

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
NE/S Stonewall Road, 334' SE * DEPUTY ZONING COMMISSIONER
of Old Frederick Road * OF BALTIMORE COUNTY
(Stonewall Park Extended) *
1st Election District * Case No. 91-136-A
1st Councilmanic District
Basso & Basso Masonry Cont. Inc. *
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit front yard setbacks of 15 feet and rear yard setbacks of 20 feet in lieu of the minimum required 40 feet for each for Lots 1 and 2 and a front yard setback of 30 feet and a rear yard setback of 20 feet in lieu of the required 40 feet for each for Lot 3, in accordance with Petitioner's Exhibit 1.

The Petitioner, by Florindo G. Basso, President, appeared, testified and was represented by Louis J. Weinkam, Sr., Esquire. Also appearing on behalf of the Petition was Arthur Austin, Survey Chief for Land Design Engineering. Numerous residents of the area appeared and testified as Protestants in the matter, including but not limited to, designated spokesperson Emily King, Judy Thomas and Craig Dennis.

Testimony indicated that the subject property, known as Lots 1, 2, and 3 of Stonewall Park Extended, consists of 1.557 acres zoned D.R. 2 and is presently unimproved. Petitioner is desirous of developing the subject property with three single family dwellings, all on panhandle lots. Petitioner contends that due to the unique characteristics of the lots and the size of the proposed homes, the requested variances are needed in order to orient the fronts of the houses toward the panhandle drive and each other rather than the rear of the neighboring homes.

Emily King testified in opposition to the relief requested as President of the Stonewall Park Community Association. She indicated that in general, the Association is opposed to granting any of the variances. The Protestants argued that granting the variances would result in a development incompatible with the surrounding neighborhood and be detrimental to the general safety and welfare of the community. To support their position, the Protestants submitted photographs of the surrounding area and the subject property which have been incorporated into the case file as Protestant's Exhibit 3. The Protestants also raised many of the issues and concerns voiced by the Office of Planning in their comments dated October 24, 1990. The comments submitted by the Office of Planning indicate that they believe the proposed development is incompatible with the existing community. Further, the Planning Office raised additional issues that may need to be addressed by Petitioners regarding the appropriateness of the subdivision creating the three lots.

An area variance may be granted where strict application of the zoning regulations 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).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 28th day of January, 1991 that the Petition for Zoning Variance to permit front yard setbacks of 15 feet and rear yard setbacks of 20 feet in lieu of the minimum required 40 feet for each for Lots 1 and 2 and a front yard setback of 30 feet and a rear yard setback of 20 feet in lieu of the required 40 feet for each for Lot 3, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

January 28, 1991

Louis J. Weinkam, Sr., Esquire
1002 Frederick Road
Catonsville, Maryland 21228

RE: PETITION FOR ZONING VARIANCE
NE/S Stonewall Road, 334' SE of Old Frederick Road
(Lot 2 of Stonewall Park Extended)
1st Election District - 1st Councilmanic District
Basso and Basso Masonry Cont., Inc. - Petitioner
Case No. 91-136-A

Dear Mr. Weinkam:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Ms. Emily King
2113 Devane Lane, Baltimore, Md. 21228

Ms. Judy Thomas
2315 Old Frederick Road, Baltimore, Md. 21228

Mr. Craig Dennis
2114 Stonewall Road, Baltimore, Md. 21228

People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-136-A

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 1902.3.C.1 (Lots 1 and 2) to permit front setbacks of fifteen feet (15') and rear setbacks of twenty feet (20') in lieu of the required forty feet (40') and rear setbacks (for Lot 3) to permit a front setback of thirty feet (30') and rear setbacks of twenty feet (20') in lieu of the required forty feet (40') front and rear setbacks of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

FRONT AND REAR SETBACKS DO NOT ALLOW THE PROPOSED HOUSES TO BE BUILT TO TAKE FULL ADVANTAGE OF THE EXISTING TREES, OR THE ONE HALF ACRE LOT WHICH THEY ARE TO BE CONSTRUCTED UPON. FACING THE PROPOSED HOMES UNDER THE CURRENT SETBACKS WOULD CAUSE CONSIDERABLE DIFFICULTY IN SELLING SAME.

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.

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):
Basso & Basso Masonry Cont. Inc.
(Type or Print Name) (Type or Print Name)

Signature: Florindo G. Basso
(Type or Print Name)

Address: 2114 Stonewall Road
City and State: Baltimore, MD

City and State: Baltimore, MD

Attorney for Petitioner: Louis J. Weinkam, Sr.
(Type or Print Name) Address: 1002 Frederick Road
City and State: Catonsville, MD

Signature: Louis J. Weinkam, Sr.
City and State: Catonsville, MD

Address: 1002 Frederick Road
City and State: Catonsville, MD

City and State: Catonsville, MD

Attorney's Telephone No.: 244-7316

Address: 19

ORDERED By The Zoning Commissioner of Baltimore County, this 19 day

of Sept, 1990, that the subject matter of this petition be advertised, as

required by the Zoning Law of Baltimore County, in two newspapers of general circulation through-

out 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 20 day of Nov, 1990, at 2 o'clock

