

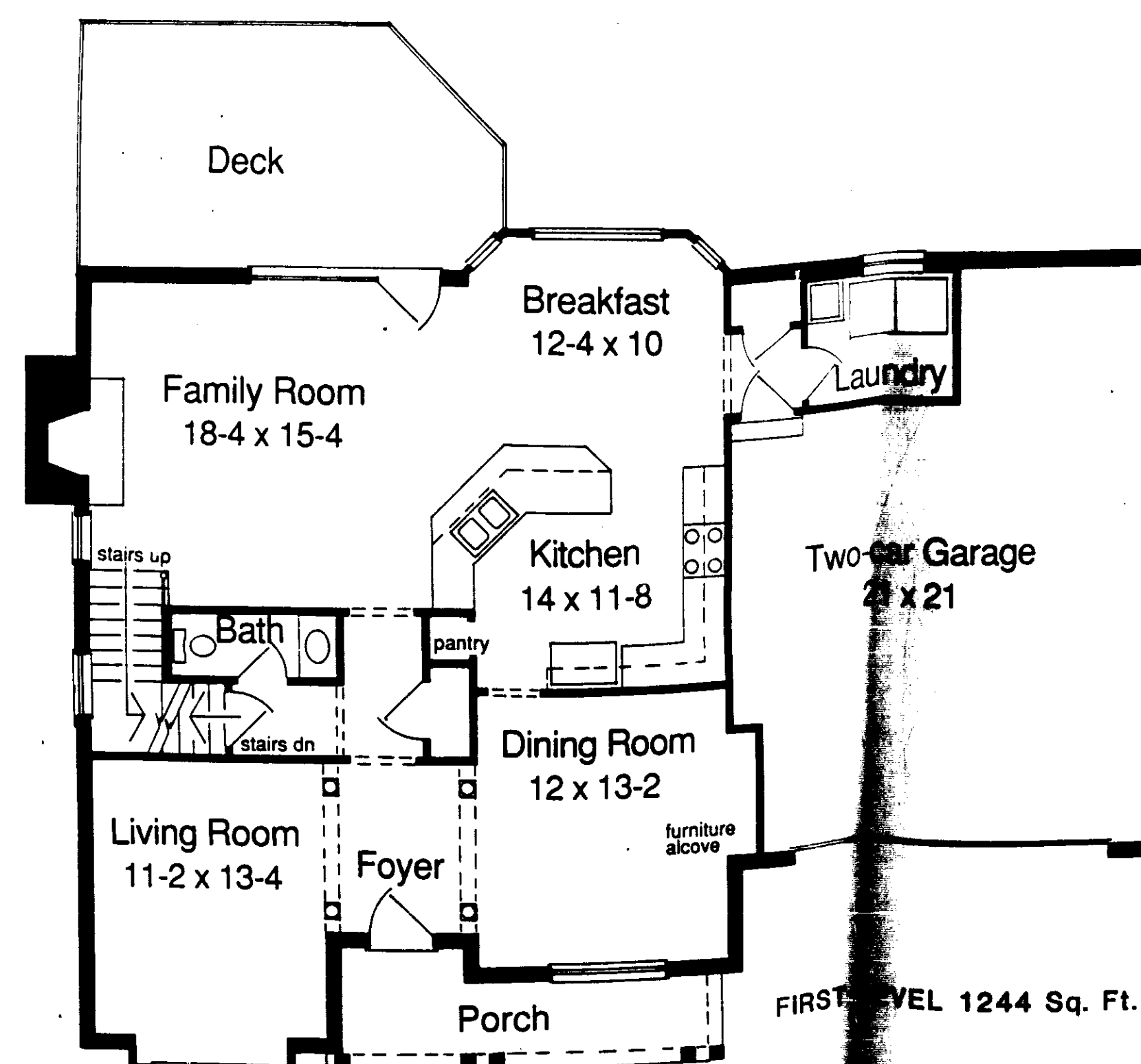
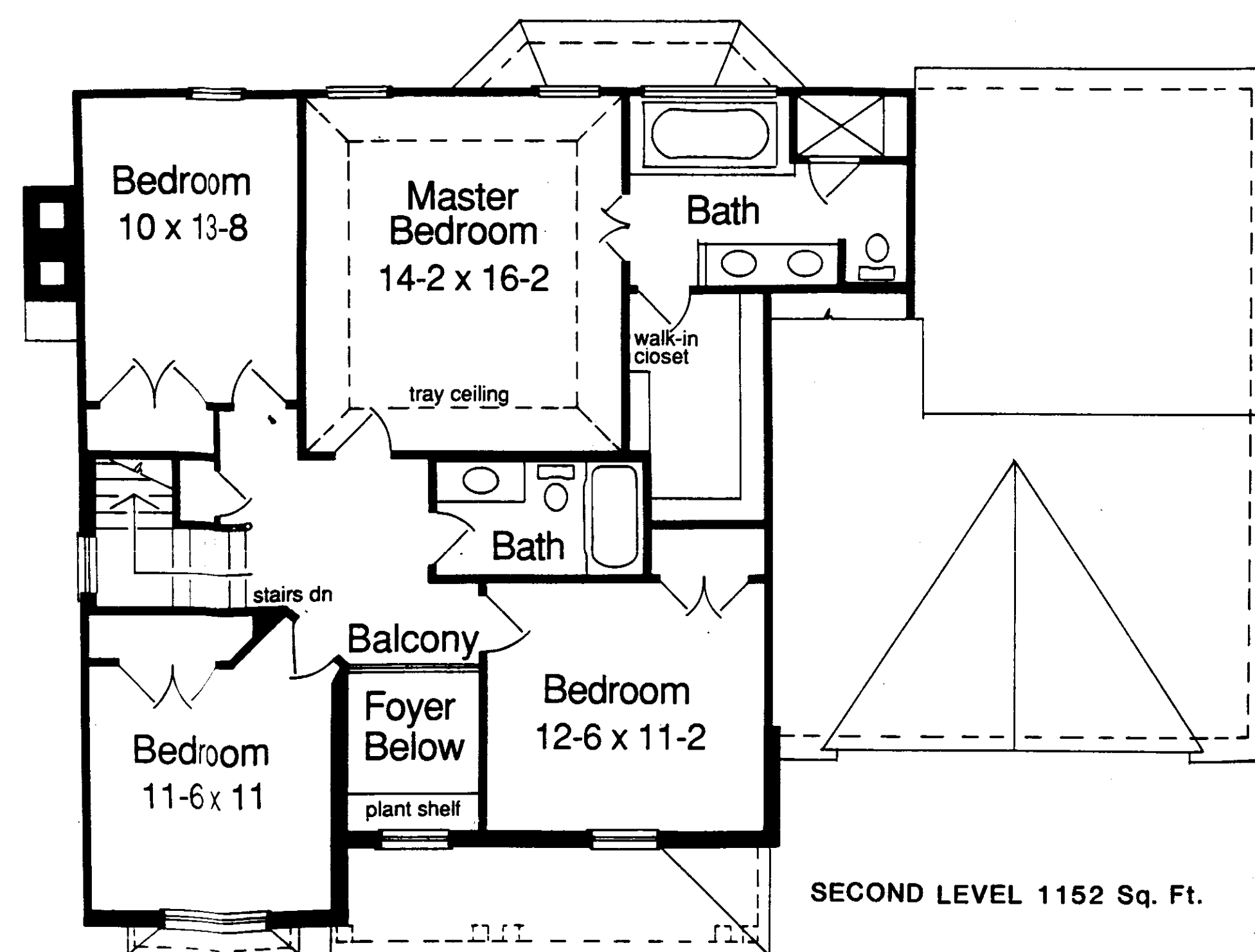


