

1IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
S/S Piney Hill Road, 1460 ft.
W of c/l of York Road * ZONING COMMISSIONER
427 Piney Hill Road
7th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District
Legal Owner: Rose M. Toulas * Case No. 96-288-A
Contract Purchaser: Anthony
J. Palmisano, Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 427 Piney Hill Road in northern Baltimore County. The Petition is filed by Rose M. Toulas, property owner, and Anthony J. Palmisano, Contract Purchaser. Variance relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a 35 ft. side yard setback in lieu of the required 50 ft. side yard setback as measured from the western property line, and to allow a 49 ft. front yard setback in lieu of the required 75 ft. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Anthony Palmisano, Contract Purchase/co-Petitioner. Also present was Rick Palmisano and Marie Palmisano. Also appearing was Rose M. Toulas, property owner/co-Petitioner, and Gerard J. Toulas. Bruce Doak, the Registered Property Line Surveyor from Gerhold, Cross and Etzel, Inc., who prepared the site plan, also appeared and testified.

Testimony and evidence presented was that the subject property is approximately 1.181 acres in area zoned R.C.5. The site is a rectangularly shaped parcel with frontage on Piney Hill Road and is presently unimproved. A copy of a deed was offered at the hearing (Petitioners' Exhibit

ORDER RECEIVED FOR FILING

Date

By

3/22/96
M. Gough

MICROFILMED

No. 2) that indicates that the property was acquired by George S. Toulas and Rose M. Toulas in 1977. Mr. and Mrs. Toulas also own an adjoining property, known as 423 Piney Hill Avenue, on which a single family dwelling is erected. That parcel is 1.687 acres in size. Mr. and Mrs. Toulas purchased both properties in 1977 and each parcel is a separate lot of record, as defined in Section 101 of the BCZR. Mr. Palmisano proposes purchasing the subject lot and erecting a single family house thereon. The site plans submitted indicates the proposed building envelope. It is of note that the property contains significant site constraints which limit the area available for building. These constraints are clearly shown on the site plan and in numerous photographs which were presented at the hearing. Particularly, the site contains a steep slope, particularly towards the rear of the property. Mr. Doak explained that the building envelope shown was the only practical location for same in view of the site constraints. He indicated that the house could not be placed elsewhere on the property because of the significant slope of the rear of the property and the need for a septic reserve area in the front of the site.

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

ORDER RECEIVED FOR FILING

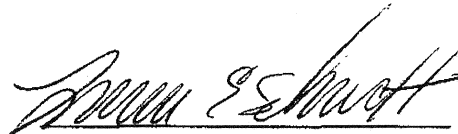
Date

By

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of March, 1996 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a 35 ft. side yard setback in lieu of the required 50 ft. side yard setback as measured from the western property line, and to allow a 49 ft. front yard setback in lieu of the required 75 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners re 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.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmnn

ORDER RECORDED FOR FILING
Date 3/22/96
By M. H. H. H.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

March 21, 1996

Mr. Anthony Palmisano
3310 Gibbons Avenue
Baltimore, Maryland 21214

RE: Case No. 96-288-A
Petition for Zoning Variance
Location: 427 Piney Hill Road

Dear Mr. Palmisano:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restriction, 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 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

c: Mrs. Rose M. Toulas, 423 Piney Hill Road, Sparks 21152
c: Mr. Bruce Doak, Gerhold, Cross & Etzel, Ltd.





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-288-A

427 Piney Hill RD

which is presently zoned RC 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

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(s) 1A04.3B.3

Variance to allow a 35 foot side-yard setback in lieu of a 50 foot setback along the western property line and to allow a 49 foot front-yard setback in lieu of a 75 foot setback from the centerline of Piney Hill Road.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Because of steep slopes in the building envelope and the position of the only septic reserve area that will perc, the proposed house can only be placed where setback variances are needed.

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:

ANTHONY J. PALMISANO

(Type or Print Name)

Anthony J. Palmisano
Signature

3310 GIBBONS AVE.

Address

BALTIMORE, MD 21214

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

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).

ROSE M. TOULAS

(Type or Print Name)

Rose M. Toulas
Signature

(Type or Print Name)

Signature

423 PINEY HILL Rd. 410-472-9135

Address

Phone No.

SPARKS

MD

21152

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates

Next Two Months

ALL

OTHER

REVIEWED BY:

DATE 1/29/96

#288



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

Zoning Administration

GORDON T. LANGDON
EDWARD F. DEIACO-LOHR
BRUCE E. DOAK

GERHOLD, CROSS & ETZEL, LTD.

Registered Professional Land Surveyors

SUITE 100
320 EAST TOWSONTOWN BOULEVARD
TOWSON, MARYLAND 21286-5318

410-823-4470
FAX 410-823-4473

EMERITUS
PAUL G. DOLLENBERG
FRED H. DOLLENBERG
CARL L. GERHOLD
PHILIP K. CROSS
OF COUNSEL
JOHN F. ETZEL
WILLIAM G. ULRICH

January 24, 1996

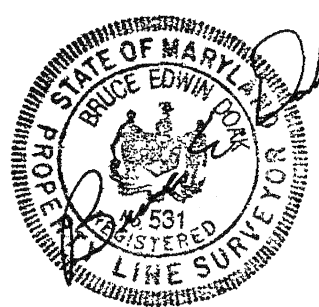
Zoning Description for 427 Piney Hill Road

96-288-A

Beginning at a point in the centerline of Piney Hill Road being westerly 1460 feet, more or less, along the centerline of Piney Hill Road from the centerline of York Road, thence running with the centerline of Piney Hill Road for the two following courses and distances, viz: 1) South 56 degrees 20 minutes 25 seconds West 0.49 feet, 2) South 56 degrees 10 minutes 43 seconds West 201.84 feet, thence leaving said road and running for the four following courses and distances, viz: 3) South 17 degrees 04 minutes 57 seconds East 241.94 feet, 4) North 50 degrees 11 minutes 50 seconds East 170.00 feet, 5) North 54 degrees 11 minutes 50 seconds East 103.00 feet, and 6) North 33 degrees 49 minutes 17 seconds West 210.43 feet to the point of beginning.

Containing 1.181 Acres of land, more or less.

Note: This description is not for conveyance purposes and only fulfills the requirements of Baltimore County Office of Zoning.



96-288-A

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 7th

Date of Posting _____

Posted for: Variance

Petitioner: Toulass / Palmisano

Location of property: 427 Piney Hill Rd

Location of Signs: _____

Remarks: _____

Posted by Mark Jawel

Signature

Date of return: _____

Number of Signs: _____

MICROFILMED



[illegible]

TOWSON, MD., 2/16, 1996

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 Feb. 15, 1996.

A. Henrichson
LEGAL AD. - TOWSON

LEGAL AD. - TOWSON

✓ 1202

Post by: 2/20/96

CASE NUMBER: 96-288-A (Item 288)

427 Piney Hill Road

~~S/S Piney Hill Road, 1460' W of c/l York Road~~

7th Election District - 3rd Councilmanic

Legal Owner: Rose M. Toulas

Contract Purchaser: Anthony J. Palmisano

Variance to allow a 35 foot side yard setback in lieu of a 50 foot setback along the western property line and to allow a 49 foot front yard setback in lieu of a 75 foot setback from the centerline of Piney Hill Road.

HEARING: WEDNESDAY, MARCH 6, 1996 at 9:00 a.m. in Room 106, County Office Building.

1202

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 012703

DATE 1-27-96 ACCOUNT R-001-015-000

96-288-A

AMOUNT \$ 85.00

RECEIVED FROM: PALMISANO
010 - VARIANCE -- 50.00 ITEM # 288
040 - SIGN - - - 35.00 Taken by: JRF
FOR: 85

03A9140144M1CHRC \$85.00
BA 0002:37PND1-29-96

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring 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 accessed 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, DIRECTOR

For newspaper advertising:

Item No.: 288 Petitioner: ANTHONY J. PALMISANO

Location: 427 PINEY HILL ROAD SPARKS, MD. 21152

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ANTHONY J. PALMISANO

ADDRESS: 3310 GIBBONS AVENUE

BALTIMORE, MD. 21214

PHONE NUMBER: (410) 426-3396





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 12, 1996

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: 96-288-A (Item 288)

427 Piney Hill Road

S/S Piney Hill Road, 1460' W of c/l York Road

7th Election District - 3rd Councilmanic

Legal Owner: Rose M. Toulas

Contract Purchaser: Anthony J. Palmisano

Variance to allow a 35 foot side yard setback in lieu of a 50 foot setback along the western property line and to allow a 49 foot front yard setback in lieu of a 75 foot setback from the centerline of Piney Hill Road.

