

IN RE: PETITION FOR ADMIN. VARIANCE
S/S Bigley Avenue, 150' E of
the c/l of Charleston Avenue
(311 Bigley Avenue)
13th Election District
1st Councilmanic District

Charles R. Fabian
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-263-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 311 Bigley Avenue, located in the vicinity of Hollins Ferry Road in Halethorpe. The Petition was filed by the owner of the property, Charles R. Fabian. The Petitioner seeks relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 33 feet in lieu of the minimum required 50 feet for a proposed addition. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked as Petitioner's Exhibit 1.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. The property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documentation presented. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the 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

ORDERED: 11/14/97
Date
By

MICROFILMED

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 14th day of January, 1997 that the Petition for Administrative Variance seeking relief from Section 1B02.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a rear yard setback of 33 feet in lieu of the minimum required 50 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appeal period from the date of this Order has expired. If, for any reason, this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

January 14, 1997

Mr. Charles R. Fabian
311 Bigley Avenue
Baltimore, Maryland 21227

RE: PETITION FOR ADMINISTRATIVE VARIANCE
S/S Bigley Avenue, 150' E of the c/l of Charleston Avenue
(311 Bigley Avenue)
13th Election District - 1st Councilmanic District
Charles R. Fabian - Petitioner
Case No. 97-263-A

Dear Mr. Fabian:

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

ENCLOSURE



Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at 311 BIGLEY AVE ^{OR 10.5}

which is presently zoned SW 6B

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)

1B02.3.B. (Sec 11-D-1954) to permit a 33 ft rear yard setback
in lieu of 50 ft.

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

THE ZONING REGULATION, CANNOT BE MET ON ABOVE LISTED PROPERTY;
REASON - 1. LESS THAN 50 FT FROM PROPERTY LINE.

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

(Type or Print Name)

Signature

Address

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)

CHARLES RICHARD FARIAN
(Type or Print Name)

Charles Richard Farian
Signature

(Type or Print Name)

Signature

311 BIGLEY AVE. 247-5839
Address Phone No

BALTO. Co. Md. 21227
City State Zipcode

Name, Address and phone number of representative to be contacted

Name

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: MSK

DATE

12/18/96

ESTIMATED POSTING DATE:

12/29/96



Printed with Soybean Ink
on Recycled Paper

ITEM #:

263

ORDER RECEIVED FOR FILING
Date 11/14/96
By [Signature]

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 311 BIGLEY AVE.
address
BALTO. CO, 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)

TO ENLARGE AND IMPROVE
LIVING QUARTERS. ADDITION TO GIVE ME MORE INSIDE
STORAGE AREA THAT IS NEEDED; BECAUSE THERE IS
NO BASEMENT IN THIS HOUSE.

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.

Charles R. Fabian
(signature)
Charles R. Fabian
(type or print name)



(signature)

(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 12th day of Dec, 1996, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Charles R. Fabian

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/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

12-12-96
date

Maureen A. Benesch
NOTARY PUBLIC

My Commission Expires: 2/21/00

ZONING DESCRIPTION FOR 311 BIGLEY AVENUE
ADDRESS

BEGINNING AT A POINT ON THE S/W SIDE OF
(NORTH, SOUTH, EAST OR WEST)
BIGLEY AVENUE Which is 31.43'
(NUMBER OF FEET OF RIGHT-OF-WAY WIDTH)
WIDE AT THE DISTANCE OF 31.43' S/W OF THE
(NUMBER OF FEET) (NORTH, SOUTH, EAST OR WEST)

CENTERLINE OF THE NEAREST IMPROVED INTERSECTING STREET,
CHARLESTON AVENUE Which is 31.43' WIDE.
(NAME OF STREET) (NUMBER OF FEET OF RIGHT-OF-WAY WIDTH)

* BEING LOT # 48 BLOCK 1 SECTION # IN THE SUBDIVISION
RIVERVIEW AS RECORDED IN BALTIMORE COUNTY PLAT BOOK 1
(NAME OF SUBDIVISION)

Folio # 134 CONTAINING 3300.15 ALSO KNOWN AS
(SQUARE FEET OF ACRES)

311 BIGLEY AVENUE AND LOCATED IN THE 13 ELECTION
(PROPERTY ADDRESS)

DISTRICT, 1 COUNCILMANIC DISTRICT.

