

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 JB02-3C-1 to permit lot widths of 53 feet in lieu of the required 55 feet for lots 16 and 17.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Petitioners desire to build one single family residence on lot 16 and 17, as described on enclosed plat and site map. The width of lot 16 and 17 is slightly smaller than the width requirements under the above captioned zoning section. The only and best use of this lot is to build a single family residence, as it is presently vacant and located in a residentially dense area where similar lot sizes all have single house residences already constructed.

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: **JOHN J. RABER & LORRAINE RABER**
 (Type or Print Name)
 Signature: *John J. Raber*
 Address: 1841 Church Road, Baltimore, Maryland 21222

Legal Owner(s): **JAY S. THORPE**
 (Type or Print Name)
 Signature: *Jay S. Thorpe*
 Address: 1841 Church Road, Baltimore, Maryland 21222

Attorney for Petitioner: **JOHN R. COSTELLO**
 (Type or Print Name)
 Signature: *John R. Costello*
 Address: The Professional Building, 330 N. Charles St., #204, Baltimore, Maryland 21201

ORDERED By The Zoning Commissioner of Baltimore County, this 22nd day of June, 1987, 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 10th day of June, 1987, at 9:45 A.M.

Signature of Zoning Commissioner: *Arnold Jablon*
 Zoning Commissioner of Baltimore County.

REVIEWED BY: *CKR* DATE: 7/27/87

PETITION FOR ZONING VARIANCE
 12th Election District - 7th Councilmanic District
 Case No. 87-487-A

LOCATION: East Side Dunbrin Road, 169 feet North of the Centerline of Dunglew Road
 DATE AND TIME: Wednesday, June 10, 1987, at 9:45 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 lot widths of 53 feet in lieu of the required 55 feet for Lots 16 and 17

Being the property of Jay S. Thorpe, 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

87-487-A
 #358

ORDER RECEIVED FOR FILING
 Date: 6/10/87
 By: *John J. Raber*

87-487-A
 #358
 Jay S. Thorpe, et ux, 169' N of C/L of Dunglew Rd., 12th E.D., 7th C.D.

IN RE: PETITION FOR ZONING VARIANCE
 E/S Dunbrin Road, 169' N of the c/l of Dunglew Road
 12th Election District
 7th Councilmanic District

BEFORE THE:
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY

Jay S. Thorpe, et ux
 Petitioners

Case No. 87-487-A

The Petitioners herein request a variance to permit lot widths of 53 feet in lieu of the required 55 feet for Lots 16 and 17 for the construction of a dwelling.

Testimony by the Petitioners and information proffered by their Counsel indicated that the Petitioners purchased Lots 16 and 17 together, and Lot 17 was improved with an existing dwelling. The Thorpes have moved and wish to sell the two lots separately. The contract purchasers propose to construct a new home on Lot 16. All lots within a one-block radius of the subject site, with the exception of the instant site and one other lot, are between 49 to 53 feet in width and are developed with single family residences. 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 16th day of June, 1987, that lot widths of 53 feet for Lots 16 and 17, in accordance with the plan submitted, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED from and after the date of this Order.

Signature: *John M. H. Jung*
 Deputy Zoning Commissioner of Baltimore County

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
 E/S Dunbrin Rd., 169' N of C/L of Dunglew Rd., 12th District : OF BALTIMORE COUNTY

JAY S. THORPE, et ux, Petitioners Case No. 87-467-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.

Signature: *Phyllis Cole Friedman*
 Phyllis Cole Friedman
 People's Counsel for Baltimore County

Signature: *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 20th day of May, 1987, a copy of the foregoing Entry of Appearance was mailed to John R. Costello, Esquire, The Professional Bldg., 330 N. Charles St., #204, Baltimore, MD 21201, Attorney for Petitioners; and Mr. and Mrs. John J. Raber, 1841 Church Rd., Baltimore, MD 21222, Contract Purchasers.

