

146
87-270-A
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated 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(211.3.301.1.1955.BCZR) to permit a side yard setback of 1 foot in lieu of the required 5.75 feet for an open projection (carport) and a sum of the side yard setbacks of 12 feet in lieu of the required 20 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
1. THE GROWING TREND OF MULTI-CAR FAMILY EVERYWHERE, ESPECIALLY IN THIS AREA, MAKES SIDE STREET PARKING OVERCROWDED AND PRESENTS US A PROBLEM.

2. TO PROTECT YOUR INVESTMENT IN A NEW AND/OR EXPENSIVE CAR FROM EXPOSURE TO ELEMENTS AND THREAT OF VANDALISM, IT IS ASSURINGLY SAFE TO PARK IN A COVERED CARPORT THAN ALONGSIDE OF STREETS.
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 of 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
Attorney for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Attorney's Telephone No.:
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Address
City and State
Name
Address
City and State
Attorney's Telephone No.:

ORDERED By The Zoning Commissioner of Baltimore County, this 21st day of November, 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 had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 30th day of December, 1986, at 9:30 o'clock A.M.

(over)
Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Arnold Jablon
TO: Zoning Commissioner
FROM: Norman E. Gerber, AICP, Director
Office of Planning and Zoning
SUBJECT: Zoning Petitions No. 87-265-A, 87-270-A, 87-271-A, 87-272-A and 87-273-A
Date: December 8, 1986

There are no comprehensive planning factors requiring comment on these petitions.

NEG:JGH:sib

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211
NORMAN E. GERBER
DIRECTOR
Mr. Arnold Jablon
Zoning Commissioner
County Office Building
Towson, Maryland 21204
DECEMBER 2, 1986
Re: Zoning Advisory Meeting of OCTOBER 21, 1986
Item # 146
Property Owner: LINO M. MONTILLA, JR.
Location: N/S AVERY RD. 311.82' W. AVERY CT.

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.

- ☒ There are no site planning factors requiring comment.
- ☒ A County Review Group Meeting is required.
- ☒ A County Review Group meeting was held and the minutes will be forwarded by the Bureau of Public Services.
- ☒ 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.
- ☒ 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 [blank].
- ☒ Landscaping: Must comply with Baltimore County Landscape Manual.
- ☒ The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service is [blank].
- ☒ The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council.
- ☐ Additional comments:

cc: James Hoswell

David Fields, Acting Chief
Current Planning and Development

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 18, 1986

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

Mr. Lino M. Montilla, Jr.
8422 Avery Road
Baltimore, Maryland 21237

RE: Item No. 146 - Case No. 87-270-A
Petitioner: Lino M. Montilla, Jr.
et ux
Petition for Zoning Variance

Dear Mr. Montilla:

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, Jr.
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

BALTIMORE COUNTY
DEPARTMENT OF PERMITS & LICENSES
TOWSON, MARYLAND 21204

November 3, 1986

TED ZALESKI, JR.
DIRECTOR

Mr. Arnold Jablon, Zoning Commissioner
Office of Planning and Zoning
Towson, Maryland 21204
Dear Mr. Jablon:
Comments on Item # 146 Zoning Advisory Committee Meeting are as follows:
Property Owner: Lino M. Montilla, Jr., et ux
Location: N/S Avery Road, 311.82 feet W Avery Court
District: 14th.

- APPLICABLE TYPES ARE CIRCLED:
- ☒ All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #17-85, the Maryland Code for the Handicapped and Age (A.S.D.I. #17-1 - 1980) and other applicable Codes and Standards.
 - ☒ A building and other miscellaneous permits shall be required before the start of any construction.
 - ☐ 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.
 - ☐ Commercial: Three sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer shall be required to file with a permit application. Supplemental seals are not acceptable.
 - ☒ 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. Any wall built on an interior lot line shall require a fire or party exterior wall within 3'-0" of an interior lot line.
 - ☐ 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.
 - ☐ The requested variance appears to conflict with Section(s) [blank] of the Baltimore County Building Code.
 - ☐ 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 Mixed Use [blank] See Section 312 of the Building Code.
 - ☐ The proposed project appears to be located in a Flood Plain, Flood/Riverline. 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 finished floor levels including basement.
 - ☐ Comments:
 - ☐ These abbreviated comments reflect only on the information provided by the drafters 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.

NOTE: One hour rated wall no-openings

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2566
494-4500
PAUL H. REINCKE
CHIEF

October 20, 1986

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

RE: Property Owner: Lino M. Montilla, Jr. et ux
Location: N/S Avery Rd., 311.82 ft. W. Avery Court
Item No.: 146
Zoning Agenda: Meeting of Oct. 21, 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 [blank] 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 [blank] 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.

