

IN RE: PETITION FOR ADMIN. VARIANCE * BEFORE THE
NE/S Arbutus Avenue, 286' SE of *
the c/l of Ridge Avenue * DEPUTY ZONING COMMISSIONER
(1711 Arbutus Avenue) *
13th Election District * OF BALTIMORE COUNTY
1st Councilmanic District *
Case No. 96-479-A
Joseph Lee Nicolai, et ux *
Petitioners *

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 1711 Arbutus Avenue, located in the vicinity of Washington Boulevard in Halethorpe. The Petition was filed by the owners of the property, Joseph Lee and Diane Marie Nicolai. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of 0 feet in lieu of the minimum required 2.5 feet to replace an existing 10' x 18' detached garage with the proposed 14' x 24' detached garage. The subject property and relief sought are more particularly described on the Petition filed and the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

A Petition for Administrative Variance has been filed and the subject property duly posted. There being no requests for public hearing on the matter, a decision shall be rendered based upon the documentation contained within the case file.

The Petitioners have 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 variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

ORDER RECEIVED FOR FILING

Date

By

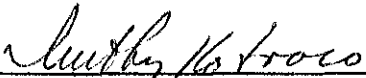
MICROFILMED

of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 10th day of July, 1996 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of 0 feet in lieu of the minimum required 2.5 feet to replace an existing 10' x 18' detached garage with the proposed 14' x 24' detached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

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
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING
Date 7/10/96
By [Signature]

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 10, 1996

Mr. & Mrs. Joseph Lee Nicolai
1711 Arbutus Avenue
Halethorpe, Maryland 21227

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NE/S Arbutus Avenue, 286' SE of the c/l of Ridge Avenue
(1711 Arbutus Avenue)
13th Election District - 1st Councilmanic District
Joseph Lee Nicolai, et ux - Petitioners
Case No. 96-479-A

Dear Mr. & Mrs. Nicolai:

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

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

MICROFILMED





Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1711 ARBUTUS AVE.

which is presently zoned RESIDENTIAL

96-479-A

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) 400.1, BCL2R, TO PERMIT

AN ACCESSORY STRUCTURE (GARAGE) WITH A SETBACK OF 0' IN LIEU OF THE REQUIRED 2.5'.

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

I WOULD LIKE TO REPLACE MY EXISTING 10'X18' GARAGE WITH A 14'X24' GARAGE + BECAUSE THE LOT IS NARROW, IT IS NECESSARY TO BUILD ON THE PROPERTY LINE AGAIN.

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

Contract Purchaser/Lessee

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No

City

State

Zipcode

Legal Owner(s)

JOSEPH LEE NICOLAI
(Type or Print Name)

Joseph Lee Nicolai
Signature

DIANE MARIE NICOLAI
(Type or Print Name)

Diane Marie Nicolai
Signature

1711 ARBUTUS AVE
Address

242-8412 (Home)
633-6800 (work)
Phone No.

HALETHORPE, MD. 21227
City State Zipcode

Name, Address and phone number of representative to be contacted

JOE NICOLAI
Name

SAME
Address

Phone No

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, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted

Zoning Commissioner of Baltimore County

REVIEWED BY: JAM DATE: 6-12-96
ESTIMATED POSTING DATE: 6/23

Printed with Soybean Ink
on Recycled Paper

ITEM #: 494

MICROFILMED

ORDER RECEIVED FOR FILING

Date By

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) does/do presently reside at 1711 ARBUTUS AVE.
address
HALETHORPE, MD. 21227
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: (indicate hardship or practical difficulty)

I WOULD LIKE TO REPLACE MY EXISTING 10'X12' GARAGE WITH A 14'X24' GARAGE & BECAUSE THE LOT IS NARROW, IT IS NECESSARY TO BUILD ON THE PROPERTY LINE AGAIN.

I HAVE THE PERMISSION OF THE OWNER OF THE ADJOINING PROPERTY, DON SKINNAR, TO DO THIS.

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 Lee Nicolai
(signature)
JOSEPH LEE NICOLAI
(type or print name)



Diane Marie Nicolai
(signature)
DIANE MARIE NICOLAI
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 8th day of June, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph Lee and Diane Marie Nicolai

the Affiants(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/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

6/8/96
date

Patricia G. Harris
NOTARY PUBLIC

My Commission Expires: 11/30/97

96-479-A

ZONING DESCRIPTION FOR 1711 ARBUTUS AVE
(address)

Beginning at a point on the NORTH EAST side of
(north, south, east or west)

ARBUTUS AVE which is 50'
name of street on which property fronts (number of feet of right-of-way width)

wide at the distance of 286' SOUTH EAST of the
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street RIDGE AVE
(name of street)

which is 50' wide. *Being Lot # 443.
(number of feet of right-of-way width)

Block _____, Section # _____ in the subdivision of HALETHORPE
(name of subdivision)

as recorded in Baltimore County Plat Book # 5, Folio # 40.

containing 5,063 S.F. Also known as 1711 ARBUTUS AVE.
(square feet or acres) (property address)

and located in the 13 Election District, 1 Councilmanic District.

494

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CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland 96-428-A

District 13th Date of Posting 6/21/96

Posted for Varonco

Petitioner: Joseph & Maria Nicolai

Location of property: 1711 Rybicki Hwy, NEIS

Location of Signs: Facing roadway on property bearing Road

Remarks: _____

Posted by [Signature] Date of return: 6/27/96

Number of Signs: 1

MICROFILMED

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

494 No. 022603

96-474-A

DATE 6-12-96 ACCOUNT 2001-150

AMOUNT \$ 85.00

RECEIVED
FROM:

Joseph Nicolai

1711

Arbutus Ave.