3 COPIES

DATE 12-10-96

MICROFILMED

263

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No 029954

DATE 12/18/96
ACCOUNT 01-615

Item: 213
By: MK
AMOUNT \$ 50.00

RECEIVED FROM: Flying Chicks - 311 Bigley Avenue

FOR: 010 - Res Variance - 50.00

MICROFILMED
01A0000216MICHK
BQ C009431AM12-18-96
\$50.00
VALIDATION OR SIGNATURE OF CASHIER
WHITE - CASHIER
PINK - AGENCY
YELLOW - CUSTOMER



Baltimore County
Department of Permits and
Development Management

263
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 (responsibility of which, lies with the petitioner/applicant) 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 advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

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.: 263

Petitioner: Charles Richard Fabian

Location: 311 Bigby Ave.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: above

ADDRESS: above

Balto. Md. 21227

PHONE NUMBER: 247-5834

AJ:ggs

(Revised 09/24/96)

CERTIFICATE OF POSTING

RE: Case No.: 97-263-A

Petitioner/Developer: FABIAB, ETAL

Date of Hearing/Closing: 1/13/97

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue
Towson, MD 21204

Attention: Ms. Gwendolyn Stephens

Ladies and Gentlemen:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law
were posted conspicuously on the property located at #311 BIGLEY AVE

The sign(s) were posted on

12/20/96
(Month, Day, Year)

Sincerely,

Patrick M O'Keefe 12/26/96

(Signature of Sign Poster and Date)

Patrick M. O'Keefe

(Printed Name)

523 Penny Lane

(Address)

Hunt Valley, MD 21030

(City, State, Zip Code)

(410) 666-5366

(Telephone Number)

Pager (410) 646-8354

ZONING NOTICE

ADMINISTRATIVE

VARIANCE

CASE # 97-263-A

TO PERMIT A REAR YARD SETBACK OF
33 FEET IN LIEU OF THE REQUIRED 50 FEET.

ITEM: 263 - #311 BIGLEY AVE

PUBLIC HEARING ?

PURSUANT TO SECTION 26-127(N)(1), BALTIMORE COUNTY CODE
AN ELIGIBLE INDIVIDUAL OR GROUP MAY
REQUEST A PUBLIC HEARING CONCERNING
THE PROPOSED VARIANCE, PROVIDED IT
IS DONE IN THE ZONING OFFICE BEFORE
4:00 P.M. ON MON. JAN. 13, 1997

Request for Zoning: Administrative Variance

Date to be Posted: Anytime before but no later than 12/29/96

Format for Sign Printing, Black Letters on a White Background:

ZONING NOTICE ADMINISTRATIVE VARIANCE
Case No.: <u>97-263</u> <u>to permit a rear yard setback of 33 ft in</u> <u>lieu of 50 ft.</u>
PUBLIC HEARING ? PURSUANT TO SECTION 26-127(b) (1), BALTIMORE COUNTY CODE, AN ELIGIBLE INDIVIDUAL OR GROUP MAY REQUEST A PUBLIC HEARING CONCERNING THE PROPOSED VARIANCE, PROVIDED THE REQUEST IS RECEIVED IN THE ZONING REVIEW BUREAU BEFORE 5:00 P.M. ON ADDITIONAL INFORMATION IS AVAILABLE AT THE DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT, COUNTY OFFICE BUILDING, 111 WEST CHESAPEAKE AVE., TOWSON, MD 21204, (410) 887-3391 DO NOT REMOVE THIS SIGN AND POST UNTIL AFTER ABOVE DATE UNDER PENALTY OF LAW HANDICAPPED ACCESSIBLE



Baltimore County
Department of Permits and
Development Management

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

January 7, 1997

ABOUT YOUR ADMINISTRATIVE VARIANCE

CASE NUMBER: 97-263-A (Item 263)
311 Bigley Avenue
S/S Bigley Avenue, 150' E of c/l Charleston Avenue
13th Election District - 1st Councilmanic
Legal Owner(s): Charles Richard Fabian
Post by Date: 12/29/96
Closing Date: 01/13/97

Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice serves as a refresher regarding the administrative process.

- 1) The Zoning Notice sign must be visible on the property under petition on or before the "Post by Date" noted above. It should remain there until after the closing date.
- 2) The "Closing Date" noted above, is the deadline for a neighbor to file a formal request for a public hearing.
- 3) After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. He/She may (a) grant the requested relief, (b) deny the requested relief, or (c) Order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days) as to whether or not your petition has been granted, denied, or will go to public hearing.
- 4) In cases that must go to a public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), notification of same will be forwarded to you. The sign on the property must be changed giving notice of the hearing's date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign, must be forwarded to this office.

PLEASE UNDERSTAND THAT ON THE CLOSING DATE, 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: Charles Richard Fabian



BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

Date: January 3, 1997

TO: Arnold Jablon, Director
Department of Permits & Development
Management

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

SUBJECT: Zoning Advisory Committee Meeting
for January 6, 1997
Item Nos. 258, 259, 261, 262,
263, 265, 267, 268

The Development Plans Review Division has reviewed the subject
zoning item, and we have no comments.