PHOTOGRAMMETRIC MAP OF BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE 1" = 200'	LOCATION CATONSVILLE	SHEET S.W. 2-E
BY	DATE				
			DATE OF PHOTOGRAPHY APRIL 1953		

Topography Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA.

1-29-69



STUDER RESIDENTIAL DESIGNS, INC.



The assistance of a local engineer, architect or building designer is usually necessary to comply with local codes and/or building conditions.

NO.	REVISIONS	DATE
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THE MONTGOMERY
S-102

Sheet

PREFIX

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbors property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon
ARNOLD JABLON, DIRECTOR

For newspaper advertising:
Item No.: 504
Petitioner: SHAWN DAVID TIBBO
Location: 605 ACADEMY RD. BALTO MD 21228
PLEASE FORWARD ADVERTISING BILL TO:
NAME: SHAWN D. TIBBO
ADDRESS: 5909 EDMONDSON AVE
PHONE NUMBER: 788-7845

Adj: ggs (Revised 04/09/93)

TO: PETITIONER PUBLISHING COMPANY
July 7, 1994 Issue - Jeffersonian

Please forward billing to:
Shawn D. Tibbo
5909 Edmondson Avenue
Baltimore, Maryland 21228
788-7845

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-520-A (Item 504)
605 Academy Road
NE/S Academy Road, 130 feet SE of Mt. DeSales Road
1st Election District - 1st Councilmanic
Petitioner(s): Shawn David Tibbo
HEARING: THURSDAY, JULY 28, 1994 at 10:00 a.m. in Rm. 106 County Off. Bldg.

Variance to permit side yard setbacks of 9 feet (each side) and a lot width of 50 feet in lieu of the required 10 foot side setbacks and 55-foot lot width for a proposed dwelling; and to approve an undersize lot.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

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Arnold Jablon
Arnold Jablon
Director

cc: Shawn David Tibbo

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 19, 1994

Mr. Shawn D. Tibbo
5909 Edmondson Avenue
Catonsville, Maryland 21228

RE: Case No. 94-520-A, Item No. 504
Petition for Variance
Petitioner: Shawn D. Tibbo

Dear Mr. Tibbo:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 20, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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 improvement that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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

7-9-94

Re: Baltimore County
Item No.: 504 (JLL)

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

Dear Ms. Minton:

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 project.

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,
Bob Small
for DAVID U. KAHSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 07/01/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
LOCATION: SEE BELOW
Item No.: SEE BELOW Zoning Agent:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 504, 506, 507, 508, 509, AND 511.

RECEIVED
JUL 5 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERHALD
Fire Marshal Office, PHONE: 887-4881, HQ-1102F

cc: File

RE: PETITION FOR VARIANCE
605 Academy Road, NE/S Academy Road,
130 feet SE of Mt. DeSales Road, 1st
Election Dist., 1st Councilmanic

Shawn David Tibbo
Petitioner

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

CASE NO.: 94-520-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to Shawn David Tibbo, 5909 Edmondson Avenue, Baltimore, MD 21228, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

Director, Office of Planning and Zoning
Attn: Ervin McDaniell
County Courts Bldg, Rm 406
401 Bosley Ave
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

□ SHAWN DAVID TIBBO 5909 EDMONDSON AVE 788-7845
□ Lot Address: 605 ACADEMY RD Election District: 1ST Council District: C1 Square Feet: 8,823
Loc. Location: 130 feet from SE of Mt. DeSales Road
Lead Owner: SHAWN DAVID TIBBO Tax Account Number: 01 02 570361
Address: 5909 EDMONDSON AVE Telephone Number: (410) 788-7845
City: BALTO, MD 21228

□ CHECKLIST OF MATERIALS: (To be submitted for design review by the Office of Planning and Zoning)

1. This Recommendation Form (3 copies)	✓	NO
2. Permit Application	✓	✓
3. Site Plan Property (3 copies)	✓	✓
Topo Map (submitted in the DCB) (2 copies)	✓	✓
4. Building Elevation Drawings	✓	✓
5. Photographs (taken from all phases county)	✓	✓
Adjoining Buildings	✓	✓
Surrounding Neighborhood	✓	✓

RECEIVED
JUL 11 1994

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:

Approval ☒ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: *Francis Mowrey*
For the Director, Office of Planning & Zoning