By P. M. Fiedler BY VLL
Any Time on Day
I have hearing

(over)

ZONING DESCRIPTION STONEWALL PARK EXTENDED LOT 1

91-136-A

Beginning at a point on the Northeast side of Stonewall Road which is 45' wide at the distance of 346.71 South of the centerline of Old Frederick Road which is 30' wide as recorded in deed liber 8575 folio 466 ; and running from that point;

- (1) N 49 deg. -38'-00" W 12.00
- (2) N 41 deg. -51'-00" E 195.00
- (3) N 54 deg. -00'-33" E 206.22
- (4) S 49 deg. -38'-00" E 74.61
- (5) S 42 deg. -33'-00" W 200.55
- (6) N 49 deg. -38'-00" W 103.61
- (7) S 41 deg. -51'-00" W 195.00

To the point of beginning. Containing 21,399.7 square feet or 0.491 Ac. plus/minus.

Also known as # Stonewall Road located in the 1st District of Baltimore County, Maryland.

ZONING DESCRIPTION STONEWALL PARK EXTENDED LOT 2

91-136-A

Beginning at a point on the Northeast side of Stonewall Road which is 45' wide at the distance of 322.71 South of the centerline of Old Frederick Road which is 30' wide as recorded in deed liber 8575 folio 470 ; and running from that point;

- (1) N 49 deg. -38'-00" W 12.00
- (2) N 41 deg. -51'-00" E 195.00
- (3) N 49 deg. -38'-00" W 62.61
- (4) N 42 deg. -33'-00" E 200.55
- (5) S 49 deg. -38'-00" E 115.27
- (6) S 54 deg. -00'-33" W 204.61
- (7) S 41 deg. -51'-00" W 195.57

To the point of beginning. Containing 21,331.8 square feet or 0.490 Ac. plus/minus.

Also known as # Stonewall Road located in the 1st District of Baltimore County, Maryland.

ZONING DESCRIPTION STONEWALL PARK EXTENDED LOT 3

91-136-A

Beginning at a point on the Northeast side of Stonewall Road which is 45' wide at the distance of 334.71 South of the centerline of Old Frederick Road which is 30' wide as recorded in deed liber 8575 folio 477 ; and running from that point;

- (1) N 49 deg. -38'-00" W 12.00
- (2) N 41 deg. -51'-00" E 196.57
- (3) N 54 deg. -00'-33" E 204.61
- (4) N 49 deg. -38'-00" W 115.27
- (5) N 42 deg. -33'-00" E 100.28
- (6) S 49 deg. -38'-00" E 202.21
- (7) S 42 deg. -33'-00" W 100.28
- (8) N 49 deg. -38'-00" W 74.61
- (9) S 54 deg. -00'-33" W 206.22
- (10) S 41 deg. -51'-00" W 195.00

To the point of beginning. Containing 25,075.8 square feet or 0.576 Ac. plus/minus.

Also known as # Stonewall Road located in the 1st District of Baltimore County, Maryland.

CERTIFICATE OF PUBLICATION

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 proposed rezoning of the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. as follows:
Petition for Zoning Variance
Case Number: 91-136-A
NE/S Stonewall Road, 334' SE of Old Frederick Road (Stonewall Park Extended)
1st Election District
1st Councilmember
Petitioner(s):
Basso and Basso Masonry Construction, Inc.
Hearing Date: Tuesday, November 20, 1990 at 2:00 p.m.
Variance: Lots 1 and 2 - to permit front setbacks of 15 ft. and rear setbacks of 15 ft. in lieu of the required 40 ft. front and rear setbacks. Lot 3 - to permit a front setback of 20 ft. in lieu of the required 40 ft. front and rear setbacks.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CU10255 Oct. 25.

THIS IS TO CERTIFY, that the annexed advertisement was published in the CATONSVILLE TIMES, a weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-24-1990

CATONSVILLE TIMES

S. Zebe Orleans
Publisher

\$ 58.31

CERTIFICATE OF PUBLICATION

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 proposed rezoning of the property identified herein in Room 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. as follows:
Petition for Zoning Variance
Case Number: 91-136-A
NE/S Stonewall Road, 334' SE of Old Frederick Road (Stonewall Park Extended)
1st Election District
1st Councilmember
Petitioner(s):
Basso and Basso Masonry Construction, Inc.
Hearing Date: Tuesday, November 20, 1990 at 2:00 p.m.
Variance: Lots 1 and 2 - to permit front setbacks of 15 ft. and rear setbacks of 15 ft. in lieu of the required 40 ft. front and rear setbacks. Lot 3 - to permit a front setback of 20 ft. in lieu of the required 40 ft. front and rear setbacks.
J. ROBERT HAINES
Zoning Commissioner of Baltimore County
CU10255 Oct. 25.

