

IN RE: PETITION FOR ZONING VARIANCE
 N/S Frederick Road, 613.50' W
 of the c/l of Hillcrest Road
 (3-A Lauriann Court)
 7th Election District
 3rd Councilmanic District
 Michael Vinciguerra
 Petitioner

BEFORE THE
 DEPUTY ZONING COMMISSIONER
 OF BALTIMORE COUNTY
 Case No. 90-86-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a building to lot line setback of 48 feet in lieu of the minimum required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 3-A Lauriann Court, consists of 4.825 acres zoned R.C. 4, and is currently unimproved. Petitioner purchased the property in October 1988 and commenced construction of a single family dwelling in January 1989, with the intention of being in full compliance with all zoning regulations. Testimony indicated that due to an improperly placed marker on the boundary line, the garage foundation in the front yard was placed two feet off from the required 50-foot setback thereby necessitating the requested variance. Mr. Vinciguerra testified that the granting of the variance will not result in any detriment to the health, safety or general welfare of the community due to the distance between his dwelling and the houses on adjoining properties. Testimony indicated that denial of the requested variance would result in practical difficulty and unreasonable hardship on the Petitioner.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County this 14th day of September, 1989 that the Petition for Zoning Variance to permit a building to lot line setback of 48 feet in lieu of the minimum required 50 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Within thirty (30) days of the date of this Order, Petitioner shall submit a new site plan depicting the improvements to date and providing all the zoning information required.

ANN M. NASTAROWICZ
 Deputy Zoning Commissioner
 for Baltimore County

ORDER RECEIVED FOR FILING
 Date 9/14/89
 By [Signature]

ORDER RECEIVED FOR FILING
 Date 9/14/89
 By [Signature]

MICROFILMED

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 303.4.B.A. To permit a 48' building to lot line setback in lieu of the minimum 50'

Practical Difficulty - Due to an improperly placed marker on the boundary line, the foundation was placed two (2) feet (*) (-) within the 50 foot building set back area.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and 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) Michael Vinciguerra
 Signature: [Signature] Signature: [Signature]
 Address: _____ (Type or Print Name)
 City and State: _____ Signature: _____
 Attorney for Petitioner: _____
 (Type or Print Name) Lauriann Court (301) 329-6446
 Address: _____ Phone No. _____
 Parkton, Maryland 21120
 City and State _____
 Name, address and phone number of legal owner, contract purchaser or representative to be contacted
 Michael Vinciguerra
 Name _____
 Attorney's Telephone No.: _____ Lauriann Court (301) 329-6446
 Address: _____ Phone No. _____

ORDERED BY The Zoning Commissioner of Baltimore County, this 28th day of June, 1989, 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 6th day of Sept, 1989, at 11 o'clock A.M.

J. Robert Haines
 Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING
 Date 9/14/89
 By [Signature]

MICROFILMED

CERTIFICATE OF PUBLICATION

TOWSON, MD August 18, 1989
 THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 17, 1989.

THE JEFFERSONIAN
 TOWSON TIMES,
 S. Zeke Olson
 Publisher

PO 15182
 reg 1131099
 ca 90-86-A
 price \$90.53

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 7th
 Date of Posting: August 18, 1989
 Posted for: Variance
 Petitioner: Michael Vinciguerra
 Location of property: N/S Frederick Road, 613.50' W of c/l Hillcrest Road, 3-A Lauriann Court
 Location of Sign: In front of 3-A Lauriann Court
 Remarks: _____
 Posted by: S.J. Grata
 Date of return: August 25, 1989
 Number of Signs: 1

ZONING DESCRIPTION

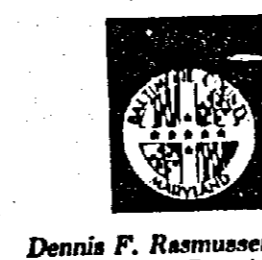
Beginning on the north side of Frederick Road, 60 feet wide, at the distance of 613.50 west at the centerline of Hillcrest Road, being Lot #22 in the subdivision of "Boot Owl Hills", Section II, Book No. 44, Folio 53, containing 4.825 acres in the 7th Election District.