HEARING: WEDNESDAY, MARCH 6, 1996 at 9:00 a.m. in Room 106, County Office Building.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Rose M. Toulas
Anthony J. Palmisano

- 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
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 28, 1996

Anthony J. Palmisano
3310 Gibbons Avenue
Baltimore, MD 21214

RE: Item No.: 288
Case No.: 96-288--A
Petitioner: R. M. Toulas

Dear Mr. Palmisano:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 29, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: Feb. 20, 1996
 Zoning Administration and Development Management

FROM: *pub* Robert W. Bowling, P.E., Chief
 Development Plans Review Division

RE: Zoning Advisory Committee Meeting
 for February 20, 1996
 Item No. 288

The Development Plans Review Division has reviewed the subject zoning item. Piney Hill Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

RWB:sw

RECEIVED
FEB 21 1996

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410)887-4880

DATE: 02/14/96

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

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF FEB. 12, 1996.

Item No.: SEE BELOW

Zoning Agenda:

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: 286, 287, (288), 289, 290,
292 AND 293.

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

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

2-14-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 288 (JRF)

Dear Ms. Watson:

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 affected 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,

Bob Small

for

Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

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

RECEIVED
FEB 15 1996

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 12, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 287, (288), and 290

3

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:

Jeffrey W. Long

Division Chief:

Pat L. Keller

PK/JL

RE: PETITION FOR VARIANCE * BEFORE THE
427 Piney Hill Road, S/S Piney Hill Rd, * ZONING COMMISSIONER
1460' W of c/l York Road, 7th * OF BALTIMORE COUNTY
Election District, 3rd Councilmanic *
Legal Owner: Rose M. Toulas *
Contract Purchaser: Anthony J. Palmisano * CASE NO. 96-288-A
Petitioners *
* * * * *

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 27th day of February, 1996, a copy of the foregoing Entry of Appearance was mailed to Legal Owner Rose M. Toulas, 423 Piney Hill Road, Sparks, MD 21152, and to Contract Purchaser Anthony J. Palmisano, 3310 Gibbons Avenue, Baltimore, MD 21214, Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

EXHIBIT "A" ATTACHED TO AND MADE A PART OF
DEED DATED 12-20-77, FROM MICHAEL A. BALENSON
TO GEORGE S. TOULAS and ROSE M. TOULAS, his wife.

BEGINNING for the first in or near the center of the macadam paving of the Piney Hill Road at the distance of 201.84 feet on the second or South 56 degrees 10 minutes 43 seconds West 301.84 foot line of the parcel of land described in a deed dated October 13, 1968, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5043, folio 422, which was conveyed by Calvin L. Talbott and wife to Eric Walbeck and wife, thence referring all courses and distances of the present description to the meridian of said deed, running in or near the center of the macadam paving of the Piney Hill Road and in the center of a 30 foot wide Right of Way heretofore established, and running with and binding on the remainder of said second line, and on the third, fourth and fifth lines of said parcel of land, by the four following courses and distances respectively, viz: South 56 degrees 10 minutes 43 seconds West 100.00 feet, South 58 degrees 51 minutes 25 seconds West 49.83 feet, South 64 degrees 08 minutes 25 seconds West 49.84 feet, and South 72 degrees 51 minutes 31 seconds West 49.81 feet; thence leaving the Piney Hill Road and running with and binding on the sixth line and a part of the seventh line of said parcel of land, by the two following courses and total distances respectively, viz: South 5 degrees 18 minutes 10 seconds East passing over three steel pipes heretofore set at the respective distances of 15.00 feet, 184.20 feet, and 291.79 feet, each measured from the beginning of the line now being described for a total distance of 330.41 feet to a steel pipe heretofore set, and North 50 degrees 11 minutes 50 seconds East 336.76 feet; thence leaving said seventh line and running for a line of division now made North 17 degrees 04 minutes 57 seconds West 241.94 feet to the place of beginning. Containing 1.687 acres of land more or less.

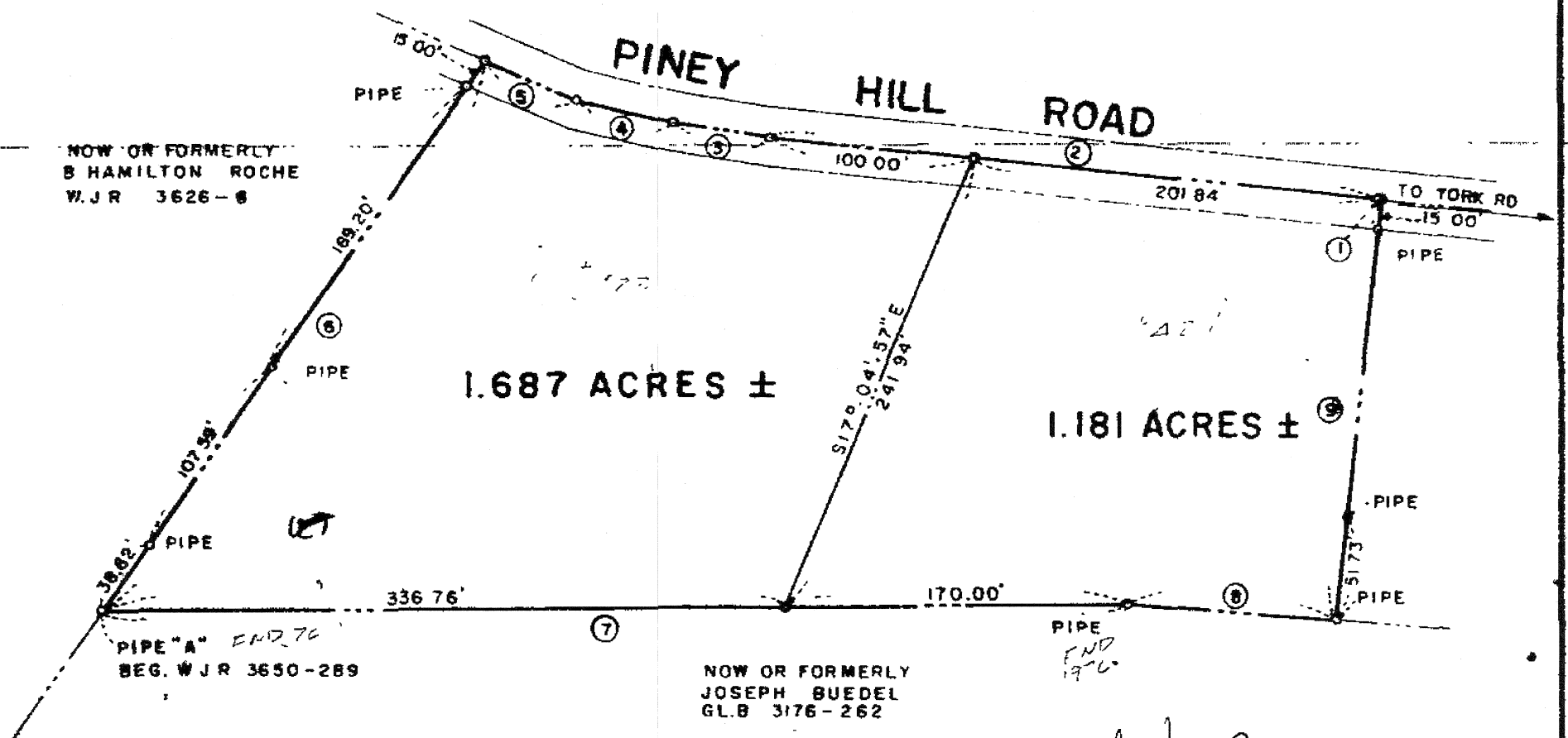
BEGINNING for the second in or near the center of the macadam paving of the Piney Hill Road at the beginning of the first line of the parcel of land described in a deed dated October 13, 1968, and recorded among the Land Records of Baltimore County in Liber O.T.G. No. 5043, folio 422, which was conveyed by Calvin L. Talbott and wife to Eric Walbeck and wife, thence referring all courses and distances of the present description to the meridian of said deed and running in or near the center of the Piney Hill Road and in the center of a 30 foot wide Right of Way heretofore established and running with and binding on said first line, and on a part of the second line of said parcel of land, by the two following courses and distances respectively, viz: South 56 degrees 20 minutes 25 seconds West 0.49 of a foot, and South 56 degrees 10 minutes 43 seconds West 201.84 feet; thence leaving the Piney Hill Road and running for a line of division now made South 17 degrees 04 minutes 57 seconds East 241.94 feet to intersect the seventh or North 50 degrees 11 minutes 50 seconds East 506.76 foot line of the abovementioned parcel of land; thence running with and binding on a part of said seventh line, and on the eighth and ninth or last line of said parcel of land, by the three following courses and total distances respectively, viz: North 50 degrees 11 minutes 50 seconds East 170.00 feet to a steel pipe heretofore set, North 54 degrees 11 minutes 50 seconds East 103.00 feet to a steel pipe heretofore set, and North 33 degrees 49 minutes 17 seconds West passing over two steel pipes heretofore set at the respective distances of 51.73 feet and 195.43 feet, each measured from the beginning of the line now being described for a total distance of 210.43 feet to the place of beginning. Containing 1.181 acres of land more or less.