Date: 7/12/94

IN RE: PETITION FOR VARIANCE
NE/S Academy Road, 130' SE of
Mt. Desales Road
(605 Academy Road)
1st Election District
1st Councilmanic District
Shawn D. Tibbo
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-520-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 605 Academy Road, located in the Catonsville area of southwestern Baltimore County. The Petition was filed by the owner of the property, Shawn D. Tibbo. The Petitioner seeks variance relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 9 feet each in lieu of the minimum required 10 feet, a lot width of 50 feet in lieu of the minimum required 55 feet, and to approve an undersized lot pursuant to Section 304 of the B.C.Z.R. for a proposed dwelling. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Shawn Tibbo, property owner, and his father, John Tibbo. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.2025 acres, zoned D.R. 5.5 and is presently unimproved. The Petitioner is desirous of developing the lot with a two-story single family dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated that the subject property is located in an older subdivision which was recorded in 1917 and developed with lots an average 50 feet in width. The Petitioner testified that he is engaged to be married and wishes to con-

struct a home on this lot for himself and his new wife. He testified that the proposed dwelling will be similar in size and appearance as the other dwellings on this street. The Petitioner further testified that he has spoken with his neighbors on both sides of the property who have no objections to his plans.

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).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of August, 1994 that the Petition for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 9 feet each in lieu of the minimum required 10 feet, a lot width of 50 feet in lieu of the minimum required 55 feet, and to approve an undersized lot pursuant to Section 304 of the B.C.Z.R. for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building 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 relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21201

August 3, 1994

(410) 887-4386

Mr. Shawn D. Tibbo
5909 Edmondson Avenue
Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE
NE/S Academy Road, 130' SE of Mt. Desales Road
(605 Academy Road)
1st Election District - 1st Councilmanic District
Shawn D. Tibbo - Petitioner
Case No. 94-520-A

Dear Mr. Tibbo:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

- 2 -

- 3 -

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 605 Academy Road

which is presently zoned DR 5.5

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 1802.3.C.1 TO PERMIT SIDE YARD SETBACKS OF 9 FT (EACH SIDE) AND A LOT WIDTH OF 50 FT IN LIEU OF THE REQUIRED 10 FT. SIDE SETBACKS AND 55 FT LOT WIDTH FOR A PROPOSED DWELLING AND TO APPROVE AN UNDERSIZED LOT PER SECT. 304.

1. Lot was created by a Recorded Subdivision Plat in September of 1917 in accordance with Zoning Regulations in effect at that time, but fails to meet minimum lot width requirements under current Zoning.
 2. Request minimum side yard set backs be reduced from current 10 feet to 8 feet in order to facilitate construction of residential dwelling that conforms in size and appearance to those located on adjacent properties and surrounding neighborhood.
- 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.

Contract Purchaser/Lessee:
N/A
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City: [City] State: [State] Zipcode: [Zipcode]
Attorney for Petitioner:
N/A
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City: [City] State: [State] Zipcode: [Zipcode]

I, or 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):
Shawn David Tibbo
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City: [City] State: [State] Zipcode: [Zipcode]
Attorney for Petitioner:
None
(Type or Print Name)
Signature: [Signature]
Address: [Address]
City: [City] State: [State] Zipcode: [Zipcode]

5909 Edmondson Avenue (410) 788-7845
Catonsville, Maryland 21228

Shawn David Tibbo
5909 Edmondson Avenue (410) 788-7845

Address: [Address]
City: [City] State: [State] Zipcode: [Zipcode]

ESTIMATED LENGTH OF HEARING
the following date: [Date] Start Two Months
ALL OTHER DATE

REVIEWED BY: [Signature] DATE: [Date]

LEON A. PODOLAK AND ASSOCIATES

SURVEYING AND CIVIL ENGINEERING

63 EAST MAIN STREET, P.O. BOX 266
WESTMINSTER, MARYLAND 21157
TELEPHONES: WESTMINSTER 848-2229 BALTIMORE 876-1226

ZONING DESCRIPTION FOR 605 Academy Road

Election District 1-st (address) C 1 Councilmanic District

Beginning at a point on the Northeast side of Academy Road (north, south, east or west) which is Fifty (number of feet of right-of-way width) Academy Road (street on which property fronts) (number of feet of right-of-way width) wide at a distance of 130 Feet Southeasterly (number of feet) (north, south, east or west) of the centerline of the nearest improved intersecting street Mt. Desales Road (name of street) which is Fifty (number of feet of right-of-way width) wide. *Being Lot # 159 Block N/A, Section N/A in the subdivision of Meridale Farm Subdivision (name of subdivision) as recorded in Baltimore County Plat Book # W.P.C. #6 Folio # 76 8923 Sq. Ft. 0.2025 Acres (square feet and acres) containing



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

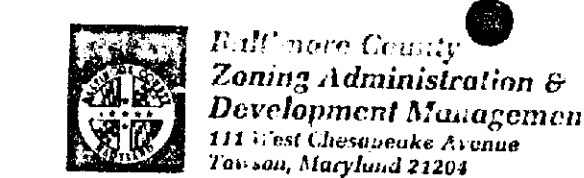
District: 1ST Date of Posting: 7/1/94
Posted for: Variance
Petitioner: Shawn David Tibbo
Location of property: 605 Academy Rd., NE/S
Location of Sign: Along Academy Rd. property being zoned
Remarks:
Posted by: [Signature] Date of return: 7/1/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 8, 1994
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 July 7, 1994.

THE JEFFERSONIAN,
A. Henricson
LEGAL AD. - TOWSON

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 described below in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
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94-520-A (Item 504)
NE/S Academy Road, 130 feet SE of Mt. Desales Road
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Petitioner(s): Shawn David Tibbo
Hearing: THURSDAY, AUGUST 25, 1994 at 10:00 a.m. in Room 106, County Office Building.
Variance to permit side yard setbacks of 9 feet (each side) and a lot width of 50 feet in lieu of the required 10 feet side setbacks and 55-foot lot width for a proposed dwelling, and to approve an undersized lot.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are heard in public and are open to the public. (2) For information concerning the fee and/or hearing, please call 887-3391.
7043 July 7.