Signature: *Peter Max Zimmerman*
 Peter Max Zimmerman

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21204
 494-3353

John R. Costello, Esquire
 The Professional Building
 330 N. Charles Street, #204
 Baltimore, Maryland 21201

June 16, 1987

RE: Petition for Zoning Variance
 E/S Dunbrin Road, 169' N of the c/l of Dunglew Road
 12th Election District
 7th Councilmanic District
 Case No. 87-487-A

Dear Mr. Costello:

Pursuant to the hearing recently held on the above-referenced case, enclosed please find a copy of the decision rendered. Your Petition for Zoning Variance has been Granted in accordance with the attached Order.

If you have any questions concerning this matter, please do not hesitate to contact this office.

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

JNH:bjs
 Enclosures

cc: Mr. & Mrs. John J. Raber
 1841 Church Road
 Baltimore, Maryland 21222

People's Counsel

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

ARNOLD JABLON
 ZONING COMMISSIONER

June 2, 1987

JEAN M. H. JUNG
 DEPUTY ZONING COMMISSIONER

John R. Costello, Esquire
 The Professional Building
 330 North Charles Street
 No. 204
 Baltimore, Maryland 21201

RE: PETITION FOR ZONING VARIANCE
 E/S Dunbrin Rd., 169' N of the c/l of Dunglew Rd.
 12th Election District - 7th Councilmanic District
 Case No. 87-487-A

Dear Mr. Costello:

This is to advise you that \$73.96 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.

Please make the check payable to Baltimore County, Maryland, and remit to: Jean M. H. Jung, Deputy Zoning Commissioner, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND No. 35908
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: 6/19/87 ACCOUNT: R-01-615-000

SIGN & POST RETURNED AMOUNT: 73.96

Mr. John J. Raber, 1841 Church Rd., Balto., Md. 21222

RECEIVED FROM: ADVERTISING & POSTING COSTS RE CASE #87-487-A

027*****739618 0204F

ZONING DESCRIPTION

BEGINNING on East side of Dunbrin Road 50 feet wide at the distance 169 feet north of the centerline of Dunglew Road. BEING lot 16 and 17 in block no. ten (10) as shown on Plat No. 3 of Dundalk and Re-Subdivision of part of Dundalk High-lands which plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. No. 8, folio 54.



Dennis F. Rasmussen
 County Executive

John R. Costello, Esquire
 The Professional Building
 330 North Charles Street
 No. 204
 Baltimore, Maryland 21201

May 1, 1987

NOTICE OF HEARING

RE: PETITION FOR ZONING VARIANCE
 E/S Dunbrin Rd., 169' N of the c/l of Dunglew Rd.
 12th Election District - 7th Councilmanic District
 Case No. 87-487-A

TIME: 9:45 a.m.

DATE: Wednesday, June 10, 1987

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

Signature: *Arnold Jablon*
 Zoning Commissioner of Baltimore County

BALTIMORE COUNTY, MARYLAND No. 30587
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT

DATE: 6/2/87 ACCOUNT: R-01-615-000

AMOUNT: 35.00

RECEIVED FROM: JOHN R. COSTELLO

FOR: FILING FEE FOR VARIANCE ITEM 352

8215*****35003 0204F

TED ZALESKI, JR. DIRECTOR April 16, 1987

Mr. Arnold Jablon, Zoning Commissioner Office of Planning and Zoning Towson, Maryland 21286

Comments on item # 352 Zoning Advisory Committee Meeting are as follows: Property Owner: Jay S. Thorpe Location: E/S Dunbrin Road, 169 ft N centerline Danglew Road District: 12th

APPLICABLE ITEMS ARE CIRCLED:

- 1. All structures shall conform to the Baltimore County Building Code as adopted by Council Bill #27-85... 2. A building and other miscellaneous permits shall be required before the start of any construction... 3. Residential: Two sets of construction drawings are required to file a permit application...

When filing for a required Change of Use/Occupancy Permit, an attention permit application shall also be filed along with three sets of acceptable construction plans... 2. 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...

3. 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...

PAUL H. RENCKE CHIEF March 13, 1987

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

RE: Property Owner: Jay S. Thorpe, et ux Location: E/S Dunbrin Rd., 169' N centerline Danglew Rd. Item No.: 352 Zoning Agenda: Meeting of 3/17/87

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 require 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 100 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.