THE IMPROVEMENTS thereon being now or formerly known as No. 423 Piney Hill Road.

SUBJECT to the use in common with others entitled thereto of a thirty foot wide Right of Way heretofore established to form the bed of the Piney Hill Road.

BEING the same property which by Deed dated June 7, 1976, and recorded among the Land Records of Baltimore County in Liber 5642, folio 200, was granted and conveyed by Eric Walbeck and Lynn Walbeck, his wife unto Michael A. Balenson, the within Grantor, in fee simple.

- NOW OR FORMERLY -
 B HAMILTON ROCHE
 W. J. R 3626 - 8

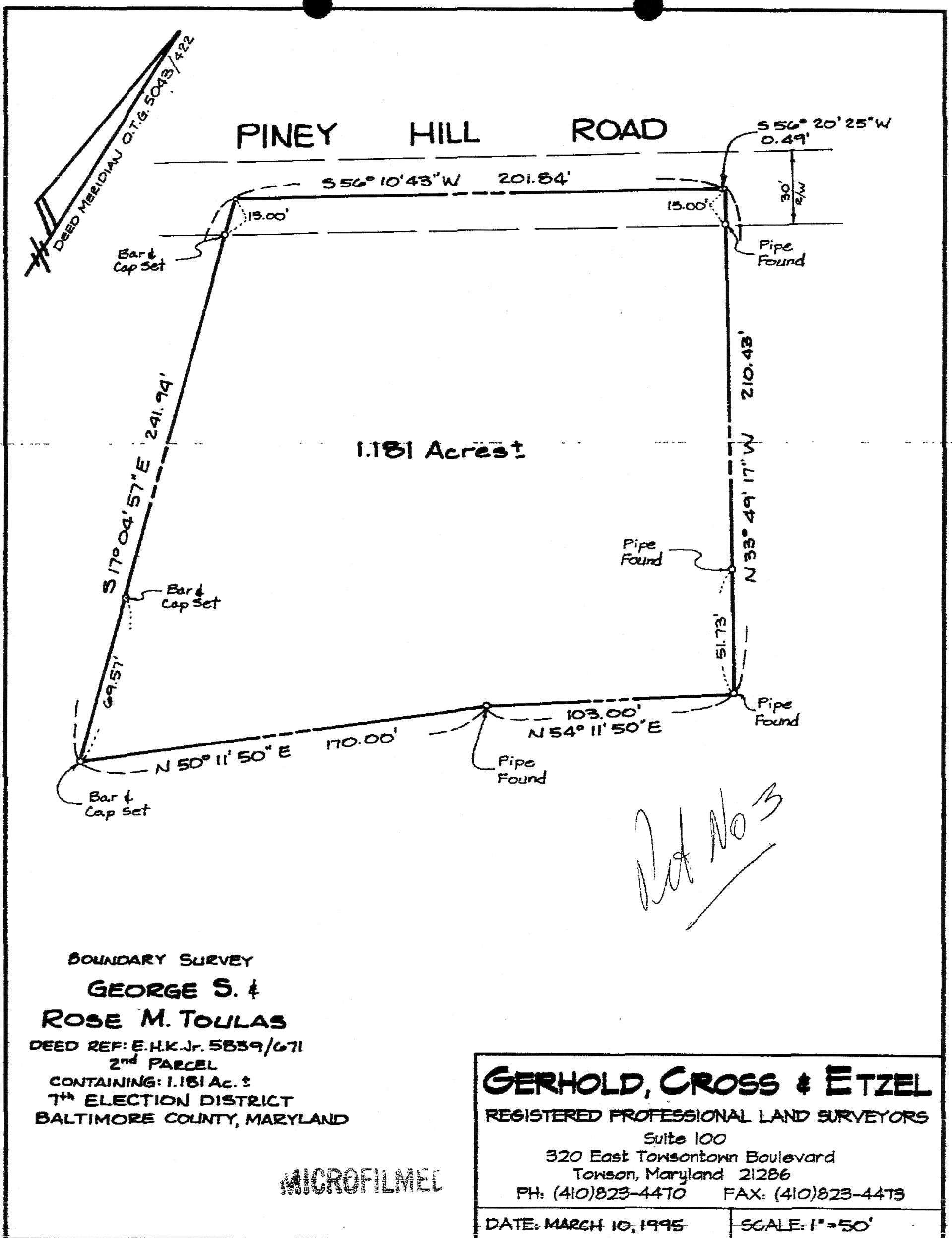


NOW OR FORMERLY
JOSEPH BUEDEL
GLB 3176-262

pet No 2

NO.	BEARINGS	DIST.
1	S56°-20'-25"W	0.49'
2	S56°-10'-43"W	301.84'
3	S58°-51'-25"W	49.83'
4	S64°-08'-25"W	49.84'
5	S72°-51'-31"W	49.81'
6	S5°-18'-10"E	330.41'
7	N50°-11'-50"E	506.76'
8	N54°-11'-50"E	103.00'
9	N33°-49'-17"W	210.43'

LEO W. RADER
REG. LAND SURVEYOR
38 BELFAST RD.
TIMONIUM, MD CL 2-2920



BOUNDARY SURVEY

GEORGE S. &

ROSE M. TOULAS

DEED REF: E.H.K.Jr. 5839/671

2nd PARCEL

CONTAINING: 1.181 Ac. ±

7th ELECTION DISTRICT

BALTIMORE COUNTY, MARYLAND

MICROFILMED

GERHOLD, CROSS & ETZEL

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100

320 East Towson Town Boulevard

Towson, Maryland 21286

PH: (410)823-4470

FAX: (410)823-4473

DATE: MARCH 10, 1995

SCALE: 1" = 50'

