

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE
SW/S Overbrook Road, 332.5 ft. (1/-) N of c/l Edmondson Ave.
422 Overbrook Road
1st Election District
1st Councilmanic District
Joseph A. Giannetta, Jr.
Petitioner

* BEFORE THE ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-39-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Joseph A. Giannetta, Jr., for that property known as 422 Overbrook Road in the Westbrook subdivision of Baltimore County. The Petitioner herein seeks a variance from Sections 1802.3.C.1 & 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 32 ft. in lieu of the required 37.5 ft. for an open deck with a roof, as more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition.

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

The Petitioner has filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, 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 Petitioner.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of September, 1993 that the Petition for a Zoning Variance from Sections 1802.3.C.1 & 301.1.A of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 32 ft., in lieu of the required 37.5 ft., for an open deck with a roof, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The 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.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 1, 1993

Mr. Joseph A. Giannetta, Jr.
422 Overbrook Road
Catonsville, Maryland 21228

RE: Petition for Administrative Variance
Case No. 94-39-A
422 Overbrook Road

Dear Mr. Giannetta:

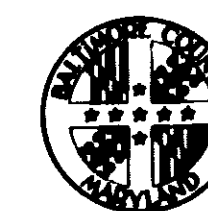
Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmn
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 422 Overbrook Road Catonsville, Maryland 21228
which is presently zoned

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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(s) 1802.3.C.1 & 301.1.A (BCZR) to permit a rear setback of 32' in lieu of the required 37.5' for an open deck with a roof.

The zoning regulation for the Westbrook Community only allows a 7' 6" porch to extend from the back of the house.

I would like to extend my porch line to 9' plus 4' for the steps and landing.

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.	
Legal Owner(s):	
Joseph A. Giannetta, Jr.	
Type or Print Name	Signature
Signature	Signature
Address	Address
City	City
State	State
Zip Code	Zip Code
Attorney for Petitioner	Attorney for Petitioner
Type or Print Name	Type or Print Name
Signature	Signature
Address	Address
City	City
State	State
Zip Code	Zip Code

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be set for a public hearing, advertised as required by the Zoning Regulations of Baltimore County, at the time and place of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: R.T. DATE: 7-27-93
ESTIMATED FILING DATE: 8-15-93

ITEM #: 40

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at 422 Overbrook Road
Catonsville Maryland 21228
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (include reasons or personal affidavit)

Westbrook Community only allows a porch to extend 7' 6" from the back of the house. I'm proposing to extend my deck to 9' from the house, including a landing and steps to extend 4', which totals 13' from the existing dwelling. I'm also proposing to put a roof (17' x 9' 6") running parallel over the deck. The deck will be 7' 7" high and the roof will be 16' 4" at its highest point.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

JOSEPH A. GIANNETTA, JR.
Signature

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: _____, 1993, before me, a Notary Public of the State of Maryland, is and for the County aforesaid, personally appeared JOSEPH A. GIANNETTA, JR.

the Affiant(s) herein, 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 knowledge and belief.

AS WITNESS my hand and Notarial Seal.

7-26-93

My Commission Expires August 8, 1994

EXAMPLE 3 - Zoning Description - 3 copies

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 422 OVERBROOK RD CATONSVILLE MD 21228
Election District 1 Councilmanic District 1

Beginning at a point on the SOUTHWEST side of OVERBROOK RD (street on which property fronts) which is 50 FT (number of feet of right-of-way width) wide at a distance of 332.5 FT NORTH of the centerline of the nearest improved intersecting street EDMONDSON AVE (name of street) which is 60 FT (number of feet of right-of-way width) wide. *Being Lot # 32, Block WESTBROOK in the subdivision of WESTBROOK as recorded in Baltimore County Plat Book # 12, Folio # 36, containing 2200 sq ft .05 ACRE (square feet and acres)