Baltimore County
 Zoning Commissioner
 Office of Planning & Zoning
 Towson, Maryland 21284
 (301) 887-3353

J. Robert Haines
 Zoning Commissioner

DATE 8/22/89

Michael Vinciguerra
 7 Lauriann Court
 Parkton, Maryland 21120



Dennis F. Rasmussen
 County Executive

Re: Petition for Zoning Variance
 CASE NUMBER: 90-86-A
 N/S Frederick Road, 613.50' W of c/l of Hillcrest Road
 3-A Lauriann Court
 7th Election District - 3rd Councilmanic
 Petitioner(s): Michael Vinciguerra
 HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 6, 1989 at 11:00 a.m.

Dear Mr. Vinciguerra:

Please be advised that \$115.53 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE - REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 No. 074533
 DATE 9/14/89 ACCOUNT R-01-615-000
 AMOUNT \$ 115.53
 RECEIVED BY Michael Vinciguerra
 FOR Posting & Adv. for 9/6/89 Hearing 90-86-A
 BALANCE FWD \$ 046,000.00
 BALANCE DUE \$ 115,530.00

MICROFILMED

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

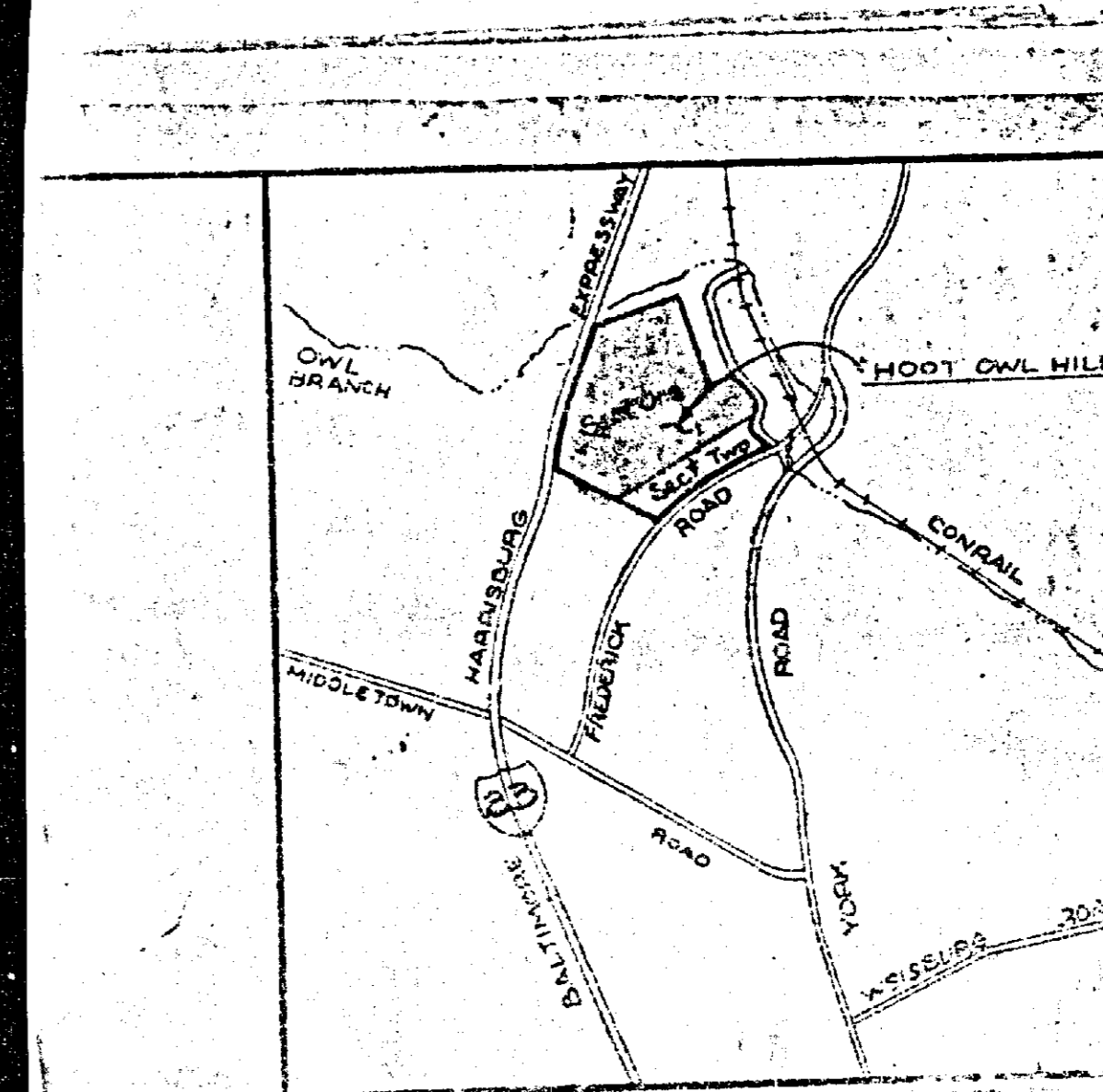
Petition for Zoning Variance
 CASE NUMBER: 90-86-A
 N/S Frederick Road, 613.50' W of c/l of Hillcrest Road
 3-A Lauriann Court
 7th Election District - 3rd Councilmanic
 Petitioner(s): Michael Vinciguerra
 HEARING SCHEDULED: WEDNESDAY, SEPTEMBER 6, 1989 at 11:00 a.m.