212370.2 MN
427457.5 ME

John
MICROFILMED

MAP 22-4324

SAMUEL H. PATTERSON
3400-104
94 A.
P. 20

P 273

ELISE G. BOYCE
2655/445
195 00 A.
P. 4

ELEANOR R. SPARENBERG
6470/225
22279 A.
P. 4

P 277

CLUB BROS
3400-110
141.01 A.
P. 23
PAR. 2

MAP 27- P 192

CLUB BROS
3400-110
141.01 A.
P. 23
PAR. 2

CLUB BROS
3400-110
141.01 A.
P. 23
PAR. 2

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P. 23
PAR. 2

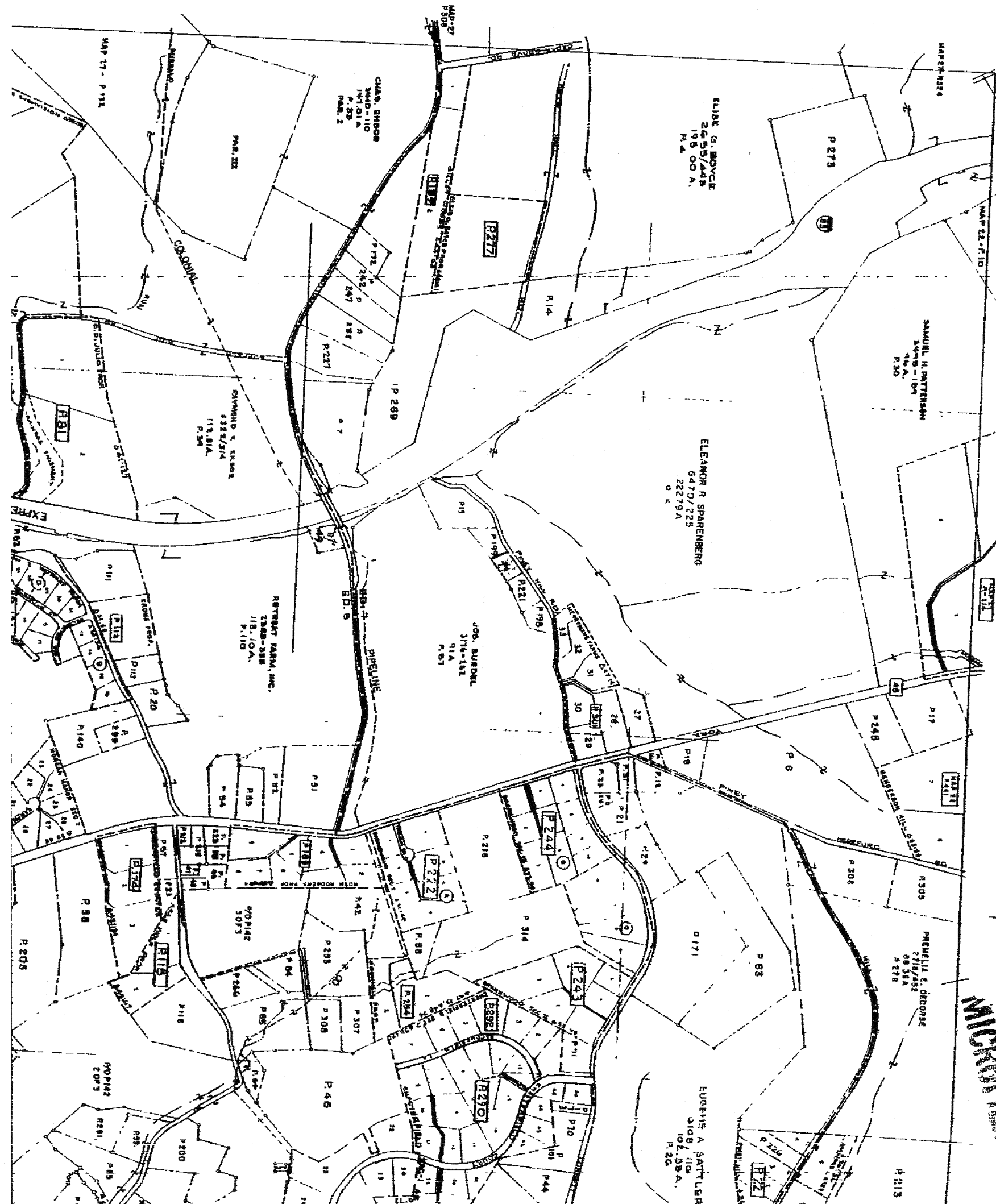
CLUB BROS
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PAR. 2

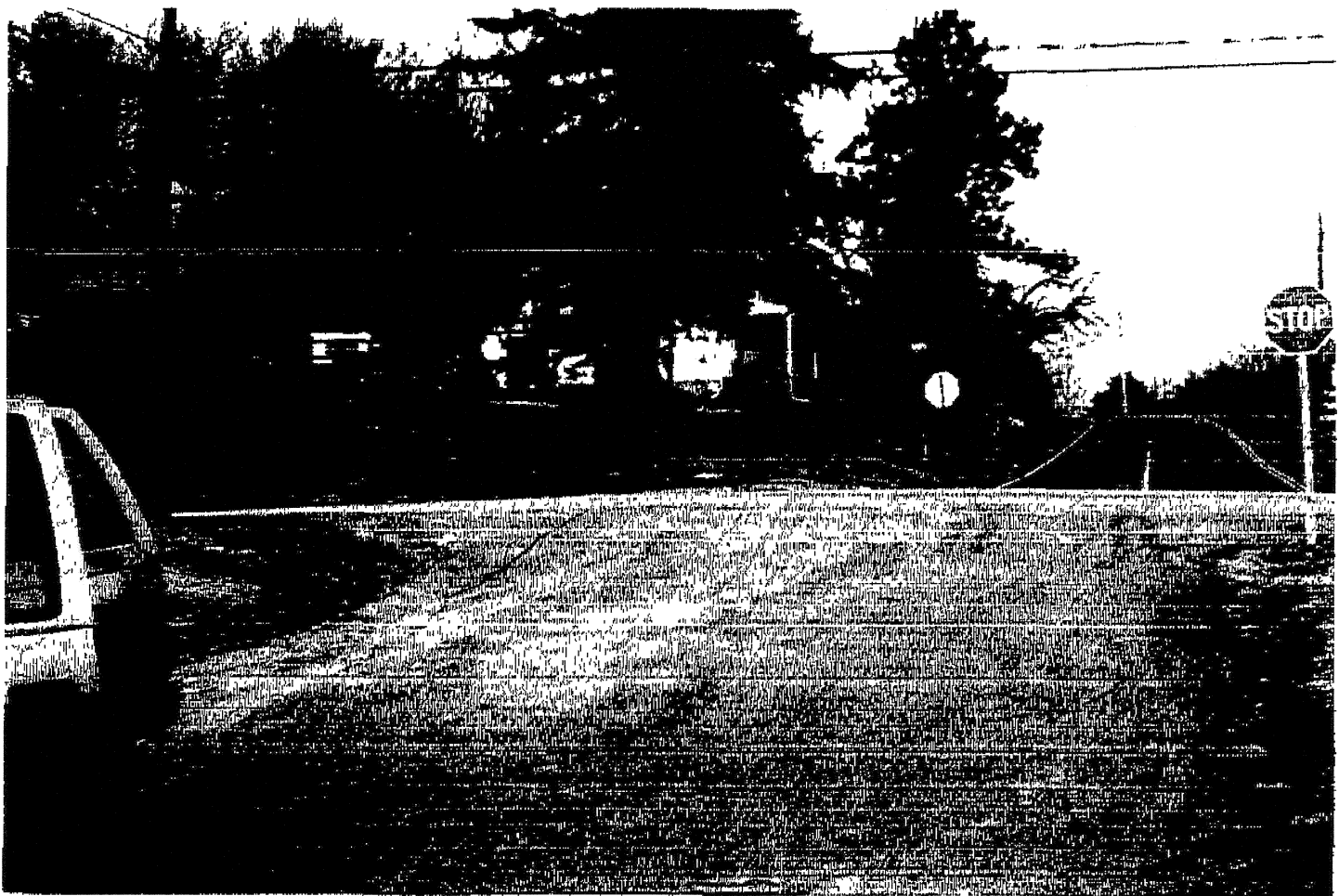
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3400-110
141.01 A.
P. 23
PAR. 2

