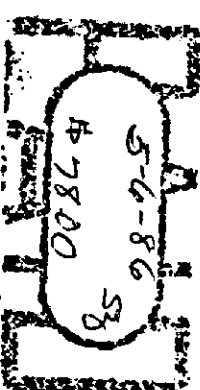


NE-17A
3D
DATE 2-10-87
200
1000
UP

86-451-A
#334



86-451-A
#334

IN RE: PETITION FOR VARIANCE
W/S of Highfield Court,
216.93' N of Pot Spring Road
(4 Highfield Court) -
8th Election District
Rosemarie E. Perrera and
Thomas A. Perrera, Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 86-451-A

The Petitioners herein request variances to permit side yard setbacks of 40 feet in lieu of the required 50 feet and to amend the second amended final development plan of Overlook, Lot No. 43.

Testimony by and on behalf of the Petitioners indicated that they propose to construct a one and one-half story dwelling with a maximum width of 92 feet. Eighty to eighty-five per cent of the building envelope is required for a septic drainage field. Placement of a house and/or septic area is even more difficult because of the clay field and swale in part of the front yard. There were no protestants.

After due consideration of the testimony and evidence presented, and it appearing that strict compliance with the Baltimore County Zoning Regulations (BCZR) would result in practical difficulty and unreasonable hardship upon the Petitioners, and the granting of the variances requested would not adversely affect the health, safety, and general welfare of the community, and, therefore, the variances should be granted.

Therefore, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, this 8th day of May, 1986, that the herein Petition for Variance to permit side yard setbacks of 40 feet in lieu of the required 50 feet and to amend the second amended final development plan of Overlook, Lot No. 43, in accordance with the plan submitted and filed herein, is hereby GRANTED, from and after the date of this Order, subject, however, to the following:

The dwelling shall have a maximum width of 92 feet.

Jean M. H. Jung
Deputy Zoning Commissioner
of Baltimore County

ORDER RECEIVED FOR FILING
DATE May 8, 1986
BY *Brian A. Clark*



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

May 8, 1986

Mr. and Mrs. Thomas A. Perrera
2330 Eastridge Road
Lutherville-Timonium, MD 21093

Dear Mr. and Mrs. Perrera:

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

RE: PETITION FOR VARIANCE
W/S of Highfield Court,
216.93' N of Pot Spring Road
(4 Highfield Court) -
8th Election District
Rosemarie E. Perrera and
Thomas A. Perrera, Petitioners
Case No. 86-451-A

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

JMHJ:b
Attachments
cc: People's Counsel
T. M. Searles
Robert Searles
19 Highfield Court
Baltimore, MD 21030

ORDER RECEIVED FOR FILING
DATE May 8, 1986
BY *Brian A. Clark*

334
86-451-A

PETITION FOR ZONING VARIANCE
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 1.404 - 3.8.3 to permit side setbacks of 40 feet in lieu of the required 50 feet and to amend the second amended final development plan of Overlook, Lot No. 43.

Area that is required for the septic field is approximately 80% of the building envelope. To construct a house that will justify the cost of the property is almost impossible with the 50' side setbacks. We request a variance of 40' side setbacks to be applied to lot #43 at the Overlook Development.

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:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Rosemarie E. Perrera
(Type or Print Name)
Rosemarie E. Perrera
Signature
Thomas A. Perrera
(Type or Print Name)
Thomas A. Perrera
Signature

Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State

Attorney's Telephone No.:
Name
Address
Phone No.

ORDERED BY The Zoning Commissioner of Baltimore County, this 3rd day of April, 1986, 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 108, County Office Building in Towson, Baltimore County, on the 6th day of May, 1986, at 10:00 o'clock.

Brian A. Clark
Zoning Commissioner of Baltimore County
(over)

MAP 1E17A
3D
DATE 2-10-87
200
1000
UP

ZONING DESCRIPTION

Beginning on the west side of Highfield Court 50' wide at the distance of 216.93' north of the centerline of Pot Spring Road.

Being Lot #43 in subdivision of Overlook. Book #51 Folio 72.

Also known as 4 Highfield Court in the 8th Election District.