FOR:

ABRIN (CIN)

50.00

POSITIVE (CIN)

35.00

MICROFILMED

DC 6718064411111111

PA 1002459806-12 76

85.00

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

Jung

ADDRESS: 1711 ARBUTUS AVE

HALETHORPE, MARYLAND 21227

PHONE NUMBER: (410) 242-8412





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.: 494 Petitioner: JOSEPH LEE NICOLAI

Location: 1711 ARBUTUS AVE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOSEPH LEE NICOLAI

ADDRESS: 1711 ARBUTUS AVE

HALETHORPE, MARYLAND 21227

PHONE NUMBER: (410) 242-8412





Baltimore County
Department of Permits and
Development Management

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

June 20, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-479-A (Item 494)
1711 Arbutus Avenue
NE/S Arbutus Avenue, 286'+/- SE of c/l Ridge Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): Joseph Lee Nicolai and Diane Marie Nicolai

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before June 23, 1996. The closing date (July 8, 1996) 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 reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting 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 \$60.00 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

cc: Joseph and Diane Nicolai

MICROFILMED





Baltimore County
Department of Permits and
Development Management

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

July 3, 1996

Joseph and Diane Nicolai
1711 Arbutus Avenue
Halethorpe, MD 21227

RE: Item No.: 494
Case No.: 96-479-A
Petitioner: Joseph Nicolai, et ux

Dear Mr. and Mrs. Nicolai:

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 June 23, 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 Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

A handwritten signature in black ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 06/26/96

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 JUNE 24, 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: 490, 491, 493, 494, 495, 496,
497, 498 and 499.

2 1996

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

cc: File



Printed with Soybean Ink
on Recycled Paper

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 6/27/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: For July 1, 1996

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

490
492
493
494
495
496
498
499

RBS:sp

BRUCE2/DEPRM/TXTSBP

RECEIVED



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

6-21-96

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

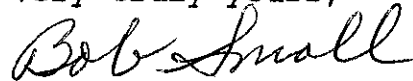
RE: Baltimore County
Item No. 494 (JCM)

Dear Ms. Watson:

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

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,



Ronald Burns, Chief
Engineering Access Permits
Division

BS

MICROFILMED

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

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: June 19, 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):

476, 9nd
Item No. Nos. 490, 492, 493, 494, 495, 496, 498, and 499

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 887-3495.

Prepared by:

Jeffrey Long

Division Chief:

Carol L. Kerns

PK/JL

Mr. & Mrs. Edwin D. Shinnamon
1709 Arbutus Avenue
Halethorpe, Maryland 21227

June 10, 1996

To Whom it may concern:

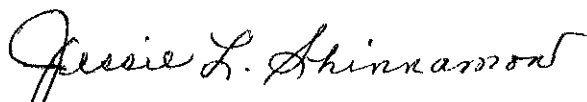
As property owners of 1709 Arbutus Avenue in Halethorpe, we agree that the property owners of 1711 Arbutus Avenue may replace their existing garage. This garage is situated within inches of the property line between our two properties. We also agree that the new garage may be larger than the existing garage, which is 10' x 18'. Plans are for the new garage to measure 14' x 24' and , again, to be built on the property line between our two properties.

We are in full agreement with these plans and will not oppose them in any way.

