IN RE: PETITION FOR RESIDENTIAL VARIANCE* BEFORE THE SE/Corner Emory Road and

* DEPUTY ZONING COMMISSIONER Eastview Drive (5417 Emory Road) * OF BALTIMORE COUNTY 4th Election District

3rd Councilmanic District * Case No. 91-191-A Thomas P. Considine, et ux Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The Petitioners herein request a variance to permit a front yard setback of 57.5 feet from the street centerline in lieu of the required 75 feet for an enclosed porch in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

AFFIDAVIT

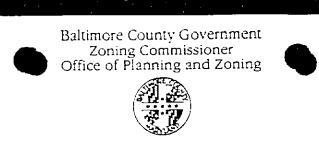
IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

Baltimore County this May of January, 1991 that the Petition for Residential Variance to permit a front yard setback of 57.5 feet from the street centerline in lieu of the required 75 feet for an enclosed porch, 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 Petitioners may apply for their building

THEREFORE, IT IS, ORDERED by the Deputy Zoning Commissioner for

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their 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 Petitioners would be required to return, and be responsible for returning, said property to its original condition. -M Nostarowic



January 14, 1991

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Mr. & Mrs. Thomas P. Considine 5417 Emory Road

Upperco, Maryland 21155 RE: PETITION FOR RESIDENTIAL VARIANCE SE/Corner Emory Road and Eastview Drive (5417 Emory Rcad) 4th Election District - 3rd Councilmanic District Thomas P. Considine, et ux - Petitioners

Dear Mr. & Mrs. Considine:

Case No. 91-191-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted 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,

(MK water owi & ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

AMN:bjs

File

City/State/Zip Code Attorney for Petitioner: ittorney's telephone number

Contract Purchaser:

Type or Print Name)

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, petition for a Variance from Section

1A01.3.B.3 To allow a front yard setback of 57.5 ft. from the street centerline (for an enclosed porch) in lieu of the required 75 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty) 1) THE PORCH NEEDED TO BE REPLACED.

2) THE ENCLOSURE DOES NOT CHANGE THE SETBACK

3) THE HOUSE AND ROAD HAVE EXISTED FOR TO YEARS.

4) THE SETBACK IS THE SAME AS OUR NEIGHBORS.

5) THE ENCLOSURE WILL SERVE AS A BAFFLE FOR NORTHERN EXPOSURE 4TRAFFIC Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Yariance posting and, if necessary, advertising, 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 periury, that I/we are the le

. .____

owner(s) of the property which is the subject of this Petition.	
Legal Owner(s):	

THOMAS PATRICK CONSIDINE (Type or Print Name) JEANNETTE CONSIDINE (Type or Print Name) Jennette (

5417 EMORY RD. 429-5053 UPPERCO, MD 21155
Eity/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted. Thomas & Consdine

DRDERED by the Zoning Commissioner of Baltimore County, this $\frac{16-5}{16}$ day of $\frac{19-97}{16}$, that the subject matter of this petition be posted on the property on or before the $5\frac{14}{5}$ day of 90.

ZONING CONTISSIONER OF BALTIMONE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the loning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be had before the Zonling Commissioner of Baltimore County

in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19___, at ____ o'clock,

ZONING CONTISSIONER OF BALTIMURE COUNTY

Buitimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21201 -1301+887-3353

J. Robert Haines

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November 27, 1990

Mr. & Mrs. Thomas P. Considine 5417 Emory Road Upperco, Maryland 21155



Re: CASE NUMBER: 91-191-A LOCATION: SEC Emory Road and Eastview Drive

5417 Emory Road

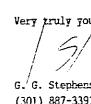
Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before December 12, 1990. The last date (closing date) on which a neighbor may file a formal request for hearing is December 27, 1990. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with That the Affiant(s) does/do presently or upon settlement will reside at _____ 5417 EMORY RD. UPPERCO, MO- 21155 That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1) THE PORCH NEEDED TO BE REPLACED. 2) THE ENCLOSURE DOES NOT CHANGE THE SETBACK 3) THE HOUSE AND ROAD HAVE EXISTED FOR TO YEARS

4.) THE SETBACK IS THE SAME AS OUR NEIGHBORS 5) THE ENCLOSURE WILL SERVE AS A BAFFLE FOR NORTHWIND + TRAFFIC NOISE That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

AFFIANT (Handwritten Signature) THOMAS P. CONSIDINE AFFIANT (Printed Name)

Baltimore County, as follows:

regard thereto.