PETITION FOR ZONING VARIANCE AND AMENDMENT
8th Election District
Case No. 86-451-A

LOCATION: West Side of Highfield Court, 216.93 feet North of Pot Spring Road (4 Highfield Court)

DATE AND TIME: Tuesday, May 6, 1986, at 10:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. 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 Zoning Variance to permit side yard setbacks of 40 feet in lieu of the required 50 feet and to amend the second amended final development plan of Overlook, Lot No. 43

Being the property of Rosemarie E. Perrera, et ux, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) 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

RE: PETITION FOR VARIANCE
W/S of Highfield Ct., 216.93' N of Pot Spring Rd. (4 Highfield Ct.), 8th District
ROSEMARIE E. PERRERA & THOMAS A. PERRERA, Petitioners
Case No. 86-451-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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 11th day of April, 1986, a copy of the foregoing Entry of Appearance was mailed to Rosemarie E. Perrera and Thomas A. Perrera, 2330 Eastridge Rd., Towson, Maryland 21093, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman



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

ARNOLD JABLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

April 29, 1986

Mrs. Rosemarie E. Perrera
Mr. Thomas A. Perrera
2330 Eastridge Road
Lutherville-Timonium, Maryland 21093

RE: PETITION FOR ZONING VARIANCE AND AMENDMENT
W/S Highfield Ct., 216.93' N of Pot Spring Rd.
(4 Highfield Ct.)
8th Election District
Case No. 86-451-A
Rosemarie E. Perrera, et ux - Petitioners

Mr. and Mrs. Perrera:

This is to advise you that \$78.00 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from this office until the time it is placed by you.

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

DATE 5/1/86
SIGN & POST
RECEIVED
FOR Advertising & Posting re Case 86-451-A
B037*****CITY 03048

AMOUNT \$ 73.00
THOMAS A. PERRERA

No. 021615

re County, Maryland, and remit to the County Office Building, Towson, Maryland

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 16, 1986

THIS IS TO CERTIFY, that the annexed advertisement was published in the TOWSON TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on April 16, 1986

TOWSON TIMES,

18 Kentish

Publisher

38.25

CERTIFICATE OF PUBLICATION

TOWSON, MD., April 17, 1986

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 April 17, 1986

THE JEFFERSONIAN,

18 Kentish

Publisher

Cost of Advertising

24.75

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Zoning Commissioner Date: April 15, 1986

FROM: Norman E. Gerber, Director Office of Planning & Zoning

SUBJECT: Zoning Petition Nos. 86-428-A, 86-429-A, 86-443-A, 86-444-A, 86-449-A, 86-450-A (86-451-A)

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber

NORMAN E. GERBER, ALP, Director Office of Planning and Zoning

NBG/JGH/dal

Mrs. Rosemarie E. Perrera
Mr. Thomas A. Perrera
2330 Eastridge Road
Lutherville-Timonium, Maryland 21093

April 7, 1986

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE AND AMENDMENT
W/S Highfield Ct., 216.93' N of Pot Spring Rd.
(4 Highfield Ct.)
8th Election District
Case No. 86-451-A
Rosemarie E. Perrera, et ux - Petitioners

TIME: 10:00 a.m.

DATE: Tuesday, May 6, 1986

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

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

No. 019841

DATE: 3/19/86 ACCOUNT: 01-615

AMOUNT: \$ 35.00

RECEIVED FROM: ALAN MECH

FOR: FILING FEE FOR VARIANCE ITEM No 334

THOMAS A. PERRERA B 02:*****350012 2122F

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 11, 1986

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

Mr. and Mrs. Thomas A. Perrera
2330 Eastridge Road
Lutherville-Timonium, Maryland 21093

RE: Item No. 334 - Case No. 86-451-A
Petitioners: Thomas A. Perrera, et ux
Variance Petition

Dear Mr. and Mrs. Perrera:

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.