Sincerely,



Edwin D. Shinnamon



Jessie L. Shinnamon

CC: J. Lee Nicolai
1711 Arbutus Avenue

494

MICROFILMED

☐ Special Hearing

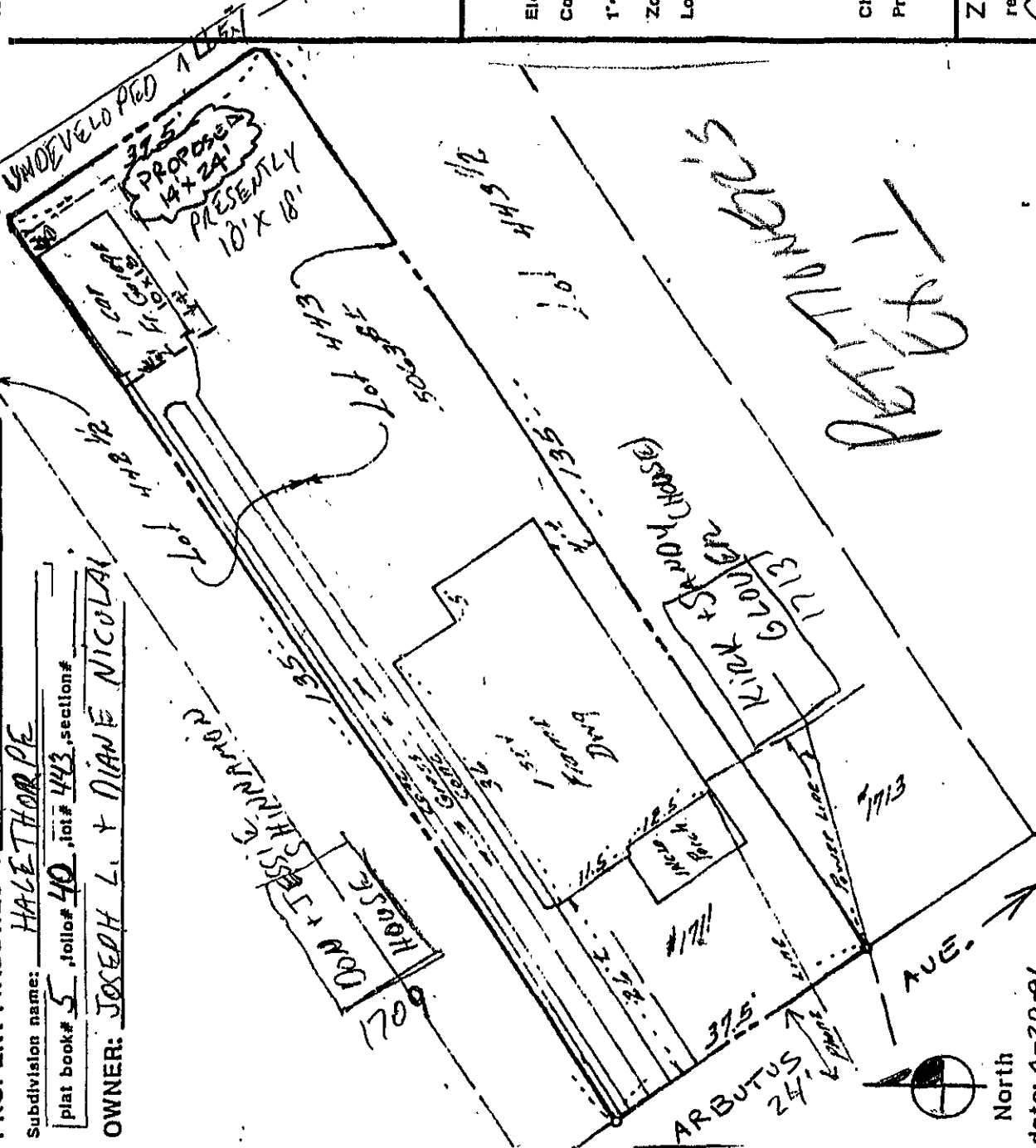
PROPERTY ADDRESS: 1711 ARBOLAS AVE 1
see pages 3 & 6 of the CHECKLIST for additional required information

PROPERTY ADDRESS: 1711 ARBUTUS AVE

Subdivision name: HALETHORPE

plat book # 5, folio # 40, lot # 443, section # _____

OWNER: JOSEPH L. + DIANE NICOLAI



LOCATION INFORMATION

Election District: 13

Councilman's District: 7

1"=200' scale map#:

Zoning: RESIDENTIAL

Lot size: 3,000's

acreage
square feet

public ☐ private ☐

SEWER: ☒ public ☐ private ☒

WATER: ☒ public ☐ private ☒

Chesapeake Bay Critical Area: ☐ yes ☒ no

Prior Zoning Hearings: *None*

Zoning Office USE ONLY!

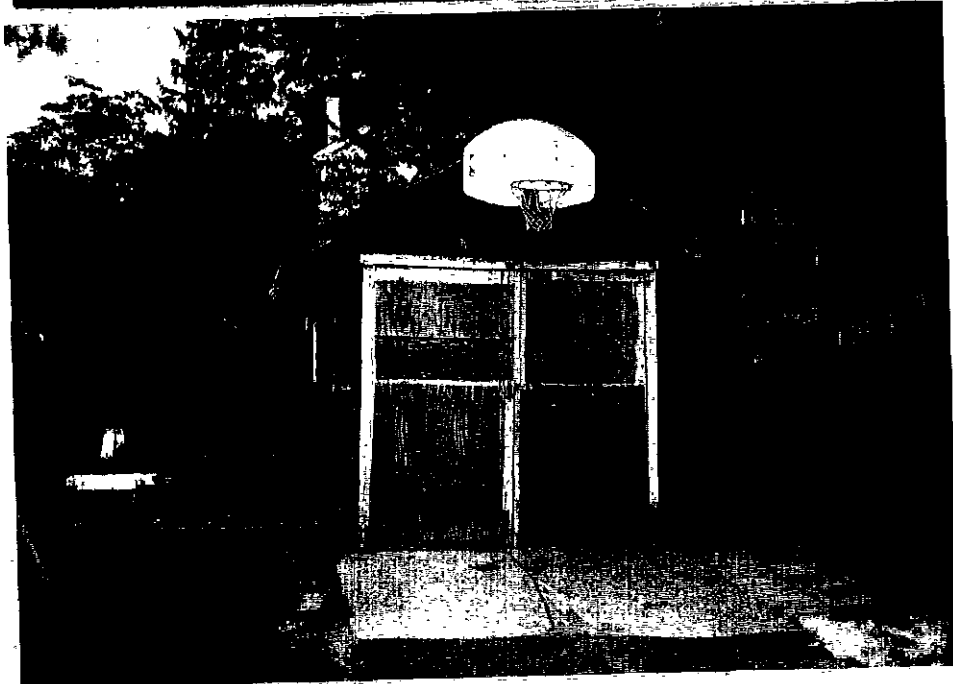
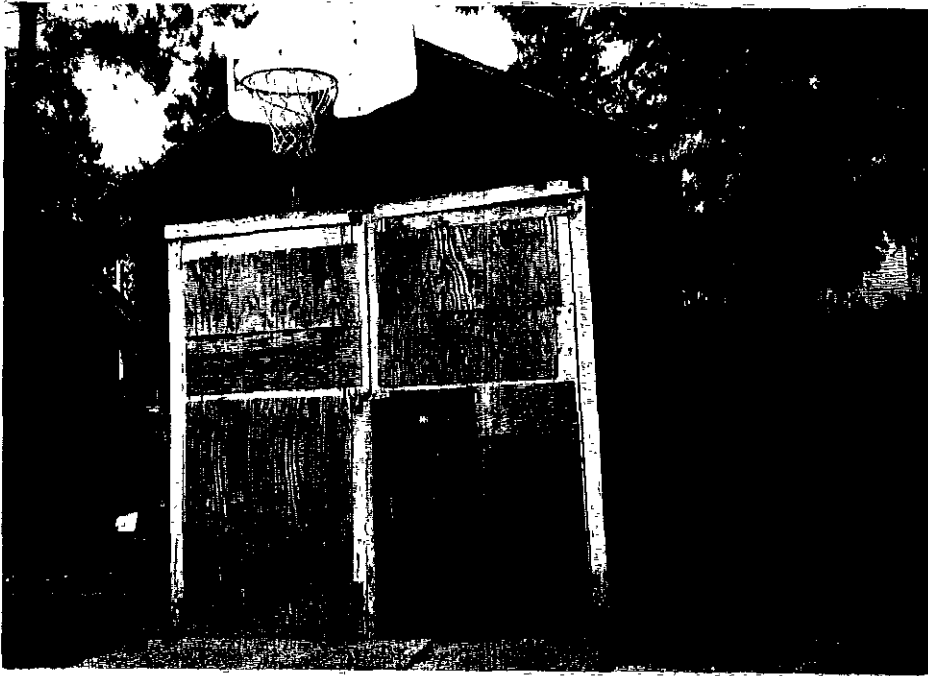
reviewed by: ITEM #: CASE#:

Sam 494

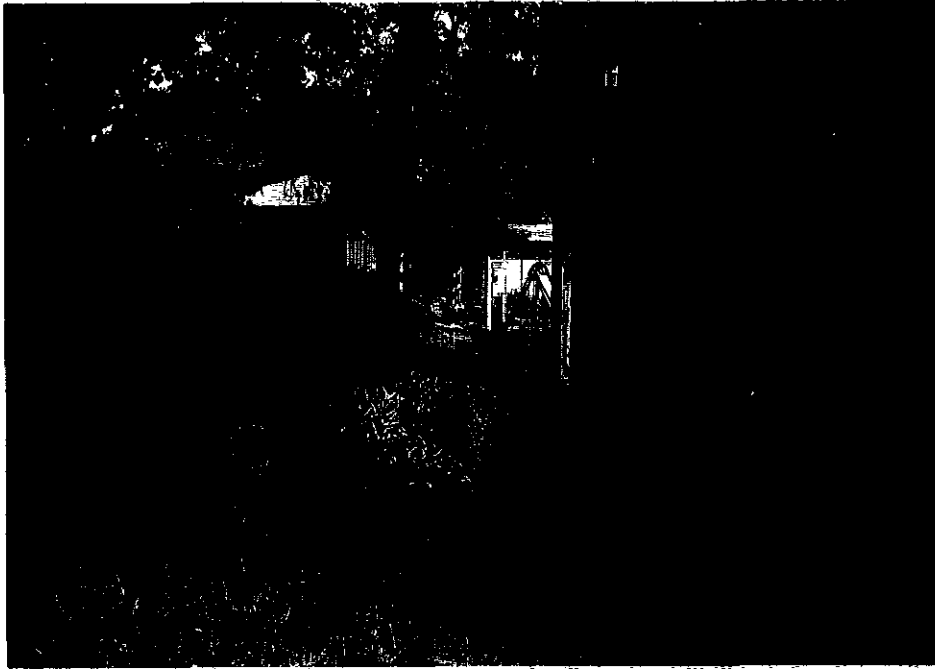
date: 4-20-96 ✓
prepared by: HAR24 PLU MM42
Scale of Drawing: 1" = 20'

prepared by: HARZEL PLUMMER

Scale of Drawing: 1" = 20'



96-479-A



MICROFILMED

IN RE: PETITION FOR ADMIN. VARIANCE
NE/S Arbutus Avenue, 286' SE of
the c/l of Ridge Avenue
(1711 Arbutus Avenue)
13th Election District
1st Councilmanic District
Joseph Lee Nicolai, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 96-479-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Administrative Variance for that property known as 1711 Arbutus Avenue, located in the vicinity of Washington Boulevard in Halethorpe. The Petition was filed by the owners of the property, Joseph Lee and Diane Marie Nicolai. The Petitioners seek relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of 0 feet in lieu of the minimum required 2.5 feet to replace an existing 10' x 18' detached garage with the proposed 14' x 24' detached garage. The subject property and relief sought are more particularly described on the Petition filed and the site plan submitted into evidence and marked as Petitioner's Exhibit 1.

A Petition for Administrative Variance has been filed and the subject property duly posted. There being no requests for public hearing on the matter, a decision shall be rendered based upon the documentation contained within the case file.

The Petitioners have 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 variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion

of the Deputy Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

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

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 7th day of July, 1996 that the Petition for Administrative Variance seeking relief from Section 400.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side property line setback of 0 feet in lieu of the minimum required 2.5 feet to replace an existing 10' x 18' detached garage with the proposed 14' x 24' detached garage, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 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

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

July 10, 1996

(410) 887-4386

Mr. & Mrs. Joseph Lee Nicolai
1711 Arbutus Avenue
Halethorpe, Maryland 21227

RE: PETITION FOR ADMINISTRATIVE VARIANCE
NE/S Arbutus Avenue, 286' SE of the c/l of Ridge Avenue
(1711 Arbutus Avenue)
13th Election District - 1st Councilmanic District
Joseph Lee Nicolai, et ux - Petitioners
Case No. 96-479-A

Dear Mr. & Mrs. Nicolai:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Administrative 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 Permits 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

Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 1711 ARBUTUS AVE.
96-479-A which is presently zoned DRS-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 400.1 of the B.C.Z.R. to permit an accessory structure (garage) with a setback of 0' in lieu of the required 2.5'.