TOWSON, MD. 10-26-1990
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10-24-1990

THE JEFFERSONIAN,

S. Zebe Orleans
Publisher

58.31

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: October 19, 1990
Posted for: Basso and Basso Masonry Construction, Inc.
Petitioner: Basso and Basso Masonry Construction, Inc.
Location of property: NE/S Stonewall Road, 334' SE of Old Frederick Road (Stonewall Park Extended)
Location of Sign: NE/S Stonewall Road, on front of subject property
Remarks: 91-136-A
Posted by: J. Robert Haines Signature Date of return: November 2, 1990
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
Ne 3280

Date

8/27/90

PUBLIC HEARING FEES QTY PRICE
010 -ZONING VARIANCE (IRL) 3 X \$35.00
TOTAL: \$105.00
LAST NAME OF OWNER: BASSO AND BASSO

04404#0050MCHRC \$105.00
BA C010:38AM08-27-90
Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
Ne 3926

Date

PUBLIC HEARING FEES QTY PRICE
000 -POSTING SIGNS ADVERTISING 1 X \$35.00
TOTAL: \$35.00
LAST NAME OF OWNER: BASSO AND BASSO

Please make checks payable to: Baltimore County

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE 11-16-90

Basso and Basso Masonry Construction, Inc.
206 Paradise Avenue
Baltimore, Maryland 21228

Re: Petition for Zoning Variance
CASE NUMBER: 91-136-A
NE/S Stonewall Road, 334' SE of Old Frederick Road
(Stonewall Park Extended)
1st Election District - 1st Councilmember
Petitioner(s): Basso and Basso Masonry Construction, Inc.
HEARING: TUESDAY, NOVEMBER 20, 1990 at 2:00 p.m.

Gentlemen:

Please be advised that \$ 58.31 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 ON THE UNDER SHOWN PROPERTY. 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 115, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRHigs

cc: Louis J. Weinkam, Sr., Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 4, 1990

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 105 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 91-136-A
NE/S Stonewall Road, 334' SE of Old Frederick Road (Stonewall Park Extended)
1st Election District - 1st Councilmember
Petitioner(s): Basso and Basso Masonry Construction, Inc.
Hearing: TUESDAY, NOVEMBER 20, 1990 at 2:00 p.m.

Variances: Lots 1 and 2 - to permit front setbacks of 15 ft. and rear setbacks of 20 ft. in lieu of the required 40 ft. front and rear setbacks. Lot 3 - to permit a front setback of 30 ft. and rear setback of 20 ft. in lieu of the required 40 ft. front and rear setbacks.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER OF BALTIMORE COUNTY

cc: Basso & Basso
Louis J. Weinkam, Sr., Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

October 30, 1990

Louis J. Weinkam, Esquire
1002 Frederick Road
Catonville, MD 21228

RE: Item No. 82, Case No. 91-136-A
Petitioner: Basso And Basso Masonry
Petition for Zoning Variance

Dear Mr. Weinkam:
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. 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.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
Chairman
Zoning Plans Advisory Committee

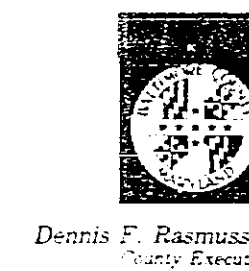
JED:jw

Enclosures

cc: Mr. F. G. Basso
Basso & Basso Masonry Constr., Inc.
206 Paradise Avenue
Baltimore, MD 21228

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 19th day of September, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Basso & Basso Masonry Construction, Inc., et al
Petitioner's Attorney: Louis J. Weinkam, Sr.

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500
Paul H. Reincke
Chief

SEPTEMBER 15, 1990



Dennis F. Rasmussen
County Executive

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

RE: Property Owner: BASSO AND BASSO MASONRY CONSTR., INC.
Location: STONEWALL PARK EXTENSION
Item No.: 82 Zoning Agenda: SEPTEMBER 14, 1990

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.

4. The site shall be rede to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation. PROPOSED BARNHILL DRIVEWAY SHALL BE CONSTRUCTED IN ACCORDANCE WITH BALTIMORE COUNTY COUNCIL BILL NO. 172-69 AND RESOLUTION NO. 57-85.

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. CHURCH 22

REVIEWED: [Signature] 9-19-90 Noted and Approved: [Signature] Fire Prevention Bureau
Planning Group
Special Inspection Division

JR/KEK

RECEIVED 9/21/90

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
SEPTEMBER 18, 1990

TO: J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM # 82
PROPERTY OWNER: Basso & Basso Masonry Const. Inc.
LOCATION: NE/S Stonewall Road, 334' (+/-) SE of Old Frederick Rd. (Stonewall Park Extended)
ELECTION DISTRICT: 1st
COUNCILMANIC DISTRICT: 1st

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- () STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3300.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #158-88.

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: September 14, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting for September 18, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 78, 80, 83, 84, 85, 86 and 87.