*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber _____, Folio _____" and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N. 87° 12' 13" E. 321.1 ft., S. 18° 27' 03" E. 87.2 ft., S. 62° 19' 00" W. 318 ft., and N. 08° 15' 22" W. 80 ft. to the place of beginning.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: 7/27/93
Posted for: Variance
Petitioner: Joseph A. Giannetta, Jr.
Location of property: 422 Overbrook Rd, Catonsville, Md 21228
Location of Signage: 422 Overbrook Rd, Catonsville, Md 21228
Remarks: None
Posted by: MT/ML Date of return: 7/30/93
Number of Signs: Two

Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: 7-27-93

Joseph A. Giannetta
422 OVERBROOK RD
CATONSVILLE MD. 21228

NO - VARIANCE - \$ 50.00
ORD - SIGN - \$ 35.00
TOTAL - \$ 85.00

Account: R-001-4150

Number: # 40
R.T.

02A0280015K1CHRC

\$85.00

Please Make Counter Payment to Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

August 20, 1993

Mr. Joseph A. Giannetta, Jr.
422 Overbrook Road
Catonsville, Maryland 21228

RE: Case No. 94-39-A, Item No. 40
Petitioner: Joseph A. Giannetta, Jr.
Petition for Administrative Variance

Dear Mr. Giannetta:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, 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 August 15, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Helene Kehring
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No: 40 (KT)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

John Contestabile, Chief
Engineering Access Permits
Division

My telephone number is _____

Teleprinter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 12, 1993

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

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 40, 41, 45, 53, 54, 55, 56, 57, 59, 61 and 63.

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 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

ZAC, 10/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Zoning Advisory Committee

DATE: August 6, 1993

FROM: Captain Jerry Pfeiffer

SUBJECT: August 16, 1993 Meeting

#40 No Comments

#41 No Comments

#42 No Comments

#43 No Comments

#44 Fence shall be equipped with gates that are a minimum of 32" in width, in order to allow egress from fenced area.

#45 Buildings shall comply with the 1991 Life Safety Code and shall be equipped with hard-wired smoke detectors.

#47 Townhouses for which the initial building permits were applied after July 1, 1992 are required by State law to be sprinklered.

A fire hydrant is required at Blackfoot Ct. and Powace Rd. and Blackfoot Ct. and Road A.

#48 No Comments

#49 It is recommended that the driveway be a minimum of 12'.

JP/dmc

RECEIVED
AUG 12 1993
ZADM

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

AUGUST 5, 1993

NOTICE OF CASE NUMBER ASSIGNMENT

TO: Joseph A. Giannetta, Jr.
422 Overbrook Road
Columbiaville, Maryland 21228

Re: CASE NUMBER: 94-39-A (Item 40)
422 Overbrook Road
2600 Overbrook Road, 322.5' x 110' N of 111 Chesapeake Avenue
1st Election District - 1st Councilman

Please be advised that your petition for Administrative Zoning Variance has been assigned the above case number. Contact with this office regarding the status of this case, should reference the case number and be directed to 887-3370. This notice also serves as a reference regarding the administrative process.

1) Your property will be posted on or before August 15, 1993. The closing date (August 15, 1993) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$65.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Director

July 21, 1993

Zoning Commissioner of
Baltimore County

Dear Zoning Commissioner,

While I was trying to obtain a permit to build a deck and roof in my backyard, I found out that there were restrictions to building a porch in the Westbrook Community. I have noticed that other homeowners deviated from these restrictions.

The restriction is that a porch or deck in the backyard cannot extend 7' 6in from the (existing dwelling) back of the house.

My proposal is as follows: I would like to extend the deck to 9'. My deck size is 16' x 9'. I would like to install a 4' x 3' landing with a set of steps that will run parallel with the deck. My roof will be 17' x 9' parallel above the deck.

Enclosed is a list of neighbors which I approached on this matter and have also received their approval. I have approached the neighbors living closest to my home and will have the best view of the proposed deck.