Date: 6/20/94

1 RES VAR FILING CODE 010 50.00
1 SIGN POSTING CODE 080 35.00
TOTAL 85.00

LOC. 605 ACADEMY
OWNER TIBBO

01401#0016MCHRC
886010133AM06-20-94 \$85.00
Please Make Check Payable To: Baltimore County

Cashier Validation

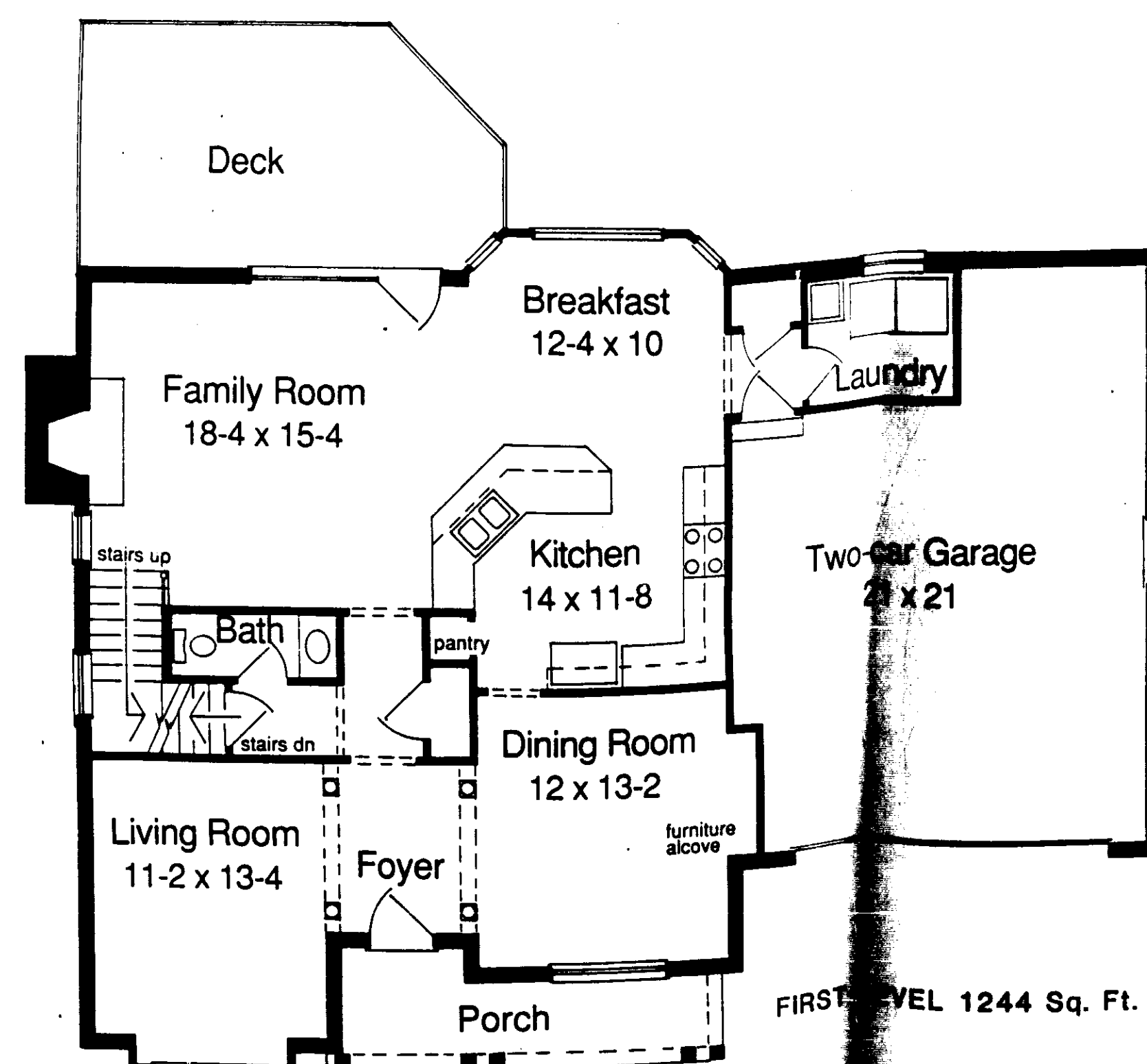
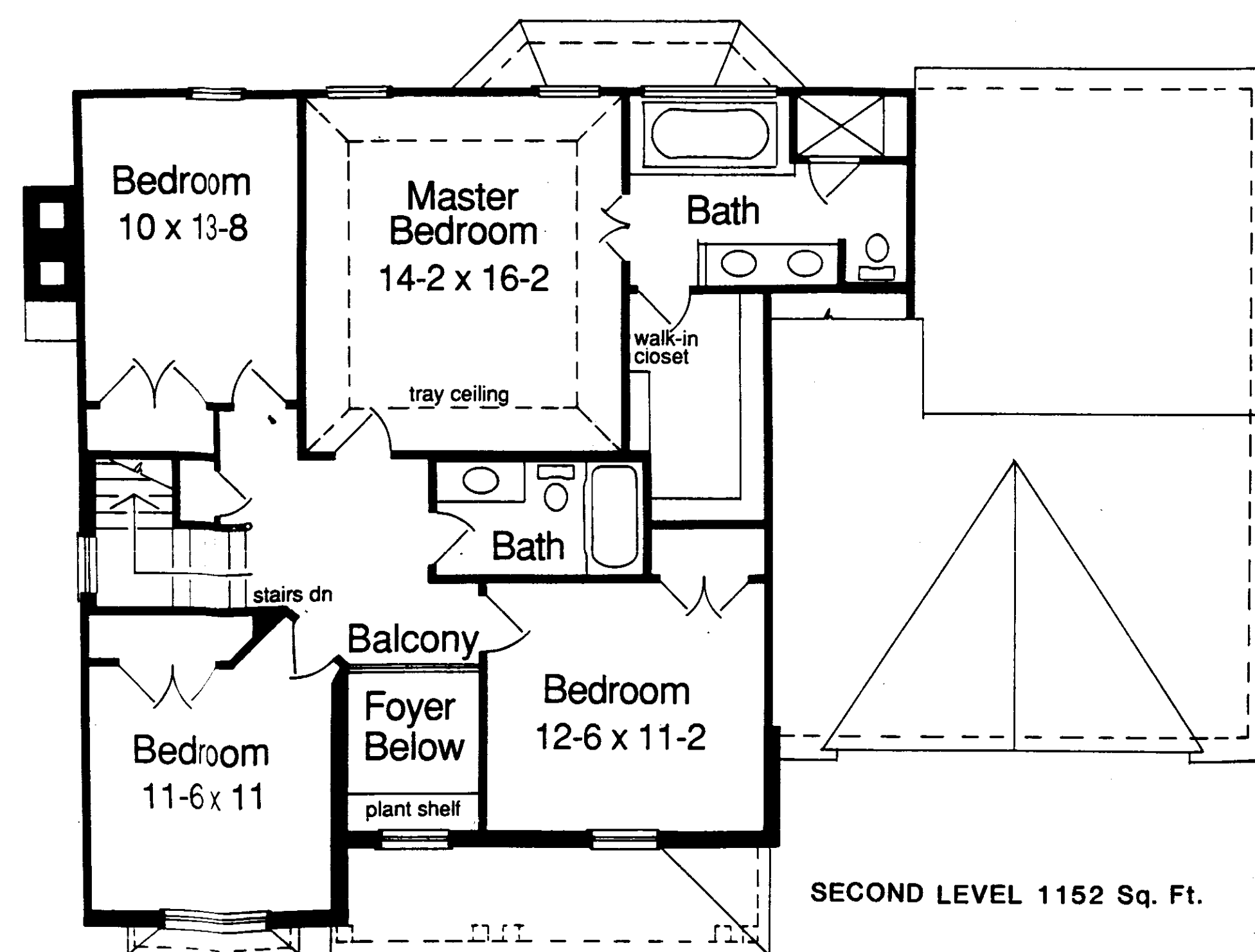