Item 82 is subject to the previous County Review Group comments. From a point 195 feet northwest of Stonewall Road the panhandle to Lot 3 is a single panhandle and as per the Highway Comments, should be 20 feet wide in this area. The increase in panhandle width will impact the setbacks for Lots 1 and 2.

We also recommend the disposition of the remaining parcel on Stonewall Road be noted as it will be below standard for DR-2.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:s

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: October 24, 1990
Zoning Commissioner
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Basso and Basso, Item No. 82

The Petitioner requests a variance to the front and rear yard setbacks requirements in order to construct three dwellings. In reference to this request, staff offers the following comments:

The three lots which are the subject of this request were created by a CRG minor subdivision which was approved July 26, 1990 (File No. 1-374). The dwellings on the three panhandle lots were oriented to conform to the setback requirements for a D.R.2 zone as governed by Sections 1802.3.C.1 and 1802.3.A.3, Baltimore County Zoning Regulations (BCZR). Those orientations, although effective for zoning setback purposes, were not desirable from a planning perspective. The requested variances would allow for a more suitable arrangement of the dwellings.

However, in the course of review for the subject variance request, it has come to the attention of this office that the land used for this subdivision was improperly divided from the holdings of Sidney S. Nibali, et ux. and Michael A. Nibali, whose remaining land fronts on Old Frederick Road and a lot owned by Basso and Basso, Inc., which fronts on Stonewall Road. When considering all of the above mentioned land, a total of 3.46 acres, the status of this minor subdivision changes. The density permitted for the entire holdings is over six (6) units. As such, the bulk regulations of Section 1801.2.b, BCZR, would apply. Additionally, the subdivision would contain a total of five (5) lots and a parcel, including the two existing dwellings owned by the Nibalis; consequently, the requirements of Section 22-40 of the Baltimore County Code would apply to the site. Therefore, a CRG meeting is required.

In addition to the subdivision problem, the Petitioner's proposal, in the opinion of staff, is incompatible with the existing community. The Baltimore County Master Plan addresses the infill under the community development section of the Baltimore County Master Plan. The issue of infill development is addressed in the

Rec. 10/25/90

Basso and Basso, Item No. 82
Page 2
October 24, 1990

context of the development review process. The plan states, "To ensure that new development is compatible with the existing residential community, establish and adopt criteria for compatibility and procedures for review and approval which are acceptable to both development and community interests. A compatibility review should be required for infill development in community conservation areas.

Infill development is also addressed in the growth management area of the Master Plan. On page 81, community conservation areas are defined as, "...the county's older existing communities. In general, these areas are largely built out and have a well established physical and social structure which should be maintained. Now infill development or the construction of public facilities such as the widening of roads have severe impacts on the existing residences and the character of the neighborhood. The precise mapping of community conservation areas will be done as part of the Growth Management Program and they will not overlap any other management areas."

For the reasons stated above, the Office of Planning and Zoning recommends that the Petitioner's request be denied.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM82/2AC1

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Flaminio G. Basso	206 Paradise Ave.
Arthur Austin (LDE.)	1060 Guilford Rd.

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
* Emily King	2113 Devonshire 21228
* Judy Thomas	2315 Old Frederick Rd 21225
* Carlo Dennis	2114 Stonewall Rd 21228
Charles Logan	112 Stonewall Rd 21228
Boethius Logan	166 Trumbull Ave 21228
John R Logan Jr	112 Stonewall Rd 21228
John Logan	114 Stonewall Rd 21228
Harry & Weinberger	114 Stonewall Rd 21228
Emily & Reuter	2113 Devonshire Lane
Michael Brown Jr	104 Devonshire Ave 21228
William J. Brown	119 Stonewall Rd
Donna	2025 Devore Lane
Joseph A. Brown	109 Hunsley Lane 21228
Jeff. Bateman	130 Hallside Road 21228

We the undersigned, residents of the community of Stonewall Park, are opposed to the zoning variance to allow the setbacks on lots 1 & 2 & 3. We feel that these setbacks to the property are not in the best interest of the neighborhood.

① Bill Wicker	110 Longview Dr
② Mary Newberger	114 Stonewall Rd 21228
③ Linon A. Lemmon	114 Longview Drive 21228
④ ALGIRAS H. VELIMONA	118 STONEWALL ROAD CATONSVILLE, MARYLAND 21228
⑤ Donald B. Hay	148 Longview Dr CATONSVILLE MD 21228.
⑥ MARGARET HAY	118 Longview Dr.
⑦ Dolores Stanner	110 Stonewall Rd
⑧ Mildred Scott	110 Stonewall Rd