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.

Signature of Petitioner: JOSEPH LEE NICOLAI
Signature of Spouse: Diane Marie Nicolai
Address: 1711 ARBUTUS AVE.
City: HALETHORPE State: MD Zip: 21227
Phone: (410) 242-8412
Name: Joe Nicolai
Same

RECEIVED FOR FILING

RECEIVED FOR FILING
DATE: 7-12-96
ESTIMATED FILING DATE: 8-23

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; thereon in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at:

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: (insert nature of variance request)

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 Lee Nicolai
JOSEPH LEE NICOLAI
Signature of Affiant(s)
Diane Marie Nicolai
DIANE MARIE NICOLAI
Signature of Affiant(s)

STATE OF MARYLAND, COUNTY OF BALTIMORE, (COUNTY)
I HEREBY CERTIFY, that Joe Nicolai is/are, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Joseph Lee Nicolai
JOSEPH LEE NICOLAI
Signature of Affiant(s)
Diane Marie Nicolai
DIANE MARIE NICOLAI
Signature of Affiant(s)

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.

Leticia Harris
LETICIA HARRIS
Notary Public
My Commission Expires 11/30/97

ZONING DESCRIPTION FOR

(address)
Beginning at a point on the NORTH EAST side of
(north, south, east or west)
ARBUTUS AVE which is 30'
name of street on which property fronts (number of feet of right-of-way width)
wide at the distance of 286' SOUTH EAST of the
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street (name of street)
which is 286' wide. *Being Lot # 286
(number of feet of right-of-way width)
Block 286 Section # 286 in the subdivision of 286 (name of subdivision)
as recorded in Baltimore County Plat Book # 286 Folio # 286
containing 286 square feet or acres. Also known as 286 (property address)
and located in the 13 Election District, 2 Councilmanic District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 13th Date of Posting 7/12/96
Posted for: Posting
Petitioner: Joseph Lee Nicolai
Location of property: 1711 Arbutus Ave, Halethorpe, MD
Location of Sign: Posting
Remarks: Posting
Posted by: Posting Date of return: 7/12/96
Number of Signs: 1

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 96-479-A
DATE 7-12-96 ACCOUNT 96-479-A
AMOUNT \$ 85.00
RECEIVED FROM 96-479-A
FOR 96-479-A
VALIDATION OR SIGNATURE OF CASHIER Joe Nicolai

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.

ANGEL JAMON, DIRECTOR

For newspaper advertising:

From No. 94 Petitioner: JOSEPH LEE NICOLAI

Location: 1711 ARBUTUS AVE.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: JOSEPH LEE NICOLAI

ADDRESS: 1711 ARBUTUS AVE.

HALETHORPE, MARYLAND 21227

PHONE NUMBER: (410) 242-8412



Baltimore County
Department of Permits and
Development Management

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

June 20, 1996

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 96-479-A (14th 494)
1711 Arbutus Avenue
NE/S Arbutus Avenue, 286' +/- SE of c/c Ridge Avenue
11th Election District - 1st Councilmanic
Legal Owner(s): Joseph Lee Nicolai and Diane Marie Nicolai

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 23, 1996. The closing date (July 8, 1996) 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 \$60.00 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
Arnold Jablon
Director

cc: Joseph and Diane Nicolai



Baltimore County
Department of Permits and
Development Management

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

July 3, 1996

Joseph and Diane Nicolai
1711 Arbutus Avenue
Halethorpe, MD 21227

RE: Item No.: 494
Case No.: 96-479-A
Petitioner: Joseph Nicolai, et ux

Dear Mr. and Mrs. Nicolai:

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 June 23, 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 Roslyn Rubanks in the zoning office (887-3391).

Sincerely,

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

WCR/re
Attachment(s)

Printed with Soybean Ink
on Recycled Paper

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4830

DATE: 06/26/96

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 JUNE 24, 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: 490, 491, 493, 494, 495, 496, 497, 498 and 499.

2 853

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

cc: File

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: For July 1, 1996

DATE: 6/27/96

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:
490
492
493
494
495
496
498
499

RBS:sp

BRUCE2/DEPRM/TXTSP



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. 479-A (14th 494)

Dear Ms. Watson:

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

Please contact Bob Small at 410-545-5581 if you have any questions. Thank you for the opportunity to review this plan.

Very truly yours,

Bob Small
Bob Small, 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, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management
DATE: June 19, 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):
479-A, 490, 492, 493, 494, 495, 496, 498, and 499

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 887-3493.

Prepared by: *Jeffrey Long*

Division Chief: *Carol Keno*

PK/JL

ITEM476/PZONE/ZAC1

Mr. & Mrs. Edwin D. Shinnamon
1709 Arbutus Avenue
Halethorpe, Maryland 21227

June 10, 1996

To Whom it may concern:

As property owners of 1709 Arbutus Avenue in Halethorpe, we agree that the property owners of 1711 Arbutus Avenue may replace their existing garage. This garage is situated within inches of the property line between our two properties. We also agree that the new garage may be larger than the existing garage, which is 10' x 18'. Plans are for the new garage to measure 14' x 24' and, again, to be built on the property line between our two properties.