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

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550
STEPHEN E. COLLINS
DIRECTOR

October 24, 1986

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

Dear Mr. Jablon:

The Department of Traffic Engineering has no comments for items number 137, 138, 140, 141, 142, 143, 144, 145, 146, 147, 148, and 149.

Very truly yours,

Michael S. Flanigan
Traffic Engineer Associate II

MSF:lt

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 21st day of November, 1986.

ARNOLD JABLON
Zoning Commissioner

Petitioner Lino M. Montilla, Jr., et ux received by: James E. Dyer
Chairman, Zoning Plans Advisory Committee

RE: PETITION FOR ZONING VARIANCE
N/S of Avery Road, 311.82' W
of Avery Court
(8422 Avery Road)
14th Election District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

Lino M. Montilla, Jr., et ux
Petitioners

The Petitioners herein request a zoning variance to permit a side yard setback of 1 foot in lieu of the required 6.75 feet for an open projection (carport) and a sum of the side yard setbacks of 12 feet in lieu of the required 20 feet.

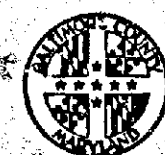
Testimony by one of the Petitioners indicated that parking is a problem in their neighborhood and that side street parking is difficult and unsafe. They propose to construct a 13' x 45' carport to provide safety and protection for family automobiles. The terrain is flat and the Petitioners will provide an underground drain to carry rainwater runoff directly to the street. 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, in the opinion of the Deputy Zoning Commissioner, the variance requested would not adversely affect the health, safety, and general welfare of the community and should therefore be granted.

Therefore, it is ORDERED by the Deputy Zoning Commissioner of Baltimore County this 5th day of January 1987, that the herein request for a zoning variance to permit a side yard setback of 1 foot for an open projection (carport) and a sum of the side yard setbacks of 12 feet, in accordance with the plan submitted, be and is hereby GRANTED, subject to the following:

An underground drain shall be provided to carry rainwater runoff directly to the street.

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



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

ARNOLD JADLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

January 5, 1987

Mr. & Mrs. Lino M. Montilla, Jr.
8422 Avery Road
Baltimore, Maryland 21237

RE: Petition for Zoning Variance
N/S of Avery Road, 311.82' W
of Avery Court
14th Election District
Case No. 87-270-A

Dear Mr. & Mrs. Montilla:

Enclosed please find a copy of the decision rendered in the above-referenced case. Please be advised that your Petition for Zoning Variance has been denied in accordance with the attached Order.

If you have any further questions on the subject matter, please do not hesitate to contact this office.

Very truly yours,

Jean M. H. Jung
JEAN M. H. JUNG
Deputy Zoning Commissioner

JMHJ:bjs

Enclosures

cc: People's Counsel

HOUSE LOCATION PLAT

8422 AVERY ROAD
BALTIMORE, MD 21237

OWNERS: MR. & MRS. LINO M. MONTILLA, JR.

Beginning on the north side of Avery Road (50 feet wide) at a distance of 311.82 feet from the right of way of Avery Court, being known and designated as Lot 15, Block A, AS SHOWN ON THE PLAT OF SECTION 1, GREENVIEW, WHICH PLAT IS RECORDED AMONG THE PLAT RECORDS OF BALTIMORE COUNTY IN PLAT BOOK G.L.B. NO. 24, FOLIO 64 AND LOT 15A, BLOCK A AS SHOWN ON THE PLAT OF SECTION 2, GREENVIEW, WHICH PLAT IS RECORDED AMONG THE PLAT RECORDS OF BALTIMORE COUNTY IN PLAT BOOK G.L.B. NO. 24 FOLIO 101. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 8422 AVERY ROAD.

OFFICE COPY

PETITION FOR ZONING VARIANCES

14th Election District

Case No. 87-270-A

LOCATION: North Side of Avery Road, 311.82 Feet West of Avery Court (8422 Avery Road)

DATE AND TIME: Tuesday, December 30, 1986, at 9:30 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 a side yard setback of 1 foot in lieu of the required 6.75 feet for an open projection (carport) and a sum of the side yard setbacks of 12 feet in lieu of the required 20 feet.