TO THE COMMISSIONER OF THIS CITY LIKE TO INTRODUCE MYSELF, EMILY KING, AS THE PRESIDENT OF THE STONEWALL PARK COMMUNITY ASSOCIATION WHERE THE THE VARIANCE REQUEST OF THIS PETITION IS LOCATED. I ALONG WITH OTHERS FROM THE COMMUNITY ARE HERE TO REPRESENT THE ASSOCIATION ON OUR POSITION ON THIS VARIANCE HEARING. 39 SIGNATURES WERE COLLECTED AGAINST THIS VARIANCE FROM PERSONS LIVING ON STONEWALL ROAD AND NEIGHBORING ROADS, WHICH I WOULD LIKE TO SUBMIT FOR THE RECORD. THE MAJOR POINTS I WOULD LIKE TO ADDRESS: THE STABILITY OF OUR PROPERTY, THE BEAUTY AND THE CHARACTER OUR NEIGHBORHOOD, THE INCOMPATIBILITY OF THIS VARIANCE WITH OUR NEIGHBORHOOD AND THE HEALTH, SAFETY AND WELFARE OF OUR COMMUNITY. THE HOME OWNERS OF OUR AREA RANGE FROM LONG TERM RESIDENTS OF AROUND FORTY YEARS TO NEW OWNERS JUST STARTING THIER FAMILIES WITH HOPES OF BEING LONG TERM OWNERS. WE ARE DEEPLY CONCERNED THAT IF THIS VARIANCE WAS ALLOWED TO GO THROUGH THEN THE ATTITUDE TOWARD OUR COMMUNITY WOULD NOT BE ONE OF UPWARD MOBILITY AND OUR COMMUNITY WOULD BE OUT OF THE NEIGHBORHOOD. WE ARE ALSO CONCERNED FOR THE WELFARE, HEALTH AND SAFETY OF OUR COMMUNITY MEMBERS. AS YOU CAN SEE BY THESE PHOTOS THERE ARE NO WALKWAYS AND PARKING ON THE STREET STREET IS INADEQUATE, ESPECIALLY THE LITTLE LANE INTO THE PROPOSED VARIANCE. OVERCROWDED CONDITIONS NOW AT THE CATONSVILLE MIDDLE SCHOOL WHERE OUR CHILDREN ARE BEING BUSED TO ARBUTUS MIDDLE SCHOOL. EMERGENCY FIRE AND POLICE VEHICLES WOULD HAVE A PROBLEM. POST BOXES AND TRASH COLLECTION AT THE ENTRANCE TO THE VARIANCE WOULD LOOK LIKE A TRAILER PARK. IF THIS VARIANCE WAS ALLOWED TO GO THROUGH AND OTHER PEOPLE

FOLLOWED THROUGH YOU CAN SEE HOW AN ALREADY BEAUTIFUL, COMPATIBLE, AND STABLE COMMUNITY WOULD CHANGE.

TO RE-ITERATE THE KEY CONCERNS-- THEY ARE:

- THE POTENTIAL DECLINE OF OUR PROPERTY
- THE HEALTH, SAFETY AND WELFARE OF OUR RESIDENTS
- CHARACTER AND STABILITY OF OUR COMMUNITY
- BEAUTY AND SERENITY OF OUR COMMUNITY
- AND THE NEEDS AND CONCERNS OF THE MANY VERSUS THE MONETARY GAINS OF ONE INDIVIDUAL.