Variance: To permit a 48' building to lot line setback in lieu of the minimum 50'.

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 in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
 ZONING COMMISSIONER
 BALTIMORE COUNTY, MARYLAND

JRH:gs
 cci: Michael Vinciguerra
 File

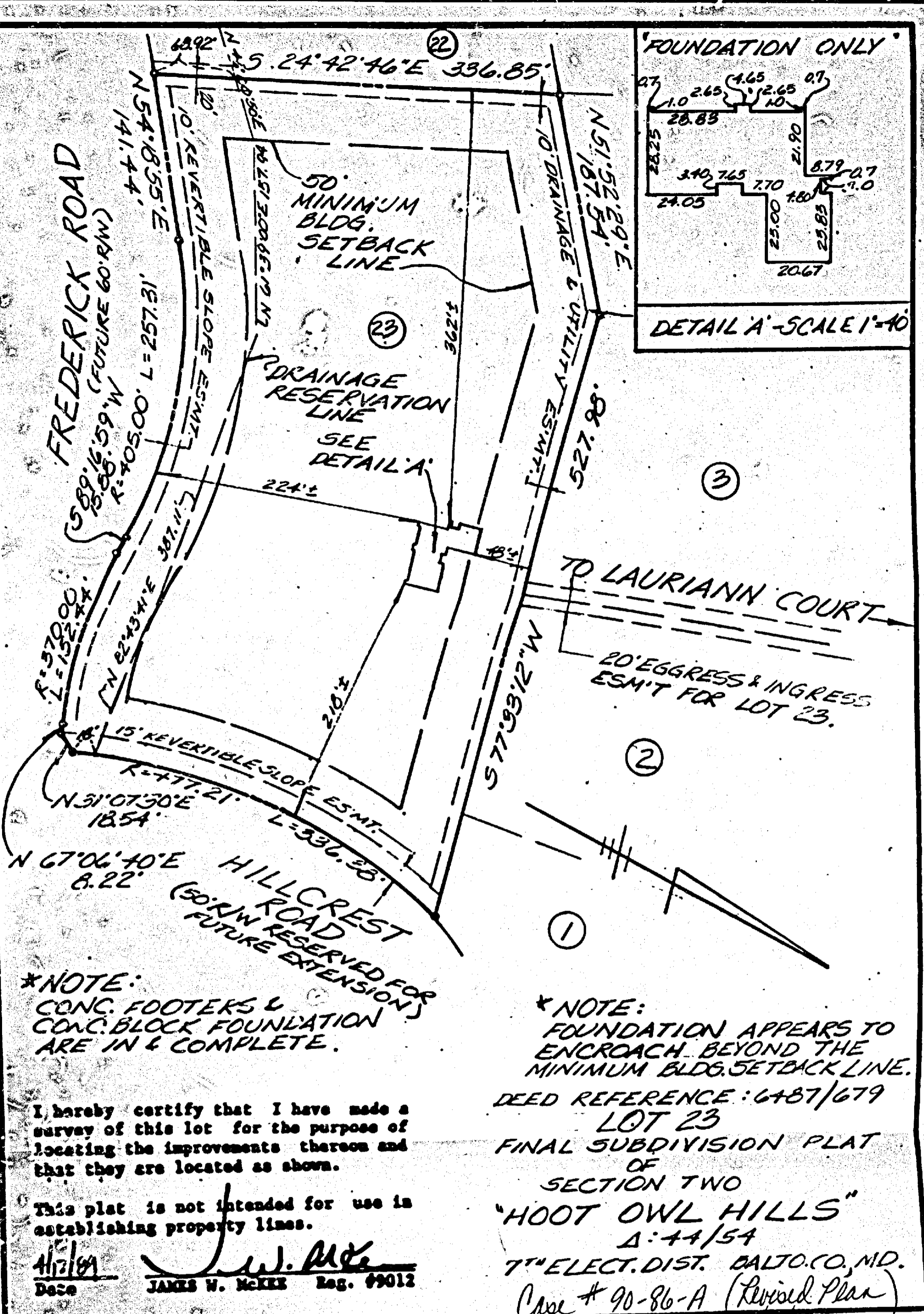


LOCATION MAP