Being the property of Lino M. Montilla, Jr., 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 JADLON
ZONING COMMISSIONER
OF BALTIMORE COUNTY

Mr. Lino M. Montilla, Jr.
Mrs. Myrna C. Montilla
8422 Avery Road
Baltimore County, Maryland 21237

November 28, 1986

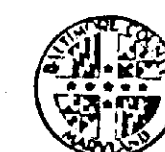
NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCES
N/S of Avery Rd., 311.82' W of Avery Ct.
(8422 Avery Rd.)
14th Election District
Lino M. Montilla, Jr., et ux - Petitioners
Case No. 87-270-A

TIME: 9:30 a.m.

DATE: Tuesday, December 30, 1986

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



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

ARNOLD JADLON
ZONING COMMISSIONER

JEAN M. H. JUNG
DEPUTY ZONING COMMISSIONER

December 19, 1986

Mr. Lino M. Montilla, Jr.
Mrs. Myrna C. Montilla
8422 Avery Road
Baltimore County, Maryland 21237

RE: PETITION FOR ZONING VARIANCES
N/S of Avery Rd., 311.82' W of Avery Ct.
(8422 Avery Rd.)
14th Election District
Lino M. Montilla, Jr., et ux - Petitioners
Case No. 87-270-A

Dear Mr. and Mrs. Montilla:

This is to advise you that \$73.35 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 property from the time it is placed by this office until the day of the hearing itself.

