)

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

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
3. whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance were granted, such use as proposed would not be contrary to the spirit of the BCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variance were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the public health, safety, and general welfare.

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

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 5th day of June, 1985, that the Petition for Zoning Variance to permit rear yard setback of 20 feet instead of the required 40 feet and,

- 2 -

additionally, the amendment to the final development plan of Jacobo Property, Lot 7, be and are hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions which are conditions precedent to the relief herein granted:

1. The Petitioner shall submit a final plat to the Zoning Commissioner for approval.
2. The Petitioner shall satisfy the Current Planning and Development Division, Office of Planning and Zoning, as to the distance the dwelling shall set back from the flood plain reservation.
3. Upon approval of the above by the Current Planning and Development Division, a building permit may be issued; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Arnold Jablon
Zoning Commissioner of
Baltimore County

AJ/srl

cc: Mr. & Mrs. Nestor V. Jacobo

People's Counsel

ORDER RECEIVED FOR FILING
DATE June 9, 1985
BY Phyllis Cole Friedman

ORDER RECEIVED FOR FILING
DATE June 5, 1985
BY Arnold Jablon

- 3 -

PETITION FOR VARIANCE
9th Election District
LOCATION: End of Jacobo Lane, 590 ft. South of Goucher Boulevard
(11 Jacobo Lane)

DATE AND TIME: Monday, June 3, 1985 at 10:00 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:

Petition for Variance to permit a rear yard setback of 20 ft. instead of the required 40 ft. and to amend the final development plan of Jacobo property, Lot No. 7

Being the property of Nestor V. Jacobo, 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 for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF
ARNOLD JABLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

ZONING DESCRIPTION

Beginning on the end of Jacobo Lane 590' South of Goucher Blvd. being lot 7, in the subdivision of JACOBO PROPERTY, also known as No. 11 Jacobo Lane in the 9th Election District.

RE: PETITION FOR VARIANCE
End of Jacobo Lane, 590'
S of Goucher Blvd.
(11 Jacobo Lane)
9th District
NESTOR V. JACOBO, et ux,
Petitioners
BEFORE THE ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 85-336-A

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 12th day of May, 1985, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Nestor V. Jacobo, Petitioners, and Mr. Process V. Jacobo, Contract Purchaser, 6 Jacobo Lane, Towson, MD 21204.

Peter Max Zimmerman
Peter Max Zimmerman

85-336-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 1st day of May, 1985.

Arnold Jablon
Zoning Commissioner

Petitioner Nestor V. Jacobo, et ux
Petitioner's Attorney

Received by Nicholas S. Commodari
Chairman, Zoning Plans
Advisory Committee



ARNOLD JABLON
ZONING COMMISSIONER

May 29, 1985

Mr. and Mrs. Nestor V. Jacobo
6 Jacobo Lane
Towson, Maryland 21204

RE: Petition for Variance
End of Jacobo Lane, 590' s of Goucher Blvd.
(11 Jacobo Lane)
Nestor V. Jacobo, et ux - Petitioners
Case No. 85-336-A

This is to advise you that \$78.45 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,

ARNOLD JABLON
Zoning Commissioner

PETITION FOR VARIANCE
8th Election District

LOCATION: End of Jacobs Lane, 590 ft. South of Goucher Boulevard (11 Jacobs Lane)
DATE AND TIME: Monday, June 3, 1983 at 10:00 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:

Petitioner for Variance to permit a rear yard setback of 20 ft. instead of the required 40 ft. and to amend the final development plan of Jacobus V. Jacobs, et ux as shown on the plat filed with the Zoning Ordinance, Lot No. 7.

Being the property of Nestor V. Jacobs, et ux as shown on the plat filed with the Zoning Ordinance.

In the event that this Petition is granted, a building permit may be issued within the time specified in the period of the said permit.

The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit due to the said condition of the cause shown. Such request must be received in writing by the date of the hearing, set above or made at the hearing.

By Order Of
ARNOLD JABLON
Zoning Commissioner
Baltimore County

May 18.

CERTIFICATE OF PUBLICATION

TOWSON, MD., _____, May 16, 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 16 1985

THE JEFFERSONIAN,

13 Venetian

Publisher

Cost of Advertising

27.50

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

No. 007344

DATE Jan 12, 1965 ACCOUNT R-01-G/5-000

AMOUNT

RECEIVED FROM: JACOBS ENGINEERING INC.

FOR: 44-1987-Sub E Book 1
ON CASE 15-024-

VALIDATION OR SIGNATURE OF CASHIER

STATEMENT OF PUBLICATION

DATE OF PUBLICATION _____ 85-336-A

Towson, Md. _____ 6/5 1985

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper distributed in Towson, Baltimore County, Md., once a week for 1 consecutive weeks, the first publication appearing on the 15th day of May 1985.

Cost of Advertisement: \$ 40.95

PETITION FOR VARIANCE
8th Election District

LOCATION: End of Jacobo Lane,
590 R. South of Goucher Boulevard
(11 Jacobo Lane)

DATE AND TIME: Monday, June 3,
1985 at 10:00 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

Petition for Variance to permit a rear yard setback of 20 ft instead of the required 40 ft. In order to amend the local development plan of Jacobo property, Lot No. 7.

Borny the property of Heaser V. Jacobo, et al 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, Mr. Norman J. Winters, Jr., request for a stay of the issuance of said permit during this period for good cause shown. Such request must be accompanied by a written statement of the reasons for the delay, made at the hearing, set above or made at the hearing.

BY ORDER OF:
ARNOLD JASION
ZONING COMMISSIONER
COUNTY OF BALTIMORE

BARRETT 712736 5-15

VICINITY MAP

LASALLE RD.

GOUCHER BLVD.

GOUCHER

JACQUES LA.

VACANT

VACANT

PROP (50x63) FUEL

64'±

15'

20'

50'

DRAINAGE & UTILITY RESERVATION

PLAT FOR FILING VARIANCE
OWNER: NECTON JACOBO
OTA, ELEC. DIST.
EXISTING INCOME TAX ID:
JACOBO PROPERTY
EXISTING UTILITIES IN GOUCHER BLVD.
SCALE: 1/4"=1'

OWNERS WILL TAKE FULL RESPONSIBILITY
AS TO THE INFORMATION PROVIDED ON
SAID PLOT PREPARED BY DALTO. CO.

Proctor & Kier 3/25/85.
 OWNER DATE
Proctor & Kier 3/25/85
 OWNER DATE