ACADEMY ROAD

415	417	419	421	423A
GEOLLER	LOUDENSLAGER	STEELE	MATTHEWS	ZIEGLERS

ALLEY

418	420	SUBJECT	424
LIBERTO'S	LIBERTO'S	422 MY HOUSE	I OWN

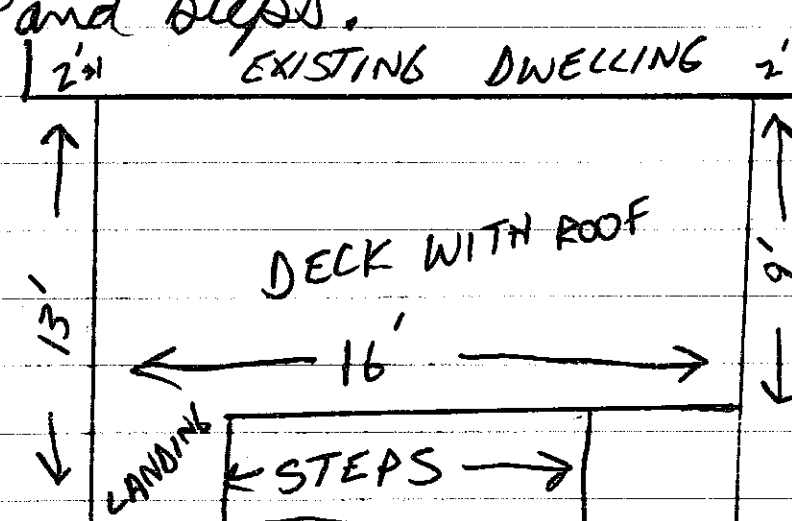
OVERBROOK RD

ITEM # 40

Dear Neighbor

94-39-A

I am constructing a deck with a roof in my backyard. I have a drawing to show you the dimensions. The Westbrook Community only allows a porch to extend 7' 6in from the house. I am proposing to extend it to 9', with a 4' landing and steps.

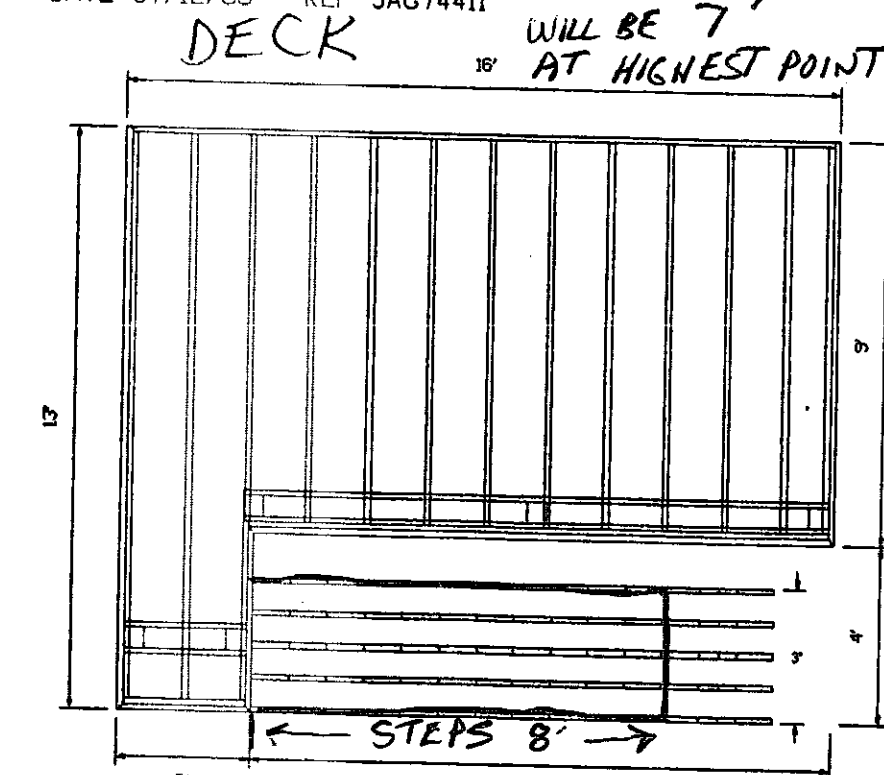


Your signature is your approval.