Noted and Approved: [Signature] Planning Group Special Inspection Division

STEPHEN E. COLLINS DIRECTOR

April 13, 1987

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

Dear Mr. Jablon: The Department of Traffic Engineering has no comments for items 350, 351, 352, 353, 354, 355, and 356.

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

MSF:lt

Listing Office: O'Connor, Piper & Flynn Phone: 823-6111 Listing Associate: Richard Agrisetti Selling Office: O'Connor, Piper & Flynn Phone: 823-6111 Selling Associate: Patricia R. Clarke

THIS AGREEMENT OF SALE, made this 5th day of February, 1987, between (Name) Jay S. & Elaine Thorpe (Address) 4 Elmwood Rd. Baltimore, Md. 21210 and (Name) John J. & Lorraine L. Raber, (his wife) (Address) 1844 Church Rd. Baltimore, Md. 21222

Witness that Seller does hereby bargain and sell unto Buyer, and Buyer does hereby purchase from Seller the following described fee simple/leasehold property known as Lot #16 (53X108) adjacent to 3011 Dunbrin Rd., Baltimore, Md. 21222... The seller agrees to extend settlement date to June 18, 1987, with the provision that should he get an acceptable contract offer for both house & lot #16, he can accept this offer, but will repay up to \$1,000.00 for any expenses incurred by the buyer, John & Lorraine Raber.

DEPOSIT AND FEES: Seller recognizes O'Connor, Piper & Flynn, Realtor, as the listing broker negotiating this Agreement, and agrees to pay said Realtor the brokerage fee for services rendered in the amount provided in the listing agreement between Seller and listing Broker.

O'CONNOR PIPER & FLYNN REALTORS INC. ADDENDUM TO CONTRACT OF SALE

Addendum Number 1 to Contract of Sale dated Feb 5, 1987. Buyer(s) John J. & Lorraine L. Raber (his wife) Seller(s) Jay S. & Elaine Thorpe Property Lot #16, Adj. to 3011 Dunbrin Road - Baltimore, Maryland 21222

ADDENDUM REGARDING SPECIAL CONDITIONS adjacent to 3011 Dunbrin Road - Baltimore, Maryland 21222

- 1. This Contract of Sale is contingent upon a determination that the subject property can be used for purposes of Building a 30' X 40' house on lot # 16, 3011 Dunbrin Road - Baltimore, Maryland 21222. 2. The results of said determination must be actually received by the Buyer within thirty (30) days of the execution of this Contract of Sale.

The above is to be considered part of the contract of sale and of equal force and effect as all other terms and conditions which otherwise remain the same.

Witness [Signatures] Buyer(s) Signature: John J. Raber Date: 2-18-87 Seller(s) Signature: Jay S. Thorpe Date: 2-18-87

O'CONNOR PIPER & FLYNN REALTORS INC. ADDENDUM TO CONTRACT OF SALE

Addendum Number 2 to Contract of Sale dated Feb 5, 1987. Buyer(s) John J. and Lorraine L. Raber Seller(s) Jay S. & Elaine Thorpe Property Lot #16 (53X108) adjacent to 3011 Dunbrin Road - Baltimore, Maryland 21222

ADDENDUM REGARDING SPECIAL CONDITIONS

- 1. This Contract of Sale is contingent upon buyer, at Buyer's sole expense, obtaining (x) in 5. SPECIAL CONDITIONS of contract. 2. These copies must be obtained by the Buyer within ten (10) days of the execution of this Contract of Sale.

The above is to be considered part of the contract of sale and of equal force and effect as all other terms and conditions which otherwise remain the same.

Witness [Signatures] Buyer(s) Signature: John J. Raber Date: 2-18-87 Seller(s) Signature: Jay S. Thorpe Date: 2-18-87

18. DEED AND TITLE: Upon payment as above provided of the unpaid purchase money, a deed for the Property containing covenants of special warranty and further assurances shall be executed at Buyer's expense by Seller, which shall convey to Buyer the Property to Buyer, Title to be good and merchantable, free of liens, encumbrances, and recorded violations of governmental laws and regulations, except as specified herein and except use and occupancy restrictions of public records which are generally applicable to the properties in the immediate neighborhood or subdivision in which the Property is located.