THANK YOU

I WOULD LIKE TO HEAR FROM THE PETITIONER

THE PETITIONER'S NAME IS BASSO AND BASSO

THE PETITIONER'S ADDRESS IS 206 PARADISE AVE

PROTESTANT'S #3



11/18/90

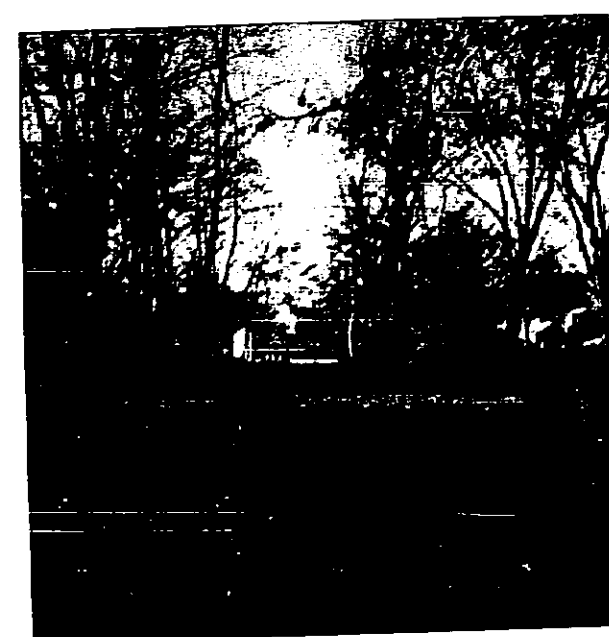
BACK OF



11/18/90

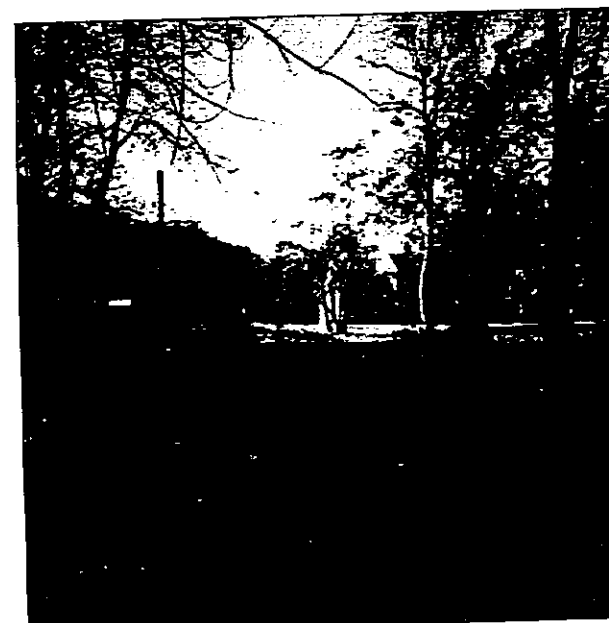
PROPERTY VARIANCE

POTENTIAL
THUNTON AVE.



11/18/90

BACK OF
NEW HOME
STONEMAN RD.



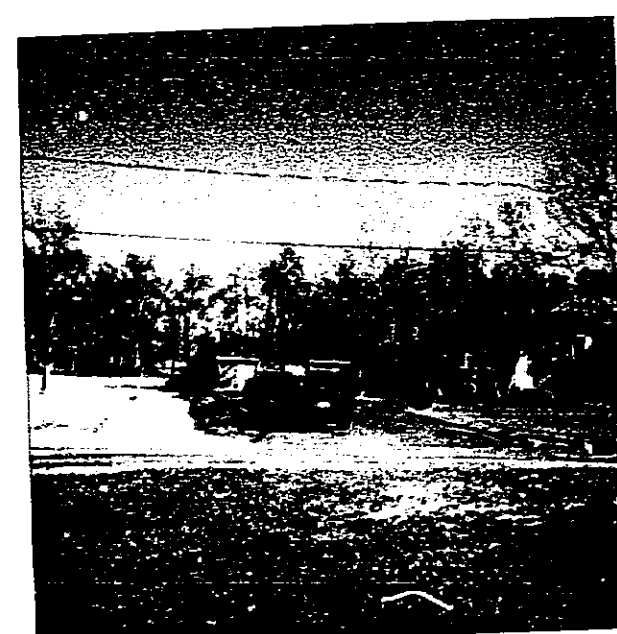
11/18/90

BACK OF
NEW HOME
STONEMAN RD.



11/18/90

NOTE: NEW HOME CLOSE TO
BACK OF NEIGHBOR
OLD FREDERICK RD.



11/18/90

CRAIG DENNIS HOUSE
STONEMAN RD.



11/18/90

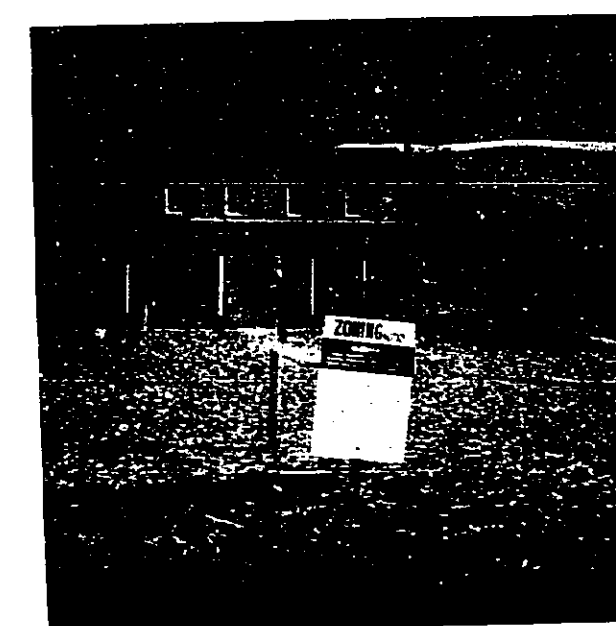
STONEMAN RD
LEFT SIDE NEW HOME
NO ZONING SIGN
BASSO + BASSO SIGN
ON PROPERTY
CENTURY 21 SIGN