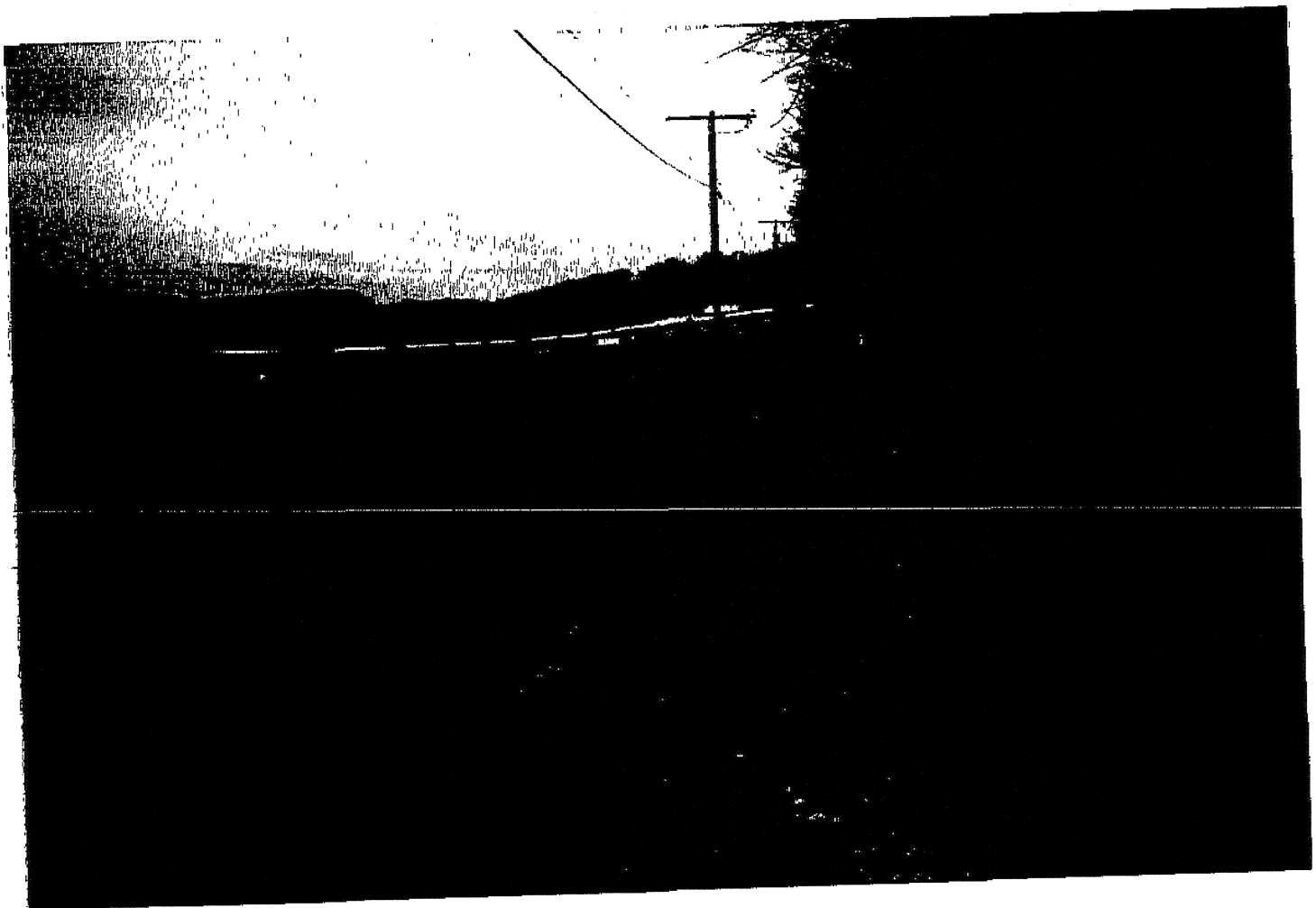
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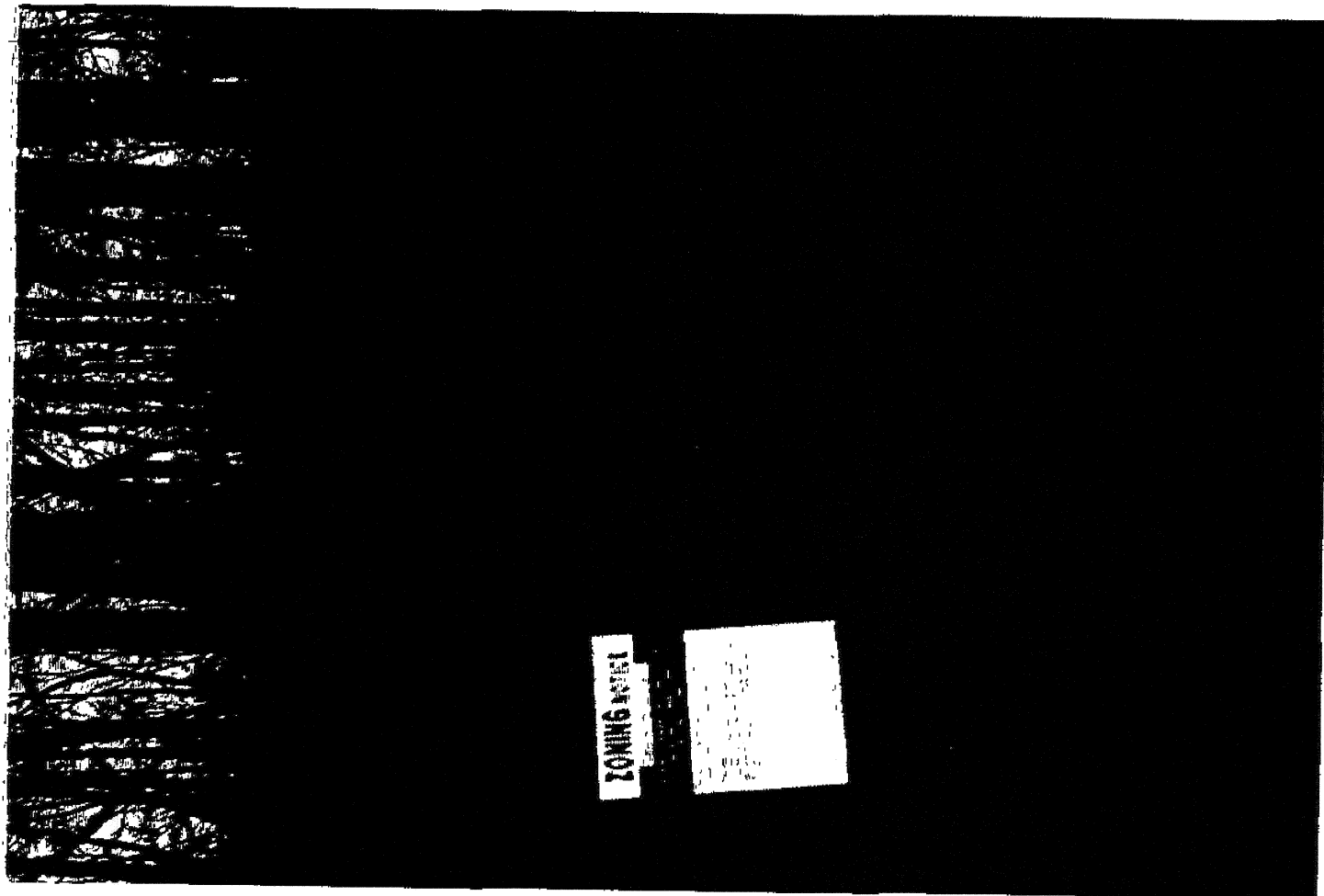
John
MICROFILMED















R.C. 2

96-288-A

R.C. 2

BEGINNING OF
ZONING DESCRIPTION
N 98655
W 13655

R.C. 2

R.C. 5

#288

R.C. 5

SCALE	LOCATION	SHEET
1" = 200' ±	EAST OF BACON HALL	N.W.
DATE OF PHOTOGRAPHY JANUARY 1986		25-C

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
5/9 Piney Hill Road, 1460 ft. * ZONING COMMISSIONER
W of c/l of York Road *
427 Piney Hill Road *
7th Election District * OF BALTIMORE COUNTY
3rd Councilmanic District *
Legal Owner: Rose M. Toulas * Case No. 96-288-A
Contract Purchaser: Anthony J. Palmisano, Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 427 Piney Hill Road in northern Baltimore County. The Petition is filed by Rose M. Toulas, property owner, and Anthony J. Palmisano, Contract Purchaser. Variance relief is requested from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a 35 ft. side yard setback in lieu of the required 50 ft. side yard setback as measured from the western property line, and to allow a 49 ft. front yard setback in lieu of the required 75 ft. The subject property and requested relief are more particularly shown on Petitioners' Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the requisite public hearing held for this case was Anthony Palmisano, Contract Purchase/co-Petitioner. Also present was Rick Palmisano and Marie Palmisano. Also appearing was Rose M. Toulas, property owner/co-Petitioner, and Gerard J. Toulas. Bruce Doak, the Registered Property Line Surveyor from Gerhold, Cross and Etzel, Inc., who prepared the site plan, also appeared and testified.