 SCALE: 1"=2000'

**SUBDIVISION PLAT
 of
 SECTION ONE**

549

549



***NOTE:**
CONC. FOOTERS & CONC. BLOCK FOUNDATION ARE IN & COMPLETE.

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

This plat is not intended for use in establishing property lines.

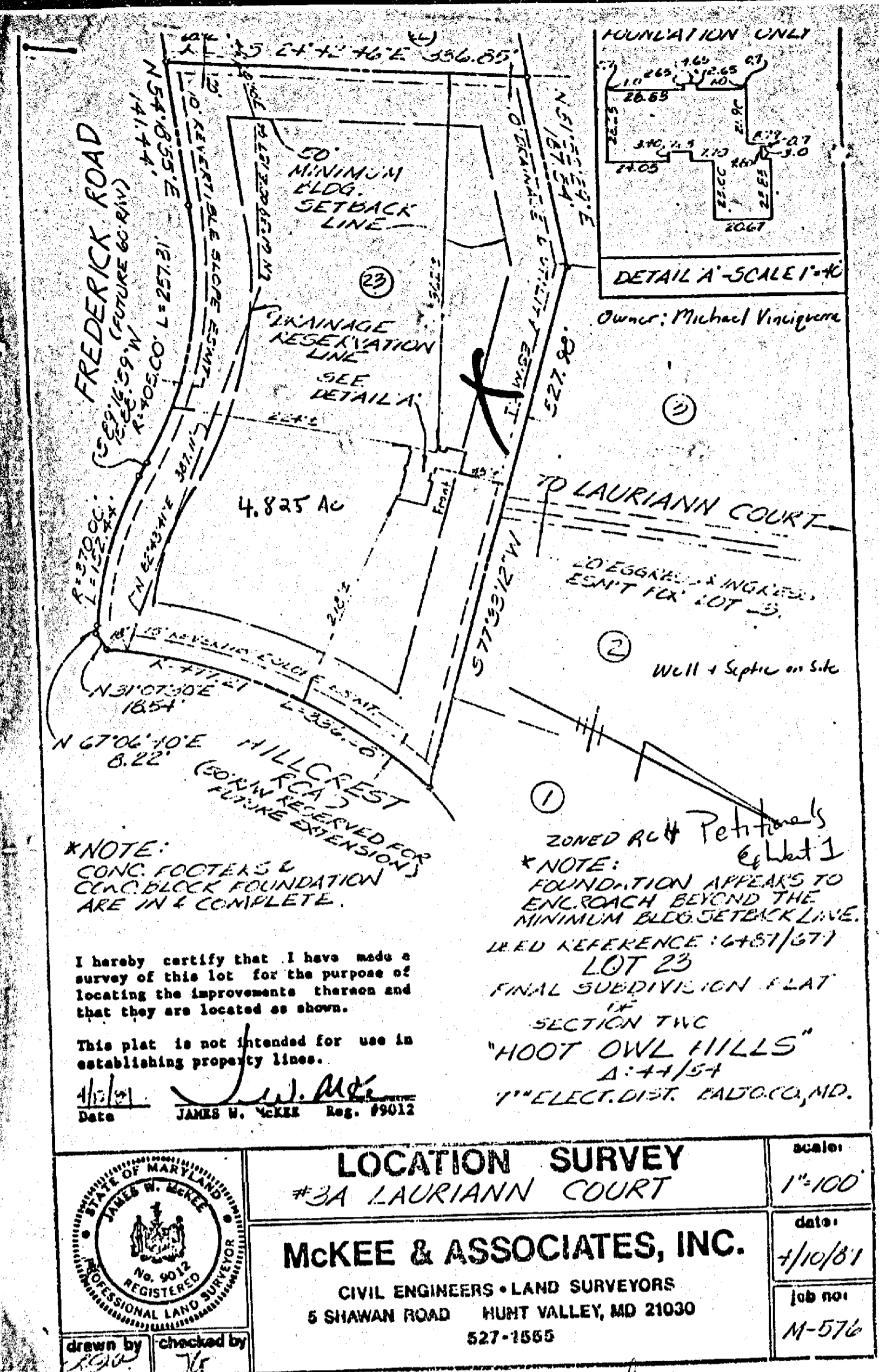
J. W. McKee
Date: JAMES W. MCKEE Reg. #9012