11/18/90

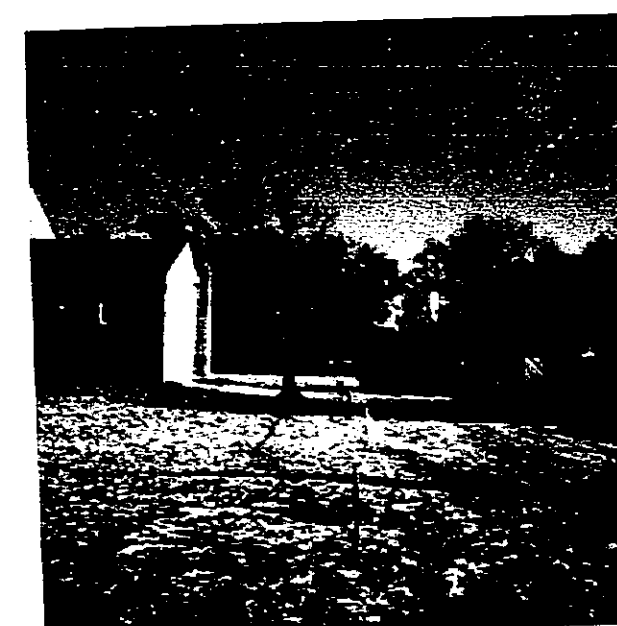
ROAD INTO VARIANCE
NEW HOME
FOUR LANE

TAKEN
FROM EDGE OF
STONEMAN RD.
CORNER OF ABOVE FENCE



11/18/90

STONEMAN RD



11/18/90

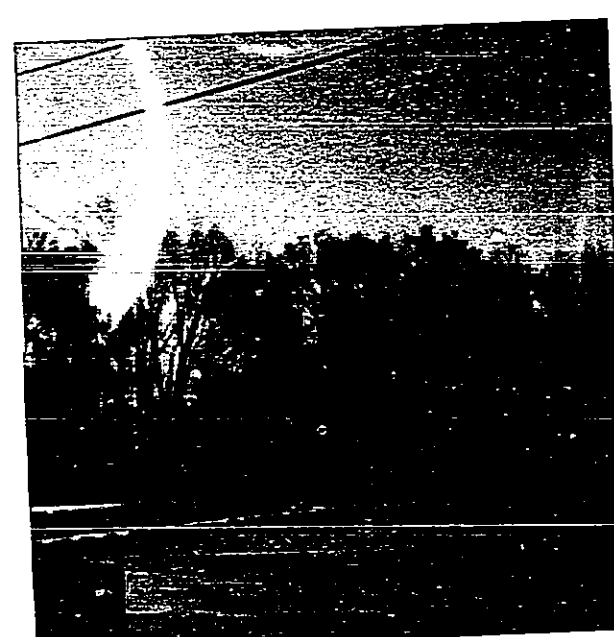
CRAIG DENNIS NEIGHBOR NORTH DOOR
FENCE 2114 STONEMAN RD.
DRIVEWAY TO 3 OTHER LOTS

NOV. 18, 1990
HOUSE
+
ZONING
VARIANCE
IN
QUESTION



11/18/90

1/2 ACRE
STONEMAN RD.