LOT	NAME	ADDRESS	PHONE
LOT 33 1/2	Tom Francis Liberto	420 Overbrook Rd	747-1660
LOT 62	C.S. Liberto		
LOT 61	Paul Ely Matthews	421 Academy Rd	788-4809
	Rich & Karen Steele	419 Academy Rd	747-7426
LOT 60	Karen Steele		
	Nobel E. Lundenbach	417 Academy Rd	747-1946
LOT 63	Joseph & Ellen Ziegler	423 Academy	788-6976
	Ellen Ziegler		
LOT 59	Greg Geoller	415 Academy	719-7562
	Gregory Geoller		

ITEM # 40

PLAN VIEW
CUSTOMER -- JOSEPH A. GIANNETTA
DATE 07/12/93 REF JAG74411



Load and support:
Your deck will support a 49 PSF live load. Posts have 36" below-ground post support.

Deck and post height:
You selected a height of 96" from the top of decking to level ground. Therefore, the top of the deck support posts will be 88" above level ground. Your salesperson can provide information for uneven or sloped ground.

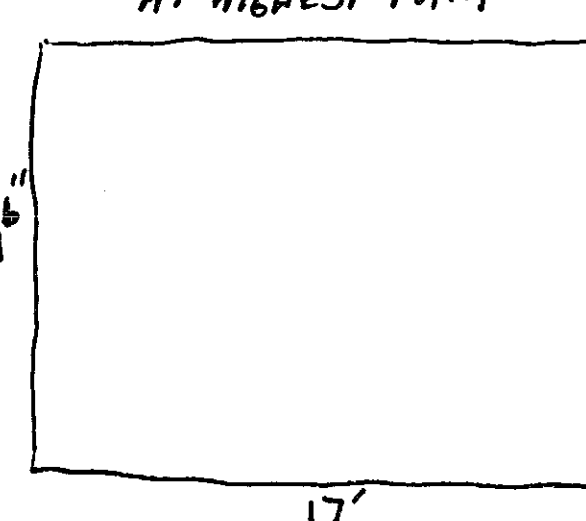
Joists:
Set joists on top of beams 16" center to center.

Be sure to follow the deck construction detail available from your store salesperson.