RWB:jrb

cc: File

ZONE44

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: December 30, 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. 258, 259, 261, 263, 267, 268, and 269

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 W. Long

Division Chief:

Gary L. Kern

PK/JL

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 12/31/96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: Dec 30, 96

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

Item #'s:

258

259

260

261

263

265

266

268

RBS:sp

BRUCE2/DEPRM/TXTSBP

RECORDED

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

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

PROPERTY ADDRESS: 311 BIGLEY AVE.

Subdivision name: RIVERVIEW

plat book # 19, folio # 134, lot # 48, section #

OWNER: CHARLES RICHARD FABIAN

N 87° 06' 09" E
31.43

31.43

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

16.5'

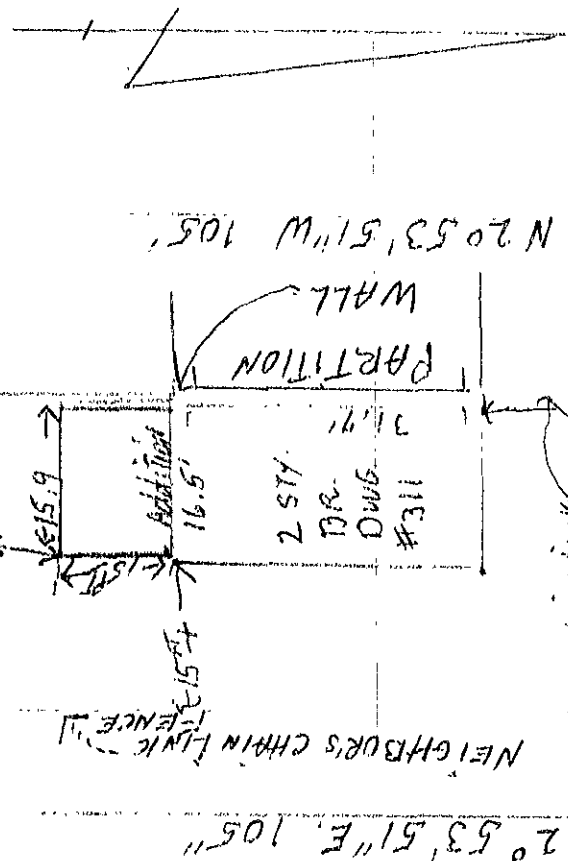
16.5'

16.5'

16.5'

16.5'

16.5'



BIGLEY AVENUE

S 87° 06' 09" W



North

date: 12-10-96 prepared by: C. R. Fabian Scale of Drawing: 1" = 20'