Testimony and evidence presented was that the subject property is approximately 1.181 acres in area zoned R.C.5. The site is a rectangularly shaped parcel with frontage on Piney Hill Road and is presently unimproved. A copy of a deed was offered at the hearing (Petitioners' Exhibit

No. 2) that indicates that the property was acquired by George S. Toulas and Rose M. Toulas in 1977. Mr. and Mrs. Toulas also own an adjoining property, known as 423 Piney Hill Avenue, on which a single family dwelling is erected. That parcel is 1.687 acres in size. Mr. and Mrs. Toulas purchased both properties in 1977 and each parcel is a separate lot of record, as defined in Section 101 of the BCZR. Mr. Palmisano proposes purchasing the subject lot and erecting a single family house thereon. The site plans submitted indicates the proposed building envelope. It is of note that the property contains significant site constraints which limit the area available for building. These constraints are clearly shown on the site plan and in numerous photographs which were presented at the hearing. Particularly, the site contains a steep slope, particularly towards the rear of the property. Mr. Doak explained that the building envelope shown was the only practical location for same in view of the site constraints. He indicated that the house could not be placed elsewhere on the property because of the significant slope of the rear of the property and the need for a septic reserve area in the front of the site.

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

-2-

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 granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 22nd day of March, 1996 that a variance from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (BCZR) to allow a 35 ft. side yard setback in lieu of the required 50 ft. side yard setback as measured from the western property line, and to allow a 49 ft. front yard setback in lieu of the required 75 ft., be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioners re 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.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4366

March 21, 1996

Mr. Anthony Palmisano
3310 Gibbons Avenue
Baltimore, Maryland 21214

RE: Case No. 96-288-A
Petition for Zoning Variance
Location: 427 Piney Hill Road

Dear Mr. Palmisano:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restriction, 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 887-3353.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES/mm

att.
c: Mrs. Rose M. Toulas, 423 Piney Hill Road, Sparks 21152
c: Mr. Bruce Doak, Gerhold, Cross & Etzel, Ltd.



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 427 Piney Hill Rd
96-288-A which is presently zoned RC 5

This Petition shall be filed with the Office of Zoning Administration & Development Management. 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(s) 1A04.3B.3

Variance to allow a 35 foot side-yard setback in lieu of a 50 foot setback along the western property line and to allow a 49 foot front-yard setback in lieu of a 75 foot setback from the centerline of Piney Hill Road.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)
Because of steep slopes in the building envelope and the position of the only septic reserve area that will perc, the proposed house can only be placed where setback variances are needed.

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(s):

ANTHONY J. PALMISANO

3310 GIBBONS AVE.

BALTIMORE, MD 21214

City

State

Signature

(Type or Print Name)

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Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood 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, DIRECTOR

For newspaper advertising:

Item No.: 288 Petitioner: ANTHONY J. PALMISANO

Location: 427 PINEY HILL ROAD SPARKS, MD 21152

PLEASE FORWARD ADVERTISING BILL TO:

NAME: ANTHONY J. PALMISANO

ADDRESS: 3310 GIBBONS AVENUE

BALTIMORE, MD 21214

PHONE NUMBER: (410) 426-3396

Printed with Soy-based Ink
on Recycled Paper

12



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 12, 1996

NOTICE OF HEARING

The Zoning Commission 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: 96-288-4 (Item 288)

427 Piney Hill Road

5/8 Piney Hill Road, 1660' x of c/l Rock Road

7th Election District - 3rd Councilmanic

Legal Owner: Rose M. Towles

Contract Purchaser: Anthony J. Palmisano

Variance to allow a 35 foot side yard setback in lieu of a 50 foot setback along the western property line and to allow a 45 foot front yard setback in lieu of a 75 foot setback from the centerline of Piney Hill Road.

HEARING: MONDAY, MARCH 6, 1996 at 9:00 a.m. in Room 106, County Office Building.

Carl John

Arnold Jablon

Director

cc: Rose M. Towles

Anthony J. Palmisano

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

(2) READINGS ARE MANUSCRIPTED ACCESSIBLE FOR PUBLIC COMMENTATIONS PLEASE CALL 887-3393.

(3) FOR INFORMATION CONCERNING THE FILE NUMBER, HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soy-based Ink
on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

February 28, 1996

Anthony J. Palmisano
3310 Gibbons Avenue
Baltimore, MD 21214

RE: Item No.: 288
Case No.: 96-288-A
Petitioner: R. M. Towles

Dear Mr. Palmisano:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on January 29, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: Feb. 20, 1996
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review Division

RE: Zoning Advisory Committee Meeting
for February 20, 1996
Item No. 288

The Development Plans Review Division has reviewed the subject zoning item. Piney Hill Road is an existing road, which shall ultimately be improved as a 40-foot street cross-section on a 60-foot right-of-way.

RWB:sm

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 02/14/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1103

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETINGS OF FEB. 12, 1996.

Item No.: SEE BELOW Zoning Agenda:

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.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 286, 287, 288, 289, 290, 292 AND 293.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1103F

cc: File

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on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 288 (JRF)

Dear Ms. Watson:

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 affected 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,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2259 Statewide Toll Free

Mailing Address: P.O. Box 1724 Baltimore, MD 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: February 12, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

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

Item Nos. 287, 288, and 290 3

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 887-3460.

Prepared by: *Jeffrey W. Long*

Division Chief: *Pat Keller*

PK/JL

ITEM287/PZCNR/ZAC1

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

David D. Gorman, George J. Etzel, Jr.	320 E. TOWSON AVE. Towson, MD 21206
Rick Palmisano	17 STARLIGHT FARM DR. Pikesville, MD 21113
Anthony J. Palmisano	3310 GIBBONS AVE. 21214
Marie Palmisano	3310 GIBBONS AVE. 21214
Rose M. Towles	423 PINEY HILL RD. 21152
Grand S. 100 lbs	7342 Ring Factory Rd. 21015

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on Recycled Paper

DEED

LIBR 5839 PAGE 71

LAW OFFICES OF
J. ELMER WEISHEIT, JR.
App. No. 50-32330

THIS DEED, Made this 20 day of December, in the year one thousand nine hundred and seventy-seven, by and between
MICHAEL A. BALEDSON, of the first part, Grantor; and GEORGE S. TOULAS and ROSE M. TOULAS, his wife, of the second part, Grantees.

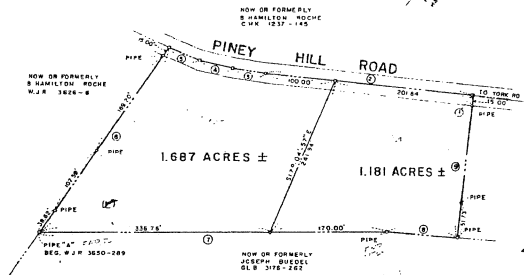
WITNESSETH: That in consideration of the sum of Five Dollars, and other valuable considerations, the receipt whereof is hereby acknowledged, the said Grantor does hereby grant, convey and assign unto the within Grantees, as tenants by the entireties, their assigns, the service of them, his or her personal representatives and assigns, in fee simple, all those

lot(s) of ground
situate in Baltimore County,
in the State of Maryland, and described as follows: that is to say:
FOR DESCRIPTION AND TITLE REFERENCE SEE EXHIBIT "A" ATTACHED HERETO AND HAVE A PART HEREOF.

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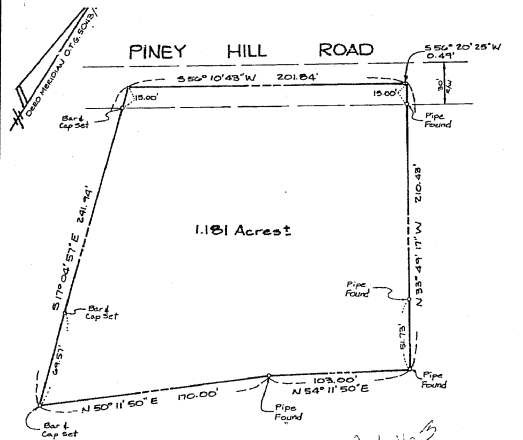
Page 1 of 2

PLAT OF PROPERTY
LOCATED IN
SEVENTH ELECTION DISTRICT
BALTO. COUNTY MARYLAND
SCALE 1" = 100'
MAR. 10, 1961
AMENDED: JUNE 2, 1976