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, I 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,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:nf

Enclosures

PLAN FOR ZONING VARIANCE

OWNER - ROSEMARIE & THOMAS PERRERA

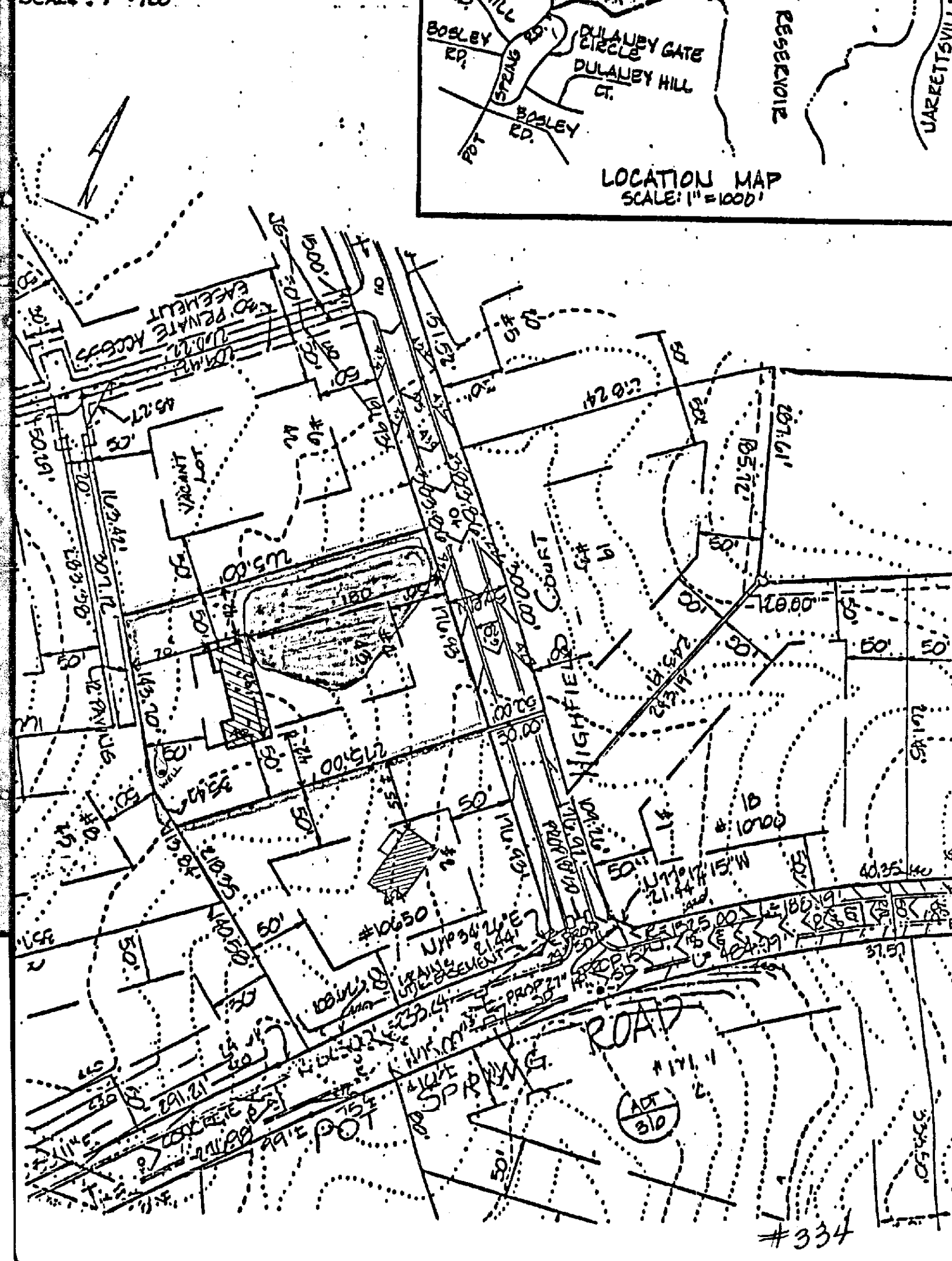
DISTRICT: B ZONED: RC 5

SUBDIVISION - OVERLOOK

Lot 43

BOOK 51 FOLIO 72

SCALE: 1" = 100'



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
111 W. Chesapeake Avenue
Towson, Maryland 21204
494-4500

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

April 14, 1986

Re: Zoning Advisory Meeting of April 1, 1986
Item # 334
Property Owner: ROSEMARIE E. PERRERA, et ux
Location: W/S Highfield Ct., 216.93' North of Pot Spring Rd.