JEAUNETTE CONSIDINE
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this day of Accombined to the County aforesaid, personally appeared Trance P Considire & Jeannotte Considire

the Affiant(s) berein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

ZONING DESCRIPTION

Begining at a point on the south side of Emory Rd. at the Southeast Corner of Eastview Drive. Being Lots 17-30, Block A, in the subdivision of Henry Rohrbaugh Plat as recorded in Baltimore County Plat Book #8, Folio #00%, containing 1.28± . Also known as 5417 Emory Rd. and located in the 4th Election District.

Zoning Commisioner County Office Building Account: 8-001-6179 111 West Chescheake Avenue Towson, Maryland 21204 . √51 (id.<u>E</u> _ 5 Edelic + 148, 46 MEDS CONTRACTOR STANCE (INC.) Right Apple to the received in LAGNER TITE (MG is the con-でなる中です。 またいしんり LAST LAME OF CHMER: COMBIGINE 04A04#0102HICHRC EA 0012:34PM11-16-90 Please make checks payable to: Baltimore County

> CERTIFICATE OF POSTING 91-191-17 ZONING DEPARTMENT OF BALTIMORE COUNTY

District	Projection	tice gar	Det	e of Posting Licember 4, 19.
Posted for:	THOMAS F	atrick li	naidire	tut
	- SEIC 9	snow Roa	d. and E	astrone drive
r-11 7	Gmary Ro	rad U		
Location of Sign	In from	t of 5417	Emouy	Road
Remarks:	J. Grata		Date of r	return: L'écombin 4, 1990

(301) 887-3391

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 2120/i

887-3353

December 14,1990

Mr. & Mrs. Thomas P. Considine 5417 Emory Road Upperco, MD 21155

> RE: Item No. 209, Case No. 91-191-A Petitioner: Thomas P. Considine, et ux Petition for Residential Variance

Dear Mr. & Mrs. Considine:

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.

Zoning Plans Advisory Committee

Enclosures

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 16th day of November, 1990.

ZONING COMMISSIONER

Received By:

Petitioner: Thomas P. Considine, et ux Petitioner's Attorney:

EALTIMORE COUNTY. MARYLAND INTER-OFFICE CORRESPONDENCE

J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF FROM: PERMITS & LICENSES

December 4, 1990

SUBJECT:

ZONING ITEM #: 209 PROPERTY OWNER: Thomas Patrick Considine, et ux LOCATION: SEC Emory Road & Eastview Drive. (#5417 Emory Road) FLECTION DISTRICT: 4th COUNCILMANIC DISTRICT: 3rd

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 NUMBER PARKING SPACES () BUILDING ACCESS

() RAMPS (degree slope) () CURB CUTS () 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.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN.
SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS AND MOT 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 - 887-3900.

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

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

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

DECEMBER 3, 1990

J. Robert Haines

Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

THOMAS PATRICK CONSIDINE RE: Property Owner: #5417 EMORY ROAD Location:

Zoning Agenda: DECEMBER 11, 1990 Item No.:

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. 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: Cat John 19-3-90 Approved Car I Ilian A Bridge Difference Planning Group Approved Fire Prevention Bureau Special Inspection Division

JK/KEK

received

Dennis F. Rasmussen

BALTIMORE COUNTY, MARYLAND

J. Robert Haines

DATE: December 3, 1990

Pat Keller, Deputy Director

Earlie E. and Linda R. Towe, Item No. 170 Roland H. and Darlene Farlow, Item No. 171 Kwan Woo Lee, Item No. 173 Harry E. Belsinger, et al., Item No. 175 Gary D. and Kathleen M. Stewart, Item No. 178 Dale A. and Cheryl Poletynski, Item No. 181 Bruce D. and Mary V. Frith, Item No. 182 Eileen C. Misler, Item No. 183 William M. and Constance M. Pitcher, Item No. 185 Key Federal Savings Bank, Item No. 186 Stephen D. and Wendy K. Mooney, Item No. 189 Brian D. and Tulia Briscoe, Item No. 193 Charles Henry and Vickie Jean Wallis, Item No. 195 Sharon Piaskowski, Item No. 196 Gary E. Stahl, Item No. 199 Keith E. and Terri L. Yeager, Item No. 201 Robert E. and Deborah L. Jennings, Item No. 202

In reference to the Petitioners' requests, staff offers no

Office of Planning at 887-3211.