***NOTE:**
FOUNDATION APPEARS TO ENCR. BEYOND THE MINIMUM BLDG. SETBACK LINE.

DEED REFERENCE: 6487/679
LOT 23
FINAL SUBDIVISION PLAT
OF
SECTION TWO
"HOOT OWL HILLS"
A: 44/54
11TH ELECT. DIST. BALTO. CO., MD.

Case # 90-86-A (Revised Plan)

	LOCATION SURVEY		scale:
	#3A LAURIANN COURT		1"=150'
	MCKEE & ASSOCIATES, INC.		date:
CIVIL ENGINEERS • LAND SURVEYORS		4/10/89	job no:
5 SHAWAN ROAD HUNT VALLEY, MD 21030			M-576
527-1555			
drawn by:	checked by:		



***NOTE:**
CONC. FOOTERS & CONC. BLOCK FOUNDATION ARE IN & COMPLETE.

I hereby certify that I have made a survey of this lot for the purpose of locating the improvements thereon and that they are located as shown.

This plat is not intended for use in establishing property lines.

J. W. McKee
Date: JAMES W. MCKEE Reg. #9012

***NOTE:**
FOUNDATION APPEARS TO ENCR. BEYOND THE MINIMUM BLDG. SETBACK LINE.

DEED REFERENCE: 6487/679
LOT 23
FINAL SUBDIVISION PLAT
OF
SECTION TWO
"HOOT OWL HILLS"
A: 44/54
11TH ELECT. DIST. BALTO. CO., MD.

	LOCATION SURVEY		scale:
	#3A LAURIANN COURT		1"=100'
	MCKEE & ASSOCIATES, INC.		date:
CIVIL ENGINEERS • LAND SURVEYORS		4/10/89	job no:
5 SHAWAN ROAD HUNT VALLEY, MD 21030			M-576
527-1555			
drawn by:	checked by:		

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 24, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

RECEIVED
AUG 3 1989
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 525, 526, 527, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 557, 558 and 559.

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

MSF/lab

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: August 16, 1989

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Michael Vinciguerra, Item 549
Zoning Petition No. 90-86-A

The petitioner requests a variance to permit a 48 feet building to lot line setback in lieu of 50 feet.

The Office of Planning and Zoning has no comment on the above request.

PK/JL/st

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2586
(301) 887-4500

Paul H. Reincke
Chief

JUNE 26, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MICHAEL VINCIQUERRA
Location: N/S OF FREDERICK ROAD, 613.50' W OF THE CENTERLINE OF HILLCREST ROAD
Item No.: 549 Zoning Agenda: JUNE 27, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

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", 1988 edition prior to occupancy.

REVIEWER: *Pat Keller* 6-26-89 Noted and Approved
Planning Group Special Inspection Division Fire Prevention Bureau

JK/KEK