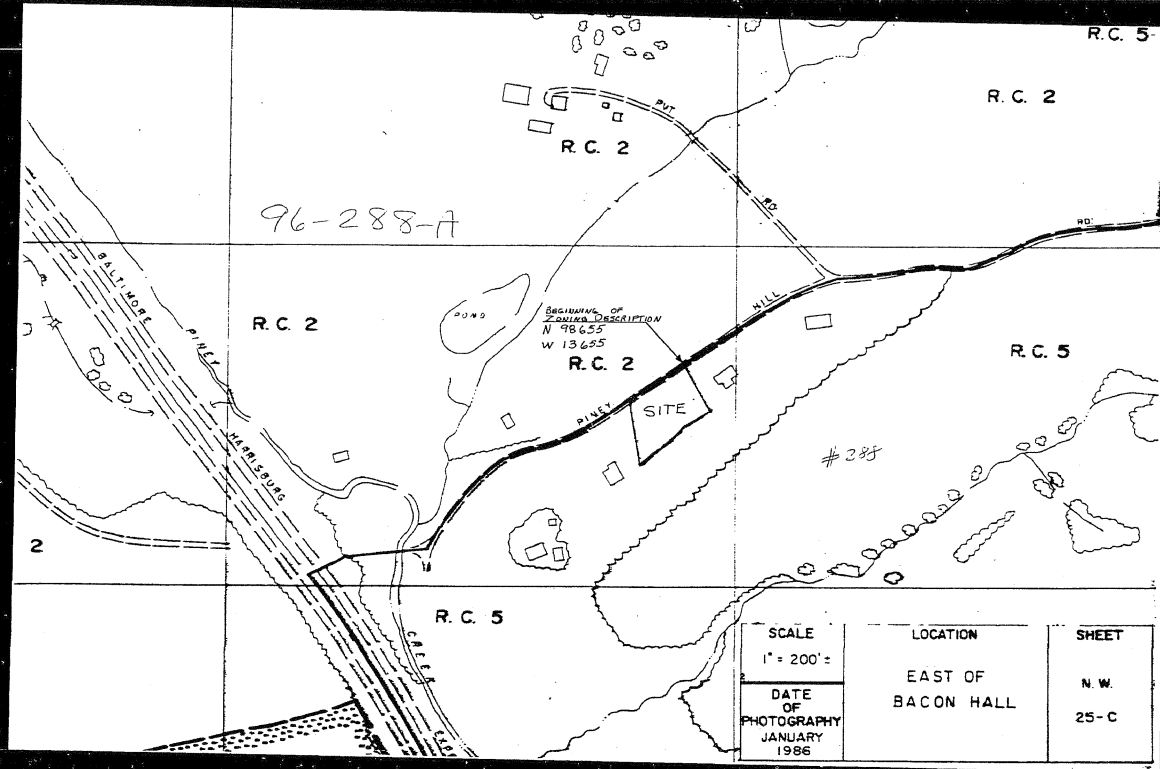
NO.	BEARINGS	DIST.
1	S56°20'25"W	0.45'
2	S66°10'45"W	301.84'
3	S58°51'25"W	49.83'
4	S64°08'25"W	49.84'
5	S72°51'31"W	49.81'
6	S5°18'10"E	330.41'
7	N60°11'50"E	505.78'
8	N54°11'50"E	103.00'
9	N33°49'17"W	210.43'

LEO W. RADER
REG. LAND SURVEYOR
38 BELFAST RD
TIMONUM, MD. CL 2-2920



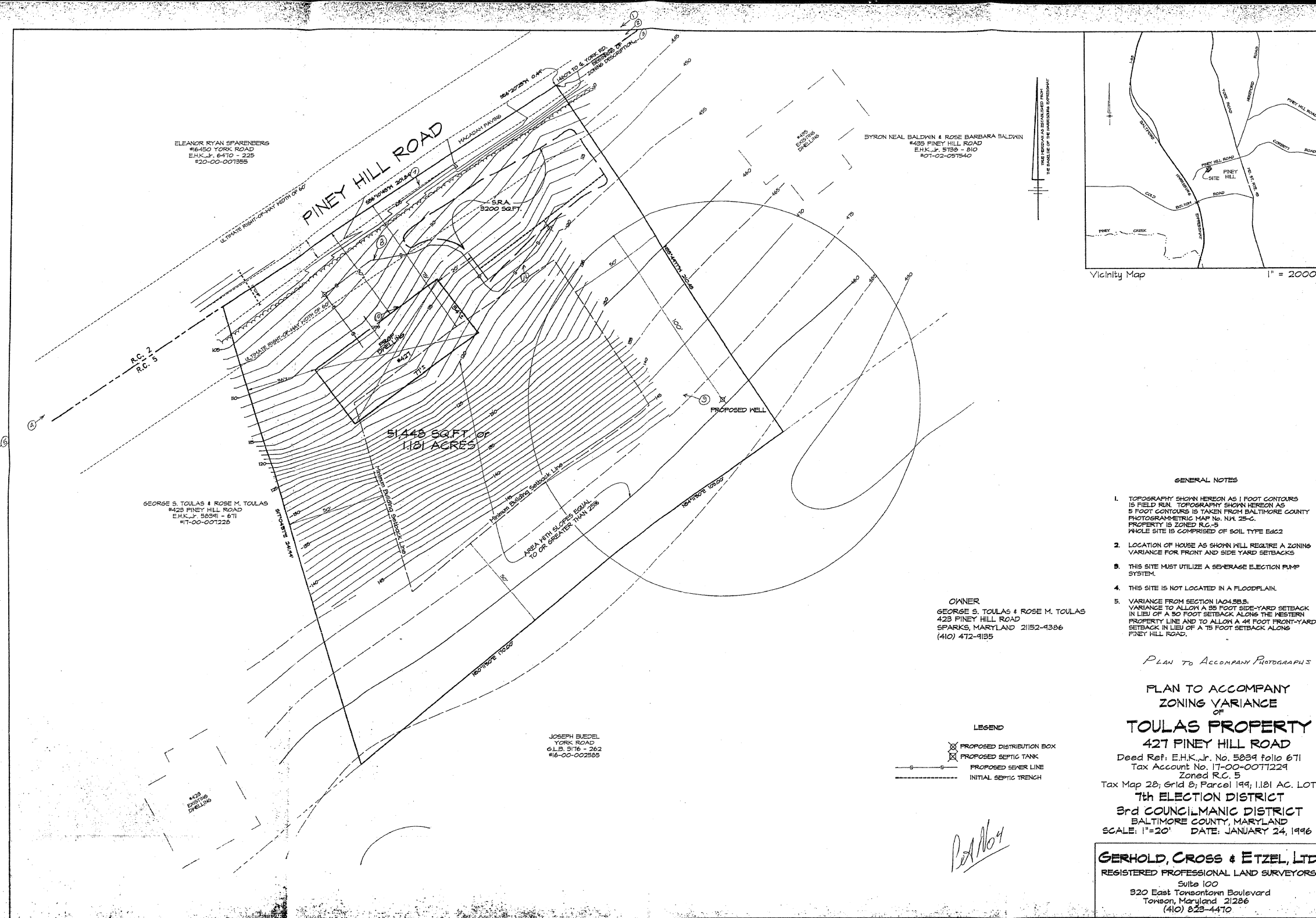
BOUNDARY SURVEY
GEORGE S. &
ROSE M. TOULAS
DEED REF. E.H.K. 5859/471
CONTAINING: LIB. AC. 2
7th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

GERHOLD, CROSS & ETZEL
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
520 East Towson Avenue
Towson, Maryland 21204
PH. (410) 823-4470 FAX. (410) 823-4475
DATE: MARCH 10, 1995 SCALE: 1" = 50'



SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986
LOCATION
EAST OF
BACON HALL
SHEET
N.W.
25-C