THIS IS A LEGALLY BINDING AGREEMENT; IF NOT UNDERSTOOD, SEEK COMPETENT ADVICE. Equal Housing Opportunity Broker. WITNESS THE HANDS AND SEALS OF THE PARTIES HERETO. [Signatures]

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 17th Date of Posting: 5/22/87
 Posted for: Variances
 Petitioner: Jay S. Thorpe
 Location of property: 43 Dunbrin Rd 167 N/Dundalk
 Location of Signs: Room 111, 111 W. Chesapeake Ave. Towson, Md.
 Remarks: See attached
 Posted by: William J. Jardon Date of return: 5/22/87
 Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., MAY 21, 1987.
 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 21, 1987.

THE JEFFERSONIAN,

Susan Sander
 Publisher

2896

PETITION FOR ZONING VARIANCE
 700 Chesapeake Avenue
 7th Floor
 Towson, Maryland 21286
 Case No. 87-487-A
 LOCATION: East Side Dunbrin Road, 167 feet North of the Centerline of Dunbrin Road.
 DATE AND TIME: Wednesday, June 10, 1987, at 9:45 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 the addition of 50 feet in length of the proposed 95 foot lot 16 and 17 being the property of Jay S. Thorpe, et al., as shown on plan filed with the Zoning Office.
 In the event that the Variance is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any appeal for a stay of the issuance of said permit during the appeal period. 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
 5/20, May 21