PHOTOGRAMMETRIC MAP OF
BALTIMORE COUNTY METROPOLITAN AREA

REVISIONS			SCALE 1" = 200'	LOCATION CATONSVILLE	SHEET S.W. 2-E
BY	DATE				
			DATE OF PHOTOGRAPHY APRIL 1953		

Topography Compiled By Photogrammetric Methods
AERO SERVICE CORPORATION-PHILADELPHIA, PA.

1-29-69



STUDER RESIDENTIAL DESIGNS, INC.



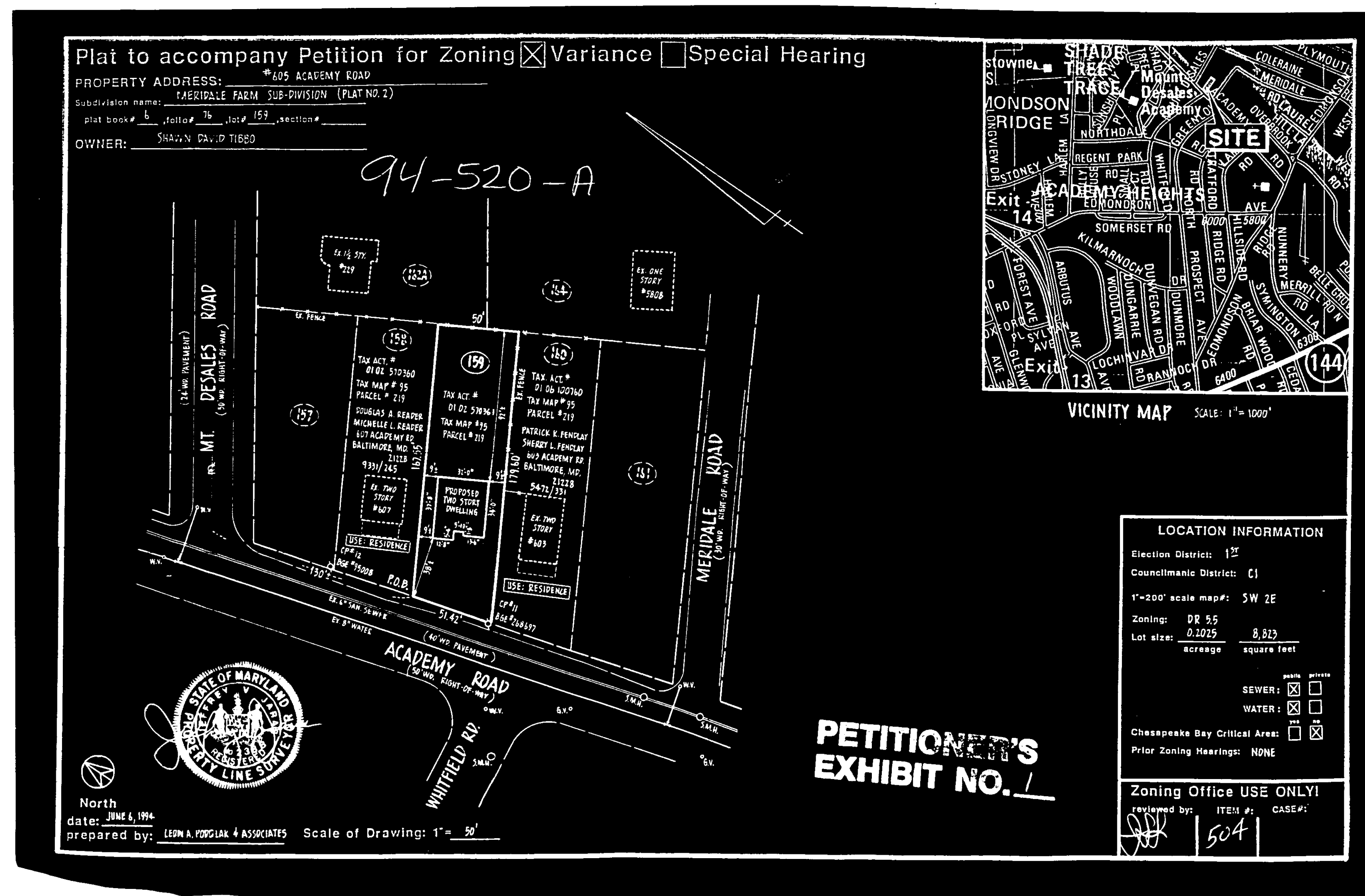
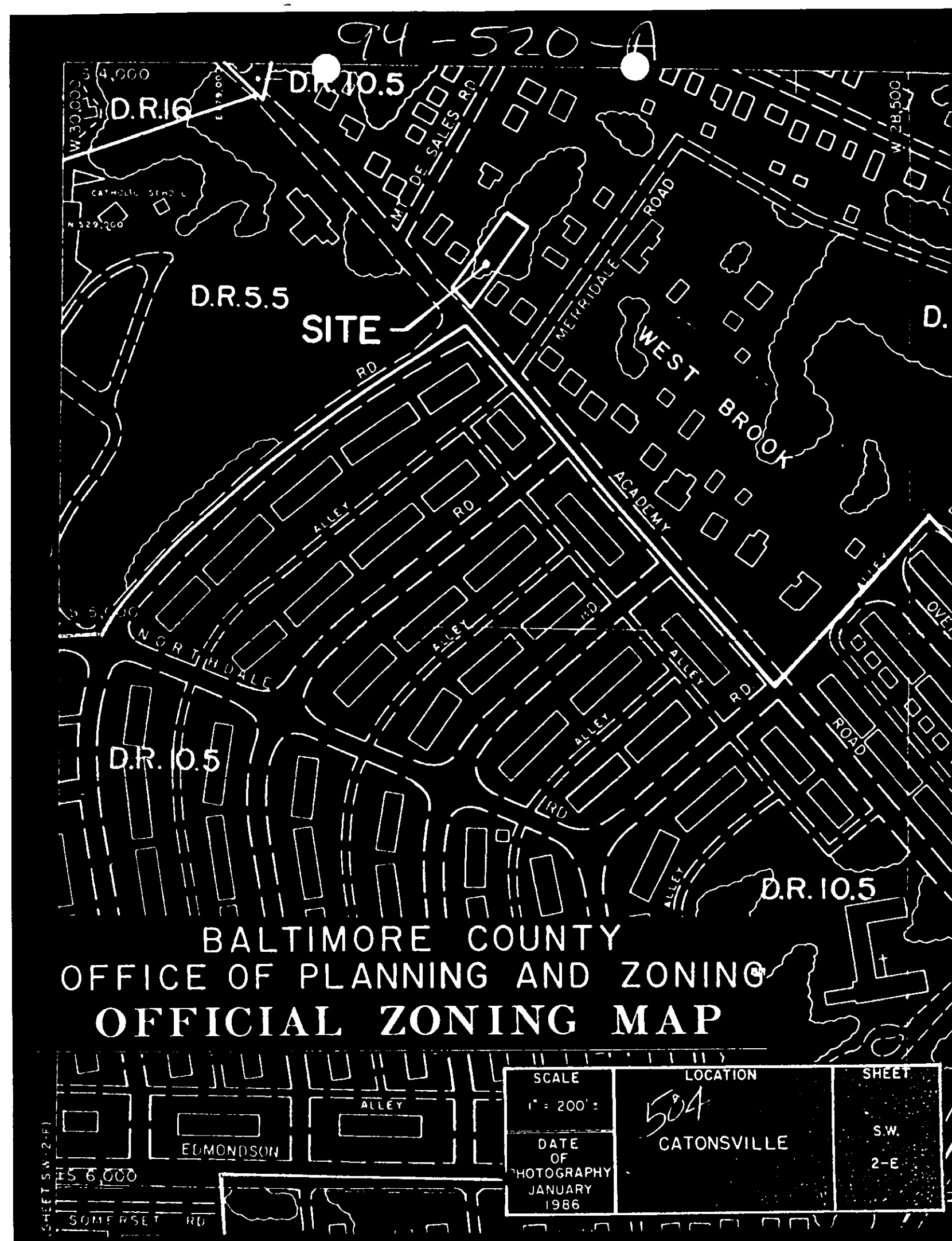