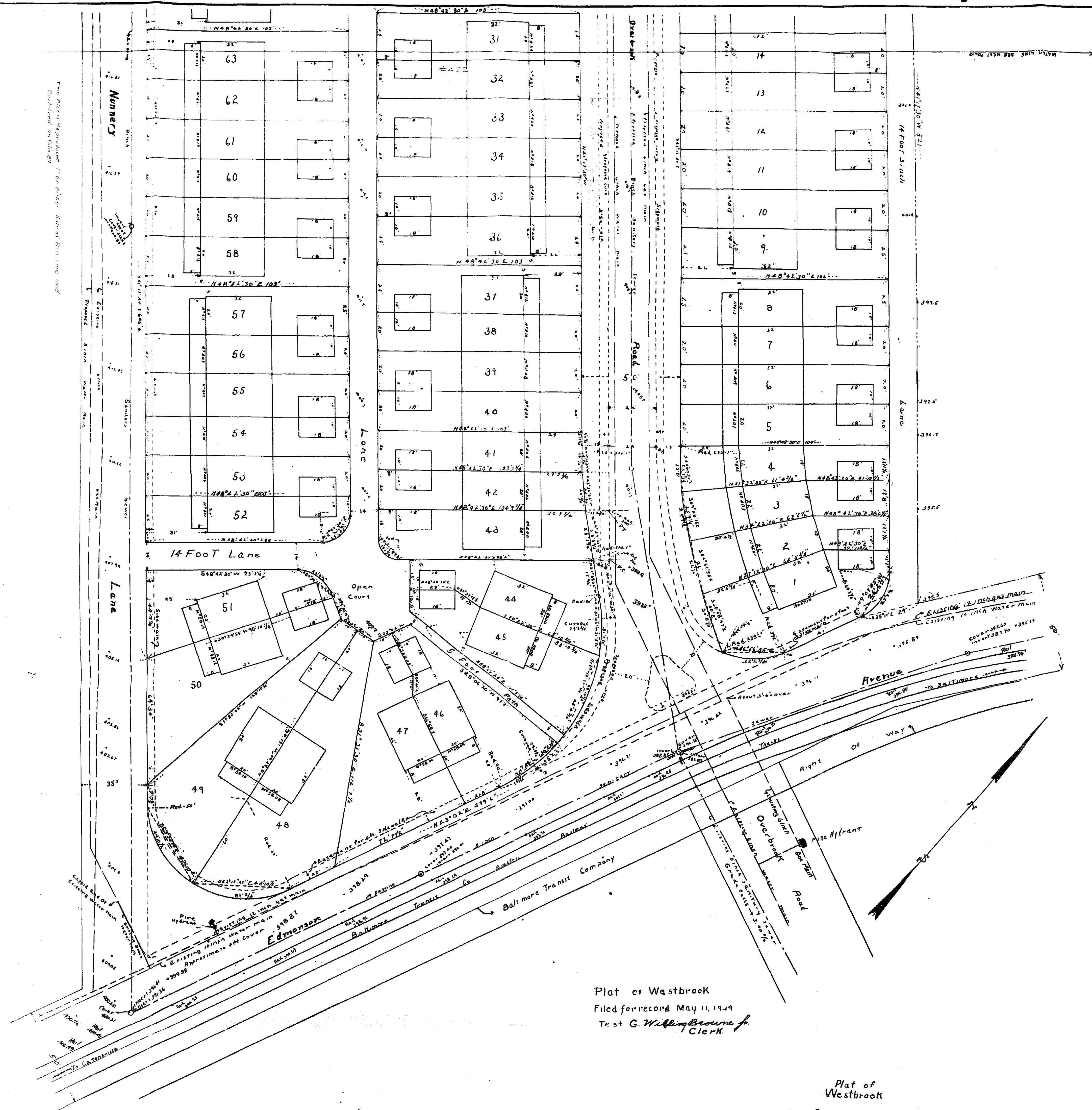
Note: The design requires knee braces, beam splices and bridging between joists. Your materials list includes the necessary items. The suggested design is not a finished building plan. You are responsible for all measurements being correct for verifying that the design (and any substitutions or modifications that you make) meets all local building codes and requirements. To verify that the suggested design and any substitutions or modifications is consistent with conditions at the construction site, review the design with your architect. Also consult your architect for proper construction and use of materials in the structure.

94-39-A

ROOF WILL BE 16' 4" AT HIGHEST POINT



ITEM # 40



Plat of Westbrook
 Filed for record May 11, 1939
 Test G. William Brown Jr.
 Clerk

NOTE:
 The courses are referred to the true Meridian, established by the
 Topographical Survey Commission of Baltimore City.

The elevations are given above mean low tide of Baltimore
 Md. datum of the Baltimore City Topographical Survey and
 the Baltimore County Metropolitan District Survey.

Details of underground utilities are plotted from information
 furnished by the Metropolitan District Commission of Baltimore
 County, the Bureau of Water Supply of Baltimore City and Consolidated
 Gas and Electric Light & Power Co. of Baltimore City, the
 locations thereof being approximate.

Plat of
 Westbrook
 First Election District, Balto. Co. Md.

Showing
 Proposed Development
 by
 Palladi Construction Company
 Area 5 Acres:

Scale = 20 Feet to one inch

by Martinus R. Co.
 Surveyors & Civil Engs.
 Balto. March 22, 1939
 Revised as to Curb Lines April 15, 1939

94-39-A



94-39-A

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE
1" = 200' ±

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION

CATONSVILLE

SHEET

SW
2-E