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:

- () There are no site planning factors requiring comment.
- () A County Review Group meeting is required.
- () This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.
- () A record plat will be required and must be recorded prior to issuance of a building permit.
- () The access is not satisfactory.
- () The circulation on this site is not satisfactory.
- () The parking arrangement is not satisfactory.
- () The parking calculations must be shown on the plan.
- () This property contains soils which are defined as wetlands, and development on these soils is prohibited.
- () Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations.
- () Development of this site may constitute a potential conflict with the Baltimore County Master Plan.
- () The amended Development Plan was approved by the Planning Board on 1/28/86.
- () The property is located in a deficient service area as defined by 8111.78-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is:
- () The property is located in a traffic area controlled by a "D" level intersection as defined by 8111.78-79, and as conditions change the intersection may become more limited. The traffic services areas are evaluated annually by the County Council.
- () Additional comments:

NOTE: THE FINAL DEVELOPMENT PLAN WITH THE ABOVE CHECKED ITEMS SHOULD BE SUBMITTED.

cc: James Howell

Eunice A. Dyer
Chair, Current Planning and Development

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

86-451-A

District: B Date of Posting: 4/15/86

Posted for: ROSEMARIE E. PERRERA, et ux

Petitioner: ROSEMARIE E. PERRERA, et ux

Location of property: W/S Highfield Ct., 216.93' N of Pot Spring Rd.

Location of Signs: W/S Highfield Ct., 216.93' N of Pot Spring Rd.

Remarks: Petitioners have been notified by mail of the hearing on this petition.

Posted by: [Signature] Date of return: 4/15/86

Number of Signs: 1

Case No. 86-451-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 3rd day of April, 1986.

Petitioner: Thomas A. Perrera, et ux
Petitioner's Attorney

Received by: [Signature]

ARNOLD JABLON
Zoning Commissioner

Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE
CHIEF

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

RE: Property Owner: Rosemarie E. Perrera, et ux

Location: W/S Highfield Ct., 216.93' North of Pot Spring Rd.

Item No.: 334 Zoning Agenda: Meeting of April 1, 1986

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.
- (X) 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.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Division Fire Prevention Bureau
Special Inspection Division

/mb



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

April 30, 1986

TED ZALESKI, JR.
DIRECTOR

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

Dear Mr. Jablon:

Comments on Item # 334 Zoning Advisory Committee Meeting are as follows:

Property Owners: Rosemarie E. Perrera, et ux
Locations: W/S Highfield Ct., 216.93' North of Pot Spring Road
Districts: 8th.

APPLICABLE ITEMS ARE CIRCLED:

- A. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Aged (A.M.S.I. #117-1 - 1980) and other applicable Codes and Standards.
- B. A building and other miscellaneous permits shall be required before the start of any construction.
- C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.
- D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced seals are not acceptable.
- E. All Use Groups except B-4 Single Family Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. B-4 Use Groups require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built on an interior lot line shall require a fire or party wall. See Table 401, Section 4407, Section 4406.2 and Table 4402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.
- F. The structure does not appear to comply with Table 505 for permissible height/area. Reply to the requested variance by this office cannot be considered until the necessary data pertaining to height/area and construction type is provided. See Table 401 and 505 and have your Architect/Engineer contact this department.
- G. The requested variance appears to conflict with Section(s) _____ of the Baltimore County Building Code.
- H. When filing for a required Change of Use/Occupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable construction plans indicating how the existing structure is to be altered in order to comply with the Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Use Groups are from Use _____ to Use _____, or to Mixed Uses _____. See Section 312 of the Building Code.
- I. The proposed project appears to be located in a Flood Plain, Tidal/Riverine. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill #17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.
- J. Comments:
- K. These abbreviated 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 the applicant may obtain additional information by visiting Room 122 of the County Office Building at 111 W. Chesapeake Avenue, Towson, Maryland 21204.

Charles E. Lumb
By: C. E. Lumb, Chief
Building Plans Review

5/6
86-451A
4/22/86