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NO.	REVISIONS	DATE
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THE MONTGOMERY
S-102

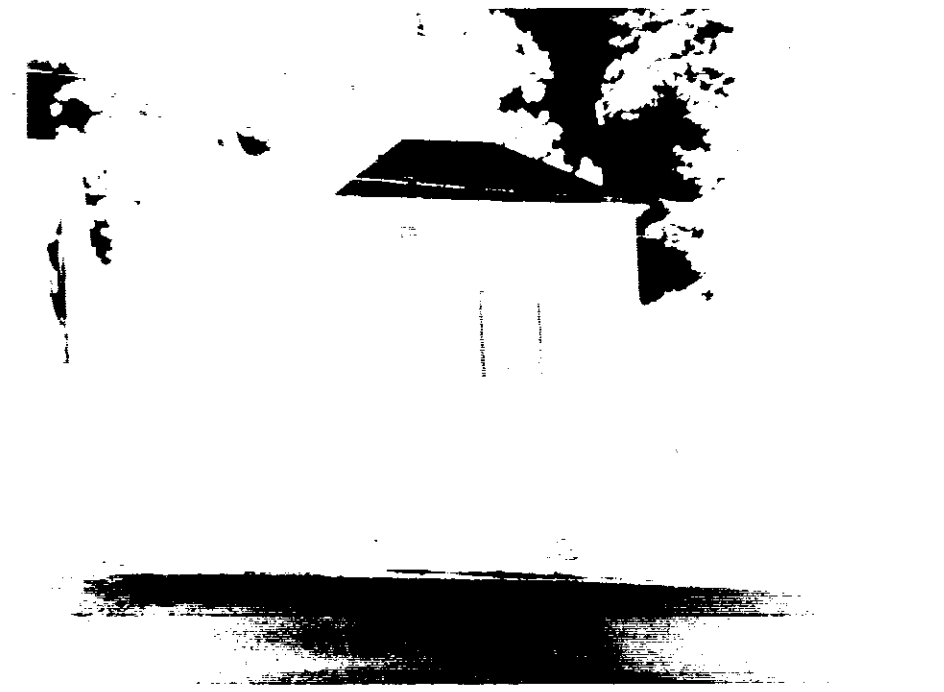
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PREFIX



Now... order your favorite enlargements in a beautiful Gift Pack ready to mail!
Each Gift Pack includes a handsome silver display folder plus a sturdy mailer for each 5x7 or 8x10 you order.