CERTIFICATE OF PUBLICATION

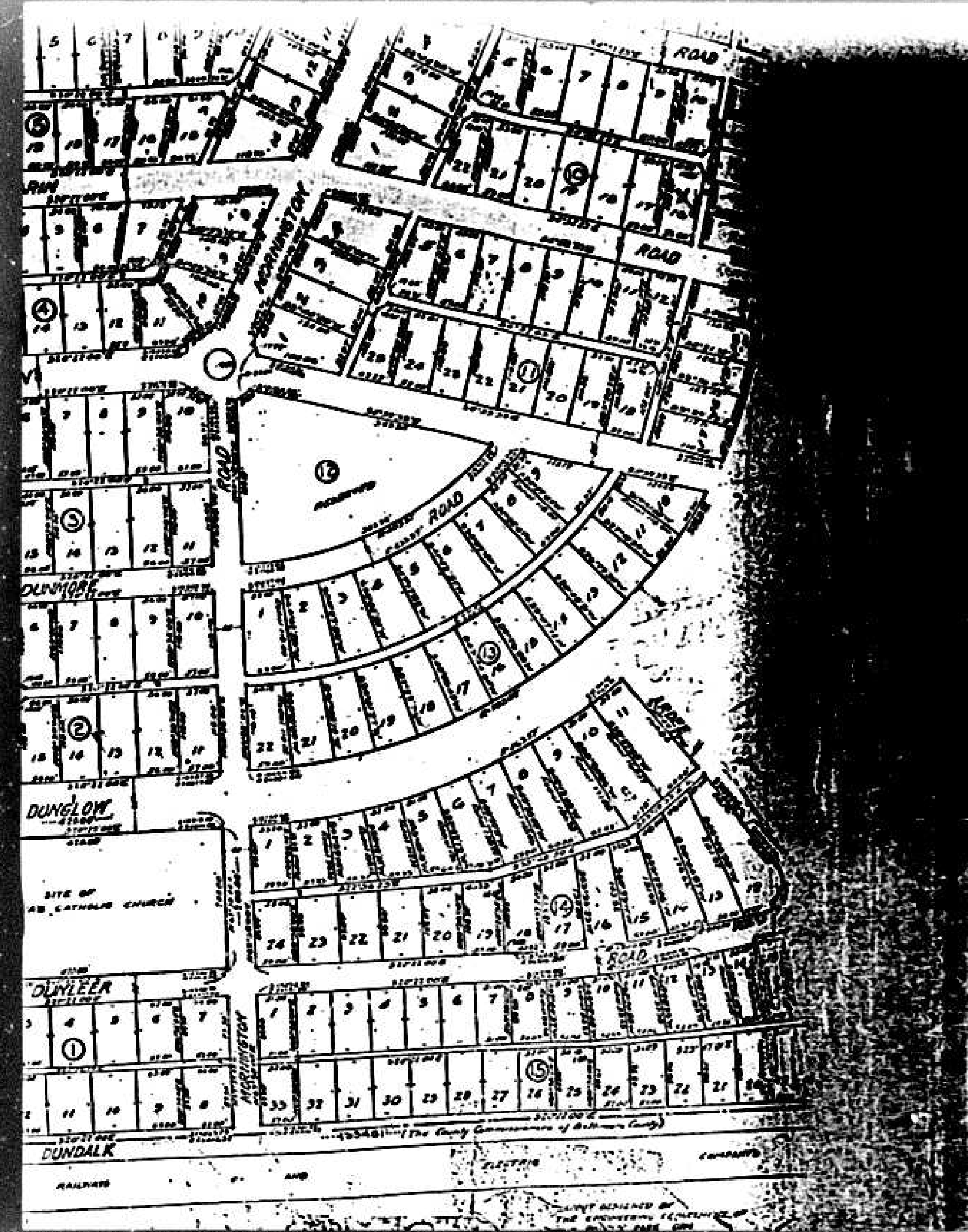
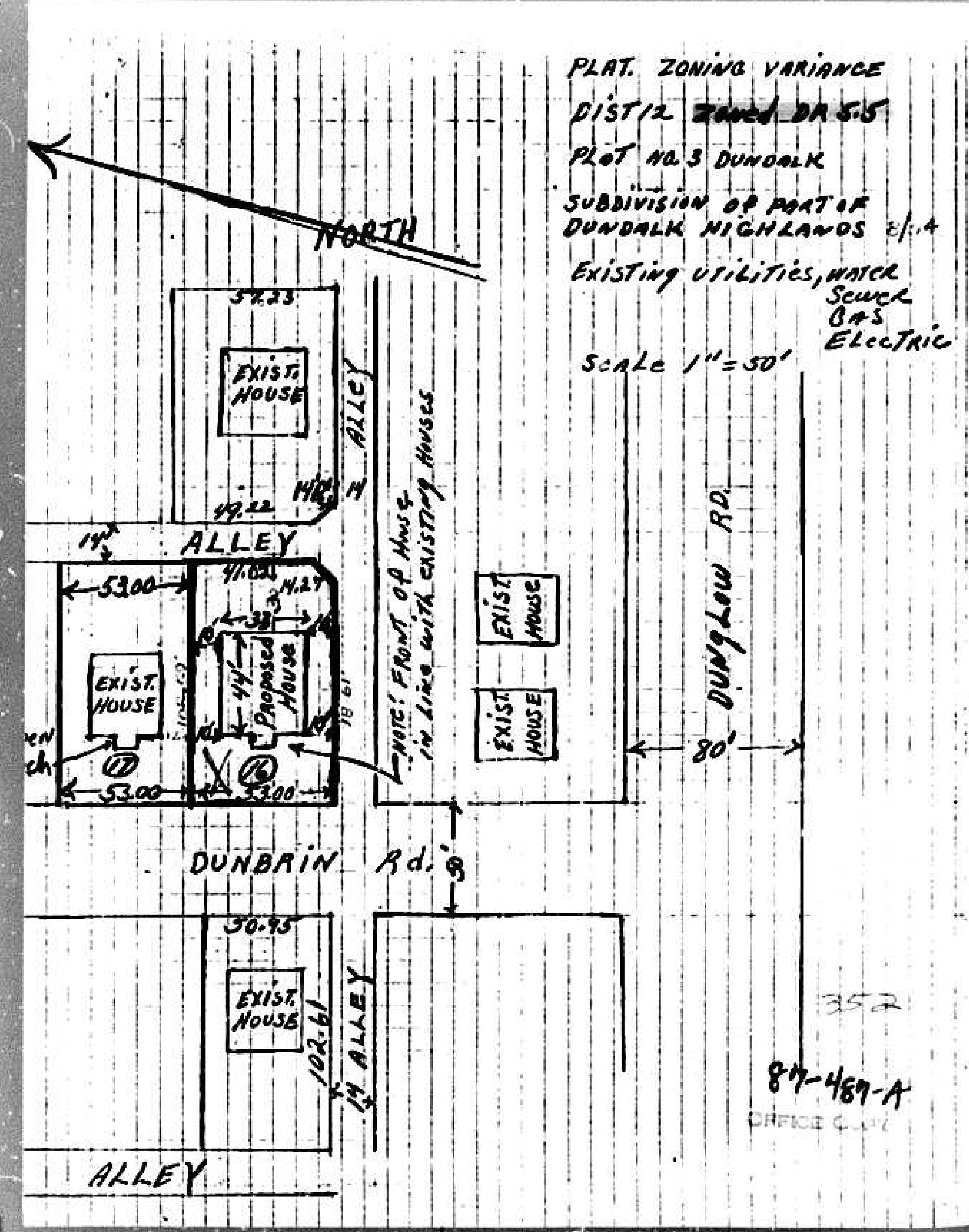
OFFICE OF
Dundalk Eagle