LOCATION INFORMATION

Election District: 13

Councilmanic District: 1

1"=200' scale map#: DR 10.5

Zoning: S.W.B

Lot size: 0.075 3300.15
acreage square feet

public private

SEWER: ☒ ☐

WATER: ☒ ☐

Chesapeake Bay Critical Area: ☐ ☒

Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

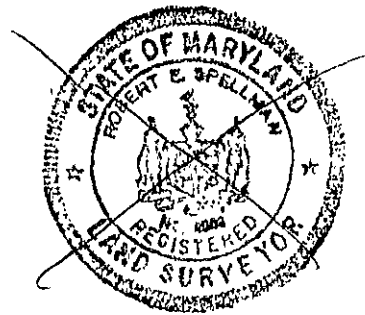
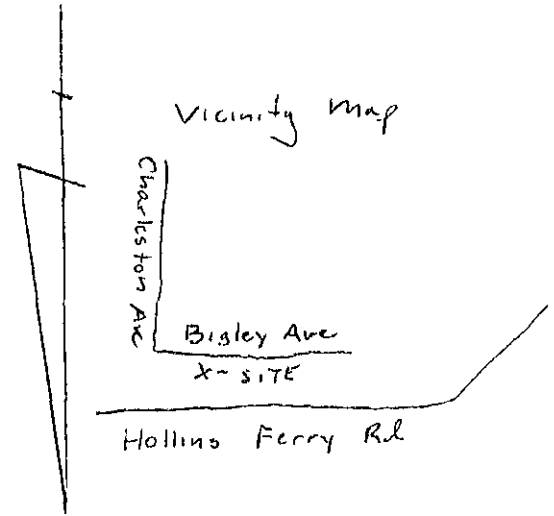
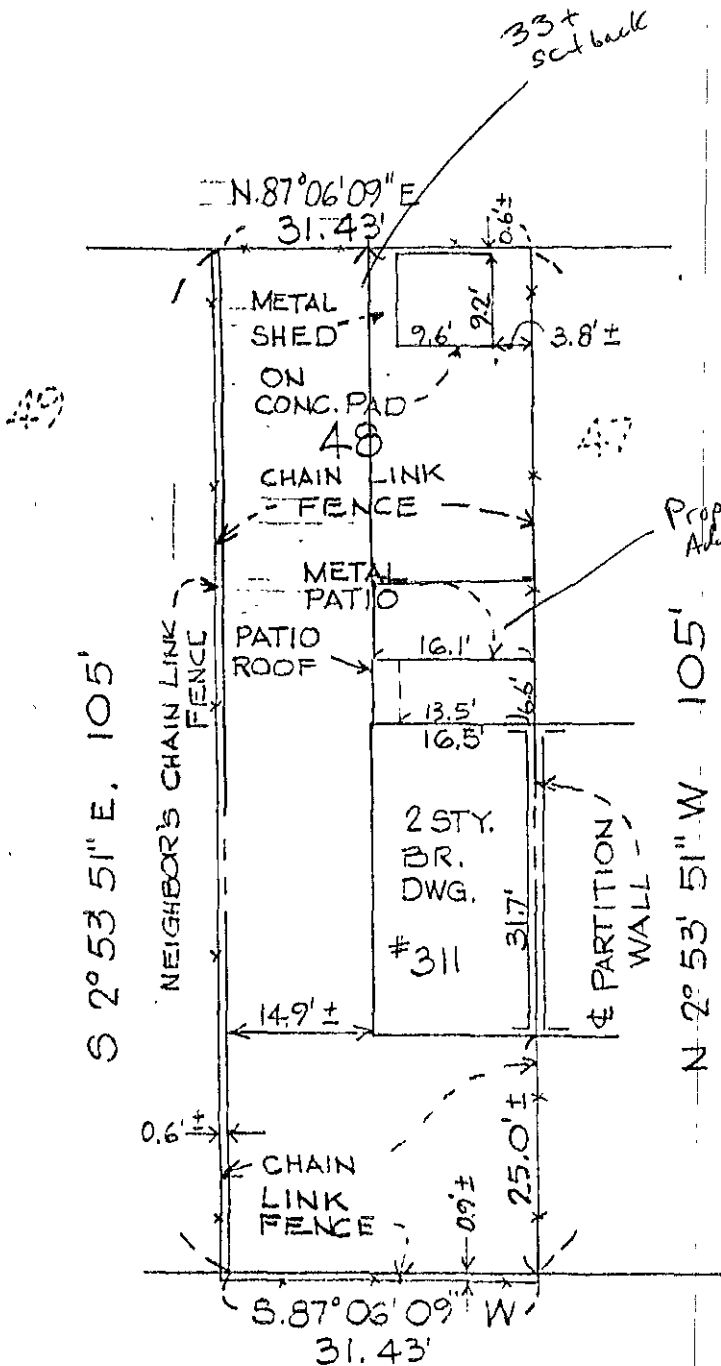
reviewed by: ML ITEM #: 263 CASE#:

12 COPIES

This is to certify that I have surveyed the property shown on this plat for the purpose of locating the improvements on said lot and said improvements are located as shown.

Robert E. Spellman
SURVEYOR.

(NOTE): This plat not to be used for physical location of property lines.



BIGLEY AVENUE

311 BIGLEY AVENUE
LOT 48, RIVERVIEW,
BLOCK 1, G.L.B. 19-134
BALTO. CO., MARYLAND

SPELLMAN, LARSON & ASSOCIATES, INC.
110 JEFFERSON BLDG., TOWSON, MARYLAND

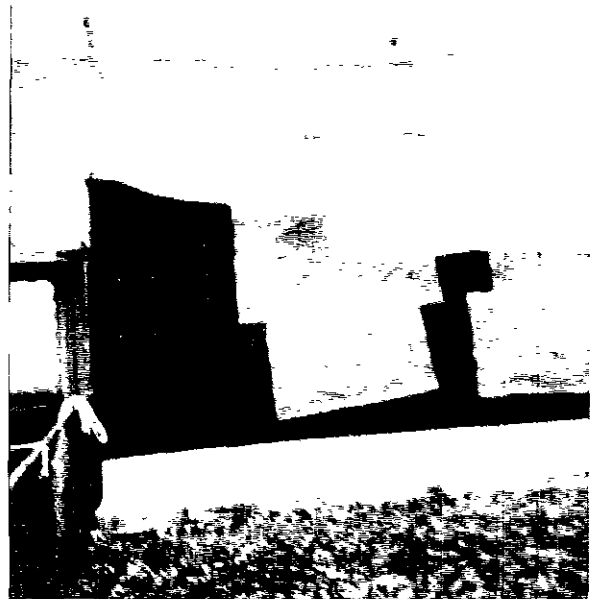
SCALE: 1" = 20' JULY 20, 78



Rear of addition and next
door addition 309 Bigley Ave.



Rear of addition at
311 Bigley Ave.



Rear of addition Right side,
311 Bigley's Ave. West side 309
Bigley Ave.



Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

263