Introducing ...
Enlargement Gift Packs



Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

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Arnold Jablon
ARNOLD JABLON, DIRECTOR

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ADDRESS: 5909 EDMONDSON AVE
PHONE NUMBER: 788-7845

Adj: ggs (Revised 04/09/93)

TO: PETITIONER PUBLISHING COMPANY
July 7, 1994 Issue - Jeffersonian

Please forward billing to:
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Baltimore, Maryland 21228
788-7845

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LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

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, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-520-A (Item 504)
605 Academy Road
NE/S Academy Road, 130 feet SE of Mt. DeSales Road
1st Election District - 1st Councilmanic
Petitioner(s): Shawn David Tibbo
HEARING: THURSDAY, JULY 28, 1994 at 10:00 a.m. in Rm. 106 County Off. Bldg.

Variance to permit side yard setbacks of 9 feet (each side) and a lot width of 50 feet in lieu of the required 10 foot side setbacks and 55-foot lot width for a proposed dwelling; and to approve an undersize lot.

Arnold Jablon
Arnold Jablon
Director

cc: Shawn David Tibbo

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

July 19, 1994

Mr. Shawn D. Tibbo
5909 Edmondson Avenue
Catonsville, Maryland 21228

RE: Case No. 94-520-A, Item No. 504
Petition for Variance
Petitioner: Shawn D. Tibbo

Dear Mr. Tibbo:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on June 20, 1994 and scheduled for a hearing accordingly. Any attached comments from a 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 improvement that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

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

7-9-94

Re: Baltimore County
Item No.: 504 (JLL)

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

Dear Ms. Minton:

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 project.

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,
Bob Small
for DAVID U. KAHSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 07/01/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW
LOCATION: SEE BELOW
Item No.: SEE BELOW Zoning Agent:

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.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 504, 506, 507, 508, 509, AND 511.

RECEIVED
JUL 5 1994
ZADM

REVIEWER: LT. ROBERT P. SAUERHALD
Fire Marshal Office, PHONE: 887-4881, HQ-1102F

cc: File

RE: PETITION FOR VARIANCE
605 Academy Road, NE/S Academy Road,
130 feet SE of Mt. DeSales Road, 1st
Election Dist., 1st Councilmanic

Shawn David Tibbo
Petitioner

BEFORE THE
ZONING COMMISSIONER
FOR BALTIMORE COUNTY

CASE NO.: 94-520-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of July, 1994, a copy of the foregoing Entry of Appearance was mailed to Shawn David Tibbo, 5909 Edmondson Avenue, Baltimore, MD 21228, Petitioner.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

INTER-OFFICE CORRESPONDENCE
RECOMMENDATION FORM

Director, Office of Planning and Zoning
Attn: Ervin McDaniell
County Courts Bldg, Rm 406
401 Bosley Ave
Towson, MD 21204

FROM: Arnold Jablon, Director, Zoning Administration and Development Management

RE: Undersized Lots
Pursuant to Section 304.2(Baltimore County Zoning Regulations) effective June 25, 1992, this office is requesting recommendations and comments from the Office of Planning & Zoning prior to this office's approval of a dwelling permit.

MINIMUM APPLICANT SUPPLIED INFORMATION:

□ SHAWN DAVID TIBBO 5909 EDMONDSON AVE 788-7845
□ Lot Address: 605 ACADEMY RD Election District: 1ST Council District: C1 Square Feet: 8,823
Loc. Location: 130 feet from N.E. corner of MT. DE SALES ROAD
Lead Owner: SHAWN DAVID TIBBO Tax Account Number: 01 02 570361
Address: 5909 EDMONDSON AVE Telephone Number: (410) 788-7845
City: BALTO, MD 21228

□ CHECKLIST OF MATERIALS: (To be submitted for design review by the Office of Planning and Zoning)

1. This Recommendation Form (3 copies)	✓	NO
2. Permit Application	✓	NO
3. Site Plan Property (3 copies)	✓	NO
Topo Map (submitted in the DCB) (2 copies)	✓	NO
4. Building Elevation Drawings	✓	NO
5. Photographs (taken from all phases county)	✓	NO
Adjoining Buildings	✓	NO
Surrounding Neighborhood	✓	NO

RECEIVED
JUL 11 1994

TO BE FILLED IN BY THE OFFICE OF PLANNING AND ZONING ONLY

RECOMMENDATIONS/COMMENTS:

Approval ☒ Disapproval ☐ Approval conditioned on required modifications of the permit to conform with the following recommendations:

Signed by: *Francis Mowrey*
For the Director, Office of Planning & Zoning

Date: 7/12/94

IN RE: PETITION FOR VARIANCE
NE/S Academy Road, 130' SE of
Mt. Desales Road
(605 Academy Road)
1st Election District
1st Councilmanic District
Shawn D. Tibbo
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 94-520-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property known as 605 Academy Road, located in the Catonsville area of southwestern Baltimore County. The Petition was filed by the owner of the property, Shawn D. Tibbo. The Petitioner seeks variance relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 9 feet each in lieu of the minimum required 10 feet, a lot width of 50 feet in lieu of the minimum required 55 feet, and to approve an undersized lot pursuant to Section 304 of the B.C.Z.R. for a proposed dwelling. The subject property and relief sought are more particularly described on the plat submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Shawn Tibbo, property owner, and his father, John Tibbo. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 0.2025 acres, zoned D.R. 5.5 and is presently unimproved. The Petitioner is desirous of developing the lot with a two-story single family dwelling in accordance with Petitioner's Exhibit 1. Testimony indicated that the subject property is located in an older subdivision which was recorded in 1917 and developed with lots an average 50 feet in width. The Petitioner testified that he is engaged to be married and wishes to con-

struct a home on this lot for himself and his new wife. He testified that the proposed dwelling will be similar in size and appearance as the other dwellings on this street. The Petitioner further testified that he has spoken with his neighbors on both sides of the property who have no objections to his plans.