ELEANOR RYAN SPARENBERG
#16450 YORK ROAD
E.H.K.J. 6470 - 229
#20-00-007355

PINEY HILL ROAD

BYRON NEAL BALDWIN & ROSE BARBARA BALDWIN
#425 PINEY HILL ROAD
E.H.K.J. 5736 - 810
#01-02-057540

GEORGE S. TOULAS & ROSE M. TOULAS
#423 PINEY HILL ROAD
E.H.K.J. 5591 - 671
#17-00-0071228

51,445 SQ. FT. OF
1.181 ACRES

JOSEPH BUEDEL
YORK ROAD
G.L.B. 3176 - 262
#16-00-002585

OWNER
GEORGE S. TOULAS & ROSE M. TOULAS
423 PINEY HILL ROAD
SPARKS, MARYLAND 21152-4386
(410) 472-1135

LEGEND

- PROPOSED DISTRIBUTION BOX
- PROPOSED SEPTIC TANK
- PROPOSED SEWER LINE
- INITIAL SEPTIC TRENCH

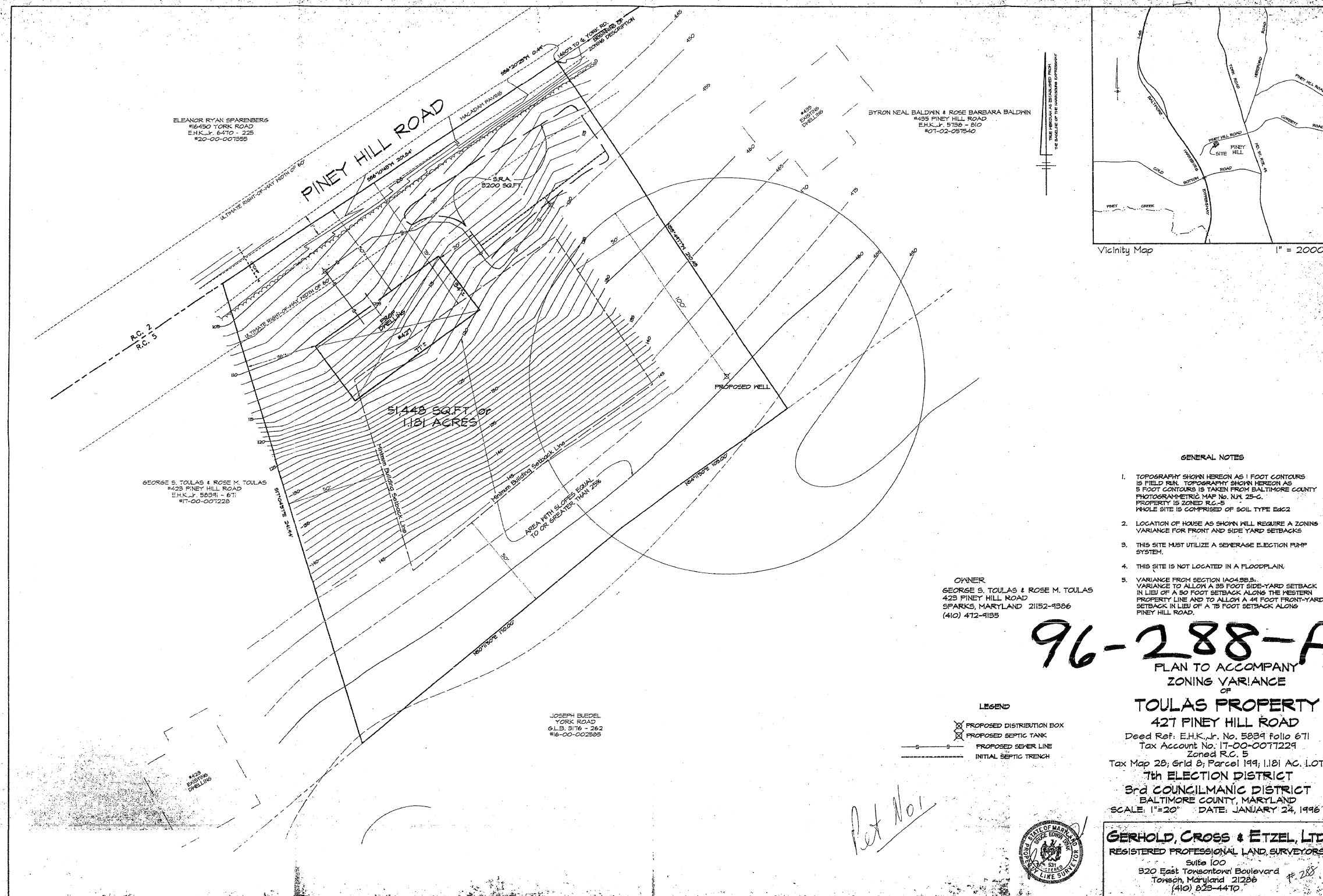
GENERAL NOTES

- TOPOGRAPHY SHOWN HEREON AS 1 FOOT CONTOURS IS FIELD RUN. TOPOGRAPHY SHOWN HEREON AS 5 FOOT CONTOURS IS TAKEN FROM BALTIMORE COUNTY PHOTOGRAMMETRIC MAP No. NM 25-C. PROPERTY IS ZONED R.C.-5. WHOLE SITE IS COMPRISED OF SOIL TYPE Edc2.
- LOCATION OF HOUSE AS SHOWN WILL REQUIRE A ZONING VARIANCE FOR FRONT AND SIDE YARD SETBACKS.
- THIS SITE MUST UTILIZE A SEWERAGE EJECTION PUMP SYSTEM.
- THIS SITE IS NOT LOCATED IN A FLOODPLAIN.
- VARIANCE FROM SECTION 104.55B, VARIANCE TO ALLOW A 35 FOOT SIDE-YARD SETBACK IN LIEU OF A 50 FOOT SETBACK ALONG THE WESTERN PROPERTY LINE AND TO ALLOW A 44 FOOT FRONT-YARD SETBACK IN LIEU OF A 75 FOOT SETBACK ALONG PINEY HILL ROAD.

PLAN TO ACCOMPANY PHOTOGRAPHS

PLAN TO ACCOMPANY
ZONING VARIANCE
OF
TOULAS PROPERTY
427 PINEY HILL ROAD
Deed Ref: E.H.K.J. No. 5839 folio 671
Tax Account No. 17-00-0071229
Zoned R.C. 5
Tax Map 28; Grid B; Parcel 199; 1.181 AC. LOT
7th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20' DATE: JANUARY 24, 1996

GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
820 East Towsontown Boulevard
Towson, Maryland 21206
(410) 825-4470



- GENERAL NOTES
1. TOPOGRAPHY SHOWN HEREON AS 1 FOOT CONTOURS IS FIELD RUN. TOPOGRAPHY SHOWN HEREON AS 5 FOOT CONTOURS IS TAKEN FROM BALTIMORE COUNTY PHOTOGRAMMETRIC MAP No. N.M. 25-G. PROPERTY IS ZONED R.C. 5. WHOLE SITE IS COMPRISED OF SOIL TYPE E4C2.
 2. LOCATION OF HOUSE AS SHOWN WILL REQUIRE A ZONING VARIANCE FOR FRONT AND SIDE YARD SETBACKS.
 3. THIS SITE MUST UTILIZE A SEWERAGE ELECTION PUMP SYSTEM.
 4. THIS SITE IS NOT LOCATED IN A FLOODPLAIN.
 5. VARIANCE FROM SECTION 10A4.5B.3, VARIANCE TO ALLOW A 35 FOOT SIDE-YARD SETBACK IN LIEU OF A 50 FOOT SETBACK ALONG THE WESTERN PROPERTY LINE AND TO ALLOW A 44 FOOT FRONT-YARD SETBACK IN LIEU OF A 15 FOOT SETBACK ALONG PINEY HILL ROAD.

OWNER
GEORGE S. TOULAS & ROSE M. TOULAS
423 PINEY HILL ROAD
SPARKS, MARYLAND 21152-1306
(410) 412-4185

- LEGEND
- PROPOSED DISTRIBUTION BOX
 - PROPOSED SEPTIC TANK
 - PROPOSED SEWER LINE
 - INITIAL SEPTIC TRENCH



GERHOLD, CROSS & ETZEL, LTD.
REGISTERED PROFESSIONAL LAND SURVEYORS
Suite 100
820 East Towsontown Boulevard
Towson, Maryland 21206
(410) 823-4470

96-288-A
PLAN TO ACCOMPANY
ZONING VARIANCE
OF
TOULAS PROPERTY
427 PINEY HILL ROAD
Deed Ref: E.H.K., Jr. No. 5839 folio 671
Tax Account No. 17-00-0071229
Zoned R.C. 5
Tax Map 28; Grid B; Parcel 199; 1.181 AC. LOT
7th ELECTION DISTRICT
3rd COUNCILMANIC DISTRICT
BALTIMORE COUNTY, MARYLAND
SCALE: 1"=20' DATE: JANUARY 24, 1996