4 N. Center Place
 P.O. Box 8936
 Dundalk, Md. 21222 May 21, 1987

THIS IS TO CERTIFY, that the annexed advertisement of Arnold Jablon in the matter of Zoning Var. - Case #87-487-A P.O. #87930 - Reg. #M00160 - 76 Lines @ \$30.00. was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week for one week before the 22nd day of May 1987; that is to say, the same was inserted in the issues of May 21, 1987

Kimbel Publication, Inc.
 per Publisher.

By *K.C. Oller*



87-487-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 day of April, 1987.
 Received by: *James E. Dyer*
 Chairman, Zoning Plans Advisory Committee
 Petitioner: *Jay S. Thorpe, et al.*
 Attorney: *John P. Costello, Esquire*

BALTIMORE COUNTY, MARYLAND
 INTER-OFFICE CORRESPONDENCE

Arnold Jablon
 TO: Zoning Commissioner Date: May 7, 1987
 FROM: Office of Planning and Zoning
 SUBJECT: Zoning Petitions No. 87-472-A, 87-475-A, 87-476-SPH, 87-480-A, 87-481-A, 87-482-A, 87-485-X, 87-486-A and 87-487-A

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

Norman E. Gerber
 Director

NEG:JGH:sib

87-487-A
 RECEIVED JUN 22 1987
 Dear Mr. Jablon,
 A zoning variance sign was posted on a piece of property which I am trying to purchase. The variance was granted to me after appearing before his. I was notified today that there was an additional \$73 fee plus that I should go down to the property and remove the variance notice that Baltimore County posted there and bring that sign, along with my money, to Room 111. Until these conditions are met, my variance would be held up.
 When I went down to the property, there was no sign to be found. Not even any evidence of one. Like a strike, the people in Room 111 informed me that I would have to pay an additional \$35 because I did not have the sign.
 I have a problem with this; since it's your law that requires the sign, and you posted the sign, how am I responsible for the safekeeping. I live several miles away and hundreds of people go by that way and there's no way I can watch that sign. I am a law-abiding citizen of Baltimore County for 34 years, but I feel compliance with this \$50 penalty for a sign that someone apparently stole is a gross inequity. I hope you also can see the unfairness in this situation and will exercise your authority to rectify it.
 Respectfully,
John P. Costello
 Case # 87-467-A
 P.S. It is imperative that this variance clear immediately, as settlement has been set for June 23.

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

County Office Bldg.
 111 W. Chesapeake Ave.
 Towson, Maryland 21204
 Chairman: *John R. Costello, Esquire*
 The Professional Building
 330 N. Charles Street, #204
 Baltimore, Maryland 21201

Dear Mr. Costello:
 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.

Enclosure 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:kbb
 Enclosures

RECEIVED
 MAY 11 1987
 ZONING OFFICE