We are in full agreement with these plans and will not oppose them in any way.

Sincerely,

Edwin D. Shinnamon
Edwin D. Shinnamon

Jessie L. Shinnamon
Jessie L. Shinnamon

CC: J Lee Nicolai
1711 Arbutus Avenue

494

96-479-A

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1711 ARBUTUS AVE

Subdivision name: HALETHORPE

plat book 5, folio 40, lot 493, section 4

OWNER: JOSEPH L. & DIANE NICOLAI

PROPOSED SITE

LOCATION INFORMATION

Election District: 13

Councilmanic District: 1

1"-200' scale map: 108

Zoning: RESIDENTIAL

Lot size: 5,062.5 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

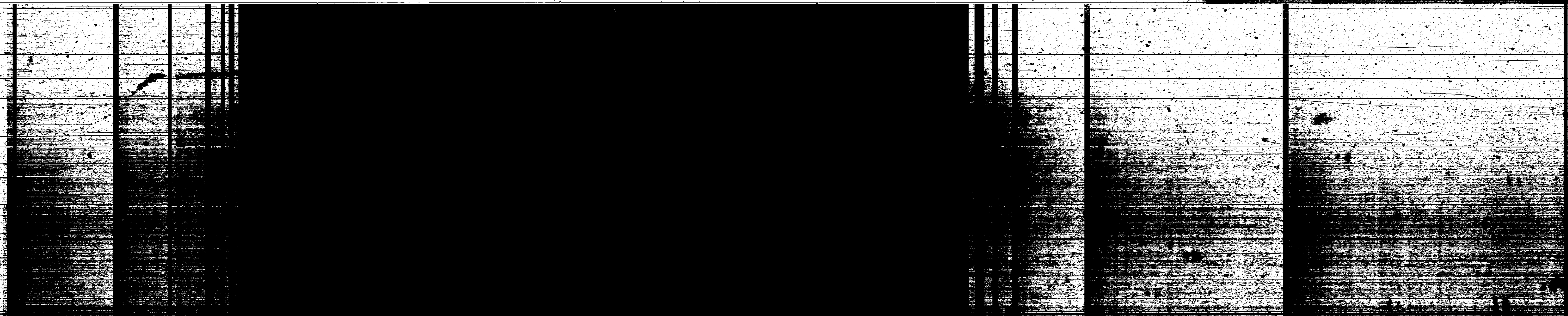
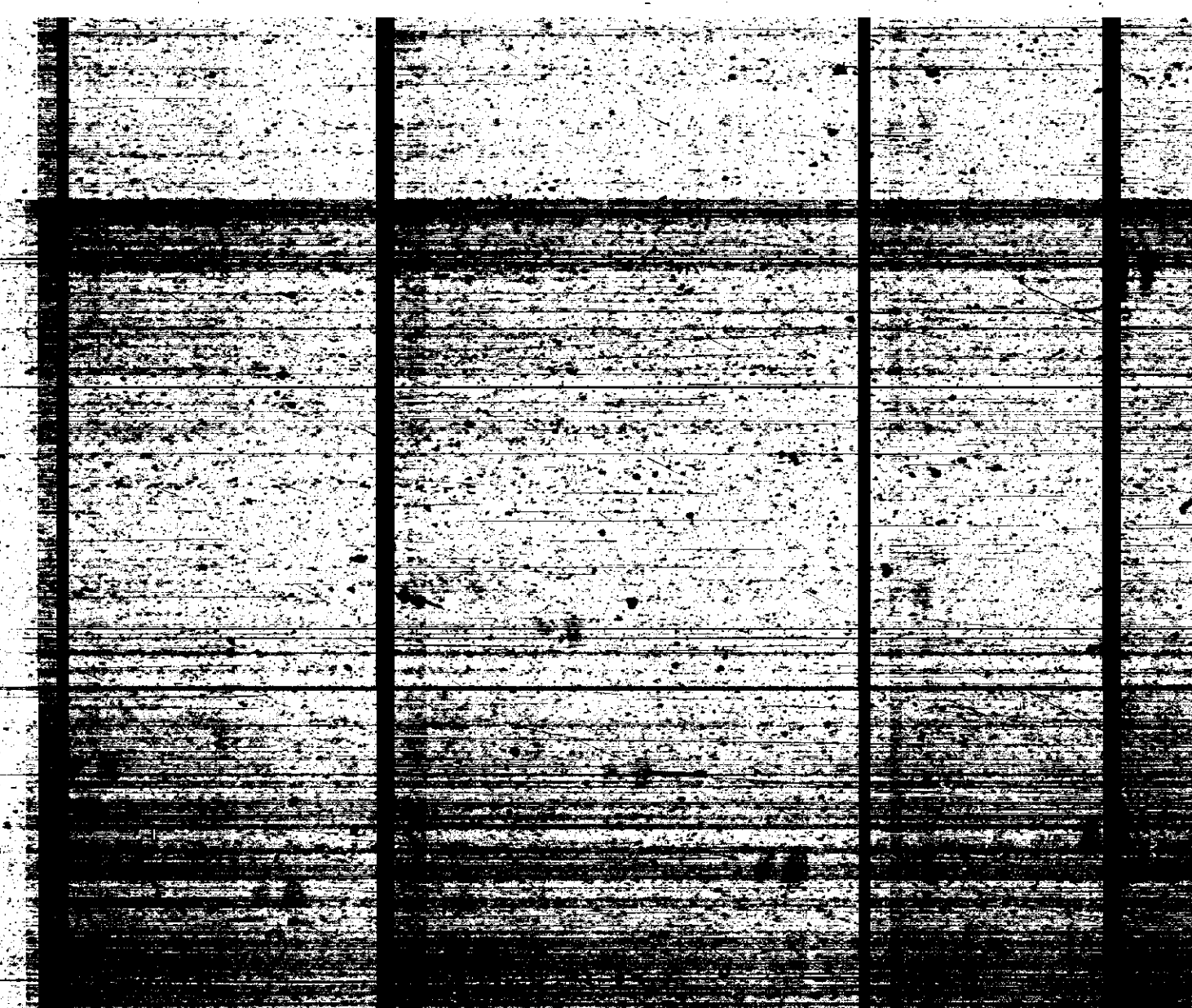
reviewed by: Sam ITEM #: 494 CASE#:

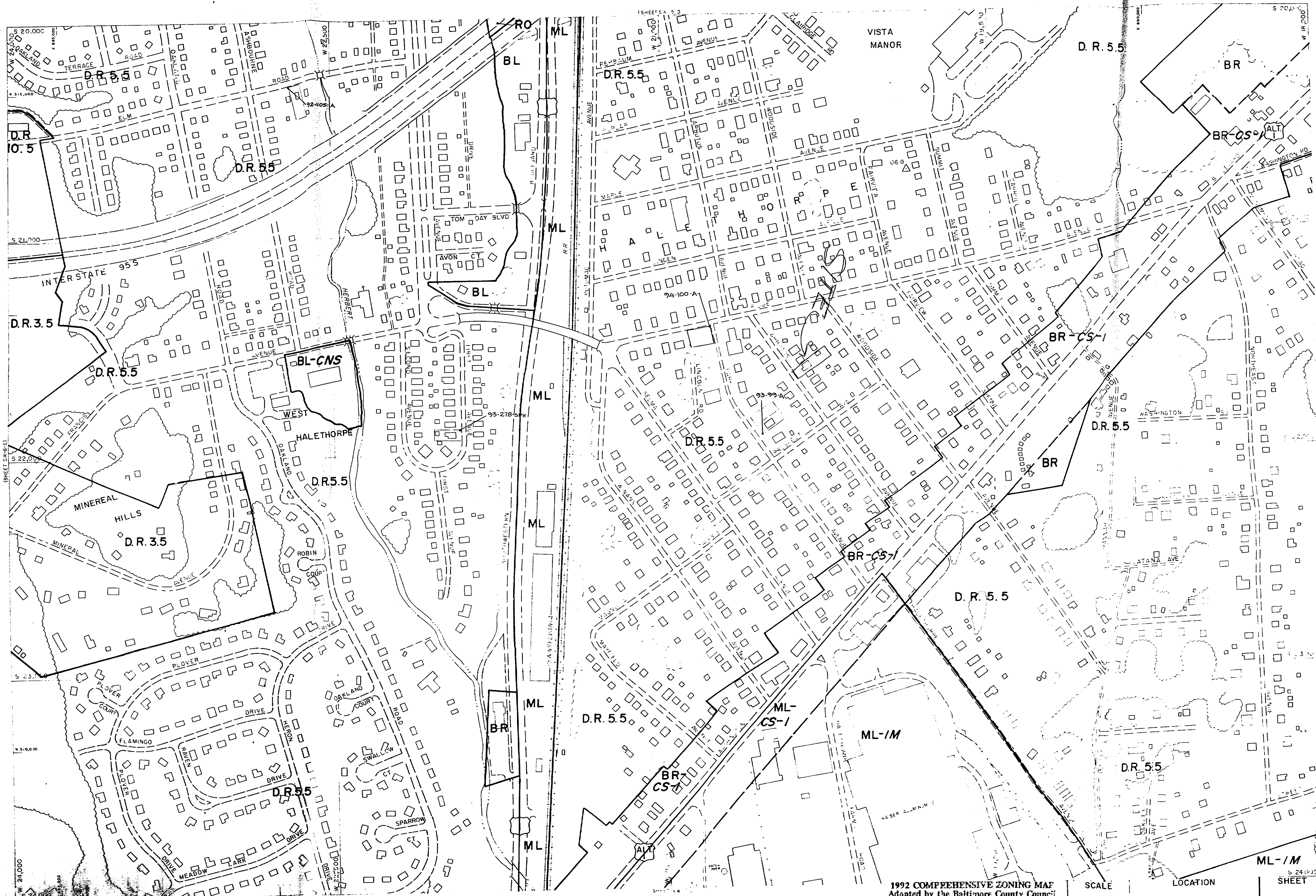
date: 4-20-96 prepared by: HARRY PLUMMER Scale of Drawing: 1" = 20'

96-479-A



96-479-B





**BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP**

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
B.M. Nos. 123-92, 134-92, 185-92, 125-92, 187-92, 188-92, 115-92
William C. Howland
Chairman, County Council