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

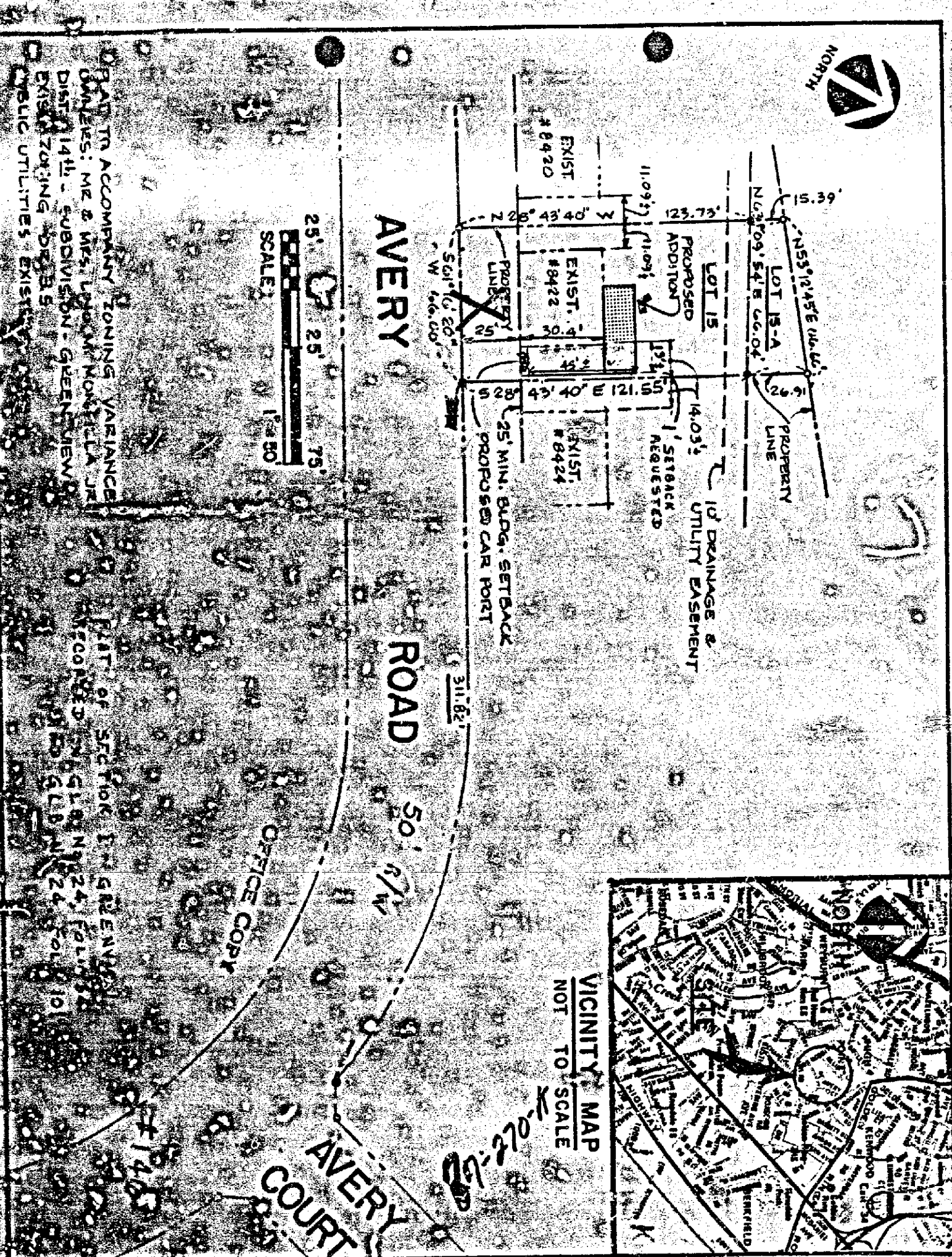
DATE 12/30/86 ACCOUNT 8-01-615-070

STEW & POST
RETURNED
AMOUNT \$ 73.35
Mr. Lino M. Montilla, Jr., 8422 Avery Rd.,
Baltimore, Md. 21237

RECEIVED FROM
ADVERTISING & POSTING COSTS RE CASE 87-270-A

FOR
B 8011*****73362 0308F

VALIDATION OR SIGNATURE OF CASHIER



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

DATE 10/3/86 ACCOUNT 01-615

AMOUNT \$ 35.00

RECEIVED FROM
LINO M. MONTILLA, JR.

FOR FILING FEE FOR VARIANCE 146
B 8034*****35000 2058F

VALIDATION OR SIGNATURE OF CASHIER

RE: PETITION FOR VARIANCES
N/S of Avery Rd., 311.82' W of
Avery Ct. (8422 Avery Rd.),
14th District

LINO M. MONTILLA, JR., et ux,
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
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 4th day of December, 1986, a copy of the foregoing Entry of Appearance was mailed to Mr. and Mrs. Lino M. Montilla, Jr., 8422 Avery Rd., Baltimore, Md. 21237, Petitioners.

Peter Max Zimmerman
Peter Max Zimmerman

PETITION FOR ZONING VARIANCES
14th Election District
Case No. 87-270-A
LOCATION: North Side of Avery
Road, 311.82 Feet West of Avery
Court (8422 Avery Road)
DATE AND TIME: Tuesday, Decem-
ber 30, 1986, at 9:30 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson, Mary-
land
The Zoning Commissioner of Balti-
more County, by authority of the
Zoning Act and Regulations of Balti-
more County, will hold a public
hearing:
Petition for Zoning Variances to
permit a side yard setback of 1
foot in lieu of the required 6.75
feet; an open projection (carport)
and a sum of the side yard set-
backs of 12 feet in lieu of the re-
quired 20 feet.
Being the property of Lino M. Mon-
tilla, Jr., et ux, as shown on
plat plan filed with the Zoning Of-
fice.
In the event that this Petition(s)
is granted, a building permit may
be issued within the thirty (30) day
appeal period. The Zoning Commis-
sioner 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

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

38 N. Dundalk Ave.
Dundalk, Md. 21222

December 12, 1986

THIS IS TO CERTIFY, that the annexed advertisement of
Arnold Jablon in the matter of Zoning Hrgs. - Case #
87-270-A - P.O. #83546 - Req. #L98148 - 84 lines @
\$32.50 was inserted in **The Dundalk Eagle** a weekly news-
paper published in Baltimore County, Maryland, once a week
for one ~~successive~~ weeks before the
12th day of December 1986; that is to say,
the same was inserted in the issues of Dec. 11, 1986

Kimbel Publication, Inc.
per Publisher.

By K.E. Delke

PETITION FOR
ZONING VARIANCES
14th Election District
Case No. 87-270-A
LOCATION: North Side of Avery
road, 311.82 feet West of Avery
Court (8422 Avery Road)
DATE AND TIME: Tuesday, Decem-
ber 30, 1986, at 9:30 a.m.
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland
The Zoning Commissioner of Balti-
more County, by authority of the Zon-
ing Act and Regulations of Baltimore
County, will hold a public hearing:
Petition for Zoning Variances to per-
mit a side yard setback of 1 foot in lieu
of the required 6.75 feet for an open
projection (carport) and a sum of the
side yard setbacks of 12 feet in lieu of
the required 20 feet
Being the property of Lino M. Mon-
tilla, Jr., 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
12/09/86 Dec. 11.

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 11, 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
December 11, 1986

THE JEFFERSONIAN,

Luan Sander Obrecht
Publisher

24.75

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 14th
Posted for: Variance
Petitioner: Lino H. Montilla, Jr. et ux
Location of property: N/S Avery Rd. 311.82' W/ Avery Ct.
8422 Avery Rd
Location of Signs: Front Avery Rd. across 15' Fr. road way,
on property of Petitioner
Remarks: _____
Posted by [Signature] Date of return: 12/12/86
Number of Signs: 1