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).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use

of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of August, 1994 that the Petition for Variance seeking relief from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 9 feet each in lieu of the minimum required 10 feet, a lot width of 50 feet in lieu of the minimum required 55 feet, and to approve an undersized lot pursuant to Section 304 of the B.C.Z.R. for a proposed dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building 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 relief granted herein shall be rescinded.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21201

August 3, 1994

(410) 887-4386

Mr. Shawn D. Tibbo
5909 Edmondson Avenue
Catonsville, Maryland 21228

RE: PETITION FOR VARIANCE
NE/S Academy Road, 130' SE of Mt. Desales Road
(605 Academy Road)
1st Election District - 1st Councilmanic District
Shawn D. Tibbo - Petitioner
Case No. 94-520-A

Dear Mr. Tibbo:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for 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 the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

ORDER RECEIVED FOR FILING
Date 8/3/94
By [Signature]

- 2 -

- 3 -

Petition for Variance

to the Zoning Commissioner of Baltimore County
for the property located at 605 Academy Road

which is presently zoned DR 5.5

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 1802.3.C.1 TO PERMIT SIDE YARD SETBACKS OF 9 FT (EACH SIDE) AND A LOT WIDTH OF 50 FT IN LIEU OF THE REQUIRED 10 FT. SIDE SETBACKS AND 55 FT LOT WIDTH FOR A PROPOSED DWELLING AND TO APPROVE AN UNDERSIZED LOT PER SECT. 304.

1. Lot was created by a Recorded Subdivision Plat in September of 1917 in accordance with Zoning Regulations in effect at that time, but fails to meet minimum lot width requirements under current Zoning.
 2. Request minimum side yard set backs be reduced from current 10 feet to 8 feet in order to facilitate construction of residential dwelling that conforms in size and appearance to those located on adjacent properties and surrounding neighborhood.
- 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.

Contract Purchaser/Lessee:
N/A
(Type or Print Name)
Signature: [Signature]
Address:
City: State: Zipcode:

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):
Shawn David Tibbo
(Type or Print Name)
Signature: [Signature]
None
(Type or Print Name)
Signature:

5909 Edmondson Avenue (410) 788-7845
Catonsville, Maryland 21228
Phone No:

Shawn David Tibbo
5909 Edmondson Avenue (410) 788-7845
Catonsville, Maryland 21228
Phone No:

Address: City: State: Zipcode:

ESTIMATED LENGTH OF HEARING: _____

the following date: _____

ALL OTHER: _____

REVIEWED BY: _____ DATE: _____

LEON A. PODOLAK AND ASSOCIATES

SURVEYING AND CIVIL ENGINEERING

63 EAST MAIN STREET, P.O. BOX 266
WESTMINSTER, MARYLAND 21157
TELEPHONES: WESTMINSTER 848-2229 BALTIMORE 876-1226

ZONING DESCRIPTION FOR 605 Academy Road

Election District 1-st (address) Councilmanic District C 1

Beginning at a point on the Northeast side of Academy Road (north, south, east or west) which is Fifty (number of feet of right-of-way width) (street on which property fronts) (number of feet of right-of-way width) wide at a distance of 130 Feet Southeasterly (number of feet) (north, south, east or west.) of the centerline of the nearest improved intersecting street Mt. Desales Road (name of street)

which is Fifty (number of feet of right-of-way width) wide. *Being Lot # 159

Block N/A, Section N/A in the subdivision of Meridale Farm Subdivision (name of subdivision) as recorded in Baltimore County Plat

Book # W.P.C. #6 Folio # 76 containing 8923 Sq. Ft. 0.2025 Acres (square feet and acres)



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1ST Date of Posting: 7/1/94
Posted for: Variance
Petitioner: Shawn David Tibbo
Location of property: 605 Academy Rd., NE/S
Location of Sign: Along Academy Rd. property being zoned
Remarks:
Posted by: [Signature] Date of return: 7/1/94
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 8, 1994

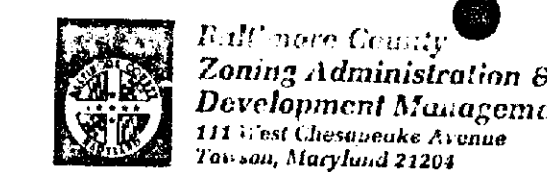
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 7, 1994.

THE JEFFERSONIAN,

A. Henricson

LEGAL AD. - TOWSON

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 described below in Room 106 of the County Office Building, located at 411 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 94-520-A (Item 504)
94-520-A (Item 504)
NE/S Academy Road, 130 feet SE of Mt. Desales Road
1st Election District
Petitioner(s): Shawn David Tibbo
Hearing: THURSDAY, AUGUST 25, 1994 at 10:00 a.m. in Rm. 106, County Office Building.
Variance to permit side yard setbacks of 9 feet (each side) and a lot width of 50 feet in lieu of the required 10 feet side setbacks and 55-foot lot width for a proposed dwelling, and to approve an undersized lot.
LAWRENCE E. SCHMIDT, Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are heard in public and are open to the public. (2) For information concerning the fee and/or hearing, please call 887-3391.
7043 July 7.



Date: 6/20/94

1 RES VAR FILING CODE 010 50.00
1 SIGN POSTING CODE 080 35.00
TOTAL 85.00

LOC. 605 ACADEMY
OWNER TIBBO

01401#0016MCHRC
887-3391
Please Make Check Payable To: Baltimore County

Cashier Validation

\$85.00