SCALE 1" = 200'	LOCATION HALETHORPE	SHEET S.W. 6-D
DATE OF PHOTOGRAPHY JANUARY 1986		

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

96-479-A

96-479-A



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

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

SCALE	LOCATION	SHEET
1" = 200' ±	HALETHORPE	SW
DATE OF PHOTOGRAPHY JANUARY 1986		6-D

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 1711 ARBUTUS AVE

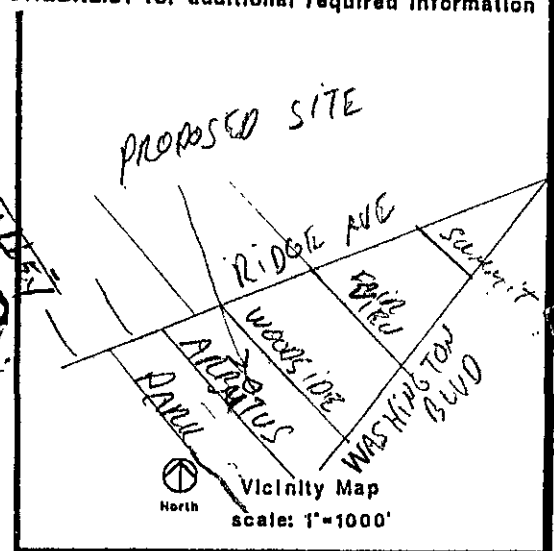
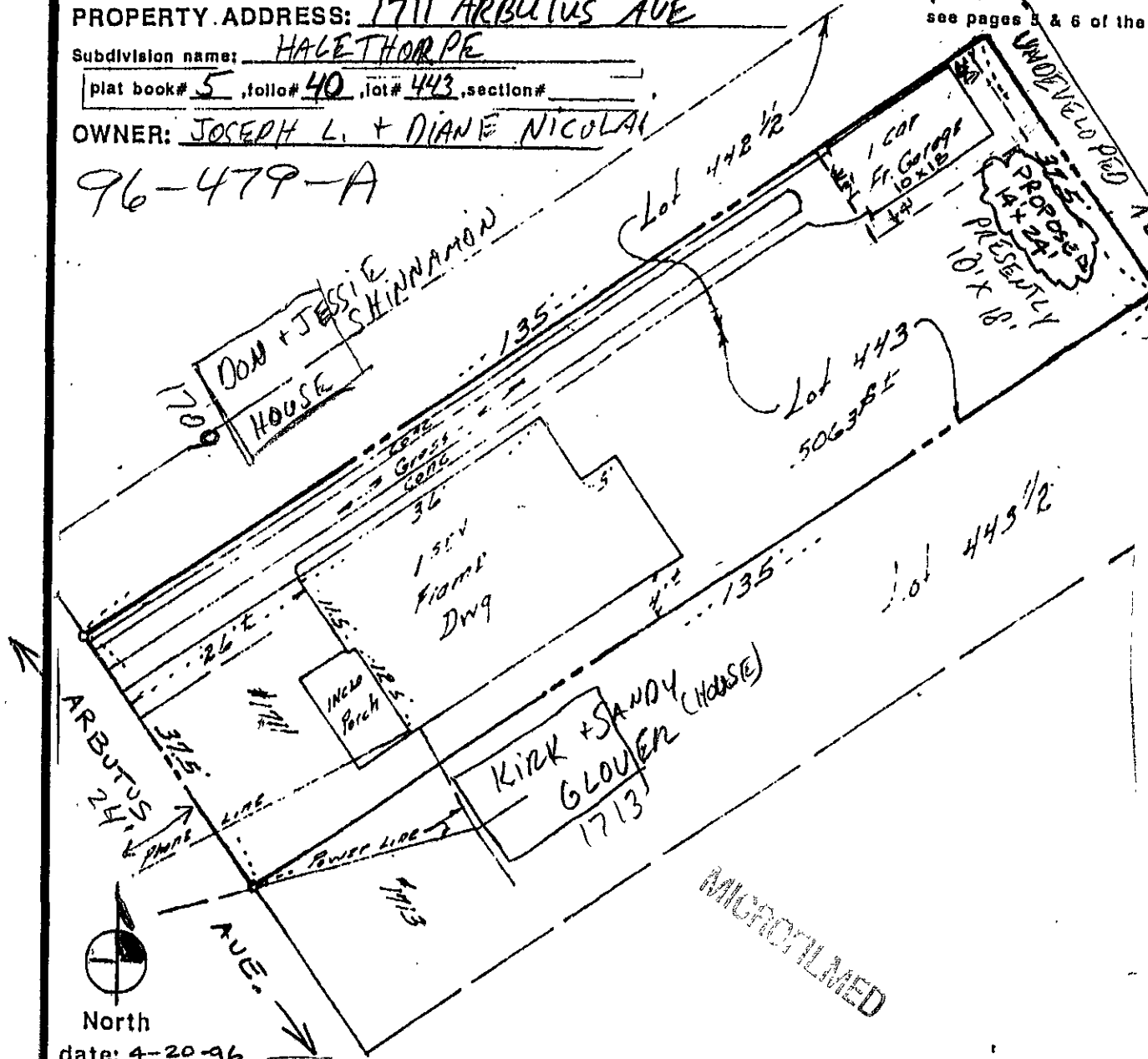
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: HALETHORPE

plat book # 5, folio # 40, lot # 443, section #

OWNER: JOSEPH L. + DIANE NICOLAI

96-479-A



LOCATION INFORMATION

Election District: 13
 Councilmanic District: 1
 1"=200' scale map #: 108
 Zoning: RESIDENTIAL
 Lot size: 5,062.5
 acreage square feet

SEWER: ☒ public ☐ private
 WATER: ☒ public ☐ private

Chesapeake Bay Critical Area: ☐ yes ☒ no
 Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: Jan ITEM #: 494 CASE #:

North
 date: 4-20-96
 prepared by: HARRY PLUMMER Scale of Drawing: 1"= 20'