11/18/90

HOUSE ACROSS
FROM 2115 STONEMAN RD.
1/2 ACRE



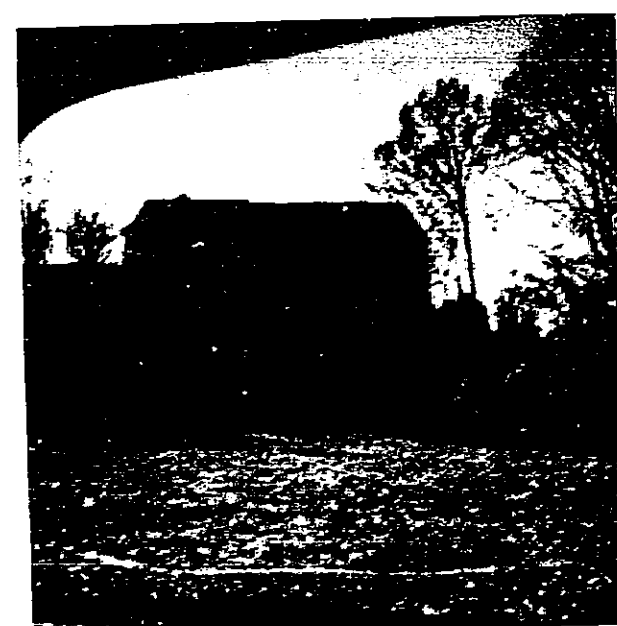
11/18/90

2311 OLD FREDERICK RD.
1/2 ACRE BACK



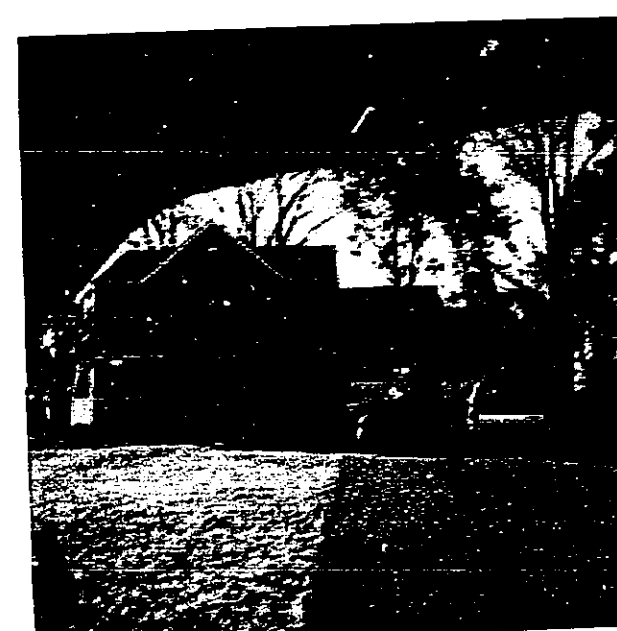
11/18/90

2315 OLD FREDERICK RD.
1/2 ACRE BACK



11/18/90

2112 STONEMAN RD.
1/2 ACRE



11/18/90

2111 STONEMAN RD.
1/2 ACRE



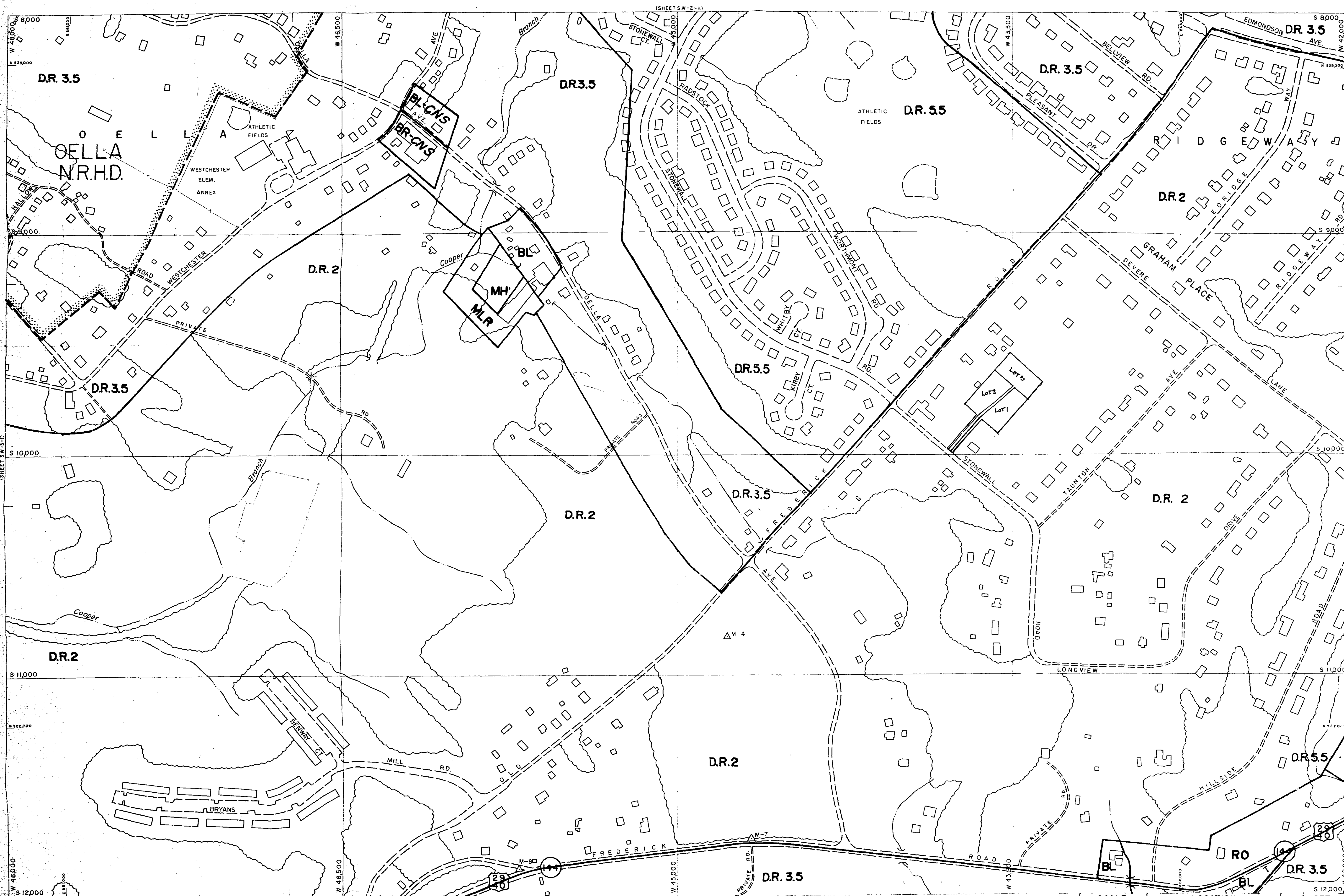
11/18/90

NEW HOME
STONEMAN RD.
1/2 ACRE



11/18/90

1/2 ACRE
2319 OLD FREDERICK RD.
BACK OF HOUSE



H-NW H-NE
H-SW H-SE

1988 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 13, 1988
BCE Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88
Chairman, County Council

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

#87

SCALE
1" = 200' ±
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
OELLA

SHEET
S.W.
3-H

91-136-A

MICROFILMED