PK/JL/cmm

ITEMSMUL.TPL/ZAC1

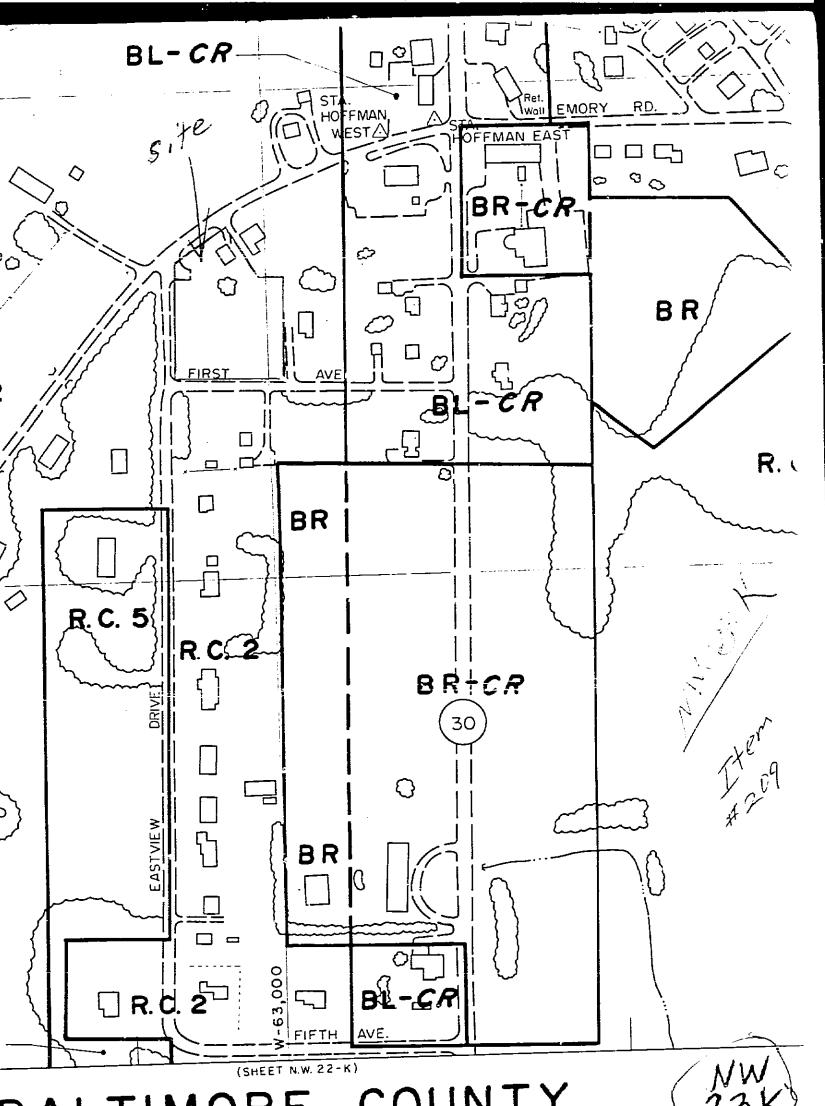
INTER-OFFICE CORRESPONDENCE

Zoning Commissioner

Office of Planning and Zoning SUBJECT: Edith May Souza, Item No. 166

> Gloria P. Brown, Item No. 203 Robert E. and Karen F. Ege, Item No. 207 Javad Darbandi, Item No. 208 Thomas D. and Jeannette Considine, Item No. 209 Helen M. Yingling, Item No. 214

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the



BALTIMORE 23K) OF PLANNING AND ZONING ICIAL ZONING MAP

Baltimore County Government Department of Public Works Bureau of Traffic Engineering

int Bosley Avenue, Suite 405 Towson, MD 2120a

887-3554 Fax 887-5784

December 10, 1990

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

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 207, 209, 214, and 219.

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